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LIST OF SECTIONS AFFECTED

WHAT IT IS

The List of Sections Affected is designed to lead users of the Code of Federal Regulations to amendatory actions published in the Federal Register. Entries indicate the nature of the changes. Certain terms used are defined in the glossary below. Proposed rules are listed at the end of appropriate titles.

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The List of Sections Affected has been changed to the same size as the Code of Federal Regulations to improve the usefulness of this finding aid. It should be shelved with current Code volumes.

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3. If the edition of the Code of Federal Regulations as of January 1, 1973, is not available, use the previous year's edition and consult the 1972 Annual List of Sections Affected before beginning with step 1 above.

GLOSSARY

Amended—A typographical unit of the CFR was partially set forth.
Recodified—Major portions of CFR were restructured or rearranged, or both.
Redesignated—A typographical unit or larger was renumbered and transferred from one place to another place in the CFR with no change in text.
Removed—A typographical unit was removed from the CFR.
Revised—A typographical unit of the CFR was set forth in full.
Superseded—An existing CFR unit was replaced by regulations appearing under another CFR unit.
Suspension—The entire CFR unit was not in effect for the period of time indicated.
Suspension in part—A portion of the CFR unit was not in effect for the period of time indicated.
Technical amendment—General amendment that may have no substantive effect on regulations.
Typographical unit—A numbered, lettered or undesignated entity appearing in the CFR.

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INQUIRIES AND SUGGESTIONS

Future monthly issues of the List of Sections Affected also will appear in this format. The Office of the Federal Register hopes to bring about other changes which will improve the usefulness of the Federal Register and the Code of Federal Regulations. Inquiries concerning this and other publications of this office and suggestions for improvements will be welcomed by the Director, Office of the Federal Register, National Archives and Records Service, Washington, D.C. 20408.

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The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

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This checklist, prepared by the Office of the Federal Register, is published in the first issue of each month. It is arranged in the order of CFR titles, and shows the issuance date and price of revised volumes of the Code of Federal Regulations issued to date during 1973. New units issued during the month are announced on the back cover of the daily FEDERAL REGISTER as they become available.

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Title 4—Accounts

CHAPTER III—COST ACCOUNTING STANDARDS BOARD

SUBCHAPTER A—ADMINISTRATION

PART 303—RELEASE OF INFORMATION

Fees for Copying Board Records

The purpose of this publication by the Cost Accounting Standards Board is to modify Part 303, Release of Information, of its rules and regulations by reducing the fee set forth in § 303.5 for copying Board records. Initially, the Board established a fee of 25 cents per page. This fee was based on the Board's estimates of the probable cost of preparing such copies and on information regarding the fees charged by other agencies. Experience indicates that the cost for copying will not be as high as originally estimated and that a 10-cent-per-page charge will suffice. This is consistent with the experience of other agencies which have adopted lower fee schedules.

Section 303.5 *Fees for copying* is revised as follows:

§ 303.5 Fees for copying.

(a) The fee for copying Board records shall be 10 cents per page for standard-size pages. The fee for copying non-standard-size pages shall be determined proportionately.

(b) Fees shall be paid in advance to the Cost Accounting Standards Board.

(c) There shall be no charge made for search, retrieval, and handling of records.

Effective date. This amendment is effective on March 1, 1973.

(84 Stat. 796, sec. 103; 50 U.S.C. App. sec. 2168)

ARTHUR SCHOENHAUT,
Executive Secretary.

[FR Doc.73-3793 Filed 2-28-73;8:45 am]

Title 9—Animals and Animal Products

CHAPTER I—ANIMAL AND PLANT HEALTH INSPECTION SERVICE, DEPARTMENT OF AGRICULTURE

SUBCHAPTER C—INTERSTATE TRANSPORTATION OF ANIMALS (INCLUDING POULTRY) AND ANIMAL PRODUCTS; EXTRAORDINARY EMERGENCY REGULATION OF INTRASTATE ACTIVITIES

[Docket No. 73-514]

PART 76—HOG CHOLERA AND OTHER COMMUNICABLE SWINE DISEASES

Release of Area Quarantined

The amendment excludes portions of Northampton, Hertford, and Gates Counties in North Carolina from the areas quarantined because of hog cholera. Therefore, the restrictions pertaining to the interstate movement of swine and swine products from or through quarantined areas contained in 9 CFR Part 76, as amended, do not apply to the excluded area, but will continue to apply to the quarantined areas described in § 76.2(e). Further, the restrictions pertaining to the interstate movement of swine and swine products from nonquarantined areas contained in said Part 76 apply to the excluded area. No area in North Carolina remains under quarantine.

Pursuant to provisions of the Act of May 29, 1884, as amended, the Act of February 2, 1903, as amended, the Act of March 3, 1905, as amended, the Act of September 6, 1961, and the Act of July 2, 1962 (21 U.S.C. 111–113, 114g, 115, 117, 120, 121, 123–126, 134b, 134f), Part 76, Title 9, Code of Federal Regulations, restricting the interstate movement of swine and certain products because of hog cholera and other communicable swine diseases, is hereby amended in the following respects:

In § 76.2, paragraph (e)(3) relating to the State of North Carolina is deleted.

(Secs. 4–7, 23 Stat. 32, as amended; secs. 1 and 2, 32 Stat. 791–792, as amended; secs. 1–4, 33 Stat. 1264, 1265, as amended; sec. 1, 75 Stat. 481; secs. 3 and 11, 76 Stat. 130, 132; 21 U.S.C. 111–113, 114g, 115, 117, 120, 121, 123–126, 134b, 134f; 37 FR 28464, 28477)

Effective date. The foregoing amendment shall become effective February 23, 1973.

The amendment relieves restrictions presently imposed but no longer deemed necessary to prevent the spread of hog cholera and must be made effective promptly in order to be of maximum benefit to affected persons. It does not appear that public participation in this rule making proceeding would make additional relevant information available to the Department.

Accordingly, under the administrative procedure provisions in 5 U.S.C. 553, it is found upon good cause that notice and other public procedure with respect to the amendment are impracticable and unnecessary, and good cause is found for making it effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 23d day of February 1973.

C. H. WISE,
Acting Administrator, Animal and Plant Health Inspection Service.

[FR Doc.73-3849 Filed 2-28-73;8:45 am]

Title 14—Aeronautics and Space

CHAPTER I—FEDERAL AVIATION ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Airspace Docket No. 72-SW-75]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of VOR Federal Airway

On December 8, 1972, a notice of proposed rule making (NPRM) was published in the FEDERAL REGISTER (37 FR 26125) stating that the Federal Aviation Administration (FAA) was considering an amendment to Part 71 of the Federal Aviation Regulations that would alter VOR Federal Airway No. 306 to the north between Navasota, Tex., and Daisetta, Tex.

Interested persons were afforded an opportunity to participate in the proposed rule making through the submission of comments. Two comments were received in response to this proposal. The Air Transport Association of America concurred with the proposal. The manager of the Cleveland Municipal Airport objected to the proposal. The objection was resolved by changing the Daisetta, Tex. 286° T to 283° T radial.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations

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is amended, effective 0901 G.m.t., April 26, 1973, as hereinafter set forth.

Section 71.123 (38 FR 307) is amended as follows:

In V-306 "via Navasota, Tex.; Dalsetta, Tex.;" is deleted and "via Navasota, Tex.; INT of Navasota 084° and Dalsetta, Tex. 283° radials; Dalsetta;" is substituted therefor.

(Sec. 307(a), Federal Aviation Act of 1958, 49 U.S.C. 1348(a); sec. 6(c), Department of Transportation Act 49 U.S.C. 1655(c))

Issued in Washington, D.C., on February 22, 1973.

CHARLES H. NEWPOL,
Chief, Airspace and Air Traffic Rules Division.

[FR Doc 73-3764 Filed 2-28-73;8:45 am]

[Airspace Docket No. 72-RM-25]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Designation of Transition Area

On January 9, 1973, a notice of proposed rule making was published in the FEDERAL REGISTER (38 FR 1125) stating that the Federal Aviation Administration was considering an amendment to Part 71 of the Federal Aviation Regulations that would designate a transition area at Madison, S. Dak.

Interested persons were given 30 days in which to submit written comments, suggestions, or objections. No objections have been received and the proposed amendment is hereby adopted without change.

Effective date. This amendment shall be effective 0901 G.m.t., May 24, 1973.

(Sec. 307(a), Federal Aviation Act of 1958, as amended, 49 U.S.C. 1348(a); sec. 6(c), Department of Transportation Act 49 U.S.C. 1655(c))

Issued in Aurora, Colo., on February 20, 1973.

M. M. MARTIN,
Director, Rocky Mountain Region.

In § 71.181 (37 FR 2143) the description of the Madison, S. Dak., transition area is designated to read:

MADISON, S. DAK.

That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Madison Municipal Airport (latitude 44°00'54" N., longitude 97°04'45" W.); within 3 miles each side of the 346° bearing from the Madison Municipal Airport, extending from the 5-mile radius to 8½ miles north of the airport; and that airspace extending upward from 1,200 feet above the surface within 5½ miles east and 9½ miles west of the 346° and 166° bearings from the Madison Municipal Airport; extending from 7 miles south of the airport to 18½ miles north of the airport.

[FR Doc.73-3762 Filed 2-28-73;8:45 am]

[Airspace Docket No. 72-CE-24]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Transition Area; Correction

In FR Doc. 72-21070 appearing on page 26101 of the issue for Friday, December 8, 1972, the Parsons, Kans., transition area description is corrected by deleting "Tri-City RBN" each place it appears in the text and substituting "Parsons RBN" therefor.

Issued in Kansas City, Mo., on February 6, 1973.

JOHN M. CYROCKI,
Director, Central Region.

[FR Doc.73-3761 Filed 2-28-73;8:45 am]

[Docket No. 12570; Amdt. No. 853]

PART 97—STANDARD INSTRUMENT APPROACH PROCEDURES

Recent Changes and Additions

This amendment to Part 97 of the Federal Aviation Regulations incorporates by reference therein changes and additions to the Standard Instrument Approach Procedures (SIAPs) that were recently adopted by the Administrator to promote safety at the airports concerned.

The complete SIAPs for the changes and additions covered by this amendment are described in FAA Forms 3139, 8260-3, 8260-4, or 8260-5 and made a part of the public rulemaking dockets of the FAA in accordance with the procedures set forth in Amendment No. 97-696 (35 FR 5609).

SIAPs are available for examination at the Rules Docket and at the National Flight Data Center, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591. Copies of SIAPs adopted in a particular region are also available for examination at the headquarters of that region. Individual copies of SIAPs may be purchased from the FAA Public Document Inspection Facility, HQ-405, 800 Independence Avenue SW., Washington, DC 20591 or from the applicable FAA regional office in accordance with the fee schedule prescribed in 49 CFR 7.85. This fee is payable in advance and may be paid by check, draft or postal money order payable to the Treasurer of the United States. A weekly transmittal of all SIAP changes and additions may be obtained by subscription at an annual rate of $150 per annum from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402. Additional copies mailed to the same address may be ordered for $30 each.

Since a situation exists that requires immediate adoption of this amendment, I find that further notice and public procedure hereon is impracticable and good cause exists for making it effective in less than 30 days.

In consideration of the foregoing, Part 97 of the Federal Aviation Regulations is amended as follows, effective on the dates specified:

1. Section 97.23 is amended by originating, amending, or canceling the following VOR-VOR/DME SIAPs, effective April 12, 1973.

Findlay, Ohio—Findlay Airport, VOR Runway 7, Amdt. 6.
Fresno, Calif.—Fresno-Chandler Downtown Airport, VOR-A, Amdt. 2.
Logan, Utah—Logan-Cache Airport, VOR-A, original.
Logan, Utah—Logan-Cache Airport, VOR-B, original.
Martha's Vineyard, Mass.—Martha's Vineyard Airport, VOR Runway 6, original.
Martha's Vineyard, Mass.—Martha's Vineyard Airport, VOR Runway 24, Amdt. 6.

• • • *effective March 15, 1973.*

Big Rapids, Mich.—Roben Hood Airport, VOR-A, original.

2. Section 97.25 is amended by originating, amending, or canceling the following SDF-LOC-SDF SIAPs, effective April 12, 1973.

Atlanta, Ga.—Fulton County Airport, LOC-A, original, canceled.
Atlanta, Ga.—Fulton County Airport, LOC Runway 8R, original.

• • • *effective April 5, 1973.*

Baltimore, Md.—Friendship International Airport, LOC (BC) Runway 28, Amdt. 9.
Baltimore, Md.—Friendship International Airport, LOC (BC) Runway 33, Amdt. 1.

3. Section 97.27 is amended by originating, amending, or canceling the following NDB/ADF SIAPs, effective April 12, 1973.

Atlanta, Ga.—Fulton County Airport, NDB-A, Amdt. 1, canceled.
Atlanta, Ga.—Fulton County Airport, NDB Runway 8R, original.
Florence, S.C.—Florence Municipal Airport, NDB Runway 9, Amdt. 3.
Fresno, Calif.—Fresno-Chandler Downtown Airport, NDB-A, Amdt. 2.
Logan, Utah—Logan-Cache Airport, NDB-A, original.
Logan, Utah—Logan-Cache Airport, NDB (ADF) Runway 17, Amdt. 2, canceled.
Martha's Vineyard, Mass.—Martha's Vineyard Airport, NDB Runway 24, Amdt. 15.
Troutdale, Oreg.—Portland-Troutdale Airport, NDB-A, Amdt. 1.

• • • *effective February 21, 1973.*

Appleton, Wis.—Outagamie County Airport, NDB Runway 2, Amdt. 2.

• • • *effective February 16, 1973.*

La Crosse, Wis.—La Crosse Municipal Airport, NDB Runway 18, Amdt. 2.

4. Section 97.29 is amended by originating, amending, or canceling the following ILS SIAPs, effective April 12, 1973.

Florence, S.C.—Florence Municipal Airport, ILS Runway 9, Amdt. 3.

97.29 • • • *effective February 21, 1973.*

Appleton, Wis.—Outagamie County Airport, ILS Runway 2, Amdt. 3.

5. Section 97.31 is amended by originating, amending, or canceling the following Radar SIAPs, effective April 12, 1973.

Reno, Nev.—Reno International Airport, Radar-1, Amdt. 1.

(Secs. 307, 313, 601, 1110, Federal Aviation Act of 1958; 49 U.S.C. 1438, 1354, 1421, 1510; sec. 6(c) Department of Transportation Act, 49 U.S.C. 1655(c) and 5 U.S.C. 552(a)(1))

Issued in Washington, D.C., on February 22, 1973.

C. R. MELUGIN, Jr.
Acting Director, Flight Standards Service.

NOTE: Incorporation by reference provisions in §§ 97.10 and 97.20 (35 FR 5610) approved by the Director of the Federal Register on May 12, 1969.

[FR Doc.73-3760 Filed 2-28-73;8:45 am]

Title 17—Commodity and Securities Exchanges

CHAPTER II—SECURITIES AND EXCHANGE COMMISSION

[Releases Nos. 33-5310, 34-9796, IC-7390, IA-336]

PART 231—INTERPRETATIVE RELEASES RELATING TO THE SECURITIES ACT OF 1933 AND GENERAL RULES AND REGULATIONS THEREUNDER

PART 241—INTERPRETATIVE RELEASES RELATING TO THE SECURITIES EXCHANGE ACT OF 1934 AND GENERAL RULES AND REGULATIONS THEREUNDER

PART 271—INTERPRETATIVE RELEASES RELATING TO THE INVESTMENT COMPANY ACT OF 1940 AND GENERAL RULES AND REGULATIONS THEREUNDER

PART 276—INTERPRETATIVE RELEASES RELATING TO THE INVESTMENT ADVISERS ACT OF 1940 AND GENERAL RULES AND REGULATIONS THEREUNDER

Commencement of Enforcement Proceedings and Termination of Staff Investigations

The Report of the Advisory Committee on Enforcement Policies and Practices, submitted to the Commission on June 1, 1972, contained several recommendations designed to afford persons under investigation by the Commission an opportunity to present their positions to the Commission prior to the authorization of an enforcement proceeding.[1] These procedural measures, if adopted, would in general require that a prospective defendant or respondent be given notice of the staff's charges and proposed enforcement recommendation and be accorded an opportunity to submit a written statement to the Commission which would accompany the staff recommendation. The objective of the recommended procedures is to place before the Commission prior to the authorization of an enforcement proceeding the contentions of both its staff and the adverse party concerning the facts and circumstances which form the basis for the staff recommendation.[2]

The Commission has given these recommendations careful consideration. While it agrees that the objective is sound, it has concluded that it would not be in the public interest to adopt formal rules for that purpose. Rather, it believes it necessary and proper that the objective be attained, where practicable, on a strictly informal basis in accordance with the procedures which are now generally in effect.

The Commission desires not only to be informed of the findings made by its staff but also, where practicable and appropriate, to have before it the position of persons under investigation at the time it is asked to consider enforcement action.

The Commission, however, is also conscious of its responsibility to protect the public interest. It cannot place itself in a position where, as a result of the establishment of formal procedural requirements, it would lose its ability to respond to violative activities in a timely fashion.

The Commission believes that the adoption of formal requirements could seriously limit the scope and timeliness of its possible action and inappropriately inject into actions it brings issues, irrelevant to the merits of such proceedings, with respect to whether or not the defendant or respondent had been afforded an opportunity to be heard prior to the institution of proceedings against him and the nature and extent of such opportunity.

The Commission is often called upon to act under circumstances which require immediate action if the interests of investors or the public interest are to be protected. For example, in one recent case involving the insolvency of a broker-dealer firm, the Commission was successful in obtaining a temporary injunctive decree within 4 hours after the staff had learned of the violative activities. In cases such as that referred to, where prompt action is necessary for the protection of investors, the establishment of fixed time periods, after a case is otherwise ready to be brought, within which proposed defendants or respondents could present their positions would result in delay contrary to the public interest.

The Commission, however, wishes to give public notice of a practice, which it has heretofore followed on request, of permitting persons involved in an investigation to present a statement to it setting forth their interests and position. But the Commission cannot delay taking action which it believes is required pending the receipt of such a submission, and, accordingly, it will be necessary, if the material is to be considered, that it be timely submitted. In determining what course of action to pursue, interested persons may find it helpful to discuss the matter with the staff members conducting the investigation. The staff, in its discretion, may advise prospective defendants or respondents of the general nature of its investigation, including the indicated violations as they pertain to them, and the amount of time that may be available for preparing a submission. The staff must, however, have discretion in this regard in order to protect the public interest and to avoid not only delay, but possible untoward consequences which would obstruct or delay necessary enforcement action.

Where a disagreement exists between the staff and a prospective respondent or defendant as to factual matters, it is likely that this can be resolved in an orderly manner only through litigation. Moreover, the Commission is not in a position to, in effect, adjudicate issues of fact before the proceeding has been commenced and the evidence placed in the record. In addition, where a proposed administrative proceeding is involved, the Commission wishes to avoid the possible danger of apparent prejudgment involved in considering conflicting contentions, especially as to factual matters, before the case comes to the Commission for decision. Consequently, submissions by prospective defendants or respondents will normally prove most useful in connection with questions of policy, and, on occasion, questions of law, bearing upon the question of whether a proceeding should be initiated, together with considerations relevant to a particular prospective defendant or respondent which might not otherwise be brought clearly to the Commission's attention.

Submissions by interested persons should be forwarded to the appropriate Division Director or Regional Administrator with a copy to the staff members conducting the investigation and should be clearly referenced to the specific investigation to which it relates. In the event that a recommendation for enforcement action is presented to the Commission by the staff, any submissions by interested persons will be forwarded to the Commission in conjunction with the staff memorandum.

It is hoped that this release will be useful in encouraging interested persons to make their views known to the Commission and in setting forth the procedures by which that objective can best be achieved.

[1] See Report of the Advisory Committee on Enforcement Policies and Practices, June 1, 1972, p. 31, et seq.

[2] It should be noted that the obtaining of a written statement from a person under investigation is expressly authorized by section 20(a) of the Securities Act of 1933 and section 21(a) of the Securities Exchange Act of 1934, section 21(a) of the Exchange Act provides as follows: "The Commission may, in its discretion, make such investigations as it deems necessary to determine whether any person has violated or is about to violate any provision of this title or any rule or regulation thereunder, and may require or permit any person to file with it a statement in writing, under oath or otherwise as the Commission shall determine, as to all the facts and circumstances concerning the matter to be investigated. • • •"

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The Advisiory Committee also recommended that the Commission should adopt in the usual case the practice of notifying a person who is the subject of an investigation, and against whom no further action is contemplated, that the staff has concluded its investigation of the matters referred to in the investigative order and has determined that it will not recommend the commencement of an enforcement proceeding against him.[a]

We believe this is a desirable practice and are taking steps to implement it in certain respects. However, we do not believe that we can adopt a rule or procedure under which the Commission in each instance will inform parties when its investigation has been concluded. This is true because it is often difficult to determine whether an investigation has been concluded or merely suspended, and because an investigation believed to have been concluded may be reactivated as a result of unforeseen developments. Under such circumstances, advice that an investigation has been concluded could be misleading to interested persons.

The Commission is instructing its staff that in cases where such action appears appropriate, it may advise a person under inquiry that its formal investigation has been terminated. Such action on the part of the staff will be purely discretionary on its part for the reasons mentioned above. Even if such advice is given, however, it must in no way be construed as indicating that the party has been exonerated or that no action may ultimately result from the staff's investigation of that particular matter. All that such a communication means is that the staff has completed its investigation and that at that time no enforcement action has been recommended to the Commission. The attempted use of such a communication as a purported defense in any action that might subsequently be brought against the party, either civilly or criminally, would be clearly inappropriate and improper since such a communication, at the most, can mean that, as of its date, the staff of the Commission does not regard enforcement action as called for based upon whatever information it then has. Moreover, this conclusion may be based upon various reasons, some of which, such as workload considerations, are clearly irrelevant to the merits of any subsequent action.

By the Commission, September 27, 1972.

[SEAL] RONALD F. HUNT, *Secretary.*

[FR Doc.73-3792 Filed 2-28-73;8:45 am]

[a] Report, p. 20.

Title 18—Conservation of Power and Water Resources

CHAPTER II—TENNESSEE VALLEY AUTHORITY

PART 305—LAND BETWEEN THE LAKES

Subpart A—Use of Motorized Vehicles

In accordance with the requirements of section 4 of Executive Order 11644, this document establishes regulations prescribing operating conditions for off-road vehicles, and also for other vehicles, in the designated portions of TVA's recreation and conservation demonstration area, Land Between the Lakes. It prescribes licensing, speed, and equipment requirements for roads open to general vehicular travel, provides for the designation of areas where the use of off-road vehicles will be permitted, and designates the areas presently available for such use. The regulations specify the times when designated areas will be open for off-road vehicle operation, limitations on their use designed to prevent significant adverse effects on the environment, equipment requirements and other safety measures, and provisions for enforcement of the regulations. As required by Executive Order 11644, the regulations are directed at protecting resource values, preserving public health, safety, and welfare, and minimizing use conflicts.

Effective date. These regulations are effective April 1, 1973.

LYNN SEEBER, *General Manager.*

Subpart A—Use of Motorized Vehicles

Sec.
305.1 Motor vehicles generally.
305.2 Motorcycles.
305.3 Off-road vehicles.
305.4 Major off-road vehicle areas.
305.5 Mini-bike areas at family campgrounds as designated.
305.6 Enforcement.

AUTHORITY: 16 U.S.C. 831–831dd. Sections 305.1 to 305.6 also issued under 42 U.S.C. 4321 and E.O. 11644, 37 FR 2877.

§ 305.1 Motor vehicles generally.

All properly licensed motor vehicles may be operated on paved, graveled, or graded roads unless otherwise posted or gated or barricaded, and on other roads if specifically authorized in writing by an authorized Land Between the Lakes official. Driving in woods or fields or on foottrails or utility rights of way is prohibited, except as authorized in §§ 305.3–305.5. Drivers must hold a valid State operator's license to drive on improved roads. All vehicles must be equipped with properly functioning mufflers. Maximum speed within Land Between the Lakes is 35 miles per hour or less if so posted, except on the Trace and U.S. Highway 68, where a maximum speed of 60 miles per hour is permitted unless posted for reduced speeds.

§ 305.2 Motorcycles.

Motorcycles of all types shall be equipped with properly functioning spark arresters. Safety requirements for motorcycle riders on improved roads are safety helmets and protective eyewear.

§ 305.3 Off-road vehicles.

Except for operation as authorized in § 305.1, off-road vehicles, including trail bikes and mini-bikes, may be operated only within the posted boundaries of areas designated by TVA for this purpose during daylight hours, in accordance with posted regulations, and at the sole risk of the operator. TVA recommends that off-road vehicle riders follow all safety practices recommended by the American Motorcycle Association regarding safety helmets, heavy shoes, protective clothing, and protective shatterproof eyewear. All vehicles shall be equipped with properly functioning mufflers, and motorcycles with spark arresters. No vehicles emitting an unusually loud noise may be operated in such areas. All operation of such vehicles shall be in full compliance with applicable State laws. If such laws permit operation within such areas without registration and licensing, any unlicensed bikes must be transported to the areas.

§ 305.4 Major off-road vehicle areas.

(a) Off-road vehicles of all kinds, including trail bikes and mini-bikes, may be operated within the posted boundaries of major off-road vehicle areas, which include trails, camping space, unloading ramps, and sanitary facilities. The only area presently so designated is the Turkey Bay Off-Road Vehicle Area, a 2,500-acre tract reached by a drive running west off the Trace approximately 2¼ miles south of the U.S. Highway 68 overpass.

(b) Off-road vehicles may be operated in these areas from 8 a.m. until 30 minutes before sundown. Motors must be off at all other times except for the purpose of entering or leaving the area.

(c) The areas will not be made available for competitive events sponsored by any organized riding groups.

(d) All one-way and other directional signs on trails shall be strictly observed.

(e) Signs designating cemeteries, experimental plantings, and other portions of these areas as off limits to riders shall be strictly observed.

(f) All garbage and other debris must be placed in containers provided.

(g) Riders and campers in the areas shall not harass or otherwise disturb other persons or wildlife in any way.

§ 305.5 Mini-bike areas at family campgrounds as designated.

(a) Mini-bikes and small trail bikes may be ridden on marked trails and within posted boundaries in areas designated for that purpose at family campgrounds. Such areas are presently designated at the Piney and Hillman Ferry campgrounds.

(b) These areas are open from 9:30 a.m. until 30 minutes before sundown.

(c) All bikes must be equipped with a properly functioning combination muffler and U.S. Forest Service-approved spark arrester.

(d) All one-way and other directional signs on trails shall be strictly observed.

(e) Reckless operation, horseplay, and any action endangering or disturbing other users is prohibited.

§ 305.6 Enforcement.

Persons violating any of the foregoing rules and regulations may be excluded from Land Between the Lakes or denied use of the areas and trails designated

for operation of off-road vehicles, as deemed appropriate by authorized officials of Land Between the Lakes.

[FR Doc.73-3889 Filed 2-28-73;8:45 am]

Title 21—Food and Drugs

CHAPTER I—FOOD AND DRUG ADMINISTRATION, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

SUBCHAPTER A—GENERAL

PART 1—REGULATIONS FOR THE ENFORCEMENT OF THE FEDERAL FOOD, DRUG, AND COSMETIC ACT AND THE FAIR PACKAGING AND LABELING ACT

Nutrition Labeling; Correction

In FR Doc. 73-988, appearing at page 2125 in the issue of Friday, January 19, 1973, the second sentence in § 1.17(a) on page 2130 is corrected to read "Except as provided in paragraph (h) of this section, inclusion of any added nutrient in a product or of any nutrition claim or information, other than sodium and/or cholesterol content, on a label or in advertising for a food subjects the label to the requirements of this section, and in labeling for a food subjects the label and that labeling to the requirements of this section except that the label of a food will not be subject to the requirements of this section solely because of a manufacturer's or distributor's direct written reply to an unsolicited request for information on the nutrient, cholesterol, or calorie content of such a food."

Dated: February 23, 1973.

WILLIAM F. RANDOLPH, *Acting Associate Commissioner for Compliance.*

[FR Doc. 73-3860 Filed 2-28-73;8:45 am]

SUBCHAPTER C—DRUGS

PART 148e—ERYTHROMYCIN

Erythromycin Ethylsuccinate Oral Suspension

The Commissioner has evaluated data submitted in accordance with regulations promulgated under section 507 of the Federal Food, Drug, and Cosmetic Act, with respect to approval of a reformulation of the antibiotic drug erythromycin ethylsuccinate oral suspension.

The Commission concludes that data supplied by the manufacturer concerning the subject antibiotic drug is adequate to establish its safety and efficacy when used as directed in the labeling and that the regulations should be amended to provide for the certification of this drug.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 507, 59 Stat. 463, as amended; 21 U.S.C. 357) and under authority delegated to the Commissioner (21 CFR 2.120), Part 148e is amended in § 148e.13 by revising paragraphs (a) (1), (a) (3) (i) (b), and (b) to read as follows:

§ 148e.13 Erythromycin ethylsuccinate oral suspension.

• • • • • •

(a) • • •

(1) *Standards of identity, strength, quality, and purity.* Erythromycin ethylsuccinate oral suspension is erythromycin ethylsuccinate with suitable and harmless buffer substances, dispersing agents, diluents, colorings, flavorings, and preservatives. Each milliliter contains erythromycin ethylsuccinate equivalent to 40 milligrams of erythromycin. Its potency is satisfactory if it is not less than 90 percent and not more than 120 percent of the number of milligrams of erythromycin that it is represented to contain. Its pH is not less than 6.5 and not more than 8.5. The erythromycin ethylsuccinate used conforms to the standards prescribed by § 148e.7(a)(1).

• • • • • •

(3) • • •

(i) • • •

(b) The batch for potency and pH.

• • • • • •

(b) *Tests and methods of assay*—(1) *Potency.* Proceed as direct in § 141.110 of this chapter, preparing the sample for assay as follows: Place an accurately measured representative volume of the suspension into a high-speed glass blender jar and add sufficient methyl alcohol to give a concentration of 1.0 milligram of erythromycin base per milliliter (estimated). Blend for 3 to 5 minutes. Further dilute with 0.1*M* potassium phosphate buffer, pH 8.0 (solution 3), to the reference concentration of 1.0 microgram of erythromycin base per milliliter (estimated).

(2) *pH.* Proceed as directed in § 141.503 of this chapter, using the undiluted drug.

Since the conditions prerequisite to providing for certification of this drug have been complied with and since the matter is noncontroversial in nature, notice and public procedure and delayed effective date are not prerequisites to this promulgation.

Effective date. This order shall be effective on March 1, 1973.

(Sec. 507, 59 Stat. 463, as amended; 21 U.S.C. 357)

Dated: February 21, 1973.

MARY A. MCENIRY, *Assistant to the Director for Regulatory Affairs, Bureau of Drugs.*

[FR Doc.73-3858 Filed 2-28-73;8:45 am]

PART 148m—TROLEANDOMYCIN

Troleandomycin Oral Suspension; Upper Potency Limit

In a notice of proposed rule making published in the FEDERAL REGISTER of November 9, 1972 (37 FR 23845), the Commissioner of Food and Drugs proposed that Part 148m be amended to raise the upper limit of potency for troleandomycin oral suspension from 120 to 125 percent. Interested persons were invited to submit their comments in response to the notice of proposed rule making within 60 days. No comments were received. Accordingly, the Commissioner concludes that the antibiotic drug regulations should be amended as set forth below.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 507, 59 Stat. 463, as amended; 21 U.S.C. 357) and under authority delegated to the Commissioner (21 CFR 2.120), Part 148m is amended in § 148m.7 *Troleandomycin oral suspension,* to raise the upper limit of potency for the drug by changing "not more than 120 percent of the number of milligrams" in the third sentence of paragraph (a) (1) to read "not more than 125 percent of the number of milligrams".

Effective date. This order shall become effective April 2, 1973.

(Sec. 507, 59 Stat. 463, as amended; 21 U.S.C. 357)

Dated: February 22, 1973.

MARY A. MCENIRY, *Assistant to the Director for Regulatory Affairs, Bureau of Drugs.*

[FR Doc.73-3861 Filed 2-28-73;8:45 am]

SUBCHAPTER F—REGULATIONS UNDER SPECIFIC ACTS OF CONGRESS OTHER THAN THE FEDERAL, FOOD, DRUG, AND COSMETIC ACT

PART 295—REGULATIONS UNDER THE POISON PREVENTION PACKAGING ACT OF 1970

Temporary Exemption From Requirements for Poison Prevention Packaging for Metal Containers With 12 Aspirin Tablets

In the FEDERAL REGISTER of January 26, 1973 (38 FR 2487), the Commissioner of Food and Drugs published for comment petitions received from Sterling Drug, Inc., and American Home Products Corp. requesting exemptions from the child protection packaging requirements as they pertain to 12-tablet metal containers (tins) of aspirin. The time for comment expired on February 12, 1973.

Comments were received in support of the petitions from one of the petitioners (enclosing an affidavit of a physician who is an associate professor of physiology at the University of Texas Southwestern Medical School); a pediatrician who is director of the Poison Control Center at Duke University; the technical director of the Poison Information Center of the Academy of Medicine of Cleveland, who is a past president of the American Association of Poison Control Centers; a pediatrician, who is director of the Syracuse, N.Y., Poisoning Prevention Program and a member of the Committee on Accident Prevention of the American Academy of Pediatrics; a pediatrician, who is chief of the Pediatric Department at Madigan General Hospital, Tacoma, Wash., and the chairman of the Subcommittee on Accidental Poisoning of the American Academy of Pediatrics; the professor of

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toxicology, pharmacology, and pathology and director of the Institute of Experimental Pathology and Toxicology at the Albany Medical College; an associate professor of pharmacology and associate professor of medicine at Cornell University Medical College; and Plough, Inc., a manufacturer and distributor of 5-grain aspirin packaged in 12-tablet tins. Two comments were received in opposition to the petitions, one from the American Academy of Pediatrics and one from the chief of the Maternal and Child Health Division of the Omaha-Douglas County Health Department, Omaha, Nebr. Burroughs Wellcome Co. requested that the temporary exemption be expanded to cover all packaging of aspirin-containing tablets of less than 75 grains aspirin content because the company has had on order since May 1972 safety closure caps for a 12-tablet bottle, which have not yet been supplied. Bristol-Myers Products, which currently markets an aspirin product in a vial containing 12 tablets using a safety closure that meets the requirements of the act and regulations, opposed the temporary exemption or, in the alternative, recommended that it be made a permanent exemption.

After considering all of the comments and other information available to him, the Commissioner concludes that a temporary exemption from the safety packaging closure requirements should be granted to permit manufacturers to use existing packaging until packaging meeting the requirements of the regulations is developed, or through June 30, 1973, whichever occurs first. Any packaging shipped in interstate commerce on or after July 1, 1973, must fully meet the requirements for safety packaging. This temporary exemption will not apply to flavored aspirin or aspirin intended for pediatric use.

The Commissioner recognizes that it is often difficult to draw a hard and fast line between the level that will cause serious personal injury or illness and the level that is free from serious harm, because of the numerous variables involved. It is apparent from the comments received on these petitions that the levels here involved (60 and 75 grains of aspirin) fall within a gray zone that is neither clearly harmful nor clearly safe. Under these circumstances, the Food and Drug Administration should always err on the side of caution. Accordingly, there is no question but that poison prevention packaging should be required for all products containing aspirin above a minimal level as soon as is feasible.

At the same time, however, the comments reflect the fact that the levels here involved have not, in actual practice, created a significant public health hazard. Comments from poison control centers and statistics from the National Clearinghouse for Poison Control Centers indicate that this quantity of aspirin, packaged in this way, has resulted in only four reported instances of accidental ingestion by a child in 1971, and in no known death, permanent harm, or serious injury.

The Commissioner has carefully reviewed the record of the companies on this matter. There appears to be no dispute that the companies in good faith entered into agreements to purchase an adequate supply of packaging that would meet the requirements of the regulations, and that the failure of closure manufacturers to meet their commitment was not the fault of the aspirin manufacturers. The Commissioner recognizes that at least one aspirin manufacturer has developed its own poison prevention packaging, and is aware of the competitive unfairness involved in a temporary exemption for others. To reduce this impact the exemption will be granted for only 4 months.

None of the comments seriously suggest that aspirin packaged in units of 12 tablets, containing 60 or 75 grains of aspirin, should permanently be exempt from the poison prevention packaging requirements, and the Commissioner would not entertain such a suggestion. The major reason for the enactment of the Poison Prevention Packaging Act of 1970 was the hazard associated with accidental ingestion of aspirin by children. The act provides for one noncomplying package, and this is the only package that should be permanently exempt. To permit a proliferation of noncomplying packages would, over the long run, substantially increase the potential hazard of accidental ingestion and thus undermine the entire purpose of the statute.

The Commissioner concludes that the temporary exemption here granted for 4 months will not create a public health hazard. The metal containers now being used come close to meeting the requirements for poison prevention packaging. The act itself permits manufacturers to use a noncomplying package, and manufacturers have generally chosen bottles containing substantially more than 12 tablets for this permanent exemption. The act also permits manufacturers to use up their inventory of already manufactured products, and thus allows manufacturers to continue to market other noncomplying packages for an undeterminable period of time regardless of the temporary exemption granted in this order. The temporary exemption granted in this order permits interstate shipment only through June 30, 1973, and thus does not permit the interstate shipment of any noncomplying inventory of 12-tablet packages after that date pursuant to this temporary exemption.

Accordingly, pursuant to provisions of the Poison Prevention Packaging Act of 1970 (secs. 2(4), 3, 5, 84 Stat. 1670–1672; 15 U.S.C. 1471(4), 1472, 1474) and under authority delegated to the Commissioner (21 CFR 2.120), § 295.2(a) is amended by adding a new subdivision (iii) to paragraph (1) as follows:

§ 295.2 Substances requiring "special packaging."

(a) * * *

(1) * * *

(i) * * *

(iii) Unflavored aspirin-containing preparations in tablet form (other than those intended for pediatric use) that are packaged in a container with 12 or less tablets containing a total of less than 75 grains of aspirin: *Provided*, That this exemption shall expire on June 30, 1973, or on the date when packaging meeting the requirements of § 295.3 (a), (b), and (c) becomes available to the individual manufacturer, whichever occurs first, and in no event may such products be shipped in interstate commerce on or after July 1, 1973, except in compliance with the requirements of § 295.3 (a), (b), and (c).

Effective date. This order shall be effective on March 1, 1973.

(Secs. 2(4), 3, 5, 84 Stat. 1670–1672; 15 U.S.C. 1471(4), 1472, 1474)

Dated: February 23, 1973.

SHERWIN GARDNER,
Acting Commissioner of Food and Drugs.

[FR Doc.73-3859 Filed 2-28-73;8:45 am]

Title 24—Housing and Urban Development

CHAPTER X—FEDERAL INSURANCE ADMINISTRATION, DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

SUBCHAPTER B—NATIONAL FLOOD INSURANCE PROGRAM

PART 1914—AREAS ELIGIBLE FOR THE SALE OF INSURANCE

Status of Participating Communities

Section 1914.4 of Part 1914 of Subchapter B of Chapter X of Title 24 of the Code of Federal Regulations is amended by adding in alphabetical sequence a new entry to the table. In this entry, a complete chronology of effective dates appears for each listed community. Each date appearing in the last column of the table is followed by a designation which indicates whether the date signifies (1) the effective date of the authorization of the sale of flood insurance in the area under the emergency or under the regular flood insurance program; (2) the effective date on which the community became ineligible for the sale of flood insurance because of its failure to submit land use and control measures as required pursuant to § 1909.24(a); or (3) the effective date of a community's formal reinstatement in the program pursuant to § 1909.24(b). The entry reads as follows:

§ 1914.4 Status of participating communities.

State	County	Location	Map No.	State map repository	Local map repository	Effective date of authorization of sale of flood insurance for area
California	San Mateo	Belmont, City of	I 06 081 0310 01 through I 06 081 0310 06	Department of Water Resources, Post Office Box 388, Sacramento, CA 95802. California Insurance Department, 107 South Broadway, Los Angeles, CA 90012, and 1407 Market St., San Francisco, CA 94103.	Office of the City Manager, 1365 Fifth Ave., Belmont, CA 94002.	Apr. 2, 1971. Emergency. Mar. 9, 1973. Regular.
Connecticut	Middlesex	Clinton, Town of				Mar. 2, 1973. Emergency.
Illinois	Du Page	Glendale Heights, Village of.				Do.
Do	do	Roselle, Village of				Do.
Massachusetts	Worcester	Auburn, Town of				Do.
Michigan	Berrien	Bridgman, City of				Do.
Do	Wayne	Wyandotte, City of.				Do.
New York	Suffolk	Southampton, Village of.	I 36 103 5811 01	New York State Department of Environmental Conservation, Division of Resources Management Services, Bureau of Water Management, Albany, N.Y. 12201. New York State Insurance Department, 123 William St., New York, NY 10038, and 324 State St., Albany, N.Y 12210.	Village Hall, Municipal Bldg., 23 Main St., Southampton, N.Y 11968.	Sept. 15, 1972. Emergency. Mar. 9, 1973. Regular.
Do	Monroe	Hamlin, Town of				Mar. 2, 1973. Emergency.
Do	Cattaraugus	Portville, Village of.				Do.
Do	Chemung	Southport, Town of.				Do.
Ohio	Portage	Kent, City of				Do.
Pennsylvania	Cumberland	Shiremanstown, Borough of.				Do.
Do	do	Silver Spring, Township of.				Do.
Do	Dauphin	Middle Paxton, Township of.				Do.
Do	Lackawanna	Blakely, Borough of.				Do.
Do	do	Dickson City, Borough of.				Do.
Do	Luzerne	Luzerne, Borough of.				Do.
Do	do	Nescopeck, Township of.				Do.
Do	Lycoming	Plunketts Creek, Township of.				Do.
Do	Perry	Newport, Borough of.				Do.
Virginia	Russell	Cleveland				June 30, 1970. Emergency. Feb. 19, 1971. Regular. Dec. 31, 1971. Suspension. Feb. 20, 1973. Reinstated.

(National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968), effective Jan. 28, 1969 (33 FR 17804, Nov. 28, 1968), as amended (secs. 408–410, Public Law 91–152, Dec. 24, 1969), 42 U.S.C. 4001–4127; and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, Feb. 27, 1969)

Issued: February 26, 1973.

GEORGE K. BERNSTEIN,
Federal Insurance Administrator.

[FR Doc.73-3847 Filed 2-28-73;8:45 am]

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PART 1915—IDENTIFICATION OF SPECIAL HAZARD AREAS

List of Communities With Special Hazard Areas

Section 1915.3 is amended by adding in alphabetical sequence a new entry to the table, which entry reads as follows:

§ 1915.3 List of communities with special hazard areas.

State	County	Location	Map No.	State map repository	Local map repository	Effective date of identification of areas which have special flood hazards
• • •	• • •	• • •	• • •	• • •	• • •	• • •
California	San Mateo	Belmont, City of	H 06 081 0310 01 through H 06 081 0310 06	Department of Water Resources, Post Office Box 388, Sacramento, CA 95802. California Insurance Department, 107 South Broadway, Los Angeles, CA 90012, and 1107 Market St., San Francisco, CA 94103.	Office of the City Manager, 1365 Fifth Ave., Belmont, CA 94002.	Mar. 9, 1973.
New Jersey	Essex	Montclair, Town of.	H 34 013 1990 01 H 34 013 1990 02	Bureau of Water Control, Department of Environmental Protection, Post Office Box 1390, Trenton, NJ 08625. New Jersey Department of Insurance, State House Annex, Trenton, N.J. 08625.	Office of the Town Clerk, 647 Bloomfield Ave., Montclair, NJ 07042.	Do.
New York	Suffolk	Southampton, Village of.	H 36 103 5811 01	New York State Department of Environmental Conservation, Division of Resources Management Services, Bureau of Water Management, Albany, N.Y. 12201. New York State Insurance Department, 123 William St., New York, N.Y. 10038, and 324 State St., Albany, N.Y. 12210.	Village Hall, Municipal Bldg., 23 Main St., Southampton, N.Y. 11968.	Do.
Pennsylvania	Adams	East Berlin, Borough of.	H 42 001 2180 01	Department of Community Affairs, Commonwealth of Pennsylvania, Harrisburg, Pa. 17120. Pennsylvania Insurance Department, 108 Finance Bldg., Harrisburg, Pa. 17120.	East Berlin Borough, Borough Council Chambers, East Berlin, Pa. 17316.	Do.
Do.	Bucks	Tinicum	H 42 017 8445 01 through H 42 017 8445 03	do	Office of the Secretary-Treasurer, Tinicum Township, Erwinna, Pa. 18920.	Do.
Do.	Schuylkill	Port Clinton, Borough of.	H 42 107 6730 01	do	Port Clinton Borough Bldg., Port Clinton, Pa. 19549.	Do.

(National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968), effective Jan. 28, 1969 (33 FR 17804, Nov. 28, 1968), as amended (secs. 408–410, Public Law 91–152, Dec. 24, 1969), 42 U.S.C. 4001–4127; and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, Feb. 27, 1969)

Issued: February 26, 1973.

GEORGE K. BERNSTEIN,
Federal Insurance Administrator.

[FR Doc.73-3848 Filed 2-28-73;8:45 am]

Title 26—Internal Revenue

CHAPTER I—INTERNAL REVENUE SERVICE, DEPARTMENT OF THE TREASURY

SUBCHAPTER A—INCOME TAX

[T.D. 7261]

PART 1—INCOME TAX; TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1953

Income Tax Treatment of Mineral Production Payments

By a notice of proposed rule making appearing in the FEDERAL REGISTER for July 2, 1971 (36 FR 12624), and corrected in the FEDERAL REGISTER for July 14, 1971 (36 FR 13096), amendments to the Income Tax Regulations were proposed in order to conform such regulations to the provisions of section 503 of the Tax Reform Act of 1969 (83 Stat. 630), relating to the income tax treatment of mineral production payments. After consideration of all such relevant matter as was presented by interested persons regarding the rules proposed, certain changes were made, and the proposed amendments of the regulations, as revised, are adopted by this document.

In general, section 636 and the regulations thereunder provide that mineral production payments are to be treated as mortgage loans on the mineral property burdened thereby and not as "economic interests" in mineral in place.

Certain exceptions to this rule are provided (1) in the case of a production payment which is carved out of mineral property for the exploration or development of that property, and (2) in the case of a production payment retained in a mineral property by the lessor in a leasing transaction. In the latter case, insofar as the lessee is concerned the retained production payment is treated as a bonus granted by the lessee to the lessor payable in installments.

The proposed regulations had limited the application of the first exception to production payments carved out of a single mineral property. On the basis of comments received, this limitation has been modified and the final regulations refer parenthetically to production payments which are created from more than one mineral property.

The proposed regulations have also been amended to provide that, in general, an expenditure is for exploration or development to the extent that it is necessary for ascertaining the existence, location, extent, or quality of any deposit of mineral or is incident to and necessary for the preparation of a deposit for the production of mineral.

The proposed regulations contained an example of a "variable royalty" which is treated as a production payment under section 636 of the Code. Comments with respect to this provision expressed concern as to the scope of its application. Accordingly, another example has been added to illustrate the type of variable royalty which would not be treated as a production payment under section 636.

On July 2, 1971, notice of proposed rule making with respect to the amendments of the Income Tax Regulations (26 CFR Part 1) to conform such regulations to the amendments made by section 503 of the Tax Reform Act of 1969 (83 Stat. 630), relating to the income tax treatment of mineral production payments, was published in the FEDERAL REGISTER (36 FR 12624). On July 14, 1971, a notice of correction of such notice of proposed rule making was published in the FEDERAL REGISTER (36 FR 13096). After consideration of all such relevant matter as was presented by interested persons regarding the rules proposed, the amendment of regulations is hereby adopted, subject to the changes set forth below:

PARAGRAPH 1. Section 1.636–1, as set forth in paragraph 1 of the proposed rule making, is amended by revising paragraph (a)(1)(i) and (2) and so much of paragraph (b)(1) as precedes subdivision (ii) to read as set forth below.

PAR. 2. Paragraph (a)(2) of § 1.636–3, as set forth in paragraph 1 of the proposed rule making, is amended to read as set forth below.

(Sec. 636(e), 7805, Internal Revenue Code of 1954, 83 Stat. 630, 26 U.S.C. 636(e); 68A Stat. 917, 26 U.S.C. 7805))

[SEAL] JOHNNIE M. WALTERS,
Commissioner of Internal Revenue.

Approved: February 15, 1973.

FREDERIC W. HICKMAN,
Assistant Secretary of the Treasury.

The regulations under section 636 of the Internal Revenue Code of 1954, as added by section 503(a) of the Tax Reform Act of 1969 (83 Stat. 630), relating to the income tax treatment of mineral production payments, set forth in paragraph 1 are hereby prescribed. Section 1.636–4 of the regulations hereby adopted supersedes those provisions of § 13.0 of this chapter relating to section 503(c)(2) of such Act, which were prescribed by T.D. 7032, approved March 9, 1970 (35 F.R. 4330). In addition, the Income Tax Regulations (26 CFR Part 1) are amended as set forth in paragraphs 2 through 7 to conform them to the rules relating to the income tax treatment of mineral production payments prescribed under section 636.

MINERAL PRODUCTION PAYMENTS

Sec.
1.636 Statutory provisions; income tax treatment of mineral production payments.
1.636–1 Treatment of production payments as loans.
1.636–2 Production payments retained in leasing transactions.
1.636–3 Definitions.
1.636–4 Effective dates of section 636.

PARAGRAPH. 1. There are inserted immediately after § 1.632–1 the following new sections:

MINERAL PRODUCTION PAYMENTS

§ 1.636 Statutory provisions; income tax treatment of mineral production payments.

SEC. 636. *Income tax treatment of mineral production payments*—(a) *Carved-out production payment.* A production payment carved out of mineral property shall be treated, for purposes of this subtitle, as if it were a mortgage loan on the property, and shall not qualify as an economic interest in the mineral property. In the case of a production payment carved out for exploration or development of a mineral property, the preceding sentence shall apply only if and to the extent gross income from the property (for purposes of section 613) would be realized, in the absence of the application of such sentence, by the person creating the production payment.

(b) *Retained production payment on sale of mineral property.* A production payment retained on the sale of a mineral property shall be treated, for purposes of this subtitle, as if it were a purchase money mortgage loan and shall not qualify as an economic interest in the mineral property.

(c) *Retained production payment on lease of mineral property.* A production payment retained in a mineral property by the lessor in a leasing transaction shall be treated, for purposes of this subtitle, insofar as the lessee (or his successors in interest) is concerned, as if it were a bonus granted by the lessee to the lessor payable in installments. The treatment of the production payment in the hands of the lessor shall be determined without regard to the provisions of this subsection.

(d) *Definition.* As used in this section the term "mineral property" has the meaning assigned to the term "property" in section 614(a).

(e) *Regulations.* The Secretary or his delegate shall prescribe such regulations as may be necessary to carry out the purposes of this section.

[Sec. 636 as added by sec. 503(a), Tax Reform Act 1969 (83 Stat. 630)]

§ 1.636–1 Treatment of production payments as loans.

(a) *In general.* (1)(i) For purposes of subtitle A of the Internal Revenue Code of 1954, a production payment (as defined in paragraph (a) of § 1.636–3) to which this section applies shall be treated as a loan on the mineral property (or properties) burdened thereby and not as an economic interest in mineral in place, except to the extent that § 1.636–2 or paragraph (b) of this section applies. See paragraph (b) of § 1.611–1. A production payment carved out of mineral property which remains in the hands of the person carving out the production payment immediately after the transfer of such production payment shall be treated as a mortgage loan on the mineral property burdened thereby. A production payment created and retained upon the transfer of the mineral property burdened by such production payment shall be treated as a purchase money mortgage loan on the mineral property burdened thereby. Such production payments will be referred to hereinafter in the regulations under section 636 as carved-out production payments and retained production payments, respectively. Moreover, in the case of a transaction involving a production payment treated as a loan pursuant to this section, the production payment shall constitute an item of income (not subject to depletion), consideration for a sale or exchange, a contribution to capital, or a gift if in the transaction a debt obligation used in lieu of the production payment would constitute such an item of income, consideration, contribution to capital, or gift, as the case may be. For the definition of the term "transfer" see paragraph (c) of § 1.636–3.

(ii) The payer of a production payment treated as a loan pursuant to this section shall include the proceeds from (or, if paid in kind, the value of) the mineral produced and applied to the satisfaction of the production payment in his gross income and "gross income from the property" (see section 613(a)) for the taxable year so applied. The payee shall include in his gross income (but not "gross income from the property") amounts received with respect to such production payment to the extent that such amounts would be includible in gross income if such production payment were a loan. The payer and payee shall determine their allowable deductions as if such production payment were a loan. See section 483, relating to interest on certain deferred payments in the case of a production payment created and retained upon the transfer of the mineral property burdened thereby, or in the case of a production payment transferred in exchange for property. See section 1232 in the case of a production payment which is originally transferred by a corporation at a discount and is a capital asset in the hands of the payee. In the case of a carved-out production payment treated as a mortgage loan pursuant to this section, the consideration received for such production payment by the taxpayer who created it is not included in either gross income or "gross income from the property" by such taxpayer.

(2) If a production payment is treated as a loan pursuant to this section, no transfer of such production payment or any property burdened thereby (other than a transfer between the payer and payee of the production payment which, if the production payment were a loan, would extinguish the loan) shall cause it to cease to be so treated. For example, A sells operating mineral interest X to B for $100,000, subject to a $500,000 retained production payment payable out of X. Subsequently, A sells the production payment to C, and B sells X to D. C and D must treat the production payment as a purchase money mortgage loan.

(3) The provisions of this paragraph may be illustrated by the following examples:

Example (1). On December 22, 1972, A, a cash-basis calendar-year taxpayer who owns operating mineral interest X, carves out of X a production payment in favor of B for $300,000 plus interest, payable out of 50 percent of the first oil produced and sold from X. In 1972, A treats the $300,000 received from B for the production payment as the proceeds of a mortgage loan on X. In 1973, A produces and sells 125,000 barrels of oil for $373,500. A pays B $186,750 with respect to the production payment, $168,750 being principal and $18,000 being interest. In computing his gross income and "gross income from the property" for the year 1973, A includes the $373,500 and takes as deductions the allowable expenses paid in production of such mineral. A also takes a deduction under section 163 for the $18,000 interest paid with respect to the production payment. For 1973, B would treat $18,000 as ordinary income not subject to the allowance for depletion under section 611.

Example (2). Assume the same facts as in example (1) except that the principal amount

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of the production payment is to be increased by the amount of the ad valorem tax on the mineral attributable to the production payment which is paid by B. Under State law, the ad valorem tax with respect to the mineral attributable to the production payment is a liability of the owner of the production payment. For 1973, B includes the amount received with respect to such taxes as income and takes a deduction under section 164 for the taxes paid by him. Since the ad valorem taxes paid by B are his liability under State law, A may not take a deduction under section 164 for such taxes.

Example (3). On December 31, 1974, C, a calendar-year taxpayer and owner of the operating mineral interest Y, sells Y to D for $10,000 cash and retains a $40,000 production payment payable out of Y. At the time D acquires the property, it is estimated that 500,000 tons of mineral are recoverable from the property. In 1975, D produces a total of 50,000 tons from the property. D's cost depletion for 1975 is $5,000 determined as follows:

Basis in property: $50,000
Total recoverable units: 500,000
Rate of depletion per ton: $0.10 ($\frac{\$50,000}{500,000}$)
Cost depletion for year: $5,000 ($0.10 × 50,000)

(b) *Exception.* (1) A production payment carved out of a mineral property (or properties) for exploration or development of such property (or properties) shall not be treated as a mortgage loan under section 636(a) and this section to the extent "gross income from the property" (for purposes of section 613) would not be realized by the taxpayer creating such production payment, under the law existing at the time of the creation of such production payment, in the absence of section 636(a). See section 83 and the regulations thereunder, relating to property transferred in connection with the performance of services. For purposes of section 636(a) and this paragraph, an expenditure is for exploration or development to the extent that it is necessary for ascertaining the existence, location, extent, or quality of any deposit of mineral or is incident to and necessary for the preparation of a deposit for the production of mineral. However, an expenditure which relates primarily to the production of mineral (as, for example, in the case of a pilot water flood program with respect to the secondary recovery of oil) is not for exploration or development as those terms are used in section 636(a) and this paragraph. Whether or not a production payment is carved out for exploration or development shall be determined in light of all relevant facts and circumstances, including any prior production of mineral from the mineral deposit burdened by the production payment. However, a production payment shall not be treated as carved out for exploration or development to the extent that the consideration for the production payment—

(i) Is not pledged for use in the future exploration or development of the mineral property (or properties) which is burdened by the production payment;

(ii) May be used for the exploration or development of any other property, or for any other purpose than that described in subdivision (i) of this subparagraph;

(iii) Does not consist of a binding obligation of the payee of the production payment to pay expenses of the exploration or development described in subdivision (i) of this subparagraph; or

(iv) Does not consist of a binding obligation of the payee of the production payment to provide services, materials, supplies, or equipment for the exploration or development described in subdivision (i) of this subparagraph.

(2) In the case of a carved-out production payment only a portion of which is subject to the exception provided in this paragraph, the rules contained in paragraph (a) of this section with respect to the treatment of income and deductions where a production payment is treated as a loan shall apply to the portion of the taxpayer's income or expenses attributable to the production payment which bears the same ratio to the total amount of such income or expenses, as the case may be, as the amount of the consideration for the production payment which would have been realized as income in the absence of section 636(a), by the taxpayer creating such production payment, bears to the total consideration to the taxpayer for the production payment. For example, A, owner of a mineral property, carves out a production payment in favor of B for $600,000 plus interest in return for $600,000 cash. A pledges to use $400,000 for the development of the burdened mineral property. In each of the payout years loan treatment applies to one-third of the income and expenses of A and B attributable to the production payment.

(c) *Treatment upon disposition or termination of mineral property burdened by production payment.* (1) (i) In the case of a sale or other disposition of the mineral property burdened by a production payment treated as a loan pursuant to this section, there shall be included in determining the amount realized upon such disposition an amount equal to the outstanding principal balance of such production payment on the date of such disposition. However, if such a production payment is created in connection with the disposition, the amount to be so included shall be the fair market value of the production payment, rather than its principal amount, if the fair market value is established by clear and convincing evidence to be an amount which differs from the principal amount. See section 1001 and the regulations thereunder. In determining the cost of the transferred mineral property to the transferee for purposes of section 1012, the outstanding principal balance of the production payment shall be included in the cost.

(ii) The provisions of this subparagraph may be illustrated by the following examples:

Example (1). A, the owner of mineral property X which is burdened by a carved-out production payment to which section 636(a) applies having an outstanding principal balance of $10,000, sells property X to B, an individual, for $100,000 cash. The amount realized by A on the sale of property X is $110,000. B's basis in property X for cost depletion and other purposes is also $110,000.

Example (2). Assume the same facts as in example (1) except that the production payment is retained by A in connection with the sale of property X to B, that section 636(b) applies to the production payment, that the production payment includes, in addition to the $10,000 principal amount, an additional amount equivalent to interest at a rate which precludes application of section 483, and that the fair market value of the production payment is $9,000. The amount realized by A on the sale of property X is $109,000. B's basis in property X for cost depletion and other purposes is $110,000. A's basis in the retained production payment is $9,000. If the production payment is paid in full, A realizes income of $1,000 plus the amount equivalent to interest, which income is includible in A's gross income at the time when such amounts would be so includible if such production payment were a loan.

Example (3). C, the owner of mineral property Y, sells the mineral property to D for $500,000 cash. Property Y is burdened by a carved-out production payment with an outstanding principal balance of $600,000, 40 percent of the consideration for which was pledged for the development of property Y. The amount realized by C on the sale is $860,000 ($500,000 plus $600,000 × .60). D's basis in property Y for cost depletion and other purposes is $860,000.

(2) In the case of the expiration, termination, or abandonment of a mineral property burdened by a production payment treated as a loan pursuant to this section, for purposes of determining the amount of any loss under section 165 with respect to the burdened mineral property the adjusted basis of such property shall be reduced (but not below zero) by an amount equal to the outstanding principal balance of such production payment on the date of such expiration, termination, or abandonment. Thus, in example (2) in subparagraph (1)(ii) of this paragraph, if B abandons the mineral property at a time when $5,000 of the principal amount of the production payment remains unsatisfied, B's adjusted basis immediately before the abandonment would be reduced by $5,000 for determining his loss on abandonment under section 165.

(3) In the case of a transfer of a portion of the mineral property burdened by a production payment treated as a loan pursuant to this section, such production payment shall be apportioned between the transferred portion and the retained portion by allocating to such transferred portion that part of the outstanding principal balance of the production payment which bears the same ratio to such balance as the value of such transferred portion (exclusive of any value not related to the burdened mineral) bears to the total value of the burdened mineral property (exclusive of any value not related to the burdened mineral).

(4) In general, the entire amount of gain or loss realized pursuant to this paragraph shall be recognized in the taxable year of such realization. See section 1211 for limitation on capital losses. This subparagraph shall not affect the applicability of rules providing exceptions to the recognition of gain or loss which has been realized (e.g., a transfer to which section 351 or 1031 applies). However, see section 357(c) with respect to the assumption of liabilities in excess of basis in certain tax-free exchanges. Furthermore, in the case of a transaction which otherwise qualifies, gain realized on a transfer of a mineral property to which section 636(b) applies may be returned on the installment method under section 453.

§ 1.636–2 Production payments retained in leasing transactions.

(a) *Treatment by lessee.* In the case of a production payment (as defined in paragraph (a) of § 1.636–3) which is retained by the lessor in a leasing transaction (including a sublease or the exercise of an option to acquire a lease or sublease), the lessee (or his successors in interest) shall treat the retained production payment for purposes of subtitle A of the Code as if it were a bonus granted by the lessee to the lessor payable in installments. Accordingly, the lessee shall include the proceeds from (or, if paid in kind, the value of) the mineral produced and applied to the satisfaction of the production payment in his gross income for the taxable year so applied. The lessee shall capitalize each payment (including any interest and any amounts added on to the production payment other than amounts for which the lessee would be liable in the absence of the production payment) paid or incurred with respect to such production payment. See paragraph (c)(5)(ii) of § 1.613–2 for rules relating to computation of percentage depletion with respect to a mineral property burdened by a production payment treated as a bonus under section 636(c) and this section.

(b) *Treatment by lessor.* The lessor who retains a production payment in a leasing transaction (or his successors in interest) shall treat the production payment without regard to the provisions of section 636 and § 1.636–1. Thus, the production payment will be treated as an economic interest in the mineral in place in the hands of the lessor (or his successors in interest) and the receipts in discharge of the production payment will constitute ordinary income subject to depletion.

(c) *Example.* The provisions of this section may be illustrated by the following example:

Example. In 1971, A leases a mineral property to B reserving a one-eighth royalty and a production payment (as defined in § 1.636–3(a)) with a principal amount of $300,000 plus an amount equivalent to interest. In 1972, B pays to A $60,000 with respect to the principal amount of the production payment plus $16,350 equivalent to interest. The adjusted basis of the property in the hands of B for cost depletion and other purposes for 1972 and subsequent years will include (subject to proper adjustment under section 1016) the $76,350 paid to A. In 1973, B pays to A $60,000 with respect to the principal amount of the production payment plus $12,750 equivalent to interest. The adjusted basis of the property in the hands of B for cost depletion and other purposes for 1973 and subsequent years will include (subject to proper adjustment under section 1016) the $72,750 paid to A. The $76,350 received by A in 1972, and the $72,750 received by A in 1973, will constitute ordinary income subject to depletion in the hands of A in the years of receipt of such amounts by A.

§ 1.636–3 Definitions.

For purposes of section 636 and the regulations thereunder—

(a) *Production payment.* (1) The term "production payment" means, in general, a right to a specified share of the production from mineral in place (if, as, and when produced), or the proceeds from such production. Such right must be an economic interest in such mineral in place. It may burden more than one mineral property, and the burdened mineral property need not be an operating mineral interest. Such right must have an expected economic life (at the time of its creation) of shorter duration than the economic life of one or more of the mineral properties burdened thereby. A right to mineral in place which can be required to be satisfied by other than the production of mineral from the burdened mineral property is not an economic interest in mineral in place. A production payment may be limited by a dollar amount, a quantum of mineral, or a period of time. A right to mineral in place has an economic life of shorter duration than the economic life of a mineral property burdened thereby only if such right may not reasonably be expected to extend in substantial amounts over the entire productive life of such mineral property. The term "production payment" includes payments which are commonly referred to as "in-oil payments", "gas payments", or "mineral payments".

(2) A right which is in substance economically equivalent to a production payment shall be treated as a production payment for purposes of section 636 and the regulations thereunder, regardless of the language used to describe such right, the method of creation of such right, or the form in which such right is cast (even though such form is that of an operating mineral interest). Whether or not a right is in substance economically equivalent to a production payment shall be determined from all the facts and circumstances. An example of an interest which is to be treated as a production payment under this subparagraph is that portion of a "royalty" which is attributable to so much of the rate of the royalty which exceeds the lowest possible rate of the royalty at any subsequent time (disregarding any reductions in the rate of the royalty which are based solely upon changes in volume of production within a specified period of no more than 1 year). For example, assume that A creates a royalty with respect to a mineral property owned by A equal to 5 percent for 5 years and thereafter equal to 4 percent for the balance of the life of the property. An amount equal to 1 percent for 5 years shall be treated as a production payment. On the other hand, if A leases a coal mine to B in return for a royalty of 30 cents per ton on the first 500,000 tons of coal produced from the mine in each year and 20 cents per ton on all coal in excess of 500,000 tons produced from the mine in each year, the fact that the royalty may decline to 20 cents per ton on some of the coal in each year does not result in a production payment of 10 cents per ton of coal on the first 500,000 tons in any year. Another example of an interest which is to be treated as a production payment under this subparagraph is the interest in a partnership engaged in operating oil properties of a partner who provides capital for the partnership if such interest is subject to a right of another person or persons to acquire or terminate it upon terms which merely provide for such partner's recovery of his capital investment and a reasonable return thereon.

(b) *Property.* The term "property" has the meaning assigned to it in section 614(a), without the application of section 614(b), (c), or (e).

(c) *Transfer.* The term "transfer" means any sale, exchange, gift, bequest, devise, or other disposition (including a distribution by an estate or a contribution to or distribution by a corporation, partnership, or trust).

§ 1.636–4 Effective dates of section 636.

(a) *In general.* Except as provided hereinafter in this section, section 636 and §§ 1.636–1, 1.636–2, and 1.636–3 apply to production payments created on or after August 7, 1969, other than production payments created before January 1, 1971, pursuant to a binding contract entered into before August 7, 1969.

(b) *Election.* Under section 503(c)(2) of the Tax Reform Act of 1969, if the taxpayer so elects, section 636(a) of the Code and §§ 1.636–1 and 1.636–3 apply to all production payments carved out by him after the beginning of his last taxable year ending before August 7, 1969, including such production payments created after such date pursuant to a binding contract entered into before such date. No interest shall be allowed on any refund or credit of any overpayment of tax resulting from an election under section 503(c)(2) for any taxable year ending before August 7, 1969. The provisions of this paragraph may be illustrated by the following example:

Example. A, a fiscal-year taxpayer whose taxable year ends on October 31, carved out and sold (from a producing property) production payments on October 1, 1967, and on July 9, 1969. On August 1, 1969, A entered into a binding contract to create another carved-out production payment (from a different producing property) and the production payment was carved out on December 22, 1969. If A elects under section 503(c)(2), the production payments carved out on July 9, 1969, and December 22, 1969, are treated as mortgage loans under section 636(a). The production payment carved out on October 1, 1967, is not treated as a mortgage

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loan under section 636(a) because it was carved out before the beginning of A's last taxable year ending before August 7, 1969.

(c) *Time and manner of making election.* (1) Any election under section 503(c)(2) of the Tax Reform Act of 1969 must be made not later than the 90th day after the date on which permanent regulations under section 636(a) are published in the FEDERAL REGISTER.

(2) An election under section 503(c)(2) shall be made by a statement attached to the taxpayer's income tax return (or amended return) for the first taxable year in which the taxpayer created a production payment (i) to which the election applies, and (ii) which, in the absence of section 636, would not have been treated as a loan. A statement shall also be attached to an amended return for each subsequent taxable year for which he has filed his income tax return before making the election, but only if his tax liability for such year is affected by the election. Each such statement shall indicate the taxpayer's election under section 503(c)(2), and shall identify by date, amount, parties, and burdened mineral properties all production payments described in subdivisions (i) and (ii) of this subparagraph which have been created by the date on which the statement is filed. However, a taxpayer who, prior to the date on which permanent regulations under this section are published in the FEDERAL REGISTER, made a valid election under section 503(c)(2) pursuant to Part 13 of this chapter (Temporary Income Tax Regulations Under the Tax Reform Act of 1969) is not required to amend statements previously furnished which meet the requirements of paragraph (b)(1)(ii) of § 13.0 of Part 13 unless requested to do so by the district director. In applying the election to the taxable years affected, there shall be taken into account the effect that any adjustments resulting therefrom have on other items affected thereby and the effect that adjustments of any such items have on other taxable years. In the case of a member of a consolidated return group (as defined in paragraph (a) of § 1.1502-1), section 503(c)(2) and paragraphs (b), (c), and (d) of this section shall be applied as if such member filed a separate return.

(d) *Revocation of election.* A valid election under section 503(c)(2) shall be binding upon the taxpayer unless consent to revoke the election is obtained from the Commissioner. The application to revoke such election must be made in writing to the Commissioner of Internal Revenue, Washington, D.C. 20224, not later than the 90th day after the date on which permanent regulations under section 636(a) are published in the FEDERAL REGISTER. Such application must set forth the reasons therefor and a recomputation of the tax reflecting such revocation for each prior taxable year affected by the revocation, whether or not the period of limitations for credit or refund or assessment and collection has expired with respect to such taxable year. Consent shall not be given in any case in which the revocation would result in an increase in the taxpayer's tax liability for a taxable year for which such period of limitations has expired unless the taxpayer waives his right to assert the statute of limitations.

(e) *Special rule.* (1) Except as provided in subparagraph (2) of this paragraph, in the case of a taxpayer who does not make the election provided in section 503(c)(2) of the Tax Reform Act of 1969, section 636 of the Code applies to production payments carved out during the taxable year which includes August 7, 1969, as provided in paragraph (a) of this section, only to the extent that the aggregate amount of such production payments exceeds the lesser of—

(i) The excess of—

(*a*) The aggregate amount of production payments carved out and sold by the taxpayer during the 12-month period immediately preceding his taxable year which includes August 7, 1969, over

(*b*) The aggregate amount of production payments carved out and sold before August 7, 1969, by the taxpayer during his taxable year which includes such date, or

(ii) The amount necessary to increase the amount of the taxpayer's gross income within the meaning of chapter 1 of subtitle A of the Code, for his taxable year which includes August 7, 1969, to an amount equal to the amount of his deductions (other than any deduction under section 172) allowable for such year under such chapter.

In applying the preceding sentence, production payments carved out for exploration or development are to be taken into account only to the extent, if any, that "gross income from the property" (for purposes of section 613) would have been realized by the taxpayer creating such production payment under the law existing at the time of the creation of such production payment, in the absence of section 636(a).

(2) Subparagraph (1) of this paragraph shall not apply for any taxable year for purposes of determining the amount of any deduction for cost or percentage depletion allowable under section 611 or the limitation on any foreign tax credit under section 904.

(3) The application of this paragraph may be illustrated by the following examples:

Example (1). (a) A, a calendar-year taxpayer who does not make the election provided in section 503(c)(2) of the Tax Reform Act of 1969, carves out and sells on December 31, 1968, a $500,000 production payment. Further, A carves out and sells on March 4, 1969, a $300,000 production payment, and on November 14, 1969, a $150,000 production payment. None of the production payments are carved out for exploration or development. During 1969, A has gross income of $600,000 (determined initially for this purpose by treating the $150,000 production payment carved out on November 14, 1969, as a loan) and allowable deductions of $700,000.

(b) The provisions of section 636 do not apply to a portion of the November 14, 1969, production payment for purposes other than section 611 and section 904 of the Code, determined as follows:

(1) Amount of production payment carved out in 1969 on or after August 7, 1969	$150,000
(2) Amount of production payment carved out during 1968	500,000
(3) Amount of production payment carved out during 1969 taxable year before August 7, 1969	300,000
(4) Item (2) minus item (3)	200,000
(5) Excess of allowable deductions over gross income for 1969	100,000
(6) Amount of production payment carved out in 1969 on or after August 7, 1969, to which section 636 does not apply (lesser of items (1), (4), and (5))	100,000

Thus, A will not treat $100,000 of the consideration received for the production payment carved out on November 14, 1969, as a loan and as a result his gross income for 1969 will be $700,000. However, in computing percentage depletion, A will not include the $100,000 in "gross income from property" and in computing cost depletion A will not include the mineral units attributable thereto. Nor, will A include the $100,000 in determining the limitation on foreign tax credit under section 904.

Example (2). Assume the same facts as in example (1) except that for taxable year 1969 A's gross income (determined initially for this purpose by treating the November 14, 1969, production payment as a loan) exceeds the amount of his allowable deductions under chapter 1 of subtitle A of the Code. The entire amount of the November 14, 1969, production payment is treated as a mortgage loan under section 636(a).

PAR. 2. Paragraph (b) of § 1.512(b)-1 is amended to read as follows:

§ 1.512(b)-1 Exceptions, additions, and limitations.

* * * * *

(b) *Royalties.* Royalties, including overriding royalties, and all deductions directly connected with such income shall be excluded in computing unrelated business taxable income. Mineral royalties shall be excluded whether measured by production or by gross or taxable income from the mineral property. However, where an organization owns a working interest in a mineral property, and is not relieved of its share of the development costs by the terms of any agreement with an operator, income received from such an interest shall not be excluded. To the extent not treated as a loan under section 636, payments in discharge of mineral production payments shall be treated in the same manner as royalty payments for the purpose of computing unrelated businesss taxable income. To the extent treated as a loan under section 636, the amount of any payment in discharge of a production payment which is the equivalent of interest shall be treated as interest for purposes of section 512(b)(1) and paragraph (a) of this section.

* * * * *

PAR. 3. Section 1.543-1 is amended by revising paragraph (b)(11)(ii) to read as follows:

§ 1.543-1 Personal holding company income.

* * * * *

(b) *Definitions.* * * *

(11) *Mineral, oil, or gas royalties.* * * *

(ii) The term "mineral, oil, or gas royalties" means all royalties, including overriding royalties and, to the extent not treated as loans under section 636, mineral production payments, received from any interest in mineral, oil, or gas properties. The term "mineral" includes those minerals which are included within the meaning of the term "minerals" in the regulations under section 611.

* * * * *

PAR. 4. Section 1.543-12 (as proposed and published in the FEDERAL REGISTER for September 5, 1968, 33 F.R. 12564) is amended by revising paragraph (e)(2), to read as follows:

§ 1.543-12 Definitions.

* * * * *

(e) *Adjusted income from mineral, oil, and gas royalties.* * * *

(2) *Definition of mineral, oil, and gas royalties.* For purposes of determining personal holding company income, the term "mineral, oil, and gas royalties" means all royalties, including overriding royalties and, to the extent not treated as loans under section 636, mineral production payments, received from any interest in mineral, oil, or gas properties. The term "mineral" includes those minerals which are included within the meaning of the term "minerals" in the regulations under section 611. The term "overriding royalties" includes amounts received from the sublessee by the operating company which leased and developed the natural resouree property in respect of which such overriding royalties are paid.

PAR. 5. Paragraph (b)(1) of § 1.611-1 is amended to read as follows:

§ 1.611-1 Allowance of deduction for depletion.

* * * * *

(b) *Economic interest.* (1) Annual depletion deductions are allowed only to the owner of an economic interest in mineral deposits or standing timber. An economic interest is possessed in every case in which the taxpayer has acquired by investment any interest in mineral in place or standing timber and secures, by any form of legal relationship, income derived from the extraction of the mineral or severance of the timber, to which he must look for a return of his capital. For an exception in the case of certain mineral production payments, see section 636 and the regulations thereunder. A person who has no capital investment in the mineral deposit or standing timber does not possess an economic interest merely because through a contractual relation he possesses a mere economic or pecuniary advantage derived from production. For example, an agreement between the owner of an economic interest and another entitling the latter to purchase or process the product upon production or entitling the latter to compensation for extraction or cutting does not convey a depletable economic interest. Further, depletion deductions with respect to an economic interest of a corporation are allowed to the corporation and not to its shareholders.

* * * * *

PAR. 6. Paragraph (c)(5)(ii) of § 1.613-2 is amended to read as follows:

§ 1.613-2 Percentage depletion rates.

* * * * *

(c) *Rules for application of paragraph (a) of this section.* * * *

(5) * * *

(ii) If bonus payments have been paid in respect of the property in any taxable year or any prior taxable years, there shall be excluded in determining the "gross income from the property", an amount equal to that part of such payments which is allocable to the product sold (or otherwise giving rise to gross income) for the taxable year. For purposes of the preceding sentence, bonus payments include payments by the lessee with respect to a production payment which is treated as a bonus under section 636(c). Such a production payment is equally allocable to all mineral from the mineral property burdened thereby. The following examples illustrate the provisions of this subdivision:

Example (1). In 1956, A leases oil bearing lands to B, receiving $200,000 as a bonus and reserving a royalty of one-eighth of the proceeds of all oil produced and sold. It is estimated at the time the lease is entered into that there are 1,000,000 barrels of oil recoverable. In 1956, B produces and sells 100,000 barrels for $240,000. In computing his "gross income from the property" for the year 1956, B will exclude $30,000 (⅛ of $240,000), the royalty paid to A, and $20,000 (100,000 bbls. sold/1,000,000 bbls. estimated to be available × $200,000 bonus), the portion of the bonus allocable to the oil produced and sold during the year. However, in computing B's taxable income under section 63, the $20,000 attributable to the bonus payment shall not be either excluded or deducted from B's gross income computed under section 61. (See paragraph (a)(3) of § 1.612-3.)

Example (2). In 1971, C leases to D oil bearing lands estimated to contain 1,000,000 barrels of oil, reserving a royalty of one-eighth of the proceeds of all oil produced and sold and a $500,000 production payment payable out of 50 percent of the first oil produced and sold attributable to the seven-eighths operating interest. In 1972, D produces and sells 100,000 barrels of oil. In computing his "gross income from the property" for the year 1972, D will exclude, in addition to the royalty paid to C, $50,000 (100,000 bbls. sold/1,000,000 bbls. estimated to be available × $500,000 treated under section 636(c) as a bonus), the portion of the production payment allocable to the oil produced and sold during the taxable year. However, in computing D's taxable income under section 63, the $50,000 attributable to the retained production payment shall not be either excluded or deducted from D's gross income computed under section 61.

* * * * *

PAR. 7. Paragraph (a)(2) of § 1.614-1 is amended to read as follows:

§ 1.614-1 Definition of property.

(a) *General rule.* * * *

(2) The term "interest" means an economic interest in a mineral deposit. See paragraph (b) of § 1.611-1. The term includes working or operating interests, royalties, overriding royalties, net profits interests, and, to the extent not treated as loans under section 636, production payments.

* * * * *

[FR Doc.73-3765 Filed 2-26-73;9:49 am]

Title 29—Labor

CHAPTER XVII—OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION, DEPARTMENT OF LABOR

[S-73-3]

PART 1916—SAFETY AND HEALTH REGULATIONS FOR SHIPBUILDING

PART 1917—SAFETY AND HEALTH REGULATIONS FOR SHIPBREAKING

PART 1918—SAFETY AND HEALTH REGULATIONS FOR LONGSHORING

Deletion of Regulations Establishing Penalties and Requiring Notification of Accidents

Pursuant to authority in sections 6(b) and 8(g), of the Williams-Steiger Occupational Safety and Health Act of 1970 (OSHA) (29 U.S.C. 655, 657), section 41 of the Longshoremen's and Harbor Workers' Compensation Act (44 Stat. 1444, as amended; 33 U.S.C. 941), Secretary of Labor's Order No. 12-71 (36 FR 8754), and the regulations in 29 CFR 1911.5 (37 FR 8664), Parts 1916, 1917, and 1918 of Title 29 of the Code of Federal Regulations are hereby amended by the deletion of §§ 1916.3, 1916.6, 1917.3, 1917.6, 1918.4, and 1918.7 as set forth below.

The rules in Parts 1916, 1917, and 1918 were published under the Longshoremen's and Harbor Workers' Compensation Act, and have been incorporated by references under the Occupational Safety and Health Act (29 U.S.C. 651 et seq.). The respective incorporations are published in §§ 1910.14, 1910.15, and 1910.16 of the aforementioned title.

Sections 1916.3, 1917.3, and 1918.4 do not contain standards. They describe statutory penalties for violations of section 41 of the Longshoremen's and Harbor Workers' Compensation Act (33 U.S.C. 941). However, to avoid possible confusion to persons following the references under the Occupational Safety and Health Act, §§ 1916.3, 1917.3, and 1918.4 are hereby deleted. The deletions, of course, do not derogate from the statutory penalty.

Sections 1916.6, 1917.6, and 1918.7, each require an employer to follow special reporting procedures when an accident results in a fatality or serious injury. The same information must be reported under § 1904.8 of the aforementioned title, a rule issued under the Occupational Safety and Health Act which applies concurrently with §§ 1916.6,

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1917.6, and 1918.7. Under these circumstances, §§ 1916.6, 1917.6, and 1918.7 are deleted as being unnecessary.

Notice and public procedure under 5 U.S.C. 553 concerning the deletions of §§ 1916.6, 1917.6, and 1918.7 are found unnecessary because of the minor rulemaking involved. The deletions of §§ 1916.3, 1917.3, and 1918.4 are essentially editorial changes.

Accordingly, the amendments to Parts 1916, 1917, and 1918 are as follows:

1. Section 1916.3 *Penalty* is deleted.

2. Section 1916.6 *Notification of accidents resulting in fatalities or serious injuries* is deleted.

3. Section 1917.3 *Penalty* is deleted.

4. Section 1917.6 *Notification of accidents resulting in fatalities or serious injuries* is deleted.

5. Section 1918.4 *Penalty* is deleted.

6. Section 1918.7 *Notification of accidents resulting in fatalities or serious injuries* is deleted.

(Sec. 6(b), 8(g), 84 Stat. 1593, 1598, 29 U.S.C. 655, 657; sec. 41, 44 Stat. 1444, 33 U.S.C. 941; Secretary of Labor's Order No. 12-71, 36 FR 854)

Effective date. This amendment shall become effective March 1, 1973.

Signed at Washington, D.C., this 26th day of February 1973.

CHAIN ROBBINS,
Acting Assistant Secretary of Labor.

[FR Doc.73-3930 Filed 2-28-73;8:45 am]

Title 33—Navigation and Navigable Waters

CHAPTER II—CORPS OF ENGINEERS, DEPARTMENT OF THE ARMY

PART 207—NAVIGATION REGULATIONS

Oklawaha River, Fla.

Pursuant to the provisions of section 7 of the River and Harbor Act of August 8, 1917 (40 Stat. 266; 33 U.S.C. 1) § 207.169 governing the operation of a lock on the Oklawaha River at Moss Bluff, Fla., is hereby amended with respect to paragraph (a) to change the hours of operation, effective March 1, 1973, as follows:

§ 207.169 Oklawaha River, navigation lock and dam at Moss Bluff, Fla.; use, administration, and navigation.

(a) The owner of or agency controlling the lock shall not be required to operate the navigation lock except from 7 a.m. to 7 p.m. during the period of February 15 through October 15 each year, and from 8 a.m. to 6 p.m. during the remaining months of the year. During the above hours and periods the lock shall be opened upon demand for the passage of vessels. The hours of operation are based on local time.

* * * * *

(Regs., Feb. 12, 1973, 1522-01 (Oklawaha River, Moss Bluff, Marion County, Fla.)—DAEN-CWO-N) (Sec. 7, 40 Stat. 266; 33 U.S.C. 1)

For the Adjutant General.

E. W. GANNON,
Lieutenant Colonel, U.S. Army,
Chief, Plans Office, TAGO.

[FR Doc.73-3875 Filed 2-28-73;8:45 am]

Title 38—Pensions, Bonuses, and Veterans' Relief

CHAPTER I—VETERANS ADMINISTRATION

PART 1—GENERAL PROVISIONS

PART 14—LEGAL SERVICES, GENERAL COUNSEL

Litigation and Claims for Property Loss, Damage and Personal Injury

On page 1058 of the FEDERAL REGISTER of January 8, 1973, there was published a notice of regulatory development to amend § 1.511, §§14.514 through 14.618, and §§ 14.664 through 14.669 to provide a complete revision and updating of those regulations relating to litigation involving the Veterans Administration or its personnel and the disposition of administrative claims for personal injury, property loss, and damage. Interested persons were given 30 days in which to submit comments, suggestions, or objections regarding the proposed regulation.

No written objections have been received and the proposed regulations are hereby adopted without change and are set forth below.

Effective date. These VA regulations are effective February 23, 1973.

Approved: February 23, 1973.

By direction of the Administrator.

[SEAL] FRED B. RHODES,
Deputy Administrator.

1. In Part 1, § 1.511(a) is amended to read as follows:

§ 1.511 Judicial proceedings generally.

(a) (1) Where a suit has been threatened or instituted against the Government, or a prosecution against a claimant has been instituted or is being contemplated, the request of the claimant or his duly authorized representative for information, documents, reports, etc., shall be acted upon by the General Counsel in central office, or the Chief Attorney in the field station, who shall determine the action to be taken with respect thereto. Where the files have been sent to the Department of Justice in connection with any such suit, the request will be referred to the Department of Justice, Washington, D.C., through the office of the General Counsel, for attention. In all other cases where copies of documents or records are desired by or on behalf of parties to a suit, whether in a court of the United States or any other, such copies shall be furnished as provided in paragraph (d) of this section; otherwise to the court only, and on an order of the court or subpoena duces tecum addressed to the Administrator of Veterans' Affairs or the head of the field station in which the records desired are located requesting the same. The determination as to the action to be taken upon any order received in this class of cases shall be made by the service having jurisdiction over the subject matter in central office or the division having jurisdiction over the subject matter in the field station, except in those cases in which the records desired are to be used adversely to the claimant, in which latter event the order of the court or the subpoena will be referred to the General Counsel in Central Office or to the Chief Attorney in the field station for disposition.

(2) Where a claim under the provisions of the Federal Tort Claims Act has been filed or where such a claim can reasonably be anticipated, no information, documents, reports, etc., will be released except through the Chief Attorney of jurisdiction, who will be limited to release of information which would be available under discovery proceedings, were the matter in litigation. Any other information may be released only after concurrence by the General Counsel.

* * * * *

2. In Part 14, §§ 14.514 through 14.617 are revoked and §§ 14.514 through 14.618 are added to read as follows:

LITIGATION (OTHER THAN UNDER THE FEDERAL TORT CLAIMS ACT)

§ 14.514 Suits by or against United States or Veterans' Administration officials.

(a) *Suits against United States or Veterans' Administration officials.* When a suit is filed against the United States or the Administrator involving any activities of the Veterans' Administration, or a suit is filed against any employee of the Veterans' Administration in which is involved any official action of the employee, not covered by the provisions of §§ 14.600 through 14.617, a copy of the petition will be forwarded to the General Counsel who will take necessary action to obtain the pertinent facts, cooperate with or receive the cooperation of the Department of Justice and, where indicated, advise the Chief Attorney of any further action required.

(b) *Counsel and representation of employees.* The Department of Justice may afford counsel and representation to Government employees who are sued individually as a result of the performance of their official duties. A civil action commenced in a State court against an employee, as the result of an action under color of his office, may be removed to the applicable Federal district court. If a suit is filed against an employee as the result of the performance of his official duties, where the provisions of either 28 U.S.C. 2679 or 38 U.S.C. 4116 are not applicable (see § 14.610), and the employee desires to be represented by the U.S. attorney, the Chief Attorney will obtain a written request to this effect from the employee and furnish it together with a copy of the petition and two copies of a summary of pertinent facts to the General Counsel, who will transmit copies thereof to the Department of Justice for appropriate action.

(c) *Suits by the United States.* In any instance wherein direct submission to a U.S. attorney for institution of civil action has been authorized by the Department of Justice, the Chief Attorney will furnish the U.S. attorney a complete report of the facts and applicable law, documentary evidence, names and addresses of witnesses, and, in cases

wherein Veterans' Administration action has been taken, a copy of any pertinent decision rendered. The Chief Attorney will forward two copies of such report and of any proposed pleading prepared by him to the General Counsel, and will render any practicable assistance requested by the U.S. attorney.

§ 14.515 Suits involving loan guaranty matters.

(a) In actions for debt, possession or actions similar in substance (including title actions) in which § 36.4282 or § 36.4319 of this chapter has been complied with, the Chief Attorney is authorized to enter the appearance of and represent the Administrator of Veterans' Affairs as his attorney and to file claims for debt in probate proceedings without prior reference to the General Counsel. Any such action will normally be taken within the time prescribed by law as though there had been valid service of process. In all other types of cases, the Chief Attorney will not enter an appearance or file any pleading on behalf of the Administrator except in imperative emergency until authorization is received from the General Counsel after submission of all relevant facts. In doubtful cases, the Chief Attorney will request instructions from the General Counsel, submitting copy of so much of the pleadings or other papers, together with a sufficient recital of the facts as will make clear the background, the issues, and the relief sought. The submission also will include names and addresses of adverse parties and attorneys so that immediate action may be taken if injunctive relief seems proper. Where necessary in any case to preserve rights which might be lost by default if there had been proper service of process, appropriate action will be taken by a special appearance, or, in jurisdictions where a special appearance does not serve the purpose or under State statute or decisions will constitute a general appearance for a later date, by an appearance through amicus curiae, to obtain an extension of time, preferably 30 days or more, in which to appear and plead without prejudice. If not feasible to obtain an extension, the Chief Attorney will explain to adverse counsel by letter, and personally, if desirable, the necessity of deferring all action and will see that the proper judge receives a signed copy of the letter before default day. The letter will point out that there is no valid service of process on the Administrator of Veterans' Affairs but will not base the delay on that alone.

(b) The General Counsel and each Chief Attorney representing the General Counsel is the attorney of the Administrator of Veterans' Affairs for all purposes of 38 U.S.C. 1820 and as such is authorized to represent the Administrator in any court action, or other legal matter arising under said statutory provisions. Said authorization is subject to any applicable statutes and executive orders concerning claims of the United States. A Chief Attorney may enter appearance in such cases, subject to the provisions of §§ 36.4282 and 36.4319 of this chapter and paragraph (a) of this section. Each Chief Attorney is authorized to contract for the employment of attorneys on a fee basis for conducting any action arising under guaranty or insurance of loans or direct loans by the Veterans' Administration; or for examination and other proper services with respect to title to and liens on real and personal property, material incident to such activities of the Veterans' Administration, when such employment is deemed by him to be appropriate. The authority delegated to the Chief Attorney may, with the approval of the General Counsel, be redelegated.

(c) The General Counsel and each Chief Attorney in carrying out his duties as authorized in paragraph (a) or (b) of this section is authorized (1) to contract for and execute for and on behalf of the Administrator, any bond (and appropriate contract or application therefor) which is required in or preliminary to or in connection with any judicial proceeding in which the Chief Attorney is attorney for the Administrator, and to incur obligations for premiums for such bonds and (2) to do all other acts and incur all costs and expenses which in his professional opinion are necessary or appropriate to further or protect the interests of the Administrator in or in connection with prosecuting or defending any cause in any court or tribunal within the United States, which cause arises out of or incident to the guaranty or insurance of loans, or the making of direct loans by the Veterans' Administration, pursuant to 38 U.S.C. Chapter 37.

(d) Except in an emergency, no Chief Attorney will initiate action for appellate review without prior approval by the General Counsel. These limitations do not preclude the filing of a motion for a new trial, appeal to intermediate court with hearing de novo, the giving of notice of appeal, reserving of bills of exception, or any other preliminary action in the trial court which may be necessary or appropriate to protect or facilitate the exercise of the right of appellate review, nor do they preclude the taking of appropriate steps on behalf of the Administrator as appellee (respondent) without prior reference to the General Counsel. Upon the conclusion of the trial of a case, the Chief Attorney will report the result thereof to the General Counsel with recommendation as to seeking appellate review if the result reported is adverse to the position of the Veterans' Administration in the litigation. The reporting Chief Attorney who recommends appellate review will include as a part of his communication, or in exhibits attached, (1) a summary of the evidence; (2) a summary of the law points to be reviewed; (3) citations of statutes and cases; (4) statements of special reasons for recommending appellate review; (5) time limitations for the action recommended; (6) requirements, if any, respecting printing of the record and briefs; (7) the estimated total expenses to be incurred by reason of the appeal, reporting separately the estimated costs for printing the brief and record so that authority for printing may be granted in accordance with prescribed procedure, MP-1, Part II, Chapter 9[1]; and (8) the recommendation by the Loan Guaranty Officer, or that he does not desire to make a recommendation.

§ 14.516 Escheat or post fund cases.

In any case in which the Veterans' Administration is entitled to possession of assets or property under the escheat provisions of 38 U.S.C. 3202(e), the gifts provisions of 38 U.S.C. Chapter 83 or the General Post Fund provisions of 38 U.S.C. Chapter 85, the Chief Attorney will endeavor to obtain possession of such assets or property in any manner appropriate under local procedure and practice, other than litigation. This procedure would include the making of exploratory inquiry of the person having custody or possession of the assets or property for the purpose of determining whether he would be willing to turn over the property to the Veterans' Administration without litigation. If unsuccessful in this effort, a complete report will be submitted by the Chief Attorney to the General Counsel so that appropriate action may be taken to obtain the assistance of the Department of Justice in the matter.

§ 14.517 Cases affecting the Veterans' Administration generally.

Chief Attorneys will establish and maintain such close liaison with the State and Federal courts as to insure that notice will be afforded the Veterans' Administration on all cases affecting the Veterans' Administration. Such information will be forwarded to the General Counsel promptly in every case.

§ 14.518 Habeas corpus writs.

Any director, manager, or other employee at a field station of the Veterans' Administration who is served with writ of habeas corpus concerning any beneficiary of the Veterans' Administration in his custody or with any other legal process involving his official actions, in addition to taking such steps as, in his judgment, are necessary to protect himself, will immediately notify the Chief Attorney of the region in which he is situated.

PROSECUTION

§ 14.560 Procedure where violation of penal statutes is involved.

(a) The submission to the appropriate U.S. attorney of a violation or suspected violation of the penal provisions of the statutes of the United States will be made by the Chief Attorney, regional office, or center, within whose jurisdiction the alleged offense appears to have been committed. Where the file or record which contains evidence of a penal offense is located in or forwarded to Central Office,

[1] Available in any Veterans' Administration station.

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the matter will be referred to the General Counsel for development and reference to the proper Chief Attorney or direct to the Department of Justice. Where the file or record is maintained in any other field station, it will be referred to the Chief Attorney of the regional office in whose area the station is located for development and determination as to whether prosecution is indicated and reference to the proper U.S. attorney if in order.

(b) In all instances where, in developing a necessary administrative investigation, there is evidence of a violation of the penal provisions of the Federal statutes, the case will be submitted to the appropriate U.S. attorney. In central office, investigation and security service reports showing any criminal acts will be reported by the General Counsel to the Department of Justice. If such offense seems probable, but an administrative investigation is not necessary, the matter will be reported, without investigation, to the U.S. attorney or the Department of Justice, as the case may be. The Department of Justice is charged with the duty and responsibility of interpreting and enforcing criminal statutes, and the final determination as to whether the evidence is sufficient to warrant prosecution in any case is a matter for that department. The function of any administrative official is to marshal all evidence within his possession and, when the evidence is sufficient to make a prima facie case of a violation of the statute, to transmit the same to the U.S. attorney for such action as the Department of Justice, acting through the U.S. attorney, may deem necessary. If the U.S. attorney decides to prosecute, the Chief Attorney will cooperate with him as may be requested. Cases deemed essential to protect Veterans' Administration interests or policy will be reported to the General Counsel if prosecution is delayed or declined.

(c) A report will be made to the Federal Bureau of Investigation concerning criminal matters arising under prior laws authorizing readjustment benefits and war orphans' educational assistance (see sec. 3, Public Law 85–857; 72 Stat. 1262) and current grants of readjustment and educational assistance as authorized in title 38, United States Code. In cases arising under the foregoing acts any evidence or information coming to the attention of a Chief Attorney requiring determination as to whether there may be a violation of a Federal criminal statute will be brought promptly to the attention of the local office or agent of the Federal Bureau of Investigation without attempting to develop any criminal aspects, as will such facts or evidence subsequently discovered in administrative investigation or other action. Copy of the final investigation report in administrative investigation shall be forwarded to the U.S. attorney, if, in the opinion of the Chief Attorney, prosecutive action is necessary for administrative purposes. The Chief Attorney will bring to the attention of the General Counsel any case wherein he is of the opinion that criminal action should be initiated, notwithstanding adverse report or lack of report, by the Federal Bureau of Investigation.

§ 14.561 Administrative action prior to submission.

Before a submission is made to the U.S. attorney in cases involving personnel or claims, the General Counsel, if the file is in Central Office, or the Chief Attorney, regional office or center, if the file is in the regional office or other field station, will first ascertain that necessary administrative or adjudicatory (forfeiture (see Public Law 86–222; 73 Stat. 452), etc.), action has been taken; except that in urgent cases such as breaches of the peace, disorderly conduct, trespass, robbery, or where the evidence may be lost by delay, or prosecution barred by the statute of limitations, submission to the U.S. attorney will be made immediately.

§ 14.563 Collections or adjustments.

When it is determined that a submission is to be made to the U.S. attorney, no demand for payment or adjustment will be made without his advice. However, if, before or after submission, the potential defendant or other person tenders payment of the liability to the United States, payment will be accepted if the U.S. attorney states he has no objection. If the U.S. attorney determines that prosecution is not indicated, or when prosecution has ended, the file will be returned to the appropriate office with a report as to the action taken.

§ 14.583 Crimes or offenses on reservations.

Upon receipt by the Chief Attorney of a report from the Director of any Veterans' Administration hospital or domiciliary located in his regional office area, other than the District of Columbia, indicating a violation of any penal statutes occurring on such Veterans' Administration hospital or domiciliary reservation, he will extend full cooperation and advice to the Director. In so doing, the Chief Attorney will be guided by the provisions of 18 U.S.C. 13 and 3041, and 38 U.S.C. 625. Serious crimes (felonies or misdemeanors) committed on a hospital or domiciliary reservation will be reported direct to the U.S. attorney or local agent of the Federal Bureau of Investigation. The Chief Attorney will give every assistance to the Director in such cases.

Federal Tort Claims

§ 14.600 Federal Tort Claims Act.

(a) The Federal Tort Claims Act (28 U.S.C. 1291, 1346, 1402, 1504, 2110, 2401, 2402, 2411, 2412, and 2671 through 2680) prescribes a uniform procedure for the handling of claims against the United States, for money only, on account of damage to or loss of property, or on account of personal injury or death, caused by the negligent or wrongful act or omission of a Government employee while acting within the scope of his office or employment, under circumstances where the United States, if a private person, would be liable in accordance with the law of the place where the act or omission occurred.

(b) The act provides that: (1) No court action (except those involving a third party complaint, cross-claim, or counterclaim) shall be instituted unless the claimant shall have first presented his claim to, and it has been finally denied by, the appropriate Federal agency. The failure, however, of the agency to make final disposition of the claim within 6 months after it is filed may, at the option of the claimant, be deemed a final denial of the claim (28 U.S.C. 2675(a));

(2) Where a suit is filed after the denial of the administrative claim, the amount sought is limited to the amount of the claim presented to the Federal agency, except on proof of newly discovered evidence or intervening facts relating to the amount of the claim (28 U.S.C. 2675 (b));

(3) Suits are tried without a jury, and a district court judgment may be appealed to the appropriate U.S. Circuit Court of Appeals, or upon consent, to the Court of Claims of the United States;

(4) Administrative claims must be filed in writing with the appropriate Federal agency within 2 years from the date the claim accrues, and a suit must be filed within 6 months from the date of mailing of the final denial by the agency of the administrative claim (28 U.S.C. 2401(b));

(5) Section 2680 of title 28, United States Code, enumerates certain types of claims for which the United States is not liable under the Federal Tort Claims Act.

Premature Suits

§ 14.601 Dismissal action.

Where a tort suit against the United States (other than by third party complaint, cross-claim, or counterclaim) is filed without being preceded by an administrative claim (see § 14.600(b)(1)), the Chief Attorney shall promptly, upon receipt of notice of the action thereon, notify the U.S. attorney and the General Counsel, who will, in turn, notify the Department of Justice, that the provisions of 28 U.S.C. 2675(a) have not been complied with, and that the suit appears to be subject to a motion to dismiss for lack of jurisdiction. The General Counsel should be kept advised as to subsequent developments, and should be furnished a copy of any order of dismissal which may be entered by the court.

Administrative Claims

§ 14.602 Scope and authority to consider claims.

(a) The Administrator and those delegated such authority in § 2.6 (e) and (f) of this chapter are authorized to consider, ascertain, adjust, determine, compromise and settle claims for money damages against the United States in accordance with regulations prescribed by the Attorney General (28 CFR 14.1 et seq.). Any award, compromise, or settlement exceeding $25,000 shall be effected the Attorney General or his designee. In only with the prior written approval of addition, a claim may be compromised or settled only after consultation with the Department of Justice when:

(1) A new precedent or point of law is involved;

(2) A question of policy is or may be involved;

(3) The United States is or may be entitled to indemnity or contribution from a third party and the Veterans' Administration is unable to adjust the third party claim;

(4) For any reason, the compromise of a particular claim, as a practical matter, will, or may, control the disposition of a related claim in which the amount to be paid may exceed $25,000; or

(5) The United States, an employee, agent, or cost-plus contractor, is involved in litigation based on a claim arising out of the same incident or transaction.

(b) Authority is delegated by § 2.6(f) of this chapter to Chief Attorneys to act on claims not exceeding the specified dollar value, except that any claim which comes within the purview of the five categories stated in paragraph (a) of this section will be forwarded to the General Counsel, who will consult with the Department of Justice thereon.

(c) Where multiple claims (including claims of a subrogor and a subrogee) arise from the same incident, and the total of such claims exceeds the amount delegated Chief Attorneys by § 2.6(f) of this chapter, all such claims will be forwarded to the General Counsel for consideration.

(d) For the purpose of §§ 14.600 through 14.617, any reference to the General Counsel includes all other personnel in the General Counsel's office to which authority to handle Federal tort claims has been delegated by § 2.6(e) (1) and (2) of this chapter.

§ 14.603 Proper claimants.

(a) (1) A claim for damage to or loss of property may be presented by the owner of the property, his duly authorized agent or legal representative.

(2) A claim for personal injury may be presented by the injured person, his duly authorized agent, or legal representative.

(3) A claim based on death may be presented by the executor or administrator of the decedent's estate, or by any other person legally entitled to assert such a claim in accordance with applicable State law.

(4) A claim for loss wholly compensated by an insurer with the rights of a subrogee may be presented by the insurer. A claim for loss partially compensated by an insurer with the rights of a subrogee may be presented by the parties individually as their respective interests appear, or jointly. However, when an insurer presents a claim asserting the rights of a subrogee, he shall also present appropriate evidence to support his right.

(5) A claim presented by an agent or legal representative shall be presented in the name of the claimant, be signed by the agent or legal representative, show the title or legal capacity of the person signing, and be accompanied by evidence of his authority to present a claim on behalf of the claimant as agent, executor, administrator, parent, guardian, or other representative.

(b) State court procedures relating to the presentation of claims on behalf of mentally incompetent claimants will be complied with. Applicable statutes of limitation are not, however, tolled by the claimant's incompetency.

(c) State court procedures, other than statutes of limitation, relating to the presentation of claims on behalf of minors will be complied with where:

(1) The claimant is represented by an attorney who, at minimal expense and inconvenience, can easily obtain State court approval;

(2) The claimant is not a parent or is otherwise unrelated to the infant;

(3) The minor will reach majority before the expiration of the 2-year period of limitation prescribed by 28 U.S.C 2401(b); or

(4) The amount involved or the permanence and seriousness of personal injuries are of such magnitude as to warrant judicial approval in order to assure that the interests of the minor are fully protected.

§ 14.604 Filing a claim.

(a) Each person who inquires as to the procedure for filing a claim against the United States, predicated on a negligent or wrongful act or omission of an employee of the Veterans' Administration acting within the scope of his employment, will be furnished a copy of SF 95, Claim for Damage, Injury, or Death. The claimant will be advised to submit the executed claim directly to the Chief Attorney having jurisdiction of the area wherein the occurrence complained of took place. He will also be advised to submit the information prescribed by § 14.607, to the extent applicable. If a claim is presented to the Veterans' Administration which involves the actions of employees or officers of other agencies, it will be forwarded to the Veterans' Administration General Counsel, and transmitted by him forthwith to the appropriate agency.

(b) A claim shall be deemed to have been presented when the Veterans' Administration receives from a claimant, his duly authorized agent or legal representative, an executed SF 95, or other written notification of an incident, together with a claim for money damages, in a sum certain, for damage to or loss of property or personal injury or death: *Provided, however,* That before compromising or settling any claim, an executed SF 95 shall be obtained from the claimant.

(c) A claim presented in compliance with paragraphs (a) and (b) of this section may be amended by the claimant at any time prior to final Veterans' Administration action or prior to the exercise of the claimant's option under 28 U.S.C. 2675(a). Amendments shall be submitted in writing and signed by the claimant or his duly authorized agent or legal representative. Upon the timely filing of an amendment to a pending claim, the Veterans' Administration shall have 6 months in which to make a final disposition of the claim as amended and the claimant's option under 28 U.S.C. 2675(a) shall not accrue until 6 months after the filing of the amendment. (See § 14.600(b)(1).)

§ 14.605 Investigation and development.

(a) *Development of untoward incidents prior to receipt of a claim.* (1) A report of any collision involving a Government-owned vehicle which results in property damage or personal injury or death will be made by the operator of the Government vehicle immediately following the accident, on SF 91, Operator's Report of Motor Vehicle Accident, and shall be submitted to the Manager or Director of the station involved. A copy of said report, accompanied by an executed copy of SF 91–A, Investigation Report of Motor Vehicle Accident, will be promptly submitted by the Manager or Director to the appropriate Chief Attorney, who will authorize such additional investigation as the circumstances of the case may warrant.

(2) (i) Any incident resulting in damage to, or loss of, property, other than personal effects of a patient in a Veterans' Administration facility, or in personal injury or death, due apparently or allegedly to the negligent or wrongful act or omission of an employee of the Veterans' Administration acting within the scope of his office or employment, or damage to or loss of Government-owned property caused by other than a Veterans' Administration employee acting within the scope of his office or employment, will be immediately reported on SF 92–A, Report of Accident Other Than Motor Vehicle. The Director of the station where such occurrence took place will promptly transmit a copy of the report to the appropriate Chief Attorney, who will authorize such additional investigation as the circumstances of the case may warrant.

(ii) Where the incident involves the loss of personal effects of a patient in a Veterans' Administration facility, the Director will assist the patient in completing a SF 95, Claim for Damage, Injury, or Death, and will advise the patient that it will be forwarded immediately to the appropriate Chief Attorney for consideration. The Director will forward along with the claim a brief summary of the facts, as well as his recommendation, to the Chief Attorney. The Chief Attorney will expedite his consideration and processing of claims of this nature.

(3) An employee will be designated at each station to investigate motor vehicle collisions and other incidents involving damage to, or loss of privately owned property or personal injury or death, apparently or allegedly resulting from the negligent or wrongful act or omission of an employee of the Veterans Administration acting within the scope of his employment, other than investigation of alleged malpractice, or damage to or loss of Government-owned property caused by other than Veterans Administration

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employees. In Central Office, the designation will be made by the Manager, Administrative Services, and at all other stations, by the Director.

(4) The Chief Attorney, Veterans Benefits Office, District of Columbia, or the Chief Attorney of the regional office for the area in which a field station is located will be the appropriate Chief Attorney within the purview of this section. The Chief Attorney will be responsible for processing claims involving motor vehicle collisions and other occurrences resulting in property damage, personal injury, or death, within such area. The Chief Attorney, Veterans Benefits Office, will also have jurisdiction, except as otherwise provided in subparagraph (3) of this paragraph over incidents occurring in Veterans Administration Central Office.

(b) *Postclaim requirements.* (1) Claims coming within the jurisdiction of the Chief Attorney (see § 2.6(f) of this chapter) shall be handled in accordance with the provisions of § 14.608;

(2) Where a claim is presented for an amount in excess of that for which authority has been delegated to the Chief Attorney, he will immediately forward a copy of the SF 95 (or other written statement of a claim), specifying the demand in a sum certain, to the General Counsel, along with any existing information concerning the claim. The Chief Attorney will notify the claimant of this referral and will commence his investigation and development. In the course of the investigation, any photographs or other graphic material which can be obtained should be included in the report to be submitted to the General Counsel;

(3) Within 60 days after receipt of a claim, the Chief Attorney will review all evidence available, and prepare a concise, complete report, including a summary of the evidence, his findings of essential facts, citations of applicable local laws, regulations, and decisions, and his conclusion as to the liability of the United States. This report will also include sufficient information so that a determination can be made as to the amount of damages for which the United States could be held responsible, and the Chief Attorney will state his conclusions and recommendations in this area. The Chief Attorney will transmit two copies of this report to the General Counsel, along with the original and two copies of any applicable medical records which may be available, assembled so they are identical in arrangement with the originals. An extra complete copy of these medical records will be retained by the Chief Attorney which can be forwarded to the U.S. attorney together with the original report of investigation if the claim subsequently reaches the litigation stage. The report itself and the supporting materials, will be indexed, tabbed, and fastened so that it is one unit. If the claimant is a veteran, or the claim involves personal injury or death to a veteran, the veteran's claims folder will be forwarded to the General Counsel along with the report;

(4) In the consideration of claims involving a medical question, the General Counsel will be guided by the views of the Chief Medical Director as to the standard of medical care and treatment, and nature and extent of injuries, the degree of temporary or permanent disability, the prognosis, the necessity for future treatment or physical rehabilitation, and any other pertinent medical aspects of a claim. In claims of this nature, within the jurisdiction of the Chief Attorney, he will be guided by the views of the applicable hospital Director or Chief of Staff where the Director is not a physician.

§ 14.606 Requests for medical information.

(a) Where there is indication that a tort claim will be filed, medical records or other information shall not be released without approval of the Chief Attorney.

(b) Request for medical records, documents, reports, or other information shall be handled in accordance with the provisions of § 1.511(a)(2) of this chapter.

§ 14.607 Evidence to be submitted.

In conducting his investigation into the facts and circumstances giving rise to the claim, the Chief Attorney will consider the following guidelines to the extent applicable:

(a) *Death.* In support of a claim based on death, the claimant may be required to submit the following evidence or information:

(1) An authenticated death certificate or other competent evidence showing cause of death, date of death, and age of the decedent.

(2) Decedent's employment or occupation at time of death, including his monthly or yearly salary or earnings (if any), and the duration of his last employment or occupation.

(3) Full names, addresses, birth dates, kinship, and marital status of the decedent's survivors, including identification of those survivors who were dependent for support upon the decedent at the time of his death.

(4) Degree of support afforded by the decedent to each survivor dependent upon him for support at the time of his death.

(5) Decedent's general physical and mental condition before death.

(6) Itemized bills for medical and burial expenses incurred by reason of the incident causing death, or itemized receipts of payment for such expenses.

(7) If damages for pain and suffering prior to death are claimed, a physician's detailed statement specifying the injuries suffered, duration of pain and suffering, any drugs administered for pain, and the decedent's physical condition in the interval between injury and death.

(8) Any other evidence or information which may have a bearing on either the responsibility of the United States for the death or the damages claimed.

(b) *Personal injury.* In support of a claim for personal injury, including pain and suffering, the claimant may be required to submit the following evidence or information:

(1) A written report by his attending physician or dentist setting forth the nature and extent of treatment, any degree of temporary or permanent disability, the prognosis, period of hospitalization, and any diminished earning capacity. In addition, the claimant may be required to submit to a physical or mental examination by a physician employed by the agency or another Federal agency. A copy of the report of the examining physician shall be made available to the claimant upon the claimant's written request provided that he has, upon request, furnished the report referred to in the first sentence of this subparagraph and has made or agrees to make available to the agency any other physician's reports previously or thereafter made of the physical or mental condition which is the subject matter of his claim.

(2) Itemized bills for medical, dental, and hospital expenses incurred, or itemized receipts of payment for such expenses.

(3) If the prognosis reveals the necessity for future treatment, a statement of expected expenses for such treatment.

(4) If a claim is made for loss of time from employment, a written statement from his employer showing actual time lost from employment, whether he is a full- or part-time employee, and wages or salary actually lost.

(5) If a claim is made for loss of income and the claimant is self-employed, documentary evidence showing the amount of earnings actually lost.

(6) Any other evidence or information which may have a bearing on either the responsibility of the United States for the personal injury or the damages claimed.

(c) *Property damage.* In support of a claim for injury to or loss of property, real or personal, the claimant may be required to submit the following evidence or information:

(1) Proof of ownership.

(2) A detailed statement of the amount claimed with respect to each item of property.

(3) An itemized receipt of payment for necessary repairs or itemized written estimates of the cost of such repairs.

(4) A statement listing date of purchase, purchase price and salvage value, where repair is not economical.

(5) Any other evidence or information which may have a bearing on either the responsibility of the United States for the damage to or loss of property or the damages claimed.

§ 14.608 Disposition of claims.

(a) *Disallowance.* In the case of a claim where a determination is made that there is no liability on the part of the United States, the Chief Attorney (if he has jurisdiction under § 2.6(f) of this chapter), or the General Counsel will notify the claimant (or his attorney or legal representative) by certified or registered

mail. Notification of final denial may include a statement of reasons for the denial and shall include a statement that, if the claimant is dissatisfied with the agency action, suit in an appropriate U.S. district court may be instituted not later than 6 months after the date of mailing of the notice of final denial.

(b) *Reconsideration of disallowance.* prior to the expiration of the 6-month Prior to the commencement of suit and period provided in 28 U.S.C. 2401(b), a claimant, his duly authorized agent, or legal representative, may file a written request with the agency for reconsideration of a final denial of a claim under paragraph (a) of this section. Upon the timely filing of a request for reconsideration, the agency shall have 6 months from the date of filing in which to make a final disposition of the claim, and the claimant's option under 28 U.S.C. 2675(a), shall not accrue until 6 months after the filing of a request for reconsideration. Final agency action on a request for reconsideration shall be effected by the Chief Attorney if the claim is one within his jurisdiction as authorized by § 2.6(f)(1) of this chapter, otherwise by the General Counsel. If the previous denial decision is upheld, the notice shall be by certified mail and the claimant will be advised of his right to bring suit within 6 months.

(c) *Allowance or compromise.* (1) In the case of a claim where a determination is made by the Chief Attorney (if the claim is one for which he has been delegated authority under § 2.6(f)(1) of this chapter), or by the General Counsel, that there is or could be liability on the part of the Government, an attempt will be made to obtain an agreement with the claimant, or his attorney, as to a fair and reasonable settlement or compromise;

(2) If the claim is one being handled by the Chief Attorney, and a tentative settlement agreement is reached, advice will be obtained from the General Counsel as to the availability of funds to pay the amount agreed upon. The claimant's signature, as well as that of his spouse if appropriate, shall then be obtained on SF 1145, Voucher for Payment Under Federal Tort Claims Act, and the Chief Attorney will indicate his approval in the area designated therefor. Where required by the applicable State law, approval of a court of competent jurisdiction will be obtained. He will then forward the voucher, and the order of approval if applicable, to the General Counsel for necessary action to effect payment;

(3) Where the claim is being handled by the General Counsel, and is to be settled or compromised, the appropriate voucher will be forwarded to and executed by the claimant, or his duly authorized agent, and by his spouse if appropriate. Where required by the applicable State law, approval of a court having jurisdiction will be obtained. The General Counsel will then take necessary action to effect payment.

(d) *Attorney fees.* In any claim administratively settled or compromised, no specific portion of the award shall be designated as an attorney fee. However, 28 U.S.C. 2678 prohibits an attorney from charging, demanding, receiving, or collecting for services rendered, fees in excess of 20 per centum of any award, compromise, or settlement made pursuant to 28 U.S.C. 2672. Violation of this prohibition will subject the attorney to a fine of not more than $2,000 or imprisonment for not more than 1 year, or both. When a claimant is represented by an attorney, the voucher for payment shall designate as "payee" both the claimant and his attorney and the check shall be delivered to the attorney whose address shall appear on the voucher.

(e) *Setoff for cost of unauthorized medical treatment.* In any tort claim administratively settled or compromised where the claimant owes the Veterans' Administration for unauthorized medical treatment, there will be set off against the tort claim award the amount of the claimant's indebtedness to the Government. The amout set off is for credit to the appropriation account from which the services were provided. The voucher prepared for settlement of the claim will specify that the amount of the setoff be deposited to the credit of the designated account and that the balance of the award be paid to the claimant.

LITIGATED CLAIMS

§ 14.609 Tort suits following denial of an administrative tort claim.

Where civil action against the United States follows denial of an administrative claim, the General Counsel, upon receipt of notice of the action, will furnish to the Department of Justice a copy of the investigation report and other related materials obtained in connection with the consideration of the administrative claim previously submitted to the agency. The General Counsel will instruct the Chief Attorney to forward to the appropriate U.S. attorney the investigation report and other related materials, including medical records and any other information, which may be appropriate to the litigation. The Chief Attorney will keep the General Counsel advised of subsequent developments, and will render assistance as requested by the U.S. attorney and the General Counsel with respect to the defense of the suit.

§ 14.610 Suits against Veterans' Administration employees arising out of the operation of motor vehicles or based upon medical care and treatment furnished by or for the Department of Medicine and Surgery.

(a)(1) Section 2679 of title 28, United States Code, provides for the defense of suits against Federal employees or their estates arising out of their operation of motor vehicles in the scope of their office or employment with the Federal Government.

(2) Section 4116, title 38, United States Code, provides for the defense of suits, alleging malpractice or negligence in furnishing medical care and treatment, filed against physicians, dentists, nurses, pharmacists, or paramedical or other supporting personnel as a result of an act or omission which occurred while acting within the scope of their employment in or for the Department of Medicine and Surgery.

(b) Any Veterans' Administration employee against whom a civil action or proceeding is brought for damage to property, or for personal injury or death, on account of the employee's operation of a motor vehicle in the scope of his office or employment with the Government or on account of malpractice or negligence in furnishing medical care and treatment which occurred while acting within the scope of his employment in or for the Department of Medicine and Surgery, shall deliver all process and pleadings served upon him, or an attested true copy thereof, forthwith to the Chief Attorney having jurisdiction over the area in which the employee is employed. In addition, upon his receipt of such process or pleadings, or any prior information regarding the commencement of such a civil action or proceeding, he shall immediately so advise the Chief Attorney.

(c) Where civil action against an employee is covered by the provisions of either of the laws cited in paragraph (a) of this section, the Chief Attorney shall promptly, upon receipt thereof, furnish the U.S. attorney for the district embracing the place wherein the action or proceeding is brought, information concerning the commencement of such action or proceeding, and copies of all process and pleadings therein. In addition, the Chief Attorney shall submit a report to the U.S. attorney containing all available data bearing upon the question and state whether the employee was acting within the scope of his office or employment with the Federal Government at the time of the incident out of which the suit arose. Two copies of the report will be submitted to the General Counsel. In cases involving the operation of motor vehicles, the report shall include factual information bearing upon the nature of the employee's duties, his authorized destination, the conveyance authorized, whether he had departed from the route authorized or disobeyed the instructions given him, whether at the time of the incident he was engaged in the furtherance of his own personal interests, and any other relevant data. In cases involving allegations of malpractice or negligence in furnishing medical care and treatment, the report shall include factual information bearing upon the nature of the employee's duties and all available facts and circumstances surrounding the alleged act or omission, together with any other relevant information. The Chief Attorney will advise the U.S. attorney of the provisions of either 28 U.S.C. 2679 or of 38 U.S.C. 4116 and render such assistance as may be requested by the U.S. attorney or the General Counsel with respect to the defense of the suit.

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ADMINISTRATIVE SETTLEMENT OF TORT CLAIMS ARISING IN FOREIGN COUNTRIES

§ 14.615 General.

(a) *Authority.* Section 236, title 38, United States Code, provides that the Administrator of Veterans' Affairs may pay tort claims, in the manner authorized in the first paragraph of section 2672 of title 28, United States Code, when such claims arise in foreign countries in connection with Veterans' Administration operations abroad.

(b) *Action by claimant.* Claims for property loss or damage may be filed by the owner of the property or his duly authorized agent or legal representative. If the property was insured and the insurer is subrogated, in whole or in part, and if both the owner and the insurer desire to file a claim for their respective losses, they should join in one claim. Claims for personal injury may be filed by the injured person or his agent or legal representative. Claims for death may be filed by the personal representative of the decedent or any other legally qualified person. When filed by an agent or legal representative, the claim must show the title or capacity of the person representing the claimant and be accompanied by evidence of the appointment of such person as agent, legal representative, executor, administrator, guardian, or other fiduciary.

(c) *Time for filing.* A claim may not be allowed under 38 U.S.C. 236 unless it is presented to the Administrator or his designee within 2 years after the claim accrues.

§ 14.616 Form and place of filing claim.

(a) *Form of claim.* Claims arising under 38 U.S.C. 236 will be prepared in the form of a sworn statement and submitted in duplicate. The original copy of the claim will be sworn to or affirmed before an official with authority to administer oaths or affirmations and will contain the following information, at least:

(1) The name and address of claimant;

(2) The amount claimed for injury or death, and for property loss or damage;

(3) If property was lost or damaged, the amount paid or payable by the insurer together with the name of the insurer;

(4) A detailed statement of the facts and circumstances giving rise to the claim, including the time, place, and date of the accident or incident;

(5) If property was involved, a description of the property and the nature and extent of the damage and the cost of repair or replacement based upon at least two impartial estimates;

(6) If personal injury was involved, the nature of the injury, the cost of medical and/or hospital services, and time and income lost due to the injury;

(7) If death is involved, the names and ages of claimants and their relationship to decedent;

(8) The name and official position of the employee of the United States allegedly responsible for the accident or injury, or loss or damage of property;

(9) The names and addresses of any witnesses to accident or incident; and

(10) If desired, the law applicable to the claim.

(b) *Place of filing claim.* Claims arising in the Philippines under 38 U.S.C. 236 will be filed with the Chief Attorney, Veterans' Administration Regional Office, Manila, Republic of the Philippines. Claims arising in other foreign countries will be filed with the American Embassy or Consulate nearest the place where the incident giving rise to the claim took place.

(c) *Evidence to be submitted by claimant—(1) General.* The amount claimed on account of damage to or loss of property or on account of personal injury or death shall, so far as possible, be substantiated by competent evidence. Supporting statements, estimates and the like will, if possible, be obtained from disinterested parties. All evidence will be submitted in duplicate. Original evidence or certified copies shall be attached to the original copy of the claim, and simple copies shall be attached to the other copy of the claim. All documents in other than the English language will be accompanied by English translations.

(2) *Personal injury or death.* In support of claims for personal injury or death, the claimant will submit, as may be appropriate, itemized bills for medical, hospital, or burial expenses actually incurred; a statement from the claimant's or decedent's employer as to time and income lost from work; and a written report by the attending physician with respect to the nature and extent of the injury, the nature and extent of treatment, the degree of disability, the period of hospitalization or incapacitation, and the prognosis as to future treatment, hospitalization and the like.

(3) *Damage to personal property.* In support of claims for damage to personal property which has been repaired, the claimant will submit an itemized receipt, or, if not repaired, itemized estimates of the cost of repairs by two reliable parties who specialize in such work. If the property is not economically repairable, the claimant will submit corroborative statements of two reliable, qualified persons with respect to cost, age of the property and salvage value.

(4) *Damage to real property.* In support of claims for damage to land, trees, buildings, fences, or other improvements to real property, the claimant will submit an itemized receipt if repairs have been made, or, if repairs have not been made, itemized estimates of the cost of repairs by two reliable persons who specialize in such work. If the property is not economically repairable, the claimant will submit corroborative statements of two reliable, qualified persons with respect to the value of the improvements both before and after the accident or incident and the cost of replacements.

(5) *Damage to crops.* In support of claims for damage to crops, the claimant will submit an itemized signed statement showing the number of acres, or other unit measure of crop damaged, the probable yield per unit, the gross amount which would have been realized from such probable yield and an estimate of the costs of cultivating, harvesting and marketing the crop. If the crop is one which need not be planted each year, the diminution in value of the land beyond the damage to the current year's crop will also be stated.

§ 14.617 Disposition of claims.

(a) *Disposition of claims arising in Philippines.* All claims arising under 38 U.S.C. 236 in the Philippines, including a complete investigation report and a brief résumé of applicable law, will be forwarded directly by the Chief Attorney to the General Counsel, together with his recommendation as to disposition.

(b) *Disposition of claims arising in foreign countries other than the Philippines.* When a claim is received in an American Embassy or Consulate, the Embassy or Consulate receiving such claim shall make such investigation as may be necessary or appropriate for a determination of the validity of the claim and thereafter shall forward the claim, together with all pertinent material, including a résumé of applicable law and a recommendation regarding allowance or disallowance of the claim, through regular channels of the Department of State to the General Counsel, Veterans' Administration Central Office, Washington, D.C.

(c) *Payment of claims.* Upon determining that there is liability on the part of the United States under 38 U.S.C. 236, the General Counsel, or such other personnel as may be designated by the Administrator, will take the necessary action to effect payment.

CLAIMS FOR DAMAGE TO OR LOSS OF GOVERNMENT PROPERTY

§ 14.618 Collection action.

(a) In a case where the Chief Attorney determines that damage to or loss of Government property under the jurisdiction of the Veterans' Administration resulted from the negligence or other legal wrong of a person other than an employee of the United States, and such damages do not exceed $20,000, he will request payment of the amount of damage from the person liable therefor or his insurer.

(b) The Chief Attorney may collect, compromise, suspend, or terminate collection action on any such claim as is authorized under § 2.6(f) of this chapter, in conformity with the standards in § 1.900 series of this chapter. Any such claim which is not compromised or on which collection action is not suspended or terminated, will be referred by the Chief Attorney direct to the appropriate U.S. attorney along with the information required by §§ 1.951 through 1.953 of this chapter. Any claim in excess of the authorized amount on which voluntary payment in full has not been made, will be transmitted along with the report required by § 14.605(a)(2)(i), a report on credit data (§ 1.952 of this chapter), and any other pertinent information, to the General Counsel for appropriate action.

(c) The General Counsel or those designated in § 2.6(e)(4) of this chapter will take action to collect, compromise, suspend, or terminate collection action on such claims not exceeding $20,000 in conformity with § 1.900 series of this chapter. Any such claims not compromised, or on which collection action is not suspended or terminated in accordance with § 1.900 series of this chapter, will be referred promptly to the Department of Justice for appropriate action.

(d) The provisions of paragraphs (a) through (c) of this section are not applicable to the collection of claims involving damage to General Services Administration Motor Pool System vehicles issued for Veterans' Administration use. Whenever there is any indication that a party other than the operator of a motor pool system vehicle is at fault in an accident, all documents and data pertaining to the accident and its investigation will be submitted to the General Services Administration Regional Counsel of the region that issued the vehicle who has jurisdiction over such matters. Whenever a motor pool system vehicle is involved in an accident, resulting in damage to the property of, or injury to the person of a third party, and the third party asserts a claim against the Veterans Administration based upon the alleged negligence of the vehicle operator, the claim will be considered under § 14.600 et seq.

3. In Part 14, §§ 14.664 through 14.670 are revoked and §§ 14.664 through 14.669 are added to read as follows:

PERSONNEL CLAIMS

§ 14.664 Scope of authority and effective date.

Public Law 88-558 (78 Stat. 767), approved August 31, 1964, authorizes the Administrator or his designee to settle and pay a claim for not more than $6,500 made by a civilian officer or employee of the Veterans' Administration for damage to, or loss of personal property incident to his service. Authority is delegated by § 2.6(e)(5) of this chapter to the General Counsel, Associate General Counsel, Assistant General Counsel (Professional Staff Group I), and the Deputy Assistant General Counsel, of said staff group, or those acting for them, to settle and pay such claims on behalf of the Administrator, and such settlement shall be final and conclusive. Authority is delegated to Chief Attorneys by § 2.6(f)(5) of this chapter to settle and pay on behalf of the Administrator a claim under the Military Personnel and Civilian Employees' Claims Act of 1964, not exceeding amounts authorized by said section, in accordance with instructions issued by the General Counsel.

§ 14.665 Claims.

(a) The claim must be presented in writing on VA Form 2-4760, Employee's Claim for Reimbursement for Personal Property Damaged or Lost Incident to Employment. It will be submitted to the personnel office where the claim originates within 2 years after it accrues, except that if the claim accrues in time of war or in time of armed conflict in which any armed force of the United States is engaged or if such war or armed conflict intervenes within 2 years after it accrues, and if good cause is shown, the claim may be presented not later than 2 years after that cause ceases to exist. The claim must be executed and certified by the officer or the employee suffering the loss or damage, or in the event of his death, by the surviving spouse, children, father or mother or both, or brothers or sisters or both. Claims of survivors shall be settled and paid in the order named. All claims must contain the following:

(1) The date, time, and place the loss or damage occurred and the circumstances surrounding such loss or damage, together with the supporting statements of any witnesses who can verify such facts.

(2) In the event of damage, the date of acquisition, original cost, condition before damage, and at least two estimates of the cost of repair or replacement. In the event of loss, the date of acquisition, the original cost, the condition, and an estimate of the reasonable market value of the article or articles.

(3) A statement as to any claims or potential claim he may have for indemnification of the loss or damage against other than the United States and whether he will assign such to the United States and cooperate in its prosecution. Where such claim or potential claim is against a carrier or insurer, evidence that a timely claim has been properly made. Where a recovery from the carrier or his insurer has been obtained or offered, such information shall be included.

(4) In cases involving damage or destruction of personal property by patients or domiciliary members, a statement as to whether a claim was filed pursuant to 38 U.S.C. 233(a)(5) and whether such claim has been finally denied.

(b) The Personnel Officer receiving the claim will forward same to the person designated to investigate accidents at the station pursuant to § 14.605 within 5 days after receipt.

(c) The employee designated pursuant to § 14.605 will ascertain if such claim is complete in all respects and conduct such investigation as is necessary to establish all facts required to properly evaluate the claim both as to merit and the reasonable amount payable for the loss or damage. Where it is indicated that the claimant may have a potential claim against other than the United States, he will secure a suitable assignment of all right and title to such claim, to the extent the United States makes reimbursement, and the agreement of the claimant to furnish such evidence as may be necessary to pursue such claim. If the potential claim is against a carrier or insurer, he will ascertain that the claimant has filed a timely proper claim and procure evidence thereof. He will also include information concerning any offer of settlement the carrier may have made. The completed investigation, original claim and supporting evidence will be forwarded to the appropriate Chief Attorney.

§ 14.666 Chief attorney responsibility.

(a) The Chief Attorney having jurisdiction will conduct such additional investigation as he deems necessary to establish all facts required. If the claimant has indicated he may have a potential claim for indemnification against other than the United States, the Chief Attorney will ascertain that a suitable assignment, legally enforceable, of all right and title to such claim, to the extent the United States makes reimbursement, and the agreement of the claimant to furnish such evidence as may be necessary to pursue such claim is of record. If such potential claim is against a carrier or insurer, he will ascertain that claimant has filed a timely proper claim against the carrier or insurer and review same for legal sufficiency.

(b) If the claim is for an amount within his jurisdiction, the Chief Attorney will take action thereon in accordance with §§ 14.664 through 14.667. If the claim exceeds an amount within his jurisdiction, the Chief Attorney will forward the original claim with the supporting evidence, the initial investigation report, the original of his investigation report, if any, and a recommendation as to disposition of the claim to the General Counsel.

§ 14.667 Claims payable.

(a) No claim shall be paid unless timely filed in proper form as provided in § 14.665 and the preponderance of the evidence establishes that the loss or damage:

(1) Actually occurred and the amount claimed is reasonable,

(2) Was incident to the employee's service and his possession of the property was reasonable, useful or proper under the circumstances,

(3) Did not occur at quarters occupied within the 50 States or the District of Columbia that were not assigned to the claimant or otherwise provided in kind by the United States.

(4) Was not caused wholly or partly by the negligent act of claimant, his agent, or his employee, and that the claimant has no right to indemnification for his loss or damage from other than the United States, except to the extent that he assigns such right to the United States and agrees to furnish evidence required to enable the United States to enforce such right. In the event he has a right to recovery for the loss or damage from a carrier or insurer he will be required to file a timely claim for such recovery before consideration of his claim against the United States.

(b) No claim for the cost of repair or replacement of personal property of employees damaged or destroyed by patients or domiciliary members while such employees are engaged in the performance of official duties shall be entertained under §§ 14.664 through 14.667, unless claim filed pursuant to 38 U.S.C. 233(a)(5) (§ 17.78 of this chapter) has

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been finally denied for the reason that such claim did not meet the criteria established by that law.

§ 14.668 Disposition of claims.

(a) *Disallowed claims.* Claimants will be promptly notified of the disallowance of a claim and the reasons therefor.

(b) *Allowed claims*—(1) *Reimbursement in kind.* Where a claim is allowed and it is determined to be to the advantage of the Government, reimbursement will be made in kind. The official authorizing settlement will request the Director, Supply Service, Department of Medicine and Surgery, to procure the necessary article or articles and deliver same to the claimant.

(2) *Reimbursement by check.* The official authorizing settlement will forward allowed claims, other than those requiring reimbursement in kind, to the Finance activity at the Veterans Administration installation where the claim arose. That activity will audit the claim, which if found proper for payment, will be scheduled on VA Form 4–1423, Voucher and Schedule of Payments, and forwarded to the appropriate Regional Disbursing Office for payment.

§ 14.669 Fees of agents or attorneys; penalty.

The Military Personnel and Civilian Employees' Claims Act of 1964 (Public Law 88–558; 78 Stat. 767) was amended by Public Law 89–185 (79 Stat. 789), on September 15, 1965, by adding a new section which provided that no more than 10 percent of the amount paid in settlement of each individual claim submitted and settled under the authority of the Act shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with that claim. Any person violating the provisions of this Act is deemed to be guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

[FR Doc.73-3892 Filed 2-28-73;8:45 am]

PART 2—DELEGATIONS OF AUTHORITY

General Counsel et al.

Section 2.75 is revised to read as follows:

§ 2.75 The General Counsel, Associate General Counsel, Assistant General Counsel (professional staff group I), and the Deputy Assistant General Counsel of said staff group, or those acting for them are delegated authority to settle and pay a claim for not more than $6,500 made by a civilian officer or employee of the Veterans Administration for damage to, or loss of, personal property incident to his service on behalf of the Administrator, and such settlement shall be final and conclusive.

This delegation of authority is identical to § 14.664 of this chapter.

Approved: February 23, 1973.

By direction of the Administrator.

[SEAL] FRED B. RHODES,
Deputy Administrator.

[FR Doc.73-3935 Filed 2-28-73;8:45 am]

Title 39—Postal Service

CHAPTER I—U.S. POSTAL SERVICE

BYLAWS

Miscellaneous Amendments

On February 6, 1973, the Board of Governors of the U.S. Postal Service by Resolution No. 73–1 amended §§ 3.2, 4.1, 5.1, 5.2, and 6.1 of its bylaws (§§ 3.2, 4.1, 5.1, 5.2, and 6.1 of Title 39 CFR (36 FR 689–690)). The changes, which took effect on the date of adoption, relate to the scheduling of the Board of Governors' annual meeting; the appointment, and term of office, of committee members; the term of office of the Chairman of the Board; the term of office of the Vice Chairman of the Board; and when the Postmaster General shall render an annual report to the board.

Accordingly, the following amendments are made to Title 39, CFR.

PART 3—BOARD OF GOVERNORS [ARTICLE III]

1. The second sentence of § 3.2 is amended to read as follows:

§ 3.2 Regular meetings.

The first regular meeting held in each calendar year shall be designated as the annual meeting. * * *

PART 4—COMMITTEES OF THE BOARD [ARTICLE IV]

2. The second sentence of § 4.1 is amended to read as follows:

§ 4.1 Establishment and appointment of committees.

* * * * * *

The chairman and members of each committee shall be appointed by the Chairman of the Board to serve for terms which shall expire at the end of each annual meeting. * * *

PART 5—OFFICERS [ARTICLE V]

3. Paragraph (c) of § 5.1 is amended to read as follows:

§ 5.1 Chairman.

* * * * *

(c) Serve for a term that shall commence at the time of his election and shall expire at the end of the first annual meeting following the meeting at which he was elected.

* * * * *

4. The first sentence of § 5.2 is amended to read as follows:

§ 5.2 Vice Chairman.

The vice chairman shall be elected by the board from among the members of the board and shall serve for a term that shall commence at the time of his election and shall expire at the end of the first annual meeting thereafter. * * *

PART 6—REPORTS AND RECORDS [ARTICLE VI]

5. The first sentence of § 6.1 is amended to read as follows:

§ 6.1 Annual report.

At or before the annual meeting of the board, the Postmaster General shall render an annual report to the board concerning the operations of the Postal Service as required by 39 U.S.C. section 2402. * * *

(39 U.S.C. 202, 205, 401(2))

LOUIS A. COX,
General Counsel of the U.S. Postal Service, and Secretary to the Board of Governors.

[FR Doc.73-3876 Filed 2-28-73;8:45 am]

Title 41—Public Contracts and Property Management

CHAPTER 8—VETERANS ADMINISTRATION

PART 8–7—CONTRACT CLAUSES

Clauses for Fixed-Price Supply and Construction Contracts

On page 26439 of the FEDERAL REGISTER of December 12, 1972, there was published a notice of proposed regulatory revision of §§ 8–7.150 and 8–7.650, Title 41, Code of Federal Regulations, to revise clauses currently prescribed for fixed-price supply contracts and for fixed-price construction contracts in excess of $10,000, to incorporate additional construction contract clauses typically used, and to delete material inappropriate thereto. Interested persons were given 30 days in which to submit comments, suggestions, or objections regarding the proposed regulations.

Only one comment was received. It was recommended that the clause on contract changes (§ 8–7.650–21) be amended to raise the requirement for itemized breakdowns from $100 to $1,000. The basis of the recommendation was stated to be a saving of paperwork for both the contractor and the contracting officer. It is believed, however, that the preparation of an itemized cost breakdown is essential to the estimating process regardless of amount. The degree of detail, however, can vary with the complexity of the work, and considerable latitude is permitted in the case of smaller and less complex change proposals. Accordingly, the clause is adopted as proposed. Sections 8–7.150 and 8–7.650 are set forth below.

Effective date. These regulations are effective March 1, 1973.

Approved: February 23, 1973.

By direction of the Administrator.

[SEAL] FRED B. RHODES,
Deputy Administrator.

§ 8–7.150–19 [Revoked]

1. Section 8–7.150–19 *Affirmative action compliance program,* is revoked.

2. Section 8–7.150–23 is revised to read as follows:

§ 8–7.150–23 Noncompliance with packaging, packing, and/or marking requirements.

The following clause will be included in contracts for supplies for delivery to supply distribution warehouses or depots for storage and subsequent issue to a using activity. It may also be included when appropriate when delivery is direct to a using activity.

NONCOMPLIANCE WITH PACKAGING, PACKING, AND/OR MARKING REQUIREMENTS

Failure to comply with the packaging, packing, and marking requirements indicated herein, or incorporated herein by reference, may result in rejection of the merchandise and request for replacement, or repackaging, repacking, and/or marking. The Government reserves the right without obtaining authority from the Contractor to perform the required repackaging, repacking, and/or marking services and charge the Contractor therefor at a rate of $11 per man-hour for the first or fractional hour and $6 for any succeeding or fractional hour, or have the required repackaging, repacking, and/or marking services performed commercially under Government orders and charge the Contractor therefor at the above rates. In connection with any discount offered, time will be computed from the date of completion of such repackaging, repacking, and/or marking services.

3. Section 8–7.650–2 is revised to read as follows:

§ 8–7.650–2 Specifications and drawings.

Clause 2 of the general provisions (Construction Contract) SF 23A is supplemented as follows:

(a) The Contracting Officer's interpretation of the drawings and specifications will be final, subject to the disputes clause.

(b) Large scale drawings supersede small scale drawings.

(c) Dimensions govern in all cases. Scaling of drawings may be done only for general location and general size of items.

(d) Dimensions shown of existing work and all dimensions required for work that is to connect with existing work, shall be verified by the Contractor by actual measurement of the existing work. Any work, at variance with that specified or shown in the drawings shall not be performed by the Contractor until approved in writing by the Contracting Officer.

4. Section 8–7.650–4 is added to read as follows:

§ 8–7.650–4 Bonds.

The contractor must furnish a Performance Bond (Standard Form 25) for one-hundred (100) percent of the amount of the contract, and a Payment Bond (Standard Form 25A) in the penal sums set forth below:

Amount of contract	*Penal sum of bond*
$2,000 to $1,000,000	Fifty (50) percent of the amount of the contract
$1,000,000 to $5,000,000	Forty (40) percent of the amount of the contract
$5,000,000 and over	$2,500,000

5. Section 8–7.650–8 is added to read as follows:

§ 8–7.650–8 Reference to "Standards".

(a) Any materials, equipment, or workmanship specified by references to number, symbol, or title of any specific Federal, Industry or Government Agency Standard Specification shall comply with all applicable provisions of such standard specifications, except as limited to type, class or grade, or modified in contract specifications. Reference to "Standards" referred to in the contract specifications, except as modified, shall have full force and effect as though printed in detail in specifications.

(b) Federal Specification numbers refer to specifications issued by General Services Administration. Such specifications may be seen at the Office of Construction, Veterans Administration, Washington, D.C., or at the office of the Resident Engineer for this project. An Index to the Specifications may be purchased from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402. Single copies of specifications may be obtained without charge for bidding purposes, from any GSA Business Service Center provided a copy of the Invitation for Bids is furnished. Multiple copies may be purchased only from Specificatons Activity, Printed Materials Division, Building 197, Naval Weapons Plant, Washington, D.C. 20407.

§ 8–7.650–11 [Revoked]

6. Section 8–7.650–11, affirmative action compliance program, is revoked.

7. Section 8–7.750–12 is added (material formerly in § 8–7.650–13) and a new § 8–7.650–13 is added so that §§ 8–7.650–12 and 8–7.650–13 read as follows:

§ 8–7.650–12 Subcontracts and work coordination.

The following clause is for use except as provided in § 8–7.650–13.

SUBCONTRACTS AND WORK COORDINATION

(a) Nothing contained in this contract shall be construed as creating any contractual relationship between any subcontractor and the Government. Divisions or sections of specifications are not intended to control the Contractor in dividing work among subcontractors, or to limit work performed by any trade.

(b) The Contractor shall be responsible to the Government for acts and omissions of his own employees, and of the subcontractors and their employees. He shall also be responsible for coordination of the work of the trades, subcontractors, and materialmen.

(c) The Government or its representatives will not undertake to settle any differences between the Contractor and his subcontractors, or between subcontractors.

(d) The Government reserves the right to refuse to permit employment on the work or require dismissal from the work of any subcontractor who, by reason of previous unsatisfactory work on Veterans Administration projects or for any other reason, is considered by the Contracting Officer to be incompetent or otherwise objectionable.

§ 8–7.650–13 Work coordination (alternate provision).

For new construction work with complex mechanical-electrical work, the following provision relating to work coordination may be substituted for paragraph (b) of the clause set forth in § 8–7.650–12:

The Contractor shall be responsible to the Government for acts and omissions of his own employees, and subcontractors and their employees. He shall also be responsible for coordination of the work of the trades, subcontractors, and material suppliers. The Contractor shall, in advance of the work, prepare coordination drawings showing the location of openings through slabs, the pipe sleeves and hanger inserts, as well as the location and elevation of utility lines, including, but not limited to, conveyor systems, pneumatic tubes, ducts, and conduits and pipes 2 inches and larger in diameter. These drawings, including plans, elevations, and sections as appropriate shall clearly show the manner in which the utilities fit into the available space and relate to each other and to existing building elements. Drawings shall be of appropriate scale to satisfy the previously stated purposes, but not smaller than ⅜-inch scale. Drawings may be composite (with distinctive colors for the various trades) or may be separate but fully coordinated drawings (such as sepias or photographic paper reproducibles) of the same scale. Separate drawings shall depict identical building areas or sections and shall be capable of being overlaid in any combination. The submitted drawings for a given area of the project shall show the work of all trades which will be involved in that particular area. Six complete composite drawings or six complete sets of separate reproducible drawings shall be received by the Government not less than 20 days prior to the scheduled start of the work in the area illustrated by the drawings, for the purpose of showing the Contractor's planned method of installation. The objectives of such drawings are to promote carefully planned work sequence and proper trade coordination, in order to assure the expeditious solutions of problems and the installation of lines and equipment as contemplated by the contract documents while avoiding or minimizing additional costs to the Contractor and to the Government. In the event the Contractor, in coordinating the various installations and in planning the method of installation, finds a conflict in location or elevation of any of the utilities with themselves, with structural items or with other construction items, he shall bring this conflict to the attention of the Contracting Officer immediately. In doing so, the Contractor shall explain his proposed method of solving the problem or shall request instructions as to how to proceed if adjustments beyond those of usual trades coordination are necessary. Utilities installation work will not proceed in any area prior to the submission and completion of the Government review of the coordinated drawings for that area, nor in any area in which conflicts are disclosed by the coordination drawings until the conflicts have been corrected to the satisfaction of the Contracting Officer. It is the responsibility of the Contractor to submit the required drawings in a timely manner consistent with the requirement to complete the work covered by this contract within the prescribed contract time.

8. Section 8–7.650–15 is revised to read as follows:

§ 8–7.650–15 Schedule of work progress.

(a) The Contractor shall submit with the schedule of costs, as required by "Payment to Contractor" clause a progress curve indicating anticipated work progression against lapsed contract time, for approval of the Contracting Officer. Submission shall be in quadruplicate on VA Form 08–6159, Construction Progress Chart, furnished by the Veterans Administration, and shall be signed by the Contractor. The curve shall start on the date the Contractor receives the "Notice to Proceed" and terminate on the original contract completion date. Both dates shall be indicated on the Construction Progress Chart.

(b) The scheduled percent completion will be compared to the actual percent completion to determine if the contract work is on schedule. Monthly progress reports will be prepared by the Veterans

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Administration on a Contract Progress Report form (VA Form 08–6001 or 08–6001a, as appropriate). This report will indicate both scheduled percent completion and actual percent completion. The scheduled percent completion will be taken from the approved progress curve. The actual percent completion will be based on the value of work in place divided by current contract amount.

(c) The progress curve will be revised when additional time is granted for any reason. The curve will be revised only for individual or cumulative time extensions of 15 days or more. Either of the following methods of revising the curve will be used, depending on circumstances.

(1) Where there is additional time granted for reasons which do not immediately affect the job progress, such as changed work, use the following method: The curve is replotted between two points, starting with the point on the original or current curve established by the date when the change was ordered. The second point is the extended contract completion date resulting from the change.

(2) Where there is additional time granted for reasons which immediately affect the job progress, use the following method: The curve is replotted by means of a horizontal displacement to the original or current curve. The point on the original or current curve established by the date when the change was ordered or when job progress was affected is determined. The number of days granted is plotted horizontally from this point to establish the displacement. The remainder of the curve is replotted to the extended contract completion date.

(d) The revised curve will be used for reporting future scheduled percent completion.

9. Section 8–7.650–16 is revised to read as follows:

§ 8–7.650–16 Supplementary labor standards provisions.

(a) The wage determination decision of the Secretary of Labor is set forth in section GR, General Requirements, of this contract. It is the result of a study of wage conditions in the locality and establishes the minimum hourly rates of wages and fringe benefits for the described classes of labor in accordance with applicable law. No increase in the contract price will be allowed or authorized because of payment of wage rates in excess of those listed.

(b) The contractor shall submit the required copies of payrolls to the contracting officer through the resident engineer or engineer officer, when acting in that capacity. Department of Labor Form WH–347, Payroll, available from the Superintendent of Documents, Government Printing Office, Washington, D.C. 20402, may be used for this purpose. If, however, the contractor or subcontractor elects to use his own payroll form, it shall contain the same information shown on Form WH–347, and in addition be accompanied by Department of Labor Form WH–348, Statement of Compliance, or any other form containing the exact wording of this form.

10. Section 8–7.650–20 is revised to read as follows:

§ 8–7.650–20 Safety requirements.

(a) In order to protect the lives and health of employees and others, the Contractor shall take such safety precautions as are required by insurance underwriters, and shall comply with all applicable provisions of "Safety and Health Regulations for Construction" as set out in Part 1926, Title 29—Labor, Code of Federal Regulations.

(b) The Contractor shall maintain an accurate record of, and shall report to the Contracting Officer through the Resident Engineer in the manner and on forms prescribed by the Contracting Officer, all cases of death, occupational disease, and traumatic injury arising out of, or in course of, performance of this contract.

(c) The Contracting Officer, through the Resident Engineer, will notify the Contractor in writing of any noncompliance with safety and health regulations and necessary corrective action to be taken. On receipt of such notice, the Contractor will immediately correct the conditions to which attention has been directed.

(d) If the Contractor fails to promptly comply with the Contracting Officer's demand for necessary corrective action, as mentioned in the preceding paragraph, the Contracting Officer may order a stoppage of all or any part of the work and have corrective action taken by others and the cost of such corrective action shall be charged to the Contractor. Work stoppage(s), issued hereunder, will be lifted when necessary corrective action has been taken by the Contractor or the Government. Work stoppage(s) issued hereunder shall not be the basis of a claim for time lost or for any delays directly or indirectly attributable to Contractor's failure to comply with the above specified safety requirements.

(e) "Safety and Health Regulations for Construction," mentioned in paragraph (a) of this clause may be obtained from any regional office of the Occupational Safety and Health Administration, Department of Labor.

11. In § 8–7.650–21, paragraphs (a), (d), and (e) are amended to read as follows:

§ 8–7.650–21 Contract changes.

Clause 3, Changes, and Clause 4, Differing Site Conditions, of General Provisions, SF 23A are supplemented as follows:

(a) When requested by the Contracting Officer, the Contractor shall submit proposals for changes in work to the Resident Engineer. Proposals, to be submitted within 30 calendar days after receipt of request, shall be in legible form, original and five copies, with an itemized breakdown that will include material, quantities, unit prices, labor costs (separated into trades), construction equipment, etc. (Labor costs are to be identified with specific material placed or operation performed.) The Contractor must obtain and furnish with his proposal an itemized breakdown as described above, signed by each subcontractor participating in the change regardless of tier. No itemized breakdown will be required for proposals amounting to less than $100.

* * * * * *

(d) Allowances not to exceed 10 percent each for overhead and profit for the party performing the work will be based on the value of labor, material, and use of construction equipment required to accomplish the change. As the value of the change increases, a declining scale will be used in negotiating the percentage of overhead and profit. Allowable percentages on changes will not exceed the following: 10 percent overhead and 10 percent profit on first $20,000; 7½ percent overhead and 7½ percent profit on next $30,000; 5 percent overhead and 5 percent profit on balance over $50,000.

(e) The Prime Contractor's fee on work performed by subcontractors will be based on the net increased cost to the Prime Contractor. Allowable fee on changes will not exceed the following: 10 percent fee on first $20,000; 7½ percent fee on next $30,000; and 5 percent fee on balance over $50,000.

* * * * * *

§ 8–7.650–23 [Revoked]

12. Section 8–7.650–23, *Release of claims*, is revoked.

[FR Doc.73–3891 Filed 2–28–73;8:45 am]

CHAPTER 103—DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

PART 103–1—INTRODUCTION

Miscellaneous Amendments

Chapter 103, Title 41, Code of Federal Regulations is amended as set forth below. The purposes of this amendment is to accomplish minor editorial corrections.

It is the general policy of the Department of Health, Education, and Welfare to allow time for interested parties to take part in the rule making process. However, as the amendment herein involves editorial corrections, the public rule making process is deemed unnecessary in this instance.

Subpart 103–1.1—Regulation System

§ 103–1.108 [Amended]

1. Paragraph (b) of § 103–1.108 is hereby revoked.

Subpart 103–1.50—Authorities and Responsibilities

2. Section 103–1.5002–10 is revised to read as follows:

§ 103–1.5002–10 Operating agency.

"Operating agency" shall mean the Food and Drug Administration, Office of Education, Health Services and Mental Health Administration, National Institutes of Health, Social and Rehabilitation Service, Social Security Administration and National Institute of Education.

3. The first paragraph of § 103–1.5002–11 is revised to read as follows:

§ 103–1.5002–11 Property.

"Property" means any interest in property except the public domain; lands reserved or dedicated for national forest or national park purposes; minerals in lands or portions of lands withdrawn or reserved from the public domain which the Secretary of the Interior determines are suitable for disposition under the public land mining and mineral leasing laws; and lands withdrawn or reserved from the public domain except lands or

portions of lands so withdrawn or reserved which the Secretary of the Interior, with the concurrence of the Administrator of General Services, determines are not suitable for return to the public domain for disposition under the general public land laws because such lands are substantially changed in character by improvement or otherwise; and records of the Federal Government. To provide the necessary management and accounting control, property is identified by categories set forth as follows:

* * * * * *

(5 U.S.C. 301, 40 U.S.C. 486(c))

Effective date. This regulation is effective on March 1, 1973.

Dated: February 13, 1973.

N. B. HOUSTON,
Deputy Assistant Secretary for Administration.

[FR Doc.73–3178 Filed 2–28–73;8:45 am]

Title 43—Public Lands: Interior

CHAPTER II—BUREAU OF LAND MANAGEMENT

APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 5331]

[Arizona 6208]

ARIZONA

Withdrawal for Post Office Site

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952 (17 FR 4831), it is ordered as follows:

1. Subject to valid existing rights, and the provisions of existing withdrawals, the following described public lands, which are under the jurisdiction of the Secretary of the Interior, are hereby withdrawn from all forms of appropriation under the public land laws, including the mining laws, 30 U.S.C. chapter 2, but not from leasing under the mineral leasing laws, for a post office site for the United States postal Service:

GILA AND SALT RIVER MERIDIAN, ARIZ.

T. 20 N., R. 22 W.,
Sec. 20, the North 140 feet of the East 240 feet of the West 290 feet of the S½NW¼.

The area described contains .77 acre in Mohave County.

2. The withdrawal made by this order does not alter the applicability of the public land laws governing the use of the lands under lease, license, or permit, or governing the disposal of their mineral or vegetative resources other than under the mining laws. However, leases, licenses, or permits will be issued only if the U.S. Postal Service finds that the proposed use of the lands will not interfere with the proper operation of its facilities on the lands. The lands are also subject to the withdrawal for reclamation purposes made by the Secretary's Order of October 16, 1931.

NATHANIEL P. REED,
Assistant Secretary of the Interior.

FEBRUARY 22, 1973.

[FR Doc.73–3842 Filed 2–28–73;8:45 am]

Title 46—Shipping

CHAPTER II—MARITIME ADMINISTRATION, DEPARTMENT OF COMMERCE

SUBCHAPTER C—REGULATIONS AFFECTING SUBSIDIZED VESSELS AND OPERATORS

[General Order 24, 3d Rev., Amdt. 3]

PART 284—VALUATION OF VESSELS FOR DETERMINING CAPITAL EMPLOYED AND NET EARNINGS UNDER OPERATING-DIFFERENTIAL SUBSIDY AGREEMENTS

Residual Value of Vessels; Depreciation Adjustments

On February 2, 1972, the U.S. District Court for the District of Columbia, in American Mail Line Ltd. v. Stans, Civil No. 1824–70, held that previous amendments to this part which increased the residual value of vessels from 2.5 percent to 17 percent were null and void because the 17-percent figure was based on "salvage (resale)" value, not scrap value as mandated by sections 606 and 607 of the Merchant Marine Act, 1936, as amended, as those sections existed prior to their amendment by the Merchant Marine Act of 1970.

On March 25, 1972 (37 FR 6207), the Maritime Administration and the Maritime Subsidy Board invited comments on methods of determining scrap value. In addition to the comments received, a study of scrap value was undertaken by the Maritime Administration.

Paramount to fixing scrap values for vessels is a definition of the term "scrap value." Based upon the comments and the Maritime Administration study, "scrap value" is defined as "the value, if any, of a vessel when disposed of because of having reached the end of its economic productive life as a vessel."

Based upon this definition, a fixed scrap value of 2.5 percent of original domestic shipyard construction price is adopted for purposes of this part. The percentage was calculated by applying the average scrap price per light displacement ton (LDT) for the 10-year period 1963–72 to the original domestic shipyard construction cost of vessel on which construction-differential subsidy has been paid for the period 1967–72. Because the scrap market can and does fluctuate widely, the long-term average tends to be more accurate for predicting future events. The calculations show that the 2.5-percent figure is reasonable.

While the court's order is retroactive to May 22, 1970 (the date on which the 17-percent figure was adopted), the court recognized the hardship which would result if operators had to recalculate depreciation based on a new residual value. The court, therefore, ordered that operators could elect to recalculate for the period or not.

Therefore, amendments 1 and 2 to this part are repealed as though they never existed. Part 284, Title 46, Chapter II, Code of Federal Regulations is amended as follows:

§ 284.2 [Amended]

1. By deleting, in its entirety, clause (ii) of § 284.2(f)(1) as though it had never existed;

2. By adding to § 284.2(f)(1), after the words "the residual value of such vessel," the words "which means the scrap value of such vessel,"; and

3. By adding a new § 284.3 to read as follows:

§ 284.3 Depreciation deposits for calendar years 1969, 1970, and 1971.

In the event any subsidized operator deposited depreciation for calendar years 1969, 1970, and 1971 calculated on the basis of amendments to § 284.2(f)(1) whereby the residual value of vessels was established as 17 percent of original construction cost, such subsidized operator shall not be required to make further deposits of depreciation upon the revocation and repealer of said amendments. Such subsidized operator may, however, elect to make further deposits for all of such calendar years. If an election is made, the maximum deposit for those years shall not exceed that calculated on the basis of a residual value deemed to be 2.5 percent as provided in § 284.2(f)(1).

Effective date. This amendment shall be effective March 1, 1973.

(Sec. 204, 49 Stat. 1987, as amended; 46 U.S.C. 1114, sec. 607, 66 Stat. 764, as amended; 46 U.S.C. 1177)

Dated: February 26, 1973.

By order of the Assistant Secretary of Commerce for Maritime Affairs and the Maritime Subsidy Board.

JAMES S. DAWSON, JR.,
Secretary, Maritime Subsidy Board, Maritime Administration.

[FR Doc.73–3933 Filed 2–28–73;8:45 am]

Title 50—Wildlife and Fisheries

CHAPTER I—BUREAU OF SPORT FISHERIES AND WILDLIFE, FISH AND WILDLIFE SERVICE, DEPARTMENT OF THE INTERIOR

PART 33—SPORT FISHING

Blackwater National Wildlife Refuge, Md.

The following special regulation is issued and is effective during the period April 1, 1973 through September 30, 1973.

§ 33.5 Special regulations; sport fishing; for individual wildlife refuge areas.

MARYLAND

BLACKWATER NATIONAL WILDLIFE REFUGE

Sport fishing and crabbing on the Blackwater National Wildlife Refuge, Cambridge, Md., is permitted only on those areas designated by signs as open to fishing. These open areas, comprising approximately 2,700 acres, are delineated on a map available at the refuge headquarters and from the Regional Director, Bureau of Sport Fisheries and Wildlife, U.S. Post Office and Courthouse, Boston, Mass. 02109. Sport fishing and crabbing shall be in accordance with all applicable State regulations except for the following special conditions.

(1) Season: April 1–September 30, Daylight hours only.

(2) Boat launching from refuge lands prohibited.

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(3) All fish and crab lines must be attended. No set tackle may be used.

(4) Use of airboats prohibited.

The provisions of this special regulation supplement the regulations which govern sport fishing on wildlife refuge areas generally, which are set forth in Title 50, Code of Federal Regulations, Part 33, and are effective through September 30, 1973.

RICHARD E. GRIFFITH,
Regional Director, Bureau of Sport Fisheries and Wildlife.

FEBRUARY 20, 1973.

[FR Doc.73-3844 Filed 2-28-73;8:45 am]

Title 7—Agriculture

CHAPTER IX—AGRICULTURAL MARKETING SERVICE (MARKETING AGREEMENTS AND ORDERS; FRUITS, VEGETABLES, NUTS), DEPARTMENT OF AGRICULTURE

[Navel Orange Regulation 290]

PART 907—NAVEL ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Limitation of Handling

This regulation fixes the quantity of California-Arizona Navel oranges that may be shipped to fresh market during the weekly regulation period March 2–March 8, 1973. It is issued pursuant to the Agricultural Marketing Agreement Act of 1937, as amended; and Marketing Order No. 907. The quantity of Navel oranges so fixed was arrived at after consideration of the total available supply of Navel oranges, the quantity currently available for market, the fresh market demand for Navel oranges, Navel orange prices, and the relationship of season average returns to the parity price for Navel oranges.

§ 907.590 Navel Orange Regulation 290.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 907, as amended (7 CFR Part 907), regulating the handling of Navel oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Navel Orange Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such Navel oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) The need for this section to limit the respective quantities of Navel oranges that may be marketed from District 1, District 2, and District 3 during the ensuing week stems from the production and marketing situation confronting the Navel orange industry.

(i) The committee has submitted its recommendation with respect to the quantities of Navel oranges that should be marketed during the next succeeding week. Such recommendation, designed to provide equity of marketing opportunity to handlers in all districts, resulted from consideration of the factors enumerated in the order. The committee further reports that the fresh market demand for Navel oranges continues to be active this week, with prices slightly higher than a week ago. Prices f.o.b. average $3.56 a carton on a reported sales volume of 902 carlots last week, compared with an average f.o.b. price of $3.55 per carton and sales of 1,005 carlots a week earlier. Track and rolling supplies at 326 cars were down 39 cars from last week.

(ii) Having considered the recommendation and information submitted by the committee, and other available information, the Secretary finds that the respective quantities of Navel oranges which may be handled should be fixed as hereinafter set forth.

(3) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this section is based became available and the time this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for Navel oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such Navel oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on February 27, 1973.

(b) *Order.* (1) The respective quantities of Naval oranges grown in Arizona and designated part of California which may be handled during the period March 2, 1973, through March 8, 1973, are hereby fixed as follows:

(i) District 1: 960,551 cartons;

(ii) District 2: 300,000 cartons;

(iii) District 3: Unlimited movement."

(2) As used in this section, "handled," "District 1," "District 2," "District 3," and "carton" have the same meaning as when used in said amended marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: February 28, 1973.

PAUL A. NICHOLSON,
Acting Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc.73-4081 Filed 2-28-73;11:59 am]

[Valencia Orange Reg. 419]

PART 908—VALENCIA ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Limitation of Handling

This regulation fixes the quantity of California-Arizona Valencia oranges that may be shipped to fresh market during the weekly regulation period March 2–March 8, 1973. It is issued pursuant to the Agricultural Marketing Agreement Act of 1937, as amended, and Marketing Order No. 908. The quantity of Valencia oranges so fixed was arrived at after consideration of the total available supply of Valencia oranges, the quantity of Valencia oranges currently available for market, the fresh market demand for Valencia oranges, Valencia orange prices, and the relationship of season average returns to the parity price for Valencia oranges.

§ 908.719 Valencia Orange Regulation 419.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 908, as amended (7 CFR Part 908), regulating the handling of Valencia oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Valencia Orange Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such Valencia oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) The need for this section to limit the respective quantities of Valencia oranges that may be marketed from District 1, Distric 2, and District 3 during the ensuing week stems from the production and marketing situation confronting the Valencia orange industry.

(i) The committee has submitted its recommendation with respect to the quantities of Valencia oranges that should be marketed during the next succeeding week. Such recommendation, designed to provide equity of marketing opportunity to handlers in all districts, resulted from consideration of the factors enumerated in the order. Prices at auction have averaged $3.16 per carton for the season to date.

(ii) Having considered the recom-

(ii) Having considered the recommendation and information submitted by the committee, and other information, the Secretary finds that the respective quantities of Valencia oranges which may be handled should be fixed as hereinafter set forth.

(3) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this regulation until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for Valencia oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such Valencia oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on February 27, 1973.

(b) *Order.* (1) The respective quantities of Valencia oranges grown in Arizona and designated part of California which may be handled during the period March 2, 1973, through March 8, 1973, are hereby fixed as follows:

(i) District 1: Unlimited;

(ii) District 2: Unlimited;

(iii) District 3: 150,604 Cartons."

(2) As used in this section, "handled", "District 1", "District 2", "District 3", and "carton" have the same meaning as when used in said amended marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: February 28, 1973.

PAUL A. NICHOLSON,
Acting Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc.73-4080 Filed 2-28-73;11:59 am]

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Proposed Rule Making

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 71]

[Airspace Docket No. 72-NW-17]

TRANSITION AREA

Proposed Alteration

The Federal Aviation Administration (FAA) is considering an amendment to Part 71 of the Federal Aviation Regulations that would alter the description of the Astoria, Oreg., transition area.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Northwest Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, FAA Building, Boeing Field, Seattle, Wash. 98108. All communications received on or before March 2, 1973 will be considered before action is taken on the proposed amendment. The proposal contained in this notice may be changed in the light of comments received.

An official docket will be available for examination by interested persons at the Federal Aviation Administration, Office of the General Counsel, Attention: Rules Docket, 800 Independence Avenue SW., Washington, DC 20591. An informal docket also will be available for examination at the office of the Regional Air Traffic Division Chief.

As part of this proposal relates to the navigable airspace outside the United States, this notice is submitted in consonance with the ICAO International Standards and Recommended Practices.

Applicability of International Standards and Recommended Practices by the Air Traffic Service, FAA, in areas outside domestic airspace of the United States is governed by Article 12 of and Annex 11 to the Convention on International Civil Aviation, which pertain to the establishment of air navigation facilities and services necessary to promoting the safe, orderly and expeditious flow of civil air traffic. Their purpose is to insure that civil flying on international air routes is carried out under uniform conditions designed to improve the safety and efficiency of air operations.

The International Standards and Recommended Practices in Annex 11 apply in those parts of the airspace under the jurisdiction of a contracting state, derived from ICAO, wherein air traffic services are provided and also whenever a contracting state accepts the responsibility of providing air traffic services over high seas or in airspace of undetermined sovereignty. A contracting state accepting such responsibility may apply the International Standards and Recommended Practices to civil aircraft in a manner consistent with that adopted for airspace under its domestic jurisdiction.

In accordance with Article 3 of the Convention on International Civil Aviation, Chicago, 1944, state aircraft are exempt from the provisions of Annex 11 and its Standards and Recommended Practices.

As a contracting state, the United States agreed by Article 3(d) that its state aircraft will be operated in international airspace with due regard for the safety of civil aircraft.

Since this action involves, in part, the designation of navigable airspace outside the United States, the Administrator has consulted with the Secretary of State and the Secretary of Defense in accordance with the provisions of Executive Order 10854.

The airspace action proposed in this docket would extend the 700-foot portion of the Astoria, Oreg., transition area to a point 18.5 miles west of the Astoria VOR. The area's boundaries would be 4.5 miles north and 9.5 miles south of the Astoria VOR 268° T (247° M) radial beginning at the western edge of V-27.

This alteration is required to provide controlled airspace for the procedure turn area for the VOR Runway 7 approach procedure that has been developed for Clatsop County Airport, Astoria, Oreg.

(Secs. 307(a) and 1110, Federal Aviation Act of 1958, 49 U.S.C. 1348(a) and 1510; E.O. 10854 (24 FR 9565); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)))

Issued in Washington, D.C., on February 22, 1973.

CHARLES H. NEWPOL,
Acting Chief, Airspace and Air Traffic Rules Division.

[FR Doc.73-3758 Filed 2-28-73;8:45 am]

[14 CFR Part 71]

[Airspace Docket No. 72-SO-105]

CONTROL ZONE AND TRANSITION AREA

Proposed Alteration

The Federal Aviation Administration (FAA) is considering amendments to Part 71 of the Federal Aviation Regulations that would alter the Key West, Fla., control zone and transition area.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Southern Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, Post Office Box 20636, Atlanta, GA 30320. All communications received on or before March 2, 1973, will be considered before action is taken on the proposed amendments. The proposals contained in this notice may be changed in the light of comments received.

An official docket will be available for examination by interested persons at the Federal Aviation Administration, Office of the General Counsel, Attention: Rules Docket, 800 Independence Avenue SW., Washington, DC 20591. An informal docket also will be available for examination at the office of the Regional Air Traffic Division Chief.

As parts of these proposals relate to the navigable airspace outside the United States, this notice is submitted in consonance with the ICAO International Standards and Recommended Practices.

Applicability of International Standards and Recommended Practices by the Air Traffic Service, FAA, in areas outside domestic airspace of the United States is governed by Article 12 of and Annex 11 to the Convention on International Civil Aviation, which pertain to the establishment of air navigation facilities and services necessary to promoting the safe, orderly, and expeditious flow of civil air traffic. Their purpose is to insure that civil flying on international air routes is carried out under uniform conditions designed to improve the safety and efficiency of air operations.

The International Standards and Recommended Practices in Annex 11 apply in those parts of the airspace under the jurisdiction of a contracting state, derived from ICAO, wherein air traffic services are provided and also whenever a contracting state accepts the responsibility of providing air traffic services over high seas or in airspace of undetermined sovereignty. A contracting state accepting such responsibility may apply the International Standards and Recommended Practices to civil aircraft in a manner consistent with that adopted for airspace under its domestic jurisdiction.

In accordance with Article 3 of the Convention on International Civil Aviation, Chicago, 1944, state aircraft are exempt from the provisions of Annex 11 and its Standards and Recommended Practices. As a contracting state, the United States agreed by Article 3(d) that its state aircraft will be operated in international airspace with due regard for the safety of civil aircraft.

Since these actions involve, in part, the designation of navigable airspace outside the United States, the Administrator has consulted with the Secretary of State and the Secretary of Defense in accordance with the provisions of Executive Order 10854.

The proposed airspace actions are necessary to contain instrument approach procedures in accordance with terminal instrument procedures (TERP's) criteria.

If these actions are taken the Key West, Fla., control zone and transition area would be amended as follows:

1. Key West, Fla., control zone:

Within a 5-mile radius of Key West International Airport (lat. 24°33'32" N., long. 81°45'35" W.); within 3 miles each side of the 268° bearing from Fish Hook RBN, extending from the 5-mile-radius zone to 8.5 miles west of the RBN; within 4 miles each side of Key West VORTAC 309° radial, extending from the 5-mile-radius zone to 8.5 miles northwest of the VORTAC; within a 5-mile radius of Key West NAS (Boca Chica) (lat. 24°34'30" N., long. 81°41'15" W.); within 3.5 miles each side of the 251° bearing from Key West NAS UHF RBN, extending from the 5-mile-radius zone to 10.5 miles west of the RBN.

2. Key West, Fla., transition area:

That airspace extending upward from 700 feet above the surface within an 8.5-mile radius of Key West International Airport (lat. 24°33'32" N., long. 81°45'35" W.); within 4 miles each side of Key West VOR TAC 309° radial, extending from the 8.5-mile-radius area to 9.5 miles northwest of the VORTAC; within an 8.5-mile radius of Key West NAS (Boca Chica) (lat. 24°34'30" N., long. 81°41'15" W.).

(Secs. 307(a) and 1110, Federal Aviation Act of 1958, 49 U.S.C. 1348(a) and 1510; E.O. 10854 (24 FR 9565); sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Washington, D.C., on February 22, 1973.

H. B. HELSTROM,
Chief, Airspace and Air Traffic Rules Division.

[FR Doc.73-3759 Filed 2-28-73;8:45 am]

V38-40 MAR 1 73 XUM

Notices

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[Order No. 127]

REGIONAL COMMISSIONERS ET AL.

Delegation of Authority Regarding Extension of Time for Making Certain Elections With Respect to Casualty Losses

1. By virtue of the authority granted to the Commissioner of Internal Revenue under 26 CFR 1.9100, with respect to granting extensions of time for making certain elections, there is hereby delegated to each Regional Commissioner, District Director and Service Center Director, the authority to grant reasonable extensions of time (not to exceed a total of 180 days) for changing an election made under section 165(h) of the Internal Revenue Code of 1954 and 26 CFR 1.165–11(e) beyond the date that such election becomes or became irrevocable. This date is the later of (1) 90 days after the date on which the election was made, or (2) March 6, 1973, which is 90 days after the date the final regulations under section 165(h) were published.

2. When appropriate, each Regional Commissioner or District Director may exercise this authority by granting a single extension of time covering a group of taxpayers similarly situated.

3. This authority may not be redelegated.

Date of issue and effective date: February 23, 1973.

[SEAL] JOHNNIE M. WALTERS,
Commissioner.

[FR Doc.73-3841 Filed 2-28-73;8:45 am]

DEPARTMENT OF DEFENSE

Department of the Army

U.S. ARMY AVIATION SYSTEMS COMMAND

Notice of Meeting

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Public Law 92-463), announcement is made of the following Committee meeting:

The U.S. Army Aviation Systems Command (AVSCOM), will conduct a meeting of the Scientific Advisory Group for Aviation Systems (SAGAS), at 1300 hours, March 1, 1973. The meeting will be held at AVSCOM, St. Louis, Mo. The meeting will consist of a swearing-in ceremony for the members of the group and an executive session discussing classified defense information. The meeting will not be open to the public.

Any additional information concerning the meeting may be obtained from Mr. B. Thomas Horace, Executive Secretary, SAGAS, Autovon 698-3821.

E. W. GANNON,
Lieutenant Colonel, U.S. Army,
Chief, Plans Office, TAGO.

FEBRUARY 23, 1973.

[FR Doc.73-3953 Filed 2-28-73;8:45 am]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

IDAHO STATE MULTIPLE USE ADVISORY BOARD

Notice of Meeting

Notice is hereby given that the Bureau of Land Management Idaho State Multiple Use Advisory Board will meet at 9:30 a.m. on March 13, 1973, at the Owyhee Plaza Motel, 11th and Main Streets, Boise, Idaho. Prior to this meeting at 8 a.m. the Bureau of Land Management District Wildlife Representatives for Idaho will meet for 1½ hours.

The agenda will include discussions of the State land selection program, the moratorium on land cases in Idaho, wild horse regulations, maintenance and contribution policy, and off-road vehicles.

The meeting will be open to the public insofar as seating is available. Time will be available for brief statements from members of the public but those wishing to make an oral statement must inform the chairman in writing prior to the meeting. Interested persons may file a written statement with the board for its consideration. They should be sent to Chairman, State Advisory Board, % State Director, Bureau of Land Management, Idaho State Office, Federal Building, Post Office Box 042, 550 West Fort Street, Boise, ID 83702.

WILLIAM L. MATHEWS,
State Director.

[FR Doc.73-3778 Filed 2-28-73;8:45 am]

[OR 9605]

OREGON

Notice of Proposed Withdrawal and Reservation of Lands

FEBRUARY 20, 1973.

The Department of Agriculture, on behalf of the Forest Service, has filed application, OR 9605, for the withdrawal of National Forest land described below, from nonmetalliferous location and entry under the mining laws only (30 U.S.C., Ch. 2), but not from leasing under the mineral leasing laws, subject to valid existing rights.

The applicant desires the land for use as a unique geological area.

All persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing, no later than March 28, 1973, to the undersigned officer of the Bureau of Land Management, Department of the Interior, Post Office Box 2965 (729 NE. Oregon Street), Portland, OR 97208.

The authorized officer of the Bureau of Land Management will undertake such investigations as are necessary to determine the existing and potential demand for the land and its resources. He will also undertake negotiations with the applicant agency with the view of adjusting the application to reduce the area to the minimum essential to meet the applicant's needs, to provide for the maximum concurrent utilization of the land for purposes other than the applicant's, to eliminate land needed for purposes more essential than the applicant's, and to reach agreement on the concurrent management of the land and its resources.

He will also prepare a report for consideration by the Secretary of the Interior who will determine whether or not the land will be withdrawn as requested by the applicant agency.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

If circumstances warrant it, a public hearing will be held at a convenient time and place which will be announced.

The land involved in the application is:

DESCHUTES AND WILLAMETTE NATIONAL FORESTS

ROCK MESA, THREE SISTERS WILDERNESS

Willamette Meridian, Oregon

T. 17 S., R. 8 E.,
Sec. 28, W½;
Sec. 29, all;
Sec. 30, E½;
Sec. 31, NE¼;
Sec. 32, all;
Sec. 33, W½.

The area described contains 1,063 acres in Deschutes County, Oreg., in the Deschutes National Forest and 1,337 acres in Lane County, Oreg., in the Willamette National Forest, or a total of 2,400 acres.

IRVING W. ANDERSON,
Chief, Branch of Lands
and Minerals Operations.

[FR Doc.73-3845 Filed 2-28-73;8:45 am]

Office of Hearings and Appeals

[Appeal No. IBMA 72-6]

GATEWAY COAL CO.

Amended Petition for Modification of Application of Mandatory Safety Standards

Notice is hereby given of an amended petition of Gateway Coal Co. for modification of the application of mandatory safety standards, stipulation of parties, and intention of Board of Mine Operations Appeals to act on petition.

In accordance with section 301(c) of the Federal Coal Mine Health and Safety Act of 1969, 30 U.S.C. section 861(c) (1970), there was published in the FEDERAL REGISTER, on October 21, 1970, 35 FR 16420, notice of a petition filed by Gateway Coal Co. (Jones & Laughlin Steel Corp) for modification of application of mandatory safety standards. The notice stated that Gateway Coal Co. was seeking modification of the application of section 311 of the Act, 30 U.S.C. section 871 (1970), as implemented by 30 CFR 75.1100-2(b), 35 FR 5247.

Subsequently, Gateway amended the petition seeking modification of the application of additional standards under section 311 of the Act to encompass the fire detection and suppression systems on the entire belt conveyor in Gateway Mine. Gateway alleged that "* * * the fire protection at Gateway Coal Mine in its entirety is equal to or greater than the standards required under the Act and Regulations." An evidentiary hearing on the amended petition was held, and the hearing officer issued a decision on October 15, 1971, denying the amended petition. Gateway Coal Co. appealed such decision to the Board of Mine Operations Appeals pursuant to 43 CFR 4.600. The representative of miners, United Mine Workers of America, did not participate in the appeal.

While the appeal was pending, Gateway Coal Co. and the appellee, the U.S. Bureau of Mines, entered into the following stipulation:

In re: appeal of Gateway Coal Co., Gateway Mine, 301(c), petition for modification of mandatory safety standards of Section 311, Dockets Nos. PITT 71-51 and PITT 71-210, Petitioner.

STIPULATIONS OF FACT

1. Gateway Mine is located in the Pittsburgh seam in Greene County, Pa. Coal is conveyed along approximately twenty (20) miles of belt from the working places to the tipple.

2. The main and face belts (hereinafter referred to as "belt") were placed in operation in April 1963, and has [sic] carried more than 20 million tons of coal.

3. The belt is a U.S. Bureau of Mines approved neoprene flame resistant belt.

4. The belt is a transit alined, roof suspended belt with the head and tail pieces set firmly in concrete to prevent movement and minimize friction at the head and tail pieces.

5. Belt supports are A-frames which are set on approximately 970 foot centers.

6. The belt is driven by electrical motors. The electrical equipment controlling these drives is enclosed in noncombustible structures.

7. An underground storage bin receives coal from a coal crusher. Feeders located at the bottom of the storage bin permit an even flow of coal to be carried on the belt from the bin to the tipple.

8. Oversized idlers at the head and tail pieces and take-up drives with the attendant oversized shafts and bearings reduce possible friction at the drives.

9. The belt flights are set in sequence and when one belt flight stops all inby belts automatically stop.

10. The belt has been aligned with no or minimum of canting to assure training thereby minimizing friction.

11. Heavy duty loading and troughing idlers are installed so that they rotate slower than regular sized idlers.

12. The belt has specially designed reactor starting circuitry rather than a point contractor [sic] type starter. This minimizes slippage and will permit smooth starts thereby minimizing heat at the drive.

13. The belt system has the following devices which will automatically shut down or indicate impending trouble: Slip switches; belt drift at the head and tail pieces; belt pierce switch; a chute plug; a motor heat; a thermal magnetic overload switch in the motor; a belt slippage switch and a motor-bearing temperature increase.

14. Signal lights monitoring these devices are displayed on a panel which is viewed by the TV cameras.

15. The transfer points on the main belt are monitored on a closed circuit TV system.

16. The TV system is viewed by a trained man in a control room who can stop the entire belt by use of a switch.

17. The belt will not be operated unless the TV system is in operation or in cases of an emergency where a TV camera is not functioning, a man with suitable communication to the control room operation will be located at such drive or transfer point in lieu of the TV camera until the TV camera is repaired.

18. After the belt drive system is stopped following a production shift each belt drive area will be (a) visually inspected for fire within 4 hours after shutdown or (b) the operator will be attending the television detection control panel system for a 4-hour period following shutdown or (c) any equivalent system approved by the Bureau.

19. The stopping of the belt creates a silence in the mine which serves as an "audible" warning system to men in the mine.

20. A communications system is installed and maintained so that suitable communication is maintained with miners.

21. Water is put on the belt primarily for dust control but it does also create a wet belt.

22. Firefighting equipment is located so that miners can transport it and attack a fire at an affected belt drive within fifteen (15) minutes after being notified of a fire.

23. The mine has a large source of water available from a large dam which is fed by a stream. City water is also fed into the mine. The main water lines are located in the haulage ways with water tapoff lines leading directly to the belt drives.

24. Firehoses capable of delivering a minimum of 50 gallons of water per minute at 50 p.s.i. to the belt drive equipment will be provided within sixty (60) days of date of order of the board or as further extended by the Bureau of Mines.

25. The fireplugs have constant water to the valves and are tested at regular intervals.

26. At least 500 feet of hose will be at each belt drive.

27. The ventilation system will be maintained so that persons fighting fires will be able to travel and operate in intake air during fire control activities.

28. There are four specially equipped fire trains strategically located within the mine so that at least two and possible [sic] four trains can approach a fire in intake air.

29. A locomotive is attached to each fire train. The locomotives are tested weekly.

30. The fire trains consist of the following: a car with approximately 8 tons of rock-dust; a car with various brattice, fire extinguisher, tools, etc.; a water tank with a 1,200 gallon capacity and high pressure pump capable of delivering 50 gallons of water at 50 p.s.i. A special foam generator equipment [sic] is available.

31. High pressure rock-dusting machines with attached hose are available in the working areas of the mine and can be transported to any fire location.

32. At least one portable ABC dry chemical fire extinguisher is located at every belt drive.

33. There is a [sic] more than the required of 240 pounds of rock-dust located at each belt drive.

34. There are two completely equipped well-trained mine rescue teams of 16 people within the Jones & Laughlin Steel Corp. mine complex in this area, of which Gateway Mine is a part, who train at least 1 day each month.

35. All assistant mine foremen are trained in the use of fire suppression equipment.

36. There is a planned, well-publicized, and posted procedure for methods of fighting fires and specific lines of authority to direct the fighting of a fire.

37. There are several fire companies located within five (5) miles of the mine and their equipment is available.

38. The mine is located in an area with seven or eight other mines and equipment and well-trained men from these mines are available to fight fires.

39. Ventilation doors are installed to control the air flow over the belt drives in case of a fire.

40. Power is sectionalized so that it can be cut off in any area of the mine and still permit fire trains to get to the fire location.

41. The men in the mine walk section escapeways once a month.

42. Gateway Mine was used as an example of an excellent fire fighting program by the U.S. Bureau of Mines in a recent publication No. 8631.

43. The United Mine Workers of America did not appear at the hearing to object to this petition for modification.

44. This agreement applies only to the Gateway Mine of Gateway Coal Co. This agreement shall continue in effect until such time as the management of Gateway Mine determines in its discretion that it shall no longer operate in whole or in part in accordance with the terms of this stipulation and modification order and that it will, instead, operate in accordance with section 311 of the Act and the impending regulations. In the event that the management of Gateway Mine makes this determination, a 30-day prior written notice shall be given to the Bureau.

45. The Gateway Mine will at all times comply with these conditions as set forth in this stipulation of facts.

CONCLUSION OF LAW

The belt system at the Gateway Mine as set forth in the stipulation of facts is an acceptable alternate method of achieving the results of the mandatory safety standards of section 311 of the Federal Coal Mine

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Health and Safety Act of 1969 which at all times guarantee no less than the same measure of protection afforded the miners in the Gateway Mine as the standards of in the Gateway Mine as the standards of section 311 and the implementing regulations.

Wherefore, the parties respectfully request the Board of Mines Operations Appeals to approve the Petitioner's 301(c) petition for modification as set forth in this stipulation.

Dated: December 13, 1972.

DANIEL R. MINNICK,
Gateway Coal Co.

Dated: December 11, 1972.

I. AVRUM FINGERET,
Attorney for U.S. Bureau of Mines.

Gateway is now specifically requesting modification of the application of the following mandatory standards:

30 CFR 75.1100–1(f): (1) Except as provided in subparagraph (2) of this paragraph, the fire hose shall be lined with a material having flame resistant qualities meeting requirements for hose in Bureau of Mines' Schedule 2G. The cover shall be polyester, or other material with flame-spread qualities and mildew resistance equal or superior to polyester. The bursting pressure shall be at least four times the water pressure at the valve to the hose inlet with the valve closed; the maximum water pressure in the hose nozzle shall not exceed 100 p.s.i.g.

(2) Fire hose installed for use in underground coal mines prior to December 30, 1970, shall be mildew-proof and have a bursting pressure at least four times the water pressure at the valve to the hose inlet with the valve closed, and the maximum water pressure in the hose nozzle with water flowing shall not exceed 100 p.s.i.g.

Section 311 of the Act, 30 U.S.C. section 871(f) (1970): Deluge-type water sprays or foam generators automatically actuated by rise in temperature, or other no less effective means approved by the Secretary of controlling fire, shall be installed at main and secondary belt-conveyor drives. Where sprays or foam generators are used they shall supply a sufficient quantity of water or foam to control fires.

30 CFR 75.1101–1 *Deluge-type water spray systems.* (a) Deluge-type spray systems shall consist of open nozzles attached to branch lines. The branch lines shall be connected to a waterline through a control valve operated by a fire sensor. Actuation of the control valve shall cause water to flow into the branch lines and discharge from the nozzles.

(b) Nozzles attached to the branch lines shall be full cone, corrosion resistant and provided with blow-off dust covers. The spray application rate shall not be less than 0.25 gallon per minute per square foot of the top surface of the top belt and the discharge shall be directed at both the upper and bottom surfaces of the top belt and to the upper surface of the bottom belt.

§ 75.1101–2 *Installation of deluge-type sprays.* Deluge-type water spray systems shall provide protection for the belt drive and 50 feet of fire-resistant belt or 150 feet of nonfire-resistant belt adjacent to the belt drive.

§ 75.1101–3 *Water requirements.* Deluge-type water spray systems shall be attached to a water supply. Water so supplied shall be free of excessive sediment and noncorrosive to the system. Water pressure shall be maintained consistent with the pipe, fittings, valves, and nozzles at all times. Water systems shall include strainers with a flush-out connection and a manual shut-off valve. The water supply shall be adequate to provide flow for 10 minutes except that pressure tanks used a source of water supply shall be of 1,000-gallon capacity for a fire-resistant belt and 3,000 gallons for a nonfire-resistant belt may be provided.

§ 75.1101–4 *Branch lines.* As a part of the deluge-type water spray system, two or more branch lines of nozzles shall be installed. The maximum distance between nozzles shall not exceed 8 feet.

§ 75.1101–5 *Installation of foam generator systems.* (a) Foam generator systems shall be located so as to discharge foam to the belt drive, belt takeup, electrical controls, gear reducing unit and the conveyor belt.

(b) Foam generator systems shall be equipped with a fire sensor which actuates the system, and each system shall be capable of producing and delivering the following amounts of foam within 5 minutes:

(1) At fire-resistant belt installations, an amount which will fully envelop the belt drive, belt takeup, electrical controls, gear reducing unit, and the conveyor belt over a distance of 50 feet; and,

(2) At nonfire-resistant belt installations, an amount which will fully envelop the belt drive, belt takeup, electrical controls, gear reducing unit, and the conveyor belt over a distance of 150 feet.

(c) The foam generator shall be equipped with a warning device designed to stop the belt drive when a fire occurs and all such warning devices shall be capable of giving both an audible and visual signal when actuated by fire.

(d) Water, power, and chemicals required shall be adequate to maintain water or foam flow for no less than 25 minutes.

(e) Water systems shall include strainers with a flush-out connection and a manual shut-off valve.

§ 75.1101–6 *Water sprinkler systems; general.* Water sprinkler systems may be installed to protect main and secondary belt-conveyor drives, however, where such systems are employed, they shall be installed and maintained in accordance with §§ 75.1101–7 through 75.1101–11.

§ 75.1101–7 *Installation of water sprinkler systems; requirements.* (a) The fire-control components of each water sprinkler system shall be installed, as far as practicable in accordance with the recommendations set forth in National Fire Protection Association 1968–69 edition, Code No. 13, "Installation of Sprinkler Systems" and such systems' components shall be of a type approved by the Underwriters' Laboratories, Inc., Factory Mutual Research Corp.

(b) Each sprinkler system shall provide protection for the motor drive belt takeup, electrical controls, gear reducing unit, and the 50 feet of fire-resistant belt, or 150 feet of nonfire-resistant belt adjacent to the belt drive.

(c) The components of each water sprinkler system shall be located so as to minimize the possibility of damage by roof fall or by the moving belt and its load.

§ 75.1101–8 *Water sprinkler systems; arrangement of sprinklers.* (a) At least one sprinkler shall be installed above each belt drive, belt takeup, electrical control, and gear-reducing unit, and individual sprinklers shall be installed at intervals of no more than 8 feet along all conveyor branch lines.

(b) Two or more branch lines, at least one of which shall be above the top belt and one between the top and bottom belt, shall be installed in each sprinkler system to provide a uniform discharge of water to the belt surface.

(c) The water discharge rate from the sprinkler system shall not be less than 0.25 gallon per minute per square foot of the top surface of the top belt and the discharge shall be directed at both the upper and bottom surfaces of the top belt and to the upper surface of the bottom belt. The supply of water shall be adequate to provide a constant flow of water for 10 minutes with all sprinklers functioning.

(d) Each individual sprinkler shall be activated at a temperature of not less than 150° F. and not more than 300° F.

(e) Water systems shall include strainers with a flush-out connection and a manual shut-off valve.

§ 75.1101–9 *Back-up water system.* One fire hose outlet together with a length of hose capable of extending to the belt drive shall be provided within 300 feet of each belt drive.

§ 75.110–10 *Water sprinkler systems; fire warning devices at belt drives.* Each water sprinkler system shall be equipped with a device designed to stop the belt drive in the event of a rise in temperature and each such warning device shall be capable of giving both an audible and visual warning when a fire occurs.

§ 75.1101–11 *Inspection of water sprinkler systems.* Each water sprinkler system shall be examined weekly and a functional test of the complete system shall be conducted at least once each year.

§ 75.1101–12 *Equivalent dry-pipe system.* Where water sprinkler systems are installed to protect main and secondary belt conveyor drives and freezing temperatures prevail, an equivalent dry-pipe system may be installed.

§ 75.1101–13 *Dry powder chemical systems; general.* Self-contained dry powder chemical systems may be installed to protect main and secondary belt conveyor drives, however, where such systems are employed, they shall be installed and maintained in accordance with the provisions of §§ 75.1101–14 through 75.1101–22.

§ 75.1101–14 *Installation of dry powder chemical systems.* (a) Self-contained dry powder chemical systems shall be installed to protect each belt-drive, belt takeup, electrical-controls, gear reducing units and 50 feet of fire-resistant belt or 150 feet of nonfire-resistant belt adjacent to the belt drive.

(b) The fire-control components of each dry powder chemical system shall be a type approved by the Underwriters' Laboratories, Inc., or Factory Mutual Engineering Corp.

(c) The components of each dry powder chemical system shall be located so as to minimize the possibility of damage by roof fall or by the moving belt and its load.

§ 75.1101–15 *Construction of dry powder chemical systems.* (a) Each self-contained dry powder system shall be equipped with hose or pipe lines which are no longer than necessary.

(b) Metal piping and/or hose between control valves and nozzles shall have a minimum bursting pressure of 500 p.s.i.g.

(c) Hose shall be protected by wire braid or its equivalent.

(d) Nozzles and reservoirs shall be sufficient in number to provide maximum protection to each belt, belt takeup, electrical controls, and gear reducing unit.

(e) Each belt shall be protected on the top surface of both the top and bottom belts and the bottom surface of the top belt.

§ 75.1101–16 *Dry powder chemical systems; sensing and fire-suppression devices.* (a) Each self-contained dry powder chemical system shall be equipped with sensing devices which shall be designed to activate the fire-control system, sound an alarm and stop the conveyor drive motor in the event of a rise in temperature, and provision shall be made to minimize contamination of the lens of any optical sensing device installed in such system.

(b) Where sensors are operated from the same power source as the belt drive, each sensor shall be equipped with a standby power source which shall be capable of remaining operative for at least 4 hours after a power cutoff.

(c) Sensor systems shall include a warning indicator (or test circuit) which shows it is operative.

(d) Each fire-suppression system shall be equipped with a manually operated control valve which shall be independent of the sensor.

§ 75.1101–17 *Sealing of dry powder chemical systems.* Each dry powder chemical system shall be adequately sealed to protect all components of the system from moisture, dust, and dirt.

§ 75.1101–18 *Dry powder requirements.* Each dry powder chemical system shall contain the following minimum amounts of multipurpose dry powder:

	Dry powder, pounds
Belt:	
Fire resistant	125
Nonfire resistant	250

§ 75.1101–19 *Nozzles; flow rate and direction.* The nozzles of each dry powder chemical system shall be capable of discharging all powder within 1 minute after actuation of the system and such nozzles shall be directed so as to minimize the effect of ventilation upon fire control.

§ 75.1101–20 *Safeguards for dry powder chemical systems.* Adequate guards shall be provided along all belt conveyors in the vicinity of each dry powder chemical system to protect persons whose vision is restricted by a discharge of powder from the system. In addition, hand-rails shall be installed in such areas to provide assistance to those passing along the conveyor after a powder discharge.

§ 75.1101–21 *Back-up water system.* One fire hose outlet together with a length of hose capable of extending to the belt drive shall be provided within 300 feet of each belt drive.

§ 75.1101–22 *Inspection of dry powder chemical systems.* (a) Each dry powder chemical system shall be examined weekly and a functional test of the complete system shall be conducted at least once each year.

(b) Where the dry powder chemical system has been actuated, all components of the system shall be cleaned immediately by flushing all powder from pipes and hoses and all hose damaged by fire shall be replaced.

Section 311(g), 30 U.S.C. 871(g) (1970): Underground belt conveyors shall be equipped with slippage and sequence switches. The Secretary shall, within 60 days after the operative date of this title, require that devices be installed on all such belts which will give a warning automatically when a fire occurs on or near such belt. The Secretary shall prescribe a schedule for installing fire suppression devices on belt haulageways.

30 CFR 75.1103–1: *Automatic fire sensors.* A fire sensor system shall be installed on each underground belt conveyor. Sensors so installed shall be of a type which will (a) give warning automatically when a fire occurs on or near such belt; (b) provide both audible and visual signals that permit rapid location of the fire.

The alternative method of fire protection proposed by Gateway is the system of fire detection and suppression installed in Gateway Mine, with the addition of automatic fire suppressors on the butt belts, 500 feet of firehose capable of delivering 50 gallons of water per minute at 50 pounds per square inch nozzle pressure to each belt drive, and a man stationed at each belt drive or transfer point, if the television camera, which normally monitors the belt, malfunctions.

It is noted that the parties have not stipulated to Gateway's request for the modification of the application of 30 CFR 75.1100–1(f)(1) and 75.1100–1(f)(2). As an alternative to 30 CFR 75.1100–1(f)(1) and 75.1100–1(f)(2), Gateway proposes to install, in areas of the mine where the water pressure exceeds 150 pounds per square inch, firehoses with a bursting pressure of less than four times the pressure at the valve. Gateway alleges that hoses with a bursting pressure of 600 pounds per square inch will provide an adequate safety factor and that use of the firehose required by 30 CFR 75.1100–1(f) would diminish the safety of the miners because of the difficulty involved in handling the heavy firehoses that would be needed wherever the water pressure exceeds 150 pounds per square inch.

The Board feels that republication is warranted because the stipulation of the parties differs substantially from the petition for modification, notice of which was originally published October 21, 1970.

Parties who are interested in Gateway Coal Co.'s amended petition and the stipulation, and who desire to file comments or to request a hearing, should file such comments or request on or before April 2, 1973, with the Board of Mine Operations Appeals, Office of Hearings and Appeals, Ballston Tower No. 3, 4015 Wilson Boulevard, Arlington, VA 22203. In the absence of objection or necessity for further hearing, the Board proposes to render a decision based upon the above stipulation and the record. Copies of the record, the petition, amendment, and stipulation are available for inspection at the Board's offices at the above address.

JAMES M. DAY,
Director,
Office of Hearings and Appeals.

FEBRUARY 22, 1973.

[FR Doc.73-3837 Filed 2-28-73;8:45 am]

DEPARTMENT OF AGRICULTURE

Forest Service

UMATILLA NATIONAL FOREST GRAZING ADVISORY BOARD COMMITTEE

Notice of Meeting

The Umatilla National Forest Grazing Advisory Board Committee will meet at 1 p.m., March 13, 1973, at the U.S. Forest Service Office, 2517 Southwest Hailey Avenue, in Pendleton, Oreg.

The purpose of this meeting is to review the three proposed Secretary of Agriculture regulations which might affect grazing permits. The three are wild, free roaming horses and burros, revocation and suspension of grazing permits, and use of pesticides and chemical toxicants.

The meeting will be open to the public. Persons who wish to attend should notify the Forest Supervisor's Office at 2517 Southwest Hailey Avenue, Pendleton, OR 97801, or call 276–3811, extension 231. Written statements may be filed with the Forest Service before or after the meeting.

The Committee has established the following rules for public participation: A time period will be set up for the public to participate and time limits may be set on individual public participation.

Dated: February 22, 1973.

DENNIS E. JONES,
Acting Forest Supervisor.

[FR Doc.73-3872 Filed 2-28-73;8:45 am]

WILLAMETTE NATIONAL FOREST MULTIPLE USE ADVISORY COUNCIL

Notice of Meeting

The Willamette National Forest multiple use advisory council will meet March 30 at 1 p.m. in the conference room of the forest's office at 210 East 11th Avenue in Eugene, Oreg.

This is the regular semiannual meeting of the council. Members are being asked to suggest those matters relating to the forest's management practices and policies they would like to discuss. The council may also discuss its own functions.

The meeting is open to the public. Persons who wish to attend should notify Zane G. Smith, Jr., Forest Supervisor, at (503) 342–5141. Written statements may be filed with the committee before or after the meeting.

ZANE G. SMITH, JR.,
Forest Supervisor.

FEBRUARY 20, 1973.

[FR Doc.73-3794 Filed 2-28-73;8:45 am]

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[Docket No. H–27]

KONA COAST SEAFOOD CO., INC.

Notice of Loan Application

FEBRUARY 22, 1973.

Kona Coast Seafood Co., Inc., Post Office Box 2106, Kailua-Kona, HI 96740, has applied for a loan from the Fisheries Loan Fund to aid in financing the purchase of a new fiberglass vessel, about 42 foot in length, to engage in the fishery for yellowfin tuna, wahoo, and dolphin (Corphaena hippurus) off the island of Hawaii.

Notice is hereby given, pursuant to the provisions of 16 U.S.C. 742c, Fisheries Loan Fund Procedures (50 CFR Part 250, as revised), and Reorganization Plan No. 4 of 1970, that the above entitled application is being considered by the National Marine Fisheries Service, National Oceanic and Atmospheric Administration, Department of Commerce, Washington, D.C. 20235. Any person desiring to submit evidence that the contemplated operation of such vessel will cause economic hardship or injury to efficient vessel operators already operating in that fishery must submit such evidence in writing to the Director, National Marine Fisheries Service, on or before April 2, 1973. If such evidence is received it will be evaluated along with such other evidence as may be available before making a determination that the contemplated operation of the vessel will or will not cause such economic hardship or injury.

JOSEPH W. SLAVIN,
Acting Director.

[FR Doc.73-3796 Filed 2-28-73;8:45 am]

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Office of Import Programs

BUCKNELL UNIVERSITY

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89–651, 80 Stat. 897) and the regulations issued thereunder as amended (37 FR 3892 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C.

Docket No. 73–00158–33–37100. Applicant: Bucknell University, Lewisburg, Pa. 17837. Article: Yeda-press (tissue homogenizer). Manufacturer: Yeda Research & Development Co., Ltd., Israel. Intended use of article: The article is intended to be used to prepare subcellular organelles or membrane fractions. Specifically it will be used to homogenize rat testicular tissue for preparation of Golgi apparatus membranes from the male germ cell in a research project designed to gain information regarding the Golgi apparatus membrane system as it relates to acrosome formation and sperm competence.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States. Reasons: The use in the preparation of Golgi apparatus membranes from testicular tissue will require the combination of controlled osmotic shock and pressure change. These capabilities provided by the foreign article are needed to release the Golgi apparatus intact and to maintain anaerobic conditions. The Department of Health, Education, and Welfare (HEW) advised in its memorandum dated February 9, 1973, that the capabilities described above are pertinent to the purposes for which the article is intended to be used. HEW also advised that it knows of no comparable domestic instrument of equivalent scientific value to the article for the purposes for which the article is intended to be used.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

B. BLANKENHEIMER,
Acting Director,
Office of Import Programs.

[FR Doc.73–3880 Filed 2–28–73;8:45 am]

TEXAS TECHNICAL UNIVERSITY ET AL.

Notice of Consolidated Decision on Applications for Duty-Free Entry of Scientific Articles

The following is a consolidated decision on applications for duty-free entry of scientific articles pursuant to section 6 (c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89–651, 80 Stat. 897) and the regulations issued thereunder as amended (37 FR 3892 et seq.).

A copy of the record pertaining to each of the applications in this consolidated decision is available for public review during ordinary business hours of the Department of Commerce, at the Special Import Programs Division, Office of Import Programs, Department of Commerce, Washington, D.C.

Decision: Applications denied. Applicants have failed to establish that instruments or apparatus of equivalent scientific value to the foreign articles, for such purposes as the foreign articles are intended to be used, are not being manufactured in the United States.

Reasons: Section 701.8 of the regulations provides in pertinent part:

> The applicant shall on or before the 20th day following the date of such notice, inform the Deputy Assistant Secretary whether it intends to resubmit another application for the same article for the same intended purposes to which the denied application relates. The applicant shall then resubmit the new application on or before the 90th day following the date of the notice of denial without prejudice to resubmission, unless an extension of time is granted by the Deputy Assistant Secretary in writing prior to the expiration of the 90-day period. * * * If the applicant fails, within the applicable time periods specified above, to either (a) inform the Deputy Assistant Secretary whether it intends to resubmit another application for the same article to which the denial without prejudice to resubmission relates, or (b) resubmit the new application, the prior denial without prejudice to resubmission shall have the effect of a final decision by the Deputy Assistant Secretary on the application within the context of § 701.11.

The meaning of the subsection is that should an applicant either fail to notify the Deputy Assistant Secretary of its intent to resubmit another application for the same article to which the denial without prejudice relates within the 20-day period, or fails to resubmit a new application within the 90-day period, the prior denial without prejudice to resubmission will have the effect of a final denial of the application.

None of the applicants to which this consolidated decision relates has satisfied the requirements set forth above, therefore, the prior denials without prejudice have the effect of a final decision denying their respective applications.

Section 701.8 further provides:

> * * * the Deputy Assistant Secretary shall transmit a summary of the prior denial without prejudice to resubmission to the FEDERAL REGISTER for publication, to the Commissioner of Customs, and to the applicant.

Each of the prior denials without prejudice to resubmission to which this consolidated decision relates was based on the failure of the respective applicants to submit the required documentation, including a completely executed application form, in sufficient detail to allow the issue of "scientific equivalency" to be determined by the Deputy Assistant Secretary.

Docket No. 71–00438–01–77040. Applicant: Texas Technical University, Lubbock, Tex. 79409. Article: Mass spectrometer, Model 311. Denial without prejudice to resubmission: October 31, 1972.

Docket No. 72–00264–01–77030. Applicant: Rhode Island College, Providence, R.I. 02908. Article: NMR Spectrometer, Model JNM–MH–60–II. Date of denial without prejudice to resubmission: October 25, 1972.

Docket No. 72–00282–65–46070. Applicant: Illinois Institute of Technology, Metallurgical and Materials Engineering Department, 10 West 33d Street, Chicago, IL 60616. Article: Scanning electron microscope, Model JSM–U3. Date of denial without prejudice to resubmission: October 3, 1972.

Docket No. 72–00355–01–77030. Applicant: The University of Georgia, Department of Medicinal Chemistry, School of Pharmacy, Athens, Ga. 30601. Article: NMR Spectrometer, Model R–20A. Date of denial without prejudice to resubmission: October 31, 1972.

Docket No. 72–00398–01–77040. Applicant: University of Illinois at Urbana-Champaign, 223 Administration Building, Urbana, Ill. 61801. Article: Mass spectrometer, Model MS 902. Date of denial without prejudice to resubmission: October 31, 1972.

Docket No. 72–00478–33–46040. Applicant: University of Pittsburgh Medical Center, Pathology Department, 3459 Fifth Avenue, Pittsburgh, PA 15213. Article: Electron microscope, Model EM 201. Date of denial without prejudice to resubmission: October 18, 1972.

Docket No. 72–00567–01–07500. Applicant: Brooklyn College of the City University of New York, Department of Chemistry, Bedford Avenue and Avenue H, Brooklyn, N.Y. 11210. Article: Precision Calorimetry System, LKB 8700. Date of denial without prejudice to resubmission: October 31, 1972.

Docket No. 72–00573–33–46040. Applicant: Institute of Health Laboratories, Electron Microscope Laboratory, Post Office Box 1730, Hato Rey, PR 00919. Article: Electron microscope, Model HU–12. Date of denial without prejudice to resubmission: October 13, 1972.

Docket No. 72–00577–33–46070. Applicant: Rutgers Medical School, Department of Anatomy, Basic Science Building, University Heights, New Brunswick, N.J. 08903. Article: Scanning electron microscope, Model JSM–U3. Date of denial without prejudice to resubmission: October 13, 1972.

Docket No. 72–00597–33–46500. Applicant: Harvard University, 75 Mount Auburn Street, Cambridge, MA 02138. Article: Ultramicrotome, Model LKB 8800A. Date of denial without prejudice to resubmission: September 25, 1972.

Docket No. 73–00116–65–01100. Applicant: Ames Laboratory, U.S. Atomic Energy Commission, Iowa State University, Ames, Iowa 50010. Article: Particle size analyzer, Model TZG3. Date of denial without prejudice to resubmission: October 13, 1972.

B. BLANKENHEIMER,
Acting Director,
Office of Import Programs.

[FR Doc.73–3877 Filed 2–28–73;8:45 am]

UNIVERSITY OF MIAMI

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89–651, 80 Stat. 897) and the regulations issued thereunder as amended (37 FR 3892 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C.

Docket No. 73–00166–33–46040. Applicant: University of Miami, Post Office Box 8184, Coral Gables, FL 33124. Article: Electron Microscope, Model EM 300 and accessories. Manufacturer: Philips Electronic Instruments NVD, The Netherlands. Intended use of article: The article is intended to be used in investigation to assess the structural details of cells and their components, and to relate these, by ancillary and collaborative work, to physiological and biochemical function of the cell. The primary area of study is excitable tissue, including muscle, and the central and peripheral nervous system of a variety of animals, including the organization of cells within the tissue, and the fine details of membrane structure at specific points of intercellular communication and synapse. The article will be used for educational purposes through the training of post doctoral fellows, visiting scientists, and faculty members whose research calls for fine structural information.

Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States. Reasons: The foreign article has a specified resolving capability of 3.5 angstroms. The most closely comparable domestic instrument is the Model EMU–4C electron microscope manufactured by the Forgflo Corp. The Model EMU–4C has a specified resolving capability of 5 angstroms. (The lower the numerical rating in terms of angstrom units, the better the resolving capability.) We are advised by the Department of Health, Education, and Welfare in its memorandum dated February 9, 1973, that the additional resolving capability of the foreign article is pertinent to the purposes for which the foreign article is intended to be used. We, therefore, find that the Model EMU–4C is not of equivalent scientific value to the foreign article for such purposes as the article is intended to be used.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

B. BLANKENHEIMER,
Acting Director,
Office of Import Programs.

[FR Doc.73–3879 Filed 2–28–73;8:45 am]

UNIVERSITY OF NORTH CAROLINA

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89–651, 80 Stat. 897) and the regulations issued thereunder as amended (37 FR 3892 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C.

Docket No. 73–00149–99–66700. Applicant: University of North Carolina, Department of Computer Science, New West Hall, Chapel Hill, N.C. 27514. Article: Teleprinter projector, Model 2510T. Manufacturer: I. P. Sharp Associates, Canada. Intended use of article: The article is intended to be used in the following courses in computer science, whose objectives are to train teachers and instructors in the Ph. D. level in computer science, to train practitioners of computer science, via the professional M.S. program, and to furnish vocational competence in computer use to undergraduates.

116. Numerical methods.
118. Data processing techniques.
120. Data representation and manipulation.
125. Mathematical structures in computer science.
140. Programing systems.
151–152. Applied mathematics in computer science.
155. Numerical analysis.

Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States. Reasons: The applicant's use in teaching a number of courses, including data processing and computer science requires clear presentations to relatively large groups. The Department of Health, Education, and Welfare (HEW) in its memorandum dated February 9, 1973, advises that the degree of legibility provided by the foreign article through direct projection is pertinent to the above cited uses within the meaning of § 701.2(n) of the regulations. HEW also advises that it knows of no comparable domestic instrument of equivalent scientific value to the foreign article for such purposes as this article is intended to be used.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

B. BLANKENHEIMER,
Acting Director,
Office of Import Programs.

[FR Doc.73–3881 Filed 2–28–73;8:45 am]

UNIVERSITY OF WASHINGTON ET AL.

Notice of Applications for Duty-Free Entry of Scientific Articles

The following are notices of the receipt of applications for duty-free entry of scientific articles pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89–651; 80 Stat. 897). Interested persons may present their views with respect to the question of whether an instrument or apparatus of equivalent scientific value for the purposes for which the article is intended to be used is being manufactured in the United States. Such comments must be filed in triplicate with the Director, Special Import Programs Division, Office of Import Programs, Washington, D.C. 20230, on or before March 21, 1973.

Amended regulations issued under cited Act, as published in the February 24, 1972, issue of the FEDERAL REGISTER, prescribe the requirements applicable to comments.

A copy of each application is on file, and may be examined during ordinary Commerce Department business hours at the Special Import Programs Division, Department of Commerce, Washington, D.C.

Docket No. 73–00351–33–41500. Applicant: University of Washington, School of Medicine, Department of Pathology, SM–30, Seattle, Wash. 98195. Article: Lamina downflow recirculating work station with base assembly; stainless steel spillage tray; ultraviolet, 15-watt bactericidal tube and fitting; and front closing panel. Manufacturer: Microflow, Ltd., United Kingdom. Intended use of article: The article is intended to be used for studies of the biochemical genetics of cultured cells (human and animal), including treatment of the cells with mutagenic agents. In addition, the article will be used for educational purposes in the following courses:

Somatic Cell Genetics.—A conjoint seminar course dealing with mechanisms of inheritance of somatic cells offered to graduate and medical students at the University of Washington.

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Human Cytogenetics.—A pathology course giving lecture and laboratory experience in cytogenetic pathology.

Application received by Commissioner of Customs: January 22, 1973.

Docket No. 73–00379–01–07500. Applicant: Community Blood Council Inc., 310 East 67th Street, New York, NY 10021. Article: Microcalorimetry system, LKB 10700–2. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The article is intended to be used in studies of many aspects of platelet reactivity to aggregating agents, physical conditions, and metabolism. The article will also be extremely useful for ongoing enzyme interaction studies. Application received by Commissioner of Customs: February 4, 1973.

Docket No. 73–00380–33–46040. Applicant: Veterans Administration Hospital, 2002 Holcombe Boulevard, Houston TX 77031. Article: Electron microscope, Model EM 301. Manufacturer: Philips Electronic Instruments NVD, The Netherlands. Intended use of article: The article is intended to be used for studies of the ultrastructure of kidney biopsies and correlation with clinical and immunological status of patients to establish diagnosis and thereafter to guide therapeutic management. In addition, the article will be used for studies of the electron microscopic ultrastructures of human tumors and other lesions with the view of more precised delineation of the nature of the lesions examined in surgical pathology. In addition the applicant will study various structures deriving from human blood and discharge to isolate etiological agents using negative staining techniques. The article will also be used for the training of resident physicians and staff pathologists, medical students, and students of the School of Medical Technology in the basic electron microscopic techniques. Application received by Commissioner of Customs: February 5, 1973.

Docket No. 73–00381–33–46040. Applicant: Ball State University, Muncie, Ind. 47306. Article: Electron microscope, Model HS–8F–1. Manufacturer: Hitachi Ltd., Japan. Intended use of article: The article is intended to be used for embryonic, larval, pupal, and adult gonads, to elucidate interactions of somatic and germ tissues during development. The article will also be used for educational purposes in courses in biology, medical technology, general science, biology teaching, biological science for nurses, botany, zoology, medicine, dentistry, pharmacy and veterinary medicine (i.e. the preparation of electron micrographs and training in operations of the electron microscope). Application received by Commissioner of Customs: February 2, 1973.

Docket No. 73–00382–98–34040. Applicant: University of California, Lawrence Berkeley Laboratory, East End of Hearst Avenue, Berkeley, Calif. 94720. Article: Carcinotron tube, Type CO–40B. Manufacturer: Thomson CSF, France. Intended use of article: The article will serve as a replacement tube for three existing tubes in a polarized proton target used in high energy physics experiments in conjunction with the Laboratory's Bevatron Accelerator and the Stanford Linear Accelerator. The article energizes a microwave cavity, and in so doing polarizes the protons in the solid hydrogen crystals. Application received by Commissioner of Customs: February 3, 1973.

Docket No. 73–00136–01–77030. Applicant: Albert Einstein College of Medicine, Yeshiva University, 1300 Morris Park Avenue, Bronx, NY 10461. Article: NMR Spectrometer, Model PS–100. Manufacturer: Jeolco, Japan. Intended use of article: The article will be used to investigate biological phenomena at the molecular level by observing the nuclear magnetic resonance of various nuclei in the following:

1. Iron transport by iron binding proteins.
2. Chemistry of metal chelates and metalloproteins using 19F as a probe.
3. Drug-Receptor interactions.
4. Mechanism of ion transport by antibiotic ionophorus agents.
5. Structure and chemistry of heme proteins.
6. Conformation changes in oligosaccharide-hapten-antibody interactions using 19F as a probe.
7. Enzyme mechanisms.

Application received by Commissioner of Customs: September 1, 1972.

B. Blankenheimer,
Acting Director,
Office of Import Programs.

[FR Doc.73–3878 Filed 2–28–73;8:45 am]

Social and Economic Statistics Administration

SPECIAL ANNUAL SURVEY

Notice of Determination

In conformity with title 13, United States Code, sections 181, 224, and 225, and due notice having been published on January 18, 1973 (38 FR 1756), I have determined that the annual data to be derived from the survey, "Exports of Manufactured Products: 1971 and 1972," are needed to aid the efficient performance of essential Government functions and have significant application to the needs of the public and industry and are not publicly available from nongovernmental or other Government sources.

Report forms furnishing data on the total value of shipments, total value of shipments for exports, and number of employees will be required of a sample of establishments. The establishments covered by this survey directly account for about 70 percent of total exports of manufactured products.

The information to be developed from this survey is necessary to measure adequately the impact of manufactured exports, and employment attributable thereto, at the State, standard metropolitan statistical area, and congressional district levels.

The report forms will be furnished to firms included in this survey, and additional copies are available on request to the Director, Bureau of the Census, Washington, D.C. 20233.

I have, therefore, directed that this survey be conducted for the purpose of collecting the data hereinabove described.

Dated: February 23, 1973.

Joseph R. Wright, Jr.,
Acting Assistant Secretary
for Economic Affairs.

[FR Doc.73–3970 Filed 2–28–73;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[DESI 8943]

ACETAZOLAMIDE IN SUSTAINED RELEASE DOSAGE FORM

Drugs for Human Use; Drug Efficacy Study Implementation Follow-up

In an announcement (DESI 8943) published in the Federal Register of July 25, 1972 (37 FR 14828), the Commissioner of Food and Drugs announced his conclusions pursuant to the evaluation of a report received from the National Academy of Sciences-National Research Council, Drug Efficacy Study Group, on the following product:

Diamox Sequels (sustained release capsules) containing acetazolamide; Lederle Laboratories Division, American Cyanamid Co., Post Office Box 500, Pearl River, NY 10965 (NDA 12–945).

All identical, related, or similar products, not the subject of an approved new drug application, are covered by the new drug application reviewed and are subject to this notice. See 21 CFR 130.40 (37 FR 23185, Oct. 31, 1972). Any person who wishes to determine whether a specific product is covered by this notice should write to the Food and Drug Administration, Bureau of Drugs, Office of Compliance (BD–300), 5600 Fishers Lane, Rockville, MD 20852.

The announcement stated, insofar as it pertains to acetazolamide in sustained release form for oral use, that it is probably effective for treatment of chronic simple (open angle) glaucoma, secondary glaucoma, and preoperatively in acute angle closure glaucoma where delay of surgery is desired in order to lower intraocular pressure. Based upon a reevaluation of available data, the Commissioner of Food and Drugs concludes that Diamox Sequels is effective for those conditions.

The other products included in the announcement of July 25, 1972, had been classified as effective and will not be affected by this notice.

Accordingly, the previous announcement is amended to read as follows, insofar as it pertains to acetazolamide in sustained release dosage form:

A. Effectiveness Classification

The Food and Drug Administration has considered the Academy's report, as well as other available evidence, and concludes that it is effective for adjunctive treatment of: Chronic simple (open angle) glaucoma, secondary glaucoma, and preoperatively in acute angle closure glaucoma where delay of surgery is desired in order to lower intraocular pressure.

B. Conditions for Approval and Marketing

The Food and Drug Administration is prepared to approve abbreviated new drug applications and abbreviated supplements to previously approved new drug applications under conditions described herein.

1. Form of drug

Acetazolamide preparations are in sustained release, capsule form suitable for oral administration.

2. Labeling conditions

a. The label bears the statement, "Caution: Federal law prohibits dispensing without prescription."

b. The drug is labeled to comply with all requirements of the Act and regulations, and the labeling bears adequate information for safe and effective use of the drug. The "Indications" are:

For adjunctive treatment of: Chronic simple (open angle) glaucoma, secondary glaucoma, and preoperatively in acute angle closure glaucoma where delay of surgery is desired in order to lower intraocular pressure.

3. Marketing status

Marketing of such drugs may be continued under the conditions described in the notice entitled "Conditions for Marketing New Drugs Evaluated in Drug Efficacy Study," published in the Federal Register July 14, 1970 (35 FR 11273), as follows:

a. For holders of "deemed approved" new drug applications (i.e., an application which became effective on the basis of safety prior to Oct. 10, 1962), the submission of a supplement for revised labeling, an abbreviated supplement for updating information, and adequate data to show the biologic availability of the drug in the formulation which is marketed as described in paragraphs (a)(1) (i), (ii), and (iii) of the notice of July 14, 1970. Clinical trials which have established the effectiveness of the drug may also serve to establish the bioavailability of the drug if such trials were conducted on the currently marketed formulation. The data should show that the drug is available at a rate of release which will be safe and effective.

b. For any person who does not hold an approved or effective new drug application, the submission of an abbreviated new drug application, to include adequate data to assure the biologic availability of the drug in the formulation which is or is intended to be marketed, as described in paragraph (a)(3)(ii) of that notice. The data should show that the drug is available at a rate of release which will be safe and effective.

c. For any distributor of the drug, the use of labeling in accord with this announcement for any such drug shipped within the jurisdiction of the Act as described in paragraph (b) of that notice.

Communications forwarded in response to this announcement should be identified with the reference number DESI 8943, directed to the attention of the appropriate office listed below, and addressed to the Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20852:

Supplements (identify with NDA number): Office of Scientific Evaluation (BD–100), Bureau of Drugs.
Original abbreviated new drug applications (identify as such): Drug Efficacy Study Implementation Project Office (BD–60), Bureau of Drugs.
Requests for the Academy's report: Drug Efficacy Study Information Control (BD–66), Bureau of Drugs.
All other communications regarding this announcement: Drug Efficacy Study Implementation Project Office (BD–60), Bureau of Drugs.

This notice is issued pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 502, 505, 52 Stat. 1050–53, as amended; 21 U.S.C. 352, 355), and the Administrative Procedure Act (5 U.S.C. 554), and under the authority delegated to the Commissioner of Food and Drugs (21 CFR 2.120).

Dated: February 21, 1973.

William F. Randolph,
Acting Associate Commissioner
for Compliance.

[FR Doc.73–3868 Filed 2–28–73;8:45 am]

[DESI 3523; Docket No. FDC–D–531; NDA 6–257 etc.]

CERTAIN COMBINATION DRUGS CONTAINING XANTHINE DERIVATIVES

Notice of Withdrawal of Approval of New Drug Applications

On November 25, 1972, there was published in the Federal Register (37 FR 25063) a notice of opportunity for hearing (DESI 3523) in which the Commissioner of Food and Drugs proposed to issue an order under section 505(e) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(e)) withdrawing approval of the new drug applications for the drugs listed below. The basis of the proposed action was the lack of substantial evidence that these combination drugs, as presently formulated, will have the effects that they purport or are represented to have under the conditions of use prescribed, recommended, or suggested in the labeling, or that each component of the combination contributes to the total effects claimed.

1. NDA 11–314; Deltasmyl Tablets containing theophylline, ephedrine hydrochloride, prednisone, and phenobarbital; Roussel Corp., 155 East 44th Street, New York, NY 10017.

2. That part of NDA 6–257 pertaining to Hydryllin Tablets and Elixir containing diphenhydramine and aminophylline; G. D. Searle and Co., Post Office Box 5110, Chicago, IL 60680.

3. NDA 6–821; Nethaprin Capsules and Syrup containing etafedrine hydrochloride, ambuphylline, and doxylamine succinate; Merrell-National Laboratories, Division of Richardson-Merrell, Inc., 110 East Amity Road, Cincinnati, OH 45215.

On December 1, 1972, G. D. Searle and Co. requested withdrawal of approval of that portion of NDA 6–257 that pertains to Hydryllin Tablets and Elixir. Also, on December 1, 1972, Cole Pharmacal Co. stated that Asminyl H–F Tablets, referred to in the notice of November 25, 1972, as a related drug, were discontinued on June 30, 1972. There were no other responses.

All identical, related, or similar products, not the subject of an approved new drug application, are covered by the new drug applications reviewed and are subject to this notice. See 21 CFR 130.40 (37 FR 23185, October 31, 1972). Any person who wishes to determine whether a specific product is covered by this notice should write to the Food and Drug Administration, Bureau of Drugs, Office of Compliance (BD–300), 5600 Fishers Lane, Rockville, MD 20852.

The Commissioner of Food and Drugs, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 505, 52 Stat. 1053, as amended; 21 U.S.C. 355), and the Administrative Procedure Act (5 U.S.C. 554), and under authority delegated to him (21 CFR 2.120), finds that on the basis of new information before him with respect to each of said drugs, evaluated together with the evidence available to him when the applications were approved, there is a lack of substantial evidence that the drugs will have the effects they purpose or are represented to have under the conditions of use prescribed, recommended, or suggested in the labeling thereof.

Therefore, pursuant to the foregoing findings, approval of the above new drug applications or pertinent parts thereof, and all amendments and supplements applying thereto, is withdrawn effective on March 1, 1973. Shipment in interstate commerce of the above-listed drug products or of any identical, related, or similar product, not the subject of an approved new drug application, is henceforth unlawful.

Dated: February 21, 1973.

William F. Randolph,
Acting Associate Commissioner
for Compliance.

[FR Doc.73–3865 Filed 2–28–73;8:45 am]

ADVISORY COMMITTEES

Notice of Meetings

Pursuant to the Federal Advisory Committee Act of October 6, 1972 (P.L. 92–463, 86 Stat. 770–776), the Food and Drug Administration announces the following public advisory committee meetings and other required information in accordance with provisions set forth in section 10(a) (1) and (2) of the Act:

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Committee name	Date, time, place	Type of meeting and contact person
1. Diagnostic Products Advisory Committee.	March 1 and 2, 9 a.m., Conference Room M, Parklawn Bldg., 5600 Fishers Lane, Rockville, MD.	Open—Thomas A. Hayes, M.D., Room 16B–39, 5600 Fishers Lane, Rockville, MD 20852, 301–443–1190.

Purpose. Reviews and evaluates information pertaining to performance standards for selected diagnostic products, evaluates and recommends reference methodologies and standards of precision and accuracy, and recommends priorities for standard setting.

Agenda. Status of final orders and regulations, report of subgroup on microbiological and immunological diagnostic reagents, preclearances, laboratory water, priorities, and future calls.

Committee name	Date, time, place	Type of meeting and contact person
2. Panel on Review of Antimicrobial Agents.	March 3–5, 9 a.m., Conference Room C, Parklawn Bldg., 5600 Fishers Lane, Rockville, MD.	Closed March 3 and 4, Open March 5, 9 a.m. to 10 a.m., Closed March 5, after 10 a.m., Michael Kennedy, Room 10B–05, 5600 Fishers Lane, Rockville, MD 20852, 301—443–4960.

Purpose. Review and evaluates available data concerning safety and effectiveness of active ingredients of currently marketed nonprescription drug products for human use containing antimicrobial ingredients.

Agenda. Continuing review of over-the-counter antimicrobial agents under investigation.

Committee name	Date, time, place	Type of meeting and contact person
3. Panel on Review of Topical Analgesics.	March 6, 9 a.m., Conference Room C, Parklawn Bldg., 5600 Fishers Lane, Rockville, MD.	Open 9 a.m. to 11 a.m., closed after 11 a.m. Lee Gelsmar, Room 10B–05, 5600 Fishers Lane, Rockville, MD 20852, 301—443–4960.

Purpose. Reviews and evaluates available data concerning safety and effectiveness of active ingredients of currently-marketed nonprescription drug products containing topical analgesics.

Agenda. Orientation of members and review of material on over-the-counter drugs containing topical analgesics.

Committee name	Date, time, place	Type of meeting and contact person
4. FDA/NIMH Drug Abuse Advisory Committee.	March 8, 9 a.m., Conference Room C, Parklawn Bldg., 5600 Fishers Lane, Rockville, MD.	Open 9 a.m. to noon, closed 1 p.m. to 4 p.m., Elmer A. Gardner, M.D., Room 10B–45, 5600 Fishers Lane, Rockville, MD 20852, 301—443–4020.

Purpose. Advises FDA on action to be taken on Notices of Claimed Investigational New Drugs for substances with abuse potential and advises NIMH on supplies of substances for clinical studies, on requests for quantities of substances for studies, and on requests for any amount of substances which involve protocols containing unique problems.

Agenda. Minutes of previous meeting, status of LAAM (levo-alphaacetyl methadol) for clinical trials, methodology for determining abuse potential of drugs, report of animal research involving self-administration of drugs, and review of research protocols.

Committee name	Date, time, place	Type of meeting and contact person
5. Panel of Review of Anesthesiology Devices.	March 9, 9 a.m., Executive Board Room, Mailman Center for Child Development, University of Miami, Miami, Fla.	Open 9 a.m. to 10 a.m., Closed after 10 a.m., David M. Link, Room 212B, 1901 Chapman Ave., Rockville, MD 20852, 301—443–1743.

Purpose. Reviews and evaluates available information concerning safety, effectiveness, and reliability of anesthesiology devices currently in use.

Agenda. Continuing review of anesthesiology devices under investigation.

Committee name	Date, time, place	Type of meeting and contact person
6. Panel on Review of Cardiovascular Devices.	March 20, 9:30 a.m., Room 6821, 200 C Street SW., Washington, DC.	Open 9:30 a.m. to 10:30 a.m., Closed after 10:30 a.m., David M. Link, Room 212B, 1901 Chapman Ave., Rockville, MD 20852, 301–443–1743.

Purpose. Reviews and evaluates available information concerning safety, effectiveness, and reliability of cardiovascular devices currently in use.

Agenda. Continuing review of cardiovascular devices under investigation.

Committee name	Date, time, place	Type of meeting and contact person
7. Technical Electronic Product Radiation Safety Standards Committee.	March 26 and 27, 9 a.m., Room 5051, HEW Building, 330 Independence Avenue SW., Washington, DC.	Open—Marshall S. Little, Room 527, 12720 Twinbrook Parkway, Rockville, MD 20852, 301—443–3426.

Purpose. Provides advice and guidance on technical feasibility, reasonableness, and practicability of performance standards for electronic products to control emission from such products.

Agenda. Review of activities of Bureau of Radiological Health, proposed performance standard for lasers and laser products, performance standard for cabinet radiography, proposed dental X-ray amendments to diagnostic X-ray standard, and ultrasonic diathermy.

Committee name	Date, time, place	Type of meeting and contact person
8. Panel on Review of Sedative, Tranquilizer, and Sleep Aid Drugs.	March 29–31, 9 a.m., Conference Room B, Parklawn Bldg., 5600 Fishers Lane, Rockville, MD.	Open March 29, 9 a.m., to 10 a.m., closed March 29 after 10 a.m., closed March 30 and 31. Michael Kennedy, Room 10B–05, 5600 Fishers Lane, Rockville, MD 20852, 301—443–4960.

Purpose. Reviews and evaluates available data concerning safety and effectiveness of active ingredients of currently marketed nonprescription drug products containing sedative, tranquilizer, and sleep aid drugs.

Agenda. Continuing review of over-the counter sedative, tranquilizer, and sleep aid drugs under investigation.

Agenda items are subject to change as priorities dictate.

During the open sessions shown above, interested persons may present relevant information or views orally to any committee for its consideration. Information or views submitted to any committee in writing before or during a meeting shall also be considered by the committee.

A list of committee members and summary minutes of meetings may be obtained from the contact person for the committee both for meetings open to the public and those meetings closed to the public in accordance with section 10(d) of the Federal Advisory Committee Act.

Most Food and Drug Administration advisory committees are created to advise the Commissioner of Food and Drugs on pending regulatory matters. Recommendations made by the committees on these matters are intended to result in action under the Federal Food, Drug, and Cosmetic Act, and these committees thus necessarily participate with the Commissioner in exercising his law enforcement responsibilities.

The Freedom of Information Act recognized that the premature disclosure of regulatory plans, or indeed internal discussions of alternative regulatory approaches to a specific problem, could have adverse effects upon both public and private interests. Congress recognized that such plans, even when finalized, may not be made fully available in advance of the effective date without damage to such interests, and therefore provided that this type of discussion would remain confidential. Thus, law enforcement activities have long been recognized as a legitimate subject for confidential consideration.

These committees often must consider trade secrets and other confidential information submitted by particular manufacturers which the Food and Drug Administration by law may not disclose, and which Congress has included within the exemptions from the Freedom of Information Act. Such information includes safety and effectiveness information, product formulation, and manufacturing methods and procedures, all of

which are of substantial competitive importance.

In addition, to operate most effectively, the evaluation of specific drug or device products requires that members of committees considering such regulatory matters be free to engage in full and frank discussion. Members of committees have frequently agreed to serve and to provide their most candid advice on the understanding that the discussion would be private in nature. Many experts would be unwilling to engage in candid public discussion advocating regulatory action against a specific product. If the committees were not to engage in the deliberative portions of their work on a confidential basis, the consequent loss of frank and full discussion among committee members would severely hamper the value of these committees.

The Food and Drug Administration is relying heavily on the use of outside experts to assist in regulatory decisions. The Agency's regulatory actions uniquely affect the health and safety of every citizen, and it is imperative that the best advice be made available to it on a continuing basis in order that it may most effectively carry out its mission.

A determination to close part of an advisory committee meeting does not mean that the public should not have ready access to these advisory committees considering regulatory issues. A determination to close the meeting is subject to the following conditions: First, any interested person may submit written data or information to any committee, for its consideration. This information will be accepted and will be considered by the committee. Second, a portion of every committee meeting will be open to the public, so that interested persons may present any relevant information or views orally to the committee. The period for open discussion will be designated in any announcement of a committee meeting. Third, only the deliberative portion of a committee meeting, and the portion dealing with trade secret and confidential information, will be closed to the public. The portion of any meeting during which nonconfidential information is made available to the committee will be open for public participation. Fourth, after the committee makes its recommendations and the Commissioner either accepts or rejects them, the public and the individuals affected by the regulatory decision involved will have an opportunity to express their views on the decision. If the decision results in promulgation of a regulation, for example, the proposed regulation will be published for public comment. Closing a committee meeting for deliberations on regulatory matters will therefore in no way preclude public access to the committee itself or full public comment with respect to the decisions made based upon the committee's recommendation.

The Commissioner has been delegated the authority under section 10(d) of the Federal Advisory Committee Act to issue a determination in writing, containing the reasons therefor, that any advisory committee meeting is concerned with matters listed in 5 U.S.C. 552(b) which contains the exemptions from the public disclosure requirements of the Freedom of Information Act. Pursuant to this authority, the Commissioner hereby determines, for the reasons set out above, that the portions of the advisory committee meetings designated in this notice as closed to the public involve discussion of existing documents falling within one of the exemptions set forth in 5 U.S.C. 552(b), or matters that, if in writing, would fall within 5 U.S.C. 552(b), and that it is essential to close such portions of such meetings to protect the free exchange of internal views and to avoid undue interference with Agency and committee operations. This determination shall apply only to the designated portions of such meetings which relate to trade secrets and confidential information or to committee deliberations.

Dated: February 23, 1973.

SHERWIN GARDNER,
Acting Commissioner of Food and Drugs.

[FR Doc.73-3867 Filed 2-28-73;8:45 am]

[Docket No. FDC-D-330; NADA No. 10-467V]

DIAMOND LABORATORIES, INC.

Oxytocin; Notice of Withdrawal of Approval of New Animal Drug Application

In the FEDERAL REGISTER of February 13, 1969 (34 FR 2146), the Commissioner of Food and Drugs announced the conclusions of the Food and Drug Administration following evaluation of a report received from the National Academy of Sciences-National Research Council, Drug Efficacy Study Group on Oxytocin new animal drug application (NADA) No. 10-467V; marketed by Diamond Laboratories, Inc., Des Moines, Iowa 50304.

Diamond Laboratories, Inc., responded to the announcemnt by advising the Commissioner that they waived the opportunity for a hearing and by requesting that the new animal drug application for this product be withdrawn.

Based on the grounds set forth in said announcement and the firm's response, the Commissioner concludes that approval of said NADA should be withdrawn. Therefore, pursuant to provisions of the Fedreal Food, Drug, and Cosmetic Act (sec. 51r, 82 Stat. 343–351; 21 U.S.C. 360b) and under authority delegated to the Commissioner (21 CFR 2.120), NADA No. 10-467V, including all amendments and supplements thereto, is hereby withdrawn effective on March 1, 1973.

Dated: February 21, 1973.

WILLIAM F. RANDOLPH,
Acting Associate Commissioner for Compliance.

[FR Doc.73-3866 Filed 2-28-73;8:45 am]

[DESI 6261; Docket No. FDC-D-524; NDA 6-257]

G. D. SEARLE AND CO.

Combination Drug Containing Diphenhydramine, Aminophylline, and Racephedrine Hydrochloride for Oral Use; Notice of Withdrawal of Approval of New Drug Application

On November 15, 1972, there was published in the FEDERAL REGISTER (37 FR 24203) a notice of opportunity for hearing (DESI 6261) in which the Commissioner of Food and Drugs proposed to issue an order under section 505(e) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(e)) withdrawing approval of that part of NDA 6-257 pertaining to Hydryllin with Racephedrine Tablets containing diphenhydramine, aminophylline, and racephedrine hydrochloride; G. D. Searle and Co., Post Office Box 5110, Chicago, IL 60680.

All identical, related, or similar products, not the subject of an approved new drug application, are covered by the new drug application reviewed and are subject to this notice. See 21 CFR 130.40 (37 FR 23185, Oct. 31, 1972). Any person who wishes to determine whether a specific product is covered by this notice should write to the Food and Drug Administration, Bureau of Drugs, Office of Compliance (BD-300), 5600 Fishers Lane, Rockville, MD 20852.

By letter of December 1, 1972, G. D. Searle requested withdrawal of approval of that portion of NDA 6-257 pertaining to Hydryllin with Racephedrine Tablets. There was no other response to the notice.

The Commissioner of Food and Drugs, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 505, 52 Stat. 1053, as amended; 21 U.S.C. 355), and the Administrative Procedure Act (5 U.S.C. 554), and under authority delegated to him (21 CFR 2.120), finds that on the basis of new information before him with respect to the drug, evaluated together with the evidence available to him when the application was approved, there is a lack of substantial evidence that the drug will have the effect it purports or is represented to have under the conditions of use prescribed, recommended, or suggested in the labeling thereof.

Therefore, pursuant to the foregoing findings, approval of that part of the new drug application 6-257 providing for the above drug and all amendments and supplements applying thereto is withdrawn effective March 1, 1973.

Shipment in interstate commerce of the above-listed drug product or of any identical, related, or similar product, not the subject of an approved new drug application, is henceforth unlawful.

Dated: February 21, 1973.

WILLIAM F. RANDOLPH,
Acting Associate Commissioner for Compliance.

[FR Doc.73-3870 Filed 2-28-73;8:45 am]

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[DESI 11735; Docket No. FDC-D-565; NDA 11-735]

GEIGY PHARMACEUTICALS

Combination Drug Containing Phenylbutazone, Prednisone, Aluminum Hydroxide Gel, Magnesium Trisilicate, and Homatropine Methylbromide; Notice of Opportunity for Hearing on Proposal To Withdraw Approval of New Drug Application

The Food and Drug Administration has reviewed available evidence concerning the safety and efficacy of the following drug, for which the new drug application was approved on the basis of safety prior to October 10, 1962.

Sterazolidin Capsules, containing phenylbutazone, prednisone, aluminum hydroxide gel, magnesium trisilicate, and homatropine methylbromide; marketed by Geigy Pharmaceuticals Division, Ciba-Geigy Chemical Corp., Saw Mill River Road, Ardsley, N.Y. 10502 (NDA 11-735).

As a result of that review, the Commissioner of Food and Drugs concludes that (1) there is a lack of substantial evidence that the drug is effective as a fixed combination, (2) in view of the excessive risk associated with its use, proof of safety is lacking, and (3) that the drug is not appropriate for administration in fixed combination within the guidelines set forth in the statement of general policy and interpretation § 3.86 Fixed Combination Prescription Drugs for Humans, published in the FEDERAL REGISTER of October 15, 1971 (36 FR 20037).

Therefore, notice is given to the holder(s) of the new drug application(s) and to any other interested person that the Commissioner proposes to issue an order under section 505(e) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(e)) withdrawing approval of the listed new drug application(s) and all amendments and supplements thereto on the grounds that new information before him with respect to the drug(s), evaluated together with the evidence available to him at the time of approval of the application(s), shows there is a lack of substantial evidence that the drug(s) will have all the effects purported or represented to have and the drug(s) is not not shown to be safe for use under the conditions of use prescribed, recommended, or suggested in the labeling.

All identical, related, or similar products, not the subject of an approved new drug application, are covered by the new drug application(s) reviewed. See 21 CFR 130.40 (37 FR 23185, Oct. 31, 1972). Any manufacturer or distributor of such an identical, related, or similar product is an interested person who may in response to this notice submit data and information, request that the new drug application(s) not be withdrawn, request a hearing, and participate as a party in any hearing. Any person who wishes to determine whether a specific product is covered by this notice should write to the Food and Drug Administration, Bureau of Drugs, Office of Compliance (BD-300), 5600 Fishers Lane, Rockville, MD 20852.

In accordance with the provisions of section 505 of the Act (21 U.S.C. 355) and the regulations promulgated thereunder (21 CFR Part 130), the Commissioner hereby gives the applicant(s) and any other interested person an opportunity for a hearing to show why approval of the new drug application(s) should not be withdrawn.

On or before April 2, 1973, the applicant(s) and any other interested person is required to file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 6-88, 5600 Fishers Lane, Rockville, MD 20852, a written appearance electing whether or not to avail himself of the opportunity for a hearing. Failure of an applicant or any other interested person to file a written appearance of election within said 30 days will constitute an election by him not to avail himself of the opportunity for a hearing.

If no person elects to avail himself of the opportunity for a hearing, the Commissioner without further notice will enter a final order withdrawing approval of the application(s).

If an applicant or any other interested person elects to avail himself of the opportunity for a hearing, he must file, on or before April 2, 1973, a written appearance requesting the hearing, giving the reasons why approval of the new drug application(s) should not be withdrawn, together with a well-organized and full-factual analysis of the clinical and other investigational data he is prepared to prove in support of his opposition. A request for a hearing may not rest upon mere allegations or denials, but must set forth specific facts showing that a genuine and substantial issue of fact requires a hearing (21 CFR 130.14(b)).

If review of the data submitted by an applicant or any other interested person warrants the conclusion that there exists substantial evidence demonstrating the effectiveness of the product(s), and that the drug is safe for use for the labeling claims involved, the Commissioner will rescind this notice of opportunity for hearing.

If review of the data in the application(s) and data submitted by the applicant(s) or any other interested person in a request for a hearing, together with the reasoning and factual analysis in a request for a hearing, warrants the conclusion that no genuine and substantial issue of fact precludes the withdrawal of approval of the application(s), the Commissioner will enter an order of withdrawal making findings and conclusions on such data.

If, upon the request of the new drug applicant(s) or any other interested person, a hearing is justified, the issues will be defined, a hearing examiner will be named, and he shall issue, as soon as practicable after April 2, 1973, a written notice of the time and place at which the hearing will commence. All persons interested in identical, related, or similar products covered by the new drug application(s) will be afforded an opportunity to appear at the hearing, file briefs, present evidence, cross-examine witnesses, submit suggested findings of fact, and otherwise participate as a party. The hearing contemplated by this notice will be open to the public except that any portion of the hearing that concerns a method or process the Commissioner finds entitled to protection as a trade secret will not be open to the public, unless the respondent specifies otherwise in his appearance.

Requests for a hearing and/or elections not to request a hearing may be seen in the Office of the Hearing Clerk (address given above) during regular business hours, Monday through Friday.

This notice is issued pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 505, 52 Stat. 1052-53, as amended; 21 U.S.C. 355), and the Administrative Procedure Act (5 U.S.C. 554), and under authority delegated to the Commissioner (21 CFR 2.120).

Dated: February 21, 1973.

WILLIAM F. RANDOLPH,
Acting Associate Commissioner for Compliance.

[FR Doc.73-3862 Filed 2-28-73;8:45 am]

[DESI 9411; Docket No. FDC-D-576; NDA No. 9-411 etc.]

PREPARATIONS CONTAINING MECLIZINE HYDROCHLORIDE AND PYRIDOXINE HYDROCHLORIDE FOR ORAL USE

Notice of Opportunity for Hearing on Proposal To Withdraw Approval of New Drug Applications

In a notice (DESI 9411) published in the FEDERAL REGISTER of March 22, 1972 (37 FR 5838) the Commissioner of Food and Drugs announced his conclusions pursuant to the evaluation of reports received from the National Academy of Sciences-National Research Council, Drug Efficacy Study Group, on the drugs described below stating that the drugs were regarded as possibly effective and lacking substantial evidence of effectiveness for the various labeled indications. The possibly effective indications have been reclassified as lacking substantial evidence of effectiveness in that no new evidence of effectiveness of the drugs has been submitted pursuant to the notice.

Bonadoxin Tablets and Drops, containing meclizine hydrochloride and pyridoxine hydrochloride; formerly marketed by J. B. Roerig Division, Pfizer Pharmaceuticals, 235 East 42d Street, New York, NY 10017 (NDA 9-411, NDA 10-095).

Therefore, notice is given to the holder(s) of the new drug application(s) and to any other interested person that the Commissioner proposes to issue an order under section 505(e) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(e)) withdrawing approval of the listed new drug application(s) and all amendments and supplements thereto on the grounds that new information before him with respect to the drug(s), evaluated together with the evidence available to him at the time of approval of the application(s), shows there is a lack of substantial evidence that the drug(s) will have all the effects purported or represented to have under the conditions of use prescribed, recommended, or suggested in the labeling.

All identical, related, or similar products, not the subject of an approved new drug application, are covered by the new drug application(s) reviewed. See 21 CFR 130.40 (37 FR 23185, Oct. 31, 1972). Any manufacturer or distributor of such an identical, related, or similar product is an interested person who may in response to this notice submit data and information, request that the new drug application(s) not be withdrawn, request a hearing, and participate as a party in any hearing. Any person who wishes to determine whether a specific product is covered by this notice should write to the Food and Drug Administration, Bureau of Drugs, Office of Compliance (BD-300), 5600 Fishers Lane, Rockville, Maryland 20852.

In accordance with the provisions of section 505 of the Act (21 U.S.C. 355) and the regulations promulgated thereunder (21 CFR Part 130), the Commissioner hereby gives the applicant(s) and any other interested person an opportunity for a hearing to show why approval of the new drug application(s) should not be withdrawn.

On or before April 2, 1973, the applicant(s) and any other interested person is required to file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 6-88, 5600 Fishers Lane, Rockville, Maryland 20852, a written appearance electing whether or not to avail himself of the opportunity for a hearing. Failure of an applicant or any other interested person to file a written appearance of election on or before April 2, 1973, will constitute an election by him not to avail himself of the opportunity for a hearing.

If no person elects to avail himself of the opportunity for a hearing, the Commissioner without further notice will enter a final order withdrawing approval of the application(s).

If an applicant or any other interested person elects to avail himself of the opportunity for a hearing, he must file, on or before April 2, 1973, a written appearance requesting the hearing, giving the reasons why approval of the new drug application(s) should not be withdrawn, together with a well-organized and full-factual analysis of the clinical and other investigational data he is prepared to prove in support of his opposition. A request for a hearing may not rest upon mere allegations of denials, but must set forth specific facts showing that a genuine and substantial issue of fact requires a hearing (21 CFR 130.14(b)).

If review of the data submitted by an applicant or any other interested person warrants the conclusion that there exists substantial evidence demonstrating the effectiveness of the product(s) for the labeling claims involved, the Commissioner will rescind this notice of opportunity for hearing.

The basis of the proposed withdrawal of approval was the lack of substantial evidence that this fixed combination drug is effective for its claimed indications.

Neither Merck Sharp & Dohme nor any other interested person has filed a written appearance of election as provided by said notice. The failure to file such an appearance constitutes an election by such persons not to avail themselves of the opportunity for a hearing.

All identical, related, or similar products, not the subject of an approved new drug application, are covered by the new drug application reviewed and are subject to this notice. See 21 CFR 130.40 (37 FR 23185, Oct. 31, 1972). Any person who wishes to determine whether a specific product is covered by this notice should write to the Food and Drug Administration, Bureau of Drugs, Office of Compliance (BD-300), 5600 Fishers Lane, Rockville, Md. 20852.

The Commissioner of Food and Drugs, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 505, 52 Stat. 1053, as amended; 21 U.S.C. 355), and the Administrative Procedure Act (5 U.S.C. 554), and under authority delegated to him (21 CFR 2.120), finds that on the basis of new information before him with respect to the drug, evaluated together with the evidence available to him when the application was approved, there is a lack of substantial evidence that the drug will have the effect it purports or is represented to have under the conditions of use prescribed, recommended, or suggested in the labeling thereof. The Commissioner further concludes that the drug is not appropriate for administration as a fixed dose combination within the guidelines set forth in the statement of General Policy or Interpretation § 3.86 *Fixed-Combination prescription drugs for humans*, published in the FEDERAL REGISTER of October 15, 1971 (36 FR 20037).

Therefore, pursuant to the foregoing findings, approval of new drug application 13-415 and all amendments and supplements applying thereto is withdrawn effective on March 1, 1973. Shipment in interstate commerce of the above-listed drug product or of any identical, related, or similar product, not the subject of an approved new drug application, is henceforth unlawful.

Dated: February 21, 1973.

WILLIAM F. RANDOLPH,
Acting Associate Commissioner for Compliance.

[FR Doc.73-3869 Filed 2-28-73;8:45 am]

[DESI 5597; Docket No. FDC-D-562; NDA 8-240]

STRASENBURGH PHARMACEUTICAL DIVISION, PENNWALT CORP.

Preparation Containing Acetaminophen, Salicylamide, Amphetamine Phosphate and Methylatropine Nitrate; Notice of Withdrawal of Approval of New Drug Application

A notice as published in the FEDERAL REGISTER of November 28, 1972 (37 FR 25185), extending to Strasenburgh Pharmaceutical Division, Pennwalt

of substantial evidence that the drug(s) will have all the effects purported or represented to have under the conditions of use prescribed, recommended, or suggested in the labeling.

All identical, related, or similar products, not the subject of an approved new drug application, are covered by the new drug application(s) reviewed. See 21 CFR 130.40 (37 FR 23185, Oct. 31, 1972). Any manufacturer or distributor of such an identical, related, or similar product is an interested person who may in response to this notice submit data and information, request that the new drug application(s) not be withdrawn, request a hearing, and participate as a party in any hearing. Any person who wishes to determine whether a specific product is covered by this notice should write to the Food and Drug Administration, Bureau of Drugs, Office of Compliance (BD-300), 5600 Fishers Lane, Rockville, Maryland 20852.

In accordance with the provisions of section 505 of the Act (21 U.S.C. 355) and the regulations promulgated thereunder (21 CFR Part 130), the Commissioner hereby gives the applicant(s) and any other interested person an opportunity for a hearing to show why approval of the new drug application(s) should not be withdrawn.

On or before April 2, 1973, the applicant(s) and any other interested person is required to file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 6-88, 5600 Fishers Lane, Rockville, Maryland 20852, a written appearance electing whether or not to avail himself of the opportunity for a hearing. Failure of an applicant or any other interested person to file a written appearance of election on or before April 2, 1973, will constitute an election by him not to avail himself of the opportunity for a hearing.

If no person elects to avail himself of the opportunity for a hearing, the Commissioner without further notice will enter a final order withdrawing approval of the application(s).

If an applicant or any other interested person elects to avail himself of the opportunity for a hearing, he must file, on or before April 2, 1973, a written appearance requesting the hearing, giving the reasons why approval of the new drug application(s) should not be withdrawn, together with a well-organized and full-factual analysis of the clinical and other investigational data he is prepared to prove in support of his opposition. A request for a hearing may not rest upon mere allegations of denials, but must set forth specific facts showing that a genuine and substantial issue of fact requires a hearing (21 CFR 130.14(b)).

If review of the data submitted by an applicant or any other interested person warrants the conclusion that there exists substantial evidence demonstrating the effectiveness of the product(s) for the labeling claims involved, the Commissioner will rescind this notice of opportunity for hearing.

If review of the data in the application(s) and data submitted by the applicant(s) or any other interested person in a request for a hearing, together with the reasoning and factual analysis in a request for a hearing, warrants the conclusion that no genuine and substantial issue of fact precludes the withdrawal of approval of the application(s), the Commissioner will enter an order of withdrawal making findings and conclusions on such data.

If, upon the request of the new drug applicant(s) or any other interested person, a hearing is justified, the issues will be defined, a hearing examiner will be named, and he shall issue, as soon as practicable after April 2, 1973, a written notice of the time and place at which the hearing will commence. All persons interested in identical, related, or similar products covered by the new drug application(s) will be afforded an opportunity to appear at the hearing, file briefs, present evidence, cross-examine witnesses, submit suggested findings of fact, and otherwise participate as a party. The hearing contemplated by this notice will be open to the public except that any portion of the hearing that concerns a method or process the Commissioner finds entitled to protection as a trade secret will not be open to the public, unless the respondent specifies otherwise in his appearance.

Requests for a hearing and/or elections not to request a hearing may be seen in the Office of the Hearing Clerk (address given above) during regular business hours, Monday through Friday.

This notice is issued pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 505, 52 Stat. 1052-53, as amended; 21 U.S.C. 355), and the Administrative Procedure Act (5 U.S.C. 554), and under authority delegated to the Commissioner (21 CFR 2.120).

Dated: February 21, 1973.

WILLIAM F. RANDOLPH,
Acting Associate Commissioner for Compliance.

[FR Doc.73-3864 Filed 2-28-73;8:45 am]

[DESI 12339; Docket No. FDC-D-457; NDA 13-415]

MERCK SHARP & DOHME

Combination Drug Containing Dexamethasone Sodium Phosphate and Isoproterenol Sulfate for Inhalation; Notice of Withdrawal of Approval of New Drug Application

On December 13, 1972 there was published in the FEDERAL REGISTER (37 FR 26537) a notice of opportunity for hearing; (DESI 12339) in which the Commissioner of Food and Drugs proposed to issue an order under section 505(e) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(e)) withdrawing approval of the new drug application for the following drug:

NDA 13-415; ProDecadron Respihaler containing dexamethasone sodium phosphate and isoproterenol sulfate; Merck Sharp & Dohme, Division of Merck & Co., West Point, Pa. 19846.

The basis of the proposed withdrawal of approval was the lack of substantial

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Corp., Post Office Box 1766, Rochester, NY 14623 and to any interested person, an opportunity for hearing on the proposal of the Commissioner of Food and Drugs to issue an order under section 505(e) of the Federal Food, Drug, and Cosmetic Act withdrawing approval of NDA 8-240 for Strascogesic Tablets (acetaminophen, salicyamide, amphetamine phospate and methylatropine nitrate). The basis of the proposed action was the lack of substantial evidence that the drug is effective for its labeled indications.

All identical, related, or similar products, not the subject on an approved new drug application, are covered by the new drug application reviewed and are subject to this notice. See 21 CFR 130.40 (37 FR 23185, Oct. 31, 1972). Any person who wishes to determine whether a specific product is covered by this notice should write to the Food and Drug Administration, Bureau of Drugs, Office of Compliance (BD-300), 5600 Fishers Lane, Rockville, Md. 20852.

Neither the holder of the application nor any other person filed a written appearance of election within the 30 days provided by said notice. The failure to file such an appearance constitutes an election by such persons not to avail themselves of an opportunity for hearing.

The Commissioner of Food and Drugs pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 505, 52 Stat. 1053, as amended; 21 U.S.C. 355), and the Administrative Procedure Act (5 U.S.C. 554), and under authority delegated to him (21 CFR 2.120), finds that on the basis of new information before him with respect to the drug, evaluated together with the evidence available to him when the application was approved, there is a lack of substantial evidence that the drug will have the effect it purports or is represented to have under the conditions of use prescribed, recommended, or suggested in the labeling thereof.

Therefore, pursuant to the foregoing finding, approval of new drug application No. 8-240 and all amendments and supplements thereto is withdrawn effective on March 1, 1973.

Shipment in interstate commerce of the above-listed drug product or of any identical, related, or similar product, not the subject of an approved new drug application, is henceforth unlawful.

Dated: February 21, 1973.

WILLIAM F. RANDOLPH,
Acting Associate Commissioner for Compliance.

[FR Doc.73-3863 Filed 2-28-73;8:45 am]

National Institutes of Health

AD HOC COMMITTEE ON TESTING FOR ENVIRONMENTAL CHEMICAL CARCINOGENS

Notice of Open Meeting

Pursuant to Public Law 92-463, notice is hereby given of the meeting of the Ad Hoc Committee on Testing for Environmental Chemical Carcinogens, March 8-9, 1973, 9 a.m., National Institutes of Health, Building 37, Conference Room 1B-04. This meeting will be open to the public from 9 a.m., March 8-9, 1973, to discuss problems arising out of overlapping responsibilities of several agencies in the area of testing of environmental chemicals for carcinogenicity. Attendance by the public will be limited to space available.

Mr. Frank Karel, Associate Director for Public Affairs, NCI, Building 31, Room 10A31, National Institutes of Health, Bethesda, Md. 20014 (300—496-1911), will furnish summaries of the open meeting and roster of committee members.

Dr. Harold Stewart, Executive Secretary, Building 37 (ERF), Room 202, National Institutes of Health, Bethesda, Md. 20014 (301—496-6047), will provide substantive program information.

Dated: February 21, 1973.

JOHN F. SHERMAN,
Acting Director,
National Institutes of Health.

[FR Doc.73-3833 Filed 2-28-73;8:45 am]

ALLIED HEALTH PROFESSIONS REVIEW COMMITTEE

Notice of Closed Meeting

Pursuant to Public Law 92-463, notice is hereby given of the meeting of the Allied Health Professions Review Committee, March 21-23, 1973, at 9 a.m., National Institutes of Health, Building 31, Conference Room 7. This meeting will be open to the public from 9 a.m. to 10 a.m., March 21, to discuss appropriate announcements and answer questions of reviewers prior to the review of applications and closed to the public from 10 a.m. to 5 p.m., March 21, and from 9 a.m. to 5 p.m., March 22-23, 1973, in accordance with the provisions set forth in section 10(d) of Public Law 92-463. Attendance by the public will be limited to space available.

Summaries of meetings, rosters of committee members and substantive information may be obtained from the Executive Secretary, Dr. Merrill B. DeLong, Room 4C-16, Federal Building, telephone: 496-5697.

Dated: February 20, 1973.

JOHN F. SHERMAN,
Deputy Director,
National Institutes of Health.

[FR Doc.73-3817 Filed 2-28-73;8:45 am]

BIOASSAY SEGMENT ADVISORY GROUP

Notice of Meeting

Pursuant to Public Law 92-463, notice is hereby given of the meeting of the Bioassay Segment Advisory Group, March 14, 1973, at 1 p.m. and March 15, 1973, at 9 a.m., National Institutes of Health, Building 37, Conference Room 1B04. This meeting will be open to the public from 3 p.m. until 5 p.m., March 15, 1973, to discuss the Bioassay Program within the context of the carcinogenesis area, and closed to the public from 1 p.m. until 5 p.m., March 14, 1973, and from 9 a.m. until 3 p.m., March 15, 1973, in accordance with the provisions set forth in section 10(d) of Public Law 92-463. Attendance by the public will be limited to space available.

Mr. Frank Karel, Associate Director for Public Affairs, NCI, Building 31, Room 10A31, National Institutes of Health, Bethesda, Md. 20014 (301—496-1911) will furnish summaries of the open/closed meeting and roster of committee members.

Dr. James M. Sontag, Acting Manager, Bioassay Segment, Landow Building, Room B304, National Institutes of Health, Bethesda, Md. 20014 (301—496-5472) will provide substantive program information.

Dated: February 20, 1973.

JOHN F. SHERMAN,
Acting Director,
National Institutes of Health.

[FR Doc.73-3827 Filed 2-28-73;8:45 am]

BIOLOGY AND IMMUNOLOGY SEGMENT ADVISORY GROUP

Notice of Meeting

Pursuant to Public Law 92-463, notice is hereby given of the meeting of the Biology and Immunology Segment Advisory Group, March 21, 1973, at 9 a.m., National Institutes of Health, Building 37, Conference Room 1B04. This meeting will be open to the public from approximately 3 p.m. March 21, 1973, to discuss general concepts of the Biology and Immunology Research Program and closed to the public from 9 a.m. to 3 p.m., March 21, 1973, in accordance with the provisions set forth in section 10(d) of Public Law 92-463. Attendance by the public will be limited to space available.

Mr. Frank Karel, Associate Director for Public Affairs, NCI, Building 31, Room 10A31, National Institutes of Health, Bethesda, Md. 20014 (301—496-1911), will furnish summaries of the open/closed meeting and roster of committee members.

Allen H. Heim, Ph. D., Executive Secretary, Landow Building, A306, National Institutes of Health, Bethesda, Md. 20014 (301—496-1881), will provide substantive program information.

Dated: February 20, 1973.

JOHN F. SHERMAN,
Acting Director,
National Institutes of Health.

[FR Doc.73-3826 Filed 2-28-73;8:45 am]

BREAST CANCER EPIDEMIOLOGY COMMITTEE

Notice of Meeting

Pursuant to Public Law 92-463, notice is hereby given of the meeting of the Breast Cancer Epidemiology Committee, March 5, 1973, at 9 a.m., National Institutes of Health, Building 31, Conference Room 8. This meeting will be open to the public from 9 a.m. to 9:45 a.m., to discuss general committee business, and closed to the public from 9:45 a.m. to 5 p.m., in accordance with the provisions set forth in section 10(d) of Public Law 92-463. Attendance by the public will be limited to space available.

Dr. Frank Karel, NCI Information Officer, Building 31, Room 10A31, National Institutes of Health, Bethesda, Md. 20014, 301—496-1911, will furnish summaries of the open/closed meeting and roster of committee members.

Dr. Bernice T. Radovich, Executive Secretary, Landow Building, Room A416, National Institutes of Health, Bethesda, Md. 20014 (301) 496-6773, will provide substantive program information.

Dated: February 20, 1973.

JOHN F. SHERMAN,
Acting Director,
National Institutes of Health.

[FR Doc.73-3824 Filed 2-28-73;8:45 am]

BOARD OF SCIENTIFIC COUNSELORS

Notice of Meeting

Pursuant to Public Law 92-463, notice is hereby given of the meeting of the Board of Scientific Counselors (NIAMDD), March 30-31, 1973, at 9 a.m., National Institutes of Health, Building 4, Conference Room 335. This meeting will be open to the public from 9 a.m. to 10 a.m. on March 30 to discuss the general trend in research as regards arthritis, metabolism, and digestive diseases, and closed to the public from 10 a.m. to 5 p.m. on March 30, and 9 a.m. to adjournment on March 31, 1973, in accordance with the provisions set forth in section 10(d) of Public Law 92-463. Attendance by the public will be limited to space available.

Name of the person from whom rosters of committee members, summary of the meeting, and other information pertaining to the meeting may be obtained: Mr. Victor Wartofsky, Information Officer, NIAMDD, National Institutes of Health, Building 31, Room 9A04, Bethesda, Md., 301—496-3583.

Dated: February 21, 1973.

JOHN F. SHERMAN,
Acting Director,
National Institutes of Health.

[FR Doc.73-3830 Filed 2-28-73;8:45 am]

BOARD OF SCIENTIFIC COUNSELORS

Notice of Open Meeting

Pursuant to Public Law 92-463, notice is hereby given of the meeting of the Board of Scientific Counselors on March 8 and 9, 1973, at the National Institutes of Health, Building 36, Conference Room 1B07. This meeting will be open to the public from 10:30 a.m. to 5 p.m. on March 8, 1973, during the general review of parts of the Intramural Research Program of the National Institute of Neurological Diseases and Stroke. The meeting will be closed to the public for the remainder of the meeting in accordance with the provisions set forth in section 10(d) of Public Law 92-463. Attendance by the public will be limited to space available.

Mrs. Ruth Dudley, Information Officer, NINDS, Building 31, Room 8A03, telephone 496-5751, will furnish summaries of the open part of the meeting and rosters of committee members; and Dr. Henry G. Wagner, Director, IR, NINDS, Building 36, Room 5A05, telephone 496-4297 will give program information.

Dated: February 21, 1973.

JOHN F. SHERMAN,
Deputy Director,
National Institutes of Health.

[FR Doc.73-3831 Filed 2-28-73;8:45 am]

CANCER CONTROL ADVISORY COMMITTEE

Notice of Meeting

Pursuant to Public Law 92-463, notice is hereby given of the meeting of the Cancer Control Advisory Committee, March 14, 1973, at 9 a.m., National Institutes of Health, Building 31, C Wing, Conference Room 7. This meeting will be open to the public from 9 a.m., March 14, 1973, to discuss minutes of last meeting, announcements, program report, personnel activities, actions taken on items from previous meeting and future meeting dates and closed to the public from 10:30 a.m., March 14, 1973, in accordance with the provisions set forth in section 10(d) of Public Law 92-463. Attendance by the public will be limited to space available.

Mr. Frank Karel, Associate Director for Public Affairs, NCI, Building 31, Room 10A31, National Institutes of Health, Bethesda, Md. 20014 (301—496-1911), will furnish summaries of the open/closed meeting and roster of committee members.

Dr. Robert L. Woolridge, Executive Secretary, Building 31, Room 10A19, National Institutes of Health, Bethesda, Md. 20014 (301—496-1946) will provide substantive program information.

Dated: February 20, 1973.

JOHN F. SHERMAN,
Acting Director,
National Institutes of Health.

[FR Doc.73-3823 Filed 2-28-73;8:45 am]

CHEMISTRY AND MOLECULAR CARCINOGENESIS SEGMENT ADVISORY GROUP

Notice of Meeting

Pursuant to Public Law 92-463, notice is hereby given of the meeting of the Chemistry and Molecular Carcinogenesis Segment Advisory Group, March 20, 1973, at 9 a.m., National Institutes of Health, Building 31, A Wing, Conference Room 4. This meeting will be open to the public from approximately 3 p.m. March 20, 1973, to discuss general concepts of the Chemical and Molecular Carcinogenesis Research Program and closed to the public from 9 a.m. to 3 p.m., March 20, 1973, in accordance with the provisions set forth in section 10(d) of Public Law 92-463. Attendance by the public will be limited to space available.

Mr. Frank Karel, Associate Director for Public Affairs, NCI, Building 31, Room 10A31, National Institutes of Health, Bethesda, Md. 20014 (301—496-1911), will furnish summaries of the open/closed meeting and roster of committee members.

Ann E. Kaplan, Ph. D., Executive Secretary, Landow Building, A306, National Institutes of Health, Bethesda, Md. 20014 (301—496-5471), will provide substantive program information.

Dated: February 20, 1973.

JOHN F. SHERMAN,
Acting Director,
National Institutes of Health.

[FR Doc.73-3825 Filed 2-28-73;8:45 am]

DENTAL CARIES PROGRAM ADVISORY COMMITTEE

Notice of Open Meeting

Pursuant to Public Law 92-463, notice is hereby given of the meeting of the Dental Caries Program Advisory Committee, March 19 and 20, 1973, National Institutes of Health, Building 31-C, Conference Room 8. This meeting will be open to the public from 9 a.m. to 5 p.m., March 19, and from 9 a.m. to 12 noon on March 20. New committee members will be acquainted with the overall purpose and current activities as well as future research plans of the National Caries Program. Attendance by the public will be limited to space available.

The Executive Secretary from whom substantive information may be obtained is:

Dr. James P. Carlos, Associate Director, National Caries Program, National Institute of Dental Research, National Institutes of Health, Westwood Building, Room 528, Bethesda, Md. 20014.

Dated: February 20, 1973.

JOHN F. SHERMAN,
Deputy Director,
National Institutes of Health.

[FR Doc.73-3807 Filed 2-28-73;8:45 am]

DENTAL EDUCATION REVIEW COMMITTEE

Notice of Meeting

Pursuant to Public Law 92-463, notice is hereby given of the meeting of the Dental Education Review Committee, March 15-16, 1973, at 8:30 a.m., National Institutes of Health, Building 31, Conference Room 4, A Wing. This meeting will be open to the public from 8:30 a.m. to 9:30 a.m., March 15, 1973, to discuss current status of dental special project grants, start-up assistance grants, capitation waiver requests and post construction site visit assessment. The meeting will be closed to the public at 9:30 a.m., March 15, 1973, in accordance with the provisions set forth in section 10(d) of Public Law 92-463. Attendance by the public will be limited to space available.

1. The Executive Secretary who will furnish summaries of the closed meeting and rosters of committee members; Leonard P. Wheat, National Institutes of

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Health, Building 31, Room 4B-44, phone 496-6641, and

2. The Executive Secretary from whom substantive information may be obtained: Leonard P. Wheat, National Institutes of Health, Building 31, Room 4B-44, phone 496-6641.

Dated: February 20, 1973.

JOHN F. SHERMAN,
Deputy Director,
National Institutes of Health.

[FR Doc.73-3820 Filed 2-28-73;8:45 am]

MEDICAL EDUCATION REVIEW COMMITTEE

Notice of Meeting

Pursuant to Public Law 92-463, notice is hereby given of the meeting of the Medical Education Review Committee, March 20-22, 1973, at 8:30 a.m. to 5 p.m., National Institutes of Health, Building 31, Conference Room 10. This meeting will be open to the public from 8:30 to 9:30 a.m., March 20, to discuss the minutes, and other Committee business and closed to the public from 9:30 a.m. on March 20 to 5 p.m. on March 22, 1973, in accordance with the provisions set forth in section 10(d) of Public Law 92-463. Attendance by the public will be limited to space available.

The names, addresses, room numbers and phone numbers of:

1. The Acting Executive Secretary who will furnish summaries of the meeting and rosters of Committee members:

Dr. Robert Hendrickson, National Institutes of Health, Building 31, Room 4C-11, area code 301, 496-6801.

2. The Acting Executive Secretary from whom substantive program information may be obtained:

Dr. Robert Hendrickson, National Institutes of Health, Building 31, Room 4C-11, area code 301, 496-6801.

Dated: February 20, 1973.

JOHN F. SHERMAN,
Deputy Director,
National Institutes of Health.

[FR Doc.73-3818 Filed 2-28-73;8:45 am]

NATIONAL ADVISORY ALLERGY AND INFECTIOUS DISEASES COUNCIL

Notice of Meeting

Pursuant to Public Law 92-463, notice is hereby given of the meeting of the National Advisory Allergy and Infectious Diseases Council, March 22-23, 1973, at 9 a.m., National Institutes of Health, Building 31, Conference Room 9. This meeting will be open to the public from 9 a.m. to 10 a.m., and from 1:30 p.m. to 5 p.m., on March 22, to discuss recent program developments and plans in the Institute's ongoing programs, and closed to the public from 10 a.m. to 1:30 p.m., on March 22, and from 9 a.m. to 12 noon on March 23, in accordance with the provisions set forth in section 10(d) of Public Law 92-463. Attendance by the public will be limited to space available.

Rosters of the committee members and/or summary of the meeting may be obtained from Mr. Robert L. Schreiber, Information Officer, NIAID, National Institutes of Health, Building 31, Room 7A34, Bethesda, Md. 20014, telephone 496-5717. Substantive program information may be obtained from the Executive Secretary, Dr. William I. Gay, Associate Director, Extramural Programs, NIAID, National Institutes of Health, Westwood Building, Room 703, Bethesda, Md. 20014, telephone 496-7291.

Dated: February 20, 1973.

JOHN F. SHERMAN,
Deputy Director,
National Institutes of Health.

[FR Doc 73-3803 Filed 2-28-73;8:45 am]

NATIONAL ADVISORY CHILD HEALTH AND HUMAN DEVELOPMENT COUNCIL

Notice of Meeting

Pursuant to Public Law 92-463, notice is hereby given of the meeting of the National Advisory Child Health and Human Development Council, March 26-28, 1973, at 9 a.m., National Institutes of Health, Building 31, Conference Room 4. This meeting will be open to the public from 9 a.m. to 5 p.m., March 26, and 9 a.m. to 5 p.m., March 28, with reports and presentations by the Director, NICHD, members of NIH and NICHD staff, and Council members. Items included are current status reports, committee reports and scientific presentations. The meeting will be closed to the public from 9 a.m. to 5 p.m., March 27, in accordance with the provisions set forth in section 10(d) of Public Law 92-463. Attendance by the public will be limited to space available.

Ms. Patricia Gabbett, Information Officer, NICHD, Landow Building, Room A-804B, National Institutes of Health, 496-1533, will furnish summaries of the meeting and rosters of the committee members. Substantive information may also be obtained from Mrs. Marjorie Neff, Council Secretary, NICHD, Landow Building, Room C-633, National Institutes of Health, 496-1756.

Dated: February 20, 1973.

JOHN F. SHERMAN,
Acting Director,
National Institutes of Health.

[FR Doc.73-3805 Filed 2-28-73;8:45 am]

NATIONAL ADVISORY DENTAL RESEARCH COUNCIL

Notice of Meeting

Pursuant to Public Law 92-463, notice is hereby given of the meeting of the National Advisory Dental Research Council, March 15 and 16, 1973, National Institutes of Health, Building 31-C, Conference Room 8. This meeting will be open to the public from 9:30 a.m. to adjournment on March 15, to discuss items of general interest. New organizational changes will be discussed with specific comments by Dr. Samuel Pruzansky, NIDR consultant, and Dr. Abner Notkins, NIDR senior investigator. The meeting will be closed to the public from 8 a.m. to adjournment on March 16, in accordance with the provisions set forth in section 10(d) of Public Law 92-463. Attendance by the public will be limited to space available.

The Executive Secretary from whom substantive information may be obtained is:

Dr. Clair L. Gardner, Deputy Director and Associate Director for Extramural Programs, National Institute of Dental Research, National Institutes of Health, Westwood Building, Room 503, Bethesda, Md. 20014.

Dated: February 20, 1973.

JOHN F. SHERMAN,
Deputy Director,
National Institutes of Health.

[FR Doc.73-3806 Filed 2-28-73;8:45 am]

NATIONAL ADVISORY ENVIRONMENTAL HEALTH SCIENCES COUNCIL

Notice of Meeting

Pursuant to Public Law 92-463, notice is hereby given of the meeting of the National Advisory Environmental Health Sciences Council, March 22-23, 1973, at 9 a.m., National Institutes of Health, Building 31-C, Conference Room 8. This meeting will be open to the public from 9 a.m., March 22, 1973, to report on legislative and budget developments; NIEHS's international collaborative programs including the recent visit of Russian scientists; and NIEHS intramural activities, and closed to the public from 1:30 p.m., March 22, 1973, in accordance with the provisions set forth in section 552(b)4 of title 5 U.S.C. and 10(d) of Public Law 92-463. Attendance by the public will be limited to space available.

The names, addresses, room numbers, and phone numbers of:

1. The NIEHS Committee Management Officer who will furnish summaries of the open meetings and rosters of committee members: Mrs. Leota Staff, Westwood Building, Room 404, Bethesda, Md. 20014 (301) 496-7483.

2. The Executive Secretary from whom substantive program information may be obtained: Dr. Otto A. Bessey, Acting Associate Director for Extramural Programs, NIEHS, Westwood Building, Room 404, Bethesda, Md. 20014 (301) 496-7483.

Dated: February 21, 1973.

JOHN F. SHERMAN,
Deputy Director,
National Institutes of Health.

[FR Doc.73-3828 Filed 2-28-73;8:45 am]

NATIONAL ADVISORY EYE COUNCIL

Notice of Meeting

Pursuant to Public Law 92-463, notice is hereby given of the meeting of the National Advisory Eye Council, March 20, 1973, at 9 a.m., National Institutes of Health, Building 31, Conference Room 7. This meeting will be open to the public from 9 a.m., March 20, 1973, and the opening session will include a discussion

of items of general interest by the Director, National Eye Institute, recommendations of the Cornea Task Force, and recent developments concerning program and budget. The meeting will be closed to the public from 1:30 p.m., March 20, 1973, in accordance with the provisions set forth in section 10(d) of Public Law 92-463. Attendance by the public will be limited to space available.

Mr. Julian Morris, Information Officer, NEI, Building 31, Room 6A-27, National Institutes of Health, 496-5248, will furnish summaries of the meeting and rosters of the Council members. Substantive program information may also be obtained from Dr. George T. Brooks, Associate Director for Extramural and Collaborative Programs, National Eye Institute, Building 31, Room 6A-04, National Institutes of Health, 496-4903.

Dated: February 20, 1973.

JOHN F. SHERMAN,
Deputy Director,
National Institutes of Health.

[FR Doc.73-3808 Filed 2-28-73;8:45 am]

NATIONAL ADVISORY COUNCIL ON HEALTH PROFESSIONS EDUCATION

Notice of Meeting

Pursuant to Public Law 92-463, notice is hereby given of the meeting of the National Advisory Council on Health Professions Education, March 5, 1973, at 9:30 a.m., National Institutes of Health, Building 31, Conference Room 6. This meeting will be open to the public from 9:30 a.m., March 5, to discuss status reports by program administrators and closed to the public from 11 a.m., March 5, in accordance with the provisions set forth in section 10(d) of Public Law 92-563. Attendance by the public will be limited to space available.

The name, address, room number, and phone number of the Executive Secretary who will furnish summaries of the open meetings, rosters of Council members, and substantive program information is:

Ms. Lynn Stevens, Division of Physician and Health Professions Education, National Institutes of Health, Building 31, Room 4C-06, phone 496-5354.

Dated: February 20, 1973.

JOHN F. SHERMAN,
Deputy Director,
National Institutes of Health.

[FR Doc.73-3815 Filed 2-28-73;8:45 am]

NATIONAL ADVISORY COUNCIL ON NURSE TRAINING

Notice of Meeting

Pursuant to Public Law 92-463, notice is hereby given of the meeting of the National Advisory Council on Nurse Training, March 12-14, 1973, at 10:30 a.m. on March 12, National Institutes of Health, Building 31, Conference Room 6. This meeting will be open to the public from 10:30 a.m. to noon, March 12, 1973, to discuss general information of interest to the Council regarding the Division of Nursing. Miss Jessie M. Scott, Director of the Division of Nursing, will cover announcements, introduction of new personnel, procedure for conduct of the meeting, discuss future meeting dates and the current status of program activity. The meeting will be closed to the public from 1 p.m., March 12, 1973, through 5 p.m., March 14, 1973, in accordance with the provisions set forth in section 10(d) of Public Law 92-463. Attendance by the public will be limited to space available.

The names, addresses, room numbers, and phone numbers of:

1. The BID Information Officer who will furnish summaries of the meeting and roster of committee members:

Mrs. Norma Golumbic, Information Officer, Division of Nursing, Room 508, Federal Building, National Institutes of Health, Bethesda, Md. 20014, telephone 496-1143.

2. The Executive Secretary from whom substantive program information may be obtained:

Mary S. Hill, Ph. D., Room 6C08, Federal Building, National Institutes of Health, Bethesda, Md. 20014, telephone 496-6985.

Dated: February 20, 1973.

JOHN F. SHERMAN,
Deputy Director,
National Institutes of Health.

[FR Doc.73-3816 Filed 2-28-73;8:45 am]

NATIONAL ADVISORY GENERAL MEDICAL SCIENCES COUNCIL

Notice of Meeting

Pursuant to Public Law 92-463, notice is hereby given of the meeting of the National Advisory General Medical Sciences Council, March 21-23, 1973. There will be a Scientific Symposium in the Jack Masur Auditorium, Clinical Center, National Institutes of Health, from 2-4 p.m. on March 21. The Council will convene on March 22 at 9 a.m., Building 31C, Conference Room 6, National Institutes of Health. The meeting will be open to the public from 2-4 p.m., March 21 (Scientific Symposium), and from 9 a.m. to 10:30 a.m. for opening remarks, introductions, announcements, etc., and closed to the public from 10:30 a.m. on March 22 through 12 noon on March 23, in accordance with the provisions set forth in section 10(d) of Public Law 92-463. Attendance by the public will be limited to space available.

Mr. Paul Deming, Information Officer, NIGMS, Building 31, Room 4A46, Bethesda, Md. 20014, telephone: 301—496-5676, will furnish a summary of the meeting and a roster of council members.

Substantive program information may be obtained from Dr. DeWitt Stetten, Jr., Executive Secretary, Building 31, Room 4A52, telephone 301—496-5231.

Dated: February 20, 1973.

JOHN F. SHERMAN,
Acting Director,
National Institutes of Health.

[FR Doc.73-3809 Filed 2-28-73;8:45 am]

NATIONAL ADVISORY RESEARCH RESOURCES COUNCIL

Notice of Meeting

Pursuant to Public Law 92-463, notice is hereby given of the meeting of the National Advisory Research Resources Council, March 29-30, 1973, at 9 a.m., National Institutes of Health, Building 31, Conference Room 8. This meeting will be open to the public from 9 a.m. to 12:15 p.m., March 29 to discuss previous meeting minutes, consider future meeting dates, hear reports from the Director and Assistant Director, DRR, and for presentations on the highlight data concerning DRR programs and an overview of the Animal Resources Program. The meeting will be closed to the public from 1:15 p.m., March 29 until recess and from 9 a.m. to adjournment on March 30, in accordance with the provisions set forth in section 10(d) of Public Law 92-463. Attendance by the public will be limited to space available.

The Information Officer who will furnish summaries of the meetings and rosters of Council members is Mr. James Augustine, Division of Research Resources, Building 31, Room 4B03, Bethesda, Md. 20014, 496-5545.

The Executive Secretary from whom substantive information may be obtained is Dr. James F. O'Donnell, Assistant Director, Division of Research Resources, Building 31, Room 5B05, Bethesda, Md. 20014, 496-1817.

Dated: February 20, 1973.

JOHN F. SHERMAN,
Deputy Director,
National Institutes of Health.

[FR Doc.73-3813 Filed 2-28-73;8:45 am]

NATIONAL ARTHRITIS, METABOLISM, AND DIGESTIVE DISEASES ADVISORY COUNCIL

Notice of Meeting

Pursuant to Public Law 92-463, notice is hereby given of the meeting of the National Arthritis, Metabolism, and Digestive Diseases Advisory Council, March 14-16, 1973, at 8:30 to 10:30 p.m. on March 14, 9 a.m. to 5 p.m. on March 15 and 16, 1973, National Institutes of Health, Building 31, Conference Room 10. This meeting will be open to the public from 9 a.m. to 12:30 p.m. on March 15, 1973, to discuss administrative reports, and closed to the public from 8:30 p.m. to 10:30 p.m. on March 14, 1:30 p.m. to 5 p.m. on March 15 and 9 a.m. to 5 p.m. on March 16, 1973, in accordance with the provisions set forth in section 10(d) of Public Law 92-463. Attendance by the public will be limited to space available.

Name of the person from whom rosters of committee members, summary of the meeting, and other information pertaining to the meeting may be obtained: Mr. Victor Wartofsky, Information Officer, NIAMDD, National Institutes of Health,

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Building 31, Room 9A04, Bethesda, Md. (301) 496–3583.

Dated: February 20, 1973.

JOHN F. SHERMAN,
Acting Director,
National Institutes of Health.

[FR Doc.73–3804 Filed 2–28–73;8:45 am]

NATIONAL BLOOD RESOURCE PROGRAM ADVISORY COMMITTEE

Notice of Meeting

Pursuant to Public Law 92–463, notice is hereby given of the meeting of the National Blood Resource Program Advisory Committee, March 13–14, 1973, at 9 a.m., National Institutes of Health, Building 31, Conference Room 2. This meeting will be open to the public from 1 p.m. to 2 p.m., March 14, 1973, to discuss administrative details relating to committee business; all other sessions will be closed to the public in accordance with the provisions set forth in section 10(d) of Public Law 92–463. Attendance by the public will be limited to space available.

Dr. Jerome G. Green, Director, Division of Extramural Affairs, NHLI, NIH Westwood Building, Room 5A18, 496–7416, will furnish summaries of the meeting and rosters of the committee members. Substantive program information may be obtained from the Executive Secretary, Dr. James N. Stengle, NHLI, NIH Building 31, Room 4A03, 496–5911.

Dated: February 20, 1973.

JOHN F. SHERMAN,
Deputy Director,
National Institutes of Health.

[FR Doc.73–3821 Filed 2–28–73;8:45 am]

NATIONAL HEART AND LUNG INSTITUTE BOARD OF SCIENTIFIC COUNSELORS

Notice of Open Meeting

Pursuant to Public Law 92–463, notice is hereby given of the meeting of the National Heart and Lung Institute Board of Scientific Counselors, March 9 and 10, 1973, at 9 a.m., National Institutes of Health, Building 10, Room 7N214. This meeting will be open to the public from 9 a.m. to 5 p.m., March 9, and from 9 a.m. to 12 noon, March 10. The agenda includes presentations by the scientific staff of the Division of Intramural Research. Attendance by the public will be limited to space available.

Mr. Hugh Jackson, Information Officer, NHLI, NIH Building 31, Room 4A10, 496–4236, will furnish summaries of the meeting and rosters of the Board members. Substantive information may be obtained from Dr. Donald S. Fredrickson, NHLI, NIH Building 10, Room 7N214, 496–2116.

Dated: February 21, 1973.

JOHN F. SHERMAN,
Deputy Director,
National Institutes of Health.

[FR Doc.73–3834 Filed 2–28–73;8:45 am]

NATIONAL HEART AND LUNG ADVISORY COUNCIL

Notice of Meeting

Pursuant to Public Law 92–423, notice is hereby given of the meeting of the National Heart and Lung Advisory Council, March 15, 16, and 17, 1973, at 9 a.m., National Institutes of Health, Building 31, Conference Room 6. This meeting will be open to the public from 9 a.m. to 3 p.m. on March 15 and from 9 a.m. to adjournment on March 17, to discuss program policies and issues, and implementation of the new legislation. It will be closed to the public from 3 p.m. on March 15 and all day on March 16 in accordance with the provisions set forth in section 10(d) of Public Law 92–463. Attendance by the public will be limited to space available.

Mr. Hugh Jackson, Information Officer, NHLI, Building 31, Room 4A10, 496–4236, will furnish summaries of the meetings and rosters of Council members, and Dr. Jerome Green, Director of the Division of Extramural Affairs, NHLI, Westwood Building, Room 5A18, 496–7416, will furnish substantive program information.

Dated: February 20, 1973.

JOHN F. SHERMAN,
Deputy Director,
National Institutes of Health.

[FR Doc.73–3810 Filed 2–28–73;8:45 am]

NATIONAL LIBRARY OF MEDICINE'S BOARD OF REGENTS

Notice of Meeting

Pursuant to Public Law 92–463, notice is hereby given of the meeting of the National Library of Medicine's Board of Regents on March 26, 1973, from 8:30 a.m. to 5 p.m., in the Board of Regents Room, Administration Building, University of Arizona, Tucson, Ariz. The meeting will be open to the public from 8:30 a.m. to 3 p.m. for administrative reports and program and operation discussions, and closed to the public from 3 p.m. to 5 p.m. in accordance with the provisions set forth in section 10(d) of Public Law 92–463. Attendance by the Public will be limited to space available.

The Information Officer, who will furnish summaries of both the open and closed meeting portions, a roster of Board members, and substantive information, is: Mr. Robert B. Mehnert, Special Assistant to the Director for Communications Media, National Library of Medicine, Room M–122, 8600 Rockville Pike, Bethesda, Md. 20014, telephone 301—496–6308.

Dated: February 21, 1973.

JOHN F. SHERMAN,
Deputy Director,
National Institutes of Health.

[FR Doc.73–3829 Filed 2–28–73;8:45 am]

NANDS COUNCIL RESEARCH SUBCOMMITTEE

Notice of Meeting

Pursuant to Public Law 92–463, notice is hereby given of the meeting of the NANDS Council Research Subcommittee, March 7, 1973, at 8:30 a.m., in The Gallery (Room), Holiday Inn, 8120 Wisconsin Avenue, Bethesda, Md. This meeting will be open to the public from 8:30 a.m. to 10:30 a.m. on March 7, 1973, to discuss program planning and program accomplishments and closed to the public from 10:30 a.m., March 7, 1973, until the conclusion of the meeting to review, discuss and evaluate and/or rank research grant applications in accordance with the provisions set forth in section 10(d) of Public Law 92–463. Attendance by the public will be limited to space available.

1. The Institute Information Officer who will furnish summaries of the meeting and rosters of committee members is: Mrs. Ruth Dudley, Building 31, Room 8A03, phone: 496–5751.

2. The Executive Secretary from whom substantive program information may be obtained is: Dr. O. Malcolm Ray, Room 7A18A, Westwood Building, NIH, phone: 496–7220.

Dated: February 20, 1973.

JOHN F. SHERMAN,
Deputy Director,
National Institutes of Health.

[FR Doc.73–3811 Filed 2–28–73;8:45 am]

NANDS COUNCIL TRAINING SUBCOMMITTEE

Notice of Meeting

Pursuant to Public Law 92–463, notice is hereby given of the meeting of the NANDS Council Training Subcommittee, March 12, 1973, at 8:30 a.m., in The Gallery (Room), Holiday Inn, 8120 Wisconsin Avenue, Bethesda, Md. This meeting will be open to the public from 8:30 a.m. to 10:30 a.m. on March 12, 1973, to discuss program planning and program accomplishments and closed to the public from 10:30 a.m., March 12, 1973, until the conclusion of the meeting to review, discuss and evaluate and/or rank training grant and research career development award applications in accordance with the provisions set forth in section 10(d) of Public Law 92–463. Attendance by the public will be limited to space available.

1. The Institute Information Officer who will furnish summaries of the meeting and rosters of committee members is: Mrs. Ruth Dudley, Building 31, Room 8A03, phone: 496–5751.

2. The Executive Secretary from whom substantive program information may be obtained is: Dr. Raymond Summers, Room 7A18B, Westwood Building, NIH, phone: 496–7727.

Dated: February 20, 1973.

JOHN F. SHERMAN,
Deputy Director,
National Institutes of Health.

[FR Doc.73–3812 Filed 2–28–73;8:45 am]

NINDS SCIENCE INFORMATION PROGRAM ADVISORY COMMITTEE

Notice of Meeting

Pursuant to Public Law 92–463, notice is hereby given of the meeting of the NINDS Science Information Program Advisory Committee, March 5 and 6, at 9 a.m., University of Nebraska Medical School, Omaha, Nebr., Wittson Hall, Room 3042. This meeting will be open to the public from 9 a.m. to 5 p.m. March 5, 1973, to discuss the program activities of the NINDS Neurological Information Network. Progress of contracts with the University of Nebraska, Johns Hopkins University, and the Mayo Clinic will be discussed, and a joint meeting with the Advisory Committee for the Clinical Neurology Information Center at the University of Nebraska will be held to discuss in some detail the operation of the Clinical Neurology Information Center. The meeting will be closed to the public from 8:30 a.m. to 5 p.m. March 6, 1973, in accordance with the provisions set forth in section 10(d) of Public Law 92–463. Attendance by the public will be limited to space available.

Mrs. Ruth Dudley, Information Officer, NINDS, Building 31, Room 8A03, Bethesda, Md., telephone, 496–5751, will furnish summaries of the open part of the meeting and rosters of committee members; and Mr. Alfred Weissberg, Federal Building, Room 706, Bethesda, Md., telephone 496–5228, will give program information.

Dated: February 20, 1973.

JOHN F. SHERMAN,
Deputy Director,
National Institutes of Health.

[FR Doc.73–3822 Filed 2–28–73;8:45 am]

OPTOMETRY, PHARMACY, PODIATRY, AND VETERINARY MEDICINE EDUCATION REVIEW COMMITTEE

Notice of Meeting

Pursuant to Public Law 92–463, notice is hereby given of the meeting of the Optometry, Pharmacy, Podiatry, and Veterinary Medicine Education Review Committee, March 19–20, 1973, at 9 a.m., National Institutes of Health, Building 31, Conference Room 5. This meeting will be open to the public from 9 a.m. to 11 a.m., March 19, 1973, to discuss grant review guidelines and procedures and closed to the public thereafter, in accordance with the provisions set forth in section 10(d) of Public Law 92–463. Attendance by the public will be limited to space available.

The names, addresses, room numbers, and phone numbers of:

1. The Executive Secretary who will furnish summaries of the closed meeting and rosters of committee members; Philip R. Hugill, National Institutes of Health, Building 31, Room 4B–43, phone 496–6631, and

2. The Executive Secretary from whom substantive information may be obtained; Philip R. Hugill, National Institutes of Health, Building 31, Room 4B–43, phone 496–6631.

Dated: February 20, 1973.

JOHN F. SHERMAN,
Deputy Director,
National Institutes of Health.

[FR Doc.73–3819 Filed 2–28–73;8:45 am]

Office of Education

ENVIRONMENTAL EDUCATION PROGRAM

Notice of Closing Date for Submission of Applications

The Environmental Education Act, Public Law 91–516, authorizes a program of grants to institutions of higher education, State and local educational agencies, regional educational research organizations and other public and private nonprofit agencies, organizations, and institutions to support research, demonstration, and pilot projects designed to educate the public on the problems of environmental quality and ecological balance.

Notice is hereby given that, in order to receive consideration for an award from funds appropriated for the fiscal year 1973, applications for "General Project" grants and "Minigrants" under the Environmental Education Act must be received no later than March 5, 1973. Activities to be given priority within the "General Project" category (section 3 of the Act) include Resource Material Development, Personnel Development, Elementary and Secondary Education, and Community Education projects. Under the "Minigrant" category (section 5 of the Act), awards of $10,000 or less will be made for community education projects focusing on local environmental projects.

Application forms, instructions, and other pertinent information may be obtained from and completed applications must be filed with the Office of Environmental Education, Office of Education, Code 424, 400 Maryland Avenue SW., Washington, D.C. 20202.

Dated: February 21, 1973.

JOHN OTTINA,
Acting Commissioner of Education.

[FR Doc.73–3873 Filed 2–28–73;8:45 am]

Office of the Secretary

ASSISTANT SECRETARY FOR ADMINISTRATION AND MANAGEMENT ET AL.

Delegation of Authority

Notice is hereby given of the Delegation of Authority issued by the Secretary to the Assistant Secretary for Administration and Management, the Assistant Secretary for Health, the Assistant Secretary for Education, the Commissioner of Social Security and the Administrator, Social and Rehabilitation Service to make determinations that committee meetings or portions thereof may be closed to the public. The delegation reads as follows:

Authority to make determinations that committee meetings or portions thereof may be closed to the public pursuant to the provisions of section 10(d) of the Federal Advisory Committee Act (Public Law 92–463) is hereby delegated to the following officials with respect to those committees under their administrative jurisdiction:

Official	*Administrative jurisdiction*
Assistant Secretary for Administration and Management.	Committees within the Office of the Secretary except those under the administrative authority of the Assistant Secretary for Health.
Assistant Secretary for Health	Health Services and Mental Health Administration, Food & Drug Administration, and the National Institutes of Health committees and other committees established by the Assistant Secretary for Health.
Assistant Secretary for Education	Office of Education and National Institute of Education committees and other committees under the Education Division.
Commissioner of Social Security	Committees under Commissioner of Social Security Administration.
Administrator, Social and Rehabilitation Service.	Committees under Administrator, Social and Rehabilitation Service.

This authority is to be exercised in accordance with the requirements of the Act and only with respect to the following:

1. Meetings, to the extent that they directly involve review, discussion or consideration of records of the Department which are exempt from disclosure under 5 U.S.C. 552(b) (4), (6), and (7), namely, (a) records containing trade secrets and commercial or financial information obtained from a person and privileged or confidential; (b) personnel, medical and similar files the disclosure of which would constitute a clearly unwarranted invasion of personal privacy; and (c) investigatory files compiled for law enforcement purposes;

2. Meetings to the extent that they involve the review, discussion, and evaluation of specific drugs and devices regulated by FDA which are intended to result in recommendations for regulatory decisions under the Federal Food, Drug and Cosmetic Act and which are concerned with matters listed in 5 U.S.C. 552(b) (4), (5), and (7);

3. Meetings held for the sole purpose of considering and formulating advice which the committee will give or any final report it will render provided;

(a) The meeting will involve solely the internal expression of views and

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judgments of the members and it is essential to close the meeting or portions thereof to protect the free exchange of such views and avoid undue interference with agency or committee operations, and such views if reduced to writing would be protected from mandatory disclosure under section 552(b)(5) of Title 5 U.S.C.;

(b) The meeting is closed for the shortest time necessary, and a report summarizing the work of the committee during the closed session, prepared by the Executive Secretary, will be made available promptly to the public;

(c) When feasible, the public is given a timely opportunity to present relevant information and views to the committee; and

(d) Concurrence for closing the meetings for such purpose is obtained from the Office of the General Counsel and the Office of Public Affairs.

Determinations shall be made in accordance with procedures adopted from time to time by the Department Committee Management Officer.

The Assistant Secretary for Health may redelegate this authority to the heads of the Food and Drug Administration, Health Services and Mental Health Administration and National Institutes of Health. The Assistant Secretary for Education may redelegate this authority to the heads of Office of Education and National Institute of Education. No further redelegation may be made.

Effective date. This authority shall be effective January 5, 1973.

Dated: December 30, 1972.

THOMAS S. MCFEE,
Acting Assistant Secretary for Administration and Management.

FEBRUARY 21, 1973.

[FR Doc.73-3883 Filed 2-28-73;8:45 am]

ASSISTANT SECRETARY FOR HEALTH

Delegation of Authority

Notice is hereby given of the delegation of authority by the Secretary to the Assistant Secretary for Health to establish initial grant review committees, study sections, and technical advisory committees. The delegation reads as follows:

I hereby delegate to the Assistant Secretary for Health authority to establish initial grant review committees, study sections, and technical advisory committees in accordance with the provisions of section 9(a) of the Federal Advisory Committee Act (Public Law 92-463), to advise you and officials reporting to you on matters which are within the jurisdiction of the office of the Assistant Secretary for Health, the Food and Drug Administration, the National Institutes of Health, and the Health Services and Mental Health Administration.

This authority may not be redelegated.

Effective date. This delegation shall be effective January 5, 1973.

Dated: December 30, 1972.

THOMAS S. MCFEE,
Acting Assistant Secretary for Administration and Management.

FEBRUARY 21, 1973.

[FR Doc.73-3885 Filed 2-28-73;8:45 am]

DEPARTMENT COMMITTEE MANAGEMENT OFFICER

Delegation of Authority

Notice is hereby given of the delegation of authority by the Secretary to the Department Committee Management Officer of authorities and responsibilities contained in section 8(b) (2) and (3) of the Federal Advisory Committee Act (P.L. 92-463). The delegation reads as follows:

I hereby delegate to the Department Committee Management Officer the authorities and responsibilities vested in me by Section 8 of the Federal Advisory Committee Act (P.L. 92-463).

The authorities and responsibilities contained in Section 8(b) (2) and (3) relating to reports, records, and other papers of committees may be redelegated.

Effective date. This authority shall be effective on January 5, 1973.

Dated: December 30, 1972.

THOMAS S. MCFEE,
Acting Assistant Secretary for Administration and Management.

FEBRUARY 21, 1973.

[FR Doc.73-3884 Filed 2-28-73;8:45 am]

DIRECTOR OF PUBLIC SERVICES ET AL.

Delegation of Authority

Notice is hereby given of the delegation of authority by the Department Committee Management Officer to the Director of Public Services, Department Information Center Officer for the Office of the Secretary, Health Services and Mental Health Administration, and National Institutes of Health; the Assistant Commissioner for Public Affairs for the Food and Drug Administration; the Assistant Commissioner for Public Information for the Office of Education; the Assistant Commissioner for Public Affairs for the Social Security Administartion; the Assistant Administrator, Office of Public Affairs for the Social and Rehabilitation Service; and the Assistant to the Director for Public Information for the National Institute of Education. The delegation reads as follows:

Pursuant to the authority delegated to me by the Secretary I hereby redelegate to the Director of Public Services, Department Information Center Officer for the Office of the Secretary, Health Services and Mental Health Administration, and National Institutes of Health; the Assistant Commissioner for Public Affairs for the Food and Drug Administration; the Assistant Commissioner for Public Information for the Office of Education; the Assistant Commissioner for Public Affairs for the Social Security Administration; the Assistant Administrator, Office of Public Affairs for the Social and Rehabilitation Service; and the Assistant to the Director for Public Information for the National Institute of Education, the authorities and responsibilities of section 8(b)(3) of the Federal Advisory Committee Act (P.L. 92-463) relating to the carrying out of the provisions of Section 552 of Title 5, U.S.C. with respect to reports, records, and other papers of advisory committees.

This authority may not be redelegated.

Effective date. This delegation shall be effective January 5, 1973.

Dated: January 2, 1973.

THOMAS S. MCFEE,
Acting Assistant Secretary for Administration and Management.

FEBRUARY 21, 1973.

[FR Doc.73-3886 Filed 2-28-73;8:45 am]

EXECUTIVE SECRETARIES OF ADVISORY COMMITTEES

Delegation of Authority

Notice is hereby given of the Delegation of Authority by the Department Committee Management Officer to the designated Executive Secretary of each advisory committee. The delegation reads as follows:

Pursuant to the authority delegated to me by the Secretary, I hereby redelegate to the designated Executive Secretary of each advisory committee the authorities and responsibilities of section 8(b)(2) of the Federal Advisory Committee Act (P.L. 92-463) relating to the assembly and maintenance of reports, records and other papers of advisory committees.

This authority may not be redelegated.

Effective date. This delegation shall be effective January 5, 1973.

Dated: January 2, 1973.

THOMAS S. MCFEE,
Acting Assistant Secretary for Administration and Management.

FEBRUARY 21, 1973.

[FR Doc.73-3887 Filed 2-28-73;8:45 am]

ATOMIC ENERGY COMMISSION

[Docket No. 50-382A]

LOUISIANA POWER & LIGHT CO.

Antitrust Hearing on Application for Construction Permit

Pursuant to the Atomic Energy Act of 1954, as amended (the Act), and the regulations in Title 10, Code of Federal Regulations, Part 50, "Licensing of Production and Utilization Facilities," and Part 2, rules of practice, notice is hereby given that a hearing will be held at a time and place to be set in the future by an Atomic Safety and Licensing Board (Board) designated herein, to consider the antitrust aspects of the application filed under the Act by Louisiana Power & Light Co. (applicant) for a construction permit for a pressurized water nuclear power reactor, designated as Waterford Steam Electric Generating Station, Unit 3. The proposed facility is to be located on the west bank of the Mississippi River near the town of Taft in St. Charles Parish, about 20 miles west of New Orleans, La.

The hearing will be conducted by an Atomic Safety and Licensing Board (Board) designated by the Atomic Energy Commission (Commission) consisting of Dr. George R. Hall, Douglas V. Rigler, Esq., and Hugh R. Clark, Esq., chairman.

On August 31, 1972, the Commission published in the FEDERAL REGISTER the Attorney General's advice concerning the antitrust aspects of the Louisiana Power and Light Co.'s application for construction permits in this proceeding (37 FR 17775). Inter alia, the Attorney General informed the Commission of the applicant's agreement to accept certain conditions to a construction permit. In the Attorney General's opinion, the "conditions are calculated to provide immediately, and on reasonable terms, access to a number of the coordination arrangements which are most urgently needed by those who have complained about applicant's previous conduct." The advisory letter concluded that these license conditions would provide "prompt relief against many of the alleged anticompetitive practices of the applicant," and that:

[a]ccordingly, we recommend that these commitments by applicant be imposed by the Commission as license conditions, as agreed by applicant. If this were done, we do not think it would be necessary to hold an antitrust hearing on this application.

The August 31 FEDERAL REGISTER notice provided that, within 30 days, any person whose interest may be affected by this proceeding could file a petition for leave to intervene and request for an antitrust hearing. Petitions requesting leave to intervene and an antitrust hearing were subsequently received from the Louisiana Electric Cooperative, Inc. (LEC), the Cities of Lafayette and Plaquemine, La. (Cities), the Dow Chemical Co. (Dow), and the Louisiana Municipal Association Utilities Group (LMA). In its responses to these petitions, the applicant urged that each petition be denied. The Regulatory Staff supported the first three petitions, but considered the LMA petition inadequate in its present form.

As set forth in a memorandum and order on this matter dated February 23, 1973, the Commission has determined that an antitrust hearing should be held on applicant's request for a construction permit, and accordingly has established the aforementioned Atomic Safety and Licensing Board. The Commission has further determined that insofar as the Cities, on the basis of the allegations in their petition seek access to the Waterford Unit involved in this proceeding, and the proposed license conditions would not grant such access, the Cities have satisfied the requirements for intervention and should be admitted as parties to the proceeding.

The Commission believes that the remainder of the Cities petition, as well as all the other petitions, raise various matters which need further clarification prior to a ruling concerning intervention. Accordingly, the Commission's memorandum and order directed the Board to meet with the parties, or require additional pleadings, as appropriate, to clarify the record. Among other things, the Board was directed to:

(a) Ascertain the specific relief sought by each petitioner, including the Cities. In this connection, petitioners should be asked to specify the relationship between the specific relief sought and the "activities under the license" proposed for Waterford Unit 3.

(b) Determine the scope of the Attorney General's proposed license conditions vis-a-vis the specific relief sought by each petitioner. Once the scope of the conditions is clarified, petitioners should detail in what respect, if any, the aforementioned license conditions would not grant the specified relief.

(c) Explore the possibility of developing some interim relief which would permit construction of the Waterford 3 Unit pending final disposition of all relevant antitrust matters.

Following clarification of these matters and any others the Board deems relevant, the Board shall certify the record to the Commission for further consideration, along with the Board's recommendations concerning the petitions to intervene, the issues appropriate for hearing, if any, and interim relief possibilities. In light of the status of the nonantitrust aspects of this proceeding, the Commission believes it appropriate that such certification occur within 60 days of the date of its aforementioned memorandum and order.

The ultimate issue to be considered in this proceeding is whether the activities under the permit in question would create or maintain a situation inconsistent with the antitrust laws as specified in subsection 105a of the Atomic Energy Act. In its initial decision the Board will decide those matters relevant to that issue which are in controversy among the parties and make its findings on the issue.[1]

The application and the Attorney General's letter have been placed in the Commission's Public Document Room, 1717 H Street NW., Washington, DC. As they become available, the transcripts of the prehearing conference and of the hearing will also be placed in the Commission's Public Document Room, where they will be available for inspection by members of the public. Copies of all the foregoing documents will also be available at the St. Charles Parish Library, Hahnville, La.

Any person who wishes to make an oral or written statement in this proceeding setting forth his position on the issue specified, but who has not filed a petition for leave to intervene, may request permission to make a limited appearance pursuant to the provisions of 10 CFR 2.715 of the Commission's rules of practice. Limited appearances will be permitted at the time of the hearing in the discretion of the Board, within such limits and on such conditions as may be fixed by the Board. Persons desiring to make a limited appearance are requested to inform the Secretary of the Commission, U.S. Atomic Energy Commission, Washington, D.C. 20545, not later than April 2, 1973. A person permitted to make a limited appearance does not become a party, but may state his position and raise questions which he would like to have answered to the extent that the questions are within the scope of the hearing as specified hereinabove. A member of the public does not have the right to participate in the proceeding unless he has been granted the right to intervene as a party or the right of limited appearance.

In the event that any of the remaining pending petitions to intervene are granted, persons permitted to intervene shall become parties to the proceeding, and shall have all the rights of the applicant and the regulatory staff to participate fully in the conduct of the hearing.

An answer to this notice, pursuant to the provisions of 10 CFR 2.705 of the Commission's rules of practice, must be filed by the applicant not later than March 21, 1973.

Papers required to be filed in this proceeding may be filed by mail or telegram addressed to the Secretary of the Commission, U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Chief, Public Proceedings Branch, 1717 H Street NW., Washington DC. Pending further order of the Board, parties are required to file, pursuant to the provisions of 10 CFR 2.708 of the Commission's rules of practice, an original and 20 conformed copies of each such paper with the Commission.

With respect to this proceeding, the Commission has delegated to the Atomic Safety and Licensing Appeal Board the authority and the review function which would otherwise be exercised and performed by the Commission. The Commission has established the Appeal Board pursuant to 10 CFR 2.785 of the Commission's rules of practice, and has made the delegation pursuant to paragraph (a)(1) of that section. The Appeal Board for this proceeding will be composed of

[1] Matters of radiological health and safety and common defense and security, and matters raised under the National Environmental Policy Act of 1969, are being considered at another hearing, pursuant to a notice published in the FEDERAL REGISTER on August 16, 1972 (37 FR 16562).

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three members designated in a subsequent Commission notice (10 CFR 2.787).

Dated: February 23, 1973.

UNITED STATES ATOMIC ENERGY COMMISSION,
PAUL C. BENDER,
Secretary of the Commission.

[FR Doc.73-3851 Filed 2-28-73;8:45 am]

[Dockets Nos. 50-416, 50-417]

MISSISSIPPI POWER & LIGHT CO.

Notice and Order for Prehearing Conference

In the matter of Mississippi Power & Light Co. (Grand Gulf Nuclear Station, Units 1 and 2).

Notice is hereby given that, pursuant to the Atomic Energy Commission's notice of hearing on application for construction permit dated December 1, 1972 (37 FR 26459), and in accordance with § 2.751a of said Commission's rules of practice, 10 CFR Part 2, a special prehearing conference will be held in the above-captioned proceeding on Wednesday, April 18, 1973, at 10 a.m., local time, in the courtroom of the Circuit Court of Cleveland County, County Courthouse, Market Street, Port Gibson, MS 39150.

This special prehearing conference will be held before the Atomic Safety and Licensing Board established by the Commission January 30, 1973, and composed of Dr. Marvin M. Mann, Dr. William E. Martin, and Mr. Daniel M. Head, Chairman, with Mr. Gustave A. Linenberger the technically qualified alternate and Mr. Joseph F. Tubridy the alternate chairman.

This special prehearing conference will deal with the following matters:

1. Identification of the key issues;
2. Any steps necessary for further identification of the issues;
3. Outstanding petitions for intervention;
4. All pending motions;
5. The need for discovery, and the time required therefor;
6. Establishment of a schedule for further action; and
7. Such other matters as may aid in the orderly disposition of the proceeding.

At the special prehearing conference, the Board will entertain oral argument on the outstanding petitions to intervene. As part of this oral argument, the Board will expect discussion in detail by counsel for the parties and for the petitioners, both of the petitioner's interest and of the specific contentions.

Members of the public are invited to attend this prehearing conference as well as the evidentiary hearing to be held at a later date to be fixed by the Board. Members of the public wishing to make limited appearances may identify themselves at this prehearing conference but oral or written statements to be presented by limited appearance will not be received at this conference. The Board will receive such statements at the aforementioned evidentiary hearing.

Dated this 22d day of February 1973 at Washington, D.C.

By order of the Atomic Safety and Licensing Board.

DANIEL M. HEAD,
Chairman.

[FR Doc.73-3795 Filed 2-28-73;8:45 am]

CIVIL RIGHTS COMMISSION

ALABAMA STATE ADVISORY COMMITTEE

Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights, that a meeting of the Alabama State Advisory Committee will convene at 1 p.m. on March 2 and at 9 a.m. on March 3, 1973, in the Blue Room of the Holiday Inn (Midtown), 924 Madison Avenue, Montgomery, AL 36104. This meeting shall be open to the public.

The purposes of this meeting shall be to collect information concerning legal developments constituting a denial of the equal protection of the laws under the Constitution because of race, color, religion, sex, or national origin which affect the rights of prisoners in Montgomery, Ala.; to appraise denials of equal protection of the laws under the Constitution because of race, color, religion, sex, or national origin as these pertain to the rights of prisoners in Montgomery, Ala.; and to disseminate information with respect to denials of the equal protection of the laws because of race, color, religion, sex, or national origin with respect to the rights of prisoners in Montgomery, Ala., and related areas.

A closed or executive session of the Alabama State Advisory Committee will convene on March 1, at 8 p.m. At this session Committee members will discuss matters which may tend to defame, degrade, or incriminate individuals, and as such this session is closed to the public.

This meeting will be conducted pursuant to the rules and regulations of the Commission.

Dated at Washington, D.C., February 26, 1973.

ISAIAH T. CRESWELL, Jr.,
Advisory Committee Management Officer.

[FR Doc.73-3988 Filed 2-28-73;8:45 am]

COST OF LIVING COUNCIL

[Cost of Living Council Order No. 19]

COMMISSIONER OF INTERNAL REVENUE

Delegation of Authority

EDITORIAL NOTE: This document was originally published as FR Doc 73-3333 on page 4801 of the issue of Thursday, February 22, 1973. The document is being republished to clarify the material in the paragraph numbered 2. The limitations in the material immediately following 2(b) modify both 2 (a) and (b), as set forth below.

Pursuant to the authority vested in me by Cost of Living Council Order No. 14, it is hereby ordered as follows:

1. The delegation of authority to the Commissioner of Internal Revenue (the Commissioner) in Cost of Living Council Order No. 15 is hereby reaffirmed and continued.

2. In addition, for the purpose of obtaining consistency in the stabilization of wages and salaries within certain trades, industries, and other specified groups of employees, there is hereby delegated to the Commissioner the authority to—

(a) Issue a decision on any request for exception, and

(b) Challenge, review and issue a decision under 6 CFR 201.35,

with respect to any pay adjustment which applies to a specified appropriate employee unit, group, or class of employees, the precedent for which has been established by a Pay Board decision and order issued prior to January 11, 1973, or pursuant to the interim authority delegated to the Chairman of the Pay Board by Cost of Living Council Order No. 17, which provides that pay adjustments within such specified appropriate employee unit, group or class of employees are appropriate for such action by the Commissioner.

Further, the Pay Board or the Council may issue a separate order identifying a particular decision and order, which does not contain such provision, as a precedent for the Commissioner to follow in carrying out the authority delegated to him under this order.

3. Where references are made in this order to specific CFR sections, such delegated authority shall extend to any subsequent renumbering of such sections. Where substantive changes are made to said enumerated CFR sections, the authority delegated by this order shall extend to such changes unless expressly provided otherwise by the Cost of Living Council.

4. The Commissioner may redelegate to any agency, instrumentality, or official of the United States any authority under this order, and may in carrying out the functions delegated by this order, utilize the services of any other agencies, Federal or State, as may be available and appropriate.

5. This delegation shall be effective as of January 11, 1973.

JOHN T. DUNLOP,
Director, Cost of Living Council.

[FR Doc.73-3333 Filed 2-21-73;8:45 am]

MANUFACTURERS OF COFFEE OR COFFEE PRODUCTS

Revocation of Price Commission Orders Nos. 9, 9A, 9B, and 9C

On August 16, 1972, the Price Commission issued Price Commission Order No. 9 (37 FR 16640, August 17, 1972) rescinding, with respect to green coffee beans and raw materials derived directly therefrom, all volatile pricing authorizations granted to prenotification firms under § 300.51(f) of the Phase II regulations of the Commission, prescribing special rules governing manufacturers' prices for coffee or coffee products, and requiring special reports from prenotification and reporting firms engaged in the manufacture of coffee or coffee products.

Price Commission Order No. 9 was amended by Order No. 9A on August 22, 1972 (37 FR 17111, August 24, 1972) and revised and superseded by Order No. 9B (37 FR 17870, September 1, 1972) and Order No. 9C (37 FR 18595, September 13, 1972) which clarified various points raised by firms subject to the orders.

Under section 3(a) of Executive Order 11695, which initiated Phase III of the Economic Stabilization Program, Price Commission Orders Nos. 9, 9A, 9B, and 9C remained in effect after the termination of Phase II on January 11, 1973. Among other things, section 3(a) of the Executive order provided that orders, regulations, and notices issued pursuant to Executive Orders 11627 or 11640, which governed Phase II, remain in effect until "altered, amended, or revoked" by the Chairman of the Council or such competent authority as the Chairman may specify.

After review of Price Commission Orders Nos. 9, 9A, 9B, and 9C, the Council has determined that they should be revoked, effective February 27, 1973.

For manufacturers in the food industry subject to the prenotification requirements of § 130.57 of the Phase III regulations of the Council, revocation of the orders will reinstate the authorizations granted during Phase II for volatile pricing of green coffee beans and raw materials derived directly therefrom.

The Council considers it appropriate at this time to reinstate the pricing flexibility afforded prenotification firms by volatile pricing authorizations to enable the firms to establish price levels for coffee products in a manner responsive to continued frequent fluctuations in the market price for green coffee beans and raw materials derived directly therefrom.

For the purpose of cost justifying a price increase after the effective date of this order, a manufacturer of coffee or coffee products may only use cost increases incurred and continuing to be incurred since the date of the last price increase before the effective date of this order.

Prenotification firms for which volatile pricing authority is reinstated by this notice will be notified by the Council with respect to their adjusted currently authorized price level from which increases in the cost of green coffee beans and raw materials derived directly therefrom may be reflected, dollar-for-dollar and without prenotification, in price increases under §§ 300.51(f)-(i) of the Phase II regulations of the Price Commission which remain applicable during Phase III under § 130.57 of the Phase III regulations.

Reinstitution of volatile pricing authority for prenotification firms with respect to green coffee beans and raw materials derived directly therefrom does not otherwise affect the applicability to all manufacturers of coffee or coffee products of Subpart F of the Phase III regulations which governs the prices of firms in the food industry.

In accordance with the foregoing, Price Commission Orders Nos. 9, 9A, 9B, and 9C are revoked, effective February 27, 1973.

Issued in Washington, D.C., on February 27, 1973.

JAMES W. MCLANE,
Deputy Director, Cost of Living Counsel.

[FR Doc.73-3973 Filed 2-28-73;8:45 am]

FEDERAL COMMUNICATIONS COMMISSION

CABLE TELEVISION TECHNICAL ADVISORY COMMITTEE, PANEL 7

Notice of Public Meeting

FEBRUARY 21, 1973.

Panel 7 (Interconnection) of the Cable Television Technical Advisory Committee will hold an open meeting on March 6, 1973, at 9:30 a.m. It will be held in the MCI Corporate Offices, 1150 17th Street NW., Washington, D.C.

The agenda of the meeting will include:

1. A review of the activities to date.
2. Report from subcommittee on acquisition of standards.
3. Report from subcommittee on task definitions.
4. Reviewing and approving tasks to be accomplished.
5. Appointing task force leaders and members to all task forces.
6. Holding separate work sessions of all task force groups.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[FR Doc.73-3923 Filed 2-26-73;8:45 am]

[Report 636]

COMMON CARRIER SERVICES INFORMATION [1]

Domestic Public Radio Services Applications Accepted for Filing [2]

FEBRUARY 20, 1973.

Pursuant to §§ 1.227(b)(3) and 21.30 (b) of the Commission's rules, an application, in order to be considered with any domestic public radio services application appearing on the list below, must be substantially complete and tendered for filing by whichever date is earlier: (a) The close of business 1 business day preceding the day on which the Commission takes action on the previously filed application; or (b) within 60 days after the date of the public notice listing the first prior filed application (with which subsequent applications are in conflict) as having been accepted for filing. An application which is subsequently amended by a major change will be considered to be a newly filed application. It is to be noted that the cutoff dates are set forth in the alternative—applications will be entitled to consideration with those listed below if filed by the end of the 60 day period, only if the Commission has not acted upon the application by that time pursuant to the first alternative earlier date. The mutual exclusivity rights of a new application are governed by the earliest action with respect to any one of the earlier filed conflicting applications.

The attention of any party in interest desiring to file pleadings pursuant to section 309 of the Communications Act of 1934, as amended, concerning any domestic public radio services application accepted for filing, is directed to § 21.27 of the Commission's rules for provisions governing the time for filing and other requirements relating to such pleadings.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[1] All applications listed in the appendix are subject to further consideration and review and may be returned and/or dismissed if not found to be in accordance with the Commission's rules, regulations, and other requirements.

[2] The above alternative cutoff rules apply to those applications listed below as having been accepted in Domestic Public Land Mobile Radio, Rural Radio, Point-to-Point Microwave Radio, and Local Television Transmission Services (Part 21 of the rules).

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POINT-TO-POINT MICROWAVE RADIO SERVICE

5675-C1-AP-(16)-73—MCI Texas East Microwave, Inc. Consent to the assignment of construction permits from the stockholders of MCI Texas East Microwave, assignor to the stockholders of Worthington-Uhl Corp., assignee for stations: WPX45, Dallas, Tex.; WPX34, Irving, Tex.; WPX35, Arlington, Tex.; WPX46, Burleson, Tex.; WPX47, Fort Worth, Tex.; WPX36, Covington, Tex.; WPX48, Milford, Tex.; WPX49, Mount Calm, Tex.; WPX39, Kosse, Tex.; WPX40, Franklin, Tex.; WPX41, Bryan, Tex.; WPX42, Flatonsville, Tex.; WPX43, Mostyn, Tex.; WPX37, Westfield, Tex.; WPX44, Houston, Tex.; WPX38, Kinwood, Tex.

5876-C2-P-72—Beep Radio, Inc. (New), County Road 6 and Xenium Lane, Plymouth, Minn. Latitude 44°59'44" N., longitude 93°26'55" W. C.P. for a new station on frequencies 3770V, 3930V, 3850V, and 4010V MHz toward Rockford, Minn.

5879-C2-P-73—Same (New), 1 mile north of Rockford on County Road 18, Rockford, Minn. Latitude 45°06'12" N., longitude 93°44'10" W. C.P. for a new station on frequencies 3730V, 3890V, 3810V, and 3970V MHz toward Plymouth, Minn.; frequencies 3730H, 3810H, 3890H, and 3970H MHz toward Annandale, Minn.

5880-C2-P-73—Same (New), 2 miles south of Annandale on County Road 5, Annandale, Minn. Latitude 45°14'08" N., longitude 94°07'25" W. C.P. for a new station on frequencies 3770H, 3850H, 3930H, and 4010H MHz toward Rockford, Minn.; frequencies 3770H, 3850H, 3930H, and 4010H MHz toward St. Cloud, Minn.

5881-C1-P-73—Same (New), 2.5 miles northeast of Paynesville, Minn. Latitude 45°23'25" N., longitude 94°39'32" W. C.P. for a new station on frequency 3770V MHz toward Willmar, Minn.; frequency 3770V MHz toward St. Cloud, Minn.

5882-C1-P-73—Same (New), northeast edge of city limits, Willmar, Minn. Latitude 45°07'40" N., longitude 95°01'09" W. C.P. for a new station on frequency 3730V MHz toward Paynesville, Minn.

5883-C1-P-73—Same (New), 3.5 miles east of Little Falls on Highway 27, Little Falls, Minn. Latitude 45°58'21" N., longitude 94°16'31" W. C.P. for a new station on frequencies 3770V, 3850V, and 3930V MHz toward St. Cloud, Minn.; frequencies 3770V, 3850V, and 3930V MHz toward Brainerd, Minn.

5884-C1-P-73—Same (KAS81), 56 South 10th Street and Ronald Avenue, Brainerd, Minn. Latitude 46°20'17" N., longitude 94°11'42" W. C.P. to add frequencies 3730V, 3810V, and 3890V MHz toward Little Falls, Minn.; frequency 3730H MHz toward Motley, Minn.

5885-C1-P-73—Same (KAU54), 1.5 miles southwest of Motley, Minn. Latitude 46°19'22" N., longitude 94°40'32" W. C.P. to add frequency 3770H MHz toward Brainerd, Minn.; frequency 3770H MHz toward Wadena, Minn.

5886-C1-P-73—Northwestern Bell Telephone Co. (KAU50), 500 feet east-northeast of southwest corner of Wadena, Minn. Latitude 46°25'32" N., longitude 95°09'02" W. C.P. to add frequency 3730H MHz toward Motley, Minn.

5887-C1-P-73—Same (New), one-quarter mile south of city limits, St. Cloud, Minn. Latitude 45°32'13" N., longitude 94°10'59" W. C.P. for a new station on frequencies 3730H, 3810H, 3890H, and 3970H MHz toward Annandale, Minn.; frequencies 3730V, 3810V, and 3890V MHz toward Little Falls, Minn.; frequency 3730V MHz toward Paynesville, Minn.

5895-C1-P-73—The Mountain States Telephone & Telegraph Co. (KVU54), 800 Main Street, Grand Junction, CO. Latitude 39°04'03" N., longitude 108°33'30" W. C.P. to add frequency 4010H MHz toward Whitewater, Colo.

5896-C1-P-73—Same (KAN80), 11 miles southeast of Grand Junction, Colo. Latitude 38°54'10" N., longitude 108°29'41" W. C.P. to add frequency 3710V MHz toward Grand Junction, Colo.; frequency 3710V MHz toward Ash Mesa, Colo.

5897-C1-P-73—Same (KAN84), 2 miles south-southeast of Olathe, Colo. Latitude 38°34'34" N., longitude 107°59'44" W. C.P. to add frequency 3750H MHz toward Montrose, Colo.; frequency 3750H MHz toward Whitewater, Colo.; frequency 10.775V and 11.095V MHz toward Delta, Colo.

5898-C1-P-73—Same (New), 123 Fifth Street, Delta, Colo. Latitude 38°44'27" N., longitude 108°04'15" W. C.P. for a new station on frequencies 11.265H and 11.585H MHz toward Ash Mesa, Colo.

APPENDIX

APPLICATIONS ACCEPTED FOR FILING

DOMESTIC PUBLIC LAND MOBILE RADIO SERVICE

5752 C2-P-73—Southwestern Bell Telephone Co. (KKT400). C.P. to change antenna location and transmitter to operate on 152.75 MHz on Interstate Highway 20, Pyote, Tex.

5844-C2-TC-(2)-73—All Services, Inc. Consent to transfer of control from Stephen J. Kesterson and Vivien R. Kesterson, transferors to Howard R. Chapman, transferee. Stations: KLF484 and KSV905 Charleston, S.C.

5876-C2-P-73—Beep Radio, Inc. (New), County Road 6 and Xenium Lane, Plymouth, Minn. Latitude 44°59'44" N., longitude 93°26'55" W. C.P. for a new station on frequencies 3770V, 3930V, 3850V, and 4010V MHz toward Rockford, Minn.

5877-C2-P-73—Mobile Telephone Service of Wheeling, W. Va. (KQK775). C.P. for additional facilities and an antenna location to operate on 152.21 MHz on Route 88, 0.5 mile northeast, West Liberty, W. Va.

5878-C2-P-73—Mobile Telephone Service (New), C.P. for a new two-way station to operate on 454.175 MHz at Hi-Way No. 3, 2 miles west of Fulton, N.Y.

5880-C2-P-73—Same (New), 2 miles south of Annandale on County Road 5, Annandale, Minn. Latitude 45°14'08" N., longitude 94°07'25" W. C.P. for a new station on frequencies 3770H, 3850H, 3930H, and 4010H MHz toward Rockford, Minn.; frequencies 3770H, 3850H, 3930H, and 4010H MHz toward St. Cloud, Minn.

5881-C1-P-73—Same (New), 2.5 miles northeast of Paynesville, Minn. Latitude 45°23'25" N., longitude 94°39'32" W. C.P. for a new station on frequency 3770V MHz toward Willmar, Minn.; frequency 3770V MHz toward St. Cloud, Minn.

5882-C1-P-73—Same (New), northeast edge of city limits, Willmar, Minn. Latitude 45°07'40" N., longitude 95°01'09" W. C.P. for a new station on frequency 3730V MHz toward Paynesville, Minn.

5883-C1-P-73—Same (New), 3.5 miles east of Little Falls on Highway 27, Little Falls, Minn. Latitude 45°58'21" N., longitude 94°16'31" W. C.P. for a new station on frequencies 3770V, 3850V, and 3930V MHz toward St. Cloud, Minn.; frequencies 3770V, 3850V, and 3930V MHz toward Brainerd, Minn.

5884-C1-P-73—Same (KAS81), 56 South 10th Street and Ronald Avenue, Brainerd, Minn. Latitude 46°20'17" N., longitude 94°11'42" W. C.P. to add frequencies 3730V, 3810V, and 3890V MHz toward Motley, Minn.; frequency 3730H MHz toward Motley, Minn.

5885-C1-P-73—Same (KAU54), 1.5 miles southwest of Motley, Minn. Latitude 46°19'22" N., longitude 94°40'32" W. C.P. to add frequency 3770H MHz toward Brainerd, Minn.; frequency 3770H MHz toward Wadena, Minn.

5886-C1-P-73—Northwestern Bell Telephone Co. (KAU50), 500 feet east-northeast of southwest corner of Wadena, Minn. Latitude 46°25'32" N., longitude 95°09'02" W. C.P. to add frequency 3730H MHz toward Motley, Minn.

5887-C1-P-73—Same (New), one-quarter mile south of city limits, St. Cloud, Minn. Latitude 45°32'13" N., longitude 94°10'59" W. C.P. for a new station on frequencies 3730H, 3810H, 3890H, and 3970H MHz toward Annandale, Minn.; frequencies 3730V, 3810V, and 3890V MHz toward Little Falls, Minn.; frequency 3730V MHz toward Paynesville, Minn.

5895-C1-P-73—The Mountain States Telephone & Telegraph Co. (KVU54), 800 Main Street, Grand Junction, CO. Latitude 39°04'03" N., longitude 108°33'30" W. C.P. to add frequency 4010H MHz toward Whitewater, Colo.

5896-C1-P-73—Same (KAN80), 11 miles southeast of Grand Junction, Colo. Latitude 38°54'10" N., longitude 108°29'41" W. C.P. to add frequency 3710V MHz toward Grand Junction, Colo.; frequency 3710V MHz toward Ash Mesa, Colo.

5897-C1-P-73—Same (KAN84), 2 miles south-southeast of Olathe, Colo. Latitude 38°34'34" N., longitude 107°59'44" W. C.P. to add frequency 3750H MHz toward Montrose, Colo.; frequency 3750H MHz toward Whitewater, Colo.; frequency 10.775V and 11.095V MHz toward Delta, Colo.

5898-C1-P-73—Same (New), 123 Fifth Street, Delta, Colo. Latitude 38°44'27" N., longitude 108°04'15" W. C.P. for a new station on frequencies 11.265H and 11.585H MHz toward Ash Mesa, Colo.

POINT-TO-POINT MICROWAVE RADIO SERVICE—continued

5963-C1-MP-73—Same (WIU86). Station location: Riggs Road and First Place NE., Washington, D.C. Modification of C.P. to change frequencies to 11.265V and 11.665V MHz on azimuth 208°49' toward northwest Washington and to 6256.5 MHz on azimuth 46°26' toward Jessup.

5964-C1-MP-73—Same (WIU87), modification of C.P. to change station location to 1.4 miles east-southeast of Jessup, Md. Latitude 39°08'29" N., longitude 76°45'08" W. and change frequency on azimuth 24°06' toward Towson to 5974.8V MHz.

5965-C1-P-73—The Bell Telephone Company of Pennsylvania (KOC47), C.P. and modification of license to change power and add Time Domain Reflectometer on frequency bands 3700-4200 MHz; 5925-6425 MHz; 10,700-11,700 MHz.

5925-C1-P-73—Southwestern Bell Telephone Co. (KKB25), 220 Main Street, Beaumont, TX. Latitude 30°05'08" N., longitude 94°05'38" W. C.P. to add frequency 3860V MHz toward Silsbee, Tex.

5926-C1-P-73—Same (KKB26), 16 miles north-northwest of Silsbee, Tex. Latitude 30°22'37" N., longitude 94°12'02" W. C.P. to add frequency 3860V MHz toward Beaumont, Tex.

5927-C1-P-73—American Telephone & Telegraph Co. (KEA49), 158 State Street, Albany, NY. Latitude 42°39'03" N. longitude 73°45'28" W. C.P. to change antenna system and add frequencies on frequencies 3710V, 3790V, 3870V, 3950V, and 4030V MHz toward Stephentown, N.Y.

5928-C1-P-73—Same (WJK78), 18 miles north-northwest of West Stephentown, N.Y. Latitude 42°36'20" N, longitude 73°27'38" W, C.P. to add frequencies 3750V, 3830V, 3910V, 3990V, and 4070V MHz toward Albany, N.Y.; frequencies 3750H, 3830H, 3910H, 3990H, and 4070H MHz toward Austerlitz, N.Y.

5929-C1-MP-73—Same (KFB46), 1 mile west of Austerlitz, N.Y. Latitude 42°18'25" N., longitude 73°29'35" W. C.P. to change polarization from V to H on frequencies 3710H, 3790H, 3870H, 3950H, and 4030H MHz toward new point of communication Stephentown, N.Y.

5950 C1-MP-73—American Telephone & Telegraph Co. (KTQ86), 5.6 miles north of Julian, Calif. Latitude 33°09'33" N., longitude 116°36'53" W. Modification of C.P. to change power and replace transmitter on frequency 4190H MHz toward Warner Springs, Calif.

5951-C1-MP-73—Same (WIV86), 8.1 miles north-northwest of Warner Springs, Calif. Latitude 33°23'01" N., longitude 116°42'18" W. Modification of C.P. to change power and replace transmitter on frequency 4190H MHz toward Julian Rs, Calif.; frequency 4190V MHz toward Wildomar, Calif.

5952-C1-MP-73—Same (WIV87), 2.9 miles north-northeast of Wildomar, Calif. Latitude 33°38'20" N., longitude 117°14'42" W. Modification of C.P. to change power and replace transmitter on frequency 4198V MHz toward Warner Springs, Calif.; frequency 4198V MHz toward Corona, Calif.

5953 C1-MP-73—Same (WIV88), Corona city boundary, Calif. Latitude 33°49'43" N., longitude 117°34'27" W. Modification of C.P. to change power and replace transmitter on frequency 4190V MHz toward Wildomar, Calif.

5957-C1-P-73—New England Telephone & Telegraph Co. (KCL85), 25 Concord Street, Manchester, NH. Latitude 42°59'52" N., longitude 71°27'46" W. C.P. to add frequency 10,975V MHz toward Dunbarton, N.H.

5958-C1-P-73—Same (KZI59), 1 mile north of Dunbarton, N.H. Latitude 43°06'53" N., longitude 71°39'59" W. C.P. to add frequency 6382.3V MHz toward Gilford, N.H.; frequency 11.465V MHz toward Manchester, N.H.

5959-C1-P-73—Same (KZI60), Gilford, 3 miles east-southeast of Laconia, Gilford, N.H. Latitude 43°36'48" N., longitude 71°24'49" W. C.P. to add frequency 6234.3V MHz toward Dunbarton, N.H. frequency 11.165.0H MHz toward Laconia, N.H.

5960-C1-P-73—New England Telephone & Telegraph Co. (KZI61), 762 North Main Street, Laconia, NH. Latitude 43°31'54" N. longitude 71°28'27" W. C.P. to add frequency 11.665H MHz toward Gilford, N.H.

5961-C1-P-73—South Central Bell Telephone Co. C.P. and modification of license to add two Kruse-Storee Electronics Model 5,000 Sweepers to blanket license.

5.62-C1-MP-73—Interlata Communications, Inc. (WIU99), modification of C.P. to change station location to 1199 17th Street NW., Washington, DC Latitude 38°54'19" N., longitude 77°02'21" W. and to change frequencies to 10,735V and 11,135V MHz on azimuth 28°48' toward northeast Washington.

5963-C1-MP-73—Same (WIU86) Station location: Riggs Road and First Place NE., Washington, D.C. Modification of C.P. to change frequencies to 11.265V and 11.665V MHz on azimuth 208°49' toward northwest Washington and to 6256.5 MHz on azimuth 46°26' toward Jessup.

5964-C1-MP-73—Same (WIU87), modification of C.P. to change station location to 1.4 miles east-southeast of Jessup, Md. Latitude 39°08'29" N., longitude 76°45'08" W. and change frequency on azimuth 24°06' toward Towson to 5974.8V MHz.

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5926-C1-P-73—Same (KKB26), 16 miles north-northwest of Silsbee, Tex. Latitude 30°22'37" N., longitude 94°12'02" W. C.P. to add frequency 3860V MHz toward Beaumont, Tex.

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5929-C1-MP-73—Same (KFB46), 1 mile west of Austerlitz, N.Y. Latitude 42°18'25" N., longitude 73°29'35" W. C.P. to change polarization from V to H on frequencies 3710H, 3790H, 3870H, 3950H, and 4030H MHz toward new point of communication Stephentown, N.Y.

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5951-C1-MP-73—Same (WIV86), 8.1 miles north-northwest of Warner Springs, Calif. Latitude 33°23'01" N, longitude 116°42'18" W. Modification of C.P. to change power and replace transmitter on frequency 4190H MHz toward Julian Rs, Calif.; frequency 4190V MHz toward Wildomar, Calif.

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5953 C1-MP-73—Same (WIV88), Corona city boundary, Calif. Latitude 33°49'43" N, longitude 117°34'27" W. Modification of C.P. to change power and replace transmitter on frequency 4190V MHz toward Wildomar, Calif.

5957-C1-P-73—New England Telephone & Telegraph Co. (KCL85), 25 Concord Street, Manchester, NH. Latitude 42°59'52" N., longitude 71°27'46" W. C.P. to add frequency 10,975V MHz toward Dunbarton, N.H.

5958-C1-P-73—Same (KZI59), 1 mile north of Dunbarton, N.H. Latitude 43°06'53" N., longitude 71°39'59" W. C.P. to add frequency 6382.3V MHz toward Gilford, N.H.; frequency 11.465V MHz toward Manchester, N.H.

5959-C1-P-73—Same (KZI60), Gilford, 3 miles east-southeast of Laconia, Gilford, N.H. Latitude 43°36'48" N., longitude 71°24'49" W. C.P. to add frequency 6234.3V MHz toward Dunbarton, N.H. frequency 11.165.0H MHz toward Laconia, N.H.

5960-C1-P-73—New England Telephone & Telegraph Co. (KZI61), 762 North Main Street, Laconia, NH. Latitude 43°31'54" N. longitude 71°28'27" W. C.P. to add frequency 11.665H MHz toward Gilford, N.H.

5961-C1-P-73—South Central Bell Telephone Co. C.P. and modification of license to add two Kruse-Storee Electronics Model 5,000 Sweepers to blanket license.

5.62-C1-MP-73—Interlata Communications, Inc. (WIU99), modification of C.P. to change station location to 1199 17th Street NW., Washington, DC Latitude 38°54'19" N., longitude 77°02'21" W. and to change frequencies to 10,735V and 11,135V MHz on azimuth 28°48' toward northeast Washington.

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POINT-TO-POINT MICROWAVE RADIO SERVICE—continued

5979–C1–MP–73—Same (WOI72), modification of C.P. to relocate facilities to Coburg Ridge, 3.5 miles north of Springwater, Oreg. Latitude 44°06'58" N., longitude 122°59'55" W. Change azimuth to 205°33' towards new point of communication Sutherlin and to 339°57' towards new point of communication Vineyard Hill.

5980–C1–MP–73—Western Tele-Communications, Inc. (WQI73), Vineyard Hill, 3.8 miles north of Coryallis, Oreg. Latitude 44°38'47" N., longitude 123°16'11" W. Modification of C.P. to change point of communication to Coburg Ridge on azimuth 159°46'.

Informative: Applicant, Western Tele-Communications, Inc., proposes to reroute a portion foits presently granted Specialized Common Carrier System between San Francisco, Calif. and Seattle, Wash. as previously granted on File Nos. 4271 through 4290–C1–P–70.

5981–C1–AP–(15)–73—MCI Michigan, Inc. Consent to assignment from MCI Michigan, Inc., assignor to MCI Telecommunications Corp., assignee for stations: WOE, Jackson, Mich.; WOE46, Chelsea, Mich.; WOE47, Leslie, Mich.; WOE48, Lansing, Mich.; WOE49, Lennon, Mich.; WOE50, Flint, Mich.; WOE51, Ann Harbor, Mich.; WOE52, Bridgewater, Mich.; WOE53, Petersburg, Mich.; WOE54, Toledo, Ohio; WOE55, Pontiac, Mich.; Dearborn, Mich.; WOE57, Detroit, Mich.; WIV82, Northville, Mich.; WIV83, Fowlerville, Mich.

5982–C1–AP–(33)–73—MCI Mid-Continent Communications, Inc. Consent to assignment from MCI Mid-Continent Communications, Inc., assignor, to MCI Telecommunications Corp., assignee for stations: WPW43, Kansas City, Mo.; WPW44, Victory Junction, Kans.; WPW45, Nashua, Mo.; WPW46, Gower, Mo.; WPW47, Helene, Mo.; WPW48, Filmore, Mo.; WPW49, Skidmore, Mo.; WPW50, Elmo, Mo.; WPW51, Riverton, Iowa; WPW52, Tabor, Iowa; WPW53, Springfield, Nebr.; WPW54, Omaha, Nebr.; WPW55, Honey Creek, Iowa; WPW56, Woodbine, Iowa; WPW57, Irwin, Iowa; WPW58, Ross, Iowa; WPW59, Guthrie Center, Iowa; WPW60, Linden, Iowa; WPW61, Woodward, Iowa; WPW62, Grimes, Iowa; WPW63, Des Moines, Iowa; WPW64, Kelley, Iowa; WPW65, Colo, Iowa; WPW66, Lamoille, Iowa; WPW67, Toledo, Iowa; WPW68, Keystone, Iowa; WPW69, Atkins, Iowa; WPW70, Cedar Rapids, Iowa; WPW71, North Liberty, Iowa; WPW72, Buchanan, Iowa; WPW73, Bennett, Iowa; WPW74, Blue Grass, Iowa; WPW75, Davenport, Iowa.

5983–C1–AP–(33)–73—MCI New England, Inc. Consent to assignment from MCI New England, Inc., assignor to MCI Telecommunications Corp., assignee for stations: WOF53, Boston, Mass.; WOF54, Waltham, Mass.; WOF55, Clinton, Mass.; WOF56, Auburn, Mass.; WOF57, Staffordville, Conn.; WOF58, Avon, Conn.; WOF59, Hartford, Conn.; WOF60, Bethlehem, Conn.; WOF61, Redding Ridge, Conn.; WOF62, Stamford, Conn.; WOF63, Port Chester, N.Y.; WOF4, Bronx, N.Y.; WOF65, New York, N.Y.

5984–C1–AP–(53)–73—MCI Texas-Pacific, Inc. Consent to assignment from MCI Texas-Pacific, Inc., assignor to MCI Telecommunications Corp., assignee for stations: located within the States of Texas, New Mexico, Arizona, and California.

5940–C1–P–73—Eastern Microwave, Inc. (New), Pemberville, 2.3 miles southwest of Pemberville, Ohio. Latitude 41°23'11" N., longitude 83°29'18" W.: C.P. for a new station—frequencies 10,775H MHz and 10,935H MHz toward Bascom, Ohio, on azimuth 148°21'.

5941–C1–P–73—Same (New), Bascom, 0.4 mile north of Bascom, Ohio. Latitude 41°08'20" N., longitude 83°17'12" W.: C.P. for a new station—frequencies 11,385V MHz and 11,545V MHz toward Chatfield, Ohio, on azimuth 128°34'.

5942–C1–P–73—Same (New), Chatfield, 1.8 miles south-southeast of Chatfield, Ohio. Latitude 40°55'30" N., longitude 82°56'02" W.: C.P. for a new station—frequencies 10,775V MHz and 10,935V MHz toward Shenandoah, Ohio, on azimuth 89°48'.

5943–C1–P–73—Same (New), Shenandoah, 1.2 miles northeast of Shenandoah, Ohio. Latitude 40°55'31" N., longitude 82°29'07" W.: C.P. for a new station—frequencies 11,385H MHz and 11.545H MHz toward Sullivan, Ohio, on azimuth 70°39'.

5944–C1–P–73—Same (New), Sullivan, 2.4 miles south of Sullivan, Ohio. Latitude 40°59'42" N., longitude 82°13'20" W.: C.P. for a new station—frequencies 10,775H MHz and 10,935H MHz toward Lafayette, Ohio, on azimuth 63°14'.

5945–C1–P–73—Same (New), Lafayette, 1.5 miles west-southwest of Lafayette, Ohio. Latitude 41°05'35" N., longitude 81°57'52" W.: C.P. for a new station—frequencies 11,385V MHz and 11.545V MHz toward West Richfield. Latitude 41°14'43" N., longitude 81°39'23" W., Ohio, on azimuth 56°43'. (Informative: Eastern proposes to provide the signals of WKBD–TV, Detroit, Mich., and CKLW–TV, Windsor, Ontario, to Armstrong Utilities, Inc., for distribution on its CATV system at Orrville, Ohio.).

5946–C1–P–73—West Texas Microwave Co. (WAY39), Jennings Farm, 5.4 miles northwest of Ogg, Tex. Latitude 34°52'19" N., longitude 101°58'25" W.: C.P. to add frequencies 11,265H MHz, 11,345H MHz, and 11,425H MHz, via power split, toward new point of communication at Hereford. Latitude 34°50'18" N., longitude 102°22'40" W., Tex., on azimuth 264°21'. (Informative: West Texas proposes (a) to provide the television signals KERA and KDTV of Dallas, Tex., and KTVT, Fort Worth, Tex., to Hereford Cablevision Co. at Hereford, Tex., and (b) to provide, via audio subcarrier, the radio signal of station KWXI–FM, Dallas, Tex., to radio station KPAN, Hereford, Tex.).

5985–C1–AL–73—MCI Pacific Coast, Inc. (KPV31), consent to assignment from MCI Pacific Coast, Inc., assignor to MCI Telecommunications Corp., assignee for station KPV31 located at Tunk Mountain, Wash.

5986–C1–AP–(29)–73—MCI North Central, Inc., consent to assignment from MCI North Central, Inc., assignor to MCI Telecommunications Corp., assignee for stations located in the States of Minnesota, Wisconsin, and Illinois.

Correction

5404–C1–ML–73—American Telephone & Telegraph Co. (KIL84), correct to read: Change polarization from V to H on frequency 3890 MHz toward Blackville, S.C.

Major Amendments

3139–C1–P–73—Western Tele-Communications, Inc. (WOI56), Toro Peak, 14.1 miles south-southwest of Palm Desert, Calif. Application amended to change polarization from H to V on frequencies 3990 and 4070 MHz toward El Centro, Calif. (WOI52). (All other particulars the same as reported in Public Notice, Report No. 621, dated November 6, 1972.)

[FR Doc.73–3745 Filed 2–2–73;8:45 am]

FEDERAL POWER COMMISSION

NATIONAL GAS SURVEY TECHNICAL ADVISORY COMMITTEE-SUPPLY

Order Designating Member

FEBRUARY 21, 1973.

The Federal Power Commission by Order issued April 6, 1971, established the Technical Advisory Committees of the National Gas Survey.

1. *Membership.* Mr. J. R. Grey has resigned his membership in the Technical Advisory Committee-Supply. A new member to the Technical Advisory Committee-Supply, as selected by the Chairman of the Commission, with the approval of the Commission, is as follows:

J. Dennis Bonney, vice president, Standard Oil Company of California.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

[FR Doc 73–3852 Filed 2–28–73;8:45 am]

TECHNICAL ADVISORY COMMITTEE ON FUELS; TASK FORCE ADMINISTRATIVE

Agenda of Meeting

Meeting to be held at the Federal Power Commission Offices, 1425 K Street NW., Washington, DC, on March 8, 1973, at 9:30 a.m., e.s.t., Room 859.

1. Meeting called to order.
2. Objectives and purposes of meeting:
   A. Development of reports of task forces.
   B. Assignment of duties.
   C. Other business.
   D. Date of next meeting.
3. Adjournment.

This meeting is open to the public. Any interested person may attend, appear before, or file statements with the committee, which statements, if in written form, may be filed before or after the meeting, or, if oral, at the time and in the manner permitted by the committee.

KENNETH F. PLUMB, *Secretary.*

[FR Doc.73–3906 Filed 2–28–73;8:45 am]

[Docket No. G–10426, etc.]

EL PASO NATURAL GAS CO.

Order Consolidating Proceedings, Extending Date for Filing of Evidence and Hearing Date, and Granting Late Petitions To Intervene

FEBRUARY 21, 1973.

On September 6, 1972, and on September 22, 1972, El Paso Natural Gas Company (El Paso) filed in Dockets Nos. CP70–137 and G–10426, respectively, petitions to amend the orders of the Commission issuing certificates of public convenience and necessity in said dockets on May 12, 1970 (43 FPC 723), and November 21, 1957 (18 FPC 690), as amended respectively, by authorizing an increase in its contract demand service for certain of its Northwest Division customers. Notice of those petitions was issued on October 7, 1972, and October 24, 1972, was set as the final date on which protests and petitions to intervene could be filed in this matter.

On January 8, 1973, by order of the Commission, a hearing in this matter was scheduled for February 14, 1973, and El Paso was instructed to file its testimony and exhibits on or before January 29, 1973. The Commission stated that the record in this case should establish, inter alia the ultimate use of the natural gas proposed to be sold by El Paso, and should include a full market review (including end-use) through the submission of evidence by El Paso, its customers, and where appropriate, its customers' customers. On January 29, 1973, pursuant to a request filed by El Paso, the date for the filing of evidence in this matter was changed to March 8, 1973, and the hearing date was changed to March 28, 1973.

On January 26, 1973, an untimely petition to intervene in these proceedings was filed by Sierra Pacific Power Company, an electric, gas, and water public utility operating in the States of Nevada and California. Petitioner states that it purchases all of its natural gas from Souhwest Gas Corporation, a customer of El Paso's Northwest Division. For this reason, it asserts that it has a substantial interest in any proceedings before the Commission concerning the allocation of gas by El Paso. It further asserts that its interests and those of its customers are not adequately represented by any of the existing parties in this case.

On November 30, 1970, El Paso filed a petition in Dockets Nos. G–8934 and G–10008 to amend the orders of November 25, 1955 (14 FPC 157), and May 8, 1956 (15 FPC 1378) respectively, by authorizing El Paso to deliver to Union Carbide Nuclear Company (Union Carbide) at Uravan, Colo., on a firm basis, quantities of natural gas of up to 23,700 therms per day at the rate of 4.20 cents per therm pursuant to an industrial gas sales contract dated August 1, 1970. El Paso is currently authorized in the instant dockets to sell a maximum quantity of 35,000 therms per day at a rate of 3.60 cents per therm to Union Carbide on an interruptible basis.

On August 11, 1972, El Paso filed an amendment to said petition to amend. El Paso stated that it had negotiated a new industrial gas sales contract with Union Carbide dated May 25, 1972, which canceled their contract of August 1, 1970. The new contract provides for firm deliveries of up to 1,120 therms daily at the rate of 4.20 cents per therm and deliveries of up to 22,580 therms daily on an interruptible basis at the rate of 3.8 cents per therm in lieu of the previously agreed upon 23,700 therms daily on a firm basis. El Paso requested, therefore, that the above referenced orders in Dockets Nos. G–8934 and G–10008 be amended only to the extent necessary to authorize deliveries to Union Carbide in accordance with this new contract. This new amendment to El Paso's earlier petition to amend was noticed on August 24, 1972, and September 11, 1972, was set as the final date on which protests and petitions to intervene would be filed in this matter.

On January 9, 1973, by order of the Commission, a hearing was scheduled in this matter for February 14, 1973, with evidence to be filed by El Paso on or before January 22, 1973. The Commission stated that it would be necessary to determine, inter alia, the effect, if any, that the proposed attachment of additional firm load would have on El Paso's existing gas supply and on its ability to meet existing and future firm customer requirements on its system. The Commission also requested information on the end use of the proposed firm gas and on the feasibility of utilizing alternate fuels at Uravan. On January 24, 1973, pursuant to a request filed by El Paso, the dates for the filing of evidence and the hearing in these proceedings were changed to February 12, 1973, and February 28, 1973, respectively.

On February 2, 1973, El Paso filed in Dockets Nos. G–8934 and G–10008, an additional motion for an extension of time to file evidence and for a continuance of the hearing date. It stated that the evidentiary showing requested by the Commission in these dockets would require a thorough analysis of both customer requirements data and supply data for its Northwest Division System similar to that required for Dockets Nos. CP70–137 and G–10426. Since this data would not be ready until mid-March, El Paso asked that the dates for the filing of evidence and the hearing in Dockets Nos. G–8934 and G–10008 be changed to March 30, 1973, and April 10, 1973, respectively.

In its motion for extensions of time filed on January 24, 1973 in Dockets Nos. CP70–137 and G–10426, El Paso stated that the data needed for those dockets would be available by March 8, 1973. Accordingly, as referenced above, the dates for the filing of evidence and the hearing in those dockets were extended to March 8, 1973, and March 28, 1973, respectively. In Dockets Nos. G–8934 and G–10008, therefore, extensions of time similar to those granted in Dockets Nos. CP70–137 and G–10426 would appear to be justified, but further extensions are unnecessary. Accordingly, we will change the dates for the filing of evidence and the hearing in Dockets Nos. G–8934 and G–10008 to coincide with those in Dockets Nos. CP70–137 and G–10426. In view of this fact, and the similarity of the evidence required in all the above referenced dockets, the applications filed in Dockets Nos. CP70–137, G–10426, G–8934, and G–10008 are interdependent, and should therefore be consolidated and heard together.

On February 5, 1973, Union Carbide Corp. (Union Carbide) filed a late petition to intervene in Dockets Nos. G–8934 and G–10008. Union Carbide, of course, is a party to the gas sales contract which is the subject of this proceeding, and, as such, it alleges that it has a direct and vital interest in this matter which cannot be properly represented by any other party. It states that it failed to intervene in this proceeding within the time prescribed by the Commission for intervention because it only recently became aware that this matter would be treated as other than routine.

The Commission finds:

(1) Sierra Pacific Power Co. and Union Carbide Corp. have shown good cause for their late filings, and their intervention at this time will not delay the disposition of these proceedings.

(2) It is desirable and in the public interest to allow Sierra Pacific Power Co. and Union Carbide Corp. to intervene in order that they may establish the facts and the law from which the nature and validity of their alleged rights and interests may be determined and show what further action may be appropriate under the circumstances in the administration of the Natural Gas Act.

(3) The applications in Dockets Nos. CP70–137, G–10426, G–8934, and G–10008 are interdependent and should be consolidated.

(4) Good cause exists for extending the times heretofore set for the filing of evidence and the hearing in Dockets Nos. G–8934 and G–10008 to coincide with those heretofore set in Dockets Nos. CP 70–137 and G–10426, but further extensions are unjustified.

(5) Accordingly, evidence on the relevant issues in these consolidated proceedings should be filed by El Paso on or before March 8, 1973, and a hearing on this matter should commence on March 28, 1973.

The Commission orders:

(A) The above named petitioners are hereby permitted to intervene in these proceedings subject to the rules and regulations of the Commission; *Provided, however,* That the participation of such intervenors shall be limited to matters affecting asserted rights and interests as specifically set forth in said petition for leave to intervene; *And provided, further,* That the admission of such intervenors shall not be construed as recognition by the Commission that they might be aggrieved because of any order or orders of the Commission entered in this proceeding.

(B) Pursuant to § 2.62(c) of the Commission rules of practice and procedure, the Applicant shall serve copies of its filings upon these intervenors promptly, unless such service has already been effected pursuant to Part 157 of the regulations of the Natural Gas Act.

(C) The applications of El Paso Natural Gas Co. in Dockets Nos. CP70–137, G–10426, G–8934, and G–10008 are hereby consolidated.

(D) The dates heretofore set for the filing of evidence and the hearing in Dockets Nos. G–8934 and G–10008 are hereby extended to March 8 and March 28, respectively, to coincide with those heretofore set in Dockets Nos. CP70–137 and G–10426.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

[FR Doc.73–3854 Filed 2–28–73;8:45 am]

[Docket Nos. CP73–211, CP73–212]

TRANSWESTERN COAL GASIFICATION CO., ET AL.

Notice of Applications

FEBRUARY 21, 1973.

Take notice that on February 7, 1973, Transwestern Coal Gasification Co. (Transwestern Coal), Post Office Box 2521, Houston, TX 77001, Pacific Coal

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Gasification Co. (Pacific Coal), 720 West Eighth Street, Los Angeles, CA 90017, and Western Gasification Co. (Wesco), Post Office Box 2134, Farmington, NM 87401, filed a joint application in Docket No. CP73-212 pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of a coal gasification plant and the sale and delivery of substitute natural gas (SNG) to Transwestern Pipeline Co. (Transwestern Pipeline), all as more fully set forth in the application which is on file with the Commission and open to public inspection. Transwestern Pipeline filed a related application in Docket No. CP73-211 pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of approximately 67 miles of 36-inch pipeline for the transportation of SNG produced by Applicants in Docket No. CP73-212, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Pacific Coal, Transwestern Coal, and Wesco propose to construct and operate a coal gasification plant, which will gasify coal into approximately 250,000 Mcf of SNG per day, and to sell and deliver such SNG to Transwestern Pipeline.

It is stated that the proposed coal gasification plant will be located in the San Juan Basin, near Burnam, N. Mex., which is in the "Four Corners" area of New Mexico, approximately 28 miles southwest of Farmington, N. Mex., and approximately 67 miles north of Transwestern Pipeline's existing system. Applicants in Docket No. CP73-212 also state that the proposed sale of SNG to Transwestern Pipeline will be made on a cost of service basis.

It is stated that the coal to be used in the proposed plant will be obtained from Utah International Inc. (Utah) at 20.8 cents per million B.t.u., pursuant to a February 1, 1973, contract between Utah and Transwestern Coal and Pacific Coal for the sale of coal containing approximately 160 trillion B.t.u., or approximately 9.6 million tons of coal, per year. It is further stated that the Utah coal reserves dedicated to this project are part of an estimated 800 million uncommitted tons of coal which Utah has leased from the Navaho Tribe and which are located on the Navaho Indian Reservation, San Juan County, N. Mex.

Applicants in Docket No. CP73-212 also state that up to 11,000 acre feet of water per year for the operation of the proposed coal gasification will be purchased from Utah by Pacific Coal and Transwestern Coal at $7 per acre foot pursuant to the aforementioned contract of February 1, 1973, and that such water will be pumped from the San Juan River and flow south through a pipeline to the site of the proposed plant. It is stated that Utah has the rights to 44,000 acre feet per year of water from the San Juan River pursuant to contracts between Utah and the United States of America.

Applicants in Docket No. CP73-212 further state that the proposed coal gasification project will cost approximately $405,940,000 to be financed initially by interim financing, and later permanently financed by the issuance of bonds and capital stock.

Transwestern Pipeline proposes to build approximately 67 miles of 36-inch pipeline through San Juan and McKinley Counties, N. Mex., from a point on Transwestern Pipeline's system northwest of Gallup, N. Mex., and appurtenant facilities for the purchase of SNG produced at the coal gasification plant proposed in Docket No. CP73-212 and for the transportation and resale of such SNG. It is also stated that such facilities will cost approximately $22,399,000 to be financed initially by interim financing, with long-term financing to be determined at a future date.

Transwestern Coal and Pacific Coal are wholly owned subsidiaries of Transwestern Pipeline & Pacific Lighting Corp., respectively. Wesco is an unincorporated joint venture of Transwestern Coal and Pacific Coal. Applicants in Docket No. CP73-212 state that beginning in the latter part of 1973 the availability of gas connected sources of supply will decline from Transwestern Pipeline's presently to a point where said gas will no longer be sufficient to meet present contract demands of Transwestern Pipeline's customers and that Transwestern Pipeline has been and is likely to be unable to secure new gas supplies from traditional sources to meet its requirements. The coal gasification project is proposed to assist Transwestern Pipeline in meeting its delivery obligations.

Transwestern Pipeline requests that it be authorized to increase its rates without suspension, so as to permit the recovery of the cost of SNG supplies upon receipt of initial deliveries, and thereafter to reflect any future changes in the cost of SNG supplies in Transwestern Pipeline's purchased gas adjustment provisions of its then effective FPC gas tariff. The cost of service of Applicants in Docket No. CP73-212 in the third year of operation is estimated at $1.308 per Mcf of gas.

Any person desiring to be heard or to make any protest with reference to said application should on or before March 12, 1973, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on these applications if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificates are required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-3853 Filed 2-28-73;8:45 am]

[Docket No. RP72-103]

UNION TEXAS PETROLEUM ET AL.

Order Modifying Previous Order

FEBRUARY 21, 1973.

On January 28, 1972, Union Texas Petroleum, a Division of Allied Chemical Corp. (Union Texas), filed a complaint against Stephens & Cass, a partnership, and El Paso Natural Gas Co. (El Paso) alleging that: Stephens & Cass had acquired an interest in oil lands in Reagan County, Tex., designated as the Boyd lease, Tracts 52 and 54 of the Spraberry Aldwell Unit; was producing casinghead gas from such properties; and was selling said casinghead gas to El Paso in dereliction of a pre-existing contract for sale of gas to Union Texas which was made between the previous interest holder in Stephens & Cass' oil leasehold, Oil and Gas, Inc., and Union Texas. Union Texas requested that Stephens & Cass be directed to discontinue its sales of natural gas from the above-described leasehold to El Paso and to resume such sale to Union Texas.

On March 8, 1972, El Paso filed an answer which admitted the right of Union Texas to receive delivery of the gas in question. On September 25, 1972, a Commission order was issued granting Union Texas' request that the gas deliveries in question be terminated to El Paso and resumed to Union Texas pending a determination by a local court of the consequences and merits of Stephens & Cass' contractual claims.

On September 28, 1972, Stephens & Cass filed a motion for rehearing of the above-mentioned order. In support of its motion, Stephens & Cass correctly asserted that the Commission inadvertently failed to recognize its answer filed on February 22, 1972, which more clearly delineated Stephens & Cass' contention that no contract existed between it and Union Texas.

On October 24, 1972, the Commission issued an Order Modifying Order on Rehearing permitting the continued delivery of the disputed gas to El Paso subject to an adverse decision on the existence of a contract with Union Texas by a local court.

On January 17, 1973, Union Texas filed a Motion of Complainant for Reconsideration of Order of October 24, 1972, requesting that the Commission reverse its decision of October 24, 1972, by directing that deliveries of the subject gas be terminated to El Paso and reinitiated to Union Texas and by establishing a formal hearing for the determination of Stephens & Cass' contractual claims.

On February 2, 1973, Stephens & Cass filed an answer to Union Texas' motion reasserting the inapplicability of the instant contract to the questioned deliveries of gas and commending the greater competence of local courts to deal with what it feels to be an issue involving a local matter.

Complainant's motion refers to and includes three attachments which are copies of lease assignments from Humble Oil & Refining Co. to Stephens & Cass. Those assignments are specifically subject to and relate to the same acreage as the gas purchase contract between Humble and Union Texas dated March 31, 1954; it thus appearing Stephens & Cass acquired those new leases in 1971, with full knowledge they were subject to the March 31, 1954, contract for the sale of gas to Union Texas.

The Stephens & Cass response indicates some issues have been resolved between the parties but that others remain and it does not respond to the new facts raised by Complainant in its motion. On February 12, 1973, El Paso amended its March 8, 1972, answer stating that on the basis of the Stephens & Cass response of February 2, 1973, Union Texas has no claim upon gas from the acreage which was the subject of the issues resolved between Stephens & Cass and Union Texas. It further appears that no interpretation of local law will be involved in resolving these issues. On the basis of Complainant's motion raising additional facts, and the Stephens & Cass response, it is our opinion that the issues in this case are amendable to resolution through the Commission's administrative hearing process and that consideration of the issues here presented can and should be resolved within our jurisdiction.

The Commission finds:

(1) It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the issues in this proceeding be scheduled for hearing in accordance with the procedures set forth below.

(2) There is no justification sufficient to warrant the ordering or deliveries of the disputed natural gas to Union Texas and the termination of such deliveries to El Paso prior to a determination on the merits by this Commission.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act, a public hearing on the issues presented in complaint will be held commencing March 27, 1973, at 10 a.m. (e.s.t.) in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, DC 20426. An Administrative Law Judge to be designated by the Chief Administrative Law Judge shall preside at, and control, this proceeding in accordance with the policies expressed in the Commission's rules of practice and procedure.

(B) On or before February 28, 1973, Union Texas shall prepare and serve its direct testimony and exhibits in support of its application.

(C) This Commission's order of October 24, 1972, in this docket remains in effect except as herein modified.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.73-3856 Filed 2-28-73;8:45 am]

[Docket No. E-7918]

CAROLINA POWER & LIGHT CO.

Order Accepting for Filing, and Suspending Proposed Rates, Granting Intervention, and Providing for Hearing Procedures

FEBRUARY 16, 1973.

On December 18, 1972, Carolina Power & Light Co. (Carolina) tendered for filing proposed changes in its FPC rate schedules with a proposed effective date of February 16, 1973. The proposed changes would increase jurisdictional sales and service by approximately $2,889,000 based on a volume of sales for the 12-month period ending December 31, 1971.

Carolina maintains the increase is necessary because the present rate does not provide a rate of return sufficient to attract new capital. The closing date for protests and petitions to intervene was January 30, 1973. A timely petition to intervene was filed by Electricities of North Carolina (Electricities), representing all of the jurisdictional municipal customers of Carolina in North Carolina. No other protests or petitions to intervene have been filed.

We note that on February 2, 1973, a proposed settlement agreement between Carolina and Electricities was filed in this proceeding, with a requested effective date of March 1, 1973.

On February 1, 1973, Carolina, with the concurrence of Electricities, filed a motion requesting a suspension period of 30 days in this proceeding or until March 18, 1973.

Review of Carolina's rate filing indicates that it raises certain issues which may require development in an evidentiary hearing. The proposed increases in rates and changes have not been shown to be just and reasonable and may be unjust, unreasonable, unduly discriminatory or preferential or otherwise unlawful.

The Commission finds:

(1) It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Federal Power Act that the Commission enter upon a hearing concerning the lawfulness of the rates and charges contained in Carolina's FPC rate schedules as proposed to be amended in this docket, and that the tendered rate schedule be accepted for filing and be suspended as hereinafter provided.

(2) The disposition of this proceeding should be expedited in accordance with the procedure set forth below.

(3) In the event this proceeding is not concluded prior to the termination of the suspension period herein ordered, the placing of the tariff changes applied for in this proceeding into effect, subject to refund with interest while pending Commission determination as to their justness and reasonableness, is consistent with the purpose of the Economic Stabilization Act of 1970, as amended.

(4) Granting the petition to intervene of Electricities of North Carolina may be in the public interest.

The Commission orders:

(A) The petitioner for intervention is hereby permitted to intervene in this proceeding subject to the rules and regulations of the Commission: *Provided, however,* That participation of the intervenor shall be limited to the matters affecting asserted rights and interests specifically set forth in the petition to intervene: *And provided, further,* That admission of the intervenor shall not be construed as recognition by the Commission that the intervenor may be aggrieved by any order entered in this proceeding.

(B) Pursuant to the authority of the Federal Power Act, particularly section 205(e) thereof, the Commission's rules of practice and procedure, and the regulations Under the Federal Power Act (18 CFR Ch. I), a public hearing shall be held, commencing with a prehearing conference on April 17, 1973, at 10 a.m., e.s.t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, DC 20426, concerning the lawfulness of the rates, charges, classifications and services contained in Carolina FPC rate schedules as proposed to be revised herein.

(C) At the prehearing conference on April 17, 1973, Carolina's prepared testimony (Statement P) together with its entire rate filing shall be admitted to the record as its complete case-in-chief subject to appropriate motions, if any, by parties to the proceeding. All parties will be expected to come to this conference prepared to effectuate the provisions of §§ 1.18 and 2.59 of the Commission's rules of practice.

(D) On or before April 3, 1973, the Commission Staff shall serve its prepared testimony and exhibits. The prepared testimony and exhibits of any or all intervenors shall be served on or before April 24, 1973. Any rebuttal evidence by Carolina shall be served on or before May 1, 1973. Cross-examination of the evidence filed will commence May 15, 1973.

(E) A Presiding Administrative Law Judge to be designated by the Chief Administrative Law Judge for that purpose (See Delegation of Authority, 18 CFR 3.5(d)), shall preside at the hearing in this proceeding, shall prescribe relevant procedural matters not herein provided, and shall control the proceeding in accordance with the policies expressed in

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§ 2.59 of the Commission's rules of practice and procedure.

(F) Pending hearing and a final decision in this proceeding, Carolina's filing tendered on December 18, 1972, is accepted for filing and suspended and the use thereof deferred until March 18, 1973.

(G) The Secretary shall cause prompt publication of this order to be made in the FEDERAL REGISTER.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

[FR Doc.73-3855 Filed 2-28-73;8:45 am]

FEDERAL RESERVE SYSTEM

FIRST INTERNATIONAL BANCSHARES, INC.

Acquisition of Bank

First International Bancshares, Inc., Dallas, Tex., has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 100 percent of the voting shares (less directors' qualifying shares) of the successor by merger to American Bank & Trust Company, Dallas, Tex. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Dallas. Any person wishing to comment on the application should submit his views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than March 21, 1973.

Board of Governors of the Federal Reserve System, February 22, 1973.

[SEAL] MICHAEL A. GREENSPAN, *Assistant Secretary of the Board.*

[FR Doc.73-3798 Filed 2-28-73;8:45 am]

FIRST NATIONAL COMPANY OF MISSOURI VALLEY, INC.

Order Approving Formation of Bank Holding Company

First National Co. of Missouri Valley, Inc., Missouri Valley, Iowa, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) of formation of a bank holding company through acquisition of 80 percent or more of the voting shares of The First National Bank of Missouri Valley, Missouri Valley, Iowa (Bank).

Notice of the application, affording opportunity for interested persons to submit comments and views, has been given in accordance with section 3(b) of the act. The time for filing comments and views has expired, and the Board has considered the application and all comments received in light of the factors set forth in section 3(c) of the act (12 U.S.C. 1842(c)).

Applicant is a recently formed company, with no operations or subsidiaries, organized for the purpose of acquiring Bank ($11 million in deposits),[1] Bank, the larger of two banks in the city of Missouri Valley,[2] controls 62 percent of deposits therein and is the largest of six banks in the southwestern portion of Harrison County (the relevant banking market) controlling 30 percent of deposits in that market. Since the purpose of the proposed transaction is to effect a transfer from an individual ownership of Bank to ownership by applicant (controlled by the same individual), and from other facts of record, it appears that consummation herein would not eliminate any existing or potential competition, adversely affect any other bank, or increase the concentration of banking resources in any relevant area. Competitive considerations are consistent with approval of this application.

The principal who presently owns Bank, individually, will, upon consummation, continue ownership through his control of applicant. The financial condition, managerial resources, and future prospects of applicant will be dependent, in part, upon Bank. The record reveals that Bank has sound financial resources, adequate capitalization, satisfactory management, and a demonstrated pattern of growth. Although applicant will borrow funds to acquire shares of Bank, it appears that applicant should be able to service the debt. Considerations relating to the convenience and needs of the community to be served are consistent with approval. Applicant is expected to maintain the continuity of capable local management and the satisfactory financial position of Bank. It is the Board's judgment that the proposed transaction would be in the public interest and that the application should be approved.

On the basis of the record, the application is approved for the reasons summarized above. The transaction shall not be consummated: (a) Before March 22, 1973, or (b) later than May 21, 1973, unless such period is extended for good cause by the Board, or by the Federal Reserve Bank of Chicago pursuant to delegated authority.

By order of the Board of Governors,[3] effective February 20, 1973.

[SEAL] TYNAN SMITH, *Secretary of the Board.*

[FR Doc.73-3797 Filed 2-28-73;8:45 am]

[1] All banking data are as of June 30, 1972.

[2] Missouri Valley (population 3,500), the economy of which is almost entirely agricultural, is located in west-central Iowa 8 miles from the Missouri River (forming the boundary between Iowa and Nebraska) and 24 miles north of Council Bluffs, Iowa, and Omaha, Nebr.

[3] Voting for this action: Vice Chairman Robertson and Governors Mitchell, Brimmer, Sheehan, and Bucher. Absent and not voting: Chairman Burns and Governor Daane.

FIRST NATIONAL HOLDING CORP.

Proposed Acquisition of Fairlane Finance Co., Inc.

First National Holding Corp., Atlanta, Ga., has applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.4(b)(2) of the the Board's Regulation Y, for permission to acquire the assets of Fairlane Finance Co., Inc., Easley, S.C. Notice of the application was published in newspapers of general circulation in areas in which Fairlane Finance Co. presently operates as follows:

The Easley Progress, Easley, S.C., November 8, 1972–January 10, 1973.
The Seneca Journal & Tugaloo Tribune, Seneca, S.C., November 6, 1972–January 10, 1973.
The Georgetown Times, Georgetown, S.C., November 9, 1972–January 18, 1973.
The Twin-City News, Batesburg, S.C., November 9, 1972–January 18, 1973.
The Monitor, Liberty, S.C., November 9, 1972–January 11, 1973.
The Greenville News, Greenville, S.C., November 4, 1972–January 10, 1973.
The Pickens Sentinel, Pickens, S.C., November 9, 1972–January 11, 1973.
The Statesville Record & Landmark, Statesville, S.C., November 7, 1972–January 9, 1973.
The Lake City News & Post, Lake City, S.C., November 8, 1972–January 12, 1973.
The Sumter Daily Item, Sumter, S.C., November 10, 1972–January 12, 1973.

Applicant states that the proposed subsidiary would engage in the activities of a finance company and act as an agent with respect to sales of credit life and disability insurance on borrowers in connection with loans and casualty insurance on property securing such loans. Such activities have been specified by the Board in § 225.4(a) of Regulation Y as permissible for bank holding companies, subject to Board approval of individual proposals in accordance with the procedures of § 225.4(b).

Interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question should be accompanied by a statement summarizing the evidence the person requesting the hearing proposes to submit or to elicit at the hearing and a statement of the reasons why this matter should not be resolved without a hearing.

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Atlanta.

Any views or requests for hearing should be submitted in writing and received by the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, not later than March 21, 1973.

Board of Governors of the Federal Reserve System, February 22, 1973.

[SEAL] MICHAEL A. GREENSPAN, *Assistant Secretary of the Board.*

[FR Doc.73-3802 Filed 2-28-73;8:45 am]

FIRST UNION, INC.

Order Approving Acquisition of Bank

First Union, Inc., St. Louis, Mo., a bank holding company within the meaning of the Bank Holding Company Act, has applied for the Board's approval under section 3(a)(3) of the Act (12 U.S.C. 1842(a)(3)) to acquire 94.3 percent or more of the voting shares of The First National Bank of Independence, Independence, Mo. (Bank).

Notice of the application, affording opportunity for interested persons to submit comments and views, has been given in accordance with section 3(b) of the Act. The time for filing comments and views has expired, and none has been timely received. The Board has considered the application in light of the factors set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Applicant, the second largest bank holding company in Missouri, controls 13 banks with aggregate deposits of slightly more than $1 billion, representing about 8 percent of total deposits in commercial banks in the State. All banking data are as of June 30, 1972, and reflect holding company formations and acquisitions approved by the Board to date.) Consummation of the proposal would increase applicant's proportionate share of the deposits in commercial banks in the State by about one-half of 1 percent, and applicant's ranking among the State's banking organizations would remain unchanged.

Bank ($56 million deposits), the largest of five banks in the city of Independence, ranks as the 13th largest of the 112 banking organizations competing in the Kansas City banking market (approximated by the Kansas City SMSA excluding the southern portion of Cass County), and holds less than 2 percent of the total deposits in commercial banks in that market. With two of its subsidiary banks controlling slightly more than 1 percent of the deposits, applicant is already represented in the Kansas City market. However, consummation of the proposal herein is not likely to eliminate significant competition between those subsidiaries and Bank in view of the large number of banks competing in the market and the presence of the Missouri River serving as a natural barrier between Bank and applicant's two subsidiaries. Similarly, the development of future competition between any of applicant's subsidiary banks and Bank is regarded as unlikely in view of the intervening distances between the respective banks and Missouri's restrictive branching laws. On the basis of the facts of record, the Board concludes that consummation of Applicant's proposal would not eliminate any significant existing competition nor foreclose the development of significant potential competition.

The financial and managerial resources and future prospects of applicant and its subsidiaries are regarded as satisfactory and consistent with approval of the application. The same conclusions apply with respect to considerations relating to the banking factors as they pertain to Bank. The major banking needs of the Independence area are presently being served by the local banks and the nearby Kansas City banks. However, applicant indicates that it intends to assist Bank in improving and expanding its operations in such areas as fiduciary services, and commercial and real estate lending. Considerations relating to the convenience and needs appear to be consistent with approval of the application. It is the Board's judgment that consummation of the proposed acquisition would be in the public interest and that the application should be approved.

On the basis of the record, the application is approved for the reasons summarized above. The transaction shall not be consummated: (a) Before March 26, 1973, or (b) later than May 22, 1973, unless such period is extended for good cause by the Board or by the Federal Reserve Bank of St. Louis pursuant to delegated authority.

By order of the Board of Governors,[1] effective February 22, 1973.

[SEAL] TYNAN SMITH, *Secretary of the Board.*

[FR Doc.73-3801 Filed 2-28-73;8:45 am]

PARK BANCSHARES, INC.

Formation of One-Bank Holding Company

Park Bancshares, Inc., St. Joseph, Mo., has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company through acquisition of 80 percent or more of the voting shares of the Park Bank of St. Joseph, St. Joseph, Mo. The factors that are considered in acting on the application are set forth in section 3(c) of the act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Kansas City. Any person wishing to comment on the application should submit his views in writing to the Reserve bank to be received not later than March 12, 1973.

Board of Governors of the Federal Reserve System, February 22, 1973.

[SEAL] MICHAEL A. GREENSPAN, *Assistant Secretary of the Board.*

[FR Doc.73-3799 Filed 2-28-73;8:45 am]

[1] Voting for this action: Chairman Burns and Governors Robertson, Mitchell, Daane, Brimmer, Sheehan, and Bucher.

UNITED MISSOURI BANCSHARES, INC.

Acquisition of Bank

United Missouri Bancshares, Inc., Kansas City, Mo., has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 80 percent or more of the voting shares (plus directors' qualifying shares) of United Missouri Bank of St. Louis, National Association, St. Louis, Mo., a proposed new bank. The factors that are considered in acting on the application are set forth in section 3(c) of the act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Kansas City. Any person wishing to comment on the application should submit his views in writing to the Reserve bank to be received not later than March 12, 1973.

Board of Governors of the Federal Reserve System, February 22, 1973.

[SEAL] MICHAEL A. GREENSPAN, *Assistant Secretary of the Board.*

[FR Doc.73-3800 Filed 2-28-73;8:45 am]

FEDERAL TRADE COMMISSION

LARGE CORPORATE MERGERS

Requirements for Submission of Special Reports

Notice is hereby given that the Commission wishes to implement its prior resolution issued April 17, 1972, concerning notification of, and submission of special reports relating to, large corporate mergers, as published at FEDERAL REGISTER vol. 37, pages 7951-2: Accordingly the Commission has made the following resolution.

Resolved that henceforth special reports as specified in said prior resolution are hereby ordered to be filed by both acquired and acquiring companies, as follows:

(a) All acquiring companies engaging in acquisitions of assets as to which such notification is required;

(b) All acquiring companies engaged in stock acquisitions as to which such notification is required;

(c) All acquired companies whose assets in excess of $10 million have been, or are to be, acquired in transaction covered by subparagraph (a) above;

(d) All companies whose assets or sales exceed $10 million and 50 percent or more of whose voting stock has been, or is to be, acquired in transaction covered by subparagraph (b) above.

For purposes of implementing this order the staff of the Commission is directed to furnish such notices to file special reports as may be necessary to achieve compliance with this program.

By order of the Commission.

[SEAL] CHARLES A. TOBIN, *Secretary.*

FEBRUARY 14, 1973.

[FR Doc.73-3857 Filed 2-28-73;8:45 am]

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NATIONAL ADVISORY COMMITTEE ON OCCUPATIONAL SAFETY AND HEALTH

SUBCOMMITTEE ON STATE PROGRAMS

Notice of Meeting

Notice is hereby given of a meeting to be held by the Subcommittee on State Programs of the National Advisory Committee on Occupational Safety and Health established by section 7(a) of the Occupational Safety and Health Act of 1970 (29 U.S.C. 556).

The meeting will begin at 9 a.m. on March 15, 1973, in Rooms 216A and B of the Department of Labor Building, 14th Street and Constitution Avenue NW., Washington, D.C.

During the course of the meeting the following subjects will be discussed seriatim:

(1) Review of criteria for determining the adequacy of State plans to assume responsibility for the development and enforcement of State occupational safety and health standards;

(2) Procedure to be established for amending approved State plans; and

(3) Evaluation of implementation of such State plans.

Members of the public are invited to attend the proceedings.

Any written data, views, or arguments received by the Committee's executive secretary concerning the subjects to be considered on or before March 12, 1973, together with 25 duplicate copies will be provided to the members and will be included in the minutes of the meeting.

Interested persons wishing to address the subcommittee at the meeting should submit a request to be heard together with 25 copies thereof to the executive secretary no later than March 8, 1973, stating the nature of their intended presentation and the amount of time they will need. At the commencement of the meeting the chairman will announce the extent to which time will permit the granting of such requests.

Communications to the executive secretary should be addressed as follows:

Mr. Roger W. Grant, Executive Secretary, National Advisory Committee on Occupational Safety and Health, Room 1120b, 1726 M Street NW., Washington, DC 20210.

Signed at Washington D.C., this 26th day of February 1973.

ROGER W. GRANT,
Executive Secretary.

[FR Doc.73-3928 Filed 2-28-73;8:45 am]

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice 73-17]

NASA RESEARCH AND TECHNOLOGY ADVISORY COUNCIL, COMMITTEE ON AERONAUTICAL OPERATING SYSTEMS

Notice of Meeting

The NASA Research and Technology Advisory Council, Committee on Aeronautical Operating Systems, will meet on March 7-8, 1973, at the NASA Ames Research Center, Moffett Field, Calif. 94035.

The meeting will be held in the committee room, second floor of the Administration Building (N-200). Members of the public will be admitted on a first-come-first-served basis up to the seating capacity of the room, which is about 40 persons. All visitors must report to the NASA visitor gatehouse.

The NASA Committee on Aeronautical Operating Systems serves in an advisory capacity only. The Chairman is Mr. Franklin W. Kolk. There are 14 members. The approved agenda is outlined below. For further information, please contact Mr. Robin K. Ransone, area code 202—755-2360.

MARCH 7, 1973

Time	*Topic*
8:30 a.m.	Chairman's and Executive Secretary's Reports. (*Purpose.* To review results of the previous meeting of the Research and Technology Advisory Council, recent NASA organizational changes, and to introduce new members).
9:10 a.m.	Reports of NASA actions taken on past Committee recommendations. (*Purpose.* To report to the Committee the NASA responses to their recommendations concerning Flight Management, Wake Turbulence Hazards, General Aviation Research and Technology, Emergency Breathing Oxygen Systems, Ditching, Terminal Configured Vehicle and Avionics Program, and STOLAND Program.)
1:00 p.m.	Committee discussion — Future Aircraft Fuels Needs and Associated Research. (*Purpose:* A discussion of future aircraft fuels needs to elicit advice from the Committee members as to appropriate courses of research action by NASA.)
3:00 p.m.	Status reports. (*Purpose.* To provide the Committee members with progress reports and current status of specific NASA Operating Systems Programs, including: Clear Air Turbulence Detection Research, Tire Materials Research, and Jet STOL Transport Financial Risk Analysis.)

MARCH 8, 1973

Time	*Topic*
8:30 a.m.	Committee discussion—Land Gear Systems Technology Improvement Needs. (*Purpose.* To discuss problems with current aircraft landing gear systems, to discuss new landing gear concepts, and to elicit advice from the Committee members regarding appropriate NASA landing gear research and technology.)
10:00 a.m.	Committee discussion—Propulsive Lift Research Needs. (*Purpose.* To discuss NASA's research in propulsive lift systems, in light of recent cancellation of the QUIESTOL program, and to elicit Committee member's advice and comments on propulsive lift research.)
1:00 p.m.	Committee discussion—NASA Aviation Safety Research Program. (*Purpose.* To present outline of NASA Aviation Safety Research Program and to elicit Committee advice and discussion of this program.)
2:00 p.m.	Executive session. (*Purpose.* To discuss programs under the cognizance of Committee members' affiliations which are of interest to the Committee, and which have bearing upon future NASA program planning. Closed to public.)
4:30 p.m.	Adjournment.

HOMER E. NEWELL,
Associate Administrator, National Aeronautics and Space Administration.

[FR Doc.73-3757 Filed 2-28-73;8:45 am]

RAILROAD RETIREMENT BOARD

RAILROAD RETIREMENT SUPPLEMENT ANNUITY PROGRAM

Determination of Quarterly Rate of Excise Tax

In accordance with directions in section 3221(c) of the Railroad Retirement Tax Act (26 U.S.C. 3221(c)) as amended by section 5(a) of Public Law 91-215, the Railroad Retirement Board has determined that the excise tax imposed by such section 3221(c) on every employer, with respect to having individuals in his employ, for each man-hour for which compensation is paid by such employer for services rendered to him during the quarter beginning April 1, 1973, shall be at the rate of 7½ cents.

Dated: February 22, 1973.

By authority of the Board.

[SEAL] R. F. BUTLER,
Secretary of the Board.

[FR Doc.73-3846 Filed 2-28-73;8:45 am]

SECURITIES AND EXCHANGE COMMISSION

[File No. 500-1]

ACCURATE CALCULATOR CORPORATION

Order Suspending Trading

FEBRUARY 23, 1973.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, $0.01 par value, and all other securities of Accurate Calculator Corp., being traded otherwise than on a national securities exchange is required in public interest and for the protection of investors;

It is ordered, Pursuant to section 15 (c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period from February 24, 1973, through March 5, 1973.

By the Commission.

[SEAL] RONALD F. HUNT,
Secretary.

[FR Doc.73-3784 Filed 2-28-73;8:45 am]

[File No. 500-1]

AFCOA

Order Suspending Trading

FEBRUARY 20, 1973.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, $0.10 par value, and all other securities of AFCOA, being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15 (c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period from 11:30 a.m. (e.s.t.), on February 20, 1973, through March 1, 1973.

By the Commission.

[SEAL] RONALD F. HUNT,
Secretary.

[FR Doc.73-3777 Filed 2-28-73;8:45 am]

[File Nos. 7-4337—7-4344]

BERKEY PHOTO, INC., ET AL.

Notice of Applications for Unlisted Trading Privileges and of Opportunity for Hearing

FEBRUARY 23, 1973.

In the matter of applications of the Boston Stock Exchange for unlisted trading privileges in certain securities, Securities Exchange Act of 1934.

The above-named national securities exchange has filed applications with the Securities and Exchange Commission pursuant to section 12(f)(1)(B) of the Securities Exchange Act of 1934 and Rule 12f-1 thereunder, for unlisted trading privileges in the common stocks of the following companies, which securities are listed and registered on one or more other national securities exchanges:

Name	*File No.*
Berkey Photo, Inc.	7-4337
Chesborough-Ponds, Inc.	7-4338
Coca Cola Bottling of New York (The)	7-4339
Ex-Cell-O Corp.	7-4340
The Fluor Corp.	7-4341
Ideal Toy Corp.	7-4342
Illinois Central Industries, Inc.	7-4343
Jewel Cos., Inc.	7-4344

Upon receipt of a request, on or before March 11, 1973 from any interested person, the Commission will determine whether the application with respect to any of the companies named shall be set down for hearing. Any such request should state briefly the title of the security in which he is interested, the nature of the interest of the person making the request, and the position he proposes to take at the hearing, if ordered. In addition, any interested person may submit his views or any additional facts bearing on any of the said applications by means of a letter addressed to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549, not later that the date specified. If no one requests a hearing with respect to any particular application, such application will be determined by order of the Commission on the basis of the facts stated therein and other information contained in the official files of the Commission pertaining thereto.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

[SEAL] RONALD F. HUNT,
Secretary.

[FR Doc.73-3773 Filed 2-28-73;8:45 am]

[File No. 500-1]

CLINTON OIL CO.

Order Suspending Trading

FEBRUARY 23, 1973.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, $0.03⅓ par value, and all other securities of Clinton Oil Co., being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15 (c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period from February 26, 1973, through March 7, 1973.

By the Commission.

[SEAL] RONALD F. HUNT,
Secretary.

[FR Doc.73-3785 Filed 2-28-73;8:45 am]

[70-5312]

CONNECTICUT LIGHT & POWER CO.

Proposed Issue and Sale of First and Refunding Mortgage Bonds at Competitive Bidding

FEBRUARY 23, 1973.

Notice is hereby given that the Connecticut Light & Power Co. (CL&P), Selden Street, Berlin, CT 06037, a public-utility subsidiary company of Northeast Utilities, a registered holding company, has filed an application with this Commission pursuant to the Public Utility Holding Company Act of 1935 (Act), designating section 6(b) of the Act and Rule 50 promulgated thereunder as applicable to the following proposed transaction. All interested persons are referred to the application, which is summarized below, for a complete statement of the proposed transaction.

CL&P proposes to issue and sell, subject to the competitive bidding requirements of Rule 50 under the Act, $50 million principal amount of ------ percent First and Refunding Mortgage Bonds, Series Z, due April 1, 2003. The interest rate (which shall be a multiple of one-eight of 1 percent) and the price, exclusive of accrued interest, to be paid to CL&P (which shall be not less than 99 percent nor more than 1023/4 percent of the principal amount thereof) will be determined by the competitive bidding. The bonds will be issued under the Indenture of Mortgage and Deed of Trust dated May 1, 1921, between CL&P and Bankers Trust Co., Trustee, as heretofore supplemented and amended and as to be further supplemented by a Supplemental Indenture to be dated as of April 1, 1973, which contains a prohibition until April 1, 1978, against refunding the issue with the proceeds of funds borrowed at a lower effective interest cost.

The net proceeds from the issue and sale of the bonds will be applied toward repayment of short-term borrowings incurred in financing CL&P's 1972-73 construction program, which borrowings are expected to aggregate $95 million at the time of the proposed sale. It is anticipated that Northeast Utilities will make a $20 million capital contribution in March 1973, which will be used by CL&P in further reduction of its short-term borrowings (file No. 70-5308). CL&P's construction program for 1973 is estimated at $143 million, and it is stated that this program will require an additional $60 million of external financing which CL&P contemplates will be obtained temporarily through short-term borrowings. CL&P anticipates a further capital contribution from Northeast Utilities, as well as additional long-term financing (first mortgage bonds or preferred stock) later this year. Such additional financing will, to the extent necessary, be the subject of future filings with the Commission.

A statement of the fees and expenses incident to the proposed transaction will be filed by amendment. The filing states that the proposed issue and sale of bonds is subject to the approval of the Connecticut Public Utilities Commission, and indicates that no other State commission and no Federal commission, other than this Commission, has jurisdiction over the proposed transaction.

Notice is further given that any interested person may, not later than March 22, 1973, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said application which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon the applicant at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request

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At any time after said date, the application as filed or as it may be amended, may be granted as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL] RONALD F. HUNT, *Secretary.*

[FR Doc.73-3776 Filed 2-28-73;8:45 am]

[File No. 7-4350]

CURTIS PUBLISHING CO.

Application for Unlisted Trading Privileges

FEBRUARY 23, 1973.

In the matter of application of the Midwest Stock Exchange for unlisted trading privileges in a certain security, Securities Exchange Act of 1934.

The above named national securities exchange has filed an application with the Securities and Exchange Commission pursuant to section 12(f)(1)(B) of the Securities Exchange Act of 1934 and Rule 12F-1 thereunder, for unlisted trading privileges in the common stock of the following company, which security is listed and registered on one or more other national securities exchange:

	File No.
The Curtis Publishing Co	7-4350

Upon receipt of a request, on or before March 11, 1973, from any interested person, the Commission will determine whether the application shall be set down for hearing. Any such request should state briefly the nature of the interest of the person making the request and the position he proposes to take at the hearing, if ordered. In addition, any interested person may submit his views or any additional facts bearing on the said application by means of a letter addressed to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549, not later than the date specified. If no one requests a hearing, this application will be determined by order of the Commission on the basis of the facts stated therein and other information contained in the official files of the Commission pertaining thereto.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL] RONALD F. HUNT, *Secretary.*

[FR Doc 73-3771 Filed 2-28-73;8:45 am]

[File No. 7-4336]

CURTIS PUBLISHING CO.

Application for Unlisted Trading Privileges

FEBRUARY 23, 1973.

In the matter of application of the Pacific Coast Stock Exchange for unlisted trading privileges in a certain security, Securities Exchange Act of 1934.

The above-named national securities exchange has filed an application with the Securities and Exchange Commission pursuant to section 12(f)(1)(B) of the Securities Exchange Act of 1934 and Rule 12f-1 thereunder, for unlisted trading privileges in the common stock of the following company, which security is listed and registered on one or more other national securities exchange.

	File No.
The Curtis Publishing Co	7-4336

Upon receipt of a request, on or before March 11, 1973 from any interested person, the Commission will determine whether the application shall be set down for hearing. Any such request should state briefly the nature of the interest of the person making the request and the position he proposes to take at the hearing, if ordered. In addition, any interested person may submit his views or any additional facts bearing on the said application by means of a letter addressed to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549, not later than the date specified. If no one requests a hearing, this application will be determined by order of the Commission on the basis of the facts stated therein and other information contained in the official files of the Commission pertaining thereto.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

[SEAL] RONALD F. HUNT, *Secretary.*

[FR Doc 73-3769 Filed 2-28-73;8:45 am]

[File No. 500-1]

FIRST LEISURE CORP.

Order Suspending Trading

FEBRUARY 23, 1973.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, $0.10 par value and all other securities of First Leisure Corp., being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period from February 25, 1973, through March 6, 1973.

By the Commission.

[SEAL] RONALD F. HUNT, *Secretary.*

[FR Doc.73-3783 Filed 2-28-73;8:45 am]

[File No. 500-1]

FIRST WORLD CORP.

Order Suspending Trading

FEBRUARY 23, 1973.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the Class A and Class B common stocks, $0.15 par value, and all other securities of First World Corp. being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period from February 24, 1973, through March 5, 1973.

By the Commission.

[SEAL] RONALD F. HUNT, *Secretary.*

[FR Doc.73-3787 Filed 2-28-73;8:45 am]

[File Nos. 7-4345—7-4349]

LEEDS & NORTHROP CO. ET AL.

Applications for Unlisted Trading Privileges

FEBRUARY 23, 1973.

In the matter of applications of the Boston Stock Exchange for unlisted trading privileges in certain securities, Securities Exchange Act of 1934.

The above named national securities exchange has filed applications with the Securities and Exchange Commission pursuant to section 12(f)(1)(B) of the Securities Exchange Act of 1934 and Rule 12f-1 thereunder, for unlisted trading privileges in the common stocks of the following companies, which securities are listed and registered on one or more other national securities exchanges:

Name	File No.
Leeds & Northrop Co	7-4345
Newmont Mining Corp	7-4346
Paine, Webber, Jackson & Curtis, Inc	7-4347
Jos. Schlitz Brewing Co	7-4348
Dean Witter & Company, Inc	7-4349

Upon receipt of a request, on or before March 11, 1973, from any interested person, the Commission will determine whether the application with respect to any of the companies named shall be set down for hearing. Any such request should state briefly the title of the security in which he is interested, the nature of the interest of the person making the request, and the position he proposes to

take at the hearing, if ordered. In addition, any interested person may submit his views or any additional facts bearing on any of the said applications by means of a letter addressed to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549 not later than the date specified. If no one requests a hearing with respect to any particular application, such application will be determined by order of the Commission on the basis of the facts stated therein and other information contained in the official files of the Commission pertaining thereto.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

[SEAL] RONALD F. HUNT, *Secretary.*

[FR Doc.73-3774 Filed 2-28-73;8:45 am]

[File No. 500-1]

LILAC TIME, INC.

Order Suspending Trading

FEBRUARY 23, 1973.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, $0.05 par value, and all other securities of Lilac Time, Inc., being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period from February 24, 1973, through March 5, 1973.

By the Commission.

[SEAL] RONALD F. HUNT, *Secretary.*

[FR Doc.73-3780 Filed 2-28-73;8:45 am]

[File No. 500-1]

LOGOS DEVELOPMENT CORP.

Order Suspending Trading

FEBRUARY 23, 1973.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, $0.01 par value, and all other securities of Logos Development Corp., being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period from February 24, 1973 through March 4, 1973.

By the Commission.

[SEAL] RONALD F. HUNT, *Secretary.*

[FR Doc.73-3782 Filed 2-28-73;8:45 am]

[File No. 500-1]

MANAGEMENT DYNAMICS, INC.

Order Suspending Trading

FEBRUARY 23, 1973.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, $0.01 par value, and all other securities of Management Dynamics, Inc., being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period from February 26, 1973, through March 7, 1973.

By the Commission.

[SEAL] RONALD F. HUNT, *Secretary.*

[FR Doc.73-3786 Filed 2-28-73;8:45 am]

[812-3386]

MORGAN STANLEY & CO. INC.

Filing of Application for an Order of Exemption

Notice is hereby given that Morgan Stanley & Co. Inc., 140 Broadway, New York, NY 10005, a registered broker-dealer corporation with its principal office at 140 Broadway, New York, NY 10005 (Applicant), in connection with a proposed public offering of shares of Common Stock of Pacific American Income Shares, Inc. (the Company), a registered, closed-end, diversified management investment company, has filed an application pursuant to section 6(c) of the Investment Company Act of 1940 (the Act) for an order exempting Applicant and its counderwriters from section 30(f) of the Act to the extent that such section adopts section 16(b) of the Securities Exchange Act of 1934 (the Exchange Act) with respect to their transactions incidental to the distribution of Company shares. All interested persons are referred to the application on file with the Commission for a statement of the representations therein, which are summarized below.

Applicant, E. F. Hutton & Co. Inc., a registered broker-dealer corporation with its principal office at One Battery Park Plaza, New York, N.Y. 10004, and Bateman Eichler, Hill Richards, Inc., a registered broker-dealer corporation with its principal office at 460 South Spring Street, Los Angeles, CA 90013, are the prospective managers (the Managers) of a group of underwriters (the Underwriters) being formed in connection with the above public offering.

Shares of the Company are to be purchased by the Underwriters pursuant to an Underwriting Agreement (the Underwriting Agreement) to be entered into between the Underwriters, represented by the Managers, and the Company. It is also contemplated that one or more dealers will offer to sell certain of the shares and in connection with such offer and sale, each such dealer will execute a Dealer Agreement. It is intended that the several Underwriters will make a public offering of all the Company shares which such Underwriters are to purchase under the Underwriting Agreement at the price therein specified, as soon on or after the effective date of the Company's Registration Statement on Form S-4 (the Registration Statement) as the Managers deem advisable, and such shares are initially to be offered to the public in accordance with the formulae for the determination of the per share public offering price and underwriting commissions (which vary based upon the number of shares purchased in a single transaction) to be specified in the prospectus incorporated in the Registration Statement (the Prospectus) at the time the Registration Statement becomes effective under the Securities Act of 1933, as amended. Although 6,600,000 shares have been included for registration in the Registration Statement, the actual number of shares which may be the subject of the proposed public offering may be increased or decreased by the Managers and the Company shortly before the effective date of the Registration Statement and the proposed public offering, and depending upon the exercise of an over-allotment election granted to the Underwriters.

Applicant states that it is possible that the original purchase obligation of any one or more of the Underwriters, including each of the Managers, will exceed 10 percent of the aggregate number of shares of the Company's Common Stock to be outstanding after the purchase by the several Underwriters pursuant to the Underwriting Agreement or upon the completion of the initial public offering or at some interim time. Since section 30(f) of the Act subjects every person who is directly or indirectly the beneficial owner of more than 10 percent of any class of outstanding securities of the Company to the same duties and liabilities as those imposed by section 16 of the Exchange Act with respect to the transactions in the securities of the Company, such Underwriter or Underwriters would become subject to the filing requirements of section 16(a) of the Exchange Act and, upon resale of the shares purchased by them to their customers, subject to the obligations imposed by section 16(b) of the Exchange Act.

Rule 16b-2 under the Exchange Act exempts certain transactions in connection with a distribution of securities from the operation of section 16(b) thereof. Applicant states that the purpose of the purchase of the shares by the Underwriters will be for resale in connection with the initial distribution of the shares. Applicant states that such purchases and sales, therefore, will be transactions effected in connection with a distribution of a substantial block of securities within the purpose and spirit of Rule 16b-2.

Applicant states that it is possible that one or more of the Underwriters, through their participation in the distribution of

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the Company's shares, may not be exempted from section 16(b) of the Exchange Act by the operation of Rule 16b–2. They may fail to meet the requirement stated in Rule 16b–2(a)(3) that the aggregate participation of persons not within the purview of section 16(b) of the Exchange Act be at least equal to the participation of persons receiving the exemption under Rule 16b–2 since it is possible that one or more of the Underwriters who, pursuant to the Underwriting Agreement, will purchase more than 10 percent of the shares of the Company may be obligated to purchase more than 50 percent of the shares of the Company being offered.

In addition to purchases of shares from the Company and sales of shares to customers, there may be the usual transactions of purchase or sale incident to a distribution such as stabilizing purchases, purchases to cover overallotments or other short positions created in connection with such distribution, and sales of shares purchased in stabilization.

Applicant states that there is no inside information in existence since the Company, prior to the initial distribution of the shares, will have no assets, other than cash, or business of any sort, and all material facts with respect to the Company will be set forth in the Prospectus pursuant to which the shares will be offered and sold. No director or officer or the Applicant or E. F. Hutton & Co. Inc., or Bateman Eichler, Hill Richards, Inc., is a director or officer of either the company or Western Asset Management Co., the Company's investment adviser (the Adviser), and Applicant states that it does not anticipate that any partner, director or officer of any other Underwriter will be a director or officer of the Company or the Adviser.

Applicant submits that the requested exemption from the provisions of section 30(f) of the Act is necessary and appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act. Applicant further contends that the transactions sought to be exempted cannot lend themselves to the practices section 16(b) of the Exchange Act and section 30(f) of the Act were enacted to prevent.

Section 6(c) of the Act authorizes the Commission to exempt any person, security or transaction, or any class or classes of persons, securities, or transactions from the provisions of the Act and Rules promulgated thereunder if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Notice is further given that any interested person may, not later than March 9, 1973 at 5:30 p.m., submit to the Commission in writing a request for a hearing on this matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon Applicant at the address stated above. Proof of such service (by affidavit or in case of an attorney-at-law by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0–5 of the Rules and Regulations promulgated under the act, an order disposing of the Application herein may be issued by the Commission upon the basis of the information stated in said application, unless an order for hearing upon said Application shall be issued upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered, will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management Regulation, pursuant to delegated authority.

[SEAL] RONALD F. HUNT, *Secretary.*

[FR Doc 73 3775 Filed 2-28-73;8:45 am]

[File No. 500–1]

NOVA EQUITY VENTURES, INC.

Order Suspending Trading

FEBRUARY 21, 1973.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, $0.01 par value, and all other securities of Nova Equity Ventures, Inc., being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period from February 22, 1973, through March 3, 1973.

By the Commission.

[SEAL] RONALD F. HUNT, *Secretary.*

[FR Doc 73-3789 Filed 2-28-73;8:45 am]

[File No. 500–1]

PARADOX PRODUCTION CORP.

Order Suspending Trading

FEBRUARY 20, 1973.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, $1 par value, and all other securities of Paradox Production Corp., being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period from 11:30 a.m. (e.s.t.) on February 20, 1973 through March 1, 1973.

By the Commission.

[SEAL] RONALD F. HUNT, *Secretary.*

[FR Doc 73-3779 Filed 2-28-73;8:45 am]

[File No. 500–1]

PELOREX CORP.

Order Suspending Trading

FEBRUARY 23, 1973.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, $0.10 par value, and all other securities of Pelorex Corporation, being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period from February 25, 1973 through March 6, 1973.

By the Commission.

[SEAL] RONALD F. HUNT, *Secretary.*

[FR Doc 73-3781 Filed 2-28-73;8:45 am]

[File No. 7–4351]

RAPID AMERICAN CORP. (DELAWARE)

Applications for Unlisted Trading Privileges

FEBRUARY 23, 1973.

In the matter of application of the PBW Stock Exchange, Inc., for unlisted trading privileges in certain securities.

The above named national securities exchange has filed application with the Securities and Exchange Commission pursuant to section 12(f)(1)(B) of the Securities Exchange Act of 1934 and Rule 12f–1 thereunder, for unlisted trading privileges in the warrants to purchase common stock of the following company which security is listed and registered on one or more other national securities exchanges:

Rapid-American Corp (Delaware), File No. 7–4351.

Upon receipt of the request, on or before March 11, 1973, for any interested person, the Commission will determine whether the application with respect to the company named shall be set down for hearing. Any such request should state briefly the title of the security in which he is interested, the nature of the interest of the person making the request, and the position he proposes to take at the hearing, if ordered. In addition, any interested person may submit his views or any additional facts bearing on any of the said applications by means of a letter addressed to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549, not later than the date specified. If no one requests a hearing with respect to any particular application, such application will be determined by order of the Commission on the basis of the facts stated therein and other information contained in the official files of the Commission pertaining thereto.

For the Commission, by the Division of Market Regulation pursuant to delegated authority.

[SEAL] RONALD F. HUNT, *Secretary.*

[FR Doc.73-3770 Filed 2-28-73;8:45 am]

[File No. 7–4352]

RAPID AMERICAN CORP. (DELAWARE)

Application for Unlisted Trading Privileges

FEBRUARY 23, 1973.

In the matter of application of the PBW Stock Exchange, Inc. For unlisted trading privileges in a certain security.

The above named national securities exchange has filed an application with the Securities and Exchange Commission pursuant to section 12(f)(1)(B) of the Securities Exchange Act of 1934 and Rule 12f–1 thereunder, for unlisted trading privileges in the common stock of the following company, which security is listed and registered on one or more other national securities exchange:

Rapid-American Corp. (Delaware), File No. 7–4352.

Upon receipt of a request, on or before March 11, 1973 from any interested person, the Commission will determine whether the application shall be set down for hearing. Any such request should state briefly the nature of the interest of the person making the request and the position he proposes to take at the hearing, if ordered. In addition, any interested person may submit his views or any additional facts bearing on the said application by means of a letter addressed to the Secretary, Securities and Exchange Commission, Washington, D.C., 20549, not later than the date specified. If no one requests a hearing, this application will be determined by order of the Commission on the basis of the facts stated therein and other information contained in the official files of the Commission pertaining thereto.

For the Commission, by the Division of Market Regulations, pursuant to delegated authority.

[SEAL] RONALD F. HUNT, *Secretary.*

[FR Doc.73-3772 Filed 2-28-73;8:45 am]

[File No. 500–1]

TOPPER CORP.

Order Suspending Trading

FEBRUARY 22, 1973.

The common stock, $1 par value of Topper Corp. being traded on the American Stock Exchange, pursuant to provisions of the Securities Exchange Act of 1934 and all other securities of Topper Corp. being traded otherwise than on a national securities exchange; and

It appearing to the Securities and Exchange Commmission that the summary suspension of trading in such securities on such exchanges and otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to sections 19(a)(4) and 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities on the above mentioned exchange and otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period from February 23, 1973 through March 4, 1973.

By the Commission.

[SEAL] RONALD F. HUNT, *Secretary.*

[FR Doc.73-3768 Filed 2-28-73;8:45 am]

[File No. 500–1]

TRIEX INTERNATIONAL CORP.

Order Suspending Trading

FEBRUARY 22, 1973.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, $0.01 par value, of Triex International Corp. being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period from February 23, 1973, through March 4, 1973.

By the Commission.

[SEAL] RONALD F. HUNT, *Secretary.*

[FR Doc.73-3788 Filed 2-28-73;8:45 am]

[File No. 500–1]

U.S. FINANCIAL INC.

Order Suspending Trading

FEBRUARY 22, 1973.

The common stock, $2.50 par value, of U.S. Financial Inc., being traded on the New York Stock Exchange, pursuant to provisions of the Securities Exchange Act of 1934 and all other securities of U.S. Financial Inc., being traded otherwise than on a national securities exchange; and

It appearing to the Securities and Exchange Commission that the summary suspension of trading in such securities on such exchange and otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to sections 15(c)(5) and 19(a)(4) of the Securities Exchange Act of 1934, that trading in such securities on the above mentioned exchange and otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period from February 23, 1973, through March 4, 1973.

By the Commission.

[SEAL] RONALD F. HUNT, *Secretary.*

[FR Doc.73-3767 Filed 2-28-73;8:45 am]

DEPARTMENT OF LABOR

Bureau of Labor Statistics

BUSINESS RESEARCH ADVISORY COUNCIL'S COMMITTEE ON PRODUCTIVITY AND TECHNOLOGY

Notice of Meeting

The BRAC Committee on Productivity and Technology will meet at 1:30 p.m., March 8, 1973, at the General Accounting Office Building, 441 G Street NW., Room 4454, Washington, DC. The agenda for the meeting is as follows:

1. Discussion of the government productivity measurement project.
2. A report on a pilot study conducted by the office on revised work schedules in selected plants.
3. A report on the development of an index for the private economy adjusted for the effects of shifts.
4. The status report of the work for the National Commission on Productivity.

For further information call:

Kenneth Van Auken, Executive Secretary, BRAC 202—961–2559.

Signed at Washington, D.C., this 22d day of February 1973.

BEN BURDETSKY, *Deputy Commissioner of Labor Statistics.*

[FR Doc.73-3942 Filed 2-28-73;8:45 am]

Office of Secretary

FEDERAL SAFETY ADVISORY COUNCIL

Notice of Meeting

Notice is hereby given of a meeting to be held by the Federal Safety Advisory Council established to advise the Secretary of Labor with regard to occupational safety and health programs applicable to Federal employees (Executive Order 11612; 3 CFR, 1971 Comp., p. 195).

The meeting will begin at 9 a.m. on March 16, 1973, in Conference Room C

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of the departmental auditorium between 12th and 14th Streets on Constitution Avenue NW., Washington, D.C.

During the course of the meeting the following subjects will be discussed seriatim:

(1) Safety and health training for Federal employees;
(2) Proposed new regulations;
(3) Future national program;
(4) Regional conferences;
(5) Role of field chapters;
(6) Annual Federal statistics;
(7) Accident reporting; and
(8) National highway standards.

Members of the public are invited to attend the proceedings.

Any written data, views, or arguments received by the Council concerning the subjects to be considered on or before March 12, 1973, together with 25 duplicate copies will be provided to the members and will be included in the minutes of the meeting.

Interested persons wishing to address the Council at the meeting should submit a request to be heard together with 25 copies thereof no later than March 8, 1973, stating the nature of their intended presentation and the amount of time they will need. At the commencement of the meeting, the chairman will announce the extent to which time will permit the granting of such requests.

Communications to the Council should be addressed as follows:

Mr. Eugene L. Newman, Director, Office of Federal Agency Programs, Room 409, 400 First Street NW., Washington, DC 20210.

Signed at Washington, D.C., this 26th day of February 1973.

CHAIN ROBBINS,
Acting Assistant Secretary of Labor.

[FR Doc.73-3927 Filed 2-28-73;8:45 am]

INTERSTATE COMMERCE COMMISSION

[Notice No. 17]

MOTOR CARRIER, BROKER, WATER CARRIER AND FREIGHT FORWARDER APPLICATIONS

FEBRUARY 23, 1973.

The following applications (except as otherwise specifically noted, each applicant (on application filed after Mar. 27, 1972) states that there will be no significant effect on the quality of the human environment resulting from approval of its application), are governed by Special Rule 1100.247[1] of the Commission's general rules of practice (49 CFR, as amended), published in the FEDERAL REGISTER issue of April 20, 1966, effective May 20, 1966. These rules provide, among other things, that a protest to the granting of an application must be filed with the Commission within 30 days after date of notice of filing of the application is published in the FEDERAL REGISTER. Failure seasonably to file a protest will be construed as a waiver of opposition and participation in the proceeding. A protest under these rules should comply with section 247(d)(3) of the rules of practice which requires that it set forth specifically the grounds upon which it is made, contain a detailed statement of protestant's interest in the proceeding (including a copy of the specific portions of its authority which protestant believes to be in conflict with that sought in the application, and describing in detail the method—whether by joinder, interline, or other means—by which protestant would use such authority to provide all or part of the service proposed), and shall specify with particularity the facts, matters, and things relied upon, but shall not include issues or allegations phrased generally. Protests not in reasonable compliance with the requirements of the rules may be rejected. The original and one (1) copy of the protest shall be filed with the Commission, and a copy shall be served concurrently upon applicant's representative, or applicant if no representative is named. If the protest includes a request for oral hearing, such requests shall meet the requirements of section 247(d)(4) of the special rules, and shall include the certification required therein.

Section 247(f) of the Commission's rules of practice further provides that each applicant shall, if protests to its application have been filed, on or before April 30, 1973, notify the Commission in writing (1) that it is ready to proceed and prosecute the application, or (2) that it wishes to withdraw the application, failure in which the application will be dismissed by the Commission.

Further processing steps (whether modified procedure, oral hearing, or other procedures) will be determined generally in accordance with the Commission's general policy statement concerning motor carrier licensing procedures, published in the FEDERAL REGISTER issue of May 3, 1966. This assignment will be by Commission order which will be served on each party of record. Broadening amendments will not be accepted after the date of this publication except for good cause shown, and restrictive amendments will not be entertained following publication in the FEDERAL REGISTER of a notice that the proceeding has been assigned for oral hearing.

No. MC 921 (Sub-No. 23), filed January 23, 1973. Applicant: DEAN TRUCK LINE, INC., Post Office Drawer 631 (Fulton Drive), Corinth, MS 38834. Applicant's representative: Warren A. Goff, 2008 Clark Tower, 5100 Poplar Avenue, Memphis, TN 38137. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined in 17 M.C.C. 467, livestock, commodities in bulk and articles which because of size or weight require special equipment), serving the plantsite and storage facilities of the Pulvair Corp., at or near Millington, Tenn., serving as an off-route point in connection with carrier's regular route operations from and to Memphis, Tenn., and Corinth, Miss. NOTE: If a hearing is deemed necessary, applicant requests it be held at Memphis, Tenn.

No. MC 2202 (Sub-No. 435), filed November 28, 1972. Applicant: ROADWAY EXPRESS, INC., 1077 Gorge Boulevard, Post Office Box 471, Akron, OH 44309. Applicant's representative: James W. Conner (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between Saginaw and Bay City, Mich.: From Saginaw over Michigan Highway 47 to junction Michigan Highway 47 and U.S. Highway 10, thence over U.S. Highway 10 to Bay City, and return over the same route, serving all intermediate points and points in Midland County as off-route points. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Midland, Mich., or Washington, D.C.

No. MC 2900 (Sub-No. 234), filed January 24, 1973. Applicant: RYDER TRUCK LINES, INC., 2050 Kings Road, Post Office Box 2408, Jacksonville, FL 32203. Applicant's representative: John Carter (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Dump bodies and refuse, salvage or waste containers and materials, supplies and equipment* useful in the manufacture of dump bodies and containers, except in bulk, in tank vehicles, serving Enterprise, Ala., as an off-route point in connection with carrier's otherwise authorized regular route operations. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Birmingham, Ala., or Atlanta, Ga.

No. MC 4405 (Sub-No. 501), filed January 9, 1973. Applicant: DEALERS TRANSIT, INC., 2200 East 170th Street, Post Office Box 361, Lansing, IL 60438. Applicant's representative: Robert E. Joyner, 2008 Clark Tower, 5100 Poplar Avenue, Memphis, TN 38137. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (A) *Trailers, semitrailers and trailer chassis*, other than those designed to be drawn by passenger automobiles, in initial truckaway and driveaway service, from Sioux City, Iowa, to points in the United States (excluding Hawaii); and (B) *Tractors* in secondary movements in driveaway service only when drawing trailers, semitrailers, and trailer chassis in initial movements, from Sioux City, Iowa, to points in Alaska, Arizona, Nevada, Oregon, and Vermont. NOTE: Common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Sioux City, Iowa, or Omaha, Nebr.

[1] Copies of Special Rule 247 (as amended) can be obtained by writing to the Secretary, Interstate Commerce Commission, Washington, D.C. 20423.

No. MC 14702 (Sub-No. 48), filed January 19, 1973. Applicant: OHIO FAST FREIGHT, INC., Post Office Box 808, Warren, OH 44482. Applicant's representative: Paul F. Beery, 88 East Broad Street, Columbus, OH 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Electrical wiring harnesses, and equipment, materials, and supplies* used in the manufacture of electrical wiring harnesses (except commodities in bulk), between the plantsites of General Motors Corp., Packard Electric Division, at Warren, Ohio, on the one hand, and, on the other, the plant site of General Motors Corp., Packard Electric Division, near Clinton, Miss. NOTE: Applicant states that the requested authority cannot or will not be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 19227 (Sub-No. 182), filed January 12, 1973. Applicant: LEONARD BROS. TRUCKING CO., INC., 2595 Northwest 20th Street, Miami, FL 33152. Applicant's representative: William O. Turney, 2001 Massachusetts Avenue NW., Washington, DC 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pipe, wrought iron or steel*, other than oilfield, from the facilities of Proler Steel Corp. in Milwaukee, Wis., and Lemont, Ill., to points in California, Georgia, Indiana, Iowa, Kansas, Kentucky, Missouri, Montana, North Carolina, North Dakota, Nebraska, Ohio, South Carolina, South Dakota, Tennessee, Virginia, and Wyoming. NOTE: Common control may be involved. Applicant states that the requested authority can be tacked with in Georgia by using the third paragraph of the lead certificate, Docket No. MC 19227, and transport the commodities when they require special equipment into Florida, also can be tacked in Missouri under its Sub-No. 75, and perform transportation of these commodities into Oklahoma, Texas, and New Mexico, and by tacking in Sub-No. 143 into Arizona as long as these commodities require the use of special equipment, further, applicant can tack in Texas by using its Sub-No. 88 to perform transportation of these commodities as long as they require the use of special equipment, into Arkansas and Louisiana. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 24583 (Sub-No. 17), filed January 19, 1973. Applicant: RODNEY STEWART and TROY STEWART, a partnership, doing business as FRED STEWART COMPANY, Post Office Box 665, Magnolia, AR 71753. Applicant's representative: Louis Tarlowski, 914 Pyramid Life Building, Little Rock, Ark. 72201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Ceramic forms, plastic, and plastic products*, from Hamilton Township, Lawrence County, Ohio, to points in Alabama, Arkansas, Florida, Georgia, Kansas, Kentucky, Louisiana, Mississippi, Missouri, New Mexico, Oklahoma, Tennessee, and Texas; and (2) *plastic and plastic products*, from Pevely, Mo., to points in Alabama, Arkansas, Florida, Georgia, Kansas, Kentucky, Louisiana, Mississippi, New Mexico, Ohio, Oklahoma, Tennessee, and Texas. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Little Rock, Ark.

No. MC 29910 (Sub-No. 128), filed January 18, 1973. Applicant: ARKANSAS-BEST FREIGHT SYSTEM, INC., 301 South 11th Street, Fort Smith, AR 72901. Applicant's representative: Thomas Harper and Donald A. Smith, Post Office Box 43, Kelley Building, Fort Smith, AR 72901. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Ceiling suspension systems, iron or steel studding and parts*, and *plasterboard*, from Westlake, Ohio, to points in Arkansas, Louisiana, Mississippi, Oklahoma, and Texas. NOTE: Applicant presently holds regular-route authority which duplicates, in part, the authority requested herein, however no duplicating authority is sought. Applicant states that the requested authority can be tacked with its existing authority but indicates that it has no present intention to tack and therefore does not identify the points or territories which can be served through tacking. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. If a hearing is deemed necessary, applicant requests it be held at Cleveland, Ohio or Washington, D.C.

No. MC 31389 (Sub-No. 162), filed January 10, 1973. Applicant: McLEAN TRUCKING COMPANY, a Corporation, 617 Waughtown Street, Post Office Box 213, Winston-Salem, NC 27102. Applicant's representative: Francis W. McInerny, 1000 16th Street NW., Washington, DC 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving the plantsite of Kinetics International Corp., located approximately 6 miles east of Lewisville, Tex., on Texas Highway 121, as an off-route point in connection with applicant's presently authorized regular-route operations to and from Dallas, Tex. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Dallas or Austin, Tex.

No. MC 35628 (Sub-No. 343), filed January 15, 1973. Applicant: INTERSTATE MOTOR FREIGHT SYSTEM, a Corporation, 134 Grandville SW., Grand Rapids, MI 49502. Applicant's representative: Leonard D. Verdier, Jr., 900 Old Kent Building, Grand Rapids, Mich. 49502. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), (1) between Kansas City, Kans.-Mo., and Oklahoma City, Okla.: From Kansas City over Interstate Highway 70 to Topeka, thence from Topeka over Kansas Turnpike to junction Interstate Highway 35, thence over Interstate Highway 35 to Oklahoma City, and return over the same route; (2) between Kansas City, Kans.-Mo., and Oklahoma City, Okla.: From Kansas City over Interstate Highway 35 to junction U.S. Highway 59, thence over U.S. Highway 59 to junction U.S. Highway 169, thence over U.S. Highway 169 to Tulsa, thence over Interstate Highway 44 to Oklahoma City, and return over the same route; (3) between Kansas City, Kans.-Mo., and Little Rock, Ark.: From Kansas City over U.S. Highway 71 to junction Interstate Highway 40, thence over Interstate Highway 40 to junction U.S. Highway 167, thence over U.S. Highway 167 to Little Rock, and return over the same route; (4) between Kansas City, Kans.-Mo., and Little Rock, Ark.: From Kansas City over U.S. Highway 71 to junction Missouri Highway 7, thence over Missouri Highway 7 to junction Missouri Highway 13, thence over Missouri Highway 13 to Springfield, thence over U.S. Highway 65 to Little Rock, and return over the same route:

(5) Between Kansas City, Kans.-Mo. and Jonesboro, Ark.: From Kansas City over U.S. Highway 71 to junction Missouri Highway 7, thence over Missouri Highway 7 to junction Missouri Highway 13, thence over Missouri Highway 13 to Springfield, thence from Springfield over U.S. Highway 60 to junction U.S. Highway 63, thence over U.S. Highway 63 to Jonesboro, and return over the same route: (6) between St. Louis, Mo., and Oklahoma City, Okla.: From St. Louis over Interstate Highway 44 to Oklahoma City, and return over the same route: (7) between St. Louis, Mo., and Little Rock, Ark.: From St. Louis over Interstate Highway 55 to junction U.S. Highway 67, thence over U.S. Highway 67 to Little Rock, and return over the same route; (8) between St. Louis, Mo., and Little Rock, Ark.: From St. Louis, over Interstate Highway 55 to junction Interstate Highway 40, thence over Interstate Highway 40 to junction U.S. Highway 67, thence over U.S. Highway 67 to Little Rock, and return over the same route; serving the following intermediate or off-route points in (1) through (8) above: Boonville, El Dorado, Fayetteville, Fort Smith, Harrison, Hot Springs, Jacksonville, Jonesboro, Osceola, Paragould, Pine Bluff, Prescott, Rogers, Russellville, Siloam Springs, Springdale, and Walnut Ridge, Ark.; Ada, Ardmore, Bartlesville, Enid, Muskogee, Sand Springs, and Tulsa, Okla. Restriction: Restricted at the named

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points and off-route points in (1) through (5) above to the transportation of traffic moving from, to, or through Kansas City, Kans.-Mo., and further restricted at the named points and off-route points in (6), (7), and (8) above to the transportation of traffic moving from, to, or through St. Louis, Mo. NOTE: Applicant states that the purpose of this request for authority is to convert certain of its irregular route operations to regular route operations. Applicant further states that it seeks no duplicating authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C. or Detroit, Mich.

No. MC 35890 (Sub-No. 41), filed January 12, 1973. Applicant: BLODGETT FURNITURE SERVICE, INC., 3801 36th Street SE., Grand Rapids, MI 49508. Applicant's representative: Kenneth T. Johnson and Ronald W. Malin, Bankers Trust of Jamestown Building, Jamestown, N.Y. 14701. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New furniture and furnishings*, (1) between points in Michigan, Illinois, Indiana, and Ohio, on the one hand, and, on the other, points in the United States (except Alaska and Hawaii); and (2) between points in Pennsylvania, Maryland, Delaware, Virginia, West Virginia, New Jersey, New York, Massachusetts, Connecticut, Rhode Island, Vermont, New Hampshire, and the District of Columbia, on the one hand, and, on the other, points in Arizona, Arkansas, California, Colorado, Idaho, Iowa, Kansas, Kentucky, Minnesota, Mississippi, Missouri, Montana, Nebraska, Nevada, New Mexico, North Dakota, Oklahoma, Oregon, South Dakota, Texas, Utah, Washington, Wisconsin, and Wyoming. NOTE: Applicant states that the requested authority cannot or will not be tacked with its existing authority. If a hearing is deemed necessary, applicant requests three sections of hearings at New York, N.Y., Chicago, Ill., and San Francisco, Calif.

No. MC 42487 (Sub-No. 801), filed January 14, 1973. Applicant: CONSOLIDATED FREIGHTWAYS CORPORATION OF DELAWARE, 175 Linfield Drive, Menlo Park, CA 94025. Applicant's representative: E. T. Liipfert, Suite 1100, 1660 L Street NW., Washington, DC 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment) (1) Between Columbus, Ohio, and Marion, Ohio, from Columbus, over U.S. Highway 23 to junction Ohio Highway 423, at or near Waldo, Ohio, and thence over Ohio Highway 423 to Marion, and return over the same route, serving as an alternate route in connection with carrier's presently authorized regular-route operations, serving no intermediate points; and (2) between Marion, Ohio, and Findlay, Ohio, from Marion over Ohio Highway 423 to junction U.S. Highway 23, thence over U.S. Highway 23 to junction Ohio Highway 15, thence over Ohio Highway 15 to junction U.S. Highway 68, and thence over U.S. Highway 68 to Findlay, and return over the same route, serving as an alternate route in connection with carrier's presently authorized regular-route operations, serving no intermediate points. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 52110 (Sub-No. 133), filed January 8, 1973. Applicant: BRADY MOTORFRATE, INC., 2150 Grand Avenue, Des Moines, IA 50312. Applicant's representative: Cecil L. Goettsch, 11th Floor Des Moines Building, Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cast iron pipe, fittings and accessories*, from points in Florence and Burlington County, N.J., to points in the United States (except Maine, Vermont, New Hampshire, Connecticut, Rhode Island, New York, Pennsylvania, Maryland, Delaware, Massachusetts, Alaska, and Hawaii). NOTE: Applicant states that although the authority could be tacked with authority currently held by applicant to some degree, it has no current intention to tack. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Washington, D.C.

No. MC 52657 (Sub-No. 697), filed January 12, 1973. Applicant: ARCO AUTO CARRIERS, INC., 2140 West 79th Street, Chicago, IL 60620. Applicant's representatives: S. J. Zangri (same address as applicant), and A. J. Biebertstein, 121 West Doty Street, Madison, WI 53703. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (A) *Trailers* and *trailer chassis* (except trailers and trailer chassis designed to be drawn by passenger automobiles), and *trailer converter dollies*, in initial movements, in truckaway service, from points in Bryan County, Okla., to points in the United States (including Alaska, but excluding Hawaii); (B) *Trailers* and *trailer chassis* (except trailers and trailer chassis designed to be drawn by passenger automobiles), and *trailer converter dollies*, in secondary movements, in truckaway service, and *trash carts, motor vehicle bodies, hoists* (including portable truck cranes, freight gates, lift gates, tail gates, and winches), *packers, portable loading ramps, containers, and materials, supplies* (except commodities in bulk) and *parts* used in the manufacture, assembly or servicing of the commodities described in (A) and (B), above, when moving with such commodities, between points in Bryan County, Okla., on the one hand, and, on the other, points in the United States (including Alaska, but excluding Hawaii). NOTE: Applicant states that the requested authority duplicates that authority it presently holds in No. MC-52657 (Sub-No. 655) from Durant, Okla., to transport bodies, hoists (including power gates and lift gates), steel containers, trailers, trailer chassis (except those designed to be drawn by passenger automobiles), in initial movements, in truckaway service, and materials, supplies and parts used in the manufacture, assembly and servicing of the commodities described above, when moving in mixed loads with such commodities, to Galion and Lima, Ohio, and Kansas City and St. Louis, Mo. Applicant further states that the requested authority cannot or will not be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Chicago, Ill.

No. MC 63417 (Sub-No. 47), filed January 15, 1973. Applicant: BLUE RIDGE TRANSFER COMPANY, INCORPORATED, 1814 Hollins Road, NW., Post Office Box 2888, Roanoke, VA 24001. Applicant's representative: Nancy Pyeatt, 420 Executive Building, 1030 15th Street NW., Washington, DC 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic products* used in the manufacture of new furniture, from the plantsites of Southeastern Kuson, Inc., at or near Gaffney and Greenville, S.C., to Altavista, Galax, Kenbridge, Richmond, Roanoke, Staunton, Waynesboro, and points in Pulaski County, Va. NOTE: Applicant states that the requested authority can be tacked with its existing authority at MC 63417 (Sub-No. 5) which authorizes transportation of general commodities (with usual exceptions) from points in Virginia to Rockymount, Va., but applicant has no present intentions to tack. If a hearing is deemed necessary, applicant requests it be held at Sumter, S.C., or Washington, D.C.

No. MC 66129 (Sub-No. 8), filed January 19, 1973. Applicant: HUGHES BROS. TRANSPORTATION COMPANY, INC., 113 Metropolitan Avenue, Brooklyn, NY 11211. Applicant's representative: Arthur J. Piken, One Lefrak City Plaza, Flushing, NY 11368. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Printing ink*, in bulk, in tank vehicles, from Chicago, Ill., and Louisville, Ky., to Philadelphia, Pa., New York, N.Y., Glen Burnie, Md., Lodi, N.J., Providence, R.I., Hoboken N.J., and Atglen, Pa. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 71035 (Sub-No. 1), filed January 19, 1973. Applicant: W. T. GIBSON TRANSPORTATION, INC., 216 Southwest Boulevard, Kansas City, MO 64108. Applicant's representative: Jim E. Lee (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles and iron and steel products*, between ports of navigable portions of the Arkansas and Verdigris Rivers and their navigable tributaries on the one hand, and, on the other, points in Alabama, Arizona, Arkansas, California, Colorado, Florida, Georgia, Idaho, Iowa, Kansas, Louisiana,

Mississippi, Missouri, Montana, Nebraska, Nevada, New Mexico, North Dakota, Oklahoma, Oregon, South Dakota, Tennessee, Texas, Utah, Washington, and Wyoming. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Tulsa, Okla., or Kansas City, Mo.

No. MC 73165 (Sub-No. 318), filed January 22, 1973. Applicant: EAGLE MOTOR LINES, INC., 830 North 33d Street, Post Office Box 11086, Birmingham, AL 35202. Applicant's representative: Carl U. Hurst, Post Office Box E, Bowling Green, KY 42101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Compactors, material handling equipment and parts, attachments, accessories and supplies*, between Enterprise, Ala., on the one hand, and, on the other, points in Alabama, Florida, Georgia, North Carolina, South Carolina, Mississippi, Louisiana, and Texas. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Birmingham, Ala., or Washington, D.C.

No. MC 75320 (Sub-No. 162), filed January 31, 1973. Applicant: CAMPBELL SIXTY-SIX EXPRESS, INC., Post Office Box 807, Springfield, MO 65801. Applicant's representative: John A. Crawford, 700 Petroleum Building, Post Office Box 22567, Jackson, MS 39205. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, (1) between Fort Worth over U.S. Highway 80 and Interstate Highway 20 to Jackson, and return over the same route, serving the intermediate point of Dallas, Tex., also serving Monroe, La., for purposes of joinder only. Restriction: The authority described above is restricted against the transportation of traffic originating at, destined to, or interchanged with connecting carriers at Atlanta, Ga., Birmingham and Mobile, Ala., and points within the commercial zones of each as defined by the Commission, (2) between Monroe, La., and intersection of U.S. Highways 165 and 82, at or near Montrose, Ark., as an alternate route for operating convenience only, from Monroe over U.S. Highway 165 to its intersection with U.S. Highway 82, at or near Montrose, Ark., and return over the same route, serving no intermediate points. Restriction: The authority described above is restricted to the transportation of traffic originating at, destined to, or interchanged with connecting carriers at points in Mississippi. NOTE: Common control may be involved. Applicant states no duplicating authority is sought. If a hearing is deemed necessary, applicant requests it be held at Dallas, Tex., or Jackson, Miss.

No. MC 83217 (Sub-No. 60), filed January 8, 1973. Applicant: DAKOTA EXPRESS, INC., 1614 North Cliff., Post Office Box 1252, Sioux Falls, SD 57101. Applicant's representative: Henry J. Schuette (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, from the distribution center site of Heinz U.S.A. Division, H. J. Heinz at Iowa City, Iowa, and the plantsite and storage facilities of Heinz U.S.A. Division at Muscatine, Iowa, to points in Minnesota, North Dakota, and South Dakota. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., Pittsburgh, Pa., or Minneapolis, Minn.

No. MC 83539 (Sub-No. 362), filed January 29, 1973. Applicant: C & H TRANSPORTATION CO., INC., 1936-2010 West Commerce Street, Post Office Box 5976, Dallas, TX 75222. Applicant's representative: Thomas E. James (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic pipe*, from Pueblo West, Colo., to points in California, Colorado, Idaho, Iowa, Kansas, Missouri, Montana, Nebraska, Nevada, New Mexico, North Dakota, Oklahoma, Oregon, South Dakota, Texas, Utah, Washington, and Wyoming. NOTE: Common control may be involved. Applicant states that the requested authority can be tacked with its present authority but does not indicate the points or territories which could be served through such tacking. Persons are cautioned that failure to oppose the application may result in an unrestricted grant of authority. If a hearing is deemed necessary, applicant requests it be held at Denver, Colo.

No. MC 92633 (Sub-No. 22), filed January 8, 1973. Applicant: ZIRBEL TRANSPORT, INC., 420 28th Street N., Lewiston, ID 83501. Applicant's representative: Donald A. Ericson, 708 Old National Bank Building, Spokane, Wash. 99201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *General commodities*, in cargo containers either unmounted or mounted on chassis, between Portland, Oreg., Seattle and Tacoma, Wash., and points on the Columbia and Snake Rivers in Benton, Franklin, Walla Walla, Columbia, Garfield, Asotin, and Whitman Counties, Wash., and Nez Perce County, Idaho, on the one hand, and, on the other points in Benton, Franklin, Walla Walla, Columbia, Garfield, Asotin, Whitman, Spokane, Adams, and Grant Counties, Wash.; and Idaho, Lewis, Nez Perce, Clearwater, Latah, Benewah, and Kootenai Counties, Idaho; and (2) on return, *empty containers* either unmounted or mounted on chassis, each movement having a prior or subsequent movement by water. NOTE: Common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at either Spokane or Seattle, Wash.; Boise, Idaho, or Portland, Oreg.

No. MC 95876 (Sub-No. 132), filed January 8, 1973. Applicant: ANDERSON TRUCKING SERVICE, INC., 203 Cooper Avenue N., St. Cloud, MN 56301. Applicant's representative: Val M. Higgins, 1000 First National Bank Building, Minneapolis, Minn. 55402. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wood pallets, wood crating and related materials* used in the manufacture and distribution of wood pallets and wood crating, from Aitkin and Staples, Minn., to points in Illinois, Iowa, and Wisconsin. NOTE: Common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn.

No. MC 97879 (Sub-No. 2), filed February 1, 1973. Applicant: BAB TRANSFER, INC., Clinton Street Extension, Springfield, Mass. 01101. Applicant's representative: David M. Marshall, 135 State Street, Suite 200, Springfield, MA 01103. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives and household goods as defined by the Commission), between points in Massachusetts. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Hartford, Conn., Boston, Mass., or Albany, N.Y.

No. MC 104430 (Sub-No. 36), filed January 22, 1973. Applicant: CAPITAL TRANSPORT COMPANY, INC., Post Office Box 408, Highway 24 West, McComb, MS 39648. Applicant's representative: Donald B. Morrison, 717 Deposit Guaranty Bank Building, Jackson, Miss. 39205. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum and petroleum products* (except liquified petroleum gases) in bulk, in tank vehicles, from Chalmette, La., to points in Mississippi. NOTE: Applicant states that minor tacking possibilities exist with its existing authority, however it has no present intention to tack and therefore does not identify the points or territories which could be served through such tacking. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. If a hearing is deemed necessary, applicant requests it be held at Jackson Miss., or Memphis, Tenn.

No. MC 106674 (Sub-No. 105), filed January 15, 1973. Applicant: SCHILLI MOTOR LINES, INC., Post Office Box 122, Delphi, IN 46923. Applicant's representative: Edward G. Bazelon, 39 South La Salle Street, Chicago, IL

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60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Building and roofing materials, insulating materials, fire brick and pipe and pipe fittings*, from Rockdale and Waukegan, Ill., to points in Indiana on and south of U.S. Highway 30; points in Ohio bounded by a line beginning at the Ohio-Indiana State line and extending along U.S. Highway 30 to junction U.S. 30–N, thence along U.S. Highway 30–N to junction U.S. Highway 23, thence along U.S. Highway 23 to junction U.S. Highway 50, thence along U.S. Highway 50 to the Ohio-West Virginia State line near Parkersburg, W. Va., thence along the Ohio River to the Ohio-Indiana State line to point of beginning, including points on the indicated portions of the highways specified, and points in Kentucky, Missouri, and Tennessee. NOTE: Applicant states that the requested authority cannot or will not be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 106674 (Sub-No. 106), filed January 22, 1973. Applicant: SCHILLI MOTOR LINES, INC., Post Office Box 122, Delphi, IN 46923. Applicant's representative: Allan C. Zuckerman, 39 South La Salle Street, Chicago, IL 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned goods*, from Trafalgar, Ind. to points in Illinois, Ohio, West Virginia, Michigan, Kentucky, Tennessee, and Missouri. NOTE: Applicant states that the requested authority cannot or will not be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 106920 (Sub-No. 46), filed January 31, 1973. Applicant: RIGGS FOOD EXPRESS, INC., Post Office Box 26, West Monroe Street, New Bremen, OH 45869. Applicant's representative: Carroll V. Lewis, Post Office Box 717, Sidney, OH 45365. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Wellston, Ohio, to points in Alabama, Florida, Georgia, North Carolina, South Carolina, Tennessee, Maine, New Hampshire, Massachusetts, Connecticut, Rhode Island, New York, New Jersey, Maryland, Delaware, Virginia, West Virginia, Vermont, Pennsylvania, Indiana, Illinois, Michigan, Missouri, Wisconsin, Minnesota, Iowa, and the District of Columbia, and points in the counties of Wyandotte, Johnson, and Leavenworth, Kans. NOTE: Common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Memphis, Tenn., or Washington, D.C.

No. MC 107002 (Sub-No. 430), filed January 12, 1973. Applicant: MILLER TRANSPORTERS, INC., Post Office Box 1123, U.S. Highway 80 West, Jackson, MS 39205. Applicant's representative: John J. Borth, Post Office Box 8573, Jackson, MS 39204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum and petroleum products*, except liquefied petroleum gases, in bulk, in tank vehicles, from Chalmette and Meraux, La., to points in Mississippi. NOTE: Applicant states that the requested authority can be tacked with its existing authority but indicates that it has no present intention to tack and therefore does not identify the points or territories which can be served through tacking. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. If a hearing is deemed necessary, applicant requests it be held at Jackson, Miss., or New Orleans, La.

No. MC 107496 (Sub-No. 872), filed December 4, 1972. Applicant: RUAN TRANSPORT CORPORATION, Third and Keosauqua Way, Des Moines, Iowa 50309. Applicant's representative: Henry L. Fabritz (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Paint and paint products*, in bulk, from Fort Madison, Iowa, to points in Alabama, Louisiana, and Texas; (2) *flour*, from Minneapolis-St. Paul, and Hastings, Minn., to points in Ohio; (3) *feed ingredients and fertilizer ingredients, dry and agricultural limestone*, between Roberts, Wis., and points in Iowa, Minnesota, North Dakota, and South Dakota; (4) *liquid feed and liquid feed supplements*, in bulk, from Nappanee, Ind., to points in Ohio and Kentucky; and (5) *nitric acid*, from Pine Bend, Minn., to points in the Upper Peninsula of Michigan. NOTE: Common control may be involved. Applicant states that the requested authority can be tacked with its existing authority but indicates that it has no present intention to tack and therefore does not identify the points or territories which can be served through tacking. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo., or Chicago, Ill.

No. MC 107496 (Sub-No. 873), filed December 7, 1972. Applicant: RUAN TRANSPORT CORPORATION, Third and Keosauqua Way, Des Moines, Iowa 50309. Applicant's representative: Henry L. Fabritz, Post Office Box 855, Des Moines, IA 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals*, in bulk, from points in the Kansas City, Kans.-Mo. commercial zone to points in Alabama, Arkansas, Colorado, Illinois, Iowa, Kansas, Louisiana, Minnesota, Missouri, Montana, Michigan, Nebraska, New Mexico, North Dakota, Oklahoma, South Dakota, Texas, Wisconsin, Wyoming, Kentucky, Ohio, and Indiana. NOTE: Common control may be involved. Applicant states that the requested authority can be tacked with its existing authority but indicates that it has no present intention to tack and therefore does not identify the points or territories which can be served through tacking. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo., or Chicago, Ill.

No. MC 107496 (Sub-No. 874), filed December 8, 1972. Applicant: RUAN TRANSPORT CORPORATION, Third and Keosauqua Way, Des Moines, Iowa 50309. Applicant's representative: Henry L. Fabritz, Post Office Box 855, Des Moines, IA 50304. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products*, in bulk, from the terminal facilities of Jebro, Inc., at or near Sioux City, Iowa, to points in Nebraska, South Dakota, and Minnesota. NOTE: Common control may be involved. Applicant states that the requested authority can be tacked with its existing authority but indicates that it has no present intention to tack and therefore does not identify the points or territories which can be served through tacking. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. If a hearing is deemed necessary, applicant requests it be held at Kansas City, Kans., or Chicago, Ill.

No. MC 107496 (Sub-No. 876), filed December 27, 1972. Applicant: RUAN TRANSPORT CORPORATION, Third and Keosauqua Way, Des Moines, Iowa 50309. Applicant's representative: Henry L. Fabritz, Post Office Box 855, Des Moines, IA 50304. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Printing ink*, in bulk, from Kansas City, Mo., to points in Arkansas, Colorado, Iowa, Kansas, Minnesota, Missouri, Nebraska, North Dakota, Oklahoma, South Dakota, Wisconsin, and Wyoming. NOTE: Common control may be involved. Applicant states that the requested authority duplicates the authority it presently holds in No. MC–107496 (Sub-No. 110) to transport petroleum products to Iowa and Nebraska, and by tacking, to most of the other named destination States. Applicant further states that the requested authority can be tacked with its existing authority but indicates that it has no present intention to tack and therefore does not identify the points or territories which can be served through tacking. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo., or Chicago, Ill.

No. MC 107544 (Sub-No. 110), filed January 9, 1973. Applicant: LEMMON TRANSPORT COMPANY, INCORPORATED, Post Office Box 580, Marion, VA 24354. Applicant's representative: Harry C. Ames, Jr., 666 11th Street NW., Washington, DC 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fuel oils*, in bulk, from Baltimore, Md., to points in Spotsylvania and Warren Counties, Va. NOTE: Applicant holds contract carrier authority under MC 113959 and Sub 2, therefore, dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Roanoke, Va.

No. MC 108393 (Sub-No. 65), filed January 12, 1973. Applicant: SIGNAL DELIVERY SERVICE, INC., 930 North York Road, Hinsdale, IL 60521. Applicant's representative: J. A. Kundtz, 1100 National City Bank Building, Cleveland, Ohio 44114. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Parts of electrical and gas appliances, and equipment, materials and supplies* used in the manufacture, distribution and repair of electrical and gas appliances, between Allegan, Berrien Springs, Charlotte, Dowagiac, Grand Haven, Hartford, Muskegon, South Haven, and Sturgis, Mich., on the one hand, and, on the other, Findlay, Ohio, under a continuing contract or contracts with Whirlpool Corp. NOTE: Common control and dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 108393 (Sub-No. 66), filed January 12, 1973. Applicant: SIGNAL DELIVERY SERVICE, INC., 930 North York Road, Hinsdale, IL 60521. Applicant's representative: J. A. Kundtz, 1100 National City Bank Building, Cleveland, Ohio 44114. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Parts of electrical and gas appliances, and equipment, materials, and supplies* used in the manufacture, distribution and repair of electrical and gas appliances, between Columbus, Ind.; North Branch, Mich.; and Conneaut, Ohio, on the one hand, and, on the other, Danville, Ky., under a continuing contract or contracts with Whirlpool Corp. NOTE: Common control and dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 108393 (Sub-No. 67), filed January 12, 1973. Applicant: SIGNAL DELIVERY SERVICE, INC., 930 North York Road, Hinsdale, IL 60521. Applicant's representative: J. A. Kundtz, 1100 National City Bank Building, Cleveland, Ohio 44114. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Parts of electric and gas appliances*, and *equipment, materials and supplies* used in the manufacture, distribution, and repair of electric and gas appliances, between Holland and Midland, Mich., Peru, Ill., and Harbor Creek, Pa., on the one hand, and, on the other, Evansville, Ind., under continuing contract or contracts with Whirlpool Corp. NOTE: Dual operations and common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 110525 (Sub-No. 1047), filed November 29, 1972. Applicant: CHEMICAL LEAMAN TANK LINES, INC., 520 East Lancaster Avenue, Downingtown, PA 19335. Applicant's representatives: Thomas J. O'Brien (same address as applicant), and Leonard A. Jaskiewicz, 1730 M Street, Suite 501, Washington, DC 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Corn products and blends thereof*, in bulk, from Dayton, Ohio, to points in Alabama, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Kentucky, Maine, Maryland, Massachusetts, Michigan, Mississippi, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, West Virginia, Wisconsin, and the District of Columbia. NOTE: Applicant states that the requested authority can be tacked with its exsiting authority but indicates that it has no present intention to tack and therefore does not identify the points or territories which can be served through tacking. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio, or Washington, D.C.

No. MC 111729 (Sub-No. 373), filed January 30, 1973. Applicant: PUROLATOR COURIER CORP., 2 Nevada Drive, Lake Success, NY 11040. Applicant's representatives: John M. Delany (same address as applicant) and Russell S. Bernhard, 1625 K Street NW., Washington, DC 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Business papers, records, audit and accounting media of all kinds*, between Westwood, Mass., on the one hand, and, on the other, Derry and Nashua, N.H., and points in Connecticut, Maine, New Jersey, and New York; (2) *external and implantable cardiac pacemakers and related accessories; and business papers, records, audit and an accounting media of all kinds, and advertising material moving therewith*, between Detroit, Mich., on the one hand, and, on the other, points in Indiana and Ohio; (3) *automotive parts and supplies*, restricted against the transportation of packages weighing in the aggregate more than 100 pounds from one consignor to one consignee, on any 1 day; and *business papers, records and audit and accounting material moving therewith*, between Detroit and Plymouth, Mich., on the one hand, and, on the other, points in Indiana and Ohio; and (4) *unprocessed specimens of drugs, pharmaceuticals, blood and other items related to the drug industry and business reports and documents*, between Cincinnati, Ohio, on the one hand, and, on the other, points in Indiana. NOTE: Applicant presently holds a motor contract carrier permit in No. MC–112750 and subs thereunder and dual operations were approved by the Commission in 102 M.C.C. 411. Common control may be involved. Applicant states that the requested authority can be tacked with its existing authority but indicates that it has no present intention to tack and therefore does not identify the points or territories which can be served through tacking. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Detroit, Mich.

No. MC 112617 (Sub-No. 305), filed January 8, 1973. Applicant: LIQUID TRANSPORTERS, INC., 1292 Fern Valley Road, Post Office Box 21395, Louisville, KY 40221. Applicant's representative: L. A. Jaskiewicz, 1730 M Street NW., Suite 501, Washington, DC 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquefied petroleum gases*, from the plantsite of Columbia Hydrocarbon Corp. at or near Siloam, Ky., to points in Virginia. NOTE: Common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Louisville, Ky., or Washington, D.C.

No. MC 113495 (Sub-No. 56), filed January 24, 1973. Applicant: GREGORY HEAVY HAULERS, INC., 51 Oldham Street, Post Office Box 60628, Nashville, TN 37206. Applicant's representative: Wilmer B. Hill, 805 McLachlen Bank Building, 666 11th Street NW., Washington, DC 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Commodities* which because of size or weight require the use of special equipment; (2) *road construction machinery and equipment*, as described in Appendix VIII to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209; (3) *self-propelled articles* (except automobiles, trucks, and buses, as described in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209); and (4) *parts, attachments and accessories* for the commodities named in (1), (2), and (3) above, between points in Wisconsin, on the one hand, and, on the other, points in Alabama, Arkansas, Florida, Georgia, Kentucky, Louisiana, Mississippi, North Carolina, South Carolina, Tennessee, Virginia, and West Virginia. NOTE: Applicant states that the requested authority could be tacked with its Sub 34 in Kentucky to reach points in southern Indiana, southern Illinois, and southern Missouri, but it has no present intention to tack. If a hearing is deemed necessary, applicant requests it be held at either (1) Chicago, Ill.; (2) Milwaukee, Wis.; or (3) Washington, D.C.

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No. MC 113855 (Sub-No. 269), filed December 5, 1972. Applicant: INTERNATIONAL TRANSPORT, INC., 2450 Marion Road SE., Rochester, MN 55901. Applicant's representative: Alan Foss, 502 First National Bank Building, Fargo, N. Dak. 58102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Commodities which because of size or weight require the use of special equipment, and related machinery parts and related contractors' materials and supplies*, when their transportation is incidental to the transportation of commodities which because of size or weight require the use of special equipment, and *commodities which do not require the use of special equipment* when moving on the same shipment or on the same bill of lading as commodities which because of size or weight require the use of special equipment; and (2) *Self-propelled articles*, each weighing 15,000 pounds or more, and *related machinery, tools, parts, and supplies* moving in connection therewith, restricted to commodities which are transported on trailers, between points in Virginia, Delaware, Maryland, and North Carolina, on the one hand, and, on the other, points in Iowa, Wisconsin, and Illinois. NOTE: Applicant presently holds authority to transport machinery between some of the points sought herein, therefore duplicating authority may be involved. Applicant states that the requested authority can be tacked with its authority in No. MC-113855 (Sub-Nos. 84, 147, and 217) to provide service to and from various western States. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Washington, D.C.

No. MC 114211 (Sub-No. 189), filed January 22, 1973. Applicant: WARREN TRANSPORT, INC., 324 Manhard Street, Post Office Box 420, Waterloo, IA 50704. Applicant's representative: Daniel Sullivan, 327 South La Salle, Chicago, IL 60604. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (A) *Agricultural implements, pumps, water systems, component parts for water systems, tanks, and towers, and parts for agricultural implements and pumps*, between Beatrice, Nebr., Springfield, Mo., Morton, Ill., and Amarillo, Tex., on the one hand, and, on the other, points in the United States (except Alaska and Hawaii); (B) *equipment, materials and supplies* used in the manufacture or distribution of the above named commodities (except commodities in bulk), from points in the United States (except Alaska and Hawaii), to Beatrice, Nebr., Springfield, Mo., Morton, Ill., and Amarillo, Tex.; and (C) *experimental and show display agricultural implements, pumps, water systems, component parts for water systems, tanks and towers, and parts for agricultural implements and pumps*, between points in the United States (except Alaska and Hawaii). NOTE: Applicant states that the requested authority can be tacked with its existing authority but indicates that it has no present intentions to tack and therefore does not identify the points or territories which can be served through tacking. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. Applicant further states no duplicating authority sought. If a hearing is deemed necessary, applicant request it be held at Omaha, Nebr., or Kansas City, Mo.

No. MC 114533 (Sub-No. 272), filed January 19, 1973. Applicant: BANKERS DISPATCH CORPORATION, 4970 South Archer Avenue, Chicago, IL 60632. Applicant's representative: Arnold Burke, Suite 1133, 127 North Dearborn, Chicago, IL 60604. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Audit media and other business records*, between Indianapolis, Ind., and Paris, Ill. NOTE: Applicant holds contract carrier authority under MC 128616 and Subs thereto, therefore dual operations may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held in Indianapolis, Ind., or Chicago, Ill.

No. MC 114569 (Sub-No. 105), filed January 15, 1973. Applicant: SHAFFER TRUCKING, INC., Post Office Box 418, New Kingstown, PA 17072. Applicant's representative: James W. Hager, Post Office Box 1166, 100 Pine Street, Harrisburg, PA 17108. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Paper, paper products, and wood pulp*, from Calhoun, Tenn., to points in Connecticut, Delaware, Maryland, Massachusetts, New Jersey, New York, Pennsylvania, Rhode Island, Virginia, West Virginia, and the District of Columbia. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 114897 (Sub-No. 105), filed January 12, 1973. Applicant: WHITFIELD TANK LINES, INC., 300-316 North Clark, Post Office Drawer 9897, El Paso, TX 79989. Applicant's representative: J. P. Rose (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Titanium solutions*, in bulk, in tank vehicles, from Henderson, Nev., to points in Louisiana. NOTE: Common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Las Vegas, Nev., or El Paso, Tex.

No. MC 115093 (Sub-No. 10), filed January 12, 1973. Applicant: MERCURY MOTOR EXPRESS, INC., 704 West Kennedy Boulevard, Tampa, FL 33606. Applicant's representatives: Clayton R. Byrd (same address as applicant) and James E. Wharton, 17th Floor, CNA Building, Post Office Box 231, Orlando, FL 32802. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), (1) between Wilson and Fayetteville, N.C.: From Wilson over U.S. Highway 301 to junction U.S. Highway 70, thence over U.S. Highway 301 to junction U.S. Highway 13, thence over U.S. Highway 13 to Fayetteville, and return over the same route; (2) between Greensboro and Rockingham, N.C.: From Greensboro over U.S. Highway 220 to junction U.S. Highway 1 at Rockingham, and return over the same route; (3) between Petersburg, Va. and Florence, S.C.: From Petersburg over U.S. Highway 1 to junction U.S. Highway 70 at Raleigh, N.C., thence over U.S. Highway 1 to junction U.S. Highway 220 at Rockingham, N.C., thence over U.S. Highway 1 to junction South Carolina Highway 9 at Cheraw, S.C., thence over U.S. Highway 52 to junction U.S. Highway 15 at Society Hill, S.C., thence over U.S. Highway 52 to Florence, and return over the same route; (4) Between Raleigh and Fayetteville, N.C.: From Raleigh over U.S. Highway 401 to Fayetteville, and return over the same route; (5) between Fayetteville, N.C. and Bradenton, Fla.: Serving Florence, S.C. for purposes of joinder only; and (6) between Bennettsville, S.C. and Columbus, Ga.: Serving Cheraw, S.C. for purposes of joinder only; and serving in (1), (2), (3), and (4) above no intermediate or off-route points except, as pertinent, those points in Virginia presently authorized in carriers regular-route operations. Restriction: Restricted to the transportation of traffic moving (a) between points in Connecticut, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, the District of Columbia, and those in that part of New York on and south of New York Highway 7, on the one hand, and, on the other, points in Georgia and Florida, and (b) through Mount Olive, N.C., and points within 15 miles thereof or those in Florence County, S.C. The requests for authority above are for alternative routes or additional service points for operating convenience only in connection with applicant's presently authorized regular-route operations in No. MC-115093. NOTE: Applicant states the purpose of this application is to obtain an alternate gateway and certain regular routes for purposes of joinder only. If a hearing is deemed necessary, applicant requests it be held at Tampa or Jacksonville, Fla.

No. MC 115331 (Sub-No. 339), filed January 15, 1973. Applicant: TRUCK TRANSPORT, INCORPORATED, 1931 North Geyer Road, St. Louis, MO 63131. Applicant's representative: J. R. Ferris, 230 St. Clair Avenue, East St. Louis, IL 62201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Calcium*

chloride (except in bulk), from Ludington and Midland, Mich., to points in Missouri, Iowa, Minnesota, Wisconsin, Illinois, Indiana, Tennessee, and Kentucky. NOTE: Common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 115840 (Sub-No. 85), filed December 15, 1972. Applicant: COLONIAL FAST FREIGHT LINES, INC., 1215 Bankhead Highway, Post Office Box 10327, Birmingham, AL 35202. Applicant's representative: C. E. Wesley (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods and automobile as defined by the commodities in bulk), between points in De Kalb County, Ala., on the one hand, and, on the other, points in the United States (excluding Alaska and Hawaii). Restriction: Restricted to traffic originating at and destined to the points indicated. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Chattanooga; Nashville, Tenn., or Birmingham, Ala.

No. MC 115841 (Sub-No. 449), filed January 22, 1973. Applicant: COLONIAL REFRIGERATED TRANSPORTATION, INC., 1215 Bankhead Highway West, Birmingham, AL 35204. Applicant's representative: Roger M. Shaner, Post Office Box 168, Concord, TN 37720. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat by-products, and articles distributed by meat packinghouses*, from Sioux City, Iowa and Omaha, Nebr., to points in Florida, Georgia, North Carolina, South Carolina, and Tennessee (restricted to traffic originating at plantsites of supporting shipper—Needham Packing Co., Inc.). NOTE: Applicant states that the requested authority could be tacked with its present authority in its Subs 71, 74, 77, 146, 188, 195, 213, 220, 223, and 265, but does not indicate the points or territories which could be served by such tacking. Persons are cautioned that failure to oppose the application may result in an unrestricted grant of authority. If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr., Sioux City, Iowa, or Des Moines, Iowa.

No. MC 116073 (Sub-No. 249), filed January 31, 1973. Applicant: BARRETT MOBILE HOME TRANSPORT, INC., 1825 Main Avenue, Post Office Box 919, Moorhead, MN 56560. Applicant's representative: Robert G. Tessar, 1819 Fourth Avenue South, Moorhead, MN 56560. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers* designed to be drawn by passenger automobiles, in initial movements, and buildings in sections mounted on wheeled undercarriages, from points in Robeson County, N.C., to points in South Carolina, Virginia, West Virginia, Kentucky, and Tennessee. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Raleigh, N.C.

No. MC 116763 (Sub-No. 237), filed January 10, 1973. Applicant: CARL SUBLER TRUCKING, INC., North West Street, Versailles, Ohio 45380. Applicant's representative: H. M. Richters (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities* as are manufactured, processed, or dealt in by Rubber Manufacturers, from Oklahoma City, Okla., to points in Alabama, Georgia, Mississippi, North Carolina, South Carolina, and Tennessee. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio.

No. MC 117013 (Sub-No. 2), filed January 1, 1973. Applicant: THOMAS G. BURKHOLDER, 1630 Maine Street, Altoona, PA 16602. Applicant's representative: Henry M. Wick, Jr., 2310 Grant Building, Pittsburgh, Pa. 15219. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Paper patterns, related fashion publications, fabrics, buttons, zippers, threads, and other articles* used in the home sewing market between the facilities of the Butterick Fashion Marketing Co., a division of American Can Co., at Altoona, Pa., on the one hand, and, on the other, ports of entry located on the international boundary line between the United States and Canada located in New York; (2) *fashion publications* from points in Maryland, Connecticut, and Indiana to the facilities of the Butterick Fashion Marketing Co., a division of American Can Co., at Altoona, Pa., and to ports of entry located on the international boundary line between the United States and Canada located in New York; (3) *materials, equipment, and supplies* used in the production, sale, or distribution of *paper patterns, related fashion publications, fabrics, buttons, zippers, threads, and other articles* used in the home sewing market from points in New York to the facilities of the Butterick Fashion Marketing Co., a division of American Can Co., at Altoona, Pa., under continuing contracts with the Butterick Fashion Marketing Co., a division of American Can Co., and Butterick Canada, Ltd.; and (4) *toys* from the facilities of James Industries, Inc., at or near Hollidaysburg, Pa., to ports of entry located on the international boundary line between the United States and Canada located in New York; under continuing contracts with James Industries, Inc. NOTE: If a hearing is deemed necessary, applicant requests it be held at Pittsburgh, Pa., or Washington, D.C.

No. MC 117644 (Sub-No. 32), filed January 16, 1973. Applicant: D & T TRUCKING CO., INC., Post Office Box 2611, New Brighton, MN 55112. Applicant's representative: William J. Boyd, 29 South La Salle Street, Chicago, IL 60603. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Dairy products*, from Chicago, Ill., and points in Minnesota and Wisconsin, to points in Ohio and Kentucky, under contract with Land O'Lakes, Inc. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Washington, D.C.

No. MC 118831 (Sub-No. 93), filed January 9, 1973. Applicant CENTRAL TRANSPORT, INCORPORATED, Post Office Box 5044, High Point, NC 27262. Applicant's representative: E. Stephen Heisley, 805 McLachlen Bank Building, 666 11th Street NW., Washington, DC 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities*, in bulk, from the sites of Bulk Distribution Centers, Inc., in Mecklenburg and Union Counties, N.C., to points in Alabama, Florida, Georgia, Kentucky, North Carolina, Ohio, South Carolina, Tennessee, Virginia, and West Virginia, restricted to shipments having a prior movement by rail. NOTE: Common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 118989 (Sub-No. 90), filed February 1, 1973. Applicant: CONTAINER TRANSIT, INC., 5223 South Ninth Street, Milwaukee, WI 53221. Applicant's representative: Albert A. Andrin, 29 South La Salle Street, Chicago, IL 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *containers*, metal or plastic, and *parts related thereto*, from points in Milwaukee, Dane, Waukesha, Jefferson, Washington, Dodge, and Racine Counties, Wis., those in St. Louis, Warren, Franklin, Jefferson, and St. Charles Counties, Mo., and those in Cook, Lake, Du Page, Will, and Kane Counties, Ill., to points in Texas, Colorado, Indiana, Kansas, Nebraska, Michigan, Minnesota, Ohio, Tennessee, Kentucky, Pennsylvania, Illinois, Iowa, Missouri, and Wisconsin. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Milwaukee, Wis.

No. MC 119302 (Sub-No. 19), filed January 23, 1973. Applicant: MILLER TRANSFER AND RIGGING CO., a corporation, 3917 State Route 183, Edinburg, OH 58227, or Post Office Box 6077, mailing address, Akron, OH 44312. Applicant's representative: A. David Millner, 744 Broad Street, Newark, NJ 07102. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Electric tools, lawn*

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and garden equipment, and component parts, between the Black & Decker Manufacturing Co. plants at Tarboro and Fayetteville, N.C., Hampstead, Md., and ports of entry on the international boundary line between the United States and Canada, located at or near Ogdensburg and Wellesley Islands, N.Y. Restriction: The operations under the foregoing authority are to be limited to a transportation service to be performed under a continuing contract or contracts with Black & Decker Manufacturing Co., Towson, Md. NOTE: Applicant holds common carrier authority under MC 87103, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 119441 (Sub-No. 32), filed January 31, 1973. Applicant: BAKER HIWAY EXPRESS, INC., Box 484, Dover, OH 44622. Applicant's representative: Richard H. Brandon, 79 East State Street, Columbus, OH 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Clay building brick and tile*, from Columbus, Ohio, to points in Pennsylvania, Delaware, Maryland, New York, New Jersey, Virginia, and the District of Columbia and (2) *Materials and supplies* used in the manufacture of clay building brick and tile (except bulk commodities) from the above-named destinations to Columbus, Ohio. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio.

No. MC 119493 (Sub-No. 98), filed January 11, 1973. Applicant: MONKEM COMPANY, INC., West 20th Street Road, Post Office Box 1196, Joplin, MO 64801. Applicant's representative: Ray F. Kempt (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned goods and animal feed*, from the plantsites and/or warehouses of Allen Canning Co., located at or near Van Buren and Alma, Ark., to points in Arkansas, Iowa, Illinois, Louisiana, Mississippi, Missouri, Kansas, Nebraska, Oklahoma, North Dakota, South Dakota, Tennessee, and Texas. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. No duplicating authority sought. If a hearing is deemed necessary, applicant requests it be held at Little Rock, Ark.

No. MC 119493 (Sub-No. 99), filed January 15, 1973. Applicant: MONKEM COMPANY, INC., West 20th Street Road, Post Office Box 1196, Joplin, MO 64801. Applicant's representative: Ray F. Kempt (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Agricultural chemicals*, in containers, from Military, Kans., to points in Illinois, Indiana, Iowa, Michigan, Minnesota, Nebraska, and Wisconsin. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. No duplicating authority sought. If a hearing is deemed necessary, applicant requests it be held at Houston, Tex.

No. MC 119547 (Sub-No. 34), filed January 15, 1973. Applicant: EDGAR W. LONG, INC., Route 4, Zanesville, Ohio 43215. Applicant's representative: Richard H. Brandon, 79 East State Street, Columbus, OH 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned dog food*, from Corwin, Ohio, to points in Alabama, Delaware, Georgia, Illinois, Indiana, Kentucky, Maryland, Michigan, Mississippi, New Jersey, North Carolina, Pennsylvania, South Carolina, Tennessee, Virginia, Wisconsin, and West Virginia, restricted to traffic originating at the plantsite of The Thorobred Co., Inc., Corwin, Ohio. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio.

No. MC 119656 (Sub-No. 13), filed January 18, 1973. Applicant: NORTH EXPRESS, INC., 219 East Main Street, Winamac, IN 46996. Applicant's representative: Donald W. Smith, 900 Circle Tower, Indianapolis, Ind. 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles, and steel springs* (1) from Winamac, Ind., to points in Minnesota, Kentucky, Pennsylvania, Missouri, Iowa, Tennessee, Alabama, Georgia, Oklahoma, Kansas, North Dakota, Texas, and Wisconsin; (2) from Reynolds, Ind., to points in Minnesota, Kentucky, Pennsylvania, Missouri, Iowa, Tennessee, Alabama, Georgia, Oklahoma, Kansas, North Dakota, Texas, Wisconsin, Ohio, New York, New Jersey, Illinois, and the Lower Peninsula of Michigan; and (3) *Materials and supplies* used in the manufacture of iron and steel articles, and springs, from points in New York to Winamac and Reynolds, Ind. NOTE: Common control may be involved. The requested authority duplicates, in part, that authority which applicant holds in No. MC-119656 to transport finished and semifinished motor vehicle springs and plow and cultivator parts (other than hand), from Winamac, Ind., to Horicon and La Crosse, Wis. Applicant states that the requested authority cannot or will not be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Indianapolis, Ind., or Chicago, Ill.

No. MC 119777 (Sub-No. 249), filed January 11, 1973. Applicant: LIGON SPECIALIZED HAULER, INC., Post Office Box L, Madisonville, KY 42431. Applicant's representative: Ronald E. Butler (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Supplies and equipment* used in the poultry, egg, and livestock industries, from Athens, Ga., to points in the United States (except Alaska and Hawaii). NOTE: Applicant holds contract carrier authority under MC 126970 and subs, therefore dual operations and common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga., or Indianapolis, Ind.

No. MC 119789 (Sub-No. 139) (Correction), filed December 29, 1972, published FR issue of February 8, 1973, and republished as corrected this issue. Applicant: CARAVAN REFRIGERATED CARGO, INC., Post Office Box 6188, 1612 East Irving Boulevard, Dallas, TX 75222. Applicant's representative: James K. Newbold, Jr., Post Office Box 6188, Dallas, TX 75222. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned* and *bottled foodstuffs*, (1) from Hoopeston and Princeville, Ill., to points in Kansas and Missouri; (2) from St. Francisville, La., to points in Illinois; and (3) from St. Francisville and Belledeau, La., to points in Arkansas, Oklahoma, Missouri, Kansas, Colorado, Utah, Iowa, Nebraska, Wyoming, Minnesota, North Dakota, South Dakota, Montana, and Washington. NOTE: The purpose of this republication is to add the origin point of Belledeau, La., to Item (3) above which was inadvertently omitted from previous publication. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio, or Dallas ,Tex.

No. MC 119789 (Sub-No. 144), filed December 11, 1972. Applicant: CARAVAN REFRIGERATED CARGO, INC., Post Office Box 6188, 1612 East Irving Boulevard, Dallas, TX 75222. Applicant's representative: James K. Newbold, Jr. (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Playground apparatus, recreational equipment, and sporting goods*, from Bossier City, La., to points in Arizona, California, Colorado, Idaho, Montana, Nevada, Oregon, Utah, Washington, and Wyoming. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Shreveport, La., or Dallas, Tex.

No. MC 119789 (Sub-No. 145), filed December 10, 1972. Applicant: CARAVAN REFRIGERATED CARGO, INC., Post Office Box 6188, 1612 East Irving Boulevard, Dallas, TX 75222. Applicant's representative: James K. Newbold, Jr. (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Adhesives and liquid synthetic plastics*, from Columbus, Ohio, to Arkansas, California, and Texas; and (2) *materials and supplies* used in the manufacture of adhesives and liquid synthetic plastics, from Arkansas, California, and Texas to Columbus, Ohio. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio, or Dallas, Tex.

No. MC 119789 (Sub-No. 146), filed January 22, 1973. Applicant: CARAVAN REFRIGERATED CARGO, INC., Post Office Box 6188, 1612 East Irving Boulevard, Dallas, TX 75222. Applicant's representative: James K. Newbold, Jr. (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, in containers from Wilson, N.C., to points in Alabama, Florida, Georgia, Illinois, Indiana, Kentucky, Louisiana, Michigan, Mississippi, Missouri, Ohio, and Tennessee. NOTE: Applicant states that the requested authority can be tacked with its present authority in its Sub 13 at Cade or Lozes, La., to provide through service to points in Arizona, California, Idaho, New Mexico, Nevada, Oregon, Texas, Utah, and Washington. If a hearing is deemed necessary, applicant requests it be held at Lafayette, La., or Dallas, Tex.

No. MC 119903 (Sub-No. 10), filed January 12, 1973. Applicant: D. J. WALRAVEN, Post Office Box 1045, Rome, GA 30161. Applicant's representative: Archie B. Culbreth, Suite 246, 1252 West Peachtree Street NW., Atlanta, GA 30309. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular-regular routes, transporting: *Aluminum extrusions, aluminum doors and windows, scrap aluminum, paint and chemicals* (except in bulk); Irregular route: (1) Between the plantsite of V. E. Anderson Manufacturing Co., at Rome Ga., on the one hand, and, on the other, points in Alabama, Florida, Georgia, Kentucky, Louisiana, Mississippi, North Carolina, South Carolina, Tennessee, Virginia, and West Virginia; Regular route: (2) From the plantsite of V. E. Anderson Manufacturing Co., at Bradenton, Fla., to the plantsite of V. E. Anderson Manufacturing at Rome, Ga., over Interstate 75 and/or U.S. Highway 41 and 411, serving the intermediate or off-route points of Butler, Chamblee, Cordele, Macon, Moultrie, and Valdosta, Ga., (1) and OP-C-6 (2) above are under contract with V. E. Anderson Manufacturing Co. restricted to movement thereunder to be in shippers own trailers. NOTE: If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga.

No. MC 123407 (Sub-No. 116), filed January 18, 1973. Applicant: SAWYER TRANSPORT, INC., U.S. Highway 6, South Haven Square, Valparaiso, Ind. 46383. Applicant's representative: Robert W. Sawyer (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Windows, screens, doors, building woodwork and materials and accessories* used in the installation thereof, from Bayport, Minn., to points in the United States in and east of Montana, Wyoming, Colorado, and New Mexico and (2) *materials* used in the manufacture and distribution of the above described commodities (except commodities in bulk, in tank vehicles), from the above described destination territory to Bayport, Minn. NOTE: Common control may be involved. Applicant states that the requested authority can be tacked with its existing authority but indicates that it has no present intention to tack and therefore does not identify the points or territories which can be served through tacking. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. If a hearing is deemed nceessary, applicant requests it be held at Minneapolis, Minn., or Washington, D.C.

No. MC 123407 (Sub-No. 118), filed February 2, 1973. Applicant: SAWYER TRANSPORT, INC., South Haven Square, U.S. Highway 6, Valparaiso, Ind. 46383. Applicant's representative: Robert W. Sawyer (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Building, roofing and insulation materials* (except iron and steel commodities in bulk) and *materials* used in the manufacture, installation and distribution thereof, between the plantsites and warehouse facilities of Certain-Teed Products Corp., in Scott County, Minn., on the one hand, and, on the other hand, points in Colorado, Illinois, Indiana, Iowa, Kansas, Kentucky, Michigan, Missouri, Montana, Nebraska, North Dakota, Ohio, South Dakota, Wisconsin, and Wyoming, restricted to traffic originating at or destined to the plantsites and warehouse facilities of Certain-Teed Products Corp., in Scott County, Minn. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn., or Washington, D.C.

No. MC 124117 (Sub-No. 6), filed January 8, 1973. Applicant: EARL FREEMAN, doing business as, MID-TENN EXPRESS, Post Office Box 101, Eagleville, TN 37060. Applicant's representative: Walter Harwood, 1822 Parkway Towers, Nashville, Tenn. 37219. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages and related advertising materials*, (1) from Detroit, Mich., and Milwaukee, Wis., to Nashville, Tenn., and (2) from Evansville, Ind., to Memphis, and Nashville, Tenn., and points in Alabama, Arkansas, Florida, Georgia, Louisiana, and Mississippi. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Nashville, Tenn.

No. MC 124221 (Sub-No. 39), filed January 15, 1973. Applicant: HOWARD BAER, Post Office Box 27, Morton, IL 61550. Applicant's representative: Robert W. Loser, 1009 Chamber of Commerce Building, Indianapolis, Ind. 46204. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Meats* other suspended and intended for use in the manufacture of weiners, sausage, and lunch meats, moving in temperature-controlled vehicles, from points in Iowa (except Dubuque, Sioux City, and Waterloo); Indiana, Illinois, Wisconsin, Virginia, Kentucky, Tennessee, Missouri, and Wichita, Kans; Albert Lea, Minn.; Amarillo, Dallas, and El Paso, Tex.; New Orleans, La.; Pittsburgh, Pa.; and Atlanta, Ga.; to the Kroger Company Sausage Plant facility located in Springdale, Ohio, and the storage facilities for the aforesaid plant at Cincinnati, Ohio. Restriction: The operations authorized herein are limited to a transportation service to be performed under a continuing contract with the Kroger Co. NOTE: If a hearing is deemed necessary, applicant requests it be held at Cincinnati, Ohio; Indianapolis, Ind.; or Washington, D.C.

No. MC 124327 (Sub-No. 9), filed January 23, 1973. Applicant: COASTAL CONTRACT CARRIER CORPORATION, Post Office Box 261, Selmer, TN 38375. Applicant's representative: R. Conner Wiggins, Jr., Suite 909, 100 North Main Building, Memphis, Tenn. 38103. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Finished and unfinished piece goods*, from points in Alabama, Georgia, North Carolina, and South Carolina, to Nashville, Tenn.; and (2) *general commodities*, between Nashville, Tenn., on the one hand, and, on the other, Pecos, Waco, and Dallas, Tex., to be performed under a continuing contract or contracts with Genesco, Inc. NOTE: If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga.

No. MC 124813 (Sub-No. 101), filed January 15, 1973. Applicant: UMTHUN TRUCKING CO., a corporation, 910 South Jackson Street, Eagle Grove, IA 50533. Applicant's representative: William L. Fairbank, 900 Hubbell Building, Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Feed ingredients*, from Weeping Water, Nebr. to points in Kansas and Missouri; and (2) *lime, limestone products, and feed ingredients* from Alden, Iowa, to points in Kansas and Missouri. NOTE: Applicant holds contract carrier authority under MC 118468 and Subs thereto, therefore dual operations may be involved. Applicant further states that its requested authority could be tacked with its existing authority at Weeping Water to serve Kansas from Iowa. If a hearing is deemed necessary, applicant requests it be held at either Omaha, Nebr., Kansas City, Mo., or Chicago, Ill.

No. MC 125708 (Sub-No. 129), filed January 21, 1973. Applicant: THUNDERBIRD MOTOR FREIGHT LINES, INC.,

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Highway 32 East, Crawfordsville, Ind. 47933. Applicant's representative: Donald W. Smith, 900 Circle Tower, Indianapolis, Ind. 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sky lights, sky lights and ventilators combined, hatches, and plastic articles*, from Garland, Tex., to points in Alabama, Arkansas, California, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maryland, Michigan, Minnesota, Mississippi, Massachusetts, Missouri, Nebraska, New Jersey, New York, North Carolina, Ohio, Oklahoma, Pennsylvania, South Carolina, Tennessee, Virginia, West Virginia, and Wisconsin. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Dallas or Fort Worth, Tex.

No. MC 126588 (Sub-No. 1), filed January 24, 1973. Applicant: KERR MOTOR LINES, INC., 1/4 Jackson Street, Binghamton, NY 13901. Applicant's representative: Herbert M. Canter, 315 Seitz Building, 201 East Jefferson Street, Syracuse, NY 13202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Computing machine paper*, from the plantsite of Moore Business Forms, Inc., at or near Honesdale, Pa., to points in Massachusetts (except points in Berkshire, Franklin, Hampshire, and Hampden Counties, Mass.); and (2) *paper in wrapped rolls* from the warehouse or storage facilities of Moore Business Forms, Inc., at or near Avon, Mass., to the plantsite of Moore Business Forms, Inc., at or near Honesdale, Pa. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Buffalo or Syracuse, N.Y., or Washington, D.C.

No. MC 127100 (Sub-No. 12), filed January 4, 1973. Applicant: B & B MOTOR LINES, INC., 911 Summit Street, Toledo, OH 43604. Applicant's representative: Earl F. Boxell, Ninth Floor, Toledo Trust Building, Toledo, Ohio 43604. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages* (beer and ale), in containers from Chicago (Bensenville), Ill., to Toledo, Ohio, and *empty containers* on return trip from Toledo, Ohio, to Chicago (Bensenville), Ill., under contract with Metropolitan Distributing Co. NOTE: If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio, Lansing, Mich., or Indianapolis, Ind.

No. MC 128114 (Sub-No. 2), filed January 15, 1973. Applicant: PAUL E. SAVAGE, doing business as SAVAGE TRANSPORTATION CO., Building 141, Pasco Airport, Pasco, Wash. 99302. Applicant's representative: Donald A. Ericson, 708 Old National Bank Building, Spokane, Wash. 99201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Animal feed and feed ingredients*, from points in Benton, Kittitas, Walla Walla, and King Counties, Wash., to points in the counties of Morrow, Umatilla, Marion, Wallowa, Union, Baker, and Malheur, Oreg., and the counties of Nez Perce, Lewis, Idaho, Latah, Benewah, and Kootenai, Idaho. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Spokane and Seattle, Wash., or Portland, Oreg.

No. MC 128384 (Sub-No. 3), filed December 18, 1972. Applicant: JUNIOR EVERETT DE PRIEST, doing business as JUNIOR DE PRIEST TRUCKING CO., Birchtree, Mo. 65438. Applicant's representative: B. W. LaTourette, Jr., 611 Olive Street, Suite 1850, St. Louis, MO 63101. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Stacking strips*, from Birchtree, Mo., to points in Texas, under a continuing contract with Missouri Hardwood Flooring Co. at St. Louis, Mo. NOTE: If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo.

No. MC 133106 (Sub-No. 24), filed January 3, 1973. Applicant: NATIONAL CARRIERS, INC., 1501 East Eighth Street, Post Office Box 1358, Liberal, KS 67901. Applicant's representative: Frederick J. Coffman, 521 South 14th Street, Post Office Box 80806, Lincoln, NE 68501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Pipe fittings and connections, pipe hangers, indicator post, hydrants, pipe, bars and rods, valves* (with or without operating apparatus), *castings, water motor alarms, pipe cement, joint compound, automatic sprinkler heads, automatic fire protection and prevention systems, air heaters, blowers, and parts* (except commodities which because of size or weight require the use of special equipment), from the plant, warehouse, and storage facilities utilized by International Telephone & Telegraph Corp.—Grinnel, at or near Cranston and West Kingston, R.I., Elmira, N.Y., and Columbia and Wrightsville, Pa., to Indianapolis, Ind., and Memphis, Tenn., under a continuing contract, or contracts, with International Telephone & Telegraph Corp., at Providence, R.I. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Memphis, Tenn.

No. MC 133276 (Sub-No. 9), filed January 8, 1973. Applicant: BERRY TRANSPORT, INC., 5315 Southwest St. Helens Road, Portland, OR 97210. Applicant's representative: Nick I. Goyak, 404 Oregon National Building, 610 Southwest Adler, Portland, OR 97205. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid fertilizer*, in bulk, in tank vehicles, and *chemical fertilizers* in sacks, from Vancouver, Wash., to points in Oregon. NOTE: Applicant holds contract carrier authority under MC 47010 and Sub 5, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Portland, Oreg. or Seattle, Wash.

No. MC 134387 (Sub-No. 18), filed August 21, 1972. Applicant: BLACKBURN TRUCK LINES, INC., 4998 Branyon Street, South Gate, CA 90280. Applicant's representative: Warren N. Grossman, 825 City National Bank Building, 606 South Olive Street, Los Angeles, CA 90014. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Empty glass containers*, from points in Alameda and Los Angeles Counties, Calif., to points in Cochise County, Ariz. NOTE: Applicant states that the requested authority cannot or will not be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Los Angeles or San Francisco, Calif.

No. MC 134755 (Sub-No. 34), filed January 23, 1973. Applicant: CHARTER EXPRESS, INC., 1959 East Turner Street, Box 3772, Springfield, MO 65804. Applicant's representative: Le Roy Smith (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dairy products* (except in bulk, in tank vehicles) from Carthage, Mo., to Landover, Md. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at San Francisco, Calif.

No. MC 134974 (Sub-No. 1), filed January 11, 1973. Applicant: BE-WELL FARMS, INC., 2 Franklin Street, Medway, MA 02053. Applicant's representative: Frederick T. O'Sullivan, 622 Lowell Street, Peabody, MA 01960. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, and meat byproducts* (except hides, commodities in bulk, in tank vehicles, in hopper-style vehicles), from Boston, Mass., to points in Pennsylvania, Delaware, Maryland, Virginia, West Virginia, Ohio, Indiana, Illinois, Michigan, Kentucky, Tennessee, Missouri, North Carolina, South Carolina, Florida, Mississippi, Alabama, Georgia, Louisiana, and the District of Columbia, under contract with Newmarket Boneless Beef, Inc. NOTE: If a hearing is deemed necessary, applicant requests it be held at Boston, Mass.

No. MC 135218 (Sub-No. 2), filed January 15, 1973. Applicant: MONTI MOVING & STORAGE, INC., 209 MacDougal Street, Brooklyn, NY 11233. Applicant's representative: Robert J. Gallagher, 1776 Broadway, New York City, NY 10019. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used household goods*, restricted to the transportation of traffic having a prior or subsequent movement, in containers, beyond the points authorized, and further restricted to the performance of pickup and delivery service in connection with packing, crating, and containerization or unpacking, uncrating, and decontainerization of such traffic, between points in New Jersey,

points in Sullivan, Westchester, Ulster, Duchess, Putnam, New York, Bronx, Kings, Queens, Nassau, Suffolk, Richmond, Orange, and Rockland Counties, N.Y., and Fairfield County, Conn. NOTE: If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 135691 (Sub-No. 4), filed January 18, 1973. Applicant: DALLAS CARRIERS CORP., 7621 Inwood Road, Dallas, TX 75209. Applicant's representative: E. Stephen Heisley, 805 McLachlen Bank Building, 666 11th Street NW., Washington, DC 20001. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, dairy products, articles distributed by meat packinghouses and such commodities* as are used by or dealt in by meat packers and food distributors in the conduct of their business (except commodities, in bulk, in tank vehicles and hides), between points in Michigan, Indiana, Missouri, Kansas, Nebraska, Iowa, Wisconsin, Minnesota, Illinois, North Dakota, South Dakota, Colorado, Oklahoma, Texas, Arkansas, Louisiana, Ohio, Kentucky, and Massachusetts, on the one hand, and, on the other, points in Ohio, Pennsylvania, New Jersey, Massachusetts, New York, Kentucky, Indiana, Virginia, Maryland, Delaware, West Virginia, the District of Columbia, Maine, New Hampshire, Vermont, Connecticut, and Rhode Island. Restriction: The operations authorized herein are limited to a transportation service to be performed under a continuing contract or contracts with Trinity Valley Foods, Inc., and U.S. Pet Food Supply Company of Dallas, Tex. NOTE: If a hearing is deemed necessary, applicant requests it be held at Dallas, Tex.

No. MC 135691 (Sub-No. 5), filed January 23, 1973. Applicant: DALLAS CARRIERS CORP., 7621 Inwood Road, Dallas, TX 75209. Applicant's representative: E. Stephen Heisley, 805 McLachlen Bank Building, 666 11th Street NW., Washington, DC 20001. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, dairy products, articles distributed by meat packinghouses and such commodities* as are used by or dealt in by meat packers and food distributors in the conduct of their business (except commodities, in bulk, in tank vehicles and hides), between points in Pennsylvania, New York, Ohio, Indiana, Michigan, Illinois, Massachusetts, Wisconsin, Minnesota, Iowa, Kansas, New Jersey, Nebraska, South Dakota, North Dakota, and Missouri, on the one hand, and, on the other, points in California, Oregon, Washington, Utah, Arizona, New Mexico, Colorado, Wyoming, Montana, Idaho, and Nevada, under continuing contracts with Trinity Valley Foods, Inc. and U.S. Pet Food Supply Co., both at Dallas, Tex. NOTE: If a hearing is deemed necessary, applicant requests it be held at Dallas, Tex.

No. MC 135874 (Sub-No. 16), filed January 16, 1973. Applicant: LTL PERISHABLES, INC., Post Office Box 37468, Millard Station, Omaha, NE 68137. Applicant's representative: Donald L. Stern, 530 Univac Building, Omaha, Nebr. 68106. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat by-products, and articles distributed by meat packinghouses*, as described in sections A and C of Appendix I to the report in Descriptions in Motor Carrier Certificates, 61 M.C.C. 209 and 766 (except commodities in bulk and hides), (1) from the Minneapolis-St. Paul, Minn. Commercial Zone to points in Iowa, Nebraska, and South Dakota; and (2) from Mason City, Davenport, and Tama, Iowa, to points in Nebraska. NOTE: Applicant presently holds no authority which can be tacked or joined. If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr.

No. MC 135913 (Sub-No. 2), filed January 23, 1973. Applicant: BREEN TRUCKING, INC., 8459 Church Road, Grosse Isle, MI 48138. Applicant's representative: Theodore Polydoroff, 1250 Connecticut Avenue NW., Washington, DC 20036. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Foundry core compounds and high temperature bonding mortar or cement* (except in bulk), from the facilities of C-E Cast Products at or near Rockwood, Mich., to points in Illinois, Indiana, Iowa, Kentucky, Maryland, Michigan, Minnesota, Missouri, New Jersey, New York, Ohio, Pennsylvania, Virginia, West Virginia, and Wisconsin; (2) *materials and supplies* (except in bulk) used in the manufacture and distribution of foundry core compounds and high temperature bonding mortar or cement; from points in Illinois, Indiana, Iowa, Kentucky, Maryland, Michigan, Minnesota, Missouri, New Jersey, New York, Ohio, Pennsylvania, Virginia, West Virginia, and Wisconsin to the facilities of C-E Cast Products at or near Rockwood, Mich.; and (3) *silica flour*, from points in Perry and Knox Counties, Ohio to the facilities of C-E Cast Products at or near Rockwood, Mich., 1, 2, and 3 above are restricted to operations to be performed under a continuing contract with C-E Products, a Division of the Ceramatec Group of Combustion Engineering, Inc. If a hearing is deemed necessary, applicant requests it be held at Detroit, Mich.

No. MC 136211 (Sub-No. 8), filed December 22, 1972. Applicant: MERCHANT'S HOME DELIVERY SERVICE, INC., 210 St. Mary's Drive, Suite G, Oxnard, CA 93030. Applicant's representative: Joseph E. Rebman, 314 North Broadway, Suite 1230, St. Louis, MO 63102. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *New furniture*, from the warehouse and shipping facilities of Levitz Furniture Corp.: (1) at Whitehall (Lehigh County), Pa. (near Allentown, Pa.) to points in Warren, Morris, and Hunterdon Counties, N.J., and *returned or rejected shipments on return*; (2) at Cherry Hill (Camden County), N.J. to points in Philadelphia, Bucks, and Montgomery Counties, Pa., *and returned or rejected shipments on return*; and (3) at Langhorne, Pa., to points in Hunterdon, Somerset, Middlesex, Mercer, and Burlington Counties, N.J., *and returned or rejected shipments on return*, with the operations in (1), (2), and (3) above performed under a continuing contract, or contracts with Levitz Furniture Corp., at King of Prussia, Pa. NOTE: If a hearing is deemed necessary, applicant requests it be held at

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Philadelphia, Pa.; St. Louis, Mo.; or Washington, D.C.

No. MC 136646 (Sub-No. 2), filed January 12, 1973. Applicant: DYKSTRA TRANSPORT, INC., 317 Fourth Avenue SE., Sioux Center, IA 51250. Applicant's representative: Earl H. Scudder, Jr., Post Office 82028, 605 South 14th Street, Lincoln, NE 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid fertilizer and liquid fertilizer ingredients*, from Dubuque, Iowa, to points in Illinois, Wisconsin, and Minnesota. NOTE: If a hearing is deemed necessary, applicant requests it be held at Des Moines, Iowa; or Chicago, Ill.

No. MC 136992 (Sub-No. 1), filed January 11, 1973. Applicant: T-W TRANSPORT, INC., 2121 Waterworks Way, Spokane, WA 99220. Applicant's representative: George H. Hart, 1100 IBM Building, Seattle, Wash. 98101. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Wine and malt beverages*, from San Francisco, Azusa, Madera, Van Nuys, and points in Napa County, Calif., to Spokane, Wash., under contract with Joe August Distributors, Inc., and August-Flaherty Distributors. NOTE: If a hearing is deemed necessary, applicant requests it be held at Spokane or Seattle, Wash.

No. MC 138016 (Sub-No. 2), filed January 18, 1973. Applicant: MENANTICO TRANSPORT CO., INC., 184 Sherman Avenue, Vineland, NY 08360. Applicant's representative: Jacob P. Billig, 1108 16th Street NW., Washington, DC 20036. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Commodities*, sold, dealt in, or utilized by construction and road building companies, and by construction and road building supply companies, between points in New Jersey, on the one hand, and, on the other, points in Berks, Bucks, Chester, Delaware, Lancaster, Lebanon, Lehigh, Montgomery, Northampton, Philadelphia, and York Counties, Pa., restricted against the movement of cement in bulk in tank vehicles, and to movements performed under a contract with Tuckahoe Sand & Gravel Co., Inc. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 138032 (Sub-No. 1) (Amendment), filed November 22, 1972, published in the FEDERAL REGISTER issue of February 8, 1973, and republished as amended, this issue. Applicant: ED LYNN, doing business as LYNN'S EMERGENCY DELIVERY SERVICE, 408 Mercury Drive, Godfrey, IL 62035. Applicant's representative: Gregory M. Rebman, 1230 Boatmen's Bank Building, 314 North Broadway, St. Louis, MO 63102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *General commodities* (restricted to the transportation of shipments of general commodities weighing 2,000 pounds or less in an emergency service) between St. Louis, Mo., and points in St. Louis County, Mo., on the one hand, and, on the other, Alton, Godfrey, Carol Stream, Morris, and Chicago, Ill.; Elkhart, Ind.; and Kalamazoo, Mich.; and (2) *hydraulic parts, machine gears, belts, pulleys, bushings, and printing cylinders* (restricted to the transportation of shipments of said commodities weighing 2,000 pounds or less in an emergency service) between St. Louis, Mo., and points in St. Louis County, Mo., on the one hand, and, on the other, Cincinnati, Ohio. NOTE: The purpose of this amendment is to broaden the commodity description and territorial scope of the application. If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo.

No. MC 138071 (Sub-No. 2), filed December 15, 1972. Applicant: D. A. HAMPTON, doing business as D. A. HAMPTON TRUCKING COMPANY, 1504 Oak Street, Charlotte, NC 28213. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Sand, crushed stone, plant mix asphalt, and dirt*, from points in Mecklenburg County, N.C., to points in York County, S.C., under contract with Queen City Paving Co. NOTE: If a hearing is deemed necessary, applicant requests it be held at Charlotte, or Raleigh, N.C.

No. MC 138105, filed October 6, 1972. Applicant: BILL WALSH, doing business as WALSH TRUCK COMPANY, Post Office Box 485, Los Banos, CA 93635. Applicant's representative: Dennis R. Scott, 1519 11th Street, Firebaugh, CA 93622. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Lumber and hardware, raw material and equipment* for the manufacture of doors, (1) between the Port of San Francisco, and Los Banos, Calif., via California Highway 152 and Interstate Highway 5; and (2) from Los Banos to the Port of Alameda or Oakland, Calif., and return, under contract with Lifetime Doors, Inc. NOTE: If a hearing is deemed necessary, applicant requests it be held at Fresno or San Francisco, Calif.

No. MC 138183 (Sub-No. 2), filed January 22, 1973. Applicant: CHEROKEE MILLING COMPANY, INC., 447 Cedar Bluff Road, Centre, AL 35960. Applicant's representative: D. H. Markstein, Jr., 512 Massey Building, Birmingham, Ala. 35203. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Animal feed ingredients*, (a) from Chattanooga, Tenn., to points in Hall and Forsyth Counties, Ga., (b) from Gainesville, Ga., to points in Cherokee and Marshall Counties, Ala., (c) from Guntersville, Ala., to points in Hamilton County, Tenn., and those in Hall, Gordon, and Whitfield Counties, Ga., and (d) from Decatur, Ala., to Tunnel Hill, Ga.; and (2) *Soybean meal* in bulk, in hopper trailers, from Chattanooga, Tenn., to Tunnel Hill, Ga. NOTE: If a hearing is deemed necessary, applicant requests it be held at Birmingham, Ala., or Chattanooga, Tenn.

No. MC 138202 (Sub-No. 1), filed January 12, 1973. Applicant: T. RAFFAELE TRUCKING CORP., 1535 A Kennelworth Place, Bronx, NY 10465. Applicant's representative: Edward M. Alfano, 2 West 45th Street, New York, NY 10036. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, including foodstuffs in vehicles equipped with mechanical refrigeration (except in bulk) between Richter Brothers, Inc., warehouse located at Carlstadt, N.J., on the one hand, and, on the other, points in the New York, N.Y., commercial zone as defined by the Commission. Restriction: Restricted to transportation under a continuing contract or contracts with Richter Brothers, Inc. NOTE: If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 138318, filed January 3, 1973. Applicant: FURNESS (MONTREAL) LIMITED, 500 Place D'Armes, Montreal 126, PQ, Canada. Applicant's representative: Francis E. Barrett, Jr., 10 Industrial Park Road, Hingham, MA 02043. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Forest products, wood pulp, and paper products*, from Woodland, Maine, to the port of entry on the United States-Canada international boundary line located at or near Calais, Maine, under contract with Georgia Pacific Corporation of Portland. NOTE: If a hearing is deemed necessary, applicant requests it be held at either Burlington, Vt., Albany, N.Y., or Boston, Mass.

No. MC 138345 (Sub-No. 1), filed January 18, 1973. Applicant: BASIL B. GORDON AND CLAY M. POPE, copartners, doing business as VALLEY SPREADER COMPANY, 260 North Ninth Street, Brawley, CA 92227. Applicant's representative: Carl H. Fritze, 1545 Wilshire Boulevard, Los Angeles, CA 90017. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Farm machinery and equipment, used irrigation systems and irrigation pipe*, between points in Imperial County, Calif., on the one hand, and points in Mohave and Yuma Counties, Ariz., on the other hand. Restricted to the transportation of traffic both originating at and destined to points in the above-described territory. NOTE: If a hearing is deemed necessary, applicant requests it be held at Yuma, Ariz., or Los Angeles, Calif.

No. MC 138365, filed December 19, 1972. Applicant: GERALD HAEGELE, doing business as GERALD TRANSPORTATION, 5227 Brass Lantern, St. Louis, MO 63128. Applicant's representative: B. W. LaTourette, Jr., 611 Oliver Street, Suite 1850, St. Louis, MO 63101. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Paper, printing rollers, ink, shellac, and items related to the printing industry*, between points in St. Louis County, Mo., and points in the St. Louis, Mo.-East St. Louis, Ill., commercial zone as defined by the Commission, under contract with Orchard Corporation of America, St. Louis, Mo. NOTE: If a hearing is deemed necessary, applicant requests it be held at St. Louis or Jefferson, Mo.

No. MC 138377, filed January 11, 1973. Applicant: BURRIS EXPRESS CO., a corporation, Harrington, Del. Applicant's representative: V. Baker Smith, 2107 The Fidelity Building, Philadelphia, Pa. 19109. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs* (except in bulk), in vehicles equipped with mechanical refrigeration, from the facilities of Burris Warehouse Co., at or near Harrington, Del., to points in Maryland, New Jersey, New York, Pennsylvania, Virginia, West Virginia, and the District of Columbia, under contract with Burris Warehouse Co. NOTE: Dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Philadelphia, Pa., or Washington, D.C.

No. MC 138382, filed January 22, 1973. Applicant: PATTERSON COASTAL TRANSPORT, INC., Rural Route No. 2, Frankfort, Ill. 60423. Applicant's representative: Daniel C. Sullivan, 327 South La Salle Street, Chicago, IL 60604. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Matches and printed and unprinted match books*, from Frankfort, Ill., to points in the United States (except Alaska and Hawaii); and (2) *materials, equipment, and supplies*, from points in the United States (except Alaska and Hawaii) to Frankfort, Ill., under a continuing contract in (1) and (2) above with Bradley Industries, Inc., at Frankfort, Ill. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 138387, filed January 18, 1973. Applicant: FOOSE TRANSPORT, INC., 286 Glen Avenue, Dumont, NJ 07628. Applicant's representative: Morton E. Kiel, 140 Cedar Street, New York, NY 10006. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities* as are dealt in by a chemical manufacturer (except in bulk), (1) between Azusa, Calif., on the one hand, and, on the other, points in and east of Texas, Arkansas, Missouri, Iowa, and Minnesota; and (2) between Lodi, N.J., on the one hand, and, on the other, points in Tennessee, Ohio, Indiana, and Illinois and points in and west of Louisiana, Arkansas, Missouri, Iowa, and Minnesota, under contract with the Norac Co. NOTE: If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 13891, filed November 8, 1972. Applicant: FRED A. PERELLA, 340 39th Street, Pittsburgh, PA 15201. Applicant's representative: Robert McKenzie, 11th Floor, 100 Fifth Avenue, Pittsburgh, PA 15222. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Ice cream cones and wafers, paper drinking cups, straws and containers; plastic drinking cups, straws and containers* and all types of *supplies, materials, and equipment* used in the production of the foremen-tioned products, carriage to be provided other than in bulk, and tank vehicles, between Chicago, Ill.; Baltimore, Md.; Boston, Mass.; Detroit, Mich.; Fair Lawn, N.J.; Brooklyn and Rochester, N.Y.; Charlotte, N.C.; Akron, Canton, Cincinnati, Cleveland, Warren, and Youngstown, Ohio; Pittsburgh, Pa.; Morgantown and Wheeling, W. Va., under contract with Keystone Cone Co., Inc. (Division of Maryland Cup). NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Pittsburgh, Pa.

No. MC 138394, filed January 9, 1973. Applicant: EARL L. CLYMER AND STANLEY D. BRAMMER, a partnership, doing business as B & C TRANSPORT, Route 1, Henderson, Iowa 51541. Applicant's representative: Earl L. Clymer (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Multipurpose goose neck trailers*, from the plantsite and storage facilities of Smith Trailer Co. at or near Shenandoah, Iowa, to points in Arizona, Arkansas, California, Colorado, Florida, Idaho, Illinois, Indiana, Iowa, Kansas, Michigan, Minnesota, Missouri, Montana, Nebraska, Nevada, New Mexico, North Dakota, Ohio, Oklahoma, South Dakota, Texas, Utah, Wisconsin, and Wyoming; (2) *repurchased or repossessed multipurpose goose neck trailers*, from the destination territory named in (1) above, to Shenandoah, Iowa; (3) *travel trailers*, with goose neck connectors, from the plantsite and storage facilities of Klassic Manufacturing Co., Inc., at or near Sedalia, Mo., to Arkansas, Colorado, Illinois, Indiana, Iowa, Kansas, Louisiana, Minnesota, Missouri, Nebraska, Oklahoma, Tennessee, and Texas; and (4) *repurchased or repossessed travel trailers*, with goose neck connectors from the destination States named in (3) above, to Sedalia, Mo. NOTE: If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr., or St. Joseph, Mo.

APPLICATION FOR FILING BROKERAGE LICENSE

No. MC 12572 (Sub-No. 3), filed January 22, 1973. Applicant: GEORGE ST. PIERRE, 27 Kent Street, Plainville, CT 06062. Applicant's representative: Thomas W. Murrett, 342 North Main Street, West Hartford, CT 06117. For a license (BMC-5) to engage in operations as a broker at Plainville, Conn., in arranging for the transportation, by motor vehicle, in interstate or foreign commerce, of *Passengers and their baggage*, between points in Hartford and New Haven Counties, Conn., on the one hand, and, on the other, points in Alabama, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Mississippi, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, West Virginia, Wisconsin, and the District of Columbia.

MOTOR CARRIER OF PASSENGER

No. MC 138199 (Sub-No. 1), filed January 17, 1973. Applicant: LEONARD J. MARKOWSKI, doing business as AIRLINK, Route 3, Box 579, Coeur d'Alene, Idaho 83814. Applicant's representative: Herbert Nagel, Post Office Box 907, Coeur d'Alene, Idaho 83814. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers*, baggage, express, and newspapers, in the same vehicle. Occasional special or charter operations for clubs and groups in Idaho utilizing the Spokane International Airport are anticipated. Operations to be conducted between individual homes and business establishments in Kootenai County, Idaho, and Spokane International Airport, Spokane County, Wash., and return. NOTE: If a hearing is deemed necessary, applicant requests it be held at Coeur d'Alene, Idaho, or Spokane, Wash.

APPLICATIONS IN WHICH HANDLING WITHOUT ORAL HEARING HAS BEEN REQUESTED

No. MC 56679 (Sub-No. 73), filed December 18, 1972. Applicant: BROWN TRANSPORT CORP., 125 Milton Avenue, Atlanta, GA 30315. Applicant's representative: B. K. McClain (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment because of size or weight), serving the terminal site of Harper Motor Lines, Inc., at the junction of U.S. Highway 29 and South Carolina Highway 8, near West Pelzer, S.C., serving as an off-route point in connection with applicant's present regular route operations between Elberton, Ga. and Greenville, S.C.

No. MC 113908 (Sub-No. 247) (Correction), filed November 17, 1972, published in the FEDERAL REGISTER issue of December 21, 1972 and January 11, 1973, republished as corrected this issue. Applicant: ERICKSON TRANSPORT CORPORATION, 2105 East Dale Street, Springfield, MO 65804. Applicant's representative: B. B. Whitehead (same address as applicant). NOTE: The purpose of this republication is to show that this application has been assigned No. MC 113908 Sub-No. 247 as originally published on December 21, 1972. The rest of the notice remains as previously published.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.73-3730 Filed 2-28-73;8:45 am]

FEDERAL REGISTER PAGES AND DATES—MARCH

Pages	*Date*
5449-5609	Mar. 1

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federal register

THURSDAY, MARCH 1, 1973
WASHINGTON, D.C.

Volume 38 ■ Number 40

PART II

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

■

ADVISORY CIRCULAR CHECKLIST AND STATUS OF REGULATIONS

No. 40—Pt. II——1

V 38 - 40 MAR 1 73 XUM

V

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[AC 00-2W—Effective December 15, 1972]

ADVISORY CIRCULAR CHECKLIST AND STATUS OF FEDERAL AVIATION REGULATIONS

1. *Purpose.* This notice contains the revised checklist of current FAA advisory circulars and the status of Federal Aviation Regulations as of December 15, 1972.

2. *Explanation.* The FAA issues advisory circulars to inform the aviation public in a systematic way of nonregulatory material of interest. Unless incorporated into a regulation by reference, the contents of an advisory circular are not binding on the public. Advisory circulars are issued in a numbered-subject system corresponding to the subject areas in the recodified Federal Aviation Regulations (14 CFR Ch. I). This checklist is issued triannually listing all current circulars and now includes information concerning the status of the Federal Aviation Regulations.

3. *The Circular Numbering System.*

a. *General.* The advisory circular numbers relate to the subchapter titles and correspond to the Parts, and when appropriate, the specific sections of the Federal Aviation Regulations. Circulars of a general nature bear a number corresponding to the number of the general subject (subchapter) in the FAR's.

b. *Subject numbers.* The general subject matter areas and related numbers are as follows:

Subject Number	*Subject Matter*
00	General.
10	Procedural.
20	Aircraft.
60	Airmen.
70	Airspace.
90	Air Traffic Control and General Operations.
120	Air Carrier and Commercial Operators and Helicopters.
140	Schools and Other Certified Agencies.
150	Airports.
170	Air Navigational Facilities.
180	Administrative.
210	Flight Information.

c. *Breakdown of subject numbers.* When the volume of circulars in a general series warrants a subsubject breakdown, the general number is followed by a slash and a subsubject number. Material in the 150, Airports, series is issued under the following subsubjects:

Number	*Subject*
150/1900	Defense Readiness Program.
150/4000	Resource Management.
150/5000	Airport Planning.
150/5100	Federal-aid Airport Program.
150/5150	Surplus Airport Property Conveyance Programs.
150/5190	Airport Compliance Program.
150/5200	Airport Safety—General.
150/5210	Airport Safety Operations (Recommended Training, Standards, Manning).
150/5220	Airport Safety Equipment and Facilities.
150/5230	Airport Ground Safety System.
150/5240	Civil Airports Emergency Preparedness.
150/5300	Design, Construction, and Maintenance—General.
150/5320	Airport Design.
150/5325	Influence of Aircraft Performance on Aircraft Design.
150/5335	Runway, Taxiway, and Apron Characteristics.
150/5340	Airport Visual Aids.
150/5345	Airport Lighting Equipment.
150/5360	Airport Buildings.
150/5370	Airport Construction.
150/5380	Airport Maintenance.
150/5390	Heliports.

d. *Individual circular identification numbers.* Each circular has a subject number followed by a dash and a sequential number identifying the individual circular. This sequential number is not used again in the same subject series. Revised circulars have a letter A, B, C, etc., after the sequential number to show complete revisions. Changes to circulars have CH 1, CH 2, CH 3, etc., after the identification number on pages that have been changed. The date on a revised page is changed to the effective date of the change.

4. *The Advisory Circular Checklist.*

a. *General.* Each circular issued is listed numerically within its subject-number breakdown. The identification number (AC 120-1), the change number of the latest change, if any, to the right of the identification number, the title, and the effective date for each circular are shown. A brief explanation of the contents is given for each listing.

b. *Omitted numbers.* In some series sequential numbers omitted are missing numbers, e.g., 00-8 through 00-11 have not been used although 00-7 and 00-12 have been used. These numbers are assigned to advisory circulars still in preparation which will be issued later or were assigned to advisory circulars that have been canceled.

c. *Free and sales circulars.* This checklist contains advisory circulars that are for sale as well as those distributed free of charge by the Federal Aviation Administration. Please use care when ordering circulars to ensure that they are ordered from the proper source.

d. *Internal directives for sale.* A list of certain internal directives sold by the Superintendent of Documents is shown at the end of the checklist. These documents are not identified by advisory circular numbers, but have their own directive numbers.

5. *How to get circulars.*

a. When a price is listed after the description of a circular, it means that this circular is for sale by the Superintendent of Documents. When (Sub.) is included with the price, the advisory circular is available on a subscription basis only. After your subscription has been entered by the Superintendent of Documents, supplements or changes to the basic document will be provided automatically at no additional charge until the subscription expires. When no price is given, the circular is distributed free of charge by FAA.

b. Request free advisory circulars shown without an indicated price from:

Department of Transportation, Distribution Unit, TAD 484.3, Washington, D.C. 20590.

NOTE: Persons who want to be placed on FAA's mailing list for future circulars should write to the above address. Be sure to identify the subject matter desired by the subject numbers and titles shown in paragraph 3b because separate mailing lists are maintained for each advisory circular subject series. Checklists and circulars issued in the general series will be distributed to every addressee on each of the subject series lists. Persons requesting more than one subject classification may receive more than one copy of related circulars and this checklist because they will be included on more than one mailing list. Persons already on the distribution list for AC's and changes to FAR's will automatically receive related circulars.

c. Order advisory circulars and internal directives with purchase price given from:

Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402;

or from any of the following bookstores located throughout the United States:

GPO Bookstore, Federal Building, Room 1023, 450 Golden Gate Avenue, San Francisco, CA 94102.
GPO Bookstore, Federal Office Building, Room 1463, 14th Floor, 219 South Dearborn Street, Chicago, IL 60604.
GPO Bookstore, Federal Building, 300 North Los Angeles Street, Los Angeles, CA 90012.
GPO Bookstore, Federal Building, Room 135, 601 East 12th Street, Kansas City, MO 64106.
GPO Bookstore, Room G25, John F. Kennedy Federal Building, Sudbury Street, Boston, MA 02203.
GPO Bookstore, Room 110, 26 Federal Plaza, New York, NY 10007.
GPO Bookstore, Federal Building, U.S. Courthouse, Room 1421, 1961 Stout Street, Denver, CO 80202.
GPO Bookstore, Room 1C46, Federal Building, U.S. Courthouse, 1100 Commerce Street, Dallas, TX 75202.
GPO Bookstore, Room 100, Federal Building, 275 Peachtree Street NE., Atlanta, GA 30303.
GPO Bookstore, Room 102A, 2121 Building, 2121 Eighth Avenue North, Birmingham, AL 35203.
GPO Bookstore, Federal Office Building, 201 Cleveland Avenue SW., Canton, OH 44702.
GPO Bookstore, Room 1015, Federal Office Building, 300 North Los Angeles Street, Los Angeles, CA 90012.

Send check or money order with your order to the Superintendent of Documents. Make the check or money order payable to the Superintendent of Documents in the amounts indicated in the list. Order for mailing to foreign countries should include an additional amount of 25 percent of the total price to cover postage. No c.o.d. orders are accepted.

6. *Reproduction of Advisory Circulars.* Advisory circulars may be reproduced in their entirety or in part without permission from the Federal Aviation Administration.

7. *Cancellations.* The following advisory circulars are canceled:

AC 00-2V Advisory Circular Checklist, 8-15-72. Canceled by AC 00-2W, Advisory Circular Checklist, 12-15-72.
AC 20-6R U.S. Civil Aircraft Register, 1-1-72. Canceled by AC 20-6S, U.S. Civil Aircraft Register, 7-1-72.
AC 20-7H General Aviation Inspection Aids, Summary, August 1971. Canceled by AC 20-7J, General Aviation Inspection Aids, Summary, August 1972.
AC 20-17A Surplus Aircraft of the Armed Forces, 3-7-72. Canceled by AC 20-17B, Surplus Aircraft of the Armed Forces, 10-11-72.
AC 20-36A Index of Materials, Parts, and Appliances Certified Under the Technical Standard Order System—March 1, 1966. Canceled by AC 20-36B, Index of Materials, Parts, and Appliances Certified Under the Technical Standard Order System—July 1, 1972, 10-24-72.
AC 20-67 Airborne VHF Communication System Installations, 3-6-70. Canceled by AC 20-67A, Airborne VHF Communication System Installations, 10-17-72.
AC 20-79 National Seminar—Quality Assurance Systems Analysis Review (QASAR) Program, 7-19-72. Canceled.
AC 20-40 The Eighth Annual FAA International Aviation Maintenance Symposium, 9-7-72. Canceled.
AC 21.303-1 Replacement and Modification Parts, 3-2-66. Canceled by AC 21.303-1A, Certification Procedures for Products and Parts, 8-10-72.
AC 23-1 Type Certification Spin Test Procedures, 4-1-64. Canceled.
AC 33-2 Aircraft Engine Type Certification Handbook, 3-30-66. Canceled by AC 33-2A, Aircraft Engine Type Certification Handbook, 6-5-72.
AC 39-6B Summary of Airworthiness Directives, 5-20-70. Canceled by AC 39-6C, Summary of Airworthiness Directives, 8-29-72.
AC 61-8B Instrument Rating (Airplane) Written Test Guide, 4-24-69. Canceled by AC 61-8C, Instrument Rating (Airplane) Written Test Guide, 5-31-72.
AC 61-12D Student Pilot Guide, 7-16-70. Canceled by AC 61-12E, Student Pilot Guide, 3-10-72.
AC 61-30 Flight Test Guide—Gyroplane, Commercial Pilot, 2-8-66. Canceled by AC 61-30A, Flight Test Guide—Gyroplane, Private and Commercial, 3-23-72.
AC 61-31 Gyroplane Pilot Examination Guide, Private and Commercial, 2-9-66. Canceled by AC 61-31A, Gyroplane Pilot Written Test Guide Private and Commercial, 6-9-72.
AC 61-32 Private Pilot Written Examination Guide, 8-15-67. Canceled by AC 61-32A, Private Pilot Written Test Guide, 12-1-71.
AC 61.117-1C Flight Test Guide—Commercial Pilot, Airplane, 2-7-69. Canceled by AC 61.117-1D, Flight Test Guide—Commercial Pilot, Airplane, 2-14-72.
AC 65-2A Airframe and Powerplant Mechanics Certification Guide, 10-12-67. Canceled by AC 65-2B, Airframe and Powerplant Mechanics Certification Guide, 11-4-71.
AC 65-16 The Eighth Annual FAA International Aviation Maintenance Symposium, 3-20-72. Canceled.
AC 70/7460-1A Obstruction Marking and Lighting, 1-1-72. Canceled by AC 70/7460-1B, Obstruction Marking and Lighting, 10-1-72.
AC 90-42 Traffic Advisory Practices at Nontower Airports, 12-9-68. Canceled by AC 90-42A, Traffic Advisory Practices at Nontower Airports, 8-16-72.
AC 90-44 Airport Ground Operations During Low Visibility Conditions, 4-25-69. Canceled.
AC 120-26B Civil Aircraft Operator Designators, 5-11-71. Canceled by AC 120-26C, Civil Aircraft Operator Designators, 9-28-72.
AC 140-2F List of Certificated Pilot Flight and Ground Schools, 7-9-71. Canceled by AC 140-2G, List of Certificated Pilot Flight and Ground Schools, 9-13-72.
AC 147-2J Directory of FAA Certificated Aviation Maintenance Technician Schools, 2-4-72. Canceled by AC 147-2K, Directory of FAA Certificated Aviation Maintenance Technician Schools, 10-14-72.
AC 150/5000-3 Address List for Regional Airports Divisions and Airport District Offices, 2-29-72. Canceled by AC 150/5000-3A, Address List for Regional Airports Divisions and Airport District Offices, 7-13-72.
AC 150/5190-3 Model Airport Zoning Ordinance, 1-16-67. Canceled by AC 150/5190-3A, Model Airport Hazard Zoning Ordinance, 9-19-72.
AC 150/5300-7A FAA Policy on Facility Relocations Occasioned by Airport Improvements or Changes, 9-27-71. Canceled by AC 150/5300-7B, FAA Policy on Facility Relocations Occasioned by Airport Improvements or Changes, 11-8-72.
AC 150/5325-6 Effects of Jet Blast, 4-15-65. Canceled by AC 150/5325-6A, Airport Design Standards—Effects and Treatment of Jet Blast, 7-13-72.
AC 150/5345-37B FAA Specification L-850, Light Assembly Airport Runway Centerline and Touchdown Zone, 1-8-68. Canceled by AC 150/5345-37C, FAA Specification L-850, Light Assembly Airport Runway Centerline and Touchdown Zone, 6-27-72.

8. *Additions.* The following advisory circulars are added to the list:

AC 00-2W Advisory Circular Checklist (12-15-72).
AC 00-35 Emergency Locator Transmitters—Operational and Maintenance Practices (10-27-72).
AC 20-6S U.S. Civil Aircraft Register (7-1-72).
AC 20-7J General Aviation Inspection Aids, Summary (August 1972).
AC 20-7J Supplement 1, General Aviation Inspection Aids (September 1972).
AC 20-7J Supplement 2, General Aviation Inspection Aids (October 1972).
AC 20-7J Supplement 3, General Aviation Inspection Aids (November 1972).
AC 20-7J Supplement 4, General Aviation Inspection Aids (December 1972).
AC 20-17B Surplus Aircraft of the Armed Forces (10-11-72).
AC 20-36B Index of Materials, Parts, and Appliances Certified Under the Technical Standard Order System—July 1, 1972 (10-24-72).
AC 20-59 Ch-1 Maintenance Inspection Notes for Convair 240, 340/440, 240T, and 340T Series Aircraft (8-24-72).
AC 20-78 Maintenance Inspection Notes for McDonnell Douglas DC-8 Series Aircraft (7-11-72).
AC 21.303-1A Certification Procedures for Products and Parts (8-10-72).
AC 33-2A Aircraft Engine Type Certification Handbook (6-5-72).
AC 39-6C Summary of Airworthiness Directives (8-29-72).
AC 43.13-2 Ch-12 Acceptable Methods, Techniques, and Practices—Aircraft Alterations (7-26-72).
AC 45-2 Identification and Registration Marking (7-7-72).
AC 61-8C Instrument Rating (Airplane) Written Test Guide (5-31-72).
AC 61-12E Student Pilot Guide (3-10-72).
AC 61-30A Flight Test Guide—Gyroplane, Private and Commercial (3-23-72).
AC 61-31A Gyroplane Pilot Written Test Guide, Private and Commercial (6-9-72).
AC 61-32A Private Pilot Written Test Guide (12-1-71).
AC 61-52 1972 Flight Instructor of the Year Award Program (8-24-72).
AC 61-53 Crediting of second-in-command Pilot Time Toward the Flight Experience Requirements for Airline Transport Pilot Certificate (8-29-72).
AC 61.117-1D Flight Test Guide—Commercial Pilot, Airplane (2-14-72).
AC 65-2B Airframe and Powerplant Mechanics Certification Guide (11-4-72).
AC 65-15 Airframe and Powerplant Mechanics Airframe Handbook (9-18-72).
AC 70/7460-1B Obstruction Marking and Lighting (10-1-72).
AC 90-42A Traffic Advisory Practices at Nontower Airports (8-16-72).
AC 90-61 Practice Instrument Approaches (6-12-72).
AC 91-34 Model Aircraft Operating Standards (7-1-72).
AC 91-36 VFR Flight Near Noise-Sensitive Areas (8-7-72).
AC 120-26C Civil Aircraft Operator Designators (9-28-72).
AC 120-29 Ch-1 Criteria for Approving Category I and Category II Landing Minima for FAR 121 Operators (7-26-72).
AC 140-2G List of Certificated Pilot Flight and Ground Schools (9-13-72).
AC 147-2K Directory of FAA Certificated Aviation Maintenance Technician Schools (10-14-72).
AC 150/5000-3A Address List for Regional Airports Divisions and Airport District Offices (7-13-72).
AC 150/5100-9 Engineering Services Under the Airport Development Aid Program (ADAP) (7-1-72).
AC 150/5190-2A Ch-1 Exclusive Rights at Airports (10-2-72).
AC 150/5190-3A Model Airport Hazard Zoning Ordinance (9-19-72).
AC 150/5300-7B FAA Policy on Facility Relocations Occasioned by Airport Improvements or Changes (11-8-72).
AC 150/5325-6A Airport Design Standards—Effects and Treatment of Jet Blast (7-13-72).
AC 150/5345-37C FAA Specification L-850, Light Assembly Airport Runway Centerline and Touchdown Zone (6-27-72).

ADVISORY CIRCULAR CHECKLIST

Notice

Superintendent of Documents catalogue numbers have been included to aid Superintendent of Documents personnel in processing orders. Please use them when ordering—along with the title and FAA number. To avoid unnecessary delays, do not order single-sales material and subscription-sales material on the same order form, as orders are separated for processing by different departments when they arrive at Superintendent of Documents.

General

SUBJECT No. 00

00-1 The Advisory Circular System (12-1-62).

Describes the FAA Advisory Circular System.

00-2W Advisory Circular Checklist (12-15-72).

Transmits the revised checklist of current FAA advisory circulars and the status of the Federal Aviation Regulations as of 12-15-72.

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00–6 Aviation Weather (5–20–65).

Provides an up-to-date and expanded text for pilots and other flight operations personnel whose interest in meteorology is primarily in its application to flying. Reprinted 1969. ($4 GPO.) FAA 5.8/2: W 37.

00–7 State and Regional Defense Airlift Planning (4–30–64).

Provides guidance for the development of plans by the FAA and other Federal and State agencies for the use of non-air-carrier aircraft during an emergency.

00–7 CH 1 State and Regional Defense Airlift Planning (1–5–65).

Provides an example of a State Plan for the Emergency Management of Resources in Appendix 4, and adds new Appendix 9.

00–7 CH 2 State and Regional Defense Airlift Planning (2–20–67).

Revises Appendix 6, SCATANA.

00–14 Flights by U.S. Pilots Into and Within Canada (4–16–65).

Provides information concerning flights into and within Canada.

00–15 Potential Hazard Associated With Passengers Carrying "Anti-Mugger" Spray Devices (8–20–65).

Advises aircraft operators, crewmembers, and others who are responsible for flight safety, of a possible hazard to flight should a passenger inadvertently or otherwise discharge a device commonly known as an "anti-mugger" spray device in the cabin of an aircraft.

00–17 Turbulence in Clear Air (12–16–65).

Provides information on atmospheric turbulence and wind shear, emphasizing important points pertaining to the common causes of turbulence, the hazards associated with it, and the conditions under which it is most likely to be encountered.

00–21 Shoulder Harness (10–5–66).

Provides information concerning the installation and use of shoulder harnesses by pilots in general aviation aircraft.

00–23C Near Midair Collision Reporting (1–20–72).

Advises that the FAA policy on the reporting of near midair collisions, made effective in 1968 (32 F.R. 16539) and continued in effect since that time, will terminate on December 31, 1971, and advises how the reports will be handled after December 31, 1971.

00–24 Thunderstorms (6–12–68).

Contains information concerning flights in or near thunderstorms.

00–25 Forming and Operating a Flying Club (3–24–69).

Provides preliminary information that will assist anyone or any group of people interested in forming and operating a flying club ($0.35 GPO.) TD 4.8:F 67.

00–26 Definitions of "U.S. National Aviation Standards" (1–22–69).

Informs the aviation community of the approval by the FAA Administrator of a definition of U.S. National Aviation Standards, the need for such standards, and their relationship to the Federal Aviation Regulations.

00–27 U.S. National Standard for the IFF Mark X (SIF) Air Traffic Control Radar Beacon System Characteristics (ATCRBS) (1–24–69).

Informs the aviation community of the approval by the FAA Administrator of the U.S. National Aviation Standard for the ATCRBS.

00–28 Communications Interference Caused by Sticking Microphone Buttons (8–6–69).

Alerts the industry of communications interference from undesired radiofrequency transmissions.

00–29 Airborne Automatic Altitude Reporting Systems (12–9–69).

Provides information regarding the nature and extent of erroneous altitude reporting systems.

00–30 Rules of Thumb for Avoiding or Minimizing Encounters with Clear Air Turbulence (3–5–70).

Brings to the attention of pilots and other interested personnel, the "Rule of Thumb" for avoiding or minimizing encounters with clear air turbulence (CAT).

00–31 U.S. National Aviation Standard for the VORTAC System (6–10–70).

Informs the aviation community of the establishment and content of the U.S. National Aviation Standard for the VORTAC (VOR–TACAN–DME) System.

00–32 Civil Air Patrol and State and Regional Defense Airlift Relationships (7–2–70).

Advises interested persons of the Memorandum of Understanding between CAP and FAA, and provides additional guidance to further improve the use of non-air carrier aircraft in time of national emergency.

00–33 Nickel-Cadmium Battery Operational, Maintenance, and Overhaul Practices (8–26–71).

Provides guidelines for more reliable nickel-cadmium battery operation through sound operational and maintenance practices.

00–34 Aircraft Ground Handling and Servicing (4–12–72).

Contains information and guidance for the servicing and ground handling of aircraft.

00–35 Emergency Locator Transmitters-Operational and Maintenance Practices (10–27–72).

Provides guidelines relative to the licensing, installation, maintenance, and testing of emergency locator transmitters (ELT).

Procedural

SUBJECT No. 10

11–1 Airspace Rule-Making Proposals and Changes to Air Traffic Control Procedures (10–28–64).

Emphasizes the need for the early submission of proposals involving airspace rule-making activity or changes to existing procedures for the control of air traffic.

Aircraft

SUBJECT No. 20

20–3B Status and Availability of Military Handbooks and ANC Bulletins for Aircraft (5–12–69).

Announces the status and availability of Military Handbooks and ANC Bulletins prepared jointly with FAA.

20–5B Plane Sense (1970)

Provides general aviation information for the private aircraft owner.

20–6S U.S. Civil Aircraft Register (7–1–72).

Lists all active U.S. civil aircraft by registration number. ($10 GPO.) TD 4.18/2:970.

20–7J General Aviation Inspection Aids, Summary (August 1972).

Provides the aviation community with a uniform means for interchanging service experience that may improve the durability and safety of aeronautical products. Of value to mechanics, operators of repair stations, and others engaged in the inspection, maintenance, and operation of aircraft in general. ($5, $6.25 foreign—Sub. GPO.) TD 4.409:9720.

20–7J Supplement 1 (September 1972).
20–7J Supplement 2 (October 1972).
20–7J Supplement 3 (November 1972).
20–7J Supplement 4 (December 1972).

20–9 Personal Aircraft Inspection Handbook (12–2–64).

Provides a general guide, in simple, nontechnical language, for the inspection of aircraft. Reprinted 1972. ($1.50 GPO.) FAA 5.8/2:Al 7/2.

20–10 Approved Airplane Flight Manuals for Transport Category Airplanes (7–30–63).

Calls attention to the regulatory requirements relating to FAA Approved Airplane Flight Manuals.

20–13A Surface-Effect Vehicles (8–28–64).

States FAA policy on surface-effect vehicles (vehicles supported by a cushion of compressed air).

20–17B Surplus Aircraft of the Armed Forces (10–11–72).

Sets forth the method of obtaining copies of Federal Aviation Regulations which might be required for certification of surplus military aircraft.

20–18A Qualification Testing of Turbojet Engine Thrust Reversers (3–16–66).

Discusses the requirements for the qualification of thrust reversers and sets forth an acceptable means of compliance with the tests prescribed in Federal Aviation Regulations, Part 33, when run under nonstandard ambient air conditions.

20–20A Flammability of Jet Fuels (4–9–65).

Gives information on the possibility of combustion of fuel in aircraft fuel tanks.

20–23D Interchange of Service Experience—Mechanical Difficulties (2–12–71).

Provides information on the voluntary exchange service experience data used in improving durability and safety of aeronautical products.

20–24A Qualification of Fuels, Lubricants, and Additives (4–1–67).

Establishes procedures for the approval of the use of subject materials in certificated aircraft.

20–27B Certification and Operation of Amateur-Built Aircraft (4–20–72).

Provides information and guidance concerning certification and operation of amateur-built aircraft, including gliders, free balloons, helicopters, and gyroplanes, and sets forth an acceptable means, not the sole means, of compliance with FAR Part 21 and FAR Part 91.

20–28 Nationally Advertised Aircraft Construction Kits (8–7–64).

Explains that using certain kits could render the aircraft ineligible for the issuance of an experimental certificate as an amateur-built aircraft.

20–29B Use of Aircraft Fuel Anti-icing Additives (1–18–72).

Provides information on the use of anti-icing additives PFA–55MB and Mil-I-27686 as an acceptable means of compliance with the FARs that require assurance of continuous fuel flow under conditions where ice may occur in turbine aircraft fuel systems.

20–30A Airplane Position Lights and Supplementary Lights (4–18–68).

Provides an acceptable means for complying with the position light requirements for airplane airworthiness and acceptable criteria for the installation of supplementary lights on airplanes.

20–32A Carbon Monoxide (CO) Contamination in Aircraft—Detection and Prevention (9–13–68).

Informs aircraft owners, operators, maintenance personnel, and pilots of the potential dangers of carbon monoxide contamination and discusses means of detection and procedures to follow when contamination is suspected.

20–33 Technical Information Regarding Civil Aeronautics Manuals 1, 3, 4a, 4b, 5, 6, 7, 8, 9, 10, 13, and 14 (2–8–65).

Advises the public that policy information contained in the subject Civil Aeronautics Manuals may be used in conjunction with specific sections of the Federal Aviation Regulations.

20–34A Prevention of Retractable Landing Gear Failures (4–21–69).

Provides information and suggested procedures to minimize landing accidents involving aircraft having retractable landing gear.

20–35B Tie-Down Sense (4–19–71).

Provides information of general use on aircraft tie-down techniques and procedures.

20–36B Index of Materials, Parts, and Appliances Certified Under the Technical Standard Order System—July 1, 1972 (10–24–72).

Lists the materials, parts, and appliances for which the Administrator has received statements of conformance under the Technical Standard Order system as of July 1, 1972. Such products are deemed to have met the requirements for FAA approval as provided in Part 37 of the Federal Aviation Regulations.

20–37A Aircraft Metal Propeller Blade Failure (4–4–69).

Provides information and suggested procedures to increase service life and to minimize blade failures of metal propellers.

20–38A Measurement of Cabin Interior Emergency Illumination in Transport Airplanes (2–8–66).

Outlines acceptable methods, but not the only methods, for measuring the cabin interior emergency illumination on transport airplanes, and provides information as to suitable measuring instruments.

20–39 Installation Approval of Entertainment Type Television Equipment in Aircraft (7–15–65).

Presents an acceptable method (but not the only method) by which compliance may be shown with Federal Aviation Regulations 23.1431, FAR 25.1309(b), FAR 27.1309(b), or FAR 29.1309(b), as applicable.

20–40 Placards for Battery-Excited Alternators Installed in Light Aircraft (8–11–65).

Sets forth an acceptable means of complying with placarding rules in Federal Aviation Regulations 23 and 27 with respect to battery-excited alternator installations.

20–41 Replacement TSO Radio Equipment in Transport Aircraft (8–30–65).

Sets forth an acceptable means for complying with rules governing transport category aircraft installations in cases involving the substitution of technical standard order radio equipment for functionally similar radio equipment.

20–42 Hand Fire Extinguishers in Transport Category Airplanes and Rotorcraft (9–1–65).

Sets forth acceptable means (but not the sole means) of compliance with certain hand fire extinguisher regulations in FAR 25 and FAR 29, and provides related general information.

20–43B Aircraft Fuel Control (6–8–71).

Alerts the aviation community to the potential hazards of inadvertent mixing or contamination of turbine and piston fuels, and provides recommended fuel control and servicing procedures.

20–44 Glass Fiber Fabric for Aircraft Covering (9–3–65).

Provides a means, but not the sole means, for acceptance of glass fiber fabric for external covering of aircraft structure.

20–45 Safetying of Turnbuckles on Civil Aircraft (9–17–65).

Provides information on turnbuckle safetying methods that have been found acceptable by the FAA during past aircraft type certification programs.

20–46 Suggested Equipment for Gliders Operating Under IFR (9–23–65).

Provides guidance to glider operators on how to equip their gliders for operation under instrument flight rules (IFR), including flight through clouds.

20–47 Exterior Colored Band Around Exits on Transport Airplanes (2–8–66).

Sets forth an acceptable means, but not the only means, of complying with the requirement for a 2-inch colored band outlining exits required to be openable from the outside on transport airplanes.

20–48 Practice Guide for Decontaminating Aircraft (5–5–66).

The title is self-explanatory.

20–49 Analysis of Bird Strike Reports on Transport Category Airplanes (7–27–66).

Provides the results of a statistical study on the frequency of collisions of birds with transport aircraft and the resulting damages.

20–51 Procedures for Obtaining FAA Approval of Major Alterations to Type Certificated Products (4–12–67).

Provides assistance to persons who desire to obtain FAA approval of major alterations to type certificated products.

20–52 Maintenance Inspection Notes for Douglas DC–6/7 Series Aircraft (8–24–67).

Describes maintenance inspection notes which can be used for the maintenance support of certain structural parts of DC–6/7 series aircraft.

20–53 Protection of Aircraft Fuel System Against Lightning (10–6–67).

Sets forth acceptable means, not the sole means, by which compliance may be shown with fuel system lightning protection airworthiness regulations.

20–54 Hazards of Radium-Activated Luminous Compounds Used on Aircraft Instruments (10–24–67).

Provides information concerning health hazards associated with the repair

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and maintenance of instruments containing luminous markings activated with radium-226 or radium-228 (mesothorium).

20–55 Turbine Engine Overhaul Standard Practices Manual—Maintenance of Fluorescent Penetrant Inspection Equipment (1–22–68).

Advises operators of the necessity for periodic checking of black light lamps and filters used during fluorescent penetrant inspection of engine parts.

20–56 Marking of TSO–C72a Individual Flotation Devices (1–19–68).

Outlines acceptable methods for marking individual flotation devices which also serve as seat cushions.

20–57A Automatic Landing Systems (ALS) (1–12–71).

Sets forth an acceptable means of compliance, but not the only means, for the installation approval of automatic landing systems in transport category aircraft which may be used initially in Category II operations. Approval of these aircraft for use under such conditions will permit the accumulation of data for systems which may be approved for Category IIIa in the future.

20–58A Acceptable Means of Testing Automatic Altitude Reporting Equipment for Compliance With FAR 91.36(b) (4–28–69).

Title is self-explanatory.

20–59 Maintenance Inspection Notes for Convair 240, 340/440, 240T, and 340T Series Aircraft (2–19–68).

Describes maintenance inspection notes which can be used for the maintenance support of certain structural parts of Convair 240, 340/440, 240T, and 340T series aircraft.

20–59 CH–1 (8–24–72).

Provides additional material for Convair Models 240 and 600/240D; Models 340/440 and 640/340D/440D series aircraft Maintenance inspection programs.

20–60 Accessibility to Excess Emergency Exits (7–18–68).

Sets forth acceptable means of compliance with the "readily accessible" provisions in the Federal Aviation Regulations dealing with excess emergency exits.

20–61 Nondestructive Testing for Aircraft (May 1969).

Reviews the basic principles underlying nondestructive testing. ($0.45 GPO.) TD 4.8:T28

20–62A Eligibility, Quality, and Identification of Approved Aeronautical Replacement Parts (6–16–70).

Provides information relative to the determination of the eligibility of aeronautical parts and materials for installation on certificated aircraft.

20–63 Airborne Automatic Direction Finder Installations (Low and Medium Frequency) (7–7–69).

Sets forth one means, but not the only means, of demonstrating compliance with the airworthiness rules governing the functioning of airborne automatic direction finders. It does not pertain to installations previously approved.

20–64 Maintenance Inspection Notes for Lockheed L–188 Series Aircraft (8–1–69).

Describes maintenance inspection notes which can be used for the maintenance support of certain structural parts of Lockheed L–188 series aircraft.

20–65 U.S. Airworthiness Certificates and Authorizations for Operation of Domestic and Foreign Aircraft (8–11–69).

Provides general information and guidance concerning issuance of airworthiness certificates for U.S. registered aircraft, and issuance of special flight authorizations for operation in the United States of foreign aircraft not having standard airworthiness certificates issued by the country of registry.

20–66 Vibration Evaluation of Aircraft Propellers (1–29–70).

Outlines acceptable means, but not the sole means, for showing compliance with the requirements of the FARs concerning propeller vibration.

20–67A Airborne VHF Communication System Installations (10–17–72).

Sets forth one means, but not the only means of demonstrating compliance with the airworthiness rules governing the functioning of airborne VHF communication systems.

20–68 Recommended Radiation Safety Precautions for Airborne Weather Radar (3–11–70).

Sets forth recommended radiation safety precautions for ground operation of airborne weather radar.

20–69 Conspicuity of Aircraft Instrument Malfunction Indicators (5–14–70).

Provides design guidance information on methods of improving conspicuity of malfunction indication devices.

20–71 Dual Locking Devices on Fasteners (12–8–70).

Provides guidance and acceptable means, not the sole means, by which compliance may be shown with the requirements for dual locking devices on removable fasteners installed in rotocraft and transport category airplanes.

20–72 Restricted Category Helicopter Maximum Weight Increases (3–11–71).

Provides assistance to persons who desire to obtain FAA approval of overmaximum certificated takeoff weight condition for restricted category helicopter operations.

20–73 Aircraft Ice Protection (4–21–71).

Provides information relating to the substantiation of ice protection systems on aircraft.

20–74 Aircraft Position and Anticollision Light Measurements (7–29–71).

Contains useful information concerning measurements for intensity, covering and color of aircraft position and anticollision lights.

20–76 Maintenance Inspection Notes for Boeing B–707/720 Series Aircarft (10–21–71).

Provides maintenance inspection notes which can be used for the maintenance support program for certain structural parts of the B–707/720 series aircraft.

20–77 Use of Manufacturers' Maintenance Manuals (3–22–72).

Informs owners and operators about the usefulness of manufacturers' maintenance manuals for servicing, repairing, and maintaining aircraft, engines, and propellers.

20–78 Maintenance Inspection Notes for McDonnell Douglas DC–8 Series Aircraft (7–11–72).

Provides maintenance inspection notes which can be used for the maintenance support program for certain structural parts of the DC–8 series aircraft.

21–1A Production Certificates (7–9–71).

Provides information concerning Subpart G of Federal Aviation Regulations (FAR) Part 21, and sets forth acceptable means of compliance with its requirements.

21–2B Export Airworthiness Approval Procedures (10–2–69).

Announces the adoption of new regulations and provides guidance to the public regarding the issuance of export airworthiness approvals for aeronautical products to be exported from the United States.

21–2B CH 1 (11–13–70).

21–2B CH 2 (2–8–71).

21–3 Basic Glider Criteria Handbook (1962).

Provides individual glider designers, the glider industry, and glider operating organizations with guidance material that augments the glider airworthiness certification requirements of the Federal Aviation Regulations. Reprinted 1969. ($1 GPO.) FAA 5.8/2:G49/962.

21–4B Special Flight Permits for Operation of Overweight Aircraft (7–30–69).

Furnishes guidance concerning special flight permits necessary to operate an aircraft in excess of its usual maximum certificated takeoff weight.

21–5B Summary of Supplemental Type Certificates (Announcement of Availability) (2–10–71).

Announces the availability to the public of a new edition of the Summary of Supplemental Type Certificates (SSTC), dated January 1971.

21–6 Production Under Type Certificate Only (5–26–67).

Provides information concerning Subpart F of FAR Part 21, and sets forth

examples, when necessary, of acceptable means of compliance with its requirements.

21–7A Certification and Approval of Import Products (11–24–69).

Provides guidance and information relative to U.S. certification and approval of import aircraft, aircraft engines and propellers that are manufactured in a foreign country with which the United States has an agreement for the acceptance of those products for export and import.

21–8 Aircraft Airworthiness; Restricted Category: Certification of Aircraft With Uncertificated or Altered Engines or Propellers (5–21–69).

Sets forth acceptable means of substantiating that uncertificated or altered engines and propellers have no unsafe features for type certification of aircraft in the restricted category.

21–9 Manufacturers Reporting Failures, malfunctions, or Defects (12–30–70).

Provides information to assist manufactures of aeronautical products (aircraft, aircraft engines, propellers, appliances, and parts) in notifying the Federal Aviation Administration of certain failures, malfunctions, or defects, resulting from design or quality control problems, in the products which they manufacture.

21–10 Flight Recorder Underwater Locating Device (5–20–71).

Provides one acceptable means (not the only means) of showing compliance with the underwater locating device requirements of FAR 25.1459 and FAR 121.343.

21–11 Quality Assurance Systems Analysis Review (QASAR) Program Manufacturers/Suppliers (5–26–72).

Explains the objectives and concept of the FAA's subject program.

21.25–1 Use of Restricted Category Airplanes for Glider Towing (4–20–65).

Announces that glider towing is now considered to be a special purpose for type and airworthiness certification in the restricted category.

21.303–1A Certification Procedures for Products and Parts (8–10–72).

Provides information concerning section 21.303 of Federal Aviation Regulations, Part 21, and to set forth examples, as necessary, of acceptable means of compliance with its requirements.

23.1329–1 Automatic Pilot Systems Approval (Non-Transport) (12–23–65).

Sets forth an acceptable means by which compliance with the automatic pilot installation requirements of FAR 23.1329 may be shown.

25–2 Extrapolation of Takeoff and Landing Distance Data Over a Range of Altitude for Turbine-Powered Transport Aircraft (7–9–64).

Sets forth acceptable means by which compliance may be shown with the requirements in CAR 4b and SR–422B.

25–4 Inertial Navigation Systems (INS) (2–18–66).

Sets forth an acceptable means for complying with rules governing the installation of inertial navigation systems in transport category aircraft.

25–5 Installation Approval on Transport Category Airplanes of Cargo Unit Load Devices Approved as Meeting the Criteria in NAS 3610 (6–3–70).

Sets forth an acceptable means, but not the sole means, of complying with the requirements of the Federal Aviation Regulations (FAR's) applicable to the installation on transport category airplanes of cargo unit load devices approved as meeting the criteria in NAS 3610.

25.253–1 High-Speed Characteristics (11–24–65).

Sets forth an acceptable means by which compliance may be shown with FAR 25.253 during certification flight tests.

25.253–1 CH 1 (1–10–66).

Provides amended information for the basic advisory circular.

25.981–1A Guidelines for Substantiating Compliance With the Fuel Tank Temperature Requirements (1–20–71).

Sets forth some general guidelines for substantiating compliance with fuel tank temperature airworthiness standards, section 25.981.

25.1329–1A Automatic Pilot System Approval (7–8–68).

Sets forth an acceptable means by which compliance with the automatic pilot installation requirements of FAR 25.1329 may be shown.

25.1457–1A Cockpit Voice Recorder Installations (11–3–69).

Sets forth one acceptable means of compliance with provisions of FAR 25.1457 (b), (c), and (f) pertaining to area microphones, cockpit voice recorder location, and erasure features.

29–1 Approval Basis for Automatic Stabilization Equipment (ASE) Installations in Rotorcraft (12–26–63).

Gives means for compliance with flight requirements in various CAR's.

29–1 CH 1 (3–26–64).

Transmits revised information about the time delay of automatic stabilization equipment.

29.773–1 Pilot Compartment View (1–19–66).

Sets forth acceptable means, not the sole means, by which compliance with FAR 29.773(a)(1), may be shown.

33–1B Turbine-Engine Foreign Object Ingestion and Rotor Blade Containment Type Certification Procedures (4–22–70).

Provides guidance and acceptable means, not the sole means, by which compliance may be shown with the design and construction requirements of Part 33 of the Federal Aviation Regulations.

33–2A Aircraft Engine Type Certification Handbook (6–5–72).

Contains guidance relating to type certification of aircraft engines which will constitute acceptable means, although not the sole means, of compliance with the Federal Aviation Regulations.

33–3 Turbine and Compressor Rotors Type Certification Substantiation Procedures (9–9–68).

Sets forth guidance and acceptable means, not the sole means, by which compliance may be shown with the turbine and compressor rotor substantiation requirements in FAR Part 33.

37–2 Test Procedures for Maximum Allowable Airspeed Indicators (12–9–68).

Provides guidance concerning test procedures which may be used in showing compliance with the standards in FAR 37.145 (TSO–C46a).

37–3 Radio Technical Commission for Aeronautics Document DO–138 (1–10–69).

This circular announces RTCA Document DO–138 and discusses how it may be used in connection with technical standard order authorizations.

39–1A Jig Fixtures; Replacement of Wing Attach Angles and Doublers on Douglas Model DC–3 Series Aircraft Airworthiness Directive 66–18–2 (3–5–70).

Describes methods of determining that jig fixtures used in the replacement of the subject attached angles and doublers meet the requirements of Airworthiness Directive 66–18–2.

39–6C Summary of Airworthiness Directives (8–29–72).

Announces the availability of a new Summary of Airworthiness Directives dated January 1, 1972.

43–1 Matching VHF Navigation Receiver Outputs With Display Indicators (8–2–65).

Alerts industry to the possibility of mismatching outputs, both guidance and flag alarm, of certain VHF navigation receivers when used with some types of display indicators causing the receiver to fail without providing a flag alarm.

43–2 Minimum Barometry for Calibration and Test of Atmospheric Pressure Instruments (9–10–65).

Sets forth guidance material which may be used to determine the adequacy of barometers used in the calibration of aircraft static instruments and presents

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information concerning the general operation, calibration, and maintenance of such barometers.

43.9–1B Instruction for Completion of FAA Form 337 (6–27–66).

Provides instructions for completing revised FAA Form 337, Major Repair and Alteration (Airframe, Powerplant, Propeller or Appliance).

43.13–1 Acceptable Methods, Techniques and Practices—Aircraft Inspection and Repair (5–16–66).

Contains methods, techniques, and practices acceptable to the Administrator for inspection and repair to civil aircraft. Published in 1965. ($3—Sub. GPO.) FAA 5.15:965.

Subscription now includes: Ch. 1 (5–1–67); Ch. 2 (8–9–67); Ch. 3 (1–24–68); Ch. 4 (1–29–68); Ch. 5 (9–20–68); Ch. 6 (5–1–69); Ch. 7 (6–12–69); Ch. 8 (6–11–70 and 10–22–70).

43.13–2 Acceptable Methods, Techniques, and Practices—Aircraft Alterations (4–19–66).

Contains methods, techniques, and practices acceptable to the Administrator in altering civil aircraft. Published in 1965. ($2—Sub. GPO.) FAA 5.16:965.

Subscription now includes: Ch. 1 (1–12–67); Ch. 2 (5–26–67); Ch. 3 (6–26–67); Ch. 4 (9–12–67); Ch. 5 (11–9–67); Ch. 6 (4–12–68); Ch. 7 (5–12–69); Ch. 8 (10–29–69); Ch. 9 (10–19–70); Ch. 10 (1–20–71); Ch. 11 (8–11–71); Ch. 12 (7–26–72).

43–202 Maintenance of Weather Radar Radomes (6–11–65).

Provides guidance material useful to repair facilities in the maintenance of weather radar radomes.

43–203A Altimeter and Static System Tests and Inspections (6–6–67).

Specifies acceptable methods for testing altimeter and static system. Also, provides general information on test equipment used and precautions to be taken.

45–2 Identification and Registration Marking (7–7–72).

Provides guidance and information concerning the identification and marking requirements of Federal Aviation Regulations (FAR) Parts 21 and 45, and, where considered helpful, to provide an acceptable means, but not the sole means, of compliance with the regulations.

47–1 Aircraft Registration Eligibility, Identification and Activity Report (2–25–70).

Advises owners and operators of U.S. civil aircraft of recent regulatory changes that require the annual submission of current information related to aircraft registration eligibility, and requests similar submission of information related to identification and activity of aircraft; and to call attention to the availability of the reporting form to be used in complying with this regulatory change.

Airmen

Subject No. 60

60–1 Know Your Aircraft (6–12–63).

Describes potential hazards associated with operation of unfamiliar aircraft and recommends good operating practices.

60–2J Annual Aviation Mechanic Safety Awards Program (3–20–72).

Provides the details of the annual Aviation Mechanic Safety Awards Program.

60–4 Pilot's Spatial Disorientation (2–9–65).

Acquaints pilots flying under visual flight rules with the hazards of disorientation caused by the loss of reference with the natural horizon.

60–6 FAA Approved Airplane Flight Manuals, Placards, Listings, Instrument Markings—Small Airplanes (12–13–68).

Alerts pilots to the regulatory requirements relating to the subject and provides information to aid pilots to comply with the provisions of FAR section 91.31.

60–7 Statement of Additional Instruction for Retest (1–27–72).

Announces a new procedure for the use of a computer printed "Statement of Additional Instruction" on each Airman Written Test Report that has an unsatisfactory grade for any section. It explains the statement and strongly recommends its use.

61–1D Aircraft Type Ratings (5–15–72).

Provides designators adopted by the Federal Aviation Administration for aircraft type ratings issued with pilot certificates.

61–2A Private Pilot (Airplane) Flight Training Guide (9–1–64).

Contains a complete private pilot flight training syllabus which consists of 30 lessons. Reprinted in 1972. ($1.50 GPO.) FAA 5.8/2:P 64/4/964.

61–3B Flight Test Guide—Private Pilot—Airplane—Single Engine (4–2–68).

Assists the private pilot applicant in preparing for his certification flight test. Reprinted in 1969. ($0.25 GPO.) TD 4.408:P 64/2.

61–4C Multiengine Airplane Class or Type Rating—Flight Test Guide (2–1–71).

Assists the private pilot applicant in preparing for certification or rating flight tests. Reprinted in 1972. ($0.40 GPO.) TD 4.408:M 91.

61–5A Helicopter Pilot Written Test Guide—Private—Commercial (8–14–67).

Gives guidance to applicants preparing for the aeronautical knowledge requirements for a private or commercial pilot certificate with a helicopter rating.

61–8C Instrument Rating (Airplane) Written Test Guide (5–31–72).

Reflects the current operating procedures and techniques in a background setting appropriate for applicants preparing for the subject test. ($1.25 GPO.) TD 4.8:In 7/4.

61–9 Pilot Transition Courses for Complex Single-Engine and Light Twin-Engine Airplanes (6–16–64).

Provides training syllabuses and checkout standards for pilots who seek to qualify on additional types of airplanes. Reprinted in 1972. ($0.20 GPO.) FAA 5.8/2:P 64/7.

61–10 Private and Commercial Pilots Refresher Courses (9–1–64).

Provides a syllabus of ground instruction periods and training lessons. Reprinted in 1969. ($0.25 GPO.) FAA 5.8/2:P 64/9.

61–11A Airplane Flight Instructor Written Test Guide (9–5–67).

Provides information to prospective airplane flight instructors about certification requirements, application procedures, and reference study materials; a sample examination is presented with explanations of the correct answers. Reprinted in 1969. ($0.70 GPO.) TD 4.408:In 7.

61–12E Student Pilot Guide (3–10–72).

Provides guidance for prospective student pilots and for those already engaged in their primary flight training, general procedures for obtaining student and private pilot certificates. ($0.20 GPO.) TD 4.8:P 64/3/970.

61–13 Basic Helicopter Handbook (1–20–66).

Provides detailed information to applicants preparing for private, commercial, and flight instructor pilot certificates with a helicopter rating about helicopter aerodynamics, performance, and flight maneuvers. It will also be useful to certificated helicopter flight instructors as an aid in training students. Reprinted in 1972. ($1 GPO.) FAA 5.8/2:H 36.

61–14A Flight Instructor Practical Test Guide (10–23–69).

Provides assistance to the certificated pilot in preparing for the practical demonstration required for the issuance of the flight instructor certificate. Reprinted in 1972. ($0.25 GPO.) TD 4.408:In 7/4.

61–16A Flight Instructor's Handbook (10–14–69).

Gives guidance and information to pilots preparing to apply for flight instructor certificates, and for use as a reference by flight instructors. ($2 GPO.) Reprinted in 1972. TD 4.408:In 7/3.

61–17B Flight Test Guide—Instrument Pilot Airplane (1–12–72).

Provides assistance for the instrument pilot applicant in preparing for his instrument rating flight test. ($0.25 GPO.) TD 4.408:In 7/2.

61–18C Airline Transport Pilot (Airplane) Written Test Guide (4–19–71).

Reflects current operating procedures and techniques in a background setting appropriate for applicants preparing for the Airline Transport Pilot (Airplane) Written Test. ($0.75 GPO.) Reprinted in 1972. TD 4.408:P64/3.

61–19 Safety Hazard Associated With Simulated Instrument Flights (12–4–64).

Emphasizes the need for care in the use of any device restricting visibility while conducting simulated instrument flights that may also restrict the view of the safety pilot.

61–21 Flight Training Handbook (1–11–66).

Provides information and direction in the introduction and performance of training maneuvers for student pilots, pilots requalifying or preparing for additional ratings, and flight instructors. Reprinted in 1969. ($1.25 GPO.) FAA 1.8:P 64/4.

61–23A Pilot's Handbook of Aeronautical Knowledge (7–10–70).

Contains essential, authoritative information used in training and guiding applicants for private pilot certification, flight instructors, and flying school staffs. ($4 GPO.) TD 4.408:P 64/5.

61–25 Flight Test Guide—Helicopter, Private and Commercial Pilot (12–7–65).

Assists the helicopter pilot applicant in preparing for the certification flight tests; provides information concerning applicable procedures and standards. Published in 1965. ($0.10 GPO.) FAA 1.8:H 36/2.

61–27B Instrument Flying Handbook (9–22–70).

Provides the pilot with basic information needed to acquire an FAA instrument rating. It is designed for the reader who holds at least a private pilot certificate and is knowledgeable in all areas covered in the "Pilot's Handbook of Aeronautical Knowledge." ($2.50 GPO.) TD 4.2/8:In 7/972.

61–28A Commercial Pilot Written Test Guide (4–28–70).

Reflects current operating procedures and techniques for the use of applicants in preparing for the Commercial Pilot-Airplane Written Test. ($1.50 GPO.) TD 4.408:P 64/4.

61–29A Instrument Flight Instructor Written Test Guide (10–16–70).

Reflects current operating procedures, regulations, and techniques for the use of applicants in preparing for the Flight Instructor Instrument Written Test ($0.50 GPO.) TD 4.8:In 7/5.

61–30A Flight Test Guide—Gyroplane, Private and Commercial (3–23–72).

Assist the commercial and private pilot applicant in preparing for his gyroplane test. ($0.30 GPO.) FAA 5.8/2:G 99/2/966.

61–31A Gyroplane Pilot Written Test Guide, Private and Commercial (6–9–72).

Provides guidance and assistance to applicants who are preparing for the Private or Commercial Pilot Gyroplane Written Test. Covers the basic aeronautical knowledge that the prospective gyroplane pilot must know.

61–32A Private Pilot Written Test Guide (12–1–71).

Provides information, guidelines, and sample test items to assist applicants for the Private Pilot Certificate in attaining necessary aeronautical knowledge. ($1.75 GPO.) TD 4.408:P 64.

61–33 Gyroplane Flight Instructor Examination Guide (3–25–66).

Assists applicants who are preparing for the Flight Instructor Rotorcraft Gyroplane Written Examination. Revised in 1966.

61–34A Federal Aviation Regulations Written Test Guide for Private, Commercial and Military Pilots (6–18–70).

Outlines the scope of the basic knowledge required of civilian or military pilots who are studying FARs as they pertain to the Regulations terminology; to the certification of private and commercial pilots; to the operation of aircraft in the national airspace; and to the requirements of the National Transportation Safety Board. For use as a guide in preparing for the FAR Written Test. ($0.40 GPO.) TD 4.8:P 64.

61–38 Rotorcraft Helicopter Written Test Guide (8–16–67).

Gives guidance to applicants preparing for the aeronautical knowledge requirement for a flight instructor certificate with a helicopter rating.

61–39 Flight Test Guide, Private and Commercial Pilot—Glider (8–28–67).

Assists applicants for private and commercial pilot flight tests in gliders.

61–41A Glider Flight Instructor Written Test Guide (1–12–72).

Provides information, guidelines, and sample test items, to assist applicants for the Glider Flight Instructor rating in attaining necessary aeronautical knowledge.

61–42 Airline Transport Pilot (Helicopter) Written Test Guide (11–7–67).

Provides guidance to applicants preparing for the Airline Transport Pilot Rotorcraft/Helicopter (VFR and/or IFR) Written Tests. Describes the type and scope of required aeronautical knowledge covered by the written test. ($0.35 GPO.) TD 4.408:H 36.

61–43A Glider Pilot Written Test Guide—Private and Commercial (1–12–72).

Provides information, guidelines, and sample test items, to assist applicants for the Glider Pilot Certificate in attaining necessary aeronautical knowledge.

61–45 Instrument Rating (Helicopter) Written Test Guide (1–24–68).

Assists applicants who are preparing for the helicopter instrument rating. Presents a study outline, study materials and a sample test with answers.

61–46 Flight Instructor Procedures (6–4–69).

Informs flight instructors of the procedures involved in the renewal or reinstatement of Flight Instructor Certificates, qualification for "Gold Seal" certificates, and endorsing student pilot logbooks for various operations.

61–47 Use of Approach Slope Indicators for Pilot Training (9–16–70).

Informs pilot schools, flight instructors and student pilots of the recommendation of the Federal Aviation Administration on the use of approach slope indicator systems for pilot training.

61–49 Airline Transport Pilot—Airplane Practical Test Guide (8–9–71).

Describes the practical test requirements for Airline Transport Pilot Certificates (Airplane) and associated class and type ratings. ($0.25 GPO.) TD 4.408:Ai7 4.

61–50 Aerial Applicator Aerodynamics Review of "Region of Reversed Command" (2–7–72).

Provided for the purpose of increasing pilot awareness of the aerodynamic limitations pertinent to aerial applicator operations.

61–51 Reporting Flight Time on Pilot Applications, FAA Form 8420–3 (6–26–72).

Advises applicants of the importance of entering their pilot flight time on subject form. (OBM No. 04–R0064.)

61–52 1972 Flight Instructor of the Year Award Program (8–24–72).

Provides the details of the 1972 Flight Instructor of the Year Award Program.

61–53 Crediting of Second in Command Pilot Time Toward the Flight Experience Requirements for Airline Transport Pilot Certificate (8–29–72).

Clarifies the rules governing the crediting of second in command pilot time toward the flight experience required for the issuance of an Airline Transport Pilot Certificate.

61–117–1D Flight Test Guide—Commercial Pilot, Airplane (2–14–72).

Assists the commercial applicant in preparing for his certification flight test. ($0.20 GPO.) TD 4.8:P 64/2/969.

63–1B Flight Engineer Written Test Guide (10–22–70).

Provides information to prospective flight engineers and others interested in this certification area. Contains information about certification requirements and describes the type and scope of the written test. Lists appropriate study and reference material and presents sample questions similar to those found in the official written tests. ($0.50 GPO.) TD 4.8:En 3/971.

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63–2A Flight Navigator Written Test Guide (4–4–69).

Defines the scope and narrows the field of study to the basic knowledge required for the Flight Navigator Certificate. Published in 1969. ($0.40 GPO.) TD 4.8:F 64.2.

65–2B Airframe and Powerplant Mechanics Certification Guide (11–4–71).

Provides information to prospective airframe and powerplant mechanics and other persons interested in FAA certification of aviation mechanics. ($0.65 GPO.) TD 4.8:Ai 7/6/971.

65–4A Aircraft Dispatcher Written Test Guide (8–16–68).

Describes the type and scope of aeronautical knowledge covered by the aircraft dispatcher written examination, lists reference materials, and presents sample questions. Published in 1969. ($0.50 GPO.) TD 4.8:Ai 7/12.

65–5 Parachute Rigger Certification Guide (6–19–67).

Provides information on how to apply for a parachute rigger certificate or rating and assists the applicant in preparing for the written, oral, and practical tests. Reprint in 1970. ($0.25 GPO.) TD 4.8:P 21.

65–9 Airframe and Powerplant Mechanics—General Handbook (8–26–70).

Designed as a study manual for persons preparing for a mechanic certificate with airframe or powerplant ratings. Emphasis in this volume is on theory and methods of application, and is intended to provide basic information on principles, fundamentals, and airframe and powerplant ratings. Reprinted in 1972. ($6 GPO.) TD 4.408:Ai 7/2.

65–11A Airframe and Powerplant Mechanics Certification Information (4–21–71).

Provides answers to questions most frequently asked about Federal Aviation Administration certification of aviation mechanics. ($0.20 GPO.) TD 4.8:A1:7/21 9–71.

65–12 Airframe and Powerplant Mechanics Powerplant Handbook (9–25–70).

Designed to familiarize student mechanics with the construction, theory of operation, and maintenance of aircraft powerplants. ($3.75 GPO.) TD 4.408:Ai 7/3.

65–13 FAA Inspection Authorization Directory (12–14–70).

Provides a new directory of all FAA certificated mechanics who hold an inspection authorization as of the effective date shown above.

65–15 Airframe and Powerplant Mechanics Airframe Handbook (9–18–72).

Designed to familiarize student mechanics with airframe construction, repair, and the operating theory of airframe systems. ($4 GPO.) TD 4.408:Ai 7/5.

65.95–2B Handbook and Study Guide for Aviation Mechanics Inspection Authorization (10–9–70).

This handbook gives guidance to persons conducting annual and progressive inspections and approving major repairs or alterations of aircraft. While the handbook is primarily intended for mechanics holding or preparing for an Inspection Authorization, it may be useful to aircraft manufacturers and certificated repair stations who have these privileges.

Airspace

SUBJECT NO. 70

70/7460–1B Obstruction Marking and Lighting (10–1–72).

Describes FAA standards on obstruction marking and lighting and establishes the methods, procedures, and equipment types for both aviation red and high intensity white obstruction lights.

70/7460–2C Proposed Construction or Alteration of Objects that may Affect the Navigable Airspace (9–16–71).

Advises those persons proposing to erect or alter an object that may affect the navigable airspace of the requirement to submit a notice to the Administrator of the Federal Aviation Administration (FAA).

70/7460–3 Petitioning the Administrator for Discretionary Review; Section 77.37, FAR (8–8–68).

Revises and updates information concerning the submission of petitions to the Administrator for review, extension, or revision of determinations issued by regional directors or their designees.

73–1 Establishment of Alert Areas (3–11–68).

Announces the establishment of alert areas and sets forth the procedures which FAA will follow in establishing such areas.

Air Traffic Control and General Operations

SUBJECT NO. 90

90–1A Civil Use of U.S. Government Produced Instrument Approach Charts (4–10–68).

Clarifies landing minimums requirements and revises instrument approach charts.

90–5 Coordination of Air Traffic Control Procedures and Criteria (6–13–63).

States Air Traffic Service policy respecting coordination of air traffic procedures and criteria with outside agencies and/or organizations.

90–12 Severe Weather Avoidance (4–15–64).

Provides information regarding air traffic control assistance in avoiding severe weather conditions.

90–14A Altitude—Temperature Effect on Aircraft Performance (1–26–68).

Introduces the Denalt Performance Computer and reemphasizes the hazardous effects density altitude can have on aircraft.

90–19 Use of Radar for the Provision of Air Traffic Control Services (10–29–64).

Advises the aviation community of FAA practice in the use of radar information to provide air traffic control services.

90–20 Weather Radar Radomes (11–12–64).

Highlights some important points to consider in the selection and maintenance of weather radar radomes.

90–22C Automatic Terminal Information Service (ATIS) (2–2–71).

Provides updated information concerning the operation of Automatic Terminal Information Service.

90–23C Wake Turbulence (5–16–72).

Alerts pilots to the hazards of trailing vortex wake turbulence and recommends avoidance procedures.

90–31 Retention of Flight Service Station (FSS) Civil Flight Plans and Related Records (7–1–67).

Establishes new retention periods for flight plans, preflight briefings logs, visual flight rule flight progress strips, and related records with FSS's.

90–32 Radar Capabilities and Limitations (8–15–67).

Advises the aviation community of the inherent capabilities and limitations of radar systems and the effect of these factors on the service provided by air traffic control (ATC) facilities.

90–34 Accidents Resulting from Wheelbarrowing in Tricycle Gear Equipped Aircraft (2–27–68).

Explains "wheelbarrowing", the circumstances under which it is likely to occur, and recommended corrective action.

90–36 The Use of Chaff as an In-Flight Emergency Signal (5–22–68).

Advises of the value and proper usage of chaff to alert radar controllers to the presence of an aircraft in distress which has a two-way radio failure.

90–38A Use of Preferred IFR Routes (12–29–69).

Outlines the background, intent, and requested actions pertaining to the use of preferred IFR routes.

90–41C Revised Standard Instrument Departure/Arrival Procedures (4–13–72).

Describes the revised Standard Instrument Departure (SID) and Standard Terminal Arrival Route (STAR) program which basically eliminates the ability to file STAR's in a flight plan and informs pilots that altitudes and airspeeds will no longer be embedded within the body of a STAR.

90–42A Traffic Advisory Practices at Nontower Airports (8–16–72).

Establishes, as good operating practices, procedures for pilots to be apprised of or exchange traffic information, when approaching or departing uncontrolled airports.

90–43C Operations Reservations for High-Density Traffic Airports (11–14–71).

Advises the aviation community of the means for all aircraft operators, except helicopters, scheduled and supplemental air carriers and scheduled air taxis, to obtain a reservation to operate to and/or from designated high-density traffic airports.

90–45 Approval of Area Navigation Systems for Use in the U.S. National Airspace System (8–18–69).

Provides guidelines for implementation of area navigation (RNAV) within the National Airspace System (NAS).

90–45 CH–I (10–20–70).

Deletes certain items found to be in excess of minimum requirements and clarifies certain other items.

90–47 Abbreviated Instrument Flight Rules Departure Clearance (3–18–70).

Provides guidance to pilots and operators for participation in the Abbreviated IFR Departure Clearance Program.

90–48 Pilots' Role in Collision Avoidance (3–20–70).

Alerts all pilots to the midair collision and near midair collision hazard and to emphasize those basic problem areas of concern, as related to the human causal factors, where improvements in pilot education, operating practices, procedures, and techniques are needed to reduce midair conflicts.

90–50 Air Traffic Control Radio Frequency Assignment Plan for VFR and IFR Communications (9–29–70).

Describes the civil air traffic control assignment of frequencies in the very high frequency (118–136 MHz) band.

90–51 FAA Motion Picture—"Caution—Wake Turbulence" (11–17–70).

Announces the availability of a new wake turbulence film and encourages its viewing.

90–54 Cruise Clearances (5–25–71).

Provides the aviation community guidance when operating under a "cruise" clearance.

90–55 Identification of Air Taxi Operations for Air Traffic Counting (8–31–71).

Informs air taxi and commercial operators (ATCO), certificated under the provisions of Federal Aviation Regulations, Part 135, that they now fall under a separate category for air traffic counting purposes and outlines air traffic identification procedures to be used.

90–58 VOR Course Errors Resulting from 50KHz Channel Selection (2–16–72).

Provides information concerning a potentially hazardous situation when a VOR receiver is tuned 50KHz from the ground station frequency.

90–59 Arrival and Departure Handling of High-Performance Aircraft (2–28–72).

Describes ATC handling of high performance aircraft in terminal areas.

90–60 Weather Observation Reporting Obscured or Partially Obscured Sky Condition (3–31–72).

Provides pilots with information concerning weather conditions reported by weather observers as obscuration or partial obscuration.

90–61 Practice Instrument Approaches (6–12–72).

Advises the aviation community of measures to achieve more organized and controlled operations where practice instrument approaches are conducted.

91–3 Acrobatic Flight (9–30–63).

Sets safe operating practices for the conduct of acrobatic flight operations.

91–5B Waivers of Subpart B, Part 91 of the Federal Aviation Regulations (FARs) (1–28–72).

Provides information concerning the submission of applications for and the issuance of waivers of Subpart B, FAR Part 91.

91–6 Water, Slush, and Snow on the Runway (1–21–65).

Provides background and guidelines concerning the operation of turbojet aircraft with water, slush, and/or snow on the runway.

91–7 Hazards Associated With In-Flight Use of "Visible-Fluid" Type Cigarette Lighters (3–16–65).

Discusses the potential hazards associated with in-flight use of "visible-fluid" type cigarette lighters.

91–8A Use of Oxygen by General Aviation Pilots/Passenger (8–11–70).

Provides general aviation personnel with information concerning the use of oxygen.

91–9 Potential Hazards Associated With Turbojet Ground Operations (6–19–65).

Alerts turbojet operators and flight crews to potential hazards involving turbojet operations at airports.

91–10A Suggestions for Use of ILS Minima by General Aviation Operators of Turbojet Airplanes (10–8–65).

Provides general aviation operators of turbojet airplanes with information on practices and procedures to be considered before utilizing the lowest published IFR minima prescribed by FAR Part 97 and provides information on pilot-in-command experience, initial and recurrent pilot proficiency, and airborne airplane equipment.

91–11A Annual Inspection Reminder (12–3–69).

Provides the aviation community with a uniform visual reminder of the date an annual inspection becomes due. (Reference section 91.169(a)(1) of the FAR's.)

91.11–1 Guide to Drug Hazards in Aviation Medicine (7–19–63).

Lists all commonly used drugs by pharmacological effect on airmen with side effects and recommendations. Reprinted 1970. ($0.50 GPO.) FAA 7.9:D 84.

91–12B Required Inspection for Aircraft Operating Under FAR Parts 121, 123, 127, or 135 and Reverting to General Operation Under FAR Part 91 (12–9–70).

Describes acceptable methods for complying with the required inspections set forth in FAR Part 91.

91–13A Cold Weather Operation of Aircraft (1–2–70).

Provides background and guidelines relating to operation of aircraft in the colder climates where wide temperature changes may occur.

91–14B Altimeter Setting Sources (10–1–71).

Provides the aviation public, industry, and FAA field personnel with guidelines for setting up reliable altimeter setting sources.

91–15 Terrain Flying (2–2–67).

A pocket-size booklet designed as a tool for the average private pilot. Contains a composite picture of the observations, opinions, warnings, and advice from veteran pilots who have flown this vast land of ours that can help to make flying more pleasant and safer. Tips on flying into Mexico, Canada, and Alaska. ($0.55 GPO.) TD 4.2:T 27.

91–16 Category II Operations—General Aviation Airplanes (8–7–67).

Sets forth acceptable means by which Category II operations may be approved in accordance with FAR Parts 23, 25, 61, 91, 97, and 135.

91–17 The Use of View Limiting Devices on Aircraft (2–20–68).

Alerts pilots to the continuing need to make judicious and cautious use of all view limiting devices on aircraft.

91–21 Inspection Schedule—for Handley-Page Model HP–137 (4–24–69).

Provides information for use by persons planning to develop an inspection schedule for the Handley-Page Model HP–137 aircraft.

91–22A Altitude Alerting Devices/Systems (12–23–71).

Provides guidelines for designing, installing, and evaluating altitude alerting systems.

91–23 Pilot's Weight and Balance Handbook (5–6–69).

Provides an easily understood text on aircraft weight and balance for pilots who need to appreciate the importance of weight and balance control for safety of flight. Progresses from an explanation of basic fundamentals to the complete application of weight and balance principles in large aircraft operations. Reprinted in 1972 ($1.25 GPO.) TD 4.408: P 64/3.

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91-24 Aircraft Hydroplaning or Aquaplaning on Wet Runways (9-4-69).

Provides information to the problem of aircraft tires hydroplaning on wet runways.

91-25A Loss of Visual Cues During Low Visibility Landings (6-22-72).

Provides information concerning the importance of maintaining adequate visual cues during the descent below MDA or DA.

91-26 Maintenance and Handling of Air-Driven Gyroscopic Instruments (10-29-69).

Advises operators of general aviation aircraft of the need for proper maintenance of air-driven gyroscopic instruments and associated air filters.

91-27A Systemsworthiness Analysis Program—General Aviation (12-16-70).

Explains the purpose and applicability of the Systemsworthiness Analysis Program (SWAP) to certificated air taxis, repair stations, pilot and aviation maintenance technician schools that are operated under the privileges of certificates issued by the Federal Aviation Administration.

91-28 Unexpected Opening of Cabin Doors (12-23-69).

Outlines the importance of assuring that cabin doors are properly closed prior to takeoff.

91-29 Radar Transponder Requirements (3-30-70).

Describes certain aspects of the planned operation of the Air Traffic Control Radar Beacon System (ATCRBS) which will be of interest to aircraft operators who expect to use radar transponders in their aircraft.

91-30 Terminal Control Areas (TCA) (6-11-70).

Explains the TCA concept and answers some of the most frequently asked questions pertaining to TCA.

9-31 FAR Requirement for the Filing of Flight Plans for Flights Between Mexico and the United States (2-1-71).

Informs pilots of the requirements of section 91.12(c) of Part 91 of the Federal Aviation Regulations.

91-32 Safety in and Around Helicopters (5-7-71).

Provides suggestions to improve helicopter safety by means of acquainting nonflight crew personnel and passengers with the precautions and procedures necessary to avoid undue hazards.

91-33 Use of Alternate Grades of Aviation Gasoline for Grade 80/87 (10-6-71).

Provides information relating to the use of alternate grades of aviation gasoline when grade 80/87 is not available, and the resultant effects of the use of the alternate fuels which may have higher TEL (tetraethyl lead) content.

91-34 Model Aircraft Operating Standards (7-1-72).

Outlines safety standards for operators of model aircraft, and encourages voluntary compliance with these standards.

91-35 Noise, Hearing Damage, and Fatigue in General Aviation Pilots (3-28-72).

Acquaints pilots with the hazards of regular exposure to cockpit noise. Especially pertinent are piston-engine, fixed-wing, and rotary-wing aircraft.

91-36 VFR Flight Near Noise-Sensitive Areas (8-7-72).

Encourages pilots making VFR flights near noise-sensitive areas to fly at altitudes higher than the minimum permitted by regulation and on flight paths which will reduce aircraft noise in such areas.

91.29-1 Special Structural Inspections (1-8-68).

Discusses occurrences which may cause structural damage affecting the airworthiness of aircraft.

91.83-1 Canceling or Closing Flight Plans (3-12-64).

Outlines the need for canceling or closing flight plans promptly to avoid costly search and rescue operations.

91.83-2 IFR Flight Plan Route Information (2-16-66).

Clarifies the air traffic control needs for the filing of route information in an IFR (Instrument Flight Rules) flight plan.

95-1 Airway and Route Obstruction Clearance (6-17-65).

Advises all interested persons of the airspace areas within which obstruction clearance is considered in the establishment of Minimum En Route Instrument Altitudes (MEA's) for publication in FAR Part 95.

99-1 Security Control of Air Traffic (1-12-72).

Provides civil aviation with recommended practices for operating aircraft within or penetrating an Air Defense Identification Zone (ADIZ).

101-1 Waivers of Part 101, Federal Aviation Regulations (1-13-64).

Provides information on submission of applications and issuances of waivers to FAR Part 101.

103-2 Information Guide for Air Carrier Handling of Radioactive Materials (7-23-70).

Acquaints air carrier industry and in particular, air freight handling personnel, with the essential requirements and practical application of the various regulations pertaining to the handling and transportation of radioactive materials.

105-2 Sport Parachute Jumping (9-6-68).

Provides suggestions to improve sport parachuting safety; information to assist parachutists in complying with FAR Part 105; and a list of aircraft which may be operated with one cabin door removed, including the procedures for obtaining FAA authorization for door removal.

107-1 Aviation Security—Airports (5-19-72).

Furnishes guidance to those individuals and organizations having responsibilities under Part 107 of the Federal Aviation Regulations. It also provides recommendations for establishing and improving security for restricted or critical facilities and areas the security of which is not dealt with in Part 107.

Air Carrier and Commercial Operators and Helicopters

SUBJECT NO. 120

120-1A Reporting Requirements of Air Carriers, Commercial Operators, and Travel Clubs (4-24-69).

Advises of the mechanical reliability reporting requirements contained in FAR Parts 121 and 127 and the accident and incident reporting requirements of NTSB Part 430, Rules Pertaining to Aircraft Accidents, Incidents, Overdue Aircraft, and Safety Investigations.

120-2A Precautionary Propeller Feathering To Prevent Runaway Propellers (8-20-63).

Emphasizes the need for prompt feathering when there is an indication of internal engine failure.

120-5 High Altitude Operations in Areas of Turbulence (8-26-63).

Recommends procedures for use by jet pilots when penetrating areas of severe turbulence.

120-7A Minimum Altitudes for Conducting Certain Emergency Flight Training Maneuvers and Procedures (7-27-70).

Issued to emphasize to all air carriers and other operators of large aircraft the necessity for establishing minimum altitudes above the terrain or water when conducting certain simulated emergency flight training maneuvers.

120-12 Private Carriage Versus Common Carriage by Commercial Operators Using Large Aircraft (6-24-64).

Provides guidelines for determining whether current or proposed transportation operations by air constitute private or common carriage.

120-13 Jet Transport Aircraft Attitude Instrument Systems (6-26-64).

Provides information about the characteristics of some attitude instrument systems presently installed in some jet transport aircraft.

120-16A Continuous Airworthiness Program (9-11-69).

Provide air carriers and commercial operators with guidance and information pertinent to certain provisions of Federal Aviation Regulations Parts 121 and 127.

120-17 Handbook for Maintenance Control by Reliability Methods (12-31-64).

Provides information and guidance material which may be used to design or develop maintenance reliability programs which include a standard for determining the time limitations.

120-17 CH1 (6-24-66).

120-17 CH2 (5-6-68).

120-18 Preservation of Maintenance Records (5-10-65).

Provides information and guidance relative to the microfilming of maintenance records.

120-21 Aircraft Maintenance Time Limitations (6-24-66).

Provides methods and procedures for the initial establishment and revision of time limitations on inspections, checks, maintenance or overhaul.

120-24A Establishment and Revision of Aircraft Engine Overhaul and Inspection Periods (2-25-69).

Describes methods and procedures used by the FAA in the establishment and revision of aircraft engine overhaul periods.

120-26C Civil Aircraft Operator Designators (9-28-72).

Revises the criteria and states the procedures for the assignment of a designator and a corresponding air/ground call sign to civil aircraft operators engaged in domestic services on a repetitive basis.

120-27 Aircraft Weight and Balance Control (10-15-68).

Provides a method and procedures for weight and balance control.

120-28A Criteria for Approval of Category IIIa Landing Weather Minima (12-14-71).

States an acceptable means, not the only means, for obtaining approval of Category IIIa minima and the installation approval of the associated airborne systems.

120-29 Criteria for Approving Category I and Category II Landing Minima for FAR 121 Operators (9-25-70).

Sets forth criteria used by FAA in approving turbojet landing minima of less than 300-¾ or RVR 4,000 (Category I) and Category II minima for all aircraft.

120-29 CH 1 (12-15-71).

Revises Appendix 1 and deletes statement in Appendix 2 regarding 19-foot criteria (does not apply when using an approved automatic landing system).

120-29 CH 2 (7-26-72).

Clarifies the airborne system evaluation by stressing the necessity for meeting maintenance program requirements.

121-1 Standard Maintenance Specifications Handbook (12-15-62).

Consolidated reprint 3-2-72, includes Changes 1 through 26.

Provides procedures acceptable to FAA which may be used by operators when establishing inspection intervals and overhaul times.

121-3M Maintenance Review Board Reports (9-29-71).

Revises the list of Maintenance Review Board Reports that are currently in effect (August 1971).

121-6 Portable Battery-Powered Megaphones (1-5-66).

Sets forth an acceptable means for complying with rules (applicable to various persons operating under Part 121 of the Federal Aviation Regulations) that prescribe the installation of approved megaphones.

121-7 Use of Seat Belts by Passengers and Flight Attendants To Prevent Injuries (7-14-66).

Concerned with the prevention of injury due to air turbulence.

121-12 Wet or Slippery Runways (8-17-67).

Provides uniform guidelines in the application of the "wet runway" rule by certificate holders operating under FAR 121.

121-13 Self-Contained Navigation Systems (Long Range) (10-14-69).

States an acceptable means, not the only means, of compliance with the referenced sections of the FAR as they apply to persons operating under Parts 121 or 123 who desire approval of Doppler RADAR navigation systems or Inertial Navigation Systems (INS) for use in their operations.

121-13 CH 1 (7-31-70).

Assures standardization of the Minimum Equipment List (MEL) with respect to Inertial Navigation Systems (INS) through the appropriate Flight Operations Evaluation Board (FOEB).

121-13 CH 2 (12-21-70).

Permits all flight training for Doppler and INS qualification, to be completed in a simulator or training device approved for conducting the required pilot training and qualifications in the use of these systems.

121-14 Aircraft Simulator Evaluation and Approval (12-19-69).

Sets forth one means that would be acceptable to the Administrator for approval of aircraft simulators or other training devices requiring approval under section 121.407.

121-16 Maintenance Certification Procedures (11-9-70).

Provides guidance for the preparation of an Operations Specification—Preface Page which will afford nominal and reasonable relief from approved service and overhaul time limits when a part is borrowed from another operator.

121-17 Aviation Security: Certain Air Carriers and Commercial Operators—Security Programs and Other Requirements (3-14-72).

Provides general information regarding the requirements of FAR Amdt. 121-85.

121.195(d)-1 Alternate Operational Landing Distances for Wet Runways; Turbojet Powered Transport Category Airplanes (11-19-65).

Sets forth an acceptable means, but not the only means, by which the alternate provision of section 121.195(d) may be met.

123-1 Air Travel Clubs (10-17-68).

Sets forth guidelines and procedures to assist air travel clubs using large aircraft in meeting safety requirements of FAR Part 123.

135.144-1 Small Propeller-Driven Air Taxi Airplanes That Meet Section 135.144 (4-13-72).

Provides a summary of and information on small propeller-driven air taxi airplanes that comply with section 135.144 and may continue operations under FAR Part 135 after May 31, 1972, with 10 or more passenger seats.

135.155-1 Alternate Static Source for Altimeters and Airspeed and Vertical Speed Indicators (2-16-65).

Sets forth an acceptable means of compliance with provision in FAR Part 135 and Part 23 dealing with alternate static sources.

135-1A Air Taxi Aircraft Weight and Balance Control (9-26-69).

Provides a method and procedures for developing a weight and balance control system for small aircraft operating in the air taxi fleet under FAR Part 135.

135-2 Air Taxi Operators of Large Aircraft (10-14-69).

Provides guidelines and procedures for use by air taxi operators or applicants for Air Taxi Operator certificates who desire to obtain FAA authorization to operate large aircraft (more than 12,500 pounds maximum certificated takeoff weight) in air taxi operations.

135-3 Air Taxi Operators of Small Aircraft (2-17-70).

Sets forth guidelines and procedures to assist persons in complying with the requirements of Federal Aviation Regulations, Part 135.

135.60-1 Aircraft Inspection Programs (5-1-70).

Provides information for use by air taxi operators and commercial operators of small aircraft developing an aircraft inspection program for FAA approval.

137-1 Agricultural Aircraft Operations (11-29-65).

Explains and clarifies the requirements of FAR Part 137 and provides additional information, not regulators in nature,

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which will assist interested persons in understanding the operating privileges and limitations of this Part.

Schools and Other Certificated Agencies

SUBJECT No. 140

140–1F Consolidated Listing of FAA Certificated Repair Stations (10–29–71).

Provides a revised directory of all FAA certificated repair stations as of July 1, 1971.

140–2G List of Certificated Pilot Flight and Ground Schools (9–13–72).

Provides a list of FAA certificated pilot flight and ground schools as of June 30, 1972.

140–3B Approval of Pilot Training Courses Under Subpart D of Part 141 of the FAR (1–8–70).

The title is self-explanatory.

140–4 Use of Audio-Visual Courses in Approved Pilot Ground Schools Certificated Under Part 141 (8–7–68).

Informs operators of certificated pilot schools on the use of audio-visual training aids for instruction in approved ground school courses conducted under the FARs.

140–5 Radio Maintenance Technician School Curriculum (8–11–71).

Provides information on curriculum subjects for persons desiring to establish radio maintenance technician training courses.

143–1B Ground Instructor Examination Guide — Basic — Advanced (4–18–67).

Designed to assist applicants preparing for the Basic or Advanced Ground Instructor Written Examination by outlining the required knowledge and by providing sample questions for practice. Revised in 1967. ($1 GPO.) TD 4.408: G 91.

143–2B Ground Instructor—Instrument—Written Test Guide (6–25–70).

Provides information to applicants for the instrument ground instructor rating about the subject areas covered in the examination and illustrated by a study outline, a list of study materials, and a sample examination with answers. ($0.65 GPO.) TD 4.8: G 91.

145.101–1A Application for Air Agency Certificate—Manufacturer's Maintenance Facility (3–10–69).

Explains how to obtain a repair station certificate.

147–2K Directory of FAA Certificated Aviation Maintenance Technician Schools (10–14–72).

Provides a revised directory of all FAA certificated aviation maintenance technician schools as of July 31, 1972.

147–3 Phase III, A National Study of the Aviation Mechanics Occupation (3–22–71).

Announces the availability for purchase by the public of a reprint of a report of Phase III, A National Study of the Aviation Mechanics Occupation.

149–2F Listing of Federal Aviation Administration Certified Parachute Lofts (10–8–71).

Provides a revised listing of all FAA certificated parachute lofts as of October 1, 1971.

Airports

SUBJECT No. 150

AIRPORT PLANNING

150/5000–1 Cancellation of Obsolete Publications Issued by Standards Division, Airports Service (4–17–70).

Cancels outstanding airport engineering data sheets, technical standard orders, airport engineering bulletins, and miscellaneous publications that are no longer current and to direct the reader to a new source of information, where applicable.

150/5000–2 Index of Publications, Airport Service, Standards Division (9–28–70).

Transmits the first Airports Service, Standards Division, index of advisory circulars and related publications.

150/5000–3A Address List for Regional Airports Divisions and Airport District Offices (7–13–72).

Transmits the second address list for all regional Airports Divisions and Airport District Offices.

150/5040–1A Announcement of Report—Aviation Demand and Airport Facility Requirement Forecasts for Large Air Transportation Hubs Through 1980 (3–27–69).

Announces the availability of the new report and where to obtain it.

150/5040–2 Announcement of Report—Aviation Demand and Airport Facility Requirement Forecasts for Medium Air Transportation Hubs Through 1980 (5–22–69).

Announces the availability to the public, Federal Aviation Administration personnel, airport and local government planning officials, the aviation industry, and the interested public with forecasts of aviation demand and selected airport facility requirements for medium hubs through 1980.

150/5040–3 Announcement of Report—A Suggested Action Program for the Relief of Airfield Congestion at Selected Airports (6–19–69).

Announces the availability of the report to the public which identifies and analyzes the possible improvements leading to reduced aircraft delays at 18 of the Nation's highest density airports.

150/5040–4 Announcement of Supplementary Report—A Suggested Action Program for the Relief of Airfield Congestion at Selected Airports (3–31–70).

Announces the availability of the report to the public which identifies and analyzes possible improvements needed to prevent delays at 10 additional airports where demand compared to capacity indicates serious congestion will become a problem. This report is supplementary to the report announced by AC 150/5040–3.

150/5050–2 Compatible Land Use Planning in the Vicinity of Airports (4–13–67).

Advises Federal Aviation Administration personnel, local government officials and the public of the availability of the following two reports prepared under the auspices of the FAA by the firm of Transportation Consultants, Inc. *Compatible Land Use Planning On and Around Airports, and Aids Available for Compatible Land Use Planning Around Airports.*

150/5050–3A Planning the State Airport System (June 1972).

Provides general guidance in preparing a State airport system plan.

150/5060–1A Airport Capacity Criteria Used in Preparing the National Airport Plan (7–8–68).

Presents the method used by the Federal Aviation Administration for determining when additional runways, taxiways, and aprons should be recommended in the National Airport Plan. The material is also useful to sponsors and engineers in developing Airport Layout Plans and for determining when additional airport pavement facilities should be provided to increase aircraft accommodation capacity at airports.

150/5060–3A Airport Capacity Criteria Used in Long-Range Planning (12–24–69).

Describes the method used by the Federal Aviation Administration for determining the approximate practical hourly and practical annual capacities of various airport runway configurations and is used in long-range (10 years or more) planning for expansion of existing airports and construction of new airports to accommodate forecast demand.

150/5070–1 Rapid Transit Service for Metropolitan Airports (8–26–65).

Informs airport officials of a Federal assistance program for rapid transit.

150/5070–2 Planning the Metropolitan Airport (9–17–65). (Consolidated reprint 6–30–66 includes change 1.)

Provides guidance and methodology for planning the metropolitan airport system as a part of the comprehensive metropolitan planning program.

150/5070–3 Planning the Airport Industrial Park (9–30–65).

Provides guidance to communities, airport boards, and industrial developers for the planning and development of Airport Industrial Parks.

150/5070–4 Planning for Rapid Urbanization Around Major Metropolitan Airports (3–31–66).

Alerts planning agencies to the need for developing appropriate planning programs to guide rapid urbanization in the vicinity of major metropolitan airports and suggests procedures for such planning programs.

150/5070–5 Planning the Metropolitan Airport System (5–22–70).

Gives guidance in developing airport-system plans for large metropolitan areas. It may be used by metropolitan planning agencies and their consultants in preparing such system plans and by the FAA in reviewing same. ($1.25 GPO.) TD 4.108:M56/2.

150/5070–6 Airport Master Plans (2–5–71).

Provides guidance for the preparation of individual airport master plans as provided for under the Airport Airway Development Act of 1970. ($1.25 GPO.) TD 4.108:P69.

150/5090–1 Regional Air Carrier Airport Planning (2–2–67).

This circular: (1) Informs local and State governments, airport operators, and area planners of a Federal policy concerning the development of a single airport to serve two or more cities and their environs; and (2) provides such planners with guidance for evaluating the feasibility of establishing such regional airports.

150/5090–2 National Airport Classification System (Airport System Planning) (6–25–71).

Sets forth the new national airport classification system. The system is designed for use in the identification and classification of airports within the National System of Airports and for use as a planning tool in long-range airport system planning.

FEDERAL-AID AIRPORT PROGRAMS

150/5100–3A Federal-aid Airport Program-Procedures Guide for Sponsors (9–20–68).

Provides guidance to public agencies that sponsor or propose to sponsor projects under the Federal-aid Airport Program (FAAP) authorized by the Federal Airport Act.

150/5100–3A CH 1 (11–28–69).

Transmits revised pages to subject advisory circular.

150/5100–5 Land Acquisition in the Federal-aid Airport Program (1–30–69).

Provides general information to sponsors of airport development projects under the Federal-aid Airport Program on the eligibility of land acquisition and extent of Federal participation in land acquisition costs.

150/5100–6 Labor Requirements in Federal-aid Airport Program Contracts (6–6–69).

Covers the basic labor requirements applicable to the Federal-aid Airport Program (FAAP). Intended primarily for the guidance of those public agencies sponsoring projects under the program and the contractors and subcontractors engaged in work under a project.

150/5100–7A Requirement for Public Hearing in the Airport Development Aid Program (2–25–72).

Provides guidance to sponsors of airport development projects under the Airport Development Aid Program (ADAP) on the necessity for and conduct of public hearings.

150/5100–8 Request for Aid; Displaced Persons; Public Hearings; Environmental Considerations; Opposition to the Project (1–19–71).

Provides general guidance on the information and coordination required in support of a request for aid for an airport development project under the Airport and Airway Development Act of 1970.

150/5100–9 Engineering Services Under the Airport Development Aid Program (ADAP) (7–1–72).

Provides guidance for airport sponsors and Federal Aviation Administration offices in the definition, selection, review, and approval of engineering services used under subject program.

150/5100–10 Accounting Records Guide for Airport Development Aid Program Sponsors (5–15–72).

Assists sponsors of Airport Development Aid Program (ADAP) projects in maintaining accounting records that will satisfy the recordkeeping and auditing requirements which are necessary to support claims for progress and final payments under the Airport and Airway Development Act of 1970 (Public Law 91–258).

SURPLUS AIRPORT PROPERTY CONVEYANCE PROGRAMS

150/5150–2 Federal Surplus Personal Property for Public Airport Purposes (6–27–68).

Outlines policies and procedures for State and local agencies applying for and acquiring surplus Federal personal property for public airport purposes.

150/5150–2 CH 1 (4–22–69).

Revises the flow of copies of the SF 123 to provide for more accurate review of donated property.

AIRPORT COMPLIANCE PROGRAM

150/5190–1 Minimum Standards for Commercial Aeronautical Activities on Public Airports (8–18–66).

Gives to owners of public airports information helpful in the development and application of minimum standards for commercial aeronautical activities.

150/5190–2A Exclusive Rights at Airports (4–4–72).

Makes available to public airport owners, and to other interested persons, basic information and guidance on FAA's policy regarding exclusive rights at public airports on which Federal funds, administered by FAA, have been expended.

150/5190–2A CH 1 (10–2–72).

Deletes the reference to the sale of aeronautical charts by the National Ocean Survey (formerly the U.S. Coast Guard and Geodetic Survey) and to encourage airport owners to obtain UNICOM license in their own names and make these facilities available to all fixed base operators.

150/5190–3A Model Airport Hazard Zoning Ordinance (9–19–72).

Provides a model airport hazard zoning ordinance for airports. The model ordinance is intended merely as a guide to control manmade and natural hazards to aircraft and will require modifications and revisions to meet the varying circumstances and the state and local laws.

AIRPORT SAFETY—GENERAL

150/5200–3A Bird Hazards to Aircraft (3–2–72).

Transmits to the aviation public the latest published information concerning the reduction of bird strike hazards to aircraft in flight and in the vicinity of airports.

150/5200–4 Foaming of Runways (12–21–66).

Discusses runway foaming and suggests procedures for providing this service.

150/5200–5 Considerations for the Improvement of Airport Safety (2–2–67).

Emphasizes that, in the interest of accident/incident prevention, airport management should conduct self-evaluations and operational safety inspections. An exchange of information and suggestions for the improvement of airport safety is also suggested.

150/5200–6A Security of Aircraft at Airports (6–28–68).

Directs attention to the problem of pilferage from aircraft on airports and suggests action to reduce pilferage and the hazards that may result therefrom.

150/5200–7 Safety on Airports During Maintenance of Runway Lighting (1–24–68).

Points the possibility of an accident occurring to airport employees caused by electrocution.

150/5200–8 Use of Chemical Controls to Repel Flocks of Birds at Airports (5–2–68).

Acquaints airport operators with new recommendations on the use of chemical methods for dispersing flocks of birds.

150/5200–9 Bird Reactions and Scaring Devices (6–26–68).

Transmits a report on bird species and their responses and reactions to scaring devices.

150/5200–11 Airport Terminals and the Physically Handicapped (11–27–68).

Discusses the problems of the physically handicapped air traveler and suggests features that can be incorporated in modification or new construction of airport terminal buildings.

150/5200–12 Fire Department Responsibility in Protecting Evidence at the Scene of an Aircraft Accident (8–7–69).

Furnishes general guidance for employees of airport management and other personnel responsible for firefighting and rescue operations, at the scene of an aircraft accident, on the proper presentation of evidence.

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150/5200–13 Removal of Disabled Aircraft (8–27–70).

Discusses the responsibility for disabled aircraft removal and emphasizes the need for prearranged agreements, plans, equipment, and improved coordination for the expeditious removal of disabled aircraft from airport operating areas. It also illustrates some of the various methods used, equipment employed, equipment available, and concepts for aircraft recovery.

150/5200–14 Results of 90-Day Trial Exercise on Fire Department Activity (9–8–70).

Transmits statistical data collected during a 90-day trial exercise conducted to determine the relationship between aircraft fire and rescue service activities and airport aeronautical operations.

150/5200–15 Availability of the International Fire Service Training Association's (IFSTA) Aircraft Fire Protection and Rescue Procedures Manual (9–11–70).

Announces the availability of the subject manual.

150/5200–16 Announcement of Report AS–71–1 "Minimum Needs for Airport Fire Fighting and Rescue Services" Dated January 1971 (4–13–71).

Announces the availability of the subject report and describes how to get it.

150/5200–17 Emergency Plan (2–5–72).

Contains guidance material for airport managements to use in developing an emergency plan at civil airports.

150/5200–18 Airport Safety Self-Inspection (2–5–72).

Suggests functional responsibility, procedures, a checklist, and schedule for an airport safety self-inspection.

150/5200–19 Availability of Report No. FAA–RD–71–20 "An Analysis of Airport Snow Removal and Ice Control" dated March 1971 (11–23–71).

Announces the availability of subject report.

150/5210–2 Airport Emergency Medical Facilities and Services (9–3–64).

Provides information and advice so that airports may take specific voluntary preplanning actions to assure at least minimum first-aid and medical readiness appropriate to the size of the airport in terms of permanent and transient personnel.

150/5210–4 FAA Aircraft Fire and Rescue Training Film, "Blanket for Survival" (10–27–65).

Provides information on the purpose, content, and availability of the subject training film.

150/5210–5 Painting, Marking, and Lighting of Vehicles Used on an Airport (8–31–66).

Makes recommendations concerning safety, efficiency, and uniformity in the interest of vehicles used on the aircraft operational area of an airport.

150/5210–6A Aircraft Fire and Rescue Facilities and Extinguishing Agents (1–14–70).

Furnishes general guidance for estimating the aircraft fire and rescue facilities needed at civil airports.

150/5210–7A Aircraft Fire and Rescue Communications (3–16–72).

Provides guidance information for use by airport management in establishing communication and alarm facilities by which personnel required to respond to and function at aircraft ground emergencies may be alerted and supplied with necessary information.

150/5210–8 Aircraft Firefighting and Rescue Personnel and Personnel Clothing (1–13–67).

Provides guidance concerning the manning of aircraft fire and rescue trucks, the physical qualifications that personnel assigned to these trucks should meet, and the protective clothing with which they should be equipped.

150/5210–9 Airport Fire Department Operating Procedures During Periods of Low Visibility (10–27–67).

Suggests training criteria which airport management may use in developing minimum response times for aircraft fire and rescue trucks during periods of low visibility.

150/5210–10 Airport Fire and Rescue Equipment Building Guide (12–7–67).

This title is self-explanatory.

150/5210–11 Response to Aircraft Emergencies (4–15–69).

Informs airport operators and others of an existing need for reducing aircraft firefighting response time, and outlines a uniform response time goal of 2 minutes within aircraft operational areas on airports.

150/5210–12 Fire and Rescue Service for Certificated Airports (3–2–72).

Furnishes guidance and explains to Federal Aviation Administration (FAA) airport inspectors and airport management the minimum critera to be applied when evaluating the aircraft fire and rescue service required at an airport for its compliance with the requirements of FAR Part 139.

150/5210–13 Water Rescue Plans, Facilities, and Equipment (5–1–72).

Suggests planning procedures, facilities, and equipment to effectively perform rescue operations when an aircraft lands in a body of water, swamp, or tidal area where normal aircraft firefighting and rescue service vehicles are unable to reach the accident scene.

150/5220–1 Guide Specification for a Light-Weight Airport Fire and Rescue Truck (7–24–64).

Describes a vehicle with performance capabilities considered as minimum for an acceptable light rescue truck.

150/5220–4 Water Supply Systems for Aircraft Fire and Rescue Protection (12–7–67).

The title is self-explanatory.

150/5220–6 Guide Specification for 1,000-Gallon Tank Truck (4–10–68).

Assists airport management in the development of local procurement specifications.

150/5220–8 Guide Specification for 2,000-Gallon Tank Truck (6–13–69).

Assists airport management in the development of local procurement specifications for 2,000-gallon tank truck.

150/5220–9 Aircraft Arresting System for Joint Civil/Military (4–6–70).

Updates existing policy and describes and illustrates the various types of military aircraft emergency arresting systems that are now installed at various joint civil/military airports. It also informs users of criteria concerning installations of such systems at joint civil/military airports.

150/5220–10 Guide Specification for Water/Foam Type Aircraft Fire and Rescue Trucks (5–26–72).

Assists airport management in the development of local procurement specifications.

150/5230–3 Fire Prevention During Aircraft Fueling Operations (4–8–69).

This advisory circular provides information on fire preventative measures which aircraft servicing personnel should observe during fueling operations.

150/5280–1 Airport Operations Manual (6–16–72).

Sets forth guidelines to assist airport operators in developing an Airport Operations Manual in compliance with the requirements of FAR Part 139.

DESIGN, CONSTRUCTION, AND MAINTENANCE—GENERAL

150/5300-2B Airport Design Standards—Site Requirements for Terminal Navigational Facilities (11–22–71).

Provides information regarding the relative location and siting requirements for the terminal navigation facilities that may be established on an airport.

150/5300–3 Adaptation of TSO–N18 Criterion to Clearways and Stopways (10–18–64).

Sets forth standards recommended by the FAA for guidance of the public for the adaptation of TSO–N18 criterion to clearways and stopways.

150/5300–4A Utility Airports—Air Access to National Transportation (5–6–69).

Presents recommendations of the Federal Aviation Administration for the design of utility airports. These airports are developed for general aviation operations and this guide has been prepared to encourage and guide persons interested

in their development. ($1.75 GPO.) TD 4.8:Al 7/968.

150/5300–5 Airport Reference Point (9–26–68).

Defines and presents the method for calculating an airport reference point.

150/5300–6 Airport Design Standards, General Aviation Airports, Basic and General Transport (7–14–69).

Provides recommended design criteria for the development of larger than general utility airports.

150/5300–6 CH–1 (4–13–72).

150/5300–7B FAA Policy on Facility Relocations Occasioned by Airport Improvements or Changes (11–8–72).

Reaffirms the aviation community of the FAA policy governing responsibility for funding relocation, replacement and modification to air traffic control and air navigation facilities that are made necessary by improvements or changes to the airport.

150/5300–8 Planning and Design Criteria for Metropolitan STOL Ports (11–5–70).

Provides the criteria recommended for the planning and design of STOL ports in metropolitan areas.

150/5310–3 FAA Order 5310.2, Relocating Thresholds Due to Obstructions at Existing Runways (5–27–68).

Announces the issuance of instructions to FAA field personnel on the displacement or relocation of thresholds.

150/5320–5B Airport Drainage (7–1–70).

Provides guidance for engineers, airport managers, and the public in the design and maintenance of airport drainage systems. ($1 GPO.) TD 4.8: 78/970.

150/5320–6A Airport Paving (5–9–67).

Provides data for the design and construction of pavements at civil airports.

150/5320–6A CH 1 (6–11–68).

Transmits page changes and adds new chapter 6 to basic AC.

150/5320–6A CH 2 (2–2–70).

Transmits new paragraphs 3, 4, and 5, and adds a new Appendix 2.

150/5320–6A CH 3 (4–1–70).

Transmits several page changes and new subgrade compaction criteria.

150/5325–2B Airport Design Standards—Air Carrier Airports—Surface Gradient and Line of Sight (2–18–70).

Establishes design standards for airports served by certificated air carriers to assist engineers in (1) designing the gradients of airport surface areas used to accommodate the landing, takeoff, and other ground movement requirements of airplanes while (2) providing adequate line of sight between airplanes operating on airports.

150/5325–3 Background Information on the Aircraft Performance Curves for Large Airplanes (1–26–65).

Provides airport designers with information on aircraft performance curves for design which will assist them in an objective interpretation of the data used for runway length determination.

150/5325–3 CH 1 (5–12–66).

Transmits a revision to the effective runway gradient standards.

150/5325–4 Runway Length Requirements for Airport Design (4–5–65).

Presents aircraft performance curves and sets forth standards for the determination of runway lengths to be provided at airports. The use of these standards is required for project activity under the Federal-Aid Airport Program when a specific critical aircraft is considered as the basis for the design of a runway.

150/5325–4 CH 1 (8–5–65).

Provides amended information for the basic advisory circular and includes aircraft performance curves for the BAC 1–11.

150/5325–4 CH 2 (9–21–65).

Transmits aircraft performance curves for the Boeing 707–300C and the Fairchild F–27 and F–27B.

150/5325–4 CH 3 (4–25–66).

Transmits aircraft performance curves for the Douglas DC–8–55, DC–8F–55, and DC–9–10 Series, the Fairchild F–27J, and the Nord 262.

150/5325–4 CH 4 (5–12–66).

Transmits a revision to the effective runway gradient standards.

150/5325–4 CH 5 (7–13–66).

Transmits aircraft performance curves for the Douglas DC–9–10 Series equipped with Pratt & Whitney JT8D–1 Engines.

150/5325–4 CH 6 (12–8–66).

It is recommended that turbojet powered aircraft use more runway length when landing under wet or slippery, rather than under dry conditions. This change furnishes a basis for estimating the additional recommended length.

150/5325–4 CH 7 (2–7–67).

Presents design curves for landing and takeoff requirements of airplanes in common use in the civil fleet. Also presented are instructions on the use of these design curves and a discussion of the factors considered in their development.

150/5325–4 CH 8 (11–8–67).

Transmits aircraft performance curves for the Boeing 747, Convair 640 (340D or 440D), and Douglas DC–9–30 Series.

150/5325–5A Aircraft Data (1–12–68).

Presents a listing of principal dimensions of aircraft affecting airport design for guidance in aircraft development.

150/5325–6A Airport Design Standards—Effects and Treatment of Jet Blast (7–13–72).

Presents criteria on the jet engine blast velocities associated with aircraft in common use in air carrier service, the effects of these blast velocities during ground operations, and suggested means to counteract or minimize these effects.

150/5325–8 Compass Calibration Pad (5–8–69).

Provides guidelines for the design, location on the airport, and construction of a compass calibration pad, and basic information concerning its use in determining the deviation error in an aircraft magnetic compass.

150/5330–2A Runway/Taxiway Widths and Clearances for Airline Airports (7–26–68).

Presents the Federal Aviation Administration recommendations for landing strip, runway, and taxiway widths and clearances at airports served by certificated air carriers.

150/5330–3 Wind Effect on Runway Orientation (5–5–66).

Provides guidance for evaluating wind conditions and determining their effect on the orientation of runways.

150/5335–1A Airport Design Standards—Airports Served by Air Carriers—Taxiways (5–15–70).

Provides criteria on taxiway design for airports served by certificated route air carriers with present airplanes and those anticipated in the near future.

150/5335–2 Airport Aprons (1–27–65).

Provides the criteria for airport aprons which are acceptable in accomplishing a project meeting the eligibility requirements of the Federal-aid Airport Program.

150/5335–3 Airport Design Standards—Airports Served by Air Carriers—Bridges and Tunnels on Airports (4–19–71).

Provides general guidance to those contemplating the construction of a bridge-type structure to allow aircraft to cross over an essential surface transportation mode.

150/5340–1C Marking of Paved Areas on Airports (11–3–70).

Describes standards for marking serviceable runways and taxiways as well as deceptive, closed, and hazardous areas on airports.

150/5340–4B Installation Details for Runway Centerline and Touchdown Zone Lighting Systems (5–6–69).

Describes standards for the design and installation of runway centerline and touchdown zone lighting systems.

150/5340–5A Segmented Circle Airport Marker System (9–10–71).

Sets forth standards for a system of airport marking consisting of certain pilot aids and traffic control devices.

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150/5340–8 Airport 51-foot Tubular Beacon Tower (6–11–64).

Provides design and installation details on the subject tower.

150/5340–9 Prefabricated Metal Housing for Electrical Equipment (8–18–64).

Provides design and installation details on the subject metal housing.

150/5340–13A High Intensity Runway Lighting System (4–14–67).

Provides corrected curves for estimating loads in high intensity series circuits.

150/5340–14B Economy Approach Lighting Aids (6–19–70).

Describes standards for the design, selection, siting, and maintenance of economy approach lighting aids.

150/5340–15B Taxiway Edge Lighting System (4–4–72).

Describes the recommended standards for the design, installation, and maintenance of a taxiway edge lighting system.

150/5340–16B Medium Intensity Runway Lighting System and Visual Approach Slope Indicators for Utility Airports (10–26–70).

Describes standards for the design, installation, and maintenance of medium intensity runway lighting system (MIRL), and visual approach slope indicators for utility airports.

150/5340–17A Standby Power for Non-FAA Airport Lighting Systems (3–19–71).

Describes standards for the design, installation, and maintenance of standby power for nonagency owned airport visual aids associated with the National Airspace System (NAS).

150/5340–18 Taxiway Guidance System (9–27–68).

Describes the recommended standards for design, installation, and maintenance of a taxiway guidance sign system.

150/5340–19 Taxiway Centerline Lighting System (11–14–68).

Describes the recommended standards for design, installation, and maintenance of a taxiway centerline lighting system.

150/5340–20 Installation Details and Maintenance Standards for Reflective Markers for Airport Runway and Taxiway Centerlines (2–17–69).

Describes standards for the installation and maintenance of reflective markers for airport runway and taxiway centerlines.

150/5340–21 Airport Miscellaneous Lighting Visual Aids (3–25–71).

Describes standards for the system design, installation, inspection, testing, and maintenance of airport miscellaneous visual aids; i.e., airport beacons, beacon towers, wind cones, wind tees, and obstruction lights.

150/5340–22 Maintenance Guide for Determining Degradation and Cleaning of Centerline and Touchdown Zone Lights (4–20–71).

Contains maintenance recommendations for determining degradation and cleaning of centerline and touchdown zone lights installed in airport pavement.

150/5340–22 CH 1 (6–23–71).

Transmits a page change to subject advisory circular.

150/5340–23 Guide for Location of Supplemental Wind Cones (8–24–71).

Describes standards for the performance and location of supplemental wind cones.

150/5345–1C Approved Airport Lighting Equipment (10–26–71).

Contains lists of approved airport lighting equipment and manufacturers qualified to supply their product in accordance with the indicated specification requirements.

150/5345–2 Specification for L–810 Obstruction Light (11–4–63).

Required for FAAP project activity.

150/5345–2 CH 1 (10–28–66).

Transmits page changes to the subject advisory circular. This change provides for a new Alloy 360 in the die casting process.

150/5345–3B Specification for L–821 Airport Lighting Panel for Remote Control of Airport Lighting (4–21–72).

Describes the specification requirements for an airport lighting control panel for the remote control of airport lighting circuits and is published by the Federal Aviation Administration for the guidance of the public.

150/5345–4 Specification for L–289 Internally Lighted Airport Taxi Guidance Sign (10–15–63).

Required for FAAP project activity.

150/5345–4 CH 1 (10–28–66).

Transmits page changes to the subject advisory circular. This change provides for a new Alloy 360 in the die casting process.

150/5345–5 Specification for L–847 Circuit Selector Switch, 5,000 Volt 20 Ampere (9–3–63).

Required for FAAP project activity.

150/5345–7B Specification for L–824 Underground Electrical Cables for Airport Lighting Circuits (3–18–71).

Describes the specification requirements for underground electrical cables for airport lighting circuits. Published by the FAA for the guidance of the public.

150/5345–9C Specification for L–819 Fixed Focus Bidirectional High Intensity Runway Lights (12–23–69).

Describes the subject specifications requirements and is published by the Federal Aviation Administration for the guidance of the public.

150/5345–10C Specification for L–828 Constant Current Regulators (10–22–71).

Describes the subject specification requirements and is published by the Federal Aviation Administration for the guidance of the public.

150/5345–11 Specification for L–812 Static Indoor Type Constant Current Regulator Assembly, 4 Kw and 7½ Kw, With Brightness Control for Remote Operations (3–2–64).

Required for FAAP project activity.

150/5345–12A Specification for L–801 Beacon (5–12–67).

Describes the subject specification requirements.

150/5345–12A CH 1 (3–19–71).

Transmits paragraph changes to the subject advisory circular.

150/5345–13 Specification for L–841 Auxiliary Relay Cabinet Assembly for Pilot Control of Airport Lighting Circuits (1–6–64).

Required for FAAP project activity.

150/5345–15 Specification for L–842 Airport Centerline Light 1–6–64).

Required for FAAP project activity.

150/5345–16 Specification for L–843 Airport In-Runway Touchdown Zone Light (1–20–64).

Required for FAAP project activity.

150/5345–17 Specification for L–845 Semiflush Inset Prismatic Airport Light (3–3–64).

Describes the subject specification requirements.

150/5345–18 Specification for L–811 Static Indoor Type Constant Current Regulator Assembly, 4 Kw; With Brightness Control and Runway Selection for Direct Operation (3–3–64).

Required for FAAP project activity.

150/5345–18 CH 1 (5–28–64).

Advises that a detail requirement is not applicable to the circular.

150/5345–19 Specification for L–838 Semiflush Prismatic Airport Light (5–11–64).

Describes the subject specification requirements.

150/5345–20 Specification for L–802 Runway and Strip Light (6–24–64).

Describes the subject specification requirements.

150/5345–20 CH 1 (8–31–64).

Provides amended information for the basic advisory circular.

150/5345–20 CH 2 (1–14–66).

Provides new dimensions for the thickness of the metal stake and an organizational change.

150/5345–20 CH 3 (10–28–66).

Transmits page changes to the subject advisory circular. This change provides for a new Alloy 360 in the die casting process.

150/5345–20 CH 4 (8–5–69).

Describes the subject specification requirements for a runway and strip light.

150/5345–21 Specification for L–813 Static Indoor Type Constant Current Regulator Assembly; 4 Kw and 7½ Kw; for Remote Operation of Taxiway Lights (7–28–64).

Describes the subject specification requirements.

150/5345–22 Specification for L–834 Individual Lamp Series-to-Series Type Insulating Transformer for 5,000 Volt Series Circuit (10–8–64).

Describes the subject specification requirements.

150/5345–23 Specification for L–822 Taxiway Edge Light (10–13–64).

Describes the subject specification requirements.

150/5345–23 CH 1 (1–14–66).

Provides new dimensions for the thickness of the metal stake and an organizational change.

150/5345–23 CH 2 (10–28–66).

Transmits page changes to the subject advisory circular. This change provides for a new Alloy 360 in the die casting process.

150/5345–23 CH 3 (8–5–69).

Describes the subject specification requirements for a taxiway edge light.

150/5345–26A Specification for L–823 Plug and Receptacle, Cable Connectors (5–4–71).

Describes the subject specification requirements.

150/5345–27A Specification for L–807 Eight-foot and Twelve-foot Unlighted or Externally Lighted Wind Cone Assemblies (6–16–69).

Describes the subject specification requirements for a hinged steel pole support, an anodized tapered aluminum hinged base pole support, and an "A" frame fixed support with a pivoted center pipe support.

150/5345–28B Specification for L–851 Visual Approach Slope Indicators and Accessories (2–16–72).

Describes the specification requirements for visual approach slope indicator (VASI) and simple abbreviated visual approach slope indicator (SAVASI) equipment and accessories.

150/5345–29A FAA Specification L–852, Light Assembly, Airport Taxiway Centerline (4–28–71).

Describes FAA Specification L–852, Light Assembly, Airport Taxiway Centerline, for the guidance of the public.

150/5345–30A Specification for L–846 Electrical Wire for Lighting Circuits To Be Installed in Airport Pavements (2–3–67).

Describes, for the guidance of the public, subject specification requirements for electrical wire.

150/5345–31A Specification for L–833 Individual Lamp Series-to-Series Type Insulating Transformer for 600-Volt or 5,000-Volt Series Circuits (4–24–70).

Describes the subject specification requirements and is published by the FAA for the guidance of the public.

150/5345–33 Specification for L–844 Individual Lamp Series-to-Series Type Insulating Transformer for 5,000 Volt Series Circuit 6.6/20 Amperes 200 Watt (1–13–65).

Describes the subject specification requirements.

150/5345–34 Specification for L–839 Individual Lamp Series-to-Series Type Insulating Transformer for 5,000 Volt Series Circuit 6.6/20 Amperes 300 Watt (1–13–65).

Describes the subject specification requirements.

150/5345–35 Specification for L–816 Circuit Selector Cabinet Assembly for 600 Volt Series Circuits (1–28–65).

Describes the subject specification requirements.

150/5345–36 Specification for L–808 Lighted Wind Tee (2–3–65).

Describes the subject specification requirements.

150/5345–37C FAA Specification L–850, Light Assembly Airport Runway Centerline and Touchdown Zone (6–27–72).

Describes subject light assembly for the guidance of the public.

150/5345–38 Changes to Airport Lighting Equipment (3–23–67).

The title is self-explanatory.

150/5345–39A FAA Specification L–853, Runway and Taxiway Centerline Retroreflective Markers (9–17–71).

Describes specification requirements for L–853 Runway and Taxiway Retroreflective markers, for the guidance of the public.

150/5345–41 Specification for L–855, Individual Lamp, Series-to-Series Type Insulating Transformer for 5,000-Volt Series Circuit, 6.6/6.6 Amperes, 65 Watts (4–24–70).

Describes the subject specification and is published by the FAA for the guidance of the public.

150/5345–42 FAA Specification L–857, Airport Light Bases, Transformer Housing and Junction Boxes (10–27–70).

Describes specification requirements for airport light bases, transformer housing and junction boxes for the guidance of the public.

150/5345–43A FAA/DOD Specification L–856, High Intensity Obstruction Lighting Systems (11–19–71).

Describes specification requirements for high intensity obstruction lighting systems.

150/5345–44A Specification for L–858 Retroreflective Taxiway Guidance Signs (7–20–71).

Describes the specification for retroreflective taxiway guidance signs.

150/5355–1A International Signs to Facilitate Passengers Using Airports (11–3–71).

Informs airport authorities of the desirability to provide international signs and diagrammatic maps within terminal buildings and of the need for clearly marked road signs for airports.

150/5355–2 Fallout Shelters in Terminal Buildings (4–1–69).

Furnishes guidance for the planning and design of fallout shelters in airport terminal buidlings.

150/5360–1 Airport Service Equipment Buildings (4–6–64).

Provides guidance on design of buildings for housing equipment used in maintaining and repairing operational areas.

150/5360–2 Airport Cargo Facilities (4–6–64).

Provides guidance material on air cargo facilities.

150/5360–3 Federal Inspection Service Facilities at International Airports (4–1–66).

Describes and illustrates recommended facilities for inspection of passengers, baggage, and cargo entering the United States through international airport terminals. The material is for the guidance of architect-engineers and others interested in the planning and design of these airport facilities.

150/5370–1A Standard Specifications for Construction of Airports (5–28–68).

Contains specification items for construction of airports and other related information. Acceptable for FAAP project activity. Published in 1968. ($3.50 GPO.) TD 4.24:968

150/5370–2 Safety on Airports During Construction Activity (4–22–64).

Provides guidelines concerning safety at airports during periods of construction activity.

150/5370–4 Procedures Guide for Using the Standard Specifications for Construction of Airports (5–29–69).

Provides guidance to the public in the use and application of the Standard Specifications for Construction of Airports.

150/5370–5 Offshore Airports (12–15–69).

Announces to the public the availability of a two-volume report on off-

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shore airport planning and construction methods.

150/5370–6 Construction Progress and Inspection Report—Federal-Aid Airport Program (3–16–70).

Provides for a report on construction progress and inspection of Federal-aid Airport Program (FAAP) projects, suggests a form for the report, and recommends use of the form unless other arrangements exist to obtain the type of information provided by the form.

150/5370–7 Airport Construction Controls To Prevent Air and Water Pollution (4–26–71).

Supplies guidance material on compliance with air and water standards during construction of airports developed under the Airport and Airway Development Act of 1970.

150/5370–8 Grooving of Runway Pavements (3–16–71).

Provides guidance for the design, installation, and maintenance of grooves in runway pavements.

150/5380–1 Airport Maintenance (4–14–63).

Provides a basic checklist and suggestions for an effective airport maintenance program.

150/5380–2A Snow Removal Techniques Where In-Pavement Lighting Systems Are Installed (12–24–64).

Provides information on damage to in-pavement lighting fixtures by snow removal equipment and recommends procedures to avoid such damage.

150/5380–3A Removal of Contaminants from Pavement Surfaces (10–27–70).

Provides information to the aviation industry relative to cleaning rubber deposits, oil, grease, and jet aircraft exhaust deposits from runway surfaces.

150/5380–4 Ramp Operations During Periods of Snow and Ice Accumulation (9–11–68).

Directs attention to an increased accident potential when snow or ice accumulates on the surfaces of ramps and aircraft parking and holding areas and suggests some measures to reduce this potential.

150/5380–5 Debris Hazards at Civil Airports (3–8–71).

Discusses problems of debris at airports, gives information on foreign objects, and tells how to eliminate such objects from operational areas.

150/5390–1A Heliport Design Guide (11–5–69).

Contains design guidance material for the development of heliports, both surface and elevated. ($0.75 GPO.) TD 4.108:H36.

Air Navigational Facilities

SUBJECT No. 170

170–3B Distance Measuring Equipment (DME) (11–8–65).

Presents information on DME and some of its uses to pilots unfamiliar with this navigational aid.

170–6A Use of Radio Navigation Test Generators (3–30–66).

Gives information received from the Federal Communications Commission as to the frequencies on which the FCC will license test generators (used to radiate a radio navigation signal) within the scope of its regulations and gives additional information to assist the user when checking aircraft navigation receivers.

170/6850–1 Aeronautical Beacons and True Lights (8–28–68).

Describes FAA standards for the installation and operation of aeronautical beacons serving as true lights.

170–8 Use of Common Frequencies for Instrument Landing Systems Located on Opposite Ends of the Same Runway (11–7–66).

In the future, common frequencies may be assigned to like components of two instrument landing systems serving opposite ends of the same runway. This will include the localizers, glide slopes, and associated outer and middle marker compass locators (LOM and LMM).

170–9 Criteria for Acceptance of Ownership and Servicing of Civil Aviation Interest(s) Navigational and Air Traffic Control Systems and Equipment (11–26–68).

Contains a revised FAA policy under which the FAA accepts conditional ownership of equipment and systems from civil aviation interests, without the use of Federal funds, and operates, maintains, and provides the logistic support of such equipment.

170–10 FAA Recommendations to FCC on Licensing of Non-Federal Radio Navigation Aids (10–17–69).

Gives background information and describes the basis for recommendations to be made by the FAA to the Federal Communications Commission (FCC) regarding licensing of radio navigation aids.

170–11 Amendment of Federal Aviation Regulation Part 171 (FAR–171)—Cost of Flight and Ground Inspections (9–17–70).

Alerts the public to the amendment to FAR Part 171 pertaining to the payment of ground and flight inspection charges prior to the issuance of an approved IFR procedure.

170–12 Implementation of 50 KHz/Y Channels for ILS/VOR/DME (10–7–70).

Advises aircraft owners, operators and radio equipment manufacturers of plans for future implementation of split channel assignments in the aeronautical radio navigation bands.

171–1 Estimating Packing and Shipping Costs for Export Shipments for ATC and Navaid Equipments (2–18–66).

Assists personnel engaged in preparing packing and shipping estimates of air navigation and traffic control equipments for overseas shipment.

Administrative

SUBJECT No. 180

183–30 Directory of FAA Designated Mechanic Examiners (12–14–70).

Provides a new directory of all FAA designated mechanic examiners as of the effective date shown above.

183–31A FAA Designated Parachute Rigger Examiner Directory (1–17–72).

Provides a new directory of all FAA designated parachute rigger examiners as of November 30, 1971.

183.29–1E Designated Engineering Representatives (1–5–70).

Lists in Appendix 1 the Designated Engineering Representatives who are available for consulting work.

Flight Information

SUBJECT No. 210

210–1 National Notice to Airmen System (2–8–64).

Announces FAA policy for the preparation and issuance of essential flight information to pilots and other aviation interests.

210–2A Established Schedule for Flight Information Effective Dates (9–19–69).

Emphasizes the importance of adherence to the established schedule of effective dates for flight information, and provides a copy of the schedule through June 1971.

210–3 National Notice to Airmen System—Elimination of NOTAM Code (5–22–70).

Announces changes in criteria and procedures for the Notice to Airmen System required to accommodate the transmission of all domestic Notice to Airmen data in clear contracted language and eliminate use of the NOTAM code on the domestic service A circuits.

211–2 Recommended Standards for IFR Aeronautical Charts (3–20–67).

Sets forth standards recommended by the Federal Aviation Administration for the guidance of the public in the issuance of IFR aeronautical charts for use in the National Airspace System (NAS).

Internal Publications

Contractions Handbook, 7340.1C (2–2–72).

Gives approved word and phrase contractions used by personnel connected with air traffic control, communications, weather, charting, and associated services. ($6.50—$8.25 foreign Sub.—GPO.) TD 4.308:C76/969.

Location Identifiers, 7350.1S.

Incorporates all authorized 3-letter location identifiers for special use in United States, worldwide, and Canadian assignments. Dated 5–15–71. ($6 Sub.—GPO.) TD 4.310:.

En Route Air Traffic Control Handbook, 7110.9C (1–1–73).

Prescribes air traffic control procedures and phraseology for use by personnel providing en route air traffic control service. ($14 Sub.—GPO.) TD 408:En 1/971.

Terminal Air Traffic Control Handbook, 7110.8C (1–1–73).

Prescribes air traffic control procedures and phraseology for use by personnel providing terminal air traffic control services. ($24 Sub.—GPO.) TD 4.308: T27/971.

Flight Services, 7110.10B (1–1–73).

This handbook consists of two parts. Part I, the basic, prescribes procedures and phraseology for use by personnel providing flight assistance and communications services. Part II, the teletypewriter portion, includes Services A and B teletypewriter operating procedures, pertinent International Teletypewriter Procedures, and the conterminous U.S. Service A Weather Schedules. ($24—$30 foreign Sub.—GPO.) TD 4.308: F 64.

International Flight Information Manual, Vol. 20 (April 1972).

This Manual is primarily designed as a preflight and planning guide for use by U.S. nonscheduled operators, business and private aviators contemplating flights outside of the United States.

The Manual, which is complemented by the International Notams publication, contains foreign entry requirements, a directory of aerodromes of entry including operational data, and pertinent regulations, and restrictions. It also contains passport, visa, and health requirements for each country. Published annually with quarterly amendments. $5—$5.75 foreign—Annual Sub. GPO.) TD 4.309:16.

International Notams.

Covers notices on navigational facilities and information on associated aeronautical data generally classified as "Special Notices". Acts as a notice-to-airmen service only. Published weekly. ($11—$13.75 foreign—Annual Sub. GPO.) D 4.11:.

Airman's Information Manual:

Part 1—Basic Flight Manual and ATC Procedures.

This part is issued quarterly and contains basic fundamentals required to fly in the National Airspace System; adverse factors affecting Safety of Flight; Health and Medical Facts of interest to pilots; ATC information affecting rules, regulations, and procedures; a Glossary of Aeronautical Terms; U.S. Entry and Departure Procedures, including Airports of Entry and Landing Rights Airports; Air Defense Identification Zones (ADIZ); Designated Mountainous Areas, Scatana, and Emergency Procedures. (Annual Sub. $7, Foreign mailing—$1.75 additional. GPO.) TD 4.12:pt. 1/.

Part 2—Airport Directory.

This part is issued semiannually and contains a Directory of all Airports, Seaplane Bases, and Heliports in the conterminous United States, Puerto Rico, and the Virgin Islands which are available for transient civil use. It includes all of their facilities and services, except communications, in codified form. Those airports with communications are also listed in Part 3 which reflects their radio facilities. A list of new and permanently closed airports which updates this part is contained in Part 3.

Included, also, is a list of selected Commercial Broadcast Stations of 100 watts or more of power and Flight Service Stations and National Weather Service telephone numbers. (Annual Sub. $7, Foreign mailing—$1.75 additional. GPO.) TD 4.12:pt. 2/.

Parts 3 and 3A—Operational Data and Notices to Airmen.

Part 3 is issued every 28 days and contains an Airport/Facility Directory containing a list of all major airports with communications; a tabulation of Air Navigation Radio Aids and their assigned frequencies; Preferred Routes; Standard Instrument Departures (SIDs); Substitute Route Structures; a Sectional Chart Bulletin, which updates Sectional charts cumulatively; Special General and Area Notices; a tabulation of New and Permanently Closed Airports, which updates Part 2; and Area Navigation Routes.

Part 3A is issued every 14 days and contains Notices to Airmen considered essential to the safety of flight as well as supplemental data to Part 3 and Part 4. (Annual Sub. $44, Foreign mailing—$11 additional. GPO.) TD 4.12:pt. 3/.

Part 4—Graphic Notices—Supplemental Data.

Part 4 is issued quarterly and contains abbreviations used in all parts of AIM; Parachute Jump Areas; VOR Receiver Check Points; Special Notice Area Graphics; and Heavy Wagon and Oil Burner Routes.

Future editions will be expanded to include Special Terminal Area Charts and data not subject to frequent change. (Annual Sub. $9.50, Foreign mailing—$2.50 additional. GPO.) TD 4.12:pt. 4/.

Aircraft Type Certificate Data Sheets and Specifications.

Contains all current aircraft specifications and type certificate data sheets issued by the FAA. Monthly supplements provided. ($72—Sub., Foreign mailing—$18 additional. GPO.) TD 4.15:967.

Aircraft Engine and Propeller Type Certificate Data Sheets.

Contains all current aircraft engine and propeller type certificate data sheets and specifications issued by FAA. Monthly supplements provided. ($28.50—Sub., Foreign mailing—$7.25 additional. GPO.) TD 4.15/2:968.

Summary of Airworthiness Directives for Small Aircraft (1–1–72) Volume I.

Presents, in volume form, all the Airworthiness Directives for small aircraft issued through December 31, 1971. AD's for engines, propeller, and equipment are included in each volume. Each volume is arranged alphabetically by product manufacturer. ($5.50 Sub.—GPO.) TD 4.10/2:972.

Summary of Airworthiness Directives for Large Aircraft (1–1–72) Volume II.

Presents, in volume form, all the Airworthiness Directives for large aircraft (over 12,500 pounds maximum certificated takeoff weight) issued through December 31, 1971. AD's for engines, propellers, and equipment are included in each volume. ($6.25 Sub.—GPO.) TD 4.10/3:972.

Summary of Supplemental Type Certificates.

Contains all supplemental type certificates issued by FAA regarding design changes in aircraft, engines, or propellers. List includes description of change, the model and type certificate number, the supplemental type certificate number, and the holder of the change. Quarterly supplements provided. ($41—Sub., Foreign mailing—$10.25 additional. GPO.) TD 4.36:971.

STATUS OF THE FEDERAL AVIATION REGULATIONS

As of December 15, 1972

FEDERAL AVIATION REGULATIONS VOLUMES

Volume No.	Contents	Price	Transmittals
Volume I		$2.50 plus 75¢ foreign mailing	5
Part 1	Definitions and Abbreviations.		
Volume II		$10.50 plus $2.75 foreign mailing	26
Part 11	General Rule-Making Procedures.		
Part 13	Enforcement Procedures.		
Part 15	Nondiscrimination in Federally assisted Programs of the Federal Aviation Administration.		
Part 21	Certification Procedures for Products and Parts.		
Part 37	Technical Standard Order Authorizations.		
Part 39	Airworthiness Directives.		
Part 45	Identification and Registration Marking.		
Part 47	Aircraft Registration.		
Part 49	Recording of Aircraft Titles and Security Documents.		
Part 183	Representatives of the Administrator.		
Part 185	Testimony by Employees and Production of Records in Legal Proceedings.		
Part 187	Fees.		
Part 189	Use of Federal Aviation Administration Communications System.		

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Volume No.	Contents	Price	Transmittals
Volume III		$13.50 plus $3.50 foreign mailing	11
Part 23	Airworthiness Standards: Normal, Utility, and Acrobatic Category Airplanes.		
Part 25	Airworthiness Standards: Transport Category Airplanes.		
Part 36	Noise Standards: Aircraft Type Certification.		
Volume IV		$5.00 plus $1.25 foreign mailing	6
Part 27	Airworthiness Standards: Normal Category Rotorcraft.		
Part 29	Airworthiness Standards: Transport Category Rotorcraft.		
Part 31	Airworthiness Standards: Manned Free Balloons.		
Part 33	Airworthiness Standards: Aircraft Engines.		
Part 35	Airworthiness Standards: Propellers.		
Volume V		$3.50 plus $1 foreign mailing	11
Part 43	Maintenance, Preventive Maintenance, Rebuilding, and Alteration.		
Part 145	Repair Stations.		
Part 149	Parachute Lofts.		
Volume VI		$9 plus $2.25 foreign mailing	33
Part 91	General Operating and Flight Rules.		
Part 93	Special Air Traffic Rules and Airport Traffic Patterns.		
Part 99	Security Control of Air Traffic.		
Part 101	Moored Balloons, Kites, Unmanned Rockets, and Unmanned Free Balloons.		
Part 103	Transportation of Dangerous Articles and Magnetized Materials.		
Part 105	Parachute Jumping.		
Part 107	Aircraft Security.		
Volume VII		$10.50 plus $2.75 foreign mailing	17
Part 121	Certification and Operations: Air Carriers and Commercial Operators of Large Aircraft.		
Part 123	Certification and Operations: Air Travel Clubs Using Large Airplanes.		
Part 127	Certification and Operations of Scheduled Air Carriers with Helicopters.		
Part 129	Operations of Foreign Air Carriers		
Volume VIII		$5 plus $1.25 foreign mailing	9
Part 133	Rotorcraft External-Load Operations.		
Part 135	Air Taxi Operators and Commercial Operators of Small Aircraft.		
Part 137	Agricultural Aircraft Operations.		
Volume IX		$6 plus $1.50 foreign mailing	10
Part 61	Certification: Pilots and Flight Instructors.		
Part 63	Certification: Flight Crewmembers Other Than Pilots.		
Part 65	Certification: Airmen Other Than Flight Crewmembers.		
Part 67	Medical Standards and Certification.		
Part 141	Pilot Schools.		
Part 143	Ground Instructors.		
Part 147	Aviation Maintenance Technicians Schools.		
Volume X		$7 plus $1.75 foreign mailing	7
Part 139	Certification and Operations: Land Airports Serving CAB-Certificated Scheduled Air Carriers Operating Large Aircraft (Other than Helicopters).		
Part 151	Federal Aid to Airports.		
Part 152	Airport Aid Program.		
Part 153	Acquisition of U.S. Land for Public Airports.		
Part 155	Release of Airport Property from Surplus Property Disposal Restrictions.		
Part 159	National Capital Airports.		
Part 167	Annette Island, Alaska, Airport.		
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Part 71	Designation of Federal Airways, Controlled Airspace, and Reporting Points.		
Part 73	Special Use Airspace.		
Part 75	Establishment of Jet Routes.		
Part 77	Objects Affecting Navigable Airspace.		
Part 95	IFR Altitudes.		
Part 97	Standard Instrument Approach Procedures.		
Part 157	Notice of Construction, Alteration, Activation, and Deactivation of Airports.		
Part 169	Expenditure of Federal Funds for Nonmilitary Airports or Air Navigational Facilities Thereon.		
Part 171	Non-Federal Navigation Facilities.		

Volumes may be purchased from: Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

Transmittal (amendment) service is automatic with the purchase of a Volume and is also provided by the Superintendent of Documents. Check or money order made payable to the Superintendent of Documents, should be included with each order.

WILLIAM E. MURPHY,
Acting Manager,
Headquarters Operations.

[FR Doc.73-3766 Filed 2-28-73;8:45 am]

federal register

THURSDAY, MARCH 1, 1973
WASHINGTON, D.C.

Volume 38 ■ Number 40

PART III

FEDERAL COMMUNICATIONS COMMISSION

■

FREQUENCY ALLOCATIONS AND RADIO TREATY MATTERS

General Rules and Regulations

No. 40—Pt. III——1

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Title 47—Telecommunication

CHAPTER I—FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 19547; FCC 73-169]

PART 2—FREQUENCY ALLOCATIONS AND RADIO TREATY MATTERS; GENERAL RULES AND REGULATIONS

Space Telecommunication

Report and order. In the matter of amendment of Part 2 of the Commission's rules to conform, to the extent practicable, with the Geneva Radio Regulations, as revised by the Space WARC, Geneva, 1971, Docket No. 19547.

1. The Commission, on July 14, 1972, adopted a notice of proposed rule making in the above captioned proceeding, which was released on July 26, 1972, and published in the FEDERAL REGISTER on August 4, 1972 (37 FR 15714). A correction of the FEDERAL REGISTER was published on November 28, 1972 (37 FR 25175). The time for filing comments and reply comments was originally established as September 29, 1972, and October 10, 1972. Pursuant to the filing of motions to extend by the Central Committee on Communications Facilities of the American Petroleum Institute and the Utilities Telecommunications Council, the time for filing comments and reply comments was extended, by Order of the Commission's General Counsel released October 2, 1972, to October 30, 1972, and November 10, 1972, respectively. Pursuant to a filing by Communications Satellite Corp., the time for filing reply comments was, by Order of the Commission's General Counsel, released on November 10, 1972, extended to November 17, 1972.

2. Comments were filed by the Association of Maximum Service Telecasters (AMST); MCI-Lockheed Satellite Corp. (MCI); Department of Health, Education, and Welfare (HEW); American Telephone & Telegraph Co. (A.T. & T.); National Association of Manufacturers (NAM); Aeronautical Radio, Inc. and the Air Transport Association of America (Arinc/ATA); Corporation for Public Broadcasting (CPB); Joint Council on Educational Telecommunications (JCET); General Electric Co. (GE) National Association of Broadcasters (NAB); Central Committee on Communication Facilities of the American Petroleum Institute (API); Communications Satellite Corp. (ComSat); Fairchild Industries (Fairchild); and Utilities Telecommunications Council (UTC). Reply comments were timely filed by the following entities: Hughes Aircraft Co. (Hughes); CPB; AMST; MCI-Lockheed; A.T. & T.; ComSat; and the ABC, CBS and NBC Television Network Affiliates Association (Affiliates).

(3) As set forth in the notice, the purpose of the instant proceeding was to aline to the extent practicable Part 2 of the Commission's rules and regulations with the international radio regulations as revised by the Space World Administrative Radio Conference held in Geneva, Switzerland in June–July 1971. The majority of the proposed changes set forth in the notice evoked no response; however, several of the proposed changes, particularly those affecting sharing of certain microwave bands and the reservation of spectrum for satellite broadcasting, generated substantial controversy. These areas will be discussed in succeeding paragraphs.

BROADCASTING SATELLITE SERVICE

4. In the notice, the Commission proposed to make the following bands available to the broadcasting-satellite service: 2500–2690 MHz shared; 11.7–12.2 MHz in Regions 2 and 3, shared; 41.0–43.0 GHz; and 84–86 GHz exclusive.

It was pointed out that there were no present plans to implement a broacasting-satellite service on either a domestic or an international basis and that our intentions with respect to the service were to keep our options open for the foreseeable future during which the results of the WARC remained in force.

In carrying out these intentions, the Commission proposed to refrain from reflecting footnote 332A in the national Table of Frequency Allocations. This footnote, adopted at the Space WARC, would have permitted access to the band 620–790 MHz in developing a broadcasting-satellite service. This decision reflected a national unwillingness, at this time at least, to encourage development of the service in that band.

5. With the exception of ComSat, other respondents who commented in this matter supported the Commission's desire to refrain from reflecting footnote 332A in the 620–790 MHz band. ComSat, while concurring with the aforestated philosophy, did not agree that inclusion of the footnote would constitute a commitment to use the band for the broadcasting-satellite service. On the contrary, ComSat believed that such an omission would indicate a lack of interest, on the part of the United States, in developing the service in that band.

6. GE, NAB, and AMST not only supported the concept of open options, but expressed the view that attempts to suballocate or designate the 11.7–12.2 GHz band or any portion thereof for a domestic broadcasting-satellite service were inconsistent with that concept. AMST also expressed the same view with respect to the 41–43 GHz and 84–86 GHz bands.

7. The proposed allocation of the 11.7–12.2 GHz band drew the heaviest volume of comments. Although the proposed Table of Frequency Allocations reflected the broadcasting-satellite and fixed-satellite services sharing on a coequal primary basis with the mobile service sharing on secondary basis, paragraph 11 of the notice indicated the intention to allocate the lower portion of the band to the fixed-satellite service on a primary basis with the broadcasting satellite service on a secondary basis while, in the upper portion, the allocation status would be reversed. The terrestrial mobile service would, of course, remain secondary throughout the 11.7–12.2 GHz band.

8. The majority of the comments filed with respect to the band 11.7–12.2 GHz cited the many uncertainties surrounding the parameters of any broadcasting satellite service. Uncertainties cited included not only the bandwidth, power flux density, channel requirements, orbit requirements and frequency sharing criteria, but questions with respect to the interface policies between the satellite and terrestrial broadcasting services were also raised. In an attempt to obviate these uncertainties in order to proceed with fixed-satellite services, whose parameters are more definable at present, several proponents (MCI, ComSat, Fairchild) suggested the reservation of orbital slots for the broadcasting-satellite service. Others, particularly CPB, HEW, AMST, GE, NAEB, and NAB, recommended that any allocation be deferred until additional information concerning the system parameters becomes more defined. A.T. & T., in their reply comments, believed that such action would not be in the national interest and that an allocation consistent with the U.S. position to the WARC (i.e. as reflected in the proposed table) should be taken. ComSat, in their reply comments, believed deferral of an allocation at this time could be detrimental to our national interests if other countries' systems were developed which would conceivably dictate less than optimum channeling and/or orbital locations.

9. The proposed allocation of the 2500–2690 MHz band to the broadcasting satellite service was generally endorsed although CPB felt that sharing part of the band with the fixed-satellite service might impair the broadcasting service. Additionally, CPB expressed concern over the possibility of a virtual guardband established between radio astronomy and the broadcasting satellite service and believed that footnote U.S. 74 should provide adequate protection. In this connection CPB also expressed the hope that NASA proposed experiments using the ATS–F satellite would provide a better assessment of the interference potential in this regard.

10. A second proposed use of the band which elicited numerous comments dealt with the use of the 2500–2535 MHz band as a downlink and the 2655–2690 MHz band as an uplink in the fixed satellite service. The JCET, CPB, Hughes and ComSat expressed the desire that these bands be made available for use in the contiguous United States, as well as in Alaska, Guam, and Hawaii, as proposed in footnote NG 102. Hughes also added that the band is highly desirable for uplinks because of development, power level, cost and reliability status of power transistor amplifiers. HEW cited a lack of clear guidance from the Commission as to the matching uplink for fixed satellite frequencies to feed the broadcasting satellite. ComSat, in their reply comments, saw no justification at this time for restricting the design of satellite systems by assigning a specific up-link frequency band for operation with the 2500–2690 MHz band. Fairchild, pointing to insufficient isolation between the transmitter and receiver, objected to the Commission's proposal, while Hughes Aircraft, basing their opinion on the design

of a satellite transponder using the proposed arrangement, disagreed. Additionally, GE cited possible interference problems in Alaska, Guam, and Hawaii, and stated the need for additional restrictions on installation of transmitters in those areas to be served by community satellites in the 2500–2690 MHz band.

11. After a careful review and consideration of the comments and reply comments, the Commission believes the national interest, with respect to frequency allocations for broadcasting satellites, can best be served in the following manner. Initially, it should be reiterated that our basic policy remains as described in paragraph 9 of the notice and referenced in paragraph 4 above, i.e., keep our options open during the period the Final Acts of the Space WARC remain in force.

12. With respect to the 620–790 MHz band, the Commission is not persuaded that the provisions of footnote 332A would be useful in the United States at this time. Our present posture remains that, to the best of our knowledge, there are no plans in the United States to implement a broadcasting satellite service on either a domestic or international basis in the band 620–790 MHz. The comments of ComSat notwithstanding, we believe reflection of footnote 332A in the 620–790 MHz band would at least imply a willingness nationally to see the service develop in the band—an implication not yet clearly justified. Accordingly, we prefer to adhere to our original posture of not reflecting footnote 332A in the 620–790 MHz band at this time.

13. While the Commission's proposals concerning the 11.7–12.2 GHz and the 41–43 and 84–86 GHz bands might appear to be inconsistent with the approach taken with the 620–790 MHz band insofar as the broadcasting satellite service is concerned (as was alleged by AMST), there is an important distinction. Whereas no plans are known to be under consideration in the United States to use the 620–790 MHz band for broadcasting satellites, studies and experimentation in communication technology by both industry and the NASA are being focused on the use of the 11.7–12.2 GHz band for that purpose. Additionally, since the allocations at 41–43 and 84–86 GHz were made on a worldwide basis, present no known problems domestically, and offer some degree of guidance for future planning, there has been no valid reason demonstrated why those higher bands should not be allocated to the broadcasting service at this time.

14. Our problem with respect to the 11.7–12.2 GHz band lies not with the proposal to allocate the band for the broadcasting satellite service, per se, but how sharing with the fixed-satellite and terrestrial mobile services shall be accomplished. As indicated in paragraphs 7 and 8 supra, the sharing methodology proposed drew substantial opposition. This opposition was based primarily on the uncertainties surrounding the technical parameters and the spectrum requirements for a broadcasting satellite service vis-a-vis the fixed satellite service.

15. After reviewing both the comments and the technological state-of-the-art and discussing the matter informally with representatives of industry and other Federal agencies, we agree the allocation proposed is premature and could influence adversely the development of either the broadcasting satellite or fixed satellite services or both. While the assignment of either orbital arc or orbital slots, as suggested by MCI, ComSat, and Fairchild might provide a better solution to the problems raised, the space conference rejected that approach. Rather, the conference adopted a philosophy of flexibility, recognizing equal rights for the radio services and for the administrations using the shared bands. Procedures were adopted in Article 9A for the accommodation of new operations in the face of operations in being to include relocation of satellites already in place, if necessary.

16. Allowing the band to lie fallow, as suggested by several respondents, would allow the time for each technology to develop more fully; however, as pointed out by A.T. & T., such action would represent ineffective and inefficient spectrum management. Moreover, we recognize the constraints such action could impose on design and use of satellite systems domestically, if other systems were developed by other countries in an incompatible manner. Consequently, we reject that posture.

17. On balance and, in an effort to retain our flexibility, we will withdraw the proposal to split the 11.7–12.2 GHz band between the broadcasting satellite and fixed satellite services and to make the former service primary in the upper half and secondary in the lower while reversing the status with the latter service. Instead, we believe a better approach is to reflect the allocation to the broadcasting satellite and fixed satellite services on a coequal primary basis with the terrestrial mobile services on a secondary basis over the entire 500 MHz between 11.7–12.2 GHz. However, a new footnote, NG 105, is being applied to the band, which will indicate our intention to make no assignments to the broadcasting or fixed satellite services in that band until the respective service and technical parameters are better defined. At such time, a notice of proposed rule making can be issued to focus attention on the respective service needs. Since system parameters and demands for either service are not yet clear, such action should not be harmful to proponents of either view. Such action is, however, a clear reflection of our ultimate general allocation intentions.

18. With respect to the 2500–2690 MHz band, the majority of the comments dealt with the restrictions imposed by proposed footnote NG 102. CPB, NAEB, JCET, ComSat, and Hughes (in their reply comments) support the extension of the 2500–2535 MHz downlink and 2655–2690 MHz uplink bands in the fixed-satellite service to the contiguous United States as well as Alaska, Hawaii, Guam, Samoa, and the Trust Territories. As pointed out in the notice (paragraph 14), it was originally planned to limit such use to Alaska, but this use was extended to the Pacific areas to meet a need for an interface between the islands and the global communication networks after it was noted there were no terrestrial assignments in either Guam or Hawaii in the two bands. It was originally believed the present high usage coupled with that anticipated by educators in the 2500–2690 MHz Instructional Television Fixed Service band would preclude satisfactory sharing of the two 35-MHz links in the contiguous United States.

19. In view of the fact that terrestrial usage of the 2500–2690 MHz band appears concentrated in urban areas and that the educational community strongly supports extension of the fixed satellite allocation to the entire United States to meet their prospective needs for two-way audio transmissions, we believe that, with careful system design, a relaxation of the proposed restriction is feasible. Consequently, we are making the 2500–2535 MHz and 2655–2690 MHz bands available to the educational community in the contiguous United States. Because we believe the thin-route fixed-satellite needs in Alaska and the Pacific region can be met by sharing those bands with educational services in those areas, we will retain footnote NG 102 as was proposed, at least until the needs of each service become more clearly defined. Due to the lower antenna elevation angles required in Alaska as opposed to those in lower latitudes, the restrictions imposed on terrestrial stations in the 2655–2690 MHz band by footnote NG 47 will still apply in order to protect satellite-borne receivers in that band.

20. Fairchild, in their comments, indicated that the limited separation between the uplink and downlink would "probably" make it difficult to provide sufficient isolation between the transmitter and receiver within the weight constraints normally associated with communication satellites. Hughes, in their reply comments, did not agree, basing their response on preliminary design work already conducted. While this question was not addressed by other respondents, we believe, based on available study results, that sufficient isolation can, in fact, be achieved.

21. HEW requested guidance with respect to a matching uplink band to feed broadcasting satellite use of the 2500–2690 MHz band. We agree with ComSat that the design of satellite systems should not be restricted at this time. Instead, it should be pointed out that the use of any fixed-satellite band would be appropriate for the purpose. Since, depending on the particular needs and system design, several bands could be required, it appears premature to make a designation at this time.

22. CPB, while pleased with the allocation of the 2500–2690 MHz band to the broadcasting satellite service, nevertheless expressed reservations about the utility of the band for that purpose in

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view of the need for sharing the two 35-MHz bands at each end with the fixed-satellite service. Despite their reservations, they advocate use of the bands in the conterminous United States as well as Alaska and the Pacific basin proposed. They explain this inconsistency by expressing the belief that any broadcasting satellite service will likely develop at 12 GHz instead of at 2.5 GHz. Because the United States intends the band to be used for community reception of educational and public service material and for fixed satellite usage by the educational community in the United States (except as stated above), we believe the utility of the 2500–2690 MHz band has been enhanced.

23. CPB also expressed concern about possible constraints in view of a possible guardband between the radio astronomy service in the 2690–2700 MHz band and the broadcasting satellite service between 2500–2690 MHz. GE believed the problems regarding protection of radio astronomy from satellite operations in the 2500–2690 MHz band are overstated. They cited the fact that, because of the continued relative motion of the satellite, the probability of main lobe reception of out-of-band interference is low for the worst case and is zero for most.

24. We believe the incorporation of reasonable technical measures in the bands 2500–2690 and 2690–2700 MHz on behalf of each of the services involved will enhance sharing between broadcasting satellites and radio astronomy operations. The results of the forthcoming ATS–F tests should provide valuable data in this regard. Further, the provisions of existing footnote U.S. 74 are also relevant.

25. GE suggested that additional restrictions were needed on installation of transmitters in those areas of Alaska and the Pacific Basin to be served by community or thin route satellites. We agree that conditions of frequency coordination, siting, elevation angles and power flux density, etc., may need to be imposed. However, pending design of such systems, we are not prepared to delineate with greater specificity than presently imposed. We believe greater utility of the frequency band can be achieved at this time by calling attention to the interference potentials and permitting design flexibility than could be achieved by attempting to develop arbitrary standards based on hypothetical situations. In view of tests scheduled by NASA and other entities in connection with the ATS program, better information in this regard is expected to be made available in the near future.

Fixed Satellite Service

26. The frequency bands allocated by the Space WARC to the fixed satellite service were reflected in paragraph 19 of the notice of proposed rule making. In addition to the 2500–2690 MHz and 11.7–12.2 MHz bands which were proposed for sharing with the broadcasting satellite service and which were discussed above, the band 6625–7125 MHz and the bands 10.95–11.2, 11.45–11.7, 17.7–19.7, and 19.7–21.2 GHz proposed for allocation to the fixed satellite service generated the most comment. The allocation of the 59–64 GHz band to Government services drew significant discussion also.

27. Apparently because the U.S. proposal to allocate the 6625–7125 MHz band to the fixed satellite service on a coequal shared basis with terrestrial fixed and mobile services in Region 2 was a last minute change to our position and had been misunderstood or at least inadequately explained, API, NAM, and the UTC directed a great deal of comment toward it. All three expressed concern for adequate spectrum in which operational fixed microwave growth could be accommodated in this region of the spectrum. As the proposal overlaps the 6525–6875 MHz band, now allocated for private microwave services, it was believed that use of the band by fixed satellites, as proposed by footnote NG 103, would compromise use of the upper 250 MHz by those services. API expressed the opinion that no public interest consideration had been shown for raising footnote 392 AA from the WARC accepted secondary status of the fixed-satellite service to a coequal shared status in the United States.

28. As pointed out in paragraph 14 of the report and order in Docket No. 18294, adopted December 18, 1970, the U.S. proposal regarding the 6625–7125 MHz band was made to the WARC to provide for this essentially one-way service in an economical manner based upon representation of the CBS Television Network Affiliates Association. Additionally, the Affiliates submitted comments and an engineering statement in Docket 16495 which showed that the 6625–7125 MHz band was more effective and efficient for satellite down link, primarily because of increased rainfall attenuation at the higher frequency bands. The Commission's decision in Docket 18294 (the domestic satellite proceeding) considered the public interest aspects of affording local television stations an opportunity to own and operate their own stations should they so desire.

29. With respect to possible interference from space stations to terrestrial stations, the power flux density limits established by footnote No. 470 NM of the Final Acts of the WARC would appear to provide more than adequate protection for terrestrial systems operating in the 6625–7125 MHz band. Further, the burden of providing the coordination contour and proof of noninterference would, as pointed out by ComSat in their reply comments, rest with a potential earth station applicant. In view of the above, we find no merit in the objections of API and UTC to the application of footnote NG 103 to the band 6625–7125 MHz as proposed.

30. UTC also took exception to the Commission's proposal to reallocate the 17.7–19.7 and 27.5–29.5 GHz bands from the fixed and mobile services generally (e.g. both private and common carrier use) to exclusively common carrier. Their objections are based upon a need to provide spectrum relief for operational fixed services as the bands below 13 GHz become saturated. UTC suggested that sharing between terrestrial operational fixed and space systems can be accommodated just as sharing between terrestrial common carrier and space systems.

31. As A.T. & T. correctly points out in their reply comments, the private users are not being deprived of spectrum availability in that region by virtue of the proposal. Other bands, such as 21.2–22.0 GHz, 22.0–23.6 GHz, 31.0–31.2 GHz and 38.6–40.0 GHz are available although the first two bands cited are presently to be shared with Government services. UTC has not shown any particular needs for this range of the radio spectrum as yet nor can such a showing be made at this time because lower bands allocated for operational fixed use are not yet saturated. On the contrary, common carrier bands at 4, 6 and 11 GHz are rapidly becoming saturated.

32. Further, as UTC is aware, the Commission undertook in 1958 a lengthy proceeding in Docket 11866 to determine spectrum needs and allocation policies in the bands above 890 MHz. Among the resulting policies enunciated by the Commission was the need for separate bands for common carrier and private communication systems. Based principally on differing requirements, reliability and needs between the common carrier and private services, this policy has remained; indeed the policy was underscored pursuant to proceedings in Docket 14729 in 1963 and no showing has been made that a reversal of that policy is now in order.

33. Nevertheless the Commission, on November 29, 1972, adopted a further notice of proposed rule making in Docket No. 18920, in which it was pointed out in footnote 7a, that, before finalizing restriction of the 18 GHz band to common carrier use, we would consider any comments filed therein as to whether private users should also have access to the band on either a shared basis or by allocating a portion for private use.

34. Accordingly, although on the basis of the record in this proceeding, adoption of our proposal to allocate the bands 17.7–19.7 and 27.5–29.5 GHz to common carrier would be justified, we will postpone final decision with respect to the 17.7–19.7 GHz band until the comments in Docket 18920 have been considered. We will, however, allocate the band 27.5–29.5 GHz to the common carrier radio services. A new footnote NG 106, is being applied to the lower band to reflect this decision.

35. In their comments and reply comments, ComSat and A.T. & T. respectively, differ concerning the intent with respect to limiting, by footnote NG 104, the allocation of the 10.95–11.2 and 11.45–11.7 GHz bands to the international satellite service. ComSat questions whether such a general understanding existed prior to and during the WARC and cites the fact that the final Acts do not reflect such an understanding. ComSat further believes the bands should be available for domestic satellite communication as well, and offers comments

showing that the bands could be shared by terrestrial, domestic satellite and international satellite services. ComSat concedes, however, that such sharing could influence the system design of specific systems; however, they believe more efficient use of the spectrum would result.

36. A.T. & T., in response, cites correspondence between it and the Commission as well as proceedings in Docket 18294 which reflect the intent for the two bands in question. A.T. & T., in their comments, requested the insertion of the word "transoceanic" in footnote NG 104 to so limit sharing to those international applications.

37. As the Commission previously indicated in Docket 18294 (sixth notice of proposed rule making, paragraph 38, and seventh report and order, paragraph 28), the anticipated profusion of earth stations coupled with the growth of terrestrial microwave stations in the 10.7–11.7 GHz band was expected to create severe problems if the domestic satellite service were permitted co-use of the bands. While the position may be somewhat inconsistent with that taken with respect to the 4 and 6 GHz bands, as alleged by ComSat, the Commission is not persuaded that a change in the position previously stated is warranted at this time. Accordingly, ComSat's arguments are denied.

38. With respect to the request of A.T. & T. regarding modification of footnote NG 104 to include the word "transoceanic" in further restriction of international satellite operations, we do not concur. As pointed out by ComSat, such a restriction could be interpreted to preclude service to other countries of the Western Hemisphere. We believe the number of earth stations involved with such operations to be so small as to create few problems of potential interference to the terrestrial network. Therefore, footnote NG 104 will remain as proposed.

39. Several respondents, notably A.T. & T., NAM, GE, and Fairchild, recommended action be initiated to extend non-Government sharing of certain frequency bands into spectrum allocated to Government services. These bands included the 59–64 GHz, 7125–8400 MHz, and 14.5–15.35 GHz bands. Such action is outside the scope of the instant proceeding; however, should the necessity arise and adequate justification become available, such action may be initiated in the Commission's continuing review with the Federal Government of spectrum allocation matters.

40. Fairchild indicated the 6625–7125 MHz band fixed satellite downlink approved along with the 14.0–14.5 GHz uplink as a companion band could pose problems because of the possibility of second harmonic interference and urged the Commission to investigate the possibility of a more compatible uplink.

41. As pointed out in paragraph 17 of the notice, the uplink band originally proposed by the United States, 12.75–13.25 GHz, was not accepted by the WARC. As a compromise, the band 14.0–14.5 GHz was allocated. Since neither the WARC final Acts nor the Commission's rules match a given uplink band with a specific downlink band, this newly allocated band might be employed by domestic systems using the 11.7–12.2 GHz downlink band (subject to footnote NG 105), and by international systems using the 10.95–11.2 and 11.45–11.7 GHz downlink bands.

Miscellaneous Issues

42. ARINC/ATA, in their comments, generally supported the Commission's proposal relating to the aviation needs, but raised two points. The first deals with the need to accommodate the conventional aeronautical mobile environment as well as the application of space techniques. Accordingly, they believed that terrestrial use of the 1535–1660 MHz band for the aeronautical mobile (R) services should be on an equal basis with the aeronautical mobile satellite (R) services. The second issue deals with a petition for rule making (RM 1861) which was filed with the Commission on September 30, 1971, and which requests allocations for two subbands of 4 MHz each to accommodate projected 1985 control requirements. That petition is still pending before the Commission.

43. Both of these issues were raised during the development of the U.S. position for the Space WARC in Docket 18294. We are aware the matters have not yet been formally considered and that dispositive actions have not yet been taken. While the Commisison understands the concern of ARINC in these matters, we are also aware of discussions now taking place within the aviation community, both domestically and internationally, regarding aeronautical needs in the band. Additionally, the Martime WARC scheduled for 1974 is also expected to consider use of the 1535–1660 MHz band, portions of which are shared between the Maritime Mobile Satellite and Aeronautical Mobile Satellite Services. We therefore believe consideration of the ARINC/ATA proposals in this proceeding is premature and inappropriate. Accordingly they are denied.

44. General Electric also submitted comments concerning the suitability of bands allocated for the maritime and aeronautical satellite needs. Their comments were based upon an internal study which indicates that the allocations are somewhat less than optimum. GE raised the matter not as a recommendation, but for information primarily because the study is incomplete. Accordingly, we will note the comments and suggest that further information derived be made available when the time is more appropriate and conclusions are more reliable.

45. GE also endorsed the Commission's proposals with respect to the Radio Navigation, Standard Frequency and Time Signal Satellite Services, and suggested changing the wording of certain footnotes (U.S. 201, for example) to read "outside of U.S.A. territorial limits" where flux density limitations are imposed. Such action, GE believes, would be more consistent with the wording of (332A) where a distinction between domestic and international interference protection might be desired. In addition to the practical problem of adhering to specified limits at prescribed boundaries, it should be noted the power flux density limits were established to meet acceptable operational parameters of the earth exploration satellite service to permit sharing with existing services. Further, such an approach is preferable, since by implication, the proposed condition would permit greater power flux density limits domestically—a condition not intended. Accordingly, the suggestion is denied.

46. In view of the foregoing, the Commission believes the changes discussed are in the public interest, convenience, and necessity. *Accordingly, it is ordered*, In accordance with authority contained in section 4(i) and 303 of the Communications Act of 1934, as amended, the table of frequency allocations contained in Part 2 of the Commission's rules and regulations is amended as reflected in the attached appendix effective March 1, 1973. Although the Commission is making this order effective on March 1, 1973, it should be noted the Final Acts of the Space WARC entered into force internationally on January 1, 1973.

47. *It is further ordered*, That the proceedings in Docket 19547, are hereby terminated.

(Secs. 4, 303, 48 Stat., as amended, 1066, 1082; 47 U.S.C. 154, 303)

Adopted: February 14, 1973.

Released: February 23, 1973.

FEDERAL COMMUNICATIONS COMMISSION,[1]

[SEAL] BEN F. WAPLE,
Secretary.

Part 2 is amended as follows:

§ 2.1 [Amended]

1. Section 2.1 is amended as follows:

a. The definitions of the following terms are deleted:

Communication-satellite earth station.
Communication-satellite service.
Communication-satellite space station.
Meteorological-satellite earth station.
Meteorological-satellite space station.
Radionavigation-satellite earth station.
Radionavigation-satellite space station.
Space research earth station.
Space research space station.
Space service.
Stationary satellite.
Terrestrial service.

b. The following definitions are amended to read as set forth below:

Deep space. Space at distances from the earth approximately equal to, or greater than, the distance between the earth and the moon.

Earth station. A station located either on the earth's surface or within the major portion of the earth's atmosphere intended for communication:

[1] Commissioner Johnson concurring in the result; Commissioner Reid absent.

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(a) With one or more space stations; or

(b) With one or more stations of the same kind by means of one or more passive satellites or other objects in space.

Meteorological-satellite service. An earth exploration-satellite service for meteorological purposes.

Radionavigation-satellite service. A radiodetermination-satellite service used for the same purposes as the radionavigation service; in certain cases this service includes transmission or retransmission of supplementary information necessary for the operation of radionavigation systems.

Safety service. A radiocommunication service used permanently or temporarily for the safeguarding of human life and property on the earth's surface, in the air or in space.

Spacecraft. A manmade vehicle which is intended to go beyond the major portion of the earth's atmosphere.

Space research service. A radiocommunication service in which spacecraft or other objects in space are used for scientific or technological research purposes.

Space station. A station located on an object which is beyond, is intended to go beyond, or has been beyond, the major portion of the earth's atmosphere.

Terrestrial station. A station effecting terrestrial radiocommunication.

c. The following new definitions are added in proper alphabetical sequence:

Aeronautical mobile-satellite service. A mobile-satellite service in which mobile earth stations are located on board aircraft. Survival craft stations and emergency position indicating radiobeacon stations may also participate in this service.

Aeronautical radionavigation-satellite service. A radionavigation-satellite service in which mobile earth stations are located on board aircraft.

Amateur-satellite service. A radiocommunication service using space stations on earth satellites for the same purposes as those of the amateur service.

Broadcasting-satellite service. A radiocommunication service in which signals transmitted or retransmitted by space stations are intended for direct reception by the general public.

NOTE: In the broadcasting-satellite service, the term "direct reception" shall encompass both individual reception and community reception.

Community reception (in the broadcasting-satellite service). The reception of emissions from a space station in the broadcasting-satellite service by receiving equipment, which in some cases may be complex and have antennas larger than those used for individual reception, and intended for use:

(a) By a group of the general public at one location, or

(b) Through a distribution system covering a limited area.

Earth exploration-satellite service. A radiocommunication service between earth stations and one or more space stations in which:

(a) Information relating to the characteristics of the earth and its natural phenomena is obtained from instruments on earth satellites;

(b) Similar information is collected from airborne or earth-based platforms;

(c) Such information may be distributed to earth stations within the system concerned;

(d) Platform interrogation may be included.

Fixed-satellite service. A radiocommunication service:

(a) Between earth stations at specified fixed points when one or more satellites are used; in some cases this service includes satellite to satellite links, which may also be effected in the inter-satellite service;

(b) For connection between one or more earth stations at specified fixed points and satellites used for a service other than the fixed-satellite service (for example, the mobile-satellite service, broadcasting-satellite service, etc.).

Geostationary satellite. A satellite, the circular orbit of which lies in the plane of the earth's equator and which turns about the polar axis of the earth in the same direction and with the same period as those of the earth's rotation. The orbit on which a satellite should be placed to be a geostationary satellite is called the "geostationary satellite orbit".

Individual reception (in the broadcasting-satellite service). The reception of emissions from a space station in the broadcasting-satellite service by simple domestic installations and in particular those possessing small antennas.

Inter-satellite service. A radiocommunication service providing links between artificial earth satellites.

Land mobile-satellite service. A mobile-satellite service in which mobile earth stations are located on land.

Maritime mobile-satellite service. A mobile-satellite service in which mobile earth stations are located on board ships. Survival craft stations and emergency position indicating radiobeacon stations may also participate in this service.

Maritime radionavigation-satellite service. A radionavigation-satellite service in which mobile earth stations are located on board ships.

Mobile-satellite service. A radiocommunication service:

(a) Between mobile earth stations and one or more space stations; or between space stations used by this service;

(b) Or between mobile earth stations by means of one or more space stations;

(c) And if the system so requires, for connection between these space stations and one or more earth stations at specified fixed points.

Radiodetermination-satellite service. A radiocommunication service involving the use of radiodetermination and the use of one or more space stations.

Satellite system. A space system using one or more artificial earth satellites.

Space operation service. A radiocommunication service concerned exclusively with the operation of spacecraft, in particular tracking, telemetry and telecommand. These functions will normally be provided within the service in which the space station is operating.

Space radiocommunication. Any radiocommunication involving the use of one or more space stations or the use of one or more passive satellites or other objects in space.

Space system. Any group of co-operating earth and/or space stations employing space radiocommunication for specific purposes.

Standard frequency-satellite service. A radiocommunication service using space stations on earth satellites for the same purposes as those of the standard frequency service.

Terrestrial radiocommunication. Any radiocommunication other than space radiocommunication or radio astronomy.

2. Section 2.100 is amended to read as follows:

§ 2.100 International regulations in force.

The Radio Regulations (Geneva, 1959), which became effective internationally on May 1, 1961, were incorporated to the extent practicable in Subparts A and B of this part and became effective nationally on December 1, 1961. The Radio Regulations were subsequently revised, in part, by the Extraordinary Administrative Radio Conference (EARC) (Geneva, 1963), again by the EARC (Geneva, 1966), and again by the World Administrative Radio Conference (WARC) (Geneva, 1967). Subparts A and B were amended, as appropriate, to reflect those partial revisions. The Radio Regulations were again revised, in part, by the WARC (Geneva, 1971), which specified January 1, 1973, as the effective date of the revision. This last partial revision has also been incorporated, to the extent practicable, in Subparts A and B of this part and is applicable nationally, effective January 1, 1973.

§ 2.106 [Amended]

3. Section 2.106 is amended as follows:

a. The table is amended, in part, to read as follows:

Worldwide		Region 2		United States		Federal Communications Commission			
Band (kHz)	Service	Band (kHz)	Service	Band (kHz)	Allocation	Service	Class of Station	Frequency (kHz)	Nature of stations
1	2	3	4	5	6	8	9	10	11
	*		*	*		*	*	*	*
2170-2194	MOBILE (distress and calling). (201)(201A)						*	*	*
	*		*	*		*		*	*
2495-2505		2495-2505 (203) (203A)	STANDARD FREQUENCY.			STANDARD FREQUENCY.	Standard frequency.	2500	Standard frequency.
	*		*	*		*		*	*
2850-3025	AERONAUTICAL MOBILE. (R) (201A)						*		*
	*		*	*		*		*	*

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1	2	3	4	5	6	7	8	9	10	11
4995-5005	STANDARD FREQUENCY. (203A)(210)					4995-5005	STANDARD FREQUENCY.	Standard frequency.	5000	Standard frequency.
	*		*			*		*		*
5480-5680	AERONAUTICAL MOBILE. (R) (201A)					*	*	*		*
5680-5730	AERONAUTICAL MOBILE. (OR) (201A)					*	*	*		*
	*		*			*		*		*
7000-7100	AMATEUR. AMATEUR-SATELLITE.					7000-7100	AMATEUR. AMATEUR-SATELLITE.	Amateur. Earth. Space.		AMATEUR. AMATEUR-SATELLITE. (NG62)
7100-7300		7100-7300	AMATEUR.			7100-7300	AMATEUR.	Amateur.		AMATEUR. (NG62)
	*		*			*		*		*
8195-8815	MARITIME MOBILE. (201A)(213)					*	*	*		*
	*		*			*		*		*

1	2	3	4	5	6	7	8	9	10	11
9995-10005	STANDARD FREQUENCY. (201A)(203A) (214)					9995-10005 (US204)	STANDARD FREQUENCY.	Standard frequency.	10000	Standard frequency.
10005-10100	AERONAUTICAL MOBILE. (R) (201A)					*	*	*		*
	*		*			*		*		*
14000-14250	AMATEUR. AMATEUR-SATELLITE.					14000-14250	AMATEUR. AMATEUR-SATELLITE.	Amateur. Earth. Space.		AMATEUR. AMATEUR-SATELLITE.
14250-14350	AMATEUR. (218)					14250-14350	AMATEUR.	Amateur.		AMATEUR.
	*		*			*		*		*
14990-15010	STANDARD FREQUENCY. (201A)(203A) (219)					14990-15010 (US204)	STANDARD FREQUENCY.	Standard frequency.	15000	Standard frequency.
	*		*			*		*		*
15450-16460	FIXED.					15450-16460	FIXED.	Fixed.		AERONAUTICAL FIXED. INTERNATIONAL FIXED PUBLIC.
	*		*			*		*		*

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1	2	3	4	5	6	7	8	9	10	11
18030-18052	FIXED.					18030-19990	FIXED.	Fixed.		AERONAUTICAL FIXED. INTERNATIONAL FIXED PUBLIC.
18052-18068	FIXED. Space research.									
18068-19990	FIXED.									
19990-20010	STANDARD FREQUENCY. (201A)(203A) (220)					19990-20010 (US204)	STANDARD FREQUENCY.	Standard frequency.	20000	Standard frequency.
	*		*		*			*		*
21000-21450	AMATEUR. AMATEUR-SATELLITE.					21000-21450	AMATEUR. AMATEUR-SATELLITE.	Amateur. Earth. Space.		AMATEUR. AMATEUR-SATELLITE.
	*		*		*			*		*
21850-21870	RADIO ASTRONOMY. (221B)					21850-21870 (US74)	RADIO ASTRONOMY.	Radio astronomy.		RADIO ASTRONOMY.
21870-22000	AERONAUTICAL FIXED. AERONAUTICAL MOBILE. (R)					21870-22000	AERONAUTICAL FIXED. AERONAUTICAL MOBILE. (R)	Aeronautical. Aeronautical fixed. Aircraft.		AERONAUTICAL FIXED. AERONAUTICAL MOBILE.
	*		*		*			*		*

1	2	3	4	5	6	7	8	9	10	11
23350-24990	FIXED. LAND MOBILE. (222) (222A)					*	*	*		*
		*		*			*	*		*

Band (MHz) 1	2	Band (MHz) 3	4	Band (MHz) 5	6	Band (MHz) 7	8	9	Frequency (MHz) 10	11
24.99-25.01	STANDARD FREQUENCY. (203A)(223)			24.99-25.01	G, NG	24.99-25.01	STANDARD FREQUENCY.	Standard frequency.	25.0	Standard frequency.
		*		*			*	*		*
28.0-29.7	AMATEUR. AMATEUR-SATELLITE.			28.0-29.7	AMATEUR. AMATEUR-SATELLITE. (US1)	28.0-29.7	AMATEUR. AMATEUR-SATELLITE.	Amateur. Earth. Space.		AMATEUR. AMATEUR-SATELLITE.
		*		*			*	*		*
30.005-30.01	FIXED. (228)(229) (231) MOBILE. SPACE OPERATION (Satellite identification). SPACE RESEARCH.			*	*					

1	2	3	4	5	6	7	8	9	10	11
30.01-37.75	FIXED. (228) (229)(230)(231) MOBILE. (233A)			*	*	*	*	*		*
37.75-38.25	FIXED. (228) (229) (231) MOBILE. Radio astronomy. (233B)			*	*	*	*	*		*
38.25-41.0 (235) (236) (236A)	FIXED. (228) (229)(230)(231) MOBILE.									
41-50		41-50	FIXED. (228) (231) (237) MOBILE. (233A) (236A)	*	*	*	*	*		*
			*		*		*		*	*
117.975-132	AERONAUTICAL MOBILE. (R) (201A) (273) (273A)			*	*	*	*	*	*	*
132-136	AERONAUTICAL MOBILE. (R) (273A) (274) (274A) (274B) (275)			*	G, NG.	*	*	*	*	*

1	2	3	4	5	6	7	8	9	10	11
136-137	SPACE RESEARCH (Space-to-earth). (281A) (281AA)			136-137	G, NG	136-137	SPACE RESEARCH.	Space.		Space.
137-138	METEOROLOGICAL-SATELLITE. SPACE OPERATION (Telemetering and tracking). SPACE RESEARCH (Space-to-earth). (275A) (279A) (281C) (281E)			137-138	G, NG	137-138	METEOROLOGICAL-SATELLITE. SPACE OPERATION. SPACE RESEARCH.	Space.		Space.
138-143.6		138-143.6	FIXED. MOBILE. Radiolocation. Space research (Space-to-earth). (283A)	*	*					
143.6-143.65		143.6-143.65	FIXED. MOBILE. SPACE RESEARCH (Space-to-earth). Radiolocation. (283A)							

1	2	3	4	5	6	7	8	9	10	11
143.65-144		143.65-144	FIXED. MOBILE. Radiolocation. Space research (Space-to-earth).						*	*
144-146	AMATEUR. AMATEUR-SATELLITE.			144-146	AMATEUR. AMATEUR-SATELLITE. (US1)	144-146	AMATEUR. AMATEUR-SATELLITE.	Amateur. Earth. Space.		AMATEUR. AMATEUR-SATELLITE.
146-148		146-148	AMATEUR.	146-148	AMATEUR. (US1)	146-148	AMATEUR.	Amateur.		AMATEUR.
148-149.9 (285A)		148-149.9 (285A)	FIXED. MOBILE.	148-149.9 (285A) (US10)	G.				148.15	Civil air patrol land; civil air patrol mobile.
149.9-150.05 (285B) (285C)	RADIONAVIGATION-SATELLITE.			*	*	*	*	*		*

1	2	3	4	5	6	7	8	9	10	11
150.05-174		150.05-174	FIXED. MOBILE.	*	*	*	*	*	*	*
						152.855-153.7325	*	*		*
						*	*	*	*	*
					(US77)	156.250-157.0375	*	*	*	*
									156.550	MARITIME MOBILE. (NG24)
									156.575	MARITIME MOBILE.
									156.600	Do.
									156.625	Do.
									156.650	Do.
									156.675	Do.
									156.700	Do.
									156.725	Do.
									156.750	Do.
(201A) (287)					(US106) (US107)				156.800	MARITIME MOBILE (distress, safety, and calling).
									156.850	MARITIME MOBILE.
									*	*
				157.0375-157.1875	G.					
				157.1875-162.0125	NG. (US77) (US200)	*	*	*	*	*
(287A)		(287A)								
		(233A)		162.0125-173.2	*	*	*	*	*	*
				*	*	*	*	*	*	*

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1	2	3	4	5	6	7	8	9	10	11
	*		*			*		*		*
225-235		225-235	FIXED. MOBILE.	225-328.6 (308A) (310) (US98)	G.				243	Survival craft and equipment.
235-267	FIXED. MOBILE. (201A)(305) (305A)(308A) (309)									
267-272	FIXED. MOBILE. Space operation (Telemetering). (308A)(309A) (309B)									
272-273	FIXED. MOBILE. SPACE OPERATION (Telemetering). (308A)(309A)									
273-328.6	FIXED. MOBILE. (308A)(310) (310A)									

1	2	3	4	5	6	7	8	9	10	11
328.6-335.4	AERONAUTICAL RADIONAVIGATION. (311)			328.6-335.4	*	*	*	*		*
335.4-399.9	FIXED. MOBILE. (308A)			335.4-399.9	G. (308A)					
399.9-400.05	RADIONAVIGATION-SATELLITE. (285C) (311A)			*	*	*	*	*		*
400.05-400.15	STANDARD FREQUENCY-SATELLITE. (312B)			400.05-400.15	G. (312B)	400.05-400.15	STANDARD FREQUENCY-SATELLITE.	Space.	400.1	Standard frequency.
400.15-401	METEOROLOGICAL AIDS. METEOROLOGICAL-SATELLITE (Maintenance telemetering). SPACE RESEARCH (Telemetering and tracking).			400.15-401	G,NG.	400.15-401	*	*		*

1	2	3	4	5	6	7	8	9	10	11
401-402 (315C)	METEOROLOGICAL AIDS. SPACE OPERATION (Telemetering). (315A) Fixed. Meteorological-Satellite (Earth-to-space). Mobile except aeronautical mobile.			401-402	G, NG. (315C)	401-402	METEOROLOGICAL AIDS. (US70) SPACE OPERATION (Telemetering). (315A) Meteorological-Satellite (Earth-to-space).	Earth. Radiosonde. Space.		Earth. Radiosonde. Space.
402-403 (315C)	METEOROLOGICAL AIDS. Fixed. Meteorological-Satellite (Earth-to-space). Mobile except aeronautical mobile.			402-403	G, NG. (315C)	402-403	METEOROLOGICAL AIDS. (US70) Meteorological-Satellite (Earth-to-space).	Earth. Radiosonde.		Earth. Radiosonde.
403-406	METEOROLOGICAL AIDS. Fixed. Mobile except aeronautical mobile.			403-406	G, NG.	403-406	METEOROLOGICAL AIDS. (US70)	Radiosonde.		Radiosonde.

1	2	3	4	5	6	7	8	9	10	11
406-406.1	MOBILE-SATELLITE (Earth-to-space). (317A) (317B)			406-406.1	G, NG. (317A)	406-406.1	MOBILE-SATELLITE (Earth-to-space).	Earth.		Emergency position-indicating radiobeacon.
406.1-410 (233B)	FIXED. MOBILE except aeronautical mobile. RADIO ASTRONOMY.			406.1-410	G, NG. (US13) (US74) (US117)	406.1-410	RADIO ASTRONOMY.	Radio astronomy.		RADIO ASTRONOMY.
410-420	FIXED. MOBILE except aeronautical mobile.			410-420	G. (US13)					
420-450 (320A)		420-450	RADIOLOCATION. Amateur. (318) (319A) (319B) (320A)	420-450	G, NG. (US35) (US87)	420-450	Amateur. (US7) Amateur-Satellite. (320A)	Amateur. Earth. Space.		AMATEUR. AMATEUR-SATELLITE.
450-460 (318) (319A)	FIXED. MOBILE.			450-470 (US87)	NG.	*	*	*		*
460-470 (324B)	FIXED. MOBILE. Meteorological-Satellite (Space-to-earth). (318A)			(US100) (US201)		*	*	*		*

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1	2	3	4	5	6	7	8	9	10	11
470-890 (332A)		470-890 (329A) (332) (332A)	*	*	*	*	*	*	*	*
*		*		*		*		*		*
1215-1300	*			*	G, NG. (US34)	*	*	*		*
1300-1350	*			1300-1350	G, NG.	*	*	*		*
1350-1400		1350-1400 (349) (349A)	*	*	*					
*		*		*		*		*		*
1427-1429	FIXED. MOBILE except aeronautical mobile. SPACE OPERATION (Telecommand).			1427-1429	G, NG.	1427-1429	SPACE OPERATION (telecommand). Fixed (Telemetering). Land mobile (Telemetering & telecommand).	Earth. Telemetering fixed. Telemetering land. Telemetering mobile.		Earth (telecommand). Telemetering fixed. Telemetering land. Telemetering mobile.
*		*		*		*		*		*

1	2	3	4	5	6	7	8	9	10	11
1435-1525		1435-1525	MOBILE. Fixed.	1435-1535	G, NG. (US78)	1435-1535	MOBILE.	Aeronautical telemetering.		AVIATION.
1525-1535		1525-1535	SPACE OPERATION (Telemetering). (350A) Earth exploration-satellite. Fixed. Mobile. (350D)							
1535-1542.5	MARITIME MOBILE-SATELLITE. (352)(352D) (352E)			1535-1542.5	G, NG. (352E) (US39)	1535-1542.5	MARITIME MOBILE-SATELLITE.	Coast. Ship. Space.		MARITIME MOBILE-SATELLITE.
1542.5-1543.5	AERONAUTICAL MOBILE-SATELLITE. (R) MARITIME MOBILE-SATELLITE. (352)(352D) (352F)			1542.5-1543.5	G, NG. (352F) (US39)	1542.5-1543.5	AERONAUTICAL MOBILE SATELLITE. (R) MARITIME MOBILE-SATELLITE.	Aeronautical. Aircraft. Coast. Ship. Space.		AERONAUTICAL MOBILE-SATELLITE. (R) MARITIME MOBILE-SATELLITE.
1543.5-1558.5	AERONAUTICAL MOBILE-SATELLITE. (R) (352)(352D) (352G)			1543.5-1558.5	G, NG (352G) (US39)	1543.5-1558.5	AERONAUTICAL MOBILE SATELLITE. (R)	Aeronautical. Aircraft. Space.		AERONAUTICAL MOBILE-SATELLITE. (R)

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1	2	3	4	5	6	7	8	9	10	11
1558.5-1636.5	AERONAUTICAL RADIONAVIGATION. (352)(352A)(352B)(352D)(352K)			1558.5-1636.5	G, NG. (352A)(352B)(US39)(US39A)(US208)	1558.5-1592.5	AERONAUTICAL RADIONAVIGATION.	Radionavigation land.		
						1592.5-1622.5	AERONAUTICAL RADIONAVIGATION.	Radionavigation land. Radionavigation mobile.		Collision avoidance. (Provisional)
						1622.5-1636.5	AERONAUTICAL RADIONAVIGATION.			
1636.5-1644	MARITIME MOBILE-SATELLITE. (352)(352D)(352H)			1636.5-1644	G, NG. (352H)(US39)	1636.5-1644	MARITIME MOBILE-SATELLITE.	Earth. Ship.		MARITIME MOBILE-SATELLITE.
1644-1645	AERONAUTICAL MOBILE-SATELLITE. (R) MARITIME MOBILE-SATELLITE. (352)(352D)(352I)			1644-1645	G, NG. (352I)(US39)	1644-1645	AERONAUTICAL MOBILE-SATELLITE. (R) MARITIME MOBILE-SATELLITE.	Aircraft. Earth. Ship.		AERONAUTICAL MOBILE-SATELLITE. MARITIME MOBILE-SATELLITE.

1	2	3	4	5	6	7	8	9	10	11
1645-1660	AERONAUTICAL MOBILE-SATELLITE. (R) (352)(352D)(352J)			1645-1660	G, NG. (352J)(US39)	1645-1660	AERONAUTICAL MOBILE-SATELLITE. (R)	Aircraft. Earth.		AERONAUTICAL MOBILE-SATELLITE. (R)
1660-1670	METEOROLOGICAL AIDS. RADIO ASTRONOMY. (353A)(354)(354A)(354B)			1660-1670	G, NG. (US74)(US99)(US100)	1660-1670	METEOROLOGICAL AIDS. RADIO ASTRONOMY.	Radio astronomy. Radiosonde.		Radio astronomy. Radiosonde.
1670-1690	FIXED. METEOROLOGICAL AIDS. METEOROLOGICAL-SATELLITE. (Space-to-earth)(324A) MOBILE except aeronautical mobile. (354)			1670-1690	G, NG. (324A)	1670-1690	METEOROLOGICAL AIDS. METEOROLOGICAL-SATELLITE.	Radiosonde. Space.		
1690-1700		1690-1700	METEOROLOGICAL AIDS. METEOROLOGICAL-SATELLITE (Space-to-earth). (324B)(354A)(354C)	1690-1700	G, NG. (324B)(US99)(US100)	1690-1700	METEOROLOGICAL AIDS. METEOROLOGICAL-SATELLITE.	Radiosonde. Space.		

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1	2	3	4	5	6	7	8	9	10	11
1700-1710		1700-1710	FIXED. MOBILE. SPACE RESEARCH (Space-to-earth) (356D)	1700-1710	G, NG.	1700-1710	SPACE RESEARCH.	Space.		
1710-1770		1710-1770	FIXED. MOBILE. (352K) (356A)	1710-1850	G. (US100)					
1770-1790 (356AA)		1770-1790	FIXED. MOBILE. Meteorological-Satellite. (356AA) (356A)							
1790-2290 (356AB) (356ABA)		1790-2290	FIXED. MOBILE. (356A) (356AB) (356ABA)	1850-2200	NG. (US90) (US96) (US111)	*	*	*		
				2200-2290	G.					
2290-2300		2290-2300	FIXED. MOBILE. SPACE RESEARCH (Space-to-earth).	2290-2300	G, NG.	2290-2300	SPACE RESEARCH.	Space.		

1	2	3	4	5	6	7	8	9	10	11
2300-2450 (357)		*	*	*	G, NG. (US34)	*	*	*	*	*
2450-2500		2450-2500 (357)	FIXED. MOBILE. RADIOLOCATION.	*	*	*	*	*	*	*
2500-2550 (361A) (361B) (364C)		2500-2535	BROADCASTING-SATELLITE. (361B) FIXED. (364C) FIXED-SATELLITE (Space-to-earth). MOBILE except aeronautical mobile. (361A)(364E)	2500-2535	NG. (NG8) (NG47) (NG101) (NG102) (US205)	2500-2535	BROADCASTING-SATELLITE. FIXED. FIXED-SATELLITE	Instructional television fixed. Operational fixed. Space.		BROADCASTING-SATELLITE. FIXED. FIXED SATELLITE.
		2535-2550	BROADCASTING-SATELLITE. (361B) FIXED. (364C) MOBILE except aeronautical mobile. (361A)	2535-2655	NG. (NG8) (NG47) (NG[illegible]) (US205)	2535-2655	BROADCASTING-SATELLITE. FIXED.	Instructional television fixed. Operational fixed. Space.		BROADCASTING-SATELLITE. FIXED.
2550-2655	BROADCASTING-SATELLITE. (361B) FIXED. (364C) MOBILE except aeronautical mobile. (364)									

1	2	3	4	5	6	7	8	9	10	11
2655-2690 (361B) (364C) (364D) (364G) (364H)		2655-2690	BROADCASTING-SATELLITE. (361B) (364H) FIXED. (364C) (364D) FIXED-SATELLITE (Earth-to-space). MOBILE except aeronautical mobile. (364E) (364G)	2655-2690	NG. (NG8) (NG47) (NG101) (NG102) (US205)	2655-2690	BROADCASTING-SATELLITE. FIXED. FIXED-SATELLITE.	Instructional television fixed. Operational fixed, Space. Earth.		BROADCASTING-SATELLITE FIXED. FIXED-SATELLITE.
2690-2700 (233B) (364A)	RADIO ASTRONOMY.			*	*	*	*	*		
	*		*		*		*		*	
3300-3400		3300-3400	RADIOLOCATION. Amateur.	3300-3500	G, NG. (US108)	*	*	*		*
3400-3500		3400-3500	FIXED-SATELLITE (Space-to-earth). RADIOLOCATION. Amateur.							

1	2	3	4	5	6	7	8	9	10	11
3500-3700		3500-3700	FIXED. FIXED-SATELLITE (Space-to-earth). MOBILE. RADIOLOCATION.	*	*	*	*	*		*
3700-4200		3700-4200	FIXED. FIXED-SATELLITE (Space-to-earth). MOBILE.	3700-4200	NG.	3700-4200	FIXED. FIXED-SATELLITE.	Common carrier fixed. Space.		DOMESTIC PUBLIC. (NG41) FIXED-SATELLITE.
4200-4400 (352A) (379A)	AERONAUTICAL RADIONAVIGATION.			*	G,NG. (US47)	*	*	*		
4400-4700	FIXED. FIXED-SATELLITE (Earth-to-space). MOBILE.			4400-4990	G. (US203)					
4700-4990 (233B) (382A) (382B)	FIXED. MOBILE.									
	*		*		*		*		*	

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1	2	3	4	5	6	7	8	9	10	11
5000-5250 (352A) (352B) (383B)	AERONAUTICAL RADIONAVIGATION.			5000-5250	G, NG. (352A) (352B) (383B) (US118)	*	*			
*	*	*	*	*						
5650-5670	*			5650-5925	G,NG. (391) (US34) (US100)	*	*	*	*	*
5670-5725 (389A)	*									
5725-5925 (391)		*	*							
5925-6425	FIXED. FIXED-SATELLITE (Earth-to-space). MOBILE.			5925-6425	NG.	5925-6425	FIXED. FIXED-SATEL-LITE.	Common carrier fixed. Fixed earth.		DOMESTIC PUBLIC. (NG41) FIXED-SATELLITE.
6425-7250 (379A) (392AA) (392B) (393)	FIXED. MOBILE.			6425-7125	NG.	6425-6525	*	*		
						6525-6575	*	*		
						6575-6625 (NG8)	FIXED.	International control. Operational fixed.		

1	2	3	4	5	6	7	8	9	10	11
						6625-6875 (NG8)	FIXED. FIXED-SATEL-LITE. (NG103)	International control. Operational fixed. Space.		
						6875-7125 (NG11)	FIXED. FIXED-SATEL-LITE. (NG103) MOBILE.	Space. Television pickup. Television STL.		
				7125-7250	G. (392B)					
7250-7300 (392D) (392G)	FIXED-SATELLITE (Space-to-earth).			7250-7300	G. (392D) (US100)					
7300-7450 (392D)	FIXED. FIXED-SATELLITE (Space-to-earth). MOBILE.			7300-7750	G. (392D)					
7450-7550 (392D)	FIXED. FIXED-SATELLITE (Space-to-earth). METEOROLOGICAL-SATELLITE (Space-to-earth). MOBILE.									
7550-7750 (392D)	FIXED. FIXED-SATELLITE (Space-to-earth). MOBILE.									

1	2	3	4	5	6	7	8	9	10	11
	*		*			*		*		*
7900-7975	FIXED. FIXED-SATELLITE (Earth-to-space). MOBILE.			7900-7975	G.					
7975-8025 (392H)	FIXED-SATELLITE (Earth-to-space).			7975-8025	G. (US100)					
8025-8175		8025-8175	EARTH EXPLORATION-SATELLITE (Space-to-earth). FIXED. FIXED-SATELLITE (Earth-to-space). MOBILE.	8025-8400	G.					
8175-8215		8175-8215	EARTH EXPLORATION-SATELLITE (Space-to-earth). FIXED. FIXED-SATELLITE (Earth-to-space). METEOROLOGICAL SATELLITE (Earth-to-space). MOBILE.							

1	2	3	4	5	6	7	8	9	10	11
8215-8400		8215-8400	EARTH EXPLORATION-SATELLITE (Space-to-earth). FIXED. FIXED-SATELLITE (Earth-to-space). MOBILE.							
8400-8500 (394A) (394D)	FIXED. MOBILE. SPACE RESEARCH (Space-to-earth).			8400-8500	G, NG.	8400-8500	SPACE RESEARCH.	Space.		
	*		*			*		*		*
9000-9200	*			*	*	*	AERONAUTICAL RADIONAVIGATION. (346) (US54) Radiolocation. (US48)			
	*		*			*		*		*
9300-9500 (399)	*			*	*	*	RADIONAVIGATION. (US66) (US71) Meteorological aids. (US67) Radiolocation. (US51)			

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1	2	3	4	5	6	7	8	9	10	11
	*		*		*		*	*		*
Band (GHz) 1	2	Band (GHz) 3	4	Band (GHz) 5	6	Band (GHz) 7	8	9	Frequency (GHz) 10	11
	*		*		*		*	*		*
10.55-10.6	FIXED. MOBILE. Radiolocation.			10.55-10.68	NG.	10.55-10.68	MOBILE.	Operational land. Operational Mobile.		
10.6-10.68	FIXED. MOBILE. RADIO ASTRONOMY. Radiolocation.									
	*		*				*	*		*
10.7-10.95	FIXED. MOBILE.			10.7-11.7	NG.	10.7-10.95	FIXED.	Common carrier fixed.		DOMESTIC PUBLIC. (NG41)
10.95-11.2		10.95-11.2	FIXED. FIXED-SATELLITE (Space-to-earth). MOBILE.			10.95-11.2	FIXED. FIXED-SATELLITE. (NG104)	Common carrier fixed. Space.		DOMESTIC PUBLIC. (NG41) FIXED-SATELLITE.
11.2-11.45	FIXED. MOBILE.					11.2-11.45	FIXED.	Common carrier fixed.		DOMESTIC PUBLIC. (NG41)

1	2	3	4	5	6	7	8	9	10	11
11.45-11.7	FIXED. FIXED-SATELLITE (Space-to-earth). MOBILE.					11.45-11.7	FIXED. FIXED-SATELLITE. (NG104)	Common carrier fixed. Space.		DOMESTIC PUBLIC. (NG41) FIXED-SATELLITE.
11.7-12.2		11.7-12.2 (405BB) (405BC)	BROADCASTING. BROADCASTING-SATELLITE. FIXED. FIXED-SATELLITE (Space-to-earth). MOBILE except aeronautical mobile.	11.7-12.2	NG. (405BC)	11.7-12.2	BROADCASTING-SATELLITE. FIXED-SATELLITE. Mobile. (NG105)	Common carrier land. Common carrier mobile (except aeronautical mobile). Space.		
12.2-12.5		12.2-12.5	BROADCASTING. FIXED. MOBILE except aeronautical mobile.	12.2-12.75	NG.	12.2-12.5 (NG8) (NG52)	FIXED.	International control. Operational fixed.		
12.5-12.75		12.5-12.75	FIXED. FIXED-SATELLITE (Earth-to-space). MOBILE except aeronautical mobile.			12.5-12.7 (NG8) (NG52)	FIXED. FIXED-SATELLITE.	Earth. International control. Operational fixed.		
						12.7-12.75	FIXED. FIXED-SATELLITE. MOBILE.	Community antenna relay. Earth. Television intercity relay. Television pickup. (NG52) Television STL.		

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1	2	3	4	5	6	7	8	9	10	11
12.75-13.25	FIXED. MOBILE.			12.75-13.25	NG.	12.75-12.95	FIXED. MOBILE.	Community antenna relay. Television intercity relay. Television pickup. (NG53) Television STL.		
						12.95-13.2 (NG11)	*	*		
						13.2-13.25	*			
13.25-13.4 (407A)	AERONAUTICAL RADIONAVIGATION. (406)			13.25-13.4	G, NG.	13.25-13.4	AERONAUTICAL RADIONAVIGATION (406). Space research.			Airborne doppler radar. Earth.
13.4-14.0 (407A)	RADIOLOCATION.			*	*	*	Radiolocation. Space research.	Earth. Radiolocation land. Radiolocation mobile.		
14.0-14.3 (407A)	FIXED-SATELLITE (Earth-to-space). RADIONAVIGATION. (408A)			14.0-14.2	G, NG. (US207)	14.0-14.2	FIXED-SATELLITE. RADIONAVIGATION. Space research.	Earth. Radionavigation land. Radionavigation mobile.		

1	2	3	4	5	6	7	8	9	10	11
				14.2-14.3	G, NG. (US207)	14.2-14.3	FIXED-SATELLITE. RADIONAVIGATION.	Earth. Radionavigation land. Radionavigation mobile.		
14.3-14.4	FIXED-SATELLITE (Earth-to-space). RADIONAVIGATION-SATELLITE. (408A)			14.3-14.4	G, NG. (US206) (US207)	14.3-14.4	FIXED-SATELLITE. RADIONATIGATION SATELLITE	Earth.		
14.4-14.5 (408B) (408C)	FIXED. FIXED-SATELLITE (Earth-to-space). MOBILE.			14.4-14.5	G, NG. (US203) (US207)	14.4-14.5	FIXED-SATELLITE. Space research.	Earth. Space.		FIXED-SATELLITE (Earth-to-space). SPACE RESEARCH (Space-to-earth).
14.5-15.35 (408B) (408C)	FIXED. MOBILE.			14.5-15.35	G. (US203)					
	*			*		*		*		*
17.7-19.7	FIXED. FIXED-SATELLITE (Space-to-earth). MOBILE.			17.7-19.7	NG.	17.7-19.7	FIXED. FIXED-SATELLITE. MOBILE.	NG106 Space.		

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1	2	3	4	5	6	7	8	9	10	11
19.7-21.2 (409E)	FIXED-SATELLITE (Space-to-earth).			19.7-20.2	NG.	19.7-20.2	FIXED-SATELLITE.	Space.		
				20.2-21.2	G.					
21.2-22.0	EARTH EXPLORATION-SATELLITE (Space-to-earth). FIXED. MOBILE.			21.2-22.0	G, NG.	21.2-22.0	EARTH EXPLORATION-SATELLITE. FIXED. MOBILE.	Fixed. Mobile except aeronautical mobile. Space.		
22.0-22.5 (410A)	FIXED. MOBILE.			22.0-23.6	G, NG. (410A)	22.0-23.6	FIXED. MOBILE.	Fixed. Mobile except aeronautical mobile.		
22.5-23.0		22.5-23.0	FIXED. MOBILE.							
23.0-23.6	FIXED. MOBILE.									
23.6-24.0	RADIO ASTRONOMY.			23.6-24.0	G, NG. (US72) (US74)	23.6-24.0	RADIO ASTRONOMY.			
24.0-24.05 (410C)	AMATEUR. AMATEUR-SATELLITE.			24.0-24.05	AMATEUR. AMATEUR-SATELLITE. (US72) (US202)	24.0-24.05	AMATEUR. AMATEUR-SATELLITE.	Amateur. Earth. Space.		

1	2	3	4	5	6	7	8	9	10	11
24.05-24.25 (410C)	RADIOLOCATION. Amateur.			24.05-24.25	G, NG. (US72) (US110) (US202)	24.05-24.25	Amateur. Radiolocation.	Amateur. Radiolocation land. Radiolocation mobile.	24.125	Industrial, scientific and medical equipment.
	*		*			*		*		*
25.25-27.5	FIXED. MOBILE.			25.25-27.5	G.					
27.5-29.5	FIXED. FIXED-SATELLITE (Earth-to-space). MOBILE.			27.5-29.5	NG.	27.5-29.5	FIXED. FIXED-SATELLITE. MOBILE.	Common carrier fixed. Common carrier land. Common carrier mobile (except aeronautical mobile). Earth.		
29.5-31.0	FIXED-SATELLITE (Earth-to-space).			29.5-30.0	NG.	29.5-30.0	FIXED-SATELLITE.	Earth.		
				30.0-31.0	G.					

1	2	3	4	5	6	7	8	9	10	11
31.0-31.3 (412H) (412I)	FIXED. MOBILE. Space research.			31.0-31.2	NG. (US100)	31.0-31.2	FIXED. MOBILE.			
				31.2-31.5	G,NG. (US74) (US100)	31.2-31.5	RADIO ASTRONOMY.			
31.3-31.5 (412A)	RADIO ASTRONOMY.									
*				*		*		*		*
36.0-40.0 (391A) (412E)	FIXED. MOBILE.			*	*	*	*			
40.0-41.0	FIXED-SATELLITE (Space-to-earth).			40.0-41.0	G, NG.	40.0-41.0	FIXED-SATELLITE.	Space.		
41.0-43.0	BROADCASTING-SATELLITE.			41.0-43.0	NG.	41.0-43.0	BROADCASTING-SATELLITE.	Space.		
43.0-48.0	AERONAUTICAL MOBILE-SATELLITE. AERONAUTICAL RADIONAVIGATION-SATELLITE. MARITIME MOBILE-SATELLITE. MARITIME RADIONAVIGATION-SATELLITE.			43.0-48.0	G, NG.	43.0-48.0	AERONAUTICAL MOBILE-SATELLITE. AERONAUTICAL RADIONAVIGATION-SATELLITE. MARITIME MOBILE-SATELLITE. MARITIME RADIONAVIGATION-SATELLITE.			

1	2	3	4	5	6	7	8	9	10	11
48.0-50.0	Not Allocated.			48.0-50.0	G, NG.	48.0-50.0		Amateur. Experimental.		
50.0-51.0	FIXED-SATELLITE. (Earth-to-space).			50.0-51.0	G, NG.	50.0-51.0	FIXED-SATELLITE.	Earth.		
51.0-52.0	EARTH EXPLORATION-SATELLITE. SPACE RESEARCH.			51.0-52.0	G, NG.	51.0-52.0	EARTH EXPLORATION-SATELLITE. SPACE RESEARCH.			
52.0-54.25 (412J)	SPACE RESEARCH (Passive).			52.0-54.25	G, NG. (412J)	52.0-54.25	SPACE RESEARCH. (Passive)			
54.25-58.2	INTER-SATELLITE.			54.25-58.2	G					
58.2-59.0 (412J)	SPACE RESEARCH (Passive).			58.2-59.0	G, NG. (412J)	58.2-59.0	SPACE RESEARCH (Passive)			
59.0-64.0	INTER-SATELLITE.			59.0-64.0	G.					
64.0-65.0 (412J)	SPACE RESEARCH (Passive).			64.0-65.0	G, NG. (412J)	64.0-65.0	SPACE RESEARCH. (Passive)			
65.0-66.0	EARTH EXPLORATION-SATELLITE. SPACE RESEARCH.			65.0-66.0	G, NG.	65.0-66.0	EARTH EXPLORATION-SATELLITE. SPACE RESEARCH.			

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1	2	3	4	5	6	7	8	9	10	11
66.0-71.0	AERONAUTICAL MOBILE-SATELLITE. AERONAUTICAL RADIONAVIGATION-SATELLITE. MARITIME MOBILE-SATELLITE. MARITIME RADIONAVIGATION-SATELLITE.			66.0-71.0	G, NG.	66.0-71.0	AERONAUTICAL MOBILE-SATELLITE. AERONAUTICAL RADIONAVIGATION-SATELLITE. MARITIME MOBILE-SATELLITE. MARITIME RADIONAVIGATION-SATELLITE.			
71.0-84.0	Not Allocated.			71.0-84.0	G, NG.	71.0-84.0		Amateur. Experimental.		
84.0-86.0	BROADCASTING-SATELLITE.			84.0-86.0	NG.	84.0-86.0	BROADCASTING-SATELLITE.	Space.		
86.0-92.0 (412J)	RADIO ASTRONOMY. SPACE RESEARCH (Passive).			86.0-92.0	G, NG. (412J) (US74)	86.0-92.0	RADIO ASTRONOMY. SPACE RESEARCH. (Passive)			
92.0-95.0	FIXED-SATELLITE (Earth-to-space).			92.0-93.0	G.					
				93.0-95.0	G, NG.	93.0-95.0	FIXED-SATELLITE.	Earth.		

1	2	3	4	5	6	7	8	9	10	11
95.0-101.0	AERONAUTICAL MOBILE-SATELLITE. AERONAUTICAL RADIONAVIGATION-SATELLITE. MARITIME MOBILE-SATELLITE. MARITIME RADIONAVIGATION-SATELLITE.			95.0-101.0	G, NG.	95.0-101.0	AERONAUTICAL MOBILE-SATELLITE. AERONAUTICAL RADIONAVIGATION-SATELLITE. MARITIME MOBILE-SATELLITE. MARITIME RADIONAVIGATION-SATELLITE.			
101.0-102.0 (412J)	SPACE RESEARCH (Passive).			101.0-102.0	G, NG. (412J)	101.0-102.0	SPACE RESEARCH. (Passive)			
102.0-105.0	FIXED-SATELLITE (Space-to-earth)			102.0-103.0	G.					
				103.0-105.0	G, NG.	103.0-105.0	FIXED-SATELLITE.	Space.		
105.0-130.0 (412K)	INTER-SATELLITE.			105.0-110.0	G.					
				110.0-117.5	G, NG. (412K)	110.0-117.5	INTER-SATELLITE.	Space.		
				117.5-122.5	G.					
				122.5-130.0	G, NG.	122.5-130.0	INTER-SATELLITE.	Space.		
130.0-140.0 (412J)	RADIO ASTRONOMY. SPACE RESEARCH (Passive).			130.0-140.0	G, NG. (412J) (US74)	130.0-140.0	RADIO ASTRONOMY. SPACE RESEARCH. (Passive)			
140.0-142.0	FIXED-SATELLITE. (Earth-to-space).			140.0-141.0	G.					
				141.0-142.0	G, NG.	141.0-142.0	FIXED-SATELLITE.	Earth.		

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1	2	3	4	5	6	7	8	9	10	11
142.0-150.0	AERONAUTICAL MOBILE-SATELLITE. AERONAUTICAL RADIONAVIGATION-SATELLITE. MARITIME MOBILE-SATELLITE. MARITIME RADIONAVIGATION-SATELLITE.			142.0-150.0	G, NG.	142.0-150.0	AERONAUTICAL MOBILE-SATELLITE. AERONAUTICAL RADIONAVIGATION-SATELLITE. MARITIME MOBILE-SATELLITE. MARITIME RADIONAVIGATION-SATELLITE.			
150.0-152.0	FIXED-SATELLITE (Space-to-earth).			150.0-151.0	G.					
				151.0-152.0	G, NG.	151.0-152.0	FIXED-SATELLITE.	Space.		
152.0-170.0	Not Allocated.			152.0-170.0	G, NG.	152.0-170.0		Amateur. Experimental.		
170.0-182.0	INTER-SATELLITE.			170.0-175.0	G.					
				175.0-182.0	G, NG.	175.0-182.0	INTER-SATELLITE.	Space.		
182.0-185.0 (412J)	SPACE RESEARCH (Passive).			182.0-185.0	G, NG. (412J)	182.0-185.0	SPACE RESEARCH. (Passive)			
185.0-190.0	INTER-SATELLITE.			185.0-189.0	G, NG.	185.0-189.0	INTER-SATELLITE.	Space.		
				189.0-190.0	G.					

1	2	3	4	5	6	7	8	9	10	11
190.0-200.0	AERONAUTICAL MOBILE-SATELLITE. AERONAUTICAL RADIONAVIGATION-SATELLITE. MARITIME MOBILE-SATELLITE. MARITIME RADIONAVIGATION-SATELLITE.			190.0-200.0	G, NG.	190.0-200.0	AERONAUTICAL MOBILE-SATELLITE. AERONAUTICAL RADIONAVIGATION-SATELLITE. MARITIME MOBILE-SATELLITE. MARITIME RADIONAVIGATION-SATELLITE.			
200.0-220.0	Not Allocated.			200.0-220.0	G, NG.	200.0-220.0		Amateur. Experimental.		
220.0-230.0	FIXED-SATELLITE.			220.0-230.0	G, NG.	220.0-230.0	FIXED-SATELLITE.			
230.0-240.0 (412J)	RADIO ASTRONOMY. SPACE RESEARCH (Passive).			230.0-240.0	G, NG. (412J) (US74)	230.0-240.0	RADIO ASTRONOMY. SPACE RESEARCH. (Passive)			
240.0-250.0	Not Allocated.			240.0-250.0	G, NG	240.0-250.0		Amateur. Experimental.		
250.0-265.0	AERONAUTICAL MOBILE-SATELLITE. AERONAUTICAL RADIONAVIGATION-SATELLITE. MARITIME MOBILE-SATELLITE. MARITIME RADIONAVIGATION-SATELLITE.			250.0-265.0	G, NG.	250.0-265.0	AERONAUTICAL MOBILE-SATELLITE. AERONAUTICAL RADIONAVIGATION-SATELLITE. MARITIME MOBILE-SATELLITE. MARITIME RADIONAVIGATION-SATELLITE.			

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1	2	3	4	5	6	7	8	9	10	11
265.0-275.0	FIXED-SATELLITE.			265.0-275.0	G, NG.	265.0-275.0	FIXED-SATELLITE.			
Above 275.0	Not Allocated.			Above 275.0	G, NG.	Above 275.0		Amateur. Experimental.		

b. In the list of footnotes immediately following the table in § 2.106, the following Geneva footnotes are deleted: (204), (215), (215A), (221), (221A), (276), (281B), (281F), (284A), (317), (355A), (356B), (365), (374A), (392A), (392C), (392F), (394C), (409A), (409D), and (410).

c. The following Geneva footnotes to the table in § 2.106 are amended to read:

(235) The band 39.986–40.020 MHz is also allocated on a secondary basis to the space research service.

(281E) In Malaysia, Pakistan, and the Philippines, the band 137–138 MHz is also allocated to the fixed and mobile services.

(285A) The band 148–149.9 MHz may be authorized for space telecommand, subject to agreement between the administrations concerned and those having services operating in accordance with the table, which may be affected. The bandwidth of an individual transmission shall not exceed ±15 kHz.

(285B) In Austria, Bulgaria, Cuba, Hungary, Iran, Kuwait, Pakistan, Poland, the United Arab Republic, Roumania, and Yugoslavia, the band 149.90–150.05 MHz is also allocated to the fixed and mobile services (see Recommendation No. Spa 8).

(310) Radio astronomy observations in the band 322–328.6 MHz are carried out in a number of countries under national arrangements. Administrations should bear in mind the needs of the radio astronomy service in using this band.

(311A) In Bulgaria, Cuba, Greece, Hungary, Indonesia, Iran, Kuwait, Lebanon, the United Arab Republic, Syria, and Yugoslavia, the band 399.9–400.05 MHz is also allocated to the fixed and mobile services (see Recommendation No. Spa 8).

(318) Radio altimeters may also be used until 31 December 1974 in the band 420–460 MHz. However, after this date, they may be authorized to continue to operate on a secondary basis except in the U.S.S.R. where they will continue to operate on a primary basis.

(319A) The band 449.75–450.25 MHz may be used for space telecommand and space research (earth-to-space), subject to agreement between the administrations concerned and those having services operating in accordance with the table, which may be affected.

(340) In Region 2, the frequency 915 MHz is designated for industrial, scientific and medical purposes. Emissions must be confined within the limits of ±13 MHz of that frequency. Radiocommunication services operating within these limits must accept any harmful interference that may be experienced from the operation of industrial, scientific and medical equipment.

(350A) Space stations employing frequencies in the band 1525–1535 MHz for telemetering purposes may also transmit tracking signals in this band.

(352A) The bands 1558.5–1636.5 MHz, 4200–4400 MHz, 5000–5250 MHz, and 15.4–15.7 GHz are reserved on a worldwide basis for the use and development of airborne electronic aids to air navigation and any directly associated ground-based or satellite-borne facilities.

(352B) The bands 1558.5–1636.5 MHz, 5000–5250 MHz, and 15.4–15.7 GHz are also allocated to the aeronautical mobile (R) service for the use and development of systems using space radiocommunication techniques. Such use and development is subject to agreement and coordination between the administrations concerned and those having services operating in accordance with the table, which may be affected.

(353A) In view of the successful detection of two hydroxyl spectral lines in the regions of 1665 MHz and 1667 MHz by astronomers, administrations are urged to give all practicable protection in the band 1660–1670 MHz for future research in radio astronomy particularly by eliminating air-to-ground transmissions in the meteorological aids service in the band 1664.4–1668.4 MHz as soon as practicable.

(354A) In Bulgaria, Cuba, Ethiopia, Hungary, Israel, Jordan, Kenya, Kuwait, Lebanon, Uganda, Pakistan, Poland, the United Arab Republic, Roumania, Syria, Tanzania, Czechoslovakia, the U.S.S.R., and Yugoslavia, the bands 1660–1670 MHz and 1690–1700 MHz are also allocated to the fixed service and the mobile, except aeronautical mobile, service.

(356A) In Region 2, in Australia and Japan the band 1750–1850 MHz may also be used for earth-to-space transmissions, and in Regions 2 and 3 the band 2200–2290 MHz may also be used for space-to-earth transmissions, in the space research service subject to agreement between the administrations concerned and those having services operating in accordance with the table, which may be affected.

(364A) In Bulgaria, Cuba, Hungary, India, Israel, Kuwait, Lebanon, Morocco, Pakistan, the Philippines, Poland, the United Arab Republic, Yugoslavia, Roumania, Czechoslovakia and the U.S.S.R., the band 2690–2700 MHz is also allocated to the fixed and mobile services.

(383A) In Cuba, the band 4990–5000 MHz is also allocated to the fixed and mobile services, and the provisions of No. 233B apply.

(392B) The band 7145–7235 MHz may be used for earth-to-space transmissions in the space research service, subject to agreement between the administrations concerned and those having services operating in accordance with the table, which may be affected.

(392D) As an exception, passive fixed-satellite systems also may be accommodated in the band 7250–7750 MHz subject to:

(a) Agreement between the administrations concerned and those whose services, operating in accordance with the table, may be affected;

(b) The coordination procedure laid down in Articles 9 and 9A.

Such systems shall not cause any more interference at active earth station receivers than would be caused by fixed or mobile services. Power flux density limitations at the earth's surface after reflection from the passive fixed-satellites shall not exceed those prescribed in these regulations for active fixed-satellite systems.

d. The following new Geneva footnotes are added in proper numerical sequence:

(201A) The frequencies 2182 kHz, 3023.5 kHz, 5680 kHz, 8364 kHz, 121.5 MHz, 156.8 MHz, and 243 MHz may also be used, in accordance with the procedures in force for terrestrial radiocommunication services, for search and rescue operations concerning manned space vehicles.

The same applies to the frequencies 10003 kHz, 14993 kHz, and 19993 kHz, but in these cases emissions must be confined in a band of ±3 kHz about the frequency.

(203A) The bands 2501–2502 kHz, 5003–5005 kHz, 10003–10005 kHz, 15005–15010 kHz, 19990–19995 kHz, 20005–20010 kHz, and 25005–25010 kHz are also allocated, on a secondary basis, to the space research service.

(221B) In Bulgaria, Hungary, Poland, Roumania, Czechoslovakia and the U.S.S.R. the band 21850–21870 kHz is also allocated to the aeronautical fixed and the aeronautical mobile (R) services. The administrations concerned will take all practicable steps to protect radio astronomy observations from harmful interference.

(222A) In Argentina and Uruguay the band 24528–24538 kHz may be used by the space research service, subject to agreement between the administrations concerned and those having services operating in accordance with the table, which may be affected.

(233A) In Argentina and Uruguay, the bands 36.65–36.85 MHz, 41.15–41.35 MHz, and 45.65–45.85 MHz, and in Argentina, Brazil, and Uruguay the band 170.55–170.95 MHz, are allocated to the radio astronomy service and no assignments shall be made to the fixed and mobile services in these bands.

(233B) In making assignments to stations of other services to which the bands 37.75–38.25 MHz, 150.05–153 MHz, 406.1–410 MHz, 2690–2700 MHz, and 4700–5000 MHz are allocated, administrations are urged to take all practicable steps to protect radio astronomy observations from harmful interference.

(236A) The band 40.980–41.015 MHz is also allocated on a secondary basis to the space research service, in particular for measurements of the differential Faraday effect.

(274A) In Regions 2 and 3, stations of the fixed and mobile services may continue

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to use the band 132–136 MHz until 1 January 1976. Until that date, frequency assignments to the aeronautical mobile (R) service shall be co-ordinated between the administrations concerned and shall be protected from harmful interference.

(274B) In Cuba and Mexico, the band 132–136 MHz is also allocated to the fixed and mobile services.

(281AA) In Bulgaria, China, Cyprus, Korea, Spain, Ethiopia, Ghana, Hungary, India, Indonesia, Iran, Iraq, Kenya, Kuwait, Malaysia, Uganda, Pakistan, Philippines, Poland, Portugal, the United Arab Republic, Roumania, Senegal, Syria, Tanzania, Czechoslovakia, and the U.S.S.R., the band 136–137 MHz is also allocated to the fixed and mobile services.

(283A) In Argentina, the frequency 138.540 MHz ±7.5 kHz and the band 143.6–143.65 MHz may be used by the space research service (telecommand), subject to agreement between the administrations concerned and those having services operating in accordance with the table, which may be affected.

(285C) Emissions of the radionavigation-satellite service in the bands 149.90–150.05 MHz and 399.90–400.05 MHz may also be used by receiving earth stations of the space research service.

(287A) In the frequency bands designated for the maritime mobile service in accordance with Appendix 18 of the radio regulations, the use of satellite systems for safety and distress may be authorized on certain channels on an exclusive basis in the band 157.3125–157.4125 MHz for transmissions from ships to satellites and in the band 161.9125–162.0125 MHz for transmissions from satellites to ships. The satellite systems shall not be brought into use before January 1, 1976 (see Resolution No. Spa 2–5).

(305A) In New Zealand the band 235–239.5 MHz is also allocated to the aeronautical radionavigation service.

(308A) The bands 240–328.6 MHz and 335.4–399.9 MHz may also be used by the mobile-satellite service. The use and development of this service shall be subject to agreement between the administrations concerned and those having services operating in accordance with the table, which may be affected.

(310A) In India, the band 322–328.6 MHz is also allocated to the radio astronomy service.

(312B) In this band the standard frequency is 400.1 MHz. Emissions shall be confined in a band of ±25 kHz about this frequency.

(315C) In the band 401–403 MHz, earth exploration-satellite applications, other than the meteorological-satellite service, may also be used for earth-to-space transmissions on condition that no harmful interference is caused to stations operating in accordance with the table.

(317A) The band 406–406.1 MHz is reserved solely for the use and development of low-power (not to exceed 5W) emergency position-indicating radiobeacon (EPIRB) systems using space techniques.

(317B) In Austria, Bulgaria, Chile, Cuba, Ethiopia, Hungary, India, Iran, Kenya, Kuwait, Liechtenstein, Malaysia, Uganda, Poland, the United Arab Republic, Rwanda, Sweden, Switzerland, Syria, Tanzania, Czechoslovakia and in the U.S.S.R., the band 406–406.1 MHz is also allocated to the fixed service and the mobile, except aeronautical mobile, service.

(319B) In France and the French Department of Guyana (Region 2) the frequency 434 MHz ± 0.25 MHz may be used for space operation (earth-to-space) subject to agreement between the administrations concerned and those having services, operating in accordance with the table, which may be affected.

(320A) In the band 435–438 MHz, the amateur-satellite service may be authorized, on condition that harmful interference shall not be caused to other services operating in accordance with the table. Administrations authorizing such use shall ensure that any harmful interference caused by emissions from an amateur satellite is immediately eliminated in accordance with the provisions of No. 1587A.

(324B) Earth exploration-satellite service applications, other than the meteorological-satellite service, may also be used in the bands 460–470 MHz and 1690–1700 MHz for space-to-earth transmissions on condition that no harmful interference is caused to stations operating in accordance with the table.

(329A) In Argentina and Uruguay, the band 602–608 MHz is allocated to the radio astronomy service.

(332A) Within the frequency band 620–790 MHz, assignments may be made to television stations using frequency modulation in the broadcasting-satellite service, subject to agreement between the administrations concerned and those having services, operating in accordance with the table, which may be affected (see Resolutions Nos. Spa 2-2 and Spa 2-3). Such stations shall not produce a power flux density in excess of the value −129 dBW/m² for angles of arrival less than 20° (see Recommendation No. Spa 2-10) within the territories of other countries without the consent of those countries.

(349A) Radio astronomic observations on the Hydrogen line displaced towards lower frequencies are carried out in a number of countries under national arrangements. Administrations should bear in mind the needs of the radio astronomy service in their future planning of the band 1350–1400 MHz.

(352E) The use of the band 1535–1542.5 MHz is limited to transmissions from space to earth stations in the maritime mobile-satellite service for communication and/or radiodetermination purposes. Transmissions from coast stations directly to ship stations, or between ship stations, are also authorized when such transmissions are used to extend or supplement the satellite-to-ships links.

(352F) The use of the band 1542.5–1543.5 MHz is limited to transmissions from space-to-earth stations in the aeronautical mobile-satellite (R) and maritime mobile-satellite services for communication and/or radiodetermination purposes. Transmissions from land stations directly to mobile stations, or between mobile stations, of the aeronautical mobile (R) and maritime mobile services, are also authorized. The utilization of this band is subject to prior operational coordination between the two services.

(352G) The use of the band 1543.5–1558.5 MHz is limited to transmissions from space-to-earth stations in the aeronautical mobile-satellite (R) service for communication and/or radiodetermination purposes. Transmissions from terrestrial aeronautical stations directly to aircraft stations, or between aircraft stations, in the aeronautical mobile (R) service are also authorized when such transmissions are used to extend or supplement the satellite-to-aircraft links.

(352H) The use of the band 1636.5–1644 MHz is limited to transmissions from earth-to-space stations in the maritime mobile-satellite service for communication and/or radiodetermination purposes. Transmissions from ship stations directly to coast stations, or between ship stations, are also authorized when such transmissions are used to extend or supplement the ship-to-satellite links.

(352I) The use of the band 1644–1645 MHz is limited to transmissions from earth-to-space stations in the aeronautical mobile-satellite (R) and maritime mobile-satellite services for communication and/or radiodetermination purposes. Transmissions from mobile stations directly to land stations, or between mobile stations, of the aeronautical mobile (R) and maritime mobile services, are also authorized. The utilization of this band is subject to prior operational coordination between the two services.

(352J) The use of the band 1645–1660 MHz is limited to transmissions from earth-to-space stations in the aeronautical mobile-satellite (R) service for communication and/or radiodetermination purposes. Transmissions from aircraft stations in the aeronautical mobile (R) service directly to terrestrial aeronautical stations, or between aircraft stations, are also authorized when such transmissions are used to extend or supplement the aircraft-to-satellite links.

(352K) Radio astronomy observations on important spectral lines due to the hydroxyl radicle OH at frequencies 1612.231 MHz and 1720.530 MHz are carried out in a number of countries under national arrangements; the bands observed being 1611.5–1612.5 MHz and 1720–1721 MHz, respectively. Administrations should bear in mind the needs of the radio astronomy service in their future planning of the bands 1558.5–1636.5 MHz and 1710–1770 MHz.

(354D) The band 1700–1700.2 MHz may be used, on a secondary basis, for the transmission from space stations on board satellites of frequencies harmonically related to those emitted in the bands 149.9–150.05 MHz and 399.9–400.0 MHz for the requirements of ionospheric investigation and geodesy.

(356AB) In regions 2 and 3 and in Spain, in the band 2025–2120 MHz earth-to-space transmissions in the earth exploration-satellite service may be authorized with equality of right to operate with stations of other space radiocommunication services in the band and subject to agreement between the administrations concerned and those having services operating in accordance with the table, which may be affected.

(356ABA) In Region 2, Australia and Spain in the band 2025–2120 MHz and in Regions 1 and 3 in the band 2110–2120 MHz earth-to-space transmissions in the space research service may be authorized with equality of right to operate with other space radiocommunication services in these bands, subject to agreement between the administrations concerned and those having services operating in accordance with the table, which may be affected.

(361A) In France the band 2500–2550 MHz is also allocated on a primary basis to the radiolocation service and, on a secondary basis, to the fixed and mobile services. In Canada, the band 2500–2550 MHz is also allocated on a primary basis to the radiolocation service.

(361B) The use of the band 2500–2690 MHz by the broadcasting-satellite service is limited to domestic and regional systems for community reception and such use is subject to agreement between the administrations concerned and those having services operating in accordance with the table, which may be affected (see Resolutions Nos. Spa 2-2 and Spa 2-3). The power flux density at the earth's surface shall not exceed the values given in Nos. 470NH–470NK.

(364C) When planning new tropospheric scatter radio-relay links in the band 2500–2690 MHz, all possible measures shall be taken to avoid directing the antennae of these links towards the geostationary satellite orbit.

(364D) Administrations shall make all practicable effort to avoid developing new tropospheric scatter systems in the band 2655–2690 MHz.

(364E) The use of the bands 2500–2535 MHz and 2655–2690 MHz by the fixed-satellite service is limited to domestic and regional systems and such use is subject to agreement between the administrations concerned and those having services operating in accordance with the Table, which may be affected (see Article 9A). In the direction space-to-earth, the power flux density at the surface of the earth shall not exceed the values given in No. 470NE.

(364G) Radio astronomy observations are being carried out in the band 2670–2690 MHz in a number of countries under national arrangements. Administrations should bear in mind the needs of the radio astronomy service in their future planning of this band.

(364H) In the design of systems in the broadcasting-satellite service, administrations are urged to take all necessary steps to protect the radio astronomy service in the band 2690–2700 MHz.

(379A) The standard frequency-satellite service and the time signal-satellite service may be authorized to use the frequency 4202 MHz for space-to-earth transmissions and the frequency 6427 MHz for earth-to-space transmissions. Such transmissions shall be confined within the limits of ±2 MHz of these frequencies and shall be subject to agreement between the administrations concerned and those having services operating in accordance with the table, which may be affected.

(382A) Radio astronomy observations on the formaldehyde line (rest frequency 4829.649 MHz) are being carried out in a number of countries under national arrangements. Administrations should bear in mind the needs of the radio astronomy service in their future planning of the band 4825–4835 MHz.

(382B) Radio astronomy observations (in the band 4950–4990 MHz) are being carried out in a number of countries under national arrangements. Administrations should bear in mind the needs of the radio astronomy service in their future planning of this band.

(383B) The band 5000–5250 MHz is also allocated to the fixed-satellite service for connection between one or more earth stations at specified fixed points on the earth and satellites used by the aeronautical mobile (R) service and/or the radio determination service. Such use and development shall be subject to agreement and coordination between the administrations concerned and those having services operating in accordance with the table, which may be affected.

(391A) Radio astronomy observations are being carried out in the bands 5750–5770 MHz and 36.458–36.488 GHz in a number of countries under national arrangements. Administrations are urged to take all practicable steps to protect radio astronomy observations in these bands from harmful interference.

(392AA) In Brazil, Canada, and the United States of America, the band 6625–7125 MHz is also allocated on a secondary basis to the fixed-satellite service for space-to-earth transmissions. In Region 2, the power flux density produced by space stations in this band shall be in accordance with the provisions of No. 470NM. In Regions 1 and 3, it shall be at least 6 db lower. Receiving earth stations in this band may not impose restrictions on the locations or technical parameters of existing or future terrestrial stations of other countries.

(405BB) Terrestrial radiocommunication services in the band 11.7–12.2 GHz in Region 2 shall be introduced only after the elaboration and approval of plans for the space radiocommunication services, so as to insure compatibility between the uses that each country decides for this band.

(405BC) The use of the band 11.7–12.2 GHz by the broadcasting-satellite and fixed-satellite services is limited to domestic systems and is subject to previous agreement between the administrations concerned and those having services operating in accordance with the table, which may be affected (see Article 9a and Resolution No. Spa 2–3).

(407A) The band 13.25–14.2 GHz may also be used on a secondary basis for earth-to-space transmissions in the space research service, subject to agreement between the administrations concerned and those having services operating in accordance with the table, which may be affected.

(408A) The use of the bands 14–14.3 GHz and 14.3–14.4 GHz by the radionavigation service and radionavigation-satellite service respectively, shall be such as to provide sufficient protection to space stations of the fixed-satellite service (see Recommendation No. Spa 2–15, Para. 2.14).

(403B) The band 14.4–15.35 GHz may also be used on a secondary basis for space-to-earth transmissions in the space research service, subject to agreement between the administrations concerned and those having services, operating in accordance with the table, which may be affected.

(408C) Radio astronomy observations on the formaldehyde line (rest frequency 14.489 GHz) are being carried out in a number of countries under national arrangements. In making assignments to stations in the fixed and mobile services, administrations are urged to take all practicable steps to protect radio astronomy observations from harmful interference in the band 14.485–14.515 GHz.

(409E) In Japan, the bands 19.7–21.2 GHz and 29.5–31 GHz are also allocated to the fixed and mobile services. This additional use shall not impose any limitation to the power flux density of space stations in the fixed-satellite service.

(410A) The band 22.21–22.26 GHz is also allocated to the radio astronomy service for observations of a spectral line due to water vapor (rest frequency 22.235 GHz). Administrations are urged to give all practicable protection in this band for future research in radio astronomy.

(410C) The frequency 24.125 GHz is designated for industrial, scientific and medical purposes. Emissions must be confined within the limits of ±125 MHz of that frequency. Radiocommunication services operating within those limits must accept any harmful interference that may be experienced from the operation of industrial, scientific and medical equipment.

(412I) Radio astronomy observations in the band 31.2–31.3 GHz are carried out in a number of countries under national arrangements. Administrations are urged to take all practicable steps to protect radio astronomy observations from harmful interference.

(412J) All emissions in the bands 52–54.25 GHz, 58.2–59 GHz, 64–65 GHz, 86–92 GHz, 101–102 GHz, 130–140 GHz, 182–185 GHz, and 230–240 GHz are prohibited. The use of passive sensors by other services is also authorized.

(412K) Radio astronomy observations on the carbon monoxide line at 115.271 GHz are carried out in a number fo countries under national arrangements. In making assignments to other services in the Table, administrations should bear in mind the need to protect radio astronomy observations from harmful interference in the band 115.16–115.38 GHz.

e. Footnote NG46 is deleted from the NG footnotes following the Table of Frequency Allocations in § 2.106.

f. Footnotes NG47, NG51, and NG59 are amended to read as follows:

NG47 In the band 2500–2690 MHz, the television channels 2650–2656 MHz, 2662–2668 MHz, and 2674–2680 MHz and the corresponding response frequencies 2686.9375 MHz, 2687.9375 MHz and 2688.9375 MHz may be assigned to operational fixed stations in the public safety services (Part 89 of this chapter) on a primary basis and to operational fixed stations in other services on a secondary basis. Such assignments are subject to the condition that all operational fixed stations must comply with the technical standards applicable to stations in the instructional television fixed service contained in Subpart I of Part 74 of this chapter. All other frequencies in this band for terrestrial operations are available for assignment only to stations in the instructional television fixed service. Stations authorized in this band as of July 16, 1971, which do not comply with the above provisions may continue to operate on their presently assigned frequencies on a co-equal basis with other stations operating in accordance with the table of frequency allocations. Requests for subsequent license renewals or modifications of existing licenses will be considered; however, expansion of systems comprised of such stations will not be permitted. In Alaska, however, frequencies within the band 2655–2690 MHz are not available for assignment to terrestrial stations.

NG51 In Puerto Rico and the Virgin Islands only, the bands 150.8–150.98 MHz and 150.98–151.49 MHz are allocated exclusively to the business radio service.

NG59 The frequencies 37.60 and 37.84 MHz may be authorized only for use by base, mobile, and operational fixed stations participating in an interconnected or coordinated power service utility system.

g. The following new NG footnotes are added in proper numerical sequence:

NG101 The use of the band 2500–2690 MHz by the broadcasting-satellite service is limited to domestic and regional systems for community reception of educational television programing and public service information. Such use is subject to agreement among administrations concerned and those having services operating in accordance with the table, which may be affected. Unless such agreement includes the use of higher values, the power flux density at the earth's surface produced by emissions from a space station in this service shall not exceed those values set forth in Part 73 of the rules for this frequency band.

NG102 The frequency bands 2500–2535 MHz (space-to-earth) and 2655–2690 MHz (earth-to-space) are allocated for use in the fixed-satellite service as follows:

(a) For common carrier use in Alaska, for intra-Alaska service only, and, in the mid and western Pacific area including American Samoa, the Trust Territory of the Pacific Islands, Guam and Hawaii;

(b) For educational use in the contiguous United States, Alaska, and the mid and western Pacific area including American Samoa, the Trust Territory of the Pacific Islands, Guam and Hawaii.

Such use is subject to agreement with administrations having services operating in accordance with the table, which may be affected. In the band 2500–2535 MHz, unless such agreement includes the use of higher values, the power flux density at the earth's surface produced by emissions from a space station in this service shall not exceed the values set forth in Part 25 of the rules for this frequency band.

NG103 In the band 6625–7125 MHz, the fixed-satellite service (space-to-earth) has

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equal rights with the fixed and mobile services within the United States. Internationally, however, it is secondary with respect to the services of other countries operating in accordance with the table and receiving earth stations in this band may not impose restrictions on the locations or technical parameters of existing or future terrestrial stations of other countries.

NG104 The use of the bands 10.95–11.2 and 11.45–11.7 GHz in the fixed-satellite service is limited to international systems, i.e., other than domestic systems.

NG105 In the band 11.7–12.2 GHz, assignments in the Broadcasting Satellite and Fixed Satellite Services will not be made pending further order of the Commission.

NG106 Final allocation of the band 17.7–19.7 GHz will be based upon determinations made in Docket 18920.

h. Footnotes US3, US6, US37, US38, US40, US52, US55, US56, US61, US62, US68, US83, US84, US86, US89, US91, US92, and US101 are deleted from the U.S. footnotes following the Table of Frequency Allocations in § 2.106.

i. The following U.S. footnotes are amended to read as indicated.

US1 In the bands 26.96–27.23, 28–29.7, 50–54, and 144–148 MHz pulsed emissions are prohibited.

US 13 For the specific purpose of transmitting hydrological and meteorological data in cooperation with agencies of the Federal Government, the following frequencies may be authorized to non-Government fixed stations on the condition that harmful interference will not be caused to Government stations.

MHz	*MHz*	*MHz*
169.425	171.025	406.125
169.450	171.050	406.175
169.475	171.075	409.675
169.500	171.100	409.725
169.525	171.125	412.625
170.225	171.825	412.675
170.250	171.850	412.725
170.275	171.875	412.775
170.300	171.900	
170.325	171.925	

Licensees holding a valid authorization on June 11, 1962, to operate on the frequencies 169.575, 170.375, or 171.975 MHz may continue to be authorized for such operation on the condition that harmful interference will not be caused to Government stations.

Licensees holding a valid authorization on January 1, 1973, to operate on the frequencies 406.025, 406.050, or 406.075 MHz may continue to be authorized for such operations until the expiration of their present license on the condition that harmful interference will not be caused to stations operating in accordance with the table.

US14 The frequency band 510–535 kHz is not available to non-Government stations except that the frequency 512 kHz is available for use by non-Government ship telegraph stations, as a working frequency. When 500 kHz is being used for distress purposes, ship and coast stations may use 512 kHz for calling.

US21 Existing Government operations and non-Government stations authorized in the band 73–74.6 MHz as of December 1, 1961, may continue and shall not be required to afford protection to radio astronomy observatories within the United States and possessions. However, by international agreement, such stations must afford protection to the observatories of other countries.

US32 The Government use of the band 123.125–123.575 MHz is for FAA communications incident to flight test activities pertinent to aircraft and facility certification.

US33 The band 123.125–123.575 MHz is for use by flight test and aviation instruction stations.

US34 The only non-Government service permitted in the bands 220–225 MHz, 1215–1300 MHz, 2300–2450 MHz, and 5650–5925 MHz is the amateur service. The amateur service shall not cause harmful interference to the radiolocation service.

US35 Except as provided by footnotes 320A and US87, the only non-Govrenment service permitted in the band 420–450 MHz is the amateur service. The amateur service shall not cause harmful interference to the radiolocation service.

US48 The non-Government radiolocation service may be authorized in the bands 5350–5460 MHz and 9000–9200 MHz on the condition that it does not cause harmful interference to the aeronautical radionavigation service or to the Government radiolocation service.

US51 In the bands 5600–5650 MHz and 9300–9500 MHz the non-Government radiolocation service shall not cause harmful interference to the Government radiolocation service.

US53 In view of the fact that the band 13.25–13.4 GHz is allocated to Doppler navigation aids, Government and non-Government airborne Doppler radars in the aeronautical radionavigation service are permitted in the band 8750–8850 MHz only on the condition that they must accept any interference which may be experienced from stations in the radiolocation service in the band 8500–10,000 MHz.

US70 The meteorological aids service allocation in the band 400.15–406 MHz does not preclude the operation therein of associated ground transmitters.

US74 In the bands 21.85–21.87, 73–74.6, 406.1–410, 1400–1427, 1660–1670, 2690–2700, and 4990–5000 MHz and in the bands 10.68–10.7, 15.35–15.4, 23.6–24, 31.2–31.5, 86–92, 130–140, and 230–240 GHz, the radio astronomy service shall be protected from extra-band radiation only to the extent that such radiation exceeds the level which would be present if the offending station were operating in compliance with the technical standards or criteria applicable to the service in which it operates.

US78 In the band 1435–1535 MHz, the frequencies between 1435 and 1485 MHz will be assigned primarily for the flight testing of manned aircraft, or major components thereof: the frequencies between 1485 and 1535 MHz will be assigned primarily for the flight testing of unmanned aircraft and missiles or major components thereof. Included as permissible usage for aeronautical telemetering stations in the band 1435–1535 MHz is telemetry associated with launching and reentry into earth's atmosphere, as well as any incidental orbiting prior to reentry, of manned or unmanned objects undergoing flight tests.

US81 The band 38–38.25 MHz may be used by both Government and non-Government radio astronomy observatories. No new assignments are to be made and Government stations in the band 38–38.25 MHz will be moved to other bands on a case-by-case basis, as required, to protect radio astronomy observations from harmful interference. As an exception, however, low powered military transportable and mobile stations used for tactical and training purposes will continue to use the band. To the extent practicable, the latter operations will be adjusted to relieve such interference as may be caused by radio astronomy observations. In the event of harmful interefereence from such local operations, radio astronomy observatories may contact local military commands directly, with the view of effecting relief. A list of military commands, areas of coordination, and points of contact for purposes of relieving interference may be obtained upon request from the Office of the Chief Engineer, Federal Communications Commission, Washington, D.C. 20554.

US82 The assignable frequencies in the bands 4139.5–4142.5 kHz, 6210.4–6216.5 kHz, 8281.2–8288 kHz, 12421–12431.5 kHz, 16565–16576 kHz, and 22094.5–22112 kHz may be authorized on a shared nonpriority basis to Government and non-Government ship and coast stations (SSB telephony, with peak envelope power not to exceed 1 kw.).

US90 In the band 2025–2120 MHz earth-to-space transmissions in the space research and earth exploration-satellite services by Government and non-Government stations at specific locations may be authorized subject to such conditions as may be applied on a case-by-case basis.

US94 The bands 30.005–30.015 MHz, 39.986–40.02 MHz, and 40.980–41.015 MHz are also allocated, on a secondary basis, to the Government and non-Government space research service for space-to-earth transmission only.

US99 In the band 1660–1670 MHz the meteorological aids service (radiosonde) will avoid operations to the maximum extent practicable. Whenever it is necessary to operate radiosondes in the band 1660–1670 MHz within the United States, the radio astronomers will be notified in a timely manner.

US104 In the band 90–110 kHz, the LORAN radionavigation system has priority in the United States and possessions.

US110 In the frequency bands 3100–3300 MHz, 3500–3700 MHz, 5250–5350 MHz, 8500–9000 MHz, 9200–9300 MHz, 9500–10000 MHz, 13.4–14.0 GHz, 15.7–17.7 GHz, 24.05–24.25 GHz, and 33.4–36 GHz, the non-Government radiolocation service shall be secondary to the Government radiolocation service and to airborne doppler radars at 8800 MHz.

US111 In the band 1990–2110 MHz, Government space research earth stations may be authorized to use the frequencies 2062.05, 2062.85, 2063.85, 2069.2, 2070, 2071, 2075.8, 2076.6, 2077.6, 2101.8, 2106.4 MHz, and the band 2110–2120 MHz for earth-to-space transmissions for tracking, ranging and telecommand purposes at only the sites listed below. Such transmissions shall not cause harmful interference to non-Government operations.

Corpus Christi, Tex., 27°39′ N., 097°23′ W.
Fairbanks, Alaska, 64°59′ N., 147°53′ W.
Goldstone, Calif., 35°18′ N., 116°54′ W.
Greenbelt, Md., 39°00′ N., 076°50′ W.
Guam, Mariana Islands, 13°19′ N., 144°44′ E.
Kauai, Hawaii, 22°08′ N., 159°40′ W.
Merritt Island, Fla., 28°29′ N., 080°35′ W.
Rosman, N.C., 35°12′ N., 082°52′ W.
Wallops Island, Va., 37°57′ N., 075°28′ W.

US117 In the band 406.1–410 MHz, all new authorizations will be limited to a maximum of 7 watts per kHz of necessary bandwidth; existing authorizations as of November 30, 1970 exceeding this power are permitted to continue in use.

New authorizations in this band for stations, other than mobile stations, within the following areas are subject to prior coordination by the applicant with the Secretary of the Committee on Radio Frequencies of the National Academy of Sciences:

Arecibo Observatory: Rectangle between latitudes 17°30′ N. and 19°00′ N. and between longitudes 65°10′ W. and 68°00′ W.

Five College Radio Astronomy Observatory: Rectangle between latitude 41°40′ N. and 42°50′ N. and between longitudes 71°20′ W. and 73°20′ W.

Owens Valley Radio Observatory: Two contiguous rectangles, one between latitudes 36° N. and 37° N. and longitudes 117°40′ W.

Sagamore Hill Radio Observatory: Rectangle between latitudes 42°10′ N. and 43°00′ N. and longitudes 70°31′ W. and 71°31′ W.

Vermilion River Observatory: Rectangle between latitudes 38°35′ N. and 41°31′ N. and longitudes 86°15′ W. and 89°30′ W.

The non-Government use of this band is limited to the radio astronomy service and as provided by footnote US13.

j. The following new US footnotes are added in proper numerical sequence:

US200 In the bands 157.3125–157.4125 MHz and 161.9125–162.0125 MHz, the use of satellite systems for safety and distress may be authorized on a exclusive basis on frequencies designated for such use by the WARC–MM, 1974. Such systems shall not be brought into use prior to January 1, 1976. (see Resolution Spa 2–5, WASC–ST 1971).

US201 In the band 460–470 MHz, space stations in the earth exploration-satellite service may be authorized for space-to-earth transmissions on a secondary basis with respect to the fixed and mobile services. When operating in the meteorological-satellite service, such stations shall be protected from harmful interference from other applications of the earth exploration-satellite service. The power flux density produced at the earth's surface by any space station in this band shall not exceed −152 dBW/m²/4 kHz.

US202 The frequency 24.125 GHz is designated for industrial, scientific and medical purposes. Emissions must be confined within the limits of ±125 MHz of that frequency. With the single exception of ASDE's operating in accordance with US 72, radiocommunication services operating within those limits must accept any harmful interference that may be experienced from the operation of ISM equipment.

US203 Government and non-Government radio astronomy observations of the formaldehyde line frequencies 4825–4835 MHz and 14.485–14.515 GHz may be made at certain radio astronomy observatories as indicated below:

Bands to be observed		Observatory
4 GHz	14 GHz	
X	X	National Radio Astronomy Observatory, Greenbank, W. Va.
X	X	Tucson (Kitt Peak), Ariz.
X	X	Naval Research Laboratory, Maryland Point, Md.
X	X	Hat Creek Observatory (University of California), Hat Creek, Calif.
X	X	Haystack Facility (MIT-Lincoln Lab), Tyngsboro, Mass.
X		Agassiz Station (Harvard College), Harvard, Mass.
X	X	Owens Valley Radio Observatory (Cal. Tech.), Owens Valley, Calif.
X		University of Michigan, Dexter, Mich.
X		Harvard Observatory, Fort Davis, Tex.
	X	University of Texas, Fort Davis, Tex.
	X	Aerospace Corp., El Segundo, Calif. (to be moved to Owens Valley).

Every practicable effort will be made to avoid the assignment of frequencies to stations in the fixed or mobile service in these bands. Should such assignments result in harmful interference to these observations, the situation will be remedied to the extent practicable.

US204 Frequencies 10.003 kHz, 14.993 kHz, and 19,993 kHz with emissions confined within ±3 kHz bandwidth, may be used for search and rescue communications concerning manned space vehicles.

US205 Tropospheric scatter systems are prohibited in the band 2500–2690 MHz.

US206 The use of the band 14.3–14.4 GHz by the radionavigation-satellite service shall be such as to provide adequate protection to space stations of the fixed-satellite service.

US207 In the band 14.0–14.5 GHz, only non-Government operations will be authorized in the fixed-satellite service.

US208 Planning and use of the band 1558.5–1636.5 MHz necessitate the development of technical and/or operational sharing criteria to ensure the maximum degree of electromagnetic compatibility with existing and planned systems within the band.

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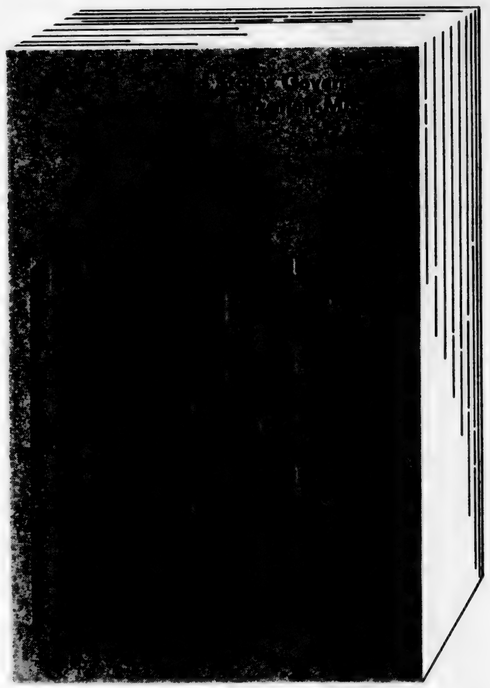

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federal register

FRIDAY, MARCH 2, 1973

WASHINGTON, D.C.

Volume 38 ■ Number 41

Pages 5611–5829

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PROCLAMATION 4190

National Poison Prevention Week, 1973

By the President of the United States of America

A Proclamation

In recent years, there has been a significant reduction among our Nation's children in the number of deaths due to poisoning.

All Americans can be grateful to the many private and public groups who have worked so hard to prevent accidental poisonings through programs of education, product labeling, dosage limitations, and special packaging. We can be grateful, too, that thanks to the Poison Prevention Packaging Act of 1970, many products previously responsible for accidental poisonings among children are now being sold in special "child-proof" packaging.

But much still remains to be done. The accidental poisonings that continue to occur must still be a matter of grave concern. The natural curiosity of our children, their limitless ingenuity, their inclination to imitate adults, and their desire to taste whatever can be reached sometimes may lead them into dangers that are difficult to control by safety measures of any sort. All of us, therefore, must be constantly alert to the potential hazards of medicines and household products and must exercise every precaution in using and storing such substances.

To encourage such preventive measures, the Congress, in a joint resolution approved September 26, 1961 (75 Stat. 681), requested the President to issue annually a proclamation designating the third week in March as National Poison Prevention Week.

NOW, THEREFORE, I, RICHARD NIXON, President of the United States of America, do hereby designate the week beginning March 18, 1973, as National Poison Prevention Week.

I direct all appropriate agencies of the Federal Government to participate actively in programs designed to promote maximum protection of our people against accidental poisonings, particularly among children. Further, I invite all State and local governments and private organizations and individuals to share in this national effort.

IN WITNESS WHEREOF, I have hereunto set my hand this 28th day of February, in the year of our Lord nineteen hundred seventy-three, and of the Independence of the United States of America the one hundred ninety-seventh.

Richard Nixon

[FR Doc.73-4151 Filed 2-28-73;5:03 pm]

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EXECUTIVE ORDER 11704

Further Exempting A. Everette MacIntyre From Compulsory Retirement for Age

On February 1, 1972, I issued Executive Order No. 11642, exempting A. Everette MacIntyre, a member of the Federal Trade Commission, from compulsory retirement for age, under the provisions of section 8335 of title 5, United States Code, until February 28, 1973.

In my judgment, the public interest requires that Mr. MacIntyre be further exempted from such compulsory retirement:

NOW, THEREFORE, by virtue of the authority vested in me by subsection (c) of section 8335 of title 5, United States Code, I hereby exempt A. Everette MacIntyre from compulsory retirement for age until February 28, 1974.

Richard Nixon

THE WHITE HOUSE,
February 28, 1973.

[FR Doc.73-4152 Filed 2-28-73;5:04 pm]

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Rules and Regulations

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.

The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

Title 4—Accounts

CHAPTER III—COST ACCOUNTING STANDARDS BOARD

SUBCHAPTER A—ADMINISTRATION

PART 304—DELEGATIONS OF AUTHORITY

Waivers and Exemptions

In promulgating an amendment to its contract coverage which provides authority for the waiver of all or any part of the requirements of the Cost Accounting Standards clause (4 CFR 331.3(c)), the Board commented on the suggestions it had received that prompt action on requests for exemptions or waivers might be essential. The Board said that it was prepared to act promptly in response to requests for waivers (38 FR 4237).

Anticipating the possibility that prompt action on a request for a waiver under § 331.3(c) might be necessary before the required number of opinions of Board members could be obtained, the Board delegated its authority to act in those circumstances to the Executive Secretary of the Board, acting in consultation with the Chairman of the Board.

That delegation of authority is published today, as follows:

Section 304.3 *Waivers and exemptions* is added to the Board's regulations in Part 304, Delegations of Authority, as follows:

§ 304.3 Waivers and exemptions.

(a) The Cost Accounting Standards Board hereby delegates to the Executive Secretary of the Board, acting in consultation with the Chairman of the Board, authority to exercise the Board's authority under § 331.3(c) of the Board's Contract Coverage (4 CFR 331.3(c)) of its rules and regulations, providing the Executive Secretary concludes that a request for an exemption or waiver submitted pursuant to that § 331.3(c) must be acted on before he can obtain the required number of opinions of the members of the Cost Accounting Standards Board on that request.

(b) This authority may not be redelegated.

(c) This delegation is effective February 26, 1973, and until revoked.

(84 Stat. 796, sec. 103, 50 U.S.C. App. 2168)

ARTHUR SCHOENHAUT,
Executive Secretary.

[FR Doc.73-4005 Filed 3-1-73;8:45 am]

Title 5—Administrative Personnel

CHAPTER I—CIVIL SERVICE COMMISSION

PART 213—EXCEPTED SERVICE

Department of Defense

Section 213.3306 is amended to show that one position of Personal and Confidential Assistant to the Secretary of Defense is excepted under Schedule C.

Effective March 2, 1973, § 213.3306(a) (47) is added as set out below.

§ 213.3306 Department of Defense.

(a) *Office of the Secretary.*

• • • • • •

(47) One Personal and Confidential Assistant to the Secretary of Defense.

(5 U.S.C. secs. 3301, 3302, E.O. 10577; 3 CFR 1954–58 Comp. p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.73-4062 Filed 3-1-73;8:45 am]

PART 213—EXCEPTED SERVICE

Department of Justice

Section 213.3310 is amended to show that the following two positions in the Office of Legislative Affairs are excepted under Schedule C: One Secretary to the Assistant Attorney General and one Secretary to the Deputy Assistant Attorney General.

Effective March 2, 1973, § 213.3310(v) is added as set out below.

§ 213.3310 Department of Justice.

• • • • • •

(v) *Office of Legislative Affairs.*

(1) One Secretary to the Assistant Attorney General.

(2) One Secretary to the Deputy Assistant Attorney General.

(5 U.S.C. secs. 3301, 3302, E.O. 10577; 3 CFR 1954–58 Comp. p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.73-4061 Filed 3-1-73;8:45 am]

PART 213—EXCEPTED SERVICE

Department of the Interior

Section 213.3312 is amended to show that one new position of Executive Assistant to the Director, National Park Service, is excepted under Schedule C.

Effective March 2, 1973, § 213.3312(h) (4) is added as set out below.

§ 213.3312 Department of the Interior.

• • • • • •

(h) *National Park Service.*

• • • • • •

(4) One Executive Assistant to the Director.

• • • • • •

(5 U.S.C. secs. 3301, 3302, E.O. 10577; 3 CFR 1954–58 Comp. p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.73-4060 Filed 3-1-73;8:45 am]

PART 213—EXCEPTED SERVICE

Department of Agriculture

Section 213.3313 is amended to show that one position of Private Secretary to the Assistant Secretary for Conservation, Research, and Education is excepted under Schedule C.

Effective March 2, 1973, § 213.3313(a) (10) is amended as set out below.

§ 213.3313 Department of Agriculture.

(a) *Office of the Secretary.* • • •

(10) One Private Secretary to each of the four Assistant Secretaries other than the Administrative Assistant Secretary.

• • • • • •

(5 U.S.C. secs. 3301, 3302, E.O. 10577; 3 CFR 1954–58 Comp. p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.73-4030 Filed 3-1-73;8:45 am]

PART 213—EXCEPTED SERVICE

Department of Health, Education, and Welfare

Section 213.3316 is amended to show that one position of Confidential Assistant to the Executive Director, President's Council on Physical Fitness and Sports, is excepted under Schedule C.

Effective March 2, 1973, § 213.3316(a) (28) is added as set out below.

§ 213.3316 Department of Health, Education, and Welfare.

(a) *Office of the Secretary.* • • •

(28) One Confidential Assistant to the Executive Director, President's Council on Physical Fitness and Sports.

• • • • • •

(5 U.S.C. secs. 3301, 3302, E.O. 10577; 3 CFR 1954–58 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.73-4032 Filed 3-1-73;8:45 am]

PART 213—EXCEPTED SERVICE

General Services Administration

Section 213.3337 is amended to show that nine additional positions of Confidential Assistant to the Administrator are excepted under Schedule C.

Effective March 2, 1973, § 213.3337(a) (6) is amended as set out below.

§ 213.3337 General Services Administration.

(a) *Office of the Administrator.* • • •

• • • • • •

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(6) Eleven Confidential Assistants to the Administrator.

* * * * * *

(5 U.S.C. secs. 3301, 3302, E.O. 10577; 3 CFR 1954–58 Comp. p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRAY,
Executive Assistant to the Commissioners.

[FR Doc.73-4031 Filed 3-1-73;8:45 am]

Title 7—Agriculture

CHAPTER I—AGRICULTURAL MARKETING SERVICE (STANDARDS, INSPECTION, MARKETING PRACTICES), DEPARTMENT OF AGRICULTURE

PART 51—FRESH FRUITS, VEGETABLES AND OTHER PRODUCTS (INSPECTION, CERTIFICATION, AND STANDARDS)

Subpart—U.S. Standards for Grades of Sweet Anise [1]

The U.S. Department of Agriculture hereby recodifies the U.S. Standards for Grades of Sweet Anise (7 CFR 51.3325–51.3333) without substantive change. These grade standards are issued under authority of the Agricultural Marketing Act of 1946 (60 Stat. 1087, as amended; 7 U.S.C. 1621–1627), which provides for the issuance of official U.S. grades to designate different levels of quality for the voluntary use of producers, buyers, and consumers. Official grading services are also provided under this act upon request of any financially interested party and upon payment of a fee to cover the cost of such services.

Statement of considerations leading to recodification of these standards. These grade standards were issued on December 3, 1930, and were codified on June 22, 1967. The revision and expansion of other grade standards requires vacating the section numbers for these standards (§§ 51.3325–51.3333) and recodifying the standards as §§ 51.2900–51.2908. No change is made in the text of the standards.

The standards, as recodified, are set forth below:

GRADE

Sec.
51.2900 U.S. No. 1.

UNCLASSIFIED

51.2901 Unclassified.

DEFINITIONS

51.2902 Stalks.
51.2903 Firm.
51.2904 Tender.
51.2905 Well trimmed.
51.2906 Fairly well blanched.
51.2907 Damage.
51.2908 Diameter.

AUTHORITY: Secs. 203, 205, 60 Stat. 1087, as amended, 1090 as amended; 7 U.S.C. 1622, 1624.

[1] Packing of the product in conformity with the requirements of these standards shall not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act or with applicable State laws and regulations.

GRADE

§ 51.2900 U.S. No. 1.

"U.S. No. 1" consists of stalks of sweet anise which are firm, tender, well trimmed, and fairly well blanched; which are free from decay and from damage caused by growth cracks, pithy branches, wilting, freezing, seedstems, dirt, discoloration, disease, insects, or mechanical or other means. Unless otherwise specified, the minimum diameter of each bulb shall be not less than 2 inches.

(a) *Tolerances.* In order to allow for variations incident to proper grading and handling, the following tolerances, by count, are provided as specified:

(1) *For defects.* Ten percent for stalks in any lot which fail to meet the requirements of this grade, including therein not more than 1 percent for stalks affected by decay.

(2) *For size.* Ten percent for stalks in any lot which fail to meet the specified minimum diameter requirement.

UNCLASSIFIED

§ 51.2901 Unclassified.

"Unclassified" consists of stalks of sweet anise which have not been classified in accordance with the foregoing grade. The term "unclassified" is not a grade within the meaning of these standards but is provided as a designation to show that no grade has been applied to the lot.

DEFINITIONS

§ 51.2902 Stalk.

"Stalk" means an individual plant.

§ 51.2903 Firm.

"Firm" means that the bulbs are not soft or wilted.

§ 51.2904 Tender.

"Tender" means that the bulbs are crisp and succulent.

§ 51.2905 Well trimmed.

"Well trimmed" means that not more than one coarse outer branch is left on each side of the bulb to protect the tender inside portion, and the portion of the root remaining is not more than one-half inch in length. Tops may be either full length or cut back to not less than 10 inches except that not more than five of the outer branches may be cut back to less than 10 inches if necessary to facilitate proper packing, but not more than three of these may be on the same side of the bulb.

§ 51.2906 Fairly well blanched.

"Fairly well blanched" means that the bulbs are of a light greenish to white color.

§ 51.2907 Damage.

"Damage" means any specific defect described in this section; or an equally objectionable variation of any one of these defects, any other defect, or any combination of defects, which materially detracts from the appearance, or the edible or marketing quality of the stalk. The following specific defects shall be considered as damage:

(a) Growth cracks, when more than three branches show one or more growth cracks.

(b) Pithy branches, when more than three branches show distinctly open texture with air spaces in the central portion of that part which goes to make up the base or bulbous portion of the stalk.

(c) Wilting, when the stalk is limp and flabby.

(d) Freezing, when the epidermis of the branches is badly blistered, or when the tops are brown or yellow to such an extent as to materially damage the appearance of the stalk, or when a combination of these causes material damage to the appearance and shipping quality of the stalk.

(e) Seedstems, which have reached the stage where the flower buds are plainly visible. Stalks from which the seedstems have been removed shall be considered as damaged.

(f) Dirt, when caked on the bulbous portion of the stalk, or when present to such an extent on the tops and branches as to cause material damage to the appearance of the stalk.

(g) Discoloration, when the bulbous portion shows extensive brown to dark brown areas characteristic of injury caused by rough handling, or when the tops are yellow or brown to such an extent as to cause material damage to the appearance of the stalk.

§ 51.2908 Diameter.

"Diameter" means the smallest diameter measured through the center of the bulb at right angles to the longitudinal axis of the stalk.

It is hereby found that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this recodification 30 days beyond the date of publication hereof in the FEDERAL REGISTER (5 U.S.C 553), in that recodification is merely a formal renumbering in order to accommodate expansion of other standards.

Accordingly, this recodification of the standards shall become effective March 15, 1973.

Dated: February 27, 1973.

E. L. PETERSON,
Administrator,
Agricultural Marketing Service.

[FR Doc.73-4023 Filed 3-1-73;8:45 am]

PART 58—GRADING AND INSPECTION, GENERAL SPECIFICATIONS FOR APPROVED PLANTS AND STANDARDS FOR GRADES OF DAIRY PRODUCTS

U.S. Standards for Grades of Nonfat Dry Milk

A notice of proposed rule making covering the issuance of an amendment

of U.S. Standards for Grades of Nonfat Dry Milk (Spray and Roller) (7 CFR Part 58, Subparts L and M) was published in the FEDERAL REGISTER of November 29, 1972 (37 FR 25238). The proposal provided for a reduction in the direct microscopic bacterial count level of nonfat dry milk from 150 to 100 million per gram on which a U.S. grade will be assigned.

It afforded interested persons the opportunity to submit within 60 days to the Hearing Clerk written data, views, or arguments in connection with the proposal. Seven comments were received.

Statement of consideration. The direct microscopic clump count (DMCC) of bacteria in nonfat dry milk (NDM) has been used by the Department since 1958 as an index of raw milk quality, handling procedures, and sanitary practices during manufacture. In 1969 an amendment was issued to the U.S. Standards for Grades of Nonfat Dry Milk (Spray and Roller Process) lowering the maximum level for which a U.S. grade would be assigned from 200 million to 150 million. Due to continued improvements in the quality of manufacturing grade milk at the farm, and in handling procedures and sanitary practices during manufacturing, most of the NDM produced today does not exceed a DMC count of 100 million. For instance, in the period from October 1969 to September 1972, USDA officially graded approximately 53 percent of the U.S. production and found 97.4 percent of the NDM graded to be below 100 million. And for the period of January 1972 to September 1972 99.3 percent of the NDM officially graded was below 100 million.

During the time set for receiving written data, views, or arguments in connection with this proposed amendment seven comments were received. Two comments were from consumers who were in favor of this proposed amendment.

One comment received from a member of the dry milk industry stated the proposed DMCC reduction was too drastic at this time. The Department does not accept this as being valid for it feels that where the industry fulfills its responsibility of providing field service to assist producers on quality improvements, and promptly moves the milk to the processing plant there is no difficulty in producing NDM with DMC counts well below 100 million.

Another comment received from a member of the dry milk industry stated that the Department had not held hearings nor consulted the industry about this proposal. Under the Agricultural Marketing Act of 1946 there are no provisions nor requirements upon the Department to hold hearings for the establishment or amending U.S. grade standards. The Department does have the right and obligation to set the grading requirements which are used to place a U.S. grade upon a product. Since this grading is on a voluntary basis it does not deny a product the right to the marketplace. The writer also questions the validity of the statement of consideration as published in the FEDERAL REGISTER of December 9, 1972. The Department disagrees with this part of the writer's comment for it stated then that its facts were based on gradings representing 53 percent of the U.S. production. The Department also feels that its official gradings are representative of the total industry's production capability.

Two letters were received from members of the dry milk industry and one from a trade association which questioned the precision and accuracy of the technique for determining the DMCC for NDM. They also questioned the public health significance or useful purpose of such a requirement. These were the same arguments originally presented when the DMCC requirement was initiated in 1958. It is USDA's position that the DMCC has been a stimulus for improving NDM quality, and continues to serve this useful purpose in providing a quality product for the market. The literature cited by these writers is recognized by the Department as being valid. However, they overlook several points held important by the Department. Recognized studies conducted and published by the Department have shown that the precision and coefficient of variation for inter- and intra-laboratory testing are within limits considered acceptable for other microbiological techniques. This proficiency is achieved through adequately trained and experienced technicians, proper equipment, and supervision. These principles have been the basis of the USDA program in applying the DMCC technique. Its success is evidenced by the consistency of results on the finished product with the quality of raw milk from which produced. Furthermore, the USDA surveillance program of its own testing laboratories shows that consistency of results can be obtained using this technique. Also, this technique is accepted in the 13th edition of "Standard Methods for the Examination of Dairy Products" published by the American Public Health Association.

The DMCC level as proposed is based in part upon the level of bacterial count which can be expected to be present when the milk used for producing the NDM and production practices meets the requirements of the "General Specifications for Dairy Plants Approved for USDA Inspection and Grading Service." Also it is consistent with USDA's "Milk for Manufacturing Purposes and Its Production and Processing, Requirements Recommended for Adoption by State Regulatory Agencies."

Upon consideration of industry capability and the general quality level of NDM produced in the United States, the Department amends the U.S. Standards for Grades of Nonfat Dry Milk (Spray and Roller Process) to become effective April 1, 1973.

The amendments are as follows:

Subpart L—Spray Process

1. Change Subpart L, § 58.2529, *U.S. grade not assignable,* to reads as follows:

§ 58.2529 U.S. grade not assignable.

Nonfat dry milk which fails to meet the requirements for U.S. Standard Grade and/or shows a direct microscopic clump count exceeding 100 million per gram shall not be assigned a U.S. grade.

Subpart M—Roller Process

2. Change Subpart M, § 58.2554, *U.S. grade not assignable,* to read as follows:

§ 58.2554 U.S. grade not assignable.

Nonfat dry milk which fails to meet the requirements for U.S. Standard Grade and/or shows a direct microscopic clump count exceeding 100 million per gram shall not be assigned a U.S. grade.

Effective date. These amendments shall become effective April 1, 1973.

Done at Washington, D.C., this 26th day of February.

E. L. PETERSON,
Administrator,
Agricultural Marketing Service.

[FR Doc.73-3966 Filed 3-1-73;8:45 am]

CHAPTER IX—AGRICULTURAL MARKETING SERVICE (MARKETING AGREEMENTS AND ORDERS; FRUITS, VEGETABLES, NUTS), DEPARTMENT OF AGRICULTURE

[Lemon Reg. 575]

PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Limitation of Handling

This regulation fixes the quantity of California-Arizona lemons that may be shipped to fresh market during the weekly regulation period March 4–10, 1973. It is issued pursuant to the Agricultural Marketing Agreement Act of 1937, as amended, and Marketing Order No. 910. The quantity of lemons so fixed was arrived at after consideration of the total available supply of lemons, the quantity of lemons currently available for market, the fresh market demand for lemons, lemon prices, and the relationship of season average returns to the parity price for lemons.

§ 910.875 Lemon Regulation 575.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 910, as amended (7 CFR Part 910), regulating the handling of lemons grown in California and Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such lemons, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) The need for this section to limit the quantity of lemons that may be marketed during the ensuing week stems from the production and marketing situation confronting the lemon industry.

(i) The committee has submitted its recommendation with respect to the quantity of lemons it deems advisable

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to be handled during the ensuing week. Such recommendation resulted from consideration of the factors enumerated in the order. The committee further reports the demand for lemons is good on sizes 165 and larger, steady on 200's and slow on sizes 235. Average f.o.b. price was $5.44 per carton the week ended February 24, compared to $5.29 per carton the previous week. Track and rolling supplies at 90 cars were down 15 cars from last week.

(ii) Having considered the recommendation and information submitted by the committee, and other available information, the Secretary finds that the quantity of lemons which may be handled should be fixed as hereinafter set forth.

(3) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C 553) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for lemons and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this regulation effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on February 27, 1973.

(b) *Order.* (1) The quantity of lemons grown in California and Arizona which may be handled during the period March 4, through March 10, 1973, is hereby fixed at 250,000 cartons.

(2) As used in this section, "handled," and "carton(s)" have the same meaning as when used in the said amended marketing agreement and order.

(Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674)

Dated: March 1, 1973.

PAUL A. NICHOLSON,
Acting Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc.73-4207 Filed 3-1-73;12:07 pm]

Title 9—Animals and Animal Products

CHAPTER I—ANIMAL AND PLANT HEALTH INSPECTION SERVICE, DEPARTMENT OF AGRICULTURE

SUBCHAPTER C—INTERSTATE TRANSPORTATION OF ANIMALS (INCLUDING POULTRY) AND ANIMAL PRODUCTS; EXTRAORDINARY EMERGENCY REGULATION OF INTRASTATE ACTIVITIES

PART 73—SCABIES IN CATTLE

Areas Quarantined

The purpose of this amendment is to quarantine Quay County in New Mexico because of the existence of cattle scabies. The restrictions pertaining to the interstate movement of cattle from quarantined in 9 CFR Part 73, as amended, will apply to the areas quarantined.

Therefore, pursuant to provisions of the Act of May 29, 1884, as amended, the Act of February 2, 1903, as amended, the Act of March 3, 1905, as amended, and the Act of July 2, 1962 (21 U.S.C. 111-113, 115, 117, 120, 121, 123-126, 134b, 134f), Part 73, Title 9, Code of Federal Regulations, restricting the interstate movement of cattle because of scabies, is hereby amended in the following respect:

In § 73.1a, paragraph (c) relating to the State of New Mexico is revised to read:

§ 73.1a Notice of quarantine.

* * * * *

(c) Notice is hereby given that cattle in certain portions of the State of New Mexico are affected with scabies, a contagious, infectious, and communicable disease; and, therefore, the following areas in such State are hereby quarantined because of said disease:

New Mexico.
(1) Curry County.
(2) De Baca County.
(3) Guadalupe County.
(4) Harding County.
(5) Lincoln County.
(6) Roosevelt County.
(7) Torrance County.
(8) Quay County.

(Secs. 4-7, 23 Stat. 32, as amended; secs. 1 and 2, 32 Stat. 791-792, as amended; secs. 1-4, 33 Stat. 1264, 1265, as amended; secs. 3 and 11, 76 Stat. 130, 132; 21 U.S.C. 111-113, 115, 117, 120, 121, 123-126, 134b, 134f; 37 FR 28464, 28477)

Effective date. The foregoing amendment shall become effective February 26, 1973.

The amendment imposes certain further restrictions necessary to prevent the interstate spread of cattle scabies and must be made effective immediately to accomplish its purpose in the public interest. It does not appear that public participation in this rule making proceeding would make additional relevant information available to the Department.

Accordingly, under the administrative procedure provisions in 5 U.S.C. 553, it is found upon good cause that notice and other public procedure with respect to the amendment are impracticable, unnecessary, and contrary to the public interest, and good cause is found for making it effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 26th day of February 1973.

G. H. WISE,
Acting Administrator, Animal and Plant Health Inspection Service.

[FR Doc.73-3965 Filed 3-1-73;8:45 am]

Title 10—Atomic Energy

CHAPTER I—ATOMIC ENERGY COMMISSION

PART 2—RULES OF PRACTICE

Appellate Consideration of Exceptions to Initial Decisions

Section 2.762 of the Atomic Energy Commission's rules of practice, 10 CFR Part 2, sets forth procedures for the filing by parties of exceptions to initial decisions, and supporting briefs, in adjudicatory proceedings, including licensing proceedings. Because of the growing number and complexity of these proceedings, the Commission has adopted certain amendments to § 2.762, as well as to Appendix A of Part 2, designed to improve these appellate procedures. The revisions provide for the separate filing of exceptions and briefs and establish additional standards respecting the form and content of these documents. It is the Commission's expectation that these changes will be utilized to improve the product which is filed with the Commission, and thereby to expedite the resolution of issues on appeal. The Commission will continue to evaluate the effectiveness of its appellate procedures in achieving these results, and will consider such further modifications as may be desirable in this regard.

Because the amendments relate to matters of procedure and practice, notice of proposed rulemaking and public procedure thereon are not required by section 553 of title 5 of the United States Code.

Pursuant to the Atomic Energy Act of 1954, as amended, and sections 552 and 553 of title 5 of the United States Code, the following amendments to Title 10, Chapter I, Code of Federal Regulations, Part 2, are published as a document subject to codification. The amendments shall be effective on March 2, 1973, and shall be applicable to initial decisions rendered on or after that date.

Section 2.762 is amended to read as follows:

§ 2.762 Appeals to the Commission from initial decisions.

(a) Within 7 days after service of an initial decision, any party may take an appeal to the Commission by the filing of exceptions to that decision or designated portions thereof. Each exception shall be separately numbered and shall (1) state concisely, without supporting argumentation, the single error of fact or law which is being asserted in that exception; and (2) identify with particularity the portion of the decision (or earlier order or ruling) to which the exception is addressed. A brief in support of the exceptions shall be filed within 15 days thereafter (20 days in the case of the regulatory staff). The brief shall be confined to a consideration of the exceptions previously filed by the party and, with respect to each exception, shall specify, inter alia, the precise portion of the record relied upon in support of the assertion of error.

(b) Within 15 days of the filing and service of the brief of the appellant (20 days in the case of the regulatory staff), any other party may file a brief in support of, or in opposition to, the exceptions. Each factual assertion made in such supporting or opposing brief shall be supported by a reference to the precise portion of the record upon which it is based.

(c) A brief in excess of 10 pages shall contain a table of contents, with page references, and a table of cases (alphabetically arranged), statutes, regulations, and other authorities cited, with references to the pages of the brief where they are cited.

(d) All documents filed under this section shall be accompanied by a certificate reflecting service upon all other parties to the proceeding.

(e) Any exception or brief which in form or content is not in substantial compliance with the provisions of this section may be stricken, either on motion of a party or by the Commission on its own initiative.

Appendix A to Part 2 is amended by adding new paragraphs (d) and (e) to Part IX, to read as follows:

IX. LICENSING PROCEEDINGS SUBJECT TO APPELLATE JURISDICTION OF ATOMIC SAFETY AND LICENSING APPEAL BOARD

* * * * *

(d) (1) Appeals to the Appeal Board from initial decisions, or designated portions thereof, are initiated by the filing of exceptions. Such exceptions must be filed within 7 days of the issuance and service of the initial decision. A brief in support of the exceptions shall be filed by the appellant within 15 days thereafter (20 days in the case of the regulatory staff). A responsive brief may be filed by any other party within 15 days (20 days in the case of the regulatory staff) of the filing and service of the appellant's brief. The prescribed time limits are subject to being lengthened or shortened in a particular case, either on motion of a party or by the Appeal Board on its own initiative (10 CFR 2.711). The time limits are also subject to the provisions of 10 CFR 2.710 relating to service by mail.

(2) Exceptions must be separately numbered, must be concisely stated, and must specify with particularity the portion or portions of the initial decision (or earlier order or ruling) as to which error is asserted. Care should be taken to avoid the assertion of essentially the same error in more than one exception. Since their purpose is simply to identify the alleged errors which the appellant wishes the Appeal Board to consider, the exceptions themselves shall not contain any supporting argumentation. Rather, such argumentation shall be reserved for the brief, which must be confined to the exceptions previously filed and must contain specific references to the portions of the record or other authority relied upon for each assertion of error. The contentions advanced in all other briefs similarly must be supported by such references. Although a limitation on the length of briefs is not now imposed, in most cases the issues raised by the exceptions should be susceptible of full treatment in a brief which does not exceed 70 pages. In this connection, inasmuch as the Appeal Board has available to it the entire record of the proceeding, extended quotations in a brief from the record are neither required nor desirable. A summary is preferable, accompanied by explicit references to the record sources. Every brief in excess of 10 pages shall contain a table of contents, with page references, and a table of cases (alphabetically arranged), statutes, regulations, and other authorities cited, with references to the pages of the brief where they are cited.

(3) There must be strict compliance with the time limits prescribed for the filing of exceptions or briefs by the rules of practice or by an order of the Appeal Board which extends or shortens those limits in the particular case. Absent a showing of extraordinary and unanticipated circumstances, motions for extensions of time must be received by the Appeal Board at least 1 day prior to the date upon which the document in question is then due for filing. In no circumstances will a document be accepted by the Appeal Board on an untimely basis unless it is accompanied by a motion for leave to file it out of time, which similarly must be founded upon extraordinary and unanticipated circumstances. Exceptions and briefs which in form or content are not in substantial compliance with the requirements imposed by the rules of practice are subject to being stricken.

(e) The holding of oral argument, whether or not specifically requested by a party, is within the Appeal Board's discretion (10 CFR 2.763). Where exceptions have been filed, the Appeal Board routinely will consider whether the case should be calendared for oral argument. This consideration normally will take place following the receipt of all briefs. Oral argument will be directed if at least one member of the Appeal Board votes in favor of it. If oral argument is to be held, an order will be issued by the Appeal Board which will set the specific date and location, as well as the time allotted to each of the parties. In some instances, the order may also restrict the scope of the oral argument to one or more specified issues. It is anticipated that oral arguments will be conducted in either Washington, D.C., or Bethesda, Md.

(Sec. 161, 68 Stat. 948, 42 U.S.C. 2201)

Dated at Germantown, Md., this 22d day of February 1973.

For the Atomic Energy Commission.

PAUL C. BENDER,
Secretary of the Commission.

[FR Doc.73-4020 Filed 3-1-73;8:45 am]

Title 12—Banks and Banking

CHAPTER VII—NATIONAL CREDIT UNION ADMINISTRATION

PART 746—REBATE PROCEDURES FOR FEDERALLY INSURED CREDIT UNIONS

Rebate Procedures

On page 28080 of the December 20, 1972, edition of the FEDERAL REGISTER (37 FR 28080), there was published a notice of proposed rule making relative to rebate procedures by the Administrator, National Credit Union Administration. The proposed regulation sets forth procedures regarding the rebate of premiums to a federally insured credit union including criteria used to determine entitlement to and the amount of a rebate, the date used in determining a rebate, the time for repayment, and the circumstances under which the Administrator may recover the amount of a rebate.

After considering all comments submitted by interested parties, the regulation, as proposed, is hereby adopted subject to the revision set forth below. This revision is technical in nature and involves no substantive change in the regulation as originally proposed.

1. In § 746.1, paragraph (c)(1), the second subdivision numbered "(i)" should be changed to "(ii)".

Effective date. This regulation is effective April 2, 1973.

HERMAN NICKERSON, JR.,
Administrator.

FEBRUARY 23, 1973.

PART 746—REBATE PROCEDURES FOR FEDERALLY INSURED CREDIT UNIONS

Sec.
746.1 Entitlement.
746.2 Effective date for determining rebate.
746.3 Payment of rebate.
746.4 Recovery of rebate.

AUTHORITY: The provisions of this Part 746 issued pursuant to section 209, 85 Stat. 1015, 12 U.S.C. 1789.

§ 746.1 Entitlement.

(a) Any federally insured credit union closed for liquidation, whether voluntarily or involuntarily or solvent or insolvent, is entitled to a rebate of premiums paid to the National Credit Union Share Insurance Fund.

(b) Rebates shall be in accordance with these regulations but no payment shall be made during any period in which:

(1) A loan to the Fund from the Federal Government is outstanding; or

(2) The Administrator determines that the payment would unduly jeopardize the financial condition of the Fund.

A credit union otherwise entitled to a rebate of premiums shall not lose its entitlement because payment thereof cannot, at any given time, be made under the limitations prescribed in subparagraph (1) or (2) of this paragraph.

(c) The amount of rebate of premiums to which a credit union is entitled under paragraph (a) of this section shall be computed as follows:

(1) From the total amount of premiums paid by the credit union, plus interest on such payments at the average

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rate of interest earned by the Fund on its assets during each of the years in which payments were made through the end of the calendar month in which the Board voted to present the question of voluntary liquidation to its members or was placed in involuntary liquidation by the Administrator; subtract the sum of:

(i) The credit union's pro rata share of the Fund's administrative expenses during the period in which the credit union had an insured status through the end of the calendar month in which the Board voted to present the question of voluntary liquidation to its members or was placed in involuntary liquidation by the Administrator;

(ii) The credit union's pro rata share of the net insurance payments (other than those referred to in subdivision (iii) of this subparagraph) chargeable to the Fund for claims arising during such period; and

(iii) The net insurance payments chargeable to the Fund for claims arising in connection with the liquidation of the credit union.

(d) A credit union's pro rata share of the Fund's administrative expenses or net insurance payments for any year (or part thereof) shall be determined by dividing the total amount credited to members' and nonmembers' accounts in the credit union at the end of such year (or part thereof), by the total amount credited to all such accounts in all credit unions having an insured status at the end of such year (or part thereof).

§ 746.2 Effective date for determining rebate.

For purposes of determining the amount of the rebate, a credit union whose Board of Directors votes to present the question of liquidation to its membership, or is placed in involuntary liquidation by the Administrator on any day of the month, other than that month's end, shall be considered to have entered liquidation at the end of the month in which it took such action.

§ 746.3 Payment of rebate.

Rebates shall be paid to a liquidating credit union as soon as possible and in any event prior to final distribution of the credit union's assets to its members.

§ 746.4 Recovery of rebate.

In the event the credit union resumes operations, the entire amount of the rebate shall be repaid to the National Credit Union Administration within 10 days after resuming operations. However, a credit union shall not be required to pay a premium for the insurance of its members' accounts while it is in liquidation.

[FR Doc.73-3975 Filed 3-1-73;8:45 am]

Title 14—Aeronautics and Space

CHAPTER I—FEDERAL AVIATION ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Docket No. 73-GL-3, Amdt. 39-1599]

PART 39—AIRWORTHINESS DIRECTIVES

Bellanca 17 Series Aircraft

There have been failures of the rudder pedal shaft assemblies where the vertical tube is welded to the horizontal tube on those assemblies equipped with brake pedals on Bellanca 17-30A,17-31A, and 17-31ATC airplanes that could result in loss of rudder control, braking, or steering control. Since this condition is likely to exist or develop in other airplanes of the same type design, an airworthiness directive is being issued to require inspection and replacement of the rudder pedal shaft assemblies on Bellanca Model 17-30A, 17-31A, and 17-31ATC airplanes.

Since a situation exists that requires immediate adoption of this regulation, it is found that notice and public procedure hereon are impracticable and good cause exists for making this amendment effective in less than 30 days.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (14 CFR 11.89), § 39.13 of Part 39 of the Federal Aviation Regulations is amended by adding the following new airworthiness directive:

BELLANCA. Applies to Model 17-30A, Serials Nos. 30046 through 73-30496; Model 17-31A, Serials Nos. 32-37 through 73-32-97; and Model 17-31ATC, Serials Nos. 31015 through 73-31045, certificated in all categories.

Compliance required as indicated, unless already accomplished.

To prevent possible failure of the rudder control system, accomplish the following:

(A) Within the next 10 hours' time in service after the effective date of this airworthiness directive, unless already accomplished, and thereafter at intervals not to exceed 25 hours' time in service from the last inspection, inspect the rudder pedal shaft assemblies, Parts Nos. 195266, 195268, 195270, and 195272, equipped with brakes where the vertical tube is welded to the horizontal tube for evidence of cracks or other failures in accordance with Bellanca Service Letter No. 77 dated February 10, 1973, or later approved revisions, or an equivalent approved by the Chief, Engineering and Manufacturing Branch, Great Lakes Region. All shaft assemblies found cracked must be replaced prior to further flight with a new part of the same number utilizing a horizontal tube having a .058" wall thickness.

(B) Within the next 100 hours' time in service after the effective date of this airworthiness directive, unless already accomplished, replace all rudder shaft assemblies, Parts Nos. 195266, 195268, 195270, and 195272, on which rudder/brake pedals are installed having .049" thick horizontal tube walls with a new assembly of the same part number utilizing a horizontal tube having a .058" wall thickness in accordance with Bellanca Service Letter No. 77 dated February 10, 1973, or later FAA approved revisions, or an equivalent approved by the Chief, Engineering and Manufacturing Branch, Great Lakes Region. Rudder pedal shaft assemblies not having the brake pedal installed are not affected by this airworthiness directive.

(C) The repetitive inspections of paragraph (A) of this airworthiness directive are no longer required when compliance with paragraph (B) of this airworthiness directive is accomplished.

(D) Aircraft Serials Nos. 73-30497 through 73-30509, 73-32-98 through 73-32-100 were produced with .049" wall tubes but with a reinforcement gusset added and are exempt from this airworthiness directive unless the rudder pedals have been replaced during the service life of these aircraft.

This amendment becomes effective March 7, 1973.

(Secs. 313(a), 601, 603, Federal Aviation Act of 1958, 49 U.S.C. 1354(a), 1421, 1423; sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Des Plaines, Ill., on February 21, 1973.

HAROLD W. POGGEMEYER,
Acting Director,
Great Lakes Region.

[FR Doc.73-3956 Filed 3-1-73;8:45 am]

[Docket No. 73-EA-9, Amdt. 39-1600]

PART 39—AIRWORTHINESS DIRECTIVES

de Havilland Aircraft

The Federal Aviation Administration is amending § 39.13 of Part 39 of the Federal Aviation Regulations so as to revise and renumber AD 72-25-5 applicable to de Havilland DHC-6 type airplanes.

Experience developed since the promulgation of AD 72-25-5 indicates a need to amend the airworthiness directive to establish a maximum length of a crack in the spar cap fitting; distinguish between chord- and span-type cracks and resultant restrictions; and include an inspection of the spar cap under the splice plates. There are other further minor amendments.

In view of the air safety aspects of the deficiency as set forth in AD 72-25-5 which also apply to this amendment, the puolic interest requires expeditious adoption of the amendment, making notice and public procedure hereon impractical and establishing good cause for making the amendment effective in less than 30 days.

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator, 14 CFR 11.89 (31 FR 13697), § 39.13 of Part 39 of the Federal Aviation Regulations is amended by revising AD 72-25-5 as follows:

DE HAVILLAND. Applies to DHC-6 airplanes Serials Nos. 1 through 330, certificated in all categories, not altered in accordance with de Havilland Modification No. 6/101 or approved equivalent alteration.

To prevent haards in flight associated with interrivet cracking of the top flange of the wing rear spar attachment caps P/N C6WM1032-27 and P/N C6WM1032-28 accomplish the following:

(1) Within the next 100 hours in service or 2 weeks, whichever occurs first, after the effective date of this AD, unless accomplished within the last 1,100 hours or 24 weeks, and at intervals thereafter not to exceed 1,200 hours in service or 26 weeks, whichever occurs first,

(a) Inspect the wing rear spar attachment caps P/N C6WM1032 for cracks in accordance with paragraph A of Accomplishment Instructions of de Havilland Service Bulletin No. 6/295, Revision B dated November 16, 1972, or an FAA approved equivalent inspection; and

(b) Inspect the splice plates of the vertical and horizontal legs of the rear spar fitting at WS 87 to 91 for cracks or elongated rivet holes, using visual or X-ray procedure. Replace cracked parts and parts with elongated rivet holes prior to further flight with a part that has been similarly inspected.

(2) If a spar cap spanwise crack is found inboard of the third rivet, or if a spar cap chordwise crack is found, or if the total length of spanwise cracks exceed 50 inches, the part must be replaced prior to further flight with a part inspected in accordance with paragraph 1a. including repetitive inspections.

(3) If spanwise cracks are found outboard of the 10th rivet, accomplish the following:

(a) For cracks within the limits of paragraph (b) of compliance instructions of the service bulletin, repeat the inspection noted in (1) above at intervals not to exceed 600 hours in service or 13 weeks, whichever occurs first.

(b) For cracks within the limits of paragraph (c) of the service bulletin, repeat the inspection noted in (1) above at intervals not to exceed 100 hours in service or 2 weeks, whichever occurs first.

(c) For cracks in excess of the limits of paragraph (b) and (c) of the service bulletin, prior to next flight, alter the attachment cap in accordance with paragraph B of accomplishment instructions of the service bulletin and Figures II and III of revision B of the bulletin dated November 16, 1972, except that the dye pentrant inspection must be performed with a 10-power glass, or in accordance with an FAA approved equivalent alteration.

Thereafter, inspect altered attachment caps at intervals not to exceed 1,200 hours in service or 26 weeks, whichever occurs first.

(4) If spanwise cracks are found between the third and 10th rivet, prior to next flight, alter the attachment cap as noted in 3(c). Thereafter, inspect inboard of the 10th rivet of the altered attachment caps at intervals not to exceed 100 hours in service or 2 weeks, whichever occurs first, and replace within the next 1,200 hours in service or 26 weeks, whichever occurs first, with a part inspected in accordance with paragraph 1 including repetitive inspections.

(5) If total length of spanwise cracks in any one attachment cap exceeds 30 inches, part must be altered prior to next flight and replaced within the next 1,200 hours in service or 26 weeks, whichever occurs first, with a part inspected in accordance with paragraph 1 including repetitive inspections.

(6) If cracks are found in accordance with 3(a), 3(b), 3(c), or 4, report the results of such inspection and any repetitive inspection to the Chief, Engineering and Manufacturing Branch, FAA, Eastern Region (reporting approved by the Bureau of the Budget under BOB No. C4-RO174).

(7) Where the AD requires replacements or repairs before further flight, the airplane may be flown in accordance with FAR 21.197 to a base where the repair can be performed.

(8) The compliance times may be increased by the Chief, Engineering and Manufacturing Branch, FAA, Eastern Region, upon receipt of substantiating data.

(9) Equivalent inspections, parts, and alterations must be approved by the Chief, Engineering and Manufacturing Branch, FAA, Eastern Region.

This supersedes AD 72-25-5.

This amendement is effective March 8, 1973.

(Secs. 313(a), 601, 603, Federal Aviation Act of 1958, 49 U.S.C. 1354(a), 1421, 1423; sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Jamaica, N.Y., on February 21, 1973.

ROBERT H. STANTON,
Acting Director, Eastern Region.

[FR Doc.73-3955 Filed 3-1-73;8:45 am]

[Docket No. 67-SO-17, Amdt. 39-1601]

PART 39—AIRWORTHINESS DIRECTIVES

Lockheed Models 382 and 382B Series Airplanes

Amendment 39-423 32 FR 7704, AD 67-18-3 requires inspection of engine mount truss assemblies for cracks and replacement as necessary on Lockheed Models 382 and 382B airplanes. After issuing Amendment 39-423, the Administration determined that the inspection interval may be increased. Therefore, the AD is being amended to provide an increase in the inspection interval from 600 hours to 800 hours.

Since this amendment relieves a restriction and imposes no additional burden on any person, notice and public procedure hereon are unnecessary and the amendment may be made effective in less than 30 days.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator, § 39.13 of the Federal Aviation Regulations, Amendment 39-423, 32 FR 7704, AD 67-18-3, is amended as follows:

LOCKHEED. Applies to Models 382 and 382B series airplanes, Serials Nos. 3946 and 4101 through 4196.

Compliance as indicated.

1. Revise paragraphs (a), (b), and (c) to read:

(a) For airplanes with 2,350 or more hours' total time in service on the effective date of this AD comply with paragraph (c) within the next 50 hours' time in service, and thereafter at intervals not to exceed 800 hours' time in service from the last inspection.

(b) For airplanes with less than 2,350 hours' total time in service on the effective date of the AD comply with paragraph (c) before the accumulation of 2,400 hours' total time in service, and thereafter at intervals not to exceed 800 hours' time in service from the last inspection.

(c) Cracked parts shall be replaced with new parts having the same part number, or with the applicable updated part specified in section 2g of Lockheed-Georgia Service Bulletin 82-153 dated December 1, 1966, or later FAA approved revision. Replacement truss assemblies shall be installed according to the replacement instructions given in section 2h through 2aa in the above service bulletin, or in a manner approved by the Chief, Engineering and Manufacturing Branch, FAA, Southern Region.

This amendment becomes effective March 12, 1973.

(Secs. 313(a), 601, 603, Federal Aviation Act of 1958, 49 U.S.C. 1354(a), 1451, 1423; sec. 6(c), DOT Act, 49 U.S.C. 1655(c))

Issued in East Point, Ga., on February 22, 1973.

P. M. SWATEK,
Director, Southern Region.

[FR Doc.73-3954 Filed 3-1-73;8:45 am]

[Airspace Docket No. 73-AL-3]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Control Zone

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to alter the effective hours of the Talkeetna, Alaska, control zone.

The Talkeetna, Alaska, control zone is presently effective from 0545 to 2145 hours, local time, daily. Hourly and special weather observations needed for the designation of the control zone are available now from 0800 to 2400 hours, local time, daily. Therefore, the control zone hours of designation are redescribed to coincide with the weather reporting service and will be effective during the specific dates and times established in advance by notice to airmen. The effective date and time will thereafter be continuously published in the Flight Information Publication Supplement Alaska.

Since this amendment imposes no additional burden on any person, notice and public procedure requirements of the administrative procedure act are unnecessary and the amendment may be effective on less than 30 days' notice. However since it is necessary that sufficient time be allowed to permit appropriate changes to be made on aeronautical charts, this amendment will become effective more than 30 days after publication.

In consideration of the foregoing Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., March 29, 1973, as hereinafter set forth.

In § 71.171 (38 FR 351), the Talkeetna, Alaska, control zone is amended to read as follows:

TALKEETNA, ALASKA

Within a 5-mile radius of Talkeetna Airport (latitude 62°19'20" N., longitude 150°05'20" W.). This control zone is effective from 0800 to 2400 hours local time daily, or during the specific dates and times established in advance by notice to airmen. The effective date and time will thereafter be continuously published in the Flight Information Publication Supplement Alaska.

(Sec. 307(a), Federal Aviation Act of 1958, 49 U.S.C. 1348(a); sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Anchorage, Alaska, on February 21, 1973.

QUENTIN S. TAYLOR,
Acting Director, Alaskan Region.

[FR Doc.73-3957 Filed 3-1-73;8:45 am]

[Airspace Docket No. 72-GL-71]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Federal Airway Segment

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to alter a segment of VOR Federal airway No. 11E between Indianapolis, Ind., and Marion, Ind.

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Victor airway 11E rejoins V–11 at the Fairmont intersection, which is located 1½ miles southwest of the Marion TVOR. Action has been taken by the Great Lakes Region to change the status of the Marion TVOR to an LVOR. A portion of V–11E between the Pendleton intersection and Fairmont intersection will be altered 1° to the east so as to rejoin V–11 at Marion VOR.

Since this amendment is minor in nature and no substantive change in the regulation or its effect upon the operation of aircraft is effected, further notice and public procedure thereon are unnecessary. However, since it is necessary that sufficient time be allowed to permit appropriate changes be made on aeronautical charts, this amendment will become effective April 26, 1973.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., April 26, 1973, as hereinafter set forth.

Section 71.123 (38 FR 307) is amended as follows:

In V–11 "Fort Wayne, including an E alternate via INT Indianapolis 060° and Shelbyville, Ind., 006° radials, and INT Shelbyville 006° and Fort Wayne 218° radials;" is deleted and "Marion, Ind., including an E alternate via INT of Indianapolis 060° and Marion 189° radials; Fort Wayne, Ind." is substituted therefor.

(Sec. 307(a), Federal Aviation Act of 1958, 49 U.S.C. 1348(a); sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Washington, D.C., on February 23, 1973.

CHARLES H. NEWPOL,
Acting Chief, Airspace and Air Traffic Rules Division.

[FR Doc.73–3958 Filed 3–1–73;8:45 am]

[Airspace Docket No. 73–WE–6]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

PART 73—SPECIAL USE AIRSPACE

Alteration of Restricted Area and Continental Control Area

The purpose of these amendments to Parts 71 and 73 of the Federal Aviation Regulations is to subdivide Restricted Area R–2501, Bullion Mountains, Calif., into three areas and to alter the description of the continental control area to delete one subarea.

Restricted Area R–2501 is presently subdivided into four subareas: R–2501N, R–2501S, R–2501C, and R–2501E. In order to provide more flexible management and increase the release of the airspace when it is not in use by the using agency, it has been determined that R–2501 should be divided into three subareas and that one presently designated subarea should be deleted from the continental control area. The lateral and vertical dimensions and the time of designation of R–2501 will remain as presently designated.

Since these amendments are minor in nature and no substantive change in the regulations is effected, notice and public procedure thereon are unnecessary. However, since it is necessary that sufficient time be allowed to permit appropriate changes to be made on aeronautical charts, these amendments will become effective more than 30 days after publication.

In consideration of the foregoing, Parts 71 and 73 of the Federal Aviation Regulations are amended, effective 0901 G.m.t., April 26, 1973, as hereinafter set forth.

1. In § 71.151 (38 FR 341), Restricted Area R–2501C, Bullion Mountains, Calif., is revoked.

2. In § 73.25 (38 FR 634), Restricted Areas R–2501N, R–2501C, R–2501S, and R–2501E, Bulletin Mountains, Calif., are revoked and the following is substituted therefor.

R–2501N, BULLION MOUNTAINS NORTH, CALIF.

BOUNDARIES

Beginning at lat. 34°43'00" N., long. 116°26'20" W.; to lat. 34°43'00" N., long. 116°17'00" W.; to lat. 34°41'15" N., long. 116°04'30" W.; to lat. 34°33'12" N., long. 116°15'30" W.; to lat. 34°34'37" N., long. 116°20'43" W.; to lat. 34°35'40" N., long. 116°22'52" W.; to lat. 34°35'40" N., long. 116°28'15" W.; to lat. 34°40'30" N., long. 116°29'40" W.; to point of beginning.

Designated altitudes. Unlimited.

Time of designation. Continuous.

Controlling agency. Federal Aviation Administration, Los Angeles ARTC Center.

Using agency. Commanding General, Marine Corps Base, Twentynine Palms, Calif.

R–2501S, BULLION MOUNTAINS SOUTH, CALIF.

BOUNDARIES

Beginning at lat. 34°35'40" N., long. 116°28'15" W.; to lat. 34°35'40" N., long. 116°22'52" W.; to lat. 34°34'37" N., long. 116°20'43" W.; to lat. 34°33'12" N., long. 116°15'30" W.; to lat. 34°27'50" N., long. 116°09'40" W.; to lat. 34°27'15" N., long. 116°04'07" W.; to lat. 34°14'00" N., long. 115°55'40" W.; to lat. 34°14'00" N., long. 116°17'00" W.; to lat. 34°30'00" N., long. 116°26'30" W.; to point of beginning.

Designated altitudes. Unlimited.

Time of designation. Continuous.

Controlling agency. Federal Aviation Administration, Los Angeles ARTC Center.

Using agency. Commanding General, Marine Corps Base, Twentynine Palms, Calif.

R–2501E, BULLION MOUNTAINS EAST, CALIF.

BOUNDARIES

Beginning at lat. 34°41'15" N., long. 116°04'30" W.; to lat. 34°41'00" N., long. 116°03'00" W.; to lat. 34°35'30" N., long. 115°58'00" W.; to lat. 34°33'00" N., long. 115°47'00" W.; to lat. 34°25'00" N., long. 115°47'00" W.; to lat. 34°25'00" N., long. 115°44'00" W.; to lat. 34°14'00" N., long. 115°44'00" W.; to lat. 34°14'00" N., long. 115°55'40" W.; to lat. 34°27'15" N., long. 116°04'07" W.; to lat. 34°27'50" N., long. 116°09'40" W.; to lat. 34°33'12" N., long. 116°15'30" W.; to point of beginning.

Designated altitudes. Unlimited.

Time of designation. Continuous.

Controlling agency. Federal Aviation Administration, Los Angeles ARTC Center.

Using agency. Commanding General Marine Corps Base, Twentynine Palms, Calif.

(Sec. 307(a), Federal Aviation Act of 1958, 49 U.S.C. 1348(a); sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Washington, D.C., on February 23, 1973.

CHARLES H. NEWPOL,
Acting Chief, Airspace and Air Traffic Rules Division.

[FR Doc.73–3960 Filed 3–1–73;8:45 am]

SUBCHAPTER F—AIR TRAFFIC AND GENERAL OPERATING RULES

[Reg. Docket No. 12572; Amdt. 95–230]

PART 95—IFR ALTITUDES

Miscellaneous Changes

The purpose of this amendment to Part 95 of the Federal Aviation Regulations is to make changes in the IFR altitudes at which all aircraft shall be flown over a specified route or portion thereof. These altitudes, when used in conjunction with the current changeover points for the routes or portions thereof, also assure navigational coverage that is adequate and free of frequency interference for that route or portion thereof.

As a situation exists which demands immediate action in the interest of safety, I find that compliance with the notice and procedure provisions of the Administrative Procedure Act is impracticable and that good cause exists for making this amendment effective within less than 30 days from publication.

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator (24 FR 5662), Part 95 of the Federal Aviation Regulations is amended, effective March 29, 1973, as follows:

1. By amending Subpart C as follows:

Section 95.1001 *Direct routes—U.S.* is amended by adding:

From, to, and MEA

Bakersfield, Calif., VOR, via BFL 296 M rad; Pelican INT, Calif.; *3,000. *2,500—MOCA.
Pelican INT, Calif., via BFL 296 M rad/LSN 115 M rad; Los Banos, Calif., VOR, COP 40 NM LSN; 5,500.

Section 95.1001 *Direct routes—U.S.* is amended to delete:

Bakersfield, Calif., VOR, via BFL 296 M rad; Russell Ranch INT, Calif.; *3,000. *2,500—MOCA.
Russell Ranch INT, Calif., via BFL 296 M rad/LSN 115 M rad; Los Banos, Calif., VOR, COP 70 NM BFL/40 NM LSN; *5,500.
Glenwood Springs INT, Colo.; *Basalt INT, Colo.; 13,600. MAA—25,000. *14,500—MCA Basalt INT, eastbound.
*Basalt INT, Colo.; Holy Cross INT, Colo.; **15,500. MAA—25,000. *14,500—MCA Basalt INT, eastbound. **14,100—MOCA.
Holy Cross INT, Colo.; Dillon INT, Colo.; *#18,000. *16,300—MOCA. #MEA is established with a gap in navigation signal coverage.
Dillon INT, Colo.; Webster INT, Colo.; *17,000. *16,300—MOCA.
Webster INT, Colo.; Conifer INT, Colo.; *16,000. MAA—37,000. *14,500—MOCA
Dillon INT, Colo.; *Camp INT, Colo.; **18,000. *14,700—MCA Camp INT, Westbound. **16,300—MOCA.
Dillon DME Fix, Colo.; Conifer INT, Colo.; *17,000. MAA—37,000. *16,300—MOCA.

Bahama Routes

54V is amended to read in part:
Palm Beach, Fla., VOR; *Basket INT, Fla.; **2,000. *2,500—MRA. **1,300—MOCA.
10 Lima is amended to read in part:
Portland, Fla., NDB; Grand Bahama, BH NDB; *2,000. *1,600—MOCA.
Albany, Ga., VOR; Omaha INT, Ga.; 2,500.
Cairns, Ala., VOR; Dozier INT, Ala.; *2,000. *1,700—MOCA.
Dinsmore, Fla., RBN; Carp INT, Fla. (via Control 1153); *2,500. *1,300—MOCA.
Marathon, Fla., RBN; Tadpole LF INT, Fla. (via Control 1233); *2,500. *1,300—MOCA.

Section 95.5000 *High altitude RNAV routes.*

From/to; total distance; changeover point distance from geographic location; track angle; MEA; and MAA

J843R is amended to read in part:
Westminster, Md., W/P, Rensford, W. Va., W/P; 216.7; 146.2, Westminster; 250°/079° to COP, 254°/074° to Rensford; 18,000; 45,000.
Rensford, W. Va., W/P, Shutout, Ky., W/P; 201.1; 100.6, Rensford; 254°/074° to COP, 251°/071° to Shutout; 18,000; 45,000.

Section 95.5500 *High altitude RNAV routes.*

J952R is amended to read in part:
Mount Mitchell, N.C., W/P, Trion, Ga., W/P; 156.1; 78.0, Mount Mitchell; 240°/060° to COP, 236°/056° to Trion; 18,000; 45,000.
Trion, Ga., W/P, Iron Mountain, Ala., W/P; 120.2; 60.1, Trion; 236°/056° to COP, 233°/053° to Iron Mountain; 18,000; 45,000.

Section 95.6003 *VOR Federal airway 3* is amended to read in part:
Sombrero INT, Fla.; Rancho INT, Fla.; *6,000. *1,600—MOCA.
Biscayne Bay, Fla., VOR, via E alter; *INT 021M rad Biscayne Bay VOR and 166M rad Palm Beach VOR via E alter; 1,600.
Daytona Beach, Fla., VOR; *Bunnell INT, Fla.; **2,000. *3,000—MRA. **1,400—MOCA.

Section 95.6005 *VOR Federal airway 5* is amended to read in part:
Jacksonville, Fla., VOR; Pafford INT, Ga.; *2,000. *1,300—MOCA.

Section 95.6007 *VOR Federal airway 7* is amended to read in part:
Miami, Fla., VOR, via E alter; Royal Palm INT, Fla., via E alter; *2,000. *1,200—MOCA.
*Cross City, Fla., VOR, via W alter; **Lobster INT, Fla., via W alter; ***5,000. *5,000—MCA, Cross City VOR, westbound. **3,000—MRA. ***1,200—MOCA.

Section 95.6035 *VOR Federal airway 35* is amended to read in part:
Sombrero INT, Fla.; *Doubloon INT, Fla.; **6,500. *6,500—MRA. **1,200—MOCA.
Cutler INT, Fla.; Miami, Fla., VOR; *2,000. *1,400—MOCA.
Fort Myers, Fla., VOR, via W alter; St. Petersburg, Fla., VOR, via W alter; *1,800. *1,600—MOCA.
Ellers INT, Fla.; Eddy INT, Fla.; *3,000. *1,200—MOCA.
Eddy INT, Fla.; Cross City, Fla., VOR; *2,000. *1,200—MOCA.
St. Petersburg, Fla., VOR, via E alter; Bayport INT, Fla., via E alter; *2,000. *1,400—MOCA.

Section 95.6039 *VOR Federal airway 39* is amended to read in part:
Myrtle Beach, S.C., VOR; Fayetteville, N.C., VOR; *3,000. MAA—6,000. *1,600—MOCA.

Section 95.6043 *VOR Federal airway 43* is amended to read:
Appleton, Ohio, VOR; Tiverton, Ohio, VOR; 3,000.
Tiverton, Ohio, VOR; Briggs, Ohio, VOR; 3,000.
Briggs, Ohio, VOR; Youngstown, Ohio, VOR; 3,000.
Tiverton, Ohio, VOR, via W alter; Akron, Ohio, VOR, via W alter; 3,000.
Akron, Ohio, VOR, via W alter; Youngstown, Ohio, VOR, via W alter; 3,000.
Briggs, Ohio, VOR, via E alter; Youngstown, Ohio, VOR, via E alter; 3,500.
Youngstown, Ohio, VOR; Linesville INT, Pa.; 3,000.
Linesville INT, Pa.; Erie, Pa., VOR; *3,000. *2,900—MOCA.

Section 95.6051 *VOR Federal airway 51* is amended to read in part:
Biscayne Bay, Fla., VOR; Miami, Fla., VOR; *2,000. *1,600—MOCA.
Daytona Beach, Fla., VOR; *Bunnell INT, Fla.; **2,000. *3,000—MRA. **1,400—MOCA.
Jackson, Fla., VOR; Pafford INT, Ga.; *2,000. *1,300—MOCA.
Jacksonville, Fla., VOR, via E alter; Kings INT, Ga., via E alter; *1,600. *1,300—MOCA.

Section 95.6097 *VOR Federal airway 97* is amended to read in part:
Morris INT, Ind.; Shelbyville, Ind., VOR; *2,800. *2,300—MOCA.
Miami, Fla., VOR; La Belle, Fla., VOR; *2,000. *1,200—MOCA.

Section 95.6133 *VOR Federal airway 133* is amended to read in part:
*Lake City INT, Mich.; Broadman INT, Mich.; **3,500. *4,000—MRA. **2,500—MOCA.
Broadman INT, Mich.; Traverse City, Mich., VOR; *3,100. *2,300—MOCA.

Section 95.6134 *VOR Federal airway 134* is amended by adding:
Grand Junction, Colo., VOR; *Palisade INT, Colo.; 11,000. *12,700—MCA Palisade INT, eastbound.
Palisade INT, Colo.; Crystal INT, Colo.; eastbound, 14,000. Westbound, 13,000.
Crystal INT, Colo.; Glenwood Springs INT, Colo.; 14,000.
Glenwood Springs INT, Colo.; *Basalt INT, Colo.; 13,600. *14,500—MCA Basalt INT, eastbound.
Basalt INT, Colo.; *Holy Cross INT, Colo.; eastbound **15,500. Westbound **15,000. *15,500—MRA. *17,000—MCA Holy Cross INT, eastbound. **14,000—MOCA.
Holy Cross INT, Colo.; Frisco INT, Colo.; *17,000. *15,000—MOCA.
Frisco INT, Colo.; Camp INT, Colo.; *17,000. *16,300—MOCA.
Camp INT, Colo.; *Golden INT, Colo; eastbound 12,500. Westbound 17,000. *12,800—MCA, Golden INT, westbound.
Golden INT, Colo.; Denver, Colo., VOR; 7,800.
Frisco INT, Colo., via S alter; *Webster INT, Colo., via S alter; **17,000. *17,000 MCA Webster INT, northwest-bound. **16,300—MOCA.
Webster INT, Colo., via S alter; *Conifer INT, Colo., via S alter; **16,000. *15,000—MCA Conifer INT, southwest-bound. **14,400—MOCA.
Conifer INT, Colo., via S alter; *Denver, Colo., VOR, via S alter; 11,400. *8,100 MCA Denver VOR, southwest-bound.

Section 95.6157 *VOR Federal airway 157* is amended to read in part:
Miami, Fla., VOR; La Belle, Fla., VOR; *2,000. *1,200—MOCA.

Section 95.6159 *VOR Federal airway 159* is amended to read in part:
Ocala, Fla., VOR, via W alter; Cross City, Fla., VOR, via W alter; *2,000. *1,300—MOCA.

Section 95.6225 *VOR Federal airway 225* is amended to read in part:
Cape Romano INT, Fla.; Fort Myers, Fla., VOR; *2,000. *1,300—MOCA.
Dixie Ranch INT, Fla.; Vero Beach, Fla., VOR; *2,000. *1,400—MOCA.

Section 95.6241 *VOR Federal airway 241* is amended to read in part:
Darlington INT, Fla.; Dothan, Ala., VOR; *2,000. *1,700—MOCA.
Dothan, Ala., VOR, via W alter; Edd INT, Ala., via W alter; 2,400.

Section 95.6243 *VOR Federal airway 243* is amended to read in part:
Jacksonville, Fla., VOR; Pafford INT, Ga.; *2,000. *1,300—MOCA.

Section 95.6267 *VOR Federal airway 267* is amended to read in part:
Jacksonville, Fla., VOR; Kings INT, Ga.; *1,600. *1,300—MOCA.
Dixie INT, Ga.; *Baxley INT, Ga.; **6,000. *3,000—MRA. *6,000—MCA Baxley INT, southbound. **1,700—MOCA.

Section 95.6295 *VOR Federal airway 295* is amended to read in part:
Biscayne Bay, Fla., VOR; INT 021M rad Biscayne Bay VOR and 166M rad Palm Beach VOR; 1,600.
Vero Beach, Fla., VOR; Bailey INT, Fla.; *2,000. *1,400—MOCA.

Section 95.6437 *VOR Federal airway 437* is amended to delete:
Charleston, S.C., VOR, via E alter; Florence, S.C., VOR, via E alter; *2,400. *1,500—MOCA.

Section 95.6437 *VOR Federal airway 437* is amended to read in part:
Daytona Beach, Fla., VOR; *Croaker INT, Fla.; **1,500. *3,500—MRA. **1,400—MOCA.

Section 95.6441 *VOR Federal airway 441* is amended to read in part:
St. Petersburg, Fla., VOR; Bayport INT, Fla.; *2,000. *1,400—MOCA.

Section 95.6452 *VOR Federal airway 452* is amended to read in part:
Cottage Grove INT, Oreg.; Modoc INT, Oreg.; *10,500. *9,700—MOCA.
Modoc INT, Oreg.; Klamath Falls, Oreg., VOR; southeastbound 9,000. Northwestbound 10,000.

2. By amending Subpart D as follows:

Section 95.8003 *VOR Federal Airway Changeover Points.*

From; to; and changeover point distance from

V–134 is amended by adding:
Grand Junction, Colo., VOR; Denver, Colo., VOR; 110, Grand Junction.

(Secs. 307 and 1110, Federal Aviation Act of 1958, 49 U.S.C. 1348, 1510)

Issued in Washington, D.C., on February 22, 1973.

C. R. MELUGIN, Jr.,
Acting Director, Flight Standards Service.

[FR Doc.73–3763 Filed 3–1–73;8:45 am]

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CHAPTER II—CIVIL AERONAUTICS BOARD

SUBCHAPTER B—PROCEDURAL REGULATIONS

[Reg. PR-135; Amdt. 302-17]

PART 302—RULES OF PRACTICE IN ECONOMIC PROCEEDINGS

Service of Complaints Against Tariffs

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 26th day of February 1973.

Subpart E of Part 302 of the Board's procedural regulations (14 CFR 302.500, et seq.) sets forth the rules applicable to proceedings with respect to rates, fares, and charges. These proceedings may be instituted "by the filing of a petition or complaint by any person, or by the issuance of an order by the Board." (Rule 501.) However, Subpart E includes no particular provisions governing service of such petitions or complaints, or of answers thereto, and, in the absence of such particular provisions in Subpart E, the general provisions of Subpart A apply. (Rules 1(b) and 500.) The general provisions in Subpart A governing service of filed documents provide that "any • • • document filed by any party or other person with the Board or an administrative law judge shall be served upon all parties to the proceeding in which it is filed; • • •" (Rule 8(a)(2).) Thus, although complaints with respect to rates, fares, and charges are not among the types of documents expressly enumerated in that rule, it is clear that such complaints which are tendered for filing are subject to said service provision of Rule 8(a)(2) and will not be served by the Board under Rule 8(a)(1). Nonetheless, we think it advisable to amend the rules in order to eliminate any ambiguity on this narrow procedural question.

Accordingly, we are amending both the general provisions of Subpart A and the special provisions of Subpart E of the rules of practice so as to indicate clearly that persons filing petitions or complaints against tariffs are responsible for serving the petition or complaint upon the carrier against whose tariff it is filed.[1]

Since these amendments are editorial in nature and relate wholly to a matter of Board procedure, the Board finds that notice and public procedure hereon are unnecessary and the amendments may become effective immediately.

In consideration of the foregoing, the Civil Aeronautics Board hereby amends Part 302 of its procedural regulations (14 CFR Part 302), effective February 26, 1973, as follows:

1. Amend the table of contents by modifying § 302.502 to read as follows:

Sec.
302.502 Contents and service of petition or complaint.

2. Amend § 302.8(a)(2) to read as follows:

§ 302.8 Service of documents.

(a) Who makes service— • • •

(2) *The parties.* Complaints, answers, petitions, briefs, exceptions, notices, protests, or memoranda, or any other documents filed by any party or other person with the Board or an administrative law judge shall be served by such party or other person upon all parties to the proceeding in which it is filed: *Provided,* That motions to expedite filed in any proceeding conducted pursuant to sections 401 and 402 of the Act, shall, in addition, be served on all persons who have petitioned for intervention in, or consolidation of applications with, such proceeding. Proof of service shall accompany all documents when they are tendered for filing.

• • • • •

3. Amend § 302.502 by modifying its title, numbering the existing section as paragraph (a) and adding a new paragraph (b), the section as amended to read as follows:

§ 302.502 Contents and service of petition or complaint.

• • • • •

(b) A petition or complaint shall be served by the petitioner or complainant upon the carrier against whose tariff provision the petition or complaint is filed.

4. Amend § 302.505(e) to read as follows:

§ 302.505 Complaints requesting suspension of tariffs—answers to such complaints.

• • • • •

(e) In an emergency satisfactorily shown by complainant, and within the time limits herein provided, a telegraphic complaint may be sent to the Board and to the carrier against whose tariff provision the complaint is made. Such a telegraphic complaint shall state the grounds relied upon, and must immediately be confirmed by complaint filed and served in accordance with this part.

• • • • •

(Sec. 204(a) of the Federal Aviation Act of 1958, as amended, 72 Stat. 743, 49 U.S.C. 1324)

By the Civil Aeronautics Board.

[SEAL] PHYLLIS T. KAYLOR,
Acting Secretary.

[FR Doc.73-4026 Filed 3-1-73;8:45 am]

[1] We are also making a related editorial modification to § 302.505(e).

Title 19—Customs Duties

CHAPTER I—BUREAU OF CUSTOMS, DEPARTMENT OF THE TREASURY

[T.D. 73-62]

PART 8—LIABILITY FOR DUTIES; ENTRY OF IMPORTED MERCHANDISE

PART 19—CUSTOMS WAREHOUSES, CONTAINER STATIONS, AND CONTROL OF MERCHANDISE THEREIN

Entry Into and Withdrawal From Warehouses of Certain Distilled Spirits

Notice of proposed rule making to amend §§ 8.30 and 19.15 of the Customs regulations to provide for the entry into and the withdrawal from Customs bonded warehouses of distilled spirits in accordance with section 3 of Public Law 91-659 (26 U.S.C. 5066), enacted on January 8, 1971, was published in the FEDERAL REGISTER (37 FR 23188), on October 31, 1972. No comments were received in response to this notice.

Section 5066 of the Internal Revenue Code (26 U.S.C. 5066), provides in subsection (a) for the entry into Customs bonded warehouse of distilled spirits bottled in bond for export under section 5233 of the Internal Revenue Code (26 U.S.C. 5233), and of distilled spirits stamped or restamped, and marked, especially for export under the provisions of section 5062(b) of the Internal Revenue Code (26 U.S.C. 5062(b)). Subsection (b) of section 5066 provides that distilled spirits entered into Customs bonded warehouses under subsection (a) of the same section, and domestic distilled spirits transferred to such warehouses from Customs bonded manufacturing warehouses, Class 6, may be withdrawn for consumption in the United States by and for the official or family use of such foreign governments, organizations, and individuals who are entitled to withdraw imported distilled spirits from such warehouses free of tax. Subsection (c) permits distilled spirits entered into Customs bonded warehouses in accordance with subsection (a), to be withdrawn for domestic consumption. If so withdrawn, they shall be subject to duty and treated as American goods exported and returned under Item 804.20, Tariff Schedules of the United States (19 U.S.C. 1202). However, domestic distilled spirits which have been transferred from a Customs bonded manufacturing warehouse to a Customs bonded warehouse cannot be withdrawn for domestic consumption.

Accordingly, the proposed amendments to §§ 8.30 and 19.15 of the Customs regulations are adopted as set forth below.

Effective date. These amendments shall become effective on April 2, 1973.

[SEAL] VERNON D. ACREE,
Commissioner of Customs.

Approved: February 20, 1973.

EDWARD L. MORGAN,
Assistant Secretary of the Treasury.

Section 8.30 is amended by adding new paragraphs (g) and (h) to read as follows:

§ 8.30 Form and contents; articles entitled to entry.

• • • • •

(g) Except as otherwise provided herein, distilled spirits entered into Customs bonded warehouse in accordance with section 5066(a), Internal Revenue Code, as amended (26 U.S.C. 5066(a)), shall be treated in the same manner as any other merchandise entered for warehouse. Distilled spirits so entered may be withdrawn from warehouse for domestic consumption under section 5066(c) of the Internal Revenue Code, as amended, in which event they will be subject to duty as American goods exported and returned under item 804.20, Tariff Schedules of the United States (19 U.S.C. 1202). The recital clause of the warehouse entry bond, Customs Form 7555, shall be modified to show that the distilled spirits were entered in accordance with section 5066(a), Internal Revenue Code, as amended. The following new condition shall be added to the bond, or to the general term bond, Customs Form 7595, prior to its approval: "And if said articles shall be withdrawn in accordance with the provisions of section 5066 (b) or (c) of the Internal Revenue Code, as amended, or in default thereof, if the obligors shall pay to the district director as liquidated damages an amount equal to the aggregate sum of double the duties assessable on such part of the shipment as shall not have been so withdrawn, plus the amount of any internal revenue tax assessable thereon."

(h) Domestic distilled spirits which have been transferred from a Customs bonded manufacturing warehouse, Class 6, to a Customs bonded storage warehouse, may not be withdrawn under section 5066(c) of the Internal Revenue Code, as amended (26 U.S.C. 5066(c)), for domestic consumption. For procedure concerning the transfer of such distilled spirits from Customs bonded manufacturing warehouse, Class 6, to Customs bonded storage warehouse, see § 19.15(g)(2) of this chapter.

(R.S. 251, as amended, secs. 557, 624, 46 Stat. 744, as amended, 759; 19 U.S.C. 66, 1557, 1624)

§ 19.15 Withdrawal for exportation of articles manufactured in bond; waste or by-products of consumption.

• • • • •

(g)(1) Articles may be withdrawn for transportation and delivery to a bonded storage warehouse at an exterior port under the provisions of section 311, Tariff Act of 1930, as amended (19 U.S.C. 1311), for the sole purpose of immediate export or may be withdrawn pursuant to section 309(a) of the Tariff Act of 1930, as amended (19 U.S.C. 1309(a)). Such withdrawal shall be effected on Customs Form 7512, as provided for in § 18.16 of this chapter. A rewarehouse entry shall be made at the exterior port in accordance with § 8.33 of this chapter, supported by a bond on Customs Form 7555 in an amount equal to the aggregate sum of double the estimated amount of ordinary Customs duties on the merchandise (including any taxes imposed thereon which are required by law to be treated as duty imposed by the Tariff Act of 1930), plus the estimated amount of any other tax or taxes on the merchandise collectible by the district director of Customs. The recital clause of such bond shall be modified to show that the merchandise is the product of a bonded manufacturing warehouse, Class 6, and that it has been rewarehoused at the exterior port for the sole purpose of immediate export or withdrawal pursuant to section 309(a) of the Tariff Act of 1930, as amended. The following new condition shall be added to the warehouse entry bond on Customs Form 7555, or to the general term bond, Customs Form 7595, prior to its approval: "And if said articles shall be exported or withdrawn in accordance with the provisions of section 311 or 309(a), Tariff Act of 1930, as amended, in the manner prescribed by the regulations; or, in default thereof, if the obligors shall pay to the district director as liquidated damages an amount equal to the aggregate sum of double the duties assessable on such part of the shipment as shall not have been so exported or withdrawn, plus the amount of any internal revenue tax assessable thereon."

(2) Domestic distilled spirits transferred from a Customs bonded manufacturing warehouse, Class 6, to a Customs bonded storage warehouse, Class 2 or 3, in accordance with section 5521 of the Internal Revenue Code, as amended (26 U.S.C. 5521), and section 311, Tariff Act of 1930, as amended (19 U.S.C. 1311), shall be rewarehoused in accordance with the procedure for withdrawal and rewarehousing set forth in subparagraph (1) of this section. The recital clause of the warehouse entry bond, Customs Form 7555, shall be amended to show the circumstances of such entry. The following condition shall be added to the warehouse entry bond, Customs Form 7555, or to the general term bond, Customs Form 7595, prior to its approval: "And if said articles shall be withdrawn in accordance with section 5066(b), Internal Revenue Code, as amended (26 U.S.C. 5066(b)); or, in default thereof, if the obligors shall pay to the district director as liquidated damages an amount equal to the aggregate sum of double the duties assessable on such part of the shipment as shall not have been withdrawn plus the amount of any internal revenue tax assessable thereon." For regulations concerning the limitation on the withdrawal of such merchandise from a Customs bonded storage warehouse for consumption, see § 8.30(h) of this chapter.

• • • • •

(R.S. 251, as amended, secs. 311, 624, 46 Stat. 691, as amended, 759; 19 U.S.C. 66, 1311, 1624)

[FR Doc.73-3968 Filed 3-1-73;8:45 am]

Title 20—Employees' Benefits

CHAPTER II—RAILROAD RETIREMENT BOARD

PART 210—EXECUTION AND FILING OF AN APPLICATION FOR AN ANNUITY

Application To Be Filed

This document provides a revision of the Board's regulations, adding another situation in which it is considered that action of the Board or of its employees has deterred an individual from filing an application on the prescribed form.

Pursuant to the general authority contained in section 10 of the act of June 24, 1937 (50 Stat. 314, as amended; 45 U.S.C. 228j), § 210.2(b)(1) of Part 210 (20 CFR 210.2(b)(1)) of the regulations under such act is amended by Board Order 73-8, dated February 12, 1973, to read as follows:

§ 210.2 Application to be filed.

• • • • •

(b) • • •

(1) • • •

(i) Failure to advise the individual properly as to the necessity for filing an application on such prescribed form; or

(ii) Failure to advise the individual that his written statement containing all the pertinent information called for by an application, though on a form prescribed by the Board, is insufficient to serve as an application; or

(iii) Failure to furnish the individual with the appropriate application form; or

(iv) Furnishing of correct information that under an existing ruling (which was subsequently reversed during the individual's lifetime) entitlement was precluded: *And further provided,* That:

• • • • •

Dated: February 23, 1973.

By authority of the Board.

R. F. BUTLER,
Secretary of the Board.

[FR Doc.73-3950 Filed 3-1-73;8:45 am]

Title 29—Labor

SUBTITLE A—OFFICE OF THE SECRETARY OF LABOR

PART 2—GENERAL REGULATIONS

Audiovisual Coverage of Administrative Hearings

On pages 26430 and 26431 of the FEDERAL REGISTER of December 12, 1972, there was published a notice in which it was proposed to issue rules stating the Department's policy concerning audiovisual coverage of administrative hearings under various laws administered by this Department. The proposal also designated the present Part 2 as Subpart A, and added a new Subpart B stating the audiovisual coverage policy of this Department.

After consideration of all such relevant matter as was presented by interested persons, the amendment as so proposed is hereby adopted, subject to the following changes:

1. Section 2.13 is revised to read as set forth below.

2. A new § 2.16 is added, reading as set forth below.

These revisions are effective on March 2, 1973, inasmuch as they relieve restrictions on the audiovisual coverage of administrative hearings.

Signed at Washington, D.C., this 26th day of February 1973.

PETER J. BRENNAN,
Secretary of Labor.

Part 2 is revised as follows:

1. The present Part 2 is designated "Subpart A—General."

2. The new Subpart B of Part 2 of Title 29, Code of Federal Regulations, reads as follows:

Subpart B—Audiovisual Coverage of Administrative Hearings

Sec.
2.10 Scope and purpose.
2.11 General principles.
2.12 Audiovisual coverage permitted.
2.13 Audiovisual coverage prohibited.

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Sec.
2.14 Proceedings in which the Department balances conflicting values.
2.15 Protection of witnesses.
2.16 Conduct of hearings.

AUTHORITY: 5 U.S.C. 301 and 5 U.S.C. 552—556

Subpart B—Audiovisual Coverage of Administrative Hearings

§ 2.10 Scope and purpose.

This subpart defines the scope of audiovisual coverage of departmental administrative hearings. It describes the types of proceedings where such coverage is encouraged, defines areas where such coverage is prohibited (as in certain enforcement proceedings or where witnesses object) and areas where a decision concerning coverage is made after weighing the values involved in permitting coverage against the reasons for not permitting it.

§ 2.11 General principles.

The following general principles will be observed in granting or denying requests for permission to cover hearings audiovisually:

(a) Notice and comment and on-the-record rule making proceedings may involve administrative hearings. If such administrative hearings are held, we encourage their audiovisual coverage.

(b) Audiovisual coverage shall be excluded in adjudicatory proceedings involving the rights or status of individuals (including those of small corporations likely to be indistinguishable in the public mind from one or a few individuals) in which an individual's past culpable conduct or other aspect of personal life is a primary subject of adjudication, and where the person in question objects to coverage.

(c) Certain proceedings involve balancing of conflicting values in order to determine whether audiovisual coverage should be allowed. Where audiovisual coverage is restricted, the reasons for the restriction shall be stated in the record.

§ 2.12 Audiovisual coverage permitted.

The following are the types of hearings where the Department encourages audiovisual coverage:

(a) All hearings involving notice and comment and on-the-record rule making proceedings. The Administrative Procedure Act provides for notice of proposed rule making with provision for participation by interested parties through submission of written data, views, or arguments, with or without opportunity for oral presentation (5 U.S.C. 553). (In many cases the Department follows the above procedure in matters exempted from these requirements of 5 U.S.C. 553.) On-the-record rule making proceedings under 5 U.S.C. 556 and 557 are also hearings where audiovisual coverage of hearings is encouraged. Examples of hearings encompassed by this paragraph are:

(1) Hearings to establish or amend safety or health standards under the Occupational Safety and Health Act of 1970, 29 U.S.C. 651.

(2) Hearings to determine the adequacy of State laws under the Occupational Safety and Health Act of 1970.

(b) Hearings to collect or review wage data upon which to base minimum wage rates determined under various laws, such as the Davis-Bacon Act (40 U.S.C. 276a) and related statutes and the Service Contract Act of 1965 (41 U.S.C. 353, as amended by Public Law 92–473 approved October 9, 1972).

(c) Hearings under section 4(c) of the Service Contract Act of 1965 (41 U.S.C. 353, subsection (c) added by Public Law 92–473 approved October 9, 1972) to determine if negotiated rates are substantially at variance with those which prevail in the locality for services of a character similar.

(d) Hearings before the Wage Appeals Board (Parts 1, 3, 5, and 7 of this chapter).

(e) Hearings held at the request of a Federal agency to resolve disputes under the Davis-Bacon and related Acts, involving prevailing wage rates or proper classification which involve significant sums of money, large groups of employees or novel or unusual situations.

(f) Hearings of special industry committees held pursuant to the Fair Labor Standards Act, as amended (29 U.S.C. 201 et seq.) for the purpose of recommending minimum wage rates to be paid in Puerto Rico, the Virgin Islands, and American Samoa.

(g) Hearings pursuant to section 13 (a) of the Welfare and Pension Plans Disclosure Act (29 U.S.C. 308d) to determine whether a bond in excess of $500,000 may be prescribed.

(h) Hearings where the Department is requesting information needed for its administrative use in determining what our position should be (e.g., our hearings on the 4-day, 40-hour workweek).

§ 2.13 Audiovisual coverage prohibited.

The Department shall not permit audiovisual coverage of the following types of hearings if any party objects:

(a) Hearings to determine whether applications for individual variances should be issued under the Occupational Safety and Health Act of 1970.

(b) Hearings (both formal and informal) involving alleged violations of various laws such as the Davis-Bacon Act (40 U.S.C. 276a et seq.) and related Acts, the Contract Work Hours and Safety Standards Act (40 U.S.C. 327 et seq.), the Service Contract Act (41 U.S.C. 351 et seq.), the Walsh Healey Act (41 U.S.C. 35 et seq.), under section 41 of the Longshoremen's and Harbor Workers' Compensation Act (33 U.S.C. 941 et seq.), the Fair Labor Standards Act of 1938, as amended (29 U.S.C. 201 et seq.), and any informal hearings or conferences under the Occupational Safety and Health Act of 1970 (29 U.S.C. 651 et seq.) which are not within the jurisdiction of the Occupational Safety and Health Commission.

(c) Adversary hearings under the Longshoremen's and Harbor Workers' Compensation Act (33 U.S.C. 901 et seq.) and related Acts, which determine an employee's right to compensation.

(d) Hearings which determine an employee's right to compensation under the Federal Employees' Compensation Act (5 U.S.C. 8101 et seq.).

§ 2.14 Proceedings in which the Department balances conflicting values.

In proceedings not covered by §§ 2.12 and 2.13, the Department should determine whether the public's right to know outbalances the individual's right to privacy. When audiovisual coverage is restricted or excluded, the record shall state fully the reasons for such restriction or exclusion. For example, there would be included in this category hearings before the Board of Contract Appeals involving appeals from contracting officer decisions involving claims for extra costs for extra work, extra costs for delay in completion caused by the Government or for changes in the work, conformity hearings arising under State unemployment insurance laws, etc.

§ 2.15 Protection of witnesses.

A witness has the right, prior to or during his testimony, to exclude audiovisual coverage of his testimony in any hearing being covered audiovisually.

§ 2.16 Conduct of hearings.

The presiding officer at each hearing which is audiovisually covered is authorized to take any steps he deems necessary to preserve the dignity of the hearing or prevent its disruption by persons setting up or using equipment needed for its audiovisual coverage.

[FR Doc.73-3929 Filed 3-1-73;8:45 am]

Title 32—National Defense

CHAPTER VII—DEPARTMENT OF THE AIR FORCE

SUBCHAPTER C—PUBLIC RELATIONS

PART 823—INDIVIDUALS AND ORGANIZATIONS

Authorized Commissary Store Privileges

Part 823, Subchapter C of Chapter VII of Title 32 of the Code of Federal Regulations is revised to read as follows:

Sec.
823.1 Purpose.
823.2 Definitions.
823.3 List of patrons.
823.4 Identification of patrons.

AUTHORITY: 10 U.S.C. 8012.

§ 823.1 Purpose.

This part lists the individuals, organizations and activities entitled to commissary store privileges, except in foreign countries where prohibited by treaty or other international agreements, and sets forth instructions regarding the identification of authorized patrons.

§ 823.2 Definitions.

As used throughout this part, the following terms shall have the meanings set forth in paragraphs (a) through (o) of this section.

(a) *Military department.* The Department of the Army, the Department of the Navy, the Department of the Air Force, and the Marine Corps.

(b) *Armed Services.* The terms "Armed Services" and "Services" means the Army, Navy, Air Force, Marine Corps, and Coast Guard.

(c) *Uniformed Services.* The term "Uniformed Services", unless otherwise qualified, means the Army, Navy, Air Force, Marine Corps, Coast Guard, Commissioned Officers of the National Oceanic and Atmospheric Administration and Public Health Service.

(d) *United States.* The fifty (50) States and the District of Columbia.

(e) *Continental United States.* The term "Continental United States (CONUS)" means the forty-eight (48) States and the District of Columbia.

(f) *Commissary store.* Army Commissary Store, Navy Commissary Store, Air Force Commissary Store, and Marine Corps Commissary Store.

(g) *Uniformed personnel.* Members of the Army, Navy, Air Force, Marine Corps, Coast Guard; Cadets and Midshipmen of the U.S. Army, Navy, Air Force, and Coast Guard Academies, commissioned officers of the National Oceanic and Atmospheric Administration; commissioned officers of the Public Health Service, and members of the Reserve components as defined in paragraph (h) of this section, on extended active duty or undertaking active duty for training in excess of 72 hours.

(h) *Reserve components.* The Army National Guard and Air National Guard of the United States; the Army Reserve, the Naval Reserve, the Air Force Reserve, the Marine Corps Reserve, the Coast Guard Reserve, and Reserve Officers of the Public Health Service.

(i) *Dependents.* (1) A lawful wife.

(2) A lawful husband who resides in the same household as the sponsor.

(3) Children who are under 21 years of age and unmarried and who are either legitimate, adopted children, stepchildren, or wards and who are in fact dependent for over half of their support from the sponsor and who reside full time in the same household as the sponsor.

(4) Children who are 21 years of age or over and unmarried and who are in fact dependent for over half their support from the sponsor and who reside full time in the same household as the sponsor and who are either legitimate or are adopted children, stepchildren or wards and who are (i) incapable of self-support because of a mental or physical handicap or (ii) have not passed their 23d birthday and are enrolled in a full time course of study at an approved institute of higher learning.

(5) Parents, including father, mother, father-in-law, mother-in-law, stepparent and parent by adoption who are in fact dependent for over half of their support from the sponsor and who reside full time in the same household as the sponsor.

(j) *Surviving spouse.* Widow or widower who have not remarried (or if remarried have reverted through divorce or the demise of the spouse to an unmarried status), of the following:

(1) Member of the Regular Army, Navy, Air Force, Marine Corps, and Coast Guard.

(2) Retired personnel of the Army, Navy, Air Force, Marine Corps, and Coast Guard as defined in paragraph (k) of this section.

(3) Nonregular personnel of the Army, Navy, Air Force, and Marine Corps entitled to disability benefits pursuant to 10 U.S.C. 3687, 6148, and 8687.

(4) Members of the Army of the United States, Air Force of the United States, inductees of the U.S. Navy, and inductees of the U.S. Marine Corps who died in line of duty while on active duty.

(5) Members of the Reserve components who died in line of duty while on active duty, including active duty for training and inactive duty training, such as drills.

(6) Personnel of all Reserve components retired with pay pursuant to 10 U.S.C. Chapters 67, 367, 571, and 867.

(7) Members of the Fleet Reserve and Fleet Marine Corps Reserve.

(8) Personnel of the emergency officers' retired lists of the Army, Navy, Air Force, and Marine Corps who have been retired pursuant to section II, Act of September 2, 1958, Public Law 85–857.

(9) Active duty and retired officers and crews of vessels, light keepers, and depot keepers of the former lighthouse service.

(10) One hundred percent service-connected disabled veterans.

(11) Active duty and retired commissioned officers of the Public Health Service.

(12) Retired commissioned officers, ship officers, and members of the crews of vessels of the Coast and Geodetic Survey (33 U.S.C. 868a).

(13) Retired commissioned officers of the Environmental Science Services Administration.

(14) Active duty and retired commissioned officers of the National Oceanic and Atmospheric Administration.

(k) *Retired personnel.* (1) All personnel carried on the official retired lists of the uniformed services as defined in paragraph (c) of this section, who are retired with pay or granted retirement pay for physical disability.

(2) All members of the Reserve components as defined in paragraph (h) of this section, retired with pay or granted retirement pay for physical disability pursuant to 10 U.S.C. Chapter 61 and 10 U.S.C. 3687, 6148, and 8687.

(3) Personnel of the Reserve components retired with pay or granted retirement pay pursuant to 10 U.S.C. 1331, 3911, 6323, and 8911.

(4) Personnel of the emergency officers' retired list of the Army, Navy, Air Force, and Marine Corps who were retired pursuant to section II, Act of September 2, 1958, Public Law 85–857.

(5) Retired officers and crews of vessels, light keepers, and depot keepers of the former lighthouse service (33 U.S.C. 754a).

(6) Retired commissioned officers, ship officers, and members of the crews of vessels of the Coast and Geodetic Survey.

(7) Retired commissioned officers of the Environmental Science Services Administration.

(l) *Civilian employees of the Coast Guard.* Former officers or employees of the lighthouse service, who as such on June 30, 1939 were serving as officers or crew on lighthouse service vessels, light keepers, or depot keepers in the lighthouse service, and are now civilian employees of the Coast Guard serving as lighthouse keepers or on board lightships or other Coast Guard vessels (33 U.S.C. 754a).

(m) *Agents.* In the case of individual patrons, an "agent" is defined as a member of a household maintained by or for an authorized commissary store patron who has designated such individuals to act in his/her behalf. In addition, an agent must qualify as a dependent, as defined in paragraph (i) of this section. In extreme hardship cases and when no adult dependent member is capable of shopping, due to sponsor being stationed away from his/her household or due to a physical disability or when the spouse is unable to shop due to sickness, temporary designation as agent of persons not meeting the dependent criteria may be made at the discretion of the Commanding Officer at the command level designated by the respective Military Department for periods not to exceed 1 year. Authorization may be extended in instances where hardship continues to exist. In the case of organization or activities, an agent is defined as a representative designated by the person responsible therefor.

(n) *Extended active duty.* Full time duty in the active military service of the United States, entered into with the original expectation of serving for an indefinite or stated period of time, other than active duty for training.

(o) *Active duty for training.* Full-time duty in the active military service of the United States for training purposes. The full-time training or other full-time duty performed by members of the Army National Guard and the Air National Guard of the United States while in their status as members of the Army National Guard or Air National Guard of the several States, territories, or the District of Columbia, pursuant to law, for which they are entitled to receive pay from the United States, shall be considered active duty for training in the service of the United States as members of the Reserve components of the Armed Forces. Commissary store privileges are authorized such members when on active duty for training, providing such period of active duty for training is in excess of seventy-two (72) hours.

§ 823.3 List of patrons.

Commissary store privileges are authorized for the classes of individuals, organizations, and activities set forth below.

(a) *Uniformed personnel.* All uniformed personnel, as defined in § 823.2(g).

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(b) *Retired personnel.* All retired personnel, as defined in § 823.2(k).

(c) *Fleet Reserve personnel.* Enlisted personnel transferred to the Fleet Reserve of the Navy and the Fleet Marine Corps Reserve, after sixteen (16) or more years of active service. (These personnel are equivalent to Army and Air Force retired enlisted personnel.)

(d) *Surviving spouse.* Surviving spouse as defined in § 823.2(j).

(e) *Armed Services personnel of foreign nations.* Officers and enlisted personnel of the Armed Services of foreign nations as follows:

(1) When on duty with U.S. Armed Services under competent orders issued by the U.S. Army, Navy, Air Force, or Marine Corps.

(2) Officers and crews of naval vessels of friendly nations visiting U.S. ports where commissary stores are located (quantities shall be limited to the immediate needs of the purchaser).

(3) In overseas areas when determined by the major overseas commander or commandant that the granting of such privileges is in the best interests of the United States and such persons are connected with, or their activities related to the performance of functions of the U.S. military establishment.

(4) Excluded are officers and enlisted personnel of foreign nations, retired or on leave in the United States or when attending U.S. schools, but not under orders issued by the U.S. Army, Navy, Air Force, or Marine Corps.

(f) *Official organizations and activities of the Armed Forces.* Official organizations and other resale activities of the U.S. Armed Services, except concessionaires, which are operated for uniformed personnel on active duty.

(g) *Government departments or agencies outside the Department of Defense.* Government departments or agencies outside the Department of Defense when supplies can be furnished without unduly impairing the service to commissary store patrons and when the local commanding officer determines that the desired supplies cannot be conveniently obtained from civilian agencies.

(h) *Hospitalized veterans.* Honorably discharged veterans of the Uniformed Services of the United States, including Coast Guard when hospitalized where commissary store facilities are available. (Does not include honorably discharged veterans receiving out-patient treatment.) (10 U.S.C. 4621e, 7603, and 9621e.)

(i) *Totally disabled veterans.* Honorably discharged veterans of the Uniformed Services of the United States with a one hundred percent (100 percent) service-connected physical disability. Each disabled veteran authorized these privileges shall be permitted to designate one agent for the purpose of making purchases in his/her behalf.

(j) *Civilian officers and employees of the U.S. Government stationed outside of the United States.* Under the direction of the overseas commander or the commandant, privileges may be extended to civilian officers and employees of the U.S. Government and to such other persons as may be specifically authorized by the Secretary of the Military Department concerned.

(k) *Civilian officers and employees of the Armed Services within the United States.* Privileges may be extended to civilian officers, including contract surgeons and employees of the Armed Services and to other persons when specifically authorized by the Secretary of the Department concerned and when it is impracticable for the said civilian officers and employees and other persons to procure such commissary store supplies from civilian agencies without impairing the efficient operations of the installation. Privileges will not be extended to civilian officers and employees of the Armed Services and other persons who do not reside within the military installation. The term "military installation" is defined as the installation at which the civilian officers, employees or other persons reside. Privileges will not include the purchase of tobacco products in these States, including the District of Columbia, which impose a tax on such products.

(l) *American National Red Cross personnel stationed outside the United States.* Privileges may be extended to all uniformed and nonuniformed, full time, paid professional and headquarters staff personnel and uniformed, full time, paid secretarial and clerical workers of the Red Cross, who are assigned to duty with the Armed Services by the Red Cross. Extension of such privileges will be determined by the major overseas commander or commandant upon the capability and without detriment to his ability to fulfill his military mission.

(m) *American National Red Cross personnel stationed within the United States.* Privileges may be extended to all uniformed and nonuniformed, full time, paid professional and headquarters staff personnel of the Red Cross who are assigned to duty with the armed services by the Red Cross and who reside within the military installation as defined in paragraph (k) of this section.

(n) *Retired personnel of the former Lighthouse Service.* Retired officers and crews of vessels of the former Lighthouse Service and retired light keepers and depot keepers of the former Lighthouse Service.

(o) *Civilian employees of the Coast Guard.* Civilian employees of the Coast Guard as defined in § 823.2(l).

(p) *Retired civilian employees of the Coast Guard.* Retired civilian employees of the Coast Guard who on June 30, 1939, were serving as officers or crew on Lighthouse Service vessels, light keepers or depot keepers of the former Lighthouse Service and who after June 30, 1939, and at the time of retirement were civilian employees of the Coast Guard serving as lighthousekeepers or on board lightships or other Coast Guard vessels.

(q) *United Service Organization including Young Men's Christian Association.* At installations where Young Men's Christian Association buildings have been constructed pursuant to 10 U.S.C. 4778, the duly appointed secretaries of the Young Men's Christian Association, when serving at the installation, will be permitted to purchase subsistence supplies as are necessary for use in connection with official activities. Where it is within the capability as determined by the major overseas commander or commandant and without detriment to his ability to fulfill his military mission, commissary store privileges may be extended to United Service Organization and its member agencies clubs to purchase subsistence supplies for use in such club snackbars. For the purpose of this paragraph "overseas area" is defined as concerning all areas other than the United States, Puerto Rico, and Guam.

(r) *United States nongovernmental, nonmilitary agencies, and individuals in overseas commands.* Commissary store support may be authorized in overseas commands by the Secretary of the Military Department concerned, on a reimbursable basis, when such agencies and individuals are serving the U.S. Forces exclusively and when it has been determined that the granting of the privilege would be in the best interest of the United States and failure to grant such privileges would impair the efficient operation of the U.S. military establishment.

(s) *Agents.* Under regulations prescribed by the Military Department each authorized patron shall be permitted to designate his/her spouse and other dependent member(s) as defined in § 823.2 (i) who are entitled to DD Form 1173 (Uniformed Services Identification and Privilege Card) as his/her agent(s) for the purpose of making purchases on his/her behalf. If the designated agent(s) of the authorized member is incapable of shopping at the commissary store, temporary designation of an additional agent of persons not authorized above, may be made at the discretion of the local commanding officer. Authorization format will be such as to permit positive identification and will be effective for a period as determined by the Military Departments but not to exceed 1 year in duration. Authorization periods may be extended in instances where hardship continues to exist as determined by the local commanding officer. Individuals currently authorized to make purchases in their own right, or their authorized agent(s), may under circumstances as outlined above, also purchase subsistance supplies for authorized commissary patrons.

(t) *Recipients of the Medal of Honor.*

§ 823.4 Identification of patrons.

(a) *Positive identification required.* Any individual who seeks to make a purchase from a commissary store shall be positively identified as an authorized patron prior to entering or prior to consummation of sale. U.S. Armed Services personnel, on active duty, for periods in excess of seventy-two (72) hours, who present themselves in the prescribed military uniform may be identified thereby when in the judgment of the Military Commander concerned, such procedure is justified. The prescribed identification of nonuniformed patrons shall be carefully checked to insure that each individual is entitled to the privileges which he/she seeks.

(b) *Types of identification required.* Subject to the instructions contained in paragraph (c) of this section, authorized patrons of commissary stores shall be identified by the complete regulation uniform, by an official Armed Services identification card, by an official Uniformed Services identification and privilege card, by an official identification card issued by the service of which the patron is a member or as prescribed in § 823.3(s) or paragraph (d) of this section. All identification media shall bear the signature of the person to whom issued.

(c) *Identification procedures.* Except for personnel in complete regulation uniform, commissary stores will accept the identification cards as referred to in paragraph (b) of this section, as proper identification for the following: Uniformed personnel as defined in § 823.2(g); dependents as defined in § 823.2(i); surviving spouse as defined in § 823.2(j); retired personnel as defined in § 823.2(k); civilian employees of the Coast Guard as defined in § 823.2(l); and agents as defined in § 823.2(m). In addition to the identification cards referred to in paragraph (b) of this section, members of the Reserve components will be identified subject to instructions contained in paragraph (d) of this section.

(d) *Reserve components identification procedures.* Members of the Reserve components, as defined in § 823.2(h), who are ordered to active duty, as defined in § 823.2(o), for periods in excess of seventy-two (72) hours will be required to produce competent orders indicating their training status to include length of such training. In lieu of identification cards eligible dependents of Reserve component members will be identified as follows: By a letter of authorization or endorsement on individual orders authenticated by the Reserve unit commander or receiving unit commander and containing name, rank, social security number or service number of sponsor, beginning and ending dates of sponsor's tour of duty, name of individual dependent(s) and relationship to sponsor, designation of commissary store agent privileges, and signature of dependent.

By order of the Secretary of the Air Force.

JOHN W. FAHRNEY,
Colonel, USAF, Chief, Legislative Division, Office of The Judge Advocate General.

[FR Doc.73-3874 Filed 3-1-73;8:45 am]

Title 43—Public Lands: Interior

SUBTITLE A—OFFICE OF THE SECRETARY

PART 17—NONDISCRIMINATION IN FEDERALLY ASSISTED PROGRAMS OF THE DEPARTMENT OF THE INTERIOR—EFFECTUATION OF TITLE VI OF THE CIVIL RIGHTS ACT OF 1964

Miscellaneous Amendments

Pursuant to the authority of the Secretary of the Interior contained in 5 U.S.C. 301 and 42 U.S.C. 2000d–1, Part 17, Title 43 of the Code of Federal Regulations is amended as follows:

Wherever the term "on the grounds of race, color, or national origin" appears in this part, it is changed to read "on the grounds of race, color, sex, or national origin."

It is the policy of the Department of the Interior to allow time for interested parties to take part in the rulemaking process. However, this amendment broadens the field where specific discriminatory actions are prohibited, it is considered in the best interests of the public to make this amendment effective immediately. Therefore, the public rulemaking process is waived and this amendment will become effective March 2, 1973.

CHARLES G. EMLEY,
Deputy Assistant Secretary of the Interior.

FEBRUARY 22, 1973.

[FR Doc.73-3836 Filed 3-1-73;8:45 am]

Title 47—Telecommunication

CHAPTER I—FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 19629; FCC 73-211]

PART 73—RADIO BROADCAST SERVICES

Table of Assignments; Stone Harbor-Avalon-Cape May Court House, N.J.

Report and order. In the matter of amendment of § 73.202(b), *table of assignments,* FM Broadcast Stations. (Stone Harbor-Avalon-Cape May Court House, N.J.), Docket No. 19629, RM–1903.

1. The Commission here considers the notice of proposed rule making in this docket, adopted November 8, 1972 (37 FR 24368) proposing amendment of the FM Table of Assignments (§ 73.202(b) of the Commission's rules) on the basis of the petition of Ronald L. Oberholtzer (Oberholtzer) who proposed assignment of Channel 232A to Stone Harbor-Avalon-Cape May Court House, N.J.

2. The issues more or less are those set forth in the notice. We had raised the question whether a hyphenated assignment should be made to the three communities as proposed with a total population of 5,435, all located in Cape May County, population 59,554,[1] especially when the assignment of an FM channel to one of the communities would permit anybody to apply for use at either of the other two communities under the "10-mile" provision in § 73.203(b) of the Commission's rules. The petitioner pertinently noted that this proposal was a "drop-in" assignment in a seashore area in the southern part of the State of New Jersey. He relied on the fact that none of the communities had any means of local expression either in terms of a daily or weekly newspaper or broadcast facility and that the 1970 Census population did not properly reflect the population during the summer tourist season. The petition was opposed by Salt-Tee Radio, Inc. (Salt-Tee), the licensee of Station WSLT–FM, Channel 292A, Ocean City, N.J. Salt-Tee's opposition was based on economic injury grounds, which the petitioner took issue with in reply comments on the ground that such arguments were nominal and speculative. We noted that the petitioner's view more or less accorded with our view as to the meaning of FCC v. Sanders Bros. Radio Station, 309 U.S. 470 (1940), as concerns FM channel rule makings. Filing comments and/or reply comments were the petitioner; Salt-Tee; Cape Christian Broadcasters, Inc., licensee of Station WRIO–FM, Channel 272A, Cape May, N.J. (Cape Christian); and Jersey Cape Broadcasting Corp., licensee of Station WCMC–FM, Channel 264, Wildwood, N.J. (Jersey Cape). The latter three opposed the proposal.

3. Oberholtzer primarily relies on the contentions set forth in the petition for rule making which he incorporates by reference. As to the question of hyphenated assignment, however, Oberholtzer states that, while he intends to render primary service to all three communities, he now requests assignment of Channel 232A to Avalon, N.J., population 1,283.

4. Salt-Tee in its comments incorporates by reference its previous opposition to the petition. It makes an additional argument about a hyphenated assignment, but this has become moot. Salt-Tee also says that, if the Commission analyzes each community independently, it would determine that an assignment is not warranted.

5. The objections of Cape Christian are based on the proximity of Station WRIO–FM to the communities which Oberholtzer intends to serve, and its dependence on audience and revenues from those communities. Cape Christian also argues about the moot hyphenated assignment. Moreover, Cape Christian states that a prerequisite for assignment

[1] All population figures are from the 1970 Census.

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of a channel is a showing of a real need for service which is lacking here, since, in addition to Station WRIO–FM at Cape May, there are stations licensed or proposed for Ocean City-Somers Point, N.J. (WSLT–AM/FM), and Wildwood, N.J. (Stations WCMC AM/FM/TV), serving the area and, despite Oberholtzer's claim, there are newspapers serving the area. According to Cape Christian, these include the Herald, a weekly with offices in Cape May Court House; the Seven-Mile Beach Reporter (covering Stone Harbor, Cape May Court House, Avalon and Sea Isle City) with offices at Sea Isle City and North Wildwood; and two Philadelphia newspapers—the Philadelphia Inquirer and Evening Bulletin—have special sections for Cape May County. Cape Christian points out that Stations WSLT, WCMC, and WRIO–FM, especially the latter, serve the entire area. Strong reliance is placed on the Commission's decision adding Channel 260 to Ocean City, Md., in Docket No. 19316, 35 FCC 2d 473, 474–5 (1972). Cape Christian also agrees with Salt-Tee's contention in opposition to the petition that there is no reason on the basis of the Commission's consideration of the adequacy of service of the area in the second report and order in Docket No. 17495, as concerns the assignment of an FM channel to Canton, N.J., 11 R.R. 2d 1676 (1967), to assign another channel. In this respect, Cape Christian says that population and other factors have not changed in the interim.

6. Jersey Cape, in its comments opposing the proposal, urges that its Station WCMC–FM at Wildwood is approximately 10 miles south of the area petitioner wishes to serve and another station would have a severe impact on other radio broadcast stations in the area because of the sparse population except during tourist season. Jersey Cape maintains that a station in the Stone Harbor-Avalon-Cape May Courthouse area would deprive it of advertising revenue by drawing on that from Wildwood, the city of its assignment. It also states that the area is well served by existing stations and that another FM station in this sparsely populated area would have severe economic impact on all radio broadcast stations, the fact which Station WCMC–FM has called to the Commission's attention in connection with license renewal in 1969 and 1972.

7. Oberholtzer filed reply comments and a supplement thereto. As concerns Salt-Tee's opposition, he indicates compliance with the Commission's Policy to Govern Requests for Additional FM Assignments, 9 R.R. 2d 1245 (1967), in making an appropriate preclusion study and showing that there is a demand for a station at Avalon. As to Cape Christian's opposition, the petitioner contends that service to the Stone Harbor-Avalon-Cape May Courthouse area from WCMC–AM and FM, and WRIO–FM is "marginal." Oberholtzer also disputes that these communities are adequately served by the four newspapers referred to by Cape Christian. With regard to the economic injury argument, specifically that portion of Cape Christian's contention that an additional FM station in the area would "fractionalize the base available to support those stations currently licensed to the area." Oberholtzer relies on that portion of the report and order in Docket No. 19491, adopted December 20, 1972 (FCC 72–1174; —— FCC 2d ——), dealing with Morro Bay, Calif., to the effect that the Commission has a long-established policy of considering questions of possible undesirable economic competition only in connection with objections raised when a specific application has been filed. Oberholtzer points to the Ocean City case, 35 FCC 2d 473, 474–5, as authority for the proposition that allocation of additional FM assignments might be made to a community not entitled to it under population criteria but because of needs during summer tourist season. Oberholtzer takes issue with Cape Christian's reliance on the Canton, N.J., case for the proposition that the Commission concluded that the area in question was adequately served; Oberholtzer states that not only is the case 5 years old but the Commission neither referred to the area in question specifically nor did the Commission conclude that the area was adequately served.

8. The Morro Bay case merely is a reiteration of our views expressed in the notice for which we had cited the Sanders case. We also agree with petitioner's reading of the Ocean City, Md., and Canton, N.J., cases.

9. In view of the foregoing, we believe that the public interest, convenience, and necessity would be served by assigning Channel 232A to Avalon. In this respect, we reiterate the view expressed in Docket No. 19413 that FM channel assignments should not be denied if not able to be assigned elsewhere, 37 FCC 2d 54, 55 (1972). Our decision is based on the facts and policies discussed, and the mandate of section 307(b) of the Communications Act of 1934, as amended. Authority for the action taken herein is contained in sections 4 (i) and (j), 303 (g) and (r), and 307(b) of the Communications Act of 1934, as amended. Accordingly, the FM Table of Assignments (§ 73.202(b) of the Rules), is amended, effective April 6, 1973, by adding the following:

City	Channel No.
Avalon, N.J.	232A

10. *It is further ordered*, That this proceeding is terminated.

(Secs. 4, 303, 307, 48 Stat., as amended, 1066, 1082, 1083; 47 U.S.C. 154, 303, 307)

Adopted: February 21, 1973.

Released: February 26, 1973.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[FR Doc.73-3922 Filed 3-1-73;8:45 am]

Title 49—Transportation

CHAPTER V—NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

PART 571—FEDERAL MOTOR VEHICLE SAFETY STANDARDS

Definition of "Occupant"; Deletion

This notice deletes the definition of "Occupant" from the general definitions applicable to the Federal motor vehicle standards.

At present, "Occupant" is defined in § 571.3 *Definitions* (applicable to all standards), as "a person or manikin seated in the vehicle, and, unless otherwise specified in an individual standard, having the dimensions and weight of the 95th percentile adult male." However, where the word "Occupant" is used in this chapter, the weight has generally been specified if it is a necessary part of the requirement. Thus, the definition is superfluous. Moreover, in instances where the use of a weight other than that of a 95th percentile male is assumed, the definition could be misleading.

Since this amendment is clarifying and interpretative in nature, and does not affect any requirements, notice and public procedure thereon are found to be unnecessary.

Accordingly, 49 CFR 571.3(b) is hereby amended by deleting the definition of "Occupant."

Effective date: April 1, 1973.

(Secs. 103, 119, Public Law 89–563, 80 Stat. 718, 15 U.S.C. 1392, 1407; delegation of authority at 49 CFR 1.51)

Issued on February 23, 1973.

DOUGLAS W. TOMS,
Administrator.

[FR Doc.73-3963 Filed 3-1-73;8:45 am]

CHAPTER X—INTERSTATE COMMERCE COMMISSION

SUBCHAPTER A—GENERAL RULES AND REGULATIONS

[Rev. S. O. 1110; Amdt. 5]

PART 1033—CAR SERVICE

Penn Central Transportation Co.

At a session of the Interstate Commerce Commission, Railroad Service Board, held in Washington, D.C., on the 21st day of February 1973.

Upon further consideration of Revised Service Order No. 1110 (37 FR 19616, 22871, 23236; 38 FR 878 and 3333), and good cause appearing therefor:

It is ordered, That:

§ 1033.1110 *Revised Service Order No. 1110* (Penn Central Transportation Co., George P. Baker, Richard C. Bond, and Jervis Langdon, Jr., Trustees, required to restore service at the Buttonwood (Wilkes-Barre), Pa., Gateway and to reroute traffic originally routed via that gateway) be, and it is hereby, amended by substituting the following paragraphs (a) and (e) for paragraphs (a) and (e) thereof:

(a) The Penn Central Transportation Co., George P. Baker, Richard C. Bond, and Jervis Langdon, Jr., Trustees (Penn Central) be, and it is hereby, ordered to restore service via its Buttonwood (Wilkes-Barre), Pa., gateway on or before March 31, 1973.

(e) It is further ordered, That this order shall become effective at 11:59 p.m., September 15, 1972, and, as to paragraph (b) of this section, shall expire at 11:59 p.m., March 31, 1973, unless sooner vacated by order of this Commission upon restoration of service through the Buttonwood (Wilkes-Barre) Gateway.

(Secs. 1, 12, 15, and 17(2), 24 Stat. 379, 383, 384, as amended; 49 U.S.C. 1, 12, 15, and 17(2). Interprets or applies Secs. 1(10–17), 15(4), and 17(2), 40 Stat. 101, as amended, 54 Stat. 911; 49 U.S.C. 1(10–17), 15(4), and 17(2))

It is further ordered, That copies of this order shall be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and car hire agreement under the terms of that agreement, and upon the American Short Line Railroad Association; and that notice of this order shall be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and by filing it with the Director, Office of the Federal Register.

By the Commission, Railroad Service Board.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.73-3721 Filed 3-1-73;8:45 am]

[S.O. 1111; Amdt. 5]

PART 1033—CAR SERVICE

Delaware and Hudson Railway Co.

At a session of the Interstate Commerce Commission, Railroad Service Board, held in Washington, D.C., on the 21st day of February 1973.

Upon further consideration of Service Order No. 1111 (37 FR 19617, 22872, 25237; 38 FR 878 and 3332), and good cause appearing therefor:

It is ordered, That:

Section 1033.1111 *Service Order No. 1111* (Delaware and Hudson Railway Co. authorized to operate over tracks of Erie Lackawanna Railway Co. Thomas F. Patton and Ralph S. Tyler, Jr., Trustees) be, and it is hereby, amended by substituting the following paragraph (e) for paragraph (e) thereof:

(e) *Expiration date.* The provisions of this order shall expire at 11:59 p.m., March 31, 1973, unless otherwise modified, changed, or suspended by order of this Commission.

Effective date. This amendment shall become effective at 11:59 p.m., February 28, 1973.

(Secs. 1, 12, 15, and 17(2), 24 Stat. 379, 383, 384, as amended; 49 U.S.C. 1, 12, 15, and 17(2). Interprets or applies secs. 1(10–17), 15(4), and 17(2), 40 Stat. 101, as amended, 54 Stat. 911; 49 U.S.C. 1(10–17), 15(4), and 17(2))

It is further ordered, That a copy of this amendment shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and car hire agreement under the terms of that agreement, and upon the American Short Line Railroad Association; and that notice of this amendment be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and by filing it with the Director, Office of the Federal Register.

By the Commission, Railroad Service Board.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.73-3920 Filed 3-1-73;8:45 am]

Title 50—Wildlife and Fisheries

CHAPTER I—BUREAU OF SPORT FISHERIES AND WILDLIFE, FISH AND WILDLIFE SERVICE, DEPARTMENT OF THE INTERIOR

PART 33—SPORT FISHING

Red Rock Lakes National Wildlife Refuge, Mont.

The following special regulation is issued and is effective March 2, 1973.

§ 33.5 **Special regulations; sport fishing: For individual wildlife refuge areas.**

MONTANA

RED ROCK LAKES NATIONAL WILDLIFE REFUGE

Sport fishing is permitted as posted from June 16 through November 30, 1973. All areas open to fishing are delineated on a map available at refuge headquarters, and from the Regional Director, Bureau of Sport Fisheries and Wildlife, 10597 West Sixth Avenue, Denver, CO 80215. Areas closed the entire year include Upper and Lower Red Rock Lakes, Rivermarsh and Shambow Pond.

Sport fishing shall be in accordance with all applicable State regulations subject to the following special conditions:

(1) Boats with motors are prohibited.

The provisions of this special regulation supplement the regulations which govern fishing on wildlife refuge areas generally, which are set forth in Title 50, Code of Federal Regulations, Part 33, and are effective through December 31, 1973.

E. D. STROOPS,
Refuge Manager, Red Rock Lakes National Wildlife Refuge, Lima, Mont.

JANUARY 31, 1973.

[FR Doc.73-3947 Filed 3-1-73;8:45 am]

Title 41—Public Contracts and Property Management

CHAPTER 1—FEDERAL PROCUREMENT REGULATIONS

[Temporary Reg. 27, supplement 3]

PART 1–3—PROCUREMENT BY NEGOTIATION

Cost Accounting Standards; Extension of Time

Revision of regulations pursuant to Public Law 91–379 as implemented by the Cost Accounting Standards Board.

1. *Purpose.* This regulation modifies the termination date of an exemption prescribed by Supplement 2 to FPR Temporary Regulation 27 dated October 31, 1972 (37 FR 23544, Nov. 4, 1972), with respect to negotiated nondefense contracts.

2. *Effective date.* This regulation is effective on March 1, 1973.

3. *Expiration date.* This regulation expires at the end of the day on March 30, 1973.

4. *Background.* FPR Temporary Regulation 27 implements the rules and regulations of the Cost Accounting Standards Board (CASB) with respect to negotiated defense contracts. It also extends the application of the Board's rules to negotiated nondefense contracts. Supplement 2 to that regulation, which was dated October 31, 1972, prescribed several exemptions applicable to defense and nondefense contracts .

5. *Change of effective date.* The exemption prescribed in paragraph 5(2)(g) of Supplement 2 to FPR Temporary Regulation 27 is extended an additional 30 days through March 30, 1973.

ARTHUR F. SAMPSON,
Acting Aministrator of General Services.

FEBRUARY 28, 1973.

[FR Doc.73-4202 Filed 3-1-73;10:57 am]

CHAPTER 4—DEPARTMENT OF AGRICULTURE

PROCUREMENT

Research Agreements With Educational Institutions

This amendment involves matters relating to agency management and contracting and while not subject by law to the notice and public procedure requirements for rule making under 5 U.S.C. 553 is subject to the Secretary's statement of policy (36 FR 13804). The amendment corrects or clarifies existing policy and embodies already existing Government-wide policy established by the Office of Management and Budget. No useful purpose would be served by public participation, and it is found upon good cause, in accordance with the Secretary's policy statement, that notice and other public procedures with respect to the amendment are impracticable and unnecessary.

(5 U.S.C. 301)

PART 4–3—PROCUREMENT BY NEGOTIATION

1. The table of contents for Part 4–3 is amended by adding the following:

§ 4–3.5104–1	Allowable costs.
§ 4–3.5104–2	Cost sharing.
§ 4–3.5104–3	Advance payments.
§ 4–3.5111	Protection of human subjects of research.

2. Section 4–3.5101 is revised as follows:

§ 4–3.5101 **Definitions.**

As used throughout this subpart, the following terms shall have the meanings set forth below:

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(a) *Agency.* Any of the several agencies of the Department of Agriculture.

(b) *Authorized departmental officer.* Any person authorized to sign research agreements with educational institutions on behalf of his agency, or his properly designated representative.

(c) *Cost sharing.* Participation by the educational institution in the cost of conducting the program.

(d) *Department.* The U.S. Department of Agriculture.

(e) *General purpose equipment.* Nonexpendable property which is usable for activities other than activities directly related to the research, such as office equipment and furnishings, air conditioning, reproduction or printing equipment, motor vehicles, etc.

(f) *Educational institution.* The educational institution with which the research agreement is made. An educational institution (1) has a faculty, (2) offers courses of instruction, (3) is authorized to award a degree or certificate upon completion of a specific course of study.

(g) *Nonexpendable property.* Property which (1) costs $200 or more, (2) is complete in itself, (3) does not lose its identity or become a component part of another when put into use, and (4) is of a durable nature with an expected service life of over 1 year.

(h) *Research agreement.* A written agreement and amendments thereto between an agency and an educational institution to perform basic or applied research. Research agreements will be documented on the following types of instruments, as appropriate: (Form AD–451 shall be used as a cover sheet; Form AD–452, General Provisions, is incorporated in Form AD–451 by reference.)

(1) *Contract.* Agreement for work to be performed by one party for the other for consideration. When a contract is the award instrument used, the following factors will generally be present:

(i) Initiative should be with the agency that wishes a specific task to be performed.

(ii) The task should be capable of being specified in detail.

(iii) The purpose is to purchase a specific service or end product.

(iv) The contract may specify the manner of performance or timing of the work.

(2) *Grant.* Agreement which provides for an agency to furnish money, property, or materials to an institution to be used in connection with research programs. When a grant is the award instrument used, the following factors will generally be present:

(i) Initiative generally comes from the grantee.

(ii) The grantee should have substantial freedom to pursue its stated purpose.

(iii) The agency purpose should be to aid or support.

(iv) The agency does not, generally, need to specify the manner of performance or timing of the work.

(3) *Cooperative arrangement.* An agreement which provides for mutual undertaking by the agency and the institution to perform research. When a cooperative arrangement (agreement) is the award instrument used, the following factors will generally be present:

(i) The agency and the institution cooperate in the project and are mutually interested in the objective.

(ii) There should be mutual and shared responsibility in planning and conducting the project.

(iii) There should be contributions by all parties.

3. Section 4–3.5102. Is amended by adding the following text after the heading, Authorities:

§ 4–3.5102 Authorities.

The authorities to provide financial assistance to educational institutions utilizing contracts, grants, or cooperative arrangements as the award instrument are as follows.

4. Section 4–3.5103, is amended by adding the following text after the heading, Policy:

§ 4–3.5103 Policy.

Unless otherwise specified by law, the definitions of contract, grant, and cooperative agreement (see § 4–3.5101(h)(1), (2), and (3)) shall be used to select the appropriate instrument. In addition, the following policies apply:

* * * * *

5. Section 4–3.5104 is revised as follows:

§ 4–3.5104 Cost reimbursement policy.

§ 4–3.5104–1 Allowable costs.

The cost principles of OMB Circular A–21 (revised) shall be used to determine allowability of costs. In addition, when cooperative arrangements are used as the award instrument, the research agreement shall provide for reimbursement of the agreed-upon portion of the allowable costs incurred. It shall be specific as to the contribution by either party of funds, personnel, supplies, equipment, space, or other things of value to the undertaking. Reimbursement may be provided for through either an advance of funds which will be liquidated by the allowable costs incurred, or by reimbursement after the costs are incurred.

§ 4–3.5104–2 Cost sharing.

When cost sharing is required, the cost sharing guidelines of OMB Circular A–100 shall be used.

§ 4–3.5104–3 Advance payments.

In view of the nonprofit position of educational institutions, and the stated Government objective of strengthening the research capabilities of those institutions, advance payments shall be made in reasonable amounts on research agreements, whether under contract, grant, or cooperative arrangement authorities, whenever practical and authorized by law. Advance shall be made in accordance with the Treasury Fiscal Requirements Manual, Part VI, Chapter 1000. Advance should be limited to the minimum necessary to meet the institution's cash needs. Ordinarily advances by Treasury check will be made monthly but may be made less frequently whenever the cash need is small.

6. Section 4–3.5105(d) is revised as follows:

§ 4–3.5105 Negotiation procedures.

* * * * *

(d) *Indirect cost rates.* In accordance with OMB Circular A–88, the negotiation of indirect costs of an educational institution and the auditing thereof, shall be assigned to one Federal agency (normally the Department of Health, Education, and Welfare) by an interagency coordinating committee. The negotiated indirect cost rates established by the assigned Federal agency shall be accepted by agencies of the Department and applied to contracts, grants, and cooperative agreements. Any agency which has reason to believe that special operating factors affecting its contracts, grants, or cooperative arrangements necessitate separate rates will, prior to the time the agreement is negotiated, notify the cognizant audit agency, the educational institution, and the cognizant negotiation agency so that appropriate attention may be devoted to them, in which case separate indirect cost rates may be established. The Department of Health, Education, and Welfare brochure entitled, "A Guide for Colleges and Universities—Cost Principles and Procedures for Establishing Indirect Cost Rates for Grants and Contracts with the Department of Health, Education, and Welfare," OASC–1, shall be used as a guide by institutions preparing indirect cost proposals for research agreements with this Department. This brochure is available from the Superintendent of Documents, Government Printing Office, Washington, D.C. 20402.

7. The first sentence of § 4–3.5110 is amended as follows:

§ 4–3.5110 Changes in methodology, objectives or phenomena.

(a) In accordance with OMB Circular A–101, the principal investigator shall be permitted to change the methods and procedures employed in performing the research without approval of the authorized departmental officer unless the methods and procedures employed are stated as specific objectives of the research work, in which case, paragraph (b) of this section applies. * * *

8. Subpart 4–3.51 is amended by adding a new section as follows:

§ 4–3.5111 Protection of human subjects of research.

(a) *Policy.* Safeguarding the rights and welfare of people used as subjects in research projects conducted by the Department or supported by the Department is a responsibility of the Department agency conducting the research and the institution responsible for projects conducted with funds made available through the Department. Such research must protect the rights and welfare of the subjects, must assure that risks do not outweigh either potential benefits to the subjects or the expected value of the knowledge sought, and must assure each person the right of adequate and appropriate informed consent. In all research projects covered by this policy, selection of persons or groups for study shall be made without regard to sex, race, color, religion, or national origin unless these characteristics are factors to be studied. Any investigator planning a project that includes these characteristics as factors for classification must outline his plans and the justification for them clearly in his project statement and must obtain written approval of such plans from the authorized departmental officer of the responsible agency before initiating research. Appropriate documentation should be kept when research includes members of minority groups selected as subjects of study because of their minority status.

(b) *Applicability.* The applicability of this policy is more obvious in medical and biological science research involving procedures that may be potentially harmful to persons used as subjects of study. It applies also to economic, social, and behavioral research that may involve varying degrees of discomfort, irritation, or harassment of persons or groups and to research in which rights of privacy of persons must be safeguarded by confidentiality of information obtained and by proper use of findings.

(c) *Review and approval.* To protect the safety and welfare of people who are subjects of research and to protect the researcher and his institution against liability when human subjects are involved in a study, each proposed project supported by USDA funds must be approved by the authorized departmental officer having responsibility for the research. The approval of the authorized departmental officer shall be based upon recommendations of a committee named by him. The committee may include scientists other than the principal investigator, lay consultants, and legal advisors as deemed appropriate by the authorized departmental officer. Documentation of the project must include the results of such review and recommendations of the reviewing committee.

(d) *Consistency with other policies.* This policy is consistent with recommendations of the Agricultural Research Policy Advisory Committee. Also, it is deemed to be consistent with existing policy of the U.S. Department of Health, Education, and Welfare, Public Health Service, as expressed in DHEW Grants Administration Manual, Chapter 1–40, "Protection of Human Subjects." Institutions that are in compliance with HEW rules will be in conformance with the USDA policy. If an institution receiving research funds from the USDA has applied to the Department of Health, Education, and Welfare for a research grant or contract involving human subjects and is in compliance with the rules set out in the Department of Health, Education, and Welfare Grants Administration Manual, Chapter 1–40, then that institution will be deemed to have met USDA requirements. In cases where no HEW funds are involved, the appropriate USDA agency will require institutions to meet the requirements set out in the DHEW Grants Administration Manual.

(e) *Responsibility for assuring compliance with this policy.* It is the responsibility of the Cooperative State Research Service (CSRS) to ascertain such compliance with respect to institutions receiving funds through that agency and the responsibility of other Department agencies making grants for research to institutions not receiving funds through CSRS to ascertain such compliance on the part of these institutions.

PART 4–7—CLAUSES

9. The table of contents of Part 4–7 is amended as follows:

§ 4–7.5101–22 Changes.
§ 4–7.5101–23 Protection of human subjects of research.

10. Section 4–7.5101 is revised as follows:

§ 4–7.5101 Clauses.

The clauses set forth in this § 4–7.5101 shall be incorporated in all research agreements. These clauses are included in Form AD–452, General Provisions, which is incorporated by reference in Research Agreement Form AD–451. See § 4–3.5106.

11. Section 4–7.5101–1 is revised as follows:

§ 4–7.5101–1 Definitions.

The following terms shall have the meanings set forth below:

(a) *Agency.* Any of the several agencies of the Department of Agriculture.

(b) *Authorized departmental officer.* Any person authorized to sign research agreements with educational institutions on behalf of his agency, or his properly designated representative.

(c) *Cost sharing.* Participation by the educational institution in the cost of conducting the program.

(d) *Department.* The U.S. Department of Agriculture.

(e) *General purpose equipment.* Nonexpendable property which is usable for activities other than activities directly related to the research, such as office equipment and furnishings, air conditioning, reproduction or printing equipment, motor vehicles, etc.

(f) *Educational institution.* The educational institution with which the research agreement is made. An educational institution (1) has a faculty, (2) offers courses of instruction, (3) is authorized to award a degree or certificate upon completion of a specific course of study.

(g) *Nonexpendable property.* Property which (1) costs $200 or more, (2) is complete in itself, (3) does not lose its identity or become a component part of another when put into use, and (4) is of durable nature with an expected service life of over 1 year.

(h) *Research agreemnt.* A written agreement and amendments thereto between an agency and an educational institution to perform basic or applied research. Research agreements will be documented on the following types of instruments, as appropriate: (Form AD–451 shall be used as a cover sheet; Form AD–452, General Provisions, is incorporated in Form AD–451 by reference).

(1) *Contract.* Agreement for work to be performed by one party for the other for consideration. When a contract is the award instrument used, the following factors will generally be present:

(i) Initiative should be with the agency that wishes a specific task to be performed.

(ii) The task should be capable of being specified in detail.

(iii) The purpose is to purchase a specific service or end product.

(iv) The contract may specify the manner of performance or timing of the work.

(2) *Grant.* Agreement which provides for an agency to furnish money, property, or materials to an institution to be used in connection with research programs. When a grant is the award instrument used, the following factors will generally be present:

(i) Initiative generally comes from the grantee.

(ii) The grantee should have substantial freedom to pursue its stated purpose.

(iii) The agency purpose should be to aid or support.

(iv) The agency does not, generally, need to specify the manner of performance or timing of the work.

(3) *Cooperative arrangement.* An agreement which provides for mutual undertaking by the agency and the institution to perform research. When a cooperative arrangement (agreement) is the award instrument used, the following factors will generally be present:

(i) The agency and the institution cooperate in the project and are mutually interested in the objective.

(ii) There should be mutual and shared responsibility in planning and conducting the project.

(iii) There should be contributions by all parties.

12. Section 4–7.5101–6 is revised as follows:

§ 4–7.5101–6 Travel.

Surface travel or less than first-class air accommodations shall be used where and when available for travel charged to this research agreement.

13. Section 4–7.5101–11 is amended by revising paragraph (a) as follows:

§ 4–7.5101–11 Estimated costs.

* * * * *

(a) Except as may be otherwise specifically provided in this agreement, the determination of allowable costs shall be in accordance with OMB Circular A–21 (revised).

* * * * *

14. Section 4–7.5101–18 is amended by revising paragraph (d) as follows:

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§ 4–7.5101–18 Termination for convenience of the Government.

• • • • •

(d) Any determination of costs under paragraph (c) shall be governed by the cost principles set forth in OMB Circular A–21 (revised).

• • • • •

15. Section 4–7.5101–21 is revised as follows:

§ 4–7.5101–21 Disputes.

(a) Except as otherwise provided in this research agreement any dispute concerning a question of fact arising under this research agreement, not disposed of by agreement, shall be decided by the authorized departmental officer, who shall reduce his decision to writing and furnish a signed copy to the institution. Such decision shall be final and conclusive unless, within 30 days from the date or receipt thereof the institution mails or otherwise furnishes to the authorized departmental officer a written appeal, addressed to the Secretary of Agriculture. The institution shall be afforded an opportunity to be heard and to offer evidence. The decision of the Secretary or his duly authorized representative for the determination of such appeals, shall be final and conclusive unless fraudulent, or capricious, or arbitrary, or so grossly erroneous as necessarily to imply bad faith, or not supported by substantial evidence. Pending final decision of a dispute hereunder, the institution shall proceed diligently with the performance of the research agreement and in accordance with the authorized departmental officer's decision.

(b) This "Disputes" clause does not preclude consideration of law questions in connection with decisions provided for in paragraph (a) of this section: *Provided*, That nothing in this agreement shall be construed as making final the decision of any administrative official, representative, or board on a question of law.

16. Subpart 4–7.51 is amended by adding a new section as follows:

§ 4–7.5101–22 Changes.

The authorized departmental officer may at any time, by a written order, make changes in the specifications within the general scope of this research agreement. If any such change causes an increase or decrease in the cost of, or the time required for, the performance of any part of the work under this research agreement, an equitable adjustment shall be made in the price or time of performance, or both, and the research agreement shall be modified accordingly. Any claim by the educational institution for adjustment under this clause must be asserted within 30 days from the date of receipt by the educational institution of the notification of change. Failure to agree to any adjustment shall be a dispute concerning a question of fact within the meaning of the clause of this research agreement entitled "Disputes." However, nothing in this clause shall excuse the educational institution from proceeding with the research agreement as changed.

17. Subpart 4–7.51 is amended by adding a new section as follows:

§ 4–7.5101–23 Protection of human subjects of research.

(a) Protection of human subjects of research: Safeguarding the rights and welfare of people used as subjects in research projects conducted by the Department or supported by the Department is a responsibility of the USDA agency conducting the research and the institution responsible for projects conducted with funds made available through the Department. Such research must protect the rights and welfare of the subjects, must assure that risks do not outweigh either potential benefits to the subjects or the expected value of the knowledge sought, and must assure each person the right of adequate and appropriate informed consent.

(b) In all research projects covered by this policy, selection of persons or groups for study shall be made without regard to sex, race, color, religion, or national origin unless these characteristics are factors to be studied. Any investigator planning a project that includes these characteristics as factors for classification must outline his plans and the justification for them clearly in his project statement and must obtain written approval of such plans from the authorized departmental officer of the responsible agency before initiating research. Appropriate documentation should be kept when research includes members of minority groups selected as subjects of study because of their minority status.

PART 4–15—CONTRACT COST PRINCIPLES AND PROCEDURES

18. The title of Subpart 4–15.3 is amended by substituting the term "Agreements" for the term "Contracts."

19. The table of contents of Subpart 4–15.3 is revised as follows:

§ 4–15.301 Policy.

20. Subpart 4–15.3 is revised as follows:

§ 4–15.301 Policy.

The cost principles of OMB Circular A–21 (revised) shall be used to determine allowability of costs. In addition, agencies shall comply with the cost reimbursement policy of § 4–3.5104 whenever applicable.

Effective date. March 2, 1973.

Done at Washington, D.C., this 23d day of February 1973.

T. M. BALDAUF,
Director of Plant and Operations.

[FR Doc.73–3926 Filed 3–1–73;8:45 am]

Proposed Rule Making

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 1103]

MILK IN THE MISSISSIPPI MARKETING AREA

Notice of Proposed Termination of the Order

Notice is hereby given that, pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), the termination of the order regulating the handling of milk in the Mississippi marketing area is being considered to become effective May 1, 1973.

A public hearing on proposed amendments to the Mississippi milk order was held at Jackson, Miss., on December 11, 1972, pursuant to notice thereof issued on November 15, 1972 (37 FR 24760). On February 16, 1973 (38 FR 4773), the Deputy Assistant Secretary issued a final decision on the issues considered at the hearing. The decision concluded that the provisions of the proposed amended order would tend to effectuate the declared policy of the Act.

The February 16, 1973, decision issued by the Deputy Assistant Secretary included a determination that December 1972 would be the representative period for the ascertainment of producer approval or disapproval of the amended order. More than one-third of the producers have indicated that they disapprove the issuance of the amended order. It is hereby found and determined that less than two-thirds of the producers of milk in the representative period favor issuance of the amended order. Therefore, notice is hereby given of the proposed termination of Order No. 103, regulating the handling of milk in the Mississippi marketing area.

All persons who desire to submit written data, views, or arguments in connection with the proposed termination should file the same with the Hearing Clerk, Room 112–A, Administration Building, U.S. Department of Agriculture, Washington, D.C. 20250, not later than March 12, 1973. All documents filed should be in quadruplicate. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

Signed at Washington, D.C., on February 27, 1973.

JOHN C. BLUM,
Deputy Administrator,
Regulatory Programs.

[FR Doc.73–4024 Filed 3–1–73;8:45 am]

Animal and Plant Health Inspection Service

[9 CFR Part 92]

IMPORTATION OF COMMERCIAL BIRDS

Quarantine Facilities and Handling Procedures; Extension of Comment Period

On January 26, 1973, there were published in the FEDERAL REGISTER (38 FR 2463–2464) proposed amendments of the regulations in 9 CFR Part 92 which would allow the importation of commercial birds under specified conditions, including a requirement of quarantine in facilities approved by an inspector of Veterinary Services and a requirement that the birds be handled during quarantine in accordance with procedures prescribed by the Deputy Administrator, Veterinary Services. A period of 30 days was allowed by the notice for submission of comments by interested persons concerning such amendments. This period is hereby extended to include April 2, 1973, pursuant to section 2 of the Act of February 2, 1903, as amended, and sections 2, 3, 4, and 11 of the Act of July 2, 1962 (21 U.S.C. 111, 134a, 134b, 134c, and 134f). Further notice is hereby given in accordance with the administrative procedure provisions in 5 U.S.C. 553, that pursuant to said authorities, the Department of Agriculture is considering issuing the following regulations to prescribe facilities, standards, and handling procedures to implement such proposed amendments.

Accordingly, it is proposed to amend § 92.11 of the regulations (9 CFR 92.11) by adding a new paragraph (f) to read:

§ 92.11 Quarantine requirements.

• • • • •

(f) *Standards for approved quarantine facilities and handling procedures for importation of birds.* To qualify for designation as an approved quarantine facility * and to retain such approval, the facility and its maintenance and operation must meet the minimum requirements of paragraph (f)(1) through (6) of this section. The cost of the facility and all costs associated with the maintenance and operation of such facility shall be borne by the importer.

(1) *Supervision of the facility.* The facility shall be maintained under the supervision of the Department port veterinarian at one of the ports listed in § 92.8(b) of this chapter.

(2) *Physical plant requirements.* The facility shall comply with the following requirements:

(i) *Location.* The quarantine facility shall be located:

(*a*) Within the immediate area of the port of entry to curtail to a minimum the possibility of introduction and dissemination of poultry diseases by the imported birds, while in transit from the point of entry to the quarantine facility;

(*b*) At least one-half mile from any concentration of avian species, such as, but not limited to, poultry processing plants, poultry or bird farms, pigeon lofts, or other approved quarantine facilities. Factors such as prevailing winds, possible exposure to poultry or birds moving in local traffic, etc., shall be taken into consideration. If the quarantine facility consists of multiple units for handling separate lots of birds, the individual units shall be located at least one-half mile from each other with separate personnel working as handlers in each unit.

(ii) *Construction.* The unit or units making up the quarantine facility shall each consist of a building or buildings which shall:

(*a*) Be constructed only with materials that can withstand continued cleaning and disinfection. (All solid walls, floors, and ceilings shall be constructed of impervious material; all screening shall be metal; all openings to the outside shall be double screened.);

(*b*) Have a bird holding area of sufficient size to prevent overcrowding of the birds in quarantine. (All access into this holding area shall be from within the building and each entryway into such area shall be equipped with self-closing, double doors: *Provided*, That emergency exits to the outside may exist in the bird holding area if required by local fire ordinances. Such emergency exits shall be constructed so as to permit their opening from the inside of the facility only.);

(*c*) Have a ventilation capacity sufficient to control moisture and odor at levels that are not injurious to the health of the birds in quarantine;

(*d*) Have a vermin-proof feed storage area;

(*e*) Have office space for recordkeeping;

(*f*) Have a separate necropsy room which shall have refrigerated storage space for carcasses retained for laboratory examination and facilities adequate for specimen preparation and carcass disposal;

(*g*) Have a separate area for washing facility equipment;

(*h*) Have a shower at the entrance into the area comprised of the bird holding and necropsy rooms and a clothes storage and change area at each end of the shower area;

(*i*) Have a storage area for equipment necessary for quarantine operations;

* Information as to the identity of such facilities may be obtained from the Deputy Administrator, Veterinary Services, Animal and Plant Health Inspection Service, U.S. Department of Agriculture, Washington, D.C. 20250.

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(*f*) Have equipment necessary to maintain the facility in a clean and sanitary condition, including insect and pest control equipment;

(*k*) Have a receptacle for soiled and contaminated clothing in the clothes change area located nearest the entrance to the bird holding area.

(iii) *Sanitation and security.* Arrangements shall exist for:

(*a*) A supply of water adequate to meet all watering and cleaning needs.

(*b*) Disposal of wastes by incineration or a public sewer system which meets all applicable environmental quality control standards;

(*c*) Control of surface drainage onto or from the facility to prevent any disease agent from entering or escaping;

(*d*) Protective clothing and footwear adequate to insure that workers at the facility have clean clothing and footwear at the start of each workday and at any time such articles become soiled or contaminated;

(*e*) Power cleaning and disinfecting equipment with adequate capacity to disinfect the facility and equipment;

(*f*) Sufficient stocks of a disinfectant listed in § 71.10(a)(5) of this chapter;

(*g*) A security system which prevents contact of birds in quarantine with persons not authorized entry to the facility and with other birds and animals. Such a system shall include a daily log to record the entry and exit of all persons entering the facility and controls at all doorways and other openings to the facility to prevent escape or accidental entry of birds.

(3) *Operational procedures.* To retain designation as an approved quarantine facility, the following procedures shall be observed at the facility at all times.

(i) *Personnel.* Access to the facility shall be granted only to persons working at the facility or to persons specifically granted such access by the Department port veterinarian.

(*a*) All personnel granted access to the bird holding area shall:

(*1*) Wear clean protective clothing and footwear upon entering the bird holding area;

(*2*) Change protective clothing and footwear when they become soiled or contaminated;

(*3*) Shower when entering or leaving the bird holding and necropsy areas.

(*b*) The operator of the facility shall handle soiled clothing worn within the quarantine unit in a manner which precludes transmission of a poultry disease agent from the facility.

(ii) *Handling of the birds in quarantine.* The birds shall be kept in the quarantine facility for a minimum of 30 days and while in quarantine shall be handled in compliance with the following requirements:

(*a*) Each lot of birds to be quarantined shall be placed in the facility on an "all-in, all-out" basis. No birds shall be taken out of the lot while it is in quarantine except for diagnostic purposes and if additional birds are added to a lot, the total quarantine period for that lot shall be extended so that all birds will have completed at least 30 consecutive days of quarantine before release for entry into the commerce of the United States. The guarantine period may be extended as provided in paragraph (e) of this section;

(*b*) The birds shall not be vaccinated prior to release from the guarantine;

(*c*) Birds of the psittacine family shall receive treatment as a precautionary measure against ornithosis (psittacosis), in accordance with the guidelines of U.S. Public Health Service; [1]

(*d*) The facility operator shall immediately collect all birds which die in quarantine and hold them under refrigeration, within the facility, shall account for all birds in the shipment, and shall not dispose of any carcass or parts thereof unless authorized to do so by a Veterinary Medical Officer of Veterinary Services of the Department. Birds that die en route to the United States or while in quarantine shall be made available at the port of entry for necropsy by a Department poultry diagnostician who shall submit specimens from such birds for laboratory examination.

(*e*) During the period of quarantine, the birds may be subjected to such tests and procedures as are required in specific cases by the Deputy Administrator, Veterinary Services, to determine whether the birds are free from communicable diseases of poultry. Such procedures may include requiring that sentinel birds be placed in the facility to detect the presence of exotic Newcastle disease. Such sentinel birds shall be provided by the importer from a source approved by the Deputy Administrator as adequate to supply birds meeting the requirements of Part 90 of this chapter. If frank or clinical Newcastle disease occurs among any commercial or sentinel birds in quarantine, all birds in the facility shall be destroyed and the entire facility shall be thoroughly cleaned and then disinfected as directed under the supervision of a Veterinary Services inspector.

(*f*) The quarantine facility from which a lot of birds has been released shall be thoroughly cleaned and disinfected with a disinfectant listed in § 71.10(a)(5) of this chapter, under supervision of a Veterinary Services inspector before a new lot is placed in the facility.

(iii) *Records.* It shall be the responsibility of the operator of the facility to maintain a current daily log for each lot of birds, recording such information as the general condition of the birds each day, source of origin of the birds in the lot, total number of birds in the lot when imported, number of dead birds when lot arrived, date lot was placed into the facility, number of deaths each day in the lot during the quarantine period, necropsy results, and laboratory findings on birds that died during the quarantine, date of prescribed tests and results, Department import permit numbers for each lot, date lot was removed from the facility, and any other observations pertinent to the general health of the birds in the lot. The daily log shall be made available to Veterinary Services personnel upon request.

(4) Additional requirements as to location, security, physical plant and facilities, sanitation, and other items may be imposed by the Deputy Administrator, Veterinary Services, in each specific case in order to assure that the quarantine of the birds in such facility will be adequate to enable determination of their health status, prevent spread of disease among birds in quarantine, and prevent escape of poultry disease agents from the facility.

(5) Plans for proposed facilities shall be submitted to the Deputy Administrator, Veterinary Services, Animal and Plant Health Inspection Service, U.S. Department of Agriculture, Federal Center Building, Hyattsville, Md. 20782.

(6) Before a decision is made with respect to the eligibility of any facility for initial approval, a personal inspection of the facility shall be made by a Veterinary Medical Officer of Veterinary Services, to determine whether it complies with the standards outlined in this section. Approval of any facility may be refused and approval of any approved quarantine facility may be withdrawn at any time by the Deputy Administrator, Veterinary Services, upon his determination that any requirement of this section is not being met. Before such action is taken, the operator of the facility will be informed of the reasons for the proposed action and afforded opportunity to present his views thereon.

(7) Requirements of other Federal laws and regulations, such as the Department's Animal Welfare Regulations in Subchapter A of this chapter may also apply to the quarantine facilities.

Any person who wishes to submit written data, views, or arguments concerning the proposed amendments set forth above or in the January 26, 1973, notice may do so by filing them with the Deputy Administrator, Veterinary Services, Animal and Plant Health Inspection Service, U.S. Department of Agriculture, Hyattsville, Md. 20782, not later than April 2, 1973.

Any person who wishes to submit views orally on such amendments should immediately communicate with said Deputy Administrator if he has not already requested an opportunity to present his views orally, so that arrangements may be made for such presentation prior to said date. A summary will be made of views orally presented and will be furnished to the person presenting such views for his approval or correction.

All written submissions and a summary of oral views approved by each person making an oral submission, pursuant to this notice will be made available for public inspection at the Federal Center Building, 6505 Belcrest Road, Room 370, Hyattsville, MD 20782, during

[1] Such guidelines may be obtained from the Director, Center for Disease Control, U.S. Public Health Service, Atlanta, Ga. 30333 or the Deputy Administrator, Veterinary Services, Animal and Plant Health Inspection Service, U.S. Department of Agriculture, Washington, D.C. 20250.

regular business hours in a manner convenient to the public business (7 CFR 1.27(b)).

Done at Washington, D.C., this 27th day of February 1973.

G. H. WISE,
Acting Administrator, Animal and Plant Health Inspection Service.

[FR Doc.73-4022 Filed 3-1-73;8:45 am]

Forest Service

[36 CFR Part 295]

USE OF OFF-ROAD VEHICLES

Regulations for National Forest System Lands

Notice is hereby given that it is proposed to issue a new Part 295 to Chapter II of Title 36, Code of Federal Regulations, as set forth herein. This Part 295 deals with the designation of specific areas and trails of National Forest System lands on which the use of off-road vehicles shall be allowed, restricted, or prohibited. Regulations for administration, control, and restrictions of other uses of roads and trails are in Part 212 of this title. Recreation regulations now appearing in Part 251 are being redesignated as Parts 290 through 295 by a document (73-3703) that will appear in the March 5, 1973 edition of the FEDERAL REGISTER.

Sec.
295.1 Applicability.
295.2 Definitions.
295.3 Planning designation of areas and trails.
295.4 Public participation.
295.5 Public information.
295.6 Operating conditions. [Reserved]
295.7 Restricted and prohibited use.
295.8 Off-road vehicle permit.
295.9 Monitoring effects of off-road vehicle use.

AUTHORITY: 30 Stat. 35, as amended; 16 U.S.C. 551; 50 Stat. 525, as amended; 7 U.S.C. 1011; 83 Stat. 852; E.O. 11644.

§ 295.1 Applicability.

The regulations in this part pertain to administrative designation of the specific areas and trails of National Forest System lands on which the use of off-road vehicles shall be allowed, restricted, or prohibited and establishing controls governing the use of off-road vehicles on such areas. The use of off-road vehicles in National Forest Wilderness and Primitive Areas is governed by §§ 293.1 through 293.17 of this title.

§ 295.2 Definitions.

(a) "Off-road vehicles" means any motorized vehicles designed for or capable of travel on or immediately over land, water, sand, snow, ice, marsh, swampland, or other terrain; except that such term excludes (1) any registered motorboat, (2) any military, fire, or law enforcement vehicle when used for emergency purposes, and (3) any vehicle whose use is expressly authorized by the Chief, Forest Service, under a permit, lease, license, or contract.

(b) "National Forest System lands" means National Forests, National Grasslands, and other lands and interests in lands administered by the Forest Service.

(c) "Official use" means an employee, agent, or designated representative of the Forest Service or one of its contractors in the course of his employment, agency, or representation.

§ 295.3 Planning designation of areas and trails.

On National Forest System lands the continuing resource planning process will provide for designation of specific areas and trails for off-road vehicle use, use restrictions, and closures to any or all types of such use. The planning process will analyze and evaluate alternatives to enable decisions which best balance protection of the resources, promotion of safety for all users, minimization of use conflicts, and accomplishment of all of the other resource objectives for National Forest System lands: Analysis and evaluation of off-road vehicle uses will take into consideration factors such as noise, safety, quality of the various recreational experiences provided, potential impacts on soil, watersheds, vegetation, fish, wildlife, fish, and wildlife habitat, and existing or proposed recreational uses of the same or neighboring lands.

§ 295.4 Public participation.

The public shall be provided an opportunity to participate in the designation of areas and trails relating to off-road vehicle use. Advance notice will be given to allow review by the public of proposed designations or revisions of designations of any areas or trails for off-road vehicle use, for restrictions, or for closures to such use. Time will be allowed for public response prior to any designations or revisions.

§ 295.5 Public information.

Areas and trails where off-road vehicle use is restricted or prohibited shall be marked with appropriate signs. Notices of restrictions or notices of the closure shall be posted so as to reasonably bring them to the attention of the public, and a copy of the restriction order or closure order shall be kept available to the public in the Offices of the District Rangers and Forest Supervisors. Information and maps will be published and distributed describing the conditions of use and the time periods when areas and trails are: (a) Open to off-road vehicle use, (b) restricted to certain types of off-road vehicle uses, (c) closed to off-road vehicle uses.

§ 295.6 Operating conditions. [Reserved]

§ 295.7 Restricted and prohibited use.

Except as provided in § 295.8 of this part, and except for use in connection with mining activities under the provisions of the General Mining Act of 1872, the use of off-road vehicles is prohibited in areas and trails on National Forest System lands during any period when such areas and trails have been closed to vehicles or certain types of vehicles pursuant to these regulations.

§ 295.8 Off-Road vehicle permit.

Use of off-road vehicles on National Forest System lands where the use of off-road vehicles is prohibited may be allowed for official use or with prior authorization by means of an Off-Road Vehicle permit. Off-Road Vehicle permits may be issued by the Chief, Forest Service, and such permits will be for a specific area, conditions-of-use, and a definite period of time. Off-Road Vehicle permits shall be revocable for violation of the rules and regulations governing the National Forests.

§ 295.9 Monitoring effects of off-road vehicle use.

The effects of off-road vehicle use will be monitored. Designations, use restrictions and operating conditions will be revised as needed to meet changing conditions and needs.

All persons who wish to submit written data, views, or objections pertaining to the proposed amendment may do so by submitting them to the Department of Agriculture, Forest Service, Division of Recreation, South Agriculture Building, Washington, D.C. 20250, on or before April 2, 1973.

All written submissions made pursuant to this notice will be available for public inspection in the Division of Recreation during regular business hours. (7 CFR 1.27(b))

T. K. COWDEN,
Assistant Secretary of Agriculture.

FEBRUARY 28, 1973.

[FR Doc.73-4116 Filed 3-1-73;8:45 am]

Rural Electrification Administration

[7 CFR Part 1701]

RURAL TELEPHONE FACILITIES

Specifications for Two-Wire Voice Frequency Repeater Equipment

Notice is hereby given that, pursuant to the Rural Electrification Act, as amended (7 U.S.C. 901 et seq.), REA proposes to issue REA Bulletin 345-69 to announce a new REA Specification PE-29 for two-wire voice frequency repeater equipment. On issuance of REA Bulletin 345-69, Appendix A to Part 1701 will be modified accordingly.

Persons interested in the new specification may submit written data, views, or comments to the Director, Telephone Operations and Standards Division, Rural Electrification Administration, Room 1355, South Building, U.S. Department of Agriculture, Washington, D.C. 20250, on or before April 2, 1973. All written submissions made pursuant to this notice will be made available for public inspection at the Office of the Director, Telephone Operations and Standards Division, during regular business hours.

A copy of the new REA Specification PE-29 may be secured in person or by

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written request from the Director, Telephone Operations and Standards Division.

The text of REA Bulletin 345–69 announcing the issuance of the new specification is as follows:

REA BULLETIN 345–69

SUBJECT: REA SPECIFICATION FOR TWO-WIRE VOICE FREQUENCY REPEATER EQUIPMENT

I. *Purpose.* To announce a new REA Specification PE–29 for two-wire voice frequency repeater equipment.

II. *General.* This specification covers requirements for voice frequency repeaters used for the amplification of speech and other voice frequency signals transmitted over two-conductor physical circuits in telephone systems.

This specification becomes effective immediately upon issuance of this bulletin. Manufacturers of equipment now accepted in the REA program shall have a period of 6 months to comply in all respects with the new REA Specification PE–29.

III. *Availability of specification.* Copies of the new PE–29 will be furnished by REA upon request. Questions concerning the new specification may be referred to the Chief, Transmission Branch, Telephone Operations and Standards Division, Rural Electrification Administration, U.S. Department of Agriculture, Washington, D.C. 20250, telephone number 202—447–3917.

Dated: February 26, 1973.

E. F. RENSHAW,
Assistant Administrator—Telephone.

[FR Doc.73–3964 Filed 3–1–73;8:45 am]

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

[29 CFR Part 1910]

OCCUPATIONAL SAFETY AND HEALTH STANDARDS

Petitions To Revoke Standard Concerning the Design, Construction, Setting, and Feeding of Dies; Extension of Time for Comments

On January 26, 1973, a notice was published in the FEDERAL REGISTER (38 FR 2465) requesting information concerning two petitions for the revocation of paragraph (d) (1) and (2) of 29 CFR 1910.217. The standard concerns the design, construction, setting, and feeding of dies in such a way as to eliminate the need for the operator to place his hands within the point of operation. Interested persons were given until February 24, 1973, to submit written data, views, and arguments concerning the petitions.

On February 1, 1973, one of the petitioners requested an extension of the time allowed for submitting written comments. The petitioner bases its request on the fact that various employers and associations of employers have indicated that they will not be able to submit adequate responses within the time allowed. The petitioner states that an extensive examination on an individual corporate basis will have to be made with respect to each of the six particulars specified in the notice. Therefore, the petitioner requests that the time allowed for submitting written comments be extended to April 24, 1973, inclusive.

It appears from the petitioner's request that additional time is necessary for the submission of the information requested. Therefore, the time for the submission of written data, views, and arguments concerning the petitions to revoke paragraph (d) (1) and (2) of 29 CFR 1910.217 is hereby extended until April 24, 1973, inclusive.

Signed at Washington, D.C., this 23d day of February 1973.

CHAIN ROBBINS,
Acting Assistant Secretary of Labor.

[FR Doc.73–3938 Filed 3–1–73;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of the Secretary

[45 CFR Part 185]

EMERGENCY SCHOOL AID

Notice of Proposed Rule Making

Pursuant to the authority contained in the Emergency School Aid Act (Title VII of the Education Amendments of 1972, 86 Stat. 354, 20 U.S.C. 1601), the Assistant Secretary for Education, with the approval of the Secretary of Health, Education, and Welfare, hereby proposes to amend Part 185 of Title 45 of the Code of Federal Regulations by adding new subparts D, F, H, I, and J as set forth below.

The new subparts govern the award of grants to or contracts with local educational agencies and other public and private applicants under sections 706(a)(2), 709, 708(c), 711, 713, and 708(a) of the Emergency School Aid Act for programs, projects, and activities for which funds are not allotted among the States. The regulation governing State allotment programs under the Act was published in the FEDERAL REGISTER on February 6, 1973, as 45 CFR Part 185 (38 FR 3450).

The new subpart D sets forth proposed rules governing awards to local educational agencies for metropolitan area projects under sections 706(a)(2) and 709, including interdistrict transfers, areawide plans for elimination or reduction of minority group isolation, and planning and construction of integrated education parks.

The new subpart F would apply to awards under section 708(c) of the Act to local educational agencies and nonprofit private applicants for assistance in developing or implementing bilingual/bicultural educational programs designed to meet the special needs of children from environments where a dominant language is other than English.

Subpart H sets forth proposed rules for the awards under section 711 of the Act to public or nonprofit private applicants for integreted children's television programing which teaches concrete academic skills and encourages interracial and intercultural understanding.

The new subpart I covers contracts under section 713 of the Act to State educational agencies, institutions of higher education, or private applicants for evaluation of other programs, projects, or activities assisted under the Act.

Subpart J sets forth proposed rules for assistance under section 708(a) of the Act to State or local educational agencies or other public applicants for special projects which would assist in achieving the purposes of the Act, including special reading projects designed to improve the reading achievement of children in schools affected by a plan for desegregation or for the elimination, reduction, or prevention of minority group isolation.

The Assistant Secretary will make awards of assistance under subparts D, F, H, I, and J, on the basis of criteria set forth in this notice, to support activities by local educational agencies and other public and private applicants which conform to the requirements of part 185, as such part is proposed to be amended, and which promise to make substantial progress in achieving the purposes of the Act.

Federal financial assistance provided pursuant to the Emergency School Aid Act is subject to the regulation in 45 CFR part 80, issued by the Secretary of Health, Education, and Welfare and approved by the President, to effectuate the provisions of section 601 of the Civil Rights Act of 1964 (42 U.S.C. 2000d). Such assistance is also subject to the requirements of Title IX of the Education Amendments of 1972 (20 U.S.C. 1681).

Interested persons are invited to submit written comments, suggestions, or objections regarding the proposed regulation to Dr. Herman R. Goldberg, Associate Commissioner, Bureau of Equal Educational Opportunity, Room 2029, 400 Maryland Avenue SW., Washington, DC 20202, on or before March 22, 1973. Comments received in response to this notice will be available for public inspection at Room 2029, 400 Maryland Avenue SW., Washington, DC between 8 a.m. and 4:30 p.m., Monday through Friday.

Dated: February 8, 1973.

PETER P. MUIRHEAD,
Acting Assistant Secretary for Education.

Approved: February 27, 1973.

CASPAR W. WEINBERGER,
Secretary of Health, Education, and Welfare.

PART 185—EMERGENCY SCHOOL AID

Subpart D—Metropolitan Area Projects

Sec.
185.31 Eligibility for assistance.
185.32 Authorized activities.
185.33 Applications.
185.34 Criteria for assistance (interdistrict transfers).
185.35 Criteria for assistance (area-wide plans).
185.36 Criteria for assistance (education parks).
185.37 Advisory committees.
185.38–185.40 [Reserved]

Subpart F—Bilingual Projects

Sec.
185.51 Eligibility for assistance.
185.52 Authorized activities.
185.53 Applications.
185.54 Criteria for assistance.
185.55 Program or project committees.
185.56 Limitations on eligibility; nonpuplic participation.
185.57–185.60 [Reserved]

Subpart H—Educational Television

185.71 Eligibility for assistance.
185.72 Authorized activities.
185.73 Applications.
185.74 Criteria for assistance.
185.75 Advisory committees.
185.76 Limitations on eligibility.
185.77–185.80 [Reserved]

Subpart I—Evaluation

185.81 Eligibility for awards.
185.82 Authorized activities.
185.83 Applications.
185.84 Criteria for awards.
185.85 Limitations on eligibility.
185.86–185.90 [Reserved]

Subpart J—Special Projects

185.91 Eligibility for assistance.
185.92 Applications.
185.93 Criteria for assistance.
185.94 Community involvement.

AUTHORITY: Except as specifically noted below, the provisions of these subparts of Part 185 are issued under title VII of Public Law 92–318, 86 Stat. 354–371 (20 U.S.C. 1601–1619).

Subpart D—Metropolitan Area Projects

§ 185.31 Eligibility for assistance.

(a) *Interdistrict transfers.* (1) A local educational agency (i) which is located within a Standard Metropolitan Statistical Area, or which serves a school district adjacent to a school district which is located wholly within such an area, and (ii) whose total student enrollment includes a percentage of minority group members which is smaller than the percentage of minority group members enrolled as students in all schools of the local educational agencies within such an area, may apply for assistance, by grant or contract, from funds reserved pursuant to § 185.95(a), for the purpose of a joint arrangement with a cooperating local educational agency located within the same Standard Metropolitan Statistical Area (whose student enrollment includes a percentage of minority group members which is greater than the percentage of minority group members enrolled as students in all schools of the local educational agencies within such area) for the establishment or maintenance of one or more integrated schools.

(2) For purposes of this paragraph, an integrated school must have an enrollment in which (i) at least 40 percent of the children are from families whose income is higher than the median family income for the school district served by the applicant, the appropriate Standard Metropolitan Statistical Area (or the appropriate governmental unit for which such information is available), or the Nation, whichever is lowest, or (ii) at least 50 percent of the children currently score at or above the 60th percentile on a recognized standard reading achievement test, when compared either with students of a comparable age or grade level in the schools of the applicant or the appropriate Standard Metropolitan Statistical Area or with national norms, whichever is lowest, and (iii) the proportion of minority group children is at least 50 percent of the proportion of minority group children enrolled in all schools of the local educational agencies within the Standard Metropolitan Statistical Area. In no event should the minority group enrollment in any such school exceed 50 percent. For purposes of this paragraph, such a school must have a faculty in which the percentage of minority group teachers, supervisors, and administrators, taken together, is equal to or greater than the percentage of minority group members in the student body of such school.

(3) A joint arrangement assisted under this subpart shall consist of the enrollment in schools of the applicant of students residing in the district served by, or attending the schools of, the cooperating local educational agency. No such arrangement shall result in an increase in the degree of minority group isolation in any school operated by any local educational agency. Students so enrolled by the applicant shall be selected from those who, in the absence of such enrollment, would be enrolled in, or assigned to, a minority group isolated school, and shall be representative of the larger group from which they are selected.

(20 U.S.C. 1605(a)(2), 1608(a)(1), 1619(6); Senate Rept. No. 92–61, p. 16)

(b) *Area-wide plans.* (1) Two or more local educational agencies located within a Standard Metropolitan Statistical Area may apply for a grant from funds reserved pursuant to § 185.95(a) for the joint development of a plan to reduce and eliminate minority group isolation, to the maximum extent possible, in the public elementary and secondary schools in such area. Such a plan shall, at a minimum, provide that by a certain date (no later than July 1, 1983), the percentage of minority group children enrolled in each public elementary and secondary school in such area shall be at least 50 percent of the percentage of such children enrolled in all such schools in such area, and shall specify in detail the means by which such objective is to be achieved.

(2) No grant shall be made under this paragraph unless (i) two-thirds or more of the local educational agencies in a Standard Metropolitan Statistical Area have approved the application; (ii) the number of students in the schools of such agencies which have approved such application constitutes two-thirds or more of the students in all schools of the local educational agencies in such area; and (iii) at least one of the schools operated by a local educational agency in such area is a minority group isolated school.

(20 U.S.C. 1608(a)(2))

(c) *Education parks.* (1) One or more local educational agencies located within a Standard Metropolitan Statistical Area may apply for a grant from funds reserved pursuant to § 185.95(a) to pay all or part of the cost of planning an integrated education park.

(2) For purposes of this paragraph, an integrated education park is a school, or cluster of schools located on a common site, (i) within a Standard Metropolitan Statistical Area; (ii) in which at least 5,000 students are regularly enrolled; (iii) providing secondary education as defined by the applicable State law; and (iv) with a student enrollment and faculty which conform to the requirements of paragraph (a)(2) of this section (except that in the case of an application pursuant to this paragraph by a single local educational agency, the proportion of minority group children enrolled in such an integrated education park shall be substantially the same as the proportion of minority group children enrolled in all schools of such agency).

(20 U.S.C. 1608(a)(3))

(d) *Agreements and approvals.* Applicants for assistance under this subpart shall provide assurances and information satisfactory to the Assistant Secretary establishing that a joint arrangement described in paragraph (a) of this section, the joint development of a plan described in paragraph (b) of this section, the required approvals of an application submitted pursuant to paragraph (b) of this section, or any other arrangement, agreement, or approval required pursuant to this subpart has been negotiated by or obtained from the appropriate local educational agency or agencies. Such required assurances or information may include:

(1) Signatures on applications for assistance under this subpart by authorized officials of such applicants or agencies;

(2) Copies of school board resolutions or other evidence of final official action approving and agreeing to carry out an arrangement or agreement or indicating an approval required pursuant to this subpart;

(3) In the case of interdistrict transfers to be undertaken upon the award of assistance pursuant to paragraph (a) of this section, evidence that notice of the intent to engage in such a transfer program upon the award of such assistance has been published in a newspaper of general circulation serving all affected school districts no later than 20 days prior to submission of an application for such assistance.

(20 U.S.C. 1608)

§ 185.32 Authorized activities.

(a) *Interdistrict transfers.* Assistance made available pursuant to § 185.31(a) is authorized to be used for any of the authorized activities described in § 185.12 (a) (1) through (11) when such activities would not otherwise be funded and are designed to carry out the purposes described in § 185.01. Such activities shall be directly related to, and necessary to, the establishment or maintenance of

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one or more integrated schools as described in § 185.31(a). Assistance made available pursuant to § 185.31(a) is also authorized to be used to pay the net cost, if any, to the applicant of the enrollment and education in such schools of students who, prior to the award of assistance pursuant to § 185.31(a), were not residents of the school district served by the applicant and did not attend a school operated by the applicant.

(20 U.S.C. 1608(a)(1))

(b) *Area-wide plans.* Assistance made available pursuant to § 185.31(b) is authorized to be used for any activities reasonably necessary to the joint development of a plan described in § 185.31(b), when such activities would not otherwise be funded and are designed to carry out the purposes described in § 185.01. No funds made available pursuant to § 185.31(b) shall be used for any costs related to construction or to any repair or remodeling.

(20 U.S.C. 1608(a)(2))

(c) *Education parks.* Assistance made available pursuant to § 185.31(c) is authorized to be used for activities reasonably necessary to the planning of an education park as described in § 185.31(c), when such activities would not otherwise be funded and are designed to carry out the purposes described in § 185.01. Such activities may include demographic surveys, selection of construction sites, studies of academic achievement, development of educational specifications, and community and parental involvement. Funds awarded pursuant to § 185.31(c) shall not be used to pay any costs related to architectural services, construction, preparation of construction sites, or purchase of land.

(20 U.S.C. 1608(a)(3))

§ 185.33 Applications.

An applicant desiring to receive assistance under this subpart for any fiscal year shall submit to the Assistant Secretary an application therefor for that fiscal year, which application shall set forth a program, project, or activity under which, and such policies and procedures as will assure that, the applicant will use the funds received under this subpart only for the activities set forth in § 185.32. Such application, together with all correspondence and other written materials relating thereto, shall be made readily available to the public by the applicant and the Assistant Secretary. Such application shall comply with the requirements of § 185.13 (a) through (n), except that in the case of applications for assistance under § 185.31 (b) and (c), such applications need not comply with § 185.13(h) (with respect to the statement of procedures described therein) or § 185.13(n).

(20 U.S.C. 1608(a) (2) and (3))

§ 185.34 Criteria for assistance (interdistrict transfers).

(a) *Statistical criteria.* In approving applications for assistance pursuant to § 185.31(a), the Assistant Secretary shall apply the following statistical criteria (75 points):

(1) The need for such assistance, as indicated by the number and percentage of minority group children enrolled in the schools of the local educational agency cooperating with the applicant for the fiscal year or years for which assistance is sought (30 points); and

(2) The net reduction in minority group isolation, in terms of the number of children affected, accomplished or to be accomplished by the interdistrict transfers to be assisted pursuant to § 185.31(a) (45 points). The "net reduction in minority group isolation," for purposes of this subparagraph, means the number of minority group children, weighted by their relative degree of isolation prior to such transfers, removed from minority group isolated schools as a result of such transfers.

(20 U.S.C. 1609(c) (1), (2), and (3))

(b) *Educational and programmatic criteria.* The Assistant Secretary shall determine the educational and programmatic merits of applications for assistance pursuant to § 185.31(a) on the basis of the following criteria (30 points):

(1) *Statement of objectives (6 points).* (i) The degree to which the applicant sets out specific measurable objectives for its program, project, or activity, in relation to students normally enrolled in the schools of the applicant and those enrolled or to be enrolled as a result of the proposed transfers; and (ii) the degree to which (*a*) the program, project, or activity to be assisted promises realistically to achieve the objectives identified in the application, and (*b*) such program, project, or activity involves to the fullest extent practicable the total educational resources, both public and private, of the community to be served.

(2) *Activities (17 points)*—(i) *Project design (5 points).* The extent to which (*a*) the proposed program, project, or activity emphasizes individualized instruction and services; (*b*) students to be served are afforded an opportunity to contribute to, and suggest changes in, the proposed program, project, or activity; (*c*) the proposed program, project, or activity promotes interracial and intercultural understanding; and (*d*) the proposed program, project, or activity involves both students regularly enrolled in the affected school and those affected by the proposed interdistrict transfers;

(ii) *Staffing (3 points).* The extent to which the application (*a*) sets out an adequate staffing plan which includes provisions for making maximum use of present staff capabilities, and (*b*) provides for continuing training of staff in order to increase the effectiveness of the proposed program, project, or activity;

(iii) *Delivery of services (5 points).* The extent to which the application contains evidence that (*a*) arrangements have been made for participation of students affected by the proposed transfers in extracurricular and afterhours activities at the school to which they are transferred; (*b*) arrangements have been made for the participation of parents of such students in school-related activities; and (*c*) school-related activities affecting such students will be carried out in their home communities; and

(iv) *Parent and community involvement (4 points).* The extent to which the application (*a*) delineates specific opportunities for community and advisory committee participation in the development and implementation of the proposed program, project, or activity in addition to those required by § 185.37, and (*b*) includes evidence that such participation has been encouraged and has in fact occurred.

(3) *Resource management (3 points).* The extent to which the application contains evidence that (i) the amount of funds requested is of sufficient magnitude in relation to the number of participants to be served to give substantial promise of achieving the stated objectives; (ii) the costs of project components are reasonable in relation to the expected benefits; and (iii) the proposed project will be coordinated with existing efforts.

(4) *Evaluation (4 points).* The extent to which the application sets out a format for objective, quantifiable measurement of the success of the proposed program, project, or activity in achieving the stated objectives, including (i) a timetable for compilation of data for evaluation and a method of reviewing the program, project, or activity in the light of such data; (ii) a description of instruments to be used for evaluation of the proposed program, project, or activity (and of the method for validating such instruments where necessary), or a description of the procedure to be employed in selecting such instruments; and (iii) provisions for comparison of evaluation results with norms, control group performance, results of other programs, or other external standards.

(5) In making the determinations required under this paragraph, the Assistant Secretary is authorized to purchase or utilize the services, recommendations, and advice of experts in the area of education and human relations from the Department, other Federal agencies, State or local governmental units, or the private sector.

(20 U.S.C. 1601(b), 1609(a)(11), 1609(c)(1), (2), (4), and (6))

(c) *Funding criteria.* In determining amounts to be awarded to applicants for assistance pursuant to § 185.31(a), the Assistant Secretary shall consider the additional cost to such applicant (as such cost is defined in § 185.13(a)) of effectively carrying out its proposed program, project, or activity, in relation to the amount of funds available for assistance under this subpart and the other applications pending before him. The Assistant Secretary shall not be required to approve any application which does not meet the requirements of the Act or this subpart, or which sets forth a program, project, or activity, of such insufficient promise for achieving the purposes of the Act that its approval is not warranted. In applying the criterion set out in this paragraph, the Assistant Secretary shall award funds to applicants (whose applications meet such requirements and are of sufficient promise to warrant approval) in the order of their ranking on the basis of the criteria set out in this section, and shall take steps to insure a distribution of awards among the several types of programs, projects, or activities authorized by this subpart. No more than 30 percent of the funds made available pursuant to § 185.31(a) (or § 185.31 (b) or (c)) shall be awarded to applicants in any one State, unless the Assistant Secretary determines that the applications for such awards in excess of such amount are of exceptional merit or promise.

§ 185.35 Criteria for assistance (area-wide plans).

(a) *Statistical criteria.* In approving applications for assistance pursuant to § 185.31(b), the Assistant Secretary shall apply the following statistical criteria (60 points):

(1) The need for such assistance, as indicated by the number and percentage of minority group children enrolled in all schools of the local educational agencies in the affected standard metropolitan statistical area for the fiscal year or years for which assistance is sought (30 points); and

(2) The net reduction in minority group isolation, in terms of the number of children affected, to be accomplished by the areawide plan to be developed pursuant to § 185.31(b). The "net reduction in minority group isolation," for purposes of this subparagraph, means the weighted number of minority group children currently enrolled in minority group isolated schools in the standard metropolitan statistical area whose degree of isolation will be eliminated or reduced as a result of the plan to be developed.

(20 U.S.C. 1609(c)(1))

(b) *Educational and programmatic criteria.* The Assistant Secretary shall determine the educational and programmatic merits of applications for assistance pursuant to § 185.31(b) on the basis of the following criteria (30 points):

(1) *Statement of objectives (6 points).* (i) The degree to which the applicant sets out specific measurable objectives for its program, project, or activity, in relation to the needs identified; and (ii) the degree to which (*a*) the program, project, or activity to be assisted promises realistically to result in the development and implementation of a plan as described in § 185.31(b), and (*b*) such program, project, or activity involves to the fullest extent practicable the total educational resources, both public and private, of the community to be served.

(2) *Activities (19 points)*—(i) *Project design (10 points).* The extent to which the application includes (*a*) plans for a comprehensive demographic study of the affected Standard Metropolitan Statistical Area, including projections of housing patterns; (*b*) provisions for participation of the appropriate housing authorities, zoning boards, regional planning organizations, and other such governmental and quasi-governmental agencies; (*c*) opportunities for students in the affected area to contribute to the development of the proposed plan; (*d*) provisions for improvement of educational services offered by local educational agencies affected by the proposed plan; and (*e*) a specific timetable for completion of various elements of the plan to be developed;

(ii) *Staffing (2 points).* The extent to which the application (*a*) sets out an adequate staffing plan which includes provisions for making maximum use of present staff capabilities, and (*b*) provides for participation by both minority and nonminority group staff members; and

(iii) *Parent and community involvement (7 points).* The extent to which the application (*a*) delineates specific opportunities for community and advisory committee participation in the development and implementation of the proposed program, project, or activity in addition to those required by § 185.37 and (*b*) includes evidence that such participation has been encouraged and has in fact occurred.

(3) *Resource management (2 points).* The extent to which the application contains evidence that (i) the amount of funds requested is of sufficient magnitude to give substantial promise of achieving the stated objectives; (ii) the proposed program, project, or activity will be coordinated with existing efforts; and (iii) existing facilities will be utilized after implementation of the plan to be developed.

(4) *Evaluation (3 points).* The extent to which the application sets out a format for measurement of success in attaining specific objectives and subobjectives.

(5) In making the determinations required under this paragraph, the Assistant Secretary is authorized to purchase or utilize the services, recommendations, and advice of experts in the areas of education and human relations from the Department, other Federal agencies, State or local governmental units, or the private sector.

(20 U.S.C. 1601(b), 1609(a)(11), 1609(c)(1), (4), and (6))

(c) *Funding criteria.* In determining amounts to be awarded for assistance pursuant to § 185.31(b), the Assistant Secretary shall apply the criteria set forth in § 185.34(c).

(20 U.S.C. 1609(c)(1)(C), 1609(c)(5))

§ 185.36 Criteria for assistance (education parks).

(a) *Statistical criteria.* In approving applications for assistance pursuant to § 185.31(c), the Assistant Secretary shall apply the following statistical criteria (65 points):

(1) The need for such assistance, as indicated by the number and percentage of minority group secondary students enrolled in the schools of the applicant(s) for the fiscal year or years for which assistance is sought (30 points); and

(2) The estimated number and percentage of minority group secondary students currently enrolled in minority group isolated secondary schools of the applicant(s) which will be incorporated into the proposed education park (35 points).

(20 U.S.C. 1609(c)(1))

(b) *Educational and programmatic criteria.* The Assistant Secretary shall determine the educational and programmatic merits of applications for assistance pursuant to § 185.31(c) on the basis of the following criteria (35 points).

(1) *Needs assessment (6 points).* The extent to which the application (i) provides for participation of parents, secondary students, and other members of the affected community in the identification of needs related to secondary education and the elimination, reduction, or prevention of minority group isolation; (ii) describes a variety of methods and instruments to be used for collection and evaluation or relevant and substantive data regarding such needs; and (iii) contains evidence that the assessment of needs to be carried out in connection with the proposed program, project, or activity will be coordinated with other planning activities conducted by the applicant(s).

(2) *Statement of objectives (5 points).* (i) The degree to which the application sets out specific measurable objectives for the proposed program, project, or activity, in relation to the needs identified; and

(ii) The degree to which (*a*) the program, project, or activity to be assisted promises realistically to address the needs identified in the application, and (*b*) such program, project, or activity involves to the fullest extent practicable the total educational resources, both public and private, of the community to be served.

(3) *Activities (17 points).* (i) Project design (6 points). The extent to which the application (*a*) describes a logical sequence of steps to be completed at specified intervals; (*b*) contains convincing evidence that the proposed education park will increase the educational options available to secondary school students; (*c*) provides for the participation of secdary students and teachers in designing the physical and educational aspects of the proposed education par; (*d*) proposes a logical combination of small educational units and centralized administration within the proposed education park; and (*e*) contains convincing evidence that the proposed education park will be constructed in an area which is equally accessible and convenient to minority and nonminority group secondary students;

(ii) *Staffing (5 points).* The extent to which the application (*a*) sets out an adequate staffing plan which includes provisions for making maximum use of

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present staff capabilities, and (b) provides for participation by both minority and nonminority group staff members; and

(iii) *Parent and community involvement (7 points)*. The extent to which the application (a) delineates specific opportunities for community and advisory committee participation in the development and implementation of the proposed program, project, or activity in addition to those required by § 185.37, and (b) includes evidence that such participation has ben encouraged and has in fact occurred.

(4) *Resource management (2 points)*. The extent to which the application contains (i) evidence that the amount of funds requested is of sufficient magnitude to give substantial promise of achieving the stated objectives; (ii) evidence that the proposed program, project, or activity will be coordinated with existing efforts; and (iii) a description of how existing secondary school facilities will be utilized after establishment of the proposed education park.

(5) *Evaluation (5 points)*. The extent to which the application sets out a format for measurement of success in attaining specific objectives and subobjectives.

(6) In making the determinations required under this paragraph, the Assistant Secretary is authorized to purchase or utilize the services, recommendations, and advice of experts in the areas of education and human relations from the Department, other Federal agencies, State or local governmental units, or the private sector.

(20 U.S.C. 1601(b), 1609(a)(ii), 1609(c)(1), (4), and (6))

(c) *Funding criteria.* In determining amounts to be awarded to applicants for assistance pursuant to § 185.31(c), the Assistant Secretary shall apply the criteria set forth in § 185.34(c). No more than one award shall be made pursuant to § 185.31(c) to local educational agencies making individual applications until at least one such award has been made to local educational agencies applying jointly, and the number of such awards to such agencies making individual applications shall not exceed the number of such awards to such agencies applying jointly, unless the joint applications pending before the Assistant Secretary do not meet the requirements of the Act or this subpart, or set forth programs, projects, or activities of such insufficient promise for achieving the purposes of the Act that their approval is not warranted.

(20 U.S.C. 1609(c)(1)(C), 1609(c)(5); Senate Rpt. No. 92-61, p. 17)

§ 185.37 Advisory committees.

(a) *Interdistrict transfers.* (1) Applicants for assistance under § 185.31(a) shall comply with the requirements of § 185.41 as to advisory committee participation and public hearings. For purposes of this paragraph, references in § 185.41 to "the community" or "communities to be served" shall be understood to refer to the areas in both the school district served by the applicant and that served by the cooperating local educational agency.

(2) For purposes of this paragraph, the reference in § 185.41(h) to a "school which will be affected by any program, project, or activity assisted under the Act" shall be understood to refer to the integrated schools established pursuant to § 185.31(a).

(3) Student advisory committees established pursuant to this paragraph, in addition to meeting the requirements of § 185.41(h), shall consist of equal numbers of students regularly enrolled in such schools and of students enrolled in such schools by virtue of the interdistrict transfers assisted under § 185.31(a).

(20 U.S.C. 1609(a)(2) and (3), 1609(b))

(b) *Areawide plans and education parks.* (1) Applications for assistance under § 185.31 (b) and (c) shall comply with the requirements of §§ 185.41(a) through (g) as to advisory committee participation and public hearings. For purposes of this paragraph, the references in § 185.41 to "the community" or "communities to be served" shall be understood to refer to the entire area to be affected by the plan to be developed under § 185.31(b) or the education park proposed pursuant to § 185.31(c).

(2) Only one advisory committee shall be established pursuant to this paragraph, regardless of the number of local educational agencies joining in the application for assistance.

(3) Each applicant agency shall designate teachers to serve as members of such committee in accordance with § 185.41(c)(2).

(4) Student members of such committee selected in accordance with § 185.41(c)(4) shall include at least one student enrolled in the schools of each applicant agency (and, in the case of an application for assistance under § 185.31(b), of each local educational agency approving such application), except that committees established pursuant to this paragraph shall not be required to include more than six student members.

(20 U.S.C. 1609(a)(2) and (3), 1609(b))

§§ 185.38–185.40 [Reserved]

Subpart F—Bilingual Projects

§ 185.51 Eligibility for assistance.

(a) Any local educational agency which is implementing a plan described in § 185.11 (a) or (b) may apply for assistance, by grant or contract, from funds reserved pursuant to § 185.95(b)(2), (1) to develop educational programs designed (i) to meet the special educational needs of minority group children who are from environments in which a dominant language is other than English for the development of reading, writing, and speaking skills in the English language and their primary language, and (ii) to meet the educational needs of such children and their classmates to understand the history and cultural background of the minority groups of which such children are members; or (2) to carry out activities authorized by § 185.12 to implement the educational programs described in this paragraph (whether or not developed with assistance made available under this subpart).

(20 U.S.C. 1607(c)(1)(B) and (C))

(b) Any nonprofit private agency, institution, or organization may apply for assistance, by grant or contract, under this subpart to develop the educational programs described in paragraph (a) of this section: *Provided however*, That such development is requested by one or more local educational agencies which are implementing a plan described in § 185.11 (a) or (b).

(20 U.S.C. 1607(c)(1)(A))

(c) For purposes of determining eligibility for assistance under this subpart, the Assistant Secretary may determine that members of a specific ethnic group (in addition to Negroes, American Indians, Spanish-surnamed Americans, Portuguese, Orientals, Alaskan natives, or Hawaiian natives) constitute a "minority group," as that term is used in this subpart and in § 185.11, upon a finding that such group has been denied equal educational opportunity because of language barriers and cultural differences. Applications for assistance under this subpart relating to local educational agencies which are implementing plans described in § 185.11 (a) or (b) with respect to Negroes, American Indians, Spanish-surnamed Americans, Portuguese, Orientals, Alaskan natives, or Hawaiian natives shall be considered only on the basis of such plans. No plan affecting a minority group other than those named in the preceding sentence shall be deemed to qualify an applicant for assistance under this subpart if it results in any increase in minority group isolation for any member of any minority group named in the preceding sentence.

(20 U.S.C. 1619(9)(A))

§ 185.52 Authorized activities.

(a) Funds made available under this subpart shall be used for the activities described in § 185.51, where such activities would not otherwise be funded and are designed to carry out the purposes described in § 185.01.

(20 U.S.C. 1607(c)(1))

(b) All applications for assistance under this subpart shall contain a plan for implementation of any educational program developed or proposed to be developed, whether or not assistance is sought for such implementation. No more than 25 percent of the funds made available under this subpart shall be awarded for development activities.

(20 U.S.C. 1607(c)(1))

(c) All applications for assistance under this subpart shall contain a plan for in-service training of teachers and other ancillary educational personnel in skills related to implementation of the educational programs described in § 185.51(a), including cultural awareness, oral or written language skills in a language other than English, and diagnostic evaluation and prescriptive teaching techniques.

(20 U.S.C. 1607(c)(1); Senate Rept. No. 92-61, p. 23)

(d) All programs, projects, or activities assisted under this subpart shall be specifically designed to complement any programs, projects, or activities assisted under Subparts B and C of this part, or under title I or title VII of the Elementary and Secondary Education Act of 1965 or other programs of Federal financial assistance related to the purposes of this subpart.

(20 U.S.C. 1607(c)(3))

(e) Educational programs to be developed and implemented pursuant to § 185.51(a)(1)(i) shall provide for the participation of nonminority group children as well as those from minority groups, unless the applicant conclusively demonstrates that such participation will not contribute to the success of the proposed program, project, or activity. Educational programs to be developed and implemented pursuant to § 185.51(a)(1)(ii) shall provide for such participation. All applications for assistance under this subpart shall include activities with respect to the educational programs described in both § 185.51(a)(1)(i) and (ii).

(20 U.S.C. 1607(c)(1))

(f) The limitations on authorized activities set forth in § 185.12 (b), (c), and (d) shall apply to activities assisted under this subpart.

(20 U.S.C. 1601(b), 1606(a), 1607(c)(1))

§ 185.53 Applications.

(a) Application by local educational agencies for assistance under this subpart shall comply with the requirements of § 185.13 (a) through (n). Such applications, together with all correspondence and other written materials relating thereto, shall be made readily available to the public by the applicant and the Assistant Secretary.

(20 U.S.C. 1607(c)(1), 1609(a))

(b) Applications by nonprofit private agencies, institutions, or organizations shall comply with the requirements of § 185.63 (a), (b)(2), (b)(4), (b)(5), (b)(6), and (b)(7).

(20 U.S.C. 1607(c)(1))

(c) In addition to the assurances and information required by paragraph (a) or paragraph (b) of this section, applications for assistance under this subpart shall contain the following information:

(1) A description of the proposed program, project, or activity, and of such policies and procedures as will assure that the applicant will use funds received under the Act only for the activities described in § 185.52;

(2) In the case of nonprofit private applicants, evidence that the proposed activity has been requested by one or more local educational agencies which are implementing a plan described in § 185.11(a) or § 185.11(b). Such evidence may include (i) a copy of a school board resolution or other final official action requesting the assistance of the applicant, or (ii) a letter from the school board chairman or superintendent of a local educational agency requesting such assistance. No application by a nonprofit private applicant shall be approved less than 10 days after a copy of said application has been submitted by the Assistant Secretary to the appropriate State educational agency for comment, unless the Assistant Secretary has received comments from such agency upon such application prior to expiration of the 10-day period.

(3) Information as to (i) the number and percentage of minority group children in the affected school district from environments in which a dominant language is other than English who receive instruction of any kind (prior to the application for assistance under this subpart) in such language, the average number of hours per day such instruction is provided, and the educational goals of such instruction; (ii) the extent to which minority group children are separated from nonminority group children by or within classes for any part of the day (a) for the provision of instructional or other services to such minority group children or (b) for purposes of ability grouping or homogeneous instruction, and the educational justification for such separation (including the information required by § 185.43(c) (1) through (4)); (iii) the extent to which materials utilized for reading instruction are varied (by primary language, subject matter, or intended level of instruction) as between the various schools in the affected school district, or between the various classrooms within such schools; (iv) the amount of Federal funds, if any, applied for and received by the affected local educational agency for the current academic year under titles I, II, III, and VII of the Elementary and Secondary Education Act of 1965 and the Education Professions Development Act. The application shall specify the minority group of which such children are members.

(20 U.S.C. 1607(c)(1) and (3))

§ 185.54 Criteria for assistance.

(a) *Objective criteria.* In approving applications for assistance under this subpart, the Assistant Secretary shall apply the following objective criteria (60 points):

(1) The need for such assistance, as indicated by the number and percentage of minority group children enrolled in the schools of such agency for the fiscal year or years for which assistance is sought who are from environments in which a dominant language is other than English (30 points); and

(2) The effective net reduction in minority group isolation, as defined in § 185.14(a)(2), in terms of the number and percentage of children affected, in all the schools operated by such agency accomplished or to be accomplished by the implementation of a plan described in § 185.11(a) or § 185.11(b) (30 points).

(20 U.S.C. 1607(c)(1))

(b) *Educational and programmatic criteria.* The Assistant Secretary shall determine the educational and programmatic merits of applications for assistance under this subpart on the basis of the following criteria (55 points):

(1) Needs assessment (10 points): (i) The severity of needs assessed by the applicant in relation to the inequality of educational opportunity available to minority group children who are from environments in which a dominant language is other than English, and (ii) the degree to which the applicant has demonstrated, by standardized achievement test data and other objective evidence, the existence of such needs.

(2) Statement of objectives (6 points): (i) The degree to which the applicant sets out specific measurable objectives for its program, project, or activity, in relation to the needs identified; and (ii) the degree to which (*a*) the program, project, or activity to be assisted promises realistically to address the needs identified in the application, and (*b*) such program, project, or activity involves to the fullest extent practicable the total educational resources, both public and private, of the community to be served.

(3) Activities (28 points):

(i) *Project design (12 points)*. The extent to which (*a*) the proposed program, project, or activity provides for development and implementation of the educational programs described in § 185.51(a)(1)(ii) in an imaginative and sensitive manner; (*b*) the proposed services are concentrated upon a group of participants which is sufficiently limited and specific to give promise of measurable growth for each participant; (*c*) such services are sufficiently intensive to give promise of such growth; (*d*) the proposed program, project, or activity emphasizes individualized instruction and services; (*e*) the application includes innovative plans to meet the goals of the Act which extend instruction in language skills to other areas of the curriculum in an integrated setting, and which include nonminority group children in activities other than those relating to the curricula described in § 185.51(a)(1)(ii); (*f*) the applicant proposes to extend bilingual/bicultural instructional techniques to academic areas other than those with respect to which assistance is made available; (*g*) students to be served are afforded an opportunity to contribute to, and suggest changes in, the proposed program, project, or activity; and (*h*) the proposed program, project, or activity makes use of existing bilingual/bicultural research and instructional materials;

(ii) *Staffing (10 points)*. The extent to which the application (*a*) sets out an adequate staffing plan which includes provisions for making maximum use of present staff capabilities; (*b*) provides for continuing training of staff in order

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to increase the effectiveness of the proposed program, project, or activity; and (c) proposes to utilize credentialed bilingual teachers and to provide career development opportunities for paraprofessional staff members with bilingual capabilities;

(iii) *Delivery of services (2 points).* The extent to which the proposed program or project sets out a plan for meeting the logistical requirements of the proposed activities, including a description of adequate and conveniently available facilities and equipment; and

(iv) *Parent and community involvement (4 points).* The extent to which the application (a) delineates specific opportunities for community and program or project committee participation in the development and implementation of the proposed program, project, or activity in addition to those required by § 185.55, and (b) includes evidence that such participation has been encouraged and has in fact occurred.

(4) Resource management (5 points): The extent to which the application contains evidence that (i) the amount of funds requested is of sufficient magnitude in relation to the number of participants to be served to give substantial promise of achieving the stated objectives; (ii) the costs of project components are reasonable in relation to the expected benefits; (iii) all possible efforts have been made to minimize the amount of funds requested for purchase of equipment necessary for implementation of the proposed program, project, or activity; and (iv) the proposed program, project, or activity has been coordinated with existing programs and resources.

(5) Evaluation (6 points): The extent to which the application sets out a format of objective, quantifiable measurement of the success of the proposed program, project, or activity in achieving the stated objectives, including (i) a timetable for compilation of data for evaluation and a method of reviewing the program, project, or activity in the light of such data; (ii) a description of instruments to be used for evaluation of the proposed program, project, or activity (and of the method for validating such instruments where necessary), or a description of the procedure to be employed in selecting such instruments; (iii) an assessment of the validity of such instruments when used to evaluate the language skills, academic aptitude, or general intelligence of children whose primary language is other than English; and (iv) provisions for comparison of evaluation results with norms, control group performance, results of other programs, or other external standards.

(6) In making the determinations required under this paragraph, the Assistant Secretary is authorized to purchase or utilize the services, recommendations, and advice of experts in the areas of education and human relations from the Department, other Federal agencies, State or local governmental units, or the private sector.

(20 U.S.C. 1601(b), 1607 (c)(1), (c)(2)(A)(ii)(II), (c)(3) 1609(a)(11))

(c) *Funding levels.* (1) In determining amounts to be awarded to applicants for assistance under this subpart, the Assistant Secretary shall consider the additional cost to such applicant (as such cost is defined in § 185.13(a)) of effectively carrying out its proposed program, project, or activity, in relation to the amount of funds available for assistance under this subpart and the other applications for such assistance pending before him. The Assistant Secretary shall not be required to approve any application which does not meet the requirements of the Act or this part, or which sets forth a program, project, or activity of such insufficient promise for achieving the purposes of the Act that its approval is not warranted. In applying the criterion set out in this paragraph, the Assistant Secretary shall award funds to applicants (whose applications meet such requirements and are of sufficient promise to warrant approval) in the order of their ranking on the basis of the criteria set out in this section until the sums available for the purposes of this subpart have been exhausted.

(2) No more than 30 percent of the funds available for grants or contracts pursuant to this subpart shall be awarded to applicants proposing to carry out programs, projects, or activities with respect to local educational agencies in any one State, unless the Assistant Secretary determines that the applications pending before him for funds in excess of such amount for such programs, projects, or activities are of exceptional merit or promise.

(20 U.S.C. 1607(c)(1))

§ 185.55 Program or project committees.

(a) *Local educational agencies—(1) Consultation; public hearing; publication.* Local educational agencies applying for assistance under this subpart shall comply with the requirements as to advisory committee participation and public hearings set forth in § 185.41 (a), (b), (e), and (f). For purposes of this subparagraph, references in such paragraphs to a "district-wide advisory committee" shall be understood to refer to the program or project committee required by this paragraph.

(2) *Composition of committee.* (i) In order to establish a program or project committee as required by this paragraph, a local educational agency shall designate at least five civic or community organizations, each of which shall select a member of the committee. The civic or community organizations which participate in the selection process shall, when taken together rather than considered individually, be broadly representative of the minority and nonminority communities to be served by the proposed program, project, or activity.

(ii) Such agency shall, after consultation with the appropriate teachers' organization(s), either (a) designate two classroom teachers, one of whom is a member of the minority group whose educational needs the proposed program, project, or activity is designed to meet, to serve as members of the committee required by this paragraph, or (b) delegate the responsibility for such selections to the appropriate teachers' organization(s).

(iii) Such agency shall designate two administrators or school board members, one of whom is a member of a minority group as described in subdivision (ii) of this subparagraph, to serve as members of the committee required by this paragraph.

(iv) At least 50 percent of the members of a committee formed under this subparagraph must be members of a minority group as described in subdivision (ii) of this subparagraph. At least 50 per centum of the members of the committee shall be parents of children directly affected by a plan described in § 185.11 (a) or (b), or a program, project, or activity assisted under this subpart. In addition to members appointed pursuant to paragraph (a)(2) (i), (ii), and (iii) of this section, and taking into account the students to be appointed pursuant to paragraph (a)(2)(v) of this section, such agency shall select the minimum number of additional persons as may be necessary to meet the requirements of this subdivision.

(v) Committee members appointed pursuant to paragraph (a)(2) (i), (ii), (iii), and (iv) of this section shall select at least two secondary students, half of whom are members of a minority group as described in paragraph (a)(2)(ii) of this section, to serve as members of the committee required by this paragraph. Such students shall be regularly enrolled in a secondary school or schools operated by the local educational agency.

(3) *Approval by committee.* No application by a local educational agency for assistance under this subpart shall be approved which is not accompanied by the written comments of a committee formed in accordance with paragraph (a)(2) of this section, indicating that a majority of the members of such committee have approved the program, project, or activity set forth in such application.

(4) *Comments and suggestions by committee.* No amendment to the program, project, or activity of a local educational agency assisted under this subpart shall be approved, and no additional funds made available under this subpart, unless the members of a committee formed in accordance with paragraph (a)(2) of this section have been involved in the development of, and a majority of such members has approved, such amendment of or addition to the program, project, or activity. Comments indicating such approval shall be included with any application submitted by such agency for such amendments or additions. Amendments or additions suggested by the committee required by this paragraph shall be forwarded by the local educational agency, with or without comment by such agency, to the Assistant Secretary for his consideration.

(5) *Student advisory committees.* The local educational agency shall comply with the requirements of § 185.41(h) as to student advisory committees, except

that at least 50 percent of the members of each such committee shall be members of a minority group as described in subparagraph (2)(ii) of this paragraph: *Provided, however,* That if such agency is receiving assistance under subpart B, C, or D as of the date specified in § 185.41(h)(1), and if members of such a minority group have been selected as members of such committees at the appropriate secondary schools, such committees shall be deemed to comply with the requirements of this subparagraph.

(20 U.S.C. 1607 (c)(2) (A)(i), (c) (2)(B))

(b) *Nonprofit private applicants—(1) Consultation; publication.* Nonprofit private agencies, institutions, or organizations applying for assistance under this subpart shall comply with the requirements of §§ 185.65 (a), (d), and (e). For purposes of this subparagraph, references in such paragraphs to a "district-wide advisory committee" shall be understood to refer to the program or project board required by this paragraph. Applications submitted by nonprofit private applicants shall describe in detail how such program or project boards will exercise policymaking authority with respect to the proposed program, project, or activity.

(2) *Composition of board.* (i) In order to establish a program or project board as required by this paragraph, the applicant shall designate at least 5 civic or community organizations, each of which shall select a member of the board. The civic or community organizations which participate in the selection process shall, when taken together rather than considered individually, be broadly representative of the minority and nonminority communities to be served.

(ii) The applicant shall invite the appropriate local educational agency to designate as members of the board described in this subparagraph a classroom teacher and an administrator or school board member, one of whom is a member of a minority group as described in paragraph (a)(2)(ii) of this section.

(iii) At least 50 percent of the members of a board formed under this subparagraph must be members of a minority group as described in paragraph (a)(2)(ii) of this section. Such board shall have at least 10 members. At least 50 percent of the members of such board shall be parents of children directly affected by a plan described in § 185.11 (a) or (b), or a program, project, or activity assisted under this subpart. In addition to members appointed pursuant to paragraph (b)(2) (i) and (ii) of this section, and taking into account the students to be appointed pursuant to paragraph (b)(2)(iv) of this section, the applicant shall select the minimum number of additional persons as may be necessary to meet the requirements of this subdivision.

(iv) Board members appointed pursuant to paragraph (b)(2) (i), (ii), and (iii) of this section shall select at least two secondary school students, half of whom are members of a minority group as described in paragraph (a)(2)(ii) of this section, to serve as members of the board required by this paragraph. Such students shall be regularly enrolled in a secondary school or schools operated by the appropriate local educational agency.

(3) *Approval by board.* No application for assistance under this subpart shall be approved which is not accompanied by the written comments of a board formed in accordance with paragraph (b)(2) of this section, indicating that a majority of the members of such board have approved the program, project, or activity set forth in such application.

(4) *Comments and suggestions by board.* No amendment to a program, project, or activity assisted under this subpart shall be approved, and no additional funds made available under this subpart, unless the members of such board have been involved in the development of, and a majority of such members has approved, such amendment of or addition to such program, project, or activity. Comments indicating such approval shall be included with any application submitted by such applicant for such amendments or additions. Amendments or additions suggested by the board required by this paragraph shall be forwarded by the applicant, with or without comment, to the Assistant Secretary for his consideration.

(20 U.S.C. 1607(c)(2) (A)(ii)(I), (B))

§ 185.56 Limitations on eligibility; nonpublic participation.

The limitations on eligibility set forth in § 185.43 shall apply to educational agencies applying for assistance under this subpart. The provisions of § 185.44 as to waiver of ineligibility shall apply to local educational agencies applying for assistance under this subpart. The provisions of § 185.45 as to termination of assistance shall apply to all recipients of assistance under this subpart. The provisions of § 185.42 as to participation of children or staff enrolled in or employed by nonpublic schools shall apply to local educational agencies applying for assistance under this subpart.

(20 U.S.C. 1605(d), 1607(c)(1), 1609 (a) and (b), and 1611(c))

§§ 185.57–185.60 [Reserved]

Subpart H—Educational Television

§ 185.71 Eligibility for assistance.

(a) Any public or nonprofit private agency, institution, or organization with the capability of providing expertise in the development of television programing may apply for assistance, by grant, from funds reserved pursuant to § 185.95 (b)(3) to pay the cost of development and production of integrated children's television programs of cognitive and affective educational value. For purposes of this subpart, "programs of cognitive and affective educational value" are those which teach concrete academic skills and encourage interracial and interethnic understanding.

(20) U.S.C. 1610 (a), (b)(1); Senate Rept. No. 92–61, p. 24)

(b) No more than four grants shall be awarded pursuant to this subpart during the fiscal year ending June 30, 1973.

(20 U.S.C. 1610(b)(1))

§ 185.72 Authorized activities.

(a) Funds made available under this subpart shall be used to pay the normal and necessary expenses of researching, planning, writing, editing, staging, directing, performing, producing, reproducing, and distributing integrated children's television programs, where such activities would not otherwise be funded and are designed to carry out the purposes described in § 185.01. Such programs shall be either a standard-length series addressing an area of concern described in paragraph (a) (1), (2), or (3) of this section, or 1-minute "spots" addressing any of the following areas of concern:

(1) Bilingual/bicultural approaches to assisting minority group children from environments in which a dominent language is other than English in the development of reading, writing, and speaking skills (in both the English language and the language of their parents or grandparents), and to instilling in both minority and nonminority group children an understanding and appreciation of each other's history and cultural background;

(2) Supplemental or introductory instruction in basic reading and mathematics skills and concepts, art and music, and basic science concepts;

(3) Instruction in family life-related academic skills directed particularly at secondary school age children;

(4) Dropout counseling and other approaches to the problems of dropouts;

(5) Encouraging and enriching the understanding and appreciation of school age children for the art, music, literature, and other cultural attainments of their own and other racial or ethnic groups;

(6) Reduction of interracial or interethnic tension and conflict.

(20 U.S.C. 1610(b)(1))

(b)(1) No more than one grant for a standard-length series shall be awarded for any one of the areas of concern described in paragraph (a) (1), (2), and (3) of this section, unless the Assistant Secretary determines that the applications pending before him for additional grants in the same area of concern are of exceptional merit or promise.

(2) No more than one grant shall be awarded for television programing directed to a particular racial or ethnic group in a particular geographical area, unless the Assistant Secretary determines that the applications pending before him for additional grants for programing directed to the same group in the same area are of exceptional merit or promise.

(20 U.S.C. 1610(b)(1))

(c) Television programs developed in whole or in part with assistance made available under this subpart shall be

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made reasonably available for transmission, free of charge, and shall not be transmitted under commercial sponsorship. An application for assistance under this subpart shall include an assurance that the procedures to be followed, and the standards or criteria to be applied, in making such programs freely available for transmission will be developed in conjunction with the Assistant Secretary upon completion of production of a designated portion of the proposed television programing. For purposes of this paragraph, where the costs of transmission are met by a commercial firm, a brief statement to that effect at the beginning or end of such transmission shall not be considered commercial sponsorship. No television program developed in whole or in part with assistance made available under this subpart shall be used or transmitted in such a manner as to result in a financial benefit to any person or organization.

(20 U.S.C. 1610(b)(2); Senate Rept. No. 92-61, pp. 24-25)

(d) Funds made available under this subpart shall not be used for construction, repair, or remodeling of any building or facility, or for the purchase of any equipment which has an extended useful life and is not consumed in use.

(20 U.S.C. 1610(b)(1))

§ 185.73 Applications.

(a) *General.* An applicant for assistance under this subpart for any fiscal year shall submit to the Assistant Secretary an application therefor for that fiscal year, which application shall contain such information and set forth such policies and procedures as will assure that the applicant will use funds received under this subpart only for the activities described in § 185.72.

(20 U.S.C. 1610(b)(1))

(b) *Basic assurances.* Applications for assistance under this subpart shall comply with the requirements of § 185.13 (a), (b), (c), (d), (f), (h), (k)(1) (i) and (ii), (k)(2), and (m).

(20 U.S.C. 1609(a), 1610(b)(1))

(c) *Assurances by local educational agencies.* Applications by local educational agencies for assistance under this subpart shall comply with the requirements of § 185.13 (g), (i), (j), (k)(1)(iii), (k)(3), and (l), in addition to the requirements specified in paragraph (b) and (e) of this section. Such application, together with all correspondence and other written materials relating thereto, shall be made readily available to the public by the applicant and the Assistant Secretary.

(20 U.S.C. 1609(a), 1610(b)(1))

(d) *Assurances by other applicants.* Applications by public or nonprofit private agencies, institutions, or organizations (other than local educational agencies) under this subpart shall comply with the requirements of § 185.63(b)(2), (5), and, where appropriate, § 185.63(b)(3), in addition to the requirements specified in paragraphs (b) and (e) of this section.

(20 U.S.C. 1610(b)(1))

(e) *Additional information and assurances.* Applications for assistance under this subpart shall contain the following information, in addition to the assurances and information required by the applicable paragraphs of this section:

(1) A detailed description of the integrated children's television programs to be developed and produced with assistance made available under this subpart, together with an identification of the audience to be reached by such programs and a statement of the educational and other gains to be achieved;

(2) A statement of the name, address, position, duties, prior experience in educational television and school and community affairs, and race of all persons permanently employed (or to be employed) in positions of responsibility by the applicant on its development, production, and administrative staffs;

(3) A detailed description of the formative evaluation procedures to be employed by the applicant in measuring and evaluating the educational and other change to be achieved by children viewing the television programs for which assistance is sought;

(4) A statement of past activities engaged in by the applicant or its officers or employees indicating the relative capability of the applicant to provide expertise in the development of integrated children's television programing, and to develop and produce the proposed television programs; and

(5) Information as to the research and development techniques to be employed (or which have previously been employed), production standards to be observed, nonbroadcast materials to be utilized in support of the proposed television programing, and field activities and other measures to be undertaken in order to insure target audience participation in ongoing program development.

(20 U.S.C. 1610(b)(1), (3))

(f) *Application procedure.* The Assistant Secretary may require the information described in this section to be submitted either in a single application or sequentially, and may require additional information and assurances of selected applicants.

(20 U.S.C. 1610(b)(1))

§ 185.74 Criteria for assistance.

In approving applications for assistance under this subpart, the Assistant Secretary shall apply the following criteria:

(a) *Needs assessment (10 points).* (1) The extent to which the applicant has undertaken a comprehensive assessment, on the basis of test data, audience surveys, and other objective evidence, of the educational and other needs of the target population, and the magnitude of the needs so assessed; (2) the extent to which the applicant has undertaken a reasonable numerical estimate of the expected or potential target audience; and (3) the size of the potential audience so estimated.

(20 U.S.C. 1610(b)(1))

(b) *Statement of objectives (13 points).* (1) The degree to which the application (1) sets forth specific, measurable objectives in relation to the needs identified, and (2) specifically describes, on the basis of modern research and development techniques, the issues and subject matter related to such needs which will be addressed by the proposed television programing.

(20 U.S.C. 1610(b)(1), (3)(B))

(c) *Activities (32 points)—(1) Program content and design (10 points).* The extent to which the proposed television programing promises to reach the expected or potential target audience and to encourage and sustain the participation, interest, and educational and other growth of such audience, by use of minority and nonminority group performers or characters and by other means;

(2) *Staffing (12 points).* (i) The extent to which the application (*a*) sets out an adequate staffing plan which includes provisions for making maximum use of present staff capabilities, and (*b*) provides for continuing training of staff in order to increase the effectiveness of the proposed television programing; and (ii) the extent to which minority group personnel are employed (or will be employed) in responsible positions on the development, production, and administrative staffs of the applicant;

(3) *Facilities capability (10 points).* The extent to which the application describes a level of production facilities capability sufficient to meet the requirements of the proposed television programing, including a description of adequate and conveniently available production facilities and equipment;

(4) *Supplementary materials (2 points).* In the case of applications for standard-length series, the extent to which such application sets forth a plan of activities, such as the creation, production, and dissemination of nonbroadcast materials, designed to intensify and amplify the effects of the proposed programing; and

(5) *Parent and community involvement (3 points).* The extent to which the application (i) delineates specific opportunities for continuing community and advisory committee participation in the development and evaluation of the proposed television programing in addition to those required by § 185.75, and (ii) includes evidence that such participation has been encouraged and has in fact occurred.

(20 U.S.C. 1610(e)(1), (b)(3)(A))

(d) *Resource management (6) points).* The extent to which the application contains evidence that (1) the amount of funds requested is of sufficient magnitude to give substantial promise of achieving the stated objectives; (2) the costs of project components are reasonable in relation to the expected benefits; and (3) needed resources will be purchased or otherwise obtained in such a manner as to insure that project deadlines will be met.

(20 U.S.C. 1610(b)(1))

(e) *Evaluation (5 points).* The extent to which the application sets out a detailed format, including specific study designs, for applying formative evaluation techniques prior to and during the initial phases of production of the proposed television programing, in order to determine the production and presentation techniques which offer the greatest promise of achieving the stated objectives.

(20 U.S.C. 1610(b)(1), (b)(3)(c))

(f) *Funding levels.* In determining amounts to be awarded to applicants for assistance under this subpart, the Assistant Secretary shall consider the additional cost to such applicant (as such cost is defined in § 185.13(a)) of effectively developing and producing its proposed television programing, in relation to the amount of funds available for assistance under this subpart and the other applications for such assistance pending before him. The Assistant Secretary shall not be required to approve any application which does not meet the requirements of the Act or this part, or which sets forth proposed television programing of such insufficient promise for achieving the purposes of the Act that its approval is not warranted. In applying the criterion set out in this paragraph, the Assistant Secretary shall award funds to applicants (whose applications meet such requirements and are of sufficient promise to warrant approval) in the order of their ranking on the basis of the criteria set out in this section until the sums available for the purposes of this subpart have been exhausted.

(20 U.S.C. 1610(b)(1))

(g) In making the determinations required under this section, the Assistant Secretary is authorized to purchase or utilize the services, recommendations, and advice of experts in the areas of education, educational television, and human relations from the Department, other Federal agencies, State or local governmental units, or the private sector.

(20 U.S.C. 1610(b)(1), (b)(3))

§ 185.75 Advisory committees.

(a) Public or nonprofit private agencies, institutions, or organizations (other than local educational agencies) applying for assistance under this subpart shall comply with the requirements as to advisory committee participation set forth in § 185.65, except for the second sentence of § 185.65(b)(2). For purposes of this paragraph, references in said section to a "plan or project described in § 185.11' or "program, project, or activity" shall be understood to refer to the proposed television programing for which assistance is sought.

(b) Local educational agencies applying for assistance under this subpart shall comply with the requirements as to advisory committee participation and public hearings set forth in § 185.41 (a) through (g). For purposes of this paragraph, references in said paragraphs to a "plan or project described in § 185.11" or "program, project, or activity" shall be understood to refer to the proposed television programing for which assistance is sought.

(20 U.S.C. 1609(a) (2) and (3), 1609(b))

(c) Where the primary area to be served by the proposed television programing for which assistance is sought under this subpart is larger than the school district of a single local educational agency, members of the advisory committees required by this section shall be selected so as to represent the larger area to be served.

(20 U.S.C. 1610(b)(1))

§ 185.76 Limitations on eligibility.

The limitations on eligibility set forth in § 185.43 shall apply to educational agencies applying for assistance under this part. The provisions of § 185.44 as to waiver of ineligibility shall apply to local educational agencies applying for assistance under this subpart. The provisions of § 185.45 as to termination of assistance shall apply to all recipients of assistance under this subpart.

(20 U.S.C. 1605(d), 1609 (a) and (b), 1610(b)(1))

§§ 185.77–185.80 [Reserved]

Subpart I—Evaluation

§ 185.81 Eligibility for awards.

Any State educational agency, institution of higher education, or private agency, organization, or institution (including an advisory committee established by a local educational agency pursuant to § 185.37, § 185.41, § 185.55(a), § 185.75(b), or § 185.94) may submit a proposal for a contract, from funds reserved pursuant to § 185.95(b)(4), for the purpose of evaluating specific programs, projects, or activities assisted under this part.

(20 U.S.C. 1612)

§ 185.82 Authorized activities.

Funds awarded pursuant to this subpart shall be used to pay the normal and necessary expenses of planning, instrument development and administration, data collection and analysis, and reporting incident to evaluation of programs, projects, or activities assisted under this part, where such expenses would not otherwise be funded.

(20 U.S.C. 1612)

§ 185.83 Applications.

(a) *Assurances and information.* Proposals submitted pursuant to this subpart shall comply with the requirements of § 185.13 (a), (b), (c), (f), and (m) and § 185.63(b)(2). Such proposals shall contain such information, and set forth such policies and procedures, as will assure that the offeror will use funds received under this subpart only for the activities described in § 185.82. In addition, such proposals shall contain the following information:

(1) A detailed description of the technical approach, management plan, and techniques of data collection, analysis, and synthesis to be utilized or employed in the proposed evaluation;

(2) A detailed description of the objectives of the proposed evaluation, as they relate to the purposes set forth in § 185.01;

(3) A statement of the name, position, and prior relevant experience of all persons permanently employed (or to be employed) in positions of responsibility by the offeror in connection with the proposed evaluation; and

(4) A statement of past activities engaged in by the offeror or its officers or employees indicating the relative capability of the offeror to conduct the proposed evaluation.

(20 U.S.C. 1612)

(b) *Procedures.* (1) Proposals under this subpart shall be submitted in response to requests for proposals. The Assistant Secertary may require the information described in this section to be submitted either in a single document or sequentially, and may require additional information and assurances of selected offerors.

(2) Contracts under this subpart shall be subject to the requirements of the Federal Procurement Regulations (41 CFR Ch. 1 and 3), to the extent that such regulations are not inconsistent with the provisions of this subpart.

(20 U.S.C. 1612)

§ 185.84 Criteria for awards.

(a) The Assistant Secretary shall determine the merits of proposals submitted under this subpart on the basis of the following criteria:

(1) *Statement of objectives.* The degree to which the offeror sets out specific objectives for the proposed evaluation, in relation to the purposes described in § 185.01, as demonstrated by background discussion and objective analysis included in its proposal;

(2) *Technical approach.* The extent to which the proposal sets out a technical approach which promises to achieve the stated objectives;

(3) *Management plan.* The extent to which the proposal sets out a plan for effective management of the proposed evaluation, including a specific timetable for completion of project components and specific staff assignments;

(4) *Data techniques.* The extent to which the proposal sets out effective techniques for collection, analysis, and synthesis of data in connection with the proposed evaluation;

(5) *Staff capabilities.* The extent to which the proposal demonstrates (i) the presence or availability of staff members with relevant technical and management experience, and (ii) past experience on the part of the offeror or its officers or employees in conducting evaluations similar to that for which funds are requested;

(6) *Resource management.* The extent to which the proposal contains evidence that (i) the amount of funds requested

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is of sufficient magnitude to give substantial promise of achieving the stated objectives; (ii) the costs of project components are reasonable in relation to the expected benefits; and (iii) provisions have been made for maximum utilization of existing facilities and resources; and

(7) *Scope.* The extent to which the offeror proposes an evaluation of sufficeint comprehensiveness to insure results of general applicability and reliability.

(8) In making the determinations required under this paragraph, the Assistant Secretary is authorized to purchase or utilize the services, recommendations, and advice of experts in the areas of education and human relations from the Department, other Federal agencies, State or local governmental units, or the private sector.

(20 U.S.C. 1612)

(b) *Funding levels.* In determining amounts to be awarded under this subpart, the Assistant Secretary shall consider the additional cost to an offeror (as such cost is defined in § 185.13(a)) of effectively carrying out its proposed evaluation, in relation to the amount of funds available for contracts under this subpart and the other applications pending before him. The Assistant Secretary shall not be required to approve any proposal which does not meet the requirements of the Act or this part, or which sets forth a proposed evaluation of such insufficient promise for achieving the purposes of the Act that its approval is not warranted. In applying the criterion set out in this paragraph, the Assistant Secretary shall award funds to offerors (whose proposals meet such requirements and are of sufficient promise to warrant approval) in the order of their ranking on the basis of the criteria set out in this section with respect to each type of evaluation for which proposals are requested.

(20 U.S.C. 1612)

§ 185.85 Limitations on eligibility.

The limitations on eligibility set forth in § 185.43 shall apply to educational agencies submitting proposals under this subpart.

(20 U.S.C. 1605(d))

§§ 185.86–185.90 [Reserved]

Subpart J—Special Projects

§ 185.91 Eligibility for assistance.

(a) *Special reading projects.* (1) Any local educational agency which is implementing a plan described in § 185.11(a) or § 185.11(b) may apply for assistance, by grant or contract, from funds reserved pursuant to § 185.95(b)(1), for special reading projects to improve the reading performance of minority and nonminority group children in a school affected by such a plan in which the proportion of minority group children enrolled is greater than 20 percent and no more than 50 percent.

(2) No more than $2,500,000 from funds reserved pursuant to § 185.95(b)(1) shall be awarded for grants or contracts pursuant to this paragraph during the fiscal year ending June 30, 1973.

(20 U.S.C. 1607(a))

(b) *Other projects.* The Assistant Secretary may assist, by grant or contract, any State or local educational agency or other public agency or organization (or a combination of such agencies and organizations), from funds reserved pursuant to § 185.95(b)(1) and not awarded or to be awarded pursuant to paragraph (a) of this section, for the purpose of conducting special programs or projects which the Assistant Secretary determines will make substantial progress toward achieving the purposes of the Act.

(20 U.S.C. 1607(a))

(c) *Definitions.* For purposes of this subpart, State or local educational agencies in Puerto Rico, Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands shall be deemed to be State or local educational agencies within the meaning of § 185.02 (e) and (j).

(20 U.S.C. 1607(a), 1619 (8), (14), and (15))

(d) *Authorized activities.* (1) Assistance made available pursuant to paragraph (a) of this section shall be used for activities described in § 185.12 which would not otherwise be funded and are designed to carry out the purposes described in § 185.02 and to achieve the results described in paragraph (a) of this section.

(2) Assistance made available pursuant to paragraph (b) of this section shall be used for activities described in or authorized by §§ 185.12, 185.22, 185.32, 185.52, 185.62, and 185.72 which would not otherwise be funded and which are designed to carry out the purposes described in § 185.01.

(3) The provisions of § 185.12 (b), (c), and (d) shall apply to assistance made available under this subpart.

(4) No activity assisted pursuant to paragraph (a) of this section shall be carried out with respect to a class which does not include both minority and nonminority group children. Students shall not be removed from their regularly assigned classrooms on a regular basis in order to participate in a program, project, or activity assisted pursuant to paragraph (a), but may be so removed on an occasional basis for special treatment or services.

(20 U.S.C. 1606, 1607(a))

(e) *Limitations on eligibility; nonpublic participation.* The limitations on eligibility set forth in § 185.43 shall apply to educational agencies applying for assistance under this subpart. The provisions of § 185.44 as to waiver of ineligibility shall apply to local educational agencies applying for assistance under this subpart. The provisions of § 185.45 as to termination of assistance shall apply to all recipients of assistance under this subpart. The provisions of § 185.42 as to participation of children or staff enrolled in or employed by nonpublic schools shall apply to local educational agencies applying for assistance under this subpart.

(20 U.S.C. 1605(d), 1607(a), 1609 (a) and (b), 1611(c))

§ 185.92 Applications.

(a) Applications by local educational agencies for assistance under this subpart shall comply with the requirements of § 185.13 (a) through (n), and (together with all correspondence and other written materials relating thereto) shall be made readily available to the public by the applicant and the Assistant Secretary. Applications by other public agencies or organizations shall be in such form, and contain such information and assurances, as may be required by the Assistant Secretary.

(20 U.S.C. 1607(a), 1609(a))

(b) In addition to the information and assurances required by paragraph (a) of this section, applications by local educational agencies pursuant to § 185.91(a) shall contain the following additional information:

(1) A description of the proposed program, project, or activity, and of such policies and procedures as will insure that the applicant will use funds received under the Act only for the activities described in § 185.91(d);

(2) A complete special reading needs assessment with regard to the affected school, in a form to be prescribed by the Assistant Secretary;

(3) The signature of the principal of the school to be served by the proposed program, project, or activity, indicating concurrence in the submission of such agency's application.

(20 U.S.C. 1607(a))

§ 185.93 Criteria for assistance.

(a) *Objective criteria.* In approving applications for assistance by local educational agencies pursuant to § 185.91(a), the Assistant Secretary shall apply the following objective criteria (20 points):

(1) The need for such assistance, as indicated by the number and percentage of minority group children enrolled in the schools of such agency for the fiscal year or years for which assistance is sought (10 points); and

(2) The effective net reduction in minority group isolation, as defined in § 185.14(a)(2), in terms of the number and percentage of children affected, in all the schools operated by such agency accomplished or to be accomplished by the implementation of a plan or project described in § 185.11(a) or § 185.11(b) (10 points).

(20 U.S.C. 1609(c) (1), (2), and (3))

(b) *Educational and programmatic criteria.* The Assistant Secretary shall determine the educational and programmatic merits of applications for assistance by local educational agencies pursuant to § 185.91(a) on the basis of the following criteria (105 points):

(1) Needs assessment (20 points): (i) The magnitude of needs assessed by the applicant in relation to reading achievement of students in the affected school, and (ii) the degree to which the applicant has demonstrated, by standardized

achievement test data and other objective evidence, the existence of such needs in a form to be prescribed by the Assistant Secretary.

(2) Statement of objectives (20 points): (i) The degree to which the applicant sets out specific measurable objectives for its program, project, or activity, in relation to the needs identified; and, (ii) the degree to which (*a*) the program, project, or activity to be assisted promises realistically to address the needs identified in the application, and (*b*) such program, project, or activity involves to the fullest extent practicable the total educational resources, both public and private, of the community to be served. At a minimum, the stated objectives shall include progress during the period of the proposed program, project, or activity toward the goal of a normal range and distribution of reading achievement in the affected school, such goal to be attained within a 3-year period.

(3) Activities (40 points):

(i) *Curriculum development* (10 points). The extent to which the application sets out specific procedures for the evaluation, development, and revision of the curriculum in the affected school, in relation to the needs identified;

(ii) *Staffing (20 points).* The extent to which the application (*a*) sets out an adequate staffing plan which includes provisions for making maximum use of present staff capabilities; (*b*) provides for continuing training of staff in order to increase the effectiveness of the proposed program, project, or activity; and (*c*) includes evidence that the project staff reflects the racial and ethnic makeup of the student body at the affected school.

(iii) *Parent and community involvement (10 points).* The extent to which the application (*a*) delineates specific opportunities for community and parental participation in the development and implementation of the proposed program, project, or activity in addition to those required by § 185.94 and (*b*) includes evidence that such participation has been encouraged and has in fact occurred.

(4) Resource Management (5 points): The extent to which the application contains evidence that (i) the amount of funds requested is of sufficient magnitude in relation to the number of participants to be served to give substantial promise of achieving the stated objectives; (ii) the costs of project components are reasonable in relation to the expected benefits; (iii) all possible efforts have been made to minimize the amount of funds requested for purchase of equipment necessary for implementation of the proposed program, project, or activity; and (iv) the proposed program, project, or activity has been coordinated with existing programs and resources.

(5) Evaluation (20 points): The extent to which the application sets out a format for objective, quantifiable measurement of the success of the proposed program, project, or activity in achieving the stated objectives, including (i) a timetable for compilation of data for evaluation and a method of reviewing the program, project, or activity in the light of such data; (ii) a description of instruments to be used for evaluation of the proposed program, project, or activity (and of the method for validating such instruments where necessary), or a description of the procedure to be employed in selecting such instruments; and (iii) provisions for comparison of evaluation results with norms, control group performance, results of other programs, or other external standards.

(6) In making the determinations required under this paragraph, the Assistant Secretary is authorized to purchase or utilize the services, recommendations, and advice of experts in the areas of education, evaluation, and human relations from the Department, or other Federal agencies, State or local governmental units, or the private sector.

(20 U.S.C. 1601(b), 1609(a)(11), 710(c) (1), (2), (4), and (6))

(c) *Funding criteria.* In determining amounts to be awarded to applicants for assistance pursuant to § 185.91(a), the Assistant Secretary shall consider the additional cost to such applicant (as such cost is defined in § 185.13(a)) of effectively carrying out its proposed program, project, or activity, in relation to the amount of funds available for assistance pursuant to § 185.91(a) and the other applications for such assistance pending before him. The Assistant Secretary shall not be required to approve any application which does not meet the requirements of the Act or this part, or which sets forth a program, project, or activity of such insufficient promise for achieving the purposes of the Act that its approval is not warranted. In applying the criterion set out in this paragraph, the Assistant Secretary shall award funds to applicants (whose applications meet such requirements and are of sufficient promise to warrant approval) in the order of their ranking on the basis of the criteria set out in this section until the sums allotted for such assistance have been exhausted. No more than 20 percent of the funds made available pursuant to § 185.91(a) shall be awarded to applicants in any one State, unless the Assistant Secretary determines that applications for such awards in excess of such amount are of exceptional merit or promise.

(20 U.S.C. 1609(c)(1)(C), (c)(5))

(d) *Other applications.* The merits of applications for assistance pursuant to § 185.91(b) shall be determined on the basis of the criteria set forth in § 185.14, to the extent that such criteria are applicable to the proposed program, project, or activity.

(20 U.S.C. 1607(a), 1609(c))

§ 185.94 Community involvement.

(a) *Unit task force.* Applications by local educational agencies for assistance pursuant to § 185.91(a) shall be developed by a unit task force headed by the principal of the school to be served by the proposed program, project, or activity and formed in accordance with paragraph (b) of this section.

(20 U.S.C. 1609 (a)(2)(B), (b))

(b) *Composition.* (1) In order to establish a unit task force as required by this section, a local educational agency shall designate two civic or community organizations broadly representative of the minority and nonminority communities to be served, each of which shall select a resident of the attendance area of the school to be served to serve as a member of the unit task force.

(2) Such agency, after consultation with the appropriate teachers' organization(s), shall either (i) designate two teachers from the school to be served who will participate in the proposed program, project, or activity to serve as members of the unit task force, or (ii) delegate the responsibility for such selections to the appropriate teachers' organization(s).

(3) Such agency shall designate one member of its administrative staff, at the assistant superintendent level or higher, to serve as a member of the unit task force.

(4) Where the proposed program, project, or activity will affect a secondary school, the unit task force required by this section shall include at least two secondary students regularly enrolled at such school who have been selected by the student body or student government of such school.

(5) The local educational agency shall select the minimum number of additional members of such unit task force necessary to insure that (i) it will be composed of equal numbers of nonminority group members and of members from each minority group substantially represented in the school to be served, and (ii) at least half the members of such unit task force will be parents of students to be served by the proposed program, project, or activity.

(20 U.S.C. 1609(a)(2)(B))

(c) *Consultation; public hearing; publication.* Local educational agencies applying for assistance pursuant to § 185.91(a) shall comply with the requirements as to public hearings, publications, and post-award consultation set forth in § 185.41 (a), (b), (e), and (f). For purposes of this paragraph, references in such paragraphs to a "district-wide advisory committee" shall be understood to refer to the unit task force required by this section.

(20 U.S.C. 1609(a)(2)(3))

(d) *Comments and suggestions by unit task force.* No amendment to the program, project, or activity of a local educational agency shall be approved, and no additional funds made available pursuant to § 185.91(a), unless the unit task force required by this section has been involved in the development of, and a majority of its members has approved, such amendment of or addition to the program, project, or activity. Comments

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indicating such approval shall be included with any application submitted by such agency for such amendments or additions. Amendments or additions suggested by the unit task force shall be forwarded by the local educational agency, with or without comment by such agency, to the Assistant Secretary for his consideration.

(20 U.S.C. 1609(a)(3))

(e) *Other applicants.* Applicants for assistance pursuant to § 185.91(b) shall comply with the requirements of § 185.41, to the extent that such requirements are applicable to the proposed program, project, or activity.

(20 U.S.C. 1609(a) (2) and (3), 1609(b))

[FR Doc. 73-4039 Filed 3-1-73; 8:45 am]

Social Security Administration

[20 CFR Part 404]

[Regs. No. 4]

FEDERAL OLD-AGE, SURVIVORS, AND DISABILITY INSURANCE

Deductions; Reductions; Nonpayments; Increases Excess Earnings for Retirement Test

Notice is hereby given, pursuant to the Administrative Procedure Act (5 U.S.C. 552 et seq.) that the amendments to the regulations set forth in tentative form are proposed by the Commissioner of Social Security, with the approval of the Secretary of Health, Education, and Welfare. The proposed amendments show the amount of earnings a person may have in a taxable year ending after 1972 and still receive all his social security benefits and the rules for figuring the amount of benefits that will be withheld if he has earnings in excess of that amount. In a 12-month taxable year, the allowable amount of earnings is increased from $1,680 to $2,100. For the taxable year in which a beneficiary reaches age 72 only his earnings up to the month in which he reaches that age are counted in figuring the amount to be withheld. If the beneficiary is self-employed, the pro rata share of the net earnings or net loss for the taxable year for the period prior to the month of attainment of age 72 is used to figure the amount to be withheld.

Prior to final adoption of the proposed amendments to the regulations, consideration will be given to any data, views, or arguments pertaining thereto which are submitted in writing in triplicate to the Commissioner of Social Security, Department of Health, Education, and Welfare Building, Fourth and Independence Avenue SW., Washington, D.C. 20201, on or before April 2, 1973.

Copies of all comments received in response to this notice will be available for public inspection during regular business hours at the Washington Inquiries Section, Office of Public Affairs, Social Security Administration, Department of Health, Education, and Welfare, North Building, Room 4146, 330 Independence Avenue SW., Washington, DC 20201.

The proposed amendments are to be issued under the authority contained in sections 203, 205, and 1102, 53 Stat. 1367, as amended, 53 Stat. 1368, as amended, 49 Stat. 647, as amended; 42 U.S.C. 403, 405, and 1302.

Dated: January 22, 1973.

ROBERT M. BALL,
Commissioner of Social Security.

Approved: February 23, 1973.

CASPAR W. WEINBERGER,
Secretary of Health, Education, and Welfare.

Regulations No. 4 of the Social Security Administration (20 CFR Part 404) are further amended as follows:

1. Paragraph (a) of § 404.428 is revised to read as follows:

§ 404.428 Earnings in a taxable year.

(a) *General.* In applying the annual earnings test (see § 404.415(a)) under the provisions of this subpart, all of a beneficiary's earnings (as defined in § 404.429) for all months of his taxable year are included even though the individual is not entitled to benefits during all months of his taxable year. (See, however, § 404.430 for rule for figuring excess earnings where beneficiary attains age 72 in a taxable year ending after December 1972.) The taxable year of an employee is presumed to be a calendar year until it is shown to the satisfaction of the Administration that he has a different taxable year. A self-employed individual's taxable year is a calendar year unless he has a different taxable year for the purposes of subtitle A of the Internal Revenue Code of 1954. In either case, the number of months in a taxable year is not affected by (1) filing a claim for social security benefits, (2) attainment of age 18, 22, 65, 72, or any other age, (3) marriage, (4) termination of marriage, or (5) adoption. A taxable year ends with the death of the beneficiary. In such a case, the month of death is included as a month of the deceased beneficiary's taxable year in determining whether the beneficiary had excess earnings as defined in § 404.430, § 404.431, § 404.432, or § 404.433.

* * * * *

2. After § 404.429, new § 404.430 is added to read as follows:

§ 404.430 Excess earnings; defined for taxable years ending after December 1972.

For taxable years ending after December 1972, an individual's excess earnings for a taxable year are 50 percent of his earnings (as described in § 404.429) for such year in excess of the product of $175 multiplied by the number of months in such year. However, earnings in and after the month an individual attains age 72 will not be used to figure excess earnings for retirement test purposes. For the employed individual his wages for months prior to the month of attainment of age 72 are used to figure his excess earnings for retirement test purposes. For the self-employed individual the pro rata share of the net earnings or net loss for the taxable year for the period prior to the month of attainment of age 72 is used to figure his excess earnings. If the beneficiary was not engaged in self-employment prior to the month of attainment of age 72 any subsequent earnings or losses from self-employment in the taxable year will not be used to figure his excess earnings. Where the excess amount figured in accordance with the provisions of this section is not a multiple of $1, it is reduced to the next lower dollar.

Example 1. The self-employed beneficiary attained age 72 in July 1973. His net earnings for 1973, his taxable year, were $6,000. The pro rata share of such net earnings for the period prior to July is $3,000. His excess earnings for 1973 for retirement test purposes are $450. This is arrived at by subtracting $2,100 ($175 × 12) from $3,000 and dividing the result by 2.

Example 2. The beneficiary attained age 72 in July 1973. His wages for the period prior to July were $3,000. From August through December 1973 he engaged in self-employment and derived net earnings in the amount of $2,000. His net earnings from self-employment are not used to figure his excess earnings. Only his wages for the period prior to July 1973, $3,000, are used to figure his excess earnings. As in Example 1 his excess earnings are $450.

Example 3. The facts are the same as in Example 2 except that the beneficiary had a net loss in the amount of $500 from self-employment activity in which he engaged throughout 1973. The net loss is used in figuring his excess earnings. The pro rata share of such net loss for the period prior to July is $250. His earnings for the taxable year for figuring excess earnings are $2,750. This is arrived at by subtracting the $250 loss from the $3,000 in wages. The excess earnings are $325 ($2,750 − $2,100 ÷ 2).

3. After § 404.430, new § 404.431 is added to read as follows:

§ 404.431 Excess earnings; defined for taxable years ending after December 1967 and prior to January 1973.

For taxable years ending after December 1967 and prior to January 1973, an individual's excess earnings are the amount of his earnings (as described in § 404.429) that exceed $140 times the number of months in his taxable year, except that his excess earnings do not include an amount equal to one-half of the first $1,200 of such excess amount (or equal to one-half of the entire excess amount if such excess amount is less than $1,200). Where the excess amount so figured is not a multiple of $1, it is reduced to the next lower dollar. Thus, in the usual 12-month-taxable-year case, an individual's excess earnings are computed as follows:

(a) $1 for each $2 of earnings over $1,680, up to and including $2,880; and

(b) $1 for each $1 of earnings over $2,880.

4. Section 404.432 is revised to read as follows:

§ 404.432 Excess earnings; defined for taxable years ending after December 1965 and prior to January 1968.

For taxable years ending after December 1965 and prior to January 1968, an individual's excess earnings are the amount of his earnings (as described in

§ 404.429) that exceed $125 times the number of months in his taxable year, except that his excess earnings do not include an amount equal to one-half of the first $1,200 of such excess amount (or equal to one-half of the entire excess amount if the excess is less than $1,200). Where the excess amount so figured is not a multiple of $1, it is reduced to the next lower dollar. Thus, in the usual 12-month-taxable-year case, an individual's excess earnings are computed as follows:

(a) $1 for each $2 of earnings over $1,500, up to and including $2,700; and

(b) $1 for each $1 over $2,700.

5. Section 404.434 is amended by revising paragraphs (a) and (b)(3) to read as follows:

§ 404.434 Excess earnings; method of charging.

(a) *Months charged.* For purposes of imposing deductions for taxable years after 1960, the excess earnings (as described in §§ 404.430, 404.431, 404.432, and 404.433) of an individual are charged to each month beginning with the first month the individual is entitled in the taxable year in question and continuing, if necessary, to each succeeding month in such taxable year until all of the individual's excess earnings have been charged. Excess earnings, however, are not charged to any month described in §§ 404.435 and 404.436.

(b) *Amount of excess earnings charged.* * * *

(3) *Insured individual and person entitled (or deemed entitled) on his earnings record both have excess earnings.* If both the insured individual and a person entitled (or deemed entitled) on his earnings record have excess earnings (as dsecribed in §§ 404.430, 404.431, 404.432, and 404.433), the insured individual's excess earnings are charged first against the total family benefits payable (or deemed payable) on his earnings record, as described in subparagraph (1) of this paragraph. Next, the excess earnings of a person entitled on the insured individual's earnings record are charged (as described in paragraph (c)(2) of this section) against his own benefits, but only to the extent that his benefits have not already been charged with the excess earnings of the insured individual. See § 404.441 for an example of this process and the manner in which partial monthly monthly benefits are apportioned.

[FR Doc. 73-3888 Filed 3-1-73;8:45 am]

DEPARTMENT OF TRANSPORTATION

Coast Guard

[33 CFR Part 117]

[CGD 72-155P]

DRAWBRIDGE OPERATION REGULATIONS; AIWW, VERO BEACH, FLA.

Notice of Proposed Rule Making

At the request of the Chairman of the Indian River County Commission, the Coast Guard is considering amending the regulations for the Merrill P. Barber (State Road 60) drawbridge across the Atlantic Intracoastal Waterway at Vero Beach to permit closed periods from 7:45 a.m. to 9 a.m., 12 noon to 1:15 p.m. and 4 p.m. to 5:15 p.m., Monday through Friday, with the proviso that the draw shall open at 8:30 a.m., 12:30 p.m., and 4:30 p.m., if any vessels are waiting to pass the closed draw. The draw is presently required to open on signal at any time. This is a modification of the original request from the Indian River County Commission which asked for closed periods from 8 a.m. to 6 p.m. and would require openings of the draw only on the hour and half hour during this period. The original proposal was circulated as a public notice dated 21 August 1972 by the Commander, Seventh Coast Guard District and was published in the FEDERAL REGISTER as a notice of proposed rule making (CGD 72-155) on 16 August 1972 (37 FR 16552). Nine letters of protest and no letters of support were received regarding the proposal. The Coast Guard informed the applicant that due to the validity of several of the objections, the original request would not provide for the reasonable need of navigation. The added storm signal provision is already contained in several drawbridge regulations governing other bridges in Florida and should be included in this section.

Interested persons may participate in this proposed rule making by submitting written data, views, or arguments to the Commander (oan), Seventh Coast Guard District, Room 1018, Federal Building, 51 Southwest First Avenue, Miami, FL 33130. Each person submitting comments should include his name and address, identify the bridge, and give reasons for any recommended change in the proposal. Copies of all written communications received will be available for examination by interested persons at the office of the Commander, Seventh Coast Guard District.

The Commander, Seventh Coast Guard District, will forward any comments received before April 3, 1973, with his recommendations to the Chief, Office of Marine Environment and Systems, who will evaluate all communications received and take final action on this proposal. The proposed regulations may be changed in the light of comments received.

In consideration of the foregoing, it is proposed that Part 117 of Title 33 of the Code of Federal Regulations, be amended by adding § 117.438a immediately after § 117.438 to read as follows:

§ 117.438a State Road 60 Bridge, AIWW, Vero Beach, Fla.

(a) Except as provided in paragraph (b) of this section, the draw shall be opened on signal for the passage of vessels.

(b) From 7:45 a.m. to 9 a.m., 12 noon to 1:15 p.m., and 4 p.m. to 5:15 p.m. Monday through Friday, except national holidays, the draw need not open for the passage of vessels. However, the draw shall open at 8:30 a.m., 12:30 p.m., and 4:30 p.m. if any vessels are waiting to pass.

(c) The draw shall open at any time for the passage of public vessels of the United States, State, or local government vessels used for public service, tugs with tows, and vessels in distress. The opening signal from these vessels is four blasts of a whistle or horn or by shouting.

(d) The owner of or agency controlling the bridge shall conspicuously post notice containing the substance of these regulations, both upstream and downstream, on the bridge or elsewhere, in such a manner that they can easily be read at all times from an approaching vessel.

(e) During periods when storm signals are displayed in the Vero Beach area, the draw shall open on signal. Storm signals are displayed upon notification by the National Weather Service that winds of up to 33 knots or more and/or sea conditions considered dangerous to small craft are expected. The opening signal is three blasts of a whistle, horn, or other sound-producing device, or by shouting.

(Sec. 5, 28 Stat. 362, as amended, sec. 6(g)(2), 80 Stat. 937; 33 U.S.C. 499, 49 U.S.C. 1655(g)(2); 49 CFR 1.46(c)(5), 33 CFR 1.05-1(c)(4))

Dated: February 28, 1973.

J. D. MCCANN,
Captain, U.S. Coast Guard, Acting Chief, Office of Marine Environment and Systems.

[FR Doc.73-3914 Filed 3-1-73;8:45 am]

Federal Aviation Administration

[14 CFR Part 71]

[Airspace Docket No. 72-AL-4]

CONTROL ZONE AND TRANSITION AREA

Proposed Alteration

The Federal Aviation Administration is considering amendments to Part 71 of the Federal Aviation Regulations which would alter the Iliamna, Alaska, control zone and transition area.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should identify the docket number and be submitted in triplicate to the Chief, Air Traffic Division, Alaskan Region, Federal Aviation Administration, 632 Sixth Avenue, Anchorage, AK 99501. All communications received on or before April 2, 1973, will be considered before action is taken on the proposed amendments. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Chief, Air Traffic Division. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official docket will be available for examination by interested persons at

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ATOMIC ENERGY COMMISSION

and § 1602.2, *Equal Employment Oppor-*

Subpart I—State and Local Governments

the office of the Regional Counsel, Federal Aviation Administration, 632 Sixth Avenue, Anchorage, AK.

Application of the U.S. Standard for Terminal Instrument Procedures (TERPS) and revised criteria for establishment of terminal controlled airspace require amendments to the Iliamna, Alaska, control zone and transition area. Additionally, refined coordinates of the Airport Reference Point (ARP) are contained in this docket.

In consideration of the foregoing, the Federal Aviation Administration proposes to amend Part 71 of the Federal Aviation Regulations as hereinafter set forth:

1. In § 1.171 (38 FR 451) the Iliamna, Alaska, control zone is amended to read:

ILIAMNA, ALASKA

Within a 5-mile radius of the Iliamna Airport (latitude 59°54'54" W); and within 2.5 miles each side of a bearing 209° from the Iliamna RBN; extending from the 5-mile radius zone to 9.5 miles southwest of the RBN. This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the U.S. Government Flight Information Publication, Supplement Alaska.

2. In § 71.171 (38 FR 506) the Iliamna transition area is amended to read:

ILIAMNA, ALASKA

That airspace extending upward from 700 feet above the surface within an 5-mile radius of the Iliamna Airport (latitude 59° 45'12" N, longitude 154°54'54" W); and within 2.5 miles each side of a bearing 209° from the Iliamna RBN; extending from the RBN to 9.5 miles southwest of the RBN; and that airspace extending upward from 1,200 feet above the surface within 5.5 miles northwest and 9.5 miles southeast of a bearing 029° and 209° of the Iliamna RBN; extending from 7 miles northeast to 18.5 miles southwest of the RBN.

The action proposed herein would alter the Iliamna, Alaska, control zone to comply with new criteria. The proposed 700-foot transition area would provide protected airspace for aircraft conducting instrument operations during those dates and times when the control zone is not effective. The 1,200-foot portion of the transition area would be altered to provide protected airspace under revised criteria for aircraft conducting instrument operations.

These amendments are proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348(a)) and section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Anchorage, Alaska, on February 21, 1973.

QUENTIN S. TAYLOR,
Acting Director, Alaskan Region.

[FR Doc.73-3962 Filed 3-1-73;8:45 am]

[14 CFR Part 71]

[Airspace Docket No. 72-AL-29]

CONTROL ZONE AND TRANSITION AREA

Proposed Designation

The Federal Aviation Administration is considering amendments to Part 71 of the Federal Aviation Regulations which would establish a control zone and transition area at Ketchikan, Alaska.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Chief, Air Traffic Division, Alaskan Region, Federal Aviation Administration, 632 Sixth Avenue, Anchorage, AK 99501. All communications received on or before April 2, 1973, will be considered before action is taken on the proposed amendments. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Chief, Air Traffic Division. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official docket will be available for examination by interested persons at the office of the Regional Counsel, Federal Aviation Administration, 632 Sixth Avenue, Anchorage, AK.

The proposed Ketchikan control zone would be designated to provide controlled airspace protection for Instrument Flight Rule (IFR) traffic using the new Ketchikan Airport to be commissioned on or about June 1, 1973. The control zone would be designated part-time during specific hours based upon the time the Ketchikan Flight Service Station is in operation. This time would also coincide with scheduled IFR operations. The control zone and transition area configuration conforms to the minimum requirement for controlled airspace protection for standard instrument procedures as specified in the U.S. Standard for Terminal Instrument Procedures (TERPS) which criteria are premised on safety.

The proposed terminal airspace required for the Ketchikan Airport would overlie in part, the airspace designated for the area approach based on the Guard Island RBN. For simplification purposes it is proposed to incorporate the Guard Island transition area into the Ketchikan transition area description. Therefore, the current designation of the Guard Island transition area in FAR § 71.181 (38 FR 435) is to be canceled on the date the Ketchikan transition area becomes effective.

In consideration of the foregoing, it is proposed to amend Part 71 of the Federal Aviation Regulations as hereinafter set forth:

1. In § 71.171 (38 FR 351) the Ketchikan, Alaska, control zone is designated to read:

KETCHIKAN, ALASKA

Within a 5-mile radius of the Ketchikan Airport (latitude 55°21'09" N., longitude 131°42'22" W.); and within 2 miles each side of the Ketchikan localizer 316° course, extending from the 5-mile radius zones to 10 miles northwest of the Ketchikan localizer (latitude 55°20'52" N., longitude 131°41'53" W.). This control zone is effective from 0800 to 1700 local time daily or during the specific dates and times established in advance by Notice to Airmen. The effective date and time will thereafter be continuously published in the Flight Information Publication, Supplement Alaska.

2. In § 71.181 (38 FR 435) the Ketchikan, Alaska, transition area is designated to read:

KETCHIKAN, ALASKA

That airspace extending upward from 700 feet above the surface within 4.5 miles northeast and 9.5 miles southwest of the Ketchikan ILS localizer southeast and northwest course, extending from 8.5 miles southeast to 26 miles northwest of the Ketchikan localizer (latitude 55°20'52" N., longitude 131°41'53" W.); and that airspace extending upward from 1,200 feet above the surface within 13 miles northwest and 8.5 miles southeast of the 247° and the 067° bearings from the Guard Island RBN, extending from 11 miles northeast to 24 miles southwest of the RBN; within 7 miles northeast and 17 miles southwest of the 150° and 330° bearing from the Guard Island RBN, extending from 12 miles southeast to 26.5 miles northwest of the RBN, excluding the portion within the Annette Island 700-foot and 1,200-foot floor transition area.

3. In § 71.181 (38 FR 435) the Guard Island, Alaska, transition area is deleted.

These amendments are proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348(a)) and section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Anchorage, Alaska, on February 21, 1973.

QUENTIN S. TAYLOR,
Acting Director, Alaskan Region.

[FR Doc.73-3961 Filed 3-1-73;8:45 am]

[14 CFR Part 71]

[Airspace Docket No. 72-NW-28]

TRANSITION AREA

Withdrawal of Proposed Alteration

On January 19, 1973 a notice of proposed rule making was published in the FEDERAL REGISTER (38 FR 1938) stating that the Federal Aviation Administration was considering an amendment to Part 71 of the Federal Aviation Regulations that would alter the description of the Twin Falls, Idaho transition area. A subsequent review of the airspace requirements at Twin Falls, Idaho disclosed that further revision to the transition area is required. Accordingly, Airspace Docket No. 71-NW-14 is hereby cancelled. The revised proposal for Twin Falls, Idaho transition area will be re-submitted in the near future under another docket number.

Issued in Seattle, Wash., on February 21, 1973.

J. H. TANNER,
Acting Director,
Northwest Region.

[FR Doc.73-3959 Filed 3-1-73;8:45 am]

ATOMIC ENERGY COMMISSION

[10 CFR Parts 50, 70, 73]

LICENSING OF PRODUCTION AND UTILIZATION FACILITIES; SPECIAL NUCLEAR MATERIAL; PHYSICAL PROTECTION OF SPECIAL NUCLEAR MATERIAL

Requirements for Physical Security; Extension of Comment Period

On February 1, 1973, the Atomic Energy Commission published in the FEDERAL REGISTER (38 FR 3073, 3075, 3080, and 3082) proposed amendments to 10 CFR Parts 50, 70, and 73 which would strengthen the Commission's requirements for physical protection of special nuclear materials in nuclear facilities and in transportation and would require measures for the protection of certain nuclear facilities against industrial sabotage. The period for public comment on these approved amendments was specified as ending on March 3, 1973. Requests have been received for extension of the comment period. Considering the complexity of the proposed regulations, the Commission has extended the comment period on the proposed amendments to April 3, 1973. Copies of comments received may be examined in the Commission's Public Document Room, 1717 H Street NW., Washington, DC.

(Sec. 161, 68 Stat. 948; 42 U.S.C. 2201)

Dated this 28th day of February 1973.

For the Atomic Energy Commission.

GORDON M. GRANT,
Acting Secretary
of the Commission.

[FR Doc.73-4195 Filed 3-1-73;10:45 am]

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

[29 CFR Part 1602]

PROPOSED REPORTING AND RECORDKEEPING REGULATIONS FOR STATE AND LOCAL GOVERNMENTS

Notice of Public Hearing on Proposed Regulations

Notice is hereby given pursuant to 44 U.S.C. 1508 and § 1602.3, *Equal Employment Opportunity Commission Procedural Regulations*, 29 CFR 1602.3, that the Equal Employment Opportunity Commission has authorized a public hearing to be held at 10 a.m., March 21, 1973, in the hearing room of the Equal Employment Opportunity Commission, 1800 G Street NW., Washington, DC, Room 1129, for the purpose of considering views regarding proposed reporting and recordkeeping requirements for State and local governments embodied in §§ 1602.30–1602.37 and Report Form EEO–4.[1] The public hearing is held as required by section 709(c), 42 U.S.C. 2000e–8(c), of title VII of the Civil Rights Act of 1964, as amended by the Equal Employment Opportunity Act of 1972, and § 1602.2, *Equal Employment Opportunity Commission Procedural Regulations*, 29 CFR 1602.2.

The Equal Employment Opportunity Act of 1972 extended the Commission's jurisdiction to include the employment practices of State and local governments and political subdivisions thereof with 25 or more employees (as of Mar. 24, 1973, 15 or more employees). The Act prohibits employment discrimination on the basis of race, color, religion, sex, or national origin. Section 709(c) of the Act authorizes the Commission to require employers, employment agencies, and labor organizations to preserve such records and reports as are necessary and appropriate for the enforcement of the Act.

Accordingly, the Commission proposes to amend Title 29, Chapter XIV, Part 1602, of the Code of Federal Regulations to establish report and recordkeeping regulations for State and local governments as set forth below.

All persons who are interested are invited to participate in the public hearing. The procedure governing the hearing is set forth in §§ 1602.4–1602.6, Equal Employment Opportunity Commission Procedural Regulations, 29 CFR 1602.4–1602.6. Each person who wishes to participate should notify, in writing, the Director of Research, Equal Employment Opportunity Commission, Public Hearing—Personal, 1800 G Street NW., Washington, DC 20506, by March 16, 1973. Such notification should include the name, address, and telephone number of the person, agency, or organization wishing to participate, a brief general description of the evidence or argument to be presented, and an estimation of the time which will be required for such purpose. The Commission will notify the person, agency, or organization of the approximate time it will have for presentation and the approximate time during the public hearing at which such presentation may be given. A transcript will be made of the hearing and may be purchased by the public.

Persons planning to participate in this hearing and persons who are unable to attend the hearing or who wish to supplement in any way the presentation given at the hearing may submit pertinent written data, views, and argument to the Director of Research, Equal Employment Opportunity Commission, Proposed Regulation—Personnel, 1800 G Street NW., Washington, DC 20506, no later than March 26, 1973. Each written submission should give the name and address of the person, agency, or organization responsible for it. Copies of all written submissions will be available for examination by interested persons at the Equal Employment Opportunity Commission Library, 1800 G Street NW., Washington, DC, Room 1145, between the hours of 9:30 a.m. to 5 p.m.

It is proposed to amend Part 1602 by adding new Subparts I, J, and K, and by adding new §§ 1602.30, 1602.31, 1602.32, 1602.33, 1602.34, 1602.35, 1602.36, and 1602.37 thereto to read as follows:

[1] The proposed Rept. EEO–4 with instructions are set forth in Appendix I immediately following the proposed regulations.

Subpart I—State and Local Governments Recordkeeping

Sec.
1602.30 Records to be made or kept.
1602.31 Preservation of records made or kept.

Subpart J—State and Local Government Information Report

1602.32 Requirement for filing and preserving copy of report.
1602.33 Penalty for making of willfully false statements on report.
1602.34 Commission's remedy for political jurisdiction's failure to file report.
1602.35 Political jurisdiction's exemption from reporting requirements.
1602.36 Additional reporting requirements.

Subpart K—Records and Inquiries as to Race, Color, National Origin, or Sex

1602.37 Applicability of State or local law.
Appendix I

AUTHORITY: Section 709(c), 78 Stat. 265, 42 U.S.C. 2000e–8(c); 29 CFR 1602.3.

Subpart I—State and Local Governments Recordkeeping

§ 1602.30 Records to be made or kept.

On or before July 30, 1973, and annually thereafter, every political jurisdiction with 15 or more employees is required to make or keep information therefrom which are or would be necessary for the completion of Report EEO–4 under the circumstances set forth in the instructions thereto (set out below), whether or not the political jurisdiction is required to file such report under § 1602.32 of the regulations in this part. The instructions are specifically incorporated herein by reference and have the same force and effect as other sections of this part. Such records and the information therefrom shall be retained at all times for a period of 3 years at the central office of the political jurisdiction and shall be made available if requested by an officer, agent, or employee of the Commission under section 710 of title VII, as amended. It is the responsibility of every political jurisdiction to obtain from the Commission or its delegate necessary instructions in order to comply with this section's requirements.

§ 1602.31 Preservation of records made or kept.

(a) Any personnel or employment record made or kept by a political jurisdiction (including but not necessarily limited to application forms submitted by applicants and other records having to do with hiring, promotion, demotion, transfer, layoff or termination, rates of pay or other terms of compensation, and selection for training or apprenticeship) shall be preserved by the political jurisdiction for a period of 2 years from the date of the making of the record or the personnel action involved, whichever occurs later. In the case of involuntary termination of an employee, the personnel records of the individual terminated shall be kept for a period of 2 years from the date of termination. Where a charge of discrimination has been filed, or an action brought by the Attorney General, against a political jurisdiction under title VII, the respondent political jurisdiction shall preserve all personnel records relevant to the charge or action until

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final disposition of the charge or the action. The term "personnel record relevant to the charge," for example, would include personnel or employment records relating to the person claiming to be aggrieved and to all other employees holding positions similar to that held or sought by the person claiming to be aggrieved; and application forms or test papers completed by an unsuccessful applicant and by all other candidates for the same position as that for which the person claiming to be aggrieved applied and was rejected. The date of "final disposition of the charge or the action" means the date of expiration of the statutory period within which a person claiming to be aggrieved may bring an action in a U.S. district court or, where an action is brought against a political jurisdiction either by a person claiming to be aggrieved or by the Attorney General, the date on which such litigation is terminated.

(b) The requirements of this section shall not apply to application forms and other preemployment records of applicants for positions known to applicants to be of a temporary or seasonal nature.

NOTE: The reporting and/or recordkeeping requirements contained herein have been approved by the Office of Management and Budget in accordance with the Federal Reports Act of 1942.

Subpart J—State and Local Government Information Report

§ 1602.32 Requirement for filing and preserving copy of report.

On or before July 30, 1973, and annually thereafter, certain political jurisdictions subject to title VII of the Civil Rights Act of 1964, as amended, shall file with the Commission or its delegate executed copies of State and Local Government Information Report EEO–4 in conformity with the directions set forth in the form and accompanying instructions. The political jurisdictions covered by this regulation are (a) those which have 100 or more employees, and (b) those other political jurisdictions which have 15 or more employees from whom the Commission requests the filing of reports. Every such political jurisdiction shall retain at all times a copy of the most recently filed EEO–4 at the central office of the political jurisdiction for a period of 3 years and shall make the same available if requested by an officer, agent, or employee of the Commission under the authority of section 710 of title VII, as amended. It is the responsibility of the political jurisdictions above described in this section to obtain from the Commission or its delegate necessary supplies of the form.

§ 1602.33 Penalty for making of willfully false statements on report.

The making of willfully false statements on Report EEO–4 is a violation of the United States Code, title 18, section 1001, and is punishable by fine or imprisonment as set forth therein.

§ 1602.34 Commission's remedy for political jurisdiction's failure to file report.

Any political jurisdiction failing or refusing to file Report EEO–4 when required to do so may be compelled to file by order of a U.S. district court, upon application of the Attorney General.

§ 1602.35 Political jurisdiction's exemption from reporting requirements.

If it is claimed the preparation or filing of the report would create undue hardship, the political jurisdiction may apply to the Commission for an exemption from the requirements set forth in this part by submitting to the Commission or its delegate a specific proposal for an alternative reporting system prior to the date on which the report is due.

§ 1602.36 Additional reporting requirements.

The Commission reserves the right to require reports, other than that designated as the State and Local Government Information Report EEO–4, about the employment practices of individual political jurisdictions or groups of political jurisdictions whenever, in its judgment, special or supplemental reports are necessary to accomplish the purposes of title VII. Any system for the requirement of such reports will be established in accordance with the procedures referred to in section 709(c) of title VII and as otherwise prescribed by law.

Subpart K—Records and Inquiries as to Race, Color, National Origin, or Sex

§ 1602.37 Applicability of State or local law.

The requirements imposed by the Equal Employment Opportunity Commission in these regulations, Subparts I and J, supersede any provisions of State or local law which may conflict with them.

APPENDIX I

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

STATE AND LOCAL GOVERNMENT INFORMATION REPORT EEO–4

Federal law requires that the Equal Employment Opportunity Commission prescribe such records and reports as are necessary or appropriate for the enforcement of title VII of the Civil Rights Act of 1964 as amended by the Equal Employment Opportunity Act of 1972.

Accordingly, this compliance reporting system is being implemented for State and local governments. The applicable law, section 709-(c), title VII, and regulations issued by the Equal Employment Opportunity Commission under that law are reprinted in the Appendix (4).

1. *How to file.* States should file a maximum of 15 separate forms (one for each function) for each SMSA and a maximum of 15 forms for the combined Non-SMSA. Where SMSA's cross State lines, the State is responsible only for the State employment in that SMSA.

Recipients below the State level (county, city, township, special district) should file one form for each function listed on page 1 of the form (if that function is performed), for a maximum of 15 forms.

Where interstate, intercounty, etc., boards agencies, commissions, or other type special district governments exist, the forms should be submitted by the headquarters of the special district.

Blank forms will be sent to a central office for the political jurisdiction. In those jurisdictions where all data are available at a single location, forms may be completed by the central office. Where data are not available centrally, figures should be obtained by the central office from all agencies and aggregated into the proper forms by function. Where this is not possible, a list of agencies and addresses not covered should accompany the forms. In all cases, completed forms for the jurisdiction must be returned in one package.

2. *When to file.* This annual report must be filed with the Equal Employment Opportunity Commission no later than July 30. Employment figures should cover the payroll period which includes June 30. New hire figures will not be reported until 1974 (see instructions).

3. *Where to file.* The completed reports should be forwarded in triplicate to the post office box indicated on the form. All requests for additional report forms should also be directed to this address.

4. *Requests for information and special procedures.* An employer who claims that preparation or the filing of Report EEO–4 would create undue hardships may apply to the Commission for a special reporting procedure. In such cases, the employer should submit in writing an alternative proposal for compiling and reporting information to the Equal Employment Opportunity Commission, 1800 G Street NW., Washington, DC 20506.

Only those special procedures approved in writing by the Commission are authorized. Such authorization remains in effect until notification of cancellation is given.

All requests for information should be sent to the same address.

5. *Recordkeeping requirements.* Although the EEO–4 report requires the combining of agency data to complete the form, separate agency data should be maintained onsite in such form and combining such information as is required in the EEO–4 report form, and should be available upon request to representatives of Federal agencies. Copies of submitted EEO–4 forms should be retained for a period of 3 years.

INSTRUCTIONS

HOW TO PREPARE INFORMATION REPORTS—DEFINITIONS OF TERMS AND CATEGORIES ARE LOCATED IN THE APPENDIX

SECTION I—*Identification.* Indicate the name and central mailing address of governmental jurisdiction if different from address label in top margin.

SEC. II—*Function.* A separate form should be submitted for each function. The data should be aggregated to represent the employment for all agencies performing the particular function. If the data for any agency cannot be supplied, attach a list showing name and address of agencies not included.

SEC. III—*Employment data as of June 30.*

SEC. A—*Full-time employees.* (For detailed explanation of job categories and race/ethnic group identification, see appendix.)

Employment data should include total full-tice employment except for elected and

appointed officials and/or advisers. This exemption does not apply to employees subject to the civil service laws of a State government, governmental agency, or political jurisdiction.

1. *Race/sex data.* Columns A through L should reflect employment by sex for the categories indicated. Every employee must be accounted for in one and only one of the categories. Definitions are included in the appendix (2).

2. *Occupational data.* Employment data should be reported by annual salary within job category. Report each employee in only one job/salary category. In order to simplify and standardize the method of reporting, all jobs are considered as belonging in one of the broad occupations shown in the table. To assist you in determining how to place your jobs within the occupational groups, a description of job categories with examples follows in the appendix (3). The list of examples is in no way exhaustive. *Total line*—Report total employment for this matrix; and column totals.

SEC. B—*Other than full-time employees.* Employment data should cover all employees not included in the full time matrix except for elected and appointed officials and/or advisers. This exemption does not apply to employees subject to the civil service laws of a State government, governmental agency, or political jurisdiction:

Columns A through L should reflect employment by sex for the occupational group indicated. See appendix (2) for examples.

Total line—Report total employment for this matrix and column totals.

SEC. C—*New hires during fiscal year.* NOTE: These data will not be required until the 1974 survey. Records should be kept beginning June 30, 1973. New hire data should reflect all permanent full-time employees hired from July 1, 1973, to June 30, 1974. Data will be reported as above.

Total line—Report total employment for this matrix and column totals.

1. *Definitions applicable to all employers.*

a. "Commission" refers to the Equal Employment Opportunity Commission established under title VII of the Civil Rights Act of 1964.

b. "Employee" means an individual employed by a political jurisdiction, except that the term "employee" shall not include any person elected to public office in any State or political subdivision of any State by the qualified voters thereof, or any person chosen by such officer to be on such officer's personal staff, or an appointee on the policy-making level or an immediate adviser with respect to the exercise of the constitutional or legal powers of the office. The exemption set forth in the preceding sentence shall not include employees subject to the civil service laws of a State government, governmental agency, or political subdivision.

c. "Full-Time Employees"—Persons employed during this pay period to work the number of hours per week that represent regular full-time employment (excluding temporaries and intermittents).

d. "Other than Full-Time Employees"—Persons employed during this pay period on a part-time basis. Include those daily or hourly employees usually engaged for less than the regular full-time workweek temporaries working on a seasonal basis (wheher part time or full time) or hired for the duration of a particular job or operation, and intermittents.

e. "New Hires During Fiscal Year"—Persons both with and without previous experience and transfers who were hired for the first time in this jurisdiction or rehired after a break in service for permanent full-time employment.

2. *Race/Ethnic identification.* An employer may acquire the race/ethnic information necessary for this section either by visual surveys of the work force, or from postemployment records as to the identity of employees. An employee may be included in the minority group to which he or she appears to belong, or is regarded in the community as belonging.

Since visual surveys are permitted, the fact that race ethnic identifications are not present or agency records is not an excuse for failure to provide the data called for.

Moreover, the fact that employees may be located at different addresses does not provide an acceptable reason for failure to comply with the reporting requirements. In such cases, it is recommended that visual surveys be conducted for the employer by persons such as supervisors who are responsible for the work of the employees or to whom the employees report for instructions or otherwise.

Please note that conducting a visual survey and keeping postemployment records of the race or ethnic origin of employees is legal in all jurisdictions and under all Federal and State laws. State laws prohibiting inquiries and recordkeeping as to race, etc., relate only to applicants for jobs, not to employees.

The concept of race as used by the Equal Employment Opportunity Commission does not denote clearcut scientific definitions of anthropological origins. For the purposes of this report, an employee may be included in the group to which he or she appears to belong, identifies with, or is regarded in the community as belonging. However, no person should be counted in more than one race/ethnic category. NOTE: The category "Spanish Surnamed," while not a race identification, is included as a separate ethnic category because of the employment discrimination often encountered by this group; for this reason do not include Spanish Surnamed under either "white" or "black".

The category "White" should include persons of Indo-European descent, including Pakistani and East Indian.

The category "Black" should include persons of African descent as well as those identified as Jamaician; Trinidadian, and West Indian.

The category "Spanish Surnamed" should include all persons of Mexican, Puerto Rican, Cuban, Latin American or Spanish descent. The category "American Indian" should include persons who identify themselves or are known as such by virtue of tribal association.

The category "Asian American" should include persons of Japanese, Chinese, Korean, or Filipino descent.

The category "Other" should include Aleuts, Eskimos, Malayans, Thais, and others not covered by the specific categories on the form.

3. Description of job categories—a. *Officials and administrators.* Occupations in which employees set broad policies, exercise overall responsibility for execution of these policies, or direct individual departments or special phases of the agency's operations, or provide specialized consultation on a regional, district, or area basis. Includes: department heads, bureau chiefs, division chiefs, directors, deputy directors, controllers, assessors, inspectors, examiners, wardens, superintendents, unit supervisors, and kindred workers.

b. *Professionals.* Occupations which require specialized and theoretical knowledge which is usually acquired through college training or through work experience and other training which provides comparable knowledge. Includes: Personnel and labor relations workers, social workers, doctors, psychologists, registered nurses, economists, dieticians, lawyers, system analysts, accountants, engineers, employment and vocational rehabilitation counselors, teachers, or instructors, and kindred workers.

c. *Technicians.* Occupations which require a combination of basic scientific or technical knowledge and manual skill which can be obtained through specialized postsecondary school education or through equivalent on-the-job training. Includes: Computer programers and operators, draftsmen, surveyors, licensed practical nurses, photographers, radio operators, technical illustrators, highway technicians, technicians (medical, dental, electronic, physical sciences) and kindred workers.

d. *Protective service workers.* Occupations in which workers are entrusted with public safety, security, and protection from destructive forces. Includes: Police officers, firefighters, guards, sheriffs, bailiffs, correctional officers, detectives, marshals, harbor patrol officers, and kindred workers.

e. *Paraprofessionals.* Occupations in which workers perform some of the duties of a professional or technician in a supportive role, which usually require less formal training and/or experience normally required for professional or technical status. Such positions may fall within an identified pattern of staff development and promotion under a "New Careers" concept. Includes: Library assistants, research assistants, medical aides, child support workers, police auxiliary, welfare service aides, recreation assistants, homemaker aides, home health aides, and kindred workers.

f. *Office and clerical.* Occupations in which workers are responsible for internal and external communications, recording and retrieval of data and/or information and other paperwork required in an office. Includes: Bookkeepers, messengers, office machine operators, clerk-typists, stenographers, court transcribers, hearings reporters, statistical clerks, dispatchers, license distributors, payroll clerks, and kindred workers.

g. *Skilled craft workers.* Occupations in which workers perform jobs which require special manual skill and a thorough and comprehensive knowledge of the processes involved in the work which is acquired through on-the-job training and experience or through apprenticeship or other formal training programs. Includes: mechanics and repairmen, electricians, heavy equipment operators, stationary engineers, skilled machining occupations, carpenters, compositors and typesetters, and kindred workers.

h. *Service/maintenance.* Occupations in which workers perform duties which result in or contribute to the comfort, convenience, hygiene, or safety of the general public or which contribute to the upkeep and care of buildings, facilities, or grounds of public property. Workers in this group may operate machinery. Includes: Chauffeurs, laundry and dry cleaning operatives, truck drivers, bus drivers, garage laborers, custodial personnel, gardeners and groundskeepers, refuse collectors, construction laborers, and kindred workers.

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EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

STATE AND LOCAL GOVERNMENT INFORMATION (EEO-4)

EXCLUDE SCHOOL SYSTEMS AND EDUCATIONAL INSTITUTIONS

(Read attached instructions prior to completing this form)

FORM APPROVED

MAIL COMPLETED FORM TO:

TYPE OF GOVERNMENT *(Check one box only)*

☐ 1. STATE ☐ 2. COUNTY ☐ 3. MUNICIPALITY ☐ 4. TOWNSHIP ☐ 5. SPECIAL DISTRICT

OTHER *(Specify)* _____

I. IDENTIFICATION — EEOC USE ONLY

A. NAME OF POLITICAL JURISDICTION *(If same as addressee, skip to Item B)* — A.

B. ADDRESS — B.

NUMBER AND STREET	CITY/TOWN	COUNTY	STATE/ZIP CODE

II. FUNCTION

(Check one box to indicate the function for which this form is being submitted. Data should be reported for all departments and agencies in your government covered by the function indicated. If you cannot supply the data for every agency within the function, please attach a list showing name and address of agencies whose data are not included.)

- ☐ A. FINANCIAL ADMINISTRATION—Tax assessing, tax billing and collection, budgeting, purchasing, central accounting and similar financial administration carried on by a treasurer's, auditor's or comptroller's office and
  GENERAL CONTROL—Duties usually performed by boards of supervisors or commissioners; central administrative offices and agencies; central personnel or planning agencies; all judicial offices and employees (judges, magistrates, bailiffs, etc.)
- ☐ B. STREETS AND HIGHWAYS—Maintenance, repair, construction and administration of streets, alleys, sidewalks, roads, highways and bridges
- ☐ C. PUBLIC WELFARE—Maintenance of homes and other institutions for the needy; administration of public assistance. (Hospitals and sanitoriums should be reported as item G.)
- ☐ D. POLICE PROTECTION—Duties of a police department, sheriff's constable's, coroner's office, etc., including technical and clerical employees engaged in police activities.
- ☐ E. FIRE PROTECTION—Duties of the uniformed fire force and clerical employees. (Report any forest fire protection activities as item F.)
- ☐ F. NATURAL RESOURCES—Agriculture, forestry, forest fire protection, irrigation, drainage, flood control, etc., and
  PARKS AND RECREATION—Provision, maintenance and operation of parks, playgrounds, swimming pools, auditoriums, museums, marinas, zoo, etc.
- ☐ G. HOSPITALS AND SANITORIUMS—Operation and maintenance of institutions for in-patient medical care.
- ☐ H. HEALTH—Provision of public health services, out-patient clinics, visiting nurses, food and sanitary inspections, mental health, etc.
- ☐ I. HOUSING—Code enforcement, low rent public housing, fair housing ordinance enforcement, housing for elderly, housing rehabilitation, rent control.
- ☐ J. COMMUNITY DEVELOPMENT—Planning, zoning, land development, open space, beautification, preservation.
- ☐ K. CORRECTIONS—Jails, reformatories, detention homes, and probation activities.
- ☐ L. UTILITIES AND TRANSPORTATION—Includes water supply, electric power, transit, gas, airports, water transportation and terminals.
- ☐ M. SANITATION AND SEWAGE—Street cleaning, garbage and refuse collection and disposal. Provision, maintenance and operation of sanitary and storm sewer systems and sewage disposal plants.
- ☐ N. EMPLOYMENT SECURITY
- ☐ O. OTHER *(Specify)*

III. EMPLOYMENT DATA AS OF JUNE 30

(Do not include elected/appointed officials. Blank spaces will be counted as zero)

A. FULL TIME EMPLOYEES *(Temporary employees not included)*

JOB CATEGORY	ANNUAL SALARY	MALE						FEMALE					
		WHITE (a)	BLACK (b)	SPANISH SURNAMED AMER. (c)	ASIAN AMER. (d)	AMER. INDIAN (e)	OTHER (f)	WHITE (g)	BLACK (h)	SPANISH SURNAMED AMER. (i)	ASIAN AMER. (j)	AMER. INDIAN (k)	OTHER (l)
OFFICIALS/ ADMIN-ISTRATORS	1. $3,999 OR LESS												
	2. $4,000 -6,999												
	3. $7,000 -9,999												
	4. $10,000 -12,499												

JOB CATEGORY	ANNUAL SALARY	
OFFICIALS/ ADMIN-ISTRATORS (CONT.)	5. $12,500 -14,999	
	6. $15,000 -24,999	
	7. $25,000 PLUS	
PRO-FESSIONALS	8. $ 3,999 OR LESS	
	9. $ 4,000 -6,999	
	10. $ 7,000 -9,999	
	11. $10,000 -12,449	
	12. $12,500 -14,999	
	13. $15,000 -24,999	
	14. $25,000 PLUS	
TECH-NICIANS	15. $ 3,999 OR LESS	
	16. $ 4,000 -6,999	
	17. $ 7,000 -9,999	
	18. $10,000 -12,499	
	19. $12,500 -14,999	
	20. $15,000 -24,999	
	21. $25,000 PLUS	
PROTECTIVE SERVICE	22. $ 3,999 OR LESS	
	23. $ 4,000 6,999	
	24. $ 7,000 9,999	
	25. $10,000 -12,499	
	26. $12,500 -14,999	
	27. $15,000 -24,999	
	28. $25,000 PLUS	
PARA-PRO-FESSIONALS	29. $ 3,999 OR LESS	
	30. $ 4,000 -6,999	
	31. $ 7,000 -9,999	
	32. $10,000 -12,499	
	33. $12,500 -14,999	
	34. $15,000 -24,999	
	35. $25,000 PLUS	

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JOB CATEGORIES	ANNUAL SALARY	A. FULL TIME EMPLOYEES (Temporary employees not included)											
		MALE						FEMALE					
		WHITE	BLACK	SPANISH SURNAMED AMER.	ASIAN AMER.	INDIAN AMER.	OTHER	WHITE	BLACK	SPANISH SURNAMED AMER.	ASIAN AMER.	INDIAN AMER.	OTHER
OFFICE/ CLERICAL	38. $ 3,999 OR LESS												
	39. $ 4,000 -6,999												
	40. $ 7,000 -9,999												
	41. $10,000 -12,499												
	42. $12,500 -14,999												
	43. $15,000 -24,999												
	44. $25,000 PLUS												
SKILLED CRAFT	45. $ 3,999 OR LESS												
	46. $ 4,000 -6,999												
	47. $ 7,000 9,999												
	48. $10,000 -12,499												
	49. $12,500 -14,999												
	50. $15,000 -24,999												
	51. $25,000 PLUS												
SERVICE/ MAIN-TENANCE	52. $ 3,999 OR LESS												
	53. $ 4,000 -6,999												
	54. $ 7,000 9,999												
	55. $10,000 -12,499												
	56. $12,500 -14,999												
	57. $15,000 -24,999												
	58. $25,000 PLUS												
TOTAL FULLTIME	COLUMN TOTALS →												

B. OTHER THAN FULL-TIME EMPLOYEES (Includes temporary employees)

1. OFFICIALS/ADMINISTRATORS													
2. PROFESSIONALS													
3. TECHNICIANS													
4. PROTECTIVE SERVICES													
5. PARA PROFESSIONALS													

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6. OFFICE/CLERICAL													
7. SKILLED CRAFT													
8. SERVICE MAINTENANCE													
TOTAL OTHER	COLUMN TOTALS →												

C. NEW HIRES DURING FISCAL YEAR

1. OFFICIALS/ADMINISTRATORS													
2. PROFESSIONALS													
3. TECHNICIANS													
4. PROTECTIVE SERVICES													
5. PARA PROFESSIONALS													
6. OFFICE/CLERICAL													
7. SKILLED CRAFT													
8. SERVICE MAINTENANCE													
TOTAL NEW HIRES	COLUMN TOTALS →												

REMARKS

CERTIFICATION. *I certify that the information given in this report is correct and true to the best of my knowledge and was prepared in accordance with accompanying instructions (Willfully false statements on this report are punishable by law, U. S. Code, Title 18, Section 1001.)*

NAME OF PERSON TO CONTACT REGARDING THIS FORM	TITLE
ADDRESS (Number and street, city, state and zip code)	TELEPHONE NO. (Give area code)
DATE / TYPED NAME/TITLE OF AUTHORIZED OFFICIAL	SIGNATURE

EEOC FORM X3 (TEST) Page 4

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Signed at Washington, D.C., this 26th day of February 1973.

WILLIAM H. BROWN III,
Chairman.

[FR Doc.73-3931 Filed 3-1-73;8:45 am]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 73]

[Docket No. 19692; FCC 73-210]

ANTENNA MONITORS IN STANDARD BROADCAST STATIONS WITH DIRECTIONAL ANTENNAS

Standards for Design and Installation of Sampling Systems; Inquiry

In the matter of amendment of Part 73 of the Commission's rules and regulations to establish standards for the design and installation of sampling systems for antenna monitors in standard broadcast stations with directional antennas, Docket No. 19692.

1. The antenna monitor is an instrument utilized to provide indications for the radio operator of the relative phases and amplitudes of the currents in the elements of a directional array of a standard broadcast station. Such a monitor can furnish much of the information necessary to insure the proper maintenance of the station's radiation pattern, which is essential if interference to other stations is to be minimized.

2. On January 10, 1973, the Commission adopted a Report and Order in Docket 18471, which amended our rules and regulations to establish a procedure for the type approval of antenna monitors, and a schedule for their installation by all standard broadcast stations utilizing directional antennas. The implementation of these rules will result in the eventual substitution of accurate, stable, and easily manipulated monitors, for present equipment, much of which is obsolete, comparatively complicated to operate (a problem which assumes greater proportions, now that we permit lesser grade duty operators at stations with directional antennas), and of doubtful accuracy and stability. Furthermore, the type approved monitors will be adaptable for remote indication and control, and thus can be utilized to provide phase indications at a remote control point. If a monitor is used in this manner, rule amendments adopted pursuant to Docket 18455 will permit a substantial lessening of transmitter inspection requirements for remotely controlled stations with directional antennas.

3. While we have thus provided for improved instrumentation in the station, a further step would appear to be necessary if the potentialities of modern antenna monitors are fully to be realized. The signals which activate the monitor are samples of the currents flowing in the array towers. These samples are obtained with coupling elements, usually mounted on the individual towers, and delivered from each tower to the monitor, which is located in the transmitter house, by transmission lines (usually coaxial cable). Each line may be several hundred feet in length. If the monitor is to be relied on to provide accurate and stable indications of relative phase and amplitude, it is essential that the sampling system be so designed that errors in indication which can easily result from inadequacies in the system will be minimized.

4. Many of those who filed comments in Docket 18471, particularly consulting engineers and the technical personnel of broadcast stations, emphasized this last point, and contended, furthermore, that the sampling systems presently employed in many stations are clearly of poor design, or have deteriorated through lack of adequate maintenance. Such systems may be expected to introduce large and variable errors in monitor indications with changes in temperature, wind velocity, humidity, and other factors. A number of the parties urged that the Commission establish at least minimum standards for the installation and maintenance of sampling systems, and provided useful information upon which such standards might be based.

5. We believe that the problem raised is one which should be explored in considerable depth. We propose to do this in the instant proceeding. As a point of departure, in the appendix to this document we have set forth for comment proposed standards for sampling system design and installation. In formulating this proposal, we have drawn extensively on the information and suggestions submitted in Docket 18471, selecting those specifications which appeared to be of basic importance. We emphasize that our aim is to establish only minimum and essential requirements for a properly designed sampling system, and to avoid the imposition of unnecessary restriction on the prerogatives of the engineer who designs the system, or undue burdens on the station licensee.

6. We invite the fullest discussion of all aspects of this matter. A number of questions immediately present themselves—for instance, if temperature stabilized cable is specified to what extent, if any, may the requirement for lines of equal length be modified? Have we specified the physical design and the placement of the coupling loops so rigidly as to preclude orientation to minimize the effects of adjacent tower fields, or so that adjustments of the relative degree of coupling of each loop to its tower, to present a signal to the monitor within the range of amplitudes necessary for proper performance of the monitor, is unduly restricted? Should we preclude the use of rotatable and/or shielded loops in all instances? Should tower-mounted loops be required, even for towers which are less than a quarter wavelength in height? Would the performance of the system be improved should we require an impedance match at the input end of each transmission line? Undoubtedly, engineers and technicians who have had extensive experience with the installation, maintenance and use of such sampling systems will have informed opinions on these points, and on other pertinent and important factors. Where test data is available to support a particular point of view, its submission would be welcomed.

7. In addition to information as to the basic design of such systems we desire suggestions as to a comparatively simple and practical test procedure which might be employed periodically, perhaps at the time of the equipment performance measurements pursuant to § 73.47, to ascertian that no deterioration has occurred in the sampling system.

8. Should we adopt appropriate rules in this matter, it obviously would be desirable that they become applicable on the same schedule we have specified in § 73.67 for the installation of type approved antenna monitors, if this can reasonably be accomplished. Whether this would be possible depends upon the time frame within which this proceeding may be concluded. In any case, we foresee instances where a waiver or partial waiver of any requirements we set up may appear appropriate—as, for instance, with respect to recently installed or renovated sampling systems which are generally adequate in design, but may not meet all of the requirements which are established.

9. If it appears from the study of all comments, reply comments and information submitted in response to this notice that rules should be established in this matter, and there is a reasonable consensus as to the content of such rules, we may adopt an appropriate Report and Order without other proceedings. Otherwise, a further notice will be issued before final action is taken.

10. The effort initiated in this proceeding to formulate sampling system standards may be viewed as an action at variance with the Commission's avowed purpose, as expressed in its public notice of April 6, 1972, of simplifying, and, where possible relaxing the regulations governing the broadcasting services. In the long run, we believe, we are here aiming toward that end. For instance the general use by stations with directional antennas of stable and accurate antenna monitoring systems should substantially reduce the incidence of out-of-adjustment antennas, whose re-adjustment is a source of considerable trouble and expense to many licensees, and may make feasible the relaxation of certain existing operating requirements. Thus, monitoring point measurements may be required at less frequent intervals, and it may be possible to rely completely on antenna monitor indications for the maintenance of proper antenna current ratios, with the consequent elimination of the requirement for frequent base current observations.

11. We invite comments and reply comments on the standards set forth below and on other matters discussed herein.

12. Authority for the adoption of amendments of the rules of the nature proposed is contained in sections 4 (i) and (j) and 303 of the Communications Act of 1934, as amended.

13. Pursuant to applicable procedures set forth in § 1.415 of the Commission's rules, interested persons may file comments on or before May 7, 1973, and reply comments on or before May 21, 1973. All relevant and timely comments and reply comments will be considered by the Commission before final action is taken in this proceeding. In reaching its decision in this proceeding, the Commission may also take into account other relevant information before it, in addition to the specific comments invited by this notice.

14. In accordance with the provisions of § 1.419 of the rules, an original and 14 copies of all comments, reply comments, pleadings, briefs and other documents shall be furnished the Commission. Copies of all pleadings filed in this proceeding are available for public inspection in the Public Reference Room at the Commission's headquarters in Washington, D.C. (1919 M St., NW.).

Adopted: February 21, 1973.

Released: February 26, 1973.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

1. Sampling lines:

a. All sampling lines shall be of equal total lengths with equal portions of the lines subject to the same environmental conditions.

b. All sampling lines shall have solid outer conductors with air/polyethylene dielectric so proportioned as to produce a minimum phase temperature coefficient.

c. All sampling lines shall have identical electrical characteristics.

d. Those portions of sampling lines between the towers and the transmitter house preferably should be buried. If run above ground, the lines shall be rigidly supported and positioned. Outer conductors shall be grounded at points necessary to insure that fields from the array will not induce error currents in the lines.

2. Sampling elements:

a. Sampling elements shall be single turn, untuned, unshielded loops of rigid construction, with ample gaps at the terminals, solidly supported by nonhygroscopic insulators.

b. Each sampling loop shall be oriented with the plane of the loop including the vertical centerline of the tower, and shall be rigidly mounted on the tower in this orientation. The center conductor of the transmission line shall be connected to the side of the loop nearest the tower.

c. All loops shall be of the same size and shape and of identical construction, and shall be located at the same height on each tower (if the towers are of equal height) at a point close to the current maximum in the tower, but in no case less than 10 feet above ground level.

d. For a tower of less than one-fourth wavelength in height, current samples may be obtained from the transmission line, as close to the base of the tower as possible, by a current transformer or other coupling element.

[FR Doc.73-4008 Filed 3-1-73;8:45 am]

SELECTIVE SERVICE SYSTEM

[32 CFR Parts 1604, 1613]

REGISTRATION PROCEDURES

Disqualification and Jurisdiction

Pursuant to the Military Selective Service Act, as amended (50 U.S. Code App., sections 451 et seq) and § 1604.1 of Selective Service Regulations (32 CFR 1604.1), the Director of Selective Service hereby gives public notice that consideration is being given to the following proposed amendments to the Selective Service Regulations constituting a portion of Chapter XVI of the Code of Federal Regulations. These Regulations implement the Military Selective Service Act, as amended (50 U.S. Code App., sections 451 et seq.).

All persons who desire to submit views to the Director on the proposals should prepare them in writing and forward them to the General Counsel, National Headquarters, Selective Service System, 1724 F Street NW., Washington, DC, 20435. Comments received on or before April 2, 1973, will be considered.

The proposed amendments follow:

PART 1604—SELECTIVE SERVICE OFFICERS

Section 1604.25 is amended to read as follows:

§ 1604.25 Disqualification.

(a) No appeal board shall act on the case of a registrant who is a member or the first cousin or closer relation, either by blood, marriage, or adoption, or who is an employer, employee, or fellow employee, or stands in the relationship of superior or subordinate in connection with any employment, or is a partner or close business associate of a member or employee of the appeal board.

(b) A member of a local board may disqualify himself in any matter in which he would be restricted in making an impartial decision by his family, business, or social relationship with the registrant or any member of the registrant's family.

(c) Whenever because of the provisions of paragraph (a) of this section or action taken pursuant to paragraph (b) of this section, an appeal board cannot act on the case of a registrant, and there is no panel of the appeal board to which the case may be transferred, the appeal board shall transmit such case to the State Director of Selective Service for transfer to another appeal board.

Section 1604.55 is amended to read as follows:

§ 1604.55 Disqualification.

(a) No local board shall act on the case of a registrant who is a member or the first cousin or closer relation, either by blood, marriage, or adoption, or who is a fellow employee or employer, or stands in the relation of superior or subordinate in connection with any employment, or is a partner or close business associate of a member or employee of the board.

(b) A member of a local board may disqualify himself in any matter in which he would be restricted in making an impartial decision by his family, business or social relationship with the registrant or any member of the registrant's family.

(c) Whenever because of the provisions of paragraph (a) of this section or action taken pursuant to paragraph (b) of this section, a local board cannot act on the case of a registrant, the local board shall request the State Director of Selective Service to designate another local board to which the registrant shall be transferred for action on his case.

PART 1613—REGISTRATION PROCEDURES

Section 1613.2 *Local board of jurisdiction*, is amended to read as follows:

§ 1613.2 Local board of jurisdiction.

The local board having jurisdiction over the place of residence of the registrant entered on the Registration Card (SSS Form 1) at the time of initial registration shall always have jurisdiction over the registrant, unless otherwise directed by the Director of Selective Service.

BYRON V. PEPITONE,
Acting Director.

FEBRUARY 26, 1973.

[FR Doc.73-3969 Filed 3-1-73;8:45 am]

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Notices

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

LAKE STATES PROJECT OFFICE

Notice of Change of Address

The Lake States Project Office, Bureau of Land Management, 405 East Superior Street, Duluth, MN 55802, will move to the Federal Building, 515 West First Street. The Project Office will be open for business on February 21, 1973, in its new headquarters. The mailing address will be 125 Federal Building, Duluth, MN 55802.

Approved:

EDWIN ZAIDLICZ,
State Director.

[FR Doc.73-3948 Filed 3-1-73;8:45 am]

SIMULTANEOUS OIL AND GAS LEASE FILINGS

Revised Drawing Entry Card Required

FR Doc. 73-1116 published at 38 FR 1750 provided for the use of a revised drawing entry card (Form 3112-1) for simultaneous oil and gas lease filings beginning March 19, 1973. In view of the printing and distribution problems which have developed participants may use either the new revised entry card or the old blue card (Form 3120-20) for the March filings. The Blue card may not be used after the March 19, 1973, filings.

GEORGE L. TURCOTT,
Associate Director.

MARCH 1, 1973.

[FR Doc.73-4154 Filed 3-1-73;9:20 am]

DEPARTMENT OF AGRICULTURE

Soil Conservation Service

BAKER LAKE WATERSHED PROJECT, MONT.

Availability of Draft Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Soil Conservation Service, U.S. Department of Agriculture, has prepared a draft environmental statement for the Baker Lake Watershed Project, Fallon County, Mont., USDA-SCS-ES-WS-(ADM)-73-30(D).

The environmental statement concerns a plan for watershed protection and flood prevention. The planned works of improvement include conservation land treatment and a floodwater retarding structure.

This draft environmental statement was transmitted to CEQ on February 23, 1973.

Copies are available during regular working hours at the following locations:

Soil Conservation Service, USDA, South Agriculture Building, Room 5227, 14th and Independence Avenue SW., Washington, D.C. 20250.

Soil Conservation Service, USDA, Room 474, Federal Building, Bozeman, Mont. 59715.

Copies are also available from the National Technical Information Service, U.S. Department of Commerce, Springfield, Va. 22151. Please use name and number of statement above when ordering. The estimated cost is $3.50.

Copies of the draft environmental statement have been sent for comment to various Federal, State, and local agencies as outlined in the Council on Environmental Quality Guidelines. Comments are also invited from others having knowledge of or special expertise on environmental impacts.

Comments concerning the proposed action or requests for additional information should be addressed to A. B. Linford, State Conservationist, Soil Conservation Service, Post Office Box 970, Bozeman, MT 59715.

Comments must be received within 60 days of the date the statement was transmitted to CEQ in order to be considered in the preparation of the final environmental statement.

Dated: February 26, 1973.

WILLIAM B. DAVEY,
Deputy Administrator for Watersheds, Soil Conservation Service.

[FR Doc.73-4025 Filed 3-1-73;8:45 am]

DEPARTMENT OF COMMERCE

Maritime Administration

[Docket No. S-330]

RYE MARINE CORP.

Notice of Application

Notice is hereby given that application has been filed under the Merchant Marine Act, 1936, as amended, for operating-differential subsidy with respect to bulk cargo carrying service in the U.S. foreign trade, principally between the United States and the Union of Soviet Socialist Republics, to expire on June 30, 1973 (unless extended only for subsidized voyages in progress on that date). Inasmuch as the below-listed applicant, and/or related persons or firms, employ ships in the domestic intercoastal or coastwise service, written permission of the Maritime Administration under section 805(a) of the Merchant Marine Act, 1936, as amended, will be required for each such applicant if its application for operating-differential subsidy is granted.

The following applicant has requested permission involving the domestic intercoastal or coastwise services described below:

Name of applicant. Rye Marine Corp.

Description of domestic service and vessels. The applicant, Rye Marine Corp., owns the tanker *Thetis*, and has requested written permission for Rye Marine Corp. and affiliated companies to engage in the domestic service as well as the right to move any vessel from one domestic trade to another, and/or from a foreign trade(s) to a domestic trade(s).

Written permission is now required by Rye Marine Corp., notwithstanding that a voyage in the proposed service for which subsidy is sought would not be eligible for subsidy if the vessel carried domestic commerce of the United States on that voyage.

Interested parties may inspect this application in the Office of The Secretary, Maritime Administration, Department of Commerce Building, 14th and E Streets NW., Washington, D.C. 20235.

Any person, firm, or corporation having any interest (within the meaning of section 805(a)) in any application and desiring to be heard on issues pertinent to section 805(a) or desiring to submit comments or views concerning the application must, by close of business on March 13, 1973, file same with the Maritime Administration, in writing, in triplicate, together with petition for leave to intervene which shall state clearly and concisely the grounds of interest, and the alleged facts relied on for relief.

If no petitions for leave to intervene are received within the specified time or if it is determined that petitions filed do not demonstrate sufficient interest to warrant a hearing, the Maritime Administration will take such action as may be deemed appropriate.

In the event petitions regarding the relevant section 805(a) issues are received from parties with standing to be heard, a hearing has been tentatively scheduled for March 19, 1973, in Room 4898, Department of Commerce Building, 14th and E Streets NW., Washington, D.C. 20235. The purpose of the hearing will be to receive evidence under section 805(a) relative to whether the proposed operation (a) could result in unfair competition to any person, firm, or corporation operating exclusively in the coastwise or intercoastal services, or (b) would be prejudicial to the objects and policy of the Act.

By order of the Maritime Administration.

Dated: February 27, 1973.

AARON SILVERMAN,
Assistant Secretary.

[FR Doc.73-4035 Filed 3-1-73;8:45 am]

[Docket No. S-331]

RYE MARINE CORP.

Notice of Application

Notice is hereby given that Rye Marine Corp., has filed an application for an operating-differential subsidy contract to carry bulk cargoes to expire on June 30, 1973 (unless extended only for a subsidized voyage in progress on that date). The bulk cargo carrying vessel proposed to be subsidized, and the trade in which it proposes to engage is presented below:

Applicant's name and address	Type of ship	Name of ship
Rye Marine Corp., One World Trade Center, Suite 3923, New York, N.Y. 10048.	Tanker....	S/T Thetis.

The application may be inspected in the Office of the Secretary, Maritime Subsidy Board, Maritime Administration, U.S. Department of Commerce, Washington, D.C., during regular working hours.

The vessel is to engage in the carriage of export bulk raw and processed agricultural commodities in the foreign commerce of the United States (U.S.) from ports in the United States to ports in the Union of Soviet Socialist Republics (U.S.S.R.), or other permissible ports of discharge. Liquid and dry bulk cargoes may be carried from U.S.S.R. and other foreign ports inbound to U.S. ports during voyages subsidized for carriage of export bulk raw and processed agricultural commodities to the U.S.S.R.

Full details concerning the U.S.-U.S.S.R. export bulk raw and processed agricultural commodities subsidy program, including terms, conditions, and restrictions upon both the subsidized operators and vessels, appear in the regulations published in the FEDERAL REGISTER on November 16, 1972 (37 FR 24349).

For purposes of section 605(c), Merchant Marine Act, 1936, as amended (Act), it should be assumed that the ST *Thetis* will engage in the trades described on a full-time basis through June 30, 1973 (with extension to termination of any approved subsidized voyage in progress on that date). Each voyage must be approved for subsidy before commencement of the voyage. The Maritime Subsidy Board (Board) will act on each request for a subsidized voyage as an administrative matter under the terms of the operating-differential subsidy contract for which there is no requirement for further notices under section 605(c) of the Act.

Any person having an interest in the granting of such application and who would contest a finding of the Board that the service now provided by vessels of U.S. registry for the carriage of cargoes as previously specified is inadequate, must, on or before March 13, 1973, notify the Board's Secretary, in writing, of his interest and of his position, and file a petition for leave to intervene in accordance with the Board's rules of practice and procedure (46 CFR Part 201). Each such statement of interest and petition to intervene shall state whether a hearing is requested under section 605(c) of the Act and with as much specificity as possible the facts that the intervenor would undertake to prove at such hearing.

In the event a hearing under section 605(c) of the Act is ordered to be held with respect to the application, the purpose of such hearing will be to receive evidence relevant to (1) whether the application hereinabove described is one with respect to the vessel to be operated in an essential service, served by citizens of the U.S. which would be in addition to the existing service, or services, and if so, whether the service already provided by vessels of U.S. registry is inadequate and (2) whether in the accomplishment of the purposes and policy of the Act an additional vessel should be operate thereon.

If no request for hearing and petition for leave to intervene is received within the specified time, or if the Board determines that petitions for leave to intervene filed within the specified time do not demonstrate sufficient interest to warrant a hearing, the Board will take such action as may be deemed appropriate.

Dated: February 27, 1973.

By order of the Maritime Subsidy Board.

AARON SILVERMAN,
Assistant Secretary.

[FR Doc.73-4036 Filed 3-1-73;8:45 am]

[Supplement 2]

U.S.S.R.-FLAG VESSELS ARRIVING AT CUBAN AND NORTH VIETNAM PORTS

Supplement to List

The Maritime Administration is making available Supplement No. 2 to the "List of U.S.S.R.-Flag Vessels Arriving at Cuban and North Vietnam Ports," as published in the FEDERAL REGISTER (38 FR 3417) to all interested parties, in keeping with the provisions of a memorandum on U.S. port procedures and other matters (referred to in a letter dated October 14, 1972, from the Secretary of Commerce to the Minister of Merchant Marine of the Union of Soviet Socialist Republics, in connection with the agreement signed that same date between the Government of the United States and the Government of the Union of Soviet Socialist Republics concerning certain maritime matters). This supplement includes new vessels arriving in Cuban ports through December 1972, certain additional vessels not previously included and some new name translations of vessels previously included.

Supplement No. 2 to the "List of U.S.S.R.-Flag Vessels Arriving at Cuban and North Vietnam Ports" during the periods specified by types of vessels: (1) Freighters, (2) tankers, (3) refrigerated, (4) bulk carrier, (5) combination passenger and cargo, (6) ore carrier, (7) LPG tankers, (8) colliers, and (9) timber carriers.

Name of vessel*	Gross Tonnage	Areas called (a) Cuba 1963—December 1972	Areas called (b) North Vietnam 1966—May 11, 1972
1. FREIGHTERS			
Akademik Yangel/or Akademik Jangel.[1]	9,547	×	
Enteples/or Enbedle.[1]	4,896	×	
George Dimitrov/or Georgiy Dimitrov.[1]	10,380	×	
Valentin Khulorsky/or Valentin Khutorskoy/or Valentin Khutorsky.[2]	9,500	×	
Yakov Alksnis or Jakov Alksnis.[2]	5,353	×	
2. TANKERS			
Auskelis[1]	3,670	×	
Nikolay Baratashvili[1]	15,551	×	
Pyat. Pobeda/or Proletarskaya Pobeda.[1]	14,163	×	

*The several spellings for the same vessel is caused by problems of translation.
[1] New vessels arriving Cuba November through December 1972.
[2] New translations.

By order of the Deputy Assistant Secretary for Maritime Affairs.

Dated: February 26, 1973.

JAMES S. DAWSON, JR.,
Secretary.

[FR Doc.73-3932 Filed 3-1-73;8:45 am]

National Oceanic and Atmospheric Administration

[Docket No. B-555]

CHARLES W. CARPENTER

Notice of Loan Application

FEBRUARY 26, 1973.

Charles W. Carpenter, 9 Earles Court Road, Narragansett, R.I. 02882, has applied for a loan from the Fisheries Loan Fund to aid in financing the purchase of a used wood vessel, about 49.6 feet in length, to engage in fishery for lobsters.

Notice is hereby given, pursuant to the provisions of 16 U.S.C. 742c, Fisheries Loan Fund Procedures (50 CFR Part 250, as revised), and Reorganization Plan No. 4 of 1970, that the above-entitled application is being considered by the National Marine Fisheries Service, National Oceanic and Atmospheric Administration, Department of Commerce, Washington, D.C. 20235. Any person desiring to submit evidence that the contemplated operation of such vessel will cause economic hardship or injury to efficient vessel operators already operating in that fishery must submit such evidence in writing to the Director, National Marine Fisheries Service, on or before April 2, 1973. If such evidence is received it will be evaluated along with such other evidence as may be available before making a determination that the contemplated operation of the vessel will or will not cause such economic hardship or injury.

ROBERT W. SCHONING,
Acting Director.

[FR Doc.73-3972 Filed 3-1-73;8:45 am]

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[Docket No. S-602]

GEORGE F. WOOD

Notice of Loan Application

FEBRUARY 26, 1973.

George F. Wood, 2730 34th Avenue South, Seattle, WA 98144, has applied for a loan from the Fisheries Loan Fund to aid in financing purchase of a used wood vessel, about 29 feet in length, to engage in the fishery for salmon and halibut in southeastern Alaska.

Notice is hereby given, pursuant to the provisions of 16 U.S.C. 742c, Fisheries Loan Fund Procedures (50 CFR Part 250, as revised), and Reorganization Plan No. 4 of 1970, that the above-entitled application is being considered by the National Marine Fisheries Service, National Oceanic and Atmospheric Administration, Department of Commerce, Washington, D.C. 20235. Any person desiring to submit evidence that the contemplated operation of such vessel will cause economic hardship or injury to efficient vessel operators already operating in that fishery must submit such evidence in writing to the Director, National Marine Fisheries Service, on or before April 2, 1973. If such evidence is received it will be evaluated along with such other evidence as may be available before making a determination that the contemplated operation of the vessel will or will not cause such economic hardship or injury.

ROBERT W. SCHONING,
Acting Director.

[FR Doc.73-3971 Filed 3-1-73;8:45 am]

Office of Import Programs

U.S. PRODUCTION OF SOLUBLE COFFEE

Solicitation of Certified Information

In accordance with paragraph (d) of the Agreement Concerning Brazilian Exports of Soluble Coffee to the United States dated April 2, 1971 (TIAS 7118, 22 UST 654), the U.S. Government is soliciting information from U.S. manufacturers of soluble coffee about their domestic production of soluble coffee during calendar years 1971 and 1972. Under the agreement, the Brazilian Coffee Institute will allocate among U.S. manufacturers of soluble coffee the right to purchase specified quantities of green coffee free of the Brazilian export tax, on the basis of their average share of soluble coffee production in the United States for the 2 most recent years. U.S. manufacturers of soluble coffee wishing to share in the special allocation are requested to supply the following information for the calendar years 1971 and 1972, separately:

1. Pounds of green coffee roasted by the respondent for the production of soluble coffee in the United States.

2. Location of plant or plants at which the above coffee was roasted.

The accuracy of such information must be certified by an authorized officer of the respondent subject to the penalties provided in 18 U.S.C. 1001 for making any false statements or entries in any matter within the jurisdiction of any department or agency of the United States. Information so provided will be made available to the public for inspection and transmitted to the Government of Brazil as a basis for its allocations. In order that the information can be forwarded to the Government of Brazil as soon as possible, it must be received by certified mail no later than 15 working days from the date of publication of this notice in the FEDERAL REGISTER. Responses should be addressed to:

OIP 326, U.S. Department of Commerce, Washington, D.C. 20230, Attention: Coffee.

Dated: February 23, 1973.

B. BLANKENHEIMER,
Acting Deputy Assistant Secretary, and Director, Bureau of Resources and Trade Assistance, Department of Commerce.

[FR Doc.73-3934 Filed 3-1-73;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

National Institutes of Health

NATIONAL CANCER ADVISORY BOARD AD HOC ADVISORY COMMITTEE

Notice of Meeting

Pursuant to Public Law 92-463, notice is hereby given of the meeting of the National Cancer Advisory Board ad hoc Advisory Committee for the Frederick Cancer Research Center (FCRC), March 2, 1973, at 9 a.m., Frederick Cancer Research Center, Fort Detrick, Frederick, Md., Conference Room, Building 426. This meeting will be open to the public from 9 a.m., March 2, 1973, to discuss certain programs at Frederick Cancer Research Center and closed to the public from 1 p.m., March 2, 1973, in accordance with the provisions set forth in section 10(d) of Public Law 92-463. Attendance by the public will be limited to space available.

Mr. Frank Karel, Associate Director for Public Affairs, NCI, Building 31, Room 10A31, National Institutes of Health, Bethesda, Md. 20014 (301—496-1911) will furnish summaries of the open/closed meeting and roster of committee members.

William W. Payne, Executive Secretary, Building 560, Room 11-82, Frederick Cancer Research Center, Fort Detrick, Frederick, Md. 21701 (301—663-7305) will provide substantive program information.

Dated: February 26, 1973.

JOHN F. SHERMAN,
Acting Director, National Institutes of Health.

[FR Doc.73-4162 Filed 3-1-73;10:20 am]

Office of Education

LIBRARY TRAINING PROGRAM

Notice of Establishment of Closing Date for Receipt of Applications and/or Proposals for Grants

Title II-B of the Higher Education Act of 1965 (Public Law 89-329, as amended and as further amended by the Education Amendments of 1972 (Public Law 92-318) authorizes the U.S. Commissioner of Education to make grants to institutions of higher education and library organizations or agencies to assist them in training persons in librarianship. Such grants may be used to assist in covering the costs of providing fellowships, institutes, and traineeships.

Notice is hereby given that March 23, 1973, is established as the closing date upon which applications and/or proposals for training in librarianship under title II-B for the academic year 1973-74 may be filed with and received by the U.S. Commissioner of Education.

Application forms, instructions, and other pertinent information will be sent to institutions which have previously participated in the program. Other institutions of higher education and library organizations or agencies desiring to participate in the program may obtain such application forms, instruction, and other information from the Bureau of Libraries and Learning Resources, U.S. Office of Education, Washington, D.C. 20202, Attention: Frank A. Stevens, Program Manager, Library Training and Resources Program.

Dated: February 26, 1973.

JOHN OTTINA,
Acting U.S. Commissioner of Education.

[FR Doc.73-3910 Filed 3-1-73;8:45 am]

Office of the Secretary

FOOD AND DRUG ADMINISTRATION

Statement of Organization, Functions, and Delegations of Authority; Amendment

Part 6, (Food and Drug Administration) of the statement of organization, functions, and delegations of authority of the Department of Health, Education, and Welfare (35 FR 3685-92 dated February 25, 1970 as amended) is amended to reflect reorganization of the Bureau of Veterinary Medicine.

Section 6B is amended as follows:

SEC. 6B *Organization.*

* * * * *

(m) *Bureau of Veterinary Medicine.* Develops and recommends the veterinary medical policy of the Food and Drug Administration with respect to the safety and efficacy of veterinary preparations and devices. Evaluates proposed use of veterinary preparations for animal safety and efficacy.

Coordinates the veterinary medical aspects of the FDA inspection and investigational programs and provides veterinary medical opinion in drug hearings and court cases.

Plans, directs, and evaluates FDA's surveillance and compliance programs relating to veterinary drugs and other veterinary medical matters.

(m-1) *Immediate Office of the Director.* Directs overall Bureau activities and coordinates policy establishment in the areas of research, management, compliance, and surveillance.

Provides leadership and executive direction for all Bureau activities.

(m-2) *Office of the Assistant Director for Management.* Plans, evaluates, and provides systems for planning, programing, and budgeting, as well as general administrative support for the Bureau, including financial, personnel, facilities, and equipment management services. Identifies Bureau operational goals and develops program management and control systems for monitoring and evaluating program achievements. Provides systems analysis support for the maintenance and refinement of Bureau information and retrieval systems.

Plans and directs special Bureau projects and programs and coordinates the various Divisions' activities in support of special projects and programs.

(m-3) *Division of Veterinary Research.* Conducts studies to evaluate the validity of data supporting the safety and efficacy of veterinary drugs intended for the prevention or treatment of animal diseases. Conducts acute and chronic toxicity studies in large domestic animals following reports of animal feeds contamination, such as heavy metals, weed seeds, pesticides, etc.

Studies the therapeutic properties of specific products and substances and the experimental reproduction of various disease conditions. Cooperates with other components of FDA in the development of actual evidence based on animal experimentation to support legal action under the Federal Food, Drug, and Cosmetic Act.

Directs research to develop methods for studying the effects of therapeutic agents and various disease conditions.

Conducts experiments to develop information regarding food additive problems arising from the use of drugs in veterinary medicine. Maintains colonies of laboratory animals for experimental tests and studies.

(m-4) *Division of New Animal Drugs.* Evaluates for animal safety and efficacy proposed new therapeutic, reproductive, and prophylactic veterinary preparations. Reviews the use of such preparations in veterinary medical practice to determine the effects on animals (If the preparation is administered to food-producing animals, the use of the product is evaluated as it relates to safety in humans.)

Evaluates proposed labels to assure that they clearly indicate the use and limitations of the product.

Evaluates manufacturing facilities and procedures as described in the application to assure that such controls are adequate.

Recommends action to be taken on proposed new therapeutic, reproductive, and prophylactic veterinary preparations submitted for FDA review.

Determines data required to establish safety and efficacy and provides such information to investigators and manufacturers.

Recommends research projects to be conducted by the Division of Veterinary Research to gain further information on new drugs.

(m-5) *Division of Veterinary Medical Review.* Conducts continuing surveillance and evaluation of veterinary preparations and devices for safety, efficacy, and reliability and recommends action to correct significant hazards or potential dangers.

Evaluates drug experience reports, establishment inspection information, advertising, and other clinical or research data bearing on marketed veterinary preparations.

Evaluates and recommends action on medicated feed applications for those preparations that have been approved for marketing.

Recommends or supports regulatory and research activity.

Prepares veterinary medical reports for the U.S. Postal Service in support of postal laws and regulations.

Develops and carries out programs designed to encourage compliance by industry on a voluntary basis.

(m-6) *Division of Compliance.* Advises the Bureau Director and other FDA officials on problems concerning FDA's regulatory responsibilities for new animal drugs.

Directs, designs, and monitors studies necessary to determine medical policy and to support regulatory action on violative animal drugs.

Develops compliance and surveillance programs covering regulated industries in animal drugs and related areas.

Develops or coordinates the development of regulations and other standards for animal drug industry practices and fosters development of good manufacturing practices.

Provides support and guidance upon request to the Field/District Offices in the handling of legal actions and provides headquarters case development, coordination, and contested case assistance.

Develops and coordinates studies to measure degree of compliance by regulated industries with statutes and regulations enforced by the Bureau. Monitors and evaluates professional journal advertising, and promotional and related labeling to determine veracity of claims.

(m-7) *Division of Nutritional Sciences.* Evaluates for animal safety and efficacy proposed new nutritional drug substances, and other nondrug substances relating to feed efficiency and growth promotion. Reviews the use of such preparations in animal production and veterinary medical practice to determine the effect on animals. (If the preparation is administered to food-producing animals, the use of the product is also evaluated as it relates to safety in humans.)

Evaluates proposed labels to assure that they clearly indicate the use and limitations of the product.

Evaluates manufacturing facilities and procedures as described in the application to assure that such controls are adequate.

Recommends action to be taken on proposed new nutritional drug substances and other nondrug nutrient substances relating to feed efficiency and growth promotion submitted for FDA review.

Determines data required to establish safety and efficacy and provides such information to investigators and manufacturers.

Provides statistical evaluation of proposed scientific studies and of data collected by scientific studies.

Recommends research projects to gain further information on new nutritional drugs.

* * * * *

Dated: February 26, 1973.

WAYNE M. WILSON,
Acting Deputy Assistant Secretary for Management.

[FR Doc.73-4006 Filed 3-1-73;8:45 am]

Social Security Administration

ADVISORY COMMITTEE ON MEDICARE ADMINISTRATION, CONTRACTING, AND SUBCONTRACTING

Notice of Public Meeting

Notice is hereby given, pursuant to Public Law 92-463, that the Advisory Committee on Medicare Administration, Contracting, and Subcontracting, established pursuant to section 1114(f) of the Social Security Act, as amended, which advises the Secretary of Health, Education, and Welfare on Medicare matters, will meet on Friday, March 9, 1973, at 9 a.m., in Room 3131 of the Department of Health, Education, and Welfare, North Building, Third and C Streets, Washington, D.C. The meeting is open to the public. The Committee will consider matters relating to administration, contracting, and subcontracting.

Further information on the Committee may be obtained from Mr. Max Perlman, Executive Secretary of the Committee, Room 585, East Building, Social Security Administration, 6401 Security Boulevard, Baltimore, MD 21235, telephone 301—594-9134. Members of the public planning to attend should send written notice of intent to the Executive Secretary.

Dated: February 27, 1973.

MAX PERLMAN,
Executive Secretary, Advisory Committee on Medicare Administration, Contracting, and Subcontracting.

[FR Doc.73-4037 Filed 3-1-73;8:45 am]

ATOMIC ENERGY COMMISSION

[Docket No. 50-312]

SACRAMENTO MUNICIPAL UTILITY DISTRICT

Notice of Hearing on a Facility Operating License

Pursuant to the Atomic Energy Act of 1954, as amended (the Act), and the regulations in Title 10, Code of Federal Regulations, Part 50, Licensing of Production and Utilization Facilities, and Part 2, Rules of Practice, notice is hereby given that a hearing will be held at a time and place to be set in the future by an Atomic Safety and Licensing Board, to begin in or in the vicinity of

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Sacramento, Calif., to consider the application filed under section 104(b) of the Act by the Sacramento Municipal Utility District (Applicant) for a facility operating license which would authorize the operation of a pressurized water nuclear reactor (the Facility), identified as the Rancho Seco Nuclear Generating Station, Unit 1, at steady state power levels not to exceed 2,772 megawatts thermal, at the Applicant's site in Sacramento County, Calif. The hearing will be conducted by an Atomic Safety and Licensing Board (Board) designated by the Chairman of the Atomic Safety and Licensing Board Panel, consisting of John B. Farmakides, Esq., Chairman, Dr. Clark Goodman, member, and Dr. J. V. Leeds, member. Dr. Paul W. Purdom has been designated a technically qualified alternate, and Hugh K. Clark, Esq., has been designated as an alternate qualified in the conduct of administrative proceedings.

Construction of the facility was authorized by Construction Permit No. CPPR–56 issued by the Atomic Energy Commission (Commission) on October 11, 1968.

On October 18, 1972, a notice of consideration of issuance of facility operating license and notice of opportunity for hearing in the above matter appeared in the FEDERAL REGISTER (37 FR 22012). The notice advised that, within 30 days from the date of publication, "any person whose interest may be affected by this proceeding may file a petition for leave to intervene with respect to the issuance of the facility operating license."

As set forth in a memorandum and order on this matter dated February 23, 1973, the Atomic Safety and Licensing Board designated to rule on petitions has determined that the petition filed by Dick Gregory, et al., satisfies the requirements of the Commission's regulations and that a hearing will be held.

A prehearing conference, or conferences, will be held by the Licensing Board, at date(s) and place(s) to be set by it, to consider pertinent matters, including specification of the issues to be considered at the evidentiary hearing, in accordance with the Commission's rules of practice 10 CFR Part 2. Notices as to the dates and places of the prehearing conference(s) and the evidentiary hearing will be published in the FEDERAL REGISTER.

The instant facility is subject to the provisions of section C.3. of Appendix D to 10 CFR Part 50, which sets forth procedures applicable to review of environmental considerations for production and utilization facilities for which construction permits were issued prior to January 1, 1970.

Depending on the resolution of the issues specified by the Licensing Board, authorization for issuance of the operating license may be granted or denied, or the license may be authorized as appropriately conditioned. An operating license would be issued only after appropriate findings are made by the Director of Regulation on the matters set forth below which are not embraced by the Board's decision (and upon compliance with the applicable provisions of Appendix D to 10 CFR Part 50 dealt with above):

1. Whether construction of the facility has been substantially completed in conformity with the construction permit and the application, as amended, the provisions of the Act, and the rules and regulations of the Commission.

2. Whether the facility will operate in conformity with the application, as amended, the provisions of the Act, and the rules and regulations of the Commission.

3. Whether there is reasonable assurance (i) that the activities authorized by the operating license can be conducted without endangering the health and safety of the public, and (ii) that such activities will be conducted in compliance with the regulations of the Commission.

4. Whether the applicant is technically and financially qualified to engage in the activities authorized by the operating license in accordance with the regulations of the Commission.

5. Whether the applicable provisions of 10 CFR Part 150, Financial Protection Requirements and Indemnity Agreements, of the Commission's regulations have been satisfied.

6. Whether the issuance of the license will be inimical to the common defense and security or to the health and safety of the public.

Any person who wishes to make an oral or written statement in this proceeding but who has not filed a petition for leave to intervene as noted above, may request permission to make a limited appearance pursuant to the provisions of 10 CFR 2.715 of the Commission's rules of practice. Limited appearances will be permitted at the time of the hearing in the discretion of the Licensing Board, within such limits and on such conditions as may be fixed by it. Persons desiring to make a limited appearance are requested to inform the Secretary of the Commission, U.S. Atomic Energy Commission, Washington, D.C. 20545, on or before April 2, 1973. A person permitted to make a limited appearance does not become a party, but may state his position and raise questions which he would like to have answered to the extent that the questions are within the scope of the hearing. A member of the public does not have the right to participate unless he has been granted the right to intervene as a party or the right of limited appearance.

An answer to this notice, pursuant to the provisions of 10 CFR 2.705 of the Commission's rules of practice, must be filed by the parties to this proceeding (other than the regulatory staff) on or before March 21, 1973.

Papers required to be filed in this proceeding may be filed by mail or telegram addressed to the Secretary of the Commission, U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Chief, Public Proceedings Staff, or may be filed by delivery to the Commission's Public Document Room, 1717 H Street NW., Washington, DC.

For further details pertinent to the matters under consideration, see the application for the facility operating license dated April 4, 1971, as amended, the Applicant's Environmental Report dated May 18, 1971, and supplements thereto, and the Commission's draft detailed statement on environmental considerations pursuant to 10 CFR Part 50 dated October 1972, which are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, DC and at the Sacramento City County Library, 828 I Street, Sacramento, CA 95814. As they become available, the following documents also will be available at the above locations: (1) The safety evaluation prepared by the Directorate of Licensing; (2) the Commission's final detailed statement on environmental considerations; (3) the report of the Advisory Committee on Reactor Safeguards on the application for facility operating licenses; (4) the proposed facility operating licenses; and (5) the proposed tchnical specifications, which will be attached to the proposed facility operating licenses. To the extent of supply, copies of items (1), (2), (3), and (4) will be furnished upon request to Deputy Director for Reactor Projects, Directorate of Licensing, U.S. Atomic Energy Commission, Washington, D.C. 20545.

Pending further order of the Licensing Board, parties are required to file pursuant to the provisions of 10 CFR 2.708 of the Commission's rules of practice, an original and 20 conformed copies of each such paper with the Commission.

It is so ordered.

Issued at Washington, D.C., this 23d day of February 1973.

THE ATOMIC SAFETY AND LICENSING BOARD,
ELIZABETH S. BOWERS,
Chairman.

[FR Doc.73-3952 Filed 3-1-73;8:45 am]

CIVIL AERONAUTICS BOARD

AEROSPACE CORP.

Notice of Meeting

Notice is hereby given that a presentation regarding high density short-haul air transportation will be made by the above company on March 6, 1973, at 10 a.m. (local time) in Room 1027, Universal Building, 1825 Connecticut Avenue NW., Washington, DC.

Dated at Washington, D.C., February 28, 1973.

[SEAL] HARRY J. ZINK,
Secretary.

[FR Doc.73-4117 Filed 3-1-73;8:45 am]

[Docket No. 24963]

ALLEGHENY AIRLINES, INC.

Poughkeepsie Deletion Application; Postponement of Prehearing Conference

Counsel for the Bureau of Operating Rights has requested a 1-week postponement of the prehearing conference and the dates now set for submission of preconference materials in the above-captioned proceeding because of a conflict in procedural dates. Bureau Counsel advises that Allegheny Airlines, the Dutchess County Department of Aviation (Poughkeepsie), and the New York State Department of Transportation have been contacted and do not object to the proposed extension of dates.

Accordingly, notice is hereby given that the prehearing conference now scheduled for March 20, 1973 (38 FR 4685, February 20, 1973), is hereby postponed to March 27, 1973, at 10 a.m. (local time), in Room 911, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C., before the undersigned Administrative Law Judge. The Bureau of Operating Rights will circulate its preconference material on, or before, March 13, 1973, and the other parties on, or before, March 20, 1973.

Dated at Washington, D.C., February 26, 1973.

[SEAL] ALEXANDER N. ARGERAKIS,
Administrative Law Judge.

[FR Doc.73-4027 Filed 3-1-73;8:45 am]

[Docket No. 23287]

AIR FREIGHT FORWARDERS' CHARTERS INVESTIGATION

Notice of Postponement of Hearing

Notice is hereby given that the hearing in the above-entitled proceeding previously scheduled for April 24, 1973 (38 FR 1373), is hereby postponed indefinitely.

Dated at Washington, D.C., February 23, 1973.

[SEAL] RICHARD M. HARTSOCK,
Administrative Law Judge.

[FR Doc.73-3912 Filed 3-1-73;8:45 am]

[Agreement CAB 5044–A146; Docket No. 25231]

AIR TRAFFIC CONFERENCE OF AMERICA

Notice of Proposed Approval

Notice is hereby given that the undersigned intends to issue the attached order under delegated authority pursuant to section 412(a) of the Federal Aviation Act of 1958, as amended. Interested persons are hereby afforded a period of 15 days from the date of this notice within which to file comments with respect to the action contemplated in the proposed order.

Dated at Washington, D.C., February 27, 1973.

A. M. ANDREWS,
Director,
Bureau of Operating Rights.

ORDER APPROVING AGREEMENT

The Air Traffic Conference of America (ATC), on behalf of its air carrier members, has filed with the Board under section 412 of the Federal Aviation Act of 1958, as amended (the Act), an agreement (Agreement CAB 5044–A146) proposing changes in the Air Traffic Conference Agency Resolution and the Air Traffic Conference Sales Agency Agreement.

The Agreement deals, in part, with the expansion of the definition of the term "authorized agency location" as set forth in section I of the ATC Agency Resolution, and such part of the Agreement is intended to become effective after approval by the Civil Aeronautics Board.[1]

At the present time, the term "authorized agency location" is defined as: "A place of business operated by an agent, which place of business is included on the ATC Agency List." While the foregoing language is retained in the revised definition of authorized agency location,[2] such definition is expanded to indicate that such agency location will be the home office if it owns and operates "additional authorized agency locations" as branches of that entity. In turn, the term "additional authorized agency" location is described, in part, as a branch office location included on the Agency List, wholly owned and operated as an integral part of the home office, and performing much of the same promotion and sales functions as the home office—including, for example, the making of reservations and the issuance of tickets. The Agreement indicates that the corporate structure or ownership of the home and branch offices must be absolute and all inclusive as a single entity, and the former must have legal and financial responsibility for, inter alia, the administration and the liability of the latter.

No comments concerning the above-described portion of the agreement have been received.

The proposed amendment to the definition of the term "authorized agency location" appears to provide added meaning and continuity to such term as it appears from time to time throughout the Agency Resolution and the Sales Agency Agreement. Furthermore, the inclusion of a definition of the term "additional authorized agency location" not only gives specific meaning to that term as it is used in the Agency Resolution but also eliminates any previous ambiguity as to what might have constituted such a location.[3] Thus, the air carrier members of ATC have indicated that additional authorized agency locations must be closely related to the home office with regard to both structure and responsibility. This action appears in accord with several provisions in the Agency Resolution concerning additional locations.

In light of the foregoing, it is concluded that it would be in the public interest to approve that portion of the Agreement discussed herein, subject to the proviso hereinafter stated.[4]

Pursuant to authority duly delegated by the Board in the Board's regulations, 14 CFR 385.13, it is not found that the particular provision of the Agreement discussed herein is adverse to the public interest or in violation of the Act.

Accordingly, it is ordered that:

The portion of Agreement CAB 5044–A146 amending section I of ATC Resolution 80.10 (Air Traffic Conference Agency Resolution) be and it hereby is approved.

Persons entitled to petition the Board for review of this order pursuant to the Board's regulations, 14 CFR 385.50, may file such petitions within 10 days from the date of this order.

This order shall be effective and become the action of the Civil Aeronautics Board upon expiration of the above period unless within such period a petition for review thereof is filed, or the Board gives notice that it will review this order on its own motion.

[SEAL] PHYLLIS T. KAYLOR,
Acting Secretary.

APPENDIX

AMENDMENT TO AGREEMENT CAB 5044, AIR TRAFFIC CONFERENCE AGENCY RESOLUTIION

I. Section 1.I., Resolution 80.10, is amended to read:

The term "authorized agency location" means a place of business operated by an agent, which place of business is included on the ATC Agency List. Such location will be the home office if it owns and operates "additional authorized agency locations" as branches of that entity. The term "additional authorized agency location" means a "branch office" location included on the ATC Agency List which is wholly owned and operated as an integral part of the home office and which performs substantially the same promotion and sales functions as the home office, which shall include, but not be limited to the following:

[1] Other provisions of the Agreement dealing with various agency matters are being separately considered.

[2] The revised version is set forth in the appendix hereto.

[3] It is noted that the ATC Agency List currently specifies whether a particular location is a home or branch office. Thus, the Agreement also gives added meaning to these designations as used in the Agency List.

[4] There is currently before the Board, Docket 24696, an agreement (Agreement CAB 5044–A154) which, inter alia, proposes to amend the definition of the term Agent for the purposes of section VII (Defaults, Late Remittances, and Financial Irregularities by Agents) of the ATC Agency Resolution. According to ATC, under the proposal a late remittance charged to any specific agency location in the corporate family would become a late remittance charge against all agency locations in the corporate family—with the possible suspension of all such locations in the event of four late remittances; also, in the event of a financial irregularity by an agency location, ticket stock would be withdrawn not only from the particular agency location but from all other agency locations in the corporate family.

It is not apparent that Agreement CAB 5044–A154 and the instant agreement (CAB 5044–A146) are interrelated. However, to the extent that there is a relationship between the two agreements, it is to be noted that our action herein is not dispositive of any of the issues raised by CAB 5044–A154

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(1) Quoting fares, rates, and/or schedules,
(2) Making reservations,
(3) Accepting payment for travel,
(4) Arranging for delivery of tickets or other transportation documents,
(5) Assisting clients with other travel arrangements,
(6) Arranging for the issuance of ticket or other travel documents.
(7) Issuing tickets or other travel documents.

The corporate structure or ownership of the home office and branch (es) must be absolute and all inclusive as a single entity and the home office shall have full legal and financial responsibility for the administration, staff, liability, maintenance, and operational expense of the branch office location.

[FR Doc.73-3913 Filed 3-1-73;8:45 am]

COST OF LIVING COUNCIL

FOOD ADVISORY COMMITTEE

Notice of Meetings

Pursuant to the provisions of the Federal Advisory Committee Act (Public Law 92-463, 86 Stat. 770) notice is hereby given that the Food Advisory Committee created by section 7(b) Executive Order 11695 will meet—

(1) At 9:30 a.m., Tuesday, March 6, 1973, in the main Conference Room of the Cost of Living Council, 7th Floor, 2000 M Street NW., Washington, DC; and

(2) At 9:30 a.m., Monday, March 19, 1973, at 5725 East River Road, Chicago, IL.

The purpose of the meetings is to provide advice to the Cost of Living Council on the operation of the Economic Stabilization Program in the food industry and other matters related to food costs and prices.

The Director of the Cost of Living Council has determined that the meetings will consist of exchanges of opinions, that the discussions, if written, would fall within exemption (5) of 5 U.S.C. 552(b) and that it is essential to close the meetings to protect the free exchange of internal views and to avoid interference with the operation of the Committee.

Issued in Washington, D.C., on February 26, 1973.

JAMES W. MCLANE,
Deputy Director,
Cost of Living Council.

[FR Doc.73-3974 Filed 3-1-73;8:45 am]

CIVIL SERVICE COMMISSION

NATIONAL ADVISORY BOARD OF THE FEDERAL EXECUTIVE INSTITUTE

Notice of Open Meeting

Pursuant to the provisions of section 10 of Public Law 92-463, effective January 5, 1973, notice is hereby given that the National Advisory Board of the Federal Executive Institute will hold an open meeting on March 16, 1973. The meeting will be in Reception Room 5H09, Conference Room 5A06A, U.S. Civil Service Commission Building, 1900 E Street NW., Washington, DC, beginning at 9:30 a.m. and ending at approximately 4 p.m.

The following agenda items are scheduled for discussion:

1. Report on Activities of the Institute;
2. Curriculum of the Institute;
3. Leadership Succession at the Institute;
4. Report on Financing.

Further information may be obtained by writing Dr. Patrick J. Conklin, Associate Director, Federal Executive Institute, Route 29 North, Charlottesville, VA 22903, or by calling 703—296-1295.

[SEAL] JAMES C. SPRY,
Executive Assistant
to the Commissioners.

[FR Doc.73-4033 Filed 3-1-73;8:45 am]

COUNCIL ON ENVIRONMENTAL QUALITY

ENVIRONMENTAL IMPACT STATEMENTS

Notice of Public Availability

Environmental impact statements received by the Council from February 20 through February 23, 1973.

NOTE: At the head of the listing of statements received from each agency is the name of an individual who can answer questions regarding those statements.

DEPARTMENT OF AGRICULTURE

Contact: Dr. T. C. Byerly, Office of the Secretary, Washington, D.C. 20250, 202—447-7803.

FOREST SERVICE

Draft, February 8

Burning of Big Sagebrush, Mont. County: Several. The statement refers to the proposed prescribed burning of 1,800 acres of sagebrush-covered land annually, during fiscal years 1973-75, in order to improve the range resource on national forest lands. National forests included are Beaverhead, Gallatin, and Deerlodge. Counties affected are Beaverhead, Jefferson, Madison, Silver Bow, and Gallatin. Existing plant communities will be altered from a grassland dominated by sagebrush to a grassland interspersed with sagebrush. Short-term erosion, water alitation, and air pollution will occur. (77 pages) (ELR Order No. 00219) (NTIS Order No. EIS 73 0219-D)

ATOMIC ENERGY COMMISSION

Contact: For Nonregulatory matters: Mr. Robert J. Catlin, Director, Division of Environmental Affairs, Washington, D.C. 20545, 202—973-5391.
For regulatory matters: Mr. A. Giambusso, Deputy Director for Reactor Projects, Directorate of Licensing, Washington, D.C. 20545, 202—973-7373.

Final, February 20

Forked River Nuclear Station, New Jersey, County: Ocean. The statement refers to the proposed issuance of a construction permit to the Jersey Central Power & Light Co. for a 3,410 MWt, 1,093 MWe, pressurized water reactor near Forked River. Cooling water would be obtained from Barnegate Bay through a canal, and circulated through a counterflow natural draft cooling tower. Aquatic organisms will be adversely affected by thermal, chemical, and mechanical shock. (The interaction of the Forked River Station with the nearby Oyster Creek Station was considered in the statement's evaluation of environmental impact.) (258 pages) Comments made by: USDA, COE, DOC, HEW, HUD, DOI, DOT, EPA, FPC, and State and local agencies. (ELR Order No. 00292) (NTIS Order No. EIS 73 0292-F)

DEPARTMENT OF COMMERCE

Contact: Dr. Sidney R. Galler, Deputy Assistant Secretary for Environmental Affairs, Department of Commerce, Washing, D.C. 20230, 202-967-4335.

Draft, February 8

Airport/Riverfront Industrial Park, County: Douglas. The statement refers to the proposed construction of a 264-acre industrial park adjacent to the city of Omaha and Eppley Airfield. The project, a segment of the planned 58.47-mile development along the Missouri River which is known as the Riverfront Development Project, will include dredging, filling, and grading of the area and construction of a sewage system, a riverbank stabilization system, railroad lead trackage and roads, and related utility systems. The area will be sold in industrial/commercial blocks of from 3 to 20 acres. As a result of the project, open space of potential recreational use will be eliminated; dredging activities will cause turbidity. (102 pages) (ELR Order No. 00217) (NTIS Order No. EIS 73 0217-D)

DEPARTMENT OF DEFENSE

AIR FORCE

Contact: Colonel Cliff M. Whitehead, Room 5E 425, The Pentagon, Washington, D.C. 20330, 202—OX 5-2889.

Draft, February 14

Pacific Cratering Experiments (PACE). The statement, a revised draft, refers to the proposed detonation of a series of high explosive chemical charges at the interface of selected islands of Eniwetok Atoll, Marshall Islands. The purpose of the testing is the approximation of the effects of nuclear bursts on hardened strategic systems. Craters will be caused by the blasts; chemical and/or radiochemical contaminants may enter the water. Those craters which are formed will be filled. (360 pages) (ELR Order No. 00263) (NTIS Order No. EIS 73 0263-D)

ARMY CORPS

Contact: Mr. Francis X. Kelly, Director, Office of Public Affairs, Attention: DAEN-PAP, Office of the Chief of Engineers, U.S. Army Corps of Engineers, 1000 Independence Avenue SW., Washington, DC 20314, 202—693-7168.

Draft, February 12

St. Francis Basin Project, Missouri-Arkansas. The statement refers to the completion of a flood control and drainage improvement project which is presently 41 percent complete. Features of the project include a reservoir in southeast Missouri and channel works, levees, control structures, and pumping stations. That portion of the project remaining includes 475 miles of channel works and the acquisition of 34,000 acres (including 11,000 acres of woodland). There will be adverse impact to wildlife communities and possible damage to historic and archeological resources. (41 pages) (ELR Order No. 00242) (NTIS Order No. EIS 73 0242-D)

Draft, February 13

Thimble Shoal Channel, Virginia. The statement refers to the proposed maintenance dredging of the Thimble Shoal Channel which is located in the lower portion of the Chesapeake Bay Mouth between Hampton Roads and the Atlantic Ocean. The existing project provides for a channel 60,000 feet long, 1,000 feet wide, and 45 feet deep at mean low water, with auxiliary channels 450 feet wide and 32 feet deep at mean low water adjoining each side of the 1,000-foot channel. Spoil will be deposited in the Dam Neck disposal area. Adverse effects include the loss of benthic organisms and temporary turbidity and siltation. (12 pages) (ELR Order No. 00254) (NTIS Order No. EIS 73 0254-D)

Draft, February 6

Vancouver Lake, Wash., County: Clark. The statement refers to the proposed construction of 21 miles of levee and pumping plants, in order to provide flood protection to 5,700 acres lying between Vancouver Lake and the Columbia River. Protection of the land will stimulate changes from agricultural to industrial uses. (49 pages) (ELR Order No. 00185) (NTIS Order No. EIS 73 0185-D)

Draft, February 20

Little Goose Lock and Dam, Wash., Counties Whitman, Columbia, and Garfield. The statement refers to the proposed addition of three hydroelectric power generating units (totaling 405,000 kw.), at the existing project on mile 70.3 of the Snake River. The units would be used primarily for power peaking during periods of high power demand. The addition would increase the potential frequency of upstream and downstream fluctuations, with concurrent impact upon aquatic life. Of particular concern is the possible impact on anadromous fisheries. (75 pages) (ELR Order No. 00289) (NTIS Order No. EIS 73 0289-D)

ENVIRONMENTAL PROTECTION AGENCY

Contact: Mr. Sheldon Meyers, Director, Office of Federal Activities, Room 3630, Waterside Mall, Washington, D.C. 20460, 202—755-0940.

Final, February 20

Detroit Lakes, Minn., County: Becker. The statement considers the construction of sewage treatment works which will remove nutrient from wastes contributed to an existing secondary treatment plant by the population of Detroit Lakes and a Swift and Co. food processing plant. The action will prevent the eutrophication of Lake Sallie. Lake St. Clair will be used as an effluent retention basin. (77 pages) Comments made by: USDA, COE, DOI, DOT, and State agencies. (ELR Order No. 00284) (NTIS Order No. EIS 73 0284-F)

FEDERAL POWER COMMISSION

Contact: Dr. Richard F. Hill, Acting Adviser on Environmental Quality, 441 G Street NW., Washington, DC 20426, 202—386-6084.

Draft, February 13

Cornell Hydro Project 2639, Wisconsin, County: Chippewa. The statement refers to an application filed by the Northern States Power Co. for the proposed redevelopment of the existing Cornell Hydro Project located on the Chippewa River. The applicant proposes to raze and rebuild the existing concrete intake and powerhouse structure; remove the existing powerhouse and replace it with a new powerhouse containing three generating units with a total installed capacity of 30,000 kw.; construct a new gated spillway; and construct a single circuit, overhead, 115 kv. transmission line (12,000 feet). (2 vols., 368 pages) (ELR Order No. 00245) (NTIS Order No. EIS 73 0245-D)

DEPARTMENT OF HUD

Contact: Mr. Richard H. Broun, Director, Environmental and Land Use Planning Division, Washington, D.C. 20410, 202—755-6186.

Draft, February 12

Alamo Plaza Urban Renewal Project, Colorado. The statement refers to a conventional urban renewal effort in Colorado Springs to remove substandard structures and dwelling units from a four-block area in order to make the land available for development. Blighted and substandard structures will be replaced with a public parking garage, 350,000 feet of commercial space, housing of a type to be determined by market studies, a motor hotel, housing for the elderly, and open space. Approximately 129 businesses, 28 families and 17 individuals will be relocated from 84 structures. (63 pages) (ELR Order No. 00241) (NTIS Order No. EIS 73 0241-D)

Draft, February 20

Olympia Subdivision, Unit 1, Texas, County: Bexar. The statement refers to the proposed development of an 850-acre site, located approximately 2 miles northwest of Randolph Air Force Base, for residential purposes. The site will be developed in increments of 20 acres which will be subdivided into 80 single family residential lots. Houses on developed lots would sell for between $24,000 and $40,000. Possible adverse effects include noise pollution, flooding of natural creeks, and transformation of a wooded area into a residential-commercial development. (13 pages) (ELR Order No. 00290) (NTIS Order No. EIS 73 0290-D)

DEPARTMENT OF THE INTERIOR

Contact: Mr. Bruce Blanchard, Director, Environmental Project Review, Room 7260, Department of the Interior, Washington, D.C. 20240, 202—343-3891.

NATIONAL PARK SERVICE

Draft, February 20

Point Reyes National Seashore, Calif. The statement, a revised draft, proposes the legislative designation of 10,600 acres of the Point Reyes National Seashore as wilderness within the National Wilderness Preservation System. Various land and marine life systems will thereby be protected; there will be restrictions on certain consumptive types of visitor use. (47 pages) (ELR Order No. 00275) (NTIS Order No. EIS 73 0275-D)

Draft, February 13

Bandelier National Monument, New Mexico, Counties: Los Alamos and Sandoval. The statement refers to the proposed legislative designation of 21,110 acres of the monument as wilderness within the National Wilderness Preservation System. Management options for the monument will thereby be reduced. (83 pages) (ELR Order No. 00250) (NTIS Order No. EIS 73 0250-D)

The following statement was inadvertently left out of the FEDERAL REGISTER:

Draft, January 26

Nambe Falls Dam, N. Mex., County: Santa Fe. The statement refers to the construction of a concrete arch and earthfill dam on the Rio Nambe. The resulting reservoir, which will be utilized for irrigation, will inundate 56 acres. The project is located on the Nambe Indian Reservation. (83 pages) Comments made by: USDA, EPA, FPC, HEW, DOI, HUD, OEO, DOT, DOD, State, local and regional agencies, and concerned citizens. (ELR Order No. 00137) (NTIS Order No. EIS 73 0137-D)

DEPARTMENT OF TRANSPORTATION

Contact: Mr. Martin Convisser, Director, Office of Environmental Quality, 400 Seventh Street SW., Washington, DC 20590, 202—466-4357.

FEDERAL AVIATION ADMINISTRATION

Draft, February 12

Pocahontas Municipal Airport, Arkansas. The statement refers to a project to construct, mark, and light a 60' x 356' N/S runway extension; construct and mark two turnaround taxiways; construct a portion of perimeter fence; install a rotating beacon; and construct and entrance road and service drive. Increases in noise and air pollution will occur. (31 pages) (ELR Order No. 00234) (NTIS Order No. EIS 73 0234-D)

Los Angeles International Airport, California. The proposed project is to provide an approach area including a clear zone for the north runway complex at Los Angeles International Airport. One hundred and fifty-six acres will be acquired for the approach area and clear zone. The project will displace 831 families, one commercial property, and an elementary school. (73 pages) (ELR Order No. 00237) (NTIS Order No. EIS 73 0237-D)

Draft, February 14

Lawrence Municipal Airport, Kansas, County: Douglas. The purpose of the Airport Site Selection Study contained in this statement is to inventory the present airport conditions, to explore the probable airport usage by 1990, to develop the general requirements to satisfy the estimated 1990 use demands, and to determine a feasible site on which to construct these facilities. Six potential sites, including the present site, are inspected and evaluated in the study. Adverse impacts include possible exposure of new areas to aircraft sound and emissions. (79 pages) (ELR Order No. 00261) (NTIS Order No. EIS 73 0261-D)

Draft, February 12

Greater Portsmouth Regional Airport, Ohio, County: Scioto. The proposed project is designed to extend existing N/S Runway 800' x 100' to the north, install runway end identifier lights, expand apron (approximately 4,096 square yards), construct taxiways and new T-hangars, install medium intensity taxiway lights on existing taxiway B, and install a visual approach slope indicator system. Adverse impacts will be increased air and noise pollution and loss of wildlife habitat. (44 pages) (ELR Order No. 00230) (NTIS Order No. EIS 73 0230-D)

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Final, February 20
Las Animas County Airport, Colorado, County: Las Animas. The statement refers to the proposed construction of a runway extension (of 2500 feet) and the installation of VASI, fencing, seeding, power lines, and related facilities. Approximately 213.7 acres will be committed to the action. An increase in noise levels from jet aircraft will result. (36 pages) Comments made by: USDA, COE, EPA, HUD, and DOT. (ELR Order No. 00291) (NTIS Order No. EIS 73 0291-F)

FEDERAL HIGHWAY ADMINISTRATION

Draft, February 14
St. Joe Road, Indiana, County: Allen. The propsed project involves the redesign of St. Joe Road, for a distance of 1.95 miles. One family will be displaced. A section 4(f) statement will be filed to obtain land from the Shoaff Park. Increases in noise and air pollution will occur. (28 pages) (ELR Order No. 00262) (NTIS Order No. EIS 73 0262-D)

Draft, February 15
U.S. 281 (Burlington Avenue) Nebraska, County: Adams. The statement refers to the proposed repaving and widening of a 0.85-mile section of Burlington Avenue (U.S. 281) beginning at Sixth Street and ending at 15th Street in Hastings. Included in the improvement are the reconstruction of Seventh Street and 12th Street for approximately two blocks east and west of Burlington Avenue. Adverse effects include adjustments to utilities and removal of 176 trees. (28 pages) (ELR Order No. 00269) (NTIS Order No. EIS 73 0269-D)

Draft, February 20
U.S. 17, 74, 76—Reconstruction North Carolina, County: Brunswick. The statement refers to the proposed construction of a four-lane, divided highway 1.76 miles long; a two-lane connector 1.03 miles long, a diamond interchange; and two bridges across the Brunswick River. The reconstruction project will extend from Alligator Creek to Belville. Adverse impacts include alteration of 48 acres of marsh and swamp forest that is optimum habitat for American Alligators (an endangered species) and other wildlife species; increased automotive emissions; deepening of the upper Brunswick River channel by dredging; displacement of 22 families and 13 businesses; and loss of juvenile marine species and benthic organisms through the dredge. (185 pages) (ELR Order No. 00287) (NTIS Order No. EIS 73 0287-D)

Final, February 8
FA Route 12 and 174, Illinois. County: Effingham. The proposed project provides for the improvement of FA Routes 12 and 174 (U.S. Route 4 and Illinois Routes 32 and 33) from the Penn-Central Railroad to the north side of the I-57 and 70 interchange, a total length of 1.75 miles. Five acres will be committed to right-of-way. Adverse effects include increased noise and air pollution and disruption during construction. (35 pages) Comments made by: EPA, HEW, HUD, DOI, and DOT State and local agencies (ELR Order No. 00197) (NTIS Order No. EIS 73 0197-F)

U.S. COAST GUARD

Draft, February 12
Dredging Project, Santa Rosa Station, Florida. The statement refers to the proposed redredging of the channel at the U.S. Coast Guard Station, Santa Rosa, located on the Pensacola Bay side of Santa Rosa Island. Dredged spoil will be deposited within retaining levees constructed along the eroded shoreline to restore the shoreline to its original condition. (3 pages) (ELR Order No. 00239) (NTIS Order No. EIS 73 0239-D)

TIMOTHY ATKESON,
General Counsel.

[FR Doc.73-3915 Filed 3-1-73;8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

ADVISORY COMMITTEE ON THE REVISION AND APPLICATION OF DRINKING WATER STANDARDS

Notice of Meeting

Pursuant to Public Law 92-463, notice is hereby given that a meeting of the Advisory Committee on the Revision and Application of Drinking Water Standards will be held at 8:30 a.m., March 26, 27, 28, 1973, in Meeting Room No. 10, The Jung Hotel, 1500 Canal Street, New Orleans, LA.

This is the sixth meeting of this Committee. The agenda includes the approval of the minutes of the fifth meeting and review of the appendix to the draft of the 1973 Drinking Water Standards.

The meeting will be open to the public. Any member of the public wishing to attend or participate in the meeting should contact Mr. William N. Long, Executive Secretary, Advisory Committee on the Revision and Application of Drinking Water Standards, 703—557-7390.

ROBERT W. FRI,
Acting Administrator.

FEBRUARY 26, 1973.

[FR Doc.73-3937 Filed 3-1-73;8:45 am]

FEDERAL COMMUNICATIONS COMMISSION

AMERICAN TELEPHONE & TELEGRAPH CO.

[Docket No. 19691; FCC 73-186]

Memorandum Opinion and Order Instituting Investigation

1. On November 13, 1972, revised tariff schedules were filed by A.T. & T. under Transmittal Letter No. 11610, dated November 13, 1972, to become effective February 15, 1973. These revised schedules apply to voice grade private line services which are not connected to the switched telephone networks, i.e. voice grade private line services not connected to local or toll central office lines or Wide Area Telephone Service (WATS) access lines (hereafter referred to as "unmixed" private line service).

2. More specifically, the revisions would permit the carrier to engage in certain new practices not now followed with respect to those cases where customers desire to provide their own customer-provided terminal equipment or communications systems and to connect such facilities by direct electrical connection to the voice grade private line facilities of the carrier. The new proposed practices are: Where such direct connections are made by the customers, the telephone company (a) will make the necessary arrangements on the customer's premises to protect against "hazardous voltages" and the "harmful effects of longitudinal imbalance" and (b) will make the necessary arrangements either at its central offices or on the customer's premises to protect against "signal power overload."

3. At the present time, and for many years past, the practices of the A.T. & T. have been to permit such direct connections to unmixed private line services without any specific arrangements being made by the carrier to protect against hazardous voltages, longitudinal imbalance or signal power overload. The practices have been different, however, with respect to "mixed" voice grade private line services (i.e. private line services that are connected to the switched toll and exchange network). In mixed private line services the practices are the same as in all switched services, including interstate message toll and WATS services, that is, all customer-provided facilities are required to be connected through one or more carrier-provided protective couplers for which extra installation and monthly charges are imposed on the customer by the carrier. In these revised tariffs for unmixed private line services A.T. & T. proposes to make no extra charge to customers for the protective "arrangements."

4. A.T. & T.'s basic justification for the revised tariffs is that all of its services, whether private line or switched, share in the use of common facilities in varying degrees such as local distribution cable, carrier systems, main frames in the central offices, and switching equipment and that, accordingly, all of its services, whether switched or private line and whether mixed or unmixed, have the same need for protection from the types of harm referred to above, that is, from hazardous voltages, line imbalance, and signal overload.

5. These revised tariff schedules are significant modifications of tariff proposals that were originally filed by A.T. & T. in March 1969 which never became effective and which were withdrawn in November 1972 in favor of the instant proposal. As first filed, A.T. & T. proposed to require separate "couplers" or "interfaces" in all cases of direct connection of customer facilities to unmixed private lines and to charge the customer for such couplers which could be supplied only by the telephone company. Late, in June 1971, A.T. & T. modified its original proposal and filed tariffs proposing that protective arrangements would be built into the "service terminal" of its unmixed private line facilities and that no extra charges would be imposed by A.T. & T. "at that time" for such protective facilities. Many protests were lodged against this latter proposal and informal meetings were conducted by the Commission with interested parties to determine whether differences among the parties could be resolved. The principal objections were that (a) there was no need for such protective arrangements in the light of the historic omission

thereof in the past and the alleged failure of the carriers to demonstrate any serious likelihood of harm from such direct connection; (b) building such arrangements into the "service terminal" facilities would seriously degrade and limit the customer's use of the service; (c) such degradation limitations would be anticompetitive in that, among other things, it would mean that no such degradation and limitation would be imposed upon customers who obtain their terminal devices or systems from the carrier and the effect would be to promote the sale of A.T. & T. facilities; (d) requiring such protective facilities in all cases was an unwarranted and unlawful a priori assumption of harm from each and every item of customer-provided equipment; (e) no provision was made for such protective arrangements to be supplied by any source other than the carrier, and (f) customers ultimately would be required to pay extra charges for these protective arrangements and that the imposition of such charges for an entrenched program would further aggravate the anticompetitive features of the proposal. A.T. & T. deferred the effective date of this particular proposal at our request until November 1972 when, as heretofore stated, A.T. & T. filed the tariff revisions before us.

6. Three of the eight parties that filed objections to the June 1971 proposal of A.T. & T. have filed statements with us concerning the revision. The Computer Time Sharing Service Section (CTSS) of the Association of Data Processing Service Organization (ADAPSO) and the Independent Data Communications Manufacturers Association, Inc. (IDCMA) have filed letters indicating in substance that the new revision reduces the burden on the customer who does not necessarily want or need to purchase equipment from A.T. & T. and that they will not oppose the revised tariff at this time. Both of these parties continue to express reservations about the need for the proposed protective arrangements and both state that the revised tariff is not a final solution to the alleged discrimination against users of nontelephone company equipment. Each indicates that the better solution is for technical criteria to be prescribed for such protective arrangements so that persons other than the telephone company may supply them, or that the carrier provide such protective arrangements in all of their private line services, irrespective of whether connected with telephone company or nontelpehone company equipment, so that all customers would then be furnished the same circuit facilities by the carrier.

7. However, on February 1, 1973, MCI filed a Petition for Rejection or Suspension of the new revised tariff and this petition is now before us for action. MCI requests that we either reject or suspend the tariff filing, or failing either of these actions, to rule that:

(a) The new filing does not apply to the interconnection of the systems of specialized carriers with the private lines of A.T. & T.; and

(b) Nothing in the Commission's action is intended to immunize A.T. & T. from possible liability under the antitrust laws.

8. MCI makes these principal allegations against the new filing: (a) A.T. & T. has still not demonstrated any need for the proposed protective arrangements; (b) A.T. & T. has still not disclosed full information as to the nature of the devices so that others can manufacture them or obviate the claimed need for them; (c) A.T. & T. still would impair fair competition; (d) A.T. & T. has not adequately explained the costs of its devices nor has it justified its failure to charge for them or its proposal to spread all costs thereof among all users; (e) A.T. & T. still refuses to take the proper course—that of specifying reasonable criteria to be met by those wishing to interconnect with the telephone system; and (f) the tariff does not clearly state that the new practices do not apply to interconnection with facilities of other carriers.

9. On February 9, 1973, A.T. & T. submitted its reply to MCI's petition and objects to the petition on both procedural and substantive grounds. A.T. & T. is correct in contending that MCI's petition violates § 1.44(a) of our rules by combining into a single pleading requests for action delegated to the Chief, Common Carrier Bureau (rejection) with action reserved to the Commission suspension), 47 CFR 1.44(a). We would be warranted, therefore, in refusing to consider MCI's petition because of the violation of our rules. However, we believe that certain questions discussed in MCI's petition and A.T. & T.'s reply[1] are of sufficient importance to be considered by us on our motion in the exercise of our discretion under the suspension powers given to us by section 204 of the Act. 47 U.S.C. 204.

10. We agree with MCI that A.T. & T. has not made a persuasive showing that there is a need for A.T. & T. to install protective equipment in all cases where customer equipment is connected directly to unmixed voice grade private line facilities. In its reply, A.T. & T. continues to assert that there is a need for protective equipment on private line services because all services share common facilities, such as local distribution cables, carrier systems, and main frames and all are subject to harmful voltages, line imbalance, and excessive signal levels; and that the National Academy of Sciences concluded that "uncontrolled interconnection" could cause these types of harm to private line as well as other services. However, as MCI points out, A.T. & T. proposes under its tariffs to install such protective equipment only with respect to services installed on and after February 15, 1973, and then only with respect to services for those customers who use nontelephone equipment. Thus, on and after February 15, 1973, A.T. & T. does not propose to install such protective facilities for customers who use telephone company equipment even though such terminal equipment may be similar to the equipment that the customer provides and equally likely to cause the same kinds of alleged harm to the carrier facilities. Moreover, A.T. & T. does not propose to install such protective equipment for any services provided to any customers that are in service on February 14, 1973, even though those services presumably could be subject to the same types of harm. It would appear that, if there is real danger of such harm, all services should be protected.

11. With respect to MCI's assertion that A.T. & T. has not deemed it necessary to install such protective equipment in the past for any customers connecting directly to unmixed voice grade private line facilities, A.T. & T.'s reply is that, although there has been "past interference" it cannot "be readily quantified or specifically identified and recorded," and that "past experience in this instance is not a reliable basis upon which to predicate the need for protection in the future." However, A.T. & T. makes no persuasive factual or other showing that experience is not a reliable basis for this purpose. In view of the foregoing, we believe that substantial questions are raised as to the reasonableness of A.T. & T.'s proposal to install protective equipment only with respect to some customers and not others as the new filing proposes to do.

12. As to MCI's claim that A.T. & T. should not be given a monopoly in the provision of the proposed "protective equipment," A.T. & T.'s reply is that these particular facilities are part of A.T. & T.'s basic service offerings and are not in the category of "terminal devices" open to competition. However, this assertion by A.T. & T. appears to be inconsistent with its proposal to install protective equipment only with respect to facilities provided to certain customers to the exclusion of many, if not most, other customers using unmixed voice grade facilities. We question, therefore, whether it is reasonable to consider such equipment as part of A.T. & T.'s "basic service offerings." Thus, a valid question is raised as to whether, in lieu of giving A.T. & T. a monopoly in this area, there should not be a standards program by which the customer or persons other than A.T. & T. could provide such protective arrangements to the extent that such equipment is needed to prevent harm.

13. As heretofore stated, MCI challenges the ratemaking decision of A.T. & T. (a) to provide these protective arrangements without extra or separate charges to the customers and (b) to spread the costs thereof among all users, including message toll users. This challenge is answered by A.T. & T. primarily on the grounds that the costs are likely to be de minimus but that, if it should develop that costs are substantial, A.T. & T. would probably file tariffs setting up separate charges therefor which A.T. & T. would appropriately

[1] We note that A.T. & T.'s reply, although not in violation of our rules, was not actually filed "within 3 days" after service of MCI's petition on A.T. & T. as contemplated by 47 CFR 1.773.

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justify at that time. We believe that, at least in principle, MCI raises a valid question as to the propriety of A.T. & T.'s ratemaking principles applied in this case. As to MCI's request that it be made clear that the new tariff revision does not apply to MCI's own carrier-to-carrier interconnections with A.T. & T.'s loops, the reply of A.T. & T. contends that it is already clear that the new revision does not so apply and we agree.

14. In view of the foregoing discussion, we believe that substantial questions are raised as to the lawfulness of A.T. & T.'s tariff revisions that warrant our acting on our own motion and designating such revisions for hearing and suspending the effectiveness thereof for the maximum 3-month period provided for in section 204 of the Act.

15. Accordingly, in view of the foregoing considerations, *It is ordered*, That, pursuant to the provisions of sections 4(i), 4(j), 201, 202, 203, 204, 205, and 403 of the Communications Act of 1934, as amended, an investigation is instituted into the lawfulness of revisions in A.T. & T.'s Tariff FCC No. 260 submitted with Transmittal No. 11610 including cancellations, amendments, or reissues thereof;

16. *It is further ordered*, That, pursuant to the provisions of section 204 of the Communications Act, such revisions are hereby suspended until May 15, 1973, and A.T. & T. shall make no changes in said schedules of charges during the pendency of this proceeding without prior approval of the Commission;

17. *It is further ordered*, That, without in any way limiting the scope of the investigation, it shall include consideration of the following:

(1) Whether the classifications, practices, and regulations published in the aforesaid tariff revisions are or will be unjust and unreasonable within the meaning of section 201(b) of the Act;

(2) Whether such classifications, practices, and regulations will, or could be applied to, subject any person or class of persons to unjust or unreasonable discrimination or give any undue or unreasonable preference or prejudice to any person, class of persons, or locality, within the meaning of section 202(a) of the Act;

(3) If any of such classifications, practices, and regulations are found to be unlawful, whether the Commission should prescribe classifications, practices, and regulations for the service governed by the tariffs, and if so, what should be prescribed.

18. *It is further ordered*, That, a hearing be held in this proceeding at the Commission's offices in Washington, D.C., at a time to be specified; and that the Administrative Law Judge to be designated to preside at the hearing shall certify the record, without preparation of an initial or recommended decision, and the Chief of the Common Carrier Bureau shall thereafter issue a recommended decision which shall be subject to the submittal of exceptions and requests for oral argument as provided in 47 CFR 1.276 and 1.277, after which the Commission shall issue its decision as provided in 47 CFR 1.282; and

19. *It is further ordered*, That, A.T. & T. and the associated Bell System operating companies are made parties respondents and MCI is granted leave to intervene upon filing a notice of intention to appear and participate within 20 days of the release date of this order.

20. *It is further ordered*, That MCI's petition is dismissed.

Adopted: February 14, 1973.

Released: February 22, 1973.

FEDERAL COMMUNICATIONS COMMISSION,[2]
[SEAL] BEN F. WAPLE,
Secretary.

[FR Doc.73-3924 Filed 3-1-73;8:45 am]

LAND MOBILE APPLICATIONS FILED IN CHICAGO

Notice of Availability

FEBRUARY 22, 1973.

Effective February 12, 1973, the FCC's Chicago Regional Spectrum Management Center will make available in its Public Reference Room a listing of the land mobile radio applications which have been accepted for filing in the Chicago Region. This list will not be distributed but it will be available for public inspection every working day between the hours of 8 a.m. and 4:30 p.m. at the Commission's office at 1550 Northwest Highway, Park Ridge, IL. A duplicate listing of the applications received in Chicago will also be made available for inspection at the offices of the Industrial and Public Safety Facilities Division of the Safety and Special Radio Services Bureau in Washington, D.C.

The list is comprised of the following information for each application:

(1) Applicant's name.
(2) Application number.
(3) Purpose of application.
(4) Filing date.
(5) Call sign (for existing stations).
(6) Transmitter location or mobile operating area.
(7) Frequency or frequencies.
(8) Manufacturer of base and/or mobile transmitters.

This list is being provided in lieu of a procedure whereby every application is automatically diverted to the Public Reference Room for a fixed period of time. The latter procedure can cause a needless delay in the processing of an application and the use of a list will be more efficient. Whenever a member of the public wishes to examine a particular application, the staff in Chicago will make it available upon request. Ordinarily, however, the information provided on the list will serve the same function as public display but without any delay in the processing of the application.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[FR Doc.73-3925 Filed 3-1-73;8:45 am]

[Docket No. 19684; FCC 73-144]

ITT WORLD COMMUNICATIONS INC.

Memorandum Opinion and Order Instituting Investigation Regarding Telex and Telegraph Services With Guam

1. The Commission has before it:

a. A petition filed by ITT World Communications Inc. (ITTWC) on March 29, 1972, requesting that the Commission, pursuant to Section 201(a) of the Communications Act of 1934, direct RCA Global Communications, Inc. (RCAGC) to cooperate with ITTWC in (i) establishing an electrical interconnection between RCAGC's telegraph message and telex systems on Guam and ITTWC's telegraph message and telex systems, (ii) establishing through routes and charges applicable thereto and the division of such charges, and (iii) establishing and providing facilities and regulations for operating such through routes;

b. A petition, filed by RCAGC on May 10, 1972, to discuss or deny the petition for interconnection; and

c. A reply, filed by ITTWC on May 31, 1972, to the petition to dismiss or deny.

2. Presently, RCAGC has exclusive authority to provide telex and telegraph message services at Guam. Prior to October 1964, RCAGC was the only carrier equipped and authorized to provide any communications services between Guam and overseas points. By Memorandum Opinion, Order and Certificate adopted October 21, 1964, FCC 64-943 (File No. T-C-1791), the Commission authorized ITTWC to provide at Guam leased circuits for alternate and simultaneous voice and nonvoice use by defense agencies of the U.S. Government and leased circuits for alternate voice-record use by other customers. We were unable, however, to find then that the public interest would be served by permitting an additional record carrier to compete with RCAGC at Guam in providing telegraph message, telex, and leased channel telegraph services.

3. In July 1967, ITTWC again applied for authority to provide all types of record telegraph services at Guam.[1] By Memorandum Opinion and Order adopted February 25, 1970, 21 FCC 2d 589 (File No. T-C-1791-7), we found that, in view of then current conditions, the public interest would be served by amending former limitations on ITTWC (as well as on Western Union International, another international record carrier) to permit competition in leased telegraph channel services on Guam, but we were unable to make such a finding with respect to message telegraph and telex.

4. In its present petition, ITTWC alleges that, in view of RCAGC's refusal to a midpoint interconnection with ITTWC's telex services offered in the Continental United States, Hawaii, Puerto Rico, and the Virgin Islands, its own telex subscribers are unable to directly communicate with those of RCAGC at Guam. ITTWC recognizes that its subscribers could communicate with Guam were they to subscribe to the RCAGC telex system or, with respect to the mainland, the Western Union Telegraph Co.'s (WUT) Telex or TWX systems through which a connection with the RCAGC telex system could be made.

5. However, ITTWC asserts, it has about 2,000 telex subscribers in New York City who do not also subscribe to the RCAGC system. Moreover, if they were to subscribe to WUT's domestic system they would be dependent on a less efficient routing than if they were able to reach Guam directly via ITTWC. ITTWC states that the situation is particularly acute at Hawaii where it has 213 exclusive telex subscribers who have no telex access to Guam. This is considered by ITTWC to be significant in view of Guam's growth and the expansion of Honolulu firms to Guam.

6. According to ITTWC, the inability of its customers to reach Guam has inhibited it in competing for new subscribers, is causing losses in existing subscribers, and may affect its ability to attract users of leased channel services with Guam. In addition, ITTWC points out, it is unable to compete for the transit handling of telex traffic between Guam and points other than the mainland and Hawaii. Insofar as telegraph message traffic is concerned, ITTWC believes that the lack of interconnection with RCAGC at Guam has relegated it to the role of a domestic carrier, since it must exchange such messages with RCAGC for overseas tranamission. ITTWC proposes that interconnection initially involve three 50-band circuits, one for message use and two for telex use.

7. ITTWC stresses that it does not seek to disturb the status quo or to establish new facilities and offer additional services on Guam. It is endeavoring to extend communications services that it offers in Hawaii, San Francisco, New York, Washington, D.C., Puerto Rico, and the Virgin Islands to include telegraph message and telex to and from Guam and thus achieve an equal footing with RCAGC in competing to meet the communications needs on Guam. A normal partnership arrangement (similar to the many both ITTWC and RCAGC have with foreign entities), where operations are on a direct circuit basis and where each entity provides channel facilities to the theoretical midpoint, would satisfy that objective.

8. In its opposition to the ITTWC petition, RCAGC argues that ITTWC has failed to demonstrate that there has been any significant change in circumstances since our former decisions in the matter. According to RCAGC, ITTWC has not shown that its proposal is economically feasible or that RCAGC's current telex and telegraph message operations at Guam are inadequate.

9. Regarding the inability of some ITTWC subscribers to reach Guam, RCAGC asserts that this fact was well known to the Commission at the time of its earlier decisions and presumably was taken into consideration. In addition, RCAGC argues that the loss of customers due to the limitation placed on ITTWC's operations is unlikely since only about 10 percent of telex customers do not also subscribe to the telex service of another carrier.

10. RCAGC concludes that the real objective of ITTWC in the instant petition is to divide the telex business at Guam, Such a division, according to RCAGC, would render its Guam telex and telegraph message services, now operating at a loss, more unprofitable and ultimately degraded. While RCAGC agrees that there is evidence of an increase in telex traffic at Guam, it claims that its investments and costs in providing telex and telegraph message services have also risen.

DISCUSSION

11. We think that the points raised by ITTWC have sufficient merit to warrant an investigation and shall therefore, pursuant to section 201(a) of the Communications Act of 1934, order a hearing into the matter. While it is true that heretofore we have not been able to make a public interest finding enabling ITTWC to operate its telex and message services at Guam, the issue now before us is whether RCAGC, as the sole carrier authorized to provide such services at Guam, should interconnect with ITTWC telex and message services offered at other points rather than connecting only with its own telex and message services at such points and so maintain a virtual monopoly position with respect to transmission of telex traffic and message traffic between Guam and other United States points. There is nothing in our previous orders on the matter that furnishes a basis for concluding that we have already determined this latter point in RCAGC's favor. Our previous remarks with respect to feasibility of competition at Guam were directed to operations only at Guam, not to total operations between Guam and other points in RCAGC's system.

12. *Accordingly, it is ordered*, Pursuant to sections 4(i), 201(a), and 403 of the Communications Act of 1934, that an investigation is hereby instituted into establishing an interconnection between RCAGC's telegraph message and telex system on Guam and ITTWC's telegraph message and telex system.

13. *It is further ordered*, That without in any way limiting the scope of the proceeding, it shall include inquiry into the following matters:

(1) Whether it is necessary or desirable in the public interest to require RCAGC to interconnect its telegraph message and telex facilities with facilities of ITTWC for the provision of service to and from Guam:

(a) The effect, financial and other, on ITTWC and RCAGC telex and message services, and the public, were no interconnection to be established; and

(b) The manner in which ITTWC customers are able to send or receive messages to and from Guam in the absence of interconnection.

(2) The point at which interconnection, if any, should be established, and the financial and other effects on the ITTWC and RCAGC telex and message services and the public:

(a) The through routes and charges to be established;

(b) The facilities and regulations appropriate to the operation of such routes;

(c) The charges and the classifications, regulations, and practices affecting such charges; and

(d) The appropriate division of such charges.

14. *It is further ordered*, That a hearing shall be held in the proceeding at the Commission's offices at Washington, D.C. at a time to be specified in a subsequent order and that the Administrative Law Judge designated to preside at the hearing shall certify the record to the Commission without preparing either a recommended or initial decision and that the Chief, Common Carrier Bureau shall prepare and issue a recommended decision which shall be subject to the submittal of exceptions and request for oral argument as provided in 47 CFR 1.276 and 1.277, after which the Commission shall issue its decision as provided in 47 CFR 1.282.

15. *It is further ordered*, That ITTWC and RCAGC are hereby made parties respondent to the proceeding.

Adopted: February 7, 1973.

Released: February 20, 1973.

FEDERAL COMMUNICATIONS COMMISSION,[2]
[SEAL] BEN F. WAPLE,
Secretary.

[FR Doc.73-4010 Filed 3-1-73;8:45 am]

[Dockets Nos. 19686, 19687; FCC 73-174]

QUINNIPIAC VALLEY SERVICE, INC., AND RADIO RIDGEFIELD, INC.

Memorandum Opinion and Order Designating Applications for Consolidated Hearing on Stated Issues

In re applications of Quinnipiac Valley Service, Inc., Wallingford, Conn., Docket No. 19686, File No. BP-14832, Requests: 860 kHz, 500 w., DA, Day; Radio Ridgefield, Inc., Ridgefield, Conn., Docket No. 19687, File No. BP-18494, Requests: 850 kHz, 1 kw., DA, Day, for construction permits.

1. The Commission has before it for consideration (1) the above-captioned applications which are mutually exclusive in that operation by both applicants would entail contour overlap prohibited

[1] In 1965, the Telegraph Committee had denied a request of ITTWC to provide leased channel telegraph service at Guam, FCC 65 M-1484 (File No. T-C-1791, 1965).

[2] Commissioners Robert E. Lee, Johnson, and Wiley concurring in the result, Commissioner Reid absent.

[3] Commissioner Johnson concurring in the result; Commissioner H. Rex Lee absent.

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by § 73.37 of the Commission's rules; (ii) a Quinnipac Valley Service, Inc. (Quinnipiac), petition for reconsideration of its dismissal by the Commission filed February 12, 1971; (iii) an opposition filed by Meriden-Wallingford Radio, Inc. (Meriden-Wallingford), then licensee of WMMW, Meriden, Conn.;[1] (iv) the applicant's reply; (v) a supplement to the petition filed December 14, 1972; (vi) a petition to deny filed against Quinnipiac by WSBS—The Berkshires, Inc., licensee of WSBS, Great Barrington, Mass., on March 4, 1964; (vii) a petition to deny filed by Columbia Broadcasting System, Inc. (CBS), licensee of WCBS, New York, N.Y., on March 16, 1964; (viii) a petition to deny by Meriden-Wallingford filed February 27, 1969; and (ix) pleadings in response filed by Quinnipiac and replies submitted by CBS and Meriden-Wallingford. Also before us are requests for waivers of various rules by both applicants.

2. In an Order adopted January 13, 1971, the Commission denied Quinnipiac Valley Service, Inc., a waiver of the multiple-ownership rule (§ 73.35) and dismissed its application for noncompliance with the duopoly portion of the rule, 27 FCC 2d 66, 20 RR 2d 1081.[10] John T. Parsons, president and 50 percent owner of the applicant, was also president and 45 percent owner of station WOWW, Naugatuck, Conn., about 12 miles away. Grant of the application would have resulted in overlap of the respective 1 mv./m. contours. Quinnipiac filed a petition for reconsideration, eleciting opposition from Meriden-Wallingford. When Parsons recently severed his connection with WOWW (effective October 1, 1972), he cured the cause for dismissal and mooted the pleadings directed toward the above issue. Accordingly, the petition for reconsideration will be dismissed and the application reinstated on our own motion.

3. Reinstatement of Quinnipiac's proposal, however, necessarily revives previous objections directed against the application which had been mooted by the Commission's aforementioned dismissal. Allegations included charges of objectionable interference and prohibited overlap filed by the Columbia Broadcasting System, licensee of WCBS, New York, N.Y., ascertainment, financial and interference allegations made by Meriden-Wallingford, and an interference claim by WSBS—The Berkshires, Inc., licensee of WSBS, Great Barrington, Mass.

4. The competing application filed by Radio Ridgefield proposes a standard broadcast facility in Ridgefield, Conn. Radio Ridgefield tendered its application for filing on February 27, 1969, the cutoff date assigned the Quinnipiac application. However, the Ridgefield application also indirectly conflicted with an application filed by Wayne County Broadcasting Corp. for Honesdale, Pa., which had a cutoff date of June 18, 1968.[2] Thus, Radio Ridgefield was considered to have filed too late, and its application was not accepted. The applicant petitioned for acceptance arguing that the mutual exclusivity between the Wayne County proposal and one of the connecting applications (that of Peter L. Pratt for Honesdale) did not exist, and hence, it was not tied to the 1968 cutoff date. At the same time, it petitioned alternatively for a waiver of the cutoff rules based on charges that it has been unfairly tied to the earlier cutoff date by the filing of applications in abuse of the Commission's processes. Since it appears that the filing of the Pratt and General Broadcasting proposals did involve abuse of our processes (Wayne County Broadcasting Corp., 26 FCC 2d 52 (1970)), we believe that under the unique circumstances presented, a waiver of the cutoff rules is warranted.[3]

5. The Quinnipiac and Ridgefield proposals involve prohibited overlap of contours with a frequency separation of 10 kHz.[4] Since they are, then, mutually exclusive, they will be designated for hearing in a consolidated proceeding on the issues specified below. Although § 1.580 (b) of the Commission's rules provides that no application will be acted upon less than 30 days following issuance of public notice of the acceptance of the application, the Commission will, on its own motion, waive § 1.580(b) with respect to Radio Ridgefield so that the applications herein may proceed to hearing without further delay.

6. CBS alleges that the Quinnipiac operation would cause objectionable interference within the WCBS 0.5 mv./m. contour in contravention of § 73.182(w) of the rules, and that there would be prohibited overlap of the 2 mv./m. and 25 mv./m. contours of stations 20 kHz removed in violation of § 73.37. Section 73.182(w) was amended July 1, 1964 (Docket No. 15084, 2 RR 2d 1658), to eliminate the provision concerning interference based on a 1:30 ratio, and hence, poses no bar to the applicant. But, according to Quinnipiac's own studies, the proposed operation would involve 2 mv./m. and 25 mv./m. overlap with WCBS. The applicant contends the overlap should not be considered objectionable because (i) it is due to a long salt-water path, and (ii) its application was filed prior to adoption of the prohibited overlap provisions of § 73.37. With regard to the first contention, we note that our rules do not sanction such overlap merely because it may be due to a high conductivity path. And concerning the latter, at the date of filing (May 3, 1961), § 3.37[5] was in effect and clearly prohibited overlap of the 25 mv./m. and 2 mv./m. groundwave contours for stations operating on frequencies 20 kHz removed. Moreover, in this instance, the question of whether a waiver should be granted is more fit for resolution in an evidentiary hearing, and not by summary decision based on pleadings alone.[6]

7. The Commission also finds that the 2 mv./m. contour of WRYM, New Britain, Connecticut (another station 20 kHz removed), would be separated from Quinnipiac's proposed 25 mv./m. contour by only about 0.6 mile based on Figure M-3 conductivities. Since no measurement data are available to establish the extent of the WRYM 2 mv./m. contour and since Figure M-3 is not intended to accurately depict conductivity over such short paths (approximately 15 miles), we conclude that a substantial question exists as to whether prohibited overlap of the 2 mv./m. and 25 mv./m. contours would result with WRYM. Appropriate issues will be specified with respect to the overlap with WCBS, and the possible overlap with WRYM, Columbia Broadcasting System, Inc., and Hartford County Broadcasting Corp., licensees of the respective stations, will be made parties to the proceeding.

8. WSBS—The Berkshires, Inc., licensee of WSBS, Great Barrington, Mass., filed a petition to deny alleging the proposed operation would cause interference to WSBS. Quinnipiac subsequently amended its application (October 20, 1969) and the Commission now finds that objectionable interference would not be caused WSBS. Accordingly, the WSBS petition to deny will be dismissed.

9. Meriden-Wallinford claimed standing as a party in interest based on the allegation that Quinnipiac's operation

[1] Subsequent to the filing of the petition, the license for WMMW was assigned to WMMW, Inc. The new licensee recently informed the Commission that it wished to adopt Meriden-Wallingford's pleadings. The ordering clause in paragraph 26, infra (designating parties to the proceeding ordered herein), makes provision for the assignment.

[10] Prior Commission actions affecting the Quinnipiac application include Orders released July 9, 1964 (FCC 64-631) (holding a drop-out agreement with Radio Wallingford, Inc., a former competing applicant, in abeyance); and October 16, 1964 (FCC 64-937) (giving formal approval to the drop-out agreement).

[2] Radio Ridgefield's proposal conflicted with an application by the General Broadcasting Corp. for Yorktown Heights, N.Y. (BP-18219), which was mutually exclusive with an application by Peter L. Pratt for Honesdale, Pa. (BP-18233), which was, in turn, mutually exclusive with the Wayne County Broadcasting Corp. application for Honesdale (BP-18018).

[3] Moreover, we note that the chain connecting Radio Ridgefield to Wayne County's application was broken by dismissal of the General Broadcasting Corp. application on Oct. 7, 1970.

[4] Section 73.37(a) of the Commission's rules.

[5] § 3.37 *Minimum separation between stations.* A license will not be granted for a station on a frequency of ±30 kc. from that of another station if the area enclosed by the 25 mv./m. groundwave contours of the two stations overlap, nor will a license be granted for the operation of a station on a frequency ±20 kc. or ±10 kc. from the frequency of another station if the area enclosed by the 25 mv./m. groundwave contour of either one overlaps the area enclosed by the 2 mv./m. groundwave contour of the other.

[6] Since the application was filed prior to adoption of section 73.37 (the "go-no-go" rules) (July 1, 1964) it can be accepted for filing. Compare § 3.37, with § 73.37(a).

would be within its service area and compete with it for advertising revenue. The Commission finds that Meriden-Wallingford had the requisite standing as a party in interest within the purview of section 309(d)(1) of the Communications Act of 1934, as amended, and § 1.580(i) of the Commission's rules. FCC v. Sanders Bros. Radio Station, 309 U.S. 470, 9 RR 2008 (1940).

10. Meriden-Wallingford charged in its initial pleading that 11.3 percent of the population within Quinnipiac's normally protected contour would receive interference from WSBS, WRYM, and WTEL, Philadelphia, Pa. While this exceeded the "10-percent rule" allowed for applications filed before July 13, 1964, Quinnipiac's engineering amendment of October 20, 1969, reduced proposed power to 500 w. and the segment of the population that would receive interference to 3.74 percent. There appears, then, to be no violation of § 73.28 (d)(3).[7]

11. Meriden-Wallingford also faults the application for lack of a community survey and for an inadequate financial showing. Although the applicant has since supplied an ascertainment of community needs, its survey is defective. Quinnipiac indicates that 19 persons of below-average income were contacted either in person or by telephone, and that the remaining 32 people interviewed were all in the community leader category. Yet, there is no showing that any of these leaders was representative of the below-average income group. (See questions 13(a) and 16 of the Primer on Ascertainment of Community Problems by Broadcast Applicants, 36 FR 4092, 4105 (March 3, 1971).) Furthermore, Quinnipiac's public service proposals are too indefinite for us to conclude that they will be responsive to Wallingford's problems. For example, drug abuse is cited as a problem, but the applicant makes no programing response; a daily student show is mentioned, but no specifics offered; tape-recorded playback of town council meetings is proposed, but no time slot or duration suggested; and, if Quinnipiac fails to locate the announcer-host for its telephone talk show (as it suggests might happen), then this applicant will utterly lack any regularly scheduled programing for the discussion of community problems. See question 29 of the Primer, supra. Thus, substantial questions exist as to the adequacy of the applicant's ascertainment of its community's needs and its response to those needs. Therefore, a Suburban[8] issue will be specified.

12. The applicant has updated its financial data several times since the initial filing, but it appears inadequate. First, its most recent financial data is now 2 years old. Second, even using the applicant's 1970 figures, costs of construction and operating expenses for the first year exceed available assets. According to its estimates, costs total $125,000, broken down as follows: Down payment on equipment, $11,920; first-year's payments on equipment with interest, $11,580; building, $3,000; land, $1,000; miscellaneous, $7,500; and 1-year's working capital, $90,000. Assets included existing capital, $1,000; new capital, $9,000; stockholder loan obligations, $31,000; and a bank loan commitment of $30,000, for a total of $71,000. The stockholder loan agreement fails to specify the terms upon which the principals will loan the $31,000 to the applicant corporation and, apart from the current obsolescence of both principals' financial statements, that of John T. Parsons was inadequate when submitted. Thus, anticipated expenditures exceeded available assets by at least $54,000. Issues will be specified in order to permit a determination of the current financial status of Quinnipiac's principals and whether sufficient funds are available to meet the cost of construction and 1 year's operation.

13. Finally, Meriden-Wallingford claims that the "drop-out" agreement between Quinnipiac and Radio Wallingford, Inc. (a former competing applicant for a Wallingford license) (hereafter Radio Wallingford), is contrary to the public interest. The petition to deny is, in this respect, a petition for reconsideration of our previous order approving the agreement,[9] and is in obvious noncompliance with section 405 of the Communications Act of 1934, as amended, and § 1.106 (f) of our rules. Its petition was filed over 4 years after approval by the Commission, whereas the act requires such filings within 30 days. But, inasmuch as the pleading was timely filed as a petition to deny,[10] we will address ourselves to petitioner's contentions.

14. In return for Radio Wallingford's agreement to suffer dismissal, Quinnipiac has extended the former applicant the option of reimbursement in cash of $3,500, or assignment of 50 percent of Quinnipiac's stock, contingent upon a grant of the latter's application. Meriden-Wallingford asserts that by the terms of the option, Quinnipiac is committed to transferring 50 percent of its stock to a company which, several years after the agreement's approval, may be unqualified, and that the agreement fails to extract any continuing financial support from Radio Wallingford in return for receipt of Quinnipiac stock.

15. The petitioner's concern is groundless. First of all, the Commission has already approved this agreement once. Second, even if circumstances have since changed, Quinnipiac is not committed to conveying its stock to a perhaps now-unqualified Radio Wallingford since our approval must also be secured prior to consummation to effect a lawful transfer of control. And that sanction is based on a reappraisal of the prospective partowner's qualifications, as well as the terms of the agreement. The petitioner's vague, unsupported conclusions fail to raise substantial and material questions of fact warranting designation of an issue.

16. Radio Ridgefield is in violation of § 1.569(b)(2)(i) of the rules in that the proposed transmitter site lies beyond a 500-mile extension of the 0.5 mv./m. 50 percent nighttime skywave contour of class I-A station WBAP, Fort Worth, Tex., on 820 kHz (a "frozen" channel 30 kHz removed from the proposed frequency). The applicant requests a waiver of this section and the Commission grants it since this is in keeping with past policy holding that proposals 30 kHz removed from class I-A channels do not materially prejudice future consideration of those channels. See, e.g., Peter L. Pratt, 16 FCC 2d 967, 15 R.R. 2d 933 (1969).

17. Radio Ridgefield will be given the opportunity to correct deficiencies in its financial showing at hearing. First, the applicant's cost figures are now nearly 3 years old and must be updated. Second, the applicant relies almost exclusively on a $100,000 loan from its president, Bartholomew T. Salerno, to demonstrate its financial qualifications. But Mr. Salerno's financial statement fails to establish that the real estate values cited were based on appraisal by an independent real estate agent. Also, the letter evidencing willingness to make the loan fails to state whether any security is required, as prescribed by paragraph 4(a), section III, FCC Form 301.[11] The appropriate issues are designated.

18. Radio Ridgefield has been faulted for failure to provide a 5-mv./m. signal over the entire political subdivision known as Ridgefield Township (see § 73.188(b)(2)). On February 9, 1971, Radio Ridgefield amended its application and now proposes to serve primarily the unincorporated population center of the township.[12] This amendment shows that the proposed 25-mv./m. contour encompasses all of the business area, and the 5-mv./m. contour more than covers all of the population center of Ridgefield, both in conformity with § 73.188(b) of the rules. Accordingly, the applicant's proposal will be construed as specifying

[7] Meriden-Wallingford also contends that the Quinnipiac proposal involves prohibited overlap with WCBS and WRYM. As explained in paragraphs 6 and 7, supra, issues are being specified in this regard.

[8] Suburban Broadcasters, 20 R.R. 951 (1961).

[9] Tentative approval was given July 8, 1964 (FCC 64-631, 2 R.R. 2d 1005) and, after compliance with the publication requirements of § 1.525(b) of the rules, final approval on Oct. 14, 1964 (FCC 64-937).

[10] The petition to deny was filed on Feb. 27, 1969, the cutoff date for Quinnipiac, in accordance with sec. 309(d)(1) of the act.

[11] Mr. Salerno is not the sole stockholder of the applicant corporation. Mr. Paul A. Christo, vice-president of the applicant, owns 10 percent of the stock.

[12] Sec. 73.30(a) sanctions the grant of licenses to stations assigned to unincorporated communities. North Atlanta Broadcasting Co., 1 R.R. 2d 275 (Review Board 1963).

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Ridgefield center as the community of license.[13]

19. However, the Ridgefield proposal also clearly projects the 5-mv./m. contour as penetrating the Danbury corporate limits, to which the 1970 census assigns a population of 50,781,[14] a figure more than twice the population of Ridgefield center.[15] These facts raise a presumption that Radio Ridgefield's operation is intended to serve the community of Danbury, rather than the community of Ridgefield center.[16] An appropriate section 307(b) suburban community issue will be designated to give the applicant an opportunity to rebut this presumption.

20. From the information before the Commission it appears that, except as indicated by the issues specified below, the applicants are qualified to construct and operate as proposed. However, for the reasons indicated above, they must be designated for hearing in a consolidated proceeding on the issues set forth below.

21. *Accordingly, it is ordered*, That the application of Quinnipiac Valley Service, Inc., is reinstated on our own motion; that the application of Radio Ridgefield, Inc., is hereby accepted for filing; that, on the Commission's own motion, § 1.580(b) of the Commission's rules is waived; and that, pursuant to section 309(e) of the Communications Act of 1934, as amended, the applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent Order, upon the following issues:

(1) To determine the areas and populations which would receive primary service from the proposed operations and the availability of other primary aural (1 mv./m. or greater in the case of FM) service to such areas and populations.

(2) To determine whether overlap of the 2 and 25 mv./m. contours would occur between the Quinnipiac proposal and WCBS, New York, N.Y., in contravention of § 73.37 of the Commission's rules, and, if so, whether circumstances exist which would warrant a waiver of said section.

(3) To determine whether overlap of the 2 and 25 mv./m. contours would occur between the Quinnipiac proposal and WRYM, New Britain, Conn., in contravention of section 73.37 of the Commission's rules, and, if so, whether circumstances exist which would warrant a waiver of said section.

(4) To determine the efforts made by Quinnipiac Valley Service, Inc., to ascertain the community problems of the area to be served and the means by which the applicant proposes to meet those problems.

(5) To determine, with respect to the application of Quinnipiac Valley Service, Inc.:

(a) Whether John T. Parsons and James W. Miller have sufficient net liquid and current assets to meet their respective loan commitments;

(b) Whether sufficient additional funds are available to meet construction costs and operating expenses for the first year;

(c) The current basis for the applicant's estimated construction costs and operating expenses for the first year; and

(d) In light of the evidence adduced pursuant to (a), (b), and (c), above, whether the applicant is financially qualified.

(6) To determine whether the proposal of Radio Ridgefield, Inc., will realistically provide a local transmission facility for its specified station location, or for another larger community, in light of all the relevant evidence, including, but not necessarily limited to the showing with respect to:

(a) The extent to which the specified station location has been ascertained by the applicant to have separate and distinct programing needs;

(b) The extent to which the needs of the specified station location are being met by existing aural broadcast stations;

(c) The extent to which the applicant's program proposal will meet the specific unsatisfied programing needs of its specified station location; and

(d) The extent to which the projected sources of the applicant's advertising revenues within its specified station location are adequate to support its proposal, as compared with its projected sources from all other areas.

(7) To determine, in the event that it is concluded pursuant to the foregoing issue that the proposal will not realistically provide a local transmission service for its specified station location, whether such proposal meets all of the technical provisions of the rules for standard broadcast stations assigned to the most populous community for which it is determined that the proposal will realistically provide a local transmission service; namely, Danbury, Conn.

(8) To determine, with respect to the application of Radio Ridgefield, Inc.:

(a) Whether Bartholomew T. Salerno has sufficient net current and liquid assets to lend $100,000 to the applicant, and what, if any, security will be required;

(b) The current basis of the applicant's estimated construction costs and operating expenses for the first year; and

(c) In light of the evidence adduced pursuant to (a) and (b), above, whether the applicant is financially qualified.

(9) To determine, in light of section 307(b) of the Communications Act of 1934, as amended, which of the proposals would better provide a fair, efficient and equitable distribution of radio service.

(10) To determine, in light of the evidence adduced pursuant to the foregoing issues, which, if either, of the applications should be granted.

22. *It is further ordered*, That, the memorandum opinion and order of January 13, 1971, 27 FCC 2d 66, dismissing the application of Quinnipiac Valley Service, Inc., is set aside and that the petition for reconsideration, and supplement, filed by Quinnipiac Valley Service, Inc., are dismissed as moot.

23. *It is further ordered*, That, the request of Radio Ridgefield, Inc., for waiver of § 1.569(b)(2)(i) of the rules is granted; that, the request for waiver of §§ 1.571(c) and 1.227(b) (1), (4) is granted.

24. *It is further ordered*, That the petition to deny the application of Quinnipiac Valley Service, Inc., filed by WSBS—The Berkshires, Inc., is hereby dismissed.

25. *It is further ordered*, That the petitions of the Columbia Broadcasting System, Inc., and of Meriden-Wallingford Radio, Inc., directed against the application of Quinnipiac Valley Service, Inc., are granted to the extent indicated above and are denied in all other respects.

26. *It is further ordered*, That the Columbia Broadcasting System, Inc., Hartford County Broadcasting Corp., and WMMW, Inc., are made parties to the proceeding.

27. *It is further ordered*, That, to avail themselves of the opportunity to be heard, the applicants and parties respondent herein, pursuant to § 1.221(c) of the Commission's rules, in person or by attorney, shall, within 20 days of the mailing of this order, file with the Commission in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this order.

28. *It is further ordered*, That the applicants herein shall, pursuant to section 311(a)(2) of the Communications Act of 1934, as amended, and § 1.594 of the Commission's rules, give notice of the hearing, either individually or, if feasible and consistent with the rules, jointly, within the time and in the manner prescribed in such rule, and shall advise the Commission of the publication of such notice as required by § 1.594(g) of the rules.

Adopted: February 14, 1973.

Released: February 23, 1973.

FEDERAL COMMUNICATIONS COMMISSION,[17]

[SEAL] BEN F. WAPLE, *Secretary.*

[FR Doc.73-4011 Filed 3-1-73;8:45 am]

[13] Were this applicant to designate the whole of Ridgefield Township as the community of license, serious § 73.37(b) problems would be raised since prohibited overlap would exist with cochannel stations WHDH, Boston, Mass., and WEEU, Reading, Pa., and since the 1970 U.S. census shows a northern portion of the township as embraced in the Danbury urbanized area with the township population remaining below 25,000.

[14] Danbury city has been treated as coextensive with the town of Danbury since 1960, for Bureau of Census purposes, and the same population reported for both.

[15] The Bureau of the Census reports the 1970 population of Ridgefield center as 5,878 and that of Ridgefield Township as 18,188.

[16] Policy statement on sec. 307(b) considerations for standard broadcast facilities involving suburban communities, 2 FCC 2d 190, 6 R.R. 2d 1901 (1965).

[17] Commissioner Reid absent.

[Docket Nos. 19468, etc.; FCC 73R-79]

WIOO, INC., ET AL.

Memorandum Opinion and Order Enlarging Issues

In re applications of WIOO, Inc., Carlisle, Pa., Docket No. 19468, File No. BPH-6572; Howard J. Hilton, John E. McGowan, and John E. Hilton, doing business as Hilton, McGowan & Hilton, Carlisle, Pa., Docket No. 19469, File No. BPH-6631; Alexander Contract and Sylvia Contract, doing business as Cumberland Broadcasting Co., Carlisle, Pa., Docket No. 19471, File No. BPH-7404; for construction permits.

1. Before the Review Board is a petition to enlarge issues, filed October 6, 1972, by WIOO, Inc. (WIOO), requesting the addition of the following three issues against Cumberland Broadcasting Co. (Cumberland): (a) to determine the basis of Cumberland's representations that land would be available to it on the basis of an annual lease of $500; (b) to determine whether Cumberland had been guilty of misrepresentation and concealment in connection with the costs involved in its use of the land proposed for its transmitter site; (c) to determine whether Cumberland has correctly represented all of the facts and circumstances surrounding the proposed loan from Donald C. Hartman in its application as originally filed, and in its pleadings submitted in response to petitions to enlarge issues filed by WIOO.[1][2]

2. In support of requested issues (a) and (b), WIOO alleges that Cumberland is guilty of misrepresentation and concealment in connection with the cost of the land necessary for its proposed transmitter site. WIOO points out that the Cumberland application as originally filed represented that the land necessary for the transmitter site was available to it on the basis of an annual lease of $500 and this representation was repeated in a subsequent amendment. However, petitioner asserts that the only arrangement for use of the land was a cash purchase in the amount of $9,000 for a 5-acre plot.[3] Petitioner claims that if the actual cost of the land had been disclosed in the original application, a serious question would have arisen concerning Cumberland's financial qualifications.[4] Next, in support of its requested issue (c), WIOO alleges that Cumberland misrepresented its relationship with Hartman in the original filing. Petitioner contends that Alexander Contract had promised Hartman an ownership interest in Cumberland and the position of manager of the proposed station in return for Hartman's promise to lend Cumberland $20,000 and that Cumberland's application should have disclosed this interest. In support, WIOO submits an affidavit from Hartman indicating that it was in late 1970 when he was offered the position of manager and the ownership interest in consideration of his loan commitment. Petitioner also submits a telegram dated October 6, 1972, in which Hartman states that he made the loan agreement solely because of this offer of ownership and employment.[5] Petitioner further requests the Review Board to review its previous ruling and enlarge the issues to permit a full inquiry with respect to all of Cumberland's past and present proposals to finance its construction and operation.[6] The Broadcast Bureau supports addition of the requested issues.

3. In opposition, Cumberland claims that the mistake in regard to the transmitter site was an honest human error and disclaims any intent to mislead the Commission. In an affidavit attached to the opposition. Contract posits as a possible explanation for the mistake the fact that he had discussed with his attorneys a proposed leasing arrangement for another site, which never came to pass.[7] With respect to the Hartman loan, Cumberland maintains that the possible ownership interest of Hartman was a thing of the past at the time the Cumberland application was filed and denies any hidden ownership or other misrepresentation on the part of Cumberland. Submitted in support of its contention is a telegram from Hartman, dated October 18, 1972, to the effect that he had no ownership interest or promise of ownership interest in Cumberland after the application was filed.[8] As to the requested issues concerning Cumberland's proposals for financing its construction and operation, the applicant maintains that the Review Board has already ruled on these issues and is precluded from reconsidering its interlocutory rulings by §§ 1.102 (b)(2) and 1.106(a).

4. The Review Board will add requested issues (a) and (b). We believe that a substantial question has been raised with respect to whether Cumberland has misrepresented and concealed facts in connection with the costs involved in its use of the land proposed for its transmitter site. In our view, Cumberland has not successfully negated the allegation of willful misrepresentation, especially in view of the fact that a substantial question as to Cumberland's financial qualifications would have been raised if the actual cost of the land had been disclosed in the original application. Furthermore, the alleged misrepresentation was repeated in an amended financial statement submitted on June 13, 1972. Therefore, the Board will add an appropriate issue to permit a full inquiry of this matter at the hearing. The Board is of the opinion, however, that addition of requested issue (c) relating to the Hartman loan is not warranted. We have no reason to doubt the statement of Hartman, affirming the affidavit of Contract, that he had no ownership interest or promise of ownership interest in Cumberland after the application was filed. Therefore, Cumberland has, to our satisfaction, adequately answered the petitioner's allegation that Cumberland misrepresented its relationship with

[1] Also before the Review Board are the following related pleadings: (a) Motion to file supplement, and supplement to petition to enlarge issues, filed Oct. 13, 1972, by WIOO; (b) Broadcast Bureau's comments on (a) filed Oct. 18, 1972; (c) opposition, filed Oct. 19, 1972, by Cumberland; (d) Broadcast Bureau's comemnts, filed Oct. 26, 1972; (e) reply, filed Oct. 30, 1972, by WIOO; and (f) petition for leave to file, and supplement to opposition, filed Nov. 28, 1972, by Cumberland.

[2] The Board is of the view that petitioner has not shown good cause for the late filing of its motion to enlarge. The Board will, however, consider the request on the merits since the allegations raise serious questions regarding Cumberland's basic qualifications and since the petition to enlarge was filed within 4 days after Mr. Swidler received the option agreement. See Note 3, infra. The Edgefield-Saluda Radio Co. (WJES), 5 FCC 2d 148, 8 RR 611 (1966).

[3] Submitted in support of its allegation is an affidavit from Harold Swidler which states that Thomas Boylan indicated to Swidler that in March of 1971, he and his wife entered into an agrement with Alexander and Sylvia Contract pertaining to the said property. In addition, petitioner submitted a copy of the option agreement between the Contracts and Mr. Boylan.

[4] WIOO asserts that Cumberland relied in its original filing on total available resources in the amount of $128,445 and its total first year's cash requirements were $127,315, leaving a cushion of slightly more than $1,000; therefore, an expenditure of $9,000 for 5 acres of land would have resulted in a deficit of approximately $7,870.

[5] On Otcober 13, 1972, WIOO filed a supplement to its petition to enlarge issues containing an affidavit of Hartman substantiating the facts set forth in his telegram. The Board agrees with the Bureau that the supplement does not violate the Board's notice of October 11, 1972, regarding "the filing of successive supplements long after the initial interlocutory pleading was filed", and therefore will accept the supplement.

[6] WIOO has previously requested issues inquiring into the three loan commitments originally relied upon by Cumberland but the Review Board in a Memorandum Opinion and Order, FCC 72R-255, 37 FCC 2d 342, released September 20, 1972, denied the requested issues. One of the requested issues concerned the circumstances surrounding the proposed loan from Donald C. Hartman. The Board has recently, however, specified an issue to determine whether Cumberland misrepresented the terms and conditions of a loan commitment from James Line (FCC 73R-69, —— FCC 2d ——, released February 9, 1973).

[7] Cumberland's petition for leave to file a supplement to its opposition will be denied. The Board stated in its Public Notice No. 90836, released October 11, 1972, (Filing of Supplemental Pleading Before the Review Board), that it would closely scrutinize all alleged justifications for the filing of supplemental pleadings. Cumberland's request to supplement its opposition comes more than a month after the filing of its initial opposition and Cumberland has not satisfactorily explained the delay nor why it did not include this material in its initial opposition.

[8] Hartman's telegram corroborates the affidavit of Contract attached to the opposition.

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Hartman in the original filing. Furthermore, we do not believe that the statements contained in the affidavits and telegrams from Hartman are conflicting. Hartman originally stated that in late 1970 he made the loan agreement solely because of the offer of ownership and employment but circumstances changed and by March 1971, when the application was filed, Hartman no longer had any interest in participating in the business in any capacity. Petitioner's belief that the loan is "simply incredible" is conjecture and not supported by sufficient allegations of fact to permit a full inquiry concerning the circumstances surrounding the proposed loan from Hartman.[9] The requested issue concerning the Hartman loan will therefore be denied

5. *Accordingly it is ordered*, That the motion to file supplement to petition to enlarge issues, filed October 13, 1972, by WIOO, Inc., is granted, and the supplement is accepted; and

6. *It is further order*, That the petition for leave to file, filed November 28, 1972, by Cumberland, is denied; and

7. *It is further ordered*, That the petition to enlarge issues, filed October 6, 1972, by WIOO, Inc., is granted to the extent herein indicated, and is denied in all other respects; and

8. *It is further ordered*, That the issues in this proceeding are enlarged by the addition of the following issues:

(a) To determine the basis of Cumberland's representations in its application and amendments thereto that land would be available to it on the basis of an annual lease of $500.

(b) To determine whether Cumberland had misrepresented or concealed facts in connection with the costs involved in its use of the land proposed for its transmitter site.

9. *It is further ordered*, That the burden of proceeding with the introduction of evidence under the issues added herein shall be on WIOO, Inc., and the burden of proof thereunder shall be on Cumberland Broadcasting Company.

Adopted: February 14, 1973.

Released: February 22, 1973.

FEDERAL COMMUNICATIONS COMMISION,[10]
[SEAL] BEN F. WAPLE,
Secretary.

[FR Doc.73-4012 Filed 3-1-73;8:45 am]

[9] Moreover, the Review Board has already considered and denied such a requested issue. See Memorandum Opinion and Order, FCC 72R-255, supra. The Board will also deny the requested issues inquiring into Cumberland's past and present proposals to finance its construction and operation, since no allegations sufficient to warrant such an issue have been presented. However, see note 6, supra.

[10] Board Member Berkemeyer absent.

FEDERAL MARITIME COMMISSION

COASTAL BARGE LINES, INC. AND PACIFIC WESTERN LINES

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1015, or may inspect the agreement at the field offices located at New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, on or before March 22, 1973. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed by:

Mr. Leonard H. Gross, Coastal Barge Lines, Inc., 840 West Nickerson No. 2, Seattle, WA 98119.

DC-58 is an agreement filed for approval under section 15 of the Shipping Act, 1916, between Coastal Barge Lines, Inc., and Alaska Aggregate Corp., doing business as Pacific Western Lines. Under the agreement, each carrier may forward cargo booked by it on vessels of the other so as to minimize the operational costs of each and to insure for the benefit of the general public, a continuous scheduled service, maintain its own tariff, rate all cargoes solicited on its own bill of lading and be liable to the public in accordance with existing laws.

Charges between carriers are to be determined in accordance with the service performed on each shipment or commodity as scheduled. The agreement also contains provisions relating to loss or damage to shipments, actual or hidden, and to termination of the arrangement.

By order of the Federal Maritime Commission.

Dated: February 23, 1973.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.73-3945 Filed 3-1-73;8:45 am]

[Independent Ocean Freight Forwarder License 359]

JOHN A. HICKEY & CO., INC.

Order of Revocation

On January 31, 1973, John A. Hickey & Co., Inc., 42 Broadway, New York, NY 10004 voluntarily surrendered its Independent Ocean Freight Forwarder License No. 359 for revocation.

By virtue of authority vested in me by the Federal Maritime Commission as set forth in Manual of Orders, Commission Order No. 1 (revised) § 7.04(f) (dated May 1, 1972);

It is ordered, That Independent Ocean Freight Forwarder License No. 359 of John A. Hickey & Co., Inc., be and is hereby revoked effective January 31, 1973, without prejudice to reapply for a license at a later date.

It is further ordered, That a copy of this order be published in the FEDERAL REGISTER and served upon John A. Hickey & Co., Inc.

AARON W. REESE,
Managing Director.

[FR Doc.73-3943 Filed 3-1-73;8:45 am]

[Independent Ocean Freight Forwarder License 1290-R]

MONITOR INTERNATIONAL FORWARDING CORP.

Order of Revocation

On February 12, 1973, Monitor International Forwarding Corp., San Francisco, Calif., voluntarily surrendered its Independent Ocean Freight Forwarder License No. 1290-R for revocation.

By virtue of authority vested in me by the Federal Maritime Commission as set forth in Manual of Orders, Commission Order No. 1 (revised) § 7.04(f) (dated May 1, 1972);

It is ordered, That Independent Ocean Freight Forwarder License No. 1290-R of Monitor International Forwarding Corp. be and is hereby revoked effective February 12, 1973, without prejudice to reapply for a license at a later date.

It is further ordered, That a copy of this order be published in the FEDERAL REGISTER and served upon Monitor International Forwarding Corp.

AARON W. REESE,
Managing Director.

[FR Doc. 73-3944 Filed 3-1-73; 8:45 am]

PORT OF PORTLAND AND PACIFIC MOLASSES CO.

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1015, or may inspect the agreement at the field offices located at New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, on or before March 22, 1973. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed by:

Brian J. Freeman, Esq., Port of Portland, Box 3529, Portland, OR 97208.

Agreement No. T-2744, between the Port of Portland (Port) and Pacific Molasses Co. (PM), provides for the lease to PM of the entire bulk liquid and storage plant and land situated at the Port's Municipal Terminal No. 4. The "public facilities" portion of the premises are to be used primarily for public purposes in the movement of tallow, vegetable oils, and other products; the "industrial lands" portion of the premises are to be utilized for industrial purposes by PM and include an office, warehouse, molasses pump, molasses lines, truck scales, and all appurtenances thereof. The term of the lease of the "public facilities" portion extends to June 30, 1983 (with a 10-year renewal option), and the term for the "industrial lands" extends to June 30, 1993. Compensation to the Port will be as set forth in the agreement. In shipping its own tallow and other products through the facility, only wharfage will be applied against PM under certain cases. Otherwise, all Port tariff charges will be assessed against PM and other users of the facility.

By order of the Federal Maritime Commission.

Dated: February 22, 1973.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.73-3946 Filed 3-1-73;8:45 am]

FEDERAL POWER COMMISSION

[Projects 821, 1577—Alaska]

ALASKA POWER SURVEY

Order Vacating Land Withdrawals

FEBRUARY 23, 1973.

The Alaska Power Administration, Department of the Interior, has requested that the land withdrawals for Project Nos. 821 and 1577 be vacated in their entirety. The withdrawn lands are described below.

Project No. 821, comprising approximately 81 acres on Cascade and Rosa Creeks, Gravina Island, Alaska, contemplated the storage of 100 acre-feet of water at Upper and Lower Lakes on Rosa Creek and the diversion of flows from Rosa Creek to Cascade Creek and from Cascade Creek to a 60-horsepower water wheel connected to a generator in a fish cannery on the shore of Tongass Narrows. The license for Project No. 821 was issued September 18, 1928, and was terminated June 8, 1932, because the Licensee failed to begin construction. This site has no significant power potential since its drainage area is less than 2 square miles.

Project No. 1577, comprising approximately 36.5 acres on Kodiak Island, Alaska, was to consist of a small reservoir on Chip Creek and a diversion to a powerhouse with an installed capacity of 100 horsepower. The license for project No. 1577 was issued October 1, 1940, and surrendered effective December 31, 1945. The site for project No. 1577 is now occupied by a reservoir and pipeline under authority of a Bureau of Land Management right-of-way issued to CWC Fisheries, Inc. In its application for the right-of-way CWC Fisheries advised the Bureau of Land Management that the reservoir and pipeline would not be used for hydroelectric development. This site has no significant power potential since its drainage area is only about three square miles.

The Commission finds:

The land withdrawals for projects Nos. 821 and 1577 no longer serve a useful purpose and should be vacated in their entirety.

The Commission orders:

The land withdrawals for projects Nos. 821 and 1577 are hereby vacated in their entirety.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

1. Project No. 821

CASCADE AND ROSA CREEKS, GRAVINA ISLAND, ALASKA

All lands within the project boundaries described in revised "Exhibit C" of the project application entitled "Field Notes and Description of the Final Location of the Project Boundary," and as shown on a map of two sheets, designated "Exhibit 'F' " and "Exhibit 'F1' " respectively, and entitled "Map Showing Project Boundary Accompanying Application for License (Minor Project) of Libby, McNeill, & Libby, Situated on Cascade and Rosa Creeks, northeast shore of Gravina Island, 6 nautical miles northwest of Ketchikan, Alaska," and filed in the office of the Federal Power Commission on June 9, 1928. (Approximately 81 acres.)

2. Project No. 1577

KODIAK ISLAND, ALASKA

All lands of the United States situated near the west shore of Chip Cove, Moser Bay, an arm of Alitak Bay, within the portion of the project boundaries included in a strip of land 200 feet in width embracing the proposed ditch, flume, pipeline, powerhouse, and transmission line locations, between the outlet of Lake Suryan and the boundary of U.S. Survey No. 2371; also all lands lying within the project boundary surrounding the shore line of Lake Suryan; all as shown on a map designated "Exhibit 'F' " and entitled "Map Accompanying Application of the Far North Packing & Shipping Co., Inc., for license for water power project on Chip Creek and Lake Suryan on Moser Bay, Kodiak Island—Territory of Alaska," and filed in the office of the Federal Power Commission on April 7, 1939; also all U.S. lands lying within the project boundary shown on said map as revised January 3, 1940. (Approximately 36.5 acres.)

[FR Doc.73-3893 Filed 3-1-73;8:45 am]

[Docket No. E-7775]

APPALACHIAN POWER CO.

Further Extension of Procedural Dates

FEBRUARY 23, 1973.

On February 15, 1973, the Commission Staff filed a motion for an extension of the service dates in the above matter as established by the order issued October 20, 1972, and modified by a notice issued on January 16, 1973. The motion states that all parties concur in the request.

Upon consideration, notice is hereby given that the procedural dates in the above matter are further modified as follows:

Staff's evidence service date, March 27, 1973.
Interveners' service date, April 17, 1973.
Prehearing Conference, April 24, 1973.
Company rebuttal service date, May 1, 1973.
Hearing, May 15, 1973.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-3902 Filed 3-1-73;8:45 am]

[Docket No. G-5236]

CABOT CORP.

Petition To Amend

FEBRUARY 22, 1973.

Take notice that on February 10, 1973, Cabot Corp. (Petitioner), Post Office Box 1473, Charleston, W. Va. 25325, filed in Docket No. G-5236 a petition to amend the order issuing a certificate of public convenience and necessity pursuant to section 7(c) of the Natural Gas Act by authorizing the establishment of an additional point for delivery of natural gas to Consolidated Gas Supply Corp. (Consolidated) and the delivery of natural gas to Consolidated at that point for transportation and exchange, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Petitioner presently exchanges natural gas with Consolidated under the terms of Petitioner's FPC Gas Rate

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Schedule No. 6 and now proposes to deliver gas to Consolidated for exchange and for transportation at an additional delivery point in Wyoming County, W. Va. The gas would be returned to Petitioner at a point in Kanawha County, W. Va. Petitioner proposes to deliver up to 7,000 Mcf of gas per day in Wyoming County for transportation by Consolidated to Kanawha County for redelivery, less 16 percent of the volume as a transportation charge. Petitioner also intends to deliver exchange volumes to Consolidated at the Wyoming County point to balance deliveries under their exchange agreement. The first volumes delivered each day at the Wyoming County point will be deemed exchange gas being returned to Consolidated.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before March 13, 1973, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-3897 Filed 3-1-73;8:45 am]

[Docket No. E-7829, etc.]

CERTAIN COMPANIES

Filing of Applications

FEBRUARY 22, 1973.

Take notice that each of the applicants listed herein has made a filing pursuant to section 205 of the Federal Power Act and Part 35 of the regulations promulgated thereunder.

Any person desiring to be heard or to make any protest with reference to said filing should on or before March 12, 1973, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The applications are on file with the Commission and available for public inspection.

Docket No.	Date filed	Name of applicant	Action
E-7829	11-13-72	Minnesota Power & Light Co.	Filing of municipal interchange agreement dated Aug. 16, 1972, between the city of Tow Harbors and Minnesota Power & Light Co. This agreement supersedes Federal Power Commission Rate Schedule No. 87. It is requested that this agreement become effective as soon as possible.
E-7981	6-17-71	New Bedford Gas & Edison Light Co.	Filing of transmission agreement dated Mar. 29, 1968, by and among Boston Edison Co., Montaup Electric Co., New England Power Co., New Bedford Gas & Edison Light Co. The company states that it reserves the right to contest its jurisdictional status as a public utility and the filing of this transmission agreement is reserved to the question of jurisdiction.
E-7974	1-10-73	Monteray Utilities Corp.	The company filed an executed amendment dated Nov. 4, 1972, to the purchase agreement dated Feb. 15, 1972, between Monteray Utilities Corp. and Bath-Alleganey Rockbridge County's Cooperative, which amendment substitutes a fuel clause conforming to the fuel clause contained in Monteray Utility Corp.'s wholesale purchase agreement with Monongahela Power Co. (Monongahela Power Co., Supplement No. 2 to Rate Schedule FPC No. 4). The company states the energy charged has been modified by adding the fuel cost differential between $0.18 per million B.t.u. and $0.287 per million B.t.u. to the energy charge contained in the rate schedule originally submitted. This change was to equalize cost of service as of Apr. 1, 1972, the proposed effective date of the amended fuel cost adjustment clause.
E-7989	1-19-73	Philadelphia Electric Co.	Philadelphia Electric Co. filed cancellation of rate schedule FPC No. 24 to become effective Mar. 20, 1973.
E-7991	1-22-73	Kansas City Power & Light Co.	Filing of initial rate schedule designated as municipal wholesale power contract dated Jan. 3, 1973, between Kansas City Power & Light Co. (Company) and city of Pomona, Kansas (City). The rate schedule is a company standard schedule of rates and charges for municipal wholesale power service (schedule NWP-1) currently in effect and on file with the Commission. The proposed effective date of Feb. 15, 1973, is requested. Waiver of the 30-day filing requirement is requested so that the filing may become effective Feb. 15, 1973.
E-7995	1-22-73	Saint Joseph Light & Power Co.	Filing of notice of cancellation of rate Schedule FPC No. 8. The Company states that the town of Easton discontinued electric service purchases on Nov. 29, 1968.
E-8004	1-29-73	Arizona Public Service Co.	Filing of billing for the months of October, November, and December 1972 under FPC Rate Schedule No. 3.
E-8006	1-29-73	Northern States Power Co.	Filing of firm power service resale agreement, dated Aug. 1, 1972 between Northern States Power Co. and the village of Kasson. The agreement to precede the resale contract, dated Nov. 13, 1962, and the letter agreement dated June 22, 1966, designated as Northern States Power Co. (Minnesota) Rate Schedule FPC No. 180 and Supplement No. 2 to Rate Schedule FPC No. 180.
E-8007	1-29-73	Northern States Power Co.	Filing of firm power service resale agreement, Nov. 20, 1972, between Northern States Power Co., and the city of Arlington. The agreement supersedes the resale contract, dated Jan. 7, 1963, and the letter agreement, dated June 22, 1966, designated as Northern States Power Co. (Minnesota) Rate Schedule FPC No. 173 and Supplement No. 2 to Rate Schedule FPC No. 173.
E-7992	1-22-73	Public Service Co. of of Oklahoma.	Filing of information concerning the company's request for a change in rates of the Markham ferry coordinating agreement, Rate Schedule FPC No. 162 for the calendar year 1973. Company states that the request for change is based upon the terms and conditions of the Aug. 1957 Markham ferry coordinating agreement between Grand River Dam Authority and Public Service Co. of Oklahoma provides for changes in rates when certain specific costs are above or below the cost of the base year. The company proposes the following rate schedules be applicable for sales upon acceptance of the above identified filing by the Commission. Capacity sold under the rate will be purchased under the J rate will be 3.10 mills per kilowatt hour rate change from rate 1972 of 2.83 mills per kilowatt hour. Capacity sold under the H rate 1973 the rate will be 4.77 mills ber kilowatt hohr which is a change from 4.35 mills per kilowatt hour in 1972. Capacity sold under the K contract will be at a rate of 3.10 mills per kilowatt hour in 1973 which is a change from 2.83 mills per kilowatt hour in 1973. Electric power delivered to the Eastern State Hospital and the General Headquarters Building in Venleta, Okla., will remain the same as in 1972, $0.0081 per kilowatt hour per month. For emergency power transactions the proposed rates do not change the date of demand changed for kilowatt hour for $0.0462 cents nor does it change the rate for emergency service for more than 24 hours from the existing maximum of $1.20 per kilowatt hour during any calendar month. Purchsing parties shall pay 3.72 mills per kilowatt hour for emergency energy which is a change from the 1972 price of 3.42 mills per kilowatt hour. Company requests waiver of the Commission's notice requirements so that the proposed rates may become effective Jan. 1, 1973.
E-8002	12-11-72	Duke Power Co.	Filing of a supplement to the company's electric power contract with the city of Greer. This contract is on file with the Commission as been designated Duke Power Co. Rate Schedule FPC No. 226. The company states that the customer has requested increase capacity at two delivery points of 8,000 kilowatts at 4,160/2,400 volts and 12,000 kilowatts at 12,470/7,200 volts. The supplement filed above reflects the actual facilities cost and charge to provide for the increased power requirements amounts to $462.23 per month.

Docket No.	Date filed	Name of applicant	Action
E-7758	12-11-72	Northern Indiana Public Service Co.	Company filed FPC Electric Service Tariff, First Revised Volume No. 1 (superseding Original Volume No. 1) containing rate schedules VA-1 and VA-11 of the company. The company states that the tariff is issued under the provisions of the order of the Federal Power Commission of Dec. 5, 1972, in FPC Docket No. E-7758 in which the Commission approved a rate settlement agreement.
E-8015	2-5-73	Commonwealth Edison.	Company filed an agreement dated Jan. 29, 1973, supplementing the interconnection agreement between Edison and Wisconsin Electric Power Co. dated Feb. 9, 1961, and effective Apr. 1, 1961 (the interconnection agreement is designated as Edison Rate Schedule FPC No. 3). The letter agreement provides for the purchase by Wisconsin Electric of specified amounts of power from Edison for the 1-month period beginning Jan. 22, 1973, and ending Feb. 18, 1973. The company requests waiver of the Commission's notice requirements so that the letter agreement may be made effective Jan. 22, 1973
E-8016	2-2-73	Southern California Edison.	Company filed a change in rate schedule in agreement with the city of Glendale which is entitled: Amendment No. 2. to the Glendale-Edison 1971-72 transmission service agreement dated Jan. 5, 1973. The company states that the 1971-72 transmission service agreement and amendment No. 1 thereto are on file with the Commission and are designated as Southern California Edison Co. Rate Schedule FPC No. 58 and Supplement No. 1 to Rate Schedule FPC No. 58. Amendment No. 2 filed herein amends the 1971-72 agreement and amendment No. 1 which terminated by its own terms on Dec. 31, 1972. The company requests waiver of the Commission's notice requirements so that the filing may be made effective as of Jan. 1, 1973.
E-8018	2-5-73	Electric Energy, Inc.	Company filed as a rate schedule supplement to Rate Schedule FPC No. 4 a statement of charges and supporting detail under section 4.06 of the rate schedule. The company states that the filed letter is intended to constitute notice that the company proposed to invoke section 4.06 as to the reimbursement of the allocated net cost promptly replaces for the year 1972. The company states that section 4.06 will be upon receipt of the Commission's acceptance of filing.
E-8019	2-5-73	Arizona Public Service	Filing under Arizona Public Service Co.'s FPC Rate Schedule No. 50 with Citizens Utility Co. of date of for the billing months September, October, November, and December 1972. The company requests waiver of the Commission's notice requirements so that the escalation under FPC Rate Schedule No. 50 may be made effective at the beginning of the aforementioned billing months.
E-8020	10-27-72	Wisconsin Power & Light Co.	Company filed appendix H to the master interconnection agreement dated Jan. 5, 1966, between the company and Wisconsin Public Service Corp. covering the Carolina interconnection. The company states that appendix X becomes effective Jan. 1, 1973, at which time the existing agreement of Mar. 25, 1963, covering the Carolina interconnection shall be canceled.
E-8021	2-5-73	Niagara Mohawk Power Corp.	Company filed a letter agreement dated Dec. 18, 1972, between the Power Authority of the State of New York (PASNY), Niagara Mohawk Power Corp. (Niagara Mohawk), and New York State Electric & Gas Corp. (NYSEG) as Supplement No. 3 to Niagara Mohawk's Rate Schedule FPC No. 45 and NYSEG Rate Schedule FPC No. 36. The company states that the annual increase to Niagara Mohawk would be $69,868.75 and for NYSEG would be $17,631.25. The company requests that the rate schedule supplement be allowed to become effective as of the date of initiation of service by PASNY to Allegheny Electric Cooperative, Inc.
E-8023	2-5-73	Arizona Public Service Co.	Company filed bills for November and December 1972 under Arizona Public Service Co. Supplement No. 5 to Rate Schedule FPC No. 32 (TG&E company). The company requests waiver of the Commission's notice regulations so that the filing may become effective at the beginning of the captioned billing months.
E-8024	2-5-73	South Carolina Electric & Gas Co.	Company filed an agreement between South Carolina Electric & Gas Co. (Company) and South Carolina Public Service Authority (Authority), dated Aug. 9, 1972. The Company states that service is expected to commence Mar. 1, 1973, and the Company requests waiver of the Commission's notice requirements to permit an effective date of Mar. 1, 1973 be designated.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-3894 Filed 3-1-73;8:45 am]

[Docket No. E-8027, etc.]

CERTAIN COMPANIES

Filing of Applications

FEBRUARY 23, 1973.

Take notice that each of the applicants listed herein has made a filing pursuant to section 205 of the Federal Power Act and Part 35 of the regulations promulgated thereunder.

Any person desiring to be heard or to make protest with reference to said filing should on or before March 9, 1973, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The applications are on file with the Commission and available for public inspection.

Docket No.	Date filed	Name of applicant	Action
E-8027	5-9-73	Pennsylvania Electric Co.	The company filed along with Metropolitan Edison Co. an amendment dated Sept. 1, 1972, to a Wheeling supplemental power agreement dated July 22, 1965, between the Allegheny Electric Cooperative, Inc. Pennsylvania Electric Co. and an amendment dated Sept. 1, 1972, to a Wheeling and supplemental power agreement dated July 22, 1965, between Allegheny and Metropolitan Edison Co. Two Wheeling and supplemental power agreements are on file with the Commission and have been designated Penneloc (Rate Schedule FPC No. 46) and Met-Ed (Rate Schedule FPC No. 26). The company states that these amendments were executed in contemplation of the possibility that the Power Authority of the State of New York (PASNY) would increase the energy and power deliveries by PASNY to Allegheny so that the PASNY allotment to Allegheny would be available to Allegheny on a year round basis. The company requests that the Commission's notice regulations be waived so that the amendments be permitted to go into effect Feb. 20, 1973.
E-8032	4-12-72	American Electric Power Service Corp.	Filing on behalf of Appalachian Power Co. (Appalachian) in modification of No. 3 dated Mar. 1, 1972, to the Interconnection Agreement dated Feb. 7, 1957, between Appalachian and Carolina Power & Light Co. designated Appalachian Rate Schedule FPC No. 24. Also filed is a copy of Carolina Power & Light Co.'s certificate of concurrence. The company requests waiver of the Commission's 30-day filing requirements so that the filing may become effective May 1, 1972.

Docket No.	Date filed	Name of applicant	Action
E-8028	2-9-73	Puget Sound Power &	Company filed an agreement dated Sept. 1, 1972, between Montana Power Co., The Washington Water Power Co., and Puget Sound Power & Light Co. The company states that agreement provides for the exchange of capacity energy between the parties. The payment specified in the agreement is a negotiated figure based on economic factors presently existing in the Northwest region. The company requests waiver of the Commission's notice requirements so that the agreement may be made effective Sept. 1, 1972.
E-8029	2-9-73	Duke Power Co.	Company files a supplement to the company's Electric Power Contract with the city of Rock Hill. The underlying contract is on file with the Commission and has been designated Duke Power Co. Rate Schedule FPC No. 228. The company requests an effective date of Mar. 21, 1973.
E-8030	2-12-73	Wisconsin Electric	Company filed a copy of a letter agreement dated Jan. 29, 1973, between Wisconsin Electric Power Co., and Wisconsin Power & Light Co. This agreement is in respect to power and light purchasing 30 megawatts of power from Wisconsin Electric for a period of 2 weeks beginning Jan. 29, 1973, and ending Feb. 11, 1973. Company requests waiver of the Commission's 30-day notice requirement in order that the agreement may become effective Jan. 29, 1973.
E-8031	2-12-73	Alabama Power Co.	Company filed an agreement dated Oct. 18, 1972, with the Black Warrior Electric Membership Corp., Demopolis, Ala., pursuant to the company's filed tariff rate schedule REA-1 filed with the Commission Nov. 1, 1971. Company states that all parties are in agreement with the rate schedule as filed.
E-8035	2-14-73	Interstate Power Co.	Company filed an electric service agreement and a transmission services agreement between Interstate Power Co. and the city of Worthington, Minn., both dated Jan. 10, 1973. The Company states that the electric service agreement supersedes and cancels the previous electric service agreement dated Apr. 2, 1962, which has been designated as Interstate Power Co. Rate Schedule FPC No. 39. The company requests waiver of the Commission's regulations so that an effective date of Feb. 20, 1973, may be designated.
E-8036	2-14-73	Wisconsin Electric Power Co.	Company filed a letter agreement dated Jan. 29, 1973, between Wisconsin Electric Power Co. and Northern States Power Co. This agreement is in respect to Northern States purchasing 50 megawatts of power from Wisconsin Electric for a period of 1 week beginning Jan. 22, 1973, ending Jan. 28, 1973. The Company states that due to Northern States need for capacity energy for a shortage of fuel and maintenance of generating facilities and the short notice of available capacity from an other system the transaction was finalized without benefit of prior approval of the Commission. Accordingly, the company requests waiver of the Commission's 30-day notice requirement to allow the agreement to become effective Jan. 22, 1973.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-3900 Filed 3-1-73;8:45 am]

[Docket No. RP71-106]

CITIES SERVICE GAS CO.

Order Suspending Proposed Increased Rates, Providing for Hearing and Permitting Interventions

FEBRUARY 22, 1973.

On January 2, 1973, Cities Service Gas Co. (Cities Service) filed Fourth Revised Sheet No. PGA-1 to its FPC Gas Tariff, Second Revised Volume No. 1,[1] proposing a jurisdictional rate increase of $0.0059 per Mcf, or $2,089,098 annually based on sales for the 12 months ended November 22, 1972, to become effective on February 23, 1973, and to remain in effect for a period of 3 years. The filing is made pursuant to section 3 of Article X of the Stipulation and Agreement approved by Commission order issued March 1, 1972, in this proceeding, and is designed for the limited purpose of recovering a total amount of $5,620,092, the jurisdictional portion of a payment, together with accrued interest, made by Cities Service to Western Natural Gas Co. (Western) in satisfaction of a final and nonappealable judgment in Western's action against Cities Service in the Oklahoma County District Court, Okla., Case No. 175,435.[2] Section 3 of Article X of the agreement permits Cities Service to file for an increase in jurisdictional rates to reflect payments it makes to Western as result of that action. Upon recoupment of said amount plus simple interest at 7 percent, Cities Service proposes to eliminate the $0.0059 per Mcf from its then effective jurisdictional rates.

Cities Service proposes to maintain a special memorandum account showing the principal amount of $5,620,092 to be recovered and credits against such account equal to revenues received periodically as a result of the increase less accumulated interest at 7 percent on the unamortized balance. Cities Service also proposes to file semiannual reports with the Commission with respect to said memorandum account and serve copies thereof upon its jurisdictional customers, affected State Commission, and parties to this proceeding.

Protests to the filing and petitions to intervene were filed jointly by Midwest Industrial and Commercial Gas Users Association and Armco Steel Corp., the City Group Defense Association and the State Corporation Commission of the State of Kansas. A protest and petition for declaratory order was filed by the Kansas Municipal Intervenors Group (MIG). A petition to intervene was filed by the Gas Service Co.

MIG requests that the Commission issue a declaratory order finding that the payment of money damages by Cities Service to Western in the circumstances of this proceeding is not a legitimate cost of service item and rejecting the company's proposed tariff sheet. MIG contends that the Oklahoma court found that Cities Service had made bad faith representation to this Commission which obstructed Western's abandonment application and that Cities Service was thus liable for breach of contract. MIG urges that Cities Service's proposed rate increase is an unlawful attempt to require its customers to absorb a cost resulting from Cities Service's own wrongdoing and that this is a risk to be borne by the company's shareholders.

The matters set forth in the filing and MIG's pleading raise issues which require development in an evidentiary proceeding. Accordingly we shall provide for hearing herein and shall suspend the proposed increased rates for 1 day. The proposed increased rates and charges have not been shown to be justified and may be unjust, unreasonable, unduly discriminatory or preferential or otherwise unlawful.

The Commission finds:

(1) It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the rates and charges contained in Cities Service's FPC Gas Tariff, as proposed to be amended herein, and that the proposed increased rates tendered on January 2, 1973, be suspended and the use thereof be deferred as herein provided.

(2) The participation of the aforesaid Petitioners may be in the public interest.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure and the regulations under the Natural Gas Act (18 CFR Chapter I) a public hearing be held commencing with a prehearing conference on April 10, 1973, at 10 a.m., e.s.t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, DC 20426, concerning the lawfulness of the rates, charges, classifications and services contained in Cities Service's FPC Gas Tariff, as proposed to be amended herein.

(B) Pending such hearing and decision thereon, Cities Service's Fourth Revised Tariff Sheet No. PGA-1 in appendix C of the filing is hereby suspended and the use thereof deferred until February 24, 1973, and shall become effective on that date, subject to refund in accordance with the provisions of the Natural Gas Act and the regulations thereunder, and subject to the following conditions:

(1) Cities Service shall maintain a special memorandum account showing the principal amount to be recovered and shall credit such account with amounts equal to revenues received from time to time under the rate increase herein permitted to become effective less accumulated interest at 7 percent annually on the unamortized balance of the principal amount to be recovered; and shall semiannually report to the Commission the entries made to such account and shall serve copies thereof on each of its jurisdictional customers, each affected State commission and each party to this proceeding.

(2) Upon recovery of the total principal to be recovered from jurisdictional customers, Cities Service shall file revised tariff sheets reducing its rates by $0.0059 per Mcf from the rate levels then in force and effect, including such rates, if any, which Cities Service at that time may have under suspension.

(C) At the hearing on April 10, 1973, Cities Service's prepared testimony and exhibits shall be admitted to the record.

(D) Following admission of the evidence of Cities Service the parties shall proceed to effectuate the intent and purpose of § 2.59 of the Commission's rules of practice and procedure.

(E) On or before March 30, 1973, Cities Service shall serve its prepared testimony and exhibits. The Commission staff shall serve its prepared testimony and exhibits on or before April 20, 1973. The prepared testimony and exhibits of any and all interveners shall be served on or before May 4, 1973. Any rebuttal evidence by Cities Service shall be served on or before May 18, 1973. Cross-examination of the evidence shall commence on May 30, 1973.

(F) A Presiding Administrative Law Judge to be designated by the Chief Administrative Law Judge for that purpose (see Delegation of Authority, 18 CFR 3.5 (d)) shall preside at and control this proceeding in accordance with the policies expressed in the Commission's rules of practice and procedure and the purposes expressed in this order.

(G) The aforesaid petitioners are hereby permitted to intervene in this proceeding subject to the rules and regulations of the Commission: *Provided however*, That the participation of such interveners shall be limited to matters affecting rights and interests specifically set forth in their petitions to intervene; and *Provided further*, That the admission of such interveners shall not be construed as recognition by the Commission that they, or any of them, might be aggrieved because of any order or orders which may be issued by the Commission in this proceeding.

(H) The Secretary shall cause prompt publication of this order in the FEDERAL REGISTER.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.73-3901 Filed 3-1-73;8:45 am]

[1] The company tendered two Fourth Revised Sheets No. PGA-1, both reflecting the $0.0059 per Mcf increase. The sheet contained in Appendix A of the filing reflects the $0.0148 per Mcf adjustment also tendered on Jan. 2. The alternate sheet contained in appendix C reflects the $0.0129 adjustment tendered as an alternate to the $0.0148 adjustment and accepted by the Commission.

[2] The judgment, which amounts to $6,843,097 in total, arose out of action on a contract dated Sept. 29, 1949, covering the sale of gas from the Kansas-Hugoton Field for a period of 10 years from the date of initial delivery, Apr. 1, 1950.

[Docket No. E-8029]

DUKE POWER CO.

Proposed Changes in Rates and Charges

FEBRUARY 22, 1973.

Take notice that Duke Power Co. (Duke) on February 9, 1973, tendered for filing a proposed supplement to its electric power contract with the city of Rock Hill. The proposed changes would decrease energy deliveries at Delivery Point No. 3 from 45,000 kw. to 35,000 kw. It would also create a new Delivery Point No. 3. Duke proposes an effective date of March 21, 1973, for the proposed changes.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 441 G Street NW., Washington, DC 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before March 8, 1973. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-3896 Filed 3-1-73;8:45 am]

[Docket No. RP73-17]

GRANITE STATE GAS TRANSMISSION, INC.

Proposed Rate Changes

FEBRUARY 22, 1973.

Take notice that Granite State Gas Transmission, Inc. on February 9, 1973, tendered for filing changes in its FPC Gas Tariff, Original Volume No. 1 to be effective March 1, 1973. The proposed changes would decrease revenues from jurisdictional sales by approximately $225,365 annually, based on deliveries for the 12 months ended December 31, 1972. The instant filing is made pursuant to a purchased gas adjustment provision, previously approved by the Commission, on December 14, 1972, in Docket No. RP73-17.

Copies of the filing were served upon the Company's jurisdictional customers and affected State regulatory commissions.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 441 G Street NW., Washington, DC 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before March 5, 1973. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-3895 Filed 3-1-73;8:45 am]

[Docket No. E-7791]

JAMES E. SMITH AND SOUTH CAROLINA ELECTRIC & GAS CO.

Filing of Complaint Against Licensee

FEBRUARY 23, 1973.

Public notice is hereby given pursuant to § 2.1 of Part 2, Statements of General Policy and Interpretations, Subchapter A, Chapter I of Title 18 of the Code of Federal Regulations, that a complaint was filed on October 9, 1972 (amended December 4, 1972) by James E. Smith alleging that South Carolina Electric & Gas Co., licensee for Saluda Project No. 516, located on the Saluda River in the Counties of Lexington, Newberry, Richland, and Saluda, S.C., has allowed and plans to allow in the future certain individuals to pollute the waters of Lake Murray, the reservoir formed by the project.

Complainant states that it is impossible to name all of the sources of pollution; that "every farm, residence, industry, place of recreation, or any other establishment or place used by human beings is suspect and must by necessity, be named as a class, as being among those who are polluting the waters of Lake Murray."

Complainant states that section 10a of the Federal Power Act (16 U.S.C. 803a)[1] which establishes the standards

[1] SEC. 10. All licenses issued under this part shall be on the following conditions:

(a) That the project adopted, including the maps, plans, and specifications, shall be such as in the judgment of the Commission will be best adopted to a comprehensive plan for improving or developing a waterway or waterways for the use or benefit of interstate or foreign commerce, for the improvement and utilization of waterpower development, and for other beneficial public uses, including recreational purposes; and if necessary in order to secure such plan the Commission shall have authority to require the modification of any project and of the plans and specifications of the project works before approval.

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under which a license is granted requires a licensee to insure that the lake remain suitable for recreational purposes. Complainant further states that "It seems incumbent upon the Federal Power Commission and upon the South Carolina Electric & Gas Co. to do everything possible to explore with us * * * this complaint and formulate plans whereby a close control can be effected in order that Lake Murray will not be threatened by pollution."

Any person desiring to be heard or to make protest with reference to said complaint should on or before April 5, 1973, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to a proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and is available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-3903 Filed 3-1-73;8:45 am]

[Docket No. E-7812]

MAINE PUBLIC SERVICE CO.

Filing of Initial Rate Schedule

FEBRUARY 22, 1973.

Take notice that on November 3, 1972, Maine Public Service Co. (Main Public) filed an initial rate schedule described as a power purchase agreement between Maine Public Service Co. and Consolidated Edison Company of New York (Con Edison) dated March 1, 1972. Maine Public states that it is one of the 11 initial purchasers of Maine Yankee. By its power purchase agreement with Con Edison, Maine Public states that it agrees to sell, and Con Edison agrees to purchase, Maine Public's entitlements in the power output of the Maine Yankee plant for a period commencing with the commercial operation date of Maine Yankee and ending on October 31, 1976. Maine Public requests that since the commercial operation date is indeterminable the filing be accepted for filing by the Commission at this time and that it become effective as a rate schedule on December 15, 1972, or such earlier date at which the commercial operation date at a Maine Yankee plant is obtained. Maine Public states that the conditions of the power purchase agreement have been obtained or are reasonably expected to be obtained prior to the requested effective date.

The service to be furnished under the rates schedule is the sale of 5 percent of the capacity and output of the Maine Yankee unit delivered at 345 kv. from the Maine Yankee station transformer. It is estimated that during the first year of operation the quantity of electricity to be sold under this rate schedule will be 198,450 MWH and that the associated cost will be $2,000,385.

Maine Public states that it will make no sale of capacity or energy other than those under the rates being filed.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 441 G Street NW, Washington, DC 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before March 5, 1973. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-3898 Filed 3-1-73;8:45 am]

[Docket No. E-7723]

POTOMAC EDISON CO.

Motion for Approval of Settlement Offer

FEBRUARY 23, 1973.

Take notice that the Potomac Edison Co. (PE) tendered for filing on February 1, 1973, as supplemented on February 20, 1973, a motion for approval of an attached settlement offer which is intended to resolve all issues in the above captioned proceeding. PE also requests the Commission amend its order of December 6, 1972, to postpone all procedural dates until 60 days after the Commission has acted upon the proposed settlement offer. PE proposes an effective date of December 11, 1972, the date in which the rates proposed in this docket become effective subject to refund.

PE states that the proposed rates would produce rates of return varying from a low of 5.49 percent to a high of 7.08 percent, and would place into effect a fuel cost adjustment clause which recognizes the fuel cost of energy generated by PE and in energy purchased by PE from other companies in the Allegheny Power System, but does not recognize increases or decreases in fuel cost of energy purchased from others than those which are members of the Allegheny Power System. PE states further that the proposed rates are not objected to by its customers to be served thereunder.

Copies of this filing are on file with the Commission and are available for public inspection. Any person desiring to comment upon the offer of settlement should file such comments with the Federal Power Commission, 441 G Street NW., Washington, DC 20426, on or before March 9, 1973.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-3904 Filed 3-1-73;8:45 am]

[Docket No. E-7723]

POTOMAC EDISON CO.

Further Extension of Procedural Dates

FEBRUARY 23, 1973.

On February 1, 1973, The Potomac Edison Co., filed a motion for approval of settlement offer and to extend time to file updated cost evidence and exhibits as required by the order issued July 11, 1972, and amended by notices issued November 8 and December 6, 1972.

Upon consideration, notice is hereby given that the procedural dates are further modified as follows:

Company's case in chief...	March 15, 1973.
Testimony and exhibits of staff.	June 15, 1973.
Prehearing conference...	June 28, 1973 (10 a.m., e.d.t.).
Rebuttal evidence, if any, The Potomac Edison Co.	July 19, 1973.
Cross-examination	August 9, 1973 (10 a.m., e.d.t.).

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-3905 Filed 3-1-73;8:45 am]

[Docket No. CI72-680]

TEXAS GAS EXPLORATION CORP.

Order Modifying Temporary Certificate on Rehearing

FEBRUARY 23, 1973.

The Commission by letter order issued December 7, 1972, granted temporary certificate authorization in the above-entitled proceeding to Texas Gas Exploration Corp. (Texas Gas) to sell natural gas to Columbia Gas Transmission Corp. (Columbia) from the Garden City Field, St. Mary Parish, La., under its FPC Gas Rate Schedule No. 32 at a rate of $0.21375 per Mcf. An application for rehearing and reconsideration of said letter order was filed by Texas Gas on December 18, 1972.

Texas Gas in its application for rehearing avers that two specific issues were prejudged by the aforesaid letter order: (1) Whether Texas Gas' gas was dedicated prior to its March 2, 1972, contract, with Columbia, and (2) whether the subject gas is entitled to the area rate for new gas.[1]

Pending resolution of the issues in this proceeding, we believe it appropriate to modify the subject temporary certificate, as follows:

(1) The second paragraph of page 1 of the letter order relating to dedication should be deleted.

[1] An order granting rehearing was issued on Jan. 17, 1973, for the purpose of further consideration of the issues raised by Texas Gas.

(2) Condition (1) on page 2 of the letter order should be deleted and replaced by the following condition:

(1) The total price for the proposed service shall be $0.26 per Mcf at $0.15025 p.s.i.a. subject to the quality adjustment prescribed in Opinion No. 598 and seven-eighths of the additional Louisiana State severance tax subject, however, to your refunding to the buyer with interest at 7 percent per annum, any amounts collected in excess of the rate finally determined to be required by the public convenience and necessity in the subject docket.

In all other respect, the terms and conditions previously set forth in the temporary certificate issued in Docket No. CI72-680 shall remain in full force and effect.

The interest of Texas Gas in gas produced from the acreage dedicated under its March 2, 1972, contract with Columbia was previously sold under the provisions of a June 28, 1963, contract between Isaac Arnold et al. and Columbia (to which Texas Gas was not a signatory party) pursuant to an operating agreement between Texas Gas and the operator of the properties. The basic question involved here is whether in these circumstances Texas Gas is entitled to the new gas or flowing gas ceiling under Opinion No. 598. In order to resolve the issues in this proceeding and to expedite the formal hearing provided herein, we shall also provide for a prehearing conference.

The Commission orders:

(A) The application for rehearing filed by Texas Gas in Docket No. CI72-680 is granted, the second paragraph on page 1 of the December 7, 1972, letter order is deleted and the following condition is substituted for condition (1) on page 2 of the December 7, 1972, letter order:

(1) The total price for the proposed service shall be $0.260 per Mcf at $0.15025 p.s.i.a. subject to the quality adjustment prescribed in Opinion No. 598 and seven-eighths of the additional Louisiana State severance tax subject, however, to your refunding to the buyer with interest at 7 percent per annum, any amounts collected in excess of the rate finally determined to be required by the public convenience and necessity in the subject docket.

(B) Pursuant to the authority of the Natural Gas Act, particularly sections 4, 5, 7, and 16 thereof, the Commission's rules of practice and procedure and the regulations under the Natural Gas Act, a public hearing shall be held concerning the issues in Docket No. CI72-680, pursuant to the procedures prescribed herein.

(C) In order to resolve the issues in this proceeding and to expedite the hearing provided for in ordering paragraph (B), supra, a prehearing conference shall be held in accordance with § 1.18(c) of the rules of practice and procedure, in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, DC 20426, on March 27, 1973, at 10 a.m., e.s.t., concerning such issues.

(D) A Presiding Administrative Law Judge, to be designated by the Chief Administrative Law Judge for that purpose (see Delegation of Authority, 18 CFR 3.5(d)), shall convene the prehearing conference in this proceeding.

(E) After convening the prehearing conference provided for herein, the Administrative Law Judge may recess the same to provide the parties an opportunity for the submission and consideration of facts, arguments, offers of settlement, or proposals of adjustment for settlement of the issues in this proceeding.

(F) The Administrative Law Judge may in his discretion grant recesses from time to time if he deems settlement or submission of the issues upon stipulated facts to be possible. If no settlement or stipulation can be reached by the parties hereto after reasonable time and provision has been made for the same, the procedural dates for service of prepared testimony and exhibits, and for hearings on the issues herein shall be fixed by the Administrative Law Judge.

(G) Notices of intervention or petitions seeking leave to intervene in this proceeding shall be filed with the Federal Power Commission, Washington, D.C. 20426 in accordance with the rules of practice and procedure, 18 CFR 1.8 and 1.37(f), on or before March 16, 1973.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.73-3899 Filed 3-1-73;8:45 am]

[Dockets Nos. CP71-68, CP71-289]

COLUMBIA LNG CORP. AND CONSOLIDATED SYSTEM LNG CO.

Order on Petition To Amend Project and Motion for Summary Order and Public Conference

FEBRUARY 23, 1973.

On June 28, 1972, the Commission issued Opinion No. 622, which inter alia issued certificates of public convenience and necessity, subject to certain conditions, under section 7(c) of the Natural Gas Act, to Columbia LNG Corp. (Columbia) and Consolidated System LNG Co. (Consolidated) for the construction and operation of facilities at Cove Point, Md., to receive, regasify, and transport liquefied natural gas (LNG). In our rehearing order, Opinion No. 622-A, issued October 5, 1972, we modified certain conditions of those certificates, none of which conditions affect the scope of this order. Petitions for review of Opinions Nos. 622 and 622-A were thereafter filed by El Paso Algeria Corp. (El Paso), Sierra Club et al., Southern Natural Gas Co., Columbia, Potomac Basin Federation, and Consolidated, which petitions for review were consolidated in the U.S. Court of Appeals for the Fifth Circuit. El Paso Algeria Corp. v. FPC, No. 72-3122, et al.

On December 8, 1972, Columbia and Consolidated filed a petition to amend Opinions Nos. 622 and 622-A, so as to eliminate a trestle and substitute a tunnel to connect the proposed docking facilities with the land-based facilities at Cove Point and certain related changes in the unloading facilities. In that petition, it is stated that "Intervenors [Sierra Club and Maryland Conservation Council] have agreed to withdraw their appeal upon approval by the Commission of the amendments herein proposed." (P. 2.)

On January 2, 1973, the U.S. Court of Appeals for the Fifth Circuit granted a motion of El Paso, Columbia, and Consolidated, and issued an order for the limited purposes of (1) granting Columbia and Consolidated leave to file the petition to amend, (2) authorizing the Commission to act upon said petition to amend, and (3) remanding the record and granting leave to proceed before the Commission on the petition to amend.

On February 16, 1973, Columbia, Consolidated, and El Paso filed a motion requesting (1) a summary order that the petition to amend does not involve a major Federal action significantly affecting the quality of the human environment, and (2) a public conference of Commissioners, Commission staff, executives of Columbia, Consolidated, and El Paso, and all other parties.

By letters of December 14, 1972, and February 2, 1973, our staff requested information from Columbia and Consolidated concerning the substitution of a tunnel for the trestle at Cove Point to "assist Staff in evaluating the environmental impact" of the petition to amend. Columbia indicated that preparation of the answers to the February 2, 1973, letter would require until March 31, 1973, (motion, Appendix A, p. 7). We will defer action on the petition to amend and motion for summary order pending Columbia's response to the February 2 letter, with the exception of Question No. 43, to which no response is required at this time. Such response will enable the Commission to determine if the petition to amend constitutes a major Federal action significantly affecting the quality of the human environment so as to require preparation and circulation of an environmental statement under section 102(2)(C) of the National Environmental Policy Act and the Commission's rules, § 2.80, et seq. We would urge Columbia to complete its response earlier than March 31, 1973, so as to expedite ultimate resolution by the Commission of the issues in the remanded proceeding.

In addition to the questions in the February 2, 1973, letter, Columbia should also answer the following:

44. Discuss in detail the technical feasibility of the proposed tunnel at Cove Point and technical alternatives to the proposed tunnel at Cove Point.

We deny the motion for a public conference inasmuch as if the evidence required by the Commission to meet its responsibilities to serve the public interest is furnished as requested herein, no useful purpose would be served by such a public conference.

The Commission orders that:

(A) Commission action on the petition to amend filed December 8, 1972, and

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that portion of the February 16, 1973, motion for summary order determining the amendment involves no major Federal action significantly affecting the quality of the human environment is deferred.

(B) The February 16, 1973, motion for a public conference of Commissioners, Commission staff, and parties is denied.

(C) Columbia shall respond to staff's letter of February 2, 1973 (except Question No. 43) and Question No. 44, as indicated in the above order, and is encouraged to make a complete response before March 31, 1973.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

[FR Doc.73-3994 Filed 3-1-73;8:45 am]

[Docket No. RP73-72]

CONSOLIDATED GAS SUPPLY CORP.

Order Instituting Proceeding and Granting Intervention

FEBRUARY 21, 1973.

On January 5, 1973, Consolidated Gas Supply Corp. (Consolidated) tendered for filing proposed changes in its FPC Gas Tariff, First Revised Volume No. 1, in purported compliance with section 4 of the Natural Gas Act. The filing, consisting of Original Sheet No. 52-E, Second Revised Sheet No. 53, and First Revised Sheet No. 53-A, proposes a transportation adjustment clause which would permit Consolidated to adjust its rates without having to make a general rate increase filing, to reflect increases in its costs of transportation service by others. The rate adjusting authority requested is limited to transportation service authorized by the Commission in Dockets Nos. CP72-183 et al., on August 23, 1972.

Consolidated states that in order to replace curtailed volumes and to maintain its gas supply situation, it has expanded its production activities in the Louisiana Gulf Coast Area and in other gas-producing Southern States. However, Consolidated has no transportation facilities from these southern fields and thus must contract for transportation by other pipelines to its system. The cost of such additional gas supplies are reflected in Consolidated's rate pursuant to the provision of its Purchase Gas Adjustment (PGA) clause. Consolidated contends that such costs, excluding transportation costs, will always be less than the average cost of its traditional gas supply. As a result, under its PGA clause, Consolidated states that it will be forced to reflect decreases in the average cost of purchased gas, to the extent that it acquires new gas supplies in the gulf coast, despite the fact that at the same time it will be experiencing an overall increase in its gas supply costs due to the excluded transportation costs. Thus, without the proposed clause, Consolidated states that it may be required to make repetitive rate filings each time the level of transported volumes change or each time the transportation service rates change. Consolidated requests that if the Commission suspends the proposed tariff changes, the suspension period be for 1 day and that the matter be set promptly for hearing.

The filing was noticed on January 18, 1973, with the period for protests or petitions to intervene ending on January 25, 1973. Rochester Gas and Electric Corp. timely filed a petition to intervene. Letters in support of Consolidated's proposed clause were received from three of its customers: Corning Natural Gas Corp., New York State Electric and Gas Corp., and the Pavilion Natural Gas Co.

Section 154.38(d)(3) of the regulations under the Natural Gas Act specifically prohibits automatic rate adjustments through the use of clauses similar to the one contained in this filing. Moreover, there may be other costs which decrease or perhaps offset the effect of the increased costs in transportation. Such costs have traditionally been considered only in the context of a general rate increase filing. Accordingly, Consolidated's proposed inclusion of a transportation charge adjustment clause in its FPC Gas Tariff is improperly filed pursuant to Section 4 of the Act and our regulations thereunder.

However, assuming arguendo that Consolidated's statement of facts is correct, policy questions of first impression as well as questions of fact are raised which may require development in an evidentiary hearing. We have from time to time encouraged pipelines to take all reasonable steps to augment their supply of gas from conventional sources for the interstate market. We have also taken the initiative to resolve difficulties facing all companies under our jurisdiction consistent with our responsibility to the public interest. For example, in Orders Nos. 452 and 452-A we revised our Regulations to permit PGA clauses which were necessitated by the impact of rapidly rising costs in order to meet our responsibility of assuring an adequate and dependable supply of natural gas. There, the problem was not unique to any particular pipeline but rather was one facing the pipeline industry as a whole and therefore required revisions in our regulations. In the instant filing, Consolidated faces a set of alleged circumstances unique unto itself. Accordingly, consideration of Consolidated's problem will not be made in the context of an exception or revision in our existing regulations. Our practice has been to limit relief sought by individual companies that can demonstrate recurring cost increases which would require repetitive general rate increase filing. In those cases we have permitted limited term tracking of the cost but have not allowed, consistent with § 154.38(d)(3) of the regulations, an automatic adjustment clause in the Company's FPC Gas Tariff. Accordingly, we will upon our own motion set the issues raised by Consolidated's statement of facts for hearing. Further, if relief is justified it shall be limited to tracking authority for a specified period and shall only apply to the transportation service authorized by the Commission in Docket Nos. CP72-183, et al.

The Commission finds:

(1) Consolidated's proposed transportation charge adjustment clause is improperly filed under section 4 of the Natural Gas Act and the regulations thereunder.

(2) The issues raised in Consolidated's filing warrant, however, the institution of an investigation and hearing under section 5 of the Natural Gas Act.

(3) Participation in this proceeding of the above-named petitioners to intervene may be in the public interest.

(4) The disposition of this proceeding shall be expedited in accordance with the procedure set forth below.

The Commission orders:

(A) Consolidated's filing, containing original sheet No. 52-E, second revised sheet No. 53, and first revised sheet No. 53-A, is rejected.

(B) By our own motion we hereby order an investigation and hearing under section 5 of the Natural Gas Act to determine the propriety of granting Consolidated limited term tracking authority of transportation costs associated with the transportation service authorized in Docket Nos. CP72-183 et al.

(C) Pursuant to the authority of the Natural Gas Act, particularly section 5 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Chapter I), a public hearing shall be held, commencing with a prehearing conference on May 9, 1973, at 10 a.m., e.d.t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, DC 20426, concerning the propriety of granting Consolidated limited term tracking authority of transportation costs associated with the transportation service authorized in Docket Nos. CP72-183 et al.

(D) At the prehearing conference on May 9, 1973, Consolidated's prepared testimony together with its entire filing shall be admitted to the record as its complete case-in-chief subject to appropriate motions, if any, by parties to the proceeding. All parties will be expected to come to this conference prepared to effectuate the provisions of §§ 1.18 and 2.59 of the Commission's rules of practice.

(E) On or before April 6, 1973, the Commission Staff shall serve its prepared testimony and exhibits. The prepared testimony and exhibits of any or all intervenors shall be served on or before April 20, 1973. Any rebuttal evidence by Consolidated shall be served on or before May 4, 1973. Cross-examination of the evidence filed will commence on May 15, 1973.

(F) A Presiding Administrative Law Judge to be designated by the Chief Administrative Law Judge for that purpose (See Delegation of Authority, 18 CFR 3.5(d)), shall preside at the hearing in this proceeding, shall prescribe relevant procedural matters not herein provided, and shall control the proceeding in accordance with the policies expressed in

§ 2.59 of the Commission's rules of practice and procedure.

(G) Rochester Gas and Electric is hereby permitted to intervene in this proceeding subject to the rules and regulations of the Commission: *Provided, however,* That the participation of such intervenor shall be limited to matters affecting rights and interests specifically set forth in its petition to intervene; and *Provided, further,* That the admission of such intervenor shall not be construed as recognition by the Commission that the petitioners might be aggrieved because of any order or orders issued by the Commission in this proceeding.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

[FR Doc.73-3995 Filed 3-1-73;8:45 am]

[Docket No. CI73-543]

DUER WAGNER & CO. ET AL.

Notice of Application

FEBRUARY 26, 1973.

Take notice that on February 16, 1973, Duer Wagner & Co. (Operator), et al. (Applicants), 909 Fort Worth National Bank Building, Fort Worth, Tex. 76102, filed in Docket No. CI73-543 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale for resale and delivery of natural gas in interstate commerce to United Gas Pipe Line Co. from the Addie Bell Reed Lease, South Cabeza Creek Field, Goliad County, Tex., all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicants state that they commenced the sale of natural gas on February 2, 1973, within the contemplation of § 157.29 of the regulations under the Natural Gas Act (18 CFR 157.29) and that they propose to continue said sale for 1 year from the end of the 60-day emergency period within the contemplation of § 2.70 of the Commission's General Policy and Interpretations (18 CFR 2.70). Applicants propose to sell approximately 18,000 Mcf of gas per month at $0.35 per Mcf at 14.65 p.s.i.a., including all adjustments and tax reimbursement.

It appears reasonable and consistent with the public interest in this case to prescribe a period shorter than 15 days for the filing of protests and petitions to intervene. Therefore, any person desiring to be heard or to make any protest with reference to said application should on or before March 12, 1973, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

KENNETH F. PLUMB, *Secretary.*

[FR Doc.73-3983 Filed 3-1-73;8:45 am]

[Docket No. CP73-220]

EL PASO NATURAL GAS CO.

Notice of Application

FEBRUARY 26, 1973.

Take notice that on February 16, 1973, El Paso Natural Gas Co. filed in Docket No. CP73-220 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of certain pipeline facilities and the delivery of natural gas to Northern Natural Gas Co. (Northern) for exchange, all as more fully set forth in the application on file with the Commission and open to public inspection.

Applicant states that it is currently authorized to exchange gas with Northern pursuant to an exchange agreement dated August 17, 1962, as amended, and that such agreement provides for the daily delivery of up to 575,000 Mcf of gas by Northern to Applicant at Applicant's Plains Compressor Station, Yoakum County, Tex., in exchange for a concurrent delivery of an equivalent amount of gas by Applicant to Northern at delivery points in the vicinity of Applicant's Dumas Compressor Station, Moore County, Tex., and various points of interconnection between Applicant's and Northern's gathering systems in Beaver County, Okla., and Ochiltree County, Tex. Applicant also states that it recently completed the successful drilling of 15 wells on its leasehold acreage in the Northwest Quinlan Field, Woodward County, Okla., and tests indicate the total proven recoverable reserves underlying that portion of Applicant's leasehold acreage are estimated to be 26.4 million Mcf, with an estimated maximum day deliverability of 8,470 Mcf of natural gas.

Applicant proposes to deliver on an exchange basis to Northern quantities of natural gas produced from its new supplies of gas in the Northwest Quinlan Field pursuant to the heretofore mentioned exchange agreement between Applicant and Northern under Applicant's currently effective Z-1 Rate Schedule. It is stated that Applicant and Northern have amended their August 17, 1962, exchange agreement, as amended, providing, inter alia, for an additional delivery point at the point of interconnection of Applicant's proposed 6⅝-inch O. D. pipeline and Northern's existing pipeline in Woodward County, Okla. Deliveries made to Northern at said facilities will not be subject to the 2 cents per Mcf facility rental charge collected by Applicant under Rate Schedule Z-1 for the delivery of certain volumes of gas and such delivery may, upon further agreement by the parties, be used for delivery of gas by Northern to Applicant. It is stated also that pursuant to said amendment, a portion of the authorized exchange quantities of gas, not to exceed 10,000 Mcf per day, will be delivered to Northern at the proposed facilities in Woodward County, Okla.

It is also stated that Applicant proposes to construct approximately 29.2 miles of 6⅝-inch O. D. pipeline from the proposed Quinlan Dehydration Plant to Northern's existing 16-inch O. D. pipeline, a river crossing of the proposed 6⅝-inch pipeline, crossing the North Canadian River, in Woodward County, Okla., and metering facilities at the point of interconnection between Northern's 16-inch O. D. pipeline and Applicant's proposed 6⅝-inch pipeline, all in Woodward County, Okla.

Applicant estimates that the total cost of the project will be $1,840,064, to be financed initially by working funds, and supplemented, as necessary, by short-term borrowings.

Any person desiring to be heard or to make any protest with reference to said application should on or before March 19, 1973, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission

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on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-3996 Filed 3-1-73;8:45 am]

[Docket No. CI73-539]

GETTY OIL CO.

Notice of Application

FEBRUARY 26, 1973.

Take notice that on February 15, 1973, Getty Oil Co. (Applicant), Post Office Box 1404, Houston, TX 77001, filed in Docket No. CI73-539 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale for resale and delivery of natural gas in interstate commerce to Texas Eastern Transmission Corp. from the Houston central plant, Colorado County, Tex., all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to sell approximately 55,800 Mcf of gas per month for 1 year at $0.45 per Mcf at 14.65 p.s.i.a., subject to upward and downward B.t.u. adjustment, within the contemplation of § 2.70 of the Commission's general policy and interpretations (18 CFR 2.70).

It appears reasonable and consistent with the public interest in this case to prescribe a period shorter than 15 days for the filing of protests and petitions to intervene. Therefore, any person desiring to be heard or to make any protest with reference to said application should on or before March 12, 1973, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-3985 Filed 3-1-73;8:45 am]

[Docket No. CI73-549]

JAMES M. FORGOTSON, SR.

Notice of Application

FEBRUARY 26, 1973.

Take notice that on February 20, 1973, James M. Forgotson, Sr. (Applicant), 409 Beck Building, Shreveport, LA 71101, filed in Docket No. CI73-549 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale for resale and delivery of natural gas in interstate commerce to United Gas Pipe Line Co. from the Anse La Butte Field, St. Martin Parish, La., all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to sell up to 10,000 Mcf of gas per day for 1 year at $0.40 per Mcf at 15.025 p.s.i.a., subject to upward and downward B.t.u. adjustment, plus reimbursement for all taxes, within the contemplation of § 2.70 of the Commission's General Policy and Interpretations (18 CFR 2.70).

It appears reasonable and consistent with the public interest in this case to prescribe a period shorter than 15 days for the filing of protests and petitions to intervene. Therefore, any person desiring to be heard or to make any protest with reference to said application should on or before March 12, 1973, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 73-3984 Filed 3-1-73; 8:45 am]

[Docket No. CI73-548]

KERR-McGEE CORP.

Notice of Application

FEBRUARY 26, 1973.

Take notice that on February 20, 1973, Kerr-McGee Corp. (Applicant), Kerr-McGee Building, Oklahoma City, OK 73102, filed in Docket No. CI73-548 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale for resale and delivery of natural gas in interstate commerce to El Paso Natural Gas Company from the Hemphill Granite Wash (South) Field, Hemphill County, Tex., all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to sell approximately 30,000 Mcf of gas per month for the period commencing on the date of initial delivery under the requested authorization and ending July 1, 1974, at $0.40 per Mcf at 14.65 p.s.i.a., subject to upward and downward B.t.u. adjustment, within the contemplation of § 2.70 of the Commission's General Policy and Interpretations (18 CFR 2.70).

It appears reasonable and consistent with the public interest in this case to prescribe a period shorter than 15 days for the filing of protests and petitions to intervene. Therefore, any person desiring to be heard or to make any protest with reference to said application should on or before March 12, 1973, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice, That, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-3986 Filed 3-1-73;8:45 am]

NATIONAL GAS SURVEY EXECUTIVE ADVISORY COMMITTEE

Order Accepting Resignation of Member

FEBRUARY 23, 1973.

The Federal Power Commission by Order issued April 6, 1971, established an Executive Advisory Committee of the National Gas Survey.

1. Membership. Hon. George A. Lincoln, former Director of the Office of Emergency Preparedness, has resigned his membership on the Executive Advisory Committee upon his retirement from Federal service. His resignation as a member to the Executive Advisory Committee is accepted by the Chairman of the Commission with the approval of the Commission.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.73-4000 Filed 3-1-73;8:45 am]

NATIONAL GAS SURVEY EXECUTIVE ADVISORY COMMITTEE

Order Designating Member

FEBRUARY 23, 1973.

The Federal Power Commission by Orders issued April 6, 1971, established an Executive Advisory Committee of the National Gas Survey.

1. Membership, Hon. James R. Schlesinger has resigned his membership on the Executive Advisory Committee. A new member to the Executive Advisory Committee, as selected by the Chairman of the Commission with the approval of the Commission, is as follows:

Honorable Dixy Lee Ray, Chairman, Atomic Energy Commission.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.73-3998 Filed 3-1-73;8:45 am]

NATIONAL POWER SURVEY TECHNICAL ADVISORY COMMITTEE ON RESEARCH AND DEVELOPMENT

Agenda of Fifth Meeting

Meeting to be held at the Federal Power Commission Offices, 441 G Street NW., Washington, DC, at 8:30 a.m. on March 8, 1973, Room 2043.

1. Meeting called to order by FPC Coordinating Representative.

2. Objectives and purposes of meeting:

A. Approval of minutes of February 9 meeting.

B. Reports of task force meetings.

C. Report on near term R. & D. to meet the fossil fuel resource crisis.

D. Further discussion/identification of key electric power research issues on which the Committee might offer recommendations.

E. Further discussion of possible Committee study of industry manpower requirements.

F. OST Energy R. & D. recommendations.

G. Other business.

H. Dates of future meetings.

3. Adjournment.

This meeting is open to the public. Any interested person may attend, appear before, or file statements with the committee—which statements, if in written form, may be filed before or after the meeting, or, if oral, at the time and in the manner permitted by the committee.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-3993 Filed 3-1-73;8:45 am]

NATIONAL POWER SURVEY EXECUTIVE ADVISORY COMMITTEE

Order Accepting Resignation of Member

FEBRUARY 23, 1973.

The Federal Power Commission, by order issued August 11, 1972, established the Executive Advisory Committee of the National Power Survey.

1. Membership. Hon. George A. Lincoln, former Director of the Office of Emergency Preparedness, has resigned his membership on the Executive Advisory Committee upon his retirement from Federal service. His resignation as a member of the Executive Advisory Committee is accepted by the Chairman of the Commission, with the approval of the Commission.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.73-4001 Filed 3-1-73;8:45 am]

NATIONAL POWER SURVEY EXECUTIVE ADVISORY COMMITTEE

Order Designating Member

FEBRUARY 23, 1973.

The Federal Power Commission, by order issued August 11, 1972, established the Executive Advisory Committee of the National Power Survey.

1. Membership. Hon. James R. Schlesinger has resigned his membership on the Executive Advisory Committee. A new member to the Executive Advisory Committee, as selected by the Chairman of the Commission, with the approval of the Commission, is as follows:

Honorable Dixy Lee Ray, Chairman, Atomic Energy Commission

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.73-3999 Filed 3-1-73;8:45 am]

NATIONAL POWER SURVEY TECHNICAL ADVISORY COMMITTEE ON RESEARCH AND DEVELOPMENT—TASK FORCE ON ENERGY CONVERSION RESEARCH

Agenda of Meeting

Meeting to be held at the Federal Power Commission Offices, 441 G Street NW., Washington, DC, at 1 p.m., March 7, 1973, Room 2043.

1. Meeting called to order by FPC Coordinating Representative.

2. Approval of minutes of previous meeting.

3. Objectives and purposes of meeting.

A. Discussion of adequacy of list of technologies and possible additional work asignments.

B. Discussion and review of the progress on evaluation of the various technologies.

C. Discussion of interfaces with other technical advisory committees and other task forces.

D. Criteria for providing support of energy conversion R. & D. by manufacturing industry, the utilities, and the government.

E. Other business.

F. Dates for future meetings.

4. Adjournment.

This meeting is open to the public. Any interested person may attend, appear before, or file statements with the committee—which statements, if in written form, may be filed before or after the meeting, or, if oral, at the time and in the manner permitted by the committee.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-3989 Filed 3-1-73;8:45 am]

NATIONAL POWER SURVEY TECHNICAL ADVISORY COMMITTEE ON RESEARCH AND DEVELOPMENT TASK FORCE—ENERGY DISTRIBUTION RESEARCH

Agenda of Meeting

Meeting to be held at the Federal Power Commission Offices, 441 G Street NW., Washington, DC, 10 a.m., March 7, 1973, Room 4008.

1. Meeting called to order by FPC Coordinating Representative.

2. Objectives and purposes of meeting.

A. Approve minutes of January 8, 1973, meeting.

B. Review previous work.

C. Report on task force project assignments.

D. Other business.

E. Schedule date of next meeting.

3. Adjournment.

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This meeting is open to the public. Any interested person may attend, appear before, or file statements with the committee—which statements, if in written form, may be filed before or after the meeting, or, if oral, at the time and in the manner permitted by the Task Force.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-3990 Filed 3-1-73;8:45 am]

NATIONAL POWER SURVEY TECHNICAL ADVISORY COMMITTEE ON RESEARCH AND DEVELOPMENT—TASK FORCE ON ENERGY SOURCES RESEARCH

Agenda of Third Meeting

Meeting to be held at the Federal Power Commission Offices, 441 G Street NW., Washington, DC, 9:30 a.m., March 7, 1973, Room 2043.

1. Meeting called to order by FPC Coordinating Representative.
2. Objectives and purpose of meeting.
   a. Evaluation of the reports on current research and research not being done and suggested funding with regard to:
      1. Nuclear fuels.
      2. Fossil fuels.
      3. Geothermal.
      4. Solar.
      5. Liquid and solid waste as fuels.
      6. Reproducible fuels.
   b. Other business.
   c. Schedule of future meetings.
3. Adjournment.

This meeting is open to the public. Any interested person may attend, appear before, or file statements with the committee—which statements, if in written form, may be filed before or after the meeting, or, if oral, at the time and in the manner permitted by the committee.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-3991 Filed 3-1-73;8:45 am]

NATIONAL POWER SURVEY TECHNICAL ADVISORY COMMITTEE ON RESEARCH AND DEVELOPMENT—TASK FORCE ON ENVIRONMENTAL RESEARCH

Agenda of Third Meeting

Meeting to be held at the Federal Power Commission Offices, 441 G Street NW., Washington, DC, 9 a.m., March 7, 1973, Room 4535.

1. Meeting called to order by FPC Coordinating Representative.
2. Approval of minutes of previous meeting.
3. Objectives and purposes of meeting.
   A. Reviews of Material developed since last meeting:
      1. Impacts of Alternative Energy System by Warren Morrison.
      2. Supply Scenarios to the year 2000, and related background material by Dr. Yeager and Warren Morrison.
      3. Long Term Scenarios by Dr. Craig.
      4. Emission residuals by Dr. Yeager.
      5. Effects of emission residuals on receptors by Frederick Warren, Dr. Galler, and Dr. Savits.
      6. Land Use and Regional Planning by Dr. Attaway.
      7. Demand modification by Lawrence Ruff.
   B. Assignments for finalizing drafts of subjects 1-7.
   C. Other business.
   D. Date of next meeting.
4. Adjournment.

This meeting is open to the public. Any interested person may attend, appear before, or file statements with the committee—which statements, if in written form, may be filed before or after the meeting, or, if oral, at the time and in the manner permitted by the committee.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-3992 Filed 3-1-73;8:45 am]

[Docket No. E-7690]

NEPOOL POWER POOL AGREEMENT

Further Extension of Procedural Dates

FEBRUARY 23, 1973.

On February 20, 1973, the New England Power Pool Executive Committee filed a motion for a further extension of the procedural dates established by the order issued September 21, 1972, as amended by notices issued October 27 and December 13, 1972, in the above matter. The motion states the intervenors have no objection to the requested extension. On February 23, 1973, Commission Staff Counsel filed a response to the above motion.

Upon consideration, notice is hereby given that the procedural dates are modified as follows:

Prepared testimony and exhibits by Applicant—March 29, 1973.
Testimony by Staff—April 19, 1973.
Rebuttal testimony—May 11, 1973.
Prehearing conference—May 22, 1973 (10 a.m. (e.d.t.)).
Cross-examination on all evidence—May 31, 1973 (10 a.m. (e.d.t.)).

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-3997 Filed 3-1-73;8:45 am]

[Project 2149]

PUBLIC UTILITY DISTRICT NO. 1, DOUGLAS COUNTY, WASH.

Availability of Staff Draft Environmental Impact Statement

FEBRUARY 27, 1973.

Notice is hereby given in the captioned project, that on March 2, 1973, as required by § 2.81(b) of Commission Order No. 415-C, a draft environmental statement prepared by the Staff of the Federal Power Commission was made available for comments. This statement deals with the environmental impact in the proceeding presently before the Commission, involving the Public Utility District No. 1 of Douglas County (Licensee) and the Washington State Department of Game, regarding a determination of the extent of wildlife losses directly attributable to the Wells Hydroelectric Project No. 2149, and mitigation measures as required in accordance with Articles 41 and 43 of the license issued pursuant to the Federal Power Act. This statement has been circulated for comments to Federal, State, and local agencies, has been placed in the public files of the Commission, and is available for public inspection in both the Commission's Office of Public Information, Room 2523, General Accounting Office Building, 441 G Street NW., Washington, DC, and at its San Francisco Regional Office, 555 Battery Street, San Francisco, CA 94111.

The Wells Project is situated on the Columbia River in the State of Washington and the reservoir waters affect parts of Chelan, Douglas, and Okanogan Counties. Wildlife mitigation measures have been proposed by all parties in the proceedings and would affect project lands.

Any person who wishes to do so may file comments on the Staff Draft Statement for the Commission's consideration. All comments must be filed on or before April 23, 1973.

Any person who wishes to present evidence regarding environmental matters in this proceeding must file with the Federal Power Commission a petition to intervene pursuant to § 1.8 of the Commission's rules of practice and procedure. Petitioners must also file timely comments on the draft statement in accordance with § 2.81(c) of Order No. 415-C.

All petitions to intervene must be filed on or before April 23, 1973.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-3982 Filed 3-1-73;8:45 am]

[Docket No. CI73-545]

TEXACO INC.

Notice of Application

FEBRUARY 26, 1973.

Take notice that on February 16, 1973, Texaco Inc. (Applicant), Post Office Box 430, Bellaire, TX 77401, filed in docket No. CI73-538 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale for resale and delivery of natural gas in interstate commerce to United Gas Pipe Line Co. from the Conroe Field, Montgomery County, Tex., all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that it commenced the sale of natural gas on February 9, 1973, within the contemplation of § 157.29 of the regulations under the Natural Gas Act (18 CFR 157.29) and that it proposes to continue said sale for 2 years from the end of the 60-day emergency period within the contemplation of § 2.70 of the Commission's General Policy and Interpretations (18 CFR 2.70). Applicant proposes to sell approximately 30,000 Mcf of gas per month at $0.45 per Mcf at 14.65 p.s.i.a., including all adjustments and tax reimbursement.

It appears reasonable and consistent with the public interest in this case to prescribe a period shorter than 15 days for the filing of protests and petitions to intervene. Therefore, any person desiring to be heard or to make any protest with reference to said application should on or before March 12, 1973, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-3987 Filed 3-1-73;8:45 am]

[Docket No. CI73-338]

TRANSWESTERN GAS SUPPLY CO.

Further Notice of Application

FEBRUARY 27, 1973.

Take notice that on November 8, 1972, Transwestern Gas Supply Company (Applicant), 921 Main Street, Houston, TX 77002, filed in Docket No. CI73-338 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale for resale and delivery of natural gas in interstate commerce to Transwestern Pipeline Co. (Transwestern) from the South Vici Field, Dewey County, Okla., all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes pursuant to paragraph 12 of the Commission's notice issued July 17, 1970, in Docket No. R-389A to sell natural gas to Transwestern, an affiliated company, at the initial rate of $0.38 per Mcf at 14.65 p.s.i.a. subject to upward and downward Btu adjustment. In that notice the Commission said that it would consider applications by producers for sales of natural gas notwithstanding that the proposed price may be in excess of the area ceiling or guideline rates.

Applicant alleges that the instant price is justified by the high cost trends in the costs of finding, developing and producing natural gas and in the cost of capital. Applicant also asserts that the decrease in value of the dollar plus the increasing costs, including potentially higher royalty costs, requires it to collect the instant contract rates in order to obtain its revenue requirements and in order to provide the incentive to explore for and develop new gas.

Inasmuch as the subject application has already been noticed in the FEDERAL REGISTER on December 27, 1972 (37 FR 28555), it appears reasonable and consistent with the public interest in this case to prescribe a period shorter than 15 days for the filing of protests and petitions to intervene. Therefore, any person desiring to be heard or to make any protest with reference to said application should on or before March 9, 1973, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules. Persons who have heretofore filed petitions to intervene need not file again.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-4048 Filed 3-1-73;8:45 am]

FEDERAL RESERVE SYSTEM

CHARTER NEW YORK CORP.

Acquisition of Bank

Charter New York Corp., New York, N.Y., has applied for the Board's approval under section (a)(3) of the Bank Holding Company Act (12 U.S.C. 1842 (a)(3)) to acquire 100 percent of the voting shares (less directors' qualifying shares) of The Bank of Lake Placid, Lake Placid, N.Y. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of New York. Any person wishing to comment on the application should submit his views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than March 22, 1973.

Board of Governors of the Federal Reserve System, February 23, 1973.

[SEAL] MICHAEL A. GREENSPAN,
Assistant Secretary of the Board.

[FR Doc.73-3976 Filed 3-1-73;8:45 am]

FIRST ALABAMA BANCSHARES, INC.

Acquisition of Bank

First Alabama Bancshares, Inc., Birmingham, Ala., has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 80 percent of the voting shares of First National Bank of Bay Minette, Bay Minette, Ala. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Atlanta. Any person wishing to comment on the application should submit his views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than March 22, 1973.

Board of Governors of the Federal Reserve System, February 23, 1973.

[SEAL] MICHAEL A. GREENSPAN,
Assistant Secretary of the Board.

[FR Doc.73-3977 Filed 3-1-73;8:45 am]

FIRST WISCONSIN BANKSHARES CORP.

Order Approving Acquisition of Bank

First Wisconsin Bankshares Corp., Milwaukee, Wis., a bank holding company within the meaning of the Bank Holding Company Act, has applied for the Board's approval under section 3(a)(3) of the Act (12 U.S.C. 1842(a)(3)) to acquire 80 percent or more of the voting shares of First Wisconsin Bank of Waukesha, Waukesha, Wis., a proposed new bank (Bank).

Notice of the application, affording opportunity for interested persons to submit comments and views, has been given in accordance with section 3(b) of the Act. The time for filing comments and views has expired, and the Board has considered the application and all comments received in light of the factors set forth in section 3(c) of the Act (12 U.S.C. 1842 (c)).

Applicant controls 17 banks with aggregate deposits of $1.7 billion, representing 16 percent of the total deposits held by commercial banks in Wisconsin, and is the largest banking organization in the State. (All banking data are as of December 31, 1971, and reflect acquisitions and formations approved by the Board through July 25, 1972.) Bank is a proposed new bank and its acquisition by applicant would not increase the concentration of banking resources nor have any significant adverse effect on any competing bank in the relevant areas.

The proposed bank is to be located in the city of Waukesha in the Milwaukee banking market wherein applicant holds

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32.4 percent of total deposits as the largest of 43 banking organizations represented in this market. However, applicant is not presently represented in the city of Waukesha which has a population of approximately 40,000, and under the State's branching laws its subsidiaries are not permitted to branch into the area of the proposed bank's location.

The 1970 census indicates that Waukesha is the third fastest growing city in Wisconsin with over 40,000 population. Its 1960–70 increase in population of 34.2 percent represented a growth in population almost three times that of the State as a whole. Waukesha County had a population growth during this same period of 46.2 percent. The population to banking offices within the Waukesha area is 8,000 as compared with 5,000 for the State. In view of the rapidly increasing population, and economic expansion taking place within the Waukesha area, it appears that the area can support other financial institutions.

Applicant's nearest subsidiary banking offices are located 9 miles northeast and 10 miles southeast of Bank. Since Bank is a proposed new bank, no present competition would be eliminated by consummation of this proposal, nor does it appear likely that competition would develop in the future. Competitive considerations are consistent with approval of the application.

The financial condition of applicant and its subsidiary banks are considered to be generally satisfactory especially in view of applicant's plan for the capital augmentation of its subsidiary banks. The managerial resources of applicant and its group of banks are also considered to be generally satisfactory and prospects for the group appear favorable. Bank, as a proposed new bank, has no operating history but projected earnings and growth for the new bank under applicant's control appear favorable. Banking factors are consistent with approval of the application.

The primary banking needs of the Waukesha area appear to be satisfactorily served at the present time. However, applicant proposes to enable the new bank to offer a number of more sophisticated services to include investment counseling and portfolio analysis, international banking, municipal finance, lease financing, and data processing. Applicant also points to the need for convenient banking services in the southern sector of the city since all present banking offices are located in the downtown and extreme northeast sections of Waukesha. Considerations relating to the convenience and needs of the communities to be served are consistent with and lend some support toward approval of the application.

Objections to the proposed acquisition of Bank have been raised by financial institutions in the area. They argue there is no present requirement for the establishment of a bank in the area to serve public conveniences, and further that applicant's dominant position and large resources enable it to operate Bank at a loss for a longer period of time in order to preempt a position in the market. It is the opinion of the Board, however, that the Waukesha area is capable of supporting the proposed new bank and that the consummation of this proposal should not be regarded as the preemption of a bank site by applicant in the Waukesha area. Additionally, the record indicates that there are no other proposals pending at the present time to establish a bank in the area. It is the Board's judgment that the proposed acquisition would be in the public interest and that the application should be approved.

On the basis of the record, the application is approved for the reasons summarized above. The transaction shall not be consummated (a) before the 30th calendar day following the effective date of this order, or (b) later than 3 months after that date, and (c) First Wisconsin Bank of Waukesha, Waukesha, Wis., shall be opened for business not later than 6 months after the effective date of this order. Each of the periods described in (b) and (c) may be extended for good cause by the Board, or by the Federal Reserve Bank of Chicago, pursuant to delegated authority.

By order of the Board of Governors,[1] effective February 22, 1973.

[SEAL] TYNAN SMITH,
Secretary of the Board.

[FR Doc.73-3979 Filed 3-1-73;8:45 am]

FOURTH FINANCIAL CORP.

Order Approving Retention of Fourth Financial Insurance Company

Fourth Financial Corp., Wichita, Kans., a bank holding company within the meaning of the Bank Holding Company Act, has applied for the Board's approval, under section 4(c)(8) of the Act and § 255.4(b)(2) of the Board's Regulation Y, to retain the voting shares of Fourth Financial Insurance Company, Phoenix, Ariz. (Company), a company that engages in the underwriting, as reinsurer, of credit life and disability insurance in connection with extensions of credit by applicant's' subsidiary bank.

Notice of the application, affording opportunity for interested persons to submit comments and views, was duly published (37 FR 2542). The time for filing comments and views has expired and all received have been considered, including those presented orally and in writing in connection with a Board hearing on March 24, 1972, pertaining to the underwriting of credit life and accident and health insurance in general, and this application in particular.

Effective December 11, 1972, the Board amended § 225.4 of Regulation Y to add the activity of "acting as underwriter for credit life insurance and credit accident and health insurance which is directly related to extensions of credit by the bank holding company system" to the list of activities the Board has determined to be closely related to banking.

Applicant owns 100 percent (less directors' qualifying shares) of Fourth National Bank & Trust Co., Wichita, Kans. (Bank), the largest bank in the Wichita market with total deposits of $279.3 million representing 31.6 percent of market deposits. Bank also ranks as the largest bank in Kansas with 4.9 percent of the State's commerical bank deposits. (All banking data are as of June 30, 1972, unless otherwise noted.)

Company, an Arizona corporation, is a limited capital stock life insurance company which first began business in September 1970. Company acts as reinsurer of credit life and disability insurance policies made available by Bank in connection with its extensions of credit. Credit life and disability insurance is generally made available by banks and other lenders and such insurance is designed to assure repayment of a loan in the event of death or disability of the borrower.

Prior to Company's organization, Bank sold credit life and disability insurance policies in connection with its extensions of credit and received a commission from the insurer on the sale of each policy. After Company was organized, Bank continued to sell such policies, but no longer received commission income. Rather, the insurer "ceded" or "assigned" such policies to Company with certain larger policies "retroceded" or "reassigned" in part back to the insurer so as to avoid Company being exposed to liabilities in excess of those permitted by Arizona law.[1] As of Decembr 31, 1971, Company had total assets of $143,000 and for the year ending that same date, Company received gross premiums of $130,000. During 1971, the total amount of insurance risk retroceded was approximately $4,000.

Because of Company's growth, applicant now proposes that it become a fully qualified underwriter authorized to write insurance in Kansas. Approval of applicant's proposed retention does not appear to eliminate any competition in the underwriting of credit life and disability insurance.

In connection with its addition of credit life underwriting to the list of permissible activities for bank holding companies, the Board stated that:

> To assure that engaging in the underwriting of credit life and credit accident and health insurance can reasonably be expected to be in the public interest, the Board will only approve applications in which an applicant demonstrates that approval will benefit the consumer or result in other public benefits. Normally such a showing would be made by a projected reduction in rates or increase in policy benefits due to bank holding company performance of this service.

[1] Voting for this action: Chairman Burns and Governors Mitchell, Daane, Brimmer, Sheehan, and Bucher. Voting against this action: Governor Robertson. Dissenting statement by Governor Robertson filed as part of the original document.

[1] The maximum amounts which may be insured by a limited capital stock life insurance company under Arizona law are $3,000 on any one life and $5,000 on any total disability claim.

In the subject application, applicant has stated that Company and the direct insurer which issues the credit life and disability policies made available by Bank will reduce the rates charged for credit life and disability insurance by 15 percent. Such rate reduction is expected to go into effect within 30 days of the approval of the application and applicant states that such rates would be 15 percent below the prevailing rates in the Wichita area. In addition, applicant claims other less demonstrable benefits, such as improved claims handling, will result from approval of its application. The Board believes that the reduced cost of such insurance coverage is procompetitive and in the public interest. The Board concludes that such benefits outweigh any possible adverse effects of approval of the application.

Based upon the foregoing and other considerations reflected in the record, the Board has determined that the balance of the public interest factors the Board is required to consider under section 4(c)(8) is favorable. Accordingly, the application is hereby approved. This determination is subject to the conditions set forth in § 225.4(c) of Regulation Y and to the Board's authority to require such modification or termination of the activities of a holding company or any of its subsidiaries as the Board finds necessary to assure compliance with the provisions and purposes of the Act and the Board's regulations and orders issued thereunder, or to prevent evasion thereof.

By order of the Board of Governors,[3] effective February 22, 1973.

[SEAL] TYNAN SMITH,
Secretary of the Board.

[FR Doc.73-3978 Filed 3-1-73;8:45 am]

KEYSTONE CONSOLIDATED INDUSTRIES, INC.

Determination Regarding "Grandfather" Privileges Under Bank Holding Company Act

Section 4 of the Bank Holding Company Act (12 U.S.C. 1843) provides certain privileges ("grandfather" privileges) with respect to nonbanking activities of a company that, by virtue of the 1970 Amendments to the Bank Holding Company Act, became subject to the Bank Holding Company Act. Pursuant to section 4(a)(2) of the Act, a "company covered in 1970" may continue to engage, either directly or through a subsidiary, in nonbanking activities that such a company was lawfully engaged in on June 30, 1968 (or on a date subsequent to June 30, 1968, in the case of activities carried on as a result of the acquisition by such company or subsidiary, pursuant to a binding written contract entered into on or before June 30, 1968, of another company engaged in such activities at the time of the acquisition), and has been continuously engaged in since June 30, 1968 (or such subsequent date).

Section 4(a)(2) of the Act provides, inter alia, that the Board of Governors of the Federal Reserve System may terminate such grandfather privileges if, having due regard to the purposes of the Act, the Board determines that such action is necessary to prevent undue concentration of resources, decreased or unfair competition, conflicts of interest, or unsound banking practices. With respect to a company that controls a bank with assets in excess of $60 million on or after December 31, 1970, the Board is required to make such a determination within a 2 year period.

Notice of the Board's proposed review of the grandfather privileges of the Keystone Consolidated Industries, Inc., Peoria, Ill., and an opportunity for interested persons to submit comments and views or request a hearing, has been given (37 FR 22414). The time for filing comments, views, and requests has expired, and all those received have been considered by the Board in light of the factors set forth in section 4(a)(2) of the Act.

On the evidence before it, the Board makes the following findings. Keystone Consolidated Industries, Inc., Peoria, Ill. (Registrant), became a bank holding company on December 31, 1970, as a result of the 1970 Amendments to the Act, by virtue of Registrant's ownership of 50 percent of the voting shares of Jefferson Trust and Savings Bank of Peoria (Bank) (assets of approximately $90 million, as of December 31, 1970). Bank, control of which was acquired by Registrant in December 1947, had total deposits of approximately $85 million, as of December 31, 1971, ranks second among 43 banks located in the Peoria, Ill., SMSA, and controls 11 percent of the total deposits in commercial banks in the area. The larger bank in the area is almost two and one-half times as large as Bank. Bank's management, financial condition and prospects are regarded as generally satisfactory and the Board has found no evidence of unsound banking practices.

Registrant (assets of $191 million, as of June 30, 1972) is an integrated steel company engaged in operations in the United States, Canada, Mexico, and the United Kingdom. Registrant engages directly in the production of low and high carbon steel and the conversion of it into billets, bars, rods, and wire products, the manufacture of cabinet hardware, automotive and appliance hardware, locks, locksets, casters, and household and office furniture, and the production of fasteners such as screws, bolts, nuts, and cold headed parts. It appears that all of these direct nonbanking activities were commenced by Registrant[1] before June 30, 1968, and have been engaged in continuously thereafter. In addition, Registrant has acquired several nonbanking subsidiaries (going concerns) engaged in the same activities, namely, Waterloo Metal Stampings, Ltd., Kitchener, Ontario, Canada (Waterloo), Hillcrest Engineering Ltd., Birmingham, England (Hillcrest), Tornillos Especiales de Mexico, Naucalpan de Juarez, Mexico (Tornillos), and Keysteel International Ltd., Toronto, Ontario, Canada (Keysteel). Broderick & Bascom Rope Co., Overland, Mo. (Broderick), another subsidiary of Registrant, manufactures steel and wire rope. Broderick (acquired in July 1968), Waterloo (acquired in March 1969), and Hillcrest[2] (acquired in March 1969), are not entitled to grandfather benefits.[3] Keysteel, acquired June 2, 1964, is inactive and therefore has no grandfather benefits. Tornillos, which was acquired in April 1965, manufactures screws, nuts, and bolts for Mexican markets and qualifies under the grandfather provision in section 4(a)(2) of the Act.

Registrant's 1969 purchase of the Chicago Heights plant of the Inland Steel Co. apparently constituted a product extension; on this basis, no grandfather privileges accrue under the proviso in section 4(a)(2) of the Act.[4] Registrant's 20 percent interest in Weld-Loc (a company apparently engaged in a product line in which Registrant did not engage on June 30, 1968), an interest that was acquired after June 30, 1968, is not entitled to grandfather privileges.[5]

Registrant conducts business throughout the United States (26 plants located variously in 13 States) and is a company listed on the New York Stock Exchange. However, Registrant is not regarded as a dominant force in its product market, where it competes with a large number of companies of various sizes, including a number of companies larger than Registrant. Registrant (with about 2 percent of the aggregate work force in the Peoria area) is not the dominant employer in the Peoria area nor does Registrant derive a significant portion of its business from that area (less than 1 percent of Registrant's total sales). It appears that the combination of Registrant's banking and nonbanking activities has not served to eliminate any significant actual or

[3] Voting for this action: Vice Chairman Robertson and Governors Mitchell, Brimmer, Sheehan, and Bucher. Absent and not voting: Chairman Burns and Governor Daane.

[1] Registrant states it was incorporated in Delaware in 1958 to effect a re-incorporation of Keystone Steel and Wire Co., an Illinois corporation whose earlier predecessor was established in 1889; and that Registrant's charter was amended in 1968 changing the company's name to Keystone Consolidated Industries, Inc.

[2] Carridine & Miles Ltd., Birmingham, England (50 percent of the shares are owned by Registrant), serves only as a holding company for Hillcrest.

[3] On this basis, Registrant would be required to divest itself of its interests (over 5 percent) in these companies by Jan. 1, 1981, or cease to be a bank holding company.

[4] On these facts and under § 4(a)(2) of the Act, Registrant is required to divest such product extension activity by Jan. 1, 1981, or cease to be a bank holding company.

[5] On these facts and under § 4(a)(2) of the Act, Registrant is required to divest its interest (over 5 percent) in Weld-Loc by Jan. 1, 1981, or cease to be a bank holding company.

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potential competition; nor is there evidence of a current undue concentration of resources, decreased or unfair competition or conflicts of interest.

On the basis of the foregoing and all the facts before the Board, it appears that the volume, scope, and nature of the activities of Registrant and its subsidiaries do not demonstrate an undue concentration of resources, decreased or unfair competition, conflicts of interest nor unsound banking practices.

There appears to be no reason to require Registrant to terminate its grandfathered interests. It is the Board's judgment that, at this time, termination of the grandfather privileges of Registrant is not necessary in order to prevent an undue concentration of resources, decreased or unfair competition, conflicts of interest, or unsound banking practices. However, this determination is not authority to enter into any activity or product extension that was not engaged in on June 30, 1968, and continuously thereafter, or any activity that is not the subject of this determination.

Although the Board regards the resources now subject to Registrant's control as not constituting an undue concentration of resources such as requires a termination of grandfathered activities, the Board is concerned with the size and scope of Registrant's nonbanking activities. A significant alteration in the nature or extension of Registrant's activities or a change in location thereof (significantly different from any described in this determination) will be cause for a reevaluation by the Board of Registrant's activities under the provisions of section 4(a)(2) of the Act, that is, whenever the alteration or change is such that the Board finds that a termination of the grandfather privileges is necessary to prevent an undue concentration of resources or any of the other evils at which the Act is directed. No merger, consolidation, acquisition of assets other than in the ordinary course of business, nor acquisition of any interest in a going concern, to which the Registrant or any nonbank subsidiary thereof is a party, may be consummated without prior approval of the Board. Further, the provision of any credit, property, or service by the Registrant or any subsidiary thereof shall not be subject to any condition which, if imposed by a bank, would constitute an unlawful tie-in arrangement under section 106 of the Bank Holding Company Act Amendments of 1970.

The determination herein does not preclude a later review, by the Board, of Registrant's nonbank activities and a future determination by the Board in favor of termination of grandfather benefits of Registrant. The determination herein is subject to the Board's authority to require modification or termination of the activities of Registrant or any of its nonbanking subsidiaries as the Board finds necessary to assure compliance with the provisions and purposes of the Act and the Board's regulations and orders issued thereunder, or to prevent evasion thereof.

By determination of the Board of Governors,[*] effective February 23, 1973.

[SEAL] TYNAN SMITH,
Secretary of the Board.

[FR Doc.73-3980 Filed 3-1-73;8:45 am]

U.N. BANCSHARES, INC.

Order Approving Entry De Novo in Mortgage Banking

U.N. Bancshares, Inc., Springfield, Mo. (Bancshares), a bank holding company within the meaning of the Bank Holding Company Act of 1956, has proposed under section 4(c)(8) of the Act and § 225.4(b)(1) of the Board's Regulation Y to engage de novo in the activity of mortgage banking through a newly formed subsidiary, Missouri Mortgage & Investment Co., Springfield, Mo. Notice of the proposal, affording opportunity for interested persons to express comments and views, was duly published in newspapers of general circulation in Springfield, Mo., in accordance with the regulatory provision. The only opposition to the proposal was received from Central Mortgage Co., Inc., Springfield, Mo. (Central), which itself is a registered bank holding company.[1]

The Federal Reserve Bank of St. Louis determined that Central's comments were not of such nature as to warrant advising Bancshares not to consummate the proposal. Central was advised, however, that it could seek Board review of this decision in accordance with the provisions of § 265.3 of the Board's rules regarding delegation of authority (12 CFR 265.3). Thereafter, Central petitioned the Board for such a review. In accordance with the procedures set forth in § 265.3, review by the Board was authorized and Bancshares was notified not to consummate its proposal. The proposal has now been reviewed by the Board and its findings and decision are set forth hereinafter.

Bancshares controls three banks, including The Union National Bank of Springfield (Union Bank), and Springfield National Bank (Springfield Bank), both located in Sprinfield, Mo.,[2] Union Bank and Springfield Bank hold combined deposits of approximately $120 million,[3] representing 36 percent of the total commercial deposits of the eight banks located in Springfield.

Central's opposition to Bancshares' proposal is based principally on allegations of unfair competition and on undue concentration of resources. In support of its charge of unfair competition, Central claims that Bancshares, through its subsidiary, Union Bank, hired Central's key employee in each of its major areas of operation—real estate and commercial loans—and was now offering other officers of Central positions with the new mortgage company. In addition, it is claimed that Bancshares acquired confidential information pertaining to Central through its banking subsidiary's computer services operation, including, among other things: The names of those investors interested in investing money in the Springfield area; the aggregate dollar amount of each investor's loans as well as the number of loans that Central services for each of such investors; the service fee rate paid to Central on such loans and the type of loans which are most profitable. In essence, Central claims that Bancshares, by obtaining this information through the banking operations of a subsidiary and by hiring key personnel of Central, is guilty of unfair competition which, if permitted, may eventually eliminate Central as a competitive mortgage banker. Finally, Central's protest is founded on a claim that there is no need for another mortgage company in Springfield, and to allow Bancshares to consummate its proposal will result in an undue concentration of financial resources in the Springfield area.

The question as to whether Bancshares has, indeed, engaged in unfair competition turns on whether Bancshares conspired with and induced Central's employees to terminate their employment in order to join its own organization. The mere fact that an employee took employment with an actual or potential competitor is not sufficient to justify a finding of unfair competition. As noted by the Missouri Supreme Court in "National Rejectors, Inc., v. Trieman," 409 S.W. 2d 1 (1966), two conflicting public policies must be considered in each case: One policy seeks to protect the public from unfair competition—the other favors free competition in the economic sphere. As the court explained:

> It is necessary that there be a balancing of the equities between these two rights, for if the former is carried to its extreme it will deprive a man of his right to earn a living; while conversely, the latter right if unchecked, would probably make a mockery of the fiduciary concept, with its concomitants of loyalty and fair play. Id. at 39.

Further, a per se violation of section 1 of the Sherman Act has been found where key employees were induced to leave their employment to join a new corporation that was established to compete with their former employer. "Atlantic Heel Co. v. Allied Heel Co.," 284 F. 2d 879 (1960). Nonetheless, in "Metal Lubricants Co. v. Engineered Lubricant Co.," 411 F. 2d 426 (1969), the court stated:

> The mere fact that the defendants decided to leave their employ and enter into competition with their employer is not sufficient evidence to establish unfair and inequitable dealings so as to sustain a claim of unfair competition under the Sherman Act.

In the situation before the Board, it is evident that, while two employees have moved from Central to Bancshares' subsidiary, Union Bank, Central has lost employees to other institutions as well. Furthermore, it appears that Central's executive vice president was unhappy with his employer and that he would have left his employment whether or not he joined Bancshares.[4] Central contends that Bancshares induced its employee to leave its employment, but Bancshares' management contends that the employee sought employment with them of his own volition. In any event, the Board does not view the employment practices involved herein as rising to the level of a contract, combination, or conspiracy in restraint of trade. Nevertheless, the Board believes it appropriate and in the public interest to condition its approval of Bancshares' proposal on the requirement that Bancshares not conspire with and induce any employee of a competing organization to leave the employee's present employment to join Bancshares' mortgage banking subsidiary.

A second method by which Central claims Bancshares would unfairly compete is through its access to confidential data of Central which Union Bank obtained in the ordinary course of supplying data processing services. At the time Central contracted for these data processing services, Union Bank itself made mortgage loans in the Springfield area and thus was in competition with Central. Central's business data pertaining to its mortgage servicing operations is confidential and was accepted by Union Bank on this basis. Approval of the present proposal would not remove that confidentiality. Notwithstanding, the Board is deeply concerned with any case in which the operation of one or more nonbanking subsidiaries by a bank holding company may give rise to a possible unfair method of competition. Therefore, in view of the potential conflicts-of-interests situation that might arise, the Board believes it appropriate and in the public interest to condition its approval of Bancshares' proposal on the requirement that any data pertaining to Central's mortgage loans, now in the custody of Union Bank, not be made available, either directly or indirectly, to any person who could, in any manner, use such information to compete with Central.

Finally, Central opposes Bancshares' entry into mortgage banking on the ground that it will result in an undue concentration of financial resources in the Springfield area. As stated above, Bancshares' two subsidiary banks in Springfield hold 36 percent of the total deposits of the eight Springfield banks. Two of these banking competitors, Commerce Bank of Springfield (deposits $98.3 million) and Southern Missouri Trust Bank (deposits $38.7 million), have at their disposal not only the far greater lending capacity of their parent organizations[5] but also the availability of subsidiary mortgage companies. Other competitors offering real estate financing in Springfield include eight mortgage companies and seven savings and loan associations. As of June 30, 1972, the savings and loan associations in Springfield had total resources of $271 million. The Board concludes that Bancshares' share of commercial bank deposits in the Springfield area does not represent an undue concentration of financial resources and that its entry into mortgage banking is not likely to result in such a concentration.

Congress authorized the Board in section 4(c)(8) of the Bank Holding Company Act to differentiate between those nonbanking activities commenced de novo and activities commenced by the acquisition of a going concern. In the instant proposal, Bancshares seeks to expand internally through a newly formed mortgage banking subsidiary and thus add a new decisionmaker in the Springfield mortgage loan market. Such entry, in the Board's view, is procompetitive as it brings an added element of competition into the Springfield market which would not otherwise exist. Moreover, Bancshares' entry into mortgage banking may provide an increased quantity of mortgage funds for this area. On balance, the Board concludes that these public benefits outweigh any possible adverse effect on competition.

Based upon the foregoing and other considerations reflected in the record, the Board has determined that the balance of the public interest factors the Board is required to consider under section 4(c)(8) is favorable. Accordingly, the proposal of Bancshares to engage in mortgage banking through a new subsidiary, Missouri Mortgage & Investment Co., is hereby approved on the condition that (1) Bancshares not conspire with and induce any employee of a competing organization to terminate his present employment to join Missouri Mortgage & Investment Co., and (2) that confidential data pertaining to Central's mortgage loans, now in the custody of Union Bank, not be made available, directly or indirectly, to any person who could, in any manner, use such information to compete with Central. This determination is subject to the Board's authority to require reports by, and make examinations of, holding companies and their subsidiaries and to require such modification or termination of the activities of a holding company or any of its subsidiaries as the Board finds necessary to assure compliance with the provisions and purposes of the Act and the Board's regulations and orders issued thereunder, or to prevent evasion thereof.

By order of the Board of Governors,[6] effective February 21, 1973.

[SEAL] TYNAN SMITH,
Secretary of the Board.

[FR Doc.73-3981 Filed 3-1-73;8:45 am]

[*] Voting for this action: Chairman Burns and Governors Robertson, Mitchell, Daane, Brimmer, Sheehan, and Bucher.

[1] Central controls the Citizens Bank of Warrensburg, Warrensburg, Mo., which has deposits of $14.6 million.

[2] Applicant's third bank, Pulaski County Bank, Richland, Mo. (deposits of $7.4 million), is located 80 miles distant and in a separate banking market.

[3] Deposit data are as of June 30, 1972.

[4] In this connection, it is noted that the employee made known his desire to terminate his employment through an undated letter of resignation, giving Central time to find a replacement.

[5] Commerce Bank of Springfield is controlled by Commerce Bancshares, Inc., Kansas City, Mo., while Southern Missouri Trust Bank is controlled by Mercantile Bancorporation, Inc., St. Louis, Mo.

[6] Voting for this action: Vice Chairman Robertson and Governors Mitchell, Brimmer, Sheehan, and Bucher. Absent and not voting: Chairman Burns and Governor Daane.

GENERAL SERVICES ADMINISTRATION

NATIONAL ARCHIVES ADVISORY COUNCIL

Notice of Meeting

Notice is hereby given that the National Archives Advisory Council will meet at the time and place indicated. Anyone who is interested in attending, or wants additional information should contact one of the persons shown below.

Meeting date: March 23, 1973.

Time: 9 a.m.—6 p.m.

Place: Federal Archives and Records Center, 1000 Commodore Drive, San Bruno, CA 94066.

Agenda: Operation of regional archives branches and the records center system; current academic activities of the National Archives, including the new Senior Fellowship Program.

For further information contact: Dr. Frank G. Burke, Director, Educational Programs Staff, National Archives and Records Service, Washington, DC 20408, 202—963-6404; or Paul Kohl, NARS Regional Commissioner, 1000 Commodore Drive, San Bruno, CA 94066, 415—556-3425.

Issued in Washington, D.C. on February 23, 1973.

JAMES B. RHOADS,
Archivist of the United States.

[FR Doc.73-4034 Filed 3-1-73;8:45 am]

TARIFF COMMISSION

[TEA-W-187]

GENESCO CORP.

Workers' Petition for a Determination; Notice of Investigation

On the basis of a petition filed under section 301(a)(2) of the Trade Expansion Act of 1962, on behalf of the workers and former workers of the Troy District Shirt Co., Cohoes, N.Y., a subsidiary of the Genesco Corp., New York, N.Y., the U.S. Tariff Commission, on February 23, 1973, instituted an investigation under section 301(c)(2) of the Act to determine whether, as a result in major part of concessions granted under trade agreements, articles like or directly competitive with men's and boys' shirts of cotton or manmade fibers (of the types provided for in item 380.27 and 380.84 of the Tariff Schedules of the United States) produced by said firm are being imported into the United States in such increased quantities as to cause, or threaten to

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cause, the unemployment or underemployment of a significant number or proportion of the workers of such firm or an appropriate subdivision thereof.

The optional public hearing afforded by law has not been requested by the petitioners. Any other party showing a proper interest in the subject matter of the investigation may request a hearing, provided such request is filed on or before March 12, 1973.

The petition filed in this case is available for inspection at the Office of the Secretary, U.S. Tariff Commission, 8th and E Streets NW., Washington, DC, and at the New York City office of the Tariff Commission located in Room 437 of the Customhouse.

Issued: February 26, 1973.

By order of the Commission.

[SEAL] KENNETH R. MASON, *Secretary.*

[FR Doc.73-3936 Filed 3-1-73;8:45 am]

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

DISTRICT OF COLUMBIA DEVELOPMENTAL PLAN

Submission of Plan and Availability for Public Comment

1. *Submission and description of plan.* Pursuant to section 18 of the Occupational Safety and Health Act of 1970 (29 U.S.C. section 667) and § 1902.11 of Title 29, Code of Federal Regulations, notice is hereby given that an Occupational Safety and Health Plan for the District of Columbia has been submitted to the Assistant Secretary of Labor for Occupational Safety and Health. The Assistant Secretary hereby gives notice that the question of approval of the Plan is in issue before him.

The Plan designates the Minimum Wage and Industrial Safety Board, Industrial Safety Division (hereinafter referred to as the Designee) as the agency responsible for administering the Plan throughout the State. It proposes to define issues covered by it as defined by the Secretary of Labor in 29 CFR 1902.2(c)(1) excluding the following parts: § 1910.13 *Ship repairing*, § 1910.14 *Shipbuilding*, § 1910.15 *Shipbreaking*, § 1910.16 *Longshoring*, § 1910.19 *Asbestos dust*, § 1910.214 *Cooperage machinery*, § 1910.216 *Mills and calendars in the rubber and plastics industries*, § 1910.218 *Forging machines*, § 1910.261 *Pulp*, paper *and paperboard mills*, § 1910.262 *Textiles*, § 1910.265 *Sawmills*, § 1910.266 *Pulpwood logging*, and § 1910.267 *Agricultural operations*. In addition, the State will have certain other standards applicable to certain vertical issues such as: operation and maintenance of woodworking machinery, explosive actuated projectile tools and equipment, laundry, dry cleaning and dyeing, window cleaning operations and equipment, work in tunnels, railroad clearances and diving operations. The Plan provides for the development and promulgation of occupational safety and health standards which are at least as effective as the Federal standards or changes thereto.

Included in the Plan is proposed draft legislation to be introduced during the 1973 session of the U.S. Congress. Under the proposed legislation, the Designee will have full authority to enforce and administer laws respecting safety and health of employees. The draft legislation provides for the coverage of all employees within the State including employees of the State, with the exception of domestic employees, U.S. Government Employees, and embassies and foreign government instrumentalities. There are provisions which grant the Designee the authority to issue citations for violations and there is also included a prohibition against advance notice of any such inspection. In addition, under the proposed legislation, the Designee will initiate provisions for administrative adjudication for all parties of interest in its administration of such law. There is also proposed a judicial review system to carry out prosecutions for violations of the industrial safety law. Provision for prompt restraint of imminent danger situations and a system of criminal penalties for violations of any rules or regulations promulgated under law are also included in the draft legislation. Contained in the Plan is a statement of the Mayor-Commissioner's support for the proposed legislation and a statement of legal opinion that it will meet the requirements of the Occupational Safety and Health Act of 1970 in a manner consistent with the laws of the State.

Set forth in the proposed Plan is a timetable for providing for the future drafting of various rules, regulations, and procedures. All personnel under the Plan are covered by an existing merit system. Also included are assurances for the protection of trade secrets and a provision to protect employees against discharge and discrimination in terms and conditions of employment.

2. *Location of plan for inspection and copying.* A copy of the Plan may be inspected and copied during normal business hours at the following locations: Office of Federal and State Operations, Occupational Safety and Health Administration, Room 305, Railway Labor Building, 400 First Street NW., Washington, DC 20210; Regional Administrator, Occupational Safety and Health Administration, U.S. Department of Labor, Suite 410, Penn Square Building, 1317 Filbert Street, Philadelphia, PA 19107; Minimum Wage and Industrial Safety Board, Industrial Safety Division, 615 Eye Street NW., Washington, DC 20001.

3. *Public participation.* Interested persons are hereby given until April 1, 1973, in which to submit to the Assistant Secretary written data, views, and arguments concerning the Plan. The submissions are to be addressed to the Director, Office of Federal and State Operations, Room 305, Railway Labor Building, 400 First Street NW., Washington, DC 20210. The written comments will be available for public inspection and copying at the above address.

Any interested person(s) may request an informal hearing concerning the proposed Plan, or any part thereof, whenever particularized written objections thereto are filed by April 1, 1973. If the Assistant Secretary finds that substantial objections are filed, he shall hold a formal or informal hearing on the subjects and issues involved.

The Assistant Secretary of Labor for Occupational Safety and Health shall thereafter consider all relevant comments and arguments presented and issue his decision as to approval or disapproval of the Plan.

Signed at Washington, D.C., this 26th day of February 1973.

CHAIN ROBBINS, *Acting Assistant Secretary of Labor.*

[FR Doc.73-4028 Filed 3-1-73;8:45 am]

TENNESSEE DEVELOPMENT PLAN

Submission of Plan and Availability for Public Comment

1. *Submission and description of plan.* Pursuant to section 18 of the Occupational Safety and Health Act of 1970 (29 U.S.C. 667) and 29 CFR 1902.11 setting forth the method whereby States may assume responsibility for the development and enforcement therein of occupational safety and health standards, notice is hereby given that a developmental occupational safety and health plan has been submitted by the State of Tennessee and that on the basis of a preliminary review of the plan the issue of its approval is now under consideration.

The plan identifies the Department of Labor and the Department of Public Health as the State agencies designated by the Governor of the State to administer the plan throughout the State. It defines the covered occupational safety and health issues as defined by the Secretary of Labor in 29 CFR 1902.2(c)(1).

The plan includes legislation passed by the Tennessee Legislature during its 1972 session which became effective July 1, 1972. Under the law the Department of Labor and the Department of Public Health will have full authority to enforce and administer laws respecting safety and health of employees in all workplaces of the State with the exception of employees of the United States or employees protected under other Federal Occupational Safety and Health Laws such as the Atomic Energy Act of 1959 (42 U.S.C. 2011 et seq.), the Federal Metal and Nonmetallic Mine Safety Act (30 U.S.C. 271 et seq.), the Federal Safety Appliances Act (45 U.S.C. 1 et seq.), or the Federal Railroad Safety Act (45 U.S.C. 421 et seq.), the Longshoremen's and Harbor Worker's Compensation Act, as amended (33 U.S.C. 901 et seq.), domestic workers, any employee engaged in agriculture who is employed on a farm each of the employees of which is related to the other employee as spouse, child, parent, grandparent or grandchild, or employees covered by Title 58 of the Tennessee Code Annotated.

The Act further proposes to bring the plan into conformity with the requirements of 29 CFR Part 1902 in areas such as procedures for variances and the protection of employees from hazards, procedures for the development and promulgation of standards, including standards for protection of employees against new and unforeseen hazards; procedures for prompt restraint or elimination of imminent danger situations.

The Act also insures inspections in response to complaints; employer and employee representatives an opportunity to accompany inspectors in order to aid inspections; notification of employees or their representative when no compliance action is taken as a result of alleged violations, including informal review; notification of employees of their protections and obligations; protection of employees against discharge or discrimination in terms and conditions of employment; adequate safeguards to protect trade secrets; provisions for prompt notice of employers and employees of alleged violations of standards and abatement requirements; a system of sanctions against employers for violations of standards; employer right of review with employee participation in review proceedings, and coverage of employees of political subdivisions.

Included in the plan is a statement of the Governor's support for the proposed plan and a statement of legal opinion that it will meet the requirements of the Occupational Safety and Health Act of 1970, and is consistent with the Constitution and laws of Tennessee. The plan sets out goals and provides a timetable for bringing it into full conformity with Part 1902. The plan also includes assurances of sufficient resources and qualified personnel hired under a merit system.

2. *Location of plan for inspection and copying.* A copy of the plan may be inspected and copied during normal business hours at the following locations: Office of Federal and State Operations, OSHA, Room 305, 400 First Street NW., Washington, DC 20210; Regional Office, OSHA, Room 587, 1875 Peachtree Street NE., Atlanta, GA 30309; Commissioner of Labor Office, Room C-1-100, Cordell Hull Building, 5th Avenue North, Nashville, TN 37219.

3. *Public participation.* Interested persons are hereby given until April 1, 1973, in which to submit written data, views, and arguments concerning the plan. Such request or submissions are to be addressed to the Director of Federal and State Operations, OSHA, Room 408, 400 First Street, NW., Washington, DC 20210. The written comments will be available for public inspection and copying at this address.

Copies of the plan or of written comments received with respect thereto will be provided in accordance with the general Department of Labor fee schedule (29 CFR 70.62(a)).

Any interested person may request a hearing concerning the proposed plan, or any part thereof, whenever particularized written objections thereof, are filed within the time allowed for comments specified above. If it is found that substantial objections are filed, a formal or informal hearing on the subjects and issues involved shall be held.

After consideration has been given to all material submitted, a final decision as to the approval or disapproval of the plan will be issued.

Signed at Washington, D.C., this 26th day of February, 1973.

CHAIN ROBBINS, *Acting Assistant Secretary of Labor.*

[FR Doc.73-4029 Filed 3-1-73;8:45 am]

Office of the Secretary

BERNIE SHOE CO.

Eligibility of Workers To Apply for Adjustment Assistance

After reviewing the Tariff Commission's report on its investigation of the petition for adjustment assistance filed on behalf of the workers of the Bernie Shoe Co., Haverhill, Mass. (Report No. TEA-W-162) under section 301(c)(2) of the Trade Expansion Act of 1962, and in which report the Commission being equally divided, made no finding with respect to women's footwear, the President decided, under the authority of section 330(d)(1) of the Tariff Act of 1930 as amended, to consider the findings of those Commissioners who found in the affirmative as the finding of the Commission. Accordingly, he has advised the Secretary of Labor that he may certify the group of workers involved as eligible to apply for adjustment assistance.

In view of the Tariff Commission's report, the President's authorization, and the responsibilities delegated to the Secretary of Labor under section 8 of the Executive Order 11075 (28 FR 473), the Director, Office of Foreign Economic Policy, Bureau of International Labor Affairs, has instituted an investigation, as provided in 29 CFR 90.5 and this notice. The investigation relates to the determination of whether any of the group of workers covered by the Tariff Commission report should be certified as eligible to apply for adjustment assistance, provided for under Title III, Chapter 3, of the Trade Expansion Act of 1962, including the determination of related subsidiary subjects and matters, such as the date unemployment or underemployment began or threatened to begin and the subdivision of the firm involved to be specified in any certification to be made, as more specifically provided in Subpart B of CFR Part 90.

Interested persons should submit written data, views, or arguments relating to the subjects of investigation to the Director, Office of Foreign Economic Policy, U.S. Department of Labor, Washington, D.C. 20210 on or before March 14, 1973.

Signed at Washington, D.C. this 22d day of February 1973.

GLORIA G. VERNON, *Director, Office of Foreign Economic Policy.*

[FR Doc.73 3939 Filed 3-1-73;8:45 am]

MAINE

Determinations of "Temporary on" Indicator and Beginning of Temporary Benefit Period

Pursuant to the provisions of section 202 of the Emergency Unemployment Compensation Act of 1971 (Public Law 92-224, Title II, as amended by Public Law 92-329), hereinafter referred to as the Act, and 20 CFR 617.13(a), I hereby give notice of my determinations as follows:

1. There is a "temporary on" indicator for the week ending January 13, 1973, for the State of Maine.

This determination is based on my findings that the rate of unemployment as defined in the Act for the 13-week period ending January 13, 1973, equaled or exceeded 6.5 per centum in the State of Maine.

2. A temporary benefit period, as provided in section 202(c)(3)(A)(iii) of the Act and 20 CFR 617.5, begins on January 28, 1973, the first day of the third calendar week after the week for which there is a "temporary on" indicator, in the State of Maine which has previously entered into an agreement with the Secretary of Labor as provided in section 202 of the Act.

Temporary compensation, as defined in 20 CFR 617.2(d), shall be payable to eligible individuals, who have received temporary compensation for a week or weeks beginning before January 1, 1973, and who file claims for such compensation for weeks of unemployment which begin in the temporary benefit period with respect to the State of Maine. However, no temporary compensation under the Act is payable for any week of unemployment which ends after March 31, 1973, even though such week is in a temporary benefit period.

Signed at Washington, D.C., this 23d day of February 1973.

PETER J. BRENNAN, *Secretary of Labor.*

[FR Doc.73 3941 Filed 3-1-73;8:45 am]

NEW JERSEY

Determinations of "Temporary on" Indicator and Beginning of Temporary Benefit Period

Pursuant to the provisions of section 202 of the Emergency Unemployment Compensation Act of 1971 (Public Law 92-224, title II, as amended by Public Law 92-329), hereinafter referred to as the Act, and 20 CFR 617.13(a), I hereby give notice of my determinations as follows:

1. There is a "temporary on" indicator for the week ending January 13, 1973, for the State of New Jersey.

This determination is based on my findings that the rate of unemployment as defined in the Act for the 13-week period ending January 13, 1973, equaled or exceeded 6.5 percent in the State of New Jersey.

2. A temporary benefit period, as provided in section 202(c)(3)(A)(iii) of the

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Act and 20 CFR 617.5, begins on January 28, 1973, the first day of the third calendar week after the week for which there is a "temporary on" indicator, in the State of New Jersey which has previously entered into an agreement with the Secretary of Labor as provided in section 202 of the Act.

Temporary compensation, as defined in 20 CFR 617.2(d), shall be payable to eligible individuals, who have received temporary compensation for a week or weeks beginning before January 1, 1973, and who file claims for such compensation for weeks of unemployment which begin in the temporary benefit period with respect to the State of New Jersey. However, no temporary compensation under the Act is payable for any week of unemployment which ends after March 31, 1973, even though such week is in a temporary benefit period.

Signed at Washington, D.C., this 23d day of February 1973.

PETER J. BRENNAN,
Secretary of Labor.

[FR Doc.73-3940 Filed 3-1-73;8:45 am]

INTERSTATE COMMERCE COMMISSION

[Notice 188]

ASSIGNMENT OF HEARINGS

FEBRUARY 26, 1973.

Cases assigned for hearing, postponement, cancellation or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested. No amendments will be entertained after the date of this publication.

MC-C-7924, Overland Motor Express, Inc., doing business as Boulder-Denver Truck Line, Et Al-Englewood Transit Co., now being assigned hearing April 4, 1973 (1 day), at Denver, Colo., in a hearing room to be later designated.

MC 135532, J. B. Levin, Inc., now being assigned hearing April 4, 1973 (2 days), at Boston, Mass., in a hearing room to be later designated.

MC-C-7931 John W. Hoogland and Joanne C. Hoogland, a partnership, doing business as City Express, and Peninsula Shippers Association, Inc.—Investigation of Operations and Revocation of Certificates now assigned February 28, 1973, at Anchorage, Alaska, is postponed indefinitely.

MC-128273 Sub 130, Midwestern Express, Inc., now being assigned hearing April 10, 1973, at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC-F-11699, Old Dominion Freight Line—Control—Star Transport Co., Inc., now being assigned hearing April 11, 1973, at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC-F-11636, Briggs Transportation Co.—Purchase (portion)—Hennis Freight Lines, Inc., of Nebraska, MC-F-11694, All-American Transport, Inc.—Purchase (portion)—Hennis Freight Lines, Inc., of Nebraska, MC-F-11702, Illinois-California Express, Inc.—Purchase (portion)—Hennis Freight Lines, Inc., of Nebraska, now being assigned April 23, 1973 (2 weeks), at Kansas City, Mo., in a hearing room to be later designated.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.73-3916 Filed 3-1-73;8:45 am]

[Notice 218]

MOTOR CARRIER BOARD TRANSFER PROCEEDINGS

Synopses of orders entered by the Motor Carrier Board of the Commission pursuant to sections 212(b), 206(a), 211, 312(b), and 410(g) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 1132), appear below:

Each application (except as otherwise specifically noted) filed after March 27, 1972, contains a statement by applicants that there will be no significant effect on the quality of the human environment resulting from approval of the application. As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings on or before March 21, 1973. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC-74164. By order of February 6, 1973, the Motor Carrier Board approved the transfer to John J. Boyce Transportation, Inc., Atlantic City, N.J., of certificate No. MC-116811 (Sub-No. 1) issued November 17, 1971, to James A. Ruberton, Elm, N.J., authorizing the transportation of such general merchandise as is dealt in by wholesale and retail grocery and food business houses, when moving to or from the stores, warehouses, or other facilities of wholesale or retail food business houses, from Philadelphia, Pa., to Atlantic City, N.J. Alan Kahn, 1920 Two Penn Center Plaza, Philadelphia, PA 19102, applicants' attorney.

No. MC-FC-74193. By order of February 1, 1973, the Motor Carrier Board approved the transfer to K & K Wholesale Co., a corporation, Lowell, Oreg., of the operating rights in certificates Nos. MC-133816 (Sub-No. 1) and MC-133816 (Sub-No. 3) issued June 5, 1970, and October 18, 1972, respectively, to Kenneth L. Parks and Keith O. Parks, a partnership, doing business as K & K Wholesale Co., Lowell, Oreg., authorizing the transportation of lime, from points in Clark County, Nev., to points in Oregon and Washington, magnesite, from points in Nye County, Nev., to points in Oregon, and lumber, hardboard, and particleboard, from points in Oregon to points in Nye and Clark Counties, Nev. Howard E. Speer, 835 East Park Street, Eugene, OR 97401.

No. MC-FC-74204. By order of February 7, 1973, the Motor Carrier Board approved the transfer to Thomas Mongeluzzi, West Babylon, Long Island, N.Y., of the operating rights in certificate No. MC-117650 issued October 1, 1965, to Michael J. Russo, Brooklyn, N.Y., authorizing the transportation of homing pigeons, in crates, and in connection therewith, supplies and equipment used in the care of such pigeons, in seasonal operations between March 1 and September 30, both inclusive, of each year, from points in Queens County, N.Y., to points in New Jersey and Wilmington, Del. William D. Traub, 10 East 40th Street, New York, NY 10016, registered practitioner for applicants.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.73-3918 Filed 3-1-73;8:45 am]

[Notice 23]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

FEBRUARY 22, 1973.

The following are notices of filing of applications[1] for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. FC-67 (49 CFR Part 1131) published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, on or before March 16, 1973. One copy of such protests must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protests must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 35628 (Sub-No. 344 TA), filed February 8, 1973. Applicant: INTERSTATE MOTOR FREIGHT SYSTEM, 134 Grandville Avenue SW., Grand Rapids, MI 49502. Applicant's representative: Leonard D. Verdier, Jr., 1 Vandenberg Center, Grand Rapids, Mich. 49502. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foodstuffs*, from the plantsite and warehouses of Campbell Soup Co. at or near Omaha,

[1] Except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application.

Nebr., to Dale, Ind., for 180 days. Supporting shipper: R. J. Lloyd, Manager Transportation, Campbell Soup Co., Omaha, Nebr. Send protests to: C. R. Flemming, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 225 Federal Building, Lansing, Mich. 48933.

No. MC 59150 (Sub-No. 77 TA), filed February 14, 1973. Applicant: PLOOF TRANSFER COMPANY, INC., Post Office Box 38047, 1901 Hill Street, Jacksonville, FL 32202. Applicant's representative: Martin Sack, Jr., 1754 Gulf Life Tower, Jacksonville, Fla. 32207. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pipe and pipe fittings, couplings, connections, and accessories* (except iron or steel and commodities because of size or weight require the use of special equipment), from the plant or warehouse sites of Armco Steel Corp., Metal Products Division, in Montgomery County, Ala., to points in Arkansas, Georgia, Florida, Kentucky, Louisiana, Mississippi, North Carolina, South Carolina, Tennessee, Virginia, and West Virginia, and restricted to traffic originating at the above plant or warehouse sites and destined to points shown above and further restricted against the transportation of oil field commodities as defined in *Mercer-Extension-Oilfield Commodity*, 74 M.C.C. 459, for 180 days. Supporting shipper: Armco Steel Corp., 703 Curtis Street, Middletown, OH 45042. Send protests to: District Supervisor, Bureau of Operations, Interstate Commerce Commission, Box 35008, 400 West Bay Street, Jacksonville, FL 32202.

No. MC 94201 (Sub-No. 110 TA) (Correction), filed December 11, 1972, published in the FEDERAL REGISTER January 10, 1973, corrected and republished in part as corrected this issue. Applicant: BOWMAN TRANSPORTATION, INC., Post Office Box 17744, 1500 Cedar Grove Road, Atlanta, GA 30316. Applicant's representative: E. A. Wickman (same address as above). NOTE: The purpose of this partial republication is to show the correct authority sought as over *irregular routes*, in lieu of over regular routes, shown in error in previous publication. The rest of the application remains the same.

No. MC 102982 (Sub-No. 30 TA), filed February 12, 1973. Applicant: GEORGE W. KUGLER, INC., Post Office Box 6064, Ellet. Stat., 2800 East Waterloo Road, Akron, OH 44312. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Pipe* (except iron and steel pipe), from the facilities of the Flintkote Co. at Ravenna, Ohio, to points in Delaware, Illinois, Indiana, Kentucky, Maryland, Michigan, New Jersey, New York, Pennsylvania, Virginia, West Virginia, Wisconsin, and the District of Columbia, under a continuing contract or contracts with the Flintkote Co. of Ravenna, Ohio, for 180 days. Supporting shipper: Flintkote Pipe Products Group, Ravenna, Ohio 44266. Send protests to: Franklin D. Ball, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 181 Federal Office Building, 1240 East Ninth Street, Cleveland, OH 44199.

No. MC 103051 (Sub-No. 269 TA), filed February 12, 1973. Applicant: FLEET TRANSPORT COMPANY, 934 44th Avenue North, Post Office Box 90408, Nashville, TN 37209. Applicant's representative: William G. North (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid feed supplements*, in bulk, in tank vehicles, from Nashville, Tenn., to points in Alabama, Arkansas, Georgia, Kentucky, and Mississippi, for 180 days. Supporting shipper: National Molasses Co., 220 Davidson Street, Nashville, Tenn. Send protests to: Joe J. Tate, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 803 1808 West End Building, Nashville, Tenn. 37203.

No. MC 103993 (Sub-No. 757 TA), filed February 12, 1973. Applicant: MORGAN DRIVE-AWAY, INC., 2800 West Lexington Avenue, Elkhart, IN 46514. Applicant's representative: Paul D. Borghesani (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers*, designed to be drawn by passenger automobiles, in initial movements, from Darlington County, S.C., to points in the United States, east of the Mississippi River, Louisiana, and Minnesota, for 180 days. Supporting shipper: Bowen Mobile Homes, Inc., Lamar, S.C. 29069. Send protests to: District Supervisor J. H. Gray, Bureau of Operations, Interstate Commerce Commission, 345 West Wayne Street, Room 204, Fort Wayne, IN 46802.

No. MC 107496 (Sub-No. 878 TA), filed February 12, 1973. Applicant: RUAN TRANSPORT CORPORATION, Third and Keosaqua Way, Post Office Box 855, Box ZIP 50304, Des Moines, IA 50309. Applicant's representative: E. Check (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Gasoline*, in bulk, in tank vehicles, from Madison, Wis., to Dubuque, Iowa, for 150 days. Supporting shipper: Red X Corp., 725 Kelly Lane, Dubuque, IA 52001. Send protests to: Herbert W. Allen, Transportation Specialist, Interstate Commerce Commission, Bureau of Operations, 875 Federal Building, Des Moines, IA 50309.

No. MC 110988 (Sub-No. 295 TA), filed February 12, 1973. Applicant: SCHNEIDER TANK LINES, INC., 200 West Cecil Street, Neenah, WI 54956. Applicant's representative: David A. Petersen (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid feed supplements, and molasses*, in bulk, in tank vehicles, from Oswego, Ill., to points in Wisconsin, for 180 days. Supporting shipper: Feed Associates Inc., Box 325, Hartland, WI 53029 (Charles R. Nelson, president). Send protests to: District Supervisor John E. Ryden, Interstate Commerce Commission, Bureau of Operations, 135 West Wells Street, Room 807, Milwaukee, WI 53203.

No. MC 112963 (Sub-No. 34 TA), filed February 13, 1973. Applicant: ROY BROS., INC., 764 Boston Road, Pinehurst, MA 01866. Applicant's representative: Leonard E. Murphy (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals*, in bulk, in tank vehicles, from the Penn-Central R.R. terminal in Boston, Mass., to points in Maine, Vermont, New York, and Connecticut, for 180 days. Supporting shipper: Allied Chemical Corp., Post Office Box 1139R, Morristown, NJ 07960. Send protests to: Darrell W. Hammons, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 150 Causeway Street, Fifth Floor, Boston, MA 02114.

No. MC 118159 (Sub-No. 131 TA), filed February 12, 1973. Applicant: NATIONAL REFRIGERATED TRANSPORT, INC., 1925 National Plaza, Tulsa, OK 74151. Applicant's representative: Jack R. Anderson (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat byproducts, and articles distributed by meat packinghouses*, as described in sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from Emporia, Kans., to points in Alabama, Florida, Georgia, North Carolina, South Carolina, and Tennessee, for 180 days. Supporting shipper: Iowa Beef Processors, Inc., Joseph A. Eschenbacher, Jr., Dakota City, Nebr. 68731. Send protests to: C. L. Phillips, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Room 240, Old Post Office Building, 215 Northwest Third, Oklahoma City, OK 73102.

No. MC 134855 (Sub-No. 3 TA), filed February 13, 1973. Applicant: GEORGE A. LA BAGH, INC., 713 North Street, Middletown, NJ 10940. Applicant's representative: Arthur J. Piken, 1 Lefrak City Plaza, Flushing, NY 11368. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Trailers*, other than those designed to be drawn by passenger automobiles, containers, truck chassis, trailer chassis, trailer parts, and materials and supplies used in the manufacture of all of the above, in straight and mixed loads, between Berwick, Lehighton, Hughesville, and Fairless Hills, Pa., and North Bergen, N.J., on the one hand, and, on the other, points in Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, North Carolina, South Carolina, Georgia, Florida, Alabama, Mississippi, Louisiana, Tennessee, Kentucky, West Virginia, Ohio, Indiana, Illinois, Michigan, Wisconsin, Minnesota, Texas, Kansas, Missouri, and the District

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of Columbia, for 180 days. Restriction: The operations proposed herein are limited to a transportation service to be performed under a continuing contract or contracts with Strick Corporation, Fairless Hills, Pa. Supporting shipper: Strick Corporation, Fairless Hills, Pa. 19030. Send protests to: Joseph M. Barnini, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 518 New Federal Building, Albany, NY 12207.

No. MC 138138 (Sub-No. 1 TA) (Correction), filed November 6, 1972, published in the FEDERAL REGISTER issue of December 15, 1972, and republished as corrected this issue. Applicant: NATHAN INMAN, doing business as NATE'S TRUCKING, 1800 Brier Road, Turlock, CA 95380. Applicant's representative: J. Wilmar Jensen, Post Office Box 1726, Modesto, CA 95354. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Prefabricated disassembled homes*, from Manteca, Calif., to points in Nevada, for 180 days. Supporting shipper: Lear Siegler, Inc./Cuckler Division, Lifestyle Homes, 211 Oak Street, Manteca, CA. Send protests to: District Supervisor Claud W. Reeves, Bureau of Operations, Interstate Commerce Commission, 450 Golden Gate Avenue, Box 36004, San Francisco, CA 94102. NOTE: The purpose of this republication is to show that applicant proposes to transport: Prefabricated disassembled home in lieu of empty containers, container ends, which appeared in publication in error.

No. MC 138405 TA, filed February 12, 1973. Applicant: JOHN P. FLAHERTY, doing business as FLAHERTY TRANSPORT COMPANY, 705 Eighth Avenue North, Great Falls, MT 59401. Applicant's representative: John P. Flaherty (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, (1) between Great Falls, Mont., and Augusta, Mont., serving all intermediate points; from Great Falls, Mont., via I–15 to junction Highway 89; and Montana Highway 200; thence to junction Montana Highway 21; thence to Augusta and return; (2) between Great Falls, Mont., and Dupuyer, Mont., serving all intermediate points; from Great Falls, Mont., via I–15 to junction U.S. Highway 89; and Montana Highway 200; thence via U.S. Highway 89 to Dupuyer, and return; (3) between Augusta, Mont., and Choteau, Mont., serving all intermediate points via U.S. Highway 287; and (4) between Fairfield, Mont., via Montana Highway 408 to junction U.S. Highway 289, serving all intermediate points, for 180 days. NOTE: Applicant states it intends to interline at Great Falls, Mont., with other carrier. Supporting shippers: H & H Implement, Choteau, Mont. 59422; K's Auto Parts, Choteau, Mont. 59422; Sun River Electric Co-op, Fairfield, Mont. 59436; Three Rivers Telephone Co-op, Fairfield, Mont. 59436; Dirkes', Choteau, Mont. 59422; Trading Post, Augusta, Mont. 59410; Eiseman Seed Co., Fairfield, Mont. 59436. Send protests to: Paul J. Labane, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Room 222, U.S. Post Office Building, Billings, MT 59101.

MOTOR CARRIERS OF PASSENGERS

No. MC 107583 (Sub-No. 53 TA), filed February 12, 1973. Applicant: SALEM TRANSPORTATION CO., INC., 133–03 35th Avenue, Flushing, NY 11354. Applicant's representative: George H. Rosen, 265 Broadway, Monticello, NY 12701. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage* in the same vehicle with passengers, from Philadelphia Naval Base, Philadelphia, Pa., to McGuire Air Force Base and Fort Dix, N.J. In special operations limited to the transportation of not more than 11 passengers in any one vehicle, not including the driver thereof, and not including children under 10 years of age who do not occupy a seat or seats, for 180 days. Supporting shipper: Department of the Navy, Office of the Commandant, Fourth Naval District, Philadelphia, Pa. 19112, Attention: Mabel R. Brantner, Passenger Transportation Administrator. Send protests to: Paul W. Assenza, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 26 Federal Plaza, Room 1807, New York, NY 10007.

By The Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.73–3919 Filed 3–1–73;8:45 am]

[I.C.C. Order No. 83; Under Rev. SO No. 994; Amdt. No. 1]

PENN CENTRAL TRANSPORTATION CO.

Rerouting and Diversion of Traffic

To: All Railroads

Upon further consideration of I.C.C. Order No. 83 (Penn Central Transportation Co., George P. Baker, Richard C. Bond, and Jervis Langdon, Jr., Trustees) and good cause appearing therefor:

It is ordered, That:

I.C.C. Order No. 83 be, and it is hereby, amended by substituting the following paragraph (g) for paragraph (g) thereof:

(g) *Expiration date.* This order shall expire at 11:59 p.m., August 31, 1973, unless otherwise modified, changed, or suspended.

It is further ordered, That this amendment shall become effective at 11:59 p.m., February 28, 1973, and that this amendment shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and car hire agreement under the terms of that agreement, and upon the American Short Line Railroad Association; and that it be filed with the Director, Office of the Federal Register.

Issued at Washington, D.C., February 21, 1973.

INTERSTATE COMMERCE COMMISSION,
[SEAL] R. D. PFAHLER,
Agent.

[FR Doc.73–3917 Filed 3–1–73;8:45 am]

[Notice 189]

ASSIGNMENT OF HEARINGS

FEBRUARY 27, 1973.

Cases assigned for hearing, postponement, cancellation, or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested. No amendments will be entertained after the date of this publication.

MC–96612 Sub 12, Sea-Land Freight Service, Inc., now assigned March 6, 1973, at Olympia, Wash., is canceled and application dismissed.

MC–87720 Sub 131, Bass Transportation Co., Inc., now assigned March 8, 1973, at St. Louis, Mo., is postponed indefinitely.

MC–62690 Sub 3, Carey F. Weathers Transfer & Storage Co., now assigned March 7, 1973, at Washington, D.C., postponed indefinitely.

MC–128383 Sub 17, Pinto Trucking Service, Inc., now assigned March 27, 1973, will be held in Room F–2220, 26 Federal Plaza, New York, N.Y.

RR–MC–1289, Aacon Auto Transport, Inc., now assigned March 26, 1973, will be held in Room F–2220, 26 Federal Plaza, New York, N.Y.

MC 136343 Sub 3, Milton Transportation, Inc., now assigned March 20, 1973, at Boston, Mass., is postponed to March 23, 1973, will be held in Room 1112, Kennedy Building, Boston, Mass.

MC 134847 Sub 3, Bessette Transport, Inc., Extension—Bedford State, now assigned March 19, 1973, at Boston, Mass., is postponed to March 22, 1973, will be held in Room 1112, Kennedy Building, Boston, Mass.

MC 136903, Intermodal Transport, Inc., now being assigned April 2, 1973 (2 days), at Atlanta, Ga., in a hearing room to be later designated.

MC 109397 Sub 272, Tri-State Motor Transit Co., now being assigned April 4, 1973 (3 days), at Atlanta, Ga., in a hearing room to be later designated.

MC 112989 Sub 22, West Coast Truck Lines, Inc., now assigned March 20, 1973, at San Francisco, Calif., will be held in Room 13025, Federal Building, 450 Golden Gate Avenue.

MC–C–7876, Manhattan Transit Company-V-Ski-O-Rama Tours, Inc., now assigned April 2, 1973, at New York, N.Y., is canceled.

MC 108136 Sub 15, Valley Cab Co., Inc., now assigned March 19, 1973, at Hartford, Conn., will be held in Room 565A, State Office Building, 165 Capitol Street.

AB–5 Sub 49, George P. Baker, Richard C. Bond, Jervis Langdon, Jr., and Willard Wirtz, trustees of the property of Penn Central Transportation Co., debtor, abandonment New Milford and Canaan, Litchfield County, Conn., now assigned March 22, 1973, at New Milford, Conn., will be held in Room 6, Town Hall, Main and Church Street.

MC–F–11487, Auclair Transportation, Inc.—Control and merger—Paul V. Adams Trucking, Inc., MC 9429 Sub 6, Paul V. Adams Trucking, Inc., MC–F–11552, Auclair Transportation, Inc.—Purchase (portion)—Bonded Trucking & Rigging, Inc., and FD 27182, Auclair Transportation, Inc., Notes, now assigned March 26, 1973, at Boston, Mass., will be held in Room 1112, John Fitzgerald Kennedy Building, Government Center.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.73–4014 Filed 3–1–73;8:45 am]

FOURTH SECTION APPLICATIONS FOR RELIEF

FEBRUARY 27, 1973.

An application, as summarized below, has been filed requesting relief from the requirements of section 4 of the Interstate Commerce Act to permit common carriers named or described in the application to maintain higher rates and charges at intermediate points than those sought to be established at more distant points.

Protests to the granting of an application must be prepared in accordance with Rule 1100.40 of the general rules of practice (49 CFR 1100.40) and filed on or before March 19, 1973.

FSA No. 42634—*Joint water-rail container rates—Zim Israel Navigation Co., Ltd.* Filed by Zim Israel Navigation Co., Ltd. (No. 2), for itself and interested rail carriers. Rates on general commodities, from rail stations on the west coast of the United States, to ports in the United Kingdom, Ireland, Scandanavia, continental Europe, and Mediterranean Sea.

Grounds for relief—Water competition.

Tariff—Zim Israel Navigation Co., Ltd., ICC No. 2, FMC No. 22. Rates are published to become effective on March 27, 1973.

FSA No. 42635—*Corn and grain sorghums to points in Texas.* Filed by Southwestern Freight Bureau, agent (No. B–387), for interested rail carriers. Rates on corn and grain sorghums, in carloads, as described in the application, from points in Nebraska on the MP, RI and UP, to points in Texas on the TEXC.

Grounds for relief—Rate relationship.

Tariff—Supplement 98 to Southwestern Freight Bureau, agent, tariff ICC 4967. Rates are published to become effective on April 3, 1973.

FSA No. 42636—*Iron or steel pipe and related articles from points in Colorado.* Filed by Southwestern Freight Bureau, agent (No. B–389), for interested rail carriers. Rates on iron or steel pipe and related articles, in carloads, as described in the application, from Fort Collins and Minnequa, Colo., to points in Oklahoma and Texas.

Grounds for relief—Market competition and rate relationship.

Tariff—Supplement 254 to Southwestern Freight Bureau, agent, tariff ICC 4620. Rates are published to become effective on April 5, 1973.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.73–4019 Filed 3–1–73;8:45 am]

[Notice 221]

MOTOR CARRIER BOARD TRANSFER PROCEEDINGS

Synopses of orders entered by the Motor Carrier Board of the Commission pursuant to sections 212(b), 206(a), 211, 312(b), and 410(g) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 1132), appear below:

Each application (except as otherwise specifically noted) filed after March 27, 1972, contains a statement by applicants that there will be no significant effect on the quality of the human environment resulting from approval of the application. As provided in the Commission's special rules of practice, any interested person may file a petition seeking reconsideration of the following numbered proceedings on or before March 22, 1973. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC–FC–74097. By order of February 7, 1973, the Motor Carrier Board approved the transfer to Space World U. S. A. Tours, Inc., Chicago, Ill., of the operating rights in Certificate No. MC–111662 issued September 28, 1950 to Joliet-Aurora Transit Lines, Inc., Aurora, Ill., authorizing the transportation of passengers and their baggage, in round-trip charter service beginning and ending at Plainfield, Ill., and extending to points in Indiana, Iowa, Kentucky, Michigan, Missouri, Ohio, and Wisconsin. Philip A. Lee, 33 North Dearborn Street, Chicago, IL 60602, attorney for applicants.

No. MC–FC–74177. By order of February 7, 1973, the Motor Carrier Board approved the transfer to Whitie's Transportation, Inc., Siren, Wis., of Certificate No. MC–125570 (Sub-No. 1), issued April 28, 1966, to Maynard C. Johnson, doing business as Whitie's Transportation Service, Siren, Wis., authorizing the transportation of passengers and their baggage, in round-trip charter operations, beginning and ending at points in Burnett and Polk Counties, Wis., and extending to points in Illinois, Iowa, Michigan, and Minnesota. S. J. Auringer, attorney at law, Siren, Wis. 54872, applicant's attorney.

No. MC–FC–74192. By order of February 7, 1973, the Motor Carrier Board approved the transfer to O'Neal's Bus Service, Inc., Wilmington, Del., of Certificate No. MC–41770 issued October 29, 1959, to Owen E. O'Neal, E. Margaret O'Neal, Administratrix, doing business as O'Neal's Bus Service, Wilmington, Del., authorizing the transportation of passengers and their baggage, restricted to traffic originating in the territory indicated, in charter operations, from Booth's Corner, Pa., to points in Cecil County, Md., and return, and from points in a described area of New Castle County, Del., to points in Maryland; those in a described area of Pennsylvania; and those in New Jersey south of U.S. Highway 30, and return; passengers and their baggage in round-trip charter operations beginning and ending at the points indicated, from points in a described area of Delaware, to Washington, D.C., and points within 20 miles of Washington, D.C., and return, and from points in the described area of Delaware to points in a described area of Pennsylvania; Mt. Arlington, N.J., and points in a described area of New Jersey, and return. Harry J. Jordan, Macdonald & McInerny, 1000 16th Street NW., Washington, DC 20036, applicants' attorney.

No. MC–FC–74196. By order of February 7, 1973, the Motor Carrier Board approved the transfer to Stacey-Adam Warehouse, Inc., Newark, N.J., of Certificate No. MC–64075, issued December 17, 1951, to Walnut Transfer, Inc., Newark, N.J., authorizing the transportation of general commodities, with exceptions, between Newark, N.J., and New York, N.Y. Herman B. J. Weckstein, 60 Park Place, Newark, NJ 07102, attorney for transferor and Robert B. Pepper, 168 Woodbridge Avenue, Highland Park, NJ 08904, transferee's representative.

No. MC–FC–74205. By order of February 12, 1973, the Motor Carrier Board approved the transfer to Swanson Boat Transport Corp., New Rochelle, N.Y., of that portion of the operating rights in Certificate No. MC–117802 (Sub-No. 1), issued July 15, 1960, to D'Andrade Marine Transport, Inc., Huntington Station, N.Y., authorizing the transportation of boats, not exceeding 33 feet in length, from points in Nassau and Suffolk Counties, N.Y. (other than those in the New York, N.Y., commercial zone as defined by the Commission), to points in Florida, and returned or refused shipments of boats, not exceeding 33 feet in length, from points in Florida to points in Nassau and Suffolk Counties, N.Y. (other than those in the New York, N.Y., commercial zone as defined by the Commission). Arthur J. Piken, One Lefrak City Plaza, Flushing, NY 11368, attorney for transferor, and William D. Traub, 10 East 40th Street, New York, NY 10016; registered practitioner for transferee.

No. MC–FC–74208. By order entered February 8, 1973, the Motor Carrier Board approved the transfer to B & T Truck Line, Inc., Brigham City, Utah,

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of the operating rights set forth in Certificate No. MC-117934 (Sub-No. 3), issued March 15, 1966, and Certificate of Registration No. MC-117934 (Sub-No. 5), issued April 7, 1965, to Howard L. Jorgensen, doing business as B & T Truck Line, Brigham City, Utah, authorizing the transportation of general commodities, except household goods and commodities in bulk, between specified points in Utah, as to the certificate, and evidencing a right to engage in operations in interstate or foreign commerce as a common carrier by motor vehicle in the transportation of commodities generally over regular routes from Brigham to Thiokol plantsite (Utah), as to the certificate of registration. Irene Warr, 430 Judge Building, Salt Lake City, Utah 84111, attorney for applicants.

No. MC-FC-74215. By order of February 9, 1973, the Motor Carrier Board approved the transfer to Dale Edward Thomas & Ray Franklin Linquist, a partnership, doing business as T and L Trucking, Coin, Iowa, of the operating in Certificate No. MC-77796 issued March 24, 1954, to Dale Earwood, Coin, Iowa, authorizing the transportation of various commodities from and to a described area in Iowa and Omaha, Nebr., and St. Joseph, Mo.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc 73-4018 Filed 3-1-73;8:45 am]

[Notice 24]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

FEBRUARY 23, 1973.

The following are notices of filing of applications[1] for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC-67 (49 CFR Part 1131), published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, on or before March 19, 1973. One copy of such protests must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protests must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 35295 (Sub-No. 10 TA), filed February 16, 1973. Applicant: AMERICAN TRANSFER CO., Post Office Box 1226, 2810 Jensen Avenue, Fresno, CA 93715. Applicant's representative: William D. Taylor, 405 Montgomery Street, Suite 1400, San Francisco, CA 94104. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry sulphur* in bulk, from Fresno, Calif., to the sites of the Anaconda Copper Mines at or near Weed Heights and Yerington, Nev., for 180 days. Supporting shipper: Wingate Co., 4791 East Date, Post Office Box 2651, Fresno, CA 93745. Send protests to: District Supervisor Claud W. Reeves, Bureau of Operations, Interstate Commerce Commission, 450 Golden Gate Avenue, Box 36004, San Francisco, CA 94102.

No. MC 66129 (Sub-No. 7 TA) (Correction), filed January 24, 1973, published in the FEDERAL REGISTER issue of February 12, 1973, and republished as corrected this issue. Applicant: HUGHES BROS. TRANSPORTATION COMPANY, 113 Metropolitan Avenue, Brooklyn, NY 11211. Applicant's representative: Arthur J. Piken, Suite 515, One Lefrak City Plaza, Flushing, NY 11368. NOTE: The purpose of this partial republication is to show the correct territorial description as Lodi, N.J., in lieu of Lodi, N.Y., which was published in error. The rest of the application remains the same.

No. MC 78118 (Sub-No. 21 TA), filed February 15, 1973. Applicant: W. H. JOHNS, INC., 35 Witmer Road, Lancaster, PA 17602. Applicant's representative: Christian V. Graf, 407 North Front Street, Harrisburg, PA 17101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Prepared food products*, from the H. J. Heinz Co. warehouse at Woodstown, N.J., to the H. J. Heinz Co. distribution center, Mechanicsburg, Pa., for 180 days. Restricted to transportation originating at the indicated origin point and destined to the indicated destination. Supporting shipper: Heinz U.S.A. Division, H. J. Heinz Co., Post Office Box 57, Pittsburgh, PA 15230. Send protests to: Robert W. Ritenour, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Post Office Box 869, Harrisburg, PA 17108.

No. MC 108380 (Sub-No. 85 TA), filed February 12, 1973. Applicant: JOHNSTON'S FUEL LINERS, INC., Post Office Box 100, 808 Birch Street, Newcastle, WY 82701. Applicant's representative: John H. Lewis, The 1650 Grant Street Building, Denver, Colo. 80203. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Coal tar products* in bulk, in tank vehicles, from Ironton, Utah to Whitewood, S. Dak., for 150 days. Supporting shipper: Wheeler Division, St. Regis Paper Co., Post Office Box 160, West Des Moines, Iowa 50265. Send protests to: District Supervisor Paul A. Naughton, Bureau of Operations, Interstate Commerce Commission, 100 East B Street, Casper, WY 82601.

No. MC 108937 (Sub-No. 36 TA), filed February 8, 1973. Applicant: MURPHY MOTOR FREIGHT LINES, INC., 2323 Terminal Road, St. Paul, MN 55113. Applicant's representative: R. L. Stevens (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), from Milwaukee, Wis., to Rhinelander, Wis., serving the intermediate point of Antigo, Wis., and the intermediate or off-route points within the Milwaukee commercial zone, over regular routes, as follows: From Milwaukee over Wisconsin Highway 145 to junction U.S. Highway 45, thence over U.S. Highway 45 to Fond du Lac, Wis., thence over Wisconsin Highway 175 to junction U.S. Highway 41, thence over U.S. Highway 41 to Oshkosh, Wis., thence over U.S. Highway 45 to junction U.S. Highway 8 thence over U.S. Highway 8 to Rhinelander, for 180 days. NOTE: Applicant intends to tack at Rhinelander with other authority held in MC-108937, Sub 33, and intends to interline with other carriers at points in the Milwaukee commercial zone. Supporting shippers: There are approximately 29 statements of support attached to the application, which may be examined here at the Interstate Commerce Commission in Washington, D.C., or copies thereof which may be examined at the field office named below. Send protests to: District Supervisor Raymond T. Jones, Bureau of Operations, Interstate Commerce Commission, 448 Federal Building and U.S. Courthouse, 110 South Fourth Street, Minneapolis, MN 55401.

No. MC 112854 (Sub-No. 32 TA), filed February 14, 1973. Applicant: HOLLEBRAND TRUCKING, INC., Post Office Box 164, Macedon Center Road, Ontario Center, NY 14520. Applicant's representative: S. Michael Richards, Post Office Box 225, Webster, NY 14580. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Coal*, from the facilities of Kettle Creek Mine located at or near Westport, Pa., to points in New York (except Johnson City, Bainbridge, Dresden, Ludlowville, and Palmyra, N.Y.), for 180 days. Supporting shipper: Ringgold Coal Mining Co., Kittaning, Pa. 16201. Send protests to: Morris H. Gross, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Room 104, 301 Erie Boulevard West, Syracuse, NY 13202.

No. MC 116763 (Sub-No. 238 TA), filed February 12, 1973. Applicant: CARL SUBLER TRUCKING, INC., North West Street, Versailles, OH 45380. Applicant's representative: H. M. Richters (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Prepared animal food*, except in bulk, from the plantsite and warehouse facilities of Lipton Pet Foods, Inc., at or near Woburn, Mass., to Los Angeles, Richmond, and Santa Cruz, Calif. and Denver, Colo., for 180 days. Supporting shipper: Lipton Pet Foods, Inc., Box 89-209, New Boston Street, Woburn, MA 01801. Send protests to: Paul J. Lowry, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 5514-B Federal Building, 550 Main Street, Cincinnati, OH 45202.

[1] Except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application.

No. MC 117613 (Sub-No. 15 TA), filed February 20, 1973. Applicant: DONALD M. BOWMAN, JR., Route 3, Box 26, Hagerstown, MD 21740. Applicant's representative: Charles E. Creager, Suite 523, 816 Easley Street, Silver Spring, MD 20910. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Concrete masonry products*, on vehicles equipped with mechanical boom unloaders, from Chambersburg, Pa., to points in New York, New Jersey, Delaware, Maryland, Ohio, Virginia, West Virginia, and the District of Columbia, for 180 days. Supporting shipper: Nitterhouse Concrete Products, Inc., Box N, Chambersburg, PA 17201. Send protests to: Robert D. Caldwell, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 12th Street and Constitution Avenue NW., Washington, D.C. 20423.

No. MC 123314 (Sub-No. 16 TA), filed February 15, 1973. Applicant: JOHN F. WALTER, INC., Post Office Box 175, Newville, PA 17241. Applicant's representative: Christian V. Graf, 407 North Front Street, Harrisburg, PA 17101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Prepared food products*, from the H. J. Heinz Co. warehouse at Woodstown, N.J., to the H. J. Heinz Co. distribution center at Mechanicsburg, Pa., for 180 days. Restricted to the transportation of traffic originating at the indicated origin point and destined to the indicated destination point. Supporting shipper: Heinz U.S.A. Division, H. J. Heinz Co., Post Office Box 57, Pittsburgh, PA 15230. Send protests to: Robert W. Ritenour, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Post Office Box 869, Harrisburg, PA 17108.

No. MC 125985 (Sub-No. 14 TA), filed February 14, 1973. Applicant: AUTO DRIVEAWAY COMPANY, 343 South Dearborn Street, Chicago, IL 60604. Applicant's representative: Mr. David Steinhagen (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Motor homes*, between Macomb, Ill., on the one hand, and, on the other, points in the United States, for 180 days. Supporting shipper: Dennis Austin, Jamboree, Inc., Macomb, Ill. Send protests to: William J. Gray, Jr., Area Supervisor, Interstate Commerce Commission, Bureau of Operations, Everett McKinley Dirksen Building, 219 South Dearborn Street, Room 1086, Chicago, IL 60604.

No. MC 127238 (Sub-No. 7 TA) (Correction), filed January 22, 1973, published in the FEDERAL REGISTER issue of February 12, 1973, and republished as corrected this issue. Applicant: DOROTHY R. ZUMMO, doing business as AIR DELIVERY SERVICE, Post Office Box 1102, Remington Avenue and Locust Street, Scranton, PA 18505. Applicant's representative: S. J. Zummo (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, with the usual exceptions, between points in Allentown-Bethlehem-Easton Airport, Hanover Township (Lehigh County), Pa.; and Philadelphia International Airport, Philadelphia, Pa., on the one hand, and, on the other, points in Warren and Hunterdon Counties, except Flemington, Frenchtown, and Lambertville, N.J., for 180 days. Restriction: Restricted to shipments having a prior or subsequent movement by air. Supporting shippers: The Asbury Graphite Mills, Inc., Asbury, Warren County, N.J. 08802; J. T. Baker Chemical Co., 222 Red School Lane, Phillipsburg, NJ 08865; Custom Alloy Corp., Route 513, Califon, N.J. 07830; Kuhl Egg Equipment Corp., Kuhl Road, Post Office Box 26, Flemington, NJ 08822. Send protests to: Paul J. Kenworthy, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 309 U.S. Post Office Building, Scranton, PA 18503. NOTE: The purpose of this republication is to reflect the change in the territorial scope to "points in Allentown-Bethlehem-Easton Airport, Hanover Township (Lehigh County), Pa." in lieu to "points in Allentown-Bethlehem-Easton Airport, Hanover Township and Lehigh County, Pa." that was published in error.

No. MC 134551 (Sub-No. 2 TA), filed February 15, 1973. Applicant: LANTER REFRIGERATED DISTRIBUTING CO., 3 Caine Drive, Madison, IL 62060. Applicant's representative: Ernest A. Brooks II, 1301-02 Ambassador Building St. Louis, Mo. 63101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat by-products, and articles distributed by meat packinghouses* as described in Appendix I to report in Descriptions in Motor Carrier Certificates, 61 MCC 209 and 766, from National City and Madison, Ill., to points in Carlisle, Hickman, Fulton, Calloway, Marshall, McCracken, Ballard, and Graves Counties, Ky., for 180 days. Supporting shipper: G. Dwight Weed, Manager, Motor Carrier Division, Transportation Department, Swift Fresh Meats Co., 115 West Jackson Boulevard, Chicago, IL 60604. Send protests to: Harold C. Jolliff, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 518 Leland Office Building, 527 East Capitol Avenue, Springfield, IL 62701.

MOTOR CARRIERS OF PASSENGERS

No. MC 138389 (Sub-No. 1 TA), filed February 16, 1973. Applicant: HUDSON VALLEY BUS CO., INC., Englewood Terrace, Mahopac, N.Y. 10541. Applicant's representative: Sidney J. Leshin, 501 Madison Avenue, New York, NY 10022. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Passengers*, between the villages of Pleasantville, Tarrytown, Elmsford, and Katonah and city of Yonkers, N.Y., and Wayne, Little Falls, and Fairfield, N.J., for 180 days. Supporting shipper: Jack Pike, Chairman, Employees' Transportation Committee of The Singer Company, Kearfott Division, 63 Bedford Road, Pleasantville, NY 10570. Send protests to: Joseph M. Barnini, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 518 New Federal Building, Albany, N.Y. 12207.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.73-4015 Filed 3-1-73;8:45 am]

[Notice 219]

MOTOR CARRIER TRANSFER PROCEEDINGS

FEBRUARY 27, 1973.

Application filed for temporary authority under section 210a(b) in connection with transfer application under section 212(b) and Transfer Rules, 49 CFR Part 1132:

No. MC-FC-74308. By application filed February 21, 1973, McGILL'S TAXI AND BUS LINES, INC., 151 Sunset Avenue, Post Office Box 626, Asheboro, NC 27203, seeks temporary authority to lease the operating rights of CITY TRANSIT COMPANY OF HIGH POINT, INC., 124 South Elm Street, Post Office Box 1228, High Point, NC 27261, under section 210a(b). The transfer to McGill's Taxi and Bus Lines, Inc., of the operating rights of City Transit Company of High Point, Inc., is presently pending.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.73-4016 Filed 3-1-73;8:45 am]

[Notice 220]

MOTOR CARRIER TRANSFER PROCEEDINGS

FEBRUARY 27, 1973.

Application filed for temporary authority under section 210a(b) in connection with transfer application under section 212(b) and Transfer Rules, 49 CFR Part 1132:

No. MC-FC-74309. By application filed February 21, 1973, B.C.D. TRUCKING, INC., Forestville, N.Y., seeks temporary authority to lease the operating rights of J. KENNETH BROTZ, Box 213, Silver Creek, NY, under section 210a(b). The transfer to B.C.D. Trucking, Inc., of the operating rights of J. Kenneth Brotz, is presently pending.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.73-4017 Filed 3-1-73;8:45 am]

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FRIDAY, MARCH 2, 1973

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Volume 38 ■ Number 41

PART II

DEPARTMENT OF TRANSPORTATION

Coast Guard

Licenses for Operation of Uninspected Towing Vessels

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Title 46—Shipping

CHAPTER I—COAST GUARD, DEPARTMENT OF TRANSPORTATION

SUBCHAPTER B—MERCHANT MARINE OFFICERS AND SEAMEN

[CGD 72-132R]

LICENSES FOR OPERATION OF UNINSPECTED TOWING VESSELS

The purpose of the amendments in this document is to add to Chapter I of Title 46, Code of Federal Regulations, rules governing the issuance of licenses for the operation of uninspected towing vessels that implement the Towing Vessel Operator Licensing Act (Public Law 92-339, R.S. 4427, as amended, 46 U.S.C. 405(b) (July 7, 1972)).

In the August 11, 1972, issue of the FEDERAL REGISTER (37 FR 16374), the Coast Guard proposed regulations governing the issuance of licenses for the operation of uninspected towing vessels to implement the Towing Vessel Operator Licensing Act. The Coast Guard held public hearings on September 13, 1972, in Seattle, Wash.; on September 20, 1972, in New York, N.Y.; on September 26, 1972, in New Orleans, La.; and on September 27, 1972, in St. Louis, Mo. In addition, the date for submission of written comments was extended three times at the request of interested persons who required more time to fully document their views. There was, therefore, a total of 153 days in which interested persons could submit written comments on the proposal.

The Towing Vessel Operator Licensing Act requires uninspected towing vessels to be under the direction and control of a person licensed by the Coast Guard, while underway. Also, it defines "towing vessel" as a commercial vessel which is 26 feet or more in length engaged in or intended to engage in the service of towing. The Act does not apply to towing vessels of less than 200 gross tons engaged in or preparing or intended to immediately engage in a service to the offshore oil and mineral exploitation industry, including construction for such industry where the vessels involved would have as their ultimate destination or last point of departure offshore oil and mineral exploitation sites or equipment.

The regulations proposed by the Coast Guard to implement the Act, as applied to those persons presently operating towboats, would require that—

a. The individual had already been satfactorily employed on towing vessels;

b. An applicant meet physical standards similar to those required for presently licensed personnel;

c. An applicant be subject to the suspension or revocation of his license on the same grounds of incompetence, negligence, misconduct, or physical incapacity applied to all other licensed personnel; and

d. An applicant pass an examination on the applicable rules of the road, thereby demonstrating knowledge of the following:

1. Steering and sailing rules;
2. Identification lights for all vessels;
3. Day marks and signals for special operations;
4. Whistle passing and warning signals;
5. Safe operations in limited visibility;
6. Aids to navigation for pipelines and floating plants;
7. Warning signals for transferring dangerous cargoes; and
8. Laws and regulations pertaining to all of the foregoing.

The Coast Guard believes that the introduction of qualifications and standards into an operation where nothing is presently required will significantly reduce casualties attributable to personnel error.

It is also the intention of the Coast Guard to introduce a safeguard which will quickly illuminate any inadequacy of the final regulations. A program will be written to provide an input to the computerized casualty information and analysis files that will accumulate, identify, and store any reference to a towboat casualty involving personnel error. In particular, the system will focus attention on any incidents accountable to the operator's unfamiliarity with a specific locale or area. In this way, the rules now being promulgated will be continually evaluated to insure that the intent of the statute is being met.

Written and oral comments were received from more than 150 organizations and individuals representing management, labor, Government agencies, training institutions, and the general public. More comments endorsed the proposal than opposed it.

Commenters objecting to the proposed regulations argued that the rules would prove inadequate because the requirements were not stringent enough. It was suggested that an individual licensed under the new regulations should be restricted to operating within an area which he could, from memory, draw detailed charts and diagrams reflecting physical features, safe courses, and navigable channels. Several labor organizations, representing already licensed officers, objected to the proposed name of "operator" and voiced concern that the issuance of licenses for service over broad geographic areas would not produce sufficiently qualified personnel. In general, these commenters advocated extending the existing master/mate and pilot license structure to the uninspected towboats.

The Coast Guard recognizes the appeal of applying the master/mate and pilot concept but considers it to be in direct contravention with congressional intent to create a new authority for licensing. Discussions by the Coast Guard with various organizations representing the towing vessel industry during the development of the regulations indicated the impracticality of extending the current structure. The Coast Guard approached the problem by recognizing the fact that there are many individuals in the industry with limited education and limited formal training who have been productively employed and have gained extensive experience.

Accordingly, it is not the Coast Guard's intention to impose upon these individuals, and upon the towing industry as a whole, the relatively more severe requirements of the traditional master/pilot system which many applicants would have difficulty meeting in a timely fashion.

These regulations reflect only slight modifications from the preliminary proposals which were presented at congressional hearings on the subject. House Report No. 92-125, 92d Congress (1971), referring to the text of the same proposals, stated in part that "the Committee endorses the concept reflected in the draft regulations submitted as meeting the intent of the Committee to insure the proper qualification of an individual seeking a license as required by this bill."

In response to the comments received, certain changes have been made to the proposed regulations. What follows is a summary of the comments recorded, the sections to which they were directed, and an explanation of the Coast Guard's response.

Section 10.16-5. The proposed § 10.16-61 has been renumbered § 10.16-5, and a new paragraph has been added to the section which identifies the licenses issued.

The designations of operator and second class operator were favored by a large percentage of affected individuals, and are included in the language of the congressional committee reports. However, views were submitted that these terms reflected a break with custom and that towboat skippers would be demeaned, thereby. Also, the introduction of such terms would complicate existing and future collective bargaining agreements.

It is the Coast Guard's view that the term "operator" admirably suits the circumstances and serves additionally to protect the status and prestige of the traditional master. Subpart 10.16 places appropriate and reasonable requirements upon the uninitiated and allows their entry into the regulated arena with minimal qualifications for a special license. Considered as a preliminary step or intermediate approach, it is a particularly suitable approach for those individuals who will be eligible for a license under the "grandfather clause," § 10.16-71.

Furthermore, the path is open for the newly licensed "operator" to accept the challenge of the higher grade and after a given time make application and sit for the superior licenses, if he so desires.

Apart from any of the foregoing, if the master/pilot concept was adopted as requested by some commenters, it would automatically invoke more severe qualifying standards and criteria to the detriment of the entire program. Nevertheless, there is nothing to prevent the more

experienced or qualified candidate from sitting immediately for any of the existing master/mate or pilot licenses, bypassing the "operator" step altogether.

The question was raised as to whether the proposed "operator" would be authorized to serve on any or all uninspected towboats, regardless of size or route. The answer to that question is a qualified yes. He may serve except under those circumstances where an existing statute requires a licensed master to serve. A case in point is the Officers Competency Certificates Act (53 Stat. 1049; 46 U.S.C. 224a), which requires, among other things, that any vessel of 200 gross tons or over operating on the high seas must have licensed masters, mates, and engineers. This provision has been incorporated for clarification into § 10.16-5.

In response to the many inquiries received concerning the validity of licenses previously issued, the Coast Guard intends to endorse licenses as follows:

a. The holder of a license as master/mate (except as mate of inland steam or motor vessels) or pilot may serve as the operator of an uninspected towing vessel within the scope and limitations endorsed on his license (§ 10.16-5(d)). In addition, the holder of such a license may make application for and receive an endorsement as operator of uninspected towing vessels upon the broad geographic area which includes the limitations of his original license. Such endorsement will be given without further physical or written examination. As an example, the holder of a first class pilot's license between Memphis and St. Louis would receive an endorsement as operator of uninspected towing vessels upon the western rivers.

b. The holder of a license as inland mate, provided he met the service requirement of 1 year as person in charge of a towing vessel, would be required to complete the appropriate Rules of the Road examination prior to the issuance of an endorsement.

c. The holders of licenses as ocean operator, inland operator, or motorboat operator would qualify in the same manner as inland mates.

Section 10.16-11. The significance of this section is that it designates the geographic area of the licenses to be issued: Inland waters, Great Lakes, western rivers, oceans, oceans not more than 200 miles offshore, or a limited local area designated by the Coast Guard. Section (b)(2) of the Act requires a person to be licensed "to operate in the particular geographic area." The interpretation of this wording appears in the Senate Report (Commerce Committee) 92-926, 92d Congress (1972), which states that the geographic area is intended to coincide with areas of applicability of the differing sets of nautical rules of the road. For example, inland rules, Great Lakes rules, and so on. It was also the Committee's intent that the license to be issued should be as broad in area as practicable.

It was at this concept that the earlier mentioned comments of "inadequate" were mainly directed. On the western rivers, for instance, it was held that applicants should be restricted to areas over which they could document extensive service and of which they could successfully draw chart sketches showing distances, aids to navigation, courses, and other important features of the route.

Although, as stated above, this thinking represents the extreme point of view, i.e., full pilotage and existing licensing requirements, the Coast Guard believes that several lesser requirements can be made which will effectively strengthen the regulations. First, where the proposal was silent as to the acquiring and identification of service, a requirement has been added to §§ 10.16-23 and 10.16-25 so that a license will be restricted to the appropriate geographical waters upon which the applicant is experienced. Second, any additional endorsement on that license will be contingent upon the showing of experience on other geographic areas as well. In other words, an individual, initially licensed for western rivers, based on service thereupon, must sail on inland waters before becoming eligible for the additional endorsement. As a means of acquiring this experience, an applicant who passes an appropriate examination may have his operator's license endorsed as second class operator for the requested route which permits him to sail on inland waters provided an operator who is properly licensed is aboard. When the necessary experience is attained, the license may be upgraded to operator for both western rivers and inland waters without further examination.

Third, in response to the comment that the proposal was inadequate by not identifying the type or nature of experience that would be acceptable, the regulation now requires that duties or training in the wheelhouse must be included.

Another comment on this section suggested that the oceans (not more than 200 miles offshore) be increased to oceans (not more than 500 miles offshore). This view was based on the accurate range of electronic navigation equipment as well as the fact that in a few areas such operations had been conducted successfully by personnel who would perhaps find it difficult to pass an examination in celestial navigation as proposed for routes in excess of 200 miles offshore. The Coast Guard did not make the suggested change because, although the benefits and effectiveness of electronic navigation are recognized, there is no requirement to outfit a vessel with electronic navigation equipment. Even when a vessel has this equipment, fault or failure is not uncommon. Complete reliance on electronic aids instead of celestial navigation from great distances offshore is not in the best interests of safety.

Another comment on this section recommended that endorsement for inland waters be extended, in certain instances, to include portions of waters where the International Rules of the Road apply. There is insufficient justification for such deviation from the well defined and established lines of demarcation between the various sets of the Rules of the Road. To provide for certain exceptions would only confuse the issue while to hold to the proposed dividing lines between the broad geographic areas should not cause undue hardship on those affected. Since the present routes of the commenters include both inland waters and oceans, they are already knowledgeable in both sets of the Rules of the Road.

Another comment on this section recommended that the licenses issued should be limited by gross tonnage or other suitable criteria, as well as by geographical area. Such additional restrictions for vessels with offshore routes are not considered necessary since licenses issued under this new subpart are only valid for those vessels of less than 200 gross tons that are not subject to 46 U.S.C. 224a. For operations on the western rivers, Great Lakes, and inland waters, gross tonnage, by itself, is not a satisfactory criteria for towing vessels as it is not an accurate indication of their overall capability to move a tow. After careful consideration of all aspects of the problem including the comments received, the licenses issued under this subpart will be limited only to geographic area and type of vessel.

Finally, in response to comments that the proposed geographic areas might prove too broad in scope, the Coast Guard points out that an applicant may request a more limited route or an Officer in Charge may limit a license commensurate with the experience of the applicant. In such cases, the Officer in Charge, Marine Inspection, will administer an examination he considers appropriate for the limited license to be issued.

Section 10.16-21. Concerning this section, the comments had to do with the need for clarification of intent with respect to literacy, physical, and experience eligibilities. Some commenters stated that the regulations were inconsistent by requiring a reading ability under this section while acknowledging the possible need for oral examination under the proposed § 10.16-21. This would not be the case. By way of background, Congressional intent is clearly reflected in Senate Report No. 92-926 which states, "Finally, it is intended that the examination given may, under appropriate circumstances, be oral rather than written, in order to accommodate individuals, particularly those who will have been serving as towboat operators prior to the effective date of the licensing regulations, who, for any reason may request an oral, in lieu of a written examination." It has been the Coast Guard's experience that an oral exam is appropriate when an applicant with limited reading and writing ability is hard pressed to cope with the formal, essay style examinations presently administered. It is believed that the newer, objective style, multiple choice type examinations being prepared will, together with growing educational opportunities, gradually reduce the need for oral examination. Related to the foregoing, it was also pointed out that

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in some areas even being required to speak English would present a problem. This is recognized, but it is believed that the minimal fluency called for in the proposed examination will enable the earnest candidate to qualify. This minimal requirement would also satisfy the new vessel bridge-to-bridge radiotelephone regulations added to 33 CFR Part 26 (37 FR 12719) which prohibits the use or maintenance of a listening watch on such equipment unless the English language is spoken.

Comments concerning paragraph (d) of § 10.16–21 pointed out that the requirement for "2 other reputable persons" as personal references would allow character references without being a professional recommendation. The Coast Guard agrees that the broadly worded proposal would permit this interpretation and has clarified the wording to restrict such references to persons with whom the applicant has worked.

Comments concerning paragraph (e) pointed out that the proposed requirement for a physical examination at a public health facility except "in exceptional cases and at great inconvenience" would result in hardship and expense for applicants since public health facilities are not available where a majority of the applicants live. The Coast Guard determined that the objection to the proposal was valid and a change has been made which will permit the required physical examination to be conducted by licensed physician other than a medical officer of the Public Health Service.

In agreement with various environmental groups for the protection of the marine environment, a new paragraph (g) has been added. This requires that every applicant to be licensed under the provisions of § 10.16–71 certify that he understands the contents of the Coast Guard publication "Oil Pollution Control for Tankermen," which is furnished by the Officer in Charge, Marine Inspection. This requirement is intended as an educational measure to promote greater awareness and responsibility to antipollution efforts.

Section 10.16–23. Some views expressed concern or uncertainty regarding the nature and amount of experience proposed for a second class operator's license. In response to such comment, two changes have been introduced for clarification. First, the on deck experience requirements have been extended to include duties of training in the wheelhouse. Second, where the location of experience gained was unspecified in the proposal, the regulation now includes a requirement for at least 3 months' service on each geographic area for which application is made.

The basic requirement for 18 months' deck experience, rather than 36 months as suggested, has not been changed. The Coast Guard believes that this license is intended to serve as an entry rating into the industry, and need not reflect the same length of service as the "Operator" license.

Section 10.16–25. A number of basic changes were made in this section. These were generally responsive to that sentiment which criticized the proposals as being inadequate. The same changes made to § 10.16–23 were made herein. Also, the conversion of a second class to operator was clarified in a new paragraph (b).

A suggestion was made that training be considered as a substitute for sea service. Should this training ever be offered, the Coast Guard will evaluate it on an equivalency basis.

Section 10.16–31. Under this section, an oral examination in lieu of a written examination is allowed. Such examination will be practical, not theoretical.

Answers to questions by commenters are as follows:

a. On waters where a magnetic compass is not utilized (i.e., western rivers) questions on its use will not be included in the examination.

b. Under the laws and regulations examination (paragraph (a)(10)), all necessary publications will be available for use by the applicant during the examination. His ability to properly use such regulations for reference will be stressed rather than memorization of details. Since a license as operator will not automatically qualify the holder as a tankerman, questions on Subchapters D (Parts 30–40) and O (Part 151), of Title 46, Code of Federal Regulations, will be confined mainly to manning, information cards, and the regulations that must be observed on board a vessel transporting hazardous cargoes such as the safety procedures requirements and the reporting of casualties. The examination will not include questions on transfer operations, cargo venting, and piping, and similar questions which would be required in a tankerman's examination.

c. Pollution prevention and control questions (paragraph (a)(11)) will be based largely on recently published Coast Guard regulations, particularly those pertaining to the reporting of spills, and to good operating procedures. As authoritative reference books become available, including the Coast Guard Tankerman's Manual, CG–174, which is presently under revisions, the examination will be expanded and updated.

d. The word "navigation" in paragraph (b) has been clarified by adding the word "celestial" and indicating the problems an applicant is expected to solve.

e. To eliminate as much as possible the subjective differences in examination procedures from port to port, the examinations will be prepared and distributed from a central location. They are in the multiple choice format to insure objectivity and to require as little of the applicant's time as possible to complete. In an effort to develop practical, job-oriented examinations, discussions have been held with representatives of training institutions, labor groups, and management concerning the content of the examinations. Their comments will be reflected in detailed examinations specifications which, together with sample questions and a reference bibliography, will be published in a specimen examination booklet.

f. Radar, in the sense of a qualified radar observer, is not included as an examination subject. Fundamental questions on operation and use of radar may be contained in the examination "Operation and use of navigational instruments and accessories" (paragraph (a)(3)).

g. Paragraph (d) is hereby withdrawn because the use of multiple choice examinations has made this requirement impractical.

Section 10.16–51. The prohibition against renewing the second-class operator's license was questioned by commenters. The professional and full-time operator will never have occasion to renew a second-class operator's license since he will qualify for an operator's license by acquiring the necessary 3 years' service or reaching the age of 21. Only a casual part-time operator might conceivably request renewal of a second-class operator's license due to failure to obtain a total of 3 years' service during the 5 years his license is valid. This provision against renewal tends to insure that holders of valid licenses are, in fact, active operators with fairly recent experience. It also provides the man who leaves the industry for a few years with a means of once again obtaining a second-class operator's license provided he meets all qualifications for an original license, including examination. For these reasons, no change was made to this section.

Section 10.16–71. This section contains the "Grandfather clause" permitting those individuals with present or past experience operating towboats to qualify under lesser requirements.

It remains essentially unchanged, except for adding an eligibility provision for experienced shoreside personnel who can document continuous service in the industry. This corrects an oversight in the notice of proposed rule making which was pointed out by commenters.

Section 10.16–81. A comment pointed out that there were no provisions for requiring an operator or second-class operator to have the license on his person to evidence being licensed under law. This section was added to correct the oversight.

A number of comments were received which did not relate directly to the content of the proposed regulations but which sought further clarification of the language of the Act in general. Illustrative of these were questions with respect to the 12-hour work clause and the exclusion of vessels servicing the mineral and oil exploitation industry. Answers and interpretations have been and will continue to be given on such matters on an individual basis, without regard to the termination date for comments.

In continuing the Coast Guard policy of developing practical, objective, and job-oriented examinations, participation from industry has been welcomed during the development of the examinations that are required by the regulations.

The notice of proposed rule making of August 11, 1972, indicated that parts other than Part 10 would be amended to

reflect the adoption of the towboat licensing requirements. This document includes amendments to 46 CFR Parts 26 and 157.

In consideration of the foregoing, Chapter I of Title 46, Code of Federal Regulations, is amended as follows:

1. By amending Part 10 by adding a new Subpart 10.16 to follow Subpart 10.15 and to read as follows:

PART 10—LICENSING OF OFFICERS AND MOTORBOAT OPERATORS AND REGISTRATION OF STAFF OFFICERS

Subpart 10.16—Licenses for Operation of Uninspected Towing Vessels

Sec.

10.16–1 Purpose.
10.16–3 Definitions.
10.16–5 Privileges and limitations.
10.16–11 Application and issue.
10.16–21 Eligibility requirements: General.
10.16–23 Eligibility requirements: Second-class operator.
10.16–25 Eligibility requirements: Operator of towing vessels.
10.16–31 Knowledge requirements.
10.16–41 Applicability of other regulations.
10.16–51 Renewing limited and second-class licenses.
10.16–71 Exception to requirements for license as operator.
10.16–81 Possession of license while underway.

AUTHORITY: R.S. 4427 as amended, 46 U.S.C. 405(b); 46 CFR 1.46(o)(3), except as otherwise noted.

§ 10.16–1 Purpose.

This subpart prescribes the requirements for issuing the licenses for the operation of uninspected towing vessels as required in 46 U.S.C. 405(b) and describes the licenses that authorize the operation of uninspected towing vessels.

§ 10.16–3 Definitions.

As used in this subpart:

(a) "Inland Waters" means waters on which the rules to prevent collisions in 33 U.S.C. 151–232 apply.

(b) "Western Rivers" means waters on which the rules to prevent collisions in 33 U.S.C. 301–356 apply.

(c) "Great Lakes" means waters on which the rules to prevent collisions in 33 U.S.C. 241–295 apply.

(d) "Oceans" means waters on which the international rules to prevent collisions in 33 U.S.C. 1051–1094 apply.

(e) "Original license" means the first license issued to any person under this subpart.

§ 10.16–5 Privileges and limitations.

(a) A license issued under this subpart—

(1) Is issued as—

(i) Operator of uninspected towing vessels; or

(ii) Second-class operator of uninspected towing vessels; and

(2) Does not authorize service aboard towing vessels of 200 gross tons or more navigating on the high seas, which are registered, enrolled and licensed, or licensed under the laws of the United States, whether permanently, temporarily, or provisionally.

(R.S. 4438a, as amended; 46 U.S.C. 224a)

(b) Except as required in paragraph (c) of this section, the holder of a license issued under this subpart may operate uninspected towing vessels to which 46 U.S.C. 405(b) applies within the geographical areas and limitation endorsed on the license.

(c) The holder of a license as second-class operator of uninspected towing vessels may not operate a vessel unless a holder of a license as operator of uninspected towing vessels, or master, mate (except mate of inland steam or motor vessels), or pilot is on board that vessel.

(d) The holder of a license as master, mate (except mate of inland steam or motor vessels), or pilot issued under this part may operate uninspected towing vessels to which 46 U.S.C. 405(b) applies within the scope and limitations endorsed on the license.

§ 10.16–11 Application and issue.

(a) An application for a license under this subpart is made on Form CG–866.

(b) An applicant who meets the requirements in this subpart is entitled to a license as operator of uninspected towing vessels endorsed for operation on one or more of the following geographic areas:

(1) Inland waters.
(2) Western rivers.
(3) Great lakes.
(4) Oceans.
(5) Oceans not more than 200 miles offshore.
(6) A limited local area designated by the Officer in Charge, Marine Inspection.

(c) Each applicant for an original license under this subpart must include his fingerprints with the application unless he holds a license issued by the Coast Guard.

§ 10.16–21 Eligibility requirements: General.

To be eligible for an original license issued under this subpart, a person must—

(a) Meet the citizenship requirements in § 10.02–5(c) of this part;

(b) Be able to speak the English language;

(c) Be able to read and understand the Rules of the Road, aids to navigation publications, emergency equipment instructions, and machinery instructions applicable to operations for which his license is endorsed;

(d) Meet the character check and personal reference requirements in § 10.02–5(i) except that the three written endorsements required in § 10.02–5(i)(1) may be from a recent marine employer or its authorized representative if at least one such endorsement is from the master, operator, or person in charge of a vessel on which the applicant has been employed but those persons licensed under the provisions of § 10.16–71 need not have worked directly for or with the master, operator, or person in charge of a vessel who provides such endorsement;

(e) Meet the physical examination requirements in § 10.02–5(e) (1), (2), (3), (6), and (7) except that the required physical examination may be given by a licensed physician who records the results of the examination and identifies the applicant on Form CG–954 which is furnished to the applicant by the Officer in Charge, Marine Inspection;

(f) Meet the experience requirements in § 10.02–5(g); and

(g) If licensed under § 10.16–71, certify that he understands the contents of the Coast Guard publication "Oil Pollution Control for Tankermen" which is furnished by the Officer in Charge, Marine Inspection.

§ 10.16–23 Eligibility requirements: Second-class operator.

To be eligible for a license as second-class operator of uninspected towing vessels, a person must—

(a) Be at least 19 years of age; and

(b) Have at least 18 months' service on deck on a towing vessel that includes—

(1) Training or duty in the wheelhouse; and

(2) Three months' service in each particular geographic area for which endorsement for the license is made.

§ 10.16–25 Eligibility requirements: Operator of towing vessels.

(a) To be eligible for a license as operator of uninspected towing vessels, a person must—

(1) Be at least 21 years of age; and

(2) Have at least—

(i) Three years' service including at least 2 years on deck of a vessel of 26 feet or over in length, 1 year on deck of a towing vessel that includes training or duty in the wheelhouse, and 3 months' service in each particular geographic area for which application for the license is made;

(ii) Three years' service on towing vessels including at least 1 year service on deck that includes training or duty in the wheelhouse and at least 3 months' service in each particular geographic area for which application for the license is made; or

(iii) For a license that is endorsed for a limited local area designated by an Officer in Charge, Marine Inspection, have at least 18 months service on deck on a towing vessel within the local area to which the license is limited.

(b) The holder of a license as second class operator of uninspected towing vessels who is 21 years old and possesses the total service required in paragraph (a)(2)(i) or (a)(2)(ii) of this section is eligible for a license as operator without the examination required in § 10.16–31.

(c) The holder of a license as operator of uninspected towing vessels may have that license endorsed as second class operator for a geographic area on which he has no operating experience if the examination required in § 10.16–31 is passed. When 3 months' experience on that geographic area is obtained, the second class restriction may be removed after the holder applies to the Officer in Charge, Marine Inspection.

§ 10.16–31 Knowledge requirements.

(a) An applicant for each license issued under this part must pass a written examination on practical problems, unless an oral examination transcribed by

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the examiner is determined to be necessary by the Officer in Charge, Marine Inspection, on the following subjects:

(1) Rules of the Road in the particular geographic area for which the license is to be endorsed.

(2) Practical use of the magnetic compass except for western rivers.

(3) Operation and use of navigation instruments and accessories.

(4) Emergency signals.

(5) Practical use of charts in navigation except as provided in paragraph (c) of this section.

(6) Aids to navigation except as provided in paragraph (c) of this section.

(7) Lifesaving and simple first aid.

(8) Firefighting equipment and procedures and fire prevention.

(9) Boatmanship for western rivers and limited area designated by the Officer in Charge, Marine Inspection and seamanship for all other areas designated in § 10.16–11(b).

(10) Regulations and laws applicable to the operation of a towing vessel, including the regulations in Subchapters C, D, and O of this chapter.

(11) Pollution prevention and control.

(b) An applicant for a license that is endorsed for more than 200 miles offshore must—

(1) Hold a first aid certificate issued by the U.S. Public Health Service; and

(2) Pass an examination in celestial navigation, including problems in—

(i) Latitude by Polaris;

(ii) Latitude by meridian altitude;

(iii) Longitude by observation of the sun; and

(iv) Compass error by observation of the sun.

(c) An applicant for a license that is endorsed for a limited area designated by an Officer in Charge, Marine Inspection, must pass an examination in practical use of charts in navigation and aids to navigation only for the area to which the license is limited.

§ 10.16–41 Applicability of other regulations.

The following regulations apply to each applicant for and holder of a license under this subpart:

(a) The regulations on the issuance of a license in § 10.02–1.

(b) The regulations on the right to appeal decisions of the Office in Charge, Marine Inspection, in § 10.02–33.

(c) Except as provided otherwise in § 10.16–51 the regulations on the renewal of a license in § 10.02–9 except paragraphs (e) (3), (4), (5), and (6) of this section.

(d) The regulations on the reporting of a lost license and the obtaining of a duplicate in § 10.02–23.

(e) The regulations on the parting with a license in § 10.02–25.

(f) Licenses issued under this subpart are subject to suspension and revocation on the same grounds and under the same procedures as provided for officers' licenses.

(g) The regulations on the lifting of limitations on a license in § 10.02–15.

§ 10.16–51 Renewing limited and second-class licenses.

(a) A license as a second-class operator of uninspected towing vessels is not renewable, but another license may be issued to the holder of an expired license if he meets the requirements for original issuance of a second-class license and passes another examination under § 10.16–31.

(b) A license endorsed for a limited local area designated by the Officer in Charge, Marine Inspection, is not renewed unless the holder meets the service requirements in § 10.16–25 (a) (2) (i) or (a) (2) (ii).

§ 10.16–71 Exception to requirements for license as operator.

The following requirements do not apply to any person who applies for a license as operator of towing vessels before June 1, 1974, and who has had at least 1 year of service as an operator of any towing vessel within the 36 months immediately preceding the date of application, except that employment in a position related to management or maintenance of a towing vessel is not counted in computing the 36 months:

(a) The experience requirements in § 10.16–25(a).

(b) The knowledge requirements in § 10.16–31(a), except that he must pass an examination on the Rules of the Road for the area in which his license authorizes operations, and applicants for ocean routes in excess of 200 miles offshore must comply with the requirements in § 10.16–31(b).

(c) The color vision requirements in § 10.02–5(e) if the license is limited to operations between sunrise and sunset.

(d) The vision requirements in § 10.02–5(e) for an applicant who has sight in only one eye, if his visual acuity is at least 20/100 uncorrected and 20/20 corrected.

§ 10.16–81 Possession of license while underway.

The holder of a license issued under this subpart shall have his license in his possession and available for examination by a boarding or investigating Coast Guard officer while the vessel is underway.

PART 26—OPERATIONS

2. By amending § 26.25–1 by adding a new paragraph (c) to follow paragraph (b) and to read as follows:

§ 26.25–1 Licensed personnel.

* * * * *

(c) An uninspected towing vessel, as defined in section (b) (1) of R.S. 4427, as amended (86 Stat. 423; 46 U.S.C. 405(b)) shall, while underway, be under the actual direction and control of a person licensed by the Coast Guard. For details of these provisions, see 46 U.S.C. 405(b) and the implementing regulations contained in Subparts 10.16, 157.01, 157.10, and 157.30 of this chapter.

PART 157—MANNING REQUIREMENTS

3. By amending § 157.01–10 by adding a second sentence in paragraph (c) (1) to read as follows:

§ 157.01–10 Authority for regulations.

* * * * *

(c) Manning of uninspected vessels. (1) * * * In addition, the authority for regulations regarding operators of uninspected towing vessels, is contained in R.S. 4427, as amended (86 Stat. 423, 46 U.S.C. 405(b)).

* * * * *

4. By amending Subpart 157.10 by adding two new sections, §§ 157.10–83 and 157.10–85, to follow § 157.10–80 and to read as follows:

§ 157.10–83 Operator of uninspected towing vessel.

The term "operator of uninspected towing vessels" means any person who is the holder of a valid license as operator of uninspected towing vessels issued by the Coast Guard attesting to his competency and who may serve in such capacity within the restriction placed on such license.

§ 157.10–85 Second-class operator of uninspected towing vessels.

The term "Second-class operator of uninspected towing vessels" means any person who is the holder of a valid license as second-class operator of uninspected towing vessels issued by the Coast Guard attesting to his competency and who may operate such a towing vessel only when the holder of a valid license authorizing service as an operator of uninspected towing vessels is aboard.

5. By amending Subpart 157.30 by adding a new § 157.30–45 to follow § 157.30–40 and to read as follows:

§ 157.30–45 Uninspected towing vessels operator's license.

(a) An uninspected towing vessel, as defined in R.S. 4427, as amended (86 Stat. 423; 46 U.S.C. 405(b)), shall, while underway, be under the actual direction and control of a person licensed by the Coast Guard as an operator of uninspected towing vessels.

(b) An uninspected towing vessel may, while underway, be under the actual direction and control of a person licensed by the Coast Guard as a Second-class operator of uninspected towing vessels, if the holder of a license as operator of uninspected vessels is also aboard.

(R.S. 4427, as amended; 46 U.S.C. 405(b); 49 CFR 1.46(o) (3))

Dated: February 26, 1973.

Effective date. These amendments shall become effective on September 1, 1973.

C. R. BENDER,
Admiral, U.S. Coast Guard
Commandant.

[FR Doc.73–3907 Filed 3–1–73;8:45 am]

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PART III

DEPARTMENT OF LABOR

Employment Standards Administration

■

Minimum Wages for Federal and Federally Assisted Construction

Area Wage Determination Decisions, Modifications, and Supersedeas Decisions; Index

No. 41—Pt. III——1

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DEPARTMENT OF LABOR

Employment Standards Administration

MINIMUM WAGES FOR FEDERAL AND FEDERALLY ASSISTED CONSTRUCTION

Area Wage Determination Decisions, Modifications and Supersedeas Decisions

Area wage determination decisions. Area Wage Determination Decisions of the Secretary of Labor specify, in accordance with applicable law and on the basis of information available to the Department of Labor from its study of local wage conditions and from other sources, the basic hourly wage rates and fringe benefit payments which are determined to be prevailing for the described classes of laborers and mechanics employed in construction activity of the character and in the localities specified therein.

The determinations in these decisions of such prevailing rates and fringe benefits have been made by authority of the Secretary of Labor pursuant to the provisions of the Davis-Bacon Act of March 3, 1931, as amended (46 Stat. 1494, as amended, 40 U.S.C. 276a) and of other Federal statutes referred to in 29 CFR 1.1 (including the statutes listed at 36 FR 306 following Secretary of Labor's Order No. 24–70) containing provisions for the payment of wages which are dependent upon determinations by the Secretary of Labor under the Davis-Bacon Act; and pursuant to the provisions of Part 1 of Subtitle A of Title 29 of Code of Federal Regulations, Procedure for Predetermination of Wage Rates (37 FR 21138), and of Secretary of Labor's Orders 12–71 and 15–71 (36 FR 8755, 8756). The prevailing rates and fringe benefits determined in these decisions shall, in accordance with the provisions of the foregoing statutes, constitute the minimum wages payable on Federal and federally assisted construction projects to laborers and mechanics of the specified classes engaged on contract work of the character and in the localities described therein.

Good cause is hereby found for not utilizing notice and public procedure thereon prior to the issuance of these determinations as prescribed in 5 U.S.C. 553 and not providing for delay in effective date as prescribed in that section, because the necessity to issue construction industry wage determinations frequently and in large volume causes procedures to be impractical and contrary to the public interest.

Area Wage Determination Decisions are effective from their date of publication in the FEDERAL REGISTER without limitation as to time and are to be used in accordance with the provisions of 29 CFR, Parts 1 and 5. Accordingly, the applicable decision together with any modifications issued subsequent to its publication date shall be made a part of every contract for performance of the described work within the geographic area indicated as required by an applicable Federal prevailing wage law and 29 CFR, Part 5. The wage rates contained therein shall be the minimum paid under such contract by contractors and subcontractors on the work.

Modifications and supersedeas decisions to area wage determination decisions. Modifications and Supersedeas Decisions to Area Wage Determination Decisions are based upon information obtained concerning changes in prevailing hourly wage rates and fringe benefit payments since the decisions were issued.

The determinations of prevailing rates and fringe benefits made in the Modifications and Supersedeas Decisions have been made by authority of the Secretary of Labor pursuant to the provisions of the Davis-Bacon Act of March 3, 1931, as amended (46 Stat. 1494, as amended, 40 U.S.C. 276a) and of other Federal statutes referred to in 29 CFR 1.1 (including the statutes listed at 36 FR 306 following Secretary of Labor's Order No. 24–70) containing provisions for the payment of wages which are dependent upon determination by the Secretary of Labor under the Davis-Bacon Act; and pursuant to the provisions of Part 1 of Subtitle A of Title 29 of Code of Federal Regulations, Procedure for Predetermination of Wage Rates (37 FR 21138), and of Secretary of Labor's Orders 13–71 and 15–71 (36 FR 8755, 8756). The prevailing rates and fringe benefits determined in foregoing Area Wage Determination Decisions, as hereby modified, and or superseded shall, in accordance with the provisions of the foregoing statutes, constitute the minimum wages payable on Federal and federally assisted construction projects to laborers and mechanics of the specified classes engaged in contract work of the character and in the localities described therein.

Modifications and Supersedeas Decisions are effective from their date of publication in the FEDERAL REGISTER without limitation as to time and are to be used in accordance with the provisions of 29 CFR, Parts 1 and 5.

Any person, organization, or governmental agency having an interest in the wages determined as prevailing is encouraged to submit wage rate information for consideration by the Department. Further information and self-explanatory forms for the purpose of submitting this data may be obtained by writing to the U.S. Department of Labor, Employment Standards Administration, Office of Special Wage Standards, Division of Wage Determinations, Washington, D.C. 20210. The cause for not utilizing the rule making procedures prescribed in 5 U.S.C. 553 has been set forth in the original Area Wage Determination Decision.

Set forth below in this document are the following. New Area Wage Determination Decision No. AP–161 for the State of North Carolina.

Modifications to Area Wage Determination Decisions for the following States (the numbers of the decisions being modified and their dates of publication in the FEDERAL REGISTER are listed with each State):

Alabama:	
AP–140	Dec. 12, 1972.
AP–153	Feb. 9, 1973.
California:	
AP–245; AP–248	Oct. 13, 1972.
Delaware:	
AP–444	Nov. 17, 1972.
Florida:	
AP–130	Dec. 22, 1972.
Louisiana:	
AP–704	Feb. 16, 1973.
Maryland:	
AP–443	Nov. 17, 1972.
Massachusetts:	
AP–456; AP–457; AP–461	Jan. 19, 1973.
Oregon:	
AP–249	Nov. 10, 1972.
Pennsylvania:	
AP–421; AP–425	Sept. 29, 1972.
AP–464; AP–465	Jan. 26, 1973.
Tennessee:	
AP–138	Nov. 25, 1972.
Texas:	
AP–390; AP–392; AP–394	Jan. 26, 1973.
Utah:	
AP–254	Dec. 8, 1972.
Virginia:	
AP–441	Nov. 3, 1972.
AP–443	Nov. 17, 1972.
AP–468	Feb. 9, 1973.
Washington, D.C.:	
AP–442	Nov. 17, 1972.

Supersedeas Decisions to Area Wage Determination Decisions for the following States (the numbers of the decisions being superseded and their dates of publication in the FEDERAL REGISTER are listed with each State; Supersedeas Decision numbers are in parentheses following the number of the decision being superseded):

Pennsylvania:	
AM–1854(AP–480); AM–1859(AP–479)	Aug. 20, 1971.
Tennessee:	
AM–8621(AP–154)	June 9, 1972.

Signed at Washington, D.C., this 26th day of February 1973.

WARREN D. LANDIS,
Assistant Administrator,
Wage and Hour Division.

NEW DECISION

STATE: North Carolina
DECISION NUMBER: AP-161
DESCRIPTION OF WORK: Building Construction (excluding single family homes and garden type apartments up to and including 4 stories).

COUNTY: Mecklenburg
DATE of publication in FEDERAL REGISTER: [illegible]

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Other
Asbestos Workers	$4.03					
Air Conditioning & Heating Mechanics	4.50					
Acoustical Ceiling Installer	4.00					
Bricklayers	5.36					
Carpenters	4.28					
Cement Masons	4.50					
Drywall Hangers & finishers	5.55					
Electricians	5.705					
Elevator Constructors	3.58					
Glaziers	5.02					
Ironworkers, structural & ornamental	6.55					
Ironworkers, reinforcing						
Laborers:						
Laborers	2.75					
Mason tenders	3.35					
Mortar Mixers	3.05					
Plasterers	2.86					
Lathers	4.97					
Millwrights	4.90					
Painters, brush	3.50					
Plasterers	5.00					
Plumbers & Pipefitters, & Steamfitters	5.26					
Roofers	2.78					
Sheet Metal Workers	4.50					
Stonemasons	4.00					
Terrazzo Workers	4.08					
Tile Setters	2.42					
Truck Drivers	3.23					
Waterproofing Mechanics						
Power Equipment Operators:						
Asphalt Paving Machine Operator	2.85					
Backhoe	3.59					
Bulldozers	3.00					
Cranes, Derricks, Draglines, Drill Rig	4.84					
Drill Hole Man	6.17					
Fork Lift Operators	4.25					
Front End Loaders	2.82					
Motor grader operators	3.00					
Oilers	5.17					
Pan Operator	3.35					
Pump Operator	4.00					
Roller Operator	2.84					
Scraper Operator	3.00					

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MODIFICATIONS P. 1

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.	Others
DECISION NO. AP-140 Mod. #1 (37 FR 25628 - December 12, 1972) Jefferson County, Alabama						
Change:						
Boilermakers	$7.13	.40	.70	2%+a+b	.01	
Elevator Constructors	7.06	.345	.23		.015	
Elevator Constructors' helpers	4.94					
Elevator Constructors' helpers (prob)	3.53					
Lathers	6.90		.10		.01	
Roofers	6.15		.20		.05	
DECISION NO. AP-153 Mod. #1 (38 FR 4083 - February 9, 1973) Mobile County, Alabama						
Add:						
Carpenters	6.08	.28	.25			
Change:						
Boilermakers	7.13	.40	.70		.01	

MODIFICATIONS P. 2

DECISION #AP-245 - Mod. #4
(37 FR 21721 - October 13, 1972)
Imperial, Kern, Los Angeles, Orange, Riverside, San Bernardino, Santa Barbara and Ventura Counties, California

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.	Others
Change:						
Brick tenders:						
Imperial, Kern, Los Angeles, Orange, Riverside and San Bernardino Counties	$6.00	.55	1.10	.30		
Santa Barbara County	5.725	.55	1.10	.575		
Electricians:						
Ventura County						
Electricians	8.93	.60	1%+.45			
Cable splicers	9.82	.60	1%+.45			
Line Construction:						
San Bernardino County						
Groundman	6.36	.40	1%+.75		.02	
Lineman	8.48	.40	1%+.75		.02	
Cable splicers	8.78	.40	1%+.75		.02	
Ventura County						
Groundman	7.75	.60	1%+.45			
Lineman	8.93	.60	1%+.45			
Cable splicers	9.82	.60	1%+.45			
Painters:						
Kern County (Remainder of County)						
Brush	7.32	.35	.36		.01	
Swing stage (brush-roller)	7.47	.35	.36		.01	
Taping joint sheet rock	7.52	.35	.36		.01	
Paperhangers; Spray; Sandblasters	7.57	.35	.36		.01	
Swing stage and sandblasters	7.72	.35	.36		.01	
Structural steel, Pipe in place	7.87	.35	.36		.01	
Santa Barbara and Ventura Counties						
Brush	7.66	.35	.35		.02	
Iron and steel; Paperhangers; Paste machine op.; Sandblaster; Taper	7.91	.35	.35		.02	
Sprayman	8.16	.35	.35		.02	
Steeplejack	8.66	.35	.35		.02	
Plaster tenders:						
Imperial, Riverside and San Bernardino Counties	7.93	.55	1.10	.30		
Los Angeles & Orange Counties	7.175	.55	1.10	.30		

MODIFICATIONS P. 3

DECISION #AP-245 (Cont'd)

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.	Oth
LABORERS (Tunnel & Tunnel-Shaft Construction)						
BATCH PLANT LABORERS; Bull Gang Mucker, Trackman; Concrete Crew, incl. Rodders & Spreaders; Dumpman; Dumpman (outside); Swamper (brakeman & switchman on tunnel work); Tunnel materials handling man; Tool man	$6.73	.55	1.10	.30		
CABLE TENDER, Chucktender; Nipper; Steel Form Raiser & Setter's Helper; Vibratorman, Jackhammer, Pneumatic Tools (except driller)	6.83	.55	1.10	.30		
BLASTER, Driller, Powderman; Chemical Grout Jetman; Cherry Pickerman; Grout Gunman; Grout Mixerman; Grout Pumpman; Jackleg Miner; Jumbo Man; Kemper & other Pneumatic; Concrete Placer Op.; Miner Tunnel (hand or machine); Powderman (Primer House); Primer Man; Shotcrete Man; Steel Form Raiser & Setter; Timberman; Retimberman (wood or steel); Tunnel Concrete Finisher	6.98	.55	1.10	.30		
SHAFT, Raise Miner; Diamond Driller	7.23	.55	1.10	.30		

MODIFICATIONS P. 4

DECISION #AP-245 (Cont'd)

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.	Oth
TRUCK DRIVERS:						
WAREHOUSEMAN and Teamster	$6.27	.65	.65	.75		
DRIVERS OF VEHICLES Or combination of vehicles of 2 axles (incl. all vehicles less than six tons); Traffic control pilot car, excluding moving heavy equipment permit load	6.35	.65	.65	.75		
TRUCK MOUNTED Power Broom	6.41	.65	.65	.75		
DRIVERS OF VEHICLE Or combination of vehicles of 3 axles; Water truck, 2 axles	6.50	.65	.65	.75		
BOOTMAN; Cement distributor; Fuel truck; Driver of road oil spreader truck	6.53	.65	.65	.75		
TRANSIT-MIX, Under 3 yds.; Dumpcrete, less than 6½ yds.	6.59	.65	.65	.75		
WATER TRUCK, 3 or more axles; Truck repairman helper	6.60	.65	.65	.75		
TRUCK GREASER & TIREMAN (50¢ per hour additional when working on tire sizes above 24 inch in wheel diameter); Pipeline & utility working truck driver incl. winch truck, but not limited to trucks applicable to pipeline & utility work, where a composite crew is used	6.68	.65	.65	.75		
TRANSIT-MIX, 3 yds. or more; Dumpcrete, 6½ yds. & over	6.73	.65	.65	.75		
DRIVERS OF VEHICLES Or combination of vehicles of 4 or more axles	6.75	.65	.65	.75		
A-FRAME OR SWEDISH CRANE, Or similar type or equipment; Fork lift; Ross Carrier (Hwy)	7.05	.65	.65	.75		

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DECISION #AP-245 (Cont'd)

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
TRUCK DRIVERS: (cont'd)						
ALL OFF-HIGHWAY EQUIPMENT WITHIN TEAMSTERS JURISDICTION (Off highway combination of vehicles or equipment with multiple power sources, $1.00 per hour additional); Truck repairman; Welder	$7.30	.65	.65	.75		
TRUCK REPAIRMAN-Welder	7.40	.65	.65	.75		

DECISION #AP-248 - Mod. #4
(37 FR 21740 - October 13, 1972)
Imperial, Inyo, Kern, Los Angeles, Mono, Orange, Riverside, San Bernardino, San Luis Obispo, Santa Barbara and Ventura Counties, California

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Change:						
Brick tenders:						
Imperial, Inyo, Kern, Los Angeles, Mono, Orange, Riverside and San Bernardino Counties	$6.00	.55	1.10	.30		
Santa Barbara County	5.725	.55	1.10	.575		
Electricians:						
Ventura County						
Electricians	8.93	.60	1¼+.45			
Cable splicers	9.82	.60	1¼+.45			
Line Construction:						
Inyo, Mono, San Bernardino Cos.						
Groundmen	6.36	.40	1¼+.75		.02	
Linemen	8.48	.40	1¼+.75		.02	
Cable splicers	8.78	.40	1¼+.75		.02	
Ventura County						
Groundman	7.75	.60	1¼+.45			
Linemen	8.93	.60	1¼+.45			
Cable splicers	9.82	.60	1¼+.45			
Painters:						
Kern County (Remainder of County)						
Brush	7.32	.35	.36		.01	
Swing stage (brush-roller)	7.47	.35	.36		.01	
Taping joint sheet rock	7.52	.35	.36		.01	
Paperhangers; Spray; Sandblasters	7.57	.35	.36		.01	
Swing stage and sandblasters	7.72	.35	.36		.01	
Structural steel; Pipe in place	7.87	.35	.36		.01	
San Luis Obispo, Santa Barbara and Ventura Counties						
Brush	7.66	.35	.35		.02	
Iron & steel; Paperhangers; Paste machine op.; Sandblaster; Taper	7.91	.35	.35		.02	
Spreymen	8.16	.35	.35		.02	
Steeplejack	8.66	.35	.35			
Plaster tenders:						
Imperial, Inyo, Mono, Riverside and San Bernardino Counties	7.93	.55	1.10	.30		
Los Angeles and Orange Counties	7.175	.55	1.10	.30		
San Luis Obispo County	6.50	.55	1.10	.30		

DECISION #AP-248 (Cont'd)

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
LABORERS (Tunnel & Tunnel-Shaft Construction)						
BATCH PLANT LABORERS; Bull Gang Mucker, Trackman; Concrete Crew, incl. Rodders & Spreaders; Dumpman; Dumpman (outside); Swamper (brakeman & switchman on tunnel work); Tunnel materials handling man; Tool man	$6.73	.55	1.10	.30		
CABLE TENDER, Chucktender; Nipper; Steel Form Raiser & Setter's Helper; Vibratorman, Jackhammer, Pneumatic Tools (except driller)	6.83	.55	1.10	.30		
BLASTER, Driller, Powderman; Chemical Grout Jetman; Cherry Pickerman; Grout Gunman; Grout Mixerman; Grout Pumpman; Jackleg Miner; Jumbo Man; Kemper & other Pneumatic; Concrete Placer Op.; Miner Tunnel (hand or machine); Powderman (Primer House); Primer Man; Shotcrete Man; Steel Form Raiser & Setter; Timberman; Retimberman (wood or steel); Tunnel Concrete Finisher	6.98	.55	1.10	.30		
SHAFT, Raise Miner; Diamond Driller	7.23	.55	1.10	.30		

DECISION #AP-248 (Cont'd)

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
TRUCK DRIVERS:						
WAREHOUSEMAN and Teamster	$6.27	.65	.65	.75		
DRIVERS OF VEHICLES Or combination of vehicles of 2 axles (incl. all vehicles less than six tons); Traffic control pilot car, excluding moving heavy equipment permit load	6.35	.65	.65	.75		
TRUCK MOUNTED Power Broom	6.41	.65	.65	.75		
DRIVERS OF VEHICLE Or combination of vehicles of 3 axles; Water truck, 2 axles	6.50	.65	.65	.75		
BOOTMAN; Cement distributor; Fuel truck; Driver of road oil spreader truck	6.53	.65	.65	.75		
TRANSIT-MIX, Under 3 yds.; Dumpcrete, less than 6½ yds.	6.59	.65	.65	.75		
WATER TRUCK, 3 or more axles; Truck repairman helper	6.60	.65	.65	.75		
TRUCK GREASER & TIREMAN (50¢ per hour additional when working on tire sizes above 24 inch in wheel diameter); Pipeline & utility working truck driver incl. winch truck, but not limited to trucks applicable to pipeline & utility work, where a composite crew is used	6.68	.65	.65	.75		
TRANSIT-MIX, 3 yds. or more; Dumpcrete, 6½ yds. & over	6.73	.65	.65	.75		
DRIVERS OF VEHICLES Or combination of vehicles of 4 or more axles	6.75	.65	.65	.75		
A-FRAME OR SWEDISH CRANE, Or similar type or equipment; Fork lift; Ross Carrier (Hwy)	7.03	.65	.65	.75		

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MODIFICATIONS' P. 9

	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Others
DECISION #AP-248 (Cont'd)						
TRUCK DRIVERS: (cont'd)						
ALL OFF-HIGHWAY EQUIPMENT WITHIN TEAMSTERS JURISDICTION (Off highway combination of vehicles or equipment with multiple power sources, $1.00 per hour additional); Truck repairman; Welder	$7.30	.65	.65	.75		
TRUCK REPAIRMAN-Welder	7.40	.65	.65	.75		

MODIFICATIONS' P. 10

	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Other
DECISION #AP-444 - Mod. #5 (37 FR 24517 - November 17, 1972) Statewide Delaware						
Change: Electricians	$9.25	5%	4%			
DECISION NO. AP-130 Mod. #3 (37 FR 28359 - December 22, 1972) Orange County, Florida						
Change: Laborers:						
Air tool operator	$4.00	.15				
Laborers	3.85	.15				
DECISION #AP-704 - Mod. #1 (38 FR 4634 - February 16, 1973) Orleans, Jefferson, Plaquemines & St. Bernard Parishes, Louisiana						
Change: Sprinkler fitters	$8.05	.30	.50		.05	

MODIFICATIONS' P. 11

	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Others
DECISION #AP-436 - Mod. #2 (38 FR 2051 - January 19, 1973) Barnstable County, Massachusetts						
Change: Building, heavy & highway construction: Electricians:						
Electrical contracts under $12,000.00	$6.85	.25	1%+.25		a	
Electrical contracts over $12,000.00	8.15	.25	1%+.25		a	
DECISION #AP-437 - Mod. #2 (38 FR 2054 - January 19, 1973) Essex County, Massachusetts						
Change: Building, heavy & highway construction: Bricklayers; Stonemasons: Andover, Boxford, Danvers, Lawrence, Lynn, Lynnfield, Marblehead, Methuen, Middleton, Nahant, North Andover, Peabody, Salem, Saugus, Swampscott, & Topsfield	8.56	.39	.50			
DECISION #AP-461 - Mod. #2 (38 FR 2070 - January 19, 1973) Worcester County, Massachusetts						
Change: Building, heavy & highway construction: Ironworkers: Ornamental; Reinforcing; & Structural	8.29	.45	.80+e		.03	
Omit: Building, heavy & highway construction: Painters: Fitchburg, Harvard, Lancaster, & Leominster						
Brush; Taping	6.80					
Boatswain chairs; Structural steel	7.05					
Spray	7.00					

MODIFICATIONS' P. 12

	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Others
DECISION #AP-461 - Mod. #2 (Cont'd)						
Add: Building, heavy & highway construction: Painters: Fitchburg, Harvard, Lancaster, & Leominster						
Brush	$7.48	.50	.25			
Spray	8.48	.50	.25			
Steel	8.105	.50	.25			
DECISION #AP-249 - Mod. #2 (37 FR 23998 - November 10, 1972) Statewide, Oregon						
Change: Electricians: Harney; Jackson; Josephine; Klamath; Lake; That portion of Douglas lying east of a line running north & south from the corner of Coos County, to the Southeast corner of Lincoln Co.	7.70	.25	1%		.02	
Electricians	7.85	.25	1%		.02	
Cable Splicers	7.05	.40	.50	.43	.02	
Plumbers; Steamfitters: Jackson; Josephine Counties						

MODIFICATIONS P. 13

	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Others
DECISION #AP-421 - Mod. #6 (37 FR 20447 - September 29, 1972) Allegheny County, Pennsylvania						
Change: Building Construction: Truck Drivers - See Schedule Below						
DECISION #AP-425 - Mod. #3 (37 FR 20484 - September 29, 1972) Lawrence County, Pennsylvania						
Change: Building Construction: Plumbers and Steamfitters	$8.53	.25			.05	
Truck Drivers - See Schedule Below						

PA-2-TD-1-F

BUILDING CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.
Truck Drivers:					
Warehousemen, service trucks (pick-up, jeep, station wagon, panel truck)	$5.855	.30	.30	a	
Dumps and flat tops	5.905	.30	.30	a	
Transit-mix, single axle	5.93	.30	.30	a	
Transit-mix, tandem	5.93	.30	.30	a	
Distributed truck over 33,000 lbs. gross weight	5.905	.30	.30	a	
Distributed truck up to 33,000 lbs. gross weights	6.055	.30	.30	a	
Heavy duty trailers with high bed, 4 wheels	5.955	.30	.30	a	
Heavy duty trailers with low bed, 6 to 16 wheels	6.255	.30	.30	a	
Trucks with dolly	6.055	.30	.30	a	
Euclids or equivalent	6.055	.30	.30	a	
Truck with dump trailers or tandems	6.055	.30	.30	a	
Winch trucks	6.23	.30	.30	a	
Towing equipment off job site	6.055	.30	.30	a	

FOOTNOTE:

a. Paid Holidays: New Year's Day; Memorial Day; Independence Day; Labor Day; Thanksgiving Day; Christmas Day and Veterns Day & Good Friday, provide the employee is available for work the day before and the day after the holiday and has been employed by the employer a minimum of 40 hours each calendar month for two consecutive months.

MODIFICATIONS P. 14

	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Others
DECISION #AP-464 - Mod. #1 (38 FR 2609 - January 26, 1973) Butler, Cambria, Fayette and Somerset Counties, Pennsylvania						
Change: Carpenters (Counties):						
Butler	$7.46	6%	3%			
Cambria and Somerset	6.76	6%	3%			
Fayette	7.11	6%	3%			
DECISION #AP-465 - Mod. #1 (38 FR 2612 - January 26, 1973) Bedford, Cameron, Clarion, Clinton, Elk, Forest, Fulton, Huntingdon, Mifflin and Potter Counties, Pennsylvania						
Change: Power Equipment Operators Schadule See Modifications Pa. 15 & 16						

MODIFICATIONS P. 15

DECISION #AP-465 (Cont'd)

PA-5-PEO-2-3-K (1-2)

HEAVY AND HIGHWAY CONSTRUCTION POWER EQUIPMENT OPERATORS:	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Others
Austin-Western or similar (25 ton & over) Austin-Western or similar (under 25 ton) autograder (C.M.I. & similar) backfiller, backhoe - 360° swing, cableway, caisson drill (similar to Hugh Williams) central mix plant, cooling plant, concrete paving mixer, cranes, cranes (tower-stationary-climbing tower crane) derrick, derrick boat dragline, dredge, dredge hydraulic (1 leverman - 1 oiler - 1 apprentice) elevating greder, franki pile machine, gradall (remote control or otherwise) grader (power - fine grade) guard rail post driver (truck Mtd.) guard rail post driver (skid type) (self-propelled-Arrow or similar) helicopter (over 1500 lb. lift) Helicopter (under 1500 lb. lift) hi-lift (4 cy. and over) hoist 2 drums or more (in one unit) kocal, koering skooper, lead mechanic, locomotive (std. guage) mix mobile, mix mobile (with self-loading attachment) mucking machine (tunnel) pile driver machine, pipe extrusion machine presplitter drill (self-contained) quad nine, refrigeration plant (soil stabilization) scraper (multi-bowl) shovel - power, slip form paver (C.M.I. and similar) trenching machine (30,000 lbs. and over) trenching machine (under 30,000 lbs.) tunnel machine (Mark XXI Jarva or similar) Whirley	$7.44	.35	.50		.04	
Asphalt paving Machine (Spreader) asphalt plant op., athey loader auger (tractor Mtd.) auger (truck Mtd.) backhoe (rear pivotal swing) (180° swing) boring machine, cable placer or layer, compactor with blade, concrete batch plant (electronically synchronized) concrete belt placer (C.M.I. and similar) concrete mixer (over 1 cy.) concrete pump, core drill (truck or skid Mtd. - similar to Penn drill) dozer, euclid loader, grader-power, grease unit operator (head) hi-lift (under 4 cy.) job work boat (powered), jumbo operator, locomotive (narrow guage)						

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DECISION #AP-465 (Cont'd)

PA-5-PEO-2-3-E (2-2)

	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.
mechanic, minor equipment operator (accumulative four units) mucking machine, over-head crane, roller - power - asphalt ross carrier scraper side boom or tractor mounted boom stone crusher (screening - washing plants) stone spreader (self-propelled) truck mounted drill (Davey or similar) welder and repairman, well point pump operator	$7.16	.35	.50		.04
Compactors/Rollers (static or vibratory (self-Propelled) minor equipment operator (two to three units) soil stabilisser machine, tire repairman, tube finisher (C.M.I. or similar) well driller and horizontal	5.17	.35	.50		.04
Ballast regulator, compressor, concrete finishing machine and spreader, concrete mixer (1 cy. and under with skip Concrete saw (ridden or self-propelled elevator (material hauling only) forklift (ridden or self-propelled) form line machine, generator, crout pump, heater (mechanical) hoist (single drum ladavator, light plant, mulching machine, pavement breaker (self-propelled or ridden) personnel boat (powered) pulverizer, pumps, seeding machine, spray cure machine (power driven) subgrader tis puller, tie tamper (multi-head) tractor - sanking and hauling, tugger welding machine (gas or diesel) winch or hydraulic boom truck (when hoisting and placing)	4.68	.35	.50		.04
Deck hand, farm tractor, fireman on boiler, mechanic's helper, oiler, power broom, side delivery shoulder spreader	4.57	.35	.50		.04

DECISION #AP-138 - Mod. #3
(37 FR 25148 - November 25, 1972)
Shelby County, Tennessee

	Basic Hourly Rate
Change:	
Heavy Construction:	
Bricklayers	$5.20
Carpenters	4.35
Cement masons	4.29
Ironworkers, reinforcing	4.18
Ironworkers, structural	4.64
Painter or sand blaster	4.03
Laborers:	
Laborers, unskilled	2.60
Air tool operator	2.88
Mortar mixer, chain saw, pipelayer, conc. rubber	2.84
Concrete saw op., guard rail erector, sign erector	2.96
Firemen	2.90
Asphalt raker	3.07
Concrete edger	3.01
Powderman	3.45
Form setter, steel road	3.09
Nozzleman or gunman (gunite)	4.29
Flagman	2.60
OPERATING ENGINEERS:	
Dragline op., shovel op., crane op., end loader 5 yds. & over, pile driver op., motor patrol finish, mechanic (class I),	4.35
Backhoe operator, concrete paver op.	4.27
End loader under 5 yds., mechanic, class II, motor patrol (rough), central mixing (asphalt or concrete), concrete finishing machine, soil cement machine, asphalt paver	3.83
Bulldozer or push dozer op., scraper op., trenching machine, tractor (boom and hoist),	3.91
Roller (high type),	3.79
Spreader (self-propelled)	3.65
Distributer (bituminous)	3.54
Roller, other than finish, dozer or loader - stock pile only	3.40
Tractor, crawler, utility	3.54
Concrete mixer, less than 1 yd., earth drill	3.17
Mulcher or seeder, scale op., motor crane driver & oiler	3.12
Tractor, farm	2.89
Curb machine	2.94
Ditch paver, mechanic helpers	2.88
Pump operator, welder helper	2.82
Track drill operator	3.01
Oiler	2.94
TRUCK DRIVERS:	
2 axles	2.91
3 axles	2.96
4 axles	3.15
5 axles or more or heavy off the road trucks or haulers	3.40
Welders - Rate for Craft.	

	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Others
DECISION #AP-390 - Mod. #3 (38 FR 2628 - January 26, 1973) El Paso County, Texas						
Change: Building Construction: Asbestos workers	$5.93	.50	.72c			
Add: Footnote: c - Includes $0.07 contribution to Occupational Health Fund						
DECISION #AP-392 - Mod. #1 (38 FR 2634 - January 26, 1973) Nueces County, Texas						
Change: Building Construction: Painters:						
Brush	5.45	.25	.25		2/10%	
Spray	5.85	.25	.25		2/10%	
Sign	5.70	.25	.25		2/10%	
DECISION #AP-394 - Mod. #3 (38 FR 2640 - January 26, 1973) Lubbock County, Texas						
Change: Building Construction: Laborers: Construction laborers, including excavation, pouring concrete, carpenter tenders, reinforcing shoring, digging, loading and unloading materials, wrecking buildings and all structures and all construction laborers except those named below	3.675	.225				

	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Others
DECISION #AP-394 (CONT'D)						
Laborers (cont'd): Air tool operator (jackhammer, vibrator, tamper, brush hammer, chipping hammer, air or electric), power buggy man, pipelayer (concrete and clay and all non-metallic pipe); handling, laying and cleaning pumperete pipe	$3.875	.225				
Mortar mixers, mason tenders, plasterer tenders, cement finisher tenders, lather tenders	3.875	.225				
Wagon drill	4.025	.225				
Blasterers and powder make-up men	4.275	.225				

	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Others
DECISION #AP-254 - Mod. #2 (37 FR 26255 - December 8, 1972) Statewide, Utah						
Change: Cement Masons: Cement masons	$7.02	.30	.35	.15		
Machine op., Mastic floor material; Spark proofing; Scaffold (20-40 ft.)	7.145	.30	.35	.15		
Elevator Constructors	7.23	.345	.23	2%+a		
Elevator Constructors' Helpers	70%JR	.345	.23	2%+a		
Elevator Constructors' Helpers (Prob.)	50%JR					
Laborers: That area in the State of Utah within 40 road miles of the county seats excluding Daggett County						
Labbrers: That area in the State of Utah beyond 40 road miles of the county seats and all of Daggett County						
Marble Setters	5.35			b		
Terrazzo Workers	6.10			.20		
Tile Setters	6.10			.20		
Footnote: b. Seven (7) paid holidays A through F.						
DECISION #AF-441 - Mod. #6 (37 FR 23495 - November 3, 1972) Henrico County and the City of Richmond, Virginia						
Change: Asbestos workers	$7.18	.30	.10		.01	

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	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Oth
DECISION #AP-443 - Mod. #5 (37 FR 24515 - November 17, 1972) Montgomery and Prince Georges Counties, Maryland; City of Alexandria, Virginia; Arlington and Fairfax Counties, Virginia and Dulles International Airport						
Change: Sheet metal workers Description of Work: Building Construction - excluding all residential projects	$8.30	.60	.66		.06	
DECISION #AP-468 - Mod. #1 (38 FR 4177 - February 9, 1973) The Cities of Norfolk, Chesapeake, Portsmouth and Virginia Beach						
Change: Bricklayers and stone masons	$6.50	.30	.20		.02	
Bricklayers and stone masons on stack or chimneys 50' and over	6.75	.30	.20		.02	
DECISION #AP-442 - Mod. #5 (37 FR 24512 - November 17, 1972) Washington, D. C.						
Change: Sheet metal workers	$8.30	.60	.66		.06	

SUPERSEDEAS DECISION

STATE: Pennsylvania COUNTY: Mercer
DECISION NO.: AP-479 DATE: Date of Publication
Supersedes Decision No. AM-1,859, dated August 20, 1971, in 36 FR 16299.
DESCRIPTION OF WORK: Building Construction, (excluding single family homes and garden type apartments up to & including 4 stories), Heavy & Highway Construction

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BUILDING CONSTRUCTION	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Asbestos workers	$9.27	.30	.25		.02	
Boilermakers	8.25	6.5%	6.5%		.01	
Bricklayers	8.00	.35	.20		.02	
Carpenters	7.81	.30	.50		.02	
Cement masons	8.24	6%	16%	16%		
Electricians	9.30	.30	1%		.01	
Glaziers	8.57	.35	.20		.01	
Ironworkers, structural	9.37	.35	.10		.10	
Ironworkers, ornamental	9.37	.35	.10		.10	
Ironworkers, reinforcing	9.37	.35	.10		.10	
Laborers:						
Laborers, carryable pumps wast brick buggy or similar, vibrator operators, walk behind forklift or similar (non self-propelled) stripper and mover of forms, cement masons, footers, window cleaner, tool room man, all material conveyor (regardless of power used, including starting & stopping)	6.45	.30	.30			
Wast brick buggy or similar (self-propelled), power wheelbarrows and buggies, walk behind forklift or similar, (self-propelled) wagon drill helper, drill runner, drill runners' helper, (including drill mounted on truck, track or similar), blaster's helper, all operators of compacting equipment, pipe layer, burner, jackhammerman - concrete buster	6.575	.30	.30			
Hod carrier, scaffold builder, ball & bottom man on furnaces & stacks, mortar mixer, mortar mixing machine (regardless of power used, including starting & stopping) grout machine feeder & pump operator	6.70	.30	.30			
Concrete saw operators	6.70	.30	.30			
Gunnite nozzleman	6.95	.30	.30			
Blaster, wagon drill operator	7.15	.30	.30			
Lathers	8.18					
Line Construction:						
Linemen	6.94	.15	1%			
Cable splicer & dynamite man	6.94	.15	1%			
Digging machine operator	6.94	.15	1%			
Tractor & compressor operator	6.94	.15	1%			

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BUILDING CONSTRUCTION	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Line Construction: (cont'd)						
Groundman - truck driver	$4.92	.15	1%			
Groundman	4.73	.15	1%			
Marble setters	8.365					
Marble setters' helpers	7.015					
Millwrights	8.51	.30	.50		.02	
Painters:						
Commercial	6.50	.30	.30		.01	
Roller	6.80	.30	.30		.01	
Spray	7.50	.30	.30		.01	
Painters, Industrial						
Brush	7.20	.30	.30		.01	
Roller	7.50	.30	.30		.01	
Spray	8.20	.30	.30		.01	
Piledrivermen	8.51	.30	.50		.02	
Plasterers:						
Shenango, Sandy Lake & Fredonia	8.90					
Remainder of County	8.00	.35	.20		.02	
Plumbers	9.19	.30	.40		.02	
Roofers	7.52	.35	.50		.01	
Sheet metal workers	8.90	.20	.25		.01	
Sofc floor layers	7.63	.30	.50		.02	
Sprinkler fitters	8.75	.30	.50		.05	
Steam fitters	9.19	.30	.40		.02	
Stonemasons	8.00	.35	.20		.02	
Terrazzo workers	8.365					
Terrazzo workers' helpers	7.015					
Tile setters	8.365					
Tile setters' helpers	7.015					
Welders - receive rate prescribed for craft performing operation to which welding is incidental.						

HEAVY & HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Oth
Laborers:						
Construction laborer (including tenders handling salamanders, L.P. gas heaters or similar, etc.), Air or electric impactor wrench, Air tamper operator, Asphalt tampers, Batcherman (weigh), Blaster's helper, Blower man (bulk cement), Brakeman, Coffer dam, Concrete pitman, puddler including vibrator operator, Drill runner's helper (includes drill mounted on truck, track or similar and Davey drills (spots-clean-up & helps to maintain), Fence construction, Form stripper and mover, Hydro-Jet blaster nozzleman, Manually moved emulsion sprayer, Radio actuated traffic control operator (non-automatic), Rip rap work, Scaffolds and runways (as per agreement of record), Sheeters and shorers, structural concrete top surfacer, Walk behind street sweeper, Welder's helper (pipeline), Wood chipper	$5.71	.30	.30			
Asphalt, batch and concrete plant operator (manually operated), Asphalt rakers, Burner, Caisson man (open air), carryable pumps, Chain saw operator, Chipping hammer or similar (air or otherwise), Combination tampar and vibrator, Concrete buster (paving breaker), Cribbing (concrete or steel), Curb machine operator (asphalt and concrete) (walk behind), Earth drill, Fork lift (walk behind), Form setter (road forms line man), Handyman, Highway slab reinforcement placers (incl. joint and basket setter), Hydraulic pipe pusher, Jack hammer operator, Liner plates (tile or vitrified clay), Manually operated diamond head core drill, Mechanical joint sealer, Dope pot, and Tar kettle, Mortar mixer (ahnd or machine), Pin drivers or puller (power-highway), Pipe layers, Plant set-up, Maintenance man, Portable single unit conveyor, Post hole augar (2 or 4 cycle) (hand operated), Power fence operator, Power wheelbarrows and buggies, Rail porter, or similar, Screed operator						

HEAVY & HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Oth
Laborers (cont'd):						
Signal man, Whacker	$5.93	.30	.30			
All Railroad Track Work:						
Adzing machine, Ballast router, Bolting machine, Power jacks, Rail drills, Railroad brakemen, Rail saws, Spike drivers, Spike pullers, Tamping machine	5.93	.30	.30			
Cement mortar lining car pusher, Cement mortar mixer (pipe relining), Cement saw operator (walk behind), Form setter (road forms-lead man), Grout machine operator, Gunnite (nozzle and machine man), Paving block rammers, Wagon drill (air track or similar) operators, Walk behind power rollers (1 or 2 barrel), Walk behind roller and tamper, Walk behind ditching machine (trancher or similar)	6.24	.30	.30			
Blacksmith, Blaster, Brick and block pavers (wood, belgain and asphalt), Curb cutters and setters, Manhole or catch basin builder (brick, block, concrete or any prefabrication)	6.36	.30	.30			
Multi-plate pipe (aligning and securing)	6.55	.30	.30			
Placing wire mesh on gunite projects, Reinforcing steel placers (bending, aligning and securing)	7.70	.30	.30			
Welder (pipeline)	5.69	.30	.30			
Tunnel and Shaft Work (Inside):						
Change house attendant	6.93	.30	.30			
Muckers, Brakemen and all other labor (inlcudes installation of utility lines), Signal man, Drill runner helper	6.24	.30	.30			
Miners and drillers (including lining, supporting and form workmen, setting of shields, miscellaneous equipment & jumbos)	6.36	.30	.30			
Caisson and tunnel men under pressure (0-18 pounds)	5.55	.30	.30			
Reinforcing steel placers (bending, aligning and securing)	7.11	6%	3%			
Carpenters	7.36	6%	3%			
Carpenters-welders	7.05	.423	.705			
Cement masons	7.96	5%	6%			
Piledrivermen						

BUILDING CONSTRUCTION POWER EQUIPMENT OPERATORS:	PA-2-FEO-1-H 1 of 4				
	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS			
		H & W	PENSIONS	VACATION	APP. TR.
Austin-Western or similar type up to 25 ton, auto grader (CMI or similar), backhoe, batch plant, cableway, caison drill, central mix plant, cranes (excluding overhead), cranes tower (mobile), cranes tower (stationary), crane tower (climbing type), derrick traveler (self-propelled), derrick (all types), derrick boats, dragline, dredge, engineer- maintenance, franki or similar type pile driver, gradall (remote control or otherwise), helicopter & helicopter hoist when used for erection purposes), hi-lift 4 yds or over, hoist-hod (2 cages up to 10 floors), hoist-single cage with Chicago boom attached, hoist 50 ft. or over), hoist (slipform jobs), hop-to or similar type with 180 swing, hop-to or similar type with 360 swing, kocal, koehring scooper, metro chip harvester or similar type, mix mobile or similar type (with self-loading attachment), mix mobile or similar type, mucking machine (tunnel), multiple bowl machines, pile driver (sonic or similar type), post driver-guard rail (truck mounted), post driver- guard rail (skid type), pumpkrete- mobile or similar type, Quad Kine, shovels (all types), slip form paver (CMI or similar), tractors- boom mounted (all types), tractors (all types with hydraulic backhoe attached), tug boat, Whirley,	8.975	.35	.20		.04
Austin-Western or similar type up to 25 ton with jib, Austin-Western or similar type 25 ton or over with jib, cranes (boom or mast 100 ft. or over up to & including 150 ft.), cranes-mobile (any type 15 ton or over placed on any bldg. structure)	9.225	.35	.20		.04
Cranes (boom or mast over 150 ft. up to & including 200 ft.) engineer-lead	9.675	.35	.20		.04
Cranes (boom or mast over 200 ft.)	9.725	.35	.20		.04

BUILDING CONSTRUCTION POWER EQUIPMENT OPERATORS: (CONT'D)	PA-2-FEO-1-H 2 of 4				
	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS			
		H & W	PENSIONS	VACATION	APP. TR.
Asphalt plant op., athey loader, auger-truck, truck or tractor mounted, back filling machine, boat-material or personnel carrying (powered), boat- job work (inboard or outboard), bulldozer, cable layer, compactor with blade, compressors-2, compressor and air pump, compressor and air tugger, compressor & gunite machine (combination), compressor & sand blasting machine (combination), concrete belt placer, crane-overhead, crushing and screening plants, drill-core (truck or skid mounted), drill-Davey or similar type, drill- well & core (truck mounted), elevator, euclid loader, excavating equipment (all other), forklift- Lull or similar, generators- 2, grader, grader- elevating, greaser-equipment (head), hi-lift- less than 4 yds., hoist- one drum (4 floors or over), hoist- hod (bldgs., 4 floors or more), hoist (2 drums or more in one unit), jumbo op., locomotive, lift slab machine (hydraulic), mixer- paving, mucking machine, pipe cleaning machine, refrigeration plant, ross carrier (or similar type), scoop (single bowl) self-powered & tractor drawn), spreader-concrete, asphalt and stone, tower mobile (hoisting or lowering material, trencher, welding machines (up to and including 4 well point systems, two small machines, grout pump (10 H.P. or over), paver op., asphalt (spreader), pumpkrete or similar type (not self-propelled), pumpkrete machine op., (stationary), tire repairman, welder (repairman	8.825	.35	.20		.04
Conveyors 4 units or more	8.75	.35	.20		.04

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BUILDING CONSTRUCTION

POWER EQUIPMENT OPERATORS: (Cont'd)	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHER
Boiler, compactor (ridden or self-propelled), concrete finishing machine & spreader, crane, carry, curb builder (self-propelled), drill well drill & horitontal (self-propelled) & self-contained, elevator, forklifts (ridden or self-propelled, hoist one drum (regardless of power used), pavement breaker (self-propelled or ridden), pipe dream, roller, saw concrete, soil stabilizer (pump type), stone crusher, stone spreader self-propelled, tractors (when used for snaking and hauling), tube finisher C.M.I. or similar type, tugger, truck winch truck or hydraulic boom (when hoisting and placing), all other minor equipment, ballast regulator, boring machine, broom power (except push type), compressor-single (regardless of power used), conveyor - over 1 and up to 3 units (regardless of power used), form line machine, generator (over 5KW), hoists monorail (regardless of power used), hoist roof (regardless of power used), huck machine or similar type, mixer concrete (regardless of power used), mixer mortar-over 10 c.f. (regardless of power used), pump (over 1½" discharge, regardless of power used), spray cure machine (power driven), steam Jenny (or similar type), syphon (steam or air) welding machine single (300 Amp or over), plant, private or industrial air or steam valve Compressor - 65 c.f. or under (regardless of power used), conveyor 1 unit (regardless of power used), grout pump (under 10 HP), heaters - up to & including 6, jack motor hydraulic (single type) power driven, ladavator, mixer mortar (10 c.f. or under, mulching machine, pin puller (powered), pulverizer, pump - 1½" discharge or less, seeding machine, spreader side delivery shoulder (attachment), tie tamper (multiple heads), tractor farm (when used or landscaping), water blaster, oiler - truck crane 50 ton or over	8.25	.35	.20		.04	
	7.50	.35	.20		.04	

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BUILDING CONSTRUCTION

POWER EQUIPMENT OPERATORS: (Cont'd)	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHER
Brake man, deck hand, helicopter signalman, oiler, mechanic helper	7.25	.35	.20		.04	
Crane truck oiler and fireman	7.35	.35	.20		.04	

AP-479 P. 9 — PA-2-PEO-2-3-G (1-2)

HEAVY & HIGHWAY CONSTRUCTION

POWER EQUIPMENT OPERATORS:	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Oth
Austin Western or Similar (25 ton & over) Austin Western or Similar (under 25 ton) Autograder (C.M.I. & similar) Backfiller, Backhoe - 360° Swing, Cableway, Caisson Drill (Similar to Hugh Williams) Central Mix Plant, Cooling Plant, Concrete Paving Mixer, Cranes, Cranes (Tower - Stationary-Climbing Tower Crane) Derrick, Derrick Boat, Dragline, Dredge, Dredge Hydraulic (1 Leverman - 1 Oiler - Apprentice) Elevating Grader, Franki Pile Machine, Gradall (Remote control or otherwise) Grader (Power-Fine Grade) Guard Rail Post Driver (Truck Mtd.) Guard Rail Post Driver (Skid Type) (Self Propelled - Arrow or similar) Helicopter (over 1500 lb. lift) Helicopter (under 1500 lb. lift) Hilift (4cy. and over) Hoists 2 Drums or more (in one unit) Koehl, Koering Skooper, Lead Mechanic, Locomotive (std. Gauge) Mix Mobile, Mix Mobile (with self loading Attachment) Mucking Machine (Tunnel) Pile Driver Machine, Pipe Extrusion Machine, Presplitter Drill (Self Contained) Quad Nine, Refrigeration Plant (Soil stabilization) Scraper (Multi-bowl) Shovel - Power, Slip Form Paver C.M.I. and similar) Trenching Machine (30,000 lb. and over) Trenching Machine (under 30,000 lb.) Tunnel Machine (Mark XXI Jarva or similar) Whitley	$7.73	.35	.50		.04	
Asphalt Paving Machine (Spreader) Asphalt Plant Operator, Athey Loader, Auger (Tractor Mtd,) Auger (Truck Mtd.) Backhoe (Rear Pivotal Swing) (180° Swing) Boring Machine, Cable Placer or Layer, Compactor with blade, Concrete Batch Plant (Electronically Synchronized) Concrete Belt Placer (C.M.I. and Similar) Concrete Mixer (over 1 cy.) Concrete Pump, Core Drill (Truck or skid Mtd. - similar to Penn Drill) Dozer, Euclid Loader, Grader - Power, Grease Unit Operator (Head) Hilift (under 4 cy,) Job Work Boat (Powered)						

AP-479 P. 10 — PA-2-PEO-2-3-G

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Jumbo Operator, Locomotive (narrow guage) Mechanic, Minor Equipment Operator (Accumulative four units) Mucking Machine, Over-head Crane, Roller-power-asphalt, Ross Carrier, Scraper, Side Boom or tractor mounted boom, stone Crusher (Screening-Washing Plants) Stone Spreader (Self-propelled Truck Mounted Drill (Davey or similar) Welder and Repairman, Well Point Pump Operator	$7.47	.35	.50		.04
Compactors/Rollers (Static or Vibratory) (Self-propelled) Minor Equipment Operator (Two to three units) Soil Stabilizer Machine, Tire Repairman Tube Finisher (C.M.I. or similar) Well Driller and Horizontal	5.46	.35	.50		.04
Ballast Regulator, Compressor, Concrete Finishing Machine and Spreader, Concrete Mixer (1 cy. and under with Skip) Concrete Saw (Ridden or self-propelled) Conveyor, Curb Builder (Self-propelled) Elevator (Material hauling only) Forklift (Ridden or self-propelled) Form line Machine, Generator, Crout Pump, Heater (Mechanical) Hoist (single drum) Ladavator, Light Plant, Mulching Machine, Pavement Breaker (self-propelled or ridden) Personnel Boat (Powered) Pulveriser, Pumps, Seeding Machine, Spray Cure Machine (Power driven) Subgrader, Tie Puller, Tie Tamper (Multi-head) Tractor-snaking and hauling, Tugger, Welding Machine (Gas or Diesel) Winch or Hydraulic Boom Truck (when hoisting and placing)	5.01	.35	.50		.04
Deck Hand, Farm Tractor, Fireman on Boiler, Mechanic's Helper, Oiler, Power Broom, Side Delivery Shoulder Spreader	4.86	.35	.50		.04

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HEAVY & HIGHWAY CONSTRUCTION

TRUCK DRIVERS	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Oth
Trucks under 33,000 lbs. gross load category (including all types of trucks such as fuel, dump, flat bottom, pick-up, and similar equipment, parts man and warehousemen)	$5.70	6%	3.5%			
Trucks over 33,000 lbs. gross load category (including all types of trucks such as fuel, dump (tandem), flat bottom, scissors, and combination fuel and grease)	5.85	6%	3.5%			
Tri-axle trucks	5.93	6%	3.5%			
Heavy equipment whose capacity exceeds that for which state licenses are issued - specifically refers to units in excess of 8 ft. width (such as euclids: end or belly dump, single twin-engined or tandem: athey wagon: pay loader, tournawagons, and similar equipment when not self-loaded rated under forty-five tons)	5.93	6%	3.5%			
Heavy off-the-road equipment (rated at forty-five tons or over)	6.03	6%	3.5%			
Heavy duty trailer, such as low boy, hi-boy, pole trailer, A-Frames (when used for transporting materials), dumpsters, ross carriers, form trucks, dual-purpose trucks (when load has been loaded or unloaded with truck winch, loading, hauling and unloading), mechanical tailgate trucks, bucket self-loading trucks, farm tractors (when pulling and hauling), fork lift trucks (in storage areas and warehouses)	6.01	6%	3.5%			
Single-axle Ready-Mixed Concrete Trucks (such as agitators, barrel, redi-mix concrete trucks, etc.)	5.75	6%	3.5%			
Tandem-axle Ready-Mixed Concrete Trucks (such as agitators, barrel, redi-mix concrete trucks, etc.)	5.85	6%	3.5%			
Tri-axle Ready-Mixed Concrete Trucks (such as agitators, barrel, redi-mix concrete trucks, etc.)	5.93	6%	3.5%			
Ready-mixed Concrete Trucks with towed or built-in attachments (10¢ per hour additionsl to respecitve size truck						
Tar and Asphalt Distributing trucks (all liquid tank trucks, straight and semi, including water, sprinkler, oil trucks, etc.)	5.85	6%	3.5%			
Tar and Asphalt Trailer Trucks	5.93	6%	3.5%			
Trucks with Dolly or Trailer	5.80	6%	3.5%			
Bottom or Belly-Dump Trucks	6.03	6%	3.5%			

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BUILDING CONSTRUCTION

	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Oth
Truck Drivers:						
Warehousemen, service trucks (pick-up, jeep, station wagon, panel truck)	$5.855	.30	.30	a		
Dumps and flat tops	5.905	.30	.30	a		
Transit-mix, single axle	5.93	.30	.30	a		
Transit-mix, tandem	5.93	.30	.30	a		
Distributed truck over 33,000 lbs. gross weight	5.905	.30	.30	a		
Distributed truck up to 33,000 lbs. gross weights	6.055	.30	.30	a		
Heavy duty trailers with high bed, 4 wheels	5.955	.30	.30	a		
Heavy duty trailers with low bed, 6 to 16 wheels	6.255	.30	.30	a		
Trucks with dolly	6.055	.30	.30	a		
Euclids or equivalent	6.055	.30	.30	a		
Truck with dump trailers or tandems	6.055	.30	.30	a		
Winch trucks	6.23	.30	.30	a		
Towing equipment off job site	6.055	.30	.30	a		

FOOTNOTE:

a. Paid Holidays: New Year's Day; Memorial Day; Independance Day; Labor Day; Thanksgiving Day; Christmas Day and Veterns Day & Good Friday, provide the employee is available for work the day before and the day after the holiday and has been employed by the employer a minimum of 40 hours each calendar month for two consecutive months.

SUPERSEDEAS DECISION

STATE: Pennsylvania COUNTY: Franklin
DECISION NO.: AP-480 DATE: Date of Publication
Supersedes Decision No. AM-1,894, dated August 20, 1971, in 36 FR 16276.
DESCRIPTION OF WORK: Building construction, (excluding single family homes and garden type apartments up to and including 4 stories), Heavy & Highway Construction

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BUILDING CONSTRUCTION (CONT'D)

	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Other
Sheet metal workers	$7.95	.30	.50			
Soft floor layers	7.45	4%	4%	4%		
Steamfitters	8.60	.30	.30		.12	
Sprinkler fitters	8.75	.30	.50		.05	
Welders - receive rate prescribed for craft performing operation to which welding is incidental.						

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BUILDING CONSTRUCTION

	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Other
Asbestos workers	$7.83	.30	.30			
Boilermakers	8.50	.40	.90		.01	
Bricklayers and stonemasons	5.60					
Bricklayers (underground work)	5.85					
Carpenters	7.45	4%	4%	4%		
Cement masons	7.065	.20	.25			
Electricians	8.56	.35	17+.11		3%	
Glaziers	5.64	.20	.10		.01	
Ironworkers, Structural	8.14	.47	1.03		.05	
Ironworkers, Ornamental	8.14	.47	1.03		.05	
Ironworkers, Reinforcing	8.14	.47	1.03		.05	
Laborers:						
Laborers	5.53	.30	.30			
Plasterers' tenders	5.58	.30	.30			
Blasters	6.13	.30	.30			
Lathers	5.41	.16	.15		.01	
Line Construction:						
Linemen and cable splicers	8.42	.15	1%		.5%	
Groundmen	5.05	.15	1%		.5%	
Winch truck operator	5.89	.15	1%		.5%	
Marble setters	5.60					
Marble setters' helpers	4.455	.125				
Millwrights	6.95	4%	3½%	2½%	9/10%	
Painters:						
Townships of Metal, Letterkenny, Hamilton, Greene, S. Hampton, Lurgan and Fannett, Chambersburg and Shippensburg, Orinda & Tempo Boroughs:						
Brush	6.37	.18	.15			
Structural steel	6.82	.18	.15			
Spray	7.12	.18	.15			
Tank, bridge and stack	7.62	.18	.15			
Painters (Remainder of County):						
Brush	5.85	.25	.15			
Structural steel	6.40	.25	.15			
Spray	6.40	.25	.15			
Plasterers	7.15	.20	.25		.01	
Plumbers	8.60	.30	.30		.12	
Piledrivermen	8.65	4%	5%		.5 of 1%	
Roofers:						
Roofers	5.55	.35	.30			
Precast slabs	6.35	.35	.30			
Slate and tile	6.00	.35	.30			
Sheeters	6.35	.35	.30			
Asphalt and asbestos shinglers	6.00	.35	.30			
Wood block layers	6.35	.35	.30			

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BUILDING CONSTRUCTION	Basic Hourly Rate	Fringe Benefit Payments H & W	Pension	Vacation	Apr. Tr.	Other
POWER EQUIPMENT OPERATORS:						
Austin-Western or similar type up to 25 ton, auto grader (CMI or similar), backhoe, batch plant, cableway, caisson drill, central mix plant, cranes (excluding overhead), cranes tower (mobile), crane tower (stationary), crane tower (climbing type), derrick traveler (self-propelled), derrick (all types), derrick boats, dragline, dredge, engineer-maintenance, franki or similar type pile driver, gradall (remote control or otherwise), helicopter & helicopter hoist when used for erection purposes), hi-lift 4 yds. or over, hoist-hod (2 cages up to 10 floors), hoist-single cage with Chicago boom attached, hoist (50 ft. or over), hoist (slipform jobs), hop-to or similar type with 180 swing, hop-to or similar type with 360 swing, kocal, koehring scooper, metro chip harvester or similar type, mix mobile or similar type (with self-loading attachment), mix mobile or similar type, mucking machine (tunnel), multiple bowl machines, pile driver (sonic or similar type), post driver-guard rail (truck mounted), post driver-guard rail (skid type), pumpkrete-mobile or similar type, Quad Nine, shovels (all type), slip form paver (CMI or similar), tractors-boom mounted (all types), tractors (all types with hydraulic backhoe attached), tug boat, Whirley	$8.975	.35	.20		.04
Austin-Western or similar type up to 25 ton with jib, Austin-Western or similar type 25 tons or over with jib, cranes (boom or mast 100 ft. or over up to & including 150 ft.), cranes-mobile (any type 15 ton or over placed on any building structure	9.225	.35	.20		.04
Cranes (boom or mast over 150 ft. up to & including 200 ft.) engineer-lead	9.475	.35	.20		.04
Cranes (boom or mast over 200 ft.)	9.725	.35	.20		.04
Asphalt plant op., athoy loader, auger-truck, truck or tractor mounted, back filling machine, boat-material or personnel carrying (powered), boat-job work (inboard or outboard), bulldozer, cable layer, compactor with blade, compressors-2, compressor and air pump, compressor and air tugger, compressor & gunnite machine (combination), compressor & sandblasting machine (combination), concrete bolt placer, crane-overhead, crushing and screening plants, drill-core (truck or skid mounted), drill-Davey or similar type, drill -well & core (truck mounted), elevator euclid loader, excavating equipment (all other), forklift-Lull or similar, generators-2, grader, grader-elevating, greaser-equipment (hoad), hi-lift-less than 4 yds., hoist-one drum (4 floors or over), hoist-hod (bldgs., 4 floors or more), hoist (2 drums or more in one unit), jumbo op., locomotive, lift slab machine (hydraulic), mixer-paving, mucking						

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BUILDING CONSTRUCTION	Basic Hourly Rate	Fringe Benefit Payments H & W	Pension	Vacation	Apr. Tr.	Other
POWER EQUIPMENT OPERATORS (CONT'D):						
machine, pipe cleaning machine, refrigeration plant, ross carrier (or similar type), scoop (single bowl) self-powered & tractor drawn), spreader-concrete, asphalt and stone, tower mobile (hoisting or lowering material, trencher, welding machines (up to two small machines, grout pump (10 H.P. or over) paver op., asphalt (spreader), pumpkrete machine op., (stationary), tire repairman, welder (repairman)	8.825	.35	.20		.04
Conveyors 4 units or more	8.35	.35	.20		.04
Oiler, compactor (ridden or self-propelled), concrete finishing machine & spreader, crane, carry, curb builder (self-propelled), drill well drill and horizontal (self-propelled and self-contained, elevator, forklifts (ridden or self-propelled, hoist one drum (regardless of power used), pavement breaker (self-propelled or ridden), pipe dream, roller saw concrete, soil stabilizer (pump type), stone crusher, stone spreader self-propelled, tractors (when used for snaking and hauling), tube finisher G.N.I. or similar type, tugger, truck winch truck or hydraulic boom (when hoisting and placing), all other minor equipment	7.85	.35	.20		.04
Ballast regulator, boring machine, broom power (except push type), compressor-single (regardless of power used), conveyor-over 1 and up to 3 units (regardless of power used), form line machine, generator (over 5KW) hoists monorail (regardless of power used), hoist roof (regardless of power used), hunk machine or similar type, mixer concrete (regardless of power used), mixer mortar-over 10 c.f. (regardless of power used) pump (over 1-½" discharge, regardless of power (used) spray cure machine (power driven) steam Jenny (or similar type) syphon (steam or air) welding machine single (300 Amp or over) plant, private or industrial air or steam valve	7.60	.35	.20		.04
Compressor - 65 c.f. or under (regardless of power used) conveyor 1 unit (regardless of power used) heat-up to & including 6, jack motor, hydraulic (single type) power drivern, ladavator, mixer mortar (10 c.f. or under, mulching machine, pin puller (powered), pulverizer, pump-1½" discharge or less, seeding machine, spreader side delivery shoulder (attachment tie tamper (multiple heads), tractor farm (when used on landscaping) water blaster, oiler-truck crane 50 ton or over, brake man, deck hand, helicopter, signalman, oiler, mechanic helper	6.85	.35	.20		.04
Crane truck oiler and fireman	6.95	.35	.20		.04
Oiler - truck crane 50 ton or over	7.10	.35	.20		.04

PA-5-LAB-1-2-3-L

HEAVY & HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefit Payments H & W	Pension	Vacation	Apr. Tr.	Other
Laborers:						
Construction laborer (including tenders, handling salamanders, L.P. gas heaters or similar, etc.), Air or electric impacter wrench, Air tamper operator, Asphalt tampers, Batchman (weigh), Blaster's helper, Blower man (bulk cement), Brakeman, Cofier dam, Concrete pitman, puddler including vibrator operators, Drill runner's helper (includes drill mounted on truck, track or similar and Davey drills (spots-clean-up & helps to maintain), Fence construction, Form stripper and mover, Hydro-Jet blaster nozzleman, Manually moved emulsion sprayer, Radio actuated traffic control operator (non-automatic), Rip rap work, Scaffolds and runways (as per agreement of record), Sheeters and shorers, structural concrete top surfacer, Walk behind street sweeper, Welder's helper (pipeline), Wood chipper	$5.39	.30	.30			
Asphalt, batch and concrete plant operator (manually operated), Asphalt rakers, Burner, Caisson men (open air), carryable pumps, Chain saw operator, Chipping hammer or similar (air or otherwise), Combination tamper and vibrator, Concrete buster (paving breaker), Cribbing (concrete or steel), Curb machine operator (asphalt and concrete), (walk behind), Earth drill, Fork lift (walk behind), Form setter (road forms line man), Handyman, Highway slab reinforcement placers (incl. joint and basket setter), Hydraulic pipe pusher, Jack hammer operator, Liner plates (tile or vitrified clay), Manually operated diamond head core drill, Mechanical joint sealer, Dope pot, and Tar kettle, Mortar mixer (hand or machine), Pile drivers or puller (power-highway), Pipe layers, Plant set-up, Maintenance men, Portable single unit conveyor, Post hole auger (2 or 4 cycle) (hand operated), Power fence operator, Power wheelbarrows and buggies, Rail porter, or similar, Screed operator						

PA-5-LAB-1-2-3-L

HEAVY & HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefit Payments H & W	Pension	Vacation	Apr. Tr.
Laborers (cont'd):	$5.64	.30	.30		
Signal man, Checker					
All Railroad Track Work:					
Adzing machine, Ballast router, Belting machine, Power jacks, Rail drills, Rail road brakeman, Rail saws, Spike driver & Spike pullers, Tamping machine	5.64	.30	.30		
Cement mortar lining car pusher, Cement mortar mixer (pipe relining), Cement saw operator (walk behind), Form setter (road forms-lead man), Grout machine operator, Gunnite (nozzle and machine man), Paving block rammers, Wagon drill (air track or similar) operators, Walk behind power rollers (1 or 2 barrel), Walk behind roller and tamper, Walk behind ditching machine(trencher or similar)	5.93	.30	.30		
Blacksmith, Blaster, Brick and block pavers (wood, belgian and asphalt), Curb cutters and setters, Manhole or catch basin builder (brick, block, concrete or any prefabrication)	6.05	.30	.30		
Multi-plate pipe (aligning and securing), Placing wire mesh on gunite projects, Reinforcing steel placers (bending, aligning and securing)	6.55	.30	.30		
Welder (pipeline	7.70	.30	.30		
Tunnel and Shaft Work (Inside)					
Change house attendant	5.36	.30	.30		
Muckers, Brakeman and all other labor (includes installation of utility lines), Signal man, Drill runner helper	5.64	.30	.30		
Miners and drillers (including lining, supporting and form workmen, setting of shields, miscellaneous equipment & jumbos)	5.93	.30	.30		
Caisson and tunnel man under pressure (0-18 pounds)	6.05	.30	.30		
Reinforcing steel placers (bending, aligning and securing)	6.55	.30	.30		
Carpenters	6.76	6%	3%		
Cement masons	7.05	.423	.705		
Piledrivermen	7.96	5%	6%		

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HEAVY AND HIGHWAY CONSTRUCTION

PA-5-PEO-2-3- E (1-2)

POWER EQUIPMENT OPERATORS:	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Austin-Western or similar (25 ton & over) Austin-Western or similar (under 25 ton) autograder (C.M.I. & similar) backfiller, backhoe - 360° swing, cableway, caisson drill (similar to Hugh Williams) central mix plant, cooling plant, concrete paving mixer, cranes, cranes (tower-stationary-climbing tower crane) derrick, derrick boat, dragline, dredge, dredge hydraulic (1 leverman - 1 oiler - 1 apprentice) elevating grader, franki pile machine, gradall (remote control or otherwise) grader (power - fine grade) guard rail post driver (truck Mtd.) guard rail post driver (skid type) (self-propelled-Arrow or similar) helicopter (over 1500 lb. lift) Helicopter (under 1500 lb. lift) hi-lift (4 cy. and over) hoist 2 drums or more (in one unit) koeal, koering skooper, lead mechanic, locomotive (std. guage) mix mobile, mix mobile (with self-loading attachment) mucking machine (tunnel) pile driver machine, pipe extrusion machine, prespiltter drill (self-contained) quad nine, refrigeration plant (soil stabilization) scraper (multi-bowl) shovel - power, slip form paver (C.M.I. and similar) trenching machine (30,000 lbs. and over) trenching machine (under 30,000 lbs.) tunnel machine (Mark XXI Jarva or similar) Whirley	$7.44	.35	.50		.04
Asphalt paving Machine (Spreader) asphalt plant op., athey loader auger (tractor Mtd.) auger (truck Mtd.) backhoe (rear pivotal swing) (180° swing) boring machine, cable placer or layer, compactor with blade, concrete batch plant (electronically synchronized) concrete belt placer (C.M.I. and similar) concrete mixer (over 1 cy.) concrete pump, core drill (truck or skid Mtd. - similar to Penn drill) dozer, euclid loader, grader-power, grease unit operator (head) hi-lift (under 4 cy.) job work boat (powered), jumbo operator, locomotive (narrow guage)	$7.44	.35	.50		.04

PA-5-PEO-2-3-E (2-2)

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
mechanic, minor equipment operator (accumulative four units) mucking machine, over-head crane, roller - power - asphalt ross carrier scraper side boom or tractor mounted boom stone crusher (screening - washing plants) stone spreader (self-propelled) truck mounted drill (Davey or similar) welder and repairman, well point pump operator	$7.16	.35	.50		.04
Compactors/Rollers (static or vibratory (self-Propelled) minor equipment operator (two to three units) soil stabilizer machine, tire repairman, tube finisher (C.M.I. or similar) well driller and horizontal	5.17	.35	.50		.04
Ballast regulator, compressor, concrete finishing machine and spreader, concrete mixer (1 cy. and under with skip) Concrete saw (ridden or self-propelled) elevator (material hauling only) forklift (ridden or self-propelled) form line machine, generator, crout pump, heater (mechanical) hoist (single drum) ladavator, light plant, mulching machine, pavement breaker (self-propelled or ridden) personnel boat (powered) pulvertizer, pumps, seeding machine, spray cure machine (power driven) subgrader tie puller, tie tamper (multi-head) tractor - sanking and hauling, tugger welding machine (gas or diesel) winch or hydraulic boom truck (when hoisting and placing)	4.68	.35	.50		.04
Deck hand, farm tractor, fireman on boiler, mechanic's helper, oiler, power broom, side delivery shoulder spreader	4.57	.35	.50		.04

HEAVY & HIGHWAY CONSTRUCTION

TRUCK DRIVERS:

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Trucks under 33,000 lbs. gross load category (including all types of trucks such as fuel, dump, flat bottom, pick-up, and similar equipment, parts man and warehouseman)	$5.45	6%	3.5%		
Trucks over 33,000 lbs. gross load category (including all types of trucks such as fuel, dump (tandem), flat bottom, scissors, and combination fuel and grease)	5.64	6%	3.5%		
Tri-axle trucks	5.75	6%	3.5%		
Heavy equipment whose capacity exceeds that for which state licenses are issued - specifically refers to units in excess of 8 ft. width (such as euclids: end or belly dump, single twin-engined or tandem: athey wagon; pay loader, tournawagons, and similar equipment when not self-loaded rated under forty-five tons)	5.75	6%	3.5%		
Heavy off-the-road equipment (rated at forty-five tons or over)	5.85	6%	3.5%		
Heavy duty trailer, such as low boy, hi-boy, pole trailer, A-Frames (when used for transporting materials), dumpsters, ross carriers, form trucks, dual-purpose trucks (when load has been loaded or unloaded with truck winch, loading, hauling and unloading), mechanical tailgate trucks, bucket self-loading trucks, farm tractors (when pulling and hauling), fork lift trucks (in storage areas and warehouses)	5.81	6%	3.5%		
Single-axle Ready-Mixed Concrete Trucks (such as agitators, barrel, redi-mix concrete trucks, etc.)	5.49	6%	3.5%		
Tandem-axle Ready-Mixed Concrete Trucks (such as agitators, barrel, redi-mix concrete trucks, etc.)	5.59	6%	3.5%		
Tri-axle Ready-Mixed Concrete Trucks (such as agitators, barrel, redi-mix concrete trucks, etc.)	5.75	6%	3.5%		
Ready-mixed Concrete Trucks with towed or built-in attachments (10¢ per hour additional to respective size truck					
Tar and Asphalt Distributing trucks (all liquid tank trucks, straight and semi, including water, sprinkler, oil trucks, etc.)	5.64	6%	3.5%		
Tar and Asphalt Trailer Trucks	5.75	6%	3.5%		
Trucks with Belly or Trailer Bottom or Belly-Dump Trucks	5.60	6%	3.5%		
	5.85	6%	3.5%		

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SUPERSEDEAS DECISION

STATE: Tennessee COUNTY: Knox
DECISION NUMBER: AP-154 DATE: Date of Publication
Supersedes Decision No. AM-8,621 dated June 9, 1972, in 37 FR 11629
DESCRIPTION OF WORK: Building Construction, (excluding single family homes and garden type apartments up to and including 4 stories).

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BUILDING CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Asbestos workers	$7.60	.25	.15		.03	
Boilermakers	6.85	.30	.50		.01	
Bricklayers and Stonemasons	7.07				.02	
Carpenters	6.18	.20			.02	
Cement masons	5.40				.02	
Electricians & Line Const.:						
Electricians and Linemen	7.20	.20	1%		.5%	
Cable splicers	7.60	.20	1%		.5%	
Elevator constructors	5.82	.17	.185	2%+a&b	.005	
Elevator constructors' helpers	70% JR	.17	.185	2%+a&b	.005	
Elevator constructors' helpers (prob.)	50% JR					
Glaziers	5.75		.25		.005	
Ironworkers:						
Structural & ornamental	6.525	.125	.10		.02	
Reinforcing	6.415	.125	.10		.02	
Fence erector	6.525	.125	.10		.02	
Lathers	6.20		.20		.01	
Leadburners	6.90	.30		o	.01	
Marble masons	7.07				.02	
Millwrights	6.63	.20			.02	
Painters:						
Commercial	6.00		.20		.02	
Industrial	6.35		.20		.02	
Piledrivermen	6.43	.20			.02	
Plasterers	6.85					
Plumbers and Steamfitters	6.65	.35	.45	.30+e	.05	
Roofers, composition	5.55		.15			
Roofers, slate & tile	5.60		.15			
Roofers' helpers	4.17		.15			
Sheet metal workers	7.25	.30	.30		.02	
Soft floor layers	6.18	.20			.02	
Sprinkler fitters	8.05	.30	.40		.05	
Terrazzo workers and tile setters	7.07				.02	
Truck drivers:						
3 tons, & inc. 4 yds., dump truck	4.28		d		.01	
3 to 5 tons, & inc. 6 yds., dump truck	4.48		d		.01	
5 tons, & over inc. dump truck over 6 yds., ready mix conc. truck, tank trucks, floats & lowboys, winch truck & semi-trailer	4.63		d		.01	
Welders-receive rate for craft performing operation to which welding is incidental.						

AP-154 P. 2

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:
a. Holidays: A through F.

b. Employer contributes 4% of regular hourly rate to Vacation Pay Credit for employes who has worked in business more than 5 years. Employer contributes 2% of regular hourly rate to Vacation Pay Credit for employee who has worked in business less than 5 years.

c. Holidays: A through F plus Washington's Birthday, Good Friday and Christmas Eve, providing employee has worked 45 full days during the 120 calendar days prior to the holiday, and the regularly scheduled work days immediately preceding and following the holiday.

d. $6.00 per week for each employee.

e. $.05 holiday pay.

AP-154 P. 3

Tenn.-1-LAB-G

BUILDING CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
LABORERS:						
Common laborer	$4.09	.10			.01	
Mortar mixer, plasterer tender	4.24	.10			.01	
Hod carriers, power buggies, yarner potman, grademan, snake man, form setter & strippers, pipelayers, asphalt raker, jackhammer op., air tool op., vibrator op., chain saw op., chain saw filer, barco tamp op.	4.24	.10			.01	
Acetylene burner	4.265	.10			.01	
Wagon drill operator	4.39	.10			.01	
Caisson hole man	4.89	.10			.01	
Powderman	4.59	.10			.01	
TUNNEL CONSTRUCTION:						
Outside laborer	4.09	.10			.01	
Tunnel laborer	4.49	.10			.01	
Chuck tender	4.64	.10			.01	
Concrete gun op., nozzleman	4.79	.10			.01	
Tunnel miner	4.89	.10			.01	

AP-154 P. 4

Tenn.-2-PEO-G 1 of 2

BUILDING CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
GROUP A						
Backhoes, cable ways, ross carrier, clamshells, cranes derricks, draglines, tournapulls, pans, scrapers, scoops, etc., head tower machines, locomotives (over 20 tons), shovels, mechanics & welders, winch trucks with A-frame, skimmer scoops, locomotives cranes, over-head cranes, pile drivers, skid rigs, side boom tractors, euclid loaders, hoist (any size handling steel or stone), derrick boats, dredge boats, engines used in connection with hoist material with an attached device on tower or engine, mucking machines, hi-lifts or end loaders, finish graders, cherry-pickers, tower cranes, skylift & gradall, dozers, earth augers and pole machine operators, core drill & foundation drills.	$5.98	.20	.20		.02	
GROUP B						
Tractors, farm type tractors with attachments, central compressor plants, elevators, used for hoisting building material, central mixing plants, hoist, pump crete machines, concrete pumps, trenching machines, backfillers (other than cranes), crushing plant operators, elevating graders, paving machines (black top), fork-lift, paving machines, (concrete), boat operator or engineer (30 tons or over) tractmobile, maintainers, blacktop roller, switchman, locomotive under 20 tons.	5.55	.20	.20		.02	
GROUP C						
Asphalt plant operators, barber green type loaders, engine tender other than steam, mixers, over 2 bags not to include central plants, pumps, 2 not more than 5, scarifiers, spreader box (bituminous), asphalt mixers, portable compressors, 2 not more than 3, rollers, sub-grader machine, tractors, farm type without attachments,						

37 FR 4183 MAR 2 XUM

AP-154, P. 5 Term.-2-PRO-G 2 of 2

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
BUILDING CONSTRUCTION						
GROUP C (CONT'D)						
cable head tower engineman, dredge booster pump operators, boat operator or engine, under 30 tons, finishing machine, fireman & oiler (combination), motor crane oiler & driver, welding machine (2 not more than 3), heaters, tenders, power saws (2), compressors, portable (2 not more than 3), greaser or fuel trucks	4.65	.20	.20		.02	
GROUP D						
Air compressor (1 portable), fireman, portable crushers, welding machine (1), conveyors, pumps (1), oiler, heater (1).	4.27	.20	.20		.02	

[FR Doc.73-3790 Filed 3-1-73;8:45 am]

INDEX TO AREA WAGE DETERMINATION DECISIONS AND MODIFICATIONS AS OF FEBRUARY 9, 1973

There is set forth below an Index to Area Wage Determination Decisions and Modifications as published in the FEDERAL REGISTER pursuant to the Davis-Bacon and related Acts. The Index lists Area Wage Determination Decisions and Modifications by State and County. An updated Index is published on the first Friday of each month.

The Index is published for the convenience of the public and the Department of Labor will endeavor to keep it accurate and up to date. In the event the data in the Index and published Area Decisions do not coincide, the published Area Decisions shall control.

ABBREVIATIONS

(B)—Building Construction
(D)—Dredging Construction
(F)—Flood Control Construction
(H)—Heavy Construction
(Hw)—Highway Construction
(R)—Residential Construction
Mod.—Modification

Signed at Washington, D.C., this 26th day of February 1973.

WARREN D. LANDIS,
Assistant Administrator,
Wage and Hour Division.

V38-41 MAR 2 73 XUM

ALABAMA

STATEWIDE
Decision #AM-8589 (D)
37 FR 5654 - 3-17-72
Mod. #1 - 37 FR 24506 - 11/17/72
AUTAUGA COUNTY
Decision #AP-119 (Hw)
37 FR 16733 - 8-18-72
Mod. #1 - 37 FR 24507 - 11/17/72
(D) - See Statewide
BALDWIN COUNTY
Decision #AM-554 (R)
36 FR 23101 - 12-3-71
Decision #AP-118 (Hw)
37 FR 18836 - 9/15/72
Mod. #1 - 37 FR 24507 - 11/17/72
(D) - See Statewide
BARBOUR COUNTY
(D) - See Statewide
(Hw) - See Autauga County
BIBB COUNTY
(D) - See Statewide
(Hw) - See Autauga County
BLOUNT COUNTY
Decision #AM-448 (R)
36 FR 16359 - 8-20-71
(D) - See Statewide
(Hw) - See Autauga County
BULLOCK COUNTY
(D)- See Statewide
(Hw)- See Autauga County
BUTLER COUNTY
(D)- See Statewide
(Hw)- See Augauga County
CALHOUN COUNTY
Decision #AP-117 (Hw)
37 FR 16732 - 8/18/72
Mod. #1 - 37 FR 24507 - 11/17/72
(D)-See Statewide
CHAMBERS COUNTY
(D)-See Statewide
(Hw)-See Autauga County
CHEROKEE COUNTY
(D)-See Statewide
(Hw)- See Autauga County
CHILTON COUNTY
(D)-See Statewide
(Hw)-See Autauga County
CHOCTAW COUNTY
(D)-See Statewide
(Hw)-See Autauga County

ALABAMA (Cont'd)

CLARKE COUNTY
(D) - See Statewide
(Hw) - See Autauga County
CLAY COUNTY
(D) - See Statewide
(Hw) - See Autauga County
CLEBURNE COUNTY
(D) - See Statewide
(Hw) - See Autauga County
COFFEE COUNTY
(D) - See Statewide
(Hw) - See Autauga County
COLBERT COUNTY
Decision #AP-116 (Hw)
37 FR 18835 - 9-15-72
Mod. #1 - 37 FR 24507 - 11/17/72
(D) - See Statewide
CONECUH COUNTY
(D) - See Statewide
(Hw) - See Autauga County
(R) - See Baldwin County
COOSA COUNTY
(D) - See Statewide
(Hw) - See Autauga County
COVINGTON COUNTY
(D) - See Statewide
(Hw) - See Autauga County
CRENSHAW COUNTY
(D) - See Statewide
(Hw) - See Autauga County
CULLMAN COUNTY
(D) - See Statewide
(Hw) - See Autauga County
DALE COUNTY
(D) - See Statewide
(Hw) - See Autauga County
DALLAS COUNTY
(D) - See Statewide
(Hw) - See Autauga County
DE KALB COUNTY
(D) - See Statewide
(Hw) - See Autauga County
ELMORE COUNTY
(D) - See Statewide
(Hw) - See Autauga County
ESCAMBIA COUNTY
(D) - See Statewide
(Hw) - See Autauga County

ALABAMA (Cont'd)

ETOWAH COUNTY
(D) - See Statewide
(Hw) - See Calhoun County
FAYETTE COUNTY
(D) - See Statewide
(Hw) - See Autauga County
FRANKLIN COUNTY
(D) - See Statewide
(Hw) - See Autauga County
GENEVA COUNTY
(D) - See Statewide
(Hw) - See Autauga County
GREENE COUNTY
(D) - See Statewide
(Hw) - See Autauga County
HALE COUNTY
(D) - See Statewide
(Hw) - See Autauga County
HENRY COUNTY
(D) - See Statewide
(Hw) - See Autauga County
HOUSTON COUNTY
(D) - See Statewide
(Hw) - See Autauga County
JACKSON COUNTY
(D) - See Statewide
(Hw) - See Autauga County
JEFFERSON COUNTY
Decision #AP-140 (B, Hw)
37 FR 25628 - 12/1/72
(D) - See Statewide
(R) - See Blount County
LAMAR COUNTY
(D) - See Statewide
(Hw) - See Autauga County
LAUDERDALE COUNTY
(D) - See Statewide
(Hw) - See Colbert County
LAWRENCE COUNTY
(D) - See Statewide
(Hw) - See Autauga County
LEE COUNTY
(D)-See Statewide
(Hw)-See Autauga County

ALABAMA (cont'd)

LIMESTONE COUNTY
(D)-See Statewide
(Hw)-See Autauga County
LOWNDES COUNTY
(D)-See Statewide
(Hw)-See Augauga County
MACON COUNTY
(D)-See Statewide
(Hw)-See Autauga County
MADISON COUNTY
(D)-See Statewide
(Hw)- See Colbert Countyy
MARENGO COUNTY
(D)-See Statewide
(Hw)-See Autauga County
MARION COUNTY
(D)-See Statewide
(Hw)-See Autauga County
MARSHALL COUNTY
(D)-See Statewide
(Hw)-See Autauga County
MOBILE COUNTY
Decision #AP-153 (B, Hw)
38 FR 4083 - 2/9/73
(D)-See Statewide
MONROE COUNTY
(D)-See Statewide
(Hw)-See Autauga County
MONTGOMERY COUNTY
Decision #AP-115 (B)
37 FR 16263 - 8/11/72
(D)-See Statewide
(Hw)-See Baldwin County
MORGAN COUNTY
(D)-See Statewide
(Hw)-See Colbert County
PERRY COUNTY
(D)-See Statewide
(Hw)-See Autauga County
PICKENS COUNTY
(D)-See Statewide
(Hw)-See Autauga County

ALABAMA (Cont'd)

PIKE COUNTY
(D)-See Statewide
(Hw)-See Autauga County
RANDOLPH COUNTY
(D)-See Statewide
(Hw)-See Autauga County
RUSSELL COUNTY
(D)-See Statewide
(Hw)-See Autauga County
SAINT CLAIR COUNTY
(D)-See Statewide
(Hw)-See Calhoun County
(R)-See Blount County
SHELBY COUNTY
(D)-See Statewide
(Hw)-See Calhoun County
(R)-See Blount County
SUMTER COUNTY
(D)-See Statewide
(Hw)-See Autauga County
TALLADEGA COUNTY
(D)-See Statewide
(Hw)-See Calhoun County
(R)-See Blount County
TALLAPOOSA COUNTY
(D)-See Statewide
(Hw)-See Autauga County
TUSCALOOSA COUNTY
(D)-See Statewide
(Hw)-See Calhoun County
WALKER COUNTY
(D)-See Statewide
(Hw)-See Calhoun County
WASHINGTON COUNTY
(D)-See Statewide
(Hw)-See Autauga County
WILCOX COUNTY
(D)-See Statewide
(Hw)-See Autauga County
WINSTON COUNTY
(D)-See Statewide
(Hw)-See Autauga County

ALASKA

AREA I (North of the 63rd Parallel)
Decision #AP-251 (B, H, Hw, D)
37 FR 25118 - 11/25/72
Decision #AP-252 (R)
37 FR 25124 - 11/25/72
AREA II (South of the 63rd Parallel & West of the 141st Meridian)
Decision #AM-2506 (B, H, Hw, D)
36 FR 17168 - 8/27/72
Mod. #1 - 37 FR 6128 - 3/24/72
Mod. #2 - 37 FR 20385 - 9/29/72
Mod. #3 - 37 FR 25103 - 11/25/72
Mod. #4 - 38 FR 2568 - 1/26/73
Decision #AM-6726 (R)
37 FR 9157 - 5/5/72
Mod. #1 - 37 FR 17307 - 8/25/72
Mod. #2 - 37 FR 20385 - 9/29/72
Mod. #3 - 37 FR 25103 - 11/25/72
Mod. #4 - 38 FR 2568 - 1/26/73
AREA III (East of the 141st Meridian)
Decision #AM-2507 (B, H, Hw, D)
36 FR 17173 - 8/27/71
Mod. #1 - 37 FR 6168 - 3/24/72
Mod. #2 - 37 FR 20385 - 9/29/72
Mod. #3 - 37 FR 25103 - 11/25/72
Mod. #4 - 38 FR 2568 - 1/26/73
Decision #AM-6727 (R)
37 FR 9160 - 5/5/72
Mod. #1 - 37 FR 17307 - 8/25/72
Mod. #2 - 37 FR 20385 - 9/29/72
Mod. #3 - 37 FR 25103 - 11/25/72
Mod. #4 - 37 FR 2568 - 1/26/73

ARIZONA

STATEWIDE
Decision #AP-258 (H, Hw)
38 FR 1440 - 1/12/73
APACHE COUNTY
(H, Hw) - See Statewide
COCHISE COUNTY
(H, Hw) - See Statewide
Decision #AP-222 (B)
37 FR 16744 - 8/18/72
Mod. #1 - 37 FR 19871 - 9/22/72
Mod. #2 - 37 FR 21695 - 10/13/72
Mod. #3 - 37 FR 23497 - 11/3/72
Mod. #4 - 38 FR 2007 - 1/19/73

ARIZONA

COCONINO COUNTY
(H, Hw) - See Statewide
GILA COUNTY
(H, Hw) - See Statewide
GRAHAM COUNTY
(H, Hw) - See Statewide
MARICOPA COUNTY
(H, Hw) - See Statewide
Decision #AP-221 (B)
37 FR 16737 - 8/18/72
Mod. #1 - 37 FR 21217 - 10/6/72
Mod. #2 - 37 FR 21694 - 10/13/72
Mod. #3 - 38 FR 2007 - 1/19/73
Decision #AP-259 (R)
38 FR 2022 - 1/19/73
MOHAVE COUNTY
(H, Hw) - See Statewide
NAVAJO COUNTY
(H, Hw) - See Statewide
PIMA COUNTY
(H, Hw) - See Statewide
(B) - See Cochise County
Decision #AP-260 (R)
38 FR 2027 - 1/19/73
PINAL COUNTY
(H, Hw) - See Statewide
SANTA CRUZ COUNTY
(H, Hw) - See Statewide
YAVAPAI COUNTY
(H, Hw) - See Statewide
YUMA COUNTY
(H, Hw) - See Statewide

ARKANSAS

STATEWIDE
Decision #AP-701 (Hw)
38 FR 4078 - 1/19/73
Decision #AM-8,589 (D)
37 FR 5654 - 3-17-72
Mod. #1 - 37 FR 24506 - 11/17/72

ARKANSAS COUNTY
(Hw) - See Statewide
(D) - See Statewide
Decision #AP-701 (Hw)
37 FR 5654 - 3-17-72
Mod. #1 - 37 FR 8601 - 4-28-72
Mod. #2 - 37 FR 24506 - 11/17/72

ASHLEY COUNTY
(Hw) - See Statewide
(D) - See Statewide
(F) - See Arkansas County

BAXTER COUNTY
(Hw) - See Statewide
(D) - See Statewide
(F) - See Arkansas County

BENTON COUNTY
(Hw) - See Statewide
(D) - See Statewide
(F) - See Arkansas County

BOONE COUNTY
(Hw) - See Statewide
(D) - See Statewide
(F) - See Arkansas County

BRADLEY COUNTY
(Hw) - See Statewide
(D) - See Statewide
(F) - See Arkansas County

CALHOUN COUNTY
(Hw) - See Statewide
(D) - See Statewide
(F) - See Arkansas County

CARROLL COUNTY
(Hw) - See Statewide
(D) - See Statewide
(F) - See Arkansas County

CHICOT COUNTY
(Hw) - See Statewide
(D) - See Statewide
(F) - See Arkansas County

CLARK COUNTY
(Hw) - See Statewide

ARKANSAS (Cont'd)

CLARK COUNTY (Cont'd)
(D) - See Statewide
(F) - See Arkansas County

CLAY COUNTY
(Hw) - See Statewide
(D) - See Statewide
(F) - See Arkansas County

CLEBURNE COUNTY
(Hw) - See Statewide

CLEVELAND COUNTY
(Hw) - See Statewide
(D) - See Statewide
(F) - See Arkansas County

COLUMBIA COUNTY
(Hw) - See Statewide
(D) - See Statewide
(F) - See Arkansas County

CONWAY COUNTY
(Hw) - See Statewide
(D) - See Statewide
(F) - See Arkansas County

CRAIGHEAD COUNTY
(Hw) - See Statewide
(D) - See Statewide
(F) - See Arkansas County

CRAWFORD COUNTY
(Hw) - See Statewide
(D) - See Statewide
(F) - See Arkansas County

CRITTENDEN COUNTY
(Hw) - See Statewide
(D) - See Statewide
(F) - See Arkansas County

CROSS COUNTY
(Hw) - See Statewide
(D) - See Statewide
(F) - See Arkansas County

DALLAS COUNTY
(Hw) - See Statewide
(D) - See Statewide
(F) - See Arkansas County

DESHA COUNTY
(Hw) - See Statewide
(D) - See Statewide
(F) - See Arkansas County

ARKANSAS (Cont'd)

DREW COUNTY
(Hw) - See Statewide
(D) - See Statewide
(F) - See Arkansas County

FAULKNER COUNTY
(Hw) - See Statewide
(D) - See Statewide
(F) - See Arkansas County

FRANKLIN COUNTY
(Hw) - See Statewide
(D) - See Statewide
(F) - See Arkansas County

FULTON COUNTY
(Hw) - See Statewide
(D) - See Statewide
(F) - See Arkansas County

GARLAND COUNTY
(Hw) - See Statewide
(D) - See Statewide
(F) - See Arkansas County

GRANT COUNTY
(Hw) - See Statewide
(D) - See Statewide
(F) - See Arkansas County

GREENE COUNTY
(Hw) - See Statewide
(D) - See Statewide
(F) - See Arkansas County

HEMPSTEAD COUNTY
(Hw) - See Statewide
(D) - See Statewide
(F) - See Arkansas County

HOT SPRING COUNTY
(Hw) - See Statewide
(D) - See Statewide
(F) - See Arkansas County

HOWARD COUNTY
(Hw) - See Statewide
(D) - See Statewide
(F) - See Arkansas County

INDEPENDENCE COUNTY
(Hw) - See Statewide
(D) - See Statewide
(F) - See Arkansas County

IZARD COUNTY
(Hw) - See Statewide
(D) - See Statewide
(F) - See Arkansas County

ARKANSAS (cont'd)

POPE COUNTY
(Hw)-See Statewide
(D)-See Statewide
(F)-See Arkansas County
PRAIRIE COUNTY
(Hw)-See Statewide
(D)-See Statewide
(F)-See Arkansas County
PULASKI COUNTY
(Hw)-See Statewide
(D)-See Statewide
Decision #AP-365 (D)
37 FR 26203 - 12/8/72
Mod. #1 - 38 FR 1434 - 1/2/73
Decision #AP-366 (R)
37 FR 26203 - 12/8/72
RANDOLPH COUNTY
(Hw)-See Statewide
(D)-See Statewide
(F)-See Arkansas County
ST. FRANCIS COUNTY
(Hw)-See Statewide
(D)-See Statewide
(F)-See Arkansas County
SALINE COUNTY
(Hw)-See Statewide
(D)-See Statewide
(F)-See Arkansas County
SCOTT COUNTY
(Hw)-See Statewide
(D)-See Statewide
(F)-See Arkansas County
SEARCY COUNTY
(Hw)-See Statewide
(D)-See Statewide
(F)-See Arkansas County
SEBASTIAN COUNTY
(Hw)-See Statewide
(D)-See Statewide
(F)-See Arkansas County
SEVIER COUNTY
(Hw)-See Statewide
(D)-See Statewide
(F)-See Arkansas County

ARKANSAS (Cont'd)

SHARP COUNTY
(Hw)-See Statewide
(D)-See Statewide
(F)-See Arkansas County
STONE COUNTY
(Hw)-See Statewide
(D)-See Statewide
(F)-See Arkansas County
UNION COUNTY
(Hw)-See Statewide
(D)-See Statewide
(F)-See Arkansas County
VAN BUREN COUNTY
(Hw)-See Statewide
(D)-See Statewide
(F)-See Arkansas County
WASHINGTON COUNTY
(Hw)-See Statewide
(D)-See Statewide
(F)-See Arkansas County
WHITE COUNTY
(Hw)-See Statewide
(D)-See Statewide
(F)-See Arkansas County
WOODRUFF COUNTY
(Hw)-See Statewide
(D)-See Statewide
(F)-See Arkansas County
YELL COUNTY
(Hw)-See Statewide
(D)-See Statewide
(F)-See Arkansas County

ARKANSAS (Cont'd)

JACKSON COUNTY
(Hw) - See Statewide
(D) - See Statewide
(F) - See Arkansas County
JEFFERSON COUNTY
(Hw) - See Statewide
(D) - See Statewide
JOHNSON COUNTY
(Hw) - See Statewide
(D) - See Statewide
(F) - See Arkansas County
LAFAYETTE COUNTY
(Hw) - See Statewide
(D) - See Statewide
LAWRENCE COUNTY
(Hw) - See Statewide
(D) - See Statewide
(F) - See Arkansas County
LEE COUNTY
(Hw) - See Statewide
(D) - See Statewide
(F) - See Arkansas County
LINCOLN COUNTY
(Hw) - See Statewide
(D) - See Statewide
(F) - See Arkansas County
LITTLE RIVER COUNTY
(Hw) - See Statewide
(D) - See Statewide
(F) - See Arkansas County
LOGAN COUNTY
(Hw) - See Statewide
(D) - See Statewide
(F) - See Arkansas County
LONOKE COUNTY
(Hw) - See Statewide
(D) - See Statewide
(F) - See Arkansas County
MADISON COUNTY
(Hw) - See Statewide
(D) - See Statewide
(F) - See Arkansas County
MARION COUNTY
(Hw) - See Statewide
(D) - See Statewide
(F) - See Arkansas County

ARKANSAS (Cont'd)

MILLER COUNTY
(Hw) - See Statewide
(D) - See Statewide
(F) - See Arkansas County
MISSISSIPPI COUNTY
(Hw) - See Statewide
(D) - See Statewide
(F) - See Arkansas County
MONROE COUNTY
(Hw) - See Statewide
(D) - See Statewide
(F) - See Arkansas County
MONTGOMERY COUNTY
(Hw) - See Statewide
(D) - See Statewide
(F) - See Arkansas County
NEVADA COUNTY
(Hw) - See Statewide
(D) - See Statewide
(F) - See Arkansas County
NEWTON COUNTY
(Hw) - See Statewide
(D) - See Statewide
(F) - See Arkansas County
OUACHITA COUNTY
(Hw) - See Statewide
(D) - See Statewide
(F) - See Arkansas County
PERRY COUNTY
(Hw) - See Statewide
(D) - See Statewide
(F) - See Arkansas County
PHILLIPS COUNTY
(Hw) - See Statewide
(D) - See Statewide
(F) - See Arkansas County
PIKE COUNTY
(Hw) - See Statewide
(D) - See Statewide
(F) - See Arkansas County
POINSETT COUNTY
(Hw) - See Statewide
(D) - See Statewide
(F) - See Arkansas County
POLK COUNTY
(Hw) - See Statewide
(D) - See Statewide
(F) - See Arkansas County

V 38 - 41 MAR 2 73 XUM

CALIFORNIA (Cont'd)

MARIPOSA COUNTY
(B-H-Hw-D) - See Alameda County

MENDOCINO COUNTY
(B-H-Hw-D) - See Alameda County

MERCED COUNTY
(B-H-Hw-D) - See Alameda County
(R) - See Alameda County

MODOC COUNTY
(B-H-Hw-D) - See Alameda County

MONO COUNTY
(B-H-Hw-D) - See Imperial County

MONTEREY COUNTY
(B-H-Hw-D) - See Alameda County
(R) - See Alameda County

NAPA COUNTY
(B-H-Hw-D) - See Alameda County
(R) - See Alameda County

NEVADA COUNTY
(B-H-Hw-D) - See Alameda County
(R) - See Alameda County

ORANGE COUNTY
(B-H-Hw-D) - See Imperial County
(R) - See Imperial County

PLACER COUNTY
(B-H-Hw-D) - See Alameda County
(R) - See Alameda County

PLUMAS COUNTY
(B-H-Hw-D) - See Alameda County

RIVERSIDE COUNTY
(B-H-Hw-D) - See Imperial County
(R) - See Imperial County

SACRAMENTO COUNTY
(B-H-Hw-D) - See Alameda County
(R) - See Alameda County

SAN BENITO COUNTY
(B-H-Hw-D) - See Alameda County

SAN BERNARDINO COUNTY
(B-H-Hw-D) - See Imperial County
(R) - See Imperial County

SAN DIEGO COUNTY
Decision #AP-255 (B-H-Hw-D)
37 FR 28608 - 12/29/72
Mod. #1 - 38 FR 4076 - 2/9/73

CALIFORNIA (Cont'd)

SAN DIEGO COUNTY (Cont'd)
Decision #AP-256 (R)
37 FR 28614 - 12/29/72
Mod. #1 - 38 FR 4076 - 2/9/73

SAN FRANCISCO COUNTY
(B-H-Hw-D) - See Alameda County
(R) - See Alameda County

SAN JOAQUIN COUNTY
(B-H-Hw-D) - See Alameda County
(R) - See Alameda County

SAN LUIS OBISPO COUNTY
(B-H-Hw-D) - See Imperial County

SAN MATEO COUNTY
(B-H-Hw-D) - See Alameda County
(R) - See Alameda County

SANTA BARBARA COUNTY
(B-H-Hw-D) - See Imperial County
(R) - See Imperial County

SANTA CLARA COUNTY
(B-H-Hw-D) - See Alameda County
(R) - See Alameda County

SANTA CRUZ COUNTY
(B-H-Hw-D) - See Alameda County

SHASTA COUNTY
(B-H-Hw-D) - See Alameda County

SIERRA COUNTY
(B-H-Hw-D) - See Alameda County

SISKIYOU COUNTY
(B-H-Hw-D) - See Alameda County
(R) - See Alameda County

SOLANO COUNTY
(B-H-Hw-D) - See Alameda County
(R) - See Alameda County

SONOMA COUNTY
(B-H-Hw-D) - See Alameda County
(R) - See Alameda County

STANISLAUS COUNTY
(B-H-Hw-D) - See Alameda County

SUTTER COUNTY
(B-H-Hw-D) - See Alameda County
(R) - See Alameda County

TEHAMA COUNTY
(B-H-Hw-D) - See Alameda County

TRINITY COUNTY
(B-H-Hw-D) - See Alameda County

COLORADO (Cont'd)

JACKSON COUNTY
(Hw) - See Statewide

JEFFERSON COUNTY
(B-H-Hw) - See Statewide

KIOWA COUNTY
(B) - See Adams County.

KIOWA COUNTY
(Hw) - See Statewide

KIT COUNTY
(Hw) - See Statewide

LAKE COUNTY
(Hw) - See Statewide

LA PLATA COUNTY
(Hw) - See Statewide

LARIMER COUNTY
(Hw) - See Statewide

LAS ANIMAS COUNTY
(Hw) - See Statewide

LINCOLN COUNTY
(Hw) - See Statewide

LOGAN COUNTY
(Hw) - See Statewide

MESA COUNTY
(Hw) - See Statewide

MINERAL COUNTY
(Hw) - See Statewide

MOFFAT COUNTY
(Hw) - See Statewide

MONTEZUMA COUNTY
(Hw) - See Statewide

MONTROSE COUNTY
(Hw) - See Statewide

MORGAN COUNTY
(Hw) - See Statewide

OTERO COUNTY
(Hw) - See Statewide

OURAY COUNTY
(Hw) - See Statewide

COLORADO (Cont'd)

PARK COUNTY
(Hw) - See Statewide

PHILLIPS COUNTY
(Hw) - See Statewide

PITKIN COUNTY
(Hw) - See Statewide

PROWERS COUNTY
(Hw) - See Statewide

PUEBLO COUNTY
(Hw) - See Statewide

RIO BLANCO COUNTY
(Hw) - See Statewide

RIO GRANDE COUNTY
(Hw) - See Statewide

ROUTT COUNTY
(Hw) - See Statewide

SAGUACHE COUNTY
(Hw) - See Statewide

SAN JUAN COUNTY
(Hw) - See Statewide

SAN MIGUEL COUNTY
(Hw) - See Statewide

SEDGWICK COUNTY
(Hw) - See Statewide

SUMMIT COUNTY
(Hw) - See Statewide

TELLER COUNTY
(Hw) - See Statewide

WASHINGTON COUNTY
(Hw) - See Statewide

WELD COUNTY
(Hw) - See Statewide
(B-H-Hw)(Southwest Portion) - See Adams County

YUMA COUNTY
(Hw) - See Statewide

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CALIFORNIA

ALAMEDA COUNTY
Decision #AP-235 (B-H-Hw-D)
37 FR 18637 - 9-15-72
Mod. #1 - 37 FR 24508 - 11/17/72
Mod. #2 - 37 FR 28341 - 12/22/72
Decision #AP-240 (R)
37 FR 21728 - 10-13-72
Mod. #1 - 37 FR 24509 - 11/17/72
Mod. #2 - 37 FR 28342 - 12/22/72
Mod. #3 - 38 FR 4075 - 2/9/73

ALPINE COUNTY
(B-H-Hw-D) - See Alameda County

AMADOR COUNTY
(B-H-Hw-D) - See Alameda County
(R) - See Alameda County

BUTTE COUNTY
(B-H-Hw-D) - See Alameda County

CALAVERAS COUNTY
(B-H-Hw-D) - See Alameda County

COLUSA COUNTY
(B-H-Hw-D) - See Alameda County

CONTRA COSTA COUNTY
(B-H-Hw-D) - See Alameda County
(R) - See Alameda County

DELNORTE COUNTY See Alameda County

EL DORADO COUNTY
(B-H-Hw-D) - See Alameda County

FRESNO COUNTY
(B-H-Hw-D) - See Alameda County
(R) - See Alameda County

CALIFORNIA (Cont'd)

GLENN COUNTY
(B-H-Hw-D) - See Alameda County

HUMBOLDT COUNTY
(B-H-Hw-D) - See Alameda County

IMPERIAL COUNTY
Decision #AP-248 (B-H-Hw-D)
37 FR 21740 - 10-13-72
Mod. #1 - 37 FR 23697 - 11/10/72
Mod. #2 - 38 FR 935 - 1/5/73
Mod. #3 - 38 FR 4074 - 2/9/73

INYO COUNTY
(B-H-Hw-D) - See Imperial County

KERN COUNTY
(B-H-Hw-D) - See Imperial County
(R) - See Imperial County

KING COUNTY
(B-H-Hw-D) - See Alameda County

LAKE COUNTY
(B-H-Hw-D) - See Alameda County

LASSEN COUNTY
(B-H-Hw-D) - See Alameda County

LOS ANGELES COUNTY
(B-H-Hw-D) - See Imperial County
(R) - See Imperial County

MADERA COUNTY
(B-H-Hw-D) - See Alameda County

MARIN COUNTY
(B-H-Hw-D) - See Alameda County
(R) - See Alameda County

COLORADO (cont'd)

CLEAR CREEK
(Hw) - See Statewide
(R) - See Adams County

CONEJOS COUNTY
(Hw) - See Statewide

COSTILLA COUNTY
(Hw) - See Statewide

CROWLEY COUNTY
(Hw) - See Statewide

CUSTER COUNTY
(Hw) - See Statewide

DELTA COUNTY
(Hw) - See Statewide

DENVER COUNTY
(B-H-Hw) - See Adams County
(R) - See Adams County

DOLORES COUNTY
(Hw) - See Statewide

DOUGLAS COUNTY
(Hw) - See Statewide

EAGLE COUNTY
(B-H-Hw) - See Adams County (Northern Portion)
(R) - See Adams County

ELBERT COUNTY
(Hw) - See Statewide
(B-H-Hw) (Northern Portion)
See Adams County
(R) - See Adams County

EL PASO COUNTY
(Hw) - See Statewide

FREMONT COUNTY
Decision #AP-233 (B, H, Hw)
37 FR 18861 - 9/15/72
Mod. #1 - 37 FR 28345 - 12/22/72

GARFIELD COUNTY
(Hw) - See Statewide

GILPIN COUNTY
(Hw) - See Statewide
(R) - See Adams County

GRAND COUNTY
(Hw) - See Statewide

GUNNISON COUNTY
(Hw) - See Statewide

HINSDALE COUNTY
(Hw) - See Statewide

HUERFANO COUNTY
(Hw) - See Statewide

COLORADO (Cont'd)

JACKSON COUNTY
(Hw) - See Statewide

JEFFERSON COUNTY
(B-H-Hw) - See Statewide

KIOWA COUNTY
(B) - See Adams County.

KIOWA COUNTY
(Hw) - See Statewide

KIT COUNTY
(Hw) - See Statewide

LAKE COUNTY
(Hw) - See Statewide

LA PLATA COUNTY
(Hw) - See Statewide

LARIMER COUNTY
(Hw) - See Statewide

LAS ANIMAS COUNTY
(Hw) - See Statewide

LINCOLN COUNTY
(Hw) - See Statewide

LOGAN COUNTY
(Hw) - See Statewide

MESA COUNTY
(Hw) - See Statewide

MINERAL COUNTY
(Hw) - See Statewide

MOFFAT COUNTY
(Hw) - See Statewide

MONTEZUMA COUNTY
(Hw) - See Statewide

MONTROSE COUNTY
(Hw) - See Statewide

MORGAN COUNTY
(Hw) - See Statewide

OTERO COUNTY
(Hw) - See Statewide

OURAY COUNTY
(Hw) - See Statewide

COLORADO (Cont'd)

PARK COUNTY
(Hw) - See Statewide

PHILLIPS COUNTY
(Hw) - See Statewide

PITKIN COUNTY
(Hw) - See Statewide

PROWERS COUNTY
(Hw) - See Statewide

PUEBLO COUNTY
(Hw) - See Statewide

RIO BLANCO COUNTY
(Hw) - See Statewide

RIO GRANDE COUNTY
(Hw) - See Statewide

ROUTT COUNTY
(Hw) - See Statewide

SAGUACHE COUNTY
(Hw) - See Statewide

SAN JUAN COUNTY
(Hw) - See Statewide

SAN MIGUEL COUNTY
(Hw) - See Statewide

SEDGWICK COUNTY
(Hw) - See Statewide

SUMMIT COUNTY
(Hw) - See Statewide

TELLER COUNTY
(Hw) - See Statewide

WASHINGTON COUNTY
(Hw) - See Statewide

WELD COUNTY
(Hw) - See Statewide
(B-H-Hw)(Southwest Portion) - See Adams County

YUMA COUNTY
(Hw) - See Statewide

CONNECTICUT

FAIRFIELD COUNTY
Decision #AP-445 (B,H,Hw)
37 FR 25130 - 11/25/72
Decision #AM-9322 (D)
37 FR 10693 - 5/26/72
Mod. #1 - 37 FR 19871 - 9/22/72
HARTFORD COUNTY
Decision #AP-446 (B, H, Hw)
37 FR 25134 - 11/25/72
LITCHFIELD COUNTY
Decision #AP-447 (B, H, Hw)
37 FR 25137 - 11/25/72
MIDDLESEX COUNTY
Decision #AP-436 (B, H, Hw)
37 FR 21753 - 10/13/72
Mod. #1 - 37 FR 25103 - 11/25/72
(D)-See Fairfield County
NEW HAVEN COUNTY
Decision #AP-448 (B, H, Hw)
37 FR 25140 - 11/25/72
(D)-See Fairfield County
NEW LONDON COUNTY
Decision #449 (B, H, Hw)
37 FR 25144 - 11/25/72
(D)-See Fairfield County
TOLLAND COUNTY
Decision #AP-434 (B, H, Hw)
37 FR 21234 - 10/6/72
Mod. #1 - 37 FR 25103 - 11/25/72
WINDHAM COUNTY
Decision #AP-437 (B, H, Hw)
37 FR 21756 - 10/13/72
Mod. #1 - 37 FR 25103 - 11/25/72

DELAWARE

STATEWIDE
Decision #AM-9322 (D)
37 FR 10693 - 5/26/72
Mod. #1 - 37 FR 19871 - 9/22/72
Decision #AP-444 (B, H, Hw)
37 FR 24517 - 11/17/72
Mod. #1 - 37 FR 26198 - 12/8/72
Mod. #2 - 37 FR 28350 - 12/22/72
Mod. #3 - 37 FR 28799 - 12/29/72
Mod. #4 - 38 FR 3246 - 2/2/73
KENT COUNTY
(D) - See Statewide
(B,H,Hw) - Statewide

CONNECTICUT (cont'd)

NEW CASTLE COUNTY
(D) - See Statewide
(B,H,Hw) - See Statewide
SUSSEX COUNTY
(D) - See Statewide
(B,H,Hw) - See Statewide

FLORIDA

ALACHUA COUNTY
Decision #AP-121 (B,H,Hw)
37 FR 21237 - 10-6-72
Mod. #1-37 FR 25104 - 11/25/72
Mod. #2-38 FR 3246 - 2/2/73
Decision #AM-462 (R)
37 FR 16406 - 8-20-71
BAKER COUNTY
Decision #AP-463 (R)
36 FR 16407 - 8-20-71
BAY COUNTY
Decision #AP-122 (B,H,Hw)
37 FR 21240 - 10-6-72
Decision #AM-9580 (D)
37 FR 9654 - 5-17-72
Mod. #1-37 FR 24506 - 11/17/72
BRADFORD COUNTY
None
BREVARD COUNTY (Cape Kennedy
Kennedy Space Flight Center &
Patrick AFB only)
Decision #AP-128 (B,H,Hw)
37 FR 24535 - 11/17/72
Mod. #1-37 FR 26778 - 12/15/72
Decision #AM-8590 (D)
37 FR 5655 - 3-17-72
Mod. #1-37 FR 24506 - 11/17/72
BROWARD COUNTY
Decision #AP-123 (B,H,Hw)
37 FR 24521 - 11/17/72
Mod. #1-37 FR 26777 - 12/15/72
Mod. #2-38 FR 3246 - 2/2/73
(D)-See Brevard County
CALHOUN COUNTY
None
CHARLOTTE COUNTY
(D) - See Brevard County
CITRUS COUNTY
(D) - See Brevard County
CLAY COUNTY
(D) - See Baker County

FLORIDA (cont'd)

COLLIER COUNTY
(D) - See Brevard County
COLUMBIA COUNTY
None
DADE COUNTY
Decision #AP-127 (B,H,Hw)
37 FR 24531 - 11/17/72
Mod. #1-37 FR 26777 - 12/15/72
Mod. #2-38 FR 2007 - 1/29/73
Mod. #3-38 FR 3246 - 2/2/73
(D)-See Brevard County
DESOTO COUNTY
None
DIXIE COUNTY
(D)-See Brevard County
(R)-See Alachua County
DUVAL COUNTY
Decision #AP-131 (B, H, Hw)
37 FR 28362 - 12/22/72
Mod. #1-38 FR 3246 - 2/2/73
(D) - See Brevard County
(R) - See Baker County
ESCAMBIA COUNTY
Decision #AP-105 (B,H,Hw)
37 FR 13939 - 7-14-72
Mod. #1-37 FR 15795 - 8-4-72
Mod. #2-37 FR 17900 - 9-1-72
(Decision #AM-464 (R)
36 FR 16408 - 8-20-71
(D) - See Bay County
FLAGLER COUNTY
(D) - See Brevard County
FRANKLIN COUNTY
(D) - See Bay County
GADSDEN COUNTY
Decision #AM-465 (R)
36 FR 16409 - 8-20-71
GILCHRIST COUNTY
(R) - See Alachua County
GLADES COUNTY
None
GULF COUNTY
(D) - See Bay County
HAMILTON COUNTY
None

FLORIDA (cont'd)

HARDEE COUNTY
None
HENRY COUNTY
None
HERNANDO COUNTY
(D) - See Brevard County
HIGHLANDS COUNTY
None
HILLSBOROUGH COUNTY
Decision #AP-140 (B,H,Hw)
37 FR 24525 - 11/17/72
Mod. #1-37 FR 26777 - 12/15/72
(D) - See Brevard County
HOLMES COUNTY
None
INDIAN RIVER COUNTY
(D) - See Brevard County
JACKSON COUNTY
None
JEFFERSON COUNTY
(D) - See Bay County
(R) - See Gadsden County
LAFAYETTE COUNTY
(R) - See Alachua County
LAKE COUNTY
Decision #AM-467 (D)
36 FR 16411 - 8/20/71
LEE COUNTY
(D) - See Brevard County
LEON COUNTY
Decision #AP-142 (B, H, Hw)
37 FR 28365 - 12/22/72
LEVY COUNTY
(D) - See Brevard County
(R) - See Alachua County
LIBERTY COUNTY
None
MADISON COUNTY
(R) - See Gadsden County
MANATEE COUNTY
(D) - See Brevard County
MARION COUNTY
(R) - See Alachua County
MARTIN COUNTY
(D) - See Brevard County

FLORIDA (Cont'd)

MONROE COUNTY
Decision #AP-124 (B, H, Hw)
37 FR 24524 - 11/17/72
Mod. #1 - 37 FR 26777 - 12/15/72
Mod. #2 - 38 FR 3246 - 2/2/73
(D) - See Brevard County
NASSAU COUNTY
(D) - See Brevard County
(R) - See Baker County
OKALOOSA COUNTY
(B,H,Hw) - See Escambia
(D) - See Bay County
Decision #AM-466 (R)
36 FR k6410 - 8/20/71
OKEECHOBEE COUNTY
None
ORANGE COUNTY
Decision #AP-130 (B, H, Hw)
37 FR 28359 - 12/22/72
Mod. #1 - 38 3246 - 2/2/73
(R) - See Lake County
OSCEOLA COUNTY
(R) - See Lake County
PALM BEACH COUNTY
Decision #AP-129 (B,H,Hw)
37 FR 26233 - 12/8/72
Mod #1 - 38 FR 3246 - 2/2/73
(D) - See Brevard County
PASCO COUNTY
(D) - See Brevard County
PINELLAS COUNTY
Decision #AP-126 (B,H,Hw)
37 FR 24528 - 11/17/72
Mod. #1-37 FR 26777 - 12/15/72
Decision #AM-468 (R)
36 FR 16412 - 8-20-71
(D) - See Brevard County
POLK COUNTY
None
PUTNAM COUNTY
(R) - See Baker County

FLORIDA (cont'd)

ST. JOHNS COUNTY
(D) - See Brevard County
(R) - See Baker County
ST. LUCIE COUNTY
(D) - See Brevard County
SANTA ROSA COUNTY
(B,H,Hw) - See Escambia County
(D) - See Bay County
(R) - See Okaloosa County
SARASOTA COUNTY
(D) - See Brevard County
SEMINOLE COUNTY
(R) - See Lake County
SUMTER COUNTY
None
SUWANNEE COUNTY
(R) - See Baker County
TAYLOR COUNTY
(D) - See Brevard County
(R) - See Gadsden County
UNION COUNTY
(R) - See Alachua County
VOLUSIA COUNTY (Cape Kennedy,
Kennedy Space Flight Center &
Patrick Air Force Base only)
(B, H, Hw) - See Brevard County
(D) - See Brevard County
WAKULLA COUNTY
(D) - See Bay County
WALTON COUNTY
(B, H, Hw) - See Escambia County
(D) - See Bay County
(R) - See Okaloosa County
WASHINGTON COUNTY
None

GEORGIA

APPLING COUNTY
Decision #AM-473 (Hw)
36 FR 16421 - 8/20/71
ATKINSON COUNTY
(Hw) - See Appling County
BACON COUNTY
(Hw) - See Appling County
BAKER COUNTY
(Hw) - See Appling County
BALDWIN COUNTY
Decision #AM-472 (Hw)
36 FR 16420 - 8/20/71
BANKS COUNTY
Decision AM-471 (Hw)
36 FR 16419 - 8/20 71
BARROW COUNTY
(Hw) - See Banks County
BARTON COUNTY
(Hw) - See Banks County
BEN HILL COUNTY
(Hw) - See Appling County
BERRIEN COUNTY
(Hw) - See Appling County
BIBB COUNTY
(hw) - See Baldwin County
BLECKLEY COUNTY
(Hw) - See Appling County
BRANTLEY COUNTY
(Hw) - See Appling County

GEORGIA (Cont'd)

BROOKS COUNTY
(Hw) - See Appling County
BRYAN COUNTY
Decision #AM-475 (Hw)
36 FR 16424 - 8-20-71
Decision #AP-439 (D)
37 FR 22701 - 10-20-72
BULLOCH COUNTY
(Hw) - See Appling County
BURKE COUNTY
(Hw) - See Baldwin County
BUTTS COUNTY
(Hw) - See Baldwin County
CALHOUN COUNTY
(Hw) - See Calhoun County
CAMDEN COUNTY
(D) - See Bryan County
(Hw) - See Appling County
CANDLER COUNTY
(Hw) - See Appling County
CARROLL COUNTY
(Hw) - See Baldwin County
CATOOSA COUNTY
(Hw) - See Banks County
CHARLTON COUNTY
(Hw) - See Appling County
CHATHAM COUNTY
Decision #AP-148 (B, H, Hw)
38 FR 1457 - 1/12/73

MAR 2 1973 38 FR 5787

GEORGIA (Cont'd)

CHATHAM COUNTY
Decision #AP-151 (R)
38 FR 4088 - 2/9/73
(D) - See Bryan County
CHATTAHOOCHEE COUNTY
(Hw) - See Baldwin County
CHATTOOGA COUNTY
(Hw) - See Banks County
CHEROKEE COUNTY
(Hw) - See Banks County
CLARKE COUNTY
(Hw) - See Baldwin County
CLAY COUNTY
(Hw) - See Appling County
CLAYTON COUNTY
Decision #AH-475 (Hw)
36 FR 16423 - 8-20-71
(B,H) - See Fulton County
(R) - See Fulton County
CLINCH COUNTY
(Hw) - See Appling County
COBB COUNTY
(B,H,Hw) - See Fulton County
(R) - See Fulton County
COFFEE COUNTY
(Hw) - See Appling County
COLQUITT COUNTY
(Hw) - See Appling County
COLUMBIA COUNTY
(Hw) - See Baldwin County
COOK COUNTY
(Hw) - See Appling County
COWETA COUNTY
(Hw) - See Baldwin County
CRAWFORD COUNTY
(Hw) - See Baldwin County
CRISP COUNTY
(Hw) - See Baldwin County
DADE COUNTY
(Hw) - See Banks County
DAWSON COUNTY
(Hw) - See Banks County
DECATUR COUNTY
(Hw) - See Appling County
DeKALB COUNTY
(B,H,Hw) - See Fulton County
(R) - See Fulton County

GEORGIA (Cont'd)

DODGE COUNTY
(Hw) - See Appling County
DOOLY COUNTY
(Hw) - See Baldwin County
DOUGHERTY COUNTY
(Hw) - See Appling County
DOUGLAS COUNTY
(Hw) - See Banks County
EARLY COUNTY
(Hw) - See Appling County
ECHOLS COUNTY
(Hw) - See Appling County
EFFINGHAM COUNTY
(Hw) - See Appling County
ELBERT COUNTY
(Hw) - See Banks County
EMANUEL COUNTY
(Hw) - See Baldwin County
EVANS COUNTY
(Hw) - See Appling County
FANNIN COUNTY
(Hw) - See Banks County
FAYETTE COUNTY
(Hw) - See Baldwin County
FLOYD COUNTY
(Hw) - See Banks County
FORSYTH COUNTY
(Hw) - See Banks County
FRANKLIN COUNTY
(Hw) - See Banks County
FULTON COUNTY
Decision #AP-149 (B, H, Hw)
38 FR 1453 - 1/12/73
Decision #AP-150 (R)
38 FR 3254 - 2/2/73
GILMER COUNTY
(Hw) - See Banks County
GLASCOCK COUNTY
(Hw) - See Baldwin County
GLYNN COUNTY
(D) - See Bryan County
(Hw) - See Appling County
GORDON COUNTY
(Hw) - See Banks County
GRADY COUNTY
(Hw) - See Appling County

GEORGIA (Cont'd)

GWINNETT COUNTY
(Hw) - See Banks County
HABERSHAM COUNTY
(Hw) - See Banks County
HALL COUNTY
(Hw) - See Banks County
HANCOCK COUNTY
(Hw) - See Baldwin County
HARALSON COUNTY
(Hw) - See Banks County
HARRIS COUNTY
(Hw) - See Baldwin County
HART COUNTY
(Hw) - See Banks County
HEARD COUNTY
(Hw) - See Baldwin County
HENRY COUNTY
(Hw) - See Clayton County
HOUSTON COUNTY
(Hw) - See Baldwin County
IRWIN COUNTY
(Hw) - See Appling County
JACKSON COUNTY
(Hw) - See Banks County
JASPER COUNTY
(Hw) - See Baldwin County
JEFF DAVIS COUNTY
(Hw) - See Appling County
JEFFERSON COUNTY
(Hw) - See Baldwin County
JENKINS COUNTY
(Hw) - See Baldwin County
JOHNSON COUNTY
(Hw) - See Baldwin County
JONES COUNTY
(Hw) - See Baldwin County
LAMAR COUNTY
(Hw) - See Baldwin County
LANIER COUNTY
(Hw) - See Appling County
LAURENS COUNTY
(Hw) - See Appling County
LEE COUNTY
(Hw) - See Appling County
LIBERTY COUNTY
(D) - See Bryan County
(Hw) - See Bryan County
LINCOLN COUNTY
(Hw) - See Baldwin County

GEORGIA (Cont'd)

LONG COUNTY
(Hw) - See Appling County
LOWNDES COUNTY
(Hw) - See Appling County
LUMPKIN COUNTY
(Hw) - See Banks County
McDUFFIE COUNTY
(Hw) - See Baldwin County
McINTOSH COUNTY
(D) - See Bryan County
(Hw) - See Appling County
MACON COUNTY
(Hw) - See Baldwin County
MADISON COUNTY
(Hw) - See Banks County
MARION COUNTY
(Hw) - See Baldwin County
MERIWETHER COUNTY
(Hw) - See Baldwin County
MILLER COUNTY
(Hw) - See Appling County
MITCHELL COUNTY
(Hw) - See Appling County
MONROE COUNTY
(Hw) - See Baldwin County
MONTGOMERY COUNTY
(Hw) - See Appling County
MORGAN COUNTY
(Hw) - See Baldwin County
MURRAY COUNTY
(Hw) - See Banks County
MUSCOGEE COUNTY
(Hw) - See Baldwin County
NEWTON COUNTY
(Hw) - See Baldwin County
OCONEE COUNTY
(Hw) - See Baldwin County
OGLETHORPE COUNTY
(Hw) - See Baldwin County
PAULDING COUNTY
(Hw) - See Banks County
PEACH COUNTY
(Hw) - See Baldwin County
PICKENS COUNTY
(Hw) - See Banks County
PIERCE COUNTY
(Hw) - See Appling County
PIKE COUNTY
(Hw) - See Baldwin County

GEORGIA (Cont'd)

FOLK COUNTY
(Hw) - See Banks County
PULASKI COUNTY
(Hw) - See Baldwin County
PUTNAM COUNTY
(Hw) - See Baldwin County
QUITMAN COUNTY
(Hw) - See Appling County
RABUN COUNTY
(Hw) - See Banks County
RANDOLPH COUNTY
(Hw) - See Appling County
RICHMOND COUNTY
(Hw) - See Baldwin County
ROCKDALE COUNTY
(Hw) - See Baldwin County
SCHLEY COUNTY
(Hw) - See Baldwin County
SCREVEN COUNTY
(Hw) - See Baldwin County
SEMINOLE COUNTY
(Hw) - See Appling County
SPALDING COUNTY
(Hw) - See Baldwin County
STEPHENS COUNTY
(Hw) - See Banks County
STEWART COUNTY
(Hw) - See Baldwin County
SUMTER COUNTY
(Hw) - See Baldwin County
TALBOT COUNTY
(Hw) - See Baldwin County
TALIAFERRO COUNTY
(Hw) - See Baldwin County
TATTNALL COUNTY
(Hw) - See Appling County
TAYLOR COUNTY
(Hw) - See Baldwin County
TELFAIR COUNTY
(Hw) - See Appling County
TERRELL COUNTY
(Hw) - See Appling County
THOMAS COUNTY
(Hw) - See Appling County
TIFT COUNTY
(Hw) - See Appling County
TOOMBS COUNTY
(Hw) - See Appling County

GEORGIA (Cont'd)

TOWNS COUNTY
(Hw) - See Banks County
TREUTLEN COUNTY
(Hw) - See Appling County
TROUP COUNTY
(Hw) - See Baldwin County
TURNER COUNTY
(Hw) - See Appling County
TWIGGS COUNTY
(Hw) - See Baldwin County
UNION COUNTY
(Hw) - See Banks County
UPSON COUNTY
(Hw) - See Baldwin County
WALKER COUNTY
(Hw) - See Banks County
WALTON COUNTY
(Hw) - See Baldwin County
WARE COUNTY
Decision #AP-155 (B)
38 FR 4073 - 2/9/73
(Hw) - See Appling County
WARREN COUNTY
(Hw) - See Baldwin County
WASHINGTON COUNTY
(Hw) - See Baldwin COunty
WAYNE COUNTY
(Hw) - See Appling County
WEBSTER COUNTY
(Hw) - See Baldwin County
WHEELER COUNTY
(Hw) - See Appling County
WHITE COUNTY
(Hw) - See Banks County
WHITFIELD COUNTY
(Hw) - See Banks County
WILCOX COUNTY
(Hw) - See Baldwin County
WILKES COUNTY
(Hw) - See Baldwin County
WILKINSON COUNTY
(Hw) - See Baldwin County
WORTH COUNTY
(Hw) - See Appling County

HAWAII

STATEWIDE
Decision #AP-247 (R)
37 FR 21759 - 10-13-72
Decision #AP-208 (B,H,Hw)
37 FR 15797 - 8-4-72
Mod. #1-37 FR 21697 - 10-13-72
HAWAII COUNTY
(B-H-Hw) - See Statewide
(R) - See Statewide
HONOLULU COUNTY
(B-H-Hw) - See Statewide
(R) - See Statewide
KAUAI COUNTY
(B-H-Hw) - See Statewide
(R)-See Statewide
MAUI COUNTY
(B-H-Hw) - See Statewide
(R)-See Statewide

IDAHO

ADA COUNTY
Decision #AP-228 (B-H-Hw)
37 FR 17352 - 8-25-72
Mod. #1-37 FR 20388 - 9-29-72
Mod. #2-38 FR 1434 - 1/12/73
Decision #AP-257 (R)
38 FR 1459 - 1/12/73
ADAMS COUNTY
(B-H-Hw) - See Ada County
BANNOCK COUNTY
Decision #AP-226 (B-H-Hw)
37 FR 17328 - 8-25-72
Mod. #1-37 FR 20386 - 9-29-72
BEAR LAKE COUNTY
(B-H-Hw) - See Bannock County
BENEWAH COUNTY
Decision #AP-227 (B-H-Hw)
37 FR 17332 - 8-25-72
Mod. #1-37 FR 20387 - 9-29-72
Mod. #2-37 FR 21698 - 10-12-72
Mod. #3-37 FR 23052 - 10-27-72
Mod. #4-38 FR 3247 - 2/2/73
BINGHAM COUNTY
(B-H-Hw) - See Bannock County

IDAHO (cont'd)

BLAINE COUNTY
(B-H-Hw) - See Ada County
BOISE COUNTY
(B-H-Hw) - See Ada County
BONNER COUNTY
(B-H-Hw) - See Benewah County
BONNEVILLE COUNTY
(B-H-Hw) - See Bannock County
BOUNDARY COUNTY
(B-H-Hw) - See Benewah County
BUTTE COUNTY
(B-H-Hw) - See Ada County
CANAS COUNTY
(B-H-Hw) - See Ada County
CANYON COUNTY
(B-H-Hw) - See Ada County
CARIBOU COUNTY
(B-H-Hw) - See Bannock County
CASSIA COUNTY
(B-H-Hw) - See Ada County
CLARK COUNTY
(B-H-Hw) - See Bannock County
CLEARWATER COUNTY
(B-H-Hw) - See Benewah County
CUSTER COUNTY
(B-H-Hw) - See Ada County
ELMORE COUNTY
(B-H-Hw) - See Ada County
FRANKLIN COUNTY
(B-H-Hw) - See Bannock County
FREMONT COUNTY
(B-H-Hw) - See Bannock County
GEM COUNTY
(B-H-Hw) - See Ada County
GOODING COUNTY
(B-H-Hw) - See Ada County
IDAHO COUNTY
(B-H-Hw) - See Benewah County
JEFFERSON COUNTY
(B-H-Hw) - See Bannock County
JEROME COUNTY
(B-H-Hw) - See Ada County
KOOTENAI COUNTY
(B-H-Hw) - See Benewah County
LATAH COUNTY
(B-H-Hw) - See Benewah County

IDAHO (Cont'd)

LEMHI COUNTY
(B-H-Hw) - See Ada County
LEWIS COUNTY
(B-H-Hw) - See Benewah County
LINCOLN COUNTY
(B-H-Hw) - See Ada County
MADISON COUNTY
(B-H-Hw) - See Bannock County
MINIDOKA COUNTY
(B-H-Hw) - See Ada County
NEZ PERCE COUNTY
(B-H-Hw) - See Benewah County
ONEIDA COUNTY
(B-H-Hw) - See Bannock County
OWYHEE COUNTY
(B-H-Hw) - See Ada County
PAYETTE COUNTY
(B-H-Hw) - See Ada County
POWER COUNTY
(B-H-Hw) - See Bannock County
SHOSHONE COUNTY
(B-H-Hw) - See Benewah County
TETON COUNTY
(B-H-Hw) - See Bannock County
TWIN FALLS COUNTY
(B-H-Hw) - See Ada County
VALLEY COUNTY
(B-H-Hw) - See Ada County
WASHINGTON COUNTY
(B-H-Hw) - See Ada County

ILLINOIS

ADAMS COUNTY
Decision #AP-14 (Hw)
37 FR 19983 - 9-22-72
Mod. #1-37 FR 26198 - 12/8/72
ALEXANDER COUNTY
Decision #AP-16 (Hw)
37 FR 19994 - 9-22-72
Mod. #1-37 FR 26778 - 12/15/72
Decision #AP-607 (D)
38 FR 1433 - 1/12/73
BOND COUNTY
Decision #AP-7 (Hw)
37 FR 15816 - 8-4-72
Mod. #1-37 FR 18833 - 9-15-72
BOONE COUNTY
Decision #AP-10 (Hw)
37 FR 19950 - 9-22-72
BROWN COUNTY
(Hw) - See Adams County

ILLINOIS (Cont'd)

BUREAU COUNTY
Decision #AP-11 (Hw)
37 FR 19956 - 9/22/72
CALHOUN COUNTY
(Hw) - See Bond County
(D) - See Alexander County
CARROLL COUNTY
(Hw) - See Bureau County
CASS COUNTY
(Hw) - See Adams County
(D) - See Alexander County
CHAMPAIGN COUNTY
Decision #AP-24 (B)(H)(Hw)
37 FR 21243 - 10-6-72
Mod. #1-37 FR 25104 - 11/25/72
Decision #AP-13 (Hw)
37 FR 19978 - 9-22-72

CHRISTIAN COUNTY
(Hw) - See Adams County
CLARK COUNTY
(Hw)-See Champaign County
CLAY COUNTY
Decision #AP-15 (Hw)
37 FR 19989 - 9-22-72
CLINTON COUNTY
(Hw) - See Bond County
COLES COUNTY
(Hw) - See Champaign County
COOK COUNTY
Decision #AP-28 (B)(H)(Hw)
37 FR 23513 - 11-3-72
Mod. #1-37 FR 24509 - 11/17/72
Mod. #2-37 FR 25104 - 11/25/72
Mod. #3-37 FR 26198 - 12/8/72
Decision #AP-29 (B)
37 FR 23490 - 11-3-72
Mod. #1-37 FR 24509 - 11/17/72
Mod. #2-37 FR 26198 - 12/8/72
Decision #AP-4 (D)
37 FR 14670 - 7-21-72
CRAWFORD COUNTY
(Hw) - See Clay County
CUMBERLAND COUNTY
(Hw) - See Champaign County
DEKALB COUNTY
(Hw) - See Boone County
DEWITT COUNTY
(Hw) - See Champaign County
DOUGLAS COUNTY
(Hw) - See Champaign County

ILLINOIS (Cont'd)

DU PAGE COUNTY
Decision #AP-30 (B)(H)
37 FR 23975 - 11/10/72
Mod. #1-37 FR 25615 - 12/1/72
Decision #AP-31 (B)
37 FR 23961 - 11/10/72
Mod. #1-37 FR 25615 - 12/1/72
(Hw) - See Boone County
EDGAR COUNTY
(Hw) - See Champaign County
EDWARDS COUNTY
(Hw) - See Clay County
EFFINGHAM COUNTY
(Hw) - See Clay County
FAYETTE COUNTY
(Hw) - See Clay County
FORD COUNTY
None
FRANKLIN COUNTY
(Hw) - See Alexander County
FULTON COUNTY
Decision #AP-12 (Hw)
37 FR 19970 - 9-22-72
GALLATIN COUNTY
(Hw) - See Alexander County
(D) - See Alexander County
GREENE COUNTY
(Hw) - See Bond County
(D) - See Alexander County
GRUNDY COUNTY
None
HAMILTON COUNTY
(Hw) - See Clay County
HANCOCK COUNTY
(Hw) - See Fulton County
HARDIN COUNTY
(Hw) - See Alexander County
(D) - See Alexander County
HENDERSON COUNTY
(Hw) - See Fulton County
HENRY COUNTY
(Hw) - See Bureau County
IROQUOIS COUNTY
None
JACKSON COUNTY
(Hw) - See Alexander County
(D) - See Alexander County
JASPER COUNTY
(Hw) - See Clay County

ILLINOIS (Cont'd)

JEFFERSON COUNTY
(Hw) - See Clay County
JERSEY COUNTY
(Hw) - See Bond County
(D) - See Alexander County
JO DAVIESS COUNTY
(Hw) - See Bureau County
JOHNSON COUNTY
(Hw) - See Alexander County
KANE COUNTY
Decision #AP-32 (B) (H)
37 FR 25631 - 12/1/72
Decision #AP-33 (B)
37 FR 25603 - 12/1/72
(Hw) - See Boone County
KANKAKEE COUNTY
None
KENDALL COUNTY
(Hw) - Boone County
KNOX COUNTY
(Hw) - See Fulton County
LAKE COUNTY
Decision #AP-51 (B) (H)
37 FR 26235 - 12/6/72
Mod. #1 - 37 FR 28351 - 12/22/72
Decision #AP-52 (B)
37 FR 26191 - 12/8/72
Mod. #1 - 37 FR 28351 - 12/22/72
(D) - See Cook County
(Hw) - See Boone County
LA SALLE COUNTY
None
LAWRENCE COUNTY
(Hw) - See Clay County
LEE COUNTY
(Hw) - See Bureau County
LIVINGSTON COUNTY
None
LOGAN COUNTY
(Hw) - See Adams County
McDONOUGH COUNTY
(Hw) - See Fulton County
McHENRY COUNTY
(Hw) - See Boone County
McLEAN COUNTY
None
MACON COUNTY
(Hw) - See Champaign County

ILLINOIS (cont'd)

MACOUPIN COUNTY
(Hw) - See Bond County
MADISON COUNTY
Decision #AP-617 (B, H)
38 FR 2590 - 1/26/73
Decision #AP-618 (R)
38 FR 2563 - 1/26/73
(Hw) - See Bond County
MARION COUNTY
(Hw) - See Clay County
MARSHALL COUNTY
None
MASON COUNTY
(Hw) - See Adams County
MASSAC COUNTY
(Hw, D) - See Alexander County
MENARD COUNTY
(Hw) - See Adams County
MERCER COUNTY
(Hw) - See Fulton County
MONROE COUNTY
(Hw) - See Bond County
(D) - See Alexander County
MONTGOMERY COUNTY
(Hw) - See Bond County
MORGAN COUNTY
(Hw) - See Adams County
(D) - See Alexander County
MOULTRIE COUNTY
(Hw) - See Champaign County
OGLE COUNTY
(Hw) - See Bureau County
PEORIA COUNTY
Decision #AP-621 (B, H, D)
38 FR 2595 - 1/26/73
Decision #AP-622 (R)
38 FR 3242 - 2/2/73
(Hw) - See Fulton County
PERRY COUNTY
(Hw) - See Alexander County
PIATT COUNTY
(Hw) - See Champaign County
PIKE COUNTY
(Hw) - See Adams County
POPE COUNTY
(Hw , D) - See Alexander County

ILLINOIS (cont'd)

PULASKI COUNTY
(Hw, D) - See Alexander County
PUTNAM COUNTY
None
RANDOLPH COUNTY
(Hw, D) - See Alexander
RICHLAND COUNTY
(Hw) - See Clay County
ROCK ISLAND COUNTY
Decision #AP-616 (B, H)
38 FR 2585 - 1/26/73
(Hw) - See Bureau County
SAINT CLAIR COUNTY
Decision #AP-619 (B,H)
38 FR 3255 - 2/2/73
Decision #AP-620 (R)
38 FR 3237 - 2/2/73
(Hw) - See Bond County
SALINE COUNTY
(Hw) - See Alexander County
SANGAMON COUNTY
Decision #AP-79 (B, H)
37 FR 28368 - 12/22/72
Mod. #1 - 38 FR 2568 - 1/26/73
(Hw) - See Adams County
SCHUYLER COUNTY
(Hw) - See Adams County
SCOTT COUNTY
(Hw) - See Adams County
(D) - See Alexander County
SHELBY COUNTY
(Hw) - See Champaign County
STARK COUNTY
(Hw) - See Fulton County
STEPHENSON COUNTY
(Hw) - See Bureau County
TAZEWELL COUNTY
(R) - See Peoria County
(Hw) - See Fulton County
UNION COUNTY
(Hw, D) - See Alexander County
VERMILLION COUNTY
Decision #AP-615 (B,H)
38 FR 2580 - 1/26/73
(Hw) - See Champaign County
WABASH COUNTY
(Hw) - See Clay County

ILLINOIS (Cont'd)

WARREN COUNTY
(Hw) - See Fulton County
WASHINGTON COUNTY
(Hw) - See Bond County
WAYNE COUNTY
(Hw) - See Clay County
WHITE COUNTY
(Hw) - See Clay County
WHITESIDE COUNTY
(Hw) - See Bureau County
WILL COUNTY
Decision #AP-68 (B) (H)
37 FR 26420 - 12/8/72
Mod. #1 - 38 FR 2568 - 1/26/73
Decision #AP-69 (R)
37 FR 26194 - 12/8/72
Mod. #1 - 38 FR 4076 - 2/9/73
(Hw) - See Boone County
WILLIAMSON COUNTY
Decision #AP-603 (B, H)
38 FR 2572 - 1/26/73
(Hw) - See Alexander County
WINNEBAGO COUNTY
Decision #AP-604 (B, H)
38 FR 2575 - 1/26/73
(Hw) - See Bureau County
WOODFORD COUNTY
None

INDIANA

ADAMS COUNTY
Decision #AP-17 (Hw)
37 FR 20415 - 9-29-72
Mod. #1-37 FR 23053 - 10-27-72
Mod. #2-37 FR 26199 - 12/8/72
ALLEN COUNTY
Decision #AP-623 (B, H)
38 FR 4089 - 2/9/73
Decision #AM-371 (R)
36 FR 15390-8-13-71
(Hw) - See Adams County

INDIANA (Cont'd)

BARTHOLOMEW COUNTY
Decision #AP-624 (B, H)
38 FR 4095 - 2/9/73
Decision #AP-21 (Hw)
37 FR 20433 - 9-29-72
Mod. #1-37 FR 23053 - 10-27-72
Mod. #2-37 FR 26199 - 12/8/72
Mod. #3-37 FR 28351 - 12/22/72
BENTON COUNTY
Decision #AP-625 (B, H)
38 FR 4101 - 2/9/73
Decision #AP-18 (Hw)
37 FR 20420 - 9-29-72
Mod. #1-37 FR 23053 - 10-27-72
Mod. #2-37 FR 26199 - 12/8/72
Mod. #3-37 FR 28351 - 12/22/72
BLACKFORD COUNTY
Decision #AP-19 (Hw)
37 FR 20424 - 9-29-72
Mod. #1-37 FR 23053 - 10-27-72
Mod. #2-37 FR 26199 - 12/8/72
BOONE COUNTY
Decision #AM-372 (R)
36 FR 15391 - 8-13-71
Decision #AP-20 (Hw)
37 FR 20428 - 9-29-72
Mod. #1-37 FR 26199 - 12/8/72
BROWN COUNTY
(Hw) - See Bartholomew County
CARROLL COUNTY
(Hw) - See Benton County
CASS COUNTY
(Hw) - See Benton County
CLARK COUNTY
Decision #AP-602 (D)
38 FR 1433 - 1/12/73
(Hw) - See Bartholomew County
CLAY COUNTY
(Hw) - See Boone County
CLINTON COUNTY
(Hw) - See Benton County

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INDIANA (Cont'd)

CRAWFORD COUNTY
Decision #AP-22 (Hw)
37 FR 20497 - 9-29-72
Mod. #1-37 FR 23053 - 10-27-72
Mod. #2-37 FR 26200 - 12/8/72
Mod. #3-37 FR 28351 - 12/22/72
(D) - See Clark County
DAVIESS COUNTY
(Hw) - See Boone County
DEARBORN COUNTY
Decision #AP-626 (B, H)
38 FR 4107 - 2/9/73
(D) - See Clark County
(Hw) - See Bartholomew County
DECATUR COUNTY
(Hw) - See Bartholomew County
DEKALB COUNTY
(Hw) - See Adams County
DELAWARE COUNTY
Decision #AP-627 (B, H)
38 FR 4121 - 2/9/73
(Hw) - See Blackford County
DUBOIS COUNTY
(Hw) - See Crawford County
ELKHART COUNTY
(Hw) - See Adams County
FAYETTE COUNTY
(Hw) - See Blackford County
FLOYD COUNTY
(D) - See Clark County
(Hw) - See Bartholomew County
FOUNTAIN COUNTY
(Hw) - See Boone County
FRANKLIN COUNTY
(Hw) - See Bartholomew County
FULTON COUNTY
(Hw) - See Benton County
GIBSON COUNTY
(Hw) - See Crawford County

INDIANA (Cont'd)

GRANT COUNTY
Decision #AP-628 (B, H)
38 FR 4116 - 2/9/73
(Hw) - See Blackford County
GREENE COUNTY
(Hw) - See Boone County
HAMILTON COUNTY
(Hw) - See Blackford County
(R) - See Boone County
HANCOCK COUNTY
(Hw) - See Blackford County
(R) - See Boone County
HARRISON COUNTY
(D) - See Clark County
(Hw) - See Bartholomew County
HENDRICKS COUNTY
(Hw) - See Boone County
(R) - See Boone County
HENRY COUNTY
(Hw) - See Blackford County
HOWARD COUNTY
(Hw) - See Benton County
HUNTINGTON COUNTY
(Hw) - See Adams County
JACKSON COUNTY
(Hw) - See Bartholomew County
JASPER COUNTY
(Hw) - See Benton County
JAY COUNTY
(Hw) - See Blackford County
JEFFERSON COUNTY
(D) - See Clark County
(Hw) - See Bartholomew County
JENNINGS COUNTY
(Hw) - See Bartholomew County
JOHNSON COUNTY
(Hw) - See Blackford County
(R) - See Boone County
KNOX COUNTY
(Hw) - See Boone County
KOSCIUSKO COUNTY
(Hw) - See Adams County

INDIANA (Cont'd)

LAGRANGE COUNTY
(Hw) - See Adams County
LAKE COUNTY
Decision #AP-629 (B, H, Hw)
38 FR 4121 - 2/9/72
Decision #AP-4 (D)
37 FR 14670 - 7-21-72
LAPORTE COUNTY
Decision #AP-630 (B, H, Hw)
38 FR 4126 - 2/9/73
(D) - See Lake County
LAWRENCE COUNTY
(Hw) - See Bartholomew County
MADISON COUNTY
(Hw) - See Blakford County
MARION COUNTY
Decision #AP-631 (B, H)
38 FR 4131 - 2/9/73
(R) - See Boone County
(Hw) - See Blackford County
MARSHALL COUNTY
(Hw) - See Adams County
MARTIN COUNTY
(Hw) - See Bartholomew County
MIAMI COUNTY
(Hw) - See Benton County
MONROE COUNTY
Decision #AP-632 (B, H)
38 FR 4137 - 2/9/73
(Hw) - See Bartholomew County
MONTGOMERY COUNTY
(Hw) - See Boone County
MORGAN COUNTY
(R) - See Boone County
(Hw) - See Boone County
NEWTON COUNTY
(Hw) - See Benton County
NOBLE COUNTY
(Hw) - See Adams County

INDIANA (Cont'd)

OHIO COUNTY
(D) - See Clark County
(Hw) - See Bartholomew County
ORANGE COUNTY
(Hw) - See Bartholomew County
OWEN COUNTY
(Hw) - See Boone County
PARKE COUNTY
(Hw) - See Boone County
PERRY COUNTY
(D) - See Clark County
(Hw) - See Crawford County
PIKE COUNTY
(Hw) - See Crawford County
PORTER COUNTY
Decision #AP-633 (B, H, Hw)
38 FR 4142 - 2/9/73
(D) - See Lake County
POSEY COUNTY
(D) - See Clark County
(Hw) - See Crawford County
PULASKI COUNTY
(Hw) - See Benton County
PUTNAM COUNTY
(Hw) - See Boone County
RANDOLPH COUNTY
(Hw) - See Blackford County
RIPLEY COUNTY
(Hw) - See Bartholomew County
RUSH COUNTY
(Hw) - See Blackford County
SAINT JOSEPH COUNTY
Decision #AP-634 (B, H, Hw)
38 FR 4147 - 2/9/73
SCOTT COUNTY
(Hw) - See Bartholomew County
SHELBY COUNTY
(R) - See Boone County
(Hw) - See Blackford County
SPENCER COUNTY
(D) - See Clark County
(Hw) - See Crawford County

INDIANA (Cont'd)

STARKE COUNTY
(Hw) - See Adams County
STEUBEN COUNTY
(Hw) - See Adams County
SULLIVAN COUNTY
(Hw) - See Boone County
SWITZERLAND COUNTY
(D) - See Clark County
(Hw) - See Bartholomew County
TIPPECANOE COUNTY
(B)(H)(Hw) - See Benton County
TIPTON COUNTY
(Hw) - See Benton County
UNION COUNTY
(Hw) - See Blackford County
VANDERBURGH COUNTY
Decision #AP-635 (B, H)
38 FR 4151 - 2/9/73
(Hw) - See Crawford County
VERMILLION COUNTY
(Hw) - See Boone County
VIGO COUNTY
Decision #AP-636 (B, H)
38 FR 4156 - 2/9/73
(Hw) - See Boone County
WABASH COUNTY
(Hw) - See Benton County
WARREN COUNTY
(Hw) - See Boone County
WARRICK COUNTY
(D) - See Clark Coutny
(Hw) - See Crawford County
WASHINGTON COUNTY
(Hw) - See Bartholomew County
WAYNE COUNTY
(Hw) - See Blackford County
WELLS COUNTY
(Hw) - See Adams County
WHITE COUNTY
(Hw) - See Benton County
WHITLEY COUNTY
(Hw) - See Adams County

IOWA

ADAIR COUNTY
None
ADAMS COUNTY
None
ALLAMAKEE COUNTY
None
APPANOOSE COUNTY
None
AUDUBON COUNTY
None
BENTON COUNTY
None
BLACK HAWK COUNTY
Decision #AP-510 (D,H,Hw)
37 FR 23980 - 11/10/72
BOONE COUNTY
None
BREMER COUNTY
None
BUCHANAN COUNTY
None
BUENA VISTA COUNTY
None
BUTLER COUNTY
None
CALHOUN COUNTY
None
CARROLL COUNTY
Decision #AM-8,712 (H-Hw)
37 FR 7429 - 4-14-72
CASS COUNTY
(H-Hw) - See Carroll County
CEDAR COUNTY
None
CERRO GORDO COUNTY (MASON CITY)
Decision #AM-2,448 (B-H-Hw)
36 FR 16796 - 8-25-71
Mod. #1-36 FR 18985 - 9-24-71
Mod. #2-37 FR 4465 - 3-3-72
CHEROKEE COUNTY
None
CHICHASAW COUNTY
None
CLARKE COUNTY
None

IOWA (Cont'd)

CLAY COUNTY
(H-Hw) - See Carroll County
CLAYTON COUNTY
None
CLINTON COUNTY (CLINTON CITY)
Decision #AM-2,449 (B-H-Hw)
36 FR 16799 - 8-25-71
Mod. #1-37 FR 4466 - 3-3-72
CRAWFORD COUNTY
(H-Hw) - See Carroll County
DALLAS COUNTY
None
DAVIS COUNTY
None
DECATUR COUNTY
None
DELEWARE COUNTY
None
DES MOINES COUNTY (City of Burlington and Abutting Municipalities; and Burlington Ordnance Plant)
Decision #AP-511 (B,H,Hw)
37 FR 23984 - 11/10/72
DICKINSON COUNTY
None
DUBUQUE COUNTY (Dubuque City)
Decision #AM-2,451 (B-H-Hw)
36 FR 16806 - 8-25-71
Mod. #1-37 FR 4466 - 3-3-72
Mod. #2-37 FR 17900 - 9-1-72
EMMET COUNTY
None
FAYETTE COUNTY
None
FLOYD COUNTY
None
FRANKLIN COUNTY
None
FREMONT COUNTY
None
GREENE COUNTY
None
GRUNDY COUNTY
None

IOWA (Cont'd)

GUTHRIE COUNTY
None
HAMILTON COUNTY
None
HANCOCK COUNTY
None
HARDIN COUNTY
None
HARRISON COUNTY
None
HENRY COUNTY
None
HOWARD COUNTY
(H-Hw) - See Carroll County
HUMBOLDT COUNTY
None
IDA COUNTY
None
IOWA COUNTY
None
JACKSON COUNTY
None
JASPER COUNTY
None
JEFFERSON COUNTY
None
JOHNSON COUNTY (Iowa City)
Decision #AM-2,452 (B-H-Hw)
36 FR 16809 - 8-25-71
Mod. #1-37 FR 640 - 1-14-72
JONES COUNTY
None
KEOKUK COUNTY
None
KOSSUTH COUNTY
None
LEE COUNTY
None
LINN COUNTY (City of Cedar Rapids and Abutting Municipalities)
Decision #AP-512 (B,H,Hw)
37 FR 23988 - 11/10/72
LINN COUNTY (Except City of Cedar Rapids and Abutting Municipalities)
Decision #AP-212 (B-H-Hw)
37 FR 16330 - 8-11-72

IOWA (Cont'd)

LAURA COUNTY
None
LUCAS COUNTY
None
LYON COUNTY
None
MADISON COUNTY
None
MONTGOMERY COUNTY
None
O'BRIEN COUNTY
(Hdqs) - See Carroll County
OSCEOLA COUNTY
(Hdqs) - See Carroll County
PAGE COUNTY
None
PALO ALTO COUNTY
None
PLYMOUTH COUNTY
None
POCAHONTAS COUNTY
None
POLK COUNTY (City of Des Moines and Adjoining Municipalities)
Decision #AM-11,405 (Hdqs)
37 FR 3606 - 3-17-72
POLK COUNTY (Remainder)
Decision #AM-11,404 (Hdqs)
37 FR 5664 - 3-17-72
POTTAWATTAMIE COUNTY (City of Council Bluffs and the area within 5 miles from the City limits)
Decision #AM-6,707 (Hdqs)
36 FR 10953 - 6-5-71
Mod. #1-37 FR 641 - 1-14-72
POTTAWATTAMIE COUNTY (Remainder)
None
POWESHIEK COUNTY
None
RINGGOLD COUNTY
(Hdqs) - See Taylor County
SAC COUNTY
None
SCOTT COUNTY
Decision #AM-6,707 (Hdqs)
36 FR 10953 - 6-5-71
SHELBY COUNTY
None
SIOUX COUNTY
None
STORY COUNTY (AMES)
Decision #AM-2,457 (Hdqs)
36 FR 16836 - 8-25-71
Mod. #1-37 FR 4466 - 3-3-72
Mod. #2-37 FR 5134 - 3-10-72
Mod. #3-37 FR 9393 - 5-12-72
TAMA COUNTY
None
TAYLOR COUNTY
(Hdqs) - See Carroll County
UNION COUNTY
None
VAN BUREN COUNTY
(Hdqs) - See Carroll County
WAPELLO COUNTY
None
WARREN COUNTY
None
WASHINGTON COUNTY
None
WAYNE COUNTY
None
WEBSTER COUNTY (FORT DODGE)
Decision #AM-4,458 (Hdqs)
36 FR 16836 - 8-25-71
Mod. #1-37 FR 4466 - 3-3-72

KANSAS (Cont'd)

CLAY COUNTY
(Hdq) - See Allen County
CLOUD COUNTY
(Hdq) - See Allen County
COFFEY COUNTY
(Hdq) - See Allen County
COMANCHE COUNTY
(Hdq) - See Barber County
CONLEY COUNTY
None - See Allen County
CRAWFORD COUNTY
(Hdq) - See Allen County
DECATUR COUNTY
None - See Allen County
DICKINSON COUNTY
(Hdq) - See Allen County
DONIPHAN COUNTY
(Hdq) - See Allen County
DOUGLAS COUNTY
Decision #AM-6,493 (Hq)
37 FR 17349 - 8-25-72
Mod. #1-37 FR 20389 - 9-29-72
EDWARDS COUNTY
(Hdq) - See Barber County
ELK COUNTY
(Hdq) - See Allen County
ELLIS COUNTY
(Hdq) - See Barber County
ELLSWORTH COUNTY
(Hdq) - See Barber County
FINNEY COUNTY
(Hdq) - See Barber County
FORD COUNTY
(Hdq) - See Barber County
FRANKLIN COUNTY
(Hdq) - See Allen County
GARFIELD COUNTY
None
GOVE COUNTY
(Hdq) - See Barber County
GRAHAM COUNTY
(Hdq) - See Barber County
GRANT COUNTY
None

KANSAS (Cont'd)

GRAY COUNTY
(Hdq) - See Barber County
GREELEY COUNTY
(Hdq) - See Barber County
GREENWOOD COUNTY
(Hdq) - See Allen County
HAMILTON COUNTY
(Hdq) - See Barber County
HARPER COUNTY
(Hdq) - See Allen County
HARVEY COUNTY
(Hdq) - See Barber County
HASKELL COUNTY
(Hdq) - See Barber County
HODGEMAN COUNTY
(Hdq) - See Barber County
JACKSON COUNTY
(Hdq) - See Allen County
JEFFERSON COUNTY
(Hdq) - See Douglas County
JEWELL COUNTY
(Hdq) - See Barber County
JOHNSON COUNTY
Decision #AM-11,417 (H, M, Hq)
37 FR 6214 - 12/8/72
Mod. #1 - 37 FR 28353 - 12/22/72
Mod. #2 - 38 FR 1435 - 1/12/73
Mod. #3 - 38 FR 4078 - 2/9/73
Decision #AP-516 (H)
37 FR 26206 - 12/8/72
Mod. #1 - 38 FR 1435 - 1/12/73
Mod. #2 - 38 FR 4078 - 2/9/73
KEARNY COUNTY
(Hdq) - See Barber County
KINGMAN COUNTY
(Hdq) - See Allen County
KIOWA COUNTY
(Hdq) - See Barber County
LABETTE COUNTY
(Hdq) - See Allen County
LANE COUNTY
(Hdq) - See Barber County
LEAVENWORTH COUNTY
Decision #AM-6,708 (H)
37 FR 6214 - 12/8/72
Mod. #1-37 FR 18833-9/15/72
Mod. #2-37 FR 20388-9/29/72
(Hdq) - See Douglas County
LINCOLN COUNTY
(Hdq) - See Barber County
LINN COUNTY
(Hdq) - See Allen County

KANSAS (Cont'd)

STEVENS COUNTY
(Hdq) - See Barber County
SUMNER COUNTY
(Hdq) - See Allen County
THOMAS COUNTY
(Hdq) - See Barber County
TREGO COUNTY
(Hdq) - See Barber County
WABAUNSEE COUNTY
(Hdq) - See Allen County
WALLACE COUNTY
(Hdq) - See Barber County
WASHINGTON COUNTY
(Hdq) - See Allen County
WICHITA COUNTY
(Hdq) - See Barber County
WILSON COUNTY
(Hdq) - See Allen County
WOODSON COUNTY
(Hdq) - See Allen County
WYANDOTTE COUNTY
(H,M,Hq) - See Johnson County
(R) - See Johnson County

KENTUCKY

ADAIR COUNTY
Decision #AP-143 (H, Hq)
38 FR 2033 - 1/19/73
ALLEN COUNTY
Decision #AP-142 (H, Hq)
38 FR 2040 - 1/19/73
ANDERSON COUNTY
Decision #AP-146 (H, Hq)
38 FR 2044 - 1/19/73
BALLARD COUNTY
Decision #AM-8,589 (D)
37 FR 5634-3/17/72
Mod. #1-37 FR 24506 11/17/72
(H,Hq) - See Allen County
BARREN COUNTY
(H, Hq) - See Adair County
BATH COUNTY
(H,Hq) - See Anderson County

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KENTUCKY (Cont'd)

BELL COUNTY
(Hdq) - See Anderson County
BOONE COUNTY
(Hdq) - See Adair County
BOURBON COUNTY
(Hdq) - See Anderson County
BOYD COUNTY
(Hdq) - See Anderson County
BOYLE COUNTY
(Hdq) - See Anderson County
BRACKEN COUNTY
(Hdq) - See Adair County
BREATHITT COUNTY
(Hdq) - See Anderson County
BRECKINRIDGE COUNTY
(Hdq) - See Adair County
BULLITT COUNTY
(Hdq) - See Anderson County
BUTLER COUNTY
(Hdq) - See Allen County
CALDWELL COUNTY
(Hdq) - See Allen County
CALLOWAY COUNTY
(Hdq) - See Allen County
CAMPBELL COUNTY
(Hdq) - See Adair County
CARLISLE COUNTY
(Hdq) - See Allen County
CARROLL COUNTY
(Hdq) - See Adair County
CARTER COUNTY
(Hdq) - See Anderson County
CASEY COUNTY
(Hdq) - See Adair County
CHRISTIAN COUNTY
(Hdq) - See Allen County
CLARK COUNTY
(Hdq) - See Anderson County
CLAY COUNTY
(Hdq) - See Anderson County
CLINTON COUNTY
(Hdq) - See Allen County
CRITTENDEN COUNTY
(Hdq) - See Allen County
CUMBERLAND COUNTY
(Hdq) - See Allen County
DAVIESS COUNTY
(Hdq) - See Allen County
EDMONSON COUNTY
(Hdq) - See Allen County
ELLIOTT COUNTY
(Hdq) - See Anderson County
ESTILL COUNTY
(Hdq) - See Anderson County
FAYETTE COUNTY
(Hdq) - See Anderson County
FLEMING COUNTY
(Hdq) - See Anderson County
FLOYD COUNTY
(Hdq) - See Anderson County
FRANKLIN COUNTY
(Hdq) - See Anderson County
FULTON COUNTY
(Hdq) - See Allen County
GALLATIN COUNTY
(Hdq) - See Adair County
GARRARD COUNTY
(Hdq) - See Anderson County
GRANT COUNTY
(Hdq) - See Adair County
GRAVES COUNTY
(Hdq) - See Allen County
GRAYSON COUNTY
(Hdq) - See Allen County
GREEN COUNTY
(Hdq) - See Adair County
GREENUP COUNTY
(Hdq) - See Anderson County
HANCOCK COUNTY
(Hdq) - See Adair County
HARDIN COUNTY
(Hdq) - See Anderson County
HARLAN COUNTY
(Hdq) - See Anderson County
HARRISON COUNTY
(Hdq) - See Adair County
HART COUNTY
(Hdq) - See Adair County
HENDERSON COUNTY
(Hdq) - See Allen County
HENRY COUNTY
(Hdq) - See Adair County
HICKMAN COUNTY
(Hdq) - See Allen County
HOPKINS COUNTY
(Hdq) - See Allen County
JACKSON COUNTY
(Hdq) - See Anderson County
JEFFERSON COUNTY
Decision #AM-6,707 (H)
36 FR 10953 - 6-5-71
Mod. #1-37 FR 641 - 1-14-72
JESSAMINE COUNTY
(Hdq) - See Anderson County
JOHNSON COUNTY
(Hdq) - See Anderson County
KENTON COUNTY
(Hdq) - See Adair County
KNOTT COUNTY
(Hdq) - See Anderson County
KNOX COUNTY
(Hdq) - See Anderson County
LARUE COUNTY
(Hdq) - See Adair County
LAUREL COUNTY
(Hdq) - See Anderson County
LAWRENCE COUNTY
(Hdq) - See Anderson County
LEE COUNTY
(Hdq) - See Anderson County
LESLIE COUNTY
(Hdq) - See Anderson County
LETCHER COUNTY
(Hdq) - See Anderson County
LEWIS COUNTY
(Hdq) - See Anderson County
LINCOLN COUNTY
(Hdq) - See Adair County
LIVINGSTON COUNTY
(Hdq) - See Allen County
LOGAN COUNTY
(Hdq) - See Allen County
LYON COUNTY
(Hdq) - See Allen County
MADISON COUNTY
(Hdq) - See Anderson County
MAGOFFIN COUNTY
(Hdq) - See Anderson County
MARION COUNTY
(Hdq) - See Anderson County
MARSHALL COUNTY
(Hdq) - See Allen County
MARTIN COUNTY
(Hdq) - See Anderson County
MASON COUNTY
(Hdq) - See Adair County
MCCRACKEN COUNTY
(Hdq) - See Allen County
MCCREARY COUNTY
(Hdq) - See Anderson County
MCLEAN COUNTY
(Hdq) - See Allen County
MEADE COUNTY
(Hdq) - See Anderson County
MENIFEE COUNTY
(Hdq) - See Anderson County
MERCER COUNTY
(Hdq) - See Anderson County
METCALFE COUNTY
(Hdq) - See Adair County
MONROE COUNTY
(Hdq) - See Allen County
MONTGOMERY COUNTY
(Hdq) - See Anderson County
MORGAN COUNTY
(Hdq) - See Anderson County
MUHLENBERG COUNTY
(Hdq) - See Allen County
NELSON COUNTY
(Hdq) - See Anderson County
NICHOLAS COUNTY
(Hdq) - See Anderson County
OHIO COUNTY
(Hdq) - See Allen County
OLDHAM COUNTY
(Hdq) - See Anderson County
OWEN COUNTY
(Hdq) - See Anderson County
OWSLEY COUNTY
(Hdq) - See Anderson County
PENDLETON COUNTY
(Hdq) - See Adair County
PERRY COUNTY
(Hdq) - See Anderson County
PIKE COUNTY
(Hdq) - See Anderson County
POWELL COUNTY
(Hdq) - See Anderson County
PULASKI COUNTY
(Hdq) - See Anderson County
ROBERTSON COUNTY
(Hdq) - See Adair County
ROCKCASTLE COUNTY
(Hdq) - See Anderson County
ROWAN COUNTY
(Hdq) - See Anderson County
RUSSELL COUNTY
(Hdq) - See Adair County
SCOTT COUNTY
(Hdq) - See Adair County
SHELBY COUNTY
(Hdq) - See Anderson County
SIMPSON COUNTY
(Hdq) - See Allen County
SPENCER COUNTY
(Hdq) - See Anderson County
TAYLOR COUNTY
(Hdq) - See Adair County
TODD COUNTY
(Hdq) - See Allen County
TRIGG COUNTY
(Hdq) - See Allen County
TRIMBLE COUNTY
(Hdq) - See Anderson County
UNION COUNTY
(Hdq) - See Allen County
WARREN COUNTY
(Hdq) - See Allen County
WASHINGTON COUNTY
(Hdq) - See Anderson County
WAYNE COUNTY
(Hdq) - See Adair County
WEBSTER COUNTY
(Hdq) - See Allen County
WHITLEY COUNTY
(Hdq) - See Anderson County
WOLFE COUNTY
(Hdq) - See Anderson County
WOODFORD COUNTY
(Hdq) - See Anderson County

KENTUCKY (Cont'd)

BATH COUNTY (Cont'd)
Decision #AM-487 (R)
36 FR 16459 - 8/20/71
BELL COUNTY
(H,Hw) - See Adair County
BOONE COUNTY
Decision #AP-141 (H,Hw)
37 FR 25690 - 12/1/72
Mod. #1-37 FR 26778 - 12/15/72
Mod. #2-38 FR 2008 - 1/19/73
Decision #AP-602 (D)
38 FR 1433 - 1/12/73
BOURBON COUNTY
(Hw, H) - See Anderson County
(R) - See Bath County
BOYD COUNTY
Decision #AM-8625 (B,H)
37 FR 12471 - 6-23-72
Mod. #1-37 FR 19879 - 9-22-72
Mod. #2-37 FR 21699 - 10-13-72
Mod. #3-37 FR 23498 - 11/3/72
Mod. #4-37 FR 23968 - 11/10/72
Mod. #5-37 FR 28352 - 12/22/72
Mod. #6-38 FR 4077 - 2/9/73
(D) - See Boone County
BOYLE COUNTY
(H,Hw) - See Anderson County
BRACKEN COUNTY
(H,Hw) - See Anderson County
(D) - See Boone County
BREATHITT COUNTY
Decision #AP-144 (H, Hw)
38 FR 2037 - 1/19/73
BRECKINRIDGE COUNTY
Decision #AM-488 (R)
36 FR 16460 - 8-20-71
Mod. #1-37 FR 23972 - 11/10/72
(H,Hw)-See Anderson County
(D) - See Boone County

KENTUCKY (cont'd)

BULLITT COUNTY
(H, Hw) - See Anderson County
(R) - See Breckinridge County
BUTLER COUNTY
(H,Hw) - See Allen County
CALDWELL COUNTY
(H,Hw) - See Allen County
CALLOWAY COUNTY
(H,Hw) - See Allen County
CAMPBELL COUNTY
(H, Hw, D) - See Boone County
CARLISLE COUNTY
(D) - See Ballard County
(H,Hw) - See Allen County
CARROLL COUNTY
(H,Hw) - See Anderson County
(D) - See Boone County
CARTER COUNTY
(H,Hw) - See Anderson County
CASEY COUNTY
(H,Hw) - See Adair County
CHRISTIAN COUNTY
(H,Hw) - See Allen County
CLARK COUNTY
(H,Hw) - See Anderson County
(R) - See Bath County
CLAY COUNTY
(H,Hw) - See Adair County
CLINTON COUNTY
(H,Hw) - See Adair County
CRITTENDEN COUNTY
(H,Hw) - See Allen County
(D) - See Boone County
CUMBERLAND COUNTY
(H,Hw) - See Adair County
DAVIESS COUNTY
(H,Hw) - See Allen County
(D) - See Boone County
EDMONSON COUNTY
(H,Hw) - See Allen County

KENTUCKY (cont'd)

ELLIOTT COUNTY
(H,Hw) - See Anderson County
ESTILL COUNTY
(H,Hw) - See Adair County
FAYETTE COUNTY
Decision #AP-135 (B,H,Hw)
37 FR 21771 - 10-13-72
Mod. #1-37 FR 23972-11/10/72
Mod. #2-37 FR 28352 - 12/22/72
Mod. #3-38 FR 4077 - 2/9/73
(R) - See Bath County
FLEMING COUNTY
(H,Hw) - See Anderson County
FLOYD COUNTY
(H,Hw) - See Breathitt County
FRANKLIN COUNTY
(H,Hw) - See Anderson County
FULTON COUNTY
(D) - See Ballard County
(H,Hw) - See Allen County
GALLATIN COUNTY
(H,Hw) - See Anderson County
(D) - See Boone County
GARRARD COUNTY
(H,Hw) - See Adair County
GRANT COUNTY
(H,Hw) - See Anderson County
GRAVES COUNTY
(H,Hw) - See Allen County
GRAYSON COUNTY
(H,Hw) - See Anderson County
GREEN COUNTY
(H,Hw) - See Adair County
GREENUP COUNTY
(H,Hw) - See Anderson County
(D) - See Boone County

KENTUCKY (Cont'd)

HANCOCK COUNTY
(H,Hw) - See Allen County
(D) - See Boone County
HARDIN COUNTY
(H,Hw) - See Anderson County
(R) - See Breckinridge County
(D) - See Boone County
HARLAN COUNTY
(H,Hw) - See Adair County
HARRISON COUNTY
(H,Hw) - See Anderson County
(R) - See Bath County
HART COUNTY
(H,Hw) - See Adair County
HENDERSON COUNTY
(H,Hw) - See Allen County
(D) - See Boone County
HENRY COUNTY
(H,Hw) - See Anderson County
HICKMAN COUNTY
(D) - See Ballard County
(H,Hw) - See Allen County
HOPKINS COUNTY
(H,Hw) - See Allen County
JACKSON COUNTY
(H,Hw) - See Adair County
JEFFERSON COUNTY
Decision #AP-132 (B,H,Hw)
37 FR 21763 - 10-13-72
Mod. #1-37 FR 23054 - 10-27-72
Mod. #2-37 FR 23969-11/10/72
Mod. #3-37 FR 24507-11/17/72
Mod. #4-37 FR 25105-11/25/72
Mod. #5-37 FR 28352-12/22/72
Mod. #6-38 FR 4077-2/9/73
(D) - See Boone County
(R) - See Breckinridge County
JESSAMINE COUNTY
(H,Hw) - See Anderson County
(R) - See Bath County
JOHNSON COUNTY
Decision #AP-147 (H, Hw)
38 FR 2048 - 1/19/73
KENTON COUNTY
(H, Hw, D) - See Boone County
KNOTT COUNTY
(H,Hw) - See Breathitt County
KNOX COUNTY
(H,Hw) - See Adair County
LARUE COUNTY
(H,Hw) - See Anderson COunty
LAUREL COUNTY
(H,Hw) - See Adair County

KENTUCKY (Cont'd)

LAWRENCE COUNTY
(H,Hw) - See Johnson County
LEE COUNTY
(H,Hw) - See Adair County
LESLIE COUNTY
(H,Hw) - See Adair County
LETCHER COUNTY
(H,Hw) - See Breathitt County
LEWIS COUNTY
(H,Hw) - See Anderson County
(D) - See Boone County
LINCOLN COUNTY
(H,Hw) - See Adair County
LIVINGSTON COUNTY
(H,Hw) - See Allen County
(D) - See Boone County
LOGAN COUNTY
(H,Hw) - See Allen County
LYON COUNTY
(H,Hw) - See Allen County
McCRACKEN COUNTY
Decision #AP-134 (B,H,Hw)
37 FR 21769 - 10-13-72
Mod. #1-37 FR 23055 - 10-27-72
Mod. #2-37 FR 23791-11/10/72
Mod. #3-37 FR 28352 - 12/22/72
Mod. #4-38 FR 4077 - 2/9/73
(D) - See Boone County
McCREARY COUNTY
(H,Hw) - See Adair County
McLEAN COUNTY
(H,Hw) - See Allen County
MADISON COUNTY
(H,Hw) - See Anderson County
(R) - See Bath County
MAGAFFIN COUNTY
(H,Hw) - See Breathitt County
MARION COUNTY
(H,Hw) - See Anderson County
(R) - See Breckinridge County
MARSHALL COUNTY
(H,Hw) - See Allen County
MARTIN COUNTY
(H,Hw) - See Breathitt County
MASON COUNTY
(H,Hw) - See Anderson County
(D) - See Boone County
MEADE COUNTY
(H,Hw) - See Anderson County
(R) - See Breckinridge County
(D) - See Boone County
MENIFEE COUNTY
(H,Hw) - See Adair County

KENTUCKY (Cont'd)

MERCER COUNTY
(H,Hw) - See Anderson County
METCALFE COUNTY
(H,Hw) - See Adair County
MONROE COUNTY
(H,Hw) - See Adair County
MONTGOMERY COUNTY
(H,Hw) - See Anderson County
(R) - See Bath County
MORGAN COUNTY
(H,Hw) - See Anderson County
MUHLENBERG COUNTY
(H,Hw) - See Allen County
NELSON COUNTY
(H,Hw) - See Anderson County
(R) - See Breckinridge County
NICHOLAS COUNTY
(H,Hw) - See Anderson County
OHIO COUNTY
(H,Hw) - See Allen County
OLDHAM COUNTY
(H,Hw) - See Anderson County
(R) - See Breckinridge County
(D) - See Boone County
OWEN COUNTY
(H,Hw) - See Anderson County
OWSLEY COUNTY
(H,Hw) - See Adair County
PENDLETON COUNTY
(H,Hw) - See Anderson County
(D) - See Boone County
PERRY COUNTY
(H,Hw) - See Breathitt County
PIKE COUNTY
(H,Hw) - See Breathitt County
POWELL COUNTY
(H,Hw) - See Adair County
PULASKI COUNTY
(H,Hw) - See Adair County
ROBERTSON COUNTY
(H,Hw) - See Anderson County
ROCKCASTLE COUNTY
(H,Hw) - See Adair County
ROWAN COUNTY
(H,Hw) - See Anderson County

KENTUCKY (Cont'd)

RUSSELL COUNTY
(H,Hw) - See Adair County
SCOTT COUNTY
(H,Hw) - See Anderson County
(R) - See Bath County
SHELBY COUNTY
(H,Hw) - See Anderson County
(R) - See Breckinridge County
SIMPSON COUNTY
(H,Hw) - See Allen County
SPENCER COUNTY
(H,Hw) - See Anderson County
(R) - See Breckinridge County
TAYLOR COUNTY
(H,Hw) - See Adair County
TODD COUNTY
(H,Hw) - See Allen County
TRIGG COUNTY
(H,Hw) - See Allen County
TRIMBLE COUNTY
(H,Hw) - See Anderson County
(D) - See Boone County
UNION COUNTY
(H,Hw) - See Allen County
(D) - See Boone County
WARREN COUNTY
Decision #AP-133 (B,H,Hw)
37 FR 21766 - 10-13-72
Mod. #1-37 FR 23055 - 10-27-72
Mod. #2-37 FR 23970 - 11/10/72
Mod. #3-37 FR 24057 - 11/17/72
Mod. #4-37 FR 28352 - 12/22/72
Mod. #5-38 FR 4077 - 2/9/73
WASHINGTON COUNTY
(H,Hw) - See Anderson County
(R) - See Breckinridge County
WAYNE COUNTY
(H,Hw) - See Adair County
WEBSTER COUNTY
(H,Hw) - See Allen County
WHITLEY COUNTY
(H,Hw) - See Adair County
WOLFE COUNTY
(H,Hw) - See Adair County
WOODFORD COUNTY
(H,Hw) - See Anderson County
(R) - See Bath County

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LOUISIANA

STATEWIDE
Decision #AM-8,589 (D)
37 FR 5654 - 3-17-72
Mod. #1-37 FR 24506 - 11/17/72
ACADIA PARISH
(D) - See Statewide
Decision #AM-8,588 (F)
37 FR 5654 - 3-17-72
Mod. #1-37 FR 8601 - 4-28-72
Mod. #2-37 FR 24506 - 11/17/72
ALLEN PARISH
(D) - See Statewide
(F) - See Acadia Parish
ASCENSION PARISH
(D) - See Statewide
(F) - See Acadia Parish
ASSUMPTION PARISH
(D) - See Statewide
(F) - See Acadia Parish
AVOYELLES PARISH
(D) - See Statewide
(F) - See Acadia Parish
BEAUREGARD PARISH
(D) - See Statewide
(F) - See Acadia Parish
BIENVILLE PARISH
(D)-See Statewide
(F)-See Acadia Parish
BOSSIER PARISH
(D)-See Statewide
(F)-See Acadia Parish
Decision #AP-397 (B)
38 FR 2602 - 1/26/73
Mod. #1 - 38 FR 4078 - 2/9/73
Decision #AP-398 (R)
38 FR 2604 - 1/26/73
Mod. #1 - 38 FR 4078 - 2/9/73
CADDO PARISH
(D) - See Statewide
(B, R) - See Bossier Parish
CALCASIEU PARISH
(D) - See Statewide
(F) - See Acadia Parish

LOUISIANA (Cont'd)

CALCASIEU PARISH (cont'd)
Decision #AP-367 (R)
37 FR 26247 - 12/8/72
Mod. #1 - 37 FR 28352 - 12/22/72
Mod. #2 - 37 FR 28800 - 12/29/72
Mod. #3 - 38 FR 936 - 1/5/73
Decision #AP-366 (R)
37 FR 26245 - 12/8/72
Mod. #1 - 37 FR 28352 - 12/22/72
Mod. #2 - 37 FR 28800 - 12/29/72
Mod. #3 - 38 FR 936 - 1/5/73
CALDWELL PARISH
(D)-See Statewide
(F)-See Acadia Parish
CAMERON PARISH
(D) - See Statewide
(F) - See Acadia Parish
CATAHOULA PARISH
(D) - See Statewide
(F) - See Acadia Parish
CLAIBORNE PARISH
(D) - See Statewide
(F) - See Acadia Parish
CONCORDIA PARISH
(D) - See Statewide
(F) - See Acadia Parish
DE SOTO PARISH
(D) - See Statewide
(F) - See Acadia Parish
EAST BATON ROUGE PARISH
(D) - See Statewide
Decision #AP-362 (B)
37 FR 25636 - 12/1/72
Mod. #1-37 FR 26778 - 12/15/72
EAST CARROLL PARISH
(D) - See Statewide
(F) - See Acadia Parish
EAST FELICIANA PARISH
(D) - See Statewide
(F) - See Acadia Parish
EVANGELINE PARISH
(D) - See Statewide
(F) - See Acadia Parish
FRANKLIN PARISH
(D) - See Statewide
(F) - See Acadia Parish

LOUISIANA (Cont'd)

GRANT PARISH
(D) - See Statewide
(F) - See Acadia Parish
IBERIA PARISH
(D) - See Statewide
(F) - See Acadia Parish
IBERVILLE PARISH
(D)-See Statewide
(F)-See Acadia Parish
JACKSON PARISH
(D)-See Statewide
(F)-See Acadia Parish
JEFFERSON PARISH
(D)-See Statewide
(F)-See Acadia Parish
Decision #AP-351 (G)
37 FR 20441-9/29/72
Mod. #1-37 FR 23973 - 11/10/72
Mod. #2-37 FR 25106 - 11/25/72
Mod. #3-37 FR 25615 - 12/1/72
Mod. #4-37 FR 26200 - 12/8/72
Mod. #5-37 FR 26778 - 12/15/72
Mod. #6-37 FR 28799 - 12/29/72
JEFFERSON DAVIS PARISH
(D)-See Statewide
(F)-See Acadia Parish
LAFAYETTE PARISH
(D)-See Statewide
(F)-See Acadia Parish
LAFOURCHE PARISH
(D)-See Statewide
(F)-See Acadia Parish
LA SALLE PARISH
(D)-See Statewide
(F)-See Acadia Parish
LINCOLN PARISH
(D)-See Statewide
(F)-See Acadia Parish
LIVINGSTON PARISH
(D)-See Statewide
(F)-See Acadia Parish
MADISON PARISH
(D)-See Statewide
(F)-See Acadia Parish
MORHOUSE PARISH
(D)-See Statewide
(F)-See Acadia Parish
NATCHITOCHES PARISH
(D)-See Statewide
(F)-See Acadia Parish

LOUISIANA (Cont'd)

ORLEANS PARISH
(D)-See Statewide
(B)-See Jefferson Parish
OUACHITA PARISH
(D)-See Statewide
Decision #AP-361 (B)
37 FR 17305-8/25/72
PLAQUEMINES PARISH
(D)-See Statewide
(B)-See Jefferson Parish
(F)-See Acadia Parish
POINT COUPEE PARISH
(D)-See Statewide
(F)-See Acadia Parish
RAPIDES PARISH
(D)-See Statewide
Decision #AP-363 (B)
37 FR 25938 - 12/1/72
Mod. #1-37 FR 26778 - 12/15/72
Mod. #2-38 FR 1434 - 1/12/73
Mod. #3-38 FR 2569 - 1/26/73
RED RIVER PARISH
(D)-See Statewide
(F)-See Acadia Parish
RICHLAND PARISH
(D)-See Statewide
(F)-See Acadia Parish
SABINE PARISH
(D)-See Statewide
(F)-See Acadia Parish
ST. BERNARD PARISH
(D)-See Statewide
(F)-See Acadia Parish
(B)-See Jefferson Parish
ST. CHARLES PARISH
(D)-See Statewide
(F)-See Acadia Parish
ST. HELENA PARISH
(D)-See Statewide
(F)-See Acadia Parish
ST. JAMES PARISH
(D)-See Statewide
(F)-See Acadia Parish
ST. JOHN THE BAPTIST PARISH
(D)-See Statewide
(F)-See Acadia Parish
ST. LANDRY PARISH
(D)-See Statewide
(F)-See Acadia Parish
ST. MARTIN PARISH
(D)-See Statewide
(F)-See Acadia Parish

LOUISIANA (Cont'd)

ST. MARY PARISH
(D)-See Statewide
(F)-See Acadia Parish
ST. TAMMANY PARISH
(D)-See Statewide
(F)-See Acadia Parish
TANGIPAHOA PARISH
(D)-See Statewide
(F)-See Acadia Parish
TENSAS PARISH
(D)-See Statewide
(F)-See Acadia Parish
TERREBONNE PARISH
(D)-See Statewide
(F)-See Acadia Parish
UNION PARISH
(D)-See Statewide
(F)-See Acadia Parish
VERMILION PARISH
(D)-See Statewide
(F)-See Acadia Parish
VERNON PARISH
(D)-See Statewide
(F)-See Acadia Parish
WASHINGTON PARISH
(D)-See Statewide
(F)-See Acadia Parish
WEBSTER PARISH
(D)-See Statewide
(F)-See Acadia Parish
WEST BATON ROUGE PARISH
(D)-See Statewide
(F)-See Acadia Parish
WEST CARROLL PARISH
(D)-See Statewide
(F)-See Acadia Parish
WEST FELICIANA PARISH
(D)-See Statewide
(F)-See Acadia Parish
WINN PARISH
(D)-See Statewide
(F)-See Acadia Parish

MAINE

ANDROSCOGGIN COUNTY
None
AROOSTOOK COUNTY
None
CUMBERLAND COUNTY
None
FRANKLIN COUNTY
None
HANCOCK COUNTY
None
KENNEBEC COUNTY
None
KNOX COUNTY
None
OXFORD COUNTY
None
PENOBSCOT COUNTY
None
PISCATAQUIS COUNTY
None
SAGADAHOC COUNTY
None
SOMERSET COUNTY
None
WALDO COUNTY
None
WASHINGTON COUNTY
None
YORK COUNTY
None

MARYLAND

ALLEGANY COUNTY
None
ANNE ARUNDEL COUNTY
Decision #AP-439 (D)
37 FR 22701 - 10/20/72
BALTIMORE CITY & BALTIMORE COUNTY
Decision #AP-455 (B, H, Hw)
37 FR 28819 - 12/29/72

MARYLAND (Cont'd)

BALTIMORE CITY & BALTIMORE COUNTY (Cont'd)
Decision #AM-1,846 (R)
36 FR 16249 - 8/20/71
Decision #AM-9,322 (D)
37 FR 10693 - 5/26/72
Mod. #1 - 37 FR 19871 - 9/22/72
CALVERT COUNTY
(D)-See Anne Arundel County
CAROLINE COUNTY
None
CARROLL COUNTY
None
CECIL COUNTY
(R)-See Baltimore County
CHARLES COUNTY
(D)-See Anne Arundel County
DORCHESTER COUNTY
(D)-See Anne Arundel County
FREDERICK COUNTY
None
GARRETT COUNTY
None
HARFORD COUNTY
(R)-See Baltimore County
(D)-See Anne Arundel County
HOWARD COUNTY
(R)-See Baltimore County
KENT COUNTY
(D)-See Anne Arundel County
MONTGOMERY COUNTY
Decision #AP-443 (B)
37 FR 24515 - 11/17/72
Mod. #1-37 FR 25615 - 12/1/72
Mod. #2-37 FR 26198 - 12/8/72
Mod. #3-38 FR 2015 - 1/19/73
Decision #AP-450 (R)
37 FR 25117 - 11/25/72
PRINCE GEORGES COUNTY
(B)-See Montgomery County
(R)-See Montgomery County
(D)-See Anne Arundel County

MARYLAND (Cont'd)

QUEEN ANNES COUNTY
(D) - See Anne Arundel County
ST. MARYS COUNTY
(D) - See Anne Arundel County
SOMERSET COUNTY
(D)-See Anne Arundel County
TALBOT COUNTY
(D)-See Anne Arundel County
WASHINGTON COUNTY
None
WICOMICO COUNTY
(D)-See Anne Arundel County
WORCESTER COUNTY
(D)-See Baltimore County

MASSACHUSETTS

BARNSTABLE COUNTY
Decision #AP-456 (B, H, Hw & Marine)
38 FR 2051 - 1/19/73
Decision #AM-9,322 (D)
37 FR 10693-5/26/72
Mod. #1-37 FR 19871-9/22/72
BERKSHIRE COUNTY
None
BRISTOL COUNTY
(D)-See Barnstable County
DUKES COUNTY
(D)-See Barnstable County
ESSEX COUNTY
Decision #AP -457 (B, H, Hw & Marine)
38 FR 2054 - 1/19/73
(D)-See Barnstable County
FRANKLIN COUNTY
None
HAMPDEN COUNTY
Decision #AP-458 (B, H, Hw)
38 FR 2058 - 1/19/73

MAR 2 1973 XUM

MICHIGAN (cont'd)

CRAWFORD COUNTY
(Hw) - See Alcona County
(Hw, D) - See Alcona County
DELTA COUNTY
(Hw, D) - See Alcona County
DICKINSON COUNTY
(Hw) - See Alcona County
EATON COUNTY
Decision #AM-8041 (E)
36 FR 24027 - 12/17/71
(Hw) - See Allegan County
EMMET COUNTY
Decision #AP-87 (B, H)
37 FR 28839 - 12/29/72
(Hw, D) - See Alcona County
GENESEE COUNTY
Decision #AP-88 (B, H)
37 FR 28870 - 12/29/72
Decision #AP-76 (Highway Bridge, Airport & Sewer Cons., excl. of Bldgs.)
37 FR 28373 - 12/22/72
GLADWIN COUNTY
(Hw) - See Alcona County
GOGEBIC COUNTY
Decision #AP-89 (B, H)
37 FR 28844 - 12/29/72
(Hw, D) - See Alcona County
GRAND TRAVERSE COUNTY
Decision #AP-90 (B, H)
37 FR 28873 - 12/29/72
(Hw, D) - See Alcona County
GRATIOT COUNTY
(Hw) - See Allegan County
HILLSDALE COUNTY
(Hw) - See Allegan County
HOUGHTON COUNTY
(B, H) - See Baraga County
(Hw, D) - See Alcona County
HURON COUNTY
Decision #AP-91 (B, H)
37 FR 28879 - 12/29/72
(D) - See Alcona County
(Hw) - See Allegan County
INGHAM COUNTY
Decision #AP-92 (B, H)
37 FR 28844 - 12/29/72
(Hw) - See Allegan County
(E) - See Eaton County
IONIA COUNTY
(Hw) - See Allegan County

MICHIGAN (cont'd)

TOSCO COUNTY
(D) - See Alcona County
(Hw) - See Alcona County
IRON COUNTY
(Hw) - See Alcona County
ISABELLA COUNTY
(Hw) - See Alcona County
JACKSON COUNTY
(Hw) - See Allegan County
KALAMAZOO COUNTY
Decision #AP-93 (B, H)
37 FR 28847 - 12/29/72
(Hw) - See Allegan County
(E) - See Branch County
KALKASKA COUNTY
(Hw) - See Alcona County
KENT COUNTY
Decision #AP-23 (B)(H)(Hw)
37 FR 20443 - 9/29/72
Mod. # 1-37 FR 22704 - 10/20/72
Decision #AM-402 (E)
36 FR 15895 - 8/18/71
(Hw) - See Allegan County
KEWEENAW COUNTY
(B)(H)- See Baraga County
(Hw) - See Alcona County
LAKE COUNTY
(Hw) - See Alcona County
LAPEER COUNTY
(Hw) - See Allegan County
LEELANAU COUNTY
(B, H) - See Grand Traverse County
(Hw, D) - See Alcona County
LENAWEE COUNTY
(Hw) - See Allegan County
LIVINGSTON COUNTY
(Hw) - See Allegan County
LUCE COUNTY
(Hw, D) - See Alcona County
MACKINAC COUNTY
(B, H) - See Chippewa County
(Hw, D) - See Alcona County
MACOMB COUNTY
Decision #AP-600 (B, H)
37 FR 28865 - 12/29/72
(D) - See Alcona County
(Hw) - See Genesee County
Decision #AP-601 (E)
37 FR 28797 - 12/29/72

MASSACHUSETTS (cont'd)

HAMPSHIRE COUNTY
None
MIDDLESEX COUNTY
Decision #AP-459 (B, H, Hw & Marine)
38 FR 2062 - 1/19/73
(D)- See Barnstable County
NANTUCKET COUNTY
(D)-See Barnstable County
NORFOLK COUNTY
(D)-See Barnstable County
PLYMOUTH COUNTY
(D)- See Barnstable County
SUFFOLK COUNTY
Decision #AP-460 (B, H, Hw & Marine)
38 FR 2066 - 1/19/73
WORCESTER COUNTY
Decision #AP-461 (B, H, Hw)
38 FR 2070 - 1/19/73

MICHIGAN

ALCONA COUNTY
Decision #AP-4 (D)
37 FR 14670 - 7-21-72
Decision #AP-78 (Highway, Bridge, Airport & Sewer Cons., excl. of Bldgs.)
37 FR 28377 - 12/22/72
Mod. #1 - 38 FR 936 - 1/5/73
ALGER COUNTY
(Hw, D)- See Alcona County
ALLEGAN COUNTY
Decision #AP-80 (B, H)
38 FR 2822 - 12/29/72
Decision #AP-398 (E)
36 FR 15891 - 8/18/71
Decision #AP-77 (Highway, Bridge, Airport & Sewer Cons., excl. of Bldgs.)
37 FR 28374 - 12/22/72
(D) - See Alcona County
ALPENA COUNTY
Decision #AP-81 (B, H)
37 FR 28825 - 12/29/72
(Hw, D) - See Alcona County
ANTRIM COUNTY
(Hw, D) - See Alcona County
ARENAC COUNTY
(Hw, D) - See Alcona County

MINNESOTA (cont'd)

BIG STONE COUNTY
Decision #AP-602 (B, H)
37 FR 25508 - 11/25/72
BLUE EARTH COUNTY
None
BROWN COUNTY
None
CARLTON COUNTY
None
CARVER COUNTY
Decision #AP-605 (E)
38 FR 2074 - 1/19/73
Decision #AP-612 (E)
38 FR 2095 - 1/19/73
(H, Hw) - See Anoka County
CASS COUNTY
(Hw) - See Becker County
CHIPPEWA COUNTY
(Hw) - See Big Stone County
CHISAGO COUNTY
None
CLAY COUNTY
(Hw) - See Becker County
CLEAR WATER COUNTY
None
COOK COUNTY
Decision #AP-610 (H, Hw)
38 FR 2088 - 1/19/73
Decision #AP-4 (D)
37 FR 14670 - 7/21/72
COTTONWOOD COUNTY
None
CROW WING COUNTY
None
DAKOTA COUNTY
Decision #AP-607 (E)
38 FR 2078 - 1/19/73
Decision #AP-613 (E)
38 FR 2099 - 1/19/73
(H, Hw) - See Anoka County

MINNESOTA

AITKIN COUNTY
None
ANOKA COUNTY
Decision #AP 605 (E)
38 FR 2073 - 1/19/73
Decision #AP-609 (H, Hw)
38 FR 2085 - 1/19/73
Decision #AP-611 (E)
38 FR 2091 - 1/19/73
BECKER COUNTY
Decision #AP-49 (Hw)
37 FR 25097 - 11/25/72
BELTRAMI COUNTY
None
BENTON COUNTY
None

MICHIGAN (cont'd)

SAINT JOSEPH COUNTY
(Hw) - See Allegan County
SANILAC COUNTY
(D) - See Alcona County
(Hw) - See Alcona County
SCHOOLCRAFT COUNTY
(D) - See Alcona County
(Hw) - See Alcona County
SHIAWASSEE COUNTY
(Hw) - See Allegan County
TUSCOLA COUNTY
(D) - See Alcona County
(Hw) - See Allegan County
VAN BUREN COUNTY
(D) - See Alcona County
(Hw) - See Allegan County
WASHTENAW COUNTY
Decision #AP-99 (B, H)
37 FR 28383 - 12/29/72
(Hw) - See Genesee County
WAYNE COUNTY
(B, H, E) - See Macomb County
(D) - See Alcona County
(Hw) - See Genesee County
WEXFORD COUNTY
(Hw) - See Alcona County

MINNESOTA

AITKIN COUNTY
None
ANOKA COUNTY
Decision #AP 605 (E)
38 FR 2073 - 1/19/73
Decision #AP-609 (H, Hw)
38 FR 2085 - 1/19/73
Decision #AP-611 (E)
38 FR 2091 - 1/19/73
BECKER COUNTY
Decision #AP-49 (Hw)
37 FR 25097 - 11/25/72
BELTRAMI COUNTY
None
BENTON COUNTY
None

MICHIGAN (cont'd)

OAKLAND COUNTY
(D, H, E) - See Macomb County
(Hw) - See Alcona County
OCEANA COUNTY
(D, H) - See Muskegon County
OGEMAW COUNTY
(Hw) - See Alcona County
ONTONAGON COUNTY
(E, H) - See Baraga County
(Hw, D) - See Alcona County
OSCEOLA COUNTY
(Hw) - See Alcona County
OSCODA COUNTY
(Hw) - See Alcona County
OTSEGO COUNTY
(Hw) - See Alcona County
OTTAWA COUNTY
(D) - See Alcona County
(Hw) - See Allegan County
PRESQUE ISLE COUNTY
(D) - See Alcona County
(Hw) - See Alcona County
ROSCOMMON COUNTY
(Hw) - See Alcona County
SAGINAW COUNTY
Decision #AP-91 (B, H)
38 FR 28879 - 12/29/72
(Hw) - See Allegan County
SAINT CLAIR COUNTY
Decision #AP-98 (B, H)
37 FR 28860 - 12/29/72
(D) - See Alcona County
(Hw) - See Allegan County

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MINNESOTA (cont'd)

MARTIN COUNTY
(Hw, D) - See Alcona County
MEEKER COUNTY
Decision #AP-94 (B, H)
38 FR 2082 - 12/29/72
(Hw, D) - See Alcona County
MILLE LACS COUNTY
Decision #AP-95 (B, H)
37 FR 28834 - 12/29/72
(Hw, D) - See Alcona County
MORRISON COUNTY
(Hw) - See Allegan County
MOWER COUNTY
(Hw) - See Alcona County
MURRAY COUNTY
(Hw) - See Alcona County
NICOLLET COUNTY
(Hw) - See Alcona County
NOBLES COUNTY
(Hw) - See Alcona County
NORMAN COUNTY
(Hw) - See Becker County
OLMSTED COUNTY
(Hw) - See Alcona County
OTTER TAIL COUNTY
(Hw) - See Becker County
PENNINGTON COUNTY
(Hw) - See Becker County
PINE COUNTY
(Hw) - See Anoka County
PIPESTONE COUNTY
(Hw) - See Alcona County
POLK COUNTY
(Hw) - See Becker County
POPE COUNTY
(Hw) - See Alcona County
RAMSEY COUNTY
(Hw) - See Anoka County
RED LAKE COUNTY
(Hw) - See Becker County
REDWOOD COUNTY
(Hw) - See Alcona County
RENVILLE COUNTY
(Hw) - See Alcona County
RICE COUNTY
(Hw) - See Alcona County
ROCK COUNTY
(Hw) - See Alcona County
ROSEAU COUNTY
(Hw) - See Becker County
SCOTT COUNTY
(Hw) - See Alcona County
SHERBURNE COUNTY
(Hw) - See Anoka County
SIBLEY COUNTY
(Hw) - See Alcona County
STEARNS COUNTY
(Hw) - See Alcona County
STEELE COUNTY
(Hw) - See Alcona County
STEVENS COUNTY
(Hw) - See Alcona County
SWIFT COUNTY
(Hw) - See Alcona County
TODD COUNTY
(Hw) - See Alcona County
TRAVERSE COUNTY
(Hw) - See Alcona County
WABASHA COUNTY
(Hw) - See Alcona County
WADENA COUNTY
(Hw) - See Becker County
WASECA COUNTY
(Hw) - See Alcona County
WASHINGTON COUNTY
(Hw) - See Anoka County
WATONWAN COUNTY
(Hw) - See Alcona County
WILKIN COUNTY
(Hw) - See Alcona County
WINONA COUNTY
(Hw) - See Alcona County
WRIGHT COUNTY
(Hw) - See Anoka County
YELLOW MEDICINE COUNTY
(Hw) - See Alcona County

MINNESOTTA (Cont'd)

DODGE COUNTY
None
DOUGLAS COUNTY
(Hw) - See Big Stone County
FAIRBAULT COUNTY
None
FREEBORN COUNTY
None
GOODHUE COUNTY
None
GRANT COUNTY
(Hw) - See Big Stone County
HENNEPIN COUNTY
(R, B) - See Carver County
(H, Hw) - See Anoka County
HOUSTON COUNTY
None
HUBBARD COUNTY
(Hw) - See Becker County
ISANTI COUNTY
None
ITASKA COUNTY
None
JACKSON COUNTY
None
KANABEC COUNTY
None
KANDIYOHI COUNTY
(Hw) - See Becker County
KITTSON COUNTY
None
KOOCHICHING COUNTY
None
LAC QUI PARLE COUNTY
(Hw) - See Big Stone County
LAKE COUNTY
(H)(Hw)-See Cook County
(D)-See Cook County
LAKE OF THE WOODS COUNTY
None
LE SUEUR COUNTY
None
LINCOLN COUNTY
None

MINNESOTA (cont'd)

LYON COUNTY
None
MCLEOD COUNTY
None
MAHNOMEN COUNTY
None
MARSHALL COUNTY
None
MARTIN COUNTY
None
MEEKER COUNTY
None
MILLE LACS COUNTY
Non
MORRISON COUNTY
None
MOWER COUNTY
None
MURRAY COUNTY
None
NICOLLET COUNTY
None
NURLES COUNTY
None
NORMAN COUNTY
None
OLMSTEAD COUNTY
None
OTTER TAIL COUNTY
(Hw) - See Becker County
PENNINGTON COUNTY
None
PINE COUNTY
None
PIPESTONE COUNTY
None
POLK COUNTY
None
POPE COUNTY
(Hw) - See Big Stone County
RAMSEY COUNTY
(R, B) - See Dakota County
(H, Hw) - See Anoka County

MINNESOTA (Cont'd)

RED LAKE COUNTY
None
REDWOOD COUNTY
None
RENVILLE COUNTY
None
RICE COUNTY
None
ROCK COUNTY
None
ROSEAU COUNTY
None
SAINT LOUIS COUNTY
(D)-See Cook County
(H)(Hw)-See Cook County
CITY OF DULUTH
Decision #AP-608 (B)
38 FR 2082 - 1/19/73
Decision #AP-614 (R)
38 FR 2103 - 1/19/73
SCOTT COUNTY
(H)(Hw)-See Anoka County
(B) - See Carver County
SHERBURNE COUNTY
None
SIBLEY COUNTY
None
STEARNS COUNTY
None
STEELE COUNTY
None
STEVENS COUNTY
(Hw) - See Big Stone County
SWIFT COUNTY
(Hw) - See Big Stone County
TODD COUNTY
(Hw) - See Becker County
TRAVERSE COUNTY
(Hw) - See Big Stone County
WABASHA COUNTY
None
WADENA COUNTY
(Hw) - See Becker County
WASECA COUNTY
None
WASHINGTON COUNTY
(B) - See Dakota County
(H, Hw) - See Anoka County
WATONWAN COUNTY
None
WILKIN COUNTY
(Hw) - See Becker County

MINNESOTA (Cont'd)

WINONA COUNTY
None
WRIGHT COUNTY
None
YELLOW MEDICINE COUNTY
None

MISSISSIPPI

STATEWIDE
Decision #AM-8589 (D)
37 FR 5654 - 3/17/72
Mod. #1-37 FR 24506 - 11/17/72
Decision #AM-8588 (F)
37 FR 5654 - 3/17/72
Mod. #1-37 FR 8601 - 4/28/72
Mod. #2-37 FR 24506 - 11/17/72
ADAMS COUNTY
Decision #AM-495 (Hw)
36 FR 16470 - 8/20/71
Mod. #1-37 FR 643 - 1/14/72
(D) - See Statewide
(F) - See Statewide
ALCORN COUNTY
Decision #AM-491 (Hw)
36 FR 16466 - 8/20/71
Mod. #1-37 FR 641 - 1/14/72
(D) - See Statewide
(F) - See Statewide
AMITE COUNTY
(D) - See Statewide
(F) - See Statewide
(Hw) - See Adams County
ATTALA COUNTY
Decision #AM-494 (Hw)
36 FR 16469 - 8/20/71
Mod. #1-37 FR 643 - 1/14/72
(D) - See Statewide
(F) - See Statewide
BENTON COUNTY
(D) - See Statewide
(F) - See Statewide
(Hw) - See Alcorn County

MISSISSIPPI (Cont'd)

BOLIVAR COUNTY
Decision #AM-492 (Hw)
36 FR 16467 - 8/20/71
Mod. #1-37 FR 642 - 1/14/72
(D) - See Statewide
(F) - See Statewide
CALHOUN COUNTY
(D) - See Statewide
(F) - See Statewide
(Hw) - See Alcorn County
CARROLL COUNTY
(D) - See Statewide
(F) - See Statewide
(Hw) - See Bolivar County
CHICKASAW COUNTY
(D) - See Statewide
(F) - See Statewide
(Hw) - See Alcorn County
CHOCTAW COUNTY
(D) - See Statewide
(F) - See Statewide
(Hw) - See Alcorn County
CLAIBORNE COUNTY
Decision #AM-493 (Hw)
36 FR 16469 - 8/20/71
Mod. #1-37 FR 642 - 1/14/72
Mod. #2-37 FR 3687 - 2/18/72
(D) - See Statewide
(F) - See Statewide
CLARKE COUNTY
(D) - See Statewide
(F) - See Statewide
(Hw) - See Attala County
CLAY COUNTY
(D) - See Statewide
(F) - See Statewide
(Hw) - See Alcorn County
COAHOMA COUNTY
(D) - See Statewide
(F) - See Statewide
(Hw) - See Bolivar County
COPIAH COUNTY
(D) - See Statewide
(F) - See Statewide
(Hw) - See Claiborne County
(R) - See Hinds County
COVINGTON COUNTY
(D) - See Statewide
(F) - See Statewide
(Hw) - See Adams County

MISSISSIPPI (Cont'd)

DE SOTO COUNTY
(D) - See Statewide
(F) - Se (D) - See Statewide
(Hw) - See Bolivar
FORREST COUNTY
Decision #AM-8264 (D)
37 FR 13017 - 6/30/72
(D) - See Statewide
(F) - See Statewide
(Hw) - See Adams County
FRANKLIN COUNTY
(D) - See Statewide
(F) - See Statewide
(Hw) - See Adams County
GEORGE COUNTY
Decision #AM-496 (Hw)
36 FR 16471 - 8/20/71
Mod. #1-37 FR 644 - 1/14/72
(D) - See Statewide
(F) - See Statewide
(R) - See Harrison County
GREENE COUNTY
(D) - See Statewide
(F) - See Statewide
(Hw) - See Adams County
GRENADA COUNTY
(D) - See Statewide
(F) - See Statewide
(Hw) - See Bolivar County
HANCOCK COUNTY
(D) - See Statewide
(F) - See Statewide
(Hw) - See George County
(R) - See Harrison County
HARRISON COUNTY
Decision #AM-8619 (B,H)
37 FR 11142 - 6/2/72
Mod. #1-37 FR 13423 - 7/7/72
Mod. #2-37 FR 16277 - 8/11/72
Mod. #3-37 FR 24510 - 11/17/72
Mod. #4-48 FR 2009 - 1/19/73
Decision #AM-8597 (R)
37 FR 5666 - 3/17/72
(D) - See Statewide
(F) - See Statewide
(Hw) - See George County
HINDS COUNTY
Decision #AM-8618 (B,H)
37 FR 11140 - 6/2/72
Mod. #1-37 FR 13423 - 7/7/72
Mod. #2-37 FR 16277 - 8/11/72

MISSISSIPPI (Cont'd)

HINDS COUNTY (Cont'd)
Mod. #3-37 FR 20388 - 9/29/72
Mod. #4-37 FR 24510 - 11/17/72
Mod. #5-38 FR 2009 - 1/19/73
Decision #AM-498 (R)
36 FR 16473 - 8/20/71
(D) - See Statewide
(F) - See Statewide
(Hw) - See Claiborne County
HOLMES COUNTY
(D) - See Statewide
(F) - See Statewide
(Hw) - See Claiborne County
HUMPHREYS COUNTY
(D) - See Statewide
(F) - See Statewide
(Hw) - See Claiborne County
ISSAQUENA COUNTY
(D) - See Statewide
(F) - See Statewide
(Hw) - See Claiborne County
ITAWAMBA COUNTY
(D) - See Statewide
(F) - See Statewide
(Hw) - See Alcorn County
JACKSON COUNTY
(D) - See Statewide
(F) - See Statewide
(Hw) - See George County
(R) - See Harrison County
JASPER COUNTY
(D) - See Statewide
(F) - See Statewide
(Hw) - See Attala County
JEFFERSON COUNTY
(D) - See Statewide
(F) - See Statewide
(Hw) - See Adams County
JEFFERSON DAVIS COUNTY
(D) - See Statewide
(F) - See Statewide
(Hw) - See Adams County
JONES COUNTY
(D) - See Statewide
(F) - See Statewide
(Hw) - See Adams County
(R) - See Forest County

MISSISSIPPI (Cont'd)

KEMPER COUNTY
(D) - See Statewide
(F) - See Statewide
(Hw) - See Attala County
LAFAYETTE COUNTY
(D) - See Statewide
(R) - See Statewide
(Hw) - See Alcorn County
LAMAR COUNTY
(D) - See Statewide
(F) - See Statewide
(Hw) - See Adams County
LAUDERDALE COUNTY
(D) - See Statewide
(F) - See Statewide
(Hw) - See Attala County
LAWRENCE COUNTY
(D) - See Statewide
(F) - See Statewide
(Hw) - See Adams County
LEAKE COUNTY
(D) - See Statewide
(F) - See Statewide
(Hw) - See Attala County
LEE COUNTY
(D) - See Statewide
(F) - See Statewide
(Hw) - See Alcorn County
LEFLORE COUNTY
(D) - See Statewide
(F) - See Statewide
(Hw) - See Bolivar County
LINCOLN COUNTY
(D) - See Statewide
(F) - See Statewide
(Hw) - See Adams County
LOWNDES COUNTY
(D) - See Statewide
(F) - See Statewide
(Hw) - See Alcorn County
MADISON COUNTY
(D) - See Statewide
(F) - See Statewide
(Hw) - See Claiborne County
(R) - See Hinds County

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XUM

MISSISSIPPI (Cont'd)

TATE COUNTY
(D,F)-See Statewide
(Hw)-See Bolivar County
TIPPAH COUNTY
(D,F)-See Statewide
(Hw)-See Alcorn County
TISHOMINGO COUNTY
(D,F)-See Statewide
(Hw)-See Alcorn County
TUNICA COUNTY
(D,F)-See Statewide
(Hw)-See Bolivar County
UNION COUNTY
(D,F)-See Statewide
(Hw)-See Alcorn County
WALTHALL COUNTY
(D,F)-See Statewide
(Hw)-See Adams County
WARREN COUNTY
(D,F)-See Statewide
(Hw)-See Claiborne County
WASHINGTON COUNTY
(D,F)-See Statewide
(Hw)-See Bolivar County
WAYNE COUNTY
(D,F)-See Statewide
(Hw)-See Adams County
WEBSTER COUNTY
(D,F)-See Statewide
(Hw)-See Alcorn County
WILKINSON COUNTY
(D,F)-See Statewide
(Hw)-See Adams County
WINSTON COUNTY
(D,F)-See Statewide
(Hw)-See Attala County
YALOBUSHA COUNTY
(D,F)-See Statewide
(Hw)-See Bolivar County
YAZOO COUNTY
(D,F)-See Statewide
(Hw)-See Claiborne County
(R)-See Hinds County

MISSOURI

ADAIR COUNTY
None
ANDREW COUNTY
None
ATCHISON COUNTY
None
AUDRAIN COUNTY
None
BARRY COUNTY
None
BARTON COUNTY
Decision #AP-509 (H-Hw)
37 FR 21783 - 10/13/72
BATES COUNTY
None
BENTON COUNTY
None
BOLLINGER COUNTY
None
BOONE COUNTY
None
BUCHANAN COUNTY
None
BUTLER COUNTY
None
CALDWELL COUNTY
None
CALLAWAY COUNTY
None
CAMDEN COUNTY
None
CAPE GIRARDEAU COUNTY
Decision #AP-602 (D)
38 FR 1433-1/12/73
CARROLL COUNTY
None
CARTER COUNTY
None

MISSISSIPPI (Cont'd)

PONTOTOC COUNTY
(D) - See Statewide
(F) - See Statewide
(Hw) - See Alcorn County
PRENTISS COUNTY
(D) - See Statewide
(F) - See Statewide
(Hw) - See Alcorn County
QUITMAN COUNTY
(D) - See Statewide
(F) - See Statewide
(Hw) - See Bolivar County
RANKIN COUNTY
(D) - See Statewide
(F) - See Statewide
(Hw) - See Claiborne County
(R) - See Hinds County
SCOTT COUNTY
(D) - See Statewide
(F) - See Statewide
(Hw) - See Attala County
SHARKEY COUNTY
(D) - See Statewide
(F) - See Statewide
(Hw) - See Claiborne County
SIMPSON COUNTY
(D) - See Statewide
(F) - See Statewide
(Hw) - See Claiborne County
(R) - See Hinds County
STONE COUNTY
(D) - See Statewide
(F) - See Statewide
(Hw) - See Georgia County
(R) - See Harrison County
SUNFLOWER COUNTY
(D) - See Statewide
(F) - See Statewide
(Hw) - See Bolivar County
TALLAHATCHIE COUNTY
(D) - See Statewide
(F) - See Statewide
(Hw) - See Bolivar County

MISSOURI (Cont'd)

RAY COUNTY
(B-H-Hw) - See Cass County
(D) - See Cass County
REYNOLDS COUNTY
None
RIPLEY COUNTY
None
ST. CHARLES COUNTY
Decision #AP-535 (B-H-Hw)
37 FR 19824 - 9/22/72
Mod. #1-37 FR 19824 - 9/22/72
Mod. #2-38 FR 4078-2/9/73
Decision #AP-594 (R)
37 FR 17481 - 9/1/72
Mod. #1-38 FR 4078-2/9/73
(D)-See Cape Girardeau County
ST. CLAIR COUNTY
None
STE. FRANCOIS COUNTY
None
ST. LOUIS COUNTY
(B-H-Hw) - See St. Charles County
(D) - See St. Charles County
(R)-See Cape Girardeau County
ST. LOUIS CITY
(B-H-Hw) - See St. Charles County
(D) - See St. Charles County
STE. GENEVIEVE COUNTY
None
SALINE COUNTY
None
SCHUYLER COUNTY
None
SCOTLAND COUNTY
None
SCOTT COUNTY
Decision #AP-507 (H-Hw)
37 FR 21776 - 10/13/72
Mod. #1-37 FR 25109 - 11/25/72
(D) - See Cape Girardeau County
STODDARD COUNTY
None
STONE COUNTY
None
SULLIVAN COUNTY
None
TANEY COUNTY
None

MISSOURI (Cont'd)

HICKORY COUNTY
None
HOLT COUNTY
Decision #AP-556 (H-Hw)
37 FR 21776 - 10/13/72
HOWARD COUNTY
None
HOWELL COUNTY
None
IRON COUNTY
None
JACKSON COUNTY
(B-H-Hw) - See Cass County
(D) - See Cass County
JASPER COUNTY
None
JEFFERSON COUNTY
(D)-See Cape Girardeau County
JOHNSON COUNTY
None
KNOX COUNTY
None
LACLEDE COUNTY
(D)-See Cape Girardeau County
LAFAYETTE COUNTY
None
LAWRENCE COUNTY
(H-Hw) - See Jackson County
LEWIS COUNTY
None
LINCOLN COUNTY
None
LINN COUNTY
Decision #AP-579 (H-Hw)
37 FR 2-2-72 - 10/13/72
Mod. #1-37 FR 23317 - 10/27/72
LIVINGSTON COUNTY
None
MC DONALD COUNTY
None
MACON COUNTY
None
MADISON COUNTY
None
MARIES COUNTY
None
MARION COUNTY
None
MERCER COUNTY
None
MILLER COUNTY
None

MISSOURI (Cont'd)

MISSISSIPPI COUNTY
(D)-See Cape Girardeau County
MONITEAU COUNTY
None
MONROE COUNTY
None
MONTGOMERY COUNTY
None
MORGAN COUNTY
None
NEW MADRID COUNTY
None
NEWTON COUNTY
None
NODAWAY COUNTY
None
OREGON COUNTY
None
OSAGE COUNTY
None
OZARK COUNTY
None
PEMISCOT COUNTY
None
PERRY COUNTY
(D)-See Cape Girardeau County
PETTIS COUNTY
(D-H-Hw) - See Lamar County
PHELPS COUNTY
None
PIKE COUNTY
None
PLATTE COUNTY
(B-H-Hw) - See Cass County
(D) - See Cass County
POLK COUNTY
None
PULASKI COUNTY
None
PUTNAM COUNTY
None
RALLS COUNTY
None
RANDOLPH COUNTY
None

MISSOURI (Cont'd)

CASS COUNTY
Decision #AP-517 (B-H-Hw)
37 FR 26216 - 12/6/72
Mod. #1-37 FR 26335-12/22/72
Mod. #2-38 FR 1435-1/12/73
Mod. #3-38 FR 4078-2/9/73
Decision #AP-516 (R)
37 FR 26806 - 12/8/72
Mod. #1-38 FR 1435-1/12/73
Mod. #2-38 FR 4078-2/9/73
CEDAR COUNTY
None
CHARITON COUNTY
None
CHRISTIAN COUNTY
None
CLARK COUNTY
None
CLAY COUNTY
(B-H-Hw) - See Cass County
(D) - See Cass County
CLINTON COUNTY
None
COLE COUNTY
None
COOPER COUNTY
None
CRAWFORD COUNTY
None
DADE COUNTY
None
DALLAS COUNTY
None
DAVIESS COUNTY
None
DE KALB COUNTY
None
DENT COUNTY
None
DOUGLAS COUNTY
None
DUNKLIN COUNTY
None
FRANKLIN COUNTY
None
GASCONADE COUNTY
None
GENTRY COUNTY
None
GREENE COUNTY
None
GRUNDY COUNTY
None
HARRISON COUNTY
None
HENRY COUNTY
None

MISSOURI (Cont'd)

PERRY COUNTY
(D)-See Cape Girardeau County
PETTIS COUNTY
(C-H-Hw) - See Lamar County
PHELPS COUNTY
None
PIKE COUNTY
None
PLATTE COUNTY
(B-H-Hw) - See Cass County
(D) - See Cass County
POLK COUNTY
None
PULASKI COUNTY
None
PUTNAM COUNTY
None
RALLS COUNTY
None
RANDOLPH COUNTY
None
RAY COUNTY
(B-H-Hw) - See Cass County
(D) - See Cass County
REYNOLDS COUNTY
None
RIPLEY COUNTY
None
ST. CHARLES COUNTY
Decision #AP-535 (B-H-Hw)
37 FR 19824 - 9/22/72
Mod. #1-37 FR 19824 - 9/22/72
Mod. #2-38 FR 4078-2/9/73
Decision #AP-594 (R)
37 FR 17481 - 9/1/72
Mod. #1-38 FR 4078-2/9/73
(D)-See Cape Girardeau County
ST. CLAIR COUNTY
None
STE. FRANCOIS COUNTY
None
ST. LOUIS COUNTY
(B-H-Hw) - See St. Charles County
(D) - See St. Charles County
(R)-See Cape Girardeau County
ST. LOUIS CITY
(B-H-Hw) - See St. Charles County
(D) - See St. Charles County
STE. GENEVIEVE COUNTY
None
SALINE COUNTY
None
SCHUYLER COUNTY
None
SCOTLAND COUNTY
None
SCOTT COUNTY
Decision #AP-507 (H-Hw)
37 FR 21776 - 10/13/72
Mod. #1-37 FR 25109 - 11/25/72
(D) - See Cape Girardeau County
STODDARD COUNTY
None
STONE COUNTY
None
SULLIVAN COUNTY
None
TANEY COUNTY
None

MISSOURI (Cont'd)

HICKORY COUNTY
None
HOLT COUNTY
Decision #AP-556 (H-Hw)
37 FR 21776 - 10/13/72
HOWARD COUNTY
None
HOWELL COUNTY
None
IRON COUNTY
None
JACKSON COUNTY
(B-H-Hw) - See Cass County
(D) - See Cass County
JASPER COUNTY
None
JEFFERSON COUNTY
(D)-See Cape Girardeau County
JOHNSON COUNTY
None
KNOX COUNTY
None
LACLEDE COUNTY
(D)-See Cape Girardeau County
LAFAYETTE COUNTY
None
LAWRENCE COUNTY
(H-Hw) - See Jackson County
LEWIS COUNTY
None
LINCOLN COUNTY
None
LINN COUNTY
Decision #AP-579 (H-Hw)
37 FR 2-2-72 - 10/13/72
Mod. #1-37 FR 23317 - 10/27/72
LIVINGSTON COUNTY
None
MC DONALD COUNTY
None
MACON COUNTY
None
MADISON COUNTY
None
MARIES COUNTY
None
MARION COUNTY
None
MERCER COUNTY
None
MILLER COUNTY
None

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MISSOURI (cont'd)

TEXAS COUNTY
None
VERNON COUNTY
None
WARREN COUNTY
None
WASHINGTON COUNTY
None
WAYNE COUNTY
None
WEBSTER COUNTY
None
WORTH COUNTY
None
WRIGHT COUNTY
None

MONTANA

BEAVERHEAD COUNTY
Decision #AP-230 (H-Hw)
37 FR 17945 - 9/1/72
Mod. #1 37 FR 21702 - 10/13/72
Mod. #2 37 FR 23502 - 11/3/72
Mod. #3 37 FR 25616 - 12/1/72
Mod. #4 37 FR 26779 12/15/72
BIG HORN COUNTY
(H-Hw)-See Beaverhead County
BLAINE COUNTY
Decision #AP-229 (H-Hw)
37 FR 17940 - 9/1/72
Mod. #1 - 37 FR 21702 - 10/13/72
Mod. #2 - 37 FR 23500 - 11/3/72
Mod. #3 - 37 FR 25616 - 12/1/72
Mod. #4 - 37 FR 26779 - 12/15/72
CARBON COUNTY
(H-Hw)-See Beaverhead County
CARTER COUNTY
(H-Hw)-See Blaine County
CASCADE COUNTY
(H-Hw)-See Beaverhead County
Decision #AP-237 (B)
37 FR 19900 - 9/22/72
Mod. #1 - 37 FR 25617 - 12/1/72
Mod #2 - 37 FR 26780 - 12/15/72
CHATEAU COUNTY
(H-Hw)-See Beaverhead County
CUSTER COUNTY
(H-Hw)-See Blaine County
Decision #AP-241 (B)
37 FR 19916 - 9/22/72
Mod. #1 - 37 FR 25619 - 12/1/72
Mod. #2 - 37 FR 26780 - 12/15/72

MONTANA (Cont'd)

DANIELS COUNTY
(H-Hw) - See Blaine County
DAWSON COUNTY
(H-Hw) - See Blaine County
DEERLODGE COUNTY
(H-Hw) - See Beaverhead County
FALLON COUNTY
(H-Hw) - See Blaine County
FERGUS COUNTY
(H-Hw) - See Beaverhead County
FLATHEAD COUNTY
(H-Hw) - See Beaverhead County
Decision #AP-239 (B)
37 FR 19909 - 9/22/72
Mod. #1-37 FR 23506 - 11/3/72
Mod. #2-37 FR 26203 - 12/8/72
Mod. #3-37 FR 26780 - 12/15/72
GALLATIN COUNTY
(H-Hw) - See Beaverhead County
Decision #AP-240 (B)
37 FR 19912 - 9/22/72
Mod. #1-37 FR 23508 - 11/3/72
Mod. #2-37 FR 26203 - 12/8/72
GARFIELD COUNTY
(H-Hw) - See Blaine County
GLACIER COUNTY
(H-Hw) - See Beaverhead County
GOLDEN VALLEY COUNTY
(H-Hw) - See Beaverhead County
GRANITE COUNTY
(H-Hw) - See Beaverhead County
HILL COUNTY
(H-Hw) - See Beaverhead County
JEFFERSON COUNTY
(H-Hw) - See Beaverhead County
JUDITH BASIN COUNTY
(H-Hw) - See Beaverhead County
LAKE COUNTY
(H-Hw)- See Beaverhead County
LEWIS & CLARK COUNTY
(H-Hw) - See Beaverhead County
(B) - See Gallatin County
LIBERTY COUNTY
(H-Hw) - See Beaverhead County
LINCOLN COUNTY
(H-Hw) - See Beaverhead County
McCONE COUNTY
(H-Hw) - See Blaine County
MADISON COUNTY
(H-Hw) - See Beaverhead County
MEAGHER COUNTY
(H-Hw) - See Beaverhead County

MONTANA (Cont'd)

MINERAL COUNTY
(H-Hw) - See Beaverhead County
MISSOULA COUNTY
(H-Hw) - See Beaverhead County
(B) - See Flathead County
MISSELSHELL COUNTY
(H-Hw) - See Beaverhead County
PARK COUNTY
(H-Hw) - See Beaverhead County
PETROLEUM COUNTY
(H-Hw) - See Blaine County
PHILLIPS COUNTY
(H-Hw) - See Blaine County
PONDERA COUNTY
(H-Hw) - See Beaverhead County
POWDER RIVER COUNTY
(H-Hw) - See Blaine County
POWELL COUNTY
(H-Hw) - See Beaverhead County
PRAIRIE COUNTY
(H-Hw) - See Blaine County
RAVALLI COUNTY
(H-Hw) - See Beaverhead County
RICHLAND COUNTY
(H-Hw) - See Blaine County
ROOSEVELT COUNTY
(H-Hw) - See Blaine County
ROSEBUD COUNTY
(H-Hw) - See Beaverhead County
SANDERS COUNTY
(H-Hw) - See Beaverhead County
SHERIDAN COUNTY
(H-Hw) - See Blaine County
SILVERBOW COUNTY
(H-Hw) - See Beaverhead County
Decision #AP-238 (B)
37 FR 19904 - 9/22/72
Mod. #1-37 FR 26201 - 12/8/72
STILLWATER COUNTY
(H-Hw) - See Beaverhead County
SWEETGRASS COUNTY
(H-Hw) - See Beaverhead County
TETON COUNTY
(H-Hw) - See Beaverhead County

MONTANA (Cont'd)

TOOLE COUNTY
(H-Hw) - See Beaverhead County
TREASURE COUNTY
(H-Hw) - See Beaverhead County
VALLEY COUNTY
(H-Hw) - See Blaine County
WHEATLAND COUNTY
(H-Hw) - See Beaverhead County
WIBAUX COUNTY
(H-Hw) - See Blaine County
YELLOW STONE COUNTY
(H-Hw) - See Beaverhead County
(B) - See Custer County

NEBRASKA

ADAMS COUNTY
Decision #AP-211 (Hw)
37 FR 15829 - 8/4/72
ANTELOPE COUNTY
(Hw) - See Adams County
ARTHUR COUNTY
(Hw) - See Adams County
BANNER COUNTY
(Hw) - See Adams County
BLAINE COUNTY
(Hw) - See Adams County
BOONE COUNTY
(Hw) - See Adams County
BOX BUTTE COUNTY
(Hw) - See Adams County
BOYD COUNTY
(Hw) - See Adams County
BROWN COUNTY
(Hw) - See Adams County
BUFFALO COUNTY
(Hw) - See Adams County
BURT COUNTY
(Hw) - See Adams County
BUTLER COUNTY
(Hw) - See Adams County
CASS COUNTY
(Hw) - See Adams County

NEBRASKA (Cont'd)

CEDAR COUNTY
(Hw) - See Adams County
CHASE COUNTY
(Hw) - See Adams County
CHERRY COUNTY
(Hw) - See Adams County
CHEYENNE COUNTY
(Hw) - See Adams County
CLAY COUNTY
(Hw) - See Adams County
COLFAX COUNTY
(Hw) - See Adams County
CUMING COUNTY
(Hw) - See Adams County
CUSTER COUNTY
(Hw) - See Adams County
DAKOTA COUNTY
(Hw) - See Adams County
DAWES COUNTY
(Hw) - See Adams County
DAWSON COUNTY
(Hw) - See Adams County
DEUEL COUNTY
(Hw) - See Adams County
DIXON COUNTY
(Hw) - See Adams County
DODGE COUNTY
(Hw) - See Adams County
DOUGLAS COUNTY
Decision #AP-210 (B-H-Hw)
37 FR 15826 - 8/4/72
DUNDY COUNTY
(Hw) - See Adams County
FILLMORE COUNTY
(Hw) - See Adams County
FRANKLIN COUNTY
(Hw) - See Adams County
FRONTIER COUNTY
(Hw) - See Adams County
FURNAS COUNTY
(Hw) - See Adams County
GAGE COUNTY
(Hw) - See Adams County
GARDEN COUNTY
(Hw) - See Adams County
GARFIELD COUNTY
(Hw) - See Adams County
GOSPER COUNTY
(Hw) - See Adams County
GRANT COUNTY
(Hw) - See Adams County

NEBRASKA (Cont'd)

GREELEY COUNTY
(Hw) - See Adams County
HALL COUNTY
(Hw) - See Adams County
HAMILTON COUNTY
(Hw) - See Adams County
HARLAN COUNTY
(Hw) - See Adams County
HAYES COUNTY
(Hw) - See Adams County
HITCHCOCK COUNTY
(Hw) - See Adams County
HOLT COUNTY
(Hw) - See Adams County
HOOKER COUNTY
(Hw) - See Adams County
HOWARD COUNTY
(Hw) - See Adams County
JEFFERSON COUNTY
(Hw) - See Adams County
JOHNSON COUNTY
(Hw) - See Adams County
KEARNEY COUNTY
(Hw) - See Adams County
KEITH COUNTY
(Hw) - See Adams County
KEYAPAHA COUNTY
(Hw) - See Adams County
KIMBALL COUNTY
(Hw) - See Adams County
KNOX COUNTY
(Hw) - See Adams County
LANCASTER COUNTY
(Hw) - See Adams County
Decision #AM-2,441 (B)
36 FR 16874 - 8/25/71
Mod. #1-37 FR 11117 - 6/2/72
Decision #AM-6,140 (R)
36 FR 21736 - 11/12/71
LINCOLN COUNTY
(Hw) - See Adams County
LOGAN COUNTY
(Hw) - See Adams County
LOUP COUNTY
(Hw) - See Adams County
MC PHERSON COUNTY
(Hw) - See Adams County
MADISON COUNTY
(Hw) - See Adams County

NEBRASKA (Cont'd)

MERRICK COUNTY
(Hw) - See Adams County
MORRILL COUNTY
(Hw) - See Adams County
NANCE COUNTY
(Hw) - See Adams County
NEMAHA COUNTY
(Hw) - See Adams County
NUCKOLLS COUNTY
(Hw) - See Adams County
OTOE COUNTY
(Hw) - See Adams County
PAWNEE COUNTY
(Hw) - See Adams County
PERKINS COUNTY
(Hw) - See Adams County
PHELPS COUNTY
(Hw) - See Adams County
PIERCE COUNTY
(Hw) - See Adams County
PLATTE COUNTY
(Hw) - See Adams County
POLK COUNTY
(Hw) - See Adams County
RED WILLOW COUNTY
(Hw) - See Adams County
RICHARDSON COUNTY
(Hw) - See Adams County
ROCK COUNTY
(Hw) - See Adams County
SALINE COUNTY
(Hw) - See Adams County
SARPY COUNTY
(B-H-Hw) - See Douglas County
SAUNDERS COUNTY
(Hw) - See Adams County
SCOTTS BLUFF COUNTY
(Hw) - See Adams County
SEWARD COUNTY
(Hw) - See Adams County
SHERIDAN COUNTY
(Hw) - See Adams County
SHERMAN COUNTY
(Hw) - See Adams County
SIOUX COUNTY
(Hw) - See Adams County

NEBRASKA (Cont'd)

STANTON COUNTY
(Hw) - See Adams County
THAYER COUNTY
(Hw) - See Adams County
THOMAS COUNTY
(Hw) - See Adams County
THURSTON COUNTY
(Hw) - See Adams County
VALLEY COUNTY
(Hw) - See Adams County
WASHINGTON COUNTY
(Hw) - See Adams County
WAYNE COUNTY
(Hw) - See Adams County
WEBSTER COUNTY
(Hw) - See Adams County
WHEELER COUNTY
(Hw) - See Adams County
YORK COUNTY
(Hw) - See Adams County

NEVADA

STATEWIDE (Excluding the Nevada Test Site & Tonopah Test Range)
Decision #AP-236 (H-Hw)
37 FR 19919 - 9/22/72
Mod. #1-37 FR 21219 - 10/6/72
Mod. #2-37 FR 23973-11/10/72
Mod. #3-37 FR 28353-12/22/72
CHURCHILL COUNTY
Decision #AP-242 (B)
37 FR 19934 - 9/22/72
(H-Hw) - See Statewide
CLARK COUNTY
Decision #AM-6197 (R)(Excluding N.T.S)
36 FR 22110 - 11/19/71
Decision #AP-243 (B) (Excluding N.T.S)
37 FR 19945 - 9/22/72
Mod. #1-37 FR 19945 - 9/22/72
Mod. #2-37 FR 23973-11/10/72
Mod. #3-37 FR 28353-12/22/72
(H-Hw) - See Statewide
Decision #AP-225 (B-H-Hw) (Nevada Test Site including the Tonopah Test Site
37 FR 17355 - 8/25/72
DOUGLAS COUNTY
(H-Hw) - See Statewide

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NEVADA (Cont'd)

ELKA COUNTY
(H-Hw) - See Statewide
ESMERALDA COUNTY
(H-Hw) - See Statewide
EUREKA COUNTY
(H-Hw) - See Statewide
HUMBOLDT COUNTY
(H-Hw) - See Statewide
LANDER COUNTY
(H-Hw) - See Statewide
LINCOLN COUNTY
(B) - See Clark County (AP-243)
(H-Hw) - See Statewide
LYON COUNTY
(H-Hw) - See Statewide
MINERAL COUNTY
(H-Hw) - See Statewide
(B) - See Churchill County
NYE COUNTY
(B) - See Clark County(AP-243)
(B-H-Hw) - See Clark County(AP-225)
(H-Hw) - See Statewide
PERSHING COUNTY
(H-Hw) - See Statewide
STOREY COUNTY
(H-Hw) - See Statewide
WASHAE COUNTY
Decision AM-6198 (R)
36 FR 22112 - 11/19/72
(H-Hw) - See Statewide
(B) - See Churchill County
WHITE PINE COUNTY
(H-Hw) - See Statewide
CARSON CITY (Ind.)
(H-Hw) - See Statewide

NEW HAMPSHIRE

BELKNAP COUNTY
None
CARROLL COUNTY
None
CHESHIRE COUNTY
None
COOS COUNTY
None

NEW HAMPSHIRE (Cont'd)

GRAFTON COUNTY
None
HILLSBORO COUNTY
None
MERRIMACK COUNTY
None
ROCKINGHAM COUNTY
Decision AM-9322 (D)
37 FR 10693 - 5/26/72
Mod. #1 - 37 FR 19871 - 9/22/72
STRAFFORD COUNTY
None
SULLIVAN COUNTY
None

NEW JERSEY

ATLANTIC COUNTY
Decision AM-1,706 (B,H,Hw)
36 FR-14799 - 8/11/71
Mod. #1-36 FR 20078 - 10/15/71
Mod. #2-37 FR 966 - 1/21/72
Mod. #3-37 FR 5660 - 3/17/72
Mod. #4-37 FR 6132 - 3/24/72
Mod. #5-37 FR 17315 - 8/25/72
Decision AM-9,322 (D)
37 FR 10693 - 5/26/72
Mod. #1-37 FR 19871 - 9/22/72
BERGEN COUNTY
Decision AM-1,707 (B,H,Hw)
36 FR 14805 - 8/11/71
Mod. #1-36 FR 19649 - 10/8/71
Mod. #2-36 FR 20462 - 10/22/71
Mod. #3-37 FR 966 - 1/21/72
Mod. #4-37 FR 6132 - 3/24/72
Mod. #5-37 FR 17315 - 8/25/72
(D) - See Atlantic County
BURLINGTON COUNTY
Decision AM-1,708 (B,H,Hw)
36 FR 14812 - 8/11/71
Mod. #1-36 FR 19285 - 10/1/71
Mod. #2-37 FR 967 - 1/21/72
Mod. #3-37 FR 5660 - 3/17/72
Mod. #4-37 FR 7029 - 4/7/72
Mod. #5-37 FR 7922 - 4/21/72
Mod. #6-37 FR 17315 - 8/25/72
(D) - See Atlantic County

NEW JERSEY (cont'd)

CAMDEN COUNTY
Decision AM-1,709 (B,H,Hw)
36 FR 14820 - 8/11/71
Mod. #1-36 FR 18274 - 9/10/71
Mod. #2-37 FR 20078 - 10/15/72
Mod. #3-37 FR 967 - 1/21/72
Mod. #4-37 FR 5661 - 3/17/72
Mod. #5-37 FR 6133 - 3/24/72
(D) - See Atlantic County
CAPE MAY COUNTY
(B,H,Hw,D) - See Atlantic County
CUMBERLAND COUNTY
Decision AM-1,710 (B,H,Hw)
36 FR 14827 - 8/11/71
Mod. #1-36 FR 20079 - 10/15/71
Mod. #2-37 FR 968 - 1/21/72
Mod. #3-37 FR 5661 - 3/17/72
Mod. #4-37 FR 6133 - 3/24/72
Mod. #5-37 FR 17315 - 8/25/72
(D) - See Atlantic County
ESSEX COUNTY
Decision AM-1711 (B, H, Hw)
36 FR 14834 - 8/11/71
GLOUCESTER COUNTY
(B,H,Hw) - See Camden County
(D) - See Atlantic County
HUDSON COUNTY
Decision AM-1,712 (B,H,Hw)
36 FR 14841 - 8/11/71
Mod. #1-36 FR 19650 - 10/8/71
Mod. #2-37 FR 968 - 1/21/72
Mod. #3-37 FR 6134 - 3/24/72
Mod. #4-37 FR 17903 - 9/1/72
Mod. #5-37 FR FR 25621 - 12/1/72
(D) - See Atlantic County
HUNTERDON COUNTY
None
MERCER COUNTY
Decision AM-1,714 (B,H,Hw)
36 FR 14848 - 8/11/71
Mod. #1-36 FR 19650 - 10/8/71
Mod. #2-36 FR 20079 - 10/15/71
Mod. #3-37 FR 969 - 1/21/72
Mod. #4-37 FR 6135 - 3/24/72
Mod. #5-37 FR 17316 - 8/25/72
Mod. #6-37 FR 7922 - 4/21/72
Mod. #7-38 FR 3251 - 2/2/73
(D)-See Atlantic County

NEW JERSEY (Cont'd)

MIDDLESEX COUNTY
Decision AM-1,714 (B,H,Hw)
36 FR 14848 - 8/11/71
Mod. #1-36 FR 19650 - 10/8/71
Mod. #2-36 FR 20079 - 10/15/71
Mod. #3-37 FR 969 - 1/21/72
Mod. #4-37 FR 6135 - 3/24/72
Mod. #5-37 FR 17316 - 8/25/72
(D) - See Atlantic County
MONMOUTH COUNTY
Decision AM-1,715 (B,H,Hw)
36 FR 14863 - 8/11/71
Mod. #1-36 FR 19650 - 10/8/71
Mod. #2-36 FR 20079 - 10/15/71
Mod. #3-36 FR 20462 - 10/22/71
Mod. #4-37 FR 970 - 1/21/72
Mod. #5-37 FR 6135 - 3/24/72
Mod. #6-37 FR 17903 - 9/1/72
(D) - See Atlantic County
MORRIS COUNTY
Decision AM-1,716 (B,H,Hw)
36 FR 14870 - 8/11/71
Mod. #1-36 FR 19285 - 10/1/71
Mod. #2-36 FR 19650 - 10/8/71
Mod. #3-36 FR 20079 - 10/15/71
Mod. #4-37 FR 970 - 1/21/72
Mod. #5-37 FR 6136 - 3/24/72
Mod. #6-37 FR 17904 - 9/1/72
(D) - See Atlantic County
OCEAN COUNTY
Decision AM-1,717 (B,H,Hw)
36 FR 14878 - 8/11/71
Mod. #1-36 19650 - 10/8/71
Mod. #2-36 20079 - 10/15/71
Mod. #3-36 20462 - 10/22/71
Mod. #4-37 971 - 1/21/72
Mod. #5-37 6136 - 3/24/72
Mod. #6-37 17904 - 9/1/72
(D) - See Atlantic County
PASSAIC COUNTY
Decision AM-1,718 (B,H,Hw)
36 FR 14885 - 8/11/71
Mod. #1-36 FR 20080 - 10/15/71
Mod. #2-37 FR 971 - 1/21/72

NEW JERSEY (Cont'd)

PASSAIC COUNTY (Cont'd)
Mod. #3-37 FR 5662 - 3/17/72
Mod. #4-37 FR 6137 - 3/24/72
(D) - See Atlantic County
SALEM COUNTY
(D) - See Atlantic County
SOMERSET COUNTY
Decision AM-1,719 (B,H,Hw)
36 FR 14892 - 8/11/71
Mod. #1-36 FR 19285 - 10/1/71
Mod. #2-36 FR 20080 - 10/15/71
Mod. #3-37 FR 972 - 1/21/72
Mod. #4-37 FR 6137 - 3/24/72
(D) - See Atlantic County
SUSSEX COUNTY
None
UNION COUNTY
Decision AM-1,720 (B,H,Hw)
36 FR 14900 - 8/11/71
Mod. #1-36 FR 19650 - 10/8/71
Mod. #2-36 FR 20080 - 10/15/71
Mod. #3-37 FR 972 - 1/21/72
Mod. #4-37 FR 5662 - 3/17/72
Mod. #5-37 FR 6137 - 3/24/72
Mod. #6-37 FR 17316 - 8/25/72
(D) - See Atlantic County
WARREN COUNTY
None

NEW MEXICO

STATEWIDE
Decision AM-11,406 (Streets, Highways, Utilities and Light Engineering Construction)
37 FR 6139 - 3/24/72
Mod. #1-37 FR 7429 - 4/14/72
Mod. #2-37 FR 9169 - 5/2/72
Mod. #3-37 FR 11621 - 6/9/72
Decision AP-700 (Building & Heavy Engineering Construction)
36 FR 4162-2/9/73
BERNALILLO COUNTY
(B,HE,S,Hw,U,LE)-See Statewide
CATRON COUNTY
(B,HE,S,Hw,U,LE)-See Statewide
CHAVES COUNTY
(B,HE,S,Hw,U,LE)-See Statewide
CIBOLA COUNTY
(B,HE,S,Hw,U,LE)-See Statewide
CURRY COUNTY
(B,HE,S,Hw,U,LE)-See Statewide

NEW MEXICO (Cont'd)

DE BACA COUNTY
(B,HE,S,Hw,U,LE)-See Statewide
DONA ANA COUNTY
(B,HE,S,Hw,U,LE)-See Statewide
Decision AP-340 (R)
37 FR 19869-9/22/72
EDDY COUNTY
(B,HE,S,Hw,U,LE)-See Statewide
GRANT COUNTY
(B,HE,S,Hw,U,LE)-See Statewide
GUADALUPE COUNTY
(B,HE,S,Hw,U,LE)-See Statewide
HARDING COUNTY
(B,HE,S,Hw,U,LE)-See Statewide
HIDALGO COUNTY
(B,HE,S,Hw,U,LE)-See Statewide
LEA COUNTY
(B,HE,S,Hw,U,LE)-See Statewide
LINCOLN COUNTY
(B,HE,S,Hw,U,LE)-See Statewide
LOS ALAMOS COUNTY
(B,HE,S,Hw,U,LE)-See Statewide
LUNA COUNTY
(B,HE,S,Hw,U,LE)-See Statewide
MCKINLEY COUNTY
(B,HE,S,Hw,U,LE)-See Statewide
MORAN COUNTY
(B,HE,S,Hw,U,LE)-See Statewide
OTERO COUNTY
(B,HE,S,Hw,U,LE)-See Statewide
QUAY COUNTY
(B,HE,S,Hw,U,LE)-See Statewide
RIO ARRIBA COUNTY
(B,HE,S,Hw,U,LE)-See Statewide
ROOSEVELT COUNTY
(B,HE,S,Hw,U,LE)-See Statewide
SANDOVAL COUNTY
(B,HE,S,Hw,U,LE)-See Statewide
SAN JUAN COUNTY
(B,HE,S,Hw,U,LE)-See Statewide
SAN MIGUEL COUNTY
(B,HE,S,Hw,U,LE)-See Statewide
SANTA FE COUNTY
(B,HE,S,Hw,U,LE)-See Statewide
SIERRA COUNTY
(B,HE,S,Hw,U,LE)-See Statewide
SOCORRO COUNTY
(B,HE,S,Hw,U,LE)-See Statewide
TAOS COUNTY
(B,HE,S,Hw,U,LE)-See Statewide
TORRANCE COUNTY
(B,HE,S,Hw,U,LE)-See Statewide

NEW MEXICO (Cont'd)

UNION COUNTY
(B,HE,S,Hw,U,LE)-See Statewide
VALENCIA COUNTY
(B,HE,S,Hw,U,LE)-See Statewide

NEW YORK

ALBANY COUNTY
Decision AP-452 (B,H,Hw)
37 FR 26782 - 12/15/72
ALLEGANY COUNTY
None
BRONX COUNTY
Decision AM-1,721 (B,H,Hw)
36 FR 14903 - 8/11/71
Mod. #1-36 FR 18988 - 9/24/71
Mod. #2-37 FR 1434 - 1/28/72
Mod. #3-37 FR 5169-3/10/72
Mod. #4-37 FR 12019 - 6/16/72
Mod. #5-37 FR 23510 - 11/3/72
Decision AP-400 (R)
37 FR 13913 - 7/14/72
Mod. #1-37 FR 23510-11/3/72
Decision AM-9,327 (D)
37 FR 10693 - 5/26/72
Mod. #1-37 FR 19871 - 9/22/72
BROOME COUNTY
Decision AP-469 (B,H,Hw)
38 FR 4169-2/9/73
CATTARAUGUS COUNTY
None
CAYUGA COUNTY
Decision AP-14 (D)
37 FR 14670 - 7/21/72
CHAUTAUQUA COUNTY
(D) - See Cayuga County
CHEMUNG COUNTY
None
CHENANGO COUNTY
None

NEW YORK (Cont'd)

CLINTON COUNTY
None
COLUMBIA COUNTY
None
CORTLAND COUNTY
None
DELAWARE COUNTY
None
DUTCHESS COUNTY
Decision AM-1,724 (B,H,Hw)
36 FR 14921 - 8/11/71
Mod. #1-36 FR 19650 - 10/8/71
Mod. #2-37 FR 973 - 1/21/72
Mod. #3-37 FR 7029 - 4/7/72
(D) - See Bronx County
ERIE COUNTY
Decision AM-1,725 (B,H,Hw)
36 FR 14928 - 8/11/71
Mod. #1-36 FR 19287 - 10/1/71
Mod. #2-36 FR 20462 - 10/22/71
Mod. #3-37 FR 973 - 1/21/72
Mod. #4-37 FR 6611 - 3/31/72
Mod. #5-37 FR 22705 - 10/20/72
(D) - See Cayuga County
ESSEX COUNTY
None
FRANKLIN COUNTY
(D) - See Cayuga County
FULTON COUNTY
None
GENESSE COUNTY
None
GREENE COUNTY
None
HAMILTON COUNTY
None
HERKIMER COUNTY
None
JEFFERSON COUNTY
Decision AM-1,726 (B,H,Hw)
36 FR 14932 - 8/11/71
Mod. #1-36 FR 19650 - 10/8/71
Mod. #2-36 FR 20839 - 10/29/71
Mod. #3-37 FR 973 - 1/21/72
Mod. #4-37 FR 6611 - 3/31/72
Mod. #5-37 FR 19886 - 8/22/72
(D) - See Cayuga County

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NEW YORK (Cont'd)

KINGS COUNTY
(B,H,Hw,R,D) - See Bronx County
LEWIS COUNTY
None
LIVINGSTON COUNTY
None
MADISON COUNTY
None
MONROE COUNTY
Decision #AP-453 (B,H,Hw)
37 FR 28380-12/22/72
(D) - See Cayuga County
MONTGOMERY COUNTY
None
NASSAU COUNTY
Decision #AM-1,728 (B,H,Hw)
Mod. #1-36 FR 18988 - 9/24/71
Mod. #2-37 FR 973 - 1/21/72
Mod. #3-37 FR 1434 - 1/28/72
Mod. #4-37 FR 4021 - 2/25/72
Mod. #5-37 FR 6612 - 3/31/72
Mod. #6-37 FR 13018 - 6/30/72
(D) - See Bronx County
NEW YORK COUNTY
(B,H,Hw,R,D) - See Bronx County
NIAGARA COUNTY
Decision #AM-1,729 (B,H,Hw)
36 FR 14950 - 8/11/71
Mod. #1-36 FR 19651 - 10/8/71
Mod. #2-36 FR 20462 - 10/22/71
Mod. #3-37 FR 973 - 1/21/72
Mod. #4-37 FR 6612 - 3/31/72
(D) - See Cayuga County
ONEIDA COUNTY
Decision #AM-1,730 (B,H,Hw)
36 FR 14955 - 8/11/71
Mod. #1-36 FR 19651 - 10/8/71
Mod. #2-36 FR 20839 - 10/29/71
Mod. #3-37 FR 973 - 1/21/72
Mod. #4-37 FR 1434 - 1/28/72
Mod. #5-37 FR 6612 - 3/31/72

NEW YORK (Cont'd)

ONEIDA COUNTY
Decision #AM-1,730 (B,H,Hw)(Cont'd)
Mod. #6-37 FR 9595 - 5/12/72
Mod. #7-37 FR 19887 - 9/22/72
ONONDAGA COUNTY
Decision #AM-1,731 (B,H,Hw)
36 FR 14960 - 8/11/71
Mod. #1-36 19287 - 10/1/71
Mod. #2-36 FR 20463 - 10/22/71
Mod. #3-36 FR 20839 - 10/29/71
Mod. #4-37 FR 974 - 1/21/72
Mod. #5-37 FR 6613 - 3/31/72
Mod. #6-27 FR 19888 - 9/22/72
ONTARIO COUNTY
None
ORANGE COUNTY
Decision #AM-1,732 (B,H,Hw)
36 FR 14965 - 8/11/71
Mod. #1-36 FR 20080 - 10/15/71
Mod. #2-37 FR 974 - 1/21/72
Mod. #3-37 FR 7030 - 4/7/72
Mod. #4-37 FR 22705 - 10/20/72
Mod. #5-38 FR 2010-1/19/73
(D) - See Bronx County
ORLEANS COUNTY
(D) - See Cayuga County
OSWEGO COUNTY
(D) - See Cayuga County
OTSEGA COUNTY
None
PUTNAM COUNTY
None
QUEENS COUNTY
(B,H,Hw,R,D) - See Bronx County
RENSSELAER COUNTY
Decision #AM-1,733 (B,H,Hw)
36 FR 14972 - 8/11/71
Mod. #1-36 FR 19288 - 8/11/71
Mod. #2-36 FR 20839 - 10/29/71
Mod. #3-37 FR 974 - 1/21/72
Mod. #4-37 FR 6613 - 3/31/72
Mod. #5-37 FR 22706 - 10/20/72
Mod. #6-37 FR 23058 - 10/27/72
RICHMOND COUNTY
(B,H,Hw,R,D) - See Bronx County
ROCKLAND COUNTY
(D) - See Albany County

NEW YORK (Cont'd)

ST LAWRENCE COUNTY
(D)-See Cayuga County
SARATOGA COUNTY
Decision #AF-451 (B,H,Hw)
37 FR 25099 - 11/25/72
SCHENECTADY COUNTY
Decision #AM-1734 (B,H,Hw)
36 FR 14976 - 8/11/71
Mod. #1 - 36 FR 19288 - 10/1/71
Mod. #2 - 36 FR 20839 - 10/29/71
Mod. #3-37 FR 974-1/21/72
Mod. #4-37 FR 6613-3/31/72
Mod. #5 - 37 FR 23062 - 10/27/72
SCHOHOREE COUNTY
None
SCHUYLER COUNTY
None
SENECA COUNTY
None
STEUBEN COUNTY
None
SUFFOLK COUNTY
Decision #AM-1735 (B,H,Hw)
36 FR 14890 - 8/11/71
Mod. #1 - 36 FR 18988 - 9/24/71
Mod. #2 - 37 FR 4021 - 2/2 /72
Mod. #3 - 37 FR 22706 - 10/20/72
Mod. #4 - 37 FR 23973 - 11/10/72
(D)-See Bronx County
SULLIVAN COUNTY
None
TIOGA COUNTY
None
TOMPKINS COUNTY
None
ULSTER COUNTY
None
WARREN COUNTY
None
WASHINGTON COUNTY
None
WAYNE COUNTY
(D) - See Cayuga County
WESTCHESTER COUNTY
Decision #AM-1,736 (B,H,Hw)
36 FR 14985 - 8/11/71
Mod. #1-36 FR 19652 - 8/11/71
Mod. #2-36 FR 20463 - 10/22/71
Mod. #3-37 FR 974 - 1/21/72
Mod. #4-37 FR 6613 - 3/31/72
(D) - See Bronx County

NEW YORK (Cont'd)

WYOMING COUNTY
None
YATES COUNTY
None

NORTH CAROLINA

STATEWIDE
Decision #AM-1847 (Hw)
36 FR 16474 - 8/20/71
ALAMANCE COUNTY
(Hw) - See Statewide
ALEXANDER COUNTY
(Hw) - See Statewide
ALLEGHANY COUNTY
(Hw) - See Statewide
ANSON COUNTY
(Hw) - See Statewide
ASHE COUNTY
(Hw) - See Statewide
AVERY COUNTY
(Hw) - See Statewide
BEAUFORT COUNTY
Decision #AP-439 (D)
37 FR 22101 - 10/20/72
(Hw) - See Statewide
BERTIE COUNTY
(D) - See Beaufort County
(Hw) - See Statewide
BLADEN COUNTY
(Hw) - See Statewide
BRUNSWICK COUNTY
(D) - See Beaufort County
BUNCOMBE COUNTY
(Hw) - See Statewide
BURKE COUNTY
(Hw) - See Statewide
CABARRUS COUNTY
(Hw) - See Statewide
CALDWELL COUNTY
(Hw) - See Statewide
CAMDEN COUNTY
(Hw) - See Statewide
CARTERET COUNTY
(D) - See Beaufort County
(Hw) - See Statewide
CASWELL COUNTY
(Hw) - See Statewide
CATAWBA COUNTY
(Hw) - See Statewide
CHATHAM COUNTY
(Hw) - See Statewide

NORTH CAROLINA (Cont'd)

CHEROKEE COUNTY
(Hw) - See Statewide
CHOWAN COUNTY
(D) - See Beaufort County
(Hw)-See Statewide
CLAY COUNTY
(Hw) - See Beaufort County
CLEVELAND COUNTY
(Hw) - See Statewide
COLUMBUS COUNTY
(Hw) - See Statewide
CRAVEN COUNTY
(D) - See Beaufort County
(Hw) - See Statewide
CUMBERLAND COUNTY
(Hw) - See Statewide
CURRITUCK COUNTY
(D) - See Beaufort County
(Hw) - See Statewide
DARE COUNTY
(D) - See Beaufort County
(Hw) - See Statewide
DAVIDSON COUNTY
(Hw) - See Statewide
DAVIE COUNTY
(Hw) - See Statewide
DUPLIN COUNTY
(Hw) - See Statewide
DURHAM COUNTY
(Hw) - See Statewide
EDGECOMBE COUNTY
(Hw) - See Statewide
FORSYTH COUNTY
(Hw) - See Statewide
FRANKLIN COUNTY
(Hw) - See Statewide
GASTON COUNTY
(Hw) - See Statewide
GATES COUNTY
(D) - See Beaufort County
(Hw) - See Statewide
GRAHAM COUNTY
(Hw) - See Statewide
GRANVILLE COUNTY
(Hw) - See Statewide
GREENE COUNTY
(Hw) - See Statewide
GUILFORD COUNTY
(Hw) - See Statewide

NORTH CAROLINA (Cont'd)

HALIFAX COUNTY
(Hw) - See Statewide
HARNETT COUNTY
(Hw) - See Statewide
HAYWOOD COUNTY
(Hw) - See Statewide
HENDERSON COUNTY
(Hw) - See Statewide
HERTFORD COUNTY
(D) - See Beaufort County
(Hw) - See Statewide County
HOKE COUNTY
(Hw) - See Statewide
HYDE COUNTY
(D) - See Beaufort County
(Hw) - See Statewide
IREDELL COUNTY
(Hw) - See Statewide
JACKSON COUNTY
(Hw) - See Statewide
JOHNSTON COUNTY
(Hw) - See Statewide
JONES COUNTY
(Hw) - See Statewide
LEE COUNTY
(Hw) - See Statewide
LENOIR COUNTY
(Hw) - See Statewide
LINCOLN COUNTY
(Hw) - See Statewide
McDOWELL COUNTY
(Hw) - See Statewide
MACON COUNTY
(Hw) - See Statewide
MADISON COUNTY
(Hw) - See Statewide
MARTIN COUNTY
(Hw) - See Statewide
MECKLENBURG COUNTY
(Hw) - See Statewide
MITCHELL COUNTY
(Hw) - See Statewide
MONTGOMERY COUNTY
(Hw) - See Statewide
MOORE COUNTY
(Hw) - See Statewide
NASH COUNTY
(Hw) - See Statewide

NORTH CAROLINA (Cont'd)

NEW HANOVER COUNTY
(D) - See Beaufort County
(Hw) - See Statewide
NORTHAMPTON COUNTY
(Hw) - See Statewide
ONSLOW COUNTY
(D) - See Beaufort County
(Hw) - See Statewide
ORANGE COUNTY
(Hw) - See Statewide
PAMLICO COUNTY
(D) - See Beaufort County
(Hw) - See Statewide
PASQUOTANK COUNTY
(D) - See Beaufort County
(Hw) - See Statewide
PENDER COUNTY
(D) - See Beaufort County
(Hw) - See Statewide
PERQUIMANS COUNTY
(D) - See Beaufort County
(Hw) - See Statewide
PERSON COUNTY
(Hw) - See Statewide
PITT COUNTY
(Hw) - See Statewide
POLK COUNTY
(Hw) - See Statewide
RANDOLPH COUNTY
(Hw) - See Statewide
RICHMOND COUNTY
(Hw) - See Statewide
ROBESON COUNTY
(Hw) - See Statewide
ROCKINGHAM COUNTY
(Hw) - See Statewide
ROWAN COUNTY
(Hw) - See Statewide
RUTHERFORD COUNTY
(Hw) - See Statewide
SAMPSON COUNTY
(Hw) - See Statewide
SCOTLAND COUNTY
(Hw) - See Statewide
STANLY COUNTY
(Hw) - See Statewide

NORTH CAROLINA (Cont'd)

STOKES COUNTY
(Hw) - See Statewide
SURRY COUNTY
(Hw) - See Statewide
SWAIN COUNTY
(Hw) - See Statewide
TRANSYLVANIA COUNTY
(Hw) - See Statewide
TYRRELL COUNTY
(D) - See Beaufort County
(Hw) - See Statewide
UNION COUNTY
(Hw) - See Statewide
VANCE COUNTY
(Hw) - See Statewide
WAKE COUNTY
(Hw) - See Statewide
WARREN COUNTY
(Hw) - See Statewide
WASHINGTON COUNTY
(D) - See Beaufort County
(Hw) - See Statewide
WATAUGA COUNTY
(Hw) - See Statewide
WAYNE COUNTY
(Hw) - See Statewide
WILKS COUNTY
(Hw) - See Statewide
WILSON COUNTY
(Hw) - See Statewide
YADKIN COUNTY
(Hw) - See Statewide
YANCEY COUNTY
(Hw) - See Statewide

NORTH DAKOTA

STATEWIDE
Decision #AM-2,509 (Hw)
36 FR 17133 - 8/27/71
Mod. #1-37 FR 974 - 1/21/72
Mod. #2-37 FR 3662 - 2/18/72
Mod. #3-37 FR 21703 - 10/13/72
ADAMS COUNTY
(Hw) - See Statewide

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NORTH DAKOTA (Cont'd)

BARNES COUNTY
(Hw) - See Statewide
BENSON COUNTY
(Hw) - See Statewide
BILLINGS COUNTY
(Hw) - See Statewide
BOTTINEAU COUNTY
(Hw) - See Statewide
BOWMAN COUNTY
(Hw) - See Statewide
BURKE COUNTY
(Hw) - See Statewide
BURLEIGH COUNTY
(Hw) - See Statewide
Decision #AM-2,510 (B)
36 FR 17119 - 8/27/71
Mod. #1-37 FR 974 - 1/21/72
Mod. #2-37 FR 4022-2/25/72
Mod. #3-37 FR 12017 - 6/16/72
Mod. #4-37 FR 21704 - 10/13/72
CASS COUNTY
(Hw) - See Statewide
Decision #AM-2,511 (B)
36 FR 17122 - 8/27/71
Mod. #1-37 FR 974 - 1/21/72
Mod. #2-37 FR 4023 - 2/25/72
Mod. #3-37 FR 21706 - 10/13/72
CAVALIER COUNTY
(Hw) - See Statewide
DICKEY COUNTY
(Hw) - See Statewide
DIVIDE COUNTY
(Hw) - See Statewide
DUNN COUNTY
(Hw) - See Statewide
EDDY COUNTY
(Hw) - See Statewide
EMMONS COUNTY
(Hw) - See Statewide
FOSTER COUNTY
(Hw) - See Statewide
GOLDEN VALLEY COUNTY
(Hw) - See Statewide

NORTH DAKOTA (Cont'd)

GRAND FORKS COUNTY
(Hw) - See Statewide
Decision #AM-2,512 (B)
36 FR 17125 - 8/27/71
Mod. #1-37 FR 974 - 1/21/72
Mod. #2-37 FR 4024 - 2/25/72
Mod. #3-37 FR 21708 - 10/13/72
GRANT COUNTY
(Hw) - See Statewide
GRIGGS COUNTY
(Hw) - See Statewide
HETTINGER COUNTY
(Hw) - See Statewide
KIDDER COUNTY
(Hw) - See Statewide
LAMOURE COUNTY
(Hw) - See Statewide
LOGAN COUNTY
(Hw) - See Statewide
MCHENRY COUNTY
(Hw) - See Statewide
McINTOSH COUNTY
(Hw) - See Statewide
McKENZIE COUNTY
(Hw) - See Statewide
McLEAN COUNTY
(Hw) - See Statewide
MERCER COUNTY
(Hw) - See Statewide
MORTON COUNTY
(Hw) - See Statewide
(B) - See Burleigh County
MOUNTRAIL COUNTY
(Hw) - See Statewide
NELSON COUNTY
(Hw) - See Statewide
OLIVER COUNTY
(Hw) - See Statewide
PEMBINA COUNTY
(Hw) - See Statewide
PIERCE COUNTY
(Hw) - See Statewide
RAMSEY COUNTY
(Hw) - See Statewide

NORTH DAKOTA (Cont'd)

RANSOM COUNTY
(Hw) - See Statewide
RENVILLE COUNTY
(Hw) - See Statewide
RICHLAND COUNTY
(Hw) - See Statewide
(B) - See Cass County
ROLETTE COUNTY
(Hw) - See Statewide
SARGENT COUNTY
(Hw) - See Statewide
SHERIDAN COUNTY
(Hw) - See Statewide
SIOUX COUNTY
(Hw) - See Statewide
SLOPE COUNTY
(Hw) - See Statewide
STARK COUNTY
(Hw) - See Statewide
STEELE COUNTY
(Hw) - See Statewide
(B) - See Grand Forks County
STUTSMAN COUNTY
(Hw) - See Statewide
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(Hw) - See Statewide
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(B) - See Grand Forks County
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36 FR 17129 8/27/71
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WILLIAMS COUNTY
(Hw) - See Statewide

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38 FR 1433-1/12/73
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None
ASHLAND COUNTY
None

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37 FR 14670 - 7/21/72
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(D)-See Adams County
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37 FR 24563 - 11/17/72
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36 FR 15963 - 8/18/71
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CHAMPAIGN COUNTY
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37 FR 24568 - 11/17/72
Mod. #1-37 FR 28354-12/22/72
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36 FR 15962 - 8/18/71
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Decision #AM-621 (R)
36 FR 15964 - 8/18/71
(D)-See Adams County
CLINTON COUNTY
None
COLUMBIANA COUNTY
None
COSHOCTON COUNTY
None
CRAWFORD COUNTY
None
CUYAHOGA COUNTY
Decision #AP-36 (B)(H)(Hw)
37 FR 24572 - 11/17/72
Mod. #1-37 FR 28354-12/22/72
Mod. #2-38 FR 936-1/5/73
Decision #AP-48 (R)
37 FR 24503 - 11/17/72
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(D) - See Ashtabula County

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DEFIANCE COUNTY
None
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Decision #AM-620 (R)
36 FR 15963 - 8/18/71
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(D) - See Ashtabula County
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(R) - See Delaware County
FAYETTE COUNTY
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37 FR 24576 - 11/17/72
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Mod. #4-38 FR 3252-2/2/73
(R) - See Delaware County
FULTON COUNTY
None
GALLIA COUNTY
(D)-See Adams County
GEAUGA COUNTY
None
GREENE COUNTY
Decision #AP-38 (B)(H)(Hw)
37 FR 24580 - 11/17/72
Mod. #1-37 FR 25622 - 12/1/72
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Mod. #3-38 FR 937-1/5/73
Mod. #4-38 FR 3252-2/2/73
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36 FR 15965 - 8/18/71
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GUERNSEY COUNTY
None
HAMILTON COUNTY
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37 FR 24585 - 11/17/72
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Mod. #2-38 FR 3252-2/2/73
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(R) - See Clermont County
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None
HARDIN COUNTY
None
HARRISON COUNTY
None
HENRY COUNTY
None

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HIGHLAND COUNTY
None
HOCKING COUNTY
None
HOLMES COUNTY
None
HURON COUNTY
None
JACKSON COUNTY
None
JEFFERSON COUNTY
None
KNOX COUNTY
None
LAKE COUNTY
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LAWRENCE COUNTY
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37 FR 24596 - 11/17/72
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LUCAS COUNTY
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37 FR 24594 - 11/17/72
Mod. #1-37 FR 25622 - 12/1/72
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Mod. #3-38 FR 937-1/5/73
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(R) - See Delaware County
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37 FR 24599 - 11/17/72
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Mod. #2-37 FR 28355-12/22/72
Mod. #3-38 FR 937-1/5/73
Mod. #4-38 FR 3252-2/2/73
MARION COUNTY
None
MEDINA COUNTY
None
MEIGS COUNTY
(D)-See Adams County
MERCER COUNTY
None

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MIAMI COUNTY
(R) - See Greene County
MONROE COUNTY
(D)-See Adams County
MONTGOMERY COUNTY
(B)(H)(Hw) - See Greene County
(R) - See Greene County
MORGAN COUNTY
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MORROW COUNTY
None
MUSKINGUM COUNTY
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37 FR 24602 - 11/17/72
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Mod. #2-38 FR 938-1/5/73
NOBLE COUNTY
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OTTAWA COUNTY
(D) - See Ashtabula County
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None
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(R) - See Delaware County
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37 FR 24608 - 11/17/72
Mod. #1-37 FR 28354-12/22/72
Mod. #2-38 FR 938-1/5/73
Mod. #3-38 FR 3252-2/2/73
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(R) - See Greene County
PUTNAM COUNTY
None
RICHLAND COUNTY
None
ROSS COUNTY
None
SANDUSKY COUNTY
(D) - See Ashtabula County
SCIOTO COUNTY
(D)-See Adams County
SENECA COUNTY
None

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SHELBY COUNTY
None
STARK COUNTY
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37 FR 24613 - 11/17/72
Mod. #1-37 FR 25622 - 12/1/72
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Mod. #3-38 FR 938-1/5/73
SUMMIT COUNTY
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37 FR 24618 - 11/17/72
Mod. #1-37 FR 28355-12/22/72
Mod. #2-38 FR 938-1/5/73
TRUMBULL COUNTY
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37 FR 24623 - 11/17/72
Mod. #1-37 FR 25622 - 12/1/72
Mod. #2-38 FR 938-1/5/73
Mod. #3-38 FR 3252-2/2/73
TUSCARAWAS COUNTY
None
UNION COUNTY
None
VAN WERT COUNTY
None
VINTON COUNTY
None
WARREN COUNTY
(R) - See Butler County
WASHINGTON COUNTY
(D)-See Adams County
WAYNE COUNTY
None
WILLIAMS COUNTY
None
WOOD COUNTY
None
WYANDOT COUNTY
None

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36 FR 16761 - 8/25/71
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36 FR 16766 - 8/25/71
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Decision #AM-3605 (Hw)
36 FR 16763 - 8/25/71

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BEAVER COUNTY
(Hw)-See Alfalfa County
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Decision #AM-3606 (Hw)
36 FR 16764 - 8/25/71
BLAINE COUNTY
(Hw)-See Beckham County
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37 FR 19470 - 9/22/72
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36 FR 16765 - 8/25/71
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36 FR 16765 - 8/25/71
(R)-See Oklahoma County
CARTER COUNTY
(Hw)-See Caddo County
CHEROKEE COUNTY
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CHOCTAW COUNTY
(Hw)-See Atoka County
CIMARRON COUNTY
(Hw)-See Alfalfa County
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36 FR 16762 - 8/25/71
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(Hw)-See Cleveland County
COMANCHE COUNTY
(Hw)-See Caddo County
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37 FR 16715 - 8/18/72
COTTON COUNTY
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36 FR 16768 - 8/25/72
CREEK COUNTY
(Hw)-See Canadian County
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(Hw)-See Beckham County
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ELLIS COUNTY
(Hw)-See Alfalfa County
GARFIELD COUNTY
(Hw)-See Canadian County
GARVIN COUNTY
(Hw)-See Cleveland County
GRADY COUNTY
(Hw)-See Caddo County
GRANT COUNTY
(Hw)-See Canadian County
GREER COUNTY
(Hw)-See Beckham County
HARMON COUNTY
(Hw)-See Beckham County
HARPER COUNTY
(Hw)-See Alfalfa County
HASKELL COUNTY
(Hw)-See Adair County
HUGHES COUNTY
(Hw)-See Cleveland County
JACKSON COUNTY
(Hw)-See Beckham County
JEFFERSON COUNTY
(Hw)-See Caddo County
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(Hw)-See Cleveland County
KAY COUNTY
(Hw)-See Canadian County
KINGFISHER COUNTY
(Hw)-See Canadian County
KIOWA COUNTY
(Hw)-See Beckham County
LATIMER COUNTY
(Hw)-See Atoka County
LEFLORE COUNTY
(Hw)-See Atoka County
LINCOLN COUNTY
(Hw)-See Canadian County)
(R)-See Oklahoma County
LOGAN COUNTY
(Hw)-See Canadian County
LOVE COUNTY
(hw)-See Caddo County
MCCLAIN COUNTY
(Hw)-See Cleveland County
MCCURTAIN COUNTY
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37 FR 15789 - 8/4/72
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PAWNEE COUNTY
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PAYNE COUNTY
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(Hw)-See Cleveland County
POTTAWATOMIE COUNTY
(Hw)- See Cleveland County
(R)-See Oklahoma County
PUSHMATAHA COUNTY
(Hw)-See Atoka County
ROGER MILLS COUNTY
(Hw)-See Beckham County
ROGERS COUNTY
(Hw)-See Craig County

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SEQUOYAH COUNTY
(Hw) - See Adair County
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37 FR 26249 - 12/8/72
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36 FR 16769 - 8/25/71
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37 FR 17899 - 9/1/72
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WASHINGTON COUNTY
(Hw) - See Craig County
WASHITA COUNTY
(Hw) - See Beckham County
WOODS COUNTY
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WOODWARD COUNTY
(Hw) - See Alfalfa County

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37 FR 23998 - 11/10/72
Mod. #1-37 FR 25112 - 11/25/72
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(B,H,Hw,D) - See Statewide
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GRANT COUNTY
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HARNEY COUNTY
(B-H-Hw-D) - See Statewide
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JACKSON COUNTY
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MARION COUNTY
(B-H-Hw-D) - See Statewide
MORROW COUNTY
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38 FR 943-1/5/73
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37 FR 21255-10/6/72
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37 FR 15229-7/28/72
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37 FR 15275 - 7/28/72
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38 FR 2605-1/26/73
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37 FR 21259 - 10/6/72
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36 FR 16294 - 8/30/71
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TIOGA COUNTY
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VENANGO COUNTY
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WARREN COUNTY
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Mod. #3-37 FR 16286 - 8/11/72
Mod. #4-37 FR 18834 - 9/15/72
Mod. #5-37 FR 19893 - 9/22/72
Mod. #6-37 FR 23065 - 10/27/72
Mod. #7-37 FR 24511 - 11/17/72
Mod. #8-37 FR 25117 - 11/25/72
WYOMING COUNTY
(Hw)-See Adams County
YORK COUNTY
(Hw)-See Adams County

PUERTO RICO

PUERTO RICO
Decision #AP-412 (B, H, Hw)
37 FR 16778 - 8/18/72

RHODE ISLAND

STATEWIDE
Decision #AM-9322 (D)
37 FR 10693 - 5/26/72
Mod. #1 - 37 FR 19871 - 9/22/72
BRISTOL COUNTY
Decision #AP-426 (B, H, Hw, Marine)
37 FR 20471 - 9/29/72
Mod. #1 - 37 FR 21713 - 10/13/72
(D)-See Statewide
KENT COUNTY
(B, H, Hw, Marine)- See Bristol Cty.
(D)-See Statewide
NEWPORT COUNTY
Decision #AP-428 (B, H, Hw, Marine)
37 FR 20480 - 9/29/72
Mod. #1 - 37 FR 21713 - 10/13/72
(D)-See Statewide
PROVIDENCE COUNTY
(B, H, Hw, Marine)-See Bristol Cty.
(D)-See Statewide
WASHINGTON COUNTY
Decision #AP-427 (B, H, Hw, Marine)
37 FR 20476 - 9/27/72
Mod. #1 - 37 FR 21713 - 10/13/72
(D)-See Statewide

SOUTH CAROLINA

STATEWIDE
Decision #AM-1867 (Hw)
36 FR 16475 - 8/20/71
ABBEVILLE COUNTY
(Hw)-See Statewide
AIKEN COUNTY
(Hw)-See Statewide
ALLENDALE COUNTY
(Hw)-See Statewide
ANDERSON COUNTY
(Hw)-See Statewide

SOUTH CAROLINA (cont'd)

BAMBERG COUNTY
(Hw)-See Statewide
BARNWELL COUNTY
(Hw)-See Statewide
BEAUFORT COUNTY
Decision #AP-459 (D)
37 FR 22701 - 10/20/72
(Hw)-See Statewide
BERKELEY COUNTY
(D)-See Beaufort County
(Hw)-See Statewide
Decision #AP-114 (R)
37 FR 15794 - 8/4/72
CALHOUN COUNTY
(Hw)-See Statewide
CHARLESTON COUNTY
(D)-See Beaufort County
(Hw)-See Statewide
(R)-See Berkeley County
CHEROKEE COUNTY
(Hw)-See Statewide
CHESTER COUNTY
(Hw)-See Statewide
CHESTERFIELD COUNTY
(Hw)-See Statewide
CLARENDON COUNTY
(Hw)-See Statewide
COLLETON COUNTY
(D)-See Beaufort County
(Hw)-See Statewide
DARLINGTON COUNTY
(Hw)-See Statewide
DILLON COUNTY
(Hw)-See Statewide
DORCHESTER COUNTY
(Hw)-See Statewide
EDGEFIELD COUNTY
(Hw)-See Statewide
FAIRFIELD COUNTY
(Hw)-See Statewide
FLORENCE COUNTY
(Hw)-See Statewide
GEORGETOWN COUNTY
(D)-See Beaufort County
(Hw)-See Statewide
GREENVILLE COUNTY
(Hw)-See Statewide

SOUTH CAROLINA (Cont'd)

GREENWOOD COUNTY
(Hw)-See Statewide
HAMPTON COUNTY
(Hw)-See Statewide
HORRY COUNTY
(D) - See Beaufort County
(Hw) - See Statewide
JASPER COUNTY
(D) - See Beaufort County
(Hw) - See Statewide
KERSHAW COUNTY
(Hw) - See Statewide
LANCASTER COUNTY
(Hw) - See Statewide
LAURENS COUNTY
(Hw) - See Statewide
LEE COUNTY
(Hw) - See Statewide
LEXINGTON COUNTY
(Hw) - See Statewide
McCORMICK COUNTY
(Hw) - See Statewide
MARION COUNTY
(Hw) - See Statewide
MARLBORO COUNTY
(Hw) - See Statewide
NEWBERRY COUNTY
(Hw) - See Statewide
OCONEE COUNTY
(Hw) - See Statewide
ORANGEBURG COUNTY
(Hw) - See Statewide
PICKENS COUNTY
(Hw) - See Statewide
RICHLAND COUNTY
(Hw) - See Statewide
SALUDA COUNTY
(Hw) - See Statewide
SPARTANBURG COUNTY
(Hw) - See Statewide
SUMTER COUNTY
(Hw) - See Statewide
UNION COUNTY
(Hw) - See Statewide
WILLIAMSBURG COUNTY
(Hw) - See Statewide
YORK COUNTY
(Hw) - See Statewide

SOUTH DAKOTA

STATEWIDE
Decision #AM-6,719 (Hw)
37 FR 7463 - 4/14/72
AURORA COUNTY
(Hw) - See Statewide
BEADLE COUNTY
(Hw) - See Statewide
BENNETT COUNTY
(Hw) - See Statewide
BON HOMME COUNTY
(Hw) - See Statewide
BROOKINGS COUNTY
(Hw) - See Statewide
BROWN COUNTY
(Hw) - See Statewide
BRULE COUNTY
(Hw) - See Statewide
BUFFALO COUNTY
(Hw) - See Statewide
BUTTE COUNTY
(Hw) - See Statewide
CAMPBELL COUNTY
(Hw) - See Statewide
CHARLES COUNTY
(Hw) - See Statewide
CLARK COUNTY
(Hw) - See Statewide
CODINGTON COUNTY
(Hw) - See Statewide
CORSON COUNTY
(Hw) - See Statewide
CUSTER COUNTY
(Hw) - See Statewide
DAVISON COUNTY
(Hw) - See Statewide
DAY COUNTY
(Hw) - See Statewide
DEUEL COUNTY
(Hw) - See Statewide
DEWEY COUNTY
(Hw) - See Statewide
DOUGLAS COUNTY
(Hw) - See Statewide

SOUTH DAKOTA (Cont'd)

EDMUNDS COUNTY
(Hw) - See Statewide
FALL RIVER COUNTY
(Hw) - See Statewide
FAULK COUNTY
(Hw) - See Statewide
GRANT COUNTY
(Hw) - See Statewide
GREGORY COUNTY
(Hw) - See Statewide
HAAKON COUNTY
(Hw) - See Statewide
HAMLIN COUNTY
(Hw) - See Statewide
HAND COUNTY
(Hw) - See Statewide
HANSON COUNTY
(Hw) - See Statewide
HARDING COUNTY
(Hw) - See Statewide
HUGHES COUNTY
(Hw) - See Statewide
HUTCHINSON COUNTY
(Hw) - See Statewide
HYDE COUNTY
(Hw) - See Statewide
JACKSON COUNTY
(Hw) - See Statewide
JERAULD COUNTY
(Hw) - See Statewide
JONES COUNTY
(Hw) - See Statewide
KINGSBURY COUNTY
(Hw) - See Statewide
LAKE COUNTY
(Hw) - See Statewide
LAWRENCE COUNTY
(Hw) - See Statewide
LINCOLN COUNTY
(Hw) - See Statewide
LYMAN COUNTY
(Hw) - See Statewide
MC COOK COUNTY
(Hw) - See Statewide

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SOUTH DAKOTA (Cont'd)

MC PHERSON COUNTY
(Hw) - See Statewide
MARSHALL COUNTY
(Hw) - See Statewide
MEADE COUNTY
Decision #AP-202 (B)
37 FR 13457 - 7/7/72
MELLETTE COUNTY
(Hw) - See Statewide
MINER COUNTY
(Hw) - See Statewide
MINNEHAHA COUNTY
Decision #AM-6141 (R)
36 FR 21736 - 11/12/71
Decision #AP-253 (B)
37 FR 25147 - 11/25/72
(Hw) - See Statewide
MOODY COUNTY
(Hw) - See Statewide
PENNINGTON COUNTY
(F) - See Meade County
(Hw) - See Statewide
PERKINS COUNTY
(Hw) - See Statewide
POTTER COUNTY
(Hw) - See Statewide
ROBERTS COUNTY
(Hw) - See Statewide
SANBORN COUNTY
(Hw) - See Statewide
SHANNON COUNTY
(Hw) - See Statewide
SPINK COUNTY
(Hw) - See Statewide
STANLEY COUNTY
(Hw) - See Statewide
SULLY COUNTY
(Hw) - See Statewide
TODD COUNTY
(Hw) - See Statewide
TRIPP COUNTY
(Hw) - See Statewide

SOUTH DAKOTA (Cont'd)

TURNER COUNTY
(Hw) - See Statewide
UNION COUNTY
(Hw) - See Statewide
WALWORTH COUNTY
(Hw) - See Statewide
WASHABOUGH COUNTY
(Hw) - See Statewide
YANKTON COUNTY
(Hw) - See Statewide
ZIEBACH COUNTY
(Hw) - See Statewide

TENNESSEE

STATEWIDE
Decision #AM-8588 (F)
37 FR 5654 - 3/17/72
Mod. #1-37 FR 8601 - 4/28/72
Mod. #2-37 FR 24506 - 11/17/72
Decision #AM-504 (R)
36 FR 16493 - 8/20/71
Mod. #1-37 FR 246 - 1/7/72
Mod. #2-38 FR 939-1/5/73
ANDERSON COUNTY
Decision #AM-8610 (B)
37 FR 10322 - 5/19/72
Mod. #1-37 FR 11623 - 6/9/72
Mod. #2-37 FR 21714 - 10/13/72
Mod. #3-37 FR 25626-12/1/72
Mod. #4-38 FR 2013-1/19/73
(Hw) - See Statewide
(F)-See Statewide
BEDFORD COUNTY
(F) - See Statewide
(Hw) - See Statewide
BENTON COUNTY
(F) - See Statewide
(Hw) - See Statewide
BLEDSOE COUNTY
(F) - See Statewide
(Hw) - See Statewide
BLOUNT COUNTY
(F) - See Statewide
(Hw) - See Statewide

TENNESSEE (cont'd)

BRADLEY COUNTY
(F)-See Statewide
(Hw)-See Statewide
CAMPBELL COUNTY
(F)-See Statewide
(Hw)-See Statewide
CANNON COUNTY
(F)-See Statewide
(Hw)-See Statewide
CARROLL COUNTY
Decision #AM-8589 (D)
37 FR 5654 - 3/17/72
Mod. #1 - 37 FR 24506 - 11/17/72
(F)-See Statewide
(Hw)-See Statewide
CARTER COUNTY
Decision #AP-104 (B)
37 FR 13915 - 7/14/72
(F)-See Statewide
(Hw)-See Statewide
CHEATHAM COUNTY
(F)-See Statewide
(Hw)-See Statewide
CHESTER COUNTY
(F)-See Statewide
(Hw)-See Statewide
CLAIBORNE COUNTY
(F)-See Statewide
(Hw)-See Statewide
CLAY COUNTY
(F)-See Statewide
(Hw)-See Statewide
COCKE COUNTY
(F)-See Statewide
(Hw)-See Statewide
COFFEE COUNTY
(F)-See Statewide
(Hw)-See Statewide
CROCKETT COUNTY
(D)-See Carroll County
(F)-See Statewide
(Hw)-See Statewide
CUMBERLAND COUNTY
(F)-See Statewide
(Hw)-See Statewide

TENNESSEE (Cont'd)

DAVIDSON COUNTY
Decision #AM-8622 (B,H)
37 FR 11632 - 6/9/72
Mod. #1-37 FR 14668 - 7/21/72
Mod. #2-37 FR 20388 - 9/29/72
Mod. #3-37 FR 21715 - 10/13/72
Mod. #4-37 FR 25111 - 11/25/72
Mod. #5-37 FR 28799-12/29/72
Decision #AM-505 (R)
36 FR 16494 - 8/20/72
Mod. #1-37 FR 21714 - 10/13/72
(F) - See Statewide
(Hw) - See Statewide
DECATUR COUNTY
(F) - See Statewide
(Hw) - See Statewide
DEKALB COUNTY
(F) - See Statewide
(Hw) - See Statewide
DICKSON COUNTY
(F) - See Statewide
(Hw) - See Statewide
(R) - See Davidson County
DYER COUNTY
(D) - See Carroll County
(F) - See Statewide
(Hw) - See Statewide
FAYETTE COUNTY
(D) - See Carroll County
(F) - See Statewide
(Hw) - See Statewide
FENTRESS COUNTY
(F) - See Statewide
(Hw) - See Statewide
FRANKLIN COUNTY
(F) - See Statewide
(Hw) - See Statewide
GIBSON COUNTY
(D) - See Carroll County
(F) - See Statewide
(Hw) - See Statewide
GILES COUNTY
(F) - See Statewide
(Hw) - See Statewide
GRAINGER COUNTY
(F) - See Statewide
(Hw) - See Statewide

TENNESSEE (Cont'd)

GREENE COUNTY
(F) - See Statewide
(Hw) - See Statewide
GRUNDY COUNTY
(F) - See Statewide
(Hw) - See Statewide
HAMBLEN COUNTY
(F) - See Statewide
(Hw) - See Statewide
HAMILTON COUNTY
Decision #AP-139 (B,H)
37 FR 25640 - 12/1/72
Mod. #1-38 FR 3253-2/2/73
(F) - See Statewide
(Hw) - See Statewide
HANCOCK COUNTY
(F)-See Statewide
(Hw)-See Statewide
HARDEMAN COUNTY
(D)-See Carroll County
(Hw)-See Statewide
(F)-See Statewide
HARDIN COUNTY
(F)-See Statewide
(Hw)-See Statewide
HAWKINS COUNTY
(F)-See Statewide
(Hw)-See Statewide
HAYWOOD COUNTY
(D)-See Carroll County
(F)-See Statewide
(Hw)-See Statewide
HENDERSON COUNTY
(F)-See Statewide
(Hw)-See Statewide
HENRY COUNTY
(D)-See Carroll County
(F)-See Statewide
(Hw)-See Statewide
HICKMAN COUNTY
(F)-See Statewide
(Hw)-See Statewide
HOUSTON COUNTY
(F)-See Statewide
(Hw)-See Statewide
HUMPHREYS COUNTY
(F)-See Statewide
(Hw)-See Statewide
JACKSON COUNTY
(F)-See Statewide
(Hw)-See Statewide

TENNESSEE (cont'd)

JEFFERSON COUNTY
(F)-See Statewide
(Hw)-See Statewide
JOHNSON COUNTY
(F)-See Statewide
(Hw)-See Statewide
KNOX COUNTY
Decision #AM-8621 (B)
37 FR 11629 - 6/9/72
Mod. #1 - 37 FR 19872 - 9/22/72
Mod. #2 - 37 FR 21714 - 10/13/72
Mod. #3 - 37 FR 25111 - 11/25/72
Mod. #4-38 FR 3253-2/2/73
(F)-See Statewide
(Hw)-See Statewide
LAKE COUNTY
(F)-See Statewide
(Hw)-See Statewide
LAUDERDALE COUNTY
(D)-See Carroll County
(F)-See Statewide
(Hw)-See Statewide
LAWRENCE COUNTY
(F)-See Statewide
(Hw)-See Statewide
(R)-See Davidson County
LEWIS COUNTY
(F)-See Statewide
(Hw)-See Statewide
LINCOLN COUNTY
(F)-See Statewide
(Hw)-See Statewide
LOUDON COUNTY
(F)-See Statewide
(Hw)-See Statewide
MC MINN COUNTY
(F)-See Statewide
(Hw)-See Statewide
MC NAIRY COUNTY
(F)-See Statewide
(Hw)-See Statewide
MACON COUNTY
(F)-See Statewide
(Hw)-See Statewide
MADISON COUNTY
(D)-See Carroll county
(F)-See Statewide
(Hw)-See Statewide
MARSHALL COUNTY
(F)-See Statewide
(Hw)-See Statewide
(R)-See Davidson County

TENNESSEE (cont'd)

MAURY COUNTY
(F)-See Statewide
(Hw)-See Statewide
(R)-See Davidson County
MEIGS COUNTY
(F)-See Statewide
(Hw)-See Statewide
MONROE COUNTY
(F)-See Statewide
(Hw)-See Statewide
MONTGOMERY COUNTY
(F)-See Statewide
(Hw)-See Statewide
MOORE COUNTY
(F)-See Statewide
(hw)-See Statewide
MORGAN COUNTY
(F)-See Statewide
(Hw)-See Statewide
OBION COUNTY
(D)-See Carroll County
(F)-See Statewide
(Hw)-See Statewide
OVERTON COUNTY
(F)-See Statewide
(Hw)-See Statewide
PERRY COUNTY
(F)-See Statewide
(Hw)-See Statewide
PICKETT COUNTY
(F)-See Statewide
(Hw)-See Statewide
POLK COUNTY
(F)-See Statewide
(Hw)-See Statewide
PUTNAM COUNTY
(F)-See Statewide
(Hw)-See Statewide
RHEA COUNTY
(F)-See Statewide
(Hw)-See Statewide
ROANE COUNTY
(B)-See Anderson County
(F)-See Statewide
(Hw)-See Statewide

TENNESSEE (cont'd)

ROBERTSON COUNTY
(F)-See Statewide
(Hw)-See Statewide
(R)-See Davidson County
RUTHERFORD COUNTY
(F)-See Statewide
(hw)-See Statewide
(R)-See Davidson County
SCOTT COUNTY
(F)-See Statewide
(Hw)-See Statewide
SEQUATCHIE COUNTY
(F)-See Statewide
(Hw)-See Statewide
SEVIER COUNTY
(F)-See Statewide
(Hw)-See Statewide
SHELBY COUNTY
Decision #AP-138 (B,H,Utility)
37 FR 25148-11/25/72
Mod. #1-38 FR 2013-1/19/73
Mod. #2-38 FR 4080-2/9/73
Decision #AP-152 (R)
38 FR 4176-2/9/73
(D)-See Carroll County
(Hw)-See Statewide
SMITH COUNTY
(F)-See Statewide
(hw)-See Statewide
STEWART COUNTY
(F)-See Statewide
(Hw)-See Statewide
SULLIVAN COUNTY
Decision #AM-8623 (B)
37 FR 12013 - 6/16/72
Mod. #1 - 37 FR 23065 - 10/27/72
Decision #AP-137 (R)
37 FR 23051 - 10/27/72
(F)-See Statewide
(Hw)-See Statewide
SUMNER COUNTY
(F)-See Statewide
(Hw)-See Statewide
(R)-See Davidson County

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TEXAS (Cont'd)

BELL COUNTY
Decision #AP-380 (Hw)
38 FR 2114-1/19/73
BEXAR COUNTY
Decision #AP-393 (C)
36 FR 2631-2/20/73
Mod. #1-38 FR 4082-2/9/73
(Hw, water & sewer utilities) - See Anderson County
BOSQUE COUNTY
Decision #AP-3292 (S)
36 FR 16771 - 8/25/71
Mod. #1-37 FR 3118 - 2/11/72
BLANCO COUNTY
(Hw, water & sewer utilities) - See Austin County
(S) - See Hamilton County
BORDEN COUNTY
(Hw) - See Bailey County
BOWIE COUNTY
(Hw) - See Bell County
BRAZOS COUNTY
Decision #AP-385 (Hw)
38 FR 2117-1/19/73
BRAZORIA COUNTY
Decision #AP-386 (H,Hw)
38 FR 2120-1/19/73
Decision #AP-7488 (R)
36 FR 21737 - 11/12/71
Mod. #1-37 FR 10695 - 5/26/72
(D) - See Aransas County
BROWN COUNTY
Decision #AP-387 (Hw)
38 FR 2121-1/19/73
BURLESON COUNTY
Decision #AP-377 (Hw)
38 FR 2111-1/19/73
BRAZOS COUNTY
(Hw) - See Andrews County
BRISCOE COUNTY
(Hw) - See Bailey County
BURNETT COUNTY
(Hw, water & sewer utilities) - See Austin County

TEXAS (Cont'd)

CALDWELL COUNTY
(Hw, water & sewer utilities) - See Austin County
(R) - See Hamilton County
CALHOUN COUNTY
(Hw) - See Aransas County
(D) - See Anderson County
CALLAHAN COUNTY
(Hw)-See Anderson County
CAMERON COUNTY
Decision #AP-396 (H)
38 FR 2646-1/26/73
(Hw) - See Brooks County
Decision #AP-369 (O)
37 FR 26775 - 12/15/72
(D) - See Aransas County
CAMP COUNTY
(Hw) - See Bowie County
CARSON COUNTY
(Hw) - See Armstrong County
(Hw) - See Archer County
(S) - See Armstrong County
CASS COUNTY
(Hw) - See Bowie County
CASTRO COUNTY
(S) - See Armstrong County
(Hw) - See Archer County
(R) - See Armstrong County
CHAMBERS COUNTY
Decision #AP-387 (Hw)
38 FR 2121-1/19/73
(D) - See Aransas County
CHEROKEE COUNTY
(Hw) - See Anderson County
CHILDRESS COUNTY
(S) - See Archer County
(Hw) - See Archer County
(A) - See Collin County
CLAY COUNTY
(Hw) - See Archer County
COCHRAN COUNTY
(Hw) - See Bailey County
(S) - See Bailey County

TEXAS (Cont'd)

GALVESTON COUNTY
Decision #AP-389 (S)
38 FR 2425-1/26/73
Mod. #1-38 FR 4081-2/9/73
(H & Hw) - See Brazoria County
Decision #AP-348 (R)
37 FR 20501 - 9/29/72
(D) - See Aransas County
GARZA COUNTY
(Hw) - See Bailey County
(S) - See Bailey County
GILLESPIE COUNTY
(Hw, water & sewer utilities) - See Austin County
GLASSCOCK COUNTY
(Hw) - See Andrews County
GOLIAD COUNTY
(Hw) - See Aransas County
GONZALES COUNTY
(Hw, water & sewer utilities) - See Austin County
GRAY COUNTY
(S) - See Armstrong County
(R) - See Armstrong County
GRAYSON COUNTY
(S) - See Collin County
(H & Hw) - See Collin County
GREGG COUNTY
(Hw) - See Bowie County
GRIMES COUNTY
(Hw) - See Brazos County
GUADALUPE COUNTY
(Hw, water & sewer utilities) - See Atascosa County
HALE COUNTY
(Hw) - See Bailey County
(R) - See Bailey County
HALL COUNTY
(Hw) - See Archer County
HAMILTON COUNTY
(Hw) - See Bell County
HARRISON COUNTY
(Hw) - See Anderson County
(R) - See Armstrong County

TEXAS (Cont'd)

CROSBY COUNTY
(Hw) - See Bailey County
(S) - See Bailey County
CULBERSON COUNTY
(Hw) - See Brewster County
DALLAM COUNTY
(S) - See Armstrong County
(Hw) - See Archer County
(R) - See Armstrong County
DALLAS COUNTY
(S) - See Collin County
(H & Hw) - See Collin County
DAWSON COUNTY
(Hw) - See Bailey County
DEAF SMITH COUNTY
(S) - See Armstrong County
(Hw) - See Archer County
(R) - See Armstrong County
DELTA COUNTY
(Hw) - See Bowie County
DENTON COUNTY
(S) - See Collin County
(H & Hw) - See Collin County
(R) - See Collin County
DE WITT COUNTY
(Hw) - See Aransas County
DICKENS COUNTY
(Hw) - See Bailey County
DIMMIT COUNTY
(Hw, water & sewer utilities) - See Atascosa County
DONLEY COUNTY
(S) - See Armstrong County
(Hw) - See Archer County
(R) - See Armstrong County
DUVAL COUNTY
(Hw) - See Brooks County
EASTLAND COUNTY
(Hw) - See Andrews County
ECTOR COUNTY
(Hw) - See Andrews County
(R) - See Crane County

TENNESSEE (Cont'd)

TIPTON COUNTY
(D)-See Cartwell County
(F)-See Statewide
(Hw)-See Statewide
TROUSDALE COUNTY
(F)-See Statewide
(Hw)-See Statewide
(R)-See Statewide
UNICOI COUNTY
(F)-See Statewide
(Hw)-See Statewide
UNION COUNTY
(F)-See Statewide
(Hw)-See Statewide
VAN BUREN COUNTY
(F)-See Statewide
(Hw)-See Statewide
WARREN COUNTY
(Hw)-See Statewide
WASHINGTON COUNTY
(Hw)-See Statewide
Decision #AP-200 (G)
37 FR 13719 - 7/7/72
Mod. #1 - 37 FR 17316 - 8/25/72
Mod. #2 - 37 FR 22706 - 10/20/72
Decision #AP-136 (R)
37 FR 22702 - 10/19/72
(F)-See Statewide
(Hw)-See Statewide
WAYNE COUNTY
(F)-See Statewide
(Hw)-See Statewide
WEAKLEY COUNTY
(D)-See Carroll County
(F)-See Statewide
WHITE COUNTY
(F)-See Statewide
(Hw)-See Statewide
WILLIAMSON COUNTY
(D)-See Statewide
(Hw)-See Statewide
(R)-See Davidson County
WILSON COUNTY
(F)-See Statewide
(Hw)-See Statewide
(R)-See Davidson County

TEXAS

ANDERSON COUNTY
Decision #AP-384 (Hw)
38 FR 2118-1/19/73
ANDREWS COUNTY
Decision #AP-393 (C)
36 FR 2631-2/20/73
Mod. #1-38 FR 4082-2/9/73
(Hw, water & sewer utilities) - See Aransas County
ANGELINA COUNTY
(Hw)-See Anderson County
ARANSAS COUNTY
Decision #AP-379 (Hw)
36 FR 2117-1/19/73
Terminated #AP-8349 (D)
37 FR 5695-3/4/72
Mod. #1 37 FR 24506-11/17/72
ARCHER COUNTY
Decision #AP-372 (Hw)
38 FR 2110-1/19/73
ARMSTRONG COUNTY
Decision #AP-388 (S)
36 FR 7621-4/26/73
Mod. #1-38 FR 4031-2/9/73
(Hw)-See Archer County
Decision #AP-346 (R)
37 FR 20497-9/9/72
Mod. #1-38 FR 4080-2/9/73
ATASCOSA COUNTY
Decision #AP-376 (Hw, Water & Sewer Utilities)
38 FR 2110-1/19/73
AUSTIN COUNTY
Decision #AP-379 (Hw, Water & Sewer Utilities)
38 FR 2113-1/19/73
BAILEY COUNTY
Decision #AP-272 (Hw)
36 FR 2107-1/19/73
Decision #AP-367 (S)
36 FR 21766-10/13/72
BANDERA COUNTY
(Hw, Water & Sewer Utilities)-See Atascosa County
BASTROP COUNTY
(Hw, Water & Sewer Utilities)-See Austin County
Decision #AP-7705 (R)
36 FR 2211-1/1971
BAYLOR COUNTY
(Hw)-See Archer County
BEE COUNTY
(Hw)-See Aransas County

TEXAS (Cont'd)

COKE COUNTY
(Hw) - See Andrews County
COLEMAN COUNTY
(Hw) - See Andrews County
COLLIN COUNTY
Decision #AP-199 (H-excludes Dallas-Fort Worth Regional Airport)
38 FR 3260-2/2/73
Decision #AP-382 (H-Hw-excludes Dallas-Fort Worth Regional Airport)
38 FR 2116-1/19/73
Decision #AP-7487 (R)
36 FR 21736 - 11/12/71
COLLINGSWORTH COUNTY
(S) - See Armstrong County
(Hw) - See Archer County
(R) - See Armstrong County
COLORADO COUNTY
(Hw, water & sewer utilities) - See Austin County
COMAL COUNTY
(Hw, water & sewer utilities) - See Atascosa County
COMANCHE COUNTY
(Hw) - See Andrews County
CONCHO COUNTY
(Hw) - See Andrews County
COOKE COUNTY
Decision #AP-381 (Hw-excludes Dallas-Fort Worth Regional Airport)
38 FR 2115-1/19/73
CORYELL COUNTY
(Hw) - See Bell County
COTTLE COUNTY
(S) - See Bailey County
(Hw) - See Bailey County
CRANE COUNTY
(Hw) - See Andrews County
Decision #AP-347 (R)
37 FR 20499 - 9/29/72
CROCKETT COUNTY
(Hw) - See Andrews County

TEXAS (Cont'd)

CROSBY COUNTY
(Hw) - See Bailey County
(S) - See Bailey County
CULBERSON COUNTY
(Hw) - See Brewster County
DALLAM COUNTY
(S) - See Armstrong County
(Hw) - See Archer County
(R) - See Armstrong County
DALLAS COUNTY
(S) - See Collin County
(H & Hw) - See Collin County
DAWSON COUNTY
(Hw) - See Bailey County
DEAF SMITH COUNTY
(S) - See Armstrong County
(Hw) - See Archer County
(R) - See Armstrong County
DELTA COUNTY
(Hw) - See Bowie County
DENTON COUNTY
(S) - See Collin County
(H & Hw) - See Collin County
(R) - See Collin County
DE WITT COUNTY
(Hw) - See Aransas County
DICKENS COUNTY
(Hw) - See Bailey County
DIMMIT COUNTY
(Hw, water & sewer utilities) - See Atascosa County
DONLEY COUNTY
(S) - See Armstrong County
(Hw) - See Archer County
(R) - See Armstrong County
DUVAL COUNTY
(Hw) - See Brooks County
EASTLAND COUNTY
(Hw) - See Andrews County
ECTOR COUNTY
(Hw) - See Andrews County
(R) - See Crane County

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TEXAS (Cont'd)

HARDEMAN COUNTY
(Hw) - See Archer County
HARDIN COUNTY
(Hw) - See Chambers County
HARRIS COUNTY
Decision #AP-395 (B)
38 FR 2643-1/26/73
Mod. #1-38 FR 4082-2/9/73
(H & Hw) - See Brazoria County
(R) - See Brazoria County
(D) - See Aransas County
HARRISON COUNTY
(Hw) - See Bowie County
HARTLEY COUNTY
(B) - See Armstrong County
(Hw) - See Archer County
(R) - See Armstrong County
HASKELL COUNTY
(Hw) - See Bailey County
HAYS COUNTY
(Hw, water & sewer utilities) -
See Austin County
(R) - See Bastrop County
HEMPHILL COUNTY
(B) - See Armstrong County
(Hw) - See Archer County
(R) - See Armstrong County
HENDERSON COUNTY
(Hw) - See Anderson County
HIDALGO COUNTY
(B) - See Cameron County
(Hw) - See Brooks County
(R) - See Cameron County
HILL COUNTY
(Hw) - See Bell County
HOCKLEY COUNTY
(Hw) - See Bailey County
(R) - See Bailey County
HOOD COUNTY
(B) - See Collin County
(Hw) - See Cooke County
Decision #AP-301 (R)
37 FR 15232 - 7/28/72
Mod. #1-37 FR 20395 - 9/29/72

TEXAS (Cont'd)

HOPKINS COUNTY
(Hw) - See Bowie County
HOUSTON COUNTY
(Hw) - See Anderson County
HOWARD COUNTY
(Hw) - See Andrews County
HUDSPETH COUNTY
(Hw) - See Brewster County
HUNT COUNTY
(B) - See Collin County
(Hw) - See Bowie County
(R) - See Collin County
HUTCHINSON COUNTY
(B)-- See Armstrong County
(Hw) - See Archer County
(R) - See Armstrong County
IRION COUNTY
(Hw) - See Andrews County
JACK COUNTY
(Hw) - See Cooke County
JACKSON COUNTY
(Hw) - See Aransas County
(D)-- See Aransas County
JASPER COUNTY
(Hw) - See Anderson County
JEFF DAVIS COUNTY
(Hw) - See Brewster County
JEFFERSON COUNTY
Decision #AP-354 (B)
37 FR 23521 - 11/3/72
Mod. #1 - 37 FR 25115 - 11/25/72
Mod. #2 - 37 FR 26781 - 12/15/72
Mod. #3-38 FR 2571-1/26/73
Mod. #4-38 FR 4081-2/9/73
(Hw) - See Chambers County
Decision #AP-353 (R)
37 FR 23519 - 11/3/72
Mod. #1 - 37 FR 2115 - 11/25/72
Mod. #2 - 37 FR 26781 - 12/15/72
Mod. #3-38 FR 2571-1/26/73
Mod. #4-3 FR 4080-2/9/73
(D) - See Aransas County
JIM HOGG COUNTY
(Hw) - See Brooks County
JIM WELLS COUNTY
(Hw) - See Aransas County
JOHNSON COUNTY
(B) - See Collin County
(Hw) - See Cooke County
(R) - See Hood County

TEXAS (cont'd)

JONES COUNTY
(Hw) - See Bailey County
KARNES COUNTY
(Hw)- See Aransas County
KAUFMAN COUNTY
(B) - See Collin County
(Hw) - See Bowie County
(R)- See Collin County
KENDALL COUNTY
(Hw, water & sewer utilities) -
See Atascosa County
KENEDY COUNTY
(Hw) - See Brooks County
(D) - See Aransas County
KENT COUNTY
(Hw) - See Bailey County
KERR COUNTY
(Hw, water & sewer utilities) -
See Atascosa County
KIMBLE COUNTY
(Hw) - See Andrews County
KING COUNTY
(Hw) - See Bailey County
KINNEY COUNTY
(Hw, water & sewer utilities) -
See Atascosa County
KLEBERG COUNTY
(Hw) - See Aransas County
(D) - See Aransas County
KNOX COUNTY
(Hw) - See Bailey County
LAMAR COUNTY
(Hw) - See Bowie County
LAMB COUNTY
(Hw) - See Bailey County
(R) - See Bailey County
LAMPASAS COUNTY
(Hw) - See Bell County
LA SALLE COUNTY
(Hw, water & sewer utilities) -
See Atascosa County
LAVACA COUNTY
(Hw) - See Aransas County

TEXAS (Cont'd)

LEE COUNTY
(Hw, water & sewer utilities) -
See Austin County
(R) - See Bastrop County
LEON COUNTY
(Hw) - See Brazos County
LIBERTY COUNTY
(Hw) - See Chambers County
LIMESTONE COUNTY
(Hw) - See Bell County
LIPSCOMB COUNTY
(B) - See Armstrong County
(Hw) - See Archer County
(R) - See Armstrong County
LIVE OAK COUNTY
(Hw) - See Aransas County
LLANO COUNTY
(Hw, water & sewer utilities) -
See Austin County
LOVING COUNTY
(Hw) - See Andrews County
(R) - See Crane County
LUBBOCK COUNTY
Decision #AP-394 (B)
38 FR 2640-1/26/73
(Hw) - See Bailey County
(R) - See Bailey County
LYNN COUNTY
(Hw) - See Bailey County
(R) - See Bailey County
MCCULLOCH COUNTY
(Hw) - See Andrews County
MCLENNAN COUNTY
(Hw) - See Bell County
MCMULLEN COUNTY
(Hw), water & sewer utilities) -
See Atascosa County
MADISON COUNTY
(Hw) - See Brazos County
MARION COUNTY
(Hw) - See Bowie County
MARTIN COUNTY
(Hw) - See Andrews County

TEXAS (Cont'd)

MASON COUNTY
(Hw, water & sewer utilities) -
See Austin County
MATAGORDA COUNTY
(H & Hw) - See Brazoria County
(R) - See Brazoria County
(D) - See Aransas County
MAVERICK COUNTY
(Hw, water & sewer utilities) -
See Atascosa County
MEDINA COUNTY
(Hw, water & sewer utilities) -
See Atascosa County
MENARD COUNTY
(Hw) - See Andrews County
MIDLAND COUNTY
(Hw) - See Andrews County
(R) - See Crane County
MILAM COUNTY
(Hw) - See Brazos County
MILLS COUNTY
(Hw) - See Andrews County
MITCHELL COUNTY
(Hw) - See Andrews County
MONTAGUE COUNTY
(Hw) - See Archer County
MONTGOMERY COUNTY
(H & Hw) - See Brazoria County
(R)-See Brazoria County
MOORE COUNTY
(B) - See Armstrong County
(Hw) - See Archer County
(R) - See Armstrong County
MORRIS COUNTY
(Hw) - See Bowie County
MOTLEY COUNTY
(Hw) - See Bailey County
NACOGDOCHES COUNTY
(Hw) - See Anderson County
NAVARRO COUNTY
(Hw) - See Bell County
NEWTON COUNTY
(Hw) - See Anderson County
NOLAN COUNTY
(Hw) - See Andrews County

TEXAS (cont'd)

NUECES COUNTY
Decision #AP-392 (B)
38 FR 2634-1/26/73
(Hw) - See Aransas County
(D) - See Aransas County
OCHILTREE COUNTY
(B) - See Armstrong County
(Hw)-See Archer County
(R)-See Armstrong County
OLDHAM COUNTY
(B) - See Armstrong County
(Hw) - See Archer County
(R) - See Armstrong County
ORANGE COUNTY
(B) - See Jefferson County
(Hw) - See Chambers County
(R) - See Jefferson County
(D) - See Aransas County
PALO PINTO COUNTY
(B) - See Collin County
(Hw) - See Cooke County
(R) - See Hood County
PANOLA COUNTY
(Hw) - See Anderson County
PARKER COUNTY
(B) - See Collin County
(Hw) - See Cooke County
(R) - See Hood County
PARMER COUNTY
(Hw) - See Archer County
PECOS COUNTY
(Hw) - See Brewster County
(R) - See Crane County
POLK COUNTY
(Hw) - See Anderson County
POTTER COUNTY
(B) - See Armstrong County
(Hw) - See Archer County
(R) - See Armstrong County

TEXAS (cont'd)

PRESIDIO COUNTY
(Hw) - See Brewster County
RAINS COUNTY
(Hw) - See Bowie County
RANDALL COUNTY
(B) - See Armstrong County
(Hw) - See Archer County
(R) - See Armstrong County
REAGAN COUNTY
(Hw) - See Andrews County
REAL COUNTY
(Hw, water & sewer utilities) -
See Atascosa County
RED RIVER COUNTY
(Hw) - See Bowie County
REEVES COUNTY
(Hw) - See Brewster County
(R) - See Crane County
REFUGIO COUNTY
(Hw) - See Aransas County
(D) - See Aransas County
ROBERTS COUNTY
(B) - See Armstrong County
(Hw) - See Archer County
(R) - See Armstrong County
ROBERTSON COUNTY
(Hw) - See Brazos County
ROCKWALL COUNTY
(B) - See Collin County
(H & Hw) - See Collin County
(R) - See Collin County
RUNNELS COUNTY
(Hw) - See Andrews County
RUSK COUNTY
(Hw) - See Bowie County
SABINE COUNTY
(Hw) - See Anderson County
SAN AUGUSTINE COUNTY
(Hw) - See Anderson County
SAN JACINTO COUNTY
(Hw) - See Anderson County
SAN PATRICIO COUNTY
(Hw) - See Aransas County
(D) - See Aransas County
SAN SABA COUNTY
(Hw) - See Andrews County
SCHLEICHER COUNTY
(Hw) - See Andrews County

TEXAS (cont'd)

SCURRY COUNTY
(Hw) - See Bailey County
SHACKELFORD COUNTY
(hw) - See Bailey County
SHELBY COUNTY
(Hw) - See Anderson County
SHERMAN COUNTY
(B) - See Armstrong County
(Hw) - See Archer County
(R) - See Armstrong County
SMITH COUNTY
(Hw) - See Bowie County
SOMERVELL COUNTY
(Hw) - See Cooke County
STARR COUNTY
(B) - See Cameron County
(Hw) - See Brooks County
(R) - See Cameron County
STEPHENS COUNTY
(Hw) - See Bailey County
STERLING COUNTY
(Hw) - See Andrews County
STONEWALL COUNTY
(Hw) - See Bailey County
SUTTON COUNTY
(Hw) - See Andrews County
SWISHER COUNTY
(B) - See Armstrong County
(Hw) - See Archer County
(R) - See Armstrong COunty
TARRANT COUNTY
(B) - See Collin County
(Hw) - See Cooke County
Decision #AM-11423 (R)
37 FR 11617 - 6/9/72
Mod. #1 - 37 FR 20394 - 9/29/72
TAYLOR COUNTY
(Hw) - See Andrews County
TERRELL COUNTY
(Hw) - See Brewster County
TERRY COUNTY
(Hw) - See Bailey County
(R) - See Bailey County
THROCKMORTON COUNTY
(Hw) - See Bailey County
TITUS COUNTY
(Hw) - See Bowie County
TOM GREEN COUNTY
(Hw) - See Andrews County

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TEXAS (Cont'd)

TRAVIS COUNTY
Decision #AP-191 (R)
38 FR 263:-1/2c/73
Mod. #1-38 FR 4081-2/9/73
(Hw, water & sewer utilities) -
See Austin County
(R) - See Rusk County
TRINITY COUNTY
(Hw) - See Anderson County
TYLER COUNTY
(Hw) - See Anderson County
UPSHUR COUNTY
(Hw) - See Bowie County
UPTON COUNTY
(Hw) - See Andrews County
(R) - See Crane County
UVALDE COUNTY
(Hw, water & sewer utilities) -
See Atascosa County
VAL VERDE COUNTY
(Hw, water & sewer utilities) -
See Atascosa County
VAN ZANDT COUNTY
(Hw) - See Bowie County
VICTORIA COUNTY
(Hw) - See Aransas County
(D) - See Aransas County
WALKER COUNTY
(Hw) - See Brazos County
(R) - See Brazoria County
WALLER COUNTY
(R & Hw) - See Brazoria County
WARD COUNTY
(Hw) - See Andrews County
(R) - See Andrews County
WASHINGTON COUNTY
(Hw) - See Brazos County
WEBB COUNTY
(Hw) - See Brooks County
WHARTON COUNTY
(R & Hw) - See Brazoria County

TEXAS (Cont'd)

WHEELER COUNTY
(R) - See Armstrong County
(Hw) - See Archer County
(R) - See Armstrong County
WICHITA COUNTY
(Hw) - See Archer County
WILBARGER COUNTY
(Hw) - See Archer County
WILLACY COUNTY
(R) - See Cameron County
(Hw) - See Kenedy County
(R) - See Cameron County
(D) - See Kenedy County
WILLIAMSON COUNTY
(Hw, water & sewer utilities) -
See Austin County
(R) - See Rusk County
WILSON COUNTY
(Hw, water & sewer utilities) -
See Atascosa County
WINKLER COUNTY
(Hw) - See Andrews County
(R) - See Crane County
WISE COUNTY
(R) - See Collin County
(Hw) - See Cooke County
(R) - See Hood County
WOOD COUNTY
(Hw) - See Bowie County
YOAKUM COUNTY
(Hw) - See Bailey County
(R) - See Bailey County
YOUNG COUNTY
(Hw) - See Baylor County
ZAPATA COUNTY
(Hw) - See Brooks County
ZAVALA COUNTY
(Hw, water & sewer utilities) -
See Atascosa County

UTAH

STATEWIDE
Decision #AP-251 (R-Hw)
37 FR 24255 - 12/7/72
Mod. #1-38 FR 919-1/5/73
BEAVER COUNTY
(R, H, Hw) - See Statewide
BOX ELDER COUNTY
(R, H, Hw) - See Statewide
CACHE COUNTY
(R, H, Hw) - See Statewide
CARBON COUNTY
(R, H, Hw) - See Statewide
DAGGETT COUNTY
(R, H, Hw) - See Statewide
DAVIS COUNTY
(R, H, Hw) - See Statewide
DUCHESNE COUNTY
(R, H, Hw) - See Statewide
EMERY COUNTY
(R, H, Hw) - See Statewide
GARFIELD COUNTY
(R, H, Hw) - See Statewide
GRAND COUNTY
(R, H, Hw) - See Statewide
IRON COUNTY
(R, H, Hw) - See Statewide
JUAB COUNTY
(R, H, Hw) - See Statewide
KANE COUNTY
(R, H, Hw) - See Statewide
MILLARD COUNTY
(R, H, Hw) - See Statewide
MORGAN COUNTY
(R, H, Hw) - See Statewide
PIUTE COUNTY
(R, H, Hw) - See Statewide
RICH COUNTY
(R, H, Hw) - See Statewide
SALT LAKE COUNTY
(R, H, Hw) - See Statewide
SAN JUAN COUNTY
(R, H, Hw) - See Statewide
SANPETE COUNTY
(R, H, Hw) - See Statewide
SEVIER COUNTY
(R, H, Hw) - See Statewide
SUMMIT COUNTY
(R, H, Hw) - See Statewide

UTAH (cont'd)

TOOELE COUNTY
(R, H, Hw) - See Statewide
UINTAH COUNTY
(R, H, Hw) - See Statewide
UTAH COUNTY
(R, H, Hw) - See Statewide
WASATCH COUNTY
(R, H, Hw) - See Statewide
WASHINGTON COUNTY
(R, H, Hw) - See Statewide
WAYNE COUNTY
(R, H, Hw) - See Statewide
WEBER COUNTY
(R, H, Hw) - See Statewide

VERMONT

STATEWIDE
Decision #AP-438 (Hw)
37 FR 21695 - 10/13/72
Mod. #1 - 37 FR 25116 - 11/25/72
Mod. #2-38 FR 2013-1/19/73
ADDISON COUNTY
(Hw) - See Statewide
BENNINGTON COUNTY
(Hw) - See Statewide
CALEDONIA COUNTY
(Hw) - See Statewide
CHITTENDEN COUNTY
(Hw) - See Statewide
ESSEX COUNTY
(Hw) - See Statewide
FRANKLIN COUNTY
(Hw) - See Statewide
GRAND ISLE COUNTY
(Hw) - See Statewide
LAMOILLE COUNTY
(Hw) - See Statewide
ORANGE COUNTY
(Hw) - See Statewide
ORLEANS COUNTY
(Hw) - See Statewide
RUTLAND COUNTY
(Hw) - See Statewide
WASHINGTON COUNTY
(Hw) - See Statewide
WINDHAM COUNTY
(Hw) - See Statewide
WINDSOR COUNTY
(Hw) - See Statewide

VIRGINIA

ACCOMACK COUNTY
Decision #AM-1872 (Hw)
36 FR 16340 - 8/20/71
Mod. #1 - 36 FR 23106 - 12/3/71
Mod. #2 - 37 FR 5663 - 3/17/72
Decision #AP-439 (D)
37 FR 22701 - 10/20/72
ALBERMARLE COUNTY
Decision #AM-1874 (Hw)
36 FR 16342 - 8/20/71
ALEXANDRIA CITY
Decision #AP-443 (b)
37 FR 24515 - 11/17/72
Mod. #1 - 37 FR 25615 - 12/1/72
Mod. #2 - 37 FR 26198 - 12/8/72
Mod. #3-38 FR 2015-1/19/73
Decision #AP-450 (R)
37 FR 25117 - 11/25/72
(D) - See Accomack County
ALLEGHENY COUNTY
Decision #AM-1875 (Hw)
36 FR 16343 - 8/20/71
Mod. #1 - 37 FR 5169 - 3/10/72
AMELIA COUNTY
Decision #AM-1871 (Hw)
36 FR 16339 - 8/20/71
AMHERST COUNTY
Decision #AM-1870 (Hw)
36 FR 16338 - 8/20/71
APPOMATTOX COUNTY
(Hw) - See Amherst County
ARLINGTON COUNTY
(B) - See Alexandria City
(R) - See Alexandria City
(D) - See Accomack County
AUGUSTA COUNTY
Decision #AM-9320 (R)
37 FR 10267 - 5/19/72
(Hw) - See Allegheny County
BATH COUNTY
(Hw) - See Allegheny County
BEDFORD COUNTY
Decision #AM-1869 (Hw)
36 FR 16337 8/20/71
Mod. #1 - 36 FR 18274 - 9/10/71
BLAND COUNTY
Decision #AM-1868 (Hw)
36 FR 16336 - 8/20/71

VIRGINIA (Cont'd)

BOTECOURT COUNTY
(Hw) - See Bedford County
BRISTOL COUNTY
(Hw) - See Bland County
BRUNSWICK COUNTY
(Hw) - See Amelia County
BUCHANAN COUNTY
(Hw) - See Bland County
BUCKINGHAM COUNTY
(Hw) - See Amherst County
BUENA VISTA CITY
(Hw) - See Allegheny County
CAMPBELL COUNTY
(Hw) - See Amherst County
CAROLINE COUNTY
Decision #AM-1873 (Hw)
36 FR 16341 - 8/20/71
Mod. #1 - 37 FR 15238 - 7/28/72
CARROLL COUNTY
(Hw) - See Bedford County
CHARLES CITY COUNTY
(Hw) - See Amelia County
CHARLOTTE COUNTY
(Hw) - See Amherst County
CHARLOTTESVILLE CITY
(Hw) - See Albermarle County
CHESAPEAKE CITY
Decision #AP-468 (B)
38 FR 4177-2/9/73
(Hw) - See Accomack County
(D) - See Accomack County
CHESTERFIELD COUNTY
(Hw) - See Amelia County
CLARKE COUNTY
Decision #AP-406 (R)
37 FR 15234 - 7/28/72
(Hw) - See Allegheny County
CLIFTON FORGE CITY
(Hw) - See Allegheny County
COLONIAL HEIGHTS CITY
(Hw) - See Amelia County
COVINGTON CITY
(Hw) - See Allegheny County
CRAIG COUNTY
(Hw) - See Bedford County

VIRGINIA (cont'd)

CULPEPER COUNTY
(Hw) - See Albermarle County
CUMBERLAND COUNTY
(Hw) - See Amherst County
DANVILLE CITY
(Hw) - See Amherst County
DICKERSON COUNTY
(Hw) - See Bland County
DINWIDDIE COUNTY
(Hw) - See Amelia County
ESSEX COUNTY
(Hw) - See Caroline County
(D) - See Accomack County
FAIRFAX COUNTY
(B) - See Alexandria City
(R) - See Alexandria City
(D) - See Accomack County
FAIRFAX CITY
(B) - See Alexandria City
(R) - See Alexandria City
FALLS CHURCH CITY
(B) - See Alexandria City
(R) - See Alexandria City
FAUQUIER COUNTY
(Hw) - See Albermarle County
FLOYD COUNTY
(Hw) - See Bedford County
FLUVANNA COUNTY
(Hw) - See Albermarle County
FORT MONROE CITY
(Hw) - See Accomack County
FRANKLIN CITY
(Hw) - See Accomack County
FRANKLIN COUNTY
(Hw) - See Bedford County
FREDERICK COUNTY
(R) - See Clarke County
(Hw) - See Allegheny County
FREDERICKSBURG CITY
(Hw) - See Caroline County
GALAX CITY
(Hw) - See Bland County
GILES COUNTY
(Hw) - See Bedford County
GLOUCESTER COUNTY
(Hw) - See Caroline County
(D) - See Accomack County

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VIRGINIA (Cont'd)

NORTHUMBERLAND COUNTY
(Hw) - See Caroline County
NOTTOWAY COUNTY
(Hw) - See Albemarle County
ORANGE COUNTY
(Hw) - See Amelia County
HALIFAX COUNTY
(Hw) - See Accomack County
PAGE COUNTY
(Hw) - See Albemarle County
PATRICK COUNTY
(Hw) - See Bedford County
PETERSBURG CITY
(Hw) - See Amelia County
PITTSYLVANIA COUNTY
(Hw) - See Amelia County
PORTSMOUTH CITY
(B) - See Chesapeake City
(Hw) - See Accomack County
(D) - See Accomack County
POWHATAN COUNTY
(Hw) - See Amelia County
PRINCE EDWARD COUNTY
(Hw) - See Amelia County
PRINCE GEORGE COUNTY
(Hw) - See Amelia County
PRINCE WILLIAM COUNTY
(Hw) - See Albemarle County
(D) - See Accomack County
PULASKI COUNTY
(Hw) - See Bedford County
RADFORD CITY
(Hw) - See Bedford County
RAPPAHANNOCK COUNTY
(Hw) - See Albemarle County
RICHMOND CITY
(B) - See Henrico County
(Hw) - See Amelia County
RICHMOND COUNTY
(Hw) - See Caroline County
ROANOKE CITY
(Hw) - See Bedford County
(Hw) - See Roanoke County
ROCKBRIDGE COUNTY
(Hw) - See Albemarle County

VIRGINIA (Cont'd)

ROCKINGHAM COUNTY
(H) - See Clarke County
(Hw) - See Albemarle County
RUSSELL COUNTY
(Hw) - See Buchanan County
SCOTT COUNTY
(Hw) - See Buchanan County
SHENANDOAH COUNTY
(Hw) - See Albemarle County
(H) - See Clarke County
SMYTH COUNTY
(Hw) - See Bland County
SOUTHAMPTON COUNTY
(Hw) - See Accomack County
SOUTH BOSTON CITY
(Hw) - See Amherst County
SPOTSYLVANIA COUNTY
(Hw) - See Caroline County
STAUNTON CITY
(Hw) - See Albemarle County
STAFFORD COUNTY
(Hw) - See Caroline County
(D) - See Accomack County
SUFFOLK CITY
(Hw) - See Accomack County
SURRY COUNTY
(Hw) - See Accomack County
SUSSEX COUNTY
(Hw) - See Accomack County
TAZEWELL COUNTY
(Hw) - See Bland County
VIRGINIA BEACH CITY
Decision #AM-932i (B)
37 FR 10266 - 5/19/72
(Hw) - See Accomack County
(D) - See Accomack County
WARREN COUNTY
(H) - See Clarke County
(Hw) - See Albemarle County
WASHINGTON COUNTY
(Hw) - See Bland County
WAYNESBORO CITY
(Hw) - See Albemarle County
WESTMORELAND COUNTY
(Hw) - See Caroline County
(D) - See Accomack County

WEST VIRGINIA (Cont'd)

DODDRIDGE COUNTY
(H & Hw) - See Kanawha County
FAYETTE COUNTY
(H & Hw) - See Kanawha County
GILMER COUNTY
(H & Hw) - See Kanawha County
GRANT COUNTY
(H & Hw) - See Kanawha County
GREENBRIER COUNTY
(H & Hw) - See Kanawha County
HAMPSHIRE COUNTY
(H & Hw) - See Kanawha County
HANCOCK COUNTY
(H & Hw) - See Kanawha County
HARDY COUNTY
(H & Hw) - See Kanawha County
HARRISON COUNTY
(H & Hw) - See Kanawha County
JACKSON COUNTY
(D)-See Cabell County
(H & Hw) - See Kanawha County
JEFFERSON COUNTY
(H & Hw) - See Kanawha County
KANAWHA COUNTY
Decision #AP-402 (H)
37 FR 14659 - 7/21/72
Mod. #1-37 FR 20401 - 9/29/72
Mod. #2-37 FR 21720 - 10/13/72
Mod. #3-38 FR 4082-2/9/73
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37 FR 15236 - 7/28/72
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37 FR 24512 - 11/17/72
Mod. #1-37 FR 25627 - 12/1/72
Mod. #2-37 FR 26198 - 12/8/72
Mod. #3-38 FR 2014-1/19/73
Decision #AP-450 (B)
37 FR 25117 - 11/25/72

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(H & Hw) - See Kanawha County
BERKELEY COUNTY
(H & Hw) - See Kanawha County
BOONE COUNTY
(H & Hw) - See Kanawha County
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(H & Hw) - See Kanawha County
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(H & Hw) - See Kanawha County
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37 FR 14661 - 7/21/72
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37 FR 14662 - 7/21/72
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(H & Hw) - See Kanawha County
CLAY COUNTY
(H & Hw) - See Kanawha County

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GOOCHLAND COUNTY
(Hw) - See Amelia County
GREENE COUNTY
(Hw) - See Albemarle County
GREENSVILLE COUNTY
(Hw) - See Accomack County
HALIFAX COUNTY
(Hw) - See Accomack County
HAMPTON CITY
(Hw) - See Accomack County
HANOVER COUNTY
(Hw) - See Amelia County
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37 FR 23495 - 11/3/72
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37 FR 15235 - 7/28/72
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(D) - See Accomack County
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LANCASTER COUNTY
(Hw) - See Caroline County
(D) - See Accomack County

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LEE COUNTY
(Hw) - See Bland County
LOUDOUN COUNTY
(Hw) - See Albemarle County
LOUISA COUNTY
(Hw) - See Albemarle County
LUNENBURG COUNTY
(Hw) - See Amelia County
LYNCHBURG CITY
(Hw) - See Amherst County
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(Hw) - See Albemarle County
MARTINSVILLE CITY
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(Hw) - See Caroline County
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MIDDLESEX COUNTY
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(D) - See Accomack County
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NANSEMOND COUNTY
(Hw) - See Accomack County
(D) - See Accomack County
NELSON COUNTY
(Hw) - See Amherst County
NEW KENT COUNTY
(Hw) - See Amelia County
NEWPORT NEWS CITY
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KITTITAS COUNTY
(B,H,Hw,D)-See Statewide
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(B,H,Hw,D)-See Statewide
LEWIS COUNTY
(B,H,Hw,D)-See Statewide
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37 FR 0140 - 2/24/72
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(H & Hw) - See Kanawha County
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(H & Hw) - See Kanawha County
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(H & Hw) - See Kanawha County
ROANE COUNTY
(H & Hw) - See Kanawha County

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(H & Hw) - See Kanawha County
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(H & Hw) - See Kanawha County
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WOOD COUNTY
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37 FR 26273 - 12/8/72
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37 FR 14470 - 7/21/72
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37 FR 26769 - 12/8/72
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37 FR 26271 - 12/8/72
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37 FR 2564 - 2/1/72
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37 FR 26777 - 12/8/72
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37 FR 26275 - 12/8/72
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37 FR 25647 - 12/1/72
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(Hw) - See Barron County

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37 FR 25686 - 12/1/72
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36 FR 17159 - 8/27/71
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(Hw) - See Statewide
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(Hw) - See Statewide
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37 FR 24011 - 11/10/72
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(Hw) - See Statewide
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(Hw) - See Statewide
SUBLETTE COUNTY
(Hw) - See Statewide
SWEETWATER COUNTY
(Hw) - See Statewide
TETON COUNTY
(Hw) - See Statewide
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(Hw) - See Statewide
WASHAKIE COUNTY
(Hw) - See Statewide
WESTON COUNTY
(Hw) - See Statewide
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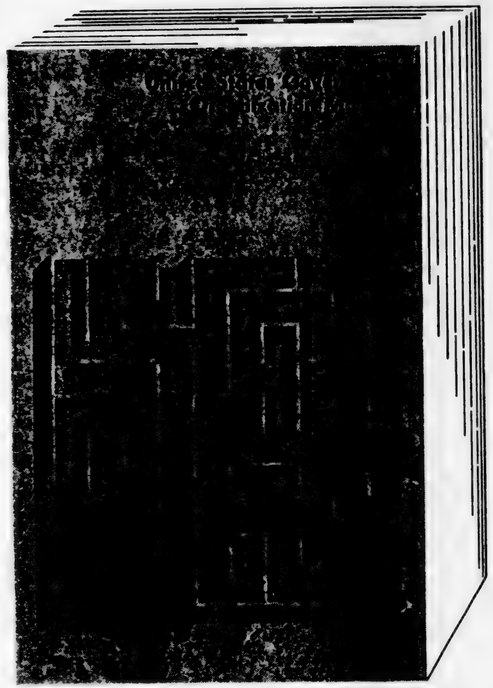

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The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

Title 5—Administrative Personnel

CHAPTER I—CIVIL SERVICE COMMISSION

PART 213—EXCEPTED SERVICE

Department of Housing and Urban Development

Correction

In FR Doc. 73-3747 appearing on page 5256 in the issue for Thursday, February 27, 1973, the following should be inserted as the first clause of the first sentence of the second paragraph: "Effective on February 27, 1973,".

Title 12—Banks and Banking

CHAPTER II—FEDERAL RESERVE SYSTEM

SUBCHAPTER A—BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM

[Reg. K]

PART 211—CORPORATIONS ENGAGED IN FOREIGN BANKING AND FINANCING UNDER THE FEDERAL RESERVE ACT

Dealing in Securities

The Board of Governors has ruled that a foreign subsidiary of an Edge Act corporation that engages in the business of buying and selling securities outside the United States may participate, as an incident to that business, in international arbitrage under a joint arrangement with a member firm of the New York Stock Exchange, in accordance with Rule 437 of the exchange. International arbitrage involves the business of buying and selling securities in one market with the intent of reversing such transactions in a market in a country different from that in which the original transaction has taken place, in order to profit from price differences between such markets, and which business is not casual, but contains the element of continuity.

The Board's ruling relates to the Edge Act (section 25(a) of the Federal Reserve Act) and the Board's Regulation K. It sets forth special restrictions on the foreign subsidiary's participation intended to limit the activity to bona fide arbitrage incidental to a foreign securities business, as well as special reporting requirements to monitor activities undertaken pursuant to such ruling. To publish its ruling, the Board has issued the following interpretation:

§ 211.109 International joint account arbitrage incidental to securities business abroad.

(a) A question has been raised with the Board as to whether a foreign subsidiary of a corporation organized under section 25(a) of the Federal Reserve Act (an Edge corporation) may participate with a member firm of the New York Stock Exchange in the operation of an international arbitrage joint account of the kind authorized by rule 437 of the New York Stock Exchange with permission of the Exchange. The Edge corporation's investment in the foreign subsidiary was made subject to the Board's standard condition that the subsidiary should not engage in any activities that would not be permissible if it were a corporation organized under section 25(a) not "engaged in banking" within the meaning of § 211.2(d) of this part (regulation K). For the reasons hereinafter stated, the Board believes that, under appropriate conditions, such participation in an international arbitrage account is not prohibited by either section 25(a) of the Federal Reserve Act or regulation K.

(b) The foreign subsidiary on whose behalf the inquiry was made was a foreign bank that is engaged in the business of dealing in securities outside the United States, including securities that are issued by corporations chartered in the United States and are listed on the New York Stock Exchange. The international arbitrage joint account will be operated in accordance with the rules of the New York Stock Exchange. The foreign bank would post to the joint account transactions executed by it in foreign markets in securities listed on the Exchange. Purchases and sales in foreign markets would be made primarily from or to foreign-owned financial institutions dealing in securities. The member firm of the Exchange would execute orders on the Exchange reversing those transactions on the same business day, thereby eliminating long or short positions in the joint account before the end of the New York trading day. The foreign bank and the member firm would share equally in profits and losses on the operations of the account.

(c) The question posed involves an interpretation of paragraph 10 of section 25(a) and § 211.5(b) of regulation K. Paragraph 10 of section 25(a) prohibits an Edge corporation from carrying on any part of its business in the United States except such as, in the Board's judgment, shall be incidental to its international or foreign business. (With regard to the permissible operations of foreign subsidiaries of Edge corporations, the effect of paragraph 10, under the Board's standard condition mentioned above, is to duplicate the prohibition contained in paragraph 8 of section 25(a) against investment by an Edge corporation in any corporation transacting any business in the United States except such as, in the Board's judgment, may be incidental to its international or foreign business.) Section 211.5(b) of regulation K prohibits an Edge corporation, with certain exceptions not material to this ruling, from engaging in the business of selling or distributing securities in the United States or underwriting any portion thereof so sold or distributed.

(d) International arbitrage involves engaging in the business of buying or selling securities in one market with the intent of reversing such transactions in a market in a country different from that in which the original transaction has taken place, in order to profit from price differences between such markets. In the Boards' judgment, the participation by a foreign subsidiary of an Edge corporation in an international arbitrage joint account, as described above, with a member firm of the New York Stock Exchange would not place that foreign subsidiary in the business of selling or distributing securities in the United States, or involve it in carrying on any part of its business in the United States except such as may be incidental to its international or foreign business, if the account is operated subject to the following restrictions: (1) Transactions in the United States shall be confined to those that reverse prior transactions initiated in foreign markets, (2) purchases and sales of securities outside the United States shall be made only from or to foreign residents not controlled by any U.S. company, (3) transactions shall be confined to bona fide arbitrage as defined for purposes of rule 437 of the New York Stock Exchange, (4) the joint account shall be regularly settled between the participants at no greater than quarterly intervals, and (5) in no event will orders be placed for the joint account in securities being underwritten by the foreign subsidiary. Under such circumstances, the Board is of the opinion that a foreign subsidiary of an Edge corporation may engage in international joint account arbitrage as an incident to its dealings in securities outside the United States consistently with section 25(a) and regulation K.

(e) Full information concerning the volume and the nature of the transactions in such an account and enabling assessment of compliance with the foregoing restrictions shall be available and will be reviewed during examinations of an Edge corporation whose foreign subsidiary participates in an international arbitrage joint account. Such information shall be retained in the Edge corporation's records for at least 3 years after such transactions are executed.

[Interprets and applies 12 U.S.C. 615]

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By order of the Board of Governors of the Federal Reserve System, February 22, 1973.

[SEAL] TYNAN SMITH,
Secretary of the Board.

[FR Doc.73-4042 Filed 3-2-73;8:45 am]

Title 14—Aeronautics and Space

CHAPTER I—FEDERAL AVIATION ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Airspace Docket No. 72-RM-3]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Control Zone

On January 19, 1973, a notice of proposed rule making was published in the FEDERAL REGISTER (38 FR 1937) stating that the Federal Aviation Administration was considering an amendment to Part 71 of the Federal Aviation Regulations that would alter the description of the Sheridan, Wyo., control zone, Sheridan, Wyo.

Interested persons were given 30 days in which to submit written comments, suggestions, or objections. No objections have been received and the proposed amendment is hereby adopted without change.

Effective date. This amendment shall be effective 0901 G.m.t., May 24, 1973.

(Sec. 307(a), Federal Aviation Act of 1958, as amended; (49 U.S.C. 1348(a), sec. 6(c), Department of Transportation Act, (49 U.S.C. 1655(c))

Issued in Aurora, Colo., on February 23, 1973.

M. M. MARTIN,
Director, Rocky Mountain Region.

In § 71.171 (38 FR 351) the description of the Sheridan, Wyo., control zone is amended to read as follows:

Within a 5-mile radius of the Sheridan County Airport (latitude 44°46'25" N., longitude 106°55'15" W.); within 4 miles each side of the Sheridan VORTAC 312° and 327° radials, extending from the 5-mile-radius zone to 11.5 miles northwest of the VORTAC; and within 4 miles each side of the Sheridan VORTAC 140° radial extending from the 5-mile-radius zone to 24½ miles southeast of the VORTAC.

[FR Doc.73-4069 Filed 3-2-73;8:45 am]

[Airspace Docket No. 72-SW-82]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Control Zone

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to alter the Fayetteville, Ark., control zone.

On January 9, 1973, a notice of proposed rule making was published in the FEDERAL REGISTER (38 FR 1124) stating the Federal Aviation Administration proposed to alter the Fayetteville, Ark., control zone.

Interested persons were afforded an opportunity to participate in the rule making through submission of comments. All comments received were favorable.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., April 26, 1973, as hereinafter set forth.

In § 71.171 (38 FR 351), the Fayetteville, Ark., control zone is amended, in part, by adding "and within 2 miles each side of the Fayetteville ILS localizer north course 349° bearing extending from the 5.5-mile-radius zone to 11.5 miles north of the localizer site (latitude 35°59'37.5" N., longitude 94°10'02" W.).

(Sec. 307(a), Federal Aviation Act of 1958, 49 U.S.C. 1348; sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Fort Worth, Tex., on February 20, 1973.

R. V. REYNOLDS,
Acting Director, Southwest Region.

[FR Doc.73-4070 Filed 3-2-73;8:45 am]

CHAPTER II—CIVIL AERONAUTICS BOARD

Subchapter A—Economic Regulations

[Reg. ER-790, Amdt. 19]

PART 221—CONSTRUCTION, PUBLICATION, FILING, AND POSTING OF TARIFFS OF AIR CARRIERS AND FOREIGN AIR CARRIERS

Stay of Effective Date of Certain Provisions of ER-779

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 27th day of February 1973.

Part 221 of the Board's regulations (14 CFR Part 221) contains provisions[1] which require certificated air carriers and foreign air carriers which avail themselves of limitations on liability to passengers for death or personal injury, and for loss, damage to, or delay in the delivery of passenger baggage under the Warsaw Convention to give notice of such limitations in the form of a ticket and sign notice. The dollar limitations specified in these notices are intended to reflect the minimum liability requirements of the convention, which are based on a gold standard. In light of the 1972 devaluation of the dollar in relation to gold,[2] the Board issued ER-779,[3] amending the subject provisions to accurately restate the dollar limitations currently allowable under the convention.

Although these amendments became effective on December 18, 1972, the Board determined to allow carriers until March 15, 1973, to revise their ticket notices to reflect the dollar amounts specified in ER-779, but to permit them to do so prior to that date.

As a result of recent Presidential action, it now appears that there will soon be enacted a further devaluation of the dollar. Because such devaluation will render the dollar limits specified in ER-779 obsolete, no regulatory purpose would be served by requiring carriers who have not already revised their ticket stock in compliance with that regulation to do so now.

In light of the foregoing, the Board hereby stays until further notice the effectiveness of ER-779, insofar as it requires carriers to revise their passenger tickets, by March 15, 1973, to express the convention dollar limitations in the amounts specified therein. Those carriers who have already so revised their ticket stock, as permitted by ER-779, will not be considered to be in violation of the applicable notice provisions of §§ 221.175 and 221.176, insofar as such revised ticket stock is used, until further notice.

(Sec. 204(a), Federal Aviation Act of 1958, as amended, 72 Stat. 743; 49 U.S.C. 1324)

Effective: February 27, 1973.

By the Civil Aeronautics Board.

[SEAL] PHYLLIS T. KAYLOR,
Acting Secretary.

[FR Doc.73-4118 Filed 3-2-73;8:45 am]

[1] Sections 221.175 (Special notice of limited liability for death or injury under the Warsaw Convention) and 221.176 (Notice of limited liability for baggage; alternative consolidated notice of liability limitations).

[2] The enacted devaluation became effective May 8, 1972. Public Law 92-268, Mar. 31, 1972.

[3] Adopted Nov. 14, 1972, 37 FR 24657.

Title 16—Commercial Practices

CHAPTER I—FEDERAL TRADE COMMISSION

[Docket No. 8832]

PART 13—PROHIBITED TRADE PRACTICES

The Hearst Corp., et al.

Subpart—Advertising falsely or misleadingly: § 13.75 *Free goods or services;* § 13.15 *Individual's special selection or situation;* § 13.155 *Prices:* 13.155-40 Exaggerated as regular and customary; 13.155-70 Percentage savings; 13.155-95 Terms and conditions. Subpart—Coercing and intimidating: § 13.350 *Customers or prospective customers.* Subpart—Furnishing means and instrumentalities of misrepresentation or deception: § 13.1055 *Furnishing means and instrumentalities of misrepresentation or deception.* Subpart—Misrepresenting oneself and goods—Business Status, Advantages or Connections: § 13.1390 *Concealed subsidiary, fictitious collection agency, etc.;* —Goods: § 13.1625 *Free goods or services;* § 13.1663 *Individual's special selection or situation;* § 13.1697 *Opportunities in product or service;* § 13.1757 *Surveys;* —Prices: § 13.1805 *Exaggerated as regular and customary;* § 13.1823 *Terms and conditions.* Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1870 *Nature;* § 13.1892 *Sales Contract, right-to-cancel provision;* § 13.1905 *Terms and conditions:* 13.1905-50 Sales contract. Subpart—Securing signatures wrongfully: § 13.2175 *Securing signatures wrongfully.* Subpart—Threatening infringement

suits, not in good faith: § 13.2264 *Delinquent debt collection.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45). [Cease and desist order, The Hearst Corporation, et al., New York, N.Y., Docket No. 8832, Jan. 22, 1973].

In the Matter of the Hearst Corp., a Corporation, Periodical Publishers' Service Bureau, Inc., a Corporation, and International Magazine Service of the Mid-Atlantic, Inc., a Corporation

Consent order requiring a Baltimore, Md., magazine subscription firm, one of the respondents in this case, among other things to cease misrepresenting the purpose of the call or solicitation; misrepresenting the persons or class of persons afforded the opportunity of purchasing respondent's products or services; representing that any merchandise or service is free or that any merchandise is available for a price less than customary or regular; misrepresenting the savings accorded purchasers; failing to cancel subscriptions when representations have been made that said subscription is cancellable; misrepresenting the terms or conditions of payments; misrepresenting the nature, kind or legal characteristics of any document; attempting to harass or intimidate customers in order to effect payment of any account; and failing to give customers a 3-day cooling-off period in which to cancel subscriptions. Respondent is further ordered to cease making sales solicitations through third parties who do not agree to be bound by the order; dealing with any who continue on their own the prohibited practices; and must institute a program of continuing surveillance to determine dealer compliance.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

I. *It is ordered,* That respondent International Magazine Service of the Mid-Atlantic, Inc., a corporation, and its successor or assigns, and its officer, representatives, employees, franchisees, licensees, salesmen, agents or solicitors, and the representatives, employees, franchisees, licensees, salesmen, agents or solicitors engaged by or through any corporate or other device, in connection with the advertising, offering for sale, sale or distribution to consumers (the term consumer is defined as the party to whom said merchandise or service is offered or extended who is a natural person, and the merchandise or services which are the subject of the transaction are primarily for personal, family, or household purpose) of magazines or any other publications or merchandise or subscriptions to purchase any such magazines or services or in the collection or attempted collection of any delinquent or other subscription contract or other accounts, in Commerce, as "Commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Representing, directly or indirectly, that respondent is primarily conducting or participating in a survey, quiz or is engaged in any activity other than soliciting business; or misrepresenting, in any manner, the purpose of the call or solicitation.

2. Representing, directly or indirectly, that any offer to sell said products or services is being made only to specially selected persons; or misrepresenting, in any manner, the persons or class of persons afforded the opportunity of purchasing respondent's products or services.

3. Representing, directly or indirectly, that any merchandise or service is free or without cost, or is provided as a gift to either the subscriber or a person designated by him, or without cost or charge in connection with the purchase of, or agreement to purchase, any merchandise or service unless the stated price of the merchandise or service required to be purchased in order to obtain such free merchandise or gifts is the same or less than the customary and usual price at which such merchandise or service required to be purchased has been sold separately from such free gift item, and in the same combination if more than one item is required to be purchased, for a substantial period of time in the recent and regular course of business in the area in which the representation is made; provided, that nothing herein shall prevent respondent from continuing to sell or offer to sell "split orders" under which the subscriber designates one or more of the magazines to which he or she is subscribing and directs that such magazine or magazines be sent to a third person or persons rather than the subscriber without such third person or persons paying any part of the price of the subscription contract.

4. Representing, directly or indirectly, that any price for any merchandise or service covers only the cost of mailing, handling, editing, printing, or any other element of cost, or is at or below cost; or that any price is a special or reduced price unless it constitutes a significant reduction from an established selling price at which such merchandise or service has been sold in substantial quantities by respondent in the same combination of items in the recent and regular course of their business; or misrepresenting, in any manner, the savings which will be accorded or made available to purchasers.

5. Refusing or failing upon request to cancel a contract when the representation has been made, either directly or indirectly, that the contract will be cancellable.

6. Representing, directly or indirectly, that subscriptions may never be cancelled or refusing to cancel such subscriptions on the grounds that respondent has forwarded such subscriptions to the publishers and respondent is committed to the publishers for the term of the contract or for any other deceptive reason.

7. Failing, clearly and conspicuously to reveal at the outset of the initial contact and of all subsequent contacts of prospective purchasers, whether by telephone, written or printed communications, or person-to-person, that the purpose of such contact or solicitation is to sell magazines or periodical subscriptions, products, or services, as the case may be.

8. Making any reference or statement concerning "50 cents per week", "60 months", or any other statement as to a sum of money or duration or period of time in connection with a subscription contract or other purchase agreement which does not in fact provide, at the option of the purchaser, for the payment of the stated sum, at the stated duration or period of time; or misrepresenting in any manner, the terms, conditions, method, rate or time of payment actually made available to purchaser or prospective purchasers.

9. Representing, directly or indirectly, that a subscription contract or purchase agreement is a "preference list", "guarantee", "route slip" or any kind of document other than a contract or agreement; or misrepresenting, in any manner, the nature, kind, or legal charteristic of any document: *Provided however,* That when a contract included a guarantee, respondent may represent it to be a contract and guarantee.

10. Failing to reveal orally and in writing clearly and conspicuously to each purchaser or prospective purchaser before execution, the identity, nature, and legal import of any document they are requested or required to execute in connection with the purchase of any product or service.

11. Attempting, by the use of telephone calls or any other means, to harass or intimidate customers in order to effect payment of any account.

12. Representing, directly or indirectly, that in the event of nonpayment or delinquency of any account or debt arising from any subscription contract or purchase agreement, the general or public credit rating or standing of any person may be adversely affected, unless respondent refers the information concerning such delinquency to a bona fide credit agency.

13. Failing clearly and conspicuously to disclose in each contact with a debtor or alleged debtor that the collection agency to which the delinquent account will be referred, or that said collection agency which is contacting the delinquent debtor or alleged debtor, is an operating division of the respondent, and is not an independent, bona fide collection agency, unless in fact such collection agency is an independent, bona fide collection agency.

14. Representing, either directly or indirectly, that legal action may be instituted unless respondent in good faith intends to institute legal actions against each delinquent debtor or alleged debtor to whom such representation is made or misrepresenting, in any manner, the action or results of any action which may be taken to effect payment of any such account or debt.

15. Contracting for any sale in the form of a subscription contract or purchase agreement which shall become

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binding on the purchaser prior to a period of time not less than 3 business days after the date of signing by the purchaser.

16. Failing to disclose orally prior to the time of sale and in writing on any subscription contract or other agreement, with conspicuousness and clarity, that the purchaser may rescind or cancel the subscription by directing or mailing a notice of cancellation to respondent's address within 3 business days after the date of sale.

17. Failing to provide a separate and clearly understandable form which the purchaser may use as a notice of cancellation.

18. Failing to include on the cover of each coupon book furnished to a subscriber:

(a) A statement showing the total number of coupons in the book, the dollar amount of each such coupon; and

(b) A legend stating:

Check the number of coupons in this book and their amounts against your original subscription contract.

19. Failing to furnish to each subscriber at the time of his signing of the subscription contract a duplicate original of the contract showing the exact number and name of the magazines or other publication to which the purchaser is subscribing, the number of issues for each and the total price for each magazine and for all such magazines: *Provided, however,* As an alternative, the price for each magazine may be furnished on a separate schedule attached to each of said contracts.

20. Failing to furnish with each coupon book initially provided to each subscriber, a copy of the final sales contract: *Provided,* That as an alternative, as long as the authenticity of the subscriber's signature is not in dispute, respondent may furnish a separate written statement identifying the magazines being subscribed to, the number of issues for each, and a complete statement of the payment terms.

21. Failing or refusing to cancel, at the subscriber's or purchaser's sole option, all or any portion of such a subscription contract or purchase contract whenever respondent in good faith has determined that a misrepresentation prohibited by this order has been made to such subscriber: *Provided,* That if a cancellation is effected, evidence that respondent has cancelled a contract shall not be admissible in any proceeding brought to recover penalties for alleged violation of any other paragraph of this order.

22. In the event any magazine covered by such a subscription contract ceases publication during the term of the contract, failing to apprise subscribers to such magazine pursuant to such contract of its discontinuance and to offer such subscribers equivalent value through the opportunity to substitute therefor one or more magazines not covered by the contract or extend the subscription term(s) of a magazine or magazines covered by the contract.

23. Failing to clearly, conspicuously, and adequately designate and disclose both orally, and in writing on the subscription contract on the same side of the page and above or adjacent to the place for the customer's signature:

(a) The total cash price,

(b) The downpayment,

(c) The unpaid balance of the cash price,

(d) The amount financed, if any,

(e) The rate of finance charge, if any, expressed as the annual percentage rate, and

(f) The number, amount and due dates or period of payments scheduled to satisfy the payment of the contract.

24. Furnishing or otherwise placing in the hands of others the means and instrumentalities by and through which the public may be misled or deceived in the manner or by the acts and practices prohibited by this order.

It is further ordered:

(a) That respondent herein deliver, in person or by registered mail, a copy of this decision and order to each of its present and future dealers or franchisees, licensees, employees, salesmen, agents, solicitors, independent contractors, or other representatives who sell, promote or distribute the products or services included in this order; provided, however, that respondent may require its present and future dealers, franchisees, licensees, or other agents to deliver a copy of this decision and order to each of their employees, salesmen, agents, solicitors, independent contractors or other representatives.

(b) That respondent provide each person so described in paragraph (a) above with a form, returnable to the respondent and to the Commission, clearly stating his intention to be bound by and to conform his business practices to the requirements of this order.

(c) That respondent inform all such present and future dealers or franchisees, licensees, employees, salesmen, agents, solicitors, independent contractors, or other representatives who sell, promote or distribute the products or services included in this order that the respondent shall not use any third party, or the services of any third party for the solicitation of magazine subscription or other products or services unless such third party agrees to and does file notice with the respondent and the Commission that it will be bound by the provisions contained in this order.

(d) If such party will not agree to so file said notice with respondent and the Commission and be bound by the provisions of the Order, the respondent shall not use such third party to sell or solicit subscriptions or other products or services.

(e) That respondent so inform the persons so engaged that the respondent is obligated by this order to discontinue dealing with these persons who continue on their own the deceptive acts or practices prohibited by this Order.

(f) That respondent institute a program of continuing surveillance adequate to reveal whether the business operation of each of said persons engaged conform to the requirements of this Order; and

(g) That respondent discontinue dealing with the persons so engaged, revealed by the aforesaid program of surveillance, who continue on their own deceptive acts or practices prohibited by this Order; provided, that if remedial action is taken, evidence of such dismissal or termination shall not be admissible in any proceeding brought to recover penalties for alleged violation of any other paragraph of this Order.

It is further ordered, That respondent herein shall notify the Commission at least 30 days prior to any proposed change in the corporate respondent such as dissolution, assignment or sale resulting in the emergence of a successor corporation, the creation or dissolution which may affect compliance obligations arising out of the Order.

It is further ordered, That respondent herein shall, within sixty (60) days after service upon it of this Order, file with the Commission a report in writing setting forth in detail the manner and form in which it has complied with this Order.

Issued: January 22, 1973.

By the Commission, with Chairman Kirkpatrick not participating.

[SEAL] CHARLES A. TOBIN,
Secretary.

[FR Doc.73-4088 Filed 3-2-73;8:45 am]

Title 21—Food and Drugs

CHAPTER I—FOOD AND DRUG ADMINISTRATION, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

SUBCHAPTER C—DRUGS

PART 135b—NEW ANIMAL DRUGS FOR IMPLANTATION OR INJECTION

PART 135c—NEW ANIMAL DRUGS IN ORAL DOSAGE FORMS

Phenylbutazone

The Commissioner of Food and Drugs has evaluated new animal drug applications (45-514V and 45-515V) filed by Fort Dodge Laboratories, Inc., Fort Dodge, Iowa 50501, proposing the safe and effective use of phenylbutazone injection and phenylbutazone tablets for the treatment of dogs and horses. The applications are approved.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 512(i), 82 Stat. 347; 21 U.S.C. 360b(i)) and under authority delegated to the Commissioner (21 CFR 2.120), Parts 135b and 135c are amended as follows:

1. Part 135b is amended in § 135b.47 by adding a new paragraph (e) as follows:

§ 135b.47 Phenylbutazone injection.

* * * * *

(e) (1) *Specifications.* Phenylbutazone injection contains 100 milligrams of phenylbutazone in each milliliter of sterile aqueous solution.

(2) *Sponsor.* See code No. 017 in § 135.501(c) of this chapter.

(3) *Conditions of use.* (i) It is administered intravenously as an aid in relieving inflammation associated with musculoskeletal conditions such as arthritides (osteoarthritis) in horses and dogs and intervertebral disc syndrome in dogs.

(ii) It is administered to horses at a dosage level of 1 to 2 grams of phenylbutazone per 1,000 pounds of body weight daily for a maximum of 5 successive days. It is administered to dogs at a dosage level of 10 milligrams of phenylbutazone per pound of body weight daily for a maximum of 2 successive days.

(iii) Not for use in horses intended for food.

(iv) Federal law restricts this drug to use by or on the order of a licensed veterinarian.

2. Part 135c is amended in § 135c.57 by adding a new paragraph (e) as follows:

§ 135c.57 Phenylbutazone tablets and boluses.

* * * * *

(e) (1) *Specifications.* The drug is in tablet form with each tablet containing 100 milligrams or 1 gram of phenylbutazone per tablet.

(2) *Sponsor.* See code No. 017 in § 135.501(c) of this chapter.

(3) *Conditions of use.* (i) It is used as an aid in relieving inflammation associated with musculoskeletal conditions such as arthritides (osteoarthritis) in the horse and dogs and intervertebral disc syndrome in dogs.

(ii) It is administered to dogs at a dosage level of 20 milligrams per pound of body weight in three divided doses daily with a maximum dosage level of 800 milligrams per day regardless of body weight. Dosage should be reduced as symptoms regress. It is used in horses at a dosage level of 2 to 4 grams per 1,000 pounds of body weight but not to exceed 4 grams per animal daily. The dosage should be gradually reduced to a maintenance dosage, the lowest dosage required to produce clinical response.

(iii) Not for use in horses intended for food.

(iv) Federal law restricts this drug to use by or on the order of a licensed veterinarian.

Effective date. This order shall be effective March 5, 1973.

(Sec. 512(i), 82 Stat. 347; 21 U.S.C. 360b(i))

Dated: February 26, 1973.

C. D. VAN HOUWELING,
Director,
Bureau of Veterinary Medicine.

[FR Doc.73-4063 Filed 3-2-73;8:45 am]

PART 135b—NEW ANIMAL DRUGS FOR IMPLANTATION OR INJECTION

PART 135c—NEW ANIMAL DRUGS IN ORAL DOSAGE FORMS

Chlorpromazine Hydrochloride

The Commissioner of Food and Drugs has evaluated a supplemental new animal drug application (10-905V) filed by Pitman-Moore, Inc., Washington Crossing, N.J. 08560, proposing the safe and effective use of chlorpromazine hydrochloride tablets and injection for the treatment of dogs and cats. The supplemental application is approved.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 512(i), 82 Stat. 347; 21 U.S.C. 360b(i)) and under authority delegated to the Commissioner (21 CFR 2.120), Parts 135b and 135c are amended as follows:

1. Part 135b is amended by adding a new section as follows:

§ 135b.80 Chlorpromazine hydrochloride injection.

(a) *Specifications.* Chlorpromazine hydrochloride injection contains 25 milligrams of chlorpromazine hydrochloride in each milliliter.

(b) *Sponsor.* See code No. 066 in § 135.501(c) of this chapter.

(c) *Conditions of use.* (1) It is administered either intramuscularly or intravenously to dogs and cats as a tranquilizer, potentiator, and antiemetic with a sedating effect.

(2) It is administered to dogs and cats intravenously at a dosage level of 25 milligrams per 12.5 to 100 pounds body weight. It is administered intramuscularly at a dosage level of 25 milligrams per 8 pounds to 50 pounds body weight. It is administered one to four times daily depending upon size of dose and the needs of the patient.

(3) It is not to be used in conjunction with organophosphates and/or procaine hydrochloride since phenothiazines may potentiate the toxicity of organophosphates and the activity of procaine hydrochloride.

(4) Federal law restricts this drug to use by or on the order of a licensed veterinarian.

2. Part 135c is amended by adding a new section as follows:

§ 135c.105 Chlorpromazine hydrochloride.

(a) *Specifications.* The drug is in tablet form with the tablets containing clorpromazine hydrochloride as the active drug ingredient.

(b) *Sponsor.* See code No. 066 in § 135.501(c) of this chapter.

(c) *Conditions of use.* (1) The drug is administered orally to dogs and cats as a tranquilizer, potentiator, and antiemetic with a sedating effect.

(2) It is administered orally to dogs and cats at a dosage level of one tablet containing 10 milligrams of chlorpromazine hydrochloride per 7 pounds body weight or at a dosage level of one tablet containing 25 milligrams of chlorpromazine hydrochloride per 17 pounds body weight. It is administered one to four times daily depending upon the size of the dose and the needs of the patient.

(3) It is not to be used in conjunction with organophosphates and/or procaine hydrochloride since phenothiazines may potentiate the toxicity of organophosphates and the activity of procaine hydrochloride.

(4) Federal law restricts this drug to use by or on the order of a licensed veterinarian.

Effective date. This order shall be effective March 5, 1973.

(Sec. 512(i), 82 Stat. 347; 21 U.S.C. 360b(i))

Dated: February 26, 1973.

C. D. VAN HOUWELING,
Director,
Bureau of Veterinary Medicine.

[FR Doc.73-4052 Filed 3-2-73;8:45 am]

PART 135c—NEW ANIMAL DRUGS IN ORAL DOSAGE FORMS

Trichlorfon Oral Veterinary

The Commissioner of Food and Drugs has evaluated a new animal drug application (48-915V) filed by Ralston Purina Co., Checkerboard Square, St. Louis, Mo. 63199, proposing the safe and effective use of trichlorfon as an anthelmintic for use in horses. The application is approved. Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 512(i), 82 Stat. 347; 21 U.S.C. 360b(i)) and under authority delegated to the Commissioner (21 CFR 2.120), § 135c.39 is amended in paragraph (b) by substituting a code number for the present firm name and adding thereto an additional code number as follows:

§ 135c.39 Trichlorfon oral veterinary.

* * * * *

(b) *Sponsor.* See code Nos. 047 and 048 in § 135.501(c) of this chapter.

* * * * *

Effective date. This order shall be effective on March 5, 1973.

(Sec. 512(i), 82 Stat. 347; 21 U.S.C. 360b(i))

Dated: February 26, 1973.

C. D. VAN HOUWELING,
Director,
Bureau of Veterinary Medicine.

[FR Doc.73-4054 Filed 3-2-73;8:45 am]

Title 24—Housing and Urban Development

CHAPTER IX—OFFICE OF INTERSTATE LAND SALES REGISTRATION, DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. R-73-226]

PART 1700—INTRODUCTION

Subpart B—Delegations of Basic Authority and Functions

ASSISTANT DEPUTY ADMINISTRATOR

The delegations of Basic Authority and Functions published July 1, 1972, 37 FR

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13097, are amended to add responsibility as follows:

1. Add § 1700.95, to read as follows:

§ 1700.95 Assistant Deputy Administrator.

The Assistant Deputy Administrator is designated by the Administrator to perform routine matters concurrently with the Deputy Administrator.

Effective date. This amendment is effective on March 5, 1973.

GEORGE K. BERNSTEIN,
Interstate Land Sales Administrator.

[FR Doc.73-4148 Filed 3-2-73;8:45 am]

Title 26—Internal Revenue

CHAPTER I—INTERNAL REVENUE SERVICE, DEPARTMENT OF THE TREASURY

SUBCHAPTER A—INCOME TAX

[T.D. 7262]

PART 1—INCOME TAX; TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1953

Disallowance of Interest on Certain Indebtedness Incurred by Corporatons To Acquire Stock or Assets of Another Corporation

By a notice of proposed rule making appearing in the FEDERAL REGISTER for May 4, 1972 (37 FR 9030), amendments of the Income Tax Regulations (26 CFR Part 1) were proposed in order to provide rules under section 279 enacted by the Tax Reform Act of 1969, relating to interest on indebtedness incurred by a corporation to acquire stock or assets of another corporation. After consideration of all such relevant matter as was presented by interested persons regarding the rules proposed, certain changes were made and the proposed amendments of the regulations subject to the changes indicated below are adopted by this document:

Section 279 was enacted to provide specific rules for determining whether interest paid on an obligation in the context of a corporate acquisition, is deductible. It provides that a corporation is not to be allowed an interest deduction with respect to certain types of indebtedness which it issues as consideration for the acquisition of stock in another corporation, or the acquisition of assets of another corporation.

Under the proposed regulations, obligations issued within 12 months prior or subsequent to an acquisition were deemed to be used to provide consideration for the acquisition. In addition, if at the time of the issuance of an obligation the issuing corporation anticipated an acquisition or at the time of an acquisition the issuing corporation foresaw the need to issue obligations for its future economic needs then the obligation was deemed to be used to provide consideration for the acquisition.

The final regulations pursuant to comments pointing out that the rule was beyond the scope of the statute, has abandoned the 12-month presumption. Instead, whether an obligation is issued to provide consideration will depend on the facts and circumstances. As an illustration of the facts and circumstances test, the final regulations couple the anticipation and the foreseeable tests that appeared in the proposed notice with a provision that an obligation will not be deemed issued to provide consideration unless it would not have been issued otherwise.

Where the corporation, which issued the obligation, is a member of an affiliated group, the affiliated group is to be treated as the issuing corporation. The final regulations are more explicit as to how affiliated groups are treated as the issuing corporation. Thus, with respect to the 5-percent stock ownership rule of section 279(d)(5), and in determining "control" for purposes of section 279, the holdings of each member of the affiliated group are added together. Also a retesting as provided in section 279(c) is to be done if any member of the affiliated group issues another obligation to acquire additional stock or assets of the acquired corporation.

The rule that appeared in the proposed regulations with respect to the exemption for acquisitions of certain foreign corporations has been modified. The provision that gross income from sources without the United States shall not include income which is effectively connected with a U.S. trade or business, has been eliminated. The final regulations adhere to the traditional rules of income from sources without the United States. Additionally, corporations whose gross income includes 50 percent or more of foreign personal holding company income are no longer excluded from the exemption applicable to foreign corporations.

The final regulations relieve corporations with an interest deduction of $5 million or less on obligations issued to provide consideration for an acquisition, of the reporting requirements that appeared in the proposed regulations. Since section 279 disallows an interest deduction only when the deduction is in excess of $5 million it was felt unnecessary to require a statement of taxpayers with an interest deduction of a lesser amount.

ADOPTION OF AMENDMENTS TO THE REGULATIONS

On May 4, 1972, a notice of proposed rule making was published in the FEDERAL REGISTER (37 FR 9030) to amend the regulations to provide rules under section 279 enacted by the Tax Reform Act of 1969 relating to interest on indebtedness incurred by a corporation to acquire stock or assets of another corporation. After consideration of all such relevant matter as was presented by interested persons regarding the rules proposed, the amendment of the regulations as proposed is hereby adopted, subject to the changes set forth below.

PARAGRAPH 1. Section 1.279-1 as set forth in the May 4, 1972, notice of proposed rule making, is amended by revising the first sentence therein. Such revised provision reads as set forth below.

PAR. 2. Paragraphs (a)(2), (b)(1), and (c) of § 1.279-2, as set forth in the May 4, 1972, notice of proposed rule making, are amended by revising the language immediately following subdivision (iv) of paragraph (a)(2), by revising the last sentence in subparagraph (1) of paragraph (b), by redesignating examples (1), (2), and (3) of paragraph (c) as examples (2), (3), and (4), respectively, and by inserting immediately before redesignated example (2) new example (1). Such revised and added provisions read, as set forth below.

PAR. 3. Paragraphs (b)(2), (3), (5) and (g)(3) of § 1.279-3, as set forth in the May 4, 1972, notice of proposed rule making, are amended by revising paragraphs (b)(2) and (3), by adding two sentences at the end of subdivision (i) of paragraph (b)(5), and by eliminating the last two sentences from paragraph (g)(3). Such revised and added provisions read, as set forth below.

PAR. 4. Paragraphs (b)(1) and (c)(2) of § 1.279-4, as set forth in the May 4, 1972, notice of proposed rule making, are amended by revising paragraph (b)(1) and by revising example (2) of paragraph (c)(2). Such revised provisions read, as set forth below.

PAR. 5. Paragraphs (b)(2), (d)(1), (e)(1), and (h) of § 1.279-5, as set forth in the May 4, 1972 notice of proposed rule making, are amended by adding two sentences at the end of subdivision (i) of paragraph (b)(2), by adding a sentence at the end of subdivision (ii) of paragraph (d)(1), by revising the penultimate sentence of that portion of paragraph (e)(1) that immediately follows subdivision (ii) and by revising paragraph (h). Such revised and added provisions read, as set forth below.

PAR. 6. Paragraph (a) of § 1.279-6, as set forth in the May 4, 1972 notice of proposed rule making, is amended by adding a sentence at the end thereof. Such revised provision reads, as set forth below.

(Sec. 7805, Internal Revenue Code of 1954, 68A Stat. 917; 26 U.S.C. 7805)

JOHNNIE M. WALTERS,
Commissioner of Internal Revenue.

Approved: February 26, 1973.

JOHN H. HALL,
Deputy Assistant Secretary of the Treasury.

The following new sections are added immediately after § 1.278-1:

§ 1.279 Statutory provisions; disallowance of interest on certain indebtedness incurred by corporation to acquire stock or assets of another corporation.

SEC. 279. *Interest on indebtedness incurred by corporation to acquire stock or assets of another corporation—(a) General rules.* No deduction shall be allowed for any interest paid or incurred by a corporation during the taxable year with respect to its corporate acquisition indebtedness to the extent that such interest exceeds—

(1) $5 million, reduced by

(2) The amount of interest paid or incurred by such corporation during such year on obligations (A) issued after December 31, 1967, to provide consideration for an acquisition described in paragraph (1) of subsection (b), but (B) which are not corporate acquisition indebtedness.

(b) *Corporate acquisition indebtedness.* For purposes of this section, the term "corporate acquisition indebtedness" means any obligation evidenced by a bond, debenture, note, or certificate or other evidence of indebtedness issued after October 9, 1969, by a corporation (hereinafter in this section referred to as "issuing corporation") if—

(1) Such obligation is issued to provide consideration for the acquisition of—

(A) Stock in another corporation (hereinafter in this section referred to as "acquired corporation"), or

(B) Assets of another corporation (hereinafter in this section referred to as "acquired corporation") pursuant to a plan under which at least two-thirds (in value) of all the assets (excluding money) used in trades and businesses carried on by such corporation are acquired,

(2) Such obligation is either—

(A) Subordinated to the claims of trade creditors of the issuing corporation generally, or

(B) Expressly subordinated in right of payment to the payment of any substantial amount of unsecured indebtedness, whether outstanding or subsequently issued, of the issuing corporation,

(3) The bond or other evidence of indebtedness is either—

(A) Convertible directly or indirectly into stock of the issuing corporation, or

(B) Part of an investment unit or other arrangement which includes, in addition to such bond or other evidence of indebtedness, an option to acquire, directly or indirectly, stock in the issuing corporation, and

(4) As of a day determined under subsection (c)(1), either—

(A) The ratio of debt to equity (as defined in subsection (c)(2)) of the issuing corporation exceeds 2 to 1, or

(B) The projected earnings (as defined in subsection (c)(3)) do not exceed three times the annual interest to be paid or incurred (determined under subsection (c)(4)).

(c) *Rules for application of subsection (b)(4).* For purposes of subsection (b)(4)—

(1) *Time of determination.* Determinations are to be made as of the last day of any taxable year of the issuing corporation in which it issues any obligation to provide consideration for an acquisition described in subsection (b)(1) of stock in, or assets of, the acquired corporation.

(2) *Ratio of debt to equity.* The term "ratio of debt to equity" means the ratio which the total indebtedness of the issuing corporation bears to the sum of its money and all its other assets (in an amount equal to their adjusted basis for determining gain) less such total indebtedness.

(3) *Projected earnings.*

(A) The term "projected earnings" means the "average annual earnings" (as defined in subparagraph (B)) of—

(i) The issuing corporation only, if clause (ii) does not apply, or

(ii) Both the issuing corporation and the acquired corporation, in any case where the issuing corporation has acquired control (as defined in section 368(c)), or has acquired substantially all of the properties, of the acquired corporation.

(B) The average annual earnings referred to in subparagraph (A) is, for any corporation, the amount of its earnings and profits for any 3-year period ending with the last day of a taxable year of the issuing corporation described in paragraph (1), computed without reduction for—

(i) Interest paid or incurred,

(ii) Depreciation or amortization allowed under this chapter,

(iii) Liability for tax under this chapter, and

(iv) Distributions to which section 301(c)(1) applies (other than such distributions from the acquired to the issuing corporation),

and reduced to an annual average for such 3-year period pursuant to regulations prescribed by the Secretary or his delegate. Such regulations shall include rules for cases where any corporation was not in existence for all of such 3-year period or such period includes only a portion of a taxable year of any corporation.

(4) *Annual interest to be paid or incurred.* The term "annual interest to be paid or incurred" means—

(A) If subparagraph (B) does not apply, the annual interest to be paid or incurred by the issuing corporation only, determined by reference to its total indebtedness outstanding, or

(B) If projected earnings are determined under clause (ii) of paragraph (3)(A), the annual interest to be paid or incurred by both the issuing corporation and the acquired corporation, determined by reference to their combined total indebtedness outstanding.

(5) *Special rules for banks and lending or finance companies.* With respect to any corporation which is a bank (as defined in section 581) or is primarily engaged in a lending or finance business—

(A) In determining under paragraph (2) the ratio of debt to equity of such corporation (or of the affiliated group of which such corporation is a member), the total indebtedness of such corporation (and the assets of such corporation) shall be reduced by an amount equal to the total indebtedness owed to such corporation which arises out of the banking business of such corporation, or out of the lending or finance business of such corporation, as the case may be;

(B) In determining under paragraph (4) the annual interest to be paid or incurred by such corporation (or by the issuing and acquired corporations referred to in paragraph (4)(B) or by the affiliated group of which such corporation is a member) the amount of such interest (determined without regard to this paragraph) shall be reduced by an amount which bears the same ratio to the amount of such interest as the amount of the reduction for the taxable year under subparagraph (A) bears to the total indebtedness of such corporation; and

(C) In determining under paragraph (3)(B) the average annual earnings, the amount of the earnings and profits for the 3-year period shall be reduced by the sum of the reductions under subparagraph (B) for such period.

For purposes of this paragraph, the term "lending or finance business" means a business of making loans or purchasing or discounting accounts receivable, notes, or installment obligations.

(d) *Taxable years to which applicable.* In applying this section—

(1) *First year of disallowance.* The deduction of interest on any obligation shall not be disallowed under subsection (a) before the first taxable year of the issuing corporation as of the last day of which the application of either subparagraph (A) or subparagraph (B) of subsection (b)(4) results in such obligation being corporate acquisition indebtedness.

(2) *General rule for succeeding years.* Except as provided in paragraphs (3), (4), and (5), if an obligation is determined to be corporate acquisition indebtedness as of the last day of any taxable year of the issuing corporation, it shall be corporate acquisition indebtedness for such taxable year and all subsequent taxable years.

(3) *Redetermination where control, etc., is acquired.* If an obligation is determined to be corporate acquisition indebtedness as of the close of a taxable year of the issuing corporation in which clause (i) of subsection (c)(3)(A) applied, but would not be corporate acquisition indebtedness if the determination were made as of the close of the first taxable year of such corporation thereafter in which clause (ii) of subsection (c)(3)(A) could apply, such obligation shall be considered not to be corporate acquisition indebtedness for such later taxable year and all taxable years thereafter.

(4) *Special 3-year rule.* If an obligation which has been determined to be corporate acquisition indebtedness for any taxable year would not be such indebtedness for each of any 3 consecutive taxable years thereafter if subsection (b)(4) were applied as of the close of each of such 3 years, then such obligation shall not be corporate acquisition indebtedness for all taxable years after such 3 consecutive taxable years.

(5) *Five-percent stock rule.* In the case of obligations issued to provide consideration for the acquisition of stock in another corporation, such obligations shall be corporate acquisition indebtedness for a taxable year only if at some time after October 9, 1969, and before the close of such year the issuing corporation owns 5 percent or more of the total combined voting power of all classes of stock entitled to vote of such other corporation.

(e) *Certain nontaxable transactions.* An acquisition of stock of a corporation of which the issuing corporation is in control (as defined in section 368(c)) in a transaction in which gain or loss is not recognized shall be deemed an acquisition described in paragraph (1) of subsection (b) only if immediately before such transaction (1) the acquired corporation was in existence, and (2) the issuing corporation was not in control (as defined in section 368(c)) of such corporation.

(f) *Exemption for certain acquisitions of foreign corporations.* For purposes of this section, the term "corporate acquisition indebtedness" does not include any indebtedness issued to any person to provide consideration for the acquisition of stock in, or assets of, any foreign corporation substantially all of the income of which, for the 3-year period ending with the date of such acquisition or for such part of such period as the foreign corporation was in existence, is from sources without the United States.

(g) *Affiliated groups.* In any case in which the issuing corporation is a member of an affiliated group, the application of this section shall be determined, pursuant to regulations prescribed by the Secretary or his delegate, by treating all of the members of the affiliated group in the aggregate as the issuing corporation, except that the ratio of debt to equity of, projected earnings of, and annual interest to be paid or incurred by any corporation (other than the issuing corporation determined without regard to this subsection) shall be included in the determinations required under subparagraphs (A) and (B) of subsection (b)(4) as of any day only if such corporation is a member of the affiliated group on such day, and, in determining projected earnings of such corporation under subsection (c)(3), there shall be taken into account only the earnings and profits of such corporation for the period during which it was a member of the affiliated group. For purposes of the preceding sentence, the term "affiliated group" has the meaning assigned to such term by section 1504(a), except that all corporations other than the acquired corporation shall be treated as includable corporations (without any exclusion under section 1504(b)) and

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the acquired corporation shall not be treated as an includable corporation.

(h) *Changes in obligation.* For purposes of this section—

(1) Any extension, renewal, or refinancing of an obligation evidencing a preexisting indebtedness shall not be deemed to be the issuance of a new obligation.

(2) Any obligation which is corporate acquisition indebtedness of the issuing corporation is also corporate acquisition indebtedness of any corporation which becomes liable for such obligation as guarantor, endorser, or indemnitor or which assumes liability for such obligation in any transaction.

(i) *Certain obligations issued after October 9, 1969.* For purposes of this section, an obligation shall not be corporate acquisition indebtedness if issued after October 9, 1969, to provide consideration for the acquisition of—

(1) Stock or assets pursuant to a binding written contract which was in effect on October 9, 1969, and at all times thereafter before such acquisition, or

(2) Stock in any corporation where the issuing corporation, on October 9, 1969, and at all times thereafter before such acquisition, owned at least 50 percent of the total combined voting power of all classes of stock entitled to vote of the acquired corporation.

Paragraph (2) shall cease to apply when (at any time on or after October 9, 1969) the issuing corporation has acquired control (as defined in section 368(c)) of the acquired corporation.

(j) *Effect on other provisions.* No inference shall be drawn from any provision in this section that any instrument designated as a bond, debenture, note, or certificate or other evidence of indebtedness by its issuer represents an obligation or indebtedness of such issuer in applying any other provision of this title.

[Sec. 279 as added by section 411(a), Tax Reform Act of 1969 (83 Stat. 604)]

§ 1.279–1 General rule; purpose.

An obligation issued to provide a consideration directly or indirectly for a corporate acquisition, although constituting a debt under section 385, may have characteristics which make it more appropriate that the participation in the corporation which the obligation represents be treated for purposes of the deduction of interest as if it were a stockholder interest rather than a creditors interest. To deal with such cases, section 279 imposes certain limitations on the deductibility of interest paid or incurred on obligations which have certain equity characteristics and are classified as corporate acquisition indebtedness. Generally, section 279 provides that no deduction will be allowed for any interest paid or incurred by a corporation during the taxable year with respect to its corporate acquisition indebtedness to the extent such interest exceeds $5 million. However, the $5 million limitation is reduced by the amount of interest paid or incurred on obligations issued under the circumstances described in section 279(a)(2) but which are not corporate acquisition indebtedness. Section 279(b) provides that an obligation will be corporate acquisition indebtedness if it was issued under certain circumstances and meets the four tests enumerated therein. Although an obligation may satisfy the conditions referred to in the preceding sentence, it may still escape classification as corporate acquisition indebtedness if the conditions as described in sections 279(d)(3), (4), and (5), 279(f), or 279(i) are present. However, no inference should be drawn from the rules of section 279 as to whether a particular instrument labeled a bond, debenture, note, or other evidence of indebtedness is in fact a debt. Before the determination as to whether the deduction for payments pursuant to an obligation as described in this section is to be disallowed, the obligation must first qualify as debt in accordance with section 385. If the obligation is not debt under section 385, it will be unnecessary to apply section 279 to any payments pursuant to such obligation.

§ 1.279–2 Amount of disallowance of interest on corporate acquisition indebtedness.

(a) *In general.* Under section 279(a), no deduction is allowed for any interest paid or incurred by a corporation during the taxable year with respect to its corporate acquisition indebtedness to the extent that such interest exceeds—

(1) $5 million, reduced by

(2) The amount of interest paid or incurred by such corporation during such year on any obligation issued after December 31, 1967, to provide consideration directly or indirectly for an acquisition described in section 279(b)(1) but which is not corporate acquisition indebtedness. Such an obligation is not corporate acquisition indebtedness if it—

(i) Was issued prior to October 10, 1969, or

(ii) Was issued after October 9, 1969, but does not meet any one or more of the tests of section 279(b)(2), (3), or (4), or

(iii) Was originally deemed to be corporate acquisition indebtedness but is no longer so treated by virtue of the application of paragraphs (3) or (4) of section 279(d), or

(iv) Is specifically excluded from treatment as corporate acquisition indebtedness by virtue of sections 279(d)(5), (f), or (i).

The computation of the amount by which the $5 million limitation described in this paragraph is to be reduced with respect to any taxable year is to be made as of the last day of the taxable year in which an acquisition described in section 279(b)(1) occurs. In no case shall the $5 million limitation be reduced below zero.

(b) *Certain terms defined.* When used in section 279 and the regulations thereunder—

(1) The term "issued" includes the giving of a note or other evidence of indebtedness to a bank or other lender as well as an issuance of a bond or debenture. In the case of obligations which are registered with the Securities and Exchange Commission, the date of issue is the date on which the issue is first offered to the public. In the case of obligations which are not so registered, the date of issue is the date on which the obligation is sold to the first purchaser.

(2) The term "interest" includes both stated interest and unstated interest (such as original issue discount as defined in paragraph (a)(1) of § 1.163–4 and amounts treated as interest under section 483).

(3) The term "money" means cash and its equivalent.

(4) The term "control" shall have the meaning assigned to such term by section 368(c).

(5) The term "affiliated group" shall have the meaning assigned to such term by section 1504(a), except that all corporations other than the acquired corporation shall be treated as includible corporations (without any exclusion under section 1504(b)) and the acquired corporation shall not be treated as an includible corporation. This definition shall apply whether or not some or all of the members of the affiliated group file a consolidated return.

(c) *Examples.* The provisions of paragraph (a) of this section may be illustrated by the following examples:

Example (1). On March 4, 1973, X Corporation, a calendar year taxpayer, issues an obligation which satisfies the test of section 279(b)(1) but fails to satisfy either of the tests of section 279(b)(2) or (3). Since at least one of the tests of section 279(b) is not satisfied the obligation is not corporate acquisition indebtedness. However, since the test of section 279(b)(1) is satisfied, the interest on the obligation will reduce the $5 million limitation provided by section 279(a)(1).

Example (2). On January 1, 1969, X Corporation, a calendar year taxpayer, issues an obligation, which satisfies all the tests of section 279(b), requiring it to pay $3.5 million of interest each year. Since the obligation was issued before October 10, 1969, the obligation cannot be corporate acquisition indebtedness, and a deduction for the $3.5 million of interest attributable to such obligation is not subject to disallowance under section 279(a). However, since the obligation was issued after December 31, 1967, in an acquisition described in section 279(b)(1), under section 279(a)(2) the $3.5 million of interest attributable to such obligation reduces the $5 million limitation provided by section 279(a)(1) to $1.5 million.

Example (3). Assume the same facts as in example (2). Assume further that on January 1, 1970, X Corporation issues more obligations which are classified as corporate acquisition indebtedness and which require X Corporation to pay $4 million of interest each year. For 1970 the amount of interest paid or accrued on corporate acquisition indebtedness, which may be deducted is $1.5 million ($5 million maximum provided by section 279(a)(1) less $3.5 million, the reduction required under section 279(a)(2)). Thus, $2.5 million of the $4 million interest incurred on a corporate acquisition indebtedness is subject to disallowance under section 279(a) for the taxable year 1970.

Example (4). Assume the same facts as in example (3). Assume further that on the last day of each of the taxable years 1971, 1972, and 1973 of X Corporation neither of the conditions described in section 279(b)(4) was present.

Under these circumstances, such obligations for all taxable years after 1973 are not corporate acquisition indebtedness under section 279(d)(4). Therefore, the $2.5 million of interest previously not deductible is now deductible for all taxable years after 1973. Although such obligations are no longer

treated as corporate acquisition indebtedness, the interest attributable thereto must be applied in further reduction of the $5 million limitation. The $5 million limitation of section 279(a)(1) is therefore reduced to zero. While the limitation is at the zero level any interest paid or incurred on corporate acquisition indebtedness will be disallowed.

§ 1.279–3 Corporate acquisition indebtedness.

(a) *Corporate acquisition indebtedness.* For purposes of section 279, the term "corporate acquisition indebtedness" means any obligation evidenced by a bond, debenture, note, or certificate or other evidence of indebtedness issued after October 9, 1969, by a corporation (referred to in section 279 and the regulations thereunder as "issuing corporation") if the obligation is issued to provide consideration directly or indirectly for the acquisition of stock in, or certain assets of, another corporation (as described in paragraph (b) of this § 1.279–3), is "subordinated" (as described in paragraph (c) of this § 1.279–3), is "convertible" (as described in paragraph (d) of this § 1.279–3), and satisfies either the ratio of debt to equity test (as described in paragraph (f) of § 1.279–5) or the projected earnings test (as described in paragraph (d) of § 1.279–5).

(b) *Acquisition of stock or assets.* (1) Section 279(b)(1) describes one of the tests to be satisfied if an obligation is to be classified as corporate acquisition indebtedness. Under section 279(b)(1), the obligation must be issued to provide consideration directly or indirectly for the acquisition of—

(i) Stock (whether voting or nonvoting) in another corporation (referred to in section 279 and the regulations thereunder as "acquired corporation"), or

(ii) Assets of another corporation (referred to in section 279 and the regulations thereunder as "acquired corporation") pursuant to a plan under which at least two-thirds (in value) of all the assets (excluding money) used in trades or businesses carried on by such corporation are acquired.

The fact that the corporation that issues the obligation is not the same corporation that acquires the acquired corporation does not prevent the application of section 279. For example, if X Corporation acquires all the stock of Y Corporation through the utilization of an obligation of Z Corporation, a wholly owned subsidiary of X Corporation, this section will apply.

(2) *Direct or indirect consideration.* Obligations are issued to provide direct consideration for an acquisition within the meaning of section 279(b)(1) where the obligations are issued to the shareholders of an acquired corporation in exchange for stock in such acquired corporation or where the obligations are issued to the acquired corporation in exchange for its assets. The application of the provisions of this subsection relating to indirect consideration for an acquisition of stock or assets depends upon the facts and circumstances surrounding the acquisition and the issuance of the obligations. Obligations are issued to provide indirect consideration for an acquisition of stock or assets within the meaning of section 279(b)(1) where (i) at the time of the issuance of the obligations the issuing corporation anticipated the acquisition of such stock or assets and the obligations would not have been issued if the issuing corporation had not so anticipated such acquisition, or where (ii) at the time of the acquisition the issuing corporation foresaw or reasonably should have foreseen that it would be required to issue obligations, which it would not have otherwise been required to issue if the acquisition had not occurred, in order to meet its future economic needs.

(3) *Stock acquisition.* (i) For purposes of section 279, an acquisition in which the issuing corporation issues an obligation to provide consideration directly or indirectly for the acquisition of stock in the acquired corporation shall be treated as a stock acquisition within the meaning of section 279(b)(1)(A). Where the stock of one corporation is acquired from another corporation and such stock constitutes at least two-thirds (in value) of all the assets (excluding money) of the latter corporation, such acquisition shall be deemed an asset acquisition as described in section 279(b)(1)(B) and subparagraph (4) of this section. If the issuing corporation acquires less than two-thirds (in value) of all the assets (excluding money) used in trades or businesses carried on by the acquired corporation within the meaning of section 279(b)(1)(B) and subparagraph (4) of this paragraph and such assets include stock of another corporation, the acquisition of such stock is a stock acquisition within the meaning of section 279(b)(1)(A) and of this subparagraph. In such a case the amount of the obligation which is characterized as corporate acquisition indebtedness shall bear the same relationship to the total amount of the obligation issued as the fair market value of the stock acquired bears to the total of the fair market value of the assets acquired and stock acquired, as of the date of acquisition. For rules with respect to acquisitions of stock, where the total amount of stock of the acquired corporation held by the issuing corporation never exceeded 5 percent of the total combined voting power of all classes of stock of the acquired corporation entitled to vote, see § 1.279–4(b)(1).

(ii) If the issuing corporation acquired stock of an acquired corporation in an acquisition described in section 279(b)(1)(A), and liquidated the acquired corporation under section 334(b)(2) and the regulations thereunder before the last day of the taxable year in which such stock acquisition is made, such obligation issued to provide consideration directly or indirectly to acquire such stock of the acquired corporation shall be considered as issued in an acquisition described in section 279(b)(1)(B).

(4) *Asset acquisition.* (i) For purposes of section 279, an acquisition in which the issuing corporation issues an obligation to provide consideration directly or indirectly for the acquisition of assets of an acquired corporation pursuant to a plan under which at least two-thirds of the gross value of all the assets (excluding money) used in trade: and businesses carried on by such acquired corporation are acquired shall be treated as an asset acquisition within the meaning of section 279(b)(1)(B). For purposes of section 279(b)(1)(B), the gross value of any acquired asset shall be its fair market value as of the day of its acquisition. In determining the fair market value of an asset, no reduction shall be made for any liabilities, mortgages, liens, or other encumbrances to which the asset or any part thereof may be subjected. For purposes of this subparagraph, an asset which has been actually used in the trades and businesses of a corporation but which is temporarily not being used in such trades and businesses shall be treated as if it is being used in such manner. For purposes of this paragraph, the day of acquisition will be determined by reference to the facts and circumstances surrounding the transaction.

(ii) For purposes of the two-thirds test described in section 279(b)(1)(B), the stock of any corporation which is controlled by the acquired corporation shall be considered as an asset used in the trades and businesses of such acquired corporation.

(5) *Certain nontaxable transactions.* (i) Under section 279(e), an acquisition of stock of a corporation of which the issuing corporation is in control in a transaction in which gain or loss is not recognized shall be deemed an acquisition described in section 279(b)(1)(A) only if immediately before such transaction the acquired corporation was in existence, and the issuing corporation was not in control of such corporation. If the issuing corporation is a member of an affiliated group, then in accordance with section 279(g), the affiliated group shall be treated as the issuing corporation. Thus, any stock of the acquired corporation, owned by members of the affiliated group, shall be aggregated in determining whether the issuing corporation was in control of the acquired corporation.

(ii) The $5 million limitation provided by section 279(a)(1) is not reduced by the interest on an obligation issued in a transaction which, under section 279(e), is deemed not to be an acquisition described in section 279(b)(1).

(iii) The provisions of this subparagraph may be illustrated by the following examples:

Example (1). On January 1, 1973, W Corporation, a calendar year taxpayer, issues to the public 10,000 10 year convertible bonds each with a principal of $1,000 for $9 million. On June 6, 1973, W Corporation transfers the $9 million proceeds of such bond issue to X Corporation in exchange for X Corporation's common stock in a transaction that satisfies the provisions of section 351(a). On December 31, 1973, W Corporation's ratio of debt to equity is 1½ to 1 and its project earnings exceed three times the annual interest to be paid or incurred. Immediately prior

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to the transaction between the two corporations W Corporation owned no stock in X Corporation which had been in existence for several years. However, immediately after this transaction W Corporation is in control of X Corporation. Since X Corporation, the acquired corporation, was in existence and W Corporation, the issuing corporation, was not in control of X Corporation immediately before the section 351 transaction (a transaction in which gain or loss is not recognized) and since W Corporation is now in control of X Corporation, the acquisition of X Corporation's common stock by W Corporation is not protected from treatment as an acquisition described in section 279(b)(1)(A). However, the obligation will not be deemed to be corporate acquisition indebtedness since the test of section 279(b)(4) is not met. The interest on the obligation will reduce the $5 million limitation of section 279(a).

Example (2). Assume the facts are the same as described in example (1), except that X Corporation was not in existence prior to June 6, 1973, but rather is newly created by W Corporation on such date. Since X Corporation, the acquired corporation, was not in existence before June 6, 1973, the date on which W Corporation, the issuing corporation, acquired control of X Corporation in a transaction on which gain or loss is not recognized, the acquisition is not deemed to be an acquisition described in section 279(b)(1)(A). Thus, under the provisions of subdivision (ii) of this subparagraph, the $5 million limitation provided by section 279(a)(1) will not be reduced by the yearly interest incurred on the convertible bonds issued by W Corporation.

Example (3). Assume that the facts are the same as described in example (1), except that W Corporation was in control of X Corporation immediately before the transaction. Since W Corporation was in control of X Corporation immediately before the section 351(a) transaction and is in control of X Corporation after such transaction, the result will be the same as in example (2).

(c) *Subordinated obligation*—(1) *In general.* An obligation which is issued to provide consideration for an acquisition described in secton 279(b)(1) is subordinated within the meaning of section 279(b)(2) if it is either—

(i) Subordinated to the claims of trade creditors of the issuing corporation generally, or

(ii) Expressly subordinated in right of payment to the payment of any substantial amount of unsecured indebtedness, whether outstanding or subsequently issued, of the issuing corporation,

irrespective of whether such subordination relates to payment of interest, or principal, or both. In applying section 279(b)(2) and this paragraph in any case where the issuing corporation is a member of an affiliated group of corporations, the affiliated group shall be treated as the issuing corporation.

(2) *Expressly subordinated obligation.* In applying subparagraph (1)(ii) of this paragraph, an obligation is considered expressly subordinated whether the terms of the subordination are provided in the evidence of indebtedness itself, or in another agreement between the parties to such obligation. An obligation shall be considered to be expressly subordinated within the meaning of subparagraph (1)(ii) of this paragraph if such obligation by its terms can become subordinated in right of payment to the payment of any substantial amount of unsecured indebtedness which is outstanding or which may be issued subsequently. However, an obligation shall not be considered expressly subordinated if such subordination occurs solely by operation of law, such as in the case of bankruptcy laws. For purposes of this paragraph, the term "substantial amount of unsecured indebtedness" means an amount of unsecured indebtedness equal to 5 percent or more of the face amount of the obligations issued within the meaning of section 279(b)(1).

(d) *Convertible obligation.* An obligation which is issued to provide consideration directly or indirectly for an acquisition described in section 279(b)(1) is convertible within the meaning of section 279(b)(3) if it is either—

(1) Convertible directly or indirectly into stock of the issuing corporation, or

(2) Part of an investment unit or other arrangement which includes, in addition to such bond or other evidence of indebtedness, an option to acquire directly or indirectly stock in the issuing corporation. Stock warrants or convertible preferred stock included as part of an investment unit constitute options within the meaning of the preceding sentence. Indebtedness is indirectly convertible if the conversion feature gives the holder the right to convert into another bond of the issuing corporation which is then convertible into the stock of the issuing corporation.

In any case where the corporation which in fact issues an obligation to provide consideration for an acquisition described in section 279(b)(1) is a member of an affiliated group, the provisions of section 279(b)(3) and this paragraph are deemed satisfied if the stock into which either the obligation or option which is part of an investment unit or other arrangement is convertible, directly or indirectly, is stock of any member of the affiliated group.

(e) *Ratio of debt to equity and projected earnings test.* For rules with respect to the application of section 279(b)(4) (relating to the ratio of debt to equity and the ratio of projected earnings to annual interest to be paid or incurred), see paragraphs (d), (e), and (f) of § 1.279–5.

(f) *Certain obligations issued after October 9, 1969*—(1) *In general.* Under section 279(i), an obligation shall not be corporate acquisition indebtedness if such obligation is issued after October 9, 1969, to provide consideration for the acquisition of—

(i) Stock or assets pursuant to a binding written contract which was in effect on October 9, 1969, and at all times thereafter before such acquisition, or

(ii) Stock in any corporation where the issuing corporation, on October 9, 1969, and at all times thereafter before such acquisition, owned at least 50 percent of the total combined voting power of all classes of stock entitled to vote of the acquired corporation.

Subdivision (ii) of this subparagraph shall cease to apply when (at any time on or after October 9, 1969) the issuing corporation has acquired control of the acquired corporation. The interest attributable to any obligation which satisfies the conditions stated in the first sentence of this subparagraph shall reduce the $5 million limitation of section 279(a)(1).

(2) *Examples.* The provisions of this paragraph may be illustrated by the following examples:

Example (1). On September 5, 1969, M Corporation, a calendar year taxpayer, entered into a binding written contract with N Corporation to purchase 20 percent of the voting stock of N Corporation. The contract was in effect on October 9, 1969, and at all times thereafter before the acquisition of the stock on January 1, 1970. Pursuant to such contract M Corporation issued on January 1, 1970, to N Corporation an obligation which satisfies the tests of section 279(b) requiring it to pay $1 million of interest each year. However, under the provisions of subparagraph (1)(i) of this paragraph, such obligation is not corporate acquisition indebtedness since it was issued to provide consideration for the acquisition of stock pursuant to a binding written contract which was in effect on October 9, 1969, and at all times thereafter before such acquisition. The $1 million of yearly interest on the obligation reduces the $5 million limitation provided for in section 279(a)(1) to $4 million since such interest is attributable to an obligation which was issued to provide consideration for the acquisition of stock in an acquired corporation.

Example (2). On October 9, 1969, O Corporation, a calendar year taxpayer, owned 50 percent of the total combined voting power of all classes of stock entitled to vote of P Corporation. P Corporation has no other class of stock. On January 1, 1970, while still owning such voting stock O Corporation issued to the shareholders of P Corporation to provide consideration for an additional 40 percent of P Corporation's voting stock an obligation which satisfied the tests of section 279(b) requiring it to pay $4 million of interest each year. Hence, O Corporation acquired control of P Corporation, and the provisions of subparagraph (1)(ii) of this paragraph ceased to apply to O Corporation. Thus, 75 percent of the obligation issued by O Corporation to provide consideration for the stock of P Corporation is not corporate acquisition indebtedness (that is, of the 40 percent of the voting stock of P Corporation which was acquired, only 30 percent was needed to give O Corporation control). Since 25 percent of the obligation is corporate acquisition indebtedness, $1 million of interest attributable to such obligation is subject to disallowance under section 279(a) for the taxable year 1970. The remaining $3 million of interest attributable to the obligation will reduce the $5 million limitation provided by in section 279(a)(1).

(g) *Exemptions for certain acquisitions of foreign corporations*—(1) *In general.* Under section 279(f), the term "corporate acquisition indebtedness" does not include any indebtedness issued to any person to provide consideration directly or indirectly for the acquisition

of stock in, or assets of, any foreign corporation substantially all the income of which, for the 3-year period ending with the date of such acquisition or for such part of such period as the foreign corporation was in existence, is from sources without the United States. The interest attributable to any obligation excluded from treatment as corporate acquisition indebtednes by reason of this paragraph shall reduce the $5 million limitation of 279(a)(1).

(2) *Foreign corporation.* For purposes of this paragraph, the term "foreign corporation" shall have the same meaning as in section 7701(a)(5).

(3) *Income from sources without the United States.* For purposes of this paragraph, the term "income from sources without the United States" shall be determined in accordance with sections 862 and 863. If more than 80 percent of a foreign corporation's gross income is derived from sources without the United States, such corporation shall be considered to be deriving substantially all of its income from sources without the United States.

§ 1.279–4 Special rules.

(a) *Special 3-year rule.* Under section 279(d)(4), if an obligation which has been deemed to be corporate acquisition indebtedness for any taxable year would not be such indebtedness for each of any 3 consecutive taxable years thereafter if the ratio of debt to equity and the ratio of projected earnings to annual interest to be paid or incurred of section 279(b)(4) were rpplied as of the close of each of such 3 years, then such obligation shall not be corporate acquisition indebtedness for any taxable years after such 3 consecutive taxable years. The test prescribed by section 279(b)(4) shall be applied as of the close of any taxable year whether or not the issuing corporation issues any obligation to provide consideration for an acquisition described in section 279(b)(1) in such taxable year. Thus, for example, if a corporation, reporting income on a calendar year basis, has an obligation outstanding as of December 31, 1975, which was classified as a corporate acquisition indebtedness as of the close of 1972 and such obligation would not have been classified as corporate acquisition indebtedness as of the close of 1973, 1974, and 1975 because neither of the conditions of section 279(b)(4) were present as of such dates, then such obligation shall not be corporate acquisition indebtedness for 1976 and all taxable years thereafter. Such obligation shall not be reclassified as corporate acquisition indebtedness in any taxable year following 1975, even if the issuing corporation issues more obligations (whether or not found to be corporate acquisition indebtedness) in such later years to provide consideration for the acquisition of additional stock in, or assets of, the same acquired corporation with respect to which the original obligation was issued. The interest attributable to such obligation shall reduce the $5 million limitation provided by section 279(a)(1) for 1976 and all taxable years thereafter.

(b) *Five percent stock rule*—(1) *In general.* Under section 279(d)(5), if an obligation issued to provide consideration for an acquisition of stock in another corporation meets the tests of section 279(b), such obligation shall be corporate acquisition indebtedness for a taxable year only if at sometime after October 9, 1969, and before the close of such year the issuing corporation owns or has owned 5 percent or more of the total combined voting power of all classes of stock entitled to vote in the acquired corporation. If the issuing corportation is a member of an affiliated group, then in accordance with section 279(g) the affiliated group shall be treated as the issuing corporation. Thus, any stock of the acquired corporation owned by members of the affiliated group shall be aggregated to determine if the percentage limitation provided by this subparagraph is exceeded. Once an obligation is deemed to be corporate acquisition indebtedness for all taxable years thereafter unless the provisions of section 279(d)(3) or (4) apply, notwithstanding the fact that the issuing corporation owns less than 5 percent of the combined voting power of all classes of stock entitled to vote of the acquired corporation in any or all taxable years thereafter.

(2) *Examples.* The provisions of this paragraph may be illustrated by the following examples:

Example (1). Corporation Y uses the calendar year as its taxable year and has only one class of stock outstanding. On June 1, 1972, X Corporation which is also a calendar year taxpayer and which has never been a shareholder of Y Corporation acquires from the shareholders of Y Corporation 4 percent of the stock of Y Corporation in exchange for obligations which satisfy the conditions of section 279(b). At no time during 1972 does X Corporation own 5 percent or more of the stock of Y Corporation. Accordingly, under the provisions of subparagraph (1) of this paragraph, for 1972 the obligations issued by X Corporation to provide consideration for the acquisition of Y Corporation's stock do not constitute corporate acquisition indebtedness.

Example (2). Assume the same facts as in example (1). Assume further that on February 24, 1973, X Corporation acquires from the shareholders of Y Corporation an additional 7 percent of the stock of Y Corporation in exchange for obligations which satisfy all of the tests of section 279(b). On December 28, 1973, X Corporation sells all of its stock in Y Corporation. For 1973, the obligations issued by X Corporation in 1972 and in 1973 constitute corporate acquisition indebtedness since X Corporation at some time after October 9, 1969, and before the close of 1973 owned 5 percent or more of the voting stock of Y Corporation. Furthermore, such obligations shall be corporate acquisition indebtedness for all taxable years thereafter unless the special provisions of section 279(d)(3) or (4) could apply.

(c) *Changes in obligation*—(1) *In general.* Under section 279(h), for purposes of section 279—

(i) Any extension, renewal, or refinancing of an obligation evidencing a preexisting indebtedness shall not be deemed to be the issuance of a new obligation, and

(ii) Any obligation which is corporate acquisition indebtedness of the issuing corporation is also corporate acquisition indebtedness of any corporation which in any transaction or by operation of law assumes liability for such obligation or becomes liable for such obligation as guarantor, endorser, or indemnitor.

(2) *Examples.* The provisions of this paragraph may be illustrated by the following examples:

Example (1). On January 1, 1971, X Corporation, which files its return on the basis of a calendar year, issues an obligation, which satisfies the tests of section 279(b), and is deemed to be corporate acquisition indebtedness. On January 1, 1973, an agreement is concluded between X Corporation and the holder of the obligation whereby the maturity date of such obligation is extended until December 31, 1979. Under the provisions of subparagraph (1)(i) of this paragraph such extended obligation is not deemed to be a new obligation, and still constitutes corporate acquisition indebtedness.

Example (2). On June 12, 1971, X Corporation, a calendar year taxpayer, issued convertible and subordinated obligations to acquire the stock of Z Corporation. The obligations were deemed corporate acquisition indebtedness on December 31, 1971. On March 4, 1973, X Corporation and Y Corporation consolidated to form XY Corporation in accordance with State law. Corporation XY is liable for the obligations issued by X Corporation by operation of law and the obligations continue to be corporate acquisition indebtedness. In 1975 XY Corporation exchanges its own nonconvertible obligations for the obligations X Corporation issued. The obligations of XY Corporation issued in exchange for those of X Corporation will be deemed to be corporate acquisition indebtedness.

§ 1.279–5 Rules for application of section 279(b).

(a) *Taxable years to which applicable*—(1) *First year of disallowance.* Under section 279(d)(1), the deduction of interest on any obligation shall not be disallowed under section 279(a) before the first taxable year of the issuing corporation as of the last day of which the application of either section 279(b)(4)(A) or (B) results in such obligation being classified as corporate acquisition indebtedness. See section 279(c)(1) and paragraph (b)(2) of this section for the time when an obligation is subjected to the test of section 279(b)(4).

(2) *General rule for succeeding years.* Under section 279(d)(2), except as provided in paragraphs (3), (4), and (5) of section 279(d), if an obligation is determined to be corporate acquisition indebtedness as of the last day of any taxable year of the issuing corporation, such obligation shall be corporate acquisition indebtedness for such taxable year and all subsequent taxable years.

(b) *Time of determination*—(1) *In general.* The determination of whether an obligation meets the conditions of section 279(b)(1), (2), and (3) shall be made as of the day on which the obligation is issued.

(2) *Ratio of debt to equity, projected earnings, and annual interest to be paid or incurred.* (i) Under section 279(c)(1), the determination of whether an obligation meets the conditions of

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section 279(b)(4) is first to be made as of the last day of the taxable year of the issuing corporation in which it issues the obligation to provide consideration directly or indirectly for an acquisition described in section 279(b)(1) of stock in or assets of, the acquired corporation. An obligation which is not corporate acquisition indebtedness only because it does not satisfy the test of section 279(b)(4) in the taxable year of the issuing corporation in which the obligation is issued for stock in, or assets of, the acquired corporation may be subjected to the test of section 279(b)(4) again. A retesting will occur in any subsequent taxable year of the issuing corporation in which the issuing corporation issues any obligation to provide consideraton directly or indirectly for an acquisition described in section 279(b)(1) with respect to the same acquired corporation, irrespective of whether such subsequent obligation is itself classified as corporate acquisition indebtedness. If the issuing corporation is a member of an affiliated group, then in accordance with section 279(g) the affiliated group shall be treated as the issuing corporation. Thus, if any member of the affiliated group issues an obligation to acquire additional stock in, or assets of, the acquired corporation, this paragraph shall apply.

(ii) For purposes of section 279(b)(4) and this paragraph, in any case where the issuing corporation is a member of an affiliated group (see section 279(g) and § 1.279–6 for rules regarding application of section 279 to certain affiliated groups) which does not file a consolidated return and all the members of which do not have the same taxable year, determinations with respect to the ratio of debt to equity of, and projected earnings of, and annual interest to be paid or incurred by, any member of the affiliated group shall be made as of the last day of the taxable year of the corporation which in fact issues the obligation to provide consideration for an acquisition described in section 279(b)(1).

(3) *Redetermination where control or substantially all the properties have been acquired.* Under section 279(d)(3), if an obligation is determined to be corporate acquisition indebtedness as of the close of a taxable year of the issuing corporation in which section 279(c)(3)(A)(i) (relating to the projected earnings of the issuing corporation only) applied, but would not be corporate acquisition indebtedness if the determination were made as of the close of the first taxable year of such corporation thereafter in which section 279(c)(3)(A)(ii) (relating to the projected earnings of both the issuing corporation and the acquired corporation) could apply, such obligation shall be considered not to be corporate acquisition indebtedness for such later taxable year and all taxable years thereafter. Where an obligation ceases to be corporate acquisition indebtedness as a result of the application of this paragraph, the interest on such obligation shall not be disallowed under section 279(a) as a deduction for the taxable year in which the obligation ceases to be corporate acquisition indebtedness and all taxable years thereafter. However, under section 279(a)(2) the interest paid or incurred on such obligation which is allowed as a deduction will reduce the $5 million limitation provided by section 279(a)(1).

(4) *Examples.* The provisions of this paragraph may be illustrated by the following examples:

Example (1). In 1971, X Corporation, which files its Federal income tax return on the basis of a calendar year, issues its obligations to provide consideration for the acquisition of 15 percent of the voting stock of both Y Corporation and Z Corporation. Y Corporation and Z Corporation each have only one class of stock. When issued, such obligations satisfied the tests prescribed in section 279(b) (1), (2), and (3) and would have constituted corporate acquisition indebtedness but for the test prescribed in section 279(b)(4). On December 31, 1971, the application of section 279(b)(4) results in X Corporation's obligations issued in 1971 not being treated as corporate acquisition indebtedness for that year.

Example (2). Assume the same facts as in example (1), except that in 1972, X Corporation issues more obligations which come within the tests of section 279(b) (1), (2), and (3) to acquire an additional 10 percent of the voting stock of Y Corporation. No stock of Z Corporation is acquired after 1971. The application of section 279(b)(4)(B) (relating to the projected earnings of X Corporation) as of the end of 1972 results in the obligations issued in 1972 to provide consideration for the acquisition of the stock of Y Corporation being treated as corporate acquisition indebtedness. Since X Corporation during 1972 did issue obligations to acquire more stock of Y Corporation, under the provisions of section 279(c)(1) and subparagraph (2) of this paragraph the obligations issued by X Corporation in 1971 to acquire stock in Y Corporation are again tested to determine whether the test of section 279(b)(4) with respect to such obligations is satisfied for 1972. Thus, since such obligations issued by X Corporation to acquire Y Corporation's stock in 1971 previously came within the provisions of section 279(b) (1), (2), and (3) and the projected earnings test of section 279(b)(4)(B) is satisfied for 1972, all of such obligations are to be deemed to constitute corporate acquisition indebtedness for 1972 and subsequent taxable years. The obligations issued in 1971 to acquire stock in Z Corporation continue not to constitute corporate acquisition indebtedness.

Example (3). Assume the same facts as in examples (1) and (2). In 1973, X Corporation issues more obligations which come within the tests of section 279(b) (1), (2), and (3) to acquire more stock (but not control) in Y Corporation. On December 31, 1973, it is determined with respect to X Corporation that neither of the conditions described in section 279(b)(4) are present. Thus, the obligations issued in 1973 do not constitute corporate acquisition indebtedness. However, the obligations issued in 1971 and 1972 by X Corporation to acquire stock in Y Corporation continue to be treated as corporate acquisition indebtedness.

Example (4). Assume the same facts as in example (3), except that X Corporation acquires control of Y Corporation in 1973. Since X Corporation has acquired control of Y Corporation, the average annual earnings (as defined in section 279(c)(3)(B) and the annual interest to be paid or incurred (as provided by section 279(c)(4)) of both X Corporation and Y Corporation under section 279(c)(3)(A)(ii) are taken into account in computing for 1973 the ratio of projected earnings to annual interest to be paid or incurred described in section 279(b)(4)(B). Assume further that after applying section 279(b)(4)(B) the obligations issued in 1973 escape treatment as corporate acquisition indebtedness for 1973. Under section 279(d)(3), all of the obligations issued by X Corporation to acquire stock in Y Corporation in 1971 and 1972 are removed from classification as corporate acquisition indebtedness for 1973 and all subsequent taxable years.

Example (5). In 1975, M Corporation, which files its Federal income tax return on the basis of a calendar year, issues its obligations to acquire 30 percent of the voting stock of N Corporation. N Corporation has only one class of stock. Such obligations satisfy the tests prescribed in section 279(b) (1), (2), and (3). Additionally, as of the close of 1975, M Corporation's ratio of debt to equity exceeds the ratio of 2 to 1 and its projected earnings do not exceed three times the annual interest to be paid or incurred. The obligations issued by M Corporation are corporate acquisition indebtedness for 1975 since all the provisions of section 279(b) are satisfied. In 1976 M Corporation issues its obligations to acquire from the shareholders of N Corporation an additional 60 percent of the voting stock of N Corporation, thereby acquiring control of N Corporation. However, with respect to the obligations issued by M Corporation in 1975, there is no redetermination under section 279(d)(3) and subparagraph (3) of this paragraph as to whether such obligations may escape classification as corporate acquisition indebtedness because in 1975 it was the ratio of debt to equity test which caused such obligations to be corporate acquisition indebtedness. If in 1975, M Corporation met the conditions of section 279(b)(4) solely because of the ratio of projected earnings to annual interest to be paid or incurred described in section 279(b)(4)(B), its obligation issued in 1975 could be retested in 1976.

(c) *Acquisition of stock or assets of several corporations.* An issuing corporation which acquires stock in, or assets of, more than one corporation during any taxable year must apply the tests described in section 279(b) (1), (2), and (3) separately with respect to each obligation issued to provide consideration for the acquisition of the stock in, or assets of, each such acquired corporation. Thus, if an acquisition is made with obligations of the issuing corporation that satisfy the tests described in section 279(b) (2) and (3) and obligations that fail to satisfy such tests, only those obligations satisfying such tests need be further considered to determine whether they constitute corporate acquisition indebtedness. Those obligations which meet the test of section 279(b)(1) but which are not deemed corporate acquisition indebtedness shall be taken into account for purposes of determining the reduction in the $5 million limitation of section 279(a)(1).

(d) *Ratio of debt to equity and projected earnings—*(1) *In general.* One of the four tests to determine whether an obligation constitutes corporate acquisition indebtedness is contained in section 279(b)(4). An obligation will meet the test of section 279(b)(4) if, as of a day

determined under section 279(c)(1) and paragraph (b)(2) of this section, either—

(i) The ratio of debt to equity (as defined in paragraph (f) of this section) of the issuing corporation exceeds 2 to 1, or

(ii) The projected earnings (as defined in subparagraph (2) of this paragraph) of the issuing corporation, or of both the issuing corporation and acquired corporation in any case where subparagraph (2)(ii) of this paragraph is applicable, do not exceed three times the annual interest to be paid or incurred (as defined in paragraph (e) of this section) by such issuing corporation, or, where applicable, by such issuing corporation and acquired corporation. Where paragraphs (d)(2)(ii) and (e)(1)(ii) of this section are applicable in computing projected earnings and annual interest to be paid or incurred, 100 percent of the acquired corporation's projected earnings and annual interest to be paid or incurred shall be included in such computation, even though less than all of the stock or assets of the acquired corporation have been acquired.

(2) *Projected earnings.* The term "projected earnings" means the "average annual earnings" (as defined in subparagraph (3) of this paragraph) of—

(i) The issuing corporation only, if subdivision (ii) of this subparagraph, does not apply, or

(ii) Both the issuing corporation and the acquired corporation, in any case where the issuing corporation as of the close of its taxable year has acquired control, or has acquired substantially all of the properties, of the acquired corporation.

For purposes of subdivision (ii) of this subparagraph, an acquisition of "substantially all of the properties" of the acquired corporation means the acquisition of assets representing at least 90 percent of the fair market value of the net assets and at least 70 percent of the fair market value of the gross assets held by the acquired corporation immediately prior to the acquisition.

(3) *Average annual earnings.* (i) The term "average annual earnings" referred to in subparagraph (2) of this paragraph is, for any corporation, the amount of its earnings and profits for any 3-year period ending with the last day of a taxable year of the issuing corporation in which it issues any obligation to provide consideration for an acquisition described in section 279(b)(1), computed without reduction for—

(*a*) Interest paid or incurred,

(*b*) Depreciation or amortization allowed under chapter 1 of the Code,

(*c*) Liability for tax under chapter 1 of the Code, and

(*d*) Distributions to which section 301(c)(1) apply (other than such distributions from the acquired corporation to the issuing corporation),

and reduced to an annual average for such 3-year period. For the rules to determine the amount of earnings and profits of any corporation, see section 312 and the regulations thereunder.

(ii) Except as provided for in subdivision (iii) of this subparagraph, for purposes of subdivision (i) of this subparagraph in the case of any corporation, the earnings and profits for such 3-year period shall be reduced to an annual average by dividing such earnings and profits by 36 and multiplying the quotient by 12. If a corporation was not in existence during the entire 36-month period as of the close of the taxable year referred to in subdivision (i) of this subparagraph, its average annual earnings shall be determined by dividing its earnings and profits for the period of its existence by the number of whole calendar months in such period and multiplying the quotient by 12.

(iii) Where the issuing corporation acquires substantially all of the properties of an acquired corporation, the computation of earnings and profits of such acquired corporation shall be made for the period of such corporation beginning with the first day of the 3-year period of the issuing corporation and ending with the last day prior to the date on which substantially all of the properties were acquired. In determining the number of whole calendar months for such acquired corporation where the period for determining its earnings and profits includes 2 months which are not whole calendar months and the total number of days in such 2 fractional months exceeds 30 days, the number of whole calendar months for such period shall be increased by one. Where the number of days in the 2 fractional months total 30 days or less such fractional months shall be disregarded. After the number of whole calendar months is determined, the calculation for average annual earnings shall be made in the same manner as described in the last sentence of subdivision (ii) of this subparagraph.

(e) *Annual interest to be paid or incurred—*(1) *In general.* For purposes of section 279(b)(4)(B), the term "annual interest to be paid or incurred" means—

(i) If subdivision (ii) of this subparagraph does not apply, the annual interest to be paid or incurred by the issuing corporation only, for the taxable year beginning immediately after the day described in section 279(c)(1), determined by reference to its total indebtedness outstanding as of such day, or

(ii) If projected earnings are determined under paragraph (d)(2)(ii) of this section, the annual interest to be paid or incurred by both the issuing corporation and the acquired corporation for 1 year beginning immediately after the day described in section 279(c)(1), determined by reference to their combined total indebtedness outstanding as of such day. However, where the issuing corporation acquires substantially all of the properties of the acquired corporation, the annual interest to be paid or incurred will be determined by reference to the total indebtedness outstanding of the issuing corporation only (including any indebtedness it assumed in the acquisition) as of the day described in section 279(c)(1).

The term "annual interest to be paid or incurred" refers to both actual interest and unstated interest. Such unstated interest includes original issue discount as defined in paragraph (a)(1) of § 1.163–4 and amounts treated as interest under section 483. For purposes of this paragraph and paragraph (f) of this section (relating to the ratio of debt to equity), the indebtedness of any corporation shall be determined in accordance with generally accepted accounting principles. Thus, for example, the indebtedness of a corporation includes short-term liabilities, such as accounts payable to suppliers, as well as long-term indebtedness. Contingent liabilities, such as those arising out of discounted notes, the assignment of accounts receivable, or the guarantee of the liability of another, shall be included in the determination of the indebtedness of a corporation if the contingency is likely to become a reality. In addition, the indebtedness of a corporation includes obligations issued by the corporation, secured only by property of the corporation, and with respect to which the corporation is not personally liable. See section 279(g) and § 1.279–6 for rules with respect to the computation of annual interest to be paid or incurred in regard to members of an affiliated group of corporations.

(2) *Examples.* The provisions of these paragraphs may be illustrated by the following examples:

Example (1). Corporation X's earnings and profits calculated in accordance with section 279(c)(3)(B) for 1972, 1971, and 1970 respectively were $29 million, $23 million, and $20 million. The interest to be paid or incurred during the calendar year of 1973 as determined by reference to the issuing corporation's total outstanding indebtedness as of December 31, 1972, was $10 million. By dividing the sum of the earnings and profits for the 3 years by 36 (the number of whole calendar months in the 3-year period) and multiplying the quotient by 12, the average annual earnings for X Corporation is $24 million. Since the projected earnings of X Corporation do not exceed by three times the annual interest to be paid or incurred (they exceed by only 2.4 times), one of the circumstances described in section 279(b)(4) is present.

Example (2). On March 1, 1972, W Corporation acquires substantially all of the properties of Z Corporation in exchange for W Corporation's bonds which satisfy the tests of section 279(b) (2) and (3). W Corporation files its income tax returns on the basis of fiscal years ending June 30. Z Corporation, which was formed on September 1, 1969, is a calendar year taxpayer. The earnings and profits of W Corporation for the last 3 fiscal years ending June 30, 1972, calculated in accordance with the provisions of section 279(c)(3)(B) were $300 million, $400 million, and $380 million, respectively. The average annual earnings of W Corporation is $360 million ($1,080 million ÷ 36×12). The earnings and profits of Z Corporation calculated in accordance with the provisions of section 279(c)(3)(B) were $4 million for the period of September 1, 1969 to December 31, 1969, $10 million and $14 million for the calendar years of 1970 and 1971, respectively, and $2 million for the period of January 1, 1972, through February 29, 1972, or a total of $30 million. To arrive at the average annual earnings, the sum of the earnings and profits,

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$30 million, must be divided by 30 (the number of whole calendar months that Z Corporation was in existence during W Corporation's 3-year period ending with the day prior to the date substantially all the assets were acquired) and the quotient is multiplied by 12, which results in an average annual earnings of $12 million ($30 million ÷ 30 × 12) for Z Corporation. The combined average annual earnings of W Corporation and Z Corporation is $372 million. The interest for the fiscal year ending June 30, 1973, to be paid or incurred by W Corporation on its outstanding indebtedness as of June 30, 1972, is $110 million. Since the projected earnings exceed the annual interest to be paid or incurred by more than three times, the obligation will not be corporate acquisition indebtedness, unless the issuing corporation's debt to equity ratio exceeds 2 to 1.

(f) *Ratio of debt to equity*—(1) *In general.* The condition described in section 279(b)(4)(A) is present if the ratio of debt to equity of the issuing corporation exceeds 2 to 1. Under section 279(c)(2), the term "ratio of debt to equity" means the ratio which the total indebtedness of the issuing corporation bears to the sum of its money and all its other assets (in an amount equal to adjusted basis for determining gain) less such total indebtedness. For the meaning of the term "indebtedness", see paragraph (e)(1) of this section. See section 279(g) and § 1.279–6 for rules with respect to the computation of the ratio of debt to equity in regard to an affiliated group of corporations.

(2) *Examples.* The provisions of section 279(b)(4)(A) and this paragraph may be illustrated by the following example:

Example (1). On June 1, 1971, X Corporation, which files its federal income tax returns on a calendar year basis, issues an obligation for $45 million to the shareholders of Y Corporation to provide consideration for the acquisition of all of the stock of Y Corporation. Such obligation has the characteristics of corporate acquisition indebtedness described in section 279(b) (2) and (3). The projected earnings of X Corporation and Y Corporation exceed 3 times the annual interest to be paid or incurred by those corporations and, accordingly, the condition described in section 279(b)(4)(B) is not present. Also, on December 31, 1971, X Corporation has total assets with an adjusted basis of $150 million (including the newly acquired stock of Y Corporation having a basis of $45 million) and total indebtedness of $90 million. Hence, X Corporation's equity is $60 million computed by subtracting its $90 million of total indebtedness from its $150 million of total assets. Since X Corporation's ratio of debt to equity of 1.5 to 1 ($90 million of total indebtedness over $60 million equity) does not exceed 2 to 1, the condition described in section 279(b)(4)(A) is not present. Therefore, X Corporation's obligation for $45 million is not corporate acquisition indebtedness because on December 31, 1971, neither of the conditions specified in section 279(b)(4) existed.

(g) *Special rules for banks and lending or finance companies*—(1) *Debt to equity and projected earnings.* Under section 279(c)(5), with respect to any corporation which is a bank (as defined in section 581) or is primarily engaged in a lending or finance business, the following rules are to be applied:

(i) In determining under paragraph (f) of this section the ratio of debt to equity of such corporation (or of the affiliated group of which such corporation is a member), the total indebtedness of such corporation (and the assets of such corporation) shall be reduced by an amount equal to the total indebtedness owed to such corporation which arises out of the banking business of such corporation, or out of the lending or finance business of such corporation, as the case may be;

(ii) In determining under paragraph (e) of this section the annual interest to be paid or incurred by such corporation (or by the issuing corporation and acquired corporation referred to in section 279(c)(4)(B) or by the affiliated group of corporations of which such corporation is a member), the amount of such interest (determined without regard to this subparagraph) shall be reduced by an amount which bears the same ratio to the amount of such interest as the amount of the reduction for the taxable year under subdivision (i) of this subparagraph bears to the total indebtedness of such corporation; and

(iii) In determining under section 279(c)(3)(B) the average annual earnings, the amount of the earnings and profits for the 3-year period shall be reduced by the sum of the reductions under subdivision (ii) of this subparagraph for such period.

For purposes of this paragraph, the term "lending or finance business" means a business of making loans or purchasing or discounting accounts receivable, notes, or installment obligations. Additionally, the rules stated in this paragraph regarding the application of the ratio of debt to equity, the determination of the annual interest to be paid or incurred, and the determination of the average annual earnings also apply if the bank or lending or finance company is a member of an affiliated group of corporations. However, the rules are to be applied only for purposes of determining the debt, equity, projected earnings and annual interest of the bank or lending or finance company which then are taken into account in determining the debt to equity ratio and ratio of projected earnings to annual interest to be paid or incurred by the affiliated group as a whole. Thus, these rules are to be applied to reduce the bank's or lending or finance corporation's indebtedness, annual interest to be paid or incurred, and average annual earnings which are taken into account with respect to the group, but are not to reduce the indebtedness of, annual interest to be paid or incurred by, and average annual earnings of, any corporation in the affiliated group which is not a bank or a lending or finance company. In determining whether any corporation which is a member of an affiliated group is primarily engaged in a lending or finance business, only the activities of such corporation, and not those of the whole group, are to be taken into account. See § 1.279–6 for the application of section 279 to certain affiliated groups of corporations.

(2) *Examples.* The provisions of this paragraph may be illustrated by the following examples:

Example (1). As of the close of the taxable year, X Bank has a total indebtedness of $100 million, total assets of $115 million, and $80 million is owed to X Bank by its customers. Bank X's indebtedness is $20 million ($100 million total indebtedness less $80 million owed to the X Bank by its customers) and its assets are $35 million ($115 million total assets less $80 million owed to the bank by its customers). If its annual interest to be paid or incurred is $5 million, such amount is reduced by $4 million

$$\left(\$5 \text{ million interest to be paid or incurred} \times \frac{\$80 \text{ million owed to X Bank by its customers}}{\$100 \text{ million total indebtedness.}}\right)$$

Thus, X Bank's annual interest to be paid or incurred is $1 million.

Example (2). Assume the same facts as in example (1). X Bank has earnings and profits of $23 million for the 3-year period used to determine projected earnings. In computing the average annual earnings, the $23 million amount will be reduced by $12 million (three times the $4 million reduction of interest in example (1), assuming that the reduction was the same for each year). Thus X Bank's earnings and profits for such 3-year period are $11 million ($23 million total earnings and profits less $12 million reduction).

(h) *Statement to be attached to return.* In any case where any corporation claims a deduction in excess of $5 million for interest paid or incurred during the taxable year on obligations issued to provide consideration for acquisitions described in section 279(b)(1) of stock in, or assets of, an acquired corporation, the corporation shall attach to its return for such taxable year a statement which includes the particular provisions of section 279 and, in sufficient detail, the facts establishing that such obligations were not corporate acquisition indebtedness, or that the amount of the deduction for interest on its corporate acquisition indebtedness did not exceed the amount of interest which may be deducted on such obligations under section 279(a).

§ 1.279–6 Application of section 279 to certain affiliated groups.

(a) *In general.* Under section 279(g), in any case in which the issuing corporation is a member of an affiliated group, the application of section 279 shall be determined by treating all of the members of the affiliated group in the aggregate as the issuing corporation, except that the ratio of debt to equity of, projected earnings of, and the annual interest to be paid or incurred by any corporation (other than the issuing corporation determined without regard to this paragraph) shall be included in the determinations required under section 279(b)(4) as of any day only if such corporation is a member of the affiliated group on such day, and, in determining projected earnings of such corporation under section 279(c)(3), there shall be

taken into account only the earnings and profits of such corporation for the period during which it was a member of the affiliated group. The total amount of an affiliated member's assets, indebtedness, projected earnings, and interest to be paid or incurred will enter into the computation required by this section, irrespective of any minority ownership in such member.

(b) *Aggregate money and other assets.* In determining the aggregate money and all the other assets of the affiliated group, the money and all the other assets of each member of such group shall be separately computed and such separately computed amounts shall be added together, except that adjustments shall be made, as follows:

(1) There shall be eliminated from the aggregate money and all the other assets of the affiliated group intercompany receivables as of the date described in section 279(c)(1);

(2) There shall be eliminated from the total assets of the affiliated group any amount which represents stock ownership in any member of such group;

(3) In any case where gain or loss is not recognized on transactions between members of an affiliated group under paragraph (d)(3) of this section, the basis of any asset involved in such transaction shall be the transferor's basis;

(4) The basis of property received in a transaction to which § 1.1502–31(b) applies shall be the basis of such property determined under such section; and

(5) There shall be eliminated from the money and all the other assets of the affiliated group any other amount which, if included, would result in a duplication of amounts in the aggregate money and all the other assets of the affiliated group.

(c) *Aggregate indebtedness.* For purposes of applying section 279(c), in determining the aggregate indebtedness of an affiliated group of corporations the total indebtedness of each member of such group shall be separately determined, and such separately determined amounts shall be added together, except that there shall be eliminated from such total indebtedness as of the date described in section 279(c)(1)—

(1) The amount of intercompany accounts payable,

(2) The amount of intercompany bonds or other evidences of indebtedness, and

(3) The amount of any other indebtedness which, if included, would result in a duplication of amounts in the aggregate indebtedness of such affiliated group.

(d) *Aggregate projected earnings.* In the case of an affiliated group of corporations (whether or not such group files a consolidated return under section 1501), the aggregate projected earnings of such group shall be computed by separately determining the projected earnings of each member of such group under paragraph (d) of § 1.279–5, and then adding together such separately determined amounts, except that—

(1) A dividend (a distribution which is described in section 301(c)(1) other than a distribution described in section 243(c)(1)) distributed by one member to another member shall be eliminated, and

(2) In determining the earnings and profits of any member of an affiliated group, there shall be eliminated any amount of interest income received or accrued, and of interest expense paid or incurred, which is attributable to intercompany indebtedness,

(3) No gain or loss shall be recognized in any transaction between members of the affiliated group, and

(4) Members of an affiliated group who file a consolidated return shall not apply the provisions of § 1.1502–18 dealing with inventory adjustments in determining earnings and profits for purposes of this section.

(e) *Aggregate interest to be paid or incurred.* For purposes of section 279(c)(4), in determining the aggregate annual interest to be paid or incurred by an affiliated group of corporations, the annual interest to be paid or incurred by each member of such affiliated group shall be separately calculated under paragraph (e) of § 1.279–5, and such separately calculated amounts shall be added together, except that any amount of annual interest to be paid or incurred on any intercompany indebtedness shall be eliminated from such aggregate interest.

§ 1.279–7 Effect on other provisions.

Under section 279(j), no inference is to be drawn from any provision in section 279 and the regulations thereunder that any instrument designated as a bond, debenture, note, or certificate or other evidence of indebtedness by its issuer represents an obligation or indebtedness of such issuer in applying any other provision of this title. Thus, for example, an instrument, the interest on which is not subject to disallowance under section 279 could, under section 385 and the regulations thereunder, be found to constitute a stock interest, so that any amounts paid or payable thereon would not be deductible.

[FR Doc.73-4097 Filed 3-2-73;8:45 am]

Title 36—Parks, Forests and Memorials

CHAPTER I—NATIONAL PARK SERVICE, DEPARTMENT OF THE INTERIOR

PART 7—SPECIAL REGULATIONS, AREAS OF THE NATIONAL PARK SYSTEM

Ozark National Scenic Riverways, Missouri; Boating, Scuba Diving, Spelunking

A proposal was published at page 20562 of the FEDERAL REGISTER of September 30, 1972, to add § 7.83 to Title 36 of the Code of Federal Regulations. The effect of the proposal is to establish needed restrictions on certain visitor activities within the boundaries of the Ozark National Scenic Riverways.

Interested persons were given 30 days for submitting written comments, suggestions, or objections with respect to the proposed amendment. In addition, a public meeting was held at Eminence, Mo., on November 10, 1972 to receive public comments. As a result of the comments received, the proposed regulations are being adopted with the following changes: restrictions concerning vessel motor horsepower, river zoning pertaining to the use of vessels with motors, solo diving, and cave entry have been deleted pending further study. No major revisions were made in the retained portions of previously published proposal.

Accordingly, the proposed regulations are hereby adopted as set forth below. They will take effect April 4, 1973.

§ 7.83 Ozark National Scenic Riverways.

(a) *Boating.* A vessel, commonly referred to as a "jet boat" is prohibited on the Current River and the tributaries thereof and the Jacks Fork River within the boundaries of Ozark National Scenic Riverways.

(b) *Scuba Diving.* (1) Scuba diving is prohibited within all springs and spring branches on federally owned land within the boundaries of Ozark National Scenic Riverways without a written permit from the superintendent.

(2) *Permits.* The superintendent may issue written permits for scuba diving in springs within the boundaries of the Ozark National Scenic Riverways; *Provided,*

(i) That the permit applicant will be engaged in scientific or educational investigations which will have demonstrable value to the National Park Service in its management or understanding of riverways resources.

RANDALL R. POPE,
Superintendent,
Ozark National Scenic Riverways.

[FR Doc.73-4050 Filed 3-2-73;8:45 am]

CHAPTER II—FOREST SERVICE, DEPARTMENT OF AGRICULTURE

RECREATION IN NATIONAL FORESTS

Redesignation of Existing Regulations

Due to the complexity of Part 251, Land Uses, six additional parts, 290 through 295, are added to Chapter II, Title 36 of the Code of Federal Regulations. Several sections are transferred to these new parts from Part 251 and redesignated with new section numbers. These are existing regulations scattered throughout Part 251 which pertain to recreation in the National Forests. They are being redesignated for better public understanding and ease of use. There are no changes to the existing regulations.

The new parts are shown below in outline form. If a section has been transferred to one of these parts from Part 251, its former section number is also shown.

PART 290—RECREATION MANAGEMENT
[RESERVED]

PART 291—OCCUPANCY AND USE OF DEVELOPED SITES AND AREAS OF CONCENTRATED PUBLIC USE

Section		Former section No.
291.1	[Reserved]	
291.2		251.90
291.3		251.91
291.4		251.92
291.5		251.93

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Section	Former section No.
291.6	251.94
291.7	251.95
291.8	251.96
291.9	251.25a

PART 292—NATIONAL RECREATION AREAS

Section	Former section No.
292.1–292.10 [Reserved]	
292.11	251.40
292.12	251.41
292.13	251.42
292.14–292.19 [Reserved]	

PART 293—WILDERNESS—PRIMITIVE AREAS

Section	Former section No.
293.1	251.70
293.2	251.71
293.3	251.72
293.4	251.73
293.5	251.74
293.6	251.75
293.7	251.76
293.8	251.77
293.9	251.78
293.10	251.79
293.11	251.80
293.12	251.81
293.13	251.82
293.14	251.83
293.15	251.84
293.16	251.85
293.17	251.86

PART 294—SPECIAL AREAS

Section	Former section No.
294.1	251.22
294.2(a)	251.26
294.2(b)	251.27
294.2(c)	251.28
294.2(d)	251.29
294.2(e)	251.30
294.2(f)	251.31

PART 295—USE OF OFF-ROAD VEHICLES [RESERVED]

PARTS 296–299 [RESERVED]

NOTE: By order published at 30 FR 5631, April 21, 1965, such lands as are described under § 294.1, "shall continue to be managed, insofar as is not inconsistent with the Wilderness Act of September 3, 1964 (Public Law 88-577, 78 Stat. 890), under the applicable regulations * * * in effect on September 3, 1964 * * * until such time as amendments can be promulgated with specific reference to the Wilderness Act."

In accordance with the exceptions to rule making procedures in 5 U.S.C. 553 and USDA policy (36 FR 13804), it has been found and determined that advance notice and request for comments would be unnecessary.

Effective date. This redesignation takes place on March 5, 1973.

T. K. COWDEN,
Assistant Secretary of Agriculture.

FEBRUARY 22, 1973.

In 36 CFR Chapter II, Part 251 is amended and new Parts 290–299 are added as set forth below.

PART 251—LAND USES

In Part 251, §§ 251.22, 251.25a, 251.26–251.30, 251.40–251.42, 251.70–251.86, 251.90–251.96 are deleted.

PART 290—RECREATION MANAGEMENT [RESERVED]

PART 291—OCCUPANCY AND USE OF DEVELOPED SITES AND AREAS OF CONCENTRATED PUBLIC USE

Sec.
291.1 General applicability. [Reserved]
291.2 Definitions.
291.4 Sanitation.
291.5 Public behavior, preservation of public property and resources.
291.6 Audio devices.
291.7 Occupancy of developed recreation sites.
291.8 Vehicles.
291.9 Admission fees and special recreation use fees.

AUTHORITY: Sec. 1, 30 Stat. 35, as amended, 62 Stat. 100, sec. 1, 33 Stat. 628; 16 U.S.C. 551, 472, unless otherwise noted.

§ 291.1 General applicability. [Reserved]

§ 291.2 Definitions.

The following definitions shall apply to all regulations in §§ 291.2 through 291.8:

(a) The term "developed recreation sites" means all improved observation, swimming, boating, camping, and picnic sites.

(b) The word "sites" refers to recreation sites.

(c) The term "areas of concentrated public recreation use" means those areas identified by a posted map delineating its boundaries.

(d) The word "areas" refers to areas of concentrated public recreation use.

(e) The term "camping equipment" includes tent or vehicle used to accommodate the camper, the vehicles used for transport, and the associated camping paraphernalia.

§ 291.4 Sanitation.

The following acts are prohibited at developed recreation sites and posted areas of concentrated public recreation use.

(a) Failing to dispose of all garbage, including paper, cans, bottles, waste materials, and rubbish by removal from the site or area, or disposal at places provided for such disposition.

(b) Draining or dumping refuse or waste from any trailer or other vehicle except in places or receptacles provided for such uses.

(c) Cleaning fish or food, or washing clothing or articles of household use at hydrants or at water faucets located in restrooms.

(d) Polluting or contaminating water supplies or water used for human consumption.

(e) Depositing, except into receptacles provided for that purpose, any body waste in or on any portion of any comfort station or any public structure, or depositing any bottles, cans, cloths, rags, metal, wood, stone, or other damaging substance in any of the fixtures in such stations or structures.

(f) Using refuse containers or other refuse facilities for dumping household or commercial garbage or trash brought as such from private property.

§ 291.5 Public behavior, preservation of public property and resources.

The following acts are prohibited at developed recreation sites and posted areas of concentrated public recreation use.

(a) Inciting or participating in riots, or indulging in boisterous, abusive, threatening, or indecent conduct.

(b) Destroying, defacing, or removing any natural feature or plant.

(c) Destroying, injuring, defacing, removing, or disturbing in any manner any public building, sign, equipment, marker, or other structure or property.

(d) Selling or offering for sale any merchandise without the written consent of the Forest Supervisor.

(e) Distributing any handbills, or circulars, or posting, placing, or erecting any bills, notices, papers, or advertising devices or matter of any kind without the written consent of the Forest Supervisor.

(f) Discharging firearms, firecrackers, rockets, or any other fireworks.

§ 291.6 Audio devices.

The following acts are prohibited at developed recreation sites and posted areas of concentrated public recreation use.

(a) Operating or using any audio devices, including radio, television, and musical instruments, and other noise producing devices, such as electrical generator plants and equipment driven by motors or engines, in such a manner and at such times so as to disturb other persons.

(b) Operating or using public address systems, whether fixed, portable, or vehicle mounted, except when such use or operation has been approved by the Forest Supervisor in writing.

(c) Installing aerial or other special radiotelephone or television equipment unless approved by the Forest Supervisor in writing.

§ 291.7 Occupancy of developed recreation sites.

The following acts are prohibited within developed recreation sites.

(a) Occupying a site for other than primarily recreation purposes.

(b) Entering or using a site or a portion of a site closed to public use. Notices establishing closure shall be posed in such locations as will reasonably bring them to the attention of the public.

(c) Erecting or using unsightly or inappropriate structures.

(d) Occupying a site with camping equipment prohibited by the Forest Supervisor. Notices establishing limitations on the kind or type of camping equipment shall be posted in such locations as will reasonably bring them to the attention of the public.

(e) Building a fire outside of stoves, grills, fireplaces, or outside of fire rings provided for such purpose.

(f) Camping overnight in places restricted to day use only.

(g) Before departure, failing to remove their camping equipment or to clean their rubbish from the place occupied by the person or persons.

(h) Pitching tents or parking trailers or other camping equipment except in places provided for such purposes.

(i) Camping within a campground for a longer period of time than that established by the Forest Supervisor. Notices establishing limitations on the period of time persons may camp within a campground shall be posted in such locations as will reasonably bring them to the attention of the public.

(j) Leaving a camp unit unoccupied during the first night after camping equipment has been set up, or leaving unattended camping equipment for more than 24 hours thereafter, without permission of a Forest Officer. Unattended camping equipment which is not removed within the prescribed time limit is subject to impoundment in accordance with the provisions of § 261.16 of this chapter.

(k) Failing to maintain quiet in campgrounds between the hours of 10 p.m. and 6 a.m.

(l) Entering or remaining in campground closed during established night periods to persons other than those who occupy the campground for camping purposes or persons visiting those campers. Notices establishing the period of closure shall be posted in such locations as will reasonably bring them to the attention of the public.

(m) Bringing a dog, cat, or other animal into the site unless it is crated, caged, or upon a leash not longer than 6 feet, or otherwise under physical restrictive control at all times.

(n) Bringing animals, other than Seeing Eye dogs, to a developed swimming beach.

(o) Bringing saddle, pack, or draft animals into the site unless it has been developed to accommodate them and is posted accordingly.

§ 291.8 Vehicles.

The following are prohibited at developed recreation sites.

(a) Driving motor vehicles in excess of posted speeds.

(b) Driving or parking any vehicle or trailer except in places developed for this purpose.

(c) Driving any vehicle carelessly and heedlessly disregarding the rights or safety of others, or without due caution and at a speed, or in a manner, so as to endanger, or be likely to endanger, any person or property.

(d) Driving bicycles, motorbikes, and motorcycles on trails within developed recreation sites.

(e) Driving motorbikes, motorcycles, or other motor vehicles on roads in developed recreation sites for any purpose other than access into, or egress out of, the site.

(f) Operating a motor vehicle at any time without a muffler in good working order, or operating a motor vehicle in such a manner as to create excessive or unusual noise or annoying smoke, or using a muffler cutoff, bypass, or similar device.

(g) Excessively accelerating the engine of a motor vehicle or motorcycle when such vehicle is not moving or is approaching or leaving a stopping place.

§ 291.9 Admission fees and special recreation use fees.

(a) Fees will be charged for admission or entrance to designated units of national recreation areas administered by the Department of Agriculture as provided by section 4(a) of the Land and Water Conservation Fund Act of 1965, as amended. Such fees shall be established by the Chief, Forest Service, or his delegate. Admission or entrance into any designated area of a national recreation area without payment of the established fee is prohibited.

(b) Special recreation use fees will be charged for the use of sites, facilities, equipment, or services furnished at Federal expense as provided by section 4(b) of the Land and Water Conservation Fund Act of 1965, as amended. Such fees shall be established by the Chief, Forest Service, or his delegate. Use of sites, facilities, equipment or services without payment of the established special recreation use fee is prohibited.

(c) Clear notice that an admission or entrance fee or special recreation use fee has been established shall be prominently posted at each area and at appropriate locations therein and shall be included in publications distributed at such areas. Any violation of this section is punishable by a fine of not more than $100.

(Sec. 4, 86 Stat. 459)

PART 292—NATIONAL RECREATION AREAS

Subpart A—General [Reserved]

Sec.
292.1–292.10 [Reserved]

Subpart B—Whiskeytown-Shasta-Trinity National Recreation Area

Sec.
292.11 Introduction.
292.12 General provisions; procedures.
292.13 Standards.

Subpart C—Sawtooth National Recreation Area—Private Lands [Reserved]

Subpart D—Sawtooth National Recreation Area—Federal Lands [Reserved]

AUTHORITY: Sec. 1, 30 Stat. 35, as amended, 62 Stat. 100, Sec. 1, 33 Stat. 628; 16 U.S.C. 551, 472, unless otherwise noted.

Subpart A—General [Reserved]

§§ 292.1–292.10 [Reserved]

Subpart B—Whiskeytown-Shasta-Trinity National Recreation Area

§ 292.11 Introduction.

(a) Administration of the Shasta and Clair Engle-Lewiston Units will be coordinated with the other purposes of the Central Valley Project of the Bureau of Reclamation and of the recreation area as a whole so as to provide for: (1) Public outdoor recreation benefits; (2) conservation of scenic, scientific, historic, and other values contributing to public enjoyment; and (3) the management, utilization, and disposal of renewable natural resources which in the judgment of the Secretary of Agriculture will promote or is compatible with, and does not significantly impair, public recreation and conservation of scenic, scientific, historic, or other values contributing to public enjoyment.

(b) The Secretary may not acquire without consent of the owner any privately owned "improved property" or interests therein within the boundaries of these units, so long as the appropriate local zoning agency shall have in force and applicable to such property a duly adopted, valid, zoning ordinance that is approved by the Secretary. This suspension of the Secretary's authority to acquire "improved property" without the owner's consent would automatically cease: (1) If the property is made the subject of a variance or exception to any applicable zoning ordinance that does not conform to the applicable standards contained in §§ 292.11–292.13; or (2) if such property is put to any use which does not conform to any applicable zoning ordinance approved by the Secretary.

(c) "Improved property" as used in §§ 292.11–292.13, means any building or group of related buildings, the actual construction of which was begun before February 7, 1963, together with not more than three acres of land in the same ownership on which the building or group of buildings is situated, but the Secretary may exclude from such "improved property" any shore or waters, together with so much of the land adjoining such shore or waters, as he deems necessary for public access thereto.

(d) Sections 292.11–292.13 specify the standards with which local zoning ordinances for the Shasta and Clair Engle-Lewiston Units must conform if the "improved property" or unimproved property proposed for development as authorized by the Act within the boundaries of the units is to be exempt from acquisition by condemnation. The objectives of §§ 292.11–292.13 are to: (1) Prohibit new commercial or industrial uses other than those which the Secretary considers to be consistent with the purposes of the act establishing the national recreation area; (2) promote the protection and development of properties in keeping with the purposes of that Act by means of use, acreage, setback, density, height or other requirements; and (3) provide that the Secretary receive notice of any variance granted under, or any exception made to, the application of the zoning ordinance approved by him.

(e) Following promulgation of §§ 292.11–292.13 in final form, the Secretary is required to approve any zoning ordinance or any amendment to an approved zoning ordinance submitted to him which conforms to the standards contained in the regulations in effect at the time of adoption of the ordinance or amendment.

(f) Any owner of unimproved property who proposes to develop his property for service to the public may submit to the Secretary a development plan setting forth the manner in which and the time by which the property is to be developed and the use to which it is proposed to be put. If the Secretary determines that the development and the use of the property conforms to approved

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zoning ordinances, and serves the purposes of the National Recreation Area and that the property is not needed for easements and rights-of-way for access, utilities, or facilities, or for administration sites, campgrounds, or other areas needed for use by the United States for visitors, he may in his discretion issue to such owner a certification that so long as the property is developed, maintained, and used in conformity with approved zoning ordinances the Secretary's authority to acquire the property without the owner's consent is suspended.

§ 292.12 General provisions; procedures.

(a) *Approval of zoning ordinances and development plans.* (1) All validly adopted zoning ordinances and amendments thereto pertaining to the Shasta and Clair Engle-Lewiston Units may be submitted by the county of origin to the Secretary for written approval relative to their conformance with the applicable standards of §§ 292.11–292.13. Within 60 days following submission, the county will be notified of the Secretary's approval or disapproval of the zoning ordinances or amendments thereto. If more than 60 days are required, the county will be notified of the expected delay and of the additional time deemed necessary to reach a decision. The Secretary's approval shall remain effective so long as the zoning ordinances or amendments thereto remain in effect as approved.

(2) Development plans pertaining to unimproved property within the Shasta and Clair Engle-Lewiston Units may be submitted by the owner to the Secretary for determination as to whether they conform with approved zoning ordinances and whether the planned use and development would serve the Act. Within 30 days following submission of such plans the Secretary will approve or disapprove the plans or, if more than 30 days are required, will notify the applicant of the expected delay and of the additional time deemed necessary.

(b) *Amendment of ordinances.* Amendments of approved ordinances may be furnished in advance of their adoption to the Secretary for written decision as to their conformance with applicable standards of §§ 292.11–292.13.

(c) *Variances or exceptions to application of ordinances.* (1) The Secretary shall be given written notice of any variance granted under, or any exception made to, the application of a zoning ordinance or amendment thereto approved by him.

(2) The County, or private owners of improved property, may submit to the Secretary proposed variances or exceptions to the application of an approved zoning ordinance or amendment thereto for written advice as to whether the intended use will make the property subject to acquisition without the owner's consent. Within 30 days following his receipt of such a request, the Secretary will advise the interested party or parties as to his determination. If more than 30 days are required by the Secretary for such determination, he shall so notify the interested party or parties stating the additional time required and the reasons therefore.

(d) *Certification of property.* Where improvements and land use of improved property conform with approved ordinances, or with approved variances from such ordinances, certification that the Secretary's authority to acquire the property without the owner's consent is suspended may be obtained by any party in interest upon request to the Secretary. Where the development and use of unimproved property for service to the public is approved by the Secretary, certification that the authority to acquire the property without the owner's consent is suspended may be issued to the owner.

(e) *Effect of noncompliance.* Suspension of the Secretary's authority to acquire any improved property without the owner's consent will automatically cease if (1) such property is made the subject of variance or exception to any applicable zoning ordinance that does not conform to the applicable standard in the Secretary's regulation, (2) such property is put to a use which does not conform to any applicable zoning ordinance, or, as to property approved by the Secretary for development, a use which does not conform to the approved development plan or (3) the local zoning agency does not have in force a duly adopted, valid, zoning ordinance that is approved by the Secretary in accordance with the standards of §§ 292.11–292.13.

(f) *Nonconforming commercial or industrial uses.* Any existing commercial or industrial uses not in conformance with approved zoning ordinances shall be discontinued within 10 years from the date such ordinances are approved: *Provided, however,* That with the approval of the Secretary such 10-year period may be extended by the county for a prescribed period sufficient to allow the owner reasonable additional time to amortize investments made in the property before November 8, 1965.

§ 292.13 Standards.

(a) The standards set forth in §§ 292.11–292.13 shall apply to the Shasta and Clair Engle-Lewiston Units, which are defined by the boundary descriptions in the notice of the Secretary of Agriculture of July 12, 1966 (31 FR 9469), and to a strip of land outside the National Recreation Area on either side of Federal Aid Secondary Highway Numbered 1089, as more fully described in 2(a) of the act establishing the recreation area (79 Stat. 1296).

(b) New industrial or commercial uses: new industrial or commercial uses will be prohibited in any location except under the following conditions:

(1) The industrial use is such that its operation, physical structures, or waste byproducts would not have significant adverse impacts on surrounding or nearby outdoor recreation, scenic and esthetic values. Industrial uses having an adverse impact include, but are not limited to, cement production, gravel extraction operations involving more than one-fourth acre of surface, smelters, sand, gravel and aggregate processing plants, fabricating plants, pulpmills, and commercial livestock feeder yards.

(2) (i) The commercial use is for purposes of providing food, lodging, automotive or marine maintenance facilities and services to accommodate recreationists and the intended land occupancy and physical structures are such that they can be harmonized with adjacent land development and surrounding appearances in accordance with approved plans and schedules.

(ii) This standard provides for privately owned and operated businesses whose purposes and physical structures are in keeping with objectives for use and maintenance of the area's outdoor recreation resources. It precludes establishment of drive-in theaters, zoos, and similar nonconforming types of commercial entertainment.

(c) Protection of roadsides: Provisions to protect natural scenic qualities and maintain screening along public travel routes will include:

(1) Prohibition of new structural improvements or visible utility lines within a strip of land extending back not less than 150 feet from both sides of the centerline of any public road or roadway except roads within subdivisions or commercial areas. In addition to buildings, this prohibition pertains to above-ground power and telephone lines, borrow pits, gravel, or earth extraction areas, and quarries.

(2) Retention of trees and shrubs in the above-prescribed roadside strips to the full extent that is compatible with needs for public safety and road maintenance. Wholesale clearing by chemical or other means for fire control and other purposes will not be practiced under this standard.

(d) Protection of shorelines: Provisions to protect scenic qualities and reduce potentials for pollution of public reservoirs will include: Prohibition of structures within 300 feet horizontal distance from highwater lines of reservoirs other than structures the purpose of which is to service and accommodate boating or to facilitate picnicking and swimming: *Provided,* That exceptions to this standard may be made upon showing satisfactory to the Secretary that proposed structures will not conflict with scenic and antipollution considerations.

(e) Property development: Location and development of structures will conform with the following minimum standards:

(1) *Commercial development.* (i) Stores, restaurants, garages, service stations, and comparable business enterprises will be situated in centers zoned for this purpose unless they are operated as part of a resort or hotel. Commercial centers will be of sufficient size that expansion of facilities or service areas is not dependent upon use of public land.

(ii) Sites outside designated commercial centers will be used for resort development contingent upon case by case concurrence of the responsible county officials and the Secretary that such use is, in all aspects, compatible with the purposes for establishing the recreation area.

(iii) Structures for commercial purposes, inclusive of isolated resorts or motels, will not exceed two stories height at front elevation, and will be conventional architecture and will utilize colors, nonglare roofing materials, and spacing or layout that harmonizes with forested settings. Except for signs, structures designed primarily for purposes of calling attention to products or service will not be permitted.

(2) *Residential development.* (i) Locations approved for residential development will be buffered by distance, topography, or forest cover from existing or planned public use areas such as trailer parks, campgrounds, or organization sites. Separation will be sufficient to avoid conflicts resulting from intervisibility, noise, and proximity that is conducive to private property trespass.

(ii) Requirements for approval of residential areas will include: (*a*) Construction of access when main access would otherwise be limited to a road constructed by the United States primarily to service publicly owned recreation developments; (*b*) limitation of residences to single-family units situated at a density not exceeding two per acre, but any lot of less than a half-acre may be used for residential purposes if, on or before promulgation of §§ 292.11–292.13, such lot was in separate ownership or was delineated in a county-approved plat that constitutes part of a duly recorded subdivision; (*c*) use of set-backs, limitations to natural terrain, neutral exterior colors, nonglare roofing materials, and limitations of building heights fully adequate to harmonize housing development with the objective of the National Recreation Area as set forth in the act.

(3) *Signs and signing.* Only those signs may be permitted which (i) do not exceed 1 square foot in area for any residential use; (ii) do not exceed 40 square feet in area, 8 feet in length, and 15 feet maximum height from ground for any other use, including advertisement of the sale or rental of property; and (iii) which are not illuminated by any neon or flashing device. Commercial signs may be placed only on the property on which the advertised use occurs, or on the property which is advertised for sale or rental. Signs shall be subdued in appearance, harmonizing in design and color with the surroundings and shall not be attached to any tree or shrub. Nonconforming signs may continue for a period not to exceed 2 years from the date a zoning ordinance containing these limitations is adopted.

Subpart C—Sawtooth National Recreation Area—Private Lands

§§ 292.14–292.16 [Reserved]

Subpart D—Sawtooth National Recreation Area—Federal Lands

§§ 292.17–292.19 [Reserved]

PART 293—WILDERNESS—PRIMITIVE AREAS

Sec.
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AUTHORITY: Sec. 1, 30 Stat. 35, as amended, 62 Stat. 100, sec. 1, 33 Stat. 628; 16 U.S.C. 551, 472, unless otherwise noted.

§ 293.1 Definition.

National Forest Wilderness shall consist of those units of the National Wilderness Preservation System which at least 30 days before the Wilderness Act of September 3, 1964, were designated as Wilderness and Wild under Secretary of Agriculture's Regulations U–1 and U–2 (§§ 251.20, 251.21), the Boundary Waters Canoe Area as designated under Regulation U–3 (§ 294.1), and such other areas of the National Forests as may later be added to the System by act of Congress. Sections 293.1 to 293.15 apply to all National Forest units now or hereafter in the National Wilderness Preservation System, including the Boundary Waters Canoe Area, Superior National Forest, except as that area is subject to § 293.16.

§ 293.2 Objectives.

Except as otherwise provided in the regulations in this part, National Forest Wilderness shall be so administered as to meet the public purposes of recreational, scenic, scientific, educational, conservation, and historical uses; and it shall also be administered for such other purposes for which it may have been established in such a manner as to preserve and protect its wilderness character. In carrying out such purposes, National Forest Wilderness resources shall be managed to promote, perpetuate, and, where necessary, restore the wilderness character of the land and its specific values of solitude, physical and mental challenge, scientific study, inspiration, and primitive recreation. To that end:

(a) Natural ecological succession will be allowed to operate freely to the extent feasible.

(b) Wilderness will be made available for human use to the optimum extent consistent with the maintenance of primitive conditions.

(c) In resolving conflicts in resource use, wilderness values will be dominant to the extent not limited by the Wilderness Act, subsequent establishing legislation, or the regulations in this part.

§ 293.3 Control of uses.

To the extent not limited by the Wilderness Act, subsequent legislation establishing a particular unit, or the regulations in this part, the Chief, Forest Service, may prescribe measures necessary to control fire, insects, and disease and measures which may be used in emergencies involving the health and safety of persons or damage to property and may require permits for, or otherwise limit or regulate, any use of National Forest land, including, but not limited to, camping, campfires, and grazing of recreation livestock.

§ 293.4 Maintenance of records.

The Chief, Forest Service, in accordance with section 3(a)(2) of the Wilderness Act, shall establish uniform procedures and standards for the maintenance and availability to the public of records pertaining to National Forest Wilderness, including maps and legal descriptions; copies of regulations governing Wilderness; and copies of public notices and reports submitted to Congress regarding pending additions, eliminations, or modifications. Copies of such information pertaining to National Forest Wilderness within their respective jurisdictions shall be available to the public in the appropriate offices of the Regional Foresters, Forest Supervisors, and Forest Rangers.

§ 293.5 Establishment, modification, or elimination.

National Forest Wilderness will be established, modified, or eliminated in accordance with the provisions of sections 3 (b), (d), and (e) of the Wilderness Act. The Chief, Forest Service, shall arrange for issuing public notices, appointing hearing officers, holding public hearings, and notifying the Governors of the States concerned and the governing board of each county in which the lands involved are located.

(a) At least 30 days' public notice shall be given of the proposed action and intent to hold a public hearing. Public notice shall include publication in the FEDERAL REGISTER and in a newspaper of general circulation in the vicinity of the land involved.

(b) Public hearings shall be held at locations convenient to the area affected. If the land involved is in more than one State, at least one hearing shall be held in each State in which a portion of the land lies.

(c) A record of the public hearing and the views submitted subsequent to public notice and prior to the close of the public hearing shall be included with any recommendations to the President and to the Congress with respect to any such action.

(d) At least 30 days before the date of the public hearing, suitable advice shall be furnished to the Governor of each State and the governing board of each county or, in Alaska, the borough

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in which the lands are located, and Federal departments and agencies concerned; and such officers or Federal agencies shall be invited to submit their views on the proposed action at the hearing or in writing by not later than 30 days following the date of the hearing. Any views submitted in response to such advice with respect to any proposed Wilderness action shall be included with any recommendations to the President and to the Congress with respect to any such action.

§ 293.6 Commercial enterprises, roads, motor vehicles, motorized equipment, motorboats, aircraft, aircraft landing facilities, airdrops, structures, and cutting of trees.

Except as provided in the Wilderness Aot, subsequent legislation establishing a particular Wilderness unit, or §§ 294.2 (b), 294.2(c), and 294.2(e), paragraphs (c) and (d) of this section, and §§ 293.7, 293.8, and 293.12 through 293.16, inclusive, and subject to existing rights, there shall be in National Forest Wilderness no commercial enterprises; no temporary or permanent roads; no aircraft landing strips; no heliports or helispots, no use of motor vehicles, motorized equipment, motorboats, or other forms of mechanical transport; no landing of aircraft; no dropping of materials, supplies, or persons from aircraft; no structures or installations; and no cutting of trees for nonwilderness purposes.

(a) "Mechanical transport," as herein used, shall include any contrivance which travels over ground, snow, or water on wheels, tracks, skids, or by floatation and is propelled by a nonliving power source contained or carried on or within the device.

(b) "Motorized equipment," as herein used, shall include any machine activated by a nonliving power source, except that small battery-powered, hand-carried devices such as flashlights, shavers, and Geiger counters are not classed as motorized equipment.

(c) The Chief, Forest Service, may authorize occupancy and use of National Forest land by officers, employees, agencies, or agents of the Federal, State, and county governments to carry out the purposes of the Wilderness Act and will prescribe conditions under which motorized equipment, mechanical transport, aircraft, aircraft landing strips, heliports, helispots, installations, or structures may be used, transported, or installed by the Forest Service and its agents and by other Federal, State, or county agencies or their agents, to meet the minimum requirements for authorized activities to protect and administer the Wilderness and its resources. The Chief may also prescribe the conditions under which such equipment, transport, aircraft, installations, or structures may be used in emergencies involving the health and safety of persons, damage to property, or other purposes.

(d) The Chief, Forest Service, may permit, subject to such restrictions as he deems desirable, the landing of aircraft and the use of motorboats at places within any Wilderness where these uses were established prior to the date the Wilderness was designated by Congress as a unit of the National Wilderness Preservation System. The Chief may also permit the maintenance of aircraft landing strips, heliports, or helispots which existed when the Wilderness was designated by Congress as a unit of the National Wilderness Preservation System.

§ 293.7 Grazing of livestock.

(a) The grazing of livestock, where such use was established before the date of legislation which includes an area in the National Wilderness Preservation System, shall be permitted to continue under the general regulations covering grazing of livestock on the National Forests and in accordance with special provisions covering grazing use in units of National Forest Wilderness which the Chief of the Forest Service may prescribe for general application in such units or may arrange to have prescribed for individual units.

(b) The Chief, Forest Service, may permit, subject to such conditions as he deems necessary, the maintenance, reconstruction, or relocation of those livestock management improvements and structures which existed within a Wilderness when it was incorporated into the National Wilderness Preservation System. Additional improvements or structures may be built when necessary to protect wilderness values.

§ 293.8 Permanent structures and commercial services.

Motels, summer homes, stores, resorts, organization camps, hunting and fishing lodges, electronic installations, and similar structures and uses are prohibited in National Forest Wilderness. The Chief, Forest Service, may permit temporary structures and commercial services within National Forest Wilderness to the extent necessary for realizing the recreational or other wilderness purposes, which may include, but are not limited to, the public services generally offered by packers, outfitters, and guides.

§ 293.9 Poisons and herbicides.

Poisons or herbicides will not be used to control wildlife, fish, insects, or plants within any Wilderness except by or under the direct supervision of the Forest Service or other agency designated by the Chief, Forest Service; however, the personal use of household-type insecticides by visitors to provide for health and sanitation is specifically excepted from this prohibition.

§ 293.10 Jurisdiction over wildlife and fish.

Nothing in the regulations in this part shall be construed as affecting the jurisdiction or responsibility of the several States with respect to wildlife and fish in the National Forests.

§ 293.11 Water rights.

Nothing in the regulations in this part constitutes an expressed or implied claim or denial on the part of the Department of Agriculture as to exemption from State water laws.

§ 293.12 Access to surrounded State and private lands.

States or persons, and their successors in interest, who own land completely surrounded by National Forest Wilderness shall be given such rights as may be necessary to assure adequate access to that land. "Adequate access" is defined as the combination of routes and modes of travel which will, as determined by the Forest Service, cause the least lasting impact on the primitive character of the land and at the same time will serve the reasonable purposes for which the State and private land is held or used. Access by routes or modes of travel not available to the general public under the regulations in this part shall be given by written authorization issued by the Forest Service. The authorization will prescribe the means and the routes of travel to and from the privately owned or State-owned land which constitute adequate access and the conditions reasonably necessary to preserve the National Forest Wilderness.

§ 293.13 Access to valid mining claims or valid occupancies.

Persons with valid mining claims or other valid occupancies wholly within National Forest Wilderness shall be permitted access to such surrounded claims or occupancies by means consistent with the preservation of National Forest Wilderness which have been or are being customarily used with respect to other such claims or occupancies surrounded by National Forest Wilderness. The Forest Service will, when appropriate, issue permits which shall prescribe the routes of travel to and from the surrounded claims or occupancies, the mode of travel, and other conditions reasonably necessary to preserve the National Forest Wilderness.

§ 293.14 Mining, mineral leases, and mineral permits.

Notwithstanding any other provisions of the regulations in this part, the U.S. mining laws and all laws pertaining to mineral leasing shall extend to each National Forest Wilderness for the period specified in the Wilderness Act or subsequent establishing legislation to the same extent they were applicable prior to the date the Wilderness was designated by Congress as a part of the National Wilderness Preservation System.

(a) Whoever hereafter locates a mining claim in National Forest Wilderness shall within 30 days thereafter file a written notice of his Post Office address and the location of that mining claim in the office of the Forest Supervisor or District Ranger having jurisdiction over the National Forest land on which the claim is located.

(b) Holders of unpatented mining claims validly established on any National Forest Wilderness prior to inclusion of such unit in the National Wilderness Preservation System shall be accorded the rights provided by the U.S. mining laws as then applicable to the National Forest land involved. Persons locating mining claims in any unit of National Forest Wilderness on or after the date on which the said unit was included in the National Wilderness Preservation System shall be accorded the rights provided by the U.S. mining laws as applicable to the National Forest land involved and subject to provisions specified in the establishing legislation. All claimants shall comply with reasonable conditions prescribed by the Chief, Forest Service, for the protection of National Forest resources in accordance with the general purposes of maintaining the National Wilderness Preservation System unimpaired for future use and enjoyment as wilderness and so as to provide for the preservation of its wilderness character; and a performance bond may be required.

(1) Prior to commencing operation or development of any mining claim, or to cutting timber thereon, mining claimants shall file written notice in the office of the Forest Supervisor or District Ranger having jurisdiction over the land involved. Unless within 20 days after such notice is given the Forest Service requires the claimant to furnish operating plans or to accept a permit governing such operations, he may commence operation, development, or timber cutting.

(2) No claimant shall construct roads across National Forest Wilderness unless authorized by the Forest Service. Application to construct a road to a mining claim shall be filed with the Forest Service and shall be accompanied by a plat showing the location of the proposed road and by a description of the type and standard of the road. The Chief, Forest Service, shall, when appropriate, authorize construction of the road as proposed or shall require such changes in location and type and standard of construction as are necessary to safeguard the National Forest resources, including wilderness values, consistent with the use of the land for mineral location, exploration, development, drilling, and production and for transmission lines, waterlines, telephone lines, and processing operations, including, where essential, the use of mechanical transport, aircraft or motorized equipment.

(3) Claimants shall cut timber on mining claims within National Forest Wilderness only for the actual development of the claim or uses reasonably incident thereto. Any severance or removal of timber, other than severance or removal to provide clearance, shall be in accordance with sound principles of forest management and in such a manner as to minimize the adverse effect on the wilderness character of the land.

(4) All claimants shall, in developing and operating their mining claims, take those reasonable measures, including settling ponds, necessary for the disposal of tailings, dumpage, and other deleterious materials or substances to prevent obstruction, pollution, excessive siltation, or deterioration of the land, streams, ponds, lakes, or springs, as may be directed by the Forest Service.

(5) On mining claims validly established prior to inclusion of the land within the National Wilderness Preservation System, claimants shall, as directed by the Forest Service and if application for patent is not pending, take all reasonable measures to remove any improvements no longer needed for mining purposes and which were installed after the land was designated by Congress as Wilderness and, by appropriate treatment, restore, as nearly as practicable, the original contour of the surface of the land which was disturbed subsequent to the date this section is adopted and which is no longer needed in performing location, exploration, drilling, and production and promote its revegetation by natural means. On such part of the claim where restoration to approximately the original contour is not feasible, restoration for such part shall provide a combination of bank slopes and contour gradient conducive to soil stabilization and revegetation by natural means.

(6) On claims validly established after the date the land was included within the National Wilderness Preservation System, claimants shall, as directed by the Forest Service, take all reasonable measures to remove improvements no longer needed for mining purposes and, by appropriate treatment, restore, as near as practicable, the original contour of the surface of the land which was disturbed and which is no longer needed in performing location and exploration, drilling and production, and to revegetate and to otherwise prevent or control accelerated soil erosion.

(c) The title to timber on patented claims validly established after the land was included within the National Wilderness Preservation System remains in the United States, subject to a right to cut and use timber for mining purposes. So much of the mature timber may be cut and used as is needed in the extraction, removal, and beneficiation of the mineral deposits, if needed timber is not otherwise reasonably available. The cutting shall comply with the requirements for sound principles of forest management as defined by the National Forest rules and regulations and set forth in stipulations issued by the Chief, Forest Service, which as a minimum incorporate the following basic principles of forest management:

(1) Harvesting operations shall be so conducted as to minimize soil movement and damage from water runoff; and

(2) Slash shall be disposed of and other precautions shall be taken to minimize damage from forest insects, disease, and fire.

(d) Mineral leases, permits, and licenses covering lands within National Forest Wilderness will contain reasonable stipulations for the protection of the wilderness character of the land consistent with the use of the land for purposes for which they are leased, permitted, or licensed. The Chief, Forest Service, shall specify the conditions to be included in such stipulations.

(e) Permits shall not be issued for the removal of mineral materials commonly known as "common varieties" under the Materials Act of July 31, 1947, as amended and supplemented (30 U.S.C. 601–604).

§ 293.15 Prospecting for minerals and other resources.

The Chief, Forest Service, shall allow any activity, including prospecting, for the purpose of gathering information about minerals or other resources in National Forest Wilderness except that any such activity for gathering information shall be carried on in a manner compatible with the preservation of the wilderness environment, and except, further, that:

(a) No person shall have any right or interest in or to any mineral deposits which may be discovered through prospecting or other information-gathering activity after the legal date on which the United States mining laws and laws pertaining to mineral leasing cease to apply to the specific Wilderness, nor shall any person after such date have any preference in applying for a mineral lease, license, or permit.

(b) No overland motor vehicle or other form of mechanical overland transport may be used in connection with prospecting for minerals or any activity for the purpose of gathering information about minerals or other resources except as authorized by the Chief, Forest Service.

(c) Any person desiring to use motorized equipment, to land aircraft, or to make substantial excavations for mineral prospecting or for other purposes shall apply in writing to the office of the Forest Supervisor or District Ranger having jurisdiction over the land involved. Excavations shall be considered "substantial" which singularly or collectively exceed 200 cubic feet within any area which can be bounded by a rectangle containing 20 surface acres. Such use or excavation may be authorized by a permit issued by the Forest Service. Such permits may provide for the protection of National Forest resources, including wilderness values, protection of the public, and restoration of disturbed areas, including the posting of performance bonds.

(d) Prospecting for water resources and the establishment of new reservoirs, water-conservation works, power projects, transmission lines, and other facilities needed in the public interest and the subsequent maintenance of such facilities, all pursuant to section 4(d)(4)(1) of the Wilderness Act, will be permitted when and as authorized by the President.

§ 293.16 Special provisions governing the Boundary Waters Canoe Area, Superior National Forest.

Subject to existing private rights, the lands now owned or hereafter acquired by the United States within the Boundary Waters Canoe Area of the Superior National Forest, Minn., as formerly designated under Reg. U–3 (§ 294.1) and incorporated into the National Wilderness Preservation System under the

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Wilderness Act of September 3, 1964, shall be administered in accordance with this regulation for the general purpose of maintaining, without unnecessary restrictions on other uses, including that of timber, the primitive character of the Area, particularly in the vicinity of lakes, streams, and portages.

(a) In the management of the timber resources of the Boundary Waters Canoe Area, two zones are established:

(1) An Interior Zone, in which there will be no commercial harvesting of timber. The boundaries of this zone are defined on an official map dated the same date as that on which this regulation is promulgated, which map shows the specific boundaries established January 12, 1965, and the boundaries of the additional area which is to be progressively added by the Chief of the Forest Service between January 12, 1965, and December 31, 1975.

(2) A Portal Zone which will include all the Boundary Waters Canoe Area not designated as Interior Zone. Timber harvesting is permitted in the Portal Zone under conditions designed to protect and maintain primitive recreational values. Timber within 400 feet of the shorelines of lakes and streams suitable for boat or canoe travel or any portage connecting such waters will be specifically excluded from harvesting, and timber harvesting operations will be designed to avoid unnecessary crossings of portages. Timber sale plans will incorporate suitable provisions for prompt and appropriate cover restoration.

(b) Except as provided in the Wilderness Act, in this section and in §§ 294.2 (b), (c) and (e), and subject to existing private rights, there shall be no commercial enterprises and no permanent roads within the Boundary Waters Canoe Area and there shall be no temporary roads, no use of motor vehicles, motorized equipment, or motorboats, no landing of aircraft, and no other form of mechanical transport.

(1) All uses that require the erection of permanent structures and all permanent structures except as herein provided, are prohibited in the Boundary Waters Canoe Area. The Chief, Forest Service, may permit temporary structures and commercial services within the Boundary Waters Canoe Area to the extent necessary for realizing the recreational or other wilderness purposes, which may include the public services generally offered by outfitters and guides.

(2) In the Portal Zone temporary roads and the use of motorized equipment and mechanical transport for the authorized travel and removal of forest products will be permitted in accordance with special conditions established by the Chief, Forest Service; but such use of the roads for other purposes is prohibited.

(3) The overland transportation of any watercraft by mechanical means, including the use of wheels, rollers, or other devices, is prohibited except that mechanical transport and necessary attendant facilities may be permitted, in accordance with special conditions established by the Chief, Forest Service, over portages along the International Boundary, including the Loon River Portage, when acquired; Beatty Portage and Prairie Portage; the other major portages into Basswood Lake; namely, Four Mile and Fall-Newton-Pipestone Bay Portages; and the Vermilion-Trout Lake Portage. Mechanical transport over Four Mile and Fall-Newton-Pipestone Bay Portages may be suspended, modified, or revoked upon acquisition by the United States of all lands on Basswood Lake, and the expiration of rights reserved in connection with the acquisition of such lands.

(4) No motor or other mechanical device capable of propelling a watercraft through water shall be transported by any means across National Forest land except over routes designated by the Chief, Forest Service, who shall cause a list and a map of all routes so designated, and any special conditions governing their use, to be maintained for public reference in the offices of the Regional Forester, the Forest Supervisor, and the Forest Rangers having jurisdiction.

(5) Except for holders of reserved rights, no watercraft, motor, mechanical device, or equipment not used in connection with a current visit may be stored on or moored to National Forest land and left unattended.

(6) No amphibious craft of any type and no watercraft designed for or used as floating living quarters shall be moored to, used on, or transported over National Forest land.

(7) The Chief, Forest Service, may permit the use of motor-driven ice and snow craft on routes over which motors may be transported, as authorized in subparagraph (4) of this paragraph; and over the Crane Lake-Little Vermilion Lake Winter Portage; and over the Saganaga Lake Winter Portage, in sections 18–19, T. 66 N., R. 4 W. The Chief shall cause a list and a map of routes over which use of ice and snow craft is permitted, and any special conditions governing their use, to be maintained for public reference in the offices of the Regional Forester, the Forest Supervisor, and the Forest Rangers having jurisdiction.

(8) In order to permit customary use of the Boundary Waters Canoe Area to continue pending a permanent solution to the change of water levels resulting from the failure of Prairie Portage Dam and notwithstanding the provisions of subparagraphs (3) and (5) of this paragraph until December 31, 1969, use of portage wheels to transport boats across the temporary portage between Moose Lake and Newfound Lake may be permitted, and permits may be issued for the storage of boats and related equipment in the vicinity of this temporary portage to the extent consistent with the operating practices of the permittees prior to the failure of Prairie Portage Dam as determined by the Forest Supervisor; and notwithstanding the provisions of subparagraph (1) of this paragraph, a structure to maintain normal water levels in Moose Lake is authorized.

(c) No permanent or semipermanent camp may be erected or used on National Forest land except as authorized in connection with a reserved right, or in the Portal Zone in connection with the harvest and removal of timber and other forest products.

(d) Public use of certain existing improvements within and adjacent to the boundaries of the Boundary Waters Canoe Area, to wit:

Road—sections 8, 9, 10, and 11, T. 61 N., R. 9 W.
Road and railroad—section 3, T. 61 N., R. 8 W.
Road and powerline—section 22, T. 64 N., R. 1 W.

is recognized and may continue, subject to general authority of the Chief, Forest Service, with respect to roads and public utility improvements, in accordance with the general purpose of maintaining without unnecessary restrictions on other uses, the primitive character of the Area.

(e) To the extent not limited by the Wilderness Act, the Chief, Forest Service, may prescribe measures necessary to control fire, insects, and disease; measures necessary to protect and administer the Area; measures which may be used in emergencies involving the health and safety of persons, or damage to property; and may require permits for, or otherwise limit or regulate, and use of National Forest land, including camping and campfires. The Chief may authorize occupancy and use of National Forest land by officers or agencies of the Federal Government, the State of Minnesota, and the Counties of St. Louis, Lake, and Cook, and will prescribe conditions under which motorized equipment, mechanical transport, or structures may be used, transported, or installed by the Forest Service and its agents and by other Federal, State, or County agencies, to meet the minimum requirements for protection and administration of the Area and its resources.

(f) Nothing in this regulation shall be construed as affecting the jurisdiction or responsibility of the State of Minnesota with respect to wildlife and fish in the National Forest.

(g) The State of Minnesota, other persons, and their successors in interest owning land completely surrounded by National Forest land shall be given such rights as may be necessary to assure adequate access to that land. Such rights may be recognized in stipulations entered into between the Forest Service and the private owner or State. Such stipulations may prescribe the means and the routes of travel to and from the privately owned or State land which constitute adequate access and any other conditions reasonably necessary for the preservation of the primitive conditions within the Boundary Waters Canoe Area.

(78 Stat. 890, 16 U.S.C. 1131–1136; 74 Stat. 215, 16 U.S.C. 528–531; 46 Stat. 1020, 16 U.S.C. 577–577c)

§ 293.17 National Forest Primitive Areas.

(a) Within those areas of National Forests classified as "Primitive" on the effective date of the Wilderness Act, September 3, 1964, there shall be no roads or other provision for motorized transportation, no commercial timber cutting, and no occupancy under special-use permit for hotels, stores, resorts, summer homes, organization camps, hunting and fishing lodges, or similar uses: *Provided*, That existing roads over National Forest lands reserved from the public domain and roads necessary for the exercise of a statutory right of ingress and egress may be allowed under appropriate conditions determined by the Chief, Forest Service.

(b) Grazing of domestic livestock, development of water storage projects which do not involve road construction, and improvements necessary for the protection of the National Forests may be permitted, subject to such restrictions as the Chief, Forest Service, deems desirable. Within Primitive Areas, when the use is for other than administrative needs of the Forest Service, use by other Federal agencies when authorized by the Chief, and in emergencies, the landing of aircraft and the use of motorboats are prohibited on National Forest land or water unless such use by aircraft or motorboats has already become well established, the use of motor vehicles is prohibited, and the use of other motorized equipment is prohibited except as authorized by the Chief. These restrictions are not intended as limitations on statutory rights of ingress and egress or of prospecting, locating, and developing mineral resources.

(78 Stat. 890, 16 U.S.C. 1131–1136; 74 Stat. 215, 16 U.S.C. 528–531)

PART 294—SPECIAL AREAS

Sec.
294.1 Recreation areas.
294.2 Navigation of aircraft within airspace reservation over certain areas of Superior National Forest in Minnesota.

AUTHORITY: Sec. 1, 30 Stat. 35, as amended, 62 Stat. 100, sec. 1, 33 Stat. 628; 16 U.S.C. 551, 472, unless otherwise noted.

§ 294.1 Recreation areas.

Suitable areas of national forest land, other than wilderness or wild areas, which should be managed principally for recreation use may be given special classification as follows:

(a) Areas which should be managed principally for recreation use substantially in their natural condition and on which, in the discretion of the officer making the classification, certain other uses may or may not be permitted may be approved and classified by the Chief of the Forest Service or by such officers as he may designate if the particular area is less than 100,000 acres. Areas of 100,000 acres or more will be approved and classified by the Secretary of Agriculture.

(b) Areas which should be managed for public recreation requiring development and substantial improvements may be given special classification as public recreation areas. Areas in single tracts of not more than 160 acres may be approved and classified by the Chief of the Forest Service or by such officers as he may designate. Areas in excess of 160 acres will be classified by the Secretary of Agriculture. Classification hereunder may include areas used or selected to be used for the development and maintenance as camp grounds, picnic grounds, organization camps, resorts, public service sites (such as for restaurants, filling stations, stores, horse and boat liveries, garages, and similar types of public service accommodations), bathing beaches, winter sports areas, lodges, and similar facilities and appurtenant structures needed by the public to enjoy the recreation resources of the national forests. The boundaries of all areas so classified shall be clearly marked on the ground and notices of such classification shall be posted at conspicuous places thereon. Areas classified under this section shall thereby be set apart and reserved for public recreation use and such classification shall constitute a formal closing of the area to any use or occupancy inconsistent with the classification.

§ 294.2 Navigation of aircraft within airspace reservation over certain areas of Superior National Forest in Minnesota.

(a) *Description of areas.* Sections 294.2(b) to 294.2(f), inclusive, apply to those areas of land and water in the Counties of Cook, Lake, and St. Louis, State of Minnesota, within the exterior boundaries of the Superior National Forest, which have heretofore been designated by the Secretary of Agriculture as the Superior Roadless Area, the Little Indian Sioux Roadless Area, and the Caribou Roadless Area, respectively, and to the airspace over said areas and below the altitude of 4,000 feet above sea level. Said areas are more particularly described in the Executive order setting apart said airspace as an airspace reservation (E.O. 10092, Dec. 17, 1949; 3 CFR 1949 Supp.). Copies of said Executive order may be obtained on request from the Forest Supervisor, Superior National Forest, Duluth, Minnesota (hereinafter called "Forest Supervisor").

(b) *Emergency landing and rescue operations.* The pilot of any aircraft landing within any of said areas for reasons of emergency or for conducting rescue operations, shall inform the Forest Supervisor within seven days after the termination of the emergency or the completion of the rescue operation as to the date, place, and duration of landing, and the type and registration number of the aircraft.

(c) *Low flights.* Any person making a flight within said airspace reservation for reasons of safety or for conducting rescue operations shall inform the Forest Supervisor within seven days after the completion of the flight or the rescue operation as to the date, place, and duration of flight, and the type and registration number of the aircraft.

(d) *Permits.* Permits for the navigation of aircraft within said airspace reservation until January 1, 1952, for the purpose of direct travel to and from private lands within any of said areas will be issued by the Forest Supervisor to the pilot or owner of such lands whenever it is shown by the applicant to the satisfaction of the Forest Supervisor that air travel was a customary means of ingress to and egress from such lands prior to December 17, 1949. No person shall navigate an aircraft within said airspace reservation except as authorized by such permit or by the provisions of §§ 294.2 (b), 294.2(c), and 294.2(e). Upon request of the Forest Supervisor the reports, records, and other information as to any flights made pursuant to such permits shall be made available, *Provided*, That no such request shall be made after October 31, 1957.

(e) *Official flights.* The provisions of §§ 294.2(b), 294.2(c), and 294.2(d) will not apply to flights made for conducting or assisting in the conduct of official business of the United States, the State of Minnesota or of Cook, St. Louis or Lake County, Minnesota.

(f) *Conformity with law.* Nothing in these regulations shall be construed as permitting the operation of aircraft contrary to the provisions of the Civil Aeronautics Act of 1938 (52 Stat. 973), as amended, or any rule, regulation or order issued thereunder.

PART 295—USE OF OFF-ROAD VEHICLES [RESERVED]

PARTS 296–299 [RESERVED]

[FR Doc.73-3703 Filed 3-2-73;8:45 am]

Title 46—Shipping

CHAPTER I—COAST GUARD, DEPARTMENT OF TRANSPORTATION

[CGD 72-149R]

SUBCHAPTER B—MERCHANT MARINE OFFICERS AND SEAMEN

PART 10—LICENSING OF OFFICERS AND MOTORBOAT OPERATORS AND REGISTRATION OF STAFF OFFICERS

SUBCHAPTER T—SMALL PASSENGER VESSELS (UNDER 100 GROSS TONS)

PART 187—LICENSING

Requirements for Original Licenses

The purpose of the regulations in this document is to relax the visual acuity requirements for an original license as a deck engineer, or radio officer, or as an operator licensed under Part 10 or 187 of Title 46, Code of Federal Regulations. This change also affects the physical requirements for an endorsement as seaman because the visual acuity requirements for:

(1) An able seaman are the same as for an original license as a deck officer (46 CFR 12.05–5(b));

(2) A qualified member of the engine department are the same as for an original license as an engineer (46 CFR 12.15–5(b)); and

(3) A tankerman are the same as for an original license as an engineer, except the color vision test is the same as required for a deck officer (46 CFR 12.20–3(b)).

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These amendments were proposed in a notice of proposed rule making published in the March 1, 1972, issue of the FEDERAL REGISTER (37 FR 4292) and in the Marine Safety Council Public Hearing Agenda, dated March 27, 1972. The proposed amendments were identified as item 7 in the notice and the agenda. A supplemental notice of proposed rule making was published in the December 8, 1972, issue of the FEDERAL REGISTER (37 FR 26124) to advise the public that the relaxation of the visual acuity requirements proposed on March 1, 1972, would, by cross reference, also affect the requirements for applicants for endorsements as able seaman, qualified member of the engine department, and tankerman. The public was given 30 additional days in which to submit written comments on the original notice and the supplemental notice. Interested persons were also given the opportunity to make oral statements at the public hearing which was held on March 27, 1972, in Washington, D.C.

Nine written comments were received. Seven of these comments supported the proposal, five of which suggested even further relaxation of the requirements. One comment opposed the proposal and suggested that there should be no standards for corrected vision but a stricter standard for uncorrected vision. The final commenter requested additional information. No oral comments were made at the public hearing.

An applicant for an original license must pass a physical examination that includes an eye test. Present regulations provide a visual acuity standard and allow a relaxation by the Commandant of the standard when the circumstances of the case so warrant. Coast Guard records indicate that such relaxations have been granted.

A comparison of the Coast Guard visual acuity standards with similar standards of other Government agencies discloses that in some cases the standards for merchant marine personnel are the most stringent. Such stringency was considered necessary because:

(1) After the original merchant marine license is issued, there is no subsequent examination for visual acuity; (2) the license qualifies the holder for service at sea that is comparable to line duty in the armed services; and (3) the license authorizes service on smaller vessels where, especially in bad weather, undue reliance on eye glasses would be undesirable. However, in view of the technological advances made in navigational aids and the lack of statistics to indicate that poor vision has materially contributed to any marine casualty, some relaxation of the visual acuity requirements is justified.

Seven of the comments received approved the proposal, five of which proposed that the corrected vision requirements in the present regulations be retained. These commenters pointed out that technical advances in navigational aids have made the dependence on normal eyesight less important than in the past. In addition, the commenters agree that operators and officers have proven themselves capable of performing satisfactorily under the present requirements.

In view of the comments received, the proposid uncorrected vision requirements have been adopted but the corrected requirements of the present regulations have been retained. The present corrected vision requirements are as follows:

License	One eye	Other eye
Deck	20/20	20/40
Engineer	20/30	20/50
Motorboat operator	20/20	20/40
Radio officer	20/30	20/50

In consideration of the foregoing, Chapter I of Title 46, Code of Federal Regulations, is amended as follows:

1. By amending § 10.02–5(e) by revising subparagraph (5) and the first and second sentences of subparagraph (3) to read as follows:

§ 10.02–5 Requirements for original licenses.

* * * * * * *

(e) *Physical examination* * * *.

(3) For an original license as master, mate, or pilot, the applicant must have uncorrected vision of at least 20/100 in both eyes correctable to at least 20/20 in one eye and 20/40 in the other. * * *

* * * * * * *

(5) For an original license as engineer, the applicant must have uncorrected vision of at least 20/100 in both eyes correctable to at least 20/30 in one eye and 20/50 in the other.

* * * * * * *

2. By revising § 10.13–15(c) to read as follows:

§ 10.13–15 Physical examinations for original licenses.

* * * * * * *

(c) For an original license as radio officer, the applicant must have uncorrected vision of at least 20/100 in both eyes correctable to at least 20/30 in one eye and 20/50 in the other. An applicant for an original license who has monocular vision and has served as a radio operator on merchant vessels of the United States with such vision may be issued a license if:

(1) He complies with the sections of this part that apply to the rating he seeks; and

(2) The vision in his remaining eye is at least 20/30 uncorrected.

* * * * * * *

3. By amending § 10.20–7(a) by revising the first and second sentences of subparagraph (2) to read as follows:

§ 10.20–7 Physical examination requirements.

(a) * * *

(2) For an original license as motorboat operator, the applicant must have uncorrected vision of at least 20/100 in both eyes correctable to at least 20/20 in one eye and 20/40 in the other. * * *

* * * * * * *

4. By amending § 187.10–15 by revising the first and second sentences of paragraph (c) to read as follows:

§ 187.10–15 Physical examination.

* * * * * * *

(c) For an original license as operator the applicant must have uncorrected vision of at least 20/100 in both eyes correctable to at least 20/20 in one eye and 20/40 in the other. * * *

* * * * * * *

(R.S. 4405, as amended, R.S. 4462, R.S. 4438, as amended; sec. 3, 70 Stat. 152, sec. 12, 85 Stat. 217, sec. 6(b)(1), 80 Stat. 937; 46 U.S.C. 375, 416, 224, 390(b), 1461(e), 49 U.S.C. 1655(b)(1); 49 CFR 1.46 (b) and (o)(1))

Effective date. These amendments become effective April 4, 1973.

Dated: February 27, 1973.

C. R. BENDER,
Admiral, U.S. Coast Guard, Commandant.

[FR Doc.73-4083 Filed 3-2-73;8:45 am]

Title 47—Telecommunication

CHAPTER I—FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 18651; FCC 73-220]

PART 1—PRACTICE AND PROCEDURE

PART 73—RADIO BROADCAST SERVICES

AM Station Assignment Standards and Relationship Between AM and FM Broadcast Services

Report and order. In the matter of amendment of Part 73 of the Commission's rules, regarding AM station assignment standards and the relationship between the AM and FM broadcast services, Docket No. 18651.

1. This matter concerns the adoption of new rules to govern the assignment of standard broadcast, or "AM" facilities, both new stations and major changes in existing facilities. The proceeding was begun by notice of proposed rule making and Memorandum Opinion and Order adopted September 4, 1969, FCC 69-960, 34 FR 14384 (Sept. 13, 1969), 17 R.R. 2d 1524. Previously, in July 1968, a "freeze" had been imposed on the acceptance of applications for new AM stations and major changes, pending the formulation, proposal and adoption of rules to govern this service in the future.[1] Comments and reply comments in response to the notice were filed until early April 1970.

[1] Report and Order adopted July 18, 1968, FCC 68-739, 33 FR 10343, 13 R.R. 2d 1667. The "freeze" applied to all new and major change applications except change applications required by circumstances beyond the applicant's control (e.g., inability to continue at its present transmitter site), applications which are mutually exclusive with AM renewal applications, applications necessary to comply with international commitments, and applications for Class IV power increases where new international agreements make them possible (the latter provision was relaxed somewhat in 1969 along with the notice). The "freeze" has been waived in a few cases.

I. CONSIDERATIONS UNDERLYING THE "FREEZE" AND NOTICE PROPOSAL

2. The 1968 "freeze" Report and Order expressed in substance the following considerations: Since the adoption of new and somewhat more restrictive rules in 1964 (Docket 15084), applications have continued to flow in, and, while they do not present problems of degradation of existing service through interference (one of the important objectives of the Docket 15084 was to adopt rules under which such degradation would be minimized), stations authorized pursuant to these rules have been less than successful in improving AM service generally in two important respects: Reduction of "unserved area"[2] and provision of first local outlets in communities of significant size (while a majority of the stations being authorized as of mid 1968 were first stations, the size of places to which they were assigned was quite small, with a median population of 2,850). Also, since virtually all of the applications recently granted were for daytime-only facilities, they do nothing to improve service at night, where the really substantial unserved area exists. The Report and Order stated that this situation necessitated a study to determine whether there is still a significant national need for new AM stations or for major changes in existing stations, except in underserved areas, whether the remaining frequency space should be conserved for developing areas or to eradicate "unserved area", whether any future allocation system should view AM and FM as a single aural service, and whether the traditional "demand" basis of AM assignments is an efficient use of spectrum space. Since a continuing flood of applications would frustrate the objectives of the forthcoming rule making, on these basic questions, the "freeze" was adopted.

3. The September 1969 notice herein expressed these concepts in more concrete form. A quite restrictive rule was proposed, which would have prohibited the filing of applications for new stations unless the proposed operation would provide a first primary aural service to 25 percent of the area or population within the proposed primary service contour, and, if the application were for changed facilities, the area or population for which the station provided the only service would be increased. In determining the extent of present aural service, signals from existing FM stations of 1 mv./m. or greater would be taken into account.[3] Also, a test of FM channel availability would be included with respect to applications for new AM stations or new nighttime facilities (though not for changes in facilities on the same frequency): the AM application would not be accepted if there is available in the community an FM channel which the applicant could use and achieve substantially the same coverage of unserved area. This would include unoccupied FM channels assigned to the community in the FM Table of Assignments (§ 73.202 of the rules), unoccupied and available for use in the community because of assignment at a nearby community (§ 73.203 (b), the "10-mile" or "15-mile" rule), or susceptible of assignment in a reasonably simple rule-making proceeding involving no other changes in the Table.[4]

4. It was recognized that these very restrictive tests would sharply curtail the flow of applications, and, indeed, this was one of the express purposes of the proposal: To prevent the large-scale depletion of the limited AM spectrum space remaining until a more near optimum plan for utilizing it can be arrived at. It was emphasized (notice, para. 29) that the proposed rules "are not necessarily those which will govern the acceptance of applications for new and increased AM facilities for the indefinite future," but their adoption would give the Commission time to evaluate the over-all picture of aural development and to stimulate FM, with a further look at these developments in a few years. Meantime, we would authorize only stations clearly designed to improve service substantially.

5. The notice also emphasized certain other considerations, including the importance of stimulating FM development. It was stated that FM provides a superior service in a number of ways—full-time as opposed to the daytime-only service contemplated by the great majority of AM applications, usually a wider and more reliable service than a nighttime AM operation will provide, a service otherwise technically superior, with stereo and SCA potential—as well as being cheaper for the Commission to authorize and, except as compared to Class IV stations, cheaper for applicants to design and construct (AM directional antennas are expensive to design, evaluate, build and "prove out"). The notice also referred to the same consideration mentioned in the "freeze" Report and Order as to the relatively small contribution which current AM grants appear to be making to the improvement of aural service generally, nearly all of them representing daytime facilities with their inherent limitations, providing first or second local outlets in many cases but often only to very small communities (with most places of substantial size already having them). It was stated that while the provision of "first local outlets" is still of importance, "in our judgment it does not warrant, in itself, acceptance in the near future of applications providing no other substantial service benefit." (Notice, para. 31.) It was also pointed out that large-scale grant of applications for daytime-only facilities tends to preclude use of the channel and adjacent channels for full-time operations, which would bring service generally much more needed. With respect to increases in nighttime facilities—which have not up to now been subject to a "25 percent unserved area" test—it was stated that while these are sought on the ground that they are needed to cover expanding urban areas at night, often this is an excuse to propose facilities serving areas well removed from the station's city. (Notice, para. 19.)

6. The Notice also discussed certain subjects which the Commission hopes to explore in the course of its evaluation of the total AM picture. These included: (1) The possibility of requiring, in AM, a "preclusion showing", somewhat similar to that required with many petitions for additional FM assignments, showing what uses of the channel and adjacent channels would be precluded by the proposal, and what other assignment possibilities exist to meet such future needs and uses; and (2) the possible formulation of rules designed to cut down the tremendously burdensome and expensive work involved in the processing of AM applications, for example a rule to the effect that when one application providing certain service benefits has been accepted (e.g., one which would serve unserved area or provide a first local outlet), no other conflicting application would be accepted unless it would provide at least as great benefits. The notice also invited comments on some alternative approaches in various respects (notice, para. 33(a) to (e)): Attaching more importance to providing a second service as well as a first; possibly requiring service to only a smaller percentage of "unserved area"; provision of first or second local outlets as well as a first or second primary service, ways of avoiding intentionally inefficient proposals designed to meet the "25 percent" test simply by serving an unduly limited area; and possible exclusion of "distant" signals in determining whether an area is presently served, on the theory that service from a distant source, while it may be technically good, is not equal to a closer service in being meaningful to listeners.

II. A BRIEF HISTORY OF AM ALLOCATION RULES

7. Historically, and at present, except to the extent the "freeze" prevails, AM applications have been accepted and considered on a "demand" basis: an applicant chooses and proposes a particular

[2] The term "unserved" where used herein means area or population not receiving AM primary service, daytime or nighttime as the case may be. The term "white area", used traditionally and in the Notice to express this concept, has been confusing at times, and therefore is not used herein, "unserved area" meaning the same thing. We are retaining the traditional term "gray" to refer to area or population receiving only one primary service, since the only other likely expression, "underserved", is not sufficiently precise.

[3] The proposed rule itself would not have included in this criterion service from noncommercial educational stations, although comments on this were invited. The 25 percent "unserved area" test would relate to daytime area where the AM application is for daytime facilities, either daytime or nighttime area where the application is for a new Class IV station, and otherwise to nighttime area.

[4] Thus, the criteria involving FM actually were two separate tests: The present existence of FM service, and the availability of an unoccupied FM channel. Some commenting parties confused the two, as discussed below.

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community, frequency, power and directional or nondirectional mode of operation, and his application is evaluated on this basis. Assuming he is qualified in non-technical respects, and his application does not involve objectionable interference to other stations or receive objectionable interference to an extent prohibited by the rules, it is granted. In general, no consideration is given to other possible uses of the channel (or of adjacent channels) in the area, or to other possible frequencies, powers or directional modes which the applicant could employ and which might represent a more efficient allocation. This contrasts sharply with the approach used in assigning "commercial" FM and all television stations. In these services, channel assignments are listed in Tables of assignments (§§ 73.202 for FM and 73.606 for TV), one or more assignments being listed for these communities throughout the United States. An applicant must apply for one of these assignments, either for a station in the listed community or for an unlisted community within a short distance.[5] These assignments have been made, and must be used, on the basis of minimum mileage separations between stations on the same and adjacent channels (e.g., in "Zone I", the Northeast, 170 miles co-channel for VHF TV and 155 miles for UHF TV, 150 miles for Class B FM stations and 65 miles for Class A FM stations). These separations are based on the assumption that all stations operate with maximum facilities and, on that assumption and given interference ratios, are designed to afford stations a reasonably large interference-free coverage area. Directional antennas are not used in TV and FM as an assignment tool, although they are used by a number of stations to increase signal strength in certain directions and avoid wasting coverage in others (e.g., over water). The preengineered tables of assignments are designed both to provide for an adequate number of channels in each community and area, and a high degree of efficiency of channel usage.

8. This planned approach has two great advantages over the "demand" system: it permits the reservation of channels to meet anticipated future needs and developments rather than allowing immediate demand to determine the disposition of spectrum space; and, by assuming maximum facilities, it permits stations to increase their facilities in an orderly fashion even where they start modestly. In AM, by contrast, stations are often "squeezed in," the assignment being made possible only by a combination of minimum power and, sometimes, a rather elaborate directional antenna intended to minimize interference to other stations; this presents problems when the station later wishes to increase its facilities. On the other hand, the AM approach obviously has a great deal more flexibility, and probably permits assignments in more places than are possible under the other system.

9. *Changes adopted in 1964 for AM assignments.* Prior to 1964, AM assignments were made on the basis of "normally protected" contours; an applicant's proposal would be accepted and considered even if it involved some "objectionable interference," as defined in the rules, to existing stations, and if that was the case, a hearing was normally required in which the service gains and the interference detriment could be weighed (§ 73.24(b) which still applies to applications which were filed before the adoption of the new rules). The rules (§ 73.28(d), adopted in 1954 to replace and modify the earlier engineering standards),[6] also provided a test to insure that an operation would either be a reasonably efficient one or one providing a significant service benefit: The so-called "10-percent rule," to the effect that a proposal must either provide interference-free service to at least 90 percent of the population within its normally protected contour, or, for nighttime operation, that the station must either be a first local nighttime AM outlet or provide a first primary service to 25 percent of the area within its interference-free contour.

10. Following a "freeze" adopted in May 1962, the Commission in 1963 proposed tighter rules to govern the consideration of new and increased AM facilities (Docket 15084). These were adopted pretty much as proposed, in July 1964. The chief changes involved were three: (1) The previous concept of a "normally protected contour," which could be invaded by a proposed new or increased operation if the gain would outweigh the loss, was replaced by a strict "go-no-go" principle, embodied in § 73.37, making the application unacceptable if it would cause interference to other stations within their protected contours; (2) the test as to "interference received" was also made "go-no-go" and tightened somewhat as compared to the "10-percent rule" mentioned; a proposed station must not receive any interference within their protected contours, unless it was either a first local outlet (in a community outside an urbanized area, or of 25,000 or more population within an urbanized area), or would provide a first primary service to 25 percent of the area within the interference-free contour, in which case interference might be received up to the 1 mv./m. contour; and (3) the 25 percent "unserved area" test was made an absolute condition to the acceptance of any application for new nighttime facilities (a new full-time station or a daytimer seeking full-time operation), though not for increases in such facilities.[7]

11. Probably the chief purpose of the 1964 rules was to prevent the deterioration of existing service through a series of grants of applications involving some interference to existing stations, each in itself small but cumulatively significant. As noted in the 1968 "freeze" Report and Order mentioned above, in this respect the new rules have been successful, although in other respects perhaps less so. The imposition of a "25 percent unserved area" requirement as an absolute criterion for new nighttime facilities was a recognition of the fact that any new nighttime operation is a source of interference to other cochannel stations over long distances, even though under the "R.S.S." method of computation, applying the "50 percent exclusion" rule, it may not be counted as objectionable interference.[8] Therefore, it was believed, rather than tighten the interference-computation rules to a point where virtually no additional facilities could be sought, it would be better to leave the computation rules as they are, and, instead, provide that, to justify the small incremental interference, a really substantial benefit be provided by the new proposal.

12. *The "clear channel freezes."* Another aspect of recent AM history, referred to by a number of commenting parties, is the "freeze" on the 25 I–A and some other channels, which has existed in one form or another since 1946. Section 73.25(a) presently in effect imposes a "freeze" to these channels, which have the 25 dominant I–A stations, plus 12 authorized full-time stations in the conterminous 48 States (10 II–A stations plus one at San Diego and one at Albuquerque), and 57 daytime-only or limited-time secondary stations, all authorized before 1946 (there are also some secondary stations in Alaska, Hawaii, and Puerto Rico on these channels). Also partially "frozen," in order to protect future allocation possibilities on the I–A channels, are 26 other channels adjacent to I–A frequencies.[9]

13. The "II–A" assignments mentioned in the last paragraph represent the one departure, in the AM field, from the "demand" principle. They date from the clear-channel decision of 1961 (in Docket 6741), in which the Commission "broke down" 13 of the I–A channels, to a limited extent, providing for one additional full-time assignment on each. Two of these were existing stations in San Diego, Calif., and Anchorage, Alaska; 11 others were for new Class II–A assignments specified in § 73.21 of the rules, to be used in a specified State or group of States (one in the Plains States and 10 in the West). All but one of these, the 890 kHz assignment in Utah, have now been authorized.

14. It should also be noted that liberal assignment principles for Alaska were adopted at the time of the notice herein; these have apparently worked well and no comments on the subject were filed in this proceeding. At the same time as the notice, the "freeze" was also lifted to permit the filing of power increase applications by the few Class IV stations not now having maximum power; this is discussed below.

III. Comments Filed in This Proceeding

15. Some 94 parties filed formal comments herein (counting individually about a dozen parties joining in certain comments). There were also some informal letters received. (Commenting parties are listed in Appendix B hereto.[11]) Of the parties filing formally, nearly all opposed the notice proposal partly or entirely; the closest to total support came from Clear Channel Broadcasting Service (CCBS), a group of 12 Class I–A licensees, as discussed below. There was particular opposition from licensees, engineers, and others, to the restrictions proposed on modifications of existing facilities (or "improvements").[12] Some parties, such as Association on Broadcasting Standards, Inc. (ABS, a full-time station group) took the position that the tight restrictions proposed for new stations are justified, but not those on increases in facilities. More than half of the comments dealt entirely, or largely, with the proposed restrictions on improvements in facilities. To a large extent, some of these parties' objections have been met by a subsequent (1970) Commission pronouncement clarifying the type of modification applications which are considered "major" and "minor" changes (i.e., applications proposing only changes in transmitter location, or directional or nondirectional mode of operation, are normally considered "minor"); but their arguments still must be considered in connection with other types of modification which are definitely "major"; increases in power, changes in frequency, and applications by daytime-only stations for nighttime facilities.[13]

We do not attempt herein to discuss all of the comments individually; the following discussion will indicate the main lines of argument.

16. *Views of industry groups.* Six industry groups filed comments, including CCBS and ABS (mentioned above), National Association of Broadcasters (NAB), National Association of FM Broadcasters (NAFMB), Community Broadcasters Association (a group of Class IV stations), and the Association of Federal Communications Consulting Engineers (APCCE). As indicated above, CCBS was the closest of all parties to supporting the notice proposal entirely. It favored the proposed restrictions particularly as to new stations, as avoiding further overcrowding of the AM band and encouraging FM, which, now that FM set circulation is large, should definitely be included in any "unserved area" determination and should be relied on to fill the need for additional stations. It is also urged that the Commission take steps to "clear" as many as 40 AM channels for higher power Class I operations, or national and regional stations, by reallocating stations engaged primarily in local broadcasting to the FM band.[14] CCBS also asserts that the "25 percent" standard should be tightened to require that 25 percent of the area and population be "unserved," citing in this connection the case of some of the II–A stations authorized, which serve large areas but small populations having no other nighttime primary service. CCBS also opposed any idea that, in making "unserved area" determination, distant signals should be ignored; it asserted that any mileage test of this sort would be arbitrary and its Class I members feel obligated to, and do, render truly meaningful service to rural areas many miles away from their locations. CCBS also renews its oft-made plea for "higher power" for the I–A stations, at least on an experimental basis, urging that skywave service is really the only way to provide good AM service to the present "unserved areas" in substantial amount, and that the present 50 kw. level is not sufficient to do so, in view of increasing man-made noise, interference from Latin American stations, and the poor selectivity of present transistor radios.

17. ABS agreed with the notice's view as to the desirability of restricting new facilities to those substantially serving "unserved area," saying that in this respect an "unrestricted demand" system is not justifiable, since it inevitably leads to a concentration of stations in and around large cities where there is a high level of economic support (often in "suburban" communities because of the more or less automatic "307(b)" preference which such stations receive despite the many outside signals available, and even though such proposals often present problems as to whether they are really not for large-city stations in fact if not in name). Thus, any AM stations to be permitted from now on should provide service where it is needed. Thus, it supported generally, for new stations, the "25 percent" standard. On the other hand, ABS vigorously opposed the restriction proposed on improvements in facilities, asserting that this would prevent stations making changes necessary to adequately serve their rapidly growing metropolitan areas, and thus improve the quality of existing service (this point is discussed separately below). It is asserted that if such restrictions are adopted, AM broadcasting will sink into obsolescence.[15] ABS also raised certain specific points: (1) Where existing FM service is to be considered in relation to "unserved area," probably it should be on the basis of such service to 100 percent of the area instead of 75 percent; otherwise, some "unserved area" would still remain; (2) educational FM stations should be included in this determination, since they do render service; (3) including in the FM availability test "unassigned but assignable" channels may present serious administrative problems; (4) there should not be an exception for proposals competing with renewals, since (with other new facilities not available) this would simply encourage such activity and this is particularly bad since the new applicant could propose greater facilities whereas the existing station could not;[16] (5) any consideration of "across the board" power increases, urged by some other parties, is much too complex for consideration at this time (involving both international and domestic problems); and (6) any consideration of permitting assignments which would provide a second primary service, or a first or second local service, should be only on a waiver basis, or otherwise the whole purpose of the rule would be thwarted (it is pointed out that many, probably most, recent and pending new applications are for a first or second station in their communities. It was urged that no such blanket restrictions are justifiable and that increases should simply be subject to the usual "no interference" tests.

18. NAB's comments related entirely to the proposed restriction on facility improvements, which, it points out, in some parts of the country would completely "freeze" AM stations at their

[5] In FM, a Class A channel may be used at an unlisted community within 10 miles of the listed community and a Class B/C channel at a community within 15 miles; the distance in television is 15 miles (§§ 73.203(b) and 73.607(b)).

[6] This rule, also, still applies to applications on file before adoption of the 1964 rules.

[7] In 1968 this 25 percent test was modified to permit acceptance where a first primary service would be provided to 25 percent of the area or population to be served.

[8] See § 73.182(o).

[9] These frequencies are specified in § 1.569, adopted in 1962 following the clear-channel decision. That section lists 33 frequencies, within 3 channels of a I–A channel. However, 7 of these have in effect been unfrozen now that all of the II–A assignments except that on 890 kH/s have been authorized. The extent to which the other 26 channels are "frozen" varies with the channel; on some the restraint is very small, but on some it is quite large (e.g. 630 kc/s, to protect the "higher power" potential of both the 640 and 650 kHz I–A stations).

[10] The term "improvement" in facilities is used herein, as it was by some of the commenting parties, to include all of the types of modification mentioned in the text, both "major" and "minor": changes in transmitter site, directional or nondirectional mode of operation, power increases, changes in frequency, and new nighttime facilities for daytime stations. Another type of "change" mentioned by a few parties—change in station location (community of license)—falls into a different category, being in a sense an application for a new facilities.

[11] Filed as part of the original document.

[12] See Policy Statement Concerning Standard Broadcast Applications for Major and Minor Changes, FCC 70–260, FCC 2d, 18 R.R. 2d 1763 (Apr. 14, 1970).

[13] CCBS cites, in this connection, the views expressed in the 1964 Report on Radio Spectrum Utilization issued by the Joint Technical Advisory Committee (JTAC), to the effect that in view of the crowded condition of the AM band in the United States and elsewhere, it would be in the long-range public interest to move local broadcasting (as opposed to national and regional) to the FM band, which is better suited for it because it offers superior technical characteristics, more consistent coverage, and better interference protection.

[14] This type of argument was urged also by several other parties, to the effect that with both other communications media and AM in other nations developing rapidly, it is not appropriate to restrict improvements in U.S. AM service.

[15] A number of existing licensees made one or both of these points in their comments, particularly the second.

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present levels (e.g., North Carolina, where all but a very small part of the State receives 1 mv./m. or better FM service from existing FM stations). NAFMB,[16] as might be expected, supported the proposed inclusion of FM in the determination of what is "unserved area" and the concept that a new applicant should look first to FM, and in general treating that service as an integral part of a total aural service. It was asserted that both AM and FM are needed if the Nation is to receive adequate radio service—AM for its extensive groundwave and skywave coverage potential—and that too many substandard AM operations have been authorized (because FM has lagged) and this has hurt the development of FM. In sum, NAFMB supported the proposal as to new stations, and urged us to proceed with the type of reallocation recommended by JTAC (footnote 12, above). On the other hand, in its reply comments it expressed opposition to the proposed restrictions on improvements in existing stations, urging that effective AM service is needed, to rapidly burgeoning urban areas. This, it was said, should be looked at on a case-by-case basis.

19. The AFCCE comments opposed the idea of an "unserved area" criterion, or, indeed, any restriction beyond the overlap standards (adopted in 1964) to prevent objectionable interference, which, it stated, have worked well. It was stated that channel usage is going to be largely determined by presently existing stations in any event, so that no additional restrictions at this point are warranted. It was asserted that demand should determine what is possible, and the real needs for radio service do not really relate to "unserved area".[17] It was also urged that FM should not be taken into account, for reasons discussed separately below; and AFCCE made some specific suggestions also mentioned below. The comments of the Community Broadcasters Association related entirely to the 1-year limitation adopted in 1969 on the filing of applications by Class IV stations for power increases (only a few had not previously applied), urging that such a deadline should not be set.

20. *Other general comments.* A number of other comments generally opposing the proposal—which is claimed to represent a near-total "freeze"—were filed, which advanced among them in various forms the following views and ideas (some of which have been indicated above).[18]

21. *The great need for increased facilities.* It is urged that there is a tremendous general need to increase facilities (as noted, some of the arguments on this score, but not all, have been rendered moot by the 1970 pronouncement concerning major and minor changes). This is said to be true because of: (1) The great and rapid increase in the size of urban areas, which make more power or changed transmitter locations necessary to serve them and which will continue for a long time; (2) the unsuitability or future unavailability of present transmitter sites, because of the building up of surrounding areas (with reradiation problems), freeway construction or urban renewal, requiring relocation and, often, a power increase from the new location to continue to serve the whole urban area adequately; (3) increased manmade noise levels; (4) the need to correct antiquated directional arrays. Many parties also urge the need for nighttime service by daytime-only stations, which is discussed below in connection with three particular comments by such licensees.

22. *Nighttime interference levels have not increased and will not increase if new nighttime facilities are permitted.* One of the key concepts in the restrictions adopted by the Commission in 1964 on new nighttime authorizations was that any new nighttime operation is a source of additional interference to cochannel stations, even though—under the "50 percent exclusion" concept embodied in § 73.182(o)—it does not increase the nighttime limit of any station enough to be cognizable under the rules as "objectionable interference." Many parties, particularly engineering, argued with this idea. It was asserted that while some interference is thus added, it is minuscule and insignificant. In this connection reference was made to a study sponsored by the NAB in 1962 (prepared by George Davis), concerning interference levels on certain channels in 1960 as compared to 1940. It was found in the study that, despite a tremendously increased number of stations and virtual elimination of "unserved" and "gray" daytime area in the Southeast, the nighttime limits of many stations on these channels had increased little or none, and in some cases had been reduced as stations directionalized their nighttime operations.[19]

Attention was also called to the KWK (St. Louis) situation, where, when that license was not renewed and multiple new applicants competed for the frequency, the result was a substantial improvement in the service areas of nine cochannel stations. Some of the parties urging this point claimed that the impression of increased nighttime interference is basically a subjective, psychological one resulting from two factors: (1) With the movement to the suburbs, a listener may well now live outside of his local station's interference-free nighttime contour, and thus experience interference, whereas if he had remained in his earlier in-city location he would find no more now than formerly; and (2) tuning across the band at night today, the listener may encounter many fairly new stations, with high interference limits, in places on the dial where 30 years ago there was only silence; but the stations which were there then can still be received just as well.

23. On this basis, a number of parties urged not only that no restrictions be imposed here on nighttime authorizations, but that the "25 percent unserved area" criterion adopted in 1964 for new nighttime operations be abandoned. It was claimed that this, not any reluctance of parties to establish new nighttime facilities, is the reason why very few such proposals have been advanced in recent years; correspondingly, if the restriction were removed, needed expansion of nighttime service would result. It was also asserted that this restriction is undesirable in presenting a choice of nighttime local services and attainment of competitive equality.

24. *Emphasizing "unserved area" at the expense of other needs.* Many parties urged that the emphasis on "unserved area" embodied in the notice is both useless and wrong, pursuing an impossible objective at the expense of other needs for increased service. It was urged that: (1) There simply is not and will not be economic support in these areas for stations in any number sufficient to make a substantial dent in the "unserved area" (day or night); (2) the granting of new or increased facilities in other parts of the country, at least daytime, will not generally have any significant preclusionary effect on later facilities serving "unserved area" if and when there is any demand for them (or, at least, that this could be handled on a case-by-case basis by way of a "preclusion study"); (3) the most likely way to serve some of this "unserved area" is permitting increased facilities for existing stations, which would also tremendously improve their coverage of their own urban areas; (4) this emphasis, which includes "service" from distant sources, ignors the tremendous need for and importance of local service, a key objective of the Commission for many years under section 307(b) of the Communications Act; (5) it also ignores the importance of a choice of service—at least two, and likely more—and thus tends to preserve monopoly and diminish competition, for example in a number of cities of over 25,000 pop-

[16] The NAFMB is composed of FM broadcasters, some independent and some also licensees of companion AM stations.

[17] AFCCE used as an example Ventura County, Calif., which has had a tremendous growth in recent years, with new cities of large size, but where the availability of AM facilities is sharply limited by the numerous Los Angeles stations. It was stated that, while these stations provide it with signals and thus it is not "unserved area", it is doubtful that they can do much to meet its particular needs, since the needs of that city itself are great enough.

[18] The comments chiefly dealt with in these paragraphs are those of McKenna and Wilkinson and Robert L. Booth, Esq., communications attorneys, and the following communications engineering firms: Ralph J. Bitzer, Jules Cohen and Associates, Cohen & Dipell, Commercial Radio Equipment Co., Peter J. Guerckis (John Mullaney & Associates), Vir James, Jansky and Bailey, L. J. du Treil, Robert L. Jones, George Lohnes (Lohnes & Culver), E. Harold Munn, Silliman, Moffatt & Kowalski, Carl Smith, A. Earl Cullum & Associates, and J. G. Rountree.

[19] In the same inquiry, NBC made a study of the 1941 and 1962 limits of 3 Washington, D.C., stations, including its own WRC, computed by the 50 percent RSS exclusion method. It showed two as declining (2.8 to 2.6 mv./m. and 2.6 to 2.3 mv./m.) and WRC increasing, 3.5 to 3.6 mv./m. NBC also carried the analysis of WRC's limits out on the basis of 10 percent exclusion and found limits of 4.3 mv./m. in 1941 and 4.7 mv./m. in 1962.

ulation (outside of urban areas) having only 1 station; (6) there are other pressing needs much more likely of fulfillment, including that for adequate coverage of burgeoning urban areas and shifting populations, for local outlets in "new towns" such as Columbia, Md. (projected to have a population of over 100,000 by 1980), outlets for minority groups, and greater service generally to fulfill the specialized, localized role of modern radio.[20]

25. *The significance of FM.* While NAFMB and a few other parties supported the notice's treatment of FM, many parties vigorously opposed it. Their arguments included the following: (1) It is essentially immoral to create an "artificial shortage" in AM just to stimulate FM; rather, the people of the area involved, and applicants proposing to serve them, should have a choice as to which they wish to use; (2) FM does not need any stimulation, shown by the great increase in stations between 1962 and 1969 (nearly 60 percent) and the occupancy of all or nearly all channels in much of the country including areas around large cities; (3) FM is still not the equivalent of AM in ability to serve the public, in view of limited set circulation and particularly the absence of FM sets in automobiles during highly important "drive time"; (4) terrain problems in rough or mountainous areas which seriously limit FM service range in some cases; (5) the very limited extent to which FM channels are in fact available, in much of the country, for a potential applicant to use; (6) the utter impossibility of establishing a viable FM station in some parts of the country where its has not developed at all outside of large centers (e.g., Wyoming, with the only stations those in Casper and Cheyenne, and northern Maine); (7) FM is not cheaper than AM as the notice claimed, but in fact AM is less expensive even if it involves a simple directional array (parties gave various figures in this connection). It was urged that—with only 25 percent of assigned channels vacant as of the end of 1969, and only 13 percent east of the Mississippi—telling potential applicants to "look to FM" is largely illusory, and, also, that any concept of using "unassigned by assignable" channels in this connection is an administrative impossibility and grossly unfair to applicants, in view of the delays and problems involved in FM rule making; (8) FM and AM are and should be treated as complementary, each being used where it best serves.

26. *Whether there is an "AM shortage".* Many parties argued with the concept that there is in fact any shortage of AM spectrum space, as the notice indicated. It was claimed that, in much of the country away from urban centers, this is not true even under present assignment policies, and it is certainly not true in view of the potential for further assignments if and when the various clear channel "freezes" are lifted. For example, it is said, the 25 Class I–A channels represent nearly 25 percent of AM spectrum space, which could be made available for daytime, if not full time, stations; and the same is true of adjacent channels which are likewise partially "frozen" under § 1.569, and to some extent other channels (I–B frequencies) which were unfrozen earlier only to have the general 1962 "freeze" quickly superimposed on them. In any event, it was urged, this reservoir makes it inappropriate to impose a freeze such as that involved in the notice proposal. Rather, it was said, AM is really as available as FM, if not more so, and therefore a concept of looking to FM in order to avoid depletion of AM is basically fallacious.

27. *The Commission's role and obligation.* A number of parties claimed that the notice proposal, and sharp restrictions involved, really reflected the Commission's effort to further "administrative convenience" by simply chocking off applications. It was asserted that, while there are problems in AM processing and determination, they certainly do not warrant this approach, but, rather, efforts to deal with them as such. Some suggestions made are set forth below. It was also claimed (e.g., in the McKenna and Wilkinson comments) that these are largely of the Commission's own making, and the context of some court decisions such as Ashbacker and KOA, which have imposed substantial requirements.[21] For example, it was argued that the Commission for a long time made substandard, interference-causing AM grants as a matter of policy, and existing stations, realizing this, asserted their KOA hearing rights in every case even where the interference was minuscule, lest the grant become a precedent and also because the Commission's consideration did not take into account the cumulative effect of such impingements on a given existing station. Also, some parties urged that the assertedly erratic treatment of AM over the years—"freezes", thaws, and then "re-freezes"—created uncertainty and a pent-up demand, which resulted in the filing of numerous applications involving "chain reaction" conflicts, particularly when certain frequencies were unfrozen. In general, it was urged that the Commission cannot properly use these considerations as ground to support the near-total "freeze" contemplated by the notice, but must do the best it can to improve its procedures and seek the necessary additional staff to handle applications which reflect a genuine demand and therefore, in general, applications which reflect a genuine demand and therefore, in general a need. In this connection, two other points were also urged: (1) While the notice spoke generally of the proposal as an interim measure pending further in-depth study, there was nothing specific as to what would be studied or when, so that it must be assumed the near-total freeze would last indefinitely; (2) some parties accused the Commission of having in mind, without saying so, a form of "birth control", an idea that a given community or area simply does not need, or cannot well support, any more stations than it now has.

28. *"Foreign preemption".* A number of parties, particularly engineers, urged that any restrictions on U.S. AM assignments—beyond those necessary to avoid interference—are undesirable because foreign nations on the continent are not bound by such restrictions and will make use of the frequencies in places near the border, to the exclusion of any later United States use. It was also claimed that when the foreign use is nighttime, as it often will be, this means additional interference to U.S. stations even though it is not cognizable under the international R.S.S. rules just as it would not be domestically. This argument was one urged for repeal of the "25 percent unserved area" criterion for new nighttime assignments adopted in 1964.

29. *Use of preclusion studies.* One of the matters mentioned in the notice—not as part of the present proposal but for possible ultimate use—was a requirement of a "preclusion study", from which it could be determined what the impact from a given application proposal would be on other possible uses of the channel and adjacent channels in the general area, and what other assignment possibilities remain to meet the needs in the "preclusion area". Such a study is now required in connection with many petitions for FM rule making.

30. Some parties, e.g., Silliman, Moffat, and Kowalski, supported this as a useful and feasible concept; as mentioned above, some parties suggested it as a method of "case by case" evaluation, for example showing whether or not a proposed use would preclude an assignment which would serve "unserved area". On the other hand, at least one party (Booth) opposed it as unworkable, in view of the tremendous differences which exist in AM propagation (ground conductivity and frequency) and the many variables involved in possible directional operation.

31. *The "demand" system.* Many commenting parties praised the traditional "demand" system of AM assignments, as the basis of the country's unparalleled AM system (with its tremendous number of stations and local outlets), and urged that it be continued, although perhaps with some modifications to encourage service to "unserved areas". On the other hand, others (e.g., McKenna and Wilkinson) urged that this system be considerably modified or abandoned, for example with a table of assignments

[20] It was pointed out that rather recently (1968) the Commission found the city of Elizabeth, N.J., to be sufficiently needful of local service, despite the plethora of New York City signals, to warrant a local outlet as compared to a more distant community.

[21] Ashbacker Radio Corp. v. FCC, 326 U.S. 327 (1945); FCC v. National Broadcasting Company (KOA), 319 U.S. 239 (1943). The former established the right of co-pending mutually exclusive applicants to a full hearing against each other; the latter established the right of a station, which would receive objectionable interference, to a hearing on that issue.

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containing initially existing stations, with additions thereto as a result of rule making, just as in the FM and TV service.

32. *The concept of "waste".* It was said by some parties that the whole idea that AM spectrum is "wasted" by grants on a "demand" basis is basically wrong, for one reason because spectrum, while very much a valuable and scarce national asset, is not a "wasting" one in the sense that minerals or petroleum are. It was asserted that later shifts in station location or facilities—either voluntarily or through Commission "show cause" proceedings—are always possible. Therefore, it was said, the "waste" involved is in not permitting use of the frequencies now.

33. *Comments urging the importance of nighttime AM service.* A number of parties, many of them licensees of daytime-only stations, urged the importance of their being able to obtain nighttime facilities to better serve their communities and surrounding areas.[32] Three comments illustrate some aspects of these suggestions and possible approaches. Sea Broadcasting Corp. is the licensee of Station WVAB, the only station licensed to Virginia Beach, Va., a city which is one of the four large cities making up the Norfolk-Portsmouth Standard Metropolitan Statistical Area (SMSA), and had a 1970 census population of 172,106. WVAB is daytime-only, and the licensee urged that there is a great need for a local nighttime facility to meet the substantial particular needs of Virginia Beach, including matters such as elections, weather, and school closings, local emergencies, discussion of public issues, and provision of time for local advertisers and political candidates. It was asserted that the only full-time station generally received throughout this city, WTAR, Norfolk, simply does not meet these needs because it has 16 major communities to serve and, for example, mentioned Virginia Beach material only four times in a week of evening news programs (three of them on one evening about the same item). It was claimed that, while Virginia Beach is part of an SMSA with a larger city, the Commission should adhere to the policy applied in Monroeville Broadcasting Co., 12 FCC 2d 359 (1968), where it recognized the need of Monroeville, Pa., for an outlet despite a plethora of primary service from nearby Pittsburgh stations, finding that none of the latter showed "an above average sensitivity to the needs" of the city of Monroeville. FM was claimed not to be the answer, at least as to present needs, in view of the still much greater circulation and universality of AM. The suggestion was that the Commission adopt a rule to the effect that when a "major political unit" of over 50,000 lacks a local AM nighttime service, the "25 percent unserved area" and other technical rules should not apply if it is shown that the proposed facility would not cause interference to other stations (under the traditional nighttime standards) and that the proposed station would serve nighttime a substantial part of the population within the political unit.[33]

34. Another aspect of such situations is presented in the comments filed by Gordon A. Rogers, president of Radio KGAR, the licensee of daytime-only Station KGAR at Vancouver, Wash. Vancouver, a city of about 43,000 in southwestern Washington, in the Portland, Oreg., SMSA, has two other AM stations assigned, one full time (KISN), but, as Mr. Rogers pointed out, this station is actually located in Oregon (both studio and transmitter location) and has been the subject of Commission action because of improper identification as a Portland station (continuation of its operation is now the subject of a hearing proceeding, although not chiefly for this reason). Mr. Rogers claimed that this station really is designed to serve Portland and Oregon, and, in fact, does not serve Vancouver at all as a local outlet; and, that city and its county therefore do not have local nighttime service (no FM channel is assigned to Vancouver, nor, in view of its proximity to Portland, is such an assignment likely). Mr. Rogers vigorously opposed the notice proposal, as stifling AM development, instead urging that daytimers should be permitted to "go nighttime" if they can meet the traditional noninterference tests. It was pointed out that with Station KOIN–FM, Portland, having a very large 1 mv./m. coverage area, if FM service is taken into account as a bar to AM improvement, this would preclude AM facilities in an extremely large area in Oregon and Washington. If this is going to be the case, it was urged that KOIN should be required to give its AM facility to KGAR and take the present KGAR frequency, which has less coverage potential but would still leave KOIN with its wide-coverage FM and television facilities. It was urged that no "unserved area" test is appropriate in such cases.

35. The comments of Tri-State Broadcasting Co., licensee of daytime Station WGTA, Summerville, Ga., present another type of situation. Summerville is the county seat of Chattooga County, with populations of about 5,000 and 20,000 respectively, and WGTA is the only station in the county. No FM channel is assigned in the city or county, nor, in all probability, could an assignment be made. The only nighttime AM service in the area is from Class I Station WSB, Atlanta, which puts a 0.5 mv./m. signal, but not a 2 mv./v. signal into Summerville and thus provides primary service to the surrounding area but not to the city itself. Two Chattanooga FM stations provide predicted 1 mv./m. signals to the city and area; but it is claimed that these do not in fact provide adequate service because of rough terrain (they are respectively 32 and 44 miles distant. There is no local daily newspaper. Tri-State urged the great need of this area for local nighttime service (particularly in view of the large "three shift" work force which travels to and from work during nighttime hours), and, also, and in particular, the economic impossibility of building a directional array which would enable it to meet interference protection requirements at night with the normally permissable power level of 500 watts (regional channels). It was asserted that this (including the acquisition of a large enough site) would cost over $115,000, which is simply not justifiable in a community of this size. Therefore, Tri-State's basic request is for a rule which would permit it to operate nondirectionally with less than the minimum power, or 100.5 watts, which it could use and not raise the interference limit of co-channel stations. So operating, with a 9.73 mv./m. limit to it (a radius of about 4 miles), it would provide a primary service to some 8,221 persons, of whom 4,706 now receive no nighttime AM primary service and 3,472 receive only one, and would thus meet the "25 percent unserved area" test as modified in 1968 to include a 25 percent population criterion. It asked for a rule which would permit non-directional operation with sub-minimum power at night if the applicant shows that a directional array necessary to meet protection requirements with the regular minimum power would be either impossibly complex or economically unfeasible. It was urged that this approach would solve the problem of providing local nighttime service in many U.S. communities.

36. The "minority group" problem: Comments of Dr. Wendell Cox. The comments of Dr. Wendell Cox, D.D.S., a principal in, and general manager of black-owned full-time AM Station WCHB, Inkster, Mich., and FM Station WCHD, Detroit, related to the possible acquisition of broadcasting facilities by "minority groups"—blacks in his case—pointing out that while there are some 700 stations presenting at least some programming aimed at the black audience, there are very few black-owned stations (they include the stations mentioned, and assertedly only about seven other AM and fewer other FM stations; but the number has increased somewhat since these comments were filed in November 1969). Dr. Cox urged that rules not be adopted which would restrict the opportunity for ethnic and racial minorities to compete for additional facilities in markets where they constitute large portions of the population. He asserted that—with the disadvantaged position of the black population during the period when facilities in large markets were available, and the

[32] At least one station whose licensee made this argument, WPVL, Painesville, Ohio, has since applied for and received grant of nighttime facilities.

[33] The latter part of the proposal apparently represents the fact that a nighttime facility would not include all of Virginia Beach—which has a very large area—within its interference-free contour. Sea proposed that the Commission make this "substantial" determination on a case-by-case basis.

present impossibility of adding any new ones in most large cities—steps should be taken to make more frequencies available to such groups, rather than adopting further restrictions of the type contemplated by the notice. It was asserted that, while "militant" groups have approached this problem by renewal challenges, it should not be necessary to take something away from an existing licensee in order to achieve a minority voice, if there are other ways by which such groups can obtain new facilities. A re-shuffle of frequencies in places such as New York, it was claimed, could provide an additional channel which minority groups could seek.[34] Dr. Cox claimed that FM is not a substitute in this respect; Black taxi drivers, filling station workers, etc., are "transitor oriented" and FM sets are less available to poor black homes. Therefore, as shown by his experience with the Detroit FM station, the potential black FM audience at this time is small, even if FM channels were available in large cities, which they usually are not (and existing FM licensees, it was asserted, put prices on their existing FM stations which make purchase out of the question even for a fairly successful black group). Specifically, Dr. Cox opposed the notice proposal, urged that the Commission take steps (by re-shuffling channels) to provide at least one frequency in major markets where there is now not a black-owned or controlled station, and stated that he is not asking that channels be available only for black applicants, but that they be given an opportunity to compete for them.

37. *Suggestions advanced by the parties.* Besides general opposition to the restrictive aspects of the notice proposal, a number of parties advanced affirmative suggestions which they claim will improve aural broadcast service and the assignment process. Some of these—including the general elimination of the "25 percent unserved area" requirement for new nighttime facilities, possible use of "preclusions studies" as a basic allocation tool, the specific suggestions of the Virginia Beach and Summerville, Ga., applicants for getting nighttime facilities in their particular situations, and the suggestons of Dr. Cox concerning a voice for minority groups—have been mentioned. Others are discussed in the next few paragraphs. Some of these ideas are clearly beyond the scope of this proceeding; others could conceivably be adopted herein but in our view should be the subject of more exploration if they are to be considered at all; and still others, such as those relating to processing and procedures, do not require rule making.

38. *"Across the board" power increase.* The engineering firm of Cohen and Dippel—supported by a number of parties, particularly Class IV licensees seeking increased nighttime power—proposed an "across the board" power increase for all classes of stations. The proposal was that: (1) Class I stations could increase from 50 to 250 kw, with I–A stations directionalizing (on the "broken down" I–A channels) to protect II–A stations; and I–B stations similarly protecting co-channel I–B stanels to protect the new 1 mv./m. 50 percent contour of co-channel I–B stations (which is farther out than the present 0.5 mv./m. 50 percent contour), and Class II–A stations protecting Class I–A stations on the present 0.5 mv./m. 50 percent basis; (3) regional (Class III) stations to be permitted 25 kw (the Munn Engineering comments suggested consideration of an increase to 50 kw); and (4) Class IV stations to go to 500 watts at night with a 5/8 (0.625) wave length antenna. The latter is designed to reduce high-angle radiation, the chief source of interference to other stations within 300 miles. Studies on Class IV situations in Illinois and Tennessee, said to be typical, showed increases in interference limits of 35 percent and 12 percent, respectively, but increases in groundwave field intensity of 116 percent and 100 percent, resulting in a considerable net gain in service areas. In connection with the Class I power increase also, it was asserted that this would result in over-all improvement, improving both groundwave and skywave coverage despite increased interference. It was recognized that these changes might involve some adjacent problems in some cases, and also would often require modification of international agreements. ABS, in reply comments, urged that such changes would be very complex and should not be undertaken at the present stage of this proceeding.

39. *Treatment of I–A and adjacent channels.* A number of engineering, and other parties, suggested that the Commission take steps to make additional assignments (daytime if not full-time) on I–A channels, and wholly, or partly, lift the "freeze" on use of adjacent channels presently contained in § 1.569. On the other hand, CCBS, urging the importance of skywave service from unduplicated I–A stations, asked that steps be taken to "clear" a number of additional channels for wide-coverage operation, by moving to the FM band stations designed primarily for local coverage.

40. *Use of a table of AM assignments.* Some parties, such as McKenna and Wilkinson and Ralph Bitzer, supported the idea af a Table of Assignments for AM, which would contain initially only existing stations, with additional assignments requiring amendment of the Table through rule making.

41. *Suggestions concerning procedures and processing.* Other suggestions related to the Commission's procedures and methods used in handling and consideration of applications, in an effort to deal with the problems mentioned in the notice without the Draconian measure of a near-total "freeze". These included:

(a) *Relying on licensees to check for interference.* The AFCCE specifically, and other parties more generally, suggested that the Commission abandon the system whereby every AM application is carefully checked as to interference to existing stations, and instead, rely on the existing stations themselves for this, with the Commission staff initially only spot-checking and examining applications only where international considerations are involved. The AFCCE's suggestion was that a system (using only clerical personnel and a computer) be worked out for notifying existing stations on a monthly basis of all applications for facilities on their channels or up to 30 KHz removed, with the licensee to have the burden of objecting if interference to it would be involved. The licensee would have 60 days to file objections, with a complete engineering showing, and if objection is filed, the applicant and other parties would have 45 days to reply. The staff and the Commission would then consider the matter. If no objection is received and the application appears otherwise in order, it would automatically be granted.

(b) *Filings only by professional engineers.* The AFCCE and other engineering parties urged that applications be required to be prepared by professional engineers, as a way of insuring engineering showings of good quality, accuracy, and completeness. It was said that this requirement—under which persons of "proven ethics and expertise" would be putting their reputations "on the line"—would go far to cut down the staff and Commission problems in dealing with inferior engineering submissions. In this respect, these parties make the same arguments urged by the AFCCE in a pending petition to adopt this requirement for all of the Commission's processes which involve engineering.

(c) *Furnishing an extract of material in the application.* McKenna and Wilkinson, noting that one of the time-consuming aspects of application processing is the preparation of memoranda setting forth the important facts as to an application—not only engineering but finances, ownership, programming, etc.—suggested that applicants be required to file with their applications an extract of key information in these categories, which would shorten the time involved in presenting items for consideration at higher staff level or by the Commission.

(d) *Increased filing fees.* Silliman, Moffat, and Kowalski suggested that application filing fees might well be raised, to cover the substantial costs of AM application processing if it is to be continued on its traditional basis (as the parties generally believed it should). In 1970, of course, the Commission raised its fees, for AM and other applications, substantially compared to what they were when these comments were filed, and further increases are currently under consideration.

(e) *Use of computers.* A number of parties suggested that the Commission should make more use of computers in AM processing. The Silliman comments suggested the accumulation of information concerning AM stations in a "computer bank," which would be available

[34] These comments were accompanied by an engineering statement of E. Harold Munn, Jr., to the same effect as part of his separate engineering comments, including data as to channel spacing and the date of authorization of stations in large cities.

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to the public and also supported, at least in part, by public users.

42. *Suggested broadening of the proceeding.* Some parties, notably E. Harold Munn, Jr., urged that the scope of the proceeding should be broadened by a notice of inquiry and further notice of proposed rule making. Munn suggested that such a document might well look toward the following, in addition to further breakdown of the I–A channels already discussed:

(a) "Show cause" orders to daytime-only licensees as to why they should not be required to install nighttime facilities, in cases where it appears that they feasibly could and particularly where FM channels are not available;

(b) Steps to meet the needs of minority groups for increased ownership of facilities.

(c) Moving I–A stations out of the large cities, where they are now located, to smaller places where they could do a much better job of serving "unserved area," replacing them in the large centers by Class II or III stations.

(d) "Show Cause" orders to full-time stations which cause high nighttime limits to stations in "unserved area" portions of the country, as to why they should not be required to improve their arrays so as to reduce interference to these stations.

(e) Setting a time limit for resolution of the Clear Channel proceeding.

43. *Other suggestions.* Other suggestions made included the formation of a joint Government-industry committee to undertake a sweeping evaluation and reform of the aural broadcasting assignment structure; that the Commission urge adoption of "all channel" AM–FM receiver legislation as really the only effective way of bringing these two aural services to parity; and various fundamental changes in AM and FM technical rules (suggested in the Booth Comments).[25]

We have not mentioned specifically herein the longest comments of all, those filed by Coastal Broadcasting Co., Inc., licensee of WBEA and WBEA–FM, Ellsworth, Maine. These largely were related to that party's pending petition for breakdown of the Class I–A channel 820 kHz to provide a new Class II–A assignment in Maine. They made the same point urged by others herein as to the inadequacy of FM as a substitute for additional FM developemnt in places such as northern Maine; and of the alleged difficulty in getting coverage via FM comparable to that which a II–A station could provide.

IV. The Distribution of AM and FM Service and Facilities in the Conterminous 48 States

44. For reasons discussed below, rather than the "rules pending further study" contemplated by the Notice herein, we have decided to adopt instead, rules which are expected, with minor modifications, to govern the assignment of new and increased AM facilities for some time to come. Therefore, it is appropriate to examine the picture of aural broadcast service as it is today in the United States, both with respect to reception or the availability of a usable signal from a nearby or distant source, and as to transmission, the existence or absence of a local station, or full-time service or a choice of local service, in communities, or nearby communities. It is of course well settled that under section 307(b) of the Communications Act, the Commission's mandate to provide for a "fair, efficient, and equitable distribution of radio service" includes both of these concepts, as do the various statements of Commission allocation principles such as the Sixth Report and Order (1952) in television, and the notice of proposed rule making in Docket No. 15084 (1963), the proceeding which led to the 1964 AM rules. The discussion below relates to the 48 conterminous States; we discuss later herein the situation in Alaska, Hawaii, Puerto Rico, and the Virgin Islands, which present different considerations because of their distance from the rest of the Nation.

A. AM and FM Reception and Service

45. *Daytime AM service.* With more than 4,200 stations in the 48 States, all operating daytime, daytime AM service in the Nation is extremely widespread, and—except in the West and certain limited areas elsewhere—all but very small areas have at least one daytime primary service.[26] Daytime "gray" areas, which receive only one primary service, appear to be somewhat larger (especially in view of the extent, discussed below, to which many counties in the United States have only one station); but even here there is relatively little absence of a choice of service. As indicated in paragraph 22, above, the 1962 NAB-George Davis study showed that in the Southeast, by 1960, only 0.6 percent of that region's area had no primary service, and only 1.4 percent of the area was limited to one primary service.

46. *Nighttime primary service.* "Unserved areas", those without primary service, are substantially larger at night because of the high interference levels which prevail (limiting the service areas of those stations which operate at night). The tool usually used in evaluating this situation is a map originally prepared by CCBS in the 1940's for the Clear Channel proceeding and updated in January 1962 to reflect 1961 conditions (it is generally agreed that in overall terms, nighttime "unserved area" has not been significantly changed since). This shows some 1,726,000 square miles, or over half of the land area of the conterminous 48 States, as without nighttime "Type B" groundwave service.[27] This area in 1961 contained some 25,106,000 people.[28] The amount of "gray" area, receiving only one primary service at night, is also substantial. The unserved area includes a considerable portion of the three Pacific Coast States, the bulk of the Mountain and western portion of the Plains States, and the bulk of the south and southeast, Virginia and West Virginia, and northern New England as well as substantial portions of Michigan and Pennsylvania and parts of most other States. An important factor in the provision of service, in overall area terms, is the wide primary services areas of the Class I clear channel stations, such as those at New York, Chicago, St. Louis, Cincinnati, Des Moines, Minneapolis, New Orleans, Fort Worth, and elsewhere.[29] One factor reinforcing this pattern, as elaborated below, is that the bulk Class II and III fulltime stations are also located in or near the large cities of the country (Class IV stations also operate full time and are much more widely distributed geographically, but they have very small nighttime coverage areas principally because of the very high interference levels which result from the great many co-channel stations).

47. *Skywave (secondary) service from Class I stations.* In order to offset these limitations on nighttime primary service, reliance is placed on the skywave, or secondary, service rendered at night by Class I stations (25 I–A and 33 I–B) assigned to operate with high power and afforded a high degree of protection so that they can provide this service. Skywave service is recognized as somewhat intermittent and subject to "fading"; but it is a useful way of providing at least a modicum of service to the large "unserved areas." This service is regarded as generally useful out to about the station's 0.5 mv./m. 50-percent-skywave contour, which for a nondirectional operation is 700 to 750 miles from its transmitter. All parts of the United States receive skywave service from these Class I stations, usually from several.

48. *FM service.* FM service, from more than 2,200 stations, is likewise widespread in most of the Nation, generally excepting the areas mentioned above for daytime AM service. The FM coverage map published periodically by the NAB shows the United States as completely covered, except for very small areas, about as far west as the 98th meridian in the Plains States, and then largely a coverage void until the Pacific States are reached. However, this is based on coverage out to a station's 50 uv./m. contour, which does not always represent reliable service and is not the basis of interference protection.[30] As mentioned in paragraph 18, above, the NAB introduced a map herein showing almost complete coverage of the State of North Carolina by 1 mv./m. signals from existing North Carolina facilities. However, since North Carolina is and has long been a State of widespread FM development, this is not necessarily typical of all of the Nation. The engineering comments prepared by Peter V. Gureckis contained a similar map of all of the United States east of the Mississippi (1-mv./m. coverage of all existing stations and assuming use of unoccupied channels); it shows only a small number of "unserved areas", of which the only ones of real size are northern Maine, northern New York, upper Michigan, central West Virginia and western Virginia, and southwestern Florida. Nighttime FM is in general considerably more widespread than AM primary service. Limited FM set circulation still remains a problem, although this is improving except possibly in the important auto radio market (see the notice herein, paragraph 5).

Discussion and Decision

49. In deciding upon the nature of the rules to be adopted in this proceeding pursuant to our proposals herein, and in the light of the comments filed, we have explored in depth approaches which would be "fine-grained"—would take into detailed account the actual distribution of aural broadcast service over the country, and result in rules aimed at remedying service deficiencies, if not on a case-to-case basis, in a manner approximating it. However it soon appeared that the body of rules necessary to mount this kind of attack on the problem would be formidably complicated, and their implementation would impose a heavy administrative burden on the Commission and on licensees and applicants—all without any firm assurance that the result, as evidenced by a more equitable and efficient distribution of broadcast facilities, would be sufficiently significant to justify the attendant effort and expense.

50. Therefore, we have abandoned this approach, and are adopting comparatively simple rules in an attempt to accomplish our objective—to control the expansion of standard broadcast service in such a manner that, in the future, grants of new standard broadcast stations or changes in existing stations will be limited largely to those situations in which improvements in the existing level of aural service are clearly needed, and cannot readily be achieved by alternative means. In following this course of action, we are rejecting the suggestions of those parties who urge that we revert to an unrestricted "demand" system—that we accept and process any standard broadcast application which meets the basic technical standards, and abandon rules tailored to limit the addition of new stations to communities which we deem to have sufficient aural service. These parties tend to argue that the tremendous number of AM stations which have been assigned under this system is a demonstration of the excellence of the system, and that "demand" can be considered as a true indicator of the public need for additional broadcast service. We do not believe that effectiveness of a system of broadcast allocations can be measured solely or even primarily by the fact that it provides an open-ended avenue for the apparently unlimited expansion in the number of stations. As we have often observed, the unrestricted operation of such a system almost inevitably results in an inequitable distribution of facilities, with an undue concentration of stations in the larger communities. Nor do we believe that "demand," as evidenced by the willingness of entrepreneurs to hazard funds for the establishment or purchase of stations is a true reflector of the public need for additional broadcast service. Typically, any of the largest cities have a multitude of aural services, and it is difficult to conceive a substantial public requirement for any greater number, yet the "demand" remains, as demonstrated by the prices commanded by standard broadcast stations which change hands in those cities. Accordingly, we find no justification for jettisoning rules designed to direct the future growth of the standard broadcast service into areas where there is inadequate existing service by any reasonable standard.

51. The major rule amendments which we are adopting are embodied in a new paragraph, which, together with pertinent notes, would be added to present § 73.37 of the rules. This paragraph sets forth requirements bearing on the acceptability of applications in addition to the no overlap and noninterference showings presently required by the rule. A discussion of the positions advanced by the parties to this proceeding, and our reasons for adopting these particular rules, can be conducted most fruitfully if we here set forth the new paragraph, and examine its provisions and their implications in the light of the considerations involved.

52. Section 73.37(e) in addition to a demonstration of compliance with the requirements of paragraph (a), and, where appropriate, paragraphs (b), (c), and (d) of this section, an application for a new standard broadcast station, or for a major change (see § 1.571(a)(1)) in an authorized standard broadcast station, as a condition for its acceptance shall make satisfactory showings as indicated below for the kind of application submitted.

(1) Application for a new daytime station, or for a change in the frequency of an existing daytime station.

(i) That at least 25 percent of the area or population which would receive interference-free primary service from the proposed station does not receive such service from an authorized standard broadcast station or receive service from an authorized FM broadcast station with a signal strength of 1 mv./m., or greater, or

(ii) That no FM channel is available for use in the community designated in the application and that at least 20 percent of the area or population of the community receives less than two daytime aural services. For the purpose of this showing an aural service shall be deemed to be provided by an interference-free groundwave signal from an authorized standard broadcast station of a strength of 5 mv./m., or greater, or by an F (50,50) signal from an authorized FM broadcast station of a strength of 70 dbu (3.16 mv./m.), or greater.

(2) Application for a new unlimited time station, for a change in the frequency of an authorized unlimited time station, or for nighttime facilities by an authorized daytime station, a satisfactory showing under (i) (except for a Class IV station), and under either (ii) or (iii):

(i) That objectionable interference at night will not result to any authorized station, as determined pursuant to § 73.182(o).

(ii) That at least 25 percent of the area or population which would receive interference-free primary service at night from the proposed station does not receive such service from an authorized standard broadcast station, or service from an authorized FM broadcast station with a signal strength of 1 mv./m., or greater, or

(iii) That no FM channel is available for use in the community designated in the application, and at least 20 percent of the area or population of the community receives less than two nighttime aural services. For the purpose of this showing, an aural service shall be deemed to be provided by an interference-free groundwave signal from an authorized standard broadcast station with a strength of 5 mv./m., or greater, or by an F (50,50) signal from an authorized FM broadcast station with a strength of 70 dbu (3.16 mv./m.), or greater.

[25] These included, in FM, reducing both the bandwidth (to 100 kHz) and the adjacent-channel requirements, and, in AM, deleting the allegedly obsolete "blanketing" and second and third adjacent channel separation requirements, and liberalizing the rules concerning principal-city coverage; and exploration of "single sideband" AM operation.

[26] There are extensive "unserved areas" in the Plains and Mountain States (and the interior portions of some of the Pacific States), and smaller areas farther east, including northern New England, northern New York, upper Michigan and northern Minnesota, and possibly north central Pennsylvania. In the east and southeast there are small interstitial unserved areas, particularly where ground conductivity is low.

[27] The "Type B" groundwave nighttime service shown on the CCBS map is roughly equivalent to primary service, representing more sophisticated concepts evolved during the clear channel proceeding, whose validity the Commission recognized but whose complexity was held to make it unsuitable for ordinary application processing.

[28] The "unserved area" actually increased slightly from 1957 to 1961, but the population declined slightly. In the portion of the presunrise proceedings concerning the I–A channels (Dockets 17562 et al.), some of the Class II opponents of the I–A stations urged that the decline in population, despite an increase in area and the great population growth of the United States generally, meant that this largely rural "unserved area" was losing population so that providing it with nighttime service is a matter of smaller importance. See the report and order in Dockets 17562 et al., 16 FCC 2d 705, 715 (1969).

[29] One of the oft-mentioned aspects of this situation is that the bulk of the nighttime "unserved area" is in the west; but the bulk of the "unserved population" is in the east and southeast.

[30] Section 73.315(b) states that a signal as low as 50 uv./m. may provide service in rural areas. However, stations have never been protected against interference out to this contour; and in Commission proceedings the 1 mv./m. contour is usually the signal-intensity contour considered. Applicants are required to show the location o fthe 1 mv./m. and the 3.16 mv./m. (principal-city signal) contours.

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(3) Application by an authorized station (other than a Class IV station) proposing changes in facilities, other than a change in frequency, must make a satisfactory showing, where appropriate, under (i), and under either (ii) or (iii).

(i) For a change in nighttime facilities, that the proposed change will not result in objectionable interference to other stations as determined pursuant to § 73.182(o).

(ii) For an increase in power, either daytime or nighttime, that the authorized operation, during the portion of the broadcast day for which power increase is sought, includes less than 80 percent of the area or population of the community to which the station is assigned within its 5 mv./m. groundwave contour (or within its interference-free groundwave contour, if of a higher value), or,

(iii) For an increase in power, that at least 25 percent of the area or population which, as a result of the power increase, for the first time would receive interference-free primary service from the station, is without primary service from any other standard broadcast station.

New notes appended to § 73.37 define the circumstances controlling the availability of an FM channel, and, with respect to the determination of existing services, stipulate that signals from stations located more than 50 miles from the community for which the station is proposed will not be considered, and that co-owned FM and standard broadcast stations shall be considered as providing a single aural service. A study of the provisions of this paragraph will reveal the following additional criteria which will henceforth govern the acceptance of applications for standard broadcast stations:

(1) A showing, for a new daytime station that 25 percent of the area or population within its proposed service area is without primary service from any existing standard broadcast station, or comparable service from an FM broadcast station, and, for a new unlimited time station, that this condition exists during nighttime hours.

(2) An alternative showing that the community for which the new station is proposed receives from existing stations a degree of service which, for the purposes of this document will be referred to as "inadequate"—that the community is not substantially covered by at least two independent (not commonly owned) aural (AM or FM) services with field strengths of a level normally required to be provided by a station assigned to that community—and that an FM channel is not available to the community which might be utilized to rectify the service inadequacy. In the determination of the adequacy of existing service to the community for which the application is designed, we have further provided that signals from distant stations—that is, from stations whose transmitters are located more than 50 miles from the community—are not to be considered.

(3) Subject to the overlap and interference restrictions of § 73.37 we will accept applications from existing stations for increased power within the limits permitted the class of station involved on a showing either that at least 25 percent of the newly served population or area would receive a first primary service, or that, with existing facilities, the station does not adequately cover its community—inadequate coverage being presumed if less than 80 percent of the population or area of the community receives an interference-free signal of 5 mv./m. or greater. For an unlimited time station, this test is applied separately nighttime and daytime, and an application for such a power increase based on inadequate community coverage is accepted only for the portion of the broadcast day during which inadequate coverage is shown.

53. The Commission has found in numerous cases that coverage of a community approximating 90 percent of its area or population with a signal of required strength is in substantial compliance with the service requirements of its rules. The 80-percent figure used herein as the minimum level for adequate coverage of its community by an existing station was chosen as a figure below which service can be deemed clearly inadequate, even in the light of existing Commission policy. For a similar reason, we have used the complement of this figure, 20 percent, as the criterion to be employed by the applicant for a new station in a demonstration of the area or population of a community unserved by existing stations.

54. It will be observed that, in the provision of aural service, we are treating FM as a full and viable partner of AM, in that we both accord existing FM service equal status with AM in the determination of whether a particular community is being "adequately" served, and, where service can be shown to be inadequate, that we point to FM as the favored means for correcting this deficiency.

55. We have given full consideration to the arguments filed in opposition to our proposal to accord a major role to FM in future endeavors to improve aural broadcast service, and have concluded that it is in the overall public interest that existing and potential FM service be relied on to the extent feasible. It is quite clear that, under the allocation practices prevailing heretofore, nighttime primary service from AM broadcast stations has not improved appreciably in areas where it is most needed, and, considering the nature of the problem, is unlikely to. FM is virtually the only means by which admittedly inadequate nighttime primary service may be improved substantially; in contrast to daytime stations, which have constituted the bulk of new standard broadcast stations authorized in the recent past, each new FM station provides a new and significant nighttime service. The argument has been advanced that the typical FM station does not provide service over an area as extensive as that usually served during daytime hours by a standard broadcast station. This is certainly true if the areas within the respective 1 mv./m. and 0.5 mv./m. protected service contours of such stations are compared. However, we believe that this advantage of AM, as demonstrated in this manner, becomes of far less significance when service comparisons are made under actual operating conditions. At locations where the extent of service provided by the FM or an AM station is effectively limited to its protected contour by interference from other stations, there is usually a plethora of service from such stations, and wide area coverage by either station, in all probability, contributes little to the revenues received by the station or service needed by the public. In less densely populated areas, where stations are fewer in number and more widely separated, the effective service areas of the FM and standard broadcast stations may approach comparability, since, as is widely recognized, in the absence of interference from other stations, an FM station will provide service roughly equivalent in quality to the 0.5 mv./m. service from a standard broadcast station, out to its 50 uv./m. contour.

56. Whether or not an FM station is less expensive to install than an AM station of comparable size (in our notice, we asserted that this was the case, but several of the comments asserted this was not necessarily so, and offered typical cost data in support of this contention), the differential one way or another, does not appear so great as to influence our action in this matter. While it has been urged that there is still an insufficient number of sets capable of receiving FM signals in the hands of the public to make the AM and FM services fully comparable, we find that this situation is one that is rather rapidly being alleviated. For instance, EIA[1] shows for the year 1971, approximately 59 percent of all radios, other than those for automobiles, produced or imported, had FM capability. Admittedly, automobile radios which include FM constituted only about 19 percent of such radios produced or imported in 1971, but this percentage has risen from a figure of around 11 percent for the year 1968. Those opposing the adoption of rules according coequal status to FM have emphasized that an extremely important section of the aural market is the commuting public, and the small proportion of cars equipped to receive FM programs present a serious threat to the economic viability of FM stations. However, it should be noted that the rules which we are adopting generally favor the growth of stations in the smaller, and more isolated markets when existing aural service can be demonstrated to be less than adequate. In such markets extensive commuting to and from work may be expected to be relatively less important, both as to the number of persons involved and the average duration of the trip. It is urged

that, in such markets, FM has had little previous acceptance, and, accordingly, the percentage of FM receivers in the hands of the general public is considerably lower than the national average. This seems essentially a "chicken and egg" proposition. Until FM service is available to these communities it is probably futile to expect that listeners will undertake to provide themselves with equipment for the reception of FM programs. The most potent impetus to the growth of the number of such receivers, is the existence of satisfactory service from FM stations. We do not believe, with the general availability of suitable receivers at reasonable prices, the fact that, in a particular instance, the radio audience has had no incentive to purchase such receivers is reason to refrain from supplying that incentive. At the present time, in excess of 2,300 FM stations are on the air, more than half the number of AM stations. This FM total, furthermore, does not include in excess of 500 non-commercial educational stations. Taking all of these factors into consideration, we are convinced that FM is ready and able to assume its full share of the burden for improving aural service to the American public. Our rules recognize this fact and assign to FM the role which it merits.

57. However, the amended rules provide that the determination of the adequacy of aural service to a community from existing stations be made without the inclusion of service which may be provided by noncommercial educational standard broadcast and FM stations. Our decision on this point has been arrived at with full recognition of the importance of the service rendered by such stations. Nevertheless, we have endeavored to tailor our rules so as to make possible the provision to each community of two "competing voices." These "competing voices" will be sources, not only of two program services, but, hopefully, will present two independent viewpoints on matters of community concern. Over 60 percent of the FM educational stations in the United States are Class D 10-watt stations operated by educational institutions, both at the college and secondary school levels. These stations are operated primarily for the benefit of the student body, their effective service area is very limited, and they very often are off the air during school vacation periods. Further, many of this class of stations serve primarily as training facilities to teach students the art and science of broadcasting. For these reasons, these stations are not truly voices in the community and should not be counted as such. Although other classes of educational FM stations may actually provide adequate signals to the communities to which they are licensed, they, like the Class D station, are exempted from many of the operating requirements imposed upon commercial stations. For example, educational stations have no minimum hours of operation; they are not required to provide their community of license with a minimum required field intensity; and they are not presently required to ascertain community needs and interests and provide programing to meet such ascertained needs and interests. With respect to noncommercial educational AM stations, their numbers are so small—less than 30 out of more than 4,000 AM stations—that as a practical matter, we believe that they should also be excluded from consideration. Accordingly, for the purposes herein, we will exclude such station from consideration in an assessment of existing aural service to the community. We do this with no intention of diminishing the value of educational broadcast service, which, where it exists, provides a desirable and unique bonus in available programing.

58. The rules provide that where a prospective applicant intends to rely on a demonstration that service to a community is inadequate, he must also show that no channel is available for a new FM station serving the community. A channel assigned to the community is considered unavailable if occupied by an authorized station, whether or not the station is in actual operation. If the channel is unoccupied, but applied for in that community, it is still "available," since, whatever applicant finally gains an authorization on the channel, the station will supply service to the community. A channel is also available if it is unoccupied, and can be used in the community pursuant to § 73.203(b) of the FM rules (the 10-15-mile rule).

59. The FM Table is not "saturated" in the less populated areas, and we had considered the advisability, where no FM channel had been assigned to a community, or requiring, as a necessary condition for the acceptance of an application for an AM station in that community, a showing that it was not technically feasible to make such an assignment. However, we have decided that the complications involved in such a negative showing are not warranted, and we, accordingly, have determined upon the simpler formulation.

60. Also, it may be noted, we have not specified a preclusion showing in the acceptability criteria—that a station assigned to the proposed community will not preclude a more needed or more efficient assignment elsewhere. This kind of showing had been considered as particularly appropriate with respect to daytime stations, whose proliferation might limit opportunities for new unlimited time assignments, with their greater service potentiality. When we invited comments concerning the possible adoption of rules requiring such showings, we indicated we had rather strong reservations about their practicability, when considered with respect to AM allocations. While one or two of the parties who discussed this matter believed that preclusion studies might usefully be required, at least on a case-to-case basis, others opposed their employment under any circumstances. Upon further consideration of all facets of this matter, not only the many variables which affect AM signal propagation, but the kinds of decisions, both economic and engineering, which must be made concerning the use of directional antennas, decisions particularly within the purview of each applicant proposing such an antenna, we have concluded that such studies, while inevitably being complicated and costly, would still be unlikely, in most instances, to provide definitive "yes" or "no" answers to the preclusion question. Rather, the requirement for such showings would introduce a new element of uncertainty and complication in our application processing procedures which we can well do without.

61. As we proposed in our notice in this proceeding we are requiring a showing of service to twenty-five percent unserved area or population as an application acceptability criterion for daytime proposals, and are retaining this requirement where nighttime operation is contemplated. This requirement represents an effort to channel new AM assignments to locations where each contributes materially toward the achievement of the first of the traditional service priorities—the provision of service to all of the U.S. population. While this remains a desirable aim, long experience has demonstrated that it cannot be fully achieved under a system of broadcasting where each station must be financially self-sustaining, and accordingly, must be located where population is sufficiently concentrated to provide the necessary support. Accordingly, we have offered an alternative test, applicable to both daytime and nighttime operation, which reflects our aim toward attainment of two other important priorities, the provision of first and a second locally oriented service to each community.

62. For present purposes, these priorities are observed in modified form, in that:

(1) The contributions of two aural services, AM and FM, are considered together in the satisfaction of these priorities.

(2) Existing aural services to a community, if they are of adequate strength and are provided by stations not too distant from the community, are considered to satisfy these priorities. Traditionally, the priorities have been applied with respect to stations which are assigned to the community.

63. We have already discussed our reasons for treating AM and FM as a single service in this context. Insofar as the second point is concerned, we have remarked that while the assignment of first and second stations to each community traditionally has been an important allocations objective, that many communities are very small, and the full achievement of this objective in the limited spectrum space available is not feasible. In recent years, we have placed considerable emphasis on the obligation of each station to tailor its programs to serve the needs of all substantial population segments in its service area. Thus, if a community is served with a 5 mv./m.

[1] Consumer Electronics—1972—Annual Review—published by Consumer Electronics Group of the Electronic Industries Association.

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signal from a nearby AM station (or 3.16 mv./m. signal from an FM station) it obviously receives a technically adequate service from that station, and, we believe, could expect that station to give adequate attention, in its programs, to the purely local concerns of the community.

64. In the determination of existing service to each community, however, we have provided that service from stations whose transmitter sites are more than 50 miles from the community be excluded, on the assumption that stations at such distances from the community could not reasonably be expected to devote a substantial part of their broadcasting time to the particular needs of the community. The choice of this distance, of course, has been, to some extent, arbitrary, but we believe it is a good compromise. As the distance of a station from a particular community increases, the likelihood that the station, as a practical matter, can give a substantial degree of attention to the specific needs of the community rapidly lessens. For instance, a station delivering a 5 mv./m. signal at a distance of 10 miles has a service area which is roughly 1/25 of the service area of a station delivering a signal of comparable strength at 50 miles. The latter station obviously will have a very much greater number of separate communities within its service area, and would be much less able to concentrate on the needs of specific communities in that area, than would a station with more restricted service contours.

65. We were also concerned, in our aim to provide each community with two adequate aural services, that these services be "competing voices". Thus, for the purpose of the existing service determination, we have treated service rendered by commonly owned FM and AM stations as a single service. This is the only kind of common ownership situation which will be encountered in this connection, since in meeting the requirements of §§ 73.35 and 73.240 of our rules, commonly owned AM stations or commonly owned FM stations would be so separated geographically that under no circumstances would the 5 mv./m. contours (of AM stations) or the 70 dbu contours (of FM stations) encompass the same areas.

66. While we are adopting rules with respect to new daytime stations which are substantially more restrictive than the present rules, the rules for nighttime AM service, even though making the presence of availability of FM service as a new consideration, have been somewhat liberalized, since we have provided alternative tests for application acceptability which are the same as we have prescribed for daytime applications—rather than continuing to rely solely on a showing of proposed service to unserved area or population. In situations where FM is not available to a particular community, we are ready to accept an application contemplating a nighttime operation when it is shown that the proposed station is necessary to insure that the community receives two adequate aural services at night, and it offers protection for other stations which our rules require. We believe a new nighttime assignment may be justified under such circumstances as an exception to a policy aimed at avoiding an undue proliferation of such assignments.

67. Some of those commenting hold that we are unduly concerned with the effect an existing service of adding new stations for operation after nightfall, and dispute our claim that each new assignment, regardless of the degree of protection offered pursuant to existing rules, imposes its modicum of interference, with some effective limitation to the service provided by existing stations. It is suggested that this, in fact, does not occur—that an older station continues to provide interference-free service to as large areas as in former years, but many of the listeners to this station are now in suburban areas, more remote from the station than previously. While they may find reception unsatisfactory, and ascribe this condition to a shrinkage in the interference-free service area of the station, in reality their poorer reception results from the fact that they reside at more distant locations. This opinion is offered without supporting evidence, which admittedly could be developed only by a great many observations of a number of stations over a long period of time. Our own observation, offered similarly without technical support, has led us to a distinctly contrary conclusion—we believe that regional stations, in particular, despite computations made under existing rules which may demonstrate that limitations remain unchanged, have suffered a progressive deterioration in the extent of the areas over which they can provide interference-free service. If this conclusion is correct, there are at least two causes to which the effect might be ascribed: (1) That our methods of predicting interference do not fully take into account the cumulative effect of interference from many sources, and (2) that the directional antennas used by most regional stations for restricting radiation toward other co-channel stations do not, in many cases, limit interference produced by skywave transmission to a degree which might be predicted from consideration of the antenna design. At least one study has been made tending to show that this can be the case—that directional antennas designed for a high degree of suppression of radiation at angles above the horizontal produce interfering skywave signals substantially exceeding those which would be predicted under the Commission's rules.[3] This last consideration is particularly important in considering the addition of new nighttime services to already overcrowded regional channels. Stations "shoehorned" in under such conditions almost invariably require the use of directional antennas designed to radiate very little energy in various directions above the horizontal plane, so as to provide the degree of nominal protection for other stations required by the Commission's rules. If this protection is not, in fact, achieved, as it well may not be, the result is a higher level of interference to these stations than was anticipated.

68. For these reasons, and because, in general, such new stations, subject to interference from many other stations, have very limited interference-free service areas and contribute little to overall nighttime service, we will continue to restrict new nighttime assignments to those cases where they can provide clearly needed new service and there is no available alternative means for providing this service.

69. Because we recognize the problems faced by many existing stations in continuing to serve satisfactorily communities which, over the years, have expanded to geographic extent, the amended rules are framed so as to permit stations able to demonstrate that their existing community coverage is inadequate to increase power within the limits specified by our rules, subject to compliance with overlap and interference considerations. However, permissible power increases are selective—an unlimited time station will be permitted to increase power only during the portion of the broadcast day when existing community coverage is shown to be inadequate (or it can be shown that 25 percent of the area or population newly served as a result of the power increase would receive its first primary service). Of course, power increases permitted on such a selective basis may result in cases where some unlimited time stations are authorized to operate with higher power at night than during the daytime. While this result may be at variance to the usual situation, in which the station's daytime power is equal to or greater than its nighttime power, there appears little justification for permitting a power increase during a portion of the broadcast day for which the applicant is unable to make a satisfactory showing, pursuant to the rules, of service benefits resulting from the increase.

70. We have not adopted any rule provisions, as suggested by some of the parties, directed specifically toward making easier the acquisition of nighttime facilities by daytime stations. Indirectly, we believe we have done this, however, by upgrading the requirements for adequate service to each community from existing stations. Thus, if the licensee of a daytime station can demonstrate that no unused FM channel is available to his community, and that other stations fail to provide at least two "adequate" nighttime aural services to that community, he is eligible, if his proposal will meet the

[3] Suppression Performance of Directional Antenna Systems in the Standard Broadcast Band—FCC Office of Chief Engineer—TRR Report 1.2.7. This report analyzes the results of skywave measurements on directional arrays made in April 1949, by NARBA Preparatory Committee IA.

nighttime protection requirements for other stations, to apply for full time operation. However, he would not be permitted to tailor the proposed nighttime power, as Tri-State requests, to whatever level might be necessary to provide protection, with non-directional operation, for other stations. An appealing case might be made for this kind of operation in an individual instance. However, the net effect of a rule relaxation permitting such operation would be a proliferation of many low cost, but substandard nighttime facilities, generally providing inadequate service to their communities, and contributing to a level of actual (as distinguished from computed) interference far outweighing the service benefits which they might provide.

71. As indicated in our earlier discussion of these matters, proposals for an across-the-band power increase, and involving changes in the rules governing the use of the clear channels are beyond the scope of this proceeding. Any broadening of its coverage to include such questions could result in an extension of the "freeze" on the acceptance of applications into the distant future, a result which we believe is undesired by any of the parties. We have given full consideration to those suggestions aimed at mitigating the Commission's workload in the processing applications for standard broadcast stations, and may eventually test the feasiblity of certain of the ideas presented. At the present, since we are unable to forecast accurately the degree to which application filings pursuant to the amended rules will present a major problem, we intend to proceed in this area as described in paragraph 77 of this report and order.

72. A petition for special consideration of minority groups presents not a requirement for more stations serving the special interests of these groups (on the contrary, it is claimed that approximately 700 stations carry at least some programing directed especially to the black audience), but seeks an opportunity for new stations which are black owned. This need is seen as especially great in the larger markets, where the greatest concentrations of minority groups are found; it is also in these markets, however, where new facilities are less likely to be available, both because the plethora of existing stations diminishes the possibility of technically feasible new assignments, and because the Commission's policies are generally aimed toward precluding further additions to the many broadcast services already provided such cities. It is urged, however, that, it is only recently that the blacks' financial and social position has advanced to a degree that broadcast station ownership has become possible—meanwhile, the available assignments in these population centers have been utilized. It is further stated that the purchase of existing facilities in these markets by black groups is either not possible, or involves prices so monumentally high as to be prohibitive. Accordingly, the only practical avenue through which black ownership of broadcast facilities can be accomplished is through allocation policies which make additional assignments possible.

73. Conceding the truth of all of these allegations, and that the promotion of minority group ownership of broadcast facilities is a socially desirable end, we are unable to see how this objective may be furthered effectively in a proceeding, such as this, and within the framework of the statutory scheme which circumscribes our actions. Obviously, should we modify and relax all nontechnical rules which tend to restrict additional assignments, the opportunities in general for minority controlled applicants to seek new facilities may be increased, but at the expense of basic allocation objectives, and without any real assurance that these opportunities can or will be effectively exercised. In any event, the availability of new assignment opportunities in the larger cities, in which the largest minority groups reside, is not controlled by rules such as we now adopt, but by the basic technical standards. The petitioner demonstrates this in a study appended to his filing which shows in the "top 10" markets, nearly all of the existing standard broadcast stations were assigned in these markets prior to 1950, long before the Commission became actively concerned with the undue concentration of stations in the larger population centers, and adopted rules designed to direct the future growth of stations to areas where additional service is more greatly needed. Thus, absent a revision of the standards which now define the limits of service and interference, a revision which is clearly beyond the ambit of this proceeding, there is no action the Commission could appropriately take which would further the particular objectives of the petitioner.

74. The new showings as to the extent of existing AM and FM service, and the availability of FM channels will not be required in applications for new AM broadcast facilities in Alaska, which will continue to be governed by the more liberal policies which are presently set forth in paragraph (5) of Note 2 in § 1.571. These policies, which were adopted on an interim basis at the time of the freeze, will be made permanent. Accordingly, the substance of aforementioned paragraph (5) is being added as a new paragraph (f) to § 73.37. Moreover, we have decided to apply these policies with respect to applications submitted for new facilities in Puerto Rico, the Virgin Islands, Hawaii, Guam, and American Samoa as indicated in paragraph (f). While the aural broadcast coverage of Alaska is, of course, inadequate on an area basis, this limitation is presently imposed by economic considerations (the sparseness of population with respect to the area of the State), rather than by any scarcity in available standard broadcast spectrum space, and the restrictions which accordingly are imposed are only those intended to limit interstation interference and insure that each new assignment will contribute efficiently to the improvement in broadcast service. Hawaii and Guam are both limited in geographical extent, and so isolated from other populated areas that standard broadcast stations can be assigned with only a limited need to consider interference effects external to the particular State or territory. We see no need to apply any more restrictive rules in these cases than with respect to Alaska. While the availability of standard broadcast service in Puerto Rico and the Virgin Islands is limited primarily by their proximity to Cuba, where many stations operate, and to Haiti and the Dominican Republic, this limitation is not sufficient to preclude adequate coverage of these comparatively small islands by standard broadcast facilities assigned to the communities therein, and we do not feel justified in imposing the more restrictive standards of the new rules to these territories. While the distances of these outlying States and territories from the conterminous States vary greatly, all are sufficiently far away that assignment policies which place relatively few obstacles in the way of new daytime and unlimited time standard broadcast assignments in these areas can have little preclusionary effect on assignments in the conterminous States.

75. Having extracted the useful substance of Note 2 to § 1.571, as above described, we are deleting this note, thereby, in effect, lifting the "freeze" on the filing of certain categories of applications.

76. When an applicant relies on a demonstration that the existing aural service to the community which he serves or proposes to serve is inadequate as a basis for the acceptance of his application, it should be evident that his application, to be eligible for a grant without hearing, must propose an operation that itself will provide an adequate service to the community. As is well known, the Commission consistently requires that a new standard broadcast station provide an interference-free signal of 5 mv./m. or greater over the entire community to which it is assigned. This longstanding requirement is presently not stated directly in the rules, but may be derived from § 73.188(b)(2), which requires that the transmitter site for a proposed station be so selected that a signal of 5 mv./m. minimum strength will be delivered over the most distant residential section of the designated community, read in connection with the textual material of § 73.182(f) which makes it clear that service is considered to be provided only when the signal is interference-free, which, at night, may require a signal in excess of the 5 mv./m. minimum. Since this requirement bears an important relationship to the application of the new rules, we consider it desirable that it be stated clearly and directly, and we have included it, together with the concomitant requirement for a 25 mv./m. signal over business areas of the community in a new paragraph added to § 73.24, a section of the rules which specifies the showings which must be made prerequisite to the authorization of a new station or an increase in the

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facilities of an existing station. It is recognized that, in the individual case, an existing station proposing an increase in power within the power ceiling imposed on the class of station involved, or because of interference considerations, may be unable to meet fully the service requirements discussed above. In such an instance, if the proposed operation would provide service to the community substantially superior to that provided by the existing operation, and is otherwise in compliance with the rules, the Commission will give favorable consideration to a request for waiver of the community service requirement.

77. During the year following adoption of the current AM rules in 1964, over 400 major applications were filed. This total was due in part to pent-up demand created by the "freeze" period preceding adoption of the rules. Due to this large influx and the complex nature of the studies required under the "go-no go" system, a large blacklog soon developed. As the average length of time to dispose of applications grew, so did the necessity to amend and up-date them. Consequently, the backlog tended to become self-perpetuating. Because of a reduction in personnel available to process AM applications, the filing of new proposals in numbers even approaching the total filed subsequent to the lifting of the last "freeze" will result inevitably in another large backlog. Thus steps may be necessary to control the influx of applications. Considerable thought has been given to the design of an acceptable method to accomplish this result. We have concluded, however, that it would be premature to institute control measures at the outset, when we are unable to predict accurately the rate of incoming applications. Accordingly, at this time, no restrictions will be placed on the potential number of proposals which may be filed. If the number submitted, however, becomes administratively burdensome, we will give further consideration to the imposition of control measures. These measures will probably involve the declaration of periodic "open" and "closed" seasons for the filing of applications. If it becomes necessary to institute such measures, they will be temporary in nature, and advance notice will be given, so that all parties will have ample time to complete and submit any applications which are in preparation.

78. The amendments to the rules, as discussed herein, are set forth below. The additional requirements will apply to all applications filed after the effective date of these rules.

79. *Accordingly, it is ordered.* That, effective April 10, 1973, Part 73 of the rules and regulations is amended as set forth below. Authority for this action is found in sections 4(i) and 303(r) of the Communications Act of 1934, as amended.

80. *It is further ordered,* That this proceeding is terminated.

(Secs. 4, 303, 48 Stat., as amended, 1066, 1082; 47 U.S.C. 154, 303)

Adopted: February 21, 1973.

Released: February 28, 1973.

FEDERAL COMMUNICATIONS COMMISSION,[33]

[SEAL] BEN F. WAPLE,
Secretary.

1. Section 1.571 is amended by redesignating Note 1 as Note and amending the text, and deleting Note 2 to read as follows:

§ 1.571 Processing of standard broadcast applications.

* * * * *

NOTE: No application for broadcast facilities in the conterminous United States tendered for filing after July 13, 1964, will be accepted for filing unless it complies fully with the provisions of § 73.24(b) and § 73.37 (a) of this chapter through (d) of this chapter, and no application for broadcast facilities in the conterminous United States tendered for filing after July 18, 1968, will be accepted for filing unless it complies fully with the provisions of § 73.24(b) of this chapter and the provisions of § 73.37(a) through (e) of this chapter. No application for new or changed broadcast facilities in the States of Alaska, and Hawaii, the Commonwealth of Puerto Rico, and the territories of the Virgin Islands, Guam, and American Samoa, tendered for filing after July 18, 1968, will be accepted for filing unless it complies fully with the provisions of §§ 73.24(b) and 73.37(a) through (f) of this chapter.

2. In § 73.24, paragraph (b) and Note are amended, present paragraph (j) becomes paragraph (k) and a new paragraph (j) is added to read as follows:

§ 73.24 Broadcast facilities, showings required.

* * * * *

(b) That a proposed new station (or a proposed change in the facilities of an authorized station) complies with the pertinent requirements of § 73.37 of this chapter.

NOTE: The provisions of § 73.37 of this chapter shall not be applicable to new Class II–A stations or to stations for which applications were accepted for filing before July 13, 1964. With respect to such stations, the provisions of § 73.28(d) of this chapter, and the provisions of NOTE 1 of § 73.37 of this chapter shall apply. Special provisions concerning interference from Class II–A to stations of other classes authorized after October 30, 1961, are contained in § 73.22(d) of this chapter and NOTE 3 to § 73.21 of this chapter. The level of interference shall be computed pursuant to §§ 73.182 and 73.186 of this chapter.

* * * * *

(j) That the 25 mv./m. contour encompasses the business district of the community to which the station is assigned, and that the 5 mv./m. contour (or, at night, the interference-free contour, if of a higher value) encompasses all residential areas of such community.

(k) That the public interest, convenience, and necessity will be served through the operation under the proposed assignment.

§ 73.30 [Amended]

3. Section 73.30 is amended by deleting paragraph (c).

4. In § 73.37, amend the headnote and add new paragraphs (e), (f), and Notes 4, 5, 6, 7, and 8, to read as follows:

§ 73.37 Applications for broadcast facilities, showing required.

* * * * *

(e) In addition to a demonstration of compliance with the requirements of paragraph (a) of this section, and, where appropriate, paragraphs (b), (c), and (d) of this section, an application for a new standard broadcast station, or for a major change (see § 1.571(a)(1) of this chapter) in an authorized standard broadcast station, as a condition for its acceptance, shall make satisfactory showings as indicated below for the kind of application submitted:

(1) Application for a new daytime station, or for a change in the frequency of an existing daytime station:

(i) That at least 25 percent of the area or population which would receive interference-free primary service from the proposed station does not receive such service from an authorized standard broadcast station, or receive service from an authorized FM broadcast station with a signal strength of 1 mv./m., or greater, or

(ii) That no FM channel is available for use in the community designated in the application and that at least 20 percent of the area or population of the community receives less than two daytime aural services. For the purpose of this showing an aural service shall be deemed to be provided by an interference-free groundwave signal from an authorized standard broadcast station of a strength of 5 mv./m., or greater, or by an F (50, 50) signal from an authorized FM broadcast station with a strength of 70 dBu (3.16 mv./m.), or greater.

(2) Application for a new unlimited time station, for a change in the frequency of an authorized unlimited time station, or for nighttime facilities by an authorized daytime station, a satisfactory showing under paragraph (e)(2)(i) of this section (except for a Class IV station), and under either paragraph (e)(2)(ii) or (iii) of this section:

(i) That objectionable interference at night will not result to any authorized station, as determined pursuant to § 73.182(o),

(ii) That at least 25 percent of the area or population which would receive interference-free primary service at night from the proposed station does not receive such service from an authorized standard broadcast station or service from an authorized FM broadcast station with a signal strength of 1 mv./m., or greater, or

(iii) That no FM channel is available for use in the community designated in the application, and at least 20 percent of the area or population of the community receives less than two nighttime aural services. For the purpose of this showing, an aural service shall be deemed to be provided by an interference-free groundwave signal from an authorized standard broadcast station with a strength of 5 mv./m., or greater, or by an F (50, 50) signal from an authorized FM broadcast station with a strength of 70 dBu (3.16 mv./m.), or greater.

(3) Application by an authorized station (other than a Class IV station) proposing changes in facilities, other than a change in frequency, must make a satisfactory showing, where appropriate, under paragraph (e)(3)(i) of this section, and under either paragraph (e)(3)(ii) or (iii) of this section.

(i) For a change in nighttime facilities, that the proposed change will not result in objectionable interference to other stations as determined pursuant to § 73.182(o).

(ii) For an increase in power, either daytime or nighttime, that the authorized operation, during the portion of the broadcast day for which the power increase is sought, includes less than 80 percent of the area or population of the community to which the station is assigned within its 5 mv./m. groundwave contour (or within its interference-free groundwave contour, if of a higher value), or,

(iii) For an increase in power, that at least 25 percent of the area or population which, as a result of the power increase, for the first time would receive interference-free primary service from the station is without primary service from any other standard broadcast station.

(f) Applications for new or changed facilities in the states of Alaska and Hawaii, in the Commonwealth of Puerto Rico, and in the territories of the Virigin Islands, Guam, and American Samoa will be accepted for filing only if satisfactory showings are submitted with respect to the following:

(1) The proposed operation complies with the requirements of paragraphs (a), (b), (c), and (d) of this section.

(2) Unlimited time operation, by other than a Class IV facility, will not cause objectionable skywave interference at night to an existing station, pursuant to § 73.182(o). In addition, each proposal for unlimited time operation (including Class IV proposals) shall meet at least one of the following conditions:

(i) Not more than 10 percent of the population included within the normally protected nighttime contour would receive objectionable interference.

(ii) The proposed operation would be the first standard broadcast facility assigned to the community which would provide nighttime service.

(iii) For a proposed new station, that at least 25 percent of the area or population included within the nighttime interference-free primary service contour is without nighttime primary standard broadcast service, or, for a proposed change in the nighttime facilities of an authorized station, that at least 25 percent of the area or population which would receive interference-free nighttime primary service from the station for the first time as a result of the change in facilities is without nighttime primary standard broadcast service.

* * * * *

NOTE 4: All applications for new stations, or for major changes in existing stations tendered for filing after July 18, 1968, for facilities in the conterminous United States, shall be subject to the provisions of paragraph (e) of this section, or, for facilities in the States of Alaska and Hawaii, the Commonwealth of Puerto Rico and the territories of the Virgin Islands, Guam, and American Samoa, shall be subject to the provisions of paragraph (f) of this section.

NOTE 5: In making determinations of "aural service" to the community from standard broadcast or FM broadcast stations in showings pursuant to paragraphs (e)(1)(ii) and (e)(2)(iii) of this section, service provided by any standard broadcast station or FM broadcast station whose transmitter site is located more than 60 miles from the nearest boundary of the community designated in the application shall be excluded from consideration.

NOTE 6: No FM channel is available for use in the community (see paragraphs (e)(1)(ii) and (e)(2)(iii) of this section, if no channel is assigned to the community for commercial use in the FM Table of Assignments (§ 73.202(b)), as amended by Commission action as of the date the application is tendered, or, if assigned, is occupied by an authorized facility, and no unoccupied channel can be utilized to serve the community pursuant to § 73.203(b).

NOTE 7: In the determination of the extent of existing aural service to a community, areas and populations of the community receiving service from a standard broadcast station and an FM broadcast station which are commonly owned shall be considered as receiving a single aural service from these stations. Service provided by noncommercial educational FM stations and standard broadcast stations shall not be included in the determination of existing aural service.

NOTE 8: An application for a new unlimited time station, other than a Class IV station, even though including a satisfactory showing pursuant to paragraph (e)(2) of this section will not be accepted for filing if the proposed daytime power is greater than the proposed nighttime power, unless it contains an additional satisfactory showing pursuant to paragraph (e)(1) of this section for daytime hours of operation.

[FR Doc.73-4089 Filed 3-2-73;8:45 am]

Title 49—Transportation

SUBTITLE A—OFFICE OF THE SECRETARY OF TRANSPORTATION

[Docket No. 18, Amt. 21–1]

PART 21—NONDISCRIMINATION IN FEDERALLY ASSISTED PROGRAMS OF THE DEPARTMENT OF TRANSPORTATION—EFFECTUATION OF TITLE VI OF THE CIVIL RIGHTS ACT OF 1964

Obligations of Airport Operators

The purpose of this amendment is to change the reporting date in Appendix C(b)(3) of Part 21 of the regulations of the Secretary of Transportation from January 31 of each year to March 31 of each year for the submission of the required data.

The data, submitted pursuant to Appendix C(b)(3), requires information from federally assisted airport operators and their concessionaires that is nearly identical to the information required by the Equal Employment Opportunity Commission in Form EEO–1 which is required to be filed by March 31 of each year (29 CFR 1602.7). In order to relieve those who are required to file both forms from duplicating the effort of compiling the information, the Department of Transportation is changing its reporting date to coincide with that of the Equal Employment Opportunity Commission.

Because this amendment does not impose an additional burden on those affected by the reporting requirement, I find that public notice and procedure thereon are not necessary, and that it may become effective in less than 30 days.

In consideration of the foregoing, the last sentence of Appendix C(b)(3) of Part 21 of the regulations of the Secretary of Transportation is hereby amended, effective February 23, 1973, to read as follows:

(b) *Obligations of the airport operator*—* * *

(3) *Reports.* * * * Each airport operator shall, by March 31 of each year, submit to the area manager of the FAA area in which the airport is located a report for the preceding year in a form prescribed by the Federal Aviation Administrator.

Issued in Washington, D.C., on February 23, 1973.

CLAUDE S. BRINEGAR,
Secretary of Transportation.

[FR Doc.73-4074 Filed 3-2-73;8:45 am]

CHAPTER X—INTERSTATE COMMERCE COMMISSION

SUBCHAPTER A—GENERAL RULES AND REGULATIONS

PART 1002—FEES

Services Performed in Connection With Licensing and Related Services; Correction

FEBRUARY 28, 1973.

Section 1002.2, Title 49, Code of Federal Regulations (36 FR 11294, June 11, 1971) is corrected by adding the fee of

[33] Commissioner Robert E. Lee absent; Commissioner Johnson dissenting and issuing a statement, which is filed as part of the original document; Commissioner Wiley issuing a separate statement, which is also filed as part of the original document.

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§35 in the right hand column of paragraph (d)(40) as follows:

§ 1002.2 Filing fees.

* * * * *

(d) *Schedule of filing fees.*

* * * * *

(40) A petition for waiver of any provision of the lease and interchange regulations, 49 CFR Part 1057-------- 35

* * * * *

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.73-4132 Filed 3-2-73;8:45 am]

[S.O. 1086; Amdt. 3]

PART 1033—CAR SERVICE

Chicago, Rock Island and Pacific Railroad Co.

At a session of the Interstate Commerce Commission, Railroad Service Board, held in Washington, D.C., on the 26th day of February 1973.

Upon further consideration of Service Order No. 1086 (36 FR 25425, 37 FR 12727, and 38 FR 877), and good cause appearing therefor:

It is ordered, That:

Section 1033.1086 *Service Order No. 1086* (Chicago, Rock Island and Pacific Railroad Co. authorized to operate over tracks of the Peoria and Pekin Union Railway Co.) be, and it is hereby, amended by substituting the following paragraph (e) for paragraph (e) thereof:

(e) *Expiration date.* This order shall expire at 11:59 p.m., August 31, 1973, unless otherwise modified, changed, or suspended by order of this Commission.

Effective date. This amendment shall become effective at 11:59 p.m., February 28, 1973.

(Secs. 1, 12, 15, and 17(2), 24 Stat. 379, 383, 384, as amended; 49 U.S.C. 1, 12, 15, and 17(2). Interprets or applies Secs. 1(10–17), 15(4), and 17(2), 40 Stat. 101, as amended, 54 Stat. 911; 49 U.S.C. 1(10–17), 15(4), and 17(2))

It is further ordered, That a copy of this amendment shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and car hire agreement under the terms of that agreement, and upon the American Short Line Railroad Association; and that notice of this amendment be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and by filing it with the Director, Office of the Federal Register.

By the Commission, Railroad Service Board.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.73-4131 Filed 3-2-73;8:45 am]

[S.O. 1087; Amdt. 3]

PART 1033—CAR SERVICE

Burlington Northern Inc.

At a session of the Interstate Commerce Commission, Railroad Service Board, held in Washington, D.C., on the 26th day of February 1973.

Upon further consideration of Service Order No. 1087 (36 FR 25425, 37 FR 12497, and 38 FR 877), and good cause appearing therefor:

It is ordered, That:

§ 1033.1087 *Service Order No. 1087* (Burlington Northern Inc. authorized to operate over tracks of the Peoria and Pekin Union Railway Co.) be, and it is hereby, amended by substituting the following paragraph (e) for paragraph (e) thereof:

(e) *Expiration date.* This order shall expire at 11:59 p.m., August 31, 1973, unless otherwise modified, changed, or suspended by order of this Commission.

Effective date. This amendment shall become effective at 11:59 p.m., February 28, 1973.

(Secs. 1, 12, 15, and 17(2), 24 Stat. 379, 383, 384, as amended; 49 U.S.C. 1, 12, 15, and 17(2). Interprets or applies secs. 1(10–17), 15(4), and 17(2), 40 Stat. 101, as amended, 54 Stat. 911; 49 U.S.C. 1(10–17), 15(4), and 17(2))

It is further ordered, That a copy of this amendment shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and car hire agreement under the terms of that agreement, and upon the American Short Line Railroad Association; and that notice of this order be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and by filing it with the Director, Office of the Federal Register.

By the Commission, Railroad Service Board.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.73-4130 Filed 3-2-73;8:45 am]

[S.O. 1107; Amdt. 2]

PART 1033—CAR SERVICE

Lehigh Valley Railroad Co.

At a session of the Interstate Commerce Commission, Railroad Service Board, held in Washington, D.C., on the 26th day of February 1973.

Upon further consideration of Service Order No. 1107 (37 FR 16549 and 25236), and good cause appearing therefor:

It is ordered, That:

§ 1033.1107 *Service Order 1107* (Lehigh Valley Railroad Co., John F. Nash and Richard C. Haldeman, Trustees, authorized to operate over tracks of Penn Central Transportation Co., George P. Baker, Richard C. Bond, and Jervis Langdon, Jr., Trustees) be, and it is hereby, amended by substituting the following paragraph (e) for paragraph (e) thereof:

(e) *Expiration date.* The provisions of this order shall expire at 11:59 p.m., June 30, 1973, unless otherwise modified, changed or suspended by order of this Commission.

Effective date. This amendment shall become effective at 11:59 p.m., February 28, 1973.

(Secs. 1, 12, 15, and 17(2), 24 Stat. 379, 383, 384, as amended; 49 U.S.C. 1, 12, 15, and 17(2). Interprets or applies secs. 1(10–17), 15(4), and 17(2), 40 Stat. 101, as amended, 54 Stat. 911; 49 U.S.C. 1(10–17), 15(4), and 17(2))

It is further ordered, That a copy of this amendment shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and car hire agreement under the terms of that agreement, and upon the American Short Line Railroad Association; and that notice of this amendment be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and by filing it with the Director, Office of the Federal Register.

By the Commission, Railroad Service Board.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.73-4129 Filed 3-2-73;8:45 am]

[Rev. S.O. 1108; Amdt. 1]

PART 1033—CAR SERVICE

Reading Co.

At a session of the Interstate Commerce Commission, Railroad Service Board, held in Washington, D.C., on the 26th day of February 1973.

Upon further consideration of Revised Service Order No. 1108 (37 FR 28634), and good cause appearing therefor:

It is ordered, That:

§ 1033.1108 *Rev. Service Order No. 1108* (Reading Co., Richardson Dilworth and Andrew L. Lewis, Jr., Trustees, authorized to operate over tracks of Lehigh Valley Railroad Co., John F. Nash and Robert C. Haldeman, Trustees) be, and it is hereby, amended by substituting the following paragraph (e) for paragraph (e) thereof:

(e) *Expiration date.* The provisions of this order shall expire at 11:59 p.m., August 31, 1973, unless otherwise modified, changed, or suspended by order of this Commission.

Effective date. This amendment shall become effective at 11:59 p.m., February 28, 1973.

(Secs. 1, 12, 15, and 17(2), 24 Stat. 379, 383, 384, as amended; 49 U.S.C. 1, 12, 15, and 17(2). Interprets or applies secs. 1(10–17), 15(4), and 17(2), 40 Stat. 101, as amended, 54 Stat. 911; 49 U.S.C. 1(10–17), 15(4), and 17(2).)

It is further ordered, That a copy of this amendment shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and car hire agreement under the terms of that agreement, and upon the American Short Line Railroad Association; and that notice of this amendment be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and by filing it with the Director, Office of the Federal Register.

By the Commission, Railroad Service Board.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.73-4128 Filed 3-2-73;8:45 am]

[S.O. 1113; Amdt. 1]

PART 1033—CAR SERVICE

Penn Central Transportation Co.

At a session of the Interstate Commerce Commission, Railroad Service Board, held in Washington, D.C., on the 26th day of February 1973.

Upon further consideration of Service Order No. 1113 (37 FR 22872), and good cause appearing therefor:

It is ordered, That:

§ 1033.1113 *Service Order No. 1113* (Penn Central Transportation Co., George P. Baker, Richard C. Bond, and Jervis Langdon, Jr., Trustees, authorized to operate over tracks of the Norfolk and Western Railway Co.) be, and it is hereby, amended by substituting the following paragraph (e) for paragraph (e) thereof:

(e) *Expiration date.* The provisions of this order shall expire at 11:59 p.m., June 30, 1973, unless otherwise modified, changed, or suspended by order of this Commission.

Effective date. This amendment shall become effective at 11:59 p.m., February 28, 1973.

(Secs. 1, 12, 15, and 17(2), 24 Stat. 379, 383, 384, as amended; 49 U.S.C. 1, 12, 15, and 17(2). Interprets or applies secs. 1(10–17), 15(4), and 17(2), 40 Stat. 101, as amended, 54 Stat. 911; 49 U.S.C. 1(10–17), 15(4), and 17(2))

It is further ordered, That a copy of this amendment shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and car hire agreement under the terms of that agreement, and upon the American Short Line Railroad Association; and that notice of this amendment be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and by filing it with the Director, Office of the Federal Register.

By the Commission, Railroad Service Board.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.73-4127 Filed 3-2-73;8:45 am]

[S.O. 1114; Amdt. 1]

PART 1033—CAR SERVICE

Norfolk and Western Railway Co.

At a session of the Interstate Commerce Commission, Railroad Service Board, held in Washington, D.C., on the 26th day of February 1973.

Upon further consideration of Service Order No. 1114 (37 FR 22872), and good cause appearing therefor:

It is ordered, That:

§ 1033.1114 *Service Order No. 1114* (Norfolk and Western Railway Co. authorized to operate over tracks of Penn Central Transportation Co., George P. Baker, Richard C. Bond, and Jervis Langdon, Jr., Trustees) be, and it is hereby, amended by substituting the following paragraph (e) for paragraph (e) thereof:

(e) *Expiration date.* The provisions of this order shall expire at 11:59 p.m., June 30, 1973, unless otherwise modified, changed, or suspended by order of this Commission.

Effective date. This amendment shall become effective at 11:59 p.m., February 28, 1973.

(Secs. 1, 12, 15, and 17(2), 24 Stat. 379, 383, 384, as amended; 49 U.S.C. 1, 12, 15, and 17(2). Interprets or applies secs. 1(10–17), 15(4), and 17(2), 40 Stat. 101, as amended, 54 Stat. 911; 49 U.S.C. 1(10–17), 15(4), and 17(2))

It is further ordered, That a copy of this amendment shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and car hire agreement under the terms of that agreement, and upon the American Short Line Railroad Association; and that notice of this amendment be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and by filing it with the Director, Office of the Federal Register.

By the Commission, Railroad Service Board.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.73-4126 Filed 3-2-73;8:45 am]

Title 50—Wildlife and Fisheries

CHAPTER I—BUREAU OF SPORT FISHERIES AND WILDLIFE, FISH AND WILDLIFE SERVICE; DEPARTMENT OF THE INTERIOR

PART 28—PUBLIC ACCESS, USE, AND RECREATION

Crab Orchard National Wildlife Refuge, Ill.

The following special regulation is issued and is effective on March 5, 1973.

§ 28.28 Special regulations, public access, use, and recreation; for individual wildlife refuge areas.

ILLINOIS

CRAB ORCHARD NATIONAL WILDLIFE REFUGE

Public use is permited on the Crab Orchard National Wildlife Refuge subject to the following special conditions:

(1) Swimming is permitted only at beach areas as designated by signs.

(2) All types of flotation devices, other than U.S. Coast Guard approved lifesaving devices, are prohibited on refuge waters.

(3) Foodstuffs, drink containers (cans, bottles, cartons), pets, or fires are prohibited at designated beach areas and on the rock area immediately below Crab Orchard Lake Spillway.

(4) The Carterville Beach, Hogan Point, Lookout Point, Crab Orchard Beach, Bulliner Point, Playport Boat Dock, Sailboat Basin, Crab Orchard Spillway, and Spillway parking lot and picnic areas are closed to unauthorized use from 9 p.m., local time, until 5 a.m., local time, daily.

(5) Motor vehicle entry to the Crab Orchard Lake Campground is prohibited from 11 p.m. until 7 a.m., local time, during the period said campground is open to the public.

(6) Quiet shall be maintained in all refuge campgrounds between 10 p.m. and 6 a.m., local time.

(7) Horseback riding is prohibited except on designated horseback riding trails.

(8) Sailboats or sailing craft are not permitted on Devils Kitchen and Little Grassy Lakes.

(9) Sailboats underway between sunset and sunrise must display a bright white light visible all around the horizon for a distance of 2 miles.

(10) Alcoholic liquor may not be transported, carried, or possessed on any boat propelled by sail or mechanical power, except in the original package and with the seal unbroken, while the craft is in operation on refuge waters.

(11) No marine head (toilet) on any boat or watercraft operated upon refuge waters may be so constructed and operated as to discharge any sewage into the waters directly or indirectly.

(12) The drinking or possession of alcoholic liquor by persons under 21 years of age is prohibited on the refuge area.

(13) No person shall transport, carry, possess or have any alcoholic liquor in or upon any motor vehicle except in the original package and with the seal unbroken, while on the refuge area.

The provisions of this notice supplement the regulations which govern public access, use, and recreation on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 28, and are effective through December 31, 1973.

L. A. MEHRHOFF, Jr.,
Project Manager, Crab Orchard National Wildlife Refuge.

FEBRUARY 26, 1973.

[FR Doc.73-4082 Filed 3-2-73;8:45 am]

Title 7—Agriculture

CHAPTER III—ANIMAL AND PLANT HEALTH INSPECTION SERVICE, DEPARTMENT OF AGRICULTURE

PART 301—DOMESTIC QUARANTINE NOTICES

Subpart—Japanese Beetle

MISCELLANEOUS AMENDMENTS

Correction

In FR Doc. 72-19762 appearing at page 24327 of the issue for Thursday, November 16, 1972, the following changes should be made:

V38-42 MAR 5 73 XUM

1. The reference at the end of § 301.48–1(o), reading "§ 301.48–2(b)", should read "§ 301.48(b)".

2. The reference in the fifth line of § 301.48–2(a), reading "§ 301.48–2(a)", should read "§ 301.48–2a".

3. In the authority citation at the end of the document, in the middle line the reference "7 U.S.C. 161, 152, 150ee;" should read "7 U.S.C. 161, 162, 150ee;".

CHAPTER IV—FEDERAL CROP INSURANCE CORPORATION, DEPARTMENT OF AGRICULTURE

[Amdt. 43]

PART 401—FEDERAL CROP INSURANCE

Subpart—Regulations for the 1969 and Succeeding Crop Years

PEANUTS

Pursuant to the authority contained in the Federal Crop Insurance Act, as amended, the above-identified regulations are amended effective beginning with the 1973 crop year in the following respects:

1. The portion of the table following paragraph (a) of § 401.103 under the heading "Peanuts" is amended effective beginning with the 1973 crop year to read as follows:

§ 401.103 Application for insurance.

(a) * * *

(CLOSING DATES)

PEANUTS

Texas:	
Atascosa, Frio, and Wilson Counties	March 10
All other Texas counties	April 25
All other States	April 30

* * * * *

2. Section 7 of the peanut endorsement shown in § 401.138 is amended effective beginning with the 1973 crop year to read as follows:

7. Cancellation and termination for indebtedness dates. For each year of the contract, the cancellation date and termination date for indebtedness are the following applicable dates immediately preceding the beginning of the crop year for which the cancellation or the termination is to become effective.

State and county	Cancellation date	Termination date for indebtedness
Texas:		
Atascosa, Frio, and Wilson Counties	December 31	March 10
All other Texas counties	December 31	April 25
All other States	December 31	April 30

(Secs. 506, 516, 52 Stat. 73, as amended, 77, as amended; 7 U.S.C. 1506, 1516)

The foregoing amendment establishes closing dates for the filing of applications and termination dates for indebtedness for Texas counties for peanut crop insurance which are different from such dates established for other states. Such insurance will be offered for the first time in Texas in the 1973 crop year. The current peanut regulations provide an April 30 closing and termination date for all States, which is unrealistic in Texas where planting normally begins prior to April 30. Since the contract provides that insurance attaches at the time of planting, it is imperative that the regulations be amended to establish closing dates and termination dates for indebtedness for peanut insurance in Texas which precede the time of planting. Because of the urgency of establishing such dates prior to planting, the Board of Directors found that it would be contrary to the public interest to follow the procedure for notice and public participation prescribed by 5 U.S.C. 553 (b) and (c), as directed by the Secretary of Agriculture in a statement of policy, executed July 20, 1971 (36 FR 13804), prior to its adoption. Accordingly, said amendment was adopted by the Board of Directors on February 21, 1973.

[SEAL] LLOYD E. JONES,
Secretary, Federal Crop Insurance Corporation.

Approved on February 27, 1973.

EARL L. BUTZ,
Secretary.

[FR Doc.73-4079 Filed 3-2-73;8:45 am]

[Amdt. 42]

PART 401—FEDERAL CROP INSURANCE

Subpart—Regulations for the 1969 and Succeeding Crop Years

BURLEY TOBACCO POUNDAGE QUOTA ENDORSEMENT

Pursuant to the authority contained in the Federal Crop Insurance Act, as amended, the above-identified regulations are amended effective beginning with the 1973 crop year in the following respect:

1. The following section is added:

§ 401.148 The Burley Tobacco Poundage Quota Endorsement with provision for indemnity based upon dollar amount of insurance for the insurance unit less value of production to count.

The provisions of the Burley Tobacco Poundage Quota Endorsement (applicable only in Bourbon, Fayette, Green, Nicholas, and Taylor Counties, Ky., and Greene and Hawkins Counties, Tenn.) for the 1973 and succeeding crop years are as follows:

1. *General.* The provisions of this endorsement shall apply to all insureds in Bourbon, Fayette, Green, Nicholas, and Taylor Counties, Ky., and Greene and Hawkins Counties, Tenn., who apply for insurance beginning with the 1973 or any subsequent crop year. Any insured in these counties with a tobacco crop insurance contract in force in 1972 may elect that the provisions of this endorsement apply beginning with any subsequent crop year if he so notifies the office for the county prior to the termination date for indebtedness for that crop year.

2. *Insured crop.* The crop insured shall be burley tobacco (Type 31).

3. *Insured acreage.* In lieu of the provisions of section 2(c) of the policy the following shall apply: The insured burley tobacco acreage for each crop year shall be all acreage planted to Burley tobacco on the insurance unit (herein called unit) provided that no insurance shall be considered to have attached on any acreage the Corporation determines was (1) destroyed and after such destruction it was practical to replant and such acreage was not replanted, (2) initially planted after the date fixed by the Corporation and placed on file in the office for the county, as being too late to initially plant and expect a normal crop to be produced, (3) designated as not insurable on the county actuarial table, (4) planted to tobacco of a discount variety under the provisions of the tobacco price support program, or (5) planted for experimental purposes.

4. *Additional reporting requirement.* In addition to reporting the planted acreage and share as provided in section 3 of the policy, the insured shall report the effective poundage marketing quota, or portion thereof, applicable to the unit (herein called poundage quota) at the time of planting for the current marketing year as provided under the ASCS Burley Tobacco Marketing Quota Regulations and the pounds, if any, by which in establishing the amount of insurance for the unit the poundage quota shall be reduced due to carryover tobacco to be marketed under the poundage quota applicable to the unit: *Provided*, That unless such reduction is clearly specified in filing the acreage report, it shall not be allowed.

5. *Amount of insurance and premium for a unit.* (a) In lieu of the provisions of section 5 of the policy the following shall apply: The amount of insurance for a unit shall be the dollar amount determined by multiplying the applicable poundage for the unit as determined in (b) below by the applicable percentage of guarantee for the tobacco farm shown on the county actuarial table for this purpose and the result by the current year's Burley tobacco price support per pound less 3 cents for warehouse charges.

(b) the poundage determined to be applicable to the unit shall be the effective Burley poundage marketing quota for the crop year for the tobacco farm under the ASCS Burley Tobacco Marketing Quota Regulations, or portion thereof applicable to the unit, at planting time, as reported by the insured or as determined by the Corporation, whichever the Corporation shall elect, with such poundage for any unit reduced by the pounds of carryover tobacco to be marketed under the current crop year poundage quota if reported in accordance with section 4: *Provided, however*, If the result obtained by dividing the poundage as determined above by the farm yield per acre (see subsection 11(g)) exceeds the insured acreage on a unit, the poundage used in (a) above shall be reduced by the factor determined by dividing the insured acreage by such result.

Unless otherwise provided on the actuarial table, for any crop year in which Burley tobacco poundage marketing quota regulations are not in effect, the poundage used in determining the applicable amount of insurance for a unit shall be obtained by multiplying the farm yield for the tobacco farm previously used by ASCS in establishing the basic poundage marketing quota for the tobacco farm by the percentage guarantee shown on the actuarial table and the result by the lower of the reported or insured acreage.

(c) The annual premium for the unit shall be determined by multipiying the amount of insurance, determined as provided above, by the applicable percentage premium rate shown on the actuarial table and multipiying the product thereof by the insured's share at the time insurance attaches, and, when applicable, applying the discounts shown in section 6(b) of the policy.

6. *Insurance period.* Insurance on any insured acreage shall attach at the time the tobacco is planted and, with respect to any portion of the crop, shall cease upon the earlier of February 28, weighing-in at the tobacco warehouse, transfer of interest in the tobacco after harvest, or removal of the tobacco from the insurance unit, except for curing, grading, packing, or immediate delivery to the tobacco warehouse.

7. *Notice of loss or substantial damage.* In lieu of the provisions of section 8(b) of the policy the following shall apply: If at the completion of selling or otherwise disposing of the insured tobacco an insured loss on a unit is probable, the insured shall give within 15 days' written notice thereof to the Corporation at the office for the county, but in no event shall such notice be given later than February 28: *Provided, however*, That if any tobacco is destroyed or damaged by fire during the insurance period or any acreage will not be harvested, such notice shall be given immediately.

8. *Claims for loss.* (a) Any claim for loss on a unit shall be submitted to the Corporation on a form prescribed by the Corporation not later than 60 days after the amount of loss can be determined, but in no event shall such form be submitted later than the March 31 following the normal harvest period.

(b) It shall be a condition precedent to the payment of any loss that the insured establish the production of the insured crop on the unit and that such loss has been directly caused by one or more of the hazards insured against during the insurnce period for the crop year for which the loss is claimed, and furnish any other information regarding the manner and extent of loss as may be required by the Corporation.

(c) Losses shall be determined separately for each unit. The amount of loss with respect to any unit shall be determined by subtracting from the amount of insurance applicable to the unit the value (determined in accordance with subsection (d) of this section) of the total production to be counted for the unit and multiplying the remainder by the insured share.

The value of the total production to be counted for a unit shall be determined by the Corporation, and subject to the provisions hereinafter, shall include the value of all harvested production and the value of any appraisals made by the Corporation for unharvested or potential production, poor farming parctices, uninsured causes of loss, or for acreage abandoned or put to another use without the consent of the Corporation: *Provided*, That the value of the total production to be counted for any tobacco acreage not harvested nor considered as harvested within the meaning of the term "harvested" shall never be less than 20 percent of the product of the farm yield per acre and the percentage guarantee shown on the actuarial table for such acreage multiplied by the current year's Burley tobacco price support per pound less 3 cents for warehouse charges, except that for acreage abandoned or put to another use without prior written release by the Corporation and acreage damaged solely by uninsured causes at least the product of the farm yield per acre and the percentage guarantee shown on the actuarial table for such acreage multiplied by the current year's Burley tobacco price support per pound less 3 cents for warehouse charges shall be counted.

(d) In determining any loss under the contract, the production shall be valued as follows: (1) The gross returns (less 3 cents per pound for warehouse charges) from the tobacco sold on the warehouse floor, (2) the fair market value, as determined by the Corporation, of the tobacco sold other than on the warehouse floor, (3) the fair market value, as determined by the Corporation, of the tobacco harvested and not sold, and (4) the fair market value of any unharvested tobacco determined by the Corporation as if such tobacco were harvested and cured. Any appraisals of production for any crop year made for poor farming practices or uninsured causes of loss, shall be valued at the current support price per pound less 3 cents for warehouse charges.

(e) To enable the Corporation to determine the fair market value of tobacco not sold through auction warehouses, the Corporation shall be given the opportunity to inspect such tobacco before it is sold, contracted to be sold, or otherwise disposed of by the insured and, if the best offer received by the insured for any such tobacco is considered by the Corporation to be inadequate, to obtain additional offers therefor on behalf of the insured.

9. *Cancellation and debt termination dates.* (a) For each crop year of the contract the cancellation date (applicable to both the insured and the Corporation) shall be the January 31 immediately preceding the beginning of the crop year for which it is to become effective.

(b) The termination date for indebtedness for each crop year of the contract shall be the May 31 immediately preceding the beginning of the crop year for which the termination is to become effective.

10. *Sharecroppers.* Paragraph B of the Application Form FCI–12–Revised shall not be applicable under this Burley Tobacco Poundage Quota Endorsement.

11. *Meaning of terms.* For purposes of insurance on burley tobacco the terms:

(a) "Insurance Unit", notwithstanding the first sentence of section 19(e) of the policy, means all the insurable acreage in the county planted to burley tobacco on a farm for which a single farm poundage marketing quota for burley tobacco is established and at the time of planting (1) in which the insured has 100% interest, (2) which is owned by one person and operated by the insured as a tenant, or (3) which is owned by the insured and rented to one tenant: *Provided, however*, That if a burley tobacco price support program is not in effect for any crop year, the above words "planted on a farm for which a single poundage marketing quota for burley tobacco is established" shall be disregarded. Otherwise the provisions of section 19(e) of the policy apply to burley tobacco crop insurance, except that no other agreement shall be made which divides the insurable acreage into two or more units.

(b) "Market Price" for a crop year means the average auction price for burley tobacco (less 3 cents for warehouse charges) in the belt or area as determined by the Corporation. The market price when determined by the Corporation shall be filed in the office for the county with the actuarial table.

(c) "Support Price Per Pound" means the average price support level per pound for burley tobacco as announced by the United States Department of Agriculture under the tobacco price support program: *Provided, however*, That for any crop year in which a price support for burley tobacco is not in effect the market price for that crop year shall be used in lieu thereof.

(d) "Planting" means transplanting the tobacco plant from the bed to the field.

(e) "Harvest" or "Harvested" as to any acreage means cutting at least 20 percent of the number of pounds obtained by multiplying the farm yield per acre by the percentage guarantee shown on the actuarial table for such acreage.

(f) "Effective Farm Marketing Quota" means the farm marketing quota as established and recorded by ASCS at planting time.

(g) "Farm Yield" means the yield per acre used by ASCS in establishing the basic farm marketing poundage quota for the tobacco farm.

(h) "Carryover Tobacco" means any tobacco on hand from a previous year's production.

(i) "ASCS" means the Agricultural Stabilization and Conservation Service of the U.S. Department of Agriculture.

(Secs. 506, 516, 52 Stat. 73, as amended, 77, as amended; 7 U.S.C. 1506, 1516)

The foregoing amendment should provide a more practical plan for insuring burley tobacco than the current tobacco endorsement which was designed for crops produced under acreage allotments. The proposed amendment will be first tested in seven pilot counties in Kentucky and Tennessee beginning with the 1973 crop year. It will apply to all new business and to those insureds with a contract in force in 1972 who so elect. Since it will be necessary to start taking applications as soon as possible from new applicants for the 1973 crop year, the Board of Directors found that it would be impracticable and contrary to the public interest to follow the procedure for notice and public participation prescribed by 5 U.S.C. 553 (b) and (c), as directed by the Secretary of Agriculture in a Statement of Policy, executed July 20, 1971 (36 FR 13804), prior to its adoption. Accordingly, said amendment was adopted by the Board of Directors on February 21, 1973.

[SEAL] LLOYD E. JONES,
Secretary, Federal Crop Insurance Corporation.

Approved on February 27, 1973.

EARL L. BUTZ,
Secretary.

[FR Doc.73-4078 Filed 3-2-73;8:45 am]

CHAPTER VII—AGRICULTURAL STABILIZATION AND CONSERVATION SERVICE (AGRICULTURAL ADJUSTMENT), DEPARTMENT OF AGRICULTURE

SUBCHAPTER B—FARM MARKETING QUOTAS AND ACREAGE ALLOTMENTS

PART 722—COTTON

Subpart—1973 Crop of Upland Cotton; Base Acreage Allotments

COUNTY RESERVES; CORRECTION

The purpose of this document is to correct an error in FR Doc. 73–2469 appearing at page 3952 of the issue for Friday, February 9, 1973. In the table for Nevada, Nye County reading "0" should be corrected to read "5.0".

Signed at Washington, D.C., on February 27, 1973.

KENNETH E. FRICK,
Administrator, Agricultural Stabilization and Conservation Service.

[FR Doc.73-4146 Filed 3-2-73;8:45 am]

V38-42 MAR 5 73 XUM

[Amdt. 10]

PART 722—COTTON

Subpart—Acreage Allotments for the 1966 and Succeeding Crops of Extra Long Staple Cotton

MISCELLANEOUS AMENDMENTS

The purposes of this amendment are to exclude from this subpart the closing dates for release, requests for reapportionment, final date for reapportionment and the closing dates for filing a record of transfer of extra long staple cotton acreage allotments. Such closing dates have been established in a new Part 731 of this chapter published in the FEDERAL REGISTER on December 21, 1972 (37 FR 28124). Also, to amend the provisions for determining productivity adjustments in extra long staple cotton yields in relation to transfers. The amended provision is to use the average yield for the 3 years immediately preceding the year in which the allotment is determined. This amendment is issued pursuant to and in accordance with applicable provisions of the Agricultural Adjustment Act of 1938, as amended (7 U.S.C. 1281 et seq.).

Since farmers are now transferring cotton acreage for the 1973 crop year, it is hereby found and determined that compliance with the notice, public procedure, and 30-day effective date requirements of 5 U.S.C. 553 is impracticable and contrary to the public interest. This amendment shall become effective on March 5, 1973.

The Subpart—Acreage Allotments for 1966 and Succeeding Crops of Extra Long Staple Cotton, of Part 722, Subchapter B of Chapter VII, Title 7 (31 FR 6247, 13530, 32 FR 5416, 33 FR 8427, 16066, 16434, 34 FR 5, 808, 37 FR 9202, 11965, 24428) is amended as follows:

1. Section 722.513 is amended by revising paragraph (b)(7) to read as follows:

§ 722.513 Release and reapportionment of ELS cotton allotments.

* * * * * * *

(b) * * *

(7) *Closing dates.* The State committee shall establish applicable closing dates in accordance with Part 731 of this chapter.

* * * * * * *

2. Paragraph (b) of § 722.528 is revised to read as follows:

§ 722.528 Records of transfer.

* * * * * * *

(b) *When records to be filed.* Records of transfers may be filed during the period beginning on the date original notices of acreage allotments are mailed to farm operators and ending on the date provided for in Part 731 of this chapter.

* * * * * * *

3. The first sentence of paragraph (b) of § 722.529 is revised to read as follows:

§ 722.529 Amount of allotment transferable.

* * * * * * *

(b) *Productivity adjustments.* The farm yield for determining productivity adjustments is the average yield per harvested acre of lint ELS cotton on the farm during each of the 3 calendar years immediately preceding the year in which such allotment is determined. * * *

(Secs. 344, 347, 375, 63 Stat. 670, as amended, 675, as amended, 52 Stat. 66, as amended; 7 U.S.C. 1344, 1347, 1375)

Effective date: March 5, 1973.

Signed at Washington, D.C., on February 27, 1973.

KENNETH E. FRICK,
Administrator, Agricultural Stabilization and Conservation Service.

[FR Doc.73-4147 Filed 3-2-73;8:45 am]

CHAPTER IX—AGRICULTURAL MARKETING SERVICE (MARKETING AGREEMENTS AND ORDERS; FRUITS, VEGETABLES, NUTS), DEPARTMENT OF AGRICULTURE

[Navel Orange Reg. 289, Amdt. 1]

PART 907—NAVEL ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Limitation of Handling

This regulation increases the quantity of California-Arizona Navel oranges that may be shipped to fresh market during the weekly regulation period February 23–March 1, 1973. The quantity that may be shipped is increased due to improved market conditions for Navel oranges. The regulation and this amendment are issued pursuant to the Agricultural Marketing Agreement Act of 1937, as amended, and Marketing Order No. 907.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 907, as amended (7 CFR Part 907), regulating the handling of Navel oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Navel Orange Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such Navel oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) The need for an increase in the quantity of oranges available for handling during the current week results from changes that have taken place in the marketing situation since the issuance of Navel Orange Regulation 289 (38 FR 4770). The marketing picture now indicates that there is a greater demand for Navel oranges than existed when the regulation was made effective. Therefore, in order to provide an opportunity for handlers to handle a sufficient volume of Navel oranges to fill the current market demand thereby making a greater quantity of Navel oranges available to meet such increased demand, the regulation should be amended, as hereinafter set forth.

(3) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this amendment until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient, and this amendment relieves restriction on the handling of Navel oranges grown in Arizona and designated part of California.

(b) *Order, as amended.* The provisions in paragraph (b)(1)(ii) of § 907.589 (Navel Orange Regulation 289 (38 FR 4770)) are hereby amended to read as follows:

§ 907.589 Navel Orange Regulation 289.

* * * * * * *

(b) *Order.* (1) * * *

(ii) District 2: 250,000 cartons.

* * * * * * *

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: February 28, 1973.

PAUL A. NICHOLSON,
Acting Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc.73-4143 Filed 3-2-73;8:45 am]

PART 928—PAPAYAS GROWN IN HAWAII

Expenses, Rate of Assessment, and Carryover of Unexpended Funds

This proposal would fix the maximum amount of expenses, $182,330, that could be incurred by the Papaya Administrative Committee in the administration of the program. It would also establish the assessment for the same period of six and one-half mills ($0.0065) per pound of papayas handled and provided for the transfer of unexpended assessment funds from the previous fiscal period to the program's reserve.

On January 29, 1973, notice of proposed rule making was published in the FEDERAL REGISTER (38 FR 2701) regarding proposed expenses and the related rate of assessment for the fiscal year ending December 31, 1973, and carryover of unexpended funds, pursuant to the marketing agreement and Order No. 928 (7 CFR Part 928), regulating the handling of papayas grown in Hawaii, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). After consideration of all relevant matters presented, including the proposals set forth in such notice which were submitted by the Papaya Administrative Committee (established pursuant to said marketing agreement and order), it is hereby found and determined that:

§ 928.202 Expenses, rate of assessment, and carryover of unexpended funds.

(a) *Expenses.* Expenses that are reasonable and likely to be incurred by the Papaya Administrative Committee during the period January 1, 1973, through December 31, 1973, will amount to $182,330.

(b) *Rate of assessment.* The rate of assessment for said period, payable by each handler in accordance with § 928.41, is fixed at $0.0065 per pound of papayas.

(c) *Reserve.* Unexpended assessment funds in excess of expenses incurred during the fiscal year ended December 31, 1972, shall be carried over as a reserve in accordance with applicable provisions of § 928.42 of the marketing agreement and order.

Terms used in the marketing agreement and this part shall, when used herein, have the same meaning as is given to the respective term in said marketing agreement and this part.

It is hereby further found that good cause exists for not postponing the effective date hereof until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553) in that (1) shipments of papayas are now being made; (2) the relevant provisions of said marketing agreement and this part require that the rate of assessment fixed for a particular fiscal period shall be applicable to all assessable papayas from the beginning of such period; and (3) such period began on January 1, 1973, and the rate of assessment herein fixed will automatically apply to all assessable papayas beginning with such date.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: February 27, 1973.

PAUL A. NICHOLSON,
Acting Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc.73-4077 Filed 3-2-73;8:45 am]

V38-42 MAR 5 73 XUM

Proposed Rule Making

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 991]

HANDLING OF HOPS OF DOMESTIC PRODUCTION

Proposed Salable Quantity and Allotment Percentage for 1973–74 Marketing Year

Notice is hereby given of a proposal to establish for the 1973–74 marketing year, beginning August 1, 1973, a salable quantity of 55,528,000 pounds, and an allotment percentage of 92 percent, for hops grown in Washington, Oregon, Idaho, and California. The salable quantity is the total quantity of hops that may be freely marketed from any crop grown in those States and handled by handlers. The salable quantity is prorated among producers by applying the allotment percentage to each producer's allotment base.

The proposed salable quantity and allotment percentage would be established in accordance with provisions of Marketing Order No. 991, as amended (7 CFR Part 991), regulating the handling of hops of domestic production, effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). The proposal was recommended by the Hop Administrative Committee.

Consideration will be given to any written data, views, or arguments pertaining to the proposal which are received by the Hearing Clerk, U.S. Department of Agriculture, Room 112, Administration Building, Washington, DC 20250, not later than March 15, 1973. All written submissions made pursuant to this notice should be made in quadruplicate and will be made available for public inspection at the office of the Hearing Clerk during official hours of business (7 CFR 1.27(b)).

The proposed salable quantity and allotment percentage are based upon recommendations of the Committee made at their meeting of January 19, 1973, and derived from the following determinations for the marketing year beginning August 1, 1973:

(1) Total domestic consumption of 36 million pounds of hops;

(2) Minus imports of 13 million pounds of hops to result in domestic consumption of U.S. hops of 23 million pounds;

(3) Plus total U.S. exports of 30 million pounds of hops to equal 53 million pounds total usage of U.S. hops;

(4) Minus a desirable inventory adjustment, as of September 1, 1974, of 294,000 pounds;

(5) Plus an adjustment of 2,182,000 pounds to provide for allotments not produced plus 640,000 pounds to assure production of the quantity needed to meet market requirements, resulting in adjusted requirements for salable hops of 55,528,000 pounds.

The proposal is as follows:

§ 991.211 Allotment percentage and salable quantity for hops during the marketing year beginning August 1, 1973.

The allotment percentage during the marketing year beginning August 1, 1973, shall be 92 percent, and the salable quantity shall be 55,528,000 pounds.

Dated: February 27, 1973.

PAUL A. NICHOLSON,
Acting Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc.73-4144 Filed 3-2-73;8:45 am]

[7 CFR Part 1125]

[Docket No. AO 226-A25]

MILK IN THE PUGET SOUND, WASH., MARKETING AREA

Notice of Recommended Decision and Opportunity To File Written Exceptions on Proposed Amendments to Tentative Marketing Agreement and to Order

Notice is hereby given of the filing with the Hearing Clerk of this recommended decision with respect to proposed amendments to the tentative marketing agreement and order regulating the handling of milk in the Puget Sound, Wash., marketing area.

Interested parties may file written exception to this decision with the Hearing Clerk, U.S. Department of Agriculture, Washington, D.C. 20250, on or before March 20, 1973. The exceptions should be filed in quadruplicate. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

The above notice of filing of the decision and of opportunity to file exceptions thereto is issued pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900).

PRELIMINARY STATEMENT

The hearing on the record of which the proposed amendments, as hereinafter set forth, to the tentative marketing agreement and to the order as amended, were formulated, was conducted at Seattle, Wash., on April 25–28, 1972 pursuant to notice thereof which was issued on April 6, 1972 (37 FR 7259).

The material issues on the record of the hearing relate to:

1. Pool plant qualifications.
2. Diversion of producer milk.
3. Location adjustments.
4. Butterfat differentials.
5. Classification provisions.
6. Payments to producers.
7. Administrative provisions.

At the hearing, no testimony was presented concerning hearing notice proposals 4 and 8, and no other evidence submitted indicated a need to adopt the proposals. Accordingly, the proposals are denied.

FINDINGS AND CONCLUSIONS

The following findings and conclusions on the material issues are based on evidence presented at the hearing and the record thereof:

1. *Pool plant qualifications—(a) Pool distributing plants.* The provisions for pooling "distributing plants" should not be changed.

Currently, the order provides pool plant status for any distributing plant from which during the month route disposition of fluid milk products in the marketing area averages more than 110 pounds daily and is 10 percent or more of the receipts of Grade A milk at the plant.

A cooperative association supplying the market proposed that the percentage factor be increased to 25 percent from the 10 percent now provided. The proposal is part of a proposed comprehensive revision of pooling qualifications. Proponent proposed to change the pooling standards for distributing plants on the basis that to be pooled such plants should have a greater degree of association with the Puget Sound market than is now required by the order.

Each pool distributing plant now operating in the market characteristically has a substantial proportion of its Class I sales within the marketing area. As a general proposition, the proposal would make possible for the future a higher incidence of exemption from regulation

for distributing plants. We find insufficient evidence in this proceeding to warrant adoption of provisions that would tend to reduce the proportion of milk pooled through pool distributing plants. The operation of the pool is an essential feature of this regulation, which is designed to maintain orderly marketing, since it is the mechanism through which producers enjoy the benefits of the Class I sales value and also share equitably in the burden of any lower-valued surplus disposition. We conclude that the interests of the producers are served best when the maximum proportion of milk regularly supplied to the market is regulated on such terms. The present provision accomplishes this and at the same time permits exemption from pooling milk at a plant that might only incidentally, or perhaps accidentally, become involved in distribution within the marketing area. For this reason, the proposal is denied.

(b) *Pool supply plants.* The provisions for pooling supply plants should be changed. As set forth herein, a supply plant would be pooled in any month during which the following percentages of Grade A receipts are shipped to pool distributing plants: 50 percent in any of the months of October through December, 40 percent in January, February, and September, and 30 percent in any of the months of March through August. Any supply plant that qualified for pooling during the entire period of September through February would pool automatically during the months of March through August.

Currently, the order provides pool supply plant status for a plant located in the marketing area, at which Grade A milk is received from dairy farmers or cooperative associations.

For supply plants that are located outside the marketing area pool status is now extended to such plant if it ships 50 percent of its Grade A receipts to pool distributing plants during the months of October through December, or 20 percent during the months of January through September. Any supply plant that qualifies for pool status during the entire period of October through December qualifies automatically for pool status during the months of January through September.

A cooperative proposed that the pooling standards for supply plants be amended to eliminate the provision whereby a plant may be pooled as a supply plant if it is located in the marketing area and receives Grade A milk from dairy farmers. The association proposed in lieu thereof that a plant located within the marketing area must ship at least 25 percent of its Grade A receipts from dairy farmers to pool distributing plants in each of the months of September through March in order to qualify as a pool supply plant.

For supply plants located outside the marketing area, proponent proposed that the months during which the 50 percent factor is applicable should be extended to include the months of September through March, and that during the months of April through August shipments to pool distributing plants should represent at least 30 percent of such plant's Grade A receipts from dairy farmers.

In addition, proponent proposed special provisions whereby a cooperative association could apply direct deliveries from its members' farms to pool distributing plants in qualifying a supply plant for pool status. Similarly, under proponent's proposal, a proprietary handler could apply direct deliveries from the farms of its patrons (not members of a cooperative association) to its own pool distributing plant in qualifying a supply plant for pool status.

Proponent based the claim for establishing these performance standards on the stated necessity for supply plants to have a greater degree of association with the fluid market than at present.

The proposals were opposed by a proprietary handler operating in the market. If adopted, the proposals would result in depooling the handler's supply plant.

Another proprietary handler serving the market acknowledged the need for each supply plant to serve the fluid market but stressed that no supply plant that historically had been associated with the Puget Sound fluid market should be deprived of pool status by any amendment resulting from the hearing.

Pooling standards for supply plants identify plants that are associated with the market as regular suppliers of milk needed for fluid use. Such standards distinguish between plants meeting a reasonable standard of regular and customary supply service to the market and those that do not. The requirements encourage milk shipments to the end that handlers engaged in bottling and distributing operations in the market can obtain the available milk as needed to meet their fluid milk requirements. Without such requirement, supply plants will tend to keep milk at their plants for manufacturing whenever it is to their economic advantage to do so.

Additionally, pooling standards are intended to accommodate a sharing of the Class I sales of the regulated market among those dairy farmers who constitute its regular sources of milk supply. Otherwise, dairy farmers who have no regular affiliation could casually, or in an incidental manner, associate with the market when it is to their economic advantage to do so, but without intention of providing the market with a dependable supply over time.

There are five pool supply plants under the order at present. All are pooled on the basis simply of being located in the marketing area and of receiving Grade A milk from dairy farmers or cooperative associations.

Two of the supply plants, one at Issaquah and another at Lynden, Wash., are operated by a cooperative association, members of which supply the market by shipment to pool distributing plants.

Two supply plants are operated by proprietary handlers. One, at Mount Vernon, Wash., has been pooled as a supply plant since the inception of the order. The other, at Olympia, Wash., has been pooled as a supply plant for about 6 years.

The fifth plant, also operated by a proprietary handler, has bottling operations, but its fluid milk disposition in the marketing area is insufficient, under present rules, for pooling it as a distributing plant. It is pooled as a supply plant on the basis that it is located in the marketing area.

Two important considerations emerge from the evidence presented at the hearing. In this market milk is not shipped regularly from supply plants to pool distributing plants. Instead, the supply system for the market is organized on the basis of direct delivery from farms to pool distributing plants. Thus, the manufacture of market reserves need not occur in pool supply plants but can be diverted from pool distributing plants to manufacturing plants (i.e., butter-nonfat dry milk, evaporated milk and cheese plants) not necessarily having pool plant status.

The other consideration is that provision should continue to be made for a supply plant wherever located to share in pool proceeds if it supplies milk to a pool distributing plant under reasonable performance standards.

While the supply system for the market does not rely ordinarily on supply plants to furnish the main fluid milk requirements of pool distributing plants, this does not mean that shipping standards for supply plants should not be provided in the order. To the contrary, such standards should continue to be provided, as they are in other Federal milk orders, to accommodate the movement of milk to pool distributing plants from plants distantly located in the event that milk procured from such plants is instrumental in providing for the fluid milk needs of the market.

Such shipping standards should apply uniformly to any supply plant wherever located. Access to the market by supply plants should be on the same basis for each plant. Otherwise, access to the market may be facilitated for one category of plant and made more difficult for another category. Consequently, the proposal submitted by producer proponents is not adopted.

As earlier stated, the cooperative association further proposed that the direct deliveries from its members' farms to pool distributing plants be applied toward qualifying a cooperative association supply plant for pooling. It proposed also that the direct deliveries from the producer patrons of a proprietary handler to his pool distributing plant be applied toward qualifying such handler's supply plant.

The changes provided herein will assure continued pool status for the milk of producers who have regularly supplied the market. The adoption of the additional proposals made by the cooperative association, as described above, will not be necessary because the provisions provided herein will achieve the

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same objective of continuing pool status for milk that has been regularly associated with the market in the past.

The supply plant pooling standards provided herein will assure that all supply plants will have access to the market on the same delivery performance terms. Also, they are sufficiently similar to counterpart provisions of the other Federal milk orders in the Northwest that each of such regulated markets with overlapping milksheds will have opportunity to procure milk on a reasonable competitive basis insofar as the respective pooling provisions of the orders are involved.

The pool plant provisions of the order should specify that the term "pool plant" shall not include a producer-handler plant. Nor should it include a distributing plant or a supply plant that is subject to regulation by another order. The provisions provided herein include a reasonable means of determining the order under which a distributing plant or a supply plant should be regulated when it meets the pooling qualifications of more than one order. The order presently provides for such provisions in another section, but the order would be clarified by repositioning them as part of the pool plant provisions. A specific proposal to do this was considered at the hearing and was not opposed. However, in redrafting the pool plant provision in its entirety, it is appropriate to provide a basis for determining when distributing plants, as well as supply plants, that otherwise meet the conditions for pooling nevertheless are to be excluded as pool plants.

The term pool plant should not apply to a distributing plant that also meets the pooling requirements of another Federal order and from which the Secretary determines there is a greater quantity of route disposition, except filled milk, during the month in such other Federal order marketing area than in this marketing area, except that if such plant were subject to all the provisions of the Puget Sound order in the immediately preceding month, it would continue to be subject to all the provisions of the Puget Sound order until the third month in which a greater proportion of its route disposition, except filled milk, is made in such other marketing area unless, notwithstanding the provisions provided herein, it is regulated under such other order.

The provision is aimed at coordinating, within the region, the treatment of distributing plants for pooling purposes in the event of overlapping route disposition that results in qualifying such plant for pooling under more than one order. However, it would tend to prevent disruptive, casual shifting between orders on a month-by-month basis.

Concerning a supply plant, the order should provide that such plant shall not be a pool plant if it also meets the pooling requirements of another Federal order and greater qualifying shipments are made during the month to plants regulated under such other order than are made to plants regulated under the Puget Sound order.

The foregoing provisions are the same as those provided in the adjacent Oregon-Washington order and should improve coordination of order provisions should the need arise for the market administrator to determine under which order a distributing plant or supply plant should be regulated when it is subject to the pooling provisions of more than one order.

While the changes provided herein are not identical to the provisions provided in the Inland Empire order, here also they should provide greater coordination than at present in determining the order under which a distributing plant of a supply plant should be regulated when it is subject to the pooling provisions of both the Puget Sound and Inland Empire orders.

2. *Diversion of producer milk.* The diversion provisions of the order should be revised to provide that for any month of January through April, or September through December, the quantity of producer milk diverted in such month from a pool distributing plant to any nonpool plant, or to a commercial food processing establishment located in Pacific County, Wash., may not exceed 70 percent of the producer milk received at such distributing plant (including that diverted). During the months of May through August no limit should apply on the quantity of milk that may be so diverted. Diversions from a pool supply plant should not exceed 50 percent of the producer milk received at such plant during any month.

The diversion provisions provided herein would apply equally to cooperative associations and to proprietary handlers. Currently, the order provides no limitations on the quantity of producer milk that may be diverted to nonpool plants.

Diversion of milk directly from the farm to a nonpool manufacturing plant is a method by which a handler (including a cooperative association) may dispose of, in an efficient manner, the reserve milk that is a necessary part of his regular supply. In order to be assured of an adequate supply every day, a handler procuring his own milk supply must arrange for sufficient supplies to allow for variations in production and in his daily needs for fluid processing. Production of milk varies seasonally and, accordingly, producers furnishing a sufficient supply for the low production season will produce more than an adequate supply in high production months. Handlers' milk requirements may vary both daily and seasonally chiefly because fluid milk packaging may not be carried on all days of the week and because cows' production varies.

A cooperative association proposed that the quantity of milk diverted should not exceed 50 percent in the months of April through August, or 30 percent in the months of September through March, of the producer milk received at pool distributing plants. The proposal would apply equally to milk diverted by a proprietary handler or a cooperative association. Also, diverted milk would be priced at the location of the plant to which diverted.

No testimony was received at the hearing in opposition to providing some limit on the proportion of producer milk that may be diverted.

The order now provides for the unlimited diversion of milk from pool plants to nonpool plants. Nevertheless, because supply plants, with manufacturing facilities, that are located in the marketing area were pooled on the basis of their location there, the market has not relied heavily on diversions to nonpool plants as a means of disposing of reserve supplies. Proponent anticipates that for the future such diversions may be made more extensively, and the provisions should be revised in line with changes in the market's supply and disposal needs and changes are being made in pooling provisions.

Proponent sells milk to handlers regulated by the order. Some of the handlers buy their full supply from the association, while other handlers call on the association only to supplement their own farm supplies of producer milk. During certain days of the week, months of the year, or at times when they might obtain bids to supply school or government contracts, handlers may call upon the reserve supplies of milk handled by the association. As previously indicated in Issue No. 1, the supply system for the market centers on the movement of such milk directly from farms to distributing plants.

For the 12 months through October 1972, about 42 percent of the producer milk of the market was used in Class I.[1] Consequently, a substantial part of the total supply for the market normally must be utilized for manufacturing. It is anticipated that with the adoption of the pool plant standards proposed herein under Issue No. 1, the pool supply plants now associated with the market would become nonpool plants, but milk received at such plants could be pooled under the rules for diversion. Accordingly, disposition of the reserve supply for the market can be accomplished readily by diversion from pool distributing plants to nonpool manufacturing plants. The provisions provided herein therefore will accommodate such disposition for the future and assure continued pool status for milk of producers who regularly supply the fluid milk needs of the market.

The provisions for the diversion of reserve milk from pool distributing plants are made somewhat more liberal than proponent's proposal because its proposal was based on the anticipation that most of the supply plants now pooled would continue to qualify as pool plants, and the incidence of diversion to nonpool plants would be somewhat less than under the provisions proposed herein.

[1] Official notice is taken of the "Market Information Bulletin" for the 12 months ending November 1972, issued by the Market Administrator.

Diversion of milk from pool supply plants would be provided for at a somewhat lower rate than from pool distributing plants. This is appropriate because, as previously indicated, the supply system for the market is such that milk, to meet the fluid needs of the market, moves predominantly from producers' farms direct to pool distributing plants. Consequently, the greatest incidence of diversion will be from pool distributing plants. However, in the event that a supply plant serves the market, it may have need for the privilege of diverting milk also. A supply plant that ships a portion (at least 50 percent) of its receipts from dairy farmers may need to divert milk to a nonpool manufacturing plant particularly if it has no manufacturing facilities of its own.

To provide that no milk may be diverted from a supply plant would require the milk of producers who regularly ship to a supply plant without manufacturing facilities to move through such plant for transshipment either to pool distributing plants or to nonpool manufacturing plants. The supply plant could not avail itself of the efficiencies associated with diversions directly from producer farms to manufacturing plants when the milk is not needed at pool distributing plants.

The supply plant pooling requirements provided herein insure that to be pooled such a plant must have a meaningful association with the market during months when milk to supply fluid needs is most needed. Also, it is provided that a supply plant that qualifies during the months of relatively short supply (September through February) may pool automatically during the remaining months of relatively heavy production.

The possibility exists, however, that any supply plant that may be associated with the market in the future might, unless limits were provided, add unneeded supplies of milk to the pool through the diversion provisions. This would dissipate, unnecessarily, the returns to all producers.

The addition of such milk to the pool by this means would be in sharp contrast to the anticipated and necessary diversion of milk from pool distributing plants as the chief means of disposing of the reserve supplies of milk already associated with the market. The minimum shipping requirement in the fall months of lowest seasonal production is 50 percent of the supply plant's receipts. This is a reasonable minimum, since to be eligible for pooling the plant should have a greater association of its supply to fulfill the fluid needs of the market than to fulfill the fluid needs of other markets. Obviously, if the plant ships this minimum to the market it will not have a need to divert more than 50 percent of its receipts in such fall months. Although lesser proportions of milk receipts are required to be shipped for initial pool qualification in other months, the limit of 50 percent of receipts on diversions in all months will reduce the incentive to add milk to the pool by means of diversion during months when the need for such milk in the market diminishes seasonally.

The limits provided herein will promote orderly marketing by assuring that only milk of producers regularly supplying the market may share in the proceeds from Class I sales. At the same time, the provisions will permit flexibility needed to handle efficiently milk not needed for fluid use.

Diversion to a commercial food processing establishment located in Pacific County, Wash., is provided for herein, in addition to diversion generally to nonpool plants, to accommodate a special marketing situation in the Puget Sound market.

A firm at South Bend, Wash. (Pacific County) operates an oyster processing plant that manufactures, among other oyster food products, an oyster stew. This plant uses substantial quantities of milk. With the closing of the pool plant at Chehalis, Wash., the nearest pool plants with available supplies of milk are in the Seattle-Tacoma-Olympia area, a considerable distance from South Bend (up to 135 miles). There are a number of milk producers whose farms are within 5 miles of the South Bend oyster plant. The company is equipped to receive milk directly from producers when it is not needed at pool plants for fluid use. It is provided herein that diversions may be made to the oyster processing plant on the same basis as diversions are made to nonpool plants.

Such diversion should be limited to this commercial food processor in Pacific County, Wash. There are other commercial food processors in the marketing area, and presumably outside the marketing area. Unlike the oyster plant, however, their requirements for milk normally are supplied from a plant at which some processing of the milk is done first, such as pasteurizing or standardizing. The oyster plant represents a limited market for milk delivered directly from the farm.

It will be economical to divert to the oyster plant directly from the nearby farms. Otherwise the milk would have to be hauled up to 135 miles to a pool plant and then hauled back if such producers are to continue to supply the oyster plant, a desired outlet, with milk. It would not be feasible for the producers in the vicinity of the plant to supply the plant directly, without affiliation with a pool plant as producers, because the demand for the milk is somewhat seasonal, and the producers would risk forfeiting their Class I bases if direct shipment were undertaken.

It is concluded that the diversion of milk to the commercial food processing plant in Pacific County, Wash., under the same conditions as diversion of milk to nonpool plants, will promote the orderly marketing of milk in the area.

The order also should continue to provide that for purposes of pricing only, milk diverted from a pool plant to a nonpool plant, or to such commercial food establishment, either for the account of a handler as the operator of a pool plant or for the account of a cooperative association in its capacity as a handler, shall be treated as a receipt at the location to which diverted.

If diverted milk is priced at the plant from which diverted, there is an incentive to associate distant milk with local plants in the market even though such milk is not needed for fluid use, is not a part of the market's regular supply, and is intended for manufacturing uses. If dairy farmers relatively distant from the market have their milk diverted to a nonpool plant near their farms and receive a uniform price based on the location of a pool plant in the marketing area, such farmers are compensated as if their milk had incurred the expense of delivery all the way to the market center. There is no reason why milk diverted from a pool plant to a nonpool plant at any particular location should draw a higher return from the market pool than milk received at a pool plant at the same location.

3. *Location adjustments.* Location adjustments (the amounts by which the Class I, Class II, and base prices are adjusted according to the location of the plant where milk is received from producers) should be revised to reflect changed marketing conditions in the Puget Sound marketing area.

Base milk location adjustments are the same as Class I adjustments, while Class II location adjustments are one-half of the rates applicable to Class I milk.

Currently, the marketing area is divided into four districts for the purpose of applying location adjustments, with certain districts also containing other counties outside the marketing area. District 1 includes King, Pierce (that portion in the marketing area), and Snohomish Counties. District 2 includes Thurston, Skagit, and Island Counties. District 3 is defined as that part of the marketing area in Grays Harbor, Lewis, Pacific, and Whatcom Counties. District 4 is San Juan County.

There are no location adjustments presently applicable to milk received at plants located in District 1, or Kitsap County. The Class I price at plants located in District 2 or Mason County is adjusted so as to be 15 cents per hundredweight less than the announced order price in District 1. In District 3, the portion of Lewis and Pacific Counties outside the marketing area, and Kittitas County, the announced Class I price is reduced 20 cents per hundredweight. District 4 and all other locations outside the marketing area have a Class I location adjustment of 40 cents per hundredweight.

Producer proponents originally proposed that the 40-cent per hundredweight Class I location adjustment apply to District 4 and Clallan and Jefferson Counties. For plants outside the marketing area and not subject to any of the above rates, the association proposed that location adjustments on Class I milk be set at 20 cents per hundredweight, plus 1.5 cents for each 10 miles or fraction thereof that the plant is located beyond 100 miles from the County-City Building in Seattle. Proposed adjustment rates on Class II milk, although

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one-half of the above rate, would not exceed 25 cents per hundredweight.

At the hearing, producers modified their first proposal. The proposed rate on Class I milk for locations outside the marketing area not subject to any of the designated district rates was changed to 20 cents, plus 2 cents for each 10 miles or fraction thereof beyond 100 miles from Seattle. The Class I adjustments for Districts 2 and 3 were changed from the current 15 and 20 cents, to 10 and 15 cents, respectively. The association further proposed that Skagit and Island Counties be removed from District 2 and placed in District 3; and that Kittitas County be subject to location adjustments applicable generally to locations outside the marketing area, rather than to the District 3 rate currently applicable in Kittitas County.

Proponent stated that the proposal to reduce the Class I price adjustment for a plant located in Whatcom County from 20 cents to 15 cents is intended mainly to facilitate the movement of milk from various plants in the milkshed to its supply plant at Lynden (Whatcom County) when necessary for surplus disposal. The closing of the association's Mount Vernon pool supply plant in Skagit County, which currently is in District 2, was given as a factor contributing to the surplus disposal problem. Producer milk formerly shipped to the proponent association's Mount Vernon plant is now being delivered to the Lynden plant, which currently carries a 5-cent per hundredweight greater Class I location adjustment than the rate applicable at Mount Vernon. Proponent contends that it is improper for producers whose milk at times is moved away from its customary pool plant outlet to Lynden to bear a 5-cent reduction in the base price as well as to incur the additional cost of movement itself.

In addition to reducing the location adjustment in Whatcom County, the effect of producers' proposal would be to reduce Class I location adjustments by 5 cents per hundredweight in Pacific, Thurston, Lewis, and Mason Counties. Currently, there are no pool plants in either Lewis or Mason Counties. At the time of the hearing there were two pool plants in Pacific County to which a 15-cent per hundredweight Class I location adjustment, rather than the current 20-cent adjustment, would apply. The Class I location adjustment at a plant located in Thurston County would be reduced from 15 cents to 10 cents.

There is only one other pool plant in the marketing area to which a location adjustment is applicable currently. The Class I location adjustment of 15 cents per hundredweight at such plant (in Skagit County) would not be changed by producer's proposal.

There are no pool plants now located outside the marketing area. Proponent testified that in the event that out-of-area plants should be pooled in the future, location adjustments for all outside locations should be based on mileage from Seattle, in lieu of the "flat" location adjustment of 40 cents currently provided in the order.

No location adjustments should apply to plants located in or near principal cities of the marketing area, which constitute the points of greatest milk processing and consumption. This would include plants in King, Pierce, and Snohomish Counties and Kitsap County, which is located outside the marketing area but adjacent to King County. As above indicated, no location adjustments presently are applicable to plants located in these counties and producers proposed no modifications for such plants.

All plants located outside the no location adjustment zone should have adjustments that reasonably relate to the cost of moving milk from plants to the central cities in the marketing area. There is no marketing reason for fluid milk products to be supplied regularly through supply plants located within the marketing area. The milk needs at fluid processing plants in the central cities are supplied by milk direct shipped from producers' farms to bottling plants. Individual producers pay the cost of hauling milk to such plants and receive a price that allows for such delivery as compared to delivery to outlying plants in the milkshed. However, when fluid milk is shipped from supply plants, location adjustments should tend to reflect the difference in the value of milk based on plant of receipt from the farm in relation to its value where it is needed for fluid use. Prices adjusted for plant location promote the uniform pricing plan by compensating the plant operator for his cost incurred in moving milk from the outlying plant location to the market center.

Producers' request to reduce location adjustments in Districts 2 and 3 should be adopted. Such reduction will more nearly reflect current rates for efficient hauling of bulk milk. However, Island and Skagit Counties should not be removed from District 2 and placed in District 3. The Class I location adjustment in both these counties currently is 5 cents per hundredweight less than the adjustment in Whatcom County. This difference should be maintained to reflect the relative distances of the plants located in each county to the central market. Therefore, Island and Skagit Counties should remain in District 2 and carry a 10-cent per hundredweight Class I location adjustment. For the previously stated reasons, the Class I location adjustments applicable to Districts 2 and 3 should be changed to 10 and 15 cents per hundredweight, respectively.

As indicated previously, proponent testified about not reducing the base price payable to their producers whose milk is moved from Skagit County to the Lynden plant. They did not indicate, however, that this could not be achieved through the reblending of proceeds to their producers.

Class I location adjustments applicable in District 4 and Clallam and Jefferson Counties should be maintained at the current rate of 40 cents per hundredweight due to the presence of Puget Sound between such counties and the market center. This necessitates a longer haul by road or relatively expensive ferrying.

Location adjustments by Districts, based primarily on county boundaries, are continued herein as a customary method of providing for location pricing within the marketing area. The rates adopted for the several districts, most of which territory is in the marketing area, are reasonably reflective, however, of the cost that would be involved in moving milk into the marketing center from the few outlying supply plants remaining in the outlying counties of the marketing area. Location adjustments for locations outside the marketing area that are not subject to any of the in-area rates should be computed on the basis of mileage from Seattle.

In the past it has not been necessary to compute adjustments on such basis because production for the market has been centered west of the Cascade Mountains. Very little milk came into the area from east of the mountains and that shipped in came from no farther than the Columbia River Basin area. The 40-cent location adjustment provided by the order served adequately for milk moving from such area.

The mobility of milk has increased, however, to the point that some provision should be made now for the eventuality that milk might move into the marketing area from plants located at considerable distances.

As previously indicated, producers proposed that such location adjustments be applied to out-of-area plants at a rate of 20 cents, plus 2 cents per 10 miles beyond 100 miles from Seattle. In supporting 2 cents per 10 miles a representative of the association presented a schedule of shipping rates filed with the Washington Utilities and Transportation Commission (WUTC). These rates were filed by a common carrier and apply where specific point-to-point rates are not maintained. The exhibit indicates a charge of 28 cents per hundredweight for shipping 48,000 pounds of milk 105 miles. This charge is further increased by 2 cents per hundredweight for each additional 10 miles.

Such rates filed with the WUTC are not negotiated rates for standard or regular hauls, but represent a basis for the hauler's charge when a specific rate is not established between certain points. The association has negotiated lesser hauling rates than those filed with WUTC. An association charge of 20.33 cents per hundredweight applies on milk shipped from Lynden to Seattle (106 miles) compared to the field charge of 28 cents for 105 miles.

A hauling charge of 20.33 cents from Lynden to Seattle converts to a rate of 1.92 cents per hundredweight per 10 miles. However, the association's own proposed location adjustment under the order for its Lynden plant in Whatcom County is 15 cents, or 1.42 cents per hundredweight per 10 miles. This proceeding provides no basis for presuming

that the rate of adjustment applicable to locations outside the marketing area should be significantly greater than those found to be reasonable within the area.

Therefore, a rate of 1.5 cents per 10 miles, as proponents originally proposed, provides an equitable allowance for plants located outside the marketing area relative to allowances for plants within the marketing area. Furthermore, a rate of 1.5 cents per 10 miles will be consistent with location adjustment rates under other Federal orders, including the adjacent Oregon-Washington order.

While it was not an issue at the hearing, it should be noted that the base milk price to producers would continue to be reduced, at the same rate as specified for Class I milk, for plant location where the milk is received from the farmer.

Producers proposed that Class II location adjustment be set at one-half of the Class I adjustment, but not to exceed 25 cents per hundredweight. No evidence was presented, however, to indicate a need for increasing the maximum Class II location adjustment from 20 cents to 25 cents. The Class II location adjustments, therefore, should continue to be set at one-half of the rate specified for Class I milk, but not to exceed the 20-cent per hundredweight maxamum as currently provided in the order.

Location adjustments on excess milk. The order should be amended to delete the location adjustments that are added to the uniform price for excess milk at pool plants in Districts 1, 2, and 3.

The amount of such addition to the excess price varies slightly from month to month according to the volume of producer milk utilized in Class II at pool plants in such districts and the volume of excess milk received at the plants. In the recent past the adjustments have ranged between 9–10 cents per hundredweight for excess milk received at pool plants in District 1; 3–4 cents in District 2; and 1–2 cents in District 3. There is no adjustment added to the uniform price for excess milk at pool plants in District 4.

A cooperative association proposed that such location adjustments be eliminated to improve the operation of the Class I base plan. Moneys now paid out on excess milk would accrue to deliveries of base milk by all producers. In proponent's view, this would help to provide greater economic incentive under the Class I base plan to encourage deliveries of base milk and to discourage the production of excess milk.

The original purpose of such adjustments was to compensate producers for the delivery of excess milk (the order provided for a base-excess plan) to District 1 where it was used for ice cream and cottage cheese. Prior to the order, handlers had paid about 25 cents more per hundredweight for milk so used than the milk used in butter, cheese and nonfat dry milk. Since about 90 percent of the milk delivered was base milk, the higher price charged handlers in District 1 for milk used in cottage cheese and ice cream resulted in a corresponding payment of 25 cents a hundredweight to producers for delivery of excess milk for such uses.

When the order was amended effective May 1, 1968, to provide a separate class (Class II) for milk used in cottage cheese and ice cream, the Class II differential was set at 25 cents per hundredweight over the Class III price for all marketing area plants. By then cottage cheese and ice cream manufacture had developed at plants outside District 1. The 25 cent payment to producers on excess milk likewise was extended to deliveries made to pool distributing plants in Districts 2 and 3. However, since the total supply of milk available to the market had increased, the rate of payment to producers on excess milk decreased from 25 cents per hundredweight to the lower rates described above.

There is no reason under current marketing conditions to maintain such incentive to encourage the delivery of excess milk for use in Class II. There was no indication in the record that the supply of milk for Class II will be jeopardized if the price adjustments on excess milk are removed. In fact, continuing the adjustment for the future could create an undue incentive for the production and delivery of excess milk.

Deleting the adjustments on excess milk will not reduce the amount of money in the pool, but will redirect it to increase the price of base milk, thereby increasing the returns of each producer for the base milk he supplied to meet the requirements of pool distributing plants. For 1971, the amount added to the base price would have been about 6 cents per hundredweight.

It is concluded that the location adjustments on excess milk should be deleted to insure that producer milk in excess of the fluid milk needs of the market should reflect only the value of the lowest use classification. Each producer then will have greater incentive to adjust his production to delivery of base milk as the Class I base plan contemplates.

Location adjustments on other source milk. The order should be amended to provide that the Class I price for other source milk, when adjusted for location, shall not be less than the Class III price.

A pool plant operator's obligation to the producer-settlement fund may include a payment on receipts from unregulated sources which are allocated to Class I use. The order currently provides that the weighted average price, when adjusted for location, shall not be less than the Class III price. No such limitation is applied to the Class I price.

A similar limitation on adjustments to the Class I price should be provided. Otherwise, a handler could receive payment from the producer-settlement fund on such receipts. This could occur whenever the location adjustment at the plant exceeded the difference between the Class I and Class III prices. Producers under the order, in effect, would be providing the handler with a credit that reduced his cost for other source milk below its value for manufacturing uses. A handler should not be provided this incentive to import milk from distant sources at the expense of local producers.

4. *Changing the butterfat differentials.* The order should be amended to provide for a single butterfat differential for adjusting order prices to the butterfat content of milk being priced. The differential for the current month should be the Chicago butter price for such month multiplied by a factor of 0.115, rounded to the nearest one-tenth cent. Such differential should be announced on the fifth day of the following month.

Currently, the order provides for three butterfat differentials. The Class I butterfat differential for handlers is determined by multiplying the Chicago butter price for the preceding month by 0.125, while the handler Class II–III differentials are determined by multiplying the butter price for the current month by 0.120. The butterfat differential applicable in adjusting payments to producers is the average of the Class I and Class II–III differentials weighted by the proportion of producer milk in each class.

Presently, the Class I and Class II–III differentials are announced on the fifth day of the month. The Class I differential applies to the month in which announced, while the Class II–III differentials apply to the preceding month. The producer butterfat differential is announced on the 13th day of each month and applies to milk received during the preceding month.

A cooperative association serving the market proposed that the butterfat differentials for each class be reduced from present levels to 11.5 percent of the Chicago 92-score butter price. Proponent contended that the prices now assigned to differential butterfat in the various classes do not reflect the current market values of this component of milk in its several uses.

The proposal was opposed by Jersey and Guernsey breed associations in the market. The principal reasons cited by the two breed associations in opposition to the reduction of butterfat differentials were that lower butterfat differentials would (1) place the breed associations at a competitive disadvantage, and (2) result in a substantial loss of income to producers of high test milk. Reduced butterfat differentials, it was contended, would result in decreased production of butterfat and solids-not-fat, which would have a deleterious effect on the nutritional value of milk. No opposition to the proposal was presented by other groups in attendance at the hearing.

Under the Puget Sound order the average butterfat test of Class I milk has been declining. In 1966 it was 3.53 percent and in 1971 it was 3.25 percent, a drop of 7.9 percent. In contrast, during 1971, when the butterfat in producer milk classified in Class I averaged 3.25 percent, producer deliveries averaged 3.79 percent butterfat. The increasing demand for Class I products of lower

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butterfat content can be expected to result in a continuing decline in the average butterfat of Class I sales under the order.

The Puget Sound experience follows closely the declining national trend in the proportion of butterfat in Class I sales as shown by the average test of fluid milk products sold in the Federal order marketing areas. In 1966, the average butterfat test in 66 Federal order markets for such sales was 3.5 percent.[3] This percentage has declined from year to year, and in 1971 the comparable average butterfat test was 3.21 percent. On a percentage basis, the average butterfat content in these fluid milk products declined 9 percent from 1966 to 1971.

The demand for butterfat has declined not only as indicated above but also in products included in Class II and Class III. This is indicated by the support prices established in recent years which have lowered the support purchase prices for butter in relation to those for nonfat dry milk.

It is concluded that class butterfat differentials should be reduced in recognition of the declining demand for butterfat in the several class uses.

The combined effect of reducing the Class I and Class II–III butterfat differential factors would be to decrease slightly the average base milk price at test. If the reduced factors had been in effect during 1971, the average base milk price at 3.5 percent butterfat test would have been decreased by about 1.4 cents per hundredweight. The chief benefit from this change is that the associations that dispose of a large portion of the reserve milk of the market may do so more competitively than at present.

Proponent requested also that the Class I butterfat differential be based on the Chicago butter price for the second preceding month and announced in conjunction with the Class I price. Proponent testified that it is not possible for handlers to establish accurately their product costs when the butterfat differential is announced on the fifth day of the month that it takes effect and 30 days after the announcement of the Class I price.

As indicated above, only the Class I butterfat differential currently is based on the butter price for the preceding month. Because monthly changes in the Chicago butter price normally are relatively small, it is not necessary to utilize butter quotations for Class I different from those utilized to price Class II–Class III butterfat.

In addition to opposing the reduction of any butterfat differential, witnesses for the two breed associations proposed a butterfat, solids-not-fat (SNF) formula to derive a differential for adjusting prices to producers for milk above or below 3.5 percent butterfat content. Under the formula, separate values are computed for the SNF and butterfat components of producer milk. The values are then combined to provide the differential. The associations' formula, which utilizes a change of 0.04 percent SNF for each 0.1 percent change of butterfat, would have resulted in an average producer "butterfat-SNF differential" of 8.7 cents during 1971, compared to an actual average producer butterfat differential of 8.32 cents.

Underlying the associations' proposal is the assumption of a constant relationship between changes in the butterfat and SNF content of producers' milk. Evidence in the record does not substantiate this assumption. To the contrary, it demonstrates that wide variations exist between the relationship of the butterfat content and the SNF content of milk. Changes between the two do not occur in a constant proportion. Accordingly, we may not conclude from the record that it represents a satisfactory technique for pricing the butterfat-SNF components of milk.

The regulation cannot ignore that the prices producers receive for butterfat must be closely related to the values of butterfat in the marketplace. This is determined by what handlers can return from the sale of products made from this component of milk. It is clear from the record that the amount of butterfat that can be disposed of in fluid milk products is decreasing. The differentials now provided in the order are higher than those provided in nearby areas, which could impede the Puget Sound market in competition with other areas. The associations actually marketing much of the butterfat in the market contend that the marketplace will not sustain the present price of butterfat delivered by producers. In view of these circumstances, it is concluded that the value of butterfat in producer milk is no different than the value of it in the various class uses.

Since a single butterfat differential would be applicable, the order need provide only for a producer butterfat differential. No handler butterfat differentials applicable to class prices need be set forth as such. Nor is there any need for pooling butterfat values in each class since all butterfat in producer milk would be priced to handlers at the same level regardless of the class in which used. The proposed revised order attached hereto is drafted accordingly. The differential being the same for each class, as proposed herein, the provisions for weighting the values of butterfat by classes become unnecessary and are deleted.

5. *Classification*—(a) *Ending inventory.* Fluid milk products on hand in packaged form at the end of the month should be classified as Class I milk. Fluid milk products on hand at the end of the month in bulk form should be classified as Class III milk. At the present time all inventory on hand at the end of the month is classified as Class I milk.

This change was requested by a cooperative association serving the market, to improve the accounting plan for milk. Most of the packaged fluid milk products in inventory at the end of the month are used in the following month as Class I disposition. A substantial portion of bulk inventories may be used in Class III for manufacturing. The proposed change would eliminate reclassification charges on such inventories in the following month. The order would continue to provide a basis for including as Class I all of the packaged fluid milk products held by the handler at the end of the month whether in his processing plant or at other locations such as distributing points. Thus, the amendment would provide a method of pricing such fluid milk products in the month in which packaged by the handler.

Inventories of bulk fluid milk products on hand at the beginning of the first month in which this order becomes effective should be allocated to any available Class I use of the plant during the month. As ending inventory, this milk will have been assigned to the higher price-class in the month prior to this amendment. This will permit the changeover to be made without affecting either the handlers' costs or the producers' returns.

(b) *Products not specified in the order.* The order should be changed to provide that dairy products not specifically identified as Class II or Class III should be classified as Class I. At present, any such product that would be marketed would be classified as Class III milk. However, there are no unspecified products being classified at this time.

Other provisions of the order put the burden of proof on the handler to show that a product should not be in a higher classification. The change provided herein, as proposed by a cooperative association, will result in greater consistency with the order which provides also that all skim milk and butterfat shall be Class I unless the handler who first received such skim milk or butterfat can prove to the market administrator that such skim milk or butterfat should be classified otherwise.

The proposal was opposed by a handler who stated that his firm might develop a flavored whipped cream. The order now provides that whipped cream is Class I. Adding a flavor such as strawberry or caramel at the processing plant rather than at a consumer's home should not affect this classification any more than adding chocolate flavoring to milk. The product should continue to be classified as Class I and should not be relegated to Class III solely by the addition of a flavor.

6. *Partial payments to producers.* The order should provide that all handlers be required to make partial payments to producers, or to cooperative associations that collect for their members, for producer milk delivered during the first 15 days of the month. Such payments to individual producers should be made by the 25th day of the month. Payments to cooperative associations should be made 2 days earlier. The rate of payment should be the Class III price for the preceding month, less any deductions authorized by the producer.

The order does not now provide for partial payments to producers. Handlers, however, follow the practice of issuing partial payments when requested to do so by producers. Final settlement for producer deliveries during the month is not required until about the middle of the following month.

When only a final settlement for producer milk is provided, payable by the 19th of the next month, the handler has the use of the money resulting from its sale for up to 50 days without any payment to the producer. The application of partial payments will reduce the period a producer must wait to receive some payment. Such partial payment still would be less than the full value of the milk by the amount of the difference between the price for the lowest use-class and the uniform price. A more uniform basis of payment throughout the market will result.

The rate of partial payment should be the Class III price for the preceding month without further adjustment for butterfat content or location. The partial payments should be reduced by the amount of any proper deductions authorized by a producer. It is not unusual for a producer to have assignments or other deductions made against the payments for his milk. This provision will accommodate such circumstances and allow these deductions to be made from the partial as well as the final payments for milk.

A handler should be required to make partial payment only to a producer who has not discontinued delivery of milk to the handler as of the 15th of the month. This requirement will minimize the possibility of overpayments.

The order should provide that partial payments to a cooperative association collecting for its members be made on or before the 23d day of the month. This is provided so that the individual members of the cooperative can receive such payments by the same time as producers receiving payment directly from handlers. Two days should be adequate for this purpose.

7. *Administrative provision* — (a) *Route disposition.* The definition should be changed to provide that packaged fluid milk products that are transferred to a pool distributing plant from another pool distributing plant, and classified as Class I, shall be considered as route disposition from the transferor-plant, rather than from the transferee-plant, for the single purpose of determining its qualification as a pool distributing plant. The transferor-plant shall be assigned in-area sales, but not in excess of the in-area sales of the transferee.

This change will mitigate possible removal from pooling of a plant in the marketing area from which milk is distributed on routes but which is now pooled as a supply plant on the basis of its location in the marketing area.

(b) *Handler statements to producers.* The order now provides that each handler furnish each producer a supporting statement that includes the Class I, Class II, and Class III prices for milk of 3.5 percent butterfat content and the marketwide percentage of producer milk utilized in each class during the month. This provision makes for repetitious reporting requirements. Currently, the market administrator provides and mails to each producer the information specified above. Also, cooperative associations provide this information to each member producer in their house bulletins. Deleting the report required of handlers will eliminate a superfluous requirement on handlers.

(c) *Chicago 92-score butter price.* The definition "Chicago butter price" now provided in the order is based on 93-score butter, with 92-score prices to be used only if there are no reported prices for 93-score butter.

There are very few quotations for 93-score butter any longer, and the substitution of the 92-score butter quotation for computing the Puget Sound order formula prices has been required frequently in the recent past. When there has been a quotation for 93-score butter, it has been only slightly higher than the quotation for 92-score butter.

Other milk orders, and particularly those in adjacent markets, use the 92-score quotation without reference to the 93-score butter price. Adoption of the 92-score butter price, where applicable in the order, will make the Puget Sound order consistent with adjacent markets by eliminating for the future the slight differences in values for computing price formulas that have prevailed in the past. A definition of "Chicago butter price" is deemed unnecessary and therefore is removed to simplify order language.

(d) *Substitution of "regulatory agency" for "health authority."* "Regulatory agency" should be substituted for "health authority" wherever it appears in those sections of the order defining "producer," "distributing plant," "supply plant," and "pool plant." Frequently, the regulatory agency approving milk for fluid consumption is not termed a health authority. Accordingly, use of "regulatory agency" provides a more useful description of such agencies having jurisdiction in this field.

(e) *Plant definition.* As indicated previously the performance standards for pooling supply plants would be changed by provisions included herein. Because of the difference in marketing practices and functions between pool distributing plants and supply plants, separate performance standards have been provided in the order. It will facilitate reference throughout the order if definitions of a distributing plant and a supply plant are provided in the order. The term "distributing plant" would cover a plant in which a fluid milk product approved by a duly constituted regulatory agency for fluid consumption is processed or packaged and that has route disposition in the marketing area during the month. The term "supply plant" would include any plant from which a fluid milk product approved by a duly constituted regulatory agency for fluid consumption, or filled milk, is transferred to a pool distributing plant during the month.

(f) *Fluid milk product.* The definition of "fluid milk product" should be clarified to include flavored cream. At times, in the past, handlers have added flavoring ingredients or sugar to cream. This has raised the question of whether such altered cream should be considered a fluid milk product. At the present time, no handler produces flavored cream. The change proposed herein would not affect the classification of any products currently produced in the market. Further, there is no evidence that flavored cream has any use other than a fluid milk product use (as for whipping) and no objection was raised at the hearing concerning this change.

The definition now includes a provision concerning products that are reconstituted or fortified with additional nonfat milk solids. This provision should be repositioned in the introductory paragraph of the definition to make it clear that it applies to all fluid milk products included in the definition. This has been the intent of the provision and the practice in its administration.

In the last paragraph of the fluid milk product definition there is a reference to "condensed milk, and skim milk (plain or sweetened)." The present language, however, does not indicate clearly whether it is meant to refer to condensed milk, either plain or sweetened. The change proposed herein would make it clear that condensed milk (plain or sweetened) and condensed skim milk (plain or sweetened) are not to be considered as fluid milk products. The change will clarify the provision to bring it in line with the present administrative practice.

(g) *Authority for additional information.* The order should be amended to provide for such additional reports as the market administrator may need to administer the order properly. For example, the change would authorize the administrator to request, under the payroll reports provision, information on the daily deliveries of producers for use in connection with the Class I base plan. The change, which was not opposed at the hearing, will facilitate administration of the order.

(h) *Other order packaged fluid milk not suitable for fluid disposition.* The provisions for classifying producer milk should be amended to provide that packaged fluid milk products for route disposition shall be accounted for as Class I milk when received at a pool plant from an other order plant. Packaged fluid milk products that are received at a pool plant from an other order plant for "salvage" use should be accounted for in Class III as a fluid milk product not qualified for disposition to consumers in fluid form.

The need for this change stems from a particular situation involving a Puget Sound handler who also has a plant under another order. Fluid milk products packaged at its Puget Sound plant are moved to the other order plant. They are intended for fluid consumption and are used by the other order plant to supply consumers with products and containers which are not packaged in the receiving plant. Some of these products

[3] Official notice is taken of the January 1972 Summary of Federal Milk Order Statistics (issued by the Dairy Division, AMS, USDA), p. 4.

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are returned from routes and are unsuitable for further disposition in fluid form. They are then returned to the Puget Sound plant in their original containers for salvage.

The other order plant of the Puget Sound handler packages other fluid milk products in containers of varying size for disposition on routes in that marketing area. Route returns of these products also are moved in their original packages to the Puget Sound plant for salvage.

Fluid milk products received from an other order plant, even though unsuitable for fluid consumption in the Puget Sound marketing area, have been accounted for in Class I at the Puget Sound pool plant as a receipt of packaged fluid milk products (with an adjustment for shrinkage) from an other order plant.

The effect of this is to reduce Class I use for producer milk under the Puget Sound order even though the receipts from the other order plant have not been for route disposition in the Puget Sound area.

The change provided herein will insure that the Class I classification of packaged fluid milk products from an other order will apply only when such products are for route disposition and not for salvage in manufacturing.

(i) *Fluid milk products received from an unregulated supply plant or partially regulated distributing plant but already priced under a Federal order.* No pool charge should be made on fluid milk products received at a pool plant or a partially regulated distributing plant from an unregulated supply plant when it is determined that such fluid milk products have been priced as Class I under this or any other Federal order.

When an unregulated supply plant makes Class I purchases from a regulated plant under any order, the obligation to the order pool at the Class I price has been met, and there is no justification for any additional charge pursuant to the order. The Puget Sound order will continue to provide for payment to the producer-settlement fund at the difference between the Class I and uniform prices on any unpriced milk received from an unregulated supply plant and allocated to Class I at a pool plant.

The provisions prescribing the obligation of a partially regulated distributing plant should be changed also in this regard. When such plant's obligation is computed as though it were a pool plant, proper recognition must be given to any transfers from the plant to a regulated plant that already have been priced as Class I milk under another Federal order. Also, in computing such a plant's obligation on route disposition in the marketing area, recognition should be given to any receipt of milk at such plant from an unregulated plant if an equivalent amount of milk received at the latter plant already has been priced as Class I milk under another order.

(j) *Equivalent price.* The provision is revised herein to incorporate, as part of the revised format, a more appropriate equivalent price provision. The order now provides for such computation and the changes provided herein merely adopt language to achieve desired uniformity among orders. As provided herein, if a price or pricing constituent needed by the market administrator in administering the order is not available, the market administrator shall use a price or pricing constituent determined by the Secretary to be equivalent to the price or pricing constituent that is required.

The order now uses both "price quotation" and "price" to describe the formula pricing constituents and prices that must be available to the market administrator monthly in order for him to determine the class prices and the butterfat differential.

Although the various quotations now used in the order are specific price quotations, a different price constituent (e.g., a price index) that is reflective of one or more price quotations might under some circumstances be instituted in the order as a basis for determining class prices. Use of "price or pricing constituent" in the order language relating to use of equivalent prices will more appropriately express the intent of this provision of the order.

(k) *Format of order provisions.* The format provided herein is designed to provide a more logical positioning of provisions. The positioning of provisions within the order is the same as that recently incorporated in several Federal milk orders and proposed for a number of others. Such positioning is designed to achieve a uniform location of order provisions among all orders and to improve the arrangement of provisions therein.

(l) *Miscellaneous.* (1) The "producer milk" definition includes a reference to filled milk in the provision relating to diversion of milk from farms to nonpool plants. The reference is not appropriate at such point and should be deleted.

(2) The order should treat as other source milk, and provide for its allocation, the receipts at a pool plant during the month from a dairy farmer who also delivered milk to a nonpool plant (except by diversion) during the same month. In 1968, the order was amended to eliminate such milk as producer milk but did not provide for its allocation to Class III as other source milk.

(3) A provision of the order that allocates some "overage" to other source milk should be deleted. The quantity of overage that was so allocated in 1971 was very small and was valued at $1,000 for the year. Both quantity and value are expected to decline further as pool plants are decreasing receipts of other source milk. As provided herein, handlers would be charged for all "overage" instead of having some of it allocated to Class III as other source milk. The chief benefit from this change will be avoidance af the time and cost involved in making the computation now provided by the order. The change was not opposed at the hearing.

(4) In addition to its present application, the administrative assessment should apply to the route disposition of a partially regulated distributing plant that exceeds the Class I milk from pool plants and other order plants (but not used as an offset on any similar payment obligation under any other order).

This will carry out the objective stated earlier herein of charging an obligation on any route disposition from a partially regulated distributing plant that has not been priced as Class I milk under another Federal order. For disposition that has not been so priced it is appropriate to charge the operator of the partially regulated distributing plant the administrative assessment to cover the cost of administering the order provisions under which such handler incurs an obligation.

(5) In revising the pool plant and diversion provisions, previously discussed, the order language adopted herein recognizes that a cooperative association may, under the Capper-Volstead Act, market the milk of some producers who are not members of the association. Conforming changes are made in the "Handler," "Producer milk," and "Marketing services" provision to reflect such transactions.

Rulings on Proposed Findings and Conclusions

Briefs and proposed findings and conclusions were filed on behalf of certain interested parties. These briefs, proposed findings, and conclusions and the evidence in the record were considered in making the findings and conclusions set forth above. To the extent that the suggested findings and conclusions filed by interested parties are inconsistent with the findings and conclusions set forth herein, the requests to make such findings or reach such conclusions are denied for the reasons previously stated in this decision.

General Findings

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) The tentative marketing agreement and the order, as hereby proposed to be amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(b) The parity prices of milk as determined pursuant to section 2 of the Act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the marketing area, and the minimum prices specified in the tentative marketing agreement and the order, as hereby proposed to be amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and

wholesome milk, and be in the public interest;

(c) The tentative marketing agreement and the order, as hereby proposed to be amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity specified in, a marketing agreement upon which a hearing has been held; and

(d) It is hereby found that the necessary expense of the market administrator for the maintenance and functioning of such agency will require the payment by each handler, as his pro rata share of such expense, 4 cents per hundredweight or such lesser amount as the Secretary may prescribe, with respect to milk specified in § 1125.85 of the aforesaid tentative marketing agreement and the order as proposed to be amended.

Recommended Marketing Agreement and Order Amending the Order

The recommended marketing agreement is not included in this decision because the regulatory provisions thereof would be the same as those contained in the order, as hereby proposed to be amended. The following order amending the order, as amended, regulating the handling of milk in the Puget Sound, Wash., marketing area is recommended as the detailed and appropriate means by which the foregoing conclusions may be carried out:

PART 1125—MILK IN PUGET SOUND, WASHINGTON, MARKETING AREA

Subpart—Order Regulating Handling

General Provisions

Sec.
1125.1 General provisions.

Definitions

1125.2 Puget Sound, Wash., marketing area.
1125.3 Route disposition.
1125.4 Plant.
1125.5 Distributing plant.
1125.6 Supply plant.
1125.7 Pool plant.
1125.8 Nonpool plant.
1125.9 Handler.
1125.10 Producer-handler.
1125.11 [Reserved]
1125.12 Producer.
1125.13 Producer milk.
1125.14 Other source milk.
1125.15 Fluid milk product.
1125.16 [Reserved]
1125.17 Filled milk.
1125.18 Cooperative association.

Handler Reports

1125.30 Reports of receipts and utilization.
1125.31 Payroll reports.
1125.32 Other reports.

Classification of Milk

1125.40 Classes of utilization.
1125.41 Shrinkage.
1125.42 Classification of transfers and diversions.
1125.43 General classification rules.
1125.44 Classification of producer milk.
1125.45 Market administrator's reports and announcements concerning classification.

Class Prices

Sec.
1125.50 Class prices.
1125.51 Basic formula price.
1125.52 Plant location adjustments for handlers.
1125.53 Announcement of class prices.
1125.54 Equivalent price.

Uniform Prices

1125.60 Handler's value of milk for computing uniform prices.
1125.61 Computation of uniform prices for base and excess milk (including weighted average price).
1125.62 Announcement of uniform prices and butterfat differential.

Payments for Milk

1125.70 Producer-settlement fund.
1125.71 Payments to the producer-settlement fund.
1125.72 Payments from the producer-settlement fund.
1125.73 Payments to producers and to cooperative associations.
1125.74 Butterfat differential.
1125.75 Plant location adjustments for producers and on nonpool milk.
1125.76 Payments by handler operating a partially regulated distributing plant.
1125.77 Adjustment of accounts.

Administrative Assessment and Marketing Service Deduction

1125.85 Assessment for order administration.
1125.86 Deduction for marketing services.

Class I Base Plan

1125.90 Production history base and Class I base.
1125.91 Base milk and excess milk.
1125.92 Computation of production history base for each producer.
1125.93 Computation of Class I base or base milk for each producer.
1125.94 Transfer of bases.
1125.95 Miscellaneous base rules.
1125.96 Hardship provisions.

Authority: Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674.

Subpart—Order Regulating Handling

General Provisions

§ 1125.1 General provisions.

The terms, definitions, and provisions in Part 1000 of this chapter are hereby incorporated by reference and made a part of this order.

Definitions

§ 1125.2 Puget Sound, Wash., marketing area.

"Puget Sound, Wash., marketing area" (hereinafter called the "marketing area") means all territory geographically within the places listed below, including all territory wholly or partly therein occupied by government (municipal, State or Federal) reservations, facilities, installations or institutions:

Washington Counties

Grays Harbor.
Island.
King.
Lewis (except the town of Vader).
Pacific (all territory north of township 11 N except Long Island and the North Beach Peninsula).
Pierce (except Fox, McNeil, and Anderson Islands and the peninsulas adjacent to Kitsap County).
San Juan.
Skagit.
Snohomish.
Thurston.
Whatcom.

"District 1" shall include that portion of the marketing area in King, Pierce, and Snohomish Counties. "District 2" shall include Thurston, Skagit, and Island Counties. "District 3" shall include that portion of the marketing area in Grays Harbor, Lewis, Pacific, and Whatcom Counties. "District 4" shall include San Juan County.

§ 1125.3 Route disposition.

"Route disposition" means any delivery of fluid milk products (including delivery at a plant, plant store, or eating place and delivery by a vendor or through a distribution point) except:

(a) A delivery to a plant: *Provided*, That packaged fluid milk products that are transferred to a pool distributing plant from another pool distributing plant, and classified as Class I under § 1125.42(a), shall be considered route disposition from the transferor-plant for the sole purpose of qualifying it as a pool distributing plant under § 1125.7(a), and the transferor-plant shall be assigned in-area sales but not in excess of the in-area sales of the transferee;

(b) A delivery in bulk to a commercial food processing establishment pursuant to § 1125.40(b)(3); or

(c) A delivery to a military or other ocean transport vessel leaving the marketing area of fluid milk products which originated at a plant located outside the marketing area and were not received or processed at any pool plant.

§ 1125.4 Plant.

"Plant" means the land, buildings, surroundings, facilities and equipment, whether owned or operated by one or more persons, constituting a single operating unit or establishment, which is maintained and operated primarily for the receiving, handling and/or processing of milk or milk products (including filled milk). The term "plant" does not include:

(a) "Bulk reload points" which comprise the buildings, premises and facilities, including facilities for washing tanks, used primarily as a location at which milk is transferred from one farm pickup tank truck to another or to an over-the-road tank truck. Any reload point approved for such use by a duly constituted regulatory agency and located on the premises of a plant engaging in other operations shall constitute a part of the operations of such plant. However, milk which is reloaded at such a facility in transit to another plant at which it is processed, shall, for purposes of pricing only, be considered a receipt at the plant at which it is processed; or

(b) "Distribution points" which comprise the buildings, premises and storage

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facilities at which are stored, enroute in the course of disposition, fluid milk products that have been processed and packaged in consumer-type packages at a distributing plant. The following shall apply with respect to the operations of a distribution point:

(1) Operations of such a distribution point located on the premises of a nonpool plant or a pool supply plant shall not constitute a part of the operations of such plant; and

(2) Fluid milk products moved through a distribution point shall be classified on the basis of disposition from the distributing plant at which processed and packaged, unless the following conditions are met, in which case such products may be classified on the basis of disposition from such distribution point:

(i) Such distribution point is located west of the Cascade Mountain Range;

(ii) Fluid milk products are not received during the month at such distribution point from more than one plant; and

(iii) The handler operating such distributing plant notifies the market administrator of his intent to report regularly on the basis of disposition from such distribution point.

§ 1125.5 Distributing plant.

"Distributing plant" means a plant in which a fluid milk product approved by a duly constituted regulatory agency for fluid consumption, or filled milk, is processed or packaged and that has route disposition in the marketing area during the month.

§ 1125.6 Supply plant.

"Supply plant" means a plant from which a fluid milk product approved by a duly constituted regulatory agency for fluid consumption, or filled milk, is transferred during the month to a pool distributing plant.

§ 1125.7 Pool plant.

Except as provided in paragraph (c) of this section "pool plant" means a plant specified in paragraph (a) or (b) of this section. For the purpose of determining a plant's pool status under paragraph (a), (b), or (c) of this section, the receipts and disposition of filled milk shall be excluded from such computation.

(a) A distributing plant with route disposition in the marketing area during the month that averages more than 110 pounds daily and is also not less than 10 percent of receipts of Grade A milk at such plant. For purposes of this paragraph, route disposition shall not include receipts from a transferor-plant pursuant to the proviso of § 1125.3(a); or

(b) A supply plant from which there is transferred to a pool distributing plant fluid milk products that represent not less than the following percentages of the total quantity of Grade A milk that is physically received at such plant directly from dairy farmers, or a cooperative association pursuant to § 1125.9(c), or diverted therefrom as producer milk pursuant to § 1125.13:

Months	Applicable percentage
January, February, or September	40
March through August	30
October through December	50

Any such plant that has transferred the applicable percentage of its receipts during the entire September through February period shall be a pool plant for the months of March through August immediately following unless the operator of such plant files with the market administrator, prior to the first day of the month, during the March–August period, a written request to withdraw such plant from pool supply plant status for the month. If the plant operator does not renew such request for the following month (when applicable) the plant shall be pooled for such month, and for each month remaining in the March through August period, only by meeting the pool supply plant qualifying percentages for such period.

(c) The term "pool plant" shall not apply to the following plants:

(1) A producer-handler plant;

(2) A plant qualified pursuant to paragraph (a) of this section which also meets the pooling requirements of another Federal order and from which, the Secretary determines, there is a greater quantity of route disposition during the month in such other Federal order marketing area than in this marketing area, except that if such plant was subject to all the provisions of this part in the immediately preceding month, it shall continue to be subject to all the provisions of this part until the third consecutive month in which a greater proportion of its route disposition is made in such other marketing area unless, notwithstanding the provisions of this subparagraph, it is regulated under such other order;

(3) A plant qualified pursuant to paragraph (a) of this section which also meets the pooling requirements of another Federal order on the basis of route disposition in such other marketing area and from which, the Secretary determines, there is a greater quantity of route disposition in this marketing area than in such other marketing area but which plant maintains pooling status for the month under such other Federal order; or

(4) A plant pursuant to paragraph (b) of this section which also meets the pool plant requirements of another Federal order and from which greater shipments are made during the month to plants regulated under such other order than are made to plants regulated under this order.

§ 1125.8 Nonpool plant.

"Nonpool plant" means any plant other than a pool plant. The following categories of nonpool plants are further defined as follows:

(a) "Other order plant" means a plant that is fully subject to the pricing and pooling provisions of another order issued pursuant to the Act.

(b) "Producer-handler plant" means a plant operated by a producer-handler as defined in any other (including this part) issued pursuant to the Act.

(c) "Partially regulated distributing plant" means a nonpool plant that is neither an other order plant nor a producer-handler plant, from which during the month an average of more than 110 pounds daily of fluid milk products is disposed of as route disposition in the marketing area.

(d) "Unregulated supply plant" means a nonpool plant that is neither an other order plant nor a producer-handler plant, from which fluid milk products are moved to a pool plant during the month.

§ 1125.9 Handler.

"Handler" means:

(a) The operator of one or more pool plants;

(b) Any cooperative association with respect to producer milk which it caused to be diverted for the account of such cooperative association from a pool plant of another handler to a nonpool plant, or to a food processing establishment in Pacific County, Wash.;

(c) Any cooperative association with respect to producer milk received from the farm for delivery to the pool plant of another handler in a tank truck owned and operated by, or under contract to, such cooperative association, if the cooperative association notified the market administrator and the operator of the pool plant to whom the milk is delivered, in writing prior to the first day of the month of delivery that it elects to be the handler for such milk;

(d) The operator of a partially regulated distributing plant;

(e) A producer-handler; and

(f) The operator of an other order plant from which route disposition is made in the marketing area during the month.

§ 1125.10 Producer-handler.

"Producer-handler" means a person who is engaged in the production of milk and also operates a plant from which during the month an average of more than 110 pounds daily of fluid milk products, except filled milk, is disposed of as route disposition within the marketing area and who has been so designated by the market administrator upon his determination that all of the requirements of this section have been met, and that none of the conditions therein for cancellation of such designation exists. All designations shall remain in effect until canceled pursuant to paragraph (c) of this section. The Department of Institutions, State of Washington, shall be a producer-handler exempt from the provisions of this section and §§ 1125.30 and 1125.32(c) with respect to milk of its own production and receipts from pool plants processed or received for consumption in State institutions and with respect to movements of milk to or from a pool plant.

(a) *Requirements for designation.* (1) *The producer-handler has and exercises* (in his capacity as a handler) complete

and exclusive control over the operation and management of a plant at which he handles and processes milk received from his milk production resources and facilities (designated as such pursuant to paragraph (b)(1) of this section), the operation and management of which are under the complete and exclusive control of the producer-handler (in his capacity as a dairy farmer).

(2) The producer-handler neither receives at his designated milk production resources and facilities nor receives, handles, processes or distributes at or through any of his milk handling, processing or distributing resources and facilities (designated as such pursuant to paragraph (b)(2) of this section) milk products for reconstitution into fluid milk products, or fluid milk products derived from any source other than (i) his designated milk production resources and facilities, (ii) pool plants within the limitation specified in paragraph (c)(2) of this section, or (iii) nonfat milk solids which are used to fortify fluid milk products.

(3) The producer-handler is neither directly nor indirectly associated with the business control or management of, nor has a financial interest in, another handler's operation; nor is any other handler so associated with the producer-handler's operation.

(4) Designation of any person as a producer-handler following a cancellation of his prior designation shall be preceded by performance in accordance with subparagraphs (1), (2), and (3) of this paragraph for a period of 1 month.

(b) *Resources and facilities.* Designation of a person as a producer-handler shall include the determination and designation of the milk production, handling, processing and distributing resources and facilities, all of which shall be deemed to constitute an integrated operation, as follows:

(1) As milk production resources and facilities: All resources and facilities (milking herd(s), buildings housing such herd(s), and the land on which such buildings are located) used for the production of milk:

(i) Which are directly, indirectly or partially owned, operated or controlled by the producer-handler;

(ii) In which the producer-handler in any way has an interest including any contractual arrangement; and

(iii) Which are directly, indirectly or partially owned, operated or controlled by any partner or stockholder of the producer-handler: *Provided*, That for purposes of this subparagraph any such milk production resources and facilities which the producer-handler proves to the satisfaction of the market administrator do not constitute an actual or potential source of milk supply for the producer-handler's operation as such shall not be considered a part of his milk production resources and facilities; and

(2) As milk handling, processing and distributing resources and facilities: All resources and facilities (including store outlets) used for handling, processing and distributing within the marketing area any fluid milk product:

(i) Which are directly, indirectly or partially owned, operated or controlled by the producer-handler; or

(ii) In which the producer-handler in any way has an interest, including any contractual arrangement, or with respect to which the producer-handler directly or indirectly exercises any degree of management or control.

(c) *Cancellation.* The designation as a producer-handler shall be canceled under any of the conditions set forth in subparagraphs (1) and (2) of this paragraph, or upon determination by the market administrator that any of the requirements of subparagraphs (1), (2), and (3) of paragraph (a) of this section are not continuing to be met, such cancellation to be effective on the first day of the month following the month in which the requirements were not met, or the conditions for cancellation occurred.

(1) Milk from the designated milk production resources and facilities of the producer-handler is delivered in the name of another person as producer milk to another handler.

(2) The producer-handler handles fluid milk products derived from sources other than the designated milk production facilities and resources, with the exception of purchases from pool plants in the form of packaged fluid milk products, other than whole milk, which do not exceed a daily average during the month of 100 pounds.

(d) *Public announcement.* The market administrator shall publicly announce the name, plant location and farm location(s) of persons designated as producer-handlers, of those whose designations have been canceled, and the effective dates of producer-handler status or loss of producer-handler status for each. Such announcements shall be controlling with respect to the accounting at plants of other handlers for fluid milk products received from any producer-handler.

(e) *Burden of establishing and maintaining producer-handler status.* The burden rests upon the handler who is designated as a producer-handler to establish through records required pursuant to § 1000.5 of this chapter that the requirements set forth in paragraph (a) of this section have been and are continuing to be met, and that the conditions set forth in paragraph (c) of this section for cancellation of designation do not exist.

§ 1125.11 [Reserved]

§ 1125.12 Producer.

"Producer" means any person engaged in the production of milk of dairy cows:

(a) Who produces such milk in compliance with the Grade A inspection requirements of a duly constituted regulatory agency;

(b) Whose milk during the month is received at a pool plant or is diverted from a pool plant to a nonpool plant or a commercial food processing establishment pursuant to § 1125.13 unless such milk is received at a pool plant by diversion from an other order plant and retains status as producer milk under the order by which such plant is regulated;

(c) Who is not a producer-handler as defined in any order (including this part) issued pursuant to the Act;

(d) Who during the month has not disposed of as route disposition or to consumers at the farm an average of more than 110 pounds daily of fluid milk products; and

(e) Whose milk during the month was not received at a nonpool plant or a commercial food processing establishment except by diversion from a pool plant pursuant to § 1125.13.

§ 1125.13 Producer milk.

"Producer milk" or "milk received from producers" means skim milk and butterfat in milk produced by producers which is received for the account of a handler as follows:

(a) With respect to receipts at a pool plant, producer milk shall include:

(1) Milk received at such plant directly from producers;

(2) Milk diverted from such pool plant to a nonpool plant or a commercial food processing establishment in Pacific County, Wash., for the account of the operator of the pool plant, subject to the conditions set forth in paragraph (c) of this section; and

(3) Milk received at such pool plant from a cooperative association in its capacity as a handler pursuant to § 1125.9(c), for all purposes other than those specified in paragraph (b)(2)(i) of this section;

(b) With respect to milk for which a cooperative association is a handler in a capacity other than as the operator of a pool plant, producer milk shall include:

(1) Milk diverted from the pool plant of another handler to a nonpool plant or a commercial food processing establishment in Pacific County, Wash., for the account of the cooperative association, subject to the conditions set forth in paragraph (c) of this section; and

(2) Milk for which the cooperative association is a handler pursuant to § 1125.9(c) to the following extent:

(i) For purposes of reporting pursuant to §§ 1125.30(c) and 1125.31(a) and making payments to producers pursuant to § 1125.73(a); and

(ii) For all purposes, with respect to any such milk which is not delivered to the pool plant of another handler;

(c) With respect to diversions to nonpool plants, or to a commercial food processing establishment in Pacific County, Wash.:

(1) Milk of any producer may be diverted by a cooperative association or its agent for its account pursuant to § 1125.9(b) from pool distributing plants to nonpool plants or to a commercial food processing establishment in Pacific County, Wash. The total quantity of milk diverted may not exceed 70 percent of the producer milk which the association or its agent causes to be delivered to pool distributing plants, or diverted

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therefrom, during the months of January through April or September through December. No percentage limit shall apply during the months of May through August;

(2) Milk of any producer may be diverted by a cooperative association or its agent for its account from pool supply plants to nonpool plants or to a commercial food processing establishment in Pacific County, Wash. The total quantity of milk so diverted may not exceed 50 percent of the producer milk which the association or its agent causes to be delivered to all such pool supply plants or diverted therefrom during the month;

(3) A handler, other than a cooperative association, operating a pool distributing plant may divert therefrom for his account to nonpool plants or to a commercial food processing establishment in Pacific County, Wash. The total quantity of milk so diverted during the months of January through April, or September through December may not exceed 70 percent of the milk received at or diverted from such handler's pool distributing plant from producers and for which the operator of such plant is the handler during the month. The milk for which the operator of such plant is the handler during the month, however, shall not duplicate milk diverted pursuant to subparagraph (1) of this paragraph. No percentage limit shall apply during the months of May through August;

(4) A handler, other than a cooperative association, operating a pool supply plant may divert therefrom for his account to nonpool plants or to a commercial food processing establishment in Pacific County, Wash. The total quantity of milk so diverted may not exceed 50 percent of the total milk received at or diverted from such pool plant during the month from producers and for which the operator of such plant is the handler during the month;

(5) Milk diverted in excess of the limits specified shall not be considered producer milk, and the diverting handler shall specify the producers whose milk is ineligible as producer milk. If a handler fails to designate such producers, producer milk status shall be forfeited with respect to all milk diverted by the handler during the month;

(6) For purpose of location adjustments pursuant to §§ 1125.52 (a) and (b) and 1125.75, milk diverted to a nonpool plant or a commercial food processing establishment shall be priced at the location of the plant or commercial food processing establishment to which diverted; and

(d) In the case of any bulk tank load of milk originating at farms and subsequently divided among plants, the proportion of the load received at each plant shall be prorated among the individual producers involved on the basis of their respective percentages of the total load.

§ 1125.14 Other source milk.

"Other source milk" means all skim milk and butterfat contained in:

(a) Receipts during the month of fluid milk products from any source (including all receipts in fluid form from a producer-handler or the plant of a producer-handler as defined under this or any other Federal order) except:

(1) Producer milk; and

(2) Receipts from other pool plants; and

(b) Nonfluid and residual products (including those processed at the plant) which are reprocessed in connection with, or converted to, a fluid milk product during the month. The skim milk component of such products shall be as follows:

(1) A weight equal to the weight of the volume increase caused by nonfat milk solids in dry milk solids or condensed milk or skim milk products used for the fortification of, or as an additive to, fluid milk products; and

(2) The weight of a volume equivalent to the skim milk used to produce such product, with respect to other such products or uses.

§ 1125.15 Fluid milk product.

"Fluid milk product" means the following, in fluid or frozen form (including such products reconstituted or fortified with additional nonfat milk solids):

(a) Milk, skim milk, skim milk drinks, buttermilk, filled milk, flavored milk, and flavored milk drinks;

(b) Concentrated milk, skim milk, flavored milk, and flavored milk drinks; and

(c) Cream (including plain, flavored, sweet or sour) and any mixtures of cream and milk or skim milk (exclusive of ice cream and frozen dessert mixes, cocoa mixes, aerated cream products, and eggnog).

Fluid milk products shall not include those products commonly known as evaporated milk, condensed milk (plain or sweetened), condensed skim milk (plain or sweetened), yogurt, starter, any milk or milk products (including filled milk, sterilized and packaged in hermetically sealed metal or glass containers; or a product which contains 6 percent or more nonmilk fat (or oil).

§ 1125.16 [Reserved]

§ 1125.17 Filled milk.

"Filled milk" means any combination of nonmilk fat (or oil) with skim milk (whether fresh, cultured, reconstituted or modified by the addition of nonfat milk solids), with or without milkfat, so that the product (including stabilizers, emulsifiers or flavoring) resembles milk or any other fluid milk product; and contains less than 6 percent nonmilk fat (or oil).

§ 1125.18 Cooperative association.

"Cooperative association" means any cooperative marketing association of producers, duly organized as such under the laws of any State, which includes members who are producers as defined in § 1125.12 and which the Secretary determines, after application by the association:

(a) To be qualified under the standards set forth in the act of Congress of February 18, 1922, as amended, known as the "Capper-Volstead Act";

(b) To have its entire organization and all of its activities under the control of its members; and

(c) To be currently engaged in making collective sales of or marketing milk or its products for its members.

HANDLER REPORTS

§ 1125.30 Reports of receipts and utilization.

On or before the 8th day of each month each handler shall report to the market administrator, in the detail and on forms prescribed by the market administrator, the following information for the preceding month:

(a) Each handler operating a pool plant(s) shall report separately for each pool plant:

(1) The quantities of skim milk and butterfat contained in:

(i) Milk received directly from producers, showing separately any milk of own-farm production;

(ii) Milk received from a cooperative association pursuant to § 1125.9(c);

(iii) Fluid milk products received from other pool plants showing filled milk separately; and

(iv) Other source milk showing filled milk separately.

(2) The utilization of all skim milk and butterfat required to be reported, including separate statements of quantities:

(i) Contained in packaged and bulk fluid milk products on hand at the beginning and end of the month; and

(ii) In route disposition showing separately route disposition of filled milk inside and outside the marketing area;

(3) The aggregate quantities of base milk and excess milk received; and

(4) Such other information with respect to such receipts and utilization as the market administrator may prescribe.

(b) Each producer-handler shall report:

(1) The quantities of skim milk and butterfat contained in:

(i) Milk of own-farm production;

(ii) Receipts of fluid milk products from pool plants, showing separately receipts in packaged form and in bulk; and

(iii) Other source milk, showing separately any receipts from another dairy farmer; and

(2) As specified in paragraph (a) (2) and (4) of this section.

(c) Each cooperative association shall report with respect to milk for which it is the handler pursuant to either § 1125.9(b) or (c):

(1) The quantities of skim milk and butterfat received from producers;

(2) The utilization of skim milk and butterfat for which it is the handler pursuant to § 1125.9(b);

(3) The quantities of skim milk and butterfat delivered to each pool plant pursuant to § 1125.9(c); and

(4) As specified in paragraph (a) (3) and (4) of this section.

(d) Each handler who operates a partially regulated distributing plant shall report as specified in paragraph (a) (1), (2), and (4) of this section except that receipts from dairy farmers in Grade A milk shall be reported in lieu of those in

producer milk. Such report shall include separate statements, respectively, showing the respective amounts of skim milk and butterfat disposed of as route disposition in the marketing area as Class I milk and the quantity of reconstituted skim milk in fluid milk products disposed of as route disposition in the marketing area.

(e) Each handler who operates an other order plant with route disposition of fluid milk products in the marketing area shall report the quantities of skim milk and butterfat in such disposition.

§ 1125.31 Payroll reports.

On or before the 20th day of each month, handlers shall report to the market administrator as follows:

(a) Each handler with respect to each of his pool plants and each cooperative association which is a handler pursuant to § 1125.9 (b) or (c) shall submit his producer payroll for deliveries (other than his own-farm production) in the preceding month which shall show:

(1) The total pounds of base milk and the total pounds of excess milk received from each producer, the pounds of butterfat contained in such milk, and the number of days on which milk was delivered by such producer in such month;

(2) The amount of payment to each producer and cooperative association; and

(3) The nature and amount of any deductions or charges involved in such payments; and

(b) Each handler operating a partially regulated distributing plant who wishes computations pursuant to § 1125.76(a) to be considered in the computation of his obligation pursuant to § 1125.76 shall submit his payroll for delivers of Grade A milk by dairy farmers which shall show:

(1) The total pounds of milk and the butterfat content thereof received from each dairy farmer;

(2) The amount of payment to each dairy farmer (or to a cooperative association on behalf of such dairy farmer); and

(3) The nature and amount of any deductions or charges involved in such payments.

§ 1125.32 Other reports.

At such time and in such manner as the market administrator may prescribe, each handler shall report to the market administrator such information in addition to that required under §§ 1125.30 and 1125.31 as may be requested by the market administrator with respect to milk and milk products (including filled milk) handled by him.

CLASSIFICATION OF MILK

§ 1125.40 Classes of utilization.

Subject to the conditions set forth in §§ 1125.41 and 1125.42, the classes of utilization shall be as follows:

(a) *Class I milk.* Class I milk shall be all skim milk and butterfat:

(1) Disposed of in the form of a fluid milk product, subject to the following limitations and exceptions:

(i) Any products fortified with added nonfat milk solids shall be Class I in an amount equal only to the weight of an equal volume of a like unmodified product of the same butterfat content;

(ii) Fluid milk products in concentrated form shall be Class I in an amount equal to the skim milk and butterfat used to produce the quantity of such products disposed of; and

(iii) Products classified as Class II pursuant to paragraph (b) (3), and as Class III pursuant to paragraph (c) (3) and (4), of this section are excepted;

(2) In packaged fluid milk products in inventory at the end of the month; and

(3) Not specifically accounted for as Class II or Class III utilization.

(b) *Class II milk.* Class II milk shall be all skim milk and butterfat:

(1) Used to produce ice cream, ice cream mix, frozen desserts, aerated cream products, plastic cream, soured cream dressing, yogurt, eggnog, cottage cheese, pot cheese, bakers cheese, cream cheese, neufchatel cheese, starter or any milk or milk products (including filled milk) sterilized and packaged in hermetically sealed metal or glass containers;

(2) Used to produce condensed milk and condensed skim milk utilized for any purposes other than those specified in paragraph (c) (1) of this section; and

(3) In fluid milk products disposed of in bulk or diverted to a commercial food processing establishment for use in food products which are processed for general distribution to the public for consumption off the premises.

(c) *Class III milk.* Class III milk shall be all skim milk and butterfat:

(1) Used to produce evaporated milk sterilized in sealed metal containers (whether produced from whole milk, skim milk, or partially skimmed milk), condensed milk and condensed skim milk used to produce another Class III product in a pool plant or in a nonpool plant located within the marketing area or used to fortify Class I products in a pool plant, butter, nonfat dry milk solids, powdered whole milk, casein, and cheese (other than that specified in paragraph (b) (1) of this section), including that contained in residual products resulting from the manufacture of butter and cheese;

(2) In fluid milk products disposed of for livestock feed;

(3) In fluid milk products dumped after such prior notice and opportunity for verification as may be required by the market administrator;

(4) In shrinkage at each pool plant as computed pursuant to § 1125.41(b) (1) but not to exceed the following amount:

(i) Two percent of receipts in producer milk pursuant to § 1125.13(a) (1) and (2); plus

(ii) One and one-half percent of receipts of fluid milk products in bulk from other pool plants; plus

(iii) One and one-half percent of receipts from a cooperative association in its capacity as a handler pursuant to § 1125.9(c), except that if the handler operating the pool plant files notice with the market administrator that he is purchasing such milk on the basis of farm weights and individual producer tests, the applicable percentage shall be 2 percent; plus

(iv) One and one-half percent of receipts of fluid milk products in bulk from an other order plant, exclusive of the quantity for which Class II or Class III utilization was requested by the operator of such plant and the handler; plus

(v) One and one-half percent of receipts of fluid milk products in bulk from unregulated supply plants, exclusive of the quantity for which Class II or Class III utilization was requested by the handler; less

(vi) One and on-half percent of fluid milk products disposed of in bulk to other plants, except, in the case of milk diverted to a nonpool plant or to a commercial food processing establishment in Pacific County, Wash., if the operator of the plant to which the milk is diverted purchases such milk on the basis of farm weights and individual producer tests, the applicable percentage shall be 2 percent;

(5) In shrinkage at each pool plant as computed pursuant to § 1125.41(b) (2);

(6) In shrinkage resulting from milk for which a cooperative association is the handler pursuant to § 1125.9 (b) or (c) not being delivered to pool plants, and nonpool plants, or to a commercial food processing establishment in Pacific County, Wash., but not in excess of one-half percent of such receipts, exclusive of those for which farm weights and individual producer tests are used as the basis of receipt at the plant to which delivered; and

(7) In inventory of bulk fluid milk products on hand at the end of the month.

§ 1125.41 Shrinkage.

The market administrator shall allocate shrinkage over a handler's receipts at each pool plant as follows:

(a) Compute the total shrinkage of skim milk and butterfat, respectively (after reducing the quantity transferred to any nonpool plant located on the same premises by a pro rata share of shrinkage in such nonpool plant based on the proportion that such transfers are of its total receipts); and

(b) Prorate the resulting amounts between:

(1) A quantity equal to 50 times the maximum that may be computed pursuant to § 1125.40(c) (4); and

(2) Skim milk and butterfat in other source milk in the form of bulk fluid milk products, exclusive of that specified in § 1125.40(c) (4) (iv) and (v).

§ 1125.42 Classification of transfers and diversions.

Skim milk and butterfat moved by transfer, and by diversion under paragraph (c) of this section, as fluid milk products from a pool plant shall be assigned (separately) to each class in the following manner:

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(a) To a pool distributing plant: As Class I milk to the extent Class I milk is available at the transferee-plant after computations pursuant to § 1125.44(a) (10) and the corresponding step of § 1125.44(b), subject to the following provisions:

(1) In the event the quantity transferred exceeds the total of receipts from producers and other pool plants at the transferor-plant, such excess shall be assigned to the available milk in each class at the transferee-plant in series beginning with Class III;

(2) If more than one transferor-plant is involved, the available Class I milk shall first be assigned to pool plants located in District 1, and the counties of Pierce and Kitsap, and then in sequence to the plants at which the least location adjustment applies;

(3) If Class I milk is not available in amounts equal to the sum of the quantities to be assigned pursuant to subparagraph (2) of this paragraph to plants having the same location adjustments, the transferee-handler may designate to which of such plants the available Class I milk shall be assigned;

(4) Notwithstanding the prior provisions of this paragraph, any such skim milk and butterfat transferred in bulk from a pool plant to a pool distributing plant in which facilities are maintained and used to receive milk or milk products required by a duly constituted regulatory agency to be kept physically separate from Grade A milk shall be classified in accordance with the provisions of paragraph (b) of this section; and

(5) If the transferor-plant received during the month other source milk to be allocated pursuant to § 1125.44(a) (9) and (10) and the corresponding steps of § 1125.44(b), the skim milk and butterfat so transferred up to the total of such receipts shall not be classified as Class I milk to a greater extent than would be applicable to a like quantity of such other source milk received at the transferee-plant.

(b) To a pool supply plant as Class II milk, subject to the following conditions:

(1) The skim milk or butterfat so assigned to Class III milk shall be limited to the amount thereof remaining in Class III milk in the transferee-plant after computations pursuant to § 1125.44(d) (10) and the corresponding step of § 1125.44(b) for such plant, and any additional amounts of such skim milk or butterfat shall be assigned to Class II milk to the extent such utilization is available. Any additional amounts of such skim milk and butterfat shall be assigned to Class I milk and credited to transfers from transferor-plants in the sequence at which the least location adjustment applies;

(2) If more than one transferor-plant is involved, the available Class III and/or Class II milk shall first be assigned to transferor-plants located outside District 1 and Kitsap and Pierce Counties, and then in sequence to the plants at which the greatest location adjustment applies; and

(3) If Class III and/or Class II milk is not available in amounts equal to the sum of the quantities to be assigned pursuant to paragraph (b) (2) of this section to plants having the same location adjustments, the transferee-handler may designate to which of such plants the available Class III and/or Class II shall be assigned.

(c) To a nonpool plant:

(1) Except as provided for in paragraph (c) (3) and (4) of this section, as Class I milk, if transferred or diverted to a nonpool plant located outside the marketing area;

(2) As Class I milk, if transferred or diverted to a producer-handler as defined in any order (including this part) issued pursuant to the Act, or to the plant of such a producer-handler;

(3) As Class II milk to the extent such utilization is available and then to Class III milk, if transferred or diverted to a nonpool plant or to a commercial food processing establishment pursuant to § 1125.13(c) from which fluid milk products are not distributed as route disposition, subject to the following conditions:

(i) The transfer or diversion shall be classified as Class I milk unless the market administrator is permitted to audit the records of the nonpool plant or the commercial food processing establishment for purposes of verification; and

(ii) If such nonpool plant disposes of fluid milk products to any other nonpool plant distributing fluid milk products as route disposition, the transfer or diversion shall be classified as Class I milk up to the quantity of such disposition to the second nonpool plant; and

(4) As follows, if transferred to an other order plant in excess of receipts from such plant in the same category as described in subdivision (i), (ii), or (iii) of this subparagraph:

(i) If transferred in packaged form, classification shall be in the classes to which allocated as a fluid milk product under the other order;

(ii) If transferred in bulk form, classification shall be in Class I if allocated as a fluid milk product to Class I under the other order, in Class II if allocated to Class II under an order that provides three classes and in Class III if allocated to Class III under the other order or if allocated to Class II under the order that provides only two classes (including allocation under the conditions set forth in subdivision (iii) of this subparagraph);

(iii) If the operators of both the transferor-plant and transferee-plant so request in the reports of receipts and utilization filed with their respective market administrators, transfers in bulk form shall be classified as Class III and then as Class II to the extent of such class utilization (or comparable utilization under such other order) available for such assignment pursuant to the allocation provisions of the transferee-order;

(iv) If information concerning the classification to which allocated under the other order is not available to the market administrator for purposes of establishing classification pursuant to this subparagraph, classification shall be as Class I, subject to adjustment when such information is available; and

(v) If the form in which any fluid milk product is transferred to an other order plant is not defined as a fluid milk product under such other order, classification shall be in accordance with the provisions of § 1125.40.

§ 1125.43 General classification rules.

In determining the classification of producer milk pursuant to § 1125.44, the following rules shall apply:

(a) For each month the market administrator shall correct for mathematical and other obvious errors the reports of receipts and utilization submitted pursuant to § 1125.30 (a) and (c) and compute the total pounds of skim milk and butterfat in each class. For the purposes of such computation, 0.06 percent shall be used as the butterfat content of skim milk where no specific tests are available;

(b) If any other source milk not subject to allocation at such plant pursuant to § 1125.44(a) (2) through (7), and the corresponding steps of § 1125.44(b) was received at any pool plant of a handler, there will be computed for such handler the total pounds of skim milk and butterfat, respectively in each class at all of his pool plants combined, exclusive of any classification based upon movements between such plants, and allocation pursuant to § 1125.44 and computation of obligation pursuant to § 1125.60 shall be based upon the combined utilization so computed. For purposes of assigning location adjustments pursuant to § 1125.52 (a) and (b) with respect to fluid milk products moved between such plants, the skim milk and butterfat subtracted from each class pursuant to § 1125.44(a) (2), (3), (5), (6), (9), and (10) and the corresponding steps of § 1125.44(b) will be assigned so far as possible to utilization (exclusive of such interplant movements) reported at the plant at which it was received, and thereafter in sequence to plants at which location adjustment for such class is the same or most nearly similar, and the applicable location adjustments will be determined on the basis of the classification resulting from the application of § 1125.42 (a) and (b) to the remaining utilization reported;

(c) If no fluid milk products to be allocated pursuant to § 1125.44(a) (9) or (10) were received at any pool plant of a handler, the total pounds of skim milk and butterfat, respectively, in each class will be computed for each pool plant of such handler, and allocation pursuant to § 1125.44 and computation of obligation pursuant to § 1125.60 shall be made separately for each pool plant of the handler; and

(d) There will be computed for each cooperative association reporting pursuant to § 1125.30(c) the pounds in each class of skim milk and butterfat, respectively, in producer milk pursuant to § 1125.13(b) (1) and (2)(ii). The amounts so determined shall be those

used for computation pursuant to § 1125.44(c).

§ 1125.44 Classification of producer milk.

After making the computations pursuant to § 1125.43, the market administrator shall determine the classification of producer milk for each handler at all his pool plants (or at each pool plant, when § 1125.43(c) applies) as follows:

(a) Skim milk shall be allocated in the following manner, except that the quantities allocated to Class II milk and Class III milk shall be subtracted in series beginning with Class III.

(1) Subtract from the total pounds of skim milk in Class III the pounds of skim milk classified as Class III pursuant to § 1125.40(c)(4);

(2) Subtract from the total pounds of skim milk in Class I the pounds of skim milk in receipts of packaged fluid milk products from an unregulated supply plant to the extent that an equivalent amount of skim milk disposed of to such plant by handlers fully regulated by this or any other order issued pursuant to the Act is classified and priced as Class I milk and is not used as an offset on any payment obligation under this or any other order;

(3) Subtract from the remaining pounds of skim milk in each class the pounds of skim milk in fluid milk products received in packaged form for route disposition from other order plants, except that to be subtracted pursuant to subparagraph (5)(v) of this paragraph, as follows:

(i) From Class III milk, the lesser of the pounds remaining or 2 percent of such receipts; and

(ii) From Class I milk, the remainder of such receipts;

(4) Subtract from the remaining pounds of skim milk in Class I the pounds of skim milk in packaged fluid milk products (and for the first month this subparagraph is effective, in bulk fluid milk products) in inventory at the beginning of the month;

(5) Subtract in the order specified below, from the pounds of skim milk remaining in each class, in series beginning with Class III, the pounds of skim milk in each of the following:

(i) Other source milk in a form other than that of a fluid milk product;

(ii) Receipts of fluid milk products not qualified for disposition to consumers in fluid form, or which are from unidentified sources;

(iii) Receipts of fluid milk products from a producer-handler, as defined under this or any other Federal order;

(iv) Receipts of reconstituted skim milk in fluid milk from unregulated supply plants that were not subtracted pursuant to paragraph (a)(2) of this section;

(v) Receipts of reconstituted skim milk in filled milk from other order plants which are regulated under an order providing for individual handler pooling to the extent that reconstituted skim milk is allocated to Class I at the transferor-plant; and

(vi) Receipts of milk from a dairy farmer who did not qualify as a producer pursuant to § 1125.12(e).

(6) Subtract, in the order specified below in sequence beginning with Class III, from the pounds of skim milk remaining in Class II and Class III but not in excess of such quantity:

(i) Receipts of fluid milk products from unregulated supply plants, that were not subtracted pursuant to paragraphs (a)(2) and (a)(5)(iv) of this section, for which the handler requests Class II or III utilization;

(ii) Remaining receipts of fluid milk products from unregulated supply plants, that were not subtracted pursuant to paragraphs (a)(2), (5)(iv), and (6)(i) of this section, which are in excess of the pounds of skim milk determined by multiplying the pounds of skim milk remaining in Class I milk by 1.25 and subtracting the sum of the pounds of skim milk in receipts of producer milk, receipts from pool plants of other handlers (and of the same handler, when § 1125.43(c) applies), and receipts in bulk from other order plants, that were not subtracted pursuant to paragraph (a)(5)(v) of this section; and

(iii) Receipts of fluid milk products in bulk from an other order plant that were not subtracted pursuant to subparagraph (5)(v) of this paragraph, in excess of similar transfers to such plant, if Class II or II utilization was requested by the operator of such plant and the handler;

(7) Except for the first month this subparagraph is effective, subtract from the pounds of skim milk remaining in each class in series beginning with Class III milk the pounds of skim milk in inventory of bulk fluid milk products on hand at the beginning of the month;

(8) Add to the remaining pounds of skim milk in Class III milk the pounds subtracted pursuant to paragraph (a)(1) of this section;

(9) Subtract from the pounds of skim milk remaining in each class, pro rata to such quantities, the pounds of skim milk in receipts of fluid milk products from unregulated supply plants which were not subtracted pursuant to paragraphs (a)(2), (5)(iv), and (6)(i) and (ii) of this section;

(10) Subtract from the pounds of skim milk remaining in each class, in the following order, the pounds of skim milk in receipts of fluid milk products in bulk from an other order plant(s), in excess in each case of similar transfers to the same plant, which were not subtracted pursuant to paragraph (a)(5)(v) or (6)(iii) of this section:

(i) In series, beginning with Class III, the pounds determined by multiplying the pounds of such receipts by the larger of the percentage of estimated Class II and Class III utilization of skim milk announced for the month by the market administrator pursuant to § 1125.45(a) or the percentage that Class II and Class III utilization remaining is of the total remaining utilization of skim milk of the handler; and

(ii) From Class I, the remaining pounds of such receipts;

(11) Subtract from the pounds of skim milk remaining in each class the pounds of skim milk received in fluid milk products from pool plants of other handlers (and of the same handler, when § 1125.43(c) applies) according to the classification assigned pursuant to § 1125.42; and

(12) If the pounds of skim milk remaining in all three classes exceed the pounds of skim milk in producer milk, subtract such excess from the pounds of skim milk remaining in each class in series beginning with Class III. Any amount so subtracted shall be known as "overage".

(b) Butterfat shall be allocated in accordance with the procedure outlined for skim milk in paragraph (a) of this section; and

(c) Combine the amounts of skim milk and butterfat determined pursuant to paragraphs (a) and (b) of this section and § 1125.43(d) into one total for each class.

§ 1125.45 Market administrator's reports and announcements concerning classification.

The market administrator shall make the following reports and announcements concerning classification.

(a) Whenever required for the purpose of allocating receipts from other order plants pursuant to § 1125.44(a)(10) and the corresponding step of § 1125.44 (b), estimate and publicly announce the utilization (to the nearest whole percentage), in each class, during the month, of skim milk and butterfat, respectively, in producer milk of all handlers. Such estimate shall be based upon the most current available data and shall be final for such purpose;

(b) Report to the market administrator of the other order, as soon as possible after the report of receipts and utilization for the month is received from a handler who has received fluid milk products from an other order plant, the classification to which such receipts are allocated pursuant to § 1125.44 pursuant to such report, and thereafter any change in such allocation required to correct errors disclosed in verification of such report;

(c) Furnish to each handler operating a pool plant who has shipped fluid milk products to an other order plant, the classification to which the skim milk and butterfat in such fluid milk products were allocated by the market administrator of the other order on the basis of the report of the receiving handler; and, as necessary, any changes in such classification arising in the verification of such report; and

(d) On or before the 13th day after the end of each month, report to each cooperative association (or its duly designated agent) which so requests the class utilization of milk of its member producers which is received by each handler directly from farms or from the cooperative association pursuant to

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§ 1125.9(c). For the purposes of this report, such milk shall be prorated to each class in the proportion that the total receipts of milk from producers and from cooperative associations pursuant to § 1125.9(c) of such handler were used in each class.

Class Prices

§ 1125.50 Class prices.

Subject to the provisions of § 1125.52, the class prices for the month, per hundredweight of milk containing 3.5 percent butterfat, shall be as follows:

(a) *Class I price.* The Class I price shall be the basic formula price for the second preceding month plus $1.85.

(b) *Class II price.* The Class II price shall be the Class III price computed pursuant to paragraph (c) of this section, plus 25 cents per hundredweight.

(c) *Class III price.* The Class III price shall be the basic formula price for the month but not to exceed the price computed as follows:

(1) Multiply the Chicago butter price pursuant to § 1125.51 by 4.2;

(2) Multiply by 8.2 the weighted average of carlot prices per pound for nonfat dry milk solids, spray process, for human consumption, f.o.b. manufacturing plants in the Chicago area, as published for the period from the 26th day of the immediately preceding month through the 25th day of the current month by the Department; and

(3) From the sum of the results arrived at under paragraph (c) (1) and (2) of this section subtract 48 cents, and round to the nearest cent.

§ 1125.51 Basic formula price.

The "basic formula price" shall be the average price per hundredweight for manufacturing grade milk, f.o.b. plants in Minnesota and Wisconsin, as reported by the Department for the month, adjusted to a 3.5 percent butterfat basis and rounded to the nearest cent. For such adjustment, the butterfat differential (rounded to the nearest one-tenth cent) per one-tenth percent butterfat shall be 0.12 times the simple average of the wholesale selling prices (using the midpoint of any price range as one price) of Grade A (92-score) bulk butter per pound at Chicago, as reported by the Department for the month. For the purpose of computing the Class I price, the resulting price shall be not less than $4.33.

§ 1125.52 Plant location adjustments for handlers.

(a) The price of Class I and Class II milk at each plant shall be, regardless of point of disposition within or outside the marketing area, that computed pursuant to § 1125.50 less a location adjustment for such plant shown in the table below or paragraph (b) of this section:

Plant location	Adjustment (cents/cwt)	
	Class I	Class II
District 1 or Kitsap or Pierce Counties	0	0
District 2 or Mason County	10	5.0
District 3 (including the entire counties of Lewis and Pacific)	15	7.5
District 4 or Clallam or Jefferson counties	40	20.0

(b) For other locations outside the marketing area:

(1) *Class I milk.* 1.5 cents for each 10 miles or fraction thereof by shortest, hard-surfaced highway distance, as determined by the market administrator, that the plant is located from the County-City Building in Seattle.

(2) *Class II milk.* One-half of the amount specified in paragraph (b)(1) of this section, but not to exceed 20 cents per hundredweight.

(c) The Class I price applicable to other source milk shall be adjusted at the rates set forth in paragraphs (a) and (b) of this section, except that no price so adjusted shall be less than the Class III price.

§ 1125.53 Announcement of class prices.

The market administrator shall announce publicly on or before the fifth day of each month the Class I price for the following month and the Class II and Class III prices for the preceding month.

§ 1125.54 Equivalent price.

If for any reason a price or pricing constituent required by this part for computing class prices or for other purposes is not available as prescribed in this part, the market administrator shall use a price or pricing constituent determined by the Secretary to be equivalent to the price or pricing constituent that is required.

Uniform Prices

§ 1125.60 Handler's value of milk for computing uniform prices.

The value of milk of each pool handler (for each pool plant, when § 1125.43(c) applies) during each month shall be a sum of money computed by the market administrator as follows:

(a) Multiply the quantity of producer milk in each class, as computed pursuant to § 1125.44(c), by the applicable class prices (adjusted pursuant to § 1125.52 (a) and (b)) and add together the resulting amounts;

(b) Add the amount obtained from multiplying the pounds of overage deducted from each class pursuant to § 1125.44(a)(12) and the corresponding step of § 1125.44(b), by the applicable class prices.

In case overage occurs in a nonpool plant located on the same premises as a pool plant, such overage shall be prorated between the quantity transferred from the pool plant and other source milk in such nonpool plant, and an amount equal to the value of overage allocated to the transferred quantity at the applicable class price adjusted for butterfat content and location shall also be added;

(c) Add or subtract, as the case may be the amount necessary to correct errors as disclosed by the verification of reports of such handler of his receipts and utilization of the skim milk and butterfat in previous months for which payment has not been made;

(d) Add an amount equal to the difference between the value at the Class I price applicable at the pool plant and the value at the Class III price, with respect to skim milk and butterfat in other source milk subtracted from Class I pursuant to § 1125.44(a)(5) and the corresponding step of § 1125.44(b) except that for receipts of fluid milk products assigned to Class I pursuant to § 1125.44(a)(5) (iv) and (v) and the corresponding step of § 1125.44(b) the Class I price shall be adjusted to the location of the transferor-plant;

(e) Add the amount obtained from multiplying the difference between the Class III price for the preceding month and the Class I price applicable at the location of the pool plant or the Class II price, as the case may be, for the current month by the hundredweight of skim milk and butterfat subtracted from Class I and Class II pursuant to § 1125.44 (a)(7) and the corresponding step of § 1125.44(b); and

(f) Add an amount equal to the value at the Class I price, adjusted for location of the nearest nonpool plant(s) from which an equivalent volume was received, with respect to skim milk and butterfat subtracted from Class I pursuant to § 1125.44(a)(9) and the corresponding step of § 1125.44(b), excluding such skim milk or butterfat in bulk receipts of fluid milk products from an unregulated supply plant to the extent that an equivalent amount of skim milk or butterfat disposed of to such plant by a handler fully regulated under this or any other order issued pursuant to the Act is classified and priced as Class I milk and is not used as an offset on any payment obligation under this or any other order.

§ 1125.61 Computation of uniform prices for base and excess milk (including weighted average price).

(a) For each month the market administrator shall compute the weighted average price for all milk of 3.5 percent butterfat content as follows:

(1) Combine into one total the values computed pursuant to § 1125.60 for all handlers who made the reports prescribed in § 1125.30 and who made the payments

pursuant to § 1125.71(a) for the preceding month;

(2) Add the aggregate of the location adjustments computed pursuant to § 1125.75(a);

(3) Add the aggregate of the values on nonpool milk computed pursuant to § 1125.75(c);

(4) Add an amount representing not less than one-half the unobligated cash balance in the producer-settlement fund;

(5) Divide the resulting amount by the sum of the following for all handlers included in such computations:

(i) The total hundredweight of producer milk; and

(ii) The total hundredweight for which a value is computed pursuant to § 1125.60 (f); and

(6) Subtract not less than 4 cents but less than 5 cents from the price computed pursuant to subparagraph (5) of this paragraph. The result shall be known as the weighted average price for all milk.

(b) For each month the market administrator shall compute the uniform prices per hundredweight for base milk and excess milk of 3.5 percent butterfat content received from producers as follows:

(1) From the net amount computed pursuant to paragraph (a)(1) through (4) of this section subtract the following:

(i) The amount computed by multiplying the hundredweight of milk specified in paragraph (a)(5)(ii) of this section by the weighted average price for all milk;

(ii) The amount obtained by multiplying by the Class III price the total hundredweight of milk delivered by all producers described in § 1125.93 (c) and (d) for whom no base milk has been computed; and

(iii) The amount computed by multiplying the hundredweight of excess milk by the Class III price rounded to the nearest one-tenth cent: *Provided*, That if such result is greater than an amount computed by multiplying the hundredweight of base milk by the Class I price plus 4 cents, such amount in excess thereof shall be subtracted from the result obtained prior to this proviso;

(2) Divide the net amount obtained in paragraph (b)(1) of this section by the total hundredweight of base milk and subtract not less than 4 cents but less than 5 cents. This result shall be known as the uniform price per hundredweight of base milk of 3.5 percent butterfat content; and

(3) Divide the amount obtained in paragraph (b)(1)(iii) of this section plus any amount subtracted pursuant to the proviso of paragraph (b)(1)(iii) of this section by the hundredweight of excess milk, and subtract any fractional part of 1 cent. This result shall be known as the uniform price per hundredweight of excess milk of 3.5 percent butterfat content.

§ 1125.62 Announcement of uniform prices and butterfat differential.

The market administrator shall announce publicly on or before:

(a) The 5th day after the end of each month the butterfat differential for such month; and

(b) The 13th day after the end of each month the weighted average price and the uniform prices for the preceding month.

Payments for Milk

§ 1125.70 Producer-settlement fund.

The market administrator shall establish and maintain a separate fund known as the "producer-settlement fund," into which he shall deposit all payments made by handlers pursuant to §§ 1125.71, and 1125.76 and out of which he shall make all payments to handlers pursuant to § 1125.72.

§ 1125.71 Payments to the producer-settlement fund.

(a) On or before the 15th day after the end of the month during which the skim milk and butterfat were received, each handler shall pay to the market administrator the amount, if any, by which the total amount specified in paragraph (a)(1) of this section exceeds the total amount specified in paragraph (a)(2) of this section:

(1) The sum of:

(i) The total value of milk of the handler for such month as determined pursuant to § 1125.60; and

(ii) For a cooperative association handler, the amount due from other handlers pursuant to § 1125.73(d) but without adjustment for butterfat;

(2) The sum of:

(i) The value of milk received by such handler from producers at the applicable uniform prices;

(ii) The amount to be paid to cooperative associations pursuant to § 1125.73 (d) but without adjustment for butterfat; and

(iii) The value at the weighted average price for all skim milk and butterfat applicable at the location of the plant(s) from which received (not to be less than the value at the Class III price) with respect to other source milk for which a value is computed pursuant to § 1125.60 (f); and

(b) On or before the 25th day after the end of the month, each handler operating a plant specified in § 1125.7(c) (2) and (3), if such plant is subject to the classification and pricing provisions of another order which provides for individual handler pooling, shall pay to the market administrator for the producer-settlement fund an amount computed as follows:

(1) Determine the quantity of reconstituted skim milk in filled milk disposed of as route disposition in the marketing area which was allocated to Class I at such other order plant. If reconstituted skim milk in filled milk is disposed of from such plant as route disposition in the marketing areas regulated by two or more market pool orders, the reconstituted skim milk assigned to Class I shall be prorated according to such disposition in each area.

(2) Compute the value of the quantity assigned in paragraph (b)(1) of this section to Class I disposition in this area, at the Class I price under this part applicable at the location of the other order plant (but not to be less than the Class III price) and subtract its value at the Class III price.

§ 1125.72 Payments from the producer-settlement fund.

On or before the 17th day after the end of each month during which the skim milk and butterfat were received, the market administrator shall pay to each handler the amount, if any, by which the amount computed pursuant to § 1125.71(a)(2) exceeds the amount computed pursuant to § 1125.71(a)(1), and less any unpaid obligations of such handler to the market administrator pursuant to §§ 1125.71(a), 1125.77, 1125.85, and 1125.86: *Provided*, That if the balance in the producer-settlement fund is insufficient to make all payments pursuant to this section, the market administrator shall reduce uniformly such payments and shall complete such payments as soon as the necessary funds are available.

§ 1125.73 Payments to producers and to cooperative associations.

(a) Each handler shall make payments to each producer for milk received from such producer during the month:

(1) On or before the 25th day of the month to each producer who had not discontinued shipping milk to such handler before the 15th day of the month, at not less than the Class III price for the preceding month per hundredweight of milk received during the first 15 days of the month, less proper deductions authorized in writing by such producer; and

(2) On or before the 19th day after the end of each month for milk received from such producers during such month:

(i) At not less than the uniform price for base milk for the quantity of base milk received, adjusted by the butterfat differential computed pursuant to § 1125.74 and by any location adjustments applicable under § 1125.75;

(ii) At not less than the Class III price adjusted by the butterfat differential computed pursuant to § 1125.74 for the quantity of milk received from producers described in § 1125.93 (c) and (d) for whom no base milk has been computed;

(iii) At not less than the uniform price for excess milk for the quantity of excess milk received, adjusted by the butterfat differential computed pursuant to § 1125.74; and

(iv) Minus payments made pursuant to paragraph (a)(1) of this section: *Provided*, That, if by such date such handler has not received full payment for such month pursuant to § 1125.72, he shall not be deemed to be in violation of this paragraph if he reduces uniformly for all producers his payments per hundredweight pursuant to this paragraph by a total amount not in excess of the reduction in payment from the market administrator; however, the handler shall make such balance of payment uniformly to those producers to whom it is due on or before the date for

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making payments pursuant to this paragraph next following that on which such balance of payments is received from the market administrator.

(b) The payments required in paragraph (a) of this section shall be made, upon request, to a cooperative association qualified under § 1125.18, or its duly authorized agent, with respect to milk received from each producer who has given such association authorization by contract or by other written instrument to collect the proceeds from the sale of his milk, and any payment made pursuant to this paragraph, shall be made on or before 2 days prior to the dates specified in paragraph (a) of this section.

(c) Each handler shall pay to each cooperative association or its duly authorized agent which operates a pool plant for skim milk and butterfat received from such plant;

(1) On or before the 23d day of each month for skim milk and butterfat received during the first 15 days of that month at not less than the Class III price for the preceding month; and

(2) On or before the 17th day after the end of such month, an amount of money computed by multiplying the total pounds of such skim milk and butterfat in each class (pursuant to § 1125.42(a) or § 1125.42(b)) by the class price adjusted by the butterfat differential and taking into account any location adjustment as provided by § 1125.52 applicable at the pool plant of the cooperative association or its agent, minus payments made pursuant to subparagraph (1) of this paragraph.

(d) Each handler who receives milk for which a cooperative association is the handler pursuant to § 1125.9(c) shall pay such cooperative association for such milk received:

(1) On or before the 23d day of each month for such milk received during the first 15 days of that month at not less than the Class III price for the preceding month; and

(2) On or before the 17th day after the end of each month, for the milk received at not less than the weighted average price for all milk adjusted pursuant to §§ 1125.74 and 1125.75(b), minus payments made pursuant to paragraph (d)(1) of this section.

(e) None of the provisions of this section shall be construed to restrict any cooperative association qualified under section 8c(5)(F) of the Act from making payment for milk to its producers in accordance with such provision of the Act.

(f) In making payments to producers pursuant to this section, each handler, on or before the 19th day of each month shall furnish each producer with a supporting statement in such form that it may be retained by the producer, which shall show for the preceding month:

(1) The identity of the handler and the producer;

(2) The total pounds of milk delivered by the producer and the average butterfat test thereof, the pounds of base and excess milk, and the pounds per shipment if such information is not furnished to the producer each day of delivery;

(3) The minimum rate(s) at which payment to the producer is required under the provisions of this section;

(4) The rate per hundredweight and amount of any premiums or payments above the minimum prices provided by the order;

(5) The amount or rate per hundredweight of each deduction claimed by the handler, together with a description of the respective deductions; and

(6) The net amount of payment to the producer.

(g) In making payment to a cooperative association in aggregate pursuant to this section, each handler upon request shall furnish to the cooperative association, with respect to each producer for whom such payment is made, any or all of the above information specified in paragraph (f) of this section.

§ 1125.74 Butterfat differential.

For milk containing more or less than 3.5 percent butterfat, the uniform prices shall be increased or decreased, respectively, for each one-tenth percent butterfat variation from 3.5 percent by a butterfat differential, rounded to the nearest one-tenth cent, which shall be 0.115 times the simple average of the wholesale selling prices (using the midpoint of any price range as one price) of Grade A (92-score) bulk butter per pound at Chicago as reported by the Department for the month.

§ 1125.75 Plant location adjustments for producers and on nonpool milk.

(a) In making payment to producers pursuant to § 1125.73(a) subject to the application of § 1125.13(c)(6) deduction may be made per hundredweight of base milk received from producers at respective plant locations at the same rate as specified for Class I milk set forth in § 1125.52(a) or § 1125.52(b).

(b) In making payments to a cooperative association pursuant to § 1125.73(d) deductions may be made at the rates specified for Class I milk in § 1125.52(a) or § 1125.52(b) for the location of the plant at which the milk was received from the cooperative association.

(c) For purposes of computations pursuant to §§ 1125.71(a) and 1125.72 the weighted average price for all milk shall be adjusted at the rates set forth in § 1125.52(a) or § 1125.52(b) for Class I milk applicable at the location of the nonpool plant from which the milk or filled milk was received, except that the weighted average price shall not be less than the Class III price.

§ 1125.76 Payments by handler operating a partially regulated distributing plant.

Each handler who operates a partially regulated distributing plant shall pay to the market administrator for the producer-settlement fund on or before the 25th day after the end of the month either of the amounts (at the handler's election) calculated pursuant to paragraph (a) or (b) of this section. If the handler fails to report pursuant to §§ 1125.30(d) and 1125.31(b) the information necessary to compute the amount specified in paragraph (a) of this section, he shall pay the amount computed pursuant to paragraph (b) of this section:

(a) An amount computed as follows:

(1)(i) The obligation that would have been computed pursuant to § 1125.60 at such plant shall be determined as though such plant were a pool plant. For purposes of such computation, receipts at such nonpool plant from a pool plant or an other order plant shall be assigned to the utilization at which classified at the pool plant or other order plant and transfers from such nonpool plant to a pool plant or an other order plant shall be classified as Class II or Class III milk if allocated to such class at the pool plant or other order plant and be valued at the weighted average price of the respective order if so allocated to Class I milk, except that reconstituted skim milk in filled milk shall be valued at the Class III price. No obligation shall apply to Class I milk transferred to a pool plant or an other order plant if such Class I utilization is assigned to receipts at the partially regulated distributing plant from pool plants and other order plants at which an equivalent amount of milk was classified and priced as Class I milk. There shall be included in the obligation so computed a charge in the amount specified in § 1125.60(f) and a credit in the amount specified in § 1125.71(a)(2)(iii) with respect to receipts from an unregulated supply plant, except that the credit for receipts of reconstituted skim milk in filled milk shall be at the Class III price, unless an obligation with respect to such plant is computed as specified in subdivision (ii) of this subparagraph; and

(ii) If the operator of the partially regulated distributing plant so requests, and provides with his reports pursuant to §§ 1125.30(d) and 1125.31(b) similar reports with respect to the operations of any other nonpool plant which serves as a supply plant for such partially regulated distributing plant by shipments to such plant during the month equivalent to the requirements of § 1125.7(b), with agreement of the operator of such plant that the market administrator may examine the books and records of such plant for purposes of verification of such reports, there will be added the amount of the obligation computed at such nonpool supply plant in the same manner and subject to the same conditions as for the partially regulated distributing plant.

(2) From this obligation there will be deducted the sum of (i) the gross payments made by such handler for Grade A milk received during the month from dairy farmers at such plant adjusted to a 3.5 percent butterfat basis by the butterfat differential pursuant to § 1125.74, and like payments made by the operator of a supply plant(s) included in the computations pursuant to subparagraph (1) of this paragraph, and (ii) any payments to the producer-settlement fund of another order under which such plant is also a partially regulated distributing plant.

(b) An amount computed as follows:

(1) Determine the respective amounts of skim milk and butterfat disposed of as route disposition of Class I milk within the marketing area;

(2) Deduct the respective amounts of skim milk and butterfat received at the plant:

(i) As Class I milk from pool plants and other order plants, except that deducted under a similar provision of another order issued pursuant to the Act; and

(ii) From a nonpool plant that is not an other order plant to the extent that an equivalent amount of skim milk or butterfat disposed of to such nonpool plant by handlers fully regulated under this or any other order issued pursuant to the Act is classified and priced as Class I milk and is not used as an offset on any payment obligation under this or any other order;

(3) Deduct the quantity of reconstituted skim milk in fluid milk products disposed of as route disposition in the marketing area;

(4) [Reserved]

(5) From the value of such milk t the Class I price applicable at the location of the nonpool plant, subtract its value at the weighted average price applicable at such location (not to be less than the Class III price), and add for the quantity of reconstituted skim milk specified in subparagraph (3) of this paragraph its value computed at the Class I price applicable at the location of the nonpool plant (but not to be less than the Class III price) less the value of such skim milk at the Class III price.

§ 1125.77 Adjustment of accounts.

Whenever verification by the market administrator of reports or payments of any handler discloses errors resulting in money due:

(a) The market administrator from such handler,

(b) Such handler from the market administrator, or

(c) Any producer or cooperative association from such handler, the market administrator shall promptly notify such handler of any amount so due and payment thereof shall be made on or before the next date for making payments set forth in the provisions under which such error occurred following the 5th day after such notice.

Administrative Assessment and Marketing Service Deduction

§ 1125.85 Assessment for order administration.

As his pro rata share of the expense of administration of the order, each handler shall pay to the market administrator on or before the 15th day after the end of the month 4 cents per hundredweight, or such lesser amount as the Secretary may prescribe, with respect to:

(a) Producer milk (including such handler's own production);

(b) Other source milk allocated to Class I pursuant to § 1125.44(a)(5) and (9) and the corresponding steps of § 1125.44(b), except such other source milk on which no handler obligation applies pursuant to § 1125.60(f); and

(c) Route disposition in the marketing area from a partially regulated distributing plant that exceeds the Class I milk:

(1) Received during the month at such plant from pool plants and other order plants that is not used as an offset under a similar provision of another order issued pursuant to the Act; and

(2) Specified in § 1125.76(b)(2)(ii).

§ 1125.86 Deduction for marketing services.

(a) Except as set forth in paragraph (b) of this section, each handler, in making payments to producers (other than with respect to milk of such handler's own production) pursuant to § 1125.73(a)(2), shall make a deduction of 5 cents per hundredweight of milk, or such amount not exceeding 5 cents per hundredweight as the Secretary may prescribe, with respect to the following:

(1) All milk received from producers at a plant not operated by a cooperative association;

(2) [Reserved]

(3) All milk received at a plant operated by a cooperative association from producers for whom the marketing services set forth below in this subparagraph are not being performed by the cooperative association as determined by the market administrator. Such deduction shall be paid by the handler to the market administrator on or before the 15th day after the end of the month. Such moneys shall be expended by the market administrator for the verification of weights, sampling and testing of milk received from producers and in providing for market infomation to producers; such services to be performed in whole or in part by the market administrator or by an agent engaged by and responsible to him.

(b) In the case of each producer:

(1) Who is a member of, or who has given written authorization for the rendering of marketing service and the taking of deduction therefor to, a cooperative asociation,

(2) Whose milk is received at a plant not operated by such association, and

(3) For whom the market administrator determines that such association is performing the services described in paragraph (a) of this section, each handler shall deduct, in lieu of the deduction specified under paragraph (a) of this section, from the payments made pursuant to § 1125.73(a)(2) the amount per hundredweight on milk authorized by such producer and shall pay on or before the 15th day after the end of the month, such deduction to the association entitled to receive it under this paragraph.

Class I Base Plan

§ 1125.90 Production history base and Class I base.

For purposes of determination and assignment of Class I base of each producer:

(a) "Production history base" means a quantity of milk in pounds per day as computed pursuant to § 1125.92 (b) or (c).

(b) "Class I base" means a quantity of milk in pounds per day as computed pursuant to § 1125.93 for which a producer may receive the base milk price.

(c) "Average daily producer milk deliveries" of a producer in any specified period used for computing production history bases means the total pounds of producer milk delivered by the producer divided by the number of days in the period rounded to the nearest whole pound: *Provided*, That if a producer is prevented from delivering milk during the production history period because of storm conditions, the number of days of nondelivery due to such cause not to exceed 4 days in any year may be deducted from the total number of calendar days in the period.

§ 1125.91 Base milk and excess milk.

(a) "Base milk" means:

(1) Milk received from a producer which is not in excess of his Class I base multiplied by the number of days in the month except that if milk is received from a producer for only part of a month, base milk shall be milk received from such producer which is not in excess of his Class I base multiplied by the number of days of production of producer milk delivered during the month; and

(2) Milk received from a producer to whom no Class I base has been issued, in the amount determined pursuant to § 1125.93 (c) or (d).

(b) "Excess milk" means milk in excess of base milk received during any designated period from a producer who during such period is delivering base milk.

§ 1125.92 Computation of production history base for each producer.

A "production history base" as defined in paragraph (b) or (c) of this section shall be determined by the market administrator for each producer eligible for such base on the effective date of this provision and on February 1 of each year thereafter. The computation of production history base shall be subject to adjustments described in paragraph (c)(1) of this section due to acquisition or disposition by transfer of Class I base or other modifications of Class I base due to hardship or loss of Class I base because of underdelivery of base. For purposes of computation of his production history base, a producer shall be considered as having been on the market during any specified period if: As a producer he delivered milk of his production during the designated period without interruption sufficient to cause forfeiture of base

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pursuant to § 1125.95(a); during such period (after the effective date of this provision) did not dispose of all his Class I base by transfer; and during no year of his production history period were his average daily producer milk deliveries subject to negative adjustments pursuant to paragraph (c)(1) of this section resulting in a zero quantity. If such adjustment results in a zero quantity of average daily deliveries, the producer shall have a 1-year production history period and a corresponding production history base, not subject, however, to the 20 percent reduction provided in paragraph (c)(3) of this section.

(a) "Production history period" means the period to be used for the computation of production history base for a producer. Production history periods for this purpose are as follows:

(1) The production history period for a producer who has been on the market during the 3 years (January–December) preceding the determination of his production history base shall be the 4 months of each such year during which the average daily receipts of total producer milk in the market were lowest for the year. The period described in this subparagraph shall be known as a 3-year production history period.

(2) The production history period for a producer who has been on the market for a lesser period than specified in subparagraph (1) of this paragraph but beginning on a date not later than September 1 of one of the three preceding years (January–December) shall be:

(i) In the first year, the months specified in subparagraph (1) of this paragraph if the producer were on the market during the first full month so specified, otherwise the months of September through December, of such year; and

(ii) In any other years preceding the determination of his production history base, the 4 months of each year specified in subparagraph (1) of this paragraph;

(iii) Periods described in this subparagraph shall be known as 1-year, 2-year or 3-year production history periods depending on whether deliveries began in the first, second, or third year, respectively, preceding determination of production history base;

(3) The production history period for a producer who has been on the market during a period beginning after September 1, 1970, and who delivered producer milk in each of the 7 months preceding the effective date of this provision shall be the first 4 full months of delivery on the market. Such period shall be known as a 1-year production history period. For any such producer, the milk deliveries of the same 4 months shall be used in subsequent updating of production history bases to represent the milk deliveries of such producer in 1970. When a producer has acquired the herd and farm of a member of his immediate family (either before or after the effective date of this provision) and has continued to operate that farm and herd as a continuous operation, the deliveries made by the previous producer during the base earning period shall be assumed to have been delivered by the current producer for use in computing a production history base.

(b) The production history base for each producer on the effective date of this provision shall be determined by the market administrator as follows:

(1) If the production history period of any producer includes in any year months other than those specified pursuant to paragraph (a)(1) of this section, the average daily producer milk deliveries of such producer in the months used in his production history period shall be adjusted as follows: Multiply the producer's average daily producer milk deliveries by the ratio of average daily total producer milk in the market in the 4 months of the year specified in paragraph (a)(1) of this section to the average daily total producer milk on the market in the months used for such producer; except that for a producer described pursuant to paragraph (a)(3) of this section, the 4-month period specified in paragraph (a)(1) of this section shall be the applicable months in 1970.

(2) For a producer who was issued a Class I base pursuant to the provisions which became effective on September 1, 1967, and thus had a "production history base" which he had earned pursuant to the provisions then effective, and who has continued on the market as a producer since the issuance of such base, the production history base pursuant to this subparagraph shall be the larger of (i) the "production history base" assigned pursuant to the provisions effective September 1, 1967, reduced by the amount specified in the provision made effective September 1, 1967, in § 1125.123(f) with respect to reduction of production history base in proportion to transfer of Class I base, or (ii) such producer's production history base determined pursuant to subparagraph (3) of this paragraph. This provision shall apply also to the production history base of a Class I base effective September 1, 1967, if now held by a producer who received it from the original holder by intrafamily transfer, or through a succession of intrafamily transfers.

(3) For a producer with a 3-year production history period, the production history base shall be the sum of his average daily producer milk deliveries each year in the specified months for production history (subject to adjustment of deliveries in any year pursuant to subparagraph (1) of this paragraph if applicable) divided by 3.

(4) For a producer with a 1-year or 2-year production history period, the production history base shall be the sum of his average daily producer milk deliveries in each year in the specified months for production history (subject to adjustment of deliveries in any year pursuant to subparagraph (1) of this paragraph, if applicable) divided by the number of years in the production history period and multiplied by 60 percent for a 1-year production history period or by 80 percent for a 2-year production history period.

(5) A production history base shall be assigned to producers on the effective date of this provision who qualify for such base pursuant to paragraphs (d), (e), and (f) of this section.

(c) The production history base for each producer who has not disposed of his entire base by transfer, or who after disposing of his entire base by transfer has met the delivery requirements described in § 1125.93(d), shall be determined by the market administrator on February 1 of each year as follows:

(1) In updating a production history base as described in this paragraph, adjustments to a producer's previously assigned production history base and/or average daily producer milk deliveries in prior years shall be made as follows:

(i) If a producer's average daily producer milk deliveries in the combined period of the four production history months of the preceding year is less than the average of such producer's Class I base effective on the first day of each such month, the amount of such difference shall represent a reduction in Class I base. Such reduction shall not apply, however, in the updating of bases on February 1, 1972.

(ii) The prior production history base assigned to such producer shall be adjusted in proportion to the net change in Class I base due to acquiring or disposing of Class I base by transfer, adjustment of Class I base for hardship, or because of underdelivery of Class I base. The adjustment factor shall be determined by dividing the Class I base last held by the producer in the preceding January (after any adjustment pursuant to subdivision (i) of this subparagraph), by the amount of Class I base issued on the preceding February 1 or effective date of this provision.

(iii) The average daily producer milk deliveries for which a producer will receive credit in his production history in the current-year and in years prior to any net disposal of Class I base by transfer or reduction due to underdelivery shall be adjusted in proportion to the net change in Class I base. The adjustment factor shall be the Class I base issued on the previous February 1 (or effective date of this provision) less the net amount of Class I base disposed of by transfer since such date and the amount of reduction of Class I base pursuant to subdivision (i) of this subparagraph, divided by the amount of Class I base issued on the preceding February 1 (or effective date of this provision).

(iv) If the combined effect of such adjustments is a reduction greater than the respective production history base or average daily producer milk deliveries subject to such adjustments, then the resulting amount after adjustment shall be zero and any year for which a zero amount is determined shall not be regarded as a production history period.

(2) For a producer with a 3-year production history period, the production history base shall be one-third of the sum of the amounts pursuant to subdivisions (i), (ii) and (iii) of this subparagraph, or the amount pursuant to subdivision (iv) of this subparagraph, whichever is larger:

(i) His average daily producer milk deliveries in the specified months for production history in the first year (adjusted pursuant to paragraph (b)(1) of this section, if applicable) reduced by any adjustments pursuant to subparagraph (1)(iii) of this paragraph;

(ii) His average daily producer milk deliveries in the specified months for production history in the second year of his production history period, reduced by any adjustments pursuant to subparagraph (1)(iii) of this paragraph;

(iii) His average daily producer milk deliveries in the specified months for production history in the most recent year of his production history period reduced by any adjustments pursuant to subdivision (1)(iii) of this subparagraph which are applicable to a net disposal of Class I base by transfer;

(iv) The production history base assigned to such producer on the preceding February 1 (or effective date of this provision) subject to any adjustments pursuant to subpargraph (1) of this paragraph.

(3) For a producer with a 1- or 2-year production history period who did not acquire Class I base by transfer from another producer, the production history base shall be the sum of his average daily producer milk deliveries for each year (calculated in the same manner and subject to the same type of reductions as described in subparagraph (2)(i) of this paragraph) divided by the number of years in his production history period and multiplied by 60 percent if the producer has a 1-year production history period or by 80 percent if he has a 2-year production history period. The resulting quantity shall be subject to a further reduction of 20 percent in the case of any producer who began deliveries after the effective date of this provision or who is a producer described in § 1125.93(d).

(4) For a producer who has acquired a Class I base by transfer from another producer prior to assignment of a production history base computed from deliveries of his own milk production, the production history base to be assigned on the February 1 following a 1-year production history period of such producer shall be the larger of the amounts computed pursuant to subdivision (i) or (ii) of this subparagraph, and on the February 1 following a 2-year production history period shall be the amount computed pursuant to subdivision (iii) of this subparagraph.

(i) The production history base associated with the Class I base acquired, adjusted pursuant to subparagraph (1) of this paragraph.

(ii) One-third of his average daily producer milk deliveries in the specified production history months of the preceding year (adjusted pursuant to paragraph (b)(1) of this section, if applicable).

(iii) The production history base last assigned on a February 1 adjusted pursuant to subparagraph (1) of this paragraph plus one-third of the excess of the producer's average daily producer milk deliveries in the 4 production history months of the preceding year over such adjusted production history base.

(5) For a producer who has been assigned a production history base calculated only from deliveries of his own milk production during a 1-year production history period and who since such assignment has acquired Class I base by transfer from another producer, the production history base of such producer on February 1 following such acquisition of Class I base shall be the production history base last assigned to such producer on the effective date of this provision or on the latest preceding February 1 adjusted pursuant to subparagraph (1) of this paragraph plus one-third of the excess of the producer's average daily producer milk deliveries in the four production history months of the preceding year over such adjusted production history base.

(d) For each producer not subject to § 1125.93(d) who became a producer for this market after January 1, 1968, because the plant to which he regularly delivered milk became a fully regulated plant pursuant to this order, a production history base shall be determined, if possible, pursuant to paragraph (b) or (c) of this section based on his deliveries of milk as if the nonpool plant to which he delivered were a pool plant during the 3 preceding years.

(e) A producer not described pursuant to paragraph (d) of this section who delivered milk to a nonpool plant or who delivered manufacturing grade milk to a pool plant prior to becoming a producer, and who is not subject to the provisions of § 1125.93(d), shall have a production history base effective on the first day of the third month after the month in which he began deliveries of producer milk to a pool plant if a production history base can be computed pursuant to paragraph (b) or (c) of this section based on deliveries of milk from the same farm on which he is now a producer as if the plant(s) to which he delivered had been a pool plant(s) during the 3 preceding years.

(f) For a producer who held producer-handler status during any part of the production history periods specified in paragraph (a) of this section, a production history base shall be calculated as prescribed in paragraph (b) or (c) of this section as though the milk of his own production received at his producer-handler plant had been received at a pool plant.

(g) With respect to computation of production history bases pursuant to this section the following rules shall apply:

(1) If a producer operated more than one farm at the same time during any specified production period, a separate computation shall be made with respect to producer milk delivered from each such farm for such period, except that only one computation shall be made with respect to milk production resources and facilities of a producer-handler specified in § 1125.10(b)(1).

(2) Only one production history base shall be allotted with respect to milk produced by one or more persons where the land, buildings, and equipment are jointly used, owned, or operated.

§ 1125.93 Computation of Class I base or base milk for each producer.

On the effective date of this provision and on February 1 of each subsequent year the market administrator shall assign a Class I base to each producer who has a production history base. Class I bases shall be assigned to producers described in paragraphs (d), (e), and (f) of § 1125.92 when they are issued production history bases. Class I bases shall be computed as follows:

(a) Compute a "Class I base percentage" as follows:

(1) Determine the sum of Class I dispositions during the preceding calendar year from the following:

(i) Class I producer milk pursuant to § 1125.44(c),

(ii) The Class I disposition of plants during the period when they were nonpool plants, if such plants were pool plants in the preceding December, and

(iii) The Class I disposition of his own production of a person who was a producer-handler during a portion of the year and who held producer status in the preceding December.

Multiply the sum by 1.20 and divide the result by the number of days in such year: *Provided*, That on the effective date of this provision, comparable Class I disposition for the year 1970 will be determined, including that of former nonpool plants and producer-handlers which in the second month preceding the effective date were, respectively, pool plants and producers.

(2) Divide the quantity computed pursuant to paragraph (a)(1) of this section by a quantity which is the total of production history bases computed pursuant to § 1125.92. The result shall be converted to a percentage by multiplying by 100 and rounding to the third decimal place. Such percentage shall be known as the "Class I base percentage."

(b) The Class I base of each producer with a production history base shall be determined by multiplying his production history base by the "Class I base percentage."

(c) A producer, other than a producer pursuant to paragraph (d) of this section, who has no production history base shall be assigned base milk each month effective on the first day of the third month after the month in which he began deliveries of producer milk. Such base milk for each month prior to the first February 1 on which he is eligible for a Class I base shall be computed as follows:

(1) Multiply the quantity of producer milk delivered by the producer during the month by the ratio of average daily total producer milk in the market in the last 4 months described in § 1125.92(a)(1) used in the computation of production history base for assignment on the effective date hereof or on the February 1

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preceding this computation to the average daily total producer milk in the market in the month of the year preceding this calculation which corresponds to the current month for which Class I base assignment is being computed.

(2) Multiply the quantity resulting from the computation pursuant to subparagraph (1) of this paragraph by 40 percent and by the Class I base percentage, and if such producer began production after the effective date of this provision, or is a producer described in paragraph (d) of this section, subtract from the resulting quantity 20 percent of such quantity, rounding in either event to the nearest whole number.

(d) A producer who, after having forfeited or disposed of all of his Class I base, either continues as a producer on the market or discontinues deliveries to the market and returns to the market as a producer, shall be assigned base milk computed in the manner specified in paragraph (c) (1) and (2) of this section, such assignment to be effective on the later of the following dates: The first day of the third month after the month in which he recommences deliveries of producer milk on the market, or the first day of the seventh month after the month in which a producer who forfeits his base ceases deliveries or a producer disposes of his Class I base. The production history period of such producer shall begin on the later of the following dates: the date on which he first received payment for base milk or the first day of the first month eligible for use in a production history period pursuant to § 1125.92(a). In the application of this provision, use of the same production facilities by another person (or the same person under a different name) to produce milk after the above described forfeiture or transfer of base shall be considered as a continuation of the operation by the previous operator if the new operator is a member of the immediate family of the previous operator. It shall be applied also to any production facility to which a Class I base has not been assigned, wherever located, operated by a person in which the producer who forfeited or transferred his base has a financial interest if such facility commences production on or after the effective date of the transfer or forfeiture, or such producer acquired his financial interest in such person later than 3 months prior to the effective date of the base transfer or forfeiture.

§ 1125.94 Transfer of bases.

Production history and Class I base may be transferred pursuant to the following rules and conditions:

(a) A transfer of base means the transfer of both the production history base and the Class I base associated with it at the time of transfer. The percentage of Class I base transferred shall be applied to the total production history base held at the time of transfer to determine the corresponding amount of production history transferred.

(b) The market administrator must be notified in writing by the holder of the Class I base prior to the first day of the month of transfer of the name of the person to whom the Class I base is to be transferred, the effective date of the transfer and the amount of base to be transferred if less than the entire Class I base held by the transferor.

(c) It must be established to the satisfaction of the market administrator that the conveyance of such base is bona fide and not for the purpose of evading any provision of this order, and comes within the remaining provisions of this section.

(d) A transfer may be made only to a producer (a person who is currently a producer on the market or who will become a producer under the terms of the order by the last day of the month of transfer).

(e) A transfer of Class I base may be made in amounts of not less than 1bu pounds or the entire base, whichever is smaller. The amount of base credited to the transferee shall be two-thirds of the Class I base disposed of by the transferor producer.

(f) A transfer of a portion of a Class I base shall be a partial transfer and shall be effective only on the first day of a month. A transfer where the transferee producer will combine the Class I base received with Class I base already held shall be considered a partial transfer.

(g) A transfer of a complete Class I base of a producer to a person who does not hold a Class I base will be effective on the date of transfer of herd and farm, or on the first day of the month if no herd and farm is transferred, provided in either case that a base transfer request was made to the market administrator before the first day of the month of transfer.

(h) An intrafamily transfer (including transfers to an estate and from an estate to a member of the immediate family) will not be subject to a one-third lapse of base, provided that the transfer implements a continuous operation on the same farm with the same herd. All restrictions on transferring base applicable to the transferor producer shall also apply to the transferee.

(i) A producer who receives a base pursuant to § 1125.92 (d) or (e) may not transfer such base, other than pursuant to paragraph (h) of this section, for 1 year from the date of receipt or such later date as provided in paragraph (k) of this section.

(j) A producer-handler who becomes a producer and receives a base may not transfer that base for a period of 3 years from the date of receipt, except to a member of the immediate family pursuant to paragraph (h) of this section.

(k) A base which has been computed from a less than 3-year production history period may not be transferred, except as an intrafamily transfer pursuant to paragraph (h) of this section.

(l) If a base is held by a corporation, a change in ownership of the stock which transfers control to a new person or persons will require a transfer of bases and compliance with all base rules therein.

§ 1125.95 Miscellaneous base rules.

The following base rules shall be observed in the determination of bases:

(a) A person who discontinues delivery of producer milk for a period of 60 consecutive days after a Class I base is issued to him shall forfeit his production history, together with any Class I base and production history base held pursuant to the provisions of this order, except that a person entering the military service may retain them until 1 year after being released from active military service.

(b) As soon as production history bases and Class I bases are computed by the market administrator, notice of the amount of each producer's production history base and Class I base shall be given by the market administrator to the producer, to the handler receiving such producer's milk, and to the cooperative association of which the producer is a member. Each handler, following receipt of such notice, shall promptly post in a conspicuous place in his plant a list or lists showing the Class I base of each producer whose milk is received at such plant.

(c) As a condition for designation as a producer-handler pursuant to § 1125.10, any person (including any member of the immediate family of such a person, any affiliate of such a person, or any business of which such a person is a part) who has held Class I base any time during the 12-month period prior to such designation shall forfeit the maximum amount of Class I and production history base held at any time during such 12-month period.

§ 1125.96 Hardship provisions.

Requests of producers for relief from hardship or inequity arising under the provisions of §§ 1125.92 through 1125.95 will be subject to the following:

(a) After bases are first issued under this plan and after bases are issued on each succeeding February 1, a producer may request review of the following circumstances because of alleged hardship or inequity:

(1) He was not issued a Class I base;

(2) His production history base is not appropriate because of unusual conditions during the base-earning period such as loss of buildings, herds, or other facilities by fire, flood or storms, official quarantine, disease, pesticide residue, condemnation of milk, or military service of the producer or his son;

(3) Loss or potential loss of Class I base pursuant to § 1125.95(a);

(4) Loss or potential loss of Class I base because of underdeliveries pursuant to § 1125.92(c)(1);

(5) Inability to transfer base due to the provisions of § 1125.94 (i), (j), or (k);

(b) The producer shall file with the market administrator a request in writing for review of hardship or inequity not later than 45 days after notice pursuant to § 1125.95(b) with respect to requests pursuant to paragraph (a) (1) or (2) of this section, or not later than 45 days after the occurrence with respect to requests pursuant to paragraph (a) (3), (4), or (5) of this section, setting forth:

(1) Conditions that caused the alleged hardship or inequity;

(2) The extent of the relief or adjustment requested;

(3) The basis upon which the amount of adjustment requested was determined; and

(4) Reasons why the relief or adjustment should be granted.

(c) One or more Producer Base Committees shall be established and function as follows:

(1) Each Producer Base Committee shall consist of five producers appointed by the market administrator.

(2) Each committee shall review the requests for relief from hardship or inequity referred to it by the market administrator at a meeting in which the market administrator or his representative serves as recording secretary and at which the applicant may appear in person if he so requests.

(3) Recommendations with respect to each such request shall be endorsed at the meeting by at least three committee members and shall:

(i) With respect to requests pursuant to paragraph (a) (1), (3), (4), or (5) of this section, grant or adjust production history bases and average daily producer milk deliveries for prior years where it appears appropriate, delay forfeiture of Class I base, restore forfeited base or reduced average daily producer milk deliveries where appropriate, and permit transfer of base not otherwise possible under the order provisions.

(ii) With respect to requests pursuant to paragraph (a)(2) of this section, either reject the request or provide adjustment in the form of additional production history base and average daily producer milk deliveries for prior years where it appears appropriate and the effective date thereof of such adjustment. In considering such requests the loss of milk production due to the following shall not be considered a basis for hardship adjustment:

(a) Loss of milk due to mechanical failure of farm tank or other farm equipment; and

(b) Inability to obtain adequate labor to maintain milk production, except that hardship adjustment may be granted in the case of a producer or the son of a producer who entered into military service directly from employment in milk production;

(4) Recommendation of the Producer Base Committee shall:

(i) If to deny the request, be final upon notification to the producer, subject only to appeal by the producer to the Director, Dairy Division, within 45 days after such notification; or

(ii) If to grant the request in whole or in part, be transmitted to the Director, Dairy Division, and shall become final unless vetoed by such Director within 15 days after transmitted.

(5) Committee members shall be reimbursed by the market administrator from the funds collected under § 1125.85 for their services at $20 per day or portion thereof, plus necessary travel and subsistence expenses incurred in the performance of their duties as committee members.

(d) The market administrator shall maintain files of all requests for alleviation of hardship and the disposition of such requests. These files shall be open to the inspection of any interested person during the regular office hours of the market administrator.

Signed at Washington, D.C., on February 26, 1973.

JOHN C. BLUM,
Deputy Administrator,
Regulatory Programs.

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Agricultural Stabilization and Conservation Service

[7 CFR Part 724]

CIGAR-BINDER (TYPES 51 AND 52) TOBACCO

Termination of Marketing Quotas for 1973–74 Marketing Year

Pursuant to and in accordance with section 371(a) of the Agricultural Adjustment Act of 1938, as amended (referred to hereinafter as the "Act"), an investigation is being made to determine whether the operation of farm marketing quotas in effect on cigar-binder (types 51 and 52) tobacco for the 1973–74 marketing year will cause the amount of such kind of tobacco which will be free of marketing restrictions to be less than the normal supply for such kind of tobacco for such marketing year.

If upon the basis of such investigation the Secretary finds the existence of such fact, he will proclaim the same and specify such increase in, or termination of, existing quotas as he finds, on the basis of such investigation, is necessary to make the amount of such kind of tobacco which will be free of marketing restrictions for the 1973–74 marketing year equal to the normal supply.

Having previously terminated national marketing quotas for the 1970–71 marketing year (35 FR 7361) and the 1971–72 marketing year (36 FR 4977), the Secretary proclaimed marketing quotas for this kind of tobacco for the 1972–73, 1973–74 and 1974–75 marketing years (36 FR 24060). Farmers approved marketing quotas for such 3 marketing years in referendum, (37 FR 3422), and marketing quotas for the 1972–73 marketing year were later terminated (37 FR 5599).

Under present legislation the termination of marketing quotas for any given marketing year would be limited in application and effect to that year only.

Under section 106 of the Agricultural Act of 1949, as amended, price support will be available on the 1973 crop of cigar-binder (types 51 and 52) tobacco even if marketing quotas are terminated since producers did not disapprove marketing quotas. Further, as authorized by section 101 of such Act, price support will be made available on all cigar-binder (types 51 and 52) tobacco produced in 1973 if marketing quotas are terminated.

Data show that total disappearance (domestic use plus exports) of cigar-binder (types 51 and 52) tobacco has decreased from 26 million pounds during the 1955–56 marketing year, prior to the advent of reconstituted binder sheet, to 2.6 million pounds during the 1971–72 marketing year. Disappearance is expected to be about 2.6 million pounds during the 1972–73 marketing year. This has necessitated drastic adjustments in production. Producers have used the Soil Bank and the Cropland Adjustment Programs extensively in making these adjustments. In addition, the allotted acreage has been reduced from 17,643 acres in the 1955–56 marketing year to about 5,850 acres in 1973.

Total disappearance (domestic use plus exports) exceeded production each year from 1955 through 1969. Production slightly exceeded disappearance in 1970 and 1971, and is expected to be slightly less in 1972. The excessive supplies have been used up, resulting in less than normal supplies at the end of the 1971–72 marketing year. In 1968, 36.5 percent of the allotted acreage was harvested. In 1969, acreage allotments were increased 50 percent and the harvested acreage as a percent of the allotted acreage declined to 26.4. With quotas terminated, the harvested acreage in 1970, 1971, and 1972 was 1,670, 1,610, and 1,510 acres respectively. If the 1973 harvested acreage is the same as the 1972 harvested acreage, and if a yield per acre about equal to the average of the 1970, 1971, and 1972 per acre yields were obtained, production would equal about 2.6 million pounds. A 2.6 million pound crop and a carryover (estimated) of 7.3 million pounds would provide a total supply for the 1973–74 marketing year of 9.9 million pounds. The normal supply is 14.8 million pounds.

Section 371(a) of the Act provides that in the course of the investigation conducted by the Secretary, due notice and opportunity for hearing shall be given to interested persons. Accordingly, consideration will be given to data, views, and recommendations pertaining to the determinations and actions described in this notice which are submitted in writing to the Director, Tobacco Division, Agricultural Stabilization and Conservation Service, U.S. Department of Agriculture, Washington, D.C. 20250. All submissions made pursuant to this notice will be made available for public inspection from 8:15 a.m. to 4:45 p.m., Monday through Friday, in Room 3741, South Building, 14th and Independence Avenue SW., Washington, D.C. All submissions must, in order to be sure of consideration, be postmarked on or before March 20, 1973.

Signed at Washington, D.C., on February 27, 1973.

KENNETH E. FRICK,
Administrator, Agricultural Stabilizaiton and Conservation Service.

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DEPARTMENT OF COMMERCE

Office of Foreign Direct Investments

[15 CFR Part 1000]

FOREIGN DIRECT INVESTMENT REGULATIONS

Transfer of Capital: Export Credit Exemption

EDITORIAL NOTE: The Foreign Direct Investment Regulations appear in Title 15, Chapter X, Part 1000 of the Code of Federal Regulations (CFR). All sections of the Foreign Direct Investment Regulations contained in CFR are preceded by the designation "1000" (e.g. § 1000.312). The "1000" prefix has, for convenience, been eliminated from the section references contained in the explanatory material below. The abbreviations "DI" and "AFN" are used to refer to "direct investor" and "affiliated foreign national."

Notice is hereby given that the Office of Foreign Direct Investments (the "Office") proposes to make certain amendments to the Foreign Direct Investment Regulations (the "Regulations"). On January 2, 1973, the Office announced that credits extended by DIs on normal commercial terms to their AFNs with respect to export sales or leases of qualifying U.S. goods and services would be exempted under the Regulations. The purpose of the amendments proposed herein is to implement the export credit exemption policy announced on January 2. On January 3, 1973, certain amendments to the Regulations (§§ 312(e) and 313(f)) were published in the FEDERAL REGISTER, at page 9, to prevent DIs from using knowledge of the proposed exemption to gain undue advantage. The interim protective amendments, superseded by the exemption system in the regulations proposed herein, will be revoked.

The amendments, which are liberalizing in nature, will apply to transactions effected after December 31, 1972. These amendments will not affect the computation of positive direct investment during the base period, 1965–1966, for any purpose of the Regulations. Forms FDI–101, on which the base period calculations are reported, will not have to be revised by reason of these amendments.

Prior to the adoption of these amendments, consideration will be given to any comments, data, views, arguments, or suggestions pertaining thereto which are submitted in writing and received by the Office on or before April 19, 1973. Such comments or suggestions should be directed to the Chief Counsel, Office of Foreign Direct Investments, Department of Commerce, Washington, D.C. 20230.

1. *General explanation.* Under the Regulations in effect through 1972, the acquisition by a DI of an obligation of an incorporated AFN attendant to an export sale of goods or services to the AFN by the DI was a positive transfer of capital under § 312(a)(1); repayment of the obligation by the AFN, or transfer of the obligation by the DI, was a negative transfer of capital under § 312(b)(3) or § 312(b)(5). The rules applicable to unincorporated AFNs produced the same result. The proposed export credit exemption provisions of the regulations (§§ 312(c)(13), 312(c)(14), 313(b)), to be effective for transactions after December 31, 1972, will in general block all positive and negative transfers of capital in connection with qualifying export transactions.

Section 312(c)(13) will be the principal provision governing the treatment of obligations of incorporated AFNs acquired by DIs in connection with qualified export sale transactions. For such transactions § 312(c)(13) will establish exceptions to the general definitions of positive and negative transfers of capital set forth in §§ 312(a) and 312(b). Provisions in § 313(b), governed by the definitions set forth in § 312(c)(13), will provide the same substantive treatment with respect to unincorporated AFNs. Section 312(c)(14) will provide an exclusion with respect to the transfer or return of property pursuant to qualified export leases by DIs to incorporated AFNs.

Under § 312(c)(13) no transfer of capital will be recognized in connection with an acquisition by a DI after December 31, 1972 of a debt obligation of an incorporated AFN attendant to a sale by the DI to the AFN of U.S. goods or U.S. services, until the obligation has been outstanding for a period longer than the arm's length term applicable to the transaction. A positive transfer of capital in the amount of the debt obligation will be charged when the credit becomes overdue as measured by the arm's length term if the DI holds the obligation at that time. After December 31, 1972 no negative transfer of capital will be recognized in connection with any repayment of a qualified export obligation by an AFN, or transfer by a DI of such an obligation, except to the extent that a positive transfer of capital will have been previously recognized after December 31, 1972 with respect to the obligation. (It should be noted that this rule will apply to the repayment or transfer after 1972 of qualified export obligations that were acquired by the DI in 1972 or earlier.) Moreover, after December 31, 1972, no negative transfer of capital will be recognized for the repayment by or in behalf of an AFN of a qualified export obligation held by a financial institution subject to the Federal Reserve Foreign Credit Restraint Program, even though such repayment would have been deemed a transfer of capital by the AFN under the proviso to § 312(c)(4) or § 312(c)(12).

The substantive rules applicable to unincorporated AFNs will produce the same net result. Ordinarily the liability of an unincorporated AFN to a DI is excluded in calculating the net assets of the AFN under § 313(b). Thus, a sale of goods by the DI to the AFN on credit results in an increase in the AFN's net assets by increasing its assets without increasing its liabilities. This has the effect of a positive transfer of capital. Under proposed § 313(b), the liabilities of unincorporated AFNs to the DI which represent qualified export obligations will not be excluded from the calculation of net assets, until such obligations have been outstanding for periods of time longer than the arm's length terms applicable to them. When such obligations become overdue as measured by the arm's length term, they must be excluded in the net asset calculation; this increases net assets and has the effect of a positive transfer of capital. Payment made to the DI from AFN assets, eliminating the excluded liability, will reduce net assets and have the effect of a negative transfer of capital.

A qualified export obligation which is acquired and then satisfied or transferred within the same year will have no net effect under the Regulations, whether or not it is repaid or transferred within the period of the arm's length term applicable to the transaction. But where the debt obligation remains outstanding at yearend, and is at that time overdue as measured by the arm's length term, the DI will incur a positive transfer of capital in that year. The DI can recognize a negative transfer of capital in the year in which such obligation is repaid or transferred.

Under the proposed amendments, §§ 312(c)(4) and 312(c)(12) as amended effective January 1, 1973 will not be applicable to qualified export obligations. Thus, if a DI transfers a qualified export obligation to an institution subject to the Federal Reserve Foreign Credit Restraint Program ("FRFCRP"), or an AFN obtains funds from such an institution to repay a qualified export obligation to the DI, §§ 312(c)(4) and 312(c)(12) will have no affect on the treatment of such transactions under the Regulations, regardless of whether the institutions charge their ceilings under the FRFCRP in connection with the transactions.

The provisions of §§ 312(c)(13) (pertaining to incorporated AFNs) and 313(b)(1), (2) (pertaining to unincorporated AFNs) will apply to sales transactions. Separate provision is made in proposed § 312(c)(14) to accomplish the exemption of the transfer of property to an incorporated AFN pursuant to a qualifying export lease and the return of property so transferred. The effect of these provisions is described in paragraph 8, below.

Addition of § 312(c)(13) and amendment of § 313(b) will not affect the treatment of acquisitions of export obligations of AFNs which are not qualified export obligations as defined in § 312(c)(13). Acquisitions of such nonqualified obligations will continue to constitute positive transfers of capital under § 312(a)(1), or in the case of unincorporated AFNs increases in net assets under § 313(b) (by exclusion of the imputed debt obligation), at the times the obligations are acquired; repayment of the obligations by the AFN or transfers of them by the DI will continue to constitute negative transfers of capital under § 312(b)(3) or § 312(b)(5) or a decrease in net assets under § 313(b) (unless recognition of the negative transfer of capital or reduction in assets is blocked by § 312(c)(4) or § 312(c)(12)). Also, § 312(c)(14), which will provide an exemption

for qualified lease transactions, will not affect the treatment of nonqualified leases. It should be carefully noted that these rules apply regardless of whether the nonqualified obligation or lease arose before or after yearend 1972.

Because of the differing treatment which will be provided for qualified and nonqualified export obligations and leases, DIs (except DIs which elect out of the exemption system in accordance with § 312(c)(13)(vi)) will find they need to segregate on their books and records those AFN obligations which are qualified export obligations and those lease transactions which constitute qualified export leases. DIs will also be required to determine which of the AFN obligations held as of the end of the year 1972 were qualified export obligations and which leases outstanding were qualified export leases, since repayment of such qualified export obligations and returns of property under such leases will not be negative transfers of capital.

The proposed amendments will not affect the 1965–1966 ("base period") positive direct investment calculations. Revised base period reports on Form FDI–101 will not have to be submitted by reason of the proposed amendments.

Quarterly reports on Form FDI–102 will not be required to reflect transfers of capital to or from AFNs related to qualified export obligations or qualified export leases.

The proposed amendments are described in greater detail as follows:

2. *Definitions.*—a. *Qualified export obligation.* Under proposed § 312(c)(13)(i)(A), the term "qualified export, obligation" will mean a debt obligation of an AFN acquired by a DI in any year (including any year before 1973) attendant to a sale of U.S. goods or U.S. services. There will be two exceptions:

(1) In no event will a qualified export obligation be recognized in connection with a transaction which is in substance a contribution to capital. Where a transfer of goods or services is recorded on a DI's books and records as a credit sale, and timely payment is subsequently forgiven in whole or in part, the transaction may be deemed a contribution to capital in the year the goods or services were transferred in the amount of the full value of such goods or services. (However, where changed circumstances give rise to a legitimate business reason for forgiving the indebtedness attendant to a transaction previously treated in good faith as a credit sale, the amount of the debt forgiven will be treated as a transfer of capital in the year of forgiveness.) This rule will apply to unincorporated AFNs as well as incorporated AFNs. Thus, where a DI ships goods to an unincorporated AFN or performs services for it with the arrangement that the AFN will make full payment for the goods or services, the DI may treat the transaction as a sale to the unincorporated AFN. If the other requirements are met, such a sale will give rise to a qualified export obligation. However, if the DI does not anticipate full payment for the goods or services, or forgoes payment, the transaction may be considered a contribution to capital, which does not give rise to a qualified export obligation.

(2) In no event will a qualified export obligation arise in connection with an installment sale unless the terms of the sale require installment payments at an arm's length rate, taking into account the time and amount of each payment to be made. For example, if a DI sells equipment to an AFN for a total price of $60,000, and the sale agreement requires three semiannual payments of $10,000 and a final semiannual payment of $30,000, the sale does not require payments at an arm's length rate, and thus would not give rise to qualified export obligations, if an arm's length rate of payment would require four semiannual payments of $15,000. If, on the other hand, the agreement requires an initial semiannual installment of $30,000 and three additional semiannual payments of $10,000, the sale would give rise to qualified export obligations since the rate of payment required is faster than the arm's length rate. The arm's length rate of payment for these purposes will be the rate that would have been provided at the time the transaction was entered into, in independent transactions with or between unrelated parties under similar circumstances, considering all relevant factors except the credit standing of the AFN. The AFN will be considered to be an average or typical credit risk, but not an unusually good or a poor one. See paragraph 4 below.

Each payment due under an installment sale which gives rise to a qualified export obligation, will be deemed to be a separate qualified export obligation. Thus, in the last example in the preceding paragraph, the transaction would give rise to one qualified export obligation of $30,000 and three qualified export obligations of $10,000 each, due at successive semiannual intervals.

b. *United States goods.* The exemption of § 312(c)(13) will be applicable, in the case of goods, to sales of "United States goods", which will be defined in § 312(c)(13)(iii) to be tangible property meeting two requirements. It must be grown, produced or manufactured in the United States, and it must be exported from the United States by the DI.

Property will be considerd grown, produced or manufactured in the United States only if it may be classified as "domestic" for purposes of a Department of Commerce Shipper's Export Declaration on Commerce Department Form 7525–V. This is the form which must be completed and submitted by all exporters shipping domestic goods from the United States. With regard to classification of goods shipped as "foreign" or "domestic", Article IV of the form provides as follows:

> Exports of domestic merchandise include commodities which are the growth, produce, or manufacture of the United States. Exports of foreign merchandise include commodities of foreign origin which entered the United States as imports, and which, at the time of exportation, are in the same condition as when imported. Commodities of foreign origin which have been changed in the United States from the form in which they were imported, or which have been enhanced in value by further manufacture in the United States, are considered as "domestic" commodities.

c. *United States services.* Sales of services will qualify for the § 312(c)(13) exemption only if they are "United States services", as defined in proposed § 312(c)(13)(iv), which must be services performed for an AFN by the DI. Services performed by a DI through one of its AFNs for another AFN will not be considered performed by the DI. Services subcontracted to another party for performance on behalf of the DI will not be considered performed by the DI.

d. *Arm's length term.* The Regulations will establish as applicable to each qualified export obligation a qualifying duration of the credit extended, based on the concept of the "arm's length term". This is explained in paragraphs 4 and 5, below.

3. *Overdue qualified export credit.* As stated above, under the Regulations in effect through 1972, a positive transfer of capital was recognized upon the acquisition of an AFN obligation by a DI in connection with any credit sale to the AFN, and a negative transfer of capital was recognized upon repayment of the obligation by the AFN or transfer of it by the DI. Under proposed § 312(c)(13)(i), no positive transfer of capital will be recognized in connection with an acquisition after December 31, 1972, of a qualified export obligation of an incorporated AFN until the obligation, held by the DI, has been outstanding for a period longer than the arm's length term applicable to it. Thus, if the obligation is not "overdue" as measured by the arm's length term, no positive transfer of capital will arise. The repayment or other satisfaction of a qualified export obligation by an incorporated AFN, or transfer by a DI of a qualified export obligation, will not constitute a negative transfer of capital if effected within the period of the arm's length term. If, however, the obligation becomes overdue and is held by the DI so that a positive transfer of capital is recognized with respect to it (after December 31, 1972), such repayment or satisfaction or transfer will constitute a negative transfer of capital.

The rules provided in the proposed amendments to § 313(b) applying to unincorporated AFNs will produce the same net results as the rules for incorporated AFNs. Where a qualified export obligation of an unincorporated AFN is acquired by a DI the liability of the AFN will be included in calculating the net assets of the AFN under § 313(b) until the obligation has been outstanding for a period longer than the arm's length term applicable to it. This AFN liability will either offset the exported asset (resulting in no change in the net asset position) or, where payment for services is expensed, produce a reduction in net assets.

Where payment or satisfaction of the qualified export obligation is made before the obligation becomes overdue as

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measured by the arm's length term, there will be a reduction in assets and a corresponding reduction in liabilities, producing no change in net assets. The net result of the credit sale and subsequent payment within the arm's length term will be either (1) no change in net assets if an asset is recognized (as for the purchase of goods or capitalized services), or, (2) a reduction in net assets if the item purchased is expensed (as for the purchase of expensed services).

But when the obligation becomes overdue under the arm's length term the liability must then be excluded in calculating net assets under § 313(b), resulting in an increase in net assets. The net change attendant to the sale on credit and subsequent failure to pay within the arm's length term will be an increase in net assets where an asset is recognized (as for the purchase of goods or of capitalized services), or no change in net assets where the item purchased is expensed (as for the purchase of expensed services). Repayment by an AFN of an "overdue" qualified export obligation will result in a reduction in net assets as computed under § 313(b), since cash is expended to pay the obligation but the liability eliminated is an excluded liability.

Under proposed § 313(b)(2) any reduction in net assets resulting from a repayment of a qualified export obligation acquired by the direct investor prior to 1973 will be disregarded in computing the increase or decrease in net assets of the AFN.

For any year commencing with 1973, the DI will compute positive transfers of capital related to qualified export obligations (of either an incorporated or an unincorporated AFN) on the basis of the qualified export obligations of the AFN that are overdue at yearend as measured by the arm's length term. When such overdue obligations are repaid by the AFN in a subsequent year, a negative transfer of capital will be recognized.

Example 1. On March 15, 1973 DI sells $50,000 worth of U.S. goods to an incorporated AFN. On October 31, 1973, the DI sells $75,000 worth of U.S. goods to the AFN. The arm's length term applicable to both transactions is 9 months. As of December 31, 1973, neither qualified export obligation has been repaid. A positive transfer of capital of $50,000 is recognized in connection with the first acquisition on December 15, 1973, the date the obligation became overdue as measured by the 9-month arm's length term applicable to it. Since the obligation has not been repaid by yearend 1973, there is no offsetting negative, and the positive transfer of capital must be charged for 1973 Program compliance. No transfer of capital is recognized, however, in connection with the second qualified export obligation, since at yearend 1973 the obligation has been outstanding for a period less than the 9-month arm's length term applicable to it.

On January 31, 1974, the AFN repays both obligations ($125,000). A negative transfer of capital of only $50,000 is recognized in connection with the repayments, since a positive transfer of capital of only $50,000 was previously recognized as a result of acquisition of the obligations.

Example 2. Same facts as in Example 1 except that the AFN involved is unincorporated. As of December 31, 1973, the net assets of the AFN have been increased by $50,000 as a result of the first purchase, since the exported goods are included as AFN assets, while the liability to the DI arising from the purchase, having become overdue as measured by the arm's length term on December 15, 1973, is excluded in calculating the net assets of the AFN under § 313(b). The second purchase has no effect on net assets, since the liability is not overdue as of yearend and therefore is included in calculating the AFN's net assets, offsetting the acquired asset. When the obligations are repaid on January 31, 1974, the repayment of the $50,000 obligation results in a $50,000 reduction in net assets as computed under § 313(b). There is a $50,000 reduction in assets (cash), while there is no reduction in liabilities since the corresponding liability had been excluded for § 313(b) purposes. The repayment of the $75,000 obligation has no effect on net assets as computed under § 313(b) since the liability eliminated is an included liability; thus, the reduction in assets is offset by the reduction in liabilites.

As with nonqualifying obligations, where an incorporated or unincorporated AFN transfers an account receivable, note or other debt obligation of an unaffiliated foreign person in satisfaction of a qualified export obligation (or in immediate payment where nonpayment would give rise to a qualified export obligation) the qualified export obligation will be deemed to remain outstanding and held by the DI. The qualified export obligation will be deemed repaid by the AFN or transferred by the DI only when the debt obligation of the unaffiliated person is repaid to the DI or is transferred by the DI to an unaffiliated foreign national or to a U.S. financial institution subject to the FRFCRP which charges its ceiling under that program in connection with the acquisition. See § B312–15(iii) of the 1972 General Bulletin.

4. *Arm's length term.* The arm's length term, defined under proposed § 312(c)–(13)(v), will be the length of time to make payment which would have been provided at the time the sale is entered into, in an independent transaction between unrelated parties under similar circumstances, considering all relevant factors except the credit standing of the AFN. The AFN will be considered to be an average or typical credit risk, but not an unusually good or a poor one. Relevant factors to be considered include the type of goods or services, the security if any, shipping time, and the terms prevailing at the situs for comparable transactions.

With respect to the sale of U.S. goods, any term of 180 days or less from the time of the shipment of the goods will be deemed an arm's length term. With respect to the sale of U.S. services, any term of 90 days or less, measured from the end of the month in which such services would be billed in a similar transaction between unrelated parties, will be deemed an arm's length term. Furthermore, where U.S. services are related and subsidiary to a sale of goods which entails a qualified export obligation, the arm's length term will be the same as that for the sale of the goods.

Where there is an insufficient number of similar independent transactions from which the DI can reasonably determine the duration of credit which would have been extended in such transactions, and where an AFN resells or leases the goods or services (without significant further processing) to an unrelated foreign person, the term of credit extended by the AFN to the unrelated person may, in the absence of strong contrary considerations, be added to appropriate shipping time to determine the arm's length term.

5. *Arm's length term for installment sales.* As explained in paragraph 1, above, an installment sale will give rise to qualified export obligations only if payments under the terms of the sale are to be made at an arm's length rate; for installment sales so qualifying, each payment will be considered a separate export obligation. Thus, a term within arm's length limits will be established by agreement with respect to each individual installment. If all payments are made on schedule, no positive or negative transfer of capital will be recognized in connection with the sale. But when a scheduled payment is not timely made, a positive transfer of capital will arise. Subsequent payment of the obligation, for which a positive transfer of capital has been recognized, after December 31, 1972, will constitute a negative transfer of capital.

Example 3. On March 31, 1973, DI sells a computer to an AFN for $5 million, the fair market value. The terms of the sale provide for 20 semiannual installments of $250,000, with interest, commencing September 30, 1973. An arm's length rate of payment would require 10 semiannual installments of $500,000, with interest. The sale does not give rise to qualified export obligations.

Example 4. Same facts as in Example 3 except that the sale agreement requires the arm's length rate of payment—10 semiannual installments of $500,000, with interest, commencing September 30, 1973. The AFN does not make the September 30 payment called for under the contract. A positive transfer of capital of $500,000 is therefore recognized under § 312(a)(1) as modified by § 312(c)(13)(i)(A). (Nonpayment of the interest due on September 30 is also a positive transfer of capital under § 312(a)(1). See § B312–18(viii) of the 1972 General Bulletin.) On March 31, 1974 the AFN pays the DI $1 million (the installment currently due and the overdue installment) plus all accrued interest. A negative transfer of capital of $500,000 is recognized by reason of the payment of the overdue installment for which a positive transfer of capital was previously recognized. (A negative transfer of capital for payment of the overdue interest is also recognized.) There is no negative transfer of capital for payment of the March 31 installment, which was not overdue.

6. *Applicability to § 313(e).* As announced January 2, 1973, and as provided by the interim protective amendment § 313(f) promulgated January 3, the adoption of the export credit exemption will have no effect on the operation of § 313(e) for the year 1972. Section 313(e) of the Regulations affords DIs options with respect to AFN repayments to the

DI in January or February 1973 of debt obligations (including those relating to export credits extended by the DI to the AFN) outstanding on December 31, 1972. If such debt obligations were repaid in January 1973, or (as alternatively elected by the DI) repaid in January and February 1973, the resulting transfers of capital by incorporated AFNs and decreases in net assets of unincorporated AFNs could be included in calculating the DI's 1972 net transfers of capital for pertinent scheduled areas, provided the DI made a worldwide negative net transfer of capital during the period elected and the aggregate amount of such AFN debt repayment used for 1972 calculations did not exceed the amount of such worldwide negative net transfer of capital.

This provision is not being amended. As confirmed by proposed § 313(e)(4), the use of the § 313(e) options is governed by the Regulations as in force on December 31, 1972. Thus, a DI may count a repayment in January or February 1973 by an AFN of a qualified export obligation outstanding on December 31, 1972 as a negative transfer of capital for purposes of computing 1972 transfers of capital under § 313(e), even though repayment of such obligation would not constitute a negative transfer of capital for 1973. If a DI chooses to include repayments of qualified export obligations as negative transfers of capital in computing 1972 compliance under § 313(e), the DI must include acquisition of qualified export obligations during the elected extension period as positive transfers of capital for purposes of computing the worldwide net transfer of capital during the period under § 313(e)(2), even though such acquisitions are not in themselves charged as positive transfers of capital for the year 1973.

After examination of the relevant data, the Office has concluded that the "recapture" provision of § 312(e) published January 3, 1973, applicable to repayments of qualified export obligations in 1973 under § 313(e), is not necessary. Accordingly, the proposed amendments will revoke § 312(e).

7. *Nonrenewal of § 313(e) for 1973.* Under the proposed export credit exemption system, § 313(e) is not being renewed to apply to the compliance year 1973. The § 313(e) device aided DIs that experienced unusually high levels of export credit outstanding to their AFNs toward the end of a compliance year. The extension period permitted additional time for such DIs to reduce their levels of outstanding credit to a normal level and eliminate the positive transfer of capital charge arising from the higher level. Since positive transfers of capital will not ordinarily arise from increased levels of export credit under the proposed exemption system, § 313(e) will not be necessary for 1973. It is noted that the related § 312(e) recapture provision, published January 3, 1973, will be revoked.

8. *Qualified export leases.* Under the regulations in force on December 31, 1972, a lease of property by a DI to an incorporated AFN was a positive transfer of capital (§ 312(a)(8)) in the amount of the fair market value of the property at the time of the transfer. Return of the property by the AFN was a negative transfer of capital in the amount of the fair market value at the time of the return. Payments of rental charges currently due were not transfers of capital, but failure of an AFN to make timely payment was a positive transfer of capital and subsequent payment of the overdue rent was a negative transfer of capital.

Under proposed § 312(c)(14), effective for transactions after December 31, 1972, transfers of property to incorporated AFNs pursuant to qualified export leases will be exempt from transfer of capital charge. Return of property under a qualified lease will not be a negative transfer of capital.

A lease by a DI to an incorporated AFN is a qualified export lease if it (1) transfers U.S. goods and (2) provides rental payments at an arm's length rate, considering the time and amount of each payment to be made. The arm's length rate of rental payment is determined in the same manner as for installment sales. See paragraphs 2a (2) and 5 above.

In no event will a transfer be recognized as pursuant to a qualified export lease if it is, in substance, a contribution to capital, regardless of the manner in which such transfer is entered on the DI's books and records. Accordingly, if rental payments are subsequently forgiven, in whole or in part, with respect to a transfer recorded by a DI as a lease, the transaction transferring the goods may be deemed a contribution to capital in the year the goods are transferred in the amount of the full value of such goods. (However, where changed business circumstances give rise to a legitimate business reason for contributing the leased property to the capital of the AFN, a transfer of capital attendant to such a contribution will be recognized in the year the contribution is made in the amount of the then fair market value of the property. See paragraph 2a(1), above.)

Where a lease meets the qualification requirements, the transfer of property to the AFN will not constitute a positive transfer of capital, notwithstanding § 312(a)(8); the return of the property by the AFN, whether or not the property was leased after 1972, will not constitute a negative transfer of capital under § 312(b) (as described in § B312–12 of the 1972 General Bulletin). Rental payments under such a lease, however, will be subject to the same provisions as apply to nonqualified leases under the general provisions of the Regulations. If a rental payment to the AFN becomes overdue, an acquisition of a debt obligation of an AFN will be recognized, which constitutes a positive transfer of capital under § 312(a)(1). When payment of the overdue rent is made, a negative transfer of capital will be recognized under § 312(b)(3). If all rental payments are met on schedule as required under the terms of the lease, no transfer of capital will be recognized at any time.

Where leased property is not returned at the termination of the lease (and the lease is not extended), a contribution to capital in the full fair market value of the property will be recognized, constituting a positive transfer of capital under § 312(a)(2). Subsequent return of the property by the AFN will constitute a negative transfer of capital under § 312(b)(2).

A DI which elects not to be subject to the export credit exemption scheme, as discussed in paragraph 9, may not treat any lease as a qualified export lease under § 312(c)(14).

9. *Election out of export credit exemption system.* Proposed § 312(c)(13)(vi) provides that any direct investor may elect that none of its transactions be deemed to involve qualified export obligations or qualified export leases. In effect, this permits the DI to disregard the export credit exemption system and treat all export obligations and leases as nonqualifying; the effect of the Regulations governing the export credit transactions of such an electing DI will be the same as under the Regulations in effect on December 31, 1972. In this connection, it should be noted that the standard export credit specific authorization available for years prior to 1973 would no longer be obtainable.

The election out will be made by notification on the Form FDI–102F for 1973 filed by the DI. Any DI not affirmatively electing out at such time will be subject to all provisions of the Regulations concerning qualified export obligations and qualified export leases.

An election out once made by a DI will not be revocable without the prior permission of the Office.

10. *Reporting.* Quarterly reports on Form FDI–102 will not have to reflect transfers of capital to or from AFNs related to qualified export obligations or qualified export leases. The quarterly and annual reports will, however, continue to require reporting of the "memo" items concerning exports and export credit.

11. *Relation to § 312(a)(4) and § 312(c)(12).* Proposed amendments to §§ 312(c)(4) and 312(c)(12) provide that, commencing January 1, 1973 these subparagraphs will not apply to transactions involving qualified export obligations or qualified export leases. (Where a DI has elected out of the export credit exemption system under proposed § 312(c)(13)(vi), however, none of the DI's transactions will involve such obligations or leases; therefore §§ 312(c)(4) and (12) will be fully applicable to such a DI.) It should also be noted that, commencing January 1, 1973, under proposed § 312(c)(13)(i)(c), any repayment relating to a qualified export obligation that would otherwise be deemed a transfer of capital under the proviso to § 312(c)(4) or the proviso to § 312(c)(12) is deemed not to be a transfer of capital.

Thus, if, prior to January 1, 1973, a DI transferred a qualified export obligation to an institution subject to the FRFCRP and the negative transfer of

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capital attendant to the transfer was blocked by § 312(c)(4), repayment of the obligation in 1973 will not be deemed a negative transfer of capital. If such an obligation is transferred by a DI after December 31, 1972 to an institution subject to the FRFCRP, § 312(c)(4) will have no effect on the treatment of the transaction under the Regulations, regardless of whether the institution charges its FRFCRP ceiling in connection with the transfer.

12. *Transfers between AFNs.* The export credit exemption system will not apply to transactions between AFNs. Proposed § 505(a)(7) provides that, in determining the effect of transfers between AFNs and the effect of changes in nets assets of unincorporated AFNs affiliated foreign nationals under § 505, the fact that the underlying transactions may involve qualified export obligations or qualified export leases shall be disregarded.

13. *Effect on specific authorization process.* If the proposed exemption scheme is adopted, the standard export credit specific authorizations previously available will no longer be obtainable. (These specific authorizations are described in the June 16, 1972 memorandum for DIs and also on page 39 of the publication titled "1972 Foreign Direct Investment Program".)

Specific authorizations granted in the past with regard to export credit contained "recapture" provisions which deemed the DIs to make positive transfers of capital in subsequent years under certain circumstances. Although there have been different recapture provisions employed, each is geared in some manner to reductions in the level of exports or export credit from that at the end of the year for which the specific authorization was obtained. If the proposed export credit exemption system is adopted, the Office will generally forgive all export credit specific authorization recapture provisions still outstanding for those DIs that do not elect out of the exemption system under § 312(c)(13)(vi). This general forgiveness will not apply to recapture charges incurred in 1972 but deferred to 1973 at the option of DIs.

The text of the proposed amendments is as follows:

a. In § 1000.312, paragraphs (c)(4) and (12) are revised, paragraphs (c)(13) and (14) are added, and paragraph (e) is revoked as follows:

§ 1000.312 Transfers of capital.

* * * * * * *

(c) * * *

(4) A transfer described in paragraph (b)(5) of this section, other than a transfer after December 31, 1972 of a qualified export obligation, unless (a) the transfer is made (i) to a foreign national or (ii) to a financial institution subject to the Federal Reserve Foreign Credit Restraint Program and the transfer is charged against the ceiling of such institution under such Program, and (b) the transfer constitutes a transfer of capital after application of paragraph (c)(12) of this section: *Provided*, That, if the transfer is of a debt obligation and does not constitute a transfer of capital because of this paragraph, repayment by the affiliated foreign national of such debt obligation to a person within the United States shall be deemed a transfer of capital by the affiliated foreign national.

* * * * * * *

(12) On or after July 1, 1972, any transaction described in paragraph (b) of this section, other than a transaction entered into after December 31, 1972 involving a qualified export obligation or qualified export lease, in connection with which a financial institution subject to the Federal Reserve Foreign Credit Restraint Program, without charging its ceiling under such Program, acquires a debt obligation of a foreign national and transfers funds or other property (i) to the direct investor, or (ii) to an affiliated foreign nation, or (iii) to a foreign financial institution which transfers funds or other property to an affiliated foreign national or to the direct investor, or (iv) to a foreign national other than a financial institution and other than an affiliated foreign national ("unaffiliated foreign national"), or to a foreign financial institution which transfers funds or other property to an unaffiliated foreign national, which unaffiliated foreign national transfers funds or other property to an affiliated foreign national or to the direct investor, unless, for purposes of this subparagraph (iv), the debt obligation is treated as a direct or indirect export credit to an unaffiliated foreign national under the Federal Reserve Foreign Credit Restraint Program and is acquired without the intervention of the direct investor or an affiliated foreign national in a manner that departs from their previously established practices: *Provided*, That if the transaction does not constitute a transfer of capital because of this paragraph, repayment of the debt obligation by a foreign national to a person within the United States shall be deemed a transfer of capital by the affiliated foreign national.

(13) (i) Commencing January 1, 1973: (A) The acquisition by a direct investor of a qualified export obligation of an incorporated affiliated foreign national, until such obligation has been outstanding for a period longer than the arm's length term applicable to it; (B) the payment or satisfaction of a qualified export obligation by an incorporated affiliated foreign national to a direct investor, or the transfer by a direct investor of a qualified export obligation of an incorporated affiliated foreign national, except to the extent that a transfer of capital by the direct investor was previously recognized with respect to such obligation in 1973 or subsequently; and (C) any repayment, relating to a qualified export obligation, that would be deemed a transfer of capital by an affiliated foreign national under the proviso to paragraph (c)(4) or the proviso to paragraph (c)(12) of this section.

(ii) (A) The term "qualified export obligation" means a debt obligation of an affiliated foreign national acquired in any year by a direct investor attendant to a sale by a direct investor to an affiliated foreign national of United States goods of United States services. Each installment payable on an installment sale which entails a qualified export obligation is considered a separate qualified export obligation of the affiliated foreign national.

(B) In no case shall a qualified export obligation arise in connection with (*1*) a transaction which is in substance a contribution to capital, regardless of the manner in which such transaction is entered in the books and records of the direct investor, or (*2*) an installment sale, unless its terms require installment payments at an arm's length rate, considering the time and amount of each payment to be made, except that, for purposes of determining the arm's length rate the credit standing of the affiliated foreign national shall be disregarded.

(iii) The term "United States goods" means tangible property (A) grown, produced or manufactured in the United States, and (B) exported from the United States by the direct investor. Property is grown, produced or manufactured in the United States only if it may be classified as "domestic" for purposes of a Department of Commerce Shipper's Export Declaration (Commerce Department Form 7525–V or any superseding form).

(iv) The term "United States services" means services performed for an affiliated foreign national by a direct investor but does not include services performed by any affiliated foreign national of the direct investor.

(v) The "arm's length term" means the period for which credit would have been extended, at the time the sale was entered into, in an independent transaction between unrelated parties under similar circumstances, considering all relevant factors, such as the type of goods or services involved, the security involved, shipping time, and the terms prevailing at the situs for comparable transactions, except that the credit standing of the affiliated foreign national shall be disregarded. With respect to the sale of United States goods, any term of 180 days or less from the time of shipment of the goods shall be deemed an arm's length term. With respect to the sale of United States services, any term of 90 days or less, measured from the end of the month in which such services would be billed in a similar transaction between unrelated parties, shall be deemed an arm's length term: *Provided*, That in the case of United States services related and subsidiary to a sale of goods which entails a qualified export obligation, the arm's length term shall be the same as that for the sale of the goods.

(vi) (A) Any direct investor may elect that none of its transactions shall be deemed to involve qualified export obligations (as defined in paragraph (c)(13)(ii) of this section) or qualified export leases (as defined in paragraph (c)(14) of this section).

(B) An election pursuant to this paragraph (c)(13)(vi) must be made on the Form FDI–102F filed by the direct investor for the year 1973 and may not thereafter be revoked by the direct investor without obtaining the prior permission of the Office.

(14) Commencing January 1, 1973, a transfer of property pursuant to a qualified export lease or the return of property so transferred. The term "qualified export lease" means a lease of United States goods (as defined in paragraph (c)(13)(iii) of this section) by a direct investor to an affiliated foreign national which requires rental payments at an arm's length rate, considering the time and amount of each rental payment to be made, except that, for purposes of determining the arm's length rate the credit standing of the affiliated foreign national shall be disregarded.

* * * * * * *

(e) [Revoked]

b. In § 1000.313, paragraph (b) is revised, paragraph (e)(4) is added, and paragraph (f) is revoked as follows:

§ 1000.313 Net transfer of capital.

* * * * * * *

(b) (1) A net transfer of capital (which may be a positive or negative amount) by a direct investor to all unincorporated affiliated foreign nationals in any scheduled area during any period means the direct investor's share of the aggregate net increase or net decrease, during such period, in the aggregate net assets of such affiliated foreign nationals (whether such net increase or decrease results from any transfer of capital (as defined in § 1000.312), earnings, or losses or any combination thereof). In calculating the net assets of all unincorporated affiliated foreign nationals in any scheduled area, there shall be excluded (i) all equity interests in and debt obligations of such unincorporated affiliated foreign nationals held by the direct investor or affiliated foreign nationals of the direct investor, except qualified export obligations held and acquired by the direct investor after 1972 unless such obligations have been outstanding for periods longer than the qualifying terms applicable to them, and (ii) all assets of such unincorporated affiliated foreign nationals consisting of equity interests in or debt obligations of the direct investor or affiliated foreign nationals of the direct investor.

(2) Any reduction in net assets of an unincorporated affiliated foreign national resulting from a repayment after 1972 of a qualified export obligation acquired by a direct investor prior to 1973 shall be disregarded in calculating the increase or decrease in net assets of such unincorporated affiliated foreign national.

* * * * * * *

(e) * * *

(4) All calculations under this paragraph (e) shall be made in accordance with this part as in force on December 31, 1972.

(f) [Revoked]

c. Subparagraph (7) is added to § 1000.505(a) to read as follows:

§ 1000.505 Transfers between affiliated foreign nationals.

* * * * * * *

(a) * * *

(7) In determining the effect of transfers between affiliated foreign nationals and the effect of changes in net assets of unincorporated affiliated foreign nationals under this § 1000.505, the fact that the underlying transactions may involve qualified export obligations or qualified export leases (as defined respectively in §§ 1000.312(c)(13) and 1000.312(c)(14)) shall be disregarded.

* * * * * * *

The amendments hereby adopted shall be effective as of the date of publication in final form in the FEDERAL REGISTER and shall apply to all affected transactions on or after January 1, 1973.

(Sec. 5, Act of Oct. 6, 1917, 40 Stat. 415, as amended, 12 U.S.C. 95a; E.O. 11387, Jan. 1, 1968, 33 FR 47)

WILLIAM V. HOYT,
Director, Office of Foreign Direct Investments.

FEBRUARY 23, 1973.

[FR Doc.73-3717 Filed 3-2-73;8:45 am]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 71]

[Airspace Docket No. 73-SW-10]

CONTROL ZONE

Proposed Alteration

The Federal Aviation Administration is considering amending Part 71 of the Federal Aviation Regulations to alter controlled airspace in the Victoria, Tex., terminal area.

Interested persons may submit such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to Chief, Airspace and Procedures Branch, Air Traffic Division, Southwest Region, Federal Aviation Administration, Post Office Box 1689, Fort Worth, TX 76101. All communications received on or before April 4, 1973, will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Chief, Airspace and Procedures Branch. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official docket will be available for examination by interested persons at the Office of the Regional Counsel, Southwest Region, Federal Aviation Administration, Fort Worth, Tex. An informal docket will also be available for examination at the Office of the Chief, Airspace and Procedures Branch, Air Traffic Division.

It is proposed to amend Part 71 of the Federal Aviation Regulations as hereinafter set forth.

In § 71.171 (38 FR 351), the Victoria, Tex., control zone is amended to read:

VICTORIA, TEX.

Within a 5-mile radius of the Victoria County-Foster Airport (latitude 28°51'10" N., longitude 96°55'20" W.) and within 3 miles each side of the Victoria, Tex., VOR 313° radial extending from the 5-mile radius zone to 10.5 miles northwest of the VOR.

This amendment to controlled airspace will provide the necessary airspace for aircraft executing approaches to Victoria, Tex., on a 24-hour basis.

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348) and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Fort Worth, Tex., on February 20, 1973.

R. V. REYNOLDS,
Acting Director, Southwest Region.

[FR Doc.73-4071 Filed 3-2-73;8:45 am]

[Airspace Docket No. 73-SW-11]

[14 CFR Part 71]

TRANSITION AREA

Proposed Alteration

The Federal Aviation Administration is considering amending Part 71 of the Federal Aviation Regulations to designate a 700-foot transition area at Idabel, Okla.

Interested persons may submit such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to Chief, Airspace and Procedures Branch, Air Traffic Division, Southwest Region, Federal Aviation Administration, Post Office Box 1689, Fort Worth, TX 76101. All communications received on or before April 4, 1973, will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Chief, Airspace and Procedures Branch. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official docket will be available for examination by interested persons at the Office of the Regional Counsel, Southwest Region, Federal Aviation Administration, Fort Worth, Tex. An informal docket will also be available for examination at the Office of the Chief, Airspace and Procedures Branch, Air Traffic Division.

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It is proposed to amend Part 71 of the Federal Aviation Regulations as hereinafter set forth.

In § 71.181 (38 FR 435), the following transition area is added:

IDABEL, OKLA.

That airspace extending from 700 feet above the surface within a 5-mile radius of Idabel Municipal Airport (latitude 33°54'23" N., longitude 94°50'41" W.) and within 3.5 miles each side of the 349° T. (342°M.) bearing from the NDB (latitude 33°54'23" N., longitude 94°50'45" W.) extending from the 5-mile-radius area to a point 8 miles north of the NDB.

The proposed transition area will provide controlled airspace for aircraft executing approach/departure procedures proposed at the Idabel, Okla., Municipal Airport.

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348) and of sec. 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Fort Worth. Tex., on February 23, 1973.

R. V. REYNOLDS,
Acting Director, Southwest Region.

[FR Doc.73-4072 Filed 3-2-73;8:45 am]

[14 CFR Part 71]

[Airspace Docket No. 72-WE-38]

TRANSITION AREA

Proposed Alteration

The Federal Aviation Administration (FAA) is considering an amendement to Part 71 of the Federal Aviation Regulations that would alter the Oxnard, Calif., transition area.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Western Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, 1500 Aviation Boulevard, Post Office Box 92007, Worldway Postal Center, Los Angeles, CA 90009.

All communications received on or before April 4, 1973, will be considered before action is taken on the proposed amendment. The proposal contained in this notice may be changed in the light of comments received.

An official docket will be available for examination by interested persons at the Federal Aviation Administration, Office of the General Counsel, Attention: Rules Docket, 800 Independence Avenue SW., Washington, DC 20591. An informal docket also will be available for examination at the Office of the Regional Air Traffic Division Chief.

As part of this proposal relates to the navigable airspace outside the United States, this notice is submitted in consonance with the ICAO International Standards and Recommended Practices.

Applicability of International Standards and Recommended Practices by the Air Traffic Service, FAA, in areas outside domestic airspace of the United States is governed by Article 12 of and Annex 11 to the Convention on International Civil Aviation, which pertain to the establishment of air navigation facilities and services necessary to promoting the safe, orderly, and expeditious flow of civil air traffic. Their purpose is to insure that civil flying on international air routes is carried out under uniform conditions designed to improve the safety and efficiency of air operations.

The International Standards and Recommended Practices in Annex 11 apply in those parts of the airspace under the jurisdiction of a contracting state, derived from ICAO, wherein air traffic services are provided and also whenever a contracting state accepts the responsibility of providing air traffic services over high seas or in airspace of undetermined sovereignty. A contracting state accepting such responsibility may apply the International Standards and Recommended Practices to civil aircraft in a manner consistent with that adopted for airspace under its domestic jurisdiction.

In accordance with Article 3 of the Convention on International Civil Aviation, Chicago, 1944, state aircraft are exempt from the provisions of Annex 11 and its Standards and Recommended Practices. As a contracting state, the United States agreed by Article 3(d) that its state aircraft will be operated in international airspace with due regard for the safety of civil aircraft.

Since this action involves, in part, the designation of navigable airspace outside the United States, the Administrator has consulted with the Secretary of State and the Secretary of Defense in accordance with the provisions of Executive Order 10854.

The proposed amendment would alter the 700-foot portion of the Oxnard, Calif., transition area to read as follows:

That airspace extending upward from 700 feet above the surface within a 7-mile radius of the Point Mugu RBN, and within 4.5 miles each side of the Oxnard, Calif., VOR 264° T. (249° M.) radial, extending from the west end of Runway 07 at Ventura County Airport to 9.5 miles west of the runway.

The proposed alteration of the transition area is needed to provide controlled airspace for a procedure turn for the VOR Runway 7 Instrument Approach Procedure to Ventura County Airport, Oxnard, Calif.

This amendment is proposed under the authority of sections 307(a) and 1110 of the Federal Aviation Act of 1958 (49 U.S.C. 1348(a) and 1510), Executive Order 10854 (24 FR 9565) and section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Washington, D.C., on February 26, 1973.

CHARLES H. NEWPOL,
Acting Chief, Airspace and Air Traffic Rules Division.

[FR Doc.73-4073 Filed 3-2-73;8:45 am]

SECURITIES AND EXCHANGE COMMISSION

[17 CFR Part 275]

[Releases Nos. IA-363, IC-7682, File No. S7-462]

INVESTMENT ADVISER REGULATIONS

Recordkeeping Requirements and Exemption From Definition of Investment Adviser; Extension of Time for Comments

Notice is hereby given that the Securities and Exchange Commission has extended the period of time within which written comments and views may be submitted on its proposals to adopt new Rule 202-2 (17 CFR 202-2),[1] to amend paragraph (12) of Rule 204-2(a) (17 CFR 204-2(a)), and to adopt new paragraphs (13) and (14) of Rule 204-2(a) under the Advisers Act (15 U.S.C. 80b-1 et seq.). The period of time for submitting such written comments has been extended from February 16, 1973, to March 16, 1973.

Proposed Rule 202-2 would, generally, exempt from the definition of "Investment Adviser" in section 202(a)(11) of the Advisers Act (15 U.S.C. 80b-2(a)(11)) a controlling person of a registered investment adviser or an affiliate of such controlling person where the criteria specified in the proposed rule are met. The proposed amendment to paragraph (12) of Rule 204-2(a) under the Advisers Act would revise the definition of the term "advisory representative" as that term is employed in said paragraph. Proposed new paragraph (13) of Rule 204-2(a) would specify certain records to be kept by registered investment advisers who are primarily engaged in a business or businesses other than advising registered investment companies or other advisory clients. Proposed new paragraph (14) of Rule 204-2(a) would adopt the definition of control set forth in section 2(a)(9) of the Investment Company Act of 1940 (15 U.S.C. 80a-2(a)(9)) for purposes of paragraphs (12) and (13) of Rule 204-2(a). These proposals were published for comment on December 18, 1972, in Investment Advisers Act Release No. 353 (Investment Company Act Release No. 7565) and in the January 17, 1973, issue of the FEDERAL REGISTER, 38 FR 1649.

Commission action. The Commission pursuant to authority in sections 202 and 211 of the Investment Advisers Act of 1940, hereby redesignates proposed new Rule 202-1 which appeared in Investment Advisers Act Release No. 353, December 18, 1972, and in the FEDERAL REGISTER issue of January 17, 1973, Volume 38, page 1651, as proposed new Rule 202-2 and extends the time for comments on proposed new redesignated Rule 202-2 and proposed amendment to Rule 204-2(a) from February 16, 1973, until March 16, 1973.

[1] On Jan. 31, 1973, the Commission adopted Rule 202-1 under the Advisers Act (38 FR 4317) to exempt from the definition of "Investment Adviser" in section 202(a)(11) an insurance company or an affiliated company thereof to the extent it performs advisory services incidental to the issuance of variable life insurance contracts (Securities Act of 1933 Release No. 5360; Investment Advisers Act of 1940 Release No. 350). Proposed Rule 202-1, as published on Dec. 18, 1972, in Investment Advisers Act of 1940 Release No. 353, is, therefore, hereby redesignated as proposed Rule 202-2 under the Advisers Act.

(Sec. 202.211, 54 Stat. 847, 855, 54 Stat. 1433, 15 U.S.C. 80b-2, 80b-6a, 80b-11)

By the Commission.

[SEAL] RONALD F. HUNT,
Secretary.

FEBRUARY 20, 1973.

[FR Doc.73-4064 Filed 3-2-73;8:45 am]

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Notices

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF STATE

[Public Notice CM-8]

SHIPPING COORDINATING COMMITTEE

Subcommittee on the Code of Conduct for Liner Conferences; Meeting

A meeting of the subcommittee on the Code of Conduct for Liner Conferences will be held at 10 a.m., on Tuesday, March 13, 1973, in Room 1205, Department of State. The subcommittee meeting will be open to the public.

The meeting will consider the advisory functions of the subcommittee, together with the United States positions for the second session of the United Nations Committee on Trade and Development (UNCTAD) Preparatory Committee on the Code of Conduct for Liner Conferences, to be held in Geneva, June 4–29, 1973.

For purposes of fulfilling building security requirements, anyone wishing to attend the open session must advise the Executive Secretary of the Committee by telephone in advance of the meeting (area code 202) 632–0704.

For further information on the subject matter of the meeting, contact Mr. Ronald A. Webb, Chairman, Shipping Coordinating Committee, Department of State, Washington, D.C. 20520, telephone (area code 202) 632–1313.

RONALD A. WEBB,
Chairman,
Shipping Coordinating Committee.

FEBRUARY 28, 1973.

[FR Doc.73-4153 Filed 3-2-73;8:45 am]

Agency for International Development

RESEARCH ADVISORY COMMITTEE

Notice of Meeting

Pursuant to Executive Order 11671 and the provisions of section 10(a)(2), Public Law 92–463, Federal Advisory Committee Act (which became effective on Jan. 5, 1973), notice is hereby given of the meeting of the Research Advisory Committee (RAC) on March 7 and 8, 1973, at the Pan American Health Organization Building, 23d Street and Virginia Avenue NW., Conference Room B, to review, appraise, and make recommendations to the Administrator, AID, concerning proposals for research contracts in the fields of fertility control, income distribution policy, and housing technology. The meeting will be closed to the public pursuant to the provisions of section 13(d), Executive Order 11671; section 10(b), Federal Advisory Committee Act, and the Administrator's determination made pursuant thereto. Dr. Erven Long, Associate Assistant Administrator is designated as the AID representative at the meeting.

JOHN A. HANNAH,
Administrator.

FEBRUARY 27, 1973.

[FR Doc.73-4058 Filed 3-2-73;8:45 am]

RESEARCH ADVISORY COMMITTEE

Determination

A meeting of the Research Advisory Committee for the Agency for International Development will be held on March 7 and 8, 1973. The AID Research Advisory Committee is composed of AID consultants appointed, among other things, to appraise all projects proposed for AID central research funding in terms of pertinence of the subject to the problems of lesser developed countries, competence of the proposed investigation, soundness of the project design, and reasonableness of cost in relation to the magnitude and complexity of the investigative effort involved.

The purpose of this meeting is the consideration and formulation of recommendations to the Agency with respect to specific research projects proposed to be performed by specific organizations or institutions in the fields of fertility control, income distribution policy, and housing technology.

I hereby determine, pursuant to subsection 10(d), Public Law 92–463, the Federal Advisory Committee Act, that the meeting will consist of an exchange of opinions, that the discussion if written would fall within exemption (5) of 5 U.S.C. 552(b) and that it is essential to close such meeting to protect the free exchange of internal views and to avoid undue interference with committee operations.

JOHN A. HANNAH,
Administrator.

FEBRUARY 27, 1973.

[FR Doc.73-4059 Filed 3-2-73;8:45 am]

DEPARTMENT OF DEFENSE

Office of the Secretary of Defense

DEFENSE INTELLIGENCE AGENCY SCIENTIFIC ADVISORY COMMITTEE

Notice of Meeting

A panel of the Defense Intelligence Agency Scientific Advisory Committee will hold a closed meeting to discuss classified matters at 9 a.m. on March 19, 1973.

MAURICE W. ROCHE,
Director, Correspondence and Directives Division, Office of the Assistant Secretary of Defense (Comptroller).

[FR Doc.73-4124 Filed 3-2-73;8:45 am]

DEFENSE INTELLIGENCE AGENCY SCIENTIFIC ADVISORY COMMITTEE

Notice of Meeting

The Defense Intelligence Agency Scientific Advisory Committee will hold a closed meeting to discuss classified matters at 9 a.m. on April 4–5, 1973.

MAURICE W. ROCHE,
Director, Correspondence and Directives Division, Office of the Assistant Secretary of Defense (Comptroller).

[FR Doc.73-4125 Filed 3-2-73;8:45 am]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

RIO GRANDE NATIONAL WILD AND SCENIC RIVER, N. MEX.

Notice of Boundaries, Classification and Development Plans; Correction

In FR Doc. No. 69–12601 appearing in the issue of Thursday, October 23, 1969 (34 FR 17207–17209), the following corrections are hereby made:

In the second column, page 17208 under T. 31 N., R. 11 E., Sec. 2, add "SE¼NW¼SE¼ and E½SW¼SE¼." Under T. 31 N., R. 12 E., Sec. 30, add "lot 3"; in Sec. 31, add "W½NW¼NE¼." Under T. 29 N., R. 12 E., in Sec. 16, following "acres" add "and one tract of unsurveyed land in the SW¼ containing 3.76 acres;".

In the third column, page 17208 under T. 28 N., R. 12 E., Sec. 10, delete "SW¼ SW¼NW¼ and NW¼NW¼SW¼;" and add in lieu thereof: "That portion of the N½NW¼ that lies north of the Red River;" in Sec. 17, delete "W½SW¼ NW¼SW¼" and add "SW¼ and NW¼ SE¼." Change the statement following the description in Sec. 32 by changing the word "boundary" to "boundaries" and add "and the Red River" following "Rio Grande." Under T. 26 N., R. 11 E., eliminate the statement following the land description in sec. 36 and in lieu thereof add, "390 acres more or less of the Antoine Leroux Grant (Los Luceros Grant) ((Antoine Leroux Grant) (Anton Leroux Grant)) and the Lucero de Godoi or Antonio Martinez Grant (Antonio Martinez or Godoi Grant), meandering the east boundary of the Rio Grande." "Under Proposed Recreational River Classification" T. 27 N., R. 12 E., eliminate the statement following the land description in Sec. 31 and in lieu thereof add, "130 acres more or less of the Antoine Leroux Grant (Los Luceros Grant) ((Antoine Leroux Grant) (Anton Leroux Grant)) meandering the east boundary of the Rio Grande."

CURT BERKLUND,
Acting Assistant Secretary of the Interior.

FEBRUARY 26, 1973.

[FR Doc.73-4047 Filed 3-2-73;8:45 am]

National Park Service

[Order 2]

ADMINISTRATIVE ASSISTANT, GULF ISLANDS NATIONAL SEASHORE

Delegation of Authority

SECTION 1. *Administrative Assistant.* The Administrative Assistant of the Gulf Islands National Seashore may execute and approve contracts not in excess of $2,000 for supplies, equipment, or services in conformity with applicable regulations and statutory authority and subject to availability of appropriated funds.

SEC. 2. *Re-delegation.* The authority delegated in this Order No. 2 may not be re-delegated.

(National Park Service Order No. 66 (36 FR 21218) as amended (37 FR 4001) (37 FR 12854); Southeast Regional Order No. 5 (37 FR 7721))

Dated: January 31, 1973.

JOE BROWN,
Director.

[FR Doc.73-4051 Filed 3-2-73;8:45 am]

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

[PPQ 639]

SOIL SAMPLES

List of Approved Laboratories

This document revises the list of approved laboratories authorized to receive interstate shipments of soil samples for processing, testing, or analysis to delete the names of six laboratories which no longer receive interstate shipments of soil samples for analysis, and to delete the names of 31 laboratories whose permits to receive foreign soil samples have expired. It also adds the names of 33 laboratories approved to receive interstate and foreign shipments of soil since the last amendment of the list.

Pursuant to the Japanese Beetle, Whitefringed Beetle, Witchweed, Imported Fire Ant, and Golden Nematode Quarantines (Notices of Quarantine Nos. 48, 72, 80, 81, and 85; 7 CFR 301.48, 301.72, 301.80, 301.81, and 301.85), under sections 8 and 9 of the Plant Quarantine Act of 1912, as amended, and section 106 of the Federal Plant Pest Act (7 U.S.C. 161, 162, 150ee), the list of laboratories (36 FR 3272) operating under a compliance agreement and approved under said quarantines to receive interstate shipments of soil samples for processing, testing, or analysis is hereby revised as follows:

LABORATORY AND ADDRESS

A

A & H Corp., Consulting Engineers, Carbondale, Ill.
A & H Corp., Consulting Engineers, Champaign, Ill.
A & H Corp., Consulting Engineers, Chicago, Ill.
A & H Corp., Consulting Engineers, Peoria, Ill.
A & H Engineering Corp., Springfield, Ill.
A & L Agricultural Laboratories, Memphis, Tenn.[3] (6–30–73).
Abbott Laboratories, North Chicago, Ill.[3] (6–30–76).
Ackenheil, A. C., & Associates, Inc., Pittsburgh, Pa.
Advanced Tests and Inspections, Inc., National City, Calif.
Agrico Chemical Co., Washington Courthouse, Ohio.
Agricultural Service Laboratories, Pharr, Tex.[3] (6–30–77).
Agronomics International Corp., Barnesville, Minn.
Alfred Agricultural and Technical Institute, State University of New York, Department of Agronomy, Alfred, N.Y.
Allied Chemical Corp., Morristown, N.J.
Alpha Research & Development, Inc., Blue Island, Ill.
American Cyanamide Co., Princeton, N.J.
American Cyanamide Co., Agriculture Division, Princeton, N.J.[3] (6–30–73)
American Oil Co., Soil Laboratories, Rochelle, Ga.
American Oil Co., Soil Laboratories, Holland, Tex.
American Oil Co., Soil Testing Laboratory, Yoder, Ind.
Ameron, South Gate, Calif.
Analysis Laboratories, Inc., Metairie, La.
Analytical Development Corp., Monument, Colo.
Anco Testing Laboratory, Inc., St. Louis, Mo.
Ansul Co., Marinette, Wis.
Arco Chemical Co., Fort Madison, Iowa.
Arizona State University, Tempe, Ariz.
Arizona State University, Department of Anthropology, Tempe, Ariz.[3] (6–30–74).
Arizona Testing Laboratory, Phoenix, Ariz.
Arizona, University of, Department of Agricultural Chemistry and Soils, Tucson, Ariz.[3] (6–30–75).
Arizona, University of, Department of Plant Pathology, Tucson, Ariz.[3] (6–30–77).
Arkansas, University of, Experiment Station, Fayetteville, Ark.
Arkansas, University of, Experiment Station, Marianna, Ark.
Arkansas Highway Department, Materials and Testing Laboratory, Little Rock, Ark.
Asphalt Institute, College Park, Md.
Asphalt Technology, Bellmawr, N.J.
Associated Laboratories, Orange, Calif.[3] (6–30–73).
Astrotech, Inc., Harrisburg, Pa.
Atkins Farmlab, Sacramento, Calif.
Atlanta Testing & Engineering Co., Atlanta, Ga.
ATS, Post Office Box 2141, Bakersfield, CA[3] (6–30–76).
Auburn University, Soil Testing Laboratory, Auburn, Ala.

B

Babcock, Edward S., & Sons, Riverside, Calif.
Baker, Michael, Inc., Rochester, Pa.
Barbot, D. C., & Associates, Inc., Florence, S.C.
Barrow-Agee Laboratories, Inc., Memphis, Tenn.[3]
Beckman, Inc., Microbics Operations, La Habra, Calif.
Biological Testing and Research Laboratory, Lindsay, Calif.
Boring Soils & Testing Co., Inc., Harrisburg, Pa.
Boswell, J. G., Co., Corcoran, Calif.[3] (6–30–76).
Bowes & Associates, Strawberry Park Road, Steamboat Springs, Colo.[3] (6–30–76).
Bowser-Morner Testing Laboratories, Inc., Dayton, Ohio.
Brandley, Reinard W., Sacramento, Calif.[3] (6–30–74).
Braun, Skaggs, and Kervorkian Engineering, Inc., Fresno, Calif.
Bristol Laboratories, Syracuse, N.Y.[3] (6–30–74).
Broeman, F. C., & Co., Cincinnati, Ohio.
Brookside Laboratory, Division of Chemical Service Laboratory, Inc., New Knoxville, Ohio.
Brown and Root–Northrop IRL, Houston, Tex.
Brucker and Thacker, St. Louis, Mo.

C

California Department of Public Works, Division of Highways Materials and Research, Sacramento, Calif.
California Institute of Technology, Jet Propulsion Laboratory, Pasadena, Calif.[3] (6–30–74).
California State Polytechnic College, Department of Biological Sciences, Pomona, Calif.[3] (5–20–73).
California State University, College of Sciences, San Diego, Calif.[3] (6–30–73).
California Testing Laboratories, Los Angeles, Calif.
California, University of, Agricultural Extension Laboratory, Agricultural Extension Service, Riverside, Calif.
California, University of, Department of Anthropology, Davis, Calif.[3] (12–31–73).
California, University of, Department of Anthropology, Santa Barbara, Calif.[3] (12–31–73).
California, University of, Department of Civil Engineering, Davis, Calif.[3] (6–30–77).
California, University of (Los Angeles), Laboratory of Nuclear Medicine and Radiation Biology, Los Angeles, Calif.
California, University of, Lawrence Livermore Laboratory, Livermore, Calif.[3] (6–30–74).
California, University of, Soils and Plant Nutrition, Riverside, Calif.[3] (6–30–74).
Calspan Corp., Buffalo, N.Y.
Campbell Institute for Agricultural Research, Riverton, N.J.[3] (6–30–74).
Capozzoli, Louis J., & Associates, Inc., Baton Rouge, La.
Carpenter Construction Co., Inc., Virginia Beach, Va.
Cascade Agricultural Service Co., Mt. Vernon, Wash.
Central Michigan University, Department of Biology, Mount Pleasant, Mich.[3] (6–30–75).
Central Valley Laboratory, Fresno, Calif.
Chemagro Corp., Kansas City, Mo.[3] (6–30–77).
Chembac Laboratories, Charlotte, N.C.
Chemical Service Laboratory, Inc., Jeffersonville, Ind.
Chemical Service Laboratory, Inc., New Knoxville, Ohio[3] (6–30–76).
Chevron Chemical Co., Fresno, Calif.
Chevron Chemical Co., Richmond, Calif.
Chevron Oil Field Research Co., La Habra, Calif.
Clarkson Laboratory & Supply, Inc., San Diego, Calif.[3] (6–30–75).
Clemson University, Clemson, S.C.
Clinton Corn Processing Co., Clinton, Iowa[3] (6–30–74).
Coenan and Associates—Engineers, Newport News, Va.

See footnotes at end of document.

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Colorado School of Mines, Research Institute, Golden, Colo.[3] (6–30–74).
Colorado State University, Department of Agronomy, Fort Collins, Colo.[3] (6–30–75).
Colorado State University, Department of Economics, Fort Collins, Colo.
Colorado, University of, Department of Geological Sciences, Boulder, Colo.[3] (6–30–74).
Columbia University, R. W. Carlton Materials Laboratory, New York, N.Y.[3] (6–30–74).
Commercial Laboratory, Inc., Richmond, Va.
Commercial Testing & Engineering Co., Chicago, Ill.[3]
Connecticut, University of, Soil Testing Laboratory, Plant Science Department, College of Agriculture and Natural Resources, Storrs, Conn.
Consolidated Cigar Corp., Glastonbury, Conn.[3] (6–30–74).
Construction Aggregates Corp., Perrysburg, Mich.
Contractors & Engineers Service, Inc., Fayetteville, N.C.
Contractors & Engineers Service, Inc., Goldsboro, N.C.
Cook Research Laboratories, Inc., Menlo Park, Calif.
Cookwell Strainer, Cincinnati, Ohio.
Cooper-Clark & Associates, Palo Alto, Calif.
Coors Spectro-Chemical Laboratory, Denver, Colo.
Core Laboratories, Inc., Aurora, Colo.
Core Laboratories, Inc., Houma, La.
Core Laboratories, Inc., Lafayette, La.
Core Laboratories, Inc., New Orleans, La.
Core Laboratories, Inc., Shreveport, La.
Core Laboratories, Inc., Farmington, N. Mex.
Core Laboratories, Inc., Hobbs, N. Mex.
Core Laboratories, Inc, Dallas, Tex.
Core Laboratories, Inc., Casper, Wyo.
Cornell University, Department of Agronomy, Ithaca, N.Y.[3] (6–30–74).
Cornell University, Department of Floriculture and Ornamental Horticulture, Ithaca, N.Y.[3] (6–30–76).
Craig Testing Laboratories, Mays Landing, N.J.
Crobaugh Laboratories, Cleveland, Ohio
Custom Farm Services, Inc., East Point, Ga.[1, 3] (6–30–75).

D

Dade County Soils Laboratory, Homestead, Fla.
Dames & Moore, Los Angeles, Calif.[3] (6–30–76).
Dames & Moore, Redwood City, Calif.
Dames & Moore, San Francisco, Calif.[3] (6–30–77).
Dames & Moore, Atlanta, Ga.[3] (6–30–76).
Dames & Moore, Park Ridge, Ill.[3] (6–30–73).
Dames & Moore, Cranford, N.J.[3] (6–30–75).
Dames & Moore, Houston, Tex.[3] (6–30–75).
D'Appolonia, E., Consulting Engineers, Inc., Pittsburgh, Pa.[3] (6–30–77).
Davey Tree Expert Co., Kent, Ohio.
Daylin Laboratories, Inc., Los Angeles, Calif.
Del Monte Corp., San Leandro, Calif.
Del Monte Corp., Walnut Creek, Calif.
Delta Testing and Inspection, Inc., Baton Rouge, La.
Delta Testing and Inspection, Inc., Lafayette, La.
Delta Testing and Inspection, Inc., New Orleans, La.
Denver University of, Department of Geography, Denver, Colo.[3] (6–30–77).
Diamond Shamrock Corp., Painesville, Ohio.
Dickinson College, Department of Biology, Carlisle, Pa.[3] (6–30–73).
Dickinson Laboratories, Inc., Mobile, Ala.
Dixie Laboratories, Inc., Mobile, Ala.
Dow Chemical Co., Walnut Creek, Calif.[3] (6–30–77).
Dow Chemical Co., Midland, Mich.[3] (6–30–76).

du Pont de Nemours, E. I., & Co., Industrial and Biochemicals Department, Foreign Sales, Wilmington, Del.[3] (6–30–76).
Duke University, Durham, N.C.
Duke University, Department of Botany, Durham, N.C.[3] (6–30–75).
Duke University, Department of Zoology, Durham, N.C.[3] (6–30–76).

E

Eagle Iron Works, Des Moines, Iowa[3] (6–30–77).
Earth Sciences Associates, Palo Alto, Calif.[3] (6–30–73).
Ecto Engineers and Associates, Baton Rouge, La.
EPCO Laboratories, Tucson, Ariz.[3] (6–30–73).
Eico Engineers & Associates, Houston, Tex.
Eisenhauer Laboratories, Los Angeles, Calif.
Ellerbe Architect, St. Paul, Minn.
Elmira College, Department of Botany, Elmira, N.Y.[3] (6–30–75).
El Paso Chemical Laboratories, El Paso, Tex.[3] (6–30–78).
Empire Soils Investigations, Groton, N.Y.
Engineers Laboratories, Inc., Jackson, Miss.
Engineers Testing Laboratories, Phoenix, Ariz.
England, C. W., Laboratories, Inc., Beltsville, Md.[3] (6–30–73).
Esso Research & Engineering Co., Esso Agricultural Products Laboratory, Linden, N.J.[3] (6–30–74).
Eustis Engineering Co., Metairie, La.
Evans, Jay, Testing Laboratory, Albany, Ga.
Evans, L. T., Inc., Los Angeles, Calif.

F

Farm Clinic, West Lafayette, Ind.[3] (6–30–76).
FEC Fertilizer Co., Homestead, Fla.
Federal Chemical Co., Columbus, Ohio.
Federal Chemical Co., Nashville, Tenn.
Fertilizers, John Taylor, Sacramento, Calif.
Florida Department of Agriculture and Consumer Services, Division of Plant Industry Laboratory, Gainesville, Fla.[3] (6–30–75).
Florida Department of Agriculture and Consumer Services, Pesticide Residue Program, Tallahassee, Fla.
Florida State University, Department of Geology, Tallahassee, Fla.[3] (6–30–75).
Florida State University, Department of Oceanography, Tallahassee, Fla.[3] (6–30–75).
Florida Testing Laboratories, Inc., St. Petersburg, Fla.
Florida, University of, Gulf Coast Experiment Station, Bradenton, Fla.[3] (6–30–76).
Florida, University of, Soils Department, McCarthy Hall, Gainesville, Fla.[3] (6–30–74).
Florida, University of, Soils Department, Newell Hall, Gainesville, Fla.[3] (6–30–74).
Florida, University of, Lake Alfred, Fla.
Foley, Hubert L., Jr., New Albany, Miss.
Ford County Farm Bureau, Melvin, Ill.
Flowers Chemical Laboratories, Altamonte Springs, Fla.
Forsyth Dental Center, Boston, Mass.[3] (6–30–73).
Foundation Test Services, Inc., Bethesda, Md.
Fresno Field Station, Fresno, Calif.
Froehling & Robertson, Inc., Richmond, Va.[3]
Fruco & Associates, St. Louis, Mo.
Fuller Co., Allentown, Pa.[3] (6–30–74).
Fuller Co., Catasaqua, Pa.[3] (6–30–74).

G

Geigy Agricultural Chemicals, Geigy Corp., Ardsley, N.Y.[3] (6–30–77).
General Foods Corp., Birds Eye Division, Woodburn, Oreg.[3] (6–30–74).
General Testing Laboratory, Kansas City, Mo.
Geo-Survey, Inc., Camp Hill, Pa.
Geo-Testing, Inc., San Rafael, Calif.[3] (6–30–74).
Geochemical Surveys, Dallas, Tex.[3] (6–30–74).
Geologic Associates, Franklin, Tenn.
Geologic Associates, Knoxville, Tenn.
Georgia Department of State Highways, Forest Park, Ga.[1]
Georgia Testing Laboratory, Atlanta, Ga.
Georgia, University of, Department of Agronomy, Athens, Ga.[3] (6–30–73).
Georgia, University of, Institute of Ecology, Athens, Ga.
Georgia, University of, Experiment, Ga.
Georgia, University of, Tifton, Ga.
Geotechnical Consultants, Inc., Glendale, Calif.
GHT Laboratories of Imperial Valley, Inc., Brawley, Calif.
Gillen Engineering Co., Inc., Metairie, La.
Girdler Foundation & Exploration Co., Lenexa, Va.
Glassmire, S. H., & Associates, Metairie, La.[3] (6–30–75).
Gooch, George W., Laboratory, Ltd., Los Angeles, Calif.
Gore Engineering, Inc., Metairie, La.
Grace, W. R., & Co., Fort Pierce, Fla.[3] (6–30–76).
Grace, W. R., & Co., Washington Research Center, Clarksville, Md.[3] (6–30–77).
Grace, W. R., & Co., Nashville, Tenn.
Green Engineering Co., Sewickley, Pa.
Gribaldo, Jones, & Associates, Mountain View, Calif.[3] (6–30–73).
Grimes, Walter B., & Associates, Chico, Calif.
Growers Chemical Corp., Milan, Ohio.
Gulf Coast Testing Laboratory, Inc., Corpus Christi, Tex.
Gulf South Research Institute, Baton Rouge, La.
Gulf South Research Institute, New Orleans, La.
GX Laboratories, Inc., Golden, Colo.

H

Hales Testing Laboratories, San Jose, Calif.
Hales Testing Laboratories, Oakland, Calif.
Hamilton Company, Soil Testing Laboratory, McLeansboro, Ill.
Hampton Roads Testing Laboratories, Newport News, Va.
Hanks, Abbot A., Testing Laboratory, San Francisco, Calif.
Hanson Engineers, Inc., Springfield, Ill.
Harding, Miller, Lawson, & Associate, San Rafael, Calif.[3] (6–30–75).
Harris, Inc., Frederick R., Woodbridge, N.J.[3] (6–30–76).
Harris Laboratories, Inc., Phoenix, Ariz.[1, 3] (6–30–77).
Harris Laboratories, Inc., Lincoln, Nebr.
Harvard School of Public Health, Department of Microbiology, Boston, Mass.[3] (6–30–74).
Harvard University, Peabody Museum, Cambridge, Mass.[3] (6–30–78).
Harvard University, Soil Mechanics Laboratory, Cambridge, Mass.
Harza Engineering Co., Chicago, Ill.[3] (6–30–77).
Hawley and Hawley, Assayers and Chemists, Inc., Tucson, Ariz.[3] (6–30–75).
Haynes, John H., Consulting Engineer, Dallas, Tex.
Hayssen Manufacturing Co., Sheboygan, Wis.[3] (6–30–73).
Hazen Research Inc., Golden, Colo.[3] (6–30–78).
Hazleton Laboratories, Inc., Falls Church, Va.
Hector Supply Co., Miami, Fla.[3] (6–30–74).
Heinrichs Geoexploration Co., Tucson, Ariz.[3] (6–30–76).
Heinz, H. J., Bowling Green, Ohio.
Hemphill Corp., Tulsa, Okla.
Herbert & Associates, Virginia Beach, Va.
Hercules, Inc., Wilmington, Del.
Hess, John D., Testing Corp., El Centro, Calif.
Hill-Harned & Associates, Redding, Calif.
Hoffman-LaRoche Inc., Nutley, N.J.[3] (6–30–73).
Hollywood Testing Laboratories, Hollywood, Calif.
Horvitz Research Laboratories, Houston, Tex.
Hunt, Robert W., Co., Chicago, Ill.

Hunter College, Department of Anthropology, New York, N.Y.
Hurst-Rosche Engineers, Inc., Hillsboro, Ill.

I

IIT Research Institute, Chicago, Ill.
Illinois, University of, Department of Agronomy, Urbana, Ill.[3] (6–30–74).
Illinois Division of Highways, Bureau of Materials, Chicago, Ill.
Illinois Division of Highways, Bureau of Materials, Dixon, Ill.
Illinois Division of Highways, Bureau of Materials, Effingham, Ill.
Illinois Division of Highways, Bureau of Materials, Elgin, Ill.
Illinois Division of Highways, Bureau of Materials, Paris, Ill.
Illinois Division of Highways, Bureau of Materials, Springfield, Ill.
Illinois Division of Highways, Carbondale, Ill.
Illinois Division of Highways, East St. Louis, Ill.
Illinois Division of Highways, Ottawa, Ill.
Illinois Division of Highways, Peoria, Ill.
Illinois, University of, at Chicago Circle, Department of Geography, Chicago, Ill.[3] (6–30–73).
Indiana Farm Bureau Co-op, Indianapolis, Ind.
Indiana State Highway Commission, Division of Materials and Testing, Indianapolis, Ind.
Indiana University, Department of Geology, Bloomington, Ind.
Industrial Bio-Test Laboratories, Inc., Northbrook, Ill.
Institute for Research, Inc., Houston, Tex.
International Mineral & Chemical Corp., Libertyville, Ill.
International Mineral & Chemical Corp., Mulberry, Fla.
International Mineral Engineers, Inc., Golden, Colo.[3] (6–30–74).
International Research Corp., Mattawan, Mich.
Interpace Corp., Los Angeles, Calif.[3] (6–30–75).
Iowa State Highway Commission Soil Laboratory, Ames, Iowa.
Iowa State University, Department of Agronomy, Ames, Iowa.[3] (6–30–74).
Iowa State University, Engineering Research Institute, Ames, Iowa.[3] (6–30–75).
IRI Research Institute, Inc., New York, N.Y.[3] (6–30–74).

J

Jennings Laboratories, Virginia Beach, Va.
Jersey Testing Laboratories, Atco, N.J.
Jersey Testing Laboratories, Newark, N.J.
Jewell, G. K., & Associates, Columbus, Ohio.
Johnson Soil Engineering Laboratory, Palisades Park, N.J.

K

Kaiser Agricultural Chemical Co., Sullivan, Ill.
Kaiser Agricultural Chemicals Corp., Liberty, Ind.
Kaiser Agricultural Chemicals Corp., Savannah, Ga.
Kaiser Aluminum and Chemical Corp., Pleasanton, Calif.[3] (6–30–74).
Kalo Laboratories, Inc., Quincy, Ill.[3] (6–30–74).
Kansas City Testing Laboratory, Inc., Kansas City, Mo.
Kansas, University of, Department of Geography, Lawrence, Kans.[3] (6–30–75).
Kentucky, University of, Agronomy Department, Lexington, Ky.[3] (6–30–76).
Kleinfelder, J. H., & Associates, Fresno, Calif.
Kleinfelder, J. H., & Associates, Merced, Calif.
Kleinfelder, J. H., & Associates, Oakland, Calif.
Kleinfelder, J. H., & Associates, Sacramento, Calif.
Kleinfelder, J. H., & Associates, Stockton, Calif.

L

Lake Ontario Environmental Laboratory, Oswego, N.Y.
Langan Engineering Associates, Clifton, N.J.
Langford & Meredith Laboratories, New Orleans, La.
Larsen, Herluf T., Enola, Pa.
Larsen, Herluf T., Harrisburg, Pa.
Larutan Corp., Anaheim, Calif.[3] (6–30–77).
Larutan of the South, Hiram, Ga.
La Salle County Farm Bureau, Soil Testing Laboratory, Ottawa, Ill.
Law Engineering Testing Co., Atlanta, Ga.[1, 3] (6–30–78).
Law Engineering Testing Co., McLean, Va.[3] (6–30–74).
Layne-Western Co., Kansas City, Mo.
Layne-Western Co., Kirkwood, Mo.
Lederle Laboratories, Pearl River, N.Y.[3] (6–30–75)
Lerch Brothers, Inc., Hibbing, Minn.[3] (6–30–73)
Lewin, David W., Corp., Geotechnical Engineering, The Arcade, Cleveland, Ohio.
Libby, McNeill, & Libby, Janesville, Wis.[3] (6–30–76).
Lilly, Eli, & Co., Greenfield, Ind.[3] (6–30–74).
Lilly, Eli, & Co., Lilly Research Laboratories, Indianapolis, Ind.[3] (6–30–75)
Louisiana Department of Highways, Baton Rouge, La.
Louisiana State University, Department of Agronomy Laboratory, Baton Rouge, La.
Louisiana State University, Coastal Studies Institute, Baton Rouge, La.
Louisiana State University, New Orleans, La.
Lowry Testing Laboratory, Sacramento, Calif.

M

M & T Chemicals, Inc., Rahway, N.J.
Maine State Highway Commission, Bangor, Maine[3] (6–30–73).
Maine, University of, Orono, Maine.
Manchester College, Biology Department, North Manchester, Ind.
Mapco, Inc., Indiana Point Division, Athens, Ill.
Maryland, University of, Department of Agronomy, College Park, Md.[3] (6–30–74).
Mason-Johnston, & Associates, Inc., Dallas, Tex.
Massachusetts Department of Public Works, Wellesley Hills, Mass.
Massachusetts Institute of Technology, Soil Mechanics Division, Cambridge, Mass.[3] (6–30–75).
Massachusetts, University of, Department of Plant and Soil Sciences, Amherst, Mass.
Mauseth Howe Lockwood & Associates, Los Angeles, Calif.[3] (6–30–75).
Mecom, John W., Houston, Tex.[3] (6–30–73).
Memphis State University, Memphis, Tenn.
Merck & Co., Inc., Rahway, N.J.
Miami, University of, Department of Biology, Coral Gables, Fla.[3] (6–30–73).
Michigan Department of Public Health, Bureau of Laboratories, Division of Antibiotics and Fermentation, Lansing, Mich.[3] (6–30–73).
Michigan State University, Department of Botany and Plant Pathology, East Lansing, Mich.[3] (6–30–77).
Michigan State University, Soil Science Department, East Lansing, Mich.[3] (6–30–76)
Michigan State University, Soil Testing Laboratory, East Lansing, Mich.
Michigan Testing Engineers, Inc., Michigan Drilling Division, Detroit, Mich.
Midwest Soil Testing Service, Danforth, Ill.
Mier, Ezra, Raleigh, N.C.
Miles Laboratories, Inc., Marschall Division, Elkhart, Ind.[3] (6–30–77).
Milwaukee, City of, Sewage Commission, Milwaukee, Wis.
Minnesota Department of Transportation, St. Paul, Minn.
Minnesota, University of, Department of Geology, Minneapolis, Minn.[3] (6–30–74).
Minnesota, University of, Department of Plant Pathology, St. Paul, Minn.[3] (6–30–73).
Minnesota, University of, Department of Soil Science, St. Paul, Minn.[3] (6–30–75).
Mississippi State University, State College, Miss.
Mississippi, University of, University, Miss.
Missouri Highway Commission, Jefferson City, Mo.
Missouri, University of, Department of Agronomy, Columbia, Mo.
Missouri, University of, Department of Food Sciences and Nutrition, Columbia, Mo.[4] (6–30–73).
Missouri, University of, Division of Biology, Columbia, Mo.[3] (6–30–76).
Mitchell & Associates, Dallas, Tex.[3] (6–30–74).
Mobile Chemical Co., Research Laboratory, Ashland, Va.[3] (6–30–76).
Mobile Testing Co., Corpus Christi, Tex.
Monsanto Co., Agricultural Division, St. Louis, Mo.[3] (6–30–73).
Morse Laboratories, Sacramento, Calif.
Mueser, Rutledge, Wentworth, and Johnston, New York, N.Y.[1] (6–30–74).

MC

McCallum Inspection Co., Chesapeake, Va.[1]
McClelland Engineers, Inc., Houston, Tex.[3] (6–30–74).
McGauthy, Marshall, and McMillian, Norfolk, Va.

N

Na-Churs Plant Food Co., Marion, Ohio[3] (6–30–75).
Na-Churs, Red Oak, Iowa.
National Bulk Carriers, Inc., New York, N.Y.
National Laboratories, Evansville, Ind.
Natural Resources Laboratory, Golden, Colo.
National Soil Services, Inc., Dallas, Tex.
National Soil Services, Inc., Houston Tex.[3] (6–30–75).
Nebraska Department of Roads, Soil Testing Laboratory, Lincoln, Nebr.
Nebraska, University of, Department of Agronomy, Heim Hall, Lincoln, Nebr.[3] (6–30–78).
Nelson Laboratories, Stockton, Calif.[3] (6–30–75).
Nevada State Highway Department Laboratory, Carson City, Nev.
Nevada, University of, Desert Research Institute, Reno, Nev.[3] (6–30–73).
New Jersey Department of Transportation, Trenton, N.J.
New Mexico State Highway Department, Santa Fe, N. Mex.
New Mexico State University, Soil Testing Laboratory, Las Cruces, N. Mex.[3] (6–30–76).
New Mexico, University of, Anthropology Department, Albuquerque, N. Mex.[3] (6–30–74).
New Mexico, University of, Department of Geology, Albuquerque, N. Mex.[3] (6–30–74).
New York State University College, Biology Department, Geneseo, N.Y.
New York, State University of, College of Environmental Sciences and Forestry, Syracuse, N.Y.[3] (6–30–74).
Niagara Chemical Division of FMC Corp., Middleport, N.Y.
North Carolina Department of Agriculture, Raleigh, N.C.
North Carolina Department of Geology, Raleigh, N.C.
North Carolina State University, Department of Soil Science, International Soil Testing Project, Raleigh, N.C.[4] (6–30–75).

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North Carolina State University, Raleigh, N.C.
North Carolina, University of, Department of Botany, Chapel Hill, N.C. (Dr. J. N. Couch).
North Carolina, University of, Department of Botany, Chapel Hill, N.C. (Dr. N. G. Miller).
North Carolina, University of, Department of Botany, Chapel Hill, N.C.[2] (6–30–73) (Dr. R. Malcolm Brown).
North Dakota State Highway Department, State Highway Department Laboratory, Bismarck, N. Dak.
Nu-ag, Inc., Rochelle, Ill.
Nutting, H. C., Co., Cincinnati, Ohio.

O

Ohio Florist Association, Columbus, Ohio.
Ohio State University, Botany Department, Columbus,[2] (6–30–76).
Ohio State University, Department of Agronomy, Columbus, Ohio[2]. 6–30–74).
Ohio State University, Institute of Polar Studies, Columbus, Ohio[2] (6–30–76).
Ohio State University, Zoology Department, Columbus, Ohio[2] (6–30–76).
Oklahoma State Highway Department, Materials Division, Oklahoma City, Okla.
Oklahoma State University, Stillwater, Okla.
Oklahoma State University, Department of Agronomy, Stillwater, Okla.[2] (6–30–74).
Oklahoma State University, School of Civil Engineering, Stillwater, Okla.[2] (6–30–74).
Oklahoma Soil Testing Laboratories, Oklahoma City, Okla.
Oklahoma, University of, School of Civil Engineering and Environmental Science, Norman, Okla.[2] (6–30–74).
Old Dominion University, Norfolk, Va.
Olson Management Service, Freeport, Ill.
O'Neal, Carl, & Associates, Dallas, Tex.
Onondaga Soil Testing, Inc., East Syracuse, N.Y.
Oregon State University, Soils Department, Corvallis, Oreg.[2] (6–30–76).
Osborne Laboratories, Inc., Los Angeles, Calif.

P

Pacific Spectro Chemical Laboratory, Los Angeles, Calif.
Pan American Laboratories, Brownsville, Tex.[2] (6–30–73).
Parke, Davis & Co. (Joseph Campau at the River), Detroit, Mich.[2] (6–30–73).
Parke, Davis & Co., Medical and Science Affairs Division, Detroit, Mich.[2] (6–30–75).
Parrill, Irwin H., Edwardsville, Ill.
Pattison's Laboratories, Inc., Harlingen, Tex.[2] (6–30–75).
Penniman & Browne, Inc., Baltimore, Md.
Penniman & Browne, Inc., Richmond, Va.
Pennsylvania State University, Department of Agronomy, University Park, Pa.[2] (6–30–76).
Perry Laboratory, Los Gatos, Calif.[2] (6–30–75).
Peters, Robert B., Co., Allentown, Pa.
Pfeiffer Foundation, Inc., Threefold Farm, Spring Valley, N.Y.[2] (6–30–73).
Pfizer, Charles, & Co., Inc., Groton, Conn.[2] (6–30–75).
Phifer, Allen, Thorofare, N.J.
Pickett, Ray, and Van Silver, St. Charles, Mo.
Pittsburgh Testing Laboratory, Pittsburgh, Pa.
Plains Laboratory, Lubbock, Tex.
Plant Science Associates, Inc., Winter Haven, Fla.
Plantation Field Laboratory, Fort Lauderdale, Fla.
Pope, W. I., Mobile, Ala.
Portland State College, Department of Biology, Portland, Oreg.[2] (6–30–77).
Princeton University, Department of Geology, Princeton, N.J.[2] (6–30–76).
Purdue University, Department of Agronomy, Lafayette, Ind.[2] (6–30–73).

Purdue University, Department of Biological Sciences, Lafayette, Ind.[2] (6–30–74).
Purdue University, Department of Entomology, Lafayette, Ind.
Purdue University, Laboratory for Applications of Remote Sensing, West Lafayette, Ind.[2] (6–30–74).

Q

Queens College, Flushing, N.Y.

R

Rabe, Fred N., Engineering, Inc., Fresno, Calif.
Raymond International, St. Louis, Mo.
Reitz and Jens, Clayton, Mo.
Resources International, Fresno, Calif.[2] (6–30–74).
Rhode Island, University of, Agricultural Experiment Station, Department of Food and Resources, Chemistry, Kingston, R.I.[2] (6–30–74).
Rice University, Department of Biology, Houston, Tex.[2] (6–30–74).
Richfield Oil Corp., Long Beach, Calif.
Ringel and Associates, Chico, Calif.
Rochester, University of, School of Medicine and Dentistry, Department of Radiation, Biology and Biophysics, Rochester, N.Y.[2] (6–30–73).
Rocky Mountain Geochemical Corp., Midvale, Utah.
Rocky Mountain Geochemical Corp., Prescott, Ariz.
Rocky Mountain Geochemical Corp., West Jordan, Utah.[2] (6–30–74).
Rocky Mountain Technology, Inc., Golden, Colo.
Royster Co., Norfolk, Va.[1]
Rummel, Klepper & Kahl, Lansdowne, Md.
Rutgers, the State University, Department of Soils and Crops, New Brunswick, N.J.[2] (6–30–76).
Rutgers, the State University, Department of
Rutgers, the State University, International Agricultural Programs, New Brunswick, N.J.[2] (6–30–76).
Rutgers, the State University, Soils Extension Specialist, New Brunswick, N.J.

S

San Fernando Valley State College, Department of Biology, Northridge, Calif.
Sayre, Robert D., Richmond, Va.
Schering Corp., Bloomfield, N.J.[2] (6–30–74).
Scientific Associates, Inc., St. Louis, Mo.[2] (6–30–78).
Scott, O. M., & Sons, Seed Co., Marysville, Ohio.
Scottland Soil Laboratory, Chrisman, Ill.
Seabrook Farms, Seabrook, N.J.
Shankman Laboratories, Los Angeles, Calif.
Shannon & Wilson Co., Burlingame, Calif.
Shannon & Wilson Co., Seattle, Wash.[2] (6–30–75).
Shawnee College Soils Laboratory, Ullin, Ill.
Shell Development Co., Biological Sciences Research Center, Modesto, Calif.
Shilstone Testing Laboratory, Inc., Baton Rouge, La.
Shilstone Testing Laboratory, Inc., Houston, Tex.
Shilstone Testing Laboratory, Inc., Lafayette, La.
Shilstone Testing Laboratory, Inc., Monroe, La.
Shilstone Testing Laboratory, Inc., New Orleans, La.
Signal Oil & Gas Co., Los Angeles, Calif.[2] (6–30–74).
Skyline Laboratories, Inc., Wheat Ridge, Colo.[2] (6–30–77).
Smith, Charles M., Circle "S" Ranch, Red Oak, Iowa[2] (6–30–73).
Smith-Douglas, Chesapeake, Va.
Smithsonian Institution, Department of Mineral Sciences, Washington, D.C.[2] (6–30–74).
Smithsonia Institution, Radiation Biology Laboratory, Rockville, Md.[2] (6–30–73).
Snohomish Farm Veterinary Service, Snohomish, Wash.
Soil and Materials Engineers, Detroit, Mich.
Soil and Plant Laboratory, Inc., Santa Ana, Calif.[2] (6–30–77).
Soil and Plant Laboratory, Inc., Santa Clara, Calif.[2] (6–30–75).
Soil Consultants, Inc., Charleston, S.C.
Soil Control Laboratory, Watsonville, Calif.
Soil Engineering Services, Decatur, Ill.
Soil Engineering Services, Inc., Minneapolis, Minn.
Soil Exploration Co., St. Paul, Minn.
Soil Test, Moorestown, N.J.
Soil Testing, Burlington, Wash.
Soil Testing Services, Inc., Northbrook, Ill.[2] (6–30–75).
South Carolina, University of, Columbia, S.C.
South Dakota State Highway Department, Materials and Testing Department, Pierre, S. Dak.
South Dakota, University of, Department of Zoology, Vermillion, S. Dak.[2] (6–30–75).
Southern Illinois Farm Foundation, Vienna, Ill.
Southern Illinois University, Department of Plant Industries, Carbondale, Ill.[2] (6–30–73).
Southern Laboratories, Mobile, Ala.
Southern Technical Services, Inc., Jackson, Miss.
Southern Testing and Research Laboratories, Wilson, N.C.
Southern Turf Nurseries, Tifton, Ga.[2] (6–30–73).
Southwest Research Institute, San Antonio, Tex.[2] (6–30–74).
Southwestern Agricultural Testing Co., Fabens, Tex.[2] (6–30–75).
Southwestern Assayers & Chemists, Inc., Tucson, Ariz.[2] (6–30–74).
Southwestern Irrigation Field Station, Brawley, Calif.
Southwestern Laboratories, Inc., Houston, Tex.[1]
Southwestern Laboratories of Louisiana, Inc., Alexandria, La.
Southwestern Laboratories of Louisiana, Inc., Baton Rouge, La.
Southwestern Laboratories of Louisiana, Inc., Monroe, La.
Southwestern Laboratories of Louisiana, Inc., Shreveport, La.
Southwestern Materials Laboratory, Phoenix, Ariz.
Squibb, E. R., & Sons, Department of Microbiology, Lawrenceville, N.J.[2] (6–30–74).
St. Louis Testing Laboratories, Inc., St. Louis, Mo.
Standard Brands, Inc., Fleischmann Laboratories, Stamford, Conn.[2] (6–30–73).
Standard Fruit Co., New Orleans, La.[2] (6–30–74).
Standard Laboratories, Goodfield, Ill.
Standard Testing & Engineering Co., Oklahoma City, Okla.[2] (6–30–76).
Stanford Research Institute, Irvine, Calif.
Stanford Research Institute, Menlo Park, Calif.[2] (6–30–77).
Stauffer Chemical Co., Mountain View, Calif.
Stauffer Chemical Co., Richmond, Calif.
Stillwell & Gladding, Inc., New York, N.Y.
Stone & Webster Engineering Corp., Boston, Mass.[2] (6–30–75).
Stoner Laboratories, Campbell, Calif.
Strawinsky Laboratory, Long Beach, Calif.
Suerdrup and Parcel & Associates, Inc., St. Louis, Mo.[2] (6–30–74).
Syracuse University Research Corp., Syracuse, N.Y.

T

Techlab, Inc., Cincinnati, Ohio.
Teledyne Isotopes, Palo Alto, Calif.
Tennent & Associates, Memphis, Tenn.
Tennessee, University of, Nashville, Tenn.
Test, Inc., Memphis, Tenn.

See footnotes at end of document.

Testing Engineers, Inc., Oakland, Calif.
Testing Engineers, Inc., San Jose, Calif.
Testing Service Corp., Wheaton, Ill.
Tetco Engineering Testing, Corpus Christi, Tex.
Texas A. & M. University, Soil and Crop Sciences Department, College Station, Tex.[2] (6–30–75).
Texas A. & M. University, Soil Testing Laboratory, Agricultural Extension Service, College Station, Tex.[2] (6–30–75).
Texas Soil Laboratory, McAllen, Tex.
Texas Technological University, Department of Agronomy, Lubbock, Tex.[2] (6–30–76).
Texas Testing Laboratories, Dallas, Tex.
Thompson, Vester J., Jr., Inc., Mobile, Ala.
Thornton Laboratories, Inc., Tampa, Fla.[2] (6–30–76).
Three Gee Dee, Pembroke, Fla.
Tippetts-Abbett - McCarthy - Stratton, New York, N.Y.[2] (6–30–76).
T-M-T Chemical Co., Inc., Five Points, Calif.
Trapelo-West, Division of LFE Corp., Richmond, Calif.
Tri-State Soil Laboratory, Toledo, Ohio.
Trinity Testing Laboratories, Inc., Corpus Christi, Tex.
Triple S Laboratory, Inc., Loveland, Colo.[2] (6–30–74).
Truesdale Laboratories, Inc., Los Angeles, Calif.
Twin City Testing and Engineering Laboratory, Inc., St. Paul, Minn.
Twin County Services Co., Murphysboro, Ill.
Twining Laboratories, Inc., Fresno, Calif.[2] (6–30–74).
Twining Laboratory of Southern California, Long Beach, Calif.

U

U.S. Agricultural Consultants Laboratories, San Gabriel, Calif.
U.S. Borax Research Corp., Anaheim, Calif.
U.S. Laboratories, Inc., Oakland, Calif.
U.S. Plant, Soil, and Nutrition Laboratory, Ithaca, N.Y.
U.S. Terrestrial Plants Laboratory, Hanover, N.H.
U.S. Testing Co., Inc., Los Angeles, Calif.
U.S. Testing Co., Inc., Hoboken, N.J.
U.S. Testing Co., Memphis, Tenn.[2] (6–30–74).
U.S. Testing Laboratory, Richland, Wash.
USS Agri-Chemicals, Belmond, Iowa.
USS Agri-Chemicals, Decatur, Ga.
Union Carbide Corp., Grand Junction, Colo.
Union Carbide Corp., Niagara Falls, N.Y.[2] (6–30–75).
Union Carbide Corp., South Charleston, W.Va.
Union Oil Company of California, Brea, Calif.
Upjohn Co., Agricultural Product Development and Research, Biochemistry and Residue Analysis, Kalamazoo, Mich.[2] (6–30–73).
Upjohn Co., Pharmaceutical Division, Kalamazoo, Mich.[2] (6–30–74).
Utah State University, College of Engineering, Agriculture and Irrigation Engineering, Logan, Utah[2] (6–30–73).
Utah State University, Department of Bacteriology and Public Health, Logan, Utah[2] (6–30–74).
Utah State University, Soil Laboratory, Logan, Utah.
Utah State University, Soil and Water Conservation Research, Mechanic Arts, Logan, Utah.
Utah State University, Crops Research Laboratory, Logan, Utah.

U.S. GOVERNMENT

U.S. Department of Agriculture, APHIS, Cyst Nematode Laboratory, Franklin, Va.
U.S. Department of Agriculture, APHIS, Golden Nematode Laboratory, Hicksville, N.Y.
U.S. Department of Agriculture, APHIS, Gypsy Moth Laboratory, Otis AFB, Mass.
U.S. Department of Agriculture, APHIS, Environmental Quality Laboratory, Gulfport, Miss.
U.S. Department of Agriculture, ARS, Plant and Entomological Sciences, Washington, D.C.[1]
U.S. Department of Agriculture, ARS, Soil, Water, and Air Sciences, Washington, D.C.[1]
U.S. Department of Agriculture, ARS, U.S. Fruit, Vegetable, Soil, and Water Laboratory, Nematology Investigation, Weslaco, Tex.[2] (6–30–77).
U. S. Department of Agriculture, ARS, U.S. Water Conservation Laboratory, Phoenix, Ariz.[2] (6–30–73).
U.S. Department of Agriculture, FS, Southern Forest Experiment Station, Pineville, La.
U.S. Department of Agriculture, FS, Washington, D.C.[1]
U.S. Department of Agriculture, FS, Wood Products Insect Laboratory, Gulfport, Miss.
U.S. Department of Agriculture, SCS, Engineering and Watershed Planning Unit, Materials Testing Section, Portland, Oreg.[2] (6–30–74).
U.S. Department of Agriculture, SCS, Engineering Division, Washington, D.C.[1]
U. S. Department of Agriculture, SCS, Soil Survey Laboratory, Riverside, Calif.[2] (6–30–77).
U. S. Department of Agriculture, SCS, Soil Mechanics Laboratory, Lincoln, Nebr.[2] (6–30–74).
U. S. Department of Agriculture, SCS, Soil Survey, Washintgon, D.C.[1]
U.S. Department of Commerce, National Bureau of Standards, Health Physics Section, Gaithersburg, Md.[2] (6–30–75).
U.S. Department of Defense, U.S. Air Force, AFCES/DL Civil Engineering Center, Tyndall AFB, Fla.[2] (6–30–78).
U.S. Department of Defense, U.S. Air Force, Air Force Cambridge Research Laboratories (AFSC), Laurence G. Hanscom Field, Bedford, Mass.
U.S. Department of Defense, U.S. Air Force, Air Force Weapons Laboratory, Kirkland AFB, Albuquerque, N. Mex.[2] (6–30–76).
U.S. Department of Defense, U.S. Army, Construction Engineering Research Laboratory, Champaign, Ill.[2] (6–30–75).
U.S. Department of Defense, U.S. Army Corps of Engineers, Chicago, Ill.
U.S. Department of Defense, U.S. Army Corps of Engineers, Engineering Division Laboratory, Marietta, Ga.[2] (6–30–77).
U.S. Department of Defense, U.S. Army, Corps of Engineers, Engineering Division Laboratory, Marietta, Ga.[2] (6–30–77).
U.S. Department of Defense, U.S. Army, Corps of Engineers, Vicksburg, Miss.[2] (6–30–74).
U.S. Department of Defense, U.S. Army, Corps of Engineers, Washington, D.C.[1]
U.S. Department of Defense, U.S. Army, Electronics Command, Institute for Exploratory Research Fort Monmouth, N.J.[2] (6–30–75).
U.S. Department of Defense, U.S. Army Engineer Power Group, Engineering Division, Pollution Control Laboratory, Fort Belvoir, Va.[2] (6–30–73).
U.S. Department of Defense, U.S. Army, Environmental Health Agency, Building 2100, Edgewood Arsenal, Md.[2] (6–30–74).
U.S. Department of Defense, U.S. Navy, Naval Facilities Engineering Command, Soil Mechanics and Paving Branch, Norfolk, Va.
U.S. Department of Defense, U.S. Navy, Naval Weapons Center, China Lake, Calif.[2] (6–30–74).
U.S. Department of Health, Education, and Welfare, National Communicable Disease Center, Atlanta, Ga.[2] (6–30–73).
U.S. Department of the Interior, Bureau of Indian Affairs, Soil Testing Laboratory, Gallup, N. Mex.
U.S. Department of the Interior, Geological Survey, Albuquerque, N. Mex.[2] (6–30–73).
U.S. Department of the Interior, Geological Survey, Harrisburg, Pa.[2] (6–30–74).
U.S. Department of the Interior, Geological Survey, Washington, D.C.[1]
U.S. Department of Transportation, Federal Highway Administration, Fairbanks Highway Research Station, McLean, Va.
U.S. Department of Transportation, Federal Highway Administration, Materials Testing Laboratory, Vancouver, Wash. (6–30–77).[2]
U.S. Department of Transportation, Federal Highway Administration, Washington, D.C.[1]
U.S. Environmental Protection Agency Laboratory, Sabine Island, Gulf Breeze, Fla.[2] (6–30–74).
U.S. Environmental Protection Agency, Western Environmental Research Laboratory, Las Vegas, Nev.[2] (6–30–73).

V

Velsicol Chemical Corp., Chicago, Ill.[2] (6–30–75).
Vermillion Co., Farm Bureau, Danville, Ill.
Vermont, University of, Burlington, Vt.
Virginia Department of Highways, Richmond, Va.
Virginia Polytechnic Institute, Blacksburg, Va.
Virginia Truck Experiment Station, Painter, Va.
Virginia Truck Experiment Station, Virginia Beach, Va.
Vistron Company, Lima, Ohio.

W

Wahler, W. A., & Associates, Palo Alto, Calif.
Walker Laboratories, Columbia, S.C.
Walker Laboratories, Florence, S.C.
Ward, J. S., & Associates, Caldwell, N.J.[2] (6–30–76).
Ward Lind Engineers, Inc., Jackson, Miss.
Warf Institute, Inc., Madison, Wis.
Washington State University, Department of Botany, Pullman, Wash.[2] (6–30–76).
Washington, University of, College of Forest Resources, Seattle, Wash.[2] (6–30–76).
Washington, University of, Laboratory of Radiation Ecology, Seattle, Wash.[2] (6–30–74).
Weber State College, Department of Microbiology, Ogden, Utah.
West Virginia Department of Highways, Charleston, W. Va.
Western Research Laboratories, Niagara Chemical Division, FMC, Richmond, Calif.
Wharton County Junior College, Soil Testing Laboratory, Wharton, Tex.[2] (6–30–73).
Willchemco Testing Laboratory, Grand Island, Nebr.
William and Mary, College of, Williamsburg, Va.
Williams, E. V., Co., Inc., Virginia Beach, Va.
Winthrop College Department of Biology, Rock Hill, S.C.[2] (6–30–74).
Wisconsin Department of Transportation, Madison, Wis.
Wisconsin, University of, Department of Soil Science, Madison, Wis.
Wisconsin, University of, Soils Department, Madison, Wis.[2] (6–30–74).
Wolf's, Dr., Agricultural Laboratories, Fort Lauderdale, Fla.[2] (6–30–75).
Woodard Research Corp., Herndon, Va.
Woodward-Clevenger & Associates, Inc., Denver, Colo.[2] (6–30–75).
Woodward, Clyde, & Associates, Orange, Calif.
Woodward, Clyde, & Associates, Clifton, N.J.
Woodward, Clyde, & Associates, San Diego, Calif.
Woodward, Clyde, Sherard, & Associates, St. Louis, Mo.
Woodward-Gardner & Associates, Philadelphia, Pa.
Woodward-Lundgren, & Associates, Oakland, Calif.
Woodward-Lundgren, & Associates, San Jose, Calif.
Woodward-McMaster, & Associates, Kansas City, Mo.

See footnotes at end of document.

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Woodward-McMaster & Associates, Inc., St. Louis, Mo.
Woodward-Moorehouse, & Associates, Inc., Clifton, N.J.[3] (6–30–76).
Woodson-Tenent Laboratories, Memphis, Tenn.
Woodville Lime Products, Woodville, Ohio.
Wyoming, University of, Department of Botany, Laramie, Wyo.[3] (6–30–76).

Y

Yakima Testing Laboratory, Yakima, Wash.[3] (6–30–74).
Yale University, Department of Geology & Geophysics, New Haven, Conn.[3] (6–30–73).
Yale University, Greeley Laboratories, New Haven, Conn.[3] (6–30–77).
Yeshiva University, New York, N.Y.[3] (6–30–73).
Yule, Jordan, and Associates, Camp Hill, Pa.

Z

Zoecon Corp., Palo Alto, Calif.

(Secs. 8 and 9, 37 Stat. 318, as amended, sec. 106, 71 Stat. 33; 7 U.S.C. 161, 162, 150ee; 29 FR 16210, as amended; 37 FR 28464, 28477; 7 CFR 301.48, 301.72, 301.80, 301.81 and 301.85)

This document shall become effective March 1, 1973, when it shall supersede PP 639 dated April 20, 1972, and PP 639 amendment dated August 3, 1972.

Under the provisions of the regulations supplemental to the notices of quarantine cited herein, soil samples for processing, testing, or analysis may be moved interstate from any regulated area specified in the regulations to laboratories approved by the Deputy Administrator and so listed by him. A laboratory may be approved if a compliance agreement is signed; samples are packaged to prevent spilling of soil; and soil residues, hazardous water residues, and shipping containers are treated in accordance with specified procedures.

The Deputy Administrator of Plant Protection and Quarantine Programs has approved the above-listed laboratories as establishments which meet the qualifications required under the regulations. The listed establishments are, therefore, authorized to receive soil samples from the regulated areas specified in the regulations without certificates or permits attached.

With respect to the establishments added to the list of approved laboratories, this revision relieves certain restrictions presently imposed and should be made effective promptly in order to be of maximum benefit to persons subject to the restrictions that are being relieved.

Accordingly, it is found upon good cause under the administrative procedure provisions of 5 U.S.C. 553, that notice and other public procedure with respect to this amendment are impracticable and contrary to the public interest, and good cause is found for making it effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 23d day of February 1973.

LEO G. K. IVERSON,
Deputy Administrator, Plant Protection and Quarantine Programs.

NOTE: A date after a name indicates when the import permit expires.

[FR Doc.73-3850 Filed 3-2-73;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[DESI 10296; Docket No. FDC-D-523; NDA 10-296]

ELI LILLY AND CO.

Combination Drug Containing Diethylstilbestrol, Methyltestosterone and Reserpine for Oral Use; Notice of Withdrawal of Approval of New Drug Application

Correction

In FR Doc. 73-2311 appearing at page 3534 of the issue for Wednesday, February 7, 1973, in the fifth line of the last paragraph the effective date, reading "February 1, 1973.", should read "February 7, 1973.".

[Docket No. FDC-D-477; NADA 6-888V]

MEGASUL (NITROPHENIDE) PREMIX 25 PERCENT

Notice of Withdrawal of Approval of New Animal Drug Application

Correction

In FR Doc. 73-2312 appearing on page 3535 of the issue for Wednesday, February 7, 1973, at the end of the last paragraph the effective date, reading "March 9, 1973", should read "February 7, 1973.".

[DESI 6363; Docket No. FDC-D-532; NDA 12-399]

A. H. ROBINS CO.

Methocarbamol With Phenacetin, Aspirin, Hyoscyamine Sulfate and Phenobarbital; Withdrawal of Approval of New Drug Application

On November 15, 1972, there was published in the FEDERAL REGISTER (37 FR 24206) a notice of opportunity for hearing (DESI 6363) in which the Commissioner of Food and Drugs proposed to issue an order under section 505(e) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(e)) withdrawing approval of NDA 12-399 for Robaxisal-PH Tablets containing methocarbamol, phenacetin, aspirin, hyoscyamine sulfate, and phenobarbital; A. H. Robins Co., 1407 Cummings Drive, Richmond, VA 23220. The basis of the proposed action was the lack of substantial evidence that the drug is effective as a fixed combination for the uses recommended or suggested in its labeling and that each component of the combination drug contributes to the total effects claimed.

Neither A. H. Robins nor any other interested person filed a written appearance of election with respect to Robaxisal-PH Tablets as provided by said notice. The failure to file such an appearance constitutes an election by such persons not to avail themselves of the opportunity for a hearing.

Also included in the aforesaid notice was Robaxisal Tablets containg methocarbamol and aspirin (NDA 12-281). A. H. Robins Co. elected to avail itself of an opportunity for hearing concerning that drug. That request for a hearing is under review and will be the subject of a separate FEDERAL REGISTER notice.

All identical, related, or similar products, not the subject of an approved new drug application, are covered by the new drug application reviewed and are subject to this notice. See 21 CFR 130.40 (37 FR 23185, October 31, 1972). Any person who wishes to determine whether a specific product is covered by this notice should write to the Food and Drug Administration, Bureau of Drugs, Office of Compliance (BD-300), 5600 Fishers Lane, Rockville, Md. 20852.

The Commissioner of Food and Drugs, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 505, 52 Stat. 1053, as amended; 21 U.S.C. 355), and the Administrative Procedure Act (5 U.S.C. 554), and under authority delegated to him (21 CFR 2.120), finds that on the basis of new information before him with respect to the drug, evaluated together with the evidence available to him when the application was approved, there is a lack of substantial evidence that the drug will have the effect it purports or is represented to have under the conditions of use prescribed, recommended, or suggested in the labeling thereof.

Therefore, pursuant to the foregoing findings, approval of new drug application 12-399 and all amendments and supplements applying thereto is withdrawn effective on March 5, 1973. Shipment in interstate commerce of the above-listed drug product or of any identical, related, or similar product, not the subject of an approved new drug application, is henceforth unlawful.

Dated: February 23, 1973.

WILLIAM F. RANDOLPH,
Acting Associate Commissioner for Compliance.

[FR Doc.73-4056 Filed 3-2-73;8:45 am]

[DESI 6902; Docket No. FDC-D-597; NDA NO. 6-902]

ROCHE LABORATORIES, DIVISION OF HOFFMANN-LA ROCHE

Capsules Containing Nicotinyl Alcohol as the Tartrate and Trimethobenzamide Hydrochloride; Opportunity for Hearing on Proposal To Withdraw Approval of New Drug Application

In a notice (DESI 6902) published in the FEDERAL REGISTER of September 18, 1970 (35 FR 14628) the Commissioner of Food and Drugs announced his conclusions pursuant to the evaluation of a report received from the National Academy of Sciences National Research Council, Drug Efficacy Study Group, on the drug described below, stating that the drug was regarded as possibly effective and lacking substantial evidence of effectiveness for the various labeled indications. The possibly effective indications have been reclassified as lacking substantial evidence of effectiveness in that no new evidence of effectiveness of the drug has been submitted within the period provided.

NDA 12-410; Tigacol Capsules containing nicotinyl alcohol as the tartrate and trimethobenzamide hydrochloride; Roche Laboratories, Division of Hoffmann-La Roche Inc., 340 Kingsland Street, Nutley, NJ 07110.

Therefore, notice is given to the holder(s) of the new drug application(s) and to any other interested person that the Commissioner proposes to issue an order under section 505(e) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(e)) withdrawing approval of the listed new drug application(s) and all amendments and supplements thereto on the grounds that new information before him with respect to the drug(s), evaluated together with the evidence available to him at the time of approval of the application(s), shows there is a lack of substantial evidence that the drug(s) will have all the effects purported or represented to have under the conditions of use prescribed, recommended, or suggested in the labeling.

All identical, related, or similar products, not the subject of an approved new drug application, are covered by the new drug application(s) reviewed. See 21 CFR 130.40 (37 FR 23185, October 31, 1972). Any manufacturer or distributor of such an identical, related, or similar product is an interested person who may in response to this notice submit data and information, request that the new drug application(s) not be withdrawn, request a hearing, and participate as a party in any hearing. Any person who wishes to determine whether a specific product is covered by this notice should write to the Food and Drug Administration, Bureau of Drugs, Office of Compliance (BD-300), 5600 Fishers Lane, Rockville, Md. 20852.

In accordance with the provisions of section 505 of the Act (21 U.S.C. 355) and the regulations promulgated thereunder (21 CFR Part 130), the Commissioner hereby gives the applicant(s) and any other interested person an opportunity for a hearing to show why approval of the new drug application(s) should not be withdrawn.

On or before April 4, 1973, the applicant(s) and any other interested person is required to file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 6-88, 5600 Fishers Lane, Rockville, Md. 20852, a written appearance electing whether or not to avail himself of the opportunity for a hearing. Failure of an applicant or any other interested person to file a written appearance of election within said 30 days will constitute an election by him not to avail himself of the opportunity for a hearing.

If no person elects to avail himself of the opportunity for a hearing, the Commissioner without further notice will enter a final order withdrawing approval of the application(s).

If an applicant or any other interested person elects to avail himself of the opportunity for a hearing, he must file, on or before April 4, 1973, a written appearance requesting the hearing, giving the reasons why approval of the new drug application(s) should not be withdrawn, together with a well-organized and full-factual analysis of the clinical and other investigational data he is prepared to prove in support of his opposition. A request for a hearing may not rest upon mere allegations or denials, but must set forth specific facts showing that a genuine and substantial issue of fact requires a hearing (21 CFR 130.14(b)).

If review of the data submitted by an applicant or any other interested person warrants the conclusion that there exists substantial evidence demonstrating the effectiveness of the product(s) for the labeling claims involved, the Commissioner will rescind this notice of opportunity for hearing.

If review of the data in the application(s) and data submitted by the applicant(s) or any other interested person in a request for a hearing, together with the reasoning and factual analysis in a request for a hearing, warrants the conclusion that no genuine and substantial issue of fact precludes the withdrawal of approval of the application(s), the Commissioner will enter an order of withdrawal making findings and conclusions on such data.

If, upon the request of the new drug applicant(s) or any other interested person, a hearing is justified, the issues will be defined, a hearing examiner will be named, and he shall issue, as soon as practicable after April 4, 1973, a written notice of the time and place at which the hearing will commence. All persons interested in identical, related, or similar products covered by the new drug application(s) will be afforded an opportunity to appear at the hearing, file briefs, present evidence, cross-examine witnesses, submit suggested findings of fact, and otherwise participate as a party. The hearing contemplated by this notice will be open to the public except that any portion of the hearing that concerns a method or process the Commissioner finds entitled to protection as a trade secret will not be open to the public, unless the respondent specifies otherwise in his appearance.

Requests for a hearing and/or elections not to request a hearing may be seen in the Office of the Hearing Clerk (address given above) during regular business hours, Monday through Friday.

This notice is issued pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 505, 52 Stat. 1052-53, as amended; 21 U.S.C. 355), and the Administrative Procedure Act (5 U.S.C. 554), and under authority delegated to the Commissioner (21 CFR 2.120).

Dated: February 23, 1973.

WILLIAM F. RANDOLPH,
Acting Associate Commissioner for Compliance.

[FR Doc.73-4055 Filed 3-2-73;8:45 am]

[FAP 3A2885]

G. D. SEARLE & CO.

Notice of Filing of Petition for Food Additive

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition (FAP 3A2885) has been filed by G. D. Searle & Co., Box 5110, Chicago, IL 60680, proposing the issuance of a food additive regulation (21 CFR Part 121) to provide for the safe use of aspartame (L-aspartyl-L-phenylalanine methyl ester) in foods as a nutritive substance with intense sweetness and with flavor-enhancing properties.

Dated: March 1, 1973.

WILLIAM F. RANDOLPH,
Acting Associate Commissioner for Compliance.

[FR Doc.73-4260 Filed 3-2-73;8:45 am]

National Institutes of Health

PANCREAS WORKING GROUP

Notice of Meeting

Pursuant to Public Law 92-463, notice is hereby given of the meeting of The Pancreas Working Group, March 6, 1973, at 9 a.m. in the Montgomery Room at the Holiday Inn, Bethesda, Md. This meeting will be open to the public from 9 a.m., March 6, 1973, to discuss new approaches to management of cancer of the pancreas. Attendance by the public will be limited to space available.

Mr. Frank Karel, Associate Director of Public Affairs, NCI, Building 31, Room 10A31, National Institutes of Health, Bethesda, Md. 20014 (301/496-1911) will furnish summaries of the open meeting and roster of working group members.

Dr. John T. Kalberer, Jr., Special Assistant to the Director, Division of Cancer Grants, NCI, Building 31, Room 10A06, National Institutes of Health, Bethesda, Md. 20014 (301/496-5147) will provide substantive program information.

Dated: February 26, 1973.

JOHN F. SHERMAN,
Acting Director, NIH.

[FR Doc.73-4167 Filed 3-1-73;8:45 am]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of Assistant Secretary for Housing Production and Mortgage Credit

[Docket No. N-73-127]

FIRE PROTECTION STANDARDS

Proposed Revision of HUD's Minimum Property Standards

Notice is hereby given that the Department of Housing and Urban Development proposes to revise its Minimum Property Standards for fire protection. The new fire protection standards would be Revision No. 1 to each of the following two proposed Minimum Property

[1] National Compliance Agreement—applies to all branch laboratories in conterminous United States.
[2] Authorized to receive unsterilized foreign samples only.
[3] Authorized to receive unsterilized foreign samples also.

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Standards volumes for which a notice of availability was published in the FEDERAL REGISTER on November 29, 1972 (37 FR 25271):

HUD 4910 Minimum Property Standards for Multifamily Housing.
HUD 4920 Minimum Property Standards for Care-Type Housing.

These changes are planned as a result of the evidence that tragic fires are continuing throughout the country in residential buildings. The emphasis of these proposed fire standards is on providing increased life safety by the greater use of fire detection and extinguishing devices and additional controls on the operation of elevators.

It is expected that the proposed revisions to the Minimum Property Standards for fire will ultimately be formally adopted by the Department. They will then be incorporated into the Department's regulations and will be available, together with the other Minimum Property Standards, for purchase by all interested persons.

The public is invited to comment on these proposed revised fire protection standards, copies of which are available for public inspection in both the Office of Technical and Credit Standards, Architecture and Engineering Division, Room 5224, and the Office of General Counsel, Rules Docket Clerk, Room 10256, Department of Housing and Urban Development, 451 Seventh Street SW., Washington, DC 20410. These proposed revised standards are also available in each HUD Regional, Area, and Insuring Office. Comments should be filed in triplicate, using the above docket number and title, with the Rules Docket Clerk at the address stated above. All relevant material received on or before March 29, 1973, will be considered. Copies of comments submited will be available for examination by interested persons during business hours, both before and after the closing, at the office of the Rules Docket Clerk.

Issued at Washington, D.C., February 2, 1973.

JOHN L. GANLEY,
Deputy Assistant Secretary for Housing Production and Mortgage Credit.

[FR Doc.73-4206 Filed 3-2-73;8:45 am]

Office of Interstate Land Sales Registration

[Docket No. N-73-142; Administrative Division Docket No. 2-278]

CRYSTAL HILLS, ET AL.

Notice of Hearing

Notice is hereby given that.

1. Crystal Hills Development Co., its officers and agents, hereinafter referred to as "Respondent," being subject to the provisions of the Interstate Land Sales Full Disclosure Act (Public Law 90-448) (15 U.S.C. 1701 et seq.), received a Notice of Proceedings and Opportunity for Hearing dated January 4, 1973, which was sent to the developer pursuant to 15 U.S.C. 1706(d) and CFR 1710.45(b) (1) informing the developer of information obtained by the Office of Interstate Land Sales Registration showing that a change had occurred which affected material facts in the Developer's Statement of Record for Crystal Hills and the failure of the developer to amend the pertinent sections of the Statement of Record and Property Report.

2. The Respondent filed an answer dated January 19, 1973, in answer to the allegations of the Notice of Proceedings and Opportunity for a Hearing.

3. In said answer the Respondent requested a hearing on the allegations contained in the Notice of Proceedings and Opportunity for a Hearing.

4. Therefore, pursuant to the provisions of 15 U.S.C. 1706(d) and 24 CFR 1720.160(b), *It is hereby ordered*, That a public hearing for the purpose of taking evidence on the questions set forth in the Notice of Proceedings and Opportunity for Hearing will be held before Paul N. Pfeiffer, Administrative Law Judge, in Room 7233, Department of HUD Building, 451 Seventh Street SW., Washington, DC, on March 6, 1973, at 10 a.m.

The following time and procedure is applicable to such hearing: All affidavits and a list of all witnesses are requested to be filed with the Hearing Clerk, HUD Building, Room 10150, Washington, D.C. 20410, on or before February 28, 1973.

5. The Respondent is hereby notified that failure to appear at the above scheduled hearing shall be deemed a default and the proceeding shall be determined against Respondent, the allegations of which shall be deemed to be true, and an order suspending the statement of record, herein identified shall be issued pursuant to 24 CFR 1710.45(b) (1).

This notice shall be served upon the respondent forthwith pursuant to 24 CFR 1720.440.

Dated: February 23, 1973.

By the Secretary.

GEORGE K. BERNSTEIN,
Interstate Land Sales Administrator.

[FR Doc.73-4096 Filed 3-2-73;8:45 am]

[Docket No. N-73-141; Administrative D Division Docket No. Z-276]

RIVER'S BEND ESTATES, ET AL.

Notice of Hearing

Notice is hereby given that:

1. River's Bend Estates, Inc., its officers and agents, hereinafter referred to as "Respondent," being subject to the provisions of the Interstate Land Sales Full Disclosure Act (Public Law 90-448) (15 U.S.C. 1701 et seq.), received a Notice of Proceedings and Opportunity for Hearing dated January 4, 1973, which was sent to the developer pursuant to 15 U.S.C. 1706(d) and 24 CFR 1710.45(b) (1) informing the developer of information obtained by the Office of Interstate Land Sales Registration showing that a change had occurred which affected material facts in the developer's Statement of Record for River's Bend Estates and the failure of the developer to amend the pertinent sections of the Statement of Record and Property Report.

2. The Respondent filed an answer received January 24, 1973, in answer to the allegations of the Notice of Proceedings and Opportunity for a Hearing.

3. In said answer the Respondent requested a hearing on the allegations contained in the Notice of Proceedings and Opportunity for a hearing.

4. Therefore, pursuant to the provisions of 15 U.S.C. 1706(d) and 24 CFR 1720.160(b), *It is hereby ordered*, That a public hearing for the purpose of taking evidence on the questions set forth in the Notice of Proceedings and Opportunity for Hearing will be held before Paul N. Pfeiffer, Administrative Law Judge, in Room 7233, Department of HUD Building, 451 7th Street SW., Washington, DC, on March 6, 1973, at 2 p.m.

The following time and procedure is applicable to such hearing: All affidavits and a list of all witnesses are requested to be filed with the Hearing Clerk, HUD Building, Room 10150, Washington, D.C. 20410, on or before February 28, 1973.

5. The Respondent is hereby notified that failure to appear at the above scheduled hearing shall be deemed a default and the proceeding shall be determined against Respondent, the allegations of which shall be deemed to be true, and an order suspending the statement of record, herein identified, shall be issued pursuant to 24 CFR 1710.45(b)(1).

This notice shall be served upon the Respondent forthwith pursuant to 24 CFR 1720.440.

Dated: February 23, 1973.

By the Secretary.

GEORGE K. BERNSTEIN,
Interstate Land Sales Administrator.

[FR Doc.73-4095 Filed 3-2-73;8:45 am]

ATOMIC ENERGY COMMISSION

[Dockets Nos. 50-295, 50-304]

COMMONWEALTH EDISON CO.

Notice and Order for Final Prehearing Conference

In the matter of Commonwealth Edison Co. (Zion Station, Units 1 and 2), Dockets Nos. 50-295, 50-304.

Take notice that pursuant to the Commission's rules of practice, the Atomic Safety and Licensing Board (the Board) assigned to this proceeding will hold a final prehearing conference on March 12, 1973, in Washington, D.C. This prehearing conference will start at 11 a.m., e.s.t., at the following address:

U.S. District Court, Courtroom 24, Third and Constitution Avenue NW., Washington, D.C. 20001.

At the subject conference, the parties, by their attorneys, will:

1. Report on the status of discovery;

2. Discuss the needs for further discovery, and the time required for such discovery, if any; and

3. Submit oral or written arguments on those contentions upon which the parties have thus far failed to agree concerning

the admissibility of such contentions for adjudication in this proceeding, to enable the Board to make final resolution of the specific matters in controversy.

The Board will hear any motions to be addressed to the Atomic Safety and Licensing Board; will discuss procedures to be followed in the presentation of evidence and the handling of exhibits at the evidentiary hearings; will discuss schedules and locations for the hearings; and such other matters as may aid in the orderly disposition of this proceeding.

All members of the public are entitled to attend the prehearing conference, as well as the evidentiary hearing itself, now scheduled to begin in Waukegan, Ill., on April 2, 1973.

It is so ordered.

Issued at Washington, D.C., this 27th day of February 1973.

For the Atomic Safety and Licensing Board.

THOMAS W. REILLY,
Chairman.

[FR Doc.73-4075 Filed 3-2-73;8:45 am]

[Docket No. 50-331]

IOWA ELECTRIC LIGHT AND POWER CO. ET AL.

Establishment of Atomic Safety and Licensing Board

Pursuant to delegation by the Commission dated December 29, 1972, published in the FEDERAL REGISTER (37 FR 28710) and §§ 2.105, 2.700, 2.702, 2.714, 2.714a, 2.717, and 2.721 of the Commission's regulations, all as amended, an Atomic Safety and Licensing Board is hereby established to rule on petitions and/or requests for leave to intervene in the following proceeding:

Iowa Electric Light and Power Co., Central Iowa Power Cooperative, and Corn Belt Power Cooperative (Duane Arnold Energy Center), Docket No. 50-331.

The members of the Board are:

Elizabeth S. Bowers, Esq., Chairman; John B. Farmakides, Esq., Member; Dr. Marvin M. Mann, Member.

Dated at Washington, D.C., this 26th day of February 1973.

For the Atomic Safety and Licensing Board Panel.

NATHANIEL H. GOODRICH,
Chairman.

[FR Doc.73-4076 Filed 3-2-73;8:45 am]

[Docket No. 50-410]

NIAGARA MOHAWK POWER CORP.

Notice and Order for Second Prehearing Conference

Notice is hereby given that, in accordance with the prehearing conference order issued by the Atomic Safety and Licensing Board (the Board) on January 26, 1973, a second prehearing conference will be held in the above-captioned proceeding on Thursday, March 29, 1973, at 10 a.m., local time, in the Second Floor Courtroom, County Courthouse, East Oneida and Second Streets, Oswego, N.Y. 13126.

The second prehearing conference shall deal with the following matters:

1. Further identification and clarification of the issues.

2. The status of any discovery initiated by the parties.

3. The need for further discovery, and the time required to complete any such discovery.

4. Any pending motions.

Also, the Board will expect to be advised of the impact of the Federal Water Pollution Control Act Amendments of 1972 on the conduct and disposition of this proceeding. As part of this discussion, the Board will require information on all applicable State and Federal water quality standards and effluent limitations and on the status of the State certification required by section 401(a) of the Federal Water Pollution Control Act Amendments of 1972. The parties should also be prepared to discuss the effect on this proceeding of the memorandum of understanding between the Atomic Energy Commission and the Environmental Protection Agency regarding implementation of section 511(c) of the Federal Water Pollution Control Act Amendments of 1972, including Appendix A thereto, which is the Atomic Energy Commission interim policy statement on implementation of section 511.

The Board has received the objections by the intervenors to its aforementioned prehearing conference order and has these objections under advisement.

The attorneys for the respective parties are directed to confer in advance of this prehearing conference, in such manner as they deem appropriate, and report to the Board at said conference on any stipulations regarding matters in controversy, on any informal discovery that can be arranged between the parties and on any other mutually agreeable procedures to expedite this proceeding.

Members of the public are invited to attend this second prehearing conference as well as the evidentiary hearing to be held at a later date to be fixed by the Board.

By order of the Atomic Safety and Licensing Board.

Dated this 26th day of February 1973, at Washington, D.C.

DANIEL M. HEAD,
Chairman.

[FR Doc.73-4040 Filed 3-2-73;8:45 am]

[Dockets Nos. 50-382, 50-306]

NORTHERN STATES POWER CO.

Notice of Hearing on Facility Operating Licenses

Pursuant to the Atomic Energy Act of 1954, as amended (the Act), the National Environmental Policy Act of 1969 (NEPA), and the regulations in Title 10, Code of Federal Regulations, Part 50, "Licensing of Production and Utilization Facilities," and Part 2, "Rules of Practice," notice is hereby given that, subject to conditions set forth in a memorandum and order of February 23, 1973, a hearing will be held on the two pressurized water reactors, identified as the Prairie Island Nuclear Generating Plant Units 1 and 2 (the facilities) of the applicant, Northern States Power Co. The hearing to consider the issuance of the operating licenses for the facilities will be held at a time and place to be set forth in the future by the Atomic Safety and Licensing Board (Licensing Board) named herein, to begin in the vicinity of the facilities near Red Wing, Goodhue County, Minn. Construction of the facilities was authorized by Construction Permits Nos. CPPR-45 and CPPR-46, issued by the Atomic Energy Commission on June 25, 1968. The instant facilities are subject to the provisions of section C.3 of Appendix D to 10 CFR Part 50, which sets forth procedures applicable to review of environmental considerations for production and utilization facilities for which construction permits were issued prior to January 1, 1970.

The Licensing Board, designated by the Chairman of the Atomic Safety and Licensing Board Panel, will consist of Edward Luton, Esq., Chairman; Dr. Franklin C. Daiber, and Dr. Emmeth A. Luebke. Mr. Ralph S. Decker has been designated as a technically qualified alternate, and John B. Farmakides, Esq., has been designated as an alternate qualified in the conduct of administrative proceedings.

A Notice of Consideration of Issuance of Facility Operating Licenses; Notice of Opportunity for Hearing was published in the FEDERAL REGISTER on October 11, 1972 (37 FR 21455). The notice provided, inter alia, that within 30 days from the date of publication, any person whose interest may be affected by the proceeding could file a petition for leave to intervene in accordance with the requirements of 10 CFR Part 2, Rules of Practice. Petitions to intervene were thereafter filed by several petitioners including (1) the Minnesota Pollution Control Agency (MPCA); (2) Businessmen for the Public Interest and Mr. James T. Nodland, jointly (BPI); and Mr. Steven J. Gadler. As set out in the memorandum and order referred to above, a public hearing will be held. Petitioners MPCA and Gadler will be admitted as parties to the proceeding; petitioner BPI may subsequently be admitted as a party or, alternatively, will be permitted to make a limited appearance pursuant to 10 CFR 2.715.

A prehearing conference or conferences will be held by the Licensing Board, at date(s) and place(s) to be set by it, to consider pertinent matters in accordance with the Commission's rules of practice. The date and place of the hearing will be set by the Board at or after the prehearing conference(s). Notices as to the dates and places of the prehearing conference and the hearing will be published in the FEDERAL REGISTER. The specific issues to be considered

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at the hearing will be determined by the Licensing Board.

For further details pertinent to the matters under consideration, see the application for the facility operating licenses, dated January 28, 1971, as amended; the applicant's environmental report dated November 5, 1971, as supplemented; the safety evaluation prepared by the Directorate of Licensing, dated September 28, 1972, and the Commission's draft detailed statement on environmental considerations pursuant to 10 CFR Part 50, Appendix D, dated January 24, 1973, which are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, DC, and at the Environmental Library of Minnesota, 1222 Southeast Fourth Street, Minneapolis, MN. As they become available, the following documents also will be available at the above locations: (1) The report of the Advisory Committee on Reactor Safeguards on the application for facility operating licenses; (2) the Commission's final detailed statement on environmental considerations; (3) the proposed facility operating licenses; and (4) the technical specifications, which will be attached to the proposed facility operating licenses. Copies of items (1) and (2) may also be obtained by request to the Deputy Director for Reactor Projects, Directorate of Licensing, U.S. Atomic Energy Commission, Washington, D.C. 20545.

Any person who wishes to make an oral or written statement in this proceeding but who has not filed a petition for leave to intervene as noted above, may request permission to make a limited appearance pursuant to the provisions of 10 CFR 2.715 of the Commission's rules of practice. Limited appearances will be permitted at the time of the hearing in the discretion of the Licensing Board, within such limits and on such conditions as may be fixed by it. Persons desiring to make a limited appearance are requested to inform the Secretary of the Commission, U.S. Atomic Energy Commission, Washington, D.C. 20545, not later than April 4, 1973. A person permitted to make a limited appearance does not become a party, but may state his position and raise questions which he would like to have answered to the extent that the questions are within the scope of the hearing as specified above. A member of the public does not have the right to participate unless he has been granted the right to intervene as a party or the right of limited appearance.

An answer to this notice, pursuant to the provisions of 10 CFR 2.705 of the Commission's rules of practice, must be filed by the parties to this proceeding (other than the regulatory staff) not later than March 26, 1973.

Papers required to be filed in this proceeding may be filed by mail or telegram addressed to the Secretary of the Commission, U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Chief, Public Proceedings Staff, or may be filed by delivery to the Commission's Public Document Room, 1717 H Street NW., Washington, DC.

Pending further order of the Licensing Board, parties are required to file, pursuant to the provisions of 10 CFR 2.708 of the Commission's rules of practice, an original and 20 conformed copies of each such paper with the Commission.

It is so ordered.

Issued at Washington, D.C., this 23d day of February 1973.

ATOMIC SAFETY AND LICENSING BOARD,
ELIZABETH S. BOWERS,
Chairman.

[FR Doc.73-4021 Filed 3-2-73;8:45 am]

[Docket No. 50-415]

WESTINGHOUSE ELECTRIC CORP.

Notice of Application for and Consideration of Issuance of Facility Export License

Please take notice that Westinghouse Electric Corp., New York, N.Y., has submitted to the Atomic Energy Commission an application for a license to authorize the export of a pressurized water reactor with a thermal power level of 1,882 megawatts to the Furnas Centrais Electricas S.A., Rio de Janeiro, Brazil, and that the issuance of such license is under consideration by the Atomic Energy Commission.

No license authorizing the proposed reactor export will be issued until the Atomic Energy Commission determines that such export is within the scope of and consistent with the terms of an applicable agreement for cooperation arranged pursuant to section 123 of the Atomic Energy Act of 1954, as amended (Act), nor until the Atomic Energy Commission has found that:

(a) The application complies with the requirements of the Act, and the Atomic Energy Commission's regulations set forth in Title 10, Chapter 1, Code of Federal Regulations, and

(b) The reactor proposed to be exported is a utilization facility as defined in said Act and regulations.

In its review of applications solely to authorize the export of production or utilization facilities, the Atomic Energy Commission does not evaluate the health and safety characteristics of the facility to be exported.

Unless on or before March 20, 1973, a request for a hearing is filed with the Atomic Energy Commission by the applicant, or a petition for leave to intervene is filed by any person whose interest may be affected by the proceeding, the Director of Regulation may, upon the determinations and findings noted above, cause to be issued to Westinghouse Electric Corp., a facility export license and may cause to be published in the FEDERAL REGISTER a notice of issuance of the license. If a request for a hearing or a petition for leave to intervene is filed within the time prescribed in the notice, the Atomic Energy Commission will issue a notice of hearing or an appropriate order.

A copy of the application is on file in the Atomic Energy Commission's Public Document Room located at 1717 H Street NW., Washington, DC.

For the Atomic Energy Commission.

Dated at Bethesda, Md., this 21st day of February 1973.

RICHARD E. CUNNINGHAM,
Acting Deputy Director for Fuels and Materials, Directorate of Licensing.

[FR Doc.73-4041 Filed 3-2-73;8:45 am]

CIVIL AERONAUTICS BOARD

[Docket No. 25241; Order 73-2-101]

ALITALIA-LINEE AEREE ITALIANE-S.p.A.

Order of Investigation and Suspension Regarding Transatlantic Fare Structure

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 14th day of February 1973.

By tariffs filed on January 22, 1973, Alitalia-Linee Aeree Italiane-S.p.A. (Alitalia) proposes for effect from April 1, 1973, to revise the existing fare structure over the North Atlantic between the United States and Italy. As in the case of our recent disposition of U.S. carrier transatlantic fare proposals (Order 73-1-76), this order will be concerned with Alitalia's proposal as it relates to the period from April 1, 1973, through October 31, 1973.

Alitalia proposes a simplified fare structure comparable to that proposed by Lufthansa and limited to four distinct categories of fares.[1] First-class fares would be retained at status quo. However, normal economy fares in both shoulder and peak periods would be reduced, and set at levels $46 and $66, respectively, below those proposed by the U.S. carriers. Alitalia does not propose to offer an advance purchase excursion fare (APEX). However, it would introduce a 14/60-day excursion fare at a level only slightly above that of the present 22/45-day excursion fares. Alitalia also proposes a 14/21-day individual inclusive tour fare (IIT) for eastbound originating travel only, at levels ranging from $16 to $21 below those proposed by the U.S. carriers. For westbound originating passengers, Alitalia would offer a 10/21-day group inclusive tour (GIT) fare at levels which undercut the present 14/21-day GIT fares by $50 and $62 in peak and shoulder periods, respectively.

Complaints have been filed by Pan American World Airways, Inc. (Pan American), Trans World Airlines, Inc. (TWA), and the member carriers of the National Air Carrier Association (NACA), all of which request that immediate steps be taken to suspend the filing as unjust, unreasonable, and uneconomic. The thrust of the complainants' argument is that the two promotional fares proposed would be made available virtually without restriction, that most of the traffic would travel at one or the other of these fares, and that at the low yields involved the fares would prove to be economically disastrous to the scheduled industry. NACA refers to its earlier complaint against Lufthansa's filing in which it alleges that the low level of the promotional fares when combined with the absence of meaningful restrictions on their use indicates that they are predatory in nature and aimed at the charter market. NACA contends that, because of the lower normal fares, Alitalia's proposed structure would be even less economic than that proposed by Lufthansa.

[1] Alitalia also proposes to retain the currently available youth fares. The issue of youth fares is under investigation in Docket 23780 and will not be further dealt with herein. We intend to dispose of the pending request for suspension of these fares promptly by separate order.

Pan American contends that Alitalia's fare structure, if implemented throughout the transaltantic market, would generate a 7-percent increase in traffic over that which it anticipates were present fares to be retained. However, it also estimates that approximately 75 percent of its traffic would move on the two promotional fares. Since the yield from these fares is less than the cost of operation, Pan American projects a reduction in net operating profit of $3.6 million from the level which would be achieved under status quo fares. TWA estimates that implementation of Alitalia's proposal across the Atlantic would result in traffic increases of about 5 percent, but would result in nearly $15 million less in revenue than would be the case under its own proposal.

In answer to the complaints, Alitalia denies that its proposed fares are in any way uneconomic and alleges that the fares fully meet the needs of the traveling public and are accordingly in the public interest.

The year 1972 saw an encouraging increase in traffic growth on the North Atlantic, and along with it a significant increase in load factor for most carriers. Notwithstanding this favorable trend, however, overall economic results for the industry continued to be substandard. As for the U.S. carriers, despite an annual average load factor of about 60 percent, Pan American remained in a negative return position, and TWA's earnings were only 8.38 percent on investment.[2] Similar results have apparently been sustained by the foreign-flag carriers. For this reason, there seems to be a consensus among the carriers that improved yields and revenues are necessary if transatlantic scheduled services are to continue on an economically viable basis. It also seems clear that the 22/45-day excursion fare has been largely responsible for the erosion in average yield which has occurred this past year. There can be little doubt that this fare generated new travel. By the same token, it appears to have resulted in significant diversion from higher rated fares as evidenced by the fact that 25 percent of the total traffic carried by the U.S. carriers moved on these fares. Stated differently, one in every four transatlantic passengers traveled at the lowest fare available for individual service (excluding the youth fare). In our opinion, the economic validity of a fare introduced for promotional reasons and established on the basis of incremental added costs is brought into serious question when its usage achieves such a magnitude.

By Order 73-1-76, the Board indicated its acceptance of the fare package proposed by the U.S. carriers.[3] Our acceptance was based on the understanding that the structure was not advanced as a definitive one for the future, but rather as an acceptable one for the travel season immediately ahead. Indeed, the carriers did not support their proposal as one that would adequately compensate for the cost of providing scheduled service, but rather as a reasonably competitive response to changing market conditions which they anticipate will produce moderately improved yields and increased revenues. The U.S. carriers' structure incorporates a fare category which is somewhat lower than the level now offered on the 22/45-day excursion fare. However, the conditions applicable to use of this APEX fare are quite restrictive and should curtail economic diversion from other services. By the same token, the level of the 14/45-day excursion fare, which would be available with minimal restrictions, would be significantly above the level now applicable to the comparable fare. On this basis, the Board indicated its willingness to accept the structure proposed for the upcoming season, the most important consideration being a projected improvement in yield and a conclusion that the structure moved in the direction of more closely relating fares to the cost of providing the respective services.

We do not mean to imply that the Board considers the U.S. carrier proposal as the only, or necessarily the best, solution to the question of North Atlantic fares. As indicated in our earlier order, we believe it contains certain elements which represent distinct improvements which should be pursued over the longer term. This is not to say that the Board stands committed to the particular structure which the U.S. carriers propose. We are committed, however, to the necessity for improving the overall average yield from scheduled services on the North Atlantic, and are not prepared to accept the argument that these services need be priced competitively with charter services in order to maintain independent and profitable competitive operations.

For this reason, the Board is unable to accept Alitalia's filing. We endorse the simplification which it represents. However, we are unable to accept the significant reductions proposed in normal economy fares in the context of Alitalia's overall structure, and believe the diversion to the very low 14/60-day excursion fare which is likely to occur in the absence of meaningful restrictions on its use makes it extremely unlikely that transatlantic services could be operated at a profit. The same holds true, in our opinion, of the 14/21-day eastbound IIT fare, and the proposed westbound GIT fare which would be reduced substantially from present GIT fare levels.

As indicated earlier, the two individual fares are set at levels essentially comparable to the present 22/45-day fare. We recognize that the U.S. carrier structure incorporates an APEX fare which is significantly lower than the excursion fare Alitalia contemplates. However, we believe the restrictions on its availability are sufficient that it can reasonably be expected to be more generative this upcoming season than diversionary. Those travelers who prefer individual travel at their own option more than likely will continue to use the individual 14/45-day excursion fare which, under the U.S. carrier structure, would be set at a level about midway between the two currently effective excursion fares. The net result is that Pan American and TWA project yields of 4.7 cents and 5.1 cents per mile under their proposal. The yield anticipated to result from Alitalia's fare structure, on the other hand, would be approximately 4.3 cents per mile.

For the reasons stated, the Board finds that the normal economy fares the 14/60-day excursion fares, the 14/21-day individual inclusive tour fares, and the 10/21-day group inclusive tour fares proposed by Alitalia may be unjust, unreasonable, unjustly discriminatory, or unduly preferential or prejudicial and should be suspended pending investigation.

Accordingly, pursuant to the Federal Aviation Act of 1958, as amended, and particularly sections 204(a), 403, 404, 801, and 1002, thereof,

It is ordered, That:

1. An investigation is instituted to determine whether the fares and provisions set forth in the appendix below, and rules, regulations, or practices affecting such fares and provisions, and subsequent revisions and reissues thereof, are or will be unjust or unreasonable, or unjustly discriminatory, or unduly preferential, or unduly prejudicial, and if found to be unlawful, to take appropriate action to prevent the use of such fares and provisions or rules, regulations, or practices;

2. Pending hearing and decision by the Board, the fares and provisions set forth in the appendix below are suspended and their use deferred from April 1, 1973, to and including March 31, 1974, unless otherwise ordered by the Board, and that no changes be made therein during the period of suspension except by order or special permission of the Board;

3. This order shall be submitted to the President [4] and shall become effective on April 1, 1973;

4. Except to the extent granted herein, the complaints filed in Dockets 25162,

[2] Year ended Sept. 30, 1972.

[3] The Alitalia and U.S. carrier proposals are summarized in the attachment hereto.

[4] This order was submitted to the President on February 16, 1973.

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25166, and 25168 are hereby dismissed; and

5. Copies of this order be filed in the aforesaid tariffs and be served upon Alitalia-Linee Aeree Italiane-S.p.A., Pan American World Airways, Inc., Trans World Airlines, Inc. and the National Air Carrier Association who are hereby made parties to the investigation.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HARRY J. ZINK, *Secretary.*

ROUND-TRIP FARE PROPOSALS, NEW YORK–ROME

		Current fares	PA/TW	Alitalia
First class		$1,036	$1,036	$1,036
Normal economy	Shoulder	660	616	570
	Peak	746	746	680
14/21 excursion	Shoulder	462		
	Peak	525		
22/45 excursion	Shoulder	334		
	Peak	387		
14/45 excursion	Shoulder		438	320
			(14/60)	
			523	399
	Peak		350	320
14/21 IIT	Shoulder		(EB only)	
			415	399
	Peak		284	
14/45 Apex	Shoulder		353	
	Peak			
Affinity group	Shoulder	308		
	Peak	371		
14/21 GIT	Shoulder	346	(10/21)	284
	Peak	409	(WB only)	359

APPENDIX

ALITALIA—TARIFF C.A.B. NO. 15 ISSUED BY JOHN M. SAMPSON, AGENT

This appendix applies only to the fares and provisions for transportation between points in the United States, on the one hand, and points in Italy, on the other, insofar as they apply for the account of ALITALIA-Linee Aeree Italiane-S.p.A.

The suspension ordered in ordering paragraph one does not stay the cancellation of fares and provisions on pages preceding the pages named in this appendix.

On 2d Revised Page 22, Rule 10 insofar as it applies to Normal Economy Class Fares published in section 33–K;

On 1st Revised Page 34–C, Rule 29;

On 1st Revised Page 34–D, Rules 29 and 29–A;

On 1st Revised Pages 34–E and 34–F, Rule 29–A;

On 2d Revised Pages 34–G and 34–H, Rule 29–B;

On 5th Revised Page 98 and 4th Revised Pages 99 and 100, all Column 4 Arbitraries insofar as they apply to the construction of through fares with fares published in Sections 33–L, 33–M and 33–N;

On 1st Revised Pages 226–I, all Normal Economy Class Fares in Section 33–K;

On 1st Revised Page 226–K, all 14–60 Day Excursion Fares in Section 33–L;

On 1st Revised Page 226–M, all 14–21 Day Individual Inclusive Tour Fares in Section 33–M;

On 1st Revised Page 226–O, all 10–21 Day Group Inclusive Tour Fares in Section 33–N.

[FR Doc.73-4120 Filed 3-2-73;8:45 am]

[Docket No. 25242; Order 73-2-102]

BRITISH OVERSEAS AIRWAYS CORP.

Order of Investigation and Suspension Regarding Transatlantic Fare Structure

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 14th day of February 1973.

By tariffs filed on January 15, 1973, for effect from April 1, 1973, British Overseas Airways Corp. (BOAC) proposes to revise the existing fare structure over the North Atlantic between the United States and the United Kingdom. As in the case of our recent disposition of U.S. carrier transatlantic fare proposals (Order 73–1–76), this order will be concerned with BOAC's proposal as it relates to the period from April 1, 1973 through October 31, 1973.

BOAC proposes to retain first-class and peak-season normal economy fares at status quo, while normal economy fares would be reduced $24 round trip during the shoulder period.[1] BOAC would also consolidate the existing 14–21-day excursion fare and the 22–45-day excursion fare into one 14–45-day excursion fare at shoulder and peak-period levels of $325 and $410, respectively. To this extent the proposal follows that filed by the U.S. carriers. However, BOAC would retain the present 14–21-day group inclusive tour fares, at levels $10 below those now in effect, and would retain affinity-group fares at present levels. BOAC also proposes a new Advance Purchase Excursion Fare (APEX), although at levels significantly below those proposed by the U.S. carriers and certain foreign carriers, and subject to differing conditions. The fare bound originating travel during the peak season (except for the 1 peak month of the peak) would be $240, and that for westbound originating travel in the same period would be $221, as compared with the U.S. carrier proposed level of $299. Eastbound, the fare is subject to minimum/maximum stay provisions of 10 days to 1 year; westbound these limitations would be 14 days to 1 year. Weekend surcharges would apply, reservations and full payment would be required 90 days prior to commencement of flight, subject to a 25-percent forfeiture in the event of cancellation. Contrary to the proposals of almost all other carriers, BOAC would extend the application of the 7–8-day winter group inclusive tour fare through May 15, 1973.

Complaints against BOAC's proposal have been filed by National Airlines, Inc. (National), Pan American World Airways, Inc. (Pan American), Trans World Airlines, Inc. (TWA), and the member carriers of the National Air Carrier Association (NACA). The complainants request suspension of BOAC's tariffs on the ground that the fares and rules are unjust, unreasonable, and unjustly discriminatory within the meaning of sections 404 and 1002(j) of the Federal Aviation Act of 1958, as amended.

The complaints object particularly to the yields and rules governing BOAC's proposed APEX fares. They allege that the per-mile yield resulting from this fare would be noncompensatory and would result in an overall loss of revenue. This loss would be compounded by the dilutionary impact of the more liberal minimum/maximum-stay provisions (10 days to 1 year for eastbound originating travel) to which the fares would be subject. The complainants content that the conditions attached to use of the APEX fare would not constitute a substantial encumbrance to potential travelers and that diversion from higher rated fare categories would be virtually unlimited. It is alleged that the only real constraint would be the 90-day advance purchase feature; but given the extremely low fare level this restraint would not materially lessen the probability of substantial diversion.

Pan American contends that BOAC's proposal, if applied in all transatlantic markets, would result in a revenue decline of $6.6 million from that which would accrue in 1973 under the present fare structure. The net impact on operating profit is estimated to be a reduction of $7.7 million. TWA estimates it would suffer a net revenue decrease of over $21 million as compared to its own filing.

As we have stated in other orders concerning the various North Atlantic fare proposals now before us, all of the North Atlantic operators appear to recognize the need to improve the economics of their services. To a considerable extent we attribute the lack of significant improvement in 1972 earnings, in the face of strong traffic growth and more satisfactory load factors, to the low-yield 22/45-day excursion fare introduced last April and the even lower youth fares. These two fares between them accounted for more than one-third of the total traffic. In our opinion, the economic soundness of these fare levels is brought into serious question when their usage reaches such dominance.

As indicated earlier, BOAC's proposed fare structure corresponds with that advanced by the U.S. carriers in a number of respects. However, it departs rather substantially where the APEX fare is concerned, both as to fare level and attendant conditions. As indicated in the attachment hereto, the U.S. carriers propose shoulder and peak-period APEX fares of $230 and $299, respectively.

[1] BOAC also proposes to retain the currently available youth fares. The issue of youth fares is under investigation in Docket 23780 and will not be further dealt with herein. We intend to dispose of the pending request for suspension of these fares promptly by separate order.

BOAC, on the other hand, proposes an APEX level for U.S.-originating passengers of $189 shoulder period, $240 peak period, and $290 peak of peak. During the shoulder period BOAC's fares would undercut those filed by the U.S. carriers by $31, and for most of the peak seasons the undercut would be $59. In addition, while the U.S. carriers' fare would be limited to a 14/45-day duration and would be subject to a $15 weekend surcharge, BOAC proposes a 10/365-day duration and a $10 weekend surcharge for eastbound originating travel. For westbound originating passengers, the fares would be reduced by as much as $69, and the weekend surcharge would be $7.

In Order 73–1–76, which dismissed complaints filed against the U.S. carriers' fare proposal, the Board commented on various aspects which it considered as steps in the direction of a fare structure more closely attuned to the economics of providing scheduled service. We also took note of the fact that the U.S. carriers anticipated a modest improvement in overall average yield under their proposed structure. On this basis, the Board indicated its willingness to permit the fares to become effective as filed for the period from April 1, 1973, through October 31, 1973, with the thought in mind that the IATA carriers would undertake a complete review of the entire North Atlantic fare structure at an early date for effect thereafter. We did not and do not intend that our action be construed as a commitment to the particular structure which the U.S. carriers propose. We are committed, however, to the necessity for improving the overall average yield from scheduled North Atlantic services.

In our opinion, BOAC's proposed fare structure more than likely would fall measurably short of this objective. Aside from the various issues raised by application of fares on a directional basis, we believe substantial and unnecessary diversion of traffic from higher rated services to the APEX fare could be expected, with a resulting significant dilution of present revenues. Information furnished by Pan American and TWA indicate their anticipation that the overall average yield under BOAC's structure would be 4.4 cents per mile, some 6 to 14 percent below the yields which they respectively estimate under the U.S. carrier structure. This expected result is clearly due primarily to the very low level of the proposed APEX fares.

While the level of the APEX fares and their more liberal availability for east bound originations constitute our primary concern, we also have considerable difficulty with other aspects of BOAC's proposal particularly as it may augur for the longer term. As we indicated in disposing of the U.S. carrier filings, the Board endorses the progress toward simplification of the structure which they reflect, and also the increased focus on accommodation of individual travel. We also expressed strong support for the concept of a charge for stopovers, at least on all promotional fares. BOAC, on the other hand, seeks to retain both the present group inclusive tour fares and those applicable to affinity group travel, and would continue to offer two free stopovers on the former. In both these respects, we believe BOAC's approach to be inconsistent with the trend toward which the carriers should be looking. Finally BOAC has failed to justify an extension of the low-level 7/8-day winter group inclusive tour fares beyond April 30, 1973.

For the reasons stated, the Board finds that the APEX fares, the 14/21-day group inclusive tour fares, and the winter group inclusive tour fares beyond April 30, 1973, proposed by BOAC may be unjust, unreasonable, unjustly discriminatory, or unduly preferential or prejudicial and should be suspended pending investigation.

As indicated previously, it seems apparent that the present 22/45-day excursion fares although generative have also resulted in a significant amount of diversion, and that these two developments taken together were largely responsible for the decline in yield in 1972. U.S. carrier traffic during the second and third quarters of 1972 showed an overall growth rate of 24 percent over the same period in 1971. In the face of this trend, however, the number of normal economy and short duration excursion fare passengers actually declined, from 726,165 to 680,762, a decrease of 7 percent. At the same time, long-range excursion-fare passengers more than doubled, increasing from 263,210 in 1971 (29/45-day excursion fare at New York-London round-trip level of $322, peak) to 570,853 (22/45-day excursion fare at $313 fare New York-London). In the Board's opinion, this growth in use of the long-duration excursion fare, which shows signs of approaching the volume of traffic moving on normal economy and short excursion fares, raises a serious question of the reasonableness of their continued availability. The Board intends to address itself to this matter in the near future and will take such action as it considers appropriate in the public interest.

Accordingly, pursuant to the Federal Aviation Act of 1958, as amended, and particularly sections 204(a), 403, 404, 801, and 1002, thereof.

It is ordered, That:

1. An investigation is instituted to determine whether the fares and provisions set forth in the appendix below, and rules, regulations, or practices affecting such fares and provisions, and subsequent revisions and reissues thereof, are or will be unjust or unreasonable, or unjustly discriminatory, or unduly preferential, or unduly prejudicial, and if found to be unlawful, to take appropriate action to prevent the use of such fares and provisions or rules, regulations, or practices;

2. Pending hearing and decision by the Board, the fares and provisions set forth in the appendix below are suspended and their use deferred from April 1, 1973, to and including March 31, 1974,[2] unless otherwise ordered by the Board, and that no changes be made therein during the period of suspension except by order or special permission of the Board;

3. This order shall be submitted to the President [3] and shall become effective on April 1, 1973;

4. Except to the extent granted herein, the complaints filed in Dockets 25144, 25146, 25148, and 25149 are hereby dismissed; and

5. Copies of this order be filed in the aforesaid tariffs and be served upon British Overseas Airways Corp., National Airlines, Inc., Pan American World Airways, Inc., Trans World Airlines, Inc., and the National Air Carrier Association who are hereby made parties to the investigation.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HARRY J. ZINK, *Secretary.*

[2] The 7/8-day winter group inclusive tour fares as identified in the 10th Revised Page 32 and 5th Revised Page 32A and 32B, published in section 18–H are suspended and their use deferred from May 1, 1973.

[3] This order was submitted to the President on Feb. 16, 1973.

ROUND-TRIP FARE PROPOSALS, NEW YORK–LONDON

		Current fares	PA/TW	BOAC
First class		$842	$842	$842
Normal economy	Shoulder	484	460	460
	Peak	606	580	580
14/21 excursion	Shoulder	340		
	Peak	412		
22/45 excursion	Shoulder	240		
	Peak	313		
14/45 excursion	Shoulder		325	325
	Peak		440	410
14/21 IIT	Shoulder		245	
	Peak		310	
			EB	WB
14/45 Apex	Shoulder		250	179
			199	
	Peak		299	221
			240	
			[1] 290	
Affinity group	Shoulder		219	219
	Peak		292	292
14/21 GIT	Shoulder		241	231
	Peak		304	294

[1] Peak of peak.

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APPENDIX

BOAC—TARIFF CAB NO. 15 ISSUED BY JOHN M. SAMPSON, AGENT

This appendix applies only to fares and provisions for transportation between points in the United States, on the one hand, and points in the United Kingdom, on the other, for the account of British Overseas Airways Corp.

The suspension ordered in ordering paragraph 1 does not stay the cancellation of fares and provisions on pages preceding the pages named in this appendix.

On 11th Revised Page 20, Rule 8 Part B insofar as it applies to the construction of 7–8 Day Group Inclusive Tour Fares published in section 18–H on or after May 1, 1973;

On 8th Revised Page 28–B, 7th Revised Pages 29 and 30 and 10th Revised Page 31, Rule 16 insofar as it applies to 14–21 Day Group Inclusive Tour Fares published in section 18–F;

On 10th Revised Page 32 and 5th Revised Pages 32–A and 32–B, Rule 17 insofar as it applies to 7–8 Day Winter Group Inclusive Tour Fares published in section 18–H, on or after May 1, 1973;

On Original Pages 40–C and 40–D, Rule 47–A;

On 4th Revised Pages 112, 113, and 114, all Column 4 and 5 Arbitraries insofar as they apply to the construction of 7–8 Day Winter Group Inclusive Tour Fares published in section 18–H, on or after May 1, 1973;

On 1st Revised Pages 212–G and 212–H, section 18–D, all Round-Trip Advance Purchase Excursion Fares;

On Original Pages 212–K and 212–L, section 18–F, all 14–21 Day Group Inclusive Tour Fares;

On 1st Revised Page 212–N section 18–H all 7–8 Day Winter Group Inclusive Tour Fares insofar as they apply on or after May 1, 1973.

[FR Doc.73-4121 Filed 3-2-73;8:45 am]

[Docket No. 25249; Order 73–2–107]

DELTA AIR LINES, INC.

Order of Investigation and Suspension Regarding 7–17-Day Florida Excursion Fares

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 27th day of February 1973.

By tariff [1] marked to become effective March 5, 1973, Delta Air Lines, Inc. (Delta) proposes to establish 7–17-day limit midweek and weekend round trip excursion fares on both its day and night coach services from 24 points in the Northeast and Midwest to Fort Lauderdale/Miami, Orlando/Tampa, or West Palm Beach and return. The proposed weekend day excursion fares are 20 percent below the regular coach fares while the midweek fares represent a 25-percent discount. The proposed night coach excursion fares are set at 15 percent below the midweek and weekend excursion fares. The fares are to be applicable from May 1 to December 15, 1973. No blackout periods are proposed.

Delta estimates that it will carry 123,000 day excursion passengers in the 7½-month period the fares are to be effective of which 51,660 (42 percent) will be newly generated passengers. The contribution to profit after diversion and expenses is expected to be $2,573,000. With respect to the proposed night coach excursion fares, Delta alleges a concern that without these fares normal night coach passengers would shift to day excursion fares, which are proposed at somewhat lower levels than normal night coach service. Finally, Delta contends that its midweek-weekend pricing differential will minimize diversion and enhance the profit prospects.

Eastern Air Lines, Inc. (Eastern) and Northwest Airlines, Inc. (Northwest) have filed complaints alleging that the proposed four-level fare structure is too complex; that the lower midweek fare should not apply to the peak travel days of Monday and Friday; that excursion fares should not apply to night coach services; and that holiday blackouts should be imposed. Eastern further alleges that Delta has made no prima facie showing that the fares will have a favorable profit impact. It argues that to the extent an effort has been made to satisfy the profit impact test it has been directed to the day excursion fares, and that Delta has not shown the estimated generation/diversion ratio and profit impact which it anticipates from the night excursion fares.

Delta answers that the four-tiered structure is not unnecessarily complex in view of the peaking characteristics of the market; that the Monday/Friday designation as midweek is fully supported by directional peaks experienced in 1972; that documented results of its night coach excursion fares confirm the wisdom of extending the new fares to night coach operations; and that the availability of day excursion fares leaves no price incentive to patronize night services.

Upon consideration of the tariff filing, the complaints and answer thereto, and all relevant matters, the Board finds that the proposed fares may be unjust, unreasonable, unjustly discriminatory, unduly preferential, unduly prejudicial, or otherwise unlawful and should be investigated. The Board has also concluded to suspend the fares pending investigation.

Our primary difficulty with this filing relates to the proposed night coach excursion fares. As a conceptual matter, the Board is not persuaded of the economic validity of offering discounts on already discounted fares. In our opinion, the proposal would very probably have a substantial diversionary impact with a consequent erosion in yield. In any event, Delta has provided no estimate of generation/diversion or profit impact which it anticipates from the night coach excursion fares, and for this reason we are unable to make a meaningful evaluation of its proposal. Accordingly, and since the night excursion fares would have a significant impact [2] not only on Delta, but on Eastern, National, and Northwest as well, we will suspend the proposal.

The Board has also concluded to suspend the proposed day excursion fares since the tariff does not provide for blackout periods around holiday dates. In our opinion, appropriate blackout periods are necessary as a general proposition to minimize diversion and thereby preserve the economic validity of reduced excursion fares.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204(a), 403, 404, and 1002 thereof.

It is ordered, That:

1. An investigation be instituted to determine whether the fares and provisions in Delta Air Lines, Inc.'s CAB No. 188, and rules, regulations, or practices affecting such fares and provisions, are or will be, unjust, unreasonable, unjustly discriminatory, unduly preferential, unduly prejudicial, or otherwise unlawful, and if found to be unlawful, to determine and prescribe the lawful fares and provisions, and rules, regulations, or practices affecting such fares and provisions;

2. Pending hearing and decision by the Board, Delta Air Lines, Inc.'s CAB No. 188 is suspended and its use deferred to and including July 29, 1973, unless otherwise ordered by the Board, and that no changes be made therein during the period of suspension, except by order or special permission of the Board;

3. Except to the extent granted herein, the complaints in Dockets 25170 and 25181 are hereby dismissed;

4. The proceeding granted herein be assigned for hearing before an Administrative Law Judge of the Board at a time and place hereafter to be designated; and

5. Copies of this order be filed in the aforesaid tariff and served on Delta Air Lines, Inc., Eastern Air Lines, Inc., and Northwest Airlines, Inc., which are hereby made parties to this proceeding.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] PHYLLIS T. KAYLOR,[3]
Acting Secretary.

[FR Doc.73-4119 Filed 3-2-73;8:45 am]

[Docket No. 25243; Order 73–2–103]

LUFTHANSA GERMAN AIRLINES

Order of Investigation and Suspension Regarding Transatlantic Fare Structure

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 14th day of February 1973.

By tariffs filed on December 24, 1972, for effect April 1, 1973, Lufthansa German Airlines (Lufthansa) proposes to revise the existing fare structure over the North Atlantic between the United States and Germany. As in the case of our recent disposition of U.S.-carrier transatlantic fare proposals (Order 73–1–76), this order will be concerned with Lufthansa's proposal as it relates to the period from April 1, 1973 through October 31, 1973.

Lufthansa proposes a simplified fare structure which is limited to four distinct categories of fares.[1] First-class fares and peak season normal economy fares would be retained at status quo, while normal economy fares would be reduced $24 round trip during the shoulder period. To this extent the proposal is consistent with that filed by the U.S. carriers. Lufthansa would also introduce a new 14/45-day excursion fare. However, the fares are set at a level which approximates the present 22/45-day excursion fare, and exceeds the U.S. carrier proposed APEX level by $5 and $9 round trip during the shoulder and peak periods, respectively. As with the existing 22/45-day excursion fare, no stopovers would be permitted and a weekend surcharge (Friday/Saturday eastbound, Saturday/Sunday westbound) of $15 would apply. Finally, Lufthansa proposes a 14/28-day individual inclusive tour fare at the same level as that applying to their 14/45-day excursion fare. One free stopover would be permitted in each direction, and a $100 purchase of ground accommodations would be required for the minimum stay, with $10 for each additional day.

Complaints against Lufthansa's tariff proposal have been filed by National Airlines, Inc. (National), Pan American World Airways, Inc. (Pan American), Trans-World Airlines, Inc. (TWA), and by the member carriers of the National Air Carrier Association (NACA), all of which request that immediate steps be taken to suspend the filing as unjust, unreasonable, and uneconomic. The thrust of the complainants' argument is that the two promotional fares proposed would be made available virtually without restriction, that most traffic would travel at one or the other of these fares, and that at the low yields involved the fares would prove to be economically disastrous to the scheduled industry. NACA alleges additional that the low level of the promotional fares, when combined with the absence of meaningful restrictions on their use, indicates that they are predatory in nature, and are aimed at the charter market.

Pan American contends that Lufthansa's fare srtucture, if implemented in 1973 throughout the transatlantic market, would generate a 4-percent increase in traffic over that which it anticipates were present fares to be retained. However, it also estimates that 76 percent of its traffic would move on the two promotional fares which, at a yield of 3.7 cents per mile, would result in a revenue loss of $7.6 million, and a reduction in operating profit of $8.9 million, as compared with its projection for 1973 with status quo in fares. When the yield of 3.7 cents is compared with Pan American's operating cost of 4.85 cents per revenue passenger mile, the unreasonableness of carrying such an extensive volume of traffic at these fares allegedly becomes apparent. TWA estimates that Lufthansa's promotional fares would generate a 12-percent increase in traffic over that anticipated at present fares. While this would translate into a revenue increase of $6.5 million, TWA projects a net reduction in operating profit of almost $5 million.

In its answer to the complaints, Lufthansa denies all allegations and objects to the suspension of its proposed fares unless the Board likewise suspends all fares proposed by all carriers on the North Atlantic for effect April 1, 1973.

The year 1972 saw a heartening resurgence in traffic growth on the North Atlantic, and along with it a significant increase in load factor for most carriers. Notwithstanding this favorable trend, however, overall economic results for the industry continued to be substandard. The U.S. carriers ended the year with an annual average load factor of about 60 percent; yet Pan American remained in a negative return position, and TWA's earnings were only 8.38 percent on investment.[2] Similar results have apparently been sustained by the foreign-flag carriers. Despite the differing philosophies which prevented an agreement on 1973 fares within the IATA forum, there seems to be a consensus among the carriers that improved yields and revenues are necessary if transatlantic scheduled services are to continue on an economically viable basis. It also seems clear that the 22/45-day excursion fare has been largely responsible for the erosion in average yield which has occurred this past year. There can be little doubt that this fare generated new travel. By the same token, it appears to have resulted in significant diversion, principally from the normal economy and 14/21-day excursion fares, as evidenced by the fact that 25 percent of the total traffic carried by the U.S. carriers moved on these fares. Stated differently, excluding youth fare travel, one in every four transatlantic passengers utilized the lowest fare for individual travel. In our opinion, the economic validity of a fare introduced for promotional reasons and established on the basis of incremental added costs is brought into serious question when its usage achieves such a magnitude.

By order 73–1–76, the Board indicated its acceptance of the fare package proposed by the U.S. carriers.[3] Our acceptance was based on the understanding that the structure was not advanced as a definitive one for the future, but rather as an acceptable one for the travel season immediately ahead. Indeed the carriers did not support their proposal as one that would adequately compensate for the cost of providing scheduled service, but rather as a reasonably competitive response to changing market conditions which is anticipated to produce moderately improved yields and increased revenues. The U.S. carriers' structure incorporates a fare category which is somewhat lower than the level now offered on the 22/45-day excursion fare. However, the conditions applicable to use of this APEX fare are quite restrictive and should curtail uneconomic diversion from other services. By the same token, the level of the 14/45-day excursion fare, which is available with minimal restrictions, would be significantly above that now applicable to the comparable long-duration fare. On this basis, the Board indicated its willingness to accept the structure proposed for the upcoming season, the most important consideration being a projected improvement in yield and a conclusion that the structure moved in the direction of more closely relating fares to the cost of providing the respective services.

We do not mean to imply that the Board considers the U.S. carrier proposal as the only, or necessarily the best, solution to the question of North Atlantic fares. As indicated in our earlier order, we believe it contains certain elements which represent distinct improvements which should be pursued over the the longer term. This is not to say, however, that the Board stands committed to the particular structure which the U.S. carriers propose. We are committed, on the other hand, to the necessity for improving the overall average yield from scheduled services on the North Atlantic, and are not prepared to accept the argument that these services need be priced competitively with charter services in order to maintain independent and profitable competitive operations.

It is for this reason that the Board is unable to accept Lufthansa's filing. We endorse the simplification which it represents and believe that consolidation of the two present individual excursion fares into one of 14/45 days' duration is a positive step forward. However, the diversion to this fare which is likely to occur in the absence of meaningful restrictions on its use, coupled with the very low level of the fare itself, make it extremely unlikely that transatlantic services could be operated at a profit. The same holds true, in our opinion, of the 14/28-day ITT fare. As indicated earlier, this proposed fare level is comparable to that contemplated by the United States and certain foreign-flag carriers for the APEX fare. While we are of the view that the APEX concept is of doubtful utility on scheduled services, we nevertheless believe that the restrictions on its availability are sufficient that it can reasonably be expected to be more generative this upcoming season than diversionary. Those travelers who prefer individual travel at their own option more than likely will use the individual 14/45-day excusion fare which, under the U.S.-carrier structure, would be set at a level about midway between the two currently effective excursion fares. The net

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[1] Delta Air Lines, Inc. Tariff CAB No. 188.

[2] The night coach excursion experiment permitted in 1972 was of a very short duration and did not affect the major east coast Florida markets. Moreover, Delta was the dominant night coach operator in each market which is not the case here.

[3] Members Minetti and Murphy filed partial dissenting statement as part of the original document.

[1] Lufthansa also proposes to retain the currently available youth fares. The issue of youth fares is under investigation in Docket No. 23780 and will not be further dealt with herein. We intend to dispose of the pending request for suspension of these fares promptly by separate order.

[2] Year ended September 1972.

[3] The Lufthansa and U.S. carrier proposals are summarized in the attachment hereto.

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result is that Pan American and TWA project yields of 4.7 cents and 5.1 cents per mile respectively, under their proposal. The yield anticipated to result from Lufthansa's fare structure, on the other hand, would be 4.3 cents per mile.

For the reasons stated, the Board finds that the 14/45-day excursion fares, and the 14/28-day individual inclusive tour fares proposed by Lufthansa may be unjust, unreasonable, unjustly discriminatory, or unduly preferential or prejudicial and should be suspended pending investigation.

As indicated previously, it seems apparent that the present 22/45-day excursion fares, although generative, also resulted in a significant amount of diversion and that these two developments taken together were largely responsible for the decline in yield in 1972.

U.S.-carrier traffic during the second and third quarters of 1972 showed a total growth rate of 24 percent over the same period in 1971. In the face of this trend, however, the number of normal economy and short-duration excursion-fare passengers actually declined from 726,165 to 680,762, a decrease of 35,383 or 7 percent. At the same time, long-range excursion-fare passengers more than doubled, increasing from 263,210 in 1971 (29/45-day excursion fare at New York-Frankfurt round trip level of $372, peak) to 570,853 (22/45-day excursion fare at $334 New York-Frankfurt). We believe this growth in use of the long-duration excursion fare, which shows signs of approaching the volume of traffic moving on normal economy and short excursion fares, raises a sufficiently serious question of the reasonableness of their continued availability. The Board intends to address itself to this matter in the near future and will take such action as it considers appropriate in the public interest.

Accordingly, pursuant to the Federal Aviation Act of 1958, as amended, and particularly sections 204(a), 403, 404, 801, and 1002, thereof,

It is ordered, That:

1. An investigation is instituted to determine whether the fares and provisions set forth in the appendix below, and rules, regulations, or practices affecting such fares and provisions, and subsequent revisions and reissues thereof, are or will be unjust or unreasonable, or unjustly discriminatory, or unduly preferential, or unduly prejudicial, and if found to be unlawful, to take appropriate action to prevent the use of such fares and provisions or rules, regulations, or practices;

2. Pending hearing and decision by the Board, the fares and provisions set forth in the appendix below are suspended and their use deferred from April 1, 1973, to and including March 31, 1974, unless otherwise ordered by the Board, and that no changes be made therein during the period of suspension except by order or special permission of the Board;

3. This order shall be submitted to the President [4] and shall become effective on April 1, 1973;

4. Except to the extent granted herein, the complaints filed in Dockets Nos. 25071, 25072, 25073, and 25083 are hereby dismissed; and

5. Copies of this order be filed in the aforesaid tariffs and be served upon Lufthansa German Airlines, National Airlines, Inc., Pan American World Airways, Inc., Trans-World Airlines, Inc., and the National Air Carrier Association, who are hereby made parties to the investigation.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HARRY J. ZINK, *Secretary.*

ROUND-TRIP FARE PROPOSALS, NEW YORK–FRANKFURT

		Current fares	PA/TW	Lufthansa
First class		$930	$930	$930
Normal economy	Shoulder	536	512	512
	Peak	678	678	678
14/21 excursion	Shoulder	412		
	Peak	475		
22/45 excursion	Shoulder	261		
	Peak	334		
14/45 excursion	Shoulder		388	261
	Peak		473	334
14/21 IIT	Shoulder		287	261
			(14/28)	
	Peak		352	334
14/45 Apex	Shoulder		256	
	Peak		325	
Affinity group	Shoulder	240		
	Peak	313		
14/21 GIT	Shoulder	283		
	Peak	346		

APPENDIX

LUFTHANSA—AIR TARIFFS CORPORATION, AGENT, C.A.B. NO. 44

This appendix applies only to fares and provisions for transportation between points in the United States, on the one hand, and points in Germany, on the other, for the account of Deutsche Lufthansa Aktiengesellschaft.

The suspension ordered in ordering paragraph 1 does not stay the cancellation of fares and provisions on pages preceding the pages named in this appendix.

On 3d revised page 80–F and original page 80–G rule 274.

On original and first revised pages 82–E, rule 294.

On original pages 274–M and 274–N, all fares and provisions.

[FR Doc.73-4122 Filed 3-2-73;8:45 am]

[Docket No. 25244; Order 73-2-104]

OLYMPIC AIRWAYS, S.A.

Order of Investigation and Suspension Regarding Transaltanic Fare Structure

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 14th day of February 1973.

By tariffs filed on December 29, 1972, for effect from April 1, 1973, Olympic Airways, S.A. (Olympic) proposes to revise the existing fare structure over the North Atlantic between the United States and Greece. As in the case of our recent disposition of U.S.-carrier transatlantic fare proposals (Order 73–1–76), this order will be concerned with Olympic's proposal as it relates to the period from April 1, 1973 through October 31, 1973.

Olympic proposes reductions in normal fares of approximately 15 percent in economy-class service and 24 percent in first-class service.[1] The present 14/21- and 22/45-day excursion fares would be consolidated into a single 14/60-day excursion fare at roundtrip levels which undercut present shoulder and peak-season 22/45-day excursion fares by $11 and $19, respectively. The $320 fare for nonaffinity groups of 20 now available during the shoulder period would be extended into the peak season at a level of $335, and $350 in the 1-month peak of the peak.[2] Olympic does not propose to apply a surcharge for weekend travel on its promotional fares, and would permit two stopovers in each direction at $20 each in connection with the 14/60-day excursion fare. The nonaffinity group fare is subject to no restrictions as to minimum or maximum length of stay, although stopovers would be prohibited.

Complaints against Olympic's tariffs have been filed by Pan American World Airways, Inc. (Pan American), Trans-World Airlines, Inc. (TWA), and the member carriers of the National Air Carrier Association (NACA), all of which request that the fares be suspended and investigated.

The complainants are unanimous in alleging that of all the North Atlantic fare proposals thus far filed with the Board, Olympic's would be the most destructive. Both Pan American and TWA object to the substantial reductions proposed in normal first-class and economy fares, although the NACA carriers apparently do not. All strenuously object to the nonaffinity group fare, contending that the virtual lack of restriction on its use makes this fare readily available to anyone as a practical matter. While the fare could be expected to attract considerable traffic to scheduled services, diversion

[4] This order was submitted to the President on February 16, 1973.

[1] In addition to the fares discussed herein, Olympic proposes to retain the currently available youth fares. The issue of youth fares is under investigation in Docket No. 23780 and will not be further dealt with here. We intend to dispose of the pending request for suspension of these fares promptly by subsequent order.

[2] The nonaffinity fares were originally filed as an experiment for effect from November 25, 1972, through May 31, 1973, pursuant to an order from the Government of Greece. Complaints against this earlier filing were filed by Pan American, TWA, and the NCAA carriers in Dockets Nos. 24849, 24853, and 24860, respectively, which will be disposed of herein.

from the excursion fare (which is subject to minimum/maximum-stay limitations) would be substantial. TWA estimates that 24 percent of the total traffic will move on the group fare. Pan American sets its estimate at 9 percent, on the other hand, since it anitcipates that 60 percent of the traffic will use the 14/60-day excursion fare, as compared with TWA's expectation of 20 percent.

Pan American contends that Olympic's fare structure would produce a 12-percent increase in traffic over that which could be expected in 1973 at current fares. However, this would be more than offset by the reduced yield, which is estimated at an overall average of 3.8 cents per mile. The ultimate result, assuming Olympic's pattern of fares throughout the trans-atlantic market, would be a reduction in revenue of $26.3 million, or 8.2 percent, from that which could be expected in 1973 at current fares. Considering the additional expense associated with carriage of newly generated traffic, Pan American projects a net reduction in operating profit of $29.5 million. TWA estimates that Olympic's pattern of fares would attract a 6-percent increase in traffic, but would result in a revenue reduction of $36.4 million compared with status quo in fares.

In its justification in support of the fare proposal, Olympic contends that the normal economy fares to Greece are today significantly higher on a per-mile basis than those applicable to London and should, therefore, be reduced; that first-class fares are unrealistically high and represent "paper" fares; and that the nonaffinity group fare and the 14/60-day excursion fare will serve to attract new traffic and minimize diversion to charter service. Olympic forecasts that a 20-percent rate of traffic growth can be expected at current fares, and that a growth rate of 30 percent can be achieved under its pattern of fares. It is alleged that this increase in traffic can readily be accommodated without additional capacity because of the low average load factor between the United States and Greece projected for 1973. Olympic estimates an overall revenue improvement of 4.4 percent, denies that its proposed transatlantic fares violate the Federal Aviation Act of 1958, as amended, and requests dismissal of the complaints.

The year 1972 was generally a disappointing one for the transatlantic air carriers. Despite significant gains in traffic and improved load factors, the economic results were less than satisfactory. Pan American remained in a negative return position and TWA's earnings were only 8.38 percent for the 12-month period ending September 1972. Similar results have apparently been sustained by the foreign-flag carriers. Simply stated, despite good traffic growth, the yield was too low to maintain a healthy economic climate. The cause of this has to a large extent been the low 22/45-day excursion fare which was used by 25 percent of the traffic. In our opinion, the economic validity of a fare introduced for promotional reasons and established on the basis of incremental added costs is brought into serious question when its usage achieves such a magnitude.

By Order 73–1–76, the Board indicated its acceptance of the fare package proposed by the U.S. carriers.[3] Our acceptance was based on the understanding that the structure was not advanced as a definitive one for the future, but rather as an acceptable one for the travel season immediately ahead. Indeed the carriers did not support their proposal as one that would adequately compensate for the cost of providing scheduled service, but rather as a reasonably competitive response to changing market conditions which is anticipated to produce moderately improved yields and increased revenues. The U.S. carriers' structure incorporates a fare category which is somewhat lower than the level now offered on the 22/45-day excursion fare. However, the conditions applicable to use of this Apex fare are quite restrictive and should curtail uneconomic diversion from other services. Moreover, the 14/45-day excursion fare is proposed at levels substantially above the present long-duration fare. On this basis, the Board indicated its willingness to accept the structure proposed for the upcoming season, the most important consideration being a projected improvement in yield and a conclusion that the structure moved into the direction of more closely relating fares to the cost of providing the respective services.

We do not mean to imply that the Board considers the U.S. carrier proposal as the only, or necessarily the best, solution to the question of North Atlantic fares. As indicated in our earlier order, we believe it contains certain elements which represent distinct improvements which should be pursued over the longer term. This is not to say that the Board stands committed to the particular structure which the U.S. carriers propose. We are committed, however, to the necessity for improving the overall average yield from scheduled services on the North Atlantic, and are not prepared to accept the argument that these services need be priced competitively with charter services in order to maintain independent and profitable competitive operations.

It is for this reason that the Board is unable to accept Olympic's filing. We endorse the simplification which it represents and the concept of establishing first-class and normal economy fares to Greece at a per-mile level more comparable to that applicable to Western European points. However, the reduction in first-class travel and normal economy fares which Olympic proposes would, in fact, undercut the London fare per mile by 21 and 12 percent, first-class and peak economy fares, respectively. Most importantly we believe Olympic's proposed excursion fare, which would be available for a 14/60-day period and which in the peak season would be only $24 above the Apex fare contemplated by the U.S. carriers, would very likely seriously undermine the economics of transatlantic service. This is equally true of Olympic's proposal to extend the nonaffinity group fare in the peak summer season at only a nominal increase in its level since travel at this fare is subject to virtually no restrictions other than that it must be undertaken as a group. The net result is that, while Pan American and TWA, respectively, project yields of 4.7 cents and 5.1 cents per mile under their proposal, the yield anticipated to result from Olympic's fare structure would be 3.8 cents per mile. Finally, Olympic projects a 30-percent increase in its traffic in 1973 and contends that it could accommodate this volume without the need to place additional equipment on the route. We are not persuaded that this would, in fact, be the result. In the 12-month period ending September 1972, Olympic experienced an average load factor across the Atlantic of 56 percent. A 30-percent growth in traffic would increase this average load factor to 73 percent—a level which does not seem reasonably attainable on an average annual basis if public demand is to be accommodated during peak periods. In fact, in July 1972 Olympic's eastbound load factor was 80 percent, and in August its westbound load factor was 83 percent. Clearly, it would not be possible to assure seats to accommodate a traffic increase of 30 percent during these periods without provision of additional capacity.

For the reasons stated, the Board finds that the first-class fare, normal economy fares, 14/60-day excursion fares, and the nonaffinity group fare proposed by Olympic may be unjust, unreasonable, unjustly discriminatory, or unduly preferential or prejudicial and should be suspended pending investigation. Further, as the effect of suspending the fares at issue will leave in force the present nonaffinity group fare (for application through May 31, 1973), we will likewise suspend this fare effective April 1, 1973.

As indicated previously, it seems apparent that the present 22/45-day excursion fares although generative have also resulted in a significant amount of diversion, and that these two developments taken together were largely responsible for the decline in yield in 1972.

U.S.-carrier traffic during the second and third quarters of 1972 showed a total growth rate of 24 percent over the same period in 1971. In the face of this trend, however, the number of normal economy and short-duration excursion-fare passengers actually declined from 726,165, to 680,762, a decrease of 35,383 or 7 percent. At the same time, long-range excursion-fare passengers more than doubled, increasing from 263,210 in 1971 (29/45-day excursion fare at New York–Athens round-trip level of $555, peak) to 570,853 (22/45-day excursion fare at $439 fare New York–Athens). We believe this growth in use of the long-duration

[3] The Olympic and U.S. carrier proposals are summarized in the attachment hereto.

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excursion fares, which shows signs of approaching the volume of traffic moving on normal economy and short excursion fares, raises a sufficiently serious question of reasonableness of their continued availability. The Board intends to address itself to this matter in the near future and will take such action as it considers appropriate in the public interest.

Accordingly, pursuant to the Federal Aviation Act of 1958, as amended, and particularly sections 204(a), 403, 404, 801, and 1002, thereof,

It is ordered, That:

1. An investigation is instituted to determine whether the fares and provisions set forth in the appendix hereof, and rules, regulations, or practices affecting such fares and provisions, and subsequent revisions and reissues thereof, are or will be unjust or unreasonable, or unjustly discriminatory, or unduly preferential, or unduly prejudicial, and if found to be unlawful, to take appropriate action to prevent the use of such fares and provisions or rules, regulations, or practices;

2. Pending hearing and decision by the Board, the fares and provisions set forth in the appendix below are suspended and their use deferred from April 1, 1973, to and including March 31, 1974, unless otherwise ordered by the Board, and that no changes be made therein during the period of suspension except by order or special permission of the Board;

3. This order shall be submitted to the President [1] and shall become effective on April 1, 1973;

4. Except to the extent granted herein, the complaints filed in Dockets 25071, 25073, and 25083 and Dockets 24849, 24853, and 24860 are hereby dismissed; and

5. Copies of this order be filed in the aforesaid tariffs and be served upon Olympic Airways, S.A., Pan American World Airways, Inc., Trans World Airlines, Inc., and the National Air Carrier Association who are hereby made parties to the investigation.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HARRY J. ZINK,
Secretary.

[1] This order was submitted to the President on Feb. 16, 1973.

ROUND-TRIP FARE PROPOSALS, NEW YORK ATHENS

		Current fares	TW	Olympic
First class	Shoulder	$1,244	$1,244	$950
Normal economy	Shoulder	756	732	610
	Peak	872	872	740
14/21 excursion	Shoulder	505		
	Peak	578		
22/45 excursion	Shoulder	381		
	Peak	439		
11/45 excursion	Shoulder		481 (14/60)	370
	Peak		576	420
14/21 IIT	Shoulder		444	
	Peak		509	
11/45 APEX	Shoulder		327	
	Peak		396	
Non-Affinity group	Shoulder	[1] 320		[1] 330
	Peak	440		[1] 350
14/21 GIT	Shoulder	503		
	Peak			

[1] Per government of Greece order.

APPENDIX

OLYMPIC—TARIFF CAB NO. 44 ISSUED BY AIR TARIFFS CORPORATION, AGENT

This appendix applies only to fares and provisions for transportation between points in the United States, on the one hand, and points in Greece, on the other, for the account of Olympic Airways, S.A.

The suspension ordered in ordering paragraph 1 does not stay the cancellation of fares and provisions on pages preceding the pages named in this appendix.

On Original Pages 13 and 14, Rule 20(B) insofar as it applies to First Class and Economy Class Fares published in section 4 Table 350–A.

On 5th Revised Page 30, and 10th Revised Pages 31 and 32 and 1st Revised Page 33, Rule 85 insofar as it applies to the Affinity/Incentive Group Fares published in section 4 Tables 23 and 143, on or after April 1, 1973.

On 2d Revised Page 82–A Rule 291.

On 3d Revised Pages 83 and 84 Rule 300 insofar as it applies to the construction of through fares in connection with the Affinity/Incentive Group Fares published in section 4 Tables 23 and 143, on or after April 1, 1973.

On 4th Revised Pages 113 and 114 and 3d Revised Pages 115, 116, 117, and 118 and 4th Revised Page 119, all Column 4 and 5 Arbitraries, insofar as they apply for the construction of through fares in connection with the Affinity/Incentive Group fares published in section 4 Tables 23 and 143, on or after April 1, 1973.

On 3d Revised Page 159, 2d Revised Page 160, and 3d Revised Pages 161 and 162 Table 23 insofar as it applies to Affinity/Incentive Group Fares on or after April 1, 1973.

On 6th Revised Pages 211, 212, 213, and 214 Table 143 insofar as it applies to Affinity/Incentive Group Fares on or after April 1, 1973.

On 5th Revised Page 274–D all First Class and Economy Class Fares in Table 350–A.

On 4th Revised Page 274–K all 14–60 Day Excursion Fares in Table 354.

[FR Doc.73–4123 Filed 3–2–73;8:45 am]

FEDERAL COMMUNICATIONS COMMISSION

[Canadian List 304]

CANADIAN STANDARD BROADCAST STATIONS

Notification List

FEBRUARY 5, 1973.

List of new stations, proposed changes in existing stations, deletions, and corrections in assignments of Canadian standard broadcast stations modifying the assignments of Canadian broadcast stations contained in the Appendix to the Recommendations of the North American Regional Broadcasting Agreement Engineering Meeting January 30, 1941.

Call letters	Location	Power kw	Antenna	Schedule	Class	Antenna Height (feet)	Ground system: Number of radials	Ground system: Length (feet)	Proposed date of commencement of operation
		990 kHz							
CFRY (minor change in patterns).	Portage la Prairie, Manitoba, N. 49°58'10", W. 98°22'30".	10	DA-2	U	III				E.I.O. 2-2-74.
CJOK (assignment of call letters).	Fort McMurray, Alberta, N. 56°41'16", W. 111°19'55".	*1250 kHz* 1D/0.5N	ND-190	U	IV	200	120	320	
CBAF (correction to coordinates).	Moncton, New Brunswick, N. 46°05'57", W. 64°42'54".	*1300 kHz* 5	DA-1	U	III				
CJAN (correction to coordinates).	Asbestos, Quebec, N. 45°45'05", W. 71°56'39".	*1340 kHz* 1D/0.25N	DA-D ND-N-190	U	IV	183	120	293	
CFOM (in operation and correction to coordinates).	Quebec, Quebec, N. 46°48'39", W. 71°18'58".	*1340 kHz* 0.25	ND-190	U	IV	180	120	275	
CJLM (now in operation)	Joliette, Quebec, N. 45°59'10", W. 73°25'52".	*1550 kHz* 10D/1N	DA-2	U	III				
CKLC (nighttime power increase—PO 1380 kHz, 10D/6N, DA-2).	Kingston, Ontario, N. 44°12'30", W. 76°25'06".	*1580 kHz* 10	DA-2	U	III				
CHOW (increase in power—PO 1470 kHz, 1D/0.5N, DA-2).	Welland, Ontario, N. 42°56'52", W. 76°16'19".	*1470 kHz* 1N/2.5D	DA-2	U	III				

[SEAL]

FEDERAL COMMUNICATIONS COMMISSION,
WALLACE E. JOHNSON,
Chief, Broadcast Bureau.

[FR Doc.73–3949 Filed 3–2–73;8:45 am]

[Canadian List 305]

CANADIAN BROADCAST STATIONS

Notification List

FEBRUARY 21, 1973.

List of new stations, proposed changes in existing stations, deletions, and corrections in assignments of Canadian standard broadcast stations modifying the assignments of Canadian broadcast stations contained in the Appendix to the Recommendations of the North American Regional Broadcasting Agreement Engineering Meeting January 30, 1941.

Call letters	Location	Power kw	Antenna	Schedule	Class	Antenna Height (feet)	Ground system: Number of radials	Ground system: Length (feet)	Proposed date of commencement of operation
		910 kHz							
CHRL (increase in power and correction to coordinates and daytime antenna radiation—PO 910 kHz, 1 kw., DA-N).	Roberval, Quebec, N. 48°30'25", W. 72°06'47".	10D/2.5N	DA-N ND-D-*189.5*	U	III				
		1540 kHz							
CKBR (assignment of call letters).	Brooks, Alberta, N. 50°29'35", W. 111°53'05".	1D/0.25N	ND-190	U	IV	185	120	294	
(New) N. 54°00'59", W. 123°59'24".	Vanderhoof, British Columbia, N. 54°00'59", W. 123°59'24".	*1540 kHz* 1D/0.25N	ND-192	U	IV	200	120	250-310	E.I.O. 2-21-74.

[SEAL]

FEDERAL COMMUNICATIONS COMMISSION,
WALLACE E. JOHNSON,
Chief, Broadcast Bureau.

[FR Doc.73–4013 Filed 3–2–73;8:45 am]

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[Report 637]

COMMON CARRIER SERVICES INFORMATION

Domestic Public Radio Services Applications Accepted for Filing[1]

FEBRUARY 26, 1973.

Pursuant to §§ 1.227(b)(3) and 21.30 (b) of the Commission's rules, an application, in order to be considered with any domestic public radio services application appearing on the list below, must be substantially complete and tendered for filing by whichever date is earlier: (a) The close of business 1 business day preceding the day on which the Commission takes action on the previously filed application; or (b) within 60 days after the date of the public notice listing the first prior filed application (with which subsequent applications are in conflict) as having been accepted for filing. An application which is subsequently amended by a major change will be considered to be a newly filed application. It is to be noted that the cutoff dates are set forth in the alternative—applications will be entitled to consideration with those listed in the appendix if filed by the end of the 60-day period, only if the Commission has not acted upon the application by that time pursuant to the first alternative earlier date. The mutual exclusivity rights of a new application are governed by the earliest action with respect to any one of the earlier filed conflicting applications.

The attention of any party in interest desiring to file pleadings pursuant to section 309 of the Communications Act of 1934, as amended, concerning any domestic public radio services application accepted for filing, is directed to § 21.27 of the Commission's rules for provisions governing the time for filing and other requirements relating to such pleadings.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[1] All applications listed in the appendix are subject to further consideration and review and may be returned and/or dismissed if not found to be in accordance with the Commission's rules, regulations, and other requirements.

[2] The above alternative cutoff rules apply to those applications listed in the appendix as having been accepted for filing in the Domestic Public Land Mobile Radio, Rural Radio, Point-to-Point Microwave Radio, and Local Television Transmission Services (Part 21 of the rules).

APPENDIX

APPLICATIONS ACCEPTED FOR FILING

DOMESTIC PUBLIC LAND MOBILE RADIO SERVICE

1349–C2-P-73—King Communications, Inc. (KQD310). C.P. for an additional facility (Location No. 3) to be located at 1731 N. Niagara, Saginaw, Mich., operating on 152.15 MHz.

5948–C2-P-(3)-73—Southern Bell Telephone & Telegraph Co. (KIQ998), C.P. to change antenna system and additional facilities at 248 North Ridgewood Avenue, Daytona Beach, Fla., operating on 152.54, 152.57, and 157.80 MHz base and 157.83 MHz test.

5949–C2-P-73—Tex-Com (KRM957), C.P. to change antenna system and location to East Hillside, Bloomington, Ind., operating on 152.06 MHz.

6118–C2-P-73—Northern Illinois Radio Phone & Paging Systems, Inc. (KSA256), C.P. to change antenna location, operation on 152.21 MHz at 1741 S. O'Plain Road, Warren Township, Ill.

6119–C2-P-(2)-73—Allegheny Mobile Telephone Co., Inc. (KGA252), C.P. to replace transmitters at Location Nos. 1 and 3. Location No. 1: Duquesne Reservoir, West Mifflin Boro, Pa., Location No. 3: 1724 Washington Road, Bethel, Pa., operating on frequencies 152.06 and 152.09 MHz.

6127–C2-AL-(17)-73—Tel-Page. Consent to assignment of license from Tel-Page, Assignor to Tel-Page, Assignee. Stations: KEJ894, KEC941, KGI787, KEC518, Rochester, N.Y.; KRH676, KEC521, KEC513, Buffalo, N.Y.; KRH631, KRH643, Syracuse, N.Y.; KEK295, KRH636, Elmira, N.Y.; KEK291, KQZ790, Watertown, N.Y.; KEK294, Utica, N.Y.; KSV967, KSV934, Jamestown, N.Y.; KTR997, Ionia, N.Y.

Major Amendment

8737–C2-P-(2)-72—(KGB874), Radio Broadcasting Co., Philadelphia, Pa. Amend to add standby facilities on frequency 454.050 MHz at Location No. 2 described as WFIL-FM Tower, Culp Street, Philadelphia, Pa. All other particulars to remain as reported on PN No. 600 dated June 12, 1972.

4185–C2-P-73—(New), Jim Bob Measures, doing business as Mobilfone Springtown, Tex. Change base frequency from 152.09 MHz to 152.03 MHz. All other particulars of operation remain as reported in Public Notice No. 627 dated December 18, 1972.

9368–C2-P-72—Southern Radio-Phones, Inc. (KLF637), Prinston, Fla. Amended to change base frequency to 454.200 MHz. All other particulars to remain as stated on Public Notice dated July 10, 1972, Report No. 604.

Rural Radio Service

6120–C1-P-73—Virginia Telephone & Telegraph Co. (New), C.P. for a new station operating on 157.95 and 157.98 MHz at Fan Mountain, Route 805, Covesville, Va.

6121–C1-P-73—Continental Telephone Company of California (New), C.P. for a new station operating on 157.89 MHz at Cerro Coso College Site 2.5 miles South of Ridgecrest, Calif.

Informative

It appears that the following applications may be mutually exclusive and subject to the Commission's Rules regarding ex parte presentations, by reasons of potential electrical interference.

Wisconsin, frequency: 158.70. 8829–C2-P-72: Forward Electronic, Inc. (New). 744–C2-P-73: Curtain Call Communication (KTS230).

POINT-TO-POINT MICROWAVE RADIO SERVICE

Informative: Applicant proposes to provide specialized communications services between Charlotte, N.C., and Jacksonville, Fla., with Branches to Columbia, S.C., Charleston, S.C., Athens, Ga., Atlanta, Ga., and Savannah, Ga.

6085–C1-P-73—United Video, Inc. (New), South Tryon Street, Charlotte, N.C. Latitude 35°13'34" N., longitude 80°50'43" W. C.P. for a new station on frequency 3910.0H MHz toward York, S.C.

6086–C1-P-73—Same (New), 6 miles northeast of York, S.C. Latitude 35°01'50" N., longitude 81°08'03" W. C.P. for a new station on frequencies 4110.0V MHz toward Charlotte, N.C.; 3930.0H MHz toward Chester, S.C.

6087–C1-P-73—Same (New), 5.5 miles southeast of Chester, S.C. Latitude 34°40'08" N., longitude 81°05'14" W. C.P. for a new station on frequencies 4070.0V MHz toward York, S.C.; 3910.0H MHz toward Simpson, S.C.

6088–C1-P-73—Same (New), 0.5 mile east of Simpson, S.C. Latitude 34°18'35" N., longitude 81°01'58" W. C.P. for a new station on frequencies 4090.0V MHz toward Chester, S.C.; 3930.0H MHz toward Gilbert, S.C.

6089–C1-P-73—Same (New), 5 miles southeast of Gilbert, S.C. Latitude 33°53'28" N., longitude 81°18'59" W. C.P. for a new station on frequencies 4070.0H MHz toward Simpson, S.C.; 3910.0H MHz toward Kitchings Mill, S.C.; 6093.5H MHz toward Columbia, S.C.

6090–C1-P-73—Same (New), Senate Street, Columbia, S.C. Latitude 34°00'03" N., longitude 81°01'38" W. C.P. for a new station on frequency 6345.5H MHz toward Gilbert, S.C.

6091–C1-P-73—Same (New), 1.8 miles north of Kitchings Mill, S.C. Latitude 33°36'12" N., longitude 81°28'46" W. C.P. for a new station on frequencies 4090.0H MHz toward Gilbert, S.C.; 3930.0V MHz toward Bath, S.C.; 3850.0V MHz toward Norway, S.C.

6092–C1-P-73—Same (New), 9.3 miles southeast of Norway, S.C. Latitude 33°26'06" N., longitude 81°04'13" W. C.P. for a new station on frequencies 4150.0H MHz toward Kitchings Mill, S.C.; 3830.0V MHz toward Bowman, S.C.

6093–C1-P-73—Same (New), 2.3 miles southeast of Bowman, S.C. Latitude 33°19'24" N., longitude 80°39'40" W. C.P. for a new station on frequencies 4170.0H MHz toward Norway, S.C.; 3850.0V MHz toward Dorchester, S.C.

6094–C1-P-73—Same (New), 2.4 miles southwest of Dorchester, S.C. Latitude 33°05'25" N., longitude 80°24'47" W. C.P. for a new station on frequencies 4150.0V MHz toward Bowman, S.C.; 3910.0V MHz toward Ladson, S.C.

POINT-TO-POINT MICROWAVE RADIO SERVICE—Continued

6095–C1-P-73—Same (New), 3 miles south of Ladson, S.C. Latitude 32°55'32" N., longitude 80°07'31" W. C.P. for a new station on frequencies 4170.0H MHz toward Dorchester, S.C.; 10,715.0H MHz toward Charleston, S.C.

6096–C1-P-73—Same (New), King and Calhoun Streets, Charleston, S.C. Latitude 32°-47'09" N., longitude 79°56'11" W. C.P. for a new station on frequency 11,285.0H MHz toward Ladson, S.C.

6097–C1-P-73—Same (New), 4.5 miles north of Highway 278, Bath, S.C. Latitude 33°-28'50" N., longitude 81°50'23" W. C.P. for a new station on frequencies 4070.0H MHz toward Kitchings Mill, S.C.; 3910.0V MHz toward Greens Cut, Ga.; 11,665.0H MHz toward Augusta, Ga.

6098–C1-P-73—Same (New), Broad and Seventh Streets, Augusta, Ga. Latitude 33°28'29" N., longitude 81°57'48" W. C.P. for a new station on frequency 11,175.0H MHz toward Bath, S.C.

6099–C1-P-73—Same (New), 0.9 mile south of Greens Cut, Ga. Latitude 33°09'30" N., longitude 81°57'46" W. C.P. for a new station on frequencies 5945.2V MHz toward Harlem, Ga.; 4090.0V MHz toward Bath, S.C.; 5945.2V MHz toward Millen, Ga.

6100–C1-P-73—Same (New), 1.2 miles south of Harlem, Ga. Latitude 33°23'45" N., longitude 82°18'46" W. C.P. for a new station on frequencies 6375.2H MHz toward Washington, Ga.; 6197.2V MHz toward Greens Cut, Ga.

6101–C1-P-73—Same (New), 7 miles southeast of Washington, Ga. Latitude 33°38'24" N., longitude 82°40'10" W. C.P. for a new station on frequencies 5945.2V MHz toward Stephens, Ga.; 5974.8V MHz toward Harlem, Ga.

6102–C1-P-73—Same (New), 3 miles east of Stephens, Ga. Latitude 33°47'09" N., longitude 83°06'28" W. C.P. for a new station on frequencies 6375.2V MHz toward Eastville, Ga.; 6375.2H MHz toward Washington, Ga.

6103–C1-P-73—Same (New), 3.5 miles southeast of Eastville, Ga. Latitude 33°51'27" N., longitude 83°33'00" W. C.P. for a new station on frequencies 5945.2V MHz toward Grayson, Ga.; 5974.8H MHz toward Stephens, Ga.

6104–C1-P-73—Same (New), 1 mile northwest of Grayson, Ga. Latitude 33°54'46" N., longitude 83°58'34" W. C.P. for a new station on frequencies 6375.2V MHz toward Atlanta, Ga.; 6375.2H MHz toward Eastville, Ga.

6105–C1-P-73—Same (New), Lenox Towers, Atlanta, Ga. Latitude 33°50'59" N., longitude 84°21'51" W. C.P. for a new station on frequency 5945.2V MHz toward Grayson, Ga.

6106–C1-P-73—Same (New), 4.8 miles northeast of Millen, Ga. Latitude 32°49'53" N., longitude 81°51'43" W. C.P. for a new station on frequencies 6197.2H MHz toward Greens Cut, Ga.; 6315.9H MHz toward Statesboro, Ga.

6107–C1-P-73—Same (New), 7 miles west of Statesboro, Ga. Latitude 32°27'44" N., longitude 81°54'03" W. C.P. for a new station on frequency 5945.2V MHz toward Millen, Ga.; 6093.5H MHz toward Groveland, Ga.

6108–C1-P-73—Same (New), 0.2 mile north of highway 280, Groveland, Ga. Latitude 32°08'50" N., longitude 81°44'43" W. C.P. for a new station on frequency 6197.2H MHz toward Statesboro, Ga.; 6197.2H MHz toward Tison, Ga.; 6345.5H MHz toward Bloomingdale, Ga.

6109–C1-P-73—Same (New), 1.5 miles north of U.S. highway 80, Bloomingdale, Ga. Latitude 32°08'45" N., longitude 81°20'05" W. C.P. for a new station on frequency 5945.2V MHz toward Groveland, Ga.; 5945.2V MHz toward Savannah, Ga.

6110–C1-P-73—Same (New), Bull and Bryan Streets, Savannah, Ga. Latitude 32°04'50" N., longitude 81°05'31" W. C.P. for a new station on frequency 6197.2H MHz toward Bloomingdale, Ga.

6111–C1-P-73—Same (New), on highway 169, Tison, Ga. Latitude 31°55'50" N., longitude 82°01'30 W. C.P. for a new station on frequency 6093.5H MHz toward Groveland, Ga.; 6093.5H MHz toward Jesup, Ga.

6112–C1-P-73—Same (New), 5 miles west of Jesup, Ga. Latitude 31°36'34" N., longitude 81°58'04" W. C.P. for a new station on frequency 6197.2H MHz toward Tison, Ga.; 6197.2H MHz toward Blackshear, Ga.

6113–C1-P-73—Same (New), 7 miles east of Blackshear, Ga. Latitude 31°19'11" N., longitude 82°07'13" W. C.P. for a new station on frequency 6063.8V MHz toward Jesup, Ga.; 5945.2V MHz toward Racepond, Ga.

POINT-TO-POINT MICROWAVE RADIO SERVICE—Continued

6114–C1-P-73—Same (New), 0.2 mile east of U.S. Highway 1, Racepond, Ga. Latitude 30°59'23" N., longitude 82°07'33" W. C.P. for a new station on frequency 6197.2V MHz toward Blackshear, Ga.; 6197.2H MHz toward Toledo, Ga.

6115–C1-P-73—Same (New), 4.9 miles north of Toledo, Ga. Latitude 30°42'22" N., longitude 82°04'02" W. C.P. for a new station on frequency 5974.8H MHz toward Racepond, Ga.; 5945.2V MHz toward Verdie, Fla.

6116–C1-P-73—Same (New), 0.4 mile north of Verdie, Fla. Latitude 30°26'28" N., longitude 81°55'08" W. C.P. for a new station on frequency 6375.2H MHz toward Toledo, Ga.; 6197.2H MHz toward Orange Park, Fla.

6117–C1-P-73—Same (New), 4 miles west-northwest of Orange Park, Fla. Latitude 30°10'52" N., longitude 81°44'51" W. C.P. for a new station on frequency 5974.8H MHz toward Verdie, Fla.

6122–C1-P-73—American Telephone & Telegraph Co. (KCA22), 2 miles west of Foxboro, Mass. Latitude 42°03'40" N., longitude 71°17'18" W. C.P. to add frequencies 11,175H, 11,095H, and 11,015H MHz toward Brockton, Mass.

6123–C1-P-73—Same (New), Court and Putnam Streets, Brockton, Mass. Latitude 42°05'11" N., longitude 71°00'53" W. C.P. for a new station on frequencies 11,625H, 11,545H, and 11,465H MHz toward High Rock, Mass.

6129–C1-MP-73—Northwestern Bell Telephone Co. (WJL86), 1 mile east of Rugby, N. Dak. Latitude 48°21'19" N., longitude 99°58'39" W., modification of C.P. to change frequency 5962.6V MHz to 5962.6V MHz toward Willow City, N. Dak.

6130–C1-P-73—American Telephone & Telegraph Co. (KKH66), 3.5 miles northeast of Friaco, Tex. Latitude 32°10'31" N., longitude 96°46'18" W. C.P. to add frequency 4190H MHz toward Nevada, Tex.

6131–C1-P-73—Same (KLW22), 0.5 mile south of Nevada, Tex. Latitude 33°01'39" N., longitude 96°22'22" W. C.P. to add frequency 4198H MHz toward Adams, Tex.; frequency 4198H MHz toward Terrell, Tex.

6132–C1-P-73—Same (KKP96), 3.5 miles north of Terrell, Tex. Latitude 32°47'48" N., longitude 96°16'38" W. C.P. to add frequency 4190H MHz toward Nevada, Tex.; frequency 4190H MHz toward Kaufman, Tex.

6133–C1-P-73—Same (KKX63), 7.5 miles east of Kaufman, Tex. Latitude 32°34'36" N., longitude 96°10'52" W. C.P. to add frequency 4198H MHz toward Terrell, Tex.

Amendment

5445–C1-P-71 thru 5473–C1-P-71—MCI Lockheed Satellite Corp. (New), change identity of applicant from MCI Lockheed Satellite Corp. to CML Satellite Corp.

APPLICATIONS FILED PURSUANT TO SECTION 214 OF THE COMMUNICATIONS ACT OF 1934, AS AMENDED

TELEPHONE WIRE FACILITIES

P–C–8562—Northwestern Bell Telephone Co., Informal (Section 63.03). For authority to supplement existing facilities between Western Electric Plant and Omaha, Nebr.

P–C–8563—Northwestern Bell Telephone Co., Informal (Section 63.03). For authority to supplement existing facilities between Omaha, Nebr. and Red Oak, Iowa.

P–C6678–2–A–1—American Telephone & Telegraph Co., Formal (Section 63.01). To lease and operate, jointly with its correspondents in Central America, a half interest in up to forty-nine (49) additional voice-grade landline circuits in the Mexican and COMTELCA microwave systems for the provision of A.T. & T.'s regularly authorized communications services between points in or reached via the United States and via certain countries in Central America.

APPLICATIONS FILED PURSUANT TO SECTION 214 OF THE COMMUNICATIONS ACT OF 1934, AS AMENDED

TELEGRAPH WIRE FACILITIES

T–C–1896–23—Western Union International, Inc., Formal (Section 63.01). For authority to supplement existing facilities between the United States and the Ivory Coast.

T–C–1476–6—RCA Global Communications, Inc., Informal (Section 63.03). Requests supplemental authority to lease and operate one voice circuit between its New York, N.Y. and Washington, D.C. offices.

TELEGRAPH WIRE FACILITIES—Continued

T-C-2042-3—TRT Telecommunications Corps., Formal (Section 63.01). For authority to acquire and operate one voice-grade circuit subdivided for telegraph and other nonvoice use between Fort Lauderdale, Fla. and the Untied States/Mexico border and to discontinue services on a similar circuit presently operated between Pearl River, La. and the United States/Mexico border.

T-C-2195-1—ITT World Communications Inc., Formal (Section 63.01). For authority to supplement facilities between Puerto Rico and Virgin Islands and within Virgin Islands by acquiring and operating additional voice-grade circuits in microwave facilities.

[FR Doc.73-4009 Filed 3-2-73;8:45 am]

INTERCONNECTION ADVISORY COMMITTEE

Notice of Status Review Meeting

FEBRUARY 27, 1973.

In accordance with Public Law 92-463, announcement is made of a public meeting of the F.C.C. Interconnection Advisory Committee's Chairmen to be held Wednesday, March 14, 1973 at 1919 M Street NW., Room 621, 2:30 p.m.

1. *Purpose.* For the FCC Staff to review jointly with the various Subcommittee Chairmen the status of the work of their various interconnection advisory committees. Upon completion of the report of work in progress, the Chairmen will be requested to outline the scope of future work, if any, which they recommend be undertaken by the interconnection committees.

2. *Agenda.* The agenda for the March 14, 1973 meeting will be as follows:

1. Status report of work in progress by subcommittee chairmen for the:
   a. PBX Standards Advisory Committee.
   b. Dialer Devices Advisory Subcommittee.
   c. Answering Devices Advisory Subcommittee.
2. Target dates for reports to the FCC.
3. Recommendations for future work for the interconnection advisory committees. Estimates of time and resources required to complete future work.

It is suggested that those desiring more specific information, contact the Domestic Rates Division on (202) 632-6457.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[FR Doc.73-4092 Filed 3-2-73;8:45 am]

STEERING COMMITTEE OF FEDERAL/STATE-LOCAL ADVISORY COMMITTEE

Notice of Meetings

FEBRUARY 23, 1973.

The Steering Committee of the Cable Television Federal/State-Local Advisory Committee will hold open meetings on March 6 and 7, 1973. The March 6 meeting will begin at 10 a.m. and the March 7 meeting will begin at 9:30 a.m. Both meetings will be held in Room A110 of the FCC Annex located at 1229 20th Street NW., Washington, DC.

The agenda for these meetings will be the continuation of a discussion of issues to be included in the final Advisory Committee report.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[FR Doc.73-4093 Filed 3-2-73;8:45 am]

[Dockets Nos. 19694, 19695; FCC 73-209]

B.B.C., INC., AND KIDD COMMUNICATIONS, INC.

Order Designating Applications for Consolidated Hearings on Stated Issues

In regard applications of B.B.C., Inc., Reno, Nev., Docket No. 19694, File No. BPH-7735, Requests: 106.9 MHz, No. 295; 28.92 kw. (H and V); —405.5 feet; Kidd Communications, Inc., Reno, Nev., Docket No. 19695, File No. BPH-7855, Requests: 106.9 MHz, No. 295; 35.8 kw. (H and V); —408 feet, for construction permits.

1. The Commissioner has before it (a) the captioned applications which are mutually exclusive and, therefore, must be designated for a comparative hearing; and (b) informal objections to B.B.C. Inc.'s application filed by Mr. Philip D. Doersam, general partner in Pendor Communications, licensee of FM station KGLR, Reno, Nev., and Mr. Carl E. Roliff, president of RAESCO, Inc., licensee of FM station KSRN, Reno, Nev.

2. The informal objections of Messrs. Doersam and Roliff allege that the community of Reno is currently saturated with radio stations which provide programing very similar to that proposed by B.B.C., Inc. (B.B.C.), and, therefore, that a grant of B.B.C.'s application would not serve the public interest; that B.B.C.'s proposed transmitter site is in a heavily populated residential area and would cause excessive interference to the reception of existing FM stations in the area adjacent to the transmitter (i.e., "blanketing" interference); that B.B.C. has not complied with § 73.315(e) of our rules which requires an applicant whose transmitter is likely to cause blanketing interference to submit a showing concerning the availability of other sites; and that the proposed transmitter-antenna location would result in blanketing interference to the reception of signals by aircraft pilots as they approach Reno's airport and would, therefore, present a safety hazard to pilots as well as residents on the ground. We find, however, that none of these allegations raises a substantial and material question of fact which must be resolved in the hearing process. In regard to the contention that Reno does not need another radio station because of the comprehensive variety of broadcast programing already available to listeners, we note that a similar argument was made by the petitioners in a proceeding (RM-1882) to delete channel 295 from Reno and channel 252A from Sparks. In our Memorandum Opinion and Order in RM-1882, adopted January 10, 1973 (FCC 73-41), in which the requests for deletion of the channels were denied, we stated that "* * * on the record we cannot make the decision that Reno * * * [does] not now, or will not in the future, need additional radio service * * *" and that "we do not wish to place artificial restraints on competition unless the overall public interest will be adversely affected by competition. * * *" The argument raised against B.B.C.'s application consists of vague, generalized and conclusory statements which are unsupported by facts. In the rulemaking proceeding, the petitioners also alleged that Reno could not support an additional radio service. The petitioners, both in that proceeding and in their objections to B.B.C.'s application, have failed to support this allegation with the type of specific data required to support the designation of a *Carroll* issue.[1] Further, the petitioners have not submitted sufficient information to show that the Reno and Sparks area could not benefit from an additional radio facility with the potential for additional radio programing, or that the overall public interest would be adversely affected by an additional facility. Accordingly, a hearing issue on this matter is not required.

3. B.B.C. has submitted an engineering statement in response to the allegations that its transmitter is located in a heavily populated residential area and that its location would result in excessive blanketing interference to the reception of other FM broadcast stations as well as to the reception of signals by aircraft pilots. The data provided by B.B.C. indicates that 97.8 percent of the area within 0.5 mile of the proposed B.B.C. transmitter site is zoned for industrial and other nonresidential uses. Thus, since B.B.C.'s transmitter is not located in a residential area, B.B.C. is not required by § 73.315(e) of our rules to file a showing concerning the availability of other sites. In addition, no significant information has been presented to suggest that B.B.C.'s transmitter will cause excessive blanketing interference to the reception of other FM stations or to the reception of signals by aircraft pilots. The objections raised by Messrs. Doersam and Roliff do not present sufficient data to raise a substantial and material question of fact as to whether the antenna-transmitter site will result in a safety hazard to pilots and residents living under the flight path of aircraft approaching Reno's airport. Although Mr. Roliff asserts that, as an aircraft pilot, he has had strong FM stations block his aircraft receiver on the final approach to Reno's airport, he does not state whether this problem might be attributable to an inferior receiver or poor selectivity in the receiver, intermediate frequency image interference, input overload or other discrete combinations of input frequencies. Mr. Doersam states that two existing FM stations in Reno, stations KNEV and KGLR, have been "suspected" of causing interference to FAA operations because of their proximity to the final approach to the Reno airport. Nevertheless, as suggested by B.B.C., interference caused by station KGLR to reception of signals by aircraft pilots, might be attributable, for the most part, to the use of obsolete aircraft receivers which use an intermediate frequency of 20.7 MHz. In any event, insufficient facts have been alleged to warrant a hearing issue concerning possible interference by B.B.C. to the reception of aircraft signals.

[1] Carroll Broadcasting Co. v. FCC, 258 F. 2d 440 (1958); see Missouri-Illinois Broadcasting Co., 3 RR 2d 232 (1964).

4. Kidd Communications, Inc. (Kidd), will require $51,545 to construct and operate its proposed station for 1 year.[1] To meet this requirement, Kidd relies on $30,000 in stock subscriptions, including $15,000 each from Bernard D. Glimpse and Ralph E. Fuller. However, these stock subscribers have failed to submit any financial documents for the purpose of showing that they have sufficient net liquid assets to meet their commitments to purchase stock, as required by paragraph 4(b), section III, FCC Form 301. Furthermore, Kidd has not established the availability of funds from any other sources. Thus, since Kidd has not demonstrated its ability to meet its first-year costs, financial issues will be designated against it.

5. Except as indicated by the issues specified below, the applicants are qualified to construct and operate as proposed. However, because the proposals are mutually exclusive, they must be designated for hearing in a consolidated proceeding on the issues specified below.

6. Accordingly, *It is ordered*, That pursuant to section 309(e) of the Communications Act of 1934, as amended, the applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent order, upon the following issues:

(1) To determine, with respect to the application of Kidd Communications, Inc.:

(a) Whether Bernard D. Glimpse has sufficient net liquid assets to purchase $15,000 worth of stock in the applicant;

(b) Whether Ralph E. Fuller has sufficient net liquid assets to purchase $15,000 worth of stock in the applicant;

(c) Whether, in the event that the availability of $30,000 in stock subscriptions is established, the applicant has $21,545 available from other sources to meet its requirements; and

(d) Whether, in light of the evidence adduced under the preceding issues, the applicant is financially qualified.

(2) To determine which of the proposals would, on a comparative basis, better serve the public interest.

(3) To determine, in light of the evidence adduced pursuant to the foregoing issues, which of the applications for construction permits should be granted.

7. *It is further ordered*, That the informal objections filed by Mr. Philip D. Doersam and Mr. Carl E. Roliff are dismissed for the reasons stated herein.

8. *It is further ordered*, That each of the applicants shall file a written appearance stating an intention to appear and present evidence on the specified issues, within the time and in the manner required by § 1.221(c) of our rules.

9. *It is further ordered*, That the applicants shall give notice of the hearing, within the time and in the manner specified in § 1.594 of our rules, and shall seasonably file the statement required by § 1.594(g).

Adopted: February 21, 1973.

Released: February 27, 1973.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[FR Doc.73-4091 Filed 3-2-73;8:45 am]

[1] Kidd's first-year costs consist of the following: downpayment on equipment, $4,414; 2 months' payments on equipment, $1,655; 14 months' interest payments on equipment, $3,476; miscellaneous expenses, $7,000; and operating expenses, $35,000.

[Docket No. 19657; FCC 73R-89]

COSMOPOLITAN BROADCASTING CORP.

Memorandum Opinion and Order Enlarging Issues

In regard application of Cosmopolitan Broadcasting Corp., Newark, N.J., Docket No. 19657, File No. BRH-1359, BRSCA-746, for renewal of main, auxiliary, and SCA license for WHBI(FM).

1. Cosmopolitan Broadcasting Corp., whose application for renewal of license has been designated for hearing on various issues some of which relate to its performance in broadcasting foreign language programs, requests that the issues be enlarged to allow a determination to be made whether its programing has been meritorious "particularly with regard to programs designed to serve the needs and tastes of ethnic minorities within the stations service area."[1]

2. The addition of a meritorious programing issue is warranted, as indicated by the cases cited by petitioner and the Bureau. However, the issue as proposed departs from the wording used in these cases, and the Board is unable to agree with petitioner's argument in support of the change. The customary issue does not limit an applicant's showing to public service programing, it only emphasizes the importance of programs of this type. Therefore, Cosmopolitan will have the opportunity to offer evidence on the ethnic oriented phases of its past programing; but these programs do not automatically qualify as meritorious because they have been "designated" to serve the needs and tastes of ethnic minorities.[2]

3. As the Board has consistently held, the showing made under the new issue must be limited to the licensee's performance before it learned that its license was in jeopardy, and the parties are free to argue the weight which should be accorded such evidence. Western Communications Inc., ____ FCC 2d ____ 1973 (FCC 73R-1).

4. Accordingly, *it is ordered*, That the petition to enlarge issues, filed by Cosmopolitan Broadcasting Corp., is granted to the extent herein indicated and otherwise is denied, and that the issues herein are enlarged by the addition of the following issue:

To determine whether the programing of Station WHBI(FM) has been meritorious, particularly with regard to public service programs.

5. *It is further ordered*, That the burdens of proceeding with the introduction of evidence and proof under the issue added herein shall be on Cosmopolitan Broadcasting Corp.

Adopted, February 23, 1973.

Released: February 27, 1973.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[FR Doc.73-4090 Filed 3-2-73;8:45 a.m.]

[1] The petition to enlarge issues was filed Jan. 11, 1973; the Broadcast Bureau filed its comments on Jan. 22, 1973; the petitioner's response was filed Jan. 29, 1973.

[2] Thus, the Board specifically does not hold that foreign language and ethnic programs are to be viewed as public service programs if, regardless of their specific classification for logging purposes, they serve the needs of ethnic minorities.

[Docket No. 19558]

OVERSEAS DATAPHONE SERVICE

Inquiry Into Policy Regarding Future Authorization; Order Extending Time

1. By telegram dated February 23, 1973, ITT World Communications Inc. (ITTWC) requests a 2-week extension of time in which to file reply comments in the above-captioned inquiry.[1] ITTWC alleges that the requested extension of time is needed because of the press of other regulatory matters in which ITTWC is presently participating. ITTWC represents that the other parties requested to respond to the inquiry have indicated that they have no objection to the grant of the requested extension.

2. We find that ITTWC has shown good cause for the requested extension of time.

3. Accordingly, it is ordered, pursuant to § 0.303(c) of the Commission's rules pertaining to Delegations of Authority that the request of ITT World Communications Inc. is granted; and the time to file reply comments in Docket No. 19558 is extended until March 14, 1973.

Adopted: February 26, 1973.

Released: February 27, 1973.

FEDERAL COMMUNICATIONS COMMISSION,
BERNARD STRASSBURG,
Chief, Common Carrier Bureau.

[FR Doc.73-4094 Filed 3-2-73;8:45 am]

[1] Notice of inquiry regarding future authorization (FCC 72-673) was published at 37 FR 16042, August 9, 1972; an order extending time was published at 38 FR 4690, February 20, 1973.

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FEDERAL POWER COMMISSION

NATIONAL GAS SURVEY EXECUTIVE ADVISORY COMMITTEE

Renewal Order

FEBRUARY 23, 1973.

This order renews the National Gas Survey Executive Advisory Committee for the term from and after April 6, 1973, to a date not later than December 31, 1973. As presently constituted, the Executive Advisory Committee terminates April 6, 1973. The Commission contemplates that the work of all advisory committees participating in the National Gas Survey will be completed within the calendar year 1973. Hence, there will be no need or purpose of these committees beyond December 31, 1973.

This Committee was established pursuant to the Commission's order of April 6, 1971, 36 FR 6922, Order Establishing National Gas Survey Executive Advisory Committee and Designating Its Membership and Chairmanship. That order reflects terms and conditions as set forth in the Commission's Order Authorizing the Establishment of National Gas Survey Advisory Committees and Prescribing Procedures, issued February 23, 1971, 36 FR 3851. The committee is affected by subsequent Commission orders amending prior orders, issued April 25, 1972, 37 FR 8578, June 27, 1972, 37 FR 13306, and December 19, 1972, 37 FR 28658.

As so constituted, the Executive Advisory Committee is in accord with the provisions of applicable statutory and Executive order requirements.

By notice published February 7, 1973, 38 FR 3545, the Chairman of the Commission has determined and certified that the renewal of the Executive Advisory Committee for the period set forth herein is necessary in the public interest in connection with the performance of duties imposed on the Commission by law. The Office of Management and Budget, Committee Management Secretariat, has ascertained that the renewal of the Committee is in accord with the requirements of the Federal Advisory Committee Act, 86 Stat. 770, 773–4.

The Federal Power Commission hereby determines that the continued establishment of the National Gas Survey Executive Advisory Committee is in the public interest in connection with the performance of duties imposed on the Commission by law. The Commission establishes and continues this committee in accordance with the provisions of this order, and provisions of an order of the Commission issued concurrently herewith which restates, for convenience purposes, the content of the Commission's February 23, 1971, order so as to reflect, in one order format, provisions of succeeding orders of this Commission which have changed portions of the February 23, 1971, order as necessary from time-to-time by reason of Commission determinations and subsequently enacted Executive orders and the Federal Advisory Committee Act.

1. *Purpose.* The Executive Advisory Committee shall constitute the principal policy advisory committee to the Commission and its staff in the Commission's planning, conduct, and execution of the National Gas Survey. In this policy advisory role, the Executive Advisory Committee will be called upon to offer suggestions (a) to assist the Commission and its Director of the National Gas Survey (Director) in their activities in formulating planning assumptions and directing the work of the Survey including the work of other advisory committees; (b) to assist in establishing priorities for work to be performed and in the coordination of all aspects of the Survey; (c) to assist in assembling and assimilating the vast amount of comprehensive, accurate, and reliable data required for the Survey; and (d) to assist in such other ways as it may from time to time be called upon by the Commission or the Director.

2. *Membership.* The Chairman, secretary, and other members of the Executive Advisory Committee, as currently constituted, as selected by the Chairman of the Commission with the approval of the Commission, are designated in the appendix hereto.

3. *Selection of future Committee members.* All future Committee members, alternates, and persons designated to act as Committee Chairmen shall be selected and designated by the Chairman of the Commission with the approval of the Commission.

4. The following paragraphs of the aforementioned order issued concurrently herewith—Restatement of Order Authorizing the Establishment of National Gas Survey Advisory Committees and Prescribing Procedures—are hereby incorporated by reference:

(3) Conduct of meetings.
(4) Minutes and records.
(5) Secretary of the Committee.
(6) Location and time of meetings.
(7) Advice and recommendations offered by the Committee.

5. The National Gas Survey Executive Advisory Committee, as established and continued by this order, shall terminate not later than December 31, 1973.

The Secretary of the Commission shall file with the chairman, Committee on Commerce, U.S. Senate; chairman, Interstate and Foreign Commerce Committee, House of Representative; and Librarian, Library of Congress, copies of this order together with the Commission's Restatement of Order Authorizing the Establishment of National Gas Survey Advisory Committees and Prescribing Procedures, as constituting the charter of the National Gas Survey Executive Advisory Committee.

The Secretary of the Commission shall cause prompt publication of this order to be made in the FEDERAL REGISTER.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

APPENDIX—NATIONAL GAS SURVEY EXECUTIVE ADVISORY COMMITTEE

Chairman William M. Elmer; Chairman of the Board, Texas Gas Transmission Corp.
Secretary William J. Drescher; Deputy Chief, Bureau of Natural Gas, Federal Power Commission.

MEMBERS

Robert O. Anderson, Chairman of the Board, Atlantic Richfield Co.
Donald F. Bittinger, Chairman of the Board, Washington Gas Light Co.
William J. Bowen, President, Florida Gas Co.
Howard Boyd, Chairman of the Board, El Paso Natural Gas Co.
Harry Bridges, President, Shell Oil Co.
Richard C. Byrd, General Counsel, Interstate Oil Compact Commission.
Marvin Chandler, Chairman of the Board, Northern Illinois Gas Co.
Hon. Edward E. David, Jr., Director, Office of Science and Technology.
Hon. Hollis M. Dole, Assistant Secretary (mineral resources), Department of the Interior.
B. R. Dorsey, Chairman of the Board, Gulf Oil Corp.
Buell G. Duncan, Chairman of the Board, Piedmont Natural Gas Co., Inc.
Frank E. Fitzsimmons, General President, International Brotherhood of Teamsters, Chauffeurs, Warehousemen and Helpers of America.
Dean Lawrence E. Fouraker, Harvard Graduate School of Business Administration.
Nelson W. Freeman, President, Tenneco Inc.
Baxter D. Goodrich, Chairman of the Board, Texas Eastern Transmission Corp.
Maurice F. Granville, Chairman of the Board, Texaco Inc.
A. F. Grospiron, President, Oil, Chemical and Atomic Workers International Union.
John W. Heiney, President, Indiana Gas Co., Inc.
Dale Helmerich, President, American Public Gas Association.
Robert R. Herring, President, Houston Natural Gas Corp.
Thomas H. Jenkins, Director, National Gas Survey, Federal Power Commission.
William W. Keeler, Chairman of the Board, Phillips Petroleum Co.
Hon. Virginia H. Knauer, Special Assistant to the President, Director, Office of Consumer Affairs.
Stanley Learned, Consultant—Independent.
Claude F. Machen, Chairman of the Board, Boston Gas Co.
Ralph T. McElvenny, Chairman of the Board, American Natural Gas Co.
Dean A. McGee, Chairman of the Board, Kerr-McGee Corp.
John G. McLean, President, Continental Oil Co.
Otto N. Miller, Chairman of the Board, Standard Oil Company of California.
George P. Mitchell, President, George Mitchell & Associates, Inc.
G. Montgomery Mitchell, President and Chief Executive Officer, Transcontinental Gas Pipe Line Corp.
Robert Mosbacher, Independent.
Richard L. O'Shields, President, Panhandle Eastern Pipe Line Co.
Hon. Arthur L. Padrutt, President, National Association of Regulatory Utility Commissioners, Wisconsin Public Service Commission.
John W. Partridge, Chairman of the Board, Columbia Gas System, Inc.
Joseph R. Rensch, President, Pacific Lighting Corp.
Hon. William D. Ruckelshaus, Administrator, Environmental Protection Agency.
Hon. Dixy Lee Ray, Chairman, Atomic Energy Commission.
John S. Shaw, Jr., President, Southern Natural Gas Co.
Hon. Raymond J. Sherwin, Judge, Superior Court (California), President, Sierra Club.
Shermer L. Sibley, Chairman of the Board, Pacific Gas & Electric Co.
Willis A. Strauss, Chairman of the Board, Northern Natural Gas Co.
John E. Swearingen, Chairman of the Board, Standard Oil Co. (Indiana).
G. J. Tankersley, President, The East Ohio Gas Co.
Hon. Russell E. Train, Chairman, Council on Environmental Quality.
Henry A. True, Jr., Partner, True Oil Co.
Dean William B. Upthegrove, College of Engineering, University of Oklahoma.
Rawleigh A. Warner, Jr., Chairman of the Board, Mobil Oil Corp.
Myron A. Wright, Chairman of the Board, Exxon Company, U.S.A.

[FR Doc.73-4002 Filed 3-2-73;8:45 am]

NATIONAL GAS SURVEY TECHNICAL ADVISORY COMMITTEES

Renewal Order

FEBRUARY 23, 1973.

This order renews the National Gas Survey Technical Advisory Committees, functioning separately as Technical Advisory Committee-Supply, Technical Advisory Committee-Transmission and Technical Advisory Committee-Distribution, for the term from and after April 6, 1973, to a date not later than December 31, 1973. As presently constituted, the three Technical Advisory Committees terminate April 6, 1973. The Commission contemplates that the work of all advisory committees participating in the National Gas Survey will be completed within the calendar year 1973. Hence, there will be no need or purpose of these committees beyond December 31, 1973.

These committees were established pursuant to the Commission's order of April 6, 1971, 36 FR 6922, Order Establishing National Gas Survey Technical Advisory Committees and Designating Initial Membership. That order reflects terms and conditions as set forth in the Commission's Order Authorizing the Establishment of National Gas Survey Advisory Committees and Prescribing Procedures, issued February 23, 1971, 36 FR 3851. The committees are affected by subsequent Commission orders amending prior orders, issued April 25, 1972, 37 FR 8578, June 27, 1972, 37 FR 13306 and December 19, 1972, 37 FR 28658.

As so constituted, the Technical Advisory Committees are in accord with the provisions of applicable statutory and Executive Order requirements.

By notice published February 7, 1973, 38 F.R. 3545, the Chairman of the Commission has determined and certified that the renewal of the Technical Advisory Committees for the period set forth herein is necessary in the public interest in connection with the performance of duties imposed on the Commission by law. The Office of Management and Budget, Committee Management Secretariat, has ascertained that the renewal of the committees is in accord with the requirements of the Federal Advisory Committee Act, 86 Stat. 770, 773–4.

The Federal Power Commission hereby determines that the continued establishment of the National Gas Survey Technical Advisory Committees is in the public interest in connection with the performance of duties imposed on the Commission by law. The Commission establishes and continues these committees in accordance with the provisions of this order, and provisions of an order of the Commission issued concurrently herewith which restates, for convenience purposes, the content of the Commission's February 23, 1971, order so as to reflect, in one order format, provisions of succeeding orders of this Commission which have changed portions of the February 23, 1971, order as necessary from time-to-time by reason of Commission determinations and subsequently enacted Executive orders and the Federal Advisory Committee Act.

1. Purpose. The Technical Advisory Committees shall be subordinate to the Executive Advisory Committee and shall report to such Committee and to the Director of the National Gas Survey (Director) on all matters delegated to them pertaining to the planning, conduct, and execution of the National Gas Survey.

The principal functions of the Technical Advisory Committee shall be as follows: (1) To carry out all directions of the Executive Advisory Committee or the Director pertaining to the planning, conduct and execution of the Survey; (2) to recommend guidelines, as requested by the Executive Advisory Committee or the Director, for the detailed work encompassed in the conduct of the Survey and to allocate work assignments to the task forces organizationally subordinate to them; (3) to recommend a proposed time schedule for the development and completion of all assignment phases of the Survey; (4) to coordinate all facets of work allocated to organizationally subordinate task forces; (5) to submit periodic reports to the Executive Advisory Committee and the Director as to the progress and status of the Survey together with such recommendations pertaining thereto as may be appropriate; and (6) to furnish such other assistance and advice to the Executive Advisory Committee and the Director as they may from time to time be called upon to contribute for the successful planning and conduct of the Survey.

2. Membership. Each of the Technical Advisory Committees shall be chaired by a member of the Executive Advisory Committee or such other person as selected, and be shall be designated as Vice Chairman of the respective Technical Advisory Committee. The Vice Chairman, FPC Survey Coordinating Representatives, Secretaries, the other committee members and alternates shall be selected and designated by the Chairman of the Commission with the approval of the Commission. The person or persons who are designated as the FPC Survey Coordinating Representatives and/or Secretary shall be full-time salaried officers or employees of the Commission. The FPC Survey Coordinating Representative may be designated to serve as Secretary of the Committee for which he is selected.

3. The Vice Chairmen, FPC Survey Coordinating Representatives and Secretaries, as currently constituted, as selected and approved in accordance with this order, are designated in the Appendix hereto.

4. The following paragraphs of the aforementioned order issued concurrently herewith—Restatement of Order Authorizing the Establishment of National Gas Survey Advisory Committees and Prescribing Procedures—are hereby incorporated by reference:

(2) Selection of Committee Members.
(3) Conduct of Meetings.
(4) Minutes and Records.
(5) Secretary of the Committee.
(6) Location and Time of Meetings.
(7) Advice and Recommendations Offered by the Committee.

5. The National Gas Survey Technical Advisory Committees, as established and continued by this order, shall terminate not later than December 31, 1973.

The Secretary of the Commission shall file with the Chairman, Committee on Commerce, United States Senate, Chairman, Interstate and Foreign Commerce Committee, House of Representatives, and Librarian, Library of Congress, copies of this order together with the Commission's Restatement of Order Authorizing the Establishment of National Gas Survey Advisory Committees and Prescribing Procedures, as constituting the charters of the National Gas Survey Technical Advisory Committees.

The Secretary of the Commission shall cause prompt publication of this order to be made in the FEDERAL REGISTER.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

APPENDIX—NATIONAL GAS SURVEY TECHNICAL ADVISORY COMMITTEES

TECHNICAL ADVISORY COMMITTEE—DISTRIBUTION

Vice Chairman G. J. Tankersley; President, The East Ohio Gas Co.
Deputy Vice Chairman Ralbern H. Murray; Director, Marketing Consolidated Natural Gas Service Co., Inc.
FPC Survey Coordinating Representative and Secretary, Charles A. Gallagher; Engineer, National Gas Survey, Federal Power Commission.
Alternate TF FPC Survey Coordinating Representative and Secretary, James R. Spor; Industry Economist, National Gas Survey, Federal Power Commission.

FPC REPRESENTATIVES

Dr. Richard F. Hill, Advisor on Environmental Quality, Office of the Advisor on Environmental Quality.
Gordon K. Zareski, Chief, Planning and Development Division, Bureau of Natural Gas, Federal Power Commission.

COMMITTEE MEMBERS

Buell G. Duncan, Chairman of the Board, Piedmont Natural Gas Co., Inc.
James F. Gary, President, Honolulu Gas Co., Ltd.
Calvin R. Henze, President, Memphis Light, Gas & Water Division.
Robert R. Herring, President, Houston Natural Gas Corp.
C. C. Ingram, Chairman of the Board, Oklahoma Natural Gas Co.
Dr. Alfred E. Kahn, Dean, College of Arts and Sciences, and Professor of Economics, Cornell University.
Hon. Virginia H. Knauer, Special Assistant to the President; and Director, Office of Consumer Affairs.
Paul W. Kraemer, President, Minneapolis Gas Co.
George L. Morrow, President, The Peoples Gas Light & Coke Co.
John W. Partridge, Chairman of the Board, Columbia Gas System, Inc.
Robert T. Person, President, Public Service Company of Colorado.
Joseph R. Rensch, President, Pacific Lighting Corp.
M. Frederik Smith, Member, The National Parks Advisory Board and National Planning Association.
Robert H. Willis, President, Connecticut Natural Gas Corp.
William P. Woods, Chairman of the Board, Washington Natural Gas Co.

TECHNICAL ADVISORY COMMITTEE-SUPPLY

Vice Chairman Myron A. Wright; Chairman of the Board, Exxon Company, U.S.A.
Deputy Vice Chairman William T. Slick, Jr., Assistant Manager, Corporate Planning, Exxon Company, U.S.A.
FPC Survey Coordinating Representative and Secretary, Dr. Paul J. Root; Technical Director, National Gas Survey, Federal Power Commission.

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FPC REPRESENTATIVES

Robert M. Jimeson, Assistant Advisor on Environmental Quality, Office of the Advisor on Environmental Quality.
Arthur L. Litke, Chief, Office of Accounting and Finance.
Dr. Haskell P. Wald, Chief, Office of Economics, Federal Power Commission.

COMMITTEE MEMBERS

Dr. Morris A. Adelman, Professor of Economics, Massachusetts Institute of Technology.
J. Dennis Bonney, Vice President, Standard Oil Company of California.
LeRoy Culbertson, Vice President, Phillips Petroleum Co.
W. Timothy Dowd, Executive Secretary, Interstate Oil Compact Commission.
Arthur T. Guernsey, Planning Manager, Shell Oil Co.
Dr. John W. Harbaugh, Chairman, Geology Department, Stanford University.
Thomas L. Kimball, Executive Director, National Wildlife Federation.
Frederick W. Lawrence, Washington Liaison, Stationary Sources, Air Programs, Environmental Protection Agency
Stanley Learned, Consultant, Independent.
Dr. Stewart Lee, Chairman, Department of Economics and Business Administration, Geneva College.
Hon. Vincent E. McKelvey, Director of Geological Survey, Department of the Interior.
Howard A. McKinley, Vice President, New Business Development, Western Hemisphere Petroleum Division, Continental Oil Co.
Dr. Edward J. Mitchell, Visiting Professor of Economics, Graduate School of Business and Public Administration, Cornell University.
Jeff Montgomery, President, Kirby Industries, Inc.
Gene P. Morrell, Vice President, Lone Star Gas Co.
Richard J. Murdy, Assistant to the President, Consolidated Natural Gas Co.
Dr. Bruce C. Netschert, Vice President, National Economic Research Associates, Inc.
Ernest L. Petree, Vice President, Exploration and Production, Gulf Oil Corp.
John W. Phenicie, Vice President, Amoco Production Co.
Dr. Howard W. Pifer III, Assistant Professor of Business Administration, Harvard University Graduate School of Business Administration.
Sam H. Schurr, Director, Energy and Mineral Resources, Resources for the Future, Inc.
Comdr. Joseph P. Trunz, Jr., Director, Naval Petroleum and Oil Shale Reserves, Department of the Navy.
Dr. Sherman A. Wengerd, Professor of Geology, University of New Mexico.
R. Earle Wright, Vice President, Gas Department, Texaco Inc.

TECHNICAL ADVISORY COMMITTEE—TRANSMISSION

Vice Chairman Willis A. Strauss, Chairman of the Board, Northern Natural Gas Co.
Deputy Vice Chairman Ferdinand L. Gagne; Manager, Industry Relations, Northern Natural Gas Co.
FPC Survey Coordinating Representative and Secretary, Thomas H. Jenkins (acting), Director, National Gas Survey.
FPC Representative Dr. Richard F. Hill, Advisor on Environmental Quality, Office of the Advisor on Environmental Quality, Federal Power Commission.

COMMITTEE MEMBERS

Orval C. Davis, President, Natural Gas Pipeline Company of America.
Dr. Robert O. Herrmann, Associate Professor of Agricultural Economics, Pennsylvania State University.
George P. Kirby, President, Texas Eastern Transmission Corp.
Wilber H. Mack, Chairman of the Board, American Natural Gas Co.
John W. Morton, President, Cities Service Gas Co.
William E. Towell, Executive Vice President, American Forestry Association.

[FR Doc.73-4003 Filed 3-2-73;8:45 am]

NATIONAL GAS SURVEY ADVISORY COMMITTEES

Establishment and Procedures; Restatement

FEBRUARY 23, 1973.

This order restates, for convenience purposes, portions of the content of the Commission's February 23, 1971, Order Authorizing the Establishment of National Gas Survey Advisory Committees and Prescribing Procedures, 36 FR 3851. Portions of that order have been changed from time to time by subsequent Commission orders.[1] This order correlates all such changes in one order format.[2]

The Commission stated, in part, as follows in its February 23, 1971, order, 36 FR 3851–52:

The Federal Power Commission has determined that a national gas survey is necessary and appropriate to the purposes of the Natural Gas Act, 15 U.S.C. 717(a), et seq. As carried out, the survey will serve the interests of all who are, and may be, dependent upon or affected by the use and further development of the Nation's natural gas resources. Within the areas to be studied, the Commission contemplates detailed analyses inter alia of factors of demand, supply and alternate fuel sources, facility expansion, economic and environmental considerations, inflation, interfuel competition, import-export relationships and policies, and regulatory considerations—Federal, State, and local. Other matters will be studied as appropriate.

To accomplish the objectives of the Natural Gas Act, in providing for the ultimate consumer and adequate and reliable supply of natural gas at a reasonable price and the Nation a vital energy resource base, the Commission will direct the conduct of the survey through the members of the Commission and its staff.

To assist the actions of the commissioners and commission staff, the Commission will use various advisory committees which shall be conducted under the general direction of the Commission. * * * All will be conducted pursuant to the general requirements as set forth in this order. The Commission contemplates the issuance of specific order or orders from time to time establishing each committee and denominating its membership and chairmanship.

The advice of all committees shall be limited to matters relating solely to the planning and carrying out of the national gas survey. The Commission will have complete responsibility for the national gas survey with respect to its conduct, scope, the ultimate recommendations and the acceptance of the final report. In discharging these responsibilities, the Commission will approve the survey's objectives, scope of work, organization and schedule of performance, make any required policy determinations and give its advice directed toward the coordination and cooperation between the survey and any intergovernmental, State, industry, agency or representative, including any other expertise as required.

The Commission's most recent order amending the February 23, 1971, order was occasioned by the Federal Advisory Committee Act, 86 Stat. 770, and Executive Order No. 11686, October 7, 1972, 37 FR 21421. See Order Amending National Gas Survey Orders, issued December 19, 1972, 37 FR 28658. The latter order stated, in part, as follows, 37 FR 28658–59:

The national gas survey advisory committees fall within the definition of "advisory committee" as used in the Federal Advisory Committee Act (section 3, 86 Stat. 770). These national gas survey advisory committees also fall within the definition of "advisory committee," including as a part thereof, industry or industrial advisory committees, as used in Executive Order No. 11671 (section 1(6)(7)), and Executive Order No. 11007, * * * (section 2(a)(b)). Executive Order No. 11671 superseded Executive Order No. 11007. * * *

The Federal Advisory Committee Act, particularly sections 8 and 10, sets forth governmental responsibilities for management controls for advisory committees established by an agency such as this Commission, and sets forth procedures that are to be followed in the conduct of advisory committees' affairs * * * [footnote omitted] Under section 9(a)(2), 86 Stat. 774, advisory committees which are established by an agency are to be determined "* * * to be in the public interest in connection with the performance of duties imposed on that agency by law." Section 9(b), 86 Stat. 774, states in part "* * * advisory committees shall be utilized solely for advisory functions. Determinations of action to be taken and policy to be expressed * * * shall be made solely by * * * an officer of the Federal Government." In cases where advisory committees are to be established, charters are to be filed with the appropriate governmental agency and standing committees of the Congress having legislative jurisdiction over the agency, prior to the undertaking of committee meetings or actions, as well as with the Library of Congress * * * section 14, 86 Stat. 776, of the Act also specifies a termination date for advisory committee existence of not later than 2 years from the effective date of the Act (January 5, 1973) for advisory committees then in existence, unless otherwise renewed, and of not later than 2 years from the date of establishment for those established after January 5, 1973, unless otherwise renewed.

The charters of the various national gas survey advisory committees are the several Commission orders * * * all advisory committees meet under the chairmanship of, or in the presence of, a Federal governmental official, with all committee meetings at the call of, or with the advance approval of such governmental official and with an agenda approved by such official who has designated responsibilities for opening, adjourning and conducting all National Gas Survey Committee meetings. All meetings of the survey advisory committees are open to public observation; public notice of meetings, dates, times, places, and agendas, is given by publication in the FEDERAL REGISTER or by publication in local media; participation of interested persons in attendance before committees is provided, subject to reasonable, necessary and appropriate controls by the attending governmental official or administrative regulations, to insure the conduct of committee affairs; minutes of all advisory committee meetings are required and verbatim transcripts are required for all meetings of the principal policy advisory committee of the national gas survey, the Executive Advisory Committee, convened after April 25, 1972; and the minutes and transcripts of all national gas survey advisory committee meetings or proceedings are retained within the public files of the Commission.

[1] The particular Commission orders here referred to are designated on Appendix A hereto.

[2] By separate orders issued concurrently herewith, the Commission is renewing the terms of the National Gas Survey Executive Advisory Committee and the terms of three technical advisory committees, all for a period from and after Apr. 6, 1973, to a date not later than Dec. 31, 1973.

In fiscal year 1974, the projected cost to the Commission for the support of all national gas survey committees is $130,000 and 5.2 man-years; these amounts being for the period through December 31, 1973. In the full fiscal year 1973, the projected cost to the Commission for the support of these committees is $250,000 and 10.5 man-years. Commission orders establishing the national gas survey committees do not authorize the use of public funds for the payment of salaries or expenses of advisory committee members. Within the general budgetary authority of the Commission, appropriated funds of the Commission are used to defray personnel costs and expenses of Commission members and Commission staff personnel whose activities are directed to the conduct of the national gas survey, associated contracted services and travel expenditures of certain advisory committee members as may be approved by the Chairman of the Commission. Within the fiscal years 1971–1973, since the establishment of the national gas survey advisory committees and to date, 79 national gas survey advisory committee meetings have been held. Frequency of meetings, as indicated, should continue in fiscal year 1973 and through the first half of fiscal year 1974.

The numbered paragraphs of the Commission's February 23, 1971, order, as they have been revised from time to time by the Commission, are as follows:

1. *Purpose.* The committees shall advise and make recommendations to the Commission in planning and carrying out the Commission's proposed national gas survey.

2. *Selection of committee members.* All committee members, alternates and persons designated to act as committee chairmen shall be selected and designated by the Chairman of the Commission with the approval of the Commission.

3. *Conduct of meetings.* The Chairman of the Commission, or in his absence, the Vice Chairman of the Commission, or any full-time salaried officer or employee of the Commission designated by the Chairman of the Commission, who shall act as chairman of a committee, shall be responsible for opening, conducting and adjourning committee meetings when, in his judgment, adjournment is in the public interest. When a committee is chaired by a person, designated by the Chairman of the Commission as chairman of that committee, who is not a full-time salaried officer or employee of the Commission, no meeting of such committee shall be held except at the call of, or with the advance approval of, a full-time salaried officer or employee of the Commission designated by the Chairman of the Commission, and with an agenda formulated or approved by such officer or employee; and all such meetings shall be conducted in the presence of such full-time salaried officer or employee of the Commission, who shall be responsible for opening the meeting, assisting in the conduct thereof, and for adjourning any meeting whenever he considers adjournment to be in the public interest.

4. *Minutes and records.* The Chairman of the Commission having made the determinations as reflected in the Commission's order of December 19, 1972, it is directed:

(1) That National Gas Survey advisory committees shall not be permitted to receive, compile, or discuss data or reports showing the current or projected commercial operations of identified business enterprises;

(2) That the records of all National Gas Survey advisory committee meetings or proceedings shall be accurate and include as detailed minutes with respect to each, showing:

(a) The time and place of the meeting, an explanation of the extent to which the meeting was open to the public, an identification and listing of committee members and all other persons present and participating in the meeting, together with the interests or affiliations they represent and an explanation of the manner and extent of public participation in the meeting by members of the public who attended but did not present oral or written statements to the committee, including an estimate of the number of such persons;

(b) A complete and accurate description of all matters discussed and all conclusions reached;

(c) The written information made available for consideration by the committee, including copies of all reports received, issued or approved by the committee,

(d) All recommendations made and reasons therefor; and

(e) The respective advisory committee chairman's designation of a person to record the committee meeting minutes, which person shall be the same person as designated by the Chairman of the Commission as the Secretary or Alternate Secretary of the committee, and the advisory committee chairman's certification as to the accuracy of such minutes;

(3) That in addition to the foregoing, a verbatim transcript shall be kept of all meetings of the National Gas Survey Executive Advisory Committee convened after April 25, 1972; and

(4) That one form of the records, reports, transcripts, minutes, appendixes, working papers, drafts, studies, agendas or other documents which were made available to or prepared for or by each National Gas Survey advisory committee shall be lodged and retained within the public files of the Commission.

5. *Secretary of the committee.* The Chairman of the Commission shall appoint a Secretary of each committee, including alternate secretaries where indicated, from among the members of the Commission staff who shall be responsible for preparing agendas, listing matters to be considered, supplying copies thereof and notifying committee members of the meetings, preparing detailed minutes of all committee meetings, and maintaining all records related to organization, membership and operations of the committee. As a part of such records, the Secretary or Alternate Secretary of each committee shall compile and report at least annually committee membership, functions and actions. The Secretary or Alternate Secretary shall be present during all committee meetings and the person so present shall include within his certification as to the accuracy of all minutes of the proceedings so recorded, the certification of the committee chairman.

6. *Location and time of meetings.* Unless otherwise directed, committee meetings will convene at the call of the Chairman of the Commission at the Office of the Federal Power Commission, located at 441 G Street NW., Washington, D.C. 20426, or at such place and time as may be designated by the chairman of the committee with the approval of the Chairman of the Commission. Ordinarily, these meetings will be held during the regular working hours of the Federal Power Commission.

7. *Advice and recommendations offered by the committee.* The advice and recommendations of the members of the committees may be presented to the Commission at committee meetings either orally or in written form. The advice of all committees shall be limited to matters relating solely to the planning and carrying out of the National Gas Survey and ultimate decisions based on the committees' advice or recommendations are reserved to the Federal Power Commission.

8. *Duration of the committee.* All committees shall terminate not later than 2 years subsequent to their date of establishment, unless the Commission determines in writing, not more than 60 days prior to the expiration of such 2-year period, that continued existence of a committee is in the public interest. A like determination by the Commission shall be required not more than 60 days prior to the end of each subsequent 2-year period to continue the existence of each committee thereafter.

The Secretary of the Commission shall file with the Chairman, Committee on Commerce, U.S. Senate, Chairman, Interstate and Foreign Commerce Committee, House of Representatives, and Librarian, Library of Congress, copies of this order.

The Secretary of the Commission shall cause prompt publication of this order to be made in the FEDERAL REGISTER.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

APPENDIX A

I. Order authorizing the establishment of National Gas Survey Advisory Committees and prescribing procedures. Issued February 23, 1971, 36 FR 3851.

II. Order amending National Gas Survey orders issued February 23, 1971, and April 6, 1971. Issued April 25, 1972, 37 FR 8578.

III. Order amending National Gas Survey Orders. Issued June 27, 1972, 37 FR 13306.

IV. Order amending National Gas Survey Orders. Issued December 19, 1972, 37 FR 28658.

[FR Doc.73-4004 Filed 3-2-73;8:45 am]

[Docket No. R-411]

ACCOUNTING AND RATE TREATMENT OF ADVANCE PAYMENTS FOR GAS DEVELOPMENT AND PRODUCTION

Order of Clarification and Denial of Rehearing or Modification

FEBRUARY 27, 1973.

On December 29, 1972, the Commission issued Order No. 465 amending its regulations under the Natural Gas Act so as to provide for an extension to December 31, 1973, of accounting and rate base treatment of advances made to suppliers by pipelines for gas to be delivered at a future date. Order No. 465 was issued as a result of a renotice (37 FR 13559, July 11, 1972) of the Commis-

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sion's proposed rulemaking in Docket No. R-411 as well as a notice issued on October 24, 1972, (37 FR 23363, November 2, 1972) requesting comments on the proposed rulemaking in Docket No. R-411, based on the review of the summary of responses to the questionnaires filed by all pipeline companies that have filed advance agreements with us in accordance with Orders Nos. 410 (44 FPC 1142), 410-A (45 FPC 135), and 441 (46 FPC 1178).

On January 29, 1973, Mobil Oil Corp. (Mobil) and the Public Service Commission of New York (New York) each filed an application for rehearing of Order No. 465, in which they each recommend revocation of Order No. 465 or, at least, substantial modification of that order. On February 12, 1973, the Independent Petroleum Association of America (IPAA) also filed an application for rehearing requesting modification of Order No. 465.

Mobil alleges that Order No. 465 establishes a rule which is inherently preferential to pipelines and their producing affiliates in that it, inter alia, allows pipelines to make advances to their affiliates as well as to independent producers and include such advances in rate base. Mobil alleges that since it and other situated producers are not able to assess ratepayers for exploration ventures in this manner, they will be at a competitive disadvantage since the pipeline will fund its producing affiliate before it funds an independent producer and that this, in turn, will lead to a restructuring of the natural gas industry such that it will be dominated by pipelines and their producing affiliates. Moreover, New York argues that allowing a pipeline affiliate to obtain a working interest as a result of an advance is forcing ratepayers "to pay a return on consumer-contributed capital."

In Order No. 465 (mimeo, p. 9), we noted that our policy since the issuance of Opinion No. 568 (42 FPC 743, 752), was to treat pipeline-affiliated producers on a parity with independent producers in order to encourage "intensified exploration by the pipeline producers." To this end, in Order No. 465, we continued our policy of permitting advances from pipelines to their production affiliates to be included in rate base and removed the prohibition against acquisition of a working interest by a pipeline affiliate as the result of an advance. As noted in Schedule III(b) of Attachment D to Order No. 465, advances to pipeline affiliates play a very small role in the total advances program. We believe encouraging pipeline production is a necessary and proper means of alleviating the natural gas shortage, which will complement, and not discourage our efforts to encourage further exploration and development activity by independent producers.[1] Moreover, as we stated in Order No. 465 (mimeo, p. 10), permitting pipelines to capitalize advances made to their producer affiliates where such affiliates acquire a working interest, provides a useful incentive to pipeline production without increased cost to the consumer and allows the affiliate greater flexibility in entering into joint ventures with other producers. We also note that no capital contributions by consumers are required or contemplated by Order No. 465.

IPAA also alleges that Order No. 465 is preferential to pipelines and their affiliates and recommends that the Order be modified such that a pipeline's affiliate:

> Should be allowed to share in the total advance payments generated by the parent in the same ratio as the quantity of gas produced by the affiliate bears to the total gas through-put of the pipeline; and further, no independent producer should receive more than six (6) percent of the advance payments generated by a pipeline and the average should not be more than two (2) percent.

Upon consideration of IPAA's proposal, we find that it should not be adopted since it would restrict the scope of the advance program by placing unnecessary restrictions on advances made to independent producers and pipeline affiliated producers.

Mobil alleges that the Commission has prescribed a "permanent" rule in contravention to Public Service Commission of New York v. F.P.C., ___ F. 2d ___, CADC No. 71-1161, issued March 29, 1972; rehearing denied ___ F. 2d ___, issued May 19, 1972. However, examination of Order No. 465 reveals that it is "permanent" in the same sense as Order No. 441. As Mobil correctly points out, Order No. 465 provides that no advances may be made pursuant to contractual commitments entered into after December 31, 1973. However, advances may be made after that date if they are pursuant to contractual commitments entered into before December 31, 1973. A similar provision is included in Order No. 441 covering advances made pursuant to that order. The Court of Appeals found in Public Service, supra, (mimeo p. 7) that Order No. 441 was "temporary in effect, and is to apply only to contracts executed before January 1973." We see no distinction between Order No. 441 and Order No. 465 in this regard, and find that this provision of Order No. 465 does not violate the Court's mandate that the advances program be temporary in nature.

Mobil and New York allege that the data from the advances program were not subjected to meaningful review and analysis as required by Public Service, supra. Petitioners claim that a substantial portion of the 9.5 trillion cubic feet (Tcf) of proven reserves which we attributed to the advances program[2] came from offshore wells in southern Louisiana, where the Commission has plenary jurisdiction and where, it is alleged, the advances were unnecessary in stimulating exploration and development activity. New York uses a similar argument urging a reversal of our policy to reallow exporation advances for rate base treatment. New York argues further that the advances in the offshore area are merely commitment fees which raise the price of gas to the consumer with no commensurate benefit, and that offshore advances should therefore be prohibited.

As we noted in Order No. 441, 46 FPC 1178 at 1180, a primary purpose of the advances program is to aid capital formation for gas to accelerate the addition of new gas supplies to the interstate market. We do not now state nor have we stated that the 9.5 trillion cubic feet of proven reserves would never have been found or developed absent the advances program. However, our analysis of the data, comments, and pleadings filed in this proceeding indicates that the advances program was a significant and necessary factor in speeding the capital formation which led to the exploration, development, and dedication of 9.5 trillion cubic feet of proven reserves from onshore as well as offshore for use by the interstate market at the time in which it occurred.

Mobil notes that many of the responses to the renotice recommended higher field prices for both new and flowing gas as the best solution to the natural gas shortage and that it was "unlawful" for us to reject that proposal in this docket. The fact that we have decided to continue the advances experiment in no way means that we reject the concept of higher field prices.[3] However, we have determined in this proceeding that a continuation of the advances experiment until December 31, 1973, is a necessary complement to our other efforts to obtain additional supplies of natural gas for the interstate market.

Mobil claims that Order No. 465 is invalid because it was based on data collected by use of a questionnaire prepared by the Commission without the participation of Mobil and other producers. The questionnaire was developed to study the results of advances being included in the rate base of pipelines and the impact of such inclusion on the quantity of gas reserves made available to the pipelines making the advances. Therefore, we find that the absence of participation of Mobil and other producers in the preparation of the questionnaire was not prejudicial to the accuracy of the findings in Order No. 465.

Mobil also states, based on the assumption Order No. 465 will not be repealed, that several of the accounting sections (mimeo, pps. 12-16) of Order 465 require clarification. Mobil alleges that the accounting provisions fail to implement the "Commission's intentions that pipelines are to bear the costs of nonrecoverable advances regardless of contract provisions". New York also expresses concern that our modification of the full recoupment provision initiated in Order No. 441 may result in increased requests no clarification, but argues that

[1] See Order No. 455 issued Aug. 3, 1972, and Order No. 455-A issued Sept. 8, 1972, in Docket No. R-441.

[2] See Order No. 465, pp. 6-7.

[3] See Order No. 455, supra.

costs to the pipeline's customers. IPAA the 5-year repayment should be eliminated because it is unduly burdensome to the advances program.

In Order No. 465, we modified the requirement of Order No. 441 that producers fully repay an advance if the pipeline agreed to absorb any amounts not recovered by gas or other economic consideration from the producer. This means any amounts of an advance not fully recovered 5 years from the date gas deliveries commence or the date it is determined that recovery will be in other than gas, shall be removed from Account 166, rate base treatment thereof shall cease, and the pipeline's shareholders shall absorb the nonrecovered amounts. We do not find that this provision will unduly hamper the effectiveness of the advances program.

New York and Mobil also question how paragraph H of the accounting section of Order No. 465 (mimeo, p. 14) will operate in these changed circumstances. Paragraph H provides: "(I)f the recipient of an advance is unable to repay it [the advance] in full, through no fault of the pipeline or contractual provisions, in gas or other assets, the unpaid or nonrecoverable portions shall be credited to this account at the time such amount is recognized as nonrecoverable". Paragraph H then provides that the amounts of nonrecoverable advances shall be charged off below-the-line, as a non-cost-of-service item in Account 435 or when authorized by the Commission, charged to Account 186 for amortization to Account 813 as a cost-of-service item over a 5-year period. However, as noted above, rate base treatment ceases at the time the advance is recognized as nonrecoverable.[4] Therefore, the right of a pipeline to amortize such nonrecoverable advances to its cost-of-service remains subject to the Commission's determination in each case whether the nonrecoverability of an advance is through no fault of the pipeline or the contractual provisions of the advances agreement. Pipelines electing to enter into contracts not containing a provision for full repayment of the advance by the producer will, in general, be required to absorb the nonrecoverable amounts of such advances and not be permitted to charge such amounts to its cost-of-service.

Mobil alleges that the language in paragraph F (mimeo, p. 14) "serves to depart from the Commission's intent of treating advances as loans." Our intent in promulgating paragraph F was to insure that no advance would remain in Account 166 for more than 5 years without gas deliveries commencing or a determination being made that recovery would be in other than gas. Once one of these two events has occurred, the 5 year recovery period commences. In our previous orders, there was no limit on the time between inclusion of the advance in Account 166 and the commencement of the 5 year recovery period. Thus paragraph F does not depart from the Commission's concept of advances as loans but, in effect, offers added protection against excessive charges to the pipeline's customers.

Mobil questions the definition of the term "partial recovery" in paragraph E (mimeo, pps. 13-14) in light of earlier language in that paragraph citing the condition that no gas flows to the pipeline. "Partial recovery" in this instance means that some of the gas found as a result of the advance flows to the pipeline making such advance, but not enough to fully recoup such advance.

Notes A and C of the accounting section of Order No. 465 (mimeo, p. 15) define which order that pre-Order No. 465 advances shall be subject to. For purposes of clarification we note that the date of the *contract* rather than the date of the advance itself determines which order an advance shall be governed by.

The Commission finds:

The grounds for rehearing set forth in the applications for rehearing filed by New York, Mobil, and IPAA, present no new facts or principles of law which were not considered by the Commission in Order No. 465 issued December 29, 1972, in this proceeding, or which having now been considered, warrant any charge or modification of that order.

The Commission orders:

The applications for rehearing filed by New York and Mobil on January 29, 1973, and by IPAA on February 12, 1973, are hereby denied.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

[FR Doc.73-4115 Filed 3-2-73;8:45 am]

[4] See also Order of Clarification and Denial of Rehearing in Docket No. R-411, 47 FPC 57 at 58.

[Dockets Nos. RP71-131; RP72-61]

ALGONQUIN GAS TRANSMISSION CO.

Notice of Stipulation and Agreement and Additional Tariff Provision

FEBRUARY 27, 1973.

Take notice that on February 12, 1973, Algonquin Gas Transmission Co. (Algonquin) submitted on the evidentiary record of these proceedings a stipulation and agreement and an incorporated addition to its tariff. On February 16, 1973, the presiding Administrative Law Judge certified the stipulation and agreement to the Commission.

The stipulation and agreement with its incorporated tariff addition is intended to cover, for the remainder of the present (1972-73) winter heating season, any emergency situation that may arise due to curtailments of natural gas deliveries on the Algonquin System.

The purpose of the agreement and incorporated tariff addition is to comply with the Commission's order to show cause issued in these dockets on January 29, 1973.

Any person desiring to be heard or to make any protest with reference to this filing should on or before March 9, 1973, file with the Federal Power Commission, 441 G Street NW., Washington, DC 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to participate as parties in any hearing therein must file petitions to intervene in accordance with the Commission's rules.

KENNETH F. PLUMB, *Secretary.*

[FR Doc.73-4101 Filed 3-2-73;8:45 am]

[Docket No. E-8038]

CENTRAL MAINE POWER CO.

Notice of Proposed Supplement to Initial Rate Schedule

FEBRUARY 26, 1973.

Take notice that Central Maine Power Co. (Central Maine) on February 14, 1973, tendered for filing a proposed supplement to the initial rate schedule filed and pending in Docket No. E-7824. This filing consists of a modification of Maine Yankee Transmission Agreement (agreement) dated as of December 1, 1972, and provides a change in the applicability of section 4 of the agreement. Central Maine requests an effective date of December 1, 1972, or such other date as the agreement is made effective as a rate schedule.

Central Maine states that "the effect of the modification will be to resolve an ambiguity now existing between section 4 of the agreement, which requires all purchasing companies, including Central Maine, to pay for transmission services received, and Appendix A of the agreement which correctly indicates that Central Maine will not receive transmission services from the other signatory parties." Further, Central Maine avers that the proposed revision of section 4 is intended to make it clear that it will not be required to pay for transmission services.

Central Maine states that copies of this filing were served upon all parties to the agreement.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 441 G Street NW., Washington, DC 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before March 9, 1973. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB, *Secretary.*

[FR Doc.73-4103 Filed 3-2-73;8:45 am]

V38-42 MAR 5 73 XUM

COLORADO INTERSTATE GAS CO.

[Docket No. RP72-113]

Notice of Certification of Proposed Settlement Agreement

FEBRUARY 26, 1973

Take notice that on February 21, 1973, the presiding Administrative Law Judge Jensen certified to the Commission a proposed Stipulation and Agreement of Settlement (Settlement) filed by Colorado Interstate Gas Co. (CIG) on February 20, 1973.

CIG states that the filed Settlement constitutes a proposed settlement of the above-captioned proceeding. The Settlement as filed is based on jurisdictional cost of service of $95,225,024 with a rate base of $187,674,160. The Settlement rate of return is 8.37 percent with a return on equity of 12.42 percent.

The proposed Settlement contains a moratorium on further rate increases which states that no increase in jurisdictional rates will become effective prior to October 1, 1973. In addition the Settlement provides that CIG will compute its allowance for depreciation for Federal and State income tax purposes by use of the flow-through method of accounting for both pre- and post-1969 public utility property.

Any person desiring to make comments on said proposed Stipulation and Agreement should file written comments with the Federal Power Commission, 441 G Street NW., Washington, DC 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such comments should be filed on or before March 12, 1973.

Copies of the proposed stipulation and agreement are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-4107 Filed 3-2-73;8:45 am]

[Docket No. CP73-218]

COLUMBIA GAS TRANSMISSION CORP.

Notice of Application

FEBRUARY 26, 1973.

Take notice that on February 13, 1973, Columbia Gas Transmission Corp. (Applicant), 20 Montchanin Road, Wilmington, DE 19807, filed in Docket No. CP73-218 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of certain natural gas compressor facilities, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to construct and operate an additional 3,000-hp. compressor unit at its Frametown Compressor Station, located in Applicant's Zone 2, Braxton County, W. Va. Applicant proposes to begin construction of such facilities in the early summer of 1973.

Applicant states that the additional horsepower will provide additional seasonal capacity and flexibility to offset the effects of curtailment by three of Applicant's five nonaffiliated pipeline suppliers and to accommodate changing patterns of deliveries to Applicant's customers by optimizing utilization of existing storage facilities. Applicant further states that it will not provide any additional sales above the level of its existing authorizations.

It is stated that the construction and operation of the proposed compressor facilities are essential to assist Columbia in maintaining existing levels of service during the 1973-74 winter season and thereafter.

Applicant estimates that the total cost of the proposed facilities will be $658,000, to be financed from internally generated funds.

Any person desiring to be heard or to make any protest with reference to said application should on or before March 19, 1973, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate are required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-4106 Filed 3-2-73;8:45 am]

[Docket No. RP71-128]

FLORIDA GAS TRANSMISSION CO.

Notice of Tariff Revision To Provide for Relief From Curtailment in Emergencies

FEBRUARY 27, 1973.

Take notice that on February 20, 1973, Florida Gas Transmission Co., Post Office Box 44, Winter Park, FL 32789, filed First Revised Sheets Nos. 19 and 20 to its FPC Gas Tariff, Original Volume No. 1, containing a proposed addition to the Priority of Service provision in section 9, General Terms and Conditions, to provide for relief from curtailment in emergency situations. The provision is as follows:

> Seller shall have the right to adjust curtailments pursuant to the foregoing provisions, to the extent necessary, to respond to emergency situations (including environmental emergencies) during periods of curtailment where supplemental deliveries are required to forestall irreparable injury to life or property; provided, however, that when supplemental deliveries are made to any customer pursuant to this emergency exception, Seller and such customer shall balance out such supplemental deliveries by added curtailments at times when such added curtailments do not result in an emergency situation for such customer.

The revision is proposed to become effective on March 23, 1973, or 30 days after filing.

Copies of the revised tariff sheets have been served on all of Florida Gas customers, the Florida Public Service Commission, and all intervenors in Docket No. RP66-4, et al.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 441 G Street NW., Washington, DC 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before March 14, 1973. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of the tariff revision are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-4100 Filed 3-2-73;8:45 am]

[Docket No. G-7437]

LA JOLLA PROPERTIES, INC.

Notice of Petition To Amend

FEBRUARY 26, 1973.

Take notice that on February 15, 1973, La Jolla Properties, Inc. (Petitioner), c/o William F. Pielsticker, Esq., 1400 Vickers, KSB&T Building, Wichita, KS 67202, filed in Docket No. G-7437 a petition to amend the Commission's order granting a certificate of public convenience and necessity pursuant to section 7(c) of the Natural Gas Act in said docket by authorizing Petitioner to continue sales of natural gas formerly made by The Fourth National Bank and Trust Company, Wichita, Kans., to Colorado Interstate Corp. (Colorado), from the Hugoton Gas Field, Kearny County, Kans., all as more fully set forth in the petition to amend in this proceeding.

Petitioner proposes to continue sales of natural gas to Colorado from the Hugoton Field at 12.5 cents per Mcf at 14.65 p.s.i.a., subject to downward B.t.u. adjustment.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before March 19, 1973, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-4102 Filed 3-2-73;8:45 am]

[Docket No. CP73-217]

NATURAL GAS PIPELINE COMPANY OF AMERICA

Notice of Application

FEBRUARY 26, 1973.

Take notice that on February 13, 1973, Natural Gas Pipeline Company of America (Applicant), 122 South Michigan Avenue, Chicago, IL 60603, filed in Docket No. CP73-217 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the replacement of pipeline facilities, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to replace with 42-inch pipe approximately 6 miles of 24-inch pipe on Applicant's No. 1 Crawford pipeline in Will and Du Page Counties, Ill. Applicant states that it began its program of replacing portions of the original 24-inch No. 1 Crawford pipeline in 1968 and that the pipeline replacement proposed herein will complete the replacement program.

It is stated that the estimated cost of the proposed replacement is $2,084,000 and will be financed from funds on hand.

Any person desiring to be heard or to make any protest with reference to said application should on or before March 19, 1973, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-4113 Filed 3-2-73;8:45 am]

[Docket No. CP73-219]

NATURAL GAS PIPELINE COMPANY OF AMERICA

Notice of Application

FEBRUARY 26, 1973.

Take notice that on February 14, 1973, Natural Gas Pipeline Company of America (Applicant), 122 South Michigan Avenue, Chicago, IL 60603, filed in Docket No. CP73-219 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction of certain facilities and the transportation and delivery of up to 200,000 Mcf of natural gas per day for Truckline Gas Co. (Trunkline), all as more fully explained in the application which is on file with the Commission and open to public inspection.

Applicant proposes to transport and deliver up to 200,000 Mcf at 14.73 p.s.i.a. of natural gas per day to Trunkline in accordance with an agreement between the parties dated December 14, 1972, and to construct, own, and operate the facilities necessary therefor. Applicant states that pursuant to said agreement Trunkline will cause Stingray Pipeline Company (Stingray) to deliver to Applicant up to 135,000 Mcf of natural gas per day during the first year, and up to 200,000 Mcf thereafter (Reserved Daily Capacity), at Applicant's existing Holly Beach delivery point, Cameron Parish, La., and that Applicant will redeliver the gas to Trunkline at the proposed Cameron delivery point, located at the intersection of Applicant's pipeline and Trunkline's pipeline in Cameron Parish, La. It is stated that the agreement of December 14, 1972, is for a 2-year term, with provision for continuation on a year-to-year basis thereafter.

It is stated that Trunkline will pay applicant a monthly demand charge equal to the product of the Mcf of Reserved Daily Capacity, times 54 miles, times 66 cents per Mcf mile, for the transportation of natural gas proposed herein. It is further stated that applicant will be paid an additional demand charge of 1.172 cents per Mcf on quantities of gas in excess of the Reserved Daily Capacity that are accepted for redelivery by applicant.

Applicant states that the facilities it proposes to construct, own, and operate at the redelivery point will cost an estimated $239,000; and the facilities it plans to construct, own, and operate, consisting of valves, pressure regulations, and other appurtenant facilities at the connection of its Louisiana pipeline with those facilities operated by Stingray, will cost an estimated $104,000. It is also stated that the costs of the aforementioned facilities will be financed from funds on hand, and Trunkline will reimburse applicant for the total cost of construction of those facilities which applicant will own and operate.

Any person desiring to be heard or to make any protest with reference to said application should on or before March 19, 1973, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-4108 Filed 3-2-73;8:45 am]

V38-42 MAR 5 73 XUM

[Docket No. CP73-215]

NORTHERN NATURAL GAS CO.

Notice of Application

FEBRUARY 26, 1973.

Take notice that on February 12, 1973, Northern Natural Gas Co. (Applicant), 2223 Dodge Street, Omaha, NE, filed in Docket No. CP73-215 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing Applicant to sell and deliver volumes of raw natural gas to be produced in Lea County, N. Mex., to El Paso Natural Gas Co. (El Paso) for repurchase of volumes of residue gas from El Paso, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that it does not have enough system capacity to gather, process and transport volumes of gas available to it from its Lea County, N. Mex., sources. Applicant further states that El Paso, which also purchases, gathers and transports natural gas from fields located in Lea County, N. Mex., has excess capacity on its system, and that El Paso has contracted with Warren Petroleum Co. (Warren) to use a portion of Warren's processing capacity at Warren's Monument and Eunice Plants in Lea County to process gas for El Paso.

Applicant proposes to increase its takes of natural gas from its Lea County sources by utilizing the excess capacity on the El Paso system in accordance with the terms of an agreement between applicant and El Paso dated January 31, 1973. It is stated that pursuant to the aforementioned contract applicant will use its best efforts to sell and deliver up to 75,000 Mcf of raw, wet, sour natural gas per day to El Paso, or to Warren for El Paso's account, at approximately 100 p.s.i.a. or less, for an initial price of 18.87 cents per Mcf at 7 points of intersection in Lea County.

Applicant further states that El Paso will concurrently sell at 30.94 cents per Mcf, El Paso's currently effective price under Rate Schedule X-1, and deliver to Northern daily volumes of residue gas equal to the volume of gas remaining after El Paso processes the raw gas purchased from Northern, approximately 60,000 Mcf per day. It is also stated that such sale and delivery by El Paso will occur at an existing point of connection at the outlet of Mobil Oil Corp.'s Coyanosa Gasoline Plant, Pecos County, Tex., and/or at the point of intersection where Applicant's 16-inch mainline crosses El Paso's 12-inch line in Lea County, N. Mex. Applicant states that the gas so delivered will be processed, dehydrated, sweet, compressed, and delivered at approximately 900 to 1000 p.s.i.a.

Applicant states that it commenced the sale and delivery of raw natural gas to El Paso for the concurrent repurchase of attributable residue gas, and installed interconnecting delivery facilities at eight locations in Lea County, N. Mex., to make such sales and repurchases within the contemplation of § 157.22 of the Regulations under the Natural Gas Act (18 CFR 157.22).

Applicant requests authority to include the purchase of residue gas from El Paso in computing its "Annual Rate Adjustment to Reflect Charges in Gas Purchased Cost" under paragraph 20 of its FPC Gas Tariff, Third Revised Volume No. 1. Applicant states that the revenue that it will be receiving for the raw gas volumes sold to El Paso will approximate Applicant's cost of purchasing and gathering the Lea County, N. Mex., gas, the operation of paragraph 20 will allow Applicant to recover its actual cost of repurchasing the higher priced residue gas volumes from El Paso.

Any person desiring to be heard or to make any protest with reference to said application should on or before March 19, 1973, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-4112 Filed 3-2-73;8:45 am]

[Docket No. RP71-107 (Phase I)]

NORTHERN NATURAL GAS CO.

Order Setting Expedited Hearing on Application for Extraordinary Relief and Permitting Interventions

FEBRUARY 26, 1973.

On January 29, 1973, Producers Gas Equities, Inc. (Producers) filed an application for extraordinary relief, requesting that the Commission exempt it from the curtailment provisions of paragraph 9 of the General Terms and Conditions of Northern Natural Gas Co.'s (Northern) FPC Gas Tariff, Third Revised Volume No. 1, as contained in Northern's settlement agreement approved subject to conditions by the Commission's order issued October 2, 1972.[1]

In support of its application, Producers alleges primarily that curtailment of Northern's gas service to it would result in curtailment of gas sales to its small oil field and farm industrial customers in contravention of the public interest, and that only a relatively small volume of gas is involved. Additionally, Producers alleges that curtailment of gas sales to its small oil field customers would cause not only economic hardship and inconvenience to oil lease operators but also would reduce oil production. On February 16, 1973, Northern filed an answer, stating inter alia that it does not oppose Producers' request for an exemption and further that Producers needs these overrun purchases of gas to meet requirements of its rural domestic and small industrial customers.

Pursuant to our Notice published in the FEDERAL REGISTER, petitions for and notices of intervention were due on or before February 16, 1973. On that date petitions for leave to intervene were filed by Farmland Industries, Inc. and Terra Chemicals International Inc., which request that a formal hearing be held to determine whether Producers' application should be granted. Both petitioners have shown an interest which warrants their participation herein.

We are of the view that Producers should be required to submit evidence supporting its application for extraordinary relief, and that an expedited public hearing thereon be held. Accordingly, we shall schedule dates for the filing of testimony and cross-examination that will facilitate a prompt determination of the merits of Producer's request.

The Commission finds:

(1) It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing to determine whether the public convenience and necessity require the grant of the extraordinary relief sought.

(2) The participation of the above-named petitioners in this proceeding may be in the public interest.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, the Commission's rules of practice and procedure, and the Regulations under the Natural Gas Act (18 CFR, Ch. I), a public hearing shall be held commencing on March 20, 1973, at 10 a.m. (e.s.t.) in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, DC 20426 to determine whether the public convenience and necessity require the extraordinary relief sought by Producers.

[1] Notice of Producers' application was issued and published in the Federal Register (38 FR 4028).

(B) On or before March 2, 1973, Producers shall file with the Commission and serve on all parties, including the Commission staff, such testimony and exhibits as it may choose to proffer in support of its proposed extraordinary relief.

(C) On or before March 9, 1973, any parties, including the Commission staff, may file answering testimony and exhibits in response to the evidence filed by Producers.

(D) On or before March 16, 1973, Producers may file rebuttal testimony in this proceeding.

(E) A presiding Administrative Law Judge to be designated by the Chief Administrative Law Judge for the purpose [see Delegation of Authority, 18 CFR 3.5 (d)] shall preside at the hearing in this proceeding pursuant to the Commission's rules of practice and procedure.

(F) All of the above-named petitioners are hereby permitted to intervene in this proceeding, subject to the rules and regulations of the Commission: *Provided, however,* That the participation of such interveners shall be limited to matters affecting rights and interests specifically set forth in the respective petitions to intervene, and *Provided, further,* That the admission of such interveners shall not be construed as recognition by the Commission that they, or any of them, might be aggrieved because of any order or orders issued by the Commission in this proceeding.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.73-4110 Filed 3-2-73;8:45 am]

[Project 1881]

PENNSYLVANIA POWER & LIGHT CO.

Notice of Application for Change in Land Rights

FEBRUARY 26, 1973.

Public notice is hereby given that application was filed on August 25, 1972, under the Federal Power Act (16 USC 791a–825r) by the Pennsylvania Power & Light Co. (correspondence to: Mr. Edward M. Nagel, General Counsel and Secretary, Pennsylvania Power & Light Co., 901 Hamilton Street, Allentown, PA) for a change in land rights for constructed Project No. 1881, known as the Holtwood Project, located on the Susquehanna River in Lancaster and York Counties, Pa.

Applicant seeks Commission approval of a settlement agreement dated August 7, 1972, between Pennsylvania Power & Light Co. and the Commonwealth of Pennsylvania involving a transfer of an interest in 4.92 acres of project land of Holtwood Project No. 1881 required for highway construction in the vicinity of a bridge over Pequea Creek of Legislative Route No. 332, Section No. 3, Conestoga and Martic Townships, Lancaster County, Pa. The Commonwealth of Pennsylvania acquired an easement across project lands as a result of a condemnation proceeding in the Court of Common Pleas of Lancaster County. The Pennsylvania Department of Highways requires this right-of-way for channel alignment and removal or alteration of buildings and structures for highway construction purposes.

The settlement agreement provides for the right of the Licensee to use the land affected at any time for project purposes as contemplated in the license issued for Project No. 1881.

Any person desiring to be heard or to make protest with reference to said application should on or before April 4, 1973, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to a proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and is available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-4105 Filed 3-2-73;8:45 am]

[Project 2370]

PENNSYLVANIA ELECTRIC CO.

Notice of Application for Change in Land Rights

FEBRUARY 26, 1973.

Public notice is hereby given that application was filed November 30, 1971, under the Federal Power Act (16 U.S.C. 791a–825r) by the Pennsylvania Electric Co. (Correspondence to: Mr. W. R. Thomas, Secretary and Treasurer, Pennsylvania Electric Co., 1001 Broad Street, Johnstown, PA 15907) for change in land rights for constructed Project No. 2370, known as the Deep Creek Project, located on Deep Creek in Garrett County, Md.

Pennsylvania Electric Co., licensee for the Deep Creek Project No. 2370, requests Commission approval to sell 11 parcels of land (totaling 13 acres) to the Maryland State Highway Administration to accommodate portions of relocated State Highway No. 219. Pennsylvania Electric Co. (also seeks authorization to grant easements on three other parcels of land (a total of one-third acre) which would be used for drainage facilities and maintenance of State Highway No. 219. The parcels are located between the village of McHenry and Deep Creek Bridge.

Any person desiring to be heard or to make protest with reference to said application should on or before April 2, 1973, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to a proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and is available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-4111 Filed 3-2-73;8:45 am]

[Docket No. CI73-542]

TEXAS GULF, INC.

Notice of Application

FEBRUARY 26, 1973.

Take notice that on February 16, 1973, Texas Gulf, Inc. (Applicant), 811 Rusk Avenue, Houston, TX 77002, filed in Docket No. CI73-542 an application pursuant to section 7(c) of the Natural Gas Act and § 2.75 of the Commission's general policy and interpretations (18 CFR 2.75) for a certificate of public convenience and necessity, with pregranted abandonment authorization, authorizing the sale for resale and delivery of natural gas in interstate commerce to Columbia Gas Transmission Corp. (Columbia) from Block 213, East Cameron Area, Offshore Louisiana, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes under the optional gas pricing procedure to sell natural gas to Columbia from Block 273 at an initial rate of 45 cents per Mcf at 15.025 p.s.i.a., subject to upward and downward B.t.u. adjustment. The basic contract for the subject sale dated November 14, 1973, provides for 1 cent per Mcf price escalations each year, for reimbursement to Applicant for 100 percent of any increased taxes and for a term of 20 years. The price is to be reduced 0.02 cent per Mcf per mile of transportation of plant shrinkage volumes.

Applicant believes that the instant contract prices are reasonable as they effect Columbia, particularly in light of the report that Columbia recently contracted to purchase high-priced synthetic gas made from imported crude oil and naphtha and of the authorization which Columbia LNG Corp., was recently given in Dockets Nos. CP71-68 and CP71-289 which will permit deliveries of liquefied natural gas to Columbia at an initial rate of 90 cents per Mcf.

Applicant also believes that the assurance of a long-term supply of natural gas produced domestically and delivered at the instant contract prices is extremely beneficial to consumers faced with the prospect of paying in excess of $1 (initial price) for gas synthesized from crude oil or naphtha, gasified from coal, imported in liquid form from countries with uncertain political futures, or

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transported over long distances from Alaska.

In the alternative, if the optional gas pricing procedure is not available, applicant requests that the subject sale be authorized under paragraph 12 of the Commission's notice of July 17, 1970, in Docket No. R-389A, Initial Rates for Future Sales of Natural Gas for All Areas. In that notice the Commission said that it would consider applications by independent producers notwithstanding that the proposed price may be in excess of area ceiling or guideline rates.

Any person desiring to be heard or to make any protest with reference to said application should on or before March 19, 1973, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-4114 Filed 3-2-73;8:45 am]

[Docket No. IT-5501; Project 2545]

THE WASHINGTON WATER POWER CO.

Notice of Extension of Time

FEBRUARY 26, 1973.

On February 20, 1973, The Washington Water Power Co. filed a motion for extension of time to April 2, 1973, in which to file its answer to the petition of the Secretary of the Interior for leave to intervene filed with the Commission on February 13, 1973.

Upon consideration, notice is hereby given that the time is extended to April 2, 1973, in which answers may be filed to the petition to intervene filed by the Secretary of Interior.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-4109 Filed 3-2-73;8:45 am]

[Docket No. E-7741]

VIRGINIA ELECTRIC & POWER CO.

Order Terminating Rate Proceeding and Accepting and Approving Revised Tariff Sheets

FEBRUARY 26, 1973.

On September 27 and 28, 1971, Virginia Electric & Power Co. (VEPCO) tendered for filing proposed changes in its FPC electric rate schedules. The filing was noticed on June 20, 1972, with protests and requests for intervention due by July 19, 1972. No comments were filed.

The proposed amendment to all contracts for the sale of electric energy to Rural Electric Cooperatives deletes section 10A of the agreement which presently prohibits electrical connection of the company's supply with another source except upon written notice to, and consent of, the company and substitutes a new provision which permits such electrical connection upon reasonable written notice and agreement between the parties on such measure and conditions, if any, as may be required for reliability of both systems.

VEPCO also submitted revised tariff sheets applicable to all municipalities and privately owned companies to include substantially the same change in terms and conditions that is proposed above for the cooperatives. In addition, the changes in the tariff applicable to the municipals and privately owned companies include the following: (1) The customer may use any other source of supply without notice or agreement when the systems of the company and customer are electrically isolated; (2) an article restricting the customer's sales for resale without VEPCO's prior consent would be eliminated; (3) substantial change in the customer's load would be subject to the availability of power and to agreement on such measures or conditions, if any, as may be required for reliability of both systems. (Formerly such change in load required notice to, and consent of, the company.) The revised tariff also provides that VEPCO would be free to seek any relief provided by the Federal Power Act if the customers interconnection with alternate energy supplies burdens VEPCO's system.

In a letter filed with the Commission on January 11, 1973, VEPCO requested approval of the proposed changes as expeditiously as possible and stated that they had no objection to the proposed changes and that the changes do not impose a hardship on the company or the customers, nor do they affect the reliability of VEPCO's service.

VEPCO states that changes were brought about as a result of a VEPCO licensing proceeding before the Atomic Energy Commission (AEC). VEPCO further states that pursuant to section 105 (c) of the Atomic Energy Act, as amended, the license application was submitted to the Department of Justice by AEC for analysis and advice on any antitrust matters. The advice of the Department of Justice was that no antitrust investigation would be ordered if, within 90 days from July 2, 1971, the company filed the tariff changes which are the subject of this proceeding.

Based on our own review of the proposed changes and VEPCO's filing that no hardship to either VEPCO or the customers will result from these changes, we will approve the proposed changes. We will conduct a similar review of all such tendered filings made on the basis of the Department of Justices' recommendation to determine whether they are in the public interest in light of our statutory responsibilities under the Federal Power Act. If our investigation indicates that the proposed changes might not be just and reasonable within the meaning of the Federal Power Act, we will hold evidentiary proceedings in which all of the parties, including the Department of Justice, will have an opportunity on the record to support or oppose the changes proposed.

The Commisison finds:

VEPCO's proposed changes in its FPC Electric Tariff, tendered for filing September 27 and 28, 1971, are just and reasonable and should be accepted for filing and approved as filed.

The Commisison orders:

The proposed changes in VEPCO's FPC Electric Tariff, Original Volume No. 1[1] are accepted for filing and are hereby made effective November 1, 1971, as requested.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.73-4104 Filed 3-2-73;8:45 am]

[1] Fourth Revised Sheet No. 1, Sixth Revised Sheet No. 2, First Revised Sheet No. 3, Fourth Revised Sheet No. 4, First Revised Sheet No. 8, First Revised Sheet No. 9.

[Project No. 1999]

WISCONSIN PUBLIC SERVICE CORP.

Notice of Application for New License

FEBRUARY 27, 1973.

Public notice is hereby given pursuant to section 4(e) of the Federal Power Act (16 U.S.C. 791a-825r) that application was filed on June 27, 1969 (revised February 26, 1970, and supplemented October 18, 1971, May 8, and July 27, 1972) by Wisconsin Public Service Corp. (correspondence to: Mr. C. A. McKenna, Secretary, Wisconsin Public Service Corp., 1029 North Marshall Street, Milwaukee, WI 53201) for Project No. 1999, known as the Wausau project, located on the Wisconsin River within the city of Wausau, Marathon County, Wis.

Applicant held a 50-year license which expired on June 30, 1970. The Commission has since issued three annual licenses to the applicant, the latest of which will expire on June 30, 1973.

The project, which affects the navigable waters of the United States, is operated as a run-of-the-river project. The project consists of: (1) A concrete and masonry dam about 1,036 feet long comprising a 98-foot powerhouse section, an overflow spillway section about 214 feet long and 26 feet high surmounted by 4-foot flashboards, a tainter gate section about 217 feet long and 34 feet high with seven 18 x 26 foot tainter gates, a needle section about 308 feet long and 31 feet high, and two bulkhead sections about 30 feet high with a total length of about 200 feet all located in the west channel of the Wisconsin River; (2) guard locks about 338 feet long and 22 feet high with three 10 x 20 foot tainter gates located upstream in the east channel of the river; (3) a reservoir which, with normal water surface elevation of 1,186.87 feet U.S.G.S., has an area of about 304 acres and extends upstream for about 5½ miles; (4) a powerhouse integral with the main dam containing three equally rated generating units with an aggregate capacity of 5,400 kw.; and (5) all other facilities and interests appurtenant to the operation of the project.

Applicant estimates that its total net investment is about $596,000 which is less than its estimate of fair value. Severance damages in the event of a Federal takeover of the project are estimated by the applicant to be approximately $375,000. Applicant estimates that annual taxes paid to State and local governments amount to about $25,000.

Two islands downstream of the project, Stack and Picnic, having a combined area of over 15 acres were sold to the city of Wausau for nominal consideration for as long as they were used for recreational purposes. If the city ceases to so use the land, title will revert back to the applicant. The channel between the shore and the city owned, 15 acre Oak Island has been filled so that the latter is now part of the east bank upon which the city has developed several baseball diamonds and a boat landing. A footbridge provides access to Stack Island which has been developed into a picnic area and wildlife refuge with shelter houses and running water. A footbridge located near the parking lot adjoining the municipal swimming pool on the west bank of the river provides access to Picnic Island, which has been landscaped to provide a picnic area and bird sanctuary.

No further recreational development is proposed or contemplated by State or local groups or the applicant at this time.

The project's output flows into the company's interconnected electric system which services parts of north central and northeastern Wisconsin and an adjacent part of Menominee County, Mich.

Any person desiring to be heard or to make protest with reference to said application should on or before April 26, 1973, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to a proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and is available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-4099 Filed 3-2-73;8:45 am]

[1] All banking data are as of Dec. 31, 1971.

FEDERAL RESERVE SYSTEM

FIRST AMTENN CORP.

Acquisition of Bank

First Amtenn Corp., Nashville, Tenn., has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 100 percent of the voting shares of the successor by merger to Farmers-Peoples Bank, Milan, Tenn. The factors that are considered in acting on the application are set forth in section 3(c) of the act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Atlanta. Any person wishing to comment on the application should submit his views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than March 15, 1973.

Board of Governors of the Federal Reserve System, February 23, 1973.

[SEAL] MICHAEL A. GREENSPAN,
Assistant Secretary of the Board.

[FR Doc.73-4043 Filed 3-2-73;8:45 am]

FIRST INTERNATIONAL BANCSHARES, INC.

Acquisition of Bank

First International Bancshares, Inc., Dallas, Tex., has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 100 percent of the voting shares (less directors' qualifying shares) of the successor by merger to Grove State Bank, Dallas, Tex. The factors that are considered in acting on the application are set forth in section 3(c) of the act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Dallas. Any person wishing to comment on the application should submit his views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than March 26, 1973.

Board of Governors of the Federal Reserve System, February 26, 1973.

[SEAL] MICHAEL A. GREENSPAN,
Assistant Secretary of the Board.

[FR Doc.73-4044 Filed 3-2-73;8:45 am]

INDUSTRIAL NATIONAL CORP.

Order Approving Acquisition of Southern Discount Company

Industrial National Corp., Providence, R.I., a bank holding company within the meaning of the Bank Holding Company Act, has applied for the Board's approval, under section 4(c)(8) of the act and section 225.4(b)(2) of the Board's Regulation Y to acquire all of the shares of Southern Discount Co., Atlanta, Ga. (Southern Discount), and to indirectly acquire through that acquisition Henson Financal Corp. (Henson Financial), a Georgia corporation, and Consumer Life Insurance Co., Inc. (Consumer Life), an Arizona corporation. Southern Discount engages in the activities of: (1) Making consumer loans or extensions of credit and purchasing installment sales finance contracts, and generally engaging in the business of a consumer finance company, including the discounting of consumer finance paper, and (2) acting as agent for the sale of credit life and accident and health insurance sold to consumer finance borrowers. Henson Financial will confine its activities to acting as agent in the sale of: (1) Uniform commercial code nonfiling insurance and (2) property damage insurance for collateral securing loans related to the consumer finance activities of Southern Discount. Consumer Life engages in underwriting credit life and accident and health insurance directly related to extensions of credit by Southern Discount. Such activities have been determined by the Board to be closely related to the business of banking (12 CFR 225.4(a) (1), (9), and (10)).

Notice of the application, affording opportunity for interested persons to submit comments and views on the public interest factors has been duly published (37 FR 16834). The time for filing comments and views has expired and none have been timely received.

Applicant, the parent holding company of Industrial National Bank of Rhode Island, has consolidated assets of $1.2 billion. Bank's total deposits of about $943 million make applicant the largest banking organization in Rhode Island, with over 50 percent of the commercial bank deposits in the State.[1] Applicant also has nonbanking subsidiaries engaged principally in mortgage banking, factoring, personal property leasing, data processing, and investment advisory services, but has no present consumer finance subsidiaries.

Southern Discount has total consolidated assets of $35.5 million and is the 69th largest independent finance company in the United States as of yearend 1971. It presently operates 67 small loan offices in the five southeastern States of Georgia, Florida, North Carolina, South Carolina, and Tennessee. Nearly 85 percent of Southern Discount's total volume of business in fiscal 1971 (ending June 30, 1971) was derived from its consumer loan business. The closest office of applicant's banking subsidiaries to offices of Southern Discount is over 500 miles distant. Southern Discount does not have a dominant position in any of the various markets in which it engages in making small loans. Rather, it appears that its market share with only a few exceptions is rather small in each case and that the

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acquisition of Southern Discount by applicant can be considered as a "foothold" acquisition in the great majority of local markets in which it operates. Consummation of the proposal would have no significant adverse effects on existing or potential competition.

Southern Discount on its own and through its wholly owned subsidiary, Henson Financial, acts as agent for the sale of credit-related insurance. However, it does not appear to be a significant competitor in this product line in any of the areas it operates, nor does applicant have any subsidiary operating as an agent for credit-related insurance. For these reasons it does not appear that acquisition of Southern Discount and Henson Financial by applicant would have significantly adverse effects on either existing or potential competition.

Consumer Life engages in the activity of underwriting credit life insurance and credit accident and health insurance which is directly related to extensions of credit by Southern Discount. Consumer Life is a qualified underwriter in Florida, Georgia, North Carolina, South Carolina, and Tennessee. It had total assets as of June 30, 1971, of $12.5 million, and for the fiscal year ending that date had premium income of approximately $1.4 million. Affiliation of Consumer Life with applicant would have no significantly adverse effect on either existing or potential competition as Consumer Life does not appear to be a significant factor in its product line in any of the areas it operates, nor does applicant presently engage in such activity.

In adding credit life underwriting to the list of permissible activities for bank holding companies, the Board stated that, "To assume that engaging in the underwriting of credit life and credit accident and health insurance can reasonably be expected to be in the public interest, the Board will only approve applications in which an applicant demonstrates that approval will benefit the consumer or result in other public benefits. Normally such a showing would be made by a projected reduction in rates or increase in policy benefits due to bank holding company performance of this service." Applicant has committed itself to within 90 days reduce the rates charged by Consumer Life to its policyholders by 5 percent on all credit accident and health insurance written by it in all States in which it offers such policies. Furthermore, the rates charged by Consumer Life on its credit life insurance policies will be reduced by applicant by amounts varying from approximately 7 percent to 20 percent in the various States. Additionally, applicant will make an ongoing effort to determine if further benefits can be offered to the consumer. It is the Board's judgment that these benefits to the public outweigh any possible adverse effects.

Based upon the foregoing and other considerations reflected in the record, the Board has determined that the balance of the public interest factors the Board is required to consider under section 4(c)(8) is favorable. Accordingly, the application is hereby approved. This determination is subject to the conditions set forth in § 225.4(c) of Regulation Y and to the Board's authority to require such modification or termination of the activities of a holding company or any of its subsidiaries as the Board finds necessary to assure compliance with the provisions and purposes of the act and the Board's regulations and orders issued thereunder, or to prevent evasion thereof.

By order of the Board of Governors,[1] effective February 22, 1973.

[SEAL] TYNAN SMITH, *Secretary of the Board.*

[FR Doc.73-4045 Filed 3-2-73;8:45 am]

NORTHWEST BANCORPORATION

Order Approving Acquisition of Bank

Northwest Bancorporation, Minneapolis, Minn., has applied for the Board's approval under § 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842 (a)(3)) to acquire 90 percent or more of the voting shares of Farmers and Merchants State Bank of Stillwater, Stillwater, Minn. (Bank).

As required by section 3(b) of the act, the Board gave written notice of receipt of the application to the Commissioner of Banks of the State of Minnesota and requested his views and recommendation thereon. The Commissioner did not formally object to the application but did suggest the desirability of a public hearing at which interested persons might express their views. Notice of receipt of the application was published in the FEDERAL REGISTER on August 3, 1971 (36 FR 14285) which provided an opportunity for interested persons to submit comments and views with respect to the proposed transaction. A copy of the application was forwarded to the Department of Justice for its consideration.

In view of the numerous comments received by the Board concerning this proposal, the Board determined that a public oral presentation with respect to this matter would be in the public interest. On November 18, 1971, notice of such public oral presentation to be held in Minneapolis, was published in the FEDERAL REGISTER (36 FR 22027). Subsequently, the Commerce Commission of the State of Minnesota unanimously recommended that the Board deny the application and requested a formal hearing. By notice published in the FEDERAL REGISTER on December 28, 1971 (36 FR 25071), the Board directed that a public hearing be held commencing on February 28, 1972, at the Federal Reserve Bank of Minneapolis, before Hon. Dent D. Dalby, Administrative Law Judge. All persons desiring to give testimony, present evidence or otherwise participate in the hearing held in Minneapolis, Minn., on February 28–March 3, 1972, were afforded an opportunity to do so. The time for filing comments and views has expired and all those received, as well as the entire record of the hearing, including the transcript, exhibits, exceptions, rulings, all briefs and memoranda filed in connection with the hearing, and the Recommended Decision, findings of fact, and conclusions of law filed by the Administrative Law Judge have been considered by the Board.

It is hereby ordered, For the reasons set forth in the Board's statement[1] of this date, that the said application be and hereby is approved, provided that the transaction shall not be consummated (a) before the 30th calendar day following the effective date of this order or (b) later than 3 months after the effective date of this order, unless such period is extended for good cause by the Board, or by the Federal Reserve Bank of Minneapolis pursuant to delegated authority.

By order of the Board of Governors,[2] effective February 26, 1973.

[SEAL] TYNAN SMITH, *Secretary of the Board.*

[FR Doc.73-4046 Filed 3-2-73;8:45 am]

SECURITIES AND EXCHANGE COMMISSION

[70-5305]

AMERICAN ELECTRIC POWER CO.

Notice of Proposed Issue and Sale of Common Stock

FEBRUARY 27, 1973.

Notice is hereby given that American Electric Power Co., Inc., 2 Broadway, New York, NY 10004 (AEP), a registered holding company, has filed a declaration with this Commission pursuant to the Public Utility Holding Company Act of 1935 (Act), designating sections 6, 7, and 12 (c) of the Act and Rules 42 and 50 promulgated thereunder as applicable to the proposed transaction. All interested persons are referred to the declaration, which is summarized below, for a complete statement of the proposed transaction.

AEP proposes to offer up to 6,500,000 authorized but unissued shares of its common stock (additional common stock) for subscription by the holders of its outstanding shares of common stock on the basis of one share of the additional common stock for each ten (10) shares of common stock held on the record date. The record date will be March 28, 1973, or such later date as AEP's registration statement under the Securities Act of 1933 may become effective. The subscription price, to be determined by AEP's Board of Directors at about 3:45 p.m. on the day preceding the record date, will be not more than the closing price of AEP common stock on the New York Stock Exchange on the day prior to the record date and not less than 90 percent thereof. The subscription offer will expire April 17, 1973, unless the record date should be later than March 28, 1973, in which event the expiration date will be specified by amendment.

AEP further proposes to issue and sell, subject to the competitive bidding requirements of Rule 50 under the Act, such of the shares of the additional common stock as are not subscribed for pursuant to the subscription offer, together with any shares of common stock acquired by AEP pursuant to any stabilizing activities, which are also proposed to be effected by AEP in connection with the proposed transaction. The aggregate amount to be paid by AEP to the successful bidder or bidders for their commitments and obligations under the purchase contract will be determined by the competitive bidding procedure. The purchase contract will obligate the purchasers of the unsubscribed shares to make a public offering thereof promptly after the warrant expiration date. The stabilizing transactions may be effected on the New York Stock Exchange, in the over-the-counter market, or otherwise, but in no event will AEP acquire as a result of such transactions a net long position at any one time in excess of 650,000 shares of its common stock.

Rights to subscribe to the additional common stock will be evidenced by transferable subscription warrants which will be issued to all record holders of AEP common stock as promptly as practicable after the record date. No fractional shares will be issued; however, any holder with more than 10 shares, but not in exact multiples thereof, may purchase, at the subscription price, one extra share of additional common stock. A stockholder with less than 10 shares of common stock will be entitled to purchase, at the subscription price, one full share of additional common stock. In addition, each holder of a warrant or warrants who exercises such warrant or warrants in full will be given the privilege of subscribing, subject to allotment, at the same subscription price, for shares of additional unsubscribed common stock. AEP expects that subscription rights will be traded on the New York Stock Exchange and that, in addition, rights may be bought or sold through banks or brokers. In addition, AEP intends to afford to holders of warrants the opportunity to buy or to sell rights through AEP's subscription agent, such agent to charge 2 cents per right for its services in effecting such transactions.

No warrants will be mailed to stockholders with registered addresses outside the United States, Canada, and Mexico. Such stockholders will be informed in advance by AEP of their rights. Any of such warrants as to which no instructions have been received before 11 a.m. on the first full business day preceding the expiration date of the warrants will be sold for cash.

It is stated that the proceeds of the sale of the shares of additional common stock and any unsubscribed shares, together with other funds available to AEP are to be used by AEP to pay commercial paper as it matures, for working capital, to make additional investments in the common stock of its subsidiaries, and for other corporate purposes. At December 31, 1972, commercial paper in an aggregate amount of $140,824,000 was outstanding.

Estimates of the fees and expenses to be incurred in connection with the proposed issue and sale of common stock are to be filed by amendment. It is stated that no State commission and no Federal commission, other than this Commission, has jurisdiction over the proposed transactions.

Notice is further given that any interested person may, not later than March 23, 1973, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon the declarant at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the declaration, as filed or as it may be amended, may be permitted to become effective as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL] RONALD F. HUNT, *Secretary.*

[FR Doc.73-4084 Filed 3-2-73;8:45 am]

[812-3324]

FUNDAMATIC INVESTORS, INC.

Notice of Application

FEBRUARY 27, 1973.

Notice is hereby given that Fundamatic Investors, Inc., c/o Sidney R. Pine, Valicenti Leighton Reid & Pine, 437 Madison Avenue, New York, NY 10022 (Applicant), a diversified, open end management investment company registered under the Investment Company Act of 1940 (Act), has filed an application pursuant to section 22(e)(3) of the Act for an order of the Commission permitting: (a) Suspension of the right of redemption of Applicant's outstanding redeemable securities; and (b) suspension of payment for shares which have been submitted for redemption but for which payment has not been made, such order to continue until either:

(1) 10 days after Applicant gives the Commission notice of intention to resume redemptions and payments therefor, or

(2) 60 days from the date of the order or until such later time as the Commission shall by order determine upon an application filed in good faith by the Applicant demonstrating the necessity for the continued suspensions.

All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein which are summarized below.

Applicant states that on October 26, 1972, the Commission filed a complaint against it in the U.S. District Court for the Southern District of New York seeking injunctive relief against certain alleged violations of various provisions of the Act and the appointment of a receiver and trustee to take charge of Applicant, to perform such acts on behalf of Applicant as are required by the Act, to ascertain its true state of affairs, and to obtain appropriate relief. The complaint alleged, inter alia, that Applicant had failed to keep its general ledger current so that its net asset value had been computed inaccurately on certain occasions; that it was impossible to determine whether certain redemptions had been made at prices based on accurate net asset values; that it no longer had a functioning board of directors and, therefore, was unable to properly compute its net asset value; that on certain occasions it failed to pay redemptions within 7 days; that it had not filed its annual reports for 1971 with the Commission, nor had it transmitted an annual report to its shareholders; and that in willful violation of the Act it had failed to maintain certain other records. On October 30, 1972, the court issued an order to show cause and a temporary restraining order, and on November 10, 1972, the court issued a preliminary injunction against further violations of the Act and appointed a receiver as requested by the Commission. Applicant, acting through its receiver, submits that, in view of the matters set forth above, it is not reasonably practicable for Applicant to determine the value of its net assets within the meaning of section 22(e)(2)(B), and that, therefore, it is impossible for Applicant properly to compute its net asset value per share.

Section 22(e)(3) of the Act provides that the Commission may, by order, for the protection of the security holders of

[1] Voting for this action: Vice Chairman Robertson and Governors Mitchell, Brimmer, Sheehan and Bucher. Absent and not voting: Chairman Burns and Governor Daane.

[2] Voting for this action: Chairman Burns and Governors Mitchell, Daane, Sheehan, and Bucher. Voting against this action: Governors Robertson and Brimmer.

[1] Filed as part of the original document. Copies available upon request to the Board of Governors of the Federal Reserve System, Washington, D.C. 20551, or to the Federal Reserve Bank of Minneapolis. Dissenting statement of Governors Robertson and Brimmer and Recommended Decision of the Administrative Law Judge filed as part of the original document and available upon request.

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the company, permit a registered investment company to suspend the right of redemption, or postpone the date of payment or satisfaction upon redemption of any redeemable security.

Applicant also requests that the Commission issue, together with this notice, a temporary order permitting: (a) Suspension of the right of redemption of Applicants' outstanding redeemable securities, and (b) suspension of payment for shares which have been submitted for redemption but for which payment has not been made, such order to continue in effect until further action is taken by the Commission.

The Commission has considered the matter and hereby finds, on the basis of information stated in the application, and in view of the nature of the application, that it is necessary for the protection of security holders of Applicant that there be issued together with the notice of the application a temporary order permitting the suspension of the right of redemption and postponement of payment until further order of the Commission.

Accordingly, *It is ordered*, Pursuant to section 22(e)(3) of the Act, that Applicant be, and is, hereby, permitted until further order of the Commission: (1) To suspend the right of redemption of its outstanding redeemable securities, and (2) to suspend payment for shares which have been submitted for redemption for which payment has not been made.

Notice is further given that any interested person may, not later than March 26, 1973, at 5:30 p.m., submit to the Commission in writing a request for a hearing on this matter accompanied by a statement as to the nature of his interest, the reason for such request, and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon Applicant at the address stated above. Proof of such service (by affidavit, or in case of an attorney at law, by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0–5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

By the Commission.

[SEAL] RONALD F. HUNT, *Secretary.*

[FR Doc.73-4085 Filed 3-2-73;8:45 am]

[70-5298]

GENERAL PUBLIC UTILITIES CORP.

Notice of Proposed Amendment of Articles of Incorporation

FEBRUARY 27, 1973.

Notice is hereby given that General Public Utilities Corp., 80 Pine Street, New York, NY 10005 (GPU), a registered holding company, has filed a declaration with this Commission pursuant to the Public Utility Holding Company Act of 1935 (Act), designating sections 6(a), 7, and 12(e) of the Act and rule 62 promulgated thereunder as applicable to the proposed transactions. All interested persons are referred to the declaration, which is summarized below, for a complete statement of the proposed transactions.

GPU proposes to submit to its stockholders at its annual meeting to be held April 2, 1973, a proposal to amend its Articles of Incorporation to increase from 40 million to 55 million the aggregate number of authorized shares of common stock, par value $2.50 per share. It is stated that GPU presently has available for sale in future offerings a maximum of 876,463 shares which would not be sufficient to provide any appreciable additional common stock equity to GPU. It is contemplated that the additional shares of authorized stock, the issuance and sale of which are to be the subject of future filings with this Commission, will be used to provide the cash required for the common stock equity component of the capital requirements of the GPU holding company system. GPU expects that it will offer approximately 3,900,000 shares of common stock through a preemptive rights offering to its common shareholders on a 1-for-10 basis provided the proposed amendment shall be effected so as to authorize the additional shares.

The proposed amendment will require the affirmative vote of the holders of a majority of the 39,123,537 outstanding shares of common stock. GPU intends to solicit proxies by mail, in person, or by telephone or telegraph, by directors, officers and regular employees of GPU.

It is stated that the fees and expenses of GPU to be paid in connection with the proposed amendment will not exceed $7,000, including legal fees, and that GPU anticipates expenses of not more than $16,000 to reimburse out-of-pocket costs of those who forward the solicitation material to beneficial owners of the common stock. It is further stated that no State commission and no Federal commission, other than this Commission, has jurisdiction over the proposed transactions.

GPU has requested that the effectiveness of its declaration with respect to the solicitation of proxies from holders of its common stock be accelerated as provided in Rule 62.

Notice is further given that any interested person may, not later than March 29, 1973, request in writing that a hearing be held with respect to the proposed amendment, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon the declarant at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the declaration, as filed or as it may be amended, may be permitted to become effective pursuant to Rule 23 of the general rules and regulations promulgated under the Act or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this mater, including the date of the hearing (if ordered) and any postponements thereof.

It appearing that the declaration regarding the proposed solicitation of proxies should be permitted to become effective forthwith pursuant to Rule 62:

It is ordered, That the declaration regarding the proposed solicitation of proxies be, and it hereby is, permitted to become effective forthwith pursuant to Rule 62 and subject to the terms and conditions prescribed in Rule 24 under the Act.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL] RONALD F. HUNT, *Secretary.*

[FR Doc.73-4086 Filed 3-2-73;8:45 am]

[70-5261]

THE SOUTHERN CO. ET AL.

Capital Contributions to Subsidiary Companies by Holding Company

Notice is hereby given that The Southern Co., Post Office Box 720071, Atlanta, GA 30346 (Southern), a registered holding company, and its four electric utility subsidiary companies, Alabama Power Co. (Alabama), Georgia Power Co. (Georgia), Gulf Power Co. (Gulf), and Mississippi Power Co. (Mississippi), have filed a sixth post-effective amendment to their application-declaration in this proceeding pursuant to sections 6(a), 6(b), 7 and 12 of the Public Utility Holding Company Act of 1935 (Act) and Rules 45 and 50 promulgated thereunder as applicable to the proposed transactions. All interested persons are referred to the application-declaration as so amended, which is summarized below, for a complete statement of the proposed transactions.

By order in this proceeding dated December 26, 1972 (HCAR No. 17824), Southern and the above-named subsidiary companies were authorized to issue and sell short-term notes to banks and commercial paper to dealers; and Southern was authorized to invest in three of its electric utility subsidiary companies an aggregate amount of $268,800,000 in the form of capital contributions through March 31, 1974 as follows: Alabama $102 million, Georgia $160,500,000 and Mississippi $6,300,000. Southern now proposes also to make a capital contribution of $7 million to Gulf, so that the aggregate amount of capital contributions to all four of its electric utility subsidiary companies now proposed by Southern is $275,800,000. (Said order of December 26, 1972, mistakenly mentioned a proposed capital contribution of $16,300,000 to Mississippi; the correct figure is $6,300,000 as hereinabove indicated.)

By the same order the applicants were authorized to file certificates of notification under Rule 24 in respect of the sales of commercial paper on a quarterly basis. The applicants hereby request authority to file such certificates under Rule 24 on a quarterly basis also with respect to the bank loans and the proposed capital contributions.

Alabama has revised the list of banks from which it proposes to make short-term borrowings, increasing the amounts for certain banks, decreasing the amount for others, deleting two (2) banks, and adding seven (7) banks. The total revised list now consists of seventy-two (72) banks against the original number of sixty-seven (67).

With respect to the proposed capital contribution to Gulf the post-effective amendment indicates that no State commission, and no Federal commission, other than this Commission, has jurisdiction over that transaction; and no fees or expenses are expected to be incurred in connection therewith.

Notice is further given that any interested person may, not later than March 23, 1973, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said post-effective amendment to the application-declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon the applicants-declarants at the above-stated address and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the application-declaration, as now amended or as it may be further amended, may be granted and permitted to become effective as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL] RONALD F. HUNT, *Secretary.*

[FR Doc.73-4087 Filed 3-2-73;8:45 am]

[File 500-1]

DCS FINANCIAL CORP.

Order Suspending Trading

FEBRUARY 26, 1973.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, $0.10 par value, and all other securities of DCS Financial Corp., being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period from February 27, 1973 through March 8, 1973.

By the Commission.

[SEAL] RONALD F. HUNT, *Secretary.*

[FR Doc.73-4066 Filed 3-2-73;8:45 am]

[812-3392]

DEAN WITTER & CO. INC.

Notice of Filing of Application

FEBRUARY 26, 1973.

Notice is hereby given that Dean Witter & Co., Inc., a registered broker-dealer corporation with its principal office at 14 Wall Street, New York, NY 10005 (Applicant), in connection with a proposed public offering of shares of Common Stock of Standard & Poor's/Inter-Capital Income Securities, Inc. (the Company), a registered, closed-end diversified management investment company, has filed an application pursuant to section 6(c) of the Investment Company Act of 1940 (the Act) for an order exempting Applicant and its co-underwriters from section 30(f) of the Act to the extent that such section adopts section 16(b) of the Securities Exchange Act of 1934 (the Exchange Act) with respect to their transactions incidental to the distribution of Company shares. All interested persons are referred to the Application on file with the Commission for a statement of the representations therein, which are summarized below.

Applicant: E. F. Hutton & Co., Inc. (One Battery Park Plaza, New York, NY 10004), Paine, Webber, Jackson & Curtis Inc. (140 Broadway, New York, NY 10005), and Reynolds Securities, Inc. (120 Broadway, New York, NY 10005), are the prospective representatives (the Representatives) of a group of underwriters (the Underwriters) being formed in connection with above public offering.

Shares of the Company are to be purchased by the Underwriters pursuant to an Underwriting Agreement (the Underwriting Agreement) to be entered into between the Underwriters, represented by the Representatives, and the Company. It is also contemplated that one or more dealers will offer and sell certain of the shares. It is intended that the several Underwriters will make a public offering of all the Company shares which such Underwriters are to purchase under the Underwriting Agreement at the price therein specified, as soon on or after the effective date of the Company's Registration Statement on Form S-4 (the Registration Statement) as the Representatives deem advisable, and such shares are initially to be offered to the public at a per share public offering price and subject to underwriting commissions to be specified in the prospectus incorporated in the Registration Statement (the Prospectus) at the time the Registration Statement becomes effective under the Securities Act of 1933, as amended. Although 4,400,000 shares have been included for registration in the Registration Statement, the actual number of shares which may be the subject of the proposed public offering may be decreased by the Representatives and the Company shortly before the effective date of the Registration Statement and the proposed public offering, depending upon market conditions and the exercise of an overallotment election granted to the Underwriters.

Applicant states that it is possible that the underwriting commitment of any one or more of the Underwriters, including each of the Representatives, will exceed 10 percent of the aggregate number of shares of the Company's Common Stock to be outstanding after the purchase by the several Underwriters pursuant to the Underwriting Agreement or upon the completion of the initial public offering or at some interim time. Since section 30(f) of the Act subjects every person who is directly or indirectly the beneficial owner of more than 10 percent of any class of outstanding securities of the Company to the same duties and liabilities as those imposed by section 16 of the Exchange Act with respect to the transaction in the securities of the Company, such Underwriter or Underwriters would become subject to the filing requirements of section 16(a) of the Exchange Act and, upon resale of the shares purchased by them to their customers, subject to the obligations imposed by section 16(b) of the Exchange Act.

Rule 16b-2 under the Exchange Act exempts certain transactions in connection with a distribution of securities from the operation of section 16(b) thereof. Applicant states that the purpose of the purchase of the shares by the Underwriters will be for resale in connection with the initial distribution of shares.

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Applicant states that such purchases and sales, therefore, will be transactions effected in connection with a distribution of a substantial block of securities within the purpose and spirit of Rule 16b–2.

Applicant states that it is possible that one or more of the Underwriters, through their participation in the distribution of the Company's shares, may not be exempt from section 16(b) of the Exchange Act by the operation of Rule 16b–2; they may fail to meet the requirement stated in Rule 16b–2(a)(3) that the aggregate participation of persons not within the purview of section 16(b) of the Exchange Act be at least equal to the participation of persons receiving the exemption under Rule 16b–2 since it is possible that one or more of the Underwriters who, pursuant to the Underwriting Agreement, will purchase more than 10 percent of the shares of the Company may be obligated to purchase more than 50 percent of the shares of the Company being offered.

In addition to purchases of shares from the Company and sales of shares to customers, there may be the usual transactions of purchase or sale incident to a distribution such as stabilizing purchases, purchases to cover overallotments or other short positions created in connection with such distribution, and sales of shares purchased in stabilization.

Applicant states that there is no inside information in existence since the Company, prior to the initial distribution of the shares, will have no assets, other than cash, or business of any sort, and all material facts with respect to the Company will be set forth in the Prospectus pursuant to which the shares will be offered and sold. No director or officer of the Applicant, E. F. Hutton & Co., Inc., Paine, Webber, Jackson & Curtis Inc., or Reynolds Securities, Inc., is a director or officer of either the Company or Standard & Poor's Counseling Corp., the Company's investment adviser (the Adviser), and Applicant states that it does not anticipate that any partner, director, or officer of any other Underwriter or Selected Dealer which may be an Underwriter, will be a director or officer of the Company or the Adviser.

Applicant submits that the requested exemption from the provisions of section 30(f) of the Act is necessary and appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act. Applicant further contends that the transactions sought to be exempted cannot lend themselves to the practices which section 16(b) of the Exchange Act and section 30(f) of the Act were enacted to prevent.

Section 6(c) of the Act authorizes the Commission to exempt any person, security or transaction, or any class or classes of persons, securities, or transactions from the provisions of the Act and rules and regulations promulgated thereunder if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Notice is further given that any interested person may, not later than March 22, 1973, at 5:30 p.m., submit to the Commission in writing a request for a hearing on this matter accompanied by a statement as to the nature of his interest, the reason for such request, and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon Applicant at the address stated above. Proof of such service (by affidavit, or in case of an attorney at law, by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0–5 of the rules and regulations promulgated under the Act, an order disposing of the Application herein may be issued by the Commission upon the basis of the information stated in said Application, unless an order for hearing upon said Application shall be issued upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered, will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management Regulation, pursuant to delegated authority.

[SEAL] RONALD F. HUNT,
Secretary.

[FR Doc.73–4065 Filed 3–2–73;8:45 am]

[File 500–1]

GOODWAY, INC.

Order Suspending Trading

FEBRUARY 26, 1973.

The common stock, $0.10 par value of Goodway, Inc., being traded on the American Stock Exchange, pursuant to provisions of the Securities Exchange Act of 1934 and all other securities of Goodway, Inc., being traded otherwise than on a national securities exchange; and

It appearing to the Securities and Exchange Commission that the summary suspension of trading in such securities on such exchanges and otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to sections 19(a)(4) and 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities on the above-mentioned exchange and otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period from February 27, 1973, through March 8, 1973.

By the Commission.

[SEAL] RONALD F. HUNT,
Secretary.

[FR Doc.73–4067 Filed 3–2–73;8:45 am]

BROKER-DEALER MODEL COMPLIANCE PROGRAM ADVISORY COMMITTEE

Notice of Public Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act, Public Law 92–463, 86 Stat. 770, the Securities Exchange Commission announces the following public advisory committee meetings.

The Commission's Advisory Committee on a Model Compliance Program for Broker-Dealers, established on October 25, 1972 (Securities Exchange Act Release No. 9835), will be holding meetings open to the public at the offices of the American Stock Exchange, Inc., 86 Trinity Place, New York, NY, Room 1310, at 10 a.m., e.s.t., March 15–16, 1973.

This Advisory Committee was formed to assist the Commission in developing a model compliance program to serve as an industry guide for the broker-dealer community. Assisted by this Committee's work the Commission plans to publish a guide to broker-dealer compliance under the securities acts in order to advise broker-dealers of the standards to which they should adhere if investor confidence in the fairness of the market place is to be warranted and sustained. The Committee's recommendations are not intended to result in the expansion of Commission rules governing broker-dealers, but to inform broker-dealers as to the existing requirements and how they may comply with them.

The Committee's scheduled meetings will be for the purpose of reviewing drafts and proposals concerning the Committee's proposed report to the Commission on these compliance guidelines for broker-dealers.

These meetings are open to the public. Any interested person may attend and appear before or file statements with the Advisory Committee—which statements, if in written form, may be filed before or after the meeting or, if oral, at the time and in the manner and extent permitted by the Advisory Committee.

[SEAL] RONALD F. HUNT,
Secretary.

FEBRUARY 26, 1973.

[FR Doc.73–4068 Filed 3–2–73;8:45 am]

TARIFF COMMISSION

[TEA–I–27]

CERTAIN BALL BEARINGS

Notice of Hearing Rescheduling

The U.S. Tariff Commission has rescheduled from April 3, 1973, to May 1, 1973, the hearing in connection with the investigation instituted on January 31, 1973 (38 FR 3358–3359), under section 301(b) of the Trade Expansion Act of 1962 on a petition filed on behalf of the Anti-Friction Bearing Manufacturers Association, Inc. The hearing will be held Tuesday, May 1, 1973, at 10 a.m., e.d.t., in the Hearing Room, Tariff Commission Building, Eighth and E Streets NW., Washington, D.C. Requests for appearances at the hearing should be received by the Secretary of the Tariff Commission, in writing, at his office in Washington, D.C., not later than noon Thursday, April 26, 1973.

Issued: February 27, 1973.

By order of the Commission.

[SEAL] KENNETH R. MASON,
Secretary.

[FR Doc.73–4149 Filed 3–2–73;8:45 am]

[337–L–58]

VARIABLE DISPLACEMENT FLOWER HOLDERS

Notice of Complaint Received

The U.S. Tariff Commission hereby gives notice of the receipt on January 22, 1973, of a complaint under section 337 of the Tariff Act of 1930 (19 U.S.C. 1337), filed by McDermott & Green, Inc., of Sausalito, Calif., alleging unfair methods of competition and unfair acts in the importation and sale of certain variable displacement flower holders which are embraced within the claims of U.S. Patent No. 3,698,132 owned by the complainant, Our Own Imports, Inc., an affiliate of Cardinal China Co., Inc., Romanowski and High Streets, Carteret, N.J., has been named as the importer of the subject products.

In accordance with the provisions of § 203.3 of its rules of practice and procedure (19 CFR 203.3), the Commission has initiated a preliminary inquiry into the allegations of the complaint for the purpose of determining whether there is good and sufficient reason for a full investigation, and if so whether the Commission should recommend to the President the issuance of a temporary exclusion from entry under section 337(f) of the Tariff Act.

A copy of the complaint is available for public inspection at the Office of the Secretary, U.S. Tariff Commission, Eighth and E Streets NW., Washington, D.C., and at the New York office of the Tariff Commission located in Room 437 of the customhouse.

Information submitted by interested persons which is pertinent to the aforementioned preliminary inquiry will be considered by the Commission if it is received not later than April 16, 1973. Extensions of time for submitting information will not be granted unless good and sufficient cause is shown thereon. Such information should be sent to the Secretary, U.S. Tariff Commission, Eighth and E Streets NW., Washington, D.C. 20436. A signed original and nineteen (19) true copies of each document must be filed.

Issued: February 28, 1973.

By order of the Commission.

[SEAL] KENNETH R. MASON,
Secretary.

[FR Doc.73–4150 Filed 3–2–73;8:45 am]

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

KENTUCKY DEVELOPMENTAL PLAN

Notice of Submission of Plan and Availability for Public Comment

1. *Submission and description of plan.* Pursuant to section 18 of the Occupational Safety and Health Act of 1970 (29 U.S.C. 667) and § 1902.11 of Title 29, Code of Federal Regulations, notice is hereby given that an Occupational Safety and Health Plan for the State of Kentucky has been submitted to the Assistant Secretary of Labor for Occupational Safety and Health. The Assistant Secretary has preliminarily reviewed the plan, and hereby gives notice that the question of approval of the plan is in issue before him.

The plan designates the Department of Labor as the agency responsible for administering the plan throughout the State. It proposes to define the occupational safety and health issues covered by it as defined by the Secretary of Labor in 29 CFR 1902.2(c)(1). All occupational safety and health standards promulgated by the U.S. Secretary of Labor have been adopted under the plan as well as certain standards deemed to be "as effective as" the Federal standard, except those found in 29 CFR Parts 1915, 1916, 1917, and 1918 (ship repairing, shipbuilding, shipbreaking, and longshoring). All Federal standards adopted by the State became effective on December 29, 1972.

Within the plan there is enabling legislation revising Chapter 338 of the Kentucky Revised Statutes which became law on March 27, 1972. The law as enacted and modified gives the Department of Labor, Division of Occupational Safety and Health, the statutory authority to implement an occupational safety and health plan modeled after the Federal Act. There are provisions within it granting the Commissioner of Labor the authority to inspect workplaces and to issue citations for the abatement of violations and there is also included a prohibition against advance notice of such inspections. The law is also intended to insure employer and employee representatives an opportunity to accompany inspectors and to call attention to possible violations; notification of employees or their representatives when no compliance action is taken as a result of employee alleged violations; protection of employees against discrimination in terms and conditions of employment; and adequate safeguards to protect trade secrets. There is provision made for the prompt restraint of imminent danger situations and a system of penalties for violation of the statute. There are also provisions creating the Kentucky Occupational Safety and Health Standards Board and the Kentucky Occupational Safety and Health Review Board.

The law has a further provision that the Department of Labor will enter into an agreement with the Public Service Commission which shall serve as the State agency in the administration of all matters relating to occupational safety and health with respect to employees of public utilities; a copy of the agreement is included in the plan.

The law is accompanied by an opinion from the Attorney General that the law will meet the requirements of the Occupational Safety and Health Act of 1970 and is consistent with the constitution and other laws of the State.

The law sets forth the general authority and scope for implementing the Kentucky Plan, but at the same time, the plan is developmental within 29 CFR 1902.2(b) in that specific rules and regulations must be adopted to carry out the plan and to make it fully operative. There is set forth in the plan a time schedule for the development of a public employee program. The plan also contains a comprehensive description of personnel to be employed under the State's merit system as well as its proposed budget and resources.

2. *Location of plan for inspection and copying.* A copy of the plan may be inspected and copied during normal business hours at the following locations: Office of Federal and State Operations, Occupational Safety and Health Administration, Room 305, Railway Labor Building, 400 First Street NW., Washington, DC 20210; Regional Administrator, Occupational Safety and Health Administration, Department of Labor 1375 Peachtree Street NE., Suite 587, Atlanta, GA 30309; and the Kentucky Department of Labor, Capital Plaza Tower, Frankfort, Ky. 40601.

3. *Public participation.* Interested persons are hereby given until April 4, 1973, to submit to the Assistant Secretary written data, views, and arguments concerning the plan. The submissions are to be addressed to the Director, Office of Federal and State Operations, Room 305, 400 First Street NW., Washington, DC 20210. The written comments will be available for public inspection and copying at the above address.

Any interested person(s) may request an informal hearing concerning the proposed plan, or any part thereof, whenever particularized objections thereto are filed by April 4, 1973. If the Assistant Secretary finds that substantial objections are filed, he shall hold a formal or informal hearing on the subjects and issues involved.

The Assistant Secretary of Labor for Occupational Safety and Health shall thereafter consider all relevant com-

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ments and arguments presented and issue his decision as to approval or disapproval of the plan.

Signed at Washington, D.C., this 28th day of February 1973.

CHAIN ROBBINS,
Acting Assistant Secretary of Labor.

[FR Doc.73-4142 Filed 3-2-73;8:45 am]

WEST VIRGINIA DEVELOPMENTAL PLAN

Notice of Submission of Plan and Availabilty for Public Comment

1. *Submission and description of plan.* Pursuant to Section 18 of the Occupational Safety and Health Act of 1970 (29 U.S.C. 667) and § 1902.11 of Title 29, Code of Federal Regulations, notice is hereby given that an Occupational Safety and Health Plan for the State of West Virginia has been submitted to the Assistant Secretary of Labor for Occupational Safety and Health. The Assistant Secretary has preliminarily reviewed the Plan, and hereby gives notice that the question of approval of the Plan is in issue before him.

The Plan identifies the Department of Labor, the Department of Health, and the Office of the Fire Marshall as the State agencies designated by the Governor of the State to administer the Plan throughout the State. It proposes to define the covered occupational safety and health issues as defined by the Secretary of Labor in 29 CFR 1902.2(c)(1). All occupational safety and health standards promulgated by the United States Secretary of Labor will be adopted under the Plan, except those found in 29 CFR Parts 1915, 1916, 1917, and 1918 (ship repairing, ship building, ship breaking, and longshoring). The standards will be modified as they are modified by the Secretary of Labor.

The Plan includes proposed draft legislation to be considered by the West Virginia Legislature during its 1973 session amending Chapter 21 of the Code of West Virginia and related provisions, to bring them into conformity with the requirements of Part 1902. Under the proposed legislation, the Commissioner of Labor will have the statutory authority to implement an Occupational Safety and Health Plan modeled after the Federal Act. It provides for the coverage of all employees within the State except mining and mineral businesses covered under Chapter 22 of the Code of West Virginia and those businesses covered by the Federal Metal and Non-Metallic Mine Safety Act, Public Law 89-577. Enforcement and penalty provisions of the law will not apply to public employees.

There are provisions within the legislation granting the Commissioner of Labor the authority to inspect workplaces and to issue citations for the abatement of violations and there is included a prohibition against advance notice of any such inspection. The legislation is also intended to insure employer and employee representatives opportunity to accompany inspectors and to call attention to possible violations; notification of employees or their representatives when no compliance action is taken as a result of employee alleged violations; protection of employees against discrimination in terms and conditions of employment; adequate safeguards to protect trade secrets. There is provision made for the prompt restraint of imminent danger situations and a system of penalties for violation of the proposed legislation.

There is also included in the Plan proposed legislation transferring the Office of the State Fire Marshall from the Department of Insurance to the State Department of Labor.

The proposed legislation is accompanied by a statement of the Governor's support for it and an opinion from the Attorney General that it will meet the requirements of the Occupational Safety and Health Act of 1970 and is consistent with the constitution and other laws of the State.

The proposed legislation sets forth the general authority and scope for implementing the West Virginia Plan, but at the same time, the Plan is developmental within 29 CFR Part 1902.2(b) in that specific rules and regulations must be adopted to carry out the plan and to make it fully operational. There is set forth in proposed Plan a timetable providing for the future drafting of various administrative rules, regulations, and procedures. The timetable covers such general areas as the promulgation of standards, the establishment of a Review Commission, the training and hiring of personnel, the promulgation of record-keeping and reporting requirements and the submission of proposed legislation. The Plan also contains a comprehensive description of personnel to be employed under the State's merit system as well as its proposed budget and resources.

2. *Location of plan for inspection and copying.* A copy of the Plan may be inspected during normal business hours at the following locations: Office of Federal and State Operations, Occupational Safety and Health Administration, Room 305, 400 First Street NW., Washington, DC 20210; Regional Administrator, Occupational Safety and Health Administration, Suite 623, Penn Square Building, 1317 Filbert Street, Philadelphia, PA 19107, Occupational Safety and Health Administration, Charleston Field Office, Charleston National Plaza, Suite 1726, 700 Virginia Street, Charleston, WV 25301; and the West Virginia Department of Labor, State Capitol Complex Building B, Room 438, Charleston, WV 25305.

3. *Public participation.* Interested persons are hereby given until April 4, 1973, in which to submit to the Assistant Secretary written data, views, and arguments concerning the Plan. The submissions are to be addressed to the Director, Office of Federal and State Operations, Occupational Safety and Health Administration, Railway Labor Building, Room 305, U.S. Department of Labor, Washington, DC 20210. The written comments will be available for public inspection and copying, at the expense of the person(s) requesting such copies, at the above address.

Any interested person(s) may request an informal hearing concerning the proposed Plan, or any part thereof, whenever particularized written objections thereto are filed by April 4, 1973. If the Assistant Secretary finds that substantial objections are filed, he shall hold a formal or informal hearing on the subjects and issues involved.

The Assistant Secretary of Labor for Occupational Safety and Health shall thereafter consider all relevant comments and arguments presented and issue his decision as to approval or disapproval of the Plan.

Signed at Washington, D.C., this 28th day of February 1973.

CHAIN ROBBINS,
Acting Assistant Secretary of Labor.

[FR Doc.73-4141 Filed 3-2-73;8:45 am]

INTERSTATE COMMERCE COMMISSION

[Notice 190]

ASSIGNMENT OF HEARINGS

FEBRUARY 28, 1973.

Cases assigned for hearing, postponement, cancellation, or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested. No amendments will be entertained after the date of this publication.

MC 134781 Sub 2, Fast Freight Transfer, Inc., now assigned March 20, 1973, will be held in the Hearing Room, Florida Public Service Commission, 5720 Southwest 17th Street, Miami, FL.

I&S M-26462, General Increase, January 1973, Central & Southern Territory, now assigned March 13, 1973, at Washington, D.C., is canceled.

I&S M 26480, General Increase, January 1973, Rocky Mountain Territory, now assigned March 19, 1973, at Washington, D.C., is canceled.

MC-31389 Sub 151, McLean Trucking Co., now assigned April 16, 1973, at Atlanta, Ga., is postponed to April 23, 1973, in Room 305, 1252 West Peachtree Street NW., Atlanta, GA.

MC 1263 Sub 16, McCarty Truck Line, Inc., now being assigned April 9, 1973 (2 weeks), in the Circuit Court Room, Grundy County Courthouse, Trenton, Mo.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.73-4133 Filed 3-2-73;8:45 am]

[Ex Parte 241; Rule 19; 5th Rev. Exemption 19]

BANGOR AND AROOSTOOK RAILROAD CO.

Exemption From Mandatory Car Service Rules

It appearing, that there has been a substantial increase in the movement of grain and grain products originating at stations on the railroads listed herein; that major harvests of corn, milo, and soybeans are commencing in the areas served by these railroads; that boxcar supplies available to these railroads are inadequate to meet all of the needs of the shippers served by them; that surpluses of plain boxcars exist on certain railroads; and that these railroads have consented to the use of their cars by the railroads listed herein.

It is ordered, That pursuant to the authority vested in me by Car Service Rule 19, plain boxcars described in the Official Railway Equipment Register, I.C.C. R.E.R. No. 386, issued by W. J. Trezise, or successive issues thereof, as having mechanical designation XM, with inside length 44 ft. 6 in. or less and regardless of door width, owned by the following railroad:

Bangor and Aroostook Railroad Co.[1]

are exempt from the provisions of Car Service Rules 1 and 2 when located empty on, or loaded by, any of the lines named below:

The Atchison, Topeka and Santa Fe Railway Co.
Burlington Northern Inc.
The Colorado and Southern Railway Co.
Fort Worth and Denver Railway Co.
Chicago & Eastern Illinois Railroad Co.
Chicago and North Western Railway Co.
Chicago, Milwaukee, St. Paul and Pacific Railroad Co.
Chicago, Rock Island and Pacific Railroad Co.
Illinois Central Gulf Railroad Co.
The Kansas City Southern Railway Co.
Missouri-Kansas-Texas Railroad Co.
Missouri Pacific Railroad Co.
Norfolk and Western Railway Co.
(Lines Connersville, Ind., and Montpelier, Ohio, and west, including stations on line between Connersville and Montpelier via New Castle, Muncie, Bluffton, Kingsland, Fort Wayne, and Butler, Ind.)
St. Louis-San Francisco Railway Co.
St. Louis Southwestern Railway Co.
Soo Line Railroad Co.
Union Pacific Railroad Co.

Effective February 28, 1973.

Expires April 30, 1973.

Issued at Washington, D.C., February 26, 1973.

INTERSTATE COMMERCE COMMISSION,
[SEAL] R. D. PFAHLER,
Agent.

[FR Doc.73-4135 Filed 3-2-73;8:45 am]

[1] Delaware and Hudson Railway Co. and the Denver and Rio Grande Western Railroad Co. eliminated.

[Rev. S.O. 994; ICC Order 85]

CHICAGO, ROCK ISLAND AND PACIFIC RAILROAD CO. ET AL.

Rerouting or Diversion of Traffic

In the opinion of R. D. Pfahler, agent, the Chicago, Rock Island and Pacific Railroad Co. (RI) and the Louisiana & Arkansas Railway Co. (L&A) are unable to interchange all traffic routed for interchange between these railroads at Dallas, Tex., because of congestion in Dallas.

It is ordered, That:

(a) The RI and the L&A being unable to interchange all traffic routed for interchange between these railroads at Dallas, Tex., because of congestion in Dallas, these railroads are hereby authorized to divert and reroute traffic described in paragraphs (b) and (c) herein via RI-Howe, Oklahoma-The Kansas City Southern Railway Co. (KCS)-Shreveport, La., thence either KCS or L&A as applicable.

(b) This order shall apply to all traffic routed in either direction via RI-Dallas-L&A except traffic destined to points on the RI south of El Reno, Okla.

(c) This order shall apply to all traffic routed in either direction via RI-Dallas-L&A, or RI-Dallas-L&A-Shreveport-KCS, if originating at or destined to Shreveport, La., or points south thereof on the lines of the L&A or the KCS.

(d) *Concurrence of receiving roads to be obtained.* The railroad desiring to divert or reroute traffic under this order shall receive the concurrence of other railroads to which such traffic is to be diverted or rerouted, before the rerouting or diversion is ordered.

(e) *Notification to shippers.* Each carrier rerouting cars in accordance with this order shall notify each shipper at the time each car is rerouted or diverted and shall furnish to such shipper the new routing provided under this order.

(f) Inasmuch as the diversion or rerouting of traffic is deemed to be due to carrier disability, the rates applicable to traffic diverted or rerouted by said Agent shall be the rates which were applicable at the time of shipment on the shipments as originally routed.

(g) In executing the directions of the Commission and of such Agent provided for in this order, the common carriers involved shall proceed even though no contracts, agreements, or arrangements now exist between them with reference to the divisions of the rates of transportation applicable to said traffic. Divisions shall be, during the time this order remains in force, those voluntarily agreed upon by and between said carriers; or upon failure of the carriers to so agree, said divisions shall be those hereafter fixed by the Commission in accordance with pertinent authority conferred upon it by the Interstate Commerce Act.

(h) *Effective date.* This order shall become effective at 12:01 a.m., February 24, 1973.

(i) *Expiration date.* This order shall expire at 11:59 p.m., March 3, 1973, unless otherwise modified, changed, or suspended.

It is further ordered, That this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and car hire agreement under the terms of that agreement, and upon the American Short Line Railroad Association; and that it be filed with the Director, Office of the Federal Register.

Issued at Washington, D.C., February 23, 1973.

INTERSTATE COMMERCE COMMISSION,
[SEAL] R. D. PFAHLER,
Agent.

[FR Doc.73-4136 Filed 3-2-73;8:45 am]

FOURTH SECTION APPLICATION FOR RELIEF

FEBRUARY 28, 1973.

An application, as summarized below, has been filed requesting relief from the requirements of Section 4 of the Interstate Commerce Act to permit common carriers named or described in the application to maintain higher rates and charges at intermediate points than those sought to be established at more distant points.

Protests to the granting of an application must be prepared in accordance with Rule 1100.40 of the General Rules of Practice (49 CFR 1100.40) and filed on or before March 20, 1973.

FSA No. 42637—*Used Empty Demountable Marine Container Bodies to Points in California.* Filed by Penn Central Transportation Co. (No. 1), for interested rail carriers. Rates on used empty demountable marine container bodies loaded flush on flat cars, as described in the application, from Kearny, Penn Central International Container Terminal (Ramp A), N.J., and Philadelphia (Packer Ave. Marine Terminal), Pa., to Los Angeles and Richmond, Calif.

Grounds for relief—Water competition.

Tariff—Penn Central Transportation Co., tariff 26707, I.C.C. No. 286. Rates are published to become effective on March 29, 1973.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.73-4134 Filed 3-2-73;8:45 am]

AGENT PERFORMING OWN OPERATIONS

Household Goods Regulations

The following is an administrative ruling of the Bureau of Operations made in response to questions propounded by the public, indicating what is deemed by the Bureau to be the correct application and interpretation of the act and/or regulations and is made in the absence of an authoritative decision on the subject by the Commission.

Question. Where an agent of a household goods carrier is to move a shipment under his own operating authority, must the estimate of charges, order for service, bill of lading, and other related documents be prepared and issued by the agent in his own name rather than in the name of his principal?

Answer. Yes. The provisions of the household goods regulations, including those which require that all estimates be in writing and that orders for service and bills of

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lading be issued, apply fully to agents when they conduct operations under their own operating authority. The wrongful issuance of any such documents in the name of the principal household goods carrier may subject the agent to penalties for violating the law and the regulations, and also may impose liability on the principal.

In Ex Parte No. MC-19 (Sub-No. 9), "Practices of Motor Common Carriers of Household Goods (Agency Relationships)," 115 M.C.C. 628, 649, the Commission imposed requirements on the principal by virtue of § 1056.20(c) of the household goods regulations (49 CFR 1056.20(c)) to use due diligence and to exercise reasonable care in selecting and maintaining agents. It put responsibility on the principal for all acts or omissions of the agent relating to the performance of interstate transportation held out in the name of the principal or where the shipper is misled to believe the transportation would be performed by the principal.

In view of the foregoing, it is the position of this Bureau that where an agent for a principal household goods carrier books a shipment for transportation under his authority, that agent must prepare and issue the estimate of charges, order for service, bill of lading, and other related documents in his own name and on his own forms, and not in the name of or on the forms of the principal household goods carrier.

The issuance of this ruling is meant to emphasize the intent and purpose of full disclosure of relevant facts, as expressed in recent proceedings. It was deemed necessary because of recurrent problems in this area and the determined action being taken by the Commission with respect to those problems.

[SEAL] R. D. PFAHLER, *Director.*

[FR Doc.73-4137 Filed 3-2-73;8:45 am]

[Notice 222]

MOTOR CARRIER BOARD TRANSFER PROCEEDINGS

Synopses of orders entered by the Motor Carrier Board of the Commission pursuant to sections 212(b), 206(a), 211, 312(b), and 410(g) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 1132), appear below:

Each application (except as otherwise specifically noted) filed after March 27, 1972, contains a statement by applicants that there will be no significant effect on the quality of the human environment resulting from approval of the application. As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings on or before March 26, 1973. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC-74167. By order entered February 23, 1973, the Motor Carrier Board approved the transfer to Nannel Transportation, Inc., Plantation, Fla., of the operating rights set forth in Certificates Nos. MC-118290, MC-118290 (Sub-No. 3), and MC-118290 (Sub-No. 4), issued by the Commission November 18, 1960, July 6, 1965, and January 15, 1968, respectively, authorizing the transportation of bananas, malanga (arums), yucca (cassaya), calabaza (pumpkins), name (yam), mangoes, and avocados, in mixed shipments with bananas, from West Palm Beach and Miami, Fla., to Los Angeles and San Francisco, Calif.; coffee, other than in vacuum sealed containers, malt-syrup beverage, guava paste, guava cups, guava nectar, and Cuban crackers, from Miami, Fla., to Los Angeles and San Francisco, Calif.; and guava products, tasajo (beef jerked), and smoked or preserved fish, sausage, and salami, and canned beans, from Miami, Fla., to Los Angeles and San Francisco, Calif. Gerald F. Colfer, 1100 17th Street NW., Washington, DC 20036, attorney for applicants.

No. MC-FC-74234. By order entered February 15, 1973, the Motor Carrier Board approved the transfer to Bigheart Tri-States Corp., Tulsa, Okla., of the operating rights set forth in Permits Nos. MC-110760 and MC-110760 (Sub-No. 1), issued by the Commission November 9, 1953, and November 4, 1949, respectively, to Davis Lambert, doing business as Lambert & Hood, Mt. Carmel, Ill., authorizing the transportation of crude petroleum, in bulk, between points in Illinois, Indiana, and Kentucky, and coal spray oil, in bulk, from Princeton, Ind., and points within 3 miles thereof, to points in Illinois and Kentucky. Kirkwood Yockey, Suite 300 Union Federal Building, Indianapolis, IN 46204.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.73-4139 Filed 3-2-73;8:45 am]

[Notice 26]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

FEBRUARY 27, 1973.

The following are notices of filing of applications[1] for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC-67 (49 CFR 1131), published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, on or before March 20, 1973. One copy of such protests must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protests must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six (6) copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 17051 (Sub-No. 10 TA) (Correction), filed February 12, 1973, published in the FEDERAL REGISTER issue of February 22, 1973, and republished as corrected this issue. Applicant: BARNET'S EXPRESS, INC., 758 Lidgerwood Avenue, Elizabeth, NJ 07202, Mail: Post Office Box 111, Elizabeth Station 07207. NOTE: The purpose of this republication is to show the correct sub number assigned thereto as shown above, in lieu of previous publication which omitted the sub number in error. The rest of the notice remains as previously published.

No. MC 26396 (Sub-No. 64 TA) (correction), filed November 30, 1972, published in the FEDERAL REGISTER issue of December 15, 1973, and republished as corrected this issue. Applicant: POPELKA TRUCKING CO., doing business as: THE WAGGONERS, 201 West Park, Mailing: Post Office Box 990, Livingston, MT 59047. Applicant's representative: Wayne Waggoner (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wood fence materials and wood poles*, from points in Idaho, Boundary, Bonner, Kootenai, Shoshone, Benewah, Latah, Clearwater, Lewis, Nez Perce Counties, Ohio, and St. Regis, Superior, and Troy, Mont., to points in Idaho, Indiana, and Michigan, for 180 days. Supporting shipper: North Pacific Lumber Co., Post Office Box 3915, Portland, OR 97208. Send protests to: Paul J. Labane, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 215 U.S. Post Office Building, Billings, MT 59101. NOTE: The purpose of this republication is to correct the origin to Nez Perce Counties, Ohio, in lieu to Nez Perce Counties, Idaho, which was published in error.

No. MC 99866 (Sub-No. 2 TA), filed February 20, 1973. Applicant: VALLEY TRANSPORTATION & WAREHOUSE CO., INC., Post Office Box 836, 3034 North Scottsdale Road, Scottsdale AZ 85251. Applicant's representative: Baldo J. Lutich, 4747 North 22d Street, Suite 400, Phoenix AZ 85016. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (excluding liquid commodities in bulk), between Tucson, Casa Grande, and Phoenix, Ariz., on the one hand, and, on the other, the facilities of Hecla Mining Co., Lakeshore Project, located approximately 32 miles southwest of Casa Grande, Ariz., for 180 days. NOTE: The purpose of this application is to seek authority to continue the interstate movement of general commodities brought by other carriers into Tucson, Phoenix, and Casa Grande through to its destination at the Hecla Mine site, and likewise to initiate interstate movement of freight from the Hecla Mine site to Tucson, Phoenix or Casa Grande for the purpose of delivering it to other carriers in interstate movement. Supporting shipper: Hecla Mining Co., Lakeshore Project, Post Office Box 493, Casa Grande, AZ 85222. Send protests to: Andrew V. Baylor, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 3427 Federal Building, 230 North First Avenue, Phoenix, AZ 85025.

No. MC 107515 (Sub-No. 834 TA), filed January 5, 1973. Applicant: REFRIGERATED TRANSPORT CO., INC., Post Office Box 308, 3901 Jonesboro Road SE., Forest Park, GA 30050. Applicant's representative: K. Edward Wolcott, Suite 1600 First Federal Building, Atlanta, Ga. 30303. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Synthetic yarn*, from Toccoa, Ga. to Bristow, Okla., for 180 days. Supporting shipper: Malcolm Spinning Co., 447 East Middle Street, Hanover, PA 17331. Send protests to: William L. Scroggs, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 1252 West Peachtree Street NW., Room 309, Atlanta, GA 30309.

No. MC 126555 (Sub-No. 20 TA), filed February 20, 1973. Applicant: UNIVERSAL TRANSPORT, INC., Post Office Box 268, Rapid City, SD 57701. Applicant's representative: Truman A. Stockton, Jr., The 1650 Grant Street Building, Denver, Colo. 80203. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cement*, in bulk and in sacks, from Watertown, S. Dak. to points in Minnesota and North Dakota, for 180 days. Supporting shipper: The South Dakota Cement Plant, Rapid City, S. Dak. 57701, John E. Doane, Director of Transportation. Send protests to: J. L. Hammond, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Room 369, Federal Building, Pierre, S. Dak. 57501.

No. MC 135760 (Sub-No. 8 TA), filed February 21, 1973. Applicant: COAST REFRIGERATED TRUCKING CO. INC., Post Office Box 188, Holly Ridge, NC 28445. Applicant's representative: C. W. Fletcher (same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Pork products*, in vehicles equipped with mechanical refrigeration, from Detroit, Mich. to points in and east of Michigan, Wisconsin, Illinois, Kentucky, Tennessee, and Mississippi, for 180 days. Supporting shipper: Frederick & Herrud, Inc., and subsidiary Herrud Smoked Meats, Inc., 1487 Farnsworth Street, Detroit, MI 48211. Send protests to: Archie W. Andrews, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Post Office Box 26896, Raleigh, NC 27611.

No. MC 136384 (Sub-No. 3 TA), filed February 22, 1973. Applicant: PALMER MOTOR EXPRESS, INC., Post Office Box 103, Savannah, GA 31402. Applicant's representative: Frank D. Hall, Suite 713, 3384 Peachtree Road NE., Atlanta, GA 30326. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except commodities in bulk, those requiring special equipment because of size or weight, classes A and B explosives, and household goods as defined by the Commission), (1) between Savannah, Ga., and Hampton, S.C.; from Savannah, Ga., via U.S. Highways 17 and 17A to their junction with U.S. Highways 601 and 321 at or near Hardeeville, S.C., thence over U.S. Highways 601 and 321 to their junction with U.S. Highway 601 near Robertville, S.C., thence over U.S. Highway 601 to Hampton, S.C., and return, serving all intermediate points; (2) between Savannah, Ga., and Hampton, S.C.: from Savannah, Ga., via U.S. Highways 17 and 17A to their junction with U.S. Highways 601 and 321 at or near Hardeeville, S.C., thence over U.S. Highways 601 and 321 to the junction of said highways at or near Tarboro, S.C., thence over U.S. Highway 321 to Garnett, S.C., thence over U.S. Highway 321 to its junction with South Carolina State Highway 363 at or near Luray, S.C., thence over South Carolina State Highway 363 to its junction with U.S. Highway 278 near Hampton, S.C., thence over U.S. Highway 278 to Hampton, S.C., and return, serving all intermediate points; (3) between Savannah, Ga., and Canadys, S.C.: from Savannah, Ga., via U.S. Highways 17 and 17A to their junction with Interstate Highway 95, U.S. Highways 601 and 301 at or near Hardeeville, S.C., thence over Interstate Highway 95 and U.S. Highway 17 to Pocotaligo, S.C., thence over U.S. Highways 17, 17A, and South Carolina State Highway 64 to Walterboro, S.C., thence over U.S. Highway 15 to Canadys, S.C., and return, serving all intermediate points:

(4) Between Savannah, Ga., and Canadys, S.C.: from Savannah, Ga., via U.S. highways 17 and 17A to their junction with South Carolina State Highway 170, thence over South Carolina State Highway 170 to its junction with U.S. Highway 278, thence over U.S. Highway 278 to its junction with South Carolina State Highway 462, thence over South Carolina State Highway 462 to its junction with Interstate Highway 95, and U.S. Highway 17 at or near Coosawhatchie, S.C., thence over Interstate Highway 95, and over U.S. Highway 17A to Walterboro, S.C., thence over U.S. Highway 15 to Canadys, S.C., and return, serving all intermediate points; (5) Between Hampton, S.C., and Cottageville, S.C.: from Hampton, S.C., via South Carolina State Highway 363 to its junction with South Carolina State Highway 63, thence over South Carolina State Highway 63 to its junction with U.S. Highway 17A at or near Walterboro, S.C., thence over U.S. Highway 17A to Cottageville, S.C., and return, serving all intermediate points; (6) between Savannah, Ga., and Hilton Head Island, S.C.: from Savannah, Ga., via U.S. highways 17 and 17A to their junction with South Carolina State Highway 170, thence over South Carolina State Highway 170 to its junction with South Carolina State Highway 46 at or near Pritchardville, S.C., thence over South Carolina State Highway 46 to its junction with U.S. Highway 278, thence over U.S. Highway 278 to Forest Beach, S.C., on Hilton Head Island, S.C., and return, serving all intermediate points;

(7) Between Savannah, Ga., and Walterboro, S.C.: from Savannah, Ga., via U.S. highways 17 and 17A to their junction with South Carolina State Highway 170, thence over South Carolina State Highway 170 to its junction with U.S. Highway 278, thence over South Carolina State Highway 170 and U.S. Highway 278 to their junction with South Carolina State Highway 170 (north of Jasper, S.C.), thence over South Carolina State Highway 170 to its junction with U.S. Highway 21 at or near Beaufort, S.C., thence over U.S. Highway 21 to Gardens Corner, S.C., thence over U.S. Highway 17 to Jacksonboro, S.C., thence over South Carolina State Highway 64 to Walterboro, S.C., and return, serving all intermediate points; (8) between Hampton, S.C., and Beaufort, S.C.: from Hampton, S.C., via U.S. Highway 278 to its junction with South Carolina State Highway 68, at or near Almeda, S.C., thence over South Carolina State Highway 68 to its junction with U.S. highways 17A and 21 at or near Yemassee, S.C., thence over U.S. highways 17A and 21 to Gardens Corner, S.C., thence over U.S. Highway 21 to Beaufort, S.C., and return, serving all intermediate points; and (9) with authority to serve all points other than those described in (1) through (8) above in Beaufort, Hampton, Jasper, and Colleton Counties, S.C., as off-route points in connection with the above described regular routes, for 180 days. NOTE: Applicant intends to tack the authority sought where possible so as to provide service throughout the territory described in paragraphs (1) through (9) above. Supporting shippers: There are approximately 36 statements of support attached to the application, which may be examined here at the Interstate Commerce Commission in Washington, D.C., or copies thereof which may be examined at the field office named below. Send protests to: District Supervisor G. H. Fauss, Jr., Bureau of Operations, Interstate Commerce Commission, Box 35008, 400 West Bay Street, Jacksonville, FL 32202.

No. MC 136710 (Sub-No. 1 TA) (Correction), filed February 1, 1973, published in the FEDERAL REGISTER issue of February 22, 1973, and republished as corrected this issue. Applicant: FRANK W. EVANS, Jr., doing business as EXPORT ALLOYS, 113 Montrose Avenue, Baltimore, MD 21228. Applicant's repre-

[1] Except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application.

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sentative: Charles McD. Gillan, Jr., (same address as above). NOTE: The purpose of this republication is to show the correct sub number assigned as No. MC 136710 (Sub-No. 1 TA), in lieu of No. MC 136710 (Sub-No. L TA) which was published in error. The rest of the notice remains the same.

No. MC 138413 TA, filed February 15, 1973. Applicant: JOHN TOWNROW doing business as JOHN TOWNROW TRUCKING, 2660 West Ball Road, Anaheim, CA 92805. Applicant's representative: David A. Sutherlund, 2001 Massachusetts Avenue NW., Washington, DC 20036. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Floor coverings, and materials, and supplies* used in the sale and installation of floor coverings, from points in Cartersville, Ga., Elkhart, Ind., Greenville, S.C., Kearny, N.J., Marcus Hook, Pa., Norcross, Ga., Trenton, N.J., and Wilburton, Okla., to points in Arizona, California, Idaho, Oregon, and Washington, for 180 days. Supporting shipper: LaSalle-Dietch Co., Inc., Western Division, a subsidiary of Magnavox Co., 12551 Fischer Road, Riverside, CA. Send protests to: John E. Nance, Officer-in-Charge, Interstate Commerce Commission, Bureau of Operations, 300 North Los Angeles Street, Room 7708, Los Angeles, CA 90012.

No. MC 138414 TA, filed February 15, 1973. Applicant: HAROLD JOHN BELL doing business as H. J. BELL, 320 South Yellowstone, Livingston, MT 59047. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Crushed and/or broken limestone*, from Livingston and Gardiner, Mont., to Minot, N. Dak.; Portland, Beaverton, Corcallis, and Eugene, Oreg.; and Tacoma, Midway, Kent, Centralia, Chehalis, Longview, and Yakima, Wash., for 180 days. Supporting shipper: Livingston Marble & Granite Works, 711 East Park Street, Livingston, MT 59047. Send protests to: Paul J. Labane, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 222 U.S. Post Office Building, Billings, Mont. 59101.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.73-4140 Filed 3-2-73;8:45 am]

[Notice 25]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

FEBRUARY 26, 1973.

The following are notices of filing of applications[1] for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of EX Parte No. MC-67, (49 CFR 1131), published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of these applications must be filed with the field official named in the FEDERAL REGISTER publication, on or before March 20, 1973. One copy of such protests must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protests must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six (6) copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 8948 (Sub-No. 103 TA), filed February 15, 1973. Applicant: WESTERN GILLETTE, INC., 2550 East 28th Street, Post Office Box 58267, Vernon Station, Los Angeles, CA 90058. Applicant's representative: Charles Carbonaro (same address as applicant). Authority sought to operate as a *Common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), (1) between junction U.S. Highway 80 with California Highway 111 and Calexico, Calif., serving all intermediate points: From junction U.S. Highway 80 with California Highway 111, over California Highway 111 to Calexico, Calif., and return over the same route, and (2) serving all points in Imperial County, Calif., in connection with carrier's presently authorized routes over U.S. Highway 80 and California Highway 86 in said county, for 180 days. NOTE: Applicant requests authority to, and intends to, tack all authority held by it in Docket No. MC 8948 and related subs, and interline with other common carriers at any common service point. Supporting shipper: There are approximately 24 statements of support attached to the application, which may be examined here at the Interstate Commerce Commission iin Washington, D.C., or copies thereof which may be examined at the field office named below. Send protests to: John E. Nance, Officer in Charge, Interstate Commerce Commission, Bureau of Operations, Room 7708, Federal Building, 300 North Los Angeles Street, Los Angeles, CA 90012.

No. MC 39249 (Sub-No. 14 TA) (Correction), filed February 8, 1973, published in the FEDERAL REGISTER issue of February 20, 1973, and republished as corrected this issue. Applicant: MARTY'S EXPRESS, INC., 2335 Wheatsheaf Lane, Philadelphia, PA 19137. Applicant's representative: Ira G. Megdal, Suite 501, 1750 M Street NW., Washington, DC 20038. NOTE: The purpose of this partial republication is to show the correct MC No. 39249 (Sub-No. 14 TA), in lieu of MC No. 39249 TA. The rest of the application remains the same.

No. MC 42487 (Sub-No. 802 TA), filed February 9, 1973. Applicant: CONSOLIDATED FREIGHTWAYS CORPORATION OF DELAWARE, 175 Linfield Drive, Menlo Park, CA 94025. Applicant's representative: V. R. Oldenburg, Post Office Box 5138, Chicago, IL 60680. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving the plantsite of the Southwestern Co. at or near Franklin, Williamson County, Tenn., as an off-route point to present operations, for 180 days. NOTE: Applicant intends to tack the proposed authority with its existing authority at Nashville, Tenn., contained in Docket No. MC 42487 Sub 786. (This authority was acquired from Lewisburg Transfer Co., Inc. The authority was contained in Lewisburg Transfer Co., Inc., Docket No. MC 65282 Sub 7. The certificate in the name of Consolidated Freightways Corp. of Delaware has not yet been issued in our name, but when it is, it will be Sub 786). Applicant also proposes to interline with its present connecting carriers at points throughout the United States as provided in tariffs on file with the Interstate Commerce Commission. Supporting shipper: The Southwestern Co., 2968 Foster Creighton Drive, Post Office Box 8989, Nashville, TN 37211. Send protests to: Claud W. Reeves, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 450 Golden Gate Avenue, Box 36004, San Francisco, CA 94012.

No. MC 73688 (Sub-No. 60 TA), filed February 12, 1973. Applicant: SOUTHERN TRUCKING CORPORATION, Post Office Box 7195, 1500 Orenda Avenue, Memphis, TN 38107. Applicant's representative: Robert E. Tate, Registered Practitioner, Post Office Box 517, Evergreen, AL 36401. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pipe and pipe fittings, couplings, connections, and accessories* (except iron or steel and commodities because of size and weight require the use of special equipment), from the plant or warehouse sites of Armco Steel Corp., Metal Products Division, in Montgomery County, Ala., to points in the States of Arkansas, Georgia, Kansas, Kentucky, Louisiana, Mississippi, North Carolina, Oklahoma, South Carolina, Tennessee, Texas, Virginia, and West Virginia, and restricted to traffic originating at the above plant or warehouse sites and destined to points shown above and further restricted against the transportation of oilfield commodities as defined in Mercer-Extension-Oilfield Commodities, 74 MCC 459, for 180 days. Supporting shipper: Armco Steel Corp., 703 Curtis Street, Middletown, OH 45042. Send protests to: Floyd A. Johnson, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 933 Federal Office Building, 167 North Main Street, Memphis, TN 38103.

[1] Except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application.

No. MC 74942 (Sub-No. 3 TA), filed February 16, 1973. Applicant: PARVIN'S TRANSFER, INC., 15 East Harmony Street, Penns Grove, NJ 08069. Applicant's representative: Morton E. Kiel, 140 Cedar Street, New York, NY 10006. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Tomato products*, canned and preserved, from storage facilities of Heinz U.S.A. at Woodstown, N.J. to Allentown, King of Prussia, Forty Fort, Philadelphia, Reading, Robesonia, Bethlehem, Scranton, Shiremanstown, Mechanicsburg, and York, Pa., Wilmington and Seaford, Del., Baltimore, Cambridge, and Vienna, Md., Long Island, New Rochelle, Elmsford, Mount Kisco and New York, N.Y., Washington, D.C. and Norkfolk, Va.; for 180 days. Supporting shipper: Heinz U.S.A., Division of H. J. Heinz Co., Post Office Box 57, Pittsburgh, PA 15230. Send protests to: Richard M. Regan, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 428 East State Street, Room 204, Trenton, NJ 08608.

No. MC 110563 (Sub-No. 102 TA), filed February 15, 1973. Applicant: COLDWAY FOOD EXPRESS, INC., 113 North Ohio Avenue, Post Office Box 747, Ohio Building, Sidney, OH 45365. Applicant's representative: John L. Maurer (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, packinghouses* (except hides and commodities in bulk) as described in sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 MCC 209 and 766, from York, Nebr., to points in New York, Connecticut, Delaware, New Jersey, Ohio, Pennsylvania, District of Columbia, Maine, Maryland, Massachusetts, New Hampshire, Vermont, Rhode Island, Kentucky, Tennessee, Virginia, Illinois, Kansas, Missouri, Colorado, and Miami, Fla., for 180 days. Supporting shipper: Sunflower Beef Packers, Inc., York, Nebr. Send protests to: Keith D. Warner, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 313 Federal Office Building, 234 Summit Street, Toledo, OH 43604.

No. MC 112822 (Sub-No. 260 TA), filed February 14, 1973. Applicant: BRAY LINES INCORPORATED, Post Office Box 1191, 1401 North Little, Cushing, OK 74023. Applicant's representative: Joe W. Ballard (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products and meat byproducts, and articles distributed by meat packinghouses*, as described in sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 MCC 209 and 766 (except hides and commodities in bulk), from the plantsite of the Cudahy Co., Wallula, Wash., to Los Angeles, Calif., and its commercial zone; San Francisco, Richmond, San Jose, Oakland, Eureka, and San Leandro, Calif., for 180 days. Supporting shipper: The Cudahy Co., Art McCullough, Plant Traffic Manager, Wallula, Wash. Send protests to: C. L. Phillips, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 240, Old Post Office Building, 215 Northwest Third, Oklahoma City, OK 73102.

No. MC 112854 (Sub-No. 31 TA), filed February 14, 1973. Applicant: HOLLEBRAND TRUCKING, INC., Post Office Box 164, Macedon Center Road, Ontario, NY 14520. Applicant's representative: S. Michael Richards, Post Office Box 225, Webster, NY 14580. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Coal*, from the facilities of Kettle Creek Mine located at or near Westport, Pa., to Johnson City, Bainbridge, Dresden, Ludlowville, and Palmyra, N.Y., for 180 days. Supporting shipper: Ringgold Coal Mining Co., Kittaning, Pa. 16201. Send protests to: Morris H. Gross, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 104, 301 Erie Boulevard West, Syracuse, NY 13202.

No. MC 114334 (Sub-No. 24 TA), filed February 12, 1973. Applicant: BUILDERS TRANSPORTATION COMPANY, 3710 Tulane Road, Memphis, TN 38116. Applicant's representative: Robert E. Tate, Post Office Box 517, Evergreen, AL 36401. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pipe and pipe fittings, couplings, connections, and accessories* (except iron or steel and commodities because of size and weight require the use of special equipment), from the plant or warehouse sites of Armco Steel Corp., Metal Products Division, in Montgomery County, Ala., to points in Arkansas, Colorado, Georgia, Florida, Kansas, Kentucky, Louisiana, Mississippi, New Mexico, North Carolina, Oklahoma, South Carolina, Tennessee, Texas, Virginia, and West Virginia, and restricted to traffic originating at the above plant or warehouse sites and destined to points shown above and further restricted against the transportation of oilfield commodities as defined in Mercer Extension—Oilfield Commodities, 74 MCC 459, for 180 days. Supporting shipper: Armco Steel Corp., 703 Curtis Street, Middletown, OH 45042. Send protests to: Floyd A. Johnson, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 933 Federal Office Building, 167 North Main Street, Memphis, TN 38103.

No. MC 117765 (Sub-No. 155 TA), filed February 16, 1973. Applicant: HAHN TRUCK LINE, INC., 5315 Northwest Fifth Street, Post Office Box 75267, Oklahoma City, OK 73107. Applicant's representative: R. E. Hagan (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Salt and salt products and mineral feed mixtures*, from the plantsite of Barton Salt Co., Hutchinson, Kans. to Missouri (except Kansas City and St. Louis and their commercial zones), for 180 days. Supporting shipper: Junior Stucky, Traffic Manager, The Barton Salt Co., Post Office Box 1403, Hutchinson, KS 67501. Send protests to: C. L. Phillips, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 240, Old Post Office Building, 215 Northwest Third, Oklahoma City, OK 73102.

No. MC 117799 (Sub-No. 48 TA), filed February 12, 1973. Applicant: BEST WAY FROZEN EXPRESS, INC., Room 205, 3033 Excelsior Boulevard, Minneapolis, MN 55416. Applicant's representative: K. O. Petrick (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Macaroni, noodles, spaghetti, or vermicelli, prepared with or without cheese, meat, vegetables, or sauce*, from Minneapolis, Minn. to points in Alabama, Florida, Georgia, North Carolina, South Carolina, and Tennessee, for 180 days. Restricted to traffic originating at the plantsite and warehouse facilities of the Creamette Co., Minneapolis, Minn. Supporting shipper: Creamette Co., 426 North First Street, Minneapolis, MN 55401. Send protests to: A. N. Spath, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 448 Federal Building and U.S. Courthouse, 110 South Fourth Street, Minneapolis, MN 55401.

No. MC 118535 (Sub-No. 54 TA), filed February 15, 1973. Applicant: JIM TIONA, JR., 111 South Prospect, Butler, MO 64730. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Salt and salt products, and materials and supplies* used in the agricultural water treatment, food processing, wholesale grocery and institutional supply industries, when shipped in mixed loads with salt and salt products, from Grand Saline, Tex. to points in Iowa, Kansas, Missouri, and Nebraska, for 150 days. Supporting shipper: Morton Salt Co., 6175 The Paseo, Kansas City, MO 64110. Send protests to: John V. Barry, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 600 Federal Office Building, 911 Walnut Street, Kansas City, MO 64106.

No. MC 119302 (Sub-No. 20 TA), filed February 16, 1973. Applicant: MILLER TRANSFER AND RIGGING CO., Post Office Box 6077, Akron, OH 44312. Applicant's representative: David Millner, 744 Broad Street, Newark, NJ 07102. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Electric tools, lawn and garden equipment and component parts*, between the Black & Decker Manufacturing Co. plants at Tarboro and Fayetteville, N.C., Hampstead, Md., and

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ports of entry on the international boundary line between the United States and Canada, located at or near Ogdensburg and Wellesley Island, N.Y., for 150 days. Restriction: The operations under the foregoing authority are to be limited to a transportation service to be performed under a continuing contract or contracts with the Black & Decker Manufacturing Co., at Towson, Md. Supporting shipper: The Black & Decker Manufacturing Co., Towson, Md. 21204. Send protests to: Franklin D. Bail, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 181 Federal Office Building, 1240 East Ninth Street, Cleveland, OH 44199.

No. MC 119774 (Sub-No. 67 TA), filed February 15, 1973. Applicant: EAGLE TRUCKING COMPANY, a corporation, 301 East Main Street, Post Office Box 471, Kilgore, TX 75662. Applicant's representative: Bernard H. English, 6270 Firth Road, Fort Worth, TX 76116. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pipe and pipe fittings, couplings, connections, and accessories* (except iron or steel and commodities because of size and weight that require the use of special equipment), from the plant or warehouse sites of Armco Steel Corp., Metal Products Division, in Montgomery County, Ala., to points in Arkansas, Colorado, Georgia, Florida, Kansas, Kentucky, Louisiana, Mississippi, New Mexico, North Carolina, Oklahoma, South Carolina, Tennessee, Texas, Virginia, and West Virginia, for 180 days. Restricted to traffic originating at the above plant or warehouse site and destined to points shown above and further restricted against the transportation of oil field commodities, as described in Mercer Extension—Oil Field Commodities, 74 MCC 459. NOTE: Carrier does not intend to tack authority. Supporting shipper: Armco Steel Corp. (ARMCO), 703 Curtis Street, Middletown, OH 45042. Send protests to: District Supervisor E. K. Willis, Jr., Interstate Commerce Commission, Bureau of Operations, 1100 Commerce Street, Room 13C12, Dallas, TX 75202.

No. MC 124511 (Sub-No. 11 TA), filed February 7, 1973. Applicant: JOHN F. OLIVER, East Highway 54, Post Office Box 223, Mexico, MO 65265. Applicant's representative: John F. Oliver (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles* (except such articles because of size and weight require the use of special equipment) originating at the plantsite and storage facilities of Granite City Steel Co. at Granite City, Ill., to points in Missouri, for 180 days. Supporting shipper: Granite City Steel Co., Subsidiary of National Steel Corp., 20th and State Streets, Granite City, Ill. 62040. Send protests to: Vernon V. Coble, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 600 Federal Building, 911 Walnut Street, Kansas City, MO 64106.

No. MC 125362 (Sub-No. 4 TA), filed February 14, 1973. Applicant: THOMAS P. SMITH, 10045 East Michigan Avenue, Parma, MI 49269. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages*, from Newport, Ky.; Peoria, Ill.; and Evansville, Ind., to Jackson, Mich., for 180 days. Supporting shipper: John G. Stadelman, President, Stadelman Distributing Co., 4915 West Michigan Avenue, Jackson, MI 49201. Send protests to: C. R. Flemming, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 225 Federal Building, Lansing, Mich. 48933.

No. MC 125616 (Sub-No. 6 TA), filed February 21, 1973. Applicant: W. PAUL HENRY, 300 Robinwood Drive, Hagerstown, Md. 21740. Applicant's representative: Peter A. Greene, Commonwealth Building, 1625 K Street NW., Washington, DC 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Machinery and machinery parts*, from Waynesboro, Pa., to Dulles International Airport, Loudoun County, Va., and Washington National Airport, Gravelly Point, Va., restricted to traffic having an immediate prior or subsequent movement by air, for 180 days. Supporting shippers: Teledyne Landis Machine, Waynesboro, Pa. 17268 and Landis Tool Co., Waynesboro, Pa. 17268. Send protests to: Robert D. Caldwell, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 12th Street and Constitution Avenue NW., Washington, D.C. 20423.

No. MC 125770 (Sub-No. 9 TA), filed February 14, 1973. Applicant: SPIEGEL TRUCKING, INC., 504 Essex Street, Harrison, NJ 07029. Applicant's representative: Charles J. Williams, 47 Lincoln Park, Newark, NJ 07102. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Steel office furniture, equipment, and supplies*, for the account of Hillside Metal Products, Inc., from Jamestown, N.Y., to the plantsite of Hillside Metal Products, Inc. at Newark, N.J., for 180 days. Supporting shipper: Hillside Metal Products, Inc., 300 Passaic Street, Newark, NJ 07104. Send protests to: District Supervisor Robert E. Johnston, Bureau of Operations, Interstate Commerce Commission, 970 Broad Street, Newark, NJ 07102.

No. MC 133478 (Sub-No. 7 TA), filed February 13, 1973. Applicant: HEARIN TRANSPORTATION, INC., Post Office Box 25448, 8565 Southwest Beaverton Hillsdale Highway, Portland, OR 97225. Applicant's representative: Nick I. Goyak, Attorney, 404 Oregon National Building, 610 Southwest Alder Street, Portland, OR 97205. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Plywood, lumber, particleboard and wood beams*, between the plantsite of Hearin Forest Industries at Vancouver, Wash., on the one hand, and, on the other, points in California. All for the account of Hearin Forest Industries, for 180 days. Supporting shipper: Hearin Forest Industries, Inc., Post Office Box 25387, Portland, OR 97225. Send protests to: District Supervisor W. J. Huetig, Bureau of Operations, Interstate Commerce Commission, 450 Multnomah Building, 319 Southwest West Pine, Portland, OR 97204.

No. MC 134958 (Sub-No. 2 TA), filed February 16, 1973. Applicant: HAMS EXPRESS, INC., 3499 South Third Street, Philadelphia, PA 19148. Applicant's representative: Joseph F. Murray (same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, and meat byproducts; articles distributed by meat packinghouses; and such commodities* as are used by meatpackers in the conduct of their business when destined to and for use by meatpackers, as described in sections A, C, and D, of Appendix I to the report in Descriptions in Motor Carrier Certificates, 61 MCC 209 and 766 (except commodities in bulk), (1) from the plantsite, warehouses and storage facilities used by Blue Bird Food Products Co., at or near Philadelphia, Pa., to points in California, and (2) from cold storage warehouses (a) at Cleveland, Ohio, to points in Ohio, Michigan, Illinois, and New York; (b) at Chicago, Ill., to points in Illinois, Ohio, Michigan, Missouri, Wisconsin, Colorado, Oklahoma, Arkansas, Kentucky, Nebraska, Indiana, and New York; and (c) at Milwaukee, Wis., to points in Illinois, Wisconsin, and Ohio; all authority in (2) on traffic having a prior movement to the said cold storage warehouse origin points from Philadelphia pursuant to the authority held by Hams in MC-134958, for 180 days. NOTE: Applicant would tack the cold storage authority sought at Cleveland, Chicago, and Milwaukee to authority held in MC-134958 to serve such points from Philadelphia. Supporting shipper: Bluebird Food Products Co., 3501 S. Third Street, Philadelphia, PA 19148. Send protests to: Peter R. Guman, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 1518 Walnut Street, Room 1600, Philadelphia, PA 19102.

No. MC 136051 (Sub-No. 2 TA), filed February 13, 1973. Applicant: RPD, INC., 2701 South Bayshore Drive, Miami, FL 33133. Applicant's representative: Albert W. Stout (same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Motor vehicle parts, components, supplies, materials, advertising materials, and equipment, materials and supplies utilized in the manufacture thereof*, between points in the St. Louis, Mo., commercial zone and the following Missouri counties: Cape Girardeau, Pemiscot, Mississippi, Dunklin, Perry, New Madrid, Scott, St. Genevieve, St. Charles, St. Louis, and Jefferson, and points in Arkansas, Mississippi, points in Tennessee on and west of Interstate Highway 65; points in Kentucky on and

west of Interstate Highway 75; and points in Illinois on and south of Interstate Highway 74, for 180 days. Supporting shipper: General Motors Corp., General Motors Parts Division, 6060 West Bristol Road, Flint, MI. 48554. Send protests to: District Supervisor Joseph B. Teichert, Interstate Commerce Commission, Bureau of Operation, 5720 Southwest 17th Street, Room 105, Miami, FL 33155.

No. MC 136453 (Sub-No. 3 TA), filed February 16, 1973. Applicant: MARTIN TRANSIT, INC., Route No. 2, Rock Falls, Ill. 61071. Applicant's representative: William J. Boyd, 29 South La Salle Street, Chicago, IL 60603. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, meat by-products and articles distributed by meat packinghouses* as described in Appendix I to the Report in Descriptions in Motor Carrier Certificates, 61 MCC 209 and 766 (except hides, skins, pelts and pieces thereof and commodities in bulk), from Sterling, Ill., to Chicago, Ill. (restricted to the movement of traffic which has an immediately subsequent movement by rail to destination outside of Illinois), for 180 days. Supporting shipper: Mr. Donald A. Chute, Armour Food Co., Phoenix, Ariz. Send protests to: Richard Chandler, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Everett McKinley Dirksen Building, 219 South Dearborn Street, Room 1086, Chicago, IL 60604.

No. MC 136998 (Sub-No. 2 TA), filed February 14, 1973. Applicant: KORAL SALES INC., doing business as KSI, Route 2, Box 659, Kenosha, WI 53140. Applicant's representative: Jerry Seidman (same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Plastic parts, general commodities, store gift packs and U do it components and parts*, from Elgin, Ill., to Columbus, Ohio, Richfield, Minn., Warren, Mich., Kansas City, Kans., Pittsburgh, Pa., San Diego, Calif., Cleveland, Ohio, Dallas, Tex., Clearwater, Fla., St. Louis, Mo., Houston, Tex., Fridley, Minn., Santa Clara, Calif., Huntington Beach, Calif., Milwaukee, Wis., Indianapolis, Ind., Beverly, N.J., and St. Petersburg, Fla., for 180 days. Supporting shipper; Dexter Tread Mills, Inc., 840 Saint Charles Road, Elgin, IL (Don Beyer, Traffic Manager). Send protests to: District Supervisor John E. Ryden, Interstate Commerce Commission, Bureau of Operations, 135 West Wells Street, Room 807, Milwaukee, WI 53203.

No. MC 138036 (Sub-No. 3 TA), filed February 16, 1973. Applicant: J & S, INC., 127 Larchfield Drive, McKeesport, PA 15135. Applicant's representative: John Pillar, 2310 Grant Building, Pittsburgh, Pa. 15219. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities* as are dealt in by retail drug and variety stores, and *equipment, material and supplies*, used in the conduct of such business (excluding commodities in bulk) for the account of Thrift Drug Division of J. C. Penney Co., Inc., between points in Falls Township (Bucks County), Pa., on the one hand, and, on the other, points in Delaware, Maryland, New Jersey, and Pennsylvania, for 180 days. Supporting shipper: Thrift Drug Co., Division of J. C. Penney Co., Inc., 615 Alpha Drive, Pittsburgh, PA 15238. Send protests to: John J. England, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 2111 Federal Building, 1000 Liberty Avenue, Pittsburgh, PA 15222.

No. MC 138327 (Sub-No. 1 TA), filed February 15, 1973. Applicant: RUSSELL R. BROWN, doing business as BROWN TRANSPORT, 370 West 1050 North, Bountiful, UT 84010. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Fish feed* in bags and bulk form, from Salt Lake City, Utah, to all parts of/in California, Washington, and Oregon, for 180 days. Supporting shipper: Moore-Clark Co., a division of RVM, Inc., 1674 Beck Street, Salt Lake City, UT 84116 (John A. Coates). Send protests to: District Supervisor Lyle D. Helfer, Interstate Commerce Commission, Bureau of Operations, 5239 Federal Building, 125 South State Street, Salt Lake City, UT 84111.

No. MC 138328 (Sub-No. 1 TA), filed February 13, 1973. Applicant: WERNER ENTERPRISES, 805 32d Avenue, Post Office Box 831, Council Bluffs, IA 51501. Applicant's representative: Charles J. Kimball, 2310 Colorado State Bank Building, 1600 Broadway, Denver, CO 80202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (A) *Upholstered furniture*, from Council Bluffs, Iowa, to points in Washington, Idaho, Montana, Wyoming, Colorado, Texas, Oklahoma, Kansas, Nebraska, South Dakota, North Dakota, Minnesota, Iowa, Missouri, Arkansas, Illinois, Indiana, Wisconsin, Michigan, and Ohio; and (B) *materials, equipment and supplies* used in the manufacture of upholstered furniture from points in California, Colorado, Missouri, Indiana, North Carolina, Georgia, New York, New Jersey, and Massachusetts to Council Bluffs, Iowa, for 180 days. Restricted to service under continuing contract to Charles Schneider and Co., Inc. Supporting shipper: Charles Schneider and Co., Inc., 518 North 10 Street, Council Bluffs, Iowa. Send protests to: Carroll Russell, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 711 Federal Office Building, Omaha, NE 68102.

No. MC 138381 (Sub-No. 1 TA), filed February 14, 1973. Applicant: CHADDERDON & SONS, INC., Le Center, Minn. 56057. Applicant's representative: Orban Chadderdon (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic containers*, from Le Center, Minn., to La Crosse, Merrill, and Antigo, Wis., also Humboldt, Iowa, for 180 days. Supporting shipper: Robb Container Corp., Post Office Box 419, Yorkville, IL 60560. Send protests to: A. N. Spath, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 448 Federal Building and U.S. Court House, 110 South 4th Street, Minneapolis, MN 55401.

No. MC 138415 TA, filed February 15, 1973. Applicant: TRAILER EXPRESS, INC., Post Office Box 321, Topeka, IN 46571. Applicant's representative: Michael V. Gooch, 777 Chamber of Commerce Building, Indianapolis, Ind. 46204. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Boats*, from Syracuse, Ind., to Alabama, Arkansas, Colorado, Connecticut, Delaware, District of Columbia, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Montana, Nebraska, New Hampshire, New Jersey, New York, North Carolina, North Dakota, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Vermont, Virginia, West Virginia, Wisconsin, Wyoming, and Suisun City/San Leandro, Calif., for 180 days. Supporting shipper: Sea Nymph Boats, Division of Stanray Corp., 200 South Michigan Avenue, Chicago, IL. Send protests to: District Supervisor J. H. Gray, Bureau of Operations, Interstate Commerce Commission, 345 West Wayne Street, Room 204, Fort Wayne, IN 46802.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc. 73-4138 Filed 3-2-73; 8:45 am]

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PART II

DEPARTMENT OF TRANSPORTATION

Coast Guard

■

FEDERAL COMMUNICATIONS COMMISSION

■

EMERGENCY POSITION INDICATING RADIOBEACONS

Proposed Rule Making

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DEPARTMENT OF TRANSPORTATION

Coast Guard

[46 CFR Parts 33, 35, 75, 78, 94, 97, 161, 180, 185, 192, 196]

[CGD 73-24 PH]

EMERGENCY POSITION INDICATING RADIOBEACON

Carriage, Operational Testing, and Approval

The Coast Guard is considering amendments to the lifesaving equipment regulations and the operations regulations to require that certain inspected vessels in ocean and coastwise service carry an emergency position indicating radiobeacon (EPIRB) as part of their lifesaving equipment. Minimum tests to be conducted to insure that the equipment is operative would be prescribed. Finally, it is proposed to amend the lifesaving equipment specifications to include specifications for approval of emergency position indicating radiobeacons (EPIRB).

Interested persons are invited to participate in this rule making by submitting written data, views, or arguments to the Executive Secretary, Marine Safety Council (GCMC 82), 400 Seventh Street SW., Room 8234, Washington, DC 20590 (phone 202—426–1477). Written comments should include the docket number of this notice, the name and address of the person submitting the comments, and the specific section of the proposal to which each comment is addressed.

The Coast Guard will hold a public hearing April 18, 1973, at 10 a.m. in Room 7200, at the Department of Transportation, Nassif Building, 400 Seventh Street SW., Washington, DC, to receive written and oral comments from interested persons. The hearing will be conducted by a member or representative of the Marine Safety Council, who may apportion time for presentation. Each person desiring to speak at this hearing is requested to notify the Executive Secretary of the time needed for his presentation and is encouraged to submit a written copy or summary after the hearing of his oral presentation.

All communications received on or before April 30, 1973, will be fully considered before final action is taken on this proposal.

This proposal may be changed in light of comments received; however, acknowledgement of individual comments will not be made. All comments will be available for examination in Room 8234.

The regulations will take effect twelve (12) months after publication in the FEDERAL REGISTER as a final rule.

It is proposed to require that the following classes of inspected vessels in ocean and coastwise service:

1. Tank vessels,
2. Passenger vessels,
3. Cargo and miscellaneous vessels,
4. Small passenger vessels, and
5. Oceanographic vessels

carry an emergency position indicating radiobeacon (EPIRB) to be stowed in a manner such that should the vessel sink, it will float free and automatically activate and in a location where it will be readily accessible for testing and emergency use.

These proposals are the culmination of an effort dating from 1957 when a Coast Guard study of an extensive air-sea/search effort determined the probability of location of survivors and the cost involved for both a visual search and an electronic search using emergency beacons. Because the results showed a significant increase in the probability of survivor location and decrease in search cost, the study recommended that seagoing vessels be required to carry EPIRB's operating on 121.5 and 243 MHz.

The Coast Guard carried this proposal to the 1960 SOLAS Conference. The SOLAS Conference recognized the need for EPIRB's and recommendation No. 48 was adopted by the final 1960 SOLAS Convention, this recommendation states:

> The Conference, recognizing that an automatic nondirectional emergency position indicating radiobeacon, will improve safety of life at sea by greatly facilitating search and rescue, recommends that governments should encourage the equipping of all ships, where appropriate, with a device of this nature which shall be small, lightweight, floatable, watertight, shock resistant, self-energizing, and capable of 48 hours continuous operation. The organization should consult with the International Civil Aviation Organization (ICAO) and the International Telecommunications Union (ITU) with a view to determining the standard of world-wide application to which the radio characteristics should conform.

Several reports of Marine Boards of Investigation have noted the need for EPIRB's. Among these are the SS *Marine Sulphur Queen* which disappeared with all hands in February 1963; the *Daniel J. Morrel* which broke in two and sank with only one survivor in November 1966; and most recently the SS *Texaco Oklahoma*, which broke in two and sank with the loss of 31 lives, in March 1971. Other cases are on file which support the need for such a device. These cases indicate that many lives probably could have been saved through an early distress alert and prompt rescue of survivors and that millions of dollars expended on search efforts could have been saved.

In the case of the *Texaco Oklahoma*, the stern section with 31 persons on board remained afloat for about 27 hours. Those on board the vessel attempted to make their plight known by use of the lifeboat radio, by lights, and by flares, all without success. An AMVER plot indicates that there were 18 participating vessels within 120 miles of the stricken ship during this period. Numerous commercial and military aircraft frequent the area and would most likely have heard an EPIRB signal.

The SS *V. A. Fogg* was lost with all hands on February 1, 1972. The vessel exploded and as a result sank suddenly. When the vessel became overdue shortly thereafter, a massive search was launched which lasted 11 days before the sunken hull was located. An EPIRB would probably have shortened the search by several days.

In January 1972, the IMCO Subcommittee on Radio Communications recommended to the Maritime Safety Committee that as a matter of urgency, all administrations require that ships subject to SOLAS under their jurisdiction carry an EPIRB operating on 2182 kHz and/or 121.5 Mhz and/or 243 Mhz. This recommendation is being considered by the Maritime Safety Committee. Norway, Germany, France, and Japan have implemented requirements for EPIRB's to be carried on their vessels which are subject to the SOLAS Convention.

The National Transportation Safety Board has strongly supported the Coast Guard's recommendations regarding a requirement for the carriage of EPIRB's by seagoing vessels. They have made specific recommendations in the case of the SS *Texaco Oklahoma* and have recently published a Special Study of Survivor-Locator Systems for Distressed Vessels which stressed the value of EPIRB's.

Present statutory authority to require such devices is limited to inspected vessels. Although no requirement can be made under existing law, those uninspected vessels operating beyond the range of marine VHF radio distress coverage will be permitted by the Federal Communications Commission and encouraged to carry EPIRB's as part of their lifesaving equipment.

In consideration of the foregoing, it is proposed to amend Chapter I of Title 46 of the Code of Federal Regulations as follows:

PART 33—LIFESAVING EQUIPMENT

1. By adding § 33.15–30 to Part 33 to follow § 33.15–25 to read as follows:

§ 33.15–30 Emergency position indicating radiobeacon (EPIRB)–T/OC.

All vessels in ocean and coastwise service must be provided with an approved emergency position indicating radiobeacon (EPIRB). The EPIRB must be of the Type A class stowed in a location readily accessible for testing and emergency use and in a manner so that, if the vessel sinks, it will float free and activate automatically. Batteries must be replaced after the EPIRB is used in an emergency and on the date marked on the outside of the unit.

PART 35—OPERATIONS

2. By adding § 35.10–25 to Part 35 to follow § 35.10–20 to read as follows:

§ 35.10–25 Emergency position indicating radiobeacon (EPIRB)–T/OC.

The master shall insure that the EPIRB required in § 33.15–30 of this chapter is tested weekly using the integrated test circuit and output indicator to determine that the unit is operative.

§ 35.40–40 [Amended]

3. By amending § 35.40–40(a) of Part 35 by adding the word "EPIRB" after the words "life preserver."

PART 75—LIFESAVING EQUIPMENT

4. By adding § 75.60 to Part 75 to follow § 75.50–90 to read as follows:

§ 75.60 Emergency position indicating radiobeacon (EPIRB).

All vessels in ocean and coastwise service must be provided with an approved emergency position indicating radiobeacon (EPIRB). The EPIRB must be of the Type A class, stowed in a location readily accessible for testing and emergency use and in a manner so that, if the vessel sinks, it will float free and activate automatically. Batteries must be replaced after the EPIRB is used in an emergency and on the date marked on the outside of the unit.

PART 78—OPERATIONS

5. By adding § 78.17–85 to Part 78 to follow § 78.17–80 to read as follows:

§ 78.17–85 Emergency position indicating radiobeacon (EPIRB).

The master shall insure that the (EPIRB) required in § 75.60 of this subchapter is tested weekly using the integrated test circuit and output indicator to determine that the unit is operative.

6. By adding § 78.47–80 to Part 78 to follow § 78.47–75 to read as follows:

§ 78.47–80 Emergency position indicating radiobeacon (EPIRB).

The emergency position indicating radiobeacon (EPIRB) must be marked with the vessel's name.

PART 94—LIFESAVING EQUIPMENT

7. By adding § 94.60 to Part 94 to follow § 94.55–1 to read as follows:

§ 94.60 Emergency position indicating radiobeacon (EPIRB).

All vessels in ocean and coastwise service must be provided with an approved emergency position indicating radiobeacon (EPIRB). The EPIRB must be of the Type A class, stowed in a location readily accessible for testing and emergency use and in a manner so that, if the vessel sinks, it will float free and activate automatically. Batteries must be replaced after the EPIRB is used in an emergency and on the date marked on the outside of the unit.

PART 97—OPERATIONS

8. By adding § 97.15–65 to Part 97 to follow § 97.15–60 to read as follows:

§ 75.60 Emergency position indicating radiobeacon (EPIRB).

The master shall insure that the EPIRB required in § 94.60 of this subchapter is tested weekly using the integrated test circuit and output indicator to determine that the unit is operative.

9. By adding § 97.37–55 to Part 97 to follow § 97.37–50 to read as follows:

§ 97.37–55 Emergency position indicating radiobeacon (EPIRB).

The emergency position indicating radiobeacon (EPIRB) must be marked with the vessel's name.

PART 161—ELECTRICAL EQUIPMENT

10. By adding Subpart 161.011 to Part 161 to follow Subpart 161.008 to read as follows:

Subpart 161.011—Emergency Position Indicating Radiobeacons

Sec.

161.011–1 Purpose.
161.011–5 Classes.
161.011–10 Requirements.
161.011–15 Marking.
161.011–20 Procedure for approval.

AUTHORITY: 46 U.S.C. 481; 49 CFR 1.4(b)(1)(ii); 1.46(b).

Subpart 161.011—Emergency Position Indicating Radiobeacons

§ 161.01–1 Purpose.

The intent of this specification is to establish the approval requirements for emergency position indicating radiobeacons (EPIRB) for use on vessels as lifesaving equipment.

§ 161.011–1 Purpose.

Emergency position indicating radiobeacons (EPIRB) are classed as follows:

(a) Type A—an EPIRB intended to be fitted on a vessel so that it is readily available for testing and emergency use, and capable of floating free of the vessel and activating automatically in the event the vessel sinks.

§ 161.011–10 Requirements.

An emergency position indicating radiobeacon (EPIRB)—Type A must:

(a) Comply with Title 47, Code of Federal Regulations, Part 83, of the rules of the Federal Communications Commission and operate on frequencies 121.5 and 243 MHz;

(b) Be activated by automatic means when released from a sinking vessel;

(c) Be fitted with a manually activated test switch, or comparable device, associated test circuit, and output indicator;

(d) Be fitted with a premounted antenna which will automatically deploy when released;

(e) Operate in the floating mode so that the signal is effective in expected sea conditions.

§ 161.011–15 Marking.

(a) Type A EPIRB's must be marked in accordance with Title 47, Code of Federal Regulations, Part 83, of the rules of the Federal Communications Commission.

(b) Type A EPIRB's must be marked with the type and U.S. Coast Guard approval number; for example, "Type A, U.S.C.G. 161.011."

(c) The expiration date must be placed on the batteries by the manufacturer and permanently and legibly marked on the outside of the EPIRB.

§ 161.011–20 Procedure for approval.

(a) EPIRB's for use on vessels to meet the requirements of Subpart 161.011 must be approved by the Commandant, U.S. Coast Guard, Washington, D.C. 20590. Application for approval and correspondence pertaining to this specification must be addressed to U.S. Coast Guard Headquarters (GMMT–3/83), 400 7th Street SW., Washington, DC 20590.

(b) Application for Type A EPIRB approval must include:

(1) Manufacturer's named place of manufacture, brand name, and/or model identification, and if applicable, the U.S. distributor(s).

(2) Proof of FCC type approval or type acceptance.

(3) A drawing (three copies) indicating typical "Float Free" vessel installation and general design arrangement of EPIRB.

(4) Technical description of EPIRB and its operation including statement on storage and operational life.

(5) Test report indicating satisfactory operation from drop at stowage height, satisfactory operation in expected sea conditions and compliance with FCC requirements.

(c) If found satisfactory, the U.S. Coast Guard will issue an approval number and publish notice of approval in the FEDERAL REGISTER and CG–190, Equipment List.

PART 180—LIFESAVING EQUIPMENT

11. By adding § 180.40 to Part 180 to follow § 180.35–10(b) to read as follows:

§ 180.40 Emergency position indicating radiobeacon (EPIRB).

All vessels in ocean and coastwise service must be provided with an approved emergency position indicating radiobeacon (EPIRB). The EPIRB must be of the Type A class, stowed in a location readily accessible for testing and emergency use and in a manner so that, if the vessel sinks, it will float free and activate automatically. Batteries must be replaced after the EPIRB is used in an emergency and on the date marked on the outside of the unit.

PART 185—OPERATIONS

12. By adding § 185.25–20 to Part 185 to follow § 185.25–15(a) to read as follows:

§ 185.20–25 Tests of emergency position indicating radiobeacon (EPIRB).

The person in charge of the vessel shall insure that the EPIRB is tested weekly using the integrated test circuit and output indicator to determine that the unit is operative.

13. By adding § 185.30–30 to Part 185 to follow § 185.30–25 to read as follows:

§ 185.30–30 Emergency position indicating radiobeacon (EPIRB).

The emergency position indicating radiobeacon (EPIRB) must be marked with the vessel's name.

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PART 192—LIFESAVING EQUIPMENT

14. By adding § 192.55–5 to Part 192 to follow § 192.55–1 to read as follows:

§ 192.55–5 Emergency position indicating radiobeacon (EPIRB).

All vessels in ocean and coastwise service must be provided with an approved emergency position indicating radiobeacon (EPIRB). The EPIRB must be of the Type A class, stowed in a location readily accessible for testing and emergency use and in a manner so that, if the vessel sinks, it will float free and activate automatically. Batteries must be replaced after the EPIRB is used in an emergency and on the date marked on the outside of the unit.

PART 196—OPERATIONS

15. By adding § 196.15–65 to Part 196 to follow § 196.15–60 to read as follows:

§ 196.15–65 Emergency position indicating radiobeacon (EPIRB).

The master shall insure that the EPIRB required in § 192.60 of this chapter is tested weekly using the integrated test circuit and output indicator to determine that the unit is operative.

16. By adding § 196.37–49 to Part 196 to follow § 196.37–47 to read as follows:

§ 196.37–19 Emergency position indicating radiobeacon (EPIRB).

The emergency position indicating radiobeacon (EPIRB) must be marked with the vessel's name.

(46 U.S.C. 481; 49 CFR 1.4(b)(1)(ii); 1.46(b))

Dated February 21, 1973.

W. F. REA III,
Rear Admiral, U.S. Coast Guard, Chief, Office of Merchant Marine Safety.

[FR Doc.73–3909 Filed 3–2–73;8:45 am]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 83]

[Docket No. 19693; FCC 73–202]

STATIONS ON SHIPBOARD IN THE MARITIME SERVICES

Emergency Position Indicating Radiobeacons

In the matter of amendments of Part 83, Stations on shipboard in the Maritime Services, to permit the use of the frequencies 121.5 MHz and 243 MHz by ship stations, survival craft stations, and emergency position indicating radiobeacons, Docket No. 19693.

1. Notice is hereby given of proposed rule making in the above-entitled matter.

2. In the Aviation Radio Services both 121.5 and 243 MHz are available for communications related to emergencies and to search and rescue operations. Presently only the frequency 121.5 MHz is available in the maritime service, and then, only under certain limited conditions for radiobeacon purposes. Since both air and surface craft are generally involved in emergencies and search and rescue operations in offshore water areas, it appears that it would be in the best interests of safety of life at sea if there were fewer restrictions on the use of these frequencies in the maritime service.

3. The frequency 121.5 MHz is a universally used radiotelephone channel (class A3 emission) for aircraft in distress or conditions of emergency. It also provides aviation a common frequency for survival communications and for emergency locator beacons (emission A9). Locator beacons of this type are commonly referred to as Emergency Locator Transmitters (ELTs) or Emergency Position Indicating Radiobeacons (EPIRBs). In the maritime community the most universally used term is the latter, so that designation will be used herein. The use of 121.5 MHz by Maritime in the United States is presently limited to vessels which have been registered or documented by the U.S. Coast Guard. For the most part these are commercial vessels of over 5 gross tons. Its use is further limited to class A2 emission, and to vessels which are authorized to carry and are equipped with a ship station.

4. The frequency 243 MHz, normally used by military aircraft for survival purposes, is available nationally for use by survival craft stations and equipment used for survival purposes (footnote US 98). However no provisions have been made in Part 83 to implement this footnote for the maritime service. The proposed amendment of the rules, as set forth in the attached appendix, would provide for the use of both the frequencies 121.5 and 243 MHz by all U.S. vessels expected to operate in international waters beyond the range of marine VHF distress coverage for use in survival craft and emergency position indicating radiobeacon (EPIRB) stations. Marine use of these frequencies in EPIRBs would then be permitted in the same manner as they are used by civil aircraft in ELTs, with the same technical characteristics and packaging requirements as observed by aviation. This will increase the efficiency of search and rescue operations as well as provide greater safety for an increased number of vessels and will permit some degree of standardization of survival radiobeacons. In addition, the proposed amendment would provide for the use of radiotelephony (class A3 emission) on the frequency 121.5 MHz, by authorized ship stations for emergency communications between ships and aircraft.

5. It is recognized that the EPIRB, as well as the aviation ELT, will often serve as a distress alerting device when other methods of communication are not successful or available. For this reason the proposed marine use of 121.5/243 MHz for EPIRBs is generally limited to the oceanic areas approximately 20 miles or more offshore, as described by the phrase "those whose vessels are expected to operate in international waters beyond the range of marine VHF distress coverage." It is felt that the safety of this rather limited number of vessels can be improved substantially and immediately by the use of EPIRBs, and that their use of the frequencies can be effectively controlled. However the millions of recreational boats which operate near the shore and in inland waters have been purposely excluded, since these vessels may use marine VHF radio or other extremely reliable methods to alert the shore to their situation. Also the potential inadvertent or improper use by this very large population could render the existing aviation distress and safety system, as well as the proposed offshore marine use, completely ineffective.

6. The proposed amendment to the rules conforms basically with the recommendations adopted by the Maritime World Administrative Radio Conference, Geneva 1967, and with Recommendation 48 of the 1960 Safety of Life at Sea Conference and subsequent recommendations of the Subcommittee on Radiocommunications and the Maritime Safety Committee of the Intergovernmental Maritime Consultative Organization (IMCO). More specifically the proposed amendment is in response to a recent request of the U.S. Coast Guard and to recent recommendations of the National Transportation Safety Board.

7. The proposed amendments to the rules, as set forth below are issued pursuant to authority contained in sections 4(i) and 303 (b), (c), (e), (f), and (r) of the Communications Act of 1934, as amended.

8. Pursuant to applicable procedures set forth in § 1.415 of the Commission's rules, interested persons may file comments on or before April 6, 1973, and reply comments on or before April 16, 1973. All relevant and timely comments and reply comments will be considered by the Commission before final action is taken in this proceeding. In reaching its decision in this proceeding, the Commission may also take into account other relevant information before it, in addition to the specific comments invited by this Notice.

9. In accordance with the provisions of § 1.419 of the Commission's rules, an original and 14 copies of all statements, briefs, or comments filed shall be furnished the Commission. Responses will be available for public inspection during regular business hours in the Commission's Broadcast and Docket Reference Room at its Headquarters in Washington, D.C.

Adopted: February 21, 1973.

Released: February 26, 1973.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

1. Section 83.3 is amended by adding a new paragraph (n) to read as follows:

§ 83.3 Maritime Mobile Services.

• • • • • •

(n) *Emergency position indicating radiobeacon station.* A station in the maritime mobile service consisting of a transmitter only, the distinctive emissions of which are intended to facilitate search and rescue operations.

• • • • •

2. Section 83.7 is amended by lettering all paragraphs and adding the following new definition:

§ 83.7 Technical.

• • • • • •

(j) *Peak effective radiated power.* For emergency position indicating radiobeacon stations, the average power supplied to the antenna by the transmitter during one radio frequency cycle at the highest crest of the modulation envelope, multiplied by the relative gain of the antenna in a given direction. The relative gain is referenced to a quarter-wave loss-free monopole mounted on a one wavelength diameter ground plane.

3. Section 83.68 is amended to read as follows:

§ 83.68 Authority for survival craft stations and emergency position indicating radiobeacon stations.

(a) Authority to operate survival craft stations, which may include an emergency position indicating radiobeacon (EPIRB) station, will be granted only when the parent vessel is equipped with and authorized to operate a ship station.

(b) Authority to operate an EPIRB station will be granted only for use aboard vessels authorized to carry survival craft stations or to those whose vessels are expected to operate in international waters beyond the range of marine VHF distress coverage.

4. Paragraph (c) of § 83.131 is amended to read as follows:

§ 83.131 Authorized frequency tolerance.

• • • • • •

(c) Authorized frequency tolerance for ship, survival craft, and emergency position indicating radiobeacon (EPIRB) stations operating on frequencies above 27.5 MHz.

• • • • • •

(3) EPIRB stations on 121.5 and 243 MHz	50

• • • • • •

5. Paragraph (a) of § 83.132 is amended to read as follows:

§ 83.132 Authorized classes of emission.

(a) • • •

(1) Stations using radiotelegraphy:

• • • • • •

(iii) For the frequency 121.5 MHz.....A2, A9.
(iv) For the frequency 243 MHz.....A9.

(2) Stations using radiotelephony:

• • • • • •

(ii) For the frequency 121.5 MHz.....A3.

• • • • • •

6. The table in paragraph (a) of § 83.133 is amended to read as follows:

§ 83.133 Authorized bandwidth.

• • • • • •

Class of emission	Emission designator	Authorized bandwidth (kHz)
• • •	• • •	• • •
A9	3.2A9	5 [1]
• • •	• • •	• • •

[1] Applicable only to emergency position indicating radiobeacon stations.

7. Section 83.134 is amended by adding a new paragraph (h) to read as follows:

§ 83.134 Transmitter power.

• • • • • •

(h) For emergency position indicating radiobeacon stations operating on the frequencies 121.5 and 243 MHz the peak effective radiated power on each frequency, measured during and at the end of 48 hours of continuous operation, and without replacement or recharge of batteries, shall not be less than 75 milliwatts. This specification shall apply to all units whether dry, or immersed for any or all of the 48-hour period in fresh or salt water, as long as the entire antenna extends above the water surface. The method of peak effective radiated power measurement specified in the Radio Technical Commission for Aeronautics (RTCA) Document No. DO–145 or DO–146 shall be employed. The required power shall obtain over an air temperature range from −20 to +55 degrees centrigrade.

8. Section 83.137 is amended by adding a new paragraph (i) to read as follows:

§ 83.137 Modulation requirements.

• • • • • •

(i) Emergency position indicating radiobeacon stations operating on the frequencies 121.5 and 243 MHz shall employ a distinctive emission consisting of amplitude modulation of the carrier with an audio frequency sweeping downward over a range of not less than 700 Hz, within the range 1600 to 300 Hz, with a sweep rate between 2 and 4 times per second. The modulation applied to the carrier shall be in accordance with that specified in the Radio Technical Commision for Aeronautics (RTCA) Document No. DO–145 or DO–146.

9. Paragraph (b) of § 83.139 is amended to read as follows:

§ 83.139 Acceptability of transmitters for licensing.

• • • • • •

(b) Each survival craft station transmitter or emergency position indicating radiobeacon station transmitter which has not been type approved pursuant to §§ 83.469 or 83.472 shall be type accepted for licensing.

• • • • • •

10. Paragraphs (a) and (b) of § 83.141 are amended and a new paragraph (d) is added to read as follows:

§ 83.141 Special Requirements for survival craft stations.

(a) Equipment provided for use in survival craft stations shall, if capable of transmitting on:

• • • • • •

(4) The frequency 121.5 MHz, be able to use A2 or A3 emission.

(b) If a receiver is provided, it shall be capable of receiving the frequency and type of emission which the transmitter is capable of using: *Provided,* That if the transmitter frequency is 8364 kHz the receiver shall be capable of receiving A1 and A2 emission throughout the band 8320–8745 kHz: *And further provided,* That if the transmitter frequency is 121.5 MHz using A3 emission, there shall be an associated receiver capable of receiving A3 emission.

• • • • • •

(d) When an EPIRB station is contained as a part of a survival craft station, the EPIRB portion shall be limited to the frequencies 121.5 and 243 MHz (transmission only) and to A9 emission.

11. A new § 83.144 is added to read as follows:

§ 83.144 Special requirements for emergency position indicating radiobeacon stations.

(a) Emergency position indicating radiobeacon (EPIRB) stations are limited to transmission only, using A9 emission, on the frequencies 121.5 and 243 MHz.

(b) The EPIRB may be turned on by automatic means, such as water activated battery, or by an on-off switch. In any event, a positive means of turning the equipment off shall be provided. Where an on-off switch is employed, a guard or other means shall be provided to prevent inadvertent activation.

(c) The EPIRB shall be provided with a visual and/or audible indicator which clearly shows that the device is transmitting.

(d) In regard to testing, each EPIRB shall be capable of complying with the following requirements:

(1) May be fitted with a manually activated test switch, or comparable device, associated test circuit, and output indicator which shall, in the test position:

(i) Permit the operator to determine that the unit is operative;

(ii) Switch the transmitter output to a test circuit (dummy load), the impedence of which is equivalent to that of the antenna affixed to the EPIRB; and

(iii) Reduce radiation to a level not to exceed 15 microvolts per meter at a distance of twenty (20) feet, free space, irrespective of direction.

(2) If so equipped, the manually activated test switch, or comparable device, shall be of a type which must be held in position to operate, and which will switch the transmitter off and reconnect the output from the test circuit (dummy load) to the antenna when released. A guard or other means shall be provided to prevent its inadvertent activation.

(3) Means shall be provided to protect the indicator from damage due to dropping or contact with other objects.

(4) An EPIRB without a test circuit as described in paragraph (c) (1) and (2) of this section may be tested in coordination with, or under the control of the U.S. Coast Guard to insure that testing is conducted under electronic shielding, or other conditions sufficient to insure that no transmission or radiated energy occurs that could be received by a radio station and result in a false distress alarm. If testing with Coast Guard involvement is not practicable, brief operational tests are authorized provided the tests are conducted within the first five minutes of any hour, and not longer than three audio sweeps or one second,

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whichever is longer, and, if available, a dummy load is used during test.

(e) The power and modulation requirements specified in this part for EPIRBs shall be met under the environmental test conditions, with the exception of the temperature limits, specified in the Radio Technical Commission for Aeronautics (RTCA) Document Nos. DO-145 or DO-146. The air temperature limits for testing these devices shall be from −20 to 55 degrees centigrade. Additionally those tests specified by RTCA with regard to altitude, decompression, and overpressure are not applicable to EPIRB stations.

(f) The equipment shall not incorporate any vacuum tubes in its design. Components shall be so rated that the equipment will meet the requirements specified for EPIRBs in this part after extended periods of inaction while carried in vessels and subjected to the environmental conditions prescribed. Operation into any load likely to occur in service, from open to short, shall not cause continuing degradation in performance.

(g) The operation of controls intended for use during normal operation in all possible combinations or sequences shall not result in a condition whose presence or continuation would be detrimental to the continued performance of the equipment. The number of controls shall be kept to a minimum to permit ease of operation of the equipment.

(h) The EPIRB shall have a battery for power supply which is independent of the vessel power supply. The battery, whether an original or replacement component, shall be designed as an integral part of the equipment or be securely attached thereto. The date (month and year) of the battery's manufacture shall be permanently and legibly marked on the battery and the expiration date (month and year) upon which 50 percent of its useful life has expired shall be permanently and legibly marked on both the battery and the outside of the transmitter. The useful life of the battery (established by the EPIRB manufacturer) is the length of time, after its date of manufacture, that the battery may be stored under normal marine environmental conditions without losing its ability to meet the transmitter power requirement prescribed in § 83.134(h). The electro-mechanical connectors on and to the battery must be corrosion resistant and positive in action, and may not rely for contact upon spring force alone.

(i) The equipment, exclusive of water activated batteries, shall be waterproof and shall not be activated by rain. The effects of standing water on the outer surface of the equipment shall have no significant adverse effect upon the performance of the EPIRB.

(j) Concise, unambiguous operating instructions, understandable by untrained personnel, shall be conspicuously and permanently displayed on the equipment. The display shall be weather resistant, waterproof, and abrasion resistant.

(k) The exterior of the equipment shall have no sharp edges or projections which could easily damage inflatable survival equipment, injure personnel or damage their clothing. Means shall be provided to secure the EPIRB to a survival craft or person.

(l) If the antenna is not designed to be stowed in its normal operating position ,the antenna shall be deployable to the designed length and operating position in a foolproof manner. The antenna shall be securely attached to the EPIRB and of such design that it is easy to de-ice. The antenna shall provide optimum performance at 121.5 and 243 MHz and its radiation pattern in the horizontal plane shall be essentially omnidirectional.

(m) The equipment shall be so designed that it may be deployed, its controls actuated, or the antenna erected, each by a single action task which can be performed by either hand.

12. Section 83.164(b) is amended to read as follows:

§ 83.164 Waivers of operator requirement.

• • • • •

(b) No radio operator authorization is required for the operation of a survival craft station or an emergency position indicating radiobeacon station while it is being used solely for survival purposes or to facilitate search and rescue operations.

13. Section 83.178 is amended by adding a new paragraph (e) to read as follows:

§ 83.178 Unauthorized transmissions.

Stations subject to this part shall not:

• • • • •

(e) Use telephony on 243 MHz.

14. Section 83.233 is amended to read as follows:

§ 83.233 Frequencies for use in distress.

• • • • •

Frequency band	Emission	Carrier frequency
405–535 kHz	A2	500 kHz.
1605–4000 kHz	A3, A3H	2182 kHz.
118–136 MHz	A2, A3, A9	121.5 MHz.
156–162 MHz	F3	156.8 MHz.
225–399.9 MHz	A9	243 MHz.

15. A new § 83.252 is added to read as follows:

§ 83.252 Equipment to facilitate search and rescue operations.

(a) Survival craft stations may transmit the signals, calls and messages described in this subpart.

(b) Emergency position indicating radiobeacons may transmit only the distinctive emission specified in § 83.137 and only on the frequencies 121.5 and 243 MHz.

16. Paragraph (c) of § 83.322 is amended and a new paragraph (d) is added to read as follows:

§ 83.322 Frequencies for use in distress.

• • • • •

(c) The frequency 121.5 MHz (using class A2 emission) is available for radiobeacon purposes to survival craft stations. The frequency 121.5 MHz (using A9 emission) is available to emergency position indicating radiobeacon (EPIRB) stations for facilitating search and rescue operations.

(d) The frequency 243 MHz (class A9 emission only) is available to EPIRB stations for facilitating search and rescue operations.

17. Section 83.326 is amended by adding a new paragraph (c) to read as follows:

§ 83.326 Identification of stations.

• • • • •

(c) Emergency position indicating radiobeacon stations do not require identification.

18. Paragraph (b) of § 83.352 is amended to read as follows:

§ 83.352 Frequencies for use in distress.

• • • • •

(b) The frequency 121.5 MHz (class A3 emission) is available to authorized ship stations for emergency communications between ships and aircraft.

19. Paragraph (c) of § 83.401 is amended to read as follows:

§ 83.401 Assignable frequencies for direction finding.

• • • • •

(c) In the event of distress, the following frequencies may be used for radio direction finding for purposes of search and rescue by any authorized ship or survival craft station or by emergency position indicating radiobeacon stations as described in this part.

410 kHz, 500 kHz, 2182 kHz, 8364 kHz, 121.5 HMz, 243 MHz

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PART III

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Social and Rehabilitation Service

■

MEDICAL ASSISTANCE PROGRAM

Intermediate Care Facility Services

No. 42—Pt. III——1

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DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Social and Rehabilitation Service

[45 CFR Parts 234, 248, 249, 250]

MEDICAL ASSISTANCE PROGRAM

Intermediate Care Facility Services

Notice is hereby given that the regulations set forth in tentative form below are proposed by the Administrator, Social and Rehabilitation Service, with the approval of the Secretary of Health, Education, and Welfare. These regulations implement section 4 of Public Law 92-223, which transferred intermediate care facility services to the medical assistance program under title XIX of the Social Security Act, and provided for a program of independent professional review of such services, and sections 268, 271A, 278, 292, 297, 298, 299, 299A, and 299L of Public Law 92-603. Amendments to implement additional provisions of Public Law 92-603 related to intermediate care facilities will be issued at a future date. The existing regulations (45 CFR 234.130) for intermediate care facility services under title I, X, XIV, or XVI of the Act are being revised to describe their applicability under certain conditions or for a specified period. Other technical and conforming changes in current regulations are included. The proposed regulations set forth Federal policy with respect to:

1. Federal matching and limitations for intermediate care facility services under a State's plan for medical assistance under title XIX of the Social Security Act;

2. Methods and procedures to be followed by the States in certifying providers of intermediate care facility services under the program;

3. A Federal definition of an intermediate care facility in terms of the conditions and standards which must be met by a facility qualifying as a provider of intermediate care facility services;

4. Similarly, a Federal definition of an intermediate care facility for the mentally retarded;

5. A regular State program of independent professional review and a written plan of service prior to admission to or authorization of benefits in an intermediate care facility;

6. Reimbursement of intermediate care facilities under the medical assistance program.

As modifications are determined in the standards for payment and the procedures for the certification of skilled nursing facilities in accordance with Public Law 92-603, conforming changes will be made in the intermediate care facility regulations to the extent required.

Prior to the adoption of the proposed regulations, consideration will be given to any comments, suggestions, or objections thereto which are submitted in writing to the Administrator, Social and Rehabilitation Service, Department of Health, Education, and Welfare, 330 Independence Avenue SW., Washington, DC 20201, on or before April 4, 1973. Comments received will be available for public inspection in Room 5121 of the Department's offices at 301 C Street SW., Washington, DC, on Monday through Friday of each week from 8:30 a.m. to 5 p.m. (area code 202—963-7361).

(Sec. 1102, 49 Stat. 647; sec. 1902(a)(31)(A), 85 Stat. 810; sec. 1905(c)(3), 85 Stat. 809; 42 U.S.C. 1302, 1396(a)(31)(A), 1396d(c)(3))

Dated: February 23, 1973.

PHILIP J. RUTLEDGE,
Acting Administrator,
Social and Rehabilitation Service.

Approved: February 26, 1973.

FRANK C. CARLUCCI,
Acting Secretary.

Chapter II, Title 45, Code of Federal Regulations, is amended as set forth below.

PART 234—FINANCIAL ASSISTANCE TO INDIVIDUALS

1. Section 234.130 of Part 234 is amended by revising paragraphs (a) and (c). Paragraph (a) is revised to specify the conditions and requirements to be met by States authorized by section 4(d) of Public Law 92-223, as amended by section 292 of Public Law 92-603, to provide intermediate care facility services under title XI of the Social Security Act. Policies for the provision of intermediate care facility services under the medical assistance program, title XIX of the Act, are being published simultaneously in Parts 249 and 250 of this chapter. Paragraph (c) is revised to specify the governing rules for Federal financial participation in payments for intermediate care facility services under the medical assistance program during the period beginning January 1, 1972, and ending on the date on which determination is made by the State under the provisions of § 249.11 of this chapter as to the facility's eligibility for such payments, but in no case later than 12 months following the date of publication of these regulations, as amended, § 234.130 reads as follows:

§ 234.130 Assistance in the form of institutional services in intermediate care facilities.

(a) *Applicability and State plan requirements.* A State which, on January 1, 1972, did not have in effect a State plan approved under title XIX of the Social Security Act may provide assistance under title I, X, XIV, or XVI of the Act in the form of institutional services in intermediate care facilities as authorized under title XI of the Act, until the first day of the first month (occurring after January 1, 1972) that such State does have in effect a State plan approved under title XIX of the Act. In any State which may provide such assistance as authorized under title XI of the Act, a State plan under title I, X, XIV, or XVI of the Act which includes such assistance must:

* * * * * *

(c) *Federal financial participation.* (1) Federal financial participation is available under section 1121 of the Act in vendor payments for institutional services provided to individuals who are eligible under the respective State plan and who are residents in intermediate care facilities. The rate of participation is the same as for money payments under the respective title or, if the State so elects, at the rate of the Federal medical assistance percentage as defined in section 1905(b) of the Act. Such Federal financial participation ends on the date specified in paragraph (c)(2) of this section, or 12 months after the date when the State first has in effect a State plan approved under title XIX of the Act, whichever is later.

(2) For the period from January 1, 1972, to the date on which a determination is made under the provisions of § 249.11 of this chapter as to a facility's eligibility to receive payments for intermediate care facility services under the medical assistance program, title XIX of the Act, but not later than 12 months following the date of publication of these regulations, Federal financial participation in payments for such services under title XIX is governed by the provisions of this section, applied to State plans under title XIX.

* * * * * *

PART 248—COVERAGE AND CONDITIONS OF ELIGIBILITY IN FINANCIAL ASSISTANCE PROGRAMS

2. Section 248.60 of Part 248 is amended by revising paragraph (a)(1) and adding a new paragraph (b)(9) as set forth below.

§ 248.60 Institutional status.

(a) *Federal financial participation.* (1) Federal financial participation under title XIX of the Social Security Act is not available in medical assistance for any individual who is an inmate of a public institution except as a patient in a medical institution or as a resident of an intermediate care facility.

* * * * * *

(b) *Definitions.* * * *

(9) "Resident" of an intermediate care facility is a patient or other individual who has been admitted to an intermediate care facility (including an institution for the mentally retarded or persons with related conditions) prior to the date of publication of these regulations, or after that date in accordance with § 250.24 of this chapter, and is receiving room, board, and a planned program of care and supervision on a continuous 24-hour-a-day basis, and in the case of institutions for the mentally retarded is also receiving active treatment (see § 249.10 (d)(1)(v) of this chapter).

PART 249—SERVICES AND PAYMENT IN MEDICAL ASSISTANCE PROGRAMS

3. Section 249.10 of Part 249 is amended by revising paragraph (b)(14); redesignating paragraph (b)(15) as paragraph (b)(17); reserving paragraph (b)(16); and by adding a new paragraph (b)(15), revising paragraph (c), and adding new subdivisions (iv), (v), and (vi) to paragraph (d)(1), as set forth below:

§ 249.10 Amount, duration, and scope of medical assistance.

* * * * *

(b) *Federal financial participation.* * * *

(14) *Inpatient hospital services, skilled nursing facility services, and intermediate care facility services for individuals 65 years of age or over in an institution for tuberculosis or mental diseases.* For purposes of this subparagraph:

(i) (*a*) "Inpatient hospital services" in an institution for mental diseases are those items and services which are provided under the direction of a physician for the care and treatment of inpatients in a psychiartic hospital which meets the requirements under title XVIII, section 1861(f) of the Social Security Act.

(*b*) "Inpatient hospital services" in an institution for tuberculosis are those items and services which are provided under the direction of a physician for the care and treatment of inpatients in a tuberculosis hospital which meets the requirements under title XVIII, section 1861(g) of the Social Security Act.

(ii) "Skilled nursing facility services" are those items and services furnished by a skilled nursing facility as defined in paragraph (b)(4)(i) of this section.

(iii) "Intermediate care facility services" are those items and services furnished by an intermediate care facility as defined in paragraph (b)(15) of this section to residents who have been determined in accordance with § 250.24 of this chapter to be in need of such care.

(iv) An "institution for mental diseases" means an institution which is primarily engaged in providing diagnosis, treatment, or care of persons with mental diseases, including medical attention, nursing care, and related services.

(v) An "institution for tuberculosis" means an institution which is primarily engaged in providing diagnosis, treatment, or care of persons with tuberculosis, including medical attention, nursing care, and related services.

(15) *Intermediate care facility services (other than such services in an institution for tuberculosis or mental diseases) for individuals who are determined, in accordance with section 1902(a)(31)(A) of the Act, to be in need of such care.* Intermediate care facility services may include services in a public institution (or distinct part thereof) for individuals determined to be mentally retarded or to have cerebral palsy, epilepsy, or other developmental disabilities as defined pursuant to Part C of the Developmental Disabilities Services and Facilities Construction Act. "Intermediate care facility services" means those items and services furnished by a facility which meets the following conditions:

(i) (*a*) It meets fully all requirements for licensure under State law to provide, on a regular basis, health-related care and services to individuals who do not require the degree of care and treatment which a hospital or skilled nursing facility is designed to provide, but who because of their mental or physical condition require care and services (above the level of room and board) which can be made available to them only through institutional facilities. Payments to a facility which formerly met all requirements of the State for licensure, but is currently determined not to meet fully all such requirements, may be recognized by the single State agency for a period specified by the State standard-setting authority, if during such period such facility promptly takes all necessary steps to meet such requirements. Institutions operated by a governmental agency may be considered to be licensed if they meet all requirements which are applied for licensure to the same type of facility in any other ownership category (i.e., nonprofit or proprietary) within the State;

(*b*) In the case of a public institution for the mentally retarded or persons with related conditions, it is an institution (or distinct part thereof) primarily for the diagnosis, treatment, and rehabilitation of the mentally retarded or persons with epilepsy or cerebral palsy, which provides in a protected residential setting individualized on-going evaluation, planning, 24-hour supervision, coordination, and integration of health and/or rehabilitative services to help each resident reach his maximum of functioning capabilities;

(*c*) It meets such standards of safety and sanitation as are applicable to nursing homes under State law;

(*d*) It meets the standards for an intermediate care facility specified by the Secretary under § 249.12, or, in the case of an institution for the mentally retarded or persons with related conditions (or distinct part thereof), meets the standards for an intermediate care facility specified by the Secretary under § 249.13; and

(*e*) Effective no later than 12 months following the date of publication of these regulations, it has been determined by the single State agency in accordance with § 249.11 to meet all of the conditions in paragraph (b)(15)(i) of this section, as evidenced by an agreement executed between the single State agency and the facility for the provision of intermediate care facility services and the making of payments under the plan; or

(ii) Effective no later than 12 months following the date of publication of these regulations:

(*a*) In the case of a qualified participating provider of hospital services or skilled nursing facility services under title XIX or title XVIII of the Social Security Act, it has been determined by the single State agency in accordance with § 249.11 of this part to meet the standards of § 249.12(a)(1)(ii), (3), (4), (5), (6), (11) (iii) and (vi), and (14), as evidenced by an agreement between the single State agency and the facility for the provision of intermediate care facility services and the making of payments under the plan, or

(*b*) In the case of an institution for the mentally retarded or persons with related conditions (or distinct part thereof) participating as a provider of hospital services or skilled nursing facility services under title XIX or title XVIII of the Social Security Act, it has been determined by the single State agency in accordance with § 249.11 to meet the standards of § 249.13(a)(4), (6), (7), and (8) or, until July 1, 1976, § 249.13(a)(4), (6), (7), and (8)(i), (iii)(*a*), (iv), and (v), as evidenced by an agreement between the single State agency and the facility for the provision of intermediate care facility services and the making of payments under the plan.

(iii) The term "intermediate care facility" also includes a Christian Science sanatorium operated, or listed and certified, by the First Church of Christ Scientist, Boston, Mass., but only with respect to institutional services deemed appropriate by the State.

(iv) The term "intermediate care facility" also includes any institution, located on an Indian reservation, which provides, on a regular basis, health-related care and services and is certified by the Secretary as meeting the provisions of paragraph (b)(15)(i)(*c*) of this section and the standards of § 249.12.

With respect to intermediate care facility services furnished by an intermediate care facility whose provider agreement has expired or has otherwise terminated, the State agency may continue to claim Federal financial participation in payments on behalf of eligible individuals for such services furnished by such institution during a period not to exceed 30 days starting with the date of expiration or other termination of its provider agreement, but only if such individuals were admitted to the home before the date of expiration or other termination of its provider agreement, and if the State agency makes a showing satisfactory to the Secretary that it has made reasonable efforts to facilitate the orderly transfer of such individuals from such institution to another facility.

(16) [Reserved]

(*c*) *Limitations.* (1) Federal financial participation in expenditures for medical and remedial care and services listed in paragraph (b) of this section is not available with respect to any individual who is an inmate of a public institution (except as a patient in a medical institution or as a resident of an intermediate care facility), or any individual who has not attained 65 years of age who is a patient in an institution for tuberculosis or mental diseases:

(2) Payments to institutions for the mentally retarded or persons with related conditions may not include reimbursement for vocational training and educational activities; and

(3) With respect to expenditures in any calendar quarter prior to January 1, 1975, Federal financial participation for intermediate care facility services in a public institution (or distinct part thereof) for the mentally retarded or persons with related conditions is available only to the extent that:

(i) The cost of such services for individuals in such institution receiving assistance under the State plan in the current calendar quarter, and (ii) the cost of assistance and health, social, or rehabilitative services provided in the current quarter under a plan developed

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and supervised by a Qualified Mental Retardation Professional (as defined in § 249.13(a)(6)) of such institution for individuals who were released from such institution during the preceding four quarters and would be eligible under the State plan if in such institution exceeds the product of the total number of eligible individuals receiving intermediate care facility services in the institution in the current quarter times the per capita per quarter non-Federal expenditures in the institution (or distinct part thereof) for the base year. Federal financial participation will be at 100 percent of the increase in costs over the base year for eligible individuals in such institution and would be eligible individuals released during the preceding four quarters until such participation is equal to the Federal medical assistance percentage times the cost of intermediate care facility services for eligible individuals in the institution (or distinct part thereof). When the increase exceeds the Federal medical assistance percentage times the cost of intermediate care facility services for eligible individuals in the institution, Federal financial participation will be at the Federal medical assistance percentage rate. For purposes of this subparagraph.

(*a*) The base year shall be the four quarters immediately preceding the quarter in which the State in which such institution is located elected to make such services available under its plan approved under title XIX;

(*b*) The per capita per quarter expenditures for the base year and the costs for intermediate care facility services in the institution for each subsequent period in which claims are made are those expenditures for inpatient care and services in such public institution (or distinct part thereof) determined in accordance with Office of Management and Budget circular A-87 and cost allocation procedures and guidelines prescribed by the Social and Rehabilitation Service;

(*c*) For purposes of determining the per capita per quarter cost, the number of eligible individuals receiving intermediate care facility services in the current quarter means the number of different eligible individuals receiving care for the whole quarter plus the full quarter equivalent number for eligible individuals receiving less than a full quarter's care. In determining the per capita expenditures for the base year, similar methods of computation shall be used;

(*d*) For purposes of determining the per capita per quarter non-Federal expenditures, non-Federal expenditures mean the total costs computed under paragraph (c)(3)(ii) (*b*) of this section less any Federal funds received directly or indirectly in relation to such costs;

(*e*) The cost of assistance and health, social, or rehabilitative services for individuals released from such institution during the preceding four quarters may include only those State and local expenditures for which Federal financial participation is not received;

(*f*) As a basis for determining the proper amount of Federal payments, as specified in this paragraph (c)(3) of this section, the State or appropriate political subdivision must submit to the single State agency, in such form and at such times as are specified by the single State agency, in accordance with the Department of Health, Education, and Welfare regulations and with Social and Rehabilitation Service guidelines, estimated and actual cost data and other necessary information for each such institution and for the services provided to individuals released from each such institution during the preceding four quarters; and

(*g*) The single State agency shall have on file adequate records to substantiate compliance with the requirements of this section and to assure that all necessary adjustments have been made.

(d) General provisions. (1) • • •

(iv) "Resident of an intermediate care facility" is a patient or other individual who has been admitted to an intermediate care facility (including an institution for the mentally retarded or persons with related conditions) prior to the date of publication of these regulations, or after that date in accordance with § 250.24 of this chapter, and is receiving room, board, and a planned program of care and supervision on a continuous 24-hour-a-day basis, and in the case of institutions for the mentally retarded is also receiving active treatment.

(v) For purposes of paragraph (d)(1)(iv) of this section and § 248.60(b) of this chapter, "active treatment" means:

(*a*) Daily participation, in accordance with an individual plan of care and service, in activities, experiences, or therapies which are part of a professionally developed and supervised program of health, social, or rehabilitative services offered by or procured by the institution for its residents;

(*b*) An individual plan of care and service which is a comprehensive written plan developed for each resident by an appropriate interdisciplinary professional team setting forth measurable goals or behaviorally stated objectives to be achieved through regularized activities, meaningful experiences or individually designed therapies, programed on an integrated basis. The overall objective of the plan is to assist the individual to attain or maintain the optimal physical, intellectual, social, or vocational functioning of which he is presently or potentially capable;

(*c*) A complete medical, psychological, and social diagnosis and evaluation, including evaluation of his need for institutional care, by an interdisciplinary professional team prior to but not to exceed 3 months before admission to the institution or, in the case of individuals who make application while in such institution, before requesting payment under the plan;

(*d*) Re-evaluation medically, psychologically, and socially at least every 6 months by the staff involved in carrying out the resident's individual plan of care and service, including review of the appropriateness of the individual plan of care and service, assessment of continuing need for institutional care, and consideration of alternate methods of care; and

(*e*) An individual postinstitutionalization plan (as part of the individual plan of care and service) developed prior to discharge by a Qualified Mental Retardation Professional (see § 249.13(a)(6)) and other appropriate social service professionals, including provision for appropriate services, protective supervision, and other follow-up services in the resident's new environment.

(vi) For purposes of paragraph (d)(1)(v) of this section, "an interdisciplinary professionals who meet the requirements cludes as a minimum a physician, a psychologist, a social worker, and other professionals who meet the requirements of § 24913(a)(6) and are necessary to the development and implementation of the individual plan of care and service.

• • • • • •

4. Section 249.11 is redesignated as § 249.20 of Part 249, and as so redesignated is revised to read as set forth below:

§ 249.20 Free choice of providers of medical services: State plan requirement.

A State plan for medical assistance under title XIX of the Social Security Act must provide that any individual eligible for medical assistance under the plan may obtain the services available under the plan from any institution, agency, pharmacy, or practitioner, including an organization which provides such services or arranges for their availability on a prepayment basis, which is qualified to perform such services. This provision does not prohibit the State agency from establishing the fees which will be paid to providers for furnishing medical and remedial care available under the plan or from setting reasonable standards relating to the qualifications of providers of such care. In the case of Guam, Puerto Rico, and the Virgin Islands this provision applies only with respect to calendar quarters beginning after June 30, 1975.

5. New §§ 249.11, 249.12, and 249.13 are added to Part 249 as set forth below:

§ 249.11 Intermediate care facility services; State plan requirements.

A State plan for medical assistance under title XIX of the Social Security Act which includes intermediate care facility services must provide that:

(a) Any intermediate care facility receiving payments under the plan must supply to the licensing agency of the State full and complete information, and promptly report any changes which would affect the current accuracy of such information, as to the identity

(1) Of each person having (directly or indirectly) an ownership interest of 10 percent or more in such facility,

(2) In case a facility is organized as a corporation, of each officer and director of the corporation, and

(3) In case a facility is organized as a partnership, of each partner;

(b) The single State agency will, prior to execution of an agreement with any institution (including hospitals and skilled nursing facilities) for provision

of intermediate care facility services and making payments under the plan, obtain sufficient evidence through a written agreement with the agency of the State designated for the inspection of skilled nursing facilities under the plan that the institution meets the conditions set forth under § 249.10(b)(15);

(c) On-site inspections by qualified personnel will be made at least once during the term of a provider agreement or more frequently if there is a question of compliance, such as may be raised as a result of independent professional reviews, and the single State agency will review the information thus obtained;

(d) The single State agency agreement with a facility for payments under the plan will not exceed a period of 1 year, except that the initial agreement executed in accordance with these regulations may extend for a period of 6 months (for facilities certified with deficiencies, as provided for in this section) and 12 months (for facilities certified without deficiencies) following the end of the 12-month period from date of publication of these regulations. Execution of an agreement shall be contingent upon a determination of compliance with the provisions of § 249.10(b)(15), except that:

(1) In the case of any intermediate care facility determined or certified to be in substantial compliance (i.e., is in compliance except for deficiencies) with the requirements of § 249.12 or § 249.13, the single State agency may enter into an agreement with such intermediate care facility for the provision of services and making of payments under the plan for a period not to exceed 6 months: *Provided*, That on the basis of documented evidence derived from a survey the single State agency finds that:

(i) There is a reasonable prospect that the deficiencies can be corrected within 6 months and the intermediate care facility provides in writing a plan acceptable to the single State agency for so doing; and

(ii) The deficiencies noted, individually or in combination, do not jeopardize the health and safety of the residents and a written justification of such a finding is maintained on file;

and *Provided further*, That

(iii) No more than two successive agreements for 6 months are executed with any intermediate care facility having deficiencies, and no second agreement is executed if any of the deficiencies existing are the same as those which occasioned the prior agreement unless the single State agency finds on the basis of documented evidence derived from a survey that the facility has made substantial effort and progress in correcting such deficiencies; and

(2) In the case of an intermediate care facility determined to have deficiencies under the requirements for environment and sanitation (§ 249.12(a)(11) or § 249.13(a)(5) and (8)(v)), or of the Life Safety Code (§ 249.12(a)(13) or § 249.13(a)(3)), it may be recognized for certification as an intermediate care facility over a period not exceeding 2 years following the date of such determination: *Provided that:*

(i) The institution submits a written plan of correction which contains:

(*a*) The specific steps that it will take to meet all such requirements; and

(*b*) A timetable not exceeding 2 years from the date of the initial certification after publication of these regulations detailing the corrective steps to be taken and when correction of deficiencies will be accomplished;

(ii) The State agency makes a finding that the facility potentially can meet such requirements through the corrective steps and they can be completed during the 2 year allowable period of time;

(iii) During the period allowed for corrections, the institution is in compliance with existing State fire safety and sanitation codes and regulations;

(iv) The institution is surveyed by qualified personnel at least semiannually until corrections are completed and the single State agency finds on the basis of such surveys that the institution has in fact made substantial effort and progress in its plan of correction as evidenced by supporting documentation, signed contracts and/or work orders, and a written justification of such findings is maintained on file; and

(v) At the completion of the period allowed for corrections, the intermediate care facility is in full compliance with the Life Safety Code (NFPA, 21st Edition 1967), and the requirements for environment and sanitation set forth under § 249.12(a)(11) or § 249.13(a)(5) and (8)(v) of this part, except for any provisions waived by the single State agency in accordance with § 249.12(b) or § 249.13(b) of this part.

For the purposes of paragraph (d) of this section, waivers granted pursuant to § 249.12(b) or § 249.13(b) are not considered deficiencies;

(e) In the case of a public institution (or distinct part thereof) for the mentally retarded or persons with related conditions, the single State agency will, prior to the execution of an agreement, obtain a written agreement from the State or political subdivision responsible for the operation of such public institution that the non-Federal expenditures in any calendar quarter prior to January 1, 1975, with respect to services furnished to patients in such institution (or distinct part thereof) in the State will not, because of payments made under the plan, be reduced below the average amount expended for such services in such institution in the four quarters immediately preceding the quarter in which the State in which such institution is located elected to make such services available under its approved plan;

(f) For purposes of determining continuing provider eligibility, the single State agency will review information contained in reports of independent professional review teams on inspections made pursuant to State plan provisions under § 250.24 of this chapter;

(g) All information and reports used in determining whether an institution meets the conditions set forth in § 249.10(b)(15) will be maintained on file for a period of at least 2 years by the appropriate State agency for ready access by the Department of Health, Education, and Welfare; and

(1) Copies of reports of inspection are completed by inspector(s) surveying the premises with notations indicating whether each standard for which inspection is made is or is not satisfied, with documentation of deficiencies; and

(2) Copies of official notices of waivers granted pursuant to § 249.12(b) or § 249.13(b) are on file; and

(h) Institutions which do not qualify under § 249.10(b)(15) are not recognized as intermediate care facilities for purposes of payment under title XIX of the Act.

§ 249.12 Standards for intermediate care facilities (other than institutions for the mentally retarded or persons with related conditions).

(a) *Standards.* The standards for an intermediate care facility which are specified by the Secretary pursuant to section 1905(c) of the Social Security Act and referred to in §§ 249.10(b)(15) and 249.11 are as follows. The facility:

(1) Maintains methods of administrative management which assure that:

(i) The facility is administered by a person licensed in the State as a nursing home administrator or, in the case of a hospital qualifying as an intermediate care facility, by the hospital administrator, with the necessary authority and responsibility for management of the institution and implementation of administrative policies;

(ii) An individual on the professional staff of the facility is designated as resident services director and is assigned responsibility for the coordination and monitoring of the residents' overall plan of service;

(iii) The numbers and categories of personnel are determined by the number of residents and their particular needs in accordance with accepted policies of effective institutional care and guidelines issued by the Social and Rehabilitation Service;

(iv) Written policies and procedures are developed by the administrator with the assistance of the resident services director and a registered nurse which govern all areas of service provided by the facility;

(v) There are written policies for the preservation of patient dignity and which prohibit mistreatment, neglect, or abuse of residents and which provide for the registration of resident complaints without threat of discharge or other reprisals;

(vi) A written account is maintained on a current basis for each resident with written receipts for all personal possessions and funds received by or deposited with the facility and for all expenditures and disbursements made by or in behalf of the resident;

(vii) There are written procedures for personnel to follow in an emergency including care of the resident, notification of the attending physician and other

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persons responsible for the resident, arrangements for transportation, for hospitalization, or other appropriate services;

(viii) There is an orientation program for all new employees that includes review of all facility policies, including resident care policies and emergency and disaster instructions;

(ix) An inservice education program is planned and conducted for the development and improvement of skills of all the facility's personnel, including training related to problems and needs of the population served by the facility, and records are maintained which indicate the content of, and participation in, all staff development programs;

(x) There is available to staff, residents, consumer groups, and the interested public all policies of the facility including a written outline of its objectives and a statement of the rights of its residents; and

(xi) The admission, transfer, and discharge of residents of the facility are conducted in accordance with written policies which include at least the following provisions:

(*a*) Only those persons are accepted whose needs can be met within the accommodations and services provided by the facility;

(*b*) As changes occur in their physical or mental condition, necessitating service or care which cannot be adequately provided by the facility, residents are transferred promptly to hospitals, skilled nursing facilities, or other appropriate institutions; and

(*c*) The resident, his next of kin, the attending physician and the responsible agency, if any, are consulted in advance of the transfer or discharge of any resident, and casework services or other means are utilized to assure that adequate arrangements exist for meeting his needs through other resources;

(2) Maintains an organized resident record system which assures that:

(i) There is available to professional and other staff directly involved with the resident and to appropriate representatives of the State agency a record for each resident which includes as a minimum:

(*a*) Identification information and admission data including past resident medical and social history;

(*b*) Copies of all initial and periodic examinations and evaluations including all plans of care and service and periodic summaries of resident progress;

(*c*) Entries describing all treatments and services rendered and medications ordered and/or administered; and

(*d*) All symptoms and other indications of illness or injury brought to the attention of the staff by the resident or from other sources including the date, time, and action taken regarding each;

(ii) All information contained in the resident's record is privileged and confidential and written consent of the resident (or of a designated responsible agent acting on his behalf) is required for release of information;

(iii) Records are adequately safeguarded against destruction, loss, or unauthorized use; and

(iv) All records are retained in accordance with State statutes, or in their absence, for a minimum of 5 years following a resident's discharge;

(3) Maintains a rehabilitative program, either directly or through arrangements with qualified outside resources, consisting of at least physical therapy, occupational therapy, speech therapy and audiology, which is designed to preserve and improve abilities for independent function, prevent insofar as possible progressive disabilities, and restore maximum function and which is:

(i) Provided in accordance with accepted professional practices by qualified therapists or by qualified assistants or other supportive personnel under appropriate supervision;

(ii) Provided under a written plan of care, developed in consultation with the attending physician and an appropriate therapist. The plan is based on the attending physicians' orders and an assessment of the resident's rehabilitation potential;

(iii) Continued only upon the written order of the physician, after a report of the resident's progress is communicated to the attending physician within 2 weeks of the initiation of the service; the resident's progress is thereafter reviewed regularly, and the plan altered or revised as necessary; and

(iv) Recorded in the resident's record and is dated and signed by the person ordering or providing the service;

(4) Provides social services designed to promote preservation of the resident's physical and mental health and to prevent the occurrence or progression of personal and social problems; and:

(i) In the absence of a qualified social worker on the staff, who is a graduate of a school of social work accredited by the Council on Social Work Education, a designated staff member suited by training and experience is responsible for arranging for social services through health and welfare resources in the community, and for the integration of the social services with other elements of the resident's plan of care. Such staff member is provided consultation on a regular monthly basis by a qualified social worker; and maintains a written record of the frequency and nature of the qualified social work consultation and services provided or obtained; and

(ii) There is an evaluation of each resident's social needs, and a plan for providing such care is formulated and recorded in the resident's record, and periodically reevaluated in conjunction with the resident's total plan of care;

(5) Provides activities programing with the resident's participation designed to encourage restoration to self-care and maintenance of normal activity through physical exercise, intellectual, and sensory stimulation and social interaction which assures that:

(i) A current written outline for group and independent activities of sufficient variety to meet the needs of the various types of residents in the facility is maintained under the direction and supervision of a staff member qualified by experience and/or training in directing group activity or who has available consultation from a qualified recreational therapist, occupational therapist, occupational therapy assistant, or social worker;

(ii) Independent and group activities are planned for each resident as a matter of record and provided in accordance with his needs and interests and each resident's activity plan is reviewed with the resident's participation at least monthly and altered as needed with appropriate notations recorded describing his social functioning;

(iii) Adequate indoor and outdoor recreation areas are provided with sufficient equipment and materials available to support independent and group activities; and

(iv) Opportunities, as available, are provided for the resident's participation in activities of interest outside the facility through community educational, social, recreational, and religious resources;

(6) Provides health services under direct supervision of a health services supervisor in accordance with the following:

(i) Immediate supervision of the facility's health services on all days of each week is by a registered nurse or licensed practical (or vocational) nurse employed full time (exclusive of all other duties) on the day shift and who is currently licensed to practice in the State: *Provided that:*

(*a*) In the case of facilities where a licensed practical (or vocational) nurse serves as the supervisor of health services, consultation is provided by a registered nurse, through formal contact, at regular intervals, but not less than 4 hours weekly; and

(*b*) By January 1975, licensed practical (or vocational) nurses serving as health services supervisors have training that includes either graduation from a State-approved school of practical nursing or education and other training that is considered by the State authority responsible for licensing of practical nurses to provide a background that is equivalent to graduation from a State approved school of practical nursing, or has successfully completed the Public Health Service examination for waivered licensed practical (vocational) nurses;

(ii) The health services supervisor has the following responsibilities:

(*a*) The development and implementation of a written health care plan for each resident in accordance with instructions of the attending physician;

(*b*) General supervision, guidance and assistance for each resident in carrying out his personal health program to assure that preventive measures, treatments and medications prescribed by the attending physician are properly carried out and recorded; and

(*c*) The review and revision of resident health care plans, as needed, but not less than quarterly;

(iii) Restorative nursing care is provided to assist each resident to achieve and maintain the highest possible degree of function, self-care and independence;

(iv) Health services personnel are sufficient in numbers and qualifications so that:

(*a*) There is on duty, awake and fully dressed, a sufficient number of responsible staff members at all times immediately accessible to all residents and qualified by training and experience to assure prompt, appropriate action in cases of injury, illness, fire or other emergencies;

(*b*) In the presence of minor illness and for temporary periods, bedside care under the direction of the resident's physician is available from or supervised by a registered nurse or licensed practical nurse; and

(*c*) All resident health needs are met and each resident receives treatments, medications, diet and other health services as prescribed and planned, all hours of each day and all days of each week;

(7) Maintains policies and procedures to assure that each resident's health care is under the continuing supervision of a physician who sees the resident as needed and in no case less often than quarterly unless justified otherwise and documented by the attending physician;

(8) Provides effective arrangements through which services required by the resident but not regularly provided within the facility can be obtained promptly when needed. This includes but is not limited to laboratory, X-ray and other diagnostic services, routine and emergency dental care, podiatry services, optometrical services and supplies, and other required equipment, supplies and appliances;

(9) Maintains policies and procedures relating to drugs and biologicals which provide that:

(i) (*a*) If the facility maintains a pharmacy department, it employs a licensed pharmacist; or

(*b*) If the facility does not have a pharmacy, it has formal arrangements with a licensed pharmacists to provide consultation on methods and procedures for ordering, storage, administration and disposal and recordkeeping of drugs and biologicals;

(ii) All medications administered to a resident are ordered in writing by the resident's attending physician;

(iii) Medications not limited as to time or number of doses when ordered are automatically stopped in accordance with written policies of the facility and the attending physician is notified;

(iv) Self-administration of medications is allowed only with the permission of the resident's attending physician;

(v) The health services supervisor (if a registered nurse) or the registered nurse consultant, reviews monthly each resident's medications and when appropriate notifies the physician. Medications are reviewed quarterly by the attending physician;

(vi) All medications are administered by medical and nursing personnel in accordance with the Medical and Nurse Practice Acts of the State; and

(vii) The facility complies with the Federal and State laws and regulations relating to the procurement, storage, dispensing, administration and disposal of narcotics, those drugs subject to the Drug Abuse Control Amendment of 1965 and other legend drugs;

(10) Provides arrangements for professional planning and supervision of menus and meal service of both regular and special diets so that:

(i) In the absence of a qualified dietitian or nutritionist on the staff as defined under § 249.33(b)(4)(i), a designated staff member suited by training and experience is responsible for planning and supervision of menus and meal service. Such staff member is provided regularly scheduled consultation from a qualified dietitian or nutritionist. A facility having a contract with an outside food management company may meet this requirement if the company has a dietition who provides on a regularly scheduled basis, consultant services to the facility;

(ii) A current diet manual recommended by the State survey agency is readily available to food service and health service personnel;

(iii) There is a sufficient number of food service personnel to meet the dietary needs of the residents and there are food service personnel on duty daily over a period of 12 or more hours;

(iv) Procedures are established and regularly followed which assure that the serving of meals to residents for whom special or restricted diets have been medically prescribed is supervised and their acceptance by the resident is observed and recorded in the resident's record;

(v) At least three meals or their equivalent are served daily, at regular times with not more than 14 hours between a substantial evening meal and breakfast;

(vi) Menus are planned at least 2 weeks in advance and sufficient food to meet the nutritional needs of residents is prepared as planned for each meal. When changes in the menu are necessary, substitutions provide equal nutritive value. Records of menus as actually served are retained for 30 days;

(vii) Individuals needing special equipment, implements or utensils to assist them when eating have such items provided; and

(viii) All food is procured from approved sources and stored, prepared, distributed and served under sanitary conditions;

(11) Maintains adequate conditions relating to environment and sanitation in accordance with the standards specified in this subparagraph; except that the single State agency may waive the application to an intermediate care facility of any such standard for such periods and under such conditions as are set forth in paragraph (b) of this section;

(i) The facility is constructed, equipped and maintained to provided a safe, functional, sanitary and comfortable environment. Its electrical and mechanical systems (including water supply and sewage disposal) are designed, constructed and maintained in accordance with recognized safety standards and comply with applicable State and local codes and regulations; and:

(*a*) The facility complies with all applicable State and local codes governing construction;

(*b*) Corridors used by residents are equipped with firmly secured handrails;

(*c*) Blind, nonambulatory or physically handicapped residents are not housed above the street level floor unless the facility is 1-hour protected non-combustible construction (as defined in National Fire Protection Association Standard #220), fully sprinklered 1-hour protected ordinary construction or fully sprinklered 1-hour protected wood frame construction;

(*d*) Reports of periodic inspections of the structure by the fire control authority having jurisdiction in the area are on file in the facility;

(*e*) An adequate supply of hot water for resident use is available at all times. Temperature of hot water at plumbing fixtures used by residents is automatically regulated by control valves;

(*f*) Laundry facilities (when applicable) are located in areas separate from resident units and are provided with the necessary washing, drying and ironing equipment; and

(*g*) Elevators are installed in the facility if resident rooms are located on floors above the street level;

(ii) Each major subdivision has at least the following basic service areas: workroom or area for staff, storage and preparation area for drugs and biologicals, storage space for linen, equipment and supplies, toilet and handwashing facilities;

(iii) Resident bedrooms are designed and equipped for the comfort and privacy of the resident. Each room has or is conveniently located near adequate toilet and bathing facilities which are appropriate in size and design to meet the needs of both ambulatory and nonambulatory residents. Each room has direct access to a corridor and outside exposure with the floor at or above grade level. Resident rooms have no more than four beds with not less than 3 feet between beds;

(iv) Provision is made for isolating residents with infectious diseases in well-ventilated single bedrooms having separate toilet and bathing facilities;

(v) Areas utilized to provide therapy services are of sufficient size and appropriate design to accommodate necessary equipment, conduct examinations and provide treatment;

(vi) The facility provides one or more areas for resident dining and diversional and social activities; and

(*a*) There is as least one dayroom area on each resident floor. Areas used for corridor traffic shall not be considered as dayroom space; and

(*b*) If a multipurpose room is used for dining and diversional and social activities, there is sufficient space to accommodate all activities and prevent their interference with each other;

(vii) The facility has kitchen and dietary service areas adequate to meet food service needs. These areas are properly ventilated and equipped for sanitary refrigeration, storage, preparation, and serving of food, as well as for dish and

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utensil cleaning and refuse storage and removal. Dietary areas comply with the local health or food handling codes. Food preparation space is arranged for the separation of functions and is located to permit efficient service to residents and is used for only dietary functions;

(viii) The facility employs sufficient housekeeping and maintenance personnel to maintain the interior and exterior of the facility in a safe, clean, orderly manner; and

(ix) The facility has a written, rehearsed plan to be followed in case of fire, explosion, or other emergency. It specifies persons to be notified, locations of alarm signals and fire extinguishers, evacuation routes, procedures for evacuating residents, frequency of fire drills, and assignment of specific tasks and responsibilities to the personnel of each shift;

(12) Maintains written arrangements with one or more general hospitals and skilled nursing facilities under which such institutions agree to timely acceptance, as patients thereof, of acutely ill residents of the intermediate care facility who are in need of hospital or skilled nursing facility care; except that, as provided in paragraph (b) of this section, the single State agency may waive this requirement wholly or in part with respect to any intermediate care facility which is unable to effect such an arrangement with a hospital or skilled nursing facility;

(13) Meets such provisions of the Life Safety Code of the National Fire Protection Association (21st Edition, 1967) as are applicable to institutional occupancies; except that the single State agency may waive the application to any intermediate care facility of specific provisions of such code for such periods and under such conditions as are set forth in paragraph (b) of this section; and except that the requirements of this subparagraph need not apply in any State if the Secretary makes a finding that in such State there is in effect a fire and safety code, imposed by State law, which adequately protects residents in intermediate care facilities; and

(14) Maintains adequate arrangements for required institutional services through a written agreement with an outside resource in those instances where the facility does not employ a qualified professional person to render a required service. The responsibilities, functions, and objectives, and the terms of agreement of each such resource are delineated in writing and signed by the administrator or authorized representative and the resource, and there is available in writing the terms of agreement reached between the facility and any resource retained for consultation. Such terms include, as a minimum the responsibilities of both the facility and the resource, the qualifications of the resource, a description of the work scheduled and amount of time to be given by the resource, the basis of remuneration and the duration of the agreement.

(b) *Waivers.* The single State agency may waive certain standards imposed pursuant to paragraph (a) of this section as set forth in this paragraph, except as they may be required under State law:

(1) One or more of the specific provisions for environment and sanitation pursuant to paragraph (a)(11) of this section or one or more specific provisions of the applicable fire and safety code pursuant to paragraph (a)(13) of this section may be waived if the single State agency finds on the basis of documented evidence derived from a survey that:

(i) Such provision(s), if rigidly applied, would result in unreasonable hardship upon the facility;

(ii) The waiver of the specific provision(s) does not adversely affect the health and safety of the residents in the facility and a written justification of such determination is maintained on file;

(iii) Where structural changes in the facility are necessary to meet a provision, the change is of such magnitude as to be infeasible, or economically impracticable; delay in making such changes would not adversely affect the health and safety of residents; and an explanation of this finding is maintained on file;

and upon assurance that:

(iv) The conditions of waiver in paragraphs (b)(1)(i), (ii), and (iii) of this section are redetermined at the time of each survey and written evidence of such redetermination is maintained on file; and

(v) The waiver of requirements is rescinded at any time any of the conditions of paragraphs (b)(1)(i), (ii), and (iii) of this section are found no longer to apply.

(2) The provision for arrangements with one or more general hospitals and skilled nursing facilities pursuant to paragraph (a)(12) of this section may be waived wholly or in part if by reason of remote location or other good and sufficient reason the facility is unable to effect such an arrangement with a hospital and skilled nursing facility. However, this requirement may not be waived in whole if it can be satisfied in part. A finding of remote location or other good and sufficient reason may be made when the single State agency finds that:

(i) There is no general hospital or skilled nursing facility serving the area in which the facility is located; or

(ii) There are one or more general hospitals or skilled nursing facilities serving the area and the facility has attempted in good faith and has exhausted all reasonable possibilities to enter into an agreement with such institutions, and

(*a*) The facility has provided copies of letters, records of conferences, or other evidence to support its claim that it has attempted in good faith to enter into an agreement, and

(*b*) Hospitals or skilled nursing facilities in the area have, in fact, refused to enter into an agreement with the facility in question.

§ 249.13 Standards for intermediate care facility services in institutions for the mentally retarded or persons with related conditions.

(a) *Standards.* The standards for intermediate care facility services in institutions for the mentally retarded or persons with related conditions which are specified by the Secretary pursuant to section 1905 (c) and (d) of the Social Security Act and referred to in §§ 249.10 (b)(15) and 249.11 are as follows. The institution:

(1) Is administered by a person licensed in the State as a nursing home administrator or, in the case of a hospital qualifying as an institution for the mentally retarded or persons with related conditions, by the hospital administrator, with the necessary authority and responsibility for management of the institution and implementation of administrative policies;

(2) Maintains written arrangements with one or more general hospitals and skilled nursing facilities under which such institutions agree to timely acceptance, as patients thereof, of acutely ill residents of the institution who are in need of hospital or skilled nursing facility care; except that, as provided in paragraph (b) of this section, the single State agency may waive this requirement wholly or in part with respect to any institution for the mentally retarded or persons with related conditions which is unable to effect such an arrangement with a hospital or skilled nursing facility;

(3) Meets such provisions of the Life Safety Code of the National Fire Protection Association (21st Edition, 1967) as are applicable to institutional occupancies, except that the single State agency may make a determination with the approval of the Secretary, to apply appropriate residential occupancy requirements of the Code for institutions for the mentally retarded or persons with related conditions, whose residents are, in the opinion of competent medical authority, capable of exercising average judgment in taking action for self-preservation under emergency conditions; and except that:

(i) The Life Safety Code shall not apply in any State if the Secretary makes a finding that in such State there is in effect a fire and safety code, imposed by State law, which adequately protects residents in such institutions; and

(ii) The single State agency may waive the application to any such institution of specific provisions of such Code for such periods and under such conditions as are set forth in paragraph (b) of this section;

(4) Provides health services under the direct supervision of a health services supervisor in accordance with the following:

(i) The health services supervisor is a registered nurse who is currently licensed to practice in the State, a licensed practical (or vocational) nurse currently licensed in the State, who has had training that includes either graduation from a State approved school of practical nursing or education and other training that is considered by the State authority responsible for the licensing of practical nurses to provide a background that is equivalent to graduation form a State approved school of practical nursing, or who has successfully completed the Public Health Service examination for waivered licensed practical nurses and who is employed full time (exclusive of all other duties) on the day shift, except that:

(*a*) In the case of an institution where a licensed practical (or vocational) nurse serves in charge of health services, supervisory consultation is provided by a registered nurse, through formal contract, at regular intervals, but not less than 4 hours weekly; and

(b) In the case of an institution (or group home) with less than 15 beds which has only residents certified by a physician as not in need of professional nursing service, and which otherwise meets requirements in this section, the requirements for a professional nurse in charge of health services may be met if the institution arranges through formal contract with an organized health agency for a registered nurse or public health nurse to visit as required for the care of minor illnesses, injuries, or emergencies, and consultation on the health aspects of the individual plan of care and service; and

(ii) The health services supervisor has the responsibility for the development, implementation, and review of the health aspects of the plan of care and service as appropriate for each resident and in accordance with physician's instructions and in coordination with other resident services;

(5) Maintains adequate conditions relating to environment and sanitation in accordance with standards specified in this subparagraph:

(i) The institution is constructed, equipped, and maintained to provide a safe, functional, sanitary, and comfortable environment. Its electrical and mechanical systems (including water supply and sewage disposal) are designed, constructed, and maintained in accordance with recognized safety standards and comply with applicable State and local codes and regulations; and

(*a*) The institution complies with all applicable State and local codes governing construction;

(*b*) Blind, nonambulatory, or physically handicapped residents are not housed above the street level floor unless the institution is 1-hour protected noncombustible construction (as defined in NFPA Standard No. 220), fully sprinklered 1-hour protected ordinary construction, or fully sprinklered 1-hour protected wood frame construction;

(*c*) Reports of periodic inspections of the structure by the fire control authority having jurisdiction in the area are on file in the institution;

(*d*) An adequate supply of hot water for resident use is available at all times. Temperature of hot water at plumbing fixtures used by residents is automatically regulated by control valves;

(*e*) Laundry facilities (when applicable are located in areas separate from resident units and are provided with the necessary washing, drying, and ironing equipment; and

(*f*) Elevators of sufficient size to accommodate a wheelchair are installed in the institution having three or more stories above ground;

(ii) Each major subdivision has at least the following basic service areas: Workroom or area for staff, storage and preparation area for drugs and biologicals, storage space for linen, equipment, and supplies, toilet and handwashing facilities;

(iii) Provision is made for isolating residents with infectious diseases in well-ventilated single bedrooms having separate toilet and bathing facilities; and

(iv) The institution has kitchen and dietary service areas adequate to meet food service needs. These areas are properly ventilated and equipped for sanitary refrigeration, storage, preparation, and serving of food, as well as for dish and utensil cleaning and refuse storage and removal. Dietary areas comply with the local health or food handling codes. Food preparation space is arranged for the separation of functions and is located to permit efficient service to residents and is used only for dietary functions.

(v) The single State agency, however, may waive for such periods and under such conditions as the approved plan provides any requirement imposed by this subparagraph in accordance with the regulations set forth in paragraph (b) of this section;

(6) Provides for a Qualified Mental Retardation Professional who is responsible for supervising the implementation of each resident's individual plan of care and service, integrating the various aspects of the institution's programs, recording each resident's progress and initiating periodic review of each individual plan of care and service for necessary modifications or adjustments. The term "Qualified Mental Retardation Professional" means:

(i) A psychologist with a doctoral or master's degree from an accredited program and with specialized training or 1 year of experience in treating the mentally retarded;

(ii) A physician licensed under State law to practice medicine or osteopathy and with specialized training or 1 year of experience in treating the mentally retarded;

(iii) An educator with a master's degree in special education from an accredited program;

(iv) A social worker with a master's degree from an accredited program and with specialized training or 1 year of experience in working with the mentally retarded;

(v) A physical or occupational therapist who is a graduate of a program of physical or occupational therapy approved by the Council on Medical Education of the American Medical Association, and where applicable is licensed in the State, and who has specialized training or 1 year of experience in treating the mentally retarded;

(vi) A speech pathologist or audiologist who has been granted a certificate of clinical competence in the American Speech and Hearing Association or who has completed the equivalent educational and experiential requirements for such a certificate and has specialized training or 1 year of experience in treating the mentally retarded; or

(vii) A registered nurse who has specialized training in or 1 year of experience treating the mentally retarded;

(7) Maintains adequate arrangements for required institutional services through a written agreement with an outside resource in those instances where the institution does not employ a qualified professional person to render a required service. The responsibilities, functions, and objectives, and the terms of agreement of each such resource are delineated in writing and signed by the administrator or authorized representative and the resource, and there is available in writing the terms of agreement reached between the institution and any resource retained for consultation. Such terms include, as a minimum, the responsibilities of both the institution and the resource, the qualifications of the resource, a description of the work scheduled and amount of time to be given by the resource, the basis of remuneration and the duration of the agreement;

(8) Meets the standards for Residential Facilities for the Mentally Retarded, 1971, established by the Accreditation Council for Facilities for the Mentally Retarded, of the Joint Commission on Accreditation of Hospitals, or, until July 1, 1976, is one which:

(i) Provides all necessary resident living services, training and guidance in the activities of daily living, and development of self-help and social skills for maximum independence, and, according to the needs of the individual resident, provides directly or through formal arrangements the following:

(*a*) Dental services to provide evaluation, diagnosis, treatment and annual review, including care for dental emergencies administered by or under the supervision of a dentist licensed in the State to practice dentistry or dental surgery;

(*b*) Dietary and food service, including arrangements for professional planning and supervision of menus and meal service of both regular and special diets to assure that:

(*1*) In the absence of a qualified dietitian or nutritionist on the staff, a designated staff member suited by training and experience is responsible for planning and supervision of menus and meal service. Such staff member is provided regularly scheduled consultation from a qualified dietitian or nutritionist. An institution having a contract with an outside food management company may meet this requirement if the company has a dietitian who provides on a regularly scheduled basis, consultant services to the institution;

(*2*) A current diet manual recommended by the State survey agency is readily available to food service personnel and supervisors of health services;

(*3*) There is a sufficient number of food service personnel to meet the dietary needs of the residents and there are food service personnel on duty daily over a period of 12 or more hours;

(*4*) Procedures are established and regularly followed which assure that the serving of meals to residents for whom special or restricted diets have been medically prescribed is supervised;

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(5) At least three meals or their equivalent are served daily, at regular times with not more than 14 hours between a substantial evening meal and breakfast;

(6) Menus are planned at least 2 weeks in advance and sufficient food to meet the nutritional needs of residents is prepared as planned for each meal. When changes in the menu are necessary, substitutions provide equal nutritive value. Records of menus as actually served are retained for 30 days;

(7) Individuals needing special equipment, implements or utensils to assist them when eating have such items provided; and

(8) All food is procured from approved sources and stored, prepared, distributed and served under sanitary conditions.

(c) Health services to achieve and maintain an optimum level of health for each resident including a complete physical examination at least annually, formal arrangements to provide for medical emergencies on a 24-hour, 7-days-a-week basis, administered by or under the supervision of a physician licensed under State law to practice medicine or osteopathy, and nursing services in accordance with the needs of its residents;

(d) Pharmacy services including arrangements for drugs and biologicals which provide that:

(1) (i) If the institution maintains a pharmacy department, it employs a licensed pharmacist; or

(ii) If the institution does not have a pharmacy, it has formal arrangements with a licensed pharmacist to provide consultation on methods and procedures for ordering, storage, administration and disposal and recordkeeping of drugs and biologicals;

(2) All medications administered to residents are ordered in writing by the resident's attending physician;

(3) Medications not limited as to time or number of doses when ordered are automatically stopped and the attending physician is notified;

(4) Self-administration of medications is allowed only with permission of the resident's attending physician;

(5) The registered nurse in charge or the registered nurse consultant reviews monthly each resident's medications and, when appropriate, notifies the attending physician and medications are reviewed quarterly by the attending physician;

(6) All medications are administered by medical and nursing personnel in accordance with the Medical and Nurse Practice Acts of the State; and

(7) The institution complies with the Federal and State laws and regulations relating to the procurement, storage, dispensing, administration and disposal of narcotics, those drugs subject to the Drug Abuse Control Amendment of 1965 and other legend drugs.

(e) Physical and occupational therapy services for purposes of initiation, monitoring and followup of individualized treatment programs rendered by or under the supervision of a physical therapist or an occupational therapist who is a qualified mental retardation professional;

(f) Psychological services including participation in the evaluation and periodic reviews, individual treatment, and consultation and training services to program staff rendered by a psychologist who is a qualified mental retardation professional;

(g) Social services available to all residents and their families, including evaluation and counseling, with referral to, and use of, other community resources as appropriate, participation in periodic reviews and planning for community placement, discharge and followup services rendered by or under the supervision of a social worker who is a qualified mental retardation professional;

(h) Speech pathology and audiology services to maximize the communication skills of residents for purposes of initiation, monitoring and follow-up of individualized treatment programs under the direction of a therapist who is a Qualified Mental Retardation Professional; and

(i) Organized indoor and outdoor recreational activities for all residents consistent with their needs and capabilities, including provision of adequate recreation areas, sufficient equipment and materials to support independent and organized activities;

(ii) Maintains methods of administrative management which assure that the institution:

(a) Has a written statement of the objectives, goals, and policies of the institution which is available to staff, consumer representatives, and interested public, and which includes a statement of the rights of its residents and its relationship to the parents of its residents, or to their surrogates;

(b) Develops, with the assistance of a registered nurse, qualified social worker, and other professional staff, written policies and procedures which govern all areas of service provided by the institution;

(c) Has an orientation program for all new employees that includes review of institutional policies, resident care and services policies, and emergency and disaster instructions;

(d) Plans and conducts an in-service educational program for the development and improvement of skills of all the institution's personnel, including training relating to the problems and needs of the mentally retarded, and maintains records which indicate the content of and participation in staff development programs;

(e) Has written policies that prohibit mistreatment, neglect, or abuse of residents, protect them from exploitation, and provide for the registration of resident complaints without threat of discharge or other reprisal;

(f) Has written policies which provide that residents are admitted upon the recommendation of an interdisciplinary professional team as defined in § 249.10 (d)(1)(vi) which has determined that the resident is in need of the care and services provided by such institution;

(g) Has transfer, discharge, and release policies which include at least the following provisions:

(1) As changes occur in their physical or mental condition, necessitating service or care which cannot be adequately provided by the institution, residents are transferred promptly to hospitals, skilled nursing facilities, or other appropriate facilities; and

(2) Except in an emergency, the resident, his next of kin, the attending physician, and the responsible agency, if any, are consulted in advance of the transfer, release, or discharge of any resident, and casework services or other means are utilized to assure that adequate arrangements exist for meeting his needs through other resources;

(h) Has written procedures for personnel to follow in an emergency including care of the resident, notification of the attending physician and other persons responsible for the resident, arrangements for transportation, for hospitalization or other appropriate services; and

(i) Maintains a written account of all personal possessions and funds received by or deposited with the institution on a current basis for each resident with written receipts for all expenditures and disbursements made by or in behalf of the resident;

(iii) Has an organized staff sufficient in numbers and qualifications to carry out its policies, responsibilities, and functions, including all necessary arrangements for professional medical and rehabilitative services, and which includes:

(a) Resident living staff to conduct a resident living program designed to provide training in activities of daily living and development of self-help and social skills, and to carry out the recommendations and plans for treatment of each resident under the supervision of a person (or persons) whose training and experience is appropriate for the program and who is qualified to supervise and direct activities of daily living, and:

(1) For units including infants, children (to puberty), adolescents requiring considerable adult guidance and supervision, severely and profoundly retarded, moderately and severely physically handicapped, and residents who are aggressive, assaultive, or security risks, or who manifest severely hyperactive or psychoticlike behavior, a minimum staff-to-resident ratio of 1: 2;

(2) For units serving moderately retarded adolescents and adults requiring habit training, a minimum staff-to-resident ratio of 1: 2.5; and

(3) For units serving residents in vocational training programs and adults who work in sheltered employment situations, a minimum staff-to-resident ratio of 1: 5;

(b) All professional personnel necessary to provide the professional programs and services as specified in paragraph (a)(8)(i) of this section and in accordance with the needs of its residents;

(c) Health services staff to assure that:

(1) Each resident receives treatments, medications, diet, and other health services as prescribed and planned, all hours of each day and all days of each week; and

(2) In the presence of minor illness and for temporary periods, bedside care under the direction of the resident's physician is provided by or supervised by a registered nurse or licensed practical nurse; and

(d) A responsible staff member is on duty at all times who is immediately accessible, to whom residents can report injuries, symptoms of illness, and emergencies;

(iv) Maintains a record for each resident which is readily available to professional and other staff directly involved with the resident and to appropriate representatives of the State agency. All information contained in a resident's record must be considered privileged and confidential. These records include:

(a) Identification information statement of the resident's legal status and medical, social, and developmental history;

(b) Copies of all initial and periodic examinations and evaluations including recommendations and plans of care and service and modifications thereof, and of periodic summaries of the resident's progress in the treatment program;

(c) Entries describing all medical treatment rendered and medication administered and a report of any accidents, extraordinary incidents, surgeries, illnesses, and treatment thereof;

(d) A signed order by a qualified Mental Retardation Professional for any physical restraints; and

(e) A copy of the discharge summary and post-institutionalization plan of care and service;

(v) Has resident living areas equipped and designed as follows:

(a) Resident rooms and toilet facilities meet the following requirements:

(1) Each room has direct access to a corridor and outside exposure with the floor at or above grade level;

(2) The number of residents in multi-resident rooms does not exceed 12 persons;

(3) There is a minimum of 60 square feet of floor space per resident in a multi-resident room. Single rooms shall have a minimum of 80 square feet of floor space;

(4) Each resident is provided, in addition to a suitable bed, adequate changes of linen, closet space, and a chest of drawers for his personal belongings, and other appropriate furniture;

(5) All residents' rooms are located near toilet and bathing facilities, appropriate in size and design to meet the needs of both ambulatory and non-ambulatory residents;

(6) There is one toilet and one lavatory for each eight residents. A lavatory is provided with each toilet facility. The toilets are installed in separate stalls for ambulatory residents or in curtained areas for non-ambulatory residents to insure privacy; and

(7) There is one tub or shower for each 12 residents. If a central bathing area is provided, each tub or shower is divided by curtains to insure privacy. Showers and tubs are equipped with adequate safety accessories; and

(b) The institution provides one or more areas for resident dining and diversional and social activities; and

(1) There is at least one dayroom area on each resident floor. Areas used for corridor traffic are not to be counted as dayroom space; and

(2) If a multi-purpose room is used for dining and diversional and social activities, there is sufficient space to accommodate all activities and prevent their interference with each other;

(vi) Assures that areas utilized to provide therapy services and other professional services are of sufficient size and appropriate design to accommodate necessary equipment, conduct screenings, and provide treatment;

(vii) Employs sufficient housekeeping and maintenance personnel to maintain the interior and exterior of the institution in a safe, clean, orderly manner; and

(viii) Has a written and regularly rehearsed plan for staff and residents to be followed in case of fire, explosion or other emergency. It specifies persons to be notified, locations of alarm signals and fire extinguishers, evacuation routes, procedures for evacuating residents, frequency of fire drills, and assignment of specific tasks and responsibilities to the personnel of each shift.

(b) *Waivers.* The single State agency may waive certain standards imposed pursuant to paragraph (a) of this section as set forth in this paragraph, except as they may be required under State law:

(1) One or more of the specific provisions for environment and sanitation pursuant to paragraph (a) (5) and (8) (v) of this section or one or more specific provisions of the applicable fire and safety code pursuant to paragraph (a) (3) of this section may be waived if the single State agency finds on the basis of documented evidence derived from a survey that:

(i) Such provision(s), if rigidly applied, would result in unreasonable hardship upon the institution;

(ii) The waiver of the specific provision(s) does not adversely affect the health and safety of the residents in the institution and a written justification of such determination is maintained on file;

(iii) Where structural changes in the institution are necessary to meet a provision, the change is of such magnitude as to be infeasible, or economically impracticable; delay in making such changes would not adversely affect the health and safety of residents; and an explanation of this finding is maintained on file;

and upon assurance that:

(iv) The conditions of waiver in paragraph (b)(1)(i), (ii), and (iii) of this section are redetermined at the time of each survey and written evidence of such redetermination is maintained on file; and

(v) The waiver of requirements is rescinded at any time any of the conditions of paragraph (b)(1)(i), (ii), and (iii) of this section are found no longer to apply.

(2) The provision for arrangements with one or more general hospitals and skilled nursing facilities pursuant to paragraph (a)(2) of this section may be waived wholly or in part if by reason of remote location or other good and sufficient reason the institution is unable to effect such an arrangement with a hospital and skilled nursing facility. However, this requirement may not be waived in whole if it can be satisfied in part. A finding of remote location or other good and sufficient reason may be made when the single State agency finds that:

(i) There is no general hospital or skilled nursing facility serving the area in which the institution is located; or

(ii) There are one or more general hospitals or skilled nursing facilities serving the area and the institution has attempted in good faith and has exhausted all reasonable possibilities to enter into an agreement with such facilities, and

(a) The institution has provided copies of letters, records of conferences, or other evidence to support its claim that it has attempted in good faith to enter into an agreement, and

(b) Hospitals or skilled nursing facilities in the area have, in fact, refused to enter into an agreement with the institution in question.

PART 250—ADMINISTRATION OF MEDICAL ASSISTANCE PROGRAMS

6. A new § 250.24 is added to Part 250 as set forth below:

§ 250.24 Independent professional review in intermediate care facilities.

(a) *State plan requirements.* A State plan for medical assistance under title XIX of the Social Security Act which includes intermediate care facility services must:

(1) Provide, with respect to individuals eligible under the State plan who are admitted to an intermediate care facility or who make application while in such a facility, for an interdisciplinary professional review (covering physical, emotional, social and cognitive factors) of the need for the care in and the services provided by such a facility and for a written individual plan of care and service. Under this requirement, the folowing methods are followed in each case prior to admission or, in the case of individuals who make application while in an intermediate care facility, prior to authorization of payments:

(i) Each eligible individual receives a comprehensive medical, social, and psychological evaluation, which includes:

(a) Diagnoses, summaries of present medical, psychological and social findings, medical and social family history, mental and physical functional capacity, prognoses, range of service needs and amounts of care required;

(b) An evaluation by an ageny worker of the resources available in the home, family and community; and

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(c) An explicit recommendation by the interdisciplinary professional team with respect to admission or in the case of persons who make application while in an intermediate care facility, continued care in such facility. Where admission is not indicated, but must nevertheless be recommended or implemented because of current lack of appropriate alternatives, such finding is noted and plans are initiated for the active exploration of alternatives;

(ii) The individual plan of care and service is formulated in accordance with the findings and recommendations of the evaluation team and includes: written objectives; orders for medications, treatments, restorative and rehabilitative services, therapies, diet, activities, and special procedures designed to meet the objectives; plans for continuing care (including provisions for review and necessary modifications of the plan) and discharge; and

(iii) Written reports of the evaluation and the written individual plan of care and service are delivered to the facility and entered in the individual's record at the time of admission or, in the case of individuals already in the facility, immediately upon completion.

(2) Provide for redetermination at least semi-annually of the individual's continuing need for institutional care and consideration of alternate methods of care by medical and other professional personnel who are not themselves directly responsible for the care of the resident and who are not employed by or financially interested in any such facility.

(3) Provide for periodic on-site inspection to be made in all intermediate care facilities caring for individuals under the plan by one or more independent professional review teams which shall:

(i) (*a*) Include one or more physicians or registered nurses, and psychologists, social workers, or other appropriate health and social service professional;

(*b*) In the case of institutions for the mentally retarded, include one or more physicians or registered nurses, and psychologists, social workers, or other appropriate health, social service, mental retardation and special education professionals;

(*c*) In the case of institutions for mental diseases, include one or more psychiatrists (or other physicians knowledgeable about mental institutions) or registered nurses, and psychologists, social workers, or other appropriate health, social service, and mental health professionals; and

(*d*) Where there is no physician on the review team, assure availability of a physician to provide consultation to the team;

(ii) Function under the supervision of a team member knowledgeable about institutional care and services, and

(*a*) In the case of an intermediate care facility serving a geriatric population, be knowledgeable about the specific problems and needs of the geriatric resident;

(*b*) In the case of an institution for the mentally retarded, be knowledgeable about the specific problems and needs of the mentally retarded resident; and

(*c*) In the case of an institution for mental diseases, be knowledgeable about the specific problems and needs of the mentally ill resident; and

(iii) Have no members who have a financial interest in or are employed by any intermediate care facility, or who provide professional services to any intermediate care facility reviewed by the team of which they are members.

(4) Provide that:

(i) There are a sufficient number of teams, so distributed within the State that on-site inspections can be made in all intermediate care facilities caring for residents under the plan at appropriate intervals;

(ii) No physician member of a team inspects the care of residents for whom he is the attending physician;

(iii) At least one inspection by an independent professional review team is made in each intermediate care facility within 1 year from the effective date of these regulations and thereafter at intervals to be determined by the team and the single State agency for each facility on the basis of consideration of the quality of care being rendered in the facility and the needs of residents in the facility, but not less often than annually;

(iv) No facility is notified of the time of an inspection more than 48 hours before the arrival of the independent professional review team; and

(v) The independent professional review team inspection includes personal contact with and observation of each resident receiving assistance under the plan by a team member or members, and review of each such resident's records including the individual plan of care and service. Such reviews and observations are to determine the adequacy of the services available to meet the current health, rehabilitative, and social needs and promote the optimal physical, mental, and psychosocial functioning of residents; the adequacy, appropriateness, and quality of services actually being rendered each individual receiving services under the plan; the necessity and desirability of the continued placement of such residents in such facilities; the feasibility of meeting their health and rehabilitative needs through alternative institutional or noninstitutional services; and in the case of institutions for the mentally retarded, whether the mentally retarded individual is also receiving active treatment. Under this requirement, such determinations may be based upon consideration of such items as whether:

(*a*) The medical, social, and psychological evaluation and the individual plan of care and service are complete and current, the individual plan of care and service is being followed, and all services ordered (including dietary orders) are being rendered and properly recorded;

(*b*) Prescribed medications have been reviewed by the attending physician at least quarterly, and tests or observations of residents indicated by their medication regimen have been made at appropriate times and properly recorded;

(*c*) Progress notes are made regularly by all professionals working with the resident and appear to be consistent with the observed condition of the resident;

(*d*) Adequate health services are being rendered each resident as evidenced by such observations as cleanliness, absence of signs of malnutrition or dehydration and apparent activity and alertness;

(*e*) Adequate rehabilitative services are being rendered each resident as evidenced by a planned program of activities to prevent regression, the progress toward meeting the plan objectives and the apparent maintenance of optimal physical, mental, and psychosocial function;

(*f*) The resident currently requires any service not available in or actually being furnished by the particular facility or through arrangements with others; and

(*g*) Each resident actually needs continued placement in the facility or there is an appropriate plan to transfer the resident to an alternate method of care.

(5) *Provide*, That:

(i) A full and complete report on each inspection visit is promptly submitted by the independent professional review team to the single State agency covering the observations, conclusions, and recommendations of the team with respect to the adequacy, appropriateness and quality of all resident services provided in the facility or through arrangements, as well as specific findings with respect to individuals;

(ii) The single State agency forwards a copy of each inspection report both to the facility involved and its functioning utilization review committee, to the agency of the State responsible for licensure and to the agencies responsible for certification or approval of the facilities involved for purposes of title XIX and to other agencies of the State which require the information in such reports in the performance of their official functions; and

(iii) Reports and recommendations are followed by documented corrective action on the part of the single State agency.

(b) *Coordination of medical review and independent professional review.* Periodic inspections by independent professional review teams as required by paragraph (a) of this section may be conducted by medical review teams (see § 250.23) where the composition of such a team meets the requirements of paragraph (a)(3) of this section or is modified or supplemented to meet such requirements for purpose of its independent professional review activities, and where such medical review team is willing and able to undertake in addition to its regular medical review program the on-site inspection functions required by paragraph (a)(4) of this section.

(c) *Coordination of utilization review and independent professional review.* (1) Periodic inspections by independent professional review teams as required by paragraph (a) of this section may be conducted by noninstitution based utilization review committees where the composition of such a committee meets the requirements of paragraph (a)(3) of this section, or is modified or supplemented to meet such requirements for purpose of its independent professional review activities, and where such committee is willing and able to undertake in addition to its regular utilization review program the on-site inspection functions required by paragraph (a)(4) of this section.

(2) In the case of a facility which is not concurrently a provider of service under title XVIII of the Act, an inspection by an independent professional review team conducted according to the requirements of paragraph (a) of this section, whether or not performed by a utilization review committee as provided in paragraph (c)(1) of this section, may, at the discretion of the single State agency, be considered to satisfy the requirement for utilization review of long-stay cases for the next regularly scheduled meeting of the utilization review committee.

7. Section 250.30 is amended by revising paragraph (a)(6) and adding a new paragraph (b)(3)(iii) as set forth below:

§ 250.30 Reasonable charges.

(a) *State plan requirements.* • • •

(6) Provide that participation in the program will be limited to providers of service who accept, as payment in full, the amounts paid in accordance with the fee structure, except that, with respect to payment for care furnished in skilled nursing facilities and services in intermediate care facilities, existing supplementation programs are permitted where the State has determined and advised the Secretary of Health, Education, and Welfare that its payments for such care or services furnished under the plan are less than the reasonable cost of such care or services permitted under Federal regulations, and the State has, prior to January 1, 1971, in the case of skilled nursing facilities, and July 1, 1973, in the case of intermediate care facilities, provided the Secretary with a plan for phasing out such supplementation within a reasonable period after the applicable date.

• • • • • •

(b) *Upper limits.* • • •

(3) • • •

(iii) *Intermediate care facility services.* Customary charges which are reasonable. Schedules of payments established by the State agency shall not exceed an upper limit based on the average per diem rate paid for skilled nursing facility services in the State. Schedules will be acceptable if within the upper limits either on a facility-by-facility basis or on the basis of average payments according to a reasonable classification of facilities based on levels of care. (A financial audit of the facilities is not required, but the State shall establish schedules of payments which are consistent with the intent that upper limits do not exceed average amounts paid for skilled nursing facility services.)

• • • • • •

[FR Doc.73-3882 Filed 3-2-73;8:45 am]

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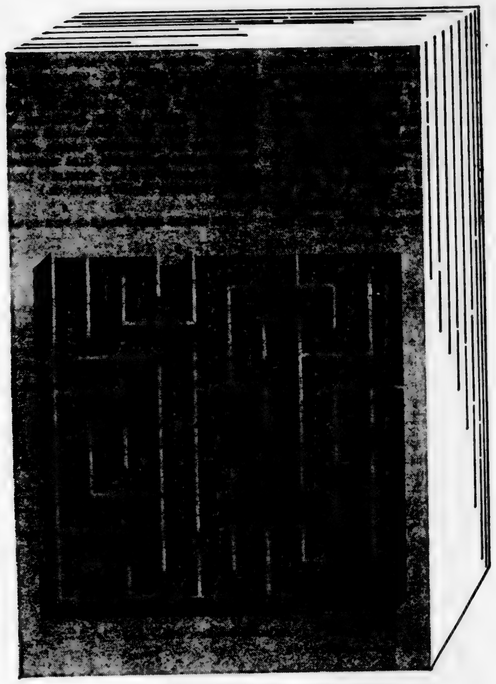

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Title 3—The President

PROCLAMATION 4191

Red Cross Month, 1973

By the President of the United States of America

A Proclamation

Each year, in the spirit of good neighborliness, millions of Americans pool their resources and efforts under the Red Cross banner to help others in distress or need.

The services of the Red Cross assist many kinds of people. They help provide lifesaving blood for the ill and injured; help restore the shattered lives of disaster victims; help our servicemen, veterans, and their families in periods of emergency; and help save lives and lessen suffering through training in first aid, water safety, and simple nursing skills.

While these could be called the basic purposes of the Red Cross, the organization also seeks out new areas of concern in American life. The Red Cross has helped the elderly to obtain government food assistance, the veteran to readjust to civilian life, the drug abuser to seek help, the migrant worker to better his living standards, and the student to obtain tutoring assistance.

Although the Red Cross receives the cooperation of many Federal, State, and local agencies, it derives its major financial support from the voluntary contributions of the American people. During the past year the Red Cross has been operating under an especially heavy financial burden because of outlays for disaster relief following the flood in Rapid City, South Dakota, and the Hurricane Agnes tragedy. I urge every American to help ensure that the Red Cross has the funds and volunteer manpower to fulfill its responsibilities during the year ahead. Helping the Red Cross—the Good Neighbor—continue its wide range of assistance programs is one way in which each of us can help our communities and our country.

NOW, THEREFORE, I, RICHARD NIXON, President of the United States of America and Honorary Chairman of the American National Red Cross, do hereby designate March 1973 as Red Cross Month, a month when every citizen is asked to join, serve, and contribute.

IN WITNESS WHEREOF, I have hereunto set my hand this third day of March, in the year of our Lord nineteen hundred seventy-three, and of the Independence of the United States of America the one hundred ninety-seventh.

Richard Nixon

[FR Doc.73-4184 Filed 3-5-73;11:35 am]

NOTE: For the text of a Presidential memorandum dated March 3, 1973, and issued in connection with Proc. 4191, above, see Weekly Comp. of Pres. Docs., Vol. 9, No. 9, issue of March 5, 1973.

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Rules and Regulations

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.
The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

Title 5—Administrative Personnel

CHAPTER I—CIVIL SERVICE COMMISSION

PART 213—EXCEPTED SERVICE

Department of Defense

Section 213.3306 is amended to show that one position of Private Secretary to the Principal Deputy Assistant Secretary (Public Affairs) is excepted under Schedule C.

Effective on March 6, 1973, § 213.3306 (a) (48) is added as set out below.

§ 213.3306 Department of Defense.

(a) *Office of the Secretary.* • • •

(48) One Private Secretary to the Principal Deputy Assistant Secretary (Public Affairs).

• • • • • •

(5 U.S.C. secs. 3301, 3302, E.O. 10577; 3 CFR 1954–58 Comp. p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.73–4236 Filed 3–5–73;8:45 am]

PART 213—EXCEPTED SERVICE

Department of Health, Education, and Welfare

Section 213.3316 is amended to show that two additional positions of Confidential Assistant to the Under Secretary are excepted under Schedule C.

Effective on March 6, 1973, § 213.3316 (a) (6) is amended as set out below.

§ 213.3316 Department of Health, Education, and Welfare.

(a) *Office of the Secretary.* • • •

(6) Six Confidential Assistants to the Under Secretary.

• • • • • •

(5 U.S.C. secs. 3301, 3302, E.O. 10577; 3 CFR 1954–58 Comp. p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.73–4235 Filed 3–5–73;8:45 am]

PART 213—EXCEPTED SERVICE

Department of Transportation

Section 213.3394 is amended to show that one position of Confidential Secretary to the Assistant to the Secretary is excepted under Schedule C.

Effective on March 6, 1973, § 213.3394 (a) (32) is added as set out below.

§ 213.3394 Department of Transportation.

(a) *Office of the Secretary.* • • •

(32) One Confidential Secretary to the Assistant to the Secretary.

• • • • • •

(5 U.S.C. secs. 3301, 3302, E.O. 10577; 3 CFR 1954–58 Comp. p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.73–4237 Filed 3–5–73;8:45 am]

PART 213—EXCEPTED SERVICE

Department of Housing and Urban Development

Section 213.3384 is amended to show that the following positions are excepted under Schedule C: One Private Secretary to the Executive Assistant to the Secretary and one Private Secretary to the Assistant to the Secretary (Public Affairs).

Effective on March 6, 1973, § 213.3384 (a) (35) and § 213.3384(a) (36) are added as set out below.

§ 213.3384 Department of Housing and Urban Development.

(a) *Office of the Secretary.* • • •

(35) One Private Secretary to the Executive Assistant to the Secretary.

(36) One Private Secretary to the Assistant to the Secretary (Public Affairs).

• • • • • •

(5 U.S.C. secs. 3301, 3302, E.O. 10577; 3 CFR 1954–58 Comp. p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.73–4238 Filed 3–5–73;8:45 am]

Title 6—Economic Stabilization

CHAPTER I—COST OF LIVING COUNCIL

PART 130—COST OF LIVING COUNCIL PHASE III REGULATIONS

Pay Adjustments Affecting Employees in Construction

Part 130 is amended in subpart H by revising § 130.72. The existing provision is redesignated as paragraph (a) and a new paragraph (b) is added to reflect the Cost of Living Council's decision to extend the jurisdiction of the Construction Industry Stabilization Committee (CISC) to authorize review of certain collective bargaining agreements which are closely related to construction. Under the amended regulation and Council Order No. 20, the CISC will review pay adjustments relating to nonconstruction operations covered by a construction collective bargaining agreement. CISC review will also extend to certain nonconstruction agreements which continue close historical relationships which have been established with respect to construction agreements, or provide for substantially the same levels of compensation, and which involve delivery and/or onsite application of materials under circumstances in which a dispute involving a nonconstruction agreement would cause more than a marginal interruption in onsite construction operations.

These agreements were subject to Council or Pay Board regulations during Phases I and II of the Economic Stabilization Program and the historical relationships were preserved between employees in the construction industry and the nonconstruction employees subject to the agreements described above. The Council has determined that many of the same factors affect both construction employees and those nonconstruction employees which are subject to new § 130.72(b), as set forth herein. This amendment is therefore necessary to assure continued stability in the construction industry and to preserve certain historical relationships with employee units outside the construction industry.

Because the purpose of this amendment is to provide immediate guidance as to Cost of Living Council policy, I find that publication in accordance with normal rulemaking procedure is impracticable and that good cause exists for making these regulations effective in less than 30 days. Interested persons may submit comments regarding these regulations. Communications should be addressed to the Office of General Counsel, Cost of Living Council, Washington, D.C. 20507.

(Economic Stabilization Act of 1970, title II of Public Law 92–210, 85 Stat. 743 and Executive Order 11695, 38 FR 1473)

In consideration of the foregoing, Part 130 of Title 6 of the Code of Federal Regulations is amended as set forth herein, effective January 11, 1973.

Issued in Washington, D.C., on February 28, 1973.

JAMES W. MCLANE,
Deputy Director,
Cost of Living Council.

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Section 130.72 is amended by redesignating the existing provision as paragraph (a) and by adding a new paragraph (b) to read as follows:

§ 130.72 Pay adjustments.

* * * * *

(b) In addition to those pay adjustments determined to be pay adjustments affecting employees in construction under the rules and regulations of the Cost of Living Council, the Pay Board, and the Construction Industry Stabilization Committee in effect on January 10, 1973, the term "pay adjustments affecting employees in construction", within the meaning of paragraph (a) of this section, includes—

(1) Pay adjustments under the terms of a construction industry collective bargaining agreement which covers both construction and nonconstruction operations; and

(2) Pay adjustments under the terms of a nonconstruction collective bargaining agreement which—

(i) Continues a close historical relationship which has been established with respect to a construction industry collective bargaining agreement or sequence of agreements, or provides substantially the same levels of compensation as provided in a construction industry collective bargaining agreement; and

(ii) Covers delivery of materials to a construction site and/or onsite application of materials under circumstances in which a dispute involving such nonconstruction agreement would cause onsite construction operations to be more than marginally interrupted.

[FR Doc.73-4211 Filed 3-5-73;8:45 am]

Title 7—Agriculture

CHAPTER X—AGRICULTURAL MARKETING SERVICE (MARKETING AGREEMENTS AND ORDERS; MILK), DEPARTMENT OF AGRICULTURE

[Milk Order No. 79]

PART 1079—MILK IN DES MOINES, IOWA, MARKETING AREA

Order Terminating Certain Provisions

This termination order is issued pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and of the order regulating the handling of milk in the Des Moines, Iowa, marketing area.

Notice of proposed rule making was published in the FEDERAL REGISTER (38 FR 4346) concerning a proposed suspension or termination of certain provisions of the order. Interested persons were afforded opportunity to file written data, views, and arguments thereon.

After consideration of all relevant material, including the proposal set forth in the aforesaid notice, data, views, and arguments filed thereon, and other available information, it is hereby found and determined that the following provisions of the order no longer tend to effectuate the declared policy of the Act:

In § 1079.44, all of paragraph (c), and in paragraph (d) the provisions "located not more than 150 miles by the shortest highway distance, as determined by the market administrator, from the nearest of the post offices of Corydon, Creston, Des Moines, Grinnell, Jefferson, and Ottumwa".

STATEMENT OF CONSIDERATION

This action terminates the provisions in the order that provide automatic Class I classification for milk that is transferred or diverted from a pool plant to a nonpool plant located more than 150 miles from the nearest of the six basing points listed above.

The termination was requested by a cooperative association supplying a pool distributing plant with milk produced in the vicinity of Caledonia, Minn. When this milk supply is not needed at the pool distributing plant it is moved to a nonpool manufacturing plant located in the production area.

Caledonia is located more than 150 miles from the nearest of the basing points. The provisions providing for automatic Class I classification of milk moved to a nonpool plant so located have been made inoperative by suspension actions since September 1971. Termination of the provisions will assure the continued classification of milk disposed of to nonpool plants located beyond 150 miles from the basing points on the basis of its actual use and, therefore, facilitate the economical disposition of reserve milk supplies to nearby nonpool manufacturing plants for Class II use.

Deletion of provisions providing mileage limitations on transfers and diversions of milk for Class II use is proposed in the recommended decision for 33 orders (including this order) issued August 28, 1972 (37 F.R. 19482). There were no exceptions received to this particular finding.

The present suspension order expires February 28, 1973. This termination action will enable the proponent cooperative association to continue providing an orderly marketing program for its member producers in the Caledonia area who have been associated with the Des Moines market.

It is hereby found and determined that 30 days' notice of the effective date hereof is impractical, unnecessary, and contrary to the public interest in that:

(a) This termination is necessary to reflect current marketing conditions and to maintain orderly marketing conditions in the marketing area in that it will facilitate the economical disposition of certain of the market's reserve milk supplies.

(b) This termination order does not require of persons affected substantial or extensive preparation prior to the effective date; and

(c) Notice of proposed rule making was given interested parties and they were afforded opportunity to file written data, views, or arguments concerning this termination. No views were received in opposition to the proposed rule making.

Therefore, good cause exists for making this order effective March 6, 1973.

It is therefore ordered, That the aforesaid provisions of the order are hereby terminated.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Effective date: March 6, 1973.

Signed at Washington, D.C., on February 28, 1973.

CLAYTON YEUTTER,
Assistant Secretary.

[FR Doc.73-4205 Filed 3-5-73;8:45 am]

Title 8—Aliens and Nationality

CHAPTER I—IMMIGRATION AND NATURALIZATION SERVICE, DEPARTMENT OF JUSTICE

MISCELLANEOUS AMENDMENTS TO CHAPTER

Pursuant to 5 U.S.C. 552 and the authority contained in 8 U.S.C. 1103 and 8 CFR 2.1, miscellaneous amendments, as set forth herein are prescribed in Parts 100, 341, and 343a of Chapter I of Title 8 of the Code of Federal Regulations.

On February 8, 1973, notice was published in the FEDERAL REGISTER (38 FR 3595) of the revocation, effective March 12, 1973, of the international airport status of Greater Buffalo International Airport, Buffalo, N.Y. In Part 100, § 100.4 is, therefore, being amended to delete that airport from the listing of ports of entry for aliens arriving by aircraft.

In Part 341, § 341.5 is amended for clarification to provide that the report containing the findings and recommendations of the officer acting on an application for a certificate of citizenship shall be prepared either by formal order or by completing the preprinted form in the Form N–600 application.

In Part 343a, § 343a.2 is amended to provide for the return to the person to whom issued of a certificate of citizenship in a service file which was surrendered on a finding that loss of U.S. nationality had occurred pursuant to section 301(b) of the Immigration and Nationality Act, the provisions of which were extended by section 301(c) of the Act to persons born after May 24, 1934, and which finding is no longer valid in view of the amendment to section 301(b) by Public Law 92–584 enacted October 27, 1972.

In the light of the foregoing, the following amendments to Chapter I of Title 8 of the Code of Federal Regulations are hereby prescribed:

PART 100—STATEMENT OF ORGANIZATION

§ 100.4 [Amended]

In subparagraph (3) Ports of entry for aliens arriving by aircraft of paragraph (c) Suboffices of § 100.4 Field Service, District No. 7—Buffalo, N.Y., is amended by deleting therefrom the following international airport listing: "Buffalo, N.Y., Greater Buffalo International Airport."

PART 341—CERTIFICATES OF CITIZENSHIP

In § 341.5, the first sentence is amended to read as follows:

§ 341.5 Report and recommendation.

The officer assigned to act on the application shall prepare a report containing his findings and recommendation, by completing the preprinted form in the Form N–600 application, or by formal order, as appropriate.* * *

PART 343a—NATURALIZATION AND CITIZENSHIP PAPERS LOST, MUTILATED, OR DESTROYED; NEW CERTIFICATE IN CHANGED NAME; CERTIFIED COPY OF REPATRIATION PROCEEDINGS

In § 343a.2, the first sentence is amended to read as follows:

§ 343a.2 Return or replacement of surrendered certificate of naturalization or citizenship.

A certificate of naturalization or citizenship in a service file which was surrendered on a finding that loss of U.S. nationality had occurred directly or through a parent by reason of section 404 (b) or (c) of the Nationality Act of 1940 or section 352 of the Immigration and Nationality Act and which finding is no longer valid in view of "Schneider v. Rusk," 377 U.S. 163, or a certificate of naturalization or citizenship in a service file which was surrendered on a finding that loss of U.S. nationality had occurred pursuant to section 401(e) of the Nationality Act of 1940 or section 349(a)(5) of the Immigration and Nationality Act and which finding is no longer valid in view of "Afroyim v. Rusk," 387 U.S. 253, or a certificate of citizenship in a service file which was surrendered on a finding that loss of U.S. nationality had occurred pursuant to section 301(b) of the Immigration and Nationality Act, the provisions of which were extended by section 301(c) of the same Act to persons born after May 24, 1934, and which finding is no longer valid in view of the amendment to section 301(b) on October 27, 1972, Public Law 92–584, may be returned to the person to whom it was issued, notwithstanding the fact that he has since been naturalized or repatriated in the United States or abroad.* * *

Compliance with the provisions of section 553 of title 5 of the United States Code (80 Stat. 383), as to notice of proposed rule making and delayed effective date is unnecessary in this instance and would serve no useful purpose because the amendment to § 100.4(c)(3) relates to agency management; the amendment to § 341.5 relates to agency procedure and is clarifying in nature; and the amendment to § 343a.2 is in implementation of Public Law 92–584 (86 Stat. 1289) enacted October 27, 1972, and confers benefits on persons affected thereby.

Effective date. This order shall become effective on March 6, 1973, except with regard to the amendment to § 100.4(c)(3) which shall become effective March 12, 1973.

Dated: February 28, 1973.

RAYMOND F. FARRELL,
Commissioner of Immigration and Naturalization.

[FR Doc.73-4214 Filed 3-5-73;8:45 am]

Title 10—Atomic Energy

CHAPTER I—ATOMIC ENERGY COMMISSION

PART 50—LICENSING OF PRODUCTION AND UTILIZATION FACILITIES

Reactor Containment Leakage Testing for Water-Cooled Power Reactors

Correction

In FR Doc. 73–2786 appearing at page 4385 in the issue of Wednesday, February 14, 1973, the following changes should be made:

1. In the third column on page 4387:

a. In paragraph (2), the first line should read, "*Peak pressure tests.* The leakage rate".

b. In the second line of paragraph B.1. *Test methods.*, delete the article "a".

c. The heading for paragraph C. should read "*Type C tests.*"

2. On page 4388, in the second column, transfer the heading "V. INSPECTION AND REPORTING OF TESTS" to appear above "A. *Containment inspection.* A general in-".

Title 32—National Defense

CHAPTER VI—DEPARTMENT OF THE NAVY

MISCELLANEOUS AMENDMENTS TO CHAPTER

Chapter VI of Title 32 is amended by revising Parts 719, 720, 727, 750, 751, 753, 756, and 757 to read as follows.

PART 719—REGULATIONS SUPPLEMENTING THE MANUAL FOR COURTS-MARTIAL

Part 179 of Title 32 is revised to read as follows:

Subpart A—Nonjudicial Punishment

Sec.
719.101 General Provisions.
719.102 Letters of censure.

Subpart B—Convening Courts-martial

Sec.
719.103 Designation of additional convening authorities.
719.104 Preparation of convening orders.
719.105 Changes in membership after court has been assembled.
719.106 Convening special courts-martial.
719.107 Restrictions on exercise of court-martial jurisdiction.
719.108 Superior competent authority defined.

Subpart C—Trial Matters

Sec.
719.109 Trial guides.
719.110 Reporters and interpretors.
719.111 Oaths.
719.112 Authority to grant immunity from prosecution.
719.113 10 U.S.C. 839(a) sessions.
719.114 Pretrial agreements in general and special courts-martial.
719.115 Release of information pertaining to accused persons; spectators at judicial sessions.
719.116 Preparation and forwarding of charges.
719.117 Optional matter presented when court-martial constituted with military judge.
719.118 Court-martial punishment of reduction in grade.
719.119 Forfeitures, detentions, fines.
719.120 Preparation of records of trial.

Subpart D—Post-trial Matters

719.121 Request for appellate defense counsel.
719.122 Review by staff judge advocate.
719.123 Action on courts-martial by convening authority.
719.124 Promulgating orders.
719.125 Review of summary and special courts-martial.
719.126 Action on special courts-martial by general court-martial convening authorities.
719.127 Supervision over court-martial records and their disposition after review in the field.
719.128 Criminal activity, disciplinary infractions, and court-martial report.
719.129 Remission and suspension.
719.130 Effective date of confinement and forfeitures when previous sentence not completed.
719.131 Vacation of suspension.
719.132 Approval of sentences extending to dismissal of an officer.
719.133 Service of decision of Navy Court of Military Review on accused.
719.134 Execution of sentence.
719.135 Request for immediate execution of discharge.
719.136 Filing of court-martial records.

Subpart E—Miscellaneous Matters

719.137 Financial responsibility for costs incurred in support of courts-martial.
719.138 Fees of civilian witnesses.
719.139 Warrants of attachment.
719.140 Security of classified matter in judicial proceedings.
719.141 Court-martial forms.
719.142 Suspension of counsel.
719.143 Petition for new trial under 10 U.S.C. 873.
719.144 Application for relief under 10 U.S.C. 869 in cases which have been finally reviewed.
719.145 Set-off of indebtedness of a person against his pay.
719.146 Authority to prescribe regulations relating to the designation and changing of places of confinement.
719.147 Apprehension by civilian agents of the Naval Investigative Service.
719.148 Search and seizure forms.
719.149 Interrogation of criminal suspects form.
719.150 Court-martial case report.

AUTHORITY: Military Personnel and Civilian Employees Claims Act of 1964, as amended (31 U.S.C. 240–243).

Subpart A—Nonjudicial Punishment

§ 719.101 General provisions.

(a) *Authority to impose*—(1) *Multi-service commander.* In addition to the categories of officers authorized to impose nonjudicial punishment under 10 U.S.C. 815(b), the commander of a multi-service command to whose staff or command members of the naval service are

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assigned may designate one or more naval units and shall for each such naval unit designate a commissioned officer of the naval service as commanding officer for the administration of discipline under 10 U.S.C. 815. A copy of any such designation by the commander of a multiservice command shall be furnished to the Chief of Naval Personnel or the Commandant of the Marine Corps, as appropriate, and to the Judge Advocate General.

(2) *General authority.* Pursuant to the authority of 10 U.S.C. 815 and to the provisions of chapter XXVI, MCM, and except as provided in paragraph (b) of this section, nonjudicial punishment may be imposed in the naval service for minor offenses as follows:

(i) *Upon officers and warrant officers.* Any commanding officer, including a commanding officer as designated pursuant to subparagraph (1) of this paragraph, may impose upon officers of his command admonition or reprimand and restriction to certain specified limits, with or without suspension from duty, for not more than 15 consecutive days. Officers of the grade of major or lieutenant commander, or above, who are authorized to impose nonjudicial punishment, may in addition to admonition or reprimand, impose restriction for not more than 30 consecutive days. Only an officer of general or flag rank in command may impose the additional punishments authorized by 10 U.S.C. 815(b)(1)(B). See also subparagraph (4) of this paragraph.

(ii) *Upon other personnel.* Any commanding officer, including a commanding officer as designated pursuant to subparagraph (1) of this paragraph, may impose upon enlisted men of his command, and any commissioned officer who is designated as officer in charge of a unit by Departmental Orders, Tables of Organization, manpower authorizations, orders of a flag or general officer in command (including one in command of a multiservice command to which members of the naval service are attached), or orders of the Senior Officer Present, may impose upon enlisted men assigned to his unit, admonition or reprimand and one or more of the punishments authorized by 10 U.S.C. 815(b)(2)(A) through (G). Only commanding officers of the grade of major or lieutenant commander or above may impose the increased punishments authorized by 10 U.S.C. 815(b)(2)(H).

(3) *Jurisdiction over individual.*—(i) *General rule.* At the time nonjudicial punishment is imposed, the accused must be a member of the command of the commanding officer, or of the unit of the officer in charge, who imposes the punishment. A person is "of the command" or "of the unit" if he is assigned or attached thereto, and a person may be "of the command" or "of the unit" of more than one command or unit at the same time, such as persons assigned or attached to commands or units for the purpose of performing temporary additional duty.

(ii) *Issuance of letter of censure to party before fact-finding body.* A person who has been designated a party before a fact-finding body convened under these regulations (*see* Subpart J of this part) remains thereafter "of the command" of the unit or organization to which he was assigned or attached at the time of such designation for the purpose of imposition of the sole nonjudicial punishment of a letter of admonition or reprimand, even though for other purposes he may have been assigned or attached to another command before such letter was delivered to him. This status terminates automatically when all action contemplated by 10 U.S.C. 815, including action on appeal, has been completed respecting the letter of admonition or reprimand.

(iii) *Action when accused no longer with command.* Except as provided in subdivision (ii) of this subparagraph, if at the time nonjudicial punishment is to be imposed the accused is no longer assigned or attached to the unit, the alleged offense should be referred for appropriate action to a competent authority in the chain of command over the individual concerned. In the case of an officer, the referral normally should be to the officer who exercises general court-martial jurisdiction over him.

(4) *Nonjudicial punishment of reservists on active duty for training or inactive duty training.* If all aspects of the procedures specified by 10 U.S.C. 815, and paragraph 133b, MCM, which require the presence of the accused are conducted prior to the termination of the drill or training period during which the act for which punishment is imposed occurs, the imposition of punishment may occur subsequent to the termination of such drill or training period at a time at which the reservist is not subject to the Uniform Code of Military Justice. See paragraph 11d, MCM.

(i) Even though no proceedings are conducted during the drill or training period during which the act for which punishment is imposed occurs, nonjudicial punishment may be imposed if all aspects of the procedures described by 10 U.S.C. 815, and paragraph 133b, MCM, which require the presence of the accused are conducted on a subsequent period, or subsequent periods, of active duty for training or inactive duty training, unless there has been an intervening discharge or some equivalent change of status.

(ii) As a matter of policy, any physical restraint pending nonjudicial punishment, or imposed as nonjudicial punishment, shall not extend beyond the normal time of termination of a drill or training period.

(5) *Delegation to a "principal assistant" under 10 U.S.C. 815(a).* With the express prior approval of the Chief of Naval Personnel or the Commandant of the Marine Corps, as appropriate, a flag or general officer in command may delegate all or a portion of his powers under 10 U.S.C. 815 to a senior officer on his staff who is eligible to succeed to command in case of absence of such officer in command. To the extent of the authority thus delegated, the officer to whom such powers are delegated shall have the same authority as the officer who delegated the powers.

(6) *Withholding of 10 U.S.C. 815 punitive authority.* Unless specifically authorized by the Secretary of the Navy, commanding officers of the Navy and Marine Corps shall not limit or withhold the exercise by subordinate commanders of any disciplinary authority they might otherwise have under 10 U.S.C. 815.

(b) *Limitations on imposition of nonjudicial punishment.*—(1) *Demand for trial.* A person in the Navy or Marine Corps who is attached to or embarked in a vessel does not have the right to demand trial by court-martial in lieu of nonjudicial punishment.

(2) *Cases previously tried in civil courts.* The provisions of § 719.107(e) with respect to trial by summary court-martial of persons whose cases have been previously adjudicated in domestic or foreign criminal courts apply also to the imposition of nonjudicial punishment in such cases.

(3) *Units attached to a ship.* The commanding officer or officer in charge of a unit attached to a ship of the Navy for duty therein should, as a matter of policy, refrain from exercising his powers to impose nonjudicial punishment. All such matters should be referred to the commanding officer of the ship for disposition. This policy shall not be applicable to Military Sea Transportation Service vessels operating under a master, nor is it applicable where an organized unit is embarked for transportation only.

(4) *Correctional custody.* This punishment shall not be imposed upon persons in grade E–4 and above.

(5) *Confinement on bread and water or diminished rations.* This punishment shall not be imposed upon persons in grade E–4 and above.

(6) *Extra duties.* Subject to the limitations set forth in paragraph 131c(6), MCM, this punishment shall be considered satisfied when the enlisted person shall have performed extra duties during available time in addition to performing his military duties. Normally the immediate commanding officer of the accused will designate the amount and character of the extra duties to be performed. The daily performance of the extra duties, before or after routine duties are completed, constitutes the punishment whether the particular daily assignment requires 1, 2, or more hours, but normally extra duties should not extend to more than 2 hours per day. Extra duty shall not be performed on Sunday although Sunday counts in the computation of the period for which such punishment is imposed. Guard duty shall not be assigned as punishment.

(7) *Reduction in grade.* Subject to the provisions of paragraph 131c(7), MCM, this punishment shall not be imposed except to the next inferior grade. Reduction in grade may be imposed only if the condition concerning promotion authority specified in paragraph 131, MCM, is met.

(8) *Arrest in quarters.* An officer or warrant officer undergoing this punishment shall not be required to perform

duties involving the exercise of authority over any person who is otherwise subordinate to him.

(9) *Forfeiture and detention.* The monthly contribution from his pay that an enlisted person in pay grade E–4 (4 years or less service) or below with dependents is required by law to make to entitle him to a basic allowance for quarters is $40. As provided in paragraphs 131c (8) and (9); MCM, this amount must be deducted before the net amount of pay subject to forfeiture or detention is computed. When a punishment of a person in pay grade E–4 or above includes both reduction to pay grade E–4 (4 years' or less service) or below and forfeiture or detention, $40 must be deducted before computing the net amount of pay subject to forfeiture or detention.

(c) *Nonpunitive measures.* (1) Commanding officers and officers in charge are authorized and expected to use nonpunitive measures, including administrative withholding of privileges not extending to deprivation of normal liberty, in furthering the efficiency of their commands.

(2) These measures are not punishment and may be administered either orally or in writing. (See paragraph 128c, MCM.) Nonpunitive letters of censure, other than those issued by the Secretary of the Navy, shall not be forwarded to the Bureau of Naval Personnel or the Commandant of the Marine Corps, quoted or appended to fitness reports, or otherwise included in the official departmental records of the recipient. A sample nonpunitive letter of caution is set forth for guidance in appendix section 1–a.[1]

(d) *Procedures.* (1) The procedures prescribed in paragraph 133b, MCM, and in this subsection shall be followed in imposing nonjudicial punishment. The requirements of paragraphs (d) and (e) of this section are also applicable if a letter of admonition or reprimand is to be imposed as punishment.

(2) If nonjudicial punishment is contemplated on the basis of the record of a court of inquiry or other fact-finding body, a preliminary examination shall be made of such record to determine whether the individual concerned was accorded the rights of a party before such fact-finding body and, if so, whether such rights were accorded with respect to the act or omission for which nonjudicial punishment is contemplated. If the individual concerned was accorded the rights of a party with respect to the act or omission for which nonjudicial punishment is contemplated, such punishment may be imposed without further proceedings. If the individual concerned was not accorded the rights of a party with respect to the offense for which punishment is contemplated, the impartial hearing prescribed in paragraph 133b, MCM, must be conducted. In the alternative, the record of the fact-finding body may be returned for additional proceedings during which the individual concerned shall be accorded the rights of a party with respect to the act or omission for which nonjudicial punishment is contemplated.

(3) The officer who imposes punishment under 10 U.S.C. 815 shall insure that the offender is fully informed of his right to appeal from such punishment.

(e) *Effective date and execution of punishments.*—(1) *Forfeitures, detention, and reduction in grade.* As provided in paragraph 131e, MCM, these punishments, if unsuspended, take effect on the date imposed. If suspended, and the suspension is later vacated, these punishments take effect for all purposes on the date the suspension is vacated. However, if a forfeiture or detention is imposed while a prior punishment of forfeiture or detention is still in effect, the prior punishment will be completed before the latter begins to run.

(2) *Punishments involving restraint.* Normally, the punishments of arrest in quarters, correctional custody, confinement on bread and water, or diminished rations, extra duties, and restriction, unless suspended, take effect when imposed. However, as with forfeiture and detention, any prior punishment involving restraint will be completed before the second begins to run. In addition, commanding officers and officers in charge at sea may, when the exigencies of the service require, defer execution of correctional custody and confinement on bread and water for a reasonable period of time, not to exceed 15 days, after imposition. When correctional custody is to be served in a regular confinement facility, the conditions of service and the provisions for release therefrom shall be as prescribed in the Corrections Manual. Otherwise, correctional custody shall be imposed and administered in accordance with SECNAVINST 1640.7 series.

(3) *Admonition and reprimand.* These punishments take effect when imposed. A letter of censure is considered to be imposed when delivered to the offender.

(f) *Appeals*—(1) *Time.* (i) In accordance with paragraph 135, MCM, an appeal not made within a reasonable time may be rejected on that basis by the officer to whom the appeal was addressed. In the absence of unusual circumstances, an appeal made more than 15 days after the punishment was imposed may be considered as not having been made within a reasonable time. In computing this appeal period, allowance shall be made for the time required to transmit communications pertaining to the imposition of nonjudicial punishment and the appeal therefrom through the mails. This appeal period commences to run from the date of the imposition of the punishment, even though all or any part of the punishment imposed is suspended.

(ii) If unusual circumstances exist which make it impracticable or extremely difficult for the offender to prepare and submit his appeal within the 15-day period, he should immediately advise the officer who imposed the punishment of such circumstances and request an appropriate extension of time within which to submit his appeal. In the absence of such a request, an appeal submitted after the 15-day period will normally be considered as not having been made within a reasonable time. Upon the receipt of such a request, the officer who imposed the punishment shall advise the offender that an extension of time is or is not granted.

(2) *To whom made when officer who imposed the punishment is in a Navy chain of command.* Any appeal from nonjudicial punishment in accordance with paragraph 135, MCM, shall, in the absence of specific direction to the contrary by an officer authorized to convene general courts-martial and superior in the chain of command to the officer who imposed the punishment, be forwarded to the area coordinator authorized to convene general courts-martial. When the cognizant area coordinator is not superior in rank or command to the officer who imposed the punishment or when the punishment is imposed by a commanding officer who is an area coordinator, the appeal shall be forwarded to the officer authorized to convene general courts-martial and next superior in the chain of command to the officer who imposed the punishment.

(i) An immediate or delegated area coordinator who has authority to convene general courts-martial may take action in lieu of an area coordinator if he is superior in rank or command to the officer who imposed the punishment.

(ii) For mobile units, the area coordinator for the above purpose is the area coordinator most accessible to the unit at the time of the forwarding of the appeal.

(3) *To whom made when officer who imposed the punishment is in the chain of command of the Commandant of the Marine Corps.* Any appeal from nonjudicial punishment in accordance with paragraph 135, MCM, shall be made to the officer who is the next superior in the chain of command to the officer who imposed the punishment. This shall be the case without regard to whether the appellant is, at the time of his appeal, a member of an organization within that chain of command. In those cases in which the Commandant of the Marine Corps is the next superior in the chain of command and in which the officer who imposed punishment is not a general officer in command, the appeal shall, in the absence of specific direction to the contrary by the Commandant, be made to the Marine Corps general officer in command geographically nearest the officer who imposed the punishment.

(4) *To whom made when commanding officer is a commander of a multiservice command.* An appeal from nonjudicial punishment imposed by an officer of the Marine Corps designated as a commanding officer pursuant to subparagraph (1) of this paragraph shall, in the absence of specific direction to the contrary by the Commandant, be made to the Marine Corps general officer in command geographically nearest and superior in grade to the officer who imposed the punishment. An appeal from nonjudicial punishment imposed by a naval officer designated as a commanding officer pursuant to section 0101a(1) shall be made to the nearest area coordinator. However, when

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such area coordinator is not superior in grade to the officer who imposed the punishment, the appeal shall be to the naval flag officer in command geographically nearest and superior in grade to the officer who imposed the punishment.

(5) *Delegation of authority to act on appeals.* Such authority may be delegated in accordance with the provisions of subparagraph (4) of this paragraph.

(6) *Prohibited and inappropriate actions.* An officer who has delegated his nonjudicial punishment powers to a principal assistant under subparagraph (4) of this paragraph may not act on an appeal from punishment imposed by such principal assistant. In such cases and in other cases where it may be inappropriate for the officer designated by subparagraph (2) or (3) of this paragraph (f) to act on the appeal, (as where an identity of persons or staff may exist with the command which imposed the punishment) such fact should be noted in forwarding the appeal.

(7) *Procedures.* When the officer who imposed the punishment is not the offender's immediate commanding officer, the latter may forward the appeal directly to the officer who imposed the punishment for forwarding under subparagraphs (2), (3), or (4) of this paragraph (f). Similarly, the action of the superior on appeal may be forwarded by the officer who imposed the punishment directly to the offender's commanding officer for delivery. Copies of the correspondence should be provided for intermediate authorities in the chain of command.

(i) In any case where nonjudicial punishment is imposed on the basis of information contained in the record of a court of inquiry or fact-finding body, a copy of the record, including the findings, opinions and recommendations, together with copies of endorsements thereon, shall, except where the interests of national security may be adversely affected, be made available to the individual concerned for his examination in connection with the preparation of an appeal. In case of doubt, the matter shall be referred to the Judge Advocate General for advice.

(g) *Records of punishment.* The records of nonjudicial punishment shall be maintained and disposed of in accordance with paragraph 133c, MCM and implementing regulations issued by the Chief of Naval Personnel and the Commandant of the Marine Corps. The forms used for the Unit Punishment Book are NAVPERS 2696 and NAVMC 10132PD.

(h) *Definition of "successor in command."* For the purposes of 10 U.S.C. 815 and this part, the term "successor in command" refers to an officer succeeding to the command by being detailed or succeeding thereto as described in U.S. Navy Regulations. The term is not limited to the officer next succeeding. See paragraph (j) of this section.

(i) *Punishment not to be increased.* As provided in paragraph 128d, MCM, a punishment once imposed may not be increased. In addition, punishment may not be withdrawn for the purpose of imposing a more severe punishment.

(j) *Suspension, mitigation, and remission.* (1) The authority of the officer who imposed the punishment, his successor in command, and superior authority to suspend, mitigate, remit, and set aside punishments is discussed in paragraphs 134 and 135, MCM.

(2) When a person upon whom nonjudicial punishment has been imposed is thereafter, by competent transfer orders, assigned to another command, unit, or activity, the receiving commanding officer (or officer in charge) and his successor in command, may under 10 U.S.C. 815 (d), and the conditions set forth in paragraph 134, MCM, exercise the same powers with respect to the punishment imposed as may be exercised by the officer who imposed the punishment.

§ 719.102 Letters of censure.

(a) *General.* "Censure" is a generic term applicable to adverse reflection upon or criticism of an individual's character, conduct, performance, or military appearance. Censure may be punitive or nonpunitive. Punitive censure is imposed as commanding officer's nonjudicial punishment or as the result of a sentence by court-martial. In increasing order of severity, there are two degrees of punitive censure, namely, "admonition" and "reprimand." Nonpunitive censure is provided for in paragraph 128, MCM, and in § 719.101(c). When imposed upon officers, punitive admonition or reprimand is required to be by written communication. If imposed upon enlisted personnel, punitive admonition or reprimand may be by either oral or written communication. Copies of punitive letters of admonition or reprimand, unless withdrawn or set aside, will be filed in the official records of the individuals to whom they are addressed and recorded in departmental records. As provided in § 710.101(l) of this chapter, once a letter of admonition or reprimand has been received by the individual to whom it is addressed, it may not be increased in severity or withdrawn to impose a more severe punishment. The remaining provisions of this section do not apply to oral censures of enlisted personnel or, unless specifically noted, to court-martial sentences involving admonition or reprimand.

(b) *Administrative letters of censure by the Secretary of the Navy.* In addition to the censures discussed in paragraph (a) of this section, the Secretary of the Navy may, by means of a written communication, administratively censure persons in the naval service without reference to 10 U.S.C. 815. Unless otherwise directed, a copy of the communication will be filed in the official record of the person censured and recorded in departmental records. The provisions of 10 U.S.C. 815, Chapter XXVI, MCM, and §§ 719.101 and 719.102 (including the right of appeal) are not applicable to administrative censure by the Secretary of the Navy. However, if the person censured is an officer and a copy of the communication is to be filed in his official record and recorded in departmental records, the officer being censured may submit such official statement as he may choose to make in reply. Any such reply shall be couched in temperate language and shall be confined to pertinent facts. Opinions shall not be expressed nor the motives of others impugned. Replies shall not contain countercharges.

(c) *Internal departmental responsibility.* Correspondence, records, and files in the Department of the Navy that relate to letters of admonition or reprimand are personnel matters under the primary cognizance of the Commandant of the Marine Corps or the Chief of Naval Personnel, as appropriate.

(d) *Procedure*—(1) *Issuing authority.* Where an officer has committed an offense which warrants a punitive letter of admonition or reprimand, the immediate commanding officer may, at his discretion, but subject to paragraphs 132 and 133, MCM, issue the letter or refer the matter through the chain of command, normally to the superior who exercises general court-martial jurisdiction and who has command over the prospective addressee (see § 719.101(a)(3)). Consideration must be given to the fact that the degree of severity and effect of punitive admonition or reprimand increases proportionately with the degree of superiority of the officer in command who issues the letter.

(2) *Hearing requirement.* Subject to the provisions of 10 U.S.C. 815, paragraph 132, MCM, and § 719.10(b) regarding demand for trial, a punitive letter may be issued, or its issuance recommended to higher authority, on the basis of an investigation or court of inquiry for acts or omissions for which the individual was accorded the rights of a party or on the basis of mast or office hours prescribed in paragraph 133b, MCM (see 719.101(d)). When mast or office hours is conducted, the officer conducting the hearing shall prepare a report thereof. The report shall include a summary of the testimony of witnesses, statements, and affidavits submitted to the officer holding the hearing, and a description of items of information in the nature of physical or documentary evidence considered at the hearing.

(e) *Content of letter.*—(1) *General.* A punitive letter of admonition or reprimand issued pursuant to 10 U.S.C. 815 may be imposed only for minor offenses (see paragraph 128b, MCM). Such offenses include only those acts or omissions constituting offenses under the punitive articles of the Uniform Code of Military Justice. The letter must set forth the facts constituting the offense but need not refer to any specific punitive article of the Uniform Code of Military Justice; nor must it satisfy the tests for legal sufficiency required of court-martial specifications. Each letter should contain sufficient specific facts, without regard to the existence of other documents, to apprise a reader of all relevant facts and circumstances surrounding the offense. General conclusions, such as "gross negligence," "unofficer-like conduct," or "dereliction of duty," are valueless unless accompanied by specific facts

upon which they are based. Sample letters of reprimand and admonition are set forth for guidance in Appendix section 1–b and 1–c.[1]

(2) *References.* In all punitive letters of admonition or reprimand, reference should be made to all prior proceedings and correspondence upon which they are based. Reference should also be made to applicable laws and regulations, including the MCM and this section. Particular reference should be made to the hearing afforded the offender. Where applicable, the letter shall include a statement that the recipient has been advised that he has the right to demand trial by court-martial in lieu of nonjudicial punishment and that he has not demanded such trial. See 10 U.S.C. 815.

(3) *Classification (security).* Every reasonable effort will be made to exclude specific details requiring security classification from punitive letters of admonition or reprimand. Unless it contains classified matter, a letter of censure shall be designated "For Official Use Only."

(4) *Notification of right to appeal and right to submit statement.* All punitive letters of admonition or reprimand, except letters issued in execution of a court-martial sentence as described in § 719.123(d), shall contain the following paragraphs:

> You are hereby advised of your right to appeal this action to the next superior authority, the _____ via [*here insert the official designation of the commanding officer issuing the letter or, if he is not the immediate commanding officer of the offender, the official designations of the immediate commanding officer of the offender and the commanding officer issuing the letter*] in accordance with the provisions of 10 U.S.C. 815(e), paragraph 135 of the Manual for Courts-Martial, and § 719.102(f).
>
> If, upon full consideration, you do not desire to avail yourself of this right to appeal, you are directed to so inform the issuing authority in writing within 15 days after the receipt of this letter.
>
> If, upon full consideration, you do desire to appeal from the issuance of this letter, you are advised that an appeal must be made within a reasonable time and that, in the absence of unusual circumstances, an appeal made more than 15 days after the receipt of this letter may be considered as not having been made within a reasonable time. If, in your opinion, unusual circumstances exist which make it impracticable or extremely difficult for you to prepare and submit your appeal within the 15-day period, you shall immediately advise the officer issuing this letter of such circumstances and request an appropriate extension of time within which to submit your appeal. Failure to receive a reply to such request will not, however, constitute a grant of such extension of time within which to submit your appeal.
>
> In all communications concerning an appeal from the issuance of this letter, you are directed to state the date of your receipt of this letter.
>
> Unless withdrawn, or set aside by higher authority, a copy of this letter will be placed in your official record in (the Bureau of Naval Personnel) (Headquarters, U.S. Marine Corps.) You are therefore privileged, pursuant to U.S. Navy Regulations, to forward within 15 days after receipt of final determination of your appeal or after the date of your notification of your decision not to appeal, whichever may be applicable, such statement concerning this letter as you may desire for inclusion in your record. (Omit "pursuant to U.S. Navy Regulations" in cases involving enlisted personnel.) If you elect not to submit a statement, you shall so state officially in writing within the time above prescribed. In connection with your statement, you are advised that any statement submitted shall be couched in temperate language and shall be confined to pertinent facts. Opinions shall not be expressed nor the motives of others impugned. Your statement may not contain countercharges. Your reporting senior is required to make notation of this letter in your fitness report submitted next after the issuance of this letter has become final, either by decision of higher authority upon appeal or by your decision not to appeal.
>
> (Omit last sentence in cases involving enlisted personnel.)

(f) *Appeals.* The following special rules are applicable to appeals invoving punitive letters of admonition or reprimand (in addition to those rules contained in § 719.101(f)).

(1) A copy of the report of mast or office hours shall be provided the individual upon his request except where the interests of national security may be adversely affected. In any event a copy shall be made available to him for his use in preparation of a defense or appeal. See § 719.101(f) for similar rules concerning a copy of the record of an investigation or court of inquiry.

(2) In forwarding an appeal from a punitive letter of admonition or reprimand (see § 719.101(f)(4)), the officer who issued the letter shall attach to the appeal a copy of the punitive letter and the record of investigation or court of inquiry or report of hearing on which the letter is based. The appeal shall be forwarded via the chain of command to the superior to whom the appeal is made. The superior to whom the appeal is made may direct additional inquiry or investigation into matters raised by the appeal if he deems such action necessary in the interests of justice.

(3) Appeals from a letter of admonition or reprimand imposed as nonjudicial punishment shall be forwarded as specified in § 719.101(f).

(4) Upon determination of the appeal, the superior shall advise the appellant of the action taken via his immediate commanding officer with copies of the action to officers in the chain of command through whom the appeal was forwarded. He shall also return all papers directly to the commander who issued the letter.

(g) *Forwarding letter to Department.* Upon adverse determination of any appeal taken, the lapse of a reasonable time after issuance (see § 719.101(f)), or upon receipt of the addressee's statement that he does not desire to appeal, together with such statement as he may desire to make or his written declaration that he does not desire to make a statement, a copy of the punitive letter of censure, and such other documents as may be required by the Chief of Naval Personnel or the Commandant of the Marine Corps shall be forwarded via the chain of command to the Chief of Naval Personnel or the Commandant of the Marine Corps, as appropriate. The command to which the addressee of the letter is then attached (if different from the forwarding command) and superior authority who took action on appeal pursuant to §§ 719.101(f) and 719.102(f) whether or not in the chain of command, shall be included as via addressee(s). If the letter of censure is not sustained on appeal, a copy of the letter shall not be filed in the official record of the member concerned. It is the responsibility of the command issuing a letter of admonition or reprimand to assemble and forward at one time all the foregoing documents. A copy of the forwarding letter shall be provided for each via addressee.

(h) *Cancellation.* (1) Except in certain highly infrequent situations, material properly placed in an officer's or enlisted member's official record is not removed therefrom or destroyed. When a letter of admonition or reprimand has been issued under 10 U.S.C. 815 and filed in the addressee's official record and it is shown that factual error occurred or that other sound reasons indicate that the punishment resulted in a clear injustice, the officers referred to in § 719.101 (j) may cancel or direct cancellation of the letter of admonition or reprimand. The authority (i.e., the office as distinguished from the former incumbent) which issued such a letter of admonition or reprimand may also cancel such a letter. In these cases, cancellation will be accomplished by issuing a second letter to the officer concerned announcing the cancellation of the letter of admonition or reprimand and setting forth in detail the reason prompting such cancellation. Copies of the letter of cancellation shall be forwarded to the Chief of Naval Personnel or the Commandant of the Marine Corps, as appropriate, and to other addressees to whom copies of the original letter of censure may have been directed. The copy of the letter of admonition or reprimand and any reference thereto filed in the recipient's official record shall then be removed and destroyed.

(2) If a letter of admonition or reprimand is canceled by superior authority before a copy of the original of such letter has been received by the Chief of Naval Personnel or the Commandant of the Marine Corps, no copy of the letter of admonition or reprimand will be filed in the member's official record. If the cancellation occurs after the copy of the letter of admonition or reprimand has

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been forwarded to the Department, a copy of the letter of cancellation shall be forwarded to the Chief of Naval Personnel or the Commandant of the Marine Corps, as appropriate. Upon receipt of the copy of the letter of cancellation, copies of the letter of admonition or reprimand shall not be filed in or, if already filed, shall be removed from the member's official record and destroyed. The order or letter of cancellation or a copy thereof shall not be filed in the member's official records. In other cases, physical removal of letters of admonition or reprimand and other documents in official records will normally be accomplished only by the Secretary of the Navy acting through the Board for Correction of Naval Records. However, if a letter of censure is filed inadvertently by reason of clerical error or mistake of fact, such document may be removed as authorized by the Chief of Naval Personnel or the Commandant of the Marine Corps, as appropriate.

(i) *Public reprimands-Private reprimands.* For historical purposes and understanding of the captioned types of censure, brief comment is supplied thereon. Under Article 24 of the Articles for the Government of the Navy (superseded by the Uniform Code of Military Justice), "private reprimand" was one of the punishments specified as being within the authority of a commanding officer to impose upon officers under his command. The word "private" was employed to distinguish a formal letter of reprimand addressed to an individual officer without general publicity from a "public reprimand," i.e., one published verbatim throughout the naval service. Omission of the word "private" preceding "admonition or reprimand" in 10 U.S.C. 815 does not constitute authority to commanding officers to issue "public reprimands," which are looked upon with disfavor by the Department of the Navy.

Subpart B—Convening Courts-Martial

§ 719.103 Designation of additional convening authorities.

(a) *General courts-martial.* In addition to those officers authorized by 10 U.S.C. 822(a) (3) through (5) and (7), the following officers are, under the authority granted to the Secretary of the Navy by Uniform Code of Military Justice 10 U.S.C. 822(a)(6), designated as empowered to convene general courts-martial:

(1) All flag or general officers, or their immediate temporary successors, in command of units or activities of the Navy or Marine Corps.

(2) The following officers or their successors in command:

Chief of Naval Operations.
Vice Chief of Naval Operations.
Commandant of the Marine Corps.
Commander, Service Group One.
Commander, Service Force, Sixth Fleet.
Commanders, Fleet Air Wings.
Commanders, Fleet Air Commands.
Commander, Morocco—U.S. Naval Training Command.
Commanding Officer, U.S. Naval Support Activity, Naples.
Commander, U.S. Naval Activities, Spain.
Commander, U.S. Naval Training Center, Bainbridge, Md.
Commander, U.S. Naval Training Center, Great Lakes, Ill.
Commander, U.S. Naval Training Center, San Diego, Calif.
Commander, U.S. Naval Training Center, Orlando, Fla.

(3) The Commanding Officer, U.S. Naval Disciplinary Command, Portsmouth, New Hampshire, is hereby designated as empowered to exercise limited general court-martial jurisdiction for the purpose of performing the functions described in paragraphs 100c, 102, and 107, MCM. See § 719.129(a)(2) concerning the clemency powers of the Commanding Officer of the Naval Disciplinary Command.

(b) *Special courts-martial.* In addition to those officers otherwise authorized by 10 U.S.C. 23(a) (1) through (6), the following officers are, under the authority granted to the Secretary of the Navy by 10 U.S.C. 823(a)(7), empowered to convene special courts-martial:

(1) Commanding officers of all battalions and squadrons, including both regular and reserve Marine Corps commands.

(2) Any commander whose subordinates in the tactical or administrative chain of command have authority to convene special courts-martial.

(3) All commanders and commanding officers of units and activities of the Navy, except inactive duty training Naval Reserve units.

(4) All directors, Marine Corps Districts.

(5) All administrative officers, U.S. Naval Shipyards.

(6) All directors, Navy Recruiting, Navy Recruiting Areas.

(7) All Inspector-Instructors, Marine Corps Reserve Organizations.

(c) *Summary courts-martial.* Those officers who are empowered to convene general and special courts-martial may convene summary courts-martial.

(d) *Requests for authority to convene general, special, and summary courts-martial.* (1) If authority to convene general courts-martial is desired for an officer who is not empowered by statute or regulation to convene such courts, a letter shall be forwarded to the Judge Advocate General, via the Chief of Naval Operations or the Commandant of the Marine Corps, as appropriate, with the request that authorization be obtained from the Secretary of the Navy pursuant to 10 U.S.C. 823.

(2) If authority to convene special or summary courts-martial is desired for officers other than those listed in subparagraphs (3) and (4) of this paragraph, and such officers are not empowered by statute or regulation to convene such courts, a letter shall be forwarded to the Judge Advocate General, via the Chief of Naval Operations or the Commandant of the Marine Corps, as appropriate, with the request that authorization be obtained from the Secretary of the Navy pursuant to 10 U.S.C. 823(a)(7) or 10 U.S.C. 824(a)(4), as appropriate.

(3) If authority to convene special or summary courts-martial is desired for the commanding officer or officer in charge of any command designated as separate or detached under the provisions of U.S. Navy Regulations, the officer designating the organization as separate or detached shall request the Judge Advocate General to obtain authorization from the Secretary of the Navy pursuant to 10 U.S.C. 823(a)(7). The request shall state that the organization has been designated as separate or detached.

(4) If authority to convene special or summary courts-martial is desired for an officer designated as the commanding officer of staff enlisted personnel under the provisions of U.S. Navy Regulations, the designating commander shall request the Judge Advocate General to obtain authorization from the Secretary of the Navy pursuant to 10 U.S.C. 823(a)(7).

(5) Requests for authority to convene summary courts-martial are processed by the Judge Advocate General with other requests for authority to convene special courts-martial. A single letter of authorization, signed by the Secretary, will empower all addressees to convene special courts-martial. Upon receipt of the Secretary's letter, therefore, a superior commander who originally requested only summary court-martial authorization for his subordinate commander shall, pursuant to § 719.107(a), issue a letter to that subordinate commander restricting the authority granted to the convening of summary courts-martial. Copies of such letters of restriction shall be forwarded to the Judge Advocate General.

(6) Copies of all secretarial letters of authorization are maintained in the Military Justice Division, Office of the Judge Advocate General.

§ 719.104 Preparation of convening orders.

(a) *Form.* Convening and amending orders should be in the form set forth in Appendix 4, MCM.

(b) *Contents.* The text of the order is indicated by the forms in Appendix 4, MCM, and notes therein. Each convening order shall be assigned a Court-Martial Convening Order Number. The order shall be personally subscribed by the convening authority and shall show his name, grade, and title, including organization or unit. A copy of the convening order shall be furnished to each person named in such order. A copy of any amending order shall be furnished to each person named in the convening order to which such amending order pertains.

§ 719.105 Changes in membership after court has been assembled.

10 U.S.C. 829(a) provides that no member of a general or special court-martial may be absent or excused after the court has been assembled for the trial of the accused except for physical disability or as a result of a challenge or by order of the convening authority for good cause.

§ 719.106 Convening special courts-martial.

(a) *Bad conduct discharge cases.* As used herein, a bad conduct discharge case is one in which a bad conduct discharge is authorized, i.e., in which either because of the offenses charged or the accused's previous convictions, the maximum punishment authorized includes a bad conduct discharge, and in which the convening authority has not included in his endorsement on the charge sheet a direction that the authorized maximum punishment shall not include a bad conduct discharge. In bad conduct discharge cases, the convening authority shall detail to the court a military judge, a defense counsel having the qualifications prescribed under 10 U.S.C. 827(b), and a reporter: *Provided*, That a military judge need not be so detailed in any case in which a military judge cannot be detailed because of physical conditions or military exigencies. In some cases, detailed written explanation by the convening authority is required to be prepared prior to trail. See paragraph 15b, MCM.

(b) *Non-bad-conduct discharge cases.* In cases in which neither the offenses charged nor the accused's previous record authorize the imposition of a bad conduct discharge, or in which the convening authority has directed that a bad conduct discharge shall not be an authorized punishment, the convening authority may, but is not required to, detail a military judge, certified defense counsel, and a court reporter to the court. However, in every case the accused must be afforded the opportunity to be represented at trial by counsel having the qualifications prescribed under 10 U.S.C. 827(b), unless counsel having such qualifications cannot be obtained on account of physical conditions or military exigencies. In such cases, detailed written explanation by the convening authority is required to be prepared prior to assembly of the court. See paragraph 6c, MCM.

§ 719.107 Restrictions on exercise of court-martial jurisdiction.

(a) *Special and summary courts-martial.* In accordance with the provisions of paragraph 5b(4) and 5c, MCM, exercise of authority to convene summary and special courts-martial may be restricted by a competent superior commander.

(b) *Right to refuse summary court-martial.* All persons in the Navy and Marine Corps have the absolute right to refuse trial by summary court-martial.

(c) *Units attached to a ship.* The commanding officer or officer in charge of a unit attached to a ship of the Navy for duty therein should, while the unit is embarked therein, refrain from exercising any power he might possess to convene and order trial by special or summary court-martial, referring all such matters to the commanding officer of the ship for disposition. The foregoing policy does not apply to Military Sea Transportation Service vessels operating under a master, nor is it applicable where an organized unit is embarked for transportation only.

(d) *Jurisdiction under 10 U.S.C. 802 (4), (5), (6), and 10 U.S.C. 803.*

(1) *Policy.* In all cases in which jurisdiction is dependent upon the provisions of 10 U.S.C. 802 (4), (5), (6), and 10 U.S.C. 803, the following policies apply:

(i) No case of a retired member of the regular component of the Navy or Marine Corps not on active duty but entitled to receive pay, a retired member of the Naval Reserve or Marine Corps Reserve not on active duty who is receiving hospitalization from an armed force, or a member of the Fleet Reserve or Fleet Marine Corps Reserve not on active duty will be referred for trial by court-martial without the prior authorization of the Secretary of the Navy. This rule applies to offenses allegedly committed by such persons regardless of whether they were on active duty either at the time of the alleged offense or at the time they were accused or suspected of the offense.

(ii) No case in which jurisdiction is based on 10 U.S.C. 803 will be referred for trial by court-martial without the prior authorization of the Secretary of the Navy.

(iii) If authorization is withheld under subdivision (i) or (ii) of this subparagraph, the Judge Advocate General shall indicate alternative action or actions, if any, to the convening authority.

(2) *Request for authorization.* Requests for authorization should contain the following information: The nature of the offense or offenses charged; a summary of the evidence in the case; the facts showing amenability of accused to trial by court-martial; whether civil jurisdiction exists; the military status of the accused or suspected person at the present and at the time of the alleged offense; and the reasons which make trial by court-martial advisable. Requests shall be addressed to the Secretary of the Navy and shall be forwarded by air mail or other expeditious means. If considered necessary, authorization may be requested directly by message or telephone.

(3) *Apprehension and restraint.* Specific authorization of the Secretary of the Navy is required prior to apprehension, arrest, or confinement of any person who is amenable to trial by court-martial solely by reasons of the provisions of 10 U.S.C. 802 (4), (5), or (6) or 10 U.S.C. 803.

(4) *Tolling statute of limitations.* The foregoing rules shall not impede the preferring and processing of sworn charges under 10 U.S.C. 830 when such preferring and processing are necessary to prevent the barring of trial by the statute of limitations. See 10 U.S.C. 843 and paragraphs 29, 31, 33b, and 68c, MCM.

(5) *Recall to active duty.* Members described in subparagraph (1)(i) of this paragraph may not be recalled to active duty solely for trial by court-martial.

(e) *Cases which have been adjudicated in domestic or foreign criminal courts—*

(1) *Policy.* A person in the naval service who has been tried in a domestic or foreign court, whether convicted or acquitted, or whose case has been adjudicated by juvenile court authorities, shall not be tried by court-martial for the same act or acts, except in those unusual cases where trial by court-martial is considered essential in the interests of justice, discipline, and proper administration within the naval service. Such unusual cases shall not be referred for trial without specific permission as provided below.

(2) *Criteria.* Referral for trial within the terms of this policy shall be limited to cases involving substantial discredit to the naval service and which meet one of the following criteria:

(i) Cases in which punishment by civil authorities consists solely of probation, and local practice does not provide rigid supervision of probationers, or the military duties of the probationer make supervision impractical.

(ii) Cases in which civil authorities have, in effect, divested themselves of responsibility by an acquittal manifestly against the evidence, or by the imposition of an exceptionally light sentence on the theory that the individual will be returned to the naval service and thus removed as a problem to the local community.

(iii) Cases of homosexuality in which mild penalties have been imposed upon conviction. Homosexuality is a more serious problem in the military society because of the close-contact living and working conditions of its members.

(iv) Other cases in which the interests of justice and discipline are considered to require further action under the Uniform Code of Military Justice (where conduct leading to trial before a foreign court has reflected adversely upon the naval service itself).

(3) *Procedure.*—(i) *General and special courts-martial.* No case described in subparagraph (2) of this paragraph shall be referred for trial by general court-martial or special court-martial without the prior permission of the Secretary of the Navy. Requests for such permission shall be forwarded by the general court-martial authority concerned (or by the special court-martial authority concerned via the general court-martial authority) to the Secretary of the Navy via the Commandant of the Marine Corps or the Chief of Naval Personnel, as appropriate, and the Judge Advocate General.

(b) *Summary courts-martial.* No case described in subparagraph (2) of this paragraph shall be referred for trial by summary court-martial without the prior permission of the officer exercising general court-martial jurisdiction over the command. Grants of such permission shall be reported by the general court-martial authority concerned by means of a letter addressed to the Secretary of the Navy in which he shall describe the offense alleged, the action taken by civil authorities, and the circumstances bringing the case within one or more of the exceptions to the general policy.

(i) *Reporting requirements.* The provisions of this section do not affect the reporting requirements or other actions required under other regulations in cases

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of convictions of service personnel by domestic or foreign courts and adjudications by juvenile court authorities.

(4) *Limitations.* Personnel who have been tried by courts which derive their authority from the United States, such as U.S. District Courts, shall not be tried by court-martial for the same act or acts. See paragraph 68d, MCM.

(f) *Cases involving classified information.* (1) See OPNAVINST 5510.1 series for procedures relating to trial of cases involving classified information.

(2) See SECNAVINST 5511.4 series for policies relating to trial of cases involving cryptographic systems and publications.

(g) *Major Federal offenses*—(1) *Background.* The Federal civil authorities have concurrent jurisdiction with military authorities over offenses committed by military personnel which violate both the Federal criminal law and the Uniform Code of Military Justice. The Attorney General and the Secretary of Defense have agreed on guidelines for determining which authorities shall have jurisdiction to investigate and prosecute major crimes in particular cases. The administration of this program, on behalf of the naval service, has been assigned to the Naval Investigative Service. Guidelines are set forth in SECNAVINST 5430.13 series.

(2) *Limitation on court-martial jurisdiction.* Commanding officers receiving information indicating that naval personnel have committed a major Federal offense (including any major criminal offense, as defined in SECNAVINST 5430.13 series, committed on a naval installation) shall refrain from taking action with a view to trial by court-martial, but shall refer the matter to the commanding officer of the cognizant Naval Investigative Service Office, or his nearest representative, for a determination in accordance with SECNAVINST 5430.13 series. In the event that the investigation of any such case is referred to a Federal civilian investigative agency, any resulting prosecution normally will be conducted by the cognizant U.S. attorney, subject to the exceptions set forth below.

(3) *Exceptions.* (i) Where it appears that naval personnel have committed several offenses, including both major Federal offenses and serious but purely military offenses, naval authorities are authorized to investigate all of the suspected military offenses, and such of the civil offenses as may be practicable, and to retain the accused for prosecution. Any such action shall be reported immediately to the Secretary of the Navy (Judge Advocate General) and to the cognizant officer exercising general court-martial jurisdiction.

(ii) When, following referral of a case to a civilian Federal investigative agency for investigation, the cognizant U.S. attorney declines prosecution, the investigation normally will be resumed by the Naval Investigative Service, and the command may then commence court-martial proceedings as soon as the circumstances warrant.

(iii) If, while investigation by a Federal civilian investigative agency is pending, existing conditions require immediate prosecution by naval authorities, the officer exercising general court-martial jurisdiction will contact the cognizant U.S. attorney to seek approval for trial by court-martial. If agreement cannot be reached at the local level, the matter shall be referred to the Judge Advocate General for disposition.

(4) *Related matters.* See SECNAV INST 5430.13 series for procedures in cases involving civilian employees. See Part 720 of this chapter concerning the interviewing of naval personnel by Federal investigative agencies and the delivery of personnel to Federal authorities.

§ 719.108 Superior competent authority defined.

(a) *Accuser in a Navy chain of command.* Whenever a commanding officer comes within the purview of 10 U.S.C. 822(b) and 823(b), the "superior competent authority" as used in those articles is, in the absence of specific direction to the contrary by an officer authorized to convene general courts-martial and superior in the chain of command to such accuser, the area coordinator authorized to convene general or special courts-martial, as appropriate. For mobile units, the area coordinator for the above purpose is the area coordinator most accessible to the mobile unit at the time of forwarding of the charges. When the cognizant area coordinator is not superior in rank or command to the accuser, or when the accuser is an area coordinator, or if it is otherwise impossible or impracticable to forward the charges as specified above, they shall be forwarded to any superior officer exercising the appropriate court-martial jurisdiction (see paragraph 33i, MCM). An immediate or delegated area coordinator may receive the charges in lieu of the area coordinator if he is authorized to convene the appropriate court-martial and is superior in rank or command to the accuser.

(b) *Accuser in the chain of command of the Commandant of the Marine Corps.* Whenever a commanding officer comes within the purview of 10 U.S.C. 822(b) and 823(b), the "superior competent authority" as used in those articles is defined as any superior officer in the chain of command authorized to convene a special or general court-martial, as appropriate. If such an officer is not reasonably available, or if it is otherwise impossible or impracticable to so forward the charges, they shall be forwarded to any superior officer exercising the appropriate court-martial jurisdiction. See paragraph 33i, MCM.

Subpart C—Trial Matters

§ 719.109 Trial guides.

(a) *Summary courts-martial.* For the conduct of summary courts-martial, guidance may be obtained in NAVPERS 10091, Trial Guide for Summary Courts-Martial. The trial guide is for assistance and does not have the mandatory effect of regulations.

(b) *Special courts-martial with a military judge.* A special court-martial with a military judge, to the extent possible, should follow the same procedures as a general court-martial, including any 10 U.S.C. 839(a) session that may be held. See appendix 8 a and b, MCM.

§ 719.110 Reporters and interpreters.

(a) *Appointment.*—(1) *Reporters.* In each case before a general court-martial or before a military commission, the convening authority shall detail a qualified court reporter or reporters. The detail of qualified court reporters in cases of special courts-martial shall be in accordance with § 719.106 (a) and (b). If no reporter is detailed and sworn, the special court-martial may not adjudge a bad conduct discharge. (See paragraphs 15b and 33j, MCM, as to when bad conduct discharges may be adjudged by special courts-martial.) Detailed reporters shall record in shorthand or by mechanical or other means the proceedings of, and the testimony taken before, the court or commission. A reporter may be detailed by the convening authority of a summary court-martial, by the officer who orders an investigation under 10 U.S.C. 832, or by the officer who directs the taking of a deposition. As directed by the trial counsel of a general or special court-martial or by the summary court, the reporter shall prepare either a verbatim or a summarized record and shall preserve the complete shorthand notes or mechanical record of the proceedings as provided in § 719.120. Additional clerical assistants may be detailed when necessary.

(2) *Interpreters.* In each case before a court-martial or military commission, in each investigation conducted under 10 U.S.C. 832 and in each instance of the taking of a deposition, the convening authority or the officer directing such proceeding shall appoint, when necessary, an interpreter for the court, commission, investigation, or officer taking the deposition.

(3) *Manner of appointment.* Appointment of reporters and interpreters by the convening authority or authority directing the proceedings may be effected personally by him or, at this discretion, by any other person. Such appointment may be oral or in writing.

(b) *Source and expenses.* Whenever possible, reporters, interpreters, and clerical assistants shall be detailed from either naval or civilian personnel serving under the convening authority or officer directing the proceeding, or placed at his disposal by another officer or by other Federal agencies. When necessary, the convening authority or officer directing the proceeding may employ or authorize the employment of a reporter or interpreter, at the prevailing wage scale, for duty with a general or special court-martial, military commission, an investigation under 10 U.S.C. 832, or at the taking of a deposition. No expense to the Government shall be incurred by the employment of a reporter, interpreter, or other person to assist in a court-martial, military commission, 10 U.S.C. 832 investigation, or the taking of a deposition,

except when authorized by the convening authority or officer directing the proceeding. When required reporters or interpreters are not available locally, the convening authority or officer directing the proceeding shall communicate with the Chief of Naval Personnel or Commandant of the Marine Corps, as appropriate, requesting that such assistance be provided or authorized.

§ 719.111 Oaths.

(a) *Military judges.* A military judge, certified in accordance with 10 U.S.C. 826(b), may take a one-time oath to perform his duties faithfully and impartially in all cases to which he is detailed. This oath may be taken at any time and may be administered by any officer authorized by 10 U.S.C. 936 and section 2502 to administer oaths. Once such an oath is taken, the military judge need not be resworn at any court-martial to which he is subsequently detailed. Military judges will customarily be given a one-time oath. In the event that a military judge detailed to a particular court-martial has not been previously sworn, the trial counsel shall administer the oath to the military judge at the appropriate point in the proceedings. The following oath shall be used for the swearing in of military judges:

I _____ do swear (or affirm) that I will faithfully and impartially perform, according to my conscience and the laws applicable to trials by courts-martial, all the duties incumbent upon me as military judge. So help me God.

(b) *Counsel.* Any military counsel, certified in accordance with (10 U.S.C. 827 (b), may be given a one-time oath. Such oath will customarily be administered when military counsel is certified. The oath may be given at any time and by any officer authorized by 10 U.S.C. 936, and section 2502 to administer oaths. Once such an oath is taken, counsel need not be resworn at any trial to which he is detailed trial counsel, assistant trial counsel, defense counsel or assistant defense counsel, or in any case in which he is serving as individual counsel at the request of the accused. Individual counsel, military (not certified) or civilian, requested by the accused must be sworn in each case. Detailed trial and defense counsel who are not certified in accordance with 10 U.S.C. 827(b) must be sworn in each case. Counsel who have taken one-time oaths administered by forces of the armed services other than the naval services need not again be sworn in courts-martial convened in the naval service. The following oath may be used in administering a one-time oath to counsel:

I _____ do swear (or affirm) that I will faithfully perform the duties of counsel in any court-martial to which I am detailed as counsel or in which I participate as individual defense counsel. So help me God.

(c) *Court members.* Court members may be given one oath for all cases which are referred to the court in accordance with the convening order which detailed them as members. In the event the convening order is amended, a new member may be sworn when he arrives. This oath may be administered by any officer authorized by 10 U.S.C. 936, and section 2502 of the Manual of the Judge Advocate General to administer oaths. When court members are not sworn at trial, the fact that they have previously been sworn will be recorded in the transcript or record of trial. The oaths used for court members will be those prescribed in paragraph 114b, MCM. See also appendix 8b, MCM.

(d) *Reporters.* Any court reporter, military or civilian, may be given a one-time oath. The oath normally will be administered by trial counsel in the first court-martial to which the court reporter is assigned. Once such oath is taken, the court reporter need not be resworn at any trial to which he is assigned. Each command to which court reporters are permanently attached shall maintain a record of the one-time oaths administered to reporters attached to that command. In addition, a notation of the fact that a military court reporter has taken a one-time oath should be placed in the service record of such court reporter for future reference with instructions that such notation be retained in the service record upon re-enlistment. When the court reporter is not sworn at trial, the fact that he has been previously sworn will be recorded in the transcript or record of trial. The following oath may be used in administering a one-time oath to court reporters:

I _____ do swear (or affirm) that I will faithfully perform the duties of reporter in any court-martial to which I am assigned as reporter. So help me God.

(e) *Interpreters.* Interpreters will be sworn by the trial counsel as provided in paragraph 114e, MCM.

§ 719.112 Authority to grant immunity from prosecution.

(a) *General.* In certain cases involving more than one participant, the interests of justice may make it advisable to grant immunity from prosecution to one or more of the participants in the offense in consideration for their testifying for the Government in the investigation and the trial of the principal offender. The authority to grant immunity from prosecution to a witness is reserved to officers exercising general court-martial jurisdiction. This authority may be exercised in any case whether or not formal charges have been preferred and whether or not the matter has been referred for trial. The approval of the Attorney General of the United States on certain orders to testify may be required, as outlined below.

(b) *Procedure.* The written recommendation that a certain witness be granted immunity from prosecution in consideration for testimony deemed essential to the Government shall be forwarded to the cognizant officer exerising general court-martial jurisdiction by the trial counsel in cases referred for trial, the pretrial investigating officer conducting an investigation upon preferred charges, the counsel or recorder of any other fact-finding body, or the investigator when no charges have been preferred. The recommendation shall state in detail why the testimony of the witness is deemed so essential or material that the interests of justice cannot be served without the grant of immunity. The officer exercising general court-martial jurisdiction shall act upon such request after referring it to his staff judge advocate for consideration and advice.

(c) *Civilian witnesses.* Pursuant to 18 U.S.C. 6002 and 6004, if the testimony or other information of a civilian witness at a court-martial may be necessary to the public interest, and if the civilian witness has refused or is likely to refuse to testify or provide other information on the basis of his privilege against self-incrimination, then the approval of the Attorney General of the United States or his designee must be obtained prior to the issuance of an order to testify to the witness by the cognizant officer exercising general court-martial jurisdiction. The officer exercising general court-martial jurisdiction may obtain the approval of the Attorney General in such a circumstance by directing a letter to the Judge Advocate General requesting assistance in obtaining a grant of immunity for the civilian witness and enclosing the signed order to testify sought to be approved. The order to testify should be substantially in the form set forth in Appendix section 1–d(2),[1] Requests to grant immunity to civilian witnesses must be in writing, allowing at least 3 weeks for consideration, and must contain the following information:

(1) Name, citation, or other identifying information, of the proceeding in which the order is to be used.

(2) Name of the individual for whom the immunity is requested.

(3) Name of the employer or company with which he is associated.

(4) Date and place of birth, if known, of the witness.

(5) FBI number or local police number, if any, and if known.

(6) Whether any State or Federal charges are pending against the prospective witness and the nature of the charges.

(7) Whether the witness is currently incarcerated, under what conditions, and for what length of time.

(8) A brief résumé of the background of the investigation or proceeding before the agency or department.

(9) A concise statement of the reasons for the request, including:

(i) What testimony the prospective witness is expected to give;

(ii) How this testimony will serve the public interest;

(iii) Whether the witness (*a*) has invoked the privilege against self incrimination; or (*b*) is likely to invoke the privilege;

(iv) If subdivision (iii) (*b*) of this subparagraph is applicable, then why it is anticipated that the prospective witness will invoke the privilege.

[1] Filed as part of the original document.

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(10) An estimate as to whether the witness is likely to testify in the event immunity is granted.

(d) *Civilian witnesses—post-testimony procedure.* After the witness has testified, the following information should be provided to the United States Department of Justice, Criminal Division, Immunity Unit, Washington, D.C. 20530.

(1) Name, citation, or other identifying information, of the proceeding in which the order was requested.

(2) Date of the examination of the witness.

(3) Name and residence address of the witness.

(4) Whether the witness invoked the privilege.

(5) Whether the immunity order was used.

(6) Whether the witness testified pursuant to the order.

(7) If the witness refused to comply with the order, whether contempt proceedings were instituted, or are contemplated, and the result of the contempt proceeding, if concluded. A copy of this correspondence together with a verbatim transcript of the witness' testimony, authenticated by the military judge, should be provided to the Judge Advocate General at the conclusion of the trial. No testimony given by a civilian witness pursuant to such an order to testify can be used against him in any criminal case, except a prosecution for perjury, giving a false statement, or otherwise failing to comply with the order.

(e) *Review.* The officer granting immunity to a witness is thereafter precluded from taking reviewing action on the record of the trial before which the witness granted immunity testified. However, a successor in command not participating in the grant of immunity is not so precluded.

(f) *Form of grant.* In any case in which a witness is granted immunity, the general court-martial convening authority should execute a written agreement substantially in the form set forth in Appendix section 1-d(1).[1]

§ 719.113 10 U.S.C. 839(a) Sessions.

(a) *Procedure.* 10 U.S.C. 839(a) sessions will be called by order of the military judge. Either counsel, however, may make a request to the military judge that such a session be called. 10 U.S.C. 839(a) sessions prior to assembly are encouraged, and every effort should be made to resolve at that time those issues which would otherwise be considered out of the hearing of the members of the court. At an 10 U.S.C. 839(a) session held prior to assembly, the military judge may inquire into the accused's desire to be tried by a military judge alone. If the accused does so desire, the court may be immediately assembled with all further proceedings taking place subsequent to assembly. The military judge should determine at the initial 10 U.S.C. 839(a) session whether counsel have been sworn. If not, the appropriate oath should be administered at this time. See § 719.111(a). If the accused does not request to be tried by military judge alone, the 10 U.S.C. 839(a) session may proceed. The military judge of a general or special court-martial may, at an 10 U.S.C. 839(a) session hold the arraignment, hear arguments and rule upon motions, and receive the pleas of the accused. (See paragraph 53d, MCM.) If the accused pleads guilty, the military judge may at that time make the appropriate inquiry into the providence of his plea. The military judge may also at that time accept the plea of the accused. Upon acceptance of a plea of guilty, the military judge is authorized to enter a finding of guilty immediately and without further formalities. If the accused has pleaded guilty to some but not all of the charges and specifications, the military judge may enter findings of guilty on those charges and specifications to which the accused has pleaded guilty. When a finding of guilty has been so entered, the military judge need only inform the court members after assembly that the accused has been arraigned, a plea of guilty has been entered and accepted, and he has been found guilty. At an 10 U.S.C. 839(a) session either counsel may make challenges for cause or premptory challenges if he so desires. If questioning of a particular court member is desired, the military judge may, in his discretion, request the court member to appear at the 10 U.S.C. 839(a) session. The use of this procedure does not preclude voir dire of the court after assembly, further challenges at that time, or subsequent challenges as provided by paragraph 62d, MCM. If all matters have not been considered at the initial 10 U.S.C. 839(a) session, other 10 U.S.C. 839(a) sessions may be held prior to or after assembly of the members. An 10 U.S.C. 839(a) session is not authorized to be held by the president of a special court-martial without a military judge.

(b) *Entry of findings without a vote.* In special courts-martial without a military judge and in courts-martial with a military judge in which the plea has not been accepted at a previous Article 39(a) session, the president of the court or the military judge, as appropriate, may enter a finding of guilty without vote immediately upon the acceptance of a plea of guilty.

§ 719.114 Pretrial agreements in general and special courts-martial.

(a) *Legality of pretrial agreements.* Under the provisions of the Uniform Code of Military Justice, it is legal and proper for the convening authority to make a pretrial agreement as to charges and specifications upon which the accused will be tried and/or the maximum sentence which will be finally approved by the convening authority if the accused pleads guilty. Experience has shown that opportunities for advanced planning, savings in money and manpower, and a more expeditious administration of justice can be affected by such agreements.

(b) *Action by convening authorities.* Convening authorities and their staff judge advocates will take necessary action to insure that the rights of accused persons are fully protected in cases where there is a pretrial agreement. To that end, the following procedures shall apply:

(1) *General courts-martial.* (i) The offer to plead guilty must originate with the accused and his counsel and should be submitted to the assigned trial counsel who will conduct all arrangements as to the offer and make recommendations with respect thereto to the convening authority through the staff judge advocate. Whether or not the convening authority enters into such a pretrial agreement is a matter within his sound discretion. The agreement, if made, must be in writing and must be personally signed by the convening authority and the accused and witnessed on behalf of the accused by his counsel. A suggested form of such an agreement is set forth in Appendix section 1-e,[1] but this form must be modified as appropriate to include all of the agreement made between the accused and the convening authority. No matters "understood" between the parties should be omitted from the written agreement. The sentence which will ultimately be approved by the convening authority (under various sentences which may be adjudged by the court, if desired) shall be set forth clearly and should, under all of the circumstances of the particular case, be appropriate for the offense or offenses.

(ii) The offer of the accused to plead guilty will not be accepted if the Government has reason to believe that the evidence which it will be able to produce at the trial will be insufficient to convict. Unreasonable multiplication of charges which might tend to persuade the accused to enter into a pretrial agreement shall be avoided; nor shall an accused be induced to plead guilty to a lesser included offense by the preferring of more serious charges—as, for example, by preferring a charge of desertion where the evidence indicates that unauthorized absence is the appropriate charge.

(iii) Except for the military judge, under no circumstance will the court be officially informed of any negotiation between counsel and the convening authority on the subject of a pretrial agreement; of any such agreement existing at the time of trial; or of any such agreement made and later rejected by the accused to permit a plea of not guilty. Precaution shall also be taken to prevent the court, insofar as possible, from obtaining unofficial knowledge of the foregoing. A pretrial agreement will not preclude the accused from presenting matter in mitigation and extenuation; and counsel for the accused has a continuing duty, despite such an agreement, to vigorously represent the accused before the court with respect to the sentence to be adjudged. The military judge is authorized to examine in toto the pretrial agreement in those cases in which he sits with members of the court. The military judge hearing the case alone, without members, is not, prior to his adjudging sentence, authorized to examine or inquire into that portion of the pretrial agreement which sets forth the specific sentence agreed upon by the accused and the convening authority.

(iv) In all cases where there is a pretrial agreement followed by a guilty plea of the accused, the agreement (in a form substantially similar to that set forth in appendix section 1-e)[1] shall, where it has not been made a part of the record of proceedings as an appellate exhibit or otherwise, be made an enclosure to the review of the staff judge advocate prescribed by paragraph 85, MCM.

(2) *Special courts-martial.* (i) The procedures set forth above relating to pretrial agreements in general courts-martial are applicable to special courts-martial except as provided in subdivisions (ii) and (iii) of this subparagraph.

(ii) The provisions of subparagraph (1)(i) of this paragraph relating to submission of the proposed agreement through the staff judge advocate are not applicable in those cases in which the convening authority has no staff judge advocate. A suggested form of the agreement is set forth in appendix section 1-f.[1]

(iii) In those cases wherein the agreement contemplates a punitive discharge, if counsel for the accused is not a lawyer within the meaning of 10 U.S.C. 827(b), additional counsel so qualified shall be made available to the accused, unless specifically waived by the accused. Such additional counsel will advise the accused relative to the pretrial agreement and will also witness the signature of the accused thereon. In all cases where there is a pretrial agreement followed by a guilty plea, the agreement (in a form substantially similar to that set forth in appendix section 1-f),[1] shall, where it has not been made a part of the record of proceedings as an appellate exhibit or otherwise, be made an enclosure to the convening authority's action on the record of trial.

§ 719.115 Release of information pertaining to accused persons; spectators at judicial sessions.

(a) *Release of information—(1) General.* There are valid reasons for making available to the public information about the administration of military justice. The task of striking a fair balance between the protection of individuals accused of offenses against improper or unwarranted publicity pertaining to their cases, and public understanding of the problems of controlling misconduct in the military service and of the workings of military justice, depends largely on the exercise of sound judgment by those responsible for administering military justice and by representatives of the press and other news media. At the heart of all guidelines pertaining to the furnishing of information concerning an accused or the allegations against him is the mandate that no statements or other information shall be furnished to news media for the purpose of influencing the outcome of an accused's trial, or which could reasonably have such an effect.

(2) *Applicability of regulations.* These regulations apply to all persons who may obtain information as the result of duties performed in connection with the processing of accused persons, the investigation of suspected offenses, or the trial of persons by court-martial. These regulations are applicable from the time of apprehension, the preferral of charges, or the commencement of an investigation directed to make recommendations concerning disciplinary action, until the completion of trial (court-martial sessions) or disposition of the case without trial. These regulations also prescribe guidelines for the release or dissemination of information to public news agencies, to other public news media, or to other persons or agencies for unofficial purposes.

(3) *Release of information.* (i) As a general matter, release of information pertaining to accused persons should not be initiated by persons in the naval service. Information of this nature should be released only upon specific request therefor, and, subject to the following guidelines, should not exceed the scope of the inquiry concerned.

(ii) Except in unusual circumstances, information which is subject to release under this regulation should be released by the cognizant public affairs officer; and requests for information received by others from representatives of news media should be referred to such officer for action. When an individual is suspected or accused of an offense, care should be taken to indicate that the individual is alleged to have committed or is suspected or accused of having committed an offense, as distinguished from stating or implying that the accused has committed the offense or offenses.

(4) *Information subject to release.* On inquiry, the following information concerning a person accused or suspected of an offense or offenses may generally be released except as provided in subparagraph (6) of this paragraph:

(i) The accused's name, grade, age, unit, regular assigned duties, residence.

(ii) The substance of the offenses of which the individual is accused or suspected.

(iii) The identity of the victim of any alleged or suspected offense, except the victim of a sexual offense.

(iv) The identity of the apprehending and investigating agency, and the identity of counsel of the accused, if any.

(v) The factual circumstances immediately surrounding the apprehension of the accused, including the time and place of apprehension, resistance, pursuit, and use of weapons.

(vi) The type and place of custody, if any.

(vii) Information which has become a part of the record of proceedings of the court-martial in open session.

(viii) The scheduling or result of any stage in the judicial process.

(ix) The denial by the accused of any offense or offenses of which he may be accused or suspected (when release of such information is approved by the counsel of the accused).

(5) *Prohibited information.* The following information concerning a person accused or suspected of an offense or offenses generally may not be released except as provided in subparagraph (6) of this paragraph.

(i) Subjective opinions, observations, or comments concerning the accused's character, demeanor at any time (except as authorized in subparagraph (4)(v) of this paragraph), or guilt of the offense or offenses involved.

(ii) The prior criminal record (including other apprehensions, charges or trials) or the character or reputation of the accused.

(iii) The existence or contents of any confession, admission, statement, or alibi given by the accused, or the refusal or failure of the accused to make any statement.

(iv) The performance of any examination or test, such as polygraph examinations, chemical tests, ballistics tests, etc., or the refusal or the failure of the accused to submit to an examination or test.

(v) The identity, testimony, or credibility of possible witnesses, except as authorized in subparagraph (4)(c), of this paragraph.

(vi) The possibility of a plea of guilty to any offense charged or to a lesser offense and any negotiation or any offer to negotiate respecting a plea of guilty.

(vii) References to confidential sources or investigative techniques or procedures.

(viii) Any other matter when there is a reasonable likelihood that the dissemination of such matter will affect the deliberations of an investigative body or the findings or sentence of a court-martial or otherwise prejudice the due administration of military justice either before, during, or after trial.

(6) *Exceptional cases.* The provisions of this section are not intended to restrict the release of information designed to enlist public assistance in apprehending an accused or suspect who is a fugitive from justice or to warn the public of any danger that a fugitive accused or suspect may present. Further, since the purpose of this section is to prescribe generally applicable guidelines, there may be exceptional circumstances which warrant the release of information prohibited under subparagraph (5) of this paragraph or the nonrelease of information permitted under subparagraph (4) of this paragraph. In these cases the senior judge advocate of the command involved shall be responsible for determining whether questionable material shall be released.

(b) *Spectators—(1) At sessions of courts-martial.* The sessions of courts-martial shall be public and, in general, all persons, except those who may be required to give evidence, shall be admitted as spectators. Whenever necessary to prevent the dissemination of classified information to other than authorized persons, the military judge of a general or special court-martial or the president of a special court-martial without a military judge, or the summary court, as

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appropriate, may direct that the spectators involved be excluded from a trial or a portion thereof. In all other situations, spectators or classes of spectators may be excluded only when the military judge of a general or special court-martial or the president of a special court-martial without a military judge, or the summary court, in the exercise of the discretion reposed in him, determines such action to be legally necessary or proper.

(2) In any preliminary hearing, including a hearing conducted pursuant to 10 U.S.C. 832, or a court of inquiry or investigation conducted pursuant to this manual, the presiding officer, upon motion of the Government or the defense or upon his own motion, may direct that all or part of the hearing be held in closed session and that all persons not connected with the hearing be excluded therefrom. The decision to exclude spectators shall be based on the ground that dissemination of evidence, information, or argument presented at the hearing may disclose matters that will be inadmissible in evidence at a subsequent trial by court-martial and is therefore likely to interfere with the right of the accused to a fair trial by an impartial tribunal.

§ 719.116 Preparation and forwarding of charges.

(a) *Preparation generally.* See Chapter VI, MCM, for preparation of charges. Available data as to service, witnesses, and similar items, required to complete the first page of the charge sheet will be included. Ordinarily, the charge sheet will be forwarded in triplicate, and all copies will be signed. If several accused are charged on one charge sheet with the commission of a joint offense, the complete personal data as to each accused will be set forth on page 1 of the charge sheet or upon an attached copy of that page. One additional signed copy of the charge sheet will be prepared for each accused in excess of one.

(b) *Enlisted pay grades.* The pay grade of an accused, e.g., E–1, E–2, etc., shall be indicated following the grade or rate of the accused on page 1 of the charge sheet.

(c) *Pay and allotment data.*—(1) *Longevity increases.* Under applicable provisions of the Department of Defense Military Pay and Entitlements Manual, certain periods, such as unauthorized absence, do not constitute "time served" for the purpose of determining the cumulative years of service creditable for longevity pay increases. Care shall be taken in recording the basic pay of the accused on page 1 of the charge sheet to insure that the entry accurately reflects only the longevity increase to which the accused is entitled.

(2) *Contribution to basic allowance for quarters.* Inasmuch as the monthly contribution of an enlisted person to basic allowance for quarters (which is to be deducted prior to computing the net amount of pay subject to partial forfeitures or detention of pay) is the minimum contribution as required by law in the particular case (see § 719.119(a)), only such minimum amount, regardless of the actual contribution of the accused, shall be entered in the appropriate place on page 1 of the charge sheet.

(d) *Forwarding of charges by an officer in a Navy chain of command.*—(1) *General court-martial cases.* When a commanding officer, in taking action on charges, deems trial by general court-martial to be appropriate, but he is not authorized to convene such court or finds the convening of such court impracticable, the charges and necessary allied papers will, in the absence of specific direction to the contrary by an officer authorized to convene general courts-martial and superior in the chain of command to such commanding officer, be forwarded to the area coordinator actively exercising general court-martial jurisdiction. For mobile units, the area coordinator for the above purposes is the area coordinator most accessible to the mobile unit at the time of forwarding of the charges. See § 719.108 for additional provisions in cases in which the forwarding officer is an accuser. An immediate or delegated area coordinator may receive the charges in lieu of the area coordinator if he is actively exercising general court-martial jurisdiction.

(2) *Special and summary court-martial cases.* When an officer in command or in charge, in taking action on charges, deems trial by special or summary court-martial to be appropriate, but he is not authorized to convene such courts-martial, the charges and necessary allied papers will be forwarded to the superior in the chain of command authorized to convene the type of court-martial deemed appropriate unless an officer authorized to convene general courts-martial and superior in the chain of command to such officer in command or charge, on the basis of a local arrangement with the area coordinator, has directed that such cases be forwarded to the area coordinator. For mobile units, the area coordinator for the above purposes is the area coordinator most accessible to the mobile unit at the time of the forwarding of the charges. See § 719.108 for additional provisions in cases in which the forwarding officer is an accuser. Subject to the terms of the local arrangement, forwarding to the area coordinator may also be resorted to even though the immediate or superior commanding officer of the accused is authorized to convene the type of court-martial deemed appropriate but finds such action impracticable. An immediate or delegated area coordinator may receive the charges in lieu of the area coordinator if he is authorized to convene the type of court-martial deemed appropriate.

(e) *Forwarding of charges by an officer in the chain of command of the Commandant of the Marine Corps.* When a commander, in taking action on charges, deems trial by general, special, or summary court-martial to be appropriate, but he is not empowered to convene a court as deemed appropriate for the trial of the case, the officer will forward the charges and necessary allied papers through the chain of command to an officer exercising the kind of court-martial jurisdiction deemed appropriate. See paragraphs 32f and 33i, MCM. See also § 719.108 for additional provisions in cases in which the forwarding officer is an accuser.

§ 719.117 Optional matter presented when court-martial constituted with military judge.

In accordance with the authority contained in paragraph 75d, MCM, the trial counsel may, prior to sentencing, obtain and present to the military judge, for use by either the court members or the military judge if sitting alone, personnel records of the accused or copies or summaries thereof. Personnel records of the accused include all those records made or maintained in accordance with departmental regulations which reflect the past conduct and performance of the accused. Records of nonjudicial punishment must relate to offenses committed prior to trial and during the current enlistment or period of service of the accused, provided such records of nonjudicial punishment shall not extend to offenses committed more than 2 years prior to the commission of any offense of which the accused stands convicted. In computing the 2-year period, periods of unauthorized absence as shown by the records of nonjudicial punishment or by the evidence of previous convictions should be excluded. See paragraph 75d, MCM, for applicable procedural regulations.

§ 719.118 Court-martial punishment of reduction in grade.

(a) *No automatic reduction.* Automatic reduction to the lowest enlisted pay grade under 10 U.S.C. 858a(a) and paragraph 126e, MCM, shall not be effected in the naval service. It is the policy of the Department of the Navy that enlisted persons of other than the lowest enlisted pay grade who are sentenced to confinement exceeding 3 months or to dishonorable or bad conduct discharge also be sentenced to reduction to the lowest enlisted pay grade. The sentence in such cases should expressly include reduction to the lowest enlisted pay grade.

(b) *Form of sentence to reduction in grade.* In adjudging a sentence which includes reduction to the lowest enlisted pay grade or to an intermediate pay grade, that portion of the sentence which relates to reduction should refer exclusively to the numerical designation of the grade to which reduced. Accordingly, this portion of the sentence should read: "To be reduced to the grade of pay grade E–____." The proper grade or rate title, occupational field, or apprenticeship or striker designation of the reduced pay grade shall be administratively determined by the convening authority, subject to the provisions of the Bureau of Naval Personnel Manual or the Marine Corps Manual, as appropriate.

(c) *Execution of sentence to reduction in grade.* If the sentence includes, unsuspended, a dishonorable or bad conduct discharge or confinement for 1 year or more, execution of reduction included

in the sentence shall not be accomplished until the sentence has been affirmed by the Navy Court of Military Review, and in cases reviewed by it, the U.S. Court of Military Appeals.

§ 719.119 Forfeitures, detentions, fines.

(a) *Deduction of contribution to basic allowance for quarters.* The monthly contribution to basic allowance for quarters of persons in pay grades E–1 through E–4 (4 years' service or less) with dependents, required by paragraph 126h(2), MCM, to be deducted prior to computing the net amount of pay subject to forfeiture or detention, is $40 in all cases. The foregoing provision is equally applicable to members in pay grades E–4 or higher, with dependents, who are sentenced to reduction to pay grade E–4 (4 years' service or less) or below in combination with partial forfeiture or detention of pay. In such cases the amount of $40 shall be deducted whether or not an allotment has been registered. Regardless of the pay grade of a member with dependents, the effect of any forfeiture or detention of pay on his ability to discharge his responsibility for the care of his dependents is a factor in considering the amount of forfeiture or detention.

(b) *Forfeitures imposed by a summary court-martial.* Forfeiture of pay adjudged by summary courts-martial under 10 U.S.C. 820, may be apportioned over more than 1 month, but, as a matter of policy, the period of apportionment should not exceed 3 months.

(c) *Limitations.* In cases in which the sentence involves forfeiture of pay, detention of pay, or fine, the limitations prescribed by paragraph 126h, MCM, shall be observed, as well as the procedures prescribed in the Department of Defense Military Pay and Allowances Entitlements Manual.

§ 719.120 Preparation of records of trial.

(a) *Verbatim records of trial.* Records of trial shall be prepared verbatim in certain general and special courts-martial as provided in paragraphs 82b and 83a and Appendix 9a, MCM. When a verbatim record of trial is maintained, the trial counsel shall, unless unavoidably impractical, retain or cause to be retained any notes (stenographic or otherwise) or any recordings (mechanical or voice) from which the record of trial was prepared until such time as the convening authority (in general courts-martial) or the officer exercising general court-martial jurisdiction (in special courts-martial) takes action on the case.

(b) *Summarized records of trial.* Unless otherwise directed by the convening or higher authority, a summarized record of trial may be prepared in accordance with paragraph 82b and Appendix 10a, MCM, in general courts-martial where:

(1) The court has adjudged a sentence not including discharge; and

(2) The sentence is not in excess of that which can otherwise be adjudged by a special court-martial; and

(3) The case does not affect a general or flag officer.

(i) Unless otherwise directed by the convening or higher authority, a summarized record of trial may be prepared in accordance with paragraph 83b and Appendix 10a. MCM, in special courts-martial where the court has adjudged a sentence not including a bad conduct discharge.

(ii) When summarized records of trial are prepared, the notes or recordings (stenographic, mechanical, voice, or otherwise) from which the record of trial was prepared shall be retained until completion of appellate review.

(c) *Records of trial establishing lawful jurisdiction only.* In all courts-martial that have resulted in an acquittal of all charges and specifications, or that have been terminated prior to findings with prejudice to the Government, the record of trial need contain only sufficient information to establish lawful jurisdiction over the accused and the offenses. When the proceedings were terminated prior to findings with prejudice to the Government, a summary of the reasons for such termination shall be included in the record of trial.

(d) *Summary courts-martial.* In summary court-martial cases in which a not guilty plea is entered to any charge and specification and in which a finding of guilty results, the evidence considered by the summary court-martial relative to guilt or innocence must be summarized and attached to the record. Matters considered by a summary court-martial in extenuation and mitigation must, in all cases, be summarized and attached to the record. Strict compliance with the provisions of paragraph 79e, MCM, is directed.

(e) *Preparation, arrangement, and authentication; general and special courts-martial.* In the preparation of both verbatim and summarized records of trial, the preparation, arrangement, and authentication of records of trial and allied papers, to the extent possible, shall be in accordance with Appendixes 9 and 10, MCM, and the following rules:

(1) *Charge sheets.* The original of the charge sheet may be inserted into the original record and copies of the charge sheet may be inserted into copies of the record in lieu of copying into the record the charges and specifications upon which the accused is to be tried, the name and description of the accuser, the affidavit, and the reference for trial. However, when the charges and specifications, the name and description of the accuser, his affidavit and the reference for trial have been copied verbatim into the record, as recommended in the guide on page A8–13, MCM (Appendix 8b), the original of the charge sheet is to be prefixed to the original of the record.

(2) *Staff judge advocate's review.* In addition to the requirements of paragraph 85d, MCM, copies of the staff judge advocate's legal review shall be attached to all copies of records of trial forwarded for review by the Navy Court of Military Review.

(3) *Court-Martial Data Sheet.* Unless otherwise directed by the cognizant officer exercising general court-martial jurisdiction, the use of the Court-Martial Data Sheet (DD Form 494) is not required.

(4) *Request for appellate defense counsel.* When the statement of the accused concerning appellate representation before the Navy Court of Military Review is required (see § 719.121), the original shall be prefixed to the original record and a copy thereof to each copy of the record.

(5) *Court-Martial Data Form.* Effective January 1, 1970, all convening authorities and supervisory authorities, as appropriate, shall complete NAVJAG Form 5813/1 (Rev. 4–69) after review of all trials of general courts-martial and all trials of special courts-martial in which the approved sentence includes a bad conduct discharge. The form will be prefixed to the original record of trial just under the front cover sheet. Supplies of NAVJAG Form 5813/1 (Rev. 4–69) are available in the forms and publications segment of the Navy Supply System under Stock No. 0105–100–8132. A form containing sample entries and the Punitive Article Identification Code to be used in completing the form are set forth in Appendix section 1–g.[1]

(6) *Authentication.* Nonverbatim records of trial by special courts-martial shall be authenticated in the same manner as verbatim records.

(7) *Arrangement of original record with allied papers.* The record of trial should be bound within protective covers and arranged in the sequence shown on the back cover sheet of DD Form 490 or DD Form 491, as applicable.

(f) *Security classication of records of trial.* Records of trial containing classified matter shall be properly classified in accordance with the provisions of paragraph 82d, MCM, and the Department of the Navy Security Manual for Classified Information. Copies of such records for delivery to the accused shall be prepared and handled in accordance with paragraph 82g, MCM. Attention is directed to the fact that, while the security manual requires that matter bear the overall classication of its highest component, that degree of classification is not then imparted to other components. Rather it authorizes and requires that a component be marked with the classification it warrants (if any). Misunderstanding of these provisions may result in erroneously marking as classified each page of a voluminous record, rendering review for downgrading unnecessarily difficult and excision for delivery to the accused or counsel impossible.

Subpart D—Post-Trial Matters

§ 719.121 Request for appellate defense counsel.

10 U.S.C. 870(c)(1) provides that appellate defense counsel shall represent the accused, when requested by him, before the Navy Court of Military Review or the U.S. Court of Military Appeals. Paragraph 48k(3), MCM requires the trial defense counsel, immediately after

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a trial which results in a conviction, to advise the accused in detail as to his appellate rights. In order that each record of trial show compliance with that paragraph, the following procedures will be observed. In all general courts-martial which result in a conviction, and in those special courts-martial involving a bad conduct discharge, and within the period prescribed in paragraph 48k(3), MCM the accused will, after being advised of his appellate rights, be requested to indicate his wishes as to appellate representation by a statement in the form set forth in Appendix section 1–h.[1] The original signed statement will be attached to the original trial record in accordance with § 719.120(c)(4), and an unsigned copy will be similarly attached to each copy of the trial record.

§ 719.122 Review by staff judge advocate.

(a) *Who may act.* Ordinarily the senior judge advocate attached to the command of an officer exercising general court-martial jurisdiction is the staff judge advocate of that command within the meaning of 10 U.S.C. 834, 861, and 865(a) and (b). If, however, more than one judge advocate is attached to such a command, and if it appears that the senior is or may become disqualified for any reason from acting as staff judge advocate in any particular case or for a specific period of time, a convening authority may, in addition to the action authorized by paragraph 85a, MCM, designate, in writing, a junior to act as his staff judge advocate in any particular case or for a specified period of time if that junior officer is otherwise qualified.

(b) *Distribution of staff judge advocate's review.* In addition to the requirements or paragraph 85d, MCM, and § 719.120(c)(2), a copy of the review of the staff judge advocate shall be forwarded to the command at which the accused is to be confined in order that it may be available to those charged with developing an institutional program for the individual. In addition to the foregoing, one copy of the review of the staff judge advocate shall be forwarded to the Senior Member, Naval Clemency and Parole Board, Washington, D.C. 20370, in those cases wherein the sentence includes confinement for 8 months or more, or an unsuspended punitive discharge. The original and all copies must be legible.

§ 719.123 Action on courts-martial by convening authority.

(a) *Companion cases tried separately.* In court-martial cases where the separate trial of a companion case is ordered, the convening authority shall so indicate in his action on the record in each case.

(b) *Suspension of sentences.* Convening authorities are encouraged to suspend, for a probationary period, all or any part of a sentence when such action would promote discipline, and when the accused's prospects for rehabilitation would more likely be enhanced by probation than by the execution of all or any part of the sentence adjudged.

(c) *Sentences including a punitive discharge.* In order that the best interests of the service as well as those of the accused may be served, the convening authority, in those cases where the sentence as approved by him extends to a punitive discharge, whether or not suspended, shall include in his initial action a brief synopsis of the accused's conduct record during the current enlistment or current enlistment as extended. This synopsis should include in chronological order: Dates, nature of offenses committed, sentences adjudged and approved, and nonjudicial punishment imposed. The synopsis should also include medals and awards, commendations, and any other information of a commendable nature. Although not required, similar action may, if circumstances are deemed appropriate, be taken in other cases. The foregoing requirement does not in any way affect the legal requirements as to the admissibility of records of previous convictions during the trial itself. See also § 719.123(f).

(d) *Sentences including censure.*—(1) *General.* Censures (reprimands and admonitions) issued in execution of court-martial sentences are required to be in writing. Except as otherwise prescribed in this section, the provisions of § 719.102 (e) (1), (2), and (3) shall be applicable to letters of censure issued in execution of a court-martial sentence.

(2) *By whom issued.* Letters of censure in execution of sentences of summary courts-martial shall be issued by the convening authority. In those special and general court-martial cases wherein a sentence imposing censure is ordered executed by the convening authority, he shall issue the letter as part of his action on the record in accordance with the provisions of paragraph 89c(9), MCM. Otherwise the letter shall be issued as part of the promulgating order of the officer who subsequently directs execution of the sentence.

(3) *Contents.* The letter shall include the time and place of trial, type of court, and a statement of the charges and specifications of which convicted. It shall also contain the following paragraph:

> A copy of this letter will be placed in your official record in (the Bureau of Naval Personnel) (Headquarters, U.S. Marine Corps). You are therefore privileged to forward, within 15 days after receipt of this action, such statement concerning this letter as you may desire for inclusion in your record. If you elect not to submit a statement, you shall so state officially in writing within the time prescribed. In connection with your statement, you are advised that any statement submitted shall be couched in temperate language and shall be confined to pertinent facts. Opinions shall not be expressed nor the motives of others impugned. Your statement shall not contain countercharges.

(4) *Procedure for issuance.* The original letter shall be delivered to the accused and a copy appended to the convening authority's action (or the promulgating order of the officer subsequently directing execution of the sentence). The action (or order) should refer to the letter in the following tenor:

> Pursuant to the sentence of the court, as herein approved, a letter of (reprimand) (admonition) is this date being served upon the accused and a copy thereof is hereby incorporated as an integral part of this action.

(5) *Forwarding copy to Department.* Upon receipt of the accused's written statement or his written declaration that he does not desire to make a statement, an additional copy, together with the statement or declaration, shall be forwarded to the Chief of Naval Personnel or the Commandant of the Marine Corps, as appropriate.

(6) *Appeals.* Review, including appellate review, of letters of censure issued as part of an approved court-martial sentence will be accomplished as provided for by the Uniform Code of Military Justice, the Manual for Courts-Martial, and this Manual with respect to the proceedings of the particular court-martial which imposed the sentence. No separate appeal from these letters will be considered.

(e) *Designation of places of confinement.* The convening authority of a court-martial sentencing an accused to confinement is a competent authority to designate the place of temporary custody or confinement of naval prisoners. See § 719.146.

(f) *Cases involving convictions of larceny or other offenses involving moral turpitude.* If a punitive discharge has been approved, whether or not suspended, in a case involving conviction of larceny or other offense or offenses involving moral turpitude, the convening authority shall include in his action on the record facts which tend to extenuate, mitigate, or aggravate the offense or offenses and which do not appear in the court record or in the papers accompanying the same. If the accused entered a plea of guilty, the convening authority shall also include a synopsis of the circumstances of the offense amplifying the allegations set forth in the specification, regardless of whether such facts are otherwise set forth in the record of trial. In all cases in which the information to be so set forth in the action of the convening authority is not exclusively extenuating or mitigating, the convening authority shall refer a copy of the information to the accused before taking action on the case, and shall afford the accused an opportunity to rebut any part or portion of the information. A comment that such opportunity to rebut was afforded shall be included in the action of the convening authority, and any statement made by the accused in rebuttal shall be appended to such action. See paragraph 85b, MCM for limitations on consideration of adverse matter.

§ 719.124 Promulgating orders.

(a) *General and special courts-martial*—(1) *When promulgating orders required.* Any action taken on the proceedings, findings, or sentence of a general or special court-martial by the convening authority or any other party empowered to take such action shall be promulgated as prescribed in paragraphs 90 and 91, MCM. Separate orders shall be issued for each accused in the case of a joint or common trial. See Note, Appendix 15a, MCM, page A15–2.

(2) *When supplementary order is not required.* Where the findings and sentence set forth in the initial promulgating order are affirmed without modification upon subsequent review of the case, no supplementary promulgating order is required except as necessary to order the execution of the sentence or to designate a place of confinement.

(3) *Supplementary orders in Navy Court of Military Review cases.* If the sentence was ordered executed or suspended in its entirety by the convening or other authority, and the approved findings and sentence have been affirmed without modification by the Navy Court of Military Review and, in appropriate cases, the U.S. Court of Military Appeals, no supplementary court-martial order is necessary. Although not necessary for the validity of the action taken, a supplementary court-martial order shall be issued in all other cases. Such orders shall be issued in all other cases. Such orders shall be published as follows:

(i) Supplementary orders in cases involving flag or general officers, death sentences, and dismissals are issued by the Judge Advocate General by direction of the Secretary of the Navy.

(ii) Other supplementary orders shall be issued by the cognizant general court-martial authority. In cases not reviewed by the U.S. Court of Military Appeals (by petition or certification), orders should be issued immediately following the accused's execution of a "Request for Immediate Execution of Discharge" (see § 719.135) or upon expiration of 30 days from the date of service of the Navy Court of Military Review decision upon the accused. In cases considered by the U.S. Court of Military Appeals, supplementary orders should be issued upon notification of completion of review by the court.

(iii) All supplementary orders in Navy Court of Military Review cases shall bear the "NCM" number appearing on the Navy Court of Military Review decision.

(4) *Form.* The form of a promulgating order is prescribed in appendix 15, MCM. In copying and including the action of the convening authority in the promulgating order, any synopsis of the accused's record and/or circumstances of the offense contained in the convening authority's action pursuant to § 719.123 (c) and/or § 719.123(f) shall also be copied and included in the promulgating order. The order shall be subscribed by the officer issuing the order or by a subordinate officer designated by him. In either case the name, grade, and title of the subscribing officer, including his organization or unit, shall be given. Where a subordinate officer signs by direction, his name, title, and organization shall be followed by the words: "By direction of (name, grade, title, and organization of issuing officer)." Duplicate originals of promulgating orders are copies personally subscribed by the officer who subscribed the original. Certified copies of promulgating orders are copies bearing the statement: "Certified to be a true copy," over the signature, grade, and title of an officer.

(5) *Distribution.* All initial and supplementary promulgating orders shall be distributed as follows (the original and all copies must be legible):

(i) Original to be attached to original record of trial.

(ii) Duplicate original to be placed in the service record or service record book of the accused, unless the court-martial proceedings resulted in acquittal of all charges; disapproval of all findings of guilty; or disapproval of the sentence by the convening authority when no findings have been expressly approved by him.

(iii) Certified copies:

(*a*) Three to be attached to the original record of trial.

(*b*) One to be attached to each copy of the record of trial.

(*c*) Two to the commanding officer of the accused if a brig or correctional center is designated as the place of confinement; three if a disciplinary command is designated as the place of confinement. These copies should accompany the records of accused to the place of confinement.

(*d*) One to the Chief of Naval Personnel or the Commandant of the Marine Corps, as appropriate.

(*e*) One to the Senior Member, Naval Clemency and Parole Board, Washington, D.C. 20370, if the sentence, as approved by the convening authority, includes an unsuspended punitive discharge or confinement for 8 months or more.

(iv) Plain copies:

(*a*) One to the accused.

(*b*) One each to the military judge, trial counsel, and defense counsel of the court-martial before which the case was tried.

(*c*) One to the convening authority and, if the accused was serving in a command other than that of the convening authority at the time of the alleged offense, one to the command in which he was then serving.

(*d*) One to each appropriate subordinate unit and any other local distribution desired.

(b) *Summary courts-martial.* In accordance with paragraph 90e, MCM, the results of a trial by summary court-martial need be promulgated only to the accused. The results of any review or action on a summary court-martial pursuant to § 719.125(a), subsequent to the initial action of the convening authority, shall be communicated to the convening authority and to the commanding officer of the accused for notation in the service record or service record book of the accused.

§ 719.125 Review of summary and special courts-martial.

a. *Summary courts-martial and special courts-martial not involving a bad conduct discharge.*—(1) *Officers having supervisory powers.* In addition to the officer immediately exercising general court-martial jurisdiction over a command, the Judge Advocate General, the Deputy Judge Advocate General, any Assistant Judge Advocate General, all officers exercising general court-martial jurisdiction, and the deputies or chiefs of staff of officers exercising general court-martial jurisdiction are designated as having supervisory authority for the review of records of trial pursuant to 10 U.S.C. 865(c), and paragraph 94a(2), MCM.

(2) *Selection of supervisory authorities.* It is the policy of the Department of the Navy that review of cases pursuant to paragraph 94a(2), MCM will be accomplished in the field, unless compelling reasons exist for forwarding the record or records to the Judge Advocate General for review.

(i) For commands in a Navy chain of command, review pursuant to paragraph 94a(2), MCM will be accomplished, if practicable, and in the absence of specific direction to the contrary by an officer authorized to convene general courts-martial and superior in the chain of command to the convening authority, by the area coordinator authorized to convene general courts-martial. For mobile units, the area coordinator for the above purpose is the area coordinator most accessible to the mobile unit at the time of forwarding of the record. An immediate or delegated area coordinator may take action in lieu of an area coordinator if he has authority to convene general courts-martial.

(ii) For commands in the chain of command of the Commandant of the Marine Corps, review pursuant to paragraph 94a(2), MCM, will be accomplished within the chain of command if practicable. If such accomplishment of the review is found not practicable, any officer having supervisory authority in the field may be requested to accept records of such cases and to act thereon pursuant to paragraph 94a(2), MCM. Only if all reasonably available officers having supervisory authority in the field find it impracticable to grant such requests, will the records in such cases be forwarded to the Judge Advocate General for review. If so forwarded to the Judge Advocate General, each record shall be accompanied by a letter stating the reasons why supervisory authority action was not accomplished in the field.

(3) *Courts convened by an officer exercising general court-martial jurisdiction.* When an officer exercising general court-martial jurisdiction is the convening authority of a summary court-martial or a special court-martial not involving a bad conduct discharge, his action thereon shall be as convening authority only.

(i) At activities in a Navy chain of command, the record should be forwarded, in the absence of specific direction to the contrary by a superior in the chain of command, to the area coordinator if superior in rank or command to the convening authority and authorized to

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convene general courts-martial, otherwise the record should be forwarded to any appropriate superior officer authorized to convene general courts-martial, or if no such superior officer has a judge advocate available, the record shall be forwarded to the Judge Advocate General for review. For mobile units, the area coordinator for the above purpose is the area coordinator most accessible to the mobile unit at the time of forwarding the record.

(ii) At activities in the chain of command of the Commandant of the Marine Corps, the record should be forwarded to an appropriate superior officer exercising general court-martial jurisdiction or, if no such superior officer has a judge advocate available, the record shall be forwarded to the Judge Advocate General for review.

(4) *Identification of officer to whom record is forwarded for supervisory review.* In all cases, the action of the convening authority in forwarding the record for supervisory review shall identify the officer to whom the record is forwarded by stating his official title, such as "The record of trial is forwarded to the Commandant, First Naval District, for action under 10 U.S.C. 865(c)."

(5) *Review procedures.* (i) In accordance with the provisions of paragraph 94a(2), MCM, the officer having supervisory authority shall cause a judge advocate to review records of trial received for review under 10 U.S.C. 865(c). Unless, following such review, corrective or mitigating action by the officer having supervisory authority is required or recommended, no supervisory action need be taken. In lieu thereof, a notation may be made on the record of trial by the judge advocate who reviewed the record, reciting the designation of the command in which the review was accomplished; the date; the result of the review; and the signature of the judge advocate. In such cases, notification of the review and the result thereof will be made to the convening authority, the accused, and the commanding officer of the accused for notation in the service record or service record book of the accused. In cases in which corrective or mitigative action is required or recommended, action will be placed on the record of trial over the signature of the supervisory authority and a supplemental promulgating order will be issued (see § 719.124(a)(2)).

(ii) If the officer having supervisory authority disagrees with the recommendation of the judge advocate as to a matter of law, he shall not place an action on the record but shall forward the record to the Judge Advocate General, together with a signed copy of the judge advocate's recommendation, by a letter of transmittal giving his reasons for disagreement with the judge advocate's recommendation. When the question of law has been resolved by the Judge Advocate General, he may either take action on the record as the officer having supervisory authority, or he may return the record together with a final determination as to the law of the case, to the cognizant officer having supervisory authority for his action on the record.

(iii) Any action on the record by the officer having supervisory authority shall affirmatively indicate that the record was reviewed by a judge advocate by including the statement "This record has been reviewed in accordance with 10 U.S.C. 865(c)."

(b) *Special courts-martial involving a bad conduct discharge*—(1) *Action by convening authority who is an officer exercising general court-martial jurisdiction.* When an officer exercising general court-martial jurisdiction is the convening authority of a special court-martial which involves a bad conduct discharge, and if such discharge is approved by him, the record shall be forwarded directly to the Navy Appellate Review Activity for review by the Navy Court of Military Review. In taking his action on the record, such a convening authority shall follow the procedures set forth in paragraph 85, MCM.

(2) *Action by reviewing authority (officer exercising general court-martial jurisdiction).* In special court-martial cases where the sentence as approved by the convening authority who is not an officer exercising general court-martial jurisdiction includes a bad conduct discharge, review will be accomplished in accordance with paragraph 94a(3), MCM.

(i) For activities in a Navy chain of command, and in the absence of specific direction to the contrary by an officer authorized to convene general courts-martial and superior in the chain of command to the convening authority, review will be accomplished by the area coordinator authorized to convene general courts-martial. For mobile units, the area coordinator for the above purposes is the area coordinator most accessible to the mobile unit at the time of forwarding of the record. An immediate or delegated area coordinator may take action in lieu of an area coordinator if he has authority to convene general courts-martial. As indicated above, a superior officer authorized to convene general courts-martial in the chain of command may direct otherwise; he may, for example, direct that the records be forwarded to him for review.

(ii) For activities in the chain of command of the Commandant of the Marine Corps, review will be accomplished by the officer ordinarily exercising general courts-martial jurisdiction over the command. In the event review by any of the foregoing is impracticable (e.g., because of the absence or lack of a staff judge advocate) any other officer authorized to convene general courts-marital may be requested to accept records of trial for review. Only if all reasonably available officers exercising general court-martial jurisdiction find it impracticable to grant such request will the records be forwarded directly to the Navy Appellate Review Activity for review by the Navy Court of Military Review. If so forwarded, they shall be accompanied by a letter stating the reasons why review under 10 U.S.C. 865(b) was not accomplished in the field.

(3) *Disagreement between reviewing authority and his staff judge advocate.* If the reviewing authority is in disagreement with his staff judge advocate as to any matter of law, he shall take such action on the record as is within his discretionary powers notwithstanding the disagreement, and shall transmit the record of trial, with an expression of his own views as to the matters of law involved in the disagreement, to the Navy Appellate Review Activity for review by the Navy Court of Military Review.

(4) *Disapproval of bad conduct discharge by reviewing authority.* If a reviewing authority determines that he will not approve that portion of the sentence which provides for a bad conduct discharge, he shall, prior to placing his action upon the record, cause the record to be reviewed by a judge advocate in accordance with 10 U.S.C. 865(c), and in the manner set forth in paragraph (2)(3) of this section.

(c) *Special courts-martial tried in joinder or in common.* When one or more of the sentences adjudged in cases tried in joinder or in common require review only under paragraph 94a(2), MCM (not involving an approved bad conduct discharge), and the remaining sentence or sentences require review under paragraph 34a(3), MCM (including an approved bad conduct discharge), the officer exercising general court-martial jurisdiction shall cause each of the sentences to be reviewed in accordance with the applicable paragraph of the MCM. In his action on the sentence or sentences requiring review under paragraph 94a(3), MCM, he shall state that the sentence or sentences requiring review only under paragraph 94a(2), MCM, have been reviewed in accordance with 10 U.S.C. 765(c). The original of the action or review taken on the sentence or sentences requiring review only under paragraph 94a(2), MCM, shall be filed with the copy or copies of the record in the files of the officer exercising general court-martial jurisdiction, and a copy of such action or review shall be attached to the record forwarded to the Judge Advocate General, together with the action taken on the sentence or sentences requiring review under paragraph 94a(3), MCM.

§ 719.126 Action on special courts-martial by general court-martial convening authorities.

(a) *Suspension of sentences.* Officers exercising general court-martial jurisdiction are encouraged to suspend, for a probationary period, all or any part of a sentence when such action would promote discipline, and when the accused's prospects for rehabilitation would more likely be enhanced by probation than by the execution of all or any part of the sentence which was adjudged and approved by the convening authority.

(b) *Designation of places of confinement.* The general court-martial convening authority who orders a sentence of confinement into execution subsequent

to the initial action of the convening authority on the record shall designate the place of confinement in his action on the record. See also § 719.146.

§ 719.127 Supervision over court-martial records and their disposition after review in the field.

(a) *JAG supervision.* Records of all trials by courts-martial in the naval service are under the supervision of the Judge Advocate General of the Navy.

(b) *Navy Court of Military Review cases.* After completion of review in the field, all records requiring review by the Navy Court of Military Review shall be forwarded to the Navy Appellate Review Activity, Office of the Judge Advocate General, Washington Navy Yard, Washington, D.C. 20390.

(c) *Other general court-martial cases.* General court-martial cases which do not require review by the Navy Court of Military Review under 10 U.S.C. 866(b), shall be forwarded to the Navy Appellate Review Activity, Office of the Judge Advocate General, Washington Navy Yard, Washington, D.C. 20390.

(d) *Summary courts-martial and special courts-martial not involving a bad conduct discharge.* The records of trial of such cases shall be filed as provided in § 719.136.

§ 719.128 Criminal activity, disciplinary infractions, and court-martial report.

NAVJAG Form 5800/9 (Rev. 4–69) will be prepared by each supervisory authority for semiannual submission to the Judge Advocate General (Code 007), Navy Department, Washington, D.C. 20370. Reports must reach the Judge Advocate General no later than January 31 and July 31 of each year. Supplies of NAVJAG Form 5800/9 (Rev. 4–69) are available in the Forms and Publications Segment of the Navy Supply System under Stock No. 0105–100–8092. A sample form is set forth in appendix section 1–i.[1]

§ 719.129 Remission and suspension.

(a) *Authority to remit or suspend sentences.*—(1) *General.* Pursuant to the provisions of 10 U.S.C. 874(a) and paragraph 97a, MCM, the Under Secretary of the Navy, the Assistant Secretaries of the Navy, the Judge Advocate General, and all officers exercising general court-martial jurisdiction over the command to which the accused is attached are designated as empowered to remit or suspend any part or amount of the unexecuted portion of any sentence, including all uncollected forfeitures, other than a sentence approved by the President. However the Judge Advocate General shall not exercise this power in cases involving flag or general officers, and officers exercising general court-martial jurisdiction shall not exercise this power in cases involving officers or warrant officers. A sentence to death may not be suspended. Any action authorized by this subsection may be taken without regard to whether the person acting has previously approved the sentence.

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(2) *Authority of Commanding Officer, Naval Disciplinary Command, Portsmouth, N.H.* Authority of the Commanding Officer, Naval Disciplinary Command, Portsmouth, N.H., to take action pursuant to 10 U.S.C. 874(a), other than remission or suspension of any part or amount of any sentence by summary court-martial or of a sentence by special court-martial which does not include a bad conduct discharge, is limited to the following:

(i) Effecting actions directed by the Secretary following clemency review.

(ii) Remission of uncollected forfeitures in the cases of court-martial prisoners who are to be returned to duty.

(iii) Remission of confinement, not in excess of 5 days, for the purpose of facilitating administration by adjusting dates of transfer upon completion of confinement. Early releases in excess of 5 days may be granted when specifically authorized by the Chief of Naval Personnel.

(iv) In the event of an emergency, where, in the opinion of the commanding officer, the requirement to remit additional confinement or a punitive discharge is of such immediate nature as to preclude the normal or urgent processes of clemency as provided by SECNAVINST 5815.3 series, the commanding officer may take such action following report of the circumstances to, and having received concurrence in such action of, the Secretary of the Navy (Naval Clemency and Parole Board).

(3) *Inferior courts-martial.* Paragraph 97a, MCM, grants power to remit or suspend any part or amount of the unexecuted portion of a sentence by summary court-martial or of a sentence by special court-martial which does not include a bad conduct discharge to the officer having supervisory authority (§ 719.125a) and the commanding officer of the accused who has immediate authority to convene a court of the kind that adjudged the sentence.

(b) *Probationary period.* All suspensions shall be of the conditional remission type and shall be for a definite period of time. The running of the period of suspension of a sentence is interrupted either by the unauthorized and unexcused absence of the probationer or by commencement of proceedings to vacate suspension of the sentence. The running of the period of suspension of a sentence resumes: (1) As of the date the probationer's unauthorized and unexcused absence ends; or (2) as of the initial date of the interruption if proceedings to vacate suspension of the sentence are concluded without vacation of the suspension. For instructions concerning voluntary extension of enlistment for the purpose of serving probation, see SECNAVINST 5815.3 series.

(c) *Liaison with Naval Clemency and Parole Board.* Officers who take clemency action pursuant to the authority of paragraph (a) of this section on any sentence which includes a punitive discharge or confinement for 8 months or more shall coordinate such action with the Naval Clemency and Parole Board in accordance with the provisions of SECNAVINST 5815.3 series.

§ 719.130 Effective date of confinement and forfeitures when previous sentence not completed.

(a) *Confinement.* When a prisoner serving a sentence to confinement adjudged by court-martial is convicted by a court-martial for another offense and sentenced to a term of confinement, the subsequent sentence, upon being ordered into execution, will begin to run as of the date adjudged and will interrupt the running of the prior sentence. After the subsequent sentence has been fully executed, the prisoner will resume the service of any unremitted interrupted sentence to confinement.

(b) *Forfeitures.* If forfeitures are being collected pursuant to a sentence adjudged by a previous court-martial at the time the convening authority takes action approving a sentence to forfeitures adjudged by a subsequent court-martial, he may, in his discretion, provide in his action that the application of forfeitures adjudged by the latter court-martial will be deferred until the date upon which the sentence to forfeitures adjudged by the previous court-martial has been fully executed.

§ 719.131 Vacation of suspension.

(a) *Form of order.* The forms prescribed in Appendix 15e, MCM, shall be used for promulgating orders vacating suspensions of sentences. In cases where 10 U.S.C. 871(c) is applicable and appellate review is not complete, the final sentence of the appropriate form may be modified to read: "Upon completion of appellate review pursuant to 10 U.S.C. 871(c), the sentence as affirmed may be executed without further order."

(b) *Distribution of order.* The promulgating order shall be distributed in accordance with the applicable provisions of § 719.124, except that in 10 U.S.C. 872(a) cases the original promulgating order and original report of proceedings to vacate suspension shall be forwarded to the Judge Advocate General for attachment to the record of trial.

§ 719.132 Approval of sentences extending to dismissal of an officer.

Pursuant to the authority of 10 U.S.C. 871(b), the Under Secretary of the Navy and the Assistant Secretaries of the Navy are designated as empowered to approve sentences extending to the dismissal of an officer (other than a general or flag officer), or such part, amount, or commuted form of such sentences as they see fit, and to suspend the execution of any part of the sentence as approved.

§ 719.133 Service of decision of Navy Court of Military Review on accused.

(a) *Promulgation packages.* When, in accordance with the provisions of paragraph 100c, MCM, the Judge Advocate General elects not to certify a case to the U.S. Court of Military Appeals, a "promulgation package" will be prepared by his office and forwarded to the officer immediately exercising general

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court-martial jurisdiction over the command to which the accused is attached. The package shall include copies of the Navy Court of Military Review decision, a copy of the initial and supplementary court-martial orders, an endorsement (on the accused's copy of the decision) notifying him of his right to petition for review, a form of petition for review, and a postcard receipt to be signed by the accused. The package normally will also include directions to take action in accordance with the provisions of this section; however, detailed instructions may be included.

(b) *Delay in service.* Delivery of the Navy Court of Military Review decision to the accused shall be accomplished as soon as possible, unless delay is expressly authorized by the Judge Advocate General.

(c) *Change in place of confinement.* To avoid delay in service, it is imperative that the Judge Advocate General, as well as the designated confinement activity, be notified when the place of confinement or temporary custody, as designated in the initial court-martial order, is changed. In addition, any activity which receives information indicating that a promulgaton package has been misaddressed because of any such change shall immediately notify those concerned.

(d) *Action by general court-martial authority.* Upon receipt of a promulgation package, the officer exercising general court-martial jurisdiction will determine whether the accused is still under his jurisdiction.

(1) *Accused transferred.* If the accused has been transferred from that jurisdiction, the package will be forwarded by endorsement (copy to Judge Advocate General) to the officer currently exercising general court-martial jurisdiction over the accused. If the current location of the accused is unknown, communication by expeditious means to the convening authority should be initiated, keeping the Judge Advocate General informed.

(2) *Accused present.* If the accused is under the jurisdiction of the recipient of the promulgation package and present within his command, action shall be taken as follows:

(i) The accused's copy of the Navy Court of Military Review decision, with the endorsement thereon, and the petition for review form shall be delivered to the accused.

(ii) The accused's signature should be obtained on the postcard receipt. If the accused refuses to sign the receipt, a certificate of personal service reciting the facts shall be prepared.

(iii) The date of service shall be noted on the copy of the Navy Court of Military Review decision marked for the general court-martial authority and the copy marked for the accused's commanding officer, if appropriate, and the copies filed accordingly.

(iv) The postcard receipt or certificate of personal service should be forwarded promptly to the Judge Advocate General.

(3) *Accused on leave awaiting appellate review or administratively separated prior to completion of appellate review.* If the accused is on leave awaiting appellate review pursuant to the provisions of the Bureau of Naval Personnel Manual or the Marine Corps Manual, as appropriate, or if the accused has been administratively separated prior to completion of appellate review, the following shall apply:

(i) Service shall be made by registered mail, return receipt requested, in accordance with the provisions of those manuals.

(ii) Signature on the return receipt by anyone at the accused's leave address (or address of record if administratively separated) shall constitute notification as of the date of the receipt to the accused of the decision of the Navy Court of Military Review and shall commence the running of the 30-day appeal period.

(iii) The general court-martial authority shall cause a certificate of service by registered mail to be executed and to be mailed, together with the return receipt to the Judge Advocate General.

(iv) If no signed return receipt is received (for example, because the accused has changed his address without notifying his commanding officer), constructive service shall be made in the manner prescribed in paragraph (d)(4) of this section.

(4) *Accused absent or not at leave address or home of record.* When delivery cannot be made to an accused because he is absent without leave from his assigned ship or station, or because, having been granted leave under the provisions of the Bureau of Naval Personnel Manual or the Marine Corps Manual, as appropriate, he has changed his address without notifying his commanding officer, or because, having been administratively separated, he has changed the address listed as his home of record at the time of his separation without notifying proper authorities, if appropriate, constructive service may be made by certificate of attempted service, in accordance with the following:

(i) *Execution of certificate of attempted service.* The certificate of attempted service shall be executed in quintuplicate by the officer attempting service, and shall show the date, place, and manner in which service was attempted. In addition, it shall show either (*a*) that personal service could not be made because the accused was absent without authority from his assigned ship or station, or (*b*) that service by registered mail, return receipt requested, could not be made at the accused's leave address because he changed such address without notifying his commanding officer (or such other facts showing why a return receipt was not obtained). There shall be attached to the certificate of attempted service as enclosures thereto an authenticated extract copy of the entry in the service record or the service record book of the accused relating to his unauthorized absence or administrative separation or relating to his leave under the provisions of the Bureau of Naval Personnel Manual or the Marine Corps Manual, as appropriate, and an authenticated copy of Form DD 553 (Deserter-Absentee Wanted by Armed Forces), if issued, or the returned envelope showing the reason for nondelivery of attempted service by registered mail.

(ii) *Distribution.* Two copies of the certificate of attempted service shall be forwarded to the Judge Advocate General. One copy shall be forwarded to the Chief of Naval Personnel or to the Commandant of the Marine Corps, as appropriate. Two copies shall be retained by the officer immediately exercising general court-martial jurisdiction over the accused.

(c) *Return of accused within appeal period.* If the accused returns to his assigned ship or station or advises his commanding officer of his correct address within the 30-day appeal period, a copy of the promulgation package and a copy of the certificate of attempted service shall be served upon him. If he returns to the naval service within the appeal period at some place other than his assigned ship or station, the promulgation package and a copy of the certificate of attempted service shall be transmitted by the most expeditious means to such place for personal service upon him. In either case, the required endorsement, notifying the accused of his right to petition the U.S. Court of Military Appeals, should be modified by an appropriate endorsement informing him that his appeal period is limited to 30 days from the date of the certificate of attempted service. A receipt from the accused for his copy of the decision of the Navy Court of Military Review and for the certificate of attempted service shall be obtained and forwarded to the Judge Advocate General.

(d) *Effect of constructive service.* Constructive service constitutes notification to the accused of the decision of the Navy Court of Military Review and commences the running of the 30-day appeal period within which he may petition the U.S. Court of Military Appeals for grant of review. At the termination of the 30-day appeal period, action will be taken in the same manner as though the accused had been served personally or by registered mail on the date of the execution of the certificate of attempted service.

(e) *Form.* The form set forth in Appendix section 1–j[1] is recommended but may be modified as necessary to meet the requirements of a particular case.

§ 719.134 Execution of sentence.

(a) *General.* When the sentence of an enlisted man or warrant officer as affirmed by the Navy Court of Military Review includes, unsuspended, a dishonorable or bad conduct discharge, or confinement for 1 year or more, it may not, except as provided in § 719.135, be executed until completion of appellate review, i.e., expiration of the 30-day appeal period if no petition for review is filed, or final review by the U.S. Court of Military Appeals. When such sentence as affirmed by the Navy Court of Military Review does not include, unsuspended, a dishonorable or bad conduct discharge, or confinement for 1 year or more, it may be executed without further delay. See § 719.124 for requirements concerning issuance of promulgating orders.

(b) *Execution of punitive discharge.* In addition to the foregoing requirements, and notwithstanding the fact that the sentence may have been duly ordered executed, a punitive discharge may not in fact be executed until the provisions of SECNAVINST 5815.3 series have been complied with.

§ 719.135 Request for immediate execution of discharge.

(a) *General.* Prior to completion of appellate review, an accused may request immediate execution of the unexecuted portion of his sentence, following completion of the confinement portion thereof, if any, in those cases in which his sentence as affirmed by the Navy Court of Military Review:

(1) Includes an unsuspended punitive discharge; and

(2) Either does not include confinement, or the confinement portion thereof has been or will be completed prior to 30 days from the date the accused is served with a copy of the Navy Court of Military Review decision.

(b) *Conditions of approval.* Such requests may be approved by the officer exercising general court-martial jurisdiction subject to the following conditions:

(1) That the accused has received a copy of the decision of the Navy Court of Military Review in his case;

(2) That the accused has had fully explained to him his right to petition the U.S. Court of Military Appeals for grant of review;

(3) That the accused does not have an appeal pending before the U.S. Court of Military Appeals;

(4) That the accused does not intend to appeal to the U.S. Court of Military Appeals but, nevertheless, understands that his request for immediate release does not affect his right seasonably to petition the U.S. Court of Military Appeals;

(5) That the accused has consulted counsel of his own choice; and

(6) That Naval Clemency and Parole Board review, under the provisions of SECNAVINST 5815.3 series, if applicable, has been completed.

(c) *Execution of unexecuted portion of sentence.* Upon approval of such requests, the officer exercising general court-martial jurisdiction shall order the unexecuted portion of the sentence to be duly executed.

(d) *Form of request for immediate execution of discharge.* The prescribed form is set forth in Appendix section 1–k.[1] Three signed copies of the request shall be transmitted to the Judge Advocate General.

§ 719.136 Filing of court-martial records.

(a) *General courts-martial.* All records of trial by general court-martial shall, after completion of final action, be filed in the Office of the Judge Advocate General.

(b) *Special courts-martial.* Records of trial by special court-martial which (1) involve an officer accused or (2) have been acted upon by the Navy Court of Military Review, including those cases which have been returned to the officer exercising general court-martial jurisdiction for further action, shall, after completion of final action, be filed in the Office of the Judge Advocate General. All other special court-martial records shall be filed in the manner provided below for summary courts-martial.

(c) *Summary courts-martial*—(1) *Shore activities.* Officers having supervisory authority over shore activities shall retain original records for a period of two years after final action. At the termination of such retention period, the original records of proceeding shall be transferred to the National Personnel Records Center, GSA (Military Personnel Records), 9700 Page Boulevard, St. Louis, MO 63132.

(2) *Fleet activities.* Officers having supervisory authority who are in command of fleet activities, including Fleet Air Wings and Fleet Marine Forces, shall retain original records of proceedings for a period of 3 months. At the termination of such retention period, the original records of proceedings shall be transferred to the National Personnel Records Center, GSA (Military Personnel Records), 9700 Page Boulevard, St. Louis, MO 63132.

Subpart E—Miscellaneous Matters

§ 719.137 Financial responsibility for costs incurred in support of courts-martial.

Financial responsibility for costs incurred as the result of necessary activities of appointees to or witnesses called before courts-martial will be governed by the following:

(a) *Travel, per diem, and fees.* (1) The costs of travel and per diem of military personnel and civilian employees of the Navy, but excluding that of personnel attached to the office of the Officer in Charge, U.S. Navy-Marine Corps Judiciary Activity, and branch offices thereof, when acting as military judges of general courts-martial, will be charged to the operation and maintenance allotment which supports temporary additional duty travel for the convening authority of the court-martial. Such costs incurred by personnel attached to the office of the Officer in Charge, U.S. Navy-Marine Corps Judiciary Activity, and branch offices thereof, when acting as military judges of general courts-martial will be charged to the operation and maintenance allotment of the Judge Advocate General.

(2) Subject to obtaining authorization from the Commandant of the Naval District or the Fleet or Force Commander concerned, the costs of fees and mileage of civilians, other than employees of the Navy, will be charged as follows:

(i) When the convening authority is a Navy activity, costs will be charged to appropriation "Operation and Maintenance, Navy" funds administered by the Bureau of Naval Personnel.

(ii) When the convening authority is a Marine Corps command, costs will be charged to the operating budget which supports the temporary additional duty travel for the convening authority.

(b) *Services and supplies.* (1) The following costs of services and supplies provided by an activity in support of courts-martial will be charged to the operation and maintenance allotment of the convening authority:

(i) In-house costs which are direct, out-of-pocket, identifiable, and which total $100 or more in a calendar month; and

(ii) Costs which arise under contracts which were entered into in support of courts-martial.

(2) All other costs of services and supplies will be absorbed by the operation and maintenance allotment of the activity which provides the services or supplies.

§ 719.138 Fees of civilian witnesses.

(a) Method of Payment: The fees and mileage of a civilian witness shall be paid by the disbursing officer of the command of a convening authority or appointing authority or by the disbursing officer at or near the place where the tribunal sits or where a deposition is taken when such disbursing officer is presented a properly completed, public voucher or such fees and mileage, signed by the witness and certified by one of the following:

(1) Trial counsel or assistant trial counsel of the court-martial.

(2) Summary court.

(3) Counsel for the court in a court of inquiry.

(4) Recorder or junior member of a board to redress injuries to property.

(5) Military or civil officer before whom a deposition is taken.

(i) The public voucher must be accompanied by a subpoena or invitational orders (Joint Travel Regulations, vol. 2, chap. 5), and by a certified copy of the order appointing the court-martial, court of inquiry, or investigation. If, however, a deposition is taken before charges are referred for trial, the fees and mileage of the witness concerned shall be paid by the disbursing officer at or near the place where the deposition is taken upon presentation of a public voucher, properly completed as hereinbefore prescribed, and accompanied by an order from the officer who authorized the taking of the deposition, subscribed by him and directing the disbursing officer to pay to the witness the fees and mileage supported by the public voucher. When the civilian witness testifies outside the United States, its territories and possessions, the public voucher must be accompanied by a certified copy of the order appointing the court-martial, court of inquiry, or investigation, and by an order from the convening authority or appointing authority, subscribed by him and directing the disbursing officer to pay to the

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witness the fees and mileage supported by the public voucher.

(b) Obtaining money for advance tender or payment: Upon written request by one of the officers listed in paragraph (a) of this section, the disbursing officer under the command of the convening or appointing authority, or the disbursing officer nearest the place where the witness is found, will, at once, provide any of the persons listed in paragraph (a) of this section, or any other officer or person designated for the purpose, the required amount of money to be tendered or paid to the witnesses for mileage and fees for one day of attendance. The person so receiving the money for the purpose named shall furnish the disbursing officer concerned with a proper receipt.

(c) Reimbursement: If an officer charged with serving a subpoena pays from his personal funds the necessary fees and mileage to a witness, taking a receipt therefor, he is entitled to reimbursement upon submitting to the disbursing officer such receipt, together with a certificate of the appropriate person named in paragraph (a) of this section, to the effect that the payment was necessary.

(d) Certificate of person before whom deposition is taken: The certificate of the person named in paragraph (a) of this section, before whom the witness gave his deposition, will be evidence of the fact and period of attendance of the witness and the place from which summoned. See paragraph 117b(9), MCM.

(e) Payment of accrued fees: The witness may be paid accrued fees at his request at any time during the period of attendance. The disbursing officer will make such interim payment(s) upon receipt of properly executed certificate(s). Upon his discharge from attendance, the witness will be paid, upon the execution of a certificate, a final amount covering unpaid fees and travel, including an amount for return travel. Payment for return travel will be made upon the basis of the actual fees and mileage allowed for travel to the court, or place designated for taking a deposition.

(f) Computation: Travel expenses shall be determined on the basis of the shortest usually traveled route in accordance with official schedules. Reasonable allowance will be made for unavoidable detention.

(g) Nontransferability of accounts: Accounts of civilian witnesses may not be transferred or assigned.

(h) Signatures. Signatures of witnesses signed by mark must be witnessed by two persons.

(i) Rates for civilian witnesses prescribed by law.

(1) *Civilian witnesses not in Government employ.* A civilian not in Government employ, who is compelled or required to testify as a witness before a naval tribunal, or at a place where his deposition is to be taken for use before such court or fact-finding body, will receive:

(i) $20 for each day's actual attendance and for the time necessarily occupied in going to and returning from the place of attendance.

(ii) $16 per day for expenses of subsistence (including the time necessarily occupied in going to and returning from the place of attendance) if the witness attends at a point so far removed from his residence as to prohibit return thereto from day to day.

(iii) 10 cents per mile for going from and returning to his place of residence, provided such travel is performed as a direct result of being compelled or required to appear as a witness. Regardless of the mode of travel employed by the witness, computation of mileage in this respect shall be made on the basis of a uniform table of distances adopted by the Attorney General (Rand McNally Standard Highway Mileage Guide or any other generally accepted highway mileage guide which contains a short-line nationwide table of distances and which is designated by the Assistant Attorney General for Administration for such purpose). With respect to travel in areas for which no such highway mileage guide exists, mileage shall be computed on the basis of (*a*) the mode of travel actually employed, (*b*) a usually traveled route, and (*c*) distances as generally accepted in the locality. In lieu of the mileage allowance provided for herein, witnesses who are required to travel between Hawaii, Puerto Rico, the territories and possessions, or to and from the continental United States, shall be entitled to the actual expenses of travel at the lowest first class rate available at the time of reservation for passage by the means of transportation employed.

(iv) Paragraph (i)(1) of this section shall not apply to Alaska. See 28 CFR 21.3 for fees and allowances of witnesses in Alaska, or the Judge Advocate General will, upon request, furnish the current applicable rates.

(v) Further, nothing in paragraph (i)(1) of this section shall be construed as authorizing the payment of attendance fees, mileage allowances, or subsistence fees to witnesses for: (*a*) Attendance or travel which is not performed either as a direct result of being compelled to testify pursuant to a subpena or as a direct result of the issuance of invitational orders; or (*b*) for travel which is performed prior to being duly summoned as a witness; or (*c*) for travel returning to their places of residence if the travel from their places of residence does not qualify for payment under this subsection.

(2) *Civilian witnesses in Government employ.* A civilian in the employ of the Government, when summoned as a witness, shall be paid (i) his necessary expenses, incident to travel by common carrier or, if travel is made by privately owned automobile, mileage at the rate of 10 cents per mile, and (ii) a per diem allowance at the rate of $25 in lieu of subsistence within the continental limits of the United States. In Alaska, Hawaii, and outside the United States, he shall be paid at the maximum rates prescribed by the Bureau of the Budget pursuant to the Travel Expense Act of 1949, as amended (5 U.S.C. 5702). Such per diem allowance shall be paid in accordance with the provisions of the Standardized Government Travel Regulations (see NCPI 4650). If the tribunal is in session at the place where the civilian witness in the employ of the Government is stationed, he shall receive no allowance.

(j) Nothing in this paragraph shall be construed as permitting or requiring the payment of fees to those witnesses not requested in accordance with paragraph 115a, MCM, or whose testimony is determined not to meet the standards of relevancy and materiality set forth in that paragraph.

(k) Expert witnesses: (1) The convening authority will authorize the employment of an expert witness and will fix the limit of compensation to be paid such expert on the basis of the normal compensation paid by United States attorneys for attendance of a witness of such standing in United States courts in the area involved. Information concerning such normal compensation may be obtained from the staff judge advocate of the local area coordinator. Convening authorities at overseas commands will adhere to fees paid such witnesses in the Hawaiian area and may obtain information as to the limit of such fees from the Commandant of the Fourteenth Naval District. See paragraph (1) of this section for fees payable to foreign nationals.

(2) The provisions of paragraph (i) of this section are applicable to expert witnesses. However, the expert witness fee prescribed by the convening authority will be paid in lieu of ordinary attendance fees on those days the witness is required to attend the court.

(3) An expert witness employed in strict accordance with paragraph 116, MCM, may be paid compensation at the rate prescribed in advance by the official empowered to authorize his employment (11 Comp. Gen. 504). In the absence of such authorization, no fees other than ordinary witness fees may be paid for the employment of an individual as an expert witness. After an expert witness has testified pursuant to such employment, the certificate of one of the officers listed in subsection a above, when presented to the disbursing officer, shall also enclose a certified copy of the authorization of the convening authority.

(l) Payment of witness fees to foreign nationals: Officers exercising general court-martial jurisdiction in areas other than a State of the United States shall establish rates of compensation for payment of foreign nationals who testify as witnesses, including expert witnesses, at courts-martial convened in such areas.

§ 719.139 Warrants of attachment.

Warrants of attachment shall not be issued without prior approval of the Judge Advocate General, acting for the Secretary of the Navy, in each case.

§ 719.140 Security of classified matter in judicial proceedings.

(a) *General.* Every precaution shall be taken by convening authorities, military judges, presidents of special courts-martial, summary courts, and trial counsel to protect the security of classified matter involved in judicial proceedings. If a trial of a case involves security information or cryptographic systems and publications, the convening authority, military judge, president of a special court-martial, summary court, and trial counsel, as appropriate, are charged with the responsibility of ensuring compliance with applicable provisions of the Department of the Navy Security Manual for Classified Information paragraph 33f, MCM, and SECNAVINST 5511.4 series.

(b) *Security clearance of personnel.* If classified matter is to be used for prosecution, appropriate personnel security clearances in accordance with the Department of the Navy Security Manual for Classified Information must be granted to all members of the court, members of the prosecution and defense, court reporters and interpreters, and all other persons whose presence is required when classified matter is introduced before the court. If the accused is represented by civilian defense counsel, such counsel must likewise be cleared before classified matter may be disclosed to him. The necessity for clearing the accused himself, and the practicability of obtaining such clearance rests in the sound discretion of the convening authority and may be one of the considerations in his determination that permission to try a particular case be requested from the Secretary of the Navy in accordance with the provisions of paragraph 33f, MCM. If it appears during the course of a trial that classified matter will be disclosed, and if the provisions of this subsection have not been complied with, the military judge or president of a special court-martial or summary court shall adjourn the court and refer the matter to the convening authority.

(c) *Procedures concerning spectators.* See § 719.115 which prescribes procedures necessary to prevent the dissemination of classified information to other than authorized persons.

§ 719.141 Court-martial forms.

(a) *List.* The forms listed below are used in courts-martial by the naval service:

STD 1156	Public Voucher for Fees and Mileage of Witnesses.
STD 1157	Claim for Fees and Mileage of Witnesses.
DD 453	Subpoena for Civilian Witness.
DD 454	Warrant of Attachment.
DD 455	Report of Proceedings to Vacate Suspension.
DD 456	Interrogatories and Depositions.
DD 457	Investigating Officer's Report.
DD 458	Charge Sheet.
DD 490	Verbatim Record of Trial.
DD 491	Summarized Record of Trial.
DD 493	Extract of Military Records of Previous Convictions.
DD 494	Court-Martial Data Sheet (Optional).
DD 1722	Request for Trial Before Military Judge Alone.
NAVJAG 5800/9	Criminal Activity, Disciplinary Infractions and Court-Martial Report (Rev. 4–69).
NAVJAG 5813/1	Court-Martial Data (Rev. 4–69).
NAVJAG 5813/2	Court-Martial Case Report (Rev. 6–69).

(b) *How to obtain forms.* The above-designated forms are available from the Forms and Publications Segment of the Navy Supply System as cognizance symbol "T" material and may be obtained in accordance with the instructions contained in Navy Stock List of Forms and Publications, NAVSUP Publication 2002. Marine Corps activities will requisition forms in accordance with instructions contained in Chapter 22 of Marine Corps Unified Material Management System Manual, Marine Corps Order P–4400.84.

(c) *Forms prescribed by MCM.* Where forms are prescribed by the Manual for Courts-Martial, but are not immediately available, convening authorities may improvise as necessary, using the MCM and appendices thereto as guides.

§ 719.142 Suspension of counsel.

(a) *General.* When a person, military or civilian, has, pursuant to paragraph 43, MCM, and these regulations, been suspended from acting as counsel before courts-martial and the Navy Court of Military Review, he shall not, during the period of such suspension, be eligible to so act. Such suspension is separate and distinct from any matter involving contempt, discussed in paragraphs 10 and 118, MCM, and from withdrawal of certification made pursuant to 10 U.S.C. 826 and 827.

(b) *Grounds for suspension.* Suspension shall be accomplished only when, by his personal or professional conduct, a person has demonstrated that he is so lacking in competency, integrity, or ethical or moral character as to be unacceptable as counsel before a court-martial or the Navy Court of Military Review. Specific grounds for suspension include, but are not limited to:

(1) Demonstrated incompetence while acting as counsel during pretrial, trial or post-trial stages of a court-martial;

(2) Preventing or obstructing justice, including the deliberate use of frivolous or unwarranted dilatory tactics;

(3) Fabricating papers or other evidence;

(4) Tampering with a witness;

(5) Abusive conduct toward the court-martial, the Navy Court of Military Review, the military judge, or opposing counsel;

(6) Flagrant or repeated violations of any specific rules of conduct prescribed for counsel (see paragraphs 42, 44, 46, and 48, MCM);

(7) Conviction of an offense involving moral turpitude or conviction of a violation of 10 U.S.C. 848;

(8) Disbarment by a State or Federal court or the U.S. Court of Military Appeals; or

(9) Indefinite suspension as counsel by the Judge Advocate General of the Army or Air Force or the General Counsel of the Treasury Department.

Action to suspend should not be initiated because of personal prejudice or hostility toward counsel, nor should such action be initiated because counsel has presented an aggressive, zealous, or novel defense, or when his apparent misconduct as counsel stems from inexperience or lack of instruction in the performance of legal duties. The Code of Professional Responsibility of the American Bar Association is considered to be generally applicable as rules of professional conduct for persons acting as counsel before naval courts-martial and the Navy Court of Military Review, and is quoted, in part, for guidance:

DR 2–110 WITHDRAWAL FROM EMPLOYMENT

(A) *In general.* (1) If permission for withdrawal from employment is required by the rules of a tribunal, a lawyer shall not withdraw from employment in a proceeding before that tribunal without its permission.

(2) In any event, a lawyer shall not withdraw from employment until he has taken reasonable steps to avoid foreseeable prejudice to the rights of his client, including giving due notice to his client, allowing time for employment of other counsel, delivering to the client all papers and property to which the client is entitled, and complying with applicable laws and rules.

(3) A lawyer who withdraws from employment shall refund promptly any part of a fee paid in advance that has not been earned.

(B) *Mandatory withdrawal.* A lawyer representing a client before a tribunal, with its permission if required by its rules, shall withdraw from employment, and a lawyer representing a client in other matters shall withdraw from employment, if:

(1) He knows or it is obvious that his client is bringing the legal action, conducting the defense, or asserting a position in the litigation, or is otherwise having steps taken for him, merely for the purpose of harassing or maliciously injuring any person.

(2) He knows or it is obvious that his continued employment will result in violation of a Disciplinary Rule.

(3) His mental or physical condition renders it unreasonably difficult for him to carry out the employment effectively.

(4) He is discharged by his client.

(C) *Permissive withdrawal.* If DR 2–110 (B) is not applicable, a lawyer may not request permission to withdraw in matters pending before a tribunal, and may not withdraw in other matters, unless such request or such withdrawal is because:

(1) His client:

(a) Insists upon presenting a claim or defense that is not warranted under existing law and cannot be supported by good faith argument for an extension, modification, or reversal of existing law.

(b) Personally seeks to pursue an illegal course of conduct.

(c) Insists that the lawyer pursue a course of conduct that is illegal or that is prohibited under the Disciplinary Rules.

(d) By other conduct renders it unreasonably difficult for the lawyer to carry out his employment effectively.

(e) Insists, in a matter not pending before a tribunal, that the lawyer engage in conduct that is contrary to the judgment and advice of the lawyer but not prohibited under the Disciplinary Rules.

(f) Deliberately disregards an agreement or obligation to the lawyer as to expenses or fees.

(2) His continued employment is likely to result in a violation of a Disciplinary Rule.

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(3) His inability to work with co-counsel indicates that the best interests of the client likely will be served by withdrawal.

(4) His mental or physical condition renders it difficult for him to carry out the employment effectively.

(5) His client knowingly and freely assents to termination of his employment.

(6) He believes in good faith, in a proceeding pending before a tribunal, that the tribunal will find the existence of other good cause for withdrawal.

DR 4–101 PRESERVATION OF CONFIDENCES AND SECRETS OF A CLIENT

(A) "Confidence" refers to information protected by the attorney-client privilege under applicable law, and "secret" refers to other information gained in the professional relationship that the client has requested be held inviolate or the disclosure of which would be embarrassing or would likely to be detrimental to the client.

(B) Except when permitted under DR 4–101 (C), a lawyer shall not knowingly:

(1) Reveal a confidence or secret of his client.

(2) Use a confidence or secret of his client to the disadvantage of the client.

(3) Use a confidence or secret of his client for the advantage of himself or of a third person, unless the client consents after full disclosure.

(C) A lawyer may reveal:

(1) Confidences or secrets with the consent of the client or clients affected, but only after a full disclosure to them.

(2) Confidences or secrets when permitted under Disciplinary Rules or required by law or court order.

(3) The intention of his client to commit a crime and the information necessary to prevent the crime.

(4) Confidences or secrets necessary to establish or collect his fee or to defend himself or his employees or associates against an accusation of wrongful conduct.

(D) A lawyer shall exercise reasonable care to prevent his employees, associates, and others whose services are utilized by him from disclosing or using confidences or secrets of a client, except that a lawyer may reveal the information allowed by DR 4–101 (C) through an employee.

DR 5–105 Refusing to Accept or Continue Employment if the Interests of Another Client May Impair the Independent Professional Judgment of the Lawyer.

(A) A lawyer shall decline proffered employment if the exercise of his independent professional judgment in behalf of a client will be or is likely to be adversely affected by the acceptance of the proffered employment, except to the extent permitted under DR 5–105(C).

(B) A lawyer shall not continue multiple employment if the exercise of his independent professional judgment in behalf of a client will be or is likely to be adversely affected by his representation of another client, except to the extent permitted under DR 5–105(C).

(C) In the situations covered by DR 5–105 (A) and (B), a lawyer may represent multiple clients if it is obvious that he can adequate represent the interest of each and if each consents to the representation after full disclosure of the possible effect of such representation on the exercise of his independent professional judgment on behalf of each.

(D) If a lawyer is required to decline employment or to withdraw from employment under DR 5–105, no partner or associate of his or his firm may accept or continue such employment.

DR 6–101 FAILING TO ACT COMPETENTLY

(A) A lawyer shall not:

(1) Handle a legal matter which he knows or should know that he is not competent to handle, without associating with him a lawyer who is competent to handle it.

(2) Handle a legal matter without preparation adequate in the circumstances.

(3) Neglect a legal matter entrusted to him.

DR 7–101 REPRESENTING A CLIENT ZEALOUSLY

(A) A lawyer shall not intentionally:

(1) Fail to seek the lawful objectives of his client through reasonably available means permitted by law and the Disciplinary Rules, except as provided by DR 7–101 (B). A lawyer does not violate this Disciplinary Rule, however, by acceding to reasonable requests of opposing counsel which do not prejudice the rights of his client, by being punctual in fulfilling all professional commitments, by avoiding offensive tactics, or by treating with courtesy and consideration all persons involved in the legal process.

(2) Fail to carry out a contract of employmitted under DR 2–110, DR 5–102, and DR sional services, but he may withdraw as permittee under DR 2–110, DR 5–102, and DR 5–105.

(3) Prejudice or damage his client during the course of the professional relationship, except as required under DR 7–102(B).

(B) In his representation of a client, a lawyer may:

(1) Where permissible, exercise his professional judgment to waive or fail to assert a right or position of his client.

(2) Refuse to aid or participate in conduct that he believes to be unlawful, even though there is some support for an argument that the conduct is legal.

DR 7–102 REPRESENTING A CLIENT WITHIN THE BOUNDS OF THE LAW

(A) In his representation of a client, a lawyer shall not:

(1) File a suit, assert a position, conduct a defense, delay a trial, or take other action on behalf of his client when he knows or when it is obvious that such action would serve merely to harass or maliciously injure another.

(2) Knowingly advance a claim or defense that is unwarranted under existing law, except that he may advance such claim or defense if it can be supported by good faith argument for an extension, modification, or reversal of existing law.

(3) Conceal or knowingly fail to disclose that which he is required by law to reveal.

(4) Knowingly use perjured testimony or false evidence.

(5) Knowingly make a false statement of law or fact.

(6) Participate in the creation or preservation of evidence when he knows or it is obvious that the evidence is false.

(7) Counsel or assist his client in conduct that the lawyer knows to be illegal or fraudulent.

(8) Knowingly engage in other illegal conduct or conduct contrary to a Disciplinary Rule.

(B) A lawyer who receives information clearly establishing that:

(1) His client has, in the course of the representation, perpetrated a fraud upon a person or tribunal shall promptly call upon his client to rectify the same, and if his client refuses or is unable to do so, he shall reveal the fraud to the affected person or tribunal.

(2) A person other than his client has perpetrated a fraud upon a tribunal shall promptly reveal the fraud to the tribunal.

DR 7–103 PERFORMING THE DUTY OF PUBLIC PROSECUTOR OR OTHER GOVERNMENT LAWYER

(A) A public prosecutor or other government lawyer shall not institute or cause to be instituted criminal charges when he knows or it is obvious that the charges are not supported by probable cause.

(B) A public prosecutor or other government lawyer in criminal litigation shall make timely disclosure to counsel for the defendant, or to the defendant if he has no counsel, of the existence of evidence, known to the prosecutor or other government lawyer, that tends to negate the guilt of the accused, mitigate the degree of the offense, or reduce the punishment.

DR 7–104 COMMUNICATING WITH ONE OF ADVERSE INTEREST

(A) During the course of his representation of a client a lawyer shall not:

(1) Communicate or cause another to communicate on the subject of the representation with a party he knows to be represented by a lawyer in that matter unless he has the prior consent of the lawyer representing such other party or is authorized by law to do so.

(2) Give advice to a person who is not represented by a lawyer, other than the advice to secure counsel, if the interests of such person are or have a reasonable possibility of being in conflict with the interests of his client.

DR 7–106 TRIAL CONDUCT

(A) A lawyer shall not disregard or advise his client to disregard a standing rule of a tribunal or a ruling of a tribunal made in the course of a proceeding, but he may take appropriate steps in good faith to test the validity of such rule or ruling.

(B) In presenting a matter to a tribunal, a lawyer shall disclose:

(1) Legal authority in the controlling jurisdiction known to him to be directly adverse to the position of his client and which is not disclosed by opposing counsel.

(2) Unless privileged or irrelevant, the identities of the clients he represents and of the persons who employed him.

(C) In appearing in his professional capacity before a tribunal, a lawyer shall not:

(1) State or allude to any matter that he has no reasonable basis to believe is relevant to the case or that will not be supported by admissible evidence.

(2) Ask any question that he has no reasonable basis to believe is relevant to the case and that is intended to degrade a witness or other person.

(3) Assert his personal knowledge of the facts in issue, except when testifying as a witness.

(4) Assert his personal opinion as to the justness of a cause, as to the credibility of a witness, as to the culpability of a civil litigant, or as to the guilt or innocence of an accused; but he may argue, on his analysis of the evidence, for any position or conclusion with respect to the matters stated herein.

(5) Fail to comply with known local customs of courtesy or practice of the bar or a particular tribunal without giving to opposing counsel timely notice of his intent not to comply.

(6) Engage in undignified or discourteous conduct which is degrading to a tribunal.

(7) Intentionally or habitually violate any established rule of procedure or of evidence.

DR 7–107 [SECTIONS (A–(E)] TRIAL PUBLICITY [SEE ALSO: § 719.115]

(A) A lawyer participating in or associated with the investigation of a criminal matter shall not make or participate in making an extrajudicial statement that a reasonable person would expect to be disseminated by means of public communication and that does more than state without elaboration:

(1) Information contained in a public record.

(2) That the investigation is in progress.

(3) The general scope of the investigation including a description of the offense and, if permitted by law, the identity of the victim.

(4) A request for assistance in apprehending a suspect or assistance in other matters and the information necessary thereto.

(5) A warning to the public of any dangers.

(B) A lawyer or law firm associated with the prosecution or defense of a criminal matter shall not, from the time of the filing of a complaint, information, or indictment, the issuance of an arrest warrant or arrest until the commencement of the trial or disposition without trial, make or participate in making an extrajudicial statement that a reasonable person would expect to be disseminated by means of public communication and that relates to:

(1) The character, reputation, or prior criminal record (including arrests, indictments, or other charges of crime) of the accused.

(2) The possibility of a plea of guilty to the offense charged or to a lesser offense.

(3) The existence or contents of any confession, admission, or statement given by the accused or his refusal or failure to make a statement.

(4) The performance or results of any examinations or tests or the refusal or failure of the accused to submit to examinations or tests.

(5) The identity, testimony, or credibility of a prospective witness.

(6) Any opinion as to the guilt or innocence of the accused, the evidence, or the merits of the case.

(C) DR 7–107 (B) does not preclude a lawyer during such period from announcing:

(1) The name, age, residence, occupation, and family status of the accused.

(2) If the accused has not been apprehended, any information necessary to aid in his apprehension or to warn the public of any dangers he may present.

(3) A request for assistance in obtaining evidence.

(4) The identity of the victim of the crime.

(5) The fact, time, and place of arrest, resistance, pursuit, and use of weapons.

(6) The identity of investigating and arresting officers or agencies and the length of the investigation.

(7) At the time of seizure, a description of the physical evidence seized, other than a confession, admission, or statement.

(8) The nature, substance, or test of the charge.

(9) Quotations from or references to public records of the court in the case.

(10) The scheduling or result of any step in the judicial proceedings.

(11) That the accused denies the charges made against him.

(D) During the selection of a jury or the trial of a criminal matter, a lawyer or law firm associated with the prosecution or defense of a criminal matter shall not make or participate in making an extrajudicial statement that a reasonable person would expect to be disseminated by means of public communication and that relates to the trial, parties, or issues in the trial or other matters that are reasonably likely to interfere with a fair trial, except that he may quote from or refer without comment to public records of the court in the case.

(E) After the completion of a trial or disposition without trial of a criminal matter and prior to the imposition of sentence, a lawyer or law firm associated with the prosecution or defense shall not make or participate in making an extrajudicial statement that a reasonable person would expect to be disseminated by public communication and that is reasonably likely to affect the imposition of sentence.

(c) *Action to suspend.*—(1) *General.* Action to suspend a person from acting as counsel before courts-martial and the Navy Court of Military Review will be initiated only when other remedial measures, including punitive action, have failed to induce proper behavior or are inappropriate. In each stage of proceedings looking to suspension of counsel, full consideration shall be given to the effectiveness and appropriateness of such measures as warning, admonition, instruction, proceedings in contempt and other punitive action.

(2) *Report of grounds for suspension.* When information as to the occurrence or existence of any ground for suspension comes to the attention of a member of a court-martial, a military judge, appointed counsel, staff-judge advocate, or member of the Navy Court of Military Review, such information shall be reported, together with appropriate supporting information, to the officer exercising general court-martial jurisdiction over the command of such reporting officer or to the Judge Advocate General. Prompt action shall be taken by the recipient of such report to dispose of the matter in the interest of proper administration of justice, except that, if the alleged disqualifying conduct occurs during the trial of a particular case and involves counsel for the accused, action may be deferred pending completion of the trial.

(3) *Hearing.* If the officer exercising general court-martial jurisdiction or the Judge Advocate General is of the opinion that there is probable cause to believe that a ground for suspension exists, and that other remedial measures are not appropriate or will not be effective, he shall appoint a board of officers to investigate the matter and to report its findings and recommendations as to whether the person involved should be temporarily or indefinitely suspended. The board so appointed shall consist of two or more members who are certified as qualified to act as military judge or counsel of general courts-martial pursuant to 10 U.S.C. 826 or 827. The board shall cause notice to be given to the counsel concerned, informing him of the misconduct or other disqualification alleged and affording him the opportunity to appear before it for a hearing. The counsel shall be permitted at least 5 days subsequent to notice to prepare for a hearing. Failure to appear on a set date subsequent to notice will constitute a waiver of appearance. Upon ascertaining the relevant facts after notice and hearing, the board will report its findings and recommendations based thereon to the officer who appointed the board. If the board was not convened by the Judge Advocate General, the officer who appointed the board shall (unless he deems the investigation incomplete, in which case he may direct further investigation and hearing), forward the report of the board to the his comments and recommendations Judge Advocate General together with concerning suspension of the person involved.

(4) *Action by the Judge Advocate General.* Upon receipt of the report of a board, the Judge Advocate General shall determine whether the person involved shall be suspended as counsel and whether such suspension shall be for a stated term or indefinite, and shall issue an appropriate order implementing such determination. The Judge Advocate General may, upon petition of the person who has been suspended, and upon good cause shown, or upon his own motion, modify or revoke any prior order of suspension.

(5) *Effect upon other actions.* Notwithstanding these regulations, the Judge Advocate General may in his discretion withdraw any certification of qualification to act as military judge or as counsel before general courts-martial made pursuant to 10 U.S.C. 826 or 827.

§ 719.143 Petition for new trial under 10 U.S.C. 873.

(a) *Statutory provisions.* 10 U.S.C. 873, provides, "At any time within 2 years after approval by the convening authority of a court-martial sentence, the accused may petition the Judge Advocate General for a new trial on the grounds of newly discovered evidence or fraud on the court. If the accused's case is pending before a Court of Military Review or before the Court of Military Appeals, the Judge Advocate General shall refer the petition to the appropriate court for action. Otherwise the Judge Advocate General shall act upon the petition."

(b) *Time limitations.* If the petition for new trial was placed in military channels within 2 years after approval of a sentence by the convening authority, regardless of the date of its receipt in the Office of the Judge Advocate General, it shall be considered to have been seasonably filed. Except in extraordinary circumstances, petitions will not be acted upon by the Judge Advocate General until all reviews in the field, contemplated by 10 U.S.C. 865, have been completed.

(c) *Submission procedures.* If the petitioner is on active duty the petition shall be submitted to the Judge Advocate General via the petitioner's commanding officer, the command which convened the court, and the command that took supervisory authority action on the case. If the supervisory authority has the record of trial he will forward it as an enclosure to his endorsement on the petition. The endorsement shall include information and comments as deemed appropriate. If the petitioner is no longer on active duty the petition may be submitted directly to the Judge Advocate General. If more than one court-martial is involved, a separate petition shall be filed for each trial.

(d) *Contents of petitions.* The form and contents of petitions for new trial are

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specified in paragraph 109e, MCM. In addition, the petition shall include the following:

(1) Place of trial.

(2) Command title of the organization at which the court-martial was convened (convening authority).

(3) Command title of the officer exercising general court-martial jurisdiction over the petitioner at the time of trial (supervisory authority).

(4) Type of court-martial which convicted the petitioner.

(e) *Receipt in the Office of the Judge Advocate General.* (1) If the case is pending before the Navy Court of Military Review or the U.S. Court of Military Appeals, or will be so pending, the petition will be referred for action to the Navy Court of Military Review or the U.S. Court of Military Appeals, as appropriate. If referred for action to the Navy Court of Military Review, such court shall take action in accordance with Courts of Military Review rules of practice and procedure.

(2) In all other cases the Judge Advocate General may take one or more of the following actions as appropriate:

(i) Return the petition for compliance with the procedural requirements of paragraph 109e, MCM, and paragraph (d) of this section.

(ii) Deny the petition if relief is not warranted under the criteria set forth in paragraph 109d, MCM.

(iii) Grant the petition if relief is warranted under the criteria set forth in paragraph 109d, MCM.

(iv) Refer the petition to one or more officers for review and preparation of a recommendation for the Judge Advocate General. In the event such a referral is made, counsel for the Government and for the petitioner will be designated and a hearing with oral argument after submission of briefs may be permitted.

§ 719.144 Application for relief under 10 U.S.C. 769, in cases which have been finally reviewed.

(a) *Statutory provisions.* 10 U.S.C. 769 provides in pertinent part, "Notwithstanding section 876 of this title (article 76) the findings or sentence, or both, in a court-martial case which has been finally reviewed, but has not been reviewed by a Court of Military Review may be vacated or modified, in whole or in part, by the Judge Advocate General on the ground of newly discovered evidence, fraud on the court, lack of jurisdiction over the accused or the offense, or error prejudicial to the substantial rights of the accused."

(b) *Submission procedures.* Applications for relief may be submitted to the Judge Advocate General by letter. If the accused is on active duty, the application shall be submitted via the applicant's commanding officer, and the command that convened the court, and the command that took supervisory authority action on the case. If the original record of trial is held by the supervisory authority, he shall forward it as an enclosure to his endorsement. This endorsement shall also include information and comment on the merits of the application. If the applicant is no longer on active duty, the application may be submitted directly to the Judge Advocate General.

(c) *Contents of applications.* All applications for relief shall contain:

(1) Full name of the applicant;

(2) Service number and branch of service, if any;

(3) Social Security account number;

(4) Present grade if on active duty or retired, or "civilian" or "deceased" as applicable;

(5) Address at time the application is forwarded;

(6) Date of trial;

(7) Place of trial;

(8) Command title of the organization at which the court-martial was convened (convening authority);

(9) Command title of the officer exercising general court-martial jurisdiction over the applicant at the time of trial (supervisory authority);

(10) Type of court-martial which convicted the applicant;

(11) General grounds for relief which must be one or more of the following:

(i) Newly discovered evidence;

(ii) Fraud on the court;

(iii) Lack of jurisdiction over the accused or the offense;

(iv) Error prejudicial to the substantial rights of the accused;

(12) An elaboration of the specific prejudice resulting from any error cited. (Legal authorities to support the applicant's contentions may be included, and the format used may take the form of a legal brief if the applicant so desires);

(13) Any other matter which the applicant desires to submit; and

(14) Relief requested.

The applicant's copy of the record of trial will not be forwarded with the application for relief, unless specifically requested by the Judge Advocate General.

(d) *Signatures on applications.* Unless incapable of making application himself, the applicant shall personally sign his application under oath before an official authorized to administer oaths. If the applicant is incapable of making application, the application may be signed under oath and submitted by applicant's spouse, next of kin, executor, guardian, or other person with a proper interest in the matter.

§ 719.145 Set off of indebtedness of a person against his pay.

(a) *Court-martial decisions.* When the United States has suffered loss of money or property through the offenses of selling or otherwise disposing of, or willfully damaging, or losing military property, willfully and wrongfully hazarding a vessel, larceny, wrongful appropriation, robbery, forgery, arson, or fraud for which persons, other than accountable officers as defined in U.S. Navy Regulations, have been convicted by court-martial, the amount of such loss constitutes an indebtedness to the United States which will be set off against the final pay and allowances due such persons at the time of dismissal, discharge, or release from active duty.

(b) *Administrative determinations.* In addition, when the Government suffers a loss of money and competent authority has administratively determined that the loss occurred through the fraud, forgery, or other unlawful acts of such, persons as described in paragraph (a) of this section, the amount of such loss shall be set-off as described in paragraph (a) of this section. "Competent authority," as used herein, shall be the commanding officer of such persons and the administrative determination shall be made through an investigation pursuant to the JAG Manual and approved on review by a general court-martial authority

(c) *Army and Air Force property.* When the money or property involved belongs to the Army or the Air Force, and such service determines liability through the procedures provided by the authority of 37 U.S.C. 1007 and demands set off against the final pay and allowances of any naval service personnel, setoff shall be effected in accordance with subsection a above.

(d) *Voluntary restitution.* Immediate recovery action may be instituted on the basis of a voluntary offer of the member to make restitution of all or part of any indebtedness to the Government. The voluntary offer constitutes assumption of pecuniary responsibility for the loss and, as such, is sufficient to authorize checkage of current pay, if required, to collect the amount of the indebtedness. See also 10 U.S.C. 6161 and SECNAV INST 7220.38A series concerning the possibility of remission or cancellation of an enlisted member's indebtedness. Nothing herein shall be construed as precluding setoff against final pay in other cases when such action is directed by competent authority.

§ 719.146 Authority to prescribe regulations relating to the designation and changing of places of confinement.

The Chief of Naval Personnel and the Commandant of the Marine Corps are authorized to issue joint regulations as required to appropriate authorities relating to the designation and the changing of places of confinement of naval prisoners (see BUPERSINST 1640.5 series). Convening authorities, officers exercising supervisory authority, and commanding officers operating correctional facilities are considered appropriate authorities within the meaning of this section. The Chief of Naval Personnel is further authorized to designate places of confinement when necessary, to change the designation, and to authorize the transfer of prisoners between naval places of confinement and to Federal penal or correctional institutions.

§ 719.147 Apprehension by civilian agents of the Naval Investigative Service.

Pursuant to the provisions of paragraph 19, MCM, and under the authority of 10 U.S.C. 807(b), any civilian agent of the Naval Investigative Service, who is duly accredited by the Director, Naval Investigative Service, and who is engaged in conducting an investigation within the investigative jurisdiction of the Naval Investigative Service as established in departmental directives, which investigation has been duly requested by, or is at the direction of, competent U.S. Navy or U.S. Marine Corps authority, may apprehend, if necessary, persons subject to the Uniform Code of Military Justice or to trial thereunder, upon reasonable belief that an offense has been committed and that the person apprehended committed it. A person so apprehended must be taken promptly before his commanding officer or other appropriate military authority. Such a civilian agent may apprehend a commissioned officer or a warrant officer only pursuant to specific orders of a commissioned officer except where such an apprehension is necessary to prevent disgrace to the service, the commission of a serious offense, or the escape of one who has committed a serious offense. Such a civilian agent, even though not conducting an investigation relating to the person apprehended, may also apprehend a person subject to the Uniform Code of Military Justice upon observation of the commission of a felony or a misdemeanor amounting to a breach of the peace occurring in the agent's presence. A person so apprehended must be delivered promptly to his commanding officer or other appropriate military authority.

§ 719.148 Search and seizure forms.

Appendix sections 1–l [1] and 1–m [1] contain suggested formats for recording information pertaining to authorization for searches (with instructions), and the granting of consent to search. These formats are designed as guides in processing problems which may arise in connection with cases involving searches and seizures. Use of these formats, even as guides, is not mandatory, but rests within the discretion of local commanders.

§ 719.149 Interrogation of criminal suspects form.

Appendix section 1–n [1] contains a suggested format which may henceforth be utilized by investigative personnel in cases in which criminal suspects desire to waive their rights concerning self-incrimination, and to make statements. This format is designed as a guide and its use is not mandatory.

§ 719.150 Court-martial case report.

The Court-Martial Case Report, NAVJAG 5813/2 (Rev. 6–69), is designed to serve as a statistical source for planning purposes and to afford the Judge Advocate General an early source of information regarding cases which may evoke public or congressional interest. A case report will be submitted by the "Presiding Officer" with respect to each accused tried by general or special court-martial. The term "Presiding Officer" includes a military judge of the Judiciary Activity, any other military judge assigned to a special court-martial, and the president of a special court-martial without a military judge. Supplies of NAV JAG Form 5813/2 (Rev. 6–69) are available in the Forms and Publications Segment of the Navy Supply System under Stock No. S/N 0105–100–8160. A form containing sample entries is set forth in appendix section 1–o.[1]

PART 720—DELIVERY OF PERSONNEL; SERVICE OF PROCESS AND SUBPENAS; PRODUCTION OF OFFICIAL RECORDS

Part 720 of Title 32 is revised to read as follows:

Subpart A—Delivery of Personnel

Sec.

720.1 Delivery when personnel within territorial limits of the requesting State.
720.2 Delivery when personnel beyond territorial limits of requesting State.
720.3 Personnel stationed outside the United States.
720.4 JAG authority.
720.5 Agreement required prior to delivery to State authorities.
720.6 Delivery of personnel to Federal authorities.
720.7 Delivery of personnel to foreign authorities.
720.8 Circumstances in which delivery is refused.
720.9 Reports required when personnel delivered.
720.10 Report required when delivery refused.
720.11 Report required when personnel confined by foreign authorities.
720.12 Personnel released by civil authorities on bail or on their own recognizance.
720.13 Interviewing of naval personnel by Federal civilian investigative agencies.
720.14 Habeas corpus.

Subpart B—Service of Process and Subpenas Upon Personnel of Naval Establishment

720.20 Service of process upon personnel.
720.21 Personnel subpenaed as witnesses in State or local courts.
720.22 Personnel subpenaed as witnesses in Federal courts.
720.23 Naval prisoners as witnesses or parties in civil courts.
720.24 Interviewing personnel preliminary to civil litigation in matters pertaining to official duties.
720.25 Suits against the United States.

Subpart C—Production of Official Records

720.30 Production of official records in response to court order.
720.31 Production of official records in absence of court order.
720.32 Certificates of full faith and credit.

Subpart D—Liaison With the Department of Justice

720.40 Litigation reports.
720.41 Liaison with U.S. attorney.

AUTHORITY: Military Personnel and Civilian Employees' Claims Act of 1964, as amended (31 U.S.C. 240–243).

Subpart A—Delivery of Personnel

§ 720.1 Delivery when personnel within territorial limits of the requesting State.

In cases in which the delivery of any person in the Navy or Marine Corps is requested by local civil authorities of a State, Territory, or Commonwealth for an alleged offense punishable under the laws of that jurisdiction, and such person is attached to a Navy or Marine Corps activity within the requesting jurisdiction, or aboard a ship within the territorial waters of such jurisdiction, commanding officers are authorized to and normally will deliver such person when a proper warrant is presented, subject to exceptions in § 720.8.

§ 720.2 Delivery when personnel beyond territorial limits of requesting State.

(a) *General.* In all cases in which the delivery of any person in the Navy or Marine Corps is wanted by State, Territory, or Commonwealth civil authorities for an alleged crime or offense made punishable by the laws of the jurisdiction making the request, and such person is not attached to a Navy or Marine Corps activity within such requesting State, Territory, or Commonwealth, or a ship within the territorial waters thereof, any officer exercising general courts-martial jurisdiction, or officer designated by him, is authorized, subject to exceptions in § 720.8, to deliver such person for the purpose of making him amenable to prosecution. The authorities of the requesting State will be required, in the absence of a waiver of extradition by the member concerned, to complete extradition process according to the prescribed procedures to obtain custody of a person from the State in which the individual is located, and to make arrangements to take the individual into custody there. Compliance with § 720.5 is required.

(b) *Waiver of extradition.* (1) Any person may waive formal extradition under circumstances cognizable under paragraph (a) of this section. A waiver must be in writing and witnessed. It must include a statement that the person signing it has received counsel of either a military or civilian attorney prior to executing the waiver, and it must further set forth the name and address of the attorney consulted. The form for waiver should be substantially as that suggested in appendix section A–13(a).[1]

(2) In every case where there is any doubt as to the voluntary nature of a waiver, such doubt shall be resolved against its use and all persons concerned will be advised to comply with the procedures set forth in paragraph (a) of this paragraph.

(3) Executed copies of all waivers will be mailed to the Judge Advocate General immediately after their execution.

(4) When an individual declines to waive extradition, the Commandant of the Naval District shall be informed and he shall make further representations to the civil authorities as appropriate. The individual concerned shall not be transferred or ordered out of the State in which he is then located, until the matter of extradition is resolved, without the permission of the Secretary of the Navy (Judge Advocate General).

(c) *Fugitive warrants.* A fugitive warrant, as used herein, is a warrant for the arrest of an individual issued by a court of competent jurisdiction of the State in

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which the individual concerned is then located, and which may be based on a warrant or other process issued by still another State. When delivery of an individual is sought on the basis of such a warrant, delivery will normally be granted. Section 720.1 is considered controlling in such cases. When the State in which the individual is located desires custody solely for the purpose of delivering the individual to another State, such as when delivery is sought on the basis of a fugitive warrant, officials of both States shall sign the agreement required by § 720.5, or the agreement will be modified so as to reflect clearly that the State in which the individual is located may not avoid the responsibility of returning the individual to the Department of the Navy. When an indivdual is delivered upon presentation of a proper fugitive warrant, the provisions of paragraph (b) of this section relative to extradition are applicable.

§ 720.3 Personnel stationed outside the United States.

(a) *Personnel desired by local authorities.* In all cases in which the delivery of any person in the Navy or Marine Corps is desired for trial by State, Territory, Commonwealth, or local civil authorities and such person is stationed outside the United States, a requisition for the delivery of the person must be made by the Governor of such State, Territory, or Commonwealth, addressed to the Secretary of the Navy. It must show that the person desired is charged with a crime in that State, Territory, or Commonwealth, for which he could be extradited under the Constitution of the United States, the enactments of Congress, or the laws of the State, Territory, or Commonwealth desiring his delivery. Such requisition should be forwarded to the Secretary of the Navy (Judge Advocate General), for examination. If the papers allege that the person is a fugitive from the justice of that State, Territory, or Commonwealth and that he is charged with an extraditable crime and the papers are otherwise found to be in due form, the Secretary of the Navy (Judge Advocate General) will direct the Commandant of the Marine Corps or Chief of Naval Personnel, as the case may be, to issue appropriate orders to the individual concerned directing his transfer to the United States to the military installation most convenient to the Department of the Navy. The individual will be held under the minimum restraint required under the circumstances. The Commandant of the Marine Corps or the Chief of Naval Personnel, as the case may be, will inform the officials of the requesting State of the location of the individual concerned and that custody may be obtained by compliance with § 720.1 or § 720.2, as applicable.

(b) *Personnel desired by Federal authorities.* In all cases in which the delivery of any person in the Navy or Marine Corps is desired for trial in Federal District Court, upon appropriate representations by the Department of Justice to the Secretary of the Navy (Judge Advocate General), the individual will be returned to the United States and held at a military facility convenient to the Department of the Navy. Delivery may be accomplished as set forth in § 720.6.

§ 720.4 JAG Authority.

The Judge Advocate General, the Deputy Judge Advocate General or any Assistant Judge Advocate General is authorized to act for the Secretary of the Navy in the performance of functions under §§ 720.1, 720.2, 720.3, 720.5, 720.8, 720.14, 720.20, 720.23, and 720.30.

§ 720.5 Agreement required prior to delivery to State authorities.

In every case in which the delivery for trial of any person in the Navy or Marine Corps to the civilian authorities of a State is authorized, such person's commanding officer shall, before making such delivery, obtain from the Governor or other duly authorized officer of such State a written agreement that conforms to the agreement as set forth in appendix section A–13(b).[1] When indicating in the agreement the naval or Marine Corps activity to which the person delivered is to be returned by the State, care should be taken to designate the closest appropriate activity which possesses special court-martial jurisdiction. The Department of the Navy considers this agreement substantially complied with when the man is furnished transportation back to a naval or Marine Corps activity as set forth herein and necessary cash to cover his incidental expenses en route thereto, and the Department of the Navy so informed. Any departure from the agreement set forth in appendix section A–13(b)[1] must have prior approval from the Secretary of the Navy (Judge Advocate General).

§ 720.6 Delivery of personnel to Federal authorities.

(a) *Authority to deliver.* Commanding officers are authorized to and should deliver personnel to Federal law enforcement authorities who display proper credentials and represent to the command that a Federal warrant for the arrest of the individual concerned has been issued, subject to exceptions in § 720.8.

(b) *Agreement not required of Federal authorities.* The agreement described in § 720.5 will not be exacted as a condition to the delivery of personnel to Federal law enforcement authorities. In the event that the person delivered is acquitted, or, if convicted, immediately upon satisfying any sentence of the court, or upon other disposition of his case, the person will be returned to the naval service: *Provided,* That naval authorities desire his return, and the necessary expenses will be paid from an appropriation under the control of the Department of Justice.

§ 720.7 Delivery of personnel to foreign authorities.

Except when provided by agreement between the United States and the foreign government concerned, commanding officers are not authorized to deliver persons in the Department of the Navy to foreign authorities. When a request for delivery of personnel is received, in a country with which the United States has no agreement or when the commanding officer is in doubt, advice should be sought from the Judge Advocate General.

§ 720.8 Circumstances in which delivery is refused.

(a) *Disciplinary proceedings pending.* When disciplinary proceedings involving military offenses are pending or the person is undergoing a sentence of a court-martial, commanding officers must obtain specific authority from the Secretary of the Navy (Judge Advocate General) to deliver personnel to Federal, State, Territory, Commonwealth, or local authorities.

(b) *When delivery may be refused.* Delivery may be refused in the following circumstances:

(1) Where the accused has been retained for prosecution as set forth in § 719.107(g)(3)(a) of this chapter;

(2) Where the accused is undergoing a sentence of a court-martial. However, attention is directed to the "Interstate Agreement on Detainers Act" (Public Law 91–538; 84 Stat. 1397; 18 U.S.C. A. App.), which provides for the delivery of a sentenced prisoner to a jurisdiction in which an untried indictment, information, or complaint is pending, for temporary custody during trial. Any request made pursuant to the "Interstate Agreement on Detainers Act" shall be forwarded in an expeditious manner to the Secretary of the Navy (Judge Advocate General, Code 14), for action;

(3) When the commanding officer considers that conditions exist which indicate that delivery should be denied.

(c) *Reports required.* When delivery is refused, see § 720.10.

§ 720.9 Reports required when personnel delivered.

(a) *General.* Upon delivery of naval personnel to civil authorities, whether Federal, State, Territory, Commonwealth, local, or foreign, a written report of delivery shall be made by the commanding officer to the Chief of Naval Personnel or the Commandant of the Marine Corps, as appropriate. A copy will be furnished the Judge Advocate General in cases in which the Secretary of the Navy or the Judge Advocate General has authorized the delivery. The reports required by this paragraph and by paragraph (b) of this section need not be made when personnel are delivered to local civil authorities for misdemeanors not involving moral turpitude and are returned to the command within 24 hours.

(b) *When disposition is made by civil authorities.* When the trial of a person delivered pursuant to this chapter is completed or the charges dismissed, the commanding officer shall submit, by letter to the Chief of Naval Personnel or to the Commandant of the Marine Corps, a full report of the offense or offenses charged, the findings, sentence or other action taken. A copy shall be furnished the Judge Advocate General in cases where delivery of the person was authorized by the Secretary of the Navy or the Judge Advocate General. As a separate matter, certain cases also must be processed under applicable provisions of the Bureau of Naval Personnel Manual or the Marine Corps Personnel Manual relating to the separation of personnel.

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§ 720.10 Report required when delivery refused.

In any case where delivery has been refused, the commanding officer shall report the circumstances to the Judge Advocate General by dispatch (telephone if circumstances warrant). He shall thereafter confirm the initial report by letter setting forth a full statement of the facts. A copy of the report shall be forwarded to the Commandant of the Naval District or to the Area Coordinator, as appropriate.

§ 720.11 Report required when personnel confined by foreign authorities.

When any person in the Navy or Marine Corps is held or confined by foreign authorities in connection with criminal charges, the commanding officer shall promptly submit by letter a full initial report to the Chief of Naval Personnel or the Commandant of the Marine Corps with a copy to the Judge Advocate General. The report, and subsequent reports as to any significant change, shall include the offenses charged and of which convicted, sentence (if convicted), place of confinement, confinement conditions, and health and welfare of personnel concerned. As a separate matter, certain cases also must be processed under the applicable provisions of the Bureau of Naval Personnel Manual or the Marine Corps Personnel Manual relating to the separation of Navy and Marine Corps personnel. The provisions of this subsection do not affect the reporting requirements set forth in SEC-NAVINST 5820.4 series (NOTAL).

§ 720.12 Personnel released by civil authorities on bail or on their own recognizance.

A person in the Navy or Marine Corps arrested by Federal, State, or territorial authorities and released on bail or on his own recognizance has a duty to return to his parent organization. Accordingly, where a person in the Navy or Marine Corps is arrested by Federal, State, or territorial authorities and returns to his ship or station on bail, or on his own recognizance, the commanding officer upon verification of the attending facts, date of trial, and approximate length of time that should be covered by the leave of absence should normally grant liberty or leave to permit appearance for trial. Nothing in this section is to be construed as permitting the person arrested and released to avoid the obligations of his bond or of his recognizance by reason of his being in the military service.

§ 720.13 Interviewing of naval personnel by Federal civilian investigative agencies.

Requests by the Federal Bureau of Investigation or other Federal civilian investigative agencies to interrogate persons in the naval service suspected or accused of crimes should be promptly honored. Any refusal of such a request shall be immediately reported to the Judge Advocate General.

§ 720.14 Habeas corpus.

(a) *General.* In all cases where habeas corpus process is served on a person in the Navy or Marine Corps, the nearest U.S. attorney will be informed immediately and his assistance requested. A report of such service will be made to the Secretary of the Navy (Judge Advocate General) by message (telephone if circumstances warrant) confirming the initial report by a speed letter to the Secretary of the Navy (Judge Advocate General). This letter should include the information outlined in paragraph (b) of this section. Action must be taken expeditiously in habeas corpus proceedings as the courts generally allow but a short period of time in which to prepare a response.

(b) *Reports required.* (1) Immediately following the dispatch or telephonic report to the Secretary of the Navy (Judge Advocate General), a copy of the petition for the writ of habeas corpus, and all other pleadings, orders, and process in the case, will be forwarded to the Secretary of the Navy (Judge Advocate General) by speed letter. The letter should also include a full statement as to the circumstances under which the petitioner has been detained.

(2) When the hearing has been completed and the court has issued its order in the case, a copy of the order shall be forwarded promptly to the Secretary of the Navy (Judge Advocate General). This is particularly important if the order was adverse to the Navy in order to permit a timely determination as to whether or not to undertake further proceedings.

Subpart B—Service of Process and Subpenas Upon Personnel of the Naval Establishment

§ 720.20 Service of process upon personnel.

(a) *Within the jurisdiction.* Commanding officers afloat and ashore are authorized to permit service of process of Federal, State, territorial, or local courts upon naval personnel or civilians located within their commands and within the jurisdiction of the court out of which the process issues. However, such service should not be allowed within the confines of the command until the permission of the commanding officer has first been obtained. Personnel serving aboard vessels located within the territorial waters of the State or territory out of which the process issues are considered within the jurisdiction of that State or territory for the purpose of service of process. The commanding officer shall permit the service of process except in unusual cases where he concludes that compliance with the mandate of the process would seriously prejudice the public interest. Where practicable, the commanding officer shall require that the process be served in his presence, or in the presence of an officer designated by him. Where service of process by mail is sufficient, the process may be mailed to the person named therein. In all cases commanding officers will insure that the nature of the process is explained to the person concerned.

(b) *Personnel beyond the jurisdiction of the court.* (1) Where a person in the naval service, or a civilian, is beyond the jurisdiction of the court issuing the process, the commanding officer will permit service or delivery of the process under the same conditions as noted in paragraph (a) of this section for whatever legal effect it may have. At the same time the commanding officer or his designee will advise the person being served that he is not required to indicate acceptance of service, in writing or otherwise, although he may do so voluntarily. In most cases he should further advise the person concerned to consult legal counsel.

(2) Where process is forwarded to a commanding officer with the request that it be delivered to a person within his command, he may deliver it to the person named therein, provided such person voluntarily agrees to accept it. In such cases the commanding officer will insure that the serviceman or civilian concerned is informed that he is not required to accept service of the process but may do so voluntarily. The commanding officer is not required to act as a process server. When the person named in the process does not voluntarily accept the process, it should be returned with a notation that the person named therein refused to accept it.

(c) *Service of process arising from official duties.* (1) If the service of process involves a potential claim against the Government, see §§ 750.2(d) and 750.55(d) of this chapter. While the right to remove to Federal court under 28 U.S.C. 1442 and 1442a requires color of office, which is considered to be more than simple scope of employment, this right must be fully explored in all situations where the outcome of the State court action may influence a claim or potential claim against the United States.

(2) Whenever a Government employee (as defined in § 750.1(a) of this chapter) is served with Federal or State court civil or criminal process or pleadings (including traffic tickets) arising from actions performed in the course of his official duties, he shall immediately deliver all process and pleadings served upon him to his commanding officer. The commanding officer shall thereupon ascertain the facts surrounding the incident and with the advice of a Navy or Marine Corps judge advocate, if one is reasonably available, take appropriate

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action in accordance with JAGINST 5822.2 of February 2, 1962, Subject: Civil suits against military or civilian personnel of the Department of the Navy resulting from the operation of motor vehicles while acting within the scope of their office or employment, and legal representation in other court proceedings. The Government employee will be advised concerning his right to remove civil or criminal proceedings from State to Federal court under 28 U.S.C. 1442 and 1442a, his rights under the Federal Driver's Act (28 U.S.C. 2679B), and the contents of JAGINST 5822.2.

(3) Whenever a military member or civilian employee of the Department of the Navy is served with any process because of his official position, the Judge Advocate General shall be notified by message or telephone. This notification shall be confirmed by a letter report by the nearest appropriate command. The letter report shall include the detailed facts which give rise to the action. For lawsuits filed in the U.S. District Court, Washington, D.C., the Air Force has been assigned responsibility for accepting service of process for the Navy. See § 720.14 for habeas corpus and § 720.40 for litigation reports. In habeas corpus cases, liaison with the U.S. attorney assigned to protect the Navy's interests will be maintained through the Judge Advocate General after the initial notification prescribed by § 720.14.

(d) *Service of process of foreign courts.* (1) Usually, the question of the amenability of military personnel, civilian employees, and dependents of both stationed in a foreign country, to the service of process from courts of the host country will have been settled by an agreement between the United States and the foreign country concerned. (For example, in the countries of the signatory parties, amenability to service of civil process is governed by paragraphs 5(g) and 9 Article VIII of the NATO Status of Forces Agreement, TIAS 2846.) Where service of process on a person in the Department of the Navy is attempted within the command in a country with which the United States has no agreement on this subject, advice should be sought from the Judge Advocate General.

(2) Usually, persons in the Department of the Navy are not required to accept service of process outside the geographic limits of the jurisdiction of the court from which the process issued. In such cases acceptance of the service is not compulsory, but service may be voluntarily accepted in accordance with paragraph (c) of this section. In exceptional cases where the United States has agreed that service of process will be accepted by persons in the Department of the Navy located outside the geographic limits of the jurisdiction of the court from which the process issued, the provisions of the agreement and of paragraph (a), of this section, will govern.

(3) Under the laws of some countries (such as Sweden), service of process is effected by the document, in original or certified copy, being handed to the person for whom the service is intended. Service is considered to have taken place even if the person refuses to accept the legal document. If a commanding officer or other officer in the military service calls the serviceman to his office and personally hands him or attempts to hand him the document, service is considered to have been effected, permitting the court to proceed to judgment. Upon receipt of foreign process with a request that it be served upon a member of his command, a commanding officer shall notify the serviceman of the fact that a particular foreign court is attempting to serve process upon him and inform him that he may ignore the process or come to the office and receive it. If the serviceman chooses to ignore the service, the commanding officer will return, the document to the embassy or consulate of the foreign country with the notation that the serviceman had been notified that the document was in the office of the commanding officer, but that that he chose to ignore it, and that no physical offer of service had been made. The commanding officer will keep the Judge Advocate General advised of all requests for service of process from a foreign court and the details thereof.

(e) *Leave or liberty to be granted persons served with process.* In those cases where personnel are served with process, as noted in subsection a above, or accept service of process, as noted in subsection b above, the commanding officer normally should grant leave or liberty to the person served in order to permit him to comply with the process; provided, such absence will not prejudice the best interests of the naval service.

(f) *Report where service is not allowed.* Where service of process is not permitted, a report of such refusal and the reasons therefor shall be forwarded by speed letter (telephone if conditions warrant) to the Secretary of the Navy (Judge Advocate General).

§ 720.21 Personnel subpoenaed as witnesses in State or local courts.

Where military personnel or civilian employees are subpoenaed to appear as witnesses in State or local courts, and are served in the manner described under conditions set forth in § 720.20, the provisions of § 720.20(e) apply. If naval personnel are requested to appear as witnesses in State or local courts where the interests of the Federal Government are involved (e.g., Medical Care Recovery Act cases) the procedures described in § 720.22(a) may be followed.

§ 720.22 Personnel subpoenaed as witnesses in Federal courts.

(a) *Witnesses on behalf of Federal Government.* Where naval personnel are required to appear as witnesses in a Federal Court to testify on behalf of the Federal Government in a case involving activities of the Department of the Navy, the Bureau of Naval Personnel or the Commandant of the Marine Corps, as the case may be, will direct the activity to which the person is attached to issue Temporary Additional Duty Travel Orders to the person concerned. The charges for such orders shall be borne by the activity to which the required witness is attached. Payment to witnesses will be as provided by the Joint Travel Regulations and U.S. Navy Travel Instructions. If the required witness is to appear in a case where the activities of the Department of the Navy are not involved, the Department of the Navy will be reimbursed in accordance with the procedures outlined in the Navy Comptroller Manual, section 046278.

(b) *Witnesses on behalf of nongovernmental parties.*—(1) *Criminal actions.* Where naval personnel are served with a subpoena to appear as a witness for the defendant in a criminal action and the fees and mileage required by Rule 17(d) of the Federal Rules of Criminal Procedures are tendered, the commanding officer is authorized to issue the person subpenaed permissive orders authorizing attendance at the trial at no expense to the Government, unless the public interest would be seriously prejudiced by his absence. In this case a full report of the circumstances will be made to the Judge Advocate General. In those cases where fees and mileage are not tendered as required by Rule 17(d) of the Federal Rules of Criminal Procedure, but the person subpoenaed still desires to attend, the commanding officer is authorized to issue permissive orders at no cost to the Government. However, such persons should be advised that an agreement as to reimbursement for any expenses incident to travel, lodging, and subsistence should be effected with the party desiring their attendance and that no reimbursement should be expected from the Government.

(2) *Civil actions.* Where naval personnel are served with a subpoena to appear as a witness on the behalf of a nongovernmental party in a civil action brought in a Federal court, the provisions of § 720.20 apply.

§ 720.23 Naval prisoners as witnesses or parties in civil courts.

(a) *Criminal actions.* In those instances where the Federal, State, or territorial authorities desire the attendance of a naval prisoner as a witness in a criminal case, a request for such person's attendance should be submitted to the Secretary of the Navy (Judge Advocate General). Upon receipt of such a request, authority will be given, in a proper case, for the production of the requested naval prisoner in court without resort being had to a writ of *habeas corpus ad testificandum* (a writ which requires the production of a prisoner to testify before a court of competent jurisdiction).

(b) *Civil actions.* The Department of the Navy will not authorize the attendance of a naval prisoner in a Federal, State, or Territorial court, either as a party or as a witness, in private litigation pending before such court, because in these the court may grant a postponement or a continuance of the trial. The deposition of a naval prisoner may be taken in such a case subject to such reasonable conditions or limitations as may be imposed by the command concerned.

§ 720.24 Interviewing personnel preliminary to civil litigation in matters pertaining to official duties.

(a) *Request by parties in interest.* Except as hereinafter limited, requests, preliminary to civil litigation, for permission to conduct an ex parte interview of persons in the Department of the Navy (enlisted, commissioned, or civilian) in matters growing out of their official duties, and the obtaining of their statements shall be forwarded to the Judge Advocate General. The Judge Advocate General, when practicable, will make appropriate arrangements in order that all of the desired personnel may be interviewed at the same time. The interview will be by all of the counsel for the various parties in interest or by such counsel as desire to be present. Interviews of such personnel shall be conducted in the presence of an officer designated by the Judge Advocate General. If any of the parties in interest desire statements from the interviewed personnel, such statements shall be prepared under the direction of the designated officer. A signed copy of the statement shall be furnished to each party in interest, to the person making the statement, and to the Judge Advocate General. The officer assigned for the purpose of the interview shall distribute the copies of the statement as prescribed. If the interview involves any line of inquiry which would disclose or compromise classified material or otherwise result in detriment to the interests of the United States, the assigned officer shall immediately preclude that line of inquiry.

(b) *Limitations.* Requests mentioned in paragraph (a) of this section shall not be granted where the United States is a party in any related litigation or where its interests are involved, including cases where the interests of the United States or any Department thereof are represented by private counsel by reason of insurance or subrogation arrangements. In these instances, records, data, and witnesses shall be made available only to the Department of Justice or to such other U.S. Government departments, agencies or personnel requiring access thereto in the performance of their official duties.

(c) *Admiralty matters.* Inquiries which relate to admiralty matters or to maritime litigation, whether involving naval vessels or not, shall be sent to the Office of the Judge Advocate General (Deputy Assistant Judge Advocate General (Admiralty)). Examples of admiralty matters are set forth in paragraph (c) and (d) of paragraph (l) of § 752.1.

§ 720.25 Suits against the United States.

(a) *General.* The primary responsibility for representing the United States in any litigation in which the United States has an interest rests in the Attorney General. For the purpose of affording the Attorney General timely notice of legal actions arising out of operations of the Naval Establishment, the Judge Advocate General and the General Counsel, within the areas of their respective jurisdictions, maintain close liaison with the Department of Justice. Reports are required of all suits against the United States, or its prime contractors or subcontractors on contracts under which the Government may be obligated to make reimbursement or in cases where the United States is, in legal effect, the defendant.

(b) *Reports to the Judge Advocate General.* When any command is apprised, by service of process or otherwise, of the commencement of any civil litigation or legal proceedings, including those involving nonappropriated-fund activities, other than suits within the jurisdiction of the General Counsel as set forth in paragraph (c) of this section, which arise out of the operations of the Naval Establishment or are otherwise of substantial interest to it, such command will report to the Judge Advocate General, Navy Department, Washington, D.C., by the most expeditious means, using message, telephone, or letter, as may be warranted by the circumstances. This category of civil litigation and other legal proceedings includes, but is not limited to, any legal proceeding involving the United States as a party and arising out of operations of the Department of the Navy; proceedings against any person subject to military law or any official or employee of the Department of the Navy in connection with his public duties; and proceedings in which attachment of Government funds or other property is sought. The report shall contain as much of the following information as may be pertinent:

(1) Name of parties to the proceeding.

(2) Nature of the action.

(3) Correct designation of the tribunal in which the proceeding is brought.

(4) Docket number of case, if available.

(5) Names of person or persons on whom service was made, method of service, and dates.

(6) Explanation of Government's interest in the proceeding.

(7) Date by which the defendant must plead or otherwise respond.

(8) Nature of the principal defense, if known.

(9) Status of the defendant as being a Government officer, employee, agent, contractor, nonappropriated-fund activity employee, etc.

(10) Amount claimed, or other relief sought.

(11) If a contractor is involved, the contract number, and information as to whether the contractor desires or is willing to permit the suit to be defended by a U.S. Attorney.

(12) Data as to whether the subject matter of the suit is covered by insurance; if so, whether covered to the amount claimed, and whether the insurance carrier will accept full responsibility for defense of the suit.

(13) If action is brought in a foreign country, a recommendation as to qualified local attorneys, English-speaking if possible, available for retention to defend the interests of the United States. Normally, the names of such attorneys should be from a list maintained by the U.S. Embassy or Consulate.

(14) Such other available information as may be necessary for a full understanding of the action and to enable the Government to prepare a defense.

(c) *Reports to the General Counsel.* A report as required above shall be made to the General Counsel, Navy Department, Washington, D.C., rather than to the Judge Advocate General, in all cases in the field of business and commercial law, including cases relating to:

(1) The acquisition, custody, management, transportation, taxation, disposition of real and personal property, and the procurement of services, including the fiscal, budgetary, and accounting aspects thereof; excepting, however, tort claims and admiralty claims arising independently of contract, matters concerning nonappropriated-fund activities, and matters related to the Naval Petroleum Reserves;

(2) Operations of the Military Sealift Command, excepting tort and admiralty claims arising independently of contract;

(3) The Office of the Comptroller of the Navy;

(4) Procurement matters in the field of patents, inventions, trademarks, copyrights, royalty payments, and similar matters, including those in the Armed Services Procurement Regulations and Navy Procurement Directives and deviations therefrom; and

(5) Industrial security.

(d) *Initial and supplemental reports.* If all pertinent information is not readily available, a prompt report should be made with such information as is available, supplemented by an additional report as soon as possible.

Subpart C—Production of Official Records

§ 720.30 Production of official records in response to court order.

(a) *General.* Where unclassified naval records are desired by or on behalf of litigants, the parties will be informed that the records desired, or certified copies thereof, may be obtained by forwarding to the Secretary of the Navy, Navy Department, Washington, D.C., or other custodian of the records, a court order calling for the particular records desired or copies thereof. Compliance with such court order will be effected by transmitting certified copies of the records to the clerk of the court out of which the process issues. If an original record is produced by a naval custodian, it will not be removed from the custody of the person producing it, but copies may be placed in evidence. Upon written request of all parties in interest or their respective attorneys, records which would be produced in response to a court order as set forth above may be furnished without court order except as noted in subsections b and c below. Whenever compliance with a court order for production of Department of the Navy records is deemed inappropriate for any reason, such as when they contain privileged or classified information, the records and subpoena may be forwarded to the Secretary of the Navy (Judge Advocate General) for appropriate action, and the parties to the suit so notified.

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(b) Records in the custody of National Personnel Records Center. Court orders, *subpoenas duces tecum*, and other legal documents demanding information from, or the production of, service or medical records in the custody of the National Personnel Records Center involving former (deceased or discharged) Navy and Marine Corps personnel shall be served upon the General Services Administration, 9700 Page Boulevard; St. Louis, MO 63132, rather than the Department of the Navy. In the following situations, the request shall be forwarded to the Secretary of the Navy (Judge Advocate General):

(1) When the United States (Department of the Navy) is one of the litigants.

(2) When the case involves a person or persons who are or have been senior officers within the Department of the Navy; and

(3) In other cases considered to be of special significance to the Judge Advocate General or the Secretary of the Navy.

(c) *Exceptions.* Where not in conflict with the foregoing restrictions relative to confidential matter, the production in Federal, State, territorial, or local courts of evidentiary material from investigations conducted pursuant to this Manual, and the service, employment, pay or medical records (including medical records of dependents) of persons in the naval service is authorized upon receipt of a court order, without procuring specific authority from the Secretary of the Navy. Where travel is involved, it must be without expense to the Government.

(d) *Medical and other records of civilian employees.* Production of medical certificates or other medical reports concerning civilian employees is controlled by the provisions of Executive Order 10561, 19 FR 5963, as implemented by Federal Personnel Manual, chapter 294, and chapter 339.1–4 (reprinted in MANMED article 23–255(6)). Records of civilian employees other than medical records may be produced upon receipt of a court order without procuring specific authority from the Secretary of the Navy, provided there is not involved any classified or otherwise confidential material such as loyalty or security records. Records relating to compensation benefits administered by the Bureau of Employees' Compensation may not be disclosed except upon the written approval of that Bureau (20 CFR 1.21). In case of doubt, the matter should be handled in accordance with the provisions of subsection a above. Where information is furnished hereunder in response to a court order, it is advisable that certified copies rather than originals be furnished and that, where original records are to be produced, the assistance of the U.S. Attorney or U.S. Marshal be requested so that custody of the records may be maintained.

§ 720.31 Production of official records in the absence of court order.

(a) *Furnishing information from personnel and related records to personnel concerned.* Whether or not litigation is involved, naval personnel, civilian employees of the Naval Establishment, their personal representatives (e.g., executors, guardians, etc.), or other properly interested parties may be furnished copies of records or information therefrom relating to death, personal injury, loss, or property damage to or involving such personnel without following the procedures prescribed in either § 720.24 or § 720.30, provided the interests of the United States are not prejudiced thereby. All such requests (except requests for medical records, for such traffic accident reports as are described in subparagraph (2) of this paragraph, and for records relating to matters under the cognizance of the General Counsel) shall be referred to the appropriate District Judge Advocate, or to the area coordinator, or to the Judge Advocate General. In no event shall findings of fact, opinions, and recommendations, or endorsements thereon, be released outside the Department of the Navy without approval of the Secretary of the Navy or the Judge Advocate General.

(1) *Medical records.* Requests for medical records, shall be processed in accordance with the Department of Defense policy set forth in Title 32, Code of Federal Regulations, § 66.1–66.2, as implemented by the manual of the Medical Department. If, in processing a request for medical records, it appears that the interests of the United States may be involved, then such requests shall be referred to the Judge Advocate General for a determination. Production of medical certificates or other medical reports concerning civilian employees is controlled by the provisions of the Executive Order and the Federal Personnel Manual referred to in § 720.30(d). See § 757.6 of this chapter concerning release of medical records in Medical Care Recovery Act cases.

(2) *Provost marshal or base police reports of traffic accidents.* Local commanders are authorized to release copies of traffic accident investigative reports where service personnel are not involved and where no Government vehicle is involved, provided the interests of the United States will not be prejudiced thereby. Release may be made to any properly interested party or to his authorized representative. If it appears that the interests of the United States may be involved, the request shall be referred to the appropriate district judge advocate, or the area coordinator, or the Judge Advocate General. (Charges will be made in accordance with the schedule of fees published in the Navy Comptroller Manual, paragraph 035887 (minimum fee $3). Fees collected will be credited as set forth in the Navy Comptroller Manual, paragraph 043145.)

(b) *OGC matters.* The General Counsel, Deputy General Counsel, and Assistant to the General Counsel for litigation matters have been designated to act for the Secretary of the Navy in releasing or producing, and authorizing the release or production of official records or copies thereof in matters within the assigned responsibilities of the Office of the General Counsel. Such responsibilities are outlined in § 720.25(c).

(c) *Security matters.* For information on the production of records involving classified matter, whether or not litigation is involved, see OPNAVINST 5510.1 series, Department of the Navy Security Manual for Classified Information, article 0922.3.

(d) *Confidential nature of military personnel records.* Officer and enlisted personnel records are deemed confidential. Such records may be released only to persons properly and directly concerned, including the serviceman himself, and personal representatives of the serviceman (e.g., executors, guardians, etc.) who present proper proof thereof, or in accordance with § 720.30 (a) and (b).

(e) *How to address requests for military medical and other personnel records.* The serviceman or personal representatives may obtain access to the health and medical records of both Navy and Marine Corps personnel by applying to the Chief of the Bureau of Medicine and Surgery, Navy Department, Washington, D.C. 20360. Applications for Navy and Marine Corps personnel records should be addressed to the Chief of Naval Personnel, Navy Department, Washington, D.C. 20370, or to the Commandant of the Marine Corps, Washington, D.C. 20380. Applications may be made in person or in writing.

§ 720.32 Certificates of full faith and credit.

The Judge Advocate General, the Deputy Judge Advocate General, or any Assistant Judge Advocate General is authorized to execute certificates of full faith and credit certifying the signatures and authority of officers of the Department of the Navy.

Subpart D—Liaison With the Department of Justice

§ 720.40 Litigation reports.

In all lawsuits involving the Department of the Navy, other than those purely contractual in nature, the litigation report to the Department of Justice will be prepared in the Office of the Judge Advocate General unless authority to prepare the report is specifically delegated to a field activity.

§ 720.41 Liaison with U.S. Attorney.

In matters other than those which are purely contractual in nature, liaison with local U.S. Attorneys will be maintained through the Judge Advocate General, except for the initial report required by § 720.14 in habeas corpus cases, unless specific authority has been delegated to a field activity.

PART 727—LEGAL ASSISTANCE

Part 727 of Title 32 is provided as follows:

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727.1 Purpose.
727.2 Policy.
727.3 Legal Assistance Officers.
727.4 Legal Assistance Offices.
727.5 Persons eligible for assistance.
727.6 Functions of Legal Assistance Officers.
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727.14 Files and records.
727.15 Liberal construction of charter.

AUTHORITY: Military Personnel and Civilian Employees' Claims Act of 1964, as amended (31 U.S.C. 240–243).

§ 727.1 Purpose.

A legal assistance program providing needed legal advice and assistance to military personnel and their dependents has been in operation in the naval service since 1943. The program has improved the morale of personnel and reduced disciplinary problems since its inception. The purpose of this part is to provide guidelines for the continuation of the program.

§ 727.2 Policy.

Personal problems that remain unresolved adversely affect morale and efficiency and frequently result in behavior requiring disciplinary action. Prompt and understanding aid in resolving these problems is an effective preventative. Accordingly, it is the policy of the Department of the Navy to maintain from available resources a legal assistance program to make eligible persons aware of their legal rights and obligations and to assist military personnel and their dependents in obtaining adequate legal advice and services from within the military service.

§ 727.3 Legal assistance officers.

All Navy and Marine Corps judge advocates on active duty, regular or reserve, and all civilian lawyers under the cognizance of the Judge Advocate General who are members of the bar of a Federal court or of the highest court of any State or, in foreign countries, who are authorized to practice law in the courts of the country concerned, are legal assistance officers. Navy and Marine Corps judge advocates not on active duty may be designated as legal assistance officers by the Judge Advocate General. While performing legal assistance duties, legal assistance officers shall be guided by the Canons, Ethical Considerations, and Disciplinary Rules of the Code of Professional Responsibility of the American Bar Association, and the Canons of Professional Ethics of the Federal Bar Association. Persons who are authorized to practice law in the courts of a foreign country shall be guided by similar standards which have been promulgated for the guidance of lawyers in the country concerned.

§ 727.4 Legal assistance offices.

(a) *Establisment of Offices.* A legal assistance office shall be established at each Navy law center and at each Marine Corps command exercising general court-martial jurisdiction. In addition, any commanding officer having a legal assistance officer attached, assigned, or available to his command may establish a legal assistance office. The legal assistance office shall be disestablished when no person qualified to perform legal assistance duties is attached, assigned, or available to the command. Whenever a legal assistance office is established or disestablished, the Judge Advocate General shall be notified.

(b) *Location.* Each legal assistance office should be conveniently located so as to be easily accessible to all persons eligible for legal assistance, and should be provided with facilities which will enable private consultation with legal assistance clients. Information as to the location and hours of the legal assistance office and the nature of the services available shall be published periodically in local directives and posted in appropriate conspicuous places.

(c) *Legal assistance reference material.* The Judge Advocate General will, from time to time, furnish directly to legal assistance offices such professional information, reference material, and procedural suggestions and recommendations as he may deem advisable to enable legal assistance officers to render legal assistance services. Reference materials and publications so furnished are the property of the Office of the Judge Advocate General and shall remain in the legal assistance office and be carefully preserved. If the legal assistance office is disestablished, all such material shall be returned to the Judge Advocate General.

(d) *Action to be taken by commands not having a legal assistance office.* All commands shall maintain in a convenient location, and publish from time to time, a current list of the legal assistance offices serving the command and a list of local civilian lawyer-referral committees or services.

§ 727.5 Persons eligible for assistance.

Legal assistance shall be available to members of the Armed Forces of the United States and their dependents, and military personnel of allied nations serving in the United States, its territories or possessions. The service is intended primarily for the benefit of personnel during active service, but is to be extended to retired military personnel, their dependents, survivors of members of the Armed Forces who would be eligible were the service member alive, and in overseas areas, to civilians, other than local-hire employees, who are in the employ of, serving with, or accompanying the U.S. Armed Forces, and their dependents, when and if the workload of the office renders such service feasible.

§ 727.6 Functions of legal assistance officers.

(a) *Basic duties.* A legal assistance officer, while performing legal assistance duties, in addition to performing any other duties which may be assigned to him:

(1) Shall counsel, advise, and assist military personnel and their dependents in connection with their personal legal problems, or refer such persons to a civilian lawyer as provided in § 727.9.

(2) May, in appropriate cases and under guidelines promulgated by the Judge Advocate General, serve as advocate and counsel for, and provide full legal representation to, military personnel and their dependents in connection with their personal legal problems.

(3) Shall, subject to the direction of the senior legal assistance officer of the command, establish contact and maintain liaison with local bar organizations, lawyer referral services, legal aid societies, and other local organizations through which the services of civilian lawyers may be made available to military personnel and their dependents.

(4) Shall supervise the personnel and operation of the legal assistance office in accordance with good legal practice and the policies and guidance provided by the Judge Advocate General.

(5) Shall advise persons with complaints of discrimination on policies and procedures under the Civil Rights Act of 1964 and SECNAV instruction 5350.5 series.

(b) *Nature of assistance.* Legal assistance officers and administrative and clerical personnel assigned to legal assistance offices perform legal assistance duties as official duties in the capacity of an officer or an employee of the United States. Persons performing legal assistance duties, however, should not mislead those with whom they may deal into believing that their views or opinions are the official views or opinions of, approved by, or binding on, the Department of the Navy or the United States.

(c) *Duty to client.* A legal assistance officer should exercise his independent professional judgment on behalf of his client within the standards promulgated in the Code of Professional Responsibility and the specific limitations imposed in this part.

§ 727.7 Limitations on service provided.

(a) *Assistance in military criminal matters.* Legal assistance duties are separate and apart from the responsibilities of a trial counsel, defense counsel, or other officer involved in the processing of courts-martial or investigations. Frequently a serviceman accused or suspected of an offense will request advice from the legal assistance officer. In such a case, he should be advised of the prpoer procedures for obtaining counsel. This limitation does not prevent the assignment of the same officer to perform the functions of a legal assistance officer and the functions of a defense counsel.

(b) *Domestic-relations cases.* In domestic-relations cases, a legal assistance officer may, with the knowledge and consent of both parties, and where neither party is represented by counsel, consult both parties without impropriety.

(c) *Nonlegal advice.* The legal assistance officer, while giving legal advice may also determine that the client needs or desires advice on related nonlegal matters. The legal assistance officer should provide legal advice only, or defer giving such advice, and refer the client to an appropriate person or agency for such nonlegal counseling. The legal assistance officer should establish and maintain a working relationship with those individuals who are qualified to provide nonlegal counseling services.

(d) *Proceedings involving the United States.* A legal assistance officer shall not advise on, assist in, or become involved with, individual interests opposed to or in conflict with the interests of

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the United States without the specific approval of the Judge Advocate General. In this connection see also 18 U.S.C. 201, and 18 U.S.C. 205.

(c) *Telephone inquiries.* In the absence of unusual or compelling circumstances, legal advice should not be given over the telephone.

§ 727.8 Confidential and privileged character of service provided.

All information and files pertaining to the persons served will be treated as confidential and privileged in the legal sense as outlined in Canon 4 of the Code of Professional Responsibility, as opposed to confidential in the military sense of security information. These privileged matters may not be disclosed to anyone by personnel rendering the service, except upon the specific permission of the person concerned, and disclosure thereof may not be lawfully ordered by superior military authority. This restriction does not prohibit providing the nonprivileged statistical data required by § 727.13. Protection of the confidences of a legal assistance client is essential to the proper functioning of the legal assistance program in order to assure all military personnel, regardless of grade, rank, or position, that they may disclose frankly and completely, all material facts of their problem to those rendering the service without fear that their confidence will be abused or used against them in any way. Administrative and clerical personnel assigned to legal assistance offices shall maintain the confidential nature of matters handled.

§ 727.9 Referrals to civilian lawyers.

(a) *General.* If it is determined that the legal assistance requested is beyond the scope of this part, or if no available legal assistance officer is qualified to give the assistance requested, the client should be referred to a civilian lawyer. When the client does not know of a lawyer whom he wishes to represent him, his case may be referred to an appropriate bar organization, lawyer referral service, legal aid society, or other local organization for assistance in obtaining reliable, competent, and sympathetic counsel, or to a civilian lawyer designated by such organization.

(b) *Fees charged by civilian lawyers.* Legal assistance clients being referred to a civilian lawyer should be advised that, even when the fee to be charged is set by statute or subject to court approval, it should be one of the first items discussed to avoid later misunderstandings and eliminate uncertainty. Legal assistance officers should exercise caution in discussing possible fees to be charged by civilian lawyers so as to avoid embarrassment or misunderstanding between the client and his civilian lawyer.

§ 727.10 Fees and compensation.

Military and civilian employees of the Navy are prohibited from accepting, directly or indirectly, any fee or compensation of any nature for legal services rendered to any person entitled to legal assistance under this part.

§ 727.11 Supervision.

The Judge Advocate General will exercise supervision over all legal assistance activities in the Department of the Navy. Subject to the supervision of the Judge Advocate General, the designated commanders set out in OPNAVINST 5800.6 (Subject: Law Centers; activation of), and all Marine Corps commanders exercising general court-martial authority, acting through their judge advocates, shall exercise supervision over all legal assistance activities within their respective areas of responsibility and shall insure that legal assistance services are made available to all eligible personnel within their areas. The Judge Advocate General will collaborate with the American Bar Association, the Federal Bar Association, and other civilian bar organizations as he may deem necessary or advisable in the accomplishment of the objectives and purposes of the legal assistance program.

§ 727.12 Communications.

Legal assistance officers are authorized to communicate directly with the Judge Advocate General, with each other, and with other appropriate organizations and persons concerning legal assistance matters.

§ 727.13 Reports.

Each legal assistance office shall, by the 10th day of January of each year, prepare and submit to the Judge Advocate General two copies of the Legal Assistance Report (NAVJAG 5801/3 (Rev. 5–71)) covering the preceding calendar-year period. A final report shall be submitted on the disestablishment of the legal assistance office. Special reports shall be submitted when requested by the Judge Advocate General. Information copies of all reports shall be furnished to the supervising commander referred to in § 727.11. Reports symbol JAG–5801–1 is assigned for this reporting requirement.

§ 727.14 Files and records.

(a) *Case files.* The material contained in legal assistance case files i. necessarily limited to private unofficial matters and such material is privileged and protected under the attorney-client relationship. Each legal assistance office should therefore maintain only such files as are necessary for the proper operation of the office.

(b) *Office records.* Each legal assistance office should maintain whatever records are necessary for the preparation of required reports. The Legal Assistance Case Record (NAVJAG 5801/9 (Rev. 5–71)) provides for the recording of the information required for the annual report, and the use of this form to record each individual legal assistance case is recommended.

§ 727.15 Liberal construction of chapter.

The provisions of this part are intended to be liberally construed to aid in accomplishing the mission of legal assistance.

PART 750—GENERAL CLAIMS REGULATIONS

Part 750 of title 32 is revised to read as follows:

Subpart A—General Provisions for Claims

Sec.
750.1 Scope of subpart A.
750.2 Investigation: In general.
750.3 Investigation: Requirements.
750.4 Investigation: Responsibility for.
750.5 The Investigating Officer: In general.
750.6 The Investigating Officer: Duties.
750.7 The investigative report: Contents.
750.8 The investigative report: Action by Commanding Officer or Officer in Charge.
750.9 The investigative report: Action by reviewing authority.
750.10 Claims: In general.
750.11 Claims: A proper claimant.
750.12 Claims: Presentment of.
750.13 Claims: Contents of.
750.14 Claims: The scope of liability and the measure of damages.
750.15 Claims: Action by Receiving Officer or Command.
750.16 Claims: Action by adjudicating authority.
750.17 Claims: Payment of.
750.18 Claims: Settlement agreement and release.
750.19 Claims: Disposition or denial of.
750.20 Claims: Amendment, appeal, or reconsideration of.
750.21 Claims: Action required upon notice of suit.
750.22 Claims: Finality.
750.23 Disclosure of information.
750.24 Single-service assignment of responsibility for processing of claims.
750.25 —
750.29 [Reserved]

Subpart B—Federal Tort Claims Act

750.30 Scope of Subpart B.
750.31 Definitions.
750.32 Statutory authority.
750.33 Administrative claim and consideration as a prerequisite to suit.
750.34 The administrative claim.
750.35 Administrative consideration: Who is authorized?
750.36 Scope of liability.
750.37 Measure of damages.
750.38 Statute of limitations.
750.39 Attorney fees.
750.40 Regulations of Attorney General governing administrative claims procedure.
750.41 —
750.49 [Reserved]

Subpart C—Military Claims Act

750.50 Scope of Subpart C.
750.51 Definitions.
750.52 Statutory authority.
750.53 The administrative claim.
750.54 Authority to settle.
750.55 Scope of liability.
750.56 Measure of damages.
750.57 Statute of limitations.
750.58 [Reserved]
750.59 [Reserved]

Subpart D—Claims Not Cognizable Under Any Other Provision of Law

750.60 Scope of Subpart D.
750.61 Definitions.
750.62 Statutory authority.
750.63 Proper claim and claimant processing of the claim.
750.64 Officials with authority to settle.
750.65 Scope of liability and measure of damages.
750.66 Statute of limitations.
750.67 [Reserved]
750.69 [Reserved]

Subpart E—Advance Payments

Sec.
750.70 Scope of Subpart E.
750.71 Statutory authority.
750.72 Officials with authority to make advance payments.
750.73 Conditions for advance payments.
750.74 [Reserved]
750.79 [Reserved]

Subpart F—Authorization To Adjudicate

750.80 Table of delegation and designated authority to pay a claim.

AUTHORITY: Military Personnel and Civilian Employees' Claims Act of 1964, as amended (31 U.S.C. 240–243).

Subpart A—General Provisions for Claims

§ 750.1 Scope of Subpart A.

Subpart A delineates general investigative and claims-processing requirements to be followed in the handling of all incidents and claims within the provisions of this part. Where the general provisions of this Subpart A conflict with the specific provisions of any subsequent part of this part, the specific provisions govern.

§ 750.2 Investigation: In general.

Every incident which may result in claims against or in favor of the Government shall be promptly and thoroughly investigated by trained personnel. The investigation shall be closely supervised to insure the preparation of an investigative report providing a sufficient basis for the prompt and just disposition of claims against and in favor of the Government and for all other official action required by the circumstances of the case. Claims against persons in the naval service arising from the performance of official duties shall be investigated and processed as claims against the United States.

§ 750.3 Investigation: Requirements.

(a) *When required.* Investigations are required whenever a claim against the Navy is filed or is likely to be filed, or when a claim in favor of the Navy is possible. The Navy must have the background information and data to process all claims and to defend all suits which are commenced before the running of the statute of limitations. Accordingly, even when recovery may be barred by statute or decisional law, all deaths, serious injuries, and substantial losses to or destruction of property must be investigated promptly while the evidence is available. When a claim may be barred, as by one of the exclusions enumerated in § 750.36 (c), (d), § 750.55(d) or § 750.65(b), the investigative report must document the factual basis for the exclusion.

(b) *Immediate reports.* An immediate letter report shall be made to the Judge Advocate General, with copies to the Chief of the Torts Section, Civil Division, Department of Justice, Washington, D.C. 20530, and the appropriate reviewing authority listed in § 750.80 in any of the following circumstances:

(1) Claims or possible claims arising out of a major disaster or out of an incident giving rise to five or more possible death or serious injury claims;

(2) Upon filing of a claim which could develop litigation which would involve a new precedent or point of law (see § 750.53(c)(2));

(3) Claims or possible claims which involve or are likely to involve another agency besides the Department of the Navy.

(c) *Investigation without delay.* Incidents falling within any of the categories listed in paragraph (a) of this section shall be investigated and reported upon without delay, even though no claim has been filed, and even though there may be no existing law or regulation under which any claim arising therefrom might be paid.

(d) *Additional requirements under other regulations.* This part in no way modifies the requirements of U.S. Navy Regulations, the Manual for Courts-Martial, or other provisions of the Manual of the Judge Advocate General, and the making of an investigation and report hereunder does not constitute or excuse compliance with any provision of U.S. Navy Regulations, the Manual for Courts-Martial, or other provisions of the Manual of the Judge Advocate General.

§ 750.4 Investigation: Responsibility for.

(a) *Immediate responsibility.* Responsibility for the investigation of an incident normally lies with the commanding officer or officer in charge of the local naval activity which is most directly concerned, normally the commanding officer or officer in charge of the personnel involved or of the activity in which the incident occurred. Where two or more activities are involved, see § 719.207 of this chapter. If a nonnaval activity is concerned, see § 750.3(b)(3). Such nonnaval activity should be promptly notified of the incident.

(b) *Assistance.* When an accident or incident occurs at a place where the naval service does not have an installation or a unit conveniently located for conducting an investigation, the commanding officer or officer in charge having immediate responsibility for making such investigation may request assistance from the commanding officer or officer in charge of any other organization of the Department of Defense. Such assistance may take the form of a complete investigation of the accident or incident, or it may cover only part of the investigation. Likewise, in the event that under similar circumstances the commanding officer or officer in charge of any other organization of the Department of Defense requests such assistance from the commanding officer or officer in charge of any naval installation or unit, the latter should comply with the request. If a complete investigation is requested, the report will be made in accordance with the regulations of the requested service. These investigations will normally be conducted without reimbursement for per diem, mileage, or other expenses incurred by the investigating installation or unit.

(c) *Report of Motor Vehicle Accident, Standard Form No. 91.* The driver of any Government motor vehicle involved in an accident of any sort shall be responsible for making an immediate report on the Operator's Report of Motor Vehicle Accident, Standard Form No. 91. This driver's report shall be made even though the driver of the other vehicle, or any other person involved, states that no claim will be filed, and even though the only vehicles involved are Government owned. An accident shall be reported by the driver regardless of who was injured, or what property was damaged, or to what extent, or where the accident occurred, or who was responsible. The driver's report shall be referred to the investigating officer, who shall be responsible for examining it for completeness and accuracy and who shall file it for future reference or for attachment to any subsequent investigative report of the accident.

§ 750.5 The investigating officer: In general.

Every investigation required by these regulations shall be conducted by an investigating officer. The commanding officer or officer in charge of each naval activity shall designate a qualified individual under his command, preferably one with legal training and with experience in the conduct of investigations, as the investigating officer for the activity. Whenever necessary, in the discretion of the commanding officer or officer in charge, additional or assistant investigating officers may be appointed, each with all and the same powers as the investigating officer, except that all assistant investigating officers shall be under the general supervision of the investigating officer. To insure prompt investigation of every incident while witnesses are available and before damage has been repaired, the duties of an individual in his capacity as an investigating officer shall ordinarily have priority over any other assignment he may have.

§ 750.6 The investigating officer: Duties.

It shall be the duty of the investigating officer, in making an investigation pursuant to these regulations:

(a) To consider all information and evidence obtained as a result of any previous investigation or inquiry into any aspect of the incident.

(b) To conduct further investigation of the matter in a fair and impartial manner, covering all phases of the incident and giving consideration to its bearing on possible claims against, or in favor of, the Government and on other interests of the service, to the end that a comprehensive, accurate, and unbiased factual report of the incident may be made available to higher authority for such action as is required by the circumstances of the case.

(c) To secure and consider signed statements from all competent witnesses

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on facts pertinent to the incident. Witnesses should be interviewed by the investigating officer at the earliest opportunity. Full statements from principal witnesses, especially the claimant or prospective claimant, should be reduced to writing and their signatures obtained thereon if at all possible. The interests of the United States may be seriously prejudiced if the investigating officer fails to obtain such statements before witnesses forget significant facts or are confused by questions from persons with adverse interests.

(d) To inspect the property damage and to interview injured persons or their representatives personally; and, if such personal inspection and interview are not conducted, to state the reason therefor.

(e) To ascertain the nature, extent, and amount of damage and to obtain all pertinent repair bills or estimates, medical, hospital, and associated bills as are necessary to the proper adjudication of a claim against or in favor of the Government which may arise from the incident. For the proper method of computing the amount of damages, see § 750.14.

(1) *Loss of earnings.* Claims for loss of earnings and diminution of earning capacity arising under the Federal Tort Claims Act or the Military Claims Act require submission by the claimant of a statement by his employer executed before a notary public or, where the claimant is in business for himself, a certified copy of company records showing claimant's age, occupation, wage, or salary, and time lost from work as a result of the incident. Where such statements or records are not available, a sworn statement by the claimant will be obtained.

(2) *Medical information to be supplied by claimant.* Claims for loss of earnings, diminution of earning capacity, medical and hospital expenses, anticipated medical expense, pain and suffering, physical disfigurement, and temporary or permanent injury arising under the Federal Tort Claims Act or the Military Claims Act require submission by the claimant of a written statement by the attending physician setting forth the nature and extent of the injury and treatment, the duration and extent of the disability involved, the prognosis, and period of hospitalization or incapacity.

(f) To obtain from the proper maintenance office the latest report of material inspection of the Navy aircraft or motor vehicle that was conducted prior to the accident in all cases in which a suit against the United States is likely or is pending, and in all other cases in which it appears pertinent to determine liability.

(g) To secure from qualified persons of the activity concerned, or of another appropriate activity, statements concerning the extent of damage or injury and the reasonableness of the damages claimed.

(1) *Medical examination at a military installation.* The investigating officers, if the injured person does not object, should have a physical examination of the injured person conducted at a military installation. Consideration should be given to the availability of personnel and facilities of the installation. Expenses for services or supplies from other Federal agencies or civilian agencies should not be incurred. A copy of the report of the physical examination obtained from the medical installation shall be included in the report of investigation or, if made subsequent to the forwarding of that report, forwarded to the same addressee as the report of investigation.

(2) *Navy expert opinion.* In appropriate cases, a Navy-employed expert may be asked to evaluate the extent of damage. Anyone possessing special knowledge or experience, such as a public-works estimator, may qualify. Any costs involved in obtaining the expert opinion shall be absorbed by the command to which the expert is attached.

(3) *Government experts from other than Navy sources.* On occasion, expert opinion is available from other departments and agencies of the Government. Arrangements for this service, when available may be made locally. Any expense involved will be absorbed by the command conducting the investigation.

(4) *Civilian experts.* Occasionally, such as when accurate real-estate appraisals cannot be obtained from public-works or Federal Housing Administration personnel, civilian experts must be employed in order to protect the Government's interest. Whenever a Navy-funded civilian expert is considered necessary, the cost will be absorbed by the command conducting the investigation. Medical experts may be employed only with the permission of the Chief, Bureau of Medicine and Surgery, and a request for such permission will normally be made only after a physical examination has been conducted in accordance with subparagraph (1) of this paragraph.

(h) To reduce to writing and incorporate into a unified investigative report (prepared in triplicate) all pertinent testimony, exhibits, and any other evidence taken or considered, subject, however, to the exception for claims under $600 as set forth in § 750.7(b).

(i) To furnish the proper claim forms to any person who inquires concerning the procedure for making a claim against the Government as a result of a service-connected incident, and to advise such person where the claim should be filed and what substantiating evidence should accompany the claim, or, if a claim has been filed, to see that the information required by § 750.13 has been submitted by the claimant.

(j) To submit the complete investigative report to his commanding officer or officer in charge as promptly as circumstances permit. In a case where not all of the information required by § 750.7 is immediately available, as in an accident resulting in personal injuries requiring extended periods of hospitalization or medical care, the investigative report containing all available information shall be submitted promptly. It shall then be completed by means of a supplementary report or reports submitted as soon as the previously omitted information becomes available.

§ 750.7 The investigative report: Contents.

A written report of investigation will be made in each case using standard forms whenever appropriate.

(a) *Pertinent data.* Except in cases falling with the provisions of paragraph (b) of this section, the report shall be complete in every significant detail and will include particularly such of the following information as is pertinent:

(1) Date, time, and exact place the accident or incident occurred, specifying the highway, street, road, or intersection, including the streets between which or the number of the block where the accident or incident occurred, or the number of miles and the direction from the nearest town.

(2) A concise but complete statement of the circumstances of the accident or incident. Reference should be made to pertinent physical facts observed and to any material statements, admissions, or declarations against interest by any person involved.

(3) A statement as to whether a claim has been or is likely to be filed and, if so, the name and address of the claimant or potential claimant.

(4) A statement as to whether the claimant is the sole owner of the damaged property and, if not, the name and address of the owner, or part owners, and the basis of the claimant's alleged right to file a claim.

(5) Names, service numbers, grades, organizations, and addresses of military personnel and civilian employees involved as participants or witnesses.

(6) Names and addresses of witnesses.

(7) A recommendation as to whether or not military personnel and civilian employees involved were acting in the line of duty, or scope of their employment, as defined in § 750.31(b). The report shall contain statements and copies of records which bear on this issue for evaluation by the adjudicating authority.

(8) Accurate description of Government property involved and nature and amount of damage, if any. If Government property was not damaged, that fact should be stated.

(9) Accurate description of all privately owned property involved, nature and amount of damage, if any, and the names and addresses of the owners thereof.

(10) Names, addresses, and ages of all civilians or military personnel injured or killed; information as to the nature and extent of injuries, degree of permanent disability, prognosis, period of hospitalization, name and address of attending physician and hospital, and amount of medical, hospital, and burial expenses actually incurred; occupation and wage or salary of civilians injured or killed; and names, addresses, ages, relationship, and extent of dependency of survivors of any such person fatally injured.

(11) If straying animals are involved, a statement whether the jurisdiction has an "open range law" and, if so, reference to such statute.

(12) A statement as to whether any person involved violated any State or Federal statute, local ordinance, or installation regulation and, if so, in what respect. The statute, ordinance, or regulation should be set out in full.

(13) A statement as to whether a police investigation was made. A copy of the police report of investigation should be included if available.

(14) A statement as to whether arrests were made or charges preferred, and the result of any trial or hearing in civil or military courts.

(15) The comments and recommendations of the investigating officer as to the existence of liability; as to the amount of the damage, loss or destruction, or the amount payable on account of personal injury or death; and as to whether and to what extent such liability, damage, loss, destruction, personal injury or death is covered by insurance companies concerned, or is covered by a contractual agreement to indemnify the Government.

(16) As many exhibits or enclosures as are pertinent and are secured in connection with the performance of duties under § 750.6 shall be obtained during the course of the investigation and shall be attached to the investigative report, forming a part thereof. The enclosures shall be numbered consecutively and shall be listed numerically in the investigative report in accordance with standard Navy correspondence procedure.

(b) *Limited investigation and report.* In lieu of the comprehensive investigation contemplated by § 750.6 and the detailed report described in paragraph (a) of this section, a more limited investigation and report may be made when the following circumstances exist:

(1) A claim has been presented for an amount of $600 or less;

(2) The claim is cognizable under the Federal Tort Claims Act (Subpart B of this part) or the Military Claims Act (Subpart C of this part); and

(3) The amount payable on the claim has been agreed upon.

This limited report will take the form of a certification and should provide substantially as set forth in Appendix page 20–c.[1]

§ 750.8 The investigative report: Action by the commanding officer or officer in charge.

(a) *Action.* If a claim is likely to arise, the investigative report shall be reviewed and, if necessary, returned to the investigating officer for the correction of any omissions noted. If there is a staff judge advocate available, the commanding officer or officer in charge should use his services in reviewing and, if practicable, in endorsing the report. If the report is in order, it shall be forwarded by endorsement, with any pertinent comments and recommendations. In cases in which the certificate report authorized in § 750.7(b) is used, the commanding officer or officer in charge may indicate his approval of the certificate report by signing that report in the space provided thereon. One copy of the report shall be retained in the file of the local activity and shall be made available to safety officers for use in accident prevention and to superior commands upon request.

(b) *Claim.* If a claim has been filed, the original claim and all copies filed by the claimant and the original investigative report shall be forwarded by means of the aforementioned endorsement to the appropriate adjudicating authority, "Attention Staff Judge Advocate." When there is doubt as to the appropriate adjudicating authority, the reports may be forwarded through the proper chain of command to the Judge Advocate General.

§ 750.9 The investigative report: Action by reviewing authority.

(a) *Return or endorsement.* A reviewing authority may return the investigative report for such additional investigation and information as may be considered necessary. When satisfied with the report, it shall be endorsed and forwarded to the next-level authority with appropriate recommendation including an assessment of the responsibility for the incident and a recommendation as to the disposition of any claim which may subsequently be filed. If a reviewing authority may be an adjudicating authority for a claim subsequently filed, one copy of the report shall be retained by such authority for at least 2 years after the incident.

(b) *When a claim has been filed.* If a claim has been filed, see § 750.16. When a claim is received, all holders of the investigative report shall be notified.

§ 750.10 Claims: In general.

(a) *Claims against the United States.* Claims against the Government shall receive expeditious and just disposition throughout the entire course of processing. Sections 750.11–750.22 should generally be followed in such processing. All claims against the Government, to be deemed meritorious, must have a basis in a specific Congressional enactment. Accordingly, any claim should be viewed in light of that statute under which it might be considered, if at all, and the specific provisions of this manual concerning that statute should be consulted.

(b) *Claims in favor of the United States.* See Part 757 of this chapter for the processing of claims in favor of the Government.

§ 750.11 Claims: A proper claimant.

(a) *Damage to property cases.* A claim for damage to or loss, or destruction of, property shall be presented by the owner of the property or his duly authorized agent or legal representative. The word "owner" as used herein, includes a bailee, lessee, mortgagor, and conditional vendee, but does not include a mortgagee, conditional vendor, or other person having title for purposes of security only. If the claim is filed by an agent or legal representative of the owner of the property, it shall show the title or capacity of the person signing and shall be accompanied by the evidence of the appointment of such person as agent, executor, administrator, guardian, or other fiduciary or legal representative.

(b) *Personal injury or death cases.* A claim on account of personal injury shall be presented by the person injured or his duly authorized agent, or, in the case of death, by the legal representative of the person deceased.

(c) *Subrogation.* A subrogor and a subrogee may file a claim jointly or may file separate claims. Except as provided in § 750.40, when separate claims are filed and each claim, individually, is within local authority, they may be processed locally, when appropriate, even if the aggregate of such claims exceeds the monetary jurisdiction of the approving or settlement authority. When one claim cannot be settled, the provisions of § 750.16(c–d) apply. Appropriate documentary evidence should be furnished by the subrogee in support of a subrogated claim.

(d) *Limitation on transfers and assignment.* All transfers and assignments made of any claim upon the United States, or of any part of shares thereof or interest therein, whether absolute or conditional and whatever may be the consideration therefor, and all power for attorney, orders, or other authorities for receiving payment of any such claim, or of any part or share thereof, are absolutely null and void unless they are made after the allowance of such a claim, the ascertainment of the amount due, and the issuing of a warrant for the payment thereof. 31 U.S.C. 203. This statutory provision does not apply to the assignment of a claim by operation of law, as in the case of a receiver or trustee in bankruptcy appointed for an individual, firm, or corporation, or the case of an administrator or executor of the estate of a person deceased, or an insurer subrogated to the rights of the insured.

§ 750.12 Claims: Presentment of.

(a) *Standard Form No. 95.* A claim shall be submitted by presenting in triplicate a written statement setting forth the amount of the claim, in a sum certain, and, as far as possible, the detailed facts and circumstances surrounding the incident from which the claim arose. The Claim for Damage or Injury, Standard Form No. 95 (see appendix page 20–a),[1] shall be used whenever practicable. The claim and all other papers requiring signature by the claimant shall be signed by the claimant personally or by his duly authorized agent. The signatures of the claimant or his agent shall be identical throughout. When more than one person has a claim arising from a single incident, each person should file his claim separately and individually. A subrogor and a subrogee may file a claim jointly or separately. Only one claim,

[1] Filed as part of original document.

[1] Filed as part of original document.

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combining damage to property and personal injury or death, may be submitted by a claimant.

(b) *To whom submitted.* The claim shall be submitted by the claimant to the commanding officer of the naval activity involved, if known. Otherwise, it shall be submitted to the commanding officer of any naval activity, preferably the one within which, or nearest to which, the incident occurred, or to the Judge Advocate General of the Navy, Washington, D.C. 20370. See § 750.40.

§ 750.13 Claims: Contents of.

(a) *Information to be submitted.* The claimant shall include the following information in his claim:

(1) The full name and complete address of the claimant;

(2) The amount for property damage, loss, or destruction, and the amount claimed on account of personal injury or death;

(3) The date, time, and place of the incident giving rise to the claim;

(4) The persons, vehicles, and other property involved;

(5) The identity of the Government department, agency, or activity involved;

(6) A detailed description of the occurrence of the incident and the facts and circumstances attending it;

(7) The nature and extent of the resulting damage, loss, destruction, or injury;

(8) The names and addresses of any witnesses to the incident; and

(9) An agreement by the claimant to accept the amount claimed in full satisfaction and final settlement of the claim stated.

(b) *Amount of the claim.* The amount of the claim shall be stated in a sum certain and shall be substantiated by competent evidence, as follows:

(1) In support of claims for damage to real or personal property which has been or can be economically repaired, the claimant shall submit an itemized, signed statement or estimate of the cost of repairs. If the property is not economically repairable, or if it is lost or destroyed, the value thereof, both before and after the incident, shall be stated. If damage to realty is not economically repairable, the value, both before and after the incident, of the land damaged, or of the improvement or fixture if it can be readily and fairly valued apart from the land, shall be stated. In support of claims for damage to crops, the statement shall indicate the number of acres or other unit of measure of the crops damaged, the normal yield per unit, the gross income which would have been realized from such normal yield, and an estimate of the further costs of cultivation, harvesting, and marketing. If the crop is one which need not be planted each year, the diminution in value of the land beyond the damage to the current year's crop shall also be stated. All such statements or estimates shall, if possible, be made by competent, disinterested witnesses, preferably reputable dealers or officials familiar with the type of property damaged or lost. If payment for repairs has been made, itemized receipts evidencing payment shall be included. All itemized statements or receipted bills shall be certified by the creditor to be just and correct. A claimant for damage to, or loss or destruction of, registered or insured mail shall, in addition, submit the registration or insurance receipt showing the amount of fees and postage paid, or, in the event the receipt is not available, a signed statement by the issuing post office containing the essential information from the official records.

(2) In support of claims for personal injury or death, the claimant shall submit: A written report by the attending physician showing the nature and extent of the injury and the treatment; the period of hospitalization or incapacitation; the degree of temporary or permanent disability, if any; and the prognosis. In support of claims for lost earnings, the additional information delineated in § 750.6(d)(1) shall be submitted. Itemized statements or receipted bills, certified by the creditor to be just and correct, shall be included to cover medical, hospital, or burial expenses actually incurred.

(c) *Brief.* The claimant may, if he desires, file with his claim a brief setting forth the law and arguments in support of his position.

§ 750.14 Claims: The scope of liability and the measure of damages.

No claim can be paid unless a determination is made that the facts alleged and the conduct complained of by the claimant are facts and conduct for which the Government has agreed to stand responsible in money damages under a particular claims statute. Accordingly, the specific provisions of the subsequent parts of this chapter regarding "Scope of Liability" should be considered (see §§ 750.36, 750.55, and 750.65). Similarly, the specific provisions of this chapter concerning "Measure of Damages" should be utilized in valuing the quantum of liability (see §§ 750.37, 750.56, and 750.65).

§ 750.15 Claims: Action by receiving officer or command.

(a) *Record date of receipt.* The first command receiving the claim shall stamp or mark the date of receipt upon the letter of claim or claim form.

(b) *Determine military activity involved.* The receiving command should determine the local naval activity most directly concerned, normally the commanding officer or the officer in charge of the personnel involved or of the activity in which the incident occurred. If a nonnaval activity is or may be the activity most directly involved, see § 750.3(b)(3) and of paragraph (d) of this section.

(c) *When the receiving command is the activity most directly involved.* An immediate investigation in accordance with §§ 750.2–750.7 should be commenced. If an investigation has already been completed, an evaluation of such investigation in light of the claim should be conducted with a view to correcting or supplementing the investigation. In addition, the receiving command shall notify all holders of the investigation that a claim has been filed. The original claim and the investigation or any reevaluation thereof should then be forwarded as directed by § 750.8.

(d) *When the receiving command is not the activity most directly involved.* If an activity other than the receiving command is the activity most directly involved, the original claim should be forwarded to that activity.

§ 750.16 Claims: Action by adjudicating authority.

(a) *Review prior action.* The adjudicating authority is ultimately responsible for determining that an adequate and complete investigation in accordance with §§ 750.2–750.7 has been conducted, that the date of initial receipt of the claim is recorded on the face of the claim, and that all holders of the investigation, if completed, have been notified of the claim.

(b) *Determine sufficiency of claim.* A determination of the sufficiency of a claim under §§ 750.11–750.12 should be made. If the claim is deemed insufficient, it should be returned to the submitting party together with an explanation of the insufficiency. Such action by the adjudicating authority does not constitute denial of the claim.

(c) *Adjudication of claims.* (1) Claims within the adjudicating authority. Except as provided in § 750.35(c) concerning multiple claims, the appropriate adjudicating authority shall approve or disapprove the claims within his adjudicating authority as described in § 750.80. In unusual cases, the entire record, together with the information required by subsection of this section, may be referred to the Judge Advocate General for appropriate action.

(2) *Claims in excess of the adjudicating authority.* All claims, regardless of the amount involved, should be negotiated for settlement within local adjudicating authority if such settlement is appropriate and possible. Permission of higher command is not necessary. Negotiation beyond local adjudicating authority may be attempted, if appropriate, provided claimant is clearly informed that the final decision on his claim will be made by a higher command. Whenever a case is retained for negotiation more than 6 months after the claim has been submitted, an interim status report will be made to the Judge Advocate General (Litigation and Claims).

(d) *Forwarding a claim to the Judge Advocate General.* In the event a claim cannot be approved, settled, compromised, or denied within the adjudicating authority granted by this chapter, such claim should be forwarded promptly to the Judge Advocate General with the following materials:

(1) An official endorsement or letter of transmittal;

(2) A memorandum of law containing an analysis of the facts, a review of the applicable law, an evaluation of liability, and a recommendation as to the settlement value of the claim;

(3) The original of the investigative report together with all enclosures and allied papers; and

(4) The original claim and all copies thereof filed by the claimant. The adjudicating authority shall retain at least one copy of all materials transmitted to the Judge Advocate General under this subsection.

(e) *Litigation reports.* Most litigation reports originate from the Litigation and Claims Division of the Office of the Judge Advocate General. The Judge Advocate General may request that the cognizant district judge advocate or staff judge advocate provide a litigation report directly to the United States Attorney representing the Government's interest. A litigation report consists of a letter addressed to the Department of Justice, copy to the U.S. Attorney, containing a narrative summary of the pertinent facts concerning the claim upon which the lawsuit has been filed in the United States district court. It will normally contain an evaluation of the facts together with a comment on the law of the State where the claim arose and recommendations respecting settlement or defense of the case. The report should tell whether an administrative claim (Standard Form 95) or other writing sufficient under § 750.12 was submitted and what disposition was made of such claim. If records show that no administrative claim has been filed, prompt notification of this fact shall be given to the Judge Advocate General, the Department of Justice, and the U.S. Attorney. Copies of the enclosures to the JAG Manual investigation should be provided if they are not classified for security reasons. The investigative officer's finding of facts, opinions, recommendations and endorsements thereon shall not be released except as specifically authorized by the Secretary of the Navy or the Judge Advocate General in accordance with § 750.23. If there is a question as to the propriety of releasing a particular document or information, the matter should be referred to the Judge Advocate General (Litigation and Claims) for resolution.

§ 750.17 Claims: Payment of.

Claims approved for payment shall be forwarded to such disbursing officer as may be designated by the Comptroller of the Navy for payment from appropriations designated for that purpose. See § 750.40 regarding the payment of Federal tort claims in excess of $2,500 by the General Accounting Office and appendix page 20–d.[1]

§ 750.18 Claims: Settlement agreement and release.

(a) *Difference between fully and partially approved claims.* In cases in which the claim is approved in the full amount claimed, no settlement agreement, other than the agreement incorporated in the claim for damage or injury (Standard Form No. 95), is necessary. In cases in which the claim is being approved for a lesser amount than that claimed, no payment will be made until the claimant has indicated in writing his willingness to accept such amount in full satisfaction and final settlement of the claim. A sample settlement agreement is contained in Appendix page 20–b.[1]

(b) *Release.* Except for an advance payment pursuant to § 750.71 the acceptance by the claimant of any award or settlement made by the Secretary of the Navy, or his designees pursuant to the authority granted by statute and these regulations, or of any award, compromise, or settlement made by the Attorney General, is final and conclusive upon the claimant. Acceptance constitutes a complete release by the claimant of any claim against the United States by reason of the same subject matter. The acceptance by the claimant of any award, compromise, or settlement made under the provisions governing the administrative settlement of Federal tort claims under title 28, United States Code, or the civil action provisions of 28 USC 1346(b) and Subpart B of this part also constitutes a complete release by the claimant of any claim against any employee of the Government whose act or omission gave rise to the claim.

§ 750.19 Claims: Disposition or denial of.

(a) *Claimant to be notified.* In every case the approving or disapproving authority shall notify, promptly and in writing, the claimant of the action taken on his claim.

(b) *Final denial.* A final denial of any claim within this chapter shall be in writing and sent to the claimant, his attorney, or legal representative by certified or registered mail and return receipt requested. The notification of denial may include a statement of the reason or reasons for denial. Such notification shall include a statement that if the claimant is dissatisfied with the action taken on his claim he may:

(1) If the claim is cognizable under the Federal Tort Claims Act, within 6 months of the date of such notification, file suit in the appropriate U.S. District Court.

(2) If the claim is cognizable under the Military Claims Act, within 30 days after receipt of such notification, appeal to the Secretary of the Navy stating the grounds relied upon for such appeal. The notice of denial shall inform the claimant that suit or appeal pursuant to one statute will not toll the time limitation set forth above for the other.

§ 750.20 Claims: Amendment, appeal, or reconsideration of.

(a) *Amendment.* At any time prior to denial, or prior to action by the claimant exercising his option to deem a claim denied, a claim submitted pursuant to the Federal Tort Claims Act may be amended. See §§ 750.34(e) and 750.40.

(b) *Appeal or reconsideration.* (1) In connection with the denial of any claim within the scope of the Federal Tort Claims Act (Subpart B of this part), the claimant may, in writing and provided such writing is received by the authority who denied the claim not later than 6 months after the date of denial, appeal or request reconsideration of his claim. See §§ 750.34(i) and 750.40. Such appeal or request must state the reasons therefor. An appeal or request filed solely to extend the statutory period for filing suit shall be void.

(2) In connection with the denial of any claim within the scope of the Military Claims Act (Subpart C of this part), or not cognizable under any other provision of law (Subpart D of this part), the claimant may, in writing and provided such writing is received by the proper authority under § 750.53(h) or § 750.53(c) not later than 30 days after the date of denial, appeal or request reconsideration of his claim. Such appeal or request shall state the reasons therefor.

(c) *Disposition of appeal or reconsideration.* Upon receipt of a written appeal or request for reconsideration, such appeal or request shall be promptly considered by the appropriate adjudicating authority. Final disposition shall be in writing as prescribed by § 750.19.

§ 750.21 Claims: Action required upon notice of suit.

(a) *Action required of any Navy official receiving notice of suit.* The commencement, under the civil action provisions of 28 USC 1346(b), of any action against the United States, involving the Navy, which comes to the attention of any officer in connection with his official duties, shall be reported immediately to the commandant of the cognizant naval district, to the attention of the district staff judge advocate who shall initiate any necessary administrative action and shall give further prompt notification to the Judge Advocate General. The commencement of any legal action against any employee of the Navy as a result of an act or ommission committed within the scope of his employment which comes to the attention of any officer in connection with his official duties, whether or not the United States has been made a party to such legal action, shall be reported in the same manner. See §§ 750.2 and 720.20(c).

(b) *Steps upon commencement of civil action.* Upon receipt by the Judge Advocate General of notice from the Department of Justice, or from any other source, that an action involving the Navy has been instituted against the United States under the civil action provisions of 28 U.S.C. 1346(b), a request shall be made upon the commandant of the appropriate naval district for an investigative report of the incident giving rise to the action if a complete report of the incident has not already been received. This request shall be forwarded immediately to the appropriate naval activity for prompt compliance in order that the preparation of the Government's defense may not be delayed.

(c) *Adjudicating authority.* A request for an investigative report shall be forwarded immediately to the appropriate naval activity for prompt compliance in

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order that the preparation of the Government's defense may not be delayed. In addition, the commandant shall determine if an administrative claim has been filed, and, if records show no claim to have been received, the Judge Advocate General, the Department of Justice, and the United States Attorney shall be promptly notified of this fact.

(d) *Litigation reports.* See § 750.16(e).

§ 750.22 Claims: Finality.

Subject to the provisions of 28 U.S.C. 1346(b) and § 750.34(i) respecting civil action against the United States and administrative reconsideration of Federal Tort Claims Act denials, and subject to the provisions of § 750.53(h) regarding appeal of Military Claims Act denials, any award or determination by the Secretary of the Navy or his designees is final and conclusive upon all officers of the Government, except when procured by means of fraud. Notwithstanding any other provision of law to the contrary, any settlement made by the Secretary of the Navy, or by his designees, under the authority of the Military Claims Act is final and conclusive for all purposes.

§ 750.23 Disclosure of information.

No military personnel or civilian employees of the Navy shall release copies of official papers or any other information which can be used as the basis of a claim against the United States unless such release has been properly authorized by competent authority. This prohibition does not apply to advice concerning the correct administrative procedure for filing claims or to providing prospective claimants with appropriate claim forms. Disclosure of information from an official JAG Manual investigation, excluding all endorsements, findings of fact, opinions, recommendations, appended material from personnel and medical records, and other material privileged under the Freedom of Information Act (5 U.S.C. 552), may be released by the adjudicating authority set forth in § 750.80 provided all claims filed or anticipated are within his adjudicating authority. All other requests for disclosure of information shall be processed in accordance wth Subpart C of Part 720 of this chapter.

§ 750.24 Single-service assignment of responsibility for processing of claims.

(a) *Applicable law.* Department of Defense Directive 5515.8 of July 28, 1967 (NOTAL), has assigned single-service responsibility for the processing of claims under the following laws:

(1) Foreign Claims Act (10 U.S.C. 2734 (see Part 753 of this chapter));

(2) Military Claims Act (10 U.S.C. 2733 (see Subpart C of this part));

(3) Act of September 7, 1962 (10 U.S.C. 2734a and 2734b), pro rata cost sharing of claims pursuant to international agreement (see § 753.27 of this chapter);

(4) NATO Status of Forces Agreement (4 UST 1792, TIAS 2846) and other similar agreements (see § 753.27 of this chapter);

(5) Act of September 25, 1962 (42 U.S.C. 2651–2653) claims for reimbursement for medical care furnished by the United States (see part 757 of this chapter);

(6) Act of October 9, 1962 (10 U.S.C. 2737), claims not cognizable under any other provisions of law (see Subpart D of the part);

(7) Act of June 10, 1921 (31 U.S.C. 71), claims and demands by the Government of the United States (see Part 727 of this chapter); and

(8) Act of September 8, 1961 (10 U.S.C. 2736), advance or emergency payments (see Subpart E of this part).

(b) *List of countries.* Responsibility for the processing of all claims in favor of the United States cognizable under paragraph (a) (4), (5), or (7) of this section or against the United States cognizable under paragraph (a) (4), (6), or (8) of this section, which arise in the following countries is assigned to the military departments listed below:

(1) Department of the Army: Belgium, the Democratic Republic of the Congo, Ethiopia, France, the Federal Republic of Germany, Iran, Korea, Liberia, Mali, Senegal, the Republic of Vietnam, and as the Receiving State Office in the United States under paragraph (a) (3) and (4) of this section.

(2) Department of the Navy: Australia, Iceland, Italy, and Portugal.

(3) Department of the Air Force: Canada, Denmark, Greece, India, Japan, Libya, Luxembourg, Nepal, Netherlands, Norway, Pakistan, Saudi Arabia, Spain, Turkey, and the United Kingdom.

(c) *U.S. forces afloat cases under $200.* Notwithstanding the provisions of subsection (b) above, the Department of the Navy is authorized to settle claims under $200 caused by Navy personnel not acting within scope of employment and arising in foreign ports visited by U.S. forces afloat and may, subject to the concurrence of the authorities of the receiving state concerned, process such claims without regard to international agreements described in paragraph (a) (4) of this section concerning the processing of nonscope of duty claims by receiving and sending state authorities.

(d) *Assignment of responsibility of a unified command.* On an interim basis and while awaiting confirmation and approval from the Office of the Secretary of Defense, a Unified Command may, when necessary to implement contingency plans, assign single-service responsibility for the processing of claims in countries where such assignment has not already been made.

§§ 750.25–750.29 [Reserved]

Subpart B—Federal Tort Claims Act

§ 750.30 Scope of Subpart B.

The regulations of this subpart B apply exclusively to the administrative processing and consideration of claims against the United States arising under the Federal Tort Claims Act (28 U.S.C. 1346(b), 2671–2680). The regulations of the Attorney General of the United States concerning administrative claims under the Federal Tort Claims Act (28 CFR Part 14) are presented in § 750.40 and are expressly incorporated into the regulations of the Judge Advocate General. In cases of conflict between provisions of §§ 750.30–750.39 and the provisions of § 750.40, the provisions of § 750.40 prevail for Federal Tort Claims Act claims.

§ 750.31 Definitions.

(a) *Employees of the Government.* The term "employee of the Government," as used in this chapter, includes members of the naval forces of the United States, officers or employees of the Navy, and persons acting on behalf of the Navy in an official capacity, temporarily or permanently in the service of the United States, with or without compensation. Contractors with the United States are not Federal agencies, and their employees are not "employees of the Government," even if the contractor is operating a Government-owned plant. Status as an "employee of the Government" is a Federal question to be determined by Federal law.

(b) *Scope of employment and line of duty.* "Scope of employment" and "acting in the line of duty" are synonymous for purposes of the Federal Tort Claims Act, and the meaning is determined in accordance with principles of respondent superior under the State law of the jurisdiction in which the act or omission occurred.

§ 750.32 Statutory authority.

(a) *Waiver of sovereign immunity.* Subject to the provisions of 28 U.S.C. 2671–80, Tort Claims Procedure, the U.S. district courts including the U.S. District Court for the District of the Canal Zone and the District Court of the Virgin Islands, have exclusive jurisdiction of civil actions on claims against the United States for money damages for damage to or loss of property or personal injury or death caused by the negligent or wrongful act or omission of any employee of the Government while acting within the scope of his office or employment, under circumstances where the United States, if a private person, would be liable to the claimant for such damage, loss, injury, or death in accordance with the law of the place where the act or omission occurred (28 U.S.C. 1346(b)).

(b) *Setoff, etc., encompassed.* The jurisdiction described in subsection (a) includes a jurisdiction of any setoff, counterclaim, or other claim or demand on the part of the United States (28 U.S.C. 1346(c)).

(c) *Venue.* Any civil action on a tort claim against the United States under 28 U.S.C. 1346(b) may be prosecuted only in the judicial district where the plaintiff resides or wherein the act or omission complained of occurred (28 U.S.C. 1402(b)).

(d) *Jury trial.* Any action against the United States under 28 U.S.C. 1346(b) shall be tried without a jury (28 U.S.C. 2402).

(e) *Exclusive character of remedies—(1) Action against the United States.* The remedies provided by 28 U.S.C. 1346 (b) with respect to civil action against the United States are the exclusive remedies whereby action may be brought upon claims against the United States

for money damages, for injury or loss of property or personal injury or death caused by the negligent or wrongful act or omission of any employee of the Government while acting within the scope of his office or employment, under circumstances where the United States, if a private person, would be liable to the claimant for such damage, loss, injury, or death in accordance with the law of the place where the act or omission occurred (28 U.S.C. 2679(a)).

(2) *Action against the individual employee.* In most cases, the employee of the Government whose conduct gives rise to a civil action against the United States under 28 U.S.C. 1346(b) is immune from suit brought against him personally. In cases not covered by the Federal Driver's Act (28 U.S.C. 2679(b)), the immunity arises from case law (Barr v. Matteo, 360 U.S. 564 (1959); Bates v. Carlow, 430 F. 2d 1331 (10th Cir. 1970)), and the immunity must be pleaded and proved (Willingham v. Morgan, 424 F. 2d 200 (10th Cir. 1970)). Since it is possible, notwithstanding the statute and cases cited above, that a Government employee may be held personally liable for damages caused by his negligent performance of official duties, and he may be responsible for paying a judgment where the United States is not named as codefendant, the Government employee should be advised to seek appropriate legal advice in each case. See § 720.20(c) and JAG Instruction 5822.2 of February 2, 1962. Subject: Civil suits against military or civilian personnel of the Department of the Navy resulting from the operation of motor vehicles while acting within the scope of their office or employment, and legal representation in other court proceedings.

§ 750.33 Administrative claim and consideration as a prerequisite to suit.

(a) No action may be maintained against the United States under 28 U.S.C. 1346(b) unless the claimant has first properly filed an administrative claim and that claim has been finally denied. See §§ 750.34(b) and 750.34(h) for what constitutes a proper filing and a final denial of a claim. The failure of the Navy to make final disposition of a claim within 6 months after it is filed shall, at the option of the claimant any time thereafter, be deemed a final denial of the claim. The provisions of this subsection do not apply to such claims as may be asserted under the Federal Rules of Civil Procedure by third-party complaint, cross-claim, or counterclaim (28 U.S.C. 2675(a)).

(b) No action may be instituted for an amount in excess of the amount of the administrative claim unless the increased amount is based upon newly discovered evidence not reasonably discoverable at the time of the filing of the claim, or upon allegation and proof of intervening facts relating to the amount of the claim (28 U.S.C. 2675(b)). See § 750.34(c) regarding the amendment of an administrative claim.

§ 750.34 The administrative claim.

(a) *Proper claimant—(1) Property.* A claim for damage to or loss or destruction of property may be presented by the owner of the property or his duly authorized agent or legal representative.

(2) *Personal injury.* A claim for personal injury may be presented by the injured person or his duly authorized agent or legal representative.

(3) *Death.* A claim based on death may be presented by the executor or administrator of the deceased's estate, or by any other person legally entitled to do so in accordance with local law governing the rights of survivors.

(4) *Loss compensated by insurer.* A claim for loss wholly compensated by an insurer with the rights of a subrogee may be presented by the insurer. A claim for loss partially compensated by an insurer with the rights of a subrogee may be presented by the parties individually as their respective interests appear, or jointly.

(5) *Claim presented by agent or legal representative.* A claim presented by an agent or legal representative will be presented in the name of the claimant; be signed by the agent or legal representative; show the title or legal capacity of the person signing; and be accompanied by evidence of his authority to present a claim on behalf of the claimant as agent, executor, administrator, parent, guardian, or other representative.

(b) *Proper claim and presentation.* A claim shall be deemed to have been presented when the Navy receives from a claimant an executed Standard Form 95 or written notification of an incident, together with a claim for money damages in a sum certain. See Appendix page 20–a[1] for a sample form. A claim presented to the wrong Federal agency shall be transferred forthwith to the appropriate agency. For purposes of the 6-months provision of § 750.33(a), a claim shall be deemed to have been filed when it is received by the appropriate Federal agency. See § 750.33(b)(3) for the reporting of claims within the purview of both the Navy and another Federal agency.

(c) *Evidence and information in support of the claim.* The claimant may be required to furnish any evidence which may have a bearing on either the responsibility of the United States for the death, personal injury, or injury to or loss of property, or the damages claimed (28 CFR 14.4). See § 750.40 and § 750.13 for the specific evidence and information that may be required. Failure of the claimant to provide the required information upon request may result in no administrative consideration of the claim

(d) *Investigation and examination.* The claim shall be investigated in accordance with Subpart A of this part. The Navy may request, or be requested by, any other Federal agency to investigate a claim filed under 28 U.S.C. 2672 or to conduct a physical examination of a claimant and to provide a report of the physical examination. See § 750.40.

(e) *Amendment of the claim.* A proper claim under paragraph (b) of this section may be amended by the claimant at any time prior to a final disposition of the unamended claim by the Navy or prior to the exercise of the claimant's option under § 750.33(a) and 28 U.S.C. 2675(a). An amendment shall be submitted in writing and shall be signed by the claimant or his duly authorized agent or legal representative. A proper amendment to a pending claim gives the Navy 6 months from the date of receipt of such an amendment to make a final disposition of the amended claim, and the claimant's option under § 750.33(a) and 28 U.S.C. 2675(a) shall not accrue until 6 months after the filing of the amendment. Notwithstanding the above, no finally denied claim for which reconsideration has been requested under subsection i may be amended.

(f) *Payment of the claim.* Any award, compromise, or settlement in an amount of $2,500 or less shall be paid in accordance with § 750.17. Payments in excess of $2,500 shall be paid in accordance with § 750.40. The officer signing Standard Form 1145 as an authorized designee must include a statement over his signature citing his JAG Manual authority to sign. See Appendix page 20–d.[1]

(g) *Settlement agreement.* A sample settlement agreement including the required statement concerning fee limitations in Federal Tort Claims Act cases is contained in Appendix page 20–b.[1] See § 750.18.

(h) *Denial of the claim.* Final denial of an administrative claim shall be accomplished in accordance with §§ 750.19 and 750.40.

(i) *Reconsideration of the claim under the Federal Tort Claims Act.* Prior to the commencement of suit and prior to the expiration of the 6-month period after a final denial of a claim by the Navy, the claimant or his duly authorized agent or legal representative may file a written request with the Navy for reconsideration of the finally denied Federal Tort Claims Act claim. The Navy shall have 6 months from the date of the filing of a proper request for reconsideration in which to make a final disposition of the request, and such final disposition shall be accomplished in accordance with § 750.20c. Claimant's option under § 750.33a and 28 USC 2675(a) shall not accrue until 6 months after the filing of the request. A final denial of a request for reconsideration is not a final denial of a claim for purposes of the first sentence of this paragraph, but is a final denial for purposes of §§ 750.33, 750.34(h), and 750.38. Nothing in this paragraph shall be construed to permit amendment of a finally denied claim. A request for reconsideration filed solely for the purpose of extending the § 750.38(b) statutory period for filing suit shall be void.

§ 750.35 Administrative consideration: Who is authorized?

(a) *Statutory authorization.* Pursuant to 28 U.S.C. 2672 of the Federal Tort

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Claims Act and in accordance with regulations issued by the Attorney General (see § 750.40), the Secretary of the Navy or his designee, acting on behalf of the United States, is authorized to consider, ascertain, adjust, determine, compromise, and settle any claim for money damages against the United States for damages to or loss of property or personal injury or death caused by the negligent or wrongful act or omission of any employee of the Government while acting within the scope of his office or employment, under circumstances where the United States, if a private person, would be liable to the claimant in accordance with the law of the place where the act or omission occurred. See paragraph (c) of this section for limitations on the authority of the Secretary or his designee.

(b) *Specific delegation and designation.* See § 750.80.

(c) *Limitations on authority.* Notwithstanding the provisions of paragraphs (a) and (b) of this section:

(1) Any award, compromise, or settlement by the Navy under 28 U.S.C. 2672 in excess of $25,000 may be effected only with the prior written approval of the Attorney General or his designee;

(2) An administrative claim presented under 28 U.S.C. 2672 may be approved, disapproved, compromised, or settled only after consultation with the Department of Justice by the Judge Advocate General when:

(i) A new precedent or a new point of law is involved;

(ii) A question of policy is or may be involved;

(iii) The United States is or may be entitled to indemnity or contribution from a third party and the agency is unable to adjust the third-party claim; or

(iv) For any reason, the compromise of a particular claim, as a practical matter, will control the disposition of a related claim in which the amount to be paid may exceed $25,000; and

(3) An administrative claim presented under 28 U.S.C. 2672 may be adjusted, determined, approved or disapproved, compromised, or settled by the Judge Advocate General only after consultation with the Department of Justice when the United States or its employee agent or cost-plus contractor is involved in litigation based on a claim arising out of the same transaction.

(4) In all situations noted in subparagraphs (2) and (3) of this paragraph in which the approval, disapproval, compromise, or settlement of a claim would otherwise be within the authority of the person handling it, the claim, along with the entire file, shall be forwarded to the Judge Advocate General with a full statement of the reasons therefor. Such forwarding shall be in accordance with § 750.16(d).

§ 750.36 Scope of liability.

(a) *In general.* Subject to the exceptions listed in paragraphs (c) and (d) of this section in adjudicating claims under § 750.35, the liability of the United States is generally determined in accordance with the law of the place where the act or ommission occurred (28 U.S.C. 2672). Where local law and applicable Federal law conflict, the latter prevails.

(b) *Multistate torts.* In situations involving more than one jurisdiction, the liability of the United States under paragraph (a) of this section is determined by the law of the place where the act or omission occurred, including the choice of law rules of that place (Richards v. United States, 369 U.S. 1 (1962)).

(c) *Claims not within the Act.* By virtue of 28 U.S.C. 2680, the provisions of the Federal Tort Claims Act do not apply to:

(1) Any claim based upon an act or omission of an employee of the Government exercising due care in the execution of a staute or regulation, whether or not such statute or regulation be valid; or based upon the exercise or performance of, or the failure to exercise or perform, a discretionary function or duty on the part of the Navy or an employee of the Government, whether or not the discretion involved may be abused;

(2) Any claim arising out of the loss, miscarriage, or negligent transmission of letters or postal matter; but see § 750.55(c) for processing mail claims under the Military Claims Act;

(3) Any claim arising in respect of the assessment or collection of any tax or customs duty, or the detention of any goods or merchandise by any officer of customs or excise or any other law enforcement officer;

(4) Any claim for which a remedy is provided by the act of March 9, 1920, as amended (46 U.S.C. 741–752), or the act of March 3, 1925 as amended (46 U.S.C. 781–790) relating to claims or suits in admiralty against the United States. Claims arising under the Death on the High Seas Act (46 U.S.C. 761) are not excepted from the provisions of 28 U.S.C. 1346(b). Because they may involve both admiralty and torts procedure, however, claims under this Act will be referred to the JAG for adjudication in all cases. By virtue of 28 U.S.C. 2680(d), admiralty claims arising from damage caused by a vessel in the naval service are processed in accordance with Part 752 of this chapter. Admiralty claims arising from other sources may be adjudicated under the Military Claims Act or the Foreign Claims Act, with the assistance of the Admiralty Division of the Office of the Judge Advocate General if appropriate.

(5) Any claim arising out of an act or omission of any employee of the Government in administering the provisions of the Trading with the Enemy Act, as amended (50 U.S.C. App. 1–44);

(6) Any claim for damages caused by the imposition or establishment of a quarantine by the United States;

(7) Any claim arising out of assault, battery, false imprisonment, false arrest, malicious prosecution, abuse of process, libel, slander, misrepresentation, deceit, or interference with contract rights;

(8) Any claim for damages caused by the fiscal operations of the Treasury or by the regulation of the monetary system;

(9) Any claim arising out of the combatant activities of the military or naval forces, or the Coast Guard, during time of war;

(10) Any claim arising in a foreign country (see Part 753 of this chapter concerning Foreign Claims); and

(11) Any claim arising from the activities of the Tennessee Valley Authority, the Panama Canal Company, a Federal land bank, a Federal intermediate credit bank, or a bank for cooperatives.

(d) *Additional claims not payable.* Although not expressly excepted from the application of the provisions governing administrative settlement of Federal tort claims, the following types of claims shall not be paid:

(1) Any claim for the personal injury or death of a member of the naval forces of the United States incurred incident to service or duty (Feres v. United States, 340 U.S. 135 (1950); compare Brooks v. United States, 337 U.S. 49 (1949));

(2) Any claim of military personnel or civilian employees of the Navy for damage to or loss, destruction, capture, or abandonment of personal property occurring incident to their service, which claim is cognizable under 31 U.S.C. 240–243 and the applicable Personnel Claims Regulations (see Part 751 of this chapter);

(3) Any claim for the personal injury or death of a Government employee to whom the Federal Employees' Compensation Act, as amended and reenacted (5 U.S.C. 7901–7903, 8101–8193), is applicable (see 5 U.S.C. 8116c, specifically);

(4) Any claim for personal injury or death of a civilian employee of a nonappropriated-fund activity covered by the Longshoremen's and Harbor Workers' Compensation Act (see 33 U.S.C. 905 and 5 U.S.C. 8171);

(5) That portion of any claim attributable to the fault or negligence of a contractor of the Government, to the extent to which such contractor may be liable under the provisions of his contract (see United States v. Seckinger, 397 U.S. 203 (1969), and § 750.7(a)(15)), and

(6) Any claim against the Navy by another Federal agency. Tort or tort-type claims for damage to the property of one Government department or agency normally are not asserted against another Government department or agency, regardless of whether a department or agency is fully supported from appropriated funds, is partly supported by revenue-producing activities, or is a Government corporation or a nonappropriated-fund activity (see 25 Comp. Gen. 49 (1945); 9 Comp. Gen. 263 (1930); 6 Comp. Gen. 171 (1926); 6 Comp. Dec. 74 (1899); but see 26 Comp. Gen. 235 (1946); 14 Comp. Gen. 256 (1934)). This interdepartmental waiver is predicated on the doctrine that property belonging to the Government is not owned by any department of the Government (see 22 Comp. Dec. 390 (1916)). The Government does not reimburse itself for the loss of its own property except where

specifically provided for by law. A department or agency of the District of Columbia is not considered to be a Government department or agency for the purpose of filing a claim (see 46 Comp. Gen. 586 (1966); 36 Comp. Gen. 457 (1956)).

§ 750.37 Measure of damages.

(a) *In general.* Subject to the exceptions set out in paragraphs (b) and (d) of this section for claims under the Federal Tort Claims Act, the measure of damages is determined by the law of the place where the act or omission occurred (28 U.S.C. 2674). When there is a conflict between local law and applicable Federal law, the latter governs.

(b) *Multistate torts.* In situations involving more than one jurisdiction, the measure of damages of the United States under paragraph (a) of this section is determined by the law of the place where the act or omission occurred, including the choice of law rules of that place (Richards v. United States, 369 U.S. 1 (1962)).

(c) *Limitations on liability.* The United States is not liable for interest prior to judgment or for punitive damages. If, however, in any case wherein death was caused, the law of the place where the act or omission complained of occurred provides, or has been construed to provide, for damages only punitive in nature, the United States is liable for, in lieu thereof, actual or compensatory damages measured by the pecuniary injuries resulting from such death to the persons, respectively, for whose benefit the action was brought (28 U.S.C. 2674).

(d) *Indemnity or contribution.* Under circumstances where the Government is deemed to be entitled to contribution or indemnity, the third party will be notified of the claim in writing and will be requested to contribute his fair share of a proposed settlement or to properly indemnify the Government. Contribution or indemnity claims will be processed and negotiated by the persons and commands listed in § 750.80 when the recommended contribution of the Navy is within the settlement authority of such persons or commands. If the third party fails to make satisfactory arrangements, a valid claim may be denied in order to force the third party to be joined as a party defendant when the claimant brings suit. See § 750.35(c)(2)(iii) concerning settlement without indemnification or contribution.

(e) *Setoff.* In a case brought by a serviceman not barred by the Feres doctrine (Feres v. United States, 340 U.S. 135, (1950)), an award will be reduced by the value of benefits received, and to be received in the future, by the serviceman (Brooks v. United States, 337 U.S. 49, (1949)).

§ 750.38 Statute of limitations.

(a) Every claim against the United States submitted for consideration under the Federal Tort Claims Act must be presented in writing within two years after the claim accrued or be forever barred (28 U.S.C. 2401(b)). The filing of suit against the United States does not constitute the presentment of a claim under this subsection or under 28 U.S.C. 2401(b) (Gunstream v. United States, 307 F. Supp. 366 (C.D. Cal. 1969)).

(b) A tort claim is forever barred unless an action is commenced against the United States within 6 months after the date of mailing of notice of final denial of the claim by the agency to which it was presented (28 U.S.C. 2401(b)). See § 750.34(i) regarding a request for reconsideration.

§ 750.39 Attorney fees.

(a) Attorney fees not in excess of 20 percent of any compromise or settlement made pursuant to §§ 750.34–750.35 above may be allowed. Attorney fees so determined are to be paid out of the amount awarded and not in addition to the award. Where judgment is rendered in favor of the claimant by a court of competent jurisdiction or where settlement is made after suit is filed, attorney fees shall not exceed 25 percent (28 U.S.C. 2678).

(b) The fee limitations noted above are imposed by statute, and in order to ensure compliance they shall be incorporated in any settlement agreement secured from a claimant. See appendix page 20–b[1] for a sample settlement agreement including a statement regarding attorney fees.

§ 750.40 Regulations of Attorney General governing administrative claims procedure.

The Regulations of the Attorney General for administrative claims under the Federal Tort Claims Act, appear in 28 CFR Part 14.

§§ 750.41–750.49 [Reserved]

Subpart C—Military Claims Act

§ 750.50 Scope of Subpart C.

The regulations of this subpart C apply exclusively to the administrative processing of claims against the Navy arising under the Military Claims Act (10 U.S.C. 2733).

§ 750.51 Definitions.

As used in this part (§§ 750.50–750.59):

(a) The word "claim" refers to any demand for payment submitted by any individual, partnership, association, corporation, or political entity, including countries, states, territories, and political subdivisions thereof, but excluding the Federal Government of the United States and its instrumentalities.

(b) The words "military personnel or civilian employees of the Navy" include all military personnel of the Navy, prisoners of war and interned enemy aliens engaged by the Navy in labor for pay, volunteer workers and others serving as employees of the Navy with or without compensation, and members of the Environmental Science Services Administration or of the Public Health Service who are serving with the Navy or Marine Corps.

(c) Military includes "naval."

§ 750.52 Statutory authority.

(a) *General authorization.* Subject to the statutory exceptions set forth in § 750.55(d), the Secretary of the Navy—or the Judge Advocate General, subject to appeal to the Secretary—may settle and pay, in an amount not in excess of $15,000, a claim against the Navy for damage to or loss or destruction of real or personal property, or for personal injury or death, either caused by military personnel or civilian employees of the Navy while acting within the scope of their employment or otherwise incident to noncombat activities of the Navy, including claims for damage to or loss of destruction by criminal acts of registered or insured mail while in the possession of the military authorities, claims for damage to or loss or destruction of personal property bailed to the Government, and claims for damage to real property incident to the use and occupancy thereof, whether under a lease, express or implied, or otherwise (10 U.S.C. 2733(a)).

(b) *Authorization for payment of claims in excess of $15,000.* If the Secretary of the Navy considers that a claim in excess of $15,000 is meritorious and would otherwise be covered by 10 U.S.C. 2733 and subsection (a) of this section, he may make a partial payment of $15,000 and refer the excess to the Office of Management and Budget for submission to Congress for its consideration (10 U.S.C. 2733(d)).

(c) *Delegable authorization to pay claims not in excess of $2,500.* In any case where the amount to be paid is not more than $2,500, the Secretary of the Navy may delegate the authority of 10 U.S.C. 2733(a) and paragraph (a) of this section, subject to appeal to the Judge Advocate General (10 U.S.C. 2733(g)). See § 750.80 for the Navy and Marine Corps officials with delegated authority to pay claims under this subsection.

(d) *No right to sue.* The Military Claims Act authorizes the settlement and payment of certain claims but does not authorize any right to sue the United States. The United States has consented to be sued in tort under 28 U.S.C. 1346(b) only, and, by virtue of 10 U.S.C. 2733(b)(2), Federal tort claims are not payable under the Military Claims Act.

(e) *Territorial limitations.* There is no geographical limitation on the application of the Military Claims Act, but if a claim arising in a foreign country is cognizable under the Foreign Claims Act (10 U.S.C. 2734), the claim shall be processed under Part 753 of this chapter.

§ 750.53 The administrative claim.

(a) *Proper claimant.* In determining if a claimant is the proper party to pursue the claim, the provisions of §§ 750.11 and 750.34(a) apply. Where the claim is for wrongful death, however, only one claim shall be allowed and any payment shall be apportioned according to § 750.56(b).

(b) *Proper claim and presentation.* A claim is proper in form and presentation

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if it constitutes written notification of an incident, signed by the claimant or a duly authorized agent or legal representative, together with a claim for money damages in a sum certain.

(c) *Evidence and information in support of the claim.* See § 750.13 for the evidence and information required to substantiate a claim. 10 U.S.C. 2733(b)(5) requires that a claim be substantiated in accordance with these regulations in order to be paid.

(d) *Amendment of the claim.* A proper claim may be amended by the claimant at any time prior to a final disposition of the claim. An amendment of a claim shall be submitted in writing and shall be signed by the claimant or a duly authorized agent or legal representative.

(e) *Payment of the claim.* Payment of a claim shall be accomplished in accordance with § 750.17.

(f) *Settlement agreement.* See § 750.18 and appendix page 20b.

(g) *Denial of the claim.* See § 750.19.

(h) *Appeal of the claim.* A claim which is disapproved in whole or in part may be appealed by the claimant at any time within 30 days after receipt of notification of disapproval. Such appeal shall be in writing and shall state the grounds relied upon. An appeal may be decided either by the Secretary of the Navy or by the Judge Advocate General—except that, where the claim is disapproved originally by the Judge Advocate General, an appeal thereof shall be decided by the Secretary. See § 750.20(c) for the procedure for disposing of an appeal.

§ 750.54 Authority to settle.

See § 750.80.

§ 750.55 Scope of liability.

(a) *Caused by a member or employee.* Subject to the exceptions of paragraph (d) of this section, the Navy shall be responsible under 10 U.S.C. 2733 in money damages for damage to or loss or destruction of property, real or personal, or for personal injury or death, which is caused by military personnel or civilian employees of the Navy while acting within the scope of their employment.

(b) *Otherwise incident to noncombat activities.* Subject to the exceptions of paragraph (d) of this section a claim for damage to or loss or destruction of property, real or personal, or for personal injury or death, although not shown to have been caused by any particular act or omission of military personnel or civilian employees of the Navy while acting within the scope of their employment, is payable under the Military Claims Act if otherwise incident to noncombat activities of the Navy. Claims within this category are those arising out of authorized activities which are peculiarly military activities having little parallel in civilian pursuits, and out of situations in which the Government has historically assumed a broad liability, such as claims for damage or injury arising from, and which are the natural or probable results or incidents of: maneuvers and special exercises; practice firing of heavy guns; practice bombing; naval exhibitions; operations of missiles, aircraft, and antiaircraft equipment; sonic booms; use of barrage balloons; use of instrumentalities having latent mechanical defects not traceable to negligent acts or omissions; explosions of ammunition; movement of combat vehicles or other vehicles designed especially for military use; and the use and occupancy of real estate.

(c) *Specific claims payable.* Claims payable by the Navy under paragraphs (a) and (b) of this section shall include, but shall not be limited to:

(1) *Registered or insured mail.* Claims for damage to or loss or destruction, by criminal acts, of registered or insured mail while in the possession of the military authorities are payable under the Military Claims Act. This provision of the Act is in the nature of an exception to the general requirement that the damage, loss, or destruction of personal property, in order to be compensable thereunder, be caused by military personnel or civilian employees of the Navy while acting within the scope of their employment or be otherwise incident to noncombat activities of the Navy. In effect, this provision makes it possible for the Navy to relieve the Postal Service of its obligation as an insurer with respect to registered and insured mail relinquished into the possession of the Navy for transportation or for delivery to the addressee. For this reason, the maximum award to a claimant under the provisions of this section shall be limited in amount to that to which the claimant would be entitled from the Postal Service in accordance with the registry or insurance fee paid. The amount of the award shall not exceed the cost of the item to the claimant, however, regardless of the fees paid. The claimant may be reimbursed for the postage and registry or insurance fees as elements of the cost.

(2) *Loaned or rented to the Government.* Claims for damage to or loss or destruction of personal property loaned, rented, or otherwise bailed to the Government, under an agreement expressed or implied, are payable under the Military Claims Act, even though legally enforceable against the Government as contract claims, unless by express agreement the bailor has assumed the risk of damage, loss, or destruction. Claims filed under this paragraph may, if deemed in the best interest of the Government, be referred to and processed by the Office of the General Counsel, Department of the Navy, as a contract claims.

(3) *Personal property of prisoners of war.* Claims of prisoners of war or interned enemy aliens for damage to or destruction of personal property in the custody of the Government are payable only when the proximate cause of the damage, loss, or destruction is shown to be the tortious act or omission of military personnel or civilian employees of the Navy

(4) *Real property under lease or otherwise.* Claims for damage to real property incident to the use and occupancy thereof by the Government, whether under an express or implied lease or otherwise, are payable under the provisions of the Military Claims Act even though legally enforceable against the Government as contract claims. Claims filed under this paragraph may, if deemed in the best interest of the Government, be referred to and processed by the Office of the General Counsel, Department of the Navy, as contract claims.

(d) *Claims not payable.* Notwithstanding paragraphs (a), (b), and (c) of this section, the following claims shall not be paid under 10 U.S.C. 2733:

(1) Any claim for damage, loss, destruction, injury, or death which was proximately caused, in whole or in part, by any negligence or wrongful act on the part of the claimant, his agent, or his employee, unless the law of the place where the act or omission complained of occurred would permit recovery from a private individual under like circumstances, and then only to the extent permitted by that law;

(2) Any claim for damage, loss, destruction, injury, or death resulting from action by the enemy, or resulting directly or indirectly from any act by armed forces engaged in combat;

(3) Any claim for reimbursement for medical or hospital services furnished at the expense of the United States or, in the case of burial, for such portion of the expense thereof as may be otherwise paid by the United States;

(4) Any claim of military personnel or civilian employees of the Navy for damage to or loss, destruction, capture, or abandonment of personal property occurring incident to their service which claim is cognizable under the Military Personnel and Civilian Employees' Claims Act as amended (31 U.S.C. 240–243) and applicable regulations (Part 751 of this chapter);

(5) Any claim arising in a foreign country or possession thereof which is cognizable under the Foreign Claims Act (10 U.S.C. 2734) and applicable regulations thereto (Part 753 of this chapter);

(6) Any claim cognizable under 10 U.S.C. 7622 relating to admiralty claims and to claims for damages caused by naval vessels (Part 752 of this Chapter);

(7) Any claim for damage to or loss or destruction of real or personal property founded in written contract, except as provided in subparagraphs (2) and (4) of paragraph (c) of this section;

(8) Any claim for rent of real or personal property, except as provided in subparagraphs (2) and (4) of paragraphs (c) of this section;

(9) Any claim involving the infringement of patents;

(10) Any claim for damage, loss, or destruction of mail matter occurring prior to delivery by the Postal Service to authorized military personnel or civilian employees of the Navy (e.g., designated Navy mail clerks and assistant Navy mail clerks, mail orderlies, or postal officers);

(11) Any claim for damage, loss, or destruction of mail matter occurring due to the fault of, or while in the hands of, bonded personnel;

(12) Any claim for damage, loss, or destruction of mail matter arising after resumption of possession by the Postal Service (e.g., for the purpose of forwarding to the addressee at a different address) and prior to redelivery to authorized military personnel or civilian employees of the Navy charged with transportation or distribution to the addressee;

(13) Any claim by an inhabitant of a foreign country who is a national of a country at war with the United States or of any ally of such an enemy country, unless it be determined that the claimant is friendly to the United States;

(14) Any claim for personal injury or death of military personnel or civilian employees of the Government if such injury or death occurs incident to their service; and

(15) Any claim for damage, injury, or death caused by a member or employee of the Department of the Navy while acting within the scope of his employment, and which is in all other respects within the cognizance of the Federal Tort Claims Act and Subpart B of this part.

§ 750.56 Measure of damages.

In cases cognizable under the Military Claims Act (10 U.S.C. 2733), the measure of damages shall be as follows:

(a) *Damage to property.* (1) If the property has been or can be economically repaired, the measure of damages shall be the actual or estimated net cost of the repairs necessary to restore the property to substantially the condition which existed immediately prior to the incident. Damages so determined shall not, however, exceed the value of the property immediately prior to the incident less the value thereof immediately after the incident. To determine the actual or estimated net cost of repairs, the value of any salvaged parts or materials and the amount of any net appreciation in value effected through the repair shall be deducted from the actual or estimated gross cost of repairs, and the amount of any net depreciation in the value of the property shall be added to such gross cost of repairs, provided such adjustments are sufficiently substantial in amount to warrant consideration. All estimates of the cost of repairs shall be based upon the lower or lowest of two or more competitive bids, or upon statements or estimates by one or more competent and disinterested persons, preferably reputable dealers or officials familiar with the type of property damaged, lost, or destroyed.

(2) If the property cannot be economically repaired, the measure of damages shall be the value of the property immediately prior to the incident less the value thereof immediately after the incident. All estimates of value shall be made, if possible, by one or more competent and disinterested persons, preferably reputable dealers or officials familiar with the type of property damaged, lost, or destroyed.

(3) Loss of use of damaged property which is economically repairable may, if claimed, be included as an additional element of damage to the extent of the reasonable expense actually incurred for appropriate substitute property, but only for such period as is reasonably necessary for repairs: *And provided,* That idle substitute property of the claimant was not employed. When substitute property is not obtainable, other competent evidence such as rental value, if not speculative or remote, may be considered. When substitute property is reasonably available but is not obtained and used by the claimant, loss of use is normally not payable.

(b) *Personal injury or death.* In claims for personal injury or death, the measure of damages may include reasonable medical, hospital, and burial expenses, loss of earnings and services, diminution of earning capacity, pain and suffering, permanent injury, and death. In computing damages in cases of personal injury or death, local standards will be taken into consideration as a guide. In case of death, only one claim will be allowed. The amount approved therefor shall, to the extent found practicable or feasible, be apportioned among the beneficiaries, and in the proportions prescribed by law or custom of the place in which the accident or incident resulting in death occurs.

(c) *Limitations.* Payment shall not be made for the following elements of damage: Interest, cost of preparation of claims, attorneys' fees, inconvenience, and other similar items. The cost of repair estimates reasonably required to process the claim, however, may be paid.

(d) *Setoff of a recovery from a joint tort-feasor.* If a claimant has elected to proceed against a third party as a joint tort-feasor, any amount paid by such third party for damage which might otherwise be properly included in the claim against the Government shall be deducted from any award by the Government to the claimant.

§ 750.57 Statute of limitations.

No claim may be settled under the Military Claims Act unless it is presented in writing within 2 years after it accrues. If such accident or incident occurs in time of war of armed conflict, however, or if war or armed conflict intervenes within 2 years after its occurrence, any claim may, on good cause shown, be presented within 2 years after the war or armed conflict is terminated. For the purposes of the Military Claims Act, the dates of the beginning and ending of an armed conflict are the dates established by concurrent resolution of Congress or by determination of the President (10 U.S.C. 2733(b)(1)).

§§ 750.58–750.59 [Reserved]

Subpart D—Claims Not Cognizable Under Any Other Provision of Law

§ 750.60 Scope of Subpart D.

The regulations of this subpart D apply exclusively to the administrative processing and consideration of claims against the Navy arising under 10 U.S.C. 2737. These claims are sometimes referred to as "nonscope' 'claims and are claims that are not cognizable under any other provision of law.

§ 750.61 Definitions.

(a) *Civilian official or employee.* Any civilian official or employee of the Department of the Navy paid from appropriated funds at the time of the incident which resulted in the damage or loss.

(b) *Vehicle.* Includes every description of carriage or other artificial contrivance used, or capable of being used, as a means of transportation on land (1 U.S.C. 4).

(c) *Government installation.* A United States Government facility having fixed boundaries and owned or controlled by the Government.

§ 750.62 Statutory authority.

(a) *General authorization.* 10 U.S.C. 2737 provides authority for the administrative settlement in an amount not to exceed $1,000 of any claim against the United States not cognizable under any other provision of law for damage to or loss of property, or for personal injury or death, caused by military personnel or a civilian official or employee incident to the use of a vehicle of the United States at any place, or incident to the use of any other property of the United States on a Government installation.

(b) *No right to sue.* There is no right to sue the United States on a claim arising under 10 U.S.C. 2737.

(c) *Territorial application.* There is no geographical limitation on the application of 10 U.S.C. 2737.

§ 750.63 Proper claim and claimant/processing of the claim.

(a) *General.* The general claims provisions of subpart A of this part apply in determining what is a proper claim, who is a proper claimant, and how a claim is to be processed under 10 U.S.C. 2737 and this Part 750.

(b) *Claims submitted pursuant to another statute.* Claims submitted under the provisions of the Federal Tort Claims Act or Military Claims Act shall, in appropriate cases, be considered automatically for an award under this part when payment would otherwise be barred because the employee or serviceman was not in the scope of his employment. If a tender of payment under this part is not accepted by the claimant in full satisfaction of his claim, no award will be made, and the claim will be denied pursuant to the rules applicable to the statute pursuant to which it was submitted.

(c) *Claims submitted pursuant to this statute.* Claims submitted solely pursuant to 10 U.S.C. 2737 shall be promptly considered. If a claim is denied for any reason, the claimant shall be informed in writing of this fact and that he may appeal such decision (see § 750.19(b)) within 30 days of the notice of denial by writing to the Secretary of the Navy (Judge Advocate General). See § 750.20(b)(2).

§ 750.64 Officials with authority to settle.

See appendix section A–20–(e).[1]

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§ 750.65 Scope of liability and measure of damages.

(a) *Scope of liability.* Subject to the exceptions of paragraph (b) of this section, the responsibility of the United States shall be in money damages, not to exceed $1,000, for damage to or loss or destruction of property or for personal injury or death caused by military personnel or civilian officials or employees:

(1) Incident to the use of a vehicle of the United States at any place; or

(2) Incident to the use of any other property of the United States on a Government installation; and

(3) Not cognizable under any other provision of law.

(b) *Specific claims not payable.* A claim may not be allowed under 10 U.S.C. 2737:

(1) If the damage to or loss of property, or the personal injury or death, was caused wholly or partly by a negligent or wrongful act of the claimant, his agent, or his employee;

(2) In the case of personal injury or death, for more than the cost of reasonable medical, hospital, and burial expenses actually incurred, and not otherwise furnished or paid by the United States;

(3) Unless it is presented in writing within 2 years after it accrues;

(4) Unless the amount tendered is accepted in writing by the claimant in full satisfaction of any claim against the United States arising from the incident;

(5) To the extent that the claim or any part thereof is legally recoverable by the claimant under an indemnifying law or an indemnity contract;

(6) If it is a subrogated claim; or

(7) If it is cognizable under any other provision of law.

(c) *Measure of damages.* Compensation under 10 U.S.C. 2737 for damage to or loss or destruction of property, or for personal injury or death shall be computed in accordance with § 750.56, except that damages for personal injury or death under this part shall not be for more than the cost of reasonable medical, hospital, and burial expenses actually incurred and not otherwise furnished or paid for by the United States, and except that in no case under this part shall an award for damages be in excess of $1,000.

§ 750.66 Statute of limitations.

A claim against the United States under 10 U.S.C. 2737 shall be presented in writing within 2 years from the date it accrues or be forever barred.

§§ 750.67–750.69 [Reserved]

Subpart E—Advance Payments

§ 750.70 Scope of subpart E.

The regulations of the subpart E apply exclusively to the payment of amounts not to exceed $1,000 under 10 U.S.C. 2736 in advance of submission of a claim.

§ 750.71 Statutory authority.

10 U.S.C. 2736 authorizes the Secretary of the Navy or his designee to pay an amount not in excess of $1,000 in advance of the submission of a claim to or for any person, or the legal representative of any person, who was injured or killed, or whose property was damaged or lost, as the result of an accident for which allowance of a claim is authorized by law. Payment under this law is limited to that which would be payable under the Military Claims Act (10 U.S.C. 2733) or the Foreign Claims Act (10 U.S.C. 2734). Payment of an amount under this law is not an admission by the United States of liability for the accident concerned. Any amount so paid shall be deducted from any amount that may be allowed under any other provision of law to the person or his legal representative for injury, death, damage, or loss attributable to the accident concerned.

§ 750.72 Officials with authority to make advance payments.

See § 750.80.

§ 750.73 Conditions for advance payments.

Prior to making an advance payment under 10 U.S.C. 2736, the adjudicating authority shall ascertain that:

(a) The injury, death, damage, or loss would be payable under the Military Claims Act (10 U.S.C. 2733) or the Foreign Claims Act (10 U.S.C. 2734);

(b) The payee, insofar as can be determined, would be a proper claimant under this Part (753 of this chapter), or under the Foreign Claims Regulations or is the spouse or next of kin of a proper claimant who is incapacitated;

(c) The provable damages are estimated to exceed the amount to be paid;

(d) There exists an immediate need of the person who suffered the injury, damage, or loss, or of his family, or of the family of a person who was killed, for food, clothing, shelter, medical, or burial expenses, or other necessities, and other resources for such expenses are not reasonably available;

(e) The prospective payee has signed a statement that it is understood that payment is not an admission by the Navy or the United States of liability for the accident concerned, and that the amount paid is not a gratuity but shall constitute an advance against and shall be deducted from any amount that may be allowed under any other provision of law to the person or his legal representative for injury, death, damage, or loss attributable to the accident concerned; and

(f) No payment under 10 U.S.C. 2736 may be made if the accident occurred in a foreign country in which the NATO Status of Forces Agreement (4 UST 1792, TIAS 2846) or other similar agreement is in effect and the injury, death, damage, or loss (1) was caused by a member or employee of the Department of the Navy acting within the scope of his employment or (2) occurred "incident to noncombat activities" of the Department of Navy as defined in § 750.55(b).

§§ 750.74–750.79 [Reserved]

Subpart F—Authorization To Adjudicate

§ 750.80 Table of delegation and designated authority to pay claim.

See Appendix A–20–e.[1]

PART 751—PERSONNEL CLAIMS REGULATIONS

Part 751 of title 32 is revised to read as follows:

Sec
751.0 Authority.
751.1 Definitions.
751.2 Scope.
751.3 Claims payable.
751.4 Claims not payable.
751.5 Type and quantity of property.
751.6 Computation of award.
751.7 Statute of limitations.
751.8 Demand on carrier, contractor and/or insurer.
751.9 Concurrent claims on the carrier, contractor, or insurer and the government.
751.10 Form of demand on carrier, contractor, or insurer.
751.11 Responsibilities of the claimant regarding claims against carriers, contractors, and/or insurers.
751.12 Transfer of right against the carrier, contractor, or insurer.
751.13 Recoveries from carrier, contractor, and or insurer.
751.14 Claims within provisions of other regulations.
751.15 Claimants.
751.16 Form of claim.
751.17 Evidence in support of claim.
751.18 Filing of claim.
751.19 Appointment of claims investigating officers.
751.20 Investigation of claims.
751.21 Action of claims investigating officer in transportation losses.
751.22 Preparation of claims investigating officer's report.
751.23 Action by commanding officer.
751.24 Adjudicating authority.
751.25 Limitation on agent or attorney fees.
751.26 Separation from service.
751.27 Meritorious claims not otherwise provided for.
751.28 Reconsideration.
751.29 Authorization for issuance of instructions.

AUTHORITY: Military Personnel and Civilian Employees' Claims Act of 1964, as amended (31 U.S.C. 240–243).

§ 751.0 Authority.

Sections 751.1 to 751.29 are issued under the Military Personnel and Civilian Employees' Claims Act of 1964, as amended (31 U.S.C. 240–243).

§ 751.1 Definitions.

In this part:

(a) *Claim.* "Claim" means any claim filed under oath by the commissioned, appointed, enrolled, and enlisted personnel of the Navy and Marine Corps, including their reserve components, and by civilian employees of the Naval Establishment, for damage, loss, destruction, capture, or abandonment of their personal property incident to their service.

(b) *Service personnel.* "Service personnel" means the commissioned, appointed, enrolled, and enlisted personnel of the Navy and Marine Corps.

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(c) *Civilian employees.* "Civilian employees" means employees of the Naval Establishment, including those paid on a contract basis.

(d) *Navy and naval.* "Navy" and "naval" include "Marine Corps" except where the context indicates to the contrary.

(e) *Damage or loss.* "Damage or loss" includes destruction, capture, or abandonment.

§ 751.2 Scope.

Under this part, claims are settled and paid for damage to or loss of personal property of service personnel and civilian employees of the Navy and Marine Corps. The loss must be incident to service, and possession of the property must be reasonable, useful, or proper under the circumstances. The maximum amount allowable on a claim is $10,000.

§ 751.3 Claims payable.

Claims are payable when the damage to or loss of the claimant's personal property occurs incident to his service under any of the following circumstances:

(a) *Property losses in quarters or other authorized places.* Claims are payable where property is damaged or lost by fire, flood, hurricane, or other serious occurrence, or by theft while located at:

(1) Quarters, wherever situated, which were assigned to claimant or otherwise provided in kind by the Government, including permanent or temporary housing units which are owned and maintained by the Government on, or in connection with, a military or naval installation; or

(2) Quarters outside the United States occupied by claimant which were not assigned to him or otherwise provided in kind by the Government, unless the claimant is a civilian employee who is a local inhabitant; or

(3) Any warehouse, office, hospital, baggage dump, or other place (except quarters, but see subparagraphs (1) and (2) of this paragraph), designated by superior authority for the reception of the property.

(b) *Transporation losses.* Claims are payable where property, including baggage checked or in personal custody, and including household effects, is damaged or lost incident to transportation by a government contracted carrier, an agent or agency of the Government, or by a private conveyance:

(1) When shipped under orders; or

(2) In connection with travel under orders irrespective of the purpose of such travel; or

(3) In connection with travel in performance of military duty with or without troops.

(c) *Marine or aircraft disaster.* Claims are payable where property is damaged or lost in consequence of perils of the sea and hazards connected with the operation of aircraft.

(d) *Enemy action.* Claims are payable where property is lost, abandoned, damaged, or destroyed by:

(1) Enemy action or threat of such action;

(2) Combat, or movement in the field which is part of a combat mission;

(3) Guerrilla, organized brigandage or other belligerent activities, whether or not the United States is involved; or

(4) Unjust confiscation by a foreign power or by its nationals.

(e) *Property subjected to extraordinary risks.* Claims are payable when property is damaged or lost as a direct result of extraordinary risks to which it has been subjected by the performance of official noncombat duties by the claimant, including but not limited to:

(1) Performance of duty in connection with civil disturbance, public disorder, or public disaster;

(2) Efforts to save Government property or human life where the situation was such that the claimant could have saved his own property had he not so acted; or by

(3) Abandonment or destruction of property by reason of military emergency or by order of superior authority.

(f) *Property used for benefit of Government.* Claims are payable where property is damaged or lost while being used, or held for use, for the benefit of the Government at the direction or request of superior authority or by reason of military necessity.

(g) *Negligence of the Government.* Claims are payable where property is damaged or lost incident to the service of the claimant and the proximate cause of such damage or loss was the negligent act or omission of agents or employees of the Government acting within the scope of their employment.

(h) *Money deposited for safekeeping, transmittal, or other authorized disposition.* Claims for loss of personal funds which were accepted by naval personnel, military or civilian, acting with the authority of the commanding officer, for safekeeping, deposit, transmittal, or other authorized disposition, are payable where the funds were neither applied as directed by the owner nor returned to him (see Article 1922, U.S. Navy Regulations, 1948).

(i) *Motor vehicles.* Claims are allowable for damage to or loss of automobiles and other motor vehicles if:

(1) The claim would otherwise be allowable under paragraph (a) of this section, or

(2) The claim would otherwise be allowable under paragraph (a) of this section, or

(3) The damage or loss occurred while the vehicle was located on a military installation, provided that the loss or damage was caused by fire, flood, hurricane, or other unusual occurrence or by theft or vandalism, or

(4) The damage or loss occurred during overseas shipment provided by the Government.

(j) "Motor vehicles" include utility trailers, camping trailers, boat and boat trailers. "Military installation" means any fixed land area, wherever situated, controlled and used by military activities or the Department of Defense. "Other unusual occurrence" does not include collision with another vehicle. "Shipments provided by the Government" means via Government vessels, charter of commercial vessels or by Government bills of lading on commercial vessels, and includes storage, on-loading and off-loading incident thereto.

(j) *Housetrailers.* (1) The term "house trailer," as used in this chapter, denotes a residence designed to be moved overland. It includes all household goods, personal effects and professional books, papers, and equipment contained in the trailer and owned or intended for use by the member or his dependents.

(2) Claims for loss of, or damage to, housetrailers and their contents while in storage on Government property pursuant to shipment under orders are payable under paragraph (a) (3) of this section. Claims for loss of, or damage to, housetrailers and their contents arising incident to shipment are payable under paragraph (b) (1) of this section: *Provided,* That, when transported by other than the service member or an agent or agency of the Government, the carrier must have operating rights approved by the Interstate Commerce Commission if in interstate commerce, or under applicable State regulations when the shipment is within a single State.

(3) It is the owner's responsibility to place the housetrailer (including the chassis, brakes, tires, tubes, bearings, undercarriage, frame, and the other parts of the housetrailer) and its contents in fit condition to withstand the stress of normal transportation. The Government has the responsibility of insuring that the housetrailer is inspected prior to movement to determine if it is roadworthy. Acceptance of a housetrailer for shipment by a carrier is presumptive evidence that the housetrailer was in condition to withstand the stress of normal transportation.

(4) The burden of proving a claim against the Government or the carrier rests on the claimant. However, the claimant can establish a prima facie case by proving that the damage occurred during transportation. Damage which is due to (i) the negligence of the carrier, or (ii) collision while the house trailer is in the possession of the carrier, is the responsibility of the carrier. Damage which is due to apparent defects (e.g., a heavily or unevenly loaded trailer; tires which are worn, undersized, or insufficient ply rating, or have deteriorated because of age or lack of use; undercarriage and frame sagging, bent, or of insufficient size or improper construction; loose panels; faulty brakes; missing equipment; etc.) unless noted by the carrier prior to acceptance for shipment, or unless otherwise excepted by contract with the Government, is also the responsibility of the carrier. If the claimant establishes that the damage occurred during shipment, the burden then shifts to the Government and the carrier to establish that they are not liable (e.g., that the damage resulted solely from a latent structural defect).

(5) Evidence desirable for the proper adjudication of a house trailer claim

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should include, but is not necessarily limited to, the following:

(i) Copy of the premove inspection report;

(ii) Statement from claimant concerning condition of trailer prior to move, to include age of trailer, general condition, number and location of each prior move, whether any prior move resulted in damage, and, if so, type of damage and whether any prior claim has been paid;

(iii) Copy of the damage report (generally prepared by the carrier);

(iv) Government inspection (include photographs of each area or item of damage where this may prove helpful);

(v) Statement from the driver of the towing vehicle as to the circumstances surrounding the damage, as well as detailed travel particulars;

(vi) Repair bills or estimates as to the cost of repairs;

(vii) Statements from the persons providing claimant with estimates of repair as to their professional opinion as to the cause or causes of each area or item of damage;

(viii) Statements similar to the above by an engineer or by a member of the vehicle maintenance division of a public works department who possesses some expertise in this area;

(ix) Statements from the carrier, manufacturer, and dealer as to the cause of the damage;

(x) Dates and places of all prior transportation of the trailer, and, if at Government expense, copies of the Government bills of lading.

§ 751.4 Claims not payable.

Claims may not be allowed for:

(a) *Money or currency.* Money or currency except when deposited with authorized personnel as contemplated by § 751.3(h), or when lost incident to a marine or aircraft disaster, or when lost by fire, flood, hurricane, or theft from quarters. In instances of theft from quarters, it must be conclusively shown that the money or currency was in a locked container and that the quarters themselves were locked. Reimbursement for loss of money or currency will be limited to an amount which the adjudicating authority determines to have been reasonable for the claimant to have had in his possession at the time of the incident.

(b) *Unserviceable property.* Worn-out or unservicable property.

(c) *Easily pilferable articles.* Easily pilferable articles—such as jewels and jewelry; other small articles of substantial value usually worn or carried, such as cameras and accessories, watches, rings, binoculars, and necklaces; and items of greater size particularly subject to theft, including firearms, portable electronic equipment, and articles for which a substantial illegal market exists—when shipped with household goods by ordinary means or as unaccompanied baggage. (Shipment includes storage.) Claims for such articles are allowable when their loss is incident to shipment when special handling has been arranged and performed in accordance with current Naval Supply Systems Command guidelines or Marine Corps Order P4600.7A. This prohibition does not apply to baggage in the personal custody of the claimant or properly checked, provided reasonable protection or security measures have been taken. However, if small items of substantial value are lost or destroyed because of fire, flood, hurricane, the sinking of a vessel or other unusual occurrence in which the mode of shipment is not material to the type of loss, the claim may be allowed.

(d) *Articles acquired for other persons.* Articles intended directly or indirectly for persons other than the claimant or members of his immediate household. This prohibition includes articles acquired at the request of others, and articles to be disposed of as gifts or to be offered for sale.

(e) *Articles of extraordinary value.* Articles of extraordinary value, including articles of gold, silver, or other precious metals, paintings, antiques other than bulky furnishings, relics, authentic oriental or similar expensive rugs, and other articles of extraordinary value, are not payable when shipped with household effects by ordinary means or as unaccompanied baggage. Claims for the loss of such articles are payable when their loss is incident to shipment when special handling has been arranged and performed in accordance with current Naval Supply Systems Command guidelines or Marine Corps Order P4600.7A. This prohibition does not apply to baggage checked, or in the personal custody of the claimant or his agent, provided reasonable protection or security measures have been taken.

(f) *Articles being worn.* Articles being worn, except under the circumstances described in § 751.3 (c), (d), and (e).

(g) *Intangible property.* Intangible property, such as bankbooks, checks, promissory notes, stock certificates, bonds, bills of lading, warehouse receipts, baggage checks, insurance policies, money orders, and traveler's checks.

(h) *Property owned by United States.* Property owned by the United States, except where the claimant is responsible to an agency of the Government other than the Department of the Navy.

(i) *Motor vehicles.* Motor vehicle claims, except as cognizable under §§ 751.3(a), 751.3(e), or 751.3(i), ordinarily will not be paid.

(j) *Enemy property.* Enemy property or property of civilian employees who are nationals of a country at war with the United States, or of any ally of such enemy country, except when it is determined that the claimant is friendly to the United States. The prohibition also includes the property of prisoners of war or interned enemy aliens, and the property of civilian employees who have collaborated with an enemy, or with an ally of an enemy of the United States.

(k) *Losses of insurers and subrogees.* Losses of insurers and other subrogees.

(l) *Losses recovered from insurers or carriers.* Losses, or any portion thereof, which have been recovered from an insurer or carrier.

(m) *Losses in unassigned quarters in the United States.* Claims otherwise cognizable under § 751.3(a) are not payable for property damaged or lost at quarters occupied by the claimant within the United States which are not assigned to him, or otherwise provided in kind by the Government.

(n) *Contractual coverage.* Losses, or any portion thereof, which have been recovered or are recoverable pursuant to contract.

(o) *Negligence of claimant.* Claims for damage to or loss of personal property caused in whole or in part by any negligence or any wrongful act on the part of the claimant, his dependents, his agents, or his employees.

(p) *Business property.* Property normally used for business or profit.

(q) *Fees for obtaining estimates of repair.* Claims normally are not payable for fees paid to obtain estimates of repair in conjunction with submitting a claim under these regulations. Where, however, in the opinion of the approving authority the claimant could not obtain an estimate without paying a fee, such a claim may be allowed in an amount reasonable in relation to the value and/or cost of repairs of the article involved, provided the evidence furnished clearly indicates that the amount of the estimate fee paid will not be deducted from the cost of repairs if the work is accomplished by the estimator.

(r) *Theft from possession of claimant.* In all cases where a claim is made for articles lost by theft from the possession of the claimant, the claim is not payable unless evidence clearly establishes:

(1) That the claimant exercised due care in the protection of his property; and

(2) The existence of a larceny, burglary, or housebreaking.

(s) *Trailers.* Loss or damage to trailers, including house trailers and integral parts thereof except as provided in § 751.3(j). Household effects contained in trailers may be considered under § 751.3 (a)(1) when the trailer is located in an assigned area on a Government installation.

(t) *Violation of law or directives.* Property acquired, possessed, or transported in violation of law or regulations of competent authority. This does not apply to limitations imposed on weight of shipments of household effects.

§ 751.5 Type and quantity of property.

(a) *Must be reasonable, useful, or proper.* Claims are payable under the provisions of this chapter only for such types and quantities of tangible personal property the possession of which shall be determined by the adjudicating authority to be reasonable, useful, or proper under the attendant circumstances at the time of the loss or damage. Among such items of personal property is property required by law or regulations of the Navy to be possessed or used by its military personnel or civilian employees incident to their service.

(b) *Ownership or custody.* Claims which are otherwise within the provisions of this chapter will not be disapproved for the sole reason that the property was not in the possession of the claimant at the time of the damage, loss, or destruction, or for the sole reason that the claimant was not the legal owner of the property for which the claim was made (e.g., borrowed property may be the subject of a claim if its possession was reasonable, useful, or necessary to the claimant).

§ 751.6 Computation of award.

(a) *Cost of property as basis.* The amount awarded on any item of property will not exceed its depreciated replacement cost at the time of loss. Unless proved otherwise, replacement cost will be based on the price paid in cash for the property or, if not acquired by purchase or exchange, the value at the time of acquisition. The amount normally payable on property damaged beyond economical repair is found by determining its depreciated value immediately before it was damaged or lost, less any salvage value. In lieu of deducting salvage value from the depreciated value of an item, the adjudicating authority may require surrender of the item to the Government upon payment of the full depreciated value. Items surrendered will be disposed of in the same manner as property coming into Government possession under the provisions of § 751.13(b). If the cost of repair is less than the depreciated value of the property, then it is economically repairable, and the cost of repair is the amount payable.

(b) *Depreciation.* Depreciation in value of an item is determined by considering the type of article involved, its costs, condition when lost or damaged beyond economical repair, and the time elapsed between the date of acquisition and the date of accrual of the claim. Schedules of depreciation are issued by the Judge Advocate General to the adjudicators as guides for determining the estimated life of various classes of items.

(c) *Expensive articles.* Allowance for expensive items, including heirlooms, or for items purchased at unreasonably high prices, will be based on the fair and reasonable purchase price of substitute articles of a similar nature.

(d) *Acquisition.* Allowance for articles acquired by barter will not exceed the adjusted cost of the articles tendered in barter.

(e) *Black market.* No reimbursement will be made for articles acquired in black market or other prohibited activities.

(f) *Maximum allowance.* The Judge Advocate General will promulgate to the adjudicators from time to time guides for determining the maximum amount allowable for specific articles, and for establishing maximum quantities which will be allowed. In applying these guides the claimant's standard of living, income and social obligations, the size of his family, and his need to have more than the average quantities of particular items will be considered.

§ 751.7 Statute of limitations.

No claim may be paid under the provisions of this chapter unless presented in writing within 2 years after such claim accrues: *Provided,* That if the claim accrues in time of war, or in time of armed conflict in which the Armed Forces of the United States are engaged, or if war or such armed conflict intervenes within 2 years after date of accrual, it may, if good cause for delay is shown, be presented within 2 years after such good cause ceases to exist, but not later than 2 years after peace is established or armed conflict terminates.

§ 751.8 Demand on carrier, contractor, and/or insurer.

(a) *Carrier.* Whenever property is damaged, lost, or destroyed while being shipped under Government bill of lading pursuant to authorized travel orders, the owner or claims investigating officer will file a written claim for reimbursement with the carrier according to the terms of its bill of lading or contract. When property is not shipped under Government bill of lading, the owner must file a written claim for reimbursement with the carrier according to the terms of its bill of lading or contract before submitting a claim against the Government under these regulations. This demand should be made against the last commercial carrier known or believed to have handled the goods, unless the carrier who was in possession of the property when the damage or loss occurred is known. In this event, the demand should be made against the responsible carrier. If more than one bill of lading or contract was issued, a separate demand should be made against the last carrier on each such document. If it is apparent that the damage or loss is attributable to packing, storage, or unpacking while in the custody of the Government, no demand need be made against the carrier.

(b) *Military Sealift Command.* A claim for loss, damage, or destruction of a privately owned vehicle or for household goods against an ocean carrier operating under a Military Sealift Command shipping contract and Government bill of lading is the responsibility of Military Sealift Command. No demand shall be made by individual claimants or by claim adjudicating authorities directly on an ocean carrier operating under such a contract. After payment of a claim against the Government involving loss, damage, or destruction of a privately owned vehicle or household goods by such an ocean carrier, one copy of the completed claim file shall be forwarded to Commander Military Sealift Command. Each file shall include the following:

(1) The payment voucher;

(2) The completed personnel claim form;

(3) The estimated or actual cost of repair;

(4) A document indicating the conditions of the item upon delivery to the carrier; and

(5) A document indicating the forwarding condition of the item upon its return to Government control.

The letter of transmittal should identify the vessel by name, number, and if available the sailing date. See the sample transmittal letter contained in appendix section A–21(a).[1]

(c) *Insurer.* Whenever the property which is damaged, lost, or destroyed incident to the claimant's service is insured in whole or in part, the claimant must make demand in writing against the insurer for reimbursement under the terms and conditions of the insurance coverage. Such demand should be made within the time limit provided in the policy and prior to the filing of the concurrent claim against the Government as provided in § 751.9.

(d) *Failure to make demand on carrier, contractor, or insurer.* Failure to make demand or cooperate in preparing the Navy's demand on a carrier, contractor, or insurer, or to make all reasonable efforts to collect the amount recoverable from the carrier, contractor, or insurer, may result in reducing the amount recoverable from the Government by the maximum amount which would have been recoverable from the carrier, contractor, or insurer, had the claim been timely made or diligently prosecuted. However, no deduction will be made where the circumstances of the claimant's service preclude seasonable filing and prosecution of a claim or the evidence indicates that a demand was impracticable or would have been unavailing.

§ 751.9 Concurrent claims on the carrier, contractor, or insurer and the Government.

To expedite the settlement of household effects claims, the claim presented to the Government under these regulations should be submitted concurrently with the demand made against the carrier, contractor, and/or insurer. The claims investigating officer will prepare and submit the claim against the carrier, contractor, and/or insurer and will thereafter assume the responsibility of monitoring the claims against the carrier, contractor, or insurer to final settlement. The claimant shall be advised to direct the carrier, contractor, or insurer to address all correspondence regarding the claim to the commanding officer of the unit or activity at which the claim was filed, "Attention: Claims Investigating Officer." Further, any payment in settlement of the claim by the carrier, contractor, or insurer should be made payable to the Treasurer of the United States and forwarded to the commanding officer, "Attention: Claims Investigating Officer."

§ 751.10 Form of demand on carrier, contractor, or insurer.

Demands on a carrier, contractor or insurer should be made in writing on DD Form 1843 (appendix section A–21 (b))[1] with a copy of DD Form 1845 appendix section A–21(d))[1] attached.

[1] Filed as part of original document.

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Equivalent forms or formats may be used if DD Form 1843 is not available or if the claimant has not utilized DD Form 1845 in the submission of his claim.

§ 751.11 Responsibilities of the claimant regarding claims against carriers, contractors and/or insurers.

In accordance with the provisions of this chapter, the claimant is required to take all reasonable action to perfect a timely claim against any responsible carrier, contractor, and/or insurer or to assist the Navy in the perfection of a timely claim. Failure to take exceptions at the time of delivery of household goods shipments or to make notification of later-discovered damage within a reasonable time is considered sufficient grounds for deducting, from the amount otherwise payable under the provisions of this chapter, the amount of any carrier, contractor, or insurance recovery jeopardized by failure of the claimant or his agent to act promptly and reasonably.

§ 751.12 Transfer of right against the carrier, contractor, or insurer.

The claimant will assign to the United States, to the extent of any payment on his claim accepted by him, all his right, title, and interest in any claim he may have against any carrier, insurer, contractor, or other party arising out of the incident on which the claim against the United States is based. He will also furnish such evidence as may be required to enable the United States to enforce the claim.

§ 751.13 Recoveries from carrier, contractor, and/or insurer.

After payment of the claim by the United States, and upon receipt of any recovery from a carrier, contractor, and/or insurer, the United States shall be reimbursed as follows:

(a) *Monetary recoveries*—(1) *Damage not exceeding $10,000.* If the damage or loss adjudicated in accordance with § 751.6 is $10,000 or less, the proceeds will be paid to the United States to the extent of the payment received from the United States less any amount paid by a carrier, contractor or insurer over and above that paid by the Government for any item; and

(2) *Damage exceeding $10,000.* If the damage or los adjudicated in accordance with § 751.6 exceeds $10,000, the United States shall be reimbursed to the extent that the payments from the carrier, contractor and insurer, plus the $10,000 paid by the Government are in excess of the adjudicated loss less any amount paid by a carrier, contractor or insurer over and above that paid by the Government for any item.

(b) *Recovered property.* When previously lost property is found, the claimant may, at his option accept all or part of the property and return that portion of the payment he has received from the United States for the accepted property and surrender the remainder of the property to the Government. Surrendered property will be disposed of in accordance with standard disposal procedures or otherwise used for the benefit of the Government.

§ 751.14 Claims within provisions of other regulations.

(a) *Preemptive nature.* The provisions of this chapter are preemptive of other claims regulations in this Manual. However, claims not allowable under this chapter may possibly be allowable under part 750, "General Claims" of this chapter.

(b) *Ship's store claims.* Claims arising from the operation of a ship's store laundry and dry cleaning facility, tailor shop, or cobbler shop should be processed in accordance with NAVSUP P487.

§ 751.15 Claimants.

A claim may be presented only by a military member or civilian employee of the Navy, or in his name by his spouse as his authorized agent, or by any other authorized agent or legal representative. In the event the claim is filed by an agent or legal representative, this person must demonstrate his or her capacity to act in the claimant's behalf by submitting a power of attorney or other documentary evidence. If the military or civilian person is deceased, the claim may be presented by his survivor regardless of whether the claim arose before, concurrent with, or after the decedent's death. Survivors' claims will be presented in the following order of precedence.

(a) Spouse;
(b) Child or children;
(c) Father or mother, or both;
(d) Brothers or sisters, or both.

§ 751.16 Form of claim.

The claim will be submitted by presenting a detailed statement in duplicate, signed by or on behalf of the claimant, on DD Form 1842 (see appendix section A-21(c)) with DD Form 1845 attached (see appendix sections A-21(d).[1] If the claims investigating officer desires a copy of the adjudicated claim returned to his office for use in adjusting recoveries later received from carriers, contractors or insurers, a third copy of the claims form clearly marked for this purpose must be included. If DD Forms 1842 and 1845 are not available, any writing will be accepted and considered if it asserts a demand for a specific sum and substantially describes the facts necessary to support a claim cognizable under these regulations. Attention is directed to the following section which outlines the specific evidence required for particular classes of claims. Careful compliance with these requirements by the claimant in the preparation of his claim will substantially expedite adjudication, thus avoiding delays occasioned by the need of the adjudicating authority to obtain additional evidence from the claimant.

§ 751.17 Evidence in support of claims.

(a) *General.* The claim should be supported by the evidence required on the claim form and, in addition, the following evidence when applicable:

(1) Corroborating statement from a person who has personal knowledge of the facts concerning the claim.

(2) Statement of property recovered or replaced in kind.

(3) Itemized bill of repair for damaged property which has been repaired.

(4) At least one written estimate of the cost of repairs from a competent bidder or person if the property is repairable but has not been repaired. "Competent bidder or person" means one who has experience in the line of needed repairs and is in a position to know the cost of repairs of such items in the current market. Exception to the above is permissible when in the opinion of the claims investigating officer the probable estimate fee will be out of proportion to the cost of repairs. In this situation, the claims investigating officer, with the concurrence of the claimant, will recommend an amount for payment. The name, address, and experience of each such "competent" person must be given. The adjudicating authority may reject any estimate or statement of the cost of repairs that does not meet the above standards. The claimant shall satisfy the claims investigating officer that items claimed as beyond economical repair are in fact in that condition.

(5) Proof of the change in value when a claimant indicates that the replacement cost of an item lost or destroyed exceeds either the price paid in cash or property or, if not acquired by purchase or exchange, the value at the time of acquisition. The proof should be comprised of not less than two direct price quotations from the local market. In case there is no local market, the value may be property fixed by the value at the nearest market, adding the cost of transportation. Should there be no available market, he should submit at least one written estimate of the value from a competent person: "Competent person" in this instance is deemed to be one who, being apprised of the characteristics of the item in question, is able to render a knowledgeable estimate of its value at the time of loss. For items purchased outside the continental limits of the United States which do not contain qualities of identity to permit specific substantiation, allowances will be limited to a reasonable amount over and above the purchase price as agreed upon by the claimant and the claims officer. In this situation, allowance will not exceed double the cost of the item. Examples include custom-made items, unique items of clothing, art, household furnishings, and jewelry as distinguished from trademark items. In the event a claims officer by his experience knows that the approximate replacement cost in the area is close to what the claimant lists, the claimant will not be requested to submit evidence of the replacement cost. This fact, however, must be noted in the investigation report on the claim. In those cases where he knows the replacement cost to be less

[1] Filed as part of original document.

than the value claimed, he should include this information along with substantiating evidence.

(6) Certified statement concerning any insurance coverage and reimbursement obtained from the insurer. The statement should describe the type of insurance and coverage and give the name of the insurer. If the claimant has insurance, but has not submitted a claim, the failure to do so should be explained.

(b) *Waiver of written estimates.* (1) Regardless of the total amount of the claim, the requirement for written estimates of the cost of repairs or replacement cost on any item for which the amount claimed is less than $100 normally will be waived, provided the claims investigating officer has personally inspected the property, or the evidence otherwise available is sufficient to support the claim.

(2) In the event that the claimant and the claims investigating officer cannot agree on a reasonable value, the claims investigating officer should describe in his report the facts upon which his recommendation is based. The value set by the claims investigating officer is not necessarily binding on the adjudicating authority, and the claimant may submit written estimates or other supporting evidence in any case.

(c) *Specific classes of claims.* Claims of the following types should be accompanied by the specific and detailed evidence as listed in this subsection.

(1) For property losses in quarters or other authorized places, a statement indicating:

(i) Geographical location;
(ii) Whether quarters were assigned or provided in kind by the Government;
(iii) Whether quarters were regularly occupied by the claimant;
(iv) Name of authority, if any, who designated the place of storage of the property, if other than quarters;
(v) Measures taken to protect the property; and
(vi) If claimant is a civilian employee, a statement from the competent authority establishing that when the claim arose the claimant was a civilian employee of the Navy, and was, or was not, a local inhabitant.

(2) For theft, a statement indicating:

(i) Geographical area of the loss;
(ii) Facts and circumstances surrounding the loss, including evidences of larceny, burglary, or housebreaking (e.g., evidence of breaking and entering, capture of the thief, recovery of part of the stolen goods); and
(iii) Evidence that the claimant exercised due care in protecting this property prior to the loss. Attention will be given to the degree of care normally exercised in the locale of the loss due to any unusual risks involved.

(3) For transportation losses:

(i) Copy of orders authorizing the travel, transportation or shipment, or in lieu thereof a certificate explaining the absence of orders, and stating their substance;
(ii) All bills of lading, and inventories of property shipped;
(iii) Copy of demand on carrier, contractor, and/or insurer, and any reply or replies (see §§ 751.8 and 751.9);
(iv) In case of missing baggage, a statement indicating action taken to locate the missing property, with related correspondence; and
(v) Where property was turned over to a quartermaster, transportation officer, supply officer, or contract packer, a statement indicating:

Name (or designation) and address of quartermaster, transportation officer, supply officer, or contract packer,
Date property was turned over,
Condition when property was turned over,
When and where property was packed, and by whom,
Date of shipment and re-shipment,
Copies of all manifests, bills of lading and contracts,
Date and place of delivery to claimant,
Date property was unpacked,
Statements of disinterested witnesses as to condition of property when received and delivered, or as to handling or storage,
Whether the negligence of any Government employee acting within the scope of his employment caused the damage or loss, and
Whether the last common carrier or local civilian carrier was given a clear receipt.

(4) For marine or aircraft disaster, a copy of orders or other evidence to establish a claimant's right to be on board and/or to have his property on board.

(5) For enemy action, public disaster, or public service:

(i) Copy of orders or other evidence establishing claimant's required presence in the area involved; and
(ii) A detailed statement of facts and circumstances showing applicable causes enumerated in § 751.3 (d) and (e).

(6) For property used for benefit of Government:

(i) A statement from proper authority that the claim was for property which was required to be supplied by the claimant in the performance of his official duty or occupation at the request or direction of superior authority, or by reason of military necessity; and
(ii) Evidence that, if the property being used for the benefit of the Government was lost while not in use, the loss occurred in an authorized storage area.

(7) For money deposited for safekeeping, transmittal, or other authorized disposition:

(i) Name, grade, service number, and address of the person or persons who received the money and of other persons involved;
(ii) The name, and designation of the authority who authorized such person or persons to accept personal funds, and the disposition requested (see article 1922, U.S. Navy Regulations, 1948); and
(iii) Receipts and written sworn statements explaining the failure to account for the funds or to return such funds to the claimant.

§ 751.18 Filing of claim.

All claims coming within the cognizance of this part should, if practicable, be submitted by the claimant or his authorized agent to the commanding officer or officer-in-charge of the military activity, installation, or unit nearest to the point of delivery of the goods or where investigation of the facts and circumstances can most conveniently be made. As an alternative, the claim may be submitted to the commanding officer or officer-in-charge of the activity, installation, or unit to which the claimant belongs or is attached. Acceptance of a claim for filing will not be refused even though the claim does not appear to be within the scope of these regulations or could have been filed with another activity. Commanding officers and officers-in-charge will accept claims made by civilians, members of another armed force, veterans, or on behalf of a deceased person.

(a) *Air Force claim.* Claims of Air Force personnel and civilian employees of the Air Force will be investigated and processed up to the point of adjudication and then forwarded directly to the nearest Air Force installation.

(b) *Army claim.* Claims of Army personnel and civilian employees of the Army will be investigated and processed up to the point of adjudication and then forwarded directly to the nearest Army installation.

(c) *Demands on carriers.* Demands on carriers will be the responsibility of the claimant's parent service.

§ 751.19 Appointment of claims investigating officers.

Each commanding officer shall, as appropriate, appoint one or more claims investigating officers to investigate, process, and make recommnedations on all claims presented to him under this part. Commanding officers of major or separate commands and commanding officers processing an appreciable number of claims may appoint one or more claims investigating officers on a continuing basis. This is particularly pertinent to activities receiving many shipments of household effects. Claims investigating officers will receive their technical guidance from the Judge Advocate General.

§ 751.20 Investigation of claims.

Upon receipt of a claim filed in accordance with the provisions of this part, the commanding officer shall refer the claim, with all available information relating thereto, to the claims investigating officer. The investigating officer shall consider all information and evidence submitted with the claim and shall conduct such further investigation as may be necessary and appropriate. Direct correspondence between investigating officers and commands or other naval personnel is authorized for the purpose of tracing the location or disposition of missing baggage or effects.

§ 751.21 Action of claims investigating officer in transportation losses.

(a) *Filing of concurrent claims against carriers, contractors, and insurers.* Upon submission of a claim against the Government, the claims investigating officer

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will prepare and submit the claim to the appropriate carrier, contractor, and/or insurer for damage, loss, or destruction of household and personal effects being shipped pursuant to authorized travel orders.

(b) *Concurrent claims against carriers, contractors, and insurers.* The claimant should provide the claims investigating officer with all documents, papers, and other evidence needed to press the claim against the carrier, contractor, and/or insurer. In return, the claims investigating officer shall advise the claimant that the claim will be monitored to final settlement. The claimant will notify the claims investigating officer promptly of any communication received from the carrier, contractor, or insurer, particularly if it involves settlement, partial settlement, or denial of liability. Any subsequent correspondence with the carrier, contractor, and/or insurer shall be identified properly with the company's claim or reference symbols.

(c) *Approval or denial of concurrent claim by carrier, contractor, or insurer.* (1) The claims investigating officer shall report any denial of a claim by a carrier, contractor, or insurer to the command where the claim has been forwarded for adjudication.

(2) Upon receipt of approval of the claim by a carrier, contractor, or insurer, the claims investigating officer shall determine that the offered settlement is representative of the contractual liability for which the claim has been made, then forward the settlement to the adjudicating authority. The adjudicating authority will review the settlement and forward it for deposit to the appropriate account.

(i) If the claim filed with the Government has been forwarded to the adjudicating authority and the recovery received from the carrier, contractor, or insurer is considered to be sufficient, then the claims investigating officer should advise the claimant to accept the award. Upon acceptance of the award, the claims investigating officer shall notify the adjudicating authority (a suggested speedletter format is shown in appendix section A–21(e)).[1]

(ii) If the claimant has already received full payment from the Government, he will pay the proceeds received from the carrier, contractor, and/or insurer to the United States by endorsing the check to the Treasurer of the United States and delivering it to the command or to the claims investigating officer. If the amount to be refunded, as determined according to § 751.13, is less than the amount received, remittance may be made by personal check or money order payable to the Treasurer of the United States.

(d) *Nonconcurrent claims.* If an independent claim has been filed against a carrier, contractor, and/or insurer, the claimant will be asked, at the time the claim is filed with the Government, to certify whether or not he has obtained any recovery from any other party. A sample certificate is contained in appendix section A–21(f).[1] If any recovery has been obtained, appropriate comment indicating the amount recovered shall be made by the claims investigating officer on the claim being forwarded to the adjudicating authority. If action by the carrier, contractor, and/or insurer is still pending, the claimant will advise them to address all correspondence to him in care of the claims investigating officer of the command, unit, or activity at which the claim was filed, Attention: Claims Investigating Officer. The claimant shall be advised to notify the claims investigating officer promptly as to any offer of settlement or denial of liability. Forwarding of the claim to the appropriate adjudicating authority will not be delayed pending action of a carrier, contractor, and/or insurer unless it is apparent that final action by the carrier, contractor, and/or insurer will be immediately forthcoming.

(e) *Failure of carrier, contractor, and/or insurer to respond.* Normally an acknowledgement, or perhaps even final action, will be received from the carrier, contractor, and/or insurer within 10 days after the claim is submitted to them. In the event a response is not received to the claim or to subsequent correspondence, the matter should be reported to the origin transportation officer as a matter bearing upon the adequacy of contractual performance. The origin transportation officer will render assistance in obtaining action from the company and report the actions taken to the claims investigating officer who will monitor the claim against the carrier, contractor, or insurer until a reply has been received from the origin transportation officer.

(f) *Unjustified denials by the carrier, contractor, or insurer.* If a carrier, contractor, or insurer has refused to acknowledge or respond to a claim within a reasonable time (normally 30 days if applicable regulations or agreements do not specify another time limit), if the claims investigating officer considers a valid claim to have been denied or no adequate settlement offered, or if there has been a delay in settlement of a claim beyond 120 days, then, in addition to initiation of administrative action as appropriate under Interstate Commerce Commission regulations, military tender of service, or other applicable regulation or agreement, the matter shall be reported to the adjudicating authority which paid the claim. The letter report shall contain a statement of the facts, copies of pertinent correspondence and documents, and the claims officer's opinion as to liability. A copy of the letter report with enclosures will be sent to the origin transportation officer. The carrier should be notified of this action by a copy of the letter report or by separate correspondence.

(g) *Action by adjudicating authority.* The adjudicating authority shall review the entire file and shall make a further demand on the carrier, contractor, or insurer when liability seems clear. If recovery is not effected within 30 days from this demand, or negotiations likely to result in an adequate recovery in the near future are not underway at that time, the file will be forwarded to the Judge Advocate General with appropriate recommendations, and itemization of the amount recommended for involuntary collection from a carrier, and a recitation of the evidence upon which clear liability for each item is based. The carrier should be notified of this action by a copy of the forwarding letter or by separate correspondence. The Judge Advocate General will take whatever action is necessary to recover from the carrier, contractor, or insurer when liability is clear.

§ 751.22 Preparation of claims investigating officer's report.

(a) *General.* The claims investigating officer will prepare a written report of investigation including his recommendations. Sufficient copies will be prepared so that the original and two copies may be forwarded to the appropriate adjudicating authority and one copy retained at the command. Only one set of supporting papers, documents, and exhibits need be forwarded to the adjudicating authority. The claims investigating officer may, at his discretion, utilize DD Form 1844 (see appendix A–21 (h))[1] as a worksheet in appropriate cases and attach a copy of the form to his report.

(b) *Regular claims procedure.* The claims investigating officer's report shall include a statement of all additional facts and circumstances not pointed out by the claimant, including any facts overlooked or incorrectly stated by the claimant in his statement of the facts and circumstances of the incident, and specific recommendations regarding any items for which reimbursement in an amount less than the full amount claimed, less normal depreciation, if applicable, is recommended due to preexisting damage, inflated estimates of repair, economically repairable property claimed as beyond repair, salvage value of property, or other factors. Specific recommendations shall also include designation of those repair and replacement costs for which written estimates have been waived in accordance with § 751.17(b) of this chapter and an explanation of any unusual circumstances justifying nonroutine processing of the claim. Any convenient format can be used for the written report as long as all relevant information is included. Appendix section A–21(g)[1] shows a sample report. The claims investigating officer will complete and sign part III of DD Form 1842 (see appendix section A–21c (2))[1] when investigation of the claim is complete.

(c) *Claims arising from the same incident.* A separate report shall be prepared on each claim filed. However, where separate claims arise from the same incident, the claims investigating officer

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may avoid duplication of effort by completing one detailed report of investigation with all necessary exhibits and documents. He may then incorporate this report and its supporting exhibits by reference. A brief reference to the case (name, case number, date, etc.) in which the detailed report and exhibits may be found shall be included.

(d) *Small-claims procedure.* When the total amount claimed is $500 or less and the claims investigating officer has determined that all damage or loss claimed was actually incurred, that the amounts claimed are accurate and reasonable, and that the full amount claimed, limited by normal depreciation where applicable, should be allowed, he may complete part II of DD Form 1842 (see appendix section A–21c(3))[1] in lieu of making a more detailed written report. Preparation of DD Form 1842, part II, for certification and signature by the adjudicating authority shall constitute a finding that the claim is properly presented and substantiated and a recommendation for payment in full less normal depreciation, if applicable.

(e) *Forwarding of claim.* For all claims not including enlisted uniform items to be replaced in kind, a claims investigating officer representing a Navy Personal Property Office or Marine Corps Transportation Office may, with the permission of his Commanding Officer, forward the claim file and claims investigating officer's report directly to the cognizant adjudicating authority. All other claims should be forwarded to the cognizant adjudicating authority via the Commanding Officer.

§ 751.23 Action by commanding officer.

Items of military clothing and related articles which have been lost or destroyed incident to service may be replaced in kind. (See § 751.24(e).) The items issued need not be new and unused, provided they are in at least as good condition as the lost or destroyed items immediately prior to the accident or incident causing the loss or damage. If items which were initially issued to the claimant by the Government have been lost or damaged incident to service and replacement in kind cannot be effected, because items are not available for issue, monetary compensation is payable for those items replaced or to be replaced by the claimant at his own expense. The amount allowable normally will be the reasonable cost of replacement with no deduction for depreciation (in order that the claimant will not be required to bear an expense which he would not have incurred if the items had been available for replacement in kind). If military items were initially acquired by the claimant at his own expense, and replacement in kind cannot be effected or the claimant is unwilling to accept replacement in kind because the lost or destroyed items were of a better quality than those available for issue, monetary compensation may be allowed for the loss or destruction of the items involved.

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(a) *Examination and approval of report.* The commanding officer, the chief of staff, chief staff officer, or executive officer, or judge advocate shall review the file and determine whether the findings of the investigating officer are complete, whether the facts and evidence are clearly stated, and whether the recommendation of the investigating officer is supported by adequate evidence. In proper cases he may refer such report back to the investigating officer for further investigation and the inclusion of additional data. The commanding officer, chief of staff, chief staff officer, executive officer, or judge advocate shall then by first endorsement to the investigating officer's report, indicate his title and approve the report without qualification or with stated exceptions. In no event will any opinion be expressed to the claimant as to whether his claim will be approved. The endorsement shall express an opinion as to whether the possession of the property by the claimant was reasonable, useful, or proper under the attendant circumstances.

(b) *Statement concerning replacement in kind.* There shall be included in the first endorsement on the investigating officer's report, and attached to each copy of such report, either a statement that no replacement in kind was made or a list of the items replaced, together with the price of each. This statement may be omitted when replacement in kind is made for all items claimed.

(c) *Forwarding of claim.* When there has been replacement in kind for all items claimed, the report need not be forwarded beyond the officer authorizing such replacement. In all other cases the investigating officer's report in triplicate, including the original and two copies of the claim plus one copy of each supporting document or paper, shall be forwarded by endorsement to the cognizant adjudicating authority. A list of commands authorized to adjudicate these claims is contained in appendix section A–21(j).[1]

§ 751.24 Adjudicating authority.

(a) *Claims by Navy personnel.* The Judge Advocate General; the Deputy Judge Advocate General; any Assistant Judge Advocate General; the Deputy Assistant Judge Advocate General (litigation and claims); the Director, Litigation and Claims Division; and the Head, Personnel Claims Branch, Litigation and Claims Division and such other officers as may be specifically designated by the Secretary of the Navy are hereby designated and authorized to consider, adjust, and determine claims of Navy personnel both military and civilian up to $10,000. Commandants of naval districts and their staff judge advocates, Directors of Law Centers, and, subject to the restriction of superior authority, all staff judge advocates attached to Law Centers are hereby designated and authorized to adjudicate and to authorize payment of personnel claims up to $5,000. In addition to the above, all Navy judge advocates are hereby designated and authorized to adjudicate and authorize payment of personnel claims up to $500 filed under this chapter. Exercise of adjudicating authority is conditioned upon receipt of funding authority and accounting data from the Judge Advocate General. Requests to implement adjudicating authority may be directed to the Judge Advocate General, Washington, D.C. 20370. Appendix A–21(j)[1] lists those commands currently authorized to adjudicate personnel claims.

(b) *Claims by Marine Corps personnel.* The Commandant of the Marine Corps; the Director of Personnel of the Marine Corps; the Deputy Director of Personnel of the Marine Corps; the Head, Personal Affairs Branch, Personnel Department, Headquarters, U.S. Marine Corps; and such other officers as may be specifically designated by the Secretary of the Navy are hereby designated and authorized to consider, ascertain, adjust and determine claims of Marine Corps personnel, both military and civilian, filed under this chapter.

(c) *Claims by nonappropriated-fund employees.* Claims by employees of Navy nonappropriated-fund activities for loss, damage or destruction of personal property incident to their employment will be processed and adjudicated in accordance with this part and forwarded to the appropriate nonappropriated-fund activity for payment from nonappropriated funds. Claims by employees of Marine Corps nonappropriated-fund activities should be referred directly to the appropriate nonappropriated-fund activity for investigation and payment.

(d) *Partial payments when hardship exists.* Every instance of loss or damage cognizable under this part can be expected to cause some degree of inconvenience to the claimant and/or his family. When the magnitude of the loss or damage is such that the claimant needs funds to feed, clothe or house himself or his family properly, the Judge Advocate General may authorize a partial payment of up to $5,000; any adjudicating authority authorized to adjudicate claims up to $5,000 may authorize a partial payment of up to $2,000; and any other adjudicating authority may, with the specific approval of a $5,000 adjudicating authority or the Judge Advocate General, authorize a partial payment of up to $500. Each authorization of partial payment must be accompanied by:

(1) A statement signed by the claimant requesting advance payment and setting forth in detail the circumstances of the loss or damage, the extent of the loss or damage, the estimated total value of his claim, his awareness that any amount advanced will be in partial payment of his claim and will not constitute a final settlement of the claim, an agreement to pay checkage if the amount advanced exceeds the amount allowed following final adjudication by the appropriate adjudicating authority, and a

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statement that he is aware of the penalties imposed by title 18 section 287 of the United States Code for willfully making a false claim. The claimant may present his statement on a Personal Claim form (DD Form 1842 with DD Form 1845 attached) for the purpose of compliance with this requirement.

(2) A statement by the Claims Investigating Officer confirming that the claimant is a proper claimant under the provisions of this part and setting forth his opinion regarding the reasonablenes of the estimated total value of the claim, the extent to which the claim has been substantiated, the amount and type of additional substantiation necessary before investigation of the claim can be completed, and any other information relevant to the hardship of the claimant or his family.

(3) A statement by the adjudicating authority certifying that the claim is cognizable under the provisions of this part and that the final adjudicated value of the claim is expected to exceed the amount of the partial payment authorized in accordance with the terms of this subparagraph. When a partial payment has been made, a copy of the payment voucher and all other information related to the partial payment will be placed in the claimant's claim file and other necessary action will be taken to ensure that the amount of the partial payment is deducted from the adjudicated value of the claim when final payment is made.

(e) *Replacement in kind.* Officers in the grade of lieutenant commander, major, or higher who are commanding officers, or who are in higher echelons of command, including the officers specified in paragraph (a) of this section, or who are Senior Officers Present, are hereby designated and authorized to consider, ascertain, adjust, and determine the respective claims of Navy or Marine Corps enlisted personnel for replacement in kind filed under this chapter. Marine Corps officers below the grade of major, where such officers are in command of separate companies, batteries, squadrons, detachments, ports, or stations, are hereby designated and authorized to consider, ascertain, adjust, and determine claims of enlisted personnel for replacement in kind filed under this chapter. Replacement in kind authority may also be exercised by such other officers as may be specifically designated by the Secretary of the Navy. Accounting data for replacement of uniform items is specified in Navy Comptroller Manual section 023304 paragraph 3.

(f) *Payments and collections.* Payment of approved personnel claims and deposit of checks received from carriers, contractors, insurers, or members will be made by the Navy or Marine Corps disbursing officer serving the adjudicating authority. Payments will be charged to funds made available to the adjudicating authority for this purpose. Credit for collections will be to the accounting data specified in Navy Comptroller Manual section 046370, paragraph 2.

(g) *Reports.* Commands adjudicating personnel claims shall forward reports to the Judge Advocate General on the last day of any calendar month when the number of personnel claims pending adjudication on that date exceeds one-third of the number of claims adjudicated during the reporting month. The report will contain the number and dollar amount of claims received for adjudication during the month, the number and dollar value of claims allowed, the number of claims denied, the number of claims forwarded to a higher authority for adjudication, and the number of claims pending as of the reporting date. The report should contain relevant information relating to the cause for the backlog of claims pending adjudication. In lieu of making periodic reports, adjudicating authorities will maintain in their files data for the current and preceding fiscal year.

§ 751.25 Limitation on agent or attorney fees.

(a) *Controlling statute.* The Military Personnel and Civilian Employees' Claims Act of 1964, as amended (31 U.S.C. 240–243), the statutory authority underlying this part, provides in section 243 that:

> No more than 10 per centum of the amount paid in settlement of each individual claim submitted and settled under the authority of sections 240–243 of this title shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with that claim and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of sections 240–243 of this title shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

(b) *Federal tort claims distinguished.* The above-quoted provision which does not require that an attorney's fees be fixed in, and be made a part of, the award adjudicating the claim, is different from an otherwise similar provision concerning certain Federal tort claims as described in § 751.39.

(c) *Other prohibition.* The provisions concerning an attorney's fee set forth in (a) above does not authorize a fee in those cases where a fee is prohibited for other reasons (see SECNAVINST 5801.1B, Legal assistance program, paragraph 15).

§ 751.26 Separation from service.

Separation from the service or termination of employment shall not bar military personnel or civilian employees from filing claims or bar the authority of the designated officers from considering, ascertaining, adjusting, determining, and authorizing payment of claims otherwise failing within the provisions of these regulations when such claim accrued prior to separation or termination.

§ 751.27 Meritorious claims not otherwise provided for.

Meritorious claims within the scope of the Military Personnel and Civilian Employees' Claims Act of 1964, as amended (31 U.S.C. 240–243) which are not otherwise provided for in this chapter, may be forwarded via official channels to the Secretary of the Navy (Judge Advocate General) for consideration. Exceptional meritorious cases may be approved for payment by the Secretary of the Navy or by the Judge Advocate General.

§ 751.28 Reconsideration.

(a) A claim may be reconsidered which was previously disapproved in whole or in part even though final settlement has been made when it appears that the original action was erroneous or incorrect in law or in fact based on the evidence of record at the time of the action or subsequently submitted. A request for reconsideration shall be made in writing to the adjudicating authority originally acting on the claim and should include all documents which have been returned to the claimant. All requests for reconsideration shall be made within 6 months from the date the claimant received notice of the initial adjudication of his claim. Any adjudicating authority shall reconsider a claim upon which he has originally acted upon the request of a claimant or someone acting in the claimant's behalf and may settle it by granting such relief as may be warranted. If it is determined that the original action was incorrect, it shall be modified and, if appropriate, a supplemental payment shall be approved. An adjudicating authority may also, on his own initiative, reconsider a claim which he has denied in whole or in part.

(b) If an adjudicating authority does not grant the relief requested, or otherwise resolve the claim to the satisfaction of the claimant, the request for reconsideration shall be forwarded, together with the entire file and the adjudicating authority's recommendation, to the nearest appropriate higher adjudicating authority for final disposition. Final reconsideration of claims originally adjudicated by authorities authorized to pay claims up to $500 or $1,000 can be made by any adjudicating authority authorized to pay claims up to $5,000. Final reconsideration of claims originally adjudicated by adjudicating authorities authorized to pay claims up to $5,000 can be made by the Judge Advocate General.

§ 751.29 Authorization for issuance of instructions.

The Judge Advocate General of the Navy may issue such amplifying instruction or guidance as may be considered appropriate to give full force and effect to the purposes of this part.

PART 753—FOREIGN CLAIMS REGULATIONS

Part 753 of Title 32 is revised to read as follows:

Sec.
753.1 General.
753.2 Purpose.
753.3 Territorial application.
753.4 Acts not within scope of employment.
753.5 Criminal acts.
753.6 Elements of damage in case of personal injury and death.
753.7 Bailed or leased property.
753.8 Use and occupancy of real property.
753.9 Other noncombat activities.
753.10 Persons excluded as claimants.
753.11 Claims excluded.
753.12 Negligence or wrongful act on the part of claimant.
753.13 Combat activities.
753.14 Claims of subrogees.
753.15 Statute of limitations.
753.16 Nature of claim.
753.17 Claims for damage occasioned by naval vessels.
753.18 Creation of Foreign Claims Commission.
753.19 Qualifications of Commission members.
753.20 No formal procedure prescribed.
753.21 Report of proceedings.
753.22 Notification of award and payment.
753.23 Releases.
753.24 Appeal and reconsideration.
753.25 Meritorious claims in excess of $15,000.
753.26 Claims outside the jurisdiction of the Commission.
753.27 Claims arising in specified foreign countries.
753.28 Claims generated by civilian employees of the Department of Defense.
753.29 Advance payments.

AUTHORITY: Military Personnel and Civilian Employees' Claims Act of 1964, as amended (31 U.S.C. 240–243).

§ 753.1 General.

Claims for personal injury to, or death of, any inhabitant of a foreign country or damage to, or loss of, real or personal property of a foreign country, political subdivision, or inhabitant of a foreign country, occurring outside the United States, its territories, Commonwealths, or possessions and caused by its military forces or individual members thereof (whether military personnel or civilian employees) or otherwise incident to noncombat activities of such forces are within the scope of the Foreign Claims Act (10 U.S.C. 2734). The word "claims" as used in this chapter refers to those demands for payment submitted by individuals, partnerships, associations, or corporations, including foreign countries, and States, territories, and other political subdivisions of such countries, other than such demands for payment as arise under ordinary obligations incurred by the Department of the Navy in the procurement of services or supplies.

§ 753.2 Purpose.

The purpose of the Foreign Claims Act (10 U.S.C. 2734) is "to promote and maintain friendly relations" in foreign countries "through the prompt settlement of meritorious claims." The regulations of this chapter are to be so administered as to effectuate this expressed purpose of Congress.

§ 753.3 Territorial application.

The provisions of this chapter are applicable to claims arising outside the United States, its territories, Commonwealths, or possessions. The fact that a claim arises at a place, within a foreign country, under the temporary or permanent jurisdiction of the United States does not preclude consideration of such a claim which would otherwise be within the Foreign Claims Act.

§ 753.4 Acts not within scope of employment.

The doctrine of scope of employment has no application to foreign claims arising from the acts of military personnel and other-than-indigenous civilian personnel. Foreign claims arising from the acts of indigenous civilian personnel may be allowed only if such employee was acting within the scope of his employment, unless, and only to the extent that, an employer or owner of the property involved would be held liable under local law under the circumstances.

§ 753.5 Criminal acts.

The fact that the act giving rise to the claim may constitute a crime does not bar relief. Claims, otherwise within the Foreign Claims Act, may be allowed regardless of whether the act of the military member or civilian employee of the United States which caused the damage, injury, or death was a crime or other wrongful act, or negligence, or mere error of judgment.

§ 753.6 Elements of damage in case of personal injury and death.

Actual and reasonable medical and hospital expenses, reasonable compensation for pain and suffering and loss of earning capacity may be paid in cases of personal injury. If death results, actual and reasonable burial expenses and reasonable compensation for loss of prospective support may also be allowed. Claims of dependents for loss of prospective support are allowable only if such claims are recognized by the law of the country where the injury occurred. In computing damages in cases of personal injury or death, local standards will be taken into consideration as the controlling factor. In case of death, only one claim will be considered. In such a case the amount approved will be apportioned among the beneficiaries in the proportions prescribed by the law or customs of the place where the accident or incident occurred to the extent that it is practicable or feasible.

§ 753.7 Bailed or leased property.

Claims for damage to, or loss or destruction of, personal property, otherwise within the Foreign Claims Act, may be settled notwithstanding the fact that the property was loaned, rented, or otherwise bailed to the Government under an agreement, expressed or implied. Claims for rent of personal property are not payable under these regulations.

§ 753.8 Use and occupancy of real property.

Claims for damage to real property incident to the use and occupancy thereof by the Government under a lease, expressed or implied, or otherwise, are payable under the provisions of these regulations even though legally enforceable against the Government as contract claims. Payment may, however, be precluded by the provisions of § 753.13. Claims payable under this section may be processed as contract claims if it is deemed to be in the best interests of the Government. Claims for rent of real property are not payable under this part.

§ 753.9 Other noncombat activities.

Claims for damage to, or loss or destruction of, property, or for personal injury or death, though not caused by acts or omissions of military personnel or civilian employees of the Navy, are payable under the provisions of this section if otherwise incident to the noncombat activities of the Navy. In general, the claims within this category are those arising out of authorized activities which are peculiarly military in nature, having little parallel in civilian pursuits, and which arise out of situations that historically have been considered as furnishing a proper basis for the payment of claims. Included are claims where no particular act or omission on the part of military personnel or civilian employees is present. Claims arising out of activities which involve the use of dangerous instrumentalities, such as explosives, or which result from maneuvers and special field exercises, practice firing of heavy guns, practice bombing, operation of aircraft and antiaircraft equipment, movement of combat vehicles or other vehicles designed especially for military use, or the use of instrumentalities having latent mechanical defects are also included regardless of whether such resulting damage, injury, or death is traceable to acts or omissions of military personnel or civilian employees of the United States.

§ 753.10 Persons excluded as claimants.

The following classes of claimants are among those excluded:

(a) *Inhabitants of the United States.* Members and civilian employees of the Armed Forces of the United States and and their dependents who are inhabitants of the United States and who are in a foreign country primarily because of their sponsors' or their own military orders; and

(b) *Enemy aliens.* Nationals of a country at war with the United States, or any ally of such an enemy country, except as the Foreign Claims Commission considering the claim, or the local military commander shall determine that the claimant is friendly to the United States.

§ 753.11 Claims excluded.

The following classes of claims are excluded:

(a) Claims purely contractual in character;

(b) Private contractual and domestic obligations of individual military personnel or civilian employees;

(c) Claims based solely on compassionate grounds;

(d) Bastardy claims; and

(e) Claims for patent infringements.

§ 753.12 Negligence or wrongful act on the part of claimant.

No claim will be allowed where the damage, injury, or death is proximately caused, in whole or in part, by negligence

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or wrongful act on the part of the claimant, his agent, or employee. This limitation is applicable to situations where, under the law of the country where the claim arises, contributory negligence bars recovery. However, if, under the law or custom of the country in which the claim arises, such contributory negligence or wrongful act is not recognized as a bar to recovery in tort claims, or is held to be a factor diminishing the extent of the claimant's recovery, then such local law or custom will be applied as far as practicable in determining the effect of such negligence or wrongful act.

§ 753.13 Combat activities.

Claims for damage to, or loss or destruction of, property, or for personal injury or death resulting from action by the enemy, or resulting directly or indirectly from any act by armed forces engaged in combat, are not payable under the Foreign Claims Act. But see 10 U.S.C. 2734(b)(3).

§ 753.14 Claims of subrogees.

In cases of damage to or loss or destruction of property or personal injury or death covered by insurance, settlement will be made solely with the insured or his legal representative, rather than with the insurer, or with both the insured and the insurer. No inquiry will be made into the relative interests as between insured and insurer. The entire claim, including any portion covered by insurance, will be filed by, or on behalf of, the insured and payment of the entire amount allowed will be made to the insured as the real claimant. Claims by insurers in their own right are not within the provisions of the Foreign Claims Act and will not be considered. Insurers presenting such claims shall be informed that subrogation claims are not recognized under the Act. Evidence of authority to file a claim on behalf of the insured may be established by a power of attorney or other documentary evidence satisfactory to the Foreign Claims Commission.

§ 753.15 Statute of limitations.

A claim may be allowed under this part only if presented within 2 years after it accrued. A claim presented to a foreign government under applicable treaty or agreement within the time limit satisfies this requirement.

§ 753.16 Nature of claim.

Any claim will be considered if it states the material facts with such definiteness as to give reasonable notice of the time, place, and nature of the accident or incident out of which the claim arose and an estimate or statement of the damage, loss, destruction, injury, or death resulting. The claim should be signed by, or on behalf of, the claimant and should, if practicable, be under oath. In cases in which the claim is made in behalf of the true claimant, satisfactory evidence of authority to act for the claimant must be furnished.

§ 753.17 Claims for damage occasioned by naval vessels.

Unless specifically authorized by the Judge Advocate General in each case, the Foreign Claims Commission shall not assume jurisdiction or proceed to hear any claim for damage occasioned by a naval vessel. This provision applies to claims for damage caused to land structures as well as claims of an admiralty nature. The occurrence of any such damage, if brought to the attention of a claims commission, shall be reported immediately to the Judge Advocate General: Attention Admiralty Division.

§ 753.18 Creation of Foreign Claims Commission.

(a) *Appointing Authority.* All Navy commanding officers are hereby granted authority to appoint Foreign Claims Commissions. All Marine Corps commanding officers are granted authority to appoint Foreign Claims Commissions, provided a member of the Judge Advocate General's Corps or a Judge Advocate of the Marine Corps is appointed to the commission. All claims which are presented to Marine Corps commands which do not have a member of the Judge Advocate General's Corps or a Judge Advocate of the Marine Corps attached will be forwarded to the nearest Navy or Marine Corps command with an active Foreign Claims Commission. For the purposes of the Foreign Claims Act and these regulations, the Judge Advocate General; the Officer in Charge, U.S. Sending State Office for Italy; the Officer in Charge, U.S. Sending State Office for Australia; Chiefs of Naval Missions (including chiefs of the naval section of military missions); Chiefs, Military Assistance Advisory Groups (including Chiefs, Naval Section, MAAGS); Senior Naval Advisor to Argentina; and naval attachés are to be considered commanding officers. Commissions may be appointed to consider each claim as presented or one commission constituting a standing claims commission may be appointed to consider all claims presented. The commanding officer to whom a claim is presented shall refer the claim to such a commission.

(b) *Composition of commissions and limitations on adjudicating authority.* Claims commissions are delegated the following authority:

(1) A one-officer commission may consider, approve in full or in part, or disapprove claims in amounts up to and including $1,000.

(2) A one-officer commission composed of a member of the Judge Advocate General's Corps or a Judge Advocate of the Marine Corps, may consider, approve in full or in part, or disapprove claims in amounts up to and including $2,000.

(3) A three-officer commission may consider claims in any amount. It may approve in full or in part when the award is in an amount up to and including $3,000, provided the claimant accepts any partial award. It may recommend awards in full or in part in amounts over $3,000 and up to and including $15,000 respect to claims which arise in Italy, the Officer in Charge, U.S. Sending State Office for Italy, or, with respect to claims which arise in Australia, the Officer in Charge, U.S. Sending State Office for Australia. Claims in excess of $15,000 may be processed in accordance with § 753.25. It may deny claims in amounts up to and including $3,000.

(4) A three-officer commission which includes one or more members of the Judge Advocate General's Corps or a Judge Advocate of the Marine Corps may consider claims of any amount. It may approve in full or in part when the award is in an amount up to and including $5,000, provided the claimant accepts any partial award. It may recommend awards in full or in part in amounts over $5,000 and up to and including $15,000 to the Judge Advocate General or, with respect to claims which arise in Italy, the Officer in Charge, U.S. Sending State Office for Italy, or, with respect to claims which arise in Australia, the Officer in Charge, U.S. Sending State Office for Australia. Claims in excess of $15,000 may be processed in accordance with § 753.25. It may deny claims in amounts up to and including $5,000.

§ 753.19 Membership of commissions.

Foreign claims commissions shall consist of one or three commissioned officers of the Navy or Marine Corps whose grades and experience are commensurate with the responsibilities to be executed in carrying out the purposes of the Foreign Claims Act.

§ 753.20 No formal procedure prescribed.

No formal procedure for the conduct of an investigation of a foreign claim is prescribed. However, the investigative procedures as set forth in Part 719 of this chapter should be followed as a guide. A transcript of the testimony of witnesses is not required and only the substance of statements of witnesses need be recorded. It is desirable, however, that signed statements of material witnesses be made a part of the record. The formal rules of evidence need not be adhered to, and any evidence, regardless of its form, which the commission deems material may be received and evaluated.

§ 753.21 Report of proceedings.

(a) The commission shall make a written report of each claim. The report shall include:

(1) A copy of the appointing order creating the commission,

(2) The claim document,

(3) The dates of the proceedings,

(4) The amount claimed stated in the indigenous currency and the conversion into U.S. currency at the existing official rate of exchange on the date of initial consideration of the claim,

to the Judge Advocate General or, with

(5) A brief summary of the facts, including the date of incident giving rise to the claim, the date the claim was filed, the nature and extent of the damages or

injuries, and the necessary jurisdictional facts,

(6) Signed statements of material witnesses or transcripts of their oral testimony for claims in excess of the commission's authority,

(7) An evaluation of applicable local laws and customs,

(8) The date the commission reached its final determination,

(9) The amount awarded, or recommended to be awarded, stated in the indigenous currency and the conversion into U.S. currency at the existing official rate of exchange on the date of final determination,

(10) An explanation of the basis of any recommendation in excess of the commission's authority,

(11) A release from the claimant as required by § 753.23 when an award has been accepted, or a copy of the notice of denial when the claim has been disallowed.

(b) When the commission has approved a claim which is within its final adjudicating authority, the original of the report and all allied papers shall be submitted to the appointing authority.

(c) When the commission recommends approval of a claim in excess of its adjudicating authority, a legible copy of the report and all allied papers shall be forwarded to the Judge Advocate General. The commission should retain the original of all papers for its files.

(d) When the commission has disallowed for any reason a claim within its final adjudicating authority or has recommended disallowance of a claim in excess of its final adjudicating authority, the original and one copy of the report and all allied papers shall be forwarded to the Judge Advocate General. The commission should retain one copy for its files.

(e) The commission's report will not be released or shown to the claimant without the express approval of the Judge Advocate General.

§ 753.22 Notification of award and payment.

(a) *Notification.* When a commission determines that a claim is meritorious and approves an award within its authority to pay in accordance with § 753.18(b), or when a larger award has been approved by the Judge Advocate General, the claimant shall be notified. When a commission determines that a claim is meritorious and recommends payment of an amount in excess of its authority, the commission may advise the claimant that the matter has been referred to the Judge Advocate General of the Navy for consideration. Under no circumstances may the claimant be notified of the amount of the recommended award.

(b) *Payment.* When a commission has approved an award for payment within its final adjudicating authority, or when a larger award has been approved by the Judge Advocate General, the convening authority shall submit the original and one copy of the commission's report and the release required by § 753.23 to the nearest Navy or Marine Corps disbursing officer, or to any U.S. disbursing officer if no Navy or Marine Corps disbursing officer is reasonably available, for payment of the claim. Foreign claims are paid under an open allotment with fund citation as follows: 97–0102 Claims, Department of Defense, subhead 1341, fiscal year current at the time of approval, object class 420, bureau control number 11003, authorization accounting activity 000020, transaction type 2D, cost code 000000099252. Copies of paid vouchers will be forwarded immediately to the Navy Accounting and Finance Center (NAFC 321), Washington, D.C. 20390.

§ 753.23 Releases.

(a) A release shall be obtained from the claimant in every case in which an award is accepted.

(b) The release executed by the claimant should release the United States and also release the tort-feasor or the persons who have occasioned the damage, injury, or death, if their identity is known. If the identity of such persons is unknown, the release should recite that the claimant also releases the person or persons who occasioned the damage, injury, or death, the names and identity of said person or persons being unknown to the claimant.

(c) The release should preclude any possible future assertion of the claim for which the United States has made compensation.

(d) A suggested release is contained in appendix section 22.[1]

§ 753.24 Appeal and reconsideration.

(a) *Appeal.* While there is no right to appeal from the action of a Foreign Claims Commission, the commission may reconsider its action upon the written request of the claimant or on its own initiative. If, after reconsideration, the commission again denies a claim, or the claimant declines to accept an award in full satisfaction of his claim, the commission's report shall be forwarded to the Judge Advocate General in accordance with § 753.21(d).

(b) *Reconsideration.* The Judge Advocate General may refer a claim for reconsideration to the original commission, a successor commission, or to a commission convened by the Judge Advocate General.

§ 753.25 Meritorious claims in excess of $15,000.

(a) Claims within the Foreign Claims Act where the total amount due on account of damage, injury, and death exceeds $15,000, and where the claimant will not accept $15,000 in full satisfaction and final settlement of his claim, shall be forwarded directly to the Judge Advocate General for legal review and appropriate administrative action. The record in such proceedings shall include signed statements of material witnesses or transcripts of their oral testimony. The Foreign Claims Commission shall forward with and such claim its findings and recommendations as to the action to be taken (including its findings as to the extent and nature of the damage, injury, and/or death sustained) together with, if practicable, a statement from the owner of the property or the person injured, or the legal representative of the person killed, signifying his willingness to accept the amount so found in full satisfaction and final settlement of his claim. In all such cases, the original and two copies of the report, claim, and supporting papers shall be forwarded. The remaining copy should be retained by the commission for its files.

(b) When, after review of the records, the Judge Advocate General considers that a claim in excess of $15,000 is meritorious and would otherwise be covered by this section, he will recommend to the Secretary partial payment of $15,000 and report the excess to Congress for its consideration.

§ 753.26 Claims outside the jurisdiction of the commission.

Claims arising from incidents on the high seas are ordinarily not within the jurisdiction of a Foreign Claims Commission. See § 753.17. In cases in which a commission considers that the claimant (or decedent in the case of a death claim) is not an inhabitant of a foreign country, or is not the government or a political subdivision of a foreign country, reports shall be forwarded in triplicate to the Judge Advocate General as in cases under § 753.25.

§ 753.27 Claims arising in specified foreign countries.

(a) *NATO Status of Forces and similar agreements.* The United States has ratified the NATO Status of Forces Agreement and has entered into similar agreements with other foreign countries. Article VIII of the NATO Status of Forces Agreement and certain provisions of other agreements are inconsistent with the unrestricted use of the Foreign Claims Act and its implementing regulations in certain countries. Accordingly, directives of the cognizant area commander shall be consulted and claims shall not be referred to Foreign Claims Commissions until it has been determined that such action is consistent with the provisions of the aforementioned agreements and their implementing directives. Department of Defense Directive 5515.3 of August 18, 1965 (NOTAL), directs that, where a single service has been assigned responsibility for claims in a country or area, all claims arising under the Foreign Claims Act (10 U.S.C. 2734) and the Military Claims Act (10 U.S.C. 2733) shall normally be settled and paid by claims commissions or other claims settlement authorities appointed by the Secretary of that military department, or his designee, in accordance with the department's regulations. In countries in which the NATO Status of Forces Agreement or other similar agreement is in force, incidents which may give rise to tort claims against the United States arising from acts or omissions of naval personnel, or

[1] Filed as part of the original document.

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members of the civilian component of the naval service, including claims for death or personal injury, resulting from the navigation or operation of a ship, or from the loading, carriage, or discharge of its cargo, shall be investigated and reports shall be made in accordance with instructions promulgated by the cognizant naval commanders.

(b) *Single-service responsibility and cross-servicing.* Single-service responsibility for processing claims under this part shall be accomplished as provided in Part 750, § 750.24 of this chapter. Where cross-servicing of claims has been accomplished, the forwarding command shall afford any assistance necessary to the appropriate service in the investigation and adjudication of such claims.

§ 753.28 Claims generated by civilian employees of the Department of Defense.

Department of Defense Directive 5515.3 of August 18, 1965 (NOTAL), provides that all Foreign Claims Commissions are designated to settle and pay claims for damage caused by civilian employees of the Department of Defense other than an employee of a military department.

§ 753.29 Advance payments.

Advance payments may be made pursuant to the provisions of §§ 750.70–750.73 and 750.80 of this chapter. In addition to the adjudicating authorities authorized by § 753.72 to make advance payments, all three-member Foreign Claims Commissions may make advance payments provided such action is approved by the Commanding Officer appointing the commission.

PART 756—NONAPPROPRIATED FUND CLAIMS REGULATIONS

Part 756 of Title 32 is revised to read as follows:

Sec.
- 756.1 General.
- 756.2 Notification.
- 756.3 Processing claims.
- 756.4 Payment of claims.
- 756.5 Claims by employees.

AUTHORITY: Military Personnel and Civilian Employees' Claims Act of 1964, as amended (31 U.S.C. 240–243).

§ 756.1 General.

(a) Non-appropriated-fund activities are Federal agencies within the meaning of the Federal Tort Claims Act if charged with an essential function of the Navy Department and if the degree of control and supervision by the Navy Department is more than casual or prefunctory. Compare United States v. Holcombe, 277 F. 2d 143 (4th Cir. 1960) and Scott v. United States, 226 F. Supp. 846, (D. Ga. 1963). To the extent that sovereign immunity is waived by the Federal Tort Claims Act, therefore, the United States remains ultimately liable for payment of non-appropriated-fund-activity claims. It is policy to pay these claims from non-appropriated funds and to process them primarily through non-appropriated-fund-activity claims procedures, using as guidelines the regulations and statutes applicable to similar appropriated-fund-activity claims.

(b) Claims arising out of the operation of non-appropriated-fund activities, in and outside the United States, shall be investigated in accordance with the procedures for investigating similar claims against appropriated-fund activities. All claims should be submitted to the command having cognizance over the non-appropriated-fund activity involved.

§ 756.2 Notification.

Many non-appropriated-fund activities carry commercial insurance to protect them from claims for property damage and personal injury attributable to their operations. The Commandant of the Marine Corps, the Chief of Naval Personnel, and the Naval Supply Systems Command determine whether non-appropriated-fund activities within their cognizance shall carry liability insurance or become self-insurers, in whole or in part. When the operations of non-appropriated-fund activities result in property damage or personal injury, the insurance carrier, if any, should be given written notification immediately. Notification should not be postponed until a claim is filed. When the activity is self-insured, the self-insurance fund shall be notified of the potential liability.

§ 756.3 Processing claims.

(a) *Responsibility for processing.* The primary responsibility for the negotiation and settlement of claims resulting from non-appropriated-fund activities is normally with the non-appropriated-fund activity and its insurer. The standard procedures described in Part 750 of this chapter for investigating and processing claims must, however, be followed in order to protect the residual liability of the United States.

(b) *Negotiations.* (1) When a non-appropriated-fund activity is insured, the insurer will normally conduct negotiations with claimants. The appropriate Naval adjudicating authority has the responsibility of monitoring the negotiations conducted by the insurer. Such monitoring shall be limited to ascertaining that someone has been assigned to negotiate, to obtaining periodic status reports, and to closing out files on settled claims. Any dissatisfaction with the insurer's handling of the negotiations should be referred directly to the Judge Advocate General for appropriate action.

(2) When there is no private insurer and the non-appropriated-fund activity has made no independent arrangements for negotiations, the appropriate Navy adjudicating authority is responsible for conducting negotiations. Under special circumstances, even when there is an insurer, the appropriate Naval adjudicating authority may conduct negotiations, provided the command involved and the insurer agree to it. When an appropriate settlement is negotiated by the Navy, the recommended award will be forwarded to the non-appropriated-fund activity, or its insurer, for payment from nonappropriated funds.

(3) In cases where payment may be authorized under some statute, such as the Foreign Claims Act, but where there is no negligence and neither the non-appropriated-fund activity not its insured is legally responsible, the claim may be considered for payment from appropriated funds or may be referred to the Judge Advocate General for appropriate action.

(c) *Denial.* Claims resulting from non-appropriated-fund activities may be denied only by the appropriate Naval adjudicating authority, since such a denial is required to begin the 6-month limitation on filing suit under the Federal Tort Claims Act. Claims which have initially been processed and negotiated by a non-appropriated-fund activity or its insurer should not be denied until the activity or its insurer has clearly stated in writing that it does not intend to pay the claim and has elected to defend in court. Claimants shall be notified of a denial in accordance with § 750.7 of this chapter.

§ 756.4 Payment of claims.

(a) *Small claims.* Any claim not covered by insurance (or if covered by insurance and not paid by the insurer) which can be settled for $100 or less may be adjudicated by the commanding officer of the activity concerned or his designee. The claim will be paid out of funds available to the commanding officer.

(b) *Other claims.* Claims in excess of $100, for which private insurance is not available and which have been negotiated by the Navy, shall be forwarded to the appropriate headquarters command for payment from nonappropriated funds. Private insurance is usually not available to cover losses which result from some act or omission of a mere participant in a non-appropriated-fund activity. In the event the non-appropriated-fund activity declines to pay the claim, the file shall be forwarded to the Judge Advocate General for determination.

§ 756.5 Claims by employees.

(a) *Property.* Claims by employees of non-appropriated-fund activities for loss, damage, or destruction of personal property incident to their employment will be processed and adjudicated in accordance with Part 751 of this chapter and forwarded to the appropriate non-appropriated-fund activity for payment from nonappropriated funds.

(b) *Personal injury or death of citizens or permanent residents of the United States employed anywhere, or of foreign nationals employed within the United States.* The compensation provided by the Longshoremen's and Harbor Workers' Compensation Act (33 U.S.C. 901–950) was extended to provide for employees of non-appropriated-fund activities who suffered injury or death arising out of and in the course of their employment (5 U.S.C. 8171). If there is a substantial possibility that an employee's injury or death is covered by the Longshoremen's and Harbor Workers' Compensation Act, a claim should first be made under that Act since it is the exclusive basis for Government liability for injuries or deaths which are covered (5 U.S.C. 8173).

(c) *Personal injury or death of foreign nationals employed outside of the Continental United States.* Employees who are not citizens or permanent residents, and who are employed outside of the Continental United States, are protected by private insurance of the non-appropriated-fund activity or by other arrangements (5 U.S.C. 8172). When a non-appropriated-fund activity has neglected to obtain insurance coverage or to make other arrangements, the matter will be processed as a foreign claim, or a Federal Tort Claims Act claim if appropriate, and any award will be paid from nonappropriated funds.

PART 757—AFFIRMATIVE CLAIMS REGULATIONS

Part 757 of title 32 is revised to read as follows:

Subpart A—Medical Care Claims

Sec.
- 757.1 Definitions.
- 757.2 Authority of the Judge Advocate General and JAG designees.
- 757.3 Report of care and treatment.
- 757.4 Investigations.
- 757.5 Determination, assertion, and collection of claims.
- 757.6 Medical records.
- 757.7 Notice of claim.
- 757.8 Statistical reports.
- 757.9 Geographical limitations—single-service responsibility.
- 757.10 Rates for medical care provided in Federal hospitals.
- 757.11 Single demand for medical care and property damage claims.
- 757.12 Statute of limitations.
- 757.13 Reference material.

Subpart B—Property Damage Claim

- 757.14 Regulations concerning affirmative claims.
- 757.15 Pursuit, settlement, and termination of claims.
- 757.16 Collection of claims.
- 757.17 Repair of Government property by the tort-feasor.
- 757.18 Referral of cases to the Department of Justice or GAO.
- 757.19 Statute of limitations.
- 757.20 Reports.

Subpart C—Joint Regulations on Claims Collection

- 757.21 Joint regulations of the General Accounting Office and Department of Justice on Federal claims collection standards.

AUTHORITY: Military Personnel and Civilian Employees' Claims Act of 1964, as amended (31 U.S.C. 240–243).

Subpart A—Medical Care Claims

§ 757.1 Definitions.

For purposes of this subpart.

(a) *Medical care.* "Medical care" includes hospital, medical, surgical, or dental care and treatment, and the furnishing of prostheses and medical appliances.

(b) *JAG designees.* "JAG designees" are:

(1) The Deputy Judge Advocate General; any Assistant Judge Advocate General; the Deputy Assistant Judge Advocate General (Litigation and Claims); the Director, Litigation and Claims Divison;

(2) The commandants of all naval districts and their district judge advocates;

(3) The officers in command and the directors of all Navy law centers outside the United States, except for law centers in countries where another service has single-service responsibility;

(4) The officers in charge of U.S. Sending State Offices; and

(5) Such other officers as may be designated by the Judge Advocate General.

(c) *Action JAG designees.* "Action JAG designees" are the JAG designees in whose area the incident giving rise to the claim occurred. This is a general definition and should not be considered applicable in cases where the best interests of the Government would be served by transferring the case to another JAG designee e.g., where the tortfeasor has moved from or resides in a place other than the place where the incident occurred. When a case is transferred from one JAG designee to another, the responsibility for conducting an investigation and making an initial assertion remains with the JAG designee in whose area the incident giving rise to the claim occurred.

(d) *The Act.* "The Act" means the Medical Care Recovery Act (42 USC 2651–53).

(e) *Waiver.* "Waiver" means the total relinguishment of the Government's claim.

(f) *Compromise.* "Compromise" means a partial reduction in the amount of the Government's claim.

§ 757.2 Authority of the Judge Advocate General and JAG designees.

(a) *Assertion of claim.* When the Department of the Navy furnishes medical care, the Judge Advocate General or the action JAG designee shall determine (1) whether a third-party claim (i.e., a claim under the Act) is possible against a person who is legally liable for causing the injury or disease treated, and (2) whether a Government claim is possible under workmen's compensation or under medical-payments insurance (e.g., in all automobile accident cases). If either circumstance exists, the action JAG designee shall assert a claim for the reasonable value of such care and treatment. When an accident occurs at a place where the naval service does not have a command, unit, or activity conveniently located for conducting an investigation, the commanding officer or officer in charge having immediate responsibility for making the investigation may request assistance from the commanding officer or officer in charge of any other command, unit, or activity within the Department of Defense. Such assistance may take the form of a complete investigation of the accident or incident, or it may cover only part of the investigation. In a reciprocal situation where the commanding officer or officer in charge of any other command, unit, or activity within the Department of Defense requests assistance from any naval command, unit, or activity, the latter should honor the request. If a complete investigation is requested, the report shall be made in accordance with the regulations of the service actually making the investigation. These investigations will normally be conducted without reimbursement for per diem, mileage, or other expenses incurred by the investigating activity.

(b) *Authority of JAG and certain JAG designees.* (1) The Judge Advocate General and JAG designees serving in the Office of the Judge Advocate General may accept payment for the full amount of any claim and execute a release therefor.

(2) A claim not in excess of $20,000 may be waived completely or compromised and a release executed therefor by either the Judge Advocate General or the Deputy Judge Advocate General.

(3) A claim not in excess of $15,000 may be waived completely or compromised and a release executed therefor by any Assistant Judge Advocate General.

(4) A claim not in excess of $10,000 may be waived completely or compromised and a release executed therefor by the Deputy Assistant Judge Advocate General (Litigation and Claims).

(c) *Authority of other JAG designees.* All other JAG designees are authorized to (1) accept payment for the full amount of a claim and execute a release therefor, or (2) waive completely or compromise and execute a release of any claim not in excess of $5,000.

(d) *Waiver and compromise.* A claim may be waived or compromised for the convenience of the Government or if it is determined that collection would result in undue hardship to the person who suffered the injury or disease giving rise to the claim.

(e) *Claims exceeding $20,000.* Claims in excess of $20,000 may be compromised, settled, and waived only with the prior approval of the Department of Justice.

(f) *Limitations.* The authority set forth in this section shall not be exercised in any case in which (1) the claim of the United States has been referred to the Department of Justice or (2) a suit has been instituted by the third party against the United States or against the individual who received or is receiving the medical care described above, and the suit arises out of the occurrence which gave rise to the third-party claim of the United States.

(g) *Restrictions on contact with Department of Justice and U.S. attorneys.* JAG designees, except those serving in the Office of the Judge Advocate General, shall refrain from dealing directly with the Department of Justice or U.S. attorneys except in those cases (1) where the Department of Justice or a U.S. attorney has assumed cognizance over the case; (2) where circumstances dictate immediate action to protect the interests of the United States; or (3)

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where such action is authorized by the Judge Advocate General.

§ 757.3 Report of care and treatment.

(a) *NAVJAG Form 5890/12.* NAVJAG Form 5890/12 (see appendix section 24d)[1] shall be used by all Navy medical facilities to report the value of medical care furnished to any patient (1) when a third-party may be legally liable for causing the injury or disease treated, or (2) when a Government claim is possible under workmen's compensation or under medical-payments insurance (e.g., in all automobile accident cases).

(b) *Computations.* NAVJAG Form 5890/12 shall be computed by using the rates set out in appendix section 24c.[1] The term "inpatient days" excludes periods charged to leave (annual or convalescent), periods of weekend liberty, and periods during which the injured party was attached to the hospital for the convenience of the Government (e.g., awaiting the arrival of his ship).

(c) *Submission of NAVJAG Form 5890/12.* The NAVJAG Form 5890/12 shall be submitted to the action JAG designee at the following times:

(1) An "initial" submission of NAVJAG Form 5890/12 shall be made as soon as practicable after the patient is admitted if it appears that inpatient care will exceed 2 days, or that more than 10 outpatient treatments will be furnished. The "initial" submission need not be based upon an extensive investigation of the cause of the injury or disease, but it should include all known facts. Statements by the patient, police reports, and similar information (if available) should be appended to the form.

(2) An "interim" submission of NAVJAG Form 5890/12 shall be made every 4 months after the "initial" submission, until the patient is released, transferred, or changed from an inpatient to an outpatient status.

(3) A "final" submission of NAVJAG Form 5890/12 shall be made upon completion of treatment or upon transfer of the patient to another hospital. The hospital to which the patient is transferred should be noted on the form.

(d) *Supplementary documents.* A narrative summary (Standard Form 502) should accompany the final NAVJAG Form 5890/12 in all cases involving inpatient care. In addition, when Government care exceeds $1,000, the hospital should also provide a completed NAVJAG Form 5890/13 (*see* Appendix 24f). On this form, the determination of "patient status" may be based on local hospital usage. If the hospital prefers, it may furnish in lieu of NAVJAG Form 5890/13 a statement by the treating physician (normally on a locally prepared form) giving the date that necessary inpatient treatment was essentially completed, and the number of outpatient treatments that would have been required if the patient had been discharged on that date.

(e) *Information for health record and for action JAG designees.* Copies of all NAVJAG Forms 5890/12 shall be retained in the health record of the patient. Action JAG designees shall be notified immediately when a patient receives treatment subsequent to the issuance of a "final" NAVJAG Form 5890/12 if the subsequent treatment is related to the treatment which gave rise to the claim.

(f) *Treatment of nonnaval personnel.* Where care is provided to personnel of another Federal agency or department by a naval medical facility, that agency or department generally will assert any claim in behalf of the United States. In such cases, the NAVJAG Form 5890/12 shall be forwarded directly to the appropriate addressee as follows:

(1) *U.S. Army:* Commanding general of the Army of comparable area commander in which the incident occurred;

(2) *U.S. Air Force:* Staff judge advocate of the Air Force installation nearest the location where the initial medical care was provided;

(3) *U.S. Coast Guard:* Department of Health, Education, and Welfare regional attorney's office in the region where the incident occurred;

(4) *Department of Labor:* Subrogation, Office of the Solicitor, Bureau of Employees Compensation, Department of Labor, Washington, D.C. 20210;

(5) *Veterans' Administration:* Director of the Veterans' Administration Hospital responsible for medical care of the injured party;

(6) *Department of Health, Education, and Welfare:* Department of Health, Education, and Welfare regional attorney's office in the region where the incident occurred.

(g) *Treatment of naval personnel by other Federal agencies.* Where medical care is provided to naval or Marine Corps servicemen, retirees, or their dependents by another Federal department or agency, the Department of the Navy generally will assert any claim on behalf of the United States. Appropriate forms should be forwarded to the action JAG designees.

(h) *Civilian medical care.* The district medical officers and the district dental officers are responsible for paying emergency civilian medical expenses incurred by active-duty servicemen. Such officers should furnish evidence of payment to the action JAG designee (1) when a third party may be legally liable for causing the injury or disease treated, or (2) when a Government claim is possible under workmen's compensation or under medical-payments insurance (e.g., in all automobile accident cases).

(i) *CHAMPUS cases.* CHAMPUS (Civilian Health and Medical Program of the Uniformed Services) contractors for hospital treatment have been directed by the Executive Director, OCHAMPUS, Denver, Colo. 80240, to forward reports of payments in injury cases directly to the action JAG designees. Reports of payments for physician and outpatient care may be obtained by JAG designees from the appropriate fiscal administrators.

§ 757.4 Investigations.

(a) *When required.* Whenever medical care is furnished by the Department of the Navy, either in kind without reimbursement or by reimbursing another department, agency, private facility, or individual under circumstances which may give rise to a medical care claim, an investigation shall be conducted in the manner and form prescribed in Part 750 of this chapter. However, no investigation is required for the purposes of this chapter if the medical care furnished does not exceed 3 inpatient days or 10 outpatient treatments. In cases where the Department of the Navy receives reimbursement from another department or agency for medical care furnished at a naval facility, that department or agency will normally be responsible for investigating the incident giving rise to the medical care and processing any resulting claim. See § 757.3(f) for addresses of other departments and agencies.

(b) *Consolidation.* Separate investigations are not required for the purposes of this chapter in cases where there has been an investigation for other purposes which can be used as a basis for determining liability. It shall be the responsibility of the action JAG designee, upon receipt of a NAVJAG Form 5890/12 or equivalent CHAMPUS forms, to supervise and to avoid duplication of investigative effort and to request an investigation in those cases where it appears that none has been or is likely to be conducted.

(c) *Information for action JAG designee.* All investigations, regardless of origin, involving a possible medical care claim, shall be routed via, or a copy forwarded to, the action JAG designee.

§ 757.5 Determination, assertion, and collection of claims.

(a) *Determination and notice of claim.* Action JAG designees, regardless of the amount of the claim, shall determine liability in accordance with the law of the state or country in which the incident occurs. If the JAG designee determines that a third party is liable, he shall forward a "Notice of Claim" (Standard Form 96) to the third party. If he determines that an insurance company or workmen's compensation carrier is liable, he shall forward the company an appropriate notice of the Government's claim. If he determines that there is no liability, this fact shall be reflected in the endorsement on any information forwarded to the Judge Advocate General. The specific reasons supporting the determination of no liability should be included. If the action JAG designee is in doubt on the question of liability, the matter should be submitted to the Judge Advocate General for final decision.

(b) *Foreign claims.* Claims against a foreign government or a political subdivision, agency, or instrumentality thereof, or against a member of the armed forces or an official or civilian employee of such foreign government, shall not be asserted without the prior approval of the Judge Advocate General. Investigation and report thereof shall be made as provided in this chapter unless the provisions of applicable agreements, or regulations in implementation thereof, negate the requirement for such investigation and report.

(c) *Advice for injured party.* In cases where an action JAG designee determines that third-party liability is indicated and a "Notice of Claim" (Standard Form 96) is issued, the injured party shall be contacted and advised in writing that:

(1) Under the Act, the United States is entitled to recover from the third party the value of medical care furnished or to be furnished by the United States to the injured party.

(2) The injured party may be required to: (i) Furnish the action JAG designee any pertinent information concerning the incident; (ii) notify the action JAG designee of any settlement offer from the third party or his insurer; and (iii) cooperate in the prosecution of the Government's claim against the third party.

(3) The injured party may seek the advice of legal counsel concerning any possible claim he may have for personal injury and should furnish the action JAG designee the name and address of any civilian attorney consulted or retained.

(4) The injured party should not execute a release or settle any claim concerning the injury and should not furnish the third party, the third party's insurance company, or other representative of the third party, any information or signed statement without the approval of his attorney and the approval of the action JAG designee.

(d) *Pursuit of claims.* (1) Action JAG designees shall, if possible, and if not contrary to the best interests of the United States, pursue to satisfactory settlement all claims coming within their authority. In those cases where administrative settlement is not possible, or is not considered in the best interests of the United States, the action JAG designee shall determine whether the case should be closed and filed or forwarded to the Judge Advocate General for further action. However, the authority of any JAG designee to close and file cases shall be limited to those cases over which compromise authority is granted by § 757.2(c). Before action is taken on a file, the action JAG designee shall determine:

(i) Whether the injured party has retained or intends to retain counsel;

(ii) Whether the tortfeasor denies liability and/or refuses to pay;

(iii) In cases involving insurance, whether the insurance carrier denies liability and/or refuses to settle; and

(iv) Whether consideration has been given to asserting a claim under available uninsured-motorist or medical-payments coverages.

(e) *Claims file.* In cases exceeding their settlement authority, or in other cases deemed appropriate, the action JAG designees shall take the action set forth in paragraphs (a) and (b) of this section, and shall forward the file to the Judge Advocate General for action. The claim file should contain the following information:

(1) The name, address, and occupation of each person determined to be a third party.

(2) In those cases where the third party is a serviceman or an employee of the United States, a statement should be included regarding whether such person was acting within the scope of his official duties or employment at the time of the incident.

(3) The nature and extent of any insurance coverage of the third party with the name and address of the insurer.

(4) In vehicle accident cases where the third party is uninsured, a report as to whether any injured party, owner, driver, or passenger had uninsured-motorist coverage, whether such coverage was mandatorily offered by the insurer in accordance with a State requirement, and whether action has been taken under the financial-responsibility law of the situs.

(5) Completed copies of NAVJAG Forms 5890/12 (or equivalent forms of the other services) and a statement whether there will be any permanent disability and the degree thereof. If such forms are not presently available, then a statement to the effect that the action JAG designee will request the appropriate medical facility to forward them directly to the Judge Advocate General should be included. It shall be the responsibility of the action JAG designee to insure that all completed copies of NAVJAG Forms 5890/12 and authorizations made by district medical or dental officers for payment for civilian care are forwarded to the Judge Advocate General in those cases where the file has been forwarded to the Judge Advocate General for action.

(6) The original or copies of all bills or statements of cost incurred where treatment is furnished by civilian facilities.

(7) A statement regarding liability of the third party. (Where liability is questionable, a brief of the law of situs applicable should be included.)

(8) A statement as to whether a "Notice of Claim" (Standard Form 96) was sent to the third party; the name, address, and phone number of the injured party's attorney, if any; and a statement as to whether a suit has been or is likely to be instituted.

(9) A statement as to whether the injured party's attorney will protect the interests of the United States—i.e., whether the Government's claim will be included in the injured party's demand or suit.

(10) A recommended disposition of the case.

(f) *Waiver and compromise requests.* In cases in which a compromise or a complete waiver of the Government's claim is requested, and the claim is beyond the settlement authority of the action JAG designee, the claims file shall be forwarded to the Judge Advocate General. In addition to the information required by paragraph (e) of this section, the file should also contain detailed information as to:

(1) The anticipated amount of the gross recovery.

(2) The degree and permanency of any disability and the extent to which the Government otherwise is obligated to compensate the injured party for such disability.

(3) Whether the injured party is entitled to continuing medical care at Government expense.

(4) Out-of-pocket expenses incurred or anticipated by the injured party, including litigation costs and counsel fees.

(5) The present and prospective assets, income, and obligations of the injured party.

(6) Any other information indicating that full collection of the Government's claim would work an undue hardship upon the injured party.

(g) *Payments.* Payments of claims should be made in the form of checks, drafts, or money orders payable to the collecting organization, such as "Commandant Twelfth Naval District" or "Commander, U.S. Naval Forces Marianas," and are to be forwarded for deposit by the disbursing officer serving the collecting organization. (These receipts are to be credited to appropriation accounts as designated by the Comptroller of the Navy.)

§ 757.6 Medical records.

The Surgeon General has been designated by the Secretary of the Navy as the official responsible for the execution of Department of Defense policies in releasing medical records of members or former members of the Navy. Commanding officers of U.S. naval hospitals and U.S. naval dispensaries have been authorized to release medical rceords physically located within their commands directly to the injured member or his representative, subject to the limitations contained in chapter 23, Manual of the Medical Department. See Part 720 of this chapter concerning certifications where necessary for litigation.

§ 757.7 Notice of claim.

The "Notice of Claim" (Standard Form 96) shall be used when a claim under the Act is asserted against a third-party tort feasor. Substitute forms are not authorized. Locally-prepared forms are authorized, however, for claims not based upon third-party liability.

§ 757.8 Statistical reports.

Action JAG designees shall forward monthly reports to the Judge Advocate General setting forth the following information:

(1) The number of claims asserted during the month;

(2) The number of recoveries made during the month (In cases where partial recoveries are made, the claim will not be considered to be "recovered" until the total recovery is effected);

(3) The dollar amount of claims asserted during the month;

(4) The dollar amount of recoveries made during the month (including partial recoveries); and

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(5) The total number of active claims on file at the end of the month.

Report Symbol JAG–5800–2 is assigned for this reporting requirement.

§ 757.9 Geographical limitations—single-service responsibility.

There is no geographical limitation to the Act, and claims shall be asserted in countries where such claims are recognized by local law. See § 750.24 of this chapter for single-service responsibility.

§ 757.10 Rates for medical care provided in Federal hospitals.

The rates to be charged for medical care provided in Federal hospitals under circumstances coming within the provisions of the Act are set forth in Appendix section A–24(c).[1]

§ 757.11 Sinlge demand for medical care and property damage claims.

An effort should be made to include all medical care and property damage claims in a single demand for payment against a third-party or his insurance company.

§ 757.12 Statute of limitations.

Pursuant to the provisions of 28 U.S.C. 2415(b), a 3-year statute of limitations exists for actions arising under the Federal Medical Care Recovery Act. Accordingly, consideration should be given to forwarding files to JAG in cases where it appears that the Government's claim is not adequately protected and that settlement of the Government's claim will not occur within the time prescribed by the statue.

§ 757.13 Reference material.

The following aids and reference materials are contained in Appendix section A–24(c).[1]

(a) Executive Order 11060 of 7 November 1962, authorizing the Director of the Bureau of the Budget to establish rates and the Attorney General to prescribe regulations to carry out the purpose of the Medical Care Recovery Act;

(b) Department of Justice Order Number 289–62 (as amended), pursuant to Executive Order 11060;

(c) Bureau of the Budget Rate Schedules, pursuant to Executive Order 11060;

(d) NAVJAG Form 5890/12, "Hospital and Medical Care 3rd Party Liability Case;"

(e) Standard Form 96, "Notice of Claim."

(f) NAVJAG Form 5890/13, "Supplemental Statement for Hospital and Medical Care Third Party Liability Case."

(g) Promissary Note containing Agreement for Judgment.

(h) Property damage claims in favor of the United States.

Subpart B—Property Damage Claims

§ 757.14 Regulations concerning affirmative claims.

Property damage claims in favor of the United States shall be processed in accordance with the Federal Claims Collection Act (31 U.S.C. 952), as implemented by the "Joint Regulations of the General Accounting Office and Department of Justice on Federal Claims Collection Standards" (part C of this chapter). Department of Defense Directive 5515.11 of 10 December 1966 (see appendix, section 24g)[1] delegates to the Secretary of the Navy, and his designee, the authority granted to the Secretary of Defense under the Federal Claims Collection Act.

§ 757.15 Pursuit, settlement, and termination of claims.

(a) *Authority to handle claims.* Subject to paragraph (b) of this section, the following officers are authorized to pursue, collect, compromise, and terminate collection action on property damage claims in favor of the United States.

(1) The Judge Advocate General; the Deputy Judge Advocate General; any Assistant Judge Advocate General; the Deputy Assistant Judge Advocate General (Litigation and Claims); the Director, Litigation and Claims Division;

(2) The commandant or the district judge advocate of a naval district;

(3) The officer in command or the director of a Navy law center; and

(4) Such other officers as may be designated by the Secretary of the Navy.

(b) *Claims over $20,000.* Claims in excess of $20,000 may not be compromised or terminated without the permision of the Department of Justice. The officers designated by paragraph (a) of this section should pursue all Navy claims on behalf of the United States. If a compromise offer is obtained, or if termination is recommended, the claims file should be sent to the Judge Advocate General for referral to the Department of Justice. The file should include the information required by the Joint Regulations on Claims (Subpart C of this part).

(c) *Release.* The officers designated by paragraph (a) of this section are authorized to executie a release on behalf of the United States (1) when full payment is received, (2) when a claim is under $20,000, or (3) when permission to compromise has been granted by the Department of Justice.

§ 757.16 Collection of claims.

(a) *Deposit of funds.* When a private party or his insurer tenders a full payment or a compromise settlement, the payment should be in the form of a check or money order made payable to the order of the collecting organization, such as the "Commandant, Twelth Naval District" or the "Commander, U.S. Naval Forces Marianas." The check or money order should then be forwarded for deposit by the disbursing officer serving the collecting organization. Funds so collected are normally to be deposited to the Navy general fund receipt accounts as provided in the Navy Comptroller Manual.

(b) *Navy Industrial Fund.* Where the loss or the cost of repairs has been borne by an industrial-commercial activity, payment should be deposited to the Navy Industrial Fund of the repairing activity. *See* Navy Comptroller Manual, paragraph 043114. When a claim is based upon loss or damage sustained by such an activity, a notation to this effect shall be included in any file forwarded to the Judge Advocate General.

§ 757.17 Repair of Government property by the tort-feasor.

In some cases, a person who has damaged Government property (or his insurer) offers to repair the property or to arrange for its repair. The commanding officer or officer-in-charge of the activity concerned is authorized to accept such an offer if he considers it to be in the best interests of the Government. The commanding officer or officer-in-charge is also authorized to assure the private party that a full release of the claim of the United States will be executed (a) when the repairs are completed to the Government's satisfaction, and (b) when all repair bills have been paid by the private party. Such a procedure may be followed without the prior approval of the Judge Advocate General or his designee, and without first submitting an investigate report. When the investigative report is submitted, however, it shall contain a statement of the cost of the repairs and a statement by the commanding officer or officer-in-charge that the property has been satisfactorily repaired, and that all bills for repairs have been paid.

§ 757.18 Referral of cases to the Department of Justice or GAO.

Only the Judge Advocate General shall refer claims to the Department of Justice or to the General Accounting Office. Before recommending such action, the command handling the claim should assure that full collection efforts (as required by Subpart C of this part) have been completed.

§ 757.19 Statute of limitations.

There is a 3-year statute of limitation on affirmative Government claims "founded upon a tort." 28 U.S.C. 2415(b). Uncollected affimative claims should therefore be forwarded to the Judge Advocate General soon enough for timely referral to the Department of Justice. Any installment-payment agreement that will run beyond the statutory period should include a confess-judgment clause (see appendix section A–24(h)).[1]

§ 757.20 Reports.

The officers designated by § 757.15(a)(2)–(4) shall make a quarterly report on property damage claims to the Judge Advocate General. The report should include the following figures:

(a) Number of claims asserted.

(b) Dollar amount of claims asserted.

(c) Number of claims collected.

(d) Dollar amount of claims collected.

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Subpart C—Joint Regulations on Claims Collection

§ 757.21 Joint regulations of the General Accounting Office and the Department of Justice on Federal claims collection standards.

Joint regulations of the General Accounting Office and the Department of Justice on Federal Claims Collection standards are found in 4 CFR Part 101 et seq.

[SEAL] H. B. ROBERTSON, Jr.,
Rear Admiral, JAGC, U.S. Navy, Acting Judge Advocate General.

FEBRUARY 16, 1973.

[FR Doc.73–3511 Filed 3–5–73;8:45 am]

Title 12—Banks and Banking

CHAPTER V—FEDERAL HOME LOAN BANK BOARD

SUBCHAPTER C—FEDERAL SAVINGS AND LOAN SYSTEM

[73–327]

PART 545—OPERATIONS

Borrowing, Issuance of Obligations, and Giving of Security

FEBRUARY 27, 1973.

Section 545.24 of the rules and regulations for the Federal Savings and Loan System (12 CFR 545.24) was amended by the Federal Home Loan Bank Board on December 9, 1972 (Document No. 72–1405; 37 FR 26315; effective on January 8, 1973). That amendment was made in connection with the Board's adoption of amendments relating to the issuance of subordinated debt securities (12 CFR 563.8–1). Said amendment to § 545.24 inadvertently omitted the phrase "to the same extent that it would have authority to do so if said paragraph (2) had not been enacted" which appeared in § 545.24 prior to the amendment. The Board now considers it desirable to amend said section to replace that phrase with an appropriate modification to exclude subordinated debt securities as defined in 12 CFR 561.24. Accordingly, the Board hereby amends said § 545.24 by revising it to read as set forth below, effective March 5, 1973.

Since the above amendment is for the purpose of clarification, the Board finds that notice and public procedure with respect to said amendment are unnecessary under the provisions of 12 CFR 508.11 and 5 U.S.C. 553(b); and since publication of said amendment for the period specified in 12 CFR 508.14 and 5 U.S.C. 553(d) prior to the effective date of said amendment would in the opinion of the Board likewise be unnecessary for the same reason; the Board provides that said amendment shall become effective on March 5, 1973.

§ 545.24 Borrowing, issuance of obligations, and giving of security.

An association may borrow to such extent as is authorized by the terms of its charter or by the Board by advice in writing. An association may issue such notes, bonds, debentures, or other obligations, or other securities, as are not inconsistent with the terms of paragraph (2) of subsection (b) of section 5 of the Home Owners' Loan Act of 1933, as amended, (a) to the extent that such issuance is in compliance with the provisions of § 563.8–1 of this chapter, (b) to such extent as is otherwise authorized by the Board by advice in writing, or (c), except in the case of subordinated debt securities as that term is defined in § 561.24 of this chapter, to the same extent that it would have authority to do so if said paragraph (2) had not been enacted. To such extent as is authorized by the terms of its charter or by the Board by advice in writing, an association may give security, but an association shall not give security for any of its shares or share accounts or for any of its savings accounts representing share interests in the association.

(Sec. 5, 48 Stat. 132, as amended; 12 U.S.C. 1464. Reorg. Plan. No. 3 of 1947, 12 FR 4981, 3 CFR, 1943–48 Comp., p. 1071)

By the Federal Home Loan Bank Board.

[SEAL] JACK CARTER,
Secretary.

[FR Doc.73–4265 Filed 3–5–73;8:45 am]

SUBCHAPTER D—FEDERAL SAVINGS AND LOAN INSURANCE CORPORATION

[73–328]

PART 561—DEFINITIONS

PART 563—OPERATIONS

Subordinated Debt Security

FEBRUARY 27, 1973.

The Federal Home Loan Bank Board, in Document No. 72–1406, dated November 30, 1972, amended Parts 561 and 563 of the rules and regulations for Insurance of Accounts (12 CFR Parts 561 and 563) to permit insured institutions to issue subordinated debt securities, with the prior written approval of the Federal Savings and Loan Insurance Corporation. The said amendments to Parts 561 and 563 were published in the FEDERAL REGISTER on December 9, 1972 (37 FR 26315–17) and were effective on January 8, 1973. The Board now considers it desirable to further amend Parts 561 and 563 in order to clarify certain ambiguities and to resolve several problems which arose under the January 8, 1973 amendments.

The definition of "net worth" in § 561.13 has been amended to make clear that only subordinated debt securities issued pursuant to § 563.8–1 may be used to satisfy up to 20 percent of the annual closing net worth requirement of § 563.13(b). An insured institution may use subordinated debt securities issued pursuant to § 563.8–1 or otherwise with the specific prior written approval of the Corporation to satisfy any other net worth requirement to the extent the institution is explicitly authorized to do so in writing by the Corporation.

Section 563.7–2 has been amended to make clear that the Corporation thereby approves for insured institutions, pursuant to section 403(b) of the National Housing Act, as amended, each of the securities referred to in said § 563.7–2 as to form, return and maturity.

The Board has made several technical amendments to § 563.8, *Limitation on borrowing* in order to clarify that section. The substance of the section has not been changed.

Paragraph (a) of § 563.8–1 has been amended by deleting the second sentence thereof which had provided: "If the issuance of such securities is requested in writing by the Corporation, such issuance shall be effected in accordance with such request without regard to the eligibility requirements contained in paragraph (b) of this section." Waiver of the eligibility requirements for insured institutions issuing subordinated debt securities pursuant to §563.8–1 at the request of the Corporation will be considered on a case-by-case basis under paragraph (b) of § 563.8–1. As a result, the third sentence in such paragraph (a) has been amended by revising "In all other cases" to read "In each case".

Paragraph (a) of 563.8–1 has also been amended to make it clear that the prior written approval by the Corporation is also necessary for any amendment of the terms of the securities after issuance.

Paragraph (d) of § 563.8–1 has been amended in several respects. The reference to post-default interest in subdivision (ii) of subparagraph (1) thereof has been rearranged to make it clear that the payment of principal, interest and premium on subordinated debt securities is subordinated to post-default interest on savings accounts and other claims of the same or any higher priority. An additional part (*d*) has been added to subdivision (ii) of subparagraph (1) to make clear that each certificate evidencing subordinated debt issued by an insured institution pursuant to § 563.8–1 must state that such security will be offered and sold (including any resale) only in negotiated transactions and not by means of any form of general advertising.

Subdivision (iii) of subparagraph (1) presently provides that an insured institution must have the right to prepay its subordinated debt securities. That subdivision (iii) has been amended to make clear that this right to prepay shall not be subject to any premium or other prepayment penalty during the 15 months prior to the maturity date. Subdivision (iv) of subparagraph (1) has been amended to permit an insured institution to make required sinking fund payments and other prepayments or reserve allocations regardless of the effect of such payments on the institution's ability to meet its Federal insurance reserve or net worth requirements under § 563.13. (It should be noted, however, that subdivision (iv) continues to prohibit an insured institution from making accelerated payments of principal which would cause the institution to fail to meet its Federal insurance reserve or net worth requirements under § 563.13.)

Subparagraph (2) of paragraph (d) of § 563.8–1 has been amended to make clear that an insured institution may not

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make a sinking fund or other prepayment or reserve allocation during the first 6 years that a subordinated debt security is outstanding in excess of the amount obtained by applying the formula set forth in that subparagraph. For example, an insured institution could not prepay more than one-seventh of a 7-year security per year. If it made no sinking fund or other prepayment or reserve allocations during the first year, the institution could, however, prepay up to two-sevenths during the second year.

Subparagraph (3)(i) of paragraph (d) of § 563.8–1 presently prohibits the sale or issuance of subordinated debt securities by means of a "public offering" as that term is used in section 4(2) of the Securities Act of 1933, as amended. That prohibition means that insured institutions must sell or issue such securities by means of a "private placement". The Board has determined that the general rules for effecting a "private placement" are unnecessarily restrictive and burdensome as applied to subordinated debt securities of insured institutions issued with the approval of the Corporation pursuant to § 563.8–1. Consequently, the Board has amended subparagraph (3) to set forth three specific limitations on the manner of offering and advertising such subordinated debt securities.

First, the securities must be sold only in a "negotiated transaction", which is defined to mean a transaction in which securities are offered and the terms and arrangements relating to any sale of the securities are arrived at through direct communication between the seller or its representative and the purchaser or its investment representative. Second, the securities cannot be offered or sold in conjunction with any form of general advertising. Third, the seller must require the purchaser of the securities to comply with the first two limitations in the event that the purchaser sells the securities.

Paragraph (g) of § 563.8–1, captioned "Disclosure and other requirements", has been amended to require insured institutions to make available upon request to purchasers of subordinated debt securities unaudited quarterly and audited annual statements of condition and operation. This amendment is in connection with the above-mentioned amendments to subparagraph (3) of paragraph (d) of § 563.8–1.

Paragraph (i) of § 563.8–1 has been amended to make clear that the required reports following the issuance of subordinated debt securities are to be transmitted to the Supervisory Agent within 30 days after such issuance.

Paragraphs (b), (c), (d)(4), (d)(5), (e), (f), (g), (h), and (i) of § 563.8–1 have been amended to add the words "pursuant to this section" or "issued pursuant to this section" in order to distinguish subordinated debt securities issued pursuant to § 563.8–1 from subordinated debt securities issued with the specific approval of the Corporation other than pursuant to § 563.8–1.

Since the above amendments relieve restriction and clarify, the Board hereby finds that notice and public procedure with respect to said amendments are unnecessary under the provisions of 12 CFR 508.11 and 5 U.S.C. 553(b); and since publication of said amendments for the period specified in 12 CFR 508.14 and 5 U.S.C. 553(d) prior to the effective date of said amendments would in the opinion of the Board likewise be unnecessary for the same reason, the Board hereby adopts said amendments, all of which shall become effective on March 5, 1973.

1. Part 561 is amended by revising § 561.13 thereof, to read as follows:

§ 561.13 Net worth.

The term "net worth" means the sum of all reserve accounts (except specific or valuation reserves), retained earnings, capital stock, and any other nonwithdrawable accounts of an insured institution. For purposes of satisfying the annual closing net worth requirement of § 563.13(b) of this subchapter, there may be included as net worth, up to a limit of 20 percent of such net worth requirement, the principal amount of any subordinated debt securities (the amount of which shall be calculated as provided in § 563.8 of this subchapter) issued upon written approval by the Corporation of an application submitted pursuant to § 563.8–1 of this subchapter, as long as the remaining period to maturity (or time of any required sinking fund or other prepayment or reserve allocation, with respect to the amount of such prepayment or reserve) is not less than 1 year. For purposes of satisfying any net worth requirement of the Corporation other than the annual closing net worth requirement of § 563.13(b), there may be included as net worth, to the extent explicitly authorized in writing by the Corporation, the principal amount of any subordinated debt securities issued pursuant to § 563.8–1 or otherwise with the specific prior written approval of the Corporation.

2. Part 563 is amended by revising §§ 563.7–2, 563.8, and 563.8–1 thereof, to read as follows:

§ 563.7–2 Form, return, and maturity of securities.

Securities of any insured institution which are (a) in conformity with § 563.3–1, § 563.3–2, or § 563.8–1 or with § 545.24 of this chapter, (b) issued in connection with any borrowing which is in conformity with § 563.8, (c) issued in connection with any transaction which is not a borrowing or the issuance of a savings account and is not in nonconformity with the terms of any provision of this part which by its terms is applicable to such transaction, or (d) issued with specific prior approval of the Corporation are, as to form, return, and maturity (as referred to in those parts of the third sentence of subsection (b) of section 403 of the National Housing Act, as now or hereafter in effect, which refer to the form, return, and maturity of securities), hereby approved by the Corporation.

§ 563.8 Limitation upon borrowing.

No insured institution shall borrow in excess of the amount authorized by the law under which such insured institution operates. Within the foregoing limit, an insured institution may borrow an aggregate amount not exceeding one-half the amount paid in and credited on shares, share accounts, savings accounts, stock, certificates of deposit, and investment certificates; and, within such aggregate amount, may borrow an amount aggregating not more than one-fifth thereof from sources other than a Federal Home Loan Bank or a State-chartered central reserve institution; except that with prior approval of the Board, any such institution may borrow from a Federal Home Loan Bank or from any Federal agency or instrumentality without limitation upon such terms and conditions as may be required by such bank or agency. No action of an insured institution in obtaining funds through borrowing, in accordance with the provisions of this section, shall be deemed a violation hereof should its aggregate borrowings exceed the limitations of the next foregoing sentence because of a subsequent reduction in the amounts paid in and credited on shares, share accounts, savings accounts, stock, certificates of deposit, and investment certificates. For the purposes of this section, the issuance of subordinated debt securities by an insured institution shall be considered borrowing. For the purposes of this section, § 561.13 of this subchapter, and § 563.8–1, the amount of such subordinated debt securities shall be calculated as the difference between the face amount of such securities and the amount of any related sinking fund or specific reserve account.

§ 563.8–1 Issuance of subordinated debt securities.

(a) *General.* No insured institution shall issue subordinated debt securities pursuant to this section unless it has obtained the prior written approval of the Corporation. Such approval shall also be required for any amendment of the terms of such securities after issuance. In each case, an application for such approval must be submitted to the Corporation in accordance with the provisions of this section.

(b) *Eligibility requirements.* The Corporation will consider and process an application by an insured institution for approval of the issuance of subordinated debt securities pursuant to this section only if the applicant meets all of the following eligibility requirements, unless one or more of such requirements are waived by the Corporation upon specific request in the case of a particular application:

(1) The issuance of such securities by the applicant is authorized by applicable law and regulation and is not inconsistent with any provision of the applicant's charter, constitution, or bylaws;

(2) Applicant's net worth, without regard to the amount of any subordinated debt securities included or to be included in such net worth, meets the requirements of § 563.13;

(3) Applicant's scheduled items do not exceed 2.5 percent of its specified assets;

(4) All appraised losses have been offset by specific loss reserves to the extent required by the Corporation under § 563.17–2;

(5) Applicant's income from operations before income taxes in its most recent fiscal year and in at least one of its two immediately preceding fiscal years (after distribution of earnings to the holders of savings accounts and payment of interest on, and amortization of, nonsubordinated debt) and its average of such income for such 3-year period is at least three times the annual amount required for interest, debt discount amortization (if any, and amortization of the related expenses of issuance on all outstanding and proposed subordinated debt securities (excluding any debt securities to be refunded out of the proceeds of the proposed subordinated debt securities); and

(6) The aggregate amount of all outstanding and proposed subordinated debt securities (excluding any debt securities to be refunded out of the proceeds of the proposed subordinated debt securities) does not exceed 50 percent of applicant's net worth, not including any such outstanding and proposed subordinated debt securities.

(c) *Application form; supporting information.* An application for approval of the issuance of subordinated debt securities by an insured institution pursuant to this section shall be in the form prescribed by the Corporation. Such application and instructions may be obtained from the Supervisory Agent. Information and exhibits shall be furnished in support of the application in accordance with such instructions, setting forth all of the terms and provisions relating to the proposed issue and showing that all of the requirements of this section have been or will be met.

(d) *Requirements as to securities—*(1) *Form of certificate.* Each certificate evidencing subordinated debt issued by an insured institution pursuant to this section shall—

(i) Bear on its face, in bold-face type, the following legend: "This security is not a savings account or deposit and it is not insured by the Federal Savings and Loan Insurance Corporation";

(ii) Clearly state that the security (*a*) is subordinated on liquidation, as to principal, interest, and premium, if any, to all claims (including post-default interest) against the institution having the same priority as savings account holders or any higher priority; (*b*) is unsecured; (*c*) is not eligible as collateral for any loan by the issuing institution; and (*d*) is to be offered and sold (including any resale) only in negotiated transactions and not by means of any form of general advertising.

(iii) State or refer to a document stating the terms under which the issuing institution may prepay the obligation, which shall include at least the right to prepay without premium or other penalty during the 15 months immediately prior to the maturity date;

(iv) State or refer to a document stating that no payment of principal shall be accelerated without the approval of the Corporation, if after giving effect to such payment the institution would fail to meet the net worth or Federal insurance reserve requirements of § 563.13; and

(v) Be in a minimum original amount of at least $50,000, except that upon partial prepayment a certificate for the amount then outstanding may be issued in substitution therefor.

(2) *Limitation as to term.* No subordinated debt security issued by an insured institution pursuant to this section shall have an original period to maturity of less than 7 years. During the first 6 years that such a security is outstanding, the total of all required sinking fund payments, other required prepayments and required reserve allocations with respect to the portion of such 6 years as have elapsed shall at no time exceed the original principal amount thereof multiplied by a fraction the numerator of which is the number of years which have elapsed since the issuance of the security and the denominator of which is the number of years covered by the original period to maturity.

(3) *Limitations on manner of offering and advertising.* The offer and sale (including any resale) of subordinated debt securities issued by an insured institution pursuant to this section shall be subject to all of the following limitations:

(i) The securities shall be offered and sold only in negotiated transactions. The term "negotiated transactions" shall mean transactions in which the securities are offered and the terms and arrangements relating to any sale of the securities are arrived at through direct communications between the seller or any person acting on its behalf and the purchaser or his investment representative. The term "investment representative" shall mean a professional investment adviser acting as agent for the purchaser and independent of the seller and not acting on behalf of the seller in connection with the transaction.

(ii) The securities shall not be offered or sold by means of any form of general advertising including, but not limited to, the following:

(*a*) Any advertisement, article, notice, or other communication published in any newspaper, magazine, or similar medium (other than a "tombstone" advertisement after the sale of the securities has been completed);

(*b*) Any radio or television broadcast;

(*c*) Any seminar or promotional meeting; and

(*d*) Any letter, circular, notice, or other written communication sent, given, or communicated to persons by a general mailing or otherwise than in connection with a negotiated transaction. The term "general mailing" shall mean a mailing of the same or substantially the same communication to more than 35 persons who prior to the mailing have not indicated an interest in purchasing the securities.

(iii) The insured institution upon issuance of the securities shall require that any resale of the securities shall be made in compliance with paragraph (d)(3) of this section. Upon any resale of the securities, no transfer shall be effected by the insured institution until the purchaser has supplied evidence of such compliance to such institution.

(4) *Limitations on sale to certain institutions.* No insured institution may sell any subordinated debt securities issued pursuant to this section to a Federal Home Loan Bank or, except with prior written approval of the Board in a supervisory situation, to the Corporation.

(5) *False or misleading statements.* No insured institution shall, directly or indirectly, in connection with the offer, sale, or issuance of any subordinated debt securities pursuant to this section, make any statement (i) that is false or misleading with respect to any material fact or (ii) that omits to state any material fact (*a*) necessary in order to make the statements made, in light of the circumstances in which they were made, not false or misleading or (*b*) necessary to correct any earlier statement that has subsequently become false or misleading.

(e) *Filing of application.* The application for approval of the issuance of subordinated debt securities pursuant to this section is filed with the Corporation by transmitting the original and three copies of the application and all supporting documents to the Supervisory Agent. As used in this section, the term "Supervisory Agent" means the President of the Federal Home Loan Bank of the district in which the applicant is located or any other officer or employee of such bank designated by the Board as agent of the Corporation, as provided by § 501.10 or § 501.11 of this chapter.

(f) *Supervisory objection.* No application for approval of the issuance of subordinated debt securities pursuant to this section shall be approved if, in the opinion of the Corporation, the policies, condition, or operation of the applicant afford a basis for supervisory objection to the application.

(g) *Disclosure and other requirements.* In approving an application for approval of the issuance of subordinated debt securities, pursuant to this section, the Corporation will require, as a condition to be met by the applicant prior to the issuance of such securities, such disclosure of information as it may deem necessary or desirable for the protection of the prospective purchasers of such securities. As a minimum, such disclosure shall include the applicant's latest audited annual statement of condition and audited statements of operations for each of its last 3 years. The applicant shall also make available promptly upon request to each purchaser of such securities (including purchasers upon resale) while the securities are outstanding audited annual statements of condition and operations and comparative unaudited quarterly statements of condition

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and operations for the first three quarters. In addition, the Corporation may impose on the applicant such other requirements or conditions with regard to the securities or the issuance thereof as it may deem necessary or desirable for the protection of such purchasers, the applicant, or the Corporation.

(h) *Limitation on offering period.* Following the date of the approval of the application by the Corporation, the institution shall have an offering period of not more than 1 year in which to complete the sale of the subordinated debt securities issued pursuant to this section. The Corporation may in its discretion extend such offering period if a written request showing good cause for such extension is filed with it not later than 30 days before the expiration of such offering period or any previous extension thereof.

(i) *Reports.* Within 30 days after completion of the sale of the subordinated debt securities issued pursuant to this section, the institution shall transmit a written report to the Supervisory Agent stating the number of purchasers, the total dollar amount of securities sold, and the amount of net proceeds received by the institution.

(Secs. 402, 403, Stat. 1256, 1257, as amended; 12 U.S.C. 1725, 1726. Reorg. Plan No. 3 of 1947, 12 FR 4981, 3 CFR, 1943–48 Comp., 1071)

By the Federal Home Loan Bank Board.

[SEAL] JACK CARTER, *Secretary.*

[FR Doc.73-4266 Filed 3-5-73;8:45 am]

Title 14—Aeronautics and Space

CHAPTER II—CIVIL AERONAUTICS BOARD

SUBCHAPTER A—ECONOMIC REGULATIONS

[Reg. ER-791, Amdt. 20]

PART 221—CONSTRUCTION, PUBLICATION, FILING AND POSTING OF TARIFFS OF AIR CARRIERS AND FOREIGN AIR CARRIERS

Information Required To Be Submitted With Tariff Publications

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 28th day of February 1973.

Notice of proposed rule making EDR-226,[1] the Board proposed to amend § 221.165 of the regulations by, among other things, rescinding in part the current exemption of air freight forwarders and international air freight forwarders from the requirement that air carriers submit to the Board with the filing of tariff publications containing tariff changes or new matter related to interstate or overseas air transportation (1) supporting economic data and information and (2) a table of comparisons of proposed rates with current rates. It was proposed to continue the exemption for those forwarders with annual revenues of less than $5,000,000. The other portions of the proposal, which affected direct air carriers as well as freight forwarders and other indirect air carriers, were adopted with minor modifications in ER-760.[2] However, the Board deferred that portion of the proposal dealing specifically with freight forwarders because it was a subject of considerable controversy and the comments thereon raised issues warranting further consideration.

Comments in response to the Notice were filed by the Air Freight Forwarders Association (AFFA); Asiatic Forwarders, Inc., Global Van Lines, Inc., Imperial Household Shipping Co., Inc., and Smyth Worldwide Movers, Inc., jointly (Asiatic, et al.); the Department of Defense (DOD); Emery Air Freight Corp. (Emery); the Flying Tiger Line Inc. (FTL); Jet Air Freight (JAF); Northwest Airlines, Inc. (Northwest); P-I-E Air Freight Forwarding, Inc. (P-I-E); Trans World Airlines, Inc. (TWA); United Air Lines, Inc. (United); and Wings and Wheels Express, Inc. (Wings).

Adoption of the proposed amendment is favored by DOD, FTL, Northwest, TWA, and United. P-I-E supports rescission of the forwarders' current exemption from the requirement of filing the information in question, and Asiatic, et al. take no position on this issue, but both of these comments state that if the amendment is adopted the Board should broaden the coverage of the continuing exemption for smaller forwarders. AFFA, Emery, JAF, and Wings oppose rescission of the exemption,[3] but urge that, if the exemption is rescinded, it should be rescinded for small as well as large forwarders. In addition, FTL would require the filing of economic justification by the smaller forwarders where a proposed tariff would apply to 20 percent or more of the traffic of the forwarder.

The opposition to the proposed amendment rests primarily upon the contention that the Board should not undertake to regulate freight forwarders' rates, since the vigorous and growing competition among forwarders is sufficient to insure that their rates will be just and reasonable, and it would be unfair for the Board to regulate these rates unless the Board is prepared to restrict entry into the forwarding industry. It is also argued that there are valid reasons, including differential pricing in various markets and differences in services offered by different forwarders, for the absence of a consistent relationship between airline rates and forwarder rates and for differences in level and structure among the various forwarders' rates; that forwarder rates on chartered aircraft are not a problem because the Board can control the airlines' charter tariffs; that the Board has overstated the proportion of forwarder participation in the cargo market, but the rule would be ill-advised even if forwarders achieved 100 percent of the market; that the rule would impose the burden of requiring economic research and forecasting to support tariff filings; and that a forwarder may not be able to provide economic justification for its many negotiated rates, although the growth of air freight by diverting surface freight should itself justify the rate sought.

After careful consideration of all comments and supporting materials the Board has decided to adopt the amendment to § 221.165 as proposed. As explained in the notice, this will rescind the exemption of the larger air freight forwarders and international freight forwarders from the requirement that they supply the information and data described in paragraphs (b) and (c) of § 221.165, but would continue the exemption for forwarders whose revenues were below $5 million a year. All forwarders will remain subject to the requirement of § 221.165(a) that they furnish with each tariff filing an explanation of the new or changed matter contained in the tariff publication and the reasons for the filing, including the basis of rate making employed.

Many of the arguments of those forwarders which oppose the rule appear to assume that forwarders are not now subject to regulation. The fact is, of course, that these indirect air carriers may operate only with the authorization of the Board, and that they are not exempt from rate regulation or the tariff requirements of the Act. The rule will not change the operations of the forwarders, but will merely require them to submit with their tariff filings the supporting information needed to facilitate economic analyses by shippers, by direct carriers, and by the Board, all of whom have an interest in the rates being proposed.

With the growth of air cargo generally and freight forwarder participation in particular,[4] it has become increasingly important that the means for intelligent assessment of rate changes be filed with tariff submissions. This is especially true with respect to the rates of the few larger forwarders which account for the largest share of forwarding revenue.[5] Competition among forwarders may not always provide a sufficient protection of shipper interests since many markets are served by only one forwarder and in other markets only one forwarder may offer a particular service desired. The lack of a consistent,

[1] Dated April 20, 1972, Docket 24426, 37 FR 8093.

[2] These amendments of § 221.165 of the Economic Regulations, adopted Sept. 18, 1972, and appearing in 37 FR 19804, require that more complete information be submitted in support of tariff filings and that competing rates be specifically identified where relied upon as the basis for an exception from the requirement for furnishing supporting materials.

[3] Wings would make an exception to require supporting economic data and information where tariffs are filed in connection with forwarder rates related to charter operations.

[4] Whether the extent of forwarder participation is "only" a third of the market, as AFFA would have it, or is as much as 40 percent, as indicated by our review of available data, would not alter our conclusion that the shipping public is to a very substantial extent paying forwarder rates rather than direct air carrier rates.

[5] Seventeen forwarders with revenues of $5 million or more received 89 percent of the forwarding revenues in 1970, according to Asiatic, et al.

direct relationship between forwarder rates and the rates of the direct carriers also renders control over the latter an insufficient protection for persons using forwarder service. Even if the rates varied directly, the filing of supporting data would be needed in any event to verify those cases where a pass-through of a change in direct charges is used to justify a change in forwarder rates. Finally, the Board has experienced a number of complaints by competing direct and indirect carriers against forwarder tariffs, the processing of which has been hampered by the absence of adequate economic justification accompanying the tariff.

While some forwarders have alleged that the rule would impose an undue burden upon them, we cannot find that furnishing the data and information required to support tariff filings would result in any hardship for the larger forwarders. It would appear that the forwarders' own business interests would require them to perform the research and forecasting necessary to estimate the costs of service and the effect of new or changed rates upon their traffic and revenues, even if this information did not have to be supplied to the Board, and surely they would need at least a sample of the rates for the pairs of points between which new or changed tariff matter would apply. The extent to which a negotiated rate might not be economically justified would also appear to be a matter of concern to the forwarder, as well as other interested parties, although the rule does not purport to limit the reasons which may be adduced for a tariff filing, but only sets forth the information and data which are required to be supplied with the filings. It is true that preparing and assembling such material in the form set forth in the rule could require some additional paperwork, but it remains our belief that the benefits to be derived from the supporting data of the larger forwarders outweigh the burden on them of filing this information with the Board.

On the other hand, this additional overhead item assumes a greater importance for the numerous smaller operators, since the opportunities for spreading this administrative time and expense decrease with the size of the business. Further, the benefits to be derived from the imposition of the requirement are much narrower in the case of the smaller forwarders in view of the limited percentage of the service they provide: the businesses with annual forwarder revenues of less than $5 million which compromise over 90 percent of the forwarder companies account for but ten percent of forwarder revenues. For these reasons, the Board adheres to its tentative view, expressed in the notice, that the requirement to furnish economic data and rate comparisons should be limited to those larger forwarders with annual revenues from forwarder operations of $5 million or more. In our judgment, the $5 million figure represents an appropriate cut-off point which balances the benefits of reasonably broad coverage of forwarder traffic against the burden of filing.

We believe that the benefit-burden criteria should be controlling at this time and so will not now adopt Tiger's suggestion to extend § 221.165 (b) and (c) to a forwarder's tariff which applies to 20 percent of its volume, even if annual gross revenues are under $5 million. By the same token, using payments to direct carriers as a measure of forwarder size would relate the exclusion less closely to ability to absorb the burden and, according to its proponent, Asiatic et al., would reduce the number of reporting forwarders from 17 to 11, while P-I-E's suggested cut-off of $30 million in revenues would leave only two forwarders subject to the rule. Asiatic's alternative suggestion of excluding revenues from shipments transported for the military or on government bills of lading would make coverage of the rule depend on the identity of the user of the service, rather than on any burden on the forwarder, and must also be rejected.[6]

AFFA has also contended that forwarder rate standards and guidelines would have to be established before the proposed rule is adopted, and that an evidentiary proceeding to determine the proper role of freight forwarders would also have to precede adoption of the rule. However, the scope of this rule making proceeding is confined to the question whether forwarders should be required to furnish certain material of a nature now filed by other carriers with their tariffs. It would be premature to formulate detailed, precise standards for forwarders while standards which may be used for evaluating tariff filings by direct carriers are in issue in the "Domestic Air Freight Rate Investigation," Docket 22859, yet there is no reason for interested persons and the Board to be deprived of factual information relating to forwarder tariffs pending the further development of standards. Further, the minimal burden the rule would impose on those forwarders which will be charged with supplying that information is hardly a reason for embarking upon an enquiry into the role of forwarders, as proposed by AFFA.

In consideration of the foregoing and of the reasons adduced in the Notice, the Board hereby amends Part 221 of the Economic Regulations (14 CFR Part 221), effective April 5, 1973, by amending § 221.165(d)(1)(iii) to read as follows:

[6] As Asiatic et al. contend, where military aircraft or direct air carriers paid directly by MAC are used as the underlying carriers, the revenues are not considered forwarder revenues. However, where forwarder operations, such as break-bulk or consolidation services, are performed or provided for, and the indirect carrier is responsible for transportation services, the revenues are forwarder revenues even if a government bill of lading is used. We also note that DOD has supported the requirement for justification of forwarder rates and suggested no exceptions.

§ 221.165 Explanation and data supporting tariff changes and new matter in tariff publications.

* * * * * * *

(d) * * *

(1) * * *

(iii) By air freight forwarders or international air freight forwarders, as defined in Parts 296 and 297 of this subchapter, whose revenues from forwarder operations during their most recent fiscal year prior to the filing of the tariff publication were less than $5,000,000, or

* * * * * * *

(Secs. 204(a), 403, Federal Aviation Act of 1958, as amended, 72 Stat. 743, 758; 49 U.S.C. 1324, 1373)

By the Civil Aeronautics Board.

[SEAL] HARRY J. ZINK, *Secretary.*

[FR Doc.73-4252 Filed 3-5-73;8:45 am]

SUBCHAPTER E—ORGANIZATION REGULATIONS

[Reg. OR-69, Amdt. 30]

PART 385—DELEGATIONS AND REVIEW OF ACTION UNDER DELEGATION; NONHEARING

Delegation of Authority to Director, Bureau of Operating Rights, To Reject or Accept Travel Group Charter Filings

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 28th day of February 1973.

Section 372a.22(a) of the Board's Travel Group Charter (TGC) rule (14 CFR 372a.22(a)) provides that the charter organizer and the direct air carrier shall jointly file with the Board's Supplementary Services Division, Bureau of Operating Rights, a TGC option and certain other documents and to wait 15 days after such filing before selling or offering to sell the charter. That section further provides that, if during such 15-day period the charter organizer is notified that the Board has rejected such filing for noncompliance with the part (part 372a) then the may not market the TGC until he has subsequently been notified by the Board that the filing has been accepted. Since the TGC rule was adopted, the Director, Bureau of Operating Rights, has been performing these Board functions, as we intended, but we have not heretofore formally delegated to him the requisite authority. The within amendment to Part 385 of our Organization Regulations reflects our formalization of this delegation of authority.

Since the amendment being adopted herein is a rule of agency organization, the Board finds that notice and public procedure are not required, and the rule may be made effective immediately.

In consideration of the foregoing, the Board hereby amends § 385.13 of the Organization Regulations (14 CFR Part 385), effective February 28, 1973, by adding a new paragraph (ff), the section as amended to read in part as follows:

§ 385.13 Delegation to the Director, Bureau of Operating Rights.

* * * * * * *

(ff) Reject or accept travel group charterfilings made pursuant to § 372.22(a) of Part 372a of this chapter.

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(Sec. 204(a), Federal Aviation Act of 1958, as amended, 72 Stat. 743; 40 U.S.C. 1324. Reorganization Plan No. 3 of 1961, 75 Stat. 837, 26 FR 5989; 40 U.S.C. 1324 (note))

By the Civil Aeronautics Board.

HARRY J. ZINK,
Secretary.

[FR Doc.73-4253 Filed 3-5-73;8:45 am]

Title 16—Commercial Practices

CHAPTER I—FEDERAL TRADE COMMISSION

[Docket No. C-2347]

PART 13—PROHIBITED TRADE PRACTICES

Davis Carpet Mills, Inc. et al.

Subpart—Importing, manufacturing, selling, or transporting flammable wear: § 13.1060 *Importing, manufacturing, selling, or transporting flammable wear.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended, 67 Stat. 111, as amended; 15 U.S.C. 45, 1191) [Cease and desist order, Davis Carpet Mills, Inc. et al., Ellijay, Ga., Docket No. C-2347, Jan. 30, 1973]

In the Matter of Davis Carpet Mills, Inc., a Corporation, Davis Tile Co., Inc., a Corporation, and Ralph T. Davis, Individually and as an Officer of the Said Corporations

Consent order requiring an Ellijay, Ga., seller and manufacturer of carpets and rugs, among other things to cease manufacturing for sale, selling, importing, or distributing any product, fabric, or related material which fails to conform to an applicable standard of flammability or regulation issued under the provisions of the Flammable Fabrics Act, as amended.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondents Davis Tile Co., Inc., a corporation, its successors and assigns, and its officers, Davis Carpet Mills, Inc., a corporation, its successors and assigns, and its officers, and respondent Ralph T. Davis, individually and as an officer of said corporations and respondents' agents, representatives, and employees directly or through any corporation, subsidiary, division, or other device, do forthwith cease and desist from manufacturing for sale, selling, offering for sale, in commerce, or importing into the United States, or introducing, delivering for introduction, transporting or causing to be transported in commerce, or selling or delivering after sale or shipment in commerce, any product, fabric or related material; or manufacturing for sale, selling or offering for sale, any product made of fabric or related material which has been shipped or received in commerce, as "commerce", "product", fabric", and "related material" are defined in the Flammable Fabrics Act, as amended, which product, fabric or related material falls to conform to an applicable standard or regulation continued in effect, issued or amended under the provisions of the aforesaid Act.

It is further ordered, That respondents notify all of their customers who have purchased or to whom have been delivered the products which gave rise to this complaint, of the flammable nature of said products and effect the recall of said products from such customers.

It is further ordered, That the respondents herein either process the products which gave rise to the complaint so as to bring them into conformance with the applicable standard of flammability under the Flammable Fabrics Act, as amended, or destroy said products.

It is further ordered, That the provisions of this order with respect to customer notification, recall and processing or destruction shall be applicable to your products made in style "Princess" carpet tiles in colors "Lilac Pink" and "Orange Flame" as designated in subparagraph 1 of paragraph 2 of the complaint giving rise to this order and any subsequent products made in any style or any color, and determined to be in violation of the Flammable Fabrics Act, as amended, prior to the date of acceptance by the Commission, of the final compliance report.

It is further ordered, That respondents herein shall, within ten (10) days after service upon them of this order, file with the Commission a special report in writing setting forth the respondents' intentions as to compliance with this order. This special report shall also advise the Commission fully and specifically concerning: (1) The identity of the products which gave rise to the complaint, (2) the identity of the purchasers of said products, (3) the amount of said products on hand and in the channels of commerce, (4) any action taken and any further actions proposed to be taken to notify customers of the flammability of said products and effect the recall of said products from customers, and of the results thereof, (5) any disposition of said products since March 7, 1972, and (6) any action taken or proposed to be taken to bring said products into conformance with the applicable standard of flammability under the Flammable Fabrics Act, as amended, or to destroy said products, and the results of such action. Respondents will submit with their report, a complete description of each style of carpet or rug currently in inventory or production. Upon request, respondents will forward to the Commission for testing, a sample of any such carpet or rug.

It is further ordered, That respondents notify the Commission at least 30 days prior to any proposed change in the corporate respondents such as dissolution, assignment, or sale resulting in the emergence of a successor corporation or successor corporations, the creation or dissolution of subsidiaries or any other change in the corporations which may affect compliance obligations arising out of the order.

It is further ordered, That the respondent corporations shall forthwith distribute a copy of this order to each of their operating divisions.

It is further ordered, That the individual respondent named herein promptly notify the Commission of the discontinuance of his present business or employment and of his affiliation with a new business or employment. Such notice shall incude respondent's current business or employment in which he is engaged as well as a description of his duties and responsibilities.

It is further ordered, That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

Issued: January 30, 1973.

By the Commission.

[SEAL] CHARLES A. TOBIN,
Secretary.

[FR Doc.73-4222 Filed 3-5-73;8:45 am]

[Docket No. C-2350]

PART 13—PROHIBITED TRADE PRACTICES

J. C. Penney Company, Inc.

Subpart—Advertising falsely or misleadingly: § 13.170 *Qualities or properties of product or service:* 13.170–40 Fire-extinguishing or fire-resistant. Subpart—Misrepresenting oneself and goods—Goods: § 13.1710 *Qualities or properties.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, J. C. Penney Company, Inc., New York, N.Y., Docket No. C-2359, Feb. 2, 1973]

In the Matter of J. C. Penney Company, Inc., a Corporation

Consent order requiring the nation's second largest retailing organization located in New York City, among other things to cease representing that certain of their merchandise, including mattress pads and covers, sheets, pillow cases, and protectors, are flame-retardant or have been treated with a flame retardant finish.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondent J. C. Penney Company, Inc., a corporation, its successors and assigns and respondent's officers, agents, representatives and employees directly or through any corporation, subsidiary, division, or other device in connection with the advertising, offering for sale, sale and distribution of mattress pads, mattress covers, sheets, pillow cases, and pillow protectors, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from representing directly or indirectly that said products are flame retardant, or have been treated with a flame retardant finish, and from utilizing any words or depictions of similar import or meaning in connection therewith, unless all uncovered or exposed parts (except sewing threads) will retard and resist flame, flare, and smouldering, or have been treated with a finish which will retard and resist flame, flare, and smouldering.

It is further ordered, That in all instances where respondent represents said products to be flame retardant or treated with a flame retardant finish, that warnings be provided in or on the packaging in immediate conjunction with said representations and in type or lettering of equal size and conspicuousness, and on a label affixed to the products securely and with sufficient permanency to remain in a conspicuous, clear, and plainly legible condition, of any danger from flammability which may result if these products be dry cleaned or washed by other than the recommended means or in excess of a stated number of times.

It is further ordered, That respondent make every reasonable effort to immediately notify in writing all of its customers who have purchased or to whom have been delivered the mattress pad which gave rise to this complaint to alert them to the fact that the top, bottom, and skirt portions of such pad had been treated with a flame retardant chemical, but that the binding tape portion, which joins the top of the pad to the skirt portion, may have not in some cases have been so treated; therefore, purchasers should not expect complete protection against all types of flames.

It is further ordered, That respondent notify the Commission at least 30 days prior to any proposed changes in the corporate respondent such as dissolution, assignment, or sale resulting in the emergence of a successor corporation, the creation or dissolution of subsidiaries or any other changes in the corporation which may affect compliance obligations arising out of the order.

It is further ordered, That respondent deliver a copy of this order to cease and desist to all personnel of respondent responsible for the preparation, creation, production, or publication of advertising, packaging, or labeling of all products covered by this order.

It is further ordered, That respondent herein shall, within sixty (60) days after service upon it of this order, file with the Commission a report, in writing, setting forth in detail the manner and form in which they have complied with this order.

Issued: February 2, 1973.

By the Commission.

[SEAL] VIRGINIA M. HARDING,
Acting Secretary.

[FR Doc.73-4225 Filed 3-5-73;8:45 am]

[Docket No. C-2348]

PART 13—PROHIBITED TRADE PRACTICES

K & J Carpets et al.

Subpart—Importing, manufacturing, selling, or transporting flammable wear, § 13.1060 Importing, manufacturing, selling, or transporting flammable wear.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended, 67 Stat. 111, as amended; 15 U.S.C. 45, 1191) [Cease and desist order, K & J Carpets et al., Dalton, Ga., Docket No. C-2348, Jan. 30, 1973]

In the Matter of K & J Carpets, a Partnership, and James A. Kittle and Dennis L. Jackson, Individually and as Copartners Trading as K & J Carpets

Consent order requiring a Dalton, Ga., manufacturer and seller of carpets and rugs, among other things to cease manufacturing for sale, selling, importing, or distributing any product, fabric, or related material which fails to conform to an applicable standard of flammability or regulation issued under the provisions of the Flammable Fabrics Act, as amended.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondents K & J Carpets, a partnership, and James A Kittle and Dennis L. Jackson, individually and as copartners trading and doing business as K & J Carpets, or under any other name or names, their successors and assigns, and respondents' representatives, agents, and employees, directly or through any corporation, subsidiary, division, or other device, do forthwith cease and desist from manufacturing for sale, selling, offering for sale, in commerce, or importing into the United States, or introducing, delivering for introduction, transporting or causing to be transported in commerce, or selling or delivering after sale or shipment in commerce, any product, fabric, or related material; or manufacturing for sale, selling, or offering for sale, any product made of fabric, or related material which has been shipped or received in commerce as "commerce," "product," "fabric," and "related material" are defined in the Flammable Fabrics Act, as amended, which product, fabric, or related material falls to conform to an applicable standard or regulation continued in effect, issued, or amended under the provisions of the aforesaid Act.

It is further ordered, That respondents notify all of their customers who have purchased or to whom have been delivered the products which gave rise to this complaint, of the flammable nature of said products from such customers.

It is further ordered, That the respondents herein either process the products which gave rise to the complaint so as to bring them into conformance with the applicable standard of flammability under the Flammable Fabrics Act, as amended, or destroy said products.

It is further ordered, That respondents herein shall, within ten (10) days after service upon them of this order, file with the Commission a special report in writing setting forth the respondents' intentions as to compliance with this order. This special report shall also advise the Commission fully and specifically concerning (1) the identity of the products which gave rise to the complaint, (2) the identity of the purchasers of said products, (3) the amount of said products on hand and in the channels of commerce, (4) any action taken and any further actions proposed to be taken to notify customers of the flammability of said products and effect the recall of said products from customers, and the results thereof, (5) any disposition of said products since August 31, 1972, and (6) any action taken or proposed to be taken to bring said products into conformance with the applicable standard of flammability under the Flammable Fabrics Act, as amended, or to destroy said products, and the results of such action. Respondents will submit, with their report, a complete description of each style of carpet or rug currently in inventory or production. Upon request, respondents will forward to the Commission for testing a sample of any such carpet or rug.

It is further ordered, That the individual respondents named herein promptly notify the Commission of the discontinuance of their present business or employment and of their affiliation with a new business or employment. Such notice shall include individual respondents' current business or employment in which they are engaged as well as a description of their duties and responsibilities.

It is further ordered, That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

Issued: January 30, 1973.

By the Commission.

[SEAL] CHARLES A. TOBIN,
Secretary.

[FR Doc.73-4224 Filed 3-5-73;8:45 am]

[Docket No. C-2349]

PART 13—PROHIBITED TRADE PRACTICES

Michael Yaccarino and Reno's Auto Sales

Subpart—Advertising falsely or misleadingly: § 13.73 *Formal regulatory and statutory requirements:* 13.73–92 Truth in Lending Act; § 13.155 *Prices:* 13.155–95 Terms and conditions; 13.155–95(a) Truth in Lending Act. Subpart—Misrepresenting oneself and goods—Goods: § 13.1623 *Formal regulatory and statutory requirements:* 13.1623–95 Truth in Lending Act;—Prices: § 13.1823 *Terms and conditions;* 13.1823–20 Truth in Lending Act. Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1852 *Formal regulatory and statutory requirements;* 13.1852–75 Truth in Lending Act; § 13.1905 *Terms and conditions;* 13.1905–50 Sales contract; 13.1905–60 Truth in Lending Act.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended, 82 Stat. 146, 147; 15 U.S.C. 45, 1601–1605) [Cease and desist order, Michael Yaccarino t/a Reno's Auto Sales, Neptune, N.J., Docket No. C-2349, Feb. 1, 1973]

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In the Matter of Michael Yaccarino, an Individual Doing Business as Reno's Auto Sales

Consent order requiring a Neptune, N.J., seller and distributor of used automobiles, among other things to cease violating the Truth in Lending Act by failing to disclose to consumers, in connection with the extension of consumer credit, such information as required by Regulation Z of the said Act. Respondent is further required to provide his customers who speak and read only Spanish with contracts and credit cost disclosures printed in Spanish.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

I. *It is ordered,* That respondent Michael Yaccarino, an individual doing business as Reno's Auto Sales, and respondent's agents, representatives, employees, successors, and assigns, directly or through any corporate or other device or under any other name in connection with any consumer credit sale, as "consumer credit" and "credit sale" are defined in Regulation Z (12 CFR Part 226) of the Truth in Lending Act (Public Law 90–321, 15 U.S.C. 1601 et seq.) do forthwith cease and desist from:

1. Failing to use the term "cash downpayment" to describe the downpayment in money made in connection with the credit sale, as required by § 226.8(c)(2) of Regulation Z.

2. Failing to use the term "unpaid balance of cash price" to describe the difference between the cash price and the total downpayment as required by § 226.8(c)(3) of Regulation Z.

3. Failing to use the term "amount financed" to describe the amount of credit extended as required by § 226.8(c)(7) of Regulation Z.

4. Failing in some instances to use the term "finance charge" to describe the sum of all charges required by § 226.4 of Regulation Z to be included therein, as required by § 226.8(c)(8)(i) of Regulation Z.

5. Failing to disclose the sum of the cash price, all charges which are included in the amount financed but which are not part of the finance charge, and failing in some instances to describe that sum as the "deferred payment price," as required by § 226.8(c)(8)(ii) of Regulation Z.

6. Failing in some instances to use the term "annual percentage rate" to express the rate of finance charge as required by § 226.8(b)(2) of Regulation Z.

7. Failing to disclose the annual percentage rate computed in accordance with § 226.8(b)(2) of Regulation Z.

8. Failing to use the term "total of payments" to describe the sum of the payments scheduled to repay the indebtedness as required by § 226.8(b)(3) of Regulation Z.

9. Failing to identify the method of computing any unearned portion of the finance charge in the event of prepayment of the obligation, as required by § 226.8(b)(7) of Regulation Z.

10. Failing to make full disclosure before the transaction is consummated and to furnish the customers with a duplicate of the instrument or a statement by which the required disclosures are made, as required by § 226.8(a) of Regulation Z.

11. Failing to print the term "finance charge" more conspicuously than other terminology where such term is required to be used, as required by § 226.6(a) of Regulation Z.

12. Failing to: (a) Obtain a specific dated and separately signed affirmative written indication of the customer's desire for credit life insurance to be written in connection with its credit sale, and (b) disclose the cost of such insurance to the customer in the insurance authorization signed by the customer, as required by § 226.4(a)(5) of Regulation Z.

13. Failing to furnish a clear, conspicuous, and specific statement in writing setting forth: (a) The cost of insurance against loss or damage to the property purchased which is written in connection with the credit transaction, and (b) the privilege of the customer to choose the person through whom the insurance is to be obtained, as required by § 226.4(a)(6) of Regulation Z.

14. Failing to properly identify the creditor as required by § 226.8(a) of Regulation Z.

15. Failing to comply with § 226.6(k) of Regulation Z by continuing to use printed retail in stallment contract forms subsequent to December 31, 1969, which did not conform to the specific disclosure requirements of Regulation Z.

16. Failing, in any consumer credit transaction or advertisement, to make all disclosures determined in accordance with §§ 226.4 and 226.5 of Regulation Z, in the manner, form, and amount required by §§ 226.6, 226.7, 226.8, 226.9, and 226.10 of Regulation Z.

It is further ordered, That respondent prominently displayed no less than two signs on the premises which will clearly and conspicuously state that a customer must receive a complete copy of the consumer credit cost disclosures, as required by the Truth In Lending Act, in any transaction consummated.

ORDER

II. *It is further ordered,* That respondent, Michael Yaccarino, an individual doing business as Reno's Auto Sales, and respondent's agents, representatives and employees, and their successors and assigns, directly or through any corporate or other device or under any other name or names, in connection with the advertising, offering for sale, sale and distribution of used automobiles in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from failing to provide customers who speak and read only Spanish with contracts and credit cost disclosures printed in Spanish.

It is further ordered, That respondent deliver a copy of this order to cease and desist to all present and future personnel of respondent engaged in the consummation of any extension of consumer credit or in any aspect of preparation, creation, or placing of advertising, and that respondent secures a signed statement acknowledging receipt of said order from each such person.

It is further ordered, That the individual respondent named herein promptly notify the Commission of the discontinuance of his present business or employment and of his affiliation with a new business or employment. Such notice shall include respondent's current business or employment in which he is engaged as well as a description of his duties and responsibilities.

It is further ordered, That respondents notify the Commission at least 30 days prior to any proposed change in the corporate respondent such as dissolution, assignment, or sale resulting in the emergence of a successor corporation, the creation or dissolution of subsidiaries or any other change in the corporation which may affect compliance obligations arising out of the order.

It is further ordered, That respondent shall, within sixty (60) days after service upon him of this order, file with the Commission a report in writing, setting forth in detail the manner and form in which he has complied with this order.

Issued: February 1, 1973.

By the Commission.

[SEAL] CHARLES A. TOBIN, *Secretary.*

[FR Doc.73–4223 Filed 3–5–73;8:45 am]

Title 17—Commodity and Securities Exchanges

CHAPTER II—SECURITIES AND EXCHANGE COMMISSION

[Release Nos. 33–5373, 34–10006, 35–17882, 40–7673, AS–141]

PART 210—FORM AND CONTENT OF FINANCIAL STATEMENTS, SECURITIES ACT OF 1933, SECURITIES EXCHANGE ACT OF 1934, PUBLIC UTILITY HOLDING COMPANY ACT OF 1935, AND INVESTMENT COMPANY ACT OF 1940

Interpretations and Minor Amendments Applicable to Certain Revisions of Regulation S–X

The Commission adopted amendments to Regulation S–X (17 CFR Part 210) in Accounting Series Release Nos. 125 (June 23, 1972) (37 FR 14591) and 128 (September 20, 1972) (37 FR 20235) in which various sections of the regulation were extensively revised. The amendments were made effective with respect to financial statements for periods ending on or after December 31, 1972.[1]

Subsequent to the issuance of the releases a number of inquiries have been received by the staff regarding the meaning or interpretation of new terms, instructions or rules in the revised regulations. Interpretations of such items on the basis of the questions raised are given in Part A of this release. In Part B, a number of minor amendments have been adopted to correct errors of a typographical or editorial nature which have been noted or to clarify certain items.

[1] The effective date of the requirement for compensating balance disclosure was deferred to cover periods beginning on or after Dec. 30, 1972 (Accounting Series Release No. 136) (38 FR 1733).

PART A—INTERPRETATIONS

General. Financial statements, notes and schedules filed for fiscal periods ending before December 31, 1972, the effective date specified in Accounting Series Release Nos. 125 and 128, need not, but may if a registrant prefers, be conformed to the amendments to Regulation S–X adopted in those releases.

In instances where, because of the new test for a significant subsidiary, the separate financial statements of additional subsidiaries are required in filings which had not been required in prior filings on the basis of the old tests of significance, the requirements in the filing forms for audited financial statements of such subsidiaries for earlier periods will be applicable. However, a request for waiver of the audit requirement for the financial statements for the earlier periods will be considered if such requirement is impracticable or would cause undue hardship.

Section 210.1–02.—Definitions of terms used in regulation S–X. In making the tests for significance called for in the definition of "significant subsidiary" in this rule the proportionate share of the assets or sales of the subsidiary after intercompany eliminations would be compared to the consolidated assets or sales after normal intercompany eliminations but without elimination of the investments and advances to subsidiaries and 50 percent or less owned persons. With respect to application of the test to unconsolidated subsidiaries or other persons who also have equity interests in other subsidiaries or other persons, the proportionate share of the assets (in lieu of the investment and advances) or of sales of such other subsidiary or other persons should not be added to the assets or sales of the unconsolidated subsidiary or 50 percent or less owned person for the purpose of this test.

Section 210.3–16(i).—Commitments and contingent liabilities. The disclosure regarding noncancelable leases specified in part (2) of this rule may be limited to such leases which have a noncancelable term of 1 year or longer.

Section 210.3–16 (j) and (n). The term "key employees" used in those rules is interpreted in the sense of "selected employees" or the employees to which a bonus plan or plan for the sale of stock is applicable when such plan is not available to all employees on a pro rata basis.

Section 210.3–16(o).—Income tax expense. With regard to the separate disclosure of other income taxes specified in this rule, state and foreign income taxes should be reported separately if either item amounts to 5 percent of the component.

Section 210.4–03.—Group financial statements of subsidiaries not consolidated and 50 percent or less owned persons. Under this rule, significant majority-owned unconsolidated subsidiaries may not be combined with 50 percent or less owned persons and significant 50 percent or less owned persons may not be combined with majority-owned unconsolidated subsidiaries. However, if all such persons are not significant individually or as a group, they may be combined in one statement.

Section 210.4–07.—Consolidation of financial statements of a registrant and its subsidiaries engaged in diverse financial activities. With regard to the separate audited financial statements for each significant financial subsidiary or each significant group of financial subsidiaries required under part (a) of this rule, different types of insurance companies (e.g., life; fire, and casualty) may not be considered together as one group of financial subsidiaries.

With regard to whether specific subsidiaries are financial or nonfinancial activities for purposes of part (b) of this rule, the circumstances in each case would have to be considered. For example, it is considered that a leasing subsidiary with both financing and nonfinancing types of leases is a financial activity; an investment banking subsidiary or a broker-dealer subsidiary is a financial activity; and a real estate subsidiary whose primary business is holding mortgage loans would be considered a financial activity, while such subsidiary whose primary business is constructing homes or developing land would be a nonfinancial activity. Other examples of nonfinancial activities are subsidiaries which sell mutual fund securities or are advisers to mutual funds or to real estate companies which are not related to the parent or its subsidiaries.

In the determination of whether an activity is principally for the benefit of the operations of the major group as specified in part (b) of this rule, if 50 percent or more of the activity benefits or supports the major group all of the activity would be so classified.

Section 210.5–02–6.—Inventories. In the determination of replacement or current cost for the purpose of disclosing the excess of that amount over the stated LIFO value, any inventory method may be used (such as FIFO or average cost) which derives a figure approximately current cost.

Section 210.5–02–39—Other stockholders' equity. In providing the disclosure regarding the undistributed earnings of unconsolidated subsidiaries and 50 percent or less owned persons as specified in part (b) of this rule, the amount to be disclosed would be the difference between the cumulative equity in earnings of the unconsolidated persons reflected in consolidated retained earnings and the cumulative dividends received from such persons by the consolidated group. Dividends paid to shareholders of the consolidated group should not be considered in the calculation since they are not relevant to the undistributed earnings of such persons.

Section 210.9–05—Financial statements and schedules of banks.—When Schedule VIII, specified in part (b)(4) of this rule, is filed with the consolidated financial statements of a registrant bank holding company, the directors, officers, and principal holders of equity securities of the registrant and its affiliates shall be considered as persons in those relationships with the registrant bank holding company and each bank and other affiliate, and the amounts to be reported shall be aggregate indebtedness of each of those persons to all companies in the consolidated group. Write-offs of any such indebtedness during the period being reported on shall be separately disclosed. Information need not be reported concerning indebtedness to the consolidated group from an otherwise unaffiliated person in which one or more of the persons in the categories specified above are directors, officers or principal holders of equity securities of the otherwise unaffiliated persons or its affiliates.

In connection with unconsolidated financial statements of a parent bank holding company, the schedule requirements of Rule 5–04 (17 CFR 210.5–04) are applicable and the schedule prescribed by Rule 12–03 (17 CFR 210.12–03) shall be filed.

Section 210.12–16—Supplementary income statement information. The totals shown in this schedule should be the amounts described by each caption which are included in the income statement for the period covered.

The rents applicable to leased personal property to be included under Item 5 of Rule 12–16 (17 CFR 210.12–16), in accordance with Instruction 4, would be rents for personal property which is used for an extended period of time (generally more than 1 year) and which the company elects to rent or lease rather than to buy such as postage meters, computers, and trucks. The expected period of use of the asset rather than the legal term of the lease should govern. Temporary rentals such as a daily car rental or the rental of display space at a convention would be excluded.

Instruction 5 explaining "Advertising Costs" calls for the inclusion of "all costs related to advertising the company's name, products, or services in newspapers, periodicals, or other advertising media." Such costs would include the indirect costs expended in support of advertising such as the cost of an advertising department, a market research group which specializes in evaluation of advertising and promotional efforts (but not all market research), a media buying department, or a graphic arts department that specializes in the preparation of advertising copy, as well as the direct costs of advertising space. In addition, the cost of "other advertising media" would generally include expenditures for preparing and mailing sales brochures and direct mail advertising materials. In cases where a company or division is primarily in the mail-order business, however, the costs of preparing a catalog would be a selling cost similar to that of a salesman in most industrial concerns,

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and such catalog costs should not be included in "advertising costs." The cost of employing salesmen, preparing product display signs, printing price list, and standard product catalogs, and reports to stockholders should also not be considered advertising costs for purposes of this rule.

It is recognized that the distinction between advertising costs and other selling expenses is frequently not clear cut. Where the guidance set forth herein is not sufficient to enable the registrant to determine the appropriateness of including or excluding certain classifications of significant costs, disclosure of the type of costs included or excluded from the caption will be a satisfactory solution.

Under Item 8, research and development costs, all costs charged to expense as incurred in the current period for the benefit of the company in these account classifications should be reported. These would include company sponsored projects of pure and practical research as well as the development of new products or services or new or better production machinery and equipment and for the improvement of existing products and services. The amortization of deferred research and development costs should not be included herein since this amount is described in Item 3 of the schedule.

PART B—CORRECTIONS, CLARIFICATIONS, AND EDITORIAL CHANGES

Commission action. The Commission hereby amends the following sections of Part 210 of Chapter II of Title 17 of the Code of Federal Regulations, and, as so amended, they shall read as shown in the attached text of the amendments.

The amendments to Regulation S–X are adopted pursuant to authority conferred on the Securities and Exchange Commission by the Securities Act of 1933, particularly sections 6, 7, 8, 10, and 19(a) thereof; the Securities Exchange Act of 1934, particularly sections 12, 13, 15(d), and 23(a) thereof; the Public Utility Holding Company Act of 1935, particularly sections 5(b), 14, and 20(a) thereof; and the Investment Company Act of 1940, particularly sections 8, 30, 31(c), and 38(a) thereof.

(Secs. 6, 7, 8, 10, 19(a), 48 Stat. 78, 79, 81, 85, secs. 205, 209, 48 Stat. 906, 908, sec. 8, 68 Stat. 685, 15 U.S.C. 77f, 77g, 77h, 77j, 77s; secs. 12, 13, 15(d), 23(a), 48 Stat. 892, 894, 895, 901, secs. 3, 8, 49 Stat. 1377, 1379, secs. 3, 4, 6, 10, 78 Stat. 565, 569, 570, 580, secs. 1, 2, 84 Stat. 1497, 15 U.S.C. 78l, 78m, 78o(d), 78w; secs. 5(b), 14, 20(a), 49 Stat. 812, 827, 833, 15 U.S.C. 79e, 79n, 79t; secs. 8, 30, 31(c), 38(a), 54 Stat. 803, 836, 838, 841, sec. 3(c), 84 Stat. 1415, 15 U.S.C. 80a–8, 80a–29, 80a–30(c), 80a–37(a))

The text of the amendments is attached to this release.

By the Commission.

[SEAL] RONALD F. HUNT, *Secretary.*

FEBRUARY 15, 1973.

AMENDMENTS OF REGULATION S–X [PART 210 OF THIS CHAPTER]

1. Section 210.1–02(g)(2) is amended to read as follows:

§ 210.1–02 Definitions of terms used in Regulation S–X (Part 210 of this chapter).

* * * * *

(q) *Promoter.* The term "promoter" includes—

* * * * *

(2) Any person who, in connection with the founding and organizing of the business or enterprise of an issuer, directly or indirectly receives in consideration of services or property, or both services and property, 10 percent or more of any class of securities of the issuer or 10 percent or more of the proceeds from the sale of any class of securities. However, a person who receives such securities or proceeds either solely as underwriting commissions or solely in consideration of property shall not be deemed a promoter within the meaning of this paragraph if such person does not otherwise take part in founding and organizing the enterprise.

* * * * *

2. Sections 210.3–15 is amended to read as follows:

§ 210.3–15 Discount on capital shares.

Discount on capital shares, or any unamortized balance thereof, shall be shown separately as a deduction from capital shares or from other stockholders' equity as circumstances require.

3. Paragraph 23 of § 210.5–02 is amended to read as follows:

§ 210.5–02 Balance sheets.

* * * * *

23. Deferred commissions and expense on capital shares. State, in a note referred to herein, the policy for deferral and amortization. These items may be shown as deductions from other stockholders' equity.

* * * * *

4. Paragraph (a)(1) and Schedule X of § 210.5–04 are amended to read as follows:

§ 210.5–04 What schedules are to be filed.

(a) * * *

(1) The schedules specified below in this section as Schedules I, IX, XI, XIII, XIV, XV, XVII, XVIII, and XIX shall be filed as of the dates of the most recent audited balance sheet and any subsequent unaudited balance sheet being filed for each person or group: *Provided,* That any such schedule (other than Schedules I, XIII, XVII, XVIII, and XIX) may be omitted if both of the following conditions exist:

* * * * *

Schedule X—Indebtedness to affiliates and other persons; not current. The schedule prescribed by § 210.12–11 shall be filed in support of Caption 31 of each balance sheet; however, the required information may be presented separately on Schedule III or Schedule IV. This schedule may be omitted if: (1) Neither the sum of Captions 10 and 11 in the related balance sheet nor the amount of Caption 31 in such balance sheet exceeds 5 percent of total assets as shown by the related balance sheet at either the beginning or end of the period, or (2) there have been no material changes in the information required to be filed from that last previously reported.

* * * * *

5. Paragraph (b)(4) of § 210.9–05 is amended to read as follows:

§ 210.9–05 Financial statements and schedules of banks.

* * * * *

(b) * * *

(4) *Schedule VIII.* Amounts receivable from directors, officers, and principal holders (other than affiliates) of equity securities of the person and its affiliates. A schedule in the format prescribed by § 210.12–03 shall be filed showing the aggregate amounts of indebtedness of more than $20,000 or 1 percent of total assets, whichever is less, of each director, officer, or principal holder (other than affiliates) of equity securities of the person and its affiliates that are receivable or were receivable at any time during the period for which related income statements are required to be filed. It shall not be necessary to disclose a loan or extension of credit to any person made in the ordinary course of business that (i) was made on substantially the same terms, including interest rates and collateral, as those prevailing at the time for comparable transactions with other persons, and (ii) did not involve more than normal risk of collectibility or present other unfavorable features. Notwithstanding the foregoing, disclosure shall be made if at any time during the period for which related income statements are required to be filed there existed—

* * * * *

6. Sections 210.12–02, 210.12–04, 210.12–06, 210.12–16, 210.12–42, and 210.12–43 are revised to read as follows.

§ 210.12–02 Marketable securities—other security investments.

Column A	Column B	Column C	Column D[1]
Name of issuer and title of each issue.[1]	Number of shares or units—principal amount of bonds and notes.	Amount at which shown in the balance sheet.[2]	Value based on market quotations at balance sheet date.

[1] (a) Each issue shall be stated separately, except that reasonable groupings, without enumeration, may be made of (1) securities issued or guaranteed by municipalities, states, the U.S. Government or agencies thereof and (2) securities issued by others for which the amounts shown in column C in the aggregate are not more than 2 percent of total assets.

(b) In the case of bank holding companies group separately (1) securities of banks and (2) other securities, and in column C show totals for each group.

[2] State the basis of determining the amounts in column C. Column C shall be totaled to correspond to the respective balance sheet captions.

[3] This column may be omitted if all amounts that would be shown are the same as those shown in column C.

§ 210.12–04 Investments in, equity in earnings of, and dividends received from affiliates and other persons.

Column A	Column B		Column C		Column D		Column E		Column F
	Balance at beginning of period		Additions		Deductions		Balance at end of period		
	(1)	(2)	(1)	(2)	(1)	(2)	(1)	(2)	
Name of issuer and description of investment[1]	Number of shares or units.[3] Principal amount of bonds and notes	Amount in dollars.	Equity taken up in earnings (losses) of affiliates and other persons for the period[5]	Other[4]	Distribution of earnings by persons in which earnings (losses) were taken up[4]	Other[6]	Number of shares or units.[3] Principal amount of bonds and notes	Amount in dollars[7]	Dividends received during the period from investments not accounted for by the equity method[8]

[1] (a) Group separately securities of (1) subsidiaries consolidated, (2) subsidiaries not consolidated, (3) other affiliates, and (4) other persons, the investments in which are accounted for by the equity method, showing shares and bonds separately in each case. Investments in individual affiliates which, when considered with related advances, exceed 2 percent of total assets shall be stated separately. Dividends from (1) marketable securities and (2) other security investments shall also be included and may be shown in separate aggregate amounts.

(b) Those foreign investments, the enumeration of which would be detrimental to the registrant, may be grouped.

[2] Disclose, in the column or in a note hereto, the percentage of ownership interest represented by the shares or units, if material.

[3] The total of column C(i) shall be reconciled with the amount of the related income statement caption.

[4] Briefly describe each item in column C(2); if the cost thereof represents other than a cash expenditure, explain. If acquired from an affiliate (and not an original issue of that affiliate) at other than cost to the affiliate, show such cost, provided the acquisition by the affiliate was within 2 years prior to the acquisition by the person for which the statement is filed.

[5] As to any dividends other than cash, state the basis on which they have been taken up in the accounts, and the justification for such action. If any such dividends received from affiliates have been credited in the accounts in an amount differing from that charged to retained earnings by the disbursing company, state the amount of such difference and explain.

[6] Briefly describe each item in column D(2) and state: (a) Cost of items sold and how determined; (b) amount received (if other than cash, explain); and (c) disposition of resulting profit or loss.

[7] The total (or a sub-total) of column E(2) shall be reconciled with the amount reported under caption 10 of the related balance sheet.

§ 210.12–06 Property, plant and equipment.[1]

Column A	Column B	Column C	Column D	Column E	Column F
Classification[2]	Balance at beginning of period[3]	Additions at cost[4]	Retirements[5]	Other changes—add (deduct)—describe[6]	Balance at end of period

[1] Comment briefly on any significant and unusual additions, abandonments, of retirements, or any significant and unusual changes in the general character and location, of principal plants and other important units, which may have occurred within the period.

[2] (a) Show by major classifications, such as land, buildings, machinery, and equipment, leaseholds, or functional grouping. If such classification is not present or practicable, this may be stated in one amount. The additions included in column C shall, however, be segregated in accordance with an appropriate classification. If property, plant and equipment abandoned is carried at other than a nominal amount indicate. If practicable, the amount thereof and state the reasons for such treatment. Items of minor importance may be included under a miscellaneous caption.

(b) *Public utility companies.* A public utility company shall, to the extent practicable, classify utility plant by the type of service rendered (such as electric, gas, transportation and water) and shall state separately under each of such service classifications the major subclassifications of utility plant accounts.

(c) *Mining companies using §§ 210.5a–01 to 210.5a–07.* Such mining companies shall include herein only depreciable mine property, plant and equipment at dollar amounts required by the instructions set forth under caption 13, property, plant and equipment of §§ 210.5a–01 to 210.5a–07. A mining company falling into this category shall also, to the extent practicable, observe the other instructions set forth under this rule.

[3] If neither the total additions nor total deductions during any of the periods covered by the schedules amount to more than 10 percent of the ending balance of that period and a statement to that effect is made, the information required by columns B, C, D, and E may be omitted for that period, provided that the totals of columns C and D are given in a note hereto and provided further than any information required by instructions 4, 5, and 6 shall be given and may be in summary form.

[4] For each change in accounts in column C that represents anything other than an addition from acquisition, and for each change in that column that is in excess of 2 percent of total assets, at either the beginning or end of the period, state clearly the nature of the change and the other accounts affected. If cost of property additions represents other than cash expenditures, explain. If acquired from an affiliate at other than cost to the affiliate, show such cost, provided the acquisition by the affiliate was within 2 years prior to the acquisition by the person for which the statement is filed.

[5] If changes in column D are stated at other than cost, explain if practicable.

[6] State clearly the nature of the changes and the other accounts affected. If provision for depreciation, depletion and amortization of property, plant and equipment is credited in the books directly to the asset accounts, the amounts shall be stated in column E with explanations, including the accounts to which charged.

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§ 210.12–16 Supplementary income and statement information.[1]

Column A	Column B[2]
Item	Charged to costs and expenses
1. Maintenance and repairs	
2. Depreciation, depletion and amortization of property, plant and equipment	
3. Depreciation and amortization of intangible assets, deferred research and development expense, preoperating costs and similar deferrals [3]	
4. Taxes, other than income taxes [4]	
5. Rents [5]	
6. Royalties	
7. Advertising costs [6]	
8. Research and development costs (excluding amortization of deferred costs	

[1] State, for each of the items noted in column A which exceeds 1 percent of total sales and revenues as reported in the related income statement, the amount called for in column B.

[2] Totals may be stated in column B without further designation of the accounts to which charged.

[3] State separately each category of tax which exceeds 1 percent of total sales and revenues.

[4] Include rents applicable to leased personal property.

[5] This item shall include all costs related to advertising the company's name, products or services in newspapers; periodicals or other advertising media.

[6] State separately each category of cost amortized.

§ 210.12–42 Real estate and accumulated depreciation.[1]

(For Certain Real Estate Companies)

Column A	Column B	Column C	Column D	Column E			Column F	Column G	Column H	Column I
		Initial cost to company		Cost capitalized subsequent to acquisition	Gross amount at which carried at close of period [2,3,4,7]					
Description [3]	Encumbrances	Land	Buildings and improvements	Improvements	Land	Buildings and improvements	Total	Accumulated depreciation	Date of construction	Date acquired	Life on which depreciation in latest income statements is computed

[1] All money columns shall be totaled.

[2] The description for each property should include type of property (e.g., unimproved land, shopping center, garden apartments, etc.) and the geographical location.

[3] The required information is to be given as to each individual investment included in column E except that an amount not exceeding 5 percent of the total of column E may be listed in one amount as "miscellaneous investments."

[4] In a note to this schedule, furnish a reconciliation, in the following form, of the total amount at which real estate was carried at the beginning of each period for which income statements are required, with the total amount shown in column E:

Balance at beginning of period ..... $.....
Additions during period:
Acquisitions through foreclosure ..... $.....
Other acquisitions .....
Improvements, etc. .....
Other (describe) .....
..... $.....

Deductions during period:
Cost of real estate sold ..... $.....
Other (describe) .....
..... $.....
Balance at close of period ..... $.....

If additions, except acquisitions through foreclosure, represent other than cash expenditures, explain. If any of the changes during the period result from transactions, directly or indirectly with affiliates, explain the bases of such transactions and state the amounts involved.

[5] A similar reconciliation shall be furnished for the accumulated depreciation.

[6] If any item of real estate investments has been written down or reserved against, describe the item and explain the basis for the write-down or reserve.

[7] State in a note to column E the aggregate cost for Federal income tax purposes.

[8] The amount of all intercompany profits included in the total of column E shall be stated if material.

§ 210.12–43 Mortgage loans on real estate.[1]

(For Certain Real Estate Companies)

Column A	Column B	Column C	Column D	Column E	Column F	Column G	Column H
Description [2,3,4]	Interest rate	Final maturity date	Periodic Payment Terms [5]	Prior liens	Face amount of mortgages	Carrying amount of mortgages [3,6,7,8,9]	Principal amount of loans subject to delinquent principal or interest [10]

[1] All money columns shall be totaled.

[2] The required information is to be given for each individual mortgage loan which exceeds three percent of the total of column G.

[3] If the portfolio includes large numbers of mortgages most of which are less than three percent of column G, the mortgages not required to be reported separately should be grouped by classifications that will indicate the dispersion of the portfolio, i.e., for a portfolio of mortgages on single family residential housing. The description should also include number of loans by original loan amounts (e.g., over $100,000, $50,000–$99,999, $20,000–$49,000, under $20,000) and type loan (e.g., VA, FHA, Conventional). Interest rates and maturity dates may be stated in terms of ranges. Data required by columns D, E and F may be omitted for mortgages not required to be reported individually.

[4] Loans should be grouped by categories, e.g., first mortgage, second mortgage, construction loans, etc., and for each loan the type of property, e.g., shopping center, high rise apartments, etc., and its geographic location should be stated.

[5] State whether principal and interest is payable at level amount over life to maturity or at varying amounts over life to maturity. State amount of balloon payment at maturity, if any. Also state prepayment penalty terms, if any.

[6] In a note to this schedule, furnish a reconciliation, in the following form, of the carrying amount of mortgage loans at the beginning of each period for which income statements are required, with the total amount shown in column G:

Balance at beginning of period ..... $.....
Additions during period:
New mortgage loans ..... $.....
Other (describe) .....
..... $.....

Deductions during period:
Collections of principal ..... $.....
Foreclosures .....
Cost of mortgages sold .....
Amortization of premium .....
Other (describe) .....
..... $.....
Balance at close of period ..... $.....

If additions represent other than cash expenditures, explain. If any of the changes during the period result from transactions, directly or indirectly with affiliates, explain the bases of such transactions, and state the amounts involved. State the aggregate mortgages (a) renewed and (b) extended. If the carrying amount of new mortgages is in excess of the unpaid amount of the extended mortgages, explain.

[7] If any item of mortgage loans on real estate investments has been written down or reserved against, describe the item and explain the basis for the write-down or reserve.

[8] State in a note to column G the aggregate cost for Federal income tax purposes.

[9] The amount of all intercompany profits in the total of column G shall be stated, if material.

[10] (a) Interest in arrears for less than 3 months may be disregarded in computing the total amount of principal subject to delinquent interest.

(b) Of the total principal amount, state the amount acquired from controlled and other affiliates.

[FR Doc.73–4063 Filed 3–5–73;8:45 am]

Title 19—Customs Bureau

CHAPTER I—BUREAU OF CUSTOMS, DEPARTMENT OF THE TREASURY

[T.D. 73–64]

PART 1—GENERAL PROVISIONS

Designation of National Holidays

Executive Order No. 11582, effective January 1, 1971 (34 FR 2957; 3 CFR Ch. II), implemented 5 U.S.C. 6103 which increases the number of national holidays from eight to nine and restated the dates for their celebration. The cited Executive order revoked Executive Orders No. 10358 of June 9, 1952, No. 11226 of May 27, 1965, and No. 11272 of February 23, 1966.

Accordingly, to conform the Customs regulations to Executive Order No. 11582, footnote 10 of § 1.7(a), is amended to read as follows:

§ 1.7 Hours of business.

(a) * * * [10]

(E.O. No. 11582, January 1, 1971; 34 FR 2957; 3 CFR Ch. II; R.S. 251, as amended, sec. 624, 46 Stat. 759; 5 U.S.C. 301; 19 U.S.C. 66, 1624)

[10] The national holidays are the first day of January, the third Monday of February, the last Monday of May, the fourth day of July, the first Monday of September, the second Monday of October, the fourth Monday of October, the fourth Thursday of November, the 25th of December, or any other calendar day designated as a holiday by Federal statute or Executive order. If a holiday falls on Saturday, the day immediately preceding such Saturday will be observed (5 U.S.C. 6103(b)(1)). If a holiday falls on Sunday, the following day will be observed.

This amendment deals with administrative matters relating to agency management and therefore notice and public procedure thereon is found to be unnecessary and good cause exists for dispensing with a delayed effective date under the provisions of 5 U.S.C. 553.

Effective date. This amendment shall be effective March 6, 1973.

[SEAL] VERNON D. ACREE,
Commissioner of Customs.

Approved: January 31, 1973.

EDWARD L. MORGAN,
Assistant Secretary of the Treasury.

[FR Doc.73–4203 Filed 3–5–73;8:45 am]

Title 33—Navigation and Navigable Waters

CHAPTER I—COAST GUARD, DEPARTMENT OF TRANSPORTATION

[CGD 5–73–02 R]

PART 127—SECURITY ZONES

Hampton Roads, Elizabeth River, Norfolk, Va.

This amendment to the Coast Guard's Security Zone Regulations establishes the waters of the Elizabeth River and Hampton Roads between the Norfolk and Portsmouth Beltline Railroad Bridge on the southern branch of the Elizabeth River and Elizabeth River Channel Lighted Horn Buoy 1, LL 2939, as a security zone. This security zone is established to prevent interference with the sailing of the U.S.S. *Independence* from the Norfolk Naval Shipyard, Portsmouth, Va.

This amendment is issued without publication of a notice of proposed rule making; and this amendment is effective in less than 30 days from the date of publication, because this security zone involves a military function of the United States.

In consideration of the foregoing, Part 127 of Title 33 of the Code of Federal Regulations is amended by adding § 127.500 to read as follows:

§ 127.500 Hampton Roads—Elizabeth River—Norfolk, Va.

The waters of the Elizabeth River, Norfolk, Va., are a security zone: from the Norfolk-Portsmouth Beltline Railroad Bridge on the southern branch of the Elizabeth River, at position 36°48′42″ N. latitude, 76°17′26″ W. longitude; to a line between position 36°59′12″ N. latitude, 76°18′10″ W. longitude (Fort Wool Light); and position 37°00′06″ N. latitude, 76°18′24″ W. longitude (Old Point Comfort Light).

(46 Stat. 220, as amended, § 1, 63 Stat. 503, § 6(b), 80 Stat. 937; 50 U.S.C. § 191, 14 U.S.C. § 91, 49 U.S.C. § 1655(b); E.O. 10173, E.O. 10277, E.O. 10352, E.O. 11249; 3 CFR, 1949–1953 Comp. 356, 778, 873, 3 CFR, 1964–1965 Comp. 349, 33 CFR Part 6, 49 CFR 1.46(b))

Effective date. This amendment is effective from 1000R to 1230R, March 6, 1973.

H. E. STEEL,
Captain, United States Coast Guard, Captain of the Port, Hampton Roads Area.

[FR Doc.73–4379 Filed 3–5–73;8:45 am]

V 38-43 MAR 6 73 XUM

Title 40—Protection of Environment

CHAPTER I—ENVIRONMENTAL PROTECTION AGENCY

SUBCHAPTER E—PESTICIDES PROGRAMS

PART 180—TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

Certain Inert Ingredients in Pesticide Formulations Applied to Animals

Correction

In FR Doc. 73-2635 appearing at page 4330 in the issue of Tuesday, February 13, 1973, in the table in the second column on page 4331, the second entry should read as follows:

Poly (oxypropylene) block polymer with poly(oxyethylene); molecular weight 1,800–9,000.	Surfactants, related adjuvants of surfactants.

Title 49—Transportation

CHAPTER V—NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Docket No. 2–10; Notice 5]

PART 571—FEDERAL MOTOR VEHICLE SAFETY STANDARDS

Bus Window Retention and Release

The purpose of this notice is to amend Motor Vehicle Safety Standard No. 217, Bus Window Retention and Release, 49 CFR 571.217, in response to petitions received. Several minor amendments for purposes of clarification have also been made. The standard was published initially on May 10, 1972 (37 FR 9394), and amended September 6, 1972 (37 FR 18034).

Wayne Corp. has petitioned that the torque limit of 20 inch-pounds for the actuation of rotary emergency exit releases in S5.3.2(a)(3) of the standard is impractical. The Blue Bird Body Co. also objected to the requirement, requesting that the limit be raised to 225 inch-pounds in order to avoid inadvertent openings. The NHTSA has decided, based on these petitions, that a maximum torque requirement is redundant, since the force magnitude generally is limited in S5.3.2 to not more than 20 pounds. Accordingly the torque requirement is deleted from the rule.

Blue Bird also requested that Figure 3A, which depicts access regions for roof and side emergency exits without adjacent seats in both an upright and overturned bus, be made more explicit.

In response to this request, Figure 3A is being replaced by two figures, one of which depicts a side emergency exit (Figure 3A), and the other a roof emergency exit (Figure 3B). Existing Figure 3B, depicting access regions for a rear exit with a rear shelf or other obstruction behind the rearmost seat, becomes Figure 3C. A new Figure 3D is added to depict rear seat access regions in buses not having a rear shelf or other obstruction behind the rearmost seat, a configuration common to school buses. Paragraph S5.2.1, regarding provision of emergency exits, is amended to make it clear that a required rear exit must meet the requirements of S5.3 through S5.5 when the bus is overturned on either side, with the occupant standing facing the exit, as well as when the bus is upright.

In consideration of the above, Standard No. 217, Bus Window Retention and Release, 49 CFR 571.217, is amended as follows:

1. S5.2.1 is amended to read:

S5.2.1 *Buses with GVWR of more than 10,000 pounds.* Except as provided in S6.2.1.1, buses with a GVWR of more than 10,000 pounds shall meet the unobstructed openings requirements by providing side exits and at least one rear exit that conforms to S5.3 through S5.5. The rear exit shall meet the requirements when the bus is upright and when the bus is overturned on either side, with the occupant standing facing the exit. When the bus configuration precludes installation of an accessible rear exit, a roof exit that meets the requirements of S5.3 through S5.5 when the bus is overturned on either side, with the occupant standing facing the exit, shall be provided in the rear half of the bus.

2. S5.3.1 is amended to read:

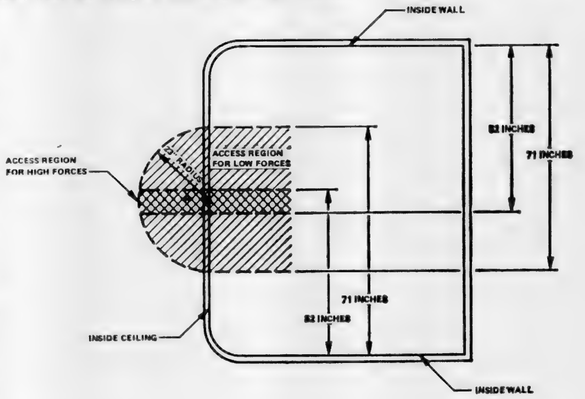
S5.3.1 Each push-out window or other emergency exit shall have a release mechanism located within the regions specified in Figure 1, Figure 2, or Figure 3. The lower edge of the region in Figure 1, and Region B in Figure 2, shall be located 5 inches above the adjacent seat, or 2 inches above the armrest, if any, whichever is higher.

3. S5.3.2(a) is amended to read:

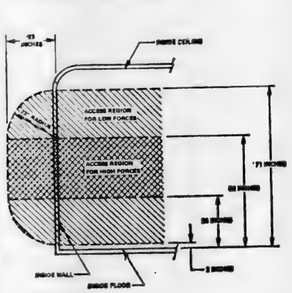
(a) • • •

Magnitude: Not more than 20 pounds.

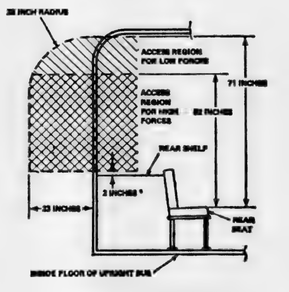
4. Figure 3 is amended to appear as follows:



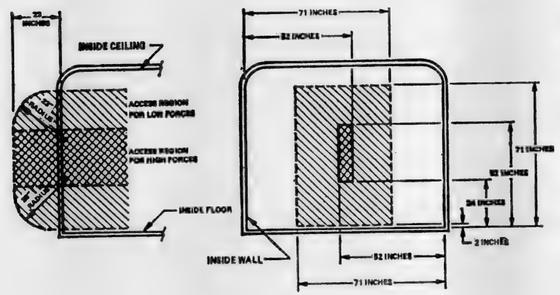
3A. SIDE EMERGENCY EXIT



3B. ROOF EMERGENCY EXIT



3C. REAR EMERGENCY EXIT WITH REAR OBSTRUCTION



3D. REAR EMERGENCY EXIT WITHOUT REAR OBSTRUCTION

FIGURE 3 LOW AND HIGH-FORCE ACCESS REGIONS FOR EMERGENCY EXITS WITHOUT ADJACENT SEATS

Effective date: September 1, 1973.

(Secs. 103, 112, 119, Public Law 89–563, 80 Stat. 718, 15 U.S.C. 1392, 1401, 1407; delegation of authority, 49 CFR 1.51.)

Issued on February 28, 1973.

DOUGLAS W. TOMS,
Administrator.

[FR Doc.73–4257 Filed 3–5–73;8:45 am]

Title 50—Wildlife and Fisheries

CHAPTER I—BUREAU OF SPORT FISHERIES AND WILDLIFE, FISH AND WILDLIFE SERVICE, DEPARTMENT OF THE INTERIOR

PART 12—AREAS CLOSED TO HUNTING

PART 32—HUNTING

Miscellaneous Amendments

Redesignation of Part 12—Areas Closed To Hunting.

Present 50 CFR Part 12, Areas Closed to Hunting, is redesignated § 32.4 Areas closed to hunting and is added to Part 32—Hunting. Part 12 is reserved to allow for expansion.

A new section is added in the table of contents for Part 32 to read:

Sec.
32.4 Areas closed to hunting.

This revision redesignates an existing regulation, does not impose any new requirements, restrictions, or procedures. Accordingly, notice and public procedure thereon are impracticable, unnecessary, and contrary to the public interest and this redesignation is effective on March 16, 1973.

(33 Stat. 614, 16 U.S.C. 685; 43 Stat. 651, 16 U.S.C. 725; 45 Stat. 449, 16 U.S.C. 690d; 45 Stat. 1224, 16 U.S.C. 715i; 48 Stat 402, 16 U.S.C. 664; 48 Stat. 451, 16 U.S.C. 718d; 48 Stat. 1270, 43 U.S.C. 315a; 76 Stat. 653, 16 U.S.C. 460k; 80 Stat. 926, 16 U.S.C. 668bb)

E. V. SCHMIDT,
Deputy Director, Bureau of Sport Fisheries and Wildlife.

FEBRUARY 28, 1973.

[FR Doc.73–4213 Filed 3–5–73;8:45 am]

CHAPTER II—DEPARTMENT OF COMMERCE, NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION, NATIONAL MARINE FISHERIES SERVICE

SUBCHAPTER H—EASTERN PACIFIC TUNA FISHERIES

PART 280—YELLOWFIN TUNA

Miscellaneous Amendments

A notice of proposed rule making was published January 15, 1973 (38 FR 1521), to amend Part 280, Title 50, Code of Federal Regulations, which are regulations governing the eastern Pacific yellowfin tuna fisheries.

Interested persons were given the opportunity to participate through a public hearing at San Diego on January 24, 1973, and through submission of written material.

There was no adverse comment concerning the Inter-American Tropical Tuna Commission's recommendation that, for 1973 only, restrictions be removed from part of the regulatory area to encourage exploratory fishing. The area to be opened up lies south and west of the Galapagos Islands.

The proposed rule making announced that the Commission's resolution for 1973, as in 1972, allows vessels of 400 short tons carrying capacity or less to fish for yellowfin tuna within the regulatory area during the closed season under such restrictions as may be necessary to limit the catch of yellowfin by such vessels to 6,000 tons during 1973. The proposed rule making also stated that, in the experience of the National Marine Fisheries Service, as much as 700 short tons of yellowfin may be available from the unused portion of the overall country 15 percent incidental catch. Thus, the yellowfin tuna to be allotted to the vessels under 400 short tons carrying capacity would be 6,000 short tons, plus approximately 700 short tons which is expected to be available from the unused portion of the 15 percent incidental catch. In regard to the allocation of the total 6,700 short tons, the National Marine Fisheries Service invited comments upon the desirability of combining the seiners of 300 short tons carrying capacity or less and the seiners of 301–400 short tons carrying capacity into one allotment group.

The proposed rule making further stated that in the absence of general interest or a workable plan to combine the two groups of small seiners, or any interest in a redistribution of the allotments to the three categories of small vessels, the allotments and incidental catch rates for 1973 would remain the same as in 1972, namely:

(1) Purse seiners of 301–400 short tons carrying capacity: 900 short tons, with an incidental catch rate of 40 percent by round weight of each vessel's total catch.

(2) Purse seiners of 300 short tons carrying capacity or less: 3,500 short tons, with an incidental catch rate of 50 percent by round weight of each vessel's total catch.

(3) Bait and jig boats: 2,300 short tons, with an incidental catch rate of 50 percent by round weight of each vessel's established short ton carrying capacity.

Some industry testimony, both oral and written, favored combining the two categories of small seiners, and suggested certain incidental closed season catch rates for each of the two vessel categories while harvesting the allotment. Other industry testimony, while arguing against combining the two vessel categories, indicated that the combination would be acceptable if certain incidental yellowfin catch rates were adopted for each category. Testimony was received both for and against increasing the closed season allotment to bait and jig boats.

Careful consideration has been given to all testimony received, both oral and written. As a result of this testimony, the two small seiner categories are to be combined and the revised distribution of tonnage among vessel categories is adopted as follows:

(1) Purse seiners of 400 short tons carrying capacity or less: 4,400 short tons.

(2) Bait and jig boats: 2,300 short tons.

The revised yellowfin tuna incidental catch limitation for each vessel category is adopted as follows:

(1) Purse seiners of 301–400 short tons carrying capacity: 40 percent by round weight of each vessel's total catch: *Provided*, That vessels which are on a fishing voyage longer than 70 days may land 20 percent by round weight of each vessel's established short ton carrying capacity.

(2) Purse seiners of 300 short tons carrying capacity or less: 60 percent by round weight of each vessel's total catch: *Provided*, That vessels which are on a fishing voyage longer than 50 days may land 25 percent by round weight of each vessel's established short ton carrying capacity.

(3) Bait and jig boats: 50 percent by round weight of each vessel's established short ton carrying capacity.

Accordingly Part 280 is amended as follows:

1. Paragraph (g) of § 280.1 is amended to read as follows:

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§ 280.1 Definitions.

• • • • • •

(g) *Regulatory area.* All waters of the eastern Pacific Ocean bounded by the mainland of the Americas and the following lines: Beginning at a point on the mainland where the parallel of 40° north latitude intersects the coast; thence due west to the meridian of 125° west longitude; thence due south to the parallel of 20° north latitude; thence due east to the meridian of 120° west longitude; thence due south to the parallel of 5° north latitude; thence due east to the meridian of 110° west longitude; thence due south to the parallel of 10° south latitude; thence due east to the meridian of 90° west longitude; thence due south to the parallel of 30° south latitude; thence due east to a point on the mainland where the parallel of 30° south latitude intersects the coast. Except that for 1973 only, the area encompassed by a line drawn starting at 110° west longitude and 3° north latitude extending east along 3° north latitude to 95° west longitude; thence south along 95° west longitude to 3° south latitude; thence east along 3° south latitude to 90° west longitude; thence south along 90° west longitude to 10° south latitude; thence west along 10° south latitude to 110° west longitude; thence north along 110° west longitude to 3° north latitude shall be excluded from the regulatory area to encourage exploratory fishing.

• • • • • •

2. Paragraph (b) of § 280.6 is amended as follows:

§ 280.6 Open season restrictions applicable to fishing vessels.

• • • • • •

(b) During the open yellowfin tuna season, every fishing vessel operating in the Pacific Ocean, but outside the regulatory area, shall transmit daily a message between 0800 and 1000 hours local California time. This requirement will also apply, for 1973 only, to every fishing vessel operating in the area described in the second sentence of paragraph (g) of § 280.1. The message shall be transmitted directly to Coast Guard Radio New Orleans (NMG) on frequency 16,565.2, 12,421.0, or 8,281.2 KHz and shall state: "This message is being transmitted in compliance with the U.S. eastern tropical Pacific yellowfin tuna regulations, and confirms that the vessel (name of reporting vessel) is fishing in the Pacific Ocean, but outside the regulatory area as of this date (give date)." After a date to be announced by the Service Director through publication of a notice in the FEDERAL REGISTER, transmissions required under paragraph (b) of this section shall be sent to Coast Guard Radio San Francisco (NMC) on frequency 16,565.0, 12,421.0, or 8,281.2 KHz.

3. Paragraphs (a) (1), (b) (2), (3), (4), (5), and (d) of § 280.7 are amended as follows:

§ 280.7 Closed season restrictions applicable to fishing vessels.

• • • • • •

(a) • • •

(1) In addition, for 1973 only, any fishing vessel which has completed a voyage in the regulatory area during the open season; and is in port on the date of the season closure, will be allowed one additional unrestricted fishing voyage provided that departure is made within 30 days thereafter.

• • • • • •

(b) Any fishing vessel which departs port on a fishing voyage after closure of the yellowfin season, except as provided in paragraph (a) of this section, may land yellowfin tuna captured from within the regulatory area in limited quantities as provided in subparagraphs (1) to (3) of this paragraph as an incident to fishing for species with which yellowfin may be mingled. The Service Director may, however, through publication of a notice in the FEDERAL REGISTER adjust the incidental catch limitations to assure that the special allotments designated for vessels of 400 short tons carrying capacity or less are not underutilized and the 15 percent overall incidental catch for the entire tuna fleet is not exceeded. Any quantity of yellowfin tuna landed in excess of the limitations provided in subparagraphs (1) to (3) of this paragraph shall be subject to seizure and forfeiture pursuant to the Tuna Conventions Act of 1950, as amended (16 U.S.C. 951–961).

• • • • • •

(2) Purse seiners of 400 short tons carrying capacity or less may land in any U.S. port, yellowfin tuna captured from within the regulatory area as an incident to fishing for species with which yellowfin may be mingled, but in no event shall any vessel of 301–400 short tons carrying capacity be permitted to land yellowfin tuna in excess of 40 percent by round weight of its total catch: *Provided, however,* That any vessel of 301–400 short tons carrying capacity which is on a fishing voyage longer than 70 days may land 20 percent yellowfin tuna by round weight of its established short ton carrying capacity. Nor shall any purse seiner of 300 short tons carrying capacity or less be permitted to land yellowfin tuna in excess of 60 percent by round weight of its total catch: *Provided, however,* That any such vessel that is at sea longer than 50 days may land 25 percent yellowfin tuna by round weight of its established short ton carrying capacity. That local wet fish seiners may accumulate the 60 percent allowance by weight for the separate period from the date of closure of the yellowfin fishing season until the end of that month, and for each separate period consisting of 1 calendar month thereafter provided such vessels have not landed any yellowfin tuna during the open season and make deliveries only on a daily basis. When the catch of yellowfin tuna by purse seiners of 400 short tons carrying capacity or less reaches 4,400 short tons, the amount of yellowfin tuna which any such vessel may lawfully land will revert to 15 percent by round weight of its total catch. After a date to be announced through publication of a notice in the FEDERAL REGISTER by the Service Director, any vessel departing on a fishing voyage shall be subject to this reversion limitation of 15 percent. (3) Bait and jig boats may land in any U.S. port, yellowfin tuna captured from within the regulatory area, but in no event shall any such vessel be permitted to land yellowfin tuna in excess of 50 percent by round weight of its short ton carrying capacity once established in accordance with subparagraph (4) of this paragraph. When the catch of yellowfin tuna by bait and jig boats collectively reaches 2,300 short tons, the amount of yellowfin tuna which any such vessel may lawfully land will revert to 15 percent by round weight of its total catch. After a date to be announced through publication of a notice in the FEDERAL REGISTER, by the Service Director, any vessel departing on a fishing voyage shall be subject to this reversion limitation of 15 percent.

(4) The short ton capacity of vessels will be determined from tables prepared by the Commission which relate carrying capacity to registered tonnages and from official unloading records available to the National Marine Fisheries Service.

(i) Managing owners of purse seine vessels of 400 short tons carrying capacity or less will be notified by registered mail that their vessel is in this category and is subject to the provisions of subparagraph (2) of this paragraph.

(ii) Except as provided below for bait and jig boats, managing owners not receiving notification by registered mail can assume that their vessel is over 400 short tons carrying capacity and is subject to the provisions of subparagraph (1) of this paragraph.

(iii) To qualify for the bait and jig boat yellowfin allocation, managing owners of such vessels shall supply the Regional Director documentation concerning the gross and net tonnage of their vessels together with records of prior unloadings. This information will be used by the Regional Director to establish the short ton carrying capacity of each vessel. Failure to comply shall result in each such vessel being limited to 15 percent yellowfin tuna by round weight of its total catch. This 15 percent limitation shall remain in effect until the aforesaid documentation is furnished by the vessel's managing owner.

(5) The tonnage limitations specified in subparagraphs (2) and (3) of this paragraph are subject to adjustment upward or downward. Any such adjustment will be based upon the estimated use of the incidental catch allowance, and shall be apportioned as determined by the Service Director. Announcement of such adjustment shall be made by publication of a notice in the FEDERAL REGISTER by the Service Director.

• • • • • •

(d) Any fishing vessel electing to fish exclusively in the Pacific Ocean, but outside the regulatory area, shall report to the Regional Director, within 48 hours before leaving port, giving the name of the reporting vessel and the port of departure; within 24 hours before leaving the regulatory area, giving the latitude of departure and the approximate time of departure; and within 24 hours before returning to the regulatory area, giving the latitude of reentry, the approximate time of reentry and the tonnage by species of fish aboard. For 1973 only, the area described in the second sentence of paragraph (g) of § 280.1 is considered to be outside the regulatory area. Therefore, all requirements for vessels fishing in the area described above will be precisely the same as for those vessels fishing in the Pacific Ocean but outside the regulatory area.

• • • • • •

Effective date. These regulations are effective March 6, 1973.

Issued at Washington, D.C., and dated March 1, 1973.

ROBERT W. SCHONING,
Acting Director, National Marine Fisheries Service.

[FR Doc.73-4209 Filed 3-5-73;8:45 am]

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Proposed Rule Making

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 145]

POTENCY OF ANTIBIOTIC-CONTAINING DRUGS AT TIME OF CERTIFICATION

Withdrawal of Proposed Statement of Policy

In the FEDERAL REGISTER of January 11, 1972 (37 FR 336), the Commissioner of Food and Drugs issued a notice proposing that Subpart B of 21 CFR Part 145 be amended by adding a statement of policy stating that no preparation containing antibiotic drugs would be certified unless the batch contained at least 100 percent of the declared potency (or a higher amount if so specified in the regulations) at the time of certification. The proposal also provided that a batch which showed minor deviations from 100 percent of the declared potency could be certified if the Commissioner of Food and Drugs, in light of other factors, deemed such minor deviations acceptable. The notice invited interested persons to file comments within 30 days after its publication; this time period for filing comments was extended to March 11, 1972 by a notice published in the FEDERAL REGISTER on January 29, 1972 (37 FR 1477).

Comments regarding the proposed statements of policy were received from the Pharmaceutical Manufacturers Association (PMA) and 20 manufacturers of antibiotic-containing drugs. The comments indicated an agreement in principle with the objective of the proposal to assure that antibiotic-containing drugs would have the appropriate strength or potency when dispensed and administered to patients throughout the expiration dating period. However, these comments emphasized that, due to the vagaries of the essay procedures, some batches would not be certified even though they had been formulated with the intent to contain 100 percent of the declared potency. Those who commented noted that in order to assure that a batch would assay at least 100 percent of the declared potency at the time of certification, it would be necessary to formulate the batch with an excess of the antibiotic beyond that required for good manufacturing practices; they also noted that such an unwarranted excess could result in increased cost of the drug to the consumer and create problems of superpotency. In addition, those who commented noted that the provisions of the proposal which allow for the certification of a batch which shows minor deviations from 100 percent of the declared potency are so vague that the manufacturer is placed in a position of not knowing precisely the level of acceptance for certification.

In general, the comments suggested that the proposal be revised so as to require that each batch of antibiotic-containing drug be formulated with the intent to provide not less than 100 percent of the declared amount of the antibiotic.

The Commissioner having considered the comments received and other relevant material, has concluded that there are valid reasons why the proposed statement of policy should not be published as a final order. The Commissioner has determined that, because of the inherent vagaries of the assay procedures, it would be difficult to enforce a requirement that there be a minimum level of 100 percent of the declared potency without anticipating that many firms would add an excess of the antibiotic which may in turn result in problems of superpotency. In addition, the Commissioner concludes that the problems of defining the "minor deviations" from 100 percent of potency which would be acceptable for certification are so great that any attempt to define precisely such deviations would be impractical. The Commissioner agrees with the comment that unless such deviations are defined, manufacturers are denied the right of knowing precisely the level of acceptance for certification.

The Commissioner sees no benefit at this time in publishing a statement of policy, as proposed in the comments, requiring that antibiotic-containing drugs be formulated with the intent to provide at least 100 percent of the declared strength or potency. This is already the current policy of the Food and Drug Administration (FDA) and also of both the National Formulary and the U.S. Pharmacopeia; it is recognized in the industry as a good manufacturing practice. The "Guidelines for Manufacturing and Controls for IND's and NDA's" developed jointly by the FDA and the PMA also contains a statement that "• • • the formulation should be prepared with the intent to provide not less than 100 percent of the formula amount of the active ingredient."

If there becomes apparent a need to formalize this current policy regarding formulation with the intent to provide at least 100 percent of the declared strength or potency, the Commissioner will consider a revision of the current good manufacturing practice regulations (21 CFR Part 133) to include such a requirement.

Where the FDA encounters manufacturers apparently aiming for a potency level significantly below 100 percent of the declared strength or potency but yet above the minimum level as established by antibiotic regulations, warning letters will be sent to these manufacturers and inspections of them will be made. If such a practice continues, these manufacturers will be notified that the FDA will not certify batches that barely meet the minimum level of potency.

The Commissioner concludes that the proposed statement of policy should be withdrawn.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 507, 701(a), 52 Stat. 1055, 59 Stat. 463 as amended; 21 U.S.C. 357, 371(a)) and under authority delegated to the Commissioner (21 CFR 2.120), the notice of proposed rule making published in the FEDERAL REGISTER of January 11, 1972 (37 FR 336) concerning a statement of policy regarding the potency of antibiotic-containing drugs at the time of certification is hereby withdrawn.

Dated: February 26, 1973.

WILLIAM F. RANDOLPH,
Acting Associate Commissioner for Compliance.

[FR Doc. 73-4188 Filed 3-5-73;8:45 am]

[21 CFR Part 295]

CERTAIN LIQUID PAINT SOLVENT PREPARATION CONTAINING PETROLEUM DISTILLATES, BENZENE, TOLUENE, XYLENE, OR COMBINATIONS THEREOF

Proposed Child Protection Packaging Standards

Correction

In FR Doc. 73-2527 appearing at page 3989 of the issue for Friday, February 9, 1973, the following changes should be made:

1. On page 3989 in the third column, in the second line of paragraph 2 of the commissioner's findings, "moderate" should read "modern".

2. On page 3990 in the second column, in the paragraph beginning "Interested persons" the phrase "on or after April 10, 1973," should read "on or before April 10, 1973,".

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[26 CFR Part 53]

FOUNDATION TAX

Taxes on Excess Business Holdings of Private Foundations; Hearing

Proposed regulations under section 4943 of the Internal Revenue Code of 1954, relating to taxes on excess business holdings of private foundations, appear in the FEDERAL REGISTER for January 3, 1973 (38 FR 32).

A public hearing on the provisions of the proposed regulations will be held on March 29, 1973, at 10 a.m., e.s.t., in Room 3313, Internal Revenue Building, 1111 Constitution Avenue NW., Washington, DC 20224.

The rules of § 601.601(a)(3) of the Statement of Procedural Rules (26 CFR Part 601) shall apply with respect to such public hearing. Copies of these rules may be obtained by a request directed to the Commissioner of Internal Revenue, Attention: CC:LR:T, Washington, D.C. 20224, or by telephoning (Washington, D.C.) 202—964-3935. Under such § 601.601(a)(3), persons who have submitted written comments or suggestions within the time prescribed in the notice of proposed rule making, and who desire to present oral comments at such hearing should by March 15, 1973, submit an outline of the topics and the time they wish to devote to each topic. Such outlines should be submitted to the Commissioner of Internal Revenue, Attention: CC:LR:T, Washington, D.C. 20224.

Persons who desire a copy of such written comments or suggestions or outlines and who desire to be assured of their availability on or before the beginning of such hearing should notify the Commissioner, in writing, at the above address by March 22, 1973. In such a case, unless time and circumstances permit otherwise, the desired copies are deliverable only at the above address. The charge for copies is ten cents ($0.10) per page, subject to a minimum charge of $1.

LEE H. HENKEL, JR.,
Chief Counsel.

[FR Doc.73-4416 Filed 3-5-73;9:44 am]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 71]

[Airspace Docket No. 72-WA-57]

ADDITIONAL CONTROL AREAS

Proposed Designation

The Federal Aviation Administration (FAA) is considering an amendment to Part 71 of the Federal Aviation Regulations that would designate additional control areas along the east coast of the United States.

Coincident with this proposal, nonrule making action would be required to alter Warning Areas W-50, W-72 and W-386 as desribed herein. Procedures for joint use of these areas by the using agency and the FAA would also be required.

The proposed designation of controlled airspace would permit vectoring of traffic from overland routes or the New York Oceanic CTA/FIR through the above-mentioned warning areas when said areas are not being used by the using agency.

Interested persons may participate in the proposed rule making by submitting such written data, views or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Federal Aviation Administration, Office of the General Counsel, Attention: Rules Docket, 800 Independence Avenue SW., Washington, DC 20591. All communications received on or before April 20, 1973 will be considered before action is taken on the proposed amendment. The proposal contained in this notice may be changed in the light of comments received.

An official docket will be available for examination by interested persons at the Federal Aviation Administration, Office of the General Counsel, Attention: Rules Docket, 800 Independence Avenue SW., Washington, DC 20591. An informal docket also will be available for examination at the office of the Regional Air Traffic Division Chief, Federal Aviation Administration, Southern Region, Post Office Box 20636, Atlanta, GA 30320; and the office of the Regional Air Traffic Division Chief, Federal Aviation Administration, Eastern Region, Federal Building, John F. Kennedy International Airport, Jamaica, N.Y. 11430.

As part of this proposal relates to the navigable airspace outside the United States, this notice is submitted in consonance with the ICAO International Standards and Recommended Practices.

Applicability of international standards and recommended practices by the Air Traffic Service, FAA, in areas outside domestic airspace of the United States is governed by Article 12 of and Annex 11 to the Convention on International Civil Aviation, which pertain to the establishment of air navigation facilities and services necessary to promoting the safe, orderly, and expeditious flow of civil air traffic. Their purpose is to insure that civil flying on international air routes is carried out under uniform conditions designed to improve the safety and efficiency of air operations.

The international standards and recommended practices in Annex 11 apply in those parts of the airspace under the jurisdiction of a contracting State, derived from ICAO, wherein air traffic services are provided and also whenever a contracting State accepts the responsibility of providing air traffic services over high seas or in airspace of undetermined sovereignty. A contracting State accepting such responsibility may apply the international standards and recommended practices to civil aircraft in a manner consistent with that adopted for airspace under its jurisdiction.

In accordance with Article 3 of the Convention on International Civil Aviation, Chicago, 1944, State aircraft are exempt from the provisions of Annex 11 and its standards and recommended practices. As a contracting State, the United States agreed by Article 3(d) that its State aircraft will be operated in international airspace with due regard for the safety of civil aircraft.

Since this action involves, in part, the designation of navigable airspace outside the United States, the Administrator has consulted with the Secretary of State and the Secretary of Defense in accordance with the provisions of Executive Order 10854.

The proposed amendment would designate additional control areas as follows:

1. HOG ISLAND, VA.

That airspace extending upward from 2,000 feet MSL bounded on the north by latitude 38°00'00" N.; on the northeast by the southwest edge of Control 1148; on the east by the New York Oceanic CTA/FIR; on the south by the north edge of Control 1149; on the west by longitude 75°30'00" W., and on the northwest by a line 3 nautical miles southeast of and parallel to the shoreline to the point of beginning.

2. PENDLETON, VA.

That airspace extending upward from 2,000 feet MSL bounded on the north by the south edge of Control 1149; on the east and southeast by the New York Oceanic CTA/FIR; on the southwest by the northeast edge of Control 1181; and on the west by longitude 75°30'00" W.

The nonrule making actions associated with the proposed amendment would alter certain warning areas.

1. The description of W-72 would be deleted and the following would be substituted therefor:

A. W-72A

BOUNDARIES

Beginning at latitude 36°49'00" N., longitude 75°54'00" W.; to latitude 36°49'00" N., longitude 75°32'00" W.; to latitude 36°46'57" N., longitude 74°30'00" W.; to latitude 35° 11'00" N., longitude 74°30'00" W.; to latitude 35°57'00" N., longitude 75°33'00" W.; thence 3 nautical miles from and parallel to the shoreline to the point of beginning.

Altitude: East of longitude 75°30'00" W., surface to unlimited; west of longitude 75° 30'00" W., surface to but not including 2,000 feet MSL and above FL 600 to unlimited.

Time of use: Intermittent.

Using agency: Virginia Capes Operating Area Coordinator (VCOAC) COMNAVAIRLANT MAS Oceana, Virginia Beach, Va.

Controlling agency: Federal Aviation Administration, Washington ARTC Center.

B. W-72B

BOUNDARIES

Beginning at latitude 36°46'57" N., longitude 74°30'00" W.; to latitude 36°43'00" N., longitude 73°00'00" W.; to latitude 35°00'00" N., longitude 73°00'00" W.; to latitude 34° 33'10" N., longitude 73°40'50" W.; to latitude 35°11'00" N., longitude 74°30'00.. W.; thence to the point of beginning.

Altitude: Surface to unlimited.

Time of use: Intermittent.

Using agency: Virginia Capes Operating Area Coordinator (VCOAC) COMNAVAIRANT Oceana, Virginia Beach, Va.

Controlling agency. Federal Aviation Administration, Washington ARTC Center.

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2. The description of W–386 would be deleted and the following would be substituted therefor:

A. W–386A

BOUNDARIES

Beginning at lat. 38°00'00" N., long. 75°11'20" W.; to lat. 38°00'00" N., long. 74°30'00" W.; to lat. 37°05'18" N., long. 74°30'00" W.; to lat. 37°00'00" N., long. 75°32'00" W.; to lat. 37°08'00" N., long. 75°32'00" W.; to lat. 37°08'00" N., long. 75°47'00" W.; thence 3 nautical miles from and parallel to the shoreline to the point of beginning.

Altitude: East of long. 75°30'00' W., surface to unlimited; west of long. 75°30'00' W., surface to but not including 2,000 feet MSL and above FL 600 to unlimited.

Time of use: Intermittent.

Using agency: Virginia Capes Operating Area Coordinator (VCOAC) COMNAV AIRLANT NAS Oceana, Virginia Beach, Va.

Controlling agency: Federal Aviation Administration, Washington ARTC Center.

B. W–386B

BOUNDARIES

Beginning at lat. 38°00'00" N., long. 74°30'00" W.; to lat. 38°00'00" N., long. 73°44'00" W.; to lat. 37°18'00" N., long. 73°00'00" W.; to lat. 37°12'00" N., long. 73°00'00" W.; to lat. 37°05'18" N., long. 74°30'00" W.; thence to the point of beginning.

Altitude: Surface to unlimited.

Time of use: Intermittent.

Using agency: Virginia Capes Operating Area Coordinator (VCOAC) COMNAVAIR LANT NAS Oceana, Virginia Beach, Va.

Controlling agency: Federal Aviation Administration, Washington ARTC Center.

3. W–50 would be modified as follows:

a. Change the time of use from "1230Z to 2130Z Monday through Friday" to "Intermittent."

b. The Using agency designation would be changed by deleting "• • • COMNAVAIRLANT / COMPAIRNORFOLK NAS Oceana, • • •" and substituting "• • • COMNAVAIRLANT NAS Oceana, • • •" therefor.

c. Add "Controlling Agency. Federal Aviation Administration, Washington ARTC Center."

(Sec. 307(a), 1110 Federal Aviation Act of 1958, 49 U.S.C. 1348(a) and 1510). Executive Order 10654, 24 FR 9565; sec. 6(c) Department of Transportation Act, 49 U.S.C. 1655 (c))

Issued in Washington, D.C., on February 27, 1973.

CHARLES H. NEWPOL,
Acting Chief, Airspace and Air Traffic Rules Division.

[FR Doc.73–4183 Filed 3–5–73;8:45 am]

[14 CFR Part 105]

[Docket No. 12336; Notice 72–29A]

PARACHUTE JUMPING

Extension of Comment Period

The Federal Aviation Administration proposed in Notice 72–29 published in the FEDERAL REGISTER on November 3, 1972 (37 FR 23458), to amend Part 105 of the Federal Aviation Regulations to require any person conducting an intentional parachute jump in any controlled airspace to obtain an authorization from ATC and give prior notice to ATC before making the jump. In addition, the time during which lights are required for a parachute jump would be changed to conform with the time specified in § 91.73 of the flight rules. The other changes proposed are minor in nature and not substantive.

The United States Parachute Association (USPA) has requested a 90-day extension of time for submission of comments. The extension is requested to enable USPA to review the comments they have received from their individual members in response to the notice and to prepare an official statement on behalf of the USPA regarding Notice 72–29.

The FAA believes it would be desirable to receive comments from the USPA and therefore an extension is warranted; however, it appears that a 30-day extension should provide the USPA with sufficient time to review the notice and submit its comments.

I find that the petitioner has shown a substantive interest in the proposed rule, that good cause exists for the extension and that the extension is consistent with the public interest.

Therefore, pursuant to the authority delegated to me by the Administrator (14 CFR 11.45), the time within which comments on Notice 72–29 will be received is extended to April 4, 1973.

Issued in Washington, D.C., on March 2, 1973.

C. R. MELUGIN, JR.,
Acting Director, Flight Standards Service.

[FR Doc.73–4409 Filed 3–5–73;9:59 am]

COMMITTEE FOR PURCHASE OF PRODUCTS AND SERVICES OF THE BLIND AND OTHER SEVERELY HANDICAPPED

[41 CFR Ch. 51]

PROCUREMENT, ORGANIZATION, AND FUNCTIONS

Notice of Proposed Rule Making

Notice is hereby given that the regulations set forth in tentative form below are proposed by the Committee for Purchase of Products and Services of the Blind and Other Severely Handicapped. The proposed regulations describe, pursuant to the authority contained in Public Law 92–28, June 23, 1971 (85 Stat. 77, 41 U.S.C. 46–48) (hereinafter referred to as the "Act"), the policy and procedures for the administration of the Act. These regulations will supersede Chapter 51, Title 41, CFR.

Public Law 92–28 amended the Wagner-O'Day Act (41 U.S.C. 46–48), dated June 25, 1938, in two major respects. It extended the special priority in selling certain products to the Federal Government formerly reserved to the blind to other severely handicapped persons and it expanded the scope of the Act to include services as well as products or commodities. However, the Act provides that the blind will have a first preference in the sale of commodities and, until December 31, 1976, in the provision of services.

The Act also increased the Committee from seven to 14 members, enumerated its duties and powers, and defined the terms used in the expanded Act. These changes have resulted in the need for a complete revision of the current Chapter 51, Title 41 CFR.

The proposed regulations have been divided into five parts to permit ready reference. In addition to the changes brought about by the Act, a number of sections have been modified or expanded to reflect the procedures the Committee has found to be necessary to carry out the purposes of the Act.

Interested persons may, on or before April 5, 1973, submit written comments on the proposed regulations to the Executive Director, Committee for Purchase of Products and Services of the Blind and Other Severely Handicapped, 2009 14th Street North, Suite 610, Arlington, VA 22201.

By the Committee.

CHARLES W. FLETCHER,
Executive Director.

CHAPTER 51—COMMITTEE FOR PURCHASE OF PRODUCTS AND SERVICES OF THE BLIND AND OTHER SEVERELY HANDICAPPED

TABLE OF PARTS

Part
1 General.
2 Committee for Purchase of Products and Services of the Blind and Other Severely Handicapped.
3 Central Nonprofit Agencies.
4 Workshops.
5 Procurement Requirements and Procedures.

PART 51–1—GENERAL

Sec.
51–1.1 Policy.
51–1.2 Definitions.
51–1.3 Priorities.

AUTHORITY: Public Law 92–28, June 23, 1971 (85 Stat. 77, 41 U.S.C. 46–48).

§ 51–1.1 Policy.

(a) The Committee for Purchase of Products and Services of the Blind and Other Severely Handicapped was established by Public Law 92–28, June 23, 1971 (85 Stat. 77, 41 U.S.C. 46–48) (hereinafter the Act), for the purpose of directing the procurement of selected commodities and services by the Federal Government to qualified workshops serving blind and other severely handicapped individuals with the objective of increasing the employment opportunities for these individuals. The Committee is required to establish and publish in the FEDERAL REGISTER a procurement list of:

(1) Commodities produced by any qualified nonprofit agency for the blind or by any qualified nonprofit agency for other severely handicapped, and

(2) The services provided by any such agency which the Committee determines are suitable for procurement by the Government pursuant to the Act.

(b) The Act further provides that any entity of the Government which intends to procure any commodity or service on the procurement list, shall procure such commodity or service, at the price established by the Committee, from a qualified nonprofit agency for the blind or such agency for the other severely handicapped if the commodity or service is available within the normal period required by that Government entity. However, this requirement shall not apply to the procurement of any commodity or service which is available from Federal Prison Industries, Inc.

§ 51–1.2 Definitions.

As used in this chapter:

(a) "Committee" means the Committee for Purchase of Products and Services of the Blind and Other Severely Handicapped.

(b) "Direct labor" means all work required for preparation, processing, and packing of a commodity or work directly related to the performance of a service but not supervision, administration, inspection, and shipping.

(c) "Fiscal year" means the 12-month period beginning on July 1 of each year.

(d) "Government" and "entity of the Government" means any entity of the legislative branch or the judicial branch, any executive agency or military department, the U.S. Postal Service, and any nonappropriated fund instrumentality under the jurisdiction of the armed forces.

(e) "State" means the 50 States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, and the Trust Territory of the Pacific Islands.

(f) "Blind" means an individual or class of individuals whose central visual acuity does not exceed 20/200 in the better eye with correcting lenses or whose visual acuity, if better than 20/200 is accompanied by a limit to the field of vision in the better eye to such a degree that its widest diameter subtends an angle no greater than 20°.

(g) "Other severely handicapped individual" means any person (other than a blind person) who is so severely incapacitated by any physical or mental disability that he cannot engage in normal competitive employment because of such disability.

(1) Some specific categories of severely handicapped persons include those disabled by the following:

(i) Spinal cord injury;
(ii) Deafness;
(iii) Muscular dystrophy (adults);
(iv) Multiple sclerosis;
(v) Developmental disability or other neurological disorders;
(vi) Severe orthopedic handicaps;
(vii) Multiple disabilities;
(viii) Severe personality or behavioral disorders including psychoses and neuroses;
(ix) Severe pulmonary disease;
(x) Severe cardiac disorders.

The foregoing represent examples only and should not be considered exclusive.

(2) A severely handicapped person who is able to engage in normal competitive employment because he has overcome his handicap or his condition has been substantially corrected is not an "other severely handicapped individual" within the meaning of this definition.

(3) Capability for normal competitive employment shall be determined from information developed by an on-going placement program conducted by the workshop. Such placement program shall include at least (i) a pre-admission evaluation and annual review to determine each worker's capability for normal competitive employment, and (ii) maintenance of liaison with appropriate community services for the placement in such employment of any of its workers who may qualify for such placement.

(h) "Qualified nonprofit agency for the blind" (hereinafter "workshop for the blind") means an agency organized under the laws of the United States or of any State, operated in the interest of blind individuals, and the net income of which does not inure in whole or in part to the benefit of any shareholder or other individual; which complies with applicable occupational health and safety standards prescribed by the Secretary of Labor; and which in the production of commodities and the provision of services (whether or not the commodities or services are procured under these regulations) during the fiscal year employs blind individuals for not less than 75 percent of the man-hours of direct labor required for the production or provision of the commodities or services.

(i) "Qualified nonprofit agency for other severely handicapped" (hereinafter "workshop for other severely handicapped") means an agency organized under the laws of the United States or of any State, operated in the interests of severely handicapped individuals who are not blind, and the net income which does not inure in whole or in part to the benefit of any shareholder or other individual; which complies with applicable occupational health and safety standards prescribed by the Secretary of Labor; and which in the production of commodities and the provision of services(whether or not the commodities or services are procured under these regulations) during the fiscal year employs severely handicapped individuals (including blind) for not less than 75 percent of the man-hours of direct labor required for the production or provision of commodities or services.

(j) "Procurement list" means a list of (1) the commodities produced by any workshop for the blind or by any workshop for other severely handicapped, and (2) the services, provided by any such workshop, which the Committee determines are suitable for procurement by the Government pursuant to these regulations.

(k) "Central nonprofit agency" means an agency organized under the laws of the United States or of any State, operated in the interest of the blind or other severely handicapped, the net income of which does not inure in whole or in part to the benefit of any shareholder or other individual, and designated by the Committee to facilitate the distribution (by direct allocation, subcontract, or any other means) of orders of the Government for commodities and services on the procurement list among workshops for the blind or workshops for other severely handicapped, and to assist the Committee in administering these regulations.

(l) "Workshop" means a workshop for the blind or a workshop for other severely handicapped, as appropriate.

§ 51–1.3 Priorities.

(a) The Committee, in making assignment of commodities and services on the procurement list will make such assignments in accordance with paragraphs (b) and (c) of this section.

(b) In the purchase by the Government of commodities produced and offered for sale by workshops for the blind or workshops for other severely handicapped, priority shall be accorded to commodities produced and offered for sale by workshops for the blind.

(c) In the purchase by the Government of services offered by workshops for the blind or workshops for other severely handicapped, priority shall, until December 31, 1976, be accorded to services offered for sale by workshops for the blind.

PART 51–2—COMMITTEE FOR PURCHASE OF PRODUCTS AND SERVICES OF THE BLIND AND OTHER SEVERELY HANDICAPPED

Sec.
51–2.1 Membership.
51–2.2 Responsibility.
51–2.3 Duties and powers.
51–2.4 Procurement list.
51–2.5 Fair market price.

AUTHORITY: Public Law 92–28, June 23, 1971 (85 Stat. 77, 41 U.S.C. 46–48).

§ 51–2.1 Membership.

Under the Act the Committee is composed of 14 members appointed by the President. There is one representative from each of the following departments or agencies of the Government: The Department of Agriculture, the Department of Defense, the Department of the Army, the Department of the Navy, the Department of the Air Force, the Department of Health, Education, and Welfare, the Department of Commerce, the Department of Justice, the Department of Labor, the Veterans Administration, and the General Services Administration. Three members are private citizens: One who is conversant with the problems incident to the employment of the blind and other severely handicapped individuals; one who represents blind individuals employed in qualified nonprofit agencies for the blind; and one who represents severely handicapped individuals (other than blind) employed in qualified nonprofit agencies for the other severely handicapped.

§ 51–2.2 Responsibility.

It is the Committee's responsibility to administer the Act, the purpose of which is to direct the procurement of selected

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products and services by the Federal Government to qualified workshops for the blind and other severely handicapped. The objective is to increase the opportunities for the employment of the blind and other severely handicapped individuals and, whenever possible, to prepare these individuals to engage in normal competitive employment.

§ 51–2.3 Duties and powers.

The duties and powers of the Committee are:

(a) To establish and publish in the FEDERAL REGISTER a list, entitled the procurement list, of those commodities and services which it determines are suitable for workshops for the blind or other severely handicapped to supply to the Government.

(b) To determine the fair market price of the commodities or services on the procurement list and to revise these prices in accordance with changing market conditions.

(c) To designate a central nonprofit agency or agencies to facilitate the distribution, among the workshops for the blind and other severely handicapped, of orders of the Government for commodities or services appearing on the procurement list (by direct allocation, subcontract, or any other means).

(d) To establish rules and regulations regarding the effective implementation of the Act.

(e) To assure that workshops for the blind will have priority over workshops for other severely handicapped in the production of commodities and, until December 31, 1976, in the provision of services.

(f) To conduct a continuing study and evaluation of its activities under the Act for the purpose of assuring effective and efficient administration of the Act. On its own, or in cooperation with other public or nonprofit private agencies, the Committee may study problems relating to the employment of the blind and other severely handicapped individuals, and to the development and adaptation of production methods which would enable a greater utilization of these individuals.

§ 51–2.4 Procurement list.

The Committee shall issue to each Government ordering office (hereinafter "ordering office") a procurement list which will include commodities and services which shall be procured from the indicated central nonprofit agency or its workshops. For commodities, the procurement list includes the item description, specification identification, price and other pertinent information. Where a workshop is authorized to perform GSA maintenance, and repair services for equipment, the procurement list identifies the type of service to be provided and the agencies or area to be serviced and include information on prices and pertinent ordering data.

§ 51–2.5 Fair market price.

The Committee is responsible for determining the fair market price including changes thereto, for a commodity or service, and shall consider recommendations from the procuring agencies and the central nonprofit agency concerned. Recommendations for fair market price or changes thereto shall be submitted by the workshops to the central nonprofit agency representing the workshop. The central nonprofit agency shall analyze the data and submit a recommended fair market price to the Committee along with the detailed justification necessary to support this recommended price.

PART 51–3—CENTRAL NONPROFIT AGENCIES

Sec.
51–3.1 General.
51–3.2 Responsibilities.
51–3.3 Assignment of commodity or service.
51–3.4 Distribution of orders.
51–3.5 Fees.

AUTHORITY: Public Law 92–28, June 23, 1971 (85 Stat. 77, 41 U.S.C. 46–48).

§ 51–3.1 General.

Under the provisions of section 2(c) of the Act, the following are designated central nonprofit agencies:

(a) To represent the workshops for the blind:

National Industries for the Blind.

(b) To represent the workshops for other severely handicapped:

Goodwill Industries of America.
International Association of Rehabilitation Facilities.
Jewish Occupational Council.
National Association for Retarded Children.
National Easter Seal Society for Crippled Children and Adults.
United Cerebral Palsy Association.

§ 51–3.2 Responsibilities.

Each central nonprofit agency shall:

(a) Represent its workshops in dealing with the Committee under the Act.

(b) Evaluate the qualifications and capabilities of its workshops and provide the Committee with pertinent data concerning its workshops, their status as qualified nonprofit agencies, their manufacturing or service capabilities, and other information required by the Committee.

(c) Recommend to the Committee, with appropriate justification including recommended prices, suitable commodities or services for procurement from its qualified workshops.

(d) Provide technical assistance to its workshops to insure successful performance in the provision to the Government of assigned commodities and services.

(e) Distribute within the policy guidelines of the Committee (by direct allocation, subcontract, or any other means) orders from Government activities among its participating workshops.

(f) Maintain the necessary records and data on participating workshops to enable it to allocate orders equitably.

(g) Supervise its workshops to insure contract compliance in the production of a commodity or performance of a service.

(h) As market conditions change, recommend price changes with appropriate justification for assigned commodities or services on the procurement list.

(i) Monitor and inspect the activities of its workshops to insure compliance with the Act and appropriate regulations.

(j) Enter into contracts with the Federal procuring activities for the furnishing of commodities or services provided by its workshops.

(k) Submit to the Committee a comprehensive annual report for each fiscal year concerning the operations of its workshops under the Act, including significant accomplishments and developments, and such other details as the central nonprofit agency considers appropriate or the Committee may request. This report will be submitted by September 30 for the fiscal year ending the preceding June 30.

§ 51–3.3 Assignment of commodity or service.

(a) The central nonprofit agency first proposing a commodity or service for addition to the procurement list shall have priority on its assignment unless Federal Prison Industries, Inc., or National Industries for the Blind (representing the workshops for the blind) exercises a priority (see §§ 51–1.2 and 51–1.3).

(b) Within 60 days after notification by the Committee that a central nonprofit agency has proposed a commodity or service for addition to the Procurement List, Federal Prison Industries, Inc., and National Industries for the Blind shall notify the Committee of their intentions to exercise or waive their priorities on the proposed commodity or service.

(c) The Committee shall assign commodities or services to central nonprofit agencies based on paragraphs (a) and (b) of this section.

(d) A central nonprofit agency assigned a commodity or service shall complete action to place it on the procurement list within 9 months after assignment. At that time if the central nonprofit agency has not completed action, the Committee may reassign the commodity or service to another central nonprofit agency having a workshop capable of producing the commodity or performing the service provided that agency is prepared to take action promptly to place the commodity or service on the procurement list. Priority on reassignment will be determined by the order in which the central nonprofit agencies proposed the commodity or service for addition to the procurement list, the first having the highest priority.

§ 51–3.4 Distribution of orders.

A central nonprofit agency shall distribute orders from the Government for a commodity or service only to the workshop or workshops which the Committee has approved to produce the specific commodity or to perform the particular service. When the Committee has approved two or more workshops to produce a specific commodity or perform a particular service, the central nonprofit agency shall distribute orders among those workshops in a fair and equitable manner.

§ 51–3.5 Fees.

The fees the central nonprofit agency shall charge a workshop for the discharge of their responsibilities under the Act shall not exceed the rates established by the Committee.

PART 51–4—WORKSHOPS

Sec.
51–4.1 General.
51–4.2 Procedures for qualification.
51–4.3 Responsibilities.
51–4.4 Subcontracting.
51–4.5 Production.
51–4.6 Violations.

AUTHORITY: Public Law 92–28, June 23, 1971 (85 Stat. 77, 41 U.S.C. 46–48).

§ 51–4.1 General.

A workshop affiliated with more than one central nonprofit agency will designate one central nonprofit agency to represent its interests to the Committee. A workshop may not change the designation of its central nonprofit agency without prior written approval of the Committee.

§ 51–4.2 Procedures for qualification.

(a) To qualify for participation under the Act, a workshop shall submit to the Committee through its central nonprofit agency the following documents, transmitted by a letter signed by an officer of the corporation:

(1) A legible copy (preferably a photocopy) of the articles of incorporation showing the date of filing and the signature of an appropriate official in the office of the Secretary of State.

(2) A copy of the bylaws certified by an officer of the corporation.

(3) If available, a copy of the Internal Revenue Service certificate indicating that the corporation has been accepted as a nonprofit agency for taxation purposes.

(b) At the time the central nonprofit agency recommends to the Committee the addition of a commodity or service to the procurement list, it shall submit a signed copy of the appropriate initial workshop certification for the workshop concerned.

(c) To maintain its qualification under the Act, each workshop shall complete the appropriate annual workshop certification and submit a signed copy to the Committee through its central nonprofit agency by September 30 for the fiscal year ending the preceding June 30.

§ 51–4.3 Responsibilities.

(a) Each workshop participating under the Act shall:

(1) Furnish commodities or services in strict accordance with the allocation and Government orders.

(2) Make its records available for inspection at any reasonable time to representatives of the Committee or the central nonprofit agency representing the workshop.

(3) Maintain records of direct labor hours performed in the workshop by each worker.

(4) Submit the appropriate annual workshop certification to the Committee through its central nonprofit agency by September 30 for the fiscal year ending the preceding June 30.

(5) Comply with applicable occupation, health and safety standards prescribed by the Secretary of Labor.

(6) Maintain a file on each blind individual which includes a written report prepared by a licensed physician reflecting visual acuity and field of vision of each eye with and without glasses.

(7) Maintain a file on each blind and other severely handicapped individual which includes reports of pre-admission evaluation, and annual reevaluations of the individual's capability for normal competitive employment, prepared by a person or persons qualified by training and experience to evaluate work potential, interests, aptitudes and abilities of handicapped persons.

(8) Maintain an on-going placement program that includes staff assigned placement duties and liaison responsibilities with appropriate community services such as the State employment service, employer groups, and others; and list with one or more of these services those individuals whose most recent evaluations show them to be capable of normal competitive employment.

(b) Each workshop for other severely handicapped shall in addition to the foregoing maintain a file for each other severely handicapped individual which includes a written report prepared by a licensed physician, psychiatrist, and/or qualified psychologist, reflecting the nature and extent of the disability or disabilities that cause such person to qualify as severely handicapped.

§ 51–4.4 Subcontracting.

Workshops shall seek the broadest possible competitive base in the purchase of raw materials and components used in the commodities and services provided the Government under the Act. Workshops shall inform the Committee before entering into multi-year contracts for raw materials or components used in the commodities and services provided the Government under the Act.

§ 51–4.5 Production.

In the production of commodities under the Act, a workshop shall make an appreciable contribution to the reforming of raw materials or the assembly of components or a combination thereof.

§ 51–4.6 Violations.

Any alleged violations of these regulations by a workshop shall be investigated by the appropriate central nonprofit agency which shall notify the workshop concerned and afford it an opportunity to submit a statement of facts and evidence. The central nonprofit agency shall report its findings to the Committee, together with its recommendations, including a recommendation regarding whether allocations to workshops concerned should be suspended for a period of time. In reviewing the case, the Committee may request the submission of additional evidence or may hold a hearing on the matter. Pending a decision by the Committee, the central nonprofit agency concerned may temporarily suspend allocations to the workshop.

PART 51–5—PROCUREMENT REQUIREMENTS AND PROCEDURES

Sec.
51–5.1 Purchase procedure.
51–5.1–1 General.
51–5.1–2 Allocations.
51–5.1–3 Orders.
51–5.2 Purchase exceptions.
51–5.3 Prices.
51–5.4 Shipping and packing.
51–5.5 Payments.
51–5.6 Military resale commodities.
51–5.7 Adjustment and cancellation of orders.
51–5.8 Correspondence and inquiries.
51–5.9 Quality of merchandise.
51–5.10 Quality complaints.
51–5.11 Recommendations.

AUTHORITY: Public Law 92–28, June 23, 1971 (85 Stat. 77.41 U.S.C. 46–48).

§ 51–5.1 Purchase procedure.

§ 51–5.1–1 General.

(a) When a commodity is identified on the procurement list as being available through the Defense Supply Agency (DSA) or from General Services Administration (GSA) supply distribution facilities, it shall be obtained in accordance with the requisitioning procedures of the supplying agency.

(b) DSA supply centers and GSA supply distribution facilities shall submit their stock replenishment orders to the central nonprofit agency shown on the procurement list as responsible for the commodity and request that an allocation be made.

(c) When a commodity or service is not identified on the procurement list as available through DSA or from GSA supply distribution facilities, the Government ordering office shall submit its requirements to the central nonprofit agency shown on the procurement list as responsible for the item and request that an allocation be made.

(d) Purchase procedures for military resale commodities are contained in § 51–5.6.

§ 51–5.1–2 Allocations.

(a) Letter requests for allocations for products or services to be purchased from agencies for the blind or other severely handicapped shall be submitted to the appropriate central nonprofit agencies listed below:

Agency	*Agency symbol*
United Cerebral Palsy Association, 66 East 34th Street, New York, NY 10016.	CP
International Association of Rehabilitation Facilities, 5530 Wisconsin Avenue NW., Washington, DC 20014.	RF
National Industries for the Blind, 1511 K Street NW., Washington, DC 20005.	IB
National Easter Seal Society for Crippled Children and Adults, 2023 West Ogden Avenue, Chicago, IL 60612.	ES

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Agency	Agency symbol
Goodwill Industries of America, 9200 Wisconsin Avenue, Washington, DC 20014.	GI
Jewish Occupational Council, 114 Fifth Avenue, New York, NY 10011.	JO
National Association for Retarded Children, 2709 Avenue "E" East, Arlington, TX 76011.	RC

(b) Requests for allocations shall contain for: (1) Commodities: Name, stock number, quantity, unit price, and place and time of delivery where applicable; (2) services: Type of service required, work to be performed, estimated volume, and time for completion when applicable.

(c) Allocations are not an obligation to supply any product or service nor are workshops authorized to commence production until receipt of an order. Ordering offices shall request a locations in sufficient time for the actions in § 51–5.1–3 to be accomplished.

§ 51–5.1–3 Orders.

(a) The central nonprofit agency shall make allocations to the appropriate workshop(s) and instruct the ordering office whether to forward the order to the central nonprofit agency or its workshop. (See paragraph (c) of this section for procedure for transmitting orders direct to a workshop without requesting an allocation.)

(b) Upon receipt of an allocation, the ordering office shall promptly submit an order to the appropriate central nonprofit agency or designated workshop(s). Where this cannot be done promptly, the ordering office shall so advise the central nonprofit agency and the workshop immediately. An order for commodities or services shall provide leadtime sufficient for purchase of raw materials, production or preparation, and delivery or completion. Where it does not, the central nonprofit agency or workshop, depending on which received the order, may request an extension of delivery or completion date which should be granted, if feasible. If extension of delivery or completion date is not feasible, the ordering office shall (1) notify the central nonprofit agency and/or workshop, as appropriate and (2) request the central nonprofit agency to reallocate or to issue a clearance for purchase from commercial sources.

(c) Commodities or services produced by the blind or other severely handicapped may be ordered without requesting an allocation for each order provided prior arrangements have been made with the central nonprofit agency for sending orders for specified commodities or services directly to the designated workshops. This method shall be used whenever possible since it eliminates double handling and decreases the time required for processing orders. Copies of such orders shall be submitted by the ordering office to the central nonprofit agency to which the workshop is affiliated.

(d) If an ordering office desires packing, packaging, or marking of products other than the standard pack or as provided in the procurement list, the difference in cost thereof, if any, shall be added to the purchase price.

§ 51–5.2 Purchase exceptions.

(a) An ordering office may purchase from a commercial source commodities or services listed in the procurement list in any of the following circumstances:

(1) Military necessity requires delivery within 2 weeks and the central nonprofit agency cannot give positive assurance of delivery.

(2) When the central nonprofit agency has notified the ordering office that commodities or services listed in the request for allocation cannot be furnished within the period specified.

(b) Prior to issuing any clearance for a Government entity to procure a commodity or service from commercial sources when the value of the procurement is $2,500 or more, the central nonprofit agency shall obtain concurrence of the Committee.

(c) When a purchase exception is granted, purchase action must be taken within 15 days of receipt of notice of clearance from the central nonprofit agency or as may be further extended by the central nonprofit agency.

§ 51–5.3 Prices.

(a) The prices included in the procurement list are fair market prices established by the Committee.

(b) Prices for commodities, except for military resale commodities, are for delivery aboard the vehicle of the initial carrier at point of production (f.o.b. shipping point) and include packaging, packing, and marking as shown on the procurement list.

(c) Price changes:

(1) Price changes for commodities will cover all orders placed after the effective date of the change and in special cases with the concurrence of the ordering office, undelivered orders on hand at the workshop on the effective date of the change.

(2) Price changes for services will cover all services performed on or after the effective date of the change.

(d) Some prices are different for Eastern and Western areas of the United States. The Western area includes the States of Alaska, Arizona, California, Hawaii, Idaho, Montana, Nevada, Oregon, Utah, and Washington. Western-area prices are applicable to items manufactured by workshops located in these States.

§ 51–5.4 Shipping and packing.

(a) Commodities, except for military resale commodities, will be delivered aboard the vehicle of the initial carrier at point of production (f.o.b. shipping point) for transportation to destination on Government bills of lading. Delivery is accomplished when a shipment is placed aboard the vehicle of the initial carrier. Time of delivery is the date shipment is released to and accepted by the transportation company. Bills of lading may accompany orders or be otherwise furnished, but they must be supplied promptly. Failure by an ordering office to furnish bills of lading promptly may result in an excusable cause for delay in delivery.

(b) Standard pack information is stated in item descriptions. In ascending order, standard pack is given in multiples of the unit of issue contained within the inner wrap(s) and the outer shipping container pack.

(c) Shipping weights, where available, are included in the procurement list. The weight indicated applies to the last quantity shown in the information on standard pack.

§ 51–5.5 Payments.

Payments for products or services of the blind or other severely handicapped shall normally be made within 20 days, but in no event later than 30 days, after shipment.

§ 51–5.6 Military resale commodities.

(a) Military resale commodities are items sold for the private, individual use of authorized patrons of Armed Forces commissaries, ship's stores, and exchanges, or like activities of other Government departments and agencies (authorized resale outlets).

(b) Purchase procedures for ordering military resale commodities are contained in instructions issued by the central nonprofit agency concerned. Authorized resale outlets shall request the central nonprofit agency to designate the workshop to which orders shall be forwarded.

(c) Authorized resale outlets will stock military resale commodities in as broad a range as is practicable. Comparable brand name items, procured from commercial sources, may also be stocked in military nonappropriated fund sales outlets to meet patron demand, but not to the exclusion of military resale commodities.

(d) The price of military resale commodities includes delivery to destination or, in the case of destinations overseas (including Alaska and Hawaii), to designated depots at ports of embarkation.

§ 51–5.7 Adjustment and cancellation of orders.

When the central nonprofit agency or a workshop fails to comply with the terms of a Government order, the ordering office shall make every effort to negotiate an adjustment before taking action to cancel the order. When a Government order is cancelled for failure to comply with its terms, the central nonprofit agency shall be notified, and, if practicable, requested to reallocate the order.

§ 51–5.8 Correspondence and inquiries.

Routine correspondence or inquiries concerning deliveries of commodities being shipped from or performance of service by blind and other severely handicapped workshops shall be with the workshop involved. Major problems shall be referred to the appropriate central nonprofit agency. Contacts regarding

items shipped from the DSA supply centers or the GSA supply distribution facilities should be made in accordance with established procedures of the supplying agency.

§ 51–5.9 Quality of merchandise.

(a) Commodities furnished under Government specification by blind or other severely handicapped workshops are manufactured in strict compliance with such specifications. Where no specifications exist, commodities produced are of the highest quality and are equal to similar items available on the commercial market. Commodities are inspected utilizing nationally recognized test methods and procedures for sampling and inspection.

(b) Services provided by blind or other severely handicapped workshops are performed in accordance with Government specifications and standards. Where no Government specification or standard exists, the services are performed in accordance with good commercial practices.

(c) Specifications cited in the procurement list may undergo a series of revisions, indicated by successive suffix letters, to keep current with industry changes and agency needs. Since it is not feasible to show the latest revision current on the publication date, only the basic specification is referenced in the procurement list.

§ 51–5.10 Quality complaints.

(a) When the quality of a commodity received is not considered satisfactory by the using activity, the activity shall take the following actions as appropriate:

(1) For commodities received from DSA supply centers or GSA supply distribution facilities, notify the supplying agency in accordance with that agency's procedures.

(2) For commodities received from blind or other severely handicapped workshops, address complaints to the workshop involved with a copy to the central nonprofit agency with which it is affiliated.

(b) When the quality of a service is not considered satisfactory by the using activity, the activity shall address complaints to the workshop involved with a copy to the central nonprofit agency with which it is affiliated.

(c) In those instances where quality problems cannot be resolved by the workshop and the using activity, the Committee and the central nonprofit agency shall be advised.

§ 51–5.11 Recommendations.

All Government entities, particularly individuals concerned with procurement, are encouraged to recommend to the Committee those commodities and services which appear to be suitable for provision to the Government by blind or other severely handicapped workshops.

[FR Doc.73–4098 Filed 3–5–73;8:45 am]

SMALL BUSINESS ADMINISTRATION

[13 CFR Part 124]

PROCUREMENT AND TECHNICAL ASSISTANCE

Contracting Under Small Business Act

Notice is hereby given that the Administrator of the Small Business Administration proposes to amend Part 124 of Chapter I of Title 13 of the Code of Federal Regulations by revising §§ 124.8–1 and 124.8–2 thereof, pertaining to contracting under section 8(a) of the Small Business Act.

These amendments clarify existing policies and procedures; limit the number of eligible concerns in which a person may have an interest; raise a presumption of ineligibility where a nondisadvantaged participant in a concern provides equity capital for the disadvantaged participant; raise a presumption of eligibility where a concern is 60 percent owned by disadvantaged persons; provide that a section 8(a) contract generally will not be awarded where a substantial beneficiary thereof would not be section 8(a) eligible; provide that limited competition will be used in awarding contracts where practicable; and provide program completion and termination guidelines for eligible concerns.

Interested persons may submit written comments, suggestions, or objections regarding the proposed amendments to the Small Business Administration on or before March 26, 1973.

All correspondence shall be addressed to:

Marshall J. Parker, Associate Administrator for Procurement and Management Assistance, Small Business Administration, 1441 L Street NW., Washington, DC 20416.

Accordingly, it is proposed to amend Part 124 of Chapter I of Title 13 of the Code of Federal Regulations by revising §§ 124.8–1 and 124.8–2 to read as follows:

§ 124.8–1 Introduction.

(a) *General.* These regulations implement section 8(a) of the Small Business Act which authorizes SBA to enter into all types of contracts (including, but not limited to, supply, services, construction, research, and development) with other Government departments and agencies and negotiate subcontracts for the performance thereof.

(b) *Purpose.* It is the policy of SBA to use such authority to assist small business concerns owned, controlled, and operated by socially and economically disadvantaged persons to achieve a competitive position in the marketplace.

(c) *Eligibility.* (1) *Social or economic disadvantage.*

An applicant concern must be owned and controlled by one or more persons who have been deprived of the opportunity to develop and maintain a competitive position in the economy because of social or economic disadvantage. Such disadvantage may arise from cultural, social, chronic economic circumstances or background, or other similar cause. Such persons include, but are not limited to, black Americans, American Indians, Spanish-Americans, Oriental-Americans, Eskimos and Aleuts. Vietnam-era service in the Armed Forces may be a contributing factor in establishing social or economic disadvantage.

(2) *Ownership and control.*

Disadvantaged persons must presently own and control the concern except where a divestiture agreement or management contract, approved by the Associate Administrator for Procurement and Management Assistance, temporarily vests ownership or control in nondisadvantaged persons. If a disadvantaged person obtains equity capital from nondisadvantaged owners of any interest in the concern or from the management contractor, it will be presumed that the disadvantaged person does not have control of the concern. No person, disadvantaged or otherwise (except Indian tribes, nonprofit foundations, small business investment companies and other institutional sources of venture capital), may own any interest in, or exercise any control of, more than one 8(a) concern at any one time unless approved by the Associate Administrator for Procurement and Management Assistance.

(i) *Proprietorships.* If the applicant concern is a proprietorship, it must be 100 percent owned and controlled by disadvantaged persons.

(ii) *Partnerships.* The ownership of at least 60 percent interest in the partnership by disadvantaged persons will create a rebuttable presumption of ownership and control.

(iii) *Corporations.* The ownership of at least 60 percent of each class of stock by disadvantaged persons will create a rebuttable presumption of ownership and control.

(iv) *Divestiture agreements.* If an applicant concern is not presently owned and controlled by disadvantaged persons, the persons exercising such ownership or control must execute a divestiture agreement which will provide for ownership and control in disadvantaged persons in accordance with the foregoing prescribed criteria within a reasonable period of time, usually not exceeding 3 years. All divestiture agreements must be approved by the Associate Administrator for Procurement and Management Assistance.

(v) *Management contracts.* All management contracts entered into by 8(a) concerns must be approved by SBA. Management contracts will generally be on a fixed-price basis. No contract for management services based upon payment of a percentage of the gross receipts, profit, etc., will be entered into without approval of the Associate Administrator for Procurement and Management Assistance.

(vi) *Exceptions.* Exceptions to the policies set forth in the subdivisions a, b, c, and e must be approved by the Associate Administrator for Procurement and

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Management Assistance. Exceptions may be approved only in conformity with the following standards:

(a) Approval of the exception will be consistent with, and effectuate, the purposes of the program, and

(b) The exception involves unique or extraordinary justifying circumstances.

§ 124.8–2 Procedures.

(a) *Submission of business plans.* Applicants must submit a business plan, including complete information regarding the concern's qualifications, which will demonstrate that 8(a) assistance will foster its participation in the economy as a self-sustaining, profit-oriented, small business. Business plans will usually reflect the need for 8(a) assistance for 3 years or less.

In no event may the acceptance or approval of a business plan by SBA be construed as a commitment by SBA to award a single contract, a continuing series of contracts, or provide any other assistance, contractual or otherwise.

(b) *Selection of potential contracts.* SBA will, in consultation and cooperation with other Government departments and agencies, select proposed procurements suitable for performance by 8(a) concerns. In making these selections, among the factors given consideration will be the percentage of all similar contracts awarded under the 8(a) program over a relevant period of time, the existence of prior public solicitation, the probability that an eligible concern could obtain a competitive award of the contract, and the extent to which other small concerns have historically been dependent upon the contract in question for a significant percentage of their sales.

(c) *Nondisadvantaged participants in a contract.* To insure that the purposes of the 8(a) program are being accomplished, applicants will disclose the extent to which nondisadvantaged persons or firms will participate in the performance of proposed 8(a) contracts. Section 8(a) contractors may not subcontract any portion of an 8(a) contract without the written consent of the SBA contracting officer. Joint Venture Agreements must be approved by the SBA Regional Director. As a general rule, SBA will not enter into an 8(a) contract where a substantial beneficiary of that contract, either through subcontracting, joint venture, or otherwise, would not be an eligible participant in the 8(a) program.

(d) *Negotiation of 8(a) subcontracts.* Section 8(a) subcontracts shall be negotiated with approved 8(a) companies on a limited competitive basis to the extent feasible and practicable. It is recognized that in some cases competition will be neither feasible nor practicable due to limited availability of qualified concerns, geographic considerations, or other factors. Section 8(a) subcontracts shall be awarded at prices which are fair and reasonable to the Government and to the subcontractor.

(e) *Program completion and termination.* An 8(a) concern which has substantially achieved the objectives of its business plan will be notified that its participation in the program is completed. 8(a) concerns shall not be retained in the program for more than three (3) years without prior approval of the Associate Administrator for Procurement and Management Assistance. The judgment as to the completion of program participation will be made in the light of the purposes of the program.

If the objectives and goals set forth in the business plan are not being met, the concern shall be informed what corrective measures are necessary. In cases where it is determined, in the judgment of SBA, that continued participation in the 8(a) program will not further the program objectives, the concern will be notified that its participation in the program is terminated. Reasons which would indicate the necessity for program termination prior to completion of the business plan termination date are, among others: The unavailability of appropriate 8(a) contracting support; the inability of the 8(a) concern to develop suitable commercial or competitive markets; inadequate management performance; evidence of continued inadequate technical performance et al.

Dated: February 28, 1973.

THOMAS S. KLEPPE,
Administrator.

[FR Doc.73-4417 Filed 3-5-73;10:13 am]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 1]

[Docket No. 19658; FCC 73-222]

SCHEDULE OF FEES

Order Rescheduling Dates for Filing Comments and Reply Comments

In the matter of Amendment of Subpart G of Part I of the Commission's rules relating to the schedule of fees, Docket No. 19658.

1. The Commission has before it a petition filed by National Cable Television Association, Inc. (NCTA) for extension of time to file comments and reply comments in the above-captioned proceeding.

2. The Commission, acting on its own motion, adopted an order on January 29, 1973, released January 30, 1973, and published at 38 FR 3336 rescheduling the dates for filing comments from February 13 to February 28 and for filing reply comments from February 28 to March 15, 1973.

3. NCTA has made a request, pursuant to the Freedom of Information Act, to be furnished certain information by the Commission which it stated it needed in order to adequately prepare its comments.

4. We conclude that the request for the extension is a reasonable one and accordingly hereby grant it.

5. *It is ordered,* That the time for filing comments in this proceeding is extended to March 14 and reply comments to March 28.

Adopted: February 26, 1973.

Released: February 28, 1973.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[FR Doc.73-4215 Filed 3-5-73;8:45 am]

Notices

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF STATE

[Public Notice CM-9]

ADVISORY COMMITTEE ON INTERNATIONAL INTELLECTUAL PROPERTY

Notice of Meeting

The International Copyright Panel of the Department of State's Advisory Committee on International Intellectual Property will meet on March 14, 1973. The meeting will not be open to the public because it will involve discussion of the official U.S. negotiating position for the upcoming international Meeting of Government Experts on the Protection of Programme-Carrying Signals Transmitted by Satellites. This determination is in accordance with 5 U.S.C. 552(b). Anyone interested in obtaining substantive information on the subject matter of this meeting may do so by calling 632–2181.

HARVEY J. WINTER,
Executive Secretary.

MARCH 2, 1973.

[FR Doc.73-4337 Filed 3-5-73;8:45 am]

DEPARTMENT OF THE TREASURY

Office of the Secretary

ELECTRONIC COLOR SEPARATING OR SORTING MACHINES FROM THE UNITED KINGDOM

Withholding of Appraisement Notice

Information was received on August 14, 1972, that electronic color separating or sorting machines from the United Kingdom are being sold at less than fair value within the meaning of the Antidumping Act, 1921, as amended (19 U.S.C. 160 et seq.) (referred to in this notice as "the Act"). This information was the subject of an antidumping proceeding notice which was published in the FEDERAL REGISTER of September 15, 1972, on page 18758. The antidumping proceeding notice indicated that there was evidence on record concerning injury to or likelihood of injury to or prevention of establishment of an industry in the United States.

Pursuant to section 201(b) of the Act (19 U.S.C. 160(b)), notice is hereby given that there are reasonable grounds to believe or suspect that the purchase price (section 203 of the Act; 19 U.S.C. 162) of electronic color separating or sorting machines from the United Kingdom is less, or is likely to be less than the foreign market value (section 205 of the Act; 19 U.S.C. 164).

Statement of reasons. The information before the Bureau of Customs tends to indicate that the probable basis of comparison for fair value purposes will be between purchase price and the adjusted home market price of such or similar merchandise.

Purchase price will probably be based on the f.o.b. U.S. port price with deductions for a discount, inland freight, air freight, brokerage fees, commissions, and U.S. duty, as appropriate.

Home market price will probably be based on the ex-factory price with a deduction for a discount. Adjustments will probably be made for differences in the merchandise, technical assistance, differences in packing cost, and selling expenses not exceeding the commission in the export market.

Using the above criteria, there are reasonable grounds to believe or suspect that purchase price will be lower than the adjusted home market price.

Customs officers are being directed to withhold appraisement of electronic color separating or sorting machines from the United Kingdom in accordance with § 153.48, Customs regulations (19 CFR 153.48).

In accordance with §§ 153.32(b) and 153.37, Customs regulations (19 CFR 153.32(b), 153.37), interested parties may present written views or arguments, or request in writing that the Secretray of the Treasury afford an opportunity to present oral views.

Any requests that the Secretary of the Treasury afford an opportunity to present oral views should be addressed to the Commissioner of Customs, 2100 K Street NW., Washington, DC 20229, in time to be received by his office not later than March 16, 1973. Such requests must be accompanied by a statement outlining the issues wished to be discussed.

Any written views or arguments should likewise be addressed to the Commissioner of Customs in time to be received by his office not later than April 5, 1973.

This notice, which is published pursuant to § 153.34(b), Customs regulations, shall become effective on March 6, 1973. It shall cease to be effective on September 6, 1973, unless previously revoked.

[SEAL] EDWARD L. MORGAN,
Assistant Secretary of the Treasury.

FEBRUARY 28, 1973.

[FR Doc.73-4264 Filed 3-5-73;8:45 am]

DEPARTMENT OF JUSTICE

Bureau of Narcotics and Dangerous Drugs

RESEARCH AND DEVELOPMENT ADVISORY COMMITTEE

Notice of Meeting

Pursuant to 21 U.S.C. 874, the Bureau of Narcotics and Dangerous Drugs (Bureau) will convene a meeting of its Research and Development Advisory Committee (Committee) on Tuesday, March 6, 1973.

In accordance with section 13(d) of Executive Order 11671 (dated June 5, 1972, released June 6, 1972), I have determined that because the activities of the Committee are analogous to those recognized in 5 U.S.C. 552(b)(7), in that they relate to the continued development of the investigative and enforcement capabilities of the Bureau, they should be withheld from disclosure. Accordingly, the meeting will not be open to the public.

Dated: March 2, 1973.

JOHN E. INGERSOLL,
Director, Bureau of Narcotics and Dangerous Drugs.

[FR Doc.73-4392 Filed 3-5-73;8:45 am]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

CHIEF, DIVISION OF ADMINISTRATION, ADMINISTRATIVE OFFICER; CRAIG, COLO.

Delegation of Authority Regarding Contracts and Leases

A. Pursuant to redelegation of authority contained in Bureau Manual 1510.03C and the State Director's redelegation order of April 16, 1968, the Chief, Division of Administration, Administrative Officer, Craig District, is authorized.

1. To enter into contracts with established sources for supplies and services, excluding capitalized and major noncapitalized equipment, regardless of amount and,

2. To enter into contracts on the open market for supplies and materials, excluding capitalized and major noncapitalized equipment, not to exceed $2,500 per transaction, provided the requirement is not available from the established sources, and,

3. To enter into negotiated contracts without advertising pursuant to section 302(c)(2) of the FPAS Act, of 1949, as amended, for rental of equipment and aircraft covered by offer agreements necessary for the purpose of emergency fire suppression, and,

4. To enter into contracts for construction and land treatment not to exceed $2,000 per transaction.

B. This authority may not be further redelegated.

MARVIN W. PEARSON,
District Manager.

[FR Doc.73-4250 Filed 3-5-73;8:45 am]

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Fish and Wildlife Service

ANAHO ISLAND NATIONAL WILDLIFE REFUGE

Public Hearing Regarding Wilderness Proposal; Extension of Time for Filing Comments

Notice of the public hearing for the Anaho Island National Wildlife Refuge wilderness proposal was published in the December 12, 1972 issue of the FEDERAL REGISTER as Doc. 72-21269.

The period of time during which comments and testimony will be accepted into the public hearing record is extended to May 15, 1973.

The notice of public hearing is hereby amended as follows: In the final sentence substitute "May 15, 1973" for "March 10, 1973".

SPENCER H. SMITH,
Director, Bureau of Sport Fisheries and Wildlife.

FEBRUARY 28, 1973.

[FR Doc.73-4220 Filed 3-5-73;8:45 am]

National Park Service

NATIONAL REGISTER OF HISTORIC PLACES

Additions, Deletions, or Corrections

By notice in the FEDERAL REGISTER of February 28, 1973, Part II, there was published a list of the properties included in the National Register of Historic Places. Further notice is hereby given that certain amendments or revisions in the nature of additions, deletions, or corrections to the previously published list are adopted as set out below.

It is the responsibility of all Federal agencies to take cognizance of the properties included in the National Register as herein amended and revised in accordance with section 106 of the National Historic Preservation Act of 1966, 80 Stat. 915, 16 U.S.C. 470.

The following properties have been demolished and removed from the National Register:

CALIFORNIA

Sacramento County

Sacramento vicinity, *Bennett Mound*, 9 miles northwest of Sacramento on the Garden Highway.

CONNECTICUT

Hartford County

New Britain, *Hanna's Block*, 432 Main Street.

The following properties have been added to the National Register since February 1, 1973:

ALABAMA

Dallas County

Selman, *Sturdivant Hall (Watts-Parkman-Gillman House)*, 713 Mabry Street.

Elmore County

Wetumpka, *First United Methodist Church (Methodist Episcopal Church)*, 308 Tuskena Street.

Mobile County

Mobile (Spring Hill), *Carolina Hall (Yesterhouse, Dawson-Perdue House)*, 70 South McGregor.

ARKANSAS

Lonoke County

Scott vicinity, *Toltec Indian Mounds (Knapp Mounds)*, about 5 miles southeast of Scott off Arkansas 30.

CALIFORNIA

Imperial County

Anza-Borrego Desert State Park, *Fages-De Anza Trail—Southern Emigrant Route* (also in San Diego County).

Marin County

Novato vicinity, *Rancho Olompali (Coast Miwok Indian Village)*, 8901 Redwood Highway (U.S. 101), 3.5 miles north of Novato.

San Diego County

Fages-De Anza Trail—Southern Emigrant Route (see Imperial County).

Santa Clara County

San Jose, *Civic Art Gallery (Old Post Office)*, 110 Market Street.

COLORADO

Archuleta County

Antonito vicinity, *Cumbres and Toltec Scenic Railroad (Denver & Rio Grande Western Railroad)*, between Antonito and Chama, N. Mex. (also in Conejos County, Colo., and Rio Arriba County, N. Mex.).

Clear Creek County

Georgetown, *Alpine Hose Company No. 2*, 507 Fifth Street.

Conejos County

Cumbres and Toltec Scenic Railroad (*Denver & Rio Grande Western Railroad*) (see Archuleta County).

El Paso County

Colorado Springs, *Chief Theatre (Burns Building and Theatre)*, 21½ East Pikes Peak.

Gilpin County

Central City, *Central City Opera House*, Eureka Street.
Central City, *Teller House*, Eureka Street.

CONNECTICUT

New Haven County

Cheshire, *Farmington Canal Lock*, 487 North Brooksvale Road.

New London County

Norwich, *Norwichtown Historic District*.

DELAWARE

New Castle County

Blackbird vicinity, *Old Union Methodist Church*, 1.5 miles north of Blackbird on U.S. 13.
Odessa vicinity, *Old Drawyers Church (Drawyers Church)*, about 1 mile north of Odessa on U.S. 13.
Wilmington vicinity, *Village of Arden*, 6 miles north of Wilmington.

DISTRICT OF COLUMBIA

Washington

Friendship House (The Maples), 619 D Street SE.
Indonesian Embassy (Walsh-McLean House), 2020 Massachusetts Avenue NW.

GEORGIA

Bartow County

Cartersville, *Roselawn (Sam Jones House)*, 244 Cherokee Avenue.

Decatur County

Bainbridge vicinity, *Curry Hill Plantation*, 6 miles east of Bainbridge on U.S. 84.

Newton County

Oxford, *Orna Villa (Alexander Means House)*, 1008 North Emory Street.

HAWAII

Honolulu County

Honolulu, *Chinatown Historic District*, bounded roughly by Beretania Street on the northeast, Nuuanu Stream on the north, Nuuanu Avenue on the southeast, and a line running north and south 50 feet west of the longest pier in Honolulu Harbor.
Kaneone, *Heeia Fish Pond*, off Kamehameha Highway, adjacent to Heeia Point.

IDAHO

Bannock County

Pocatello, *Stanrod House*, 648 North Garfield Avenue.

ILLINOIS

McLean County

Bloomington, *McLean County Courthouse*, block bounded by Main, Washington, Center, and Jefferson Streets.

Peoria County

Peoria, *Peoria City Hall*, 419 Fulton Street.

INDIANA

Allen County

Fort Wayne, *Johnny Appleseed Memorial Park*, about 0.4 mile south of Coliseum Boulevard (U.S. 30 Bypass) on the east side of Parnell Avenue (3800 block).

Madison County

Anderson vicinity, *Mounds State Park*, 3 miles east of Anderson on SR 32.

Vigo County

Terre Haute, *Dresser, Paul, Birthplace*, northwest corner of First and Farrington Streets, in Fairbanks Park.

KANSAS

Clay County

Clay Center, *Clay County Courthouse*, Fifth and Court Streets.

Cloud County

Concordia, *Nazareth Convent and Academy*, 13th and Washington Streets.

Ellsworth County

Ellsworth, *Hodgden House*, 104 West Main Street.

Harper County

Harper, *Old Runnymede Church (St. Patrick's Episcopal Church)*, northeast corner of 11th and Pine Streets.

Hodgeman County

Jetmore, *Haun, Thompson S., House*, Main Street.

Mitchell County

Beloit, *Hart, F. H., House*, 304 East Main Street.

Montgomery County

Coffeyville, *Condon National Bank*, 811 Walnut Street.

Pottawatomie County

Wamego, *Old Dutch Mill (Schonoff Mill)*, Wamego City Park.

Shawnee County

Topeka, *Curtis, Charles, House*, 1101 Topeka Avenue.

KENTUCKY

Fayette County

Lexington, *Loudoun House*, corner of Bryan Avenue and Castlewood Drive.

Mercer County

Harrodsburg, *Morgan Row*, 222, 230, 232 South Chiles.
Harrodsburg vicinity, *Dutch Reform Church (Old Mud Meeting House)*, 3 miles southwest of Harrodsburg, on Dry Branch Road.

Nelson County

Bardstown vicinity, *Wickland*, 0.5 mile east of Bardstown on U.S. 62.

Pike County

Pikeville, *Pikeville College Academy Building*, College Street.

Scott County

Georgetown, *Giddings Hall*, Giddings Drive between Jackson and College Streets.

LOUISIANA

East Baton Rouge Parish

Baton Rouge, *Old Louisiana State Capitol (State House)*, North Boulevard and St. Philip Street.

West Feliciana Parish

St. Francisville vicinity, *Oakley Plantation House*, 4.5 miles east of St. Francisville, off Louisiana 965, in Audubon Memorial State Park.

MAINE

Cumberland County

Gorham, *Academy Building (Gorham Academy, Gorham Seminary)*, Gorham School Street (Route 114).
Portland, *First Parish Church*, 425 Congress Street.
Portland, *Green Memorial A.M.E. Zion Church (Abyssinian Congregational Church and Society)*, 46 Sheridan Street.
Portland, *Portland Club (Hunnewell-Shepley House)*, 156 State Street.
Portland, *Stroudwater Historic District*.

Lincoln County

Wiscasset, *Wiscasset Historic District*.

Penobscot County

Orono, *Washburn, Governor Israel, House*, 120 Main Street.

MARYLAND

Allegany County

Cumberland, *Washington Street Historic District*, east bank of Wills Creek to mid-600 block of Washington Street and Prospect Square.

Anne Arundel County

Annapolis, *Creagh, Patrick, House*, 160 Prince George Street.
Annapolis, *Mount Moriah A.M.E. Church*, 84 Franklin Street.
Annapolis, *Old City Hall & Engine House*, 211–213 Main Street.

Baltimore (independent city)

Londontown Manufacturing Company, Inc. (Meadow Mill), 3600 Clipper Mill Road.
Pascault Row, 651–655 West Lexington Street.

MASSACHUSETTS

Berkshire County

Hancock, *Hancock Town Hall*, Main Street.

Bristol County

New Bedford, *Fort Taber District*, on Wharf Road, within Fort Rodman Military Reservation.

Essex County

Salem, *Fort Pickering (Fort William, Fort Anne)*, southeastern part of Winter Island.

Middlesex County

Cambridge, *Old Harvard Yard*, Massachusetts Avenue and Cambridge Street.
Lowell, *Chelmsford Glass Works' Long House*, 139–141 Baldwin Street.

Worcester County

Northbridge, Uxbridge, *Blackstone Canal*, east of Route 122, from Northbridge to Uxbridge.

MICHIGAN

Bay County

Bay City, *Tromble House*, 114, 116, 118 Webster Street.

Huron County

Port Hope, *Stafford House*, 4467 Main Street.

Ottawa County

Coopersville, *Grand Rapids, Grand Haven & Muskegon Railway Depot*, 363 West Main Street.

Wayne County

Highland Park, *Highland Park Plant, Ford Motor Company*, 15050 Woodward Avenue.

MISSISSIPPI

Harrison County

Biloxi, *Biloxi Garden Center (Old Brick House)*, 410 East Bayview Avenue.

Jefferson County

Rodney vicinity, *Laurel Hill Plantation House*, 2 miles southeast of Rodney.
Rodney, *Rodney Presbyterian Church*.

Warren County

Redwood, *Snyder's Bluff (Fort Saint Peter-Fort Snyder)*, on Mississippi 3.

MISSOURI

Howard County

New Franklin, "*Rivercene*," RFD 1.

Jasper County

Carthage, *Jasper County Courthouse*, Courthouse Square.

St. Louis County

Hazelwood, *Utz-Tesson House*, 615 Utz Lane.

NEBRASKA

Hall County

Grand Island vicinity, *Grand Island FCC Monitoring Station*, 5 miles west of Grand Island near State Spur 430.

Thayer County

Alexandria, *Dill, Richard E., House*.

NEW JERSEY

Burlington County

Arney's Mount, *Arney's Mount Friends Meeting House and Burial Ground*, intersection of Mount Holly-Jullustown and Pemberton-Arney's Mount Roads.

Camden County

Cinnaminson vicinity, *Morgan, Griffith, House*, about 2 miles west of Cinnaminson on the Delaware River at the mouth of Pennsauken Creek.

Gloucester County

Barnsboro, *Barnsboro Hotel*, north side of intersection of Pitman-Sewell Roads.
National Park, *Whitall, James Jr., House*, 100 Grove Avenue.
Swedesboro, *Trinity Church (Old Swedes Church)*, northwest corner of Church Street and King's Highway.
Swedesboro vicinity, *stratton, Governor Charles C., House*, 0.5 mile east of Swedesboro on King's Highway.
Wenonah, *Clark, Benjamin, House*, Glassboro Road (CR 553).
Woodbury, *Woodbury Friends' Meeting House*, 120 North Broad Street.

Hunterdon County

Annandale, *Bray-Hoffman House*, west side of Bray's Hill Road, 0.6 mil south of U.S. 22.

Mercer County

Hamilton Square vicinity, *Hutchinson House*, 1 mile northeast of Hamilton Square on Hutchinson Mill-Pond Road.
Lawrenceville vicinity, *White, John, House*, 1 mile north of Lawrenceville on Cold Soil Road.
Trenton, *Bow Hill (DeKlyn House)*, Jeremiah Avenue off Laylor Street.
Trenton, *The Mansion House (McCall House, Ellarslie)*, Cadwalader Park.

Union County

Scotch Plains, *Old Baptist Parsonage*, 547 Park Avenue.

NEW MEXICO

Rio Arriba County

Cumbres and Toltec Scenic Railroad (Denver & Rio Grande Western Railroad) (see Archuleta County, Colo.).

Valencia County

Laguna, *San Jose de la Laguna Mission and Convento*, southeast corner of Laguna Plaza.

NEW YORK

Albany County

Albany, *First Trust Company Building*, 35 State Street.
Altamont, *Hayes House*, 104 Fairview Avenue.

Chenango County

Earlville, *Earlville Opera House (Douglass Opera House)*, 12–20 East Main Street.

Dutchess County

Pawling, *Oblong Friends Meeting House*, Meetinghouse Road, Quaker Hill.

Erie County

Buffalo, *Buffalo State Hospital*, 400 Forest Avenue.
Irving, *Thomas Indian School*, on route 438, in Cattaraugus Indian Reservation.

Essex County

Essex vicinity, *Octagonal Schoolhouse*, on Route 22 in Bouquet.

Montgomery County

Palatine, *Palatine Church (Evangelical Lutheran)*, on Mohawk Turnpike (NY 5).

New York County

New York, *Smith, Abigail Adams, House (Stable)*, 421 East 61st Street.
New York, *Surrogate's Court (Hall of Records)*, 31 Chambers Street.
New York, *U.S. General Post Office*, Eighth Avenue between 31st and 33d Streets.

Orange County

Newburgh, *Mill House (Gomez the Jew House, Mill House Road.*

Rensselaer County

Troy, *Troy Public Library (Hart Memorial Library)*, 100 Second Street.

Richmond County

Staten Island, *Kreuzer-Pelton House*, 1262 Richmond Terrace.

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Westchester County

Ossining, *First Baptist Church of Ossining*, South Highland Avenue and Main Street.
Purdys, *Purdy, Joseph, Homestead*, Intersection of (Old) NY 22 and NY 116.
Scarsdale, *Hyatt, Caleb, House* (*Cudner-Hyatt House*), 937 White Plains Post Road.

Wyoming County

Wyoming, *Middlebury Academy*, 22 South Academy Street.

NORTH CAROLINA

Cumberland County

Erwin vicinity, *Oak Grove*, south of Erwin off NC 82, 0.8 mile north of junction of NC 82 and SR 1875.
Fayetteville, *Fayetteville Woman's Club and Oval Ballroom*, 225 Dick Street.

Guilford County

Jamestown, *Jamestown Historic District*, about 1 mile stretch flanking U.S. 29A-70A.

Halifax County

Scotland Neck vicinity, *Sally-Billy House*, 0.8 mile west of Scotland Neck on south side of SR 1117.

Harnett County

Dunn vicinity, *Lebanon*, 4.5 miles southwest of Dunn on NC 82.

Iredell County

Statesville, *Main Building, Mitchell College*, Broad Street.

Lee County

Sanford, *The Railroad House*, Carthage Street at Hawkins Avenue.

Macon County

Wests Mill vicinity, *Cowee Mound and Village Site*, 0.75 mile west of Wests Mill on the south bank of Little Tennessee River.

Pamlico County

Oriental vicinity, *China Grove*, 3 miles southwest of Oriental on Janeiro RPR 1302.

Warren County

Warrenton vicinity, *Elgin*, 1.5 miles southeast of Warrenton on SR 1509.

OHIO

Cuyahoga County

Cleveland, *Mather, Samuel, Mansion (University Hall, Cleveland State University)*, 2605 Euclid Avenue.

Greene County

Wilberforce, *Homewood Cottage (Hallie Q. Brown House)*, on Brush Row Road, immediately northwest of the Post Office.
Wilberforce, *President's House, Central State University (Scarborough, William, House)*, southeast side of Brush Row Road, just southeast of the Post Office.

Hamilton County

Cincinnati, *Covenant-First Presbyterian Church*, Eighth and Elm Streets.
Cincinnati, *Dayton Street Historic District*, bounded on the north by Bank Street, on the east by Linn Street, and on the south by Poplar Street, and on the west by Winchell Avenue.
Cincinnati, *St. Peter-in-Chans Cathedral*, 325 west Eighth Street.
Cincinnati, *Taft Museum (Baum, Martin, House)*, 316 Pike Street.

Medina County

Wadsworth, *St. Mark's Episcopal Church (Wadsworth Congregational Church)*, 146 College Street.

PENNSYLVANIA

Chester County

Dilworthtown, *Dilworthtown Historic District*, intersection of CR 15199 and 15087.

Philadelphia County

Philadelphia, *Church of the Holy Trinity*, southwest corner of 19th and Walnut Streets.

RHODE ISLAND

Newport County

Newport, *Rosecliff (Hermann Oelrichs House, J. Edgar Monroe House)*, east side of Belmont Avenue, south of Marine Avenue.

Providence County

Providence, *Hope Street Historic District*, Hope Street from its intersection with Benevolent Street at the south to its intersection with Angell Street at the north.
Providence, *Hoppin, Thomas F., House*, 383 Benefit Street.
Providence, *St. Stephen's Church*, 114 George Street.

TENNESSEE

Jefferson County

Dandridge, *Dandridge Historic District*, bounded on the east by Mill Street extended to the dike, on the south by the dike, on the west by a line about 800 feet west of Gay Street, and on the north by a line about 900 feet north of Meeting Street.

Williamson County

Franklin, *Carnton*, Confederate Cemetery Lane.
Franklin, *Fort Granger*, off Liberty Pike.

VERMONT

Windsor County

Woodstock, *Woodstock Village Historic District*.

VIRGINIA

Fairfax County

Fairfax, *Harp's Ordinary (Ratcliffe-Logan-Allison House)*, 200 east Main Street.

Lancaster County

Lancaster vicinity, *Belle Isle*, southwest side of the west end of Route 683, 1 mile west of intersection with Route 354.

Virginia Beach (independent city)

Virginia Beach, *Pleasant Hall*, 5184 Princess Anne Road.

WASHINGTON

Clark County

Vancouver, *Slocum House*, 605 Esther Street.

Jefferson County

Port Townsend, *Tucker, Horace, House*, 706 Franklin Street.

Spokane County

Spokane, *Cowley Park*, South Division Street between Sixth and Seventh Avenues.

WISCONSIN

Waukesha County

Saylesville vicinity, *Booth, J. C., House (John Rankin House)*, about 1 mile southwest of Saylesville on Saylesville Road (County Trunk Highway X).

WYOMING

Albany County

Between Rock River and Medicine Bow, *Como Bluff*, on U.S. 30, along Como Ridge (also in Carbon County).

Carbon County

Como Bluff (see Albany County).

Laramie County

Cheyenne, *Union Pacific Depot*, 121 West 15th Street.
Cheyenne, *Wyoming State Capitol Building and Grounds*, 24th Street and Capitol Avenue.

ROBERT M. UTLEY,
Director, Office of Archeology, and Historic Preservation.

[FR Doc.73-4158 Filed 3-5-73;8:45 am]

ROSS LAKE NATIONAL RECREATION AREA

Notice of Intention To Negotiate Concession Contract

Pursuant to the provisions of section 5, of the Act of October 9, 1965 (79 Stat. 969; 16 U.S.C. 20) public notice is hereby given that on or before April 5, 1973, the Department of the Interior, through the Director of the National Park Service, proposes to negotiate a concession contract with Diablo Lake Resort authorizing it to provide concession facilities and services for the public at Ross Lake National Recreation Area for a period of 15 years from January 1, 1973, through December 31, 1987.

The foregoing concessioner has performed its obligations under the expiring contract to the satisfaction of the National Park Service, and therefore, pursuant to the Act cited above, is entitled to be given preference in the renewal of the contract and in the negotiation of a new contract. However, under the Act cited above, the Secretary is also required to consider and evaluate all proposals received as a result of this notice. Any proposal to be considered and evaluated must be submitted on or before April 5, 1973. Interested parties should contact the Chief, Office of Concessions Management, National Park Service, Washington, D.C. 20240, for information as to the requirements of the proposed contract.

Dated: February 26, 1973.

LAWRENCE C. HADLEY,
Assistant Director, National Park Service.

[FR Doc.73-4157 Filed 3-5-73;8:45 am]

DEPARTMENT OF AGRICULTURE

Forest Service

[Region 6]

DESCHUTES NATIONAL FOREST CATTLEMEN AND WOOLGROWERS ADVISORY BOARD

Notice of Meeting

The Deschutes National Forest Cattlemen and Woolgrowers Advisory Board will meet at 1:30 p.m., March 16, 1973, at the Supervisor's Office, 211 East Revere, Bend, OR.

The purpose of this meeting is to discuss the following topics:

1. Forest Position Statements.
2. Oregon State Game Commission's Report on Wildlife.
3. Bureau of Sport Fishery and Wildlife's Report on Predator Situation.
4. General Discussion of Permittee Problems.

The meeting will be open to the public. Persons who wish to attend should notify Milton J. Griffith, 382-6922. Ext. 262. Written statements may be filed with the committee before or after the meeting. The Chairman may request comments from any individual or group representative.

EARL E. NICHOLS,
Forest Supervisor.

FEBRUARY 26, 1973.

[FR Doc.73-4156 Filed 3-5-73;8:45 am]

[Region 6]

ROGUE RIVER NATIONAL FOREST ADVISORY COUNCIL COMMITTEE

Notice of Meeting

The Rogue River National Forest Advisory Council Committee will meet March 29, 1973, 9 a.m., in the Jackson County Courthouse auditorium.

The purpose of this meeting is to discuss the following topics: Overview of Current Forest Activities, Squaw Lakes Management Plan Proposals, Status of Roadless Area Study, Rogue River Corridor, and Cattle Grazing in Mountain Meadows and along Hiking Trails.

The meeting will be open to the public.

Dated: February 26, 1973.

H. M. LILLIGREN,
Forest Supervisor.

[FR Doc.73-4251 Filed 3-5-73;8:45 am]

ROUTT NATIONAL FOREST MULTIPLE-USE ADVISORY COMMITTEE

Notice of Meeting

The Routt National Forest Multiple-Use Advisory Committee will meet at 10 a.m., March 9, 1973, in the meeting room at the Yampa Valley Electric Association Building in Steamboat Springs, Colo.

The purpose of this meeting is to:

Discuss the Routt National Forest Accomplishment Report.
Discuss management of South Fork of the Williams Fork Area.
Discuss roadless areas and Chief's draft environmental statement.
Discuss possible land exchange with Woodmoor Corp.
Report on proposed transportation system and travel restrictions.
Report on Bureau of Reclamation 345 kv. powerline project and Yampa Valley Electric 69 kv. line to Clark.
Report on timber management plans for the next 5 years.
Determine time and place for the summer field meeting.

The meeting will be open to the public. Persons who wish to attend should notify the Routt National Forest in Steamboat Springs, Colo., phone number 879-1722. Written statements may be filed with the committee before or after the meeting.

The committee has established the following rules for public participation:

The chairman will provide time for the public to present oral statements and ask pertinent questions at the conclusion of the business meeting.

W. B. METCALF,
Forest Supervisor.

FEBRUARY 27, 1973.

[FR Doc.73-4200 Filed 3-5-73;8:45 am]

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[Docket No. B-558]

BRUCE G. HUSON

Notice of Loan Application

FEBRUARY 28, 1973.

Bruce G. Hudson, 508 Summer Street, Manchester, MA 01944, has applied for a loan from the Fisheries Loan Fund to aid in financing the purchase of a new wood vessel, about 36 feet in length, to engage in the fishery for lobsters.

Notice is hereby given, pursuant to the provisions of 16 U.S.C. 742c, Fisheries Loan Fund Procedures (50 CFR Part 250, as revised), and Reorganization Plan No. 4 of 1970, that the above-entitled application is being considered by the National Marine Fisheries Service, National Oceanic and Atmospheric Administration, Department of Commerce, Washington, D.C. 20235. Any person desiring to submit evidence that the contemplated operation of such vessel will cause economic hardship or injury to efficient vessel operators already operating in that fishery must submit such evidence in writing to the Director, National Marine Fisheries Service, on or before April 5, 1973. If such evidence is received it will be evaluated along with such other evidence as may be available before making a determination that the contemplated operation of the vessel will or will not cause such economic hardship or injury.

ROBERT W. SCHONING,
Acting Director, National Marine Fisheries.

[FR Doc.73-4201 Filed 3-5-73;8:45 am]

ECONOMIC HARDSHIP EXEMPTIONS

Notice of Applications

Notice is hereby given that the following applicants have filed applications for an economic hardship exemption pursuant to section 101(c) of the Marine Mammal Protection Act of 1972 (Public Law 92-522), and § 216.13, of the interim regulations governing the taking and importing of marine mammals (37 FR 28177).

1. Paul A. Paulbitski, graduate student, Department of Marine Biology, California State University, San Francisco, Calif., to continue tagging harbor seals (*Phoca vitulina richardi*) in San Francisco Bay in order to complete his research requirements for an advanced degree from California State University.

Applicant states that he:

(a) Has been conducting research for the past 2 years to determine the status and movement of harbor seals in San Francisco Bay. During this time, he has tagged three seals.

(b) Has developed a mortality-free technique to capture harbor seals on shore, mark them, and release them with minimum stress to the animals.

(c) Desires to tag no more than 20 harbor seals through April 1973. Has made no recovery plans, but will observe the tagged seals visually.

(d) Has invested in capturing and tagging equipment, is supporting research and education with personal funds.

(e) Will be caused undue economic hardship as failure to receive an exemption would require cancellation or redirection of his graduate study program.

2. Charles O. Handley, Jr., Curator and Supervisor, Division of Mammals, National Museum of Natural History, Smithsonian Institution, Washington, D.C., to import from Argentina the skeleton of one Beaked whale (*Tasmacetus sp.*) to add to the Smithsonian reference collection.

Applicant states that:

(a) The carcass of this rare whale was found on the beach during a Smithsonian reconnaissance trip to Peninsula Valdez, Chubut, Argentina, by Dr. James G. Mead.

(b) Only five examples of this whale are known to exist in world museums; none in the United States.

(c) The previous skeletons, mostly fossil, have all been found in the Pacific around New Zealand.

(d) The specimen has great scientific value.

(e) Failure to receive an exemption would result in the loss of the investment which has been made in semi-preserving and preparing the skeleton for shipment and create an undue economic hardship.

3. H. L. Stone, Ph. D., Chief, Cardiovascular Control Section, Division of Comparative Marine Neurobiology, The Marine Biomedical Institute, Galveston, Tex., to capture and hold 20 California sea lions (*Zalophus californianus*) for the purpose of continuing scientific research efforts to describe their diving reflexes elicited by face immersion.

Applicant states that:

(a) Information on the reaction and control of the cardiovascular system of the sea lion upon diving will furnish needed information about disease processes in these animals and benefit medical science in understanding cerebral vascular and coronary artery disease.

(b) The sea lion has proven to be technically the most successful mammal for this type study.

(c) Animals will be purchased from a commercial collector agent in California.

(d) The requested exemption will allow completion of two scheduled experimental series involving 10 animals each.

(e) Utmost care and humane treatment are rendered to the sea lion before and after implantation of the bioinstrumentation.

(f) At the conclusion of each set of experiments, most of the animals are donated to aquaria for public display.

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Some, however, may be sacrificed for autopsy.

(g) During work to date, four animals have been involved, and none have been sacrificed.

(h) The Marine Biomedical Institute and the National Institutes of Health are supporting this project in excess of $70,000 per year.

(i) Continued studies are planned for future years.

(j) Interruption of this continuing scientific research would affect the jobs of the five people directly involved, and would cause economic hardship to the Institute through the loss of grant funds.

4. Frederick J. Woelkers III, Alaska Research Co., Post Office Box 877, Seward, Alaska, to take adult and pup seals and sea lions for commercial sale of the hides, meat, and fat.

Applicant states that:

(a) The area to be hunted is mostly from the southern coast of south central Alaska, centering in the Seward-Kodiak area.

(b) One or two hunting trips will be made near Yakutat, and a few trips out on the Aleutian chain and Bering Sea during the next summer.

(c) Conditions will determine time, date, and area.

(d) The numbers to be harvested are as follows:

Seal adults—under 1,600, not more than 30 percent of any one herd or group in a given area.

Seal pups—500, not more than 50 percent in a given rookery or area.

Sea lion adults—under 500, not more than 20 percent of any one herd in a given area.

Sea lion pups—under 500, not more than 50 percent of any given rookery.

(e) He has discussed the effects of the numbers harvested on the seal and sea lion populations with biologists in Alaska and his conclusion is that, in general, the sea lion is underharvested and the seal has been harvested through the years with no apparent damage to the total population.

(f) His livelihood is dependent upon the taking and selling and failure to receive an exemption will cause undue economic hardship.

5. Ray C. Randall, Port William, Alaska, to take 2,500 sea lion pups for commercial sale of the hides, meat, and fat.

Applicant states that:

(a) The area to be hunted is Marmot Island, a rookery in the Kodiak, Alaska, island group.

(b) Past practice has been to take about half the pups in any one rookery area.

(c) The harvest has historically started in the late spring and continued into the summer.

(d) An economic hardship is claimed on the basis that his livelihood has been derived, exclusively, during the past 10 years, from sea lion and seal hunting.

6. Joseph L. Hrachovec, President, Black Hills Marineland Inc., Post Office Box 1243, Rapid City, SD, to take and display three California sea lions (*Zalophus californianus*) and to lease and display one bottle-nosed dolphin (*Tursiops truncatus*). Applicant states that:

(a) During the past 10 years, he has operated a commercial marine aquarium open to the public principally during the summer months.

(b) He desires to purchase three California sea lions from a California collector/agent to add to his display.

(c) He desires to lease one dolphin, subject to the Marine Mammal Protection Act, from Gulfarium, Fort Walton Beach, Fla., which is one of the listed animals in a separate application for an economic hardship exemption for Gulfarium, published in the FEDERAL REGISTER on January 24, 1973.

(d) Two animals have been shipped from Florida to South Dakota in the spring and returned during the fall of each of the past 8 years and the applicant has gained considerable handling experience in this process.

(e) Two animals will actually be shipped this year, if the exemption is granted, one of which is already trained and is exempt from the Marine Mammal Protection Act because it was captured before December 21, 1972. The second animal, which is the subject of this application, will undergo team training with the first during the summer.

(f) Veterinary care is provided locally during the summer, with advice and assistance from the veterinarian employed by the gulf coast supplier.

(g) His business is totally dependent upon securing and training these animals and if an exemption is not granted, his show will not open and he will suffer economic hardship.

7. Lawrence E. Bond, Director, Global Sea Lions Inc., Santa Barbara, Calif., to take 200 California sea lions (*Zalophus californianus*), for sale to aquariums and zoos.

Applicant states that:

(a) He has performed a collecting service for zoos and other displayers for 5 years and has developed humane methods of capture, holding, and shipment.

(b) Animals are netted in the water at, or near, Adams Cove, San Miguel Island, Calif.

(c) No pregnant, nursing, diseased, or injured animals are retained.

(d) Prior to shipment, animals are held in clean pens and fed daily.

(e) His entire income is derived from this operation and failure to receive an exemption would constitute economic hardship to himself and to zoos and aquaria which generally do not have collecting capabilities or experience.

Documents submitted in connection with these applications are available for inspection in the Office of the Director, National Marine Fisheries Service. Confidential financial documents and trade secrets will not be available.

All factual statements and opinions contained in this notice, with respect to each application, are those supplied by the respective applicants and do not necessarily reflect the findings or opinions of the National Marine Fisheries Service.

Dated: March 1, 1973.

ROBERT W. SCHONING,
Acting Director, National Marine Fisheries Service.

[FR Doc.73-4324 Filed 3-5-73;8:45 am]

YELLOWFIN TUNA

Closure of Season

Notice is hereby given pursuant to § 280.5, Title 50, Code of Federal Regulations, as follows:

On February 28, 1973, the Director of Investigations of the Inter-American Tropical Tuna Commission recommended to the representatives of all nations having vessels operating in the regulatory area defined in 50 CFR 280.1(g), that the yellowfin tuna fishing season be closed at 0001 hours, local time, on March 8, 1973, to assure that the established catch limit of 130,000 short tons for 1973 will not be exceeded.

I hereby announce that the 1973 season for the taking of yellowfin tuna without restriction as to quantity by persons and vessels subject to the jurisdiction of the United States will terminate at 0001 hours, local time in the area affected, March 8, 1973.

Issued at Washington, D.C., and dated March 1, 1973.

ROBERT W. SCHONING,
Acting Director, National Marine Fisheries Service.

[FR Doc.73-4210 Filed 3-5-73;8:45 am]

Office of Import Programs

ROOSEVELT UNIVERSITY ET AL.

Notice of Consolidated Decision on Applications for Duty-Free Entry of Ultramicrotomes

The following is a consolidated decision on applications for duty-free entry of ultramicrotomes pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (37 FR 3892 et seq.). (See especially § 701.11(e).)

A copy of the record pertaining to each of the applications in this consolidated decision is available for public review during ordinary business hours of the Department of Commerce, at the Special Import Programs Division, Office of Import Programs, Department of Commerce, Washington, D.C.

Docket No. 73-00163-33-46500. Applicant: Roosevelt University, 430 South Michigan Avenue, Chicago, IL 60605. Article: Ultramicrotome, Model "Om U2". Manufacturer: C. Reichert Optische Werke AG, Austria. Intended use of article: The article is intended to be used in studies involving the following: (1) Cytochemical localization of phosphatase activity in the branchial epithelium of the black mollie in fresh water and during sea water adaptation. This study is part of an effort to identify the cytological basis for an extrarenal salt excreting mechanism in euryhaline fish species adapted to sea water.

(2) A comparison of the fine structure of Tetrahymena cells in stock cultures with that in cells following a 24-hour bout of parasitism in the hemolymph of the cockroach.

The article will also be used in the course Biological Electron Microscopy (Biology 385) to help each student acquire skill in processing a particular specimen for electron microscopy and to acquaint him with the variety of techniques available for the preparation of biological materials frequently used in research and clinical electron microscope laboratories. Application received by Commissioner of Customs: September 26, 1972. Advice submitted by Department of Health, Education, and Welfare on: February 16, 1972.

Docket No. 73-00167-33-46500. Applicant: Chico State College, Department of Biological Sciences, Chico, Calif. 95926. Article: Ultramicrotome, Model LKB 8800A. Manufacturer: LKB Produckter AB, Sweden. Intended use of article: The article is intended to be used in studies of biological materials both plant and animal. Experiments to be conducted include:

(1) Study of the role that microtubules play in the morphogenesis of parasitic protozoa, particularly flagellates;

(2) Study of the ultrastructure and development of generative cells in geranium pollen grain and pollen tube; and

(3) Study of the role of generative organelles (amyloplasts and mitochondria) in male transmission of cytoplasmic inherited characters in several plants, and ultrastructure of the wall of pollen grains.

The article will also be used in the course Biology Science 202, Cytology, to present an introduction to the structure and related functions of plant and animal cells and protoplasmic systems. In addition the article will be used to present theory and provide actual experience in preparing biological specimens for electron microscopy. Application received by Commissioner of Customs: September 27, 1972. Advice submitted by Department of Health, Education, and Welfare on: February 16, 1972.

Docket No. 73-00169-33-46500. Applicant: Howard University, College of Medicine, Department of Pathology, 520 W Street NW., Washington, DC 20001. Article: Ultramicrotome, Model LKB 8800A and accessories. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The article is intended to be used in studies of biological tissues, mainly mammalian derived from surgical biopsies of hospital patients and experimental animal tissues, exhibiting both pathological and normal cytology. The objectives to be pursued in the course of these investigations are to reveal at the ultrastructural level the changes that occur in very early stages of disease processes. Application received by Commissioner of Customs: September 27, 1972. Advice submitted by Department of Health, Education, and Welfare on February 16, 1972.

Docket No. 73-00170-33-46500. Applicant: University of Houston, 3801 Cullen Boulevard, Houston, TX 77004. Article: Ultramicrotome, Model LKB 4800A and accessories. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The article is intended to be used for studies of biological materials, primarily the gametes of mammals in experiments which include effecting capacitation of mammalian sperm in vitro, and examination of gametes so treated, with an electron microscope for evidence of changes in the fine structure of the gametes. In addition the article will be used to acquaint selected advanced students with electron microscope theory and procedures to a sufficient degree for them to apply the procedures to their research. Application received by Commissioner of Customs: September 27, 1972. Advice submitted by Department of Health, Education, and Welfare on February 16, 1972.

Comments: No comments have been received with respect to any of the foregoing applications. Decision: Applications approved. No instrument or apparatus of equivalent scientific value to the foreign articles, for such purposes as these articles are intended to be used, is being manufactured in the United States. Reasons: Each of the foreign articles provides a range of cutting speeds from equal to or less than 0.5 millimeters/second (mm./sec.) to equal to or greater than 10 mm./sec. The most closely comparable domestic instrument is the Model MT-2B ultramicrotome which is manufactured by Ivan Sorvall, Inc. (Sorvall). The Model MT-2B has a range of cutting speeds from 0.09 to 3.2 mm./sec. The conditions for obtaining high quality sections that are uniform in thickness depend to a large extent on the hardness, consistency, toughness and other properties of the specimen materials, the properties of the embedding materials and the geometry of the block. In connection with a prior application (Docket No. 69-00118-33-46500) which relates to the duty-free entry of an article in the category of instruments to which the foregoing applications relate, the Department of Health, Education, and Welfare (HEW) advised that "Smooth cuts are obtained when the speed of cutting (among such [other] obvious factors as knife edge condition and angle), is adjusted to the characteristics of the material being sectioned." In connection with another prior case (Docket No. 69-00665-33-46500) relating to the duty-free entry of an article in the same category as those described above, HEW advised that "The range of cutting speeds and a capability for the higher cutting speeds is * * * a pertinent characteristic of the ultramicrotome to be used for sectioning materials that experience has shown difficult to section." In connection with still another prior case (Docket No. 70-00077-33-46500) relating to the duty-free entry of an article similar to those described above, HEW advised that "ultrathin sectioning of a variety of tissues having a wide range in density, hardness etc." requires a maximum range in cutting speed and, further, that "The production of ultrathin serial sections of specimens that have great variation in physical properties is very difficult." Accordingly, HEW advises in its respectively cited memoranda, that cutting speeds in excess of 4 mm./sec. are pertinent to the satisfactory sectioning of the specimen materials and the relevant embedding materials that will be used by the applicants in their respective experiments.

For these reasons, we find that the Sorvall Model MT-2B ultramicrotome is not of equivalent scientific value to the foreign articles to which the foregoing applications relate, for such purposes as these articles are intended to be used.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to any of the foreign articles to which the foregoing applications relate, for such purposes as these articles are intended to be used, which is being manufactured in the United States.

B. BLANKENHEIMER,
Acting Director,
Office of Import Programs.

[FR Doc.73-4217 Filed 3-5-73;8:45 am]

UNIVERSITY OF CALIFORNIA

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (37 FR 3892 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C.

Docket No. 73-00155-00-46070. Applicant: University of California at Santa Cruz, Purchasing Office, Santa Cruz, Calif. 95060. Article: Goniometer Stage (GS-3). Manufacturer: JEOL, Ltd., Japan. Intended use of article: The article is an accessory for an existing scanning electron microscope being used by students and faculty in the fields of biology, geology, and paleontology. Biologists are studying the form, structure, development, and chemical composition of spores of lower land plants, especially of bryophytes; as well as conducting a study of the structure of the outer membrane of Mitochondria. Geologists are investigating terrestrial and lunar glasses and their alteration products; and also structure and defects within crystals are being studied. Paleontological study with the scanning electron microscope is being made of ultramicroscopic fossils such as coccoliths and discoasters. The addition of this accessory will permit

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observation of any material with much greater facility and thus be extremely useful as a teaching aid.

Comments: No comments have been received with respect this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States.

Reasons: The application relates to an accessory for an instrument that had been previously imported for the use of the applicant institution. The article is being furnished by the manufacturer which produced the instrument with which the article is intended to be used and is pertinent to the applicant's purposes.

The Department of Commerce knows of no similar accessory being manufactured in the United States, which is interchangeable with or can be readily adapted to the instrument with which the foreign article is intended to be used.

B. BLANKENHEIMER,
Acting Director,
Office of Import Programs.

[FR Doc. 73-4216 Filed 3-5-73;8:45 am]

V.A. REGIONAL OFFICE, N.Y.

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (37 FR 3892 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C.

Docket No. 73-00165-33-43780. Applicant: Veterans Administration Regional Office, Supply Officer (4814-R), 252 Seventh Avenue, New York, NY 10001. Article: Myoelectric Hand. Manufacturer: Viennatone Co., Austria. Intended use of article: The article is a prosthetic device developed by the Veterans' Administration to be used in research and educational programs conducted by the Veterans' Administration to enrich the professional and technical people in this field as well as provide the amputee population with better prosthetic devices.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States. Reasons: The article and its tentative specifications will be the subject of a feasibility study aimed at providing amputees with better prosthetic equipment. The Department of Health, Education, and Welfare (HEW) in its memorandum dated February 9, 1973 advised that the capabilities of the foreign article are pertinent to the research purposes for which the article is intended to be used. HEW also advised that it knows of no comparable domestic instrument of equivalent scientific value to the foreign article for such purposes for which the article is intended to be used.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

B. BLANKENHEIMER,
Acting Director,
Office of Import Programs.

[FR Doc.73-4218 Filed 3-5-73;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[DESI 9418; Docket No. FDC-D-602; NDA No. 9-418 etc.]

CERTAIN DRUGS CONTAINING PENTAERYTHRITOL TETRANITRATE IN COMBINATION WITH RAUWOLFIA ALKALOIDS, MEPROBAMATE, OR HYDROXYZINE HYDROCHLORIDE

Notice of Opportunity for Hearing on Proposal To Withdraw Approval of New Drug Applications

In a notice (DESI 9418) published in the FEDERAL REGISTER of October 20, 1971 (36 FR 20313), the Commissioner of Food and Drugs announced his conclusions pursuant to the evaluation of reports received from the National Academy of Sciences-National Research Council, Drug Efficacy Study Group, on the drugs described below, stating that the drugs were regarded as possibly effective and lacking substantial evidence of effectiveness for the various labeled indications. The possibly effective indications have been reclassified as lacking substantial evidence of effectiveness in that no evidence of effectiveness of the drugs has been received pursuant to the notice.

NDA No.	Drug	NDA holder
9-118	Pentoxylon Tablets, containing pentaerythritol tetranitrate and alseroxylon.	Riker Laboratories, Inc., Subsidiary of 3M Co., 19001 Nordhoff St., Northridge, CA 91325.
10-084	Nitraloz Tablets, containing pentaerythritol tetranitrate and alseroxylon.	Dorsey Laboratories, Division of Sandoz-Wander, Inc., Northeast U.S. 6 and Interstate 80, Lincoln, Nebr. 68501.
10-245	Pentaserpine Tablets and Pentaserpine "20" Tablets, containing pentaerythritol tetranitrate and reserpine.	Nysco Laboratories, Inc., 34-24 Vernon Boulevard, Long Island City, N.Y. 11106.
11-120	Respet Tablets, containing pentaerythritol tetranitrate and reserpine.	Westerfield Laboratories, Inc., 3941 Brotherton Road, Cincinnati, OH 45209.
11-123	Equanitrate 10 and Equanitrate 20 Tablets, containing pentaerythritol tetranitrate and meprobamate.	Wyeth Laboratories, Inc., Division of American Home Products Corp., Post Office Box 8299, Philadelphia, PA 19101.
11-502	Miltrate Tablets, containing pentaerythritol tetranitrate and meprobamate.	Wallace Pharmaceuticals, Division of Carter-Wallace, Inc., Half Acre Road, Cranbury, N.J. 08512.
10-098	Cartrax 10 and Cartrax 20 Tablets, containing pentaerythritol tetranitrate and hydroxyzine hydrochloride.	J. B. Roering Division, Pfizer Pharmaceuticals, 235 East 42d Street, New York, N.Y. 10017.

Therefore, notice is given to the holders of the new drug application(s) and to any other interested person that the Commissioner proposes to issue an order under section 505(e) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355 (e)) withdrawing approval of the listed new drug application(s) and all amendments and supplements thereto on the grounds that new information before him with respect to the drug(s), evaluated together with the evidence available to him at the time of approval of the application(s), shows there is a lack of substantial evidence that the drug(s) will have all the effects purported or represented to have under the conditions of use prescribed, recommended, or suggested in the labeling.

All identical, related, or similar products, not the subject of an approved new drug application, are covered by the new drug application(s) reviewed. See 21 CFR 130.40 (37 FR 23185, October 31, 1972). Any manufacturer or distributor of such an identical, related, or similar product is an interested person who may in response to this notice submit data and information, request that the new drug application(s) not be withdrawn, request a hearing, and participate as a party in any hearing. Any person who

wishes to determine whether a specific product is covered by this notice should write to the Food and Drug Administration, Bureau of Drugs, Office of Compliance (BD-300), 5600 Fishers Lane, Rockville, Maryland 20852.

In accordance with the provisions of section 505 of the Act (21 U.S.C. 355) and the regulations promulgated thereunder (21 CFR Part 130), the Commissioner hereby gives the applicant(s) and any other interested person an opportunity for a hearing to show why approval of the new drug application(s) should not be withdrawn.

On or before April 5, 1973, the applicant(s) and any other interested person is required to file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 6-88, 5600 Fishers Lane, Rockville, Maryland 20852, a written appearance electing whether or not to avail himself of the opportunity for a hearing. Failure of an applicant or any other interested person to file a written appearance of election within said 30 days will constitute an election by him not to avail himself of the opportunity for a hearing.

If no person elects to avail himself of the opportunity for a hearing, the Commissioner without further notice will enter a final order withdrawing approval of the application(s).

If an applicant or any other interested person elects to avail himself of the opportunity for a hearing, he must file, on or before April 5, 1973, a written appearance requesting the hearing, giving the reasons why approval of the new drug application(s) should not be withdrawn, together with a well-organized and full-factual analysis of the clinical and other investigational data he is prepared to prove in support of his opposition. A request for a hearing may not rest upon mere allegations or denials, but must set forth specific facts showing that a genuine and substantial issue of fact requires a hearing (21 CFR 130.14 (b)).

If review of the data submitted by an applicant or any other interested person warrants the conclusion that there exists substantial evidence demonstrating the effectiveness of the product(s) for the labeling claims involved, the Commissioner will rescind this notice of opportunity for hearing.

If review of the data in the application(s) and data submitted by the applicant(s) or any other interested person in a request for a hearing, together with the reasoning and factual analysis in a request for a hearing, warrants the conclusion that no genuine and substantial issue of fact precludes the withdrawal of approval of the application(s), the Commissioner will enter an order of withdrawing making findings and conclusions on such data.

If, upon the request of the new drug applicant(s) or any other interested person, a hearing is justified, the issues will be defined, a hearing examiner will be named, and he shall issue, as soon as practicable on or before April 5, 1973, a written notice of the time and place at which the hearing will commence. All persons interested in identical, related, or similar products covered by the new drug application(s) will be afforded an opportunity to appear at the hearing, file briefs, present evidence, cross-examine witnesses, submit suggested findings of fact, and otherwise participate as a party. The hearing contemplated by this notice will be open to the public except that any portion of the hearing that concerns a method or process the Commissioner finds entitled to protection as a trade secret will not be open to the public, unless the respondent specifies otherwise in his appearance.

Requests for a hearing and/or elections not to request a hearing may be seen in the office of the hearing clerk (address given above) during regular business hours, Monday through Friday.

This notice is issued pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 505, 52 Stat. 1052-53, as amended; 21 U.S.C. 355), and the Administrative Procedure Act (5 U.S.C. 554), and under authority delegated to the Commissioner (21 CFR 2.120).

Dated: February 23, 1973.

WILLIAM F. RANDOLPH,
Acting Associate Commissioner for Compliance.

[FR Doc.73-4057 Filed 3-5-73;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[FAP 3B2877]

E. I. du PONT de NEMOURS & CO.

Notice of Filing of Petition for Food Additive

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition (FAP 3B2877) has been filed by E. I. du Pont de Nemours & Co., 1007 Market Street, Wilmington, DE 19898, proposing that § 121.2524 *Polyethylene phthalate films* (21 CFR 121.2524) be amended to extend the present limited use of polyethylene terephthalate, a form of polyethylene phthalate, in the manufacture of film to use in other articles intended to contact food.

Dated: February 25, 1973.

VIRGIL O. WODICKA,
Director, Bureau of Foods.

[FR Doc.73-4187 Filed 3-5-73;8:45 am]

National Institutes of Health

BIOLOGICAL MODELS SEGMENT ADVISORY GROUP

Notice of Meeting

Pursuant to Public Law 92-463, notice is hereby given of the meeting of the Biological Models Segment Advisory Group, March 22 and 23, 1973, at 9 a.m., National Institutes of Health, Building Landow, 7910 Woodmont Avenue, Bethesda, MD, Conference Room B301-B303. This meeting will be open to the public from 1:30 p.m., March 23, 1973, to discuss long range plans in model development of specific organ cancers and the immuniate feasibility of implementing a cooperative agreement with other nations in assessing the carcinogenesis of breast cancer and closed to the public from 9 a.m., March 22, 1973 through 1:30 p.m., March 23, 1973, in accordance with the provisions set forth in section 552 (b)(4) of title 5, United States Code and 10(d) of Public Law 92-463. Attendance by the public will be limited to space available.

Mr. Frank Karel, Associate Director for Public Affairs, NCI, Building 31, Room 10A31, National Institutes of Health, Bethesda, Md. 20014, 301—496-1911, will furnish summaries of the open/closed meeting and roster of committee members.

Dr. Richard A. Pledger, Executive Secretary, Landow Building, Room A306, National Institutes of Health, Bethesda, Md. 20014, 301—496-5471, will provide substantive program information.

Dated: February 26, 1973.

JOHN F. SHERMAN,
Deputy Director,
National Institutes of Health.

[FR Doc.73-4165 Filed 3-5-73;8:45 am]

COMMITTEE ON CYTOLOGY AUTOMATION

Notice of Meeting

Pursuant to Public Law 92-463, notice is hereby given of the meeting of the Committee on Cytology Automation, March 12-13, 1973, at 9 a.m. each day, National Institutes of Health, Building 31, Conference Room 9. This meeting will be open to the public from 9 a.m., March 12-13, 1973, at which time the committee will discuss Specimen Preparation and Collection for Automated Cytology. The meeting will be closed to the public March 12 from 10 a.m. to 12 noon; 2:30 p.m. to 5 p.m., and 9 p.m. to 11 p.m., also March 13 from 10 a.m. to 12 noon and 2:30 p.m. to 5 p.m., in accordance with section 552(b)4 of title 5 United States Code and 10(d) of Public Law 92-463. Attendance by the public will be limited to space available.

Mr. Frank Karel, Associate Director for Public Affairs, NCI, Building 31, Room 10A31, National Institutes of Health, Bethesda, Md. 20014, 301—496-1911, will furnish summaries of the open/closed meeting and roster of committee members.

Dr. Chester Herman, Chairman, Building 10, Room 1A24, National Institutes of Health, Bethesda, Md. 20014, 301—496-2441, will provide substantive program information.

Dated: February 26, 1973.

JOHN F. SHERMAN,
Deputy Director,
National Institutes of Health.

[FR Doc.73-4161 Filed 3-5-73;8:45 am]

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AD HOC COMMITTEE FOR PREVIEW OF THE SPECIAL VIRUS CANCER PROGRAM

Notice of Meeting

Pursuant to Public Law 92–463, notice is hereby given of the meeting of the Ad Hoc Committee for Review of the Special Virus Cancer Program, March 23, 1973, 9:30 a.m., Room 302, Tower Building, Rockefeller University, New York City. This meeting will be open to the public from 9:30 a.m., March 23, 1973, to discuss the modus operandi of the committee. Attendance by the puplic will be limited to space available.

Mr. Frank Karel, Associate Director for Public Affairs, NCI, Building 31, Room 10A31, National Institutes of Health, Bethesda, Md. 20014, 301—496–1911, will furnish summaries of the open meeting and roster of committee members.

Dr. Maurice L. Guss, Executive Secretary, Building 37, Room 1B14, National Institutes of Health, Bethesda, Md. 20014, 301—496–3323, will provide substantive program information.

Dated: February 26, 1973.

JOHN F. SHERMAN,
Deputy Director,
National Institutes of Health.

[FR Doc.73–4168 Filed 3–5–73;8:45 am]

MOLECULAR CONTROL WORKING GROUP

Notice of Meeting

Pursuant to Public Law 92–463, notice is hereby given of the meeting of the Molecular Control Working Group, March 15, 1973, at 9 a.m., National Institutes of Health, Building 31, Conference Room 2. This meeting will be open to the public from 9 a.m. to 12 noon, March 15, 1973, to discuss applications of molecular biology and biophysics to cancer research, and closed to the public from 1:30 p.m. to 5 p.m., March 15, 1973, in accordance with the provisions set forth in section 552(b)4 of title 5 United States Code and 10(d) of Public Law 92–463. Attendance by the public will be limited to space available.

Mr. Frank Karel, Associate Director for Public Affairs, NCI, Building 31, Room 10A31, National Institutes of Health, Bethesda, Md. 20014, 301—496–1911, will furnish summaries of the open/closed meeting and roster of committee members.

Dr. Timothy E. O'Connor, Executive Secretary, Building 41, Room A107, National Institutes of Health, Bethesda, Md. 20014, 301—496–3647, will provide substantive program information.

Dated: February 26, 1973.

JOHN F. SHERMAN,
Deputy Director,
National Institutes of Health.

[FR Doc.73–4164 Filed 3–5–73;8:45 am]

NATIONAL ADVISORY NEUROLOGICAL DISEASES AND STROKE COUNCIL

Notice of Meeting

Pursuant to Public Law 92–463, notice is hereby given of the meeting of the National Advisory Neurological Diseases and Stroke Council, March 22, 23, and 24, 1973, at 9 a.m., in Conference Room 10, Building 31–C, National Institutes of Health, Bethesda, Md. This meeting will be open to the public on March 22, 1973, from 9 a.m. until 1:30 p.m. and on March 23, 1973, from 3 p.m. until the conclusion of the meeting, to discuss program planning and program accomplishments and closed to the public from 1:30 p.m. on March 23, 1973, until 3 p.m. on March 23, 1973, to review, discuss, and and evaluate and/or rank research and training grant and research career development award applications in accordance with the provisions set forth in section 10(d) of Public Law 92–463. Attendance by the public will be limited to space available.

1. The institute information officer who will furnish summaries of the meeting and rosters of committee members is: Mrs. Ruth Dudley, Building 31, Room 8A03, phone: 496–5751.

2. The executive secretary from whom substantive program information may be obtained is: Dr. Murray Goldstein, Room 757, Westwood Building, NIH, phone: 496–7705.

Dated: February 23, 1973.

JOHN F. SHERMAN,
Deputy Director,
National Institutes of Health.

[FR Doc.73–4160 Filed 3–5–73;8:45 am]

NATIONAL CANCER ADVISORY BOARD

Notice of Meeting

Pursuant to Public Law 92–463, notice is hereby given of the meeting of the National Cancer Advisory Board, March 26–28, 1973, at 2 p.m., National Institutes of Health, Building 31, Conference Room 6. This meeting will be open to the public from 2 p.m. to 5 p.m., March 26; 2 p.m. to 5 p.m., March 27; 9 a.m. through adjournment, March 28, to discuss various programs within the Institute; i.e., cancer centers; cancer control, and the special virus cancer program. A report on Criteria for Radiation Therapy will be presented on Tuesday, March 27. The meeting will be closed to the public from 9 a.m. to 12:30 p.m., March 27, in accordance with the provisions set forth in section 552(b)4 of title 5 United States Code, and section 10(d) of Public Law 92–463. Attendance by the public will be limited to space available.

Mr. Frank Karel, Associate Director for Public Affairs, NCI, Building 31, Room 10A31, National Institutes of Health, Bethesda, Md. 20014 (301—496–1911) will furnish summaries of the open/closed meeting and roster of committee members.

Dr. James A. Peters, Executive Secretary, NCI, Building 31, Room 11A05, National Institutes of Health, Bethesda, Md. 20014 (301—496–6618) will provide substantive program information.

Dated: February 26, 1973.

JOHN F. SHERMAN,
Deputy Director,
National Institutes of Health.

[FR Doc.73–4163 Filed 3–5–73;8:45 am]

NATIONAL HEAD AND NECK CANCER CADRE

Notice of Meeting

Pursuant to Public Law 92–463, notice is hereby given of the meeting of the National Head and Neck Cancer Cadre, March 22–23, 1973, from 9 a.m. to 5 p.m. each day at the Holiday Inn, 8200 Wisconsin Avenue, Bethesda, MD, Montgomery Room. This meeting will be open to the public to discuss the state of the art in head and neck cancer research, including early diagnosis and prevention, etiology, treatment, immunology, and pathology. Attendance by the public will be limited to space available.

Mr. Frank Karel, Associate Director for Public Affairs, NCI, Building 31, Room 10A31, National Institutes of Health, Bethesda, Md. 20014 (301—496–1911) will furnish summaries of the meeting and roster of committee members.

Dr. Diane Fink, Executive Secretary, Westwood Building, Room 10A11, National Institutes of Health, Bethesda, Md. 20014 (301—496–7903) will provide substantive program information.

Dated: February 26, 1973.

JOHN F. SHERMAN,
Deputy Director,
National Institutes of Health.

[FR Doc.73–4169 Filed 3–5–73;8:45 am]

TUMOR VIRUS DETECTION WORKING GROUP

Notice of Meeting

Pursuant to Public Law 92–463, notice is hereby given of the meeting of the Tumor Virus Detection Working Group, March 12, 1973, at 9 a.m., National Institutes of Health, Building 31, Conference Room 8. This meeting will be open to the public from 9 a.m., March 12, 1973, to discuss the Working Group's progress in the previous 5 months and closed to the public from 9:30 a.m., March 12, 1973, in accordance with the provisions set forth in section 552(G)4 of title 5 United States Code and 10(d) of Public Law 92–463. Attendance by the public will be limited to space available.

Mr. Frank Karel, Associate Director for Public Affairs, NCI, Building 31, Room 10A31, National Institutes of Health, Bethesda, Md. 20014 (301—496–1911) will furnish summaries of the open/closed meeting and roster of committee members.

Dr. Roy F. Kinard, Executive Secretary, Building 37, Room 1B18A, National Institutes of Health, Bethesda, Md. 20014 (301—496–6135) will provide substantive program information.

Dated: February 26, 1973.

JOHN F. SHERMAN,
Deputy Director,
National Institutes of Health.

[FR Doc.73–4166 Filed 3–5–73;8:45 am]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

APPLICATION OF AREA NAVIGATION IN THE NATIONAL AIRSPACE SYSTEM

Policy Regarding Implementation of Area Navigation Concepts Recommended by Joint FAA/Industry Task Force

Notice is hereby given that the Federal Aviation Administration (FAA) intends to clarify the potential role of area navigation in the National Airspace System.

As a result of a joint FAA/Industry Symposium held in January 1972 wherein area navigation capabilities and potentials were explored in depth, conclusions were drawn which recommended the FAA assume a more dynamic leadership role and provide the aviation industry with guidance in the matter of area navigation (RNAV) applications. Consistent with the tenor of the symposium a joint FAA/Industry User Task Force was formed to provide advice to the FAA as to the potential use of area navigation techniques in the National Airspace System. The guideline under which the task force functioned was simply stated—"Determine where we are, where we are going, how we get there and the payoff."

The deliberations and activity of the task force culminated in a report titled "Application of Area Navigation in the National Airspace System" and was presented to the FAA for consideration and adoption. In addition to other related issues the report includes a concept of applied RNAV techniques to the Air Traffic Control System spanning a 10-year time frame, identification of problem areas with solutions, suggested minimum equipment operating characteristics, anticipated benefits, and a plan of action to adopt RNAV as the prime method of navigation in the National Airspace System. The action plan provides a framework for implementation actions deemed necessary for an orderly development and transition to an RNAV-based system. These actions would require, in addition to the formulation of new methods of application and regulations, extensive investigative efforts to validate the conclusions of the task force and support system implementation.

The FAA appreciates the efforts that were expended by the task force in the development of its findings and recommendations. However, the FAA believes there is a need for additional inputs from all segments of the aviation community to insure recognition and adequate consideration of their needs. Accordingly, prior to establishing a policy with regards to how the agency should pursue the matter of application of area navigation in the national airspace system, all members of the aviation community are invited to provide comments on the report of the FAA/Industry RNAV Task Force.

Any interested person who wishes to express his views or comment with respect to this report may do so by submitting them in writing to the Federal Aviation Administration, Air Traffic Service, Chief, Automation Division, AAT–500, 800 Independence Avenue SW., Washington, DC 20591. All communications received prior to May 31, 1973, will be considered in the formulation of a final policy.

This notice is issued under the authority of sections 307(a) and 312(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348(a)) and section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Washington, D.C., on March 2, 1973.

WILLIAM M. FLENER,
Acting Associate Administrator for Operations.

[FR Doc.73–4366 Filed 3–5–73;8:45 am]

FLIGHT SERVICE STATION AT UNALAKLEET, ALASKA

Notice of Conversion to Remote Control Outlet

Notice is given that on March 1, 1973, the Flight Service Station at Unalakleet, Alaska, will be converted from a manned Flight Service Station to a full-time Remote Control Outlet. Services to the general aviation public, formerly provided by this office, will be provided by remote control from the Nome, Alaska, Flight Service Station. This information will be reflected in the FAA Organization Statement the next time it is reissued.

(Sec. 313(a), 72 Stat. 752; 49 U.S.C. 1354)

Issued in Anchorage, Alaska, on February 23, 1973.

QUENTIN S. TAYLOR,
Acting Director, Alaskan Region.

[FR Doc.73–4182 Filed 3–5–73;8:45 am]

National Highway Traffic Safety Administration

NATIONAL MOTOR VEHICLE SAFETY ADVISORY COUNCIL

Notice of Public Meeting

On March 14–15, 1973, the National Motor Vehicle Safety Advisory Council will hold open meetings in the DOT Headquarters Building, 400 Seventh Street SW., Washington, DC. The Advisory Council is composed of 22 members, a majority of whom are representatives of the general public, including representatives of State and local governments, with the remainder including representatives of motor vehicle manufacturers, motor vehicle equipment manufacturers, and motor vehicle dealers. The Secretary of Transportation consults with the Advisory Council on motor vehicle safety standards promulgated under the National Traffic and Motor Vehicle Safety Act of 1966 (15 U.S.C. 1381 et seq.).

The following meetings, subject to the approval of the Secretary of Transportation, will be held in the DOT Headquarters Building, Room 4238.

The Crashworthiness Committee of the Council will meet from 1 p.m. to 5 p.m. on March 14, 1973, with the following agenda:

Accident investigation issues and problems.
Retrofit of seatbelts.
Clarification of NCUTLO model seatbelt law.
Schoolbus and motorcycle ESV's.
New business.

The full Advisory Council will meet in regular session from 9 a.m. to 1 p.m. on March 15 with the following agenda:

Status report—airbag fleet test program.
Investigation of airbag crashes.
Council travel budget.
Report of meeting with domestic auto industry.
Report of crashworthiness committee.
New business.
Future meetings.

This notice is given pursuant to section 10(a)(2) of Public Law 92–463, Federal Advisory Committee Act (FACA) effective January 5, 1973.

For further information, contact Executive Secretariat, Room 5215, 400 Seventh Street SW., Washington, DC, telephone 202—426–2872.

Issued on February 28, 1973.

CALVIN BURKHART,
Executive Secretary.

[FR Doc.73–4258 Filed 3–5–73;8:45 am]

ATOMIC ENERGY COMMISSION

[Dockets Nos. 50–373, 50–374]

COMMONWEALTH EDISON CO.

Amended Notice of Evidentiary Hearing

In the matter of Commonwealth Edison, Co. (La Salle County Nuclear Power Station, Units 1 and 2), Dockets Nos. 50–373 and 50–374.

Take notice, on February 26, 1973, by telegram to the parties and by press release, the evidentiary hearing on health and safety issues scheduled by the Board for February 28, 1973, was postponed. That hearing will be held at the Mars Theater, Main Street, Marseilles, Ill., on Tuesday, March 20, 1973, commencing at 10 a.m., local time.

The public is invited to the hearing and limited appearance statements will be received in the course of the first day of the hearing. Oral limited appearance statements will be limited to 5 minutes for each person. Written statements in place of or supplementing oral statements will be accepted by the Board if submitted at the time provided for limited appearances.

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Limited appearance statements will also be received under the same conditions at the subsequent evidentiary hearing on environmental issues. Limited appearance statements relating to either health and safety or environmental issues or both may be made at either hearing. Since the parties will have technical personnel, knowledgeable on health and safety matters present at the first segment of the hearing, it would be more beneficial to individuals who are interested only in the health and safety issues to make a limited appearance on March 20, 1973. The parties will have technical personnel knowledgeable on environmental matters at the subsequent hearing on the environmental issues; therefore it would be more beneficial to individuals who are only interested in the environmental aspects to make a limited appearance at that time. No individuals will be permitted to make more than one oral limited appearance statement.

Issued at Washington, D.C., this 28th day of February 1973.

It is so ordered.

THE ATOMIC SAFETY AND LICENSING BOARD,
ELIZABETH S. BOWERS,
Chairman.

[FR Doc.73-4198 Filed 3-5-73;8:45 am]

[Docket No. 50-286]

CONSOLIDATED EDISON CO. OF NEW YORK

Notice of Hearing on Facility Operating License

Pursuant to the Atomic Energy Act of 1954, as amended (the Act), the National Environmental Policy Act of 1969 (NEPA), and the regulations in Title 10, Code of Federal Regulations, Part 50, Licensing of Production and Utilization Facilities, and Part 2, rules of practice, notice is hereby given that, subject to conditions set forth in a memorandum and order of February 28, 1973, a hearing will be held on the pressurized water reactor identified as the Indian Point Nuclear Generating Unit No. 3 (the facility) of the applicant, Consolidated Edison Co. of New York. The hearing to consider the issuance of an operating license for the facility will be held at a time and place to be set in the future by the Atomic Safety and Licensing vicinity of the facility in Buchanan, Westchester County, N.Y. Construction of the facility was authorized by Construction Permit No. CPPR-62, issued by the Atomic Energy Commission on August 13, 1969. The instant facility is subject to the provisions of section C.3 of appendix D to 10 CFR Part 50, which sets forth procedures applicable to review of environmental considerations for production and utilization facilities for which construction permits were issued prior to January 1, 1970.

The Licensing Board, designated by the Chairman of the Atomic Safety and Licensing Board Panel, will consist of Samuel W. Jensch, Esq. (chairman), Dr. John C. Geyer, and Mr. R. B. Briggs. Mr. Ernest E. Hill has been designated as a technically qualified alternate, and Max D. Paglin, Esq., has been designated as an alternate qualified in the conduct of administrative proceedings.

A Notice of Consideration of Issuance of Facility Operating License and Notice of Opportunity for Hearing was published in the FEDERAL REGISTER on October 25, 1972 (37 FR 22816). The notice provided that, within 30 days from the date of publication, any person whose interest may be affected by the proceeding could file a petition for leave to intervene in accordance with the requirements of 10 CFR Part 2, Rules of Practice. Petitions for leave to intervene were thereafter filed by various petitioners, including (1) the State of New York; (2) Hudson River Fishermen's Association (HRFA); (3) Save Our Stripers (SOS); (4) Cortlandt Conservation Association, Inc. (CCA); and (5) Mary Hays Weik. As set out in the memorandum and order referred to above, a public hearing will be held. Petitioners New York, HRFA, and SOS will be admitted as parties to the proceeding; petitioners CCA and Weik may subsequently be admitted as parties or, alternatively, will be permitted to make limited appearances pursuant to 10 CFR 2.715.

A prehearing conference or conferences will be held by the Licensing Board, at a date and place to be set by it, to consider pertinent matters in accordance with the Commission's rules of practice. The date and place of the hearing will be set by the Board at or after the prehearing conference. Notices as to the dates and places of the prehearing conference and the hearing will be published in the FEDERAL REGISTER. The specific issues to be considered at the hearing will be determined by the Licensing Board.

For further details pertinent to the matters under consideration, see the application for the facility operating license, dated December 4, 1970, as amended, and the Applicant's environmental report, dated June 14, 1971, as supplemented, which are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, DC, and at the Hendrick Hudson Free Library, 31 Albany Post Road, Montrose, NY. As they become available, the following documents also will be available at the above locations: (1) The report of the Advisory Committee on Reactor Safeguards on the application for facility operating license; (2) the Commission's draft detailed statement on environmental considerations pursuant to 10 CFR Part 50, appendix D; (3) the Commission's final detailed statement on environmental consideration; (4) the safety evaluation prepared by the Directorate of Licensing; (5) the proposed facility operating license; and (6) the technical specifications, which will be attached to the proposed facility operating license. Copies of items (1), (3), (4), and (5) may also be obtained by request to the Deputy Director for Reactor Projects, Directorate of Licensing, U.S. Atomic Energy Commission, Washington, D.C. 20545.

Any person who wishes to make an oral or written statement in this proceeding but who has not filed a petition for leave to intervene as noted above, may request permission to make a limited appearance pursuant to the provisions of 10 CFR 2.715 of the Commission's rules of practice. Limited appearances will be permitted at the time of the hearing in the discretion of the Licensing Board, within such limits and on such conditions as may be fixed by it. Persons desiring to make a limited appearance are requested to inform the Secretary of the Commission, U.S. Atomic Energy Commission, Washington, D.C. 20545, on or before April 5, 1973. A person permitted to make a limited appearance does not become a party, but may state his position and raise questions which he would like to have answered to the extent that the questions are within the scope of the hearing as specified above. A member of the public does not have the right to participate unless he has been granted the right to intervene as a party or the right of limited appearance.

An answer to this notice, pursuant to the provisions of 10 CFR 2.705 of the Commission's rules of practice, must be filed by the parties to this proceeding (other than the regulatory staff) on or before March 26, 1973.

Papers required to be filed in this proceeding may be filed by mail or telegram addressed to the Secretary of the Commission, U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Chief, Public Proceedings Branch, or may be filed by delivery to the Commission's Public Document Room, 1717 H Street NW., Washington, DC.

Pending further order of the Licensing Board, parties are required to file pursuant to the provisions of 10 CFR 2.708 of the Commission's rules of practice, an original and 20 conformed copies of each such paper with the Commission.

Issued at Washington, D.C., this 28th day of February 1973.

It is so ordered.

THE ATOMIC SAFETY AND LICENSING BOARD,
ELIZABETH S. BOWERS,
Chairman.

[FR Doc.73-4199 Filed 3-5-73;8:45 am]

[Docket Nos. 50-329; 50-330]

CONSUMERS POWER CO.

Notice of Oral Argument

In the matter of Consumers Power Co. (Midland Plant, Units 1 and 2) Dockets Nos. 50-329 and 50-330.

Notice is hereby given that the oral argument in the above-captioned proceeding, which was previously calendared for Tuesday, March 6, 1973, has now been rescheduled, in accordance with the Atomic Safety and Licensing Appeal Board's Order of February 28, 1973, for Wednesday, March 14, 1973, at 10:30 a.m. in Room 309, U.S. Court of Claims, 717 Madison Place NW., Washington, DC 20005.

Dated: February 28, 1973.

For the Atomic Safety and Licensing Appeal Board.

MARGARET E. DUFLO,
Secretary to the Appeal Board.

[FR Doc.73-4196 Filed 3-5-73;8:45 am]

[Dockets Nos. 50-369, 50-370]

DUKE POWER CO.

Issuance of Construction Permits

Notice is hereby given that, pursuant to the initial decision of the Atomic Safety and Licensing Board, the Deputy Director for Reactor Projects, Directorate of Licensing, has issued Construction Permits Nos. CPPR-83 and CPPR-84 to Duke Power Co. for construction of two pressurized water nuclear reactors at the applicant's site on the shore of Lake Norman, in Mecklenburg County, N.C. The reactors, known as the McGuire Nuclear Station, Units 1 and 2, are designed for initial operation at 3,411 megawatts (thermal).

Copies of the initial decision and the construction permits are on file in the Commission's Public Document Room, 1717 H Street NW., Washington, DC 20545, and in the Public Library of Charlotte, Mecklenburg County, 310 North Tryon Street, Charlotte, NC 28208.

Dated at Bethesda, Md., this 28th day of February 1973.

For the Atomic Energy Commission.

D. B. VASSALLO,
Chief, Pressurized Water Reactors Branch No. 1, Directorate of Licensing.

[FR Doc.73-4221 Filed 3-5-73;8:45 am]

[Docket No. 50-331]

IOWA ELECTRIC LIGHT & POWER CO., ET AL.

Notice of Hearing

In the matter of Iowa Electric Light & Power Co., Central Iowa Power Cooperative, and Corn Belt Power Cooperative (Duane Arnold Energy Center), Docket No. 50-331.

Pursuant to the Atomic Energy Act of 1954, as amended (the Act), and the regulations in Title 10, Code of Federal Regulations, Part 50, Licensing of Production and Utilization Facilities and Part 2, Rules of Practice, notice is hereby given that a hearing will be held at a time and place to be set in the future by an Atomic Safety and Licensing Board, to begin in or in the vicinity of Palo, Iowa; in Linn County, Iowa, about 8 miles northwest of Cedar Rapids, Iowa. On June 22, 1970, construction was authorized by Construction Permit No. CPPR-70 for a boiling water nuclear reactor at steady-state power levels not to exceed 1,658 megawatts thermal. The hearing will be conducted by an Atomic Safety and Licensing Board (Board) designated by the Chairman of the Atomic Safety and Licensing Board Panel, consisting of Elizabeth S. Bowers, Esq. (chairman); Lester Kornblith, Jr., and Dr. William E. Martin. Dr. A. Dixon Callihan has been designated a technically qualified alternate, and Douglas V. Rigler, Esq., has been designated as an alternate qualified in the conduct of administrative proceedings.

On September 30, 1972, a Notice of Hearing Pursuant to 10 CFR Part 50, appendix D, Section B; Notice of Consideration of Issuance of Facility Operating License and Opportunity for Hearing in the above matter appeared in the FEDERAL REGISTER (37 FR 20584). The notice advised that, within 30 days from the date of publication, "any person whose interest may be affected by this proceeding may file a petition for leave to intervene (1) with respect to whether, considering those matters covered by appendix D to 10 CFR Part 50, the construction permit should be continued, modified, terminated, or appropriately conditioned to protect environmental matters; and (2) with respect to the issuance of the facility operating license." Petitions to intervene were filed by George W. Brown, Ph. D., and by John Laitner. As stated in the memorandum and order on this matter, dated February 27, 1973, it was determined that both petitioners must be denied. Both petitioners were invited to make limited appearances at the hearing.

Since there are no issues in controversy on the issuance of an operating license, except for the following, the hearing will be limited to the provisions of section B of appendix D to 10 CFR Part 50, which sets forth procedures for environmental review of certain licenses to construct or operate production or utilization facilities issued in the period January 1, 1970, to September 9, 1971. The Board will, in accordance with section A.11 of said appendix D: (a) Determine whether the requirements of section 102(2) (C) and (D) of NEPA and appendix D to 10 CFR Part 50 of the Commission's regulations have been complied with in this proceeding; (b) independently consider the final balance among conflicting factors contained in the record of the proceeding with a view toward determining the action to be taken; and (c) determine, after weighing the environmental, economic, technical, and other benefits against environmental costs and considering available alternatives, whether the construction permit should be continued, modified, terminated, or appropriately conditioned to protect environmental values.

An operating license would be issued only after appropriate findings are made by the Director of Regulation on the matters set forth below (and upon compliance with the applicable provisions of Appendix D to 10 CFR Part 50 dealt with above):

1. Whether construction of the facility has been substantially completed in conformity with the construction permit and the application, as amended, the provisions of the Act, and the rules and regulations of the Commission.

2. Whether the facility will operate in conformity with the application, as amended, the provisions of the Act, and the rules and regulations of the Commission.

3. Whether there is reasonable assurance (i) that the activities authorized by the operating license can be conducted without endangering the health and safety of the public, and (ii) that such activities will be conducted in compliance with the regulations of the Commission.

4. Whether the applicant is technically and financially qualified to engage in the activities authorized by the operating license in accordance with the regulations of the Commission.

5. Whether the applicable provisions of 10 CFR Part 140, Financial Protection Requirements and Indemnity Agreements, of the Commission's regulations have been satisfied.

6. Whether the issuance of the license will be inimical to the common defense and security or to the health and safety of the public.

For further details pertinent to the matters under consideration, see the application for the facility operating license docketed May 8, 1972, as amended, and the Applicants' Environmental Report dated November 1971, which are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, DC, and at the Reference Service, Cedar Rapids Public Library, 426 Third Avenue SE., Cedar Rapids, IA 52401. As they become available, the following documents also will be available at the above locations; (1) The report of the Advisory Committee on Reactor Safeguards on the application for facility operating license; (2) the Commission's draft detailed statement on environmental considerations pursuant to 10 CFR Part 50, appendix D; (3) the Commission's final detail statement on environmental considerations; (4) the safety evaluation prepared by the Directorate of Licensing; (5) the proposed facility operating license; and (6) the proposed technical specifications, which will be attached to the proposed facility operating license. Copies of items (3), (4), and (5) may be obtained by request to Deputy Director for Reactor Projects, Directorate of Licensing, U.S. Atomic Energy Commission, Washington, D.C. 20545.

With respect to this proceeding concerning continuation, modification, termination or conditioning the construction permit, the Commission will delegate to the Atomic Safety and Licensing Appeal Board the authority and the review function which would otherwise be exercised and performed by the Commission. The Commission will establish the Appeal Board pursuant to 10 CFR 2.785 and will make the delegation pursuant to subparagraph (a)(1) of that section. The Appeal Board will be composed of a Chairman, and two other members to be designated by the Commission. Notice as to the membership of the Appeal Board will be published in the FEDERAL REGISTER.

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Issued at Washington, D.C., this 27th day of February 1973.

It is so ordered.

THE ATOMIC SAFETY AND LICENSING BOARD,
ELIZABETH S. BOWERS,
Chairman.

[FR Doc.73-4197 Filed 3-5-73;8:45 am]

[Docket No. 50-20]

MASSACHUSETTS INSTITUTE OF TECHNOLOGY

Notice of Proposed Issuance of Construction Permit

The Atomic Energy Commission (the Commission) is considering the issuance of a construction permit and subsequently an amended facility operating license to the Massachusetts Institute of Technology (MIT) in Cambridge, Mass. Since 1958, MIT has been authorized by the Commission (under Facility License No. R-37) to operate a heavy water-moderated and cooled reactor on its campus for research and development, and medical therapy purposes. In October 1965, the Commission amended the license to authorize MIT to operate the reactor at 5 megawatts (thermal).

The proposed permit would authorize MIT to make modifications to convert the reactor to a light water-cooled heavy water reflected reactor. The proposed amended license subsequently would authorize operation of the modified reactor at its presently licensed power level of 5 megawatts (thermal) and an increase from 17.5 kilograms to 45 kilograms in the quantity of contained uranium 235 that MIT is authorized to receive, possess and use in connection with operation of the modified reactor, in accordance with MIT's application dated November 18, 1970, as amended.

The Commission has found that MIT's application dated November 18, 1970, and amendments thereto dated January 4, 1971, July 12, 1971, May 12, 1972, July 19, 1972, August 11, 1972, August 17, 1972, November 29, 1972, December 18, 1972, and January 12, 1973, comply with the requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's regulations published in 10 CFR Ch. I. Prior to issuance of the proposed construction permit, the Commission will have made the remainder of the findings required by the Act and the Commission's regulations which are set forth in the proposed permit.

Upon completion of the modifications to the reactor in compliance with the terms and conditions of the construction permit and the application, as amended, and in the absence of good cause to the contrary, the Commission will issue to MIT (without prior notice) an amended Class 104 a. and c. facility license authorizing operation of the reactor at power levels up to 5 megawatts (thermal) since the application is complete enough to permit evaluation of the safety of the operation of the modified facility in the manner and location proposed. Prior to the issuance of the license, the facility will be inspected by a representative of the Commission to determine whether it has been modified in accordance with the application and the provisions of the construction permit. The amended operating license will not be issued until the Commission makes the findings required by the Act and the Commission's regulations which are set forth in the proposed amended license, and concludes that the issuance of the amended license will not be inimical to the common defense and security or to the health and safety of the public.

On or before April 5, 1973, the applicant may file a request for a hearing and any person whose interest may be affected by this proceeding may file a petition for leave to intervene. Requests for a hearing and petitions to intervene shall be filed in accordance with the Commission's rules of practice in 10 CFR Part 2. If a request for a hearing or a petition for leave to intervene is filed within the time prescribed in this notice, the Commission will issue a notice of hearing or an appropriate order.

For further details with respect to these actions, see (1) the application by MIT dated November 18, 1970, and amendments thereto, (2) the proposed construction permit, (3) proposed amended facility license, and (4) the Commission's related Safety Evaluation, all of which are available for public inspection at the Commission's Public Document Room at 1717 H Street NW., Washington, DC. A copy of each of items (2), (3), and (4) may be obtained upon request sent to the U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Deputy Director for Reactor Projects, Directorate of Licensing. Prior to issuance of the amended facility operating license, to the proposed Technical Specifications for Facility Operating License No. R-37 will be made available in the above Public Document Room.

Dated at Bethesda, Md., this 23d day of February 1973.

For the Atomic Energy Commission.

ROBERT J. SCHEMEL,
Acting Assistant Director for Operating Reactors, Directorate of Licensing.

[FR Doc.73-4194 Filed 3-5-73;8:45 am]

CIVIL AERONAUTICS BOARD

[Docket No. 24944]

SOUTH AFRICAN AIRWAYS

Notice of Hearing

In the matter of South African Airways, foreign air carrier permit amendment, Johannesburg-Sal Island-Las Palmas-New York.

Notice is hereby given, pursuant to the Federal Aviation Act of 1958, as amended, that hearing in the above-entitled proceeding will be held on April 9, 1973, at 10 a.m. (local time) in Room 911, Universal Building, 1825 Connecticut Avenue NW., Washington, DC, before Administrative Law Judge Ross I. Newmann.

For details of the issues involved in this proceeding, interested persons are referred to the Prehearing Conference Report served on February 23, 1973, and other documents which are in the docket of this proceeding on file in the Docket Section of the Civil Aeronautics Board.

Dated at Washington, D.C., February 28, 1973.

[SEAL] ROSS I. NEWMANN,
Administrative Law Judge.

[FR Doc.73-4254 Filed 3-5-73;8:45 am]

CIVIL SERVICE COMMISSION

DEPARTMENT OF DEFENSE

Grant of Authority To Make Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission authorizes the Department of Defense to fill by noncareer executive assignment in the excepted service the position of Special Assistant to the Deputy Assistant Secretary (Reserve Affairs), Office of the Secretary of Defense.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.73-4228 Filed 3-5-73;8:45 am]

DEPARTMENT OF THE INTERIOR

Grant of Authority To Make Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission authorizes the Department of the Interior to fill by noncareer executive assignment in the excepted service the position of Legislative Counsel and Director, Office of Legislation, Office of the Secretary.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.73-4230 Filed 3-5-73;8:45 am]

DEPARTMENT OF THE INTERIOR

Revocation of Authority To Make Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission revokes the authority of the Department of the Interior to fill by noncareer executive assignment in the excepted service the position of Director of Economic Development, Bureau of Indian Affairs.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.73-4234 Filed 3-5-73;8:45 am]

DEPARTMENT OF THE INTERIOR

Revocation of Authority To Make Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission revokes the authority of the Department of the Interior to fill by noncareer executive assignment in the excepted service the position of Deputy Commissioner, Bureau of Indian Affairs.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.73-4233 Filed 3-5-73;8:45 am]

DEPARTMENT OF THE INTERIOR

Revocation of Authority To Make Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission revokes the authority of the Department of the Interior to fill by noncareer executive assignment in the excepted service the position of Assistant to the Secretary, Office of the Secretary.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.73-4229 Filed 3-5-73;8:45 am]

FEDERAL POWER COMMISSION

Grant of Authority To Make a Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission authorizes the Federal Power Commission to fill by noncareer executive assignment in the excepted service the position of Assistant to the Chairman, Commissioners and Offices, Office of the Chairman.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.73-4226 Filed 3-5-73;8:45 am]

OCCUPATIONAL SAFETY AND HEALTH REVIEW COMMISSION

Grant of Authority To Make a Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission authorizes the Occupational Safety and Health Review Commission to fill by noncareer executive assignment in the excepted service the position of Executive Director.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.73-4227 Filed 3-5-73;8:45 am]

OFFICE OF ECONOMIC OPPORTUNITY

Grant of Authority To Make a Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission authorizes the Office of Economic Opportunity to fill by noncareer executive assignment in the excepted service the position of Associate Director for Economic Development, Office of the Associate Director, Office of Economic Development.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.73-4232 Filed 3-5-73;8:45 am]

OFFICE OF ECONOMIC OPPORTUNITY

Revocation of Authority To Make a Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission revokes the authority of the Office of Economic Opportunity to fill by noncareer executive assignment in the excepted service the position of Chief, Economic Development Division, Office of Program Development.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.73-4231 Filed 3-5-73;8:45 am]

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

CERTAIN WOOL AND MAN-MADE FIBER TEXTILE PRODUCTS PRODUCED OR MANUFACTURED IN HONG KONG

Entry or Withdrawal From Warehouse for Consumption

MARCH 1, 1973.

The purpose of this notice is to advise that since hand-made carpets, rugs and floor coverings of man-made fiber and wool are excluded from the coverage of the United States-Hong Kong Bilateral Wool and Man-Made Fiber Textile Agreement of January 6, 1972, shipments of such carpets, rugs and floor coverings, produced or manufactured in Hong Kong, from Hong Kong do not require a visa for entry for consumption or withdrawal from warehouse for consumption in the United States.

ARTHUR GAREL,
Acting Chairman, Committee for the Implementation of Textile Agreements.

COMMISSIONER OF CUSTOMS,
Department of the Treasury,
Washington, D.C. 20229.

MARCH 1, 1973.

DEAR MR. COMMISSIONER: Pursuant to paragraph 2 of the bilateral United States-Hong Kong Wool and Man-Made Fiber Textile Agreement of January 6, 1972, a Hong Kong textile visa is not required for handmade (handwoven, hand-knotted, or hand-inserted with a hand-held tool) carpets, rugs and floor coverings made of man-made fiber and wool.

This letter will be published in the FEDERAL REGISTER.

Sincerely,

ARTHUR GAREL,
Acting Chairman, Committee for the Implementation of Textile Agreements and Director, Office of Textiles.

[FR Doc.73-4268 Filed 3-5-73;8:45 am]

CERTAIN COTTON TEXTILES AND COTTON, WOOL, AND MANMADE FIBER TEXTILE PRODUCTS FROM HONG KONG

Entry or Withdrawal From Warehouse for Consumption

MARCH 2, 1973.

This notice advises that the Hong Kong textile visa will no longer be required for the entry for consumption or the withdrawal from warehouse for consumption of commercial shipments of textile products from Hong Kong valued at $250 or less.

ARTHUR GAREL,
Acting Chairman, Committee for the Implementation of Textiles.

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

COMMISSIONER OF CUSTOMS,
Department of the Treasury,
Washington, D.C. 20226.

MARCH 2, 1973.

DEAR MR. COMMISSIONER: This letter amends, but does not cancel, the directive of January 3, 1973, which established an export visa requirement for the entry into the United States for consumption and withdrawal from warehouse for consumption of cotton, wool and manmade fiber textiles and textile products, produced or manufactured in Hong Kong.

Under the provisions of the bilateral Cotton Textile Agreement of December 17, 1970, as amended, and the bilateral Wool and Man-Made Fiber Textile Agreement of January 6, 1972, between the Governments of the United States and Hong Kong, and in accordance with the procedures of Executive Order 11651 of March 3, 1972, effective as soon as possible and until further notice, the directive of January 3, 1973, is amended by adding after the second paragraph the following sentence:

"These visa requirements will not be applicable to commercial shipments of textiles and textile products valued at $250 or less."

The actions taken with respect to the Government of Hong Kong and with respect to imports of cotton, wool, and manmade fiber textiles and textile products from Hong Kong, have been determined by the Committee for the Implementation of Textile Agreements to involve foreign affairs functions of the United States. Therefore, the directions to the Commissioner of Customs being necessary to the implementation of such action, fall within the foreign affairs exception to the rule making provisions of 5 U.S.C. 553. This letter will be published in the FEDERAL REGISTER.

Sincerely,

ARTHUR GAREL,
Acting Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 73-4419 Filed 3-5-73;10:19 am]

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COMMISSION ON CIVIL RIGHTS

VIRGINIA ADVISORY COMMITTEE

Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights, that a meeting of the Virginia State Advisory Committee will convene at 12 noon on March 6, 1973, at 1407 14th Street NW., Washington, DC 20005. This meeting shall be open to the public and the press.

The purposes of this meeting shall be to finalize plans for investigation of the selection of judges in the State of Virginia, and to discuss discrimination in employment in the Virginia courts.

This meeting will be conducted pursuant to rules and regulations of the Commission.

Dated at Washington, D.C., February 26, 1973.

ISAIAH T. CRESWELL, JR.,
Advisory Committee Management Officer.

[FR Doc.73-4357 Filed 3-5-73;8:45 am]

DELAWARE STATE ADVISORY COMMITTEE

Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights, that a meeting of the Delaware State Advisory Committee will convene at 12 noon, on March 9, 1973, at the YWCA at 908 King Street, Wilmington, DE 19801. This meeting shall be open to the public and the press.

The purpose of this meeting shall be to review the current developments of the committee's prison study.

This meeting will be conducted pursuant to the rules and regulations of the Commission.

Dated at Washington, D.C., February 26, 1973.

ISAIAH T. CRESWELL, JR.,
Advisory Committee Management Officer.

[FR Doc.73-4358 Filed 3-5-73;8:45 am]

MISSISSIPPI STATE ADVISORY COMMITTEE

Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights, that a meeting of the Mississippi State Advisory Committee will convene at 12 noon on March 14, 1973, at the Hotel Heidelberg (Parlor B), 1316 Capitol Street, Jackson, MS 39201. This meeting shall be open to the public and the press.

The purposes of this meeting shall be to discuss budget and program planning for fiscal year 1974, and consider recommendations for prospective State committee members.

This meeting will be conducted pursuant to the rules and regulations of the Commission.

Dated at Washington, D.C., February 22, 1973.

ISAIAH T. CRESWELL, JR.,
Advisory Committee Management Officer.

[FR Doc.73-4359 Filed 3-5-73;8:45 am]

MISSOURI STATE ADVISORY COMMITTEE

Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights, that a meeting of the Missouri State Advisory Committee will convene at 8:30 a.m. on March 9, 1973, in Room 148, 601 East 12 Street, Kansas City, MO 64152. This meeting shall be open to the public.

The purpose of this meeting shall be to collect information concerning legal developments constituting a denial of the equal protection of the laws under the Constitution because of race, color, religion, sex, or national origin which pertain to housing problems in Kansas City, Mo.; to appraise denials of equal protection of the laws under the Constitution because of race, color, religion, sex, or national origin as these pertain to housing problems in Kansas City, Mo.; and to disseminate information with respect to denials of the equal protection of the laws because of race, color, religion, sex, or national origin with respect to housing problems in Kansas City, Mo.; and to related areas.

This meeting will be conducted pursuant to the rules and regulations of the Commission.

Dated at Washington, D.C., February 22, 1973.

ISAIAH T. CRESWELL, JR.,
Advisory Committee Management Officer.

[FR Doc.73-4360 Filed 3-5-73;8:45 am]

NORTH CAROLINA STATE ADVISORY COMMITTEE

Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights, that a meeting of the North Carolina State Advisory Committee will convene at 1 p.m. on March 8, 1973, at the Pullen Memorial Baptist Church, Hillsborough Street and Cox Avenue, Raleigh, NC 27605. This meeting shall be open to the public and the press.

The purpose of this meeting shall be to finalize plans for the North Carolina committee's prison project.

This meeting will be conducted pursuant to rules and regulations of the Commission.

Dated at Washington, D.C., February 23, 1973.

ISAIAH T. CRESWELL, JR.,
Advisory Committee Management Officer.

[FR Doc.73-4361 Filed 3-5-73;8:45 am]

WISCONSIN STATE ADVISORY COMMITTEE

Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights, that a meeting of the Wisconsin State Advisory Committee will convene at 1:30 p.m. on March 7, 1973, at the Hall of Presidents, 424 East Wisconsin Avenue, Milwaukee, WI 53202. This meeting shall be open to the public and the press.

The purposes of this meeting shall be to (1) plan followup strategy in connection with the implementation of the committee's report, Police Isolation and Community Needs; Milwaukee; (2) plan followup strategy in connection with the implementation of the committee's report on The Black Student in the Wisconsin State Universities System; and (3) revise plans for the committee's project on the administration of justice with special attention to the problems of the American Indian in Wisconsin.

This meeting will be conducted pursuant to the rules and regulations of the Commission.

Dated at Washington, D.C., February 28, 1973.

ISAIAH T. CRESWELL, JR.,
Advisory Committee Management Officer.

[FR Doc.73-4362 Filed 3-5-73;8:45 am]

COST OF LIVING COUNCIL

[Cost of Living Council Order No. 20]

CONSTRUCTION INDUSTRY STABILIZATION COMMITTEE

Delegation of Authority

Pursuant to the authority vested in me by Executive Order 11695, it is hereby ordered as follows:

1. In addition to the authority delegated by Cost of Living Council Order No. 16, the Construction Industry Stabilization Committee is hereby authorized to review and issue determinations, in accordance with the procedures established pursuant to Executive Order 11695 and Cost of Living Council Order No. 16, with respect to any wage or salary increase pursuant to any collective bargaining agreement which is within the terms of § 130.72(b) of the Council's regulations (6 CFR 130.72(b)).

2. In accordance with the procedures set forth in Executive Order 11695 and Cost of Living Council Order No. 16, the parties to any collective bargaining agreement which is within the terms of § 130.72(b) shall promptly submit such agreement to the appropriate craft dispute board, or, where there is no appropriate craft dispute board, directly to the Construction Industry Stabilization Committee.

3. This order shall be effective January 11, 1973.

Issued in Washington, D.C., on February 28, 1973.

GEORGE P. SHULTZ,
Chairman, Cost of Living Council.

[FR Doc.73-4212 Filed 3-5-73;8:45 am]

TERMINATION OF THE PAY BOARD AND PRICE COMMISSION

Announcement of Effective Date

In accordance with section 10(a) of Executive Order No. 11695, which provided that the Pay Board and Price Commission are abolished effective not more than 90 days from the date of that order or such earlier date as the Chairman of the Cost of Living Council may designate, I do hereby designate March 1, 1973, as the effective date on which the Pay Board and Price Commission are terminated.

An orderly transfer of stabilization functions has been accomplished and all outstanding matters have been disposed of or transferred to the Cost of Living Council. Consequently, effective March 1, 1973:

1. All delegations of economic stabilization functions to the Pay Board and Price Commission not previously revoked, and all redelegations issued thereunder, are terminated without prejudice to actions taken thereunder. All economic stabilization functions will be performed by the Cost of Living Council as provided by Executive Order No. 11695 and in accordance with Cost of Living Council regulations, rulings, orders (including delegations to the Commissioner of Internal Revenue and the Construction Industry Stabilization Committee), and other appropriate public issuances.

2. All decisions and orders of the Pay Board and Price Commission, or their delegates, issued prior to March 1, 1973, shall, subject to such modifications as the Cost of Living Council may make from time to time, operate according to their terms and continue in full force and effect.

3. All regulations, rulings, and orders of the Pay Board and Price Commission which were in effect on January 10, 1973, shall continue in full force and effect to the extent provided by Executive Order No. 11695 and Cost of Living Council regulations, rulings, orders, and other appropriate public issuances.

4. All records, including reports, cases, and requests for information, property, personnel, and funds relating to the Pay Board and Price Commission and not previously transferred to the Cost of Living Council, are transferred to the Cost of Living Council.

GEORGE P. SCHULTZ,
Chairman, Cost of Living Council.

MARCH 1, 1973.

[FR Doc.73-4406 Filed 3-5-73;8:45 am]

FEDERAL MARITIME COMMISSION

BOARD OF TRUSTEES OF THE GALVESTON WHARVES AND LYKES BROS. STEAMSHIP COMPANY, INC.

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1015, or may inspect the agreement at the field offices located at New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, on or before March 26, 1973. Any person desiring a hearing on the proposed agreements shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreements (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed by:

Mr. Carl S. Parker, Jr., Galveston Wharves, 802 Rosenberg, Post Office Box 328, Galveston, TX 77550.

Agreement No. T-2521-1, between the Board of Trustees of the Galveston Wharves (Galveston) and Lykes Bros. Steamship Company, Inc. (Lykes), amends the basic agreement between the parties which is a 3-year lease providing for first call on berth privileges for Lykes' Seabee barges at a covered barge loading, unloading, and interchange terminal. The purpose of the modification is to change the rate for using the bridge crane at the facility from $27.50 per hour straight time and $40 per hour overtime (in both instances manned by Galveston personnel) to $21 per hour unmanned, straight time or overtime.

Dated: February 28, 1973.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.73-4241 Filed 3-5-73;8:45 am]

BRAZIL/U.S. ATLANTIC AND GULF NORTHBOUND POOLING AGREEMENTS

Notice of Agreements Filed

Notice is hereby given that the following agreements have been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreements at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1015, or may inspect the agreements at the field offices located at New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, on or before March 26, 1973. Any person desiring a hearing on the proposed agreements shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreements (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreements filed by:

Frank R. A. Levier, Executive Administrator, Inter-American Freight Conference, Av. Rio Branco, 156-27°, Ander-Grupos 2707/2711, Rio de Janeiro, Brazil.

Agreements Nos. 10027-1 and 10029-1 amend Article 9(b) of each of their approved pooling agreements by canceling therefrom the words "or elsewhere" so that the pool accounting and resultant settlement of pool payment shall be prepared by an independent accounting company located in Rio de Janeiro, only.

Dated: February 26, 1973.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.73-4242 Filed 3-5-73;8:45 am]

CANTON CO. OF BALTIMORE, ET AL.

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1015; or may inspect the agreement at the field offices located at New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, on or before March 26, 1973. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged,

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the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed by:

Raymond S. Clark, President, Canton Co. of Baltimore, 300 Water Street, Baltimore, MD 21203.

Agreement No. T-2745, between Canton Co. of Baltimore, Canton Railroad Co., The Cottman Co. (Lessor), and Transamerican Trailer Transport, Inc., provides for the 2-year lease (with renewal options) to TTT of Pier No. 10 and two parcels of improved inland area at Baltimore, Md., for use as a waterfront shipping terminal, trucking, and rail freight handling and forwarding terminal and uses incidental thereto. As compensation, Lessor is to receive $243,000 annually in lieu of tariff charges plus the construction costs of improvements made to the premises under the agreement.

Dated: February 28, 1973.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.73-4243 Filed 3-5-73;8:45 am]

EUROPE CANADA LAKE LINE

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1015; or may inspect the agreement at the field offices located at New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments on such agreements including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, on or before March 16, 1973. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed by:

F. J. Barry, General Traffic Department, United States Navigation Co., Inc., 17 Battery Place, New York, NY 10004.

Agreement No. 9912-2 modifies the basic agreement of the above-named joint service to reflect the withdrawal of one of its members, Poseidon Schiffahrt Gesellschaft Mit Beschraenkter. As a result it provides for the new allocation of tonnage and division of mutually incurred expenses between the remaining members, Hapag-Lloyd Aktiengesellschaft and Ernst Russ.

Dated: February 28, 1973.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.73-4244 Filed 3-5-73;8:45 am]

SAN FRANCISCO PORT COMMISSION AND AMERICAN PRESIDENT LINES

Notice of Agreements Filed

Notice is hereby given that the following agreements have been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreements at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1015; or may inspect the agreements at the field offices located at New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, on or before March 26, 1973. Any person desiring a hearing on the proposed agreements shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreements (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed by:

Mr. Richard A. Bobier, Port of San Francisco, Ferry Building, San Francisco, CA 94111.

Agreement No. T-2743, between the San Francisco Port Commission (Port) and American President Lines, Ltd. (APL), is a license, under which the Port will provide APL with a containership terminal at Pier 94 East, San Francisco, CA. The facility will include (a) 35 acres for shipside, container yard, gate, container freight station, and other support services; (b) two berths consisting of a minimum of 1,550 lineal feet; (c) two container cranes; and (d) a container freight station, maintenance, and repair facility, transit shed, administration building, and other ancillary facilities. APL occupancy of the facility under the license will be for a term ending January 1, 1980, subject to revocation by the Port on 30 days' notice. As compensation, the Port is to receive all tariff charges applicable to APL's operations in connection with the facility, plus 27½ cents per square foot per month for area used in the Administration Building. The agreement provides for an option, however, under which APL may pay the Port an annual minimum of $975,000 for the rights under the license and 15,000 square feet of the Administration Building. Any tariff receipts over the minimum will be divided equally up to the amount of $1,200,000 annually at which point APL will retain all tariff charges.

Dated: February 27, 1973.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.73-4245 Filed 3-5-73;8:45 am]

[Independent Ocean Freight Forwarder License No. 190]

W. R. KEATING & CO., INC.

Order of Revocation Regarding Independent Ocean Freight Forwarder License

On February 16, 1973, W. R. Keating & Co., Inc., 90 Broad Street, New York, NY 10004, voluntarily surrendered its Independent Ocean Freight Forwarder License No. 190 for revocation.

By virtue of authority vested in me by the Federal Maritime Commission as set forth in Manual of Orders, Commission Order No. 1 (revised) section 7.04(f) dated May 1, 1972);

It is ordered, That Independent Ocean Freight Forwarder License No. 190 of W. R. Keating & Co., Inc., be and is hereby revoked effective February 16, 1973, without prejudice to reapply for a license at a later date.

It is further ordered, That a copy of this order be published in the FEDERAL REGISTER and served upon W. R. Keating & Co., Inc.

AARON W. REESE,
Managing Director.

[FR Doc.73-4246 Filed 3-5-73;8:45 am]

INACTIVE TARIFFS

Notice of Intent To Cancel

The domestic offshore files of the Federal Maritime Commission contain several tariffs which have for a period of time been classified as inactive either due to the absence of any tariff changes for a period of 1 year or longer or because the Commission's staff has been unable to correspond with the tariff filers or because the Commission's staff has been advised that the tariff filers no longer offer a common-carrier service. The following carriers, including their last known address, fall into the "inactive tariff" category.

B & R Tug and Barge, Inc., 400 Norton Building, Seattle, Wash. 98104.
Berger Transportation Co., Ames Terminal, Seattle, Wash.
Boyer Towing, Inc., Box 443, Ketchikan, AK 99901.
Brito Shipping Corp., 43-45 Throop Avenue, Brooklyn, NY 11206.
Capitol Transportation, Inc., General Post Office Box 3008, San Juan, PR 00936.
Caribe Shipping, Inc., 1134 Broadway, Brooklyn, NY.
Carib Star Line, Inc., 617 Parque Street, Santurce, PR 00909.
Chasqui Moving & Storage, Inc., 911 Longwood Avenue, Bronx, NY 10459.
Cymeon Barge Lines, Inc., 233 Broadway, New York, NY 10007.
Felix Moving Co., 587 East 168th Street, Bronx, NY 10472.
Figueroa Deliveries & Moving, 1813 Southern Boulevard, Bronx, NY 10460.
Golden Arrow Hydrofoil Corp., 20 Evergreen Place, East Orange, NJ 07018.
Gulf Alaska Shipping Corp., 610 Bank of the Southwest Building, Houston, Tex. 79102.
Hawaii Container Service, 330 Cypress Street, Oakland, CA 94607.
Hawaiian Freight Service, Inc., Bush Terminal Building 57, Brooklyn, NY.
Hawaiian Pacific Line, Inc., 625 Market Street, San Francisco, CA.
Hawaiian Water Transportation Corp., 1025 Ala Moana Boulevard, Honolulu, HI.
Isbrandtsen Steamship Co., a division of American Export Lines, Inc., 26 Broadway, New York, NY 10004.
Kahanic Trucking Co., 10923 South Painter Avenue, Sante Fe Springs, CA 90670.
Kay Transport Co., Inc., Box 9605, Baltimore, MD 21237.
Los Hermanitos Shipping Co., Inc., 43-45 Throop Avenue, Brooklyn, NY 11206.
Lykes Bros. Steamship Co., Inc., Post Office Box 53068, New Orleans, LA 70150.
Major Van Lines, Inc., 601 Ocenan Avenue, Jersey City, NJ 07305.
P. D. M., Inc., 811 Traction, Los Angeles, CA 90013.
Pan American Express, 2612 West Division Street, Chicago, IL 60622.
Pope & Talbot, Inc., 1 Bush Street, San Francisco, CA 94105.
Rico Shipping Co., 1997 Third Avenue, New York, NY.
Roho Enterprises, Inc., 10837 Northeast Second Place, Bellevue, WA 98004.
Signal Terminals, Inc., 1645 Daisy Avenue, Long Beach, CA 90803.
States Marine-Isthmian Agency, Inc., Post Office Box 1540, Stamford, CT 06904.
Transoceanic Navigation Co., Post Office Box 7514, Honolulu, HI 96821.
Virgin Islands Hydrolines, Inc., Post Office Box 639, St. Thomas, VI 00801.
Weeks Moving & Storage Corp., 55 Maple Avenue, Rockville Centre, NY 11570.
X-Presso Parcel Service, Inc., 796 Southern Boulevard, Bronx, NY 10455.

Inactive tariffs reflect inaccuracte information to the shipping public and serve no useful purpose in the Commission's files. Further, Rule 18(g) of Tariff Circular No. 3, as amended (46 CFR 531.18(g)), requires the cancellation of inactive tariffs; and, accordingly, the Commission proposes to cancel these tariffs in the absence of a showing of good cause as to why they should not be cancelled.

Now, therefore it is ordered, That the above carriers advise the Director, Bureau of Compliance at 1405 I Street NW., Washington, DC 20573, in writing on or before April 5, 1973, of any reasons why the Commission should not cancel inactive tariffs.

It is further ordered, That a copy of this order be sent by registered mail to the last known address of the carriers listed herein;

It is further ordered, That the tariffs of all carriers named herein not responding to this order be, and they are in such event hereby cancelled;

It is further ordered, That this notice be published in the FEDERAL REGISTER and a copy thereof filed with any tariff cancelled pursuant to this notice.

By the Commission pursuant to authority delegated by section 7.15 of Commission Order No. 1 (Revised) dated September 29, 1970.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.73-4247 Filed 3-5-73;8:45 am]

[Docket No. 73-7; Agreement No. T-2719]

PORT OF HOUSTON AUTHORITY AND LOUIS DREYFUS CORP.

Order of Investigation and Hearing

On December 27, 1972, an agreement, whereby the Port of Houston Authority (PHA) will lease the grain elevator facilities at Houston, Tex., for a period of 10 years to Louis Dreyfus Corp. (Dreyfus), was filed with the Commission for: (1) Determination as to the applicability of section 15 of the Shipping Act, 1916 (Act); or (2) approval pursuant to the provisions of section 15 of the Act. The agreement, designated Agreement T-2719, was noticed in the FEDERAL REGISTER on January 5, 1973, and protests were filed by the West Gulf Maritime Association (WGMA), the International Longshoremen's Association, South Atlantic and Gulf Coast District (ILA), and Cook Industries, Inc. (Cook).

The lease provides that Dreyfus will operate the grain elevator facilities, which were constructed with public funds and operated by PHA as the only public grain elevator in the Port of Houston, for its exclusive use. If, in Dreyfus' sole discretion, the entire facility is not required for Dreyfus' use, then others may use the excess capacity. Moreover, the lease will grant to Dreyfus the prior right to use the berths and berthing facilities in conjunction with the leased premises, will grant to Dreyfus the unabridged right to establish rules and regulations governing the operation of the grain elevator and the use of the berths and berthing facilities, and provides that Dreyfus will not be required to hire PHA employees or to assume any employee agreement that preexisted the lease.

In consideration for these provisions, Dreyfus will pay a rental fee of $1,006,000 per annum, will make any improvements necessary to bring the elevator facilities into compliance with all "laws, regulations, rules, or orders of duly constituted governmental bodies or agencies with * * * authority over emissions or discharges which affect or may affect the environment", and with the Occupational Safety and Health Act of 1970.

Finally, the agreement is subject to a prior lease of a portion of the facilities to the I. S. Joseph Co. (Joseph), which is detailed in the Commission's order to show cause issued this date.

The ILA has been staffing and manning the elevator facilities at Houston under contracts governing wage rates, hours, and conditions of employment which are consistent with the same paid other ILA employees at the Port of Houston.

Since Dreyfus is not bound by any labor agreements preexisting the lease, and PHA will discharge or transfer its present employees, the ILA claims that substandard wages, hours, and conditions of employment will probably prevail at the elevator if the agreement is approved. Such a situation allegedly will jeopardize the position of the ILA at other private elevators in the Port of Houston and will be contrary to the best interests of the United States. Moreover, the decreased flow of grain which the ILA claims will necessarily result from the reduction of many users of the elevator to one, will require fewer ILA employees, and therefore, will be contrary to the best interests of the United States, and detrimental to the free flow of commerce.

The members of WGMA are engaged in the operation, handling, and stevedoring of vessels in the foreign commerce into and out of Houston. Its objections to approval of the agreement are: (1) That the elevator facilities were constructed with public funds, heretofore served the public on a nondiscriminatory basis, and under the agreement, will be turned over to a private concern for its own use with no public control over its operations; (2) that it is unfair and discriminatory to grant Dreyfus preferential use of two of Houston's limited berthing facilities without providing substitute berths for waiting vessels; and (3) that Dreyfus' refusal to serve common carriers is unfair and discriminatory to common carriers subject to the Commission's jurisdiction and protection, because this tariff provision is an attempt to remove the agreement from the Commission's jurisdiction.

Cook is, inter alia, a grain merchandizer which has used 66 to 87 percent of the Houston grain elevator facilities over the past 4 years. It unsuccessfully attempted to secure the lease of the Houston grain elevator facilities, but was outbid by Dreyfus.

Cook's objections to approval are: (1) Based on revenues the elevator has generated in the past, Dreyfus' operation of the elevator facility will return insufficient profits to pay the rental fees of $1,006,000 per annum; (2) based on limited information regarding Dreyfus' financial condition, Cook questions its ability to meet the rental fees and expenditures for improvements under the lease, thus endangering PHA's ability to earn a fair compensation for the entire lease term; (3) Cook will be excluded as a Texas-Gulf exporter of grain because Houston is the only port with sufficient

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storage and handling capabilities and adequate rail facilities to handle Cook's grain requirements; and (4) Dreyfus' decision to exclude common carriers will adversely affect the small grain exporters that use common carrier services.

Moreover, Cook claims that implementation of the agreement will cause a diversion of traffic from Houston because Dreyfus will not ship as much grain and the small exporter, which uses common carriers will be excluded from the facility. As a result, the Port suffers the loss of revenues.

For these reasons, Cook alleges that the agreement grants Dreyfus an undue and unreasonable preference and advantage to the undue and unreasonable prejudice of Cook and other grain exporters in violation of section 16 first, and constitutes an unreasonable practice by PHA in violation of section 17.

The jurisdictional questions presented by Agreement T–2719 lend themselves to early resolution by affidavits of fact and memoranda of law and are being considered in a separate order to show cause issued this day.

Now, therefore, it is ordered, That pursuant to sections 15 and 22 of the Shipping Act, 1916, an investigation be instituted to determine:

1. Whether Agreement T–2719, if found subject to the requirements of section 15, should be approved, disapproved, or modified pursuant to that section;

2. Whether the implementation of Agreement T–2719 will result in any practice which will subject any person, locality, or description of traffic to undue or unreasonable prejudice or disadvantage in violation of section 16 of the Shipping Act, 1916 (46 U.S.C. 815);

3. Whether the implementation of Agreement T–2719 will result in any practice which is unjust or unreasonable in violation of section 17 of the Shipping Act, 1916 (46 U.S.C. 816);

It is further ordered, That PHA and Dreyfus be made respondents, and that Cook, WGMA, and ILA be made petitioners in this proceeding;

It is further ordered, That this matter be assigned for public hearing before an administrative law judge of the Commission's Office of Administrative Law Judges and that the hearing be held at a date and place to be determined and announced by the Presiding Administrative Law Judge;

It is further ordered, That notice of this order be published in the FEDERAL REGISTER, and that a copy thereof and notice of hearing be served upon respondents and petitioners;

It is further ordered, That any person, other than respondents, petitioners, and the Commission's Bureau of Hearing Counsel, who desires to become a party to this proceeding and participate therein, shall file a petition to intervene with the Secretary, Federal Maritime Commission, Washington, D.C. 20573, with copies to all parties;

And it is further ordered, That all future notices issued by or on behalf of the Commission in this proceeding, including notice of time and place of hearing or prehearing conference, shall be mailed directly to all parties of record.

By the Commission.

[SEAL] FRANCIS C. HURNEY, *Secretary.*

[FR Doc.73–4248 Filed 3–5–73;8:45 am]

[Docket No. 73–6; Agreement No. T–2719]

PORT OF HOUSTON AUTHORITY AND LOUIS DREYFUS CORP.

Order To Show Cause

On December 27, 1972, an agreement, whereby the Port of Houston Authority (PHA) will lease the grain elevator facilities at Houston, Tex., for a period of 10 years to Louis Dreyfus Corp. (Dreyfus), was filed with the Commission for: (1) Determination as to the applicability of section 15 of the Shipping Act, 1916 (Act); or (2) approval pursuant to the provisions of section 15 of the Act. The agreement, designated Agreement T–2719, was noticed in the FEDERAL REGISTER on January 5, 1973, and protests, detailed in an order of investigation issued this date, were filed by the West Gulf Maritime Association (WGMA), the International Longshoremen's Association, South Atlantic and Gulf Coast District (ILA), and Cook Industries, Inc. (Cook).

The grain elevator facilities that are the subject of the proposed lease were constructed with public funds, are operated by PHA, and are the only public grain elevator facilities in Houston.

The lease provides, inter alia that Dreyfus will operate these facilities as a grain elevator in connection with shipments to and from Houston, will receive prior right to use the berths and berthing facilities in conjunction therewith, will not be required to hire PHA employees, or to assume any employee agreement that preexisted the lease, and will establish rules and regulations governing the operation of the grain elevator and the use of the berths and berthing facilities. If neither Dreyfus nor its affiliates require use of the entire facility, then Dreyfus, in its sole discretion, may serve others desiring to use the excess capacity.

Finally, the agreement is subject to a prior lease of a portion of the facilities to the I. S. Joseph Company (Joseph),[1] which is engaged in pelletizing "* * * a number of different soft or powdery substances or ingredients" and in exporting the pelletized product. Presently, PHA loads this pelletized product into vessels, including common carriers, calling at the elevator facility.

On January 30, 1973, Dreyfus filed its proposed tariff with the Commission, and among its provisions is the following:

> Common carriers by water, as defined by the Shipping Act of 1916, shall not be accepted for loading at the elevator.

By this tariff provision, Dreyfus[2] claims that it is not an "other person subject to the Act" as defined in section 1 of the Act, and therefore, the agreement is not subject to section 15.

The Port of Houston Authority files a terminal tariff with this Commission, and is an "other person subject to the Act", but there is some question regarding Dreyfus' status under section 1 of the Act. The terms of Agreement T–2719 do not preclude Dreyfus from serving common carriers by water, and it is the agreement which must be considered by the Commission in determining whether approval is required under the standards of section 15. Moreover, the agreement is subject to the lease between PHA and Joseph, whereby PHA has been loading Joseph's pelletized products into vessels, including common carriers by water. Thus, despite Dreyfus' tariff provision denying service to common carriers, it may have to provide terminal service to common carriers pursuant to the Joseph lease.

The jurisdictional questions presented by Agreement No. T–2719 lend themselves to early resolution by affidavits of fact and memoranda of law. The factual questions presented by the protests to Agreement No. T–2719 will be considered in a separate order of investigation and hearing issued this day.

Now therefore it is ordered, That, pursuant to sections 15 and 22 of the Shipping Act, 1916, Dreyfus and PHA be named respondents in this proceeding and that they be ordered to show cause why Dreyfus should not be found to be an "other person subject to the Act" as defined in section 1 of the Act;

It is further ordered, That Dreyfus and PHA be ordered to show cause why Agreement T–2719 should not be found subject to section 15 of the Act;

It is further ordered, That there appearing to be no material issues of fact in dispute regarding the jurisdictional issues arising under section 15, this proceeding shall be limited to the submission of affidavits and memoranda of law and replies thereto. Should any party feel that an evidentiary hearing be required, that party must accompany any request for such hearing with a statement setting forth in detail the facts to be proven, their relevance to the issues in this proceeding, and why such proof cannot be submitted through affidavit. Requests for hearing shall be filed on or before March 14, 1973. Affidavits of fact and memoranda of law shall be filed by respondents and served upon all parties no later than the close of business March 14, 1973. Reply affidavits and memoranda of law shall be filed by the Commission's Bureau of Hearing Counsel and intervenors, if any, no later than close of business March 26, 1973. Time and date of oral argument if requested and/or deemed necessary by the Commission will be announced at a later date.

It is further ordered, That a notice of this order be published in the FEDERAL REGISTER and that a copy thereof be served upon respondents.

It is further ordered, That persons other than those already party to this proceeding who desire to become parties to this proceeding and to participate therein shall file a petition to intervene pursuant to Rule 5(1) of the Commission's rules of practice and procedure (46 CFR 502.72) no later than close of business March 9, 1973.

It is further ordered, That all documents submitted by any party of record in this proceeding shall be directed to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, in an original and 15 copies as well as being mailed directly to all parties of record.

By the Commission.

[SEAL] FRANCIS C. HURNEY, *Secretary.*

[FR Doc.73–4249 Filed 3–5–73;8:45 am]

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[1] Pursuant to a request from the Commission's staff, this lease was submitted for informational purposes only on Dec. 4, 1972.

[2] Dreyfus is a party to Agreement No. T–1419 between the members of the Pacific Northwest Tidewater Elevators Association and operates an elevator at Pascagoula, Miss., under approved lease agreement No. T–1825.

FEDERAL POWER COMMISSION

[Docket No. RP73–57]

SOUTH TEXAS NATURAL GAS GATHERING CO.

Notice of Change in Purchase Gas Adjustment Clause

FEBRUARY 26, 1973.

Take notice that South Texas Natural Gas Gathering Co. (South Texas) on February 7, 1973, tendered for filing a revised substitute page 1 to the notice of change in rate which became effective as of January 10, 1973, and a Substitute Exhibit A–1. South Texas states that both of these sheets reflect a base purchase gas cost as of January 10, 1973, of 21.02 cents per Mcf, instead of 21.65 cents per Mcf shown on the sheets submitted on December 4, 1972.

By paragraph (D) of the Commission's order issued January 10, 1973, in Shell Oil Co. et al., Dockets Nos. CI72–240 et al., including South Texas Natural Gas Gathering Co., Docket No. RP73–57, the Commission accepted South Texas' revised PGA clause to become effective as of the date of the issuance of that order. South Texas had submitted its PGA clause on October 17, 1972, and had submitted a revision to its PGA clause on December 4, 1972. As revised, Exhibit A–1 to South Texas' PGA clause reflected a base purchase gas cost of 21.65 cents per Mcf which was anticipated to be effective as of the termination of the suspension period in Docket No. RP73–57. Since the Commission's order of January 10, 1973, terminated the suspension period in Docket No. RP73–57 as of that date, South Texas says that it is appropriate to revise the base purchase gas cost in the PGA clause to reflect more accurately the base purchase gas cost as of that date.

South Texas requests that these sheets be made effective as of January 10, 1973, in accordance with the Commission's order of that date.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 441 G Street NW., Washington, DC 20426, in accordance with sections 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before March 13, 1973. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB, *Secretary.*

[FR Doc.73–4190 Filed 3–5–73;8:45 am]

FEDERAL RESERVE SYSTEM

BANKAMERICA CORP.

Proposed Acquisition of GAC Finance, Inc.

Bankamerica Corp., San Francisco, Calif., has applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.4(b)(2) of the Board's Regulation Y, for permission to acquire voting shares of GAC Finance, Inc., Allentown, Pa., and thereby to acquire indirectly shares of 145 active subsidiaries of GAC Finance, Inc., all doing business under the name of GAC Finance, Inc. Notice of the application was published on November 29 or 30, 1972, in each of the regional editions of The Wall Street Journal and was published or is in the process of publication in newspapers of general circulation in each of the communities in which is located one or more of the 408 offices of GAC Finance, Inc. located in the United States and to be retained by applicant if the proposed transaction is consummated. The offices of subsidiaries of GAC Finance, Inc. located in California would be promptly sold by applicant to an unaffiliated third party in the event of consummation of the proposed transaction. The subsidiaries of GAC Finance, Inc., operate offices in the District of Columbia and every State other than Alaska, Arkansas, Delaware, Hawaii, Maine, Nevada, Utah, Vermont, and Wisconsin.

Applicant states that the proposed subsidiary would engage in the activities of making direct loans to consumers; purchasing sales finance paper; financing inventory of distributors of and dealers in various consumer durable goods through agreements with manufacturers in the case of distributors and with distributors in the case of dealers; servicing manufacturer-funded receivables arising from inventory financing by certain manufacturers of consumer durable goods; rediscount financing for nonaffiliated consumer finance and consumer sales finance companies; and sale to its direct consumer borrowers of credit life and credit health and accident insurance and of insurance coverage against damage to personal property securing extensions of credit made by the subsidiary to its direct consumer borrowers. Such activities have been specified by the Board in § 225.4(a) of Regulation Y as permissible for bank holding companies, subject to Board approval of individual proposals in accordance with the procedures of § 225.4(b).

Interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question should be accompanied by a statement summarizing the evidence the person requesting the hearing proposes to submit or to elicit at the hearing and a statement of the reasons why this matter should not be resolved without a hearing.

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of San Francisco.

Any views or requests for hearing should be submitted in writing and received by the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, not later than March 27, 1973.

Board of Governors of the Federal Reserve System, February 27, 1973.

[SEAL] MICHAEL A. GREENSPAN, *Assistant Secretary of the Board.*

[FR Doc.73–4172 Filed 3–5–73;8:45 am]

FIRST INTERNATIONAL BANCSHARES, INC.

Acquisition of Bank

J 84-000, Folio 6675, 31-10

First International Bancshares, Inc., Dallas, Tex., has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 100 percent of the voting shares (less directors' qualifying shares) of the successor by merger to Park Cities Bank & Trust Co., Highland Park (Dallas), Tex. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Dallas. Any person wishing to comment on the application should submit his views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than March 27, 1973.

Board of Governors of the Federal Reserve System, January 27, 1973.

[SEAL] MICHAEL A. GREENSPAN, *Assistant Secretary of the Board.*

[FR Doc.73–4173 Filed 3–5–73;8:45 am]

FLORIDA BANKSHARES, INC.

Formation of Bank Holding Company

Florida Bankshares, Inc., Hollywood, Fla., has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company through acquisition of 100 percent of the voting shares (less directors' qualifying shares) of the following banks: First National Bank of Hollywood, Hollywood; First National Bank of Hallandale, Hallandale; and Second National Bank of West Hollywood, Hollywood, all lo-

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cated in Florida. The factors that are considered in acting on the application are set forth in sec. 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Atlanta. Any person wishing to comment on the application should submit his views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than March 27, 1973.

Board of Governors of the Federal Reserve System, January 27, 1973.

[SEAL] MICHAEL A. GREENSPAN,
Assistant Secretary of the Board.

[FR Doc.73-4171 Filed 3-5-73;8:45 am]

WESTERN & SOUTHERN LIFE INSURANCE CO.

Determination Regarding "Grandfather" Privileges

Section 4 of the Bank Holding Company Act (12 U.S.C. 1843) provides certain privileges ("grandfather" privileges) with respect to nonbanking activities of a company that, by virtue of the 1970 amendments to the Bank Holding Company Act, became subject to the Bank Holding Company Act. Pursuant to section 4(a)(2) of the Act, a "company covered in 1970" may continue to engage, either directly or through a subsidiary, in nonbanking activities that such a company was lawfully engaged in on June 30, 1968 (or on a date subsequent to June 30, 1968, in the case of activities carried on as a result of the acquisition by such company or subsidiary, pursuant to a binding written contract entered into on or before June 30, 1968, of another company engaged in such activities at the time of the acquisition), and has been continuously engaged in since June 30, 1968 (or such subsequent date).

Section 4(a)(2) of the Act provides, inter alia, that the Board of Governors of the Federal Reserve System may terminate such grandfather privileges if, having due regard to the purposes of the Act, the Board determines that such action is necessary to prevent undue concentration of resources, decreased or unfair competition, conflicts of interest, or unsound banking practices. With respect to a company that controls a bank with assets in excess of $60 million on or after December 31, 1970, the Board is required to make such a determination within a 2-year period.

Notice of the Board's proposed review of the grandfather privileges of the Western & Southern Life Insurance Co., Cincinnati, Ohio, and an opportunity for interested persons to submit comments and views or request a hearing, has been given (37 FR 2241). The time for filing comments, views, and requests has expired, and all those received have been considered by the Board in light of the factors set forth in section 4(a)(2) of the Act.

On the evidence before it, the Board makes the following findings. The Western & Southern Life Insurance Co., Cincinnati, Ohio (Registrant), became a bank holding company on December 31, 1970, as a result of the 1970 Amendments to the Act, by virtue of Registrant's ownership of substantially all the voting shares of The Southern Ohio Bank, Cincinnati, Ohio (Bank) (assets of about $110 million, as of December 31, 1970). Bank, control of which was acquired by Registrant in April 1968, had total deposits of approximately $115 million as of December 31, 1971, representing under 5 percent of the total deposits of the 37 commercial banks in the Cincinnati banking market. Bank's management, financial condition, and prospects are regarded as good, and the Board has found no evidence of unsound banking practices.

Registrant, a mutual life insurance company since 1948 (converted from a stock company organized in 1888), is engaged in investing and in the business of selling, underwriting, and issuing individual and group life insurance, accident and health policies as well as selling individual annuity contracts and apparently has engaged in such activities continuously since before June 30, 1968. In addition, Registrant has four other direct subsidiaries and one indirect subsidiary, all of which are engaged in nonbanking activities. The Waslic Management Corp., Cincinnati, Ohio (formed in July 1946) manages apartment buildings and commercial buildings owned by Registrant in Hamilton County, Ohio. Ronado Management Co., Los Angeles, Calif. (formed in January 1969), manages apartment buildings and commercial buildings owned by Registrant in Los Angeles, Calif. WestAd, Inc., Cincinnati, Ohio (formed in May 1970), prepares copy or scripts and arranges for publication or broadcasting of advertising for Registrant and two of its subsidiaries. Eagle Savings Association, Cincinnati, Ohio (acquired in April 1970), with savings capital of approximately $213 million, as of December 31, 1971, is the largest savings and loan association in Hamilton County as well as in the Cincinnati banking market; and controls over 10 percent of savings capital at savings and loan associations headquartered in the county and close to 9 percent of total savings capital in the Cincinnati market area. Eagle Investment Co., Cincinnati, Ohio (formed in March 1971), is a wholly owned subsidiary of Eagle Savings Association and is engaged in the activity of purchasing and developing real estate for sale to others as permitted under Ohio law.

It appears that the direct activities of Registrant and the activities of the Waslic Management Corp. are eligible for grandfather benefits. To the extent that Waslic Management Co. furnishes services solely to the bank holding company, such activity appears to be exempt, under section 4(c)(1)(C)[1] of the Act, from the general prohibitions against nonbanking activities. Registrant acquired its interests in its other nonbanking subsidiaries after June 30, 1968; consequently, such subsidiaries seem not to be entitled to grandfather authority for retention beyond December 31, 1980. However, to the extent that Ronado Management Co. or WestAd is engaged in performing services for Registrant or its banking subsidary, such activities would appear to warrant exemption under section 4(c)(1)(C) of the Act. Eagle Savings Association does not appear to qualify for grandfather benefits nor for exemption under any provision of the Act; thus, Registrant must reduce its interest in such subsidiary to 5 percent or less of the outstanding shares of such subsidiary by December 31, 1980, unless, in the interim, the Registrant receives Board approval for retention (or ceases to be a bank holding company). In addition, Registrant acquired its interest in Eagle Investment Co. after December 31, 1970, and without Board approval (which is required under the Act). On this basis, Registrant should take prompt steps to divest itself of its interest in that company unless Registrant can demonstrate that its interest in Eagle Investment Co. is lawful under the Act.[2]

The total resources of banks, savings and loan associations, and insurance companies in the Cincinnati banking market as of December 31, 1971, was over $8 billion. Registrant, which operates some 400 offices in 30 States, had total assets of slightly less than $2 billion on this date or about 24 percent of the total. Bank and Eagle Savings Association represent an additional 1.4 percent and 2.6 percent, respectively. However, because of the broad geographic area over which Registrant's interests are spread, the above 24-percent figure substantially overstates Registrant's resources available to the Cincinnati market. The record shows that 36 commercial banks, 195 savings and loan associations and 23 mortgage companies currently operate in the Cincinnati market and compete with Registrant. Furthermore, Bank does not appear to be of sufficient size to add measurably to Registrant's influence in the market; there is no evidence that Registrant has used Bank to finance other ventures of Registrant; Registrant has not taken any dividends from Bank; and Registrant must either divest itself of Eagle Savings Association (or cease to be a bank holding company) by December 31, 1980, or secure Board approval to retain the S. & L. beyond that date.

On the basis of the foregoing and all the facts before the Board, it appears that the volume, scope, and nature of the activities of Registrant and its grandfathered subsidiaries do not demonstrate an undue concentration of resources, decreased or unfair competition, conflicts of interest nor unsound banking practices.

There appears to be no reason to require Registrant to terminate its grandfathered interests. It is the Board's judgment that, at this time, termination of the grandfather privileges of Registrant is not necessary in order to prevent an undue concentration of resources, decreased or unfair competition, conflicts of interest, or unsound banking practices. However, this determination is not authority to enter into any activity that was not engaged in on June 30, 1968, and continuously thereafter, or any activity that is not the subject of this determination. Nor is this determination authority for Registrant to acquire any additional real property or any additional shares of any company if the Registrant's holdings in said company will exceed 5 percent of the outstanding voting shares of such company.

A significant alteration in the nature or extension of Registrant's activities or a change in location thereof (significantly different from any described in this determination) will be cause for a reevaluation by the Board of Registrant's activities under the provisions of section 4(a)(2) of the Act, that is, whenever the alteration or change is such that the Board finds that a termination of the grandfather privileges is necessary to prevent an undue concentration of resources or any of the other evils at which the Act is directed. No merger, consolidation, acquisition of assets other than in the ordinary course of business, nor acquisition of any interest in a going concern, to which the Registrant or any nonbank subsidiary thereof is a party, may be consummated without prior approval of the Board. Further, the provision of any credit, property, or service by the Registrant or any subsidiary thereof shall not be subject to any condition which, if imposed by a bank, would constitute an unlawful tie-in arrangement under section 106 of the Bank Holding Company Act Amendments of 1970.

The determination herein does not preclude a later review by the Board of Registrant's nonbank activities and a future determination by the Board in favor of termination of grandfather benefits of Registrant. The determination herein is subject to the Board's authority to require modification or termination of the activities of Registrant or any of its nonbanking subsidiaries as the Board finds necessary to assure compliance with the provisions and purposes of the Act and the Board's regulation and orders issued thereunder, or to prevent evasions thereof.

By determination of the Board of Governors,[3] effective February 26, 1973.

[SEAL] TYNAN SMITH,
Secretary of the Board.

[FR Doc.73-4170 Filed 3-5-73;8:45 am]

[1] Section 4(c)(1)(C) of the Act enables a holding company to acquire (without) Board approval "(1) shares of any company engaged * * * solely in * * * (C) furnishing services to or performing services for such bank holding company or its banking subsidiaries; * * *".

[2] Registrant (in its Registration Statement filed with the Board) indicates that its interest in Eagle Investment Co. is permissible under section 4(c)(11) of the Act. To the extent the activities engaged in by Eagle Investment were performed by Registrant on or before June 30, 1968, and continuously thereafter until taken over by a de novo corporation (through the formation of Eagle Investment Co.), such activities would be entitled to grandfather benefits and, under the provisions of section 4(c)(11) of the Act, Registrant would have the authority to hold the shares of Eagle Investment Co. Not enough information is available now to the Board to determine the validity of Registrant's claim with respect to the interest in Eagle Investment Co.

[3] Voting for this action: Chairman Burns and Governors Robertson, Daane, Brimmer, Sheehan, and Bucher. Absent and not voting: Governor Mitchell.

GENERAL SERVICES ADMINISTRATION

[Federal Property Management Regs.; Temporary Reg. F-170]

SECRETARY OF DEFENSE

Delegation of Authority

1. *Purpose.* This regulation delegates authority to the Secretary of Defense to represent the consumer interests of the executive agencies of the Federal Government in a telephone services rate proceeding.

2. *Effective date.* This regulation is effective immediately.

3. *Delegation.* a. Pursuant to the authority vested in me by the Federal Property and Administrative Services Act of 1949, 63 Stat. 377, as amended, particularly sections 201(a)(4) and 205(d) (40 U.S.C. 481(a)(4) and 486(d)), authority is delegated to the Secretary of Defense to represent the consumer interests of the executive agencies of the Federal Government before the City Council of El Paso, Tex., in a proceeding involving the application of Mountain Bell Telephone Co., for a telephone rate increase.

b. The Secretary of Defense may redelegate this authority to any officer, official, or employee of the Department of Defense.

c. This authority shall be exercised in accordance with the policies, procedures, and controls prescribed by the General Services Administration, and, further, shall be exercised in cooperation with the responsible officers, officials, and employees thereof.

ARTHUR F. SAMPSON,
Acting Administrator of General Services

FEBRUARY 27, 1973.

[FR Doc.73-4219 Filed 3-5-73;8:45 am]

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

FEDERAL GRAPHICS EVALUATION ADVISORY PANEL

Notice of Closed Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Public Law 92-463), notice is hereby given that a closed meeting of the Federal Graphics Evaluation Advisory Panel to the National Endowment for the Arts will be held at 9:30 a.m., on March 6, 1973, in Washington, D.C.

The panel will review, discuss, evaluate, and make recommendations in connection with Federal agency graphics programs. It has been determined by the Chairman, in accordance with section 10(d) of the Act, that the meeting involves matters exempt from the requirements of public disclosure under the provisions of the Freedom of Information Act (5 U.S.C. 552(b)).

Further information with reference to this meeting can be obtained from Mrs. Eleanor A. Snyder, Advisory Committee Management Officer, National Endowment for the Arts, 806 15th Street NW., Washington, DC 20560, or call area code 202—382-2854.

P. P. BERMAN,
Director of Administration, National Foundation on the Arts and the Humanities.

[FR Doc.73-4208 Filed 3-5-73;8:45 am]

SECURITIES AND EXCHANGE COMMISSION

[70-5309]

CENTRAL AND SOUTH WEST CORP.

Notice of Proposed Amendment of Certificate of Incorporation To Split Authorized Common Stock Two-for-One, and Order Authorizing Solicitation of Proxies in Connection Therewith

FEBRUARY 28, 1973.

Notice is hereby given that Central and South West Corp., 300 Delaware Avenue, Wilmington, DE 19899 (Central), a registered holding company, has filed a declaration with this Commission pursuant to the Public Utility Holding Company Act of 1935 (Act), designating sections 6 and 7 of the Act and Rules 20, 23, 62, and 100(a) promulgated thereunder as applicable to the proposed transaction. All interested persons are referred to the declaration, which is summarized below, for a complete statement of the proposed transaction.

Central proposes, by amendment to its Certificate of Incorporation, to effect a two-for-one split of its authorized common stock of 24 million shares, par value $7 per share. The proposed split would result in 48 million shares of authorized common stock with par value of $3.50 per share. Central's board of directors has proposed the split in the interests of encouraging wider ownership of Central's shares of common stock and making them more attractive to a larger segment of investors. Presently, there are approximately 31,000 Central common stockholders of record.

Central intends to present the proposed amendment to its shareholders effecting the two-for-one split at its annual shareholders' meeting on April 19, 1973, and to solicit proxies in connection with the said meeting. The affirmative vote of a majority of the outstanding shares is required for adoption of the amendment. Central has filed its proxy solicitation materials for acceleration of the effectiveness of its declaration with respect to the solicitation as provided in Rule 62. The cost of solicitation, which will be borne by Central, is estimated at

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$13,000, principally consisting of printing and mailing costs.

If the amendment is adopted and made effective, Central proposes to issue to each stockholder of record stock certificates for a number of shares of its common stock, par value of $3.50 per share, equal to the number of shares registered in his name. Stockholders will not be required to surrender outstanding stock certificates.

It is estimated that the fees and expenses of the transaction, excluding the costs associated with the solicitation of the proxies is $116,000, including additional stock exchange listing fees of $60,000 and transfer agents' expenses of $36,500. Central represents that no State commission and no Federal commission, other than this Commission, has jurisdiction over the proposed transaction.

Notice is further given that any interested person may, not later than April 2, 1973, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of law or fact raised by said declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon the declarant at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the declaration, as filed or as it may be amended, may be permitted to become effective as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

It appearing that the declaration regarding the proposed solicitation of proxies should be permitted to become effective forthwith pursuant to Rule 62:

It is ordered, That the declaration regarding the proposed solicitation of proxies, be and hereby is, permitted to become effective forthwith pursuant to Rule #2 and subject to the terms and conditions prescribed in Rule 24 under the Act.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL] RONALD F. HUNT, *Secretary.*

[FR Doc.73-4180 Filed 3-5-73;8:45 am]

[File No. 500-1]

CRYSTALOGRAPHY CORP.

Order Suspending Trading

FEBRUARY 27, 1973.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, $0.01 par value, and all other securities of Crystalography Corp., being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors:

It is ordered, pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, That trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period from February 28, 1973, through March 9, 1973.

By the Commission.

[SEAL] RONALD F. HUNT, *Secretary.*

[FR Doc.73-4175 Filed 3-5-73;8:45 am]

[812-3364]

INVESTORS DIVERSIFIED SERVICES, INC., AND INVESTORS SYNDICATE OF AMERICA, INC.

Notice of Filing of Application for Order Exempting Proposed Transactions

Notice is hereby given that Investors Diversified Services, Inc., IDS Tower, Minneapolis, Minn. 55402 (IDS), and its wholly owned subsidiary, Investors Syndicate of America, Inc. (ISA), which is registered under the Investment Company Act of 1940 (Act) as a face-amount certificate company (hereinafter sometimes referred to collectively as Applicants), have filed an application pursuant to section 17(b) of the Act for an order of the Commission exempting from the provisions of section 17(a) of the Act the sale by IDS to ISA of certain noninsured home improvement loans in exchange for cash. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein which are summarized below.

IDS proposes to sell to ISA for cash approximately, but no more than, $10 million of noninsured home improvement loans (amounts as given herein refer to unpaid principal balance less unamortized discount, except as otherwise noted). Inasmuch as IDS is an affiliated person of ISA, the foregoing transaction is prohibited by section 17(a) of the Act unless exempted pursuant to section 17(b) of the Act.

ISA is required to invest its assets, in amounts equal to its face-amount certificate reserves and capital stock requirement, in qualified investments. Under section 28(b) of the Act, qualified investments of a kind which life insurance companies are permitted to invest in or hold under the provisions of the Code of the District of Columbia, and such other investments as the Commission shall by rule, regulation, or order authorize as qualified investments.

The Commission on February 9, 1960, issued an order (Investment Company Act Release No. 2973) which authorized, as qualified investments for ISA, property improvement loans insured by the Commissioner of the Federal Housing Administration (FHA) under the provisions of Title I of the National Housing Act. Under that order ISA limited its holdings of such insured property improvement loans to an amount not in excess of 15 percent of its total qualified investments.

The Commission on March 4, 1965, also issued an order (Investment Company Act Release No. 4178) which authorized, as qualified investments for ISA, uninsured property improvement loans. The maximum principal amount of an uninsured loan was limited to $5,000 per property, regardless of the number of units of which the property might be comprised. Obligors on uninsured loans were to be required to have an interest in the property of the kind prescribed by the FHA regulations for FHA-insured loans. The aggregate amount of loans purchased by ISA, both FHA-insured and uninsured, could not exceed 15 percent of ISA's total qualified investments, provided that not more than 5 percent of ISA's total assets could be invested in uninsured loans.

From 1960 to 1967 Investors Syndicate Credit Corp. (ISCC), a then wholly-owned subsidiary of ISA, generated, sold, and serviced both insured and, since 1965, uninsured loans for ISA. In 1967, pursuant to a declaration of dividends in kind, ISCC became a wholly-owned subsidiary of IDS (becoming IDS Credit Corp., but referred to herein as ISCC), but continued its business relationships with ISA pursuant to a Commission order (Investment Company Act Release No. 4909).

IDS disposed of ISCC (which thereafter, became FBS Financial, Inc.) in 1971. In connection with such disposition and shortly prior thereto, ISA purchased $9,850,000 in uninsured loans from ISCC, which purchase was authorized pursuant to the Commission's order of October 28, 1971 (Investment Company Act Release No. 6794), and in connection with such disposition IDS received from ISCC certain loans amounting to $29.3 million as of December 29, 1972.

Such loans comprise commercial notes, mobile home contracts, miscellaneous retail contracts, land contracts, cottage plan contracts, shell home contracts, and noninsured home improvement loans, the latter including the loans involved in the subject transaction and amounting to $11.4 million as of December 29, 1972. IDS and ISCC then entered into a servicing agreement dated December 30, 1971, whereby ISCC agreed to collect on such loans and to repurchase all delinquent loans to the extent of its existing reserve for losses. The loans proposed to be purchased by ISA are calculated to provide a net annual yield of 7½ percent. They are seasoned loans with an original term of not more than 60 months and a current average maturity of approximately 20 months. None of said loans is more than 1 monthly payment past due. ISCC will continue to service said loans pursuant to the terms of its servicing agreement with IDS, which terms cover the eventuality of sale of the loans by IDS to an affiliate, and when any of said loans shall prove to be uncollectible, they will be repurchased by ISCC to the extent of the then existing loss reserve maintained by ISCC. To the extent that such loss reserve proves insufficient to cover any such uncollectible loans, IDS will execute to ISA its written agreement that should the loss reserve of ISCC not be sufficient to provide full recourse on any of said loans which prove uncollectible, IDS will repurchase from ISA any of said loans determined in the discretion of ISA to be uncollectible.

Loss experience with respect to noninsured property improvement loans purchased previously, pursuant to the Commission orders referred to above, has been favorable. In face amount, the aggregate amount of such loans purchased by ISA through November 30, 1972, was $34.8 million, and by said date there had been a total liquidation of $27.4 million. The aggregate of such loans repurchased and applied against loss reserve by ISCC to such date was $600,775, or 1.73 percent of the amount purchased. The repurchase percentage with respect to the loans purchased by IDS has been considerably higher than this, but Applicants attribute the difference to the facts that many of the loans purchased by IDS were unseasoned or became the subject of litigation. However, inasmuch as the subject loans now proposed to be purchased by ISA would be only seasoned loans, none of which is more than one monthly payment past due, Applicants believe that ISA's experience with respect to such loans will be similar to its past experience with loans of the same type. Applicants contend that, in any event, ISA would not suffer adverse effects from a higher incidence of default in view of the undertaking to be entered into by IDS to repurchase in event of default.

ISA's holding of Title I and noninsured property loans upon consummation of the proposed transaction will be well within the limits set by previous orders of the Commission noted above. Total ISA holdings of such loans as of November 30, 1972, constituted 2.48 percent of qualified assets, and an additional $10 million of loans would increase such percentage to 3.48 percent.

The proposed purchase will cover only loans constituting qualified investments as provided in Commission orders dated February 9, 1960, and March 4, 1965, Investment Company Act Releases Nos. 2973 and 4178, as amended by Investment Company Act Release No. 6170 of August 25, 1970, and by the Commission's order of October 28, 1971, Investment Company Act Release No. 6794, and will conform to said orders as presently in effect.

ISA initiated negotiations for the proposed transaction because ISA is in need of portfolio invettments and, in thellight of its investment program, is particularly desirous of obtaining short to medium term investments at an attractive yield and with the liquidating features of the loans in question. The 7½ percent yield on the subject loans is higher than the yield generally available in the open market for any other than long-term investments and is particularly attractive in view of the guaranty agreement to be entered into with IDS. IDS, on the other hand, is interested in the transaction because it had taken over the subject loans outside its normal course of business and only to facilitate the disposition of ISCC. IDS borrowed money in order to carry the loans, and IDS is interested in improving its cash and loan positions as a result of the sale.

Applicants believe that the proposed transaction will provide a sound and favorable investment to ISA and that its terms are reasonable and fair and do not involve overreaching on the part of any person concerned. Investment in uninsured loans has been a policy of ISA for a number of years and is consistent with the policy of ISA as recited in its registration statement and reports filed under the Act.

Section 17(a) of the Act, as here pertinent, prohibits an affiliated person of a registered investment company from selling to such registered company any securities or other property unless the Commission, upon application pursuant to section 17(b), grants an exemption from the provisions of section 17(a). Such exemption may be granted if evidence establishes that the terms of the proposed transactions, including the consideration to be paid, are reasonable and fair and do not involve overreaching on the part of any person concerned. In addition, the proposed transaction must be consistent with the policy of the registered investment company concerned and with the general purposes of the Act.

Notice is further given that any interested person may, not later than March 23, 1973, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request, and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon Applicants at the address stated above. Proof of such service (by affidavit, or in case of an attorney at law, by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in said application, unless an order for hearing thereon shall be issued upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management Regulation, pursuant to delegated authority.

[SEAL] RONALD F. HUNT, *Secretary.*

[FR Doc.73-4179 Filed 3-5-73;8:45 am]

[File No. 500-1]

LIBERTY INVESTORS LIFE INSURANCE CO.

Order Suspending Trading

FEBRUARY 22, 1973.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, $0.05 par value, and all other securities of Liberty Investors Life Insurance Co., being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors:

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period from 10 a.m., e.s.t., on February 23, 1973, through March 4, 1973.

By the Commission.

[SEAL] RONALD F. HUNT, *Secretary.*

[FR Doc.73-4176 Filed 3-5-73;8:45 am]

[812-3372]

MASSACHUSETTS INCOME DEVELOPMENT FUND, INC.

Notice of Filing of Application for Order Exempting Sale by Open-End Company

Notice is hereby given that Massachusetts Income Development Fund, Inc., 200 Berkeley Street, Boston, MA 02116, (Applicant), a Massachusetts corporation registered under the Investment Company Act of 1940 (Act) as a diversified, open-end management investment company, has filed an application pursuant to section 6(c) of the Act requesting an order of the Commission exempting from the provisions of section 22(d) of the Act a transaction in which Applicant's redeemable securities will be issued without any sales charge in exchange for substantially all of the assets of Ridgewood Investment Co. (Ridgewood). All interested persons are referred to the

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application on file with the Commission for a statement of the representations contained therein, which are summarized below.

Ridgewood, an Ohio corporation, is a personal holding company, all of whose outstanding common stock is held, in the aggregate, by not more than eight individuals and one trust, and is exempt from registration under the Act by reason of the provisions of section 3(c)(1) thereof.

In December 1972, Applicant and Ridgewood negotiated an Agreement and Plan of Reorganization (Agreement) whereby substantially all the assets of Ridgewood, consisting of securities and cash, are to be transferred to Applicant in exchange for shares of $1 par value capital stock of Applicant. Pursuant to the Agreement, the number of shares of Applicant to be delivered to Ridgewood shall be determined on the business day preceding the closing date, as defined in the Agreement, by dividing the net value of the assets of Ridgewood (subject to certain adjustments as set forth in the Agreement), to be transferred to Applicant by the net asset value per share of Applicant. The application represents that the shareholders of Ridgewood have no present intention of redeeming or otherwise disposing of shares of Applicant following the proposed transaction.

It is a condition of the Agreement that Ridgewood receive prior to the closing an opinion of its counsel to the effect that the proposed exchange constitutes a tax-free reorganization within the meaning of section 368(a)(1)(C) of the Internal Revenue Code, in which case the tax basis of Ridgewood's assets will be carried over to Applicant and remain the same after the transaction (in the hands of Applicant) as before (in the hands of Ridgewood). The adjustment in the Agreement provides a formula to minimize the potential tax effect, if any, to Applicant of any disproportion in realized and unrealized taxable gains and losses of the combining companies.

As of November 10, 1972, the net asset value of Applicant's stock was $15.11 per share, and the net value of the assets of Ridgewood to be delivered to Applicant was approximately $771,075. Assuming that the closing under the Agreement had taken place on that date, there would have been no adjustment to the value of assets of Ridgewood to be transferred, and Ridgewood would have received 51,030.77 shares of Applicant in the exchange.

Section 22(d) of the Act provides, in pertinent part, that registered open-end investment companies may sell their shares only at the current public offering price as described in the prospectus. The public offering price of Applicant's shares, as described in its prospectus, includes a sales charge. Section 6(c) of the Act permits the Commission, upon application, to exempt a transaction from the provisions of the Act if it finds that such an exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

The application states that there is no affiliation between Applicant and Ridgewood and that the Agreement was arrived at by arms-length bargaining. The application further contends that the proposed acquisition will be beneficial to the shareholders of Applicant because it will enable Applicant to increase its portfolio size without brokerage commissions, although Applicant does presently intend to sell securities received from Ridgewood representing approximately 29 percent of the market value of Ridgewood as of February 16, 1973. It is also represented that there will be no effect on the market prices of the shares to be acquired, and that the increase in portfolio size will result in reduced expenses per share of Applicant's outstanding stock.

Notice is further given that any interested person may, not later than March 23, 1973 at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request, and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon Applicant at the address stated above. Proof of such service (by affidavit, or in the case of an attorney at law, by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management Regulation, pursuant to delegated authority.

[SEAL] RONALD F. HUNT, *Secretary.*

[FR Doc.73-4181 Filed 3-5-73;8:45 am]

[812-3366]

NATIONAL MUNICIPAL TRUST (FIRST AND SUBSEQUENT NATIONAL AND STATE SERIES)

Notice of Filing of Application for Order Granting Exemption

Notice is hereby given that National Municipal Trust (First and Subsequent National and State Series) (Applicant), c/o Kohlmeyer & Co., 147 Carondelet Street, New Orleans, LA 70150, a unit investment trust registered under the Investment Company Act of 1940 (Act), has filed an application pursuant to section 6(c) of the Act for exemption from the provisions of section 14(a) of the Act and Rules 19b-1 and 22c-1 under the Act. All interested persons are referred to the application on file with the Commission for a statement of the representations therein, which are summarized below.

Applicant is a registered unit investment trust, organized under the laws of the State of New York. It is intended that the United States Trust Company of New York will act as Trustee of Applicant (Trustee) pursuant to a trust agreement (Trust Agreement) between the Trustee and Kohlmeyer & Co., Legg, Mason & Co., Inc., and Piper, Jaffray & Hopwood Inc. (or succeeding sponsors) (Sponsors). Standard & Poor's Corp. will serve as Evaluator with respect to each Series of Applicant.

Pursuant to the Trust Agreement for each Series of Applicant, the Sponsors will deposit with the Trustee in excess of $3 million principal amount of tax-free municipal bonds (bonds), which the Sponsors shall have accumulated for such purpose, and simultaneously with such deposit will receive from the Trustee registered certificates representing in excess of 3,000 units which will represent the entire ownership of a Series. Applicant presently proposes to offer units of its First Series for sale to the public, and for this purpose a registration statement under the Securities Act of 1933 has been filed which has not yet become effective. Since the Trust Agreement does not provide for the issuance of additional units after the initial offering of a Series, the proceeds of bonds which may be sold, redeemed or which mature will be distributed to unitholders. While the Sponsors are not obligated to do so, it is their present intention to maintain a secondary market for units of the Applicant and continuously to offer to purchase such units at prices in excess of the redemption price, as set forth in the Trust Agreement.

SECTION 14(a)

Section 14(a) of the Act, in substance, provides that no registered investment company and no principal underwriter for such a company shall make a public offering of securities of which such company is the issuer unless: (1) The company has a net worth of at least $100,000; (2) at the time of a previous public offering it had a net worth of $100,000; or (3) provision is made that a net worth of $100,000 will be obtained from not more than 25 responsible persons within 90 days, or the entire proceeds received, including sales charge, will be refunded.

Applicant asserts that section 14(a) of the Act is intended to limit the formation of undercapitalized investment companies. Applicant states that it is intended that each Series, at the date of deposit and before any unit is offered to the public, will have a net worth far in excess of $100,000, that the Sponsors intend to sell all units to the public at an offering price disclosed in the prospectus for such Series, that it is intended that a

secondary market for the units be maintained, and that interest rates and other applicable information concerning the underlying bonds will be disclosed in the prospectus.

The Sponsors have agreed to the requested exemption being subject to the condition that they will refund, on demand and without deduction, all sales charges paid by purchasers of units in the initial public offering of a Series if, within 90 days from the time that the registration statement relating to such Series becomes effective, either (i) the net worth of such Series shall be reduced to less than $100,000, or (ii) such fund shall have been terminated. The Sponsors have further agreed to instruct the Trustee on the date of deposit of each Series that in the event that redemption by the Sponsors of units constituting a part of the unsold units shall result in that Series having a net worth of less than $2 million, the Trustee shall terminate the Series in the manner provided in the Trust Agreement and distribute any municipal bonds or other assets deposited with the Trustee pursuant to the Trust Agreement as provided therein.

RULE 19b-1

Rule 19b-1(b) provides, in part, that no registered investment company which is not a "regulated investment company" as defined in section 851 of the Internal Revenue Code shall make more than one distribution of long-term capital gains in any 1 taxable year of such investment company.

Applicant proposes to make monthly distributions of principal and interest to unitholders of a Series. Distributions of principal constituting capital gains to unitholders may arise in two instances: (1) If an issuing authority calls or redeems an issue held in the portfolio, the sums received by Applicant will be distributed to unitholders on the next distribution date; and (2) if bonds are sold in order to provide funds necessary to meet redemptions.

Applicant states that the dangers against which Rule 19b-1 is intended to guard will not exist in connection with any Series of Applicant, since neither Applicant nor the Sponsors have control over the events which could trigger capital gains. Applicant seeks to make a combined distribution of principal, including capital gains, and interest each month, and states that any capital gains in such distribution will be clearly indicated as such in accompanying reports to unitholders. In addition, it is alleged that the amounts involved in a normal distribution of principal will be relatively small in comparison to the normal interest distribution.

Paragraph (b) of Rule 19b-1 provides that a unit investment trust may distribute capital gain dividends received from a "regulated investment company" within a reasonable time after receipt. Applicant states that the purpose behind such provision is to avoid forcing unit investment trusts to accumulate valid distributions received throughout the year and distribute them only at yearend. Applicant further alleges that its situation places it squarely within the purpose of such provision. However, in order to comply with the literal requirements of the rule, Applicant would be forced to hold any moneys which would constitute capital gains upon distribution until the end of its taxable year. Applicant contends that such a practice would clearly be to the detriment of the unitholders.

RULE 22c-1

Rule 22c-1 provides, in part, that redeemable securities of registered investment companies may be sold, redeemed, or repurchased at a price based on the current net asset value (computed on each day during which the New York Stock Exchange is open for trading not less frequently than once daily as of the time of the close of trading on such Exchange) which is next computed after receipt of a tender of such security for redemption or of an order to purchase or sell such security.

Applicant states that the rule has two purposes: (1) To eliminate or to reduce any dilution of the value of outstanding redeemable securities of registered investment companies which would occur through the redemption or repurchase of such securities at a price above their net asset value or the sale of such securities at a price based on a previously established net asset value which would permit a potential investor to take advantage of an upswing in the market and the accompanying increase in the net asset value of the securities; and (2) to minimize speculative trading practices in the securities of registered investment companies.

Applicant represents that the Sponsors, while not obligated to do so, intend to maintain a market for the units and continuously to offer to purchase units at prices in excess of redemption prices. For purposes of the secondary market transactions, an evaluation will only be made once each week.

Applicant asserts that the pricing of units by the Sponsors in the secondary market in no way affects the assets of Applicant, i.e., the underlying bonds. Finally, because of the nature of the bonds in the portfolio, price changes are limited. Thus the movement in the municipal bond market is not sufficient to make speculation in an interest in a group of bonds ordinarily profitable.

Applicant asserts that public unit holders benefit from the Sponsors' pricing procedure in the secondary market, since they receive a normally higher repurchase price for their units without the cost burden of daily evaluations of the unit redemption value. Moreover, the application states that the Sponsors have undertaken to adopt a procedure whereby the Evaluator, without a formal evaluation, will provide the Sponsors with estimated evaluations on trading days. In the case of a repurchase, if the Evaluator cannot state that the previous Friday's price is at least equal to the current bid price, the Sponsors will order a full evaluation. In case of resale, if the Evaluator cannot state that the previous Friday's price is no more than one-half point ($5 per $1,000 principal amount of underlying bonds) greater than the current offering price, a full evaluation will be ordered.

Section 6(c) of the Act provides, in part, that the Commission may conditionally or unconditionally exempt any person, security, or transaction, or any class or classes of persons, securities, or transactions from any provisions of the Act or of any rule or regulation under the Act, if and to the extent such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Notice is further given that any interested person may, not later than March 20, 1973, at 5:30 p.m., submit to the Commission in writing a request for hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon Applicant at the address stated above. Proof of such service (by affidavit or in case of an attorney at law by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management Regulation, pursuant to delegated authority.

[SEAL] RONALD F. HUNT, *Secretary.*

[FR Doc.73-4178 Filed 3-5-73;8:45 am]

[File 500-1]

STAR-GLO INDUSTRIES INC.

Order Suspending Trading

FEBRUARY 27, 1973.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, $0.10 par value, and all other securities of Star-Glo Industries Inc., being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors:

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of

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1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period from February 28, 1973 through March 9, 1973.

By the Commission.

[SEAL] RONALD F. HUNT,
Secretary.

[FR Doc.73-4177 Filed 3-5-73;8:45 am]

SMALL BUSINESS ADMINISTRATION

[Delegation of Authority No. 30-VII, Amdt. 1]

CHIEF, REGIONAL FINANCING DIVISION, ET AL.

Delegation of Authority To Conduct Program Activities in the Field Offices

Delegation of Authority No. 30-VII (37 FR 17616) is hereby amended to include approval and certain other authority for strategic arms limitation economic injury loans; more clearly define certain other authorities; eliminates references to Class B disasters; and includes authority to contract for local credit bureau services and loss verification services. Parts I, II, and VIII are revised to read as follows:

PART I—FINANCING PROGRAM

SECTION A. *Loan approval authority* • • •

3. *Displaced business and other economic injury loans.* a. To decline displaced business loans, coal mine health, and safety loans, strategic arms limitation economic injury loans, consumer protection loans (meat, egg, poultry), occupational safety and health, and economic injury disaster loans in connection with declarations made by Secretary of Agriculture for natural disasters in any amount and to approve such loans up to the following amounts (SBA share):

• • • • • •

b. To approve or decline displaced business loans, coal mine health and safety loans, strategic arms limitation economic injury loans, consumer protection loans (meat, egg, poultry), occupational safety and health, and economic injury disaster loans in connection with declarations made by the Secretary of Agriculture for natural disasters up to the following amounts (SBA share):

• • • • • •

SEC. B. *Other financing authority*—1. a. To enter into business, economic opportunity, disaster, displaced business, consumer protection (meat, egg, poultry), strategic arms limitation economic injury loans, occupational safety and health, and coal mine health and safety loan participation agreements with banks:

• • • • • •

3. To cancel, reinstate, modify, and amend authorizations:

a. For business, economic opportunity, disaster, displaced business, consumer protection (meat, egg, poultry), occupational safety and health, strategic arms limitation economic injury loans, and coal mine health and safety loans:

• • • • • •

b. For fully undisbursed or partially disbursed business, economic opportunity, disaster, displaced business, consumer protection (meat, egg, poultry), occupational safety and health, strategic arms limitation economic injury loans, and coal mine health and safety loans:

• • • • • •

c. For business, economic opportunity, disaster, displaced business, consumer protection (meat, egg, poultry), coal mine health and safety, and occupational safety and health, strategic arms limitation economic injury loans, loans personally approved under delegated authority: Not applicable.

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PART II—DISASTER PROGRAM

SECTION A. *Disaster loan authority*—1. To decline direct disaster and immediate participation disaster loans in any amount and to approve such loans up to the total SBA funds of (1) $50,000 per household for repairs or replacement of the home and/or not to exceed an additional $10,000 allowable for household goods and personal items, but in no event may the money loaned for physical loss or damage exceed $55,000 for a single disaster on home loans, except for funds to refinance prior liens or mortgages, which may be approved in addition to the foregoing limits for amounts up to $50,000; and (2) $500,000 on disaster business loans (excluding displaced business loans, coal mine health and safety, occupational safety and health, strategic arms limitation economic injury loans, and economic injury disaster loans in connection with declarations made by the Secretary of Agriculture for natural disasters) except to the extent of refinancing of a previous SBA disaster loan:

(1) Chief and Assistant Chief, Regional Financing Division.

(2) District Directors.

(3) Chiefs, District Financing Divisions.

(4) Disaster Branch Managers, as assigned.

2. To decline direct disaster and immediate participation disaster loans (excluding displaced business loans, coal mine health and safety, occupational safety and health, strategic arms limitation economic injury loans, and economic injury disaster loans in connection with declarations made by the Secretary of Agriculture for natural disasters) in any amount and to approve such loans up to the total SBA funds of $50,000:

(1) Supervisory Loan Officers, Regional Financing Division.

3. To decline disaster guaranteed loans in any amount and to approve such loans up to an SBA guarantee of the following amounts:

(1) Chief and Assistant Chief, Regional Financing Division	$500,000
(2) Supervisory Loan Officers, Regional Financing Divisions	50,000
(3) District Directors	500,000
(4) Chiefs, District Financing Division	350,000
(5) Disaster Branch Managers, as assigned	350,000

4. To appoint as a processing representative any bank in the disaster area:

(1) Chief and Assistant Chief, Regional Financing Division.

(2) District Directors.

(3) Disaster Branch Managers, as assigned.

SEC. B. *Administrative authority*—1. *Establishment of Disaster Field Offices.* (a) To establish field offices upon receipt of advice of the designation of a disaster area and to close disaster field offices when no longer advisable to maintain such offices; and (2) to obligate the Small Business Administration to reimburse the General Services Administration for the rental of temporary office space.

(1) Chief and Assistant Chief, Regional Financing Division.

(2) District Directors.

(3) Disaster Branch Managers, as assigned.

2. Purchase and contract authority—a. To contract for local credit bureau services and loss verification services pursuant to Chapter 4 of Title 41, United States Code, as amended, subject to the limitations contained in section 257 (a) and (b) of that Chapter.

(1) Chief and Assistant Chief, Regional Financing Division.

(2) District Directors.

(3) Disaster Branch Managers, as assigned.

PART VIII—ADMINISTRATIVE

SECTION A. *Authority to purchase, or contract for equipment, services, and supplies*—1. To purchase reproductions of loan documents, chargeable to the revolving fund, requested by U.S. attorneys in foreclosure cases:

(1) Chief, Regional Administrative Division.

(2) District Directors.

(3) Chief, District Administrative Divisions.

2. To purchase office supplies and equipment, including office machines and rent regular office equipment and furnishings; contract for repair and maintenance of equipment and furnishings; contract for printing (Government sources only); contract for services required in setting up and dismantling and moving SBA exhibits; and issue Government bills of lading pursuant to Chapter 4 of Title 41, United States Code, as amended, subject to the limitations contained in section 257 (a) and (b) of that Chapter.

(1) Chief, Regional Administrative Division.

(2) Regional Office Services Manager.

(3) District Directors.

(4) Chief, District Administrative Divisions.

3. To rent motor vehicles and garage space for the storage of such vehicles when not furnished by this Administration.

(1) Chief, Regional Administrative Division.

(2) Regional Office Services Manager.

(3) District Directors.

Effective date: Part I, Sec. A, 3a and 3b; Sec. B, 1a, 3a, 3b and 3c, September 28, 1972; Parts II and VIII, July 1, 1972.

C. I. MOYER,
Regional Director,
Region VII.

[FR Doc.73-4159 Filed 3-5-73;8:45 am]

SBA-GUARANTEED SBIC DEBENTURES DUE 1983

Notice of Invitation To Bid

The Small Business Administration (SBA), pursuant to the authority of the Small Business Investment Act of 1958, as amended, invites bids for an issue of approximately $38 million debentures issued by small business investment companies (SBIC's) and guaranteed as to principal and interest by SBA. The exact principal amount will be determined on March 6, 1973, and incorporated in the final papers. A description of the debentures and SBA's guaranty, together with the bid requirements, are set forth in the Notice of Sale. The documents referred to therein are available from SBA. Bids should be submitted in the manner provided by the Official Form of Proposal.

The Notice of Sale and the Official Form of Proposal are as follows:

NOTICE OF SALE
OF
$
% DEBENTURES DUE MARCH 1, 1983
FULLY GUARANTEED AS TO PRINCIPAL AND INTEREST
BY THE
SMALL BUSINESS ADMINISTRATION
ISSUED BY
SMALL BUSINESS INVESTMENT COMPANIES

As more fully described in the Preliminary Prospectus relating thereto,[1] $ aggregate principal amount of Debentures due March 1, 1983 (the "Debentures") will be issued by certain Small Business Investment Companies and will be fully guaranteed as to principal and interest by the Small Business Administration (the "SBA"). Sealed proposals for the purchase of all the Debentures shall be hand delivered to the Federal Reserve Bank of New York, 33 Liberty Street, New York, N.Y., Northwest Conference Room, on March 13, 1973, and must be received by the SBA at such place prior to 11 a.m. (e.s.t.), at which time and place all proposals will be publicly opened and announced.

Timely payment of the principal of and interest on the Debentures will be guaranteed by the SBA acting pursuant to section 303(b) of the Small Business Investment Act of 1958, as amended, which provides that the full faith and credit of the United States is pledged to the payment of all amounts required to be paid pursuant to this guaranty.

The Debentures, to be issued in principal amounts of $10,000 each, will be dated and bear interest from March 27, 1973, and will mature on March 1, 1983. The Debentures will not be subject to redemption or prepayment prior to maturity.

The Debentures will bear interest at the rate specified in the proposal of the successful bidder in accordance with this Notice of Sale. Interest will be payable on March 1 and September 1 in each year. The principal of and interest on the Debentures will be payable at the principal office of the Federal Reserve Bank of New York, as Fiscal Agent of the SBA.

As described in the Preliminary Prospectus, the Debentures will be offered pursuant to Guaranty Agreements[1] covering a specific Debenture or Debentures identified in a debenture register maintained by the SBA. The Debentures represented by the Guaranty Agreements will be held by, and be payable to, the SBA, as bailee for holders of Guaranty Agreements, and the SBA, as collection agent, will remit payments of principal and interest on the Debentures to such holders through its Fiscal Agent. The successful bidder (the term "bidder" as used herein applying to a single bidder or, in the case of a group of bidders, to such group) shall be deemed to have designated the SBA to act as bailee of the Debentures in accordance with the Guaranty Agreement.

Each proposal must be submitted on the Official Form of Proposal referred to in the closing paragraph of this Notice of Sale and must represent a bid of not less than 99 percent nor more than 101 percent of the principal amount of all the Debentures, plus interest thereon accrued to the date of delivery, and must specify in a multiple of 1/8 or 1/20 of 1 percent the rate per annum of interest which the Debentures are to bear. Only one interest rate may be specified for the Debentures. Each proposal must be enclosed in a sealed envelope and should be addressed to the Small Business Administration in care of the addressee specified in the first paragraph hereof and be marked on the outside, in substance, "Proposal for Debentures." Each proposal must be submitted in duplicate, and each counterpart must be signed by the bidder.

The right is reserved by the SBA pursuant to authority vested in it by the issuing SBIC's to reject all proposals, or any proposal not conforming to this Notice of Sale or not on the Official Form of Proposal (without alteration except for the insertions required by the form). The right is also reserved to waive, if permitted by law, any irregularity in any proposal.

As between legally acceptable proposals complying with this Notice of Sale, the Debentures will be sold to the bidder whose bid shall result in the lowest basis cost of money computed from March 27, 1973, to the maturity date of the Debentures. Such lowest basis cost of money will be determined by reference to a specially prepared table of bond yields, a copy of which is available for examination by prospective bidders at the national office of the SBA. Straight-line interpolation will be applied if necessary. If it should be necessary to make such a determination for a coupon rate not shown in said table of bond yields, reference will be made to other tables of bond yields prepared by Financial Publishing Co. The decision of the SBA, acting pursuant to authority vested in it by the issuing SBIC's, as to the lowest basis cost of money shall be conclusive. If two or more bids provide the identical lowest basis cost of money, the SBA (unless it shall reject all bids) will give the makers of such identical resulting bids an opportunity to submit improved bids within such time as the SBA shall specify, but in no case later than 2 hours after the opening of such bids. If no improved bid is made by the makers of such identical resulting bids within the time specified by the SBA, or if upon such rebidding two or more improved bids again provide the identical basis cost of money, the SBA in its discretion may, within 2 hours after the time specified for such rebidding, accept any one of the identical resulting bids or may reject all bids.

Proposals will be accepted or rejected promptly but not later than 3 p.m. (e.s.t.), on the date set for receiving proposals. When the successful bidder has been ascertained, the SBA will promptly accept the proposal of such bidder by executing and delivering to such successful bidder the duplicate of its proposal whereupon the Purchase Agreement attached as an exhibit to the Official Form of Proposal will become effective without any separate execution thereof, and thereafter all rights of SBA, the issuing SBIC's and the successful bidder shall be determined solely in accordance with the terms thereof.

As soon as practicable after the successful bidder is ascertained, the SBA will modify the Preliminary Prospectus relating to the Debentures to reflect the effect of the proposal of the successful bidder, and the document so modified will constitute the Prospectus. The SBA will then furnish the successful bidder with copies of the Prospectus in reasonable quantity as required by it in connection with the public offering and sale of the Debentures, including one copy thereof signed manually by the Administrator or Deputy Administrator of the SBA.

The successful bidder will be furnished, without cost, the opinions of Hogan & Hartson, Special Counsel to the SBA,[1] and the General Counsel of the SBA,[1] as to the validity of the Debentures and the guaranty by the SBA of the payment of the principal of and interest on such debentures, each in substantially the form annexed to the Purchase Agreement.

The successful bidder will also be furnished without cost memoranda prepared by Hogan & Hartson with respect to (1) the status of the Debentures for sale under the securities or blue sky laws of various States and (2) the legality of the Debentures for investment by certain financial institutions in various States.

Messrs. Brown, Wood, Fuller, Caldwell & Ivey, New York, N.Y., will act as counsel for the successful bidder and will furnish an opinion at the closing substantially in the form annexed to the Purchase Agreement. The compensation and disbursements of such counsel are to be paid by the successful bidder under the terms of the Purchase Agreement. Said counsel will, on request, advise any prospective bidders of the amount of such compensation and estimated disbursements to be paid by the successful bidder.

A Guaranty Agreement (in temporary form) representing all the Debentures will be delivered at the office of the Federal Reserve Bank of New York, 33 Liberty Street, New York, N.Y., on March 27, 1973, at 10 a.m. (e.s.t.), or such other place, date, and time as may mutually be agreed upon, at which time the successful bidder shall pay the purchase price by one or more checks payable in Federal funds to the order of "Federal Reserve Bank of New York."

The Guaranty Agreement(s) representing the Debentures will be delivered in definitive form on April 16, 1973 in exchange for the temporary Guaranty Agreement in such denominations (in integral multiples of $10,000) and registered in such names as shall be requested by the successful bidder on or before April 6, 1973.

Copies of the Preliminary Prospectus dated March 6, 1973, relating to the Debentures, the Official Form of Proposal, the Form of Purchase Agreement and the preliminary blue sky and legal investment memoranda will be furnished upon application to the SBA.

Dated: March 6, 1973.

SMALL BUSINESS ADMINISTRATION,
ANTHONY G. CHASE,
Deputy Administrator.

[1] Filed as part of the original document.

[1] Filed as part of the original document.

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OFFICIAL FORM OF PROPOSAL
FOR

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% DEBENTURES DUE MARCH 1, 1983

FULLY GUARANTEED AS TO PRINCIPAL AND INTEREST
BY THE
SMALL BUSINESS ADMINISTRATION

ISSUED BY
SMALL BUSINESS INVESTMENT COMPANIES

SMALL BUSINESS ADMINISTRATION,
Care of Federal Reserve Bank of New York,
33 Liberty Street,
New York, NY 10045.

MARCH 13, 1973.

GENTLEMEN: Subject to the provisions and in accordance with the terms of the attached Notice of Sale (the "Notice of Sale"), which is hereby made a part of this proposal, the undersigned (the "Representatives"), on behalf of the persons, firms, and corporations named in Schedule A[1] of the Purchase Agreement attached hereto (the "Purchase Agreement"), as the same may be changed by the Representatives subject to the provisions hereof (the "Purchasers"), severally and not jointly, hereby offer to purchase (for resale to the public) on the terms and conditions set forth in this proposal and the purchase agreement all of the $ aggregate principal amount of Debentures due March 1, 1983, to be issued by certain Small Business Investment Companies (SBIC's) and to be fully guaranteed as to principal and interest by the Small Business Administration (the "SBA") (such $ principal amount of Debentures being hereinafter referred to as the "Debentures"), at the price of percent of the principal amount thereof plus interest accrued thereon from March 27, 1973, to the date of their delivery. The Representatives are Purchasers and represent and warrant to the SBA that they have all necessary power and authority to act for each of the Purchasers.

Said Debentures shall bear interest at the rate of percent per annum.

Receipt of the Notice of Sale, the Purchase Agreement and the Preliminary Prospectus, dated March 6, 1973, prepared in connection with the sale of the Debentures, is hereby acknowledged.

Changes may be made by the Representatives as to the Purchasers (other than the Representatives) set forth in Schedule A and as to the respective principal amounts of Debentures set opposite their respective names in Schedule A, provided that any Debentures not purchased as a result of such changes shall be purchased severally by the Representatives in proportion to their respective commitments hereunder.

If this bid shall be approved by the SBA as resulting in the lowest basis cost of money, computed as provided in the Notice of Sale, the Representatives will, promptly upon receipt of notification from the SBA and prior to completion by the SBA of the form of acceptance set forth below, supply to the SBA any such changes to Schedule A.

In consideration of the agreement of the SBA set forth in the Notice of Sale, the Representatives agree on behalf of each of the Purchasers that: (a) the offer of such Purchaser included in this proposal shall be irrevocable until 3 p.m. (e.s.t.), on the date hereof unless sooner rejected by the SBA; and (b) when all changes, if any, to Schedule A to the Purchase Agreement attached hereto shall be made and this bid accepted by the SBA by execution of the form of acceptance set forth below, said Purchase Agreement shall become effective without any separate execution thereof, and thereafter all rights of the SBA, the SBIC's and of the Purchasers shall be determined solely in accordance with the terms of said Purchase Agreement.

This Official Form of Proposal must be submitted in duplicate and shall be deemed rejected by the SBA unless accepted by the SBA prior to 3 p.m. (e.s.t.), on the date hereof.

Very truly yours,

By_____
On behalf of and as the Representatives of the person(s), firm(s), and/or corporation(s) named or to be named in Schedule A to the Purchase Agreement hereto attached.

Accepted this 13th day of March 1973.

SMALL BUSINESS ADMINISTRATION,
ANTHONY G. CHASE,
Deputy Administrator.

[1] Filed as part of the original document.

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% DEBENTURES DUE MARCH 1, 1983

FULLY GUARANTEED AS TO PRINCIPAL AND INTEREST BY THE SMALL BUSINESS ADMINISTRATION

ISSUED BY
SMALL BUSINESS INVESTMENT COMPANIES

Purchase Agreement

The undersigned, acting for and in behalf of themselves and the other Purchasers named in Schedule A hereof (herein called the "Purchasers"), for whom they are acting as Representatives for the purposes of this Agreement as set forth below, hereby confirm their agreement with the Small Business Administration (herein called "SBA"), an agency of the United States acting pursuant to authorization on behalf of certain Small Business Investment Companies ("SBIC's"), for the purchase by the Purchasers, acting severally and not jointly, and the sale by the SBIC's of $ aggregate principal amount of % Debentures due March 1, 1973 to be issued by the SBIC's and to be fully guaranteed as to principal and interest by SBA (such $ principal amount of % Debentures due March 1, 1983 being hereinafter referred to as the "Debentures"). Each Debenture is to be in the principal amount of $10,000 and ownership of the Debentures is to be evidenced by Guaranty Agreements (herein called the "Guaranty Agreements") in substantially the form attached hereto as Schedule B. The undersigned represent and warrant that as such Representatives (herein called the "Representatives"), they have been authorized by the other Purchasers to enter into and execute this Agreement on their behalf and to act for them in the manner provided herein.

SECTION 1. *Purchase and sale.* Upon the terms and conditions and upon the basis of the representations, warranties and agreements herein set forth, SBA agrees, pursuant to authorization from the SBIC's, to cause such SBIC's to sell to the Purchasers and the Purchasers agree, severally and not jointly, to purchase from the SBIC's, the respective principal amounts of Debentures set forth opposite the names of the Purchasers in Schedule A hereof at the purchase price set forth in the Form of Official Proposal to which this Purchase Agreement is attached, plus interest, if any, accrued thereon from March 27, 1973 to the date of Closing (hereinafter defined). The Purchasers contemplate a public offering of the Debentures. SBA agrees to (a) assemble the Debentures as agent for the SBIC's for sale to the Purchasers; (b) accept delivery of the Debentures as bailee pursuant to the Guaranty Agreements; (c) make delivery of the Guaranty Agreements as provided in section 3 hereof; and (d) direct the Federal Reserve Bank of New York to distribute to the SBIC's the purchase price for the Debentures, less any cost incident to the sale of the Debentures (see section 6 herein), paid by the Purchasers to the Federal Reserve Bank of New York for the account of the SBIC's.

SEC. 2. *Representations, warranties, and agreements of SBA.* SBA represents, warrants, and agrees with the Purchasers that:

(a) The Guaranty Agreements, when executed and delivered at the Closing, will be in substantially the form attached hereto as Schedule B and will be legal, valid and binding undertakings of SBA in accordance with their terms.

(b) The Debentures are identified in a debenture register maintained at SBA, and SBA has full power and authority on behalf of the SBIC's to deliver such Debentures in accordance herewith and to receipt for the purchase price therefor upon payment thereof by the Purchasers to the Federal Reserve Bank of New York for the account of the SBIC's.

(c) SBA has full power and authority to accept the Debentures as bailee on behalf of the holders of Guaranty Agreements and upon delivery thereof to SBA as herein and in the Guaranty Agreements provided, the holders of Guaranty Agreements will have title to the Debentures, subject to no prior liens or restrictions.

(d) The guaranty by SBA of the Debentures is in conformity with section 303(b) of the Small Business Investment Act of 1958, as amended, and will be within the limitations set forth in section 4(c)(4)(B) of the Small Business Act and the authority of SBA under and pursuant to Public Law 92-544, in each case after giving effect to all other loans, guaranties and other obligations or commitments outstanding pursuant to Title III of the Small Business Investment Act of 1958.

SEC. 3. *Payment for delivery of debentures—closing.* Payment of the purchase price for the Debentures shall be made at the office of the Federal Reserve Bank of New York, 33 Liberty Street, New York, New York, or at such other places as shall be agreed upon by SBA and the Representatives, at 10 a.m. (e.s.t.) on March 27, 1973 (the "Closing"). The Closing may be postponed to such later time or date as shall be agreed upon by SBA and the Representatives. Such payment shall be made to the Federal Reserve Bank of New York for the account of the SBIC's by the Purchasers, or the Representatives on their behalf, in federal funds, against delivery of the Debentures to SBA, as bailee, pursuant to the Guaranty Agreements and against delivery of the Guaranty Agreements to or upon the order of the Representatives for the respective accounts of the Purchasers. Delivery of the Guaranty Agreements at the Closing shall be effected by delivery to such person, firm or corporation as shall be designated by the Representatives of one Guaranty Agreement in temporary form evidencing ownership of the Debentures.

SEC. 4. *Prospectus.* SBA has heretofore furnished to the Representatives copies of a Preliminary Prospectus relating to the Debentures and Guaranty Agreements. SBA agrees that, as soon as practicable after this Agreement becomes effective, it will complete the Preliminary Prospectus and will make such changes therein as it may deem advisable and as shall be approved by the Representatives as to form and substance and as not involving a material adverse change from the Preliminary Prospectus, and that one or more copies thereof as so completed and changed (the "Prospectus") will be executed on behalf of SBA by its authorized representative, dated the date the proposal was accepted by SBA, and delivered to the Representatives on or prior to the date of Closing. SBA hereby authorizes the Purchasers to use the Prospectus in connection with the public offering and sale of the Debentures.

SBA represents and warrants to each of the Purchasers that the statements and information contained in the Prospectus at the date thereof and at the date of Closing will be true, correct and complete in all material respects, and the Prospectus as of such times will not omit any statement or information which should be included therein for the purpose for which it is to be used or which is necessary to make the statements and information contained therein not misleading in any material respect, except as such statements and information may have been furnished in writing by the Purchasers expressly for use in the Prospectus.

SEC. 5. *Blue Sky qualification.* SBA agrees to cooperate with the Purchasers in qualifying the Debentures for offering and sale under the securities or Blue Sky laws of such States as may be designated by the Representatives, provided that SBA shall not be required to file any general consent to service of process under the laws of any such State, and that any applications required in connection therewith shall be prepared on behalf of SBA by Special Counsel for SBA and, to the extent permitted by law, filed by such counsel on behalf of SBA.

SEC. 6. *Payment of expenses.* The Purchasers shall be under no obligation to pay any expenses incident to the performance of the obligations of SBA hereunder including, but not limited to, the fees and disbursements of Special Counsel for SBA and the cost of printing or other reproduction and delivery of the Bidding Papers, the Preliminary Prospectus, the Prospectus, the Debentures, the Guaranty Agreements, the memoranda referred to in the notice of sale, and the opinion of the General Counsel of SBA. The Purchasers agree to pay all their expenses, including the fees and disbursements of counsel for the Purchasers, incurred in connection with the debentures or Guaranty Agreements.

SEC. 7. *Conditions of purchasers' obligations.* The obligations of the Purchasers to purchase and pay for the Debentures shall be subject to the accuracy of the representations and warranties on the part of SBA and to the performance of its obligations to be performed hereunder prior to the Closing, and to the following further conditions:

(a) At the time of closing, the Representatives shall have received the favorable opinions of the General Counsel of SBA, Hogan & Hartson, Special Counsel for SBA, and Brown, Wood, Fuller, Caldwell & Ivey, counsel for the Purchasers[1] each dated the date of closing, substantially in the forms of Exhibits A, B, and C to this Agreement.

(b) At the time of closing, the Representatives shall have received a certificate of SBA dated the date of closing, signed by the Administrator or Deputy Administrator of SBA, to the effect that:

(i) The representations and warranties of SBA contained herein are true and correct as if made as of the time of closing; and

(ii) The debentures have been delivered to SBA, as bailee, in accordance herewith and pursuant to the Guaranty Agreements.

If any conditions contained in this Agreement shall not be satisfied or if the obligations of the Purchasers shall be terminated for any reason permitted by this Agreement, this Agreement shall terminate and neither the Purchasers nor SBA nor the SBIC's shall be under further obligation hereunder.

SEC. 8. *Termination of agreement.* The Representatives shall have the right to terminate this Agreement by giving the notice indicated below in this section, at any time at or prior to the Closing (a) if there shall have occurred any new outbreak of hostilities or other national or international calamity or development the effect of which on the financial markets of the United States shall be such as, in the judgment of the Representatives, makes it impracticable for the Purchasers to sell the Debentures, (b) if trading on the New York Stock Exchange shall have been suspended or maximum or minimum prices for trading shall have been fixed, or maximum ranges for prices for securities on the New York Stock Exchange shall have been required by that Exchange or by order of any governmental authority having jurisdiction, (c) if a banking moratorium shall have been declared by Federal authorities, or (d) if there shall have been enacted legislation which would adversely affect SBA's power as described in the Prospectus to guarantee the Debentures. If the Representatives shall elect to terminate this Agreement as provided in this section, SBA shall be notified promptly by the Representatives, by telephone or telegram, and such notice confirmed by letter. If this Agreement shall be terminated as provided in this section, neither the Purchasers nor the SBIC's nor SBA shall be under further obligation hereunder.

SEC. 9. *Substitution of purchasers or increase in purchasers' commitments.* If for any reason one or more of the Purchasers shall fail at the Closing to purchase the Debentures which they have agreed to purchase hereunder (the "Unpurchased Debentures"), then:

(a) If the aggregate principal amount of Unpurchased Debentures does not exceed $3,000,000, the remaining Purchasers shall be obligated to purchase the full amount thereof, in proportion to their respective commitments hereunder.

(b) If the aggregate principal amount of Unpurchased Debentures exceeds $3,000,000, any of the remaining Purchasers selected by the Representatives, or any other purchasers the Representatives select, shall have the right within 24 hours after the closing to purchase or procure purchasers for all, but not less than all, of such Unpurchased Debentures in such amounts as may be agreed upon; and if the remaining Purchasers shall not agree to purchase and/or procure a party or parties to agree to purchase such Debentures on such terms within such period, then SBA shall be entitled to an additional period of 24 hours in which to procure another responsible party or parties to agree to purchase such Debentures on such terms. If neither the remaining Purchasers nor SBA shall procure another party or parties to agree to purchase such Debentures within the aforesaid periods, then SBA may, at its option, by written notice delivered to the Purchasers: (a) Terminate this agreement without any liability on the part of SBA or any Purchaser; or (b) elect to proceed with the sale to the remaining Purchasers of the Debentures which they have agreed to purchase.

The termination of this Agreement pursuant to this section shall be without liability on the part of SBA, the SBIC's or any of said remaining Purchasers.

Nothing herein shall relieve any Purchaser so defaulting from liability, if any, for such default.

In the event of a default by any one or more Purchasers as set forth in this section, either the Representatives or SBA shall have the right to postpone the Closing for an additional period of not exceeding 5 business days in order that any required changes in any documents or arrangements may be effected.

SEC. 10. *Representations, warranties, and agreements to survive delivery.* All representations, warranties, agreements, and covenants contained in this Agreement shall remain operative and in full force and effect regardless of any investigation made by or on behalf of any Purchaser or by or on behalf of SBA, and shall survive delivery of the Debentures to the Purchasers.

SEC. 11. *Notices.* Except as herein otherwise provided, all communications hereunder shall be in writing and, if sent to the Purchasers, shall be mailed, delivered, or telegraphed and confirmed in writing to the Representatives to the care of and at the address of the first Representative appearing in Schedule A hereto or, if sent to SBA shall be mailed, delivered, or telegraphed and confirmed in writing to 1441 L Street NW., Washington, DC 20416, attention of the Administrator or Acting Administrator, and a copy of each notice shall be furnished to the General Counsel of SBA.

Bids will be opened at the Federal Reserve Bank of New York at 11 a.m., e.s.t., on March 13, 1973. SBA reserves the right to reject all bids.

Dated: March 1, 1973.

ANTHONY G. CHASE,
Deputy Administrator.

[1] Filed as part of the original document.

[FR Doc.73-4255 Filed 3-5-73;8:45 am]

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

STANDARDS ADVISORY COMMITTEE ON AGRICULTURE

Notice of Subcommittee Meetings

Notice is hereby given that the Standards Advisory Committee on Agriculture, and its subcommittees on Pesticides, Temporary Labor Camps, and Machinery Guarding, established under section 7(b) of the Williams-Steiger Occupational Safety and Health Act of 1970 (29 U.S.C. 656) will meet on Wednesday, March 14, 1973, starting at 9:30 a.m., and on Thursday, March 15, 1973, starting at 9 a.m., in the Federal Building, 1961 Stout Street, Denver, CO. The Committee will meet in Room 1430, the Subcommittee on Pesticides in Room 15032, the Subcommittee on Temporary Labor Camps in Room 15036, and the Subcommittee on Machinery Guarding in Room 1430.

The agenda provides for the full committee to meet in an introductory session each day after which the three subcommittees will meet in separate sessions. The subcommittees will continue their development of recommendations for standards in their respective areas of pesticides, temporary labor camps, and machinery guarding. At 1:30 p.m., on March 15, 1973, the full committee will meet to receive and consider the final recommendations of each subcommittee.

The meetings shall be open to the public. Any interested person wishing to submit written presentations to the committee or any of its subcommittees may do so by filing such statements with the Executive Secretary, Office of Standards, Occupational Safety and Health

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Administration, Room 509, 400 First Street NW., Washington, DC 20210, not later than March 12, 1973, or by filing them with the Executive Secretary at the meetings.

Signed at Washington, D.C., this 1st day of March 1973.

CHAIN ROBBINS,
Acting Assistant Secretary of Labor.

[FR Doc.73-4174 Filed 3-5-73;8:45 am]

Wage and Hour Division

CERTIFICATES AUTHORIZING EMPLOYMENT OF FULL-TIME STUDENTS WORKING OUTSIDE OF SCHOOL HOURS AT SPECIAL MINIMUM WAGES IN RETAIL OR SERVICE ESTABLISHMENTS OR IN AGRICULTURE

Notice is hereby given that pursuant to section 14 of the Fair Labor Standards Act of 1938 (52 Stat. 1060, as amended, 29 U.S.C. 201 et seq.), the regulation on employment of full-time students (29 CFR Part 519), and Administrative Order No. 621 (36 FR 12819), the establishments listed in this notice have been issued special certificates authorizing the employment of full-time students working outside of school hours at hourly rates lower than the minimum wage rates otherwise applicable under section 6 of the act. While effective and expiration dates are shown for those certificates issued for less than a year, only the expiration dates are shown for certificates issued for a year. The minimum certificate rates are not less than 85 percent of the applicable statutory minimum.

The following certificates provide for an allowance not to exceed the proportion of the total hours worked by full-time students at rates below $1 an hour to the total number of hours worked by all employees in the establishment during the base period in occupations of the same general classes in which the establishment employed full-time students at wages below $1 an hour in the base year; or provide the same standards authorized in certificates previously issued to the establishment.

A & R Food Store, Inc., foodstore; 930 Oxmoor Road, Birmingham, AL; 11-15-73.

Auerbach's, variety-department store; 2457 Washington Boulevard, Ogden, UT; 10-10-72 to 9-2-73.

Autry Greer & Sons, Inc., foodstores, 10-9-73: Bay Minette, Ala.; La Baron Avenue, Citronelle, Ala.; Fairhope, Ala.; Foley, Ala.; Jackson, Ala.; 2216 Dauphin Island Parkway, Mobile, AL; 3311 Dauphin Island Parkway, Mobile, AL; 7 South McGregor Avenue, Mobile, AL; 268 South Alabama, Monroeville, AL; Saraland, Ala.; Lucedale, Miss.

Baker's Red & White, foodstore; 209 Main Street, Tabor City, NC; 11-26-73.

Bass Memorial Baptist Hospital, hospital; Enid, Okla.; 11-11-73.

A. J. Bayless Markets, Inc., foodstores, 9-30-73, except as otherwise indicated: No. 61, Apache Junction, Ariz. (10-31-73); Nos. 81 and 84, Phoenix, Ariz.

Ben Franklin Store, variety-department store; No. 5640, Tucson, Ariz.; 10-31-73.

Best Super Market, foodstore; No. 2, Tucson, Ariz.; 10-31-73.

Big John, foodstore; No. 10, Olney, Ill.; 11-30-73.

Billows, Inc., restaurant; 1046 Grand Avenue, Billings, MT; 11-18-73.

Blue Hills Supermarket, foodstore, 2309 North Third Street, Manhattan, KS; 11-8-73.

Bornemann's Nursing Home, nursing home; 1853 Mills Street, Green Bay, WI; 10-20-73.

Buck's Supermarket, foodstore; 504 Elm Street, Marked Tree, AR; 10-27-73.

Cahokia Drive In, Inc., restaurant; 1110 Camp Jackson Road, Cahokia, IL; 11-6-73.

Clement & Benner, Inc., variety-department store; 1735 Central Avenue, Los Alamos, NM; 10-14-73.

Clifton's Grocery, foodstore; 201 South A Street, McAlester, OK; 11-13-73.

Community Memorial Hospital, Inc., hospital; Burwell, Nebr.; 11-2-73.

Conley's AG Supermarket, foodstore; Hazen, Ark.; 11-17-73.

Dan's, Inc., foodstores; 10-2-72 to 9-9-73: 2085 East 21st South, Salt Lake City, UT; 2266 East 33d South, Salt Lake City, UT; 1326 South 21st East, Salt Lake City, UT; 3735 South Ninth East, Salt Lake City, UT.

Dave Bloom & Sons, apparel store; El Con Center, Tucson, Ariz.; 9-30-73.

Dillon Companies, Inc., foodstore; 505 South Mill, Pryor, OK; 10-31-73.

Doneckers, apparel store; 409 North State Street, Ephrata, PA; 9-24-73.

Dreisbach's Steakhouse, Inc., restaurant; 1137 South Locust, Grand Island, NE; 10-24-73.

Duckwall Stores, Co., variety-department stores: No. 4, Clay Center, Kans., 11-9-73; No. 28, Council Grove, Kans., 10-28-73; No. 43, Scott City, Kans., 11-12-73.

Edwards, Inc., variety-department stores: 1739 Maybank Highway, Charleston, SC, 12-1-73; Laurens Plaza, Laurens, S.C., 12-8-73.

Exira Super Valu, foodstore; Exira, Iowa; 11-19-73.

Ezell's Department Store, Inc., variety-department store; 604 West Main Street, Leesburg, FL; 11-27-73.

Family Host, Inc., restaurant; Pleasant Valley Boulevard, Altoona, PA; 9-30-73.

The Fandel Co., variety-department store; 602 St. Germain Street, St. Cloud, MN; 11-3-73.

Farmer's, foodstore; West Columbia, Tex.; 10-14-73.

Farmers Investment Co., agriculture, 10-31-73: Aquila, Picacho, and Santa Cruz Valley Farms, Sahuarita, Ariz.

Froehin's, variety-department store; 68 Broad Street, Alexander City, AL; 10-26-73.

Gandy's Food Lane Market, foodstore; 708 North Seventh Street, Dade City, AL; 11-30-73.

Gee Bee, foodstore; Route 22, Monroeville, PA; 9-20-73.

George's Market, foodstore; No. 2, Morristown, Tenn.; 10-31-73.

Geri's Hamburgers, restaurant; 2709 West State Street, Rockford, IL; 11-14-73.

Gindlers Department Store, variety-department store; 419 St. George, Gonzales, TX; 11-16-73.

Glenn's Mr. A. G., foodstore; 511 Main, Stockton, KS; 11-10-73.

W. T. Grant Co., variety-department stores: No. 1100, Cedar Falls, Iowa, 10-23-73; No. 644, Compton Lakes, N.J., 10-31-73; No. 254, Steubenville, Ohio, 10-19-73; No. 575, Milton, Pa., 9-24-73; No. 458, Pittsburgh, Pa., 10-6-73; No. 848, State College, Pa., 10-11-73; No. 761, El Paso, Tex., 10-26-73; No. 1370 Roanoke, Va., 10-17-73.

Hales Super Market, foodstore; Highway 13, Gallatin, MO; 10-20-73.

Hammond Bros. Produce, Inc., foodstore; 240 North 13th Street, Decatur, IN; 11-5-73.

Handy Andy, Inc., foodstores, 11-2-73, except as otherwise indicated: Nos. 28 and 29, San Antonio, Tex.; No. 31, San Antonio, Tex. (11-14-72 to 10-31-73).

Hy-Klas Food & Family Center, foodstore; Hamilton, Mo.; 10-20-73.

The International House of Pancakes, restaurant; 3260 Broadway, Kansas City, MO; 10-31-73.

Jerry's Markets, foodstore; 2117 South Weinbach, Evansville, IN; 12-8-73.

Kientz IGA, foodstore; 1016 West Sixth Street, Junction City, KS; 11-17-73.

S. S. Kresge Co., variety-department stores: No. 4279, Lauderhill, Fla., 11-13-73; No. 725, Miami, Fla., 11-30-73; No. 786, Miami, Fla., 10-29-73; No. 4245, Tampa, Fla., 11-9-72 to 10-30-73; No. 4070, Atlanta, Ga., 11-8-72 to 7-31-73; No. 4230, Atlanta, Ga., 11-15-73; No. 4265, Atlanta, Ga., 10-19-73; No. 4135, Augusta, Ga., 10-19-73; No. 4242, Macon, Ga., 11-21-73; No. 295, Kewanee, Ill., 11-21-73, No. 4289, Cedar Rapids, Iowa, 10-31-73; No. 4314, Cedar Rapids, Iowa, 10-29-73; No. 4315, Iowa City, Iowa, 10-29-73; No. 4443, Overland Park, Kans., 11-13-72 to 10-31-73; No. 139, Newport, Ky., 11-3-73; No. 4172, Monroe, La., 8-8-73; No. 4065, Battle Creek, Mich., 11-10-73; No. 696, Farmington, Mich., 10-27-73; No. 4535, Owosso, Mich., 11-7-73; No. 135, Minneapolis, Minn., 11-16-73; No. 4605, St. Cloud, Minn., 12-7-73; No. 4137, Charlotte, N.C., 11-30-73; No. 4450, Raleigh, N.C., 10-31-73; No. 4272, Bismarck, N. Dak., 9-30-73; No. 381, Chillicothe, Ohio, 10-6-73; No. 4263, Eastlake, Ohio, 11-26-73; No. 4149, Lorain, Ohio, 11-29-73; No. 102, Mansfield, Ohio, 11-22-73; No. 4168, Oregon, Ohio, 11-27-73; No. 4166, Toledo, Ohio, 12-6-73; No. 4209, Toledo, Ohio, 11-23-73; No. 4241, East Ridge, Tenn., 10-31-73; No. 4401, Abilene, Tex., 11-14-72 to 10-31-73; No. 4388, Austin, Tex., 10-14-73; No. 4195, Beaumont, Tex., 9-21-73; No. 4259, Fort Worth, Tex., 9-20-73; No. 4287, Groves, Tex. No. 4259, Houston, Tex., 9-20-73; No. 4267, Hurst, Tex., 11-10-72 to 10-30-73; No. 4029, San Angelo, Tex., 10-27-73; No. 4025, Tyler, Tex., 11-13-73.

Lalonde's Super Market, foodstore; Port Sulphur, La.; 10-29-73.

Leach Home, nursing home; 714 North Fourth Street, Wahpeton, ND; 10-2-72 to 9-27-73.

Magic Mart-Baseline, Inc., variety-department store; 5919 Baseline Road, Little Rock, AR; 10-31-73.

McCrory-McLellan Green Stores, variety-department stores: No. 660, Flagstaff, Ariz., 10-31-73; No. 543, Tucson, Ariz., 11-9-72 to 10-31-73; No. 1033, Milford, Conn., 10-14-73; No. 107, Dunedin, Fla., 11-30-73; No. 311, Key West, Fla., 11-21-73; No. 129, Tallahassee, Fla., 11-14-73; No. 1301, Baltimore, Md., 9-28-73; No. 345, Ellicott City, Md., 10-8-73; No. 354, Salisbury, Md., 9-20-73; No. 394, Detroit, Mich., 11-28-73; No. 253, Grand Rapids, Mich., 10-21-73; No. 692, Ionia, Mich., 11-8-73; No. 238, Menominee, Mich., 11-8-73; No. 174, Natchez, Miss., 10-31-73; No. 313, Natchez, Miss., 10-21-73; No. 260, Oxford, Miss., 11-15-73; No. 1306, Bricktown, N.J., 11-3-73; No. 576, Raleigh, N.C., 11-9-73; No. 708, Grants, N. Mex., 11-10-72 to 10-24-73; No. 8, Allentown, Pa., 9-21-73; No. 45, Chambersburg, Pa., 9-21-73; No. 1116, Chester, Pa., 10-7-73; No. 147, Ebensberg, Pa., 10-15-73; No. 1122, Hollidaysburg, Pa., 10-6-73; No. 167, Pottstown, Pa., 9-21-73; No. 334, Reading, Pa., 9-23-73; No. 364, Scranton, Pa., 9-22-73; No. 85, Waynesboro, Pa., 9-20-73; No. 333, Wyoming, Pa., 9-24-73; No. 317, York, Pa., 10-5-73; No. 165, Dallas, Tex., 11-19-73; No. 322, Dallas, Tex., 11-15-72 to 10-22-73; No. 1020, Fort Worth, Tex., 10-26-73; No. 1208, Houston, Tex., 10-26-73; No. 108, Irving, Tex., 10-14-73; No. 177, Waco, Tex., 10-25-73; No. 138, Charlottesville, Va., 9-30-73; No. 1069, Falls Church, Va., 10-13-73; No. 54, Madison, Wis., 11-14-73.

McDonald's Hamburgers, restaurants, 11-6-72 to 10-31-73: 12499 Natural Bridge Road, Bridgeton, MO; 3594 North Lindbergh Boulevard, St. Ann, MO.

Memorial Hospital, hospital, 300 East 23rd Street, Cheyenne, WY; 10-5-73.

Minimax, foodstore; 1201 Strawberry Road, Pasadena, TX; 10-18-73.

Mitzelfeld's Inc., variety-department store; 312 Main Street, Rochester, MI; 11-26-73.

Morgan & Lindsey, variety-department stores: No. 3065, Baton Rouge, La., 10-25-73; No. 3129, Natchitoches, La., 11-19-73; No. 3114, Long Beach, Miss., 10-31-73; No. 3059, Conroe, Tex. 10-31-73.

M. E. Moses Co., variety-department stores: 8417 Lake June Road, Dallas, TX, 11-10-72 to 10-29-73; 428 South Galloway Street, Mesquite, TX, 11-15-73.

G. C. Murphy Co., variety-department stores: No. 329, Ashland, Ky., 10-27-73; No. 317, Bel Air, Md., 10-3-73; No. 320, Hampton, Va., 10-14-73.

Neisner Brothers, Inc., variety-department stores: No. 7, Homestead, Fla., 12-1-73; No. 41, Tampa, Fla. 11-22-73.

J. J. Newberry Co., variety-department stores: No. 411, Richmond Heights, Mo. 11-9-73; 600 Race Street, Cincinnati, OH, 11-20-73; No. 226, Kennett Square, Pa., 9-20-73.

Parsons, Inc., variety-department store; Duluth, Ga.; 11-20-73.

Patterson Dixie Dandy, Inc., foodstores; Junction City, Ark.; 10-18-73.

Pay Less Food Center, foodstore; 122 South Sixth Street, Osage City, KS; 10-27-73.

R & R Farms, Inc., agriculture; Carthage, Miss.; 9-27-73.

Randle's IGA, foodstore; Eureka, Utah; 9-28-72 to 9-9-73.

Raylass Department Store, variety-department store; 217 Broad Avenue, Albany, GA; 10-29-73.

Ream's Bargain Annex, foodstore; 1350 North Second West, Provo, UT; 10-27-73.

Rocky Ridge Farm Market, Inc., foodstore; Route 6, Hagerstown, Md.; 9-25-73.

Ronk's Variety Store, Inc., variety-department store; Covington, Tenn.; 11-12-73.

Royal's, Inc., variety-department store; 400 Southwest Avenue A, Belle Glade, FL; 10-27-73.

St. Luke Lutheran Home, nursing home; Spencer, Iowa; 11-16-73.

St. Mary's Home and Geriatric Hospital, nursing home; 607 East 26th Street, Erie, PA; 10-3-73.

Schaper's IGA Foodliner, foodstore; 526 West Main, Jackson, MO; 11-5-73.

Schnelthurst Livpak Seafoods, Inc., restaurant; 2110 Hampton Avenue, St. Louis, MO; 11-14-73.

Scurlock's, Inc., foodstores: 725 North Sunshine Strip, Harlingen, TX, 11-10-72 to 11-7-73; 105 South Seventh, Raymondville, TX, 11-14-73.

Shady Oaks, nursing home; Lake City, Iowa; 10-29-73.

Spurgeon's, variety-department stores: 113 First Street, Dixon, IL, 11-7-73; 604 Broadway, Lincoln, IL, 11-14-73; 125 South Side Square, Macomb, IL, 10-9-73; 723 Washington Street, Mendota, IL, 10-7-73; 227 South Main Street, Monmouth, IL, 10-14-73; 432 South Main Street, Princeton, IL, 11-5-73; 310 North 12th Street, Centerville, IA; 10-26-73; 1104 Second Street, Perry, IA, 10-25-73; 216-218 Bush Street, Red Wing, MN, 10-14-73.

The Stern & Mann Co., apparel store: 4355 Belden Mall, Canton, OH, 10-20-73.

Super Drive-Ins, foodstore; No. 8, Nashville, Tenn., 11-14-73.

Super Duper Food Center, foodstore; 2665 Buffalo Gap Road, Abilene, TX, 10-2-72 to 8-7-73.

T. G. & Y. Stores Co., variety-department stores: No. 1606, Birmingham, Ala., 10-31-73; No. 1503, Tempe, Ariz., 9-30-73; No. 656, Corona, Calif., 9-21-73 to 8-31-73; No. 514, Covina, Calif., 9-21-73 to 8-31-73; No. 715, Orlando, Fla., 12-10-73; No. 127, Kansas City, Kans., 11-6-73; No. 176, Santa Fe, N. Mex., 9-22-73; No. 1001, Del City, Okla., 10-13-73; No. 459, Claremore, Okla., 9-26-73; No. 37, Midwest City, Okla., 10-15-73; No. 69, Oklahoma City, Okla., 11-14-73; No. 87, Oklahoma City, Okla., 11-13-73; No. 1015, Oklahoma City, Okla., 10-31-73; No. 21, Shawnee, Okla., 11-13-73; No. 467, Tulsa, Okla., 11-7-73; No. 469, Tulsa, Okla., 11-7-73; No. 1771, Taylors, S.C., 12-11-73; No. 340, Houston, Tex., 11-13-73; No. 806, Houston, Tex., 10-5-73; No. 811, Houston, Tex., 10-9-73; No. 834, Houston, Tex., 11-20-73; No. 838, Houston, Tex., 10-9-73; No. 779, Nederland, Tex., 11-13-73.

Thrift-Way Supermarket, foodstore; Gate City, Va.; 10-16-73.

Town & Country Supermarket, foodstore; 816 North Elm, Hoisington, Kans.; 10-26-73.

Vonada's Store, foodstore; Aaronsburg, Pa.; 10-6-73.

Walters Red and White, Inc., foodstore; 304 South Parlet Avenue, St. George, SC; 10-31-73.

The Webber Co., Inc., variety-department store; 39 North Berry Street, Montgomery, AL; 10-24-73.

William C. Wiechmann Co., apparel store; 116 South Jefferson, Saginaw, MI; 11-8-73.

Wolf Super Market, foodstore; Yorktown, Tex., 11-16-73.

Wytheville Crest 5-10-25¢ Store Co., Wytheville, Va.; 9-24-73.

Younker Bros., Inc., variety-department store; 901 East 27th Street, Cedar Falls, IA; 11-14-73.

The following certificates issued to establishments permitted to rely on the base-year employment experience of others were either the first full-time student certificates issued to the establishment, or provide standards different from those previously authorized. The certificates permit the employment of full-time students at rates of not less than 85 percent of the applicable statutory minimum in the classes of occupations listed, and provide for the indicated monthly limitations on the percentage of full-time student hours of employment at rates below the applicable statutory minimum to total hours of employment of all employees.

Britches, apparel stores, for the occupations of salesclerk, stock clerk, office clerk, ticket writer, cashier, wrapper, clean up, 3 to 8 percent, 11-23-73: 2224 Bessemer Road, Birmingham, Ala.; Eastwood Mall, Birmingham, Ala.; East Town Plaza Shopping Center, Birmingham, Ala.; McFarland Mall, Tuscaloosa, Ala.

Brodnax Jewelers, jewelry store; 304 North 20th Street, Birmingham, Ala.; salesclerk, gift wrapper, office clerk; 15 to 25 percent; 11-5-73.

Burger Chef, restaurants, for the occupation of general restaurant worker, 6 to 37 percent, 11-30-73: 2720 West Nichol Avenue, Anderson, Ind.; 2920 North National Road, Columbus, Ind.; 1824 East Hoffer Street, Kokomo, Ind.

Castle Gift Shop, Inc., gift shop; Route 30 East, Lancaster, Pa.; salesclerk; 0 to 38 percent; 11-14-73.

Catfish Haven, restaurant; Laceys Spring, Ala.; general restaurant worker; 9 to 21 percent; 11-14-73.

Country Manor Nursing Home, nursing home; Route 1, Sauk Rapids, Minn.; nurse's aide, dietary aide; 10 percent; 11-14-73.

Don's Super Market, foodstore; 213 Second Street, Paonia, Colo.; carryout; 16 to 28 percent; 11-14-73.

Edward's, Inc., variety-department stores, for the occupations of salesclerk, stock clerk, checker, lay-a-way clerk, stock handler, pricer, 10 to 14 percent, 11-30-73: S.C. 9 & 57 Bypass, Dillon, S.C.; Bacons Bridge Road, Summerville, S.C.

Kentucky Fried Chicken, restaurant; 408 A Avenue West, Oskaloosa, Iowa; general restaurant worker; 27 to 54 percent; 12-3-73.

S. S. Kresge Co., variety-department stores, for the occupations of salesclerk, stock clerk, office clerk, checker-cashier, 6 to 17 percent, 10-31-73; except as otherwise indicated: No. 4475, Gadsden, Ala. (salesclerk, checker, 11 to 22 percent, 11-14-73); No. 3054, Montgomery, Ala. (salesclerk, checker, 11 to 22 percent); No. 4426, Bettendorf, Iowa; No. 7002, Burlington, Iowa; No. 3049, Fort Dodge, Iowa; No. 3029, Fort Mitchell, Ky. (salesclerk, stock clerk, office clerk, maintenance, 6 to 23 percent, 11-14-73); No. 3064, Jackson, Mich. (salesclerk, stock clerk, office clerk, maintenance, food preparation, 10 percent, 11-14-73); No. 4331, Pontiac, Mich. (salesclerk, stock clerk, office clerk, food preparation, maintenance, 10 percent, 11-14-73); No. 3031, Blaine, Minn. (salesclerk, stock clerk, office clerk, maintenance, checker-cashier, 18 to 30 percent, 11-14-73); No. 3052, Minnetonka, Minn. (salesclerk, stock clerk, maintenance, office clerk, checker-cashier, 18 to 30 percent, 11-14-73); No. 4213, Greenville, Miss. (salesclerk, stock clerk, office clerk, checker-cashier, maintenance, 2 to 15 percent, 11-30-73); No. 3006, Omaha, Nebr. (8 to 14 percent, 11-14-73); No. 4276, Toledo, Ohio (salesclerk, stock clerk, office clerk, food preparation, maintenance, 9 to 10 percent, 11-14-73); No. 3011, Euless, Tex. (salesclerk, 7 to 27 percent, 11-14-73); No. 4447, Richardson, Tex. (salesclerk, 7 to 27 percent, 11-30-73); No. 3062, Sherman, Tex. (salesclerk, 7 to 22 percent, 11-14-73).

Lack's Associate Valley Stores, furniture store; 116 East Jackson, Harlingen, TX, stock clerk; 7 to 12 percent; 11-30-73.

McCrory-McLellan-Green Stores, variety-department stores, for the occupations of salesclerk, stock clerk, office clerk, 11-14-73, except as otherwise indicated: No. 25, Honesdale, Pa., 6 to 19 percent (salesclerk, stock clerk); No. 19, Richboro, Pa., 11 to 26 percent; No. 70, Eagle Pass, Tex., 11 to 15 percent (11-30-73).

McDonald's Hamburger's, restaurant; 12680 Dorsett Road, Maryland Heights, Mo.; general restaurant worker; 8 to 25 percent; 10-31-73.

Magic Mart, Inc., variety-department stores, for the occupations of salesclerk, stock clerk, janitorial, 16 to 69 percent, 11-14-73: Highways 84 and 25, Kennett, Mo.; Highway 25 North, Malden, Mo.

Minyard Food Stores, Inc., foodstore; No. 28, Garland, Tex.; salesclerk, package clerk; 11 to 16 percent; 11-30-73.

Mitchell's Grocery & Market, foodstore; 113 East Union, Wynne, AR; sacker, carryout, stock clerk, maintenance; 22 percent; 11-14-73.

G. C. Murphy Co., variety-department store; No. 352, Richmond, Va.; salesclerk, stock clerk, office clerk, janitorial; 5 to 20 percent; 11-14-73.

Otasco, automobile supply store; 621 West Park, Greenwood, MS; stock clerk, office clerk; 6 to 19 percent; 11-14-73.

Piggly Wiggly, foodstore; No. 5, Columbus, Ga.; bagger, carry out, stock clerk, janitorial; 10 to 13 percent; 11-14-73.

Randall's, foodstore; No. 106, Houston, Tex.; stock clerk, carryout, 28 percent; 11-30-73.

Regan's, apparel stores, for the occupations of salesclerk, gift wrapper, 0 to 41 percent, 11-30-73: 120 East Main, Henderson, TX; 131 East Tyler, Longview, TX; 1410 McCaan Road, Longview, TX; 3045 Angelina Mall, Lufkin, TX; 28 West Plaza, Paris, TX; 1000 North Street, Texarkana, TX; 1827 Troup Road, Tyler, Tex.; 515 Westview Village, Waco, TX.

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Rose's Stores, Inc., variety-department stores, for the occupations of salesclerk, stock clerk, office clerk, checker, 19 to 31 percent, 10–31–73, except as otherwise indicated: No. 224, Bowling Green, Ky. (salesclerk, 3 to 16 percent); No. 227, Belmont, N.C. (salesclerk, 11 to 27 percent); Nos. 218 and 228, Winston-Salem, N.C.

Spurgeon's, variety-department store; Two West Chicago Street, Coldwater, MI; salesclerk, stock clerk, janitorial, receiving clerg, marking clerk, 10 to 15 percent; 11–30–73.

T G & Y Stores Co., variety-department stores, for the occupations of salesclerk, stock clerk, office clerk, 11–30–73, except as otherwise indicated: No. 1320, Kissimee, Kans., 10 to 29 percent (10–31–73); No. 1408, McPherson, Kans., 19 to 30 percent, (11–14–73); No. 9336, Mount Sterling, Ky., 10 to 26 percent; No. 292, Albuquerque, N. Mex., 13 to 24 percent (10–31–73); No. 410, Edmond, Okla., 22 to 30 percent; No. 1022, Sand Springs, Okla., 16 to 30 percent.

Each certificate has been issued upon the representations of the employer which, among other things, were that employment of full-time students at special minimum rates is necessary to prevent curtailment of opportunities for employment, and the hiring of full-time students at special minimum rates will not create a substantial probability of reducing the full-time employment opportunities of persons other than those employed under a certificate. The certificate may be annulled or withdrawn, as indicated therein, in the manner provided in Part 528 of Title 29 of the Code of Federal Regulations. Any person aggrieved by the issuance of any of these certificates may seek a review or reconsideration thereof on or before April 5, 1973 pursuant to the provisions of 29 CFR 519.9.

Signed at Washington, D.C., this 28th day of February 1973.

ROBERT G. GRONEWALD,
Authorized Representative of the Administrator.

[FR Doc.73–4263 Filed 3–5–73;8:45 am]

INTERSTATE COMMERCE COMMISSION

[Notice 191]

ASSIGNMENT OF HEARINGS

MARCH 1, 1973.

Cases assigned for hearing, postponement, cancellation or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested. No amendments will be entertained after the date of this publication.

MC 96007 Sub 27, Kenneth Hudson, Inc., Extension-New Hampshire, now assigned March 20, 1973, will be held in Room 418, Fourth Floor, Federal Building, 55 Pleasant Street, Concord, NH.

MC–C–7877, Southeastern Freight Lines, Et Al-V-Pool Freight Lines, Inc., now assigned April 11, 1973, will be held in Room 709, South Carolina Public Service Commission, Owen Building, 1321 Lady Street, Columbia, SC.

MC 109397 Sub 272, Tri-State Motor Transit Co., now assigned April 4, 1973, at Atlanta, Ga., is canceled and application dismissed.

MC–F–11671, Refiners Transport & Terminal Corp.—Purchase—Kendrick Cartage Co., now assigned March 5, 1973, at Washington, D.C., is canceled.

MC–C–7934, Carolina Cartage Co., Inc., Investigation of Operations MC–133937, Sub 7, Carolina Cartage Co., Inc., Extension—Airports, now assigned March 26, 1973, will be held in Room 709, South Carolina Public Service Commission, Owen Building, 1321 Lady Street, Columbia, SC.

MC 123613 Sub 9, Claremont Motor Lines, Inc., now assigned March 12, 1973, at Charlotte, N.C., is postponed to March 19, 1973, will be held in Room DD516, Mart Office Building, 800 Briar Creek Road, Charlotte, NC.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.73–4239 Filed 3–5–73;8:45 am]

[Notice 223]

MOTOR CARRIER BOARD TRANSFER PROCEEDINGS

Synopses of orders entered by the Motor Carrier Board of the Commission pursuant to section 212(b), 206(a), 211, 312(b), and 410(g) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 1132), appear below:

Each application (except as otherwise specifically noted) filed after March 27, 1972, contains a statement by applicants that there will be no significant effect on the quality of the human environment resulting from approval of the application. As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings on or before March 26, 1973. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC–FC–73943. By order of February 9, 1973, the Motor Carrier Board, on reconsideration, approved the transfer to Gold Van Lines, Inc., Gallipolis, Ohio, of a portion of the operating rights in Certificate No. MC–55777 issued to Mills Transfer Co., Gallipolis, Ohio, authorizing the transportation of: New household furniture, and household goods, as defined by the Commission, between specified points and areas in Ohio, Kentucky, Virginia, West Virginia, Pennsylvania, Maryland, Michigan, and the District of Columbia. John M. Friedman, Practitioner, 2930 Putnam Avenue, Hurricane, WV 25526.

No. MC–FC–74074. By order entered February 8, 1973, the Motor Carrier Board approved the transfer to Enterprise Truck Leasing, Inc., Laurel, Miss., of that portion of the operating rights set forth in Certificate No. MC–50242 (Sub-No. 1), issued June 3, 1965, to J. C. Bowman Trucking Co., Natchez, Miss., authorizing the transportation of structural steel, tanks and heavy machinery, except oilfield equipment, materials, and supplies, between points in Louisiana and Mississippi. Harold D. Miller, Jr., Post Office Box 22567, Jackson, MS 39205, attorney for transferee, and Joseph S. Zuccaro, Box 1047, Natchez, MS 39120, attorney for transferor.

No. MC–FC–74122. By order of February 12, 1973, the Motor Carrier Board approved the transfer to Garland Gehrke, Lincoln, Ill., of a portion of the operating rights in Certificate No. MC–48441 (Sub-No. 2) and all of the operating rights in Certificate No. MC–48441 (Sub-No. 6), issued December 15, 1969, and January 22, 1970, respectively, to City Express, Inc., Streator, Ill., authorizing the transportation of glass containers, bottles, or jars, and caps, covers, stoppers, tops, and/or fiberboard boxes, when transported in the same vehicle with glass containers, bottles, or jars, from the plantsite and warehouse facilities of Obear Nestor Glass Co. located at Lincoln, Ill., to points in Indiana, Iowa, Kentucky (except Frankfort, Ky., and points in Franklin, Shelby, Scott, Anderson, and Woodford Counties, Ky.), Michigan, Missouri, Ohio, and Wisconsin, restricted to traffic originating at and destined to the named points of origin and destination; and glass containers and closures and fiberboard boxes, from Lincoln, Ill., to Frankfort, Ky., and points in Shelby, Franklin, Scott, Anderson, and Woodford Counties, Ky. Robert H. Levy, 29 South La Salle Street, Chicago, IL 60603, attorney for applicants.

No. MC–FC–74148. By order entered February 14, 1973, the Motor Carrier Board approved the transfer to Mt. Vernon Transfer Co., a Delaware corporation, Mt. Vernon, Ill., of the operating right set forth in Certificate No. MC–29843, issued December 16, 1965, to Mt. Vernon Transfer Co., an Illinois corporation, Mt. Vernon, Ill., authorizing the transportation of general commodities, with the usual exceptions, between Mt. Vernon, Ill., and St. Louis, Mo., over specified routes, serving the intermediate and off-route points of Ashley, Nashville, Addieville, and Woodlawn, Ill., and points in the St. Louis, Mo.-East St. Louis, Ill., commercial zone. Delmar O. Koebel, 107 West St. Louis, Lebanon, IL 62254, attorney for applicants.

No. MC–FC–74187. By order of February 8, 1973, the Motor Carrier Board approved the transfer to Thibodeau Express, Inc., Windsor, Ontario, Canada, of Certificates Nos. MC–129573 (Sub-No. 1) and MC–129573 (Sub-No. 2) issued July 19, 1968, and December 3, 1968, respectively, to Thibodeau Express Ltd., Windsor, Ontario, Canada, authorizing the transportation of general commodities between points within 8 miles of Detroit, Mich., including Detroit; between Detroit, Mich., and the plantsite

of Ford Motor Co., on Sheldon Road, Plymouth Township, Wayne County, Mich., restricted to shipments originating at or destined to points in Canada; and between Detroit, Mich., and Willow Run Airport at or near Ypsilanti, Mich., restricted to the transportation of shipments originating at or destined to points in Canada and having an immediately prior or immediately subsequent movement by air. Robert D. Schuler, 1 Woodward Avenue, Suite 1700, Detroit, MI 48226, applicants' attorney.

No. MC–FC–74209. By order of February 8, 1973, the Motor Carrier Board approved the transfer to H. & W. Carriers, Inc., Camargo, Ill., of the operating rights in Certificates Nos. MC–125751, MC–125751 (Sub-No. 1), MC–125751 (Sub-No. 2), and MC–125751 (Sub-No. 3) issued November 10, 1964, October 15, 1968, August 11, 1970, and April 4, 1972, repectively, to Harold D. Smith, doing business as Harold D. Smith Trucking Service, Camargo, Ill., authorizing the transportation of various commodities from and to specified points and areas in Illinois and Indiana. Robert T. Lawley, 300 Reisch Building, Springfield, Ill. 62701, attorney for applicants.

No. MC–FC–74228. By order entered February 14, 1973, the Motor Carrier Board approved the transfer to Howard Anderson, Plum City, Wis., of the operating rights set forth in Certificate No. MC–35856, issued August 5, 1959, to Erwin Herbison, Maiden Rock, Wis., authorizing the transportation of livestock, from points in the towns of Pepin and Stockholm, Pepin County, Wis., and the town of Maiden Rock, Pierce County, Wis., to Hastings, Minneapolis, St. Paul, and South St. Paul, Minn.; and general commodities, with the usual exceptions from Hastings, Minneapolis, St. Paul and South St. Paul, Minn., to points in the above-specified Wisconsin towns. F. H. Kroeger, 2288 University Avenue, St. Paul, MN 55114, representative for applicants.

No. MC–FC–74233. By order of February 13, 1973, the Motor Carrier Board approved the transfer to J-Truck Line, Inc., Petersburg, Ill., of the operating rights in Certificate No. MC–118780 issued June 29, 1966, to William F. Juergens, doing business as "J" Truck Line, Petersburg, Ill., authorizing the transportation of various commodities from specified points and areas in Ohio, Iowa, Illinois, Wisconsin, Indiana, and Missouri to specified points and areas in Illinois, Wisconsin, Indiana, and Missouri. Robert T. Lawley, 300 Reisch Building, Springfield, Ill. 62701, attorney for applicants.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.73–4240 Filed 3–5–73;8:45 am]

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PART II

COST ACCOUNTING STANDARDS BOARD

■

OPERATING POLICIES, PROCEDURES AND OBJECTIVES

No. 43—Pt. II——1

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COST ACCOUNTING STANDARDS BOARD

COST ACCOUNTING STANDARDS

Statement of Operating Policies, Procedures, and Objectives

The purpose of this statement is to present the operating policies, procedures and objectives within which the Cost Accounting Standards Board is formulating Cost Accounting Standards and related rules and regulations in carrying out its legislative mandate under Public Law 91-379.

This document does not deal with Board regulations related to written disclosures of cost accounting practices; such regulations are contained in 4 CFR Part 351.

The Board intends that this document improve general understanding of the Board's fundamental objectives and concepts and thus provide the basis for productive dialogue with those concerned with the Board's work. Interested members of the public should, on the basis of this Statement, be better able to focus on the complex and difficult issues which the Board faces in promulgating future Cost Accounting Standards. The Statement is not intended to be final or all-encompassing; the Board may from time to time amplify, supplement or modify its views as it proceeds with consideration of individual issuances.

Although not every Board member is in full agreement with every policy, procedure and objective set out in this document, the Board is in agreement that the document provides a useful, overall framework within which it can develop specific Cost Accounting Standards. In the few cases where individual members may have differing views, they may set forth those views and the reasons for them if it becomes appropriate to do so in the context of the Board's consideration of a particular Cost Accounting Standard, rule or regulation.

MARCH 1973.

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OBJECTIVES

A Cost Accounting Standard is a statement formally issued by the Cost Accounting Standards Board that (1) enunciates a principle or principles to be followed, (2) establishes practices to be applied, or (3) specifies criteria to be employed in selecting from alternative principles and practices in estimating, accumulating, and reporting costs of contracts subject to the rules of the Board. A Cost Accounting Standard may be stated in terms as general or as specific as the Cost Accounting Standards Board considers necessary to accomplish its purpose.

With respect to Cost Accounting Standards, the Board's primary goal is to issue clearly stated Cost Accounting Standards to achieve (1) an increased degree of uniformity in accounting practices among Government contractors, and (2) consistency in accounting treatment of costs by individual Government contractors.

Increased uniformity and consistency in accounting are desirable to the extent they improve understanding and communication, reduce the incidence of disputes and disagreements, and facilitate equitable contract settlements.

Uniformity. Uniformity relates to comparison of two or more accounting entities and the Board's objective in this respect is to achieve likeness under like circumstances. The Board recognizes the impossibility of defining or attaining absolute uniformity, largely because of the problems related to defining like circumstances. The Board will, nonetheless, seek ways to attain a practical degree of uniformity in cost accounting.

Uniformity is achieved when contractors with the same circumstances (with respect to a given subject) follow the practice appropriate for those circumstances. Any increase in uniformity will provide more comparability among contractors whose circumstances are similar.

The Board does not seek to establish a single uniform accounting system or chart of accounts for all the complex and diverse businesses engaged in defense contract work. On the other hand, if the Board were to be satisfied that circumstances among all concerned contractors are substantially the same, the Board would not be precluded from establishing a single accounting treatment for use in such circumstances.

Consistency. Consistency pertains primarily to one accounting entity over periods of time. Like uniformity, the attainment of absolute consistency can only be measured when like circumstances can be defined. The Board believes that consistency within an entity, from one time period to another, can be improved, thereby enhancing the usefulness of comparisons between estimates and actuals. It will also improve the comparability of cost reports from one time period to another where there are like circumstances.

Allocability and allowability. Allocability is an accounting concept affecting the ascertainment of contract cost; it results from a relationship between a cost and a cost objective such that the cost objective appropriately bears all or a portion of the cost. To be charged with all or part of a cost, a cost objective should cause or be an intended beneficiary of the cost.

Allowability is a procurement concept affecting contract price and in most cases is expressly provided in regulatory or contractual provisions. An agency's policies on allowability of costs may be derived from law and are generally embodied in its procurement regulations. A contracting agency may include in contract terms or in its procurement regulations a provision that it will refuse to allow certain costs, incurred by contractors, that are unreasonable in amount or contrary to public policy. In accounting terms, those same costs may be allocable to the contract in question.

Cost Accounting Standards should result in the determination of costs which are allocable to contracts and other cost objectives. The use of Cost Accounting Standards has no direct bearing on the allowability of individual items of cost which are subject to limitations or exclusions set forth in the contract or are otherwise specified by the Government or its procuring agency.

It should be emphasized that contract costs, with which Cost Accounting Standards are involved, are only one of several important factors which should be involved in negotiating contracts. Therefore, the promulgation of Cost Accounting Standards, and the determination of contract costs thereunder, cannot be considered a substitute for effective contract negotiation. At the same time, it should be emphasized that, where contract costs are required to be determined and Cost Accounting Standards are applicable, the latter are determinative as to the costs allocable to contracts. It is a contracting agency's prerogative to negotiate the allowability of allocated costs, but not the allocation itself.

The Cost Accounting Standards Board will establish Standards to:

(1) Measure the amount of costs which may be allocated to covered contracts,

(2) Determine the accounting period to which costs are allocable, and

(3) Determine the manner in which allocable costs can be allocated to covered contracts. The resulting cost measurements and allocation determinations are binding on both the contractor and the contracting agency, as indicated above.

Fairness. The Board considers a Cost Accounting Standard to be fair when, in the Board's best judgment, the Standard provides for allocating costs without bias or prejudice to either party to affected contracts.

The results of contract pricing may ultimately be regarded as fair or unfair by either or both parties to that contract. But if the Cost Accounting Standards utilized in the negotiation, administration, and settlement of the contract provided the contracting parties with accounting data which are representative of the facts, the Standards themselves are "fair" regardless of the outcome of the contract.

Materiality. The Board believes that the administration of its rules, regulations, and Cost Accounting Standards should be reasonable and not seek to deal with insignificant amounts of cost. Although this rule of common sense is already practiced by the Government, the Board recognizes that, in particular standards, a specific "materiality" statement may be useful; and, in such cases, it will include one.

The Board expects that, in implementing its promulgations, it is appropriate to consider the following criteria in determining whether a transaction or a decision about an accounting practice is material in the context of any Board issuance:

1. *The absolute dollar amount involved.* The larger the dollar amount, the more likely it is that a decision involving it will be material.

2. *The amount of total contract cost compared with the amount under consideration.* The larger the portion of the total contract cost which is represented by the item or the decision under consideration, the more likely it is to be material.

3. *The relationship between a cost item and a cost objective.* Decisions about direct cost items, especially if the amounts are themselves part of a base for distribution of indirect cost, will normally be more material than like decisions about indirect costs.

4. *The impact on Government funding.* Decisions about accounting treatment will

be more material if they influence the distribution of costs between Government and non-Government cost objectives than if all cost objectives have Government financial support.

5. *The relationship to price.* When contract pricing is based upon estimated cost, decisions about cost accounting treatment in estimates are more material than comparable decisions about treatment of actual costs. When contract pricing is based on actual costs, decisions about accounting treatment for actual costs are more material than comparable decisions about estimates.

6. *The cumulative effect of individually immaterial items.* It is appropriate to consider whether individual variances (a) tend to offset one another, or (b) tend to be in the same direction and hence to accumulate into a material amount.

These criteria should be considered together; no one criterion is wholly determinative of immateriality. In particular standards the Board will give consideration to defining materiality in specific dollar amounts and/or specific percentages of impact on operations covered by the entire Standard or any provision thereof whenever it appears feasible and desirable to do so.

Verifiability. Verifiability is generally accepted as a goal for information used in cost accounting. Contract cost accounting systems should provide for verifiability. Contract costs should be auditable by examination of appropriate data and documents supporting such costs or by reference to the facts and assumptions used to assign the costs to the contract. Contractor records of contract costs should be reconcilable with the general books of account.

OPERATING POLICIES

The following descriptions of policies show a number of important considerations which will be relevant to the Board as it seeks the objectives discussed previously.

Relationship to other authoritative bodies. A number of authoritative bodies have been established to issue pronouncements affecting accounting and financial reporting. The Cost Accounting Standards Board views its work as relating directly to the preparation, use, and review of accounting data in the negotiation, administration, and settlement of negotiated defense contracts. The Board is the only body established by law with the specific responsibility to promulgate Cost Accounting Standards. Furthermore, its Cost Accounting Standards have the force and effect of law.

There are many accounting areas of interest to the Board which are also of interest to others for financial and tax accounting purposes, such as: the measurement of costs in general; determination of the amount assigned to a resource to be consumed in operations; allocation of the cost of resources consumed to time periods; and allocation of direct labor, direct material, and factory overhead to the goods and services produced in a period.

Promulgations by the Cost Accounting Standards Board may involve the areas of interest of other authoritative bodies. Contract cost accounting often deals with the same expenditures and the same problems of allocation to time periods as are of interest in financial and income tax accounting.

The Cost Accounting Standards Board seeks to avoid conflict or disagreement with other bodies having similar responsibilities and will through continuous liaison make every reasonable effort to do so. The Board will give careful consideration to the pronouncements affecting financial and tax reporting, and in the formulation of cost Accounting Standards it will take those pronouncements into account to the extent it can do so in accomplishing its objectives. The nature of the Board's authority and its mission, however, is such that it must retain and exercise full responsibility for meeting its objectives.

Nondefense applications. The Board's jurisdiction extends only to certain national defense procurements, pursuant to the Defense Production Act of 1950 (50 U.S.C. App. 2152), as amended. Industry has long advocated uniformity of contract cost principles among all Government agencies; it has criticized nondefense agencies for following cost principles different from those of the Department of Defense alleging that such differences hindered effective contracting and caused added costs to the Government. The Board is gratified that the Federal Procurement Regulations have, through administrative decision, extended Cost Accounting Standards to contracts of nondefense agencies.

The Board is of the opinion that uniformity among all Government agencies in contract costing is a highly desirable objective. It is, therefore, the Board's view that extension of Board pronouncements to nondefense agencies would be markedly beneficial both to the agencies concerned and to their contractors. Companies with a mixture of defense and nondefense contracts will be benefited substantially by having a single set of cost accounting principles applicable to all their Government contracts.

A contractor could have a portion of his work not required to be costed in accordance with Cost Accounting Standards. Not wishing to maintain two or more cost accounting systems, he may choose to follow Cost Accounting Standards for all costing. The Board, in developing and promulgating Cost Accounting Standards, will bear in mind this potential wider application.

Single Government representative. To assure maximum uniformity of interpretation of its promulgations, the Board believes that it is highly desirable to have Federal agencies agree upon a single representative to deal with a given contractor regarding application of the requirements of the Board. Because of its conviction of the merit of such a procedure, the Board recommended that the agencies arrange for a single contracting officer for each contractor, or major component thereof, to be designated to negotiate as needed to achieve consistent practices relating to the standards issued by the Board.

As a result, agencies have established procedures by which a Government contractor may be certain that only one contracting officer will deal with him to resolve issues that may arise under the contractor's Government contracts concerning the application of Cost Accounting Standards, rules, and regulations.

The Board is optimistic about the benefits to be derived by both the Government and contractors from this single-representative system and will continue to encourage and assist Government agencies in assuring that the system matures and functions effectively.

Responsibilities for compliance. The basic responsibility for securing compliance by contractors with Board promulgations rests with the relevant Federal contracting agencies. They are responsible for such things as:

1. Incorporating all applicable CASB promulgations into their procurement regulations;

2. Including the contract clause in all covered contracts;

3. Receiving disclosure statements;

4. Reviewing and approving the adequacy of such statements;

5. Reviewing contractors' records to determine whether or not contractors have (a) followed consistently their disclosed cost accounting practices and (b) complied with promulgated Cost Accounting Standards;

6. Making appropriate contract price adjustments because of changed accounting practices, failure to follow existing standards, or the issuance of new standards; and

7. Evaluating the validity of claims by contractors for exemptions, under criteria established by the Board, or exclusions as established by Public Law 91-379.

It should be noted that section 719(j) of the Act gives to any authorized representative of the head of the agency concerned, of the Board, or of the Comptroller General of the United States, the right to examine and make copies of any documents, papers, or records relating to compliance with Board promulgations.

Another element of compliance concerns the manner in which relevant contracting agencies implement the requirements established by the Board. Special and recurring reviews of agencies' compliance with Board promulgations should be performed by the agencies' internal review staffs and by the U.S. General Accounting Office.

The Board must retain responsibility for evaluating the effectiveness of the standards, rules, and regulations that it promulgates. Most of the Board's evaluative needs can be met by reviewing reports from contracting and audit organizations. To this end, the Board and the major contracting agencies have worked cooperatively to establish reporting requirements which have been embodied in the agencies' procurement regulations.

Interpretations. The Board notes the existence of contractual and administrative provisions for the resolution or settlement of disputes arising under a contract, and the Board will not intervene in or seek to supersede such provisions. When there are widespread and serious questions of the Board's intention or meaning in its promulgations, the Board may at its discretion respond to requests for authoritative interpretations of its rules, regulations, and Cost Accounting Standards. Such interpretations will be published in the FEDERAL REGISTER and will be considered by the Board as an integral part of the rules, regulations, and standards to which the interpretations relate. This formalized procedure does not preclude unofficial consultation between inquirers and the executive secretary and members of the Board's staff.

Exemptions. The Board is authorized by law to grant exemptions to such classes or categories of contractors or contracts as it determines are appropriate and consistent with the purposes sought to be achieved by the Board's basic legislation. The Board has exempted certain classes of contracts and recognizes that individual Cost Accounting Standards may, by their nature, be inapplicable or inappropriate to certain classes or categories of contractors or contracts.

In addition, in recognition of certain unusual circumstances which could require exemptions on a case-by-case basis, the Board has established a mechanism by which exemptions, where justified, can be granted for special classes of contracts and subcontracts.

The Board anticipates that it will grant exemptions only in rare and unusual cases. In reviewing a request for an exemption, the Board would be persuaded that an exemption is justified only if:

1. The administrative burden is grossly disproportionate to the benefits which could be expected, or

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2. Failure to grant an exemption will prevent the orderly and economical acquisition on a timely basis of supplies and services essential to the needs of the Government.

The Board notes that the granting of an exemption would reduce the extent to which the primary goals of increased uniformity and consistency are achieved.

THE PROCESS OF DEVELOPIND STANDARDS

Initial development of Board proposals begins with extensive background research. It includes examining Government procurement regulations and authoritative literature on a particular subject under consideration, reviewing pronouncements of other authoritative accounting and regulatory groups, reviewing pertinent Board of Contract Appeals and court cases, and conferring with representatives of various Government agencies, Government contractors, and industry and professional associations.

On the basis of this research and extensive studies of existing contractor practices, a preliminary version of a Board proposal is developed for discussion purposes and distributed to scores of Government agencies, industry and professional associations, individual contractors, and others knowledgeable in cost accounting. The Board conducts field tests of the application of the proposed standard. It holds meetings or exchanges correspondence with all who express interest in providing views on the subject. The views and comments thus obtained are given careful consideration and drafts of proposed material are modified as appropriate.

To obtain the views of as many concerned persons as possible, a draft is published as a proposed standard in the FEDERAL REGISTER for comment. The Board views this initial publication as an integral part of its research program and encourages all interested persons, including members of the general public, to submit comments. The Board, after publication of the proposal, again contacts a number of contractors and Government representatives to further discuss all aspects of the proposed standard, with special emphasis on the anticipated administrative costs of implementation and the probable benefits of adoption of the standard.

Standards, rules, and regulations promulgated by the Board must await the expiration of 60 calendar days of continuous session of the Congress following the date they are sent to the Congress. The Board's promulgations become effective not later than the start of the second fiscal quarter beginning after the expiration of not less than 30 days after a second publication in the FEDERAL REGISTER, unless the Congress passes a concurrent resolution stating in substance that it does not favor the proposed standards, rules, or regulations. The Board's promulgations have the full force and effect of law.

Consideration of existing practices. To be effective, Cost Accounting Standards must have both theoretical validity and practical applicability. So that practical considerations will not be overlooked, the Board seeks reliable information about current practices in a variety of ways. Disclosure statements, questionnaires, intensive discussions with contractors, responses to FEDERAL REGISTER publication of proposed standards, and study of published research results all supply useful information about current practice.

The Board's purpose in this is, first, to establish what practice is; second, to discover the reasons supporting different practices in apparently similar circumstances; and third, to determine the appropriate criteria for the selection of practices in given circumstances. There is no presumption that the most common practice is or is not the most desirable practice.

Comparing costs and benefits. The Congress provided, in section 719(g) of the act which establishes the Board, that in promulgating Cost Accounting Standards "• • • The Board shall take into account the probable costs of implementation compared to the probable benefits."

The Board views costs and benefits in a broad sense. All disruptions of contractors' and agencies' practices and procedures are viewed as costs. Diligent research into current practice is helpful in appraising the probable cost impact of proposed standards. Benefits include anticipated reductions in the number of time-consuming controversies stemming from unresolved aspects of cost allocability. The Board also expects that benefits will be achieved through simplified negotiation, administration, audit, and settlement procedures. Finally, and most importantly, the availability of better cost data stemming from the use of Cost Accounting Standards will permit improved comparability of offers and facilitate better negotiation of resulting contracts.

Prior to making a final promulgation decision, the Board makes specific inquiries into the likely costs of implementing proposed standards, both for contractors and for affected agencies of the Government. In this inquiry, an effort is made to distinguish transitional costs from those that may persist on a recurring basis. The Board then weighs the relative benefits and costs in determining the desirability of promulgation.

The Board is interested in data which will enable it to gage the impact of a proposed standard on the amount of costs that will shift to or from Government contracts as a result of one or more standards. The Board recognizes that a fair Cost Accounting Standard may result in a shift of cost from the Government to contractors or from contractors to the Government. In formulating standards, the Board will not regard such shifts of costs as determinative.

COST ALLOCATION CONCEPTS

The Board's primary goal is increased uniformity and consistency in treatment of costs as they are related to negotiated defense contracts. Set forth herein are discussions of a number of important concepts which the Board will use in developing Cost Accounting Standards.

Cost accounting for negotiated Government contracts has long been on the basis of full allocation of costs, including general and administrative expenses and all other indirect costs. The allocation of all period costs to the products and services of the period is not a common practice either for public reporting or for internal management purposes; yet this has long been the established cost principle for costing defense procurement. The Board will adhere to the concept of full costing wherever appropriate.

A cost objective is "a function, organizational subdivision, contract, or other work unit for which cost data are desired and for which provision is made to accumulate and measure the cost of processes, products, jobs, capitalized projects, etc." This definition has been promulgated by the Board.

Cost accounting systems are developed to provide a means for assigning all costs to appropriate cost objectives. Under the full costing concept, all costs initially allocated to intermediate cost objectives are reallocated to final cost objectives. Costs which are identified for special treatment (unreasonable costs, or costs unallowable for other reasons) may be assigned to final cost objectives established for that purpose.

Even with the foregoing concept, there are occasional difficult questions as to whether specified units of an organization or its work should be allocated cost on a full costing basis. The Board will attempt to identify and dispose of such questions in individual Cost Accounting Standards.

Direct identification of costs. As an ideal, each item of cost should be assigned to the cost objective which was intended to benefit from the resource representated by the cost or, alternatively, which caused incurrence of the cost. To approach this goal, the Board believes in the desirability of direct identification of costs with final cost objectives to the extent practical. The Board recognizes the need for care in application of the concept of direct identification of costs with final cost objectives. Therefore, Cost Accounting Standards developed by the Board will reflect the desire for direct identification of cost and at the same time provide safeguards (such as those of 4 CFR Part 402) to assure consistency and objectivity in allocating costs incurred for the same purpose.

Hierarchy for allocating cost pools. Costs not directly identified with final cost objectives should be grouped into logical and homogeneous expense pools and should be allocated in accordance with a hierarchy of preferable techniques. The costs of like functions have a direct and definitive relationship to the cost objectives for which the functions are performed and the grouping of such costs in homogeneous pools for allocation to benefiting cost objectives results in better identification of cost with cost objectives.

The Board believes there is a hierarchy of preferable allocation techniques for distributing homogeneous pools of cost. The preferred representation of the relationship between the pooled cost and the benefiting cost objectives is a measure of the activity of the function represented by the pool of cost. Measures of the activities of such functions ordinarily can be expressed in such terms as labor hours, machine hours, or square footage. Accordingly, costs of these functions can be allocated by use of a rate, such as a rate per labor hour, rate per machine hour or cost per square foot, unless such measures are unavailable or impractical to ascertain. In these latter cases, the basis for allocation can be a measurement of the output of the supporting function. Output is measured in terms of units of end product produced by the supporting functions, as for example, number of printed pages for a print shop, number of purchase orders processed by a purchasing department, number of hires by an employment office.

Where neither activity nor output of the supporting function can be measured practically, a surrogate for the beneficial or causal relationship should be selected. Surrogates used to represent the relationship are generally measures of the activity of the cost objectives receiving the service. Any surrogate used should be a reasonable measure of the services received and should vary in proportion to the services received.

Pooled costs which cannot readily be allocated on measures of specific beneficial or causal relationship generally represent the cost of overall management activities. These costs should be grouped in relation to the activities managed and the base selected to measure the allocation of these indirect costs to cost objectives should be a base representative of the entire activity being managed. For example, the total cost of plant activities managed might be a reasonable base for allocation of general plant indirect costs. The use of a portion of a total activity, such as direct labor costs or direct material costs only, as a substitute for a total activity base, is acceptable only if the base is a good representative of the total activity being managed.

OTHER CONCEPTS

The Board is interested .n all accounting concepts. The Board takes this opportunity to invite interested parties to furnish it with reports of competent research into matters which might be expected to impact contract cost accounting. Three conceptual issues already suggested are described briefly below.

(1) *Going concern and termination.* Most contract costing practices are based on the assumption that the contract is an episode in the continuing business activity of the contractor. When a contract is terminated for the convenience of the Government, there is a need to establish the cost impact of the decision to terminate. Some of the normal cost accounting practices for contractual performance may require modification in the event of termination of a contract.

(2) *Current value accounting.* The accounting profession in the United States has generally used recorded historical costs as the basis for reports of the financial results of operations for given fiscal periods and the financial status at given times. Similiarly, recorded historical costs have served as the basis for measuring the cost of performance in negotiated defense contracts.

Many accountants today support the belief that, in periods of continuing inflation or deflation, the reliance on historical costs in the preparation of conventional financial statements can be misleading. Considerable research has been done on the theory and measurement of "real" business income. The Board is interested in all aspects of measurement of cost of contractual performance including concepts of measurement on the basis of current value or price-level accounting.

(3) *Cost-of-capital.* The Board is aware of the well-established Government policy that interest is not an allowable item of cost for determination of price under negotiated defense contracts. This position is exemplified by the provision of the Armed Services Procurement Regulation, ASPR 15-205.17, that "interest on borrowings (however represented), bond discounts, [and] costs of financing and refinancing operation • • • are unallowable • • •". The Board is also aware of the view that effective performance under negotiated defense procurement depends in part on giving explicit consideration to the capital committed to contracts. In this connection, the Board has noted the Defense Department's concern with this issue and in particular that Department's profit-on-capital proposal.

ARTHUR SCHOENHAUT,
Executive Secretary.

MARCH 5, 1973.

[FR Doc.73-4038 Filed 3-5-73;8:45 am]

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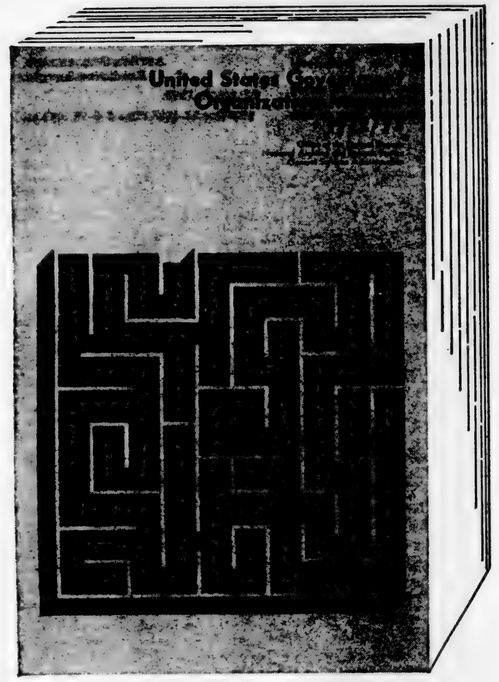

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FOOD AND NUTRITION SERVICE—National School Lunch Program, School Breakfast, and Nonfood Assistance Programs and determining eligibility for free and reduced price meals 4409; 2–14–73

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EPA—Proposed transportation control plan for the Los Angeles area. Held in San Bernardino, Calif 2194, 1–22–73; 3085, 2–1–73

Rules Going Into Effect Today

NOTE: There were no items published after October 1, 1972, that are eligible for inclusion in this list.

Presidential Documents

Title 3—The President

PROCLAMATION 4192

National Beta Club Week

By the President of the United States of America

A Proclamation

Nearly 150,000 young Americans in junior and senior high schools throughout the country live by the Beta Club motto: "Let us lead by serving others." By striving for high standards of honesty, accomplishment, leadership, and service to others, Beta Club members are preparing themselves in the finest possible way for the responsibilities of citizenship and leadership which will be theirs in the years ahead.

To call public attention to the commendable activities and positive achievements of the Beta Club, the Congress, by a joint resolution approved October 19, 1972 (86 Stat. 917) has requested the President to designate the week which begins on the first Sunday in March, 1973 as National Beta Club Week.

NOW, THEREFORE, I, RICHARD NIXON, President of the United States of America, do hereby designate the week of March 4 through March 10, 1973, as National Beta Club Week, in recognition of the significant contributions being made by Beta Club members to the well-being of our country.

IN WITNESS WHEREOF, I have hereunto set my hand this fifth day of March, in the year of our Lord nineteen hundred seventy-three, and of the Independence of the United States of America the one hundred ninety-seventh.

Richard Nixon

[FR Doc.73-4502 Filed 3-5-73;4:26 pm]

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EXECUTIVE ORDER 11705

The Honorable Cleo A. Noel, Junior
George Curtis Moore

As a special mark of respect to the memory of the Honorable Cleo A. Noel, Junior, Ambassador of the United States of America to the Democratic Republic of the Sudan, and to George Curtis Moore, Counselor of Embassy of the United States of America in the Democratic Republic of the Sudan, murdered in the performance of their duty, it is hereby ordered, pursuant to the provisions of Section 4 of Proclamation 3044 of March 1, 1954, as amended, that on the day of interment, March 7, 1973, the flag of the United States shall be flown at half-staff on all buildings, grounds, and naval vessels of the Federal Government in the District of Columbia and throughout the United States and its Territories and possessions. I also direct that the flag shall be flown at half-staff on the same day at all United States embassies, consular offices, and other facilities abroad, including all military facilities and naval vessels and stations.

Richard Nixon

THE WHITE HOUSE,
March 6, 1973.

[FR Doc.73-4552 Filed 3-6-73;12:23 pm]

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Rules and Regulations

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.

The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

Title 21—Food and Drugs

CHAPTER I—FOOD AND DRUG ADMINISTRATION, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

SUBCHAPTER C—DRUGS

PART 130—NEW DRUGS

Subpart A—Procedural and Interpretive Regulations

STATEMENT OF POLICY CONCERNING NEW DRUG STATUS OF CERTAIN INTRAUTERINE DEVICES

On June 5, 1971, there was published in the FEDERAL REGISTER (36 FR 10983), a proposed policy statement regarding the new drug status of intrauterine devices incorporating heavy metals, drugs, or other substances used for the purpose of contraception.

In response to the proposal, three comments were received. One comment, from two physicians at a medical college, supported the policy statement as it was proposed. Specifically, these physicians were concerned about the long-term systemic effects of heavy metals, particularly copper, when used in devices placed in the uterine cavity.

Two comments, from individual pharmaceutical firms, offered no disagreement with the basic intent of the proposal, but recommended or offered a differently worded statement of policy. One firm recommended revised wording that would exclude from the provisions of this section intrauterine devices with components added for improvement of the physical characteristics of the basic IUD material. The other firm commented that the proposal did not define clearly enough those intrauterine devices that would require a new drug application and those that would not. The Commissioner agrees that the proposal was not sufficiently definitive to provide adequate guidance as to the new drug status of these products. Therefore, the order has been revised to exclude from consideration as new drugs the following: (1) IUD's fabricated solely from inactive materials such as inactive plastics or metals and (2) IUD's with substances added to improve the physical characteristics if such substances do not contribute to contraception through chemical action on or within the body and are not dependent upon being metabolized for the achievement of the contraceptive purpose.

If questions arise that cannot be resolved by applying the provisions of the policy statement, the Food and Drug Administration, upon request, will express its opinion as to the new drug status of any such intrauterine device.

Having considered the comments received, the Commissioner concludes that the proposed policy statement should be revised for clarification and adopted as set forth below.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 201 (g), (p), 505, 701(a), 52 Stat. 1041–42, as amended, 1052–53, as amended, 1055; 21 U.S.C. 321 (g), (p), 355, 371(a)) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 2.120), Part 130, Subpart A is amended by adding the following new section:

§ 130.50 Certain intrauterine devices for human use for the purpose of contraception.

(a) The Food and Drug Administration has become aware of the increased clinical use for the purpose of contraception of intrauterine devices that incorporate heavy metals, drugs, or other active substances. The amount of local irritation caused by such active materials has been reported as being correlated, in animal studies, to the efficacy of such devices in achieving their contraceptive effect. Several investigators have reported different pregnancy rates which appear to be dependent on the type of metal used and/or the amount of exposed surface of the metal. Drugs have been incorporated with otherwise inert intrauterine devices to increase the contraceptive effect, decrease adverse reactions, or provide increased medical acceptability.

(b) Intrauterine devices used for the purpose of contraception and incorporating heavy metals, drugs, or other active substances to increase the contraceptive effect, to decrease adverse reactions, or to provide increased medical acceptability, are not generally recognized as safe and effective for contraception and are new drugs within the meaning of section 201(p) of the Federal Food, Drug, and Cosmetic Act. A completed and signed "Notice of Claimed Investigational Exemption for a New Drug" (Form FD 1571 set forth in § 130.3(a)(2)) must therefore be submitted to cover clinical investigations to obtain evidence that such preparations are safe and effective for this use. An approved new drug application is required for the marketing of such articles.

(c) Paragraphs (a) and (b) of this section do not apply to the following:

(1) Intrauterine devices fabricated solely from inactive materials (e.g., inactive plastics or metals).

(2) Intrauterine devices with substances added to improve the physical characteristics if such substances do not contribute to contraception through chemical action on or within the body and are not dependent upon being metabolized for the achievement of the contraceptive purpose.

(3) Intrauterine devices that contain a component, such as barium, added exclusively for the purpose of visualization by X-ray.

Effective date. This order is effective on March 7, 1973.

(Secs. 201 (g), (p), 505, 701(a), 52 Stat. 1041–42, as amended, 1.52–53, as amended, 1055; 21 U.S.C. 321(g), (p), 355, 371(a))

Dated: February 28, 1973.

SHERWIN GARDNER,
Acting Commissioner of Food and Drugs.

[FR Doc.73-4321 Filed 3-6-73;8:45 am]

PART 135c—NEW ANIMAL DRUGS IN ORAL DOSAGE FORMS

Mebendazole Oral, Veterinary

The Commissioner of Food and Drugs has evaluated a new animal drug application (91-736V) filed by Pitman-Moore, Inc., Washington Crossing, N.J. 08560, proposing the safe and effective use of mebendazole oral, veterinary, as an anthelmintic in horses. The application is approved.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 512(i), 82 Stat. 347; 21 U.S.C. 360b(i)) and under authority delegated to the Commissioner (21 CFR 2.120), Part 135c is amended by adding the following new section:

§ 135c.104 Mebendazole oral, veterinary.

(a) *Chemical name of mebendazole.* Methyl 5-benzoylbenzimindazole-2-carbamate.

(b) *Specifications.* The drug is an oral powder in which each gram contains 166.7 milligrams of mebendazole.

(c) *Sponsor.* See code No. 066 in § 135.501(c) of this chapter.

(d) *Conditions of use.* (1) The drug is used in horses in the treatment of infections caused by large roundworms (*Parascaris equorum*), large strongyles (*Strongylus edentatus, S. equinus, S. vulgaris*), small strongyles (*Cyclicocyclus spp., Gyalocephalus spp., Poteriostumum spp., Trichonema spp., Triodontophorus spp.*), and pinworms (*oxyuris equi*), including many larval stages.

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(2) The drug is administered at 1 gram of mebendazole per 250 pounds of body weight per dose.

(3) The drug is administered in either of the following ways:

(i) Sprinkling directly on the grain portion of the ration; or

(ii) By dissolving in 2–4 pints of water and administering by stomach tube.

(4) The drug is compatible with carbon disulfide, which can be used concurrently for bot control (*Gastrophilus spp.*). Routine cautions regarding the use of carbon disulfide must be observed.

(5) Do not administer to horses intended for use as food.

(6) Federal law restricts this drug to use by or on the order of a licensed veterinarian.

(Sec. 512(i), 82 Stat. 347; 21 U.S.C. 360b(i))

Effective date. This order shall be effective on March 7, 1973.

Dated: March 1, 1973.

C. D. VAN HOUWELING,
Director, Bureau of Veterinary Medicine.

[FR Doc.73-4320 Filed 3-6-73;8:45 am]

SUBCHAPTER E—HAZARDOUS SUBSTANCES

PART 191—HAZARDOUS SUBSTANCES: DEFINITIONS AND PROCEDURAL AND INTERPRETATIVE REGULATIONS

PART 191b—REQUIREMENTS FOR ELECTRICALLY OPERATED TOYS OR OTHER ELECTRICALLY OPERATED ARTICLES INTENDED FOR USE BY CHILDREN

Certain Electrically Operated Toys and Other Electrically Operated Children's Articles; Classification as Banned Hazardous Substances

In the FEDERAL REGISTER of January 21, 1972 (37 FR 1020), the Commissioner of Food and Drugs proposed to classify as banned hazardous substances certain electrically operated toys and other electrically operated children's articles.

In response to the proposal, approximately 40 comments were received from interested parties including the Association of Home Appliance Manufacturers (AHAM), Consumer Electronics Group (CEG), Consumers Union (CU), Model Railroad Industry Association (MRIA), National Electrical Manufacturers Association (NEMA), National Retail Merchants Association (NRMA), Toy Manufacturers of America (TMA), Underwriters' Laboratories (UL), consumers, consumer interest groups, individual manufacturers, an insurance company, and a research and development firm.

Ten of the comments supported the proposal as published. The principal issues raised in the remainder and the Commissioner's conclusions are as follows:

1. *Definitions.* Several comments indicated that the definition of an electrically operated toy or other electrically operated article for use by children (§ 191b.1(a)(1) is too broad and can be interpreted to include almost every electrically operated household product. The definition has been clarified to specifically exclude articles designed primarily for use by adults which may be used incidentally by children.

2. *Coverage.* Many of the comments from industry and trade associations stated that § 191b.2 coverage, as proposed, is ambiguous in its application to model trains, race cars, and certain other items operated with or without a transformer. Clarification has been added in this regard by excluding components which are powered by circuits of 30 volts r.m.s. (42.4 volts peak) or less from the definition of an electrically operated toy or other electrically operated article intended for use by children to all articles defined in § 191b.1(a)(1) that are intended to be powered by electrical current from nominal 120 v. (110–125 v.) branch circuits and those components powered by circuits of more than 30 volts r.m.s. (42.4 volts peak). Proposed § 191b.2 has been deleted since the provisions thereof appear elsewhere in the order.

3. *Labeling*—a. *Specific items.* The labeling provisions regarding the name and address of the manufacturer and the catalog number or equivalent (proposed §§ 191b.3(b)(1)(i), (ii) and 191b.3(b)(2)(i), (ii) have been deleted. A regulation in this regard is currently being developed and will be applicable to all children's articles, including electrically operated toys.

UL suggested that the information regarding the factory and date of manufacture appear on the toy itself rather than on the shelf package as proposed by § 191b.3(b)(2)(iii). Placement of information as to the date (month and year) of manufacture on the shelf package will simplify recordkeeping activities for retailers and distributors. Also, in the event that certain production runs of an item are found to be defective, the markings on the shelf package will expedite recalls since the articles can be identified without removal from their package. As revised, labeling with regard to the manufacturer's establishment is required only when toys are produced or assembled at more than one location. Section 191b.3(b)(4) provides for the placement of this information on both the toy and the shelf pack or package. The text of proposed § 191b.3(b)(2)(iii) has been revised and redesignated as § 191b.3(b)(2)(i).

b. *Markings.* CU suggested that it would be desirable for a manufacturer to mark the surface that would require the largest size of lettering if a choice exists. Such an additional requirement is unnecessary since § 191b.3(a) requires the labeling to be prominently and conspicuously displayed under customary conditions of purchase, storage, and use.

In response to several comments, the nature and characteristics of the required markings in § 191b.3 have been clarified.

c. *Precautionary statements.* Several comments questioned the proposed requirement (§ 191b.3(e)(1)) of placing the statement "CAUTION—Electric Toy" on the toy itself in addition to the shelf package. CEG suggested that the statement "CAUTION—Electrically Operated Product" be accepted in lieu of the above for articles not considered "toys" but intended for use by children.

Placing the precautionary statement "CAUTION—ELECTRIC TOY" on the toy itself is not a burdensome requirement and is necessary for toy safety since it draws attention to the fact that electrically operated toys can present hazards of an electrical or thermal nature during use. Conceivably this could be the only precautionary statement required on a toy and thus would serve the purpose of warning against misuse and potential abuse. The suggestion regarding the use of an alternate warning for electrically operated products not considered "toys" is acceptable and § 191b.3(e)(1) has been changed accordingly.

d. *Shelf package.* CEG suggested deleting § 191b.3(e)(5) which requires precautionary markings on the shelf packages of toys that contain one or more inherent hazards (for example, hot, small, or sharp parts). CEG contended that the information will be assumed and that if too much labeling is present, the information is not likely to be read. UL suggested that a reference be made to regulations that define the hazards from hot, small, and sharp parts. The labeling requirements regarding small and sharp parts have been deleted pending promulgation of regulations defining such hazards. The CEG suggestion regarding precautionary labeling of "hot parts" on the shelf package is acceptable in view of the other precautionary statements on the package. The requirement thus has been deleted.

e. *Flexible plastic packaging material.* The provisions regarding flexible plastic packaging materials (proposed § 191b.3(e)(6)) have been deleted. A regulation in this regard is currently being developed and will be applicable to all children's articles, including electrically operated toys.

f. *Instructions.* Regarding proposed § 191b.3(f), a toy manufacturer commented that it is impossible to write assembly instructions that can be completely understood by young children. A revision is not considered necessary because electrically operated toys requiring assembly should not be intended for use by children too young to comprehend the instructions. Additional language is necessary with regard to advising a parent to periodically examine toys for potentially hazardous defects. Proposed § 191b.3(f) has been revised accordingly and has been redesignated § 191b.3(b)(3).

4. *Manufacturing requirements* (previously designated *Nonelectrical construction*)—a. *General.* A toy firm suggested that since many toy components are imported, compliance with manufacturing requirements such as those prescribed by § 191b.4(a)(2) would be extremely difficult. The manufacturer or importer of a product is responsible for determining

whether it is in compliance with applicable regulations. This responsibility includes inspection of imported components for safety and suitability.

Several comments indicated that the recordkeeping requirements (§ 191b.4(a)(3)) should be clarified. It is not the intention of the Commissioner to require recordkeeping for each individual toy, but rather for the sale and shipment of quantities (lots) of a particular toy. This order does not require that such records be kept for more than 3 years.

A toy company suggested that since no appropriate governmental requirements for components have been established, the provision in that regard (§ 191b.4(a)(4), last sentence) should be deleted. The paragraph has been clarified to properly reflect the purpose of this regulation. Each component of an electrically operated toy shall comply with applicable requirements established herein.

b. *Coatings.* The reference to paints and other surface-coating materials (proposed § 191b.4(b)) has been deleted from the regulation since all toys or other articles intended for use by children are subject to § 191.9(a)(6)(ii), including those that are electrically operated (37 FR 5229 and 16078).

c. *Electrically operated sewing machines.* In response to a recommendation by a retailer, § 191b.4(h)(3) concerning electrically operated sewing machines has been changed to take into account the safety feature presented by the presser foot attachment on these articles.

d. *Overload protection.* Proposed § 191b.4(h)(4) has been deleted since overload protection is adequately dealt with in § 191b.6(e)(5).

5. *Electrical design and construction*—a. *Switches.* Several comments suggested that the double pole requirements in § 191b.5(a) be made applicable only to those toys with replaceable incandescent lamps. This suggestion is consistent with the purpose of these regulations, and § 191b.5(a) has been changed to limit the scope of the double pole requirement to switches that control a replaceable incandescent lamp, electrode, or lampholder contact which is at a potential of more than 30 volts r.m.s. (42.2 volts peak).

b. *Lamps.* TMA and a toy firm requested that illuminating devices for microscopes be excluded from the coverage of § 191b.5(b) which prescribes lamp requirements. Any person may apply to the Commissioner for an exemption or other amendment of these regulations by submitting a petition which shall set forth a statement of the grounds upon which the petitioner relies.

Comments from CEG, TMA, and two toy firms suggested that an unnecessary hardship will be placed on manufacturers by the requirement (§ 191b.5(b)(2)) for an interlock to protect lamp sockets. This suggestion is valid and the regulation has been changed to permit use of special fastening devices that cannot be opened manually or with a flat-bladed screwdriver or pliers. This provision is included in § 191b.5(b)(1) of the order.

c. *Power supply connections (cords and plugs).* CU suggested that electrically operated toys designed to be hand held, used with water, or likely to be used out-of-doors, be required to be double insulated or provided with a three-conductor grounding-type power supply cord. Such a requirement would be impracticable because many homes are not equipped with grounding apparatus and the grounding of adaptors would not provide a satisfactory solution. Based on available accident and injury information, there is no justification for double insulation.

A toy firm questioned the distance specification in § 191b.5(f)(3), redesignated § 191b.5(e)(3) in this order, regarding the face of the attachment-plug cap. The firm failed to see why this distance is so much greater than the one-eighth inch presently found on the majority of cord plugs in use. The five-sixteenths of an inch distance specified in the regulation is a precautionary measure intended to minimize the incidence of accidental contact of children's fingers with the metal blades of the plug during insertion.

The same firm contended that no safety is added by the minimum length specification in § 191b.5(f)(5), designated as § 191b.5(e)(5) in this order, for the power cord. This contention is rejected. The minimum length requirement of 5 feet serves as a safety feature in that it affects the potential proximity of a child's play area to a wall outlet.

TMA and two toy firms contended that certain requirements in § 191b.5(f), redesignated § 191b.5(e) in this order, are inappropriate for transformers that have a 110-volt primary plug integrated into the transformer case. This contention is correct and the regulation has been changed to exclude such transformers from the requirements dealing with power supply connections.

d. *Wiring.* CEG commented that the requirements in § 191.5(h), redesignated § 191b.5(g) in this order, concerning internal wiring of a toy are superfluous and too detailed. The organization suggested that subparagraph (1), plus a recommended revision, would offer sufficient guidance. The commissioner concludes that the detailed nature of paragraph (g) is necessary in order to properly interpret general performance requirements (for example, adequate mechanical strength). Subparagraphs (2) through (5) of § 191b.5(g) establish requirements to preclude the development of certain electrical hazards. These requirements are particularly important safeguards since many electrically operated toys are used and abused for a number of years.

In reply to an inquiry by NEMA, nichrome alloy is an acceptable material for use in current-carrying parts.

e. *Strain relief.* CEG recommended that a performance standard rather than the design standard in § 191b.5(i), redesignated § 191b.5(h) in this order, be adopted regarding strain relief. Such a revision is not warranted because the requirements, although design oriented, are not design restrictive.

UL and NEMA recommended that a knot be an acceptable means of strain relief if the toy is found to comply with the performance requirements in § 191b.6. A knot in itself does not provide a sufficient degree of protection against hazards that may develop as a result of abuse. However, a knot associated with a loop around a fixed structural component does offer sufficient protection if the performance requirements in § 191b.6 are met. Section 191b.5(i)(4) has been changed accordingly and redesignated as § 191.b5(h)(4).

6. *Performance*—a. *General.* Various revisions were suggested regarding the conditions described in § 191b.6(a) under which a toy shall not present a fire or accident hazard. The comments suggested that these requirements present problems of interpretation. To minimize such problems without interfering with the purpose of the regulation, § 191b.6(a) has been changed so that the requirement in question is in terms of "normal use and reasonably foreseeable damage or abuse conditions" instead of "abnormal conditions."

b. *Enclosures.* Regarding § 191b.6(b) on testing enclosures, UL recommended that the breakage of a lamp be considered a test failure with the qualification that this breakage be disregarded if a second test does not result in breakage. This suggestion cannot be adopted because it would be unreasonable to expect a lamp to survive a drop test.

c. *Drop test.* Regarding the drop test in § 191b.6(b)(1), UL suggested that their own drop test procedures are adequate and that any diversion from their standard is unnecessary. After review of the UL toy standard's drop test, it is concluded that the procedures set forth in § 191b.6(b)(1) are more stringent, but also more reasonable in terms of actual use conditions, and more restrictive in terms of performance than the UL test. The test has been redesignated as an impact test in the final order.

CEG recommended that floor-standing toys be excluded from the drop test requirement. The drop test is inappropriate for certain floor-standing toys; therefore, § 191b.6(b)(1) has been changed to exclude toys with a weight of more than 10 pounds from the requirement.

d. *Rod pressure test.* UL and NEMA questioned the increase of the force level in the rod pressure test in § 191b.6(b)(2) to 25 pounds from the 20-pound specification in the UL toy standard. Recently gathered anthropometric data support the conclusions that the 25-pound level is unreasonable, and the specification has been changed to 20 pounds. The test has been redesignated as a compression test in the final order.

e. *Pressure test.* NEMA suggested that the pressure test in § 191b.6(b)(3) be brought into accord with a similar procedure in the UL electrical toy standard. Section 191b.6(b)(3) specifies in part that a toy surface measuring 24 or more square inches shall be subject to the pressure test. This minimum area can be reasonably expected to be subjected

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to a pressure or load, such as the weight of a child, and should therefore be capable of supporting such pressure without producing a hazardous condition. Limiting this testing to surface areas in excess of 48 square inches, as in the UL standard, is concluded to be too exclusive for child protection purposes.

f. *Strain-relief test.* UL, NEMA, and two toy firms commented that deformation of the anchoring surface and/or displacement of the strain-relief unit cannot be completely avoided when a power cord is subjected to a direct pull of 35 pounds, but that such a displacement or deformation should not produce a stress resulting in a hazardous condition. The Commissioner finds these comments to be valid and the final order has been revised accordingly. The 40-pound specification in § 191b.6(c)(4)(i), which in this order appears in § 191b.6(h)(1) because § 191b.6(c)(4) has been redesignated as § 191b.6(h), has been changed to 35 pounds.

CEG commented that the 3-foot drop test (with cord held in place) in § 191b.6(c)(4)(iii) does not relate to any reasonably foreseeable abuse. Another comment, by a toy firm, agreed to the validity of this strain-relief test but suggested that a weight limitation be included, especially for toys to be used on a floor. Although this testing procedure is deemed an appropriate simulation of reasonably foreseeable abuse, the weight limitation suggestion is valid and § 191b.6(c)(4)(iii), redesignated § 191b.6(h)(3) in this order, has been changed to limit applicability to toys weighing 10 pounds or less.

g. *Stability.* With reference to the "no spillage" requirement in § 191b.6(d), UL suggested that a specification be added as to the height to which containers can be filled with molten material or hot liquids. Such a designation is the responsibility of the manufacturer and such specified level should be one element in insuring that spillage does not occur under the conditions described in § 191b.6(d).

7. *Electrical performance*—a. *Power input.* A toy firm suggested that the amperage limitation in § 191b.6(e)(1) be deleted since no relationship between amperage and danger of a toy would be present if the article complies with the other provisions of the regulations. Despite other safety provisions, the amperage restriction is necessary to limit available power to a relatively safe use level to guard against any unforeseen hazards.

b. *Dielectric strength.* In response to several comments, the procedural requirements for the dielectric strength test in § 191b.6(e)(2) have been revised for clarification.

c. *Leakage current and repeated dielectric withstand tests.* NEMA and a retailer suggested that the relative humidity requirement in § 191b.6(e)(3) be revised to 85 percent. The association submitted that testing under conditions of 90–95 percent relative humidity has resulted in condensation within small motors that prohibits leakage testing because of the presence of water. The retailer commented that the 90–95 percent requirement is far in excess of what is possible in actual use conditions. In the interest of safety, portions of the proposed regulations are a departure from established industry standards. The requirement in question, however, is identical to that established in the UL electrical toy standard and, in the absence of Federal regulations, has been adhered to by many firms in the toy industry. The requirement is deemed appropriate and the suggested change has not been adopted.

NEMA suggested that the leakage current measurement be taken outside of the humidity compartment within 1 minute after removal of the toy. The association noted that difficulties are encountered when this measurement is taken within the compartment. Although taking this measurement within the compartment may present some degree of difficulty, the derived benefits outweigh this difficulty. When the measurement is performed within the compartment, and thus under controlled conditions, the reliability of the test is not affected. Such is not the case outside the chamber where variations may be expected to occur as a result of changes in the temperature and relative humidity.

d. *Motor operation.* NEMA commented that the requirements in § 191b.6(e)(4) on motor operation are confusing and contradictory. This criticism is valid and the regulation has been revised to establish two testing conditions: One for maximum normal load and one for locked rotor. Maximum acceptable temperatures have been established for both conditions.

e. *Motor overload.* Regarding the requirement in § 191b.6(e)(5)(i) that no pitting of the switch contacts shall occur as a result of the motor overload test, two toy firms stated that pitting of the switch contacts will always be evident after a motor control switch is subjected to this test. This contention is not necessarily true. The manufacturer is responsible for incorporating a motor-control switch with a sufficient horsepower rating to insure that such pitting does not occur.

f. *Switch overload.* In response to an inquiry by UL, visual inspection is an acceptable means of judging the performance of a switch subjected to the overload test specified in § 191b.6(e)(5)(i). The final order has been revised accordingly.

8. *Classification of toy parts or surfaces.* Regarding the classified types, according to use or function, set forth in subdivisions of § 191b.6(g)(2):

a. A toy firm inquired as to whether their small wall-mount transformer qualifies as a type A or type B surface. This particular transformer has surfaces classified as both Types A and B. The product has plastic grips likely to be grasped for the purpose of carrying (Type A) and parts that may be touched but which need not be grasped for carrying (Type B).

b. A toy firm suggested that the specifications regarding Type E surfaces in § 191b.6(g)(2)(vii) are overly stringent and that no body of knowledge indicates that such are necessary. These precautionary measures are necessary to restrict the child's access to high temperatures for toys that must operate at the temperature required to accomplish baking or cooking functions.

c. TMA suggested that a ¼-inch-diameter rod 2 inches long is a more realistic instrument for determining the accessibility of Types D, D-marked, and E parts of surfaces than the ¼-inch-diameter rod 3 inches long specified in § 191b.6(g)(2)(vii). A toy firm commented that the use of two probes is more realistic: ¼-inch-diameter rod 2 inches long to insure exclusion of a child's fingers and ⅜-inch-diameter rod 3 inches long to insure the exclusion of an adult's fingers. The specified probe (¼-inch-diameter rod 3 inches long) is deemed appropriate since it takes into account the normal width of a child's finger and the extended length of an adult's finger.

9. *Thermal requirements.* CU recommended that toys, other than educational or hobby-type toys, be limited to those surface temperature indicated in § 191b.7 as not requiring a warning marking, and that educational- or hobby-type toys conform to the temperature specifications in § 191b.7. This recommendation is unreasonable in light of the specific safety requirements established for toys as well as educational- and hobby-type products.

The Arkansas Consumer Research Group commented that the size of lettering is unspecified for the age labeling required by § 191b.6(g)(3). The group suggested that this labeling be unmistakably clear and prominent and that the letters be at least one-third the size of the largest letters on the display panel and of different type or color for contrast. The Commissioner finds that prominence of the label information is essential and the regulation has been changed accordingly. The lettering heights set forth in § 191b.3(d) are considered appropriate and reasonable for child protection.

TMA commented that § 191b.6(g)(3) requires labeling of certain hobby items intended for children over 12 years and that such age is unnecessarily restrictive. The organization recommended that the age be changed to 7. Section 191b.6(g)(3) does not require age labeling per se. It removes temperature restrictions on those hobby-type products properly labeled as being intended for children over 12 years of age; however, the maximum surface temperature of such products may not exceed those reasonably required to accomplish the intended task. A change to age 7 in this context is undesirable in terms of affording adequate child protection.

10. *Temperature measurements.* Regarding the requirements of § 191b.6(g)(5)(i), CEG recommended that thermocouples of wire diameters between Nos. 24 and 30 AWG (American Wire Gage) be acceptable in the instruments used to measure temperatures. This change is unnecessary in view of the fact that the use of No. 30 AWG wire for temperature measurement is presently an accepted practice.

11. *Maximum acceptable surface temperatures.* A consumer recommended reduction of the temperature limits for toy surfaces specified in § 191b.7, suggesting that such are unacceptably high and present a definite hazard to children. These maximum acceptable surface temperatures are based upon the best available data and a revision is unwarranted. The values in the table are based upon (a) the premise that 149° F. is the temperature above which a 1-second contact will provide the threshhold for irreversible tissue damage and (b) the assumption that the reaction time of normal children, as well as normal adults, is significantly less than that which would permit a 1-second period of contact. Acceptable temperatures for the different surface types have been graded in accordance with the 149° F. value with consideration given to the accessibility of the surfaces during normal use.

12. *Maximum acceptable material temperatures.* A toy firm commented that the specifications in § 191b.8 regarding maximum acceptable toy material temperatures are confusing and their understanding is that the temperatures are those historically used under normal, but not abnormal (stalled rotor) conditions. Clarification in this regard is available in § 191b.6(g)(4) which specifies test conditions.

CEG noted that the temperatures in the table in § 191b.8 are the same as those listed in the UL electrical toy standard but are labeled "maximum acceptable material temperatures" and not "maximum acceptable temperature rises." The Commissioner has concluded that maximum temperature rises are misleading because they are dependent on an established ambient temperature and are not directly relatable to a potential burn hazard.

NEMA suggested that there is a redundancy in § 191b.8 with regard to the construction of a toy insofar as the use of totally enclosed motors are concerned. This redundancy has been eliminated by a revision of the requirements for locked-rotor motor temperatures.

13. *Effective date.* Several comments expressed concern over the effective date of these regulations. Suggestions as to an alternate date vary from early 1973, to December 31, 1973, with a reservation that the requirements be applicable only to those toys and other children's articles leaving the factory after the effective date. The Commissioner concludes that an effective date of 180 days after publication in the FEDERAL REGISTER is a necessary and reasonable time to allow affected persons to achieve full compliance. Only those articles introduced into interstate commerce after such date are subject to the provisions of these regulations. All electrically operated toys or other electrically operated articles intended for use by children are subject, not only to the provisions of these regulations, but also to any other applicable provisions of Part 191.

Therefore, having considered the comments received and other relevant material, the Commissioner concludes that the proposal, with changes, should be adopted as set forth below.

Accordingly, pursuant to provisions of the Federal Hazardous Substances Act (secs. 2(f)(1)(D), (r), (s), (t), 3(e)(1), 74 Stat. 372, 374, 375, as amended 83 Stat. 187–189; 15 U.S.C. 1261, 1262) and under authority delegated to the Commissioner (21 CFR 2.120), Subchapter E of Title 21, Chapter 1, is amended as follows:

1. In Part 191, by adding the following new paragraph (b) to § 191.9a:

§ 191.9a Banned toys and other banned articles intended for use by children.

* * * * *

(b) *Electrically operated toys and other electrically operated children's articles presenting electrical, thermal, and/or certain mechanical hazards.* Under the authority of section 2(f)(1)(D) of the act and pursuant to provisions of section 3(e) of the act, the Commissioner has determined that the following types of electrically operated toys or other electrically operated articles intended for use by children present electrical, thermal, and/or certain mechanical hazards within the meaning of section 2(r), (s), and/or (t) of the act because in normal use or when subjected to reasonably foreseeable damage or abuse, the design or manufacture may cause personal injury or illness by electric shock and/or presents an unreasonable risk of personal injury or illness because of heat as from heated parts, substances, or surfaces, or because of certain mechanical hazards:

(1) Any electrically operated toy or other electrically operated article intended for use by children (as defined in § 191b.1(a)(1)) that is introduced into interstate commerce and which does not comply with the requirements of Part 191b of this chapter.

2. By adding the following new Part 191b, Requirements for Electrically Operated Toys or Other Electrically Operated Articles Intended for Use by Children, to Subchapter E:

Sec.
191b.1 Definitions.
191b.2 [Reserved]
191b.3 Labeling.
191b.4 Manufacturing requirements.
191b.5 Electrical design and construction.
191b.6 Performance.
191b.7 Maximum acceptable surface temperatures.
191b.8 Maximum acceptable material temperatures.

AUTHORITY: Secs. 2(f)(1)(D), (r), (s), (t), 3(e)(1), 74 Stat. 372, 374, 375 as amended 83 Stat. 187–189; 15 U.S.C. 1261, 1262.

§ 191b.1 Definitions.

(a) The following definitions apply to this Part 191b:

(1) The term "electrically operated toy or other electrically operated article intended for use by children" means any toy, game, or other article designed, labeled, advertised, or otherwise intended for use by children which is intended to be powered by electrical current from nominal 120 volt (110–125 v.) branch circuits. Such articles are referred to in this part in various contexts as "toy" or "electrically operated toy." If the package (including packing materials) of the toy or other article is intended to be used with the product, it is considered to be part of the toy or other article. This definition does not include components which are powered by circuits of 30 volts r.m.s. (42.4 volts peak) or less, or articles designed primarily for use by adults which may be used incidentally by children.

§ 191b.2 [Reserved]

§ 191b.3 Labeling.

(a) *General.* Electrically operated toys, and the instruction sheets and outer packaging thereof, shall be labeled in accordance with the requirements of this section and any other applicable requirements of the Federal Hazardous Substances Act and regulations promulgated thereunder. All labeling shall be prominently and conspicuously displayed under customary conditions of purchase, storage, and use. All required information shall be readily visible, noticeable, clear, and, except where coding is permitted, shall be in legible English (other languages may also be included as appropriate). Such factors governing labeling as location, type size, and contrast against background may be based on necessary condensations to provide a reasonable display.

(b) *Specific items.* (1) The toy shall be marked in accordance with the provisions of paragraph (d) of this section to indicate:

(i) The electrical ratings required by paragraph (c) of this section.

(ii) Any precautionary statements required by paragraph (e) of this section.

(2) The shelf pack or package of the toy shall be labeled in accordance with the provisions of paragraph (d) of this section to indicate:

(i) The date (month and year) of manufacture (or appropriate codes).

(ii) The electrical ratings required by paragraph (c) of this section.

(iii) Any precautionary statements required by paragraph (e) of this section.

(3) Each toy shall be provided with adequate instructions that are easily understood by children of those ages for which the toy is intended. The instructions shall describe the applicable installation, assembly, use, cleaning, maintenance (including lubrication), and other functions as appropriate. Applicable precautions shall be included as well as the information required by paragraphs (b)(1) and (b)(2) of this section. The instructions shall also contain a statement addressed to parents recommending that the toy be periodically examined for potential hazards and that any potentially hazardous parts be repaired or replaced.

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(4) If a toy is produced or assembled at more than one establishment, the toy and its shelf pack or package shall have a distinctive mark (which may be in code) identifying the toy as the product of a particular establishment.

(c) *Rating.* (1) A toy shall be marked to indicate its rating in volts and also in amperes and/or watts.

(2) If a toy utilizes a single motor as its only electric energy consuming component, the electrical rating may be marked on a motor nameplate and need not be marked elsewhere on the toy if the nameplate is readily visible after the motor has been installed in the toy.

(3) A toy shall be rated for alternating current only, direct current only, or both alternating and direct current.

(4) The alternating current rating shall include the frequency or frequency range requirement, if necessary because of a special component.

(d) *Markings.* (1) The markings required on the toy by paragraph (b) of this section shall be of a permanent nature, such as paint-stenciled, die-stamped, molded, or indelibly stamped. The markings shall not be permanently obliterable by spillage of any material intended for use with the toy and shall not be readily removable by cleaning with ordinary household cleaning substances. All markings on the toy and labeling of the shelf pack or package required by paragraph (b) of this section shall contrast sharply with the background (whether by color, projection, or indentation) and shall be readily visible and legible. Such markings and labeling shall appear in lettering of a height not less than that specified in paragraph (d)(2) of this section, except that those words shown in capital letters in paragraph (e) of this section shall appear in capital lettering of a height not less than twice that specified in paragraph (d)(2) of this section.

(2) Minimum lettering heights shall be as follows:

SURFACE AREA DISPLAYING MARKING, MINIMUM HEIGHT OF LETTERING

Square inches	*Inches*
Under 5	1/16
5 or more and under 25	1/8
25 or more and under 100	3/16
100 or more and under 400	1/4
400 or more	1/2

(e) *Precautionary statements*—(1) *General.* Electrically operated toys shall bear the statement: "CAUTION—ELECTRIC TOY." The shelf pack or package and the instructions of such toys shall bear the statement in the upper right-hand quarter of the principal display panel: "CAUTION—ELECTRIC TOY: Not recommended for children under ____ years of age. As with all electric products, precautions should be observed during handling and use to prevent electric shock." The blank in the preceding statement shall be filled in by the manufacturer, but in no instance shall the manufacturer indicate that the article is recommended for children under 8 years of age if it contains a heating element. In the case of other electrically operated products which may not be considered to be "toys" but are intended for use by children, the term "ELECTRICALLY OPERATED PRODUCT" may be substituted for the term "ELECTRIC TOY."

(2) *Thermal hazards.* (i) Toys having Type C or Type D surfaces (described in § 191b.6(g)(2)) which reach temperatures greater than those shown in paragraph (e)(2)(ii) of this section shall be defined as hot and shall be marked where readily noticeable when the hot surface is in view with the statement: "HOT—Do Not Touch." When the marking is on other than the hot surface, the word "HOT" shall be followed by appropriate descriptive words such as "Molten Material," "Sole Plate," or "Heating Element," and the statement "Do Not Touch." An alternative statement for a surface intended to be handheld as a functional part of the toy shall be "HOT ----------—Handle Carefully," the blank being filled in by the manufacturer with a description of the potential hazard such as "Curler" or "Cooking Surface."

(ii) Surfaces requiring precautionary statements of thermal hazards are those exceeding the following temperatures when measured by the test described in § 191b.6(g)(4):

Surface type (see § 191b.6(g)(2))	Thermal inertia type[1]	Temperature	
		Degrees C.	Degrees F.
C	1	66	149
C	2	75	167
C	3	85	185
C	4	95	203
D	1	55	131
D	2	70	158
D	3	80	176
D	4	90	194

[1] Thermal inertia types are defined in terms of lambda as follows:
Type 1: Greater than 0.0045 (e.g., most metals).
Type 2: More than 0.0006 but not more than 0.0045 (e.g., glass).
Type 3: More than 0.0001 but not more than 0.0006 (e.g., most plastics).
Type 4: 0.0001 or less (e.g., future polymeric materials).
The thermal inertia of a material can be obtained by multiplying the thermal conductivity (cal./cm.-sec./degree C.) by the density (gm./cm.^{3}) by the specific heat (cal./gm./degrees C.)

(3) *Lamp hazards*—(i) *Replaceable incandescent lamps.* A toy with one or more replaceable incandescent lamps, having a potential difference of more than 30 volts r.m.s. (42.4 volts peak) between any of its electrodes or lampholder contacts and any other part or ground, shall be marked inside the lamp compartment where readily noticeable during lamp replacement with the statement: "WARNING—Do not use light bulbs larger than —— watts", the blank being filled in by the manufacturer with a number specifying the wattage rating of the lamp. Such toys shall bear the statement: "WARNING—Shock Hazard. Pull plug before changing light bulb" on the outside of the lamp compartment where it will be readily noticed before gaining access to the lamp compartment.

(ii) *Nonreplaceable incandescent lamps.* A toy which utilizes one or more nonreplaceable incandescent lamps (other than pilot or indicator lamps) shall be marked where clearly visible with the statement: "SEALED UNIT—Do not attempt to change light bulb" or equivalent.

(4) *Water.* If not suitable for immersion in water, a toy cooking appliance (such as a corn popper, skillet, or candymaker) or other article which may conceivably be immersed in water shall be marked with the statement: "DANGER—To prevent electric shock, do not immerse in water; wipe clean with damp cloth" or equivalent.

§ 191b.4 Manufacturing requirements.

(a) *General.* (1) Only materials safe and suitable for the particular use for which the electrically operated toy is intended shall be employed.

(2) Toys shall be produced in accordance with detailed material specifications, production specifications, and quality assurance programs. Quality assurance programs shall be established and maintained by each manufacturer to assure compliance with all requirements of this part.

(3) The manufacturer or importer shall keep and maintain for 3 years after production or importation of each lot of toys (i) the material and production specifications and the description of the quality assurance program required by paragraph (a)(2) of this section, (ii) the results of all inspections and tests conducted, and (iii) records of sale and distribution. These records shall be made available upon request at reasonable times to any officer or employee acting on behalf of the Secretary of Health, Education, and Welfare. The manufacturer or importer shall permit such officer or employee to inspect and copy such records, to make such inventories of stock as he deems necessary, and to otherwise verify the accuracy of such records.

(4) Toys shall be constructed and finished with a high degree of uniformity and as fine a grade of workmanship as is practicable in a well-equipped manufacturing establishment. Each component of a toy shall comply with the requirements set forth in this part.

(b) [Reserved]

(c) *Protective coatings.* Iron and steel parts shall be suitably protected against corrosion if the lack of a protective coating would likely produce a hazardous condition in normal use or when the toy is subjected to reasonably foreseeable damage or abuse.

(d) *Mechanical assembly*—(1) *General.* A toy shall be designed and constructed to have the strength and rigidity necessary to withstand reasonably foreseeable damage and abuse without producing or increasing a shock, fire, or other accident hazard. An increase in hazards may be due to total or partial structural collapse of the toy resulting in a reduction of critical spacings, loosening or displacement of one or more components, or other serious defects.

(2) *Mounting.* Each switch, lampholder, motor, automatic control, transformer, and similar component shall be securely mounted and shall be prevented from turning, unless the turning of such component is part of the design of the toy and produces no additional hazard such as reduced spacings below acceptable levels or stress on the connection. Friction between tight-fitting surfaces shall not be considered sufficient for preventing the turning of components. The proper use of a suitable lockwasher or a keyed and notched insert plus a suitable lockwasher for single-hole mountings shall be acceptable. Each toy shall be designed and constructed so that vibrations occurring during normal operation and after reasonably foreseeable damage or abuse will not affect it adversely. Brush caps shall be tightly threaded or otherwise designed to prevent loosening.

(3) *Structural integrity.* Heating elements shall be supported in a substantial and reliable manner and shall be structurally prevented from making contacts inside or outside of the toy which may produce shock hazards. The current-carrying component(s) of the heating element shall be enclosed, and the enclosure shall be designed or insulated to prevent the development of a shock or fire hazard that may result from element failure. A toy operating with a gas or liquid under pressure, such as an electrically operated steam engine, shall be tested with respect to its explosion hazard and shall be provided with a pressure relief device that will discharge in the safest possible direction; that is, avoiding direct human contact and avoiding the wetting of electrical contacts.

(e) *Insulating material.* (1) Material to be used for mounting uninsulated live electrical elements shall be generally accepted as suitable for the specific application, particularly with regard to electrical insulation (voltage breakdown) and good aging characteristics (no significant change in insulating characteristics over the expected lifetime of the toy).

(2) Material used to insulate a heating element from neighboring parts shall be suitable for the purpose. If plain asbestos in a glass braid is used to so insulate the heating element, it shall be tightly packed and totally enclosed by the braid, and the overall thickness, including the braid, shall not be less than one-sixteenth inch. Hard fiber may be used for electrically insulating bushings, washers, separators, and barriers, but is not sufficient as the sole support of uninsulated live metal parts.

(f) *Enclosures*—(1) *General.* Each toy shall have an enclosure constructed of protective material suitable for the particular application, for the express purpose of housing all electrical parts that may present a fire, shock, or other accident hazard under any conditions of normal use or reasonably foreseeable damage or abuse. Enclosures shall meet the performance requirements prescribed by § 191b.6(b).

(2) *Accessibility.* An enclosure containing a wire, splice, brush cap, connection, electrical component, or uninsulated live part or parts at a potential of more than 30 volts r.m.s. (42.4 volts peak) to any other part or to ground:

(i) Shall be sealed by welding, riveting, adhesive bonding, and/or by special screws or other fasteners not removable with a common household tool (screwdriver, pliers, or other similar household tool) used as intended; and

(ii) Shall have no opening permitting entry of a 0.010-inch-diameter music wire that could contact a live part. Cross-notch-head screws, spring clips, bent tabs, and similar fasteners shall not be considered suitable sealing devices for enclosures since they are easy to remove with common household tools. Bent tabs shall be acceptable if, due to metal thickness or other factors, they successfully resist forceful attempts to dislodge them with ordinary tools.

(3) *Nonapplication.* The requirements of this paragraph are not applicable to an insulating husk enclosure or equivalent that covers the electrodes of a replaceable incandescent lamp and its lampholder contacts. The primary function of an enclosure containing a lamp shall be to protect it from breakage during normal use or reasonably foreseeable damage or abuse.

(g) *Spacings.* The distance, through air or across the surface of an insulator, between uninsulated live metal parts and a metallic enclosure and between uninsulated live metal parts and all other metal parts shall be suitable for the specific application as determined by the dielectric strength requirements prescribed by § 191b.6(e)(2). Electrical insulating linings on barriers shall be held securely in place.

(h) *Special safety features*—(1) *Moving parts.* If the normal use of a toy involves accident hazards, suitable protection shall be provided for the reduction of such hazards to an acceptable minimum. For example, rotors, pulleys, belting, gearing, and other moving parts shall be enclosed or guarded to prevent accidental contact during normal use or when subjected to reasonably foreseeable damage or abuse. Such enclosure or guard shall not contain openings that permit entrance of a ¼-inch-diameter rod and present a hazardous condition.

(2) *Switch marking.* Any toy having one or more moving parts which perform an inherent function of the toy and which may cause personal injury shall have a switch that can deenergize the toy by a simple movement to a plainly marked "OFF" position. Momentary contact switches which are normally in the "OFF" position need not be so marked.

(3) *Electrically operated sewing machines.* Electrically operated toy sewing machines shall be designed and constructed to eliminate the possibility of a child's finger(s) being pierced by a needle. For the purpose of this subparagraph, a clearance of not more than five thirty-seconds of an inch below the point of the needle when in its uppermost position or below the presser foot, if provided, shall be considered satisfactory.

(4) *Pressure relief valves.* A pressurized enclosure shall have an automatic pressure relief device and shall be capable of withstanding hydrostatic pressure equal to at least five times the relief pressure.

(5) *Containers for heated materials.* Containers intended for holding molten compounds and hot liquids shall be designed and constructed to minimize accidental spillage. A pot or pan having a lip and one or more properly located pouring spouts and an adequately thermally insulated handle may provide satisfactory protection. Containers intended solely for baking need not be designed and constructed to minimize accidental spillage. Containers shall be of such material and construction that they will not deform or melt when subjected to the maximum operating temperature occurring during normal use or after reasonably foreseeable damage or abuse.

(6) *Water.* Electrically operated toys (such as toy irons) shall not be designed or manufactured to be used with water except for toy steam engines or other devices in which the electrical components are separate from the water reservoir and are completely contained in a sealed chamber. Toys requiring occasional or repeated cleaning with a wet cloth shall be constructed to prevent seepage of water into any electrically active area that may produce a hazardous condition.

§ 191b.5 Electrical design and construction.

(a) *Switches.* (1) Switches and other control devices of electrically operated toys shall be suitable for the application and shall have a rating not less than that of the load they control (see § 191b.6(e)(5)(ii) regarding electrical switch overload). A switch that controls a replaceable incandescent lamp, electrode, or lampholder contact which is at a potential of more than 30 volts r.m.s. (42.4 volts peak) to any other part or to ground shall open both sides of the circuit and shall have a marked "OFF" position. A switch that may reasonably be expected to be subjected to temperatures higher than 50° C. (122° F.) shall be constructed of materials which are suitable for use at such temperatures.

(2) Switches shall be located and protected so that they are not subject to mechanical damage that would produce a hazard in normal use or from reasonably foreseeable damage or abuse (see § 191b.6(b)).

(b) *Lamps.* (1) A replaceable incandescent lamp having a voltage of more than 30 volts r.m.s. (42.4 volts peak) between any of its electrodes or lampholder contacts and any other part or ground shall be in an enclosure that has at least one door or cover permitting access to the lamp. Such door(s) or cover(s) of the enclosure shall be so designed and constructed that they cannot be opened manually or with a flat bladed screwdriver or pliers.

(2) With all access doors and covers closed, the lamp enclosure shall have no opening that will permit entry of a straight rod 6 inches long and one-fourth inch in diameter if such entry would

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present an electrical hazard. The lamp shall be located no less than one-half inch from any ¼-inch-diameter opening in the enclosure.

(3) A toy having one or more lampholders shall be designed and constructed so that no live parts other than the contacts of the lampholders are exposed to contact by persons removing or replacing lamps. The shells of all lampholders for incandescent lamps shall be at the same potential.

(4) If the potential between the contacts of a lampholder for a replaceable incandescent lamp and any other part or ground is greater than 30 volts r.m.s. (42.4 volts peak), the contacts shall be located in an insulating husk or equivalent.

(c) *Transformers.* Transformers that are integral parts of toys shall be of the 2-coil insulated type.

(d) *Automatic controls.* Automatic controls for temperature regulation shall have the necessary capacity and reliability for their particular application.

(e) *Power supply connections (cords and plugs).* (1) A toy shall be provided with a suitable means for attachment to the power supply circuit.

(2) A toy requiring a power cord shall have a flexible cord that is permanently attached to the toy.

(3) The perimeter of the face of the attachment-plug cap shall be not less than five-sixteenths of an inch from any point on either blade of the plug.

(4) The body of the attachment-plug cap shall decrease in cross section from the face but shall have an expansion of the body, after a suitable distance from the face, sufficient to provide an effective finger grip.

(5) A flexible electrical power cord provided on a toy shall be type SP–2 (as defined in the "National Electrical Code," Chapter 4, article 400, pages 184–194 (1971),[3] published by the National Fire Protection Association), or its equivalent, or a heavier general-use type, and shall be not less than 5 feet nor more than 10 feet in length when measured as the overall length of the attached cord outside the enclosure of the toy, including fittings, up to the face of the attachment-plug cap.

(6) A flexible cord and plug shall have a current-carrying capacity of not less than the ampere rating of the toy.

(7) Cords on toys which are intended to come in direct contact with water or other liquids during use shall be of a jacketed type. Cords on toys with which water or other liquids are to be indirectly used (such as for cooling a mold) shall be plastic covered.

(8) Transformers in which the primary coil connects directly to the branch circuit outlet shall not be subject to the requirements of paragraph (e) (2), (4), and (5) of this section.

(f) *Bushings.* (1) At the point where a power supply cord passes through an opening in a wall, barrier, or the overall enclosure of a toy, a suitable and substantial bushing, insulating bushing, or equivalent shall be reliably secured in place and shall have smooth surfaces and well-rounded edges against which the cord may bear.

(2) If a cord hole is in wood, porcelain, phenolic composition, or other suitable insulating material, the surface of the hole is acceptable without a bushing if the edges of the hole are smooth and well-rounded. Where a separate insulating bushing is required, a bushing made of ceramic material or a suitable molded composition is acceptable if its edges are smooth and well-rounded.

(3) In no instance shall a separate bushing of wood, rubber, or any of the hot-molded shellac-and-tar compositions be considered acceptable.

(g) *Wiring.* (1) The internal wiring of a toy shall consist of suitable insulated conductors having adequate mechanical strength, dielectric properties, and electrical capacity for the particular application.

(2) Wireways shall be smooth and entirely free of sharp edges, burrs, fins, and moving parts that may abrade conductor insulation. Each splice and connection shall be mechanically secure, shall provide adequate and reliable electrical contact, and shall be provided with insulation at least equivalent to that of the wire involved unless adequate spacing between the splice and all other metal parts is permanently assured.

(3) A wire connector for making a splice in a toy shall be a type that is applied by a tool and for which the application force of the tool is independent of the force applied by the operator.

(4) Soldered connections shall be made mechanically secure before soldering.

(5) Current-carrying parts shall be made of silver, copper, a copper alloy, or other electrically conductive material suitable for the particular application.

(h) *Strain relief.* (1) A means of strain relief shall be provided to prevent mechanical stress on a flexible cord from being transmitted to terminals, splices, or interior wiring.

(2) If suitable auxiliary insulation is provided under a clamp for mechanical protection, clamps of any material are acceptable for use on Type SP–2 (as defined in the "National Electrical Code," chapter 4, article 400, pages 184–194 (1971),[3] published by the National Fire Protection Association), or equivalent rubber-insulated cord. For heavier types of thermoplastic-insulated cord, clamps may be without auxiliary insulation unless the clamp may damage the cord insulation.

(3) A flexible cord shall be prevented from being pushed into the toy through the cord-entry hole if such displacement would result in a hazardous condition.

(4) A knot in the cord shall not be considered an acceptable means of strain relief, but a knot associated with a loop around a smooth, fixed structural component shall be considered acceptable.

(i) *Additional requirements.* Except for the electrodes of a replaceable incandescent lamp and its lampholder contacts, a potential of more than 30 volts r.m.s. (42.4 volts peak) shall not exist between any exposed live part in a toy and any other part or ground.

§ 191b.6 Performance.

(a) *General.* Electrically operated toys and components thereof shall be tested by the appropriate methods described in this section and shall pass the tests in such a manner as to provide the necessary assurance that normal use and reasonably foreseeable damage or abuse will not produce a hazard or a potentially hazardous condition. The toy shall be capable of passing all applicable tests with any door, cover, handle, operable part, or accessory placed in any normal position. A toy shall not present a fire, casualty, or shock hazard when operated continuously for 6 hours under conditions of normal use and reasonably foreseeable damage or abuse, including the most hazardous position in which the toy can be left.

(b) *Enclosurers.* For purposes of this section, the term "enclosure" means any surface or surrounding structure which prevents access to a real or potential hazard. An enclosure shall withstand impact, compression, and pressure tests (see paragraph (b) (1), (2), and (3) of this section) without developing any openings above those specified, reduction of electrical spacings below those specified, or other fire, casualty, or shock hazards, including the loosening or displacement of components but excluding breakage of a lamp. After completion of each test, the toy shall comply with the requirements of the dielectric strength test described in paragraph (e) (2) of this section and, upon visual examination, shall not evidence the development of any hazards. Rupture of a fuse shall be considered a test failure.

(1) *Impact test.* A toy weighing 10 pounds or less shall be dropped four times from a height of 3 feet onto a 2½ inch thick concrete slab covered with 0.125 inch nominal thickness vinyl tile. The impact area shall be at least 3 square feet. The test shall be conducted while the toy is energized and operating and with all dead metal of the toy that may be energized connected together electrically and grounded through a 3-ampere plug fuse. The toy shall be dropped in random orientation. After each drop the test sample shall be allowed to come to rest and examined and evaluated before continuing.

(2) *Compression test.* Any area on the surface of the enclosure that is accessible to a child and inaccessible to flat-surface contact during the impact test shall be subjected to a direct force of 20 pounds for 1 minute. The force shall be applied over a period of 5 seconds through the axis of a ½-inch-diameter metal rod having a flat end with the edge rounded to a radius of one thirty-second of an inch to eliminate sharp edges. The axis of the rod shall be perpendicular to the surface being tested. During the test the toy shall rest on a flat, hard surface in any test-convenient position.

(3) *Pressure test.* If any portion of the top of a toy has a flat surface measuring 24 square inches or more and a minor dimension of at least 3 inches, that surface shall be subjected to a direct vertical pressure increasing to 50 pounds over a period of 5 seconds and maintained for 1 minute. The force shall be applied through a steel ball 2 inches in diameter. During the test the toy shall be in an upright position on a flat, horizontal solid surface.

(c) *Handles and knobs*—(1) *General.* For the purposes of tests in this paragraph, the parts of a lifting handle on a toy that are within seven-sixteenths of an inch of the surface to which the handle is attached, or the parts of a lifting knob that are within one-fourth inch of the surface to which the knob is attached, are considered to be for support purposes, and the remainder of the handle or knob is considered to be generally functional in nature. A handle or knob shall withstand crushing and lifting tests (see paragraph (c) (2) and (3) of this section) without fracture of the handle or knob, development of an opening that may pinch the hand, or breakage of the means used to fasten the handle or knob in place.

(2) *Crushing test.* The functional portion of a handle or knob shall be subjected to a crushing force increasing to 20 pounds over a period of 5 seconds and maintained for 1 minute. The force shall be applied through two flat and parallel hardwood blocks, each at least 2½ inches thick and each having dimensions slightly exceeding those of the handle or knob being tested. The crushing force between the blocks shall be exerted in any direction perpendicular to the major axis of the handle or knob.

(3) *Lifting test.* The support portion of a handle or knob shall be subjected to a force equal to four times the weight of the object it is intended to support. The direction of the lifting force shall be as intended by the design of the toy and shall be applied through a ½-inch-wide strap through or around a handle or by fingers or the equivalent on a knob. The force shall be applied over a period of 5 seconds through the center of gravity of the toy and maintained for 1 minute.

(d) *Stability.* A toy shall not overturn while resting in an upright position on a flat surface inclined 15° from horizontal. No spillage of molten material or hot liquids from containers shall occur while the toy is operating in this position under normal conditions of use. During this test, casters, if any, shall be in the position most likely to result in tipping, but shall not be artificially held in one position to prevent a natural rotation to another position.

(e) *Electrical*—(1) *Power input.* The actual current flow in a toy without a heating element shall not exceed 110 percent of the rated value, and shall not exceed 5.5 amperes, at rated voltage. The power input to a toy with a heating element shall not exceed 105 percent of the rated value at rated voltage. The power input rating of a toy employing one or more incandescent lamps as the only power-consuming components shall be considered to be the total rated wattage of such lamps. The rated voltage shall be considered to be the mean value of a marked voltage range.

(2) *Dielectric strength.* (i) A toy shall be capable of withstanding without breakdown for 1 minute a 60-cycle-per-second (60 Hertz) essentially sinusoidal potential of 1,000 volts applied between live parts and any dead metal parts.

(ii) If a toy employs a low-voltage secondary winding (either in the form of a conventional transformer or as an insulated coil of a motor), the toy shall also be capable of withstanding without breakdown for 1 minute a sinusoidal test potential applied between the high-voltage and low-voltage windings. The test potential shall be applied at the rated frequency of the toy and shall have a value of 1,000 volts plus twice the rated voltage of the high-voltage winding. The test potential shall be supplied from a suitable capacity-testing transformer, the output voltage of which can be regulated. The waveform of the test voltage shall approximate a sine wave as closely as possible.

(iii) The applied test potential shall be increased rapidly and uniformly from zero until the required test value is reached and shall be held at that value for 1 minute. Unless otherwise specified, the toy shall be at the maximum operating temperature reached in normal use prior to conducting the tests.

(iv) The dielectric strength requirements of this subparagraph may also be determined by subjecting the toy to a 60-cycle-per-second (60 Hertz) essentially sinusoidal potential of 1,200 volts for 1 second. If the dielectric strength is determined by this method, the toy need not be in a heated condition.

(3) *Leakage current and repeated dielectric withstand tests.* (i) Both before and after being conditioned, a toy intended to operate from a source exceeding 42.4 volts peak shall:

(*a*) Not have a leakage current exceeding 0.5 milliampere, except that during the interval beginning 5 seconds and terminating 10 minutes after the toy is first energized, the leakage current of toys with heating elements other than lamps shall not exceed 2.5 milliamperes; and

(*b*) Comply with the requirements of a repeated dielectric withstand test both with and without preheating.

(ii) All accessible parts of a toy shall be tested for leakage current. If an insulating material is used for the enclosure or part of the enclosure, the leakage current shall be measured using a metal foil with an area not exceeding 10 by 20 centimeters in contact with accessible surfaces of such insulating material. Where the accessible surface of insulating material is less than 10 by 20 centimeters, the metal foil shall be the same size as the surface. The metal foil shall be so applied that it will not affect the temperature of the toy. The accessible parts shall be tested individually, collectively, and from one part to another.

(iii) Following the initial leakage current test, the toy shall be cooled down or heated up to 32° C. (90° F.). The toy shall then be conditioned for 48 hours in air at a temperature of 32°±2° C. (89.6°±3.6° F.) and with a relative humidity of 90–95 percent. The specified relative humidity shall be maintained inside a closed compartment in which a saturated solution of potassium sulphate is kept in a suitable container. Leakage current measurements shall be made, as specified in paragraph (e) (3) (ii) of this section and before the toy is energized, while the toy is in the humidity compartment.

(iv) With the connections intended for the source of supply connected thereto and then connected to the ungrounded side of a power supply circuit having a voltage equal to 110 percent of the rated voltage of the toy, the leakage current through a noninductive 1,500-ohm resistor connected between the grounded side of the supply circuit and each dead metal part (accessible and inaccessible) shall, when stable, be measured in accordance with the test provisions established in ANSI Standard C 101.1–1971, "American National Standard for Leakage Current for Appliances," approved November 17, 1970,[4] published by American National Standards Institute.

The toy shall then be removed from the humidity chamber, energized, and tested again after attaining its normal operating temperature. From these measurements, a leakage current with no resistance shall be calculated and used to determine compliance.

(v) For a toy whose outer enclosure consists wholly or partly of insulating material, the term "dead metal part" means metal foil tightly wrapped around the exterior of the enclosure in a manner that covers, but does not enter into, any enclosure openings.

(4) *Motor operation.* (i) A motor provided as part of a toy shall be capable of driving its maximum normal load in the toy without introducing any potentially hazardous condition. The performance of the toy shall be considered unacceptable if, during the test, temperatures in excess of those specified in § 191b.7 for Type D surfaces are attained on any accessible surface. The performance of the toy shall also be considered unacceptable if the rise in temperature during the test causes melting, scorching, embrittlement, or other evidence of thermal damage to the insulating material used to prevent exposure of live metal parts.

(ii) A motor-operated toy shall be tested with the motor stalled if the construction of the toy is such that any person can touch moving parts associated with the motor from outside the toy. The

[3] Copies may be obtained from: National Fire Protection Association, 60 Batterymarch Street, Boston, MA 02110.

[4] Copies may be obtained from: American National Standards Institute, 1430 Broadway, New York, NY 10018.

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performance of the toy shall be considered unacceptable if, during the test, temperatures higher than those specified in § 191b.8 are attained or if temperatures higher than those specified for Type C surfaces in § 191b.7 are attained on any accessible surface of the motor.

(5) *Overload*—(i) *Motor.* A motor-control switch that is a part of a toy shall be horsepower-rated to cover the load or shall be capable of performing acceptably when subjected to an overload test consisting of 50 cycles of operation by making and breaking the stalled-rotor current of the toy at maximum rated voltage. There shall be no electrical or mechanical failure nor any visible burning or pitting of the switch contacts as a result of this test.

(ii) *Switch.* To determine if a motor-control switch is capable of performing acceptably when subjected to overload conditions, the toy shall be connected to a grounded supply circuit of rated frequency and maximum rated voltage with the rotor of the motor locked into position. During the test, exposed dead metal parts of the toy shall be connected to ground through a 3-ampere plug fuse such that any single pole, current-rupturing device will be located in the ungrounded conductor of the supply circuit. If the toy is intended for use on direct current, or on direct current as well as alternating current, the exposed dead metal parts of the toy shall be so connected as to be positive with respect to a single pole, current-rupturing device. The switch shall be operated at a rate of not more than 10 cycles per minute. The performance of the toy shall be considered unacceptable if the fuse in the grounding connection is blown during the test.

(f) *Hydrokinetic*—(1) *General.* Electrically operated toy steam engines shall be capable of performing acceptably when subjected to the tests described in this paragraph.

(2) *Preliminary test.* The ultimate strength of the boiler assembly shall first be determined by applying a hydrostatic pressure to the boiler with all openings blocked (the pressure-relief valve, steam exhausts, and any whistle or other accessory shall be removed and the resulting openings sealed); however, a water or other type of gage shall be left in place. The hydrostatic pressure shall be applied slowly and the ultimate value which is attained shall be recorded.

(3) *Pressure-relief test.* A pressure gage shall be connected to the boiler assembly which shall then be operated normally. The pressure at which the pressure-relief valve functions shall be noted while the engine is shut off (if a shutoff valve is provided) and with the whistle, if any, turned off. The test shall be discontinued and shall be considered a failure if the observed pressure exceeds one-fifth the value attained in the preliminary test described in paragraph (f)(2) of this section.

(4) *Operating pressure test.* If the boiler is still intact and no failure has occurred, the pressure-relief valve shall then be rendered inoperable and all other valves (such as a whistle and exhaust from the assembly) shall be tightly closed. Operation shall be continued until the pressure becomes constant. This test shall be discontinued and shall be considered a failure if the observed pressure exceeds one-third the value attained in the preliminary test described in paragraph (f)(2) of this section. During this test, all valves, gaskets, joints, and similar components shall be sufficiently tightened to prevent leakage. Rupture of the boiler or of any other fittings supplied with the engine shall be considered a failure.

(5) *Hydrostatic test.* If there has been no failure, two previous untested toys shall withstand for 1 minute a hydrostatic pressure of 5 times the pressure at which the safety valve operated or 3 times the constant pressure observed with the pressure-relief valve inoperable, whichever is greater. During this test, all openings shall be blocked (the pressure-relief valve, steam exhaust from the assembly, and any whistle or other outlet); however, a water or other type of gage shall remain in place. Rupture of the boiler or of a gage shall be considered a failure.

(g) *Thermal*—(1) *General.* The normal operation of a toy includes performance in normal use and after being subjected to reasonably forseeable damage or abuse likely to produce the highest temperatures or, in the case of motor-operated toys, the load that most closely approximates the severest conditions of normal use or reasonably foreseeable damage or abuse.

(2) *Classification.* Parts or surfaces of a toy are classified according to their use or function as follows (for the purposes of paragraph (g)(2) (v), (vi), and (vii) of this section, accessibility shall be defined as the ability to reach a heated surface with a ¼-inch-diameter rod 3 inches long):

(i) *Type A.* A part or surface of a toy (such as a handle) likely to be grasped by the hand or fingers for the purpose of carrying the toy or lifting a separable lid.

(ii) *Type B.* A part or surface of a toy that is (*a*) part of a handle, knob, or similar component, as in Type A (described in subdivision (i) of this subparagraph), but which is not normally grasped or contacted by the hand or fingers for carrying (including parts of a handle within seven-sixteenths of an inch of the surface to which the handle is attached and parts of a finger knob within ¼ inch of the surface to which the knob is attached, if the remainder of the knob is large enough to be grasped), or (*b*) a handle, knob, or part that may be touched but which need not be grasped for carrying the toy or lifting a lid, door, or cover (e.g., support part of a handle or knob).

(iii) *Type C.* A part or surface of a toy that can be touched by casual contact or that can be touched without employing the aid of a common household tool (screwdriver, pliers, or other similar household tool) and that is either (*a*) a surface that performs an intended heating function (e.g., the soleplate of a flatiron, a cooking surface, or a heating element surface), or (*b*) a material heated by the element and intended to be used as the product of the toy, excluding pans, dishes, or other containers used to hold the material to be cooked or baked if a common utensil or other device is supplied with the toy and specific instructions are established for using such a device to remove the container from the heated area.

(iv) *Type C marked.* A Type C surface which has been marked with a precautionary statement of thermal hazards in accordance with § 191b.3(e)(2).

(v) *Type D.* An accessible part or surface of a toy other than Types A, B, C, or E (see subdivisions (i), (ii), (iii), and (vii) of this subparagraph).

(vi) *Type D marked.* A Type D surface which has been marked with a precautionary statement of thermal hazards in accordance with § 191b.3(e)(2).

(vii) *Type E.* A heated surface in an oven or other article that is inaccessible or protected by an electrical-thermal safety interlock. Such interlocks shall prohibit the operation of a heating device whenever such surfaces are accessible and shall not allow accessibility to such surfaces until the temperatures of those surfaces have been reduced to levels below those established for Type D surfaces (paragraph (g)(2)(v) of this section).

(3) *Requirements.* When tested under the conditions described in paragraph (g)(4) of this section, a toy shall not attain a temperature at any point sufficiently high to constitute a fire hazard or to adversely affect any materials employed and shall not show a maximum temperature higher than those established by §§ 191b.7 and 191b.8. These maximum surface temperature requirements are not applicable to educational- or hobby-type products such as lead-casting sets and wood-burning tools which are appropriately labeled on the shelf pack or package as being intended only for children over 12 years of age provided that the maximum surface temperature of any such toy does not exceed that reasonably required to accomplish the intended technical effect. Such toys shall be provided with specific instructions and the warning statements required by and in accordance with § 191b.3 (d) and (e), and shall be appropriately identified as educational or hobby-type products.

(4) *Test conditions*—(i) *General.* Tests shall be conducted while the toy is connected to a circuit of 60-cycle-per-second (60 Hertz) current using the materials supplied with the toy or using materials otherwise intended to be used with the toy. Following such tests, the toy shall be energized for a 6-hour period to determine that no hazardous conditions would result from unattended use of the toy.

(ii) *Temperature.* Normally, tests shall be performed at an ambient (room) temperature of 25° C. (77° F.); however, a test may be conducted at any ambient temperature within the range of 21° to 30° C. (69.8° to 86° F.).

(iii) *Voltage.* The toy shall be tested at the voltage indicated in the manufacturer's rating or at 120 volts, whichever is greater.

(5) *Temperature measurements*—(i) *General.* Temperatures shall be measured by means of instruments utilizing thermocouples of No. 30 AWG (American Wire Gage) wire (either copper and constantan or iron and constantan) and potentiometer-type instruments that are accurate and are calibrated in accordance with current good laboratory practices. The thermocouple wire shall conform with the requirements for "special" thermocouples as listed in the table of limits of error of thermocouples (Table VIII) in "American Standard for Temperature Measurement Thermocouples, C96.1–1964,"[5] approved June 9, 1964, by American National Standards Institute, Inc. The Standard was sponsored and published by the Instrument Society of America.

(ii) *Test procedures.* The thermocouple junction and adjacent thermocouple lead wire shall be securely held in good thermal contact with the surface of the material whose temperature is being measured. In most cases, good thermal contact will result from securely taping or cementing the thermocouple in place. If a metal surface is involved, brazing or soldering the thermocouple to the metal may be necessary. The surface temperatures of a toy shall be measured with the toy operating in any unattended condition (e.g., with and without opening and closing doors or covers) for a sufficient period of time to allow temperatures to become constant, or, in the case of a toy with a thermostatically controlled heating element, for a sufficient period of time to determine the maximum surface temperature attained. A temperature shall be considered to be constant when three successive readings taken at 15-minute intervals indicate no change.

(iii) *Heating devices.* Toy ovens, casting toys, popcorn and candymakers, and other toys requiring the insertion of any materials or substances shall be additionally tested by feeding crumpled strips of newspaper and tissue paper into or onto the toy in place of the intended materials or substances. The test strips shall be conditioned for at least 48 hours in air at a temperature of 25°±4° C. (77°±7° F.) and a relative humidity of 50 percent ±5 percent. The test strips shall be 2 inches wide by 8 inches long before crumpling. The crumpled paper shall occupy not more than 25 percent of the accessible volume. The performance of the toy shall be considered unacceptable if flaming occurs within a 60-minute period following the attainment of normal operating temperatures. If a light bulb is used for heating purposes, the test shall be conducted using the largest wattage bulb that can be easily inserted into the socket.

(h) *Strain-relief test.* (1) The strain-relief means provided on the flexible power cord of a toy shall be capable of withstanding a direct pull of 35 pounds applied to the cord for 2 minutes without displacement of the strain-relief unit or a deformation of the anchoring surface that would produce a stress which would result in a potentially hazardous condition. A 35-pound weight shall be attached to the cord and supported by the toy in such a manner that the strain-relief means is stressed from any angle that the construction of the toy permits. The test shall be conducted with the electrical connection within the toy disconnected.

(2) The initial 2-minute test shall be conducted with the force vector parallel to the longitudinal axis of the cord and perpendicular to the anchoring surface of the strain-relief unit. Each test at other angles of stress shall be conducted for periods of 1 minute. The strain-relief means is not acceptable if, at the point of disconnection of the cord, there is any movement of the cord to indicate that stress would have resulted on the connections.

(3) Except for toys weighing more than 10 pounds, the strain-relief unit and its support base shall be designed and constructed in such a manner that no indication of stress would result which would produce a hazard when the cord is held firmly in place 3 feet from the strain-relief unit and the toy is dropped the 3 feet at any angle.

[5] Copies may be obtained from: Instrument Society of America, 530 William Penn Place, Pittsburgh, PA 15219.

§ 191b.7 Maximum acceptable surface temperatures.

The maximum acceptable surface temperatures for electrically operated toys shall be as follows:

Material	Degrees C.	Degrees F.
Capacitors	(1)	(1)
Class 105 insulation on windings or relays, solenoids, etc.:		
Thermocouple method [2]	90	194
Resistance method	110	230
Class 130 insulation system	110	230
Insulation:		
Varnished-cloth insulation	85	185
Fiber used as electrical insulation	90	194

	Class A	Class B	Class A	Class B
Insulation on coil windings of a.c. motors (not including universal motors) and on vibrator coils:				
In open motors and on vibrator coils—thermocouple or resistance method [2]	100	120	212	248
In totally enclosed motors—thermocouple or resistance method [2]	105	125	221	257
Insulation on coil windings of d.c. motors and of universal motors:				
In open motors:				
Thermocouple method [2]	90	110	194	230
Resistance method	100	120	212	248
In totally enclosed motors:				
Thermocouple method [2]	95	115	203	239
Resistance method	105	125	221	257
Phenolic composition [3]	--	150	302	--
Rubber- or thermoplastic-insulated wires and cords [3]	--	60	140	--
Sealing compound	--	(4)	(5)	--
Supporting surface while the toy is operating normally	--	90	194	--
Wood and other similar combustible material	--	90	194	--

[1] If the capacitor has no marked temperature limit, the maximum acceptable temperature will be assumed to be 65° C. (149° F.) for an electrolytic type and 90° C. (194° F.) for other than an electrolytic type.

[2] The temperature indicated refers to the hottest spot on the outside surface of the coil measured by the thermocouple method.

[3] The limitations on rubber- and thermoplastic-insulated wires and cords and on phenolic composition do not apply if the insulation or the phenolic has been investigated and found to have special heat-resistant properties, or if the insulation meets the thermal requirements.

[4] 40 less than melting point.

[5] 104 less than melting point.

Surface type (as described in § 191b.6(g)(2))	Thermal inertia type [1]	Temperatures	
		Degrees C.	Degrees F.
A	1	50	122
A	2	55	131
A	3	60	140
B	1	55	131
B	2	65	149
B	3	75	167
C (unmarked)	1	65	149
C (unmarked)	2	75	167
C (unmarked)	3	85	185
C (unmarked)	4	95	203
C marked	1	70	158
C marked	2	90	194
C marked	3	110	230
C marked	4	130	266
D (unmarked)	1	55	131
D (unmarked)	2	70	158
D (unmarked)	3	80	176
D (unmarked)	4	90	194
D marked	1	60	140
D marked	2	75	167
D marked	3	100	212
D marked	4	125	257
E	(2)	(3)	(3)

[1] Thermal inertia types are defined in terms of lambda as follows:
Type 1: Greater than 0.0045 (e.g., most metals).
Type 2: More than 0.0005 but not more than 0.0045 (e.g., glass).
Type 3: More than 0.0001 but not more than 0.0005 (e.g., most plastics).
Type 4: 0.0001 or less (e.g., future polymeric materials).
The thermal inertia of a material can be obtained by multiplying the thermal conductivity (cal./cm./sec./degrees C.) by the density (gm./cm.^{3}) by the specific heat (cal./gm./degrees C.).

[2] All types.

[3] No limit.

§ 191b.8 Maximum acceptable material temperatures.

The maximum acceptable material temperatures for electrically operated toys shall be as follows (Classes 105, 130, A, and B are from "Motors and Generators," Standard MG–1–1967[6] published by the National Electrical Manufacturers Association):

[6] Copies may be obtained from: National Electrical Manufacturers Association, 155 East 44th Street, New York, NY 10017.

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Effective date. This order shall become effective on September 3, 1973.

(Secs. 2(f)(1)(D), (r), (a), (t), 3(e)(1), 74 Stat. 372, 374, 375, as amended 83 Stat. 187-189; 15 U.S.C. 1261, 1262)

Dated: March 2, 1973.

WILLIAM F. RANDOLPH,
Acting Associate Commissioner for Compliance.

NOTE: Incorporation by reference provisions approved by the Director of the Federal Register March 1, 1973.

[FR Doc.73-4322 Filed 3-6-73;8:45 am]

Title 26—Internal Revenue

CHAPTER I—INTERNAL REVENUE SERVICE, DEPARTMENT OF THE TREASURY

SUBCHAPTER A—INCOME TAX

[T.D. 7263]

PART 1—INCOME TAX; TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1953

SUBCHAPTER F—PROCEDURE AND ADMINISTRATION

PART 301—PROCEDURE AND ADMINISTRATION

Expenses of Work Incentive Programs

By a notice of proposed rule making appearing in the FEDERAL REGISTER on October 3 and October 19, 1972 (37 FR 20700, 22387), amendments to the Income Tax Regulations (26 CFR Part 1) and the regulations on procedure and administration (26 CFR Part 301) were proposed in order to conform such regulations to the provisions of section 601 of the Revenue Act of 1971 (85 Stat. 553), relating to the Work Incentive (WIN) program tax credit. After consideration of all such relevant matter as was presented by interested persons regarding the rules proposed, certain changes were made, and the proposed amendments of the Income Tax Regulations (26 CFR Part 1) which are contained in paragraphs 1 and 2 of the appendix to the notice of proposed rule making, subject to the changes indicated below, are adopted by this document. The proposed amendments to the Income Tax Regulations (26 CFR Part 1) and the regulations on procedure and administration (26 CFR Part 301) which are contained in paragraphs 3 through 16 of the appendix to the notice of proposed rule making will be the subject of a subsequent document.

The WIN tax credit, enacted as title VI of the Revenue Act of 1971, is effective for taxable years beginning after 1971. The new tax credit is designed to encourage private business to hire persons participating in the Federal Work Incentive Program. The Labor Department has estimated that as many as 1.5 million welfare recipients are eligible for jobs which would give rise to a WIN tax credit.

The new tax provisions permit employers to claim a dollar-for-dollar business income tax credit of 20 percent of the wages paid to a WIN program employee for services performed in their trade or business during the first 12 months of employment, whether these months are consecutive or not, provided the 12 months of employment are completed within a 2-year period and the employee is paid wages comparable to those paid other employees doing similar work.

The credit for a taxable year may not exceed $25,000, plus 50 percent of the taxpayer's income tax liability in excess of $25,000. In the case of a married individual who files a separate return, the credit may not exceed $12,500 plus 50 percent of the taxpayer's income tax liability in excess of $12,500. The latter limitation does not apply if the spouse of the taxpayer has no Work Incentive Program expenses for, and no unused credit carryback or carryover to, the taxable year of such spouse which ends within or with the taxpayer's taxable year.

An eligible WIN program employee must be certified under procedures previously announced by the Labor Department on May 14, 1972.

Guidelines are provided in the new regulations for determining what constitutes the first 12 months of employment during which wages are eligible for the tax credit, and what constitutes a termination of employment, or a failure to pay comparable wages, thereby giving rise to a recapture of previously allowed WIN tax credit. Rules are set forth for the carrybacks and carryforwards, and for credit, for recomputing the allowable credit in the case of net operating loss carrybacks and carryfordwards, and for the operation of the credit and credit-recapture provisions in cases concerning small business (subchapter S) corporations, trusts and estates, and partnerships.

Section 1.50A-3(c)(2) of the new regulations provides the rules for determining the first 12 months of employment (whether or not consecutive), the wages for which are eligible for the WIN credit. Under these rules, the first month begins with the date the employee reports for work, the second month begins with the corresponding date of the following calendar month, and so forth. If the employee performs any services whatsoever in any of these monthly periods, that monthly period counts in determining the employee's first 12 months of employment (whether or not consecutive). These rules were selected from among several possibilities because they are easy for both taxpayers and the Internal Revenue Service to apply.

Section 1.50A-4(b) of the new regulations provides that, for certain purposes, an employee will not be deemed to terminate his employment voluntarily if he quits because his employer makes his working conditions so untenable that he is, in effect, compelled by the employer to quit. This rule is included in the regulations to prevent an employer from avoiding certain adverse treatment of a previously allowed WIN credit by, in effect, compelling the employee to quit. Such a termination cannot be said to be voluntary on the part of the employee.

Several changes have been made in these final regulations from the proposed version. One of these changes deals with section 50A(c)(2)(A)(ii) of the Internal Revenue Code and § 1.50A-4(c) of the new regulations which provide that a previously allowed work incentive program credit is not subject to recapture on account of the early termination of the employment of a WIN employee where the employee becomes disabled to perform the services required by such employment. This exception to the recapture provisions of section 50A(c)(1) does not apply if before the end of the first 12 months of employment (whether or not consecutive) and the following 12 calendar months, the disability of a terminated WIN employee is removed, but the employer fails to offer reemployment to such employee. It may be difficult in many cases for the employer to know whether such employee's disability has been removed, and therefore to know whether to offer reemployment to such employee in order to avoid having his credit for the expenses incurred with respect to that employee recaptured. Therefore, the final regulations have been changed from the proposed version to make it clear that before the recapture tax can be imposed because of a termination of employment due to disability, the disability must be removed, the employer must know of the removal of such disability, and the employer must fail to offer reemployment to the employee, all within the above-described period of time.

Section 1.50A-3(a)(1)(ii) of the proposed regulations contains a rule that a temporary suspension of employment (such as for a model change in the automobile industry) is not considered to be a termination of employment if the suspension is for less than 60 days and is required by the circumstances in the particular industry. It was felt this rule would be too harsh for small employers who may need to temporarily suspend their employees while they retool or re-equip their plants. Such a temporary suspension of employment could be dictated by considerations facing a particular employer rather than by circumstances within his industry as a whole. Thus, under the rule contained in the proposed regulations such an employer might be considered to have terminated a WIN employee's employment. Paragraph (a)(1)(ii) of § 1.50A-3 of the proposed regulations has been revised by deleting the requirement that a temporary suspension of employment must be required by the circumstances in a particular industry. Language has been added to make it clear that only the installation of new equipment or the retooling of existing equipment by the taxpayer which results in a suspension of employment which is not longer than 60 days will not be deemed a termination of employment.

Another change in the final regulations deals with the agreement to be signed by the shareholders of an electing small business (subchapter S) corporation (a corporation which elects under subchapter S of the Internal Revenue Code to be taxed, in general, as a partnership). Generally, § 1.50A-5(b) of the new regulations provides that if a corporation makes a valid election under section 1372 of the Code to be a subchapter S corporation, the employment of any WIN employee whose initial date of employment occurred prior to this election shall be considered as terminated, and the credit claimed with respect to the expenses incurred for such employee may be recaptured. However, if the shareholders and the corporation execute the agreement provided for in the regulations, the credit will not be recaptured.

This agreement, which is provided for in paragraph (b)(2), of § 1.50A-5, has been revised to cover two situations in which the shareholders and the electing corporation agree to be jointly and severally liable to pay a recapture tax. The first situation, which was also covered in the proposed regulations, occurs if a WIN employee is terminated before the close of the first 12 months of employment (whether or not consecutive) or before the close of the following 12 calendar months. The second situation, which has been added by the final regulations, specifies that the shareholders and the corporation must pay the recapture tax if during the above period the corporation pays a WIN employee wages which are less than wages paid other employees who are performing comparable services. This agreement applies only to the credit which was allowed the corporation before the election under Subchapter S.

Form 4878, Credit for Wages Paid or Incurred in Work Incentive (WIN) Programs, is to be used to compute and claim the WIN credit. This form is available at local IRS offices.

Adoption of amendments to the regulations. On October 3 and October 19, 1972, notice of proposed rule making with respect to the Income Tax Regulations (26 CFR Part 1) and the regulations on procedures and administration (26 CFR Part 301) under sections 39, 40, 42, 50A, 50B, 6411, 6501, 6511, 6601, and 6611 of the Internal Revenue Code of 1954 to conform such regulations to section 601 of the Revenue Act of 1971 (85 Stat. 553), relating to credit for certain expenses incurred in work incentive programs, was published in the FEDERAL REGISTER (37 FR 20700, 22387). After consideration of all relevant matter presented by interested persons regarding the proposed rules, the amendment of the Income Tax Regulations (26 CFR Part 1) under sections 39, 40, 42, 50A, and 50B is hereby adopted, subject to the following changes.

PARAGRAPH 1. Section 1.50A-1, as set forth in paragraph 2 of the appendix to the notice of proposed rule making, is amended by revising paragraph (a) and so much of paragraph (b) as follows subparagraph (2) to read as set forth below.

PAR. 2. Section 1.50A-2, as set forth in paragraph 2 of the appendix to the notice of proposed rule making, is amended by revising paragraphs (a)(2), (b), and (c) thereof to read as set forth below.

PAR. 3. Section 1.50A-3, as set forth in paragraph 2 of the appendix to the notice of proposed rule making, is amended by revising subdivision (ii) of paragraph (a)(1) and (c) of the example contained in subdivision (ii) of paragraph (b)(3) thereof to read as set forth below.

PAR. 4. Section 1.50A-4, as set forth in paragraph 2 of the appendix to the notice of proposed rule making, is amended by revising paragraphs (c) and (d), by revising subparagraph (1) of paragraph (f), by revising subdivision (i) of example (1) of paragraph (f)(2), by revising subdivision (ii)(a) of paragraph (g)(1) to correct a typographical error, by revising subdivision (iii) of paragraph (g)(3), and by revising subdivision (i) of example (4) of paragraph (g)(5). These revised provisions read as set forth below.

PAR. 5. Section 1.50A-5, as set forth in paragraph 2 of the appendix to the notice of proposed rule making, is amended by revising subparagraph (2) of paragraph (b) to read as set forth below.

PAR. 6. Section 1.50A-6, as set forth in paragraph 2 of the appendix to the notice of proposed rule making, is amended by revising paragraph (b) thereof to read as set forth below.

PAR. 7. Section 1.50A-7, as set forth in paragraph 2 of the appendix to the notice of proposed rule making, is amended by revising subdivisions (ii) and (iii) of paragraph (a)(2), by revising subparagraph (3) of paragraph (a), and by revising subdivision (i) of example (1) of paragraph (b). These revised provisions read as set forth below.

PAR. 8. Section 1.50B-1, as set forth in paragraph 2 of the appendix to the notice of proposed rule making, is amended by revising subparagraph (1) of paragraph (a), by revising example (2) of subparagraph (2) of paragraph (a), and by revising paragraph (h). These revised provisions read as set forth below.

PAR. 9. Section 1.50B-2, as set forth in paragraph 2 of the appendix to the notice of proposed rule making, is amended by revising subparagraphs (2) and (3) of paragraph (a) and by revising subdivision (iii) of example (1) of paragraph (c). These revised provisions read as set forth below.

PAR. 10. Section 1.50B-3, as set forth in paragraph 2 of the appendix to the notice of proposed rule making, is amended by revising subparagraphs (2), (3), and (4) of paragraph (a), by revising paragraph (d), and by revising example (2) of paragraph (f). These revised provisions read as set forth below.

PAR. 11. Section 1.50B-4, as set forth in paragraph 2 of the appendix to the notice of proposed rule making, is amended by revising subparagraph (2) of paragraph (a) and by revising subdivision (i) of example (4) of paragraph (c) to correct a typographical error. These revised provisions read as set forth below.

PAR. 12. Section 1.50B-5, as set forth in paragraph 2 of the appendix to the notice of proposed rule making, is amended by revising so much of subparagraph (2) of paragraph (b) thereof as follows subdivision (ii) to read as set forth below.

(Secs. 40(b) and 7805 Internal Revenue Code of 1954 (85 Stat. 553; 68A Stat. 917; 26 U.S.C. 40(b), 7805))

[SEAL] JOHNNIE M. WALTERS,
Commissioner of Internal Revenue.

Approved: March 2, 1973.

FREDERIC W. HICKMAN,
Assistant Secretary of the Treasury.

In order to conform the Income Tax Regulations (36 CFR Part 1) and the regulations on procedure and administration (36 CFR Part 301) to the provisions of section 601 of the Revenue Act of 1971 (85 Stat. 553), relating to credit for certain expenses incurred in work incentive programs, such regulations are amended as follows:

Sec.	
1.39	Statutory provisions; certain uses of gasoline, special fuels, and lubricating oil.
1.40	Statutory provisions; expenses of work incentive programs.
1.40-1	Expenses of work incentive program.
1.42	Statutory provisions; overpayments of tax.
1.50A	Statutory provisions; amount of credit.
1.50A-1	Determination of amount.
1.50A-2	Carryback and carryover of unused credit.
1.50A-3	Recomputation of credit allowed by section 40.
1.50A-4	Exceptions to the application of § 1.50A-3.
1.50A-5	Electing small business corporation.
1.50A-6	Estates and trusts.
1.50A-7	Partnerships.
1.50B	Statutory provisions; definitions; special rules.
1.50B-1	Definitions of WIN expenses and WIN employees.
1.50B-2	Electing small business corporations.
1.50B-3	Estates and trusts.
1.50B-4	Partnerships.
1.50B-5	Limitations with respect to certain persons.
1.6411	Statutory provisions; tentative carryback adjustments.
1.6411-1	Tentative carryback adjustments.
1.6411-2	Computation of tentative carryback adjustment.
1.6411-3	Allowance of adjustments.
301.6411	Statutory provisions; tentative carryback adjustments.
301.6501(m)	Statutory provisions; limitations on assessment and collections; tentative carryback adjustment period.
301.6501(m)-1	Tentative carryback adjustment assessment period.
301.6501(o)	Statutory provisions; limitation on assessment and collection; work incentive program credit carrybacks.
301.6501(o)-1	Work incentive program credit carrybacks, taxable years beginning after December 31, 1971.

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Sec.
301.6511 Statutory provisions; limitations on credit or refund; special rules applicable to income taxes.
301.6511(d)-7 Overpayment of income tax on account of work incentive program credit carryback.
301.6601 Statutory provisions; interest on underpayment, nonpayment, or extensions of time for payment, of tax.
301.6601-1 Interest on underpayments.
301.6611 Statutory provisions; interest on overpayments.
301.6611-1 Interest on overpayments.

PARAGRAPH 1. Section 1.39 is redesignated as § 1.42 and the historical note thereto is revised. There is inserted immediately after § 1.38-1 new §§ 1.39, 1.40 and 1.40-1. These redesignated, revised, and new provisions read as follows:

§ 1.39 Statutory provisions; certain uses of gasoline, special fuels, and lubricating oil.

SEC. 39. *Certain uses of gasoline, special fuels, and lubricating oil*—(a) *General rule.* There shall be allowed as a credit against the tax imposed by this subtitle for the taxable year an amount equal to the sum of the amounts payable to the taxpayer—

(1) Under section 6420 with respect to gasoline used during the taxable year on a farm for farming purposes (determined without regard to section 6420(h)),

(2) Under section 6421 with respect to gasoline used during the taxable year (A) otherwise than as a fuel in a highway vehicle or (B) in vehicles while engaged in furnishing certain public passenger land transportation service (determined without regard to section 6421(i)),

(3) Under section 6424 with respect to lubricating oil used during the taxable year otherwise than in a highway motor vehicle (determined without regard to section 6424(g)), and

(4) Under section 6427 with respect to fuels used for nontaxable purposes or resold during the taxable year (determined without regard to section 6427(f)).

(b) *Transitional rules.* For purposes of paragraphs (1) and (2) of subsection (a), a taxpayer's first taxable year beginning after June 30, 1965, shall include the period after June 30, 1965, and before the beginning of such first taxable year. For purposes of paragraph (3) of subsection (a), a taxpayer's first taxable year beginning after December 31, 1965, shall include the period after December 31, 1965, and before the beginning of such first taxable year.

(c) *Exception. Credit shall not be allowed* under subsection (a) for any amount payable under section 6421, 6424, or 6427, if a claim for such amount is timely filed, and under section 6421(i), 6424(g), or 6427(f) is payable, under such section.

[Sec. 39 as added by sec. 809(c), Excise Tax Reduction Act 1965 (79 Stat. 167) and as amended by sec. 207(c) Airport and Airway Development Act 1970 (84 Stat. 248)]

§ 1.40 Statutory provisions; expenses of work incentive programs.

SEC. 40. *Expenses of work incentive programs*—(a) *General rule.* There shall be allowed, as a credit against the tax imposed by this chapter, the amount determined under Subpart C of this part.

(b) *Regulations.* The Secretary or his delegate shall prescribe such regulations as may be necessary to carry out the purposes of this section and Subpart C.

[Sec. 40 as added by sec. 601(a), Rev. Act 1971 (85 Stat. 553)]

§ 1.40-1 Expenses of work incentive program.

Section 1.50A-1 through 1.50B-6, inclusive, are prescribed under the authority granted the Secretary or his delegate by section 40(b) of the Code to prescribe such regulations as may be necessary to carry out the purposes of section 40 and Subpart C, Part IV, Subchapter A, Chapter 1 of the Code.

§ 1.42 Statutory provisions; overpayments of tax.

SEC. 42. *Overpayments of tax.* For credit against the tax imposed by this subtitle for overpayments of tax, see section 6401.

[Sec. 42 as renumbered by sec. 601(a), Rev. Act 1971 (85 Stat. 553); as previously renumbered as sec. 39 by sec. 2(a), Rev. Act 1962 (76 Stat. 962); and as previously renumbered as sec. 40 by sec. 809(c), Excise Tax Reduction Act 1965 (79 Stat. 167).]

PAR. 2. There are inserted immediately after § 1.50-1 the following new sections:

RULES FOR COMPUTING CREDIT FOR EXPENSES OF WORK INCENTIVE PROGRAMS

§ 1.50A Statutory provisions; amount of credit.

SEC. 50A. *Amount of credit*—(a) *Determination of amount*—(1) *General rule.* The amount of the credit allowed by section 40 for the taxable year shall be equal to 20 percent of the work incentive program expenses (as defined in section 50B(a)).

(2) *Limitation based on amount of tax.* Notwithstanding paragraph (1), the credit allowed by section 40 for the taxable year shall not exceed—

(A) So much of the liability for tax for the taxable year as does not exceed $25,000, plus

(B) 50 percent of so much of the liability for tax for the taxable year as exceeds $25,000.

(3) *Liability for tax.* For purposes of paragraph (2), the liability for tax for the taxable year shall be the tax imposed by this chapter for such year, reduced by the sum of the credits allowable under—

(A) Section 33 (relating to foreign tax credit),

(B) Section 35 (relating to partially tax exempt interest),

(C) Section 37 (relating to retirement income),

(D) Section 38 (relating to investment in certain depreciable property), and

(E) Section 41 (relating to contributions to candidates for public office).

For purposes of this paragraph, any tax imposed for the taxable year by section 56 (relating to minimum tax for tax preferences), section 531 (relating to accumulated earnings tax), section 541 (relating to personal holding company tax), or section 1378 (relating to tax on certain capital gains of Subchapter S corporations), and any additional tax imposed for the taxable year by section 1351(d)(1) (relating to recoveries of foreign expropriation losses), shall not be considered tax imposed by this chapter for such year.

(4) *Married individuals.* In the case of a husband or wife who files a separate return, the amount specified under subparagraph (A) and (B) of paragraph (2) shall be $12,500 in lieu of $25,000. This paragraph shall not apply if the spouse of the taxpayer has no work incentive program expenses for, and no unused credit carryback or carryover to, the taxable year of such spouse which ends within or with the taxpayer's taxable year.

(5) *Controlled groups.* In the case of a controlled group, the $25,000 amount specified under paragraph (2) shall be reduced for each component member of such group by apportioning $25,000 among the component members of such group in such manner as the Secretary or his delegate shall by regulations prescribe. For purposes of the preceding sentence, the term "controlled group" has the meaning assigned to such term by section 1563(a).

(b) *Carryback and carryover of unused credit*—(1) *Allowance of credit.* If the amount of the credit determined under subsection (a)(1) for any taxable year exceeds the limitation provided by subsection (a)(2) for such taxable year (hereinafter in this subsection referred to as "unused credit year"), such excess shall be—

(A) A work incentive program credit carryback to each of the 3 taxable years preceding the unused credit year, and

(B) A work incentive program credit carryover to each of the 7 taxable years following the unused credit year, and shall be added to the amount allowable as a credit by section 40 for such years, except that such excess may be a carryback only to a taxable year beginning after December 31, 1971. The entire amount of the unused credit for an unused credit year shall be carried to the earliest of the 10 taxable years to which (by reason of subparagraphs (A) and (B)) such credit may be carried, and then to each of the other 9 taxable years to the extent that, because of the limitation contained in paragraph (2), such unused credit may not be added for a prior taxable year to which such unused credit may be carried.

(2) *Limitation.* The amount of the unused credit which may be added under paragraph (1) for any preceding or succeeding taxable year shall not exceed the amount by which the limitation provided by subsection (a)(2) for such taxable year exceeds the sum of—

(A) The credit allowable under subsection (a)(1) for such taxable year, and

(B) The amounts which, by reason of this subsection, are added to the amount allowable for such taxable year and attributable to taxable years preceding the unused credit year.

(c) *Early termination of employment by employer, etc.*—(1) *General rule.* Under regulations prescribed by the Secretary or his delegate—

(A) *Work incentive program expenses.* If the employment of any employee with respect to whom work incentive program expenses are taken into account under subsection (a) is terminated by the taxpayer at any time during the first 12 months of such employment (whether or not consecutive) or before the close of the 12th calendar month after the calendar month in which such employee completes 12 months of employment with the taxpayer, the tax under this chapter for the taxable year in which such employment is terminated shall be increased by an amount (determined under such regulations) equal to the credits allowed under section 40 for such taxable year and all prior taxable years attributable to work incentive program expenses paid or incurred with respect to such employee, and

(B) *Carrybacks and carryovers adjusted.* In the case of any termination of employment to which subparagraph (A) applies, the carrybacks and carryovers under subsection (b) shall be properly adjusted.

(2) *Subsection not to apply in certain cases*—(A) *In general.* Paragraph (1) shall not apply to—

(i) A termination of employment of an employee who voluntarily leaves the employment of the taxpayer,

(ii) A termination of employment of an individual who, before the close of the period

referred to in paragraph (1)(A), becomes disabled to perform the services of such employment, unless such disability is removed before the close of such period and the taxpayer fails to offer reemployment to such individual, or

(iii) A termination of employment of an individual, if it is determined under the applicable State unemployment compensation law that the termination was due to the misconduct of such individual.

(B) *Change in form of business, etc.* For purposes of paragraph (1), the employment relationship between the taxpayer and an employee shall not be treated as terminated—

(i) By a transaction to which section 381(a) applies, if the employee continues to be employed by the acquiring corporation, or

(ii) By reason of a mere change in the form of conducting the trade or business of the taxpayer, if the employee continues to be employed in such trade or business and the taxpayer retains a substantial interest in such trade or business.

(3) *Special rule.* Any increase in tax under paragraph (1) shall not be treated as tax imposed by this chapter for purposes of determining the amount of any credit allowable under subpart A.

(d) *Failure to pay comparable wages*—(1) *General rule.* Under regulations prescribed by the Secretary or his delegate, if during the period described in subsection (c)(1)(A), the taxpayer pays wages (as defined in section 50B(b)) to an employee with respect to whom work incentive program expenses are taken into account under subsection (a) which are less than the wages paid to other employees who perform comparable services, the tax under this chapter for the taxable year in which such wages are so paid shall be increased by an amount (determined under such regulations) equal to the credits allowed under section 40 for such taxable year and all prior taxable years attributable to work incentive program expenses paid or incurred with respect to such employee, and the carrybacks and carryovers under subsection (b) shall be properly adjusted.

(2) *Special rule.* Any increase in tax under paragraph (1) shall not be treated as tax imposed by this chapter for purposes of determining the amount of any credit allowable under Subpart A.

[Sec. 50A as added by sec. 601(b), Rev. Act 1971 (85 Stat. 554)]

§ 1.50A-1 Determination of amount.

(a) *In general.* Except as otherwise provided in this section and in § 1.50A-2, the amount of the work incentive program (WIN) credit allowed by section 40 for the taxable year is equal to 20 percent of the taxpayer's WIN expenses (as determined under paragraph (a) of § 1.50B-1). The amount equal to 20 percent of the WIN expenses shall be referred to in this section and §§ 1.50A-2 through 1.50B-5 as the "credit earned."

(b) *Limitation based on amount of tax.* Notwithstanding the amount of the credit earned for the taxable year, under section 50A(a)(2) the credit allowed by section 40 for the taxable year is limited to—

(1) If the liability for tax (as defined in paragraph (c) of this section) is $25,000 or less, the liability for tax; or

(2) If the liability for tax is more than $25,000, then, the first $25,000 of the liability for tax plus 50 percent of the liability for tax in excess of $25,000. However, such $25,000 amount may be reduced in the case of certain married individuals filing separate returns (see paragraph (e) of this section); corporations which are members of a controlled group (see paragraph (f) of this section); estates and trusts (see paragraph (c) of § 1.50B-3); and organizations to which section 593 applies, regulated investment companies or real estate investment trusts subject to taxation under Subchapter M, Chapter 1 of the Code, and cooperative organizations described in section 1381(a) (see § 1.50B-5). The excess of the credit earned for the taxable year over the limitations described in this paragraph for such taxable year is an unused credit which may be carried back or forward to other taxable years in accordance with § 1.50A-2.

(c) *Liability for tax.* For the purpose of computing the limitation based on amount of tax, section 50A(a)(3) defines the liability for tax as the income tax imposed for the taxable year by Chapter 1 of the Code (including the 6 percent additional tax imposed by section 1562(b)), reduced by the sum of the credits allowable under—

(1) Section 33 (relating to taxes of foreign countries and possessions of the United States),

(2) Section 35 (relating to partially tax-exempt interest received by individuals),

(3) Section 37 (relating to retirement income),

(4) Section 38 (relating to investment in certain depreciable property), and

(5) Section 41 (relating to contributions to candidates for public office).

For purposes of this paragraph, the tax imposed for the taxable year by section 56 (relating to imposition of minimum tax for tax preferences), section 531 (relating to imposition of accumulated earnings tax), section 541 (relating to imposition of personal holding company tax), or section 1378 (relating to tax on certain capital gains of Subchapter S corporations), and any additional tax imposed for the taxable year by section 1351(d)(1) (relating to recoveries of foreign expropriation losses), shall not be considered tax imposed by Chapter 1 of the Code for such year. Thus, the liability for tax for purposes of computing the limitation based on amount of tax for the taxable year is determined without regard to any tax imposed by section 56, 531, 541, 1351(d)(1) or 1378 of the Code. In addition, any increase in tax resulting from the application of section 50A(c) and (d) and § 1.50A-3 (relating to recomputation of credit allowed due to early termination of employment by employer, or failure to pay comparable wages) shall not be treated as tax imposed by Chapter 1 of the Code for purposes of computing the liability for tax. See section 50A(c)(3) and (d)(2).

(d) *Example.* The application of paragraphs (a), (b), and (c) of this section may be illustrated by the following example:

Example. X Corporation's WIN expenses for its taxable year ending December 31, 1973, are $500,000. X's credit earned for its taxable year is $100,000 (20 percent of $500,000). X's income tax for such year, computed without regard to credits against tax and without regard to any tax imposed by section 56, 531, 541, 1351(d)(1) or 1378, is $190,000. That amount includes $5,000 resulting from the application of section 50A(c)(3) and § 1.50A-3. X is allowed under section 33 a foreign tax credit of $50,000. X's liability for tax is computed as follows:

Income tax (including increase in tax under section 50A(c)(3), but before any credits and without regard to any tax imposed by section 56, 531, 541, 1351(d)(1) or 1378)	$190,000
Less:	
Increase in tax resulting from application of section 50A(c)(3)	$5,000
Foreign tax credit	50,000
	55,000
Liability for tax	135,000

Under section 50A(a)(2) and paragraph (b) of this section, X's limitation based on amount of tax for the taxable year is $80,000 ($25,000 plus 50 percent of $110,000). X Corporation's credit allowed by section 40 for the taxable year therefore is $80,000. X has an unused credit for the year of $20,000 ($100,000 less $80,000) which it may carry back or forward to other taxable years in accordance with § 1.50A-2.

(e) *Married individuals.* If a separate return is filed by a husband or wife, the limitation based on amount of tax under paragraph (b) of this section shall be computed by substituting a $12,500 amount for the $25,000 amount in applying such paragraph (b). However, this reduction of the $25,000 amount to $12,500 applies only if the taxpayer's spouse is entitled to a credit under section 40 for the taxable year of such spouse which ends with, or within, the taxpayer's taxable year. The taxpayer's spouse is entitled to a credit under section 40 either because of incurring WIN expenses for such taxable year of the spouse (whether directly incurred by such spouse or whether apportioned to such spouse, for example, from an electing small business corporation, as defined in section 1371(b)), or because of a credit carryback or carryover to such taxable year under § 1.50A-2. The determination of whether an individual is married shall be made under the principles of section 143 and the regulations thereunder.

(f) *Apportionment of $25,000 amount among component members of a controlled group*—(1) *In general.* In determining the limitation based on amount of tax under section 50A(a)(2) in the case of corporations which are component members of a controlled group of corporations on a December 31, only one $25,000 amount is available to such component members for their taxable years that include such December 31. See subparagraph (2) of this paragraph for apportionment of such amount among such component members. See subparagraph (3) of this paragraph for the definition of "component member."

(2) *Manner of apportionment.* (1) In the case of corporations which are com-

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ponent members of a controlled group on a particular December 31, the $25,000 amount may be apportioned among such members for their taxable years that include such December 31 in any manner the component members may select, provided that each such member less than 100 percent of whose stock is owned, in the aggregate, by the other component members of the group on such December 31 consents to an apportionment plan. The consent of a component member to an apportionment plan with respect to a particular December 31 shall be made by means of a statement signed by a person duly authorized to act on behalf of the consenting member, stating that such member consents to the apportionment plan with respect to such December 31. The statement shall set forth the name, address, employer identification number, and taxable year of each component member of the group on such December 31, the amount apportioned to each such member under the plan, and the location of the Internal Revenue Service center where the statement is to be filed. The consent of more than one component member may be incorporated in a single statement. The statement shall be timely filed with the Internal Revenue Service center where the component member having the taxable year first ending on or after such December 31 files its return for such taxable year and shall be irrevocable after such filing. If two or more component members have the same such taxable year, a statement of consent may be filed by any one of such members. Such statement shall be considered as timely filed if filed on or before the due date (including any extensions of time) of such member's income tax return which includes such December 31. However, if the due date (including any extensions of time) of the return of such member is on or before December 15, 1972, the required statement shall be considered as timely filed if filed on or before March 15, 1973. Each component member of the group on such December 31 shall keep as a part of its records a copy of the statement containing all the required consents.

(ii) An apportionment plan adopted by a controlled group with respect to a particular December 31 shall be valid only for the taxable year of each member of the group which includes such December 31. Thus, a controlled group must file a separate consent to an apportionment plan with respect to each taxable year which includes a December 31 as to which an apportionment plan is desired.

(iii) If an apportionment plan is not timely filed, the $25,000 amount specified in section 50A(a)(2) shall be reduced for each component member of the controlled group, for its taxable year which includes a December 31, to an amount equal to $25,000 divided by the number of component members of each group on such December 31.

(iv) If a component member of the controlled group makes its income tax return on the basis of a 52–53 week taxable year, the principles of section 441(f)(2)(A)(ii) and paragraph (b)(1) of § 1.441–2 apply in determining the last day of such taxable year.

(3) *Definitions of controlled group of corporations and component member of controlled group.* For the purpose of this paragraph, the terms "controlled group of corporations" and "component member" of a controlled group of corporations shall have the same meaning assigned to those terms in section 1563 (a) and (b) and the regulations thereunder. For purposes of applying § 1.1563–1(b)(2)(ii)(c), an electing small business corporation shall be treated as an excluded member whether or not it is subject to the tax imposed by section 1378.

(4) *Members of a controlled group filing a consolidated return.* If some component members of a controlled group join in filing a consolidated return pursuant to § 1.1502–3(a)(3), and other component members do not join, then, unless a consent is timely filed apportioning the $25,000 amount among the group filing the consolidated return and the other component members of the controlled group, each component member of the controlled group (including each component member which joins in filing the consolidated return) shall be treated as a separate corporation for purposes of equally apportioning the $25,000 amount under subparagraph (2)(iii) of this paragraph. In such case, the limitation based on the amount of tax for the group filing the consolidated return shall be computed by substituting for the $25,0000 amount the total of the amount apportioned to each component member which joins in filing the consolidated return. If the affiliated group, filing the consolidated return and the other component members of the controlled group adopt an apportionment plan, the affiliated group shall be treated as a single member for the purpose of applying subparagraph (2)(i) of this paragraph. Thus, for example, only one consent executed by the common parent to the apportionment plan is required for the group filing the consolidated return. If any component member of the controlled group which joins in the filing of the consolidated return is an organization to which section 593 applies or a cooperative organization described in section 1381(a), rules similar to the rules contained in paragraph (a)(3)(ii) of § 1.1502–3 are applicable.

(5) *Examples.* The provisions of this paragraph may be illustrated by the following examples:

Example (1). At all times during 1972 Smith, an individual, owns all the stock of corporations X, Y, and Z. Corporation X files an income tax return on a calendar year basis. Corporation Y files an income tax return on the basis of a fiscal year ending June 30. Corporation Z files an income tax return on the basis of a fiscal year ending September 30. On December 31, 1972, X, Y, and Z are component members of the same controlled group. X, Y, and Z all consent to an apportionment plan in which the $25,000 amount is apportioned entirely to Y for its taxable year ending June 30, 1973 (Y's taxable year which includes December 31, 1972). Such consent is timely filed. For purposes of computing the credit under section 40, Y's limitation based on amount of tax for its taxable year ending June 30, 1973, is so much of Y's liability for tax as does not exceed $25,000, plus 50 percent of Y's liability for tax in excess of $25,000. X's and Z's limitations for their taxable years ending December 31, 1972, and September 30, 1973, respectively, are equal to 50 percent of X's liability for tax and 50 percent of Z's liability for tax. On the other hand, if an apportionment plan is not timely filed, X's limitation would be so much of X's liability for tax as does not exceed $8,333.33, plus 50 percent of X's liability in excess of $8,333.33, and Y's and Z's limitations would be computed similarly.

Example (2). At all times during 1972, Jones, an individual, owns all the outstanding stock of corporations P, Q, and R. Corporations Q and R both file returns for taxable years ending December 31, 1972. P files a consolidated return as a common parent for its fiscal year ending June 30, 1973, with its wholly owned subsidiaries N and O. On December 31, 1972, N, O, P, Q, and R are component members of the same controlled group. No consent to an apportionment plan is filed. Therefore, each member is apportioned $5,000 of the $25,000 amount ($25,000 divided equally among the five members). The limitation based on the amount of tax for the group filing the consolidated return (P, N, and O) for the year ending June 30, 1973 (the consolidated taxable year within which December 31, 1972, falls), is computed by using $15,000 instead of the $25,000 amount. The $15,000 is arrived at by adding together the $5,000 amounts apportioned to P, N, and O.

§ 1.50A–2 Carryback and carryover of unused credit.

(a) *Allowance of unused credit as carryback or carryover*—(1) *In general.* Section 50A(b)(1) provides for carrybacks and carryovers of any unused credit. An unused credit is the excess of the credit earned for the taxable year (as determined under paragraph (a) of § 1.50A–1) over the limitation based on amount of tax for such taxable year (as determined under paragraph (b) of § 1.50A–1). Subject to the limitation contained in paragraph (b) of this section, an unused credit shall be added to the amount allowable as a credit under section 40 for the years to which the unused credit can be carried. The year with respect to which an unused credit arises shall be referred to in this section as the "unused credit year."

(2) *Taxable years to which unused credit may be carried.* An unused credit shall be a work incentive program (WIN) credit carryback to each of the 3 taxable yeas preceding the unused credit year and a WIN credit carryover to each of the 7 taxable years succeeding the unused credit year, except that an unused credit shall be a carryback only to taxable years beginning after December 31, 1971. An unused credit must be carried first to the earliest of the taxable years to which it may be carried, and then to each of the other taxable years (in order of time) to the extent that the unused credit may not be added (because of the limitation contained in paragraph (b) of this section) to the amount allowable as a credit under section 40 for a prior taxable year.

(b) *Limitation on allowance of unused credit.* The amount of the unused credit from any particular unused credit year which may be added to the amount allowable as a credit under section 40 for any of the preceding or succeeding taxable years to which such credit may be carried shall not exceed the amount by which the limitation based on amount of tax for such preceding or succeeding taxable year exceeds the sum of (1) the credit earned for such preceding or succeeding year, and (2) other unused credits carried to such preceding or succeeding year which are attributable to unused credit years prior to the particular unused credit year.

(c) *Corporate acquisitions.* For the carryover of unused credits in the case of certain corporate acquisitions, see section 381(c)(24) and the regulations thereunder. [§ 1.381(c)(24)–1]

(d) *Periods of less than 12 months.* A fractional part of a year which is considered as a taxable year under sections 441(b) and 7701(a)(23) shall be treated as a preceding or a succeeding taxable year for the purpose of determining under section 50A(b) and this section the taxable years to which an unused credit may be carried.

(e) *Example.* The provisions of paragraphs (a) through (d) of this section may be illustrated by the following example:

Example. Corporation X files its income tax return on the basis of the calendar year. X's credit earned and its limitation based on amount of tax for each of its taxable years 1972 through 1978 are as follows:

	Credit earned	Limitation based on amount of tax
1972	$175,000	$200,000
1973	200,000	160,000
1974	200,000	210,000
1975	210,000	230,000
1976	220,000	260,000
1977	260,000	220,000
1978	270,000	280,000

(i) Corporation X's credit earned for 1972, $175,000, is allowable in full as a credit under section 40 for 1972 since such amount is less than the limitation based on amount of tax for such year, $200,000. Since the limitation based on amount of tax for 1973 is $160,000, only $160,000 of the $200,000 credit earned for such year is allowable under section 40 as a credit for 1973. The unused credit for 1973 of $40,000 ($200,000 less $160,000) is a WIN credit carryback to 1972 and a WIN credit carryover to 1974 and subsequent years up to and including 1980. The portion of the $40,000 unused credit which shall be added to the amount allowable as a credit under section 40 for 1972 and 1974 and subsequent years is computed as follows:

(a) *1972.* The portion of the unused credit for 1973 ($40,000) which is allowable as a credit for 1972 is $25,000. This amount shall be added to the amount allowable as a credit for 1972. The balance of the unused credit for 1973 to be carried to 1974 is $65,000. These amounts are computed as follows:

Carryback to 1972		$40,000
1972 limitation based on tax	$200,000	
Less: Credit earned for 1972	$175,000	
Unused credits attributable to years preceding 1973	0	
		175,000
Limit on amount of 1973 unused credit which may be added as a credit for 1972		25,000
Balance of 1973 unused credit to be carried to 1974		65,000

(b) *1974.* The portion of the balance of the unused credit for 1973 ($65,000) allowable as a credit for 1974 is $10,000. This amount shall be added to the amount allowable as a credit for 1974. The balance of the unused credit for 1973 to be carried to 1975 is $55,000. These amounts are computed as follows:

Carryover to 1974		$65,000
1974 limitation based on tax	$210,000	
Less: Credit earned for 1974	$200,000	
Unused credits attributable to years preceding 1973	0	
		200,000
Limit on amount of 1973 unused credit which may be added as a credit for 1974		10,000
Balance of 1973 unused credit to be carried to 1975		55,000

(c) *1975.* The portion of the balance of the unused credit for 1973 ($55,000) allowable as a credit for 1975 is $20,000. This amount shall be added to the amount allowable as a credit for 1975. The balance of the unused credit for 1973 to be carried to 1976 is $35,000. These amounts are computed as follows:

Carryover to 1975		$55,000
1975 limitation based on tax	$230,000	
Less: Credit earned for 1975	$210,000	
Unused credits attributable to years preceding 1973	0	
		210,000
Limit on amount of 1973 unused credit which may be added as a credit for 1975		20,000
Balance of 1973 unused credit to be carried to 1976		35,000

(d) *1976.* The entire balance of the unused credit for 1973 ($35,000) is allowable as a credit for 1976, since the limitation based on amount of tax for 1976 exceeds the sum of the credit earned for 1976 and unused credits attributable to years prior to 1973 by an amount in excess of $35,000. Since the balance of the unused credit for 1973 has been fully allowed, no portion thereof remains to be carried to subsequent taxable years. This is illustrated as follows:

Carryover to 1976		$35,000
1976 limitation based on tax	$260,000	
Less: Credit earned for 1976	$220,000	
Unused credits attributable to years preceding 1973	0	
		220,000
Limit on amount of 1973 unused credit which may be added as a credit for 1976		40,000
Balance of 1973 unused credit to be carried to 1977		0

(ii) Since the limitation based on amount of tax for 1977 is $220,000, only $220,000 of the $260,000 credit earned for such year is allowable as a credit for 1977. The unused credit for 1977 of $40,000 ($260,000 less $220,000) is a WIN credit carryback to 1974, 1975, and 1976 and a WIN credit carryover to 1978 and subsequent years. The portions of the $40,000 unused credit which shall be added to the amount allowable as a credit for such years are computed as follows:

(a) *1974.* The portion of the unused credit for 1977 ($40,000) allowable as a credit for 1974 is zero. The balance of the unused credit for 1977 to be carried to 1978 is $40,000. These amounts are computed as follows:

Carryback to 1974		$40,000
1974 limitation based on tax	$210,000	
Less: Credit earned for 1974	$200,000	
Unused credits attributable to years preceding 1977 (unused credit from 1973)	10,000	
		210,000
Limit on amount of 1977 unused credit which may be added as a credit for 1974		0
Balance of 1977 unused credit to be carried to 1975		40,000

(b) *1975.* The portion of the unused credit for 1977 ($40,000) allowable as a credit for 1975 is $20,000. This amount shall be added to the amount allowable as a credit for 1975. The balance of the unused credit for 1977 to be carried to 1978 is $20,000. These amounts are computed as follows:

Carryback to 1975		$40,000
1975 limitation based on tax	$230,000	
Less: Credit earned for 1975	$210,000	
Unused credits attributable to years preceding 1977 (unused credit from 1973)	20,000	
		230,000
Limit on amount of 1977 unused credit which may be added as a credit for 1975		0
Balance of 1977 unused credit to be carried to 1976		40,000

(c) *1976.* The portion of the unused credit for 1977 ($40,000) allowable as a credit for 1976 is $5,000. This amount shall be added to the amount allowable as a credit for 1976. The balance of the unused credit for 1977 to be carried to 1978 is $35,000. These amounts are computed as follows:

Carryback to 1976		$40,000
1976 limitation based on tax	$260,000	
Less: Credit earned for 1976	$220,000	
Unused credits attributable to years preceding 1977 (unused credit from 1973)	35,000	
		255,000
Limit on amount of 1977 unused credit which may be added as a credit for 1976		5,000
Balance of 1977 unused credit to be carried to 1978		35,000

(d) *1978.* The portion of the balance of the unused credit for 1977 ($35,000) allowable as a credit for 1978 is $10,000. This amount shall be added to the amount allowable as a credit for 1978. The balance of the unused credit for 1977 to be carried to 1979 and subsequent years is $25,000. These amounts are computed as follows:

Carryover to 1978		$35,000
1978 limitation based on tax	$280,000	
Less: Credit earned for 1978	$270,000	
Unused credits attributable to years preceding 1977	0	
		270,000
Limit on amount of 1977 unused credit which may be added as a credit for 1978		10,000
Balance of 1977 unused credit to be carried to 1979		25,000

(f) *Electing small business corporation.* An unused credit of a corporation which arises in an unused credit year for which the corporation is not an electing small business corporation (as defined in section 1371(b)) and which is a carryback or carryover to a taxable year for which the corporation is an electing small business corporation shall not be added to the amount allowable as a credit under section 40 to the shareholders of such corporation for any taxable year. However, a taxable year for which the corporation is an electing small business corporation shall be counted as a taxable year for purposes of determining the taxable years to which such unused credit may be carried.

§ 1.50A–3 Recomputation of credit allowed by section 40.

(a) *General rule*—(1) *Early termination of employment by employer*—(i) *In general.* If the employment of any employee, with respect to whom work incentive program (WIN) expenses (as defined in paragraph (a) of § 1.50B–1) are taken into account under paragraph (a) of § 1.50A–1, is terminated by the taxpayer at any time during the first 12 months of such employment (whether or not consecutive) or before the close of the 12th calendar month after the calendar month in which such employee completes the first 12 months of employment (whether or not consecutive) with the taxpayer, then subparagraph (3) of this paragraph shall apply. See paragraph (c) of this section for rules relating to the determination of the first 12 months of employment (whether or not consecutive). See § 1.50A–4 for rules relating to other circumstances under which a termination of employment will not be treated as a termination of employment to which the provisions of subparagraph (3) of this paragraph are applicable.

(ii) *Rules for determining whether a termination of employment has occurred.*

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For purposes of this section, the taxpayer is deemed to have terminated the employment of any WIN employee (as defined in paragraph (h) of § 1.50B–1) if the employment relationship (as determined under common law principles) has terminated. A layoff for any reason is considered a termination of employment for purposes of the preceding sentence. However, a temporary suspension of employment of any WIN employee necessitated by the installation of new equipment or by the retooling of existing equipment (such as for a model changeover in the automobile industry) shall not be deemed to be a termination of employment if such suspension is for a period of time no longer than 60 days. For purposes of this section, the death of the taxpayer is considered a termination of the employment relationship between the taxpayer and any WIN employee.

(2) *Failure to pay comparable wages*—(i) *In general.* If, at any time during the period described in subparagraph (1) (i) of this paragraph, the taxpayer pays wages (as defined in section 50B(b) and paragraph (b) of § 1.50B–1) to an employee, with respect to whom WIN expenses are taken into account under paragraph (a) of § 1.50A–1, which are less than the wages paid to other employees of the taxpayer who perform comparable services, then subparagraph (3) of this paragraph shall apply.

(ii) *Comparable services.* (a) For purposes of subdivision (i) of this subparagraph, the term "comparable services" refers to services performed in work positions which require similar education, training, and skills. Comparable services are those associated with other work positions which require similar levels of judgment and responsibility, which make similar physical and mental demands of an employee, and which could easily be performed by the employee without substantial additional training or experience.

(b) If substantial training, skill, or experience are material to the performance of a particular job, a taxpayer may pay wages to a WIN employee which are less than those paid to other employees of the taxpayer who possess such training, skill, or experience. However, there must be a reasonable relationship between the lower wages or salary of such WIN employee and his relative lack of training, skill, or experience.

(3) *Recomputation of credit earned.* (i) If, by reason of subparagraph (1) or (2) of this paragraph, this subparagraph (3) is applicable, then the credit earned for all credit years (as defined in subdivision (ii) (a) of this subparagraph) shall be recomputed under the principles of paragraph (a) of § 1.50A–1 by not taking into account WIN expenses with respect to the employee (or employees) described in subparagraph (1) or (2) of this paragraph. There shall be recomputed under the principles of §§ 1.50A–1 and 1.50A–2 the credit allowed for all credit years and for any other taxable year affected by reason of the reduction in credit earned for such credit year or years, giving effect to such reduction in the computation of carrybacks or carryovers of unused credit from any taxable year. If the recomputation described in the preceding sentence results, in the aggregate, in a decrease (taking into account any recomputation under this paragraph in respect of prior recapture years, as defined in subdivision (ii) (b) of this subparagraph) in the credits allowed for any credit year and for any other taxable year affected by the reduction in credit earned for any credit year, then the income tax for the recapture year shall be increased by the amount of such decrease in credits allowed. For treatment of such increase in tax, see paragraph (b) of this section. For special rules in the case of an electing small business corporation (as defined in section 1371(b)), an estate or trust, or a partnership, see respectively, § 1.50A–5, § 1.50A–6 or § 1.50A–7.

(ii) For purposes of this section and §§ 1.50A–4 through 1.50B–6—

(a) The term "credit year" means a taxable year in which WIN expenses with respect to the employee described in subparagraph (1) or (2) of this paragraph are taken into account under paragraph (a) of § 1.50A–1.

(b) The term "recapture year" means a taxable year in which a termination of employment (within the meaning of subparagraph (1) of this paragraph) or a failure to pay comparable wages (within the meaning of subparagraph (2) of this paragraph) occurs by reason of which the rule of subparagraph (3) of this paragraph becomes applicable.

(c) The term "recapture determination" means a recomputation made under this paragraph.

(b) *Increase in income tax and reduction of WIN credit carryback and carryover*—(1) *Increase in tax.* Except as provided in subparagraph (2) of this paragraph, any increase in income tax under this section shall be treated as income tax imposed on the taxpayer by Chapter 1 of the Code for the recapture year notwithstanding that without regard to such increase the taxpayer has no income tax liability, has a net operating loss for such taxable year, or no income tax return was otherwise required for such taxable year.

(2) *Special rule.* Any increase in income tax under this section shall not be treated as income tax imposed on the taxpayer by Chapter 1 of the Code for purposes of determining the amount of the credits allowable to such taxpayer under—

(i) Section 33 (relating to taxes of foreign countries and possessions of the United States),

(ii) Section 35 (relating to partially tax-exempt interest received by individuals),

(iii) Section 37 (relating to retirement income),

(iv) Section 38 (relating to investment in certain depreciable property),

(v) Section 39 (relating to certain uses of gasoline, special fuels, and lubricating oil),

(vi) Section 40 (relating to expenses of work incentive programs), and

(vii) Section 41 (relating to contributions to candidates for public office).

(3) *Reduction in credit allowed as a result of a net operating loss carryback.* (i) If a net operating loss carryback from the recapture year or from any taxable year subsequent to the recapture year reduces the amount allowed as a credit under section 40 for any taxable year up to and including the recapture year, then there shall be a new recapture determination under paragraph (a) of this section for each recapture year affected, taking into account the reduced amount of credit allowed after application of the net operating loss carryback.

(ii) Subdivision (i) of this subparagraph may be illustrated by the following example:

Example. (a) X Corporation, which makes its returns on the basis of a calendar year, hired WIN employees on March 1, 1972, and incurred $10,000 in WIN expenses with respect to these employees for the year. For the taxable year 1972, X Corporation's credit earned of $2,000 (20 percent of $10,000) was allowed under section 40 as a credit against its liability for tax of $2,000. In 1973 and 1974 X Corporation had no liability for tax and had no WIN expenses. In January 1974, X Corporation terminated the employees for whom the WIN expenses had been incurred. Since these terminations were not subject to the exceptions provided by § 1.50A–4, there was a recapture determination under paragraph (a) of this section. The income tax imposed by chapter 1 of the Code on X Corporation for the taxable year 1974 was increased by the $2,000 decrease in its credit earned for the taxable year 1972 (that is, the $2,000 original credit earned minus zero recomputed credit earned).

(b) For the taxable year 1975, X Corporation has a net operating loss which is carried back to the taxable year 1972 and reduces its liability for tax, as defined in paragraph (c) of § 1.50A–1, for such taxable year to $800. As a result of such net operating loss carryback, X Corporation's credit allowed under section 40 for the taxable year 1972 is limited to $800 and the excess of $1,200 ($2,000 credit earned minus the $800 limitation based on amount of tax) is a WIN credit carryover to the taxable year 1973.

(c) For 1975 there is a recapture determination under subdivision (i) of this subparagraph for the 1974 recapture year. The $2,000 increase in the income tax imposed on X Corporation for the taxable year 1974 is redetermined to be $800 (that is, the $800 credit allowed after taking into account the 1975 net operating loss minus zero credit which would have been allowed taking into account the 1974 recapture determination). In addition, X Corporation's $1,200 WIN credit carryover to the taxable year 1973 is reduced by $1,200 ($2,000 minus $800) to zero and X Corporation is entitled to a $1,200 refund of the $2,000 tax paid as a result of the 1974 recapture determination.

(4) *Statement of recomputation.* The taxpayer shall attach to his income tax return for the recapture year a separate statement showing in detail the computation of the increase in income tax imposed on such taxpayer by Chapter 1 of the Code and the reduction in any WIN credit carryovers.

(c) *Period of employment*—(1) *Initial date of employment.* For purposes of this section and §§ 1.50A–4 through 1.50B–6, the initial date of employment (for purposes of applying paragraph (a) (1) and (2) of this section and paragraphs (a) (1) and (f) of § 1.50B–1) is the date the WIN employee reports to the taxpayer (or in the case where the taxpayer is a partner of a partnership, a beneficiary of an estate or trust, or a shareholder of an electing small business corporation, to such partnership, estate, trust, or electing small business corporation) for work.

(2) *Computation of the first 12 months of employment (whether or not consecutive).* For purposes of computing the first 12 months of employment (whether or not consecutive), the first month of employment shall begin with the initial date of employment (as defined in subparagraph (1) of this paragraph) of the WIN employee, the second month of employment shall begin with the corresponding date in the following month, the third month of employment shall begin with the corresponding date in the next following month, and so forth. If the WIN employee performs any services during any such month (as determined under the preceding sentence), that month shall be counted in computing the WIN employee's "first 12 months of employment (whether or not consecutive)". If the WIN employee performs no services during any such month, that month shall not be counted in computing the WIN employee's "first 12 months of employment (whether or not consecutive)". Thus, if the initial date of employment of a WIN employee is June 15, the first month of employment of such employee shall be the period beginning June 15, and ending July 14. The second month of employment is the period beginning July 15 and ending August 14. If during such second month of employment the employee performs no services for the taxpayer, that month is not counted in determining the employee's first 12 months of employment (whether or not consecutive).

§ 1.50A–4 Exceptions to the application of § 1.50A–3.

(a) *In general.* Notwithstanding the provisions of paragraph (a) of § 1.50A–3, a termination of employment shall not be deemed to occur if paragraph (b) (relating to voluntary termination of employment), paragraph (c) (relating to termination of employment due to disability), paragraph (d) (relating to termination of employment due to misconduct), paragraph (f) (relating to transactions to which section 381(a) applies), or paragraph (g) (relating to mere change in form of conducting a trade or business) applies.

(b) *Voluntary termination of employment.* A termination of employment shall not be deemed to occur for purposes of paragraph (a) of § 1.50A–3 if the employee voluntarily leaves the employment of the taxpayer. If the taxpayer makes the working conditions of the employee so untenable that the employee is, in effect, compelled by the taxpayer to quit, or if the employee is coerced into quitting, the employee will not be deemed to have voluntarily left the employment of the taxpayer. For purposes of the preceding sentence, a substantial reduction in the benefits of employment of an employee (such as a substantial decrease in the hours of the employee's working week) shall constitute untenable working conditions. An employee has voluntarily left the employment of the taxpayer if he leaves for any reason external to his employment, such as sickness or death in the employee's family which the employee feels necessitates his quitting work with the taxpayer to remain at home. Any employee who participates in an authorized strike (as finally determined by a court, labor relations administrative body, or arbiter) will not be deemed to have voluntarily left the employment of the taxpayer.

(c) *Termination of employment due to death or disability.* A termination of employment shall not be deemed to occur for purposes of paragraph (a) of § 1.50A–3 if, after the initial date of employment (as defined in paragraph (c) (1) of § 1.50A–3) and before the close of the period referred to in paragraph (a) (1) of § 1.50A–3, the employee becomes disabled, by reason of illness or injury (including a disability relating to the employment), to perform the services required by such employment, unless, before the close of such period:

(1) Such disability is removed,

(2) The employer knows of the removal of the disability, and

(3) The employer fails to offer reemployment to such employee.

The death of an employee shall not be deemed a termination of employment for purposes of paragraph (a) of § 1.50A–3.

(d) *Termination of employment due to misconduct.* A termination of employment shall not be deemed to occur for purposes of paragraph (a) of § 1.50A–3 if it is determined by the appropriate State administrative agency or State court that under the applicable State unemployment compensation law such termination was due to the misconduct of the WIN employee. If the WIN employee is not covered by the applicable State unemployment compensation law (or if the employee did not work for the minimum period required to qualify for unemployment compensation or if the employee did not apply for unemployment compensation), a termination of employment shall not be deemed to occur for purposes of paragraph (a) of § 1.50A–3 if the taxpayer demonstrates by convincing evidence that, were such employee covered by the applicable State unemployment compensation law (or if the employee had worked for such minimum period or if the employee had applied for unemployment compensation), he could reasonably have been found by such administrative agency or court to have been terminated for misconduct.

(e) *Recordkeeping requirement.* A taxpayer who is claiming that a termination of employment falls within the provisions of paragraph (b), (c), or (d) of this section shall maintain sufficient records to support his claim until the expiration of the pertinent period of limitations.

(f) *Transactions to which section 381 (a) applies*—(1) *General rule.* The employment relationship between the taxpayer and a WIN employee (as defined in paragraph (h) of § 1.50B–1) shall not be deemed terminated for purposes of paragraph (a) of § 1.50A–3 in the case of a transaction to which section 381(a) (relating to carryovers in certain corporate acquisitions) applies. If there is a termination of employment (within the meaning of paragraph (a) of § 1.50A–3 and this section) by the acquiring corporation with respect to the WIN employee described in the preceding sentence, or if the acquiring corporation fails to pay comparable wages to such employee (within the meaning of paragraph (a) (2) of § 1.50A–3), then paragraph (a) (3) of § 1.50A–3 shall apply to the acquiring corporation with respect to the credit allowed the acquired corporation as well as the credit allowed the acquiring corporation with respect to such employee. For purposes of the preceding sentence, the initial date of employment (as defined in paragraph (c) (1) of § 1.50A–3) of such employee with respect to the acquired corporation shall be deemed to be the initial date of employment of such employee with respect to the acquiring corporation and employment by the acquired corporation shall be deemed employment by the acquiring corporation.

(2) *Examples.* This paragraph may be illustrated by the following examples:

Example (1). (i) X Corporation, a wholly owned subsidiary of Y Corporation, incurred WIN expenses of $12,000 for its taxable year ending December 31, 1972, with respect to WIN employees hired on March 1, 1972. Both X and Y made their returns on the basis of a calendar year. For the taxable year 1972 X Corporation's credit earned of $2,400 (20 percent of $12,000) was allowed under section 40 as a credit against its liability for tax. On December 15, 1973, X Corporation is liquidated under section 332 and all of its assets and liabilities are transferred to Y Corporation in a transaction to which section 334(b)(2) is not applicable. In addition, Y Corporation continues the employment of the WIN employees which were employed by X Corporation and with respect to which X Corporation was allowed the credit for its taxable year 1972.

(ii) Under subparagraph (1) of this paragraph, a termination of employment of the WIN employees shall not be deemed to occur for purposes of paragraph (a) (1) of § 1.50A–3 due to the liquidation of X Corporation on December 15, 1973. Thus, no recapture determination under paragraph (a) (3) of § 1.50A–3 shall be made with respect to X Corporation.

Example (2). (i) The facts are the same as in Example (1) and, in addition, on February 2, 1974, Y Corporation terminates the employment of the employees with respect to whom X Corporation had incurred WIN expenses. The termination is a termination for purposes of paragraph (a) (1) of § 1.50A–3. For purposes of applying the period described in paragraph (a) (1) of § 1.50A–3, the date the employees reported for work at X Corporation is deemed to be the initial date of employment of the employees with respect to Y Corporation.

(ii) Under subparagraph (1) of this paragraph, a termination of employment of the WIN employees shall not be deemed to occur for purposes of paragraph (a) (1) of § 1.50 A–3 due to the liquidation of X Corporation on December 15, 1973. However, a termination of employment of the WIN employees is deemed to occur for purposes of paragraph (a) (1) of § 1.50A–3 on February 2, 1974. Thus, Y Corporation shall make a recapture determination under paragraph (a) of § 1.50

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Corporation with respect to the WIN employees.

(g) *Mere change in form of conducting a trade or business*—(1) *General rule.* (i) The employment relationship between the taxpayer and a WIN employee (as defined in paragraph (h) of § 1.50B–1) shall not be deemed terminated for purposes of paragraph (a) of § 1.50A–3 in the case of a mere change in the form of conducting the trade or business in which such employment occurs, provided that the conditions set forth in subdivision (ii) of this subparagraph are satisfied.

(ii) The conditions referred to in subdivision (i) of this subparagraph are as follows:

(*a*) The WIN employee described in subdivision (i) of this subparagraph is retained in the same trade or business,

(*b*) The taxpayer retains a substantial ownership interest in such trade or business,

(*c*) Substantially all the assets necessary to operate such trade or business are transferred to the tranferee who continues the employment of the WIN employee described in subdivision (i) of this subparagraph, and

(*d*) The basis of the assets described in (*c*) of this subdivision in the hands of the transferee is determined in whole or in part by reference to the basis of such assets in the hands of the transferor.

This subparagraph shall not apply if paragraph (e) of this section (relating to transactions to which section 381(a) applies) is applicable with respect to such transfer.

(2) *Substantial interest.* For purposes of this paragraph, the taxpayer shall be considered as having retained a substantial ownership interest in the trade or business only if, after the change in form, the ownership interest in such trade or business by such taxpayer—

(i) Is substantial in relation to the total ownership interests of all persons, or

(ii) Is equal to or greater than the ownership interest prior to the change in form.

Thus, where a taxpayer owns a 5-percent interest in a partnership, and, after the incorporation of that partnership, the taxpayer retains at least a 5-percent interest in the corporation, the taxpayer will be considered as having retained a substantial interest in the trade or business as of the date of the change in form because of the application of the rule contained in subdivision (ii) of this subparagraph.

(3) *Termination of employment.* (i) If employment of a WIN employee described in subparagraph (1)(i) of this paragraph is terminated by the transferee, the employment of such employee shall be deemed terminated by the taxpayer for purposes of paragraph (a) of § 1.50A–3. For purposes of determining the period described in paragraph (a)(1) of § 1.50A–3 with respect to such taxpayer employment by the transferee shall be deemed employment by the transferor.

(ii) If in any taxable year the taxpayer does not retain a substantial ownership interest in the trade or business directly or indirectly (through ownership in other entities provided that such other entities' bases in such interest are determined in whole or in part by reference to the basis of such interest in the hands of the taxpayer) then, for purposes of paragraph (a)(1) of § 1.50A–3, there shall be deemed to be a termination of employment of the WIN employees described in subparagraph (1)(i) of this paragraph on the first date on which such taxpayer does not retain a substantial interest in the trade or business. For purposes of determining the period described in paragraph (a)(1) of § 1.50A–3, employment by the transferee shall be deemed employment by the transferor. Any taxpayer who seeks to establish his interest in a trade or business under the rule of this subdivision shall maintain adequate records to demonstrate his indirect interest in such trade or business after any such transfer or transfers.

(iii) Notwithstanding subparagraph (1) of this paragraph and subdivision (ii) of this subparagraph in the case of a mere change in the form of a trade or business, if the interest of a taxpayer in the trade or business is reduced but such taxpayer has retained a substantial interest in such trade or business, paragraph (a)(2) of § 1.50A–5 (relating to electing small business corporations), paragraph (a)(2) of § 1.50A–6 (relating to estates or trusts), or paragraph (a)(2)(ii) of § 1.50A–7 (relating to partnerships) shall apply, as the case may be.

(4) *Failure to pay comparable wages.* If the transferee fails to pay comparable wages (within the meaning of paragraph (a)(2) of § 1.50A–3) to the WIN employee within the period described in paragraph (a)(1) of § 1.50A–3, then such failure shall be deemed to be a failure of the transferor (or in a case where the transferor is a partnership, estate, trust, or electing small business corporation, the partners, beneficiaries, or shareholders), and a recapture determination shall be made with respect to such WIN employee as provided in § 1.50A–3. For purposes of determining the period described in paragraph (a)(1) of § 1.50A–3 with respect to such transferor (or such partners, beneficiaries, or shareholders), employment by the transferee shall be deemed employment by such transferor. For special rules in the case of an electing small business corporation (as defined in section 1371(b)), an estate or trust, or a partnership, see respectively, § 1.50A–5, § 1.50A–6, or § 1.50A–7.

(5) *Examples.* This paragraph may be illustrated by the following examples in each of which it is assumed that the transfer satisfies the conditions of subparagraph (1)(ii) (*a*), (*c*) and (*d*) of this paragraph.

Example (1). (i) On January 1, 1972, A, an individual, employed WIN employees in his sole proprietorship. A incurred WIN expenses with respect to these employees of $12,000 for the taxable year ending December 31, 1972. For the taxable year 1972 A's credit earned of $2,400 (20 percent of $12,000) was allowed under section 40 as a credit against his liability for tax. On March 15, 1973, A transferred all of the assets used in his sole proprietorship to X Corporation, a newly formed corporation, in exchange for 45 percent of the stock of X Corporation.

(i) Under subparagraph (1)(i) of this paragraph, paragraph (a) of § 1.50A–3 does not apply to the March 15, 1973, transfer to X Corporation.

Example (2). (i) The facts are the same as in Example (1) and in addition on June 1, 1973, X Corporation terminates the employment of WIN employees with respect to whom 50 percent of the WIN expenses were incurred during A's 1972 taxable year.

(ii) Under subparagraph (1)(i) of this paragraph, paragraph (a) of § 1.50A–3 does not apply to the March 15, 1973, transfer to X Corporation. However, under subparagraph (3)(i) of this paragraph, paragraph (a) of § 1.50A–3 applies to the June 1, 1973, termination of WIN employees by X Corporation. The actual period of employment of such WIN employees is 1 year and 5 months (that is, the period beginning on January 1, 1972, and ending on June 1, 1973). For taxable year 1972, A's recomputed credit earned is $1,200 (20 percent of $6,000). The income tax imposed by Chapter 1 of the Code on A for the taxable year 1973 is increased by the $1,200 decrease in his credit earned for the taxable year 1972 (that is, $2,400 original credit earned minus $1,200 recomputed credit earned).

Example (3). (i) The facts are the same as in Example (1) and in addition on April 1, 1973, X Corporation begins paying wages to the employees referred to in Example (1) which are less than the wages paid to its other employees who perform comparable services.

(ii) Under subparagraph (1)(i) of this paragraph, paragraph (a)(1) of § 1.50A–3 does not apply to the March 15, 1973, transfer to X Corporation. However, under subparagraph (4) of this paragraph, paragraph (a) of § 1.50A–3 applies to the failure of X Corporation to pay wages to the WIN employees which are equal to the wages paid to its other employees who perform comparable services. For taxable year 1972, A's recomputed credit earned is zero. The income tax imposed by Chapter 1 of the Code on A for the taxable year 1973 is increased by the $2,400 decrease in his credit earned for the taxable year 1972.

Example (4). (i) On January 1, 1972, partnership ABC, which makes its returns on the basis of a calendar year, employed WIN employees. Partnership ABC incurred WIN expenses with respect to these employees of $20,000 for the taxable year. Partnership ABC has 10 partners who make their returns on the basis of a calendar year and share partnership profits equally. Each partner's share of the WIN expenses is 10 percent, that is, $2,000. On March 15, 1973, partnership ABC transfers all of the assets used in its trade or business to the X Corporation, a newly formed corporation, in exchange for its stock and immediately thereafter transfers 10 percent of the stock to each of the 10 partners.

(ii) Under subparagraph (1)(i) of this paragraph, paragraph (a)(1) of § 1.50A–1 does not apply to the March 15, 1973, transfer by the ABC Partnership to X Corporation.

Example (5). (i) The facts are the same as in Example (4) except that partnership ABC transfers 10 percent of the stock in X Corporation to each of eight partners, 20 percent to partner A, and cash to partner B.

(ii) Under subparagraph (1)(i) of this paragraph, with respect to all of the partners (including partner A) except partner B, paragraph (a)(1) of § 1.50A–3 does not apply to the March 15, 1973, transfer by the ABC Partnership. Paragraph (a)(1) of § 1.50A–3 applies with respect to partner B's $2,000 share of the WIN expenses. See paragraph (a)(2) of § 1.50A–7.

Example (6). (i) X Corporation operates a manufacturing business and a separate retail sales business. During the month of January 1972, X incurred WIN expenses in its manufacturing business. On February 10, 1973, X transfers all the assets used in its manufacturing business to Partnership XY in exchange for a 50 percent interest in such partnership.

(ii) Under subparagraph (1)(i) of this paragraph, paragraph (a)(1) of § 1.50A–3 does not apply to the February 10, 1973, transfer to Partnership XY.

§ 1.50A–5 Electing small business corporations.

(a) *In general*—(1) *Termination of employment by a corporation.* If an electing small business corporation (as defined in section 1371(b)) or a former electing small business corporation terminates (in a termination subject to the provisions of paragraph (a) of § 1.50A–3) the employment of any WIN employee with respect to whom WIN expenses have been paid or incurred, a recapture determination shall be made under § 1.50A–3 with respect to each shareholder who is treated, under paragraph (a) of § 1.50B–2 as a taxpayer who paid or incurred such expenses. Each such recapture determination shall be made with respect to the pro rata share of the WIN expenses of such employee which were taken into account by such shareholder under paragraph (a) of § 1.50B–2. For purposes of each such recapture determination the period of employment of such employee or employees shall be the period beginning with the initial date of employment (as defined in paragraph (c)(1) of § 1.50A–3) with respect to the electing small business corporation and ending with the date of such employee's termination (as defined in paragraph (a)(1)(ii) of § 1.50A–3). For the definition of the term "recapture determination" see paragraph (a)(3) of § 1.50A–3.

(2) *Disposition of shareholder's interest.* (i) If—

(*a*) WIN expenses are apportioned to a shareholder of an electing small business corporation who takes such expenses into account in computing his WIN expenses, and

(*b*) After the end of the shareholder's taxable year in which such apportionment was taken into account and before the close of the period to which paragraph (a)(1) of § 1.50A–3 applies with respect to the employee to which such WIN expenses relate, such shareholder's proportionate stock interest in such corporation is reduced (for example, by a sale or redemption, or by the issuance of additional shares) below the percentage specified in subdivision (ii) of this subparagraph,

then, on the date of such reduction the employment of such employee shall be deemed terminated with respect to such shareholder to the extent of the actual reduction in such shareholder's proportionate stock interest. (For example, if $100 of WIN expenses were apportioned to a shareholder and if his proportionate stock interest is reduced from 60 percent to 30 percent (that is, 50 percent of his original interest), then the employment of the employee to which such WIN expenses relate shall be deemed terminated as to that shareholder to the extent of $50.) Accordingly, a recapture determination shall be made with respect to such shareholder. For purposes of such recapture determination the period of employment of any employee or employees with respect to whom WIN expenses were paid or incurred shall be the period beginning with the initial date of employment (as defined in paragraph (c)(1) of § 1.50A–3) with respect to the electing small business corporation and ending with the date on which such reduction occurs.

(ii) The percentage referred to in subdivision (i)(*b*) of this subparagraph is 66⅔ percent of the shareholder's proportionate stock interest in the corporation on the date of the apportionment under paragraph (a) of § 1.50B–2. However, once employment of an employee has been treated under this subparagraph as having terminated with respect to the shareholder to any extent, the percentage referred to shall be 33⅓ percent of the shareholder's proportionate stock interest in the corporation on the date of apportionment under paragraph (a) of § 1.50B–2.

(iii) In determining a shareholder's proportionate stock interest in a former electing small business corporation for purposes of this subparagraph, the shareholder shall be considered to own stock in such corporation which he owns directly or indirectly (through ownership in other entities provided such other entities' bases in such stock are determined in whole or in part by reference to the basis of such stock in the hands of the shareholder). For example, if A, who owns all of the 100 shares of the outstanding stock of corporation X, a corporation which was formerly an electing small business corporation, transfers on November 1, 1973, 70 shares of X stock to corporation Y in exchange for 90 percent of the stock of Y in a transaction to which section 351 applies, then, for purposes of subdivision (i) of this subparagraph, A shall be considered to own 93 percent of the stock of X, 30 percent directly and 63 percent indirectly (i.e., 90 percent of 70). Any taxpayer who seeks to establish his interest in the stock of a former electing small business corporation under the rule of this subdivision shall maintain adequate records to demonstrate his indirect interest in the corporation after any such transfer or transfers.

(3) *Computation of the first 12 months of employment.* The period described in paragraph (a)(1) of § 1.50A–3 shall not be affected by a change in the shareholders in such corporation and shall not be affected by a reduction in any shareholder's proportionate stock interest in such corporation (for example, by a sale or redemption or by the issuance of additional shares). Thus, the first 12 months of employment (whether or not consecutive) of any WIN employee shall be the same with respect to any shareholder who is allowed a credit under section 40 for salaries and wages paid or incurred for services rendered by such employee. Also, such first 12 months of employment and the period described in section 50B(c)(4) with respect to any WIN employee shall not be deemed to begin again in the case of a corporation making a valid election under section 1372.

(b) *Election of a small business corporation under section 1372*—(1) *General rule.* If a corporation makes a valid election under section 1372 to be an electing small business corporation (as defined in section 1371(b)), then on the last day of the first taxable year immediately preceding the taxable year for which such election is effective, the employment of any WIN employees whose initial date of employment (as defined in paragraph (c)(1) of § 1.50A–3) occurred in taxable years prior to the first taxable year for which the election is effective (and whose employment has not been terminated prior to such last day) shall be considered as having been terminated on such last day with respect to the WIN expenses paid or incurred by such corporation and § 1.50A–3 shall apply to such corporation. However, if the corporation and each of the persons who are shareholders of the corporation on the first day of the first taxable year for which the election under section 1372 is to be effective, or on the date of such election, whichever is later, execute the agreement specified in subparagraph (2) of this paragraph, § 1.50A–3 shall not apply with respect to any such WIN expenses by reason of the election by the corporation under section 1372.

(2) *Agreement of shareholders and corporation.* (i) The agreement referred to in subparagraph (1) of this paragraph shall be signed by the shareholders and by the corporation. The agreement shall recite that:

(*a*) In the event the employment of any WIN employee described in subparagraph (1) of this paragraph is later terminated (in a termination subject to the rules contained in paragraph (a) of § 1.50A–3) during a taxable year of the corporation for which the election under section 1372 is effective, each signer agrees to notify the district director or the director of the Internal Revenue service center of such termination, and agrees to be jointly and severally liable to pay to the district director or the director of the Internal Revenue service center an amount equal to the increase in tax which would have been imposed by § 1.50A–3 on the corporation but for the agreement under this paragraph.

(*b*) In the event any WIN employee described in subparagraph (1) of this paragraph is paid wages (as defined in section 50B(b) and paragraph (b) of § 1.50B–1) by such electing corporation, which are less than the wages paid to other employees of such electing corporation who perform comparable services (as defined in paragraph (a)(2)(ii) of § 1.50A–3), during a taxable year of the corporation for which the election under

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section 1372 is effective, each signer agrees to notify the district director or the director of the Internal Revenue service center of such failure to pay equal wages for comparable services, and agrees to be jointly and severally liable to pay to the district director or the director of the Internal Revenue service center an amount equal to the increase in tax which would have been imposed by § 1.50A–3 on the corporation as a result of such failure but for the election under section 1372.

For purposes of computing the period described in paragraph (a)(1) of § 1.50A–3, the period of employment by the corporation before the election under section 1372 shall be added to the period of employment by the electing small business corporation after such election.

(ii) The agreement shall set forth the name, address, and taxpayer account number of each party and the internal revenue district or service center in which each such party files his or its income tax return for the taxable year which includes the last day of the corporation's taxable year immediately preceding the first taxable year for which the election under section 1372 is effective. The agreement may be signed on behalf of the corporation by any person who is duly authorized. The agreement shall be filed with the district director or the director of the Internal Revenue service center with whom the corporation files its income tax return for its taxable year immediately preceding the first taxable year for which the election under section 1372 is effective and shall be filed on or before the due date (including extensions of time) of such return. For purposes of the preceding sentence, the district director or the director of the Internal Revenue service center may, if good cause is shown, permit the agreement to be filed on a later date.

(c) *Examples.* This section may be illustrated by the following examples:

Example (1). (i) X Corporation, an electing small business corporation which makes its returns on the basis of the calendar, hired employees under a WIN program on July 1, 1972, and incurred expenses for such employees during the following 12 months at an initial rate of $10,000 per month. For taxable year 1972, X Corporation had 20 shares of stock outstanding which were owned equally by A and B who make their returns on the basis of a calendar year. Under paragraph (a) of this section, the WIN expenses were apportioned to the shareholders of X Corporation as follows:

	Period Ending December 31, 1972
Total WIN expenses for the taxable year	$60,000
Shareholder A (10/20)	30,000
Shareholder B (10/20)	30,000

Assuming that during 1972 shareholders A and B did not directly incur any WIN expenses and that they did not own any interest in other electing small business corporations, partnerships, estates, or trusts incurring WIN expenses, the WIN expenses attributable to each shareholder is $30,000. For the taxable year 1972, each shareholder's credit earned of $6,000 (20 percent of $30,000) was allowed under section 40 as a credit against his liability for tax.

(ii) On January 1, 1973, X Corporation terminates the employment of the employees accounting for 50 percent of its WIN expenses incurred to that date, or $30,000 in salaries and wages. The actual period of employment for these WIN employees was 6 months. For taxable year 1972, each shareholder's recomputed credit is $3,000 (20 percent of $15,000). The income tax imposed by chapter 1 of the Code on each of the shareholders for the taxable year 1973 is increased by the $3,000 decrease in his credit earned for the taxable year 1972 (that is, $6,000 original credit earned minus $3,000 recomputed credit earned).

Example (2). (i) The facts are the same as in subdivision (i) of example (1), except that on January 1, 1973, shareholder A sells five of his 10 shares of stock in X Corporation to C. No other changes in stock ownership occurred during 1973. Under paragraph (a)(2) of this section, the WIN expenses of X Corporation were apportioned on December 31, 1973, to the shareholders of X Corporation as follows:

	Period Ending December 31, 1972
Total WIN expenses for the taxable year	$60,000
Shareholder A (5/20)	15,000
Shareholder B (10/20)	30,000
Shareholder C (5/20)	15,000

(ii) Under paragraph (a)(2) of this section, on January 1, 1973, the employment of these WIN employees shall be deemed terminated by shareholder A with respect to 50 percent of the WIN expenses allocated to him since immediately after the January 1, 1973, sale A's proportionate stock interest in X Corporation is reduced to 50 percent of the proportionate stock interest in X Corporation which he held for taxable year 1972. The actual period of employment of the WIN employees accounting for the 50 percent of the WIN expenses originally allocated to A is 6 months (that is, the period beginning with July 1, 1972, and ending with January 1, 1973). The income tax imposed by chapter 1 of the Code on shareholder A for the taxable year 1973 is increased by the $3,000 decrease in his credit earned for the taxable year 1972 (that is, $6,000 original credit earned minus $3,000 recomputed credit earned).

(d) *Termination or revocation of an election under section 1372.* The employment of employees with respect to whom WIN expenses were paid or incurred shall not be considered to have been terminated solely by reason of a termination or revocation of a corporation's election under section 1372.

§ 1.50A–6 Estates and trusts.

(a) *In general*—(1) *Termination of employment by an estate or trust.* If an estate or trust terminates (in a termination subject to the provisions of paragraph (a) of § 1.50A–3) the employment of any employee with respect to whom WIN expenses have been paid or incurred, a recapture determination shall be made under § 1.50A–3 with respect to the estate or trust, and each beneficiary who is treated, under paragraph (a) of § 1.50B–3 as a taxpayer who paid or incurred such expenses. For purposes of each such recapture determination the period of employment of such employees shall be the period beginning with the initial date of employment (as defined in paragraph (c)(1) of § 1.50A–3) with respect to the estate or trust and ending with the date of such employee or employees' termination (as defined in paragraph (a)(1)(ii) of § 1.50A–3). For definition of "recapture determination" see paragraph (a)(3) of § 1.50A–3.

(2) *Disposition of interest.* (i) If—

(a) WIN expenses are apportioned to an estate or trust, or to a beneficiary of an estate or trust who takes such expenses into account in computing his WIN expenses, and

(b) After the end of the estate's, trust's, or beneficiary's taxable year in which such apportionment was taken into account and before the close of the period to which paragraph (a)(1) of § 1.50A–3 applies with respect to the employees to which such WIN expenses relate, such estate's, trust's, or such beneficiary's proportionate interest in the income of the estate or trust is reduced (for example, by a sale, or by the terms of the estate or trust instrument) below the percentage specified in subdivision (ii) of this subparagraph,

then, on the date of such reduction, the employment of such employee shall be deemed terminated with respect to such estate, trust, or beneficiary to the extent of the actual reduction in such estate's, trust's, or beneficiary's, proportionate interest in the income of the estate or trust. (For example, if $100 of WIN expenses were apportioned to a beneficiary and if his proportionate interest in the income of the estate or trust is reduced from 60 percent to 30 percent (that is, 50 percent of his original interest), then the employment of the employee to which such WIN expenses relates shall be deemed terminated as to that beneficiary to the extent of $50.) Accordingly, a recapture determination shall be made with respect to such estate, trust, or beneficiary. For purposes of such recapture determination the period of employment of any employee or employees with respect to whom WIN expenses were paid or incurred shall be the period beginning with the initial date of employment (as defined in paragraph (c)(1) of § 1.50A–3) with respect to the estate or trust and ending with the date on which such reduction occurs.

(ii) The percentage referred to in subdivision (i)(b) of this subparagraph is 66⅔ percent of the estate's, trust's, or beneficiary's proportionate interest in the income of the estate or trust for the taxable year of the apportionment under paragraph (a) of § 1.50B–3. However, once employment of an employee has been treated under this subparagraph as having terminated with respect to the estate, trust, or beneficiary to any extent, the percentage referred to shall be 33⅓ percent of the estate's, trust's, or beneficiary's proportionate interest in the income of the estate or trust for the taxable year of the apportionment under paragraph (a) of § 1.50B–3.

(iii) In determining a beneficiary's proportionate interest in the income of an estate or trust for purposes of this subparagraph, the beneficiary shall be considered to own any interest in such an estate or trust which he owns directly or indirectly (through ownership in other entities provided such other entities' bases in such interests are determined in whole or in part by reference to the basis of such interests in the hands of the beneficiary). For example, if A, whose proportionate interest in the income of trust X is 30 percent, transfers all of such interest to corporation Y in exchange for all of the stock of Y in a transaction to which section 351 applies, then, for purposes of subdivision (i) of this subparagraph, A shall be considered to own a 30-percent interest in trust X. Any taxpayer who seeks to establish his interest in an estate or trust under the rule of this subdivision shall maintain adequate records to demonstrate his indirect interest in the estate or trust after any such transfer or transfers.

(b) *Computation of the first 12 months of employment.* The period described in paragraph (a)(1) of § 1.50A–3 shall not be affected by a change in the beneficiaries of an estate or trust and shall not be affected by a reduction or a termination of a beneficiary's interest in the income of such estate or trust. Thus, the period described in paragraph (a)(1) of § 1.50A–3 for any WIN employee shall be the same with respect to a trust or estate and any beneficiary of such trust or estate which is allowed a credit under section 40 for salaries and wages paid or incurred for services rendered by such employee. Also, such period with respect to any WIN employee shall not be deemed to begin again as the result of the acquisition of the interest by another.

(c) *Examples.* Paragraph (a) of this section may be illustrated by the following examples:

Example (1). (i) XYZ Trust, which makes its returns on the basis of the calendar year, hired employees under the WIN program on July 1, 1972, and incurred expenses for such employees during the following 12 months at an initial rate of $10,000 per month. For the taxable year 1972 the income of XYZ Trust is $60,000, which is allocated equally to XYZ Trust and beneficiary A. Beneficiary A makes his returns on the basis of a calendar year. Under paragraph (a) of this section, the WIN expenses were apportioned to XYZ Trust and to beneficiary A as follows:

	Period ending December 31, 1972
Total WIN expenses for the taxable year	$60,000
XYZ Trust ($30,000/$60,000)	30,000
Beneficiary A ($30,000/$60,000)	30,000

Assuming that during 1972 beneficiary A did not directly incur any WIN expenses and that he did not own any interest in other estates, trusts, electing small business corporations, or partnerships incurring WIN expenses, the WIN expenses incurred by XYZ Trust and by beneficiary A are $30,000 each. For the taxable year 1972, XYZ Trust and beneficiary A each had a credit earned of $6,000. Each credit earned was allowed under section 40 as a credit against the liability for tax.

(ii) On January 1, 1973, XYZ Trust terminates the employment of its employees accounting for 50 percent of its WIN expenses incurred to that date, or $30,000 in salaries and wages. The actual period of employment for these WIN employees was 6 months. For the taxable year 1972, XYZ Trust's and beneficiary A's recomputed credit is $3,000 (20 percent of $15,000). The income tax imposed by chapter 1 of the Code on XYZ Trust and on beneficiary A for the taxable year 1973 is increased by the $3,000 decrease in his credit earned for the taxable year 1972 (that is, $6,000 original credit earned minus $3,000 recomputed credit earned).

Example (2). (i) The facts are the same as in subdivision (i) of example (1), except that on January 1, 1973, beneficiary A sells 50 percent of his interest in the income of XYZ Trust to B. No other changes in income interest occurred during 1973. Under paragraph (a)(2) of § 1.50B–4, each beneficiary's share and the trust's share of the WIN expenses are apportioned as follows:

	Period ending December 31, 1973
Total WIN expenses for the taxable year	$60,000
XYZ Trust ($30,000/$60,000)	30,000
Beneficiary A ($15,000/$60,000)	15,000
Beneficiary B ($15,000/$60,000)	15,000

(ii) Under paragraph (a)(2) of this section, on January 1, 1973, the employment of these WIN employees shall be deemed terminated by beneficiary A with respect to 50 percent of the WIN expenses allocated to him since immediately after the January 1, 1973, sale A's proportionate interest in the income of XYZ Trust is reduced to 50 percent of his proportionate interest in the income of XYZ Trust for the taxable year 1972. The period of employment of the WIN employees accounting for the 50 percent of the WIN expense originally allocated to A is 6 months (that is, the period beginning with July 1, 1972, and ending with December 31, 1972). For the taxable year 1972 beneficiary A's recomputed credit earned is $3,000 (20 percent of $15,000). The income tax imposed by chapter 1 of the Code on beneficiary A for the taxable year 1973 is increased by the $3,000 decrease in his credit earned for the taxable year 1972 (that is, $6,000 original credit earned minus $3,000 recomputed credit earned).

§ 1.50A–7 Partnerships.

(a) *In general*—(1) *Termination of employment by a partnership.* If a partnership terminates (in a termination subject to the provisions of paragraph (a) of § 1.50A–3) the employment of any WIN employee with respect to whom WIN expenses have been paid or incurred, a recapture determination shall be made under § 1.50A–3 with respect to each partner who is treated, under paragraph (a) of § 1.50B–4, as a taxpayer with respect to such expenses. Each such recapture determination shall be made with respect to the share of the WIN expenses with respect to such employee which were taken into account by such partner under paragraph (a) of § 1.50B–4. For purposes of each such recapture determination the period of employment of any such employee shall be the period beginning with the initial date of employment (as defined in paragraph (c)(1) of § 1.50A–3) with respect to the partnership and ending with the date of such employee's termination (as defined in paragraph (a)(1)(ii) of § 1.50A–3). For the definition of "recapture determination" see paragraph (a)(3) of § 1.50A–3.

(2) *Disposition of partner's interest.* (i) If—

(a) WIN expenses are allocated to a partner of a partnership who takes such expenses into account in computing his WIN expenses, and

(b) After the end of the partner's taxable year in which such allocation was taken into account and before the close of the period to which paragraph (a)(1) of § 1.50A–3 applies with respect to the employee to which such WIN expenses relate, such partner's proportionate interest in the general profits of the partnership (or in the particular expenses) is reduced (for example, by a sale, by a change in the partnership agreement, or by the admission of a new partner) below the percentage specified in subdivision (ii) of this subparagraph,

then, on the date of such reduction the employment of such employee shall be deemed terminated with respect to such partner to the extent of the actual reduction in such partner's proportionate interest in the general profits (or in the particular expenses) of the partnership. (For example, if $100 of WIN expenses were taken into account by a partner and if his proportionate interest in the general profits of the partnership is reduced from 60 percent to 30 percent (that is, 50 percent of his original interest), then the employment of the employee to which such WIN expenses relate shall be deemed terminated as to that partner to the extent of $50.) Accordingly, a recapture determination shall be made with respect to such partner. For purposes of such recapture determination the period of employment of any employee or employees with respect to whom WIN expenses were paid or incurred shall be the period beginning with the initial date of employment (as defined in paragraph (c)(1) of § 1.50A–3) with respect to the partnership and ending with the date on which such reduction occurs.

(ii) The percentage referred to in subdivision (i)(b) of this subparagraph is 66⅔ percent of the partner's proportionate interest in the general profits (or in the WIN expenses) of the partnership for the year of the apportionment under § 1.50B–4(a). However, once employment of an employee has been treated under this subparagraph as having terminated with respect to the partner to any extent, the percentage referred to shall be 33⅓ percent of the partner's proportionate interest in the general profits (or in the WIN expenses) of the partnership for the taxable year of the apportionment under paragraph (a) of § 1.50B–4.

(iii) In determining a partner's proportionate interest in the general profits (or in the WIN expenses) of a partnership for purposes of this subparagraph, the partner shall be considered to own any interest in such a partnership which he owns directly or indirectly (through ownership in other entities provided the other entities' bases in such interests are determined in whole or in part by reference to the basis of such interest in the hands of the partner). For example, if A, whose proportionate interest in the general profits of partnership X is 20 percent, transfers all of such interest to Corporation Y in exchange for all of the stock of Y in a transaction to which section 351 applies, then, for purposes of subdivision (i) of

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this subparagraph, A shall be considered to own a 20 percent interest in partnership X. Any taxpayer who seeks to establish his interest in a partnership under the rule of this subdivision shall maintain adequate records to demonstrate his indirect interest in the partnership after any such transfer or transfers.

(3) *Computation of the first 12 months of employment.* The period described in paragraph (a)(1) of § 1.50A–3 shall not be affected by a change in the partners of such partnership and shall not be affected by a change in the ratio in which the partners divide the general profits (or the WIN expenses) of the partnership. Thus, such period for any WIN employee shall be the same with respect to any partner claiming a credit under section 40 for salaries and wages paid or incurred for services rendered by such employee.

(b) *Examples.* Paragraph (a) of this section may be illustrated by the following examples:

Example (1). (i) AB partnership, which makes its returns on the basis of the calendar year, hired employees under the WIN program on July 1, 1972, and incurred expenses for such employees during the following 12 months at an initial rate of $10,000 per month. Partners A and B, who make their returns on the basis of a calendar year, share the profits and losses of AB partnership equally. Under paragraph (a)(2) of this section, each partner's share of the WIN expenses was apportioned as follows:

	Period ending December 31, 1972
Total WIN expenses for the taxable year	$80,000
Partner A's share (50 percent)	30,000
Partner B's share (50 percent)	30,000

Assuming that during 1972 A and B did not directly incur any WIN expenses and that they did not own any interest in other partnerships, electing small business corporations, estates, or trusts incurring WIN expenses, each partner's share of the WIN expenses is $30,000. For the taxable year 1972, each partner's credit earned of $6,000 (20 percent of $30,000) was allowed under section 40 as a credit against his liability for tax.

(ii) On January 1, 1973, AB partnership terminates the employment of its employees accounting for 50 percent of its WIN expenses incurred to that date, or $30,000 in salaries and wages. The actual period of employment for these WIN employees was 6 months. For the taxable year 1972, each partner's recomputed credit earned is $3,000 (20 percent of $15,000). The income tax imposed by chapter 1 of the Code on each of the partners for the taxable year 1973 is increased by the $3,000 decrease in his credit earned for the taxable year 1972 (that is, $6,000 original credit earned minus $3,000 recomputed credit earned).

Example (2). (i) The facts are the same as in subdivision (i) of example (1), except that on January 1, 1973, partner A sells one-half of his 50 percent interest in AB partnership to C, to form the ABC partnership. No other changes in the partners' proportionate interest in the general profits of the partnership occurred during 1973. Under paragraph (a)(2) of this section, each partner's share of the WIN expenses was apportioned on December 31, 1973, as follows:

	Period ending December 31, 1973
Total WIN expenses for the taxable year	$60,000
Partner A's share (25 percent)	15,000
Partner B's share (50 percent)	30,000
Partner C's share (25 percent)	15,000

(ii) Under paragraph (a)(2) of this section, on January 1, 1973, the employment of these WIN employees shall be deemed terminated by partner A with respect to 50 percent of the WIN expenses allocated to him since immediately after the January 1, 1973, sale, A's proportionate interest in the general profits of ABC partnership is reduced to 50 percent of his proportionate interest in the general profits of AB partnership for 1972. The period of employment of the WIN employees accounting for the 50 percent of the WIN expenses originally allocated to A is 6 months (that is, the period beginning with July 1, 1972, and ending with December 31, 1972). For the taxable year 1972 partner A's recomputed credit earned is $3,000 (20 percent of $15,000). The income tax imposed by chapter 1 of the Code on partner A for the taxable year 1973 is increased by the $3,000 decrease in his credit earned for the taxable year 1972 (that is, $6,000 original credit earned minus $3,000 recomputed credit earned).

§ 1.50B Statutory provisions; definitions; special rules.

SEC. 50B. *Definitions; special rules*—(a) *Work incentive program expenses.* For purposes of this subpart, the term "work incentive program expenses" means the wages paid or incurred by the taxpayer for services rendered during the first 12 months of employment (whether or not consecutive) of employees who are certified by the Secretary of Labor as—

(1) Having been placed in employment under a work incentive program established under section 432(b)(1) of the Social Security Act, and

(2) Not having displaced any individual from employment.

(b) *Wages.* For purposes of subsection (a), the term "wages" means only cash remuneration (including amounts deducted and withheld).

(c) *Limitations*—(1) *Trade or business expenses.* No item shall be taken into account under subsection (a) unless such item is incurred in a trade or business of the taxpayer.

(2) *Reimbursed expenses.* No item shall be taken into account under subsection (a) to the extent that the taxpayer is reimbursed for such item.

(3) *Geographical limitation.* No item shall be taken into account under subsection (a) with respect to any expense paid or incurred by the taxpayer with respect to employment outside the United States.

(4) *Maximum period of training or instruction.* No item with respect to any employee shall be taken into account under subsection (a) after the end of the 24-month period beginning with the date of initial employment of such employee by the taxpayer.

(5) *Ineligible individuals.* No item shall be taken into account under subsection (a) with respect to an individual who—

(A) Bears any of the relationships described in paragraphs (1) through (8) of section 152(a) to the taxpayer, or, if the taxpayer is a corporation, to an individual who owns, directly or indirectly, more than 50 percent in value of the outstanding stock of the corporation (determined with the application of section 267(c)),

(B) If the taxpayer is an estate or trust, is a grantor, beneficiary, or fiduciary of the estate or trust, or is an individual who bears any of the relationships described in paragraphs (1) through (8) of section 152(a) to a grantor, beneficiary, or fiduciary of the estate or trust, or

(C) Is a dependant (described in section 152(a)(9)) of the taxpayer, or, if the taxpayer is a corporation, of an individual described in subparagraph (A), or, if the taxpayer is an estate or trust, of a grantor, beneficiary, or fiduciary of the estate or trust.

(d) *Subchapter S corporations.* In case of an electing small business corporation (as defined in section 1371)—

(1) The work incentive program expenses for each taxable year shall be apportioned pro rata among the persons who are shareholders of such corporation on the last day of such taxable year, and

(2) Any person to whom any expenses have been apportioned under paragraph (1) shall be treated (for purposes of this subpart) as the taxpayer with respect to such expenses.

(e) *Estates and trusts.* In the case of an estate or trust—

(1) The work incentive program expenses for any taxable year shall be apportioned between the estate or trust and the beneficiaries on the basis of the income of the estate or trust allocable to each,

(2) Any beneficiary to whom any expenses have been apportioned under paragraph (1) shall be treated (for purposes of this subpart) as the taxpayer with respect to such expenses, and

(3) The $25,000 amount specified under subparagraphs (A) and (B) of section 50A(a)(2) applicable to such estate or trust shall be reduced to an amount which bears the same ratio to $25,000 as the amount of the expenses allocated to the trust under paragraph (1) bears to the entire amount of such expenses.

(f) *Limitations with respect to certain persons.* In the case of—

(1) An organization to which section 593 applies,

(2) A regulated investment company or a real estate investment trust subject to taxation under subchapter M (section 851 and following), and

(3) A cooperative organization described in section 1381(a),

rules similar to the rules provided in section 46(d) shall apply under regulations prescribed by the Secretary or his delegate.

(g) *Cross reference.* For application of this subpart to certain acquiring corporations, see section 381(c)(24).

[Sec. 50B as added by sec. 601(b), Rev. Act 1971 (85 Stat. 556)]

§ 1.50B–1 Definitions of WIN expenses and WIN employees.

(a) *WIN expenses*—(1) *In general.* Except as otherwise provided in paragraphs (b)–(g) of this section, for purposes of §§ 1.50A–1 through 1.50B–5, the term "work incentive program expenses" (referred to in §§ 1.50A–1 through 1.50B–5 as "WIN expenses") means the salaries and wages paid or incurred by the taxpayer for services rendered during the first 12 months of employment (whether or not consecutive) by an employee who is certified by the Secretary of Labor as—

(i) Having been placed in employment by the taxpayer (or if the taxpayer is a partner of a partnership, beneficiary of an estate or trust, or a shareholder of an electing small business corporation, by such partnership, estate, trust, or electing small business corporation) under a work incentive (WIN) program established under section 432(b)(1) of the Social Security Act (42 U.S.C. 632(b)(1)), and

(ii) Not having displaced any individual from employment.

The term "WIN expenses" includes only salaries and wages paid or incurred in taxable years beginning after December 31, 1971. See paragraph (c) of § 1.50A–3 for rules relating to the determination of the first 12 months of employment (whether or not consecutive).

(2) *Examples.* The provisions of subparagraph (1) of this paragraph may be illustrated by the following examples:

Example (1). X Corporation, an accrual basis taxpayer which files its return on the basis of the calendar year, hired an employee on July 1, 1971, who was certified by the Secretary of Labor under this paragraph. The first 12 months of employment were continuous. X is entitled to the credit provided by section 40 with respect to the salaries or wages incurred during its taxable year beginning January 1, 1972, for services rendered by that employee during the period beginning July 1, 1971, and ending June 30, 1972.

Example (2). Y, a cash basis taxpayer who files his return on the basis of the calendar year, employed A, an employee certified by the Secretary of Labor under this paragraph, on July 1, 1971. A's first 12 months of employment were continuous. Y paid A on the basis of a semimonthly payroll period, but paid his payroll 3 days after the close of the payroll period during which the wages were earned. Thus, Y paid A on January 2, 1972, for services rendered between December 16, 1971, and December 31, 1971. Y is entitled to the credit provided by section 40 with respect to the wages paid for services rendered by A during the period beginning December 16, 1971, and ending June 30, 1972, because those wages were paid by Y in a taxable year beginning after December 31, 1971.

(b) *Salaries and wages.* For purposes of this section, the term "salaries and wages" means only cash remuneration including a check. Amounts deducted and withheld from the employee's pay (for example, taxes and contributions to health and retirement plans) shall be deemed to be cash remuneration even though not actually paid directly to the employee.

(c) *Trade or business expenses.* The term "WIN expenses" includes only salaries and wages which are paid or incurred in a trade or business of the taxpayer and which are deductible in computing taxable income. Thus, salaries and wages paid to domestic employees in a private home are not "WIN expenses".

(d) *Reimbursed expenses*—(1) *In general.* The term "WIN expenses" does not include salaries and wages to the extent that the taxpayer is reimbursed for such salaries or wages from any source.

(2) *Example.* Subparagraph (1) of this paragraph may be illustrated by the following example:

Example. X Company, which makes its return on the basis of the calendar year, hired WIN employees on January 1, 1972. X Company has a cost-plus construction contract with the Federal Government. The fact that X has a construction contract with the Federal Government or anyone else does not change its character from a normal business transaction in which there has been a sale of materials and services. Thus, the salaries or wages paid or incurred for services rendered by these WIN employees would not be reimbursed expenses, and X would be entitled to the credit provided by section 40.

(e) *Geographical limitation*—(1) *In general.* The term "WIN expenses" does not include salaries and wages paid or incurred for services rendered outside the United States (as defined in sections 638 (relating to Continental Shelf areas) and 7701(a)(9)). However, services rendered by any WIN employee outside the United States (as defined in sections 638 (relating to Continental Shelf areas) and 7701(a)(9)) shall contribute to such employee's first 12 months of employment (whether or not consecutive) for purposes of paragraph (a) of § 1.50A–3 and paragraph (a) of this section.

(2) *Example.* Subparagraph (1) of this paragraph may be illustrated by the following example:

Example. X Corporation, which files its return on the basis of the calendar year, hired A, a WIN employee, on January 1, 1972, and continuously employed him for the following 24-month period. During January and February of 1972, X paid A's wages while he received training conducted in Puerto Rico. For the remainder of the calendar year A performed services for X within the United States. For purposes of paragraph (a) of § 1.50A–3 and paragraph (a) of this section, A's first 12 months of employment are January 1, 1972, to December 31, 1972. Under subparagraph (1) of this paragraph no wages paid to A for services rendered during the months of January and February of 1972 may be taken into account by X under paragraph (a) of this section as WIN expenses because the services were rendered outside the United States. However, X may take into account wages he has incurred with respect to A for the period March 1, 1972, to December 31, 1972.

(f) *Maximum period of training or instruction.* The term "WIN expenses" does not include salaries and wages paid or incurred for services rendered by a WIN employee after the end of the 24-month period beginning with the date of initial employment (as defined in paragraph (c)(1) of § 1.50A–3) of the WIN employee.

(g) *Ineligible individuals.* The term "WIN expenses" does not include salaries and wages paid or incurred for services rendered by a WIN employee who—

(1) Bears any of the relationships described in paragraphs (1) through (8) of section 152(a) of the Code to the taxpayer, or, if the taxpayer is a corporation, to an individual who owns, directly or indirectly, more than 50 percent in value of the outstanding stock of the corporation (determined with the application of section 267(c) of the Code),

(2) If the taxpayer is an estate or trust, is a grantor, beneficiary, or fiduciary of the estate or trust, or is an individual who bears any of the relationships described in paragraphs (1) through (8) of section 152(a) of the Code to a grantor, beneficiary, or fiduciary of the estate or trust, or

(3) Is a dependent (described in section 152(a)(9) of the Code) of the taxpayer, or, if the taxpayer is a corporation, of an individual described in subparagraph (1), or, if the taxpayer is an estate or trust, of a grantor, beneficiary, or fiduciary of the estate or trust.

(h) *WIN employee.* For purposes of §§ 1.50A–1—1.50B–5 the term "WIN employee" means an employee who is certified by the Secretary of Labor as meeting the requirements of paragraph (a)(1)(i) and (ii) of this section.

(i) *Special rule applicable to transactions to which section 381(a) applies and transactions involving a mere change in form of conducting a trade or business.* The first 12 months of employment (whether or not consecutive) and the period described in section 50B(c)(4) of any WIN employee, for purposes of determining the amount of WIN expenses (as defined in paragraph (a) of § 1.50B–1), shall not be affected by transactions to which the rule contained in paragraph (f) (relating to transaction to which section 381(a) (relating to certain corporate acquisitions) applies), or paragraph (g) (relating to a mere change in form of conducting a trade or business) of § 1.50A–4 applies.

§ 1.50B–2 Electing small business corporations.

(a) *General rule*—(1) *In general.* In the case of an electing small business corporation (as defined in section 1371(b)), WIN expenses (as defined in paragraph (a) of § 1.50B–1) shall be apportioned pro rata among the persons who are shareholders of such corporation on the last day of such corporation's taxable year, and shall be taken into account for the taxable years of such shareholders within which or with which the taxable year of such corporation ends. The WIN expenses for each employee shall be apportioned separately. In determining who are shareholders of an electing small business corporation on the last day of its taxable year, the rules of paragraph (d)(1) of § 1.1371–1 and of paragraph (a)(2) of § 1.1373–1 shall apply.

(2) *Shareholder as taxpayer.* A shareholder to whom WIN expenses are apportioned shall, for purposes of the credit allowed by section 40, be treated as the taxpayer who paid or incurred the expenses allocated to him. If a shareholder takes into account in determining his WIN expenses any WIN expenses with respect to an employee of an electing small business corporation, and if the employment of such employee is terminated in a termination subject to the rules contained in paragraph (a) of § 1.50A–3, or if the electing small business corporation fails to pay comparable wages and such failure is subject to the rules contained in paragraph (a)(2) and (3) of § 1.50A–3, then such shareholder shall make a recapture determination under the provisions of section 50A(c) and (d) of the Code and § 1.50A–3. See § 1.50A–5.

(3) *Computation of the first 12 months of employment.* The first 12 months of employment (whether or not consecutive) and the period described in

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section 50B(c)(4) of any WIN employee for purposes of determining the amount of WIN expenses (as defined in paragraph (a) of § 1.50B–1) shall not be affected by a change in the shareholders in such corporation and shall not be affected by a reduction in any shareholder's proportionate stock interest in such corporation (for example, by a sale or redemption or by the issuance of additional shares). Thus, the first 12 months of employment (whether or not consecutive) of any WIN employee shall be the same with respect to any shareholder claiming a credit under section 40 for salaries and wages paid or incurred for services rendered by such employee. Also, such first 12 months of employment and the period described in section 50B(c)(4), with respect to any WIN employee, shall not be deemed to begin again because of the making of a valid election under section 1372.

(b) *Summary statement.* An electing small business corporation shall attach to its return a statement showing the apportionment to each shareholder of its WIN expenses with respect to each WIN employee.

(c) *Examples.* Paragraph (a) of this section may be illustrated by the following examples:

Example (1). (i) X Corporation, an electing small business corporation which files its returns on the basis of the calendar year, hired WIN employees on July 1, 1972, whose employment was continuous for the next 24 months. A, a shareholder, has a 10 percent interest in X Corporation. X Corporation incurred $24,000 in wages with respect to these WIN employees in calendar year 1972, and $48,000 in calendar year 1973. Assuming that during 1972 shareholder A did not directly incur any other WIN expenses and did not own any other interest in other electing small business corporations, partnerships, estates, or trusts that incurred WIN expenses, for taxable year 1972 shareholder A's credit earned of $480 (10 percent (A's ownership interest) multiplied by $24,000 of WIN expenses multiplied by 20 percent) was allowed under section 40 as a credit against his liability for tax.

(ii) On March 1, 1973, shareholder A sold all of his interest to B, a new shareholder. Therefore, the employment of the WIN employees is deemed terminated for purposes of paragraph (a) of § 1.50A–3 with respect to shareholder A. For taxable year 1972, A's recomputed credit is zero because the termination occurred before the end of the period described in paragraph (a)(1) of § 1.50A–3. The income tax imposed by chapter 1 of the Code on A for the taxable year 1973 is increased by the $480 decrease in his credit earned for the taxable year 1972 (that is, $480 original credit earned minus zero recomputed credit earned). Under paragraph (a) of this section A has no credit earned for 1973.

(iii) Under paragraph (a)(1) of this section, assuming that during 1973 shareholder B did not directly incur any other WIN expenses and that he did not own any interest in other electing small business corporations, partnerships, estates, or trusts that incurred WIN expenses, shareholder B's credit earned is $480 (10 percent (B's ownership interest) multiplied by $24,000 of WIN expenses multiplied by 20 percent) and is allowable under section 40 as a credit against his liability for tax. Under paragraph (a)(3) for purposes of determining the period of employment that may be taken into account by B the initial date of employment of these WIN employees relates back to the date they were first employed, *i.e.*, July 1, 1972. Thus, the first 12 months of employment ends on June 30, 1973.

Example (2). (i) Y Corporation, an electing small business corporation which files its return on the basis of the calendar year, hires five WIN employees in 1972. The WIN expenses incurred with respect to each employee are as follows:

WIN employee number	WIN expenses
1	$6,000
2	5,000
3	4,000
4	4,000
5	3,000
Total	22,000

On December 31, 1972, Y Corporation has 10 shares of stock outstanding which are owned as follows: A owns 3 shares, B owns 2 shares, and C owns 5 shares.

(ii) Under this section, the WIN expenses are apportioned to the shareholders of Y Corporation as follows:

WIN employees	1	2	3	4	5	Total
Total WIN expenses	$6,000	$5,000	$4,000	$4,000	$3,000	
Shareholder A (3/10)	1,800	1,500	1,200	1,200	900	6,600
Shareholder B (2/10)	1,200	1,000	800	800	600	4,400
Shareholder C (5/10)	3,000	2,500	2,000	2,000	1,500	11,000

Assume that shareholders A, B, and C did not directly incur any other WIN expenses during their taxable year in which falls December 31, 1972 (the last day of Y Corporation's taxable year), and that such shareholders did not own any interest in other electing small business corporations, partnerships, estates or trust that incurred WIN expenses. The total WIN expenses of shareholder A are $6,600, of shareholder B are $4,400, and of shareholder C are $11,000.

§ 1.50B–3 Estates and trusts.

(a) *General rule*—(1) *In general.* In the case of an estate or trust, WIN expenses (as defined in paragraph (a) of § 1.50B–1) shall be apportioned among the estate or trust and its beneficiaries on the basis of the income of such estate or trust allocable to each. There shall be apportioned to the estate or trust for its taxable year, and to each beneficiary of such estate or trust for his taxable year in which or with which the taxable year of such estate or trust ends, his share (as determined under paragraph (b) of this section) of the total WIN expenses. The WIN expenses for each employee shall be apportioned separately.

(2) *Beneficiary as taxpayer.* A beneficiary to whom WIN expenses are apportioned shall, for purposes of the credit allowed by section 40, be treated as the taxpayer who paid or incurred such WIN expenses allocated to him. If a beneficiary takes into account in determining his WIN expenses any portion of the WIN expenses paid or incurred by an estate or trust and if the employee with respect to which the WIN expenses were paid or incurred is terminated in a termination subject to the rules in paragraph (a) of § 1.50A–3, or if there is a failure (which is subject to the rules is paragraph (a) (2) and (3) of § 1.50A–3) to pay such employee comparable wages then such beneficiary shall make a recapture determination under the provisions of section 50A (c) and (d) of the Code and § 1.50A–3. See § 1.50A–6.

(3) *Beneficiary.* For purposes of this section, the term "beneficiary" includes heir, legatee, and devisee.

(4) *Special rule for termination of interest.* If during the taxable year of an estate or trust a beneficiary's interest in the income of such estate or trust terminates, WIN expenses paid or incurred by such estate or trust after such termination shall not be apportioned to such beneficiary.

(b) *Share.* A trust's, estate's, or beneficiary's share of the WIN expenses with respect to each employee shall be:

(1) The total WIN expenses incurred in the taxable year of the estate or trust with respect to such employee, multiplied by

(2) The amount of income allocable to such estate or trust or to such beneficiary for such taxable year, divided by

(3) The sum of the amounts of income allocable to such estate or trust and all its beneficiaries taken into account under subparagraph (2) of this paragraph.

(c) *Limitation based on amount of tax.* In the case of an estate or trust, the $25,000 amount specified in section 50A(a)(2), relating to limitation based on amount of tax, shall be reduced for the taxable year to—

(1) $25,000, multiplied by

(2) The WIN expenses apportioned to such estate or trust under paragraph (a) of this section, divided by

(3) The WIN expenses apportioned among such estate or trust and its beneficiaries.

(d) *Computation of the first 12 months of employment.* The first 12 months of employment (whether or not consecutive) and the period described in section 50B(c)(4) of any WIN employee for purposes of determining the amount of WIN expenses (as defined in paragraph (a) of § 1.50B–1) shall not be affected by a change in the beneficiaries of an estate or trust and shall not be affected by a reduction or a termination of a beneficiary's interest in the income of such estate or trust. Thus, the first 12 months of employment (whether or not consecutive) of any WIN employee shall be the same with respect to trust or estate, and any beneficiary of such trust or estate claiming a credit under section 40 for salaries and wages paid or incurred for services rendered by such employee.

(e) *Summary statement.* An estate or trust shall attach to its return a statement showing the apportionment of WIN expenses with respect to each employee to such estate or trust and to each beneficiary.

(f) *Examples.* This section may be illustrated by the following examples:

Example (1). (i) XYZ trust, which makes its return on the basis of the calendar year, hires five WIN employees in 1972. The WIN expenses incurred with respect to each employee are as follows:

WIN employee number	WIN expenses
1	$6,000
2	5,000
3	4,000
4	4,000
5	3,000
Total	22,000

For the taxable year 1972 the income of XYZ trust is $10,000 which is allocable as follows: $5,000 to XYZ trust, $2,000 to beneficiary A, and $3,000 to beneficiary B. Beneficiaries A and B make their returns on the basis of a calendar year.

(2) Under this section, the WIN expenses are apportioned to XYZ trust and to its beneficiaries as follows:

WIN employees	1	2	3	4	5	Total
Total WIN expenses	$6,000	$5,000	$4,000	$4,000	$3,000	
XYZ Trust: $5,000/10,000	3,000	2,500	2,000	2,000	1,500	$11,000
Beneficiary A: $2,000/10,000	1,200	1,000	800	800	600	4,400
Beneficiary B: $3,000/10,000	1,800	1,500	1,200	1,200	900	6,600

Assume that beneficiary A hired a WIN employee during his taxable year 1972 and incurred $6,000 in wages. Also, assume that beneficiary B did not hire WIN employees during his taxable year 1972 and that beneficiaries A and B did not own any interests in other trusts, estates, partnerships, or electing small business corporations that hired WIN employees. The WIN expenses of XYZ trust are $11,000, of beneficiary A are $10,400, and of beneficiary B are $6,600.

(3) In the case of XYZ trust, the $25,000 amount specified in section 50A(a)(2) is reduced to $12,500, computed as follows: (i) $25,000 multiplied by (ii) $11,000 (WIN expense apportioned to the trust), divided by (iii) $22,000 (total WIN expenses apportioned among such trust ($11,000), beneficiary A ($4,400), and beneficiary B ($6,600)).

Example (2). The facts are the same as in example (1) except that beneficiary A's interest is reduced to zero. Under paragraph (a)(2) for purposes of determining the period of employment that may be taken into account by XYZ trust and by beneficiary B, the initial date of employment of the WIN employees relates back to the date they were first employed.

§ 1.50B–4 Partnerships.

(a) *General rule*—(1) *In general.* In the case of a partnership, each partner shall take into account separately, for his taxable year with or within which the partnership taxable year ends, his share (as determined under subparagraph (3) of this paragraph) of the WIN expenses (as defined in paragraph (a) of § 1.50B–1) of employees employed by the partnership during such partnership's taxable year. The WIN expenses for each employee shall be allocated separately.

(2) *Partner as taxpayer.* Each partner shall be treated as the taxpayer who paid or incurred the share of the WIN expenses allocated to him. If a partner takes into account in determining his WIN expenses the WIN expenses of an employee of a partnership, and if the employment of such employee is terminated in a termination subject to the rules contained in paragraph (a) of § 1.50A–3, or if the partnership fails to pay comparable wages and such failure is subject to the rules contained in paragraph (a) (2) and (3) of § 1.50A–3, then such partner shall make a recapture determination under the provisions of section 50A (c) and (d) of the Code and § 1.50A–3. See § 1.50A–7.

(3) *Determination of partner's share.* (i) Each partner's share of the WIN expenses shall be determined in accordance with the ratio in which the partners divide the general profits of the partnership (that is, the taxable income of the partnership as described in section 702 (a)(9)) regardless of whether the partnership has a profit or a loss for the taxable year during which the WIN expenses are paid or incurred. However, if the ratio in which the partners divide the general profits of the partnership changes during the taxable year of the partnership, the ratio effective for the date on which the WIN expenses are paid or incurred shall apply.

(ii) Notwithstanding subdivision (i) of this subparagraph, if the deduction with respect to any WIN expenses is specially allocated and if such special allocation is recognized under section 704 (a) and (b) and paragraph (b) of § 1.704–1, then each partner's share of the WIN expenses shall be determined by reference to such special allocation effective for the date on which the WIN expenses are paid or incurred.

(4) *Computation of the first 12 months of employment.* The first 12 months of employment (whether or not consecutive) and the period described in section 50B(c)(4) with respect to any WIN employee for purposes of determining the amount of WIN expenses (as defined in paragraph (a) of § 1.50B–1) shall not be affected by a change in the partners of such partnership and shall not be affected by a change in the ratio in which the partners divide the general profits of the partnership. Thus, the first 12 months of employment (whether or not consecutive) and the 24-month period described in section 50B(c)(4) of any WIN employee shall be the same with respect to any partner claiming a credit under section 40 for salaries and wages paid or incurred for services rendered by such employee.

(b) *Summary statement.* A partnership shall attach to its return a statement showing the allocation to each partner of its WIN expenses with respect to each WIN employee.

(c) *Examples.* Paragraph (a) of this section may be illustrated by the following examples:

Example (1). Partnership ABCD hires a WIN employee on January 1, 1972, and hires a second WIN employee on September 1, 1972. The ABCD partnership and each of its partners reports income on the basis of the calendar year. Partners A, B, C, and D share partnership profits equally. Each partner's share of the WIN expenses incurred with respect to these employees is 25 percent.

Example (2). Assume the same facts as in example (1) and the following additional facts: A dies on June 30, 1972, and B purchases A's interest as of such date. Each partner's share of the profits from January 1 to June 30 is 25 percent. From July 1 to December 31, B's share of the profits is 50 percent, and C and D's share of the profits is 25 percent each. B shall take into account 25 percent of the WIN expenses incurred during the period beginning January 1 and ending June 30 and 50 percent of the WIN expenses incurred during the remainder of the year with respect to the employee hired on January 1, 1972. Also, B shall take into account 50 percent of the WIN expenses incurred with respect to the employee hired on September 1, C and D shall each take into account 25 percent of the WIN expenses incurred with respect to the employees employed by the partnership in 1972. Under paragraph (a)(3), for purposes of determining the period of employment that may be taken into account by B, the initial date of employment of the WIN employee hired on January 1 relates back to the date he was first employed, *i.e.*, January 1, 1972.

Example (3). Partnership SH is engaged in manufacturing. Under the terms of the partnership agreements deductions attributable to the employment of WIN employees are specially allocated 70 percent to partner S and 30 percent to partner H. In all other respects S and H share profits and losses equally. If the special allocation with respect to the WIN expenses is recognized under section 704 (a) and (b) and paragraph (b) of § 1.704–1, the WIN expenses shall be taken into account, 70 percent by S and 30 percent by H.

Example (4). (i) LMN partnership, which files its return on the basis of the calendar year, hires five WIN employees in 1973. The WIN expenses incurred with respect to each employee are as follows:

WIN employee number	WIN expenses
1	$6,000
2	5,000
3	4,000
4	4,000
5	3,000
Total	22,000

On December 31, 1973, the ratio in which the partners divide the general profits of the LMN partnership is as follows: L receives three-tenths of the general profits, M receives two-tenths of the general profits, and N receives five-tenths of the general profits.

(ii) Under this section the WIN expenses are apportioned to the partners of LMN partnership as follows:

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WIN employees	1	2	3	4	5	Total
Total WIN expenses	$6,000	$8,000	$4,000	$4,000	$3,000	$22,000
Partner L (3/10)	1,800	1,600	1,200	1,200	800	6,600
Partner M (2/10)	1,200	1,000	800	800	600	4,400
Partner N (3/10)	3,000	2,800	2,000	2,000	1,500	11,000

Assume that partners L, M, and N did not directly incur any other WIN expenses during their taxable year in which falls December 31, 1973 (the last day of LMN partnership's taxable year) and that such partners did not own any interest in other partnerships, electing small business corporations, estates, or trusts that incurred WIN expenses. The total WIN expenses of partner L are $6,600, of partner M are $4,400, and of partner N are $11,000.

§ 1.50B–5 Limitations with respect to certain persons.

(a) *Mutual savings institutions.* In the case of an organization to which section 593 applies (that is, a mutual savings bank, a cooperative bank, or a domestic building and loan association)—

(1) WIN expenses shall be 50 percent of the amount otherwise determined under paragraph (a) of § 1.50B–1, and

(2) The $25,000 amount specified in section 50A(a)(2), relating to limitation based on amount of tax, shall be reduced by 50 percent of such amount.

For example, a domestic building and loan association incurs $30,000 in WIN expenses (as determined under paragraph (a) of § 1.50B–1) during its taxable year. However, under this paragraph such amount is reduced to $15,000 (50 percent of $30,000). If an organization to which section 593 applies is a member of a controlled group (as defined in section 50A(a)(5)), the $25,000 amount specified in section 50A(a)(2) shall be reduced in accordance with the provisions of paragraph (f) of § 1.50A–1 before such amount is further reduced under this paragraph.

(b) *Regulated investment companies and real estate investment trusts.* (1) In the case of a regulated investment company or a real estate investment trust subject to taxation under subchapter M, chapter 1 of the Code—

(i) The WIN expenses determined under paragraph (a) of § 1.50B–1, and

(ii) The $25,000 amount specified in section 50A(a)(2), relating to limitation based on amount of tax,

shall be reduced to such person's ratable share of each such amount. If a regulated investment company or a real estate investment trust is a member of a controlled group (as defined in section 50A(a)(5)), the $25,000 amount specified in section 50A(a)(2) shall be reduced in accordance with the provisions of paragraph (f) of § 1.50A–1 before such amount is further reduced under this paragraph.

(2) A person's ratable share of the amount described in subparagraph (1)(i) and the amount described in subparagraph (1)(ii) of this paragraph shall be the ratio which—

(i) Taxable income for the taxable year, bears to,

(ii) Taxable income for the taxable year plus the amount of the deduction for dividends paid taken into account under section 852(b)(2)(D) in computing investment company taxable income, or under section 857(b)(2)(C) in computing real estate investment trust taxable income, as the case may be.

For purposes of the preceding sentence, the term "taxable income" means, in the case of a regulated investment company, its investment company taxable income (within the meaning of section 852(b)(2)) and, in the case of a real estate investment trust its real estate investment trust, taxable income (within the meaning of section 857(b)(2)).

(3) This paragraph may be illustrated by the following example:

Example. (i) Corporation X, a regulated investment company subject to taxation under section 852 of the Code, which makes its return on the basis of the calendar year, incurs WIN expenses of $30,000 during the year 1974. Corporation X's investment company taxable income under section 852(b)(2) is $10,000 after taking into account a deduction for dividends paid of $90,000.

(ii) Under this paragraph, Corporation X's WIN expenses for the taxable year 1974 is $3,000, computed as follows: (a) $30,000 (WIN expenses), multiplied by (b) $10,000 (taxable income), divided by (c) $100,000 (taxable income plus the deduction for dividends paid). For 1974, the $25,000 amount specified in section 50A(a)(2) is reduced to $2,500.

(c) *Cooperatives.* (1) In the case of a cooperative organization described in section 1381(a)—

(i) The WIN expenses determined under paragraph (a) of § 1.50B–1, and

(ii) The $25,000 amount specified in section 50A(a)(2), relating to limitation based on amount of tax,

shall be reduced to such cooperative's ratable share of each such amount (as determined under subparagraph (2) of this paragraph). If a cooperative organization described in section 1381(a) is a member of a controlled group (as defined in section 50A(a)(5)), the $25,000 amount specified in section 50A(a)(2) shall be reduced in accordance with the provisions of paragraph (f) of § 1.50A–1 before such amount is further reduced under this paragraph.

(2) A cooperative's ratable share of the amount described in subparagraph (1)(i) and the amount described in subparagraph (1)(ii) of this paragraph shall be the ratio which—

(i) Taxable income for the taxable year, bears to

(ii) Taxable income for the taxable year plus the sum of (a) the amount of the deductions allowed under section 1382(b), and (b) the amount of the deductions allowed under section 1382(c), and (c) amounts similar to the amounts described in (a) and (b) of this subdivision the tax treatment of which is determined without regard to subchapter T, chapter 1 of the Code and the regulations thereunder.

(3) This paragraph may be illustrated by the following example:

Example. (i) Cooperative X, an organization described in section 1381(a) which makes its return on the basis of the calendar year, incurs WIN expenses of $30,000 for the taxable year 1972. Cooperative X's taxable income is $10,000 after taking into account deductions of $30,000 allowed under section 1382(b), and deductions of $60,000 allowed under section 1382(c).

(ii) Under this paragraph, Cooperative X's WIN expenses for the taxable year 1972 are $3,000, computed as follows: (a) $30,000 (WIN expenses), multiplied by (b) $10,000 (taxable income), divided by (c) $100,000 (taxable income plus the sum of deductions allowed under sections 1382(b) and 1382(c)). For 1972, the $25,000 amount specified in section 50A(a)(2) is reduced to $2,500.

[FR Doc.73-4402 Filed 3-2-73;4:50 pm]

Title 7—Agriculture

CHAPTER II—FOOD AND NUTRITION SERVICE, DEPARTMENT OF AGRICULTURE

[Amdt. 9]

PART 210—NATIONAL SCHOOL LUNCH PROGRAM

Regional Offices

The purpose of this amendment to the regulations governing the National School Lunch Program is to update the addresses of the Food and Nutrition Service Regional Offices.

It is impracticable and unnecessary to follow the proposed rule making and public participation procedure because this is a technical amendment that is nonsubstantive in nature. Accordingly, the National School Lunch Program regulations are amended as follows:

In § 210.20, paragraphs (a) through (e) are revised to read as follows:

§ 210.20 Program information.

* * * * *

(a) In the States of Connecticut, Delaware, District of Columbia, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, and West Virginia: Northeast Regional Office, FNS, U.S. Department of Agriculture, 707 Alexander Road, Princeton, NJ 08540.

(b) In the States of Alabama, Florida, Georgia, Kentucky, Mississippi, North Carolina, Puerto Rico, South Carolina, Tennessee, Virginia, and the Virgin Islands: Southeast Regional Office, FNS, U.S. Department of Agriculture, 1100 Spring Street NW., Atlanta, GA 30309.

(c) In the States of Illinois, Indiana, Iowa, Michigan, Minnesota, Missouri, Nebraska, North Dakota, Ohio, South Dakota, and Wisconsin: Midwest Regional Office, FNS, U.S. Department of Agriculture, 536 South Clark Street, Chicago, IL 60605.

(d) In the States of Arkansas, Colorado, Kansas, Louisiana, New Mexico, Oklahoma, and Texas: Southwest Regional Office, FNS, U.S. Department of Agriculture, 1100 Commerce Street, Room 5–D–22, Dallas, TX 75202.

(e) In the States of Alaska, American Samoa, Arizona, California, Guam, Hawaii, Idaho, Montana, Nevada, Oregon, Utah, Washington, and Wyoming: Western Regional Office, FNS, U.S. Department of Agriculture, 550 Kearny Street, Room 400, San Francisco, CA 94108.

Effective date. This amendment shall become effective March 5, 1973.

Dated: March 1, 1973.

PHILIP C. OLSSON,
Acting Assistant Secretary.

[FR Doc.73-4341 Filed 3-6-73;8:45 am]

[Amdt. 6]

PART 215—SPECIAL MILK PROGRAM FOR CHILDREN

Regional Offices

The purpose of this amendment to the regulations governing the Special Milk Program for Children is to update the addresses of the Food and Nutrition Service Regional Offices.

It is impracticable and unnecessary to follow the proposed rule making and public participation procedure because this is a technical amendment that is nonsubstantive in nature. Accordingly, the Special Milk Program for Children regulations are amended as follows:

In § 215.16, paragraphs (a) through (e) are revised to read as follows:

§ 215.16 Program information.

* * * * *

(a) In the States of Connecticut, Delaware, District of Columbia, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, and West Virginia: Northeast Regional Office, FNS, U.S. Department of Agriculture, 707 Alexander Road, Princeton, NJ 08540.

(b) In the States of Alabama, Florida, Georgia, Kentucky, Mississippi, North Carolina, South Carolina, Tennessee, Virginia, and the Virgin Islands: Southeast Regional Office, FNS, U.S. Department of Agriculture, 1100 Spring Street NW., Atlanta, GA 30309.

(c) In the States of Illinois, Indiana, Iowa, Michigan, Minnesota, Missouri, Nebraska, North Dakota, Ohio, South Dakota, and Wisconsin: Midwest Regional Office, FNS, U.S. Department of Agriculture, 536 South Clark Street, Chicago, IL 60605.

(d) In the States of Arkansas, Colorado, Kansas, Louisiana, New Mexico, Oklahoma, and Texas: Southwest Regional Office, FNS, U.S. Department of Agriculture, 1100 Commerce Street, Room 5–D–22, Dallas, TX 75202.

(e) In the States of Alaska, Arizona, California, Hawaii, Idaho, Montana, Nevada, Oregon, Utah, Washington, and Wyoming: Western Regional Office, FNS, U.S. Department of Agriculture, 550 Kearny Street, Room 400, San Francisco, CA 94108.

Effective date. This amendment shall become effective March 5, 1973.

Dated: March 1, 1973.

PHILIP C. OLSSON,
Acting Assistant Secretary.

[FR Doc.73-4342 Filed 3-6-73;8:45 am]

[Amdt. 12]

PART 220—SCHOOL BREAKFAST AND NONFOOD ASSISTANCE PROGRAMS AND STATE ADMINISTRATIVE EXPENSES

Regional Offices

The purpose of this amendment to the regulations governing the School Breakfast and Nonfood Assistance Programs and State Administrative Expenses is to update the addresses of the Food and Nutrition Service Regional Offices.

It is impracticable and unnecessary to follow the proposed rule making and public participation procedure because this is a technical amendment that is nonsubstantive in nature. Accordingly, the School Breakfast and Nonfood Assistance Programs and State Administrative Expenses regulations are amended as follows:

In § 220.29, paragraphs (a) through (e) are revised to read as follows:

§ 220.29 Program information.

* * * * *

(a) In the States of Connecticut, Delaware, District of Columbia, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, and West Virginia: Northeast Regional Office, FNS, U.S. Department of Agriculture, 707 Alexander Road, Princeton, NJ 08540.

(b) In the States of Alabama, Florida, Georgia, Kentucky, Mississippi, North Carolina, Puerto Rico, South Carolina, Tennessee, Virginia, and the Virgin Islands: Southeast Regional Office, FNS, U.S. Department of Agriculture, 1100 Spring Street NW., Atlanta, GA 30309.

(c) In the States of Illinois, Indiana, Iowa, Michigan, Minnesota, Missouri, Nebraska, North Dakota, Ohio, South Dakota, and Wisconsin: Midwest Regional Office, FNS, U.S. Department of Agriculture, 536 South Clark Street, Chicago, IL 60605.

(d) In the States of Arkansas, Colorado, Kansas, Louisiana, New Mexico, Oklahoma, and Texas: Southwest Regional Office, FNS, U.S. Department of Agriculture, 1100 Commerce Street, Room 5–D–22, Dallas, TX 75202.

(e) In the States of Alaska, American Samoa, Arizona, California, Guam, Hawaii, Idaho, Montana, Nevada, Oregon, Utah, Washington, and Wyoming: Western Regional Office, FNS, U.S. Department of Agriculture, 550 Kearny Street, Room 400, San Francisco, CA 94108.

Effective date. This amendment shall become effective March 5, 1973.

Dated: March 1, 1973.

PHILIP C. OLSSON,
Acting Assistant Secretary.

[FR Doc.73-4343 Filed 3-6-73;8:45 am]

[Amdt. 4]

PART 225—SPECIAL FOOD SERVICE PROGRAM FOR CHILDREN

Regional Offices

The purpose of this amendment to the regulations governing the Special Food Service Program for Children is to update the addresses of the Food and Nutrition Service Regional Offices.

It is impracticable and unnecessary to follow the proposed rule making and public participation procedure because this is a technical amendment that is nonsubstantive in nature. Accordingly, the Special Food Service Program for Children regulations are amended as follows:

In § 225.23, paragraphs (a) through (e) are revised to read as follows:

§ 225.23 Program information.

* * * * *

(a) In the States of Connecticut, Delaware, District of Columbia, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, and West Virginia: Northeast Regional Office, FNS, U.S. Department of Agriculture, 707 Alexander Road, Princeton, NJ 08540.

(b) In the States of Alabama, Florida, Georgia, Kentucky, Mississippi, North Carolina, Puerto Rico, South Carolina, Tennessee, Virginia, and the Virgin Islands: Southeast Regional Office, FNS, U.S. Department of Agriculture, 1100 Spring Street NW., Atlanta, GA 30309.

(c) In the States of Illinois, Indiana, Iowa, Michigan, Minnesota, Missouri, Nebraska, North Dakota, Ohio, South Dakota, and Wisconsin: Midwest Regional Office, FNS, U.S. Department of Agriculture, 536 South Clark Street, Chicago, IL 60605.

(d) In the States of Arkansas, Colorado, Kansas, Louisiana, New Mexico, Oklahoma, and Texas: Southwest Regional Office, FNS, U.S. Department of Agriculture, 1100 Commerce Street, Room 5–D–22, Dallas, TX 75202.

(e) In the States of Alaska, American Samoa, Arizona, California, Guam, Hawaii, Idaho, Montana, Nevada, Oregon, Trust Territory of the Pacific Islands, Utah, Washington, and Wyoming: Western Regional Office, FNS, U.S. Department of Agriculture, 550 Kearny Street, Room 400, San Francisco, CA 94108.

Effective date. This amendment shall become effective March 5, 1973.

Dated: March 1, 1973.

CLAYTON YEUTTER,
Assistant Secretary.

[FR Doc.73-4344 Filed 3-6-73;8:45 am]

[Amdt. 15]

PART 250—DONATION OF FOODS FOR USE IN UNITED STATES, ITS TERRITORIES AND POSSESSIONS, AND AREAS UNDER ITS JURISDICTION

Regional Offices

Section 250.11, *Where to obtain information,* of Part 250 gives the addresses of

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FNS Regional Offices. Some of the addresses shown in § 250.11 are no longer applicable. Therefore, § 250.11 is amended to show the current addresses as set out below.

§ 250.11 **Where to obtain information.**

Interested persons desiring information concerning the program may make written request to the following Regional Offices:

Northeast Region, Food and Nutrition Service, USDA, 707 Alexander Road, Princeton, NJ 08540, for the following States and the District of Columbia: Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, and West Virginia.

Southeast Region, Food and Nutrition Service, USDA, 1100 Spring Street NW., Atlanta, GA 30309, for the following States: Alabama, Florida, Georgia, Kentucky, Mississippi, North Carolina, South Carolina, Tennessee, Virginia, Puerto Rico, and the Virgin Islands.

Midwest Region, Food and Nutrition Service, USDA, 536 South Clark Street, Chicago, IL 60605, for the following States: Illinois, Indiana, Iowa, Michigan, Minnesota, Missouri, Nebraska, North Dakota, Ohio, South Dakota, and Wisconsin.

Southwest Region, Food and Nutrition Service, USDA, 1100 Commerce Street, Room 5-D-22, Dallas, TX 75202, for the following States: Arkansas, Colorado, Kansas, Louisiana, New Mexico, Oklahoma, and Texas.

Western Region, Food and Nutrition Service, USDA, 550 Kearny Street, Room 400, San Francisco, CA 94108, for the following States: Alaska, Arizona, California, Hawaii, Idaho, Montana, Nevada, Oregon, Utah, Washington, Wyoming, American Samoa, Guam, and the Trust Territories of the Pacific.

The foregoing amendment shall become effective on March 5, 1973. This amendment is of an organizational nature and does not substantially affect the rights or obligations of any member of the public. Accordingly, under the administrative procedure provisions in 5 U.S.C. 553, it is found that notice and public procedure concerning this amendment are impractical and unnecessary, and the amendment is made effective in less than 30 days after publication in the FEDERAL REGISTER.

CLAYTON YEUTTER,
Assistant Secretary.

MARCH 1, 1973.

[FR Doc.73-4345 Filed 3-6-73;8:45 am]

[Amdt. 1]

PART 265—PILOT FOOD CERTIFICATE PROGRAM REGULATIONS

Paragraph (g) of § 265.12, *Miscellaneous provisions*, provides for forwarding plans, applications, notices, and documents to FNS Regional or Field Offices. Some of the addresses shown in subparagraphs (1) through (5) are no longer applicable. Therefore, paragraph (g) of § 265.12 is amended to show the current addresses as set out below.

§ 265.12 **Miscellaneous provisions.**

* * * * *

(g) All plans, applications, notices, and other documents required by this part to be forwarded to FNS, shall be sent to the local FNS Field Office or to the appropriate FNS Regional Office for the pilot area, as indicated below:

(1) For pilot areas in Connecticut, Delaware, District of Columbia, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, West Virginia: Food and Nutrition Service, U.S. Department of Agriculture, Northeast Region, 707 Alexander Road, Princeton, NJ 08540;

(2) For pilot areas in Alabama, Florida, Georgia, Kentucky, Mississippi, North Carolina, South Carolina, Tennessee, Virginia: Food and Nutrition Service, U.S. Department of Agriculture, Southeast Region, 1100 Spring Street NW., Atlanta, GA 30309;

(3) For pilot areas in Illinois, Indiana, Iowa, Michigan, Minnesota, Missouri, Nebraska, North Dakota, Ohio, South Dakota, Wisconsin: Food and Nutrition Service, U.S. Department of Agriculture, Midwest Region, 536 South Clark Street, Chicago, IL 60605;

(4) For pilot areas in Arkansas, Colorado, Kansas, Louisiana, New Mexico, Oklahoma, Texas: Food and Nutrition Service, U.S. Department of Agriculture, Southwest Region, 1100 Commerce Street, Room 5-D-22, Dallas, TX 75202;

(5) For pilot areas in Alaska, Arizona, California, Hawaii, Idaho, Montana, Nevada, Oregon, Utah, Washington, Wyoming: Food and Nutrition Service, U.S. Department of Agriculture, Western Region, 550 Kearny Street, Room 400, San Francisco, CA 94108.

* * * * *

The foregoing amendment shall become effective on March 5, 1973. This amendment is of an organizational nature and does not substantially affect the rights or obligations of any member of the public. Accordingly, under the administrative procedure provisions in 5 U.S.C. 553, it is found that notice and public procedure concerning this amendment are impractical and unnecessary, and the amendment is made effective in less than 30 days after publication in the FEDERAL REGISTER.

CLAYTON YEUTTER,
Assistant Secretary.

MARCH 1, 1973.

[FR Doc.73-4346 Filed 3-6-73;8:45 am]

SUBCHAPTER C—FOOD STAMP PROGRAM

PART 270—GENERAL INFORMATION AND DEFINITIONS

Changes of Address, Regional Offices

Pursuant to the authority contained in the Food Stamp Act of 1964, as amended (78 Stat. 703, as amended; 7 U.S.C. 2011-2025), Part 270 of the regulations governing the operation of the Food Stamp Program is hereby amended.

The addresses of the Food and Nutrition Service Regional Offices for the Northeast and Western Regions have changed. Therefore, to reflect the current addresses of these offices, it is necessary to revise subparagraphs (1) and (5) of § 270.5(b).

Because this amendment is nonsubstantive in nature, it is hereby determined to be impracticable and unnecessary to follow the proposed rule making procedure.

Subparagraphs (1) and (5) of § 270.5 (b) are amended to read as follows:

§ 270.5 **Miscellaneous provisions.**

* * * * *

(b) * * *

(1) For project areas in Connecticut, Delaware, District of Columbia, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, and West Virginia: U.S. Department of Agriculture, Food and Nutrition Service, Northeast Region, 707 Alexander Road, Princeton, NJ 08540.

* * * * *

(5) For project areas in Alaska, Arizona, California, Guam, Hawaii, Idaho, Montana, Nevada, Oregon, Utah, Washington, and Wyoming: U.S. Department of Agriculture, Food and Nutrition Service, Western Region, 550 Kearny Street, San Francisco, CA 94108.

* * * * *

Effective date. This amendment shall become effective March 5, 1973.

(78 Stat. 703, as amended; 7 U.S.C. 2011-2025)

CLAYTON YEUTTER,
Assistant Secretary.

MARCH 1, 1973.

[FR Doc.73-4347 Filed 3-6-73;8:45 am]

PART 295—AVAILABILITY OF INFORMATION TO THE PUBLIC

Addresses of Offices

These amendments to the regulations issued pursuant to title 5, United States Code, sections 552(a)(2), 552(a)(3), and 552(b) are promulgated in order

(1) To give the current title of Regional Administrators.

(2) To update the addresses of the five Regional Offices of the Food and Nutrition Service.

1. References to the Regional Director are hereby deleted, and Regional Administrator is hereby substituted therefor.

2. Section 295.10 is revised to read as follows:

§ 295.10 **Addresses of offices.**

(a) Requests made to FNS in Washington shall be addressed to the Director of the appropriate Division, Food and Nutrition Service, U.S. Department of Agriculture, Washington, D.C. 20250.

(b) Requests made to Regional Offices should be addressed to the Regional Administrator of the appropriate Office, as follows:

Northeast Region, Food and Nutrition Service, USDA, 707 Alexander Road, Princeton, NJ 08540, for the following States and the District of Columbia: Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, and West Virginia.

Southeast Region, Food and Nutrition Service, USDA, 1100 Spring Street NW., Room 200, Atlanta, GA 30309, for the following States: Alabama, Florida, Georgia, Kentucky, Mississippi, North Carolina, South Carolina, Tennessee, Virginia, Puerto Rico, and the Virgin Islands.

Midwest Region, Food and Nutrition Service, USDA, 536 South Clark Street, Chicago, IL 60605, for the following States: Illinois, Indiana, Iowa, Michigan, Minnesota, Missouri, Nebraska, North Dakota, Ohio, South Dakota, and Wisconsin.

Southwest Region, Food and Nutrition Service, USDA, 1100 Commerce Street, Room 5-D-22, Dallas, TX 75202, for the following States: Arkansas, Colorado, Kansas, Louisiana, New Mexico, Oklahoma, and Texas.

Western Region, Food and Nutrition Service, USDA, 550 Kearny Street, Room 400, San Francisco, CA 94108, for the following States: Alaska, Arizona, California, Hawaii, Idaho, Montana, Nevada, Oregon, Utah, Washington, Wyoming, American Samoa, Guam, and the Trust Territories of the Pacific.

Effective date. This revision shall become effective March 5, 1973.

It is impracticable and unnecessary to follow the proposed rule making and public participation procedure because this is a technical amendment that is nonsubstantive in nature.

Dated: February 26, 1973.

EDWARD J. HEKMAN,
Administrator.

[FR Doc.73-4348 Filed 3-6-73;8:45 am]

CHAPTER IX—AGRICULTURAL MARKETING SERVICE (MARKETING AGREEMENTS AND ORDERS; FRUITS, VEGETABLES, NUTS), DEPARTMENT OF AGRICULTURE

[Lemon Reg. 574, Amdt. 1]

PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Limitation of Handling

This regulation increases the quantity of California-Arizona lemons that may be shipped to fresh market during the weekly regulation period February 25–March 3, 1973. The quantity that may be shipped is increased due to improved market conditions for California-Arizona lemons. The regulation and this amendment are issued pursuant to the Agricultural Marketing Agreement Act of 1937, as amended, and Marketing Order No. 910.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 910, as amended (7 CFR Part 910), regulating the handling of lemons grown in California and Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such lemons, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) The need for an increase in the quantity of lemons available for handling during the current week results from changes that have taken place in the marketing situation since the issuance of Lemon Regulation 574 (38 FR 4941). The marketing picture now indicates that there is a greater demand for lemons than existed when the regulation was made effective. Therefore, in order to provide an opportunity for handlers to handle a sufficient volume of lemons to fill the current market demand thereby making a greater quantity of lemons available to meet such increased demand, the regulation should be amended, as hereinafter set forth.

(3) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this amendment until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient, and this amendment relieves restriction on the handling of lemons grown in California and Arizona.

(b) *Order, as amended.* The provision in paragraph (b)(1) of § 910.874 (Lemon Regulation 574 (38 FR 4941)) is hereby amended to read as follows:

§ 910.874 **Lemon Regulation 574.**

* * * * *

(b) *Order.* (1) * * * 225,000 cartons.

* * * * *

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: March 1, 1973.

PAUL A. NICHOLSON,
Acting Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc.73-4338 Filed 3-6-73;8:45 am]

Title 9—Animals and Animal Products

CHAPTER I—ANIMAL AND PLANT HEALTH INSPECTION SERVICE, DEPARTMENT OF AGRICULTURE

SUBCHAPTER C—INTERSTATE TRANSPORTATION OF ANIMALS (INCLUDING POULTRY) AND ANIMAL PRODUCTS; EXTRAORDINARY EMERGENCY REGULATION OF INTRASTATE ACTIVITIES

[Docket No. 73-515]

PART 76—HOG CHOLERA AND OTHER COMMUNICABLE SWINE DISEASES

Release of Areas Quarantined

These amendments exclude a portion of Tippecanoe County in Indiana and a portion of Berks County in Pennsylvania from the areas quarantined because of hog cholera. Therefore, the restrictions pertaining to the interstate movement of swine and swine products from or through quarantined areas contained in 9 CFR Part 76, as amended, do not apply to the excluded areas, but will continue to apply to the quarantined areas described in § 76.2(e). Further, the restrictions pertaining to the interstate movement of swine and swine products from nonquarantined areas contained in said Part 76 apply to the excluded areas. No areas in Indiana and Pennsylvania remain under quarantine.

Pursuant to provisions of the Act of May 29, 1884, as amended, the Act of February 2, 1903, as amended, the Act of March 3, 1905, as amended, the Act of September 6, 1961, and the Act of July 2, 1962 (21 U.S.C. 111–113, 114g, 115, 117, 120, 121, 123–126, 134b, 134f), Part 76, Title 9, Code of Federal Regulations, restricting the interstate movement of swine and certain products because of hog cholera and other communicable swine diseases, is hereby amended in the following respects:

In § 76.2, paragraphs (e)(1) relating to Indiana and (e)(4) relating to Pennsylvania are deleted.

(Secs. 4–7, 23 Stat. 32, as amended; secs. 1 and 2, 32 Stat. 791–792, as amended; secs. 1–4, 33 Stat. 1264, 1265, as amended; sec. 1, 75 Stat. 481; secs. 3 and 11, 76 Stat. 130, 132; 21 U.S.C. 111–113, 114g, 115, 117, 120, 121, 123–126, 134b, 134f; 37 FR 28464, 28477.)

Effective date. The foregoing amendments shall become effective March 2, 1973.

The amendments relieve restrictions presently imposed but no longer deemed necessary to prevent the spread of hog cholera and must be made effective promptly in order to be of maximum benefit to affected persons. It does not appear that public participation in this rule making proceeding would make additional relevant information available to the Department.

Accordingly, under the administrative procedure provisions in 5 U.S.C. 553, it is found upon good cause that notice and other public procedure with respect to the amendments are impracticable and unnecessary, and good cause is found for making them effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 2d day of March 1973.

G. H. WISE,
Acting Administrator, Animal and Plant Health Inspection Service.

[FR Doc.73-4393 Filed 3-6-73;8:45 am]

PART 82—EXOTIC NEWCASTLE DISEASE; AND PSITTACOSIS OR ORNITHOSIS IN POULTRY

Areas Released From Quarantine

The amendments exclude portions of Ventura and San Bernardino Counties in California from the areas quarantined

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because of exotic Newcastle disease. Therefore, the restrictions pertaining to the interstate movement of poultry, mynah and psittacine birds, and birds of all other species under any form of confinement, and their carcasses and parts thereof, and certain other articles from quarantined areas, as contained in 9 CFR Part 82, as amended, will not apply to the excluded areas.

Pursuant to the provisions of sections 1, 2, 3, and 4 of the Act of March 3, 1905, as amended, sections 1 and 2 of the Act of February 2, 1903, as amended, sections 4, 5, 6, and 7 of the Act of May 29, 1884, as amended, and sections 3 and 11 of the Act of July 2, 1962 (21 U.S.C. 111, 112, 113, 115, 117, 120, 123, 124, 125, 126, 134b, 134f), Part 82, Title 9, Code of Federal Regulations, is hereby amended in the following respects.

In § 82.3, in paragraph (a)(1) relating to the State of California, subdivisions (i) relating to Ventura County and (vii) relating to San Bernardino County are deleted.

(Secs. 4–7, 23 Stat. 32, as amended; secs. 1 and 2, 32 Stat. 791–792, as amended; secs. 1–4, 33 Stat. 1264, 1265, as amended; secs. 3 and 11, 76 Stat. 130, 132; 21 U.S.C. 111–113, 115, 117, 120, 123–126, 134b, 134f; 37 FR 28464, 28477)

Effective date. The foregoing amendments shall become effective March 1, 1973.

The amendments relieve certain restrictions presently imposed but no longer deemed necessary to prevent the spread of exotic Newcastle disease, and must be made effective immediately to be of maximum benefit to affected persons. It does not appear that public participation in this rule making proceeding would make additional relevant information available to the Department. Accordingly, under the administrative procedure provisions in 5 U.S.C. 553, it is found upon good cause that notice and other public procedure with respect to the amendments are impracticable and unnecessary, and good cause is found for making them effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 1st day of March 1973.

G. H. WISE,
Acting Administrator, Animal and Plant Health Inspection Service.

[FR Doc.73-4340 Filed 3-6-73;8:45 am]

Title 14—Aeronautics and Space

CHAPTER I—FEDERAL AVIATION ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Airworthiness Docket No. 73-NW-3-AD; Amdt. 39-1603]

PART 39—AIRWORTHINESS DIRECTIVES

Boeing Model 727 Series Airplanes

A proposal to amend Part 39 of the Federal Aviation Regulations to include an airworthiness directive requiring certain leading edge slat actuators be modified in accordance with Boeing Service Bulletin 27-129, or replaced with actuators of improved design, on all Boeing Model 727 airplanes listed in Boeing Service Bulletin 27-129 was published in 37 FR 25529.

Interested persons have been afforded an opportunity to participate in the making of the amendment. One operator requested an extension for compliance to 4,500 landings from the effective date of the airworthiness directive. Since three airplanes have experienced slat separation after publication of the notice of proposed rule making, the Agency does not feel an extension to 4,500 landings for compliance is justified. The manufacturer of the slat actuator pointed out an error in the part numbers published in the N.P.R.M. The part numbers have been corrected.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (31 FR 13697), § 39.13 of the Federal Aviation Regulations is amended by adding the following new airworthiness directive:

BOEING. Applies to all Model 727 series airplanes listed in Boeing Service Bulletin 27-129 dated October 3, 1969, or later FAA approved revisions.
Compliance required as indicated.
To prevent failures of the leading edge slat actuators, accomplish the following:

(a) Within 3,000 landings from the effective date of this AD,

(1) Rework actuators (Ronson Part No. 1U1095) on leading edge slats numbered 1, 2, 7, and 8 in accordance with rework instructions in Boeing Service Bulletin 27-129, dated October 3, 1969, or later FAA approved revisions, or rework in a manner approved by the Chief, Engineering and Manufacturing Branch, FAA Northwest Region, or

(2) Replace actuators (Ronson Part No. 1U1095) on slats numbered 1, 2, 7, and 8 with redesigned actuators, Ronson Parts Nos. 1U1095-5 or 1U1095-9-2, or replace with actuators, Decoto Parts Nos. 2-690029-1, 2-690029-2, or 2-690029-3.

(b) Rework of the actuators, Ronson Part No. 1U1095, in accordance with (a)(1) above or replacement of the actuators in accordance with (a)(2) above constitutes terminating action under the provisions of this AD.

This amendment becomes effective March 13, 1973.

(Secs. 313(a) 601, 603, Federal Aviation Act of 1958, 49 U.S.C. 135(a), 1421, 1423)

Issued in Seattle, Wash., on February 27, 1973.

C. B. WALK, JR.,
Director, FAA Northwest Region.

[FR Doc 73-4302 Filed 3-6-73;8:45 am]

[Airspace Docket No. 73-SO-10]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Redesignation of Control Zone

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to redesignate the Eglin AF Aux No. 3 (Duke Field), Fla., control zone.

The Eglin AF Aux No. 3 (Duke Field) control zone is described in § 71.171 (38 FR 351). In the description, the effective time of the control zone on Mondays is cited as "from 0730 to 1530 hours, local time." Since the hours of operation on Mondays are being changed to "from 0930 to 1730 hours, local time," it is necessary to amend the description to reflect this change. Since this amendment is minor in nature, notice and public procedure hereon are unnecessary.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., March 5, 1973, as hereinafter set forth.

In § 71.171 (38 FR 351), the Eglin AF Aux 3 (Duke Field), Fla., control zone is amended as follows:

"• • • 0730 to 1530 hours, local time, Monday • • •" is deleted and "• • • 0930 to 1730 hours, local time, Monday • • •" is substituted therefor.

(Sec. 307(a), Federal Aviation Act of 1958, 49 U.S.C. 1348(a); sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in East Point, Ga., on February 23, 1973.

PHILLIP M. SWATEK,
Director, Southern Region.

[FR Doc.73-4306 Filed 3-6-73;8:45 am]

[Airspace Docket No. 72-EA-116]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Control Zone and Transition Area

On page 26533 of the FEDERAL REGISTER for December 13, 1972, the Federal Aviation Administration published a proposed rule so as to alter the Reading, Pa., control zone (38 FR 414) and transition area (38 FR 564).

Interested parties were given 30 days after publication in which to submit written data or views. Mr. Alexis I. du Pont, an operator and pilot from Toughkenamon, Pa., objected to the extension of the control zone and transition area beyond the centerline of V143. However, a review of this extension indicates that it cannot be shortened since to do so would derogate the ILS instrument approach procedure to Reading Municipal Airport.

In view of the foregoing the proposed regulations are hereby adopted, effective 0901 G.m.t. April 26, 1973.

(Sec. 307(a), Federal Aviation Act of 1958, 72 Stat. 749; 49 U.S.C. 1348; sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Jamaica, N.Y., on February 15, 1973.

ROBERT H. STANTON,
Acting Director, Eastern Region.

1. Amend § 71.171 of Part 71 of the Federal Aviation Regulations so as to delete the description of the Reading, Pa., control zone and insert the following in lieu thereof:

Within a 5-mile radius of the center, 40°22'39" N., 75°57'57" W., of Reading Municipal-General Carl A. Spaatz Field, Reading, Pa., extending clockwise from a 160° bearing to a 030° bearing from the airport; within a 5.5-mile radius of the center of the airport, extending clockwise from a 030° bearing to a 160° bearing from the airport; within 4.5 miles each side of the Reading Municipal-General Carl A. Spaatz Field ILS localizer south course, extending from the 5-mile-radius zone and 5.5-mile-radius zone to 8.5 miles south of the OM; within 4 miles each side of a 161° bearing from a point 40°22'32" N., 75°57'57" W., extending from said point to 8.5 miles south.

2. Amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to delete the description of the Reading, Pa., 700-foot floor transition area and insert the following in lieu thereof:

That airspace extending upward from 700 feet above the surface within an 11-mile radius of the center; 40°22'39" N., 75°57'57" W., of Reading Municipal-General Carl A. Spaatz Field, Reading Pa., extending clockwise from a 050° bearing to a 100° bearing from the airport; within an 8-mile radius of the center of the airport, extending clockwise from a 100° bearing to a 140° bearing from the airport; within an 11-mile radius of the center of the airport, extending clockwise from a 140° bearing to a 280° bearing from the airport; within an 8-mile radius of the center of the airport, extending clockwise from a 280° bearing to a 050° bearing from the airport; within 5 miles each side of the Reading Municipal-General Carl A. Spaatz Field ILS localizer south course extending from the OM to 9.5 miles south of the OM; within 9.5 miles east and 4.5 miles west of the Reading Municipal-General Carl A. Spaatz Field ILS localizer south course, extending from the OM to 18.5 miles south of the OM; within 6.5 miles north and 4.5 miles south of the East Texas, Pa. VORTAC 252° radial, extending from 12 miles west of the VORTAC to 29 miles west of the VORTAC.

[FR Doc.73-4304 Filed 3-6-73;8:45 am]

[Airspace Docket No. 73-EA-7]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Transition Area

The Federal Aviation Administration is amending § 71.181 of Part 71 of the Federal Aviation Regulations so as to alter the Gaithersburg, Md., transition area (38 FR 490).

With the development of a new NDB instrument approach procedure for Montgomery County Airport, Gaithersburg, Md., an alteration of the transition area will be required to add a nominal amount of controlled airspace. Since the alteration is minor in nature, notice and public procedure hereon are unnecessary.

In view of the foregoing, the proposed regulation is hereby adopted, effective 0901 G.m.t. April 26, 1973, as follows:

1. Amend § 71.181 of Part 71 of the Federal Aviation Regulations by deleting the description of the Gaithersburg, Md., transition area and by substituting the following in lieu thereof:

That airspace extending upward from 700 feet above the surface within an 8.5-mile radius of the center (39°09'54" N., 77°10'00" W.) of Montgomery County Airpark, Gaithersburg, Md., within 3 miles each side of the 007° bearing from the Gaithersburg, Md., RBN (39°10'06" N., 77°09'42" W.), extending from the 8.5-mile-radius area to 8.5 miles north of the RBN; within 3 miles each side of the 292° bearing from the Gaithersburg, Md., RBN, extending from the 8.5-mile-radius area to 8.5 miles west of the RBN.

(Sec. 307(a), Federal Aviation Act of 1958, 72 Stat. 749; 49 U.S.C. 1348; sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Seattle, Washington, on February 26, 1973.

C. B. WALK, JR.,
Director, Northwest Region.

MOUNTAIN HOME, IDAHO

That airspace extending upward from 700 feet above the surface within 10 miles northeast and 9 miles southwest of the Mountain Home AFB TACAN (latitude 43°02'26" N., longitude 115°52'22" W.) 135° and 315° radials, extending from 18 miles southeast to 18 miles northwest of the TACAN; that airspace extending upward from 1,200 feet above the surface bounded on the north and northeast by the southwest edge of V-253 on southeast, south, and west by the arc of a 46-mile-radius circle centered on Mountain Home AFB (latitude 43°02'35" N., longitude 115°52'05" W.), on the northwest by the southeast edge of V-113; that airspace southeast of Mountain Home AFB extending upward from 6,500 feet MSL, bounded on the northwest by the 46-mile arc, on the northeast by the southwest edge of V-253, on the south by latitude 42°24'00" N. to the 46-mile arc.

[FR Doc.73-4305 Filed 3-6-73;8:45 am]

CHAPTER III—NATIONAL TRANSPORTATION SAFETY BOARD

[NTSB Reg. OR-2, Amdt. 4]

PART 400—STATEMENT OF ORGANIZATION AND FUNCTIONS OF THE BOARD AND DELEGATIONS OF AUTHORITY

Miscellaneous Amendments

The purpose of this amendment is to change the title of Hearing Examiner to Administrative Law Judge, pursuant to Part 930 of Title 5 of the Code of Federal Regulations (Subpart B) issued by the Civil Service Commission, and to conform the title of Office of Hearing Examiners in accordance therewith; to change the title of Executive Director to General Manager to conform to changes already effectuated, and to conform the title of the Office of Executive Director in accordance therewith; to correct the principal and mailing address of the Board; and to change various citations of the United States Code and parts of the Code of Federal Regulations to reflect correct current references.

This amendment relates to minor corrective matters and editorial changes. Consequently, the National Transportation Safety Board has found that notice of proposed rule making and public procedure thereon are unnecessary, and good cause exists for making the amendments effective on March 7, 1973.

Accordingly, the National Transportation Safety Board hereby amends the following provisions of Part 400, Statement of Organization and Functions of the Board and Delegations of Authority, as follows:

1. Part 400 is amended to provide that wherever the terms "Hearing Examiner" and "Office of Hearing Examiners" appear, they shall be changed to read "Administrative Law Judge" and "Office of Administrative Law Judges" respectively, to wit, in the following sections: Subpart B, Table of Contents, § 400.23, and § 400.2(d).

2. Part 400 is amended to provide that whatever the terms "Executive Director" and "Office of Executive Director" appear, they shall be changed to read "General Manager" and "Office of General Manager" respectively, to wit, in the following sections: Subpart B, Table of Contents, § 400.22; §§ 400.2(a) (appears twice), 400.6(b), 400.8(d) (appears three times) and (e), and 400.22 (appears twice).

3. Section 400.3 is amended to read:

§ 400.3 Functions.

• • • • • •

(c) Upon the request of the aggrieved parties, the Board reviews in quasi-judicial proceedings, conducted pursuant to the provisions concerning Administrative Procedure, 5 U.S.C. 551 et seq., denials by the Administrator of the Federal Aviation Administration of applications for airman certificates and orders of the Administrator modifying, amending, suspending, or revoking any airman certificates. The Board also reviews, upon request, decisions of the Commandant,

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U.S. Coast Guard, on appeals from orders of Administrative Law Judges revoking licenses, certificates, or documents under 46 U.S.C. 239 and 216b.

• • • • •

4. Section 400.6 is amended to read:

§ 400.6 Formal and informal submissions.

(a) All formal submissions required or permitted to be made in air safety proceedings should be addressed to the Office of the General Manager, National Transportation Safety Board, 800 Independence Avenue SW., Washington, DC 20591, unless specifically provided otherwise in the provision requiring or permitting such submission. Requirements as to the form and content of such submissions are set forth in the Board's Procedural Regulations.

• • • • •

5. Section 400.7 is amended to read:

§ 400.7 Offices.

The principal offices of the National Transportation Safety Board are located at 800 Independence Avenue SW., Washington, DC. Its mailing address is National Transportation Safety Board, 800 Independence Avenue SW., Washington, DC 20591. The Board's Bureau of Aviation Safety maintains field offices in selected cities throughout the United States, including Alaska. The cities are listed in the Board's Procedural Regulations.

6. Section 400.23 is amended to read:

§ 400.23 Delegation to the Administrative Law Judges, Office of Administrative Law Judges.

The Board has delegated to the Administrative Law Judges the authority generally detailed in Procedural Regulation, Part 421, of this title.

7. Section 400.24 is amended to read:

§ 400.24 Delegation to the General Counsel.

• • • • •

(a) In accordance with the provisions of Procedural Regulation, Part 435, of this title, approve, disapprove, or request further information concerning requests for testimony of Board employees with respect to their participation in the investigation of aircraft accidents, and upon receipt of notice than an employee has been subpenaed, to make arrangements with the court to have the employee excused from testifying or give the employee permission to testify.

(b) In safety enforcement proceedings: Approve or disapprove for good cause shown requests for changes in procedural requirements subsequent to the initial decision; grant or deny requests to file additional briefs pursuant to § 421.46 of this title of the Procedural Regulations, raise on appeal any issue, the resolution of which he deems important to the proper disposition of proceedings under § 421.46 of this chapter of the Procedural Regulations.

• • • • •

8. Section 400.25 is amended to read:

§ 400.25 Delegation to the Director, Bureau of Aviation Safety.

• • • • •

(d) Disclose factual information pertinent to an aircraft accident or incident as provided for in Part 435 of this chapter of the Procedural Regulations.

Issued under delegated authority (14 CFR 400.24) by the National Transportation Safety Board.

Dated: March 1, 1973.

[SEAL] FRITZ L. PULS, *General Counsel.*

[FR Doc.73-4316 Filed 3-6-73;8:45 am]

[NTSB Reg. OR-1, Amdt. 3 and NTSB Reg. PR-5, Amdt. 2]

PART 401—PUBLIC AVAILABILITY OF INFORMATION

PART 435—DISCLOSURE OF AIRCRAFT ACCIDENT INVESTIGATION INFORMATION

Change in Titles

The purpose of these amendments is to change the title of Executive Director to General Manager to conform to a change in title already effectuated, and to change the title of Examiner to Administrative Law Judge, pursuant to Part 930 of Title 5 of the Code of Federal Regulations (Subpart B) issued by the Civil Service Commission.

Since these amendments pertain to such corrective matters only, the National Transportation Safety Board has found that notice of proposed rule making and public procedure thereon are unnecessary, and good cause exists for making the amendments effective on March 7, 1973.

Accordingly, the National Transportation Safety Board hereby amends Part 401, Public Availability of Information, as follows:

1. Part 401 is amended to provide that wherever the term "Executive Director" appears, it shall be changed to read "General Manager," to wit, in the following sections: §§ 401.3 (appears three times), 401.5(a), 401.6(a), 401.14, amendatory text and paragraph (a), 401.15(a) and (b)(5), 401.25(a) (appears twice) and (b), and 401.25(d).

2. Part 401 is amended to provide that wherever the term "Examiner" appears, it shall be changed to read "Administrative Law Judge," to wit, in § 401.16 Appendix—Schedule of subscription rates for publications.

3. Part 435 is amended to provide that wherever the term "Executive Director" appears, it shall be changed to read "General Manager", to wit, in the following sections: §§ 435.2, 435.3(a) and (b).

Issued under delegated authority (14 CFR 400.24) by the National Transportation Safety Board.

Dated: March 1, 1973.

[SEAL] FRITZ L. PULS, *General Counsel.*

[FR Doc.73-4318 Filed 3-6-73;8:45 am]

[NTSB Reg. PR-4, Amdt. 1]

PART 425—RULES OF PROCEDURE FOR MERCHANT MARINE APPEALS FROM DECISIONS OF THE COMMANDANT, U.S. COAST GUARD

Miscellaneous Amendments

The purpose of this amendment is to simplify the title of this part; to change the title of Hearing Examiner to Administrative Law Judge, pursuant to Part 930 of Title 5 of the Code of Federal Regulations (Subpart B) issued by the U.S. Civil Service Commission; to correct the Commandant's mailing address for receipt of copies of notices of appeal; and to clarify reference to the record on appeal in briefs and memoranda in support of appeals to conform to custom and practice.

Since this amendment relates to minor corrective matters, the National Transportation Safety Board has found that notice of proposed rule making and public procedure thereon are unnecessary, and good cause exists for making the amendment effective on March 7, 1973.

Accordingly, the National Transportation Safety Board hereby amends the following provisions of Part 425, as follows:

1. The title of Part 425 is changed to read "Part 425—Rules of Procedure for Merchant Marine Appeals from Decisions of the Commandant, U.S. Coast Guard", as set forth in the headings.

2. Section 425.5 is amended to read:

§ 425.5 Notice of appeal.

• • • • •

(b) Notice of appeal shall be addressed to the Docket Clerk, National Transportation Safety Board, Washington, D.C. 20591. At the same time, a copy shall be served on the Commandant (GL), U.S. Coast Guard, Washington, D.C. 20590.

• • • • •

3. Section 425.20 is amended to read:

§ 425.20 Briefs or memoranda in support of appeal.

• • • • •

(c) Objection based upon evidence of record need not be considered unless the appeal contains specific record citation to the pertinent evidence.

4. Section 425.30 is amended to read:

§ 425.30 Action by the Board.

• • • • •

(d) When a matter has been remanded to the Commandant under paragraph (c) of this section, he himself may act in accordance with the terms of the order of remand, or he may, as appropriate, further remand the matter to the Administrative Law Judge of the Coast Guard who heard the case, or to another Administrative Law Judge of the Coast Guard, with appropriate directions.

Issued under delegated authority (14 CFR 400.24) by the National Transportation Safety Board.

Dated: March 1, 1973.

[SEAL] FRITZ L. PULS, *General Counsel.*

[FR Doc.73-4317 Filed 3-6-73;8:45 am]

Title 20—Employees' Benefits

CHAPTER II—RAILROAD RETIREMENT BOARD

PART 238—RESIDUAL LUMP-SUM PAYMENTS

Miscellaneous Amendments

Correction

In FR Doc. 73-2419 appearing on page 3596 of the issue for Thursday, February 8, 1973, in the second line of § 238.2 (a)(2)(ii), "§ 38.8" should read "§ 238.8".

CHAPTER VII—BENEFITS REVIEW BOARD, DEPARTMENT OF LABOR

PART 801—ESTABLISHMENT AND OPERATION OF THE BOARD

PART 802—RULES OF PRACTICE AND PROCEDURE

By Public Law 92-576, 86 Stat. 1251, in an amendment made to section 21 of the Longshoremen's and Harbor Workers' Compensation Act (33 U.S.C. 921), there was established the Benefits Review Board, an administrative review authority in the Department of Labor. The function of this Board is to hear and determine appeals raising a substantial question of law or fact taken by any party in interest from decisions with respect to claims for compensation or benefits under that Act and its extensions, including pneumoconiosis disability and death claims under the provisions of title IV of the Federal Coal Mine Health and Safety Act of 1969, 83 Stat. 795, as amended, 86 Stat. 150, which are administered by the Secretary of Labor. Prior to amendment by Public Law 92-576, section 21 of the Longshoremen's and Harbor Workers' Compensation Act provided for such appeals to be taken to the U.S. district courts.

By Secretary of Labor's Order No. 38-72, 38 FR 90, the amendment was implemented by placing the Benefits Review Board, for organizational purposes, in the Office of the Under Secretary. This was deemed necessary because the Board's functions are quasi-judicial in character and involve review of decisions made in the course of the administration of the several Acts by the Employment Standards Administration which is headed by an Assistant Secretary. For the same reason, it is inappropriate to place regulations governing the operation of the Board or rules of procedure of the Board within Chapter VI of Title 20, Code of Federal Regulations. That chapter contains the administrative regulations of the Employment Standards Administration governing the processing and determination of claims filed under the several Acts, from decisions on which appeals may be taken to the Board. Accordingly, a separate chapter is required for the placement of the regulations governing the operation of the Board, and of the rules of procedure of the Board, and Chapter VII of Title 20, CFR, designated Benefits Review Board, Department of Labor, is hereby reserved for such purpose, and for such other purposes as the Secretary of Labor may deem appropriate.

Such amendment and Secretary's Order No. 38-72 are hereby further implemented by the adoption and publication herein of a new Part 801 of such Chapter VII, containing general regulations governing the establishment and operation of the Board, and of a new Part 802 of such chapter, setting forth the Board's rules of practice and procedure. The Board has adopted as its rules of practice and procedure the provisions of Part 802 and I hereby approve them.

The provisions of 5 U.S.C. 553 for notice, public participation, and delayed effective date are not applicable to rules of agency organization, procedure, and practice set forth below in the new Parts 801 and 802 of Title 20, CFR. Further, in view of the November 26, 1972, effective date of the amendments made by Public Law 92-576, of which this is only one aspect (see 38 FR 2650), it is essential that these regulations and rules of procedure become effective as expeditiously as possible so that the Board may act upon the several appeals that have already been filed. Accordingly, I find that notice of proposed rule making and opportunity for public comments thereon would be impracticable and contrary to the public interest. I further find that delay in the effective date, for those same reasons, is impracticable and contrary to the public interest. Accordingly, these regulations and rules of procedures shall become effective March 1, 1973.

Title 20, CFR, is hereby revised by the addition of a new Chapter VII, entitled Benefits Review Board, Department of Labor, and the addition thereto of a new Part 801, entitled Establishment and Operation of the Board and a new Part 802, entitled rules of practice and procedure, as set forth below.

The new Part 801 of Chapter VII of Title 20, CFR, reads as follows:

INTRODUCTORY

Sec.

801.1 Purpose and scope of this part.
801.2 Definitions and use of terms.
801.3 Applicability of this part to 20 CFR Part 802.

ESTABLISHMENT AND AUTHORITY OF THE BOARD

801.101 Establishment.
801.102 Review authority.
801.103 Organizational placement.
801.104 Operational rules.

MEMBERS OF THE BOARD

801.201 Composition of the Board.
801.202 Interim appointments.
801.203 Disqualification of Board members.

ACTION BY THE BOARD

801.301 Quorum; votes.
801.302 Procedural rules.
801.303 Location of Board's proceedings.

REPRESENTATION

801.401 Representation before the Board.
801.402 Representation of Board in court proceedings.

AUTHORITY: The provisions of this Part 801 issued under sec. 15, 86 Stat. 1261 (33 U.S.C. 921(b)); 5 U.S.C. 301; sec. 39, 44 Stat. 1442, as amended (33 U.S.C. 939); title IV, Federal Coal Mine Health and Safety Act of 1969, 83 Stat. 742, 30 U.S.C. 901 et seq., as amended by Public Law 92-303, 86 Stat. 156; Reorganization Plan No. 6 of 1950, 15 FR 3174, 64 Stat. 1268, 5 U.S.C. App.; Secretary of Labor's Order No. 38-72, 38 FR 90; unless otherwise noted.

INTRODUCTORY

§ 801.1 Purpose and scope of this part.

This Part 801 describes the establishment and the organizational structure of the Benefits Review Board of the Department of Labor, sets forth the general rules applicable to operation of the Board, and defines terms used in this chapter.

§ 801.2 Definitions and use of terms.

(a) For purposes of this chapter, except where the content clearly indicates otherwise, the following definitions apply:

(1) "Acts" means the several Acts listed in §§ 801.102 and 802.101 of this chapter, as amended and extended, unless otherwise specified.

(2) "Board" means the Benefits Review Board established by section 21 of the LHWCA (33 U.S.C. 921) as described in § 801.101, and as provided in this part and Secretary of Labor's Order No. 38-72 (38 FR 90).

(3) "Chairman" or "Chairman of the Board" means Chairman of the Benefits Review Board.

(4) "Secretary" means the Secretary of Labor.

(5) "Department" means the Department of Labor.

(6) "Judge" means an administrative law judge appointed as provided in 5 U.S.C. 3105 and Subpart B of 5 CFR Part 930 (see 37 FR 16787), who is qualified to preside at hearings under 5 U.S.C. 557 and is empowered by the Secretary to conduct formal hearings whenever necessary in respect of any claim for benefits or compensation arising under the Acts.

(7) "Chief Administrative Law Judge" means the Chief Administrative Law Judge of the Department of Labor.

(8) "Director" means the Director of the Office of Workmen's Compensation Programs of the Department of Labor (hereinafter OWCP).

(9) "Deputy commissioner" means a person appointed as provided in sections 39 and 40 of the LHWCA or his designee, authorized by the Director to make decisions and orders in respect to claims arising under the Acts.

(10) "Party" or "Party in interest" means the Secretary or his designee and any person or business entity aggrieved or directly affected by the decision or order from which an appeal to the Board is taken.

(11) "Day" means calendar day.

(b) Masculine gender includes the feminine, and the singular includes the plural.

(c) The definitions contained in this part shall not be considered to derogate from the definitions of terms in the respective Acts.

(d) The definitions pertaining to the Acts contained in the several parts of

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Chapter VI of this Title 20 shall be applicable to this chapter as is appropriate.

§ 801.3 Applicability of this part to 20 CFR Part 802.

Part 802 of Title 20, Code of Federal Regulations, contains the rules of practice and procedure of the Board. This Part 801, including the definitions and usages contained in § 801.2, is applicable to Part 802 of this chapter as appropriate.

ESTABLISHMENT AND AUTHORITY OF THE BOARD

§ 801.101 Establishment.

By Public Law 92-576, 86 Stat. 1251, in an amendment made to section 21 of the Longshoremen's and Harbor Workers' Compensation Act (33 U.S.C. 921), there was established effective November 26, 1972, a Benefits Review Board, which is composed of members appointed by the Secretary of Labor.

§ 801.102 Review authority.

The Board is authorized, as provided in 33 U.S.C. 921(b), as amended, to hear and determine appeals raising a substantial question of law or fact taken by any party in interest from decisions or orders with respect to claims for compensation or benefits arising under the following Acts, as amended and extended:

(1) The Longshoremen's and Harbor Workers' Compensation Act (LHWCA), 33 U.S.C. 901 et seq.;

(2) The Defense Base Act (DBA), 42 U.S.C. 1651 et seq.;

(3) The District of Columbia Workmen's Compensation Act (DCWCA), 36 D.C. Code 501 et seq.;

(4) The Outer Continental Shelf Lands Act (OCSLA), 43 U.S.C. 1331;

(5) The Nonappropriated Fund Instrumentalities Act (NFIA), 5 U.S.C. 8171 et seq.;

(6) Title IV, section 415 and Part C, of the Federal Coal Mine Health and Safety Act (FCMHSA), 83 Stat. 742, as amended by the Black Lung Benefits Act of 1972, 86 Stat. 150 (30 U.S.C. 901 et seq.).

§ 801.103 Organizational placement.

As prescribed by the statute, the functions of the Benefits Review Board are quasi-judicial in nature and involve review of decisions made in the course of the administration of the above statutes by the Employment Standards Administration in the Department of Labor. It is accordingly found appropriate for organizational purposes to place the Board in the Office of the Under Secretary and it is hereby established in that Office, which shall be responsible for providing necessary funds, personnel, supplies, equipment, and records services for the Board.

§ 801.104 Operational rules.

The Under Secretary may promulgate such rules and regulations as may be necessary or appropriate for effective operation of the Benefits Review Board as an independent quasi-judicial body in accordance with the provisions of the statute.

MEMBERS OF THE BOARD

§ 801.201 Composition of the Board.

(a) The Board is composed of three members appointed by the Secretary from among individuals who are especially qualified to serve thereon.

(b) The member designated by the Secretary as Chairman of the Board shall serve as chief administrative officer of the Board.

(c) The two remaining members shall be the associate members of the Board.

(d) All members of the Board shall serve indefinite terms to be determined in the discretion of the Secretary.

§ 801.202 Interim appointments.

(a) *Acting Chairman.* In the event that the Chairman of the Board is temporarily unavailable to perform his duties as prescribed in this Chapter VII, he or the Board shall designate one associate member to serve as Acting Chairman for the duration of the Chairman's absence.

(b) *Temporary members.* In the event that a member of the Board is temporarily unable to carry out his responsibilities because of disqualification, illness, or for any other reason, the Under Secretary of Labor may, in his discretion, appoint a qualified individual to serve in the place of such member for the duration of that member's inability to serve.

§ 801.203 Disqualification of Board members.

(a) During the period in which the Chairman or the other members serve on the Board, they shall not consider any matter in which they were involved prior to such period nor shall they be involved, other than as Board members, in any matter being considered by the Board. After completion of their service on the Board, they shall not become involved in any matter which had been considered by them as Board members.

(b) No Board member shall conduct or participate in any proceeding in a case in which he is prejudiced or partial with respect to any party, or where he has any interest in the matter pending for decision before him. Notice of any objection which a party may have to any Board member who will participate in the proceeding, shall be made by such party at his earliest opportunity. The Board member shall consider such objection and shall, in his discretion, either proceed with the case or withdraw.

ACTION BY THE BOARD

§ 801.301 Quorum; votes.

For the purpose of carrying out its functions under the Acts, two members of the Board shall constitute a quorum, and official action can be taken only on the concurring vote of at least two members.

§ 801.302 Procedural rules.

Procedural rules for performance by the Board of its review functions and for insuring an adequate record for any judicial review of its orders, and such amendments to the rules as may be necessary from time to time, shall be promulgated by the Benefits Review Board with the approval of the Under Secretary. Such rules shall incorporate and implement the procedural requirements of section 21(b) of the Longshoremen's and Harbor Workers' Compensation Act, as amended by section 15 of Public Law 92-576.

§ 801.303 Location of Board's proceedings.

The Board shall hold its proceedings in Washington, D.C., unless for good cause the Board orders that proceedings in a particular matter be held in another location.

REPRESENTATION

§ 801.401 Representation before the Board.

On any issues requiring representation of the Secretary, the Director, Office of Workmen's Compensation Programs, a deputy commissioner, or an administrative law judge before the Board, such representation shall be provided by attorneys designated by the Solicitor of Labor. Representation of all other persons before the Board shall be as provided for by statute or by the rules of practice and procedure promulgated under § 801.302 (see Part 802 of this chapter).

§ 801.402 Representation of Board in court proceedings.

Except in proceedings in the Supreme Court of the United States, any representation of the Benefits Review Board in court proceedings shall be by attorneys provided by the Solicitor of Labor.

The new Part 802 of Chapter VII of Title 20, CFR, reads as follows:

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802.215 Service and form of papers, notices, and briefs.
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802.401 Dismissal by application of party.
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DECISION OF THE BOARD

802.403 Issuance of decisions; service.
802.404 Scope and content of Board decisions.
802.405 Remand.
802.406 Finality of Board decisions.

RECONSIDERATION

802.407 Reconsideration of Board decisions—generally.
802.408 Notice of request for reconsideration.
802.409 Grant or denial of request.

JUDICIAL REVIEW

802.410 Judicial review of Board decisions.
802.411 Certification of record for judicial review.

AUTHORITY: The provisions of this Part 801 issued under sec. 15, 86 Stat. 1261 (33 U.S.C. 921); 5 U.S.C. 301; sec. 39, 44 Stat. 1442, as amended (33 U.S.C. 939); title IV, Federal Coal Mine Health and Safety Act of 1969, 83 Stat. 742, 30 U.S.C. 901 et seq., as amended by Public Law 92-303, 86 Stat. 156; Reorganization Plan No. 6 of 1950, 15 FR 3174, 64 Stat. 1268, 5 U.S.C. App.; Secretary of Labor's Order No. 38-72, 38 FR 90; unless otherwise noted.

Subpart A—General Provisions

INTRODUCTORY

§ 802.101 Purpose and scope of this part.

(a) The purpose of this Part 802 is to establish the rules of practice and procedure governing the operation of the Benefits Review Board.

(b) The rules promulgated in this part apply to all appeals taken by any party in interest from decisions or orders with respect to claims for compensation or benefits under the following Acts:

(1) The Longshoremen's and Harbor Workers' Compensation Act (LHWCA), 33 U.S.C. 901 et seq.;

(2) The Defense Base Act (DBA), 42 U.S.C. 1651 et seq.;

(3) The District of Columbia Workmen's Compensation Act (DCCA), 36 D.C. Code 501 et seq.;

(4) The Outer Continental Shelf Lands Act (OCSLA), 43 U.S.C. 1331;

(5) The Nonappropriated Fund Instrumentalities Act (NFIA), 5 U.S.C. 8171 et seq.; and

(6) Title IV, section 415 and Part C, of the Federal Coal Mine Health and Safety Act (FCMHSA), 83 Stat. 742, as amended by the Black Lung Benefits Act of 1972, 86 Stat. 150.

§ 802.102 Applicability of Part 801 of this chapter.

Part 801 of this Chapter VII sets forth rules of general applicability covering the composition, authority, and operation of the Benefits Review Board and definitions applicable to this chapter. The provisions of Part 801 of this chapter are fully applicable to this Part 802.

§ 802.103 Powers of the Board.

(a) *Conduct of proceedings.* Pursuant to section 27(a) of the LHWCA, the Board shall have power to preserve and enforce order during any proceedings for determination or adjudication of entitlement to compensation or benefits or liability for payments thereof, and to do all things conformable to law which may be necessary to enable the Board to effectively discharge its duties.

(b) *Contumacy.* Pursuant to section 27(b) of the LHWCA, if any person in proceedings before the Board disobeys or resists any lawful order or process, or misbehaves during a hearing or so near the place thereof as to obstruct the same, the Board shall certify the facts to the Federal district court having jurisdiction in the place in which it is sitting (or to the U.S. District Court for the District of Columbia if it is sitting in the District) which shall thereupon in a summary manner hear the evidence as to the acts complained of, and, if the evidence so warrants, punish such person in the same manner and to the same extent as for a contempt committed before the court, or commit such person upon the same conditions as if the doing of the forbidden act had occurred with reference to the process or in the presence of the court.

(Sec. 27, 44 Stat. 1438, as amended (33 U.S.C. 927))

§ 802.104 Consolidation; severance.

(a) Cases may be consolidated for purposes of an appeal upon the motion of any proper party or upon the Board's own motion where there exist common parties, common questions of law or fact or both, or in such other circumstances as justice and the administration of the Acts require.

(b) Upon its own motion, or upon motion of any proper party, the Board may, for good cause, order any proceeding severed with respect to some or all issues or parties.

§ 802.105 Stay of payment pending appeal.

As provided in section 14(f) of the LHWCA and sections 415 and 422 of the FCMHSA, the payment of the amounts required by an award of compensation or benefits shall not be stayed or in any way delayed pending final decision in any proceeding before the Board unless so ordered by the Board. No stay shall be issued unless irreparable injury would otherwise ensue to the employer, coal mine operator, or insurance carrier as the case may be. Any order of the Board permitting any stay shall contain a specific finding, based upon evidence submitted to the Board and identified by reference thereto, that irreparable injury would result to such employer, operator, or carrier and specifying the nature and extent of the injury.

(Sec. 14, 44 Stat. 1432, as amended (33 U.S.C. 914); sec. 15, 86 Stat. 1261 (33 U.S.C. 921 (b)(3)))

Subpart B—Prereview Procedures

COMMENCING APPEAL: PARTIES

§ 802.201 Who may file an appeal.

(a) *Party in interest.* Any party in interest adversely affected or aggrieved by a decision or order issued pursuant to one of the Acts may appeal such decision or order to the Board by filing a notice of appeal pursuant to this subpart. Such party shall be deemed the petitioner. The Board shall not adjudicate appeals in respect of claims filed prior to July 1, 1973, under the FCMHSA.

(b) *Representative parties.* In the event that a party in interest has not attained the age of 18, is not mentally competent, or is physically unable to file and pursue or defend an appeal, the Board may permit any legally appointed guardian, committee, or other appropriate representative to file and pursue or defend the appeal, or it may in its discretion appoint such representative for purposes of the appeal. The Board may require any legally appointed representative to submit evidence of such appointment, or other evidence of a person's authority to represent the party in interest.

§ 802.202 Appearances, attorneys; legal counsel.

(a) Any party or intervenor or duly authorized representative pursuant to § 802.201(b) may appear before and/or submit written argument to the Board by attorney or any other duly authorized person, including any representative of an employee organization. For each instance in which appearance before the Board is made by some person other than the party or his legal guardian, committee, or representative, there shall be filed with the Chairman of the Board a statement in writing, signed by the party to be represented, authorizing such assistance or representation.

(b) Any individual petitioner or respondent or his duly authorized representative pursuant to § 802.201(b) or an officer of any corporate party or a member of any partnership or joint venture which is a party may participate in the appeal on his own behalf, or on behalf of such business entity.

§ 802.203 Fees for services.

(a) No fee for services rendered on behalf of a claimant in the pursuit of an appeal shall be valid unless approved pursuant to 33 U.S.C. 928 as amended and the regulations promulgated pursuant to the respective Acts (see §§ 702.132–702.135 and 725.404 of this title).

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(b) All fees for services rendered in the pursuit of an appeal shall be subject to the provisions and prohibitions contained in section 28 of the LHWCA as amended (33 U.S.C. 928).

(Sec. 13, 86 Stat. 1259 (33 U.S.C. 928))

NOTICE OF APPEAL

§ 802.204 Place for filing notice of appeal.

Any notice of appeal shall be mailed to, or otherwise presented at the office of the deputy commissioner for the compensation district in which the decision or order appealed from was filed.

§ 802.205 Time for filing.

(a) Any notice of appeal must be filed within 30 days from the date upon which a decision or order has been filed in the office of the deputy commissioner pursuant to section 19(e) of the LHWCA.

(b) Failure to file within the period specified in paragraph (a) of this section shall constitute a waiver of all rights to review by the Board with respect to the case or matter in question.

§ 802.206 When a notice of appeal is considered to have been filed in the office of the deputy commissioner.

(a) *Date of receipt.* (1) Except as otherwise provided in this section, a notice of appeal is considered to have been filed only as of the date it is received in the office of the appropriate deputy commissioner or by an employee of such office who is authorized to receive notices of appeal.

(2) Notices of appeal submitted to any other agency or subdivision of the Department of Labor or of the U.S. Government or any State government shall be promptly forwarded to any office of the Office of Workmen's Compensation Programs of the Department of Labor for appropriate routing to a deputy commissioner. Such notice shall be deemed filed with the deputy commissioner as of the date it was received by the other governmental unit if the Board finds that such determination is in the interest of justice.

(b) *Date of mailing.* If the notice is deposited in and transmitted by mail and the fixing of the date of delivery as the date of filing would result in a loss or impairment of appeal rights, it will be considered to have been filed as of the date of mailing. The date appearing on the postmark (when available and legible) shall be prima facie evidence of the date of mailing. If there is no postmark or it is not legible, other evidence may be used to establish the mailing date.

§ 802.207 Contents of notice of appeal.

(a) A notice of appeal should contain the following information:

(1) The full name and address of the petitioner;

(2) The full name of the injured, disabled, or deceased employee;

(3) The full names and addresses of all other parties in interest including, among others, beneficiaries, employers, coal mine operators, and insurance carriers where appropriate;

(4) The case file number;

(5) The date of filing the decision or order being appealed; and

(6) If the petitioner is being represented by another person in the proceeding, the name and address of such representative should be stated.

(b) Paragraph (a) of this section notwithstanding, any written communication which reasonably permits identification of the decision from which an appeal is sought and the parties affected or aggrieved thereby, shall be sufficient notice for purposes of § 802.205.

(c) In the event that identification of the case is not possible from the information submitted, the deputy commissioner shall so notify the petitioner and shall give such person a reasonable time to produce sufficient information to permit identification of the case. For purposes of § 802.205, the notice shall be deemed to have been filed as of the date the insufficient information was received.

§ 802.208 Transmittal to the Board.

Upon receipt of a notice of appeal, the deputy commissioner shall, within no more than 5 days, forward the notice together with the official record of the case, including the transcript or transcripts of all prior formal proceedings in the case, all decisions and orders rendered in respect of the case, all stipulations made by any party or parties, and any other pertinent records or documents to the Clerk of the Board, U.S. Department of Labor in Washington, D.C.

INITIAL PROCESSING

§ 802.209 Acknowledgment of notice of appeal.

Upon receipt by the Board of a notice of appeal and accompanying documents pursuant to § 802.208, the Board shall as expeditiously as possible notify the petitioner and the Office of the Solicitor of Labor in writing that such notice has been filed.

§ 802.210 Petition for review.

(a) Within 30 days after the receipt of an acknowledgement of a notice of appeal issued pursuant to § 802.209, the petitioner shall submit a petition for review to the Board and shall serve copies of such petition together with accompanying documents by certified mail on all parties in interest and the Solicitor of Labor. A petition for review shall contain a statement indicating the specific contentions of the petitioner and describing with particularity the substantial questions of law or fact to be raised by the appeal. Failure to submit a petition for review within the 30-day period described in this section may in the discretion of the Board cause the appeal to be deemed abandoned (see § 802.402).

(b) Each petition for review shall be accompanied by a brief, memorandum of law, or other statement in support thereof.

§ 802.211 Response to petition for review.

Within 30 days after the receipt of a petition for review, each party upon whom such petition has been served shall submit to the Board a brief, memorandum, or other statement in response thereto.

§ 802.212 Reply briefs.

Within 20 days after the receipt of a brief, memorandum, or statement submitted in response to the petition for review pursuant to § 802.211, any party upon whom such brief, memorandum, or statement has been served may file a reply brief, memorandum, or statement in reply thereto.

§ 802.213 Intervention.

The Board may permit any person or legal entity whose rights may be affected by any proceeding before the Board to intervene therein whenever such person shows in a written petition to intervene that such rights are so affected. The petition should state with precision and particularity (a) the rights, affected; and (b) the nature of any argument he intends to make. The extent to which any such person or legal entity may participate in proceedings before the Board shall be determined by the Board in its discretion.

§ 802.214 Additional briefs.

Additional cross pleadings and reply briefs may be filed or ordered in the discretion of the Board and must be submitted within time limits specified by the Board.

§ 802.215 Service and form of papers, notices, and briefs.

(a) Copies of all briefs or other statements submitted to the Board shall be served on each party in interest and the Solicitor of Labor by the party submitting such brief or other statement.

(b) Any notice, order, brief, or pleading required to be given or served to or by the Board or to or by any party shall be prepared in a form acceptable to the Board and shall be given or served by certified or registered mail or by personal service. Proof of service shall be submitted to the Board and filed as part of the appeal record.

(c) Whenever a paper or document is served on the Board or on any party by mail, 3 days shall be added to the specified period within which the reply to such paper or document is required to be submitted.

§ 802.216 Waiver of time limitations for filing.

(a) The time periods specified for submitting papers or documents described in this subpart, except that for submitting notice of appeal, may be extended for a reasonable period when, in the judgment of the Chairman, such extension is warranted.

(b) Any request for an extension of time pursuant to this section shall be directed to the Chairman and must be received by him on or prior to the date on which the pleading is due.

§ 802.217 Failure to file papers or documents.

Failure to file any paper or document when due pursuant to this subpart, may, in the discretion of the Board, constitute a waiver of the right to further participation in the proceedings.

Subpart C—Procedure for Review

ACTION BY THE BOARD

§ 802.301 Scope of review.

The Benefits Review Board is not empowered to engage in a de novo proceeding or unrestricted review of a case brought before it. The Board is authorized to review the findings of fact and conclusions of law upon which the decision or order appealed from was based. Such findings of fact and conclusions of law may be set aside only if they are not, in the judgment of the Board, supported by substantial evidence contained in the record considered as a whole.

§ 802.302 Docketing of appeals.

(a) *Maintenance of dockets.* A docket of all proceedings shall be maintained by the Board. Each proceeding shall be assigned a number in chronological order upon the date on which a notice of appeal is received. Each proceeding shall be generally considered in the order in which it is docketed, although for good cause shown the Board may advance the order in which a particular case is to be considered. Correspondence or further applications in connection with any pending case shall refer to the docket number of that case.

(b) *Inspection of docket; publication of decision.* The docket of the Board shall be open to public inspection. The Board shall publish its decisions in such form as to be readily available for inspection, and shall allow the public inspection thereof at the permanent location of the Board.

§ 802.303 Decision; no oral argument.

In the event that no oral argument is ordered pursuant to § 802.305, the Board shall proceed to review the record of the case as expeditiously as possible after all briefs, stipulations, supporting statements, and other pertinent documents have been received. Thereafter, the Board shall render a decision in respect of the case pursuant to Subpart D of this part.

ORAL ARGUMENT BEFORE THE BOARD

§ 802.304 Purpose of oral argument.

Oral argument may be held by the Board in any case in which such argument might serve:

(a) To clarify the issue or issues on appeal; or

(b) To narrow questions of law or fact upon which the Board must render a decision; or

(c) To expedite the final resolution of the case; or

(d) When in the interest of justice such an argument will serve to assist the Board in carrying out the intent of any of the Acts.

§ 802.305 Request for oral argument.

At any time prior to the issuance of a decision by the Board, any party or intervenor or the Secretary may request an oral argument, or the Board, on its own motion, order an oral argument. Requests shall be directed to the Chairman of the Board in Washington, D.C.

§ 802.306 Action on request for oral argument.

Within 10 days from the date upon which a request for oral argument is received by the Chairman, the Board shall determine whether the request shall be approved or denied.

§ 802.307 Notice of oral argument.

In cases where a request for an oral argument has been approved or where an oral hearing has been ordered by the Board, all parties and intervenors shall be given a minimum of 10 days' notice, in writing, by certified mail, of the time and place of the argument.

§ 802.308 Conduct of oral argument.

(a) Oral argument shall be held in Washington, D.C., unless the Board orders otherwise, and shall be conducted at a time reasonably convenient to the parties. For good cause shown, the Chairman or Acting Chairman may, in his discretion, postpone an oral argument to a more convenient time.

(b) The proceedings shall be conducted under the supervision of the Chairman or Acting Chairman, who shall regulate all procedural matters arising during the course of the argument.

(c) Within the discretion of the Board, oral argument may be presented by any party, intervenor, representative, or duly authorized attorney, and shall be open to the public.

(d) The Board shall determine the scope of any oral argument presented.

§ 802.309 Absence of parties.

The unexcused absence of a party or his authorized representative at the time and place set for argument shall not be the occasion for delay of the proceeding. In such event, argument on behalf of other parties may be heard and the case shall be regarded as submitted on the record by the absent party. The Chairman or Acting Chairman may, with the consent of the party present, cancel the oral argument and treat the appeal as submitted on the written record.

Subpart D—Completion of Board Review

DISMISSALS

§ 802.401 Dismissal by application of party.

(a) At any time prior to the issuance of a decision by the Board, the petitioner may move that the appeal be dismissed. Such motion for dismissal shall be granted with prejudice to the petitioner.

(b) At any time prior to the issuance of a decision by the Board, any party may move that the appeal be dismissed for cause.

§ 802.402 Dismissal by abandonment.

(a) Upon motion by any party or representative or upon the Board's own motion, an appeal may be dismissed upon its abandonment by the party or parties who filed such appeal. Within the discretion of the Board, a party shall be deemed to have abandoned an appeal if neither the party nor his representative participates significantly in the review proceedings.

(b) Review proceedings may be dismissed upon the death of a party only if the record affirmatively shows that there is no individual who wishes to continue the action whose rights may be prejudiced by such dismissal.

DECISION OF THE BOARD

§ 802.403 Issuance of decisions; service.

(a) The Board shall issue written decisions as expeditiously as possible after the completion of review proceedings before the Board. The transmittal of the decision of the Board shall indicate the availability of judicial review of such decisions under section 21(c) of the LHWCA.

(b) The original of the decision shall be filed with the Clerk of the Board. A copy of the Board's decision shall be sent by certified mail or served personally on all parties to the appeal and the Director. The record on appeal, together with a transcript of any oral proceedings, any briefs or documents filed with the Board, and a copy of the decision shall be returned to the appropriate deputy commissioner for filing.

(c) Proof of service of Board decisions shall be certified by the Clerk of the Board.

§ 802.404 Scope and content of Board decisions.

In its decision the Board shall affirm, modify, or set aside the decision or order appealed from, and may remand the case for action or proceedings not inconsistent with the decision of the Board. The consent of the parties shall not be a prerequisite to a remand ordered by the Board.

§ 802.405 Remand.

(a) *By the Board.* Where a case is remanded such additional proceedings shall be initiated and such other action shall be taken as is directed by the Board. Upon completion of all action deemed appropriate, a decision in writing shall be issued by the deputy commissioner or judge to whom the case was remanded as expeditiously as possible which contains findings of fact and conclusions of law, or when so directed by the Board, the case shall be returned to the Board by such deputy commissioner or judge with a recommended decision. A copy of the recommended decision shall be mailed to each party at his last known address. When a recommended decision is issued, each party shall be notified of his right to file with the Board within 20 days from the date of mailing of the recommended decision, briefs, or other

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written statements of exceptions and allegations as to applicable fact and law. Upon request of any party made within such 20-day period, a reasonable extension of time for filing such briefs or statements may be granted and upon a showing of good cause such period may be extended, as appropriate.

(b) *By a court.* Where a case has been remanded by a court, the Board may proceed in accordance with the court's mandate to issue a decision or it may in turn remand the case to a deputy commissioner or judge with instructions to take such action as is ordered by the court and any additional necessary action and upon completion thereof to return the case with a recommended decision to the Board for its action.

§ 802.406 Finality of Board decisions.

A decision rendered by the Board pursuant to this subpart shall become final 60 days after the issuance of such decision unless an appeal pursuant to section 21(c) of the LHWCA is filed prior to the expiration of the 60-day period herein described, or unless a timely request for reconsideration by the Board has been filed as provided in § 802.407.

RECONSIDERATION

§ 802.407 Reconsideration of Board decisions—generally.

(a) Any party in interest may, within no more than 10 days from the filing of a decision pursuant to § 802.403(b) request a reconsideration of such decision.

(b) Failure to file a request for reconsideration shall not be deemed a failure to exhaust administrative remedies.

§ 802.408 Notice of request for reconsideration.

(a) In the event that a party in interest requests reconsideration of a final decision and order, he shall do so in writing, stating the supporting rationale for the request and include any material pertinent to the request.

(b) The request shall be sent or delivered in person to the Clerk of the Board, and copies shall be served upon the parties.

§ 802.409 Grant or denial of request.

All requests for reconsideration shall be reviewed by the Board and shall be granted or denied in the discretion of the Board.

JUDICIAL REVIEW

§ 802.410 Judicial review of Board decisions.

Within 60 days after a decision by the Board has been filed pursuant to § 802.403(b), any party adversely affected or aggrieved by such decision may take an appeal to the U.S. Court of Appeals pursuant to section 21(c) of the LHWCA.

§ 802.411 Certification of record for judicial review.

The record of a case including the record of proceedings before the Board shall be transmitted to the appropriate court pursuant to the rules of such court.

Signed at Washington, D.C., this 1st day of March 1973.

PETER J. BRENNAN,
Secretary of Labor.

[FR Doc.73-4262 Filed 3-6-73;8:45 am]

Title 29—Labor

CHAPTER I—NATIONAL LABOR RELATIONS BOARD

PART 103—OTHER RULES

Jurisdictional Standards Applicable to Symphony Orchestras

By virtue of the authority vested in it by the National Labor Relations Act, approved July 5, 1935,[1] the National Labor Relations Board hereby issues the following rule which it finds necessary to carry out the provisions of said Act.

This rule is issued following proceedings conforming to the requirements of 5 U.S.C. 553 in which notice was given that any rule adopted would be immediately applicable. On August 19, 1972, the Board published notice of proposed rule making requesting responses from interested parties with respect to the assertion of jurisdiction over symphony orchestras and the establishment of jurisdictional standards therefor. The Board having considered the responses and its discretion under sections 9 and 10 of the Act has decided to adopt a rule asserting jurisdiction over any symphony orchestra having a gross annual revenue of not less than $1 million. The National Labor Relations Board finds for good cause that this rule shall be effective on March 7, 1973, and shall apply to all proceedings affected thereby which are pending at the time of such publication or which may arise thereafter.

Dated at Washington, D.C., March 2, 1973.

By direction of the Board.

[SEAL] JOHN C. TRUESDALE,
Executive Secretary.

On August 19, 1972, the Board published in the FEDERAL REGISTER, a notice of proposed rule making which invited interested parties to submit to it (1) data relevant to defining the extent to which symphony orchestras are in commerce, as defined in section 2(6) of the National Labor Relations Act, and to assessing the effect upon commerce of a labor dispute in those enterprises, (2) statements of views or arguments as to the desirability of the Board exercising jurisdiction, and (3) data and views concerning the appropriate jurisdictional standards which should be established in the event the Board decides to promulgate a rule exercising jurisdiction over those enterprises. The Board received 26 responses to the notice. After careful consideration of all the responses, the Board has concluded that it will best effectuate the purposes of the Act to assert jurisdiction over symphony orchestras and apply a $1 million annual gross revenue standard, in addition to statutory jurisdiction. A rule establishing that standard has been issued concurrently with the publication of this notice.

It is well settled that the National Labor Relations Act gives to the Board a jurisdictional authority coextensive with the full reach of the commerce clause.[1] It is equally well settled that the Board in its discretion may set boundaries on the exercise of that authority.[2] In exercising that discretion, the Board has consistently taken the position that it would better effectuate the purposes of the Act, and promote the prompt handling of major cases, not to exercise its jurisdiction to the fullest extent possible under the authority delegated to it by Congress, but to limit that exercise to enterprises whose operations have, or at which labor disputes would have, a pronounced impact upon the flow of interstate commerce.[3] The standard announced above, in our opinion, accommodates this position.

The Board, in arriving at a $1 million gross figure,[4] has considered, inter alia, the impact of symphony orchestras on commerce and the aspects of orchestra operations as criteria for the exercise of jurisdiction. Symphony orchestras in the United States are classified in four categories: college, community, metropolitan, and major.[5] Community orchestras constitute the largest group with over 1,000 in number and, for the most part, are composed of amateur players. The metropolitan orchestras are almost exclusively professional and it is estimated that there are between 75 and 80 orchestras classified as metropolitan. The annual budget for this category ranges approximately from $250,000 to $1 million. The major orchestras are the largest and usually the oldest established musical organizations. All of them are completely professional, and a substantial number operates on a year-round basis. For this category the minimum annual budget is approximately $1 million. Presently, there are approximately 28 major symphony orchestras in the United States. Thus, statistical projections based on data submitted by responding parties, as well as data compiled by the Board, disclose that adoption of such a standard would bring approximately 2 percent of all symphony orchestras, except college, or approximately 28 percent of the professional metropolitan and major orchestras, within reach of the Act. The Board is satisfied that symphony orchestras with gross revenues of $1 million have a substantial impact on commerce and that the figure selected will not result in an unmanageable increase on the Board's workload. The adoption of a $1 million standard, however, does not foreclose the Board from reevaluating and revising that standard should future circumstances deem it appropriate.

In view of the foregoing, the Board is satisfied that the $1 million annual gross revenue standard announced today will result in attaining uniform and effective regulation of labor disputes involving employees in the symphony orchestra industry whose operations have a substantial impact on interstate commerce.

§ 103.2 Symphony Orchestras.

The Board will assert its jurisdiction in any proceeding arising under sections 8, 9, and 10 of the Act involving any symphony orchestra which has a gross annual revenue from all sources (excluding only contributions which are because of limitation by the grantor not available for use for operating expenses) of not less than $1 million.

[FR Doc.73-4374 Filed 3-6-73;8:45 am]

[1] 49 Stat. 449; 29 U.S.C. 151-166, as amended by act of June 23, 1947 (61 Stat. 136; 29 U.S.C. Supp. 151-167), act of Oct. 22, 1951 (65 Stat. 601; 29 U.S.C. 158, 159, 168), and act of Sept. 14, 1959 (73 Stat. 519; 29 U.S.C. 141-168).

[1] See N.L.R.B. v. Fainblatt, 306 U.S. 601.

[2] Office Employees International Union, Local No. 11 [Oregon Teamsters] v. N.L.R.B., 353 U.S. 313; sec. 14(c)(1) of the Act.

[3] Siemons Mailing Service, 122 NLRB 81; Hollow Tree Lumber Company, 91 NLRB 635, 635. See also, e.g., Floridan Hotel of Tampa, Inc., 124 NLRB 261, 264; Butte Medical Properties, d.b.a. Medical Center Hospital, 168 NLRB 266, 268.

[4] As reflected in the rule, this figure includes revenues from all sources, excepting only contributions which, because of limitations placed thereon by the grantor, are not available for operating expenses. These contributions encompassing, for example, contributions to an endowment fund or building fund, are excluded because of their generally nonrecurring nature. (Cf. Magic Mountain, Inc., 123 NLRB 1170.) Income derived from investment of such funds will, however, be counted in determining whether the standard has been satisfied.

[5] The latter three categories are defined by the American Symphony Orchestra League principally on the basis of their annual budgets.

CHAPTER XVII—OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION, DEPARTMENT OF LABOR

PART 1952—APPROVED STATE PLANS FOR ENFORCEMENT OF STATE STANDARDS

New Jersey Plan; Plan Description; Amendment

In a document issued by this office on January 22, 1973, and published in the FEDERAL REGISTER on January 26, 1973 (37 FR 2426), the New Jersey developmental plan to assume responsibility for the development and enforcement of State occupational safety and health standards in accordance with Part 1902 of Title 29 of the Code of Federal Regulations and section 18 of the Occupational Safety and Health Act of 1970 (29 U.S.C. 667) was approved.

Provisions of that plan require that owners of any structures to be erected and used as places of employment submit plans for approval and comply with specific provisions of special State building codes. However, the decision did not indicate that the pertinent safety and health codes (N.J.A.C. 12:115—Building Code and N.J.A.C. 12:110—Plan Filing) have as their stated and clear purpose the protection of employees even though the codes may afford some incidental protection to others. Codes that more directly concern other matters such as the protection of the environment and the public at large are properly not incorporated in the plan, and are dealt with elsewhere by the State of New Jersey and its political subdivisions.

The description of the plan in § 1952.140(b) is accordingly amended to indicate these features of the codes involved by adding a new subparagraph (3) to read as follows:

§ 1952.140 Description of the plan.

* * * * * *

(b) * * *

(3) Safety and health codes which are established by the State of New Jersey to protect employees and which incidentally protect others are considered occupational safety and health standards for the purposes of this subpart.

* * * * * *

(Sec. 18, Pub. L. 91-596, 84 Stat. 1608 (29 U.S.C. 667))

Signed at Washington, D.C., this 1st day of March 1973.

CHAIN ROBBINS,
Acting Assistant Secretary of Labor.

[FR Doc.73-4355 Filed 3-6-73;8:45 am]

Title 32—National Defense

CHAPTER XVII—OFFICE OF EMERGENCY PREPAREDNESS

PART 1709—REIMBURSEMENT OF OTHER FEDERAL AGENCIES UNDER PUBLIC LAW 91-606.

Eligibility of Certain Expenditures for Reimbursement

1. Section 1709.2 is amended by deleting paragraphs (d), (e), and (f).

Effective date. This amendment shall be effective as of March 1, 1973.

Dated: March 1, 1973.

DARRELL M. TRENT,
Acting Director,
Office of Emergency Preparedness.

[FR Doc.73-4380 Filed 3-6-73;8:45 am]

Title 41—Public Contracts and Property Management

CHAPTER 3—DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

PART 3-16—PROCUREMENT FORMS

Subpart 3-16.8—Miscellaneous Forms

Chapter 3, Title 41, Code of Federal Regulations is amended as set forth below. The purpose of this amendment is to inform the public of HEW's use of miscellaneous procurement forms.

It is the general policy of the Department of Health, Education, and Welfare to allow time for interested parties to take part in the rule making process. However, since the amendment herein involves minor technical matters, the public rule making process is deemed unnecessary in this instance.

1. The table of contents of Part 3-16 is amended to add Subpart 3-16.8 as follows:

Subpart 3-16.8—Miscellaneous Forms

3-16.804	Report on procurement.
3-16.804-2	Agencies required to report.
3-16.804-3	Standard Form 37, Report on Procurement by Civilian Executive Agencies.
3-16.852	Equal Opportunity Clause (HEW-386).
3-16.853	Request for Equal Opportunity Clearance of Contract Award (HEW-511).
3-16.854	Notice to Prospective Bidders (HEW-512).
3-16.855	Transmittal Letter (HEW-513).
3-16.856	Procurement Activity Report.

AUTHORITY: 5 U.S.C. 301; 40 U.S.C. 486(c).

Subpart 3-16.8—Miscellaneous Forms

2. Subpart 3-16.8 is added to read as follows:

§ 3-16.804 Report on procurement.

§ 3-16.804-2 Agencies required to report.

Each operating agency, the Office of Regional and Community Development, and the Office of Administrative Services, OS-OASAM, shall report its procurement to the Office of Procurement and Materiel Management, OS-OASAM, for the organization as a whole.

§ 3-16.804-3 Standard Form 37, Report on Procurement by Civilian Agencies.

(a)-(e) [Reserved]

(f) *Frequency and due date for submission of Standard Form 37.* Each report shall be submitted in the original and three copies to arrive at OPMM not later than 30 calendar days after the close of each reporting period.

§ 3-16.852 Equal Opportunity Clause (HEW-386).

Use Form HEW-386, Equal Opportunity Clause, if it is prescribed.

§ 3-16.853 Request for Equal Opportunity Clearance of Contract Award.

Form HEW-511, Request for Equal Opportunity Clearance of Contract Award, is prescribed for use in communicating and transmitting information between the contracting officer and the Office of Civil Rights.

§ 3-16.854 Notice to Prospective Bidders (HEW-512).

Form HEW-512, Notice to Prospective Bidders, is prescribed for use with invitation for bids when bids are estimated to exceed $10,000.

§ 3-16.855 Transmittal Letter (HEW-513).

Form HEW-513, Transmittal Letter, is prescribed for transmitting awards which are subject to the Equal Opportunity clause.

§ 3-16.856 Procurement Activity Report.

(a) *General.* The Procurement Activity Report is designed to provide the Department with essential procurement records and statistics necessary for procurement management purposes and to

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serve as a basis for special reports required by the Congress, the General Accounting Office, the Small Business Administration, and other Federal Agencies.

(b) *Activities required to report.* Each operating agency, the Office of Regional and Community Development, and the Office of Administrative Services, OS–OASAM, shall report procurements for their organization as a whole.

(c) *Form prescribed.* Form HEW–522, Procurement Activity Report, is prescribed for use when reporting procurement in accordance with this section.

(d) *Frequency and due date.* Reports shall be submitted on a fiscal year basis (original and three copies) within 30 calendar days after the close of each reporting period to the Office of Procurement and Materiel Management, OS–OASAM, Room 3340, HEW North Building, Washington, D.C.

Effective date. This amendment shall be effective on March 7, 1973.

Dated: March 1, 1973.

N. B. HOUSTON,
Deputy Assistant Secretary for Administration.

[FR Doc.73-4377 Filed 3-6-73;8:45 am]

PART 3–50—ADMINISTRATIVE MATTERS

Subpart 3–50.5—Closing Completed Contracts

On December 23, 1972, a notice of proposed rule making was published in the FEDERAL REGISTER (37 FR 28428) stating that the Department of Health, Education, and Welfare was considering an amendment to 41 CFR Chapter 3, by adding a new Subpart 3–50.5, Closing Completed Contracts. The purpose of the amendment is to prescribe policy relative to closing completed contract files.

Interested persons were invited to submit written data, views, or comments, within 30 days after publication. Written comments were received, and after due consideration of the views presented, the regulation is revised and adopted subject to minor changes as set forth below:

1. Paragraph (a) of § 3–50.502–1, is changed by inserting after the word "determine" the words ", as applicable,".

2. Subparagraph (6) of § 3–50.502–4 (a), is changed by deleting after the word "property" the word "and".

3. Subparagraph (7) of § 3–50.502–4 (a), is changed by adding after the word "appropriate" the word "; and".

4. Paragraph (a) of § 3–50.502–4, is changed by adding subparagraph (8). A copy of the letter requesting an audit when required by § 1–8.207.

Effective date. These regulations shall be effective on March 7, 1973.

Dated: February 27, 1973.

N. B. HOUSTON,
Deputy Assistant Secretary for Administration.

Subpart 3–50.5—Closing Completed Contracts

Sec.
3–50.500 Scope of subpart.
3–50.501 Definition.
3–50.502 Policy.
3–50.502–1 Closing review.
3–50.502–2 Contract closing memorandum.
3–50.502–3 Audit.
3–50.502–4 Termination.

AUTHORITY: 5 U.S.C. 301; 40 U.S.C. 486(c).

Subpart 3–50.5—Closing Completed Contracts

§ 3–50.500 Scope of subpart.

This subpart establishes policy for closing HEW contract files when all contract performance is completed or terminated.

§ 3–50.501 Definition.

A completed contract is one which is both physically and administratively complete and in which all aspects of contractual performance have been accomplished or formally waived. A contract is physically completed when all services called for under the contract have been rendered and all articles, materiel, reports, data, exhibits, etc., have been delivered and accepted by the Government. A contract is administratively complete when all administrative actions have been accomplished, all releases executed, and final payment made. Contract performance is terminated when a notice of termination is issued under the "Termination Article" incorporated into the contract.

§ 3–50.502 Policy.

§ 3–50.502–1 Closing review.

(a) Upon physical completion, the contract and contract file shall be reviewed to determine, as applicable, that:

(1) All services (i.e., tasks, work effort, etc.) have been rendered;

(2) All articles (i.e., contract and items, reports, data, exhibits, etc.) have been delivered and accepted;

(3) All payments and collections have been accomplished;

(4) Release from liabilities, obligations, and claims have been obtained from the contractor;

(5) Assignment of refunds, rebates, credits, etc., have been executed by the contractor;

(6) All administrative actions have been accomplished, including the settlement of disputes, protests, litigation; determination of final overhead rates; release of funds; disposal of property, etc.; and

(7) The file is documented as prescribed in § 3–1.313.

(b) As a minimum, the closing review will insure that the contract file contains, or that action is initiated to obtain copies of:

(1) *Inspection and acceptance documents.* Inspection and acceptance documents or a statement from program personnel that all services and deliveries required by the contract have been performed or delivered in accordance with the terms of the contract and are acceptable to the Government. All discrepancies in actual performance or delivery with contract requirements must be reconciled before the contract file is closed.

(2) *Public vouchers and contractor invoices which support advance, partial, progress, and final payments.* No contract file may be closed or final payment made until (i) all questions of disallowed or suspended costs are settled; (ii) the "completion voucher" and the cumulative claim and reconciliation statement is verified; (iii) all discrepancies are resolved between payments and deliveries or performance, and between billings and payments; (iv) final overhead rates are established and set forth in a contract modification; (v) assignments of refunds, rebates, credits, and other amounts are executed; (vi) final release of claims is received from the contractor; and (vii) partial or complete termination settlements are set forth in a supplemental agreement and payment or collection made.

(3) *Subcontract approvals.* A copy of each subcontract approved or ratified by the contracting officer, together with the letter or document of approval and the subcontract review memorandum, must be retained in the contract file. If approval of individual subcontracts is waived by approval of the contractor's purchasing system, a copy of or a specific reference to the purchasing system approval must be included in the contract file. Unresolved disputes between prime and subcontractors must be resolved before the prime contract file can be closed; unless the prime contractor releases the Government from any obligation relating to the subcontractor claim.

(4) *Contract modifications.* Before a contract can be closed, all additions or changes to the terms, conditions, or administrative recitals must be formalized by an appropriate supplemental agreement or unilateral change order. Timely action must be taken to formalize adjustment of price, estimated cost, or fee when required by special contract provisions, e.g., price determination, incentive clauses, escalation, partial, or complete termination settlements, etc. Contracting officers must be aware that they have no authority and shall not give, make, or execute any kind of release of claim or obligation to the contractor except by formal modification of the contract.

(5) *Inventory and disposition of Government-owned property.* All Government-owned property, real or personal, either furnished by the Government or acquired by the contractor for the account of the Government, must be accounted for and disposed of at physical completion of the contract. The contract file shall not be closed until the inventory of all such Government-owned property is verified and a complete record of the disposition of all property is placed in the file.

(6) *Approval of contractor systems (policies and procedures) and agreements.* Individual copies of the following must be placed in the contract file prior to closing: (i) System approvals (i.e., accounting, estimating, purchasing, property management, quality assurance, maintenance, etc.); (ii) advance understanding on particular items of cost identified in § 1–15.107 (i.e., IR&D, employee compensation, travel, insurance plans, precontract costs, etc.); and (iii) other agreements relating to contract performance.

(7) *Clearance and reports.* Copies of appropriate clearances and reports relating to inventories, patents, royalties, copyright, publications, tax exemptions, etc., must be included in the official contract file. Also the file must contain copies of inquiries and answers and reports to and from sources such as the Congress, the General Accounting Office, audit activities, etc.

(8) *Delegations of authority.* Copies of letters delegating contract administration (i.e., technical directions, quality control, inspection and acceptance, property management, subcontract approval, etc.) must be included in the official contract file together with the delegation file or a statement that all delegated actions were completed satisfactorily.

§ 3–50.502–2 Contract closing memorandum.

Verification that all contract performance is completed and that all contract actions have been fully documented shall be set forth in a closing memorandum. The memorandum may take the form of a checklist of contract actions applicable to the type of contract involved (see §§ 3–1.313 and 3–50.502–1). Operating agencies will design and prescribe the form and contents of such closing checklists. Sample copies of closing checklists and any agency implementing instructions (and subsequent changes thereto) shall be furnished to the Director, Office of Procurement and Materiel Management, OASAM.

§ 3–50.502–3 Audit.

Before final payment is made under a cost-reimbursable type contract, there must be assurance as to the allowability of all costs incurred under the contract.

(a) Contracts under $50,000:

(1) Prior to final payment of each cost-type contract under $50,000 the contracting officer shall determine or cause to be determined the allowability of costs claimed through the conduct of a desk audit (but see § 3–50.502–3(c)). The file will be documented to show that a desk audit has been performed. Unless there are cost questions which cannot be resolved by the contracting officer, final payment will be made subject to audit provided all other actions necessary to complete the contract have been accomplished and fully documented (see § 3–50.502–2). The release to be executed by the contractor should provide as follows:

> The contractor agrees, pursuant to the clause in this contract entitled Allowable Cost (for cost reimbursement contracts) or Allowable Cost and Fixed Fee (for CPFF contracts), that the amount of any sustained audit exceptions resulting from any subsequent audit made after final payment will be refunded to the Government.

(2) The "desk audit" may include but need not be limited to:

(i) A review of the contract provisions, e.g., negotiated overhead rates clause, advance understandings on particular items of cost identified in § 1–15.107.

(ii) A review of vouchers to determine, if possible, that some types of labor claimed may not be necessary in the performance of the contract and the reasonableness of material, travel and per diem costs.

(iii) A determination that overtime was approved.

(iv) A review of previous available audit reports to determine what adjustments, if any, were made and may be applicable to the contract under review and discussions with the cognizant government auditor when considered appropriate.

(3) The above procedure shall be followed unless the contracting officer determines that a desk audit is not appropriate and states in writing his decision as to the need for an audit of the contractor's books and records.

(b) Contracts of $50,000 and above: Prior to final payment of each cost type contract of $50,000 and above, the Audit Agency will notify the contracting officer that an audit has been completed. Notification may take one of the following forms:

(1) In the case of universities and other entities awarded numerous grants and contracts, a single audit report will usually be issued on grantee/contractor operations for the specified fiscal period(s) covered by the audit. All grant and contract activity, including contracts completed during this period, will be covered by the single audit report. The audit report contains statements describing the purpose of the audit, audit scope, period covered, and problems disclosed by the audit, including recommended adjustments to costs claimed for individual contracts or grants. Often there will be contracts completed during the period covered by the audit which are not singled out in the audit report for financial adjustment. In such cases, the audit report represents a basis for closing those contracts physically completed during the period, provided all other actions necessary to complete the contract have been accomplished and fully documented (see § 3–50.502–2).

(2) In the case of other entities holding few contracts or grants (and in some cases because of special problems with an individual contract or grant) the audit report(s) will usually cover the period of individual grants and contracts, based on an audit of these contracts and grants. These audit reports represent a basis, after decisions on any financial adjustments recommended by the audit, for closing the contracts physically completed during the period covered by the report, provided all other actions necessary to complete the contract have been accomplished and fully documented (see § 3–50.502–2).

(c) Verification of actual costs must be made by the Audit Agency for cost type contracts with incentive provisions and fixed price contracts when cost incentive or price redetermination is involved. Termination settlement proposals shall be submitted for review by the cognizant Audit Agency as prescribed in § 1–8.207.

§ 3–50.502–4 Termination.

(a) All material relating to the terminated portion of a contract shall be maintained in a "termination file," separate from the contract file. After final settlement and payment or collection of all termination claims, the "termination file" shall be reviewed to ensure that the file contains documentation to support all actions relating to the settlement and to the disposition of Government-owned property. Documentation of the file shall include:

(1) Request for termination action or a statement of reasons for the termination;

(2) Notice of termination and instructions to contractor, and notice to General Accounting Office as prescribed by § 1–8.403;

(3) Correspondence with contractor and records of all discussions, meetings, and negotiations;

(4) Copies of all settlement proposals and accounting reviews and analysis thereof;

(5) Records and approvals of subcontractor settlements;

(6) Inventory schedules and records of disposal of Government-owned property;

(7) Settlement agreements, records of exceptions, and contracting officer determinations, as appropriate; and

(8) A copy of the letter requesting an audit when required by § 1–8.207.

(b) After all termination actions are completed and the "termination file" is closed, it shall be filed as a component of the contract file.

[FR Doc.73-4375 Filed 3-6-73;8:45 am]

CHAPTER 5A—FEDERAL SUPPLY SERVICE, GENERAL SERVICES ADMINISTRATION

PART 5A–1—GENERAL

Subpart 5A–1.12—Responsible Prospective Contractors

INFORMATION REGARDING RESPONSIBILITY OF BIDDERS AND CONTRACTORS

This change outlines procedures for requesting or reporting information on bidders and contractors suspected or known to be affiliated or involved with organized crime.

Section 5A–1.1205–3(c) is revised to read as follows:

§ 5A–1.1205–3 Information regarding responsibility.

* * * * *

(c) The following procedures shall be used for requesting or reporting information on bidders or contractors suspected or known to be affiliated or involved with organized crime:

(1) Where there is a doubt in the mind of the contracting officer as to whether a firm is involved with organized crime, additional information shall be requested from the Office of Investigations (BI). Requests for such information shall be processed on GSA Form 2713, Records Check and Inquiry on Bidders and Contractors, in accordance with the instructions on the form. (See § 5A–16.950–2713.) Concurrently, a copy of the GSA Form 2713 shall be furnished to the Assistant Commissioner for Procurement (FP). Buying activities shall insure compliance with instructions regarding disclosure or reproduction of the information furnished. Requests initiated in the Central Office, FSS, shall be submitted to the Director of Investigations (BI), Office of Administration. Requests initiated in the regions shall be submitted to the cognizant Director, Field Investigations Office. Where appropriate, the Office of Investigations will consult with the Depart-

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ment of Justice incidental to providing the contracting officer with information to be used as a basis for determining a suspected firm's responsibility.

(2) Incidental to determining bidder or offeror responsibility prior to award, contracting officers shall:

(i) Determine a suspected firm to be nonresponsible if the information received from BI indicates the firm or members of the firm have been indicted or convicted under the Organized Crime Control Act of 1970 or indicted or convicted of embezzlement, theft, forgery, bribery, falsification or destruction of records, receiving stolen property, or any other offense indicating a lack of business integrity or business honesty which seriously and directly affects the question of present responsibility as a Government contractor. In the event that an appeal taken from any convention results in a reversal of the conviction, contracting officers may not consider the conviction in determining responsibility. (See also § 1-1.6.)

(ii) Submit to the Assistant Commissioner for Procurement (FP) all cases where information provided by BI does not contain evidence of convictions or indictments of offenses mentioned in (i), above, but does contain other convincing evidence which seriously impugn the integrity and business ethics of a firm otherwise eligible for contract award. FP will review such information and provide guidance with respect to determination of contractor responsibility.

(Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c); 41 CFR 5-1.101(c))

Effective date. This regulation is effective on February 26, 1973.

Dated: February 26, 1973.

M. S. MEEKER,
Commissioner,
Federal Supply Service.

[FR Doc.73-4367 Filed 3-6-73;8:45 am]

Title 45—Public Welfare

CHAPTER VII—COMMISSION ON CIVIL RIGHTS

PART 704—INFORMATION DISCLOSURE AND COMMUNICATIONS

Administrative Appeal From Denial of Requests

Part 704 is amended by revising § 704.1(g) to read as set forth below. These amendments require the General Counsel to specify the exemption or exemptions which constitute the basis for withholding information requested under the Freedom of Information Act.

§ 704.1 Material available pursuant to 5 U.S.C. 552.

* * * * *

(g) *Administrative appeal from denial of requests.* If a request conforming with the requirements of paragraph (d)(1) of this section is denied by the General Counsel, the General Counsel's response to the requesting party shall cite the specific exemption or exemptions under paragraph (f) of this section which is the basis for the denial, and inform the requesting party that the denial is subject to review by the Staff Director of the Commission, provided such review is requested by the person submitting a request for information in accordance with this paragraph (g) within 30 days after the date of the General Counsel's decision. The filing of such a request for review may be accomplished by mailing to the Staff Director, U.S. Commission on Civil Rights, Washington, D.C. 20425, by certified mail, a copy of the written denial issued under this paragraph, and a statement of the circumstances, reasons or arguments advanced in support of disclosure. Review will be made by the Staff Director on the basis of the written record described above. The decision on review will be in writing, will be promptly communicated to the person requesting review, and will constitute the final action of the Commission subject to judicial review, as provided in 5 U.S.C. 552(a)(3).

* * * * *

Effective date. This amendment shall become effective on March 7, 1973.

STEPHEN HORN,
Vice Chairman.

[FR Doc.73-4356 Filed 3-6-73;8:45 am]

Title 49—Transportation

CHAPTER I—DEPARTMENT OF TRANSPORTATION

SUBCHAPTER A—HAZARDOUS MATERIALS REGULATIONS BOARD

[Docket No. HM-8; Amdts. 172-19, 173-70, 174-17, 175-10, 176-177-24]

PART 173—SHIPPERS

Labeling of Hazardous Materials

Correction

In FR Doc. 73-3317 appearing at page 5292 of the issue for Tuesday, February 27, 1973, the following changes should be made:

1. In the amendatory language to § 173.94 the reference to "paragraph (d)" should read "paragraph (d)"; and in § 173.94 the material now designated as "(b)" should be designated as "(d)".

2. In § 173.402(a)(4), the word "solid" in the second line should read "liquid".

3. In § 173.417(a) the accompanying figure should appear as shown below:

SUBCHAPTER A—HAZARDOUS MATERIALS REGULATIONS BOARD

[Docket No. HM-8; Amdt. No. 173-70]

PART 173—SHIPPERS

Labeling of Hazardous Materials; Correction

On February 27, 1973, the Hazardous Materials Regulations Board published Docket No. HM-8; Amendment No. 173-70 (38 FR 5292), which amended the Hazardous Materials Regulations to prescribe new labels to conform to the United Nations recommendations. The Board inadvertently published an incorrect label for flammable solids in § 173.410(a). It contained nine vertical red stripes when there should have been seven. Therefore, the Board has corrected Amendment No. 173-70 to show the correct label for flammable solids and § 173.410 of that amendment, in its entirety, is as follows:

Section 173.410 is amended to read as follows:

§ 173.410 Flammable solid label.

(a) Each "Flammable solid" label except for size and color must be as shown:

(1) In addition to the requirements of § 173.404, each label must be white with vertical red stripes as depicted by the shaded area, with the inscription, border, and symbol black. The words "Flammable solid" must not contact any red stripe.

Secs. 831-835 of Title 18, United States Code; sec. 9, Department of Transportation Act, 49 U.S.C. 1657; Title VI sec. 902(h), Federal Aviation Act of 1958, U.S.C. 1421-1430, 1472, and 1655(c)

Issued in Washington, D.C., on February 27, 1973.

ALAN I. ROBERTS,
Secretary.

[FR Doc.73-4049 Filed 3-6-73;8:45 am]

Title 47—Telecommunications

CHAPTER I—FEDERAL COMMUNICATIONS COMMISSION

[FCC 73-140]

PART 0—COMMISSION ORGANIZATION
PART 97—AMATEUR RADIO SERVICE

Radio Operator Examination Points

Correction

In FR Doc. 73-3106 appearing at page 4577 in the issue for Friday, February 16, 1973, the following should be inserted immediately after the 7th line of the amendatory language for § 0.485: "Appendix 1, Examination Points, to Part 97 is amended as follows."

Proposed Rule Making

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF THE TREASURY

Bureau of Customs

[19 CFR Part 134]

CAST IRON PIPE AND FITTINGS

Proposed Revocation of Exception from Country of Origin Marking Requirements

"Notice is hereby given that the Department of the Treasury and the Bureau of Customs have received a request from the American Pipe Fittings Association to revoke the exception from country of origin marking for malleable and nonmalleable cast iron pipe fittings presently authorized pursuant to 19 U.S.C. 1304(a)(3)(J). These articles are encompassed within the description, "Pipes, iron or steel, and pipe fittings of cast or malleable iron (except cast iron soil pipe and fittings)" listed in T.D. 49896 (1939) (4 FR 2509), as modified by T.D. 71-89 (1971) (36 FR 5465). Articles of that description were among the articles found to have been imported in substantial quantities during the 5-year period immediately preceding January 1, 1937, and not required during such period to be marked to indicate the country of origin. Those articles are now excepted from the marking requirements pursuant to § 134.33 of the Customs Regulations (19 CFR 134.33). The articles are classified under item 610.62-610.74, Tariff Schedules of the United States.

The American Pipe Fittings Association has submitted information and affidavits indicating that malleable and non-malleable cast iron pipe fittings were not imported in substantial quantities in the 5-year period preceding January 1, 1937, and, accordingly, should not have been included in the list of articles excepted from marking under 19 U.S.C. 1304(a)(3)(J). The association also contends that cast and malleable iron pipe fittings are commonly maintained in wholesalers' bins, which results in the commingling of domestic and imported fittings, leading to the possibility of deception to ultimate purchasers with respect to the country of origin of the pipe fittings.

With regard to the cost of marking the pipe fittings in question, the association states that Stockhalm Valves & Fittings, Birmingham, Ala., in 1960, marked its complete line of some 7,000 items with ⅛-inch raised letters reading "USA", at a nominal cost. The Bureau of Customs has received a letter from Stockhalm Valves & Fittings stating that it would cost foreign producers very little initially to mark their fittings by raised letters, and the raised letters would consume an almost unmeasurable amount of additional metal per fitting. The Bureau has tentatively concluded from the information available that malleable and nonmalleable cast iron pipe fittings are not entitled to continued exemption from the country of origin marking requirements under 19 U.S.C. 1304(a)(3)(J).

Consideration will be given to all data, views, or arguments respecting this matter which are submitted in writing to the Commissioner of Customs, Washington, D.C. 20226, on or before April 6, 1973.

Written material or suggestions submitted will be available for public inspection in accordance with § 103.3(b) of the Customs Regulations (19 CFR 103.3(b)), at the Bureau of Customs, Washington, D.C., during regular business hours.

[SEAL] EDWIN F. RAINS,
Acting Commissioner of Customs.

Approved: February 28, 1973.

EDWARD L. MORGAN,
Assistant Secretary
of the Treasury.

[FR Doc.73-4314 Filed 3-6-73;8:45 am]

Internal Revenue Service

[26 CFR Part 45]

MISCELLANEOUS STAMP TAXES

Notice of Proposed Rule Making

Notice is hereby given that the regulations set forth in tentative form below are proposed to be prescribed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury or his delegate. Prior to the final adoption of such regulations, consideration will be given to any comments or suggestions pertaining thereto which are submitted in writing (preferably six copies) to the Commissioner of Internal Revenue, Attention: CC:LR:T, Washington, D.C. 20224, by April 4, 1973. Any written comments or suggestions not specifically designated as confidential in accordance with 26 CFR 601.601(b) may be inspected by any person upon written request. Any person submitting written comments or suggestions who desires an opportunity to comment orally at a public hearing on these proposed regulations should submit his request, in writing, to the Commissioner by April 4, 1973. In such case, a public hearing will be held, and notice of the time, place, and date will be published in a subsequent issue of the FEDERAL REGISTER, unless the person or persons who have requested a hearing withdraw their requests for a hearing before notice of the hearing has been filed with the Office of the Federal Register. The proposed regulations are to be issued under the authority contained in sections 4464(c) and 7805 of the Internal Revenue Code of 1954 (85 Stat. 535 and 68A Stat. 917; 26 U.S.C. 4464(c) and 7805).

[SEAL] JOHNNIE M. WALTERS,
Commissioner of Internal Revenue.

This document contains proposed amendments to the Miscellaneous Stamp Tax Regulations (26 CFR Part 45) in order to conform such regulations to the provisions of title II of Public Law 88-36 (77 Stat. 54) (repealing the tax on transfers of silver bullion); sections 402 through 405 of the Excise Tax Reduction Act of 1965 (79 Stat. 148) (repealing the excise tax on playing cards, coin-operated amusement devices, certain vending machines dispensing prizes, bowling alleys, and billiard and pool tables); and section 402 of the Revenue Act of 1971 (85 Stat. 534) (allowing a credit against the Federal tax on coin-operated gaming devices for State taxes imposed on such devices).

The excise tax on silver bullion, which imposed a 50-percent tax on profits on transfers of silver bullion, was enacted as a part of the Government's silver purchase program to prevent speculative sales of silver in connection with such program. The tax was repealed effective June 4, 1963, by the Act terminating the silver purchase program.

The excise taxes on playing cards, coin-operated amusement devices, certain vending machines dispensing prizes, bowling alleys, and billiard and pool tables were repealed, effective June 22, 1965, for playing cards and July 1, 1965, for the others, to simplify administration of the tax laws, remove discriminatory tax burdens on consumers and producers, and eliminate arbitrary and undesirable distortions in the allocation of resources in competitive markets.

The credit for State taxes against the Federal tax on coin-operated gaming devices is effective on and after July 1, 1972. It allows persons maintaining or allowing the operation of coin-operated gaming devices on premises they occupy a credit against the Federal tax on the devices for certain State tax paid on the devices. No credit is allowed unless the State tax is similar to the Federal tax and maintenance or operation of the devices is legal under State law. No credit is allowed for State personal property tax. The maximum credit allowed in any year is 80 percent of the Federal tax for that year. The amendment is designed to make the Federal tax treatment of

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coin-operated gaming devices more uniform with the Federal tax treatment of parimutuel wagering licensed under State law and State conducted sweepstakes. The Federal tax on wagering is not applied to parimutuel wagering licensed under the State law or State controlled sweepstakes.

PROPOSED AMENDMENTS TO THE REGULATIONS

In order to conform the Miscellaneous Stamp Tax Regulations (26 CFR Part 45) to the provisions of title II of Public Law 88-36 (77 Stat. 54), and to sections 402 through 405 of the Excise Tax Reduction Act of 1965 (79 Stat. 148), and to reflect the addition of section 4464 to the Internal Revenue Code of 1954 by section 402 of the Revenue Act of 1971 (85 Stat. 534), such regulations are amended as follows:

PARAGRAPH 1. Section 45.0–1 is amended by revising the second sentence of paragraph (a), by revising paragraph (b), and by revising the first sentence of paragraph (c). The revised provisions read as follows:

§ 45.0–1 Introduction.

(a) *In general.* • • • The regulations relate to the taxes imposed by Subchapter B of Chapter 36, Subchapter F of Chapter 38, Subchapters B, C, and D of Chapter 39 of the Internal Revenue Code of 1954, as amended, and to certain general provisions relating to occupational taxes contained in Chapter 40 of such Code and to certain related administrative provisions of Subtitle F of the Code. • • •

(b) *Division of regulations.* The regulations in this part are divided into 12 subparts. Subpart A contains provisions relating to the arrangement and numbering of the sections of the regulations in this part, general definitions and use of terms, scope of regulations, and extent to which the regulations in this part supersede prior regulations relating to the taxes imposed by Subchapter B of Chapter 36, Subchapter F of Chapter 38, and Subchapters B, C, and D of Chapter 39 of the Internal Revenue Code. The other subparts of the regulations in this part and the subject matter to which they relate are as follows:

Subpart B—[Deleted]
Subpart C—Occupational tax on coin-operated devices.
Subpart D—[Deleted]
Subpart E—Oleomargarine.
Subpart F—White phosphorus matches.
Subpart G—Adulterated and process or renovated butter.
Subpart H—Filled cheese.
Subpart I—Cotton futures.
Subpart J—[Deleted]
Subpart K—General provisions relating to occupational taxes.
Subpart L—Administrative provisions.

(c) *Arrangement and numbering.* In general, each section of the regulations in Subparts C through L is preceded by the section, subsection, or paragraph of the Internal Revenue Code which it interprets. • • •

PAR. 2. The introductory paragraph and pargaraphs (a), (b), (c), and (i) of § 45.0–3 are amended to read as set forth below:

§ 45.0–3 Scope of regulations.

The regulations in this part relate to the taxes imposed by Subchapter B of Chapter 36, Subchapter F of Chapter 38, and Subchapters B, C, and D of Chapter 39 of the Code and, except where otherwise specifically provided, have application as provided in the following paragraphs:

(a) *Subpart B.* [Deleted]

(b) *Subpart C.* The regulations in Subpart C of this part relate to coin-operated gaming devices maintained for use by any person on or after July 1, 1965.

(c) *Subpart D.* [Deleted]

• • • • • •

(i) *Subpart J.* [Deleted]

• • • • • •

PAR. 3. Section 45.0–4 is amended to read as follows:

§ 45.0–4 Extent to which the regulations in this part supersede prior regulations.

The regulations in this part, with respect to the subject matter within the scope thereof, supersede the following regulations and such regulations as prescribed and made applicable to the Internal Revenue Code by Treasury Decision 6091, signed August 16, 1954 (19 FR 5167, August 17, 1954):

Special taxes with respect to coin-operated gaming devices.	Regulations 59 (1941 edition), 26 CFR (1939), Part 323.
Tax on white phosphorus matches.	Regulations 32, 26 CFR (1939), Part 300.
Taxes on oleomargarine, adulterated butter, and process or renovated butter.	Regulations 9, (Revised April 1936), 26 CFR (1939), Part 310.
Tax on filled cheese	Regulations 22, (Revised August 1926), 26 CFR (1939), Part 301.
Tax on contracts of sale of cotton for future delivery.	Regulations 36 (1916 edition), 26 CFR (1939), Part 110.
Withdrawal of filled cheese from factories, free of tax, for use of the United States.	Regulations 34, 26 CFR (1939), Part 450.
Exportation without payment of tax on tobacco manufacturers, oleomargarine, and adulterated butter; shipments to possessions of the United States, and drawback on tobacco manufacturers and stills exported, or shipped to Puerto Rico or Philippine Islands.	Regulations 73, 26 CFR (1939), Part 451.
Removals of alcoholic liquors, tobacco products, and other articles of domestic manufacturer to foreign-trade zones.	Regulations 31, 26 CFR (1939), Part 199 §§ 199.425 to 199.436, incl.

Subpart B [Deleted]

PAR. 4. Subpart B is deleted.

PAR. 5. Section 45.4461 is amended by revising section 4461 and the historical note to read as follows:

§ 45.4461 Statutory provisions; imposition of tax.

SEC. 4461. *Imposition of tax*—(a) *In general.* There shall be imposed a special tax to be paid by every person who maintains for use or permits the use of, on any place or premises occupied by him, a coin-operated gaming device (as defined in section 4462) at the following rates:

(1) $250 a year; and

(2) $250 a year for each additional device so maintained or the use of which is so permitted. If one such device is replaced by another, such other device shall not be considered an additional device.

(b) *Exception.* No tax shall be imposed on a device which is commonly known as a claw, crane, or digger machine if—

(1) The charge for each operation of such device is not more than 10 cents,

(2) Such device never dispenses a prize other than merchandise of a maximum retail value of $1, and with respect to such device there is never a display or offer of any prize or merchandise other than merchandise dispensed by such machine,

(3) Such device is actuated by a crank and operates solely by means of a nonelectrical mechanism, and

(4) Such device is not operated other than in connection with and as part of carnivals or county or State fairs.

[Sec. 4461 as amended and in effect, July 1, 1965]

PAR. 6. Section 45.4461–1 is amended as follows:

1. Paragraph (a) is amended by deleting "amusement or" from the first and third sentences, and by deleting "liable to" and inserting in lieu thereof "liable for" in the second sentence.

2. Paragraph (b) is amended by deleting "amusement" and inserting in lieu thereof "gaming" in each of the two places it appears in the second sentence, and by deleting the last sentence.

3. A new paragraph (c) is added, to read as set forth below:

§ 45.4461–1 Imposition of tax.

• • • • • •

(c) *Exception.* No tax is imposed on a device commonly known as a claw, crane, or digger machine if (1) the charge for each operation of such device is not more than 10 cents, (2) such device never dispenses a prize other than merchandise of a maximum retail value of $1, and with respect to such device there is never a display or offer of any prize or merchandise other than the merchandise dispensed by such machine, (3) such device is actuated by a crank and operates solely by means of a nonelectrical mechanism, and (4) such device is not operated other than in connection with and as part of carnivals or county or State fairs.

PAR. 7. Section 45.4461–2 is amended to read as follows:

§ 45.4461–2 Rate of tax.

The special tax under section 4461 is imposed at the rate of $250 per year per coin-operated gaming device.

PAR. 8. Section 45.4462 is amended by revising section 4462 and the historical note to read as follows:

§ 45.4462 Statutory provisions; definition of coin-operated gaming device.

SEC. 4462. *Definition of coin-operated gaming device*—(a) *In general.* For purposes of this subchapter, the term "coin-operated gaming device" means any machine which is—

(1) A so-called "slot" machine which operates by means of the insertion of a coin, token, or similar object and which, by application of the element of chance, may deliver, or entitle the person playing or operating the machine to receive cash, premiums, merchandise, or tokens, or

(2) A machine which is similar to machines described in paragraph (1) and is operated without the insertion of a coin, token, or similar object.

(b) *Exclusions.* The term "coin-operated gaming device" does not include—

(1) A bona fide vending or amusement machine in which gaming features are not incorporated; or

(2) A vending machine operated by means of the insertion of a 1-cent coin, which, when it dispenses a prize, never dispenses a prize of a retail value of, or entitles a person to receive a prize of a retail value of, more than 5 cents, and if the only prize dispensed is merchandise and not cash or tokens.

[Sec. 4462 as amended and in effect July 1, 1965]

PAR. 9. Section 45.4462–1 is amended to read as follows:

§ 45.4462–1 Definition of coin-operated gaming device.

(a) *Devices within scope of section 4462(a)*—(1) *In general.* Section 4462(a) includes within its scope any machine which is—

(i) A so-called "slot" machine which operates by means of the insertion of a coin, token, or similar object and which, by application of the element of chance, may deliver, or entitle the person playing or operating the machine to receive cash, premiums, merchandise, or tokens, or

(ii) A machine which is similar to machines described in subdivision (i) of this subparagraph and is operated without the insertion of a coin, token, or similar object.

(2) *Examples.* The following devices and machines illustrate the type of machines or devices within the scope of section 4462(a):

(i) A machine which is operated by means of the insertion of a coin, token, or similar object and which, even though it does not dispense cash or tokens, has the features and characteristics of a gaming device whether or not evidence exists as to actual payoffs.

(ii) A so-called crane machine, claw, digger, or rotary merchandising type device which is operated by the insertion of a coin and adjustment of a control lever for the purpose of removing from the machine, by gripping, pushing, or other manipulation articles such as figurines, lighters, etc., in the machine. See, however, § 45.4461–1(c) for exemption of certain devices from the tax imposed by section 4461(a).

(iii) A pinball machine equipped with a pushbutton for releasing free plays and a meter for recording the plays so released, or equipped with provisions for multiple coin insertion for increasing the odds.

(iv) Pinball machines in connection with which free plays are redeemed in cash, tokens, or merchandise, or prizes are offered to any person for the attainment of designated scores.

(v) A coin-operated machine that displays a poker hand or delivers a ticket with a poker hand symbolized on it that entitles the player to a prize if the poker hand displayed by the machine or symbolized on the ticket constitutes a winning hand.

(b) *Exclusions*—(1) *Bona fide vending or amusement machines.* Section 4462(b)(1) specifically excludes from the term "coin-operated gaming device" a bona fide vending or amusement machine in which gaming features are not incorporated. An example of a device in which gaming features are not incorporated is a recording machine which, upon insertion of a coin, records a person's voice, plays the record back, and then delivers the record to the purchaser.

(2) *Certain vending machines.* Section 4462(b)(2) specifically excludes from the term "coin-operated gaming device" a vending machine operated by means of the insertion of a 1-cent coin, which, when it dispenses a prize, never dispenses a prize of a retail value of, or entitles a person to receive a prize of a retail value of, more than 5 cents, and if the only prize dispensed is merchandise and not cash or tokens.

PAR. 10. Immediately after § 45.4463–1, §§ 45.4464 and 45.4464–1 are added, to read as follows:

§ 45.4464 Statutory provisions; credit for State-imposed taxes.

SEC. 4464. *Credit for State-imposed taxes*—(a) *In general.* There shall be allowed as a credit against the tax imposed by section 4461 with respect to any coin-operated gaming device for any year an amount equal to the amount of State tax paid for such year with respect to such device by the person liable for the tax imposed by section 4461, if such State tax (1) is paid under a law of the State in which the place or premises on which such device is maintained or used is located, and (2) is similar to the tax imposed by section 4461 (including a tax, other than a general personal property tax, imposed on such device).

(b) *Limitations*—(1) *Devices must be legal under State law.* Credit shall be allowed under subsection (a) for a tax imposed by a State only if the maintenance of the coin-operated gaming device by the person liable for the tax imposed by section 4461 on the place or premises occupied by him does not violate any law of such State.

(2) *Credit not to exceed 80 percent of tax.* The credit under subsection (a) with respect to any coin-operated gaming device shall not exceed 80 percent of the tax imposed by section 4461 with respect to such device.

(c) *Special provisions for payment of tax.* Under regulations prescribed by the Secretary or his delegate, a person who believes he will be entitled to a credit under subsection (a) with respect to any coin-operated gaming device for any year shall, for purposes of this subtitle and Subtitle F, satisfy his liability for the tax imposed by section 4461 with respect to such device for such year if—

(1) On or before the date prescribed by law for payment of the tax imposed by section 4461 with respect to such device for such year, he has paid the amount of such tax reduced by the amount of the credit which he estimates will be allowable under subsection (a) with respect to such device for such year, and

(2) On or before the last day of such year, pays the amount (if any) by which the credit for such year is less than the credit estimated under paragraph (1).

[Sec. 4464 as originally enacted and in effect July 1, 1972]

§ 45.4464–1 Credit for State-imposed taxes.

(a) *In general.* A person liable for the tax imposed by section 4461 with respect to any coin-operated gaming device for any year is allowed as a credit against such tax an amount equal to the State tax he has paid for such year with respect to such device, if such State tax (1) is paid under a law of the State in which the place or premises on which such device is maintained or used is located, and (2) is similar to the tax imposed by section 4461 (including a tax, other than a general personal property tax, imposed on such device).

(b) *Limitations*—(1) *Device must be legal under State law.* A credit is allowed under paragraph (a) of this section for a tax imposed by a State only if the maintenance of the coin-operated gaming device by the person liable for the tax imposed by section 4461 does not violate any law of such State.

(2) *Credit not to exceed 80 percent of tax.* The credit allowed under paragraph (a) of this section with respect to any coin-operated gaming device may not exceed 80 percent of the tax imposed by section 4461 with respect to such device.

(c) *Special provisions for payment.* A person who believes he will be entitled to the credit described in paragraph (a) of this section with respect to any gaming device for any year may satisfy his liability for the tax imposed by section 4461 upon such device for such year by paying, on or before the date prescribed for payment of such tax, the amount of such tax reduced by the amount of the credit which he estimates in good faith and on the basis of reasonable cause will be allowable under paragraph (a) of this section, and by paying, on or before the last day of such year, the amount (if any) by which the credit based on the estimated State tax for such year exceeds the credit based on the State tax actually paid for such year. Any such excess shall be paid to the Director of the Internal Revenue Service Center where the original Form 11–B was filed. This payment shall be accompanied by a corrected Form 11–B (with the words "Amended Return" written clearly across the top of the return). No interest shall be due on such amount if paid before the end of such taxable year provided that the estimate was made in good faith and on the basis of reasonable cause. However, if not paid before the end of such

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year, such amount shall be accompanied by interest, as determined under section 6601, computed from the date prescribed for payment of the tax imposed by section 4461.

(d) *Proof of payment of State tax.* Persons claiming the credit allowed under paragraph (a) of this section shall retain documentary evidence of payment of the State tax upon which the credit is based for at least 3 years after the due date of the tax imposed by section 4461 (with respect to which the credit is claimed) or the date the tax imposed by section 4461 is paid (with respect to which the credit is claimed), whichever is later.

(e) *Examples.* The application of this section may be illustrated by the following examples:

Example (1). On July 1, 1972, X placed in operation one coin-operated gaming device on premises that he occupied in a State where operation of such a device is legal. X is liable for a tax of $250 under section 4461 for the fiscal year beginning July 1, 1972, and ending June 30, 1973. Under the law of the State X is also liable for a tax on such device of $125 for the last 6 months of 1972. In addition, X estimates that he will be liable for State tax of $250 for calendar 1973, of which $125 will be attributable to the first 6 months of 1973. X may reduce his payment for the tax imposed by section 4461, due on or before July 1, 1972, from $250 to $50 by claiming under section 4464 an estimated State tax credit of $200 (i.e., State tax liability of $125 for the last 6 months of 1972 plus $125 for the first 6 months of 1973, but not to exceed 80 percent of the tax imposed by section 4461 for such period).

Example (2). Assume the same facts as in example (1) except that X removed the coin-operated gaming device from his premises on December 31, 1972. Removal of the device eliminates X's liability under State law for 1973. Thus, X is entitled to a credit of only $125 (the amount attributable to the last 6 months of 1972) with respect to such device. Accordingly, in order to satisfy his liability under section 4461 with respect to such device for the period beginning July 1, 1972, and ending June 30, 1973, X must file, on or before June 30, 1973, an amended Form 11–B accompanied by a payment of $75 (i.e., liability under section 4461 of $250 reduced by the sum of the credit of $125 allowable under section 4464 plus the payment of $50 made on or before July 1, 1972). If X fails to pay this $75 on or before June 30, 1973, he will become liable for interest on such amount, computed under section 6601 for the period running from July 1, 1972, until the date of payment.

Subpart D [Deleted]

PAR. 11. Subpart D is deleted.

PAR. 12. Section 45.4816–1 is amended by deleting paragraph (d), by redesignating paragraph (e) as paragraph (d), and by adding the following new paragraphs (e) through (l):

§ 45.4816–1 Exemption in case of exportation of adulterated butter.

* * * * *

(e) *Definition of exportation.* Exportation to a foreign country means the severance of an article from the mass of things belonging within the United States with the intention of uniting it with the mass of things belonging within some foreign country.

(f) *Responsibility for exportation of adulterated butter.* Responsibility for compliance with the provisions of this section with respect to the removal of adulterated butter, without payment of tax, for export to a foreign country, and for the proper exportation of such adulterated butter shall rest upon the manufacturer thereof.

(g) *Liability for tax on adulterated butter.* The manufacturer of adulterated butter shall be liable for the tax imposed thereon by section 4811 if the provisions of this section are not complied with.

(h) *Removal for export.* (1) To exempt from tax a removal of adulterated butter from the place of manufacture for export to a foreign country both of the following conditions must me met: (i) The adulterated butter so removed must be identified as having been removed from the place of manufacture by the manufacturer for export to a foreign country, and (ii) the adulterated butter so removed must be exported to a foreign country in due course.

(2) Adulterated butter will be regarded as having been removed from the place of manufacture by the manufacturer for export to a foreign country if the manufacturer has in his possession at the time of removal from the place of manufacture a written order or contract of sale showing that the manufacturer is to ship the adulterated butter to a foreign destination.

(3) The written order or contract of sale referred to in subparagraph (2) of this paragraph suspends liability for payment of the tax by the manufacturer for such removal from the place of manufacture for export to a foreign country for a period of 6 months from the date of removal of such adulterated butter.

(i) *Proof of exportation to a foreign country—(1) Other than by parcel post.* Exportation to a foreign country may be evidenced by (i) a copy of the export bill of lading issued by the delivering carrier, or (ii) a certificate by the agent or representative of the export carrier showing actual exportation of the adulterated butter, or (iii) a certificate of landing signed by a customs officer of a foreign country to which the adulterated butter is exported, or (iv) where such foreign country has no customs administration, a statement of the foreign consignee showing receipt of the adulterated butter. If, within a period of 6 months from the date of removal of such adulterated butter, the manufacturer has not received and attached to the order or contract proper "proof of exportation," then the temporary suspension of the liability for the payment of the tax ceases and such liability shall become immediately due and payable. Such tax shall be paid to the district director for the district in which is located the place of manufacture from which the shipment is made, with sufficient information to identify the taxpayer and the nature and purpose of the payment. However, if proof of exportation later becomes available, a claim for refund of any tax paid may be filed on Form 843, but such action must be taken within the 3-year period prescribed by section 6511.

(2) *Exportation by parcel post.* If adulterated butter is exported to a foreign country by parcel post, the manufacturer thereof shall have a statement prepared for use with each package so exported on which shall be shown such information as the destination, order or invoice number, the contents of the package, the name of the vendee, etc. Upon mailing the package described in the statement, the manufacturer shall have the statement stamped by the local postmaster as evidence of said package having been received by him for exportation by parcel post. A waiver of the manufacturer's right to withdraw such package from the mails shall be stamped or written on each package and such waiver shall be signed by the manufacturer making the shipment.

(j) *Bond.* If the district director deems it necessary in order to protect the revenue, a bond may be required of any manufacturer removing adulterated butter from the place of manufacture for export to a foreign country. The penal sum of such bond shall be in an amount specified by the district director in a notice mailed to the manufacturer. For other provisions relating to bonds, see §§ 301.7101 and 301.7101–1 of this chapter (Regulations on Procedure and Administration).

(k) *Miscellaneous—(1) Diversion of shipment to another export consignee.* After removal of a shipment of adulterated butter from the place of manufacture for export to a foreign country in accordance with the provisions of paragraph (h)(2) of this section, the manufacturer of such adulterated butter may divert the shipment to another consignee for export to a foreign country provided he has in his possession a written order or contract of sale as provided in paragraph (h)(2) of this section from such other consignee.

(2) *Return of shipment to factory.* In case a consignee, for whom a manufacturer removes adulterated butter from his place of manufacture in accordance with a written order or contract of sale for export to a foreign country, modifies or cancels his written order or contract of sale for export, the manufacturer may return the shipment of such adulterated butter to his place of manufacture provided he maintains adequate records relating to such return.

(l) *Removal to foreign-trade zones—(1) In general.* Adulterated butter may be removed from the place of manufacture without having stamps affixed thereto for delivery to a foreign-trade zone for exportation. Such removal and delivery thereof to a foreign-trade zone is considered an exportation.

(2) *Definition of foreign-trade zone.* "Foreign-trade zone" or "zone," as used in this section, means a foreign-trade zone established and operated pursuant to section 81 of title 19 of the United States Code.

(3) *Proof of delivery to a foreign-trade zone.* A manufacturer of adulterated butter who removes such adulterated butter from the place of manufacture for delivery to a foreign-trade zone without affixing stamps thereto shall maintain adequate records of all such removals and shall keep sufficient written proof of such removals and deliveries as may be necessary to substantiate actual delivery of the adulterated butter to the foreign-trade zone. The records referred to in the preceding sentence shall be retained by the manufacturer and made available for inspection by any revenue officer upon his request.

Subpart J [Deleted]

PAR. 13. Subpart J is deleted.

§ 45.4901 [Amended]

PAR. 14. Section 45.4901 is amended by deleting "4461(2) [4461(a)(2)] (coin-operated gaming devices), * * *" in section 4901(a) and inserting in lieu thereof "4461(a)(1) (coin-operated gaming devices)" and by amending the historical note to read "[Sec. 4901 as amended and in effect May 1, 1971]".

PAR. 15. Section 45.4901–1 is amended as follows:

1. Paragraph (a) is amended by revising the first and last sentences to read as set forth below.

2. Paragraph (b) is amended by deleting "amusement and" from the second sentence.

3. Paragraph (c)(1) is amended by deleting "district director" and inserting in lieu thereof "director of the service center".

4. Paragraph (c) (2) and (3) is amended by deleting "District directors" and inserting in lieu thereof "Directors of service centers".

§ 45.4901–1 Payment of special tax.

(a) *Conditions precedent to carrying on certain business.* No person shall maintain for use or permit the use of, on any place or premises occupied by him, a coin-operated gaming device defined in section 4462(a) (see paragraphs (a) and (b) of § 45.4462–1) until he has filed a return on Form 11–B and paid the special tax imposed by section 4461 (a)(1). * * * For registration requirements relating to special taxes imposed by sections 4461, 4821, and 4841, see §§ 45.7011 and 45.7011–1.

* * * * *

PAR. 16. Section 45.4905 is amended by revising section 4905(b)(1) and the historical note to read as follows:

§ 45.4905 Statutory provisions; liability in case of death or change of location.

Sec. 4905. *Liability in case of death or change of location.* * * *

(b) *Registration.* (1) For registration in case of * * * white phosphorus matches, see sections * * * 4804(d) * * *.

[Sec. 4905 as amended and in effect May 1, 1971]

§ 45.4905–1 [Amended]

PAR. 17. Section 45.4905–1 is amended as follows:

1. Paragraph (a) is amended by deleting "4471," in the first sentence and by deleting "district director" and inserting in lieu thereof "director of the service center" in the last sentence.

2. Paragraph (b) is amended by deleting "district director" and inserting in lieu thereof "director of the service center" in the last sentence.

3. Paragraph (c) is amended by deleting "4471," in the fourth sentence.

4. Paragraph (d) is amended by deleting "district director" and inserting in lieu thereof "director of the service center" in the first sentence.

PAR. 18. Section 45.4905–2 is amended as follows:

1. Paragraph (a) is amended by deleting "district director" and inserting in lieu thereof "director of the service center" in the first and second sentences.

2. Paragraph (b) is amended to read as follows:

§ 45.4905–2 Change of address.

* * * * *

(b) *Procedure by director of service center—(1) Removal within area served by service center.* When registration of a change of address within the same area served by the service center is made by a taxpayer in the manner specified in paragraph (a) of this section, the director of the service center will enter on his records the new address and the date of change. If the information disclosed on the supplemental return is such as to require a change on the face of the special tax stamp, the director of the service center will make the necessary change and return the stamp to the taxpayer for posting as provided in § 45.6806.

(2) *Removal to an area served by another service center.* In case of removal of the taxpayer's place of business to an area served by another service center, the director of the service center after noting the transfer on his records, shall transmit the special tax stamp to the director of the service center for the area to which such business was removed. The latter will make proper entry on his records, as in the case of an original registration in his area, correct the address on the stamp, and also note thereon his name, title, date, and area, and then forward the stamp to the taxpayer for posting as provided in § 45.6806.

§ 45.6001–5 [Amended]

PAR. 19. Paragraph (c) of § 45.6001–5 is deleted.

§ 45.6001–6 [Amended]

PAR. 20. Section 45.6001–6 is amended by deleting "4451, 4461, 4471, 4591, 4801, 4811, 4821, 4831, 4841, 4851, or 4891" and inserting in lieu thereof "4461, 4591, 4801, 4811, 4821, 4831, 4841, or 4851" in paragraph (a) and by inserting "or directors of service centers" after "district directors" in the first sentence of paragraph (b).

§ 45.6001–8 [Deleted]

PAR. 21. Section 45.6001–8 is deleted.

§ 45.6001–11 [Amended]

PAR. 22. Section 45.6001–11 is amended by deleting "or 4471" in the first sentence of paragraph (a) and by deleting "4432 (a)(2)" and inserting in lieu thereof "4462(a)" in the last sentence of paragraph (c).

§ 45.6001–12 [Amended]

PAR. 23. Section 45.6001–12 is amended by deleting paragraph (c).

§ 45.6071–1 [Amended]

PAR. 24. Section 45.6071–1 is amended by deleting "§§ 45.6001–8 to 45.6001–10, inclusive," and inserting in lieu thereof "§ 45.6001–9 or § 45.6001–10" in the first sentence of paragraph (a) and by deleting paragraph (b)(2).

§ 45.6071–2 [Amended]

PAR. 25. Section 45.6071–2 is amended as follows:

1. Paragraph (a) is amended by deleting "4462(a)(2)" and inserting in lieu thereof "4462(a)" and by deleting "4461 (a)(2)" and inserting in lieu thereof "4461(a)" in the first sentence and by deleting "4461(a)(2)" and inserting in lieu thereof "4461(a)" in the fourth sentence.

2. Paragraph (b) is amended by deleting "4461(a)(1) (relating to coin-operated amusement devices), 4471 (relating to bowling alleys, billiard and pool tables", and the comma after "butter," in the first sentence and by deleting "or Form 11–B, as the case may be," from the first and last sentences.

§ 45.6091–2 [Deleted]

PAR. 26. Section 45.6091–2 is deleted.

§ 45.6101–1 [Amended]

PAR. 27. Section 45.6101–1 is amended by deleting "paragraphs (b) and (c)" and inserting in lieu thereof "paragraph (b)" from paragraph (a), by deleting paragraph (b), and by redesignating paragraph (c) as paragraph (b).

§ 45.6109–1 [Amended]

PAR. 28. Section 45.6109–1 is amended by deleting "4471," from the first sentence of paragraph (a)(1), from paragraph (a)(2) and from paragraph (b).

§ 45.6151 [Amended]

PAR. 29. Section 45.6151 is amended by deleting "principal internal revenue officer for the internal revenue district in which the return is required to be" and inserting in lieu thereof "internal revenue officer with whom the return is" in section 6151(a) and by revising the historical note to read "[Sec. 6151 as amended and in effect November 2, 1966]".

§ 45.7011–1 [Amended]

PAR. 30. Section 45.7011–1 is amended by deleting "taxes imposed by sections 4461 and 4471" and inserting in lieu thereof "tax imposed by section 4461" in the first sentence and by deleting "4461 (a)(2)" and inserting in lieu thereof "4461(a)" in the last sentence.

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PAR. 31. Section 45.7011–3 is amended to read as follows:

§ 45.7011–3 Registration; other requirements.

For requirements for registration by manufacturers of white phosphorus matches, see § 45.4804–8.

§ 45.7272 [Amended]

PAR. 32. Section 45.7272 is amended by deleting "4455, * * *" in section 7272(b) and by revising the historical note to read "[Sec. 7272 as amended and in effect June 22, 1965]".

§ 45.7326 [Amended]

PAR. 33. Section 45.7326(a) is amended by deleting "disposals" in the heading and inserting in lieu thereof "disposal," by deleting "4462(a)(2)" and inserting in lieu thereof "4462" in section 7326(a), and by revising the historical note to read "[Sec. 7326(a) as amended and in effect May 1, 1971]".

§ 45.7510–1 [Amended]

PAR. 34. Section 45.7510–1 is amended by deleting "and playing cards" from the section heading and the first sentence.

§ 45.7510–2 [Amended]

PAR. 35. Section 45.7510–2 is amended as follows:

1. Paragraph (a) is amended by deleting "or playing cards".

2. Paragraph (c) is amended by deleting "or playing cards" from the sentence enclosed by parentheses at the beginning of the exemption certificate form.

§ 45.7510–3 [Amended]

PAR. 36. Paragraph (a) of § 45.7510–3 is deleted.

§ 45.7641 [Amended]

PAR. 37. Section 45.7641 is amended by deleting "* * *" from section 7641 and by revising the historical note to read "[Sec. 7641 as amended and in effect May 1, 1971]".

PAR. 38. Section 45.7701 is amended by revising section 7701(a)(12) and the historical note to read as follows:

§ 45.7701 Statutory provisions; definitions.

Sec. 7701. *Definitions.* (a) * * *

(12) *Delegate*—(A) *In general.* The term "Secretary or his delegate" means the Secretary of the Treasury, or any officer, employee, or agency of the Treasury Department duly authorized by the Secretary (directly, or indirectly by one or more redelegations of authority) to perform the function mentioned or described in the context, and the term "or his delegate" when used in connection with any other official of the United States shall be similarly construed.

(B) * * *

* * * * *

(Sec. 7701 as amended and in effect Sept. 13, 1960)

[FR Doc.73–4403 Filed 3–6–73;8:45 am]

DEPARTMENT OF DEFENSE

Office of the Secretary

[32 CFR Part 216]

USE OF OFF-ROAD VEHICLES

Notice of Proposed Rule Making

Executive Order 11644, "Use of Off-Road Vehicles on the Public Lands," (37 FR 2877, February 9, 1972) requires that the Secretary of Defense shall develop and issue regulations and administrative instructions to: (a) Provide for administrative designation of the specific areas and trails on which use of off-road vehicles may be permitted, and areas on which the use of off-road vehicles may not be permitted, and set a date by which such designation of all defense lands shall be completed; and (b) develop and publish regulations prescribing operating conditions for off-road vehicles on defense lands. The following proposed Department of Defense regulation complies with the requirements of the Executive Order.

Interested persons are invited to submit such written comments and suggestions concerning the proposed regulation as they may desire. Communications should identify the subject matter by the above title and should be submitted to the Assistant Secretary of Defense (Health and Environment), Room 3D–171, Pentagon, Washington, D.C. 20301. All communications received on or before April 6, 1973, will be considered before issuing the regulation. The proposed Department of Defense regulation contained in this notice may be changed in light of the comments received. A copy of each submittal will be available for public inspection during business hours, both before and after the closing date set forth above, at the above address.

PART 216—USE OF OFF-ROAD VEHICLES

Sec.
- 216.1 Purpose and scope.
- 216.2 Applicability.
- 216.3 Policy.
- 216.4 Definitions.
- 216.5 Responsibilities.
- 216.6 Enforcement.
- 216.7 Guidelines and criteria for evaluation of DoD lands for off-road vehicle use.
- 216.8 References.

AUTHORITY: Executive Order 11644 (37 FR 2877, Feb. 9, 1972) and the general authority of 5 U.S.C. sec. 301.

§ 216.1 Purpose and scope.

(a) This part establishes uniform policies, procedures and criteria for (1) the designation of Department of Defense lands where use of off-road vehicles will and will not be permitted and (2) appropriate operating conditions for such vehicles.

(b) Its objective is to establish conditions for control of off-road vehicles, including possible access for use of such vehicles by the public to ensure that (1) the national security requirements related to the Department of Defense lands are not impaired, (2) the natural resources and environmental values are protected, (3) safety and accident prevention is given a paramount consideration, and (4) conflicts of use are minimized.

§ 216.2 Applicability.

The provisions of this part apply to the Department of Defense components with land management responsibilities.

§ 216.3 Policy.

The Department of Defense has a primary mission of national defense and security and must utilize its total resources toward achieving this mission. The Department of Defense is an important occupier of Federal lands and has an obligation to the American people to act responsibly and effectively in the management of lands and waters under military control. While this management includes programs for conservation of the renewable natural resources, protection and enhancement of environmental quality, protection from accidental injury, loss or damage to resources, and opportunities for outdoor recreation, it must be recognized that national defense and security requirements will be fully considered in developing comprehensive management plans for Department of Defense lands and waters. All Department of Defense lands and waters will be closed to off-road vehicle use, except those areas and trails specifically designated for such use in accordance with this part. The environmental impacts of off-road vehicle use will be assessed and when such use will create significant environmental impacts, an environmental statement will be prepared and processed in accordance with Part 214 of this chapter and agency regulations.

§ 216.4 Definitions.

(a) For the purpose of this part, the following terms, respectively, shall mean:

(1) *Off-road vehicle.* Any motorized vehicle designed for or capable of cross-country travel on or immediately over land, water, sand, snow, ice, marsh, swampland, or other natural terrain; except that such term excludes (i) any registered motorboat, (ii) any military, fire, ambulance, or law enforcement vehicle when used for emergency purposes and (iii) any vehicle whose use is authorized by the Secretary of Defense, or his properly designated representative, under a permit, lease, license, or contract.

(2) *Official use.* Use by an employee, agent, or designated representative of the Federal Government or one of its contractors in the course of his employment, agency, or representation.

§ 216.5 Responsibilities.

(a) The Secretaries of the Military Departments shall:

(1) Establish procedures for evaluating, assessing, and designating areas and trails where off-road use will and will not be permitted, utilizing but not limited to the guidelines and criteria contained in § 216.7.

(i) Such designations shall be a part of the natural resources management planning and incorporated in the final installation management plan. Where appropriate, these designations may be included as part of the installation master development plan.

(ii) All lands where off-road vehicle use will and will not be permitted will be designated prior to June 30, 1974.

(iii) Where Department of Defense lands will accommodate off-road vehicle use by the public, installation commanders shall insure that adequate opportunity for participation by the general public, user groups, and conservation organizations is afforded in the process of selection and designation of the specific areas and trails and uses to be permitted on those areas and trails.

(iv) The limitations of off-road vehicle use imposed under this part shall not apply to official use.

(2) Establish regulations, prior to August 31, 1973, prescribing the operating conditions for off-road vehicles. These regulations shall be directed at protecting resource values, preserving public health, safety, and welfare, accident prevention, and minimizing use conflicts and will include provisions for registration, permits, fees for use of properties, and liability insurance requirements for users.

(3) Insure adequate notification to potential users, including distribution of information maps, indicating areas and trails where off-road vehicle use is and is not permitted. Appropriate signs designating areas and operating conditions off-road vehicle use is prohibited will trails designating such use. Areas where off-road vehicle use is prohibited will also be adequately posted.

(4) Provide proper administration, enforcement, and policing of trails and areas to insure that conditions of use are met on a continuing basis.

(5) Establish appropriate procedures to monitor the effects of the use of off-road vehicles. This monitoring may be the basis for changes to agency regulations to ensure adequate control of off-road vehicle use and amendment of area and trail designations to protect the environment, ensure the public safety, and minimize conflicts among users.

§ 216.6 Enforcement.

Persons abusing the privilege of using designated areas and trails under these regulations shall, with their vehicles, be barred from further access to the installation for this purpose. Such further action in a particular case as the circumstances may require will be taken (see, e.g., 18 U.S.C. Sec. 1382). Cooperative agreements with State or local governments for the enforcement of laws and regulations relating to off-road vehicle use will be entered into where appropriate.

§ 216.7 Guidelines and criteria for evaluation of Department of Defense lands for off-road vehicle use.

(a) *Designation.* (1) Department of Defense lands which satisfy the following characteristics may be designated for off-road vehicle use providing there exists a clear and demonstrated need and that other lands more suitable are not available.

(i) Areas which are not restricted for security, safety or accident prevention purposes.

(ii) Areas which do not contain soil conditions, flora or fauna or other natural characteristics of a fragile or unique nature which would be subject to excessive damage by use of off-road vehicles.

(iii) Areas which are not managed for wildlife habitat purposes.

(iv) Areas which do not contain archeological, historical, or paleontological resources; or which constitute de facto wilderness or scenic areas; or in which noise would adversely affect other users and wildlife resources.

(2) Lands which are found to satisfy the requirements for off-road vehicle use will be zoned for areas and trails.

(i) *Areas.* The very nature of off-road vehicles dictates that the majority of use will occur over areas which have not been developed for specific vehicular use. Off-road vehicles are manufactured, advertised, sold, and purchased within the concept that the purpose and sport of operating these vehicles lies in operation over rugged, undeveloped terrain. To invite users of off-road vehicles to areas which are designated for that purpose rather than areas restricted from such use, the designated area must contain topography suitable to the vehicles that will be used and have ready access by the public.

(ii) *Trails.* Where it is practicable to designate existing or proposed trails for use by off-road vehicles without conflict with other public uses or without loss of natural characteristics of the areas resulting in environmental despoilment, degrading local safety or accident prevention programs, such designation should be accomplished.

(iii) Areas for off-road vehicles use shall be categorized as follows: (*a*) Generally open with controlled public access within manageable quotas; (*b*) installation personnel and guests; (*c*) installation personnel; (*d*) closed.

(b) *Zones of use.* The designation of such areas will be in accordance with the following:

(1) Areas and trails shall be located to minimize damage to soil, watershed, vegetation, or other resources of the public lands.

(2) Areas and trails shall be located to minimize harassment of wildlife or significant disruption of wildlife habitats.

(3) Areas and trails shall be located to minimize conflicts between off-road vehicle use and other existing or proposed recreational uses of the same or neighboring public lands, and to insure the compatibility of such uses with existing conditions in populated areas, taking into account noise, safety, accident prevention, and other factors.

(c) *Environmental considerations.* Prior to designation of areas or trails for use by off-road vehicles, consideration will be given by competent, responsible individuals to possible traumatic effects on the environment of the area. Such considerations shall not be limited to the proposed designated area or trail, but shall also encompass adjacent areas which may be affected.

(1) *Air.* Air quality which could be affected by dust from the use of off-road vehicles and internal combustion engines will be considered.

(2) *Water.* Siltation and water quality of streams or other bodies of water due to soil erosion created by off-road vehicles will be considered.

(3) *Soils.* Soil erodability and compaction as well as desirability for proposed use by off-road vehicles will be considered.

(4) *Vegetation.* The protection of native and desirable species of plants and grasses will be considered.

(5) *Wildlife.* Breeding grounds, drumming grounds, winter feeding, and yarding grounds, migration routes, and nesting areas will be considered. Spawning, migration, and feeding habits of fish and other aquatic organisms will be considered where off-road vehicles will be used in streams or other bodies of water. Particular attention will be given to off-road vehicle use which could have adverse effects on rare or endangered species of plants and animals in the immediate area or in adjacent areas.

(6) *Noise, Safety, and Accident Prevention.* Excessive noise as it affects humans and wildlife (and accidental injury, damage, or loss to DoD resources) will be considered.

(7) *Esthetics.* Potential despoilment of visual characteristics will be considered.

(d) *Operating criteria.* (1) Off-road vehicles shall not be operated in a reckless, careless, or negligent manner; in excess of established speed limits; and in a manner likely to cause excessive damage or disturbance of the land, wildlife, or vegetative resources.

(2) All off-road vehicles must conform to applicable State laws and registration requirements established for such vehicles; shall be equipped with proper muffler and spark arrestor and proper brakes, and utilize working headlights and taillights between dusk and dawn; and off-road vehicles which produce unusual or excessive noise shall not be permitted.

§ 216.8 References.

(a) National Environmental Policy Act of 1969 (Public Law 91–190; 42 U.S.C. 4321).

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(b) Executive Order 11644, "Use of Off-Road Vehicles on the Public Lands," February 8, 1972 (37 FR 2877, February 9, 1972).

(c) 32 CFR Part 214, "Environmental Considerations in Department of Defense Actions," August 18, 1971. (DoD Directive 6050.1).

(d) 32 CFR Part 263, "Natural Resources—Conservation and Management," May 24, 1965. (DoD Directive 5500.5).

(e) 5 U.S.C. section 301.

MAURICE W. ROCHE,
Director, Correspondence and Directives Division, OASD (Comptroller).

[FR Doc.73-4372 Filed 3-6-73;8:45 am]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[43 CFR Part 3110]

SIMULTANEOUS OFFERS

Noncompetitive Leases; Oil and Gas Leasing; Time Extension for Comments

The time within which written comments on the proposed rule making to (a) clarify the regulations by specifying that an applicant may file only one lease application on any parcel offered under the simultaneous oil and gas leasing procedures and (b) eliminate the requirement that advance rental must be submitted with simultaneous lease offers, which was published in the FEDERAL REGISTER, Vol. 38, No. 7, January 11, 1973 (38 FR 1281), as modified January 18, 1973 (38 FR 1746), is hereby extended from February 9, 1973, to May 1, 1973.

At the request of interested parties, the time period for submission of comments on these proposed regulations has been extended to give the general public an extended opportunity for review. Accordingly, interested parties may submit written comments, suggestions, or objections with respect to the proposed regulations to the Director (210), Bureau of Land Management, Washington, D.C. 20240 until May 15, 1973.

JOHN C. WHITAKER,
Acting Secretary of the Interior.

FEBRUARY 28, 1973.

[FR Doc.73-4298 Filed 3-6-73;8:45 am]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 52]

APPLE BUTTER [1]

Proposed Standards for Grades

Notice is hereby given that the United States Department of Agriculture is considering the revision of the United States Standards for Grades of Apple Butter pursuant to the authority contained in the Agricultural Marketing Act of 1946 (Sec. 205, 60 Stat. 1090; as amended; 7 U.S.C. 1624). This revision, if made effective, will be the third issue by the Department of grade standards for this product. The cited section of the Agricultural Marketing Act of 1946 provides for the issuance of official United States grades to designate different quality levels for the voluntary use of producers, buyers, and consumers. Official grading services are also provided for under this Act upon request and upon payment of the fee to cover the cost of such services.

Interested persons desiring to submit written data, views, or arguments for consideration in connection with the proposal should file the same, in duplicate, not later than April 15, 1973, with the Hearing Clerk, U.S. Department of Agriculture, Room 112 Administration Building, Washington, D.C. 20250. All written submissions made pursuant to this notice will be made available for public review at the office of the Hearing Clerk during regular business hours (7 CFR, 1.27(b)).

STATEMENT OF CONSIDERATION LEADING TO THE PROPOSED REVISION

The currently effective USDA Color Standards for Apple Butter no longer depict the color product most in demand by consumers. A recent study of market samples from some 30 locations across the United States showed colors ranging from a very light brown product to a very dark brown product.

The proposed revisions to the standard would establish new color standards for fancy color falling within the three general classifications—light, medium, and dark.

In accord with established Department policy the proposed revision also would change the nomenclature of the present U.S. Grade C to U.S. Grade B.

The point spread in each grade would be 10 points instead of 15 points and the points allowed for each scoring factor would be adjusted accordingly.

Interested persons are invited to view the proposed USDA Color Standards (L.1, L.2, 12328, M.1, M.2, 12329, D.1, and D.2) mentioned in § 52.2806 by phone appointment at the following Processed Products Inspection Offices between 10 a.m. and 4 p.m. during the periods listed:

Office	*Dates*
Washington, D.C.; 14th and Independence Avenue, South Agriculture Building, room 0713 or 0718 (202) 447-6193 or (202) 447-3825.	Feb. 1, 1973, to Apr. 1, 1973.
Baltimore, Md.; 108 South Gay Street, room 534 Appraisers Stores Building, (301) 962-2474.	Feb. 1, 1973, to Apr. 1, 1973.
Richmond, Va.; Division of Markets, 1 North 14th Street, room 332 (703) 770-2422.	Feb. 1, 1973, to Apr. 1, 1973.
Albert Lea, Minn.; Post Office Building, room 3 (507) 373-2188.	Feb. 1, 1973, to Apr. 1, 1973.
Fayetteville, Ark.; 440 Mission Boulevard (501) 443-2301, ext. 573.	Feb. 1, 1973, to Apr. 1, 1973.
Van Wert, Ohio; 105 Fisher Avenue (419) 238-4105.	Feb. 1, 1973, to Apr. 1, 1973.
San Jose, Calif.; 1438 South First Street (408) 275-7468.	Feb. 1, 1973, to Apr. 1, 1973.
Seattle, Wash.; 1917 First Avenue, room 207 (206) 442-7525.	Feb. 1, 1973, to Apr. 1, 1973.

The proposed revision is as follows:

IDENTITY AND GRADES

Sec.
52.2801 Identity.
52.2802 Grades of apple butter.

FILL OF CONTAINER

52.2803 Recommended fill of container.

FACTORS OF QUALITY

52.2804 Determining the grade of a sample unit.
52.2805 Determining the rating for the factors which are scored.
52.2806 Color.
52.2807 Consistency.
52.2808 Finish.
52.2809 Defects.
52.2810 Flavor.

LOT COMPLIANCE

52.2811 Determining the grade of a lot.

SCORE SHEET

52.2812 Score sheet for apple butter.

AUTHORITY: Sec. 205, 60 Stat. 1090, as amended; 7 U.S.C. 1624.

IDENTITY AND GRADES

§ 52.2801 Identity.

Apple butter is a fruit butter prepared from clean, sound, wholesome, mature apples (either fresh, frozen, canned and/or dried), and other ingredients as defined in the amended Standards of Identity for Fruit Butter (21 CFR 29.1) issued pursuant to the Federal Food, Drug, and Cosmetic Act. The apples are prepared by cooking, with or without added water, and the skins, seeds, and cores are screened out. The soluble solids are not less than 43 percent.

§ 52.2802 Grades of apple butter.

(a) U.S. Grade A (or U.S. Fancy) is the quality of apple butter that has a good color; that has a good consistency; that has a good finish; that is practically free from defects; that has a good flavor, and that scores not less than 90 points when scored in accordance with the scoring system outlined in this subpart.

(b) U.S. Grade B (or U.S. Choice) is the quality of apple butter that has a reasonably good color; that has a reasonably good consistency; that has a reasonably good finish; that is reasonably free from defects; that has a reasonably good flavor, and that scores not less than 80 points when scored in accordance with the scoring system outlined in this subpart.

(c) Substandard is the quality of apple butter that fails to meet the requirements of U.S. Grade B.

FILL OF CONTAINER

§ 52.2803 Recommended fill of container.

The recommended fill of container is not incorporated in the grades of the finished product since fill of container,

[1] Compliance with the provisions of these standards shall not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act, or with applicable State laws and regulations.

as such, is not a factor of quality for the purposes of these grades. It is recommended that each container of apple butter be filled as full as practicable without impairment of quality and that the product occupy not less than 90 percent of the capacity of the container.

FACTORS OF QUALITY

§ 52.2804 Determining the grade of a sample unit.

(a) The grade of a sample unit of apple butter is determined by considering the factors of quality which are scored. The relative importance of each such factor is expressed numerically on the scale of 100. The maximum number of points that may be given such factors are:

Factors	*Points*
Color	20
Consistency	20
Finish	20
Defects	20
Flavor	20
Total score	100

§ 52.2805 Determining the rating for the factors which are scored.

The essential variations within each factor which is scored are so described that the value may be determined for each factor and expressed numerically. The numerical range within each factor which is scored is inclusive. (For example, "18 to 20 points" means 18, 19, or 20 points.)

§ 52.2806 Color.

(a) *General.* The color of apple butter refers to the color hue and color intensity of the overall mass regardless of the texture of the product.

(b) The proposed revised U.S. Department of Agriculture Color Standards for Apple Butter (hereinafter referred to as "USDA Colors") shall be viewed under standard lighting conditions as follows: Compare the color of the color standard with a representative sample of apple butter having an area and depth approximately equal to the color standard. A suitable light source of approximately 250-foot candle intensity and having a spectral quality approximating that of daylight under a moderately overcast sky and a color temperature of 7,500° Kelvin ±200° is preferable. With the light source directly over the color standard and product, observation is made at an angle of 45° and at a distance of about 24 inches from the product.

(c) The USDA Color Standards will be available only from the licensed supplier: (Name to be supplied at a later date.)

(d) (*A*) *classification.* Apple butter that has a good color may be given a score of 18 to 20 points. "Good color" means that the color of the finished product is bright, lustrous, and is characteristic of properly prepared and processed apple butter. In addition, "good color" has the following meanings with respect to the following color types:

(1) *Light.* The color shall be no lighter than USDA Color L.1, nor darker than USDA Color M.1. The color need not match, but must be equal to or better than, the referenced USDA colors. The color may be more red, brighter, or somewhat more translucent. USDA Color L.2 is an intermediate reference in the light range.

(2) *Medium.* The color shall be no lighter than USDA Color M.1, nor darker than USDA Color D.1. The color need not match, but must be equal to, or better than, the referenced USDA colors. The color may be more red, brighter, or somewhat more translucent. USDA Colors M.2 and 12328 are intermediate references in the medium range.

(3) *Dark.* The color shall be no lighter than USDA Color D.1, nor darker than USDA Color D.2. The color need not match, but must be equal to, or better than, the referenced USDA colors. The color may be more red, brighter, or somewhat more translucent. USDA Color or 12329 is an intermediate reference in the dark range.

(e) (*B*) *Classification.* Apple butter that has a reasonably good color may be given a score of 16 or 17 points. Apple butter that falls into this classification shall not be graded above U.S. Grade B, regardless of the total score for the product (this is a limiting rule): "Reasonably good color" means that the color of the finished product may be dull, is reasonably uniform, and in addition has the following meanings with respect to the following color types:

(1) *Light.* The color may be lighter than USDA Color L.1 or may be less red than these USDA colors, but is not off-color.

(2) *Medium.* The color may be less red than USDA Colors M.1 or D.1, but is not off-color.

(3) *Dark.* The color may be darker or may be less red than USDA Color D.2, but is not off-color.

(f) (*SStd*) *classification.* Apple butter that fails to meet the requirements for U.S. Grade B may be given a score of 0 to 15 points. Apple butter that falls into this classification shall not be graded above Substandard regardless of the total score for the product (this is a limiting rule).

§ 52.2807 Consistency.

"Consistency" refers to the firmness of the apple butter and the tendency to resist flow characteristics and separation of free liquor.

Consistency is evaluated by first stirring, then emptying the contents of the container onto a flat dry surface.

(a) (*A*) *classification.* Apple butter that has a good consistency may be given a score of 18 to 20 points. "Good consistency" means that the apple butter forms a moderately mounded mass and that at the end of 2 minutes there is practically no separation of free liquor.

(b) (*B*) *classification.* Apple butter that has a reasonably good consistency may be given a score of 16 or 17 points. Apple butter that falls into this classification shall not be graded above U.S. Grade B, regardless of the total score for the product (this is a limiting rule). "Reasonably good consistency" means that the apple butter may be thick so that it does not pour readily from the container; or, after emptying from the container to a dry flat surface, may form only a slightly mounded mass and at the end of 2 minutes there is no more than a slight separation of free liquor.

(d) (*SStd*) *classification.* Apple butter that fails to meet the requirements for U.S. Grade B may be given a score of 0 to 15 points and shall not be graded above Substandard regardless of the total score for the product (this is a limiting rule).

§ 52.2808 Finish.

(a) *General.* The factor of finish refers to the size and texture of the apple particles.

(b) (*A*) *classification.* Apple butter that has a good finish may be given a score of 18 to 20 points. "Good finish" means that the product is fine grained, smooth, and practically free from gummy pectinous granules.

(c) (*B*) *classification.* Apple butter that has a reasonably good finish may be given a score of 16 or 17 points. Apple butter that falls into this classification shall not be graded above U.S. Grade B, regardless of the total score for the product (this is a limiting rule). "Reasonably good finish" means that the product may be slightly coarse; the apple particles are neither hard nor excessively grainy; and is reasonably free from gummy pectinous granules.

(d) (*SStd*) *classification.* Apple butter that fails to meet the requirements for U.S. Grade B may be given a score of 0 to 15 points and shall not be graded above Substandard, regardless of the total score for the product (this is a limiting rule).

§ 52.2809 Defects.

(a) *General.* The factor of defects refers to the degree of freedom from such defects as black specks (except those attributable to ground spices) dark scale-like particles, particles of carpel tissue, peel, stem, seed-coat, and blossom-end material. This factor is evaluated by observing a layer of the product on a smooth white surface. Such a layer is prepared by drawing a scraper, with an indentation 3/32-inch high by 7 inches long for clearance, rapidly through the product in two horizontal planes so as to form an approximate square.

(b) (*A*) *classification.* Apple butter that is practically free from defects may be given a score of 18 to 20 points. "Practically free from defects" means that any defects present do not more than slightly affect the appearance or edibility of the product.

(c) (*B*) *classification.* Apple butter that is reasonably free from defects may be given a score of 16 or 17 points. Apple butter that falls into this classification shall not be graded above U.S. Grade B regardless of the total score for the product (this is a limiting rule). "Reasonably free from defects" means that any defects present may be noticeable but are not so large, so numerous, or of such contrasting color as to seriously affect the appearance or edibility of the product.

(d) (*SStd*) *classification.* Apple butter that fails to meet the requirements for U.S. Grade B may be given a score of 0 to 15 points and shall not be graded above Substandard regardless of the total score for the product (this is a limiting rule).

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§ 52.2810 Flavor.

(a) *General.* The score for the factor of flavor of apple butter is determined by considering the flavor and aroma of the apple butter with particular consideration given to the flavor balance of the ingredients.

(b) *(A) classification.* Apple butter that has a good flavor may be given a score of 18 to 20 points. "Good flavor" means a good and distinct flavor and aroma characteristic of properly prepared and properly processed apple butter prepared from good quality ingredients.

(c) *(B) classification.* Apple butter that has a reasonably good flavor may be given a score of 16 or 17 points. Apple butter that falls into this classification shall not be graded above U.S. Grade B regardless of the total score for the product (this is a limiting rule). "Reasonably good flavor" means a characteristic apple butter flavor and odor that may be excessively sweet or excessively tart, may be excessively spiced or lacking in proper spicing, or may be excessively caramelized but is not seriously objectionable for any reason.

(d) *(SStd) classification.* Apple butter that fails to meet the requirements for U.S. Grade B may be given a score of 0 to 15 points and shall not be graded above Substandard regardless of the total score for the product (this is a limiting rule).

LOT COMPLIANCE

§ 52.2811 Determining the grade of a lot.

The grade of a lot of apple butter covered by these standards is determined by the procedures set forth in the Regulations Governing Inspection and Certification of Processed Fruits and Vegetables, Processed Products Thereof, and Certain Other Processed Food Products (§§ 52.1 to 52.87).

SCORE SHEET

§ 52.2812 Score sheet for apple butter.

Size and kind of container			----
Label			----
Container mark or identification			----
Net weight (ounces)			----
Soluble solids (percent by refractometer)			----
Color type (light, medium, dark)			----
Factors	**Score Points**		
Color	20	(A) 18-20 (B) [1] 16-17 (SStd) [1] 0-15	
Consistency	20	(A) 18-20 (B) [1] 16-70 (SStd) [1] 0-15	
Finish	20	(A) 18-20 (B) [1] 16-17 (SStd) [1] 0-15	
Defects	20	(A) 18-20 (B) [1] 16-17 (SStd) [1] 0-15	
Flavor	20	(A) 18-20 (B) [1] 16-17 (SStd) [1] 0-15	
Total score	100		
Grade			----

[1] Indicates limiting rule.

Dated: February 28, 1973.

E. L. PETERSON,
Administrator,
Agricultural Marketing Service.

[FR Doc.73-4339 Filed 3-6-73;8:45 am]

Commodity Exchange Authority

[17 CFR Part 1]

TRADING IN "PUTS" AND "CALLS" IN NONREGULATED COMMODITIES

General Regulations Under the Commodity Exchange Act

Notice is hereby given in accordance with administrative procedure provisions of 5 U.S.C. section 553 that the Secretary of Agriculture, pursuant to the authority of sections 3, 4f, and 8a of the Commodity Exchange Act (7 U.S.C. 5, 6f and 12a), is considering adding a new § 1.19 to Part 1 of the regulations under the Commodity Exchange Act (17 CFR Part 1) to read as set forth below. The purpose of the proposed regulation is to protect regulated commodity markets and the funds of persons trading in regulated commodities through registered futures commission merchants. A growing list of firms is reportedly selling "puts" and "calls", commonly referred to as commodity options, on a large and expanding scale. It appears that the vast majority of the option business is being done in the so-called naked options in which the option firm takes the opposite side of its customers' "puts" and "calls." In a situation of this type, the potential liability of the option firm, as a result of adverse price movements, is virtually unlimited.

Trading in "puts" and "calls" has been a concern of the Federal and State governments and of the exchanges for many years. As early as 1874, the State of Illinois prohibited trading in options. Later, the Illinois law was changed to permit such trading. In 1921, the directors of the Chicago Board of Trade recommended that trading in "puts" and "calls" be prohibited, stating that its advantages were outweighed by its disadvantages. That same year, the U.S. Congress passed the Futures Trading Act which, by levying a 20-cent per bushel tax, effectively prohibited options in grains. This Act was declared unconstitutional in 1926 and trading was resumed.

Following a sensational price collapse in the grain futures markets on July 19 and 20, 1933, the Chicago Board of Trade suspended all trading in "puts" and "calls." At that time, exchange representatives asserted that the elimination of such trading "has removed one of the prime causes of excessive price movements." The permanent elimination of trading in "puts" and "calls" was one of the "reforms" which a committte representing the grain exchanges pledged to recommend to the respective exchanges. In 1936, the Commodity Exchange Act was amended to make illegal all trading in "puts" and "calls" in regulated commodities. Such trading has been outlawed continuously since that time.

Option trading could become a threat to the financial stability of registered futures commission merchants. If such firms should underwrite, issue, or otherwise assume financial responsibility for the fulfillment of commodity options and suffer major financial reverses, the possibility of which is inherent in the present option system, the firm's customers trading in regulated commodities could suffer. With a sudden demand for funds to pay option holders or to secure the futures contracts called for by the options, a futures commission merchant might become insolvent and be sorely tempted to dip into the funds of customers dealing in regulated commodities to meet its obligations to option holders.

In addition, a collapse of the option business with substantial losses to option holders would seriously damage public confidence in the entire brokerage industry and the whole system of futures trading which is so essential in the orderly production and marketing of commodities.

§ 1.19 Prohibited trading in "puts" and "calls" in nonregulated commodities.

No futures commission merchant shall make, underwrite, issue, or otherwise assume any financial responsibility for the fulfillment of, any transaction which is, is of the character of, or is commonly known to the trade as, a "privilege," "indemnity," "bid," "offer," "put," "call," "advanced guarantee," or "decline guarantee" in any commodity regardless of whether such commodity is included in the term "commodity" as such term is defined in § 1.3(e).

If any interested person desires a hearing with reference to this proposed regulation, he should make a request to that effect stating the reasons therefor, addressed to the Administrator, Commodity Exchange Authority, U.S. Department of Agriculture, Washington, D.C. 20250, on or before April 9, 1973.

Written statements with reference to the subject matter of this proposal may be submitted by any interested person. Such statements should be mailed to the Administrator of the Commodity Exchange Authority prior to April 9, 1973.

The transcript of the proceedings at any hearing which may be held and all written submissions made pursuant to this notice will be made available for public inspection in the Office of the Administrator, Commodity Exchange Authority, during regular business hours.

Issued March 2, 1973.

ALEX C. CALDWELL,
Administrator,
Commodity Exchange Authority.

[FR Doc.73-4394 Filed 3-6-73;8:45 am]

FEDERAL MARITIME COMMISSION

[46 CFR Part 506]

[Docket No. 72-62]

FOREIGN DISCRIMINATION AFFECTING U.S. SHIPS

Regulations To Adjust or Meet Conditions Unfavorable To Shipping in the Foreign Trade; Enlargement of Time To File Reply

Upon request of Hearing Counsel, and good cause appearing, time within which Hearing Counsel shall file replies to comments in this proceeding [1] is enlarged to and including March 19, 1973. Answers to Hearing Counsel's replies shall be filed on or before March 30, 1973.

By the Commission.

[SEAL] FRANCIS C. HURNEY,
Secretary.

[FR Doc.73-4368 Filed 3-6-73;8:45 am]

FEDERAL TRADE COMMISSION

[16 CFR Part 255]

ENDORSEMENTS AND TESTIMONIALS IN ADVERTISING

Proposed Guides Concerning Use; Notice of Additional Opportunity to Present Views.

On December 1, 1972, there was published in the FEDERAL REGISTER (37 FR 25548) a notice of proposed guides concerning use of endorsements and testimonials in advertising. Interested parties were afforded the opportunity to present to the Commission their written views concerning the guides, including such pertinent information, suggestions, or objections as they may desire to submit. Such views were to be submitted not later than March 1, 1973, to the Assistant Director for National Advertising, Bureau of Consumer Protection, Federal Trade Commission, Indiana Building, 633 Indiana Avenue NW., Washington, DC 20580.

The Commission has determined that additional opportunity for the presentation of written views is warranted. Accordingly, the Commission extends the time during which such views may be submitted, as provided, to not later than March 30, 1973.

Issued: March 1, 1973.

By direction of the Commission.

[SEAL] CHARLES A. TOBIN,
Secretary.

[FR Doc.73-4296 Filed 3-6-73;8:45 am]

[1] Notice of proposed rule making in this matter was published at 37 FR 27638, December 19, 1972, extension of time for comments was published at 38 FR 2468, January 26, 1973.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Parts 1, 131, 176]

AEROSOLIZED FOOD, DRUG, AND COSMETIC PRODUCTS

Proposal Regarding Warning Statements

For several years adolescents have been deliberately inhaling fumes of various household products to produce intoxication. The Food and Drug Administration has received numerous reports of cardiotoxicity and sudden death associated with deliberate misuse by inhalation of food, drug, and cosmetic aerosol products containing halocarbons, and to a lesser extent, hydrocarbons. Death may follow such inhalation suddenly without relation to the number of times the vapors are inhaled. The mechanism of death is unknown at this time, and research on this matter is continuing.

Aerosol propellants currently used in food, drug, and cosmetic products do not appear to present a significant problem of safety resulting from proper usage of these products. Toxicity and possible death result solely from intentional misuse.

On the basis of the above information and after discussion with and concurrence by the Environmental Protection Agency, the Commissioner of Food and Drugs has concluded that the labels of aerosolized food, drug, and cosmetic products should bear a warning against intentional inhalation. It is recognized that any such warning could lead those persons who might wish to inhale intoxicating substances directly to products that could be abused, but the Commissioner is of the opinion that a warning of the drastic consequences that can result from misuse will at least deter the unknowledgeable experimenter from risking his life for a momentary thrill. No warning can protect from harm those who intentionally indulge in practices that they know to be harmful.

21 CFR 191.61(a) provides that label warnings established under the Federal Hazardous Substances Act and which are also applicable to foods, drugs, and cosmetics, are required to appear on food, drug, and cosmetic labels pursuant to the Federal Food, Drug, and Cosmetic Act even though such products are exempt from the Federal Hazardous Substances Act. Although the standard aerosol warning under 21 CFR 191.110 against incineration or puncture is clearly applicable to aerosolized food, drug, and cosmetic products, the Commissioner is aware that it is not included on some of these products. Accordingly, the Commissioner is also proposing that this warning be included on such products through a specific regulation on this matter.

Part 131 already contains warnings for use on drug products as required by section 502(f)(2) of the Federal Food, Drug, and Cosmetic Act. The Commissioner proposes to establish a new § 1.13 for food warnings, and a new Part 176 for cosmetic warnings. Comment is requested on two alternative forms of a deliberate inhalation warning, one proposed by the Food and Drug Administration and the other suggested by an industry trade association.

Section 402(a)(1) of the act states that a food is adulterated if it bears or contains any poisonous or deleterious substance which may render it injurious to health. Section 403(a) states that a food is misbranded if its labeling is false or misleading in any particular, and section 201(n) further defines misbranding to include the failure to reveal material facts with respect to consequences which may result from use of the article. The cosmetic provisions of the law (sections 601(a) and 602(a)) contain similar provisions. The Commissioner is of the opinion that these provisions contain adequate statutory authority to require label warnings for food and cosmetic products where there is a potential health hazard that may be prevented or alleviated by use of a warning.

The extent and seriousness of consumer injury resulting from cosmetic products has been difficult to assess because of the lack of reliable data. At the request of the cosmetic industry, the Commissioner has recently published a proposed system under which consumer product experience will voluntarily be

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submitted to the Food and Drug Administration, as a result of which decisions with respect to the safety of cosmetics and the appropriateness of label warnings will become far more reliable (37 FR 23344).

Further, with respect to the safety of cosmetics, although the act does not require approval by FDA prior to marketing a cosmetic product, it necessarily contemplates that the manufacturer or distributor has obtained all data and information necessary and appropriate to substantiate the product's safety before marketing. Any cosmetic product whose safety is not adequately substantiated prior to marketing may be adulterated and would in any event be misbranded unless it candidly and prominently warns that the safety of the product has not been adequately determined.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 201, 402, 403, 501, 502, 601, 602, 701, 52 Stat. 1040–1042, 1046–1048, 1050–1051, 1054, 1055–1056; 21 U.S.C. 321, 342, 343, 351, 352, 361, 362, 371) and under authority delegated to the Commissioner (21 CFR 2.120), it is proposed that Parts 1 and 131 be amended and a new Part 176 be added as follows:

PART 1—REGULATIONS FOR THE ENFORCEMENT OF THE FEDERAL FOOD, DRUG, AND COSMETIC ACT AND THE FAIR PACKAGING AND LABELING ACT

1. By adding the following new section:

§ 1.13 Food; labeling; warning statements.

(a) The label of a food packaged in an aerosol container in which the propellant consists in whole or in part of a halocarbon or a hydrocarbon shall bear the following warning:

Warning—Do not inhale directly; deliberate inhalation of contents can cause death.

or

Warning—Use only as directed; intentional misuse by deliberately concentrating and inhaling the contents can be harmful or fatal.

(b) The label of a food packaged in an aerosol container shall bear the following warning:

Warning—Contents under pressure. Do not puncture or incinerate container. Do not expose to heat or store at temperatures above 120° F. Keep out of reach of children.

PART 131—INTERPRETATIVE STATEMENTS RE WARNINGS ON DRUGS AND DEVICES FOR OVER-THE-COUNTER SALE

§ 131.15 [Amended]

2. In § 131.15 the listing "Dispensers Pressurized by Gaseous Propellants for Drugs for External Use" and all warnings under that listing are revoked.

In § 131.16 the following provisions are added:

§ 131.16 Drugs for human use; warning and caution statements required by regulations.

• • • • •

DRUGS IN DISPENSERS PRESSURIZED BY GASEOUS PROPELLANTS (See also § 130.102(a) (11) and (18) of this chapter.)

Warning—Avoid inhaling. Keep away from eyes or other mucous membranes.

The statement "Avoid inhaling" is not necessary for preparations specifically designed for use by inhalation.

The phrase "or other mucous membranes" is not necessary for preparation specifically designed for use on mucous membranes.

Where indicated, in order to prevent chilling the skin, a caution should be included against holding the dispenser too close to the body.

Warning—Contents under pressure. Do not puncture or incinerate container. Do not expose to heat or store at temperatures above 120° F. Keep out of reach of children.

In addition to the above warnings, the label of a drug packaged in an aerosol container in which the propellant consists in whole or in part of a halocarbon or hydrocarbon shall bear the following warning:

Warning—Do not inhale directly, deliberate inhalation of contents can cause death.

or

Warning—Use only as directed; intentional misuse by deliberately concentrating and inhaling the contents can be harmful or fatal.

• • • • •

PART 176—COSMETIC PRODUCT WARNING STATEMENTS

3. By adding the following new Part 176 to this chapter:

Subpart A—General

Sec.
176.1 Definitions.
176.2 Establishment of warning statements.
176.3 Conspicuousness of warning statements.
176.4–176.9 [Reserved]

Subpart B—Warning Statements

176.10 Labeling of cosmetic products for which adequate substantiation of safety has not been obtained.
176.11 Aerosolized cosmetics.

Subpart A—General

§ 176.1 Definitions.

(a) The term "act" means the Federal Food, Drug, and Cosmetic Act.

(b) The term "cosmetic" is defined in section 201(i) of the act.

§ 176.2 Establishment of warning statements.

(a) The label of a cosmetic product shall bear a warning or caution whenever necessary or appropriate to prevent or alleviate a health hazard that may be associated with the product.

(b) Regulations under Subpart B of this Part may be proposed or amended by the Commissioner of Food and Drugs on his own initiative or on behalf of any interested person who has submitted a petition. Any such petition shall include a proposed regulation to establish a warning together with an adequate factual basis to support the petition in the form set forth in § 2.65 of this chapter and will be published for comment if it contains reasonable grounds for the proposed regulation.

§ 176.3 Conspicuousness of warning statements.

A warning statement shall appear in the labeling prominently and conspicuously as compared to other words, statements, designs, or devices, and in bold type on clear contrasting background, in order to render it likely to be read and understood by the ordinary individual under customary conditions of purchase and use.

Subpart B—Warning Statements

§ 176.10 Labeling of cosmetic products for which adequate substantiation of safety has not been obtained.

Ingredients used in cosmetic products, and the finished product containing these ingredients, shall be adequately substantiated for safety prior to marketing. Any such ingredient or product whose safety is not adequately substantiated prior to marketing may be deemed to be adulterated and in any event will be deemed to be misbranded unless it contains the following conspicuous front panel statement:

Warning—The safety of this product has not been determined.

§ 176.11 Aerosolized cosmetics.

(a) The label of a cosmetic packaged in an aerosol container in which the propellant consists in whole or in part of a halocarbon or a hydrocarbon shall bear the following warning:

Warning—Do not inhale directly; deliberate inhalation of contents can cause death.

or

Warning—Use only as directed; intentional misuse by deliberately concentrating and inhaling the contents can be harmful or fatal.

(b) The label of a cosmetic packaged in an aerosol container shall bear the following warning:

Warning—Contents under pressure. Do not puncture or incinerate container. Do not expose to heat or store at temperatures above 120° F. Keep out of the reach of children.

Interested persons may, on or before May 7, 1973, file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 6–88, 5600 Fishers Lane, Rockville, MD 20852, written comments (preferably in quintuplicate) regarding this proposal. Comments may be accompanied by a memorandum or brief in support thereof. Comments received will be available for public inspection at the above office during regular business hours, Monday through Friday.

Dated: February 23, 1973.

SHERWIN GARDNER,
Acting Commissioner of Food and Drugs.

[FR Doc.73-4325 Filed 3-6-73;8:45 am]

Office of Child Development

[45 CFR Part 1301]

FEE SCHEDULE FOR HEAD START PROGRAM

Proposed Fees To Be Charged Nonpoor Families

Notice is hereby given that the Secretary of Health, Education, and Welfare proposes to establish a fee schedule for nonpoor families participating in Head Start programs whose children enroll after April 1, 1973, as required and authorized by section 8, 86 Stat. 690, 42 U.S.C. 2809(a)(1). The charges imposed by the schedule, in accordance with the statute, apply only to families whose income exceeds $4,320 (with appropriate upward adjustments for families having more than two children). As provided by the statute, if payment will be made by a third party on behalf of a family whose income is lower than $4,320, as adjusted, the charge will be accepted to the extent of such payment. The proposed fee schedule follows the formula set forth in the statute for family incomes between $4,320, as adjusted, and the lower living standard budget. It takes account of the ability of the family to pay.

It is proposed to amend Title 45 CFR, Subtitle B, by adding a new Chapter XIII, Office of Child Development. With the adoption of this proposal, the chapter, for the time being, will consist only of Part 1301, Fee Schedule for Head Start Program, which, it is proposed, will read as set forth hereinafter.

Prior to the adoption of the proposed regulations, consideration will be given to any comments, suggestions, or objections thereto which are submitted in writing to the Acting Director, Office of Child Development, Department of Health, Education, and Welfare, 400 Sixth Street SW., Washington, DC 20201 on or before April 6, 1973. Comments received will be available for public inspection in Room 2030 of the Office of Child Development at the above address on Monday through Friday of each week from 8:30 to 5 p.m. (area code 202—755–7762).

Dated: March 2, 1973.

FRANK C. CARLUCCI,
Acting Secretary.

The proposed Chapter XIII, Part 1301, reads as follows:

CHAPTER XIII—OFFICE OF CHILD DEVELOPMENT, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

PART 1301—FEE SCHEDULE FOR HEAD START PROGRAM

§ 1301.1 Fees to be charged non-poor families.

The fees which shall be charged nonpoor families whose children enroll in Head Start programs after April 1, 1973, are set forth in the Monthly Fee Schedule in this section. Nonpoor families are those whose incomes exceed $4,320 as adjusted for families with more than two children. No charges shall be imposed where the family income is equal to or less than $4,320, as adjusted, except to the extent that payment will be made by a third party.

HEAD START FEE SCHEDULE, MONTHLY CHARGE

Gross annual family income	Number of children in family							
	1	2	3	4	5	6	7	8
0-$4,320	0	0						
$4,321- 4,575	X	X						
4,576- 4,900	$2.50	$2.50	0					
4,901- 5,225	5.00	5.00	X					
5,226- 5,550	7.50	7.50	$2.50	0				
5,551- 5,875	10.00	10.00	5.00	X				
5,876- 6,200	12.50	12.50	7.50	$2.50	0			
6,201- 6,525	15.00	15.00	10.00	5.00	X			
6,526- 6,850	19.00	19.00	12.50	7.50	$2.50	0		
6,851- 7,175	23.00	23.00	15.00	10.00	5.00	X		
7,176- 7,500	27.00	27.00	19.00	12.50	7.50	$2.50	0	
7,501- 7,825	31.00	31.00	23.00	15.00	10.00	5.00	X	
7,826- 8,150	41.00	41.00	27.00	19.00	12.50	7.50	$2.50	0
8,151- 8,475	51.00	51.00	31.00	23.00	15.00	10.00	5.00	X
8,476- 8,800	61.00	61.00	41.00	27.00	19.00	12.50	7.50	$2.50
8,801- 9,125	71.00	71.00	51.00	31.00	23.00	15.00	10.00	5.00
9,126- 9,450	87.00	87.00	61.00	41.00	27.00	19.00	12.50	7.50
9,451- 9,775	103.00	103.00	71.00	51.00	31.00	23.00	15.00	10.00
9,776 10,100	119.00	119.00	87.00	61.00	41.00	27.00	19.00	12.50
10,101- 10,425	135.00	135.00	103.00	71.00	51.00	31.00	23.00	15.00
10,426- 10,750			119.00	87.00	61.00	41.00	27.00	19.00
10,751- 11,075			135.00	103.00	71.00	51.00	31.00	23.00
11,076- 11,400				119.00	87.00	61.00	41.00	27.00
11,401- 11,725				135.00	103.00	71.00	51.00	31.00
11,726- 12,050					119.00	87.00	61.00	41.00
12,051- 12,375					135.00	103.00	71.00	51.00
12,376- 12,700						119.00	87.00	61.00
12,701- 13,025						135.00	103.00	71.00
13,026- 13,350							119.00	87.00
13,351- 13,675							135.00	103.00
13,676- 14,000								119.00
14,001- 14,325								135.00

X—Statutory maximum allowable fee charge is marginal. No fee will be assessed.

NOTE.—To allow for higher costs of living in Alaska and Hawaii, multiply family income by 0.8 and 0.87, respectively, and correlate the lowered income figure with the fee. This variation complies with the statutory language mandating that the fee schedule must be based upon the ability of the family to pay. A family with 2 or more children enrolled shall pay one full fee for the first 2 children, and 25 percent of that full fee for each additional child. The above fee schedule applies to both farm and nonfarm families. A family whose ability to pay has been impaired because of unusual medical and dental expenses or unusual casualty or theft loss(es) shall be eligible for a reduction on fee charge if the amount of unusual expenses exceeds 10 percent of the annual gross family income.

(Sec. 8, 86 Stat. 690 (42 U.S.C. 2809(a)(1)); sec. 602(n), 78 Stat. 530 (42 U.S.C. 2942(n)); Delegation of Authorities to Secretary of Health, Education, and Welfare, 34 FR 11398)

[FR Doc.73-4418 Filed 3-6-73;8:45 am]

Social and Rehabilitation Service

[45 CFR Part 204]

SOCIAL AND REHABILITATION SERVICE GRANT PROGRAMS

State Plans; Format

Notice is hereby given that the regulation set forth in tentative form below is proposed by the Administrator, Social and Rehabilitation Service, with the approval of the Secretary of Health, Education, and Welfare. The proposed regulation would specify that any State plan submitted for Social and Rehabilitation Service approval must be prepared in the format prescribed by the Service. The intention is to convert State plans into preprinted format to the extent possible, in keeping with plan simplification efforts. The medical assistance plan under title XIX of the Social Security Act will be issued in preprinted form for completion by States during the next few months (changes resulting from the Social Security Amendments of 1972, Public Law 92–603, will be issued as regulations are published). Plans for other programs will be converted at an appropriate time in light of State needs, pending legislation, and similar considerations. However, financial assistance plans for the adult categories will not be included in the effort since the programs will become Federal on January 1, 1974.

Prior to the adoption of the proposed regulation, consideration will be given to any comments, suggestions, or objections thereto which are submitted in writing to the Administrator, Social and Rehabilitation Service, Department of Health, Education, and Welfare, 330 Independence Avenue SW., Washington, DC 20201, on or before April 6, 1973. Comments received will be available for public inspection in Room 5121 of the Department's offices at 301 C Street SW., Washington, DC, on Monday through Friday of each week from 8:30 a.m. to 5 p.m. (area code 202—963–7361).

The proposed regulation is to be issued under section 1102, 49 Stat. 647, 42 U.S.C. 1302.

Dated: January 5, 1973.

PHILIP J. RUTLEDGE,
Acting Administrator, Social and Rehabilitation Service.

Approved: March 1, 1973.

CASPAR W. WEINBERGER,
Secretary.

Part 204 of Chapter II, Title 45 of the Code of Federal Regulations is amended by adding a new § 204.2 to read as follows:

§ 204.2 State plans—format.

State plans for federally-assisted programs for which the Social and Rehabilitation Service has responsibility must be

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submitted to the service in the format and containing the information prescribed by the service, and within time limits set in implementing instructions issued by the service.

[FR Doc.73-4376 Filed 3-6-73;8:45 am]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 71]

[Airspace Docket No. 73-EA-8]

TRANSITION AREA

Proposed Alteration

The Federal Aviation Administration is considering amending § 71.181 of Part 71 of the Federal Aviation Regulations so as to alter the Indiana, Pa., transition area (38 FR 506).

A new LOC Runway 28 instrument approach procedure has been developed for Indiana County—Jimmy Stewart Field, Indiana, Pa., and will require alteration of the transition area to provide controlled airspace for aircraft executing the new procedure.

Interested parties may submit such written data or views as they may desire. Communications should be submitted in triplicate to the Director, Eastern Region, Attention: Chief, Air Traffic Division, Department of Transportation, Federal Aviation Administration, Federal Building, John F. Kennedy International Airport, Jamaica, N.Y. 11430. All communications received on or before April 6, 1973, will be considered before action is taken on the proposed amendment. No hearing is contemplated at this time, but arrangements may be made for informal conferences with Federal Aviation Administration officials by contacting the Chief, Airspace and Procedures Branch, Eastern Region.

Any data or views presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official docket will be available for examination by interested parties at the Office of Regional Counsel, Federal Aviation Administration, Federal Building, John F. Kennedy International Airport, Jamaica, N.Y.

The Federal Aviation Administration, having completed a review of the airspace requirements for the terminal area of Indiana, Pa., proposes the airspace action hereinafter set forth:

1. Amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to amend the description of the Indiana, Pa., transition area by inserting after "Indiana County—Jimmy Stewart Field, Indiana, Pa." the following: "within 3.5 miles each side of the Indiana County—Jimmy Stewart Field ILS localizer east course, extending from the 7-mile radius area to 12 miles east of the OM (40°-37'19" N., 78°58'43" W.)."

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348) and section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Jamaica, N.Y., on February 21, 1973.

ROBERT H. STANTON,
Acting Director, Eastern Region.

[FR Doc.73-4308 Filed 3-6-73;8:45 am]

[14 CFR Part 71]

[Airspace Docket No. 73-GL-9]

TRANSITION AREA

Proposed Designation

The Federal Aviation Administration is considering amending Part 71 of the Federal Aviation Regulations so as to designate a transition area at Lockport, Ill.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Director, Great Lakes Region, Attention: Chief, Air Traffic Divisions, Federal Aviation Administration, 2300 East Devon Avenue, Des Plaines, IL 60018. All communications received on or before April 6, 1973, will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Regional Air Traffic Division Chief. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

A public docket will be available for examination by interested persons in the Office of the Regional Counsel, Federal Aviation Administration, 2300 East Devon Avenue, Des Plaines, IL 60018.

A new instrument approach procedure to the Lewis Lockport Airport, Lockport, Ill., has been developed. Consequently, it is necessary to provide controlled airspace protection for aircraft executing this new approach procedure by designating a transition area at Lockport, Ill. The new procedure will become effective concurrently with the designation of the transition area.

In consideration of the foregoing, the Federal Aviation Administration proposes to amend Part 71 of the Federal Aviation Regulations as hereinafter set forth:

In § 71.181 (38 FR 435), the following transition area is added:

LOCKPORT, ILL.

That airspace extending upward from 700 feet above the surface within a 5-mile radius of Lewis-Lockport Airport (latitude 41°36'25" N.; longitude 88°05'10" W.).

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348), and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Des Plaines, Ill., on February 12, 1973.

R. O. ZIEGLER,
Acting Director, Great Lakes Region.

[FR Doc.73-4307 Filed 3-6-73;8:45 am]

National Highway Traffic Safety Administration

[49 CFR Part 571]

[Dockets Nos. 70-7, 71-3a, Notices 4, 3]

MOTOR VEHICLE SAFETY STANDARDS

Further Notice on Visibility Standards

Notices of proposed motor vehicle safety standards have been issued on the subjects of Fields of Direct View (Docket No. 70-7, 37 FR 7210, Apr. 12, 1972) and Indirect Visibility (Docket No. 71-3a, 36 FR 1156, Jan. 23, 1971). The NHTSA has decided, on the basis of comments received and other available information, to conduct further research and standards development before issuing a rule on these subjects. Accordingly, no such rule will be issued without another notice of proposed rulemaking and opportunity for public comment.

(Secs. 103, 119, Public Law 89-563, 80 Stat. 718, 15 U.S.C. 1392, 1407; delegations of authority at 49 CFR 1.51 and 49 CFR 501.8)

Issued on March 2, 1973.

ROBERT L. CARTER,
Associate Administrator, Motor Vehicle Programs.

[FR Doc.73-4401 Filed 3-6-73;8:45 am]

[49 CFR Part 575]

[Docket No. 25; Notice 4]

UNIFORM TIRE QUALITY GRADING

Consumer Information Regulations

This notice proposes a new consumer information regulation, Uniform Tire Quality Grading, designed to provide consumers with information to help them make an informed choice in the purchase of passenger car tires. A previous notice proposing a tire grading system was published September 21, 1971 (36 FR 18751). This notice supersedes the September 21, 1971, notice.

The regulation would require manufacturers and brand name owners to grade the performance of all passenger car tires having nominal rim diameters of 13, 14, and 15 inches in the areas of treadwear, traction, and high speed performance. Grading in areas of road hazard resistance, endurance, and uniformity and balance, proposed in the notice of September 21, 1971, has been omitted from this proposal. The NHTSA has found, on the basis of the comments received in response to that notice, that consumers are most interested in evaluations of tire tread life, traction, and high speed performance, and that it is destrable, in terms of public understanding, to limit grading information to the

performance factors the public considers important. It appeared from the comments that grading in many additional areas could cause confusion.

Consumers would be informed of the grade for each tire, in each of the three performance areas, by a symbol permanently molded into or onto the tire sidewall, and by a label attached to the tire tread which indicates both the grades for the particular tire, and an explanation of the various symbols. The label would also state that the tire meets Federal standards for safety. In addition, tire grading information would be required to be furnished to prospective purchasers of tires at each location where they are offered for sale. Finally, tire grading information for the tires on new passenger cars would also be required to be furnished to purchasers and prospective purchasers of these vehicles.

The grade a tire is given for treadwear would be based upon its performance when compared to a control tire, when both tires are placed on identical vehicles and driven over a 16,000 mile test course. The control tire proposed in the notice is a 2-ply rayon tire, the specifications for which are contained in the proposed rule. These specifications are tentative only, and the NHTSA requests specifically that comments be submitted regarding them. The NHTSA presently intends that the actual control tires used for testing purposes by manufacturers will be obtained from a source specified by NHTSA. The NHTSA plans to sample test control tires to determine uniformity, and to make available to maufacturers tires from uniform batches for use by them in their grading tests. Control tires which NHTSA uses for compliance testing will likewise be taken from these batches. This procedure, which is optional with the manufacturer, is being proposed by NHTSA as a method of keeping to a minimum variations in the control tire (the test device), which can occur due to the nature of tire construction despite precise specifications. The NHTSA is of the opinion that this method will preserve necessary objectivity in the regulation, as manufacturers will have cognizance of full specifications for the test device, yet will eliminate as much as possible disparities in results between NHTSA and manufacturer tests which may still occur due to variations in control tires. Manufacturers who utilize tires obtained from the NHTSA source would be entitled to rely fully on the performance of these tires.

The proposed grades for treadwear, which would be molded into or onto the the tire sidewall, are less than 60, representing a tire whose treadwear performance is less than 60 percent of that of the control tire, and the numbers 60, 85, 100, 150, or 200, representing that the tire can produce at least that percentage of the treadwear performance of the control tire. The NHTSA has decided that it is impractical to provide actual mileage figures for treadwear ratings because mileage figures vary widely depending upon such factors as geographic location, environmental effects, and individual driving habits.

The grades for traction would also reflect a tire's performance compared to the performance of the control tire. In this case, the grades molded into or onto the tire sidewall would be either a dash (—), or one, two, or three asterisks (*) or five-pointed stars. The dash would represent a level of performance less than 90 percent of the performance of the control tire. One asterisk or star would represent a performance level of at least 90 percent of that of the control tire, two asterisks or stars would represent at least 100 percent, and three, at least 110 percent. The test for traction grading would utilize a two-wheel trailer built essentially to specifications in American Society and Materials Method E-274-70, Skid Resistance of Paved Surfaces Using a Full-Scale Tire. Traction tests would consist of equipping the trailer with a manufacturer's tires, and computing the average coefficient of friction obtained when the trailer's wheels are locked at 20, 40, and 60 m.p.h. on a surface having a wet skid number of 30, and then again, at each speed, on a surface having a wet skid number of 50. Grades would be obtained by comparing these results with results obtained when the control tire is tested similarly.

In grading high speed performance, the regulation would require an A, B, or C to be molded into or onto the tire sidewall, based on the tire's performance on the laboratory test wheel specified in the high speed performance test of Motor Vehicle Safety Standard No. 109, New Pneumatic Tires (49 CFR 571.109). The Standard No. 109 test specified in this proposal is that previously proposed in a notice of September 20, 1972 (37 FR 19381) that would amend the high speed and endurance test requirements of Standard No. 109. The requirements ultimately specified as a result of that notice will be incorporated into the final Uniform Tire Quality Grading regulation. A grade of C would be applied to tires which only pass the requirements of Standard No. 109. A grade of B would be applied to tires that, in addition to passing the Standard No. 109 tests, withstand two 1-hour tests on the test wheel at 90 and 95 m.p.h. Tires eligible for a grade of A would be required further to withstand two 1-hour tests at 100 and 105 m.p.h. An explanation in lay terms of what each high speed grade means, in terms of suitable use, would be included on the label attached to the tire.

Proposed effective date: September 1, 1974.

Interested persons are invited to submit comments on the proposal. Comments are requested specifically on methods and procedures for testing tires designed for use on other than 13-inch, 14-inch, and 15-inch rims. Comments should refer to the docket and notice numbers (Docket No. 25; Notice 4), and be submitted to: Docket Section, National Highway Traffic Safety Administration, Room 5221, 400 Seventh Street SW., Washington, DC 20590. It is requested but not required that 10 copies be submitted.

All comments received before the close of business on June 4, 1973, will be considered, and will be available for examination in the docket at the above address both before and after the closing date. To the extent possible, comments filed after the above date will also be considered. However, the rule making action may proceed at any time after that date, and comments received after the closing date and too late for consideration in regard to the action will be treated as suggestions for future rule making. Relevant material will continue to be filed, as it becomes available, in the docket after the closing date, and it is recommended that interested persons continue to examine the docket for new material.

In light of the above, it is proposed that Part 575, Title 49, Code of Federal Regulations, be amended as set forth below.

(Secs. 103, 112, 119, 201, 203, Public Law 89-563, 80 Stat. 718; 15 U.S.C. 1392, 1401, 1407, 1421, 1423; delegations of authority at 49 CFR 1.51; 49 CFR 501.8)

Issued on February 28, 1973.

ROBERT L. CARTER,
Associate Administrator, Motor Vehicle Programs.

1. Sections 575.4 and 575.6 would be revised to read as follows:

§ 575.4 Application.

(a) *General.* Except as provided in paragraphs (b) through (d) of this section, each section set forth in Subpart B of this part applies according to its terms to motor vehicles and tires manufactured after the effective date indicated.

(b) *Military vehicles.* This part does not apply to motor vehicles or tires sold directly to the Armed Forces of the United States in conformity with contractual specifications.

(c) *Export.* This part does not apply to motor vehicles or tires intended solely for export and so labeled or tagged.

(d) *Import.* This part does not apply to motor vehicles or tires imported for purposes other than resale.

§ 575.6 Requirements.

(a) At the time a motor vehicle is delivered to the first purchaser for purposes other than resale, the manufacturer of that vehicle shall provide to that purchaser, in writing and in the English language, the information specified in Subpart B of this part that is applicable to that vehicle and its tires. The document provided with a vehicle may contain more than one table, but the document must clearly and unconditionally indicate which of the tables applies to the vehicle and its tires.

Example 1. Manufacturer X furnishes a document containing several tables, which apply to various groups of vehicles that it produces. The document contains the following notation on its front page: "The information that applies to this vehicle is contained in Table 5." The notation satisfies the requirement.

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Example 2. Manufacturer Y furnishes a document containing several tables as in Example 1, with the following notation on its front page:
Information applies as follows:
Model P, 6-cylinder engine—Table 1.
Model P, 8-cylinder engine—Table 2.
Model Q—Table 3.

This notation does not satisfy the requirement, since it is conditioned on the model or the equipment of the vehicle with which the document is furnished, and therefore additional information is required to select the proper table.

(b) At the time a motor vehicle tire is delivered to the first purchaser for a purpose other than resale, the manufacturer of that tire, or in the case of a tire marketed under a brand name, the brand name owner, shall provide to that purchaser the information specified in Subpart B of this part that is applicable to that tire, in the manner specified in § 571.104 of this chapter.

(c) Each manufacturer of motor vehicles, each brand name owner of tires, and each manufacturer of tires for which there is no brand name owner shall provide for examination by prospective purchasers, at each location where its vehicles or tires are offered for sale by a person with whom the manufacturer or brand name owner has a contractual, proprietary, or other legal relationship, or by a person who has such a relationship with a distributor of the manufacturer or brand name owner concerning the vehicle or tire in question, the information specified in Subpart B of this part that is applicable to each of the vehicles or tires offered for sale at that location. With respect to newly introduced vehicles or tires, the information shall be provided for examination by prospective purchasers not later than the day on which the manufacturer or brand name owner first authorizes those vehicles or tires to be put on general public display and sold to consumers.

(d) Each manufacturer of motor vehicles, each brand name owner of tires, and each manufacturer of tires for which there is no brand name owner shall submit to the Administrator 10 copies of the information specified in Subpart B of this part that is applicable to the vehicles or tires offered for sale, at least 30 days before that information is first provided for examination by prospective purchasers pursuant to paragraph (c) of this section.

2. A new § 575.104 would be added to read as follows:

§ 575.104 Uniform tire quality grading.

(a) *Scope.* This section requires tire manufacturers and brand name owners to provide information indicating the relative performance of passenger car tires in the areas of treadwear, traction, and high speed performance.

(b) *Purpose.* The purpose of this section is to aid the consumer in making an informed choice in the purchase of passenger car tires.

(c) *Application.* This section applies to new pneumatic tires for use on passenger cars manufactured after 1948. However, this section does not apply to deep tread, winter-type snow tires or to tires having rim sizes other than 13, 14, or 15 inches.

(d) *Requirements.* Each manufacturer of tires, or in the case of tires marketed under a brand name, each brand name owner, shall furnish the information specified in paragraph (d) (1) through (4) of this section, in the form illustrated in Figure 1, in letters not less than three thirty-seconds of an inch high, on a label affixed to the tread surface of each tire in a manner such that it is not easily removable. In addition, letters, figures, and symbols indicating the quality grades assigned to the tire shall be permanently molded into or onto one sidewall of the tire between the maximum section width and the bead as illustrated in Figure 2. No symbols other than those specified shall be used to indicate performance grades. Each such tire shall be capable, under the conditions and procedures specified in this section, of performing at least as well in each area as the grade placed on the tire indicates.

(1) The statement: This tire conforms to Federal safety requirements.

(2) The phrase, "less than 60," or the number 60, 85, 100, 125, 150, or 200, representing the tire's grade for treadwear, when the tire is tested in accordance with the general conditions specified in paragraph (e) of this section and the treadwear grading conditions and procedure specified in paragraph (f) of this section.

(i) The tire shall be graded "less than 60" if the value obtained pursuant to paragraph (f) (2) (ix) of this section is less than 60 percent.

(ii) The tire may be graded 60 only if the value obtained pursuant to paragraph (f) (2) (ix) of this section is 60 percent or more.

(iii) The tire may be graded 85 only if the value obtained pursuant to paragraph (f) (2) (ix) of this section is 85 percent or more.

(iv) The tire may be graded 100 only if the value obtained pursuant to paragraph (f) (2) (ix) of this section is 100 percent or more.

(v) The tire may be graded 125 only if the value obtained pursuant to paragraph (f) (2) (ix) of this section is 125 percent or more.

(vi) The tire may be graded 150 only if the value obtained pursuant to paragraph (f) (2) (ix) of this section is 150 percent or more.

(vii) The tire may be graded 200 only if the value obtained pursuant to paragraph (f) (2) (ix) of this section is 200 percent or more.

(3) The symbol—, *, **, or *** (either asterisks or five-pointed stars may be used) representing th etire's grade for traction, when the tire is tested in accordance with the general conditions specified in paragraph (e) of this section and the traction grading conditions and procedure specified in paragraph (g) of this section.

(i) The tire shall be graded — if the value obtained pursuant to paragraph (g) (2) (xi) of this section is less than 90 percent.

(ii) The tire may be graded * only if the value obtained pursuant to paragraph (g) (2) (xi) of this section is 90 percent or more.

(iii) The tire may be graded ** only if the value obtained pursuant to paragraph (g) (2) (xi) of this section is 100 percent or more.

(iv) The tire may be graded *** only if the value obtained pursuant to paragraph (g) (2) (xi) of this section is 110 percent or more.

(4) The letter A, B, or C, representing the tire's grade for high speed performance, when the tire is tested in accordance with the general conditions specified in paragraph (e) of this section, and the high speed performance grading procedure specified in paragraph (h) of this section. A tire shall be considered to have completed a test stage if, at the end of the stage, the tire pressure is not less than 95 percent of the pressure specified in paragraph (h) (1) of this section, and the tire exhibits no displacement of any portion of the tire from its design position, including partial or complete separation of any portion or component of the tire from any other portion or component. It may exhibit exposed chafer fabric and surface cracking that does not expose ply cord or belt cord, but no crack in a tread groove may exceed three-sixteenths of an inch in length.

(i) The tire shall be graded C if it fails to complete the 425 r.p.m. test stage specified in paragraph (h) (9) of this section.

(ii) The tire may be graded B only if it completes the 475 r.p.m. test stage specified in paragraph (h) (9) of this section.

(iii) The tire may be graded A only if it completes the 525 r.p.m. test stage specified in paragraph (h) (9) of this section.

(e) *General conditions.* (1) Each tire shall be able to achieve the level of performance indicated by the grade it is given for each area of performance. An individual tire need not, however, meet further requirements after having been subjected to any one of the following:

(i) The test for grading treadwear (paragraph (f) of this section);

(ii) The test for grading traction (paragraph (g) of this section); or

(iii) The test for grading high speed performance (paragraph (h) of this section).

(2) In the case of the high speed performance test specified in paragraph (h) of this section, each tire shall meet the performance level indicated by the grade it is given when tested on any "test rim" as defined in S3 of § 571.109 of this chapter (Motor Vehicle Safety Standard No. 109).

(f) *Treadwear grading.* (1) *Conditions.* (i) The control tires are the 2-ply rayon tires specified in paragraph (i) of this section in sizes 6.50–13, 7.75–14, and 8.55–15.

(ii) The test roadway is any route of 16,000 miles on which, at completion of the procedure specified in paragraph (f) (2) of this section, the tread of the control tire, measured as specified in paragraph (f) (2) (i) of this section is worn between 65 percent and 90 percent of its original depth.

(iii) A test convoy consists of no more than four identical passenger cars. Each vehicle maintains its position relative to the other vehicles during the test, and except for the lead vehicle, is throughout the test within human eye range of the vehicle immediately preceding it.

(iv) Wheel alinement is that specified by the vehicle manufacturer, and is maintained throughout the test.

(2) *Procedures.* (i) Obtain the average original tread depth of each control tire and each candidate tire to be used in the test by measuring the depth of each continuous rib at six equidistant points around the tire, avoiding tread wear indicators. Average all values obtained. In the case of control tires, obtain the average tread depth of all four tires placed on the test vehicle pursuant to paragraph (f) (2) (ii) (A) of this section. In tires having lug-tread designs, obtain the average tread depth by measuring the tread depth at six equidistant points around the tire at a distance from both sides of the tire center line equal to one-third of the width of the tire tread, and averaging all values obtained.

(ii) Equip a test convoy with the control and candidate tires, as follows:

(A) One vehicle with four control tires of identical size, and

(B) Each other vehicle with four candidate tires of the same type, trade name or line, and size designation, and having the same rim size as the control tire.

(iii) Inflate each control tire to a cold inflation pressure of 24 p.s.i. Inflate each candidate tire to a cold inflation pressure 8 pounds less than its maximum permissible inflation pressure.

(iv) Load the vehicle equipped with control tires so that the load on each tire is the maximum load specified for the tire at 24 p.s.i. in the 1972 Tire and Rim Association, Inc., Yearbook. Load each vehicle equipped with candidate tires so that the load on each tire is that specified in Appendix A of § 571.109 of this chapter (Motor Vehicle Safety Standard No. 109) for the inflation pressure at which the tire is inflated.

(v) Drive the convoy on the test roadway described in paragraph (f) (1) (ii) of this section for 1,000 miles.

(vi) Stop the convoy, and rotate each vehicle's tires clockwise on that vehicle one wheel position. However, rotate radial tires only by interchanging the right front tire with the right rear tire, and the left front tire with the left rear tire. Repeat this procedure every subsequent 1,000 miles.

(vii) In addition to the procedure specified in paragraph (F) (2) (vi) of this section, at 4,000 miles and every 4,000-mile interval thereafter, advance each set of tires to the next forward vehicle, placing the tires of the lead vehicle on the rearmost vehicle.

(viii) At the end of 16,000 miles, or whenever a candidate tire is worn to a tread depth of zero at any of the measuring points established pursuant to paragraph (f) (2) (i) of this section, stop the vehicle, remove its tires, allow them to cool to ambient temperature, and measure the average tread depth of each tire in the manner specified and at the measuring points established in paragraph (f) (2) (i) of this section.

(ix) Compute the percentage (P) of control tire wear experienced by each candidate tire, using the following formula:

$$P=\frac{A_s(C_s-C_w)}{C_s(A_s-A_w)}\times 100$$

where:

A_s = candidate tire's average original tread depth.
A_w = candidate tire's average worn tread depth.
C_s = control tire's average original tread depth.
C_w = control tire's average worn tread depth.

(g) *Traction grading.* (1) *Conditions.* (i) The control tires are the two-ply rayon tires specified in paragraph (i) of this section in sizes 6.50–13, 7.75–14, and 8.55–15.

(ii) A control tire is discarded when its non-skid depth is worn 0.100 inches at any point.

(iii) Before testing, protuberances (except for treadwear indicators) that are not part of the tread design are removed from candidate and control tires.

(iv) Ambient temperatures are any temperatures between 40° F. and 80° F.

(2) *Procedures.* (i) Mount two identical control tires on a test trailer built in conformity with the specifications in Paragraph 3, "Apparatus," of American Society for Testing and Materials Method E–274–70, except that

(*a*) "Wheel load" in paragraph 3.2.2 of that method shall be as specified in paragraph (g) (2) (iii) of this section and

(*b*) Tire and rim specifications in paragraph 3.2.3 of that method shall be candidate and control tires, as appropriate, and rims for the size of tire graded.

(ii) Inflate the tires to a cold inflation pressure of 24 p.s.i.

(iii) Load the trailer so that the load on each tire equals the tire's maximum design load at 24 p.s.i. as specified in the 1972 Tire and Rim Association, Inc. Yearbook.

(iv) Tow the trailer at 20 m.p.h.

(v) On a surface having a wet skid number of 30, determined pursuant to American Society for Testing and Materials Method E–274–70, "Skid Resistance of Paved Surfaces Using a Full-Scale Tire," except that the control tire specified in paragraph (i) of this section rather than the ASTM tire used to determine skid number, lock the trailer's brakes for 2 seconds while maintaining its forward speed.

(vi) Record the retarding force on the tire at the tire-ground interface continuously from 0.2 to 1.2 seconds after wheel lockup, and compute the average retarding force over that interval.

(vii) Compute the average coefficient of friction, at the tire-ground interface ("20), in the manner specified for calculating skid number (SN) in paragraphs 8.1 and 8.2 of American Society for Testing and Materials Method E–274–70.

(viii) Repeat the procedures specified in subdivisions (i) through (vii) of this subpargraph except with the trailer towed at 40 m.p.h., and again at 60 m.p.h.

(ix) Repeat the procedures specified in paragraph (g) (2) (i) through (viii) of this section on a surface with a wet skid number of 50, determined pursuant to American Society for Testing and Materials Method E–274–70, "Skid Resistance of Paved Surfaces Using a Full-Scale Tire," except with a control tire specified in paragraph (i) of this section rather than the ASTM tire used to determine skid number.

(x) Equip the trailer with 2 candidate tires, of the same type, trade name or line, and size designation, and having the same rim size as the control tire, inflated to a cold inflation pressure 8 pounds less than their maximum permissible inflation pressure, loaded to the weight specified for the tire at that inflation pressure in Appendix A of § 571.–109 of this chapter (Motor Vehicle Safety Standard No. 109), and repeat the procedures specified in paragraph (g) (2) (iv) through (ix) of this subparagraph.

(xi) Compute the candidate tire's traction grade, as the ratio of its average friction coefficient to that of the control tire, expressed as a percentage (Q), as follows:

$$Q=\frac{{}'20+{}'40+{}'60+{}''20+{}''40+{}''60}{{}'20+{}'40+{}'60+{}''20+{}''40+{}''60}\times 100$$

where ' and '' refer to the average, measured friction coefficient for a test of candidate and control time respectively, on a surface with wet skid number of 30, ' and '' the same for a surface with wet skid number of 50, and the subscripts refer to the test speeds in m.p.h.

(h) *High speed performance grading.* (1) Mount the tire on a test rim and inflate it to 2 pounds less than its maximum permissible inflation pressure.

(2) Condition the tire-rim assembly at an ambient temperature of 100° F. for 3 hours.

(3) Adjust the pressure again to 2 pounds less than its maximum permissible inflation pressure.

(4) Mount the tire-rim assembly on an axle, and press the tire tread against the surface of a flat-faced steel test wheel that is 67.23 inches in diameter and at least as wide as the section width of the tire.

(5) During the test, including the pressure measurements specified in paragraphs (h) (1) and (3) of this section, maintain the temperature of the ambient air, as measured 12 inches from the edge of the rim flange at any point on the circumference on either side of the tire, at 100° F. Locate the temperature sensor so that its readings are not affected by heat radiation, drafts, variations in the temperature of the surrounding air, or guards or other devices.

(6) Press the tire against the test wheel at the load specified in Appendix A of § 571.109 of this chapter (Motor Vehicle Safety Standard No. 109) for the tire's

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size designation and type, at the inflation pressure that is 8 pounds less than the tire's maximum permissible inflation pressure.

(7) Rotate the test wheel at 250 r.p.m. for 2 hours.

(8) Remove the load, allow the tire to cool to 100° F. or for 2 hours, whichever occurs last, and readjust the inflation pressure to 2 pounds less than the tire's maximum permissible inflation pressure.

(9) Reapply the load and without interruption or readjustment of inflation pressure, rotate the test wheel at 375 r.p.m. for 30 minutes, then at 400 r.p.m. for 30 minutes, and then for 1 hour each at 425 r.p.m., 450 r.p.m., 475 r.p.m., 500 r.p.m., and 525 r.p.m. respectively, or to failure, whichever occurs first.

(i) *Control tire.* The control tires used in grading treadwear and traction performance of passenger car tires shall conform to the specifications of this paragraph.

(1) *Rubber compound—formula.* The formula for rubber compound for use in both the tread and sidewall of the tire is set forth in Table I.

RUBBER FORMULA

	Parts
SBR–1714	97.5
Polybutadiene (approximately 95 percent CIS)	35.0
N–242 (ISAF–HS) carbon black	75.0
Hi aromatic petroleum oil	14.0
Zinc oxide	3.0
Stearic acid	2.0
Wax—fully refined paraffin	2.0
Antioxidant-Antiozonant (Santoflex 77 or equivalent	1.4
Antioxidant-Antiozonant (Santoflex 13 or equivalent	1.4
CBS (Santocure)	1.1
DPG	.1
Sulfur	1.8
Total	234.3

TABLE I

(2) *Rubber compound—physical characteristics.* The rubber compound used in the tread and sidewall has the physical characteristics set forth in Table II.

TABLE II

PHYSICAL CHARACTERISTICS

Tensile sheet cures @ 287° F.[1]	60 minutes.
300 percent modulus[2]	1,250–1,650 p.s.i.
Tensile sheet durometer (Shore)[3]	64±2.
Rebound or resilience[4]	46.9% to 51.0%.
Specific gravity[5]	1.14±0.01.
Tensile strength (min.)[6]	2,500 p.s.i.
Elongation (min.)[7]	440%.
Tire Tread Durometer (Shore)[8]	60±1.

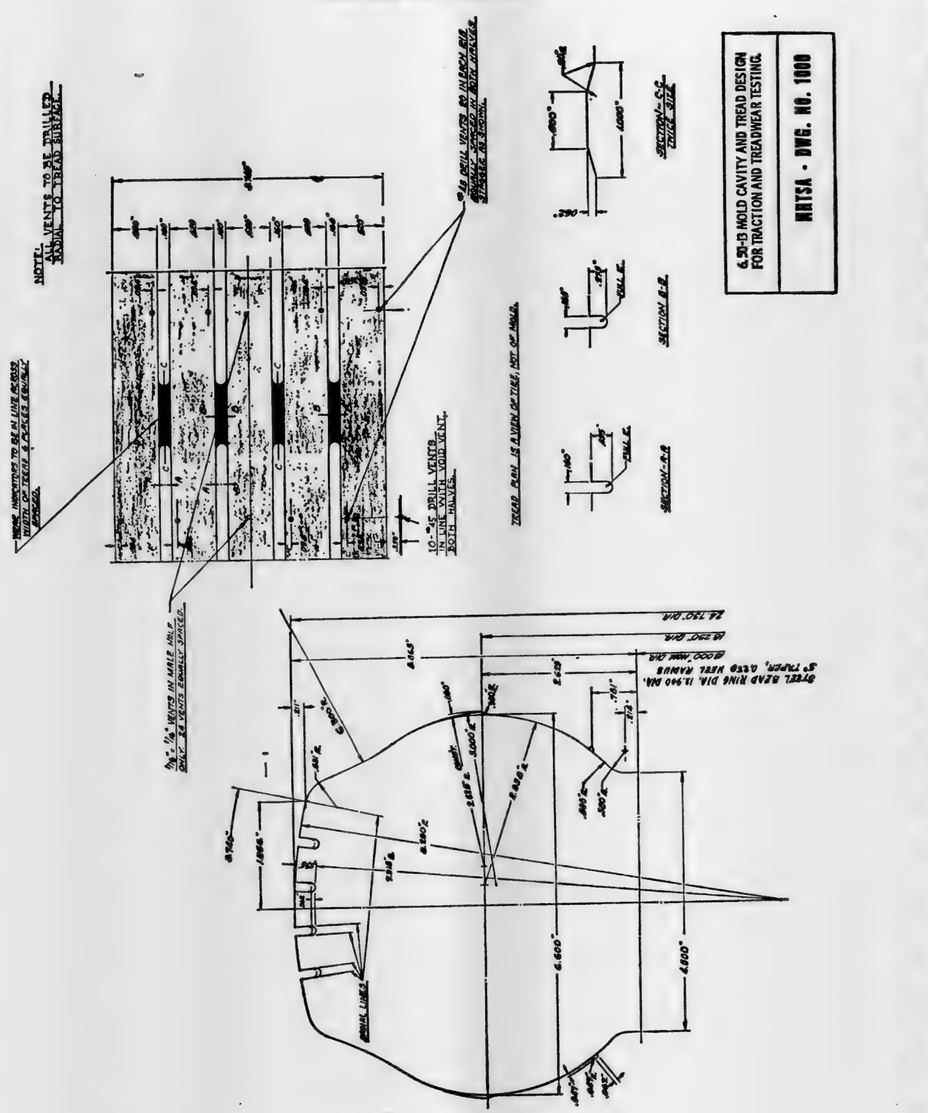
[1] ASTM Method D 15.
[2] ASTM Method D 412.
[3] ASTM Method D 2240, using a Type A Shore durometer.
[4] ASTM Method D 1054.
[5] ASTM Method D 297.
[6] ASTM Method D 412.
[7] ASTM Method D 412.
[8] ASTM Method D 2240.

(3) *Mold dimensions.* The dimensions for control tire molds are set forth in Table III and NHTSA Drawings Nos. 1000, 1001, and 1002.

TABLE III.—MOLD DIMENSIONS[1]

	NHTSA Dwg. No. 1000	NHTSA Dwg. No. 1001	NHTSA Dwg. No. 1002
Tire size	6.50–13	7.75–14	8.55–15
Nominal bead dia. (ref.)	13.00	14.00	15.00
Mold cavity outside dia.	24.730	26.920	28.530
Cavity cross section	6.600	7.718	8.400
Cavity bead width	4.500	5.500	6.000
Sect. ht. from nominal bead dia. (ref.)	5.865	6.460	6.765
Horizontal c/l major dia.	18.250	19.624	20.875
Ht. of rim centering rib	0.781	0.828	0.812
Distance from horizontal c/l to nominal bead diameter (ref.)	2.625	2.812	2.938
Cavity radius above horiz. c/l	2.625R	3.031R	3.062R
Cavity radius below horiz. c/l	2.938R	3.281R	3.250R
Floating radius between lower and upper sidewall cavity radii	0.500R	0.500R	0.500R
Distance from nominal bead dia. (ref.) to bead ring cavity radius	0.214	0.214	0.275
Bead ring cavity radius	0.380	0.380	0.350
Nonskid depth	0.335	0.345	0.355
Cavity radius on c/l: Top of nonskid	8.250R	9.500R	10.500R
Bottom of nonskid	7.915R	9.115R	10.145R
Cavity tread arc measured horizontally from c/l	1.856	2.277	2.421
Shoulder drop	0.211	0.277	0.288
Cavity tread arc shoulder radius	0.531R	0.531R	0.500R
Floating radius between cavity shoulder radius and radius of cavity upper sidewall	6.500R	8.000R	6.000R
Developed tread width	3.740	4.500	4.890
Tread groove width	0.160	0.200	0.210
Tread rib width	0.620	0.760	0.810
Bead rings (steel); dia. at heel	12.900	13.900	14.900
Radius at heel	0.250R	0.250R	0.250R

[1] All mold dimensions are in inches and are based on nominal rim diameter. Mold manufacturers' tolerances: ±0.005 inch.



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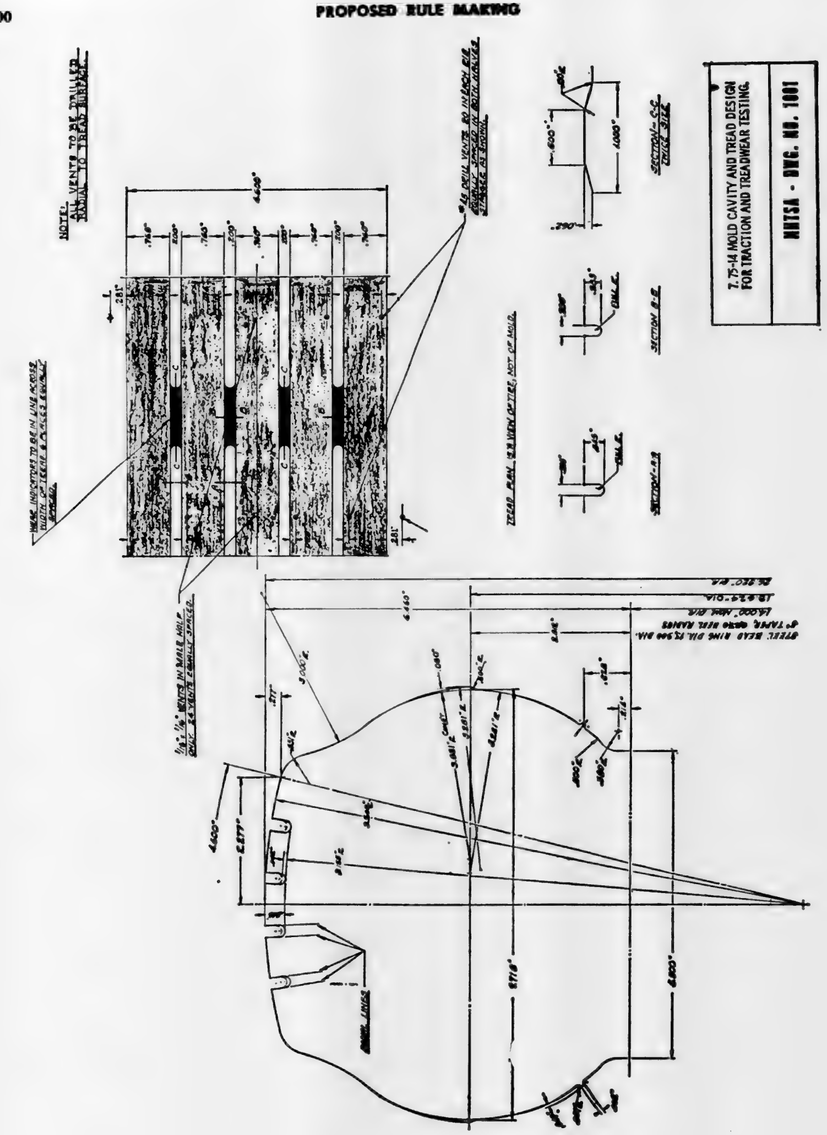
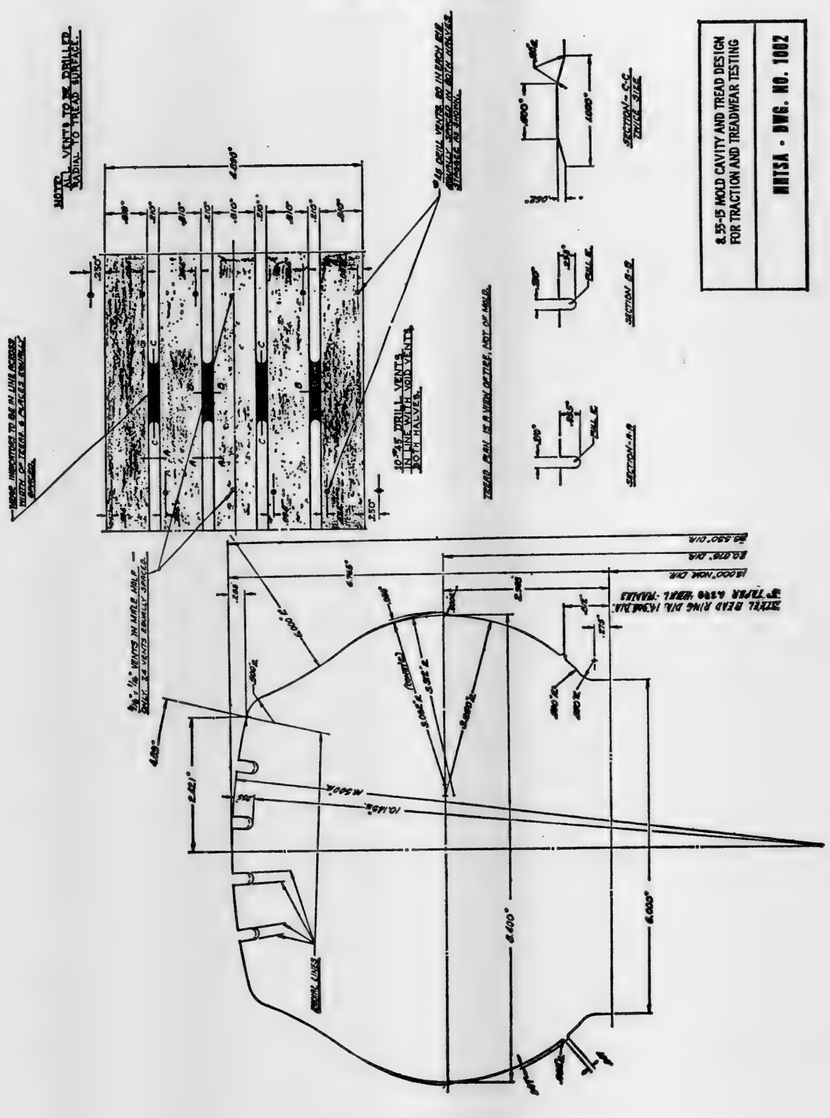


7.75-14 MOLD CAVITY AND TREAD DESIGN FOR TRACTION AND TREADWEAR TESTING.
NHTSA - DWG. NO. 1001



8.55-15 MOLD CAVITY AND TREAD DESIGN FOR TRACTION AND TREADWEAR TESTING
NHTSA - DWG. NO. 1002

9.00-14 MOLD CAVITY AND TREAD DESIGN FOR TRACTION AND TREADWEAR TESTING
NHTSA - DWG. NO. 1003

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(4) *Rim centering rib.* The rim centering rib has a width of 0.062 inch, a depth of 0.047 inch, and a radius of 0.047 inch at the mold surface.

(5) *Treadwear indicators.* Treadwear indicators having a height of 0.062 inch, a length at the bottom (base of tread groove) of 1.000 inch, a length at the top of 0.500 inch, and a radius at each end of 0.100 inch, are placed across the width of the tread at 6 equidistant points around the circumference of the mold.

(6) *Grooves.* Each groove is parallel to the tread arc radius and has a full radius at the bottom.

(7) *Tread vents.* (i) Each tread vent is radial to the tread surface.

(ii) The male half of the mold contains 24 equidistant void vents, each having a height of one-sixteenth inch and a width of one-sixteenth inch.

(iii) Each tread rib contains 20 equidistant vents each having a diameter of 0.082 inch (No. 45 drill), staggered 0.094 inch from each groove edge, and 0.250 inch from the shoulder.

(8) *Shoulder vents.* (i) Each shoulder vent has a diameter of 0.052 inch (No. 55 drill). Each vent is chamfered at 0.040 inch radius at the mold surface.

(ii) Each mold half contains 10 vents placed in line with void vents, 0.250 inch from the shoulder.

(iii) The top mold half contains one row of 16 equidistant vents placed midway between the horizontal centerline and the junction of the shoulder radius and the shoulder.

(iv) The bottom mold half contains one row of 16 equidistant vents placed midway between the horizontal centerline and the junction of the shoulder radius and the shoulder.

(9) *Sidewall vents.* (i) Each sidewall vent has a diameter of 0.052 inch (No. 55 drill). Each vent is chamfered at 0.040 inch radius at the mold surface.

(ii) The top mold half contains two rows of 16 equidistant vents placed midway between the rim centering rib and the horizontal centerline.

(iii) The bottom mold half contains three rows of 16 equidistant vents placed midway between the rim centering rib and the horizontal centerline.

(10) *Branding.* (i) The labeling specified in paragraph S4.3 of § 571.109 of this chapter (Motor Vehicle Safety Standard No. 109) (omitting paragraphs S4.3.1, S4.3.2, and S4.3.3) is branded into each mold half in accordance with that paragraph.

(ii) The legend, NHTSA Control Tire—Do Not Use Except for Testing Purposes is branded into each mold half, in letters 0.5000-inch high, 0.020-inch deep, between the maximum section width and rim centering rib.

(iii) One of the following legends is branded into each mold half, in letters one-sixteenth-inch high, one-eighth-inch above the rim centering rib:

(A) In the case of the 6.50–13 control tire: 6.50–13—Test at 24 p.s.i.—980 lbs.

(B) In the case of the 7.75–14 control tire: 7.75–14—Test at 24 p.s.i.—1,270 lbs.

(C) In the case of the 8.55–15 control tire: 8.55–15—Test at 24 p.s.i.—1,510 lbs.

(11) *Miscellaneous construction requirements.* Miscellaneous construction requirements for the control tires are set forth in Table IV.

TABLE IV.—TIRE CONSTRUCTION [1] [2]

Tire size	6.50-13	7.75-14	8.55-15
Number of plies	2	2	2
Unit tread and sidewall	Yes	Yes	Yes.
Under tread thickness	0.10	0.10	0.10.
Cured angle	36°±2°	36°±2°	36°±2°.
Fabric, rayon	1650/3	2200/3	2800/3.
Ends per inch at calendar	24	22	22.
Calendar gauge:			
1st ply	0.051	0.056	0.056.
2nd ply	0.049	0.054	0.054.
Moisture in fabric at calendar	1 percent or less.	1 percent or less.	1 percent or less.
Bead (0.037 dia. wire)	4 layers, 4 strands.	5 layers, 4 strands.	5 layers, 5 strands.
Bead filler (Apex)	Optional.	Optional.	Optional.
Bead wrap (cotton, 7 oz./sq. yd.):			
Width	1½	1½	1¾.
Gauge	0.024	0.024	0.024.
Bead wire winding dia.	13.15	14.15	16.15.
Innerliner (chlorobutyl) Gauge	0.055	0.055	0.055.
Rim width	4.50	5.50	6.00.
Section width [3]	6.60	7.75	8.45.
Overall diameter [4]	24.58	25.96	28.02.
Chafer (nylon monofilament):			
Gauge	0.045	0.045	0.045.
Width	2	2	2.

[1] Dimensions are in inches unless otherwise specified.
[2] Turn-up heights and "step offs" to follow tire manufacturers' standard practice.
[3] Overall width may exceed section width by 7 percent.
[4] May be exceeded by 7 percent, computed as follows: $OD' = 1.07 (OD - ND) + ND$, where OD = stated overall diameter, ND = nominal diameter, and OD' = adjusted overall diameter.

(12) *Skid number.* A control tire suitable for purposes of grading treadwear and traction pursuant to this section shall, when tested on a surface having a wet skid number of 30, determined in accordance with American Society for Testing and Materials (ASTM) E274–70, Skid Resistance of Paved Surfaces Using a Full-Scale Tire except with a control tire rather than the ASTM tire used to determine skid number, produce a wet skid number of 30±10 percent.

FIGURE 1.—DOT TIRE QUALITY GRADES

THIS TIRE CONFORMS TO FEDERAL SAFETY REQUIREMENTS

Tire grade	*Performance*
Treadwear, less than 60.	Below 60 percent of NHTSA control tire.[1]
60	At least 60 percent.
85	At least 85 percent.
100	At least 100 percent.
125	At least 125 percent.
150	At least 150 percent.
200	At least 200 percent.

This tire is graded ------

Traction:

—	Below 90 percent of NHTSA control tire.[1]
*	At least 90 percent.
**	At least 100 percent.
***	At least 110 percent.

This tire is graded ------

High speed performance:

A	Meets 105 m.p.h. laboratory wheel test. Suitable for frequent and prolonged driving on roads with no speed limitations.
B	Meets 95 m.p.h. laboratory wheel test. Suitable for frequent and prolonged driving on roads with speed limitations up to 85 m.p.h.
C	Meets 85 m.p.h. laboratory wheel test. Suitable for driving at speed up to 70 m.p.h., but infrequent driving at higher speeds.

This tire is graded ------

[1] The NHTSA control tires are not available to the general public and are designed and constructed to give consistent test results. Comparative results, and not actual values, are indicated in the treadwear and traction grading scales as these aspects of tire performance are affected by geographic location, environmental effects, and driving habits.

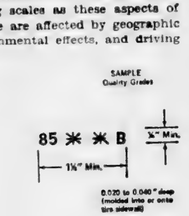

FIGURE 2.

[FR Doc.73-4256 Filed 3-6-73;8:45 am]

Notices

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF THE TREASURY

Bureau of Customs

[T.D. 73-63]

FOREIGN CURRENCIES

Rates of Exchange

FEBRUARY 26, 1973.

The appended table shows the rates of exchange certified to the Secretary of the Treasury by the Federal Reserve Bank of New York pursuant to section 522(c), Tariff Act of 1930, as amended (31 U.S.C. 372(c)), which are applicable to the currencies of the countries listed in § 16.4(d), Customs regulations (19 CFR 16.4(d)), for the period from February 9 through February 16, 1973. This table is published for the information and use of Customs officers and others concerned to show the amount of variation in these exchange rates following the devaluation of the U.S. dollar which took effect on February 13, 1973.

[SEAL] R. N. MARRA,
Director, Appraisement and Collections Division.

Country	Currency	Feb. 9	Feb. 10	Feb. 11	Feb. 12	Feb. 13	Feb. 14	Feb. 15	Feb. 16
Australia	Dollar	Q	(1)	(1)	(1)	(2)	1.4150	1.4170	1.4170
Austria	Schilling	Q	(1)	(1)	(1)	0.0463	.0467	.0465	.046650
Belgium	Franc	Q	(1)	(1)	(1)	.024172	.024425	.024450	.024490
Canada	Dollar	Q	(1)	(1)	(1)	Q	Q	Q	Q
Ceylon	Rupee	Q	(1)	(1)	(1)	(2)	(2)	.1579	.1580
Denmark	Krone	Q	(1)	(1)	(1)	.1540	.1562	.1588	.1584
Finland	Markka	Q	(1)	(1)	(1)	(2)	(2)	.2525	Q
France	Franc	Q	(1)	(1)	(1)	.2121	.215275	.2150	.2148
Germany	Deutsche Mark	Q	(1)	(1)	(1)	.3378	.3405	.3386	.33765
India	Rupee	Q	(1)	(1)	(1)	(2)	(2)	.1320	.1320
Ireland	Pound	Q	(1)	(1)	(1)	Q	2.4700	Q	Q
Italy	Lira	Q	(1)	(1)	(1)	Q	Q	Q	Q
Japan	Yen	Q	(1)	(1)	(1)	.003750	.003760	.003802	.003790
Malaysia	Dollar	Q	(1)	(1)	(1)	(2)	.3900	.3900	.3900
Mexico	Peso	Q	(1)	(1)	(1)	(2)	Q	Q	Q
Netherlands	Guilder	Q	(1)	(1)	(1)	.3334	.3375	.3368	.3369
New Zealand	Dollar	Q	(1)	(1)	(1)	(2)	1.3200	1.3200	1.3200
Norway	Krone	Q	(1)	(1)	(1)	.1600	.1587	.1657	.1658
Portugal	Escudo	Q	(1)	(1)	(1)	(2)	(2)	.0390	.0392
Republic of South Africa	Rand	Q	(1)	(1)	(1)	(2)	1.4000	1.4000	1.4000
Spain	Peseta	Q	(1)	(1)	(1)	Q	Q	Q	.016598
Sweden	Krona	Q	(1)	(1)	(1)	Q	.2220	.2215	.2238
Switzerland	Franc	0.2905	(1)	(1)	(1)	.2891	.2952	.2978	.2970
United Kingdom	Pound	Q	(1)	(1)	(1)	Q	2.4700	Q	Q

Q—Use quarterly rate published in T.D. 73-16; daily rate did not vary by 5 per centum or more.
1—Banks closed in New York; use last preceding rate shown.
2—Rate certified as "Not Available"; use next following rate shown.

[FR Doc.73-4204 Filed 3-6-73;8:45 am]

Internal Revenue Service

[Order 128]

ASSISTANT COMMISSIONER (STABILIZATION), ET AL.

Delegation of Authority Regarding Implementation of Stabilization of Certain Prices, Wages and Salaries

1. Pursuant to the authority delegated to the Commissioner of Internal Revenue by Cost of Living Council Order No. 15 in connection with the administration of the Economic Stabilization Act of 1970, as amended, the following authority is hereby redelegated to:

Assistant Commissioner (Stabilization)
Regional Commissioners
Assistant Regional Commissioners (Stabilization)
District Directors

2. The authority hereby being redelegated, subject to the policy guidance and direction of the Director of the Cost of Living Council (the Director CLC), consists of authority to perform the following functions:

(a) Operation and maintenance of local service and compliance centers established in support of the Economic Stabilization Program in Standard Metropolitan Statistical Areas and such other places as the Commissioner may determine;

(b) Dissemination of information and informal guidance in response to inquiries from the public, except that inquiries received with respect to firms with annual sales or revenues of $50 million or more or pay units of 1,000 employees or more shall be forwarded to the Director CLC for response;

(c) All functions previously delegated to the Secretary of the Treasury, the Commissioner or District Directors of the Internal Revenue Service applicable to the food industry or the health services industry by the Pay Board or the Price Commission, except that matters involving firms with annual sales or revenue of $50 million or more or pay units of 1,000 employees or more shall be forwarded to the Director CLC for response;

(d) Conducting investigations as directed by the Director CLC;

(e) Receiving, investigating, and resolving by obtaining compliance, where possible, complaints received with respect to program violations in the food industry and the health services industry and recommending enforcement action to the Director CLC, where necessary; and

(f) Maintaining adequate records and the making of periodic reports to the Director CLC.

3. The authority delegated herein may be redelegated only by the officials specified in this order and may not be redelegated by those officials to whom the specified officials redelegate.

4. Internal Revenue Service Delegation Orders 121, 123, 124, and 126 are hereby superseded, except that actions in process relating to Phase II matters shall be expeditiously completed.

This delegation shall be effective as of January 11, 1973.

Issued: February 28, 1973.

[SEAL] JOHNNIE M. WALTERS,
Commissioner.

[FR Doc.73-4315 Filed 3-6-73;8:45 am]

Office of the Secretary

PIG IRON FROM BRAZIL

Determination of Sales at Not Less Than Fair Value

MARCH 2, 1973.

On November 21, 1972, there was published in the FEDERAL REGISTER a notice of tentative negative determination (37 FR 24771) that pig iron from Brazil is not being, nor is likely to be, sold at less than fair value within the meaning of section 201(a) of the Antidumping Act, 1921, as amended (19 U.S.C. 160(a)) (referred to in this notice as "the Act").

The statement of reasons for the tentative determination was published in the above-mentioned notice and interested parties were afforded an opportunity to make written submissions and to present oral views in connection with the tentative determination.

No written submissions or requests to present oral views having been received, I hereby determine that, for the reasons stated in the tentative determination, pig iron from Brazil is not being, nor is likely to be, sold at less than fair value

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(section 201(a) of the Act; 19 U.S.C. 160(a)).

This determination is published pursuant to section 201(c) of the Act (19 U.S.C. 160(c)) and section 153.33(b), Customs Regulations (19 CFR 153.33(b)).

[SEAL] MATTHEW J. MARKS,
Acting Assistant Secretary of the Treasury.

[FR Doc.73-4479 Filed 3-6-73;8:45 am]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

CALIFORNIA

Notice of Filing of California State Protraction Diagram

FEBRUARY 27, 1973.

Notice is hereby given that effective April 5, 1973, the following protraction diagram, approved March 16, 1970, is officially filed and of record in the California State Office, Bureau of Land Management, Sacramento, Calif. In accordance with Title 43, Code of Federal Regulations, this protraction will become the basic record for describing the land for all authorized purposes at and after 10 a.m. of the above date. Until this date and time, the diagram has been placed in the open files and is available to the public for information only.

CALIFORNIA PROTRACTION DIAGRAM 80

SAN BERNARDINO MERIDIAN, CALIFORNIA

T. 24 N., R. 1 E.,
Secs. 1 to 36 inclusive.
T. 25 N., R. 1 E.,
Secs. 1 to 36 inclusive.
T. 25½ N., R. 1 E.,
Secs. 25 to 36 inclusive.
T. 24 N., R. 2 E.,
Secs. 1 to 36 inclusive.
T. 25 N., R. 2 E.,
Secs. 1 to 36 inclusive.
T. 25½ N., R. 2 E.,
Secs. 25 to 36 inclusive.

Copies of this diagram are for sale at two dollars ($2) each by the Survey Records Office, Bureau of Land Management, Room E-2807, Federal Office Building, 2800 Cottage Way, Sacramento, CA 95825.

[SEAL] ELEANOR K. WILKINSON,
Chief, Branch of Records and Data Management.

[FR Doc.73-4351 Filed 3-6-73;8:45 am]

Office of Hearings and Appeals

[Docket No. M 73-29]

PITTSBURG & MIDWAY COAL MINING CO.

Petition for Modification of Application of Mandatory Safety Standard

Notice is hereby given that in accordance with the provisions of section 301(c) of the Federal Coal Mine Health and Safety Act of 1969, 30 U.S.C. 861(c) (1970), the Pittsburg & Midway Coal Mining Co. has filed a petition to modify the application of 30 CFR 77.1303 (e) and (g) to its Mine No. 19 in Cherokee County, Kans., and Empire Mine in Barton County, Mo.:

30 CFR 77.1303 (e) and (g) read as follows:

(e) Where electric blasting is to be performed, electric circuits to equipment in the immediate area to be blasted shall be deenergized before explosives or detonators are brought into the area; the power shall not be turned on again until after the shots are fired.

(g) Areas in which charged holes are awaiting firing shall be guarded, or barricaded and posted, or flagged against unauthorized entry.

Petitioner requests that the standard be modified to allow normal mining activities to be conducted nearby or in the vicinity of loaded horizontal drill holes, each drill hole being properly loaded with explosives, primers, a primer cord and properly tamped inert material, and effectively insulated from the outside by a wood plug. The wood plug will be of such shape and design as to fit tightly within and completely seal the opening to the drill hole and provide absolute protection against premature detonation.

Petitioner contends that the proposed alternate method will at all times guarantee no less than the same measure of protection afforded the miners at the affected mine by 30 CFR 77.1303 (e) and (g) and will not result in a diminution of safety in any respect. Petitioner further alleges that the alternate method will in fact improve the safety and efficiency of the mining operation because it will eliminate the problems and risks attendant to loading drill holes which have become partially blocked or closed, as well as the hazards of secondary shooting often resulting from partially blocked or closed drill holes.

Persons interested in this petition may request a hearing on the petition or furnish comments on or before April 6, 1973. Such request or comments must be filed with the Office of Hearings and Appeals, Hearings Division, U.S. Department of the Interior, 6432 Federal Building, Salt Lake City, Utah 84111. Copies of the petition are available for inspection at that address.

JAMES M. DAY,
Director,
Office of Hearings and Appeals.

FEBRUARY 27, 1973.

[FR Doc.73-4297 Filed 3-6-73;8:45 am]

Office of the Secretary

WILLIAM P. HENNE

Report of Appointment and Statement of Financial Interests

JANUARY 11, 1973.

Pursuant to section 302(a) of Executive Order 10647, the following information on a WOC appointee in the Department of the Interior is furnished for publication in the FEDERAL REGISTER:

Name of appointee: William P. Henne.

Name of employing agency: Department of the Interior, Defense Electric Power Administration.

The title of the appointee's position: Deputy Director, DEPA Area 8.

The name of the appointee's private employer or employers: Union Electric Co.

The statement of "financial interests" for the above appointee is enclosed.

ROGERS C. B. MORTON,
Secretary of the Interior.

APPOINTEE'S STATEMENT OF FINANCIAL INTERESTS

In accordance with the requirements of section 302(b) of Executive Order 10647, I am filing the following statement for publication in the FEDERAL REGISTER:

(1) Names of any corporations of which I am, or had been within 60 days preceding my appointment, on January 11, 1973, as Deputy Director, Area 8, Defense Electric Power Administration, an officer or director:

None.

(2) Names of any corporations in which I own, or did own within 60 days preceding my appointment, any stocks, bonds, or other financial interests:

Union Electric Co.

(3) Names of any partnerships in which I am associated, or had been associated within 60 days preceding my appointment:

None.

(4) Names of any other businesses which I own, or owned within 60 days preceding my appointment:

None.

WILLIAM P. HENNE.

Dated: January 24, 1973.

[FR Doc.73-4300 Filed 3-6-73;8:45 am]

[INT FES 73-10]

SAN JUAN GENERATING STATION, COAL MINE, AND TRANSMISSION LINES

Notice of Availability of Final Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Department of the Interior has prepared a final environmental statement for the San Juan Generating Station, Coal Mine, and Transmission Lines. The first 345-MW unit of this generating station is under construction by Public Service Company of New Mexico and Tucson Gas & Electric Co. in San Juan County, N. Mex. Transmission lines of 345-KV are planned from the station to points near Tucson, Ariz., approximately 400 miles; Espanola, N. Mex., approximately 160 miles; and two lines to the Four Corners Generating Station area, about 9 miles distant. Coal for the station will initially be supplied from a strip mine adjacent to the station site to be operated by Utah International, Inc.

Copies are available for inspection at the following locations:

Office of Communications, Room 7220, Department of the Interior, Washington, D.C. 20240, Telephone 202—343-9247.

Office of Ecology, Room 7620, Bureau of Reclamation, Department of the Interior, Washington, D.C. 20240, Telephone 202—343-4991.

Division of Engineering Support, Technical Services Branch, E&E Center, Denver Federal Center, Denver, Colo., 80225, Telephone 303—234-3007.

Office of the Regional Director, Bureau of Reclamation, Department of the Interior, Post Office Box 11568, Salt Lake City, UT 84111, Telephone 801—524-5540.

Bureau of Reclamation, Department of the Interior, 1000 Municipal Drive, Farmington, NM 87401, Telephone 505—325-1794.

Bureau of Land Management, Department of the Interior, South Federal Place, Post Office Box 1449, Santa Fe, NM 87501, Telephone 505—982-3217.

Forest Service, Department of Agriculture, Region 3, 517 Gold Avenue SW., Albuquerque, NM 87101, Telephone 505—982-3327.

Single copies of the final statement may be obtained on request to the Commissioner of Reclamation or the Regional Director. In addition, copies may be purchased from the National Technical Information Service, Department of Commerce, Springfield, Va. 22151. Please refer to the statement number above.

WILLIAM W. LYONS,
Deputy Assistant Secretary of the Interior.

MARCH 1, 1973.

[FR Doc.73-4363 Filed 3-6-73;8:45 am]

TINICUM NATIONAL ENVIRONMENTAL CENTER, PENNSYLVANIA

Notice of Establishment

Whereas, the act of June 30, 1972 (86 Stat. 391), authorizes the Secretary of the Interior to establish the Tinicum National Environmental Center, Pennsylvania, for administration as a unit of the National Wildlife Refuge System, and

Whereas, section 2 of that act provides that the Secretary shall acquire by donation, purchase with donated or appropriated funds, by exchange of federally owned lands in the vicinity, not to exceed 1,200 acres of land in the Counties of Delaware and Philadelphia, Commonwealth of Pennsylvania, and

Whereas, section 2 of the act further provides that a description by metes and bounds of the proposed Tinicum National Environmental Center shall be published in the FEDERAL REGISTER, and that a scale drawing thereof shall be available in the Office of the Secretary, and such other place and places in the vicinity of the proposed center as will afford interested parties easy access to information respecting the proposed center.

Now, therefore, notice is given that the Tinicum National Environmental Center is established on Federal lands and lands or interests in lands hereafter acquired within the boundary described as follows:

Beginning on the easterly edge of Wanamarker Avenue at the centerline of Darby Creek; thence easterly, along the centerline of Darby Creek, 1,720 feet, more or less; thence northerly, along the centerline of an inlet, 600 feet, more or less; thence northeasterly, along the upland edge of the marsh, 1,150 feet, more or less; thence southeasterly, 1,020 feet, more or less, to the centerline of Darby Creek; thence northeasterly, along the centerline of said creek, 3,600 feet, more or less, to the intersection of the centerline of said creek with the northwesterly sideline of the Philadelphia Electric Co. right-of-way; thence northeasterly, along the northwesterly sideline of said right-of-way, 1,000 feet, more or less; thence northeasterly, along the northwesterly sideline of said right-of-way, 1,900 feet, more or less; thence southeasterly, along the northeasterly sideline of said right-of-way, 25 feet, more or less; thence northeasterly, along the northwesterly sideline of said right-of-way, 1,610 feet, more or less; thence southeasterly, along the northeasterly sideline of said right-of-way, 510 feet, more or less, to the centerline of Hermesprota Creek; thence southwesterly, along the centerline of Hermesprota Creek, 1,250 feet, more or less; thence south and easterly, along the land fill area, the eleven (11) following courses, S. 07°54′ W., 215 feet, more or less; thence S. 04°52′ E., 132.20 feet; thence S. 31°26′ E., 159.16 feet; thence S. 60°14′ E., 173.81 feet; thence S. 20°17′ E., 199.53 feet; thence S. 25°56′ E., 91.50 feet; thence S. 20°27′ E., 108.65 feet; thence S. 42°54′ E., 185.88 feet; thence S. 71°26′ E., 145.18 feet; thence N. 88°08′ E., 168.92 feet; thence N. 69°19′ E., 145.56 feet; thence N. 69°19′ E., 63.0 feet, more or less; thence southeasterly, 50 feet more or less to the centerline of Thoroughfare Creek; thence northeasterly, along the centerline of Thoroughfare Creek, 1,330 feet, more or less to the centerline intersection of said creek with Darby Creek; thence northeasterly, along the centerline of Darby Creek, 3,680 feet, more or less; thence southeasterly, 3,700 feet, more or less; thence southeasterly, 250 feet, more or less; thence southwesterly, 1,320 feet, more or less; thence southwesterly, 380 feet, more or less; thence southeasterly, 300 feet, more or less; thence southwesterly, along the northerly sideline of the Reading Railroad, 2,100 feet, more or less; thence westerly, along the northerly sideline of Interstate Highway I-95, 11,750 feet, more or less, to Wanamaker Avenue; thence northwesterly, along the easterly sideline of said avenue, 1,650 feet, more or less to the place of beginning, containing 890 acres, more or less.

A map showing the proposed boundary of the Tinicum National Environmental Center is available from the Director, Bureau of Sport Fisheries and Wildlife, Washington, D.C. 20240, from the Regional Director, Bureau of Sport Fisheries and Wildlife, U.S. Post Office and Courthouse, Boston, Mass. 02109, or from the Regional Solicitor, U.S. Department of the Interior, 123 South Third Street, Philadelphia, PA 19106.

Dated: February 27, 1973.

JOHN C. WHITAKER,
Acting Secretary of the Interior.

[FR Doc.73-4299 Filed 3-6-73;8:45 am]

DEPARTMENT OF AGRICULTURE

Agricultural Stabilization and Conservation Service

[NTIS Order No. EIS-73-0293-F]

PROPOSED COMMITMENT OF ACREAGE TO NEW BEET SUGAR PRODUCING AREA—WAHPETON, N. DAK.

Notice of Availability of Final Environmental Statement

Pursuant to section 102(2)(c) of the National Environmental Policy Act of 1969, the Agricultural Stabilization and Conservation Service, Department of Agriculture, has prepared a final environmental statement for the Proposed Commitment of Acreage to a New Beet Sugar Producing Area in the vicinity of Wahpeton, N. Dak., USDA-ASCS-ES (Adm.) 73-3. The 1971 amendments to the Sugar Act of 1948, in order to make acreage available for the growth and expansion of the beet sugar industry, provides that the Secretary of Agriculture shall allocate as needed the acreage required to yield not more than a total of 100,000 tons, raw value, of sugar for localities to be served by new or substantially enlarged existing sugar beet processing facilities. Allocations are to be for a period of 3 years and limited for any one processing facility to the acreage required to yield a maximum of 50,000 short tons, raw value, of sugar and a minimum of 25,000 short tons, raw value.

The environmental statement applies to the growing of approximately 30,000 acres of sugar beets in the Red River Valley of North Dakota and Minnesota near Wahpeton, N. Dak., in Dwight Township. The sugar beets will be planted on mostly dryland farming acreage used in rotation with other crops (primarily wheat, corn and soybeans), the acreage having previously been devoted to such crops.

A draft environmental statement was filed with the Council on Environmental Quality on December 15, 1972. Comments on the draft statement were received from the Environmental Protection Agency; Minnesota Pollution Control Agency; North Dakota State Department of Health; North Dakota State Planning Division; and Economic Research Service, USDA. Questions raised with respect to the draft statement were considered in preparing the final statement. This final environmental statement was filed with the Council on Environmental Quality on February 22, 1973.

Copies are available for inspection at USDA, Agricultural Stabilization and Conservation Service, Room 3758, 14th and Independence Avenue SW., Washington, DC 20250.

Copies may be obtained from the National Technical Information Service, U.S. Department of Commerce, Springfield, Va. 22151. Please refer to the name and number of the statement above when ordering.

Any comments concerning the final environmental statement should be addressed to the Director, Sugar Division, Agricultural Stabilization and Conservation Service, Room 3752, 14th and Independence Avenue SW., Washington, DC 20250. Comments should be received by March 20, 1973.

Signed at Washington, D.C. on March 2, 1973.

KENNETH E. FRICK,
Administrator, Agricultural Stabilization and Conservation Service.

[FR Doc.73-4395 Filed 3-6-73;8:45 am]

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[NTIS Order No. EIS-73-0294-F]

PROPOSED COMMITMENT OF ACREAGE TO NEW BEET SUGAR PRODUCING AREA—HILLSBORO, N. DAK.

Notice of Availability of Final Environmental Statement

Pursuant to section 102(2)(c) of the National Environmental Policy Act of 1969, the Agricultural Stabilization and Conservation Service, Department of Agriculture, has prepared a final environmental statement for the Proposed Commitment of Acreage to a New Beet Sugar Producing Area in the vicinity of Hillsboro, N. Dak., USDA-ASCS-ES (Adm.) 73-2. The 1971 amendments to the Sugar Act of 1948, in order to make acreage available for the growth and expansion of the beet sugar industry, provides that the Secretary of Agriculture shall allocate as needed the acreage required to yield not more than a total of 100,000 tons, raw value, of sugar for localities to be served by new or substantially enlarged existing sugarbeet processing facilities. Allocations are to be for a period of 3 years and limited for any one processing facility to the acreage required to yield a maximum of 50,000 short tons, raw value, of sugar and a minimum of 25,000 short tons, raw value.

The environmental statement applies to the growing of approximately 30,000 acres of sugarbeets in the Red River Valley of North Dakota and Minnesota near Hillsboro, N. Dak., in Traill County. The sugarbeets will be planted on mostly dryland farming acreage used in rotation with other crops (primarily wheat, corn and soybeans), the acreage having previously been devoted to such crops.

A draft environmental statement was filed with the Council on Environmental Quality on December 15, 1972. Comments on the draft statement were received from the Environmental Protection Agency; Minnesota Pollution Control Agency, North Dakota State Department of Health; North Dakota State Planning Division; and Economic Research Service, USDA. Questions raised with respect to the draft statement were considered in preparing the final statement. This final environmental statement was filed with the Council on Environmental Quality on February 22, 1973.

Copies are available for inspection at USDA, Agricultural Stabilization and Conservation Service, Room 3758, 14th and Independence Avenue SW., Washington, D.C. 20250.

Copies may be obtained from the National Technical Information Service, U.S. Department of Commerce, Springfield, Va. 22151. Please refer to the name and number of the statement above when ordering.

Any comments concerning the final environmental statement should be addressed to the Director, Sugar Division, Agricultural Stabilization and Conservation Service, Room 3752, 14th and Independence Avenue SW., Washington, D.C. 20250. Comments should be received by March 20, 1973.

Signed at Washington, D.C. on March 20, 1973.

KENNETH E. FRICK,
Administrator, Agricultural Stabilization and Conservation Service.

[FR Doc.73-4396 Filed 3-6-73;8:45 am]

Soil Conservation Service

CANEY CREEK WATERSHED PROJECT, KY.

Notice of Availability of Draft Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Soil Conservation Service, U.S. Department of Agriculture, has prepared a draft environmental statement for Caney Creek Watershed Project, Ohio, Butler and Grayson Counties, Ky., USDA-SCS-ES-WS-(ADM)-73-47-(D).

The environmental statement concerns a plan for watershed protection and flood prevention. The planned works of improvement include conservation land treatment, supplemented by nine floodwater retarding structures, one multiple-purpose structure, and 20 miles of channel modification.

This draft environmental statement was transmitted to CEQ on February 20, 1973.

Copies are available during regular working hours at the following locations:

Soil Conservation Service, USDA, South Agriculture Building, Room 5227, 14th and Independence Avenue SW., Washington, DC 20250

Soil Conservation Service, USDA, 333 Waller Avenue, Lexington, KY 50404

Copies are also available from the National Technical Information Service U.S. Department of Commerce, Springfield, Va. 22151. Please use name and number of statement above when ordering. The estimated cost is $3.25.

Copies of the draft environmental statement have been sent for comment to various Federal, State, and local agencies as outlined in the Council on Environmental Quality guidelines. Comments are also invited from others having knowledge of or special expertise on environmental impacts.

Comments concerning the proposed action or requests for additional information should be addressed to Glen E. Murray, State Conservationist, Soil Conservation Service, 333 Waller Avenue, Lexington, KY 40504.

Comments must be received within 60 days of the date the statement was transmitted to CEQ in order to be considered in the preparation of the final environmental statement.

WILLIAM B. DAVEY,
Deputy Administrator for Watersheds, Soil Conservation Service.

FEBRUARY 28, 1973.

[FR Doc.73-4350 Filed 3-6-73;8:45 am]

STEVENS-RUGG WATERSHED PROJECT, FRANKLIN COUNTY, VT.

Notice of Availability of Final Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Soil Conservation Service, Department of Agriculture, has prepared a final environmental statement for the Stevens-Rugg Watershed Project, USDA-SCS-ES-WS-(ADM)-73-10 (F).

The environmental statement concerns a plan for watershed protection, and flood prevention. The planned works of improvement include conservation land treatment supplemented by a floodwater diversion system and 0.89 mile of channel clearing and snagging on Stevens Brook.

The final environmental statement was transmitted to the Council on Environmental Quality on February 23, 1973.

Copies are available for inspection during regular working hours at the following locations:

Soil Conservation Service, USDA, South Agriculture Building, Room 5227, 14th and Independence Avenue SW., Washington, DC 20250

Soil Conservation Service, USDA, 96 College Street, Burlington, VT 05401

Copies are also available from the National Technical Information Service, U.S. Department of Commerce, Springfield, Va. 22151. Please order by name and number of statement. The estimated cost is $3.75.

Copies of the environmental statement have been sent to various Federal, State and local agencies as outlined in the Council on Environmental Quality Guidelines.

WILLIAM B. DAVEY,
Deputy Administrator for Watersheds, Soil Conservation Service.

FEBRUARY 28, 1973.

[FR Doc.73-4349 Filed 3-6-73;8:45 am]

DEPARTMENT OF COMMERCE

Maritime Administration

ECONOMIC VIABILITY ANALYSIS

Revised Notice of Announcement of Publication

Revised notice is hereby given that the Maritime Subsidy Board/Maritime Administration announces on March 2, 1973, publication, prior to final adoption, of an Economic Viability Analysis (EVA) pursuant to the terms of the stipulation agreement in "Environmental Defense Fund, Inc. et al v. Peter G. Peterson, et al.," Civil Action No. 2164-72 in the U.S. District Court for the District of Columbia.

Copies of the EVA may be obtained by interested persons from the Secretary, Maritime Subsidy Board, Maritime Administration, Department of Commerce, 14th and E Streets NW., Washington, D.C. 20235. Comments on the EVA by any interested persons must be received by the Secretary, Maritime Subsidy Board, by close of business on March 19, 1973.

Dated: March 2, 1973.

By order of the Maritime Subsidy Board, Maritime Administration.

AARON SILVERMAN,
Assistant Secretary.

[FR Doc.73-4398 Filed 3-6-73;8:45 am]

[Docket No. S-332]

PACIFIC FAR EAST LINE, INC.

Notice of Application

Notice is hereby given that Pacific Far East Line, Inc., has requested amendment of its Trade Route 29 Transpacific Freight Service as set forth in its Operating-Differential Subsidy Agreement, Contract No. FMB-81 so as to permit its subsidized vessels to call at Guam with its subsidized transpacific freight vessels. The applicant also proposes to withdraw the two C-4's from its unsubsidized Guam service and to place them in layup. Subsidized ships calling at Guam with U.S. cargo would be subject to the reduction-in-subsidy formula set forth in sections 605(a) and 506 of the Merchant Marine Act, 1936, as amended.

Interested parties may inspect this application in the Office of the Secretary, Maritime Administration, Department of Commerce Building, 14th and E Streets NW., Washington, D.C.

Commerce between continental U.S. ports and Guam has been determined to be not "domestic intercoastal or coastwise service" within the meaning of section 805(a) of the Act. Also it is not foreign commerce, and therefore does not fall within the provisions of section 605(c) of the Act. However, the Board in Dockets No. S-33 and No. S-17 (Sub 1) (4 F.M.B. ____ M.A. 499) expressed its judgment that operators trading to Guam are entitled to some protection. Therefore, any person, firm, or corporation having any interest in the abovementioned application should by the close of business on March 16, 1973, submit such views as may be pertinent to such application in writing in triplicate. Such views should be directed to the issue as to whether the effect of the amendment sought by PFEL would be to give undue advantage or be unduly prejudicial as between PFEL and other operators serving Guam.

In accordance with provisions in the rules of practice and procedure of the Maritime Subsidy Board, a full evidentiary hearing on the California/Guam phase of the application may not be held. Written comments from interested parties should state in full their position on the above-mentioned application, whereupon the Maritime Subsidy Board in its discretion may call an informal public hearing prior to making a final decision.

Pacific Far East Line, Inc.'s application would permit its subsidized Trade Route 29 Transpacific Freight Service as set forth in its Operating-Differential Subsidy Agreement, Contract No. FMB-81 to carry cargo between Guam and foreign ports on the above-mentioned service.

Any person, firm or corporation having any interest in the foreign service aspect of such application and desiring a hearing on issues pertinent to section 605(c) of the Merchant Marine Act, 1936, as amended (46 U.S.C. 1175), should by the close of business on March 16, 1973, notify the Secretary, Maritime Subsidy Board in writing in triplicate, and file petition for leave to intervene in accordance with the rules of practice and procedure of the Maritime Subsidy Board.

In the event a section 605(c) hearing is ordered to be held on the foreign service aspect, the purpose thereof will be to receive evidence relevant to (1) whether the application is one with respect to a vessel to be operated in an essential service, served by citizens of the United States which would be in addition to the existing service, or services, and if so, whether the service already provided by vessels of U.S. registry in such essential service is inadequate, and (2) whether in the accomplishment of the purpose and policy of the Act additional vessels should be operated therein.

If no request for hearing and petition for leave to intervene is received within the specific time, or if the Maritime Subsidy Board determines that petitions for leave to intervene filed within the specified time do not demonstrate sufficient interest to warrant a hearing, the Maritime Subsidy Board will take such action as may be deemed appropriate.

Date: March 2, 1973.

By order of the Maritime Subsidy Board/Maritime Administration.

AARON SILVERMAN,
Assistant Secretary.

[FR Doc.73-4397 Filed 3-6-73;8:45 am]

National Technical Information Service

GOVERNMENT-OWNED INVENTIONS

Notice of Availability for Licensing

The inventions listed below are owned by the U.S. Government and are available for licensing in accordance with the GSA Patent Licensing Regulations.

Copies of patent applications, either paper copy (PC) or microfiche (MF), can be purchased from the National Technical Information Service (NTIS), Springfield, Va. 22151, at the prices cited. Requests for copies of patent applications must include the PAT-APPL number and the title. Inquiries and requests for licensing information should be directed to the address cited on the first page of each copy of the patent application.

Paper copies of patents cannot be purchased from NTIS but are available from the Commissioner of Patents, Washington, D.C. 20231, at $0.50 each. Inquiries and requests for licensing information should be directed to the "Assignee" as indicated on the copy of the patent.

DOUGLAS J. CAMPION,
Patent Program Coordinator.

U.S. DEPARTMENT OF THE INTERIOR

Patent 3,675,310. Soldering Method. Filed April 20, 1971, patented July 11, 1972. Not available NTIS.

Patent 3,710,925. Centrifugal Stower. Filed May 6, 1971, patented January 16, 1973. Not available NTIS.

Patent application 302,960. Measuring Apparatus for Spatially Modulated Reflected Beams. Filed November 1, 1972. PC $3.00/MF $0.95.

Patent application 302,959. Angular Deviation Measuring Device and Its Method of Use. Filed November 1, 1972. PC $3.00/MF $0.95.

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

Patent application 308,362. Dielectric Loaded Aperture Antenna. Filed November 21, 1972. PC $3.00/MF $0.95.

[FR Doc.73-4189 Filed 3-6-73;8:45 am]

Office of the Secretary

SMALL CARPETS AND RUGS

Flammability Standard; Proposed Sampling Plan

On June 2, 1972, there was published in the FEDERAL REGISTER (37 FR 11079) a notice of finding that amendments to provide for sampling plans may be needed to two standards; namely, the Standard for the Surface Flammability of Carpets and Rugs, DOC FF 1-70 (35 FR 6211, Apr. 16, 1970) and the Standard for the Surface Flammability of Small Carpets and Rugs (Pill Test), DOC FF 2-70 (35 FR 19702, Dec. 29, 1970). The FEDERAL REGISTER notice of June 2, 1972, announced a preliminary finding that such amendments to provide for sampling plans might be needed to detect noncomplying carpet and rugs before they are placed on the market in order to provide increased protection to the public against unreasonable risk of the occurrence of fire leading to death or personal injury or significant property damage, and that confirmation of the need would require appropriate amendment of those standards.

PROPOSED SAMPLING PLANS FOR STANDARD FOR THE SURFACE FLAMMABILITY OF SMALL CARPETS AND RUGS (PILL TEST) DOC FF 2-70

After review and analysis of the comments received, and analysis developed through further research, it is hereby found that an amendment of the Standard for the Surface Flammability of Small Carpets and Rugs (Pill Test) DOC FF 2-70 (35 FR 19702, Dec. 29, 1970) is needed to provide for a sampling plan under the standard. It is preliminarily found that the plan which is set out in full below is:

(a) Needed for small carpet and rugs to protect the public against unreasonable risk of the occurrence of fire leading to death, personal injury, or significant property damage;

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(b) Reasonable, technologically practicable, and appropriate, and is stated in objective terms; and

(c) Limited to small carpet and rugs which currently present the unreasonable risks specified in (a) above.

AMENDMENT OF THE STANDARD FOR THE SURFACE FLAMMABILITY OF CARPETS AND RUGS (DOC FF 1–70)

The finding as to whether there is the need to amend the Standard for the Surface Flammability of Carpets and Rugs, DOC FF 1–70 (35 FR 6211, Apr. 16, 1970), to provide for a sampling plan is the subject of a separate FEDERAL REGISTER notice.

BASIS FOR PROPOSED STATISTICAL SAMPLING PLAN

The finding of need to amend the Standard for the Surface Flammability of Small Carpets and Rugs (Pill Test) (DOC FF 2–70) to include a statistical sampling plan is based on the objective of giving maximum practicable assurance that the product which reaches the marketplace meets established flammability requirements. The test method which has been developed for this standard involves a destructive test, thus precluding the testing of all items covered under the standard. It is, therefore, essential to have some type of statistical sampling procedure. By providing a statistically based sampling plan, as part of the testing procedure in the standard, the consumer would be given increased protection. This proposed sampling plan would also provide a framework for premarket testing, and thus assist greatly in detecting noncomplying carpet and rugs before they are placed on the market. The proposed plan, which is appended hereto, is based on well recognized sampling procedures.

APPLICABILITY OF PROPOSED SAMPLING PLAN

As is the case with all flammability standards issued under the Flammable Fabrics Act, the proposed sampling plan contemplated herein would apply to all domestic and imported carpet and rugs as defined in the standard (DOC FF 2–70). Pursuant to section 4(b) of the Flammable Fabrics Act, as amended (15 U.S.C. 1193(b)), the amendment exempts carpet and rugs in inventory or with the trade as of the date on which the amendment becomes effective.

EFFECTIVE DATE OF PROPOSED AMENDMENT

The present Standard for the Surface Flammability of Small Carpets and Rugs (Pill Test) (DOC FF2–70) became effective December 29, 1971. All small carpet and rugs as defined under the standard and manufactured subsequent to December 29, 1971, are required to comply. An amendment to a flammability standard normally becomes effective 12 months from the date on which such amendment is promulgated unless the Secretary of Commerce finds for good cause shown that an earlier or later date is in the public interest and publishes the reason for such finding. Since information received by this Department indicates that compliance with the small carpet and rug standard (DOC FF 2–70) will be substantially accelerated by the sampling plan, the Secretary proposes to make this amendment effective 90 days following publication of the final sampling plan in the FEDERAL REGISTER.

REISSUANCE OF THE STANDARD

The sampling plan is expected to be included in the small carpet and rug standard (DOC FF 2–70) under a section .4, titled "Sampling and Acceptance Procedures." Inclusion of the sampling plan in the standard requires that certain portions of the standard be revised, deleted, and/or renumbered. The definitions under the present section .1 of the standard would be renumbered and would contain new proposed sections (g), (h), (i), (j), and (k). The term "acceptance criterion" would be deleted. Changes would be made to present sections .3(a) and .4(a)(4). Present sections .4 (e) and (f) would be deleted. Also amendments will be made to present sections .1(g), .4(a), .4(b), .4(c), and .4(d).

In the light of the foregoing, reissuance of the standard to include all changes is considered appropriate. Set forth below is the proposed standard to be reissued as the Standard for the Surface Flammability of Small Carpets and Rugs (Pill Test) (DOC FF 2–70; as amended).

EFFECT ON REQUIREMENT TO COMPLY WITH THE PRESENT STANDARD

This notice and the proposed sampling plan issued below do not affect the existing requirement to comply with the Standard for the Surface Flammability of Small Carpets and Rugs (Pill Test) (DOC FF 2–7) which is presently in effect.

Issued: March 1, 1973.

RICHARD O. SIMPSON,
Acting Assistant Secretary for Science and Technology.

SMALL CARPET AND RUGS

[DOC FF 2–70]

PROPOSED AMENDMENT TO THE STANDARD FOR THE SURFACE FLAMMABILITY OF SMALL CARPET AND RUGS (PILL TEST)

.1 Definitions.
.2 Scope and application.
.3 General requirements.
.4 Sampling and acceptance procedures.
.5 Test procedure.
.6 Labeling requirement.

.1 *Definitions.* In addition to the definitions given in section 2 of the Flammable Fabrics Act, as amended (sec. 1, 81 Stat. 568; 15 U.S.C. 1191), and section 7.2 of the Procedures (33 FR 14642, Oct. 1, 1968), the following definitions apply for the purposes of this standard:

(a) "Small Carpet" means any type of finished product made in whole or in part of fabric or related material and intended for use or which may reasonably be expected to be used as a floor covering which is exposed to traffic in homes, offices, or other places of assembly or accommodation, and which may or may not be fastened to the floor by mechanical means such as nails, tacks, barbs, staples, adhesives, and which has no dimension greater than 1.83 m. (6 ft.) or an area not greater than 2.23 sq. m. (24 sq. ft.). Products such as "Carpet Squares" with dimensions smaller than these but intended to be assembled, upon installation, into assemblies which may have dimensions greater than these, are excluded from this definition. They are, however, included in Standard DOC FF 1–70. Mats, hides with natural or synthetic fibers, and other similar products are included in this definition if they are within the defined dimensions, but resilient floor coverings such as linoleum, asphalt title, and vinyl tile are not.

(b) "Small rug" means, for the purposes of this standard, the same as small carpet and shall be accepted as interchangeable with small carpet.

(c) "Traffic surface" means a surface of a small carpet or rug which is intended to be walked upon.

(d) "Test criterion" means the basis for judging whether or not a single specimen of a small carpet or rug has passed the test; i.e., the charred portion of a tested specimen shall not extend to within 2.54 cm. (1.0 in.) of the edge of the hole in the flattening frame at any point.

(e) "Timed burning tablet" (pill) means the methenamine tablet, weighing approximately 0.149 grams (2.30 grains), sold as Product No. 1588 in Catalog No. 79, December 1, 1969, by the Eli Lilly Co. of Indianapolis, Ind. 46206, or an equal tablet.

(f) "Fire-retardant treatment" means any process to which a small carpet or rug has been exposed at any time during manufacture, or in any event prior to delivery to the consumer which significantly decreases the flammability of that small carpet or rug and enables it to meet this standard.

(g) "Production unit" (unit) means a quantity of carpet or rugs of one quality. This quantity is predetermined, before sampling, by the manufacturer, seller, or other person responsible for performing tests and maintaining records, within the limitations described in .4 *Sampling and Acceptance Procedures.*

(h) "Quality" means a particular style or design of carpet or rug, manufactured in essentially the same process and identical except for color or print pattern as specified in .4 *Sampling and Acceptance Procedures.*

(i) "Item" means an individual carpet or rug.

(j) "Production unit sample" (sample) means eight specimens from a production unit.

(k) "Specimen" means a 22.86±0.64 x 22.86±0.64 cm. (9±¼ x 9±¼ in.) section of carpet or rug.

.2 *Scope and application.* This standard provides a test method to determine the surface flammability of small carpet and rugs when exposed to a standard small source of ignition under carefully prescribed draft-protected conditions. It is applicable to all types of small carpet or rugs used as floor covering materials regardless of their method of fabrication or whether they are made of natural or synthetic fibers or films, or combinations of, or substitutes for these.

One of a kind small carpet or rug, such as an antique, an Oriental or a hide, may be excluded from testing under this standard pursuant to conditions established by the Federal Trade Commission.

.3 *General requirements*—(a) *Summary of test method.* This method involves the exposure of conditioned specimens of a small carpet or rug to a standard igniting source in a draft-protected environment and measurement of the proximity of the charred portion to the edge of the hole in the prescribed flattening frame.

(b) *Test criterion.* A specimen passes the test if the charred portion does not extend to within 2.54 cm. (1.0 in.) of the edge of the hole in the flattening frame at any point.

.4 *Sampling and acceptance procedures*—(a) *General.* The test criterion of .3(b) shall be used in conjunction with the following sampling plan, or any other approved by the Department of Commerce that provides at least the equivalent level of fire safety to the consumer. Alternate sampling plans submitted for approval shall have operating characteristics such that the probability of unit acceptance at any percentage defective does not exceed the corresponding probability of unit acceptance of the following sampling plan in the region of the latter's operating characteristic curves that lies between 5 and 95 percent acceptance probability.

The production unit size shall not exceed 25,000 individual small carpet or rugs of a single quality.

All carpet or rugs of the same quality whose manufacture is completed during production of a production unit shall be deemed to be members of that unit. Different colors and different print patterns of the same quality may be included in a single production unit, provided such colors and print patterns demonstrate flammability characteristics that are not significantly different from each other as determined by previous testing of three samples of eight specimens each taken from at least three individual carpets or rugs of each color and print pattern to be included in the unit.

(b) *Sampling*—(1) *Sampling plan.* A production unit is either accepted or rejected in accordance with the following plan:

From each production unit, select at random at least four carpets or rugs. From the selected items, cut sufficient material to provide 32 specimens (not more than eight per item) for test. Assign not more than two specimens from each item to each of four production unit samples. Test one production unit sample (eight specimens) in accordance with .5 *Test procedure.* If all eight specimens pass the test criterion of .3(b), accept the unit. If three or more individual specimens fail the test criterion of .3(b), reject the unit. If one or two individual specimens fail the test criterion of .3(b), test a second production unit sample of eight specimens as follows:

Test the second production unit sample in accordance with .5 *Test procedure.* If the total number of individual specimens (from both the first and second samples) failing the test criterion is one, accept the unit. If the total number of individual specimens (from both samples) failing the criterion is four or more, reject the unit. If the total number of individual specimens (from both samples) failing the test criterion is two or three, test a third production unit sample of eight specimens as follows:

Test the third production unit sample in accordance with .5 *Test procedure.* If the total number of specimens (from the three samples) failing the test criterion is two, accept the unit. If the total number of specimens (from the three samples) failing the test criterion is four or more, reject the unit. If the total number of specimens (from the three samples) failing the test criterion is three, test a fourth production unit sample of eight specimens as follows:

Test the fourth production unit sample in accordance with .5 *Test procedure.* If the total number of specimens (from the four samples) failing the test criterion is three, accept the unit. If the total number of specimens (from the four samples) failing the test criterion is four or more, reject the unit.

(2) *Disposition of rejected units.* Carpet and rugs contained in rejected production units must be labeled, prior to their introduction into commerce, according to .6 *Labeling requirements* unless accepted as a result of retesting without reworking and/or reworking and retesting as prescribed below.

(a) *Reworking and retesting.* A rejected production unit may be retested after all carpet and rugs contained therein are subjected to reprocessing or additional processing to improve the flammability characteristics. From the unit, select four carpet or rugs as follows:

Select items from the immediate vicinity (with respect to time sequence of production) of all items that contributed failing specimens to the sample(s) employed in reaching the decision to reject the unit originally and that are present in the reworked unit;

Select additional items as required from the immediate vicinity of items that contributed failing specimens to the sets of specimens employed in reaching decisions to reject subunits or items in retesting (without reworking) and that are present in the reworked unit;

Select at random additional items as required from among remaining items that are present in the reworked unit.

From the selected items, cut sufficient material to provide 24 specimens (not more than six specimens from each selected item) for test. Test 16 specimens (four from each selected item) in accordance with .5 *Test Procedure.* If all 16 specimens pass the test criterion of .3(b), accept the unit. If two or more individual specimens fail the test criterion of .3(b), reject the unit. If one individual specimen fails the test criterion of .3(b), test the remaining eight specimens in accordance with .5 *Test Procedure.* If all of the eight remaining specimens pass the test criterion of .3(b), accept the unit. If one or more of the eight remaining specimens fail the test criterion of .3(b), reject the unit.

A production unit rejected as a result of retesting following reworking shall not be subjected to further reworking and testing, but may be subjected to retesting in accordance with the provisions of .4(b)(2)(b) if such testing has not previously been performed on the rejected production unit from which the items contained in the reworked unit were obtained. Carpet and rugs contained in a production unit rejected as a result of retesting following reworking shall not be eligible for further attempts at acceptance under this Standard by any other means or procedures except as specified in .6 *Labeling requirements.*

(b) *Retesting (without reworking).* A rejected production unit may be subdivided into two or more subunits consisting of three or more items each. Such subdivision shall correspond to the time sequence of production of finished items or to differences in materials or process steps, such as dye lots, fiber sources, tufting machines, or rinsing operations, determined by the manufacturer's tests or analyses to constitute the probable cause of differences in flammability characteristics.

If the subdivision corresponds to the time sequence of production of finished items, each item from which one or more failing specimens were obtained in sampling shall constitute a boundary of a subunit. Subunits of a rejected production unit may be tested and their constituent items accepted or rejected according to the following plan:

From each subunit, select at least two items near the boundaries of the subunit if the subdivision corresponds to the time sequence of production of finished items or select one item at random if the subdivision was made on any other basis. From the selected item(s), cut sufficient material to provide a total of 16 specimens from the subunit, an equal number of specimens being obtained from each item when two items have been selected. Test all specimens in accordance with .5 *Test procedure.* If all 16 specimens pass the test criterion of .3(b), accept the subunit. If one specimen fails the test criterion of .3(b), select an additional item at random and cut sufficient material to provide a total of 16 additional specimens. Test all 16 additional specimens in accordance with .5 *Test procedure.* If all 16 additional specimens pass the test criterion of .3(b), accept the subunit. If one or more specimens fail the test criterion of .3(b), reject the subunit.

Rejected subunits from the same production unit that have not been reworked previously may be construed to comprise a rejected production unit for reworking and retesting in accordance with .4(b)(2)(a). Rejected subunits that have been reworked previously or that are not reworked shall not be eligible for further attempts at acceptance under this Standard except as specified in .6 *Labeling requirements.*

(3) *Records.* Records of all unit sizes, test results, and the disposition of rejected units must be maintained by the manufacturer upon the effective date of this standard. Rules and regulations may be established by the Federal Trade Commission.

(4) *Compliance market sampling plan by FTC.* The FTC may submit, for approval by the Secretary of Commerce sampling plans for use in market testing of items covered by this standard. For approval, such plans shall define noncompliance of a production unit to exist only when it is shown, with a high level of statistical confidence, those production units represented by tested items which fail such FTC plans will, in fact, fail this standard. Production units found to be noncomplying under these provisions shall be deemed not to conform to this standard.

.5 *Test procedure*—(a) *Apparatus*—(1) *Test chamber.* The test chamber shall consist of an open top hollow cube made of noncombustible material[1] with inside dimensions 30.48±0.13×30.48±0.13×30.48±0.13 cm. (12±⅛×12±⅛×12±⅛ in.) and minimum 6.35 mm. (¼ in.) wall thickness. The flat bottom of the box shall be made of the same material as the sides and shall be easily removable. The sides shall be fastened together with screws or brackets and taped or otherwise suitably sealed to prevent air leakage into the box during use.

NOTE: A minimum of two chambers and two extra bottoms is suggested for efficient operation.

(2) *Flattening frame.* A steel plate, 22.86±0.64 × 22.86±0.64 cm. (9±¼ × 9±¼ in.), 6.35 mm. (¼ in.) thick (Commercial tolerances) with a 20.32±0.02 cm. (8±1/64 in.) diameter hole in its center is required to hold the specimen flat during the course of the test. It is recommended that one be provided for each test chamber.

(3) *Standard igniting source.* No. 1588 methenamine timed burning tablet or an equal tablet. These tablets shall be stored in a desiccator over a desiccant for 24 hours prior to use. (Small quantities of sorbed water may cause the tablets to fracture when first ignited. If major fracture occurs, any results from that test shall be ignored, and it shall be repeated.)

(4) *Test specimens.* Each test specimen shall be a 22.86±0.64 × 22.86±0.64 cm. (9±¼ × 9±¼ in.) section of the small carpet or rug to be tested.

(5) *Circulating air oven.* A vented forced circulation drying oven capable of removing

[1] Cement asbestos board is a suitable material.

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the moisture from the specimens when maintained at 105±2.8° C. (221±5° F.) for 2 hours.[3]

(6) *Desiccating cabinet.* An airtight and moisture-tight cabinet capable of holding the floor covering specimens horizontally or vertically without contacting each other during the cooling period following drying, and containing silica gel desiccant with an indicator. Replace or reactivate the desiccant when it becomes inactive.

(7) *Gloves.* Nonhygroscopic gloves (such as rubber or polyethylene) for handling the sample after drying and raising the pile on specimens prior to testing.

(8) *Hood.* A hood capable of being closed and having its draft turned off during each test and capable of rapidly removing the products of combustion following each test. The front or sides of the hood should be transparent to permit observation of the tests in progress.

(9) *Mirror.* A small mirror may be mounted above each test chamber at an angle to permit observation of the specimen from outside the hood.

(10) *Vacuum cleaner.* A vacuum cleaner to remove all loose material from each specimen prior to conditioning. All surfaces of the vacuum cleaner contacting the specimen shall be flat and smooth.

(b) *Specimens*—(1) *Selection of specimens.* After selection of the test items as specified in .4 *Sampling and acceptance procedures*, select a sample of each item large enough to cut the required specimens free from creases, fold marks, delaminations, or other distortions. The test specimens should contain the most flammable parts of the traffic surface at their centers. The most flammable area may be determined on the basis of experience or through pretesting.

(2) *Cutting.* Cut 22.86±0.64 cm. (9±¼ in.) square specimens of each carpet or rug to be tested to comply with .4 *Sampling and acceptance procedures.*

(c) *Conditioning.* Clean each specimen with the vacuum cleaner until it is free of all loose ends left during the manufacturing process and from any material that may have been worked into the pile during handling.[3] Care must be exercised to avoid "fuzzing" of the pile yarn.

Place the specimens in the drying oven in a manner that will permit free circulation of the air at 105±2.8° C. (221±5° F.) around them for 2 hours.[4] Remove the specimens from the oven with gloved hand and place them horizontally in the desiccator with traffic surface up or vertically and free from contact with each other until cooled to room temperature, but in no instance less than 1 hour. No more than 16 specimens shall be in the desiccator at one time.

(d) *Testing.* Place the test chamber in the draft-protected environment (hood with draft off) with its bottom in place. Wearing gloves, remove a test specimen from the desicator and brush its traffic surface with a gloved hand in such a manner as to raise its pile. Place the specimen on the center of the floor of the test chamber, traffic surface up, exercising care that the specimen is horizontal and flat. Place the flattening frame on the specimen and position a methenamine tablet on one of its flat sides in the center of the 20.32±0.02 cm. (8±⅛ in.) hole.

Ignite the tablet by touching a lighted match or an equivalent igniting source carefully to its top. Close the hood door.[5] If more than 2 minutes elapse between the removal of the specimen from the desicator and the ignition of the tablet, the conditioning must be repeated.

Continue each test until one of the following conditions occurs:

(1) The last vestige of flame or glow disappears. (This is frequently accompanied by a final puff of smoke.)

(2) The flaming or smoldering has approached within 2.54 cm. (1.0 in.) of the edge of the hole in the flattening frame at any point.

When all combustion has ceased, ventilate the hood and measure the shortest distance between the edge of the hole in the flattening frame and the charred area. Record the distance measured for each specimen.

Remove the specimen from the chamber and remove any burn residue from the floor of the chamber. Before proceeding to the next test, the floor must be cooled to normal room temperature or replaced with one that is at normal room temperature.

(e) *Laundering.* If the small carpet or rug has had a fire-retardant treatment, or is made of fibers which have had a fire-retardant treatment, the selected sample or oversized specimens thereof shall be washed, prior to cutting of test specimens, either 10 times under the washing and drying procedure prescribed in Method 124–1967 of the American Association of Textile Chemists and Colorists [washing procedure 6.2 (III) with a water temperature of 60±2.8° C (140±5° F), drying procedure 6.3.2(B), maximum load 3.64 kg. (8 pounds)][6] or such number of times under such other washing and drying procedures as shall previously have been found to be equivalent by the Federal Trade Commission. Alternatively, the selected sample or oversized specimens thereof may be washed, dry-cleaned, or shampooed 10 times, prior to cutting of test specimens, in such manner as the manufacturer or other interested party shall previously have established to the satisfaction of the Federal Trade Commission is normally used for that type of small carpet or rug in service. Under the rules and regulations which may be established by the Federal Trade Commission, the laundering requirement may be modified or waived by FTC where it is shown that laundering does not affect the flame-retardant treatment.

.6 *Labeling requirements.* (a) If a small carpet or rug is not accepted under any of the provisions of .4 *Sampling and acceptance procedures*, it shall, prior to its introduction into commerce, be permanently labeled, pursuant to rules and regulations established by the Federal Trade Commission, with the following statement: Flammable (Fails U.S. Department of Commerce Standard FF 2–70); Should not be used near sources of ignition.

(b) If a small carpet or rug has had a fire-retardant treatment or is made of fibers which have had a fire-retardant treatment, it shall be labeled with the letter "T" pursuant to rules and regulations established by the Federal Trade Commission.

[FR Doc.73-4270 Filed 3-2-73;10:41 am]

[3] Option 1 of ASTM D 2654–67T, "Methods of Test for Amount of Moisture in Textile Materials," describes a satisfactory oven. ("1969 Book of ASTM Standards," Part 24, published by the American Society for Testing and Materials, 1916 Race Street, Philadelphia, PA 19103.)

[3] The vacuum cleaning described is not intended to simulate the effects of repeated vacuum cleaning in service.

[4] If the specimens are moist when received, permit them to air-dry at laboratory conditions prior to placement in the oven. A satisfactory preconditioning procedure may be found in ASTM D 1776–67, "Conditioning Textiles and Textile Products for Testing." ("1969 Book of ASTM Standards," Part 24, published by the American Society for Testing and Materials, 1916 Race Street, Philadelphia, PA 19103).

[5] To provide a draft-protected environment while avoiding the possibility of oxygen starvation, presence of an adequate oxygen supply during the test must be ensured. Small hoods should be louvered to permit entry of air during the test, or alternatively the hood may be left open not in excess of 6 inches. In the event the hood door is left open, precautions must also be taken to ensure that other sources of air movement in the laboratory which might create drafts in the test chamber are minimized.

[6] Technical Manual of the American Association of Textile Chemists and Colorists, Vol. 45, 1969, published by AATCC, Post Office Box 12215, Research Triangle Park, NC 27709.

CARPET AND RUGS

Notice of Proposed Sampling Plan

On June 2, 1972, there was published in the FEDERAL REGISTER (37 FR 11079) a notice of finding that amendments to provide for sampling plans may be needed to two standards; namely, the Standard for the Surface Flammability of Carpets and Rugs, DOC FF 1–70 (35 FR 6211, Apr. 16, 1970) and the Standard for the Surface Flammability of Small Carpets and Rugs (Pill Test), DOC FF 2–70 (35 FR 19702, Dec. 29, 1970). The FEDERAL REGISTER notice of June 2, 1972, announced a preliminary finding that such amendments to provide for sampling plans might be needed to detect noncomplying carpet and rugs before they are placed on the market in order to provide increased protection to the public against unreasonable risk of the occurrence of fire leading to death or personal injury or significant property damage, and that confirmation of the need would require appropriate amendment of those standards.

PROPOSED SAMPLING PLAN FOR STANDARD FOR THE SURFACE FLAMMABILITY OF CARPETS AND RUGS (DOC FF 1–70)

After review and analysis of the comments received, and analysis developed through further research, it is hereby found that an amendment of the standard for the Surface Flammability of Carpets and Rugs, DOC FF 1–70 (35 FR 6211, Apr. 16, 1970) is needed to provide for a sampling plan under the standard.

It is preliminarily found that the plan which is set out in full at the end hereof is:

(a) Needed for large carpet and rugs to protect the public against unreasonable risk of the occurrence of fire leading to death, personal injury, or significant property damage;

(b) Reasonable, technologically practicable, and appropriate, and is stated in objective terms; and

(c) Limited to large carpet and rugs which currently present the unreasonable risks specified in (a) above.

AMENDMENT OF THE STANDARD FOR THE SURFACE FLAMMABILITY OF SMALL CARPETS AND RUGS (PILL TEST) (DOC FF 2–70)

The finding as to whether there is the need to amend the Standard for the Surface Flammability of Small Carpets and Rugs (Pill Test), DOC FF 2–70 (35 FR 19702, Dec. 29, 1970), to provide for a sampling plan is the subject of a separate FEDERAL REGISTER notice.

BASIS FOR PROPOSED STATISTICAL SAMPLING PLAN

The finding of need to amend the Standard for the Surface Flammability of Carpets and Rugs (DOC FF 1–70) to include a statistical sampling plan is based on the objective of giving maximum practicable assurance that the product which reaches the marketplace meets established flammability requirements. The test method which has been developed for this standard involves a destructive test, thus precluding the testing of all items covered under the standard. It is, therefore, essential to have some type of statistical sampling procedure. By providing a statistically based sampling plan as part of the testing procedure in the standard the consumer would be given increased protection. This proposed sampling plan would also provide a framework for premarket testing, and thus assist greatly in detecting noncomplying carpet and rugs before they are placed on the market. The proposed plan, which is appended hereto, is based on well recognized sampling procedures.

APPLICABILITY OF PROPOSED SAMPLING PLAN

As is the case with all flammability standards issued under the Flammable Fabrics Act, the proposed sampling plan contemplated herein would apply to all domestic and imported carpet and rugs as defined in the standard (DOC FF 1–70). Pursuant to section 4(b) of the Flammable Fabrics Act, as amended (15 U.S.C. 1193(b)), the amendment exempts carpet and rugs in inventory or with the trade as of the date on which the amendment becomes effective.

EFFECTIVE DATE OF PROPOSED AMENDMENT

The present Standard for the Surface Flammability of Carpets and Rugs (DOC FF 1–70) became effective April 16, 1971. All carpet and rugs as defined under the standard and manufactured subsequent to April 16, 1971, are required to comply. An amendment to a flammability standard normally becomes effective 12 months from the date on which such amendment is promulgated unless the Secretary of Commerce finds for good cause shown that an earlier or later date is in the public interest and publishes the reason for such finding. Since information received by this Department indicates that compliance with the carpet and rug standard (DOC FF 1–70) will be substantially accelerated by the sampling plan, the Secretary proposes to make this amendment effective 90 days following publication of the final sampling plan in the FEDERAL REGISTER.

REISSUANCE OF THE STANDARD

The sampling plan is expected to be included in the carpet and rug standard (DOC FF 1–70) under a section .4, titled "Sampling and Acceptance Procedures." Inclusion of the sampling plan in the standard requires that certain portions of the standard be revised, deleted, and/or renumbered. The definitions under the present section .1 of the standard would be renumbered and would contain new proposed sections (g), (h), (i), (j), and (k). The term "acceptance criterion" would be deleted. Changes would be made to present sections .3(a) and .4(a)(4). Present sections .4(e) and (f) would be deleted. Also, amendments will be made to present sections .1(b), .1(g), .4(a), .4(b), .4(c), and .4(d).

In the light of the foregoing, reissuance of the standard to include all changes is considered appropriate. Appended hereto, is the proposed standard to be reissued as the Standard for the Surface Flammability of Carpets and Rugs (DOC FF 1–70; as amended).

EFFECT ON REQUIREMENT TO COMPLY WITH THE PRESENT STANDARD

This notice and the proposed sampling plan issued, hereunder, do not affect the existing requirement to comply with the Standard for the Surface Flammability of Carpets and Rugs (DOC FF 1–70) which is presently in effect.

Issued: March 1, 1973.

RICHARD O. SIMPSON,
Acting Assistant Secretary For Science and Technology.

CARPET AND RUGS

PROPOSED AMENDMENT TO THE STANDARD FOR THE SURFACE FLAMMABILITY OF CARPET AND RUGS (PILL TEST)

(DOC FF 1–70)

.1 Definitions.
.2 Scope and application.
.3 General requirements.
.4 Sampling and acceptance procedures.
.5 Test procedure.
.6 Labeling requirements.

.1 *Definitions.* In addition to the definitions given in section 2 of the Flammable Fabrics Act, as amended (sec. 1, 81 Stat. 568; 15 U.S.C. 1191), and § 7.2 of the Procedures (33 FR 14642, Oct. 1, 1968), the following definitions apply for the purpose of this standard:

(a) "Carpet" means any type of finished product made in whole or in part of fabric or related material and intended for use or which may reasonably be expected to be used as a floor covering, which is exposed to traffic in homes, offices, or other places of assembly or accommodation, and which may or may not be fastened to the floor by mechanical means, such as nails, tacks, barbs, staples, adhesives, and which has one dimension greater than 1.83 m. (6 ft.) and a surface area greater than 2.23 sq. m. (24 sq. ft.). Products such as "carpet squares", with one dimension less than 1.83 m. (6 ft.) and a surface area less than 2.23 sq. m. (24 sq. ft.), but intended to be assembled upon installation into assemblies which may have one dimension greater than 1.83 m. (6 ft.) and a surface area greater than 2.23 sq. m. (24 sq. ft.) are included in this definition. Mats, hides with natural or synthetic fibers, and other similar products in the above defined dimensions are included in this definition, but resilient floor coverings such as linoleum, asphalt tile, and vinyl tile are not.

(b) "Rug" means, for the purpose of this standard, the same as carpet and shall be accepted as interchangeable with carpet.

(c) "Traffic Surface" means a surface of a carpet or rug which is intended to be walked upon.

(d) "Test Criterion" means the basis for judging whether or not a single specimen of carpet or rug has passed the test; i.e., the charred portion of a tested specimen shall not extend to within 2.54 cm. (1.0 in.) of the edge of the hole in the flattening frame at any point.

(e) "Timed Burning Tablet" (pill) means the methenamine tablet, weighing approximately 0.149 gram (2.30 grains), sold as product No. 1588 in Catalog No. 79, December 1, 1969, by the Eli Lilly Co. of Indianapolis, Ind. 46206, or an equal tablet.

(f) "Fire-Retardant Treatment" means any process to which a carpet or rug has been exposed at any time during manufacture or in any event prior to delivery to the consumer which significantly decreases the flammability of that carpet or rug and enables it to meet this standard.

(g) "Production Unit" (Unit) means a quantity of carpet or rugs of one quality. This quantity is determined, before sampling, by the manufacturer, seller, or other person responsible for performing tests and maintaining records, within the limitations described in .4 *Sampling and Acceptance Procedures.*

(h) "Quality" means a particular style or design of carpet or rug, manufactured in essentially the same process and identical except for color or print pattern as specified in .4 *Sampling and Acceptance Procedures.*

(i) "Item" means a piece, roll, individual carpet, or rug, or other natural aggregate of product from which test specimens are cut.

(j) "Production Unit Sample" (Sample) means eight specimens from a production unit.

(k) "Specimen" means a 22.86±0.64 x 22.86±0.64 cm. (9±¼ x 9±¼ in.) section of carpet or rug.

.2 *Scope and application.* This standard provides a test method to determine the surface flammability of carpet and rugs when exposed to a standard small source of ignition under carefully prescribed draft-protected conditions. It is applicable to all types of carpet and rugs used as floor covering materials regardless of their method of fabrication or whether they are made of natural or synthetic fibers or films, or combinations of, or substitutes for these.

One of a kind carpet or rug, such as an antique, an Oriental, or a hide, may be excluded from testing under this standard pursuant to conditions established by the Federal Trade Commission.

.3 *General requirements*—(a) *Summary of test method.* This method involves the exposure of conditioned specimens of a given carpet or rug production unit to a standard igniting source in a draft-protected environment, and measurement of the proximity of the charred portion to the edge of the hole in the prescribed flattening frame.

(b) *Test criterion.* A specimen passes the test if the charred portion does not extend to within 2.54 cm. (1.0 in.) of the edge of the hole in the flattening frame at any point.

.4 *Sampling and acceptance procedures*—(a) *General.* The test criterion of .3(b) shall be used in conjunction with the following sampling plan, or any other approved by the Department of Commerce that provides at least the equivalent level of fire safety to the consumer. Alternate sampling plans submitted for approval shall have operating characteristics such that the probability of unit acceptance at any percentage defective does not exceed the corresponding probability of unit acceptance of the following sampling plan in the region of the latter's operating characteristic curves that lies between 5 and 95 percent acceptance probability.

The size of a production unit of machine-made carpet or rugs shall not exceed 22,936 linear meters (25,000 linear yards) or 84,175

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square meters (100,000 square yards), whichever is greater, and in any event shall not exceed the quantity produced in 45 consecutive calendar days. The size of a production unit of handmade or hide carpet or rugs shall not exceed 8,418 square meters (10,000 square yards).

All carpet or rugs of the same quality whose manufacture is completed during production of a production unit shall be deemed to be members of that unit. Different colors and different print patterns of the same quality may be included in a single production unit, provided such colors and print patterns demonstrate flammability characteristics that are not significantly different from each other as determined by previous testing of three samples of eight specimens each taken from at least three pieces, rolls, individual carpet or rugs, or other natural aggregates of product, of each color and print pattern to be included in the unit.

Initial, normal, reduced, and tightened sampling shall be followed, as described in the following sections, for all machine-made carpet and rugs. For all handmade or hide carpet or rugs, all sampling shall be according to Initial Sampling only.

(b) *Sampling.* A unit is either accepted or rejected in accordance with the following plan:

(1) *Initial sampling.* From each production unit, select at random four items (pieces, rolls, individual carpet or rugs, or other natural aggregates of product). From the four selected items, cut sufficient material to provide 32 specimens (eight per item) for test. Assign two specimens from each item to each of four production unit samples. Test one production unit sample (eight specimens) in accordance with .5 Test procedure. If all eight specimens pass the test criterion of .3(b), accept the unit. If three or more individual specimens fail the test criterion of .3(b), reject the unit. If one or two individual specimens fail the test criterion of .3(b), test a second production unit sample of eight specimens as follows:

Test the second production unit sample in accordance with .5 Test procedure. If the total number of individual specimens (from both the first and second samples) failing the test criterion is one, accept the unit. If the total number of individual specimens (from both samples) failing the test criterion is four or more, reject the unit. If the total number of individual specimens (from both samples) failing the test criterion is two or three, test a third production unit sample of eight specimens as follows:

Test the third production unit sample in accordance with .5 Test procedure. If the total number of specimens (from the three samples) failing the test criterion is two, accept the unit. If the total number of specimens (from the three samples) failing the test criterion is four or more, reject the unit. If the total number of specimens (from the three samples) failing the test criterion is three, test a fourth production unit sample of eight specimens as follows:

Test the fourth production unit sample in accordance with .5 Test procedure. If the total number of specimens (from the four samples) failing the test criterion is three, accept the unit. If the total number of specimens (from the four samples) failing the test criterion is four or more, reject the unit.

(2) *Normal sampling.* Normal sampling may be initiated or resumed when five successive production units of the same quality have all been accepted under either initial or tightened sampling.

Normal sampling shall be the same as initial sampling except that:

(a) The quantity of carpet or rug under test may be increased to two production units of the same quality,

(b) Sixteen specimens shall be taken from each of two items selected at random,

(c) If more than one production unit is represented in the quantity under test, an equal number of specimens (16 each) shall be selected from each unit and each sample shall contain four specimens from each unit.

(d) If more than one production unit is represented in the quantity under test, the acceptance or rejection decision reached as a result of testing shall apply to both units, and

(e) Normal sampling shall be discontinued and tightened sampling commenced when a rejection occurs.

(3) *Reduced sampling.* Reduced sampling may be initiated or resumed when 10 successive production units of the same quality have all been accepted under normal sampling. Reduced sampling may be conducted in accordance with Option 1 or Option 2 below.

(a) *Reduced Sampling Option 1.* Reduced sampling under Option 1 shall be the same as initial sampling except that:

The quantity of carpet or rug under test may be increased to four production units of the same quality.

Sixteen specimens shall be taken from each of two items selected at random,

If more than one production unit is represented in the quantity under test, the first item shall be selected at random from these production units and the second item shall be selected at random from the units not containing the first item,

If more than one production unit is represented in the quantity under test, the acceptance or rejection decision reached as a result of testing shall apply to all units, and

Reduced sampling shall be discontinued and tightened sampling commenced when a rejection occurs.

(b) *Reduced Sampling Option 2.* Reduced sampling under Option 2 shall be the same as initial sampling except that:

The quantity of carpet or rug under test may be increased to two production units of the same quality.

Sixteen specimens shall be taken from each of two items selected from initial production of the first production unit represented in the quantity under test, the items being of different colors or print patterns if the quantity under test contains more than one color or print pattern.

If more than one production unit is represented in the quantity under test, the acceptance or rejection decision reached as a result of testing shall apply to both units, and

Reduced sampling shall be discontinued and tightened sampling commenced when a rejection occurs.

(4) *Tightened sampling.* Tightened sampling shall be the same as initial sampling. If tightened sampling remains in effect for 15 consecutive production units of a quality, production of that quality must be discontinued until that part of the process or component which is causing failure has been identified and the flammability characteristics of the end product have been improved.

(5) *Disposition of rejected units.* Carpet and rugs contained in production units that have been rejected, under sections (1), (2), (3), and (4) of this sampling plan, may be subjected to retesting without reworking in accordance with one of the options provided hereunder and/or reworking and retesting as prescribed below. The item definition used for purposes of sampling (piece, roll, individual carpet or rug, or other natural aggregates of product) shall be retained for these purposes.

(a) *Reworking and retesting.* A rejected production unit may be retested after all carpet and rugs contained therein are subjected to reprocessing or additional processing to improve the flammability characteristics. From the unit, select four items as follows:

Select all items that contributed failing specimens to the sample(s) employed in reaching the decision to reject the unit originally and that are present in the reworked unit;

Select additional items as required from among those items that contributed failing specimens to the sets of specimens employed in reaching decisions to reject subunits or items in retesting (without reworking) and that are present in the reworked unit;

Select at random additional items as required from among remaining items that are present in the reworked unit.

If the unit contains fewer than four items, select all items in the unit.

From the selected items, cut sufficient material to provide 24 specimens (equal numbers of specimens from all selected items) for test. Test 16 specimens (at least four from each selected item) in accordance with .5 Test procedure. If all 16 specimens pass the test criterion of .3(b), accept the unit. If two or more individual specimens fail the test criterion of .3(b), reject the unit. If one individual specimen fails the test criterion of .3(b), test the remaining eight specimens in accordance with .5 Test procedure. If all of the eight remaining specimens pass the test criterion of .3(b) accept the unit. If one or more of the eight remaining specimens fail the test criterion of .3(b), reject the unit.

A production unit rejected as a result of retesting following reworking shall not be subject to further reworking and retesting, but may be subjected to retesting in accordance with one of the options provided hereunder, provided that neither option has been previously exercised with respect to the rejected production unit from which the items contained in the reworked unit were obtained.

Carpet and rugs contained in a production unit rejected as a result of retesting following reworking shall not be eligible for further attempts at acceptance under this standard other than by means of one of the retesting options provided.

(b) *Retesting (without reworking) Option 1.* This option is not available when the item for sampling purposes has been defined as an individual carpet or rug. Items contained in a rejected production unit may be tested and accepted or rejected on an item-by-item basis according to the following plan:

From each item, cut sufficient material to provide 16 specimens. All specimens shall be obtained from the vicinity of the item boundary nearest to a specimen that failed in sampling, or eight specimens shall be obtained from the vicinity of each item boundary. Test all specimens in accordance with .5 Test procedure. If all 16 specimens pass the test criterion of .3(b), accept the item. If two or more specimens fail the test criterion of .3(b), reject the item. If one specimen fails the test criterion of .3(b), cut sufficient material to provide 16 additional specimens from any desired single location in the item. Test all additional specimens in accordance with .5 Test procedure. If all 16 additional specimens pass the test criterion of .3(b), accept that portion of the item that is not contained between the locations from which the failing (original) specimen and the additional specimens were obtained. If one or more specimens fail the test criterion of .3 (b), reject the item. Rejected items and rejected portions of items shall not be eligible for further attempts at acceptance under this standard. If retesting under this option is initiated and is abandoned before all items in a production unit have been retested, those items in that production unit that have not been retested and have not been reworked previously may be construed to comprise a rejected production unit for reworking and retesting in accordance with .4(b)(5)(a).

(c) *Retesting (without reworking) Option 2.* A rejected production unit may be subdivided into two or more subunits consisting of one or more items each. Such subdivision shall correspond to the time sequence of production of finished items or to differences in materials or process steps, such as dye lots, fiber sources, tufting machines, or rinsing operations, determined by the manufacturer's tests or analyses to constitute the probable cause of differences in flammability characteristics.

If the subdivision corresponds to the time sequence of production of finished items, each item from which one or more failing specimens were obtained in sampling shall constitute a boundary of a subunit. Subunits of a rejected production unit may be tested and their constituent items accepted or rejected according to the following plan:

From each subunit, select the two items at the boundaries of the subunit if the subdivision corresponds to the time sequence of production of finished items or select one item at random if the subdivision was made on any other basis. From the selected item(s), cut sufficient material to provide a total of 16 specimens from the subunit, an equal number of specimens being obtained from each item when two items have been selected. Test all specimens in accordance with .5 Test procedure. If all 16 specimens pass the test criterion of .3(b), accept the subunit. If two or more specimens fail the test criterion of .3(b), reject the subunit. If one specimen fails the test criterion of .3(b), individual items of the subunit may be accepted or rejected on an item-by-item basis as follows. From each item, cut sufficient material to provide a total of 16 specimens. Test all specimens in accordance with .5 Test procedure. If all 16 specimens pass the test criterion of .3(b), accept the item. If one or more specimens fail the test criterion of .3(b), reject the item.

Rejected items and rejected subunits from the same production unit that have not been reworked previously may be construed to comprise a rejected production unit for reworking and retesting in accordance with .4(b)(5)(a). Rejected items and rejected subunits that have been reworked previously or that are not reworked shall not be eligible for further attempts at acceptance under this standard.

(6) *Records.* Records of all unit sizes, test results, and the disposition of rejected units must be maintained by the manufacturer upon the effective date of this standard. Rules and regulations may be established by the Federal Trade Commission.

(7) *Compliance market sampling plan by FTC.* The FTC may submit, for approval by the Secretary of Commerce, sampling plans for use in market testing of items covered by this standard. For approval, such plans shall define noncompliance of a production unit to exist only when it is shown, with a high level of statistical confidence, those production units represented by tested items which fail such FTC plans will, in fact, fail this standard.

Production units found to be noncomplying under these provisions shall be deemed not to conform to this standard.

.5 *Test procedure*—(a) *Apparatus*—(1) *Test chamber.* The test chamber shall consist of an open top, hollow cube made of noncombustible material[1] with inside dimensions of 30.48±0.13×30.48±0.13×30.48±0.13 cm. (12±⅛×12±⅛×12+⅛ in.) and a minimum of 6.35 mm. (¼ in.) wall thickness. The flat bottom of the box shall be made of the same material as the sides and shall be easily removable. The sides shall be fastened together with screws or brackets and taped or otherwise suitably sealed to prevent air leakage into the box during use.

NOTE: A minimum of two chambers and two extra bottoms is suggested for efficient operation.

(2) *Flattening frame.* A steel plate, 22.86±0.64×22.86±0.64 cm. (9±¼×9±¼ in.), 6.35 mm. (¼ in.) thick (Commercial tolerances) with a 20.32±0.02 cm. (8±1/64 in.) diameter hole in its center is required to hold the carpet or rug flat during the course of the test. It is recommended that one be provided for each test chamber.

(3) *Standard igniting source.* No. 1588 methenamine timed burning tablet or an equal tablet. These tablets shall be stored in a desiccator over a desiccant for 24 hours prior to use. (Small quantities of sorbed water may cause the tablets to fracture when first ignited. If a major fracture occurs, any results from that test shall be ignored, and it shall be repeated.)

(4) *Test specimens.* Each test specimen shall be a 22.86±0.64×22.86±0.64 cm. (9±¼×9±¼ in.) section of the carpet or rug to be tested.

(5) *Circulating air oven.* A vented forced circulation drying oven capable of removing the moisture from the specimens when maintained at 105±2.8° C. (221±5° F.) for 2 hours.[2]

(6) *Desiccating cabinet.* An airtight and moisture-tight cabinet capable of holding the floor covering specimens horizontally or vertically without contacting each other during the cooling period after drying, and containing silica gel desiccant with an indicator. Replace or reactivate the desiccant when it becomes inactive.

(7) *Gloves.* Nonhygroscopic gloves (such as rubber or polyethylene) for handling the sample after drying, and raising the pile on specimens prior to testing.

(8) *Hood.* A hood capable of being closed and having its draft turned off during each test and capable of rapidly removing the products of combustion following each test. The front or sides of the hood should be transparent to permit observation of the tests in progress.

(9) *Mirror.* A small mirror may be mounted above each test chamber at an angle to permit observation of the specimen from outside the hood.

(10) *Vacuum cleaner.* A vacuum cleaner to remove all loose material from each specimen prior to conditioning. All surfaces of the vacuum cleaner contacting the specimen shall be flat and smooth.

(b) *Specimens*—(1) *Selection of specimens.* After selection of the test items as specified in .4 *Sampling and acceptance procedures*, select a sample of each item large enough to cut the required specimens, free from creases, fold marks, delaminations, or other distortions. The test specimens should contain the most flammable parts of the traffic surface at their centers. The most flammable area may be determined on the basis of experience or through pretesting.

(2) *Cutting.* Cut 22.86±0.64 cm. (9±¼ in.) square specimens of each carpet or rug to be tested to comply with .4 *Sampling and acceptance procedures.*

(c) *Conditioning.* Clean each specimen with the vacuum cleaner until it is free of all loose ends left during the manufacturing process and from any material that may have been worked into the pile during handling.[3] Care must be exercised to avoid "fuzzing" of the pile yarn.

Place the specimens in the drying oven in a manner that will permit free circulation of the air at 105±2.8° C. (221±5° F.) around them for 2 hours.[4] Remove the specimens from the oven with gloved hands and place them horizontally in the desiccator with traffic surface up or vertically and free from contact with each other until cooled to room temperature, but in no instance less than 1 hour.

No more than 16 specimens shall be in the desiccator at one time.

(d) *Testing.* Place the test chamber in the draft-protected environment (hood with draft off) with its bottom in place. Wearing gloves, remove a test specimen from the desiccator and brush its surface with a gloved hand in such a manner as to raise its pile. Place the specimen on the center of the floor of the test chamber, traffic surface up, exercising care that the specimen is horizontal and flat. Place the flattening frame on the specimen and position a methenamine tablet on one of its flat sides in the center of the 20.32±0.02 cm. (8±1/64 in.) hole.

Ignite the tablet by touching a lighted match or an equivalent igniting source carefully to its top. Close the hood door.[5] If more than 2 minutes elapse between the removal of the specimen from the desiccator and the ignition of the tablet, the conditioning must be repeated.

Continue each test until one of the following conditions occurs:

(1) The last vestige of flame or glow disappears. (This is frequently accompanied by a final puff of smoke.)

(2) The flaming or smoldering has approached within 2.54 cm. (1 in.) of the edge of the hole in the flattening frame at any point.

When all combustion has ceased, ventilate the hood and measure the shortest distance between the edge of the hole in the flattening frame and the charred area. Record the distance measured for each specimen.

Remove the specimen from the chamber and remove any burn residue from the floor of the chamber. Before proceeding to the next test, the floor must be cooled to normal

[1] Cement asbestos board is a suitable material.

[2] Option 1 of ASTM D 2654–67T, "Methods of Test for Amount of Moisture in Textile Materials," describes a satisfactory oven. ("1969 Book of ASTM Standards," Part 24, published by the American Society for Testing and Materials, 1916 Race Street, Philadelphia, PA 19103.)

[3] The vacuum cleaning described is not intended to simulate the effects of repeated vacuum cleaning in service.

[4] If the specimens are moist when received, permit them to air-dry at laboratory conditions prior to placement in the oven. A satisfactory preconditioning procedure may be found in ASTM D 1776–67, "Conditioning Textiles and Textile Products for Testing." ("1969 Book of ASTM Standards", Part 24, published by the American Society for Testing and Materials, 1916 Race Street, Philadelphia, PA 19103.)

[5] To provide a draft-protected environment while avoiding the possibility of oxygen starvation, presence of an adequate oxygen supply during the test must be insured. Small hoods should be louvered to permit entry of air during the test, or alternatively the hood door may be left open not in excess of 6 inches. In the event the hood door is left open, precautions must also be taken to insure that other sources of air movement in the laboratory which might create drafts in the test chamber are minimized.

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room temperature or replaced with one that is at normal room temperature.

(e) *Laundering.* If the carpet or rug has had a fire-retardant treatment, or is made of fibers which have a fire-retardant treatment, the selected sample or oversized specimens thereof shall be washed, prior to cutting of test specimens, either 10 times under the washing and drying procedure prescribed in Method 124–1967 of the American Association of Textile Chemists and Colorists [washing procedure 6.2 (III) with a water temperature of 60±2.8° C. (140±5° F.) drying procedure 6.3.2(B), maximum load 3.64 kg. (8 pounds)][*], or such number of times under such other washing and drying procedure as shall previously have been found to be equivalent by the Federal Trade Commission. Alternatively, the selected sample or oversized specimens thereof may be washed, dry cleaned, or shampooed 10 times, prior to cutting of test specimens, in such manner as the manufacturer or other interested party shall previously have established to the satisfaction of the Federal Trade Commission is normally used for that type of carpet or rug in service. Under the rules and regulations which may be established by the Federal Trade Commission, the laundry requirement may be modified or waived by FTC where it is shown that laundering does not affect the flame-retardant treatment.

.6 *Labeling requirements.* If the carpet or rug has had a fire-retardant treatment or is made of fibers which have had a fire-retardant treatment, it shall be labeled with the letter "T" pursuant to conditions established by the Federal Trade Commission.

[FR Doc.73-4260 Filed 3-2-73;10:40 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[FAP 1B2682]

ALLIED COLLOIDS, INC.

Withdrawal of Petition for Food Additives

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409 (b), 72 Stat. 1786); 21 U.S.C. 348(b)), the following notice is issued:

In accordance with § 121.52 *Withdrawal of petitions without prejudice* of the procedural food additive regulations (21 CFR 121.52), Allied Colloids, Inc., 1 Robinson Lane, Ridgewood, NJ 07450, has withdrawn its petition (FAP 1B2682), notice of which was published in the FEDERAL REGISTER of June 29, 1971 (36 FR 12246), proposing that § 121.2526 *Components of paper and paperboard in contact with aqueous and fatty foods* (21 CFR 121.2526) be amended to provide for the safe use of sodium polyacrylate as a dispersant of pigments used in the manufacture of paper and paperboard for contact with aqueous and fatty foods.

Dated: February 26, 1973.

VIRGIL O. WODICKA,
Director, Bureau of Foods.

[FR Doc.73-4332 Filed 3-6-73;8:45 am]

[*] Technical Manual of the American Association of Textile Chemists and Colorists, Vol. 45, 1969, published by AATCC, Post Office Box 12215, Research Triangle Park, NC 27709.

[Docket No. FDC-D-589; NADA No. 30-704V]

BEECHAM-MASSENGILL PHARMACEUTICALS

Daribiotic Improved; Notice of Withdrawal of Approval of New Animal Drug Application

Beecham-Massengill Pharmaceuticals, Division of Beecham, Inc., Bristol, Tenn. 37620 was informed that the Commissioner of Food and Drugs proposed to issue an order under the provisions of section 512(e) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360b(3)) withdrawing approval of NADA (new animal drug application) No. 30-704V with respect to the use of Daribiotic Improved. The drug is administered by intramammary infusion to cows for the treatment and prevention of acute or chronic mastitis; each 25 cc. dose contains 200 milligrams of neomycin sulfate (equivalent to 140 milligrams of standard neomycin base) and 50,000 units of polymyxin B sulfate in an aqueous milk-miscible base. Labeling includes a statement that milk taken from animals during treatment and within 72 hours (6 milkings) after treatment not be used for food.

The Commissioner, on the basis of new information before him with respect to such drug evaluated together with the evidence available to him when the application was approved, concludes that the drug is not shown to be safe under the conditions of use upon the basis of which the application was approved.

Information available to the Commissioner has established that residues of neomycin exceeding the tolerance of 0.15 part per million (negligible residue provided by 21 CFR 135g.25) are present in milk taken from animals in which the drug has been used as directed in the labeling. Available evidence also established that residues of neomycin are present 120 hours following treatment. Section 135.103 (21 CFR 135.103), which provides for label requirements for new animal drugs intended for intramammary use in milk-producing animals, limits the maximum milk discard period to 96 hours. Accordingly, there cannot be approved for the subject drug labeling which would ensure the absence of neomycin residues in milk when the drug is labeled for use in lactating animals.

Beecham-Massengill Pharmaceuticals upon being informed of the Commissioner's intent to issue a notice of opportunity for a hearing proposing issuance of an order to withdraw approval of the subject new animal drug application waived the right to such a hearing and requested that the application be withdrawn.

Based on the firm's request and the findings set forth above, the Commissioner concludes that approval of new animal drug application No. 30-704V should be withdrawn. Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 512(e), 82 Stat. 345-47; 21 U.S.C. 360b(e)) and under the authority delegated to the Commissioner (21 CFR 2.120), approval of new animal drug application No. 30-704V including all amendments and supplements thereto is hereby withdrawn effective on February 26, 1973.

Dated: February 26, 1973.

WILLIAM F. RANDOLPH,
Acting Associate Commissioner for Compliance.

[FR Doc.73-4326 Filed 3-6-73;8:45 am]

[GRASP 2G0005]

FISHER, CHRISTEN, AND SABOL

Notice of Filing of Petition for Affirmation of GRAS Status

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 201(s), 409, 701(a), 52 Stat. 1055, 72 Stat. 1784–1786; 21 U.S.C. 321(s), 348, 371(a)) and the regulations for affirmation of GRAS status (21 CFR 121.40), published in the FEDERAL REGISTER of December 2, 1972 (37 FR 25705), notice is given that a petition (GRASP 2G0005) has been filed by Fisher, Christen, and Sabol, Suite 507–511, 1000 Connecticut Avenue NW., Washington, DC 20036, and placed on public display at the office of the Hearing Clerk, Food and Drug Administration, proposing affirmation that magnesium acetate (350 mg. magnesium per 40 fluid ounces) and zinc acetate (10 mg. zinc per 40 fluid ounces) used in a vitamin—mineral food supplement, are generally recognized as safe (GRAS).

Interested persons may, on or before May 7, 1973, review the petition and/or file comments (preferably in quintuplicate) with the Hearing Clerk, Department of Health, Education, and Welfare, Food and Drug Administration, Room 6–88, 5600 Fishers Lane, Rockville, MD 20852. Comments should include any available information that would be helpful in determining whether the substance is, or is not, generally recognized as safe. A copy of the petition and received comments may be seen in the office of the Hearing Clerk, address given above, during working hours, Monday through Friday.

Dated: February 25, 1973.

VIRGIL O. WODICKA,
Director, Bureau of Foods.

[FR Doc.73-4327 Filed 3-6-73;8:45 am]

[GRASP 3G0010]

FOREMOST-McKESSON, INC.

Notice of Filing of Petition for Affirmation of GRAS Status

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 201(s), 409, 701(a), 52 Stat. 1055, 72 Stat. 1784–1786; 21 U.S.C. 321(s), 348, 371(a)) and the regulations for affirmation of GRAS status (21 CFR 121.40), published in the FEDERAL REGISTER of December 2, 1972 (37 FR 25705), notice is given that a petition (GRASP 3G0010) has been filed by Foremost-McKesson, Inc., Crocker Plaza, One Post Street, San Francisco, CA 94104, and placed on public display at the office of the Hearing Clerk, Food and Drug Administration, proposing affirmation that addition of 1-cysteine to yeast-leavened bakery products at a level not to exceed 0.009 part for each 100 parts flour for reducing fermentation time and improving the dough is generally recognized as safe (GRAS) for use in food.

Interested persons may, on or before May 7, 1973, review the petition and/or file comments (preferably in quintuplicate) with the Hearing Clerk, Department of Health, Education, and Welfare, Food and Drug Administration, Room 6–88, 5600 Fishers Lane, Rockville, MD 20852. Comments should include any available information that would be helpful in determining whether the substance is, or is not, generally recognized as safe. A copy of the petition and received comments may be seen in the office of the Hearing Clerk, address given above, during working hours, Monday through Friday.

Dated: February 25, 1973.

VIRGIL O. WODICKA,
Director, Bureau of Foods.

[FR Doc.73-4328 Filed 3-6-73;8:45 am]

[GRASP 3G0011]

FOREMOST-McKESSON, INC.

Filing of Petition for Affirmation of GRAS Status

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 201(s), 409, 701(a), 52 Stat. 1055, 72 Stat. 1784–1786; 21 U.S.C. 321(s), 348, 371(a)) and the regulations for affirmation of GRAS status (21 CFR 121.40), published in the FEDERAL REGISTER of December 2, 1972 (37 FR 25705), notice is given that a petition (GRASP 3G0011) has been filed by Foremost-McKesson, Inc., Crocker Plaza, One Post Street, San Francisco, CA 94104, and placed on public display at the office of the Hearing Clerk, Food and Drug Administration, proposing affirmation that whey fractions consisting of demineralized whey, delactosed whey, and demineralized-delactosed whey used in food products are generally recognized as safe (GRAS) for use in food.

Interested persons may, on or before May 7, 1973, review the petition and/or file comments (preferably in quintuplicate) with the Hearing Clerk, Department of Health, Education, and Welfare, Food and Drug Administration, Room 6–88, 5600 Fishers Lane, Rockville, MD 20852. Comments should include any available information that would be helpful in determining whether the substance is, or is not, generally recognized as safe. A copy of the petition and received comments may be seen in the office of the Hearing Clerk, address given above, during working hours, Monday through Friday.

Dated: February 25, 1973.

VIRGIL O. WODICKA,
Director, Bureau of Foods.

[FR Doc.73-4329 Filed 3-6-73;8:45 am]

[FAP 3B2878]

HAZLETON LABORATORIES, INC.

Filing of Petition for Food Additive

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition (FAP 3B2878) has been filed by Hazleton Laboratories, Inc., 9200 Leesburg Turnpike, Vienna, VA 22180, proposing that § 121.2520 *Adhesives* (21 CFR 121.2520) be amended to provide for the safe use of trisnonyl phenyl phosphite/formal dehyde polymer as a stabilizer in food-packaging adhesives.

Dated: February 26, 1973.

VIRGIL O. WODICKA,
Director, Bureau of Foods.

[FR Doc.73-4333 Filed 3-6-73;8:45 am]

[GRASP 2G0004]

OLIN CHEMICALS

Filing of Petition for Affirmation of GRAS Status

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 201(s), 409, 701(a), 52 Stat. 1055, 72 Stat. 1784–1786; 21 U.S.C. 321(s), 348, 371(a)) and the regulations for affirmation of GRAS status (21 CFR 121.40), published in the FEDERAL REGISTER of December 2, 1972 (37 FR 25705), notice is given that a petition (GRASP 2G0004) has been filed by Olin Chemicals, 120 Long Ridge Road, Stamford, CT 06904, and placed on public display at the office of the Hearing Clerk, Food and Drug Administration, proposing affirmation that 0.5 p.p.m. calcium hypochlorite used in live oyster-conditioning water is generally recognized as safe (GRAS).

Interested persons may, on or before May 7, 1973, review the petition and/or file comments (preferably in quintuplicate) with the Hearing Clerk, Department of Health, Education, and Welfare, Food and Drug Administration, Room 6–88, 5600 Fishers Lane, Rockville, MD 20852. Comments should include any available information that would be helpful in determining whether the substance is, or is not, generally recognized as safe. A copy of the petition and received comments may be seen in the office of the Hearing Clerk, address given above, during working hours, Monday through Friday.

Dated: February 25, 1973.

VIRGIL O. WODICKA,
Director, Bureau of Foods.

[FR Doc.73-4330 Filed 3-6-73;8:45 am]

[Docket No. FDC-D-607; NADA No. 8-689V]

PFIZER, INC.

Oxytetracycline With or Without Vitamin A; Withdrawal of Approval of New Animal Drug Application

In the FEDERAL REGISTER of August 25, 1970 (35 FR 13542, DESI 8689B), the Commissioner of Food and Drugs announced the conclusions of the Food and Drug Administration following evaluation of a report received from the National Academy of Sciences—National Research Council, Drug Efficacy Study Group on Terramycin Animal Formula Tablets and Terramycin Bolus with Vitaman A, new animal drug application (NADA) No. 8-689V; marketed by Pfizer, Inc., 235 East 42d Street, New York, NY 10017.

Pfizer, Inc., responded to the announcement by waiving an opportunity for a hearing and requesting that approval of NADA No. 8-689V be withdrawn.

Based on the grounds set forth in said announcement and the firm's response, the Commissioner concludes that approval of said new animal drug application should be withdrawn. Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 512, 82 Stat. 343–351; 21 U.S.C. 360(b) and under authority delegated to the Commissioner (21 CFR 2.120), approval of NADA No. 8-689V, including all amendments and supplements thereto, is hereby withdrawn effective on March 7, 1973.

Dated: February 23, 1973.

WILLIAM F. RANDOLPH,
Acting Associated Commissioner for Compliance.

[FR Doc.73-4331 Filed 3-6-73;8:45 am]

Food and Drug Administration

[Docket No. FDC-D-448; NDA 5-933; DESI-5933]

COOPER LABORATORIES, INC.

Bistrimate; Final Order on Objections and Request for a Hearing Regarding Withdrawal of Approval of New Drug Application

In an announcement published in the FEDERAL REGISTER of August 25, 1970 (35 FR 13541), the Commissioner of Food and Drugs announced his conclusions pursuant to the evaluation of a report received from the National Academy of Sciences-National Research Council, Drug Efficacy Study Group, on Bistrimate Tablets (NDA 5-933) containing bismuth sodium triglycollamate. The holder of the new drug application at that time was Smith, Miller and Patch, Inc., 401 Joyce Kilmer Avenue, New Brunswick, New Jersey 08902. The present holder of the new drug application is Cooper Laboratories, Inc., 2900 North 17th Street, Philadelphia, Pennsylvania 19132.

The announcement stated that there is a lack of substantial evidence that the drug Bistrimate is effective for its labeled indications, and that the Commissioner intended to initiate proceedings to withdraw approval of the new drug application for the drug. Interested persons were invited to submit any pertinent data bearing on the proposal within 30 days following publication of the announcement. Material submitted

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by Smith, Miller and Patch in response to the announcement was reviewed and found not to provide substantial evidence of effectiveness.

As a result of this review, on September 13, 1971, Smith, Miller and Patch, Inc., was notified by letter that the Commissioner intended to initiate proceedings to withdraw approval of the new drug application.

Subsequently, on June 6, 1972, there was published in the FEDERAL REGISTER (37 FR 11284), a notice to Smith, Miller and Patch, Inc., holder of NDA 5–933 for Bistrimate Tablets, and to any interested person who may be adversely affected, that the Commissioner of Food and Drugs proposed to issue an order withdrawing approval of said application, and all amendments and supplements thereto, on the ground that new information before him with respect to the drug, evaluated together with the evidence available to him when the application was approved, shows there is a lack of substantial evidence that the drug will have the effect it purports or is represented to have under the conditions of use prescribed, recommended, or suggested in the labeling. The notice provided an opportunity for hearing on withdrawal of the new drug application for Bistrimate (NDA 5–933). Thirty days were allowed for filing a written appearance requesting a hearing by the applicant or any interested person who would be adversely affected by an order withdrawing approval of the application, giving the reasons why approval of the new drug application should not be withdrawn, together with a well-organized and full-factual analysis of the clinical and other investigational data they were prepared to prove in support of their opposition.

On July 5, 1972, a written appearance and request for a hearing was submitted by Cooper Laboratories, Inc., the current holder of the new drug application (NDA 5–933). Submitted with the request was a statement of grounds including the medical documentation relied upon, legal arguments, and an affidavit.

The medical presentation of Cooper Laboratories, Inc., has been considered, and the Commissioner of Food and Drugs concludes that there is no genuine and substantial issue of fact requiring a hearing and that the legal arguments offered are insubstantial, all as explained in more detail below.

I. *The drug.* Bistrimate is the sodium bismuth salt of triglycollamic acid combined with three equivalents of disodium triglycollamate to form a double salt-like compound. It contains 18.3 percent metallic bismuth.

II. *Recommended uses.* Bistrimate is a prescription drug recommended for use in treatment of chronic sore throat and syphilis. It is recommended for administration in tablets equivalent to 75 mgs. of metallic bismuth each. The administration of two tablets three times a day is recommended, but it is cautioned that care be exercised, and that the drug be taken only as prescribed.

III. *Medical documentation to support claims of effectiveness.* In response to the notice, Cooper Laboratories, Inc., has submitted an affidavit and several literature reprints. None of this submission concerns or refers to the effectiveness of Bistrimate as a treatment for chronic sore throat. No evidence whatever has been submitted that Bistrimate is effective for the treatment of chronic sore throat. Previously, on January 22, 1971, the holder of the new drug application (Smith, Miller and Patch, Inc.), informed the Commissioner by letter that it would not be opposed to deleting chronic sore throat as an indication for Bistrimate.

A. *The affidavit.* Included as a part of the July 5, 1972 submission, is the affidavit of Dr. Herbert J. Spoor, a physician who has prescribed Bistrimate for syphilis and has found it to be effective for this condition. Dr. Spoor's affidavit states that it is his opinion that Bistrimate is an effective treatment for syphilis. He makes no reference to any adequate and well-controlled clinical investigations having been conducted to support his opinion, but relies only upon general clinical experience to justify his conclusion.

Of the 45 articles authored or coauthored by Dr. Spoor, cited in the bibliography attached to the affidavit, none deal with syphilis or any form of bismuth treatment.

In addition to his affidavit, Dr. Spoor had a meeting with representatives of the Food and Drug Administration on February 9, 1971, to discuss Bistrimate. At that time, Dr. Spoor told the Food and Drug Administration personnel about a group of patients treated at the New York Eye-Ear Infirmary Syphilis Clinic between 1967–70. His report of that treatment consisted of a list of patients who had a positive serologic test for syphilis and were treated with a variety of drugs; no controls of any kind were employed in this group of patients. In addition, only six of 136 patients were treated with bismuth tablets. Of those patients, according to Dr. Spoor's summary sheet which was supplied to the FDA, the results were: "Claims improvement "1; "Not known "2; "Improved? "1; "No change "1; "Still not happy "1. The efficacy of Bistrimate cannot be evaluated on the basis of these six patients. Moreover, this is the only specific basis the Commissioner has been given to support Dr. Spoor's opinion that Bistrimate is effective in the treatment of syphilis. It does not constitute substantial evidence of efficacy.

B. *Four cited articles.* Cooper submitted reprints of four articles which it contends establish Bistrimate's effectiveness. The Commissioner has reviewed these articles and concludes that none of these constitute substantial evidence of efficacy, as follows:

1. Elmer R. Gross, M.D., and James K. Howles, M.D., "Non Specific Treatment of Dermatoses and Adjunctive Therapy of Syphilis with Oral Sodium Bismuth Triglycollamate." This is the text of an unpublished paper read before an American Medical Association section meeting in 1947. It is a report of the treatment of 354 patients with a variety of dermatoses (lupus erythematosus, scleroderma, lupus vulgaris, alopecia areata, etc.). There were no controls. Of the 354 patients, 222 with syphilis in various stages were treated with Bistrimate, 450 mg. daily, for periods up to 6 months. There were various treatment regimes used throughout the study. Some patients received other medications including penicillin. The criterion used by the authors was inappropriate in that they state that "for clinical purposes, patients demonstrating visible lesions are the best index of therapeutic response." This is a poor index of infection. At that time, and now, it is known that visible syphilitic lesions disappear without any treatment, although the disease continues (William Boyd, "Textbook of Pathology," 5th ed., p. 174–8 Phila., 1947). Apparently the only patients in whom serological (i.e., blood) testing was used to evaluate response were those who received both penicillin and Bistrimate.

The authors conclude that Bistrimate is the drug of choice in patients who have had major arsenical reaction, or in patients whose physical status precludes the use of arsenic. They find Bistrimate useful where parenteral bismuth therapy produced local reactions, or in geriatric syphilology where passive specific therapy is indicated. However, it is difficult to tell from the paper what percentage of patients were believed to have benefited from Bistrimate. No individual case reports are described in any detail whatever. The authors themselves realized that their conclusions were "a bit premature" and that the series was a small one.

This paper is not an adequate and well-controlled clinical study. Specifically, it fails to meet the statutory requirement as spelled out in 21 CFR 130.12(a)(5).

2. Arthur C. DeGraff, M.D. et al., "Report on the Pharmacology and Toxicology of Bistrimate" (1946). This unpublished paper consists of five parts: Part 1 relates to acute toxicity of Bistrimate in experimental animals; part 2 relates to chronic toxicity in experimental animals; part 3 concerns the urinary excretion of bismuth following administration of Bistrimate in man; part 4 concerns the effect of Bistrimate on blood clotting time; and part 5 is a report of five case histories of treatment of patients with syphilis using Bistrimate.

This paper contains no human clinical documentation of effectiveness for syphilis. The vast majority of it deals with nonpertinent data compiled from administration to animals.

The only section of the paper which is at all pertinent to the efficacy of Bistrimate on humans is a report of five case histories of treatment of patients with syphilis using the drug. No definite conclusions can be made regarding the efficacy of oral Bistrimate from only case reports without controls. Dosages of Bistrimate varied among the five patients, as did duration of administration. No statistically valid conclusion could be

drawn from this small a study, and the report itself admits that the group is small. This report does not contain any adequate and well-controlled clinical studies. Specifically, the five case histories fail to meet the criteria set forth at 21 CFR 130.12(a)(5).

3. Arthur C. DeGraff, M.D., and Robert A. Lehman, Ph. D. "Oral Sodium Bismuth Triglycollamate in the Treatment of Syphilis." This is an unpublished paper which was apparently written in 1946. Included in this paper is a short description of animal toxicity studies.

The authors state that Bistrimate was given three times daily to 13 subjects at various dosage levels for a period from 1 to 16 weeks. Twenty-four hour urine specimens were analyzed for bismuth and examined for evidence of renal irritation. The authors used a daily excretion of at least 2 mgs. of bismuth in a 24-hour specimen as an "adequate excretion level." The authors point out that some subjects achieved this level, some did not.

The authors describe two patients treated with Bistrimate, one with primary syphilis, the other with multiple gummata of late syphilis. The authors made no attempt to conduct an adequate and well-controlled investigation and do not represent their report to be one. These two patients were among the five previously discussed in Dr. DeGraff's "Report on the Pharmacology and Toxicology of Bistrimate." The entire study was totally uncontrolled. In the first patient the chancre improved after 29 days, but there is no indication that the drug was responsible, since, as earlier stated, chancres heal without treatment although the disease may continue. Further, the paper is not explicit on whether the positive serologic test was repeated or not. In the second patient, similarly uncontrolled, the gummata are reported improved but again, since the serology was not repeated it cannot be concluded that the treatment with Bistrimate had any effect.

4. Elmer R. Gross, M.D. and Carroll S. Wright, M.D., "Bistrimate in Dermatology and Syphilogy." This is an unpublished article which was apparently written in 1945. Of the 34 cases in the study, Bistrimate was not the only drug given in 26. The authors pointed out that in these 26 cases "Bistrimate was given only simultaneously with other therapy and hence cannot be used to judge therapeutic efficacy." In the eight cases where Bistrimate was administered alone it was administered alone only during the first period of treatment. Thereafter, additional therapy was used in conjunction with the Bistrimate treatment. With the eight cases where Bistrimate was initially used alone to treat syphilis, it is not possible to evaluate the therapeutic efficacy of the drug because there had not been sufficient time for followup at the time of the writing of the paper. No subsequent article has been submitted by Cooper. Although the lesions cleared up during the period of treatment, there may have been subsequent relapses, when the treatment was discontinued. Further, as previously discussed, lesions will clear up without treatment. In addition, in seven out of the 34 patients, there were symptoms definitely referable to bismuth intoxication. There were no controls used in treating the patients in this report.

These studies are not adequate and are not well-controlled investigations in accordance with the statutory requirements, as set forth in 21 CFR 130.12(a)(5). No plan or protocol for any of the studies, or the report of the results of the effectiveness of Bistrimate in any of the studies provide adequate assurance that the subjects were always suitable for the purposes of the study [(ii)(a)(2)(i)], or that the subjects were assigned to test groups in such a way as to minimize bias [(ii)(a)(2)(ii)], or that comparability or pertinent variables in test and control groups were assured [(ii)(a)(2)(iii)]. Furthermore, these studies do not adequately explain the methods of observation of subjects and recording of results [(ii)(a)(3)]. They fail to provide a comparison of the results of treatment or diagnosis with a control in such a fashion as to permit quantitative evaluation. No controls were employed [(ii)(a)(4)]. Finally, the summaries of the methods of analysis and evaluation of data derived from the studies, including appropriate statistical methods are inadequate [(ii)(a)(5)]. The most that may be said of these studies is that they are merely clinical impressions.

IV. *Legal arguments.* Cooper contends that Bistrimate is not a new drug, relying on long usage of bismuth to make the product "not a new drug." However, no evidence is presented to establish that Bistrimate is not a new drug within the meaning of the statute.

Cooper states that Bistrimate was once listed as effective by a number of medical texts. It is now indisputable that the product is not regarded as effective. There is no mention of Bistrimate in the publication of the American Medical Association's Council on Drugs, "Drug Evaluations—1971." Nor is it listed in any of the official drug compendia. A leading medical text, Goodman and Gilman, "The Pharmacological Basis of Therapeutics" (3d ed. 1965) states that it is difficult to justify the use of bismuth in any of its forms, and the current fourth edition (1970) states that "Although it was the last of the group V metals to be introduced into medicine (1785), it should be the first to be abandoned, since there is little reason to recommend its continuance in a modern therapeutic armamentarium." Moreover, because of its ineffaciousness with respect to treatment of syphilis, Bistrimate is not only a hazard to the diseased patient who is denied proper treatment; it constitutes a public health hazard, for that patient may infect others.

Finally, it is immaterial whether Bistrimate was generally recognized as safe on October 10, 1962. The Drug Amendments of 1962 require that every drug which was the subject of an NDA between 1938 and 1962 is required to be proven effective for its labeled uses. 76 Stat. 780, 788–789; USV Pharmaceutical Corp. v. Richardson, 461 F. 2d 223 (C.A. 4, 1972); Hynson, Wescott and Dunning, Inc. v. Richardson, 461 F.2d 215 (C.A. 4, 1972). Because Bistrimate was the subject of an NDA during that period of time, the act requires that it be shown by Cooper to be effective for its claimed uses. Pfizer, Inc. v. Richardson, 434 F.2d 536 (C.A. 2, 1970; Upjohn Co. v. Finch, 422 F.2d 944 (C.A. 6, 1970); Pharmaceutical Manufacturers Association v. Richardson, 318 F. Supp. 301 (D. Del., 1970).

Cooper's contentions that the Commissioner has no authority to establish criteria for adequate and well-controlled clinical investigations necessary to demonstrate effectiveness of drug products on the market, and to condition the holding on an evidentiary hearing on a showing that reasonable grounds exist therefore, have been ruled upon adversely to the firm. Diamond Laboratories, Inc., v. Richardson, 452 F. 2d 803 (C.A. 8, 1972); Ciba-Geigy Corp. v. Richardson, 446 F. 2d 466 (C.A. 2, 1971); Pfizer, Inc. v. Richardson, supra; Upjohn v. Finch, supra; Pharmaceutical Manufacturers Association v. Richardson, supra. Thus, the objections of Cooper on these grounds are unfounded.

V. *Findings.* The Commissioner, based on the information before him and a review of the medical documentation, affidavit, and legal arguments offered to support the claims of effectiveness for Bistrimate, finds that there is a lack of substantial evidence that Bistrimate has the effect it purports or is represented to have under the conditions of use prescribed, recommended, or suggested in its labeling, that the legal arguments are insubstantial, and that Cooper Laboratories, Inc. has failed to set forth specific facts showing that there is a genuine and substantial issue of fact requiring a hearing.

The Commissioner finds that no evidence whatever has been submitted regarding the effectiveness of Bistrimate for chronic sore throat, and thus it cannot be found to be effective for this indication. The evidence submitted to support effectiveness is wholly lacking in both quantity and quality, and does not even purport to meet the statutory standard of substantial evidence of effectiveness.

The Commissioner further finds that, because Bistrimate has not been shown to be effective in the treatment of syphilis, it permits a contagious patient to continue to transmit venereal disease. Bistrimate is thus a public health hazard in that its use exposes the public to needless risk of disease. Therefore, the new drug application heretofore approved for Bistrimate (NDA 5–933) is hereby withdrawn on the basis of a lack of substantial evidence of effectiveness and the public health hazard such ineffectiveness creates.

Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (secs. 505, 701, 52 Stat. 1052–1053, 1055–1056, as amended, and 76 Stat. 781–785, as amended; 21 U.S.C. 355, 371),

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and under authority delegated to the Commissioner (21 CFR 2.120), the request for an evidentiary hearing is denied. Notice is given that the approval of the new drug application for Bistrimate (NDA 5-933) and all amendments and supplements thereto is withdrawn effective on March 7, 1973.

Dated: March 2, 1973.

WILLIAM F. RANDOLPH,
Acting Associate Commissioner for Compliance.

[FR Doc.73-4447 Filed 3-6-73;8:45 am]

[DESI 10240; Docket No. FDC-D-273, NDA 12-718]

MESULFIN TABLETS

Final Order on Objections and Request for a Hearing Regarding Withdrawal of Approval of New-Drug Application

In the FEDERAL REGISTER of September 27, 1969 (34 FR 14907), the Food and Drug Administration announced its evaluation of a report received from the National Academy of Sciences-National Research Council, Drug Efficacy Study Group, on the preparation Mesulfin tablets, containing 250 milligrams sulfamethizole and 250 milligrams methenemine mandelate per tablet; Ayerst Laboratories, 685 Third Avenue, New York, NY 10017 (NDA 12-781; DESI 10240).

The announcement stated the conclusion of the Food and Drug Administration that on an overall basis there is a lack of substantial evidence that the drug will have the effect it purports to have or is recommended to have. The Commissioner further stated that he intended to initiate proceedings to withdraw NDA 12-718. However, before initiating such proceedings, the holder of the new drug application was invited to submit, within 30 days of the date of publication of the announcement in the FEDERAL REGISTER, any pertinent data bearing on the proposal. The Commissioner stated he would only consider well-organized material consisting of adequate and well-controlled studies bearing on the efficacy of Mesulfin tablets that had not previously been submitted. On October 27, 1969, Ayerst Laboratories submitted information concerning Mesulfin tablets to the FDA. The information received (discussed below) together with information previously available, did not provide substantial evidence of effectiveness of the drug for use in man for the conditions for which it is recommended in its labeling.

A notice was thereafter published in the FEDERAL REGISTER of February 18, 1971 (36 FR 3146), which provided an opportunity for hearing on withdrawal of the new drug application for Mesulfin tablets (NDA 12-718). Thirty days were allowed for filing a written appearance requesting a hearing by an interested person, giving the reasons why approval of the new drug application should not be withdrawn, together with a well-organized and full factual analysis of the clinical and other investigational data they were prepared to prove in support thereof.

On March 15, 1971, American Home Products Corp., on behalf of Ayerst Laboratories, Inc., requested an extension of time to respond to the notice, and also requested the Commissioner, pursuant to 21 CFR 130.14(a), to explain the reasons for his actions, enumerating six particular inquiries. By letter of March 24, 1971, an extension of time to April 6, 1971, was granted and a full explanation of the basis for the Commissioner's action was provided.

On April 6, 1971, American Home Products filed a response which consisted of a request for a hearing and written notice of appearance, including a statement of reasons why the firm contended that a hearing was in order, and the firm's medical documentation.

This submission has been considered, and the Commissioner of Food and Drugs concludes that there is no genuine and substantial issue of fact requiring a hearing, and that the legal arguments offered are insubstantial, all as explained in more detail below.

I. *The drug.* Mesulfin tablets is a fixed combination preparation containing, in each tablet, sulfamethizole (250 milligrams) and methenamine mandelate (250 milligrams).

II. *Recommended uses.* Mesulfin tablets are offered for use in the treatment of cystitis, urethritis, pyelitis, pyelonephritis, and prostatitis due to bacterial infection amendable to sulfonamide therapy. It is also offered for prophylaxis of patients with indwelling catheters, ureterostomies, urinary calculi, urinary stasis, and neurogenic bladders. It is also indicated to be of value in genitourinary surgery and instrumentation, and for the treatment of many infections due to organisms resistant to antibiotics, sulfonamides, and other chemotherapeutic agents. The usual dose is two tablets four times daily.

III. *The data to support claims of effectiveness.* In support of its request for hearing, American Home Products submitted numerous studies on the use of Mesulfin tablets. These consisted of two new studies, one long-term study, and 11 studies originally submitted with NDA 12-718, and arguments presented why these studies should be considered "controlled." Proposed revised labeling for Mesulfin tablets was also submitted. Also submitted were the testimonial affidavits of eight physician-investigators who have worked with Mesulfin.

A. *The recent studies.* 1. *Whalley, The Effects of Treatment or Non-Treatment of Asymptomatic Bacteriuria of Pregnancy, unpublished.* The purpose of this study was to determine the effect of treating asymptomatic bacteriuria on the course of the bacteriuria and on the incidence of ante-partum, intra-partum and post-partum complications.

The 139 patients studied were divided into three groups; the first group, consisting of 62 patients, was untreated from the date the bacteriuria was diagnosed until parturition; the second group, consisting of 52 patients, was treated with Mesulfin for a 2-week period; and a third group, consisting of 25 patients, was treated with Mesulfin from the time of diagnosis to the end of pregnancy. Of the 25 patients on continuous Mesulfin therapy, all had bacteriologically negative urine cultures throughout the study. Of the 52 treated for 2 weeks, 29 (55 percent) obtained bacteriologically negative urine cultures for the remainder of their pregnancy; three patients (5.8 percent) had no improvement with Mesulfin; reinfection occurred in 20 (38.5 percent) of this group; and of these latter 23, eight developed symptomatic urinary tract infections. All of the 62 untreated patients continued to show evidence of urinary tract infection as evidenced by consistent bacteriologically positive cultures.

The conclusion was reached that Mesulfin therapy is markedly superior to no treatment in asymptomatic bacteriuria of pregnancy.

However, for the following reasons, the Commissioner concludes that the Whalley study is not adequate and well-controlled and does not constitute substantial evidence of the effectiveness of Mesulfin. The study was not designed in a manner which leads to the collection of data capable of demonstrating the specific effects of each active ingredient, as required by 21 CFR 3.86. As the title of the study indicated, it was conducted to compare the effect of the fixed dose combination therapy versus no treatment in pregnant women with asymptomatic bacteriuria. The results of the study thus could not provide evidence as to the potential benefit or risk attributable to each active component of Mesulfin. Furthermore, the Whalley study does not appear to be well controlled. Had random allocation been applied to the three treatment groups, one would have expected 46 patients in each group. The random occurrence of 25 for continuous treatment, 52 for 2 week treatment and 62 for no treatment could be expected less than 1 time in 100 by chance. It is unlikely that randomization would have produced a distribution as uneven as the one reported. The result implies that randomization has failed to produce comparable groups with regard to numbers.

The statistical analysis of the Whalley study is clearly in error. The author concludes that there is an almost perfect correlation between the group with positive urine cultures and symptomatic urinary tract infection. However, in the untreated group, 62 patients had positive urinary cultures but only 27 had symptomatic urinary infections, less than 44 percent; this is clearly less than the 100 percent suggested by the investigator's and the company's analysis.

Finally, testing was not done to identify the microorganisms present in positive cultures before beginning medication in order to determine drug susceptibility of these microorganisms. Susceptibility tests of microorganisms to the testing

drug was performed only in case of initial treatment failure or relapse. Thus, it was not possible to evaluate the final results for drug susceptibility.

2. *McGanity and LeBlanc, Asymptomatic Bacteriuria in Pregnancy, unpublished.* The purpose of this study was to determine the effects of treatment of bacteriuria on development of urinary tract disease such as pyelonephritis and on prematurity. The methodology is described in Texas Reports on Biology and Medicine, 22:336, summer, 1964. Thirteen hundred patients were used in this study. All prenatal patients had urine cultures done on their initial visits and those having colony counts of greater than 10^5 per ml. of a single organism were placed on randomized therapy. This therapy was not based on bacteriological sensitivity studies. Drugs were initially used in therapeutic dosages and then reduced to prophylactic dosages when the urine cultures became negative. Patients were given Mesulfin, methenamine mandelate, furadantin, or no treatment. No patients were administered sulfamethizole or a sulfa drug alone. In their protocol, the investigators stated that they were using Mesulfin as a representative of the sulfa group, yet Mesulfin is a combination of a sulfa and methenamine mandelate.

Patients were followed throughout the remainder of pregnancy; delivery cultures and 6-week post-partum cultures were done. The investigators concluded that the results of the study demonstrated an incidence of asymptomatic bacteriuria of 6.5 percent; the incidence of subsequent pyelonephritis in the initially negative culture group was 2 percent. A selected group of patients with initial negative cultures who were placed on long-term drug therapy had an incidence of acute pyelonephritis of 0.9 percent, leading the investigators to conclude that continuous drug therapy appeared to diminish the risk of catheterization. In those patients with initial positive cultures receiving continuous but randomized drug therapy, the incidence of acute pyelonephritis was 4.3 percent, whereas in those without continuous therapy, the incidence of subsequent acute pyelonephritis was 20 percent. It was concluded that antibiotic [sic] therapy used continuously throughout pregnancy in patients with asymptomatic bacteriuria reduced the incidence of acute pyelonephritis to that of a normal population.

For the following reasons, the Commissioner concludes that the McGanity and LeBlanc study is not adequate and well-controlled and therefore does not constitute substantial evidence of the efficacy of Mesulfin. Like the Whalley study, this study was not designed in a manner which would lead to the collection of data capable of demonstrating the specific effects of each active ingredient, as required by 21 CFR 3.86. The comparable analysis and report suggest a reduction in bacteriuria and urinary tract infections but these results do not provide evidence as to the potential benefit or risk attributable to each active component of Mesulfin.

The study has a multipurpose protocol which does not have as its aim the evaluation of the relative importance of the components of Mesulfin in the treatment or prevention of urinary infections. It is unclear if the study was based on randomization and conducted in a double blind fashion. Both of these would be necessary for a properly controlled study. Of the 110 patients with positive cultures only nine were reported to have been administered methenamine mandelate compared to 23 for no drug, 41 for Mesulfin and 34 for Furadantin; three are unaccounted for. None were administered sulfamethizole or another sulfa drug alone. Adequate randomization would have resulted in more patients having taken methenamine mandelate, thus making any statistical conclusion both more accurate and more reliable.

The chi-square analyses on pages 6, 7, and 8 of the McGanity and LeBlanc study, although providing a summary of the data, are insufficient to support a claim that the components are contributing to the efficacy of the combined product, since there is no data comparing the sulfa component to the methenamine mandelate and in turn comparing the components individually to the composite drug and to no treatment. Moreover, four times as many patients were treated with Mesulfin than methenamine mandelate. This statistical variation questions the reliability of the results.

A criterion for bacteriuria was not stated although "negative culture" was defined as "colony count less than 10^{5}" in the clinical protocol. The criterion of "negative culture" is questionable since the count is much too high to be considered as such, especially when the organism is of the same species, strain, or serotype. The clinical protocol and summary presented are not coherent. It is therefore difficult to arrive at a meaningful evaluation.

B. *The Long-Term Study.* Zinsser, et. al., Comparative Drug Study in Chronic Urinary Infections Using Computer Definition of Patient Disease Patterns and Quantitative Measures of Drug Efficacy by Sequential Analysis and Patient Derived Autodefinition of a Disease: Pyelonephritis. This long-term study together with the submitted analysis of the data by Dr. Hyman Menduke clearly reveal that the study was designed primarily to investigate the diseases involved rather than the drug efficacy. The study comprises a retrospective analysis of a patient population covering the past 20 years. Dr. Menduke's letter points out that the subjects were not assigned on a random basis, nor were the treatments specified for certain durations with specific intervals per treatment. In his analysis, Dr. Menduke only addresses those patients with a "usable episode," whose condition at the beginning and at the end is unknown. Dr. Menduke also redefined the sampling unit to a per-patient basis. Moreover, this set of observations suggests that at least one component is not contributing to the drug's effect; Dr. Menduke's analysis reveals that methanamine mandelate has a success rate equivalent to the no treatment group. The clinical protocol for the study included a bacteriological evaluation but Dr. Menduke did not mention a bacteriological evaluation at all. The study was not controlled as required by section 505 of the Act nor designed to evaluate the effectiveness of each component as required by 21 CFR 3.86. For these reasons, the Commissioner finds that the data as presented do not constitute an adequate and well-controlled investigation and are not substantial evidence of the effectiveness of Mesulfin.

C. *The studies contained in the New Drug Application file.* 1. John P. Colmore, M.D., and Barbara F. Branden, M.D., University of Oklahoma Medical Center, evaluated the effectiveness of Mesulfin in patients with pyelonephritis and bacteriuria of pregnancy. Quantitative urine bacteriology was obtained at each visit and CBS's, urinalysis, SGOT, and BUN determinations were obtained before initiation of therapy and monthly thereafter. The principal infecting organisms were E. coli or an Escherichia species and Klebsiella-Aerobacter. 63 and 14 cases respectively. A total of 110 patients were treated with two tablets q.i.d. and of these 84 were evaluated. Results are reported that "Mesulfin was shown to be highly effective (79.8 percent success) and safe in the eradication of bacteria due to gram-negative bacilli (particularly E. coli, other Escherichia species and Klebsiella-Aerobacter)".

This study fails to investigate the effectiveness of each individual active component of the combination drug Mesulfin; hence it is not determined which component is effective or the overall effect of the sulfamethizole or methenamine mandelate in the combination formulation, as required by 21 CFR 3.86. Nor was the study controlled as required by section 505 of the Act.

The drug is reported safe and effective when used as the treatment of bacteriuria in the third trimester of pregnancy with exception of one case of hemolytic anemia with recovery following discontinuance of therapy. The time involved for return to normal is not given, nor are followup reports of urine cultures given. The Commissioner finds that, based on the data submitted, this study is not adequate and well-controlled and does not constitute substantial evidence of the effectiveness of Mesulfin.

2. Fred K. Garvey and Harold L. Murray: A Clinical Report on the Use of Combined Mandelamine and Thiosulfil in Resistant Urinary Tract Infections, N.C. Med. J., 22(5) May 1961. These doctors investigated the effectiveness of Mesulfin for the treatment of chronic bacillary urinary tract infections resistant to antibiotic therapy. Twenty-five patients meeting this criterion were selected for study. Before initiating therapy, the infecting organism was identified by culture technique and the degree of pyuria noted for each patient. The dosage used

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was two tablets four times a day except in a few cases when only one tablet was given four times daily. The main duration of therapy was 3 to 4 months. In 21 of the 25 patients Mesulfin effectively relieved the symptoms and cleared the urine of microscopic evidence of pyuria and bacteriuria. The authors concluded the product is superior to other antimicrobial agents in that it is relatively free from toxicity, continuous in its action, and has the advantage of waging a two-fold attack on bacteria—that is, in both the tissues and the urinary stream.

The Commissioner finds that this study was not adequate for the following reasons: Microscopic examination alone is not acceptable criterion used for cure of urinary tract infection. Culture of urine and repeated cultures that remain normal varying in time based on the site of infection in the urinary tract are required. Cultures were not done on most patients as a follow-up and no culture reports are presented. Furthermore, there was no clinical study conducted to show the effectiveness of each drug (methenamine mandelate and sulfamethizole) compared to the overall effectiveness of the combination as required by 21 CFR 3.86. No controls were employed as required by section 505 of the Act.

Early in their experience the investigators noted a frequently occurring turbidity of the urine which varied from a milk cloudiness to a buttermilk flocculence. Turbidity was greater at lower pH levels and qualitative analysis of the sediment showed ammonium, uric acid, oxalate, calcium and phosphate ions. They reported no sulfa crystals large enough to be morphologically evident under microscope. They concluded that apparently, the flocculency was due to amorphous deposits of the varying ions resulting from a lower pH in the urine, and became more marked after the urine cooled. The pH of urine was not recorded even though it is well known that most of the sulphonamide compounds have a low solubility in water and in urine, unless the latter is alkaline. This requirement for alkaline urine for sulfa solubility is in direct conflict with acid urine required for methenamine to be effective.

In Zinsser, et al., "Formation of an Insoluble Condensation Product from Sulfamethizole and Formaldehyde" appearing in January 1963, Journal of Pharmaceutical Sciences, the composition of the sediment found in human urine after the ingestion of a combination of sulfamethizole, methenamine, and mandelic acid using the Bratton and Marshall assay procedure was more than 50 percent sulfonamide. The sediment was also said to contain ammonium and urate salts. Their in vitro studies showed sulfamethizole, methenamine, and mandelic acid in the pH range of 4.5 to 6.0, and that precipitation of the sulfonamide Since methenamine is hydrolyzed to formaldehyde in acidic solution, the aldehyde was tested in the same manner, and the formaldehyde precipitated the sulfamethizole from solution. Zinsser reported that other investigators have independently discovered that sulfamethizole formed the same insoluble condensation product with either formaldehyde or methenamine. Helv Druery, J. Chim. Acta., 31, p. 179 (1948); U. P. Basu, J. Indian Chem. Socy., 26, p. 125 (1949). The findings of these investigators are in contradistinction to the conclusions as to the etiology and composition of the precipitate as described by Garvey and Murray.

3. Fred K. Garvey and Harold L. Murray, "A Clinical and Laboratory Study of Combined Mandelamine and Thiosulfil in Resistant Urinary Tract Infections", North Carolina M.J. 21:183, May, 1960.

The authors conducted an in vitro study of the comparative effect of methenamine mandelate and sulfamethizole, alone and in combination, and Mesulfin, against Proteus, Aerobacter, and Pseudomonas bacilli isolated from patients who were resistant to previous therapy. The isolates were used to inoculate urine of four nonmedicated healthy male subjects to establish a normal growth of the bacteria. The four males were given 0.5 gm. of each test drug every 6 hours for a total of four doses, allowing at least 4 days between each course. On the morning following administration of the test drug, their first voided specimens were collected, combined and filtered through porcelain candles and used as diluent for the culture. After incubation, the effect of each dosage regimen on growth of the test bacteria was determined turbidometrically. All organisms grew well in normal urine. In urine containing methenamine mandelate alone, growth of all these organisms were substantially inhibited. Aerogenes and Pseudomonas growth was inhibited but Proteus growth was simply delayed in urine containing Thiosulfil (sulfamethizole). Growth of these organisms in the presence of urine containing both drugs was satisfactorily inhibited and compared favorably with Mesulfin.

The size of the group is so small that the study cannot be considered adequate and results are statistically insignificant. There is no data on patient tolerance for the drug, side effects, or problems encountered in connection with other body processes. None of the investigation methods are outlined, making an objective statistical evaluation impossible. Furthermore, there is no data to indicate at what level the drugs obtained their desired effect. For these reasons, the Commissioner finds that this study is not adequate and it does not constitute substantial evidence of the effectiveness of Mesulfin.

4. Drs. S. A. Wolfson, G. M. Kalmanson, M. E. Rubini, and L. B. Guz, Wadesworth Hospital, Veterans' Administration Center and Department of Medicine U.C.L.A. did an epidemiological survey of 521 consecutive admissions to the medical service of the VA hospital. Fifteen percent of the male patients presented asymptomatic significant bacteriuria, 100,000 organisms per ml. of urine. Fifty-nine percent of these elderly male patients were selected for treatment with 4 grams divided doses of Mesulfin daily for 10 days. Pretreatment urine cultures identified the infecting organisms as Escherichia Coli, Pseudomonas, Proteus or Klebsiella-Aerobacter. Followup cultures were obtained 10 days, 1 month, and 3 to 6 months after cessation of therapy. The cure rate was 59 percent based on the criterion that the original organisms found prior to therapy were eradicated and did not recur within the followup period.

This study is not adequate since the individual components of Mesulfin were not tested individually, as required by 21 CFR 3.86. Furthermore, it is obviously not controlled since there is no indication that any controls were used at all, as required by section 505 of the Act. Thus, there is no basis upon which to compare the patients treated with Mesulfin and those who would have been untreated. The Commissioner finds that this study does not constitute substantial evidence of the efficacy of Mesulfin.

5. Rodger Barnes, M.D. (and Associates) of White Memorial Clinic, Los Angeles, Calif., evaluated the effectiveness of Mesulfin for the treatment of acute and chronic urinary tract infections in a series of 97 patients. Prior to initiating therapy, a complete urinalysis was done and bacteria were evaluated using gram-staining techniques. The usual dosage employed was two tablets q.i.d. In acute conditions duration of treatment was from 1 to 6 weeks and for chronic infections, therapy was extended for periods of 12 months or more. At the end of the treatment period, gram-staining techniques were again employed and urinalyses were done. Successful therapy was defined as symptomatic improvement with a negative post-treatment culture; partial success was defined as symptomatic improvement, but no post-treatment culture taken. Results showed the drug was a success or partial success in 55 patients (56 percent) and not effective in 35 patients (36 percent) who showed a positive post-treatment culture; 54 percent of the patients showed reduction of WBC in the urine after Mesulfin therapy. Adverse reactions noted consisted of dizziness, nausea, blurred vision, diarrhea, and irritation of the bladder. Dr. Barnes recommended the drug for use in treatment of chronic urinary tract infection when it is necessary to continue antibacterial medication over a long period of time.

The number of post-treatment cultures obtained per patient is not stated. Treatment was declared a success (or the drug considered successful) in 56 percent of the trials. This number includes those patients who were asymptomatic with a negative post-treatment culture and those who showed symptomatic improvement but who had positive post-treatment cultures. There is no value given for those patients who had post-treatment negative cultures alone.

This is obviously not a controlled study since there is no indication that any controls were employed, as required by section 505 of the Act. Moreover, there is no data as to the type of bacteria which were involved in the patients' infections. Finally, the individual components were not tested against the combination drug to determine if the combination was more effective than the single drug, as required by 21 CFR 3.86. The Commissioner finds that this study does not constitute substantial evidence of the efficacy of Mesulfin.

6. Bruce H. Stewart, M.D., Cleveland, Ohio, used Mesulfin to treat 26 cases of urinary tract infections in whom conventional therapy had failed. Adult dosage was two tablets q.i.d., and for children one tablet t.i.d. The organisms identified in pretreatment cultures were: *E. coli, Proteus, A. aeruginosa, Alkaligenes species, S faecalis, A. viridans* and *S. aureus*. Five patients had negative pretreatment cultures. Negative posttreatment cultures were obtained in two with recurrent cystitis and one with chronic prostatitis. Negative cultures were also obtained for one patient with urethral stenosis with infection, and one with benign prostatic hyperplasia with infection. One patient with urethritis relapsed after treatment. Three cases of chronic pyelonephritis had negative posttreatment cultures, four were positive and an additional four relapsed. Three patients with probable post operative pyelonephritis had positive posttreatment cultures as had one patient with postoperative phyloplasty.

The study was not controlled as required by section 505 of the Act and the individual components of the drug were not tested against the combination as required by 21 CFR 3.86. Moreover, the results indicate that the drug may not be effective. The Commissioner finds that this study does not constitute substantial evidence of the effectiveness of Mesulfin.

7. Cecil M. Crigler, M.D., Houston, Tex., treated urinary tract infections in 31 female patients and one male patient. Dosage of Mesulfin administered was two tablets q.i.d. from 2 to 8 weeks. The principal infecting organisms were identified as *E. coli, P. vulgaris*, and *S. aureus*. Pre- and post-treatment cultures were obtained in 16 cases and in 15 of these the post-treatment cultures were negative. In nine of the 15 cases the organism present was shown to be resistant to many of the commonly used antibiotics and sulfa drugs. An *E. coli* infection in one patient which did not respond to Mesulfin was also resistant to penicillin, bacitracin, erythromycin, and several sulfonamides. The only side effect noted was one patient reporting marked bladder cramps.

This study was not controlled as required by section 505 of the act and the individual components were not tested against the combination as required by 21 CFR 3.86. No follow-up data is provided. No data is given for the 15 patients on whom preclinical cultures were not taken. The Commissioner finds that this study does not constitute substantial evidence of the effectiveness of Mesulfin.

8. Yves Goudreau, M.D., of Montreal, Canada, treated four cases of chronic cystitis and one case of subacute pyelonephritis with Mesulfin. A divided daily dosage of 1–2 grams was used from 1 to 2 weeks. Negative postculture was obtained in the pyelonephritic patient and in three of the four chronic cystitis patients.

There is no definition as to length of followup. The report refers to one followup culture on each patient; a single followup is inadequate to document effectiveness of the drug. There were no controls used as required by section 505 of the Act and the individual components of Mesulfin were not tested against the combination as required by 21 CFR 3.86. The Commissioner finds that this study is not substantial evidence of the effectiveness of Mesulfin.

9. H. S. Everett, M.D., Baltimore, Md., treated five female patients with cystitis and a sixth with a low grade urinary tract infection with 0.5 gm. q.i.d. of Mesulfin. Organisms cultured were the usual gram negative found in the urinary tract. Only three patients had negative posttreatment cultures; two were positive. All five patients were listed as clinically improved.

Duration of followup is not given, hence the extent of effectiveness of the drug cannot be determined. This is obviously not a controlled study since there is no indication that any controls were employed, as required by section 505 of the Act. The individual components were not tested against the combination drug to determine if the combination was more effective than the single drug as required by 21 CFR 3.86. The Commissioner finds that this study does not constitute substantial evidence of effectiveness of Mesulfin.

10. Temple W. Williams, Hanna ABU-Nassau and Ellare M. Yow, "Methenamine Mandelate—Sulfamethizole Combination Evaluation in Management of Urinary Tract Infections", Tex. St. M.J. 60:149 (February 1964). The investigators evaluated the results of Mesulfin in the treatment of 37 patients with symptoms of acute or chronic pyelonephritis. Criteria for selection of patients were: Presence of symptoms referable to the urinary tract, and demonstration of pyuria and/or significant bacteriuria. Urine samples were collected before and after treatment and examined for colony count. Gram negative organisms and *E. coli* predominated. Dosage of 1 gram initially followed by 1 gram four times daily was used in acute pyelonephritis and 1–4 grams in chronic pyelonephritis. A good response was interpreted as meaning symptomatic response within 2 to 3 days, cessation of pyuria, and a significant reduction of bacteriuria when present. Fair response was interpreted as diminished pyuria and bacteriuria but with no symptomatic response until the completion of at least 1 week of therapy. Of the 15 acute pyelonephritic patients, 11 showed good response and four patients fair. Of the 22 chronic pyelonephritic patients, only two had good response and 19 fair with one patient with poor response.

This study is not a controlled study as required by section 505 of the Act. Like the other clinical studies reported above, there are no studies to determine the effectiveness of either active component individually as required by 21 CFR 3.86. The Commissioner finds that this study does not constitute substantial evidence of the effectiveness of Mesulfin.

11. H. A. Baker and A. Sidorwicz, "Therapy of Urinary Tract Infections Based on In Vitro Studies with a combination of Sulfamethylthiadiazole and Methenamine Mandelate", Clin. Med. 70:1307 July 1963.

This is an in vitro study evaluating sulfamethylthiadiazole, methenamine mandelate and the two in combination against *E. coli, Aerobacter aeruginosa, proteus sp.* and *Ps. aeruginosa*. The two drugs were tested at a concentration of 2.5 mg./ml. alone and in combination (i.e., total of 5 mg./ml.).

The authors concluded that lowering the pH increased the activity of sulfamethylthiadiazole and the methenamine mandelate was more active at pH 6.0 than at pH 9.0; sulfamethylthiadiazole was bacteriostatic while methenamine mandelate was bactericidal as well as bacteriostatic; and the combination has an antibacterial activity superior to either agent.

Absolutely no data has been provided to determine if any patients at all were used in the study. There is no data to support the conclusion of the investigators. The study is obviously inadequate and not well controlled. The Commissioner finds that this study is not substantial evidence of the effectiveness of Mesulfin.

D. *The physicians' affidavits.* American Home Products has also submitted the affidavits of eight physicians, all of whom conducted the studies on Mesulfin discussed above, and all of whom attest to the effectiveness of Mesulfin and the validity of their own studies. These affidavits are in fact testimonials to Mesulfin. They neither contain nor refer to adequate and well-controlled clinical studies. The Commissioner finds that these affidavits are inadequate to establish that Mesulfin is effective.

E. *Other medical authorities supporting the Commissioner's determination.* The AMA Drug Evaluations, 1971, does not recommend the combination of sulfamethizole and methenamine mandelate for any indication. Indeed, the AMA Drug Evaluations, 1971, at pp. 436–7 states that the "Use of Methenamine [is] usually restricted to patients with infections not cured by more effective antibacterial agents." Sulfamethizole is recommended for use (p. 47) in urinary tract infections alone, not in combination with any other drug.

Furthermore, in Goodman and Gilman, The Pharmacological Basis Of Therapeutics, Fourth Edition (1970), the authors state at page 1042 that "an incompatability between methenamine mandelate and sulfamethizole has been

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noted (Lipton, 1963); the formaldehyde liberated in the urine forms an insoluble precipitate with the sulfanamide." None of the studies submitted by American Home Products addressed this problem nor offered any explanation. Finally, in Goodman and Gilman, it is stated at p. 1161 that sulfanamides are the drug of choice in treating urinary infections caused by E. coli. For treating urinary infections caused by A. aerogenes, A. faecalis, proteus and pseudomonas aeruginosa, sulfanamides are not listed at all as drugs of choice. Only for treating proteus mirabilis are sulfanamides recommended. Methenamine mandelate is nowhere listed as a drug of choice for urinary infections.

F. *Summary.* In order to establish that a drug is effective for the conditions for which it is prescribed, recommended or suggested, substantial evidence consisting of adequate and well-controlled clinical investigations must be submitted to the FDA. 21 U.S.C. 355(e); 21 CFR 130.-12(a)(5). No controls were employed in the Colmore, Wolfson, Barnes, Stewart, Cigler, Gaudreau, Everett, Williams, Baker, and the first Garvey study discussed. The deficiencies in the controls used in the other studies and the inadequacies of all the studies are discussed in detail above.

As pointed out above, Mesulfin is a fixed dose combination drug, composed of 250 mg. sulfamethizole and 250 mg. methenamine mandelate. As the Commissioner stated in the preamble to 21 CFR 3.86 (36 FR 3126, Feb. 18, 1971): "A fixed dose combination drug must have an advantage to the patient over and above that obtained when one of the individual ingredients is used in the usual safe and effective dose. No drug should be present in a fixed combination unless its inclusion clearly enhances safety or efficacy and the fixed ratio of doses is safe and effective for all indications and for patients requiring such concurrent therapy."

American Home Products claims that Mesulfin is a rational fixed combination drug. However, American Home Products has produced no adequate and well-controlled clinical investigations that support this contention. The only submitted study that compared the combination against its individual components and no treatment was the second Garvey study involving only four laboratory subjects. Both the NAS/NRC and the Commissioner have found the combination of methenamine mandelate and sulfamethizole, i.e., Mesulfin, ineffective for its intended uses. Moreover, there is evidence, cited above, that sulfamethizole and methenamine mandelate are antagonistic to one another, which evidence American Home Products has not refuted. Therefore, claimants' contention is without merit.

IV. *The NAS/NRC evaluation of Mesulfin.* American Home Products claims that the Commissioner's evaluation of Mesulfin differs substantially from that of the NAS/NRC. The NAS/NRC Panel found that indication for use of Mesulfin in the treatment of cystitis, urethritis, pyelitis, pyelonephritis and prostatis due to bacterial infection amenable to sulfonamide therapy, was ineffective unless qualified. The panel gave several examples of the qualifications that would have to be added to the label of Mesulfin: "for example patients having any one of these conditions would rarely be cured by sulfonamide therapy in the presence of obstruction; if gonorrhea is meant by "urethritis," it should be so stated, and if a claim is made in regard to pyelonephritis, it should be stated that this product is most effective against acute, nonobstructive first episode, bacterial urinary tract infections and in general is less effective against chronic infections or in the presence of anatomic abnormalities." Moreover, the NAS/NRC made no reference to combining methenamine mandelate with sulfamethizole in its discussion of the effectiveness of Mesulfin for these indications or any other indications. The panel found that American Home Products had not submitted any reference or scientific study relating to the combination of sulfamethizole and methenamine mandelate. It is apparent that the NAS/NRC did not find the fixed combination of sulfamethizole and methenamine mandelate effective for these indications, as American Home Products' claims. The Commissioner concurred in this finding. American Home Products has still not submitted any adequate and well-controlled study that supports the efficacy of Mesulfin for these indications.

Significantly, the NAS/NRC found that Mesulfin was ineffective: in genitourinary surgery and instrumentation, and that addition of methenamine mandelate to sulfamethizole would make no difference; in infections due to organisms resistant to antibiotics, sulfonamides, and other chemotherapeutic agents; and for prophylaxis of patients with indwelling catheters, ureterostomies, urinary calculi, urinary stasis and neurogenic bladders. It concluded that wide usage of methenamine does not imply effectiveness and that effectiveness should be documented.

V. *Legal objections.* The Commissioner has authority to establish criteria for adequate and well-controlled clinical investigations necessary to demonstrate effectiveness of drug products on the market and may condition holding of an evidentiary hearing on a showing by American Home Products that reasonable grounds exist therefor. Diamond Laboratories, Inc. v. Richardson, 452 F. 2d 803 (C.A. 8, 1972); Ciba-Geigy Corp. v. Richardson, 446 F. 2d 466 (C.A. 2, 1971); Pfizer, Inc. v. Richardson, 434 536 (C.A. 2, 1970); Pharmaceutical Manufacturers Ass'n v. Richardson, 318 F. Supp. 301 (D. Del., 1970).

Since American Home Products has submitted no adequate and well-controlled clinical studies establishing the effectiveness of Mesulfin for its recommended uses, no hearing on the withdrawal of the NDA for Mesulfin is justified as no genuine issue exists as to the material question of the effectiveness of Mesulfin for its recommended uses. 21 CFR 3.86, 130.12(a)(5)(ii), 130.14(b) and 130.27(b)(3); Ciba-Geigy Corp. v. Richardson, supra; Upjohn Co. v. Finch, 422 F. 2d 944 (C.A. 6, 1970).

VI. *Findings.* The Commissioner, based on the review of the medical documentation offered to support the claims of effectiveness for Mesulfin, finds that American Home Products has failed to present substantial evidence of effectiveness for this product. Therefore, pursuant to 21 CFR 130.14(b), American Home Products' request for a hearing is denied. No objection or documentation was presented by any other firms and, in accordance with 21 CFR 130.15, this failure is construed as an election by any other firm not to avail itself of the opportunity for the hearing.

The Commissioner further finds that the approval of the new-drug application heretofore approved for Mesulfin (NDA 12-718) should be withdrawn on the basis of a lack of substantial evidence of effectiveness.

Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (secs. 505, 701, 52 Stat. 1052-53, 1055-56, as amended; 21 U.S.C. 355, 371), and under authority delegated to the Commissioner (21 CFR 2.120), notice is given that the approval of the new-drug application for Mesulfin (NDA 12-718) is withdrawn. The withdrawal is effective immediately.

(Secs. 505, 701, 52 Stat. 1052-53, 1055-56, as amended, and 76 Stat. 781-785, as amended; 21 U.S.C. 355, 371)

Dated: March 2, 1973.

WILLIAM F. RANDOLPH,
Acting Associate Commissioner for Compliance.

[FR Doc.73-4446 Filed 3-6-73;8:45 am]

National Institutes of Health

TOBACCO WORKING GROUP, SUBCOMMITTEE ON SMOKE FILTRATION

Notice of Meeting

Pursuant to Public Law 92-463, notice is hereby given of the meeting of the Tobacco Working Group's Subcommittee on Smoke Filtration, March 8, 1973, at 2 p.m., National Institutes of Health, Building 31, Conference Room 3. This meeting will be open to the public from 2 p.m. to 5 p.m. on March 8 to discuss current experimental data. Attendance by the public will be limited to space available.

Mr. Frank Karel, Associate Director for Public Affairs, NCI, Building 31, Room 10A31, National Institutes of Health, Bethesda, Md. 20014 (301—496-1911) will furnish summaries of the open meeting and roster of committee members.

Dr. Gio B. Gori, Executive Secretary, Building 31, Room 11A03, National Institutes of Health, Bethesda, Md. 20014 (301—496-6616) will provide substantive program information.

Dated: March 1, 1973.

ROBERT W. BERLINER,
Acting Deputy Director, National Institutes of Health.

[FR Doc.73-4271 Filed 3-6-73;8:45 am]

NATIONAL CANCER ADVISORY BOARD SUBCOMMITTEE ON CENTERS

Notice of Meeting

Pursuant to Public Law 92-463, notice is hereby given of the meeting of the National Cancer Advisory Board Subcommittee on Centers, March 10, 1973, at 10 a.m., National Institutes of Health, Building 31, C-Wing, Conference Room 7. This meeting will be open to the public from 10 a.m., March 10, 1973, to discuss funding plans for the Centers Program and selection of new Comprehensive Centers. Attendance by the public will be limited to space available.

Mr. Frank Karel, Associate Director for Public Affairs, NCI, Building 31, Room 10A31, National Institutes of Health, Bethesda, Md. 20014 (301—496-1911), will furnish summaries of the open meeting and roster of subcommittee members.

Dr. John Yarbro, Executive Secretary, Westwood Building, Room 838, National Institutes of Health, Bethesda, Md. 20014 (301—496-7427), will provide substantive program information.

ROBERT W. BERLINER,
Acting Deputy Director, National Institutes of Health.

MARCH 1, 1973.

[FR Doc.73-4273 Filed 3-6-73;8:45 am]

TOBACCO WORKING GROUP, SUBCOMMITTEE ON DATA ANALYSIS

Notice of Meeting

Pursuant to Public Law 92-463, notice is hereby given of the meeting of the Tobacco Working Group's Subcommittee on Data Analysis, March 8, 1973, at 9 a.m., National Institutes of Health, Building 31, Conference Room 3. This meeting will be open to the public from 9 a.m., to 12 noon on March 8 to discuss current experimental data. Attendance by the public will be limited to space available.

Mr. Frank Karel, Associate Director for Public Affairs, NCI, Building 31, Room 10A31, National Institutes of Health, Bethesda, Md. 20014 301—496-1911 will furnish summaries of the open meeting and roster of committee members.

Dr. Gio B. Gori, Executive Secretary, Building 31, Room 11A03, National Institutes of Health, Bethesda, Md. 20014, 301—496-6616, will provide substantive program information.

ROBERT W. BERLINER,
Acting Deputy Director, National Institutes of Health.

MARCH 1, 1973.

[FR Doc.73-4272 Filed 3-6-73;8:45 am]

ATOMIC ENERGY COMMISSION

CONSOLIDATED EDISON COMPANY OF NEW YORK, INC.

[Docket No. 50-247]

Order Extending Facility Operating License Expiration Date

Consolidated Edison Co. of New York, Inc., is the holder of Facility Operating License No. DPR-26 issued by the Commission on October 19, 1971, which authorizes fuel loading and subcritical testing of the Indian Point Nuclear Generating Unit No. 2, a 2758 megawatt (thermal) pressurized water nuclear reactor, located on the company's site in the village of Buchanan, Westchester County, N.Y.

On January 30, 1973, the company requested an extension of the expiration date because of delays which prevent completion of subcritical testing. Such testing was interrupted by the determination to refabricate the core. The final shipment of fuel is expected on site shortly, but because of the time element involved the fuel may not be loaded into the reactor prior to the expiration of DPR-26. The Director of Regulation having determined that this action involves no significant hazards consideration different from those previously evaluated, and good cause having been shown:

It is hereby ordered, That the latest expiration date of Facility Operating License No. DPR-26 is extended from March 1, 1973, to June 1, 1973.

Dated at Bethesda, Md., this 1st day of March 1973.

For the Atomic Energy Commission.

A. GIAMBUSSO,
Deputy Director for Reactor Projects, Directorate of Licensing.

[FR Doc.73-4335 Filed 3-6-73;8:45 am]

[Docket No. 50-270]

DUKE POWER CO.

Order Extending Completion Date

Duke Power Co. is the holder of Provisional Construction Permit No. CPPR-34 issued by the Commission on November 6, 1967, for the construction of the Oconee Nuclear Station, Unit No. 2, a 2,568 megawatt (thermal) pressurized water nuclear reactor presently under construction at the company's site in Oconee County, S.C., approximately 8 miles northeast of Seneca, S.C.

On January 25, 1973, the company requested an extension of the completion date because construction of Unit No. 2 has been delayed due to: (1) Diversion of construction forces from Unit No. 2 to Unit No. 1 to solve problems occasioned by the lateness of Unit No. 1, (ii) delay in delivery of major reactor coolant components, and (iii) modifications required to the reactor vessel internals for Unit No. 2. The Director of Regulation having determined that this action involves no significant hazards consideration, and good cause having been shown:

It is hereby ordered, That the latest completion date for CPPR-34 is extended from February 28, 1973, to September 1, 1973.

Date of issuance: February 28, 1973.

For the Atomic Energy Commission.

A. GIAMBUSSO,
Deputy Director for Reactor Projects, Directorate of Licensing.

[FR Doc.73-4336 Filed 3-6-73;8:45 am]

[Docket No. 50-275]

PACIFIC GAS & ELECTRIC CO.

Notice of Opportunity for Hearing

The Pacific Gas & Electric Co. (the licensee) is the holder of Provisional Construction Permit No. CPPR-39 (the permit) issued by the Atomic Energy Commission on April 23, 1968. The permit authorizes the licensee to construct a pressurized water nuclear reactor, designated as the Diablo Canyon Reactor Unit No. 1, at the licensee's site in San Luis Obispo County, Calif.

The facility is subject to the provisions of section C.3. of Appendix D to 10 CFR Part 50, which sets forth procedures applicable to review of environmental considerations for production and utilization facilities for which construction permits were issued prior to January 1, 1970. Notice is hereby given, pursuant to 10 CFR Part 50, "Implementation of the National Environmental Policy Act of 1969," that the Commission is providing an opportunity for hearing with respect to whether, considering those matters covered by Appendix D to 10 CFR Part 50, the existing construction permit should be continued, modified, terminated or appropriately conditioned to protect environmental values. Requests for a hearing and petitions to intervene shall be filed in accordance with the Commission's rules of practice in 10 CFR Part 2. If a request for a hearing or petition for leave to intervene is filed within the time prescribed in this notice, the Commission or an atomic safety and licensing board designated by the Commission or by the Chairman of the Atomic Safety and Licensing Board Panel will rule on the request and/or petition and the Secretary or the designated atomic safety and licensing board will issue a notice of hearing or an appropriate order.

A petition for leave to intervene must be filed under oath or affirmation in accordance with the provisions of 10 CFR 2.714. As required by 10 CFR 2.714, a petition for leave to intervene shall set forth the interest of the petitioner in the proceeding, how that interest may be affected by the results of the proceeding, and any other contentions of the petitioner including the facts and reasons why he should be permitted to intervene, with particular reference to the following factors: (1) The nature of the petitioner's right under the Act to be made a party to the proceeding; (2) the nature and extent of the petitioner's property, financial, or other interest in the proceeding; and (3) the possible effect of any order which may be entered in the proceedings on the petitioner's interest. Any such petition shall be accompanied by a supporting affidavit identifying the specific aspect or aspects of the subject matter of the proceeding as to which the petitioner wishes to intervene and setting forth with particularity both the facts pertaining to his interest and the basis for his contentions with regard to each aspect on which he desires to intervene. A petition that sets forth contentions relating only to matters outside the jurisdiction of the Commission will be denied.

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A request for a hearing or a petition for leave to intervene must be filed with the Office of the Secretary of the Commission, U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Chief Public Proceedings Staff, or the Commission's Public Document Room, 1717 H Street NW., Washington, DC, on or before April 6, 1973. A petition for leave to intervene which is not timely will not be granted unless the Commission, the presiding officer, or the Atomic Safety and Licensing Board designated to rule on the petition or request determines that the petitioner has made a substantial showing of good cause for failure to file on time and after the consideration of those factors specified in 10 CFR 2.714(a).

For further details with respect to the matters under consideration, see the licensee's Environmental Report dated August 9, 1971, and Supplements thereto dated November 9, 1971, July 28, 1972, and August 25, 1972, which are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, DC, and at the San Luis Obispo County Free Library, 1354 Bishop Street, San Luis Obispo, CA. The Commission's Draft Environmental Statement is also available at the above locations. As it becomes available, the following document will also be available at the above location: (1) The Commission's final environmental statement on environmental considerations.

Copies of item (1) may be obtained when available by request to the Deputy Director for Reactor Projects, Directorate of Licensing, U.S. Atomic Energy Commission, Washington, D.C. 20545.

For the Atomic Energy Commission.

Dated at Bethesda, Md., this 28th day of February 1973.

GORDON K. DICKER,
Chief, Environmental Projects Branch No. 2, Directorate of Licensing.

[FR Doc.73-4334 Filed 3-6-73;8:45 am]

[Docket No. 50-312]

SACRAMENTO MUNICIPAL UTILITY DISTRICT

Notice and Order for Prehearing Conference

Take Notice, that pursuant to the Commission's "Memorandum and Order" and "Notice of Hearing On a Facility Operating License" both dated February 23, 1973, and the rules of the Commission, a hearing will be held on the application filed under section 104(b) of the Atomic Energy Act of 1954, as amended, by the Sacramento Municipal Utility District for a facility operating license. Said license would authorize the operation of a pressurized water nuclear reactor, identified as the Rancho Seco Nuclear Generating Station, Unit No. 1, at steady State power levels not to exceed 2,772 megawatts (thermal) at applicant's site in Sacramento County, Calif.

In accordance with the Commission's rules of practice, a special prehearing conference will be held commencing at 9:30 a.m., on March 15, 1973, at the Federal Building and Court House, 650 Capital Mall, Room 3410, Sacramento, CA 95814.

While all members of the public are entitled to attend this conference, it should be noted that no evidence will be received, nor will there be opportunity for comments from members of the public through limited appearances. Such limited appearances will be permitted at the first session of the evidentiary hearing to be scheduled at a later date.

The primary objective of said special prehearing conference will be to establish a clear and particularized identification of the actual matters in controversy through a review of the contentions filed by the intervenors, Mr. Dick Gregory et al., and to determine which contentions should be admitted as matters in controversy in this proceeding. The Board will also consider any preliminary matters by the parties, any prospects of settlement, any need for discovery, establishment of a schedule for the proceeding, and such other matters as may aid in the early resolution of the matter.

It is so ordered.

Issued at Washington, D.C., this 1st day of March 1973.

THE ATOMIC SAFETY AND LICENSING BOARD
JOHN B. FARMAKIDES,
Chairman.

[FR Doc.73-4292 Filed 3-6-73;8:45 am]

[Docket No. 50-281]

VIRGINIA ELECTRIC & POWER CO.

Notice of Issuance of Facility Operating License

Correction

In FR Doc. 73-2307, appearing at page 3540 for the issue of Wednesday, February 7, 1973 the phrase in the 20th line of the second paragraph now reading "on or before March 9, 1973", should read "within 30 days from the date of its publication in the FEDERAL REGISTER".

CIVIL AERONAUTICS BOARD

[Docket No. 23333; Order 73-2-109]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Order Regarding Specific Commodity Rates

Issued under delegated authority, February 27, 1973.

An agreement has been filed with the Board pursuant to section 412(a) of the Federal Aviation Act of 1958 (the Act) and Part 261 of the Board's Economic Regulations between various air carriers, foreign air carriers and other carriers, embodied in the resolutions of the Joint Traffic Conferences of the International Air Transport Association (IATA). The agreement, which was adopted at the 14th meeting of the Joint Specific Commodity Rates Board held in Geneva on November 20–24, 1972, has been assigned the above CAB agreement number.

The agreement proposes revisions to the specific commodity rate structure applicable within the South Pacific area. These revisions, insofar as they would affect air transportation, are outlined in the attachments hereto.

Pursuant to authority duly delegated by the Board in the Board's Regulations, 14 CFR 385.14, it is not found that the subject agreement is adverse to the public interest or in violation of the Act, provided that approval is subject to the condition hereinafter ordered.

Accordingly, it is ordered, That:

Agreement CAB 23461, R-2 be and hereby is approved, provided that approval shall not constitute approval of the specific commodity descriptions contained therein for purposes of tariff publication; provided further that tariff filings shall be marked to become effective on not less than 30 days' notice from the date of filing.

Persons entitled to petition the Board for review of this order pursuant to the Board's Regulations, 14 CFR 385.50, may file such petitions within 10 days after the date of service of this order.

This order shall be effective and become the action of the Civil Aeronautics Board upon expiration of the above period, unless within such period a petition for review thereof is filed or the Board gives notice that it will review this order on its own motion.

This order will be published in the FEDERAL REGISTER.

[SEAL] PHYLLIS T. KAYLOR,
Acting Secretary.

ATTACHMENT I

IATA commodity Item No.[1]	Specific commodity rate: Cents per kg.	Specific commodity rate: Min. wgt.—kgs.	Market
ADDED RATES UNDER EXISTING COMMODITY DESCRIPTIONS			
1211	124	200	Auckland to New York.
1923	179	300	Do.
2190	96	200	Auckland to Los Angeles.
4123	107	1,000	Melbourne to Los Angeles.
4701	225	100	Perth to Los Angeles.
	167	500	Do.
	145	1,000	Do.
8100	160	100	Sydney to Los Angeles.
	184	100	Sydney to New York.
8372	130	500	Sydney to Los Angeles.
	154	500	Sydney to New York.
8400	209	45	Perth to Los Angeles.
	167	500	Do.
9202	113	250	Auckland to Honolulu.
9857	107	100	Do.
9910	120	100	Auckland to Los Angeles.
9993	198	200	Perth to Los Angeles.
	151	1,000	Do.
CANCELED RATES UNDER EXISTING COMMODITY DESCRIPTIONS			
0600	85	500	Sydney to Los Angeles.
	80	2,000	Do.
1100	96	200	Auckland to Los Angeles.
	85	500	Do.
4701	114	808	Auckland to New York.
	302	100	Los Angeles to Auckland.
	202	860	Do.

[1] See applicable tariff for commodity descriptions.

ATTACHMENT II

NEW OR CHANGED SPECIFIC COMMODITY DESCRIPTIONS AND RATES

IATA commodity item no.	Description	Specific commodity rate: Cents per kg.	Specific commodity rate: Min. wgt.—kgs.	Market
0482	Coconut meat [1]	33	5,000	Nandi to Honolulu.
0629	Coconut extract [1]	37	3,000	Do.
1021	Greyhounds [2]	201	100	Brisbane to Los Angeles.
1430	Cut flowers—except orchids [2]	266	100	Los Angeles to Sydney.
2336	Leather and/or plastic belts [2]	95	1,000	Melbourne to Los Angeles.
3100	Cutlery [2]	107	2,000	Melbourne to New York.
4401	Electrical equipment, n.e.s. [2]	202	100	Los Angeles to Auckland.
4909	Wheel castors [1]	95	2,000	Melbourne to Los Angeles.
6000	Chemicals and pharmaceuticals [2]	316	500	New York to Sydney.
9517	Handicraft products, namely metal, wood, straw, leather, earth, onyx, mother-of-pearl and glass articles. [2]	381	45	Port Moresby to New York.

[1] New description.
[2] Area changed to include South Pacific.

ATTACHMENT III

NEW OR CHANGED SPECIFIC COMMODITY DESCRIPTIONS [1]

IATA commodity item No.	*Description*
4416	Automobile radios, dictation machines, hearing aids, records, recording tape and wire, radio, television, phonograph and sound recording sets, including combinations thereof, electrical appliances, lighting fixtures, enameled and/or insulated wire, telephone, telegraph, teletype apparatus, electronic tubes, and semiconductors, n.e.s.
8002	Chemicals, dyes, fertilizers, insecticides, paints, pigments, varnishes, drugs, pharmaceuticals, medicines, cosmetics, soaps, toilet preparations and articles, perfumes, essential oils (bottles, packaging, printed advertising material and/or advertising sets appertaining thereto only when shipped with one of the main articles mentioned above), gums, resins, and plastics solely in the form of sheets, slabs, rods, tubings, powder, and other unfinished forms, n.e.s.

[1] Additions indicated by underscores, deletions by strikeovers.

[FR Doc.73-4391 Filed 3-6-73;8:45 am]

[Docket No. 25219]

KOREAN AIR LINES CO., LTD., AND SEABOARD WORLD AIRLINES, INC.

Notice of Proposed Approval

Joint application of Korean Air Lines Co., Ltd., and Seaboard World Airlines, Inc., for approval pursuant to section 408(b) of the Federal Aviation Act of 1958, as amended, Docket 25219.

Notice is hereby given, pursuant to the statutory requirements of section 408(b) of the Federal Aviation Act of 1958, as amended, that the undersigned intends to issue the attached order under delegated authority on March 9, 1973. Prior to that time, interested persons may file comments or request a hearing with respect to the action proposed in the order.

Dated at Washington, D.C., March 2, 1973.

[SEAL] A. M. ANDREWS,
Director, Bureau of Operating Rights.

[Docket 25219]

KOREAN AIR LINES CO., LTD. AND SEABOARD WORLD AIRLINES, INC.

ORDER OF APPROVAL

By joint application filed February 15, 1973, Korean Air Lines Co., Ltd. (Korean) and Seaboard World Airlines, Inc. (Seaboard) have requested Board approval pursuant to section 408(b) of the Federal Aviation Act of 1958, as amended (the Act), with respect to the lease of two DC-8-63F aircraft by Seaboard to Korean.

Seaboard is a U.S. certified all-cargo air carrier. Korean holds Board authority as a foreign air carrier and, in this connection, conducts scheduled air transportation with jet aircraft between the Republic of Korea and the United States. Korean intends to use one of the leased aircraft in passenger service between Korea and the United States and the other aircraft in passenger service outside the United States.

The lease agreement between the parties indicates that Seaboard will lease two DC-8-63F aircraft [1] to Korean for the periods March 11, 1973, and March 25, 1973, respectively, until April 30, 1975. Rental for each aircraft will be at the rate of $140,000 per month.

According to the application, the instant lease transaction was entered into pursuant to the provisions of a supplemental letter to an earlier lease agreement between Seaboard and Korean which was approved by the Board [2] and which also provided for the lease of two DC-8-63F aircraft to Korean. In this connection the application indicates that the two aircraft previously leased to Korean will continue to be operated by Korean in accordance with the terms of the earlier lease.

The application recites, inter alia, that the aircraft in question are two of the eleven DC-8-63F aircraft which, together with two DC-8-54 and one DC-8-55 aircraft, presently constitute Seaboard's operating fleet. It is asserted that, as with the prior aircraft leased to Korean, the instant aircraft are not required by Seaboard in the operation of its certificated services during the 2-year period of the lease, due to the continuing excess of transatlantic cargo capacity over demand and the reduction in Department of Defense utilization of Seaboard's aircraft. Thus, it is further asserted that Seaboard has no comparable revenue use for the aircraft during the term of the lease and the revenues received for the lease of the instant aircraft are vitally needed by Seaboard. The applicants also submit that the transaction does not affect the control of Seaboard, create a monopoly, nor tend to restrain competition.

No objections to the application or requests for a hearing have been received.

Upon consideration of the foregoing, it is concluded that the lease of the two DC-8-63F aircraft from Seaboard to Korean covered by the instant application would involve the leasing of a substantial portion of the properties of Seaboard within the meaning of section 408 of the Act, and, therefore, the lease transaction is subject to such section. However, it is further concluded that the transaction does not affect the control of an air carrier directly engaged in the operation of aircraft in air transportation, does not result in creating a monopoly, and does not tend to restrain competition. Furthermore, no person disclosing a substantial interest in the proceeding is currently requesting a hearing, and it is concluded that the public interest does not require a hearing. It appears that Seaboard is able to carry out the lease without depriving itself of the aircraft necessary to meet the requirements of its authorized services. Moreover, as indicated earlier herein, the transaction is similar to others approved by the Board. Under all the circumstances, it is not found that the lease transaction will be inconsistent with the public interest or that the conditions of section 408 will be unfulfilled.

Notice of intent to dispose of the application without a hearing has been published in the FEDERAL REGISTER, and a copy of such notice has been furnished by the Board to the Attorney General not later than the day following the date of such publication, both in accordance with the requirements of section 408(b) of the Act.

Pursuant to authority duly delegated by the Board in the Board's regulations, 14 CFR 385.13, it is found that the foregoing transaction should be approved under the third proviso of section 408(b) of the Act without a hearing.[3]

Accordingly, it is ordered, That:

The lease without crew of two DC-8-63F aircraft from Seaboard to Korean as described in the application in Docket 25219 be and it hereby is approved pursuant to section 408 of the Act.

Persons entitled to petition the Board for review of this order pursuant to the Board's regulations, 14 CFR 385.50, may file such petitions within 10 days after the date of this order.

This order shall be effective upon issuance and the filing of such petitions shall not stay its effectiveness.

[SEAL] HARRY J. ZINK,
Secretary.

[FR Doc.73-4390 Filed 3-6-73;8:45 am]

[1] Aircraft N8637 (Manufacturer's Serial No. 46052) and Aircraft N8638 (Manufacturer's Serial No. 46053).

[2] See Order 72-12-50, Dec. 12, 1972, Docket 24926.

[3] It is further found, pursuant to 14 CFR 385.6, that the actions taken herein are governed by prior Board precedent and policy, and, because of the imminent transaction date, that immediate action is required to enable effectuation of the transaction; therefore, it is determined that the filing of petitions for review of this order will not preclude this order from becoming effective immediately.

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ENVIRONMENTAL PROTECTION AGENCY

MOTOR VEHICLE POLLUTION CONTROL SUSPENSION REQUEST

Notice and Procedures for Public Hearing

Correction

In FR Doc. 73-3671 appearing on page 5281 of the issue for Tuesday, February 27, 1973, in the seventh line of the third column "44 hours notice" should read "24 hours notice".

NATIONAL AIR POLLUTION MANPOWER DEVELOPMENT ADVISORY COMMITTEE

Notice of Meeting

Pursuant to Public Law 92-463, notice is hereby given that a meeting of the National Air Pollution Manpower Development Advisory Committee will be held at 8 p.m., March 26, and at 8:30 a.m. on March 27-28, 1973, in the National Environmental Research Center Auditorium, EPA, Research Triangle Park, N.C.

This is the regular quarterly meeting of this Committee. Most of the meeting will be devoted to Committee review of applications for training grants and fellowships. Reports will also be presented by ad hoc subcommittees on Specialty Training Programs and Training Priorities.

The meeting will be open ot the public. Any member of the public wishing to attend or participate should contact Mr. Ronnie E. Townsend, Manpower Development Staff, Research Triangle Park, N.C., (919) 549-8411, extension 2492.

WILLIAM D. RUCKELSHAUS,
Administrator.

MARCH 1, 1973.

[FR Doc.73-4407 Filed 3-6-73;8:45 am]

TECHNICAL ADVISORY GROUP TO THE MUNICIPAL WATER SYSTEMS DIVISION

Notice of Meeting

Pursuant to Public Law 92-463, notice is hereby given that a meeting of the Technical Advisory Group to the Municipal Waste Water Systems Division will be held on March 21, 1973, at 8:30 a.m. in the Crystal City Marriott Hotel in Crystal City, Arlington, Va.

This is a regularly scheduled meeting of this advisory group. The agenda includes a review of items needed to implement the 1972 Amendments to the Federal Water Pollution Control Act and a review of wastewater treatment facility designs, operation and maintenance information.

The meeting will be open to the public. Any member of the public who would like to participate may submit written comments to the Chairman of the advisory group prior to the closing of the meeting. Persons desiring more information should contact Mr. Ralph C. Palange, Executive Secretary, Technical Advisory Group to the Municipal Waste Water Systems Division at (703) 557-7602.

WILLIAM D. RUCKELHAUS,
Administrator.

MARCH 1, 1973.

[FR Doc.73-4408 Filed 3-6-73;8:45 am]

FEDERAL MARITIME COMMISSION

LYKES BROS. STEAMSHIP CO., INC., AND SOUTH AFRICAN MARINE CORP., LTD.

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street, NW., Room 1015; or may inspect the agreement at the field offices located at New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, on or before March 27, 1973. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed by:

Mr. R. J. Finnan, Rate Analyst, Lykes Bros. Steamship Co., Inc., 300 Poydras Street, New Orleans, LA 70130.

Agreement No. 10036 is an arrangement between Lykes Bros. Steamship Co., Inc., and the South African Marine Corp., Ltd., which would permit the two lines to meet together, discuss, and agree on matters of mutual interest and courses of action to promote trade between the United States and Southwest Africa, the Republic of South Africa and Mozambique, including the spacing of their vessels, and coverage of ports, not inconsistent with the rules, regulations, limitations, and procedures of conferences to which either might belong and which cover the agreement trade. Any agreement reached involving matters other than the spacing of sailings, and the coverage of ports, will not be implemented prior to the approval of the Federal Maritime Commission.

Dated: March 2, 1973.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.73-4369 Filed 3-6-73;8:45 am]

MARSEILLES NORTH ATLANTIC U.S.A. FREIGHT CONFERENCE

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1015, or may inspect the agreement at the field offices located at New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, on or before March 27, 1973. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed by:

Stanley O. Sher, Esq., Bebchick, Sher & Kushnick, 919 18th Street NW., Washington, DC 20006.

Agreement No. 5660-17 modifies the basic agreement of the above-named conference by extending its scope to all interior points in Continental Europe.

Dated: March 2, 1973.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.73-4370 Filed 3-6-73;8:45 am]

MARSEILLES NORTH ATLANTIC U.S.A. FREIGHT CONFERENCE

Notice of a Petition Filed

Notice is hereby given that the following petition has been filed with the Commission for approval pursuant to section 14b of the Shipping Act, 1916, as amended (75 Stat. 762, 46 U.S.C. 814).

Interested parties may inspect a copy of the proposed contract form and of the petition at the Washington office of the Federal Maritime Commission, 1405 I Street NW., room 1015 or at the field offices located at New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to the proposed contract form and the petition including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, 1405 I Street, NW., Washington, DC 20573, on or before March 27, 1973. Any person desiring a hearing on the proposed contract system shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the proposed contract form and the petition (as indicated hereinafter), and the statement should indicate that this has been done.

Notice of agreement filed by:

Stanley O. Sher, Bebchick, Sher & Kushnick, 919 18th Street NW., Washington, DC 20006.

Agreement No. 5660 D.R. 2 modifies the dual rate contract of the above named Conference by extending its coverage to all points in Continental Europe.

Dated: March 2, 1973.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.73-4371 Filed 3-6-73;8:45 am]

FEDERAL POWER COMMISSION

[Projects Nos. 160, 162, 383, 689, 951, 1232, 2001, 2178, and 2505]

ALASKA

Order Vacating Land Withdrawals

FEBRUARY 28, 1973.

The Alaska Power Administration, U.S. Department of the Interior, has reviewed the land withdrawals created for the nine projects designated above and has recommended revocation of these withdrawals in their entirety, thereby requiring Commission consideration under section 24 of the Federal Power Act. The withdrawn lands are described in the attachment below.

Proceedings for Projects Nos. 160, 162, 383, 689, 2178, and 2505 ended without issuance of a license. The license for Project No. 951 has expired and the licenses for Projects Nos. 1232 and 2001 have been surrendered.

The lands withdrawn for Projects Nos. 160, 162, 2178, and 2505 are located along Power Creek, a tributary of Eyak Lake, near Cordova, Alaska. These projects contemplated diversion of Power Creek a short distance upstream from Ohman Falls to a powerhouse about 1½ miles below the falls. This powersite is also covered by the withdrawal for Project No. 2656 for which an application for license is pending. Since the site is covered by the withdrawal for Project No. 2656, the withdrawals for Projects Nos. 160, 162, 2178, and 2505 no longer serve a useful purpose.

The lands withdrawn for Projects Nos. 383 and 689 are located along the Soule Glacier River, a tributary to Portland Canal, about 8 miles southwest of Hyder, Alaska. Development of the power potential of the Soule Glacier River is considered economically unfeasible. Studies indicate that equivalent power could be obtained more cheaply from diesel generators or by development of a hydroelectric site on the Davis River located about 5 miles south of the Soule Glacier River.

Project No. 951 was a 1,180 horsepower project the license for which expired in 1955. Redevelopment of this site is considered unlikely because equivalent power could be obtained more cheaply from portable diesel generators.

The license for minor Project No. 1232 (installed capacity less than 100 horsepower) was surrendered in 1943. The site was subsequently redeveloped as Project No. 2001 (installed capacity 50 horsepower) the license for which was surrendered in 1953. Redevelopment of this site is considered unlikely because equivalent power could be obtained more cheaply from portable diesel generators.

Revocation of the withdrawals will facilitate the disposal of some of the lands and facilitate the administration of the lands which remain in federal ownership.

The U.S. Geological Survey has concurred with the recommendations of the Alaska Power Administration.

The Commission finds:

The withdrawals of the subject lands pursuant to the applications for Projects Nos. 160, 162, 383, 689, 951, 1232, 2001, 2178, and 2505 serve no useful purpose and should be vacated in their entirety.

The Commission orders:

The withdrawals of the subject lands pursuant to the applications for Projects Nos. 160, 162, 383, 689, 951, 1232, 2001, 2178, and 2505 are hereby vacated in their entirety.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

ATTACHMENT

1. Lands withdrawn for Project No. 160 as described in the Commission's February 15, 1921, notice of land withdrawal to the General Land Office (now Bureau of Land Management):

VICINITY OF ORCA INLET, PRINCE WILLIAM SOUND, CHUGACH NATIONAL FOREST, ALASKA

All lands within one-quarter of a mile of Power Creek for 2 miles of its length beginning at and extending upstream from Eyak Lake.

(Approximately 640 acres.)

NOTE: Project No. 160 (and Project Nos. 162 and 2178 cited below) contemplated the diversion of Power Creek at a point about one-half mile above Ohman Falls. The latest topographic maps show that this diversion point is more than 2 miles upstream from Eyak Lake, hence the notice of February 15, 1921, was incomplete.

2. A notice of land withdrawal was not issued for Project No. 162. This project affected the same lands as Project No. 160 (see item 1 above).

3. Lands withdrawn for Project No. 383 as described in the Commission's March 23, 1923, notice of land withdrawal to the General Land Office:

TONGASS NATIONAL FOREST, ALASKA

Soule Glacier River, tributary to Portland Canal from the west, approximately 8 miles southwest of Hyder, Alaska.

All lands within one-quarter of a mile of Soule Glacier River from its mouth to a point 2 miles above the mouth.

(Approximately 640 acres.)

Additional lands withdrawn for Project No. 383 as described in the Commission's April 21, 1925, notice of land withdrawal to the General Land Office:

All lands within one-quarter of a mile of Soule Glacier River from a point 2 miles above the mouth of said river to "Unnamed Lake."

Also all lands lying within 500 feet of elevation 100 feet above the mean low water level of said "Unnamed Lake."

(Approximately 480 acres.)

4. Project No. 689 affected lands along the Soule Glacier River near Hyder, Alaska. A notice of land withdrawal was not issued for this project and the acreage involved has not been determined.

5. Lands withdrawn for Project No. 951 as described in the Commission's February 9, 1929, notices of land withdrawal to the General Land Office:

TONGASS NATIONAL FOREST, ALASKA, SITKA RECORDING DISTRICT, CHICHAGOF ISLAND, DIVISION NO. 1

All lands within 100 feet of the marginal limits of Rust Lake; all lands within the project boundaries surrounding the powerhouses and appurtenant structures on the shore of Sister Lake; all lands within 100 feet of the diversion dam locations; all lands within 50 feet of the center line of the pipeline, flume, and tunnel locations between Rust Lake and said Powerhouse Site; all as shown on a map entitld "Chichagof Power Co., Map of Power Project, Chichagof Island, Alaska," and filed in the office of the Federal Power Commission on December 31, 1928.

(Approximately 43 acres.)

All lands lying within 50 feet of the center line of the constructed transmission line location, approximately 4.5 miles in length from the powerhouse on the shore of Sister Lake to the location of the mine, stamp mill, and cyanid plant at Chichagof, Alaska, all as shown on the above described map.

(Approximately 54 acres.)

6. Lands withdrawn for Project No. 1232 as described in the Commission's January 18, 1933, notice of land withdrawal to the General Land Office:

PORT WALTER, BARANOF ISLAND, TONGASS NATIONAL FOREST, ALASKA

All lands lying within 50 feet of the center line and the two parallel 8-inch wood stave pipelines into which it branches; all lands below the 250-foot contour above mean sea level which drain into the reservoir lake and into that section of the stream between the lake outlet and the storage dam; all as shown

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on a map designated "Exhibit E" and entitled "Chatham Strait Fish Company, Port Walter, Alaska, Tongass National Forest, Map to accompany application for license for minor project," and filed in the office of the Federal Power Commission on January 9, 1933.

(Approximately 50 acres.)

7. Lands withdrawn for Project No. 2001 as described in the Commission's August 29, 1949, notice of land withdrawal to the Bureau of Land Management:

TONGASS NATIONAL FOREST, ALASKA, BARANOF ISLAND, PORT WALTER, AN ARM OF CHATHAM STRAIT

All lands of the United States lying within 10 feet of the high water line of the reservoir (Lake Osprey) and New Port Walter Creek to intake, and 50 feet from center line of water conduit, powerhouse and dam, and 20 feet either side of center line of transmission line, all as shown on a map designated "Exhibit K" and entitled "Map Showing Project Boundaries Accompanying Application for License (Minor Project) of Newport Fisheries, Inc.," filed in the office of the Federal Power Commission on February 8, 1949.

(Approximately 40.04 acres.)

8. A notice of land withdrawal was not issued for Project No. 2178. This project affected the same lands as Project No. 160 (see item 1 above).

9. Project No. 2505 affected lands lying along Power Creek, near Cordova, Alaska. A precise boundary was not established for this project, a notice of land withdrawal was not issued, and the acreage involved has not been determined. The project was similar to Project No. 160 except that a storage reservoir was contemplated above Ohman Falls.

[FR Doc.73-4290 Filed 3-6-73;8:45 am]

[Project No. 1222]

ALASKA

Order Vacating Land Withdrawal

FEBRUARY 28, 1973.

The Alaska Power Administration, Department of the Interior, has reviewed the land withdrawal for Project No. 1222 and recommended that it be vacated in its entirety, thereby requiring Commission consideration under section 24 of the Federal Power Act.

The following described lands are withdrawn pursuant to the filing on September 29, 1932, by the Wards Cove Packing Co., of an application for Project No. 1222 for which the Commission gave notice of land withdrawal to the General Land Office (now Bureau of Land Management) by letter dated October 8, 1932.

WARD COVE, REVILLAGIGEDO ISLAND, ALASKA

All lands draining into a small unnamed stream tributary to Ward Cove, which lie below elevation 150 feet above mean sea level and upstream from the southeast boundary of the Trade and Manufacturing Site belonging to the Wards Cove Packing Co. (U.S. Survey No. 1207), as shown on a map designated "Exhibit E" and entitled "Wards Cove Packing Company, Alaska, Tongass National Forest, Map to Accompany Application for License for Minor Project," and filed in the office of the Federal Power Commission on September 29, 1932.

(Approximately 3 acres.)

Project No. 1222 was located on Walsh Creek, about 3 miles northwest of Ketchikan, Alaska, and consisted of a rock-filled crib dam 18.5 feet high with a crest 80.5 feet long, a 3-acre reservoir with a capacity of 15 acre-feet, and a 700-foot-long conduit leading to a 20-horsepower water wheel connected to a generator in the licensee's fish cannery.

The 25-year license for the project expired April 20, 1958, and the development of electrical energy has been discontinued as the cannery now receives its power from Ketchikan Public Utilities. The dam, reservoir, and pipeline are being maintained by the Wards Cove Packing Co., Inc., for water supply purposes.

Walsh Creek has no significant power potential as its drainage area is less than 1 square mile.

The Commission finds:

The withdrawal for Project No. 1222 no longer serves a useful purpose and should be vacated in its entirety.

The Commission orders:

The withdrawal of the subject lands pursuant to the application for Project No. 1222 is hereby vacated in its entirety.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

[FR Doc.73-4289 Filed 3-6-73;8:45 am]

[Docket No. CP73-223]

COLUMBIA GAS TRANSMISSION CORP.

Notice of Application

FEBRUARY 28, 1973.

Take notice that on February 20, 1973, Columbia Gas Transmission Corp. (Applicant), 20 Montchanin Road, Wilmington, DE 19807, filed in Docket No. CP73-223 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing Applicant to receive volumes of synthetic gas as mixed with natural gas for certain of its customers and deliver such volumes to those customers at existing points of delivery, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that certain of its customers have exercised agreements with Columbia LNG Corporation (Columbia LNG), an affiliate of Applicant, providing for the purchase of a specified share of synthetic gas from Columbia LNG and for the delivery of such volumes by Applicant as proposed herein. Applicant also states that it has been advised that Columbia LNG anticipates annual deliveries of 75,600,000 Mcf of synthetic gas at an average daily rate of 216,000 Mcf per day, to commence January 1, 1974. It is stated that customers of Applicant were given the opportunity to purchase synthetic gas based on their purchases of historic gas from Applicant under Applicant's existing rate schedules.

Applicant proposes to accept for the account of certain of its customers, their respective shares of synthetic gas purchased from Columbia LNG, at Green Springs, Ohio, and to deliver such volumes to these customers at existing points of delivery at monthly load factors represented by each customer's maximum monthly volumes. Applicant states that the synthetic gas so accepted will be at essentially uniform monthly and daily rates. Applicant also states that it will be under no obligation to deliver gas to customers when Applicant is delivering that customer's total daily entitlement under the rate schedules contained in Applicant's effective FPC gas tariff.

Applicant states that customers will pay applicant 13 cents per Mcf for the delivery of mixed gas proposed herein, that the rate is a one-part rate per Mcf, and that the rate will be calculated from time-to-time based upon Applicant's average systemwide transmission and storage costs as reflected in Applicant's effective rates.

Any person desiring to be heard or to make any protest with reference to said application should on or before March 26, 1973, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB, *Secretary.*

[FR Doc.73-4278 Filed 3-6-73;8:45 am]

[Docket No. E-7743]

CONNECTICUT LIGHT & POWER CO.

Notice of Further Extension of Time and Postponement of Hearing

FEBRUARY 28, 1973.

On February 22, 1973, The Connecticut Municipal Group filed a motion for further extension of time of the remaining procedural dates as established by the order issued November 30, 1972, and January 16, 1973, in the above matter. The motion states that the Commission Staff Counsel and the company consent to the request.

Upon consideration, notice is hereby given that the procedural dates in the above matter are further modified as follows:

Interveners' prepared testimony and exhibits, March 30, 1973.
Connecticut Light & Power Co.'s rebuttal testimony and exhibits, April 21, 1973.
Hearing, May 5, 1973 (10 a.m., e.d.t.).

KENNETH F. PLUMB, *Secretary.*

[FR Doc.73-4279 Filed 3-6-73;8:45 am]

[Project 2338]

CONSOLIDATED EDISON CO. OF NEW YORK, INC.

Notice of Extension of Time

FEBRUARY 28, 1973.

On February 21, 1973, Consolidated Edison Co. of New York, Inc., filed a motion for an extension of time to answer the petition filed February 2, 1973, by the Hudson River Fishermen's Association (HRFA), for hearing and for order regulating operation of Pumped Storage Project (Cornwall Project). The motion states that HRFA has no objection to the requested extension of time.

Upon consideration, notice is hereby given that the time is extended to and including April 4, 1973, within which answers may be filed to the petition filed by HRFA.

KENNETH F. PLUMB, *Secretary.*

[FR Doc.73-4280 Filed 3-6-73;8:45 am]

[Docket No. CI73-556]

DYNAMIC EXPLORATION, INC.

Notice of Application

FEBRUARY 28, 1973.

Take notice that on February 22, 1973, Dynamic Exploration, Inc. (applicant), Post Office Box 52889, Oil Center Station, Lafayette, LA 70501, filed in Docket No. CI73-556 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale for resale and delivery of natural gas in interstate commerce to United Gas Pipe Line Co., from the North Bourg Field, Lafourche Parish, La., all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that it proposes to commence the sale of natural gas within the contemplation of § 157.29 of the regulations under the Natural Gas Act (18 CFR 157.29) and that it proposes to continue said sale for 1 year from the end of the 60-day emergency period within the contemplation of § 2.70 of the Commission's general policy and interpretations (18 CFR 2.70). Applicant proposes to sell approximately 120,000 Mcf of gas per month at 45 cents per Mcf at 14.7 p.s.i.a., subject to upward and downward B.t.u. adjustment.

It appears reasonable and consistent with the public interest in this case to prescribe a period shorter than 15 days for the filing of protests and petitions to intervene. Therefore, any person desiring to be heard or to make any protest with reference to said application should on or before March 16, 1973, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for applicant to appear or be represented at the hearing.

KENNETH F. PLUMB, *Secretary.*

[FR Doc.73-4193 Filed 3-6-73;8:45 am]

[Docket No. CP73-221]

EL PASO NATURAL GAS CO.

Notice of Application

FEBRUARY 28, 1973.

Take notice that on February 16, 1973, El Paso Natural Gas Co., Post Office Box 1492, El Paso, TX 79978, filed in Docket No. CP73-221 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing Applicant to construct and operate certain facilities and to sell and deliver natural gas to Northern Natural Gas Co. (Northern), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that it purchases, gathers and transports natural gas from fields located in Lea County, N. Mex., that it has excess capacity on its system, and that it has contracted with Warren Petroleum Co. (Warren) to use a portion of Warren's processing capacity at Warren's Monument and Eunice Plants in Lea County to process gas for Applicant. It is also stated that Northern does not have enough system capacity to gather, process, and transport volumes of gas available to it from its Lea County, N. Mex., sources.

Applicant states that it will receive up to 75,000 Mcf of raw, sour, natural gas per day from Northern, at approximately 100 p.s.i.a. or less, for an initial price of 18.87 cents per Mcf pursuant to an agreement between Applicant and Northern dated January 31, 1973. It is stated that Applicant will receive such gas at seven points of interconnection of existing natural gas gathering facilities in the Lea County area of New Mexico and that approximately 32,000 Mcf of such natural gas will be delivered to Warren for Applicant's account.

Applicant proposes to sell, at a rate equivalent to that under Applicant's Rate Schedule X-1, and deliver to Northern daily volumes of residue gas equal to the volume of gas remaining after Applicant processes the raw gas purchased from Northern, approximately 60,000 Mcf per day. The current rate under Rate Schedule X-1 is 30.9 cents per Mcf. It is stated that the proposed sale and delivery of natural gas to Northern will be at an existing point of connection at the outlet of Mobil Oil Corp.'s Coyanosa Gas Plant, Pecos County, Tex., and/or at the point of interconnection where Applicant's 12-inch line in Lea County, N. Mex., crosses Northern's 16-inch mainline.

Applicant states that it commenced the sale and delivery of natural gas to Northern and installed three metering and regulating stations at the points of interconnection between Applicant's and Northern's gathering system facilities in Lea County, N. Mex., to make sales and deliveries within the contemplation of § 157.22 of the regulations under the Natural Gas Act (18 CFR 157.22).

Applicant proposes to construct and operate an interconnecting meter station, to be known as Field Sales Meter Station No. 1, to accomodate deliveries to Northern at the point of interconnection where Northern's 16-inch mainline crosses Applicant's 12-inch Gulf-Eunice pipeline in Lea County, N. Mex. Applicant also proposes to continue the operation of the aforementioned metering and regulating stations. Applicant estimated the total cost of the facilities constructed in connection with this project will total $52,087.

Any person desiring to be heard or to make any protest with reference to said application should on or before March 30, 1973, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants

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parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-4281 Filed 3-6-73;8:45 am]

[Docket No. CI73-553]

EXCHANGE OIL & GAS CORP.

Notice of Application

FEBRUARY 28, 1973.

Take notice that on February 20, 1973, Exchange Oil & Gas Corp. (applicant), 1010 Common Street, New Orleans, LA 70112, filed in Docket No. CI73-553 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale for resale and delivery of natural gas in interstate commerce to United Gas Pipe Line Co. from the Orange Grove Field, Terrebonne Parish, La., all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that it commenced the sale of natural gas on February 12, 1973, within the contemplation of § 157.29 of the regulations under the Natural Gas Act (18 CFR 157.29) and that it proposes to continue said sale for 1 year from the end of the 60-day emergency period within the contemplation of § 2.70 of the Commission's general policy and interpretations (18 CFR 2.70), except that the sale may be terminated after 6 months' deliveries under the authorization requested herein. Applicant proposes to sell approximately 37,500 Mcf of gas per month at 35 cents per Mcf at 15.025 p.s.i.a., subject to upward and downward B.t.u. adjustment.

It appears reasonable and consistent with the public interest in this case to prescribe a period shorter than 15 days for the filing of protests and petitions to intervene. Therefore, any person desiring to be heard or to make any protest with reference to said application should on or before March 16, 1973, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-4192 Filed 3-6-73;8:45 am]

[Docket No. CI73-544]

EXXON CORP.

Notice of Application

FEBRUARY 28, 1973.

Take notice that on February 16, 1973, Exxon Corp. (Applicant), Post Office Box 2180, Houston, TX 77001, filed in Docket No. CI73-544 an application pursuant to section 7(b) of the Natural Gas Act for permission and approval to abandon the sale of natural gas to Union Texas Petroleum, a Division of Allied Chemical Corp. (Union Texas), for resale in interstate commerce and pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale for resale of natural gas in interstate commerce to El Paso Natural Gas Co. (El Paso), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that it is presently selling natural gas from production in the Fort Chadbourne and West Fort Chadbourne Fields, Coke and Runnels Counties, Tex., under a percentage-type casinghead gas contract to Union Texas for processing at the latter's Perkins Natural Gasoline Plant in Coke County and resale to El Paso. Applicant states further that the primary term of its percentage contract with Union Texas has expired and that Applicant now proposes to sell to El Paso at 36 cents per Mcf at 14.65 p.s.i.a. residue gas from the Fort Chadbourne and West Fort Chadbourne casinghead gas after having the casinghead gas processed for Applicant by Union Texas at the Perkins Natural Gasoline Plant.

Any person desiring to be heard or to make any protest with reference to said application should on or before March 26, 1973, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate and permission and approval for the proposed abandonment are required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-4282 Filed 3-6-73;8:45 am]

[Docket No. E-7806]

ILLINOIS POWER CO.

Notice of Further Extension of Time

FEBRUARY 28, 1973.

On January 24, 1973, Illinois Power Co. filed a motion for an extension of time to comply with paragraph (D) of the order issued on December 29, 1972. The motion states that nine electric cooperatives have no objection to the motion. On January 19, 1973, a notice was issued changing the other procedural dates established by that order pursuant to a motion filed January 15, 1973 by the Illinois Power Co. On February 16, 1973, Illinois Power Co. filed a request for an extension of time so as to file a proposed offer of settlement. This extension is within the time of the earlier request.

Upon consideration, notice is hereby given that the time is extended to and including April 16, 1973, within which Illinois Power Co. shall respond to paragraph (D) of the order issued December 29, 1972. The procedural dates are further modified accordingly:

Service of evidence by parties supporting, April 23, 1973.
Service of evidence by parties opposing, April 30, 1973.
Service of rebuttal evidence supporting, May 8, 1973.
Hearing and cross-examination, May 15, 1973 (10 a.m., e.d.t.).

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-4283 Filed 3-6-73;8:45 am]

[Docket No. CI73-555]

McCULLOCH OIL CORP. OF TEXAS

Notice of Application

FEBRUARY 28, 1973.

Take notice that on February 22, 1973, McCulloch Oil Corp. of Texas (applicant), 10880 Wilshire Boulevard, Los Angeles, CA 90024, filed in Docket No. CI73-555 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale for resale and delivery of natural gas in interstate commerce to El Paso Natural Gas Co. from Hemphill County, Tex., all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to sell approximately 7,500 Mcf of natural gas per day at 50 cents per Mcf at 14.65 p.s.i.a., subject to upward and downward B.t.u. adjustment, until July 1, 1974, within the contemplation of § 2.70 of the Commission's General Policy and Interpretations (18 CFR 2.70). Estimated initial upward B.t.u. adjustment is 6.5 cents per Mcf.

It appears reasonable and consistent with the public interest in this case to prescribe a period shorter than 15 days for the filing of protests and petitions to intervene. Therefore, any person desiring to be heard or to make any protest with reference to said application should on or before March 16, 1973, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-4191 Filed 3-6-73;8:45 am]

[Project 2684]

NORTH CENTRAL POWER CO., INC.

Notice of Application

FEBRUARY 28, 1973.

Public notice is hereby given pursuant to section 4(e) of the Federal Power Act (16 U.S.C. 791a-825r) that application for approval of compliance with license Article 18 was filed on July 14, 1972, by North Central Power Co., Inc. (correspondence to: Mr. Mark F. Dahlberg, vice-president, North Central Power Co., Inc., Grantsburg, Wis. 54840) Licensee for Project 2684, known as the Arpin Dam, located on the Chippewa River in Sawyer County, Wis.

Licensee has filed for approval of its compliance with Article 18 of its minor license, issued June 3, 1969 (41 FPC 682) requiring the development of recreational facilities and the submission of plans for stump removal from the reservoir.

Licensee states that it has completed all recreational development having completed the construction of a public boat landing and having placed two picnic tables on the site.

The development of a proposed park on a 29-acre parcel of land has been dropped from present plans. The parcel is being reserved for future development.

Licensee has consulted with the State of Wisconsin, Department of Natural Resources concerning stump removal and has received a recommendation that the stumps be left for fish and wildlife enhancement.

Any person desiring to be heard or to make protest with reference to said application should on or before April 6, 1973, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to a proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules.

The application is on file with the Commission and is available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-4284 Filed 3-6-73;8:45 am]

[Docket No. CI73-202]

PENNZOIL CO.

Notice of Application

FEBRUARY 28, 1973.

Take notice that on February 15, 1973, Pennzoil Co. (Applicant), 900 Southwest Tower, Houston, TX 77002, filed in Docket No. CI73-202 an application pursuant to section 7(c) of the Natural Gas Act and § 2.75 of the Commission's general policy and interpretations (18 CFR 2.75) for a certificate of public convenience and necessity authorizing the sale for resale and delivery of natural gas in interstate commerce with pregranted abandonment authorization to Northern Natural Gas Co. (Northern) from the Quito Area, Ward County, Tex., all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes under the optional gas pricing procedure to sell natural gas to Northern from the Quito Area at an initial rate of 37 cents per Mcf at 14.65 p.s.i.a., subject to upward and downward B.t.u. adjustment. The basic contract for the subject sale provides of 1-cent per Mcf price escalations each year, for reimbursement to Applicant for 90 percent of any new or increased taxes and for a contract term of 20 years.

Applicant states that on September 19, 1972, it filed an application for a certificate of public convenience and necessity in Docket No. CI73-202 authorizing the sale of the subject gas and was granted a temporary certificate for the sale on October 3, 1972, at 27 cents per Mcf. Applicant further states that it accepted the temporary certificate, but deliveries of gas have not commenced thereunder.

Applicant asserts that the instant contract prices were reasonable at the time the contract was entered into and that recently executed contracts for the sale of gas in the same area call for higher prices in the neighborhood of 45 to 50 cents per Mcf. Also, Applicant asserts that the instant contract prices are lower than recently negotiated intrastate contracts, such as the sales reported at 52 cents per Mcf in New Mexico and Oklahoma, 73 cents per Mcf in Ohio and 76 cents per Mcf in Alabama-Florida. Applicant believes that the assurance of a long-term supply of natural gas produced domestically, like the present one, is extremely beneficial to consumers faced with the prospect of paying in excess of $1 (initial price) for gas imported from countries with uncertain political futures or transported over long distances from Alaska.

In the alternative, Applicant requests an amendment of the certificate heretofore issued in Docket No. CI73-202 to accomplish the above-described results on a permanent basis.

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Any person desiring to be heard or to make any protest with reference to said application should on or before March 30, 1973, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-4286 Filed 3-6-73;8:45 am]

[Docket No. CI73-546]

PENNZOIL OFFSHORE GAS OPERATORS, INC.

Notice of Application

FEBRUARY 28, 1973.

Take notice that on February 16, 1973, Pennzoil Gas Operators, Inc. (Applicant), 900 Southwest Tower, Houston, TX 77002, filed in Docket No. CI73-546 an application pursuant to section 7(c) of the Natural Gas Act and § 2.75 of the Commission's general policy and interpretations (18 CFR 2.75) for a certificate of public convenience and necessity authorizing sales for resale and delivery of natural gas in interstate commerce with pregranted abandonment authorization to Sea Robin Pipeline Co. from Block 270, East Cameron area, and Block 330, Eugene Island area, offshore Louisiana, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes under the optional gas pricing procedure to sell natural gas to Sea Robin, an affiliated company, from Block 270 and Block 330 at an initial rate of 35 cents per Mcf at 15.025 p.s.i.a., subject to upward and downward B.t.u. adjustment. The basic contracts for the subject sales dated April 20, 1972, provide for 2.5 cents per Mcf price escalations every 3 years, for reimbursement to Applicant for any new or additional taxes and for a contract term of 20 years.

Applicant states that it was issued certificates of public convenience and necessity in Dockets Nos. CI72-692 and CI72-694 for the subject sales from Block 330 and Block 270, respectively, on October 17, 1972, in Amoco Production Co. (Operator) et al., Docket No. G-4904 et al. Applicant indicates that deliveries have not commenced under either of these certificates. Applicant also indicates that certain wells in these blocks were commenced prior to April 6, 1972, and are not to be covered by this application.

Applicant asserts that the instant prices were reasonable at the time the subject contracts were entered into and that recently executed contracts for the sale of gas in the same area call for higher prices in the neighborhood of 45 cents per Mcf to 50 cents per Mcf. Also, Applicant asserts that the instant contract prices are lower than recently negotiated intrastate contracts, such as those sales reported at 52 cents per Mcf in New Mexico and Oklahoma, 73 cents per Mcf in Ohio and 76 cents per Mcf in Alabama-Florida. Applicant believes that the assurance of a long-term supply of natural gas produced domestically, like the present one, is extremely beneficial to consumers faced with the prospect of paying in excess of $1 (initial price) for gas imported from countries with uncertain political futures or transported over long distances from Alaska.

In the alternative, Applicant requests an amendment of the certificates issued in Dockets Nos. CI72-692 and CI72-694 to accomplish the above-described results on a permanent basis.

Any person desiring to be heard or to make any protest with reference to said application should on or before March 30, 1973, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-4285 Filed 3-6-73;8:45 am]

[Docket No. CP72-259]

SOUTHERN NATURAL GAS CO.

Notice of Application

MARCH 1, 1973.

Take notice that on February 20, 1973, Southern Natural Gas Co. (Applicant), Post Office Box 2563, Birmingham, AL 35202, filed in Docket No. CP72-259 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale for resale and delivery of natural gas in interstate commerce to Sea Robin Pipeline Co. (Sea Robin) from Block 225, Ship Shoal area, offshore Louisiana, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes under the optional gas pricing procedure to sell natural gas to Sea Robin from Block 225 at an initial rate of 35 cents per Mcf at 15.025 p.s.i.a., subject to upward and downward B.t.u. adjustment. The basic contract for the subject sale dated April 27, 1972, provides for 2.5-cents per Mcf price escalations every 3 years, for reimbursement to Applicant for any increased or new taxes and for a contract term expiring on January 1, 1993.

Applicant states that it was granted a temporary certificate for the subject sale in Docket No. CP72-259 but that deliveries have not commenced from the subject acreage. Such certificate was issued at a rate of 26 cents per Mcf on June 9, 1972. In the event the Commission approves the instant proposal, Applicant requests that its original application in this docket filed May 10, 1972, be considered withdrawn.

Applicant asserts that the instant contract prices were reasonable at the time of execution of the contract and that recently executed intrastate sales in southern Louisiana call for higher rates, some in excess of 50 cents per Mcf. Applicant further asserts that the cost of liquefied natural gas and other nonconventional supply sources are much higher. Applicant alleges that the instant definite pricing provisions in the gas sales contract are needed to provide funds for increasing lease sale costs in the southern Louisiana area and otherwise to provide funds for exploration, development, and production of needed gas supplies, thereby maintaining Applicant's financial integrity.

In the alternative, Applicant requests that this application be treated as an amendment to its existing, pending application in Docket No. CP72-259 to accomplish the above described results on a permanent basis. In such case Applicant requests that its notice of withdrawal of application be disregarded.

Any person desiring to be heard or to make any protest with reference to said application should on or before March 26, 1973, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules. Persons who have heretofore filed petitions to intervene in this docket need not file again.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-4291 Filed 3-6-73;8:45 am]

[Docket No. E-7929]

TOLEDO EDISON CO.

Order Accepting for Filing

FEBRUARY 28, 1973.

On December 22, 1972, Toledo Edison Co. (Toledo) tendered for filing copies of the following rate schedules: Municipal Resale Service Rate—Small, applicable to 11 small municipalities[1] and Municipal Resale Service Rate—Large, applicable to the cities of Bowling Green, Napoleon, Montpelier and Bryan.

[1] The Villages of Bradner, Custar, Edgerton, Elmore, Genoa, Haskins, Liberty Center, Oak Harbor, Pemberville, Pioneer, and Woodville, Ohio.

Toledo stated that the proposed changes would increase Toledo's revenues from jurisdictional sales and service by $494,747 based on a 1971 test year. The proposed tariff is intended to be applicable to all of its municipal wholesale customers and Toledo maintains that it is replacing existing individual municipal wholesale agreements with the standardized rate tariffs submitted.

Toledo says that the existing agreements with the large municipalities of Bowling Green, Napoleon, and Montpelier have expired, and that as to those municipalities, the proposed effective date of the new tariff will be March 1, 1973. The new tariff is proposed to become effective as to Bryan upon the expiration date of the current agreement May 31, 1974.

With regard to the 11 small municipalities the proposed tariff rate is the same as that incorporated in existing rate schedules except for a revision to the fuel adjustment clause which excludes fuel handling costs. This revised fuel clause would have the effect of reducing revenues from the small municipalities. The company requests that the revised fuel clause go into effect on March 1, 1973.

Notice of the proposed increase was issued on January 11, 1973, petitions to intervene or protests were due February 5, 1973.[2] A timely petition to intervene was filed by the city of Napoleon, Ohio. On February 5, 1973,[3] Bowling Green, Bryan, and Napoleon (Cities) filed a joint motion to reject the filing contending that it lacks jurisdiction for allocation of demand charges to Cities contrary to the regulations under the Federal Power Act, § 35.13(b)(iv); it violates antitrust laws and prohibitions of section 205(b) of the Federal Power Act in that it eliminates provision for coordination with the two municipals with self-generation contrary to the standards confirmed in the Gainesville decision and restricts self-generation through imposition of high minimum charges and refusal to provide outage service and transmission service; it acts to impose unlawful restrictions on retail sales by Cities; and that the ratchet provision is unlawful.

Also on February 5, 1973, the Cities filed a motion by the Cities to protest, reject, request for hearing and 5 months suspension, and to intervene in which the arguments raised in joint motion to reject were reargued. The Cities also maintain that the lack of environmental impact statement is a reason for rejection. Alternatively, the Cities request suspension of the filing and hearing on Toledo's anticompetitive practices and their environmental impact, or refuse to accept the proposed tariff sheets unless Toledo agrees to coordinate operations with the Cities generating plants and correct various discrimination clauses or order a hearing and 5-month suspension. On February 20, 1973, Toledo filed an answer to the Cities' motions.

We believe that the allegations contained in the Cities' motions raise issues which may require development in an evidentiary hearing and therefore will deny said motions.

Our review of Toledo's filing reveals that, with respect to the three large cities being served under expired contracts, as well as the city of Bryan, the proposed rate increase has not yet been shown to be just and reasonable and may be unjust, unreasonable, unduly discriminatory, preferential or otherwise unlawful. Therefore, we will accept for filing, the tendered large municipal rate schedule and suspend it for 5 months. However, Toledo's contract with the city of Bryan does not expire until May 31, 1974, therefore, the proposed rate increase applicable to the city of Bryan may not become effective until that date.

With regard to the small municipal rate schedule, we will permit the revised fuel adjustment clause to go into effect on March 1, 1973, without suspension, subject to the condition that Toledo file a revised fuel clause in conformance with New England Power Co., Docket No. E-7541 Opinion No. 633.

Finally, in order that the Commission has an up to date record on all the issues presented, we shall require Toledo to submit cost and revenue data for calendar year 1972. In this connection our caveat " " " on page 7 in Duke Power Co., Opinion No. 641, in Docket No. E-7557 is particularly appropriate in cases such as this where a 1971 test period is being used. There we stated:

" " " our filing requirements are not to be construed as a limitation on evidence which may be proffered as an aid to us in determining just and reasonable rates. All evidentiary material relevant to a fair determination of cost and revenue expectations may be appropriately presented in filings before us.

The Commission finds:

(1) The tariff schedule, Municipal Resale Service Rate—Large, tendered for filing December 22, 1972, should be accepted for filing as hereinafter ordered.

(2) The above increased rates and charges have not been shown to be justified and may be unjust, unreasonable, unduly discriminatory, preferential, or otherwise unlawful.

(3) It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Federal Power Act that the Commission enter upon a hearing concerning the lawfulness of the rates and charges contained in Toledo's Municipal Resale Service Rate—Large as proposed to be amended in this docket, and that the tendered Rate Schedule be suspended as hereinafter provided.

(4) The disposition of this proceeding should be expedited in accordance with the procedure set forth below.

[2] The original notice provided for filing Green, Ohio, filed the same date extending the filing date for interventions until Feb. 5, 1973.
petitions and intervention by Jan. 22, 1973. On Jan. 22, 1973, the Secretary granted a motion by the cities of Bryan and Bowling

[3] Supplemented by Feb. 21, 1973, filing.

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(5) In the event this proceeding is not concluded prior to the termination of the suspension period herein ordered, the placing of the tariff changes applied for in this proceeding into effect, subject to refund with interest while pending Commission determination as to their justness and reasonableness, is consistent with the purpose of the Economic Stabilization Act of 1970, as amended.

(6) The tariff schedule, Municipal Resale Service Rate—Small, tendered for filing December 22, 1972, is accepted to become effective as hereinafter ordered.

(7) Participation of the applicants for intervention cities of Napoleon, Bowling Green, and Bryan, Ohio, may be in the public interest.

(8) The motions of the Cities should be denied.

The Commission orders:

(A) Toledo's rate schedule, Municipal Resale Service Rate—Large, filed on December 22, 1972, is accepted for filing and suspended until August 1, 1973, as hereinafter provided.

(B) Toledo's Municipal Resale Service Rate—Small is accepted for filing and the revised fuel adjustment clause therein is permitted to become effective March 1, 1973. Toledo shall file a revised fuel clause in conformance with New England Power Co., Docket No. E–7541 Opinion No. 633 within 60 days from the date of issuance of this order.

(D) The Cities' motion to reject the filing and motion to protest, reject, request for hearing and 5 months suspension and intervention are denied for the reasons heretofore stated.

(E) Pursuant to the authority of the Federal Power Act, including sections 205, 206, 308, and 309 thereof, the Commission's rules of practice and procedure, and the regulations under the Federal Power Act, a public hearing shall be held commencing with a prehearing conference on July 24, 1973, at 10 a.m. in a hearing room of the Federal Power Commission, at 441 G Street NW., Washington, DC 20426 concerning the lawfulness of the rate increase as set forth above.

(F) On or before April 16, 1973, Toledo shall file cost and revenue data for the calendar year 1972. On or before July 16, 1973, the Commission Staff shall serve its prepared testimony and exhibits. The prepared testimony and exhibits of any or all intervenors shall be served on or before July 30, 1973. Any rebuttal evidence by Toledo shall be served on or before August 13, 1973. Cross-examination on the evidence filed will commence on August 28, 1973.

(H) A Presiding Examiner to be designated by the Chief Examiner for that purpose (See Delegation of Authority, 18 CFR 3.5(d)), shall preside at the hearing in this proceeding, shall prescribe relevant procedural matters not herein provided and shall control the proceeding in accordance with the policies expressed in § 2.59 of the Commission's rules of practice and procedure.

(I) Pending such hearing and decision thereon, Toledo's proposed rate schedule Municipal Service Rate—Large listed above is hereby suspended except as hereinafter noted, and the use thereof deferred until August 1, 1973, subject to the terms and conditions of this order: *Provided, however,* That with respect to the city of Bryan, the proposed rate increase may not become effective prior to May 31, 1974. Toledo shall refund at such times and in such manner as may be required by final order of the Commission, the portion of the increased rates and charges found by the Commission in this proceeding not justified, together with interest at the rate of 7 percent per annum, from the date of payment of Toledo until refunded; shall bear all costs of all refunding; shall keep accurate accounts in detail of all amounts received by reason of the increased rates and charges effective as of August 1, 1973, for each billing period, and shall report (original and one copy) in writing and under oath, to the Commission monthly, for each billing period, by customer, under the above described tariff sheets, and the revenue immediately prior to August 1, 1973, and under the rates and charges declared by this order to have become effective, together with the differences in the revenues so computed.

(J) The parties named above are hereby permitted to intervene in this proceeding, subject to the rules and regulations of the Commission: *Provided, however,* That the participation of such intervenors shall be limited to matters affecting the rights and interests specifically set forth in the respective petitions to intervene: *and provided, further,* That the admission of such intervenors shall not be construed as recognition that they or any of them might be aggrieved because of any order or orders issued by the Commission in this proceeding.

(K) The Secretary shall cause prompt publication of this order in the FEDERAL REGISTER.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

[FR Doc.73–4288 Filed 3–6–73;8:45 am]

[Docket No. RI73–226]

MOBIL OIL CORP.

Order Providing for Hearing on and Suspension of Proposed Change in Rate, Allowing Rate Change To Become Effective Subject To Refund

FEBRUARY 28, 1973.

Respondent has filed a proposed change in rate and charge for the jurisdictional sale of natural gas, as set forth in Appendix A below.

The proposed changed rate and charge may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds:

It is in the public interest and consistent with the Natural Gas Act that the Commission enter upon a hearing regarding the lawfulness of the proposed change, and that the supplement herein be suspended and its use be deferred as ordered below.

The Commission orders:

(A) Under the Natural Gas Act, particularly sections 4 and 15, the regulations pertaining thereto [18 CFR Ch. I], and the Commission's rules of practice and procedure, a public hearing shall be held concerning the lawfulness of the proposed change.

(B) Pending hearing and decision thereon, the rate supplement herein is suspended and its use deferred until date shown in the "Date Suspended Until" column. This supplement shall become effective, subject to refund, as of the expiration of the suspension period without any further action by the Respondent or by the Commission. Respondent shall comply with the refunding procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder.

(C) Unless otherwise ordered by the Commission, neither the suspended supplement, nor the rate schedule sought to be altered, shall be changed until disposition of this proceeding or expiration of the suspension period, whichever is earlier.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

APPENDIX A

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf* Rate in effect	Cents per Mcf* Proposed increased rate	Rate in effect subject to refund in dockets Nos.
RI73–226	Mobil Oil Corp.	26	[1] 18	El Paso Natural Gas Co. (Kermit Field, Winkler County, Tex.) (Permian Basin).	.....	1–29–73	(4)	[3] Accepted	.....	.....	RI70–1022
	do		19	do	$21,663	1–29–73	.....	4–1–73	19.1908	27.0	RI70–1022

* Unless otherwise stated, the pressure base is 14.65 p.s.i.a.
[1] Renegotiated Mobil Oil Corp. Rate Schedule No. 26 providing for, among other things a new term, a new delivery point and a new pricing schedule.
[2] Or 1 day from the date of first delivery under the renegotiated contract, whichever is later.
[3] Accepted for filing to be effective on the date shown in the "Effective date" column.
[4] Date of first delivery under renegotiated contract.

The proposed increase of Mobil Oil Corp. does not exceed the rate limit for a 1-day suspension and therefore is suspended for 1-day from the expiration of the 60-day notice period or the contractual effective date, whichever is later.

Mobil is required to notify the Commission of the date of the first delivery and the effective date of the rate increase. Additionally, Mobil is required to file a rate schedule quality statement with the Commission within 90 days of first delivery.

Mobil's proposed increased rate and charge exceed the applicable area price level for increased rates as set forth in the Commission's statement of general policy No. 61–1, as amended (18 CFR 2.56).

The rate increase granted in this case has been reviewed in the light of and is consistent with the Economic Stabilization Act of 1970 as amended, Executive Order No. 11695, and the rules and regulations issued thereunder.

[FR Doc.73–4274 Filed 3–6–73;8:45 am]

TRANSCONTINENTAL GAS PIPE LINE

Notice of Filing of Exchange Agreement

FEBRUARY 23, 1973.

Take notice that on February 14, 1973, Transcontinental Gas Pipe Line Co. tendered for filing the following sheets to its FPC Gas Tariff, original volume No. 2:

Original sheets Nos. 542 through 547 constituting rate schedule X–60, an exchange agreement dated May 17, 1972 between Transco and United Gas Pipe Line Co. (United).

The subject exchange arrangement was authorized by the Commission by certificate issued in joint Docket No. CP73–42 on January 19, 1973.

The tariff sheets are proposed to become effective January 19, 1973, the date of issuance of the certificate in Docket No. CP73–42, and the company requests to permit the filing to become effective on such date.

The company states that copies of the filing have been mailed to United.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 441 G Street NW., Washington, DC 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before March 8, 1973.

Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB, *Secretary.*

[FR Doc.73–4275 Filed 3–6–73;8:45 am]

[Docket No. ID–1494]

WILLIAM C. TALLMAN

Notice of Application

FEBRUARY 28, 1973.

Take notice that on October 16, 1972, William C. Tallman (Applicant) filed an application pursuant to section 305(b) of the Federal Power Act seeking authority to hold interlocking directorate positions.

Applicant is president and director of Public Service Co. of New Hampshire, a public utility principally engaged in the transmission, generation, and sale of electric energy in 212 cities and towns in New Hampshire, Maine, and Vermont. Applicant is also director of both Connecticut Yankee Atomic Power Co., and Yankee Atomic Electric Co. Connecticut Yankee was organized by 11 participating investor-owned utilities to construct a single-unit nuclear electric generating plant in Haddam, Conn. Yankee Atomic was organized by 11 investor-owned utilities in September 1954, to operate an atomic-electric plant in Rowe, Mass.

On January 18, 1966, Applicant was elected director of Maine Yankee Atomic Power Co. However, the company did not become a public utility until it commenced generation of power for transmission in interstate commerce in late 1972. Therefore, no previous authority to hold such positions was requested. Applicant now seeks authority to hold the position of director of Maine Yankee Atomic Power Co.

Any person desiring to be heard or to make any protest with reference to said application should on or before March 9, 1973, file with the Federal Power Commission, Washington, D.C. 20426, petitions or protests to intervene in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and available for public inspection.

KENNETH F. PLUMB, *Secretary.*

[FR Doc.73–4287 Filed 3–6–73;8:45 am]

FEDERAL RESERVE SYSTEM

FIRST NATIONAL HOLDING CORP.

Order Approving Acquisition of Woods-Tucker Leasing Corp.

First National Holding Corp., Atlanta, Ga., a bank holding company within the meaning of the Bank Holding Company Act, has applied for the Board's approval under section 4(c)(8) of the Act and § 225.4(b)(2) of the Board's Regulation Y, to acquire all of the outstanding common stock of Woods-Tucker Leasing Corp., Hattiesburg, Miss. (Company). The Company engages in the business of leasing personal property (fixtures and equipment) on a "full pay-out basis", and acting as agent, broker, or adviser in the leasing of such property. These activities have been determined by the Board to be closely related to the business of banking (12 CFR 225.4(a)).

Notice of the application, affording opportunity for interested persons to submit comments and views on the public interest factors, has been duly published (37 FR 28326). The time for filing comments and views has expired, and none has been timely received.

The Company, which was organized in 1970, had net leases outstanding of $1.7 million on June 30, 1972, from business generated by its own employees and agents in Alabama, Louisiana, and Mississippi. It does no business outside these States.

Applicant's banking subsidiary, First National Bank of Atlanta ("First National"), is the third largest banking organization in the State of Georgia, with deposits of $870.1 million, representing 9.9 percent of the total State deposits as of June 30, 1972. It is the only subsidiary of Applicant which engages in financial leasing and does so only in the State of Georgia. It has no leases outstanding, and does not actively seek business in the Company's market, i.e., Alabama, Louisiana, and Mississippi. Consequently, no present competition would be eliminated by the acquisition.

Company is relatively small, and its growth is limited by available financing. It is not likely to expand its leasing activities into Georgia. First National is capable of expanding into Company's market, but there are a number of regional and national competitors there. Barriers to entry into the product and geographic markets are not great, and there are several potential entrants. It appears, therefore, that removal of First National, as a possible de novo entrant, would not be adverse to probable future competition. In brief, no adverse competitive effects would result from this acquisition.

Public benefits are likely to result from the acquisition, inasmuch as Applicant is apparently able to provide more funds and at more favorable rates than those now obtainable by Company; this could enable Company to compete more effectively in its present market, to expand, and, possibly, to lower its rates.

There is no evidence that consummation of the proposed transaction would result in undue concentration of resources, conflicts of interest, unsound banking practices, or decreased or unfair competition.

Based upon the foregoing and other considerations reflected on the record,

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the Board has determined that the balance of the public interest factors the Board is required to consider under section 4(c)(8) is favorable. Accordingly, the application is hereby approved. This determination is subject to the conditions set forth in § 225.4(c) of Regulation Y and to the Board's authority to require such modification or termination of the activities of a holding company or any of its subsidiaries as the Board finds necessary to assure compliance with the provisions and purposes of the Act and the Board's regulations and orders issued thereunder, or to prevent evasions thereof.

By order of the Board of Governors,[1] effective February 27, 1973.

[SEAL] TYNAN SMITH,
Secretary of the Board.

[FR Doc.73-4293 Filed 3-6-73;8:45 am]

FIRST NATIONAL STATE BANCORPORATION

Order Approving Acquisition of Bank

First National State Bancorporation, Newark, N.J., a bank holding company within the meaning of the Bank Holding Company Act, has applied for the Board's approval under section 3(a)(3) of the Act (12 U.S.C. 1842(a)(3)) to acquire 80 percent or more of the voting shares of the successor by merger to Somerset Hills & County National Bank, Basking Ridge, N.J. (Bank).

The bank into which Bank is to be merged has no significance except as a means to facilitate acquisition of the voting shares of Bank. Therefore, the proposed acquisition of the shares of the successor bank is treated herein as the proposed acquisition of shares of Bank.

Notice of the application, affording opportunity for interested persons to submit comments and views, has been given in accordance with section 3(b) of the Act. The time for filing comments and views has expired, and the Board has considered the application and all comments received in light of the factors set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Applicant, the second largest banking organization in New Jersey, controls seven banks with aggregate deposits of approximately $1.2 billion, representing 6.7 percent of total deposits in commercial banks in the State.[2] Applicant's acquisition of Bank ($59.6 million in deposits) would increase its share of commercial bank deposits in New Jersey by only 0.3 percentage points; its rank among banking organizations in the State would be unchanged; and there would be no significant increase in the concentration of banking resources in the State.

Bank operates two offices in the New Brunswick banking market where it is the 17th largest of 20 banks, controlling approximately 0.5 percentage points of market deposits. Bank also operates five offices in the Plainfield banking market and, with 9.4 percent of market deposits, is the fourth largest of 17 banks in that market.

One of Applicant's subsidiary banks, The Edison Bank, N.A. (Edison Bank), operates an office in the New Brunswick banking market located 2.4 miles from an office of Bank. Edison Bank controls 9.6 percent of deposits in the New Brunswick banking market and is the third largest bank in that market. Applicant's acquisition of Bank would neither significantly increase the concentration of deposits in that market nor give Applicant a dominant position in that market. Bank derives 4.1 percent of its loans and 4.2 percent of its deposits from the area served by Edison Bank. Some existing competition among these two banks would, therefore, be eliminated upon consummation of this proposal. However, since Bank and Edison Bank are separated by the Raritan River and seven offices of three competing banks and because competition among the 17 banks in the market seems keen, it does not appear that a significant amount of existing or potential competition in the New Brunswick market would be eliminated upon consummation of this proposal.

Applicant is not presently represented in the Plainfield market and none of its subsidiary banks derive a significant amount of their deposits or loans from that market. Although consummation of the proposal would foreclose the possibility that Applicant would enter the market de novo or through branches of its present subsidiaries, it would not raise significant barriers to entry into this market by other holding companies, since about 15 other independent banks would be available for acquisition. Additionally, due to the highly competitive structure of the Plainfield market (there are 20 competing banks), foreclosure of the possibility of Applicant's entry would have no significant adverse effects on potential competition in the Plainfield market. On the basis of these and other facts of record, the Board concludes that consummation of the proposed acquisition would not result in significant adverse effects upon existing or potential competition in any relevant area nor would it adversely affect any competing bank.

The financial condition and managerial resources of Applicant, its subsidiary banks and Bank are regarded as generally satisfactory and the future prospects of each appears favorable. Upon approval of this application, Applicant proposes to add accounts receivable financing, commercial term loans, construction loans, and international banking services to the services presently offered by Bank. Applicant also proposes to improve the trust and data processing services presently offered by Bank. Although it appears such services are presently available in Bank's area, the increased and improved services that would be offered by Bank as a result of its affiliation with Applicant would provide area residents another competitive alternative for specialized banking services. Considerations relating to the convenience and needs of the communities to be served are consistent with and lend some weight toward approval of the application.

On the basis of the record, the application is approved for the reasons summarized above. The transaction shall not be consummated (a) before March 29, 1973, or (b) later than May 28, 1973, unless such period is extended for good cause by the Board or by the Federal Reserve Bank of New York pursuant to delegated authority.

By order of the Board of Governors,[1] effective February 27, 1973.

[SEAL] TYNAN SMITH,
Secretary of the Board.

[FR Doc.73-4294 Filed 3-6-73;8:45 am]

NATIONAL BANCSHARES CORPORATION OF TEXAS

Order Approving Acquisition of Bank

National Bancshares Corporation of Texas, San Antonio, Tex., a bank holding company within the meaning of the Bank Holding Company Act, has applied for the Board's approval under section 3(a)(3) of the Act (12 U.S.C. 1842(a)(3)) to acquire all of the voting shares (less directors' qualifying shares) of the successor by merger to The First National Bank of Eagle Pass, Eagle Pass, Tex. (Bank). The bank into which Bank is to be merged has no significance except as a means to facilitate the acquisition of the voting shares of Bank. Accordingly, the proposed acquisition of shares of the successor organization is treated herein as the proposed acquisition of the shares of Bank.

Notice of the application, affording opportunity for interested persons to submit comments and views, has been given in accordance with section 3(b) of the Act. The time for filing comments and views has expired, and none has been timely received. The Board has considered the application in light of the factors set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Applicant, the eighth largest multibank holding company in Texas, controls two banks located in the San Antonio area with aggregate deposits of $295.2 million, representing .98 percent of total deposits of commercial banks in the State. (All banking data are as of June 30, 1972, and reflect holding company formations and acquisitions approved through January 22, 1973.) Acquisition of Bank ($16.7 million of deposits) would increase applicant's share of deposits in the State insignificantly and its ranking among banking organizations in the State would be unchanged.

Bank, which operates one office in Eagle Pass, Tex., is the largest of two banks in the Maverick County banking market and controls approximately 71 percent of the deposits of commercial banks in that area. Bank is located approximately 140 miles southwest of applicant's two subsidiary banks in the San Antonio area. No competition exists between Bank and either of applicant's subsidiary banks. Thus, consummation of the proposed acquisition would not have an adverse effect on existing competition. Furthermore, in view of the distance separating applicant's present subsidiary banks and Bank and the size of Bank, it appears unlikely that any competition would develop between Bank and applicant's subsidiary banks in the future. Since the population-to-banking office ratio in Bank's market is below the State average, it appears unlikely that applicant would attempt de novo entry into the Maverick County market.

The present financial and managerial resources and prospects of applicant, its subsidiary banks and Bank are regarded as satisfactory and consistent with approval. Entry of applicant should provide a source of expanded and more sophisticated financial services to residents of the Maverick County banking market. Convenience and needs considerations are therefore consistent with approval. It is the Board's judgment that the proposed transaction would be in the public interest and that the application should be approved.

On the basis of the record, the application is approved for the reasons summarized above. The transaction shall not be consummated (a) before March 29, 1973, or (b) later than May 28, 1973, unless such period is extended for good cause by the Board, or by the Federal Reserve Bank of Dallas pursuant to delegated authority.

By order of the Board of Governors,[1] effective February 27, 1973.

[SEAL] TYNAN SMITH,
Secretary of the Board.

[FR Doc.73-4295 Filed 3-6-73;8:45 am]

FIRST INTERNATIONAL BANCSHARES, INC.

Acquisition of Bank

First International Bancshares, Inc., Dallas, Tex., has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 100 percent of the voting shares (less directors' qualifying shares) of the successor by merger to Southwest Bank & Trust Co., Irving, Tex. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Dallas. Any person wishing to comment on the application should submit his views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than March 28, 1973.

Board of Governors of the Federal Reserve System, February 28, 1973.

[SEAL] MICHAEL A. GREENSPAN,
Assistant Secretary of the Board.

[FR Doc.73-4352 Filed 3-6-73;8:45 am]

NEW ENGLAND MERCHANTS CO., INC.

Acquisition of Bank

New England Merchants Co., Inc., Boston, Mass., has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 100 percent (less directors' qualifying shares) of the voting shares of the successor by merger to the Barnstable County National Bank of Hyannis, Hyannis, Mass. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Boston. Any person wishing to comment on the application should submit his views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than March 28, 1973.

Board of Governors of the Federal Reserve System, February 28, 1973.

[SEAL] MICHAEL A. GREENSPAN,
Assistant Secretary of the Board.

[FR Doc.73-4353 Filed 3-6-73;8:45 am]

INTERIM COMPLIANCE PANEL (COAL MINE HEALTH AND SAFETY)

ASHLAND MINING CORP. AND FREEMAN COAL MINING CORP.

Applications for Renewal Permits; Opportunity for Public Hearing

Applications for Renewal Permits for Noncompliance with the Interim Mandatory Dust Standard (2.0 mg./m.[3]) have been received as follows:

(1) ICP Docket No. 20015, Ashland Mining Corp., Ashland No. 11B Mine, USBM ID No. 46 02132 0, Ashland, W. Va.
Section ID No. 001 (1st Left Section).
(2) ICP Docket No. 20170, Freeman Coal Mining Corp., Orient No. 6 Mine, USBM ID No. 11 00599 0, Waltonville, Ill.,
Section ID No. 001 (Main East),
Section ID No. 017 (Main South),
Section ID No. 023 (Main North),
Section ID No. 027 (11 South off Main East),
Section ID No. 029 (2 West off Main South),
Section ID No. 030 (3 West off Main South),
Section ID No. 032 (12 South off Main East),
Section ID No. 033 (6 South off Main East),
Section ID No. 034 (7 South off Main East),
Section ID No. 035 (5 South off Main East),
Section ID No. 036 (13 South off Main East),
Section ID No. 037 (4 West off Main South).

In accordance with the provisions of section 202(b)(4) (30 U.S.C. 842(b)(4)) of the Federal Coal Mine Health and Safety Act of 1969 (83 Stat. 742, et seq., Public Law 91-173), notice is hereby given that requests for public hearing as to an application for renewal may be filed on or before March 22, 1973. Requests for public hearing must be filed in accordance with 30 CFR Part 505 (35 FR 11296, July 15, 1970), as amended, copies of which may be obtained from the panel on request.

A copy of the application is available for inspection and requests for public hearing may be filed in the office of the Correspondence Control Officer, Interim Compliance Panel, Room 800, 1730 K Street NW., Washington, DC 20006.

GEORGE A. HORNBECK,
Chairman,
Interim Compliance Panel.

MARCH 1, 1973.

[FR Doc.73-4312 Filed 3-6-73;8:45 am]

IMPERIAL COLLIERY CO. ET AL.

Applications for Renewal Permits; Opportunity for Public Hearing

Applications for Renewal Permits for Noncompliance with the Interim Mandatory Dust Standard (2.0 mg./m.[3]) have been received as follows:

(1) ICP Docket No. 20012, Imperial Colliery Co., Imperial No. 14 Mine, US BM ID No. 46 01344 0, Burnwell, W. Va.
Section ID No. 004 [East Mains (Parallel Mains)],
Section ID No. 006 [First Right (Longwall Hdgs)].
(2) ICP Docket No. 20013, Imperial Colliery Co., Imperial No. 11 Mine, US BM ID No. 01343 0, Eskdale, W. Va.
Section ID No. 002 (Mains).
(3) ICP Docket No. 20178, Freeman Coal Mining Corp., Orient No. 4 UG Mine, USBM ID No. 11 00628 0, Marion, Ill.
Section ID No. 020 (15 North off NW),
Section ID No. 021 (16 North off NW),
Section ID No. 025 (Main 2d SE Entries off NE),
Section ID No. 026 (11 South off NW),
Section ID No. 027 (10 South off NW),
Section ID No. 028 (9 South off NW).
(4) ICP Docket No. 20772, Kanawha Coal Co., Madison Mine No. 2, US BM ID No. 46 02844 0, Ashford, W. Va.
Section ID No. 003 (102-2 Panel),
Section ID No. 002 (200-2 Panel),
Section ID No. 004 (100-2 Panel).

[1] Voting for this action: Vice Chairman Robertson and Governors Daane, Brimmer, Sheehan, and Bucher. Absent and not voting: Chairman Burns and Governor Mitchell.

[2] Banking data are as of June 30, 1972, and reflect bank holding company formations and acquisitions approved by the Board through Dec. 31, 1972.

[3] Voting for this action: Vice Chairman Robertson and Governors Daane, Brimmer, Sheehan, and Bucher. Absent and not voting: Chairman Burns and Governor Mitchell.

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In accordance with the provisions of section 202(b)(4) (30 U.S.C. 842(b)(4)) of the Federal Coal Mine Health and Safety Act of 1969 (83 Stat. 742, et seq., Public Law 91-173), notice is hereby given that requests for public hearing as to an application for renewal may be filed on or before March 22, 1973. Requests for public hearing must be filed in accordance with 30 CFR Part 505 (35 FR 11296, July 15, 1970), as amended, copies of which may be obtained from the panel on request.

A copy of the application is available for inspection and requests for public hearing may be filed in the office of the Correspondence Control Officer, Interim Compliance Panel, Room 800, 1730 K Street NW., Washington, DC 20006.

GEORGE A. HORNBECK,
Chairman,
Interim Compliance Panel.

MARCH 1, 1973.

[FR Doc.73-4319 Filed 3-6-73;8:45 am]

NATIONAL ADVISORY COUNCIL ON THE EDUCATION OF DISADVANTAGED CHILDREN

NOTICE OF PUBLIC MEETING

Notice is hereby given, Public Law 92-463, that the next meeting of the National Advisory Council on the Education of Disadvantaged Children will be held on March 16, 1973 at 9 a.m.-5 p.m., and March 17, 1973 at 9 a.m.-4 p.m., local time in Room 261, 1717 H Street NW., Washington, DC 20006.

The National Advisory Council on the Education of Disadvantaged Children is established under section 148 of the Elementary and Secondary Education Act (20 U.S.C. 2411) to advise the President and the Congress on the effectiveness of compensatory education to improve the educational attainment of disadvantaged children.

The meeting is called to review the final draft for the Annual Report to the President and the Congress for March 31, 1973.

Because of limited space for the public meeting of March 16 and 17 all persons wishing to attend should call for reservations at Area Code 202—632-5221 by March 12, 1973.

Records shall be kept of all Council proceedings and shall be available for public inspection at the Office of the National Advisory Council on the Education of Disadvantaged Children, located in Room 202, 1717 H Street NW., Washington, DC 20006.

Signed at Washington, D.C., on March 5, 1973.

ROBERTA LOVENHEIM,
Executive Director.

[FR Doc.73-4459 Filed 3-6-73;8:45 am]

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice 73-18]

AD HOC SUBCOMMITTEE OF SPACE SCIENCE AND APPLICATIONS STEERING COMMITTEE FOR EVALUATION OF PIONEER VENUS FLIGHT EXPERIMENT PROPOSALS

Notice of Meeting

The NASA ad hoc Subcommittee of the Space Science and Applications Steering Committee for the Evaluation of Pioneer Venus Flight Experiment Proposals will meet at the Goddard Space Flight Center on March 12, 13, and 14, 1973. The meeting will be held in the conference room of Building 26, Goddard Space Flight Center, Greenbelt, Md. 20771.

The subcommittee will serve the National Aeronautics and Space Administration in a consultative capacity to review, evaluate, and categorize the flight experiments proposed for the planned pioneer Venus flight. After completing this evaluation of the experiment proposals, the subcommittee will be terminated. Dr. Robert F. Fellows of Headquarters, NASA, will chair the subcommittee, which will have 18 members. For further information regarding the meeting, please contact Mr. Robert W. Jackson: area code 202—755-3770.

It has been determined that the subject matter to be discussed at this meeting falls within the provisions of section 552(b) of title 5 of the United States Code and that public interest requires that the discussion and evaluation of flight experiment proposals be withheld from public disclosure. Accordingly, the meeting will not be open to the public. The agenda for the meeting is as follows:

MARCH 12, 1973

Time	Topic
9:00 a.m.	Mission Constraints and Definition (*Action.* The NASA Program Office is required to clarify the planned purpose, scheduling, and constraints of the mission and the anticipated physical limitations and facilities of the spacecraft.)
10:00 a.m.	Instruction and Procedures (*Action.* To establish the procedures to be followed in evaluating and categorizing the proposals in accordance with NASA Management Instruction 7100.1. Emphasis will be placed upon the avoidance of any conflict of interest.)
10:30 a.m.	Evaluation and Categorization of Flight Experiment Proposals (*Action.* The Subcommittee is required to evaluate the experiment proposals for the planned Pioneer Venus flight with respect to scientific merit, value of the expected scientific return and other parameters, and is required to recommend their categorization to NASA in accordance with NASA Management Instruction 7100.1.)

MARCH 13 & 14, 1973

Time	Topic
	Evaluation and Categorization of Flight Experiment Proposals, continued.

HOMER E. NEWELL,
Associate Administrator, National Aeronautics and Space Administration.

MARCH 2, 1973.

[FR Doc.73-4364 Filed 3-6-73;8:45 am]

[Notice (73-19)]

RESEARCH AND TECHNOLOGY ADVISORY COUNCIL, COMMITTEE ON AERONAUTICS

Notice of Meeting

The NASA Research and Technology Advisory Council, Committee on Aeronautics, will meet on March 14, 15, and 16, 1973, at the NASA Ames Research Center, Moffett Field, Calif. 94035. The meeting will be held in the Conference Room of Building 200. Members of the public will be admitted to the open portion of the meeting beginning at 9 a.m. on the agenda below on a first-come-first-served basis up to the seating capacity of the room, which is about 40 persons. All visitors must report to the Ames Research Center receptionist in Building 200.

The NASA Research and Technology Advisory Council, Committee on Aeronautics, serves in the advisory capacity only. In this capacity, the Committee is concerned with aerodynamics and aircraft vehicle systems. The current Chairman is Mr. E. S. Carter. There are 12 members. The following list sets forth the approved agenda and schedule for the March 14, 15, and 16, 1973, meeting of the Aeronautics Committee. For further information, please contact Mr. J. Lloyd Jones, Area Code 202—755-2397.

MARCH 14, 1973

Time	Topic
9:00 a.m.	Report of the Chairman. (*Purpose.* To discuss the report of the Chairman prepared to relay the results of the previous meeting to the Council.)
9:30 a.m.	Report of the Executive Secretary. (*Purpose.* To report on recent developments of interest including policy, program, and organizational changes as well as review of the status of the proposed Full-Scale Subsonic Wind Tunnel and the proposed High Reynolds Number Wind Tunnel.)

Time	Topic
10:30 a.m.	Review of the Activities of the RTAC Joint Ad Hoc Panel on Aerospace Vehicle Dynamics and Control. (*Purpose.* To review the activities to date of the RTAC Ad Hoc Panel on Aerospace Vehicle Dynamics and Control with a view to offering comments and guidance to the member of the Committee on Aeronautics that is serving on the ad hoc panel.)
11:00 a.m.	Status Report on the Computational Aerodynamic Program. (*Purpose.* To advise the Committee on the status of NASA's computational aerodynamics program.)
11:30 a.m.	Review of Wake Turbulence Minimization Program. (*Purpose.* To advise the Committee of the accelerated program being undertaken by NASA seeking both Short-range and long-range aerodynamic solutions to the aircraft operational hazard caused by aircraft trailing vortices.)
12:30 p.m.	Lunch.
1:30 p.m.	Review of Advanced Supersonic Technology Program. (*Purpose.* The Committee will be briefed on NASA's Advanced Supersonic Technology program in order that it may comment on the scope of the activity, the program balance, possible deficiencies, and the adequacy of the effort.)

MARCH 15, 1973

Time	Topic
8:30 a.m.	Review of Studies on High-Lift Transonic Maneuverability Including Stall/Spin Research. (*Purpose.* The Committee will be briefed on the research currently underway and planned on high-lift maneuverability, including stall/spin research in order that it may comment on the scope of the activity, the balance of the effort, possible deficiencies, and the adequacy of the effort.)
11:30 a.m.	Review of Powered-Lift Research. (*Purpose.* The Committee will be briefed on NASA's powered-lift research program in order to comment on the scope of the activity, the balance of the program, possible deficiencies, and the adequacy of the effort.)
12:30 p.m.	Lunch.
1:30 p.m.	Continuation of Review of Powered-Lift Research.
2:00 p.m.	Review of the Committee's Method for Handling its Consideration of the Problems of General Aviation. (*Purpose.* To discuss the desirability of establishing an ad hoc panel to review the field of general aviation and report on those areas that would benefit from research by NASA.)
3:30 p.m.	Executive Session. (*Purpose.* To develop final Committee comments and recommendations pertaining to the scope and focus of the technical programs reviewed earlier as well as the importance and value of the results. Classified information will be discussed as well as information of a proprietary nature offered in confidence. Preliminary projected future year distribution of efforts and related budget limitations will be presented.)

MARCH 16, 1973

Time	Topic
8:30 a.m.	Continuation of Executive Session.
12:00 p.m.	Adjournment.

HOMER E. NEWELL,
Associate Administrator, National Aeronautics and Space Administration.

MARCH 2, 1973.

[FR Doc.73-4365 Filed 3-6-73;8:45 am]

NATIONAL COMMISSION ON MATERIALS POLICY

REVIEW OF CERTAIN REPORTS

Notice of Closed Meeting

FEBRUARY 28, 1973.

Pursuant to the requirements of the Federal Advisory Committee Act, notice is hereby given that there will be a meeting of the National Commission on Materials Policy on Friday, March 9, 1973, at 10 a.m. The meeting will be held in the Commission's offices, Room 3002, 2025 M Street NW., Washington, DC. The meeting will be held for the purpose of reviewing reports prepared for the Commission by staff members and by various persons and groups outside the Government, and for the purpose of preparing the Commission's final report to the Congress and the President. The meeting will not be open to the public.

JAMES BOYD,
Executive Director.

[FR Doc.73-4261 Filed 3-6-73;8:45 am]

NATIONAL CREDIT UNION ADMINISTRATION

NATIONAL CREDIT UNION BOARD

Notice of Meeting and Agenda

Pursuant to the provisions of the Federal Advisory Committee Act, Public Law 92-463, 86 Stat. 770, notice is hereby given that the National Credit Union Board will hold its quarterly meeting on March 27-28, 1973, at the offices of the National Credit Union Administration, 2025 M Street NW., Washington, DC 20456. The meetings will commence at 9 a.m. daily in Room 4210.

The agenda for this meeting will consist of an update briefing regarding the activities of the several offices of the National Credit Union Administration, a briefing on the progress of the Administration's library project, a briefing on share insurance activities, and other aspects of the Administration. Matters for discussion will include revisions of manuals published by the Administration, legislation, and a meeting with representatives of trade associations.

This meeting of the National Credit Union Board will be open to the public. Members of the public may file written statements with the Board either before or after the meeting. To the extent that time permits, interested persons may be permitted to present oral statements to the Board only on items listed in the aforementioned agenda. Requests to present such oral statements must be approved in advance by the Chairman of the Board. Such requests should be directed to the Chairman, National Credit Union Board, National Credit Union Administration, Washington, D.C. 20456.

HERMAN NICKERSON, Jr.,
Administrator.

FEBRUARY 28, 1973.

[FR Doc.73-4301 Filed 3-6-73;8:45 am]

TARIFF COMMISSION

[AA1921-110]

CANNED BARTLETT PEARS FROM AUSTRALIA

Determination of Likelihood of Injury

MARCH 1, 1973.

On November 30, 1972, the Tariff Commission received advice from the Treasury Department that canned Bartlett pears from Australia are being, or are likely to be, sold in the United States at less than fair value within the meaning of the Antidumping Act, 1921, as amended (19 U.S.C. 160(a)). In accordance with the requirement of section 201(a) of that Act, the Tariff Commission instituted investigation No. AA1921-110 to determine whether an industry in the United States is being or is likely to be injured, or is prevented from being established, by reason of the importation of such merchandise into the United States. A public hearing was held on January 9, 1973.[1]

In arriving at a determination in this case, the Commission gave due consideration to all written submissions from interested parties, evidence adduced at the hearing, and all factual information obtained by the Commission's staff from questionnaires, personal interviews, and other sources.

On the basis of its investigation, the Commission[2] has determined, by a vote

[1] Notice of the Commission's investigation and hearing was published in the FEDERAL REGISTER of Dec. 12, 1972 (37 FR 26475).

[2] Vice Chairman Parker and Commissioner Young did not participate in the decision.

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of 2 to 2,[2] that an industry in the United States is likely to be injured by reason of the importation of canned Bartlett pears from Australia that are being, or are likely to be, sold at less than fair value (LTFV) within the meaning of the Antidumping Act of 1921, as amended.

STATEMENT OF REASONS FOR AFFIRMATIVE DETERMINATION OF CHAIRMAN BEDELL AND COMMISSIONER MOORE

Under the Antidumping Act of 1921, an affirmative determination by the Tariff Commission requires satisfaction of two conditions: (1) That an industry in the United States is being injured, or is likely to be injured, or is prevented from being established;[3] and (2) that such injury or likelihood of injury must be "by reason of" the importation into the United States of the class or kind of foreign merchandise the Secretary of the Treasury has advised is being, or is likely to be, sold at less than fair value (LTFV).

Our determination is in the affirmative since, in our judgment, both of the required conditions are satisfied, i.e., an industry in the United States is likely to be injured, and such likelihood of injury is by reason of imports of Australian canned Bartlett pears sold at LTFV. The reasons for our determination are set forth below.

In this case, in our view, the domestic industry consists of those enterprises, proprietary and grower-owned cooperatives, engaged in the production of canned Bartlett pears.

Most of the LTFV canned pear imports are being sold in a marketing region encompassing the States in the Northeast and mid-Atlantic Regions, i.e., Maine, New Hampshire, Vermont, Massachusetts, Connecticut, Rhode Island, New York, Pennsylvania, New Jersey, Delaware, and Maryland. In recent years, this region has accounted for about one-fourth of the total U.S. apparent consumption of domestic canned Bartlett pears, and an estimated three-fifths of U.S. consumption of canned Bartlett pears from Australia sold at LTFV prices.

Penetration of the domestic regional market of the Northeast and mid-Atlantic States by LTFV imports of canned pears from Australia apparently was less than 1 percent of consumption in the marketing year ending May 1970, but grew to the significant level of 8.9 percent in the year ending May 1971. In the marketing year ending May 1972, such regional penetration by the LTFV imports decreased to about 5 percent, a lesser but still significant level. This reduced penetration in the year ending May 1972, however, reflected reduced imports coincident with Treasury's antidumping investigation; reductions in imports have been a typical reaction in antidumping cases. Treasury's investigation in this case was instituted in January 1972, and its determination was that all imports of Australian canned pears in calendar year 1971 were sold at LTFV prices.

The apparent suppression of levels of domestic producers' prices in the marketing year ending in May 1971, and the depression of such prices in the year ending May 1972 cannot be attributed solely to the LTFV imports of canned Bartlett pears from Australia. The fact remains, however, that it has been demonstrated that there have been substantial inroads into the U.S. market by imports of Australian canned pears when sold at LTFV, and below the U.S. price level. The cause of the price depression is difficult to determine because of the inability to separate or to measure the impact of the LTFV sales apart from the impact of imports of Italian canned pears. Italian canned pear imports not only undersold domestic canned pears but also undersold LTFV imports of canned pears from Australia. Such underselling of Italian canned pears contributed substantially to the disruptive situation in the U.S. market.

The evidence in this investigation leads us to the conclusion that a U.S. industry is likely to be injured by reason of the importation of canned Bartlett pears from Australia at LTFV prices. Capacity of the Australian industry will increasingly exceed the levels of consumption of the Australian home market and its foreign markets outside the United States. Consumption in the Australian home market has been absorbing about one-fourth of the total canned pear production in recent years, and is not likely to expand substantially. The pressure to find export markets for the bulk of annual production of canned pears will therefore continue.

Australian Government efforts, such as the so-called "tree-pull" program, to restrict the supply of pears and thereby to reduce the supply of canned pears are judged unlikely to succeed. With respect to the "tree-pull" program, there is no definite assurance that the program will be continued. Furthermore, there is no known legal requirement, nor is there any agreement among the growers to comply with the "tree-pull" program. The industry's expectations of new and expanded markets probably will largely offset or nullify such Government efforts.

The pressures on the Australian industry to find new export markets and to expand existing markets for canned pears is expected to grow considerably during coming years. This expectation is based on the projected loss to Australia of its main export market—the United Kingdom, as a consequence of its membership in the European Economic Community (EEC). As a member of the EEC, the United Kingdom will impose a duty on various Australian goods, including canned pears. As now provided, with respect to non-EEC countries, the United Kingdom is scheduled to impose a duty of about 9.6 percent ad valorem on canned pears, effective January 1, 1974, and to increase that rate in several stages to the final level of 24 percent ad valorem, effective July 1, 1977, or January 1, 1978. The probabilities that Australia will obtain significant tariff concessions are minimal, as such concessions would be disadvantageous to other EEC members, especially Italy. Beginning in 1973, the United Kingdom will reduce its tariff on imports of canned Bartlett pears from other EEC members so that by 1977 such imports will be entered duty-free. These tariff reductions, together with Australia's burden of high export transportation costs, will gradually, but effectively, shut off any substantial exports of canned Bartlett pears from Australia to the United Kingdom in the coming years.

The Australian industry has argued that their market for canned Bartlett pears in Japan will expand considerably. This is speculation as there is no conclusive evidence of expanded demand for exports to that market in the foreseeable future.

Faced with the loss of its largest export market—the United Kingdom—and lacking other significant export outlets for its canned Bartlett pears, the Australian industry can be expected to earmark an increasing share of its output for the U.S. market, with the bulk of such exports destined for the populous regional market of the Northeast and mid-Atlantic States. Indeed, we tend to view the recent rise of imports from Australia as the precursor of an effort to establish and to develop the U.S. market as a replacement for the United Kingdom market.

In this situation, as we see it, continued penetration of the Northeast and mid-Atlantic regional market with LTFV imports from Australia is a prime likelihood. Continued penetration by LTFV imports from Australia would create abnormal pressures on the domestic industry, through losses of sales of canned Bartlett pears, suppression or depression of domestic producers' prices, and losses of revenue and profits stemming from both lost sales and reduced prices.

Sensitivity of the U.S. canned pear industry to the abnormal pressures from LTFV sales has been indicated in recent years. This sensitivity is based on certain conditions. Bartlett pears, in contrast with winter pears (such as Anjou and Bosc), are highly perishable and have a limited storage span. Decisions concerning the disposal of pears, as fresh or canned fruit, must be made early in the season. If after marketing decisions are made, involving rather close limits, the producers are faced with large imports selling at LTFV prices their marketing plans are seriously disrupted. Subjected to such pressures continually, the domestic industry is likely to be injured.

Our conclusion is, therefore, that an industry in the United States is likely to be injured by reason of the importation of canned Bartlett pears from Australia which are being, or are likely to be, sold at less than fair value.

STATEMENT OF REASONS FOR NEGATIVE DETERMINATION OF COMMISSIONER LEONARD

The finding of a majority[4] of the Commission in this investigation is that an industry in the United States is likely to be injured by reason of the importation of canned Bartlett pears sold, or likely to be sold, at less than fair value. The majority of the Commission did not find that an industry is being injured by reason of the less-than-fair-value (LTFV) canned Bartlett pears from Australia. I agree with the majority that there is no present injury due to the LTFV imports of Australian canned Bartlett pears. I cannot make the causal connection necessary between LTFV imports and any present injury to a domestic industry.

The penetration of the U.S. market by Australian canned pears has been relatively small and exhibited no particular upward trend. Downward fluctuations in the prices of domestic canned pears have not been correlated with increases in LTFV imports; indeed, the opposite is indicated—when prices of domestic pears were high (1970/71), the LTFV imports were at their peak, and when domestic prices were lower (1971/72), the LTFV imports were also lower. Any lost sales or decline in prices or reduction in profitability experienced by the domestic industry were caused by factors other than the sale of Australian canned pears at LTFV.

However, I cannot agree with the finding of the majority that there is a likelihood of injury due to the LTFV imports. Such a finding is predicated on two major assumptions. One of these is the projected lack of success of the Australian Government's recently initiated program to limit the supply of fresh pears. Some salient facts which discredit this assumption should be cited. During 1970–72, fresh pear production in Australia—although substantially larger than during the previous 3 years—varied little from year to year and averaged about 210,000 tons. Canned pear production, however, declined from 4.4 million equivalent cases[5] in 1970 to an estimated 2.2 million cases in 1972. Such reduction in output of canned pears was achieved in the absence of the recently initiated program aimed at limiting the supply of fresh pears.

Both the Australian Government and the canners themselves are aware of the pear oversupply problem and both have addressed themselves to the solution of the problem. It appears unlikely that the Australian canners would seek that solution in the U.S. market.

The second assumption is that the joining of the European Community by the United Kingdom (currently the prime market for Australian canned pears),[6] is forcing, and will force, the Australian producers to shift their exports from that market to the United States. It is claimed that Italy, a major European Community producer, will gain a substantially improved market position over Australia in the United Kingdom. This assumption appears also to be questionable. For one, the change in the dutiable status of the various imports (including canned pears) into the United Kingdom is scheduled to be implemented in four or five stages and is to reach its final stage in 1977 or 1978. Moreover, it is doubtful whether Italy could—even with a tariff advantage—supplant Australia as the major supplier of canned pears to the United Kingdom to a substantial degree. In recent years the United Kingdom has imported an average of 2.9 million cases of canned pears; nearly 50 percent (1.4 million cases) originated in Australia. The current production of canned pears in Italy is about 2.7 million cases annually; its major market, West Germany, takes half (1.3 million cases) and the Italian home market takes from 15 percent to 20 percent (0.4 to 0.5 million cases) of this production. Therefore, it does not seem likely that Italy would be able to supply much more than 0.5 million cases (20 percent of its output) to the U.K. market.

As a matter of fact, some degree of benefit may eventually (by 1977 or 1978) accrue to U.S. producers of canned pears from the elimination of the preferential treatment for Australian pears entering the United Kingdom. For the first time, as far as the applicable tariffs are concerned, U.S. canned pears would be able to compete with Australian canned pears on an equal footing in the U.K. market.

Thus, the bases for a finding of likelihood of injury to a domestic industry by reason of the importation of canned Bartlett pears from Australia sold, or likely to be sold, at less than fair value are unconvincing, and a negative determination in this investigation is required.

STATEMENT FOR NEGATIVE DETERMINATION OF COMMISSIONER ABLONDI

I am of the opinion, that, under section 201(a) of the Antidumping Act, 1921, as amended, an industry in the United States is not being or is not likely to be injured, or is not prevented from being established, by reason of sales at less than fair value of Bartlett pears imported from Australia.

By order of the Commission.

KENNETH R. MASON,
Secretary.

[FR Doc.73-4400 Filed 3-6-73;8:45 am]

[AA1921-116]

IMPRESSION FABRIC OF MAN-MADE FIBER FROM JAPAN

Notice of Investigation and Hearing

Having received advice from the Treasury Department on February 13, 1973, that impression fabric of man-made fiber from Japan is being, or is likely to be, sold at less than fair value, the U.S. Tariff Commission has instituted investigation No. AA1921-116 under section 201(a) of the Antidumping Act, 1921, as amended (19 U.S.C. 160(a)), to determine whether an industry in the United States is being or is likely to be injured, or is prevented from being established, by reason of the importation of such merchandise into the United States.

Hearing. A public hearing in connection with the investigation will be held in the Tariff Commission's Hearing Room, Tariff Commission Building, Eighth and E Streets, NW., Washington, D.C., beginning at 10 a.m., e.s.t. on Tuesday, April 3, 1973. All parties will be given an opportunity to be present, to produce evidence, and to be heard at such hearing. Requests to appear at the public hearing should be received by the Secretary of the Tariff Commission, in writing, at its office in Washington, D.C., not later than noon, Thursday, March 29, 1973.

Issued: March 1, 1973.

By order of the Commission.

[SEAL] KENNETH R. MASON,
Secretary.

[FR Doc.73-4310 Filed 3-6-73;8:45 am]

[AA1921-111]

ROLLER CHAIN, OTHER THAN BICYCLE, FROM JAPAN

Determination of Injury

MARCH 1, 1973.

The Treasury Department advised the Tariff Commission on November 30, 1972, that roller chain, other than bicycle, from Japan is being, or is likely to be, sold at less than fair value within the meaning of the Antidumping Act, 1921, as amended. In accordance with the requirements of section 201(a) of the Antidumping Act (19 U.S.C. 160(a)), the Tariff Commission instituted Investigation No. AA1921-111 to determine whether an industry in the United States is being or is likely to be injured, or is prevented from being established, by reason of the importation of such merchandise into the United States.

A public hearing was held on January 23, 1973. Notice of the investigation and hearing was published in the FEDERAL REGISTER of December 8, 1972 (37 FR 26169).

In arriving at a determination in this case, the Commission gave due consideration to all written submissions from interested parties, evidence adduced at the hearing, and all factual information obtained by the Commission's staff from questionnaires, personal interviews, and other sources.

On the basis of the investigation, the Commission[1] has determined that an industry in the United States is being injured by reason of the importation of roller chain, other than bicycle, from Japan covered by the aforementioned

[2] Chairman Bedell and Commissioner Moore determined in the affirmative; Commissioners Leonard and Ablondi determined in the negative. Pursuant to section 201(a) of the Antidumping Act of 1921, as amended, the Commission is deemed to have made an affirmative decision when the Commissioners voting are equally divided.

[3] Prevention from being established is not an issue in this case.

[4] Pursuant to section 201(a) of the Antidumping Act, 1921, as amended, the Commission is deemed to have made an affirmative determination when the Commissioners voting are equally divided.

[5] Cases equivalent to 24 size 2½ cans.

[6] Australian canned pears enter the United Kingdom duty free.

[1] Commissioner Young did not participate in the decision.

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less-than-fair value determination of the Treasury Department.[2]

STATEMENT OF REASONS

The Antidumping Act, 1921, as amended, requires that the Tariff Commission find two conditions satisfied before an affirmative determination can be made.

First, there must be injury, or likelihood of injury, to an industry in the United States, or an industry in the United States must be prevented from being established. Second, such injury (or likelihood of injury or prevention of establishment of an industry) must be "by reason of" the importation into the United States of the class or kind of foreign merchandise the Secretary of the Treasury determined is being, or is likely to be, sold at less than fair value (LTFV).

In our judgment the aforementioned conditions are satisfied in the instant case. Accordingly, we have made an affirmative determination—that an industry[1] in the United States is being injured by reason of imports of roller chain, other than bicycle, from Japan sold at less than fair value. Our determination is based primarily on the following considerations:

Market penetration. The Treasury Department's investigation covered imports by one Japanese firm over a period of 2½ months and imports entered by four other Japanese firms over a period of 7 months. The investigation showed that three of the five firms investigated made sales at LTFV; imports entered by a number of other firms that accounted for about 40 percent of Japanese roller chain exports to the United States were not investigated. Of the total roller chain imports entered by the five companies investigated, 30 percent were found by Treasury to have been sold at LTFV. These LTFV sales were the equivalent of 20 percent of all of the roller chain imported from Japan on an annual basis in 1971. We find that the price advantage afforded by such sales in the United States at LTFV enabled Japanese importers to make substantial inroads into an already declining market. In addition, such sales occurring as they did during a period of rapidly rising costs and during which the market was being increasingly supplied by imports—the import share increased from 13 percent in 1966 to 31 percent in the first 9 months of 1972—the impact of the LTFV imports was severe. Moreover, in specific markets which were targeted by Japanese roller chain producers, particularly the agricultural Original Equipment Manufacturers (OEM) market which traditionally has accounted for about one-fifth of U.S. consumption of roller chain, penetration by imports from Japan reached an estimated 40 percent of consumption in 1971. The inroads into this market are a direct result of leverage gained by sales at LTFV.

Price depression. The price level for roller chain in the U.S. market was depressed during recent years, especially during the 1971–72 period of the Treasury investigation of LTFV imports from Japan. Domestic prices for roller chain were forced down in order to meet the competition of the Japanese product, especially in popular, fast-moving sizes, but the differentials between United States and LTFV Japanese prices were so great (in some instances as high as 49 percent on high-volume sizes) that despite these price reductions, the Commission was able to verify that many sales were lost by domestic producers, and that many of the sales made by domestic producers were negotiated only at considerably reduced prices.

The price differential between domestic and LTFV Japanese roller chain was clearly evidenced by data submitted to the Commission by OEM purchasers, importers, and domestic producers on sales that occurred during the period of the Treasury investigation of LTFV imports of Japanese roller chain. This substantial price differential favoring LTFV Japanese chain resulted in depressed prices and reduced profits for the domestic industry.

Profitability. During 1970–72, the domestic industry remained profitable, although at slightly reduced margins. The profitability of individual firms during this period, however, was adversely affected as a result of lost sales and of reduced profits on sales of many fast-moving, high-volume sizes of roller chain. The reduced profitability of these firms was a direct result of the depression of the price level by widespread sales of Japanese chain at LTFV prices in the domestic market.

Conclusion. On the basis of the foregoing, we conclude that an industry in the United States is being injured by reason of imports of roller chain, other than bicycle, from Japan sold at less than fair value.

By order of the Commission.

[SEAL] KENNETH R. MASON, *Secretary.*

[FR Doc.73-4309 Filed 3-6-73;8:45 am]

[AA1921-115]

SYNTHETIC METHIONINE

Rescheduling of Hearing Date

Notice is hereby given that the hearing in Investigation No. AA1921-115, scheduled to be held in the Tariff Commission's Hearing Room, Tariff Commission Building, Eighth and E Streets NW., Washington, DC, beginning at 10 a.m., (e.s.t.), on April 10, 1973, has been rescheduled for 10 a.m. (e.s.t.), on April 19, 1973. Requests to appear at the public hearing should be received by the Secretary of the Tariff Commission, in writing, at its offices in Washington, D.C., not later than noon, Friday, April 13, 1973.

The hearing is being held in connection with a Commission investigation under the provisions of section 201(a) of the Antidumping Act, 1921, as amended, to determine whether an industry in the United States is being or is likely to be injured, or is being prevented from being established, by reason of the importation of synthetic methionine from Japan which the Assistant Secretary of the Treasury has determined is being, or is likely to be sold, at less than fair value. Notice of the investigation was published in the FEDERAL REGISTER of February 26, 1973 (38 FR 5212).

Issued: March 3, 1973.

By order of the Commission.

[SEAL] KENNETH R. MASON, *Secretary.*

[FR Doc.73-4311 Filed 3-6-73;8:45 am]

DEPARTMENT OF LABOR
Occupational Safety and Health Administration

ARIZONA DEVELOPMENTAL PLAN
Submission of Plan and Availability for Public Comment

1. *Submission and description of plan.* Pursuant to section 18 of the Occupational Safety and Health Act of 1970 (29 U.S.C. 667) and § 1902.11 of Title 29, CFR, notice is hereby given that an Occupational Safety and Health Plan for the State of Arizona has been submitted to the Assistant Secretary of Labor for Occupational Safety and Health for approval. A preliminary examination of the plan raises serious questions involving its enforcement features that put in issue not only the approval but possible disapproval of the plan. The questions are discussed below in this numbered paragraph. In order to insure that the public has an opportunity to discuss these questions and to identify and discuss any additional questions, interested persons are hereby invited to submit in writing data, views, and arguments on the plan within the time provided under paragraph No. 3 of this notice.

The plan identifies the Industrial Commission of Arizona as the State agency designated by the Governor of the State to administer the plan throughout the State. It further creates a Division of Occupational Safety and Health within the Commission. The plan defines the covered occupational safety and health issues as defined by the Secretary of Labor in 29 CFR 1902.2(c)(1).

Although Arizona has enacted enabling legislation, the Arizona Occupational Safety and Health Act of 1972, A.R.S. 23-401 et seq., the plan is still developmental; that is, steps remain which are intended to make the plan as effective as the Federal program. The plan includes proposed amendments to this legislation and a 3-year developmental schedule before becoming fully operational. The amendments are accompanied by a statement of the Governor's support and a legal opinion that they meet the requirements of the Occupational Safety and Health Act of 1970 and are consistent with the laws and constitution of Arizona.

The plan asserts that upon enactment of the legislative amendments and upon culmination of the developmental period, the Arizona occupational safety and health program will comply with all the requirements of section 18 of the Occupational Safety and Health Act of 1970 and 29 CFR Part 1902.

The preliminary examination of the plan indicates that in its enforcement provisions there is no distinction between serious and nonserious violations and that "first instance" sanctions (i.e. the assessment of sanctions for first violations) are available only in situations involving imminent danger to employees. Public comments are particularly invited to these features of the plan.

2. *Location of plan for inspection and copying.* A copy of the plan may be inspected and copied during normal business hours at the following locations: Office of Federal and State Operations, Occupational Safety and Health Administration, Room 305, Railway Labor Building, Washington, D.C. 20210; Regional Administrator, Occupational Safety and Health Administration, 9470 Federal Building, 450 Golden Gate Avenue, Box 36017, San Francisco, CA 94102; and the Arizona Industrial Commission, 1601 West Jefferson Street (Post Office Box 1907, 85005), Phoenix, AZ 85007. Copies of the plan may be obtained at the expense of the person(s) requesting the copies.

3. *Public participation.* Interested persons are hereby given until April 6, 1973, in which to submit to the Assistant Secretary written data, views, and arguments concerning the plan. The submissions are to be addressed to the Director, Office of Federal and State Operations, Room 305, Railway Labor Building, Washington, D.C. 20210. The written comments will be available for public inspection and copying, at the expense of the person(s) requesting such copies, at the above addresses.

Any interested person(s) may request an informal hearing concerning the proposed plan, or any part thereof, whenever particularized written objections thereto are filed by April 6, 1973. If the Assistant Secretary finds that substantial objections are filed, he shall hold a formal or informal hearing on the subjects and issues relating to approval or disapproval of the plan.

The Assistant Secretary of Labor for Occupational Safety and Health shall thereafter consider all relevant comments and arguments presented and issue his decision as to approval or disapproval of the plan.

Signed at Washington, D.C., this 2d day of March 1973.

CHAIN ROBBINS, *Acting Assistant Secretary of Labor.*

[FR Doc.73-4373 Filed 3-6-73;8:45 am]

MISSOURI DEVELOPMENTAL PLAN
Submission of Plan and Availability for Public Comment

1. *Submission and description of plan.* Pursuant to section 18 of the Occupational Safety and Health Act of 1970 (29 U.S.C. 667) and § 1902.11 of Title 29, Code of Federal Regulations, notice is hereby given that an Occupational Safety and Health Plan for the State of Missouri has been submitted to the Assistant Secretary of Labor for Occupational Safety and Health. The Assistant Secretary has preliminarily reviewed the plan, and hereby gives notice that the question of the approval of the plan is in issue before him.

The plan designates the Division of Industrial Inspection as the agency to be responsible for administering the plan throughout the State. It proposes to define the occupational safety and health issues covered by it as defined by the Secretary of Labor in 29 CFR 1902.2(c)(1). The Division of Industrial Inspection is to have full authority to administer and to enforce occupational safety and health laws applicable to all employees within the State with the exception of domestic servants, clergymen and other participants in religious services, self-employed agricultural workers and their immediate families, employees of the the United States, employees whose safety and health are subject to protection under the Atomic Energy Act of 1954, 45 U.S.C. 431, and the Longshoremens' Health and Safety Act of 1969, 30 U.S.C. 801, the Federal Metal and Nonmetallic Mine Safety Act, 30 U.S.C. 721, the Federal Railroad Safety Act of 1970, 45 U.S.C. 431, and the Longshoremen's and Harbor Worker's Compensation Act, 33 U.S.C. 901.

Implementation of the plan is dependent upon enactment of the Missouri Occupational Safety and Health Act of 1973 which is presently being considered by the 1973 session of the Missouri General Assembly. The proposed legislation is accompanied by a statement of legal opinion that it will meet the requirements of the Federal Act and that it is consistent with the constitution and other laws of the State of Missouri. The legislation is intended to meet the requirements of Part 1902 of the regulations of the Occupational Safety and Health Administration of the United States Department of Labor.

Within the proposed Act are provisions relating to the authority of the Director of the Division of Industrial Inspection to inspect workplaces including inspections in response to employee complaints with employees having the right to request an informal review of any refusal to issue a citation with respect to an alleged violation; the right of both a representative of the employer and the employees to consult with or accompany inspectors during an inspection; and a prohibition of advance notice of such inspections. The legislation also contains sanctions against employers for violation of standards and abatement orders with employers having the right of review of such alleged violations, abatement periods and proposed penalties, and employees having the opportunity to participate in such review proceedings.

The legislation also includes provisions relating to the granting of variances; the promulgation of temporary emergency standards; the prompt restraint of imminent danger situations; the requirement of employer recordkeeping and reporting; the protection of employees against new and unforeseen hazards; the protection of employees against discharge or discrimination in terms and conditions of employment; and the safeguarding of trade secrets.

The plan is developmental within the terms of 29 CFR 1902.2(b) and there is set forth in it anticipated target dates for bringing the various provisions of the plan into full conformity with the criteria of 29 CFR Part 1902 within the required 3-year period. Also appearing in the plan are a comprehensive description of the resources to be allocated to it and a description of the States' merit system of personnel.

2. *Location of plan for inspection and copying.* A copy of the plan may be inspected and copied during normal business hours at the following locations: Office of Federal and State Operations, Occupational Safety and Health Administration, Room 305, Railway Labor Building, 400 First Street NW., Washington, DC 20210; Regional Administrator, Occupational Safety and Health Administration, Department of Labor, 823 Walnut Street, Waltower Building, Room 300, Kansas City, MO 64106; and the Department of Labor and Industrial Relations, 1904 Missouri Boulevard, Jefferson City, MO 65101. Copies of the plan may be obtained at the expense of the person(s) requesting the copies.

3. *Public participation.* Interested persons are hereby given until April 6, 1973, in which to submit to the Assistant Secretary written data, views, and arguments concerning the plan. The submissions are to be addressed to the Director, Office of Federal and State Operations, Occupational Safety and Health Administration, Railway Labor Building, Room 305, U.S. Department of Labor, Washington, D.C. 20210. The written comments will be available for public inspection and copying, at the expense of the person(s) requesting such copies, at the above address.

Any interested person(s) may request an informal hearing concerning the proposed plan, or any part thereof, whenever particularized written objections thereto are filed by April 6, 1973. If the Assistant Secretary finds that substantial objections are filed, he shall hold a

[1] Vice Chairman Parker's determination is limited to the importation of roller chain from the 3 Japanese concerns found by the Secretary of the Treasury to have been making sales at less than fair value.

[2] We have determined that a domestic industry injured by the LTFV imports herein considered consists of all facilities in the United States used in the production of roller chain. In 1971, roller chain was produced by 7 firms operating 9 plants in the United States. All of the domestic firms produced the sizes of roller chain imported from Japan and sold at less than fair value.

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formal or informal hearing on the subjects and issues involved.

The Assistant Secretary of Labor for Occupational Safety and Health shall thereafter consider all relevant comments and arguments presented and issue his decision as to approval or disapproval of the plan.

Signed at Washington, D.C., this 1st day of March 1973.

CHAIN ROBBINS,
Acting Assistant
Secretary of Labor.

[FR Doc.73-4354 Filed 3-6-73;8:45 am]

INTERSTATE COMMERCE COMMISSION

[Notice 192]

ASSIGNMENT OF HEARINGS

MARCH 2, 1973.

Cases assigned for hearing, postponement, cancellation, or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested. No amendments will be entertained after the date of this publication.

MC 136974, Checker Transfer & Storage Co., now assigned April 2, 1973, will be held in Room 709, South Carolina Public Service Commission, Owen Building, 1321 Lady Street, Columbia, SC.

MC 115162 Sub 212, Poole Truck Line, Inc., continued to March 26, 1973 (1 week), in Room 208, Federal Building, 51 SW First Avenue, Miami, FL.

AB-8 Sub 2, Denver & Rio Grande Western Railroad Co., abandonment between Montrose and Ridgeway, Montrose and Ouray Counties, Colo., now assigned March 26, 1973, will be held at the Council Chambers, City Hall, 433 South First Street, Montrose, Colo.

MC-133276 Sub 7, Berry Transport, Inc., now assigned March 26, 1973, will be held on sixth floor, Highway Licenses Bureau, 12th and Washington Street, Olympia, Wash.

MC-136790, Hall Distributors Ltd., now assigned March 14, 1973, will be held on the sixth floor, Highway Licenses Bureau, 12th and Washington Street, Olympia, Wash.

MC-F-11580, North Park Transportation Co.—Purchase—Clarence Shaw, DBA Saratoga Truck Line (Mary Alice Sjoden, executrix), now assigned March 29, 1973, will be held in Room 282, New Customs House, 19th and Stout Street, Denver, Colo.

MC 123004 Sub 2, The Luper Transportation Company, now assigned April 2, 1973, MC 117119, Sub 463, Willis Shaw Frozen Express, Inc., now assigned April 5, 1973, will be held in Room 666, New Federal Building, 601 East 12th Street, Kansas City, Mo.

MC 111424 Sub 4, Shippers Truck Service, Inc., now assigned April 9, 1973, at New York, N.Y., is postponed indefinitely.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.73-4388 Filed 3-6-73;8:45 am]

[Notice 17]

MOTOR CARRIER APPLICATIONS AND CERTAIN OTHER PROCEEDINGS

MARCH 2, 1973.

The following publications are governed by the new § 1.247 of the Commission's rules of practice, published in the FEDERAL REGISTER, issue of December 3, 1963, which became effective January 1, 1964.

The publications hereinafter set forth reflect the scope of the applications *as filed* by applicant, and may include descriptions, restrictions, or limitations which are not in a form acceptable to the Commission. Authority which ultimately may be granted as a result of the applications here noticed will not necessarily reflect the phraseology set forth in the application as filed, but also will eliminate any restrictions which are not acceptable to the Commission.

APPLICATIONS ASSIGNED FOR ORAL HEARING [1]

MOTOR CARRIERS OF PROPERTY

No. MC 117565 (Sub-No. 34) (Republication), filed October 1, 1970, published in the FEDERAL REGISTER issue of October 22, 1970, and republished this issue. Applicant: MOTOR SERVICE COMPANY, INC., 237 South Fifth Street, Coshocton, OH 43812. Applicant's representative: Louis J. Amato, Post Office Box E, Bowling Green, Ky. 42101. A decision and order of the Commission, Review Board No. 3, dated January 23, 1973, and served February 2, 1973, finds that operation by applicant, in interstate or foreign commerce, as a *common carrier* by motor vehicle, over irregular routes, (1) of *all-terrain vehicles* and *parts, accessories, and attachments therefor*, from points in Huron County, Ohio, to points in the United States (except Hawaii); (2) of *trailers* designed to be drawn by passenger automobiles, in initial movements, from points in Mahaska County, Iowa, to points in the United States (except Hawaii), will be consistent with the public interest and the national transportation policy; that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. Because it is possible that other parties who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described above, issuance of a certificate in this proceeding will be withheld for a period of 30 days from the date of this publication of the authority actually granted, during which period any proper party in interest may file an appropriate petition for intervention or other relief in this proceeding setting forth in detail the precise manner in which it has been so prejudiced.

No. MC 121659 (Sub-No. 3) (Republication), filed December 19, 1972, State Docket published in the FEDERAL REGISTER issue of September 20, 1972, and republished this issue. Applicant: ALLISON-LOGAN FREIGHT LINES, INC., 106 West High Street, Post Office Box 724, Terrell, TX 75160. By order of the Commission, Operating Rights Board, dated February 6, 1973, and served February 15, 1973, finds applicant entitled to a Certificate of Registration solely within the State of Texas, as a motor common carrier, pursuant to that portion of Certificate of Convenience and Necessity No. 4354, authorized by order dated November 28, 1972, issued by the Railroad Commission of Texas, as follows: General commodities: The proposed routes will be State Highway 34 from Terrell, Tex., to Quinlan, Tex., thence State Highway 34 at the intersection of FM Road 35 to the intersection of FM Road 35 and FM Road 513 and then FM Road 35 and FM Road 47 to connect with existing authority, serving all intermediate points, returning over the same routes. Because it is possible that other parties who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described above, issuance of a Certificate of Registration in this proceeding will be withheld for a period of 30 days from the date of this publication of the authority actually granted, during which period any proper party in interest may file an appropriate petition for intervention or other relief in this proceeding setting forth in detail the precise manner in which it has been so prejudiced.

No. MC 136305 (Sub-No. 2) (Republication), filed March 20, 1972, published in the FEDERAL REGISTER issue of April 20, 1972, and republished this issue. Applicant: GAIL CISSELL and ALICE CISSELL, a partnership, doing business as CISSELL TRANSFER & STORAGE CO., 112 East Railroad Avenue, Portales, NM 88130. Applicant's representative: Edwin E. Piper, Jr., 715 Simms Building, Albuquerque, N. Mex. 87107. A supplemental order of the Commission, Operating Rights Board, dated December 14, 1972, and served January 8, 1973, finds that the present and future public convenience and necessity require operation by applicant, in interstate or foreign commerce, as a *common carrier* by motor vehicle, over irregular routes, of *used household goods*, between points in Curry, DeBaca, Guadalupe, Quay, and Roosevelt Counties, N. Mex., and Bailey and Parmer Counties, Tex.; that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. Because it is possible that other parties who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described above, issuance of a certificate in this proceeding will be withheld for a period of 30 days from the date of this publication of the authority actually granted, during which period any proper party in interest may file an appropriate petition for intervention or other relief in this proceeding setting forth in detail the precise manner in which it has been so prejudiced.

MOTOR CARRIER OF PASSENGERS

No. MC 130171 (Republication), filed July 10, 1972, published in the FEDERAL REGISTER issue of July 17, 1972, and republished this issue. Applicant: AUTOMOBILE CLUB OF MISSOURI, 3917 Lindell Boulevard, St. Louis, MO 63108. Applicant's representative: Gregory M. Rebman, Suite 1230, Boatmen's Bank Building, St. Louis, Mo. 63102. An order of the Commission, Operating Rights Board, dated January 22, 1973, and served February 14, 1973, finds that operation by applicant at St. Louis and Kansas City, Mo., as a *broker* in arranging for transportation by motor vehicle, in interstate or foreign commerce, of *passengers and their baggage*, in all expense round-trip tours, in special and charter operations beginning and ending in St. Louis and Kansas City, Mo., on the one hand, and, on the other, points in the United States, including Alaska and Hawaii, will be consistent with the public interest and the national transportation policy; that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. Because it is possible that other parties who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described above, issuance of a license in this proceeding will be withheld for a period of 30 days from the date of this publication of the authority actually granted, during which period any proper party in interest may file an appropriate petition for intervention or other relief in this proceeding setting forth in detail the precise manner in which it has been so prejudiced.

No. MC 135392 (Republication), filed March 3, 1971, published in the FEDERAL REGISTER issue of June 24, 1971, and republished this issue. Applicant: IRON RANGE BUS LINES LIMITED, 329 John Street, Thunder Bay "P", Ontario, Canada. Applicant's representative: John W. Erickson, 17A South Cumberland Street, Thunder Bay "P", Ontario, Canada. A supplemental order of the Commission, Operating Rights Board, dated January 22, 1973, and served February 8, 1973, finds that the present and future public convenience and necessity require operation by applicant, in foreign commerce, as a *common carrier* by motor vehicle, over irregular routes, of *passengers and their baggage*, in the same vehicle with passengers, in charter operations, in round trip sightseeing and pleasure tours beginning and ending at ports of entry on the international boundary line between the United States and Canada, located in Michigan and Minnesota, and extending to points in Minnesota and Wisconsin; that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. Because it is possible that other parties who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described above, issuance of a certificate in this proceeding will be withheld for a period of 30 days from the date of this publication of the authority actually granted, during which period any proper party in interest may file an appropriate petition for intervention or other relief in this proceeding setting forth in detail the precise manner in which it has been so prejudiced.

NOTICE FOR FILING PETITIONS

No. MC 21866 (Sub-No. 61) (notice of filing of petition for modification of commodity description in a certificate), filed January 26, 1973. Petitioner: WEST MOTOR FREIGHT, INC., 740 South Reading Avenue, Boyertown, PA 19512. Petitioner's representative: Alan Kahn, Suite 1920, 2 Penn Center Plaza, Philadelphia, Pa. 19102. Petitioner presently holds a motor *common carrier* certificate on No. MC 21866 (Sub-No. 61), issued August 25, 1967, and authorizing, as pertinent, the transportation of: *Iron and steel*, and *equipment* used or useful in the erection thereof, between Pottstown, Pa., on the one hand, and, on the other, points in Massachusetts, Connecticut, New York, New Jersey, Delaware, Maryland, Virginia, and the District of Columbia. By the instant petition, petitioner seeks to modify the commodity description to read: "*Iron and steel articles*, and *equipment* used or useful in the erection thereof." Any person or persons desiring to participate may file an original and six copies of his written representations, views, and arguments in support of or against the petition within 30 days from the date of publication in the FEDERAL REGISTER.

No. MC 118722 (Sub-Nos. 2 and 3) (notice of filing of petition for removal of plantsite restrictions), filed February 12, 1973. Petitioner: FRIGID EXPRESS, INC., 396 Henderson Street, Jersey City, NJ 07302. Petitioner's representative: Charles J. Williams, 47 Lincoln Park, Newark, NJ 07102. Petitioner presently holds motor *common carrier* certificates in No. MC-118722 (Sub-Nos. 2 and 3) issued November 26, 1965, and September 21, 1966, respectively, authorizing operations over irregular routes of: (1) In Sub-No. 2—*Prepared frozen foods*, from (origin) the plantsite of Gretchen Grant Kitchens, Inc., at Jersey City, N.J., and (2) *frozen poultry, fish*, and *shellfish*, when moving in the same vehicle with prepared frozen foods from the plantsite of Gretchen Grant Kitchens, Inc., at Jersey City, N.J., from (origin) New York, N.Y., and Jersey City, N.J.; and (3) in Sub-No. 3—*Prepared frozen foods*, and *frozen poultry, fish*, and *shellfish*, when moving in the same vehicle and at the same time with prepared foods, from (origin) the storage and warehouse facilities of Durkee Famous Foods, Gretchen Grant Kitchens Division, the Gilden Co., at Jersey City, N.J., and destined in (1), (2), and (3) above to Birmingham, Ala., Athens, Augusta, Macon, and Savannah, Ga., Bloomington, Chicago, East St. Louis, Joliet, Moline, Peoria, Rockford, and Springfield, Ill., Bloomington, Evansville, Fort Wayne, Indianapolis, Lafayette, South Bend, and Terre Haute, Ind., Lexington and Louisville, Ky., New Orleans, La., Ann Arbor, Detroit, Grand Rapids, Jackson, Kalamazoo, and Lansing, Mich., Duluth, Hopkins, Minneapolis, and St. Paul, Minn., Jefferson, Joplin, Kansas City, St. Joseph, St. Louis, and Springfield, Mo., Charlotte, Raleigh, and Winston-Salem, N.C., Akron, Canton, Cincinnati, Cleveland, Columbus, Dayton, Lima, Portsmouth, Springfield, Toledo, and Youngstown, Ohio, Pittsburgh, Pa., Charleston, Columbia, and Spartanburg, S.C., and Baraboo, Eau Claire, Madison, Milwaukee, and Oshkosh, Wis., with no transportation for compensation on return except as otherwise authorized. By the instant petition, petitioner seeks to remove (a) the restrictions "from the plantsite of Gretchen Grant Kitchens, Inc., at Jersey City, N.J." in (1) and (2) above and the restriction "from the storage and warehouse facilities of Durkee Famous Foods, Gretchen grant Kitchens Division, the Gilden Co., at Jersey City, N.J." from (3) above. Any person or persons desiring to participate may file an original and six copies of his written representations, views, or arguments in support of or against the petition within 30 days from the date of publication in the FEDERAL REGISTER.

No. MC 124211 (Sub-No. 191) (Notice of filing of petition for amendment and reconsideration of an application), filed June 29, 1971, published in the FEDERAL REGISTER issues of July 29, 1971, and as petitioned, on January 17, 1973, and republished with reply and representation information this issue. Petitioner: HILT TRUCK LINE, INC., Post Office Box 988 D.T.S., Omaha, Nebr., 68101. Petitioner's representative: Thomas L. Hilt (same address as applicant). Authority sought

[1] Except as otherwise specifically noted, each applicant (on applications filed after Mar. 27, 1972) states that there will be no significant effect on the quality of the human environment resulting from approval of its application.

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to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat by-products, and articles distributed by meat packinghouses* as described in sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from Darr, Lincoln, and Norfolk, Nebr., to points in Kentucky. NOTE: The purpose of this republication is to indicate the additional origins of Darr and Lincoln, Nebr., and applicant's request for reconsideration of an order of the Commission, Review Board No. 3, filed November 13, 1972, and served November 21, 1972, wherein it stated that the applicant failed to show evidence of its ability to satisfy the shipper's needs. Applicant states that the requested authority can be tacked at points in Nebraska with its existing authority in Sub-Nos. 36 and 121 to serve points in Iowa, Illinois, and Nebraska, and can also be tacked at points in Missouri with the authority it holds in Sub-No. 39 to serve points in Illinois, Kansas, Minnesota, Nebraska, North Dakota, South Dakota, and Wisconsin. Applicant further states that tacking is unlikely as operations thereunder would be unduly circuitous to the extent that shippers would not want to utilize the services of the applicant. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. Any interested person or persons desiring to participate may file an original and six copies of his written representations, views, or arguments in support of or against the petition on or before April 6, 1973.

No. MC 125985 (Sub-No. 9) (Notice of filing of petition for territorial modification of a certificate), filed February 2, 1973. Petitioner: AUTO DRIVEAWAY COMPANY, a Corporation, 343 South Dearborn Street, Chicago, IL 60604. Petitioner's representative: Daniel B. Johnson, 716 Perpeutal Building, 1111 E Street NW., Washington, DC 20004. Petitioner presently holds a motor *common carrier* certificate in No. MC–125985 (Sub-No. 9) issued December 11, 1972, authorizing the transportation of: *Motor homes*, in driveaway service, between Oneonta, N.Y., Commerce City, Colo., Middlebury, Ind., Spencer, Wis., Ft. Worth, Tex., Waycross, Ga., Fredericksburg, Va., Forest Grove, Oreg., Hutchinson, Kans., Hialeah, Fla., and Nampa, Idaho, on the one hand, and, on the other, points in the United States (except Alaska and Hawaii). By the instant petition, petitioner seeks modification of its certificate by expanding its territorial authority to read: "Between points in the United States (including Alaska and Hawaii, but excluding points in California), on the one hand, and on the other, points in the United States (except Mount Clemens and Pontiac, Mich.)". Any person or persons desiring to participate may file an original and six copies of his written representations, views or arguments in support of or against the petition on or before April 6, 1973.

No. MC 126600 (Notice of Filing of Petition To Add a Shipper), filed January 17, 1973. Petitioner: EHRSAM TRANSPORT, INC., 108 North Factory, Enterprise, Kans. 67441. Petitioner's representative: William P. Keefe (same address as applicant). Petitioner presently holds a permit in No. MC–126600 issued September 12, 1972, authorizing operations as a contract carrier, by motor vehicle, over irregular routes, transporting: (1) *Materials handling and processing equipment, elevator equipment, power transmission equipment, foundry castings, and materials and supplies* used in the manufacture of such commodities (except commodities the transportation of which because of their size or weight require the use of special equipment, and except commodities in bulk), between Enterprise, Wichita, and Clay Center, Kans., on the one hand, and, on the other, points in the United States, including, Alaska, but excluding Hawaii, under a continuing contract, or contracts, with Combustion Engineering, Inc., Ehrsam Wichita Foundry, Inc., and Ehrsam, Inc.; (2) *Forest products and lumber products* (except in bulk), and *agricultural commodities* (not including manufactured products thereof) as defined in section 203(b)(6) of the Interstate Commerce Act when transported in the same vehicle and at the same time with forest products and lumber products (except in bulk), from points in Washington, Oregon, Idaho, California, and Arizona, to points in Kansas, Missouri, Oklahoma, and Texas, with no transportation for compensation on return, except as otherwise authorized, under a continuing contract, or contracts, with Combustion Engineering, Inc.; and (3) *Materials handling and processing equipment, elevator equipment, power transmission equipment, foundry castings, and materials and supplies* used in the manufacture of such commodities, except in bulk, between Concordia, Kans., on the one hand, and, on the other, points in the United States, and the District of Columbia, except Alaska, Hawaii, and Cushing, Okla., under a continuing contract, or contracts, with Combustion Engineering, Inc. By instant petition, petitioner seeks to add Wichita Brass & Aluminum Foundry at Wichita, Kans. as an additional contracting shipper to its presently held authority as stated in (1), (2), and (3) above. Petitioner has pending a similar petition filed October 18, 1972, and published in the FEDERAL REGISTER on November 29, 1972 to add North Central Foundry, Inc. as an additional contracting shipper to its authority as stated herein. Any interested person or persons desiring to participate may file an original and six copies of his written representations, views or arguments in support of or against the petition on or before April 6, 1973.

No. MC 129759 (Sub-No. 2) (Notice of Filing of Petition To Add a Shipper), filed February 7, 1973. Petitioner: TRIANGLE TRUCKING CO., a Corporation, 936 West Carlisle Street, Martins Ferry, OH 43935. Petitioner's representative: A. Charles Tell, 100 East Broad Street, Columbus, OH 43215. Petitioner presently holds a motor *contract carrier* permit in No. MC–129759 (Sub-No. 2) issued April 14, 1972, authorizing transportation, over irregular routes by motor vehicle, of: (1) *Pipe, cable, and strip steel*, from Glendale, W. Va., to points in Connecticut, Delaware, Illinois, Indiana, Iowa, Kentucky, Maine, Maryland, Massachusetts, Michigan, Minnesota, Missouri, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Tennessee, Vermont, Virginia, and Wisconsin, and the District of Columbia; and (2) *cable, wire, rods, pipe, and pipe fittings and component parts*, from New Brunswick and South Brunswick, N.J., to points in Illinois, Indiana, Iowa, Kentucky, Michigan, Minnesota, Missouri, Ohio, West Virginia, and Wisconsin; and (3) *commodities* used in the manufacture and distribution of the commodities named in (1) and (2) above (except commodities in bulk), from points in the destination States named in (1) and (2) above, to Glendale, W. Va., and New Brunswick and South Brunswick, N.J., restricted in (1), (2), and (3) above against the transportation of shipments originating at points in Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, and New Jersey destined to New Brunswick and South Brunswick, N.J., and limited to a transportation service to be conducted under a continuing contract, or contracts, with Triangle Conduit & Cable Co., Inc., of Glendale, W. Va., and Triangle-Price Co. of South Brunswick, N.J. By the instant petition, petitioner seeks to add Triangle Pipe & Tube Co., Inc., of Glendale, W. Va., as a contracting shipper. Petitioner further indicates that Triangle Pipe & Tube Co., Inc., has been formed through the corporate reorganization of Triangle Conduit & Cable Co., Inc. Any person or persons desiring to participate may file an original and six copies of his written representations, views, or arguments in support of or against the petition on or before April 6, 1973.

APPLICATIONS FOR CERTIFICATES OR PERMITS WHICH ARE TO BE PROCESSED CONCURRENTLY WITH APPLICATION UNDER SECTION 5 GOVERNED BY SPECIAL RULE 240 TO THE EXTENT APPLICABLE.

No. MC 52938 (Sub-No. 9), filed January 23, 1973. Applicant: MASHKIN FREIGHT LINES, INC., 115 Park Avenue, East Hartford, CT 06108. Applicant's representative: Hugh M. Joseloff, 410 Asylum Street, Hartford, CT 06103. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except household goods as defined by the Commission, office furniture and equipment, and commodities which require the use of dump and tank trucks or special equipment), between points in Connecticut. NOTE: This application is a matter directly related to a purchase proceeding in No. MC–F–11790 published in the FEDERAL REGISTER issue of February 14, 1973. Applicant states that the requested authority can be tacked at points in Fairfield and New Haven Counties, Conn. to provide a through service between New York, N.Y. and other Connecticut counties. If a hearing is deemed necessary, applicant requests it be held at Hartford, Conn. or Washington, D.C.

No. MC 138416, filed February 22, 1973. Applicant: MISSISSIPPI FREIGHT LINES, INC., 1720 Central Avenue, Memphis, TN 38104. Applicant's representative: A. Alvis Layne, 915 Pennsylvania Building, Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over regular and irregular routes, transporting: Regular routes: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between Forest and Jackson, Miss., from Forest over U.S. Highway 80 to Jackson, and return over the same route, serving all intermediate points and the U.S. Navy jet base near Lauderdale, Miss., as an off-route point. Irregular routes: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), (1) between Forest, Miss., and points within a 25-mile radius of Forest, and (2) between Forest and Meridian, Miss. NOTE: The instant application is a matter directly related to MC–F 11750 published in the FEDERAL REGISTER issue of December 26, 1972. Common control may be involved. Applicant states that the requested irregular route authority can be joined at Carthage, Forest, and Union, Miss., and may also be tacked with other authority. Applicant is currently seeking in the purchase of a Certificate of Registration in MC–F 11750 to provide service to points in Mississippi. If a hearing is deemed necessary, applicant requests it be held at Jackson, Miss.

APPLICATIONS UNDER SECTIONS 5 AND 210a(b)

The following applications are governed by the Interstate Commerce Commission's special rules governing notice of filing of applications by motor carriers of property or passengers under sections 5(a) and 210a(b) of the Interstate Commerce Act and certain other proceedings with respect thereto (49 CFR 1.240).

MOTOR CARRIERS OF PROPERTY

No. MC–F–11802. Authority sought for purchase by WEST COAST TRUCK LINES, INC., Post Office Box 668, Coos Bay, OR 97420, of a portion of the operating rights of OREGON TRANSFER CO., 3232 Northwest Industrial, Portland, OR 97210, and for acquisition by E. P. BARTON, also of Coos Bay, Oreg. 97420, of control of such rights through the purchase. Applicants' attorney: John G. McLaughlin, 100 Southwest Market Street, 620 Blue Cross Building, Portland, OR 97201. Operating rights sought to be transferred: *Commodities*, the transportation of which, by reason of size or weight, requires the use of special equipment; and of *related machinery parts and related contractor's materials and supplies* when their transportation is incidental to the transportation of the commodities authorized above, as a *common carrier* over irregular routes, between points in Oregon and Washington. Vendee is authorized to operate as a *common carrier* in California, Oregon, and Washington. Application has been filed for temporary authority under section 210a(b).

No. MC–F–11803. Authority sought for purchase by F–B TRUCK LINE COMPANY, 1891 West 2100 South, Salt Lake City, UT 84119, of a portion of the operating rights of B–LINE TRANSPORT CO., INC., East 7100 Broadway, Spokane, WA 99213, and for acquisition by MERLIN J. NORTON, also of Salt Lake City, Utah 84119, of control of such rights through the purchase. Applicants' representative: David J. Lister, 1891 West 2100 South, Salt Lake City, UT 84119. Operating rights sought to be transferred: *Heavy machinery, structural steel, culverts, pipe, and construction and building materials and equipment*, as a *common carrier* over irrgular routes, between points in Washington, that part of Oregon on and north of the 44th parallel, that part of Montana on and west of a direct north and south line extending from the northwest corner of Wyoming to the boundary of the United States and Canada, and those in boundary, Bonner, Kootenai, Benewah, Shoshone, Letah, Nez Perce, Clearwater, Lewis, Idaho, Adams, Washington, Valley, Payette, Gem, Boise, Custer, Ada, Canyon, and Elmore Counties, Idaho; *commodities*, the transportation of which, by reason of size or weight, requires the use of special equipment; and of *related machinery parts and related contractor's materials and supplies* when their transportation is incidental to the transportation of the commodities authorized above, between points in Washington, that part of Oregon on and north of the 44th parallel, that part of Montana on and west of a direct north and south line extending from the northwest corner of Wyoming to the boundary of the United States and Canada, and those in Boundary, Bonner, Kootenai, Beneway, Shoshone, Latah, Nez Perce, Clearwater, Lewis, Idaho, Adams, Washington, Valley, Payette, Gem, Boise, Custer, Ada, Canyon, and Elmore Counties, Idaho. Vendee is authorized to operate as a *common carrier* in Idaho, Utah, Montana, California, Oregon, Washington, Colorado, Nevada, Wyoming, Arizona, and New Mexico. Application has not been filed for temporary authority under sction 210a(b).

No. MC–F–11804. Authority sought for control and merger by DALLAS & MAVIS, INC., a noncarrier, 4200 39th Avenue, Kenosha, WI 53140, of the operating rights and property of DALLAS & MAVIS FORWARDING CO., INC., 4000 West Sample Street, South Bend, IN 46627, and for acquisition by JUPITER TRANSPORTATION COMPANY 400 East Randolph Street, Chicago, IL 60601, of control of such rights and property through the transaction. Applicants' attorneys: Jack Goodman, 39 South La Salle Street, Chicago, IL 60603, Charles Pieroni, 4000 West Sample Street, South Bend, IN 46627, Friedman & Koven, 208 South La Salle Street, Chicago, IL 60604, and Paul F. Sullivan, 711 Washington Building, 15th and New York Avenue NW., Washington, DC 20005. Operating rights sought to be controlled and merged: Specified commodities, primarily, *new automobiles, new trucks, new tractors, and new chassis; buses; cranes; shovels, straddle trucks, fork trucks, and building construction, and moving machinery*, all self-propelled; *lumber; snow plows, spreaders, and leaf and debris collectors*, etc., as a *common carrier* over regular and irregular routes, from, to, and between, all points in the United States, with certain restrictions, as more specifically described in Docket No. MC–29886 and sub-numbers thereunder. This notice does not purport to be a complete description of all of the operating rights of the carrier involved. The foregoing summary is believed to be sufficient for purposes of public notice regarding the nature and extent of this carrier's operating rights, without stating, in full, the entirety, thereof. DALLAS & MAVIS, INC., holds no authority from this Commission. However it is affiliated with KENOSHA AUTO TRANSPORT CORPORATION, 4200 39th Avenue, Kenosha, WI 53140, which is authorized to operate as a common carrier in all of the States in the United States (except Alaska and Hawaii). Application has not been filed for temporary authority under section 210a(b).

NOTE: If the application in No. MC–F–11687—COMMERCIAL CARRIERS, INC.—PURCHASE—PAUL A. MAVIS, is denied, then applicant seeks to purchase the operating rights as follows: *New automobiles*, in initial movements, as a *common carrier* over irregular routes, from Long Beach, Calif., to points and places in Arizona, New Mexico, Nevada, Oregon, and Utah; *new automobiles and new trucks*, in initial movement, from Maywood, Calif., and points and places within 1 mile thereof, to points and places in Arizona, Nevada, and Oregon; *new automobiles*, in secondary movements, from points and places in California, on San Francisco Bay, to points and places in California, except Long Beach, San Pedro, and Wilmington; *new automobiles and new trucks*, in secondary movements, from Phoenix, Ariz., to Los Angeles, Calif.; *new automobiles, new trucks, and new chassis*, in initial movements, in truckaway service, from San Leandro, Calif., and all points and places within 1 mile of San Leandro except points and places in Oakland, Calif., to points and places in California, Arizona, Colorado, Idaho, Montana, Nevada, New Mexico, Oregon, Utah, Washington, and Wyoming; *new trucks, and new chassis*, in initial movements, in driveaway service, from the above-specified origin points and places to the destination points and places described immediately above; *new trucks*, in secondary movements, in driveaway and truckaway service, from San Leandro, Calif., and points and places within 20 miles thereof; to points and places in the States named above; *new automobiles, new trucks, and new chassis*, in secondary

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movements, in truckaway service, from Salt Lake City, Utah, to San Leandro, Calif., and points and places within 20 miles thereof; *automobiles*, in initial movements, in truckaway service, from the site of the plant of the Chrysler Corp. located adjacent to Maywood, Calif., to points in the Los Angeles Harbor commercial zone, as defined by the Commission, and points in Idaho and Washington; *automobiles*, in secondary movements, in truckaway service, from points in the Los Angeles Harbor commercial zone, as defined by the Commission, to points in Los Angeles County, Calif.; *new automobiles*, in secondary movements, by the truckaway method, from Phoenix, Ariz., to a defined area in California; *automobiles, trucks, and buses* (except those which have been repossessed, embezzled, stolen, or wrecked, and except trailers), in secondary movements, in truckaway service from points in Nebraska to points in New Mexico, Arizona, and California, between points in New Mexico, Arizona, and that part of California, south of the northern boundaries of San Luis Obisno, Kern, and San Bernardino Counties, Calif.; *automobiles*, (except used automobiles, and except repossessed, embezzled, stolen or wrecked automobiles), in secondary movements, in truckaway services, from Sacramento, Calif., to points in Arizona and New Mexico, with restriction; *new and used motor vehicles* (except trailers), in secondary movements, in truckaway service, between points in Arizona, New Mexico, Nevada, and Utah (except shipments from Phoenix, Ariz.), with restriction, from Phoenix, Ariz., to points in Arizona, New Mexico, Nevada, and Utah; *automobiles and trucks*, in initial movements, in truckaway service, from the plantsite of Chrysler Corp., in Maywood, Calif., to Farwell, Tex., and points in New Mexico, from Maywood, Calif., to points in Montana; *motor vehicles* (except trailers, trucks, imported motor vehicles, and used motor vehicles which have been repossessed, embezzled, stolen, or damaged), in secondary movements, in truckaway service, between points in Nevada and points in that part of California south of the northern boundaries of San Luis Obispo, Kern, and San Bernardino Counties, Calif., with restriction.

No. MC–F–11805. Authority sought for control by QUICK AIR FREIGHT, INC., Port Columbus Cargo Building, Columbus, Ohio 43219, of VANDALIA AIR FREIGHT, INC., Dayton Municipal Airport, Vandalia, Ohio 45377, and for acquisition by UNITED TRANSPORTATION, INC., 525 Kennedy Drive, Columbus, OH 43215, and, in turn, by RONALD KAUFFMAN, Port Columbus Cargo Building, Columbus, Ohio 43219, of control of VANDALIA AIR FREIGHT, INC., through the acquisition by QUICK AIR FREIGHT, INC. Applicants' attorney: James R. Stiverson, 50 West Broad Street, Columbus, OH 43215. Operating rights sought to be controlled: Under a certificate of registration, in Docket No. MC–120265 (Sub-No. 1), covering the transportation of property, as a common carrier, in interstate commerce, within the State of Ohio. Quick Air Freight, Inc., is authorized to operate as a common carrier in Ohio, Illinois, Indiana, Michigan, New York, Pennsylvania, Kentucky, and West Virginia. Application has not been filed for temporary authority under section 210a(b).

No. MC–F–11806. Authority sought for purchase by Hagen, Inc., 4120 Floyd Boulevard, Sioux City, IA 51108, of the operating rights and property of Winkoma, Inc., Sun Prairie, Wis. 53590, and for acquisition by Fred Hagen, also of Sioux City, Iowa 51108, of control of such rights and property through the purchase. Applicants' attorney: Donald L. Stern, 530 Univac Building, 7100 West Center Road, Omaha, NE 68106. Operating rights sought to be transferred: *Meats, meat products, and meat byproducts*, and *articles distributed by meat packinghouses*, as described in sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 MCC 209 and 766, and *dairy products*, except commodities in bulk, in tank vehicles, as a *common carrier over* irregular routes, from points in Wisconsin, and from Minneapolis, Minn., to points in Kansas, Missouri, Iowa, Nebraska, Oklahoma, and Arkansas, and to East St. Louis, Ill.; *such commodities* as are dealth in by retail gift and curio shops, from Monroe, Wis., to points in Arkansas, Iowa, Kansas, Missouri, Nebraska, Oklahoma, and East St. Louis, Ill.; *cheese* and *cheese products*, from the plantsite and warehouse facilities utilized by the Paul Cheese Co., at Green Bay, Wis., to points in South Dakota; *fresh meats* and *food products*, from the plantsite and warehouse facilities utilized by Purdy Steak Corp. at or near Cudahy, Wis., to points in Minnesota, North Dakota, South Dakota, and Colorado, with restriction; *dairy products*, from Clinton, Iowa, to points in Colorado, Iowa, Nebraska, Kansas, Missouri, and North Dakota, from Green Bay and LaCrosse, Wis., to points in Colorado and North Dakota. Vendee is authorized to operate as a *common carrier* in Illinois, Iowa, Minnesota, Montana, Nebraska, North Dakota, Wisconsin, Wyoming, South Dakota, Idaho, Oregon, Missouri, Indiana, Kansas, Michigan, Utah, Arizona, California, Colorado, Washington, Nevada, New Mexico, Ohio, Kentucky, North Carolina, South Carolina, Alabama, Georgia, Louisiana, Mississippi, Texas, and Tennessee. Application has not been filed for temporary authority under section 210a (b).

No. MC–F–11807. Authority sought for control by S. R. Bowen, a noncarrier, 219 North Jackson, Mason City, IA 50401, of Seco, Inc., also of Mason City, IA 50401. Applicants' attorney: Thomas F. Kilroy, Post Office Box 624, Springfield, VA 22150. Operating rights sought to be controlled: In Docket No. MC–135109 (Sub-No. 1 TA), drugs, in containers, for the account of ICI America, Inc., successor in interest to Atlas Chemical Industries, Inc., as a contract carrier, over irregular routes, from the plantsite of ICI America, Inc. at or near Newark, Del., to the warehouse utilized by said shipper at Chicago, Ill., Dallas, Tex., Memphis, Tenn., and St. Louis, Mo. S. R. Bowen, holds no authority from this Commission. However, he is affiliated with Seco Trucking Co., Inc., 219 North Jackson Avenue, Mason City, IA 50401, which is authorized to operate as a *contract carrier* in Pennsylvania, Illinois, Missouri, Iowa, Nebraska, South Dakota, Minnesota, Michigan, North Dakota, Wisconsin, Oklahoma, Kansas, Arkansas, Indiana, Ohio, Louisiana, New Mexico, Texas, and Arizona. Application has not been filed for temporary authority under section 210a(b).

NOTE: In pending Docket No. MC–135109 a corresponding permanent application has been filed.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.73–4384 Filed 3–6–73;8:45 am]

[Notice 27]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

MARCH 1, 1973.

The following are notices of filing of applications[1] for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC–67 (49 CFR Part 1131), published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, on or before March 22, 1973. One copy of such protests must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protests must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six (6) copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 14552 (Sub-No. 47 TA), filed February 21, 1973. Applicant: J. V. McNICHOLAS TRANSFER COMPANY, 555 West Federal Street, Youngstown, OH 44502. Applicant's representative: Paul F. Beery, 88 East Broad Street, Columbus, OH 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel sheets and coil*, from the plantsite of Jones and Laughlin Steel Corp. plants and warehouses at or near Cleveland, Ohio to Fisher Body Division of General Motors Corp. at or

[1] Except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application.

near Marion, Ind., for 180 days. Restricted to traffic originating at and destined to the named plants. Supporting shipper: Jones and Laughlin Steel Corp., Cleveland Works Division, 3341 Jennings Road, Cleveland, OH 44101. Send protests to: Franklin D. Ball, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 181 Federal Office Building, 1240 East Ninth Street, Cleveland, OH 44199.

No. MC 32367 (Sub-No. 21 TA) (Correction), filed October 31, 1972, published in the FEDERAL REGISTER issue of November 18, 1972, and republished as corrected this issue. Applicant: RED & WHITE MARKET & TRANSFER, INC. (Nebraska Corp.), 607 South Burlington Avenue, Hastings, NE 68901. Applicant's representative: Gailyn L. Larsen, Box 80806, Lincoln, NE.

NOTE: The purpose of this partial republication is to add the commodity description, Part (3) which was omitted in error. Part (3) should read: *Engine parts and accessories*, from Rockport, Ill., to Hastings, Nebr. The rest of the application remains as previously published.

No. MC 93980 (Sub-No. 57 TA), filed February 20, 1973. Applicant: VANCE TRUCKING COMPANY, INCORPORATED, Post Office Box 1119, Henderson, NC 27536. Applicant's representative: Henry M. Strause (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wooden fences, wooden gates, fence material, and cedar lumber*, from at or near Nansemond City, Va., to points in Alabama, Connecticut, Delaware, Georgia, Indiana, Kentucky, Louisiana, Maryland, Massachusetts, Mississippi, North Carolina, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Virginia, and West Virginia, for 180 days. Supporting shipper: Atlantic Forest Products Co., 767 East Street, Walpole, MA 02081. Send protests to: Archie W. Andrews, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Post Office Box 26896, Raleigh, NC 27611.

No. MC 117565 (Sub-No. 83 TA), filed February 21, 1973. Applicant: MOTOR SERVICE COMPANY, INC., Post Office Box 448, Route 3, Coshocton, OH 43812. Applicant's representative: John R. Hafner (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Movable offices, booths, shelters, and canopies, and accessories* for movable offices, booths, shelters, and canopies, from Mount Clemens, Mich., to points in the United States (except Alaska and Hawaii), for 180 days. Supporting shipper: Par-Kut Engineering & Fabricating, Inc., 25500 Joy Boulevard, Mount Clemens, MI 48043. Send protests to: Frank L. Calvary, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 255 Federal Building and U.S. Courthouse, 85 Marconi Boulevard, Columbus, OH 43215.

No. MC 119639 (Sub-No. 9 TA), filed November 1, 1972. Applicant: INCO EXPRESS, INC., 3600 South 124th, Seattle, WA 98168. Applicant's representative: Joseph O. Earp, 411 Lyon Building, Seattle, WA 98104. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cloth or fabric coated with plastic, and liquid plastic*, in containers, from Los Angeles County, Calif., to the international boundary line between the United States and Canada, at or near Blaine and Sumas, Wash., for 180 days. Supporting shipper: E. I. du Pont de Nemours & Co., 10th and Market Streets, Wilmington, Del. 19898. Send protests to: L. D. Boone, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 6049 Federal Office Building, Seattle, WA 98104.

No. MC 126276 (Sub-No. 76 TA), filed February 20, 1973. Applicant: FAST MOTOR SERVICE, INC., 12855 Ponderosa Drive, Palos Heights, Ill. 60463. Applicant's representative: Anthony T. Thomas, 1811 West 21st Street, Chicago, IL 60608. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Metal containers and metal container ends*, from the plantsite of American Can Co. at Edison, N.J., to Milwaukee, Wis. Shipments require trailers with rear doors having minimum openings of 110", for 180 days. Supporting shipper: Mr. Richard Edwards, assistant traffic manager, operations, American Can Co., Greenwich, Conn. 06830. Send protests to: Robert G. Anderson, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Everett McKinley Dirksen Building, 219 South Dearborn Street, Room 1086, Chicago, IL 60604.

No. MC 135660 (Sub-No. 6 TA), filed February 21, 1973. Applicant: BROWNSBERGER ENTERPRISES, INC., Rural Free Delivery No. 1, Box 243, Butler, Mo. 64730. Applicant's representative: Clyde N. Christey, 641 Harrison Street, Topeka, KS 66603. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Plastic pipe, plastic tubing, plastic conduit, plastic molding, valves, fittings, compounds, joint sealers, bonding cement, thinner, vinyl*, and *accessories* used in the installation of such products, from Linn Creek, Mo., to Denver and Colorado Springs, Colo., and Albuquerque, N. Mex., for 180 days Supporting shipper: Central Missouri Pipe Co., Post Office Box 75, Linn Creek, MO. Send protests to: John V. Barry, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 600 Federal Office Building, 911 Walnut Street, Kansas City, MO 64106.

No. MC 136172 (Sub-No. 4 TA), filed February 20, 1973. Applicant: DICK BELL TRUCKING, INC., 16036 Valley Boulevard, Fontana, CA 92335. Applicant's representative: Ernest D. Salm, 8179 Havasu Circle, Buena Park, CA 90621. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Mattresses and box springs*, in packages, restricted against uncrated shipments, from Los Angeles, Calif. to points in Arizona and Nevada, for 180 days. Supporting shipper: C. B. Van Vorst Co., 6000 South St. Andrews Place, Los Angeles, CA 90047. Send protests to: John E. Nance, officer-in-charge, Interstate Commerce Commission, Bureau of Operations, room 7708, Federal Building, 300 North Los Angeles Street, Los Angeles, CA 90012.

No. MC 138329 (Sub-No. 1 TA), filed February 21, 1973. Applicant: HICKMAN BROTHERS TRUCKING, INC., Route 8, Box 351–A, Charlotte, NC 28212. Applicant's representative: L. B. Hickman (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sand*, from Chesterfield County, S.C. to Mecklenburg County, N.C., for 180 days. Supporting shipper: Blythe Brothers Co., Post Office Box 989, Charlotte, NC 28201. Send protests to: Frank H. Wait, Jr., Interstate Commerce Commission, Bureau of Operations, 800 Briar Creek Road, room CC516, Charlotte, NC 28205.

No. MC 138365 (Sub-No. 1 TA), filed February 20, 1973. Applicant: GERALD HAEGELE, doing business as GERALD TRANSPORTATION, 5227 Brass Lantern, St. Louis, MO 63128. Applicant's representative: Brainerd W. LaTourette, Jr., room 1450, 611 Olive Street, St. Louis, MO 63101. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Paper, printing rollers, ink, shellac, and items related to the printing industry*, between points in St. Louis County, Mo., and points in the St. Louis, Mo.–East St. Louis, Ill., commercial zone as defined by the Commission, for 180 days. NOTE: Applicant states to tack or interline at St. Louis, Mo. Supporting shipper: Brainerd W. LaTourette, Jr., room 1450, 611 Olive Street, St. Louis, MO 63101. Send protests to: John E. Nance, officer-in-charge, Interstate Commerce Commission, Bureau of Operations, room 7708, Federal Building, 300 North Los Angeles Street, Los Angeles, CA 90012.

No. MC 138329 (Sub-No. 1 TA), filed February 21, 1973. Applicant: HICKMAN BROTHERS TRUCKING, INC., Route 8, Box 351–A, Charlotte, NC 28212. Applicant's representative: L. B. Hickman (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sand*, from Chesterfield County, S.C. to Mecklenburg County, N.C., for 180 days. Supporting shipper: Blythe Brothers Co., Post Office Box 989, Charlotte, NC 28201. Send protests to: Frank H. Wait, Jr., Interstate Commerce Commission, Bureau of Operations, 800 Briar Creek Road, room CC516, Charlotte, NC 28205.

No. MC 138365 (Sub-No. 1 TA), filed February 20, 1973. Applicant: GERALD HAEGELE, doing business as GERALD TRANSPORTATION, 5227 Brass Lantern, St. Louis, MO 63128. Applicant's representative: Brainerd W. LaTourette, Jr., room 1450, 611 Olive Street, St. Louis, MO 63101. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Paper, printing rollers, ink, shellac, and items related to the printing industry*, between points in St. Louis County, Mo., and points in the St. Louis, Mo.–East St. Louis, Ill., commercial zone as defined by the Commission, for 180 days. NOTE: Applicant states to tack or interline at St. Louis, Mo. Supporting shipper: The Orchard Corp. of America, 1154 Reco Avenue, St. Louis, MO 63126. Send protests to: District Supervisor J. P. Werthmann, Interstate Commerce Commission, Bureau of Operations, room 1465, 210 North 12th Street, St. Louis, MO 63101.

No. MC 138409 (Sub-No. 1 TA), filed February 20, 1973. Applicant: BILLY C. ALBRITTON, Route No. 2, 2005 Eastwood Drive, Kinston, NC 28501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer and fertilizer materials*, dry, in bags and in bulk, in dump or flat bed equipment, from Hartsville, S.C., to Lenoir, Duplin, Pender, Wayne, Harnett, and Sampson Counties, N.C., for 180 days. Supporting shipper: International Minerals & Chemical Corp., Box 834, Dunn, N.C. 28334. Send protests to: Archie W. Andrews, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Post Office Box 26896, Raleigh, N.C. 27611.

No. MC 138417 TA, filed February 20, 1973. Applicant: NORTH SHORE DELIVERY SERVICE, INC., 1325 Cooch's Bridge Road, Newark, DE 18711. Applicant's representative: Francis P. Desmond, 115 East Fifth Street, Chester,

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PA 19013. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Unfinished textile fabric products*, between Newark, Del., and New York commercial zone, for 180 days. Supporting shipper: F. Schumacher & Co., 1325 Cooch's Bridge Road, Newark, DE 19711. Send protests to: Peter R. Guman, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 1518 Walnut Street, Room 1600, Philadelphia, PA 19102.

No. MC 138418 TA, filed February 20, 1973. Applicant: STANDARD CONTAINER TRANSPORT CORPORATION, 145 North Avenue East, Elizabeth, NJ 07201. Applicant's representative: Bert Collins, 140 Cedar Street, New York, NY 10006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Steel beams*, from carrier's terminal in Elizabeth, N.J., to Washington, D.C., Baltimore and Bladensburg, Md., and New York, N.Y., for 180 days. Supporting shippers: I. B. Steinberg Steel Co., Inc., 485 Main Street, Post Office Box 461, Fort Lee, NJ 07024 and Drachman Structurals, Inc., 200 East Sunrise Highway, Freeport, NY 11520. Send protests to: District Supervisor Robert E. Johnston, Bureau of Operations, Interstate Commerce Commission, 970 Broad Street, Newark, NJ 07102.

No. MC 138418 (Sub-No. 1 TA), filed February 20, 1973. Applicant: STANDARD CONTAINER TRANSPORT CORPORATION, 145 North Avenue East, Elizabeth, NJ 07201. Applicant's representative: Bert Collins, 140 Cedar Street, New York, NY 10006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Heavy machinery*, from piers in New York, and Albany, N.Y., and Port Newark, N.J. to Rowe, Mass., for 180 days. Supporting shipper: S & R Services, 19 Rector Street, New York, NY 10006. Send protests to: Robert E. Johnston, Bureau of Operations, Interstate Commerce Commission, 970 Broad Street, Newark, NJ 07102.

No. MC 138418 (Sub-No. 2 TA), filed February 20, 1973. Applicant: STANDARD CONTAINER TRANSPORT CORPORATION, 145 North Avenue East, Elizabeth, NJ 07201. Applicant's representative: Bert Collins, 140 Cedar Street, New York, NY 10006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Steel beams*, from carrier's terminal in Elizabeth, N.J., to Scranton, Pa., for 180 days. Supporting shipper: Drachman Structurals, Inc., 200 East Sunrise Highway, Freeport, NY 11520. Send protests to: District Supervisor Robert E. Johnston, Bureau of Operations, Interstate Commerce Commission, 970 Broad Street, Newark, NJ 07102.

No. MC 138420 TA, filed February 20, 1973. Applicant: CHIZEK ELEVATOR & TRANSPORT, INC., Post Office Box 147, Cleveland, WI 53015. Applicant's representative: Carmen Chizek (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Malt beverages and advertising equipment, premiums, materials, and supplies* when shipped therewith, from St. Louis, Mo., to all points in Wisconsin (except Racine, Kenosha, Milwaukee, Cudahy, Burlington, Stratford, and Twin Lakes); (2) *Empty malt beverage containers* used in the transportation of the commodities in part (1) of this application from the destination points set forth in part (1) of this application to St. Louis, Mo.; (3) *Malt beverages and advertising equipment, premiums, materials, and supplies* when shipped therewith, from Monroe, Wis., to points in Missouri, and Springfield, Belleville, and Collinsville, Ill.; (4) *Empty malt beverage containers* used in the transportation of the commodities in part (3) of this application from the destination points set forth in part (3) of this application to Monroe, Wis.; (5) *Malt and carbonated beverages and advertising equipment, premiums, materials, and supplies* when shipped therewith, from Minneapolis and St. Paul, Minn., to Sheboygan, Wis.; and (6) *Empty malt and carbonated beverage containers* used in the transportation of the commodities in part (5) of this application from Sheboygan, Wis., to Minneapolis and St. Paul, Minn., for 180 days. Supporting shippers: (1) S & S Distributing, Inc., 918 Hoeschler Drive, Sparta, WI (Herbert Severson); (2) Pehler Bros., Inc., 106 West Harrison Street, Arcadia, WI (Aurelius Pehler); (3) J. A. Brickle Distributing Co., 374 Gillett Street, Fond du Lac, WI (J. A. Brickle); (4) Joseph Huber Brewing Co., 1208 14th Avenue, Monroe, WI (Kent Baumgartener); (5) Tri-County Distributors, Inc., 724 South Outagamie Street, Appleton, WI (Joseph Wolfe); (6) Ken McCarville Distributing Co., Inc., 436 Rainbow Road, Spring Green, WI (John K. McCarville); (7) Benkowski Distributing Co., Inc., 506A South Broadway, Green Bay, WI (David E. Benkowski); (8) Larry's Distributing Co., Inc., 1923 North 18th Street, Sheboygan, WI (Robert Gutschow); and (9) Leard Bros., Inc., 320 North Ohio Street, Prairie du Chien, WI (Verle Leard). Send protests to: District Supervisor John E. Ryden, Interstate Commerce Commission, Bureau of Operations, 135 West Wells Street, room 807, Milwaukee, WI 53203.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.73-4385 Filed 3-6-73;8:45 am]

[Notice 28]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

MARCH 2, 1973.

The following are notices of filing of applications[1] for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC-67 (49 CFR Part 1131) published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, on or before March 22, 1973. One copy of such protests must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protests must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six (6) copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 22195 (Sub-No. 148 TA), filed February 23, 1973. Applicant: DAN DUGAN TRANSPORT COMPANY, 41st and Grange Avenue, Post Office Box 946, Sioux Falls, SD 57101. Applicant's representative: J. P. Everist (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Asphalts, road oils, and residual fuel oils*, in bulk, in tank vehicles, from Woodbury County, Iowa, to points in Nebraska, Minnesota, North Dakota, South Dakota, and Iowa, for 180 days. Supporting shipper: Debro, Inc., Bridgeport Industrial Park, Sioux City, Iowa 51102. Send protests to: J. L. Hammond, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Room 369, Federal Building, Pierre, S. Dak. 57501.

No. MC 26396 (Sub-No. 71 TA), filed February 20, 1973. Applicant: POPELKA TRUCKING CO., doing business as THE WAGGONERS, 201 West Park, Post Office Box 990, Livingston, MT 59047. Applicant's representative: Wayne Waggoner (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Particle board*, from points in Montana to points in North Carolina, New Jersey, and Virginia, for 180 days. Supporting shipper: Evans Products Co., Particleboard Division, Post Office Drawer 12, Missoula, MT 59801. Send protests to: Paul J. Labane, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 222, U.S. Post Office Building, Billings, Mont. 59101.

No. MC 42537 (Sub-No. 46 TA), filed February 23, 1973. Applicant: CASSENS TRANSPORT COMPANY, Post Office Box 468, Edwardsville, IL 62025, and 1 West State Street, Hamel, IL 62046. Applicant's representative: Donald W. Smith, 900 Circle Tower, Indianapolis, Ind. 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trucks* in secondary movements, in driveaway service, from Venice, Ill., to points in Missouri, for 180 days. Restriction: Restricted to traffic having an immediately prior movement by rail. Supporting shipper: Donald C. Rae, Manager, Claims and Traffic Department, Chrysler Corp., Post Office Box 1976, Detroit, MI 48231. Send protests to: Harold C. Jolliff, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 518 Leland Office Building, 527 East Capitol Avenue, Springfield, IL 62701.

[1] Except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application.

No. MC 103993 (Sub-No. 759 TA), filed February 19, 1973. Applicant: MORGAN DRIVE-AWAY, INC., 2800 West Lexington Avenue, Elkhart, IN 46514. Applicant's representative: Paul D. Borghesani (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers*, designed to be drawn by passenger automobiles, initial movements from Anson County, N.C. (except Wadesboro, N.C.), to points in the United States east of the Mississippi River, for 180 days. Supporting shipper: Schult Mobile Home Corp., Middlebury, Ind. Send protests to: District Supervisor J. H. Gray, Bureau of Operations, Interstate Commerce Commission, 345 West Wayne Street, Room 204, Fort Wayne, IN 46802.

No. MC 107012 (Sub-No. 174 TA), filed February 19, 1973. Applicant: NORTH AMERICAN VAN LINES, INC., Post Office Box 988, East and Meyer Road, Lincoln Highway, Fort Wayne, IN 46801. Applicant's representative: Karlton Holle (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New furniture*, from Sardis, Miss., to points in the United States (except Alaska and Hawaii), for 180 days. Restriction: Restricted to transportation of traffic originating at Sardis, Miss. Supporting shipper: Carrom Division, Affiliated Hospital Products, Inc., Sardis, Miss. Send protests to: District Supervisor J. H. Gray, Bureau of Operations, Interstate Commerce Commission, 345 West Wayne Street, Room 204, Fort Wayne, IN 46802.

No. MC 109533 (Sub-No. 52 TA), filed February 26, 1973. Applicant: OVERNITE TRANSPORTATION COMPANY, 1100 Commerce Road, Post Office Box 1216 (23209 Box ZIP), Richmond, VA 23224. Applicant's representative: C. H. Swanson (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as described by the Commission, commodities in bulk, and those requiring special equipment) serving the plantsite of Southwestern Co., Inc., located at or near Brentwood, Tenn., as an off-route point, for 180 days. NOTE: Applicant intends to tack with its present authority and to interline with other carriers. Tacking will occur at Knoxville, Tenn., Charlotte, N.C., and Chattanooga, Tenn. Supporting shipper: The Southwestern Co., 2968 Foster Creighton Drive, Post Office Box 11379, Nashville, TN 37211. Send protests to: Robert W. Waldron, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 10-502 Federal Building, 400 North Eighth Street, Richmond, VA 23240.

No. MC 109612 (Sub-No. 33 TA), filed February 20, 1973. Applicant: LEE MOTOR LINES, INC., Post Office Box 728, Muncie, IN 47305. Applicant's representative: Donald W. Smith, 900 Circle Tower Building, Indianapolis, Ind. 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Glass containers and closures therefor*, from the plantsite of Midland Glass Co., Inc., at Terre Haute, Ind., to the plantsite of Schlitz Brewing Co., Inc., at Memphis, Tenn., for 180 days. NOTE: Applicant does intend to tack. Supporting shipper: Midland Glass Co., Inc., Cliffwood, N.J. Send protests to: District Supervisor J. H. Gray, Bureau of Operations, Interstate Commerce Commission, 345 West Wayne Street, Room 204, Fort Wayne, IN 46802.

No. MC 112989 (Sub-No. 28 TA), filed February 23, 1973. Applicant: WEST COAST TRUCK LINES, INC., Post Office Box 668, Coos Bay, OR 97420. Applicant's representative: Jerry R. Woods, 620 Blue Cross Building, Portland, Oreg. 97201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Gates and accessories, iron or steel posts, and iron or steel fencing*, from Los Angeles County, Calif., to points in Arizona, Colorado, Nevada, and Utah, for 180 days. Supporting shippers: Master Fence Fittings, Inc., 700 East Lambert Road, Post Office Box 365, La Habra, CA 90631. Send protests to: A. E. Odoms, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 450 Multnomah Building, 319 Southwest Pine Street, Portland, OR 97204.

No. MC 113106 (Sub-No. 38 TA), filed February 22, 1973. Applicant: THE BLUE DIAMOND COMPANY, 4401 East Fairmount Avenue, Baltimore, MD 21224. Applicant's representative: Chester A. Zyblut, 1522 K Street NW., Washington, DC 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer, fertilizer materials, and agricultural related chemicals, and seed in containers*, from E. Hempfield Township, Lancaster County, Pa., to points in New York, New Jersey, Delaware, Maryland, and West Virginia, for 180 days. Supporting shipper: Mr. A. S. Corbin, Manager, Transportation Services, Royster Co., Post Office Drawer 1940, Norfolk, VA 23501. Send protests to: William L. Hughes, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 814-B Federal Building, Baltimore, Md. 21201.

No. MC 114829 (Sub-No. 9 TA), filed February 23, 1973. Applicant: GENERAL CARTAGE COMPANY, INC., Box 417, Sterling, IL 61081. Applicant's representative: Daniel C. Sullivan, 327 South La Salle Street, Chicago, IL 60604. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Door, door accessories, door parts, and automatic door openers*, from Sterling and Rock Falls, Ill., to points in Iowa, Minnesota, Indiana, Wisconsin, and Omaha, Nebr., for 180 days. Supporting shipper: Mr. J. L. Rutt, Franz Manufacturing Co., 301 West Third Street, Sterling, IL 61081. Send protests to: District Supervisor Richard O. Chandler, Interstate Commerce Commission, Bureau of Operations, Everett McKinley Dirksen Building, 219 South Dearborn Street, Room 1086, Chicago, IL 60604.

No. MC 117799 (Sub-No. 49 TA), filed February 22, 1973. Applicant: BEST WAY FROZEN EXPRESS, INC., 3033 Excelsior Boulevard, Room 205, Minneapolis, MN 55416. Applicant's representative: K. O. Petrick (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Manufactured mulches* (except in bulk) from Barberton and Findlay, Ohio, to points in the United States (except Alaska and Hawaii), for 150 days. Supporting shipper: Environmental Products Corp., 10501 Taconic Terrace, Cincinnati., OH. Send protests to: A. N. Spath, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 448 Federal Building and U.S. Court House, 110 South Fourth Street, Minneapolis, MN 55401.

No. MC 119726 (Sub-No. 29 TA), filed February 22, 1973. Applicant: N.A.B. TRUCKING CO., INC., Post Office Box 21006, 2502 West Howard Street, Indianapolis, IN 46221. Applicant's representative: James L. Beattey, 130 East Washington Street, Suite 1000, Indianapolis, IN 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Empty glass containers, caps, covers, and tops*, from Terre Haute, Ind., to Memphis, Tenn., for 180 days. Supporting shipper: Midland Glass Co., Inc., Cliffwood, N.J. Send protests to: District Supervisor James W. Habermehl, Interstate Commerce Commission, Bureau of Operations, 802 Century Building, 36 South Penn St., Indianapolis, IN 46204.

No. MC 124692 (Sub-No. 100 TA), filed February 21, 1973. Applicant: SAMMONS TRUCKING, Post Office Box 1447, Missoula, MT 59801. Applicant's representative: Gene P. Johnson, 425 Gate City Building, Fargo, N. Dak. 58102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fabricated iron and steel articles* (except those requiring special equipment) from the plantsite and warehouse facilities of Tube-Lok Products at Portland, Oreg. to the plantsite and warehouse facilities of Tube-Lok Products at Mattoon, Ill., for 180 days. Supporting shipper: Tube-Lok Products, 4644 Southeast 17th Avenue, Portland, OR 97202. Send protests to: Paul J. Labane, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 222 U.S. Post Office Building, Billings, Mont. 59101.

No. MC 127418 (Sub-No. 6 TA) (Correction), filed December 4, 1972, pub-

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lished in the FEDERAL REGISTER issue of December 27, 1972, and republished as corrected this issue. Applicant: TROPARCTIC REFRIGERATED SERVICE, INC., Post Office Box 1272, Gainesville, GA 30501. Applicant's representative: Archie B. Culbreth, Suite 246, 1252 West Peachtree Street NW., Atlanta, GA 30309. NOTE: The purpose of this partial republication is to add Nevada as a destination point in part (1) of the application, which was omitted in error. The rest of the application remains the same.

No. MC 133095 (Sub-No. 37 TA), filed February 26, 1973. Applicant: TEXAS CONTINENTAL EXPRESS, INC., Post Office Box 434, 2603 West Euless Boulevard, Euless, TX 76039. Applicant's representative: Rocky Moore (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Alcohol and alcoholic beverages*, from the plantsite and warehouse facilities of Schenley Distillers, Inc., located at Frankfort and Louisville, Ky. and Lawrenceburg, Ind., to Houston, Tex., for 180 days. Supporting shippers: Schenley Distillers, Inc., 36 East Fourth Street, Cincinnati, OH 45202 and Key Distributors, Inc., Post Office Box 303, Houston, TX 77001. Send protests to: H. C. Morrison, Sr., District Supervisor, Interstate Commerce Commission, Bureau of Operations, 9A27 Federal Building, 819 Taylor Street, Fort Worth, TX 76102.

No. MC 133318 (Sub-No. 5 TA), filed February 23, 1973. Applicant: VAN DE HOGEN CARTAGE LIMITED, Route 4, Chatham, Ontario, Canada. Applicant's representative: William J. Hirsch, 35 Court Street, Suite 444, Buffalo, NY. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Building brick*, from Corunna, Mich. to ports of entry on the International Boundary line between the United States and Canada on the Detroit and St. Mary's Rivers, for 90 days. Supporting shipper: Windsor Builders Supply Ltd.; doing business as Canadian Builders Supply, 2595 Dougall Avenue, Windsor, ON, Canada. Send protests to: District Supervisor Melvin Kirsch, Interstate Commerce Commission, Bureau of Operations, 1110 David Broderick Tower, 10 Witherill Street, Detroit, MI 48226.

No. MC 134631 (Sub-No. 15 TA), filed February 22, 1973. Applicant: SCHULTZ TRANSIT, INC., Post Office Box 503, 323 Bridge Street, Winona, MN 55987. Applicant's representative: Val M. Higgins, 1000 First National Bank Building, Minneapolis, Minn. 55402. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, from Winona, Minn., to points in the United States (except Alaska and Hawaii), for 180 days. Supporting shipper: Watkins Products, Inc., 150 Liberty Street, Winona, MN 55987. Send protests to: A. N. Spath, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 448 Federal Building and U.S. Courthouse, 110 South Fourth Street, Minneapolis, MN 55401.

No. MC 138097 (Sub-No. 1 TA) (Correction), filed October 30, 1972, published in the FEDERAL REGISTER issue of November 21, 1972, and republished as corrected this issue. Applicant: PERCY KAGEL, doing business as KAGEL TRUCKING, 404 Fifth Avenue, Ironton, MN 56455. Applicant's representative: A. R. Fowler, 2288 University Avenue, St. Paul, MN 55114. NOTE: The purpose of this republication is to add four additional supporting shippers. The additional shippers are: Boundary Forest Products, Inc., Ely, Minn. 55731; Hamdorf Lumber Co., Ironton, Minn. 56455; Kainz Logging Co., Ely, Minn. 55731; and Burns Kneeland Lumber Co., Aitkin, Minn. 56431, which was omitted in previous publication. The rest of the application remains the same.

No. MC 138223 (Sub-No. 3 TA) (Amendment), filed November 20, 1972, published in the FEDERAL REGISTER issue of December 15, 1972, as MC 138210 TA and republished as amended this issue. Applicant: LINE HALL TRANSFER, INC., 75 West Emerson Avenue, Rahway, NJ 07065. Applicant's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City, NJ 07306. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities* as are dealt in by department stores and *supplies and equipment* used in the conduct of such business, for the account of Buckeye Mart, between Jersey City, N.J., on the one hand, and, on the other, Columbus, Ohio, for 180 days. Supporting shipper: Buckeye Mart, 3636 Indianola Avenue, Columbus, OH 43214. Send protests to: District Supervisor Robert E. Johnston, Bureau of Operations, Interstate Commerce Commission, 970 Broad Street, Newark, NJ 07102. NOTE: The purpose of this republication is to show that applicant now seeks to operate as a *contract carrier*, in lieu of common carrier, shown in error in the previous publication.

No. MC 138384 (Sub-No. 1 TA), filed February 8, 1973. Applicant: ELWOOD LYNCH, Krafts Trailer Court, Moberly, Mo. 65270. Applicant's representatives: Tom Kretsinger and Warren Sapp, Suite 910 Fairfax Building, 101 West 11th Street, Kansas City, MO 64105. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages*, from Belleville, Ill., to Moberly, Mo., and *empty malt beverage containers*, from Moberly, Mo., to Belleville, Ill., for 180 days. Supporting shipper: Hunt Distributing Inc., Moberly, Mo. Send protests to: Vernon V. Coble, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Room 600 Federal Building, 911 Walnut Street, Kansas City, Mo. 64106.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary*.

[FR Doc.73-4386 Filed 3-6-73;8:45 am]

[Notice 225]

MOTOR CARRIER TRANSFER PROCEEDINGS

MARCH 2, 1973.

Application filed for temporary authority under section 210a(b) in connection with transfer application under section 212(b) and Transfer Rules, 49 CFR Part 1132:

No. MC-FC-74322. By application filed February 27, 1973, LEE GODDARD, INC., Post Office Box 803, Bay City, MI 48706, seeks temporary authority to lease the operating rights of BARNEY KOSOFSKY, doing business as BARNEY'S CARTAGE COMPANY, 4500 Lawton, Detroit, MI, under section 210a(b). The transfer to LEE GODDARD, INC., of the operating rights of BARNEY KOSOFSKY, doing business as BARNEY'S CARTAGE COMPANY, is presently pending.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary*.

[FR Doc.73-4387 Filed 3-6-73;8:45 am]

NOTICE OF FILING OF MOTOR CARRIER INTRASTATE APPLICATIONS

MARCH 2, 1973.

The following applications for motor common carrier authority to operate in intrastate commerce seek concurrent motor carrier authorization in interstate or foreign commerce within the limits of the intrastate authority sought, pursuant to section 206(a)(6) of the Interstate Commerce Act, as amended October 15, 1962. These applications are governed by § 1.245 of the Commission's rules of practice, published in the FEDERAL REGISTER, issue of April 11, 1963, page 3533, which provides, among other things, that protests and requests for information concerning the time and place of State Commission hearings or other proceedings, any subsequent changes therein, any other related matters shall be directed to the State Commission with which the application is filed and shall not be addressed to or filed with the Interstate Commerce Commission.

Texas Docket No. 2627 filed January 5, 1973. Applicant: CENTRAL FREIGHT LINES, INC., 303 South 12th Street, Waco, TX 76703. Applicant's representative: Phillip Robinson, Post Office Box 2207, Austin, TX 78767. Certificate of public convenience and necessity sought to operate a freight service as follows: Transportation of *general commodities*, between Longview, Tex., and the site of the Martin Lake Steam Electric Station, Texas Utilities Services, Inc., as follows: From Longview over Texas Highway 149 to Tatum, thence over Texas Highway 43, 5 miles to its intersection with Farm Road 2658, thence over Farm Road 2658 one-half mile to the named electric station, and return over the same route, serving all intermediate points. Both intrastate and interstate authority sought.

HEARING: Approximately 30 days after publication in the FEDERAL REGISTER unless application is protested, then approximately 90 days after publication in the FEDERAL REGISTER. Requests for procedural information should be addressed to the Texas Railroad Commission, Drawer 12967, Capitol Station, Austin, TX 78711, and should not be directed to the Interstate Commerce Commission.

Kansas Docket No. 87,469-M, Route No. 8435, dated January 16, 1973. Applicant: GOLDEN PLAINS EXPRESS, INC., 540 West 29 North, Post Office Box 4209. Applicant's representative: Jack Glaves, 900 O. W. Garvey Building, Wichita, Kans. 67202. Certificate of public convenience and necessity sought to operate a freight service as follows: Transportation of *agricultural implements and equipment*, assembled or unassembled, *parts or portions thereof, tools, materials, equipment, supplies, and machinery* used in the manufacture, assembly, repair, distribution, sale, and transport thereof, through, between, and to and from all points and places in the State of Kansas. Both intrastate and interstate authority sought.

HEARING: March 20, 21, and 22, 1973, at the Fiesta Room, Mid-Town Holiday Inn, 1000 North Broadway, Wichita, KS. Requests for procedural information should be addressed to the State Corporation Commission, fourth floor, State Office Building, Topeka, Kans. 66612, and should not be directed to the Interstate Commerce Commission.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary*.

[FR Doc.73-4382 Filed 3-6-73;8:45 am]

[Notice No. 8]

MOTOR CARRIER ALTERNATE ROUTE DEVIATION NOTICES

MARCH 2, 1973.

The following letter-notices of proposals (except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application), to operate over deviation routes for operating convenience only have been filed with the Interstate Commerce Commission under the Commission's Revised Deviation Rules-Motor Carriers of Property, 1969 (49 CFR 1042.4(c)(11)) and notice thereof to all interested persons is hereby given as provided in such rules (49 CFR 1042.4(c)(11)).

Protests against the use of any proposed deviation route herein described may be filed with the Interstate Commerce Commission in the manner and form provided in such rules (49 CFR 1042.4(c)(12)) at any time, but will not operate to stay commencement of the proposed operations unless filed on or before April 6, 1973.

Successively filed letter-notices of the same carrier under the Commission's Revised Deviation Rules-Motor Carriers of Property, 1969, will be numbered consecutively for convenience in identification and protests, if any, should refer to such letter-notices by number.

MOTOR CARRIERS OF PROPERTY

No. MC-2202 (Deviation No. 119), ROADWAY EXPRESS, INC., Post Office Box 471, Akron, OH 44309, filed February 21, 1973. Carrier's representative: J. F. Clements, same address as applicant. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Shreveport, La., over U.S. Highway 80 to junction Louisiana Highway 3 near Bossier City, La., thence over Louisiana Highway 3 to the Louisiana-Arkansas State line, thence over Arkansas Highway 29 to junction Interstate Highway 30 near Hope, Ark., thence over Interstate Highway 30 to Little Rock, Ark., thence over Interstate Highway 40 to junction U.S. Highway 65 near Conway, Ark., thence over U.S. Highway 65 to Springfield, Mo., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over a pertinent regular route as follows: (1) From Shreveport, La., over U.S. Highway 80 to Dallas, Tex., thence over U.S. Highway 75 to Denison, Tex., thence over U.S. Highway 69 to junction U.S. Highways 60-66 about 6 miles west of Vinita, Okla., thence over U.S. Highway 66 to Springfield, Mo., and (2) from Marshall, Tex., over U.S. Highway 59 to junction Texas Highway 49, thence over Texas Highway 49 to junction U.S. Highway 271, thence over U.S. Highway 271 via Paris, Tex., to junction Oklahoma Highway 3, thence over Oklahoma Highway 3 to junction U.S. Highway 69, and return over the same routes.

No. MC-89913 (Deviation No. 2), FRISCO TRANSPORTATION COMPANY, 906 Olive Street, St. Louis, MO 63101, filed February 8, 1973. Carrier's representative: J. S. Bowie, same address as applicant. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: Between Kansas City, Mo., and Fayetteville, Ark., over U.S. Highway 71, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over pertinent service routes as follows: (1) From Kansas City, Mo., over U.S. Highway 50 to Warrensburg, Mo., thence over Missouri Highway 13 to Springfield, Mo., (2) from St. Louis, Mo., over U.S. Highway 66 to junction U.S. Highway 60, thence over U.S. Highway 60 to junction U.S. Highway 166, thence over U.S. Highway 166 to Joplin, Mo., (3) from Carthage, Mo., over U.S. Highway 66 to Springfield, Mo., (4) from junction Alternate U.S. Highway 71 and U.S. Highway 166, near Fidelity, Mo., over U.S. Highway 166 to Sarcoxie, Mo., thence over Missouri Highway 37 to the Missouri-Arkansas State line, thence over Arkansas Highway 47 to Gateway, Ark., thence over U.S. Highway 62 to Rogers, Ark., thence over U.S. Highway 71 to Alma, Ark., (5) from Springfield, Mo., over U.S. Highway 66 to junction unnumbered highway approximately four miles west of Springfield, thence over unnumbered highway via Brookline Station to junction U.S. Highway 60, thence over U.S. Highway 60 to Seneca, Mo., (6) from junction U.S. Highway 71 and Missouri Highway 7 over Missouri Highway 7 to junction Missouri Highway 13, thence over Missouri Highway 13 to Clinton, Mo., and (7) from junction U.S. Highway 71 and Missouri Highway 7 over U.S. Highway 71 to Kansas City, Mo., and return over the same routes.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary*.

[FR Doc.73-4383 Filed 3-6-73;8:45 am]

[Ex Parte No. 293]

NORTHEASTERN RAILROAD

Order of Investigation

At a general session of the INTERSTATE COMMERCE COMMISSION, held at its office in Washington, D.C., on the 9th day of February 1973.

It appearing, That in recent years, seven Class I railroads operating in Northeastern United States, have entered into reorganization under section 77 of the Bankruptcy Act (11 U.S.C. 205 et seq.); and that, to date, there has been little progress toward a traditional income-based reorganization for any of these carriers;

It further appearing, That six of the railroads are under the supervision of five Federal judges, sitting in four United States Judicial Districts, which in turn are located in three Appellate Circuits; thus making it difficult for the separate railroads to undertake mutually beneficial cooperative measures, to coordinate their efforts at planning reorganization and continuing operations, to rationalize the railroad system in the territory, to consolidate properties, make joint use of facilities, coordinate operations, and plan for territorywide release of redundant capacity; and to give effect to national policies pertaining to the regulated sector of surface transportation;

It further appearing, That the Trustees of the Penn Central Transportation Company, in interim reports dated January 1, and February 1, 1973, to the United States District Court for the Eastern District of Pennsylvania, have stated that without massive Government financial assistance for improvement of the railroad, a reorganization cannot be achieved in 1976, the target year previously stated by Trustees; and that most of the major northeastern railroads in reorganization are already receiving substantial subsidies from State or local governments, but that notwithstanding

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the subsidy funds, the railroads have been unable to reverse the downward trend in their financial condition and their ability to compete with other modes of transportation;

It further appearing, that several of the railroads in bankruptcy have had to contend with recurring cash crises and/or creditors' petitions for dismissal of the reorganization proceedings which, if granted, could lead to the eventual cessation and liquidation of the transport facilities of the carriers;

It further appearing, that the abovementioned factors create implications of nationwide importance, including but not limited to such matters as: rationalization of the rail transportation system in the Northeast, the public need for rail services in the Northeast and whether such services should be performed by a single rail system rather than a multi-railroad system of competing carriers, the effects that consolidation or cessation of services would have on connecting carriers, on service to the public, railroad employees, and the human environment; and the need for additional legislation;

It is ordered, That pursuant to the provisions of the National Transportation Policy (49 U.S.C., preceding section 1), section 12 of the Interstate Commerce Act (49 U.S.C. 12), sections 77(b)(5), 77(c)(11), and 77(q) of the Bankruptcy Act (11 U.S.C., sections 205, et seq.), and in consideration of sections 3(a), 3(b)(4), 6(a) and 6(b) of the Emergency Rail Services Act (45 U.S.C. 661), an investigation be, and it is hereby, instituted upon the Commission's own motion, into and concerning the operations, finances, and other practices of the Boston and Maine Corporation, the Central Railroad Company of New Jersey, the Erie-Lackawanna Railway, the Lehigh and Hudson River Railway Company, the Lehigh Valley Railroad Company, the New York, New Haven & Hartford Railroad Company, the Penn Central Transportation Company, the Reading Company—all debtors in reorganization—in order to determine, among other things, whether such operations, financial condition and practices are adequate to the transportation needs of the public and sufficient to the implementation of the National Transportation Policy; which investigation should provide a basis for determining whether the Northeastern section of the country should be limited to service by a single railroad system or whether adequate service to the public requires operation by two or more competing rail systems and what orders of the Commission or legislative changes would be appropriate in the premises;

It is further ordered, That Robert W. Meserve, Trustee of the Boston and Maine Corporation, R. D. Timpany, Trustee of the Central Railroad Company of New Jersey, T. Patton and R. J. Taylor, Jr., Trustees of the Erie-Lackawanna Railway, J. C. Troiana, Trustee of the Lehigh and Hudson River Railway Company, J. F. Nash and R. C. Haldeman, Trustees of the Lehigh Valley Railroad Company, R. D. Smith, Trustee of the New York, New Haven & Hartford Railroad Company, G. P. Baker, R. C. Bond, and J. Langdon, Jr., Trustees of the Penn Central Transportation Company, and R. Dilworth and A. Lewis, Trustees of the Reading Company be, and they are hereby made respondents in this proceeding, that this order be served on said respondents and upon the Governors and Public Utility Commissions of the States of Maine, Vermont, New Hampshire, Massachusetts, Connecticut, Rhode Island, New York, New Jersey, Pennsylvania, Delaware, Maryland, the District of Columbia, Virginia, West Virginia, Kentucky, Ohio, Michigan, Indiana, Illinois, and Missouri; and upon the Federal Railroad Administration, United States Department of Transportation; and that notice to the public be given by posting a copy of this order in the office of the Secretary of the Commission; and by publication of this order in the FEDERAL REGISTER;

It is further ordered,

(1) That this proceeding be initiated under the modified procedure specified below.

(2) That any person, other than the respondents desiring to introduce evidence in this proceeding shall advise the Secretary in writing not later than February 28, 1973, with copies to the respondents; and such person shall state whether he can and is willing to consolidate his interest with those of other interested parties by filing joint statements to thereby reduce the number of pleadings that need to be served;

(3) That on or before March 15, 1973, the respondents, and any person having given notice of his intention as provided in (2) above, shall file with the Secretary of the Commission verified statements containing evidence of the operating and financial affairs of the respondents subsequent to the filing of the petitions for reorganization under section 77 of the Bankruptcy Act, including but not limited to all efforts at joint use of facilities, consolidation of properties, or coordination of operations with other carriers, and of such other matters as may be appropriate to the purposes of this inquiry as described in the first ordering paragraph hereof; that each verified statement shall be signed in ink by the affiant and verified (notarized) in the manner provided by rule 50 and form No. 6 of the Commission's general rules of practice; and that the post office address of the affiant or his counsel shall be shown;

(4) That, except as hereinafter provided, verified statements (whether having appendices or not) shall be filed and served as follows:

The original and 24 copies of each such document for the use of the Commission shall be sent to the Secretary, Interstate Commerce Commission, Washington, D.C. 20423.

One copy of each statement shall be sent by first-class mail to each of the regional offices of the Commission where it will be open to public inspection.

One copy of each statement shall be served upon each respondent herein. Respondents should also serve one copy of each statement upon each person who (under item (2) above) gives notice of intent to participate, and upon the individuals and public bodies listed in the second ordering paragraph.

In all cases, where service is made by mail, the document shall be mailed in time to be received by March 15, 1973.

Each verified statement shall contain a certificate of service stating that it has been timely served on all parties, as herein provided; and verified statements not so served will not be considered.

(5) That on or before April 15, 1973, any party to the proceeding, having received the initial statements of others, may file supplemental verified statements in the same form, number, and manner as hereinbefore prescribed, each duly attested and containing a certificate of service.

(6) That copies of verified statements, exhibits, and other written evidence of the Commission staff shall be served only on the respondents and be made available for inspection by all other persons at the regional and Washington, D.C., offices of the Commission;

And it is further ordered, That additional procedures, if deemed necessary, for the introduction of further evidence will be prescribed by further order of this Commission.

Due and timely execution of the Commission's functions with regard to the matters involved in this investigation makes it imperative and unavoidable that an initial or recommended decision and order by an administrative law judge be omitted.

By the Commission.

NOTE: The order instituting this investigation will not significantly affect the quality of the human environment within the meaning of the National Environmental Policy Act of 1969.

[SEAL] ROBERT L. OSWALD, *Secretary*.

[FR Doc.73-4389 Filed 3-6-73;8:45 am]

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WEDNESDAY, MARCH 7, 1973
WASHINGTON, D.C.

Volume 38 ■ Number 44

PART II

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

■

DRUG LISTING ACT OF 1972

Establishment of Implementing Regulations

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Title 21—Food and Drugs

CHAPTER I—FOOD AND DRUG ADMINISTRATION, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

SUBCHAPTER C—DRUGS

PART 130—NEW DRUGS

PART 132—REGISTRATION OF PRODUCERS OF DRUGS AND LISTING OF DRUGS IN COMMERCIAL DISTRIBUTION

Establishment of Implementing Regulations for the Drug Listing Act of 1972

In the FEDERAL REGISTER of December 12, 1972 (37 FR 26431), the Commissioner of Food and Drugs proposed to amend 21 CFR Parts 130 and 132 to provide procedural regulations for the enforcement of the "Drug Listing Act of 1972," an Act to amend the Federal Food, Drug, and Cosmetic Act, which became effective on February 1, 1973. Interested persons were invited to submit comments on the proposal within 40 days. Comments were received from six trade associations and 18 manufacturers. In addition, members of the industry met with representatives of the Food and Drug Administration to discuss a means of achieving compatibility between the National Drug Code (NDC) and the Universal Product Code (UPC), a retail industry identification number.

The principal comments received and the Commissioner's conclusions are as follows:

1. Three drug manufacturers and one trade association objected to the statement in the preamble that the first listing of drugs will be required during June 1973. These persons state that the Drug Listing Act and the legislative history clearly reflect a congressional mandate that the first listing of drugs would not be required until the time of the first registration under section 510 of the Federal Food, Drug, and Cosmetic Act which occurs after the effective date of the Drug Listing Act. They noted that subsection 510(b) requires such registration on or before December 31 of each year. Accordingly, they believe that persons subject to the new drug listing requirements should not be required to submit drug listings prior to registration in December 1973.

The Commissioner does not agree with these comments. All persons who are registered are required under section 510-(j)(2) to provide drug listing information once during the month of June of each year and once during the month of December of each year. Thus, for persons who are registered prior to February 1, 1973, the first drug list must be reported during the month of June 1973. In enacting the Drug Listing Act of 1972, Congress intended to provide the Food and Drug Administration with the legislative authority to compile a list of currently marketed drugs in order to assist the Agency in the enforcement of Federal laws requiring that drugs be safe and effective, and not adulterated or misbranded. In light of this congressional intent to protect the public health, the Comissioner can find no justification for delaying the filing of the first drug listing information beyond June 1973.

The Commissioner wishes to make clear that the filing of the drug list is separate from registration. Persons already registered are not required to "re-register" during June 1973. Persons who register under subsection 510 (c) or (d) between February 1 and June 1, 1973, are required under section 510(j)(1) to file the drug listing information at the time of registration. However, because of the time needed by the Food and Drug Administration to develop procedures for handling this information and for informing the affected industry as to how this information is to be reported, the Commissioner has determined that persons who register under § 510 (c) or (d) between February 1 and June 1, 1973, will not be required to submit the drug listing information until June 1973.

2. Four manufacturers of in vitro diagnostic products objected to the request that they register and submit drug listing information. The objections were based primarily on the contention that in vitro diagnostic products differ in many ways from conventional drug products and these differences make the proposed regulations inappropriate for such products. They further contend that many of these products are devices and therefore not subject to the drug registration and listing provisions of the Act.

In vitro diagnostic products that are drugs are clearly subject to all of the drug provisions of the Act, including the provisions of section 510. In vitro diagnostic products which are determined to be devices are not subject to section 510 of the Act and are therefore not subject to registration and listing. In any doubtful cases, the courts have held that the Food and Drug Administration has the legal authority to classify such products as drugs. Rather than attempt to classify all such products as drugs or devices, the Commissioner has proposed to establish a new procedure containing labeling requirements and a mechanism for establishing standards governing these products (37 FR 16613). The Food and Drug Administration is seeking the cooperation of the industry to register and submit drug listing in order to eliminate the need for regulatory action to obtain the information.

The Food and Drug Administration has the authority administratively to determine whether products are drugs or devices. Until new device legislation is enacted, and where the authority inherent in section 505 of the Act is necessary to adequately protect the public health, products which may be devices in the classic sense will be regarded as new drugs. No such determination will be necessary for listing purposes provided that the manufacturers of all in vitro diagnostic products register and submit the listing information.

Two manufacturers of in vitro diagnostic products requested that the Food and Drug Administration allow such manufacturers until December 1973 to submit listing information. The basis for this request is that most manufacturers of in vitro diagnostic products did not participate in the voluntary drug inventory program and will therefore require more time to develop listing information. The Commissioner has considered this request and has concluded that a June 1973 reporting date should allow ample time for the submission of listing information.

3. One manufacturer, while acknowledging that the preamble to the proposed regulations recognizes that they duplicate, in some respects, existing reporting requirements under sections 505, 507, and 512 of the Federal Food, Drug, and Cosmetic Act and section 351 of the Public Health Service Act, urged that steps be taken to eliminate such duplication in the final regulations. The Commissioner, although recognizing the problems associated with the duplicity of many of the reporting requirements, has concluded that it would be premature to eliminate or reduce this duplicity until the procedures of the drug listing regulations become fully operational. The Commissioner has determined that Congress, in enacting the Drug Listing Act, was aware that some of the information required to be submitted in the drug listing is required to be submitted to the Food and Drug Administration under existing regulations. However, Congress clearly intended that procedures be established for compiling the information required by the Drug Listing Act in a single system. As was stated in the preamble to the proposal, when the drug listing regulations become fully operative, steps will be undertaken to relieve the duplication, but such steps will still be compatible with the need for ready availability of the information for review purposes.

4. Two manufacturers submitted comments concerning the definition of "establishment" in § 132.1(a). One manufacturer requested that clinical chemistry laboratories be exempted from that part of the definition regarding "independent laboratories that engage in control activities for registered establishments (e.g., consulting laboratories)." This manufacturer expressed concern that such laboratories will no longer be willing to perform such services if they are required to register. The manufacturer also stated that the particular laboratory used by a manufacturer is generally proprietary information and that, if the Commissioner feels it to be essential that he be aware of these clinical laboratories, the manufacturer should submit the names of those he is using as a separate part of his drug listing information.

The Commissioner rejects the request that consulting laboratories not be required to register. The definition of "establishment" in the proposed regulations remains unchanged from that in the current regulations (21 CFR 132.1(b)) and consulting laboratories are already required to register. Such consulting laboratories are required to register independently of the firm for whom they perform services. Establishments who utilize the services of these consulting laboratories are not required to identify such laboratories in either their registration or drug listing submission. However, this does not exempt establishments from providing this information to the Food and Drug Administration when specifically requested.

A manufacturer stated that, since the proposed regulations can have no applicability to foreign establishments not registered under the Act, the definition of the term establishment should be amended to include only establishments registered under the Act. The Commissioner disagrees with this statement and sees no need to amend the definition of establishment as suggested by this manufacturer. The definition neither requires nor prohibits registration of foreign establishments. However, the 1972 law clearly requires a foreign drug manufacturer to comply with the drug listing requirements of the Act, whether or not he is registered. No unlisted drug may be imported into the United States. The proposed regulations contain no requirements regarding the registration of foreign establishments. The Commissioner published in the FEDERAL REGISTER of May 24, 1972 (37 FR 10510), a proposal concerning the registration of foreign drug establishments and a final order in this regard will be issued at a later date.

5. One manufacturer urged that the definition of "commercial distribution" in § 132.1(d) be revised so as to exclude products which are merely being distributed by a drug manufacturer. This manufacturer commented that section 510(j) of the Act requires the submission of drug listing information only for those drugs which the establishment manufactures, prepares, propagates, compounds, or processes. In addition, the manufacturer stated that if establishments include in their listing drugs which they merely distribute, the Food and Drug Administration will receive a false count as to the number of drugs actually being manufactured in this country.

The Commissioner has considered these comments but, in view of revisions of § 132.2 in the final regulations as to who must register and submit a drug list, has concluded that no revision in the definition of commercial distribution is necessary. Firms that merely distribute drug products and do not meet the definition of "manufacture, preparation, propagation, compounding, or processing" of a drug in § 132.1(c) are not required to register. In the final regulations a new § 132.2(b) is added to allow distributors (who are otherwise exempted from registration) to furnish drug listing information directly to the Food and Drug Administration for those products which they distribute under their own label but which are manufactured, prepared, propagated, compounded, processed, repackaged or otherwise changed in regard to container, wrapper, or labeling by a registered establishment. In such an instance, the Food and Drug Administration will assign a "Labeler Code" to the distributor and transmit drug listing instructions. To avoid duplicity in the submission of drug listing information, registered establishments are not required to submit drug listing information for those products for which the distributor has submitted this information directly to the Food and Drug Administration. This procedure is covered in paragraph 12(b) of this preamble.

6. Two trade associations and six manufacturers filed comments concerning the definition of "any material change" in § 132.1(g). In general, these comments suggested that the definition be revised to clarify that only "material or significant" changes in the labeling of a prescription drug or in the label or package insert of an over-the-counter drug are to be reported. In response to these comments, the applicable phrase of the definition of "any material change" has been revised in the final regulation to read "any significant change in the labeling of a prescription drug, and any significant change in the label or package insert of an over-the-counter drug." Changes that are not significant include changes in arrangement or printing or changes of an editorial nature.

7. One trade association submitted comments regarding the definition of bulk drug substance in § 132.1(h). The trade association said that it is not the intent of the Federal Food, Drug, and Cosmetic Act to require noncommercial in-house or subsidiary transfer of bulk drugs to conform to the requirements of the Drug Listing Act. They recommended that in order to exclude domestic and foreign internal transfers of bulk drug substances from the drug listing requirements, the phrase "or internal transfers of bulk drug substances" should be added to the end of the last sentence in § 132.1 (h).

The Commissioner agrees that it was not intended that owners or operators of registered establishments report as a separate entity on the drug list a bulk drug substance which is manufactured, prepared, propagated, compounded, or processed at one registered domestic establishment for noncommercial internal or interplant transfer for additional processing to another registered domestic establishment within the same parent, subsidiary, and/or affiliate company. However, because of the need to obtain and compile information on all drugs (bulk as well as finished dosage forms) which are imported into the United States and the requirements as set forth in § 132.31 that no drug may be imported into the United States unless it is first the subject of a drug listing, the proceeding statement concerning internal or interplant transfers of a bulk drug substance does not apply to such transfers between foreign and domestic establishments regardless if these establishments are within the same parent, subsidiary, and/or affiliate company.

Therefore the definition of "Commercial distribution" (§ 132.1(d)) is revised by adding the following phrase "but does not include internal or interplant transfer of a bulk drug substance between registered domestic establishments within the same parent, subsidiary, and/or affiliate company."

8. Four trade associations and one manufacturer offered comments regarding who must register and submit a drug list (§ 132.2). One trade association stated that a corporate group should be permitted to designate a single corporate member as the central registrant, regardless of so-called "parent" or "subsidiary" relationship, so long as there exists joint ownership and control among all the companies and suggested that the parenthetical clauses in § 132.2(a) be expanded to read "(except * * * parent, subsidiary and/or affiliate companies)." This same trade association also commented that the Food and Drug Administration should emphasize in the final order that establishments operating in intrastate commerce (including those marketing virus, serum, toxin, or analogous products for treatment of domestic animals in intrastate commerce) are required to register their establishments and list their products. One trade association suggested that the phrase "a list of drugs used" be used in place of the phrase "drug listing" in that part of the last sentence in § 132.2(a) relating to the manufacturing, preparation, propagation, compounding, or processing of an animal feed bearing or containing an animal drug. Another trade association stated that when the registration requirements contained in § 132.2 are viewed in context with the information required in registration and drug listings as set forth in § 132.5, it could be required that an "NDC" number be assigned when a new drug application (NDA) is initially submitted. This trade association suggested that the proposal be revised to require an "NDC" number assignment only when finished labeling for an approved NDA is submitted. One manufacturer submitted a similar comment remarking that, because of the long time span between submission of a now drug application, new animal drug application, antibiotic Forms 5 or 6, or Form 1800 (Medicated Feed Application) and FDA approval thereof, filings under this regulation should be deferred until submission of final printed labeling or some other act occurring late in the pendency of the application. One trade association suggested that intermediate premixes, feed additive concentrates, and feed additive supplements be exempt from drug listing along with medicated feeds.

The Commissioner agrees that a corporate group should be permitted to submit listing information for all subsidiaries and or affiliate companies when operations are conducted at more than one establishment so long as there exists joint ownership and control among all the establishments. However, each establishment must be registered separately. This is what was intended in the proposal. To clarify this intent, the parenthetical clauses in § 132.2(a) have been expanded in the final order to read "(except * * * parent, subsidiary and or af-

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filiate company, for all establishments when operations are conducted at more than one establishment so long as there exists joint ownership and control among all the establishments)."

While agreeing competely with the comment made regarding the applicability of the registration and drug listing requirements of section 510 of the Act to establishments engaged in intrastate commerce, the Commissioner sees no need to clarify these requirements. Section 132.2(a) as proposed already contains the statement that all establishments are required to register and submit drug listing information "whether or not the output of such establishment or any particular drug so listed enters interstate commerce."

Section 132.51(g) exempts from registration, domestic manufacturers of a virus, serum, toxin, or analogous product intended for the treatment of domestic animals, who hold an unsuspended and unrevoked license issued by the Secretary of Agriculture. Thus, any intrastate manufacturer of such products, or any manufacturer of such products who for any other reason does not hold a USDA license, is required to register and submit a drug list.

The Commissioner rejects the comment that the phrase "a list of drugs used" be used in place of phrase "drug listing" in § 132.2(a). Drug listing requires more than just the submission of a list of drugs used.

The Commissioner has considered the comments concerning the registration and drug listing requirements contained in proposed §§ 132.2(b) and 132.5. Most of these comments reflect a lack of understanding of the proposed regulations. Establishment registration is entirely separate from drug listing. Establishments are required to register under § 132.2 within 5 days after beginning operations or after the submission of a new drug application, new animal drug application, Form 1800 (Medicated Feed Application), antibiotic Forms 5 or 6, or an establishment license application in order to manufacture biological products. At the time of such registration, the owners or operators of such establishments are required to submit a list of every drug in commercial distribution. However, since drugs subject to section 505, 506, 507, or 512 of the Federal Food, Drug, and Cosmetic Act, or 351 of the Public Health Service Act may not be commercially distributed prior to approval by the Food and Drug Administration, it is not necessary for an establishment to include such products in the drug listing information until approval for the commercial marketing of these products has been obtained. An NDC number will not be assigned to such drugs until after commercial distribution of these products has been approved by the Food and Drug Administration and the information required by § 132.5 concerning these drugs has been included in the establishment's drug listing submission. In order to clarify that registration and drug listing are separate requirements, separate forms will be used.

The Commissioner has determined that all animal drugs including animal feeds bearing or containing animal drugs are subject to the registration and drug listing requirements of the Drug Listing Act. As stated in the preamble, however, it is the opinion of the Food and Drug Administration that the intent of the Drug Listing Act can be fulfilled at this time by limiting the drug listing requirements to animal dosage form drugs and drug premixes. The term "drug premixes" refers to all premixes which are intended to be used in the manufacture of an animal feed as defined in section 201(x) of the act. Manufacturers of animal feeds including feed concentrates, feed supplements, and complete animal feeds, bearing or containing an animal drug are exempted by the Commissioner in § 132.2(a) from furnishing drug listing information at this time. Such manufacturers, however, are required to register their establishments. In order to clarify this policy, an appropriate change has been made in the last sentence of § 132.2(a).

9. One trade association and six manufacturers submitted comments regarding § 132.5. One manufacturer suggested that the statement "bulk drug substance" should be deleted from § 132.5(b)(1). This manufacturer stated that since the bulk drug substance is identified in each submission as required under sections 505, 506, 507, and 512 of the FDC Act, and in view of § 132.5(b)(6) of this regulation, in our judgement to require an additional listing of the bulk drug substance information represents an unnecessary duplication of effort. Another manufacturer commented that it is unnecessary to utilize the concept of "bulk drug substance" in the regulations since the Act is concerned with commercial distribution, which should be limited to drugs prepared in final dosage form and not extended to those fine chemicals which may technically be drugs and which are intended for interplant shipment. One other manufacturer suggested that § 132.5(b)(2) be clarified as to whether or not only one representative container or carton label need be submitted for each drug where differences exist only in that such labeling designates the drug package for hospital use only or indicates different storage conditions because of the use of a different package system. Still another manufacturer recommended that the final order clarify that, where submission of labeling is required, only that labeling which is currently in use should be submitted. This manufacturer was concerned that someone would interpret the requirement for the submission of "a copy of all labeling" to mean cumulative submission of labeling (i.e., all labeling used up to the time of the submission). One manufacturer suggested that § 132.5(b)(3), (5), and (6) be revised to include a reference to section 151 of the Virus, Serum, Toxin, and Analogous Products Act so as to include veterinary biological products. Two manufacturers and one trade association commented that the reference to section 512 of the Act in § 132.5(b)(4), should be deleted because new animal drugs are not subject to section 503(b)(1) of the Act. One manufacturer urged that the requirements for listing of premixes be simplified, perhaps by permitting filing on categories of such products, listing ranges of the various active ingredients, rather than requiring separate filings for custom manufacture of drug premixes for animal feeds.

The Commissioner has rejected the suggestion recommending that the statement "bulk drug substance" be deleted from § 132.5(b)(1). There is no duplication in the requirements for listing for bulk drug substances in § 132.5(b)(1) and (6) or in any parts of § 132.5 where reference is made to sections 505, 506, 507, and 512 of the Act.

The Commissioner agrees with the comment by one manufacturer that the drug listing requirements of the Act are concerned solely with drugs in commercial distribution. However, he disagrees that drug listing should be limited to drugs prepared in final dosage form. The Commissioner believes, that, in order for the Food and Drug Administration to enforce the provisions of the act to protect the public health, it is necessary to obtain and compile drug listing information for all drugs, including bulk drugs substances, which are commercially distributed. The Commissioner has clarified the position of the Food and Drug Administration concerning the noncommercial internal or interplant transfer of bulk drug substances in paragraph 7 above in dealing with comments received regarding §132.2.

The Commissioner has reviewed the comment concerning the requirements of §132.5(b)(2) for the submission of container or carton labels and has determined that where such labeling designates the drug package for hospital use only, or indicates different storage conditions because of the use of a different package system, a copy of such labeling is to be submitted along with a copy of all other labeling as required in § 132.5(b)(2). The Commissioner sees no need to amend § 132.5(b)(2) to clarify this statement since § 132.5(b)(2) as written requires the submission of a copy of all labeling except as specifically provided for in the section.

In order to clarify that, where submission of labeling is required, only labeling which is currently in use should be submitted, the Commissioner has concluded that the word "current" is to be inserted between the words "all" and "labeling" where they appear in § 132.5(b)(2) and (4).

The Commissioner has rejected the suggestion that § 132.5(b)(3), (5), and (6) be revised to include a reference to section 151 of the Virus, Serum, Toxin, and Analogous Products Act so as to include veterinary biological products. The Virus, Serum, Toxin, and Analogous Products Act is enforced by the U.S. Department of Agriculture. § 132.51(g) in the proposed regulation contains an exemption from registration for any manufacturer of a virus, serum, toxin, or analogous products intended for treatment of domestic animals, who holds an unsuspended and unrevoked license issued by the Secretary of Agriculture.

The Commissioner agrees with the comments that animal drugs are not subject to section 503(b)(1) of the Act, and thus that both prescription animal drugs and OTC animal drugs are subject to § 132.5(b)(5) and are not subject to § 132.5(b)(4). § 132.5(b)(4) is revised in the final order to clarify this policy.

In order to simplify the procedures for drug listing for drug premixes, the Commissioner has determined that § 132.5(b)(6) should be revised in the final order to provide that, for such products, "• • • the quantitative listing of ingredients may be limited to each variation of level of active drug ingredient."

10. One manufacturer commented that § 132.6 describing the updating of the drug listing should be clarified so as to indicate that only major changes are required to be submitted. This manufacturer expressed concern that § 132.6 could be interpreted as requiring that all labeling revisions, regardless of how minor, must be submitted periodically and that this places an unwarranted and extreme burden on the manufacturers of drug products. The Commissioner has determined that it was not intended that manufacturers be required to submit, at the time of the updating of the drug listing information, copies of revised labeling where the revision consists only of minor changes in arrangement or printing or changes of an editorial nature. Section 132.6(a)(4) of the proposed regulations provides that the drug listing update is to include any material change in any information previously submitted. As noted in paragraph 6 of this preamble, the definition of "any material change" in § 132.1(g) has been revised in the final order to clarify that only significant changes in labels or labeling need be submitted and specifically excludes minor changes in arrangement or printing or changes of an editorial nature. In view of the revision in § 132.1(g), the Commissioner has concluded that there is no need to revise § 132.6 as suggested in this comment.

11. One trade association and three manufacturers submitted comments concerning § 132.7, relating to additional drug listing information. Two of the manufacturers and the trade association suggested that paragraphs (b) and (c) of this section regarding the voluntary submission of production data and a qualitative listing of the inactive ingredients, respectively, be deleted. These commentors stated that request for the voluntary submission of such information should not be included in regulations implementing an act where Congress has specifically stated that the authority to require such information is not authorized by the enabling statute. One of these manufacturers remarked that if production data and qualitative listing of ingredients is desired in specific cases, the Food and Drug Administration should request such information, by letter, from the manufacturer. One manufacturer suggested that prior to requesting submission of information regarding in vitro diagnostic reagents which is deemed to be necessary to carry out the purposes of the Act, or that is requested on a voluntary basis, the Commissioner should seek comments as to the appropriateness of such submissions by way of a proposal in the FEDERAL REGISTER. This manufacturer commented that, although this information may be of value when dealing with traditional drugs administered or applied to man, they were not certain such information would be useful for in vitro diagnostic reagents.

In the opinion of the Commissioner the comment regarding the request in § 132.7 (b) and (c) for the voluntary submission of production data and a qualitative listing of the inactive ingredients was adequately discussed in the preamble to the proposal (37 FR 26432). The information in that paragraph continues to be applicable here. The Commissioner has concluded that the term "production data" in § 132.7(b) does not adequately describe the intent of this section of the regulations. In order to clarify this intent, the term "production data" in § 132.7(b) has been replaced in the final order by the phrase "information concerning the quantity of drug distributed."

The Commissioner sees no merit in the suggestion that, prior to requesting or requiring the submission of information regarding in vitro diagnostic reagents, he seek comments as to the appropriateness of such submissions by way of a proposal in the FEDERAL REGISTER. In paragraph 2 of this preamble the Commissioner set forth the position of the Food and Drug Administration regarding the inclusion of in vitro diagnostic products for coverage under these regulations. The procedures for obtaining information regarding in vitro diagnostic products will be the same as those established for obtaining such information for all other products subject to these regulations.

12. Five trade associations and 11 manufacturers submitted comments concerning § 132.8, relating to notification of the registrant of the drug establishment registration number and drug listing number. One trade association suggested that the Food and Drug Administration revise the regulations as necessary to insure that the manufacturer identification number issued under the National Drug Code system is compatible with the new animal drug application "sponsor" number assigned under 21 CFR 135.501. One manufacturer questioned if a "Labeler Code" will be assigned to firms who distribute drugs under their own label which are manufactured, prepared, propagated, compounded, or processed by a registered establishment. Two trade associations and eight manufacturers recommended against the requirement in § 132.8(b)(3) regarding the exclusive use of the National Drug Code number on labeling. Their comments noted that product labels will normally include several sets of numbers, including a list number, a lot number, a label number, a patent number, a license number, etc., and questioned whether such numbers are to be prohibited. One trade association stated that the National Drug Code System is not adequate to provide for the retrieval of comparative information about drug products, is too long for practical use in hospital systems, and cannot identify the pharmacologic-therapeutic category of any drug. One trade association and four manufacturers objected to the requirements in § 132.8(b)(3) (i) and (ii) regarding the placement of the National Drug Code number on the label. They indicated that the regulations should be revised to indicate that the National Drug Code numbers be placed "prominently" on the label; that there appears to be no logical reason for the requirement that the initials "NDC" be in a different color or type style than that used to print the National Drug Code number; and that there is no need for the use of insignificant leading and following zeroes in the National Drug Code number as it appears on the label. One manufacturer commented that a qualifying statement should be incorporated in § 132.8(b)(3) to indicate that when a National Drug Code number is used in drug labeling, the specific provisions of § 132.8(b)(3) (i) and (ii) apply only to labeling redesigned after publication of the final order. One trade association recommended that custom medicated premixes be exempted from the product identification provisions of the National Drug Code. This association noted that, because such premixes are formulations which are changed frequently, particularly with regard to the vitamin and mineral ingredients, to permit certain accommodations of the needs of the feed manufacturer, routine assignment of product code numbers to each of these formulations is not practical. The association indicated that, if such exemption is not deemed possible, consideration should be given to a "class of drugs" identification procedure. Two trade associations and one manufacturer recommended that the National Drug Code system be made compatible with the Universal Product Code system being developed by the retail industry. In addition to these written comments filed with the Hearing Clerk concerning the compatibility of the National Drug Code and the Universal Product Code, members of the affected industry met with representatives of the Food and Drug Administration to discuss this issue.

The Commissioner has carefully considered each of the comments received regarding § 132.8 together with other pertinent information and his conclusions concerning these comments are as follows:

a. The new animal drug application "sponsor" numbers assigned to manufac-

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turers under 21 CFR 135.501 are intended to eliminate the need for repetition of names and addresses of each manufacturer in regulations published pursuant to section 512(i) of the Federal Food, Drug, and Cosmetic Act. The Commissioner believes that it is premature to revise these "sponsor" numbers until the procedures of the drug listing regulations become fully operational. However, when such regulations become fully operational, steps will be taken to assure compatibility between the "Labeler Code" segment of the National Drug Code and the new animal drug application "sponsor" number.

b. "Private-label" distributors of drugs are not required to register under section 510 of the Federal Food, Drug, and Cosmetic Act if they do not engage in any of the activities set out in § 132.1(c). However, the Commissioner has concluded that such distributors may submit drug listing information to the Food and Drug Administration for those products which they distribute under their own label or trade name but which are manufactured, prepared, propagated, compounded, or processed by a registered establishment, in lieu of submission by the establishment. Distributors submitting drug listing information to the Food and Drug Administration will be assigned a "Labeler Code" under the National Drug Code system. Registered establishments shall be responsible for submitting drug listing information and for obtaining from the Food and Drug Administration a "Labeler Code" which uniquely identifies each of the various private-label distributors for whom the establishment manufactures, prepares, propagates, compounds, or processes drug products for commercial distribution if such distributors do not submit drug listing information directly to the Food and Drug Administration and so certify in writing to the registered establishment. Section 132.2 is revised in the final order to permit "private-label" distributors to submit drug listing information and to be assigned a "Labeler Code."

c. There are valid reasons why the National Drug Code number should not be the only "registration or similar number" which may appear in labeling. Accordingly, the sentence "no other registration or similar number may appear in labeling" is deleted from § 132.8(b)(3) in the final order.

d. The comment that the National Drug Code System is not adequate to provide for the retrieval of comparative information about drug products, is too long for practical use in hospital systems, and cannot identify the pharmacologic-therapeutic category of any drug, is rejected as being without merit. The Commissioner has determined that the National Drug Code system, which is specifically provided for in the Drug Listing Act, is adequate to allow the Food and Drug Administration to retrieve information concerning drugs being commercially marketed in the United States to the extent provided for in the act, and as necessary to protect the public health.

e. The Commissioner believes that the requirements, with the exception of the use of leading zeros, in § 132.8(b)(3)(i) and (ii) concerning the placement of the National Drug Code number on the label, are necessary in order to assure that this number is prominently displayed on the label and is readily discernible from other graphic and printed matter on the label. Where the National Drug Code is shown in drug labeling, it is provided that the leading zeros in any segment of the National Drug Code shall appear to prevent errors in transcription and to assure compatibility with the Universal Product Code. Where the National Drug Code is used for product identification by direct imprinting on dosage forms, leading zeros may be dropped from the product segment of the National Drug Code. Section 132.8(b)(3) is amended in the final regulation to reflect this change in the use of leading zeros in the National Drug Code number.

f. There is no need to revise § 132.8(b)(3) to include a qualifying statement that, where the National Drug Code is already being used in labeling, the specific provisions of § 132.8(b)(3)(i) and (ii) apply only to labeling redesigned after publication of the final order. Reasonable time for the affected industry to redesign labels and labeling as may be necessitated by any of the provisions of these regulations is permitted. Manufacturers are allowed to redesign their labels and labeling to conform to the provisions of these regulations at the time of the first printing of labels and labeling on or after July 1, 1973.

g. In response to the comment regarding the assignment of the Product Code segment of the National Drug Code number to custom medicated premixes, § 132.8(b) is revised in the final regulation to provide for the assignment of a separate Product Code only to such premixes where there is a variation in the level of the active drug ingredient.

h. The policy of the Food and Drug Administration is to encourage the use of the National Drug Code number on all drug labels and labeling, including the label of any prescription drug container furnished to a consumer. The Commissioner believes that such use of the National Drug Code is in the interest of the public health and will be of significant value for the Food and Drug Administration in maintaining surveillance over the distribution of drugs in the United States. The retail industry is developing a Universal Product Code which will be assigned to every product sold by participating retailers throughout the United States. The Universal Product Code will be translated into a standard symbol that is preprinted on each consumer package and electronically scanned at retail checkouts to facilitate retail price totaling and inventory control. The Commissioner has determined that it is not the policy of the Food and Drug Administration to prevent industry from developing procedures to assist in the control and marketing of drug products insofar as such procedures do not conflict with public health considerations. The Commissioner has concluded that in order to encourage the use of the National Drug Code on drug labels and labeling and to reduce the multiplicity of product identification numbers appearing on drug labels and labeling, procedures shall be established to assure that the National Drug Code is compatible with the Universal Product Code. Agreement has been reached by members of the industry and the Food and Drug Administration on procedures to achieve compatibility of the National Drug Code (NDC) and the Universal Product Code. Section 132.8 is amended in the final order to reflect these procedures to assure compatibility between the National Drug Code and the Universal Product Code.

13. Comments on § 132.9, relating to inspection of registrations and drug listings, were received from six manufacturers and three trade organizations. The principal comments were that full confidentiality should be afforded to all information voluntarily submitted and which a manufacturer indicates is confidential or of a nature that he would not ordinarily disclose; the phrase "a matter of public knowledge" as used in the regulation is too vague and uncertain; and the proposed regulations fail to clearly state that any of the information supplied on the listing form which constitutes a trade secret or is otherwise entitled to confidential treatment will not be available for public disclosure. Several of the commenters requested that the comments which they previously submitted in regard to the public information proposal published in the FEDERAL REGISTER on May 15, 1972 (37 FR 9128), be applied to this proposal as well.

The applicable statutes (18 U.S.C. 1905 and 21 U.S.C. 331(j)) provide for the confidentiality of trade secrets obtained from a person. The Food and Drug Administration is bound by these statutes and will treat as confidential all information that has been demonstrated by the submitter as falling within the confidentiality provisions of either of those statutes. The information which is listed in the regulation as being illustrative of the type of information that will be available for public disclosure is that which is clearly not subject to the above-cited statutes.

14. The following comments were received in regard to § 132.31, relating to drug listing requirements for foreign drug establishments. One manufacturer commented that firms frequently import a new drug either in finished or bulk form, which does not have an approved new drug application or antibiotic or Form 5 or 6, to stockpile the drug in anticipation of FDA approval. The firm stated that since a new drug cannot be listed until it has been approved, § 132.31 should be amended to allow importation, but not commercial distribution prior to drug listing. Another manufacturer recommended that the entire § 132.31 be deleted from the regulation because foreign drug firms are not required to register and therefore cannot be required to submit drug listing information.

The Commissioner has concluded that the drug listing requirements apply only to products in commercial distribution, as defined in § 132.1(d) of the proposal. Shipment or delivery of a new human drug that is being imported or offered for import into the United States pursuant to the investigational use provisions of § 130.3 is not commercial distribution and the drug is not required to be listed. Section 132.31(b) is revised to clarify this point.

The Commissioner does not agree with the contention that because foreign drug firms are not required to register they cannot be required to submit drug listing information. The purpose of the Drug Listing Act is to provide the Commissioner with a current list of each drug commercially distributed in the United States. Without information on imports such a list would be incomplete. It would also be a gross inequity to impose such a requirement on domestic producers while not imposing a comparable requirement on imports. The act is clear on this point and the legislative history also demonstrates that Congress intended foreign manufacturers to submit listing information on any drug which they import into the United States for commercial distribution.

15. Questions have been raised about the justification for the exemption presently contained in § 132.51(h), for governmental officers and employees, particularly in light of the clear congressional intent expressed in the Drug Listing Act that a single list be developed for all drug products distributed in interstate or intrastate commerce in the United States. The Commissioner has concluded that registration and a listing of drugs manufactured, prepared, propagated, compounded, or processed by any governmental agency, officer, or employee is clearly within the intent of the Drug Listing Act and is required to carry out the public health purposes of the act. Accordingly, this exemption is no longer in the public interest and has been deleted in the final regulations.

16. Two manufacturers and two trade associations submitted comments concerning § 132.51, relating to exemptions for domestic establishments. One trade association suggested that the introduction to this section should be revised to include the phrase "and/or filing of drug information." One manufacturer recommended that this section be revised by adding a new paragraph to exempt intermediate premixes, feed additive concentrates, and feed additive supplements. One trade association and one manufacturer suggested that § 132.51(f) be revised by deleting the phrase "or drug-containing feed concentrates" that appears in two places and by substituting the term "FD Form 1800" for the term "an antibiotic Form 10."

The Commissioner agrees with the comment that the introduction of this section should be revised to include a phrase such as "and/or filing of drug information" and the introduction has been revised accordingly.

The Commissioner in paragraph 8 of this preamble gave his conclusions concerning the comments that intermediate premixes, feed additive concentrates, and feed additive supplements be exempt along with medicated feeds from drug listing. These conclusions are applicable to the comments received regarding § 132.51. In addition, the Commissioner wishes to make it clear that manufacturers of medicated feeds, including feed additive concentrates, feed additives supplements, and complete animal feeds, are required to register except as specifically provided for in § 132.5(f).

The Commissioner has revised § 132.5(f) in the final order to reflect the comments made regarding the deletion of the phrase "or drug-containing feed concentrates" that appears in two places and the substitution of the term "FD Form 1800" for the term "an antibiotic Form 10."

All other comments have been carefully considered by the Commissioner and, where deemed to be appropriate, have been incorporated into the regulations as set forth below.

In addition to revising the proposal to reflect the comments received, the Commissioner has added to, deleted, and rearranged parts of the proposal as he deemed necessary for the implementation of the proposed regulations.

Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (secs. 201, 502, 505, 506, 507, 510, 512, 701(a), 704; 52 Stat. 1040–1042 as amended, 1050–1053 as amended, 1055, and 1057 as amended; 21 U.S.C. 321, 352, 355, 356, 357, 360, 360(b), 371(a), and 374), the Public Health Service Act (sec. 351, 58 Stat. 702, as amended; 42 U.S.C. 262) and the Drug Listing Act of 1972 (Public Law 92–387; 86 Stat. 559–562), and under authority delegated to the Commissioner (21 CFR 2.120), Parts 130 and 132 are amended as follows:

1. In Part 130 by adding a new subparagraph (4) to § 130.27(c) as follows:

§ 130.27 Withdrawal of approval of an application.

* * * * * * *

(c) * * *

(4) That the applicant has failed to comply with the notice requirements of section 510(j)(2) of the act.

* * * * * * *

2. By revising Part 132 to read as follows:

Subpart A—Definitions

Sec.
132.1 Definitions.

Subpart B—Procedures for Domestic Drug Establishments

132.2 Who must register and submit a drug list.
132.3 Times for registration and drug listing.
132.4 How and where to register and list drugs.
132.5 Information required in registration and drug listing.
132.6 Updating drug listing information.
132.7 Additional drug listing information.
132.8 Notification of registrant; drug establishment registration number and drug listing number.
132.9 Inspection of registrations and drug listings.
132.10 Amendments to registration.
132.11 Misbranding by reference to registration or to registration number.

Subpart C—Procedures for Foreign Drug Establishments

132.31 Drug listing requirements for foreign drug establishments.

Subpart D—Exemptions

132.51 Exemptions for domestic establishments.

AUTHORITY: Federal Food, Drug, and Cosmetic Act, secs. 201, 502, 505, 506, 507, 510, 512, 701(a), 704; 52 Stat. 1040–1042 as amended, 1050–1053 as amended, 1055, and 1057 as amended; 21 U.S.C. 321, 352, 355, 356, 357, 360, 360(b), 371(a), and 374, the Public Health Service Act, sec. 351, 58 Stat. 702, as amended; 42 U.S.C. 262; and the Drug Listing Act of 1972, Public Law 92–387; 86 Stat. 559–562; and authority delegated to Commissioner, 21 CFR 2.120.

Subpart A—Definitions

§ 132.1 Definitions.

(a) The term "act" means the Federal Food, Drug, and Cosmetic Act approved June 25, 1938 (52 Stat. 1040 et seq., as amended, 21 U.S.C. 301–392).

(b) "Establishment" means a place of business under one management at one general physical location. The term includes, among others, independent laboratories that engage in control activities for registered drug establishment (e.g., "consulting" laboratories), manufacturers of medicated feeds and of vitamin products that are "drugs" within the meaning of section 201(g) of the act, human blood donor centers, and animal facilities used for the production or control testing of licensed biologicals.

(c) Manufacture, preparation, propagation, compounding, or processing of a drug or drugs means the making by chemical, physical, biological, or other procedures of any articles which meet the definition of drugs as defined in section 201(g) of the act, and including manipulation, sampling, testing, or control procedures applied to the final product or to any part of the process. The term includes repackaging or otherwise changing the container, wrapper, or labeling of any drug package in furtherance of the distribution of the drug from the original place of manufacture to the person who makes final delivery or sale to the ultimate consumer.

(d) "Commercial distribution" means any distribution of a human drug except pursuant to the investigational use provisions of § 130.3 of this chapter, and any distribution of an animal drug or an animal feed bearing or containing an animal drug for noninvestigational uses but does not include internal or interplant transfer of a bulk drug substance between registered domestic establishments within the same parent, subsidiary, and/or affiliate company.

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(e) "Representative sampling of advertisements" means typical advertising material (excluding labeling as determined in § 1.105(1)(2) of this chapter) which gives a balanced picture of the promotional claims being used for the drug (e.g., if more than one medical journal advertisement is used but their promotional content is essentially identical, only one need be submitted).

(f) "Representative sampling of any other labeling" as used in this part means typical labeling material (excluding labels and package inserts) which gives a balanced picture of the promotional claims being used for the drug (e.g., if more than one brochure is used but their promotional content is essentially identical, only one need be submitted).

(g) "Any material change" includes but is not limited to any change in the name of the drug, in the quantity or identity of the active ingredient(s) or in the quantity or identity of the inactive ingredient(s) where quantitative listing of all ingredients is required pursuant to § 132.7(a)(2), any significant change in the labeling of a prescription drug, and any significant change in the label or package insert of an over-the-counter drug. Changes that are not significant include changes in arrangement or printing or changes of an editorial nature.

(h) "Bulk drug substance" means any substance that is represneted for use in a drug and when used in the manufacturing, processing, or packaging of a drug becomes an active ingredient or a finished dosage form of such drug, but does not include intermediates used in the synthesis of such substances.

(i) "Advertising" and "labeling" include the promotional material described in § 1.105(1) (1) and (2) of this chapter respectively.

(j) The definitions and interpretations contained in sections 201 and 510 of the act shall be applicable to such terms when used in this Part 132.

Subpart B—Procedures for Domestic Drug Establishments

§ 132.2 Who must register and submit a drug list.

(a) Owners or operators of all drug establishments, not exempt under section 510(g) of the act or Subpart D of this Part 132, that engage in the manufacture, preparation, propagation, compounding, or processing of a drug or drugs are required to register and to submit a list of every drug in commercial distribution (except that listing information may be submitted by the parent, subsidiary, and/or affiliate company for all establishments when operations are conducted at more than one establishment and there exists joint ownership and control among all the establishments), whether or not the output of such establishment or any particular drug so listed enters interstate commerce, except that drug listing is not required at this time for the manufacturing, preparation, propagation, compounding, or processing of an animal feed (including a feed concentrate, a feed supplement, and a complete animal feed) bearing or containing an animal drug.

(b) Distributors which are not otherwise required to register under section 510 of the act, may submit drug listing information directly to the Food and Drug Administration for those drugs which they distribute under their own label or trade name but which are manufactured, prepared, propagated, compounded, or processed by a registered establishment. Where drug listing information is submitted by a distributor, the registration number of the drug establishment which manufactured, prepared, propagated, compounded, or processed the drug shall be included for each drug listed. If a distributor does not elect to obtain a "Labeler Code" the registered establishment shall submit the drug listing information. Such submissions and requests for Labeler Codes shall be made on Form FD–2658 (Registered Establishments' Report of Private Label Distributors). All distributors submitting drug listing information to the Food and Drug Administration assume full responsibility for compliance with all of the requirements of this part. Each distributor at the time of each submission of drug listing information or updating as required under § 132.6 shall so certify to the registered establishment that such submission has been made by providing a signed copy of Form FD–2656 (Registration of Drug Establishment) to the registered establishment which manufactures, prepares, propagates, compounds, or processes the drug. The original of Form FD–2656 (Registration of Drug Establishment) showing such certification shall be submitted to the Food and Drug Administration. Such certification shall be accompanied by a list showing the National Drug Code number assigned to each drug product by the distributor.

(c) Preparatory to engaging in the manufacture, preparation, propagation, compounding, or processing of a drug, owners or operators of establishments who are submitting new drug applications, new animal drug applications, Form FD–1800 (Medicated Feed Application), antibiotic Forms 5 and 6, or an establishment license application in order to manufacture biological products are required to register before the new drug application, new animal drug application, Form FD–1800, antibiotic Form 5 or 6, or establishment license application are approved.

(d) No registration fee is required. Registration and listing do not constitute an admission or agreement or determination that a product is a "drug" within the meaning of section 201(g) of the act.

§ 132.3 Times for registration and drug listing.

The owner or operator of an establishment entering into an operation defined in § 132.1(c) shall register such establishment within 5 days after the beginning of such operation and submit a list of every drug in commercial distribution at that time. If the owner or operator of the establishment defined in § 132.1(c) has not previously entered into such operation, registration shall follow within 5 days after the submission of a new drug application, new animal drug application, Form FD–1800, antibiotic Form 5 or 6, or an establishment license application in order to manufacture biological products. Owners or operators of all establishments so engaged shall register annually between November 15 and December 31 and shall update their drug listing information every June and December.

§ 132.4 How and where to register and list drugs.

(a) The first registration of an establishment shall be on Form FD–2656 (Registration of Drug Establishment) obtainable on request from the Department of Health, Education, and Welfare, Food and Drug Administration, Bureau of Drugs, Registration Section, 5600 Fishers Lane, Rockville, MD 20852, or from Food and Drug Administration district offices. Subsequent annual registration shall also be accomplished on Form FD–2656 (Registration of Drug Establishment), which will be furnished by the Food and Drug Administration before November 15 of each year to establishments whose drug registration for that year was validated pursuant to § 132.8. The completed form shall be mailed to the above address before December 31 of that year.

(b) The first list of drugs and subsequent June and December updatings shall be on Form FD–2657 (Drug Product Listing), obtainable upon request as described in paragraph (a) of this section. In lieu of Form FD–2657 (Drug Product Listing), tapes for computer inputs may be submitted if equivalent in all elements of information as specified in Form FD–2657 (Drug Product Listing). All formats proposed for such use will require initial review and approval by the Food and Drug Administration.

§ 132.5 Information required in registration and drug listing.

(a) Form FD–2656 (Registration of Drug Establishment) requires furnishing or confirming information required by the act. This information includes the name and street address of the drug establishment, including post office ZIP code; all trade names used by the establishment; the kind of ownership or operation (that is, individually owned partnership, or corporation); and the name of the owner or operator of such establishment. The term "name of the owner or operator" shall include in the case of a partnership the name of each partner, and in the case of a corporation the name and title of each corporate officer and director and the name of the State of incorporation. The information required shall be given separately for each establishment, as defined in § 132.1(b).

(b) Form FD–2657 (Drug Product Listing) requires furnishing information required by the act as follows:

(1) A list of drugs, including bulk drug substances and drug premixes for use in the manufacture of animal feeds as well as finished dosage forms, by established name as defined in section 502(e) of the act and by proprietary name, which are being manufactured, prepared, propagated, compounded, or processed for commercial distribution and which have not been included in any list previously submitted on Form FD–2657 (Drug Product Listing) or in conjunction with the Food and Drug Administration voluntary inventory on Form FD–2422 (Survey Report of Marketed Drugs), or Form FD–2250 (National Drug Code Directory Input).

(2) For each drug so listed which is regarded by the registrant as subject to section 505, 506, 507, or 512 of the act, the new drug application number, abbreviated new drug application number, new animal drug application number, or Form 5 or Form 6 number, and a copy of all current labeling, except that only one representative container or carton label need be submitted where differences exist only in the quantity of contents statement.

(3) For each drug so listed which is regarded by the registrant as subject to section 351 of the Public Health Service Act, the license number of the manufacturer.

(4) For each human drug so listed which is subject to section 503(b)(1) of the act and regarded by the registrant as not subject to section 505, 506, or 507 of the act or 351 of the Public Health Service Act, and which is not manufactured by a registered blood bank, a copy of all current labeling except that only one representative container or carton label need be submitted where differences exist only in the quantity of contents statement and a representative sampling of advertisements.

(5) For each human over-the-counter drug or each animal drug so listed which is regarded by the registrant as not subject to section 505, 506, 507, or 512 of the act, or 351 of the Public Health Service Act, a copy of the label except that only one representative container or carton label need be submitted where differences exist only in the quantity of contents statement, package insert, and a representative sampling of any other labeling.

(6) For each prescription or over-the-counter drug so listed which is regarded by the registrant as not subject to section 505, 506, 507, or 512 of the act, or 351 of the Public Health Service Act, and which is not manufactured by a registered blood bank, quanttitative listing of the active ingredient(s). If the drug is in unit dosage form the statements of the quantity of ingredient shall express the amount, not the percent, of such ingredient in each such unit, unless the quantitative listing is expressed as a percentage in the official compendium. If the drug is not in unit dosage form, the statement of the quantity of an ingredient shall express the amount, not the percent, of such ingredient in a specific unit of weight or measure of the drug unless the quantitative listing is expressed as a percentage in the official compendium, except that for drug premixes for use in the manufacture of animal feeds such ingredient which is not an antibiotic may be expressed in terms of percent. If a drug premix has been assigned a Product Code as provided for in § 132.8(b)(2)(iii), the quantitative listing of ingredients may be limited to each variation of level of action drug ingredient.

(7) For each drug listed, the registration number of every drug establishment within the parent company at which it is manufactured, prepared, propagated, compounded, or processed.

(8) For each drug listed, the registration number of every drug establishment within the parent company at which it is manufactured, prepared, propagated, compounded, or processed.

(9) For each drug so listed, the National Drug Code (NDC) number. If no NDC Labeler Code number has been assigned, the Product Code and Package Code will be included and a Labeler Code will be assigned as described in § 132.8(b)(2)(i).

§ 132.6 Updating drug listing information.

(a) After submission of the initial drug listing information, every person who is required to list drugs pursuant to § 132.2 shall submit on Form FD–2657 (Drug Product Listing) during each subsequent June and December, or at the discretion of the registrant at the time the change occurs, the following information:

(1) A list of each drug introduced by the registrant for commercial distribution which has not been included in any list previously submitted. All of the information required by § 132.5(b) shall be provided for each such drug.

(2) A list of each drug formerly listed pursuant to § 132.5(b) for which commercial distribution has been discontinued, including for each drug so listed the NDC number, the identity by established name and proprietary name, and date of discontinuance. It is requested but not required that the reason for discontinuance of distribution be included with this information.

(3) A list of each drug for which a notice of discontinuance was submitted pursuant to paragraph (a)(2) of this section and for which commercial distribution has been resumed, including for each drug so listed the NDC number, the identity by established name as defined in section 502(e) of the act and by any proprietary name, the date of resumption, and any other information required by § 132.5(b) not previously submitted.

(4) Any material change in any information previously submitted.

(b) When no changes have occurred since the previously submitted list, no report is required.

§ 132.7 Additional drug listing information.

(a) In addition to the information routinely required by §§ 132.5 and 132.6, the Commissioner may require submission of the following information by letter or by FEDERAL REGISTER notice:

(1) For a particular drug so listed which is subject to section 503(b)(1) of the act and regarded by the registrant as not subject to section 505, 506, or 507 of the act, upon request made by the Commissioner for good cause, a copy of all advertisements.

(2) For a particular drug product so listed which is regarded by the registrant as not subject to section 505, 506, 507, or 512 of the act, upon a finding by the Commissioner that it is necessary to carry out the purposes of the act, a quantitative listing of all ingredients.

(3) For a particular drug product upon request by the Commissioner, a brief statement of the basis upon which the registrant has determined that the drug product is not subject to section 505, 506, 507, or 512 of the act.

(4) For each registrant, upon a finding by the Commissioner that it is necessary to carry out the purposes of the act, a list of each listed drug product containing a particular ingredient.

(b) It is requested but not required that information concerning the quantity of drug distributed be submitted in conjunction with the annual registration in the format prescribed in section of Form FD–2656A (Optional Distribution Data), for each drug currently listed.

(c) It is requested but not required that a qualitative listing of the inactive ingredients be submitted for all listed drugs in the format prescribed in Form FD–2657 (Drug Product Listing).

(d) It is requested but not required that a quantitative listing of the active ingredients be submitted for all drugs listed which are subject to section 505, 506, 507, or 512 of the act or section 351 of the Public Health Service Act.

§ 132.8 Notification of registrant: drug establishment registration number and drug listing number.

(a) The Commissioner will provide to the registrant a validated copy of Form FD–2656 (Registration of Drug Establishment) as evidence of registration. This validated copy will be sent only to the location shown for the registering establishment. A permanent registration number will be assigned to each drug establishment registered in accordance with these regulations.

(b) A drug listing number will be assigned, using the National Drug Code numbering system, to each drug or class of drugs listed as follows:

(1) If a drug is already listed in the National Drug Code System or in the National Health Related Items Code System, the number will be the same as that assigned pursuant to those codes. A lead zero will be added by the Food and

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Drug Administration to the first three characters of the code, which identifies the manufacturer or distributor, to expand the "Labeler Code" segment to four characters. The National Drug Code, Product Code and Package Code configurations used to describe such drugs, or any new drugs added to the product line, will remain the same (i.e., a four-character Product Code and a two-character Package Code). Alphanumeric characters where already used in the Product Code and Package Code segments of the National Drug Code may be retained; however, these alphanumeric characters may be converted to all numeric digits. The manufacturer or distributor shall inform the Food and Drug Administration of such changes.

(2) If a registered establishment or distributor has not previously participated in the National Drug Code system, or in the National Health Related Items Code system, the National Drug Code numbering system will be used in assigning a number, as follows (only numerics will be used):

(i) The first five numeric characters of the 10-character code identify the manufacturer or distributor and are known as the Labeler Code. The Food and Drug Administration will expand the Labeler Code from five to six numeric characters when the available five-character code combinations are exhausted. These code numbers are assigned by the Food and Drug Administration and provided to the registrant along with the validated copy of Form FD–2656 (Registration of Drug Establishment). Any registered firm that does not have an assigned "Labeler Code" will be assigned one when registration and listing information is submitted.

(ii) The last five numeric characters of the 10-character code identify the drug and the trade package size and type. The segment which identifies the drug formulation is known as the Product Code and the segment which identifies the trade package size and type is known as the Package Code. The Product Code and the Package Code shall be assigned by the manufacturer or distributor prior to drug listing and included in Form FD–2657 (Drug Product Listing). Either of two methods may be used by the manufacturer or distributor in assigning the Product and Package Codes; a 3–2 Product-Package Code configuration (i.e., 542–12) or a 4–1 Product-Package Code configuration (i.e., 5421–2). Only one such Product-Package Code configuration may be used by a manufacturer or distributor with a given Labeler Code and this same configuration shall be used in assigning the Product-Package Codes for all drugs included in the drug listing. The manufacturer or distributor shall report to the Food and Drug Administration the Product-Package Code configuration he used in assigning these codes. Once a Product Code has been assigned to a specific drug, this same code may never again be used for any other drug regardless whether the drug has been discontinued.

(iii) If the drug formulation is a custom premix intended for use in the manufacture of an animal feed, a separate Product Code is required only for each variation of level of active drug ingredient.

(3) The NDC number is requested but not required to appear on all drug labels and in all drug labeling, including the label of any prescription drug container furnished to a consumer. If the NDC number is shown on a drug label it shall be placed as follows:

(i) The NDC number shall be placed prominently in the top third of the center panel of the label of the immediate container and of the outside container or wrapper if such there be.

(ii) The NDC number shall be preceded by the initials NDC, in a different color or different type style (font) than that used to print the number if the label is printed rather than typewritten, whenever it is used on a label or in labeling.

(iii) The Product-Package Code configuration shall be indicated and the segments of the number shall be separated by a dash (i.e., NDC 15643–542–12 or NDC 15643–5421–2).

(iv) All 10 characters shall appear and the leading zeros in any segment of the NDC number shall be shown: *Provided, however*, That when the NDC number is used for product identification by direct imprinting on dosage forms, leading zeros may be dropped from the Product Code segment of the NDC number.

(v) The placing of the assigned NDC number on a label or in labeling does not require the submission of a supplemental new drug application, supplemental new animal drug application, or supplemental antibiotic Form 5 or 6.

(4) If any material change occurs in product characteristics (including but not limited to a change in dosage form, active ingredient(s) or active ingredient(s) strength or concentration, route of administration, or product name, etc.) a new NDC number shall be assigned by the registrant to the new product version and the information submitted to the Food and Drug Administration. If a change in packaging code can be revised the trade package code can be revised without the necessity of assigning a new product code segment, but the Food and Drug Administration shall be informed about the new trade package code and characteristics.

(c) Although registration and drug listing are required to engage in the drug activities described in § 132.2, validation of registration and the assignment of a drug listing number do not, in themselves, establish that the holder of the registration is legally qualified to deal in such drugs.

§ 132.9 Inspection of registrations and drug listings.

(a) A copy of the Form FD–2656 (Registration of Drug Establishment) filed by the registrant will be available for inspection pursuant to section 510(f) of the act, at the Department of Health, Education, and Welfare, Food and Drug Administration, Bureau of Drugs, Registration Section, 5600 Fishers Lane, Rockville, MD 20852. In addition, there will be available for inspection at each of the Food and Drug Administration district offices the same information for firms within the geographical area of such district office. Upon request and receipt of a self-addressed stamped envelope, vertification of registration number, or location of a registered concern will be provided.

(1) The following information submitted pursuant to the drug listing requirements is illustrative of the type of information that will be available for public disclosure when it is compiled:

(i) A list of all drug products.

(ii) A list of all drug products broken down by labeled indications or pharmacological category.

(iii) A list of all drug products, broken down by manufacturer.

(iv) A list of a drug product's active ingredients.

(v) A list of drug products newly marketed or where marketing is resumed.

(vi) A list of drug products discontinued.

(vii) All labeling.

(viii) All advertising.

(ix) All data or information that has already become a matter of public knowledge.

(2) The following information submitted pursuant to the drug listing requirement is illustrative of the type of information that will not be available for public disclosure:

(i) Any data or information submitted as the basis upon which it has been determined that a particular drug product is not subject to section 505, 506, 507, or 512 of the act.

(ii) A list of a drug product's inactive ingredients.

(iii) A list of drugs containing a particular ingredient.

(iv) *Provided*, That any of the above information will be available for public disclosure if it has already become a matter of public knowledge or if the Commissioner finds that confidentiality would be inconsistent with protection of the public health.

(b) Requests for information about registrations and drug listings should be directed to the Department of Health, Education, and Welfare, Food and Drug Administration, Bureau of Drugs, Registration Section, 5600 Fishers Lane, Rockville, MD 20852.

§ 132.10 Amendments to registration.

Changes in individual ownership, corporate or partnership structure location or drug-handling activity, shall be submitted by Form FD–2656 (Registration of Drug Establishment) as amendment to registration within 5 days of such changes. Changes in the names of officers and directors of the corporations do not require such amendment but must be shown at time of annual registration.

§ 132.11 Misbranding by reference to registration or to registration number.

Registration of a drug establishment or drug wholesaler or assignment of a registration number or assignment of a NDC number does not in any way denote approval of the firm or its products. Any representation that creates an impression of official approval because of registration or possession of registration number or NDC number is misleading and constitutes misbranding.

Subpart C—Procedures for Foreign Drug Establishments

§ 132.31 Drug listing requirements for foreign drug establishments.

(a) Every foreign drug establishment shall comply with the drug listing requirements contained in Subpart B of this part, unless exempt under Subpart D of this part, whether or not it is also registered.

(b) No drug may be imported from a foreign drug establishment into the United States except a drug imported or offered for import pursuant to the investigational use provisions of § 130.3, unless it is first the subject of a drug listing as required in Subpart B of this part. The drug listing information shall be in the English language.

(c) Foreign drug establishments shall submit as part of the drug listing, the name and address of the establishment and the name of the individual responsible for submitting drug listing information. Any changes in this information shall be reported to the Food and Drug Administration at the intervals specified for updating drug listing information in § 132.6(a).

Subpart D—Exemptions

§ 132.51 Exemptions for domestic establishments.

The following classes of persons are exempt from registration and drug listing in accordance with this Part 132 under the provisions of section 510(g), (1), (2), and (3) of the act, or because the Commissioner has found, under section 510(g)(4), that such registration is not necessary for the protection of the public health.

(a) Pharmacies that are operating under applicable local laws regulating dispersing of prescription drugs and that do not manufacture, prepare, propagate, compound, or process drugs for sale other than in the regular course of the practice of the profession of pharmacy including the business of dispensing and selling drugs at retail. The supplying by such pharmacies of prescription drugs to a practitioner licensed to administer such drugs for his use in the course of his professional practice or to other pharmacies to meet temporary inventory shortages are not acts which require such pharmacies to register.

(b) Hospitals, clinics, and public health agencies which maintain establishments in conformance with any applicable local laws regulating the practices of pharmacy and medicine and which are regularly engaged in dispensing prescription drugs, other than human blood or blood products, upon prescription of practitioners licensed by law to administer such drug for patients under the care of such practitioners in the course of their professional practice.

(c) Practitioners who are licensed by law to prescribe or administer drugs and who manufacture, prepare, propagate, compound, or process drugs solely for use in the course of their professional practice.

(d) Persons who manufacture, prepare, propagate, compound, or process drugs solely for use in research, teaching, or chemical analysis and not for sale.

(e) Manufacturers of harmless inactive ingredients which are excipients, colorings, flavorings, emulsifiers, lubricants, preservatives, or solvents that become components of drugs, and who otherwise would not be required to register under the provisions of this Part 132.

(f) Any person who uses drugs to prepare feed for his own animals: *Provided*, That under the act and its regulations such person would not be required to hold an approved new animal drug application (or supplement thereto) or a Form FD–1800 in order to possess and use the drug.

(g) Any manufacturer of a virus, serum, toxin, or analogous product intended for treatment of domestic animals, who holds an unsuspended and unrevoked license issued by the Secretary of Agriculture under the animal virus-serum-toxin law of March 4, 1913 (37 Stat. 832; 21 U.S.C. 151 et seq.): *Provided*, That such exemption from registration shall apply only with respect to the manufacture of such animal virus, serum, toxin, or analogous product.

(h) Carriers, by reason of their receipt, carriage, holding, or delivery of drugs in the usual course of business as carriers.

Effective date. This order shall be effective on March 7, 1973, except that § 132.8(b)(3) shall not be effective for labeling bearing a National Drug Code number printed prior to July 1, 1973. All registered drug establishments and all distributors who voluntarily elect to submit drug listing information shall submit the first drug listing to the Food and Drug Administration during the month of June 1973.

Dated: March 2, 1973.

SHERWIN GARDNER,
Deputy Commissioner of Food and Drugs.

[FR Doc.73-4319 Filed 3-6-73;8:45 am]

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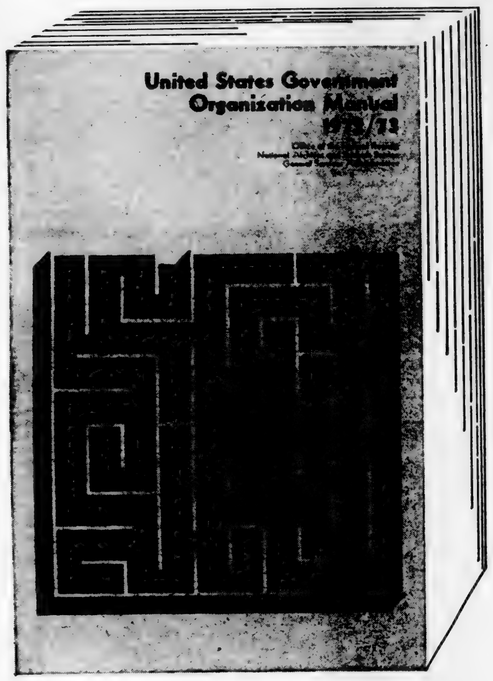

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(The items in these lists were editorially compiled as an aid to FEDERAL REGISTER users. Inclusion or exclusion from these lists has no legal significance. Since these lists are intended as reminders, they do not include effective dates, comment deadlines, or hearing dates that occur within 14 days of publication.)

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This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.

The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

Title 9—Animals and Animal Products

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Restrictions on Importation of Pork and Pork Products From Certain Countries

Correction

In FR Doc. 73-2901 appearing on page 4384 in the issue of Wednesday, February 14, 1973, the headings should read as set forth above.

Title 13—Business Credit and Assistance

CHAPTER IV—EMERGENCY LOAN GUARANTEE BOARD

PART 402—RULES REGARDING AVAILABILITY OF INFORMATION

Part 402 to Chapter IV of Title 13 reflects the rules and procedures adopted by the Emergency Loan Guarantee Board to comply with the requirements of making information available under the Public Information Act.

1. Effective February 21, 1973, Title 13 is amended by adding a new Part 402 to Chapter IV as follows:

Sec.
402.1 Basis.
402.2 Definition.
402.3 Published information.
402.4 Access to records.
402.5 Exemptions from disclosure.

AUTHORITY: 5 U.S.C. 552.

§ 402.1 Basis.

This part is issued by the Emergency Loan Guarantee Board (the "Board") pursuant to the requirements of section 552 of title 5 of the United States Code, including the requirements that every Federal agency shall publish in the FEDERAL REGISTER, for the guidance of the public, descriptions of the established places at which, the officers from whom, and the methods whereby, the public may obtain information, make submittals or requests, or obtain decisions.

§ 402.2 Definition.

"Records of the Board." For purposes of this part, the term "records of the Board" means rules, statements, opinions, orders, memoranda, letters, reports, accounts, and other papers containing information in the possession of the Board that constitute part of the Board's official files.

§ 402.3 Published information.

(a) *"Federal Register."* To the extent required by sections 552 and 553 of title 5 of the United States Code, and subject to the provisions of § 402.5, the Board publishes in the FEDERAL REGISTER for the guidance of the public, in addition to this part, descriptions of its organization and procedures, substantive rules of general applicability, statements of general policy, and interpretations of general applicability. Because of the nature of its functions pursuant to the Emergency Loan Guarantee Act of August 9, 1971 (Public Law 92-70) (the "Act"), the Board normally does not issue any substantive rules of general applicability, statements of general policy, or interpretations of general applicability.

(b) *Annual report.* As required by section 12 of the Act, the Board submits to the Congress annually a full report of its operations under the Act and such report is made public immediately after its submission to the Congress.

(c) *Other published information.* From time to time, the Board issues statements to the press relating to its operations.

(d) *Obtaining published information.* If not otherwise available through the Government Printing Office, published information released by the Board may be obtained without cost from the Secretary of the Board, Main Treasury Building, Washington, D.C. 20220.

§ 402.4 Access to records.

(a) *General rule.* All records of the Board, including information set forth in section 552(a)(2) of title 5 of the United States Code, are made available to any person, upon request, for inspection and copying in accordance with the provisions of this section and subject to the limitations stated in § 402.5. Records falling within the exemptions from disclosure set forth in section 552(b) of title 5 of the United States Code and in § 402.5 may nevertheless be made available in accordance with this section to the fullest extent consistent, in the Board's judgment, with the effective performance of the Board's statutory responsibilities and with the avoidance of injury to a public or private person intended to be protected by such exemptions.

(b) *Obtaining access to records.* Records of the Board subject to this section are available by appointment for public inspection or copying during regular business hours on regular business days at the office of the secretary of the Board. Every request for access to such records, other than published records described in § 402.3, shall be submitted in writing to the secretary of the Board, shall state the name and address of the person requesting such access, and shall describe such records in a manner reasonably sufficient to permit their identification without undue difficulty; and such person shall pay a fee in an amount based upon $5 per hour for the time required to locate such records and prepare them for inspection, plus 10 cents per standard page for any copying thereof. For making available a record by mail an appropriate fee will be charged to cover the cost of postage and any packaging or special handling.

§ 402.5 Exemptions from disclosure.

(a) *General rule.* Except as otherwise provided in this part or as may be specifically authorized by the Board, information in the records of the Board that has not been published in accordance with § 402.3 and is determined by the secretary of the Board, subject to the appeal provided in § 402.6, is not available to the public through other sources will not be made available for inspection and copying if such information is exempted from required disclosure by the provisions of section 552(b) of title 5 of the United States Code.

(b) *Deletion of identifying details.* Before any records are made available under § 402.4(a) any identifying details the disclosure of which would be an unwarranted invasion of personal privacy will be deleted by the secretary of the Board and justification therefor will be made in writing.

(c) *Prohibition against disclosure.* Except as provided in this part, no officer, employee, or agent of the Board shall disclose or permit the disclosure of any exempt information, as defined in § 402.5(a) or § 402.5(b), of the Board to anyone (other than an officer, employee, or agent of the Board properly entitled to such information for the performance of his official duties), whether by giving out or furnishing such information or a copy thereof or by allowing any person to inspect or copy such information or copy thereof, or otherwise.

§ 402.6 Appeal.

(a) Any person denied access to records requested under § 402.4 may within 30 days after notification of such denial,

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file an appeal to the Executive Director of the Emergency Loan Guarantee Board. Such an appeal shall be in writing addressed to the Executive Director of the Emergency Loan Guarantee Board, c o The Department of the Treasury, Washington, D.C. 20220. The appeal shall provide the name and address of the appellant, the identification of the record denied, and the dates of the original request and its denial.

(b) The appeal will be promptly considered. The granting or denial of the request upon appeal shall constitute final agency action.

2a. This action is taken pursuant to and in accordance with the provisions of section 552 of title 5 of the United States Code.

b. The provisions of section 553 of title 5, United States Code, relating to notice and public participation and to deferred effective dates, are not followed in connection with the adoption of this action, because the rules involved are procedural in nature and accordingly do not constitute substantive rules subject to the requirements of such section.

Dated: February 26, 1973.

TIMOTHY G. GREENE,
Secretary, Emergency Loan Guarantee Board.

[FR Doc.73-4469 Filed 3-7-73;8:45 am]

Title 14—Aeronautics and Space

CHAPTER I—FEDERAL AVIATION ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Docket No. 11802; Amdt. 61-60]

PART 61—CERTIFICATION: PILOTS AND FLIGHT INSTRUCTORS

Miscellaneous Amendments; Correction

The purpose of this correction is to supply language inadvertently omitted from the lead-in statement in § 61.87(d) of Amendment 61-60 published in the FEDERAL REGISTER on February 1, 1973 (38 FR 3156), to become effective November 1, 1973. The correction is consistent with the proposal in Notice 72-9.

Accordingly, the lead-in statement in paragraph (d) of § 61.87 of Amendment 61-60, published in the FEDERAL REGISTER on February 1, 1973 (38 FR 3172; FR Doc. 73-1899), is corrected to read as follows:

§ 61.87 Requirements for solo flight.

* * * * *

(d) *Flight instructor endorsements.* A student pilot may not operate an aircraft in solo flight unless his student pilot certificate is endorsed, and unless within the preceding 90 days his pilot logbook has been endorsed, by an authorized flight instructor who—

* * * * *

Issued in Washington, D.C., on March 1, 1973.

J. H. SHAFFER,
Administrator.

[FR Doc.73-4410 Filed 3-7-73;8:45 am]

[Airspace Docket No. 72-NW-27]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Transition Area

On January 19, 1973, a notice of proposed rule making was published in the FEDERAL REGISTER (38 FR 1938) stating that the Federal Aviation Administration was considering an amendment to Part 71 of the Federal Aviation Regulations that would alter the description of the Bellingham, Wash., transition area.

Interested persons were given 30 days in which to submit written comments. No objections to the proposed amendment were received.

In consideration of the foregoing, the proposed amendment is hereby adopted without change.

Effective date. This amendment shall be effective 0901 G.m.t., May 24, 1973.

(Sec. 307(a), Federal Aviation Act of 1958, as amended, 49 U.S.C. 1348(a); sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Seattle, Wash., on February 28, 1973.

C. B. WALK, JR.,
Director, Northwest Region.

In § 71.181 (38 FR 435) the description of the Bellingham, Wash., transition area is amended as follows:

To the text add, "and within 3.5 miles north and 8 miles south of the 288° bearing from Lummi NDB (latitude 48°47'-38" N.; longitude 122°32'08" W.) extending from the NDB 11.5 miles west of the NDB."

[FR Doc.73-4411 Filed 3-7-73;8:45 am]

[Airspace Docket No. 72-NW-26]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Transition Area

On January 17, 1973, a notice of proposed rule making was published in the FEDERAL REGISTER (38 FR 1644) stating that the Federal Aviation Administration was considering an amendment to Part 71 of the Federal Aviation Regulations that would alter the description of the Idaho Falls, Idaho, transition area.

Interested persons were given 30 days in which to submit written comments. No objections to the proposed amendment were received.

In consideration of the foregoing, the proposed amendment is hereby adopted without change.

Effective date. This amendment shall be effective 0901 G.m.t. May 24, 1973.

(Sec. 307(a), Federal Aviation Act of 1958, as amended, 49 U.S.C. 1348(a); sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Seattle, Wash., on February 28, 1973.

C. B. WALK, JR.,
Director, Northwest Region.

In § 71.181 (38 FR 435) the description of the Idaho Falls, Idaho, transition area is amended as follows:

In line 2 of the text, delete, "* * * extending from 21.5 miles northeast * * *" and substitute therefor, "* * * extending from 25.5 miles northeast * * *"

[FR Doc.73-4412 Filed 3-7-73;8:45 am]

[Docket No. 12573; Amdt. No. 854]

PART 97—STANDARD INSTRUMENT APPROACH PROCEDURES

Miscellaneous Amendments

This amendment to Part 97 of the Federal Aviation Regulations incorporates by reference therein changes and additions to the Standard Instrument Approach Procedures (SIAP's) that were recently adopted by the Administrator to promote safety at the airports concerned.

The complete SIAP's for the changes and additions covered by this amendment are described in FAA Forms 3139, 8260-3, 8260-4, or 8260-5 and made a part of the public rule making dockets of the FAA in accordance with the procedures set forth in Amendment No. 97-696 (35 FR 5609).

SIAP's are available for examination at the Rules Docket and at the National Flight Data Center, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591. Copies of SIAP's adopted in a particular region are also available for examination at the headquarters of that region. Individual copies of SIAP's may be purchased from the FAA Public Document Inspection Facility, HQ-405, 800 Independence Avenue SW., Washington, DC 20591, or from the applicable FAA regional office in accordance with the fee schedule prescribed in 49 CFR 7.85. This fee is payable in advance and may be paid by check, draft, or postal money order payable to the Treasurer of the United States. A weekly transmittal of all SIAP changes and additions may be obtained by subscription at an annual rate of $150 per annum from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402. Additional copies mailed to the same address may be ordered for $30 each.

Since a situation exists that requires immediate adoption of this amendment, I find that further notice and public procedure hereon is impracticable and good cause exists for making it effective in less than 30 days.

In consideration of the foregoing, Part 97 of the Federal Aviation Regulations is amended as follows, effective on the dates specified:

1. Section 97.23 is amended by originating, amending, or canceling the following VOR-VOR/DME SIAP's effective March 22, 1973.

Mosinee, Wis.—Central Wisconsin Airport, VOR-A, Amdt. 1.

* * * effective March 15, 1973.

New Castle, Ind.—New Castle-Henry County Municipal Sky Castle Airport, VOR Runway 27, Original.

* * * effective February 27, 1973.

Valdosta, Ga.—Valdosta Municipal Airport, VOR Runway 35, Amdt. 20.

2. Section 97.25 is amended by originating, amending, or canceling the following SDF-LOC-LDA SIAP's effective March 22, 1973.

Mosinee, Wis.—Central Wisconsin Airport, LOC Runway 8, Original.

Mosinee, Wis.—Central Wisconsin Airport, LOC (BC) Runway 26, Original.

Philadelphia, Pa.—Philadelphia International Airport, LOC (BC) Runway 27R, Original.

* * * effective February 22, 1973.

Christiansted, St. Croix, V.I.—Alexander Hamilton Airport, LOC Runway 9, Amdt. 1.

3. Section 97.27 is amended by originating, amending, or canceling the following NDB/ADF SIAP's effective April 19, 1973.

Youngstown, Ohio—Lansdowne Airport, NDB-A, Amdt. 3.

* * * effective February 22, 1973.

Christiansted, St. Croix, V.I.—Alexander Hamilton Airport, NDB Runway 9, Amdt. 1.

4. Section 97.29 is amended by originating, amending, or canceling the following ILS SIAP's effective February 23, 1973.

Lebanon, N.H.—Lebanon Regional Airport, ILS Runway 7, Amdt. 1.

* * * effective February 22, 1973.

Pontiac, Mich.—Oakland-Pontiac Airport, ILS Runway 9, Amdt. 1.

(Secs. 307, 313, 601, 1110, Federal Aviation Act of 1958; 49 U.S.C. 1438, 1354, 1421, 1510; sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c) and 5 U.S.C. 552(a)(1))

Issued in Washington, D.C., on March 1, 1973.

C. R. MELUGIN, JR.,
Acting Director, Flight Standards Service.

NOTE: Incorporation by reference provisions in §§ 97.10 and 97.20 (35 FR 5610) approved by the Director of the Federal Register on May 12, 1969.

[FR Doc.73-4413 Filed 3-7-73;8:45 am]

Title 17—Commodity and Securities Exchanges

CHAPTER II—SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-10020]

PART 240—GENERAL RULES AND REGULATIONS, SECURITIES EXCHANGE ACT OF 1934

Continued Suspension of Exempted Securities

On January 30, 1973, in Securities Exchange Release No. 9974 (38 FR 4401), the Commission suspended the operation of paragraph (m) of Rule 15c3-3 under the Securities Exchange Act of 1934[1] to sell orders for exempted securities (e.g., U.S. Government and municipal obligations) until March 1, 1973, and requested comments of interested persons by February 20, 1973, regarding the operational problems encountered by customers in making deliveries of exempted securities within the designated time frame of paragraph (m). It was stated in Release No. 9974, that it had been represented to the Commission that the application of paragraph (m) to exempted securities may create operational hardships with respect to the delivery of exempted securities, and, in this connection, the Commission had been requested to reconsider the applicability of the rule with respect to exempted securities, particularly with regard to paragraph (m).

The Commission has received numerous comments on the operational problems encountered by applying paragraph (m) to exempted securities. As most of these comments were received on or around February 20, the Commission is still in the process of reviewing them. As it does not appear that this review will be completed by March 1, the Commission has determined to continue the suspension of the operation of paragraph (m) as to sell orders for exempted securities until April 10, 1973. After reviewing the comments, the Commission will set forth its views on this matter.

Broker-dealers are reminded that paragraph (m) remains in effect as to sale transactions by all customers, including financial institutions, with regard to all securities other than exempted securities.

The continued suspension of paragraph (m) with regard to exempted securities relieves a restriction within the meaning of 5 U.S.C. 553(d) and is effective March 1, 1973.

By the Commission.

[SEAL] RONALD F. HUNT,
Secretary.

MARCH 1, 1973.

[FR Doc.73-4458 Filed 3-7-73;8:45 am]

[1] Paragraph (m) of Rule 15c3-3 requires that if a broker-dealer executes a sell order for a customer and if for any reason the broker-dealer has not obtained possession of the securities from the customer within 10 business days after settlement date, the broker-dealer shall immediately thereafter close the transaction by purchasing securities of like kind and quantity.

Title 26—Internal Revenue

CHAPTER I—INTERNAL REVENUE SERVICE, DEPARTMENT OF THE TREASURY

SUBCHAPTER A—INCOME TAX

[T.D. 7265]

PART 1—INCOME TAX; TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1953

Percentage To Be Used by Foreign Life Insurance Companies in Computing Income Tax for the Taxable Year 1972 and Estimated Tax for the Taxable Year 1973

This document contains the proclamation of the Secretary of the Treasury of a percentage to be used in determining a "minimum figure" for each foreign corporation carrying on a life insurance business, as provided for under section 819 of the Internal Revenue Code of 1954 (see 26 CFR 1.819).

Where this minimum figure exceeds such a corporation's surplus held in the United States, the amount of the "policy and other contract liability requirements" (determined under section 805 without regard to section 819), and the amount of the "required interest" (determined under section 809(a) without regard to section 819), must each be reduced by an amount determined by multiplying such excess by the "current earnings rate" (as defined in section 805(b)(2)).

It is hereby determined that for purposes of computing the 1972 income tax for foreign corporations carrying on a life insurance business a percentage of 15.1 shall be used in determining the "minimum figure" under section 819.

It is presently anticipated that the data with respect to domestic life insurance companies for 1972 required for the computation of the percentage to be used by foreign corporations carrying on a life insurance business in computing their estimated tax for the taxable year 1973 will not be available in time for the filing of the declaration of estimated tax for such taxable year. Accordingly, it is hereby determined that for purposes of computing the estimated tax for the taxable year 1973 and payments of installments thereof by such corporation a percentage of 15.1 (the percentage applicable for 1972) shall be used in determining the minimum figure under section 819. No additions to tax shall be made because of any underpayment of estimated tax for the taxable year 1973 which results solely from the use of this percentage.

Because the percentage announced in this Treasury decision is computed from information contained in the income tax returns of domestic life insurance companies for the year 1971, which are not open to public inspection, the public accordingly cannot effectively participate in the determination of such figure. Therefore, it is found that it is unnecessary to issue this Treasury decision with notice and public procedure thereon under subsection (b) of 5 U.S.C. 553 or subject to the effective date limitation of subsection (d) of that section.

[SEAL] FREDERIC W. HICKMAN,
Assistant Secretary of the Treasury.

MARCH 3, 1973.

[FR Doc.73-4504 Filed 3-7-73;8:45 am]

[T.D. 7264]

PART 12—TEMPORARY INCOME TAX REGULATIONS UNDER THE REVENUE ACT OF 1971

Transfer to a DISC of Assets of Export Trade Corporation

This document contains amendments to § 12.5 of the Income Tax Regulations, which was promulgated in 26 CFR Part 12 and published in 37 FR 26007 for December 7, 1972, in order to conform the regulations to section 505 of the Revenue Act of 1971 (85 Stat. 551).

Under section 505(c) of the Revenue Act of 1971, no corporation may qualify as an export trade corporation unless it qualified prior to October 31, 1971. Section 505(b) provides for a tax-free transfer of the business of an existing export trade corporation to a DISC without the need of complying with section 367 and the other provisions of sections 354 through 368 of the Internal Revenue

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Code. Section 12.5 of the Income Tax Regulations, which is hereby amended, provides rules for the transfer, including an indirect transfer, to a DISC of assets of an export trade corporation under section 505.

The amendments to § 12.5 contained herein clarify the applicability of such rules to transactions in which there is integrally involved the transfer of stock of the export trade corporation as well as a transfer of its assets. If the export trade corporation does not receive consideration for the stock or assets, then, with one possible exception, no gain or loss shall be recognized by, and no constructive dividend shall be included under section 301 of the Internal Revenue Code in the gross income of, the DISC, the export trade corporation, or their common parent by reason of the transaction.

The one exception is that if a party other than the export trade corporation receives consideration for the transfer of stock the rules of § 12.5 and section 505 do not prevent the recognition of so much of the gain realized by such party as is solely attributable to receiving such consideration and do not prevent the attribution of such recognized gain to the common parent. The amount of such gain is not adjusted by reason of section 482 of the Internal Revenue Code.

Amendments to the regulations. In order to clarify the applicability of section 505 of the Revenue Act of 1971 (85 Stat. 551) and § 12.5 of the Income Tax Regulations (26 CFR Part 12) to certain transactions involving the transfer to a DISC of stock and assets of an export trade corporation, paragraphs (a) and (b) of § 12.5 are hereby amended to read as follows:

§ 12.5 Transfer to a DISC of assets of export trade corporation.

(a) *In general.* (1) Section 505 of the Revenue Act of 1971 (85 Stat. 551) permits, subject to certain adjustments, certain tax-free transactions involving a transfer of property by an export trade corporation (as defined in section 971) to a DISC (as defined in section 992(a)).

(2) For purposes of this section, all statutory references are to the Internal Revenue Code of 1954 except that references to section 505 are to the Revenue Act of 1971. All terms used in this section shall have the same meaning as when used in such Code.

(b) *Direct, indirect, and other transfers.* (1) Under section 505(b)(1), if during a taxable year of an export trade corporation beginning before January 1, 1976, such export trade corporation without receiving consideration directly transfers property to a DISC, if all of the oustanding stock of each of such corporations is owned by a common parent, and if certain other conditions are met, then, among other consequences enumerated in section 505, notwithstanding section 367 or any other provision of Chapter 1 of the Code, no gain or loss shall be recognized by, and no constructive dividend shall be includible in the gross income of the export trade corporation, the parent, or the DISC by reason of such transaction. If, instead of a direct transfer from the export trade corporation to the DISC, the parties enter into an indirect transfer in which the property is distributed by the export trade corporation to the parent without receiving consideration and immediately thereafter is transferred by the parent to the DISC, then for purposes of section 505(b) the transaction will be treated as a direct transfer by the export trade corporation to the DISC, but only if—

(i) It is shown to the satisfaction of the Commissioner or his delegate that such indirect transfer of the property was carried out for bona fide business reasons, and

(ii) Each U.S. person (as defined in section 7701(a)(30)) which is a party to the indirect transfer enters into a closing agreement under section 7121 which provides that each of the tax consequences enumerated in section 505(b) shall apply.

(2) Subparagraph (1) of this paragraph shall apply also to:

(i) Any other indirect transfer of property of the export trade corporation to the DISC if section 505 would be applicable to a direct transfer of such property by the export trade corporation to the DISC, and

(ii) Any transaction as a part of which the stock of the export trade corporation is transferred to the DISC prior to a direct transfer of the property of the export trade corporation to the DISC,

if all of the parties to such indirect transfer or transaction meet the 100 percent stock ownership requirement set forth in paragraph (c) of this section.

(3) A transaction described in subparagraph (2) of this paragraph includes any transaction in which the common parent or its wholly owned subsidiary acquires the stock of the export trade corporation without any consideration paid directly or indirectly to the export trade corporation. Thus, except as otherwise provided in this subparagraph, no gain or loss is recognized by, and no constructive dividend is includable under section 301 in the gross income of, the export trade corporation, the common parent, or the DISC by reason of such transaction. If, in exchange for such transfer of stock, a party, other than the export trade corporation, receives consideration and realizes gain, then subparagraph (1) of this paragraph and section 505 do not apply with respect to the amount realized by such party (determined without regard to section 482) and thus do not prevent recognition of such gain and, for example, the application of section 951 to the parent of such party with respect to such gain.

* * * * *

Because of the need for immediate guidance with respect to the provisions contained in this Treasury decision, it is found impracticable to issue it with notice and public procedure thereon under subsection (b) of section 553 of title 5 of the United States Code or subject to the effective date limitation of subsection (d) of that section.

(Sec. 7805, Internal Revenue Code of 1954, 68A Stat. 917; 26 U.S.C. 7805)

[SEAL] JOHNNIE M. WALTERS,
Commissioner of Internal Revenue.

Approved: March 3, 1973.

FREDERIC W. HICKMAN,
Assistant Secretary of the Treasury.

[FR Doc.73-4503 Filed 3-7-73;8:45 am]

Title 29—Labor

CHAPTER V—WAGE AND HOUR DIVISION, DEPARTMENT OF LABOR

PART 511—WAGE ORDER PROCEDURE FOR PUERTO RICO, THE VIRGIN ISLANDS, AND AMERICAN SAMOA

Compensation of Committee Members

Pursuant to authority in section 5 of the Fair Labor Standards Act of 1938 (52 Stat. 1062, as amended; 29 U.S.C. 205) and Reorganization Plan No. 6 of 1950 (3 CFR 1949–53 Comp., p. 1004), I hereby amend 29 CFR 511.4 to read as set forth below. The purpose of this amendment is to increase the compensation of each member of an industry committee from $90 to $95 for each day spent in the work of the committee.

As this amendment concerns only a rule of agency practice, and is not substantive, notice of proposed rule making, opportunity for public participation, and delay in effective date are not required by 5 U.S.C. 553. It does not appear that such participation or delay would serve a useful purpose. Accordingly, this revision shall be effective immediately.

§ 511.4 Compensation of committee members.

Each member of an industry committee will be allowed a per diem of $95 for each day actually spent in the work of the committee, and will, in addition, be reimbursed for necessary transportation and other expense incident to traveling in accordance with Standard Government Travel Regulations then in effect. All travel expenses will be paid on travel vouchers certified by the Administrator or his authorized representative. Any other necessary expenses which are incidental to the work of the committee may be incurred by the committee upon approval of, and shall be paid upon certification of, the Administrator or his authorized representative.

(Sec. 5, 52 Stat. 1062, as amended; 29 U.S.C. 205)

Signed at Washington, D.C., this 2d day of March 1973.

BEN P. ROBERTSON,
Acting Administrator, Wage and Hour Division, United States Department of Labor.

[FR Doc.73-4438 Filed 3-7-73;8:45 am]

Title 32—National Defense

CHAPTER XVI—SELECTIVE SERVICE SYSTEM

PART 1661—CLASSIFICATION OF CONSCIENTIOUS OBJECTORS

Types of Decisions; Correction

The cross-reference in § 1661.10(a)(2) line 5, that appeared in FR Doc. 72-22438 (37 FR 28900 (December 30, 1972)) should read §§ 1661.3 and 1661.4.

BYRON V. PEPITONE,
Acting Director.

MARCH 5, 1973.

[FR Doc.73-4477 Filed 3-7-73;8:45 am]

Title 40—Protection of Environment

CHAPTER I—ENVIRONMENTAL PROTECTION AGENCY

SUBCHAPTER C—AIR PROGRAMS

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

Maintenance of National Ambient Air Quality Standards

On April 30, 1971, pursuant to section 109 of the Clean Air Act, as amended, the Administrator promulgated national primary and secondary ambient air quality standards for six pollutants. The Act requires that the primary standards protect the public health with an adequate margin of safety and that the secondary standards protect the public welfare from any known or anticipated adverse affects. Under section 110 of the Act, States are required to prepare and submit to the Administrator plans for implementing the national ambient air quality standards in each air quality control region in the State. The Administrator published on May 31, 1972, his initial approvals and disapprovals of the State implementation plans developed and submitted under these provisions of Federal law.

On January 31, 1973, the U.S. Court of Appeals for the District of Columbia Circuit decided the case of "Natural Resources Defense Council, Inc., et al. v. Environmental Protection Agency" (Civil Action No. 72–1522) and seven other related cases. The Court's order required the Administrator to review within 30 days from the date of the order the maintenance provisions of all State implementation plans that were approved on May 31. The Administrator was directed to disapprove plans "which do not provide for measures necessary to insure the maintenance of the primary standard after May 31, 1975, and those plans which do not analyze the problem of maintenance of standards in a manner consistent with applicable regulations * * *."

The Administrator has completed his review as required by the court order. This further examination of State plans confirmed that no State plan contained adequate growth projections for any significant period of time into the future. Moreover, it is recognized that maintenance of standards cannot be insured simply by projecting future growth and curtailing present emissions in order to provide opportunities for this future growth of emission sources. Since the plans must provide for maintenance of the standards over an indefinite period of time, it is the Administrator's determination that the most practical manner in which to adequately and effectively provide for maintenance of the standards at this time is to require State plans to contain procedures by which each State will review a wide range of new sources and causes of air pollution and will have the authority to prevent the development of such sources or causes where necessary to insure that the standards are maintained.

Maintenance is partially insured by the provisions of 40 CFR 51.18 which require each State plan to have adequate procedures to review, and where necessary prevent, the construction or modification of any stationary source at a location where emissions from that source would result in interference with the attainment or maintenance of a national standard or with the State control strategy. Where State plans were judged inadequate in this respect, the Administrator has promulgated or will promulgate such regulations. In addition, new source performance standards promulgated by the Administrator under section 111 of the Act and motor vehicle emission standards promulgated under section 202 will also serve to mitigate the impact of growth.

However, these measures, by themselves, are not adequate to insure the maintenance of standards, particularly for air pollutants emitted largely by motor vehicles. Nor do they deal with the problem of emissions generated not by the facility being constructed but by sources associated with such facility, including general urban and commercial development. In the Administrator's judgment, it is also necessary to require States to review, and where necessary prevent, the construction of facilities which may result in increased emissions from motor vehicle activity or emissions from stationary sources that could cause or contribute to violations of national ambient air quality standards. Such facilities generally are designated "complex sources." EPA guidelines did not require this and the review of State plans indicates that no State included such a provision in its implementation plan. Accordingly, in order to comply with the court order, it has been determined that all State plans must be disapproved to the extent that they do not contain provisions which will permit the review, and provide the authority to prevent, the construction, modification, or operation of complex sources at a location where emissions associated with such source would result in violation of a national standard or the State's control strategy.

The action taken herein to disapprove State implementation plans with respect to their lack of provisions for review of complex sources is not intended to affect, and should not be construed as affecting, the validity of prior approvals of State plans by the Administrator or prior promulgation of regulations to correct State plan deficiencies. Provisions of approved or promulgated plans remain in effect and are enforceable by the State and/or Federal Government in accordance with the provisions of the Clean Air Act.

The Administrator has also determined that many States' procedures for the review of stationary sources, and the consequent authority to disapprove the construction or modification of any such source where it would interfere with the maintenance of a national standard, contain a variety of exemptions so that certain sources need not be reviewed by the State prior to construction or modification. While such exemptions will not necessarily interfere with the ability of the State to attain the national standards, the exempted sources may, at some time in the future, comprise significant sources of air pollution which should be reviewed in order to insure maintenance of the standards. Accordingly, the Administrator will also set forth a regulation that will specify a limitation on the sources that may be exempted from a new source review procedure.

In order to correct the disapprovals set forth in this document, the Administrator will require States, where necessary, to revise their review procedures for construction or modification of sources. He will also require all States to adopt and submit to him a legally enforceable procedure for reviewing the impact of the construction or modification of a "complex source" and for preventing the construction or modification of such complex source where necessary to attain and maintain a national standard or to prevent interference with the State control strategy. The Administrator will propose amendments to 40 CFR Part 51 which will set forth such requirements. This document is intended to be an advance notice of proposed rule making and will appear at page 6290 of this issue.

The complex source review procedures will also be required as part of the plan for attainment of the standards. EPA is continuing to review the problem of maintenance of standards to determine other techniques or procedures that could be employed by States as part of their plans.

At the present time, the Environmental Protection Agency is preparing draft regulations which will identify the types of facilities to be covered by complex source regulations and some of the factors to be considered in determining the impact that such facilities will have on air quality, as a result of emissions directly from such facilities and from air pollution sources associated with them.

A complex source is generally defined as a facility that has or leads to secondary or adjunctive activity which emits or may emit a pollutant for which there is a national standard. These sources include, but are not limited to:

(1) Shopping centers;
(2) Sports complexes;
(3) Drive-in theaters;
(4) Parking lots and garages;
(5) Residential, commercial, industrial, or institutional developments;

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(6) Amusement parks and recreational areas;
(7) Highways;
(8) Sewer, water, power, and gas lines;

and other such facilities which will result in increased emissions from motor vehicles or other stationary sources. The regulation will further provide that each State must have procedures whereby, prior to construction or modification of such sources, the State will be able to determine whether the construction or modification of the complex source would cause violations of the applicable portions of a control strategy or interfere with the attainment or maintenance of the national ambient air standards. States will be required to have the authority to disapprove the construction or modification where it would have such a result. The regulation will set forth the basic minimum considerations which should be addressed by a State before it can approve or disapprove any such construction or modification. States should begin now to determine their legal authority to adopt such a regulation, and to obtain such authority where it is lacking.

The order of the court on January 31, 1973, required the Administrator, upon disapproval of State plans, to direct States to submit approval provisions for maintaining the standards by April 15, 1973. Since this does not provide States with adequate time to develop corrective regulations and submit them to the Administrator in accordance with the procedural requirements of 40 CFR 51.4, the Administrator has applied to the court for a modification of that order to defer submittal of plans by the States until after the promulgation of the amendments to Part 51 establishing the requirement of a complex source provision. The new timetable requested from the court would permit proposal of the amendment to 40 CFR Part 51 on April 15 with the final regulation being promulgated by June 11, 1973. State plans providing for maintenance of the standards and containing such a procedure would have to be submitted by August 15. Should the court not modify its order, States will have to submit their plan for maintenance of the standards by April 15, 1973. Should the court grant the motion, the disapproval prescribed below will be amended to set forth the later date for submittal of the plans.

The amendments set forth below are effective from the date of publication in the FEDERAL REGISTER since the amendments are made pursuant to a court order which requires the Agency to disapprove the State plans which do not provide for maintenance of the primary standards.

Dated: March 2, 1973.

WILLIAM D. RUCKELSHAUS,
Administrator,
Environmental Protection Agency.

Subpart A of Part 52, Chapter I, Title 40 of the Code of Federal Regulations is amended by adding § 52.22 as follows:

§ 52.22 Maintenance of national standards.

Subsequent to January 31, 1973, the Administrator reviewed again State implementation plan provisions for insuring the maintenance of the national standards. The review indicates that State plans generally do not contain regulations or procedures which adequately address this problem. Accordingly, all State plans are disapproved with respect to maintenance because such plans lack enforceable procedures or regulations for reviewing and preventing construction or modification of facilities which will result in an increase of emissions from State plans are disapproved with respect other sources of pollutants for which there are national standards. The disapproval applies to all States listed in Subparts B through DDD of this part. Nothing in this section shall invalidate or otherwise affect the obligations of States, emission sources, or other persons with respect to all portions of plans approved or promulgated under this part. Pursuant to an order of the U.S. Court of Appeals for the District of Columbia Circuit entered on January 31, 1973, State plans providing for maintenance of the national standards must be submitted to the Administrator no later than April 15, 1973.

[FR Doc.73-4405 Filed 3-7-73;8:45 am]

Title 41—Public Contracts and Property Management

CHAPTER I—FEDERAL PROCUREMENT REGULATIONS

PART 1-15—CONTRACT COST PRINCIPLES AND PROCEDURES

Miscellaneous Amendments

Correction

In FR Doc. 73-3376, appearing at page 4753 in the issue of Thursday, February 22, 1973, the following changes should be made:

1. On page 4755, directly under § 1-15.306-4(a), place a line of five stars.

2. In the first line of paragraph (g) of § 1-15.309-7, in the second column on page 4757, after the word "charging", insert "*personal services.* Budget estimates on a".

3. In the second column on page 4758, directly above § 1-15.309-13, place a line of five stars.

Title 43—Public Lands: Interior

CHAPTER II—BUREAU OF LAND MANAGEMENT, DEPARTMENT OF THE INTERIOR

SUBCHAPTER E—FOREST MANAGEMENT (5000)

[Circular 2339]

SALES OF FOREST PRODUCTS

Timber Sale Contract Procedures

On page 26114 of the FEDERAL REGISTER of December 8, 1972, there was published a notice and text of a proposed amendment to Group 5400 of Title 43, Code of Federal Regulations. The purpose of the amendment is to update the regulations relating to timber sale contracts and bidding procedures. These changes include definition of "loading point," permission to submit a payment bond to assure payment for timber to be cut, revision and clarification of bidding procedures, provision for the resale of timber involved in uncompleted contracts, and extension of the maximum term for a timber contract from 30 to 36 months.

Interested persons were given until January 8 to submit comments, suggestions, or objections to the proposed amendment. No comments were received. However, it has been determined that the format of portions of the proposal would be more self-explanatory if the text was rearranged. Accordingly, several editorial changes are made and the proposed amendments to §§ 2451.2, 2451.4, and 2461.2 are revised.

Since these are nonsubstantive modifications, the proposed amendment is hereby adopted as revised, and is set forth below in its entirety. This amendment shall become effective July 1, 1973.

JOHN C. WHITAKER,
Acting Secretary
of the Interior.

MARCH 1, 1973.

Group 5400 of Chapter II of Title 43 of the Code of Federal Regulations is amended as follows:

PART 5400—SALES OF FOREST PRODUCTS; GENERAL

1. In § 5400.0-5 a new paragraph (m) is added to read as follows:

§ 5400.0-5 Definitions.

* * * * * * *

(m) "Loading point" means any landing or other area in which logs are capable of being loaded for transportation out of the contract area: *Provided, however,* That right-of-way timber which has been cut shall not be considered to be at a loading point until such time as logs from any source are actually transported over that portion of the right-of-way.

PART 5440—CONDUCT OF SALES

Subpart 5441—Advertised Sales

2. In § 5441.1-1 the last sentence is amended to read as follows:

§ 5441.1-1 Bid deposits.

* * * The deposit of the successful bidder will be applied on the purchase price at the time the contract is signed by the authorized officer unless the deposit is a corporate surety bid bond or a bond is accepted by the Bureau to secure payment of the first installment.

3. Subpart 5442 is revised to read as follows:

Subpart 5442—Bidding Procedure

Sec.
5442.1 Procedure.
5442.2 Resale of timber from uncompleted contracts.
5442.3 Rejection of bids; waiver of minor deficiencies.

AUTHORITY: Sec. 5, 50 Stat. 875, 61 Stat. 631, as amended, 69 Stat. 367; 43 U.S.C. 1181e, 30 U.S.C. 601 et seq.

§ 5442.1 Bidding.

(a) Bidding at competitive sales shall be conducted by the submission of sealed bids, written bids, oral bids, or a combination of bidding methods as directed by the authorized officer.

(b) In sealed bid sales, the bidder submitting the highest sealed bid shall be declared the high bidder. In the event of a tie in high sealed bids, the high bidder shall be determined by lot from among those who submitted the tie bids.

(c) In oral auction sales, submission of the required minimum bid deposit and a written bid at not less than the advertised appraised price shall be required to participate in oral bidding. The officer conducting the sale shall declare a specific period, prior to oral bidding on each tract, during which bid deposits and written bids may be submitted. Bid deposits and written bids also may be submitted any time prior to the specific period declared by the officer conducting the sale. Oral bidding to determine the high bidder shall begin from the highest written bid after closure of the submittal period. In the event there is a tie in high written bids, and no oral bidding occurs, the bidder who was the first to submit his bid deposit and written bid shall be declared the high bidder. If the officer conducting the sale cannot determine who made the first submission of high tie written bids, the high bidder shall be determined by lot. The declared high bidder must confirm his oral bid in writing immediately after the sale, but failure to do so shall not relieve him of his purchase obligation.

§ 5442.2 Resale of timber from uncompleted contracts.

(a) Except as otherwise provided in this section, in the resale of timber remaining from an uncompleted timber sale contract, no bid will be considered from any person, or from an affiliate of such person, who failed to complete the original contract because of: (1) Cancellation for purchaser's breach; or (2) failure to cut designated timber on portions of the sale area and complete payment by the expiration date. As used in this section: "person" means an individual, partnership, corporation, or association; an "affiliate" means a person who controls or is controlled by another person.

(b) The provisions of paragraph (a) of this section shall apply only: (1) When 50 percent or more of the timber included in the resale is timber remaining from the uncompleted contract; or (2) when imposed because of failure to cut designated timber on portions of the sale area and to complete payments by the expiration date on contracts awarded after the effective date of this regulation.

§ 5442.3 Rejection of bids; waiver of minor deficiencies.

When the authorized officer determines it to be in the interest of the Government to do so, he may reject any or all bids and may waive minor deficiencies in the bids or the timber sale advertisement.

PART 5450—AWARD OF CONTRACT

Subpart 5450—Award of Contract; General

§ 5450.1 [Amended]

4. In § 5450.1 the third sentence of paragraph (a) and the first sentence of paragraph (b) are amended by changing "required performance bond" to read "required performance bond and any required payment."

5. Subpart 5451 is amended as follows:

The heading of Subpart 5451 is amended by changing "Performance Bond" to read "Bonds", the heading of § 5451.1 is amended by changing "Minimum bond requirements; types." to read "Minimum performance bond requirements; types."; § 5451.2 is revised, the heading of § 5451.3 is amended by changing "Bond reduction" to read "Performance bond reduction", and a new § 5451.4 is added. As amended Subpart 5451 reads as follows:

Subpart 5451—Bonds

§ 5451.1 Minimum performance bond requirements; types.

* * * * * * *

Subpart 5451—Bonds

Sec.
5451.1 Minimum performance bond requirements; typs.
5451.2 Performance bonds in excess of minimum.
5451.3 Performance bond reduction.
5451.4 Payment bond.

AUTHORITY: Sec. 5, 50 Stat. 875, 61 Stat. 681, as amended, 69 Stat. 367; 43 U.S.C. 1181e, 30 U.S.C. 601 et seq.

§ 5451.2 Performance bonds in excess of minimum.

(a) To obtain permission for the delayed payment of the first installment, the purchaser must increase the minimum performance bond required by § 5451.1(a) by an amount equal to the first installment. The increased bond must be on a form approved by the Director and upon completion must be approved by the authorized officer. If a bond of corporate surety is used, the bond shall provide that the surety will make payment to the Bureau of the amount of the increase within 60 days after demand therefor by the Bureau whenever the purchaser shall fail to make payment as required by § 5461.2(a)(2) of this chapter.

(b) To obtain permission to cut timber before payment of the second or a subsequent installment the purchaser must increase the minimum performance bond required by § 5451.1(a) by an amount equal to one or more installment payments, as determined by the authorized officer. The adjusted bond must be approved by the authorized officer in writing prior to cutting any timber under the adjusted bond.

§ 5451.3 Performance bond reduction.

* * * * * * *

§ 5451.4 Payment bond.

To obtain permission to (a) cut and remove timber, or (b) remove timber already cut, which has been secured by an increased performance bond as provided for in § 5451.2(b), before payment of the second or subsequent installments, the purchaser must obtain a payment bond in an amount equal to one or more installment payments as determined by the authorized officer. The payment bond may be a bond of a corporate surety shown on the approved list issued by the U.S. Treasury Department and executed on an approved form or negotiable securities of the United States. The payment bond must be approved by the authorized officer in writing prior to cutting or removing any timber under the bond. If a bond of a corporate surety is used, the payment bond shall provide that if the purchaser fails to make payment as required by § 5461.2(a)(4) of this chapter, the surety will make such payment including any required interest to the Bureau within 60 days after demand therefor by the Bureau. With the written approval of the authorized officer a single blanket payment bond may be allocated to two or more contracts with the same purchaser in the same Bureau of Land Management administrative district.

PART 5460—SALES ADMINISTRATION

Subpart 5461—Contract Payments

§ 5461.1 [Amended]

6. In § 5461.1, the first sentence is amended by changing the reference "§ 5451.2" to read "§§ 5451.2 and 5451.4."

7. In § 5461.2, paragraph (a)(2) is revised and paragraphs (a)(3) and (4) are added. As amended § 5461.2 reads as follows:

§ 5461.2 Installment payment requirements.

(a) Contract installment payments shall be determined by authorized officer as follows:

* * * * * * *

(2) *Delayed payment of first installment.* Payment of the first installment required in subparagraph (1) of this paragraph may be delayed if the purchaser increases the performance bond as provided by § 5451.2(a) of this chapter. If delayed payment of first installment is approved by the authorized officer, cash payment for that installment must be made either before the cutting or removing of the last portion of timber sold under the contract having a value equal to the amount of the first installment or at any time the Bureau exercises its authority to cancel the rights of the purchaser under the terms of the contract, whichever occurs first.

(3) *Delayed payment of second or subsequent installments.* Delayed payment of the second or a subsequent installment may be allowed if the purchaser furnishes a bond as provided by § 5451.2 (b) of this chapter. The first installment shall be paid in the same manner as provided in paragraph (a) (1) and (2) of this section. If cutting is permitted before payment, as provided by § 5451.2 (b) of this chapter, payment by installment shall be made before timber may be skidded or yarded to a loading point or removed from the contract area. Each subsequent installment shall be due and payable without notice when the sale value of the timber skidded or yarded

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to a loading point or removed equals the sum of all the payments minus the first installment. The unenhanced value of timber allowed to be cut in advance of payment is limited to the amount of the increase over and above the required minimum performance bond. Upon payment, the amount of the bond may be applied to other timber sold under the contract to permit its cutting in advance of payment.

(4) *Payment where cutting or removal has been permitted under payment bond authorized by § 5451.4 of this chapter.* The first installment shall be paid in the same manner as provided in subparagraphs (1) and (2) of this paragraph. If cutting and/or removal is permitted before payment, as provided by § 5451.4 of this chapter, the purchaser shall be billed monthly for timber skidded or yarded to a loading point or removed from the contract area and for any related road maintenance fees unless a lesser period is agreed to by the Bureau and the purchaser. Payment shall be made within 15 days of the billing date shown on the billing form. The unenhanced value of timber allowed to be cut and/or removed in advance of payment is limited to the amount of the payment bond. Upon payment, the amount of the bond may be applied to other timber.

Subpart 5463—Expiration of Time for Cutting and Removal

§ 5463.1 [Amended]

8. In § 5463.1 the words "thirty months" are changed to read "thirty-six months."

[FR Doc.73-4491 Filed 3-7-73;8:45 am]

Title 50—Wildlife and Fisheries

CHAPTER I—BUREAU OF SPORT FISHERIES AND WILDLIFE, FISH AND WILDLIFE SERVICE, DEPARTMENT OF THE INTERIOR

PART 28—PUBLIC ACCESS, USE, AND RECREATION

De Soto National Wildlife Refuge, Iowa and Nebr.

The following special regulations are issued and are effective on March 8, 1973.

§ 28.28 Special regulations, public access, use, and recreation, for individual wildlife refuge areas.

IOWA-NEBRASKA

DE SOTO NATIONAL WILDLIFE REFUGE

Public recreational activities on De Soto National Wildlife Refuge, Missouri Valley, Iowa, are permitted from April 15 through September 30, 1973, inclusive, subject to the following special conditions:

(1) *Authorized activities.* Public recreational activities are limited to fishing, picnicking, swimming, boating, water skiing, sightseeing, mushroom picking, and nature observation.

(2) *Open season.* The open season for general public recreation use is from April 15, 1973, through September 30, 1973. During the period April 15, 1973, through May 25, 1973, the public recreational use area is open from 6 a.m. to 9 p.m. c.d.s.t. During the remainder of the public recreational season, the area is open daily from 6 a.m. through 10 p.m., c.d.s.t. Between the dates of September 16 and September 30, 1973, all water-oriented recreational activities, except boat and bank fishing, are prohibited. Swimming will be permitted from May 16 through September 3, 1973, between the hours of 11 a.m. and 7 p.m., and only in the designated beach area. Admittance onto the refuge is prohibited 1 hour prior to the scheduled closing time. Two separate mushroom picking areas are open daily to the public during the month of May, hours of use are the same as for the general use area.

(3) *Open area.* The area open for general public use comprises approximately 2,000 acres and the special mushroom picking areas comprise approximately 1,100 acres. These areas are delineated on a map available at the refuge headquarters and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, 10597 West Sixth Avenue, Denver, CO 80215. Maps of the open areas are also posted or available for handout at entrance points.

(4) *Access.* Entry onto the open area is permitted only at gates or points of entry specifically posted for this purpose.

(5) *User fees.* Entry to the public use area shall be subject to fee charging for use of facilities. The types of user permits available and the fees therefor shall be as determined by the Secretary. Permits will be available at fee collection stations located at two entrance points.

(6) *Other provisions.* The use of air mattresses, innertubes, beach balls and all other flotation devices, other than life preservers, is prohibited on refuge waters.

(b) The possession of bottles or cans is prohibited on the designated swimming beach.

(c) The use of fire is permitted, but only in grills.

(d) Access to refuge waters with airboats or houseboats is prohibited.

(e) Access to refuge waters with boats that have toilets that flush directly into the water is prohibited, unless such toilets are sealed from use.

(f) The possession of open alcoholic beverages is prohibited on any boat propelled by mechanical power while the craft is in operation.

(g) The lake being long and narrow requires that all boaters keep to the right and maintain a highway type traffic pattern. Turns shall always be made to the operator's left except when beaching or docking a boat.

(h) A portion of the refuge lake is posted as a "No Wake Zone." Boaters using this area shall travel at an idling speed sufficiently slow to prevent a wake that would rock another boat.

(i) All boats are prohibited from loading or unloading passengers from the swimming area.

(j) All boat and bank fishermen will be permitted to use the entire lake.

The provisions of this special regulation supplement the regulations which govern public access, use, and recreation on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 28, and are effective through September 30, 1973.

STEVEN W. FRICK,
Acting Refuge Manager, De Soto National Wildlife Refuge, Missouri Valley, Iowa.

FEBRUARY 28, 1973.

[FR Doc.73-4474 Filed 3-7-73;8:45 am]

PART 32—HUNTING

Hagerman National Wildlife Refuge, Tex.

The following special regulation is issued and is effective on March 8, 1973.

§ 32.22 Special regulations; upland game; for individual wildlife refuge areas.

TEXAS

HAGERMAN NATIONAL WILDLIFE REFUGE

The public hunting of rabbits and squirrels on the Hagerman National Wildlife Refuge, Tex., is permitted only on the area designated by signs as open to hunting. This open area, comprising 2,644 acres, is delineated on maps available at refuge headquarters, 15 miles northwest of Sherman, Tex., and from the Regional Director, Bureau of Sport Fisheries and Wildlife, Post Office Box 1306, Albuquerque, NM 87103. Hunting shall be in accordance with all applicable State regulations governing the hunting of rabbits and squirrels subject to the following special conditions:

(1) The open season for hunting rabbits and squirrels on the refuge extends from May 1 through July 31, 1973, inclusive.

(2) Hunting with rifles or handguns is not permitted.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through July 31, 1973.

BERT M. ANDUSS,
Refuge Manager, Hagerman National Wildlife Refuge, Sherman, Tex.

FEBRUARY 22, 1973.

[FR Doc.73-4475 Filed 3-7-73;8:45 am]

PART 33—SPORT FISHING

Mark Twain National Wildlife Refuge, Ill.-Iowa-Mo.

The following special regulation is issued and is effective on March 8, 1973.

§ 33.5 Special regulations; sport fishing; for individual wildlife refuge areas.

ILLINOIS-IOWA-MISSOURI

MARK TWAIN NATIONAL WILDLIFE REFUGE

Sport fishing on the Mark Twain National Wildlife Refuge, Ill., Iowa, and Mo., is permitted only on the areas designated by signs as open fishing. These open areas, comprising 6,457 acres, are delineated on maps available at the refuge headquarters and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, Federal Building, Fort Snelling, Twin Cities, Minn. 55111. Sport fishing shall be in accordance with all applicable State regulations subject to the following special conditions:

ILLINOIS

(1) The open season for sport fishing on the Batchtown, Calhoun, and Gilbert Lake Divisions of the Mark Twain National Wildlife Refuge extends from January 1, 1973, through October 15, 1973, with the exception of certain designated areas which are open until December 31, 1973.

(2) The open season for sport fishing on the Keithsburg Division of the Mark Twain National Wildlife Refuge extends from January 1, 1973, through October 15, 1973.

(3) The open season for sport fishing on the Gardner Division of the Mark Twain National Wildlife Refuge extends from January 1, 1973, through October 15, 1973.

IOWA

(1) The open season for sport fishing on the Louisa Division of the Mark Twain National Wildlife Refuge extends from January 1, 1973, through September 30, 1973, with the exception of areas adjacent to the Port Louisa road which are open until December 31, 1973.

(2) The open season for sport fishing on the Big Timber Division of the Mark Twain National Wildlife Refuge extends from January 1, 1973, through December 31, 1973.

MISSOURI

(1) The open season for sport fishing on the Clarence Cannon National Wildlife Refuge extends from April 1, 1973, through September 30, 1973, with the exception of Bryants Creek and certain designated areas which are open from January 1, 1973, through December 31, 1973.

The provisions of this special regulation supplement the regulations which govern fishing on wildlife refuge areas generally which are set forth in Title 50, Part 33, and are effective through December 31, 1973.

LESLIE F. BEATY,
Refuge Manager, Mark Twain National Wildlife Refuge, Quincy, Ill.

MARCH 1, 1973.

[FR Doc.73-4476 Filed 3-7-73;8:45 am]

CHAPTER II—NATIONAL MARINE FISHERIES SERVICE, NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION, DEPARTMENT OF COMMERCE

SUBCHAPTER F—AID TO FISHERIES

PART 258—FISHERMEN'S PROTECTIVE ACT PROCEDURES

Provision for Extension and Change of Fund's Name

The account established in the Treasury of the United States under the provisions of section 7(c) of the Act and referred to as the Fishermen's Protective Fund shall hereinafter be known as the Fishermen's Guarantee Fund.

Public Law 92-594 amended section 7 of the Fishermen's Protective Act of 1967 (22 U.S.C. 1977) by providing that "The provisions of this section shall be effective until July 1, 1977."

Agreements and fees under the Act are based on a July 1 to June 30 year. Nevertheless, since the Fishermen's Protective Act of 1967 was to have expired on February 8, 1973, agreements for the year beginning July 1, 1972, were effective only through February 8, 1973. Public Law 92-594 amended the Act by extending its provisions until July 1, 1977. Therefore, § 258.5 of the regulations is here being amended to extend agreements for the year beginning July 1, 1972, through a new termination date of June 30, 1973. Fees are subject to adjustment as provided for in paragraph (a) of § 258.5. The Administration is presently considering adjusting fees for the current agreement year. Appropriate notice will first be given.

This amendment relates to matters which are exempt from the rule making requirements of the Administrative Procedures Act (5 U.S.C. 553). Furthermore, this amendment makes no substantive change in the conduct of the program. This amendment is hereby adopted.

Paragraph (d) of § 258.1 is hereby amended by deleting the present paragraph and substituting therefor the following:

§ 258.1 Definition of terms.

* * * * * *

(d) *Fishermen's Guarantee Fund.* The account established in the Treasury of the United States under the provision of section 7(c) of the Act.

* * * * * *

§ 258.5 [Amended]

Paragraph (b) of § 258.5 is hereby amended by deleting "February 8, 1973, unless extended" and substituting therefor "June 30, 1973,".

Dated: February 27, 1973.

By order of the Administrator, National Oceanic and Atmospheric Administration.

ROBERT M. WHITE,
Administrator.

[FR Doc.73-4443 Filed 3-7-73;8:45 am]

Title 6—Economic Stabilization

CHAPTER I—COST OF LIVING COUNCIL

PART 130—COST OF LIVING COUNCIL PHASE III REGULATIONS

Sale of Crude Petroleum and Petroleum Products

Part 130 is amended by adding an appendix to Subpart K providing for special mandatory rules established pursuant to Subpart K of the Economic Stabilization Regulations and setting forth Special Rule No. 1 governing prices for the sale of crude petroleum and petroleum products.

On February 1, 1973, the Cost of Living Council issued a notice of public hearings to receive information and to hear the views of interested persons on appropriate pricing policies for home heating oil with special emphasis on price increases for home heating oil recently effected by major producers. Hearings were held February 7-9, 1973, in the General Services Administration Auditorium, Washington, D.C. Oral and written testimony was received from the representatives of various segments including government agencies, consumers and the oil industry.

The record of the proceedings, together with copies of statements filed with the Council, is available for inspection at the public reference facility of the Council at Room B-120, 2000 M Street NW., Washington, DC during normal business hours.

Based upon its review of the record and other information available to it, the Council has determined that price increases on home heating oil placed into effect in January and February 1973 by many oil companies are supported by adequate cost justification. Moreover, since the date of hearing, the United States has devalued the dollar, thereby increasing the price of imported crude petroleum and petroleum products and adding to the costs incurred by the companies. Consequently, the Council has concluded that the foregoing price increases for home heating oil are not unreasonably inconsistent with the standards of the Economic Stabilization Program so as to warrant challenge under Subpart J of the Council's regulations.

Subpart K of Title 130 of the Economic Stabilization Regulations provides:

"Whenever the Council in the course of administering the Economic Stabilization Program determines that the goals of the program would be significantly advanced by reasserting controls over an industry, sector of the economy, or a part thereof, it may issue a special rule providing, on a prospective basis, for the stabilization of prices or wages and salaries on a mandatory basis, in that industry, sector of the economy or part thereof." Special Rule No. 1 governing prices charged for crude petroleum and petroleum products is being issued pursuant to the procedures of Subpart K.

The petroleum industry is one of America's most basic industries and petroleum products are one of its basic resources. Annual sales are in excess of $80 billion. Moreover, petroleum is not only a vital energy source, but also a basic raw material used in the production of countless manufactured goods. A special rule restraining price increases is thus of particular importance in this industry both because of the influence of petroleum price movements on other segments of the economy, through what might be characterized as a ripple effect, and because petroleum products serve as important inputs into the production process in most sectors. Moreover, since a large portion of crude oil supply is subject to pricing arrangements involving international agreements and since crude

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oil production is unevenly distributed among geographic regions, more specific restraints on prices will help to assure less inflationary cost and price increases throughout the production, processing and distribution chain.

The hearings conducted by the Council clearly brought out the need for actions to assure adequate supplies of gasoline as well as home heating oil in the months immediately ahead. Seasonal demand fluctuations are likely to create pressures on gasoline supplies, and hence upon current gasoline prices, during the summer months. A special rule governing the prices of these products should provide companies with greater certainty on their pricing obligations under the Economic Stabilization Program and should help them in their planning process and in making the wide range of business decisions needed to increase domestic supply. Special rules which recognize the need for flexibility in individual prices to meet seasonal demand fluctuations should also help assure adequate supplies in circumstances where, as here, current prices are below base, but seasonal fluctuation and demand-supply factors may bring about increases above base. In the context of other actions being taken by the Administration to deal with the pressing need for increased supplies of crude petroleum and petroleum products, the special rules should help to stimulate needed domestic investment in expanded refining capacity and to encourage other actions to alleviate possible supply shortfalls.

For all of the foregoing reasons the Council has therefore concluded that the Economic Stabilization Program would be significantly advanced by issuing special rules establishing mandatory controls governing prices for the sale of crude petroleum and petroleum products.

Paragraph 1 sets forth the scope of the controls, which apply to price increases for the sale of crude petroleum and petroleum products. Paragraph 2, in defining the terms used in the special rule, providing that base price for a product covered by a term limit pricing agreement on January 10, 1973, is the price for that product in effect on that date. Otherwise, its base price is its base price as defined in Phase II Price Commission regulations. Paragraph 3 provides that firms which derive $250 million or more of annual sales or revenues from the sale of the specified products are subject to the special rule.

Price increases for these products above base (as defined in paragraph 2 of the special rule) are limited to a weighted annual average price increase of 1 percent above base prices for the year beginning January 11, 1973. Increases above that figure, but not more than 1.5 percent on a weighted annual average basis, must be supported by new cost justification, incurred since the date of this regulation. Any increase above 1.5 percent over base is subject to profit margin limitations and to prenotification rules of the Council in addition to the foregoing rule. Term limit pricing authorization applicable to firms subject to the special rule are terminated as of March 6, 1973. Price increases on covered products made after January 10, 1973, pursuant to a TLP, are to be included in the calculation of weighted average annual price increases.

Firms subject to the special rule are required to file an initial report listing the base prices of their covered products and a calculation of their weighted average price increase covering the period from January 10, 1973, to the date of the special rule. They are also required to file monthly reports covering posted price movements, cost increases, and supply conditions and quarterly reports covering cost increases, profit margins, supply conditions, and weighted average annual price increases.

Because the immediate implementation of Executive Order No. 11695 is required, and because the purpose of this special rule is to provide immediate guidance as to a Cost of Living Council decision, the Council finds that publication in accordance with normal rule making procedure is impracticable and that good cause exists for making this special rule effective in less than 30 days. Interested persons may submit comments regarding this special rule. Communications should be addressed to the Office of General Counsel, Cost of Living Council, Washington, D.C. 20508.

Issued in Washington, D.C. on March 6, 1973.

JAMES W. MCLANE,
Deputy Director,
Cost of Living Council.

Part 130 of Title 6 of the Code of Federal Regulations is amended by adding an appendix to Subpart K to read as follows:

APPENDIX

SPECIAL RULES REASSERTING MANDATORY CONTROLS

Special Rule No. 1

1. *Scope.* This special rule issued in accordance with the provisions of 6 CFR 130.101 establishes mandatory rules governing price adjustments for the sale of crude petroleum and petroleum products.

2. *Definitions.* As used in this special rule—

"Base price" means, in the case of a product not subject to a term limit pricing authorization on January 10, 1973, the base price determined under the provisions of Subpart F of 6 CFR, Part 300, which were in effect on January 10, 1973, or in the case of a product subject to a term limit pricing authorization on January 10, 1973, the price in effect on January 10, 1973.

"Control year" means the year beginning January 11, 1973, and ending January 10, 1974.

"Covered product" means any product described in Standard Industrial Classification Code 1311 (other than natural gas) or 2911.

3. *Applicability.* This special rule applies to each firm which derives $250 million or more of its annual sales or revenues from the sale of covered products.

4. *Pricing rules for covered products.* (a) Except as otherwise provided in subparagraphs (b) and (c) of this paragraph, a firm to which this special rule applies may not increase the price for a covered product above its base price if the increase would result in a weighted annual average price increase for the control year for the firm's covered products of more than 1 percent above base prices.

(b) A firm may increase the price for a covered product above its base price resulting in a weighted annual average price increase for the control year for the firm's covered products of more than 1 percent above base prices but not more than 1.5 percent above base prices only to reflect increased costs incurred since March 6, 1973.

(c) A firm may increase the price for a covered product above its base price resulting in a weighted annual average price increase for the control year for the firm's covered products of more than 1.5 percent only if, in addition to meeting the cost justification requirements of subparagraph (b), (i) the firm's profit margin does not increase over that which prevailed during the base period as defined in Subpart L of 6 CFR, Part 130, and (ii) the firm prenotifies the Cost of Living Council of the increase and receives approval before implementing the increase.

5. *Effect on term limit pricing authorizations.* Term limit pricing authorizations applicable to firms to which this special rule applies are hereby terminated effective March 6, 1973. In computing weighted annual average price increases for the control year, a firm shall include all price increases for covered products put into effect after January 10, 1973, pursuant to a TLP authorization.

6. *Reporting requirements.* Firms to which this special rule applies shall file the following reports with the Cost of Living Council on forms to be prescribed by the Council:

(a) Each firm shall file not later than March 30, 1973, a list of the base price, as defined in paragraph 2 of this special rule, for each of its covered products, and a calculation of its weighted average annual price increase for price increases in covered products implemented since January 10, 1973, and before March 6, 1973.

(b) Each firm shall file a monthly report not later than 30 days after the close of each calendar month commencing with March 1973, setting forth posted price movements, cost increases, and supply conditions.

(c) Each firm shall file a quarterly report, not later than 45 days after the close of each of its fiscal quarters, setting forth cost increases, profit margin, supply conditions, and a computation of its weighted average annual price increase for prices increased above base price as defined in paragraph 2 of this special rule.

[FR Doc.73-4588 Filed 3-6-73;4:01 pm]

Title 7—Agriculture

CHAPTER I—AGRICULTURAL MARKETING SERVICE (STANDARDS, INSPECTIONS, MARKETING PRACTICES), DEPARTMENT OF AGRICULTURE

PART 68—REGULATIONS AND STANDARDS FOR INSPECTION AND CERTIFICATION OF CERTAIN AGRICULTURAL COMMODITIES AND PRODUCTS THEREOF

Fees and Charges for Certain Federal Inspection Services

Statement of considerations. The Agricultural Marketing Act of 1946 provides for the collection of fees equal as nearly as may be the cost of inspection services rendered under its provisions. This amendment adjusts the hourly rate for services charged by the hour under § 68.42a from $10.12 to $11.20 per hour, and makes corresponding changes in fees or charges for certain other services which are based on the hourly rate. The changes are necessary due to recent general salary increases to Federal employees and increases in other costs.

The amendment provides for a baking test for cookies and for a new demonstration grading service. The fee for the baking test for cookies is $5 per test. The fee for the demonstration grading service will be $175 per request, plus all travel costs associated with the performance of the service.

Certain laboratory tests for which there have been no requests for service for several years are being deleted from § 68.42a.

Pursuant to sections 203 and 205 of the Agricultural Marketing Act of 1946, as amended (7 U.S.C. 1622, 1624), the provisions of 7 CFR 68.42a prescribing fees in connection with the inspection of agricultural commodities administratively assigned to the Grain Division are hereby amended as follows:

§ 68.42a Fees and charges for certain Federal inspection services.

The following fees and charges apply to the Federal inspection services specified below:

Service	Fee or charge
Appeal inspection:	
(a) Basis original sample	[1]
(b) Basis new sample	[2]
Bean, lentil, and pea inspection (including chick peas, cowpeas, split peas, and similar commodities):	
(a) Lot inspection:	
(1) Field run (quality and dockage analysis)—per lot	$1.15
(2) Other than field run (grade, class, and quality)—per lot	5.35
(In addition to the fee for analysis or grading in (1) and (2) above, a fee for sampling, checkweighing, and checkloading, if any, will be assessed at the prescribed rate.)	
(b) Sample inspection:	
(1) Field run (quality and dockage analysis)—per lot	7.15
(2) Other than field run (grade, class, and quality)—per sample	5.35
Checkloading—per man-hour	[3] 11.20
Checkweighing—per man-hour	[3] 11.20
Condition examination—per man-hour	[3] 11.20
Demonstration grading—per request	[4] 175.00
Extra copies of certificates—per copy	1.00
Grade factor analysis (as defined in any official U.S. Standards) per factor	3.60
Hay and straw inspection:	
(a) Lot inspection:	
(1) For sampling and grading—per man-hour	11.20
(b) Sample inspection:	
(1) Grade only—per sample	7.15
(2) Factor analysis—per man-hour	11.20
Hop inspection:	
(a) Lot inspection:	
(1) For seed, leaf, and stem content—per lot	8.45
(2) Aphid infestation—per lot	11.20
(In addition to the fee for analysis in (1) and (2) above, a charge for sampling, if any, will be assessed at the prescribed rate.)	
(b) Sample inspection:	
(1) For seed, leaf, and stem content—per sample	8.45
(2) Aphid infestation—per sample	11.20
Laboratory report	1.00
Laboratory testing:	
(a) In addition to the charges, if any, for sampling or other requested service, a fee will be assessed for each laboratory analysis or test as follows:	
(1) Acetyl value	5.00
(2) Acidity—Greek	1.70
(3) Acid value—oil	2.35
(4) Aflatoxin	15.00
(5) Appearance, flavor, and odor of oils	1.10
(6) Ash	1.70
(7) Bacteria count	3.50
(8) Baking test—bread	7.50
(9) Baking test—cookies	5.00
(10) Baking test—prepared mix	3.05
(11) Baumé	4.50
(12) Break test	3.05
(13) Calcium AOAC	4.00
(14) Calcium enrichment	4.00
(15) Calcium carbonate	4.00
(16) Carotenoid color	4.50
(17) Checked and broken macaroni units	2.65
(18) Clarity of oil involving heating	1.45
(19) Cold test—oil	.75
(20) Color—bleached	2.10
(21) Color—Gardner	2.10
(22) Color—Lovibond	2.10
(23) Color—Wesson	2.10
(24) Color—oil and shortening	2.10
(25) Congealpoint	4.30
(26) Consistency	1.35
(27) Cooking test	1.85
(28) Crude fat	2.25
(29) Crude fiber	3.35
(30) Density	1.20
(31) Diastatic activity of flour	2.80
(32) Enrichment—quick test	.85
(33) Falling number	1.25
(34) Farinograph characteristics	5.00
(35) Fat—acid hydrolysis	4.40
(36) Fat—crude	2.25
(37) Fat—extraction	2.25
(38) Fat acidity	1.70
(39) Fat stability—AOM	4.80
(40) Fiber, crude	3.35
(41) Filth—heavy	3.05
(42) Filth—light	4.85
(43) Flash point—open and closed cup	3.05
(44) Flavor, odor, and appearance of oils	1.10
(45) Foots—heated and/or chilled	2.15
(46) Foreign material — processed grain products	2.65
(47) Free fatty acids	2.35
(48) Gossypol, free	3.00
(49) Grade and class of unprocessed grain	[4] 2.30
(50) Heating test—oil and shortening	2.25
(51) Hydrogen ion concentration—pH	1.70
(52) Insoluble bromides	2.20
(53) Insoluble impurities—oil and shortening	2.80
(54) Iodine number or value	2.60
(55) Iron enrichment	6.60
(56) Keeping time—oil and shortening	4.80
(57) Kjeldahl protein	2.05
(58) Linolenic acid	12.00
(59) Lipid phosphorus	5.75
(60) Loss on heating (oil)	1.35
(61) Lysine from fortification	5.00
(62) Lysine from hydrolysis of protein	10.00
(63) Macaroni—checked and broken units	2.65
(64) Maltose value—flour	2.80
(65) Marine oil in vegetable oil—qualitative	2.20
(66) Melting point—Wiley	2.60
(67) Moisture—distillation	2.15
(68) Moisture—oven	1.45
(69) Moisture and volatile matter—oil and shortening	1.35
(70) Neutral oil loss	5.50
(71) Nitrogen solubility index	2.60
(72) Odor, appearance and flavor of oil	1.10
(73) Oil content—oilseed	3.50
(74) pH—Hydrogen ion concentration	1.70
(75) Peroxide value	1.75
(76) Peroxide value after 8 hours AOM	4.80
(77) Phosphorus	3.65
(78) Popping value—popcorn	1.50
(79) Potassium bromate—qualitative	.85
(80) Potassium bromate—quantitative	3.25
(81) Protein—Kjeldahl	2.05
(82) Reducing sugars	8.40
(83) Refractive index	1.20
(84) Riboflavin	6.60
(85) Rope spore count	11.10
(86) Salt content	3.50
(87) Saponification number	3.05
(88) Sieve test	2.20
(89) Smoke point	1.40
(90) Softening point	4.30
(91) Solid fat index	9.90
(92) Solubility in alcohol—oil	1.10
(93) Specific baking volume—prepared mix	3.05
(94) Specific gravity—oils	2.95
(95) Spreadfactor—cookies	5.00
(96) Test weight per bushel—other than grain	1.20
(97) Unsaponifiable matter	5.80
(98) Urease activity	2.25
(99) Viscosity—flour	5.00
(100) Viscosity—Gardner-Holdt	1.50
(101) Water soluble protein	2.60
(102) Xanthydrol test for rodent urine	2.50
(If a requested analysis or test is on the basis of a specified moisture content, a charge for an oven moisture test will also be made.)	
Lentil inspection: (See Bean inspection).	
Minimum fee for services covered by hourly rates—a minimum fee for 2 hours per man, per service request, will be assessed at the applicable hour rate.	
New inspection—fees and charges to be based on services requested.	
Pea inspection: (See Bean inspection).	
Sampling per man-hour	[3] 11.20
Special inspection service per man-hour	[3] 11.20
Split pea inspection: (See Bean inspection).	
Standby time per man-hour	11.20
Straw inspection: (See Hay inspection).	

[1] The applicable grading or laboratory analysis or testing charge. Minimum fee, if any, $11.20.

[2] Applicable sampling charge, if any, plus applicable grading, or laboratory analysis or testing fee.

[3] Only one fee will be charged for these services whether performing singly or concurrently. (But see minimum fee requirement.)

[4] Plus all travel costs associated with the performance of the demonstration grading service.

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The need for increases in the fees for services and the amount thereof are dependent upon facts within the knowledge of the Agricultural Marketing Service. The additional services provided for in this document are voluntary in nature. The provisions, therefore, do not require any action by any member of the public but make available services for which there is a public need. Therefore, under the administrative procedure provisions of 5 U.S.C. 553, it is found upon good cause that notice and other public rule making procedures on the amendments are impractical and unnecessary.

(Sec. 203, 205, 60 Stat. 1087, 1090, as amended; 7 U.S.C. 1622, 1624)

This amendment shall become effective on April 29, 1973.

Done at Washington, D.C., on March 2, 1973.

E. L. PETERSON,
Administrator,
Agricultural Marketing Service.

[FR Doc.73-4186 Filed 3-7-73;8:45 am]

CHAPTER III—ANIMAL AND PLANT HEALTH INSPECTION SERVICE, DEPARTMENT OF AGRICULTURE

PART 301—DOMESTIC QUARANTINE NOTICES

Subpart—Japanese Beetle

EXEMPTIONS

This document revises the Japanese Beetle Quarantine supplemental regulation concerning exemptions to add potting soil to the list of articles exempted from certification, permit, or other requirements. It also changes the conditions under which used mechanized soil-moving equipment is exempt. Used mechanized soil-moving equipment is now exempt if cleaned of all loose noncompacted soil. Various other changes were made.

Pursuant to the provisions of sections 8 and 9 of the Plant Quarantine Act of August 20, 1912, as amended, and section 106 of the Federal Plant Pest Act (7 U.S.C. 161, 162, 150ee), and § 301.48–2 of the Japanese Beetle Quarantine regulations (7 CFR 301.48–2, as amended), a supplemental regulation granting exemption from specified requirements of the regulations is hereby issued to appear in 7 CFR 301.48–2b as set forth below. The Deputy Administrator of Plant Protection and Quarantine Programs has found that facts exist as to the pest risk involved in the movement of such articles which make it safe to relieve the requirements as provided therein.

§ 301.48–2b Exempted articles.[1]

The following articles are exempt from the certification, permit, or other requirements of this subpart if they meet the applicable conditions prescribed in paragraph (a) through (d) of this section and have not been exposed to infestation after cleaning or other handling as prescribed in said paragraphs:

(a) Compost, decomposed manure, humus, and peat, if dehydrated, ground, pulverized, or compressed.

(b) True bulbs, corms, rhizomes, and tubers (other than clumps of dahlia tubers) of ornamental plants, if free of soil.

(c) Used mechanized soil-moving equipment, if cleaned of all loose, noncompacted[2] soil.

(d) Potting soil, if commercially prepared, packaged, and shipped in original containers.

(Secs. 8 and 9, 37 Stat. 318, as amended, sec. 106, 71 Stat. 33; 7 U.S.C. 161, 162, 150ee; 37 FR 28464, 28477; 37 FR 24327, 7 CFR 301.48–2)

This list of exempted articles shall become effective on March 8, 1973, when it shall supersede the list of exempted articles in 7 CFR 301.48–2b which became effective July 1, 1970.

Inasmuch as this revision relieves certain restrictions presently imposed, it should be made effective promptly in order to be of benefit to the persons subject to the restrictions that are being relieved. Accordingly, it is found, under the administrative procedure provisions of 5 U.S.C. 553, that notice and other public procedure with respect to this revision are unnecessary and contrary to the public interest, and good cause is found for making it effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 2d day of March 1973.

LEO G. K. IVERSON,
Deputy Administrator, Plant Protection and Quarantine Programs.

[FR Doc.73-4500 Filed 3-7-73;8:45 am]

PART 301—DOMESTIC QUARANTINE NOTICES

Subpart—Pink Bollworm

REGULATED AREAS

This document amends the list of areas regulated because of the pink bollworm by adding under suppressive areas the following previously nonregulated counties and parish: Conway, Faulkner, Franklin, Jackson, Johnson, Little River, Logan Miller, Woodruff, and Yell Counties in Arkansas; and Caddo Parish in Louisiana.

Pursuant to the provisions of sections 8 and 9 of the Plant Quarantine Act of August 20, 1912, as amended, and section 106 of the Federal Plant Pest Act (7 U.S.C. 161, 162, 150ee), and § 301.52–2 of the Pink Bollworm Quarantine regulations, 7 CFR 301.52–2, as amended, a supplemental regulation designating regulated areas, 7 CFR 301.52–2a, is hereby amended as follows:

A. In § 301.52–2a relating to the State of Arkansas, under suppressive area, the entire description for that State is changed to read as set forth below.

B. In § 301.52–2a relating to the State of Louisiana, under suppressive area, the entire description for that State is changed to read as set forth below.

§ 301.52–2a Regulated areas; suppressive and generally infested areas.

* * * * *

ARKANSAS

(1) *Generally infested area.* None.
(2) *Suppressive area.*
Conway County. The entire county.
Faulkner County. The entire county.
Franklin County. The entire county.
Jackson County. The entire county.
Jefferson County. That portion of the county lying east of the Arkansas River and north of U.S. Highway 79.
Johnson County. The entire county.
Lafayette County. The entire county.
Little River County. The entire county.
Logan County. The entire county.
Lonoke County. That portion of the county lying south of Interstate 40.
Miller County. The entire county.
Woodruff County. The entire county.
Yell County. The entire county.

* * * * *

LOUISIANA

(1) *Generally infested area.* None.
(2) *Suppressive area.*
Caddo Parish. The entire parish.
Rapides Parish. The entire parish.

* * * * *

(Secs. 8 and 9, 37 Stat. 318, sec. 106, 71 Stat. 33; 7 U.S.C. 161, 162, 150ee; 37 FR 28464, 28477; 32 FR 16385, 7 CFR 301.72–2)

This amendment shall become effective March 8, 1973, when it shall supersede 7 CFR 301.52–2a effective June 7, 1972.

The Deputy Administrator of the Plant Protection and Quarantine Programs has determined that infestations of the pink bollworm exist or are likely to exist in the civil divisions or parts of civil divisions listed above, or that it is necessary to regulate such localities because of their proximity to infestations or their inseparability for quarantine enforcement purposes from infested localities.

The Deputy Administrator has further determined that each of the quarantined States, wherein only portions of the State have been designated as regulated areas, is enforcing a quarantine or regulation with restrictions on intrastate movement of the regulated articles substantially the same as the restrictions on the interstate movement of such articles imposed by the quarantine and regulations in this subpart, and that designation of less than the entire State as a regulated area will otherwise be adequate to prevent the interstate spread of the pink bollworm. Therefore, such civil divisions and parts of civil divisions listed above are designated as pink bollworm regulated areas.

This amendment imposes restrictions necessary to prevent the spread of the pink bollworm and it should be made effective promptly to accomplish its purpose in the public interest. Accordingly, it is found upon good cause, under the administrative procedure provisions of 5 U.S.C. 553, that notice and other public

[1] The articles hereby exempted remain subject to applicable restrictions under other quarantines.

[2] Compacted soil is defined as soil attached to equipment which cannot be removed by brisk brushing and/or washing with water under normal city water pressure.

procedure with respect to this amendment are impracticable and contrary to the public interest, and good cause is found for making it effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 2d day of March 1973.

LEO G. K. IVERSON,
Deputy Administrator, Plant Protection and Quarantine Programs.

[FR Doc.73-4501 Filed 3-7-73;8:45 am]

CHAPTER VII—AGRICULTURAL STABILIZATION AND CONSERVATION SERVICE (AGRICULTURAL ADJUSTMENT), DEPARTMENT OF AGRICULTURE

SUBCHAPTER B—FARM MARKETING QUOTAS AND ACREAGE ALLOTMENTS

PART 730—RICE

Subpart—1973–74 Marketing Year

PROCLAMATION OF RESULT OF MARKETING QUOTA REFERENDUM

Section 730.1508 is issued to announce the results of the rice marketing quota referendum for the marketing year August 1, 1973, through July 31, 1974, under the provisions of the Agricultural Adjustment Act of 1938, as amended. The Secretary proclaimed a marketing quota for rice for the 1973–74 marketing year and announced that a referendum would be held during the period January 22 to 26, 1972, each inclusive, by mail ballot in accordance with Part 717 of this chapter.

Since the only purpose of § 730.1508 is to announce the referendum results, it is hereby found and determined that compliance with the notice, public procedure, and 30-day effective date provisions of 5 U.S.C. 553 is unnecessary.

§ 730.1508 Proclamation of the result of the rice marketing quota referendum for the marketing year 1973–74.

In a referendum of farmers engaged in the production of rice of the 1972 crop held by mail ballot during the period January 22 to 26, 1973, each inclusive, 11,422 voted. Of those voting 10,768, or 94.3 percent favored quotas for the marketing year beginning August 1, 1973. Therefore rice marketing quotas will be in effect for the 1973–74 marketing year.

(Secs. 354, 375, 52 Stat. 61, as amended, 66, as amended; 7 U.S.C. 1354, 1375)

Effective date: March 8, 1973.

Signed at Washington, D.C., on: March 2, 1973.

KENNETH E. FRICK,
Administrator, Agricultural Stabilization and Conservation Service.

[FR Doc.73-4185 Filed 3-7-73;8:45 am]

CHAPTER VIII—AGRICULTURAL STABILIZATION AND CONSERVATION SERVICE (SUGAR), DEPARTMENT OF AGRICULTURE

SUBCHAPTER B—SUGAR REQUIREMENTS AND QUOTAS

[Sugar Reg. 811, Amdt. 2]

PART 811—CONTINENTAL SUGAR REQUIREMENT AND AREA QUOTAS

Requirements, Quotas, and Quota Deficits for 1973

Basis and purpose and bases and considerations. This amendment is issued pursuant to the authority vested in the Secretary of Agriculture by the Sugar Act of 1948, as amended (61 Stat. 922, as amended; 7 U.S.C. 1101), hereinafter referred to as the "Act." The purpose of this amendment to Sugar Regulation 811 is to revise the determination of sugar requirements for the calendar year 1973, establish quotas and prorations consistent with such requirements and to determine and prorate or allocate the deficits in quotas established pursuant to the Act.

Section 201(a) of the Act requires a determination of the amount of sugar needed to meet the requirements of consumers in the continental United States whenever necessary to attain the price objectives set forth in section 201(b) of the Act.

Section 202(g)(3) of the Act, which sets forth the procedure to use in attaining such price objective, provides that whenever the simple average of prices of raw sugar for 7 consecutive market days ending after October 31 and before March 1 is 3 percent or more above or below the average price objective for the preceding 2 calendar months, the determination of requirements of consumers shall be adjusted to the extent necessary to attain such price objective.

For the 7 consecutive market days ended February 27, the simple average of the daily price of raw sugar was 9.08 cents per pound and was at least 3 percent below the average price objective of 9.49 cents per pound. Therefore, a downward adjustment in sugar requirements is considered appropriate at this time to meet the requirements of the Act.

A decrease in requirements of 100,000 short tons, raw value, is necessary to obtain the price objective set forth in the Act. Accordingly, total sugar requirements for the calendar year 1973 are hereby decreased by 100,000 short tons, raw value, to a total of 11.5 million short tons, raw value.

Section 204(a) of the Sugar Act of 1948, as amended, provides in part that "The Secretary shall, at the time he makes his determination of requirements of consumers for each calendar year and on December 15 preceding each calendar year, and as often thereafter as the facts are ascertainable by him but in any event not less frequently than each 60 days after the beginning of each calendar year, determine whether, _____ any area or country will not market the quota for such area or country."

It was previously determined in Sugar Regulation 811 that the Domestic Beet Sugar Area would be unable to market in excess of 3,500,000 short tons, raw value, of sugar in 1973. Accordingly, deficits were determined in the quota for the Beet area of 96,667 tons representing the amount its quota exceeded 3,500,000 tons. Since this amendment decreases the quota for that area by 47,667 tons, the deficit previously determined in the 1973 quota for the Domestic Beet Sugar Area is reduced by 47,667 short tons, raw value, to 49,000 tons. If production exceeds the present estimates for the Domestic Beet Area, the marketing opportunities for that area within the total quota for that area will not be limited as a result of the deficit determination and proration provided herein.

It is hereby determined that deficits previously declared and that declared herein constitute all known deficits on which data are currently ascertainable by the Department.

Section 202(a)(3) of the Act provides that whenever the sugar produced in Hawaii or Puerto Rico in any year is prevented from being marketed or brought into the continental United States in that year for reasons beyond the control of the shipper or producer of such sugar, the quota for the immediately following year shall be increased by an amount equal to the amount of sugar so prevented from being marketed or brought into the continental United States _____. It is hereby determined that 75,000 tons of 1972 Hawaiian quota sugar were not shipped to the United States due to a west coast shipping strike which lasted from October 24, to December 12, 1972. On the basis of information available to the Department such undershipment is herein determined to be beyond the control of the shipper. Therefore, the 1973 quota for Hawaii has been increased herein by 75,000 tons.

By virtue of the authority vested in the Secretary of Agriculture by the Act, Part 811 of this chapter is hereby amended by amending §§ 811.20, 811.21, 811.22, and 811.23 as follows:

1. Section 811.20 is amended to read as follows:

§ 811.20 Sugar requirements, 1973.

The amount of sugar needed to meet the requirements of consumers in the continental United States for the calendar year 1973 is hereby determined to be 11.5 million short tons, raw value.

2. Section 811.21 is amended by amending paragraph (a) to read as follows:

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§ 811.21 Quotas for domestic areas.

(a) (1) For the calendar year 1973, domestic area quotas limiting the quantities of sugar which may be brought into or marketed for consumption in the continental United States are established, pursuant to section 202(a) of the Act, in column (1) and the amounts of such quotas for offshore areas that may be filled by direct-consumption sugar are established, pursuant to section 207 of the Act in column (2) as follows:

Area	Quotas	Direct consumption limits
	(1)	(2)
	(Short tons, raw value)	
Domestic beet sugar	3,849,000	No limit
Mainland cane sugar	1,891,000	No limit
Texas cane sugar	20,000	No limit
Hawaii	1,196,000	40,356
Puerto Rico	855,000	109,000

(2) It is hereby determined pursuant to section 204(a) of the Act that for the calendar year 1973, the Domestic Beet Sugar Area and Puerto Rico will be unable by 49,000 and 650,000 short tons, raw value, respectively, to fill the quotas established for such areas in subparagraph (1) of this paragraph. Pursuant to section 204(b) of the Act the determination of such deficits shall not affect the quotas established in subparagraph (1) of this paragraph.

• • • • • •

3. Section 811.22 is amended by amending paragraph (a) to read as follows:

§ 811.22 Proration and allocation of deficits in quotas.

(a) The total deficits determined in quotas established under section 202 of the Act for the Domestic Beet Area and Puerto Rico of 699,000 short tons, raw value, is hereby prorated and allocated pursuant to section 204(a) of the Act, by allocating 30.08 percent or 210,259 short tons, raw value, to the Republic of the Philippines and by prorating the remaining 488,741 short tons, raw value, to Western Hemisphere countries on the basis of quotas determined herein pursuant to section 202.

• • • • • •

4. Section 811.23 is amended by amending paragraphs (b) and (c) to read as follows:

§ 811.23 Quotas for foreign countries.

• • • • • •

(b) For the calendar year 1973, the quota for the Republic of the Philippines is 1,347,591 short tons, raw value, representing 1,126,020 short tons, established pursuant to section 202(b) of the Act, 210,259 short tons established pursuant to section 204(a) of the Act, and 11,312 short tons established pursuant to section 202(d) of the Act. Of the quantity of 1,126,020 short tons established pursuant to section 202(b) of the Act, only 59,920 short tons, raw value, may be filled by direct-consumption sugar pursuant to section 207(d) of the Act.

(c) For the calendar year 1973, the prorations to individual foreign countries other than the Republic of the Philippines pursuant to section 202 of the Act are shown in columns (1) and (2) of the following table. Deficit prorations previously established in this Sugar Regulation 811 are shown in column (3). New deficit prorations established herein are shown in column (4). Total quotas and prorations are shown in column (5).

Countries	Basic quotas	Temporary quotas and prorations pursuant to Sec. 202(d) [1]	Previous deficit prorations	New deficit prorations	Total quotas and prorations
	(1)	(2)	(3)	(4)	(5)
	(Short tons, raw value)				
Dominican Republic	408,584	137,103	110,096	−7,025	648,668
Mexico	358,889	121,250	97,313	−6,212	571,040
Brazil	349,317	118,262	94,906	−6,069	556,916
Peru	250,222	84,618	67,913	−4,336	398,417
West Indies	130,548	44,130	35,418	−2,261	207,835
Ecuador	51,649	17,469	14,013	−894	82,236
Argentina	48,490	16,399	13,158	−840	77,182
Costa Rica	43,727	14,782	11,863	−757	69,615
Colombia	43,098	14,567	11,691	−746	68,606
Panama	40,875	13,818	11,090	−708	65,075
Nicaragua	38,974	13,178	10,574	−675	62,048
Venezuela	37,390	12,639	10,144	−648	59,525
Guatemala	27,260	9,211	7,393	−472	43,392
El Salvador	21,547	7,284	5,845	−373	34,303
British Honduras	19,645	6,641	5,330	−340	31,276
Haiti	7,606	2,570	2,053	−131	12,107
Honduras	4,119	1,393	1,118	−72	6,558
Bolivia	4,119	1,393	1,118	−72	6,558
Paraguay	159,085	46,144			205,229
Australia	66,224	19,212			85,436
Republic of China	63,689	18,476			82,165
India	44,994	13,053			58,047
South Africa	34,585	10,112			44,967
Fiji Islands	23,448	6,802			30,250
Mauritius	23,448	6,802			30,250
Swaziland	14,576	4,228			18,804
Thailand	11,724	3,401			15,125
Malawi	9,506	2,758			12,264
Malagasy Republic	8,351				8,351
Ireland					
Total	2,381,188	781,490	322,070	−33,329	3,651,409

[1] Proration of the quotas withheld from Cuba, Southern Rhodesia, Bahamas, and Uganda.

• • • • • •

(Secs. 201, 202, 204, and 403; 61 Stat. 923, as amended, 924, as amended, 925, as amended, 932; and 7 U.S.C. 1111, 1112, 1114, and 1163)

Effective date. This action decreases requirements and quotas for the calendar year 1973 by 100,000 tons and revises deficit determinations and allocations. In order to promote orderly marketing, it is essential that this amendment be effective immediately so that all persons selling and purchasing sugar for consumption in the continental United States can promptly plan and market under the changed marketing opportunities. Therefore, it is hereby determined and found that compliance with the notice, procedure, and effective date requirements of 5 U.S.C. 533 is unnecessary, impracticable, and contrary to the public interest and this amendment shall be effective when filed for public inspection in the Office of the Federal Register.

Signed at Washington, D.C., on March 2, 1973.

KENNETH E. FRICK,
Administrator, Agricultural Stabilization and Conservation Service.

[FR Doc.73-4323 Filed 3-2-73;11:41 am]

[Valencia Orange Reg. 420]

PART 908—VALENCIA ORANGES GROWN IN ARIZONA AND DESIGNATED PARTS OF CALIFORNIA

Limitation of Handling

This regulation fixes the quantity of California-Arizona Valencia oranges that may be shipped to fresh market during the weekly regulation period March 9–March 15, 1973. It is issued pursuant to the Agricultural Marketing Agreement Act of 1937, as amended, and Marketing Order No. 908. The quantity of Valencia oranges so fixed was arrived at after consideration of the total available supply of Valencia oranges, the quantity of Valencia oranges currently available for market, the fresh market demand for Valencia oranges, Valencia orange prices, and the relationship of season average returns to the parity price for Valencia oranges.

§ 908.720 Valencia Orange Regulation 420.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 908, as amended (7 CFR Part 908), regulating the handling of Valencia oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Valencia Orange Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such Valencia oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) The need for this section to limit the respective quantities of Valencia oranges that may be marketed from District 1, District 2, and District 3 during the ensuing week stems from the production and marketing situation confronting the Valencia orange industry.

(i) The committee has submitted its recommendation with respect to the quantities of Valencia oranges that should be marketed during the next succeeding week. Such recommendation, designed to provide equity of marketing opportunity to handlers in all districts, resulted from consideration of the factors enumerated in the order. Prices at auction have averaged $3.49 per carton for the season to date.

(ii) Having considered the recommendation and information submitted by the committee, and other information, the Secretary finds that the respective quantities of Valencia oranges which may be handled should be fixed as hereinafter set forth.

(3) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for Valencia oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such Valencia oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this regulation will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on March 6, 1973.

(b) *Order.* (1) The respective quantities of Valencia oranges grown in Arizona and designated part of California which may be handled during the period March 9, 1973, through March 15, 1973, are hereby fixed as follows:

(i) District 1: Unlimited;

(ii) District 2: Unlimited;

(iii) District 3: 200,000 cartons.

(2) As used in this section, "handled," "District 1," "District 2," "District 3," and "carton" have the same meaning as when used in said amended marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: March 7, 1973.

PAUL A. NICHOLSON,
Acting Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc.73-4662 Filed 3-7-73;2:05 pm]

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Proposed Rule Making

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 278]

CONTROL OF ELECTRONIC PRODUCT RADIATION; ASSEMBLY OF DIAGNOSTIC X-RAY SYSTEMS

Notice of Proposed Rule Making

Correction

In FR Doc. 73-3499 appearing at page 5349 in the issue of Wednesday, February 28, 1973, make the following changes in § 278.102:

1. In the 11th line of paragraph (a), "§ 278.213-1(a)(2)", should read "278.213-1(d)(2)".

2. In paragraph (b):

a. In the ninth line, immediately after "§ 278.213-1(d)(1)", insert the conjunction "or".

b. In the last line, put a period after "§ 278.213-1(d)(2)", and delete "if the components so".

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 71]

[Airspace Docket No. 72-NW-17]

TRANSITION AREA

Proposed Alteration

Correction

In FR Doc. 73-3758 appearing on page 5482 in the issue of Thursday, March 1, 1973, in the 11th line of the second paragraph, change the date "March 2, 1973", to read "April 2, 1973".

Federal Aviation Administration

[14 CFR Part 71]

[Airspace Docket No. 73-SO-13]

TRANSITION AREA

Proposed Alteration

The Federal Aviation Administration is considering an amendment to Part 71 of the Federal Aviation Regulations that would alter the Nashville, Tenn., transition area.

Interested persons may submit such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Federal Aviation Administration, Southern Region, Air Traffic Division, Post Office Box 20636, Atlanta, GA 30320. All communications received on or before April 9, 1973, will be considered before action is taken on the proposed amendment. No hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Chief, Airspace and Procedures Branch. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in light of comments received.

The official docket will be available for examination by interested persons at the Federal Aviation Administration, Southern Region, Room 724, 3400 Whipple Street, East Point, GA.

The Nashville transition area described in § 71.181 (38 FR 435) would be amended as follows:

"• • • long. 86°18'55" W.) • • •" would be deleted and "• • • long. 86°18'55" W.); within an 8-mile radius of Murfreesboro Municipal Airport (lat. 35°52'32" N., long. 86°22'45" W.); within 3 miles each side of the 007° bearing from Lascassas RBN (lat. 35°52'18" N., long. 86°22'37" W.), extending from the 8-mile-radius area to 8.5 miles north of the RBN • • •" would be substituted therefor.

The proposed alteration is required to provide controlled airspace protection for IFR operations at Murfreesboro Municipal Airport, Murfreesboro, Tenn. A prescribed instrument approach procedure to this airport, utilizing the Lascassas (private) nondirectional radio beacon, is proposed in conjunction with the alteration of this transition area.

(Sec. 307(a), Federal Aviation Act of 1958, 49 U.S.C. 1348(a); sec. 6(c), Department of Transportation Act, (49 U.S.C. 1655(c))

Issued in East Point, Ga., on February 26, 1973.

PHILLIP M. SWATEK,
Director, Southern Region.

[FR Doc.73-4415 Filed 3-7-73;8:45 am]

[14 CFR Part 71]

[Airspace Docket No. 73-SO-14]

TRANSITION AREA

Proposed Alteration

The Federal Aviation Administration is considering an amendment to Part 71 of the Federal Aviation Regulations that would alter the Chattanooga, Tenn., transition area.

Interested persons may submit such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Federal Aviation Administration, Southern Region, Air Traffic Division, Post Office Box 20636, Atlanta, GA 30320. All communications received on or before April 9, 1973, will be considered before action is taken on the proposed amendment. No hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Chief, Airspace and Procedures Branch. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in light of comments received.

The official docket will be available for examination by interested persons at the Federal Aviation Administration, Southern Region, Room 724, 3400 Whipple Street, East Point, GA.

The Chattanooga transition area described in § 71.181 (38 FR 435) would be amended as follows:

"• • • 030° bearing from Lovell Field • • •" would be deleted and "• • • 030° bearing from Lovell Field; within a 6.5-mile radius of Hardwick Field, Cleveland, Tenn. (lat. 35°13'20" N., long. 84°49'58" W.); within 3 miles each side of the 221° bearing from Hardwick RBN (lat. 35°09'13" N., long. 84°54'21" W.), extending from the 6.5-mile-radius area to 8.5 miles southwest of the RBN • • •" would be substituted therefor.

The proposed alteration is required to provide controlled airspace protection for IFR operations at Hardwick Field, Cleveland, Tenn. A prescribed instrument approach procedure to this airport, utilizing the Hardwick (private) nondirectional radio beacon, is proposed in conjunction with the alteration of this transition area.

(Sec. 307(a), Federal Aviation Act of 1958, 49 U.S.C. 1348(a); sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in East Point, Ga., on February 26, 1973.

PHILIP M. SWATEK,
Director, Southern Region.

[FR Doc.73-4414 Filed 3-7-73;8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

[40 CFR Part 50]

PREPARATION, ADOPTION, AND SUBMITTAL OF IMPLEMENTATION PLANS

Advance Notice of Proposed Rule Making

On August 14, 1971 (36 FR 15486), the Administrator of the Environmental Protection Agency (EPA) promulgated as 40 CFR Part 420, regulations for the preparation, adoption, and submittal of State implementation plans under § 110 of the Clean Air Act, as amended. These regulations were republished November 25, 1971 (36 FR 22398), as 40 CFR Part 51. Section 110(a)(2)(B) of the Clean Air Act and 40 CFR 51.12 require that State implementation plans provide for maintenance as well as for attainment of the national standards.

On January 31, 1973, the U.S. Court of Appeals for the District of Columbia Circuit issued an order in the case of Natural Resources Defense Council, Inc., et al. v. Environmental Protection Agency (Case No. 72-1522) and seven related cases. That order directed the Administrator of EPA to again review all implementation plans which were approved on May 31, 1972 (37 FR 10842, et seq.), to determine if they contain measures necessary to insure maintenance of the standards.

Such review has been completed and the Administrator has determined that it is necessary for State plans to contain, as a minimum, procedures whereby the State can review, prior to construction or modification, the location both of sources of pollution and of other facilities which may cause an increase in air pollution because of activities associated with such facilities, in order to insure that the national standards will be maintained; 40 CFR 51.18 imposes a review requirement with respect to stationary sources of air pollution. However, it does not require the review of facilities to determine the effect on air quality caused by associated activity, such as increased motor vehicle traffic. Because the implementation plans did not contain such a provision, they are being disapproved with regard to maintenance of the standards.

Notice is hereby given that the Administrator will propose an amendment to 40 CFR 51.18 which will extend the requirements for review set forth therein to apply to facilities which may cause an increase in air pollution because of activity associated with such facilities. The States will be required to have legally enforceable procedures reviewing, prior to construction or modification, the location of such facilities and for preventing such construction or modification where it would result in interference with the attainment or maintenance of a national standard. The Administrator is presently considering the types of facilities to be covered by such procedures and the factors to be considered in determining the impact such facilities will have on air quality. The amendment to 40 CFR 51.18 will be proposed by April 15, 1973.

The reasons for the regulation and the general form of it are more specifically discussed in the preamble to the Administrator's disapproval of the maintenance provisions of State plans which is published in 38 FR 6279. This advance notice of proposed rule making is published with the intention of informing the public of the Agency's actions and plans in this important area, and for the purpose of providing States notice of an impending change in the implementation plan regulations which will require the adoption and submission to the Administrator of additional plan provisions. States should begin now to determine whether they have adequate legal authority to adopt such a regulation and, if they do not, take steps to secure such legal authority.

Dated: March 2, 1973.

WILLIAM D. RUCKELSHAUS,
Administrator,
Environmental Protection Agency.

[FR Doc.73-4404 Filed 3-7-73;8:45 am]

SMALL BUSINESS ADMINISTRATION

[13 CFR Part 121]

SMALL BUSINESS SIZE STANDARDS

Definition of Affiliates as Affecting Licensed Small Business Investment Companies and Certain Other Registered Companies

The purpose of this notice is to give the public an opportunity to comment on a proposal by the Administrator of the Small Business Administration to amend the definition of the term "affiliates" as used in the small business size standards regulation to exclude licensed small business investment companies (SBIC) and investment companies registered under the Investment Company Act of 1940, as amended, from being considered as affiliates for size determination purposes, notwithstanding the fact that there may be common ownership, common management, or contractual relationship between such companies and an applicant for SBA assistance.

Section 121.3-2(a) of the currently effective size standards regulation provides that concerns are affiliated if one concern other than an investment company licensed under the Investment Company Act of 1958 or registered under the Investment Company Act of 1940 controls or has the power to control both. Concerns also are affiliated if the same third party, other than an SBIC or investment company registered under the Investment Company Act of 1940, controls or has the power to control both. However, the regulation does not except from affiliation the situation wherein a third party controls or has the power to control both an SBIC (or an investment company registered under the Investment Company Act of 1940) and another concern. Thus, an otherwise small concern might lose its small business size status just because the party which controls or has the power to control it, also controls or has the power to control an SBIC (or an investment company registered under the Investment Company Act of 1940).

It is the view of the Small Business Administration that, to preclude a concern from receiving SBA assistance under the above circumstances would be contra to the intent and spirit of the Small Business Act in that it would discourage the formation of companies designed to assist small business and in many instances also prevent the Government from assisting concerns which are really small and need such assistance.

Accordingly it is proposed to amend Part 121 of Chapter I of Title 13 of the Code of Federal Regulations by revising § 121.3-2(a) to read as follows:

§ 121.3-2 Definition of terms used in this part.

(a) Affiliates: Concerns, other than investment companies licensed under the Small Business Investment Act of 1958 or registered under the Investment Company Act of 1940, as amended, are affiliates of each other when either directly or indirectly (1) one concern controls or has the power to control the other, or (2) a third party or parties controls or has the power to control both. In determining whether concerns are independently owned and operated and whether or not affiliation exists, consideration shall be given to all appropriate factors, including common ownership, common management, and contractual relationships: *Provided, however*, That restraints imposed on a franchisee by its franchise agreement shall not be considered in determining whether the franchisor controls or has the power to control and, therefore, is affiliated with the franchisee, if the franchisee has the right to profit from his effort, commensurate with ownership, and bears the risk of loss or failure. Where a concern is a subcontractor pursuant to section 8(a)(2) of the Small Business Act and, in connection therewith, is the subject of a divestiture agreement approved by SBA for the benefit of socially or economically disadvantaged individuals, the receipts, employment, and other factors of the concern attributable to the section 8(a)(2) subcontract shall not be included in determining the size of either concern during the term of such divestiture agreement. Other contracts and business of such subcontractor may also be excluded in determining the size if, in the judgment of SBA, substantial beneficiaries of such other contracts and business will be the socially or economically disadvantaged individuals in question.

• • • • • •

Interested persons may file with the Small Business Administration on or before April 9, 1973, written statements of facts, opinions, or arguments concerning the proposal.

All correspondence shall be addressed to:

William L. Pellington, Director, Office of Industry Studies and Size Standards, Small Business Administration, 1441 L Street NW., Washington, DC 20416.

Dated: February 26, 1973.

THOMAS S. KLEPPE,
Administrator.

[FR Doc.73-4461 Filed 3-7-73;8:45 am]

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Notices

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF THE TREASURY

Comptroller of the Currency

COMPTROLLER OF CURRENCY'S CONSULTING COMMITTEE OF BANK ECONOMISTS

Notice of Closed Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Public Law 92-463), notice is hereby given that a closed meeting of the Comptroller of the Currency's Consulting Committee of Bank Economists will be held at 9:30 a.m. on March 28, 1973.

The purpose of this meeting is to provide assistance to the Comptroller of the Currency through informal discussions on those banking issues and problems that lend themselves to economic analysis. The Committee functions as a subgroup of the National Advisory Committee on Banking Policies and Practices.

It is hereby determined pursuant to section 10(d) of Public Law 92-463 that the meeting is concerned with matters listed in section 552(b) of title 5 of the United States Code and particularly with exceptions (3), (4), and (8) thereof, and is therefore exempt from the provisions of sections 10 (a)(1) and (a)(3) of the Act (Public Law 92-463) relating to open meetings and public participation therein.

Dated: March 5, 1973.

[SEAL] WILLIAM B. CAMP,
Comptroller of the Currency.

[FR Doc.73-4498 Filed 3-7-73;8:45 am]

Fiscal Service

[Dept. Circ. 570, 1972 Rev., Supp. No. 14]

INA REINSURANCE COMPANY

Surety Company Acceptable on Federal Bonds

A Certificate of Authority as an acceptable surety on Federal bonds has been issued by the Secretary of the Treasury to the following company under sections 6 to 13 of title 6 of the United States Code. An underwriting limitation of $2,452,000 has been established for the company.

Name of company, location of principal executive office, and State in which incorporated:

INA Reinsurance Company
Philadelphia, Pennsylvania
Delaware

Certificates of Authority expire on June 30 each year, unless sooner revoked, and new Certificates are issued on July 1 so long as the companies remain qualified (31 CFR Part 223). A list of qualified companies is published annually as of July 1 in Department Circular 570, with details as to underwriting limitations, areas in which licensed to transact fidelity and surety business and other information. Copies of the Circular, when issued, may be obtained from the Treasury Department, Bureau of Accounts, Audit Staff, Washington, D.C. 20226.

Dated: March 5, 1973.

[SEAL] JOHN K. CARLOCK,
Fiscal Assistant Secretary.

[FR Doc.73-4497 Filed 3-7-73;8:45 am]

DEPARTMENT OF DEFENSE

Office of the Secretary

NOTICE OF ADVISORY GROUP ON ELECTRON DEVICES

Meeting

The Department of Defense Advisory Group on Electron Devices will meet in closed session at 201 Varick Street, New York, NY, March 15, 1973.

MAURICE W. ROCHE,
Director, Correspondence and Directives Division, OASD (Comptroller).

[FR Doc.73-4490 Filed 3-7-73;8:45 am]

JUSTICE DEPARTMENT

Office of the Attorney General

FEDERAL EMPLOYEE SECURITY PROGRAM

Removal of Organizations From the List

In compliance with the order of the U.S. District Court for the District of Columbia dated January 26, 1973, issued in the case Veterans of the Abraham Lincoln Brigade et al. v. The Attorney General, et al.:

Order No. 12-53 of the Attorney General dated April 29, 1953, published at 18 FR 2741-42 concerning the "Designation of Organizations in Connection with the Federal Employee Security Program" as provided by Executive Order No. 10450 is amended by removing from the consolidated list of organizations set forth therein the names "Abraham Lincoln Brigade" and "Veterans of the Abraham Lincoln Brigade."

Dated: February 15, 1973.

RICHARD G. KLEINDIENST,
Attorney General.

[FR Doc.73-4460 Filed 3-7-73;8:45 am]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[CA 167]

CALIFORNIA

Notice of Proposed Withdrawal and Reservation of Lands

FEBRUARY 28, 1973.

The Forest Service, U.S. Department of Agriculture, has filed an application, Serial No. CA 167, for the withdrawal of national forest lands described below from appropriation under the mining laws (30 U.S.C., Ch. 2), but not from leasing under the mineral leasing laws.

The lands are located within the Shasta-Trinity National Forest and have been open to entry under the general mining laws. The lands contain developed campsites and administrative sites and any disturbance to these areas would adversely affect their value for public purposes. The Forest Service has made application to withdraw the lands from mining in order to protect their value for present and future public purposes.

On or before April 9, 1973, all persons who wish to submit comments, suggestions, or objections with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Room E-2841, Federal Office Building, 2800 Cottage Way, Sacramento, CA 95825.

The Department's regulations provide that the authorized officer of the Bureau of Land Management will undertake such investigations as are necessary to determine the existing and potential demand for the lands and their resources. He will also undertake negotiations with the applicant agency with the view of adjusting the application to reduce the area to the minimum essential to meet the applicant's needs, to provide for the maximum concurrent utilization of the lands for purposes other than the applicant's, to eliminate the lands needed for purposes more essential than the applicant's, and to reach agreement on the concurrent management of the lands and their resources.

The authorized officer will also prepare a report for consideration by the Secretary of the Interior who will determine whether or not the lands will be withdrawn as requested by the applicant agency.

The determination by the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

If circumstances warrant, a public hearing will be held at a convenient time and place, which will be announced.

The lands involved in the application are:

MOUNT DIABLO MERIDIAN

SHASTA-TRINITY NATIONAL FOREST

T. 29 N., R. 10 W.,
Sec. 11, SW¼SW¼SW¼;
Sec. 14, S½SE¼, NW¼SE¼, S½NE¼SE¼;
Sec. 23, N½N½NE¼.

The area described aggregates 190 acres of land in Shasta and Trinity Counties.

WALTER F. HOLMES,
Chief, Branch of Lands and Minerals Operations.

[FR Doc.73-4441 Filed 3-7-73;8:45 am]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

GRAIN STANDARDS

Pennsylvania Inspection Point

Statement of considerations. The Grain and Hay Exchange of Pittsburgh, Pittsburgh, Pa., has proposed that, effective April 1, 1973, its designation under section 3(m) of the U.S. Grain Standards Act (sec. 3, 39 Stat. 482, as amended, 82 Stat. 762; 7 U.S.C. 75(m)) to operate an official grain inspection agency at Pittsburgh, Pa., be canceled. Therefore, the Agricultural Marketing Service proposes to cancel the designation of said exchange as the official grain inspection agency at Pittsburgh, effective on said date.

Interested organizations and persons are hereby given opportunity to make application for designation to operate an official inspection agency at Pittsburgh, Pa., according to the requirements in § 26.97 of the regulations (7 CFR 26.97) under the U.S. Grain Standards Act.

NOTE: Section 7(f) of the Act (sec. 3, 39 Stat. 482, as amended, 82 Stat. 764; 7 U.S.C. 79(f)) provides generally that not more than one inspection agency shall be operative at any one time for any one city, town, or other area.

Members of the grain industry who wish to submit views and comments are requested to include the name of the person or agency which they recommend to be designated to operate an official inspection agency at Pittsburgh, Pa., if they believe such an agency is needed there.

Opportunity is hereby afforded all interested persons to submit written data, views, or arguments with respect to this matter to the Hearing Clerk, U.S. Department of Agriculture, Washington, D.C. 20250. All written submissions shall be in duplicate and shall be mailed to the hearing clerk not later than April 9, 1973. All submissions made pursuant to this notice will be made available for public inspection at the office of the hearing clerk during regular business hours (7 CFR 1.27(b)). Consideration will be given to the written data, views, or arguments so filed with the hearing clerk and to other information available to the U.S. Department of Agriculture before final determination is made with respect to this matter.

Done in Washington, D.C., on March 5, 1973.

E. L. PETERSON,
Administrator, Agricultural Marketing Service.

[FR Doc.73-4499 Filed 3-7-73;8:45 am]

Forest Service

STANISLAUS FOREST-WIDE LIVESTOCK ADVISORY BOARD

Notice of Meeting

The Stanislaus Forest-Wide Livestock Advisory Board will meet at 7:30 p.m., March 29, 1973, at 542 West Stockton Road, Sonora, CA 95370.

The purpose of this meeting is to discuss the following agenda items:

1. May a Livestock Advisory Board member serve on more than one Livestock Advisory Board.
2. Review of the status of off-road vehicle use regulations.
3. Recommendations on setting of deer season dates.
4. Patrol of permittee range areas.
5. Clarification of Forest Service views on supplemental feeding on livestock ranges.
6. Request by Mr. Carl Dell'Orto for a joint Livestock Advisory Board-Forest Service range inspection tour of the Mattley grazing allotment.
7. Discuss comments Livestock Advisory Board members have on bylaws adopted for the Advisory Board.
8. Discuss potential impacts on livestock grazing of white water touring on the Tuolumne River.

The meeting will be open to the public. Written statements may be filed with the Board before or after the meeting.

The Board has established the following rules for public participation:

To the extent that time permits, members of the public may make oral statements on agenda items following completion of discussion of the agenda by the Advisory Board.

Dated: February 28, 1973.

GARY E. CARGILL,
Forest Supervisor.

[FR Doc.73-4444 Filed 3-7-73;8:45 am]

DEPARTMENT OF COMMERCE

Bureau of East-West Trade

[Case 442]

OTTO F. JOKLIK AND INSTITUTE OF ADVANCED TECHNOLOGY AND BIOTECHNOLOGY

Order Denying Export Privileges

In the matter of Otto F. Joklik, trading as Institute of Advanced Technology and Biotechnology, Haarlem University, Gersthoferstrasse 120, A-1180 Vienna 18, Austria (respondent).

By charging letter dated December 4, 1972, the Director, Compliance Division, Office of Export Control, charged the above respondent with violations of the regulations under the Export Administration Act of 1969.[1] The charging letter was duly served and the respondent having failed to answer, was held in default pursuant to § 388.4 of the Export Control Regulations. In accordance with the usual practice an informal hearing was held before the Hearing Commissioner (on Feb. 2, 1973) at which evidence in support of the charges was presented on behalf of the Compliance Division.

There are two charges. Charge I alleges in substance that the respondent ordered certain strategic laser equipment from the West German affiliate of a U.S. company and represented that the equipment was for use in his laboratory in Vienna; that in reliance on respondent's representations an export license was issued authorizing the exportation; that on arrival of the equipment in Austria the respondent reexported and diverted it to U.S.S.R., an unauthorized destination. Charge II alleges in substance that in the course of an official investigation as to the disposition of the equipment (after respondent had reexported it to U.S.S.R.) the respondent falsely stated that he had not imported the equipment but expected to do so the following month and that he did not know where the equipment was at that time but assumed that it was at some customs area.

The Hearing Commissioner, after considering the evidence in the case, reported the findings of fact and concluded that the violations had occurred and he recommended the sanction hereinafter set forth be imposed.

After considering the evidence in the case, I adopt the Hearing Commissioner's findings of fact as follows:

Findings of fact. 1. The respondent, Otto F. Joklik, at the time here material, resided in Vienna, Austria. In the transaction that is the subject of the charging letter and in other transactions relating to the ordering and purchasing of U.S.-origin commodities the respondent has used letterheads imprinted as follows: "Prof. Otto F. Joklik, Ph. D., Institute of Advanced Technology and Biotechnology, Haarlem University." Some of these letterheads also bore an address in Vienna which is the residence apartment of respondent.

2. The respondent has represented that "Haarlem University" is located in Haarlem, The Netherlands. According to the Dutch Ministry of Education "Haarlem University" does not exist as a recognized institution. In the "World of Learning" (22d Ed. 1971-1972, Europa Publications, Ltd., London, England), a well recognized and authoritative publication that lists universities, learned societies, research institutes, etc., throughout the world, neither "Haarlem University" nor "Institute of Advanced Technology and Biotechnology" (hereinafter IATB) is shown to exist in The Netherlands or Austria.

The respondent acknowledged that his degree and title (of professor) stem from

[1] This Act has been amended by the Equal Export Opportunity Act, Public Law 92-412, 86 Stat. 644, approved Aug. 29, 1972.

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"Haarlem University." He also acknowledged that IATB does not have a laboratory or plant.

3. On June 25, 1970, the respondent on a letterhead of the type described in Finding 1, ordered from a firm in Frankfurt, West Germany, certain strategic laser equipment and accessories valued at approximately $6,800. The Frankfurt firm is an affiliate of a company in New York City.

4. On August 14, 1970, the respondent sent to the Frankfurt firm an export control document showing that IATB/Joklik intended to import into Austria the laser articles in question, which were to be exported from the United States by the aforementioned New York company. The document showed that the articles were to be used by Joklik/IATB in their own laboratory for research purposes. The respondent knew that the export control document would be used by the exporter in support of an application for an export license.

5. The Frankfurt firm forwarded the export control document to the New York company. By application dated September 10, 1970, the New York company applied to the Office of Export Control (OEC) for an export license to export the articles in question, to be used by IATB in Vienna in its laboratory. In support of the application the New York company furnished to OEC the above-mentioned export control document. In reliance on the representations in the application for export license and in the said document, OEC on September 22, 1970, issued a license authorizing the New York company to export the articles in question for ultimate destination Austria.

6. On October 6, 1970, the New York company exported the articles in question, under the above-mentioned license, to the Frankfurt firm as intermediary consignee and for IATB, Vienna, as ultimate consignee. The shipment arrived in Frankfurt and was on-forwarded to Vienna where it arrived on or about October 16, 1970.

7. On or about October 19, 1970, the respondent instructed his freight forwarder in Vienna, who had possession of the articles, to on-forward them to a destination in Moscow, U.S.S.R. No authorization for such reexportation was obtained. The freight forwarder on or about October 19, 1970, shipped the articles to U.S.S.R. in accordance with respondent's instructions.

8. In the course of a postshipment investigation, under authority of the Export Administration Act of 1969, to determine the disposition of the abovementioned laser equipment, the respondent on March 1, 1971, was interviewed by an official of the U.S. Embassy in Vienna. On this occasion respondent stated that he had not yet imported the equipment in question but expected to do so the following month. He also stated that he did not know where the equipment was but assumed that it must be at some customs area. He further stated that he did not know who his shipping agent was for the equipment. At the time the respondent made these statements he knew that they were false. He knew that the equipment had arrived in Vienna on or about October 16, 1970, and that in accordance with his instructions to his freight forwarder the equipment had been on-forwarded to U.S.S.R.

Based on the foregoing, I have concluded that the respondent: (a) Violated § 387.6 of the Export Control Regulations in that without authorization from the Office of Export Control he knowingly diverted and reexported U.S.-origin commodities from Austria to the U.S.S.R. contrary to the terms and conditions of export control documents and contrary to prior representations; and (b) violated § 387.5 of said regulations in that during the course of an investigation instituted under authority of the Export Administration Act of 1969 he made false statements to and concealed material facts from an official of the U.S. Government concerning the disposition of U.S. origin commodities.

The Hearing Commissioner has recommended that the respondent be denied export privileges for the duration of export controls.

Now after considering the record in the case and the recommendation of the Hearing Commissioner, and being of the opinion that his recommendation as to the sanction that should be imposed is fair and just and calculated to achieve effective enforcement of the law:

It is hereby ordered, That:

I. All outstanding validated export licenses in which respondent, or Institute of Advanced Technology and Biotechnology, or Haarlem University appear or participate in any manner or capacity are hereby revoked and shall be returned forthwith to the Bureau of East-West Trade for cancellation.

II. So long as export controls are in effect the respondent is hereby denied all privileges of participating, directly or indirectly, in any manner or capacity, in any transaction involving commodities or technical data exported from the United States, in whole or in part, or to be exported, or which are otherwise subject to the Export Regulations. Without limitation of the generality of the foregoing, participation prohibited in any such transaction either in the United States or abroad, shall include participation: (a) As a party or as a representative of a party to any validated export license application; (b) in the preparation or filing of any export license application or reexportation authorization, or document to be submitted therewith; (c) in the obtaining or using of any validated or general export license or other export control documents; (d) in the carrying on of negotiations with respect to, or in the receiving, ordering, buying, selling, delivering, storing, using, or disposing of any commodities or technical data; (e) in the financing, forwarding, transporting, or other servicing of such commodities or technical data.

III. Such denial of export privileges shall extend not only to the respondent, but also to his agents, employees, representatives, and partners, and to any person, firm, corporation, institution or organization with which he now or hereafter may be related by affiliation, ownership, control, position of responsibility, or other connection in the conduct of trade or services connected therewith. Included as related parties are Institute of Advanced Technology and Biotechnology and Haarlem University.

IV. No person, firm, corporation, partnership, institution, or other organization, whether in the United States or elsewhere, without prior disclosure to and specific authorization from the Bureau of East-West Trade, shall do any of the following acts, directly or indirectly, in any manner or capacity, on behalf of or in any association with the respondent or other party denied export privileges within the scope of this order, or whereby said respondent or such other party may obtain any benefit therefrom or have any interest or participation therein, directly or indirectly: (a) Apply for, obtain, transfer, or use any license, Shipper's Export Declaration, bill of lading, or other export control document relating to any exportation, reexportation, transshipment, or diversion of any commodity or technical data exported or to be exported from the United States, by, to, or for said respondent or other party denied export privileges within the scope of this order; or (b) order, buy, receive, use, sell, deliver, store, dispose of, forward, transport, finance, or otherwise service or participate in any exportation, reexportation, transshipment, or diversion of any commodity or technical data exported or to be exported from the United States.

This order shall become effective on March 8, 1973.

Dated: March 1, 1973.

RAUER H. MEYER,
Director, Office of Export Control, Bureau of East-West Trade.

[FR Doc.73-4259 Filed 3-7-73;8:45 am]

Maritime Administration

[Report No. 121]

FREE WORLD AND POLISH FLAG VESSELS ARRIVING IN CUBA

List

SECTION 1. The Maritime Administration is making available to the appropriate Departments the following list of vessels which have arrived in Cuba since January 1, 1963, based on information received through October 31, 1972, exclusive of those vessels that called at Cuba on U.S. Government-approved noncommercial voyages and those listed in section 2. Pursuant to established U.S. Government policy, the listed vessels are ineligible to carry U.S. Government-financed cargoes from the United States.

Flag of Registry and Name of Ship	Gross tonnage
Total—all flags (168 ships)	1,282,323
Cypriot (84 ships)	698,455
Aegis Banner	9,024
Aegis Eternity	8,814
Aegis Fame	9,072
Aegis Hope (previous trips to Cuba as the Huntsmore—British)	5,678
**Aegis Legend (previous trips to Cuba—Greece)	8,925
Aegis Loyal	10,405
Aegis Strength	9,305
Aftadelfos	8,136
Aghios Ermolaos	7,208
Aghios Nicolaos	7,254
Alamar	11,929
Alda	7,292
*Alexandros Skoutaris	8,280
Alfa	7,398
Alma	9,097
Alpa	9,159
Amarilis	8,959
Anemone	7,168
Annunication Day	8,047
Antigoni	3,174
Areti	8,406
Arion	3,570
Aris II	9,561
Armar	9,559
Artigas	5,841
Aurora	8,380
Baracoa	9,242
Begonia	6,576
Byron	8,720
Camelia	8,111
Castalia	7,641
Cleo II	7,590
Cleopatra	8,079
Degedo	9,000
Dorine Papalios (previous trips to Cuba as the Formentor—British)	8,424
E. D. Papalios	9,431
Elpida	8,296
**Eftyhia (trips to Cuba—Greek)	10,347
Free Trader (previous trips to Cuba—Lebanese)	7,061
Gardenia	9,744
George	7,378
George N. Papalios	9,071
Georgios C. (previous trips to Cuba as the Huntsfield—British and Cypriot)	9,483
Georgios T	9,646
Giannis	7,490
Goodluck	6,952
Happy Land	9,080
Herodemos	7,356
Hymettus	11,771
Ilena (previous trips to Cuba—Lebanese)	5,925
Iris	8,479
June	9,357
Kentavoras	10,173
Kitsa	9,519
Magnolia	7,176
Master George	7,334
May	8,553
Mimis N. Papalios	9,069
Mimosa	8,618
Miss Papalios	9,072
Mitera Irini (previous trips to Cuba as the Soclyve—British and Maltese)	7,291
Nea Hellas	9,241
Nedi 2	7,679
**Newheath (trips to Cuba—British)	7,643
Nike	9,505
Noelle (previous trips to Cuba—Lebanese)	7,251
Pantazis Calas	9,618
Petunia	7,843
Protoapostolos	8,130
Protokilitos	6,154
Ravens	8,036
Reifens	8,071
Rothens	8,113
Salvia	8,522
Silver Coast	7,328
Silver Hope	5,313
Stavros T	10,407
Successor	11,471
Telenikis	12,303
Theoskepasti	6,618
Torenia	8,077
Veniurer	9,000
Zaira	8,032
Zinnia	7,114
British (17 ships)	136,135
Arctic Ocean	8,791
Athelmonarch (tanker)	11,182
Cheung Chau	8,566
Carol Islands	9,060
Golden Bridge	7,897
Ho Fung	7,121
Ivory Islands	9,718
Magister	2,239
**Rosetta Maud (trips to Cuba as the Ardtara—British)	5,795
Sea Amber	10,421
Sea Coral	10,421
Sea Empress	9,841
Sea Moon	9,085
Seasage	4,330
**Shun Wah (trip to Cuba as the Vercharmian—British)	7,265
Steed	8,989
Yuglutaton	5,414
Polish (16 ships)	114,650
Baltyk	6,984
Bytom	5,967
Chopin	9,231
Chorzow	7,237
Energetyk	10,876
Grodziec	3,379
Huta Labedy	7,221
Huta Ostrowiec	7,179
Huta Zgoda	6,940
Hutnik	10,847
Kopalnia Czladz	7,252
Kopalnia Siemianowice	7,165
Kopalnia Wujek	7,033
Piast	3,184
Rejowiec	3,401
Transportowiec	10,854
Somali (16 ships)	129,518
**Atlas (trip to Cuba—Finnish)	3,916
Ber Sea	8,269
Dimitrakis	7,829
Feihang	8,924
Feita	8,903
**Fortune Enterprise (trips to Cuba—British)	7,696
Hemisphere (previous trips to Cuba—British)	8,718
Jade Islands	10,270
**Kinvross (previous trips to Cuba—British)	5,388
Marbella	8,409
Nebula (previous trips to Cuba—British)	8,907
**New East Sea (previous trips to Cuba—British)	9,679
**Oriental (trips to Cuba as the Oceantramp—British)	6,185
Eastglory (previous trips to Cuba—British)	8,995
**Jolity (trips to Cuba—British)	8,819
**Venice (trips to Cuba—British)	8,611
Yugoslav (8 ships)	56,740
Agrum	2,449
Bar	8,776
Cetinje	8,229
Niksic	10,067
Piva	7,519
Plod	3,657
Ulcinj	8,602
Tara	7,441
Greek (5 ships)	34,282
Andromachi (previous trips to Cuba as the Penelope—Greek)	6,712
**Anna Maria (trips to Cuba as the Helka—British)	2,111
Ariadne	6,487
**Lambros M. Fatsis (trips to Cuba as the Lahortensia—British)	9,486
**Pothiti (trips to Cuba as the Huntsville—British)	9,486
French (5 ships)	10,966
**Atlanta (trip to Cuba as the Enee—French)	1,232
Circe	2,874
Danae	3,486
**Urdazuri II (trips to Cuba as the Melke—Netherlands)	500
Nelle	2,874
Italian (4 ships)	45,261
Alderamine (tanker)	12,505
Elia (tanker)	11,021
San Nicola	12,451
San Francisco	9,284
Netherlands (4 ships)	3,860
*Gerda	1,190
*Markab II	768
Rochab	787
Tempo	1,115
Moroccan (2 ships)	4,739
*El Mansour Billah	1,525
Marrakech	3,214
Singapore (2 ships)	17,287
**Hwa Chu (trips to Cuba—British	9,091
Tong Hoe	8,196
Guinean (1 ship)	852
**Drame Oumar (trip to Cuba as the Neve—French)	852
Lebanese (1 ship)	6,259
Antonis	6,259
Maltese (1 ship)	5,333
Timios Stavros (previous trips to Cuba—British and Greek)	5,333
Pakistani (1 ship)	8,708
**Maulabaksh (trips to Cuba as the Phoenician Dawn and East Breeze—British)	8,708
Panama (1 ship)	9,278
**Eika (trips to Cuba as the Santa Lucia—Italian)	9,278

See footnotes at end of document.

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SEC. 2. In accordance with approved procedures, the vessels listed below which called at Cuba after January 1, 1963, have reacquired eligibility to carry U.S. Government-financed cargoes from the United States by virtue of the persons who control the vessels having given satisfactory certification and assurance:

(a) That such vessels will not, thenceforth, be employed in the Cuban trade so long as it remains the policy of the U.S. Government to discourage such trade; and

(b) That no other vessels under their control will thenceforth be employed in the Cuban trade, except as provided in paragraph (c); and

(c) That vessels under their control which are covered by contractual obligations, including charters, entered into prior to December 16, 1963, requiring their employment in the Cuban trade shall be withdrawn from such trade at the earliest opportunity consistent with such contractual obligations.

FLAG OF REGISTRY AND NAME OF SHIP

a. Since last report:
None.
b. Previous reports:

Flag of Registry:	Number of ships
British	49
Cypriot	10
Danish	1
Finnish	4
French	4
Germany (West)	1
Greek	31
Israeli	1
Italian	15
Japanese	1
Kuwaiti	1
Lebanese	9
Liberia	1
Moroccan	2
Norwegian	5
Singapore	1
Somali	1
Spanish	6
Sweden	1
Yugoslav	2
Total	146

SEC. 3. The following number of vessels have been removed from this list since they have been broken up, sunk, or wrecked.

a. Since last report:

	Gross tonnage
Alitric (Cypriot)	7,564
Ardena (Cypriot)	7,261
Arendal (Cypriot)	7,265
Astir (Lebanese)	5,324
Azalea (Cypriot)	9,506
Calypso (Cypriot)	12,883
Costiana (Cypriot)	7,199
Diamando (Cypriot)	7,067
Kopalnia Meichowice (Polish)	7,223
Platres (Cypriot)	7,244
Sophia (Cypriot)	7,030

b. Previous reports.

Flag of Registry:	Broken up, sunk, or wrecked
British	33
Cypriot	65
Finnish	6
French	1
Greek	19
Italian	4
Japanese	1
Lebanese	36
Maltese	2
Polish	4
Monaco	1
Moroccan	1
Norwegian	1
Pakistan	1
Panamanian	9
Singapore	1
Somali	1
South Africa	2
Swedish	1
Yugoslav	7
Total	196

SEC. 4. The ships listed in sections 1 and 2 have made the following number of trips to Cuba since January 1, 1963, based on information received through October 31, 1972.

Flag of registry	1963	1964	1965	1966	1967	1968	1969	1970	1971	1972 Jan.–May	1972 June–Oct.	Total
British	133	180	126	101	78	62	45	63	18	5	3	804
Cypriot		1	17	27	42	68	115	100	173	45	33	720
Lebanese	64	91	58	26	18	16	4	1				278
Greek	99	27	23	27	29	7			1	1		214
Italian	16	20	24	11	11	10	15	13	9			129
Yugoslav	12	11	15	10	14	9	6	7	9	2		95
French	8	9	9	10	10	4	2	5	2			59
Finnish	1	4	5	11	12	8	2	1				44
Spanish	9	17										26
Norwegian	14	10										24
Moroccan	9	13	1								1	24
Maltese		2	6	1	4	8	1	2				24
Somali					2	11	7	4	6	2	2	34
Netherlands		4	2								5	11
Sweden	3	3										6
Kuwaiti		2	1									3
Israeli			2									2
Japanese	1					1						2
Danish	1											1
German (West)	1											1
Haitian			1									1
Monaco				1								1
Singapore									1			1
Subtotal	371	394	290	224	218	204	197	254	219	55	44	2,501
Polish	18	16	12	10	11	7	2	3	4			83
Grand total	389	410	302	234	229	211	199	288	223	55	44	2,584

NOTE: Trip totals in section 4 exceed ship totals in sections 1 and 2 because some of the ships made more than one trip to Cuba. Monthly totals subject to revision as additional data becomes available.

*Added to Report No. 120 appearing in the FEDERAL REGISTER issue of November 4, 1972.

**Ships appearing on the list which have made no trips to Cuba under their present registry.

Dated: January 22, 1973.

By order of the Assistant Secretary of Commerce for Maritime Affairs.

AARON SILVERMAN,
Assistant Secretary.

[FR Doc.73-4399 Filed 3-7-73;8:45 am]

National Bureau of Standards

FEDERAL INFORMATION PROCESSING STANDARDS COORDINATING AND ADVISORY COMMITTEE

Notice of Meeting

Pursuant to Public Law 92-463 and Executive Order 11686, notice is hereby given that the Federal Information Processing Standards Coordinating and Advisory Committee (FIPSCAC) will hold a meeting from 10 a.m. to 1 p.m., on Tuesday, March 27, 1973, in Room B-255, Building 225, of the National Bureau of Standards in Gaithersburg, Md.

The purpose of the meeting is to review the actions of the Federal Information Processing Standards (FIPS) Task Groups and to consider other matters relating to Federal information processing standards.

The public will be permitted to attend, to file written statements, and, to the extent that time permits, to present oral statements. Persons planning to attend should notify the Office of Information Processing Standards, Institute for Computer Sciences and Technology, National Bureau of Standards, Washington, D.C. 20234, phone 301—921-3551.

Dated: March 5, 1973.

RICHARD W. ROBERTS,
Director.

[FR Doc.73-4439 Filed 3-7-73;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[DESI 10493; Docketa Nos. FDC-D-293; NDA 10-493; FDC-D-336; NDA 11-686]

SCHERING CORP. AND LEDERLE LABORATORIES

Metreton and Aristomin, Steroid Combination Preparations for Oral Use; Final Order on Objections and Request for Hearing Regarding Withdrawal of Approval of New Drug Applications

In the FEDERAL REGISTER of August 29, 1970 (35 FR 13802), the Food and Drug Administration announced its evaluation of a report received from the National Academy of Sciences-National Research Council, Drug Efficacy Study Group, on seven combination antihistamine/glucocorticoid drugs for oral administration, including Metreton Tablets (NDA 10-493 held by Schering Corp.) and Aristomin Capsules (NDA 11-686 held by Lederle Laboratories Division, American Cyanamid Co.).

The announcement stated the conclusion of the Food and Drug Administration that there is a lack of substantial evidence of effectiveness of these fixed dosage combination drugs for the conditions of use prescribed in their labeling. Accordingly, the Commissioner of Food and Drugs announced his intention to initiate action to withdraw approval of the new drug applications for these drugs. The Commissioner invited holders of new drug applications and any other interested persons who might be adversely affected by the removal of these drugs from the market, to submit, within 30 days, adequate and well-controlled clinical investigations to be considered in support of the effectiveness of these drugs.

On September 24, 1970, Schering Corp. (Schering) submitted information concerning the effectiveness of Metreton Tablets. This material was evaluated, but failed to provide substantial evidence, derived from adequate and well-controlled clinical investigations, of the effectiveness of the drug. Subsequently, on March 31, 1971, there was published in the FEDERAL REGISTER (36 FR 5928) a notice of opportunity for hearing in which the Commissioner proposed to issue an order under section 505(e) of the Federal Food, Drug, and Cosmetic Act, 21 U.S.C. 355(e), withdrawing approval of the new drug application for Metreton Tablets and all amendments and supplements applying thereto, on the ground that there was a lack of substantial evidence that the drug would have the effect it purports or is represented to have for the conditions of use recommended in its labeling. Thirty days were allowed for filing a written appearance requesting a hearing, giving the reasons why approval of the new drug application should not be withdrawn, together with a well-organized and full factual analysis of the clinical and other investigational data in support thereof, showing that a genuine and substantial issue of fact requires a hearing.

On September 25, 1970, Lederle Laboratories (Lederle) submitted its response to the initial notice of August 29, 1970. This submission was reviewed and evaluated and failed to provide any evidence, derived from adequate and well-controlled clinical studies, of the effectiveness of the drug. Thus, on May 27, 1971, there was published in the FEDERAL REGISTER (36 FR 9670) a notice of opportunity for hearing in which the Commissioner proposed to issue an order under the provisions of section 505(e) of the Federal Food, Drug, and Cosmetic Act, 21 U.S.C. 355(e), withdrawing approval of the new drug applications for Aristomin and five other fixed-dosage steroid combination preparations of similar composition, and all amendments and supplements thereto. Thirty days were allowed for filing a written appearance requesting a hearing by any interested person, giving the reasons why approval of the new drug application should not be withdrawn, together with well-organized and full factual analysis of the clinical and other investigational data in support thereof, showing that a genuine and substantial issue of fact requires a hearing.

On June 30, and June 24, 1971, respectively, Schering (Metreton Tablets, NDA 10-493) and Lederle (Aristomin Capsules, NDA 11-686) filed written appearances and requested a hearing. None of the holders of the other five glucocorticoid/antihistamine combinations listed in the FEDERAL REGISTER notice of August 29, 1970, filed a written appearance. Their failure to file is construed as an election not to avail themselves of the opportunity for a hearing. Accordingly, on September 29, 1972 (37 FR 20343), pursuant to section 505(e) of the Federal Food, Drug, and Cosmetic Act, 21 U.S.C. 355(e), the Commissioner withdrew approval of these new drug applications and all amendments and supplements thereto. The Commissioner found that there was a lack of substantial evidence that the drugs would have the effects recommended in their labeling. The Commissioner further concluded that the drugs were not appropriate for administration as fixed-dose combinations established in guidelines in the Statement of General Policy on Fixed Combination Prescription Drugs for Humans, 21 CFR 3.86, published in the FEDERAL REGISTER of October 15, 1971 (36 FR 20037).

The requests for hearing by Schering (Metreton) and Lederle (Aristomin) have been considered, including the medical presentation of Schering, and the Commissioner concludes that there is no genuine and substantial issue of fact requiring a hearing and that the legal arguments offered are insubstantial.

I. *The drugs*—A. *Metreton Tablets.* Metreton is a fixed-combination steroid-antihistamine compound consisting of prednisone (2.5 mg. per tablet), chlorpheniramine maleate (2.0 mg. per tablet) and ascorbic acid (75.0 mg. per tablet).

B. *Aristomin Capsules.* Aristomin is a fixed-combination steroid-antihistamine compound consisting of triamcinolone (1 mg. per capsule), chlorpheniramine maleate (2 mg. per capsule), and ascorbic acid (75.0 mg. per capsule).

II. *Recommended uses and rationale.* A. Metreton is recommended in its labeling for severe hay fever, severe chronic asthma or seasonal asthma, perennial allergic rhinitis, angioedema, urticaria, drug reactions, serum sickness due to penicillin or other causes; for use in the control of the exudative and inflammatory phases of ocular disorders as allergic conjunctivitis, keratitis, nongranulomatous iritis, iridocyclitis, choroditis, chorioretinitis, and uveitis. Metreton is also recommended for difficult cases of atopic dermitis, poison ivy dermititis, exfoliative dermitis and, in dentistry, to reduce postoperative sequelae.

An initial dosage of Metreton is four to eight tablets per day, which dosage would provide 10 to 20 milligrams of prednisone and 8 to 16 milligrams of chlorpheniramine maleate, plus 300 to 600 milligrams of ascorbic acid (Vitamin C) per day.

In its written appearance requesting a hearing, Schering suggests that the rationale underlying the Metreton formulation is twofold: First, that a reduction of the quantity of the glucocorticoid component (prednisone) is made possible by the addition of the antihistamine component (chlorpheniramine maleate), which reduction decreases the frequency and severity of adverse reactions attributable to oral glucocorticoid therapy; and second, that antihistamine and glucocorticoids exert their antiallergic effects by different means thereby complementing one another.

B. Aristomin is recommended in its labeling for perennial asthma, drug reaction, seasonal and perennial rhinitis, allergic rhinitis, and for treatment of generalized pruritus.

The initial dosage recommendation for Aristomin Capsules is 3 to 6 capsules per day, which dosage would provide 3 to 6 milligrams of triamcinolone and 6 to 12 milligrams of chlorpheniramine maleate, plus 225 to 450 milligrams of ascorbic acid per day.

Lederle, in its written appearance and request for a hearing, suggests that the rationale for Aristomin is the effect of the antihistamine component (chlorpheniramine maleate) in permitting a lower dosage of the glucocorticoid component (triamcinolone).

III. *Medical documentation to support claims of effectiveness.*—A. *The individual components.* Schering, in its request for a hearing on the proposal to withdraw approval for Metreton, submitted brief summaries of several articles dealing with the action of two of the three components—prednisone and chlorpheniramine maleate—separately in the treatment of various indications, including allergic symptoms. The Commissioner does not question the effectiveness of these drugs, when used separately, for certain conditions. However, their effectiveness in independent treatment does not provide substantial evidence to support the claimed advantages of the fixed combination Metreton formulation. Thus, these articles are irrelevant and raise no genuine and substantial issue of fact concerning the effectiveness of Metreton which would require a hearing. United States v. An Article of Drug * * * Furestrol Vagina Suppositories, 294 F. Supp. 1307 (N.D. Ga., 1968), aff'd 415 F. 2d 390 (C.A. 5, 1969); United States v. 7 Cartons * * * Ferro-Lac, 293 F Supp. 660, 664 (S.D. Ill., 1968), aff'd 424 F. 2d 1364 (C.A. 7, 1970); United States v. 1,048,000 Capsules * * * Methyltestosterone, 347 F. Supp. 768, 773 (S.D. Tex., 1972); United States v. Mykocert, 345 F. Supp. 571, 574-6 (N.D. Ill., 1972).

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Schering and Lederle rely upon the findings of the National Academy of Sciences-National Research Council on the efficacy of prednisone, triamcinolone and chlorphenoramine maleate, the glucocorticoid and antihistamine components of Metreton and Aristomin.

In the FEDERAL REGISTER of October 21, 1970 (35 FR 16424), the Food and Drug Administration announced its evaluation of the report of the National Academy of Sciences-National Research Council, Drug Efficacy Study Group on certain corticosteroid drugs for oral use, including prednisone and triamcinolone. These oral corticosteroids have a large number of indications but with respect to those related specifically to the indications claimed for Metreton and Aristomin, prednisone and triamcinolone are indicated only for control of severe or incapacitating allergic conditions intractable to adequate trials of conventional treatment: severe, acute, and chronic allergic and inflammatory processes involving the eye and its adnexa; exfoliative dermatitis; and dental postoperative inflammatory reactions. The announcement further stated that dosage should be individualized according to the severity of the disease and the response of the patient, and that the severity, prognosis, and expected duration of the disease are primary factors in determining dosage.

In the FEDERAL REGISTER of June 18, 1971 (36 FR 11758), the Food and Drug Administration announced its evaluation of reports of the National Academy of Sciences-National Research Council, Drug Efficacy Study Group on antihistamine preparations for oral administration, including chlorpheniramine maleate. The Food and Drug Administration concluded that chlorpheniramine maleate was indicated for perennial and seasonal allergic rhinitis, mild, uncomplicated allergic skin manifestations of urticaria and angioedema, mild, local allergic reaction to insect bites, physical allergies, and minor drug and serum reaction characterized by pruritis.

In its written appearance, Schering readily acknowledges the increased risk from the concomitant administration of glucocorticoid and antihistamine drugs when administered together in a fixed combination. The Commissioner concludes that the fixed combination of an antihistamine, known to be symtomatically effective for only mild to moderate forms of allergic disease, with high-risk glucocorticoid, indicated only for severe or incapacitating allergic conditions intractable to adequate trials of conventional treatment, is therapeutically irrational. The antihistamine is useless for severe conditions and thus its presence is unjustified; the potent glucocorticoid is unnecessary in mild cases and thus its presence adds substantial and unwarranted risk.

In summary, the Commissioner does not question the effectiveness of the individual glucocorticoid and antihistamine components of Metreton and Aristomin, when administered separately for the appropriate conditions contained in the new labeling now approved by the Food and Drug Administration for these individual drugs. The sole issue is whether, in a fixed combination, there is substantial evidence of their effectiveness for the labeled conditions of use. Such evidence must meet the statutory standard of "adequate and well-controlled investigations" required by 21 U.S.C. 355(d), as elucidated in 21 CFR 130.12(a)(5), and must satisfy the requirements for fixed combination drugs established in 21 CFR 3.86. The medical documentation with respect to Metreton and Aristomin as fixed combination drugs is discussed below.

B. *The fixed combination.* Schering presented brief articles reporting two studies purporting to establish the effectiveness of Metreton as a fixed combination. The Commissioner has reviewed these submissions and concludes that they are not adequate and well controlled as required by 21 U.S.C. 355(d) and 21 CFR 130.12(a)(5) and thus cannot constitute substantial evidence of efficacy, and that they do not satisfy the requirements of 21 CFR 3.86 with respect to the type of proof needed specifically for fixed combination drugs.

1. Rudolph S. Lackenbacher, "Treatment of Pruritic Dermatoses with Chlorpheniramine Maleate and Prednisone in Combination (Metreton)", Annals of Allergy 15:409–413, 1957. Eighty-seven patients, ranging from ages 9 to 83 years and having nine different diagnoses, were given Metreton after treatment with chlorpheniramine maleate alone was unsuccessful. This study claims that "excellent" and "good" responses were observed in approximately 80 percent of the patients. However, no control group of patients similarly nonresponsive to initial antihistamine treatment alone was utilized in order to permit quantitative evaluation of the apparent success of the Metreton treatment, as required by 21 CFR 130.12(a)(5)(ii)(*a*)(*4*). Hence, no statistical analysis or other scientific evaluation could be made. This, in itself precludes the usefulness of this study to establish effectiveness under the statutory standard.

In addition to the absence of a control group, the diagnosis of the substantial number of the patients in the study indicated that they did not have conditions for which Metreton is recommended in its labeling. Moreover, the dosage schedule under this study was different than that recommended in the labeling of Metreton, since, in this study, two tablets were given after breakfast and two at bedtime, whereas the labeling for Metreton recommends that the tablets be taken one after each meal and at bedtime.

Moreover, the study does not adequately explain the variables measured in assessing the response of the subjects, as required by 21 CFR 130.12(a)(5)(ii)(*a*)(*3*). For example, patients were evaluated as having "good" response "if 70 to 85 percent improvement" occurred, which improvement was measured by relief of inflammation or pruritis, or both.

Rather than establishing the complementary effect of the steroid and antihistamine factors, the study indicates that in cases of severe dermatosis where antihistamine is ineffective, the introduction of a steroid component yields more successful results. In order to establish the complementary nature of the steroid and antihistamine components, the study would need to have included a control group which received prednisone alone where prior antihistamine was unsuccessful. Such a control group did not exist in this study.

2. Nathan E. Silbert, "Steroid, Antihistamine, and Vitamin C. A synergism of Therapeutic Agents in the Treatment of Allergic Disease", Acta Allergologica 15 (Supp. 7): 518–525, 1960. Like the Lackenbacher study, this study lacks any control group in order to permit evaluation of claimed safety and effectiveness of Metreton tablets, as required by 21 CFR 130.12(a)(5)(ii)(*a*)(*4*). In the absence of a control group, it is impossible to determine whether any specific amount of antihistamine alone, glucocorticoid alone, or a specific combination of the two ingredients, other than that fixed in Metreton, would have yielded similar or better results. This study is neither adequate nor well controlled and fails to meet the statutory standard. Moreover, the study purported to evaluate the use of Metreton for diagnoses not recommended in its labeling, such as "uncomplicated pollen hay fever," since Metreton is recommended only for severe hay fever. It is noteworthy that the study, even with its major methodological flaws, revealed that Metreton was of very limited success in cases of severe bronchial asthma.

C. *Additional studies.* In addition to the above two studies, several other studies were also submitted that, while not directly related to the effectiveness of Metreton, were offered by Schering in support of the medical rationale of Metreton and Aristomin.

1. "Repository Pollen Therapy," Mayer A. Green, Annals of Allergy, June 1963, p. 308. This study is not designed to evaluate the effectiveness of a fixed combination of glucocorticoid and antihistamine for any of the indications listed in the labeling of either Metreton or Aristomin. Rather, this study appears to constitute some evidence that antihistamine tablets containing prednisolone reduce the number of local reactions in patients receiving repository pollen injection therapy. Moreover, the study is not designed to make any conclusion as to whether it was the antihistamine or the prednisolone element which may account for the relative infrequency of local reactions and does not constitute evidence of synergistic qualities between the glucocorticoid and the antihistamine components.

2. "Repository Pollen Therapy," Mayer A. Green, Annals of Allergy, April 1964, p. 187. This study, like the study reported by Dr. Green in June 1963, does not purport to support the proposition that corticosteroid and antihistamine are effective for the indications on the labeling of Aristomin and Metreton but rather

is further evidence of their effect in reducing reactions to repository pollen therapy. The objective of the study was to determine the effect of steroid-antihistamine dosage on reaction rates associated with the use of emulsified antigens in allergy therapy and to determine the effectiveness of prophylactic administration of such medication given concurrently and separately with placebos. Contrary to the position adopted by the manufacturers of Aristomin and Metreton that a fixed dosage of corticosteroid and antihistamine is a rational medical approach, this study concludes that particularity in dosage has a critical effect in evaluating a steroid-antihistamine product.

3. "Steroids and Antihistaminics Combined in Long-Term Therapy of Chronic Bronchial Asthma," M. M. El-Mehairy and N. El-Tarabichi, Annals of Allergy, January 1963, p. 10. The study reported in this article has several significant procedural defects, such as inadequate diagnostic criteria in the selection of subjects. 21 CFR 130.12(a)(5)(ii)(*a*)(2). In addition, the specific corticosteroid-antihistamine ingredients used in this study were significantly different than those in either Aristomin or Metreton, since the steroid component was 0.75 mgm. of dexamethasone, with 25 mgm. of the antihistamine in each tablet.

Significantly, the study shows that while a regimen of three antihistamine tablets alone resulted in no improvement in the patients, the addition of increasing amounts of a corticosteroid component resulted in direct and increasing improvement (group one). Where patients received an initial regimen of three tablets of the corticosteroid component alone, significant improvement was shown, and when one of the corticosteroid tablets was replaced by one antihistamine tablet, improvements reduced (group two). Thus, contrary to the theory suggested by the manufacturers of Aristomin and Metreton, the study appears to support the effectiveness of corticosteroid therapy alone in treatment of "severe" cases. This is the conclusion one would expect. Moreover, in direct conflict with the rationale presented for the use of fixed doses of glucocorticoids and antihistamines in Aristomin and Metreton, the authors of this article state that "patients required careful handling and proper interplay of both doses of steroids and antihistamanics * * * preference was given to the use of steroids and antihistamines separately and not in a united, compressed tablet." In both study groups, no placebo controls were used, as is required in 21 CFR 130.12(a)(5)(ii)(*a*)(*4*)(ii).

4. "Studies of Cyproheptadine Combined with Dexamethasone," Ashton L. Welsh, and Mitchell Ede, The Journal of New Drugs, July–August, 1962, p. 223. This article reports a study involving a combination of cyproheptadine with dexamethasone, which article suggests that the cyproheptadine would exert a "steroid-sparing effect" and permit use of lower dosage of dexamethasone for initial suppression of symptoms as well as for maintenance therapy. This study demonstrates that glucocorticoid therapy creates a substantial risk of side effects and that unwarranted increases of the glucocorticoid component in combination with antihistamine will similarly increase side effects. However, this proposition is well established in medicine and is an important factor in the conclusion of the Commissioner and the NAS–NRC panels that Metreton and Aristomin are ineffective as a fixed combination.

In addition, the study does not show a synergistic action between the antihistamine component and the corticosteroid component. To create evidence for such a proposition, the study would have to compare the dosages given in the study groups with a placebo dose. The need for such control or placebo group is required by 21 CFR 130.12(a)(5)(ii)(*a*)(*4*)(ii). The authors conclude that the corticosteroid component, dexamethasone, enhances the antiallergic properties of the cyproheptadine. However, increased corticosteroid in one study group (Series 1) resulted in a lower percentage of improvement as measured by the investigators.

5. "Dexamethasone in Allergy," Cecil M. Kohn and William C. Grater, Annals of Allergy, May–June 1959, p. 385. This study could not support the rationale suggested for a fixed combination of glucocorticoid and antihistamine since the study "was undertaken in an attempt to evaluate the usefulness of dexamethasone, [alone] in the treatment of allergic disorders." In addition, the article does not state the method of selection of patients for the study and thus there is no adequate assurance that they are suitable for inclusion in this study. Nor were diagnostic criteria of the conditions of such patients stated; neither were confirmatory diagnostic tests reported. 21 CFR 130.12(a)(5)(ii)(*a*) (*1*) and (2). The most serious inadequacy of this study is the absence of a control group as is required by 21 CFR 130.12(a)(5)(ii)(*a*)(*4*). The methods of observation and recording of results, including the variables measured, were stated in broad and unspecific terms; "therapy was judged to have been satisfactory if both the patient and the physician agreed that the control of signs and symptoms outweighed any undesirable effects which may have occurred." 21 CFR 130.12(a)(5)(ii)(*a*)(*4*).

6. "A Possible Synergistic Effect Between Antihistamines and Corticosteroids," Blair Macaulay, Acta Allergologica, Supplement V, 1958, p. 159. This study involved only 12 patients who were on a maintenance dosage of corticosteroid therapy. The author claims that with the addition of an antihistamine component seven of the 12 patients "were able to reduce their dose of prednisolone by one tablet of 5 mg." In addition four asthmatic children, on maintenance corticosteroid therapy, were given an antihistamine component. The author reports that two were "able to reduce the dose of prednisolone." Neither the method of selection of the subjects nor the methods of observations and recording results, including the variables measured, are reported as required by 21 CFR 130.12(a)(5)(ii)(*a*)(2). In addition, the author states that the results "can give arise to no conclusion of value. The numbers are insufficient: controls are quite inadequate." 21 CFR 130.12(a)(5)(ii)(*a*)(*4*). Thus, the author's conclusion, that "it is apparent that they (antihistamines and corticosteroids) have inhibiting action at differing levels of the histamine release mechanism" is totally without substantiation.

7. "Dexamethasone-Phenyltoloxamine in Bronchial Asthma," H. D. Ogden, Medical Times, October 1963. This study is wholly inadequate. The study group consisted of only 11 patients. Moreover, many of the essential criteria required to establish the adequacy of a clinical investigation, as required by 21 CFR 130.12(a)(5)(ii)(*a*), were not satisfied. And as with several other of the studies submitted by Schering the corticosteroid and antihistamine components in this study are not the same as those present in either Metreton or Aristomin tablets. This difference is particularly important with regard to the corticosteroid component, since the potency of dexamethasone is significantly greater than that of prednisone or triamcinolone. (As pointed out by Kohn and Grater, in "Dexamethasone in Allergy," submitted by Schering, 0.75 mg. of dexamethasone "would compare favorably" with 5 mg. of prednisone or prednisolone and 4 mg. of triamcinolone.)

8. "Investigations Into the Combined Action of Glucocorticoids and an Antihistaminic Agent Against Histamine and Allergic Processes," K. Credner and E. M. Schelske, Arzneimittel Forschung, Volume 14, 940–943, August 1964. This paper reported three experiments with laboratory animals. The first experiment dealt with allergically induced contraction of guinea pig ileum. The experiment reveals that for a given concentration of the antihistamine component, denominated in the study as WV 761, the antiallergic effect is strengthened by the addition of a steroid component. However, since the effect was dose related, increased inhibition could also be obtained by increasing the concentration of the antihistamine alone.

A second experiment concerned the effect of antihistamine and steroid in decreasing rat paw swelling. Here, neither 2.5 mg./kg. of WV 761 (antihistamine) nor 8 mg./kg. prednisolone (steroid) significantly reduced the swelling, whereas both 5 mg./kg. of WV 761 alone and a combination of 2.5 mg./kg. of WV 761 and 4 mg./kg. of prednisolone were effective in reducing the swelling.

In the third experiment, guinea pigs were sensitized to have a bronchial asthmatic allergic reaction. In this case, 10 mg./kg. of WV 761 offered slight protection to the sensitized animals whereas 100 mg./kg. of prednisolone had no effect. The combination of these amounts of antihistamine and steroid yielded clear reduction of the asthmatic symptoms. However, a higher dose of the

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antihistamine alone was not tested to determine whether comparable reduction in symptoms could have been achieved without the large dosage of the steroid component.

The authors of the report on these experiments conclude that "the additional dose of adrenal cortex hormones (steroids) is indeed able to intensify the antihistamine-induced reduction of allergic phenomena. An explanation of this occurrence is difficult." In the models tested, the presence of steroid increased the response obtained with a given antihistamine dose. A similar response, however, could be obtained by increasing the dose of antihistamine alone, as was shown in the rat paw experiment. Thus, these animal studies merely show that steroids increase the response obtained with a given antihistamine dose. This is predictable in light of the extremely high potency of steroids, especially at the dosage levels utilized in these experiments. Moreover, the extremely high amount of antihistamine and steroid administered in these experiments are of questionable comparability to the dosage levels in Metreton or Aristomin.

9. "Pharmacological and Toxicological Expertise On Celestamine," P. Bouyard, unpublished paper, 1961. The product which was the subject of this essay, Celestamine, contained 0.25 mg. betamethasone, 2 mg. dexachlorpheniramine maleate, 0.15 mg. erythrosine, 4.91 mg. powdered gelatin, 19.65 mg. corn starch, 172.13 mg. lactose, and 1 mg. magnesium stearate. This study compared the effectiveness of the combination (Celestamine) with the steroid (betamethasone) alone in reducing inflammation of swelling in rat paws. The percentage of diminution of the inflammatory phenomena was almost indistinguishable between the combination and the steroid alone; 77 percent with four tablets of Celestamine and 74 percent with the same dosage of betamethasone alone.

Two other experiments are reported in this study: one dealing with the effectiveness of Celestamine on inflammatory granuloma and another on its antihistamine properties. Both of these experiments showed increased effectiveness and/or toxicity with increased dosages of the combination. But neither study included a control group to determine and compare the effect of the combination with the antihistamine and steroid components alone. Indeed, in his conclusions section, the author does not mention any evidence of synergism developed by the study.

10. "Report on the Clinical Experiments on the Preparation 'Celestamine' Tablets," Luigi Bruni, Unpublished Report, January 1966. This study dealt with Celestamine tablets, a fixed combination of .25 mg. of the steroid betamethasone and 2 mgs. of the antihistamine dextrochlorpheniramine maleate. In "some" of the 65 patients, therapy was started with betamethasone alone and the purpose of the study was merely to establish whether the combination preparation would be effective in maintaining the results already obtained in steroids alone. In "other cases," the number of which is not revealed in the Bruni article, treatment was started with the combination, Celestamine, using an initial daily dose containing half the amount of steroid which would have been used alone. However, the ratio of antihistamine and steroid in Celestamine is significantly different from the ratios fixed in both Aristomin and Metreton tablets.

The study has several significant methodological defects, including inadequate data on the method of selection of subjects, since the patients included in the study were those for whom steroids were contra-indicated or who had been treated as outpatients with steroids at too low or too high dosages (21 CFR 130.12(a)(5)(ii)(a)(2)); the absence of criteria upon which the study concluded that the treatment result was either "good," "excellent," or "moderate" (21 CFR 130.12(a)(5)(ii)(a)(3)); and a complete absence of a control group so as to permit quantitative evaluation (21 CFR 130.12(a)(5)(ii)(a)(4)).

D. *Summary.* It is clear that the medical evidence submitted by Schering does not meet the statutory standard of "adequate and well controlled investigations" required by 21 U.S.C. 355(d), as elucidated in 21 CFR 130.12(a)(5), and does not satisfy the requirements for a fixed combination drug for human use established in 21 CFR 3.86.

Schering has submitted no data at all on the effectiveness, or indeed the purpose, of the Vitamin C present in each tablet of Metreton. There has been presented no controlled study whatever on the use of the Metreton formulation of glucocorticoid and antihistamine for the conditions for which the drug is recommended in its labeling.

Reports of several studies were submitted by Schering to support its rationale for Metreton, namely, that glucocorticoid and antihistamine have a synergistic effect which permits a reduction in the quantity of the glucocorticoid component, which reduction decreases the frequency and severity of adverse reaction attributable to oral glucocorticoid therapy. However, these studies are wholly unsuccessful in establishing the firm's claimed rationale. Indeed, in direct conflict with the rationale suggested by Schering for Metreton, one article submitted by the firm concludes that patients require proper interplay of both doses of glucocorticoids and antihistamines and that preference was given to the use of steroids and antihistamines separately and not in a fixed combination. In addition, some of the studies clearly revealed that they were not designed to evaluate the effectiveness of a fixed combination of glucocorticoids and antihistamines for any of the indications listed on the labeling of either Metreton or Aristomin. In sum, these studies are marked by insufficient and inadequate controls, as one author unabashedly admits. Thus, it is clear that none of the medical documentation complies with the requirements of 21 U.S.C. 355(d), 21 CFR 130.12(a)(5) or 21 CFR 3.86.

In addition, the rationale for the Metreton combination has been considered by the NAS–NRC expert panels in allergy, respiratory disturbances, dentistry, ophthalmology, and dermatology, as part of the Drug Efficacy Study Project. The panel on Drugs Used in Allergy stated that if antihistamine or corticosteroids are indicated in the management of any allergic condition they should be given separately and that in light of the side effects of each of the compounds, particularly the potent corticosteroids, the two compounds should be adjusted independently so as not to encourage indiscriminate medical use of corticosteroids. The panel on Drugs Used in Dermatology II warned that the fixed dosage form does not allow the flexibility required by clinical usage for dermatological conditions.

Thus, it is clear that there is a lack of substantial medical evidence that Metreton has the effect it purports and is represented to have under the conditions of use prescribed in its labeling. Moreover, there has not been submitted to the Commissioner adequate and well-controlled investigations which could establish a rationale for the use of glucocorticoid and antihistamine in fixed combination.

IV. *Legal Arguments*—A. *Metreton.* Schering states that, prior to the withdrawal of the new drug application for its Metreton Tablets, it is entitled to outside peer group review of the data demonstrating the effectiveness of the drug. Such a review has already been conducted by the NAS–NRC expert panels in allergy, respiratory disturbances, dentistry, ophthalmology, and dermatology, as part of the Drug Efficacy Study Project. Schering argues that since Metreton received an initial rating of "effective but" from three of these panels, the drug should be returned to the NAS–NRC for clarification. This second review has already occurred, with the result that the drug was found ineffective as a fixed combination. In addition, Metreton has been reviewed by the Fixed Combination Drug Committee of the Food and Drug Administration.

Schering states that holders of approved new drug applications have an unqualified right to a public hearing upon the proposed withdrawal of such application. This contention is without merit. Ciba-Geigy Corporation v. Richardson, 446 F. 2d 466 (C.A. 2, 1971); Upjohn Company v. Finch, 422 F. 2d 944 (C.A. 6, 1970). See Diamond Laboratories, Inc. v. Richardson, 452 F. 2d 803 (C.A. 8, 1972). The Commissioner has authority to establish criteria for adequate and well-controlled clinical investigations necessary to demonstrate effectiveness of drug products on the market and may condition the holding of an evidentiary hearing on a showing by a sponsor firm that a genuine issue exists as to the effectiveness of a drug product for its recommended uses. 21 CFR 130.14(b); Ciba-Geigy Corp. v. Richardson, supra; Pfizer, Inc. v. Richardson, 434 F. 2d 536 (C.A. 2, 1970); Pharmaceutical Manufacturers Association v. Richardson, 318 F. Supp. 301 (D. Del., 1970).

Schering admits that these withdrawal procedures may be legally proper if the data, reasons and facts cited in support of the effectiveness of the drug are accepted as true for the purpose of determining if a factual issue exists and if such determination is made by an independent hearing examiner rather than by the Commissioner. The Commissioner has accepted the data submitted by Schering as true. It is patently clear, however, that none of the data meet the statutory standard of adequate and well-controlled investigations. The Commissioner is not required to submit that issue to a hearing examiner, since the statute requires him to make the decision. Thus, no genuine and substantial issue of fact exists on which to hold a hearing. 21 CFR 130.14(b).

Schering argues that Metreton is no longer a new drug because the drug was generally recognized as safe for its intended purposes on October 9, 1962, and thereby it is exempted from the effectiveness provisions of the 1962 Drug Amendments by the "grandfather clause", Public Law 87–781, section 107(c)(4). This argument is without merit. Section 107(c)(4)(C) provides that if a drug was covered by an effective new drug application under 21 U.S.C. 355 on October 9, 1962, the exemption from the 1962 Drug Amendments does not apply. USV Pharmaceutical Corp. v. Richardson, 461 F. 2d 223 (C.A. 4, 1972).

The new drug application for Metreton has been effective since 1956. It has never been disapproved or withdrawn by the Food and Drug Administration. The fact that Schering received a letter dated October 6, 1959, from the Food and Drug Administration to the effect that Metreton was no longer considered a new drug is irrelevant, since all such informal and formal opinions have been revoked by 21 CFR 130.39, and in any event that letter did not withdraw or disapprove the new drug application.

In its written request for a hearing, Schering suggests that the new drug application for Metreton be allowed to remain in effect: *Provided*, That (a) the ascorbic acid (Vitamin C) is either deleted from the product or that the product is labeled in such a way as to indicate that the ascorbic acid is but an inactive ingredient for which no therapeutic claims are made, and (b) that the labeling indications for the product be limited to "the symptomatic relief of allergic rhinitis". Neither of these proposals can substitute for the requirement that Schering submit substantial evidence that Metreton is effective as a fixed combination for the uses recommended in its labeling.

In this connection, Schering suggests that the Commissioner is required by section 9(b) of the Administrative Procedure Act, 5 U.S.C. 558(c)(2), to permit the firm an opportunity to "demonstrate or achieve compliance with all lawful requirements" by permitting the new drug application for Metreton to remain in effect under the new labeling proposed by the firm. The reliance on 5 U.S.C. 558(c)(2) here is misplaced. First, this statutory provision does not apply in cases in which public health, interest or safety requires otherwise. Moreover, the firm has had substantial opportunity to demonstrate compliance with the law by initiating adequate and well-controlled studies that will satisfy the statutory standard, and has failed to do so.

Schering suggests that the only issue raised by the NAS–NRC panels was whether the effectiveness of the Metreton combination is greater than that of the corticosteroid component alone. With reference to this remark, Schering argues that the issue in the evaluation of Metreton is not relative efficacy. The Commissioner agrees. The NAS–NRC and the Commissioner have concluded that Metreton is ineffective as a fixed combination. Each component of Metreton must make a contribution to the claimed effectiveness of the drug and the dosage of each component must be such that the combination is safe and effective for the uses recommended in its labeling. 21 CFR 3.86. Thus, for example, the NAS–NRC panel on drugs used in allergy stated "If antihistamines and corticosteroids are indicated in the management of any allergic condition, they should be given separately, so that the effects and side effects of the two classes of compounds can be adjusted independently. The physician may be unable to give a proper dose of either active ingredient with this type [fixed combination] of product. Furthermore, it seems to the panel that this this type of product encourages indiscriminate use of corticosteroids."

B. *Aristomin.* Lederle submits that its new drug application for Aristomin should not be withdrawn because clinical experience with Aristomin has demonstrated its effectiveness. The firm notes that over 170 million capsules have been sold. However, the number of capsules sold cannot substitute for the requirements of law that there must be substantial evidence, consisting of adequate and well-controlled clinical investigations, that a drug product is effective for the uses recommended in its labeling. The marketing history of a drug does not constitute a genuine and substantial issue of fact regarding the existence of substantial evidence that the drug will have the effect it purports or is represented to have under the conditions of use recommended in its labeling.

Lederle also states that the Commissioner has acted unreasonably and arbitrarily in not granting Lederle's request for an opportunity to conduct clinical investigations of the effectiveness of Aristomin prior to initiating proceedings to withdraw approval of its new drug application. Lederle has always been free to proceed with protocols which it feels may establish the effectiveness of Aristomin for the uses suggested in its revised labeling. The criteria for adequate and well-controlled clinical studies necessary to develop such data are set out in 21 CFR 130.12(a)(5). However, the pursuit of such investigation is irrelevant to the withdrawal of the new drug application for Aristomin since the law requires that such adequate and well-controlled clinical studies establishing the safety and effectiveness of Aristomin for its labeled uses must support the new drug application that is in effect. Development of this data at a later date may be pertinent only to a submission for reapproval of the new drug application.

V. *Findings.* On the basis of review of the documentation and legal arguments offered to support the claims of effectiveness for Metreton and Aristomin, the Commissioner finds that there is a lack of substantial evidence that these drugs have the effect they purport or are represented to have under the conditions of use prescribed, recommended, or suggested in their labeling, that the legal arguments are insubstantial, and that the petitioners have failed to set forth specific facts showing that there is a genuine and substantial issue of fact requiring a hearing.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 505(e), 52 Stat. 1052, as amended; 21 U.S.C. 355(e)) and under the authority delegated to the Commissioner (21 CFR 2.120), the request for hearing is denied, and the approval of the new drug applications of Metreton (NDA 10–493) and Aristomin (NDA 11–686) and all amendments and supplements thereto, are withdrawn. Withdrawal is effective on the date of publication of this order.

Dated: March 5, 1973.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.73-4537 Filed 3-7-73;8:45 am]

[Docket No. FDC-D-475; NDA 10-157; DESI 10157]

SCHERING CORP.

Sigmagen Tablets; Final Order on Objections and Request for a Hearing Regarding Withdrawal of Approval of New Drug Application

In the FEDERAL REGISTER of March 14, 1972 (37 FR 5309), the Food and Drug Administration announced its evaluation of a report received from the National Academy of Sciences-National Research Council, Drug Efficacy Study Group, on the product Sigmagen Tablets (NDA 10-157; DESI 10157). The holder of the new drug application is Schering Corp., Galloping Hill Road, Kenilworth, N.J. 07033.

The announcement stated the conclusion of the Food and Drug Administration that there is a lack of substantial evidence that this fixed combination drug will have the effect that it purports or is represented to have under the conditions of use prescribed, recommended, or suggested in the labeling, and that each component of such drug will contribute to the total effects claimed. Accordingly, the announcement stated that

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the Commissioner intended to initiate proceedings to withdraw approval of the new drug application. The holder or any interested persons were invited to submit, within 30 days, pertinent data bearing on the proposal. The announcement stated that to be acceptable for consideration in support of the effectiveness of the drug, any such data must be previously unsubmitted, well organized, and include data from adequate and well-controlled clinical investigations as described by regulations, 21 CFR 130.12(a)(5). No data were submitted.

A notice was thereafter published in the FEDERAL REGISTER of June 29, 1972 (37 FR 12856), in which the Commissioner proposed to withdraw approval of the new drug application for Sigmagen Tablets, pursuant to section 505(e) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(e)), on the ground that new information before him with respect to the drug, evaluated together with the evidence available to him when the application was approved, shows that there is a lack of substantial evidence that the drug will have the effects it purports or is represented to have under the conditions of use prescribed, recommended, or suggested in the labeling. Thirty days were allowed for any interested person to file a written appearance requesting a hearing, giving the reasons why approval of the new drug application should not be withdrawn, together with a well-organized and full-factual analysis of the clinical and other investigational data they were prepared to prove in support of their opposition.

A request for hearing was submitted by Schering Corp. on July 27, 1972. The request has been considered, and the Commissioner of Food and Drugs concludes that there is no genuine and substantial issue of fact requiring a hearing and that the legal arguments offered are insubstantial, all as explained in more detail below.

I. *The Drug.* Sigmagen is a tablet containing a fixed combination of 0.75 mg. prednisone, 325 mg. aspirin, 20 mg. ascorbic acid, and 75 mg. aluminum hydroxide.

II. *Recommended uses.* This product is recommended for use in the treatment of mild cases of rheumatoid arthritis, mild cases of spondylitis, subacute or interval gout, bursitis, myositis, fibrositis, and neuritis. The recommended dose is four to 12 tablets daily, in divided doses.

III. *The data to support claims of effectiveness.* In response to the notice, Schering Corp. filed a narrative statement, citing several medical publications, in which it asserts that a combination of prednisone and aspirin is effective for symptomatic relief of mild to moderate rheumatoid arthritis. Schering did not submit any data or studies concerning the drug Sigmagen, nor any drug consisting of a combination of prednisone, aspirin, ascorbic acid, and aluminum hydroxide, nor did it submit data to establish the efficacy of any such drug for the treatment of spondylitis, subacute or interval gout, bursitis, myositis, fibrositis, and neuritis. Schering stated that it was willing to delete ascorbic acid and aluminum hydroxide from the Sigmagen formula, to limit the recommended uses of the product to symptomatic relief of mild to moderate rheumatoid arthritis, and to undertake new studies to prove that a prednisone-aspirin combination drug is safe and effective for symptomatic relief of mild to moderate rheumatoid arthritis.

If the proposed new studies do in fact establish safety and effectiveness for such a product for such a condition of use, nothing prevents Schering from filing another new drug application for its proposed newly formulated and labeled product. However, since Schering has presented no data concerning the effectiveness of Sigmagen as presently formulated, for the conditions of use as presently labeled, no genuine issue of fact has been presented requiring a hearing on whether there is a lack of substantial evidence of effectiveness of the presently formulated and labeled product. Approval of Sigmagen must be withdrawn where there is a lack of substantial evidence of effectiveness within the meaning of 21 U.S.C. 355(e).

Nevertheless, Schering contends that a combination prednisone-aspirin tablet is effective in the treatment of mild to moderate rheumatoid arthritis, and that the combination is justified in that the aspirin component enhances the safety of prednisone by allowing a lower dosage of prednisone to be used (and thus minimizing the risk of side effects of prednisone) without reducing the effectiveness of the treatment, and vice versa. In effect, Schering is requesting a hearing on a supplemental new drug application in advance of formal filing. Even if substantial evidence of effectiveness in fact existed with respect to the proposed product, a hearing would not be required to determine whether approval of the present new drug application should be withdrawn; but in any event, Schering has not raised a genuine and substantial issue of fact even with respect to the existence of substantial evidence of effectiveness of its proposed product.

To raise an issue of fact as to the existence of substantial evidence of effectiveness of a prednisone-aspirin fixed combination drug, Schering must identify the existence of adequate, well-controlled clinical investigations which show that the combination is effective in the treatment of mild to moderate rheumatoid arthritis, as required by section 505 of the Act and 21 CFR 130.12(a)(5). And further, since Schering's attempted justification of the combination in terms of safety is grounded on the premise that the components may be combined without reducing the therapeutic effect, it is necessary that such studies establish that each ingredient of the combination contributes to the effectiveness of the drug, as required by 21 CFR 3.86.

None of the medical articles cited by claimant consitute substantial evidence of effectiveness, as explained below:

a. *The articles cited by the NAS-NRC panel.* Schering cites 14 medical articles which had been cited by the NAS-NRC panel in its review of Sigmagen. All of these articles are concerned with the effectiveness of various steroids used alone in the treatment of rheumatic diseases, and not with a fixed combination of prednisone and aspirin, and are thus irrevelant to whether Sigmagen or a fixed combination of prednisone and aspirin is effective for any condition (21 CFR 3.86).

b. Schoger, Von G. A., "Zur Beurteilung der Wirkung einer Kombination von Salicylaten und Prednisolon bei rheumatischen Erkrankungen," Arzneimittel-Forschung. 18:758–760, June 1968. The article is a report of 164 patients with "a rheumatic form of disease," of whom 27 patients were subjects of a double-blind study, treated with four different preparations: (1) A combination of 2.5 mg. prednisolone, 175 mg. Al acetylosalicylicum, and 100 mg. athoxybenzamid, in an enteric coating; (2) 2.5 mg. prednisolone alone; (3) 175 mg. Al acetylosalicylicum plus 100 mg. athoxybenzamid; and (4) a placebo. The results were measured by patient report of change in pain. The greatest number of "no pain" reports came from patients receiving the combination drug.

This is not an adequate and well-controlled clinical study as required by 21 CFR 130.12(a)(5). Although 164 patients are first discussed, the only portion of the study that was controlled dealt with only 27 patients, which is too small a number to permit statistically significant conclusions. Since the specific disease conditions of the patients in the double-blind study are not given, it is impossible to evaluate the effectiveness of the combination for a specific condition such as rheumatoid arthritis, osteoarthritis, etc. Since no details are given concerning the sequence of administration of the various preparations, the duration of the treatment with each preparation, the length of time between each treatment, the exact diagnosis of the test subjects, and information concerning the severity and duration of the disease, age, sex, etc., a reasonable analysis is impossible, and the study is little better than a testimonial. Further, the criterion of "no pain," "insignificant pain," "constant pain," and "more severe pain" is subjective and is not, standing alone, adequate to allow any valid conclusion to be drawn in this type of disease. The only other criterion reported, blood sedimentation rate, was only measured in 20 patients and showed no advantage to the combination. Finally, the combination utilized in the study differs both in formulation and dosage from the 0.75 mg. prednisone-325 mg. aspirin combination of Sigmagen.

c. Graber-Durvernay, J., Leroy, Martingay, Fauconnier, and Van Moorleghem, "L'Association Medicamenteuse Delta-1-Dehydrocortisone et Acide Acetylsalicylique dans le Traitement des Maladies Rheumatismales," Rheumatologie 3:127–31, 1956. The article reports that 228 cases of various rheumatic diseases were treated with a combination cortisone (1 mg.) and aspirin (5 grains)

drug in the form of a cachet (powder). The article does not state if any of the patients were suffering from rheumatoid arthritis. The study is uncontrolled, as there was no comparison of the combination with cortisone alone or with aspirin alone, and thus does not meet the requirements of 21 CFR 3.86 or 130.12(a)(5). Furthermore, the subject drug contained different ingredients, in different dosage, and in a different form than the prednisone-aspirin components of Sigmagen, and thus cannot be accepted as evidence of the effectiveness of Sigmagen.

d. Jick, H., R. S. Pinals, R. Ullian, D. Sloane, and H. Muench, "Dexamethasone-aspirin in the treatment of chronic rheumatoid arthritis," Lancet 2:1203–1205, 1965; and Gum, O. B., "A controlled study of two preparations, paramethasone, propoxyphene, and aspirin and propoxyphene and aspirin in the treatment of arthritis," Amer. J. Med. Sci. 251:328–332, 1966, are cited by Schering in support of their statement that a combination of a salicylate drug with a steroid drug has the advantage of allowing a lower dosage of steroid (thus minimizing the risk of adverse effects of the steroid) without sacrificing the therapeutic benefits. However, these studies are not adequate since no comparison was made of the combination with a larger dose of aspirin alone, and thus they do not show adequately whether the side-effect liability of the combination is less than that of aspirin alone when compared at equal therapeutic doses. Further, the studies did not utilize prednisone, but rather dexamethasone or paramethasone, as the steroid. While a steroid-aspirin combination study may be supportive of the rationale of a prednisone-aspirin combination it cannot substitute for the full reports of adequate and well-controlled investigations on the Sigmagen combination itself, which are required by section 505 of the Act.

e. Platt, W. D., and Steinberg, I. H., "Prednisone Alone And In Combination With Salicylates and Phenylbutazone in the Treatment of Rheumatoid Arthritis," New England J. Med. 256:823–827, 1957. In this study 16 patients with rheumatoid arthritis were treated with prednisone alone, and subsequently with aspirin and prednisone or with phenylbutazone and prednisone. The maintenance dose of prednisone was reduced by the addition of aspirin or phenylbutazone. Twelve out of sixteen patients thought that aspirin caused a decrease in pain and an increase in joint mobility.

The study is not well-controlled, as there is no "blinding" technique to minimize bias on the part of the observers and the analysts of the data, and for the further reason that there was no comparison of the combination with aspirin alone, as required by 21 CFR 130.12(a)(5). The aspirin was given separately and not in a fixed combination with prednisone, and thus has no bearing on the effectiveness of a fixed combination of 0.75 mg. prednisone and 325 mg. aspirin, since in the study, the dosages of each component were varied for each patient. Such variation and titration cannot be accomplished with a fixed combination. Further, the number of patients is too small for any statistical significance to be attached to the study. Finally, the criteria for evaluation of effectiveness (patient-reported pain or joint mobility) is too subjective for adequate evaluation of drug effectiveness. As the authors state, "[t]he results of any therapy combining two medications in a disease having a fluctuating course are difficult to evaluate." This study fails to meet the criteria of 21 CFR 3.86 or 130.12(a)(5) and is not adequate to support the conclusion that prednisone-aspirin is effective or that addition of aspirin allows a lower dose of prednisone without a reduction in therapeutic effect.

f. Szucs, Petraglia, and Galose, "Clinical Evaluation Of Newer Anti-Inflammatory Steroids, II—A Comparative Study In 350 Cases With Prednisolone," Ohio Medical Journal 53:1418–1420, 1957. In this study, 350 patients with rheumatoid arthritis and miscellaneous other inflammatory conditions were divided into three groups, one group receiving a combination prednisolone (0.5 mg.) and aspirin (300 mg.) preparation, another receiving 2.5 mg. prednisolone alone, and the third receiving 5 mg. prednisolone alone.

The study is not adequate and well controlled and it fails to meet the criteria of 21 CFR 130.12(a)(5). No data is given so as to assure that the control groups were comparables in terms of age, sex, duration, and severity of the disease and previous treatment. The size of the group receiving 2.5 mg. prednisolone is too small. The criteria for differential diagnosis was not given, i.e., it is not explained how the diagnoses of the different types of arthritis were made. Although the article states that a control group received a placebo of a sugar tablet, no data concerning this group is included in the study. The classification of results is not adequate for proper evaluation of effectiveness, because the terms used, i.e., "moderate," "slight," "intensive," "average," are not defined. The study is not well controlled in that there is no comparison between the combination and aspirin alone, nor with 0.5 mg. prednisolone alone. The study was not performed with Sigmagen or a fixed combination of 0.75 mg. prednisone and 325 mg. aspirin, but rather with a combination of prednisolone and aspirin. Finally, the authors themselves state: "only fair results were obtained (with the combination) in rheumatoid arthritis and miscellaneous bursitis."

g. Peterson, Block, and Bunim, "Salicylates and Adrenocortical Functions in Man," Arth. Rheum. 1:29–37, 1958. This study on five normal subjects and four patients with rheumatoid arthritis was for the purpose of determining the effects of salicylates on plasma and urine steroids, and does not purport to establish the effectiveness of a fixed combination prednisone-aspirin drug. One of the patients received a combination of triamcinolone and aspirin, and was reported to respond better to the combination than to either triamcinalone or aspirin alone. An isolated case report on one patient may not be considered (21 CFR 130.12(a)(5)(ii)(c)). Further, the response to a triamcinolone-aspirin drug does not establish the effectiveness of a fixed combination of prednisone and aspirin.

h. Szucs, Holanko, Forester, and Nalogan, "Evaluation of Combined Prednisolone-Aspirin Therapy in the Treatment of Arthritis," Ohio Med. J. 52:722–723, 1956. This article reports on the clinical response of 200 patients with rheumatoid arthritis to treatment with a combination of 300 mg. aspirin and 0.5 mg. prednisolone. The authors conclude, based on subjective evaluation of the responses, that the combination is of value in treating rheumatoid arthritis, although they state that the evaluation is "preliminary in nature" and "firm conclusions cannot be drawn" from it.

The study is completely uncontrolled, fails to meet the criteria of 21 CFR 130.12(a)(5), and is little more than a testimonial. There is no comparison of the effects of the combination with aspirin alone or with prednisolone alone. Further, the study is not adequate since the effectiveness of a drug containing 300 mg. aspirin and 0.5 prednisolone, even if properly established, would not be conclusive of the effectiveness of a fixed combination of 325 mg. aspirin and 0.75 mg. prednisolone, as contained in Sigmagen.

i. Schering cites four references in support of its statement that salicylates have a steroid-sparing effect (Glynn, J. H.; Merck, E.; Kersley, T. D.; and Cope, C. L.). These references do not constitute substantial evidence of effectiveness since they are not clinical studies, but only narrative statements, and no data is submitted in support of the statements. It is interesting to note, however, that Kersley states, at page 99 that "Many compounds containing largely aspirin and a little delta steroid are also appearing, but it is much better and cheaper to use the steroids and aspirin as separate tablets and adjust the dosage combination for the particular patient."

j. Tillis, H. H., "Prednisolone-Buffered Salicylates in the Treatent of Non-Articular Rheumatism.", J. Med. Soc. N.J. 53–177–180, 1956, does not constitute substanital evidence of the effectiveness of Sigmagen and does not meet the criteria of 21 CFR 130.12(a)(5), since the study is uncontrolled, prednisolone, rather than prednisone, was the steroid utilized, the drugs were not given as a fixed combination but were administered separately and the condition treated was nonarticular rheumatism, and thus any data generated, even if well controlled, would not be adequate to establish the effectiveness of a drug intended for treatment of rheumatoid arthritis.

k. Holt, Illingsworth, Lorber, and Rendle-Short, "Cortisone and Salicylates in Rheumatic Fever," Lancet 2:1144–1148, 1954, does not cnostitute substantial evidence of the effectiveness of Sigmagen within the meaning of 21 U.S.C. 355(e), and 21 CFR 130.12(a)(5), since the study was conducted on children with acute

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rheumatic fever, not rheumatoid arthritis, aspirin and corsitone were given separately and titrated acoording to the needs of the individual patient, and thus the results are not applicable to a fixed combination of prednisone and aspirin, nad tehre was no comparison of the combination with a steroid alone.

l. Salem, J. E., Methylprednisolone—Aspiring in Orofacial Surgery: Controlled Clinical Trial," J. Amer. Dent. Assoc. 68–188–190, 1964. In this study, aspirin was compared to a combination of aspirin and methylprednisolone in treatment of pain and swelling of orofacial surgery patients. Again, this study is irrelevant to sigmagen since the study involved methylprednisolone and aspirin in treatment of orofacial surgery patients, and did not concern a fixed combination predisone-aspirin drug in treatment of rheumatoid arthritis. Furthermore, the authors concluded that the differences in the results obtained were not statistically significant.

m. Zuckner, Uddin, and Ramsey, "Adrenal-Pituitary Relationships with Prolonged Low Dosage Steroid Therapy in Rheumatoid Arthritis," Missouri Med. 66:649–659, 1969. The article refers to an uncompleted, unpublished study on 20 patients with rheumatoid arthritis to test the effectiveness of a paramethasone-propoxyphene HCl-aspirin combination as compared with aspirin alone. This study cannot be accepted as substantial evidence of the effectiveness of Sigmagen within the meaning of 21 U.S.C. 355(e) and 21 CFR 130.12(a)(5), because the combination utilized differs from the Sigmagen combination, it is not well controlled in that there is no comparison of the combination to a steroid alone or to a placebo, and the criteria to evaluate effectiveness is purely subjective, and in any event in only 11 of 20 patients did the combination prove superior to aspirin alone.

n. Winter, L., "A Controlled Evaluation Of Methylprednisolone—Aspirin Tablets in Oral Surgery." N.Y. State Dent. J. 29:103–105, 1963. The author found that a combination of methylprednisolone (1.5 mg.) and aspirin (500 mg.) was markedly more effective than the dose of aspirin alone in achieving pain relief in pre- and post-operative oral surgery. This study is not substantial evidence of the efficacy of Sigmagen within the meaning of 21 U.S.C. 355(e) and 21 CFR 130.12(a)(5), since it involved a different drug and was used to treat pain in oral surgery patients, which is not a recommended use of Sigmagen, and pain relief is entirely subjective and is not an adequate basis, alone, upon which to evaluate drug effectiveness.

o. Roskam, J., and Van Carvenberge, H., "Cortisone, ACTH and Salicylates in the Treatment of Inflammatory Rheumatism and Similar Conditions," Presse Medicale, Paris 60:1344–1347, 1952 (abstracted in JAMA 151:248, 1953). This study fails to meet the criteria of 21 CFR 130.12(a)(5), and is not adequate to establish the effectiveness of Sigmagen because it involved high doses (from 25 to 1,000 mg.) of ACTH or cortisone plus aspirin and is thus not applicable to the prednisone-aspirin fixed combination as in Sigmagen, it is not well controlled since 50 patients received high aspirin to which cortisone was later added, and is thus not a double-blind study, nor is there any comparison of the combination to a steroid alone, and the study involved patients with rheumatic fever, not rheumatoid arthritis or any other condition for which Sigmagen is recommended.

p. Hersko, C., and Izak, G., "Anemia in Rheumatic Fever," Israel Med. Sci. J. 1:43–49, 1965. The authors noted that the addition of prednisone to aspirin markedly improved rheumatic fever patients' response to therapy as determined by increments in hemoglobin as compared with the same daily dosage of aspirin alone, or in combination with ferrous sulfate. This study fails to meet the criteria of 21 CFR 130.12(a)(5) and does not apply to Sigmagen, which is recommended for treatment of rheumatoid arthritis, and is not recommended for rheumatic fever. The study is not well controlled, as there is no comparison with prednisone alone, nor with a placebo. Finally, the effect on hemoglobin is not an adequate criteria for evaluation of the effectiveness of the drug.

q. Coste, F. et al., "Le Traitement des Rhumatismes Inflammatories pour de Nouveaux Steroids Synthetiques," La Semaine de Hospitaux de Paris 31: 1–8, 1955, is not adequate since it concerns only one patient and the steroid and aspirin were administered separately and not in a fixed combination. For the same reasons, the case report of one patient reported by Medvel, V. C., "Cortisone in Rheumatoid Arthritis," Lancet 2:1102, 1953, does not constitute substantial evidence of effectiveness of a fixed combination prednisone-aspirin drug.

None of the studies cited by Schering are adequate and well controlled in accordance with the criteria set forth at 21 CFR 3.86 and 130.12(a)(5), to establish that a fixed combination drug containing 0.75 mg. prednisone and 325 mg. aspirin is effective in the treatment of rheumatoid arthritis, and further that the combination is at least as effective as prednisone alone or as aspirin alone. In fact, only one article (Platt and Steinberg) was concerned with a prednisone-aspirin combination in treatment of rheumatoid arthritis. No plan or protocol for any of the studies, or the report of the results of the effectiveness of the test drug, provide adequate assurance that the subjects were always suitable for the purposes of the study, or that the subjects were assigned to test groups in such a way as to minimize bias, or that comparability of pertinent variables in test and control groups was assured. Finally, no data was submitted to establish the effectiveness of a fixed combination prednisone-aspirin drug, the dosage of which cannot be titrated or adapted to the needs of the individual patient.

IV. *Legal objections.* The Commissioner has authority to establish criteria for adequate and well-controlled clinical investigations necessary to demonstrate effectiveness of drug products on the market, and may condition holding of an evidentiary hearing on a showing by Schering Corp., that reasonable grounds exist therefor. (Ciba-Geigy Corporation v. Richardson, 446 F. 2d 466 (C.A. 2, 1971); Pfizer Inc., v. Richardson, 434 F. 2d 536 (C.A. 2, 1970); Pharmaceutical Manufacturers Assn. v. Richardson, 318 F. Supp. 301 (D. Del., 1970)). Thus, the objections of Schering Corp. on these grounds are unfounded.

Since Schering Corp. has submitted no adequate and well-controlled clinical studies establishing the effectiveness of Sigmagen for its recommended uses or of the drug as proposed to be reformulated and relabeled, no hearing on the withdrawal of the NDA of Sigmagen is justified as no genuine issue exists as to the material question of the existence of substantial evidence of effectiveness of Sigmagen for its recommended uses. [(21 CFR 3.86, 130.12(a)(5)(ii), 130.14 (b), and 130.27(b)(3); Ciba-Geigy Corp. v. Richardson, supra; Upjohn Co. v. Finch, 422 F. 2d 944 (C.A. 6, 1970)].

The contention of Schering Corp., that Sigmagen Tablets are exempt from the effectiveness provision of the new drug definition, 21 U.S.C. 321(p), in that it is protected by the grandfather provisions of the 1962 Drug Amendments (Sec. 107(c)(4) of Public Law 87–781) is likewise unfounded. A drug subject to an NDA prior to October 9, 1962, does not qualify for an exemption from the new drug provisions of the Act under the grandfather provisions of the 1962 Drug Amendments. USV Pharmaceutical Corporation v. Richardson, 461 F. 2d 223 (C.A. 4, 1972).

Finally, Schering's contention that Sigmagen is not now a new drug, in that it is generally recognized as safe and effective under the conditions of use recommended in its labeling, does not require a hearing. Schering did not present any data or other evidence to establish that Sigmagen is not a new drug within the meaning of the statute, nor did it submit adequate, well-controlled published studies on Sigmagen upon which experts could conclude that Sigmagen is generally recognized among qualified experts to be safe and effective. Thus, Schering has not raised a genuine and substantial issue of fact requiring a hearing on whether Sigmagen is presently a new drug.

V. *Findings.* The Commissioner, based on the review of the medical documentation offered to support the claims of effectiveness for Sigmagen in the treatment of mild to moderate rheumatoid arthritis, mild cases of spondylitis, subacute or interval gout, bursitis, myositis, fibrositis, and neuritis, and to support the claims of effectiveness for a prednisone-aspirin combination drug for symptomatic relief of mild to moderate rheumatoid arthritis, finds that there is a lack of substantial evidence that this fixed combination drug will have the effect that it purports and is represented to have under the conditions of use prescribed, recommended, or suggested in its labeling and that each component of the drug contributes to the total effects claimed, and that Schering Corp. has failed to set forth specific facts showing that there is a genuine and substantial issue of fact requiring a hearing. No objections or documentation were presented by any other firms, and, in accordance with the provisions of 21 CFR 130.15, this failure is construed as an election by any other firm not to avail itself of the opportunity for the hearing.

The Commissioner further finds that the approval of the new drug application heretofore approved for Sigmagen (NDA 10–157) should be withdrawn on the basis of a lack of substantial evidence of effectiveness.

Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (§§ 505, 701, 52 Stat. 1052–1053, 1055–1056, as amended, and 76 Stat. 781–785, as amended; 21 U.S.C. 355, 371), and under authority delegated to the Commissioner (21 CFR 2.120), the request for a hearing is denied, and notice is given that the approval of the new drug application for Sigmagen tablets (NDA 10–157) and all amendments and supplements thereto is withdrawn, effective on the date of publication of this document.

Dated: March 6, 1973.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.73-4539 Filed 3-7-73;8:45 am]

[DESI 8530; Docket No. FDC-D-141; NDA Nos. 10-613 and 8-530]

WINTHROP PRODUCTS, INC., AND WINTHROP LABORATORIES

Alevaire; Notice of Withdrawal of Approval of New Drug Application

In an announcement published in the FEDERAL REGISTER of July 17, 1968 (33 FR 10227), Winthrop Products, Inc., holder of new drug application No. 10–613 for Alevaire (tyloxapol 0.125 percent) and Winthrop Laboratories, Division of Sterling Drug, holder of NDA No. 8–530 for Alevaire (tyloxapol 0.125 percent), were notified of the National Academy of Sciences-National Research Council, Drug Efficacy Study Group's evaluation of the article as ineffective, and of the Food and Drug Administration's concurrence with the evaluation and its conclusions that there is a lack of substantial evidence that Alevaire will have the effect it purports and is represented to have under the conditions of use prescribed, recommended, or suggested in its labeling. Accordingly, the Commissioner of Food and Drugs noted his intent to initiate action to withdraw approval of the new drug applications for Alevaire, and invited holders of the NDA's to submit any pertinent data.

After the announcement, Winthrop met with representatives of the Food and Drug Administration on August 13, 1968, to present arguments and additional evidence in support of the claimed effectiveness of Alevaire. The arguments and data were evaluated, but failed to provide any evidence of effectiveness derived from adequate and well-controlled clinical investigations. On December 6, 1969, there was, therefore, published in the FEDERAL REGISTER (34 FR 19389), a notice of opportunity for hearing in which the Commissioner of Food and Drugs proposed to issue an order under the provisions of section 505(e) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(e)) withdrawing approval of NDA's Nos. 10–613 and 8–530 for Alevaire, and all amendments and supplements thereto, on the ground that there was a lack of substantial evidence to support the claims of effectiveness for the drug for the conditions for which it is prescribed, recommended, or suggested in the labeling.

Winthrop Products, Inc., holder of NDA No. 10–613; Winthrop Laboratories, Division of Sterling Drug, Inc., holder of NDA No. 8–530; and Breon Laboratories, Inc., a firm marketing Alevaire in the United States, filed a written appearance and request for hearing on January 20, 1970.

Submitted with the request was a statement of grounds, including the medical documentation relied upon, arguments which contended that there was an unqualified right to a hearing, and the affidavits of six physicians and scientists attesting to the drug's effectiveness. Additional medical documentation was submitted by a letter dated May 7, 1970.

On June 5, 1970, in response to the May 8, 1970, FEDERAL REGISTER publication of procedural and interpretative regulations, a supplemental election for hearing was submitted, included in which, was further medical documentation and a reiteration of the argument and reasons for a hearing as stated in the initial request for hearing. On August 13, 1970, one final medical document was submitted as a supplement to the January 20, and June 5 filings, and on March 1, 1971, the affidavit of the medical director of Breon Laboratories was received.

On June 21, 1971, a revision of an earlier submitted study was forwarded along with five affidavits. On August 12, 1971, a submission was made containing argument and two affidavits. Finally, on January 28, 1972, petitioners made a final submission containing raw data sheets on two previously submitted studies.

On September 11, 1971, a final order was published in the FEDERAL REGISTER (37 FR 17229) denying requests for a hearing and withdrawing approval of NDA's Nos. 10–613 and 8–530 on the grounds that there is a lack of substantial evidence that the drug, Alevaire, is effective for its recommended uses.

After preparation of the order, but prior to its publication in the FEDERAL REGISTER, the data received on June 21 and August 12, 1971, as set forth above, was received and due to inadvertence, was not considered prior to publication of the final order.

On January 11, 1972, upon being advised by the Government of the inadvertence, the U.S. Court of Appeals for the Second Circuit set aside the order of September 11, 1971, and remanded the proceeding to the Food and Drug Administration for reconsideration of the requests of hearing in light of the data not considered.

The additional data, as well as the medical documentation reviewed by the NAS–NRC panel and the medical documentation contained in both NDA's have been considered. The Commissioner of Food and Drugs concludes that there is no genuine and substantial issue of fact requiring a hearing and that the legal arguments are insubstantial.

REASONS FOR WITHDRAWAL OF APPROVAL

1. *The drug.* Alevaire is an aqueous solution of 0.125-percent tyloxapol, 2-percent sodium bicarbonate, and 5-percent glycerin.

It is recommended in the treatment of patients "with diseases and disorders of the lungs accompanied, or complicated, by excessive or thickened bronchopulmonary secretions," and is indicated also for persons having pulmonary diseases where "* * * the normal mechanism for elimination of secretions is diminished or absent * * * or depressed."

The rationale for Alevaire has been variously described. At the time of initial NDA approval, it was offered as a "mucolytic" detergent aerosol which exerted a liquefying effect on excessive or thickened mucous secretions, thereby aiding the patient in their expulsion. The rationale, as reflected in the labeling submitted for review by the NAS–NRC panel, is that the drug acts as a detergent aerosol facilitating the removal of the pulmonary secretions allowing for excretion by normal processes by lowering or reducing the surface and interfacial tensions and reducing their viscosity.

Alevaire is recommended for administration in an undiluted form by an aerosol nebulizer delivering a fine mist to the patient in an open tent, croup tent, or incubator. Where short periods of therapy are indicated, 10–20 ml. are recommended to be administered by a face mask, positive pressure breathing machines, or oral or nasal spray apparatus.

2. *Medical documentation.* Petitioners have presented summaries and/or copies of 19 reports and have cited nine additional articles which they contend establish Alevaire's effectiveness. The Commissioner has reviewed these submissions and concludes that they include no adequate and well-controlled studies of the type required by 21 CFR 130.12(a)(5). These studies were generally discussed in the Commission's September 11, 1971, order and are discussed individually below.

(a) *Nine cited articles.* These articles are all mentioned in the submission of January 20, 1970. These articles, except No. (8) below, all contain mere passing references to Alevaire. They are not adequate and well-controlled studies since none of them, except No. (8), involved the use of any control whatever, in violation of section 505 of the act, 21 CFR

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3.86, and 21 CFR 130.12(a)(5)(ii)(a)(4). Nor is No. (8) an adequate and well-controlled study, as detailed below.

(1) S. Bloom "Case Report: Tracheostomy in Status Asthmaticus," Annals of Allergy, 23:538 (1965). As suggested in the title, this article is a discussion of a case history of a patient. The patient was given several drugs including Alevaire in the course of his treatment, and no mechanism was used to compare the effects of the various treatments.

(2) R. M. Cherniak "The Recognition and Management of Respiratory Insufficiency," Anesthesiology 25:209 (1964). As suggested in the title, this article is a discussion of respiratory insufficiency. It is not a controlled comparison of the effects of drugs.

(3) D. E. Frank "WR 1339 Inhalations in the Treatment of Asthmatic Attacks and Chronic Asthma—A Pilot Study," Annals of Allergy 13:313 (1955). In this test, patients suffering from an asthma attack were treated with Alevaire for 15 minutes, but Alevaire was not compared to any control.

(4) O. C. Hansen-Pruss et al., "Emphysema in the Aged," Journal of the American Geriatric Society 2:153 (1954). This article is a general report concerning emphysema based on the observation of 24 uncontrolled patients and contains a single unsupported statement that Alevaire is an effective expectorant.

(5) M. Joannides, Jr., "Chronic Obstructive Emphysema," Journal of the American Medical Association 192:105 (1965). This article, rather than studying Alevaire, discusses aspects of the treatment of emphysema by surgery. The article recommends that expectorant therapy, preferably Alevaire, be used as preoperative preparation. It is not a controlled study of Alevaire's efficacy.

(6) F. Marchetta et al., "A Method of Tracheotomy Care," Archives of Otolaryngology 65:296 (1957). As suggested by the title, this article is not a controlled study of Alevaire. Its only mention of Alevaire is to suggest Alevaire's administration as a method of postoperative care for tracheotomy.

(7) T. H. McGavack et al., "Metabolic Emergencies Common in the Elderly," The West Virginia Medical Journal 61:109 (1965). This article, rather than being a study of Alevaire, discusses metabolic emergencies commonly affecting older persons. It says, in passing, that while the various detergents and enzymes have been used to thin tenacious bronchial secretions, none has been too successful, but that Alevaire has been the most satisfactory detergent aerosol.

(8) J. H. Modell et al., "The Effects of Wetting and Antifoaming Agents on Pulmonary Surfactant," Anesthesiology 30:164 (1969). This study purports to compare the in vitro and in vivo effects of Alevaire (a wetting agent) and ethyl alcohol (an antifoaming agent) on normal canine pulmonary surfactant. This does not constitute adequate and well-controlled study since Alevaire was compared to ethyl alcohol, not to a proper control, i.e., Alevaire minus the active ingredient tyloxapol, in other words, a mixture of 2 percent sodium bicarbonate, 5 percent glycerin and 93 percent water, and the test was conducted on healthy dogs, not on human patients suffering from conditions for whose treatment Alevaire is recommended.

(9) J. E. Ruben "Alevaire as an Adjunct for Preventing Pulmonary Complications after Toracotomy (A Comparative Study of 200 Cases)," Anesthesiology 16:801 (1955). The title explains the subject of this article and indicates that no control was used, which is borne out by reading the article.

b. *Nineteen summarized or copied articles.* The first 14 of the articles discussed below were summarized in the submission of January 20, 1970. The other five were submitted as indicated.

1. R. Denton et al., "Mist-O_2-Gen Therapy and Postural Drainage for Respiratory Difficulties of the Newborn Infant: A Preliminary Report," Journal of Pediatrics 42:551 (1953). This article is a discussion of Mist-O_2-Gen—an apparatus for the administration of aerosol treatment to newborn infants suffering from respiratory difficulties. In passing, the authors suggest that the apparatus can be used to administer Triton-A-20, a former designation for tyloxapol, the active ingredient in Alevaire and one of a group of chemicals which the authors say has "proved chemically valuable." This article does not constitute an adequate and well-controlled study since it was not a comparison of Alevaire to a control as required by 21 CFR 130.13(a)(5)(ii)(a)(4).

2. B. Gans, "Acute Bronchiolitis treated with Detergent Aerosols," Lancet 1:1011 (1954). This article concerns the treatment of infant victims of two epidemics of bronchiolitis. During the first epidemic the mortality rate was 21.9 percent; during the second epidemic patients were treated with three detergents, including Alevaire, and none died. This is not an adequate and well-controlled study since there were no stated diagnostic criteria on the condition treated as required by 21 CFR 130.12(a)(5)(ii)(a)(2)(i) and (iii), the article did not state the method of observation and recording of results including variables measured and quantitation as required by 21 CFR 130.12(a)(5)(ii)(a)(3) and the article makes no effort to define or explain the possible effects of environmental factors. This third reason is important when one considers that the patients were in London and the first epidemic occurred between November 1952 and February 1953, dates which include the severe fog of December 5–9, 1952. The author admits that "some [patients] may well have had a more severe type of illness as a result of their exposure [to the fog]." (1 Lancet at p. 1012). Most importantly, there was no comparison of Alevaire with a control, e.g., a product containing Alevaire's components minus tyloxapol.

3. C. J. Heinberg, "Laryngitis in Children," Southern Medical Journal 50:383 (1957). This article discusses laryngitis in children generally, and its purpose "is to plead for teamwork early in order to prevent anoxemia and toxemia of severe impact" (50 Southern Medical Journal at 383). The article mentions Alevaire as an aid in treatment of acute laryngatracheobronchitis. This article does not constitute an adequate and well-controlled study since it did not compare Alevaire to a control as required by 21 CFR 130.12(a)(5)(ii)(a)(4).

4. M. Holmes-Siedle et al., "Acute Laryngotracheobronchitis Treated with 0.125 percent Superinone," British Medical Journal 2:777 (1958). This article relates to five cases of acute laryngotracheobronchitis in which Alevaire was used as part of the therapy. It is not an adequate and well-controlled study since it did not compare Alevaire to a control as required by 21 CFR 130.12(a)(5)(ii)(a)(4).

5. H. N. Kenwell et al., "Problems of Preoperative and Postoperative Cases," American Practitioner and Digest of Treatment 7:597 (1956). The title of this article indicates its concern. The article says that Alevaire is effective, inter alia, in liquifying bronchial secretions and should be used in preoperative and postoperative therapy in certain cases. This article merely mentions Alevaire. It is not an adequate and well-controlled study since it did not compare Alevaire to a control as required by 21 CFR 130.12(a)(5(ii)(a)(4).

6. D. M. Little, Jr., "Fetal Salvage in Cesarian Section—The Pediatric Viewpoint," New York State Journal of Medicine 53:2776 (1953). This article deals with methods to lower the mortality rate of infants delivered by cesarian section especially by aiding respiration. The article, in passing, makes the statement that Alevaire has been an effective detergent. This article, containing statements about Alevaire made in passing, does not constitute an adequate and well-controlled study since it did not compare Alevaire to a control as required by 21 CFR 130.12(a)(5)(ii)(a)(4).

7. J. B. Miller et al., "Alevaire Inhalation for Eliminating Secretions in Asthma, Sinusitis, Bronchitis and Bronchiectasis of Adults: A Preliminary Report," Annals of Allergy 12:611 (1954). This article makes suggestions concerning how Alevaire might be administered. In addition the article contains case reports of seventeen people with respiratory diseases and their response to treatment with Alevaire. This article is not an adequate and well-controlled study since it did not compare Alevaire to a control as required by 21 CFR 130.12(a)(5)(ii)(a)(4). In fact, the study itself says: "This does not pretend to be a controlled study." 12 Annals of Allergy at 624.

8. W. F. Miller, "Chronic Inflammatory Bronchopulmonary Disorders: A Physiologically Oriented Approach to Treatment," Archives of Internal Medicine 107:589 (1961). As suggested by the title, this article deals with the treatment of chronic inflammatory bronchopulmonary disorders. In passing the article says that Alevaire alleviates airway obstructions. This article, containing the living organism, the article does not

constitute an adequate and well-controlled study since it did not compare Alevaire to a control as required by 21 CFR 130.12(a)(5)(ii)(a)(4).

9. S. F. Ravenel, "New Techniques of Humidification in Pediatrics," Journal of the American Medical Association 151:707 (1953). This article claims to contain the results of an in vitro experiment in which Alevaire was shown to lower the viscosity of saliva, bronchiectatic pus and amniotic fluid by 10 percent, 19 percent, and 24 percent respectively while water produced no thinning. The article also states that Alevaire has helped those with various respiratory conditions. The results of the in vitro study does not constitute an adequate and well-controlled study of Alevaire's effectiveness since in vitro tests do not assure that the same results will occur in the living organisms, the article does not explain quantitation and how variables were measured as required by 21 CFR 130.12(a)(5)(ii)(a)(3), the article does not present a summary of the methods of analysis and an evaluation of data derived from the study as required by 21 CFR 130.12(a)(5)(ii)(a)(5), and the article is conclusory and lacks detail, data and an explanation of experimental technique. In addition, Alevaire was not compared to a proper control, e.g. Alevaire minus tyloxapol.

10. M. S. Sadove et al., "Postoperative Aerosol Therapy," Journal of the American Medical Association 156:759 (1954). This article gives the views of the authors on the place of aerosol therapy in the care of patients after operation. The article mentions that Alevaire may be used for such therapy and offers testimonials of its effectiveness. This article does not constitute an adequate and well-controlled study since it did not compare Alevaire to a control as required by 21 CFR 130.12(a)(5)(ii)(a)(4).

11. M. S. Segal et al., "Treatment of Chronic Pulmonary Emphysema," American Rev. Tuberculosis 69:915 (1954). The title of this article indicates its contents. Alevaire is mentioned as an aid in treatment. This article does not constitute an adequate and well-controlled study since it did not compare Alevaire to a control as required by 21 CFR 130.12(a)(5)(ii)(a)(4).

12. A. Smessaert et al., "Aerosol Administration of Alevaire: II. Clinical Evaluation," New York State Medical Journal 55:1587 (1955). This article summarizes the reactions of 300 patients to Alevaire. The therapeutic response was listed in the article under four groups: good, appreciable, fair and poor. These responses were based on consideration of the following factors: volume, color, and viscosity of sputum or secretions; temperature and pulse; changes in the respiratory effort and in the auscultatory signs; radiologic appearance before and after therapy; and the general condition of the patient. The test found that 204 of the patients (70 percent) were in the "good" and "appreciable" category. This article does not constitute an adequate and well-controlled study since it did not compare Alevaire to a control as required by 21 CFR 130.12(a)(5)(ii)(a)(4).

13. F. C. Stiles, "Aerosol Therapy in Children," the Wisconsin Medical Journal 52:543 (1953). This article talks about the use of Alevaire and other aerosols for various respiratory conditions. It is not an adequate and well-controlled study since it did not compare Alevaire to a control as required by 21 CFR 130.12(a)(5)(ii)(a)(4).

14. M. L. Tainter et al., "Alevaire as a Mucolytic Agent," the New England Journal of Medicine 253:764 (1955). This article summarizes the conclusions of previous articles on Alevaire. The authors say that they have carried out in vitro experiments to measure surface tension effects of Alevaire on sputum. Alevaire was found to lower surface tension by 20 percent, whereas it was found that water did not lower surface tension. Other tests showed that when a glass plate was coated with Alevaire and set at a 45° angle and sputum was dropped into it, the time required for the sputum to slide a distance of 15 cm. was about one-third the time the sputum took to slide off of a glass plate which was water-wetted and held at a 45° angle. This article does not constitute an adequate and well-controlled study since in vitro results cannot be extrapolated to the living organism, the tests conducted do not show that Alevaire is effective for its recommended use since it does not show that patients with pulmonary diseases can better eliminate bronchial secretions, and it did not compare Alevaire to a proper control, e.g. Alevaire minus tyloxapol.

15. B. M. Cohen, "Ultrasonic Nebulization of Water and Mucoevacuant Solutions in Patients with Obstructive Lung Disease: Volumetric and Ventilatory Responses to Acute Administration." This study was summarized in the submission of January 20, 1970, submitted as exhibit 19 of the submission of June 5, 1970 and resubmitted as revised in the submission of June 21, 1971. This test involved 15 patients with obstructive ventilatory diseases (bronchial asthma and chronic bronchitis) and retained secretions. The effects of Alevaire and distilled water were measured. The test measured several indices and concluded that Alevaire was more effective than water. This test is not an adequate and well-controlled study since the diagnostic criteria for identifying bronchial asthma and chronic bronchitis patients were not stated as required by 21 CFR 130.12(a)(5)(ii)(a)(2)(i), the method of patient selection is not explained, the study did not state the steps taken to assess subjective response and minimize bias on the part of the subject and observer as required by 21 CFR 130.12(a)(5)(ii)(a)(3), the test did not document the levels and method of blinding as required by 21 CFR 130.13(a)(5)(ii)(a)(4), and the administration of the water and Alevaire was preceded by the inhalation of a bronchodilator, meaning the effects of water and Alevaire cannot be separated from the effects of the bronchodilator. Most importantly, the test did not compare Alevaire to a proper control, e.g. Alevaire minus tyloxapol, in other words a solution of 2 percent sodium bicarbonate, 5 percent of glycerine and 93 percent water. In addition the statistical support claimed for alevaire is not valid since the design of the experiment, although a crossover, was not analyzed as such, the baseline differences between treatment groups and patients were not adequately taken into account; nor were the summary tables submitted adequate to measure improvement for all volumetric and ventilatory responses taken, and the specific analytical model was not presented in a complete fashion. In particular, the definition of replication in the applicant's model and the magnitude of the error term and scientific degrees of freedom were not presented.

16. G. Beck, untitled and uncompleted study comparing Alevaire to isotonic saline. A description of this test was given in January 20, 1970. A summary of its progress was submitted on June 5, 1970. On June 21, 1971 Food and Drug Administration was told that Dr. Beck was having troubles finding proper patients for his study. On August 12, 1971, Food and Drug Administration was again informed of the difficulties encountered with completing this test along with Dr. Beck's affidavit concerning those difficulties. An incomplete test of this nature cannot constitute an adequate and well-controlled study since the information provided is too sketchy to evaluate.

17. W. F. Miller and P. Paez "Blind Comparison among Normal Saline, Distilled Water and Two Surface Active agents in Sputum Evacuation." This study was mentioned in the submission of January 20, 1970. A completed version was submitted as exhibit 18 of the submission of June 5, 1970. In this test 20 patients with a variety of bronchopulmonary diseases were each tested with four different substances. The test is not an adequate and well-controlled study since patient selection reflected variable disease conditions contrary to 21 CFR 130.12(a)(5)(ii)(a)(2)(i), and as a consequence the variability of sputum volume and retention qualities precluded uniform measurement of effectiveness, the test did not assure comparability in test and control groups of pertinent variables such as age, sex, severity, or duration of disease, and use of drugs other than the test drugs as required by 130.12(a)(5)(ii)(a)(2)(iii), the assessment of subjective response was not stated as required by 21 CFR 130.12(a)(5)(ii)(a)(3), an important factor in these cases where there is some question of whether patients are capable of accurate evaluation of their own sputum consistency, the study does not explain the method of observation and recording of results as required by 21 CFR 130.12(a)(5)(ii)(a)(3), the study does not explain the steps taken to minimize bias on the part of the subject and observer as required by 21 CFR 130.12(a)(5)(ii)(a)(3) and (4), the study did not provide a comparison of the results of diagnosis and treatment with a control in such a fashion as to

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permit the quantitative evaluation required by 21 CFR 130.12(a)(5)(ii)(a)(3), and the test did not document levels and methods of blinding as required by 21 CFR 130.12(a)(5)(ii)(a)(4). In addition the statistical analysis was not valid since Alevaire was administered to only half the number of patients who received normal saline and distilled water, the spirometric test is complicated by the use of Bronkometer aerosol which also has mucoevacuant properties, and the data lack adequate detail to permit trend analysis or comprehension of methodology. Most importantly, this test is inadequate since it did not compare Alevaire to a proper control, e.g., Alevaire minus tyloxapol, in other words a solution of 2 percent sodium bicarbonate, 5 percent glycerin and 93 percent water.

18. R. E. Goldhammer et al., "Effects of a Mucoevacuant on Mucus and Respiratory Tract Fluid: A Control Study in Immature Cats," Archives of Environmental Health 20:586 (1970). This article was mentioned in the submission of January 20, 1970, was submitted on May 7, 1970, and resubmitted as exhibit 16B of the submission of June 5, 1970. This article does not constitute an adequate and well-controlled study since there were no indications of the steps taken to minimize bias by the observer as required by 21 CFR 130.12(a)(5)(ii)(a)(3) and (4), and cats are poor animals to use to support claims of efficacy of Alevaire in humans because the respiratory tract of a cat is short compared to the human, thereby minimizing the "fallout" of large droplets. In addition Alevaire was not compared to a proper control, e.g., Alevaire minus tyloxapol, in other words a solution of 2 percent sodium bicarbonate, 5 percent glycerine and 93 percent water.

19. J. W. Polk et al., "A Comparative Study of Alevaire and a New Mucolytic Agent, Acumist in Postoperative Patients," the Eye, Ear, Nose and Throat Monthly 49:30 (1970). This article was submitted on August 13, 1970, and compares Alevaire to Acumist and concludes that Acumist is a more effective mucolytic agent. This article is not an adequate and well-controlled study demonstrating Alevaire's effectiveness since it did not compare Alevaire to a proper control, e.g., Alevaire minus tyloxapol.

3. *Affidavits concerning Alevaire's effectiveness.* On January 20, 1970, petitioners submitted six affidavits which contend that clinical experience has shown Alevaire to be effective for its recommended uses and that criteria for adequate and well-controlled clinical studies prescribed by FDA regulations should be deemed inapplicable to aerosol medication.

Despite the expressed opinions that Alevaire is effective, in only four of the affidavits (Cohen, Miller, Beck, and Ravenel) is anything more than general clinical experience relied upon to justify such a conclusion. The conclusions of Cohen, Miller, Beck, and Ravenel are based on general clinical impressions and upon studies, which have not been shown to be adequate and well controlled, that each has conducted upon Alevaire, and which therefore do not constitute a valid basis for their final conclusions.

The affidavits also argue that the regulations requiring adequate and well-controlled studies of effectiveness as a prerequisite for a hearing should not be applied to Alevaire because of the special properties of aerosol drugs. It is contended that patients cannot be properly blinded because Alevaire tastes, looks, and foams and has a consistency different than water thereby allowing the patient to recognize which preparation he is receiving. It is also said that the disease states of patients vary from day to day. These contentions do not obviate the need for compliance with the regulations. Alevaire must be compared to its own vehicle, in other words, to a product containing the ingredients of Alevaire minus tyloxapol, i.e. a solution of 2 percent sodium bicarbonate, 5 percent glycerin and 93 percent water. A patient could not detect the difference between such a compound and Alevaire. And while the severity of a disease on any given day may vary from day to day or even minute to minute, a documentation of symptom trends over a period of time could be employed so as to reduce this obstacle. An adequate and well-controlled clinical study is therefore entirely feasible.

On June 21, 1971, petitioner submitted five additional affidavits. These affidavits stated that the affiants reviewed the Miller-Paez article and the Cohen article and concluded that these articles constituted adequate and well-controlled studies as defined by FDA regulations. This conclusion can have no basis in fact and does not require a hearing since, as pointed out above, the Cohen and Miller-Paez studies do not conform to several requirements of the FDA regulations defining adequate and well-controlled studies, and, most importantly, do not even compare Alevaire to a proper control, as pointed out in the discussions of two tests, supra.

On August 12, 1971, petitioners submitted two additional affidavits. Both affidavits state that they have been unable to complete the studies they had agreed to perform either due to lack of personnel or a proper patient population. In addition, one concludes that there is "substantial evidence" that Alevaire is effective based, in part, on the Cohen and Miller-Paez studies. The other concludes that the Cohen and Miller-Paez studies fall within the FDA regulation for adequate and well-controlled studies. These conclusions have no basis in fact and do not require a hearing since, as pointed out above, the Cohen and Miller-Paez studies do not conform to several requirements of the FDA regulations defining adequate and well-controlled studies, and, most importantly, do not even compare Alevaire to a proper control, as pointed out in the discussions of the two tests, supra.

4. *Legal arguments*—a. *Alevaire is not a "grandfathered" drug.* In the submission of January 20, 1970, petitioners claimed that Alevaire is not subject to the requirements found in the 1962 New Drug Amendments to the Federal Food, Drug, and Cosmetic Act that "new drugs" must be generally recognized as safe and effective. Petitioners base their claim of exemption on the ground that they are "grandfathered," that is that Alevaire is not a "new drug" since it falls within the exemption found in section 107(c)(4) of the 1962 Amendments, Public Law 87-781. The contention that Alevaire is not subject to the efficacy review of the 1962 Amendments to the Act is insubstantial since the drug was covered by an effective application under 21 U.S.C. 355 on the day preceding the enactment date of the 1962 Amendments and the NDA was never withdrawn or disapproved by FDA. A drug subject to an NDA prior to October 9, 1962, does not qualify for an exemption from the new drug provisions of the Act under the grandfather provisions of the 1962 New Drug Amendments. USV Pharmaceutical Corp. v. Richardson, 461 F. 2d 223 (C.A. 4, 1972).

b. *The right to a hearing is not unconditional.* In their submission of January 20, and June 5, 1970, petitioners contend that they have an unconditional right to a hearing concerning whether Alevaire is effective. This contention is without merit. Courts in several cases have held that there is no such unconditional right. Diamond Laboratories, Inc. v. Richardson, 452 F. 2d 803 (C.A. 8, 1972), Ciba-Geigy Corp. v. Richardson, 446 F. 2d 466 (C.A. 2, 1971); Upjohn Co. v. Finch, 422 F. 2d 944 (C.A. 6, 1970), Pharmaceutical Manufacturers Ass'n. v. Richardson, 318 F. Supp. 301 (D. Del., 1970). These cases recognize that those petitioning for a hearing must demonstrate that they have substantial evidence of the effectiveness of their drug as evidenced by adequate and well-controlled studies. Petitioners, as pointed out above, have not presented such evidence.

5. *Summary.* Before petitioners request for hearing may be granted, the information submitted as part of the request must show there is substantial evidence that Alevaire will have the effect it purports or is represented to have under the conditions of use prescribed, recommended or suggested in the labeling. 21 U.S.C. 355(e); 21 CFR 130.12(a)(5). Certain principles have been developed by the scientific community as essentials of adequate and well-controlled clinical investigations. They provide the basis for establishing that there is substantial evidence to support claims of effectiveness.

A well-controlled clinical investigation should provide for comparison of the results of treatment with a control which permits quantitative evaluation. The precise nature of the control must be stated and an explanation of the methods used to minimize bias on the part of observers and the analysts of the data. The level and method of "blinding" techniques must be documented.

In the case of Alevaire, a comparison of the results of use of the drug itself with an inactive preparation designed to resemble Alevaire must be utilized. Thus, to establish effectiveness, the studies relied on would have to at least compare Alevaire to a product containing an aqueous solution of 2 percent sodium bicarbonate and 5 percent glycerin. None of the studies or articles cited make such a comparison. Moreover, the Palmer study cited by the NAS–NRC panel establishes that Alevaire containing tyloxapol, 2 percent sodium bicarbonate, and 5 percent glycerin was no more effective than the control solution containing no tyloxapol, which evidence petitioners have not refuted. Therefore, petitioners contention is without merit.

c. *The NAS–NRC report warrants institution of withdrawal procedures.* In their submission of January 20, 1970, petitioners argue that the NAS–NRC report does not warrant the institution of withdrawal proceedings against Alevaire since, inter alia, the NAS–NRC panel was not familiar with the clinical use of Alevaire, the Commissioner did not conduct an independent review of Alevaire's effectiveness, and the NAS–NRC panel apparently misunderstood the true physiological effects of Alevaire. This objection is insubstantial. The NAS–NRC reviewed medical literature on Alevaire determining that it did not contain substantial evidence of its effectiveness. To the contrary, the study by Palmer, "The effect of an aerosol detergent in chronic bronchitis," Lancet 1:611–613 (1957), clearly established that Alevaire containing a detergent and sodium bicarbonate was no more effective than the control solution containing sodium bicarbonate but no detergent. The Commissioner conducted an independent evaluation of the NAS–NRC conclusions, the material in Alevaire's new drug application and other scientific literature relating to Alevaire. On the basis of this evaluation the Commissioner concurred that there was a lack of substantial evidence that the addition of the small amount of tyloxapol which is found in Alevaire increases the effectiveness of the product. The NAS–NRC reviewed medical literature in light of the claims for Alevaire made by petitioners. It concluded and the Commissioner concurred that there was no substantial evidence that Alevaire had its labeled physiological effects.

d. *Other arguments.* In addition to the three legal arguments discussed above, petitioners state other reasons for granting a hearing for Alevaire. None of these, however, are of any merit.

5. *Findings.* The Commissioner, on the basis of the information before him and a review of the documentation, affidavits, and legal arguments offered to support the claims of effectiveness for Alevaire, finds that there is a lack of substantial evidence that the drug has the effect it purports or is represented to have under the conditions of use prescribed, recommended, or suggested in its labeling, that the legal arguments are insubstantial, and that the petitioners have failed to set forth specific facts showing that there is a genuine and substantial issue of fact requiring a hearing.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (section 505(e), 52 Stat. 1052, as amended; 21 U.S.C. 355(e)) and under the authority delegated to the Commissioner (21 CFR 2.120), the request for hearing is denied, and the approval of new drug application Nos. 10–613 and 8–530, and all amendments and supplements thereto, is withdrawn effective on the date of publication of this document.

Dated: March 2, 1973.

WILLIAM F. RANDOLPH,
Acting Associate Commissioner for Compliance.

[FR Doc.73-4538 Filed 3-7-73;8:45 am]

National Institutes of Health

BREAST CANCER WORKING GROUP

Notice of Meeting

Pursuant to Public Law 92–463, notice is hereby given of the meeting of the Breast Cancer Working Group of the Special Virus Cancer Program, March 30, 1973, at 9 a.m., National Institutes of Health, Building 31, Conference Room 7. This meeting will be open to the public from 9 a.m., March 30, 1973, to discuss the progress of the segment's program of breast cancer research during the previous 4 months and closed to the public from 9:30 a.m., March 30, 1973, in accordance with the provisions set forth in section 552(b)4 title V, United States Code and section 10(d) of Public Law 92–463. Attendance by the public will be limited to space available.

Mr. Frank Karel, Associate Director for Public Affairs, NCI, Building 31, Room 10A–31, National Institutes of Health, Bethesda, Md. 20014, 301—496–1911, will furnish sumaries of the open/closed meeting and roster of committee members.

Dr. Ernest J. Plata, Executive Secretary, Building 41, Suite 300, National Institutes of Health, Bethesda, Md. 20014, 301—496–6178, will provide substantive program information.

Dated: February 28, 1973.

JOHN F. SHERMAN,
Deputy Director, National Institutes of Health.

[FR Doc.73-4473 Filed 3-7-73;8:45 am]

NATIONAL ADVISORY COMMISSION ON MULTIPLE SCLEROSIS

Notice of Meeting

Pursuant to Public Law 92–463, notice is hereby given of the meeting of the National Advisory Commission on Multiple Sclerosis on March 27, 1973, at the National Institutes of Health, Building 31, Conference Room 3. This meeting will be open to the public from 10 a.m. to 4 p.m. and will continue the investigation into the most promising avenues for research leading to causes of and preventives and treatments for multiple sclerosis. Attendance by the public will be limited to space available.

Mrs. Ruth Dudley, Information Officer, NINDS, Building 31, Room 8A03, telephone 496–5751, will furnish summaries of the meeting, rosters of the Commission members, and Dr. Harry M. Weaver, Building 31, Room 8A34, telephone 496–3523, will give Commission activities information.

Dated: February 28, 1973.

JOHN F. SHERMAN,
Deputy Director, National Institutes of Health.

[FR Doc.73-4470 Filed 3-7-73;8:45 am]

PERIODONTAL DISEASES ADVISORY COMMITTEE

Notice of Meeting

Pursuant to Public Law 92–463, notice is hereby given of the meeting of the Periodontal Diseases Advisory Committee, March 27, 1973, National Institutes of Health, Building 31–C, Conference Room 7. This meeting will be open to the public from 9:30 a.m. to 5 p.m. on March 27, to develop more specific advice to the National Institute of Dental Research in planning research strategies on periodontal disease. Attendance by the public will be limited to space available.

The Executive Secretary from whom substantive information may be obtained is Dr. Anthony A. Rizzo, Extramural Programs, National Institute of Dental Research, National Institutes of Health, Westwood Building, Room 506, Bethesda, Md. 20014.

Dated: February 28, 1973.

JOHN F. SHERMAN,
Deputy Director, National Institutes of Health.

[FR Doc.73-4472 Filed 3-7-73;8:45 am]

SICKLE CELL DISEASE ADVISORY COMMITTEE

Notice of Meeting

Pursuant to Public Law 92–463, notice is hereby given of the meeting of the Sickle Cell Disease Advisory Committee, March 22 and 23, 1973, National Institutes of Health, Building 31, Conference Room 4. This meeting will be open to the public from 8:30 a.m. to 5:30 p.m. on both days. The agenda items will generate discussion on subcommittee reports and program staff reports. Attendance by the public will be limited to space available.

Mr. Hugh Jackson, Information Officer, NHLI, NIH Building 31, Room 4A10, phone 496–4236, will furnish summaries of the meeting and rosters of the committee members. Substantive information may also be obtained from the Executive Secretary, Mr. Howard F. Manly, NHLI, NIH Building 31, Room 5A03, phone 496–6931.

Dated: February 28, 1973.

JOHN F. SHERMAN,
Deputy Director, National Institutes of Health.

[FR Doc.73-4471 Filed 3-7-73;8:45 am]

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Office of the Secretary

PRESIDENT'S COMMITTEE ON MENTAL RETARDATION

Notice of Meeting

The President's Committee on Mental Retardation was established to provide advice and assistance in the area of mental retardation to the President including evaluation of the adequacy of the national effort to combat mental retardation; coordination of activities of Federal agencies; provision of adequate liaison between Federal activities and related activities of State and local governments, foundations, and private organizations; develop information designed for dissemination to the general public. The Committee will meet Friday and Saturday, March 16–17, 1973, from 9 a.m. to 5 p.m. in Washington, D.C., at the Watergate Hotel. The Committee will discuss health, education, services, and legal rights as they relate to the mentally retarded. These meetings are open to the public.

Dated: February 28, 1973.

FRED J. KRAUSE,
Executive Director, President's Committee on Mental Retardation.

[FR Doc.73-4489 Filed 3-7-73;8:45 am]

SECRETARY'S ADVISORY COMMITTEE ON THE RIGHTS AND RESPONSIBILITIES OF WOMEN

Notice of Meeting

The Secretary's Advisory Committee on the Rights and Responsibilities of Women, which was established to review the policies, programs, and activities of the Department of Health, Education, and Welfare relative to women and to make recommendations to the Secretary on how to better the services of HEW's programs to meet these special needs of women, will meet Thursday and Friday, April 5–6, 1973. Thursday, April 5, the subcommittees will meet from 8:30 a.m. to 12 noon and 1 p.m. to 5:30 p.m. in the following rooms at HEW's North Building, 330 Independence Avenue SW., Washington, DC: Health Subcommittee—Room 3058, Education Subcommittee—Room 3510, Internal Affairs Subcommittee—Room 4623, and Social Services and Welfare Subcommittee—Room 3131. Then from 7:30 p.m. to 9:30 p.m. the Committee will meet in Room 5131 in the HEW-North Building. To be admitted to the building for this portion of the meeting, interested individuals must contact Ms. Karen Keesling, Executive Secretary of the Committee, HEW-North Room 3062, 202—962-0996 prior to the April 5 meeting. Friday, April 6, from 8:30 a.m. to 12 noon and 1 p.m. to 4 p.m. the Committee will meet in Room 5169 in the HEW-North Building. The Committee will be discussing health, education, social services, welfare, and HEW employment policies as they relate to women. This meeting is open to the public.

Dated: March 2, 1973.

KAREN KEESLING,
Executive Secretary, Secretary's Advisory Committee on the Rights and Responsibilities of Women.

[FR Doc.73-4488 Filed 3-7-73;8:45 am]

ATOMIC ENERGY COMMISSION

[Docket No. 50-334]

DUQUESNE LIGHT CO., ET AL.

Notice of Hearing on a Facility Operating License

Pursuant to the Atomic Energy Act of 1954, as amended (the Act), and the regulations in title 10, Code of Federal Regulations, Part 50, "Licensing of Production and Utilization Facilities," and Part 2, "Rules of Practice," notice is hereby given that a hearing will be held at a time and place to be set in the future by an Atomic Safety and Licensing Board, to begin in or in the vicinity of Beaver County, Pa., to consider the application filed under section 104(b) of the Act by Duquesne Light Co., Ohio Edison Co., and Pennsylvania Power Co. (applicants), for a facility operating license which would authorize the operation of the pressurized water nuclear reactor (the facility), identified as the Beaver Valley Power Station, Unit No. 1, at reactor core power levels not to exceed 2,600 megawatts (thermal), at the applicants' site in Beaver County, Pa. The hearing will be conducted by an Atomic Safety and Licensing Board (Board) designated by the Chairman of the Atomic Safety and Licensing Board Panel, consisting of Samuel W. Jensch, Esq. (Chairman), Dr. John C. Geyer, and Mr. Frederick C. Shon. Dr. David L. Hetrick has been designated a technically qualified alternate, and Edward Luton, Esq., has been designated as an alternate qualified in the conduct of administrative proceedings.

Construction of the facility was authorized by Construction Permit No. CPPR-75 issued by the Atomic Energy Commission (Commission) on June 26, 1970.

On November 10, 1972, a "Notice of Receipt of Application for Facility Operating License; Notice of Hearing; Notice of Consideration of Issuance of Facility Operating License and Opportunity for Hearing" in the above matter appeared in the FEDERAL REGISTER (37 F.R. 23935). The notice advised that, within 30 days from the date of publication, "any person whose interest may be affected by this proceeding may file a petition for leave to intervene: (1) With respect to the issuance of the facility operating license; or (2) with respect to whether, considering those matters covered by Appendix D to 10 CFR Part 50, the construction permit should be continued, modified, terminated, or appropriately conditioned to protect environmental values." A joint petition for leave to intervene in each aspect of this proceeding was thereafter filed by the city of Pittsburgh and Mayor Pete Flaherty, Environmental Coalition on Nuclear Power, Ernest J. Sternglass, David Marshall, Friends of the Earth, Environment Pittsburgh, and the Beaver County Citizens Conservation Corps (joint petitioners). Answers to the petition were filed by the applicants and the Commission's regulatory staff.

As set forth in a memorandum and order on this matter dated March 2, 1973, the Atomic Safety and Licensing Board designated to rule on this petition has determined that a hearing with respect to the issuance of the facility operating license is warranted, that this hearing should be consolidated with the hearing on whether the construction permit should be continued, modified, terminated, or appropriately conditioned to protect any environmental values, and that, subject to acceptable clarification [1] of the interest of petitioner Environmental Coalition on Nuclear Power, all joint petitioners should be admitted jointly as intervenors party to the proceedings. The unopposed request of the Commonwealth of Pennsylvania, to participate in this proceeding as an interested State pursuant to 10 CFR 2.715(c), was also granted.

A prehearing conference on conferences will be held by the Licensing Board, at a date and place to be set by it, to consider pertinent matters in accordance with the Commission's rules of practice. The date and place of the consolidated hearing will be set by the Board at or after the prehearing conference. Notices as to the dates and places of the prehearing conference and the consolidated hearing will be published in the FEDERAL REGISTER.

The specific issues to be considered at the consolidated hearing will be determined by the Board in accordance with the cited memorandum and order.

The instant facility is subject to the provisions of section B of Appendix D to 10 CFR Part 50, which sets forth procedures for environmental review of certain licenses to construct or operate production or utilization facilities issued in the period January 1, 1970, to September 9, 1971. In addition to deciding the matters in controversy among the parties, the Board will, in accordance with section A.11 of said Appendix D: (a) Determine whether the requirements of section 102(2) (C) and (D) of NEPA and Appendix D to 10 CFR Part 50 of the Commission's regulations have been complied with in this proceeding; (b) independently consider the final balance among conflicting factors contained in the record of the proceeding with a view

[1] Environmental Coalition on Nuclear Power is granted twenty (20) days to submit clarification.

toward determining the action to be taken; and (c) determine, after weighing the environmental, economic, technical, and other benefits against environmental costs and considering available alternatives, whether the construction permit should be continued, modified, terminated, or appropriately conditioned to protect environmental values.

Depending on the resolution of the issues specified by the Licensing Board, authorization for issuance of the operating license may be granted or denied, or the license may be authorized as appropriately conditioned. An operating license would be issued only after appropriate findings are made by the Director of Regulation on the matters set forth below which are not embraced by the Board's decision (and upon compliance with the applicable provisions of Appendix D to 10 CFR Part 50 dealt with above):

1. Whether construction of the facility has been substantially completed in conformity with the construction permit and the application, as amended, the provisions of the Act, and the rules and regulations of the Commission.

2. Whether the facility will operate in conformity with the application, as amended, the provisions of the Act, and the rules and regulations of the Commission.

3. Whether there is reasonable assurance: (i) That the activities authorized by the operating license can be conducted without endangering the health and safety of the public, and (ii) that such activities will be conducted in compliance with the regulations of the Commission.

4. Whether the applicant is technically and financially qualified to engage in the activities authorized by the operating license in accordance with the regulations of the Commission.

5. Whether the applicable provisions of 10 CFR Part 140, "Financial Protection Requirements and Indemnity Agreements," of the Commission's regulations have been satisfied.

6. Whether the issuance of the license will be inimical to the common defense and security or to the health and safety of the public.

For further details pertinent to the matters under consideration, see the application for the facility operating license docketed October 18, 1972, as amended, and the applicants' Environmental Report dated September 24, 1971, which are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, DC, and at the Beaver Area Memorial Library, 100 College Avenue, Beaver, PA 15009. As they become available, the following documents also will be available at the above locations: (1) The safety evaluation prepared by the Directorate of Licensing; (2) the Commission's draft detailed statement on environmental considerations pursuant to 10 CFR Part 50, Appendix D; (3) the Commission's final detailed statement on environmental considerations; (4) the report of the Advisory Committee on Reactor Safeguards on the application for facility operating license; (5) the proposed facility operating license; and (6) the proposed technical specifications, which will be attached to the proposed facility operating license. To the extent of supply, copies of items (1), (3), (4), and (5) will be furnished upon request to Deputy Director for Reactor Projects, Directorate of Licensing, U.S. Atomic Energy Commission, Washington, D.C. 20545.

Any person who wishes to make an oral or written statement in this proceeding but who has not filed a petition for leave to intervene as noted above, may request permission to make a limited appearance pursuant to the provisions of 10 CFR § 2.715 of the Commission's rules of practice. Limited appearances will be permitted at the time of the hearing in the discretion of the Licensing Board, within such limits and on such conditions as may be fixed by it. Persons desiring to make a limited appearance are requested to inform the Secretary of the Commission, U.S. Atomic Energy Commission, Washington, D.C. 20545, on or before April 9, 1973. A person permitted to make a limited appearance does not become a party, but may state his position and raise questions which he would like to have answered to the extent that the questions are within the scope of the hearing. A member of the public does not have the right to participate unless he has been granted the right to intervene as a party or the right of limited appearance.

An answer to this notice, pursuant to the provisions of 10 CFR § 2.705 of the Commission's "rules of practice," must be filed by the parties to this proceeding (other than the regulatory staff) on or before March 28, 1973.

Papers required to be filed in this proceeding may be filed by mail or telegram addressed to the Secretary of the Commission, U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Chief, Public Proceedings Branch, or may be filed by delivery to the Commission's Public Document Room, 1717 H Street NW., Washington, DC.

Pending further order of the Licensing Board, parties are required to file pursuant to the provisions of 10 CFR § 2.708 of the Commission's "rules of practice," an original and 20 conformed copies of each such paper with the Commission.

Issued at Washington, D.C., this 2d day of March 1973.

THE ATOMIC SAFETY AND LICENSING BOARD,
ELIZABETH S. BOWERS,
Chairman.

[FR Doc.73-4431 Filed 3-7-73;8:45 am]

[Docket No. 50-219]

JERSEY CENTRAL POWER & LIGHT CO.

Notice of Hearing on Facility Operating License

Pursuant to the Atomic Energy Act of 1954, as amended (the Act), and the regulations in Title 10, Code of Federal Regulations, Part 50, Licensing of Production and Utilization Facilities and Part 2, Rules of Practice, notice is hereby given that a hearing will be held at a time and place to be established in the future by an atomic safety and licensing board, commencing in the vicinity of Toms River, N.J., to consider the application filed by Jersey Central Power & Light Co. for a full-term facility operating license which would authorize the operation of a boiling water reactor (the facility) identified as the Oyster Creek Nuclear Power Plant, Unit 1, at steady-state power levels up to a maximum of 1,930 thermal megawatts at the applicant's site in Lacey Township, Ocean County, N.J. Construction of the facility was authorized by Provisional Construction Permit No. CPPR-15 issued on December 15, 1964. Provisional Operating License No. DPR-16 was issued on April 9, 1969, and the facility is presently operating under that license.

The hearing will be conducted by an atomic safety and licensing board (licensing board) designated by the Chairman of the Atomic Safety and Licensing Board Panel, consisting of Dr. Hugh C. Paxton, Dr. Paul W. Purdom, and Robert M. Lazo, chairman. Frederick J. Shon has been designated as a technically qualified alternate, and Joseph F. Tubridy as an alternate qualified in the conduct of administrative proceedings.

A "notice of consideration of issuance of facility operating license and opportunity for hearing" was published by the Commission on November 28, 1972 (37 FR 25190). The notice provided that, on or before April 9, 1973, any person whose interest might be affected by the proceeding might file a petition for leave to intervene with respect to the issuance of a full-term operating license.

A joint petition for leave to intervene was thereafter filed by Sands Point Marina, Inc., Henry J. Kurtz and Mary A. Kurtz, doing business as Oyster Creek Marina, and Charles B. Mallie and Joseph P. DiPaolo, doing business as Briarwood Yacht Basin. A petition for leave to intervene was also filed by Kenneth B. Walton. A memorandum and order of this atomic safety and licensing board dated March 2, 1973, has directed that a public hearing be held, and that the joint petition of Sands Point Marina, Inc. and others be granted and that they be admitted as parties to the proceeding. That memorandum and order denied the petition for leave to intervene filed by Kenneth B. Walton.

A prehearing conference will be held by the board, at a date and place to be set by it, to consider pertinent matters in accordance with the Commission's rules of practice. The date and place of the hearing will be set by the board at or after the prehearing conference. Notices as to the date and places of the prehearing conference and the hearing will be published in the FEDERAL REGISTER.

The facility is subject to the provisions of section A of Appendix D to 10 CFR Part 50, which sets forth procedures applicable to review of environmental considerations for production and utilization facilities.

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In accordance with paragraph 11 of section A of Appendix D, the atomic safety and licensing board will decide those matters in controversy among the parties and take such other action as may be appropriate. The specific issues to be considered at the hearing will be determined by the licensing board.

A full-term operating license would be issued only after appropriate findings are made by the Director of Regulation on the matters set forth below (and upon compliance with the applicable provisions of Appendix D to 10 CFR Part 50):

1. Whether construction of the facility has been substantially completed in conformity with the construction permit and the application, as amended, the provisions of the Act, and the rules and regulations of the Commission.

2. Whether the facility will operate in conformity with the application, as amended, the provisions of the Act, and the rules and regulations of the Commission.

3. Whether there is reasonable assurance: (i) That the activities authorized by the operating license can be conducted without endangering the health and safety of the public, and (ii) that such activities will be conducted in compliance with the regulations of the Commission.

4. Whether the applicant is technically and financially qualified to engage in the activities authorized by the operating license in accordance with the regulations of the Commission.

5. Whether the applicable provisions of 10 CFR Part 140, "Financial Protection Requirements and Indemnity Agreements," of the Commission's regulations have been satisfied.

6. Whether the issuance of the license will be inimical to the common defense and security or to the health and safety of the public.

The application for the full-term facility operating license and other documents pertinent to the matters under consideration have been or will be deposited in the Commission's Public Document Room, 1717 H Street NW., Washington, DC, and at the Ocean County Library, 15 Hooper Avenue, Toms River, NJ, where they will be available for inspection by members of the public. Copies of the safety evaluation by the Directorate of Licensing, and the proposed facility operating license, when available and to the extent of supply, may be obtained by request to the Deputy Director for Reactor Projects, Directorate of Licensing, U.S. Atomic Energy Commission, Washington, D.C. 20545.

Any person who wishes to make an oral or written statement in this proceeding setting forth his position on the issues specified, but who has not filed either a petition for leave to intervene or a request for a hearing as noted above, may request permission to make a limited appearance pursuant to the provisions of 10 CFR § 2.715 of the Commission's rules of practice. Limited appearances will be permitted at the time of the hearing in the discretion of the board, within such limits and on such conditions as may be fixed by the board. A person desiring to make a limited appearance does not become a party, but may state his position and raise questions which he would like to have answered to the extent that the questions are within the scope of the hearing as specified in the issues set out above. A member of the public does not have the right to participate unless he has been granted the right to intervene as a party or the right of limited appearance.

An answer to this notice, pursuant to the provisions of 10 CFR § 2.705 of the Commission's rules of practice, shall be filed by each party to the proceeding (other than the regulatory staff) on or before March 28, 1973. Papers required to be filed in this proceeding may be filed by mail or telegram addressed to the Secretary of the Commission, U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Chief, Public Proceedings Branch, or may be filed by delivery to the Commission's Public Document Room, 1717 H Street NW., Washington, DC.

Pending further order of the board, parties are required to file, pursuant to 10 CFR § 2.708 of the Commission's rules of practice, an original and 20 copies of each such paper.

Dated at Washington, D.C., this 2d day of March 1973.

THE ATOMIC SAFETY AND LICENSING BOARD,
SIDNEY G. KINGSLEY,
Chairman.

[FR Doc.73-4435 Filed 3-7-73;8:45 am]

MATERIALS AND PLANT PROTECTION GUIDES

Notice of Issuance and Availability

The Atomic Energy Commision has issued three new guides, Regulatory Guide 5.3, "Statistical Terminology and Notation for Special Nuclear Materials Control and Accountability," Regulatory Guide 5.4, "Standard Analytical Methods for the Measurement of Uranium Tetrafluoride (UF_4) and Uranium Hexafluoride (UF_6)," and Regulatory Guide 5.5, "Standard Methods for Chemical, Mass Spectrometric, and Spectrochemical Analysis of Nuclear-Grade Uranium Dioxide Powders and Pellets," in its regulatory guide series. This series has been developed to describe and to make available to the public methods acceptable to the AEC regulatory staff for implementing specific parts of the Commission's regulations and, in some cases, to delineate techniques used by the staff in evaluating specific problems or postulated accidents and to provide guidance to applicants concerning certain information needed by the staff in its review of applications for permits and licenses.

The new guides are in Division 5, "Materials and Plant Protection Guides," of the regulatory guide series. Regulatory Guide 5.3 deals with acceptable statistical terminology and notation applicable to nuclear material control and acountability systems. Regulatory Guide 5.4 identifies acceptable methods for subsampling and chemical and isotopic analysis of uranium tetrafluoride and hexafluoride which an applicant may specify as part of his procedures for accounting for special nuclear material. Regulatory Guide 5.5 identifies acceptable methods for chemical, isotopic, and impurity analysis which an applicant may specify as part of his procedures for accounting for special nuclear material.

Comments and suggestions for improvements in the guides are encouraged and should be sent to the Secretary of the Commission, U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Chief, Public Proceedings Staff. Copies of issued guides may be obtained by request to the U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Director of Regulatory Standards.

Other Division 5 regulatory guides currently being developed include the following:

Nuclear Material Control Systems and Procedures for Conversion Facilities.
Standard Methods for Chemical, Mass Spectrometric and Spectrochemical Analysis of Nuclear Grade Plutonium Dioxide Powders and Pellets.
Guide for the Conduct of Nuclear Material Inventories.
Guide for Personnel Access Control.
Specification for Ge(Li) Detection and Data Acquisition Systems for Material Protection Measurements.
Methods for the Analytical Chemical Analysis of Nuclear-Grade Mixed Oxides ((U, Pu) O_2).

(5 U.S.C. 552(a))

Dated at Bethesda, Md., this 1st day of March 1973.

For the U.S. Atomic Energy Commission.

LESTER ROGERS,
Director of Regulatory Standards.

[FR Doc.73-4432 Filed 3-7-73;8:45 am]

[License No. 01-15494-01E]

SCI SYSTEMS, INC.

Notice of Issuance of Byproduct Material License

Please take notice that the Atomic Energy Commission has, pursuant to § 32.26 of 10 CFR Part 32, issued License No. 01-15494-01E to SCI Systems, Inc., 8620 South Memorial Parkway, Huntsville, AL 35802, which authorizes the distribution of Model 50C14 fire detectors to persons exempt from the requirements for a license pursuant to § 30.20 of 10 CFR Part 30.

1. The devices are designed to detect incipient fires by responding to the products of combustion produced by thermal decomposition of building materials or contents prior to the appearance of visible smoke, flame, or appreciable heat. The sensitive element of the detector is an ionization chamber in which air flowing into the chamber is made conductive by beta particles emitted by carbon 14.

2. The byproduct material incorporated in the detector is carbon in a polystyrene form contained in sources manufactured by International Chemical and Nuclear Corp. (Model SCI-1). The nominal activity contained in the unit is 50 microcuries but the maximum activity is 56 microcuries.

3. Each exempt unit will have a label identifying the manufacturer (SCI Systems, Inc.) and the byproduct material (carbon 14) contained in the unit and recommending that the unit be returned to SCI Systems, Inc., for disposal.

A copy of the license and a safety evaluation containing additional information, prepared by the Directorate of Licensing, are available for public inspection at the Commission's Public Document Room at 1717 H Street NW., Washington, D.C.

Dated at Bethesda, Md., March 1, 1973.

For the Atomic Energy Commission.

S. H. SMILEY,
Deputy Director for Fuels and Materials, Directorate of Licensing.

[FR Doc.73-4433 Filed 3-7-73;8:45 am]

[Docket No. 50-271]

VERMONT YANKEE NUCLEAR POWER CORP.

Notice of Issuance of Amendment to Facility Operating License

Pursuant to an initial decision of the Atomic Safety and Licensing Board, issued February 27, 1973, notice is hereby given that the Atomic Energy Commission (the Commission) has issued Amendment No. 5 to Facility Operating License No. DPR-28 to Vermont Yankee Nuclear Power Corp. (Vermont Yankee) which authorizes full-term operation of the Vermont Yankee Nuclear Power Station (the facility) at steady-state power levels not to exceed 1,593 megawatts thermal in accordance with the technical specifications attached as appendixes A and B thereto. The facility is a single cycle, forced circulation, boiling water reactor located at the licensee's site in Windham County, Vt.

On March 21, 1972, the Commission issued Facility Operating License No. DPR-28 pursuant to an initial decision of the Atomic Safety and Licensing Board, issued March 14, 1972, which authorized fuel loading and low-power testing at power levels not to exceed 15.9 megawatts thermal (1 percent of the rated power level of the facility). Amendment No. 1, issued April 21, 1972, authorized receipt, possession, and use of additional source and special nuclear materials. Amendment No. 2, issued September 7, 1972, authorized temporary operation at thermal power levels not to exceed 318.6 (20 percent of the facility's rated power). Amendment No. 3, issued on October 12, 1972, authorized temporary operation of the facility at steady-state power levels not to exceed 1,593 megawatts thermal. Amendment No. 4, issued on January 8, 1973, authorized receipt, possession, and use of up to 3,300 kilograms of U-235 and 16 grams of plutonium in connection with the operation of the facility.

The Commission's regulatory staff has inspected the facility and has determined that, for operation as authorized by the amended license, the facility has been constructed in accordance with the application, as amended, the provisions of Provisional Construction Permit No. CPPR-36, as amended, the Atomic Energy Act of 1954, as amended (the Act), and the Commission's regulations. The licensee has submitted proof of financial protection in satisfaction of the requirements of 10 CFR Part 140.

The Board has concluded that the facility will operate in conformity with the application, as amended, the provisions of the Act, and the rules and regulations of the Commission and will not be inimical to the common defense and security or to the health and safety of the public and that Vermont Yankee is technically and financially qualified to engage in the activities authorized by the amended license. The Board, after weighing the environmental, economic, technical, and other benefits of the facility against environmental costs and considering available alternatives, concluded that issuance of the amended operating license (subject to the conditions for protection of the environment set forth therein) is in accordance with 10 CFR Part 50, Appendix D, of the Commission's regulations and that all applicable requirements of said Appendix D have been satisfied.

The license as amended is effective as of the date of issuance and shall expire at midnight on December 11, 2007.

Copies of (1) the initial decision, dated February 27, 1973; (2) Amendment No. 5 to Facility Operating License No. DPR-28 and the Technical Specifications attached as Appendixes A and B thereto; (3) the safety evaluation for the Vermont Yankee Nuclear Power Station, dated June 1, 1971, and Supplements 1 and 2, thereto, dated July 7, 1971, and July 19, 1971, respectively, and the report of the Advisory Committee on Reactor Safeguards, dated March 9, 1971, and attached to the safety evaluation as Appendix A; (4) draft detailed statement on the environmental considerations related to the proposed issuance of an operating license to the Vermont Yankee Nuclear Power Station, dated April 7, 1972; and (5) the final environmental statement, dated July 1972, are available for public inspection in the Commission's Public Document Room, 1717 H Street NW., Washington, DC and at the Brooks Memorial Library, 224 Main Street, Brattleboro, VT. Copies of items (2), (3), and (5) may be obtained upon request addressed to the Atomic Energy Commission, Washington D.C. 20545, Attention: Deputy Director for Reactor Projects, Directorate of Licensing.

Dated at Bethesda, Md., this 28th day of February 1972.

For the Atomic Energy Commission.

WALTER R. BUTLER,
Chief, Boiling Water Reactors Branch 1, Directorate of Licensing.

[FR Doc.73-4434 Filed 3-7-73;8:45 am]

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

CERTAIN MANMADE FIBER TEXTILE PRODUCTS PRODUCED OR MANUFACTURED IN THE REPUBLIC OF KOREA

Entry or Withdrawal From Warehouse for Consumption

On October 4, 1972, there was published in the FEDERAL REGISTER (37 FR 20883) a letter dated September 28, 1972, from the Chairman, Committee for the Implementation of Textile Agreements, to the Commissioner of Customs implementing those provisions of the bilateral Wool and Manmade Fiber Textile Agreement of January 4, 1972, between the Governments of the United States and the Republic of Korea which establish specific export limitations on wool and manmade fiber textile products in certain categories, including manmade fiber textile Categories 210, 213, 219, 224, and part of 222 (only T.S.U.S.A. Nos. 380.0428 and 380.8165), and 240; Categories 200-205 and 241-243, as a group; and in Categories 214-240, as a group; produced or manufactured in the Republic of Korea and exported to the United States during the 12-month period beginning October 1, 1972, and extending through September 30, 1973. The levels of restraint applicable to Categories 210, 224, and part of 222 (only T.S.U.S.A. Nos. 380.0428 and 380.8165), and 240 were amended by directive of February 9, 1973 (38 FR 4015).

On March 2, 1973, notes were exchanged between the Governments of the United States and the Republic of Korea further amending the levels of restraint applicable to manmade fiber textile products in Categories 210, 224, and part of 222 (only T.S.U.S.A. Nos. 380.0428 and 380.8165), and 240 and also amending the levels of restraint applicable to Categories 200-205 and 241-243, as a group; Categories 214-240, as a group; and individual Categories 213 and 219.

Accordingly, there is published below a letter of March 7, 1973, from the Chairman of the Committee for the Implementation of Textile Agreements to the Commissioner of Customs further amending the directive of September 28, 1972, to adjust the levels of restraint applicable to imports of manmade fiber textile products in Categories 200-205 and 241-243, as a group; Categories 214-240, as a group; and individual Categories 210, 213, 219, 224, and part of 222 (only T.S.U.S.A. Nos. 280.0428 and 280.8165), and 240 produced or manufactured in the Republic of Korea.

ARTHUR GAREL,
Acting Chairman, Committee for the Implementation of Textile Agreements.

COMMISSIONER OF CUSTOMS,
Department of the Treasury,
Washington, D.C. 20229.

DEAR MR. COMMISSIONER: This directive further amends but does not cancel the directive issued to you on September 28, 1972, by the Chairman, Committee for the Implementation of Textile Agreements, regarding imports into the United States of wool and manmade fiber textile products in certain

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categories, produced or manufactured in the Republic of Korea. The directive of September 28, 1972, was previously amended on February 7, 1973.

Under the provisions of the bilateral Wool and Man-Made Fiber Textile Agreements of January 4, 1972, between the Governments of the United States and the Republic of Korea and in accordance with Executive Order 11651 of March 3, 1972, you are directed to amend, effective as soon as possible, the levels of restraint established in the aforesaid directive of September 28, 1972, as amended, for manmade fiber textile products in Categories 200–205 and 241–243, as a group; Categories 214–240, as a group; and individual Categories 210, 213, 219, 224, and part of 222 (only T.S.U.S.A. Nos. 380.0428 and 380.8165), and 240, produced or manufactured in the Republic of Korea, as set forth below:

Category	Amended 12-month levels of Restraint [1]
200–205 and 241–243 (Group III).	31,498,882 square yards equivalent.
214–240 (Group I).	326,299,518 square yards equivalent.
210	156,521 square yards.
213	134,616 pounds.
219	3,634,293 dozen.
224 and part 222 (only T.S.U.S.A. Nos. 380.0428 and 380.8165).	1,670,226 pounds (of which not more than 673,077 pounds may be exported in T.S.U.S.A. No. 380.-8160 during the period Mar. 1, 1973–Sept. 30, 1973).
240	217,687 pounds.

[1] The levels shown for Categories 210, 224, and part of 222 (only T.S.U.S.A. Nos. 380.-0428 and 380.8165), and 240 have been adjusted to reflect entries through February 23, 1973. The levels for Categories 200–205 and 241–243, as a group; Categories 214–240, as a group; and individual Categories 213 and 219 have not been adjusted to reflect any entries on or after Oct. 1, 1972.

The actions taken with respect to the Government of the Republic of Korea and with respect to imports of manmade fiber textile products from the Republic of Korea have been determined by the Committee for the Implementation of Textile Agreements to involve foreign affairs functions of the United States. Therefore, the directions to the Commissioner of Customs, being necessary to the implementation of such actions, fall within the foreign affairs exception to the rule-making provisions of 5 U.S.C. 553. This letter will be published in the FEDERAL REGISTER.

Sincerely yours,

ARTHUR GAREL,
Acting Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc.73-4642 Filed 3-7-73;10:29 am]

FEDERAL HOME LOAN BANK BOARD

[H.C. 150]

SOUTHWESTERN GROUP INVESTORS, INC.

Notice of Receipt of Application for Permission To Acquire Control of Mutual Savings and Loan Association

MARCH 5, 1973.

Notice is hereby given that the Federal Savings and Loan Insurance Corporation has received an application from the Southwestern Group Investors, Inc., Houston, Tex., a multiple savings and loan holding company, for approval of acquisition of control of the Mutual Savings and Loan Association, Fort Worth, Tex., under the provisions of section 408(e) of the National Housing Act, as amended (12 U.S.C. 1730a(e)), and § 584.4 of the regulations for savings and loan holding companies, said acquisition to be effected by the purchase for cash of all the outstanding shares of Mutual Savings and Loan Association by the applicant. Comments on the proposed acquisition should be submitted to the Director, Office of Examinations and Supervision, Federal Home Loan Bank Board, Washington, D.C. 20552, on or before April 9, 1973.

[SEAL] GRENVILLE L. MILLARD, JR.,
Assistant Secretary, Federal Home Loan Bank Board.

[FR Doc.73-4495 Filed 3-7-73;8:45 am]

FEDERAL POWER COMMISSION

[Docket No. CI73-558]

HURLEY PETROLEUM CORP.

Notice of Application

MARCH 2, 1973.

Take notice that on February 26, 1973, Hurley Petroleum Corp. (Applicant), 400 Petroleum Building, Shreveport, La. 71101, filed in Docket No. CI73-558 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale for resale and delivery of natural gas in interstate commerce to Texas Eastern Transmission Corp. from the Carthage Field, Panola County, Tex., all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that it commenced the sale of natural gas on February 19, 1973, within the contemplation of § 157.-29 of the regulations under the Natural Gas Act (18 CFR 157.29) and that it proposes to continue said sale for 1 year from the end of the 60-day emergency period within the contemplation of § 2.70 of the Commission's general policy and interpretations (18 CFR 2.70). Applicant proposes to sell up to 1,000 Mcf of gas per day at 45 cents per Mcf at 14.65 p.s.i.a.

It appears reasonable and consistent with the public interest in this case to prescribe a period shorter than 15 days for the filing of protests and petitions to intervene. Therefore, any person desiring to be heard or to make any protest with reference to said application should on or before March 19, 1973, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practic and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-4562 Filed 3-7-73;8:45 am]

[Docket No. CI73-557]

MOBIL OIL CORP.

Notice of Application

MARCH 1, 1973.

Take notice that on February 26, 1973, Mobil Oil Corp. (Applicant), 800 3 Greenway Plaza East, Houston, TX 77046, filed in Docket No. CI73-557 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale for resale and delivery of natural gas in interstate commerce to Natural Gas Pipeline Co. of America from the Sand Dunes Field Area, Eddy County, N. Mex., all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that it intends to commence the sale of natural gas within the contemplation of § 157.29 of the regulations under the Natural Gas Act (18 CFR 157.29) and that it proposes to continue said sale for 2 years from the end of the 60-day emergency period within the contemplation of § 2.70 of the Commission's general policy and interpretations (18 CFR 2.70). Applicant proposes to sell up to 7,000 Mcf of gas per day at 35 cents per million B.t.u.

It appears reasonable and consistent with the public interest in this case to prescribe a period shorter than 15 days for the filing of protests and petitions to intervene. Therefore, any person desiring to be heard or to make any protest with reference to said application should on or before March 19, 1973, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10).

All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by section 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-4276 Filed 3-7-73;8:45 am]

NATIONAL POWER SURVEY; TECHNICAL ADVISORY COMMITTEE ON CONSERVATION OF ENERGY

Notice of Meeting and Agenda

Meeting to be held at the Federal Power Commission Offices, 441 G Street NW., Washington, DC, March 14, 1973, 9:30 a.m., Hearing Room C.

1. Meeting called to order by FPC Representative.
2. Objectives and purposes of the meeting.
A. Introductory remarks by Dr. Bruce Netschert, Chairman.
B. Task Force on Technical Aspects: Presentation of preliminary report and discussion.
C. Task Force on Standards and Practices: Presentation of preliminary report and discussion.
D. Task Force on Environmental Aspects: Presentation of preliminary report and discussion.
3. Adjournment.

This meeting is open to the public. Any interested person may attend, appear before, or file statements with the Committee—which statements, if in written form, may be filed before or after the meeting, or, if oral, at the time and in the manner permitted by the Committee.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-4464 Filed 3-7-73;8:45 am]

NATIONAL POWER SURVEY; TECHNICAL ADVISORY COMMITTEE ON CONSERVATION OF ENERGY, TASK FORCE ON TECHNICAL ASPECTS

Notice of Meeting and Agenda

Meeting to be held at the Federal Power Commission Offices, 441 G Street NW., Washington, DC, March 14, 1973, 1:30 p.m., Hearing Room C.

1. Meeting called to order by FPC Staff Representative.
2. Objectives and purposes of the meeting.
A. Introductory remarks by Dr. David C. White, Chairman.
B. Review of outlines of assigned position papers.
C. Summary of progress by Chairman.
3. Adjournment.

This meeting is open to the public. Any interested person may attend, appear before, or file statements with the Committee—which statements, if in written form, may be filed before or after the meeting, or, if oral, at the time and in the manner permitted by the Committee.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-4466 Filed 3-7-73;8:45 am]

NATIONAL POWER SURVEY; TECHNICAL ADVISORY COMMITTEE ON POWER SUPPLY, TASK FORCE ON FORECAST REVIEW

Notice of Meeting and Agenda

Meeting to be held at the Federal Power Commission Offices, 1425 K Street NW., Washington, DC, March 14, 1973, 9 a.m., Room 800.

1. Meeting called to order by FPC Coordinating Representative.
2. Objectives and purposes of meeting.
A. Correction and additions to minutes of previous meeting.
B. Discuss econometric study prepared by Ms. Kline.
C. Discuss projections of regional council data and summary of such data.
D. Discuss choice of central tendency of growth rates for energy, capacity, nuclear as fraction of total capacity.
E. Preparation for interim report.
F. Other business.
G. Set date for next meeting.
3. Adjournment.

This meeting is open to the public. Any interested person may attend, appear before, or file statements with the Committee—which statements, if in written form, may be filed before or after the meeting, or, if oral, at the time and in the manner permitted by the Committee.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-4467 Filed 3-7-73;8:45 am]

NATIONAL POWER SURVEY; TECHNICAL ADVISORY COMMITTEE ON FUELS, TASK FORCE ON ENVIRONMENTAL CONSIDERATIONS AND CONSTRAINTS

Notice of Meeting and Agenda

Meeting to be held at the Federal Power Commission Offices, 1425 K Street NW., Washington, DC, March 15, 1973, 9:30 a.m., Room 785.

1. Meeting called to order by FPC Coordinating Representative.
2. Objectives and purposes of meeting.
A. Approval of minutes of meeting, February 15, 1973.
B. Report by Chairman Padgett on assumptions and procedures to be taken by the Committee.
C. Assignment of topics to be covered in the draft reports to the task forces.
D. Other business.
E. Time of next meeting.
3. Adjournment.

This meeting is open to the public. Any interested person may attend, appear before, or file statements with the Committee—which statements, if in written form, may be filed before or after the meeting, or, if oral, at the time and in the manner permitted by the Committee.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-4468 Filed 3-7-73;8:45 am]

NATIONAL POWER SURVEY, TECHNICAL ADVISORY COMMITTEE ON FINANCE

Notice of Meeting

Meeting to be held at the Federal Power Commission Offices, 441 G Street NW., Washington, DC, March 14, 1973, 9:30 a.m., e.s.t., Room 2043.

1. Meeting called to order by FPC Coordinating Representative.
2. Objectives and purposes of meeting.
A. Approval of minutes of November 21, 1972 meeting.
B. Discussion of Revised Assumptions and Guidelines for the National Power Survey.
C. Report of Task Force on Future Financial Requirements—Dr. Glover.
D. Further development of Initial Lines of Inquiry.
E. Reports on assignments:
(1) Federal income taxes—Mr. Corey.
(2) Effect of Federal budgetary considerations on Federal power construction needs—Mr. Bodman.
(3) Special financing problems of non-Federal publicly owned systems—Mr. Fry.
(4) Research and development financing and diversification—vertical, horizontal—holding company act problems—Mr. Litke.
(5) Foreign trade policy considerations—Mr. Abbadessa.
(6) Capital structure and interest coverage—Mr. Childs.
(7) Sulfur emissions tax—Mr. O'Connor.
(8) Special financing problems of the REA borrowers—Mr. Askegaard.

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F. Additional assignments of study projects.

G. Time schedule for completion of reports.

H. Other business.

I. Dates for future meetings.

3. Adjournment.

This meeting is open to the public. Any interested person may attend, appear before, or file statements with the Committee—which statements, if in written form, may be filed before or after the meeting, or, if oral, at the time and in the manner permitted by the Committee.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-4463 Filed 3-7-73;8:45 am]

NATIONAL POWER SURVEY, TECHNICAL ADVISORY COMMITTEE ON CONSERVATION OF ENERGY, TASK FORCE ON PRACTICES AND STANDARDS

Notice and Agenda for Meeting

Meeting to be held at the Federal Power Commission Offices, 441 G Street NW, Washington, DC, 1:30 p.m., March 14, 1973, room 4535.

1. Meeting called to order by FPC staff Representative.

2. Objectives and purposes of the meeting.

A. Introductory remarks by Chairman Charles A. Berg.

B. Review of outline for the report.

C. Progress on development of the report.

D. Plans for review of the report.

E. Date of next meeting.

3. Adjournment (about 4:30 p.m.).

This meeting is open to the public. Any interested person may attend, appear before, or file statements with the Committee—which statements, if in written form, may be filed before or after the meeting, or, if oral, at the time and in the manner permitted by the Committee.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-4465 Filed 3-7-73;8:45 am]

[Docket No. CI73-559]

PENNZOIL PRODUCING CO.

Notice of Application

MARCH 1, 1973.

Take notice that on February 23, 1973, Pennzoil Co. (Applicant), 900 Southwest Tower, Houston, Tex. 77002, filed in Docket No. CI73-559 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale for resale and delivery of natural gas in interstate commerce to United Gas Pipe Line Co., from the Humphries Field, East Gibson Area, Terrebonne Parish, La., all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant is presently selling natural gas from the subject properties pursuant to a temporary certificate issued March 24, 1972, in Docket No. CI72-490 at 35 cents per Mcf at 15.025 p.s.i.a. Applicant proposes to continue said sale for 1 year from the expiration of the temporary authorization, March 26, 1973, at 45 cents per Mcf at 15.025 p.s.i.a., within the contemplation of § 2.70 of the Commission's general policy and interpretations (18 CFR 2.70). The estimated monthly sales volume is 280,000 Mcf of gas.

It appears reasonable and consistent with the public interest in this case to prescribe a period shorter than 15 days for the filing of protests and petitions to intervene. Therefore, any person desiring to be heard or to make any protest with reference to said application should on or before March 19, 1973, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-4277 Filed 3-7-73;8:45 am]

FEDERAL RESERVE SYSTEM

BARNETT BANKS OF FLORIDA, INC.

Proposed Acquisition of Barnett Winston Mortgage Co.

Barnett Banks of Florida, Inc., Jacksonville, Fla., has applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.4(b)(2) of the Board's Regulation Y, for permission to retain indirect ownership of voting shares of Barnett Winston Mortgage Co. (formerly known as Barnett Mortgage Co.), Winter Park, Fla., through its 100-percent-owned subsidiary, Barnett Winston Co., Jacksonville, Fla. Notice of the application was published in the following newspapers:

Orlando Evening Star...	Orlando, Fla....	Dec. 13, 1972
Daytona Beach Evening News.	Daytona Beach, Fla.	Dec. 12, 1972
The Ledger.....	Lakeland, Fla..	Dec. 13, 1972
The Tampa Tribune....	Tampa, Fla.....	Dec. 11, 1972
St. Petersburg Times....	St. Petersburg, Fla.	Dec. 12, 1972
The Melbourne Times..	Brevard County, Fla.	Dec. 13, 1972

Applicant states that the proposed subsidiary would continue the activities of a mortgage company by originating as principal the following types of mortgage loans: (1) Insured or guaranteed permanent single-family residential mortgage loans for resale to unaffiliated institutional mortgage investors; (2) loans for the construction of single-family residential properties where FHA insurance or a VA guaranty commitment has been secured; and (3) land acquisition and development loans for development of single-family residential projects where FHA insurance or a VA guaranty commitment has been secured. Applicant also states that it would service permanent single-family residential mortgage loans for unaffiliated institutional mortgage investors. The proposed subsidiary owns 100 percent of Exchange Properties, Inc., a company which holds title to real property acquired upon foreclosure of mortgage loans. Applicant indicates that the activities described above have been specified by the Board in § 225.4(a)(1) and (3) of Regulation Y as permissible for bank holding companies, subject to Board approval of individual proposals in accordance with the procedures of § 225.4(b).

Interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question should be accompanied by a statement summarizing the evidence the person requesting the hearing proposes to submit or to elicit at the hearing and a statement of the reasons why this matter should not be resolved without a hearing.

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Atlanta.

Any views or requests for hearing should be submitted in writing and received by the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, not later than March 29, 1973.

Board of Governors of the Federal Reserve System, March 1, 1973.

[SEAL] MICHAEL A. GREENSPAN,
Assistant Secretary of the Board.

[FR Doc.73-4423 Filed 3-7-73;8:45 am]

CENTRAN BANCSHARES CORP.

Proposed Acquisition of Peoples Investment Co.

Centran Bancshares Corp., Washington, D.C., has applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.4(b)(2) of the Board's Regulation Y, for permission to acquire all of the voting shares of Peoples Investment Co., Louisville, Ky. Notice of the application was published on January 17, 1973, in the Nashville Banner, a newspaper circulated in Nashville, Tenn.; on January 18, 1973, in the Cincinnati Post and Times-Star, a newspaper circulated in Cincinnati, Ohio; on January 18, 1973, in the Kentucky Post and Times-Star, a newspaper circulated in Covington, Ky.; and on January 19, 1973, in the Courier-Journal, a newspaper circulated in Louisville, Ky.

Applicant states that the proposed subsidiary would engage in the activities of making consumer finance loans and purchasing installment sales contracts, such as would be performed by a small loan company or an industrial loan company in the manner authorized by State law so long as such an industrial loan company does not both accept demand deposits and make commercial loans; and leasing of automobiles and industrial equipment. Such activities have been specified by the Board in § 225.4(a) of Regulation Y as permissible for bank holding companies, subject to Board approval of individual proposals in accordance with the procedures of § 225.4(b). Applicant indicates that through Fincastle Insurance Agency, Inc., Louisville, Ky., the proposed subsidiary engages in the sale of credit life, health, and accident insurance and mobile and vehicular damage insurance, at the borrowers' option, in connection with loans and discounts originating from the affiliated loans companies of Peoples Investment Co. Under certain circumstances specified in the Board's interpretation (12 CFR 225.138) of § 225.4(a)(9) of Regulation Y, such activities may be permissible for bank holding companies, subject to Board approval of individual proposals in accordance with the procedures of § 225.4(b).

Interested persons may express their views on the question whether consummation of the proposal can reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices. Any request for a hearing on this question should be accompanied by a statement summarizing the evidence the person requesting the hearing proposes to submit or to elicit at the hearing and a statement of the reasons why this matter should not be resolved without a hearing.

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Cleveland.

Any views or requests for hearing should be submitted in writing and received by the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, not later than March 28, 1973.

Board of Governors of the Federal Reserve System, March 1, 1973.

[SEAL] MICHAEL A. GREENSPAN,
Assistant Secretary of the Board.

[FR Doc.73-4428 Filed 3-7-73;8:45 am]

CHASE MANHATTAN CORP.

Acquisition of Bank

The Chase Manhattan Corp., New York, N.Y., has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 100 percent of the voting shares (less directors' qualifying shares) of Chase Manhattan Bank of Eastern New York (National Association), Albany, N.Y., a proposed new bank. The factors that are considered in acting on the application are set forth in section 3(c) of the act (12 U.S.C. 1842(c)).

The Chase Manhattan Corp. is also engaged in the following nonbank activities: Mortgage servicing and servicing the Shapiro Factors Division of the Chase Manhattan Bank. In addition to the factors considered under section 3 of the Act (banking factors), the Board will consider the proposal in light of the company's nonbanking activities and the provisions and prohibitions in section 4 of the act (12 U.S.C. 1843).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of New York. Any person wishing to comment on the application should submit his views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than March 28, 1973.

Board of Governors of the Federal Reserve System, February 28, 1973.

[SEAL] MICHAEL A. GREENSPAN,
Assistant Secretary of the Board.

[FR Doc.73-4421 Filed 3-7-73;8:45 am]

DORACO, INC.

Order Approving Retention of Bank

Doraco, Inc., Doraville, Ga., a bank holding company within the meaning of the Bank Holding Company Act, has applied for the Board's approval under section 3(a)(3) of the act (12 U.S.C. 1842(a)(3)) to retain 58.2 percent of the voting shares of The Northeast Commercial Bank, Doraville, Ga. (Bank).

Notice of the application, affording opportunity for interested persons to submit comments and views, has been given in accordance with section 3(b) of the act. The time for filing comments and views has expired, and the Board has considered the application and all comments received in light of the factors set forth in section 3(c) of the act (12 U.S.C. 1842(c)).

Since the inception of Bank ($3.4 million in deposits) in 1969, applicant has owned 5,780 shares, or 24.08 percent of the Bank's stock, with an option to purchase additional shares. Beginning June 28, 1972, applicant exercised its option, purchasing 13,975 additional shares to bring its total ownership of shares in Bank to 19,755 or 82 percent. The option was apparently exercised in the belief that applicant already controlled Bank, and that accordingly, prior Board approval was not required under section 3(a) of the Bank Holding Company Act (12 U.S.C. section 1842(a)). Upon being informed by the Federal Reserve Bank of Atlanta that the Board's approval of the transaction was required, applicant submitted the subject application.

Applicant's retention of the additional shares would not significantly affect competition between Bank and any competing institution, nor diminish the ability of Bank to meet the convenience and needs of its community. The financial and managerial resources of applicant and Bank are satisfactory, and future prospects for both appear favorable. It is the Board's judgment that the proposed transaction is in the public interest and that the application should be approved.

On the basis of the record, the application is approved for the reasons summarized above.

By order of the Board of Governors,[1] effective March 1, 1973.

[SEAL] TYNAN SMITH,
Secretary of the Board.

[FR Doc.73-4424 Filed 3-7-73;8:45 am]

FIRST AT ORLANDO CORP.

Order Approving Acquisition of Banks

First at Orlando Corp., Orlando, Fla., a bank holding company within the meaning of the Bank Holding Company Act, has applied for the Board's approval under section 3(a)(3) of the Act (12 U.S.C. 1842(a)(3)) to acquire 90 percent or more of the voting shares of Guaranty Bank of Miami (Guaranty Bank) and of West Dade Bank, both of Miami, Fla.

Notice of the applications, affording opportunity for interested persons to submit comments and views, has been given in accordance with section 3(b) of the Act. The time for filing comments and views has expired, and the Board has considered the applications and all comments received in light of the factors set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Applicant, the third largest banking organization in Florida, controls 32 banks with aggregate deposits of $1.1 billion, representing approximately 6.6 percent of the total deposits of commercial banks

[1] Voting for this action: Vice Chairman Robertson and Governors Mitchell, Daane, Brimmer, Sheehan, and Bucher. Absent and not voting: Chairman Burns.

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in Florida. (All banking data are as of June 30, 1972, and reflect bank holding company acquisitions approved through December 31, 1972.) Applicant is the seventh largest banking organization in the Greater Miami banking market (approximated by Dade County and the communities of Dania, Davie, Hallandale, and Hollywood in the southern portion of Broward County) with four subsidiary banks holding 3.4 percent of total deposits in commercial banks in that market. Consummation of the proposal herein would increase insignificantly applicant's share of commercial bank deposits in the Greater Miami area and its ranking among banking organizations in that market would remain unchanged.

Guaranty Bank ($23.5 million of deposits), with approximately 0.6 percent of the total deposits in commercial banks in the market, ranks 66th in terms of deposits among the 93 commercial banks located in the Greater Miami market. Guaranty Bank is located approximately 8 miles southwest of applicant's closest subsidiary bank; however, neither that bank nor any of applicant's other subsidiaries compete with Guaranty Bank to any significant extent. Moreover, in the light of the size of Guaranty Bank, the large number of competing banks in the area, and the traffic patterns and congestion in the area, it appears unlikely that any significant competition between Guaranty Bank and any of applicant's subsidiary banks would develop in the future. The same conclusions apply with respect to the elimination of significant existing competition and to the development of future competition between applicant's subsidiaries and the West Dade Bank, which is located 3 miles west of Guaranty Bank.

West Dade Bank was organized in 1971 by officials of Guaranty Bank, and one or more officers or directors of Guaranty Bank have served on West Dade Bank's board of directors since it began operations in October 1972. At the present time, there exists a significant degree of common stock ownership among shareholders of both banks; and, although the offices of Guaranty Bank and West Dade Bank are separated by a distance of only 3 miles, the banks do not appear to compete with each other nor are they likely to do so in the future in view of the close affiliate relationship existing between the two banks.

On the record before it, the Board concludes that consummation of applicant's proposal would not result in a monopoly nor be in furtherance of any combination, conspiracy, or attempt to monopolize the business of banking, nor have any significant anticompetitive effect, in any area of the State of Florida.

The financial condition and managerial resources of applicant and of its subsidiaries appear satisfactory and future prospects of each seem favorable, particularly in view of applicant's plans to improve the capital positions of certain of its subsidiary banks from the proceeds of a public offering of sinking fund debentures. The same conclusion seems applicable to the financial condition and managerial resources of Guaranty Bank and West Dade Bank. However, affiliation with applicant would provide Guaranty Bank and West Dade Bank with a ready source for additional capital and managerial resources. Therefore, considerations relating to the banking factors and some weight toward approval of the applications.

In connection with the West Dade Bank, a newly chartered bank, the payment of a large premium raises the question whether the charter of the bank was originally sought by its organizers for speculative purposes, rather than for legitimate banking purposes. In a similar case, the Board stated:

> In considering the public interest, the Board gives weight to a chartering authority being able to consider all of the relevant facts surrounding a proposal to establish a new bank including the probability that the ownership and management of a new bank will remain stable for a reasonable period of time.[1]

Although West Dade Bank opened for business on October 25, 1972, its organizers, the management of Guaranty Bank, originally applied to the State authorities for a charter in 1965; the application was denied because of the chartering authority's opinion that the area could not support an additional bank. The organizers filed a second application for a charter at the same location in August 1970; the application was granted in June 1971. It was not until March 1972, that the organizers approached applicant concerning the sale of the two banks. Based on this chronology and the facts of record, the Board concludes that the evidence does not indicate that the organizers of West Dade Bank secured the charter of the bank for the speculative purpose of selling it quickly for a profit.

Although the banking needs of residents of the Greater Miami area are being served adequately by existing institutions, applicant proposes to provide managerial and technical assistance to Guaranty Bank and West Dade Bank in order to enhance the competitive abilities of each of the banks. Considerations relating to the convenience and needs of the communities served by the two banks are regarded as consistent with approval of the applications.

It is the Board's judgment that the proposed acquisitions would be in the public interest and that the applications should be approved.

On the basis of the record, the applications are approved for the reasons summarized above. The transactions shall not be consummated (a) before the 30th calendar day following the effective date of this order or (b) later than 3 months after the effective date of this order, unless such period is extended for good cause by the Board, or by the Federal Reserve Bank of Atlanta pursuant to delegated authority.

By order of the Board of Governors,[2] effective February 27, 1973.

[SEAL] TYNAN SMITH,
Secretary of the Board.

[FR Doc.73-4426 Filed 3-7-73;8:45 am]

[1] See statement accompanying order of Jan. 6, 1972, denying application for acquisition of shares of Bank of Jacomo, Blue Springs, Mo., by United Missouri Bancshares, Inc., Kansas City, Mo., 1972 Federal Reserve Bulletin 155 (February 1972).

[2] Voting for this action: Vice Chairman Robertson and Governors Mitchell, Daane, Brimmer, Sheehan, and Bucher. Absent and not voting: Chairman Burns.

FIRST PENNSYLVANIA CORP.

Proposed Acquisition of Continental Finance Corp. of America

First Pennsylvania Corp., Philadelphia, Pa., has applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.4(b)(2) of the Board's Regulation Y, for permission to acquire voting shares of Continental Finance Corporation of America, Aurora, Colo., and thereby to indirectly acquire shares of its 17 subsidiaries which do business under the names CIB Co., East Continental Industrial Bank, Alliance Finance Company of California, Continental Finance Corporation of Aurora, or variations of the foregoing. Notice of the application was published on February 14, 1973, in the Denver Post, a newspaper circulated throughout the State of Colorado and in the Los Angeles Times, a newspaper circulated in Los Angeles County, Calif.

Applicant states that the proposed subsidiary would engage in the activities of (1) Operating industrial banks, in the manner authorized by Colorado law, that receive time and savings deposits and make loans to individuals, (2) the making of direct consumer loans to individuals on a secured or unsecured basis, and (3) the purchase of sales finance paper from retail dealers. Such activities have been specified by the Board in § 225.4(a) of Regulation Y as permissible for bank holding companies, subject to Board approval of individual proposals in accordance with the procedures of § 225.4(b). In addition, Applicant states that the proposed subsidiary would engage in the activity of (4) selling to its debtors credit life and credit health and accident insurance, as well as property damage, fire, and extended coverage insurance to those debtors. Applicant indicates that this insurance is sold in connection with extensions of credit. Under certain circumstances specified in the Board's interpretation (12 CFR 225.138) of § 225.4(a)(9) of Regulation Y, such activity may be permissible for bank holding companies, subject to Board approval of individual proposals in accordance with the procedures of § 225.4(b).

Interested persons may express their views on the question whether consummation of the proposal can reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices. Any request for a hearing on this question should be accompanied by a statement summarizing the evidence the person requesting the hearing proposes to submit or to elicit at the hearing and a statement of the reasons why this matter should not be resolved without a hearing.

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Philadelphia.

Any views or requests for hearing should be submitted in writing and received by the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, not later than March 28, 1973.

Board of Governors of the Federal Reserve System, March 1, 1973.

[SEAL] MICHAEL A. GREENSPAN,
Assistant Secretary of the Board.

[FR Doc.73-4430 Filed 3-7-73;8:45 am]

GLOBE CORP.

Acquisition of Bank

Globe Corp., Scottsdale, Ariz., has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 28.87 percent of the voting shares of the successor by merger to Upper Avenue National Bank of Chicago, Chicago, Ill. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Chicago. Any person wishing to comment on the application should submit his views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than March 28, 1973.

Board of Governors of the Federal Reserve System, March 1, 1973.

[SEAL] MICHAEL A. GREENSPAN,
Assistant Secretary of the Board.

[FR Doc.73-4429 Filed 3-7-73;8:45 am]

INDIAN HEAD BANKS, INC.

Acquisition of Bank

Indian Head Banks, Inc., Nashua, N.H., has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 80 percent of the voting shares of Indian Head National Bank of Concord, Concord, N.H., a proposed new bank. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Boston. Any person wishing to comment on the application should submit his views in writing to the Reserve Bank to be received not later than March 28, 1973.

Board of Governors of the Federal Reserve System, March 2, 1973.

[SEAL] MICHAEL A. GREENSPAN,
Assistant Secretary of the Board.

[FR Doc.73-4425 Filed 3-7-73;8:45 am]

OWENS INVESTMENT CO.

Formation of One-Bank Holding Company

Owens Investment Co., Weeping Water, Nebr., has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company through acquisition of 80 percent or more of the voting shares of Nebraska State Bank, Weeping Water, Nebr. The factors that are considered in acting on the application are set forth in section 3(c) of the act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Kansas City. Any person wishing to comment on the application should submit his views in writing to the Reserve bank to be received not later than March 26, 1973.

Board of Governors of the Federal Reserve System, March 2, 1973.

[SEAL] MICHAEL A. GREENSPAN,
Assistant Secretary of the Board.

[FR Doc.73-4422 Filed 3-7-73;8:45 am]

TEXAS COMMERCE BANCSHARES, INC.

Acquisition of Banks

Texas Commerce Bancshares, Inc., Houston, Tex., has applied, in two separate applications, for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 100 percent of the voting shares (less directors' qualifying shares) of Inwood National Bank, Houston, Tex., and Kingwood National Bank, Houston, Tex., both proposed new banks. The factors that are considered in acting on these applications are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

These applications may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Dallas. Any person wishing to comment on these applications should submit his views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than March 28, 1973.

Board of Governors of the Federal Reserve System, March 1, 1973.

[SEAL] MICHAEL A. GREENSPAN,
Assistant Secretary of the Board.

[FR Doc.73-4427 Filed 3-7-73;8:45 am]

UNION COMMERCE CORP.

Acquisition of Bank

Union Commerce Corp., Washington, D.C., has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 100 percent of the voting shares (less directors' qualifying shares) of The Southern Ohio Bank, Cincinnati, Ohio. The factors that are considered in acting on the application are set forth in section 3(c) of the act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Cleveland. Any person wishing to comment on the application should sumbit his views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than March 29, 1973.

Board of Governors of the Federal Reserve System, March 2, 1973.

[SEAL] MICHAEL A. GREENSPAN,
Assistant Secretary of the Board.

[FR Doc.73-4420 Filed 3-7-73;8:45 am]

SECURITIES AND EXCHANGE COMMISSION

[File 500-1]

AFCOA

Order Suspending Trading

February 20, 1973.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, $0.10 par value, and all other securities of AFCOA, being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, That trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period from 11:30 a.m., e.s.t., on February 20, 1973, through March 1, 1973.

By the Commission.

[SEAL] RONALD F. HUNT,
Secretary.

[FR Doc.73-4457 Filed 3-7-73;8:45 am]

[File 500-1]

CONTINENTAL VENDING MACHINE CORP.

Order Suspending Trading

FEBRUARY 28, 1973.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, 10 cents par value, of Continental Vending Machine Corp., and the 6 percent convertible subordinated depentures due September 1, 1976, being traded otherwise than on a national securities exchange, is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities

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exchange be summarily suspended, this order to be effective for the period from March 1, 1973, through March 10, 1973.

By the Commission.

[SEAL] RONALD F. HUNT, *Secretary.*

[FR Doc.73-4454 Filed 3-7-73;8:45 am]

[File 500-1]

LOGOS DEVELOPMENT CORP.

Order Suspending Trading

MARCH 2, 1973.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, $0.01 par value, and all other securities of Logos Development Corp., being traded otherwise than on a national securities exchange, is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be in effect for the period from March 5, 1973, through March 14, 1973.

By the Commission.

[SEAL] RONALD F. HUNT, *Secretary.*

[FR Doc.73-4450 Filed 3-7-73;8:45 am]

[File 500-1]

MERIDIAN FAST FOOD SERVICES, INC.

Order Suspending Trading

MARCH 1, 1973.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, $0.01 par value, of Meridian Fast Food Services, Inc., being traded otherwise than on a national securities exchange, is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period from March 2, 1973, through March 11, 1973.

By the Commission.

[SEAL] RONALD F. HUNT, *Secretary.*

[FR Doc.73-4455 Filed 3-7-73;8:45 am]

[File 500-1]

NOVA EQUITY VENTURES, INC.

Order Suspending Trading

MARCH 2, 1973.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, $0.01 par value, and all other securities of Nova Equity Ventures, Inc., being traded otherwise than on a national securities exchange, is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period from March 4, 1973, through March 13, 1973.

By the Commission.

[SEAL] RONALD F. HUNT, *Secretary.*

[FR Doc.73-4448 Filed 3-7-73;8:45 am]

[File 500-1]

TOPPER CORP.

Order Suspending Trading

MARCH 2, 1973.

The common stock, $1 par value of Topper Corp. being traded on the American Stock Exchange, pursuant to provisions of the Securities Exchange Act of 1934, and all other securities of Topper Corp., being traded otherwise than on a national securities exchange; and

It appearing to the Securities and Exchange Commission that the summary suspension of trading in such securities on such exchanges and otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to sections 19(a)(4) and 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities on the above-mentioned exchange and otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period from March 5, 1973, through March 14, 1973.

By the Commission.

[SEAL] RONALD F. HUNT, *Secretary.*

[FR Doc.73-4452 Filed 3-7-73;8:45 am]

[File 500-1]

TRIEX INTERNATIONAL CORP.

Order Suspending Trading

MARCH 2, 1973.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, $0.01 par value, of Triex International Corp., being traded otherwise than on a national securities exchange, is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period from March 5, 1973, through March 14, 1973.

By the Commission.

[SEAL] RONALD F. HUNT, *Secretary.*

[FR Doc.73-4451 Filed 3-7-73;8:45 am]

[File 500-1]

U.S. FINANCIAL, INC.

Order Suspending Trading

MARCH 2, 1973.

The common stock, $2.50 par value, of U.S. Financial, Inc., being traded on the New York Stock Exchange, pursuant to provisions of the Securities Exchange Act of 1934 and all other securities of U.S. Financial, Inc., being traded otherwise than on a national securities exchange; and

It appearing to the Securities and Exchange Commission that the summary suspension of trading in such securities on such exchange and otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to sections 15(c)(5) and 19(a)(4) of the Securities Exchange Act of 1934, that trading in such securities on the above-mentioned exchange and otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period from March 5, 1973, through March 14, 1973.

By the Commission.

[SEAL] RONALD F. HUNT, *Secretary.*

[FR Doc.73-4453 Filed 3-7-73;8:45 am]

[File No. 500-1]

VETCO OFFSHORE INDUSTRIES, INC.

Order Suspending Trading

MARCH 1, 1973.

The common stock Vetco Offshore Industries, Inc., being traded on the American Stock Exchange, pursuant to provisions of the Securities Exchange Act of 1934, and all other securities of Vetco Offshore Industries, Inc., being traded otherwise than on a national securities exchange; and

It appearing to the Securities and Exchange Commission that the summary suspension of trading in such securities on such exchanges and otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, pursuant to sections 19(a)(4) and 15(c)(5) of the Securities Exchange Act of 1934, That trading in such securities on the above-mentioned exchange and otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period from 3:25 p.m., e.s.t., on March 1, 1973, through March 6, 1973.

By the Commission.

[SEAL] RONALD F. HUNT, *Secretary.*

[FR Doc.73-4449 Filed 3-7-73;8:45 am]

SMALL BUSINESS ADMINISTRATION

[Delegation of Authority No. 30, Region VIII, Amdt. 2]

REGIONAL DIRECTOR ET AL.

Delegation of Authority To Conduct Program Activities in Region VIII

Delegation of Authority No. 30, Region VIII (37 FR 17620), as amended (38 FR 2358), is hereby further amended by revising Part IV, Sections A.2.; B.1.a. and B.2.h.(2) and Part VI, Sections A. 1.b and 3. and B. 1., 3., and 4.

* * * * * *

PART IV—LOAN ADMINISTRATION (LA) PROGRAM

SECTION A. *Loan administration, servicing, collection, and liquidation authority.*

* * * * * *

2. To contract for the services of fee appraisers, engineering, marketing, and feasibility studies, and other required services, in conjunction with loan processing, servicing, and loan liquidation:

(1) Regional Director.

(2) Chief and Assistant Chief, Regional LA Division.

(3) Supervisory Loan Officer, Regional LA Division.

(4) District Director.

(5) Chief, District LA Division.

(6) Branch Manager.

* * * * * *

SECTION B. *Loan Administration, servicing, and collection authority.*

1. * * *

a. *Except*—To compromise or sell any primary obligation or other evidence of indebtedness owed to the Agency for a sum less than the total amount due thereon; and to deny liability of the Small Business Administration under the terms of a participation or guaranty agreement, or the assertion of a claim for recovery from a participating bank under any alleged violation of a participation or guaranty agreement; to authorize the liquidation of a loan; and the cancellation of authority to liquidate.

(1) Branch Manager.

2. To approve the following actions:

a. Use of such portions of the cash surrender value of assigned life insurance as are required to pay premiums due on the policy.

b. Release of dividends on assigned life insurance or consent to application of dividends against premiums due or to become due.

c. Minor modifications in the authorizations.

d. Extension of disbursement period on loans partially undisbursed.

e. Extension of initial principal payments.

f. Adjustment of interest payment dates.

g. Release of hazard insurance checks not in excess of $500 and endorsement of such checks on behalf of the Agency where SBA is named as joint loss payee.

h. Release of equipment with or without consideration where the value of equipment being released does not exceed $500.

(1) Concerning all current direct and participation loans and First Mortgage Plan 502 loans:

(1) Loan Officer, Regional LA Division.

(2) Loan Officer, District LA Division.

(2) Concerning all direct and participation loans:

(1) Loan Officer, Branch Office.

* * * * * *

PART VI—LEGAL SERVICES

SECTION A. *Authority to conduct litigation activities.*

1. * * *

b. The execution and delivery of contracts of sale or of lease or sublease, quit-claim, bargain and sale of special warranty deeds, bills of sale, leases, subleases, assignments, subordinations, releases (in whole or part) of liens, satisfaction pieces, affidavits, proofs of claim in bankruptcy or other estates, and such other instruments in writing as may be appropriate and necessary to effectuate the foregoing, as to all matters in litigation.

(1) *Except*—To compromise or sell any primary obligation or other evidence of indebtedness owed to the Agency for a sum less than the total amount due thereon; and to deny liability of the Small Business Administration under the terms of a participation or guaranty agreement, or the assertion of a claim for recovery from a participating bank under any alleged violation of a participation or guaranty agreement:

(1) Regional Director.

(2) Regional Counsel.

(3) District Director.

(4) Branch Manager.

(2) *Except*—To compromise or sell any primary obligation or other evidence of indebtedness owed to the Agency for a sum less than the total amount due thereon; to deny liability of the Small Business Administration under the terms of a participation or guaranty agreement, or the assertion of a claim for recovery from a participating bank under any alleged violation of a participation or guaranty agreement; to authorize the liquidation of a loan; and the cancellation of authority to liquidate:

(1) District Counsel.

(2) Branch Counsel.

* * * * * *

3. To take all necessary action in liquidating Economic Development Administration (EDA) loans having litigative aspects, when and as authorized by EDA:

(1) Regional Director.

(2) Regional Counsel.

(3) Regional Attorneys.

(4) District Director.

(5) District Counsel.

(6) District Attorneys.

(7) Branch Counsel.

SEC. *B. Loan closing authority.*

1. To close and disburse approved SBA loans and rehabilitation loans for Department of Housing and Urban Development:

(1) Regional Director.

(2) Regional Counsel.

(3) Regional Attorneys.

(4) District Director.

(5) District Counsel.

(6) District Attorneys.

(7) Branch Counsel.

* * * * * *

3. To close approved EDA loans, as authorized:

(1) Regional Director.

(2) Regional Counsel.

(3) Regional Attorneys.

(4) District Director.

(5) District Counsel.

(6) District Attorneys.

(7) Branch Counsel.

4. To approve, when requested, in advance of disbursements, conformed copies of notes and other closing documents; and certify to the participating bank that such documents are in compliance with the participating authorization:

(1) Regional Director.

(2) Regional Counsel.

(3) Regional Attorneys.

(4) District Director.

(5) District Counsel.

(6) District Attorneys.

(7) Branch Counsel.

* * * * * *

Effective date: September 28, 1972.

ROBERT G. SHERWOOD, *Regional Director, Region VIII.*

[FR Doc.73-4462 Filed 3-7-73;8:45 am]

U.S. ARMS CONTROL AND DISARMAMENT AGENCY

ENVIRONMENTAL IMPACT STATEMENTS

Issuance of Agency Procedures for Compliance With Federal Environmental Statutes

Notice is hereby given of the publication of proposed procedures of the U.S. Arms Control and Disarmament Agency (ACDA) for compliance with Federal environmental statutes, in accordance with the requirements of section 102(2)(C) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)(C)), and section 309 of the Clean Air Act (42 U.S.C. 1857).

These procedures, when established, will be published in the FEDERAL REGISTER and in the ACDA Manual. The proposed procedures are as follows:

1. *General.* Attention is called to section 102(2)(C) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)(C)); section 309 of the Clean Air Act (42 U.S.C. 1857); Executive Order 11514 of March 5, 1970; and the Guidelines for Federal Agencies under the National Environmental Policy Act (NEPA) issued by the CEQ April 23, 1971 (36 FR 7724), incorporated herein by reference. Except as modified by the present policy guides, the CEQ guidelines will be followed by the responsible Agency officials in complying with policies and provisions of the NEPA and section 309 of the Clean Air Act. The requirements of these procedures are in addition to, and not a substitute for,

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any environmental analyses or consultations required by any international obligations of the United States.

2. *Determining the Need for Environmental Impact Statements.* (a) Whether or not an environmental impact statement is required under section 102(2)(C) of the NEPA and filed for any Agency action, the policies and provisions of NEPA require that the environmental effects of proposed actions, and reasonable alternatives thereto (including those not within the authority of the Agency), be considered. The process of deciding on the need for an environmental impact statement on any Agency action will itself require an anlysis of the effects that the proposed action will have on the human environment. The inquiry into environmental effects is mandated, independent of the requirements to file environmental impact statements, by section 102(2)(B) of the NEPA, which requires procedures to insure that presently unquantified environmental amenities and values may be given appropriate consideration in decisionmaking along with economic, technical, and other considerations. CEQ Guideline No. 1 underscores this by recognizing that the purpose of section 102(2)(C) is to build into the agency decisionmaking process an appropriate and careful consideration of the environmental aspects of proposed actions, and to assist agencies in implementing not only the letter, but the spirit, of the NEPA. While the procedural requirements of section 102(2)(C) must be carefully complied with, it must also be emphasized that the essence of the NEPA is the need for real consideration of environmental effects.

(b) Section 102(2)(C) of the NEPA requires an environmental impact statement on "every recommendation or report on proposals for legislation and other major Federal actions significantly affecting the quality of the human environment." Therefore, an activity which is both a major Federal action and which has a potentially significant effect on the environment requires an impact statement. For a general elaboration of the terms, see the CEQ guidelines, especially CEQ Guidelines 5(a) and 5(b).

3. *Responsibility within the Agency.* The Bureau of Science and Technology (ST) has primary responsibility for the Agency's compliance with the requirements of NEPA and for determining whether any proposed action requires an environmental impact statement.

Each Agency bureau and office having operational responsibility over a proposed major action which may significantly affect the environment shall inform ST of the proposed action, its potential environmental impact and reasonable alternatives thereto. In order to determine whether the proposed action will be a "major Federal action significantly affecting the quality of the human environment," ST together with the bureau or office having operational responsibility will investigate the direct and indirect environmental effects of the proposed action and shall consult with the Office of the General Counsel (GC). Where appropriate to supplement work in evaluating the environmental impact of the proposed action, they will solicit information from other parts of the Agency, from other Government agencies with jurisdiction by law or special expertise with respect to any environmental impact involved, or from private organizations.

In each instance where it is determined, after this investigation, that no environmental impact statement will be prepared by the Agency, a memorandum will be prepared for Agency files indicating the extent of the investigation conducted and the reasons for the determination that no impact statement will be prepared. A list of such actions will be available to Government agencies or members of the public on request to ST. In assessing the need for impact statements regarding any particular action, the following guidelines will be considered:

(a) Certain Agency activities would not be considered major Federal actions for purposes of the NEPA, for example, the following:

(1) Participation in research or study projects;

(2) Mandatory actions required under any treaty or international agreement to which the United States is a party, or required by the decisions of international organizations, authorities, conferences, or consultations in which the United States is a member or participant.

(b) Indirect effects of Agency activities can lead to a need to file an environmental impact statement. In some such instances, the Agency might be the lead agency responsible for the preparation of such a statement. However, in other cases, another agency might be the lead agency.

(c) The Agency is solely responsible for determining whether an environmental impact statement is required and for preparing an environmental impact statement only with respect to the Federal actions as to which it is the "lead agency," as defined in CEQ Guideline 5(b). Projects such as the destruction of weapons in accordance with the provisions of an international arms control agreement would be the subject of environmental impact statements, if otherwise required, prepared by the Department of Defense, the Department of State, or other lead agency. In some cases, joint preparation of the statement by two or more agencies may be appropriate.

Where it is determined that an environmental impact statement will be prepared by the Agency, ST together with the bureau having operational responsibility will prepare the statement. In doing so, they may, where appropriate, solicit information and comments from private organizations and government agencies with special expertise or interest, and, under the direction of the Secretary of State, engage in consultations, as appropriate, with foreign governments whose environments will be substantially affected by the proposed action. Advice on legal requirements for filing environmental impact statements and on legal requirements regarding their contents will be obtained from the Office of the General Counsel (GC).

4. *Responsibility for Investigation Into Environmental Effects of All Proposed Actions.* Even where it appears clear from the start that a proposed action will not require an environmental impact statement, the consideration of possible environmental effects will still be made and, as required by the NEPA, the results of that investigation will be an integral part of the decisionmaking process. Furthermore, where no impact statement will be prepared, ST and the bureau having operational responsibility will nonetheless submit for review and concurrence to the Environmental Protection Agency (EPA) all proposals for legislation, regulations, and construction projects which are related to the statutory responsibilities of the Administrator of the EPA, as indicated in CEQ Guideline No. 8.

5. *General Procedure.* Unless excluded under section 3, actions of the Agency which are covered by the NEPA will require an environmental impact statement.

(a) CEQ Guideline 10(b) requires "that draft environmental statements be prepared and circulated for comment and furnished to the Council early enough in the agency review process before an action is taken in order to permit meaningful consideration of the environmental issue involved."

The draft statements will be distributed by ST and the bureau or office having operational responsibility for comment to Government agencies with jurisdiction by law or special expertise with respect to any environmental impact involved, as determined by CEQ in Appendix II of the CEQ guidelines, and, in accordance with section 6(d) below, made available to the public. Upon circulation of draft statements to the EPA, comments shall be requested under both the NEPA and section 309 of the Clean Air Act. Notice of the draft statement's availability will be published in the FEDERAL REGISTER as a public notice. ST and GC shall arrange for the publication.

Any comments received will be considered in final policy decisions and in the preparation of a final environmental impact statement. All such comments should be attached to the final statement, and those responsible comments not adequately discussed in the draft statement should be appropriately dealt with in the final statement. In any case where comments are not received in sufficient time to allow consideration in final policy decisions, they should be considered in future decisionmaking in similar areas of policy.

(b) In the case of international agreements, draft statements will be prepared in accordance with Department of State procedures (37 FR 19167, September 9, 1972).

6. *Exceptions.* The nature of negotiations and relations at the international

level may make it necessary to depart in some instances from the procedures in the CEQ guidelines. CEQ foresaw the need for such departures in CEQ Guidelines 4 and 10. Exceptions applicable to the Agency are set forth below:

(a) The statements and other written matter written to comply with the NEPA should not normally include any classified or administratively controlled material. However, there may be situations where such statements and memoranda cannot adequately discuss environmental effects without including material classified or administratively controlled under the provisions of 22 CFR Part 605 and the ACDA Security and Classification Handbook. In any event, however, those portions of any statement which are not classified or administratively controlled shall be made available to the public unless the material thus disclosed would be distorted or incomprehensible.

(b) Every attempt will be made to comply with the 30-day and 90-day periods which CEQ Guideline 10(b) requires between submission of statements and final action. Where schedules of international conferences or other factors make this impossible, the Agency will consult with the CEQ concerning appropriate modifications by the Agency of these minimum arrangements for the availability of environmental impact statements.

(c) Normally, agencies consulted in accordance with CEQ Guideline 7 shall be allowed 30 days for reply, and the EPA shall be allowed 45 days. However, the procedure in section 6(b) above will be followed if it becomes necessary to reduce these periods. When this is the case, all agencies to whom the draft statement has been sent will be informed by the responsible bureau of the reduced time period. The reduced time period must also be included in the public notice published in the FEDERAL REGISTER.

(d) Section 2(b) of Executive Order 11514 establishes requirements for providing public information on Federal actions and impact statements and envisions use of public hearings whenever appropriate. Public hearings will be employed by the Agency following the circulation of each draft impact statement unless it is determined that the requirements of carrying on international relations, including the constraints of time and the posture of the United States in negotiations do not allow such hearings to be carried out without prejudice to the national interest. The provisions of the Administrative Procedure Act do not apply to hearings involving "foreign affairs functions"; however, in each case where hearings are employed in accordance with this paragraph, a public notice of the hearings shall be published in the FEDERAL REGISTER indicating the time and place of the hearing and the matters to be considered, and the draft environmental impact statement shall be made available to the public at least 15 days prior to the hearing. ST and GC shall determine the nature and the procedures to be employed for such hearings, shall arrange for the hearing and the publication of the prescribed notice, and shall conduct the hearing. If such hearings cannot be carried out, arrangements should still be made, where practicable, for an expedited opportunity for members of the public to present their views orally.

All interested persons who desire to submit written comments or suggestions for consideration concerning these proposed procedures should submit them in duplicate to the General Counsel, U.S. Arms Control and Disarmament Agency, 2201 C Street NW., Washington, DC 20520, on or before April 9.

PHILIP J. FARLEY,
Acting Director.

[FR Doc.73-4442 Filed 3-7-73;8:45 am]

CIVIL RIGHTS COMMISSION

OHIO STATE ADVISORY COMMITTEE

Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights, that a meeting of the Ohio State Advisory Committee will convene at 5 p.m. on March 9 and at 10 a.m. on March 10, 1973, at the Neil House, 41 South High Street, Columbus, OH 43215. This meeting shall be open to the public and the press.

The purposes of this meeting shall be to (1) finalize plans for an open meeting on Ohio Prison Reform and (2) interview State and local officials and community people.

This meeting will be conducted pursuant to the rules and regulations of the Commission.

Dated at Washington, D.C., March 2, 1973.

ISAIAH T. CRESWELL, Jr.,
Advisory Committee Management Officer.

[FR Doc. 73-4626 Filed 3-7-73;11:22 am]

INTERSTATE COMMERCE COMMISSION

[Notice 193]

ASSIGNMENT OF HEARINGS

MARCH 5, 1973.

Cases assigned for hearing, postponement, cancellation or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested. No amendments will be entertained after the date of this publication.

MC 51146 Subs 276 and 277, Schneider Transport, Inc., now asigned March 13, 1973, at St. Louis, Mo., is canceled and applications dismissed.

AB-5-Sub 48, Penndel Co. and George P. Baker, Richard C. Bond, Jervis Langdon, Jr., Willard Wirtz, trustees of the property of Penn Central Transportation Co., debtor, abandonment between Walton Junction and Traverse City, Traverse County, Mich., now assigned March 22, 1973, will be held in the Lars Hockstad Auditorium, Central High School, Traverse City, Mich.

MC 115841 Sub 438, Colonial Refrigerated Transportation, Inc., now being assigned hearing April 2, 1973 (2 weeks), at New York, N.Y., in a hearing room to be later designated.

MC-F-11682, U.S. Truck Co., Inc.—Purchase (portion)—Transportation Service, Inc., FD-27290, U.S. Truck Co., Inc., notes, MC-F-11683, Wilson Freight Co.—Purchase (portion)—Transportation Service, Inc., FD-27280, Wilson Freight Co., notes, now assigned March 26, 1973, will be held at the Sheraton-Cadillac Hotel, Washington Boulevard, and Michigan Avenue, Detroit, Mich.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.73-4493 Filed 3-7-73;8:45 am]

[Notice 226]

MOTOR CARRIER BOARD TRANSFER PROCEEDINGS

Synopses of orders entered by Division 3 of the Commission pursuant to sections 212(b), 206(a), 211, 312(b), and 410(g) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 1132), appear below:

Each application (except as otherwise specifically noted) filed after March 27, 1972, contains a statement by applicants that there will be no significant effect on the quality of the human environment resulting from approval of the application. As provided in the Commission's general rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings on or before April 9, 1973. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC-74039. By order of February 27, 1973, the Commission, Division 3, acting as an Appellate Division, approved the transfer to Bestway Express, a corporation, Columbia, S.C., of the operating rights in Certificates Nos. MC-120668 (Sub-No. 3) and MC-120668 (Sub-No. 4), issued October 2, 1967, and October 2, 1967, to HC&D Lines, Inc., Hartsville, S.C., authorizing the transportation of general commodities, except petroleum products, commodities in bulk, classes A and B explosives, and household goods as defined by the Commission, between points in Darlington and Florence Counties, S.C., on the one hand, and, on the other, points in South Carolina; sand and gravel, except in bulk, from points in Marlboro County, S.C., to points in South Carolina; brick, from Society Hill, S.C., to points in North Carolina within 150 miles of Society Hill; sand and gravel, from Blenheim, S.C., to points in North

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Carolina within 100 miles of Blenheim; livestock, agricultural commodities, ginned cotton, tobacco, fertilizer, and fertilizer materials, between Hartsville, S.C., and points within 50 miles thereof, on the one hand, and, on the other, points in North Carolina and South Carolina within 150 miles of Hartsville; cotton linters and other specified commodities, between Hartsville, S.C., on the one hand, and, on the other, points in North Carolina within 150 miles of Hartsville, and oil mill rolls and fittings, between Hartsville, S.C., and Augusta, Ga. John H. Caldwell, 914 Washington Building, 15th Street and New York Avenue NW., Washington, DC 20005, attorney for applicants.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.73-4492 Filed 3-7-73;8:45 am]

[Notice 18]

MOTOR CARRIER, BROKER, WATER CARRIER, AND FREIGHT FORWARDER APPLICATIONS

MARCH 2, 1973.

The following applications (except as otherwise specifically noted, each applicant (on applications filed after March 27, 1972) states that there will be no significant effect on the quality of the human environment resulting from approval of its application), are governed by Special Rule 1100.247[1] of the Commission's general rules of practice (49 CFR, as amended), published in the FEDERAL REGISTER issue of April 20, 1966, effective May 20, 1966. These rules provide, among other things, that a protest to the granting of an application must be filed with the Commission within 30 days after date of notice of filing of the application is published in the FEDERAL REGISTER. Failure seasonably to file a protest will be construed as a waiver of opposition and participation in the proceeding. A protest under these rules should comply with section 247(d) (3) of the rules of practice which requires that it set forth specifically the grounds upon which it is made, contain a detailed statement of protestant's interest in the proceeding (including a copy of the specific portions of its authority which protestant believes to be in conflict with that sought in the application, and describing in detail the method—whether by joinder, interline, or other means—by which protestant would use such authority to provide all or part of the service proposed), and shall specify with particularity the facts, matters, and things relied upon, but shall not include issues or allegations phrased generally. Protests not in reasonable compliance with the requirements of the rules may be rejected. The original and one (1) copy of the protest shall be filed with the Commission, and a copy shall be served concurrently upon applicant's representative, or applicant if no representative is named. If the protest includes a request for oral hearing, such request shall meet the requirements of section 247(d)(4) of the special rules, and shall include the certification required therein.

Section 247(f) of the Commission's rules of practice further provides that each applicant shall, if protests to its application have been filed, and within 60 days of the date of this publication, notify the Commission in writing (1) that it is ready to proceed and prosecute the application, or (2) that it wishes to withdraw the application, failure in which the application will be dismissed by the Commission.

Further processing steps (whether modified procedure, oral hearing, or other procedures) will be determined generally in accordance with the Commission's general policy statement concerning motor carrier licensing procedures, published in the FEDERAL REGISTER issue of May 3, 1966. This assignment will be by Commission order which will be served on each party of record. Broadening amendments will not be accepted after the date of this publication except for good cause shown, and restrictive amendments will not be entertained following publication in the FEDERAL REGISTER of a notice that the proceeding has been assigned for oral hearing.

No. MC 1328 (Sub-No. 11), filed January 22, 1973. Applicant: MGS TRANSPORTATION, INC., Post Office Box 270, Alexandria, IN 46001. Applicant's representative: Donald W. Smith, 900 Circle Tower, Indianapolis, IN 46204. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Corrugated containers*, from Montpelier, Ind., to points in Ohio, Michigan, and Illinois, and (2) *roll paper stock*, from Monroe, Mich., and Steubenville, Ohio, to Montpelier, Ind., under a continuing contract with Indiana Box Corp. of Montpelier, Ind. NOTE: If a hearing is deemed necessary, applicant requests it be held at Indianapolis, Ind., or Chicago, Ill.

No. MC 2986 (Sub-No. 37), filed January 15, 1973. Applicant: I & S-MC-DANIEL, INC., 1102 Prairie Street, Vincennes, IN 47591. Applicant's representative: Ferdinand Born, 601 Chamber of Commerce Building, Indianapolis, Ind. 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk and those requiring special equipment) between Indianapolis, Ind., and Cincinnati, Ohio, over Interstate Highway 74, serving as an alternate route for operating convenience only, in connection with applicant's regular-route authoirty (serving no intermediate points). NOTE: If a hearing is deemed necessary, applicant requests it be held at Indianapolis, Ind.

No. MC 8535 (Sub-No. 45), filed January 19, 1973. Applicant: GEORGE TRANSFER AND RIGGING COMPANY, INCORPORATED, Interstate 83 at Route 439, Parkton, Md. 21120. Applicant's representative: John Guandolo, 1000 16th Street NW., Washington, DC 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Composition board and particleboard*, from Chesapeake, Va., to points in Connecticut, Delaware, Kentucky, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia, and the District of Columbia. NOTE: Applicant states that the requested authority could be tacked at Chesapeake, Va., with its lead certificate MC 8535 to provide service on building, contractors', and plant construction materials from points in Virginia. In addition, applicant's MC 8535 may in turn be tacked with its Sub 38 at Kenbridge or Victoria, Va., to provide service on general commodities (with usual exceptions) from North Carolina. Thus, by tacking MC 8535 and its Sub 38 to the authority sought, service could be provided on specified commodities from North Carolina and Virginia to the destination States sought herein. Applicant further states no duplicating authority sought. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 9325 (Sub-No. 64), filed January 16, 1973. Applicant: K LINES, INC., Post Office Box 1348, Lake Oswego, OR 97034. Applicant's representative: Eugene A. Feise (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lime*, in bulk, from Portland, Oreg., to points in Idaho. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Portland, Oreg., or Seattle, Wash.

No. MC 14702 (Sub-No. 49), filed January 29, 1973. Applicant: OHIO FAST FREIGHT, INC., 3893 Market Street NE., Warren, OH 44484. Applicant's representative: Paul F. Beery, 88 East Broad Street, Columbus, OH 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Aluminum and aluminum articles*, between Rochester, N.Y., on the one hand, and, on the other, points in Indiana, those in Michigan on and south of Michigan Highway 46, and the Chicago Ill., commercial zone. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio.

No. MC 19157 (Sub-No. 17), filed February 2, 1973. Applicant: McCORMACK'S HIGHWAY TRANSPORTATION, INC., Rural Delivery No. 3, Box 4, Campbell Road, Schenectady, NY 12306. Applicant's representative: Anthony C. Vance, 1111 E Street NW., Suite 501, Washington, DC 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Radioactive material, new and spent, radioactive source, special nuclear and by-product materials, radioactive material shipping containers, nuclear reactor component parts, and related equipment*, between points in Rowan County, Ky., and Barnwell County, S.C., on the one hand, and, on the other, points in Alabama, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Mississippi, New Hampshire, New Jersey, New York, North Carolina, Tennessee, Virginia, Vermont, West Virginia, Ohio, Pennsylvania, Rhode Island, South Carolina, Wisconsin, and the District of Columbia. NOTE: Applicant states that the requested authority can be tacked with its existing authority with its subs 11, 13, and 15 but has no present intention to tack. If a hearing is deemed necessary, applicant requests it be held at Schenectady, N.Y., or New York, N.Y.

No. MC 30844 (Sub-No. 452), filed January 22, 1973. Applicant: KROBLIN REFRIGERATED XPRESS, INC., 2125 Commercial Street, Post Office Box 5000, Waterloo, IA 50702. Applicant's representative: Truman A. Stockton, The 1650 Grant Street Building, Denver, Colo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen and dehydrated foods*, from Boise, Burley, Fruitland, Nampa, and Weiser, Idaho, and Ontario, Oreg., (1) to Greenville, Mich., and (2) to points in Arkansas, Colorado, Illinois, Iowa, Kansas, Louisiana, Minnesota, Missouri, Nebraska, North Dakota, Oklahoma, South Dakota, Texas, and Wisconsin. NOTE: Common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Boise, Idaho, or Washington, D.C.

No. MC 34156 (Sub-No. 5), filed January 15, 1973. Applicant: NIEDERT MOTOR SERVICE, INC., 2300 South Mount Prospect Road, Des Plaines, IL 60018. Applicant's representative: Daniel C. Sullivan, Suite 1000, 327 South La Salle Street, Chicago, IL 60604. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), (1) between Chicago, Ill., and Lake McHenry, Boone, Cook, Du Page, Kane, De Kalb, Will, Kendall, and La Salle Counties, Ill.; (2) between points named in (1) above, on the one hand, and, on the other, points in Illinois; and (3) between Lake and Porter County, Ind., on the one hand, and, on the other, points in Illinois. NOTE: By the requests for authority in parts (1) and (2) above, applicant seeks to convert its Certificate of Registration to a Certificate of Public Convenience and Necessity. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 41951 (Sub-No. 15) (Amendment), filed May 22, 1972. Published in the FEDERAL REGISTER issues of August 31, 1972, and as corrected on October 27, 1972, and republished, as amended, this issue. Applicant: WHEATLEY TRUCKING, INCORPORATED, 125 Brohawn Avenue, Post Office Box 458, Cambridge, MD 21613. Applicant's representative: M. Bruce Morgan, Post Office Box 786, Azar Building, Glen Burnie, MD 21061. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs* (except frozen or cold pack), from Cambridge, Md., to Plymouth, Ind. NOTE: The purpose of this amendment is to change the destination point from South Bend, Ind., to Plymouth, Ind. Applicant states that the existing authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Baltimore, Md., or Philadelphia, Pa.

No. MC 51146 (Sub-No. 308), filed January 24, 1973. Applicant: SCHNEIDER TRANSPORT, INC., 2661 South Broadway, Green Bay, WI 54304. Applicant's representative: Charles Singer, Suite 1000, 327 South La Salle, Chicago, IL 60604. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Such merchandise* as is dealt in by department stores (except foodstuffs, furniture and commodities in bulk) and (2) *foodstuffs and furniture* (except in bulk), moving in mixed loads with the commodities described in (1) above, from points in New York, Pennsylvania, West Virginia, Massachusetts, Rhode Island, Connecticut, Delaware, New Jersey, and Maryland, to the facilities maintained or utilized by The J. L. Hudson Co. located at Grand Rapids, Ann Arbor, Flint, Pontiac, and Detroit, Mich., and Toledo, Ohio, restricted to traffic originating at the origins sought and destined to the above-named facilities. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 52110 (Sub-No. 134), filed January 22, 1973. Applicant: BRADY MOTORFRATE, INC., 2150 Grand Avenue, Des Moines, IA 50312. Applicant's representative: Cecil L. Goettsch, 11th Floor Des Moines Building, Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products and meat by-products, and articles distributed by meat packinghouses*, as described in Appendix 1 to the report in Descriptions in Motor Carrier Certificates, 61 MCC 209 and 766 (except hides and commodities in bulk), from Denison and Iowa Falls, Iowa to points in Connecticut, Delaware, Illinois, Indiana, Kansas, Kentucky, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia, and the District of Columbia, restricted to traffic originating at the facilities of Farmland Industries, Inc. NOTE: Common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo., or Washington, D.C.

No. MC 59059 (Sub-No. 6), filed January 26, 1973. Applicant: ARROW FREIGHT LINES, INC., Box 1665, East Highway 30, Grand Island, NE 68801. Applicant's representative: Gailyn L. Larson, Post Office Box 80806, 521 South 14th Street, Lincoln, NE 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those requiring special equipment), serving the warehouse site of Western Electric, at or near Underwood, Iowa, as an off-route point in connection with applicant's regular route operations via Omaha, Nebr. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr.

No. MC 61592 (Sub No. 297), filed January 29, 1973. Applicant: JENKINS TRUCK LINE, INC., 3708 Elm Street, Bettendorf, IA 52722. Applicant's representative: Donald Smith, 900 Circle Tower Building, Indianapolis, IN 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Tractors and attachments and agricultural implements*, between the warehouse site of Deutz Tractor Corp., located at or near O'Fallon, Mo., on the one hand, and, on the other, points in Minnesota and Wisconsin. Restriction: Shipments from points in Wisconsin and Minnesota to O'Fallon, Mo., restricted to traffic on behalf of the Deutz Tractor Corp. and from shipping facilities used by the Deutz Tractor Corp. NOTE: Common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo.

No. MC 61592 (Sub-No. 298), filed January 30, 1973. Applicant: JENKINS TRUCK LINE, INC., 3708 Elm Street, Bettendorf, IA 52722. Applicant's representative: Donald Smith, 900 Circle Tower Building, Indianapolis, IN 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Composition board and plywood*, unfinished or prefinished, natural veneers or synthetic, including, but not limited to plastics, vinyls, and polyesters, from Shawano, Wis., to points in the United States including Alaska (but excluding Hawaii). NOTE: Common control may be involved. Applicant states that the requested authority cannot be tacked with its existing

[1] Copies of Special Rule 247 (as amended) can be obtained by writing to the Secretary, Interstate Commerce Commission, Washington, D.C. 20423.

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authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 61592 (Sub-No. 299), filed February 1, 1973. Applicant: JENKINS TRUCK LINE, INC., 3708 Elm Street, Bettendorf, IA 52722. Applicant's representative: Donald Smith, 900 Circle Tower Building, Indianapolis, IN 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New furniture and fixtures*, between points in Utah, on the one hand, and, on the other, points in Oregon, Idaho, Washington, and California. NOTE: Common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Salt Lake City, Utah.

No. MC 61592 (Sub-No. 300), filed February 1, 1973. Applicant: JENKINS TRUCK LINE, INC., 3708 Elm Street, Betternderf, IA 52722. Applicant's representative: Donald Smith, 900 Circle Tower Building, Indianapolis, Ind. 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers*, designed to be drawn by passenger automobiles, in initial movements, from points in Jackson County, W. Va., to points in the United States east of the Mississippi River (excluding Minnesota and Louisiana). NOTE: Common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 67200 (Sub-No. 39), filed January 29, 1973. Applicant: THE FURNITURE TRANSPORT COMPANY, INC., Post Office Box 392, Furniture Row, Milford, CT 06460. Applicant's representative: Arthur J. Piken, One Lefrak City Plaza, Flushing, NY 11368. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New furniture*, crated and uncrated, (1) between points in Florida, Georgia, Mississippi, Tennessee, South Carolina, Alabama, and Louisiana; and (2) between points in Georgia, Mississippi, Tennessee, South Carolina, and Louisiana, on the one hand, and, on the other, points in New York, New Jersey, Pennsylvania, Connecticut, Massachusetts, Rhode Island, Maine, New Hampshire, and Vermont. NOTE: Applicant states that it seeks no duplicating authority and that the requested authority herein cannot or will not be tacked with its existing authority. If a hearing is deemed necessary, applicant requests that it be held both at Mamia, Fla., and Boston, Mass.

No. MC 67200 (Sub-No. 40), filed January 29, 1973. Applicant: THE FURNITURE TRANSPORT COMPANY, INC., Post Office Box 392, Furniture Row, Milford, CT 06460. Applicant's representative: Arthur J. Piken, One Lefrak City Plaza, Flushing, NY 11368. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New furniture*, (1) between points in Texas, Arkansas, Louisiana, Mississippi, Oklahoma, Alabama, Georgia, Florida, and Tennessee; and (2) between points in Texas, Arkansas, Louisiana, Mississippi, Oklahoma, and Tennessee, on the one hand, and, on the other, points in New York, New Jersey, Pennsylvania, Connecticut, Massachusetts, Rhode Island, Maine, New Hampshire and Vermont. NOTE: Applicant states that it seeks no duplicating authority and that the requested authority herein cannot or will not be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at both Dallas, Tex., and Boston, Mass.

No. MC 70083 (Sub-No. 27), filed January 9, 1973. Applicant: DRAKE MOTOR LINES, INC., 20 Olney Avenue, Cherry Hill, NJ 08034. Applicant's representative: Herbert Burstein, One World Trade Center, New York, NY 10048. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except explosives and inflammable commodities), moving on a through air bill of lading of direct air carriers or air freight forwarders, between New York, N.Y., and points in Nassau, Suffolk, Westchester, and Rockland Counties, N.Y.; Newark, N.J., and points in Hunterdon, Mercer, Middlesex, Burlington, Camden, Gloucester, Salem, Monmouth, Somerset, Morris, Passaic, Bergen, Essex, and Union Counties, N.J.; Philadelphia, Pa., and points in Bucks, Montgomery, Chester, and Delaware Counties, Pa.; Wilmington, Del., and points in New Castle County, Del.; points in Fairfield County, Conn.; Boston, Mass., and points in Middlesex, Plymouth, Essex, Bristol, Suffolk, and Norfolk Counties, Mass.; and Providence, R.I., and points in Providence County, R.I.; Baltimore, Md., and points in Anne Arundel, Baltimore, Carroll, Frederick, Harford, and Howard Counties, Md.; Washington, D.C., and points in Charles, Montgomery, and Prince Georges Counties, Md., and Fairfax, Prince William, and Loudoun Counties, Va.; on the one hand, and, on the other, Detroit, Mich., and points in Macomb, Monroe, Oakland, Washtenaw, Wayne, and Livingston Counties, Mich. NOTE: Common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at New York, N.Y., or Philadelphia, Pa.

No. MC 71459 (Sub-No. 36), filed January 17, 1973. Applicant: O. N. C. FREIGHT SYSTEMS, a Corporation, 2800 West Bayshore Road, Palo Alto, CA 94303. Applicant's representative: C. J. Boddington (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), (1) between Page, Ariz., and Fredonia, Ariz., from Page over U.S. Highway 89 to junction Alternate U.S. Highway 89, thence over Alternate U.S. Highway 89 to Fredonia, Ariz., and return over the same route, (2) between San Bernardino, Calif., and Ashfork, Ariz., from San Bernardino, Calif., over Interstate Highway 15 to junction Interstate Highway 40, at or near Barstow, Calif., thence over Interstate Highway 40 (U.S. Highway 66) to Ashfork, Ariz., and return over the same route, (3) between Lordsburg, N. Mex., and Deming, N. Mex., from Lordsburg, over Interstate Highway 10 (U.S. Highway 70), to Deming, and return over the same route, and the requests for authority in (1), (2), and (3) above are for alternate routes in connection with applicant's regular route authority, for operating convenience only, serving no intermediate points. NOTES: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Phoenix, Ariz., or Los Angeles, Calif.

No. MC 74238 (Sub-No. 3) filed January 15, 1973. Applicant: KRIEGSMAN TRANSFER COMPANY, a Corporation, 278 Koch Street, Pekin, IL 61554. Applicant's representative: Robert M. Kaske, 2017 Wisteria Road, Rockford, IL 61107. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between Peoria, Ill. and points in its commercial zone and Minnesota, on the one hand, and on the other points in Ohio, Nebraska, Colorado, Kansas, Arkansas, Mississippi, Tennessee, and Pennsylvania. NOTE: Applicant states that the requested authority can be tacked with its existing authority at Peoria, Ill., points in Illinois, Wisconsin, Michigan, Indiana, Kentucky, Missouri, and Iowa. If a hearing is deemed necessary, applicant requests it be held at either Springfield or Chicago, Ill. or Washington, D.C.

No. MC 82492 (Sub-No. 75), filed January 26, 1973. Applicant: MICHIGAN & NEBRASKA TRANSIT CO., INC., Post Office Box 2853, 2109 Olmstead Road, Kalamazoo, MI 49003. Applicant's representative: Jack H. Blanshan, 29 South La Salle Street, Chicago, IL 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dairy products* (except commodities in bulk), from points in Minnesota and Wisconsin, to Toledo and Maumee, Ohio and points in Michigan. NOTE: Applicant states that the requested authority cannot or will not be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill. or Washington, D.C.

No. MC 82079 (Sub-No. 31), filed January 22, 1973. Applicant: KELIER TRANSFER LINE, INC., 1239 Randolph

Avenue SW., Grand Rapids, MI 49507. Applicant's representative: J. M. Neath, Jr., 900—One Vandenberg Center, Grand Rapids, Mich. 49502. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods, frozen prepared foods, frozen food products and frozen bakery goods*, from Cleveland, Ohio, to points in the Lower Peninsula of Michigan, restricted to traffic originating at Cleveland, Ohio, and terminating in the destination area. NOTE: Common control and dual operations may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Lansing, Mich., or Cleveland, Ohio.

No. MC 83835 (Sub-No. 100), filed January 29, 1973. Applicant: WALES TRANSPORTATION, INC., Post Office Box 6186, Dallas, TX 75222. Applicant's representative: James W. Hightower, 136 Wynnewood Professional Building, Dallas, Tex. 75224. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Concrete reinforcement products, accessories and parts*, from the plantsite of Superior Concrete Accessories, Inc., located at Parson, Kans., to points in Colorado, Illinois, Indiana, Michigan, Minnesota, North Dakota, South Dakota, Wisconsin, New York, Pennsylvania, Georgia, Ohio, and North Carolina. NOTE: Applicant states that the requested authority can be tacked with its existing authority but indicates that it has no present intention to tack and therefore does not identify the points or territories which can be served through tacking. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. If a hearing is deemed necessary, applicant requests it be held at (1) Dallas, Tex., or (2) Kansas City, Mo.

No. MC 100785 (Sub-No. 2), filed January 8, 1973. Applicant: LAWRENCE E. BULT, doing business as L. BULT CARTAGE, 123 North Williams Street, Thornton, IL 60476. Applicant's representative: Irving Stillerman, 29 South La Salle Street, Chicago, IL 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lime, limestone and limestone products*, in bag, or in bulk in dump or hopper-type vehicles, from Chicago, Ill., and points within the Chicago, Ill., commercial zone to points in Indiana, Michigan, Ohio, Pennsylvania, and Wisconsin. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 103051 (Sub-No. 268), filed January 19, 1973. Applicant: FLEET TRANSPORT COMPANY, INC., 934 44th Avenue North, Nashville, TN 37209. Applicant's representative: Russell E. Stone (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (a) *Nitrogen fertilizer solutions or other liquid fertilizer solutions*, in tank vehicles, from Tyner, Tenn., to points in Georgia, North Carolina, South Carolina, Virginia, and Tennessee, and (b) *fertilizer*, dry in bags or in bulk, from Tyner, Tenn., to points in Alabama, Georgia, Kentucky, North Carolina, South Carolina, Virginia, and Tennessee. NOTE: Common control may be involved. Applicant states that the requested authority can be tacked with its existing authority but indicates that it has no present intention to tack and therefore does not identify the points or territories which can be served through tacking. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. If a hearing is deemed necessary, applicant requests it be held at (1) Dallas, Tex., or (2) Kansas City, Mo.

No. MC 103993 (Sub-No. 754), filed January 19, 1973. Applicant: MORGAN DRIVE-AWAY, INC., 2800 West Lexington Avenue, Elkhart, IN 46514. Applicant's representative: Paul D. Borghesani, 2800 West Lexington Avenue, Elkhart, IN 46514. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Concrete reinforcement products, accessories and parts*, from the plantsite of Superior Concrete Accessories, Inc., located at Parson, Kans., to points in Colorado, Illinois, Indiana, Michigan, Minnesota, North Dakota, South Dakota, Wisconsin, New York, Pennsylvania, Georgia, Ohio, and North Carolina. NOTE: Applicant states that the requested authority can be tacked with its existing authority but indicates that it has no present intention to tack and therefore does not identify the points or territories which can be served through tacking. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. If a hearing is deemed necessary, applicant requests it be held at (1) Dallas, Tex., or (2) Kansas City, Mo.

No. MC 103993 (Sub-No. 755), filed January 19, 1973. Applicant: MORGAN DRIVE-AWAY, INC., 2800 West Lexington Avenue, Elkhart, IN 46514. Applicant's representative, Paul D. Borghesani, 2800 West Lexington Avenue, Elkhart, IN 46514. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting (1) *Trailers*, designed to be drawn by passenger automobiles, in initial movements, and (2) *buildings and sections of buildings*, on undercarriages, from points in Washington County, N.Y., to points in the United States (except Alaska and Hawaii). NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 103993 (Sub-No. 756), filed January 29, 1973. Applicant: MORGAN DRIVE-AWAY, INC., 2800 West Lexington Avenue, Elkhart, IN 46514. Applicant's representative: Paul D. Borghesani (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Buildings and sections of building*, on undercarriages, from points in Columbia County, N.Y., to points in the United States (except Alaska and Hawaii). NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Albany, N.Y.

No. MC 108207 (Sub-No. 366), filed January 22, 1973. Applicant: FROZEN FOOD EXPRESS, a corporation, 318 Cadiz Street, Post Office Box 5888, Dallas, TX 75222. Applicant's representative: J. B. Ham (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, from the plantsite and warehouse facilities utilized by Jeno's, Inc., at Duluth, Minn., to points in Nebraska, Kansas, Missouri, Oklahoma, Louisiana, Mississippi, Arkansas, Texas, New Mexico, Arizona, and California. NOTE: Applicant states that the requested authority cannot or will not be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn., or Chicago, Ill.

No. MC 107012 (Sub-No. 172), filed February 1, 1973. Applicant: NORTH AMERICAN VAN LINES, INC., Post Office Box 988, Lincoln Highway East and Meyer Road, Fort Wayne, IN 46801. Applicant's representative: Donald C. Lewis (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New furniture and commercial and institutional fixtures*, from Sanford, N.C., to points in Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Pennsylvania, Delaware, Maryland, West Virginia, Ohio, Michigan, Indiana, Illinois, Wisconsin, Kentucky, Virginia, North Carolina, Tennessee, South Carolina, Georgia, Alabama, Mississippi, Louisiana, Florida, and the District of Columbia. NOTE: Dual operations and common control may be involved. Applicant states that the requested authority can be tacked with its existing authority and provide a through transportation service for new furniture and commercial and institutional fixtures from Sanford, N.C., to points in the United States via Tennessee. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 108393 (Sub-No. 68), filed January 12, 1973. Applicant: SIGNAL DELIVERY SERVICE, INC., 930 North York Road, Hinsdale, IL 60521. Applicant's representative: J. A. Kundtz, 1100 National City Bank Building, Cleveland, Ohio 44114. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Parts of electrical and gas appliances, and equipment, materials, and supplies* used in the manufacture, distribution and repair of electrical and gas appliances, between Fort Smith, Jacksonville, and Jonesboro, Ark.; Cleveland, Ohio; and St. Paul, Minn., on the one hand, and, on the other, La Porte, Ind., and (2) *gas and electrical appliances, parts of electrical and gas appliances, and equipment, materials, and supplies* used in the

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manufacture, distribution and repair of electrical and gas appliances, between Evansville, Ind., and Chicago, Ill., on the one hand, and, on the other, St. Paul, Minn., under contract with Whirlpool Corp. NOTE: Common control and dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 110420 (Sub-No. 674), filed January 19, 1973. Applicant: QUALITY CARRIERS, INC., Post Office Box 186, Pleasant Prairie, WI 53158. Applicant's representative Fred H. Figge (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Malt syrup*, in bulk, in tank vehicles, from Peoria, Ill., to points in Arkansas, Georgia, Illinois, Indiana, Kentucky, Michigan, Missouri, New Jersey, New York, Ohio, Pennsylvania, and Wisconsin, and (2) *chemicals*, in bulk, in tank vehicles, from Peoria, Ill., to points in Georgia, Louisiana, New York, Oklahoma, North Carolina, and South Carolina. NOTE: Common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 110525 (Sub-No. 1047) (Amendment), filed November 29, 1972, published in the FEDERAL REGISTER issue of March 1, 1973, and republished this issue. Applicant: CHEMICAL LEAMAN TANK LINES, INC., 520 East Lancaster Avenue, Downingtown, PA 19335. Applicant's representative: Leonard A. Jaskiewicz, 1730 M Street NW., Suite 501, Washington, DC 20036. NOTE: The purpose of this republication is to indicate that the applicant seeks to restrictively amend its previously published request for authority by restricting the requested operations therein "to traffic originating at the plantsite and/or warehouse facilities of Cargill, Inc., at Dayton, Ohio." The rest of the application remains as previously published.

No. MC 110563 (Sub-No. 101), filed January 26, 1973. Applicant: COLDWAY FOOD EXPRESS, INC., Ohio Building, Sidney, Ohio 45365. Applicant's representative: Joseph M. Scanlan, 111 West Washington, Chicago, IL 60602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts and articles distributed by meat packinghouses* (except hides and commodities in bulk) as described in sections A and C of Appendix I to the report in Descriptions in Motor Carrier Certificates, 61 MCC 209 and 766, from Hastings, Nebr., to points in New York, Connecticut, Delaware, New Jersey, Pennsylvania, Maryland, Massachusetts, Rhode Island, Virginia, Michigan, and the District of Columbia. NOTE: Applicant states that the requested authority cannot or will not be tacked with is existing authority. If a hearing is deemed necessary, applicant requests it be held at Philadelphia, Pa., or Washington, D.C.

No. MC 111720 (Sub-No. 10), filed January 17, 1973. Applicant: RAY WILLIAMS AND ARLENE WILLIAMS, a Partnership, doing business as WILLIAMS TRUCK SERVICE, 2800 East 11th Street, Post Office Box 40, Sioux Falls, SD 57101. Applicant's representative: Donald L. Stern, 530 Univac Building, Omaha, Nebr. 68102. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat byproducts, dairy products and articles distributed by meat packinghouses* as described in sections A, B, and C of Appendix I to the report in Descriptions in Motor Carrier Certificates, 61 MCC 209 and 766 (except liquid commodities in bulk, in tank vehicles, skins, hides, pelts and glue stock), from Sioux Falls, S. Dak., and Sioux City, Iowa, to points in North Carolina, South Carolina, Georgia, and Tennessee, under contract with John Morrell & Co. NOTE: If a hearing is deemed necessary, applicant requests it be held at Sioux Falls, S. Dak.

No. MC 111812 (Sub-No. 483), filed January 19, 1973. Applicant: MIDWEST COAST TRANSPORT, INC., 900 West Delaware, Post Office Box 1233, Sioux Falls, SD 57101. Applicant's representative: Davis L. Lewis (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bomb and flare parachutes and related accessories* from points in South Dakota east of the Missouri River to San Francisco, Calif. NOTE: Common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Sioux Falls, S. Dak.

No. MC 112304 (Sub-No. 62), filed January 26, 1973. Applicant: ACE DORAN HAULING & RIGGING CO., a corporation, 1601 Blue Rock Street, Cincinnati, OH 45223. Applicant's representative: A. Charles Tell, 100 East Broad Street, Columbus, OH 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Aluminum and aluminum products, supplies, and equipment* used in the manufacturing thereof, between Adrian, Mich., on the one hand, and on the other, points in the United States in and east of Wisconsin, Iowa, Nebraska, Colorado, Oklahoma, and Texas. NOTE: Applicant states that tacking possibilities exist between the requested authority and its existing authority under MC 112304 (Sub-No. 1), but indicates that it has no present intention of tacking. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. If a hearing is deemed necessary, applicant requests it be held at Los Angeles, Calif., or Washington, D.C.

No. MC 112822 (Sub-No. 258), filed January 12, 1973. Applicant: BRAY LINES INCORPORATED, Post Office Box 1191, 1401 North Little, Cushing, OK 74023. Applicant's representative: K. Charles Elliot (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Expanded polystyrene forms and shapes*, in packages, (1) from the plantsite of Mobil Chemical Co., Frankfort, Ill., to points in Arkansas, Colorado, Georgia, Kansas, Kentucky, Louisiana, Mississippi, Missouri, New Mexico, Oklahoma, Tennessee, and Texas; and (2) from the plantsite of Mobil Chemical Co., Covington, Ga., to points in Arkansas, Colorado, Illinois, Kansas, Kentucky, Louisiana, Mississippi, Missouri, New Mexico, Oklahoma, Tennessee, and Texas. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Dallas or Houston, Tex.

No. MC 113658 (Sub-No. 6), filed January 29, 1973. Applicant: SCOTT TRUCK LINE, INC., 5871 North Broadway, Post Office Box 16346 T.A., Denver, CO 80216. Applicant's representative: Charles J. Kimball, State Bank Building, 1600 Broadway, Denver, CO 80202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products and meat byproducts* as described in sections A and C of Appendix I to the report in Descriptions in Motor Carrier Certificates, 61 MCC 209 and 766, from Denver, Colo., to Elmsford, Rochester, Mount Kisco, Maspeth, and New York, N.Y., East Hartford, Hartford, and Stamford, Conn., Philadelphia and Allentown, Pa., Baltimore, Md., and the District of Columbia. NOTE: Common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Denver, Colo.

No. MC 113658 (Sub-No. 7), filed January 30, 1973. Applicant: SCOTT TRUCK LINE, INC., 5871 North Broadway (Post Office Box 16346-T.A. Denver, CO 80216. Applicant's representative: Marion F. Jones, Suite 1600, Lincoln Center, 1660 Lincoln Street, Denver, CO 80203. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except household goods as defined by the Commission, emigrant moveables, those of unusual value, classes A and B explosives, commodities requiring special equipment, and those injurious or contaminating to other lading), between the junction of Colorado Highway 113 and Interstate Highway 80S near Sterling, Colo., and the junction of U.S. Highway 26 and Interstate Highway 80 near Ogallala, Nebr., over Interstate Highway 80S and Interstate Highway 80, for joinder purpose only. NOTE: Common

control may be involved. Applicant states that the purpose of the instant application is to eliminate a gateway. Applicant further states that granting the authority sought in this application might affect the environment favorably due to elimination of 69 miles of highway travel per trip. If a hearing is deemed necessary, applicant requests it be held at Denver, Colo.

No. MC 114019 (Sub-No. 244), filed January 12, 1973. Applicant: MIDWEST EMERY FREIGHT SYSTEM, INC., 7000 South Pulaski Road, Chicago, IL 60629. Applicant's representative: Arnold L. Burke, 127 North Dearborn Street, Chicago, IL 60602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Food and food products*, (1) from points in Connecticut, Rhode Island, Massachusetts, and New Hampshire, to points in Illinois, Indiana, Iowa, Kansas, Kentucky, Michigan, Minnesota, Missouri, Nebraska, Colorado, Ohio, Wisconsin, and that part of Pennsylvania on and west of U.S. Highway 15; (2)(a) from points in Connecticut, Rhode Island, and Massachusetts to points in Delaware, Maryland, Virginia, West Virginia, and the District of Columbia, points in that part of Pennsylvania east of U.S. Highway 15; Atlantic, Burlington, Camden, Cape May, Cumberland, Gloucester, Ocean, and Salem Counties, N.J.; and Albany, N.Y. (except points in the commercial zone of Albany, N.Y.); points in Allegany, Broome, Cattaraugus, Cayuga, Chautauqua, Chemung, Chenango, Clinton, Cortland, Delaware, Erie, Essex, Franklin, Fulton, Genesee, Greene, Hamilton, Herkimer, Jefferson, Lewis, Livingston, Madison, Monroe, Montgomery, Niagara, Oneida, Onondaga, Ontario, Orleans, Oswego, Otsego, Saint Lawrence, Saratoga, Schenectady (except points in the commercial zone of Albany, N.Y.), Schoharie, Schuyler, Seneca, Steuben, Sullivan, Tioga, Tompkins, Ulster, Warren, Washington, Wayne, Wyoming, and Yates Counties, N.Y.; and (b) from points in New Hampshire, to points in Delaware, Maryland, Virginia, West Virginia, and the District of Columbia, New York, New Jersey, and points in Pennsylvania east of U.S. Highway 15. NOTE: Applicant states that the requested authority can be tacked with its existing authority but indicates that it has no present intention to tack and therefore does not identify the points or territories which can be served through tacking. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. If a hearing is deemed necessary, applicant requests it be held at Boston, Mass.

No. MC 114019 (Sub-No. 245), filed January 22, 1973. Applicant: MIDWEST EMERY FREIGHT SYSTEM, INC., 7000 South Pulaski Road, Chicago, IL 60629. Applicant's representative: Arnold L. Burke, 127 North Dearborn Street, Chicago, IL 60602. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving Underwood, Iowa as an off-route point in connection with applicant's regular route operations between Chicago, Ill., and Pueblo, Colo. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at New York, N.Y., or Washington, D.C.

No. MC 114211 (Sub-No. 190), filed December 18, 1972. Applicant: WARREN TRANSPORT, INC., 324 Manhard, Post Office Box 420, Waterloo, IA 50704. Applicant's representative: Kenneth R. Nelson (same address as applicant) and Daniel Sullivan, 327 South La Salle Street, Chicago, IL 60604. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Tractors* (except those with vehicle beds, bed frames, and fifth wheels); (2) *Equipment* designed for use in conjunction with tractors; (3) *Agricultural, industrial and construction machinery and equipment*; (4) *Attachments*, for the above described commodities; (5) *Internal combustion engines*; (6) *Parts* of the above described commodities when moving in mixed loads with such commodities; and (1) *Materials, equipment and supplies* used in the manufacture and distribution of the commodities described in (1) through (6) above (except commodities in bulk), from the plant, warehouse and storage facilities of the J. I. Case Co. at or near Bettendorf and Burlington, Iowa and Racine, Wis. to points in Arizona, California, Idaho, Nevada, Oregon, Utah, and Washington, restricted to traffic originating at the plant, warehouse and storage facilities of the J. I. Case Co. at or near Bettendorf and Burlington, Iowa, and Racine, Wis. NOTE: Applicant states that the requested authority cannot or will not be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Milwaukee, Wis.

No. MC 114301 (Sub-No. 76), filed January 15, 1973. Applicant: DELWARE EXPRESS CO., a Corporation, Post Office Box 97, Elkton, MD 21921. Applicant's representative: Chester A. Zyblut, 1522 K Street NW., Washington, DC 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Asphalt*, in bulk, in tank vehicles, from Wilmington, Del., to points in Pennsylvania, New Jersey, and Maryland. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 115093 (Sub-No. 10) (Clarification), filed January 12, 1973, published in the FEDERAL REGISTER issue of March 1, 1973, and republished this issue. Applicant: MERCURY MOTOR EXPRESS, INC., 704 West Kennedy Boulevard, Tampa, FL 33606. Applicant's representative: James F. Wharton, 17th Floor, CNA Building, Post Office Box 231, Orlando, FL 32802. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), (1) Between Wilson, N.C., and junction U.S. Highways 70 (also 701) and 301: From Wilson over U.S. Highway 301 to junction U.S. Highway 70, and return over the same route;

(2) Between Fayetteville, N.C., and junction U.S. Highways 301 and 701: From Fayetteville over U.S. Highway 13 to junction U.S. Highway 301, thence, over U.S. Highway 301 to junction U.S. Highway 701 (also 70), and return over the same route; (3) between Greensboro and Rockingham, N.C.: From Greensboro over U.S. Highway 220 to junction U.S. Highway 1 at Rockingham, and return over the same route; (4) between Petersburg, Va. and Raleigh, N.C.: From Petersburg over U.S. Highway 1 to Raleigh, and return over the same route; (5) between Raleigh and Rockingham, N.C.: From Raleigh over U.S. Highway 1 to Rockingham, and return over the same route; (6) between Rockingham, N.C., and Cheraw, S.C.: From Rockingham over U.S. Highway 1 to Cheraw, S.C. (and intersection South Carolina Highway 9), and return over the same route; (7) between Cheraw and Society Hill, S.C.: From Cheraw (and intersection South Carolina Highway 9) over U.S. Highway 52 to Society Hill (and intersection U.S. Highway 15 (also 401)), and return over the same route; (8) between Society Hill and Florence, S.C.: From Society Hill (and intersection U.S. Highway 15 (also 401)) over U.S. Highway 52 to Florence, and return over the same route; (9) between Raleigh and Fayetteville, N.C.: From Raleigh over U.S. Highway 401 to Fayetteville, and return over the same route; (10) between Fayetteville, N.C., and Bradenton, Fla.: Serving Florence, S.C. for purposes of joinder only;

And (11) between Bennettsville, S.C. and Columbus, Ga.: Serving Cheraw, S.C. for purposes of joinder only; and serving in (1) through (9) inclusive above no intermediate or off-route points except, as pertinent, those points in Virginia presently authorized in carriers regular-route operations. Restriction: Restricted to the transportation of traffic moving (a) between points in Connecticut, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, the District of Columbia, and those in that part of New York on and south of New York Highway 7, on the one hand, and, on the other, points in Georgia and Florida, and (b) through Mount Olive, N.C., and points within 15 miles thereof or those in Florence County, S.C. The requests for authority above are for alternative routes or additional service points for purposes of joinder for operating convenience only in connection with applicant's presently authorized regular-route operations in No. MC-115093. NOTE: The

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purpose of this republication is to more clearly indicate the termini at which applicant will join this request for alternate routes with its presently authorized regular-route operations. The applicant states that this application seeks to obtain the alternate gateway of Florence, S.C. If a hearing is deemed necessary, applicant requests it be held at Tampa or Jacksonville, Fla.

No. MC 116544 (Sub-No. 137) (Correction), filed November 2, 1972, published in the FR issue of January 11, 1973, and republished this issue. Applicant: WILSON BROTHERS TRUCK LINE, INC., 700 East Fairview Avenue, Post Office Box 636, Carthage, MO 64836. Applicant's representative: Floyd F. Knutson (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from New Hampton, Iowa, to points in Florida, Georgia, Alabama, Mississippi, and Louisiana. NOTE: The purpose of this republication is to indicate the correct origin as New Hampton, Iowa, in lieu of Hampton, Iowa which was inadvertantly previously published in error. Common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 117119 (Sub-No. 470), filed January 22, 1973. Applicant: WILLIS SHAW FROZEN EXPRESS, INC., Post Office Box 188, Elm Springs, AR 72728. Applicant's representative: Bobby G. Shaw (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foods, cooked, cured, preserved, prepared, or frozen; meats, meat products, and meat byproducts* as described in sections A and C of Appendix 1 to the report in *Descriptions in Motor Carrier Certificates* 61 M.C.C. 209 and 766 (except commodities in bulk, in tank vehicles), in vehicles equipped with mechanical refrigeration, from Oklahoma City, Okla., to points in Colorado, Idaho, Montana, Oregon, Utah, Washington, and Wyoming, restricted to traffic originating at the plantsite and/or warehouse facilities utilizes by Geo. A. Hormel & Co., at or near Oklahoma City, Okla., and destined to points in the above-named States. NOTE: Applicant states that the requested authority can be tacked with its existing authority but indicates that it has no present intention to tack and therefore does not identify the points or territories which can be served through tacking. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. If a hearing is deemed necessary, applicant requests it be held at Oklahoma City, Okla., or Washington, D.C.

No. MC 117940 (Sub-No. 87), filed January 22, 1973. Applicant: NATIONWIDE CARRIERS, INC., Post Office Box 104, Maple Plain, MN 55359. Applicant's representative: Donald Stern, 530 Univac Building, 7100 West Center Road, Omaha, NE 68106. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, from the plantsite and warehouse facilities utilized by Jeno's, Inc., at Duluth, Minn., to points in Kansas, Missouri, Oklahoma, Arkansas, Louisiana, Texas, Ohio, Pennsylvania, New York, Massachusetts, New Jersey, Vermont, New Hampshire, Virginia, West Virginia, Maryland, Rhode Island, Connecticut, Delaware, Maine, and the District of Columbia. NOTE: Applicant also holds contract carrier authority under MC 114789 and subs, therefore dual operations may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn.

No. MC 117940 (Sub-No. 88), filed January 22, 1973. Applicant: NATIONWIDE CARRIERS, INC., Post Office Box 104, Maple Plain, MN 55359. Applicant's representative: Donald Stern, 530 Univac Building, 7100 West Center Road, Omaha, NE 68106. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bananas, and agricultural commodities* otherwise exempt from economic regulation under section 203(b)(6) of the Interstate Commerce Act, when transported in mixed loads with bananas, (1) from Galveston, Tex., to points in Arizona, Arkansas, California, Colorado, Illinois, Iowa, Kansas, Louisiana, Minnesota, Missouri, Nebraska, New Mexico, North Dakota, South Dakota, Oklahoma, Wisconsin, and ports of entry on the international boundary line between the United States and Canada in Minnesota and North Dakota, for furtherance to points in Canada, (2) from Mobile, Ala., to points in Georgia, Illinois, Indiana, Iowa, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Ohio, Tennessee, Wisconsin, and ports of entry on the international boundary line between the United States and Canada in Minnesota and North Dakota, for furtherance to points in Canada, (3) from Charleston, S.C., to points in Alabama, Georgia, Indiana, Kentucky, Michigan, North Carolina, Ohio, Tennessee, Virginia, and West Virginia, and (4) from Wilmington, Del., to points in Ohio and West Virginia. NOTE: Applicant also holds contract carrier authority under MC 114789 and subs thereunder, therefore dual operations may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn., Miami, Fla., or Washington, D.C.

No. MC 118159 (Sub-No. 130), filed January 29, 1973. Applicant: NATIONAL REFRIGERATED TRANSPORT, INC., 1925 National Plaza, Tulsa, Okla. 74151. Applicant's representative: Jack R. Anderson (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat byproducts, and articles distributed by meat packinghouses*, as described in sections A and C of Appendix 1 to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except in bulk, hides or skins), from Mankato, Kans., to points in Alabama, Arkansas, Connecticut, Delaware, Florida, Georgia, Kentucky, Louisiana, Massachusetts, Maryland, Mississippi, New Jersey, New York, North Carolina, Oklahoma, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, Virginia, and West Virginia. NOTE: Common control and dual operations may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo., or Tulsa, Okla.

No. MC 118213 (Sub-No. 1), filed January 29, 1973. Applicant: ANTHONY TAMMARO, INC., U.S. Highway 130, Robbinsville, N.J. 08691. Applicant's representative: Morton E. Kiel, 140 Cedar Street, New York, NY 10006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bananas*, and *agricultural commodities* otherwise exempt from economic regulation under section 203(B)(6) of the Act when transported in mixed shipments with bananas, from Newark, N.J., Wilmington, Del., points in the New York, N.Y., commercial zone, and Albany, N.Y., to New York, N.Y., points in Westchester County, N.Y., Essex, Bergen, and Mercer Counties, N.J., and Philadelphia and Northampton Counties, Pa., and *returned shipments* of the same commodities in the opposite direction. NOTE: Applicant states that the requested authority can be tacked with its existing authority but indicates that it has no present intention to tack and therefore does not identify the points or territories which can be served through tacking. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 119634 (Sub-No. 6), filed January 22, 1973. Applicant: DICK IRVIN, INC., 218 12th Avenue North, Post Office Box F, Shelby, MT 59474. Applicant's representative: Joe Gerbase, 100 Transwestern Building, 404 North 31st Street, Billings, MT 59101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (A) *Glacier talc and diatomaceous earth*, in bags and in bulk, in tank vehicles, from Three Forks, Mont., to port of entry on the international boundary line between the United States and Canada at or near Sweetgrass, Mont., and (B) *gilsonite*, in bulk and in bags, from Bonanza, Utah, to port of entry on the international boundary line between the United States and Canada at or near Sweetgrass, Mont. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Great Falls or Billings, Mont.

No. MC 119880 (Sub-No. 55), filed January 26, 1973. Applicant: DRUM TRANSPORT, INC., Post Office Box 2056, East Peoria, IL 61611. Applicant's representative: Donald L. Stern, 530 Univac Building, Omaha, Nebr. 68106. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Alcoholic liquors*, in bulk, in tank vehicles, from Detroit, Mich., to Scobeyville, N.J. NOTE: Applicant states that the requested authority cannot or will not be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 120910 (Sub-No. 4), filed January 10, 1973. Applicant: SERVICE EXPRESS, INC., Post Office Box 1009, Tuscaloosa, AL 35401. Applicant's representative: William P. Jackson, Jr., 919 18th Street NW., Washington, DC 20006. (A) Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Plastic pipe*, from the plantsite and warehouse facilities of Central Foundry Co. located at Holt, Ala., to points in Hancock, Harrison, and Jackson Counties, Miss.; Benton, Washington, Madison, Carroll, Newton, Boone, Marion, Searcy, Stone, Izard, Fulton, Sharp, Lawrence, Randolph, Clay, Greene, Craighead, and Mississippi Counties, Ark.; Newton, McDonald, Barry, Stone, Taney, Christian, Douglas, Ozark, Howell, Oregon, Ripley, Carter, Butler, Stoddard, Mississippi, New Madrid, Dunklin, and Permiscot Counties, Mo., restricted to the transportation of shipments originating at the plantsite and warehouse facilities of Central Foundry Co. at Holt, Ala.; (2) *General commodities* (except classes A and B explosives, household goods as defined by the Commission, commodities in bulk and commodities requiring special equipment), between Tuscaloosa, Ala., on the one hand, and, on the other points within 75 miles of Tuscaloosa, Ala., that are located within the State of Alabama, restricted to the transportation of shipments originating at or destined to Tuscaloosa, Ala., and points within the commercial zone thereof;

And (3) *Building materials, farm products, fertilizer, gravel, household goods, live stock*, and *sand*, between points in Alabama within a radius of 100 miles of Greensboro, Ala. including Greensboro, Ala. (B) Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except classes A and B explosives, household goods as defined by the Commission, commodities in bulk and commodities requiring special equipment), between Coffeeville and Mobile, Ala.: from Coffeeville, over Alabama Highway 69 via Salitpa, Ala., to Jackson, Ala., thence over Alabama Highway 13 to Mobile, Ala., and return over the same route, restricted such that no freight is to be handled between Mobile and Jackson, Ala., or intermediate points between Mobile and Jackson, Ala. NOTE: Applicant's requests for authority in parts (A)(2), (A)(3) and (B) above seek to convert authority it presently holds in certificate of registration No. MC-120910 (Sub-No. 2), issued April 25, 1966, to a certificate of public convenience and necessity. Applicant states that the requested authority cannot or will not be tacked with its existing authority, and that no duplicating authority is sought If a hearing is deemd necessary, applicant requests it be held at Tuscaloosa, Birmingham, or Montgomery, Ala.

No. MC 121082 (Sub-No. 5) (Amendment), filed October 10, 1972, published in the FEDERAL REGISTER issue of November 16, 1972, and republished this issue. Applicant: ALLIED DELIVERY SYSTEM, INC., 2201 Fenkell Avenue, Detroit, MI 48238. Applicant's representative: William B. Elmer, 23801 Gratiot Avenue, East Detroit, MI 48021. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (A) *Patterns*, from the plantsite of Simplicity Pattern Co., Inc., at Niles, Mich., to points in Ohio on and west of Ohio Highway 4 from Sandusky to Springfield, and on and north of U.S. Highway 40 from Springfield to the Indiana State boundary line; points in Indiana on and north of U.S. Highway 50, points in Illinois on and north and east of Interstate 74, and points in Wisconsin on and south of U.S. Highway 18; (B) *packages*, not less than 25 pounds and not more than 70 pounds in weight in an industrial plant and commercial delivery service, from Detroit, Mich., and points within 8 miles thereof to points within 25 miles of Detroit, Mich., with return of rejected, refused, and damaged shipments, subject to the following restrictions: (1) No less than 25 pounds and no more than 200 pounds shall be delivered in any one day from one consignor to any one consignee; (2) no service shall be rendered to or from New Baltimore or New Haven and shipments to and from Mount Clemens from any one consignor to any one consignee on one day shall not exceed 50 pounds; (3) this grant of authority and any other authority granted to date hereof shall not be considered separable for purposes of transfer or sale;

(4) No vehicle operated under this grant of authority shall be used exclusively by any one shipper and all shipments shall be handled on a consolidated basis with a uniform charge applicable thereto; (C) *Restaurant and store fixtures, office equipment, printing machinery and supplies, janitor supplies, and salvage materials*, between Detroit, Mich., and points in Michigan. NOTE: Common control may be involved. Applicant states that the requested authority can be tacked with its existing authority but indicates that it has no present intention to tack and therefore does not identify the points or territories which can be served through tacking. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. Parts (B) and (C) of this application are presently held by applicant in certificate of registration No. MC-121082 (Sub-Nos. 1 and 2), and by the request herein applicant seeks to convert this authority to a certificate of public convenience and necessity. The purpose of this republication is to indicate that the authority requested in part (A) above is not a conversion proceeding and to indicate the requests for authority in parts (B) and (C) above. If a hearing is deemed necessary, applicant requests it be held at Lansing or Detroit, Mich.

No. MC 123176 (Sub-No. 10), filed January 26, 1973. Applicant: ROLLAND GUENTHER, doing business as R. GUENTHER TRUCKING, 3905 Kraus Lane, Ross, OH 45061. Applicant's representative: Jack B. Josselson, 700 Atlas Bank Building, Cincinnati, Ohio 45202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used empty whiskey barrels*, from Pekin, Ill., to Overpeck, Ohio. NOTE: Applicant holds a motor contract carrier permit in No. MC-78725, therefore dual operations may be involved. Applicant states that the requested authority cannot or will not be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Cincinnati or Columbus, Ohio.

No. MC 123556 (Sub-No. 4), filed January 8, 1973. Applicant: RAHIER TRUCKING, INC., 1822 South First Street, Yakima, WA 98901. Applicant's representative: Warren L. Dewar, Jr., 303 East D Street, Yakima, WA 98901. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Roofing and roofing materials*, from points in Multnomah County, Oreg., to points in Okanogan, Chelan, Kittitas, Klickitat, Yakima, Douglas, Grant, Benton, Adams, Franklin, Walla Walla, Whitman, Columbia, Garfield, and Asotin Counties, Wash. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Yakima, Kennewick, Richland, or Pasco, Wash., Portland, Oreg., or Seattle, Wash.

No. MC 124174 (Sub-No. 94), filed January 15, 1973. Applicant: MOMSEN TRUCKING CO., a Corporation, 2405 Hiway Boulevard, Spencer, IA 51301. Applicant's representative: Marshall D. Becker, 530 Univac Building, 7100 West Center Road, Omaha, NE 68106. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, commodities in bulk, and those requiring special equipment), serving the site of Western Electric Co. at or near Underwood, Iowa, as an off-route point in connection with

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applicant's presently authorized regular route operations. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests a consolidated hearing with coapplicants at Omaha, Nebr.

No. MC 125764 (Sub-No. 7), filed January 26, 1973. Applicant: LILAC CITY EXPRESS, INC., Post Office Box 13186, Spokane, WA 99213. Applicant's representative: Donald A. Ericson, 708 Old National Bank Building, Spokane, Wash. 99201. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Packaged foodstuffs* (except fresh meats and frozen foods), from points in San Francisco, Sonoma, Monterey, Merced, Fresno, and Orange Counties, Calif., to points in Spokane County, Wash., under a continuing contract, or contracts, with U.R.M. Stores, Inc. at Spokane, Wash. NOTE: If a hearing is deemed necessary, applicant requests it be held at Spokane, or Seattle, Wash., or Portland, Oreg.

No. MC 126222 (Sub-No. 13), filed January 18, 1973. Applicant: JOSEPH A. SIEFERT AND JOSEPH J. SIEFERT, a partnership, doing business as SIEFERT BROS. TRUCKING CO., Post Office Box 310, Du Quoin, IL 62832. Applicant's representative: G. M. Rebman, 314 North Broadway, 1230 Boatman's Bank Building, St. Louis, Mo. 63102. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Plastic pipe and component parts*, from the plantsite and shipping facilities of Drainage Engineering Co., at Benton, Ill., to points in Illinois, Tennessee, Michigan, Indiana, Missouri, Ohio, Iowa, Arkansas, Kentucky, Wisconsin, Minnesota, Louisiana, Mississippi, Texas, and Oklahoma, under contract with Drainage Engineering Co. NOTE: If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo., or Washington, D.C.

No. MC 126899 (Sub-No. 61), filed January 24, 1973. Applicant: USHER TRANSPORT, INC., 3925 Old Benton Road, Paducah, KY 42001. Applicant's representative: George M. Catlett, 703–706 McClure Building, Frankfort, Ky. 40601. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Malt beverages*, in containers, and *related advertising materials and premiums, and empty malt beverage containers on return*, from Evansville, Ind., to points in Ohio, the Lower Peninsula of Michigan, Kentucky (except Hopkinsville), Pennsylvania, West Virginia, New York, New Jersey, Maryland, North Carolina, Virginia, the District of Columbia, and those points in Illinois lying on and north of the junction of U.S. Highway 34 and the Illinois-Iowa State line, thence along U.S. Highway 34 to its junction with Illinois Highway 116, thence along Illinois Highway 116 to Peoria, Ill., thence along U.S. Highway 24 to the Illinois-Indiana State line; (2) *malt beverage containers* (a) from points in Illinois, Wisconsin, Missouri, the Lower Peninsula of Michigan, New Jersey, New York, and Pennsylvania, to Evansville, Ind.; and, (b) from points in Illinois, the Lower Peninsula of Michigan, Indiana, New York, New Jersey, Ohio, Pennsylvania, Tennessee, and Wisconsin, to Newport, Ky. NOTE: Applicant states that the requested authority can be tacked with its existing authority at Sub 26 to allow service from Milwaukee, Wis., to points in Kentucky (except Hopkinsville) but it has no present intentions to tack. If a hearing is deemed necessary, applicant requests it be held at Cincinnati, Ohio, or Louisville, Ky.

No. MC 126956 (Sub-No. 8), filed January 31, 1973. Applicant: NORTHLAND TRANSPORT, INC., 1803 42d Avenue East, Superior, WI 54880. Applicant's representative: Robert D. Gisvold, 1000 First National Bank Building, Minneapolis, Minn. 55402. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, from Duluth, Minn., to points in Ohio, West Virginia, Virginia, Maryland, Delaware, New Jersey, Pennsylvania, New York, Connecticut, Massachusetts, Vermont, New Hampshire, Maine, Rhode Island, and the District of Columbia, under a continuing contract with Jeno's, Inc., Duluth, Minn. NOTE: If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn.

No. MC 127505 (Sub-No. 53), filed January 29, 1973. Applicant: RALPH H. BOELK, doing business as R. H. BOELK TRUCK LINES, Route 2, Mendota, Ill. 61342. Applicant's representative: William H. Towle, 127 North Dearborn Street, Chicago, IL 60602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic pipe, fittings and accessories* (except those which because of size or weight require special equipment or handling), (1) from Davidson, Mich., to points in Iowa, Minnesota, and Wisconsin; (2) from Faribault, Minn., to points in Illinois, Iowa, and Wisconsin; and (3) from Wilton, Iowa, to points in Illinois, Indiana, Kentucky, Michigan, and Wisconsin. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Detroit, Mich., or Chicago, Ill.

No. MC 127962 (Sub-No. 4), filed January 30, 1973. Applicant: J. W. POOLE, INC., Post Office Box 408, Wytheville, VA 24832. Applicant's representative: Robert R. Tiernan, 1150 17th Street NW., Suite 1000, Washington, DC 20036. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Metal threaded screws, bolts, nuts, and wire*, from Norfolk, Va., to Elk Creek, Va., on traffic having a prior movement in foreign commerce, under contract with American Screw (a Division of Textron Industries, Inc.). NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Roanoke, Va.

No. MC 128616 (Sub-No. 11), filed January 9, 1973. Applicant: BANKERS DISPATCH CORPORATION, 4970 South Archer Avenue, Chicago, IL 60632. Applicant's representative: Arnold Burke, Suite 1133, 127 North Dearborn, Chicago, IL 60604. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Commercial papers, documents, and written instruments* (except coins, currency, and negotiable securities) as are used in the conduct and operation of banks and banking institutions, between Detroit, Mich., on the one hand, and, on the other Buffalo, N.Y., under contract with banks and banking institutions. NOTE: Applicant holds common carrier authority under MC 114533 and subs thereto, therefore, dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Detroit, Mich. or Chicago, Ill.

No. MC 129282 (Sub-No. 16), filed December 15, 1972. Applicant: BERRY TRANSPORTATION, INC., Post Office Box 1824, Longview, TX 75601. Applicant's representative: Fred S. Berry (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Paper and paper articles*, from Monroe and West Monroe, La., to Beaumont, Dallas, Fort Worth, Houston, Longview, Lufkin, Nacogdoches, and Tyler, Tex. NOTE: Common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Monroe or Shreveport, La.

No. MC 133220 (Sub-No. 7), filed January 23, 1973. Applicant: RECORD TRUCK LINE, INC., Post Office Box 11, Henderson, TN 38340. Applicant's representative: R. Connor Wiggins, Jr., 909 100 North Main Building, Memphis, Tenn. 38103. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Fire prevention sprinkler systems and fire prevention sprinkler systems parts, accessories, and attachments, and tools, devices and apparatus* used in the installation and erection thereof; and (2) *pipe fittings, pipe connections, pipe hangers, castings and valves*, from the plantsite and warehouse facilities of ITT-Grinnell Corp., located at or near Clito, Ga., to points in the United States (except Alaska and Hawaii); and (3) *materials, tools, devices and apparatus* used in the fabrication, assembly, and installation of (1) and (2) from points in the United States (except Alaska and Hawaii) to the plantsite and warehouse facilities of ITT-Grinnell Corp., located at or near Cleito, Ga., under contract with ITT-Grinnell Corp. and Grinnell Corp. NOTE: Applicant holds common carrier authority under MC 125227 and subs thereto, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga.

No. MC 133775 (Sub-No. 13), filed January 16, 1973. Applicant: REEFER TRANSIT LINE, INC., 55 East Washington Street, Chicago, IL 60602. Applicant's representative: Daniel C. Sullivan, 327 South La Salle Street, Suite 1000, Chicago, IL 60604. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat by-products and articles distributed by meat packinghouses*, as described in sections A and C of appendix I to the report in Descriptions in Motor Carrier Certificates, 61 MCC 209 and 766 (except hides and commodities in bulk), from the plantsites and storage facilities of Spencer Foods, Inc. at or near Spencer, Harley, and Cherokee, Iowa, to points in Connecticut, Delaware, Maryland, Massachusetts, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Virginia, West Virginia, and the District of Columbia. NOTE: Common control may be involved. Applicant states that the requested authority cannot or will not be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 134182 (Sub-No. 10), filed January 29, 1973. Applicant: MILK PRODUCERS MARKETING COMPANY, doing business as, ALL STAR TRANSPORTATION, a corporation, Second and West Turnpike Road, Lawrence, Kans. 66044. Applicant's representative: Warren H. Sapp, 910 Fairfax Building, 101 West 11th Street, Kansas City, MO 64105. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts and articles distributed by meat packinghouses*, as described in sections A and C to appendix I to the report in Descriptions in Motor Carrier Certificates, 61 MCC 209 and 766 (except hides and commodities in bulk), from Mankato, Kans., to points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, and the District of Columbia. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo., Topeka or Wichita, Kans.

No. MC 134599 (Sub-No. 68), filed January 26, 1973. Applicant: INTERSTATE CONTRACT CARRIER CORPORATION, Post Office Box 748, Salt Lake City, UT 84110. Applicant's representative: Richard A. Peterson, Post Office Box 80806, Lincoln, NE 68501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Crated office furniture and parts thereof, and related advertising sales and promotional materials*, from the plantsite and facilities of Steelcase Corp. at Grand Rapids, Mich., to points in Minnesota, Wisconsin, Iowa, Michigan, Illinois, Indiana, Ohio, West Virginia, Kentucky, Virginia, Pennsylvania, New York, Connecticut, Vermont, New Hampshire, Massachusetts, Rhode Island, Maine, New Jersey, Maryland, and Delaware, under a continuing contract, or contracts, with Steelcase Corp. at Grand Rapids, Mich. NOTE: If a hearing is deemed necessary, applicant requests it be held at Salt Lake City, Utah, or Lincoln, Nebr.

No. MC 135445 (Sub-No. 1) (Correction), filed December 10, 1972, published in the FEDERAL REGISTER on February 8, 1973, and republished as corrected this issue. Applicant: THOMAS E. ZABEL, Route 1, Box 118, Plainview, MN 55964. Applicant's representative: F. H. Kroeger, 2288 University Avenue, St. Paul, MN 55114. NOTE: The purpose of this republication is to show the correct docket number assigned thereto, as shown above, in lieu of No. MC 135455 (Sub-No. 1), which was published in error. The rest of the notice of filing remains as previously published.

No. MC 134755 (Sub-No. 33) (Amendment), filed October 2, 1972, published in the FEDERAL REGISTER issue of October 27, 1972, and republished, as amended, this issue. Applicant: CHARTER EXPRESS, INC., 1959 East Turner Street, Box 3772, Springfield, MO 65804. Applicant's representative: Le Roy Smith (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Articles* manufactured and/or dealt in by wholesale and retail grocery houses, from the facilities of United Facilities, Inc., located at or near Galesburg, Ill., to points in Iowa, Kansas, Minnesota, Missouri, Nebraska, North Dakota, South Dakota, and Wisconsin. NOTE: The purpose of this amendment is to indicate Missouri as an additional destination State. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or St. Louis, Mo.

No. MC 135797 (Sub-No. 7), filed January 10, 1973. Applicant: J. B. HUNT TRANSPORT, INC., 833 Warner Street SW., Atlanta, GA 30310. Applicant's representative: Virgil H. Smith, Suite 12, 1587 Phoenix Boulevard, Atlanta, GA 30349. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Expanded polystyrene forms and shapes*, in packages, (1) from the plantsite of Mobil Chemical Co., located at or near Frankfort, Ill., to points in Arkansas, Colorado, Georgia, Kansas, Kentucky, Louisiana, Mississippi, Missouri, New Mexico, Oklahoma, Tennessee, and Texas; and (2) from the plantsite of Mobile Chemical Co., located at or near Covington, Ga., to points in Arkansas, Colorado, Illinois, Kansas, Kentucky, Louisiana, Mississippi, Missouri, New Mexico, Oklahoma, Tennessee, and Texas. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests to be held at Atlanta, Ga., or Dallas, Tex.

No. MC 135871 (Sub-No. 14), filed January 22, 1973. Applicant: H.G.M. TRANSPORT COMPANY, a corporation, 1079 West Side Avenue, Jersey City, NJ 07306. Applicant's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City, NJ 07306. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities* as are dealt in by department stores, and *supplies and equipment* used in the conduct of such business, between points in the New York, N.Y., and Jersey City, N.J., commercial zone as defined by the Commission, on the one hand, and, on the other, points in Delaware, Maryland, and Pennsylvania, under continuing contract with Ames Department Stores, Inc. NOTE: If a hearing is deemed necessary, applicant requests it be held at New York, N.Y., or Washington, D.C.

No. MC 135874 (Sub-No. 17), filed January 22, 1973. Applicant: LTL PERISHABLES, INC., Post Office Box 37468, Millard Station, Omaha, NE 68137. Applicant's representative: Donald L. Stern, 530 Univac Building, Omaha, Nebr. 68106. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Animal casings*, from Rockport, Mo., to Chicago, Ill. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr.

No. MC 136431 (Sub-No. 2), filed January 22, 1973. Applicant: FRANK ANDLER, doing business as A.T.C. TRUCKING COMPANY, Post Office Box 684, St. Clair Shores, MI 48080. Applicant's representative: William B. Elmer, 21635 East Nine Mile Road, St. Clair Shores, MI 48080. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Hardwood flooring and materials and supplies* used in connection with the installation, repair or maintenance thereof, from Ishpeming, Mich., and White Lake, Wis., to points in Illinois, Indiana, Iowa, Kansas, Kentucky, Michigan, Minnesota, New York, Ohio, and Wisconsin, and *lumber* from points in above-named destination territory to Ishpeming, Mich., and White Lake, Wis., and (2) *lumber* from points in Alger, Delta, Houghton, Marquette, Menominee, and Schoolcraft Counties, Mich., to points in Arkansas, Illinois, Indiana, Iowa, Kentucky, Minnesota, Mississippi, Missouri, New York, North Dakota, Ohio, Pennsylvania, South Dakota, Tennessee, and Wisconsin. NOTE: Applicant holds contract carrier authority under MC 114365, therefore dual operations may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Lansing, Mich., Detroit, Mich., or Chicago, Ill.

No. MC 136760 (Sub-No. 1), filed January 26, 1973. Applicant: LISAN TRUCKING CORP., 200 Markley Street,

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Port Reading, NJ 07064. Applicant's representative: A. David Millner, 744 Broad Street, Newark, NJ 07102. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Household chemical products* (except in bulk), from Port Reading, N.J. to New York, N.Y., to points in Nassau, Suffolk, and Westchester Counties, N.Y., Lisbon, Mansfield, and Rockville, Conn., Hialeah, Jacksonville, and Miami, Fla., Portland, Maine, Baltimore, Md., Canton, East Weymouth, Norton, South Boston, and Springfield, Mass., Linden, N.J., Syracuse and Waterford, N.Y., Ambridge, Dubois, McKeesport, Murraysville, Philadelphia, and Pittsburgh, Pa., Esmond, R.I., and Manchester, N.H., under a continuing contract, or contracts, with Sage Laboratories, Inc. at New York, N.Y. NOTE: If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 136891 (Sub-No. 1), filed January 11, 1973. Applicant: STAN WATKINS TRUCKING, INC., 406 Fifth Avenue South, Shelby, MT 59474. Applicant's representative: Howard C. Burton, Post Office Box 2265, Great Falls, MT 59403. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (A) *malt beverages*, in bottles, can and kegs, (1) from the facilities of Theodore Hamm Brewing Co. at San Francisco, Calif. and St. Paul, Minn. to Shelby, Mont.; (2) from the facilities of Theodore Hamm Brewing Co. at San Francisco, Calif. to Kalispell and Libby, Mont.; (3) from the facilities of Ranier Brewing Co. at Seattle, Wash. to Missoula, Great Falls, and Shelby, Mont.; (4) from the facilities of Carling Brewing Co. at Tacoma, Wash. to Libby, Kalispell, Shelby, and Great Falls, Mont.; (5) from the facilities of Lucky Breweries, Inc. at Vancouver, Wash. and San Francisco, Calif. to Shelby and Havre, Mont.; (6) from the facilities of Pabst Brewing Co. at Los Angeles, Calif. and Milwaukee, Wis. to Missoula, Mont.; (7) from the facilities of Miller Brewing Co. at Azusa, Calif. to Great Falls, Kalispell and Libby, Mont.; (8) from the facilities of Anhauser-Busch, Inc. at Van Nuys, Calif. to Missoula, Shelby and Harve, Mont.; (9) From the facilities of Minneapolis Brewing Co. (Grain Belt) at Minneapolis, Minn., to Missoula, Mont.; (10) from the facilities of Jacob Schmidt Brewing Co. at Minneapolis, Minn., to Missoula, Mont.; (11) from the facilities of Heileman Brewing Co. (Old Style), at LaCrosse, Wis., to Shelby, Mont.; and (12) from the facilities of Joesph Schlitz Brewing Co. at Milwaukee, Wis., to Shelby, Mont.; (B) *carbonated beverages*, in bottles and cans, from Chico and Vista, Calif., Portland and Eugene, Oreg., and Seattle and Yakima, Wash., to Missoula, Great Falls, Shelby, Harve, Kalispell, and Libby, Mont.; and (C) *return shipments of bottles*, from the destination points in (A) and (B) above, to the origin points in (A) and (B) above, restricted to mixed truckload lots consisting of a minimum of 42,000 pounds of all liquid commodities and a minimum of 20,000 pounds of bottles, kegs, cans, and pallets. The service to be performed in (A), (B), and (C) above will be under continuing contracts with: (a) Gusto Distributors at Great Falls, Mont.; (b) Harve Distributors at Harve, Mont.; (c) Lee Distributors at Kalispell, Mont.; (d) Shelby Distributors at Shelby, Mont.; (e) Triple "C" Distributors at Shelby, Mont.; and (f) Zip Beverages at Missoula, Mont. NOTE: If a hearing is deemed necessary, applicant requests it be held at Great Falls, Helena, or Missoula, Mont.

No. MC 136927 (Sub-No. 2), filed November 29, 1972. Applicant: PETERSEN NORTHWEST CORPORATION, Post Office Box 3156, Midway, WA. Applicant's representative: George Kargianis, 2120 Pacific Building, Seattle, Wash. 98104. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes transporting: *Modular or factory constructed buildings or substantial sections thereof* in truckaway service and/or towaway service, from points in Washington to points in Oregon, Idaho, Montana, and points within said States. NOTE: If a hearing is deemed necessary, applicant requests it be held at Seattle, Wash.

No. MC 138043 (Sub-No. 1), filed September 18, 1972. Applicant: P. W. CASPERSEN, 622 Madison Avenue, Glencoe, IL 60022. Applicant's representative: Donald S. Mullins, 4704 West Irving Park Road, Chicago, IL 60641. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Radiopharmaceuticals, radioactive drugs, medical isotopes, and medical test kits*, between St. Louis, Mo., and Chicago, Ill., on the one hand, and, on the other, points in Illinois, Indiana, and Wisconsin, restricted to shipments weighing not more than 100 pounds and packages not exceeding 50 pounds, under contract with Mallinckrodt/Nuclear. NOTE: If a hearing is deemed necessary, applicant requests it be held at either Chicago, Ill.; St. Louis, Mo.; or Milwaukee, Wis.

No. MC 138098 (Sub-No. 1), filed January 31, 1973. Applicant: JACK E. BRAZIL, doing business as BRAZIL VAN & STORAGE, 1427 D West Park Avenue, Redlands, CA 92373. Applicant's representative: Alan F. Wohlstetter, 1700 K Street NW., Washington, DC 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used household goods*, as defined by the Commission, restricted to the transportation of traffic having a prior or subsequent movement beyond said points in containers, and further restricted to the performance of pickup and delivery service in connection with packing, crating, and containerization or unpacking, uncrating, and decontainerization of such traffic, between points in Imperial, San Diego, Kern, Riverside, San Bernardino, Orange, Los Angeles, Ventura, Santa Barbara, and San Luis Obispo Counties, Calif. NOTE: If a hearing is deemed necessary, applicant requests it be held at Redlands or Los Angeles, Calif.

No. MC 138277 (Sub-No. 1), filed January 22, 1973. Applicant: GEER TRUCKING CO., INC., Post Office Box 11993, Tampa, FL 33610. Applicant's representative: William P. Jackson, Jr., 919 18th Street NW., Washington, DC 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fabricated steel products*, from points in Florence and Darlington Counties, S.C., to points in Florida, Georgia, North Carolina, and Tennessee. NOTE: If a hearing is deemed necessary, applicant requests it be held at Columbia, S.C., or Washington, D.C.

No. MC 138338, filed December 27, 1972. Applicant: JAMES L. (JIM) PERKINS, Route No. 2, Box 248, Jellico, TN 37762. Applicant's representative: Don R. Moses, Post Office Box 67, Jellico, TN 37762. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Stone, crushed stone, and products* made from stone or crushed stone (including but not limited to asphalt paving materials) in dump trucks, between points in the area bounded as described herein: Beginning at Caryville, Tenn., thence northeast along U.S. Highway 25W to La Follette, Tenn.; thence northeast along Tennessee Highway 63 to the intersection of U.S. Highway 25E near Harrogate, Tenn.; thence north and northwest along U.S. Highway 25E to the intersection of Kentucky Highway 229; thence northwest along Kentucky 229 Highway to the intersection of Kentucky Highway 192; thence southwest along Kentucky Highway 192 to Baldrock, Ky.; thence southwest to U.S. Highway 27 at Parkers Lake, Ky.; thence south along U.S. Highway 27 to the intersection of Tennessee Highway 63; thence along Tennessee Highway 63 south and southeast to Caryville, Tenn., under contract with Jellico Stone Co., Inc., and Nally & Gibson Surfacing, Inc. NOTE: If a hearing is deemed necessary, applicant requests that it be held at Nashville, Tenn.

No. MC 138402, filed January 26, 1973. Applicant: IOWA COMMODITIES, INC., Sheldon, Iowa 51201. Applicant's representative: Robert G. Planansky, Post Office Box 82028, 605 South 14th Street, Lincoln, NE 68501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Dry animal and poultry feeds, dry animal and poultry feed ingredients, and animal and poultry health aids* from the plantsites and warehouse storage facilities of Land O' Lakes at Sheldon and Fort Dodge, Iowa, to points in Minnesota, South Dakota, Nebraska, Colorado, Wyoming, Utah, and Nevada; (2) *animal and poultry feed ingredients* from the destination area named in (1) above to Sheldon and Fort Dodge, Iowa, on return; and (3) *anhydrous ammonia* from Spencer, Iowa, to points in Minnesota, South Dakota, and Nebraska. Restriction: The authority set forth above is restricted to the transportation services to be performed under a continuing contract with Land O' Lakes. NOTE: If a hearing is deemed necessary, applicant requests it be held at Sioux City, Iowa, or Omaha, Nebr.

MOTOR CARRIER OF PASSENGERS

No. MC 138313, filed December 20, 1972. Applicant: NORTHERN BUS LINES LIMITED, 1416 Third Avenue South, Lethbridge, AB, Canada T1J0K7. Applicant's representative: B. P. Offet, Suite 204, 324 Seventh Street South, Lethbridge, AB, Canada T1J3Z6. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in the same vehicle with passengers, in special and charter operations, in round trip sightseeing or pleasure tours, beginning and ending at ports of entry on the United States-Canada boundary line and extending to points in the United States (including Alaska but excluding Hawaii). NOTE: If a hearing is deemed necessary, applicant requests it be held at Billings, Mont.

No. MC 138401, filed January 22, 1973. Applicant: CLAUDE G. PEARSON BUSES LIMITED, 68 Queen Street South, Tilbury, ON, Canada. Applicant's representative: Wilhelmina Boersma, 1600 First Federal Building, Detroit, Mich. 48226. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in round trip charter operations, beginning and ending at ports of entry on the United States-Canada international boundary line at or near Detroit and Port Huron, Mich., and extending to points in Michigan. NOTE: If a hearing is deemed necessary, applicant requests it be held at Detroit or Lansing, Mich.

APPLICATION FOR FILING WATER CARRIERS

No. W-1263 (Sub-No. 2) (New England Steamboat Lines, Inc., Common Carrier Application), filed February 22, 1973. Applicant: NEW ENGLAND STEAMBOAT LINES, INC., 263 Main Street, Old Saybrook, CT 06475. Applicant's representative: James A. Natalie, Jr., Middletown Savings Bank Building, Middletown, Conn. 06475. Application of New England Steamboat Lines, Inc., filed February 22, 1973, for a certificate to operate as a *common carrier*, by water, in interstate or foreign commerce, in the transportation of *passengers, motor vehicles, and commodities* loose and in vehicles, in round trip operations between Chester, Deep River, East Haddam, Middletown, and Old Saybrook, Conn., on the one hand, and, on the other, Greenport, Long Island, N.Y. All of the above are identical to service presently being provided by the applicant, previously known as Connecticut Steamboat Line, Inc., under grant of temporary authority, No. W-1263 (Sub-No. ITA, dated January 10, 1973.

No. W-1264 (Cruises East, Inc., Common Carrier Application), filed February 13, 1973. Applicant: CRUISES EAST, INC., Pier No. 1, Montauk, N.Y. Applicant's representative: Richard A. Corwin, 1 State Street Plaza, New York, NY 10004. Application of Cruises East, Inc., filed February 13, 1973, for a certificate to operate as a *common carrier*, by water, in interstate or foreign commerce, in the transportation of *passengers*, permitting it to operate the MV *Pompano*, a vessel owned by the corporation, in a daily scheduled service between Pier No. 1, Montauk Point, Long Island, N.Y., and Old Harbor Dock, Block Island, R.I.

APPLICATION FOR POSTAL CERTIFICATE

INTERSTATE COMMERCE COMMISSION, No. MC-137023 (Notice of Filing an Application for a Postal Certificate of Public Convenience and Necessity), filed January 15, 1973. Applicant: SAM BALLARD, 821 A Street, Meridian, MS 39301. Applicant's representative: John Ballard, 4230 37th Avenue, Meridian, MS 39301. By application filed January 15, 1972, applicant seeks a postal certificate of public convenience and necessity to transport mail in the following territory: (1) Serving Meridian, Miss.; (2) between Meridian, Miss., and New Orleans, La., from Meridian, over Interstate Highway 59 to New Orleans, and return over the same route, serving the off-route points of Laurel, Hattiesburg, Poplarville, and Picayune, Miss.; (3) between Meridian, Miss., and Jackson, Miss., from Meridian, over Interstate Highway 20 to Jackson, and return over the same route, serving the Jackson Airport as an off-route point; (4) between Meridian, Miss., and Mobile, Ala., from Meridian, over U.S. Highway 45 to Mobile, and return over the same route, serving the intermediate point of Waynesboro; (5) between Meridian, Miss., and Macon, Miss., from Meridian, over U.S. Highway 45 to Macon, and return over the same route, serving the intermediate points of Porterville, Electric Mills, Scooba, and Shuqualak, Miss.; And (6) between Meridian, Miss., and Louisville, Miss., from Meridian, over Mississippi Highway 19 to Philadelphia, thence from Philadelphia over Mississippi Highway 15 to Louisville, and return over the same routes, serving the intermediate points of Collinsville, Philadelphia, and Noxapater, Miss. Appended to the application are copies of six postal contracts held by applicant which were in effect on July 1, 1971, the critical "grandfather" date: Route No. 393–AY relating to service in the city of Meridian, Miss.; Route No. 39311 relating to service between Meridian, Miss., and New Orleans, La.; Route No. 39011 relating to service between Meridian, Miss., and Jackson, Miss.; Route No. 36910 relating to service between Meridian, Miss., and Mobile, Ala.; Route No. 39337 relating to service between Meridian, Miss., and Macon, Miss.; and Route No. 39332 relating to service between Meridian, Miss., and Louisville, Miss.

Any interested person desiring to oppose the application may file with the Commission an original and one copy of his written representations, views, or arguments in opposition to the application on or before April 9, 1973. A copy of each such pleading should be served upon applicant's representative.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.73-4381 Filed 3-7-73;8:45 am]

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federal register

THURSDAY, MARCH 8, 1973
WASHINGTON, D.C.

Volume 38 ■ Number 45

PART II

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

■

NEW ANIMAL DRUGS FOR USE IN ANIMAL FEEDS

Combination Antibiotic Drugs No Longer Sanctioned

No. 45—Pt. II——1

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Title 21—Food and Drugs

CHAPTER I—FOOD AND DRUG ADMINISTRATION, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

SUBCHAPTER C—DRUGS

PART 135e—NEW ANIMAL DRUGS FOR USE IN ANIMAL FEEDS

Combination Antibiotic Drugs Used in Animal Feeds No Longer Sanctioned

An order was published in the FEDERAL REGISTER of October 7, 1972 (37 FR 21279), effective upon publication, establishing a new § 135e.1000 *Combination antibiotic drugs in animal feeds no longer sanctioned.*

Based upon the receipt of information that errors appeared to have been made in the combination antibiotic drug listing in § 135e.1000(c), the Commissioner of Food and Drugs published an order in the FEDERAL REGISTER of November 4, 1972 (37 FR 23538) staying the effective date of § 135e.1000 for a period of 30 days and inviting interested persons to submit written comments within such period of time on what they believed to be errors in the combination antibiotic drug listing.

Comments were received from eight firms. Having considered the comments received and other relevant information the Commissioner concludes that the combination antibiotic drug listing in § 135e.1000(c) should be corrected to read as set forth below.

Therefore, pursuant to provisions of Federal Food, Drug, and Cosmetic Act (sec. 512, 82 Stat. 343-351; 21 U.S.C. 360b) and under authority delegated to the Commissioner (21 CFR 2.120), § 135e.1000 is amended in the table in paragraph (c) to read as set forth below.

Effective date. This order shall be effective on March 7, 1973.

(Sec. 512, 82 Stat. 343-351; 21 U.S.C. 360b)

Dated: February 14, 1973.

WILLIAM F. RANDOLPH,
Acting Associate Commissioner for Compliance.

§ 135e.1000 Combination antibiotic drugs in animal feeds no longer sanctioned.

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IDENTIFICATION	DRUG	DOSAGE
	SPECIES: CHICKEN BREEDER	
83810	RESERPINE	.002 PERCENT
	BACITRACIN	10-200 GM/TON
	SPECIES: CHICKEN BROILER	
83021	AMPROLIUM	.004-.025 PERCENT
	STREPTOMYCIN	30-50 GM/TON
83023	AMPROLIUM	.004-.025 PERCENT
	PENICILLIN PLUS	
	STREPTOMYCIN	14.4-50 GM/TON COMB.
83027	AMPROLIUM	.004-.25 PERCENT
	DIENESTROL DIACETATE	.0023-.007 PERCENT
	PENICILLIN	2.4-50 GM/TON
83043	AMPROLIUM	.0125-.025 PERCENT
	ROXARSONE	.0025-.005 PERCENT
	BACITRACIN	4-50 GM/TON
83052	AMPROLIUM	.0125-.025 PERCENT
	MANGANESE BACITRACIN PLUS	
	PENICILLIN	3.6-50 GM/TON COMB.
83056	AMPROLIUM	.0125-.025 PERCENT
	ROXARSONE	.025-.005 PERCENT
	MANGANESE BACITRACIN	4-50 GM/TON
	ETHOPABATE	.0004 PERCENT
83100	AMPROLIUM	.0125-.025 PERCENT
	BACITRACIN METHYLENE DISALICYLATE PLUS	
	PENICILLIN	3.6-50 GM/TON COMB.
	ETHOPABATE	.0004 PERCENT
83126	AMPROLIUM	.004-.0125 PERCENT
	ZINC BACITRACIN PLUS	
	PENICILLIN	3.6-50 GM/TON COMB.
83143	AMPROLIUM	.0125-.025 PERCENT
	PENICILLIN PLUS	
	STREPTOMYCIN	14.4-50 GM/TON COMB.
83145	AMPROLIUM	.0125-.025 PERCENT
	BACITRACIN	4-50 GM/TON
83146	AMPROLIUM	.0125-.025 PERCENT
	BACITRACIN PLUS	
	PENICILLIN	3.6-50 GM/TON COMB.
83159	AMPROLIUM	.0125-.025 PERCENT
	DIENESTROL DIACETATE	.0023 PERCENT
	PENICILLIN	2.4-50 GM/TON
83189	AMPROLIUM	.0125-.025 PERCENT
	DIENESTROL DIACETATE	.007 PERCENT
	PENICILLIN	2.4-50 GM/TON
83190	AMPROLIUM	.0125-.025 PERCENT
	DIENESTROL DIACETATE	.0035 PERCENT
	PENICILLIN	2.4-50 GM/TON
83198	AMPROLIUM	.004-.0125 PERCENT
	BACITRACIN PLUS	
	PENICILLIN	3.6-50 GM/TON COMB.
83149	AMPROLIUM	.0125-.025 PERCENT
	ARSANILIC ACID	.01 PERCENT
	ETHOPABATE	.0004 PERCENT
	PENICILLIN PLUS	
	STREPTOMYCIN	14.4-50 GM/TON COMB.
83082	DIENESTROL DIACETATE	.0023-.007 PERCENT
	PENICILLIN	.0125 PERCENT
83138	HYGROMYCIN B	8 GM/TON
	ZINC BACITRACIN PLUS	
	PENICILLIN	3.6-50 GM/TON COMB.
83060	NIHYDRAZONE	100 GM/TON
	MANGANESE BACITRACIN PLUS	
	PENICILLIN	3.6-50 GM/TON COMB.
83049	RESERPINE	.0001 PERCENT
	BACITRACIN	4-50 GM/TON
83050	RESERPINE	.0001 PERCENT
	MANGANESE BACITRACIN	4-50 GM/TON
83051	RESERPINE	.0001 PERCENT
	MANGANESE BACITRACIN PLUS	
	PENICILLIN	3.6-50 GM/TON COMB.
83122	RESERPINE	.0001 PERCENT
	ZINC BACITRACIN	4-50 GM/TON
83123	RESERPINE	.0001 PERCENT
	ZINC BACITRACIN	200 GM/TON MAXIMUM
83066	ROXARSONE	.0025-.005 PERCENT
	ZOALENE	.0125 PERCENT
	MANGANESE BACITRACIN PLUS	
	PENICILLIN	3.6-50 GM/TON COMB.
83075	ROXARSONE	.005 PERCENT
	ZOALENE	.0125 PERCENT
	ZINC BACITRACIN PLUS	
	PENICILLIN	3.6-50 GM/TON COMB.
83076	ROXARSONE	.005 PERCENT
	ZOALENE	.0125 PERCENT
	BACITRACIN METHYLENE DISALICYLATE PLUS	
	PENICILLIN	3.6-50 GM/TON COMB.
83032	ZOALENE	.0125 PERCENT
	HYGROMYCIN B	8-12 GM/TON
	PENICILLIN PLUS	
	TYLOSIN	3.2-50 GM/TON COMB.
83069	ZOALENE	.0125 PERCENT
	PENICILLIN PLUS	
	TYLOSIN	3.2-50 GM/TON COMB.
83133	ZOALENE	.0125 PERCENT
	ZINC BACITRACIN PLUS	
	PENICILLIN	3.6-50 GM/TON COMB.
83135	ZOALENE	.004-.0125 PERCENT
	ARSANILIC ACID	.01 PERCENT
	ZINC BACITRACIN PLUS	
	PENICILLIN	3.6-50 GM/TON COMB.
83205	ZOALENE	.004-.0125 PERCENT
	BACITRACIN METHYLENE DISALICYLATE PLUS	
	PENICILLIN	3.6-50 GM/TON COMB.
	SPECIES: CHICKEN LAYER	
83714	RESERPINE	.0002 PERCENT
	ZINC BACITRACIN	10-200 GM/TON
	SPECIES: CHICKEN REPLACEMENT	
83411	AMPROLIUM	.004-.025 PERCENT
	PENICILLIN PLUS	
	STREPTOMYCIN	14.4-50 GM/TON COMB.
83416	AMPROLIUM	.0125-.025 PERCENT
	ETHOPABATE	.0004 PERCENT
	STREPTOMYCIN	30-50 GM/TON
83417	AMPROLIUM	.0125-.025 PERCENT
	ETHOPABATE	.0004 PERCENT
	PENICILLIN PLUS	
	STREPTOMYCIN	14.4-50 GM/TON COMB.
83430	AMPROLIUM	.0125-.025 PERCENT
	ROXARSONE	.0025-.005 PERCENT
	BACITRACIN	4-50 GM/TON
	ETHOPABATE	.0004 PERCENT
83431	AMPROLIUM	.0125-.025 PERCENT
	ROXARSONE	.0025-.005 PERCENT
	BACITRACIN	4-50 GM/TON
83444	AMPROLIUM	.0125-.025 PERCENT
	MANGANESE BACITRACIN	4-50 GM/TON
	ETHOPABATE	.0004 PERCENT
83551	AMPROLIUM	.004-.0125 PERCENT
	BACITRACIN	4-50 GM/TON
83506	NIHYDRAZONE	100 GM/TON
	ZINC BACITRACIN PLUS	
	PENICILLIN	3.6-50 GM/TON COMB.
83442	RESERPINE	.0001 PERCENT
	MANGANESE BACITRACIN	4-50 GM/TON
83443	RESERPINE	.0001 PERCENT
	MANGANESE BACITRACIN PLUS	
	PENICILLIN	3.6-50 GM/TON COMB.
83463	ROXARSONE	.005 PERCENT
	ZOALENE	.0125 PERCENT
	BACITRACIN PLUS	
	PENICILLIN	3.6 GM/TON
83539	ROXARSONE	.0025-.005 PERCENT
	ZOALENE	.0083-.0125 PERCENT
	MANGANESE BACITRACIN PLUS	
	PENICILLIN	3.6-50 GM/TON COMB.
83453	ZOALENE	.004-.0125 PERCENT

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IDENTIFICATION	DRUG	DOSAGE
	MANGANESE BACITRACIN PLUS	
	PENICILLIN	3.6-50 GM/TON COMB.
83480	ZOALENE	.004-.0125 PERCENT
	HYGROMYCIN B	8-12 GM/TON
	PENICILLIN PLUS	
	TYLOSIN	3.2-50 GM/TON COMB.
83537	ZOALENE	.0083-.0125 PERCENT
	ARSANILIC ACID	.01 PERCENT
	MANGANESE BACITRACIN PLUS	
	PENICILLIN	3.6-50 GM/TON COMB.
	SPECIES: CHICKEN	**UNSPECIFIED**
82121	AMPROLIUM	.0125-.025 PERCENT
	BACITRACIN	4-50 GM/TON
	ETHOPABATE	.0004 PERCENT
82122	AMPROLIUM	.0125-.025 PERCENT
	BACITRACIN PLUS	
	PENICILLIN	3.6-50 GM/TON COMB.
	ETHOPABATE	.0004 PERCENT
82753	AMPROLIUM	.0125-.025 PERCENT
	ZINC BACITRACIN PLUS	
	PENICILLIN	3.6-50 GM/TON COMB.
	ETHOPABATE	.0004 PERCENT
82005	ARSANILIC ACID	.005-.01 PERCENT
	ZINC BACITRACIN PLUS	
	PENICILLIN	3.6-50 GM/TON COMB.
82057	ARSANILIC ACID	.005-.01 PERCENT
	BACITRACIN PLUS	
	PENICILLIN	50-100 GM/TON COMB.
82069	ARSANILIC ACID	.005-.01 PERCENT
	BACITRACIN PLUS	
	PENICILLIN	100-500 GM/TON COMB.
82378	ARSANILIC ACID	.005-.01 PERCENT
	FURAZOLIDONE	.0055 PERCENT
	OXYTETRACYCLINE	200 GM/TON
82418	ARSANILIC ACID	.005-.01 PERCENT
	BACITRACIN METHYLENE DISALICYLATE PLUS	
	PENICILLIN	3.6-50 GM/TON COMB
82425	ARSANILIC ACID	.005-.01 PERCENT
	BACITRACIN METHYLENE DISALICYLATE PLUS	
	PENICILLIN	50-100 GM/TON COMB.
82139	BACITRACIN	4-50 GM/TON
	NYSTATIN	50 GM/TON
82140	BACITRACIN	3.6-50 GM/TON
	NYSTATIN PLUS	
	PENICILLIN	50 GM/TON COMB.
82141	BACITRACIN	4-50 GM/TON
	NYSTATIN	100 GM/TON
82142	NYSTATIN	100 GM/TON
	BACITRACIN PLUS	
	PENICILLIN	3.6-50 GM/TON COMB.
82000	NYSTATIN	50 GM/TON
	MANGANESE BACITRACIN PLUS	
	PENICILLIN	3.6-50 GM/TON COMB.
82171	MANGANESE BACITRACIN	4-50 GM/TON
	NYSTATIN	50 GM/TON
82173	NYSTATIN	100 GM/TON
	MANGANESE BACITRACIN PLUS	
	PENICILLIN	3.6-50 GM/TON COMB.
82502	NYSTATIN	50 GM/TON
	BACITRACIN METHYLENE DISALICYLATE PLUS	
	PENICILLIN	3.6-50 GM/TON COMB.
82503	BACITRACIN METHYLENE DISALICYLATE	4-50 GM/TON
	NYSTATIN	50 GM/TON
82504	NYSTATIN	100 GM/TON
	BACITRACIN METHYLENE DISALICYLATE PLUS	
	PENICILLIN	3.6-50 GM/TON COMB.
82505	BACITRACIN METHYLENE DISALICYLATE	4-50 GM/TON
	NYSTATIN	100 GM/TON
82783	BACITRACIN METHYLENE DISALICYLATE	4-50 GM/TON
	SODIUM FLUORIDE	.5-1 PERCENT
82754	NYSTATIN	50 GM/TON
	ZINC BACITRACIN PLUS	
	PENICILLIN	3.6-50 GM/TON COMB.
82756	NYSTATIN	100 GM/TON
	ZINC BACITRACIN PLUS	
	PENICILLIN	3.6-50 GM/TON COMB.
82484	BUTYNORATE	.07 PERCENT
	PHENOTHIAZINE	.29 PERCENT
	PIPERAZINE SULFATE	.12 PERCENT
	BACITRACIN METHYLENE DISALICYLATE	4-50 GM/TON
82496	BUTYNORATE	.07 PERCENT
	PHENOTHIAZINE	.29 PERCENT
	PIPERAZINE SULFATE	.12 PERCENT
	BACITRACIN METHYLENE DISALICYLATE PLUS	
	PENICILLIN	3.6-50 GM/TON COMB.
82739	BUTYNORATE	.07 PERCENT
	PHENOTHIAZINE	.29 PERCENT
	PIPERAZINE SULFATE	.12 PERCENT
	ZINC BACITRACIN PLUS	
	PENICILLIN	3.6-50 GM/TON COMB.
82883	BUTYNORATE	.07 PERCENT
	PHENOTHIAZINE	.29 PERCENT
	PIPERAZINE SULFATE	.12 PERCENT
	ZINC BACITRACIN	4-50 GM/TON
82662	CHLORTETRACYCLINE	10-50 GM/TON
	NYSTATIN	50 GM/TON
82663	CHLORTETRACYCLINE	10-50 GM/TON
	NYSTATIN	100 GM/TON
82203	DIENESTROL DIACETATE	.0023-.007 PERCENT
	FURAZOLIDONE	.00083 PERCENT
	BACITRACIN PLUS	
	PENICILLIN	3.6-50 GM/TON COMB.
82204	DIENESTROL DIACETATE	.0023-.007 PERCENT
	FURAZOLIDONE	.00083 PERCENT
	CHLORTETRACYCLINE	10-50 GM/TON
82205	DIENESTROL DIACETATE	.0023-.007 PERCENT
	FURAZOLIDONE	.00083 PERCENT
	PENICILLIN	10-50 GM/TON
82206	DIENESTROL DIACETATE	.0023-.007 PERCENT
	FURAZOLIDONE	.00083 PERCENT
	PENICILLIN PLUS	
	STREPTOMYCIN	14.4-50 GM/TON COMB.
82547	DIENESTROL DIACETATE	.0023-.007 PERCENT
	FURAZOLIDONE	.011 PERCENT
	BACITRACIN	4-50 GM/TON
82638	DIENESTROL DIACETATE	.0023-.007 PERCENT
	CHLORTETRACYCLINE	10-50 GM/TON
82639	DIENESTROL DIACETATE	.0023-.007 PERCENT
	CHLORTETRACYCLINE	50-100 GM/TON
82493	DIENESTROL DIACETATE	.0023-.007 PERCENT
	FURAZOLIDONE	.011 PERCENT
	BACITRACIN PLUS	
	PENICILLIN	3.6-50 GM/TON COMB.
82944	DIENESTROL DIACETATE	.0023-.007 PERCENT
	FURAZOLIDONE	.011 PERCENT
	CHLORTETRACYCLINE	10-50 GM/TON
82945	DIENESTROL DIACETATE	.0023-.007 PERCENT
	FURAZOLIDONE	.011 PERCENT
	PENICILLIN	10-50 GM/TON
82946	DIENESTROL DIACETATE	.0023-.007 PERCENT
	FURAZOLIDONE	.011 PERCENT
	PENICILLIN PLUS	
	STREPTOMYCIN	14.4-50 GM/TON COMB.
82947	DIENESTROL DIACETATE	.0023-.007 PERCENT
	FURAZOLIDONE	.022 PERCENT
	BACITRACIN	4-50 GM/TON
82948	DIENESTROL DIACETATE	.0023-.007 PERCENT
	FURAZOLIDONE	.022 PERCENT
	BACITRACIN PLUS	
	PENICILLIN	3.6-50 GM/TON COMB.
82949	DIENESTROL DIACETATE	.0023-.007 PERCENT
	FURAZOLIDONE	.022 PERCENT
	CHLORTETRACYCLINE	10-50 GM/TON
82950	DIENESTROL DIACETATE	.0023-.007 PERCENT
	FURAZOLIDONE	.022 PERCENT
	PENICILLIN	10-50 GM/TON
82951	DIENESTROL DIACETATE	.0023-.007 PERCENT
	FURAZOLIDONE	.022 PERCENT

IDENTIFICATION	DRUG	DOSAGE
	PENICILLIN PLUS	
	STREPTOMYCIN	14.4-50 GM/TON COMB.
82952	DIENESTROL DIACETATE	.0023-.007 PERCENT
	FURAZOLIDONE	.0055 PERCENT
	BACITRACIN	4-50 GM/TON
82953	DIENESTROL DIACETATE	.0023-.007 PERCENT
	FURAZOLIDONE	.0055 PERCENT
	BACITRACIN PLUS	
	PENICILLIN	3.6-50 GM/TON COMB.
82954	DIENESTROL DIACETATE	.0023-.007 PERCENT
	FURAZOLIDONE	.0055 PERCENT
	CHLORTETRACYCLINE	10-50 GM/TON
82955	DIENESTROL DIACETATE	.0023-.007 PERCENT
	FURAZOLIDONE	.0055 PERCENT
	PENICILLIN	2.4-50 GM/TON
82956	DIENESTROL DIACETATE	.0023-.007 PERCENT
	FURAZOLIDONE	.0055 PERCENT
	PENICILLIN PLUS	
	STREPTOMYCIN	14.4-50 GM/TON COMB.
82011	FURAZOLIDONE	.00083 PERCENT
	ZINC BACITRACIN PLUS	
	PENICILLIN	3.6-50 GM/TON COMB.
82012	FURAZOLIDONE	.00083 PERCENT
	ZINC BACITRACIN	4-50 GM/TON
82060	FURAZOLIDONE	.00083 PERCENT
	BACITRACIN PLUS	
	PENICILLIN	50-100 GM/TON COMB.
82066	FURAZOLIDONE	.00083 PERCENT
	BACITRACIN	100-500 GM/TON
82072	FURAZOLIDONE	.00083 PERCENT
	BACITRACIN PLUS	
	PENICILLIN	100-500 GM/TON COMB.
82176	FURAZOLIDONE	.00083 PERCENT
	PENICILLIN	2.4-50 GM/TON
82222	FURAZOLIDONE	.00083 PERCENT
	OXYTETRACYCLINE	50 GM/TON
82353	FURAZOLIDONE	.00083 PERCENT
	OXYTETRACYCLINE	200 GM/TON
82414	FURAZOLIDONE	.00083 PERCENT
	BACITRACIN METHYLENE DISALICYLATE	4-50 GM/TON
82428	FURAZOLIDONE	.00083 PERCENT
	BACITRACIN METHYLENE DISALICYLATE PLUS	
	PENICILLIN	50-100 GM/TON COMB.
82435	FURAZOLIDONE	.00083 PERCENT
	BACITRACIN METHYLENE DISALICYLATE	50-100 GM/TON
82442	FURAZOLIDONE	.00083 PERCENT
	BACITRACIN METHYLENE DISALICYLATE PLUS	
	PENICILLIN	100-200 GM/TON
82449	FURAZOLIDONE	.00083 PERCENT
	BACITRACIN METHYLENE DISALICYLATE	100-200 GM/TON
82543	FURAZOLIDONE	.011 PERCENT
	BACITRACIN PLUS	
	PENICILLIN	3.6-50 GM/TON COMB.
82548	FURAZOLIDONE	.00083 PERCENT
	BACITRACIN	4-50 GM/TON
	ACETYLAMINO-NITROTHIAZOLE	.015-.05 PERCENT
82549	FURAZOLIDONE	.00083 PERCENT
	BACITRACIN PLUS	
	PENICILLIN	3.6-50 GM/TON COMB.
	ACETYLAMINO-NITROTHIAZOLE	.015-.05 PERCENT
82550	FURAZOLIDONE	.00083 PERCENT
	CHLORTETRACYCLINE	10-50 GM/TON
	ACETYLAMINO-NITROTHIAZOLE	.015-.05 PERCENT
82552	FURAZOLIDONE	.00083 PERCENT
	PENICILLIN PLUS	
	STREPTOMYCIN	14.4-50 GM/TON COMB.
	ACETYLAMINO-NITROTHIAZOLE	.015-.05 PERCENT
82553	FURAZOLIDONE	.00083 PERCENT
	ZINC BACITRACIN	100 GM/TON
82556	FURAZOLIDONE	.00083 PERCENT
	PROCAINE PENICILLIN	100 GM/TON
82559	FURAZOLIDONE	.00083 PERCENT
	CHLORTETRACYCLINE	200 GM/TON
82561	FURAZOLIDONE	.00083 PERCENT
	CHLORTETRACYCLINE PLUS OXYTETRACYCLINE	200 GM/TON COMB.
82567	FURAZOLIDONE	.00083 PERCENT
	BACITRACIN	50 GM/TON
82572	FURAZOLIDONE	.00083 PERCENT
	CHLORTETRACYCLINE	50 GM/TON
82574	FURAZOLIDONE	.00083 PERCENT
	CHLORTETRACYCLINE PLUS OXYTETRACYCLINE	50 GM/TON COMB.
82578	FURAZOLIDONE	.00083 PERCENT
	CHLORTETRACYCLINE	100 GM/TON
82580	FURAZOLIDONE	.00083 PERCENT
	CHLORTETRACYCLINE PLUS OXYTETRACYCLINE	100 GM/TON COMB.
82934	FURAZOLIDONE	.022 PERCENT
	BACITRACIN PLUS	
	PENICILLIN	3.6-50 GM/TON COMB.
82939	FURAZOLIDONE	.0055 PERCENT
	BACITRACIN PLUS	
	PENICILLIN	3.6-50 GM/TON COMB.
82501	HYGROMYCIN B	8-12 GM/TON
	BACITRACIN METHYLENE DISALICYLATE PLUS	
	PENICILLIN	3.6-50 GM/TON COMB.
82123	NICARBAZIN	.01-.02 PERCENT
	BACITRACIN PLUS	
	PENICILLIN	100-500 GM/TON COMB.
82127	NICARBAZIN	.01-.02 PERCENT
	ARSANILIC ACID	.005-.010 PERCENT
	BACITRACIN PLUS	
	PENICILLIN	100-500 GM/TON COMB.
82129	NICARBAZIN	.01-.02 PERCENT
	SODIUM ARSANILATE	.005-.010 PERCENT
	BACITRACIN PLUS	
	PENICILLIN	100-500 GM/TON COMB.
82131	NICARBAZIN	.01-.02 PERCENT
	ROXARSONE	.0025-.005 PERCENT
	BACITRACIN PLUS	
	PENICILLIN	100-500 GM/TON COMB.
82133	NICARBAZIN	.01-.02 PERCENT
	FURAZOLIDONE	.00083 PERCENT
	BACITRACIN PLUS	100-500 GM/TON
	PENICILLIN	125 GM/TON MAXIMUM
82135	NICARBAZIN	.01-.02 PERCENT
	NITROFURAZONE	.0056 PERCENT
	FURAZOLIDONE	.00083 PERCENT
	BACITRACIN PLUS	
	PENICILLIN	100-500 GM/TON COMB.
82196	NICARBAZIN	.01-.02 PERCENT
	BACITRACIN	4-50 GM/TON
82562	NICARBAZIN	.01-.02 PERCENT
	FURAZOLIDONE	.00083 PERCENT
	CHLORTETRACYCLINE	200 GM/TON
82569	NICARBAZIN	.01-.02 PERCENT
	FURAZOLIDONE	.00083 PERCENT
	ZINC BACITRACIN	50 GM/TON
82510	NIHYDRAZONE	.011 PERCENT
	BACITRACIN METHYLENE DISALICYLATE PLUS	
	PENICILLIN	3.6-50 GM/TON COMB.
82019	NITHIAZIDE	.0125-.04 PERCENT
	OXYTETRACYCLINE	50 GM/TON MAXIMUM
82020	NITHIAZIDE	.0125-.04 PERCENT
	PENICILLIN	2.4-50 GM/TON
82021	NITHIAZIDE	.0125-.04 PERCENT
	PENICILLIN PLUS	
	STREPTOMYCIN	14.4-50 GM/TON COMB.
82146	NITHIAZIDE	.0125-.04 PERCENT
	BACITRACIN	4-50 GM/TON
82147	NITHIAZIDE	.0125-.04 PERCENT
	BACITRACIN PLUS	
	PENICILLIN	3.6 GM/TON COMB.
82513	NITHIAZIDE	.0125-.04 PERCENT
	BACITRACIN METHYLENE DISALICYLATE	4-50 GM/TON
82585	NITHIAZIDE	.0125-.04 PERCENT
	FURAZOLIDONE	.00083 PERCENT
	BACITRACIN	4-50 GM/TON
82586	NITHIAZIDE	.0125-.04 PERCENT
	FURAZOLIDONE	.00083 PERCENT
	BACITRACIN PLUS	
	PENICILLIN	3.6-50 GM/TON COMB.
82587	NITHIAZIDE	.0125-.04 PERCENT

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IDENTIFICATION	DRUG	DOSAGE
	FURAZOLIDONE	.00083 PERCENT
	CHLORTETRACYCLINE	10-50 GM/TON
82588	NITHIAZIDE	.0125-.04 PERCENT
	FURAZOLIDONE	.00082 PERCENT
	PENICILLIN	2.4-50 GM/TON
82589	NITHIAZIDE	.0125-.04 PERCENT
	FURAZOLIDONE	.00083 PERCENT
	PENICILLIN PLUS	
	STREPTOMYCIN	14.4-50 GM/TON COMB.
82660	NITHIAZIDE	.0125-.04 PERCENT
	CHLORTETRACYCLINE	10-50 GM/TON
82762	NITHIAZIDE	.0125-.04 PERCENT
	ZINC BACITRACIN	4-50 GM/TON
82013	NITROFURAZONE	.0056 PERCENT
	ROXARSONE	.0025-.005 PERCENT
	FURAZOLIDONE	.00083 PERCENT
	ZINC BACITRACIN PLUS	
	PENICILLIN	3.6-50 GM/TON COMB.
82016	NITROFURAZONE	.0056 PERCENT
	FURAZOLIDONE	.00083 PERCENT
	ZINC BACITRACIN PLUS	
	PENICILLIN	3.6-50 GM/TON COMB.
82018	NITROFURAZONE	.0056 PERCENT
	FURAZOLIDONE	.00083 PERCENT
	ZINC BACITRACIN	4-50 GM/TON
82048	NITROFURAZONE	.0056 PERCENT
	FURAZOLIDONE	.00083 PERCENT
	BACITRACIN PLUS	
	PENICILLIN	3.6-50 GM/TON COMB.
82049	NITROFURAZONE	.0056 PERCENT
	ROXARSONE	.0025-.005 PERCENT
	FURAZOLIDONE	.00083 PERCENT
	BACITRACIN PLUS	
	PENICILLIN	3.6-50 GM/TON COMB.
82055	NITROFURAZONE	.0056 PERCENT
	FURAZOLIDONE	.00083 PERCENT
	BACITRACIN	50-100 GM/TON
82056	NITROFURAZONE	.0056 PERCENT
	ROXARSONE	.0025-.005 PERCENT
	FURAZOLIDONE	.00083 PERCENT
	BACITRACIN	50-100 GM/TON
82061	NITROFURAZONE	.0056 PERCENT
	FURAZOLIDONE	.00083 PERCENT
	BACITRACIN	50-100 GM/TON
	PENICILLIN	.00083 PERCENT
82062	NITROFURAZONE	.0056 PERCENT
	ROXARSONE	.0025-.005 PERCENT
	FURAZOLIDONE	.00083 PERCENT
	BACITRACIN PLUS	
	PENICILLIN	50-100 GM/TON COMB.
82067	NITROFURAZONE	.0056 PERCENT
	FURAZOLIDONE	.00083 PERCENT
	BACITRACIN	100-500 GM/TON
82068	NITROFURAZONE	.0056 PERCENT
	ROXARSONE	.0025-.005 PERCENT
	FURAZOLIDONE	.00083 PERCENT
	BACITRACIN	100-500 GM/TON
82073	NITROFURAZONE	.0056 PERCENT
	FURAZOLIDONE	.00083 PERCENT
	BACITRACIN PLUS	
	PENICILLIN	100-500 GM/TON COMB.
82074	NITROFURAZONE	.0056 PERCENT
	ROXARSONE	.0025-.005 PERCENT
	FURAZOLIDONE	.00083 PERCENT
	BACITRAGIN PLUS	100-500 GM/TON
	PENICILLIN	125 GM/TON MAXIMUM
82092	NITROFURAZONE	.0112 PERCENT
	BACITRACIN PLUS	
	PENICILLIN	3.6-50 GM/TON COMB.
82093	NITROFURAZONE	.0056 PERCENT
	FURAZOLIDONE	.00083 PERCENT
	BACITRACIN	4-50 GM/TON
82094	NITROFURAZONE	.0056 PERCENT
	ROXARSONE	.0025-.005 PERCENT
	FURAZOLIDONE	.00083 PERCENT
	BACITRACIN	4-50 GM/TON
82095	NITROFURAZONE	.0056 PERCENT
	FURAZOLIDONE	.00083 PERCENT
	BACITRACIN PLUS	
	PENICILLIN	3.6-50 GM/TON COMB.
82096	NITROFURAZONE	.0056 PERCENT
	ROXARSONE	.0025-.005 PERCENT
	FURAZOLIDONE	.00083 PERCENT
	BACITRACIN	4-50 GM/TON
	PENICILLIN	3.6-50 GM/TON COMB.
82153	NITROFURAZONE	.0056 PERCENT
	SULFAQUINOXALINE	.01-.02 PERCENT
	FURAZOLIDONE	.00083 PERCENT
	BACITRACIN	4-50 PERCENT
	2,4-DIAMINO-5-(PARA-CHLOROPHENYL)-6-ETHYL PYRIMIDINE	.003-.005 PERCENT
82155	NITROFURAZONE	.0056 PERCENT
	ROXARSONE	.0025-.005 PERCENT
	SULFAQUINOXALINE	.01-.02 PERCENT
	FURAZOLIDONE	.00083 PERCENT
	BACITRACIN	4-50 GM/TON
	2,4-DIAMINO-5-(PARA-CHLOROPHENYL)-6-ETHYL PYRIMIDINE	.003-.006 PERCENT
82161	NITROFURAZONE	.0056 PERCENT
	SULFAQUINOXALINE	.01-.02 PERCENT
	FURAZOLIDONE	.00083 PERCENT
	BACITRACIN PLUS	
	PENICILLIN	3.6-50 GM/TON COMB.
	2,4-DIAMINO-5-(PARA-CHLOROPHENYL)-6-ETHYL PYRIMIDINE	.003-.006 PERCENT
82163	NITROFURAZONE	.0056 PERCENT
	ROXARSONE	.0025-.005 PERCENT
	SULFAQUINOXALINE	.01-.02 PERCENT
	FURAZOLIDONE	.00083 PERCENT
	BACITRACIN PLUS	
	PENICILLIN	3.6-50 GM/TON COMB.
	2,4-DIAMINO-5-(PARA-CHLOROPHENYL)-6-ETHYL PYRIMIDINE	.003-.005 PERCENT
82180	NITROFURAZONE	.0056 PERCENT
	FURAZOLIDONE	.00083 PERCENT
	PENICILLIN PLUS	
	STREPTOMYCIN	14.4-50 GM/TON COMB.
82181	NITROFURAZONE	.0056 PERCENT
	ROXARSONE	.0025-.005 PERCENT
	FURAZOLIDONE	.00083 PERCENT
	PENICILLIN PLUS	
	STREPTOMYCIN	14.4-50 GM/TON COMB.
82223	NITROFURAZONE	.0056 PERCENT
	FURAZOLIDONE	.00083 PERCENT
	OXYTETRACYCLINE	50 GM/TON
82225	NITROFURAZONE	.0056 PERCENT
	ROXARSONE	.0025-.005 PERCENT
	FURAZOLIDONE	.00083 PERCENT
	OXYTETRACYCLINE	50 GM/TON
82258	NITROFURAZONE	.0056 PERCENT
	ROXARSONE	.0025-.005 PERCENT
	SULFAQUINOXALINE	.01-.02 PERCENT
	FURAZOLIDONE	.00083 PERCENT
	PENICILLIN	2.4-50 GM/TON
	2,4-DIAMINO-5-(PARA-CHLOROPHENYL)-6-ETHYL PYRIMIDINE	.003-.006 PERCENT
82265	NITROFURAZONE	.0056 PERCENT
	ROXARSONE	.0025-.005 PERCENT
	SULFAQUINOXALINE	.01-.02 PERCENT
	FURAZOLIDONE	.00083 PERCENT
	STREPTOMYCIN	30-50 GM/TON
	2,4-DIAMINO-5-(PARA-CHLOROPHENYL)-6-ETHYL-PYRIMIDINE	.003-.006 PERCENT
82272	NITROFURAZONE	.0056 PERCENT
	ROXARSONE	.0025-.005 PERCENT
	SULFAQUINOXALINE	.01-.02 PERCENT
	FURAZOLIDONE	.00083 PERCENT
	CHLORTETRACYCLINE	10-50 GM/TON
	2,4-DIAMINO-5-(PARA-CHLOROPHENYL)-6-ETHYL PYRIMIDINE	.003-.006 PERCENT
82279	NITROFURAZONE	.0056 PERCENT
	ROXARSONE	.0025-.005 PERCENT
	SULFAQUINOXALINE	.01-.02 PERCENT
	FURAZOLIDONE	.00083 PERCENT
	ZINC BACITRACIN	4-50 GM/TON

IDENTIFICATION	DRUG	DOSAGE
	2,4-DIAMINO-5-(PARA-CHLOROPHENYL)-6-ETHYL PYRIMIDINE	.003-.006 PERCENT
82286	NITROFURAZONE	.0056 PERCENT
	ROXARSONE	.0025-.005 PERCENT
	SULFAQUINOXALINE	.01-.02 PERCENT
	FURAZOLIDONE	.00083 PERCENT
	BACITRACIN METHYLENE DISALICYLATE	4-50 GM/TON
	2,4-DIAMINO-5-(PARA-CHLOROPHENYL)-6-ETHYL PYRIMIDINE	.003-.006 PERCENT
82322	NITROFURAZONE	.0056 PERCENT
	FURAZOLIDONE	.00083 PERCENT
	CHLORTETRACYCLINE	50 GM/TON
82324	NITROFURAZONE	.0056 PERCENT
	FURAZOLIDONE	.00083 PERCENT
	CHLORTETRACYCLINE PLUS OXYTETRACYCLINE	50 GM/TON COMB.
82325	NITROFURAZONE	.0056 PERCENT
	ROXARSONE	.0025-.005 PERCENT
	FURAZOLIDONE	.00083 PERCENT
	CHLORTETRACYCLINE	100 GM/TON
82326	NITROFURAZONE	.0056 PERCENT
	FURAZOLIDONE	.00083 PERCENT
	CHLORTETRACYCLINE	100 GM/TON
82327	NITROFURAZONE	.0056 PERCENT
	FURAZOLIDONE	.00083 PERCENT
	OXYTETRACYCLINE	100 GM/TON
82328	NITROFURAZONE	.0056 PERCENT
	FURAZOLIDONE	.00083 PERCENT
	CHLORTETRACYCLINE PLUS OXYTETRACYCLINE	100 GM/TON COMB.
82329	NITROFURAZONE	.0056 PERCENT
	FURAZOLIDONE	.00083 PERCENT
	PENICILLIN PLUS STREPTOMYCIN	90-180 GM/TON COMB.
82330	NITROFURAZONE	.0056 PERCENT
	ROXARSONE	.0025-.005 PERCENT
	FURAZOLIDONE	.00083 PERCENT
	PENICILLIN PLUS STREPTOMYCIN	90-180 GM/TON COMB.
82332	NITROFURAZONE	.0056 PERCENT
	ROXARSONE	.0025-.005 PERCENT
	FURAZOLIDONE	.00083 PERCENT
	CHLORTETRACYCLINE	200 GM/TON
82333	NITROFURAZONE	.0056 PERCENT
	FURAZOLIDONE	.00083 PERCENT
	OXYTETRACYCLINE	200 GM/TON
82334	NITROFURAZONE	.0056 PERCENT
	FURAZOLIDONE	.00083 PERCENT
	CHLORTETRACYCLINE PLUS OXYTETRACYCLINE	200 GM/TON COMB.
82335	NITROFURAZONE	.0056 PERCENT
	ROXARSONE	.0025-.005 PERCENT
	FURAZOLIDONE	.00083 PERCENT
	ZINC BACITRACIN	100 GM/TON
82336	NITROFURAZONE	.0056 PERCENT
	FURAZOLIDONE	.00083 PERCENT
	ZINC BACITRACIN	100 GM/TON
82337	NITROFURAZONE	.0056 PERCENT
	ROXARSONE	.0025-.005 PERCENT
	FURAZOLIDONE	.00083 PERCENT
	BACITRACIN METHYLENE DISALICYLATE	100 GM/TON
82338	NITROFURAZONE	.0056 PERCENT
	FURAZOLIDONE	.00083 PERCENT
	BACITRACIN	100 GM/TON
82339	NITROFURAZONE	.0056 PERCENT
	FURAZOLIDONE	.00083 PERCENT
	BACITRACIN METHYLENE DISALICYLATE	100 GM/TON
82340	NITROFURAZONE	.0056 PERCENT
	ROXARSONE	.0025-.005 PERCENT
	FURAZOLIDONE	.00083 PERCENT
	PENICILLIN	100 GM/TON
82341	NITROFURAZONE	.0056 PERCENT
	FURAZOLIDONE	.00083 PERCENT
	PENICILLIN	100 GM/TON
82342	NITROFURAZONE	.0056 PERCENT
	FURAZOLIDONE	.00083 PERCENT
	ZINC BACITRACIN PLUS PENICILLIN	100 GM/TON COMB.
82343	NITROFURAZONE	.0056 PERCENT
	FURAZOLIDONE	.00083 PERCENT
	BACITRACIN METHYLENE DISALICYLATE PLUS PENICILLIN	100 GM/TON COMB.
82344	NITROFURAZONE	.0056 PERCENT
	FURAZOLIDONE	.00083 PERCENT
	BACITRACIN PLUS PENICILLIN	100 GM/TON COMB.
82356	NITROFURAZONE	.0056 PERCENT
	ROXARSONE	.0025-.005 PERCENT
	FURAZOLIDONE	.00083 PERCENT
	OXYTETRACYCLINE	200 GM/TON
82368	NITROFURAZONE	.0056 PERCENT
	SULFAQUINOXALINE	.0075 PERCENT
	FURAZOLIDONE	.00083 PERCENT
	OXYTETRACYCLINE	50 GM/TON
	2,4-DIAMINO-5-(PARA-CHLOROPHENYL)-6-ETHYL PYRIMIDINE	.00075 PERCENT
82370	NITROFURAZONE	.0056 PERCENT
	ROXARSONE	.0025-.005 PERCENT
	SULFAQUINOXALINE	.0075 PERCENT
	FURAZOLIDONE	.00083 PERCENT
	OXYTETRACYCLINE	50 GM/TON
	2,4-DIAMINO-5-(PARA-CHLOROPHENYL)-6-ETHYL PYRIMIDINE	.00075 PERCENT
82394	NITROFURAZONE	.0056 PERCENT
	NITROPHENIDE	.05 PERCENT
	FURAZOLIDONE	.00083 PERCENT
	OXYTETRACYCLINE	200 GM/TON
82415	NITROFURAZONE	.0056 PERCENT
	FURAZOLIDONE	.00083 PERCENT
	BACITRACIN METHYLENE DISALICYLATE	4-50 GM/TON
82417	NITROFURAZONE	.0056 PERCENT
	ROXARSONE	.0025-.005 PERCENT
	FURAZOLIDONE	.00083 PERCENT
	BACITRACIN METHYLENE DISALICYLATE	4-50 GM/TON
82422	NITROFURAZONE	.0056 PERCENT
	FURAZOLIDONE	.00083 PERCENT
	BACITRACIN METHYLENE DISALICYLATE PLUS PENICILLIN	3.6-50 GM/TON COMB.
82424	NITROFURAZONE	.0056 PERCENT
	ROXARSONE	.0025-.005 PERCENT
	FURAZOLIDONE	.00083 PERCENT
	BACITRACIN METHYLENE DISALICYLATE PLUS PENICILLIN	3.6-50 GM/TON COMB.
82429	NITROFURAZONE	.0056 PERCENT
	FURAZOLIDONE	.00083 PERCENT
	BACITRACIN METHYLENE DISALICYLATE PLUS PENICILLIN	50-100 GM/TON COMB.
82431	NITROFURAZONE	.0056 PERCENT
	ROXARSONE	.0025-.005 PERCENT
	FURAZOLIDONE	.00083 PERCENT
	BACITRACIN METHYLENE DISALICYLATE PLUS PENICILLIN	50-100 GM/TON COMB.
82443	NITROFURAZONE	.0056 PERCENT
	FURAZOLIDONE	.00083 PERCENT
	BACITRACIN METHYLENE DISALICYLATE PLUS PENICILLIN	100-200 GM/TON COMB.
82445	NITROFURAZONE	.0056 PERCENT
	ROXARSONE	.0025-.005 PERCENT
	FURAZOLIDONE	.00083 PERCENT
	BACITRACIN METHYLENE DISALICYLATE PLUS PENICILLIN	100-200 GM/TON COMB.
82450	NITROFURAZONE	.0056 PERCENT

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IDENTIFICATION	DRUG	DOSAGE
	FURAZOLIDONE	.00083 PERCENT
	BACITRACIN METHYLENE DISALICYLATE	100-200 GM/TON
82452	NITROFURAZONE	.0056 PERCENT
	ROXARSONE	.0025-.005 PERCENT
	FURAZOLIDONE	.00083 PERCENT
	BACITRACIN METHYLENE DISALICYLATE	100-200 GM/TON
82461	NITROFURAZONE	.0056 PERCENT
	FURAZOLIDONE	.00083 PERCENT
	BACITRACIN METHYLENE DISALICYLATE	4-50 GM/TON
82462	NITROFURAZONE	.0056 PERCENT
	ROXARSONE	.0025-.005 PERCENT
	FURAZOLIDONE	.00083 PERCENT
	BACITRACIN METHYLENE DISALICYLATE	4-50 GM/TON
82468	NITROFURAZONE	.0056 PERCENT
	BACITRACIN METHYLENE DISALICYLATE PLUS	
	PENICILLIN	3.6-50 GM/TON COMB.
82469	NITROFURAZONE	.0112 PERCENT
	BACITRACIN METHYLENE DISALICYLATE PLUS	
	PENICILLIN	3.6-50 GM/TON COMB.
82471	NITROFURAZONE	.0056 PERCENT
	FURAZOLIDONE	.00083 PERCENT
	BACITRACIN METHYLENE DISALICYLATE PLUS	
	PENICILLIN	3.6-50 GM/TON COMB.
82472	NITROFURAZONE	.0056 PERCENT
	ROXARSONE	.0025-.005 PERCENT
	FURAZOLIDONE	.00083 PERCENT
	BACITRACIN METHYLENE DISALICYLATE PLUS	
	PENICILLIN	3.6-50 GM/TON COMB.
82678	NITROFURAZONE	.0056 PERCENT
	FURAZOLIDONE	.00083 PERCENT
	CHLORTETRACYCLINE	10-50 GM/TON
82680	NITROFURAZONE	.0056 PERCENT
	FURAZOLIDONE	.00083 PERCENT
	CHLORTETRACYCLINE	100-200 GM/TON
82682	NITROFURAZONE	.0056 PERCENT
	ROXARSONE	.0025-.005 PERCENT
	FURAZOLIDONE	.00083 PERCENT
	CHLORTETRACYCLINE	10-50 GM/TON
82715	NITROFURAZONE	.0056 PERCENT
	ZINC BACITRACIN PLUS PENICILLIN	3.6-50 GM/TON COMB.
82716	NITROFURAZONE	.0112 PERCENT
	ZINC BACITRACIN PLUS PENICILLIN	3.6-50 GM/TON COMB.
82717	NITROFURAZONE	.0056 PERCENT
	FURAZOLIDONE	.00083 PERCENT
	ZINC BACITRACIN PLUS PENICILLIN	3.6-50 GM/TON COMB.
82900	NITROFURAZONE	.0056 PERCENT
	FURAZOLIDONE	.00083 PERCENT
	ZINC BACITRACIN	4-50 GM/TON
82907	NITROFURAZONE	.0056 PERCENT
	SULFAQUINOXALINE	.01-.02 PERCENT
	FURAZOLIDONE	.00083 PERCENT
	BACITRACIN PLUS PENICILLIN	3.6-50 GM/TON COMB.
	2,4-DIAMINO-5-(PARA-CHLOROPHENYL)-6-ETHYL PYRIMIDINE	.003-.006 PERCENT
82930	NITROFURAZONE	.0056 PERCENT
	SULFAQUINOXALINE	.0075 PERCENT
	FURAZOLIDONE	.00083 PERCENT
	BACITRACIN PLUS PENICILLIN	100-500 GM/TON COMB.
	2,4-DIAMINO-5-(PARA-CHLOROPHENYL)-6-ETHYL PYRIMIDINE	.00075 PERCENT
82085	NITROPHENIDE BACITRACIN	.0125-.025 PERCENT 4-50 GM/TON
82087	NITROPHENIDE BACITRACIN PLUS	.0125-.025 PERCENT
	PENICILLIN	3.6-50 GM/TON COMB.
82174	NITROPHENIDE PENICILLIN	.0125-.025 PERCENT 2.4-50 GM/TON
82178	NITROPHENIDE PENICILLIN PLUS STREPTOMYCIN	.0125-.025 PERCENT 14.4-50 GM/TON COMB.
82207	NITROPHENIDE CHLORTETRACYCLINE	.0125-.05 PERCENT 10-50 GM/TON
82208	NITROPHENIDE DIENESTROL DIACETATE OXYTETRACYCLINE	.0125-.05 PERCENT .007 PERCENT 10-50 GM/TON
82209	NITROPHENIDE PENICILLIN	.0125-.05 PERCENT 2.4-50 GM/TON
82210	NITROPHENIDE DIENESTROL DIACETATE PENICILLIN	.0125-.05 PERCENT .007 PERCENT 2.4-50 GM/TON
82211	NITROPHENIDE ZINC BACITRACIN PLUS PENICILLIN	.0125-.05 PERCENT 3.6-50 GM/TON COMB.
82212	NITROPHENIDE BACITRACIN METHYLENE DISALICYLATE PLUS PENICILLIN	.0125-.05 PERCENT 3.6-50 GM/TON COMB.
82213	NITROPHENIDE MANGANESE BACITRACIN PLUS PENICILLIN	.0125-.05 PERCENT 3.6-50 GM/TON COMB.
82298	NITROPHENIDE BACITRACIN PLUS PENICILLIN	.0125-.05 PERCENT 3.6-50 GM/TON COMB.
82299	NITROPHENIDE PENICILLIN PLUS STREPTOMYCIN	.0125-.05 PERCENT 14.4-50 GM/TON COMB.
82300	NITROPHENIDE BACITRACIN	.0125-.05 PERCENT 4-50 GM/TON
82301	NITROPHENIDE BACITRACIN METHYLENE DISALICYLATE	.0125-.05 PERCENT 4-50 GM/TON
82302	NITROPHENIDE ZINC BACITRACIN	.0125-.05 PERCENT 4-50 GM/TON
82303	NITROPHENIDE MANGANESE BACITRACIN	.0125-.05 PERCENT 4-50 GM/TON
82304	NITROPHENIDE STREPTOMYCIN	.0125-.05 PERCENT 30-50 GM/TON
82305	NITROPHENIDE DIENESTROL DIACETATE CHLORTETRACYCLINE	.0125-.05 PERCENT .007 PERCENT 50-200 GM/TON
82306	NITROPHENIDE DIENESTROL DIACETATE STREPTOMYCIN	.0125-.05 PERCENT .007 PERCENT 30-50 GM/TON
82307	NITROPHENIDE DIENESTROL DIACETATE ZINC BACITRACIN PLUS PENICILLIN	.0125-.05 PERCENT .007 PERCENT 3.6-50 GM/TON COMB.
82308	NITROPHENIDE DIENESTROL DIACETATE MANGANESE BACITRACIN PLUS PENICILLIN	.0125-.05 PERCENT .007 PERCENT 3.6-50 GM/TON COMB.
82309	NITROPHENIDE DIENESTROL DIACETATE BACITRACIN METHYLENE DISALICYLATE PLUS PENICILLIN	.0125-.05 PERCENT .007 PERCENT 3.6-50 GM/TON COMB.
82310	NITROPHENIDE DIENESTROL DIACETATE BACITRACIN PLUS PENICILLIN	.0125-.05 PERCENT .007 PERCENT 3.6-50 GM/TON COMB.
82311	NITROPHENIDE DIENESTROL DIACETATE PENICILLIN PLUS STREPTOMYCIN	.0125-.05 PERCENT .007 PERCENT 14.4-50 GM/TON COMB.
82312	NITROPHENIDE DIENESTROL DIACETATE BACITRACIN	.0125-.05 PERCENT .007 PERCENT 4-50 GM/TON
82313	NITROPHENIDE DIENESTROL DIACETATE ZINC BACITRACIN	.0125-.05 PERCENT .007 PERCENT 4-50 GM/TON
82314	NITROPHENIDE DIENESTROL DIACETATE MANGANESE BACITRACIN	.0125-.05 PERCENT .007 PERCENT 4-50 GM/TON

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82315	NITROPHENIDE	.0125-.05 PERCENT
	DIENESTROL DIACETATE	.007 PERCENT
	BACITRACIN METHYLENE DISALICYLATE	4-50 GM/TON
82390	NITROPHENIDE	.05 PERCENT
	OXYTETRACYCLINE	200 GM/TON
82391	NITROPHENIDE	.05 PERCENT
	ARSANILIC ACID	.0025-.01 PERCENT
	OXYTETRACYCLINE	200 GM/TON
82392	NITROPHENIDE	.05 PERCENT
	SODIUM ARSANILATE	.0025-.01 PERCENT
	OXYTETRACYCLINE	200 GM/TON
82393	NITROPHENIDE	.05 PERCENT
	FURAZOLIDONE	.00083 PERCENT
	OXYTETRACYCLINE	200 GM/TON
82695	NITROPHENIDE	.0125-.025 PERCENT
	CHLORTETRACYCLINE	50-100 GM/TON
82696	NITROPHENIDE	.0125-.025 PERCENT
	CHLORTETRACYCLINE	100-200 GM/TON
82713	NITROPHENIDE	.0125-.025 PERCENT
	ZINC BACITRACIN PLUS PENICILLIN	3.6-50 GM/TON COMB.
82887	NITROPHENIDE	.0125-.025 PERCENT
	ZINC BACITRACIN	4-50 GM/TON
82294	NYSTATIN	50-100 GM/TON
	PENICILLIN	2.4-50 GM/TON
82295	NYSTATIN	50-100 GM/TON
	STREPTOMYCIN	30-50 GM/TON
82296	NYSTATIN	50-100 GM/TON
	PENICILLIN PLUS STREPTOMYCIN	14.4-50 GM/TON COMB.
82097	PHENOTHIAZINE	.3-1 PERCENT
	BACITRACIN	4-50 GM/TON
	NICOTINE	.03-.07 PERCENT
82098	PHENOTHIAZINE	.3-1 PERCENT
	BACITRACIN	4-50 GM/TON
82107	PHENOTHIAZINE	.3-1 PERCENT
	BACITRACIN PLUS PENICILLIN	3.6-50 GM/TON COMB.
	NICOTINE	.03-.07 PERCENT
82108	PHENOTHIAZINE	.3-1 PERCENT
	BACITRACIN PLUS PENICILLIN	3.6-50 GM/TON COMB.
82698	PHENOTHIAZINE	.3-1 PERCENT
	CHLORTETRACYCLINE	10-50 GM/TON
82728	PHENOTHIAZINE	.3-1 PERCENT
	ZINC BACITRACIN PLUS PENICILLIN	3.6-50 GM/TON COMB.
	NICOTINE	.003-.07 PERCENT
82729	PHENOTHIAZINE	.3-1 PERCENT
	ZINC BACITRACIN PLUS PENICILLIN	3.6-50 GM/TON COMB.
82765	PHENOTHIAZINE	.3-1 PERCENT
	BACITRACIN METHYLENE DISALICYLATE PLUS PENICILLIN	3.6-50 GM/TON COMB.
	NICOTINE	.03-.07 PERCENT
82766	PHENOTHIAZINE	.3-1 PERCENT
	BACITRACIN METHYLENE DISALICYLATE PLUS PENICILLIN	3.6-50 GM/TON
82777	PHENOTHIAZINE	.3-1 PERCENT
	BACITRACIN METHYLENE DISALICYLATE	4-50 GM/TON
	NICOTINE	.03-.07 PERCENT
82778	PHENOTHIAZINE	.3-1 PERCENT
	BACITRACIN METHYLENE DISALICYLATE	4-50 GM/TON
82860	PHENOTHIAZINE	.3-1 PERCENT
	ZINC BACITRACIN	4-50 GM/TON
	NICOTINE	.003-.07 PERCENT
82861	PHENOTHIAZINE	.3-1 PERCENT
	ZINC BACITRACIN	4-50 GM/TON
82406	PIPERAZINE	.1-.4 PERCENT
	OXYTETRACYCLINE	10-50 GM/TON
82407	PIPERAZINE	.1-.4 PERCENT
	PENICILLIN	2.4-50 GM/TON
82104	PIPERAZINE DIHYDROCHLORIDE	.18-.72 PERCENT
	BACITRACIN	4-50 GM/TON
82114	PIPERAZINE DIHYDROCHLORIDE	.18-.72 PERCENT
	BACITRACIN PLUS PENICILLIN	3.6-50 GM/TON COMB.
82480	PIPERAZINE DIHYDROCHLORIDE	.18-.72 PERCENT
	BACITRACIN METHYLENE DISALICYLATE	4-50 GM/TON
82492	PIPERAZINE DIHYDROCHLORIDE	.18-.72 PERCENT
	BACITRACIN METHYLENE DISALICYLATE PLUS PENICILLIN	3.6-50 GM/TON COMB.
82699	PIPERAZINE DIHYDROCHLORIDE	.18-.72 PERCENT
	CHLORTETRACYCLINE	10-50 GM/TON
82735	PIPERAZINE DIHYDROCHLORIDE	.18-.72 PERCENT
	ZINC BACITRACIN PLUS PENICILLIN	3.6-50 GM/TON COMB.
82867	PIPERAZINE DIHYDROCHLORIDE	.18-.72 PERCENT
	ZINC BACITRACIN	4-50 GM/TON
82483	PIPERAZINE MONOHYDROCHLORIDE	.13-.52 PERCENT
	BACITRACIN METHYLENE DISALICYLATE	4-50 GM/TON
82495	PIPERAZINE MONOHYDROCHLORIDE	.13-.52 PERCENT
	BACITRACIN METHYLENE DISALICYLATE PLUS PENICILLIN	3.6-50 GM/TON COMB
82738	PIPERAZINE MONOHYDROCHLORIDE	.13-.52 PERCENT
	ZINC BACITRACIN PLUS PENICILLIN	3.6-50 GM/TON COMB.
82870	PIPERAZINE MONOHYDROCHLORIDE	.13-.52 PERCENT
	ZINC BACITRACIN	4-50 GM/TON
82105	PIPERAZINE PHOSPHATE MONOHYDRATE	.23-.92 PERCENT
	BACITRACIN	4-50 GM/TON
82115	PIPERAZINE PHOSPHATE MONOHYDRATE	.23-.92 PERCENT
	BACITRACIN PLUS PENICILLIN	3.6-50 GM/TON COMB.
82493	PIPERAZINE PHOSPHATE MONOHYDRATE	.23-.92 PERCENT
	BACITRACIN METHYLENE DISALICYLATE PLUS PENICILLIN	3.6-50 GM/TON COMB.
82700	PIPERAZINE PHOSPHATE MONOHYDRATE	.23-.92 PERCENT
	CHLORTETRACYCLINE	10-50 GM/TON
82736	PIPERAZINE PHOSPHATE MONOHYDRATE	.23-.92 PERCENT
	ZINC BACITRACIN PLUS PENICILLIN	3.6-50 GM/TON COMB.
82773	PIPERAZINE PHOSPHATE MONOHYDRATE	.23-.92 PERCENT
	BACITRACIN METHYLENE DISALICYLATE PLUS PENICILLIN	3.6-50 GM/TON COMB.
82868	PIPERAZINE PHOSPHATE MONOHYDRATE	.23-.92 PERCENT
	ZINC BACITRACIN	4-50 GM/TON
82106	PIPERAZINE SULFATE	.21-.85 PERCENT
	BACITRACIN	4-50 GM/TON
82116	PIPERAZINE SULFATE	.21-.85 PERCENT
	BACITRACIN PLUS PENICILLIN	3.6-50 GM/TON COMB.
82482	PIPERAZINE SULFATE	.21-.85 PERCENT
	BACITRACIN METHYLENE DISALICYLATE	4-50 GM/TON
82494	PIPERAZINE SULFATE	.21-.85 PERCENT
	BACITRACIN METHYLENE DISALICYLATE PLUS PENICILLIN	3.6-50 GM/TON COMB.
82701	PIPERAZINE SULFATE	.21-.85 PERCENT
	CHLORTETRACYCLINE	10-50 GM/TON
82737	PIPERAZINE SULFATE	.21-.85 PERCENT
	ZINC BACITRACIN PLUS PENICILLIN	3.6-50 GM/TON COMB.
82869	PIPERAZINE SULFATE	.21-.85 PERCENT
	ZINC BACITRACIN	4-50 GM/TON
82664	RESERPINE	.0001 PERCENT
	CHLORTETRACYCLINE	10-50 GM/TON
82665	RESERPINE	.0001 PERCENT
	CHLORTETRACYCLINE	50-100 GM/TON

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IDENTIFICATION	DRUG	DOSAGE
82666	RESERPINE CHLORTETRACYCLINE	.0001 PERCENT 100-200 GM/TON
82015	ROXARSONE FURAZOLIDONE ZINC BACITRACIN PLUS PENICILLIN	.0025-.005 PERCENT .00083 PERCENT 3.6-50 GM/TON COMB.
82050	ROXARSONE FURAZOLIDONE BACITRACIN PLUS PENICILLIN	.0025-.005 PERCENT .00083 PERCENT 3.6-50 GM/TON COMB.
82076	ROXARSONE FURAZOLIDONE BACITRACIN PLUS PENICILLIN	.0025-.005 PERCENT .00083 PERCENT 100-500 GM/TON COMB.
82151	ROXARSONE SULFAQUINOXALINE BACITRACIN 2,4-DIAMINO-5-(PARA-CHLOROPHENYL)-6-ETHYL PYRIMIDINE	.0025-.005 PERCENT .01-.02 PERCENT 4-50 GM/TON .003-.006 PERCENT
82159	ROXARSONE SULFAQUINOXALINE BACITRACIN PLUS PENICILLIN 2,4-DIAMINO-5-(PARA-CHLOROPHENYL)-6-ETHYL PYRIMIDINE	.0025-.005 PERCENT .01-.02 PERCENT 3.6-50 GM/TON COMB. .003-.006 PERCENT
82162	ROXARSONE SULFAQUINOXALINE FURAZOLIDONE BACITRACIN PLUS PENICILLIN 2,4-DIAMINO-5-(PARA-CHLOROPHENYL)-6-ETHYL PYRIMIDINE	.0025-.005 PERCENT .01-.02 PERCENT .00083 PERCENT 3.6-50 GM/TON COMB. .003-.006 PERCENT
82255	ROXARSONE SULFAQUINOXALINE PENICILLIN 2,4-DIAMINO-5-(PARA-CHLOROPHENYL)-6-ETHYL PYRIMIDINE	.0025-.005 PERCENT .01-.02 PERCENT 2.4-50 GM/TON .003-.006 PERCENT
82257	ROXARSONE SULFAQUINOXALINE FURAZOLIDONE PENICILLIN 2,4-DIAMINO-5-(PARA-CHLOROPHENYL)-6-ETHYL PYRIMIDINE	.0025-.005 PERCENT .01-.02 PERCENT .00083 PERCENT 2.4-50 GM/TON .003-.006 PERCENT
82262	ROXARSONE SULFAQUINOXALINE STREPTOMYCIN 2,4-DIAMINO-5-(PARA-CHLOROPHENYL)-6-ETHYL PYRIMIDINE	.0025-.005 PERCENT .01-.02 PERCENT 30-50 GM/TON .003-.006 PERCENT
82264	ROXARSONE SULFAQUINOXALINE FURAZOLIDONE STREPTOMYCIN 2,4-DIAMINO-5-(PARA-CHLOROPHENYL)-6-ETHYL PYRIMIDINE	.0125-.005 PERCENT .01-.02 PERCENT .00083 PERCENT 30-50 GM/TON .003-.006 PERCENT
82269	ROXARSONE SULFAQUINOXALINE CHLORTETRACYCLINE 2,4-DIAMINO-5-(PARA-CHLOROPHENYL)-6-ETHYL PYRIMIDINE	.0025-.005 PERCENT .01-.02 PERCENT 10-50 GM/TON .003-.006 PERCENT
82271	ROXARSONE SULFAQUINOXALINE FURAZOLIDONE CHLORTETRACYCLINE 2,4-DIAMINO-5-(PARA-CHLOROPHENYL)-6-ETHYL PYRIMIDINE	.0025-.005 PERCENT .01-.02 PERCENT .00083 PERCENT 10-50 GM/TON .003-.006 PERCENT
82276	ROXARSONE SULFAQUINOXALINE ZINC BACITRACIN 2,4-DIAMINO-5-(PARA-CHLOROPHENYL)-6-ETHYL PYRIMIDINE	.0025-.005 PERCENT .01-.02 PERCENT 4-50 GM/TON .003-.006 PERCENT
82278	ROXARSONE SULFAQUINOXALINE FURAZOLIDONE ZINC BACITRACIN 2,4-DIAMINO-5-(PARA-CHLOROPHENYL)-6-ETHYL PYRIMIDINE	.0025-.005 PERCENT .01-.02 PERCENT .00083 PERCENT 4-50 GM/TON .003-.006 PERCENT
82283	ROXARSONE SULFAQUINOXALINE BACITRACIN METHYLENE DISALICYLATE 2,4-DIAMINO-5-(PARA-CHLOROPHENYL)-6-ETHYL PYRIMIDINE	.0025-.005 PERCENT .01-.02 PERCENT 4-50 GM/TON .003-.006 PERCENT
82285	ROXARSONE SULFAQUINOXALINE FURAZOLIDONE BACITRACIN METHYLENE DISALICYLATE 2,4-DIAMINO-5-(PARA-CHLOROPHENYL)-6-ETHYL PYRIMIDINE	.0025-.005 PERCENT .01-.02 PERCENT .00083 PERCENT 4-50 GM/TON .003-.006 PERCENT
82292	ROXARSONE SULFAQUINOXALINE FURAZOLIDONE BACITRACIN 2,4-DIAMINO-5-(PARA-CHLOROPHENYL)-6-ETHYL PYRIMIDINE	.0025-.005 PERCENT .01-.02 PERCENT .00083 PERCENT 4-50 GM/TON .003-.006 PERCENT
82366	ROXARSONE SULFAQUINOXALINE OXYTETRACYCLINE 2,4-DIAMINO-5-(PARA-CHLOROPHENYL)-6-ETHYL PYRIMIDINE	.0025-.005 PERCENT .0075 PERCENT 50 GM/TON .00075 PERCENT
82369	ROXARSONE SULFAQUINOXALINE FURAZOLIDONE OXYTETRACYCLINE 2,4-DIAMINO-5-(PARA-CHLOROPHENYL)-6-ETHYL PYRIMIDINE	.0056 PERCENT .0075 PERCENT .00083 PERCENT 50 GM/TON .00075 PERCENT
82423	ROXARSONE FURAZOLIDONE BACITRACIN METHYLENE DISALICYLATE PLUS PENICILLIN	.0025-.005 PERCENT .00083 PERCENT 3.6-50 GM/TON COMB.
82430	ROXARSONE FURAZOLIDONE BACITRACIN METHYLENE DISALICYLATE PLUS PENICILLIN	.0025-.005 PERCENT .00083 PERCENT 50-100 GM/TON COMB.
82444	ROXARSONE FURAZOLIDONE BACITRACIN METHYLENE DISALICYLATE PLUS PENICILLIN	.0025-.005 PERCENT .00083 PERCENT 100-200 GM/TON COMB.
82928	ROXARSONE SULFAQUINOXALINE BACITRACIN PLUS PENICILLIN 2,4-DIAMINO-5-(PARA-CHLOROPHENYL)-6-ETHYL PYRIMIDINE	.0025-.005 PERCENT .0075 PERCENT 100-500 GM/TON COMB. .00075 PERCENT
82931	ROXARSONE SULFAQUINOXALINE FURAZOLIDONE BACITRACIN PLUS PENICILLIN 2,4-DIAMINO-5-(PARA-CHLOROPHENYL)-6-ETHYL PYRIMIDINE	.0025-.005 PERCENT .0075 PERCENT .00083 PERCENT 100-500 GM/TON COMB. .00075 PERCENT
82007	SODIUM ARSANILATE ZINC BACITRACIN PLUS PENICILLIN	.005-.01 PERCENT 3.6-50 GM/TON COMB.
82058	SODIUM ARSANILATE BACITRACIN PLUS PENICILLIN	.005-.01 PERCENT 50-100 GM/TON COMB.
82070	SODIUM ARSANILATE	.005-.01 PERCENT

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82419	BACITRACIN PLUS PENICILLIN SODIUM ARSANILATE BACITRACIN METHYLENE DISALICYLATE PLUS PENICILLIN	100-500 GM/TON COMB. .005-.01 PERCENT 3.6-50 GM/TON COMB.
82426	SODIUM ARSANILATE BACITRACIN METHYLENE DISALICYLATE PLUS PENICILLIN	.005-.01 PERCENT 50-100 GM/TON COMB.
82440	SODIUM ARSANILATE BACITRACIN METHYLENE DISALICYLATE PLUS PENICILLIN	.005-.01 PERCENT 100-200 GM/TON COMB.
82022	SULFAQUINOXALINE PENICILLIN 2,4-DIAMINO-5-(PARA-CHLOROPHENYL)-6-ETHYL PYRIMIDINE	.0075 PERCENT 2.4-50 GM/TON .00075 PERCENT
82023	SULFAQUINOXALINE STREPTOMYCIN 2,4-DIAMINO-5-(PARA-CHLOROPHENYL)-6-ETHYL PYRIMIDINE	.0075 PERCENT 30-50 GM/TON .00075 PERCENT
82024	SULFAQUINOXALINE CHLORTETRACYCLINE 2,4-DIAMINO-5-(PARA-CHLOROPHENYL)-6-ETHYL PYRIMIDINE	.0075 PERCENT 10-50 GM/TON .00075 PERCENT
82025	SULFAQUINOXALINE ZINC BACITRACIN 2,4-DIAMINO-5-(PARA-CHLOROPHENYL)-6-ETHYL PYRIMIDINE	.0075 PERCENT 4-50 GM/TON .00075 PERCENT
82026	SULFAQUINOXALINE BACITRACIN METHYLENE DISALICYLATE 2,4-DIAMINO-5-(PARA-CHLOROPHENYL)-6-ETHYL PYRIMIDINE	.0075 PERCENT 4-50 GM/TON .00075 PERCENT
82027	SULFAQUINOXALINE BACITRACIN 2,4-DIAMINO-5-(PARA-CHLOROPHENYL)-6-ETHYL PYRIMIDINE	.0075 PERCENT 4-50 GM/TON .00075 PERCENT
82079	SULFAQUINOXALINE BACITRACIN	.0125-.025 PERCENT 4-50 GM/TON
82080	SULFAQUINOXALINE BACITRACIN PLUS PENICILLIN	.0125-.025 PERCENT 3.6-50 GM/TON COMB.
82083	SULFAQUINOXALINE BACITRACIN	.033-.1 PERCENT 4-50 GM/TON
82084	SULFAQUINOXALINE BACITRACIN PLUS PENICILLIN	.033-.1 PERCENT 3.6-50 GM/TON COMB.
82143	SULFAQUINOXALINE BACITRACIN 2,4-DIAMINO-5-(PARA-CHLOROPHENYL)-6-ETHYL PYRIMIDINE	.01-.02 PERCENT 4-50 GM/TON .003-.006 PERCENT
82149	SULFAQUINOXALINE ARSANILIC ACID BACITRACIN 2,4-DIAMINO-5-(PARA-CHLOROPHENYL)-6-ETHYL PYRIMIDINE	.01-.02 PERCENT .005-.01 PERCENT 4-50 GM/TON .003-.006 PERCENT
82150	SULFAQUINOXALINE SODIUM ARSANILATE BACITRACIN 2,4-DIAMINO-5-(PARA-CHLOROPHENYL)-6-ETHYL PYRIMIDINE	.01-.02 PERCENT .005-.01 PERCENT 4-50 GM/TON .003-.006 PERCENT
82152	SULFAQUINOXALINE FURAZOLIDONE BACITRACIN 2,4-DIAMINO-5-(PARA-CHLOROPHENYL)-6-ETHYL PYRIMIDINE	.01-.02 PERCENT .00083 PERCENT 4-50 GM/TON .003-.006 PERCENT
82156	SULFAQUINOXALINE	.01-.02 PERCENT
82157	BACITRACIN PLUS PENICILLIN 2,4-DIAMINO-5-(PARA-CHLOROPHENYL)-6-ETHYL PYRIMIDINE SULFAQUINOXALINE ARSANILIC ACID BACITRACIN PLUS PENICILLIN 2,4-DIAMINO-5-(PARA-CHLOROPHENYL)-6-ETHYL PYRIMIDINE	3.6-50 GM/TON COMB. .003-.006 PERCENT .01-.02 PERCENT .005-.01 PERCENT 3.6-50 GM/TON COMB. .003-.006 PERCENT
82158	SULFAQUINOXALINE SODIUM ARSANILATE BACITRACIN PLUS PENICILLIN 2,4-DIAMINO-5-(PARA-CHLOROPHENYL)-6-ETHYL PYRIMIDINE	.01-.02 PERCENT .005-.01 PERCENT 3.6-50 GM/TON COMB. .003-.006 PERCENT
82160	SULFAQUINOXALINE FURAZOLIDONE BACITRACIN PLUS PENICILLIN 2,4-DIAMINO-5-(PARA-CHLOROPHENYL)-6-ETHYL PYRIMIDINE	.01-.02 PERCENT .00083 PERCENT 3.6-50 GM/TON COMB. .003-.006 PERCENT
82227	SULFAQUINOXALINE OXYTETRACYCLINE 2,4-DIAMINO-5-(PARA-CHLOROPHENYL)-6-ETHYL PYRIMIDINE	.0075 PERCENT 50 GM/TON .00075 PERCENT
82251	SULFAQUINOXALINE CHLORTETRACYCLINE PLUS OXYTETRACYCLINE 2,4-DIAMINO-5-(PARA-CHLOROPHENYL)-6-ETHYL PYRIMIDINE	.0075 PERCENT 50 GM/TON COMB. .00075 PERCENT
82252	SULFAQUINOXALINE PENICILLIN 2,4-DIAMINO-5-(PARA-CHLOROPHENYL)-6-ETHYL PYRIMIDINE	.01-.02 PERCENT 2.4-50 GM/TON .003-.006 PERCENT
82253	SULFAQUINOXALINE ARSANILIC ACID PENICILLIN 2,4-DIAMINO-5-(PARA-CHLOROPHENYL)-6-ETHYL PYRIMIDINE	.01-.02 PERCENT .005-.01 PERCENT 2.4-50 GM/TON .003-.006 PERCENT
82254	SULFAQUINOXALINE SODIUM ARSANILATE PENICILLIN 2,4-DIAMINO-5-(PARA-CHLOROPHENYL)-6-ETHYL PYRIMIDINE	.01-.02 PERCENT .005-.01 PERCENT 2.4-50 GM/TON .003-.006 PERCENT
82256	SULFAQUINOXALINE FURAZOLIDONE PENICILLIN 2,4-DIAMINO-5-(PARA-CHLOROPHENYL)-6-ETHYL PYRIMIDINE	.01-.02 PERCENT .00083 PERCENT 2.4-50 GM/TON .003-.006 PERCENT
82259	SULFAQUINOXALINE STREPTOMYCIN 2,4-DIAMINO-5-(PARA-CHLOROPHENYL)-6-ETHYL PYRIMIDINE	.01-.02 PERCENT 30-50 GM/TON .003-.006 PERCENT
82260	SULFAQUINOXALINE ARSANILIC ACID STREPTOMYCIN 2,4-DIAMINO-5-(PARA-CHLOROPHENYL)-6-ETHYL PYRIMIDINE	.01-.02 PERCENT .005-.01 PERCENT 30-50 GM/TON .003-.006 PERCENT
82261	SULFAQUINOXALINE SODIUM ARSANILATE STREPTOMYCIN 2,4-DIAMINO-5-(PARA-CHLOROPHENYL)-6-ETHYL PYRIMIDINE	.01-.02 PERCENT .005-.01 PERCENT 30-50 GM/TON .003-.006 PERCENT
82263	SULFAQUINOXALINE FURAZOLIDONE	.01-.02 PERCENT .00083 PERCENT

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82264	ROXARSONE SULFAQUINOXALINE FURAZOLIDONE STREPTOMYCIN 2,4-DIAMINO-5-(PARA-CHLOROPHENYL)-6-ETHYL PYRIMIDINE	.0125-.005 PERCENT .01-.02 PERCENT .00083 PERCENT 30-50 GM/TON .003-.006 PERCENT
82269	ROXARSONE SULFAQUINOXALINE CHLORTETRACYCLINE 2,4-DIAMINO-5-(PARA-CHLOROPHENYL)-6-ETHYL PYRIMIDINE	.0025-.005 PERCENT .01-.02 PERCENT 10-50 GM/TON .003-.006 PERCENT
82271	ROXARSONE SULFAQUINOXALINE FURAZOLIDONE CHLORTETRACYCLINE 2,4-DIAMINO-5-(PARA-CHLOROPHENYL)-6-ETHYL PYRIMIDINE	.0025-.005 PERCENT .01-.02 PERCENT .00083 PERCENT 10-50 GM/TON .003-.006 PERCENT
82276	ROXARSONE SULFAQUINOXALINE ZINC BACITRACIN 2,4-DIAMINO-5-(PARA-CHLOROPHENYL)-6-ETHYL PYRIMIDINE	.0025-.005 PERCENT .01-.02 PERCENT 4-50 GM/TON .003-.006 PERCENT
82278	ROXARSONE SULFAQUINOXALINE FURAZOLIDONE ZINC BACITRACIN 2,4-DIAMINO-5-(PARA-CHLOROPHENYL)-6-ETHYL PYRIMIDINE	.0025-.005 PERCENT .01-.02 PERCENT .00083 PERCENT 4-50 GM/TON .003-.006 PERCENT
82283	ROXARSONE SULFAQUINOXALINE BACITRACIN METHYLENE DISALICYLATE 2,4-DIAMINO-5-(PARA-CHLOROPHENYL)-6-ETHYL PYRIMIDINE	.0025-.005 PERCENT .01-.02 PERCENT 4-50 GM/TON .003-.006 PERCENT
82285	ROXARSONE SULFAQUINOXALINE FURAZOLIDONE BACITRACIN METHYLENE DISALICYLATE 2,4-DIAMINO-5-(PARA-CHLOROPHENYL)-6-ETHYL PYRIMIDINE	.0025-.005 PERCENT .01-.02 PERCENT .00083 PERCENT 4-50 GM/TON .003-.006 PERCENT
82292	ROXARSONE SULFAQUINOXALINE FURAZOLIDONE BACITRACIN 2,4-DIAMINO-5-(PARA-CHLOROPHENYL)-6-ETHYL PYRIMIDINE	.0025-.005 PERCENT .01-.02 PERCENT .00083 PERCENT 4-50 GM/TON .003-.006 PERCENT
82366	ROXARSONE SULFAQUINOXALINE OXYTETRACYCLINE 2,4-DIAMINO-5-(PARA-CHLOROPHENYL)-6-ETHYL PYRIMIDINE	.0025-.005 PERCENT .0075 PERCENT 50 GM/TON .00075 PERCENT
82369	ROXARSONE SULFAQUINOXALINE FURAZOLIDONE OXYTETRACYCLINE 2,4-DIAMINO-5-(PARA-CHLOROPHENYL)-6-ETHYL PYRIMIDINE	.0056 PERCENT .0075 PERCENT .00083 PERCENT 50 GM/TON .00075 PERCENT
82423	ROXARSONE FURAZOLIDONE BACITRACIN METHYLENE DISALICYLATE PLUS PENICILLIN	.0025-.005 PERCENT .00083 PERCENT 3.6-50 GM/TON COMB.
82430	ROXARSONE FURAZOLIDONE BACITRACIN METHYLENE DISALICYLATE PLUS PENICILLIN	.0025-.005 PERCENT .00083 PERCENT 50-100 GM/TON COMB.
82444	ROXARSONE FURAZOLIDONE BACITRACIN METHYLENE DISALICYLATE PLUS PENICILLIN	.0025-.005 PERCENT .00083 PERCENT 100-200 GM/TON COMB.
82928	ROXARSONE SULFAQUINOXALINE BACITRACIN PLUS PENICILLIN 2,4-DIAMINO-5-(PARA-CHLOROPHENYL)-6-ETHYL PYRIMIDINE	.0025-.005 PERCENT .0075 PERCENT 100-500 GM/TON COMB. .00075 PERCENT
82931	ROXARSONE SULFAQUINOXALINE FURAZOLIDONE BACITRACIN PLUS PENICILLIN 2,4-DIAMINO-5-(PARA-CHLOROPHENYL)-6-ETHYL PYRIMIDINE	.0025-.005 PERCENT .0075 PERCENT .00083 PERCENT 100-500 GM/TON COMB. .00075 PERCENT
82007	SODIUM ARSANILATE ZINC BACITRACIN PLUS PENICILLIN	.005-.01 PERCENT 3.6-50 GM/TON COMB.
82058	SODIUM ARSANILATE BACITRACIN PLUS PENICILLIN	.005-.01 PERCENT 50-100 GM/TON COMB.
82070	SODIUM ARSANILATE	.005-.01 PERCENT

IDENTIFICATION	DRUG	DOSAGE
82419	BACITRACIN PLUS PENICILLIN SODIUM ARSANILATE BACITRACIN METHYLENE DISALICYLATE PLUS PENICILLIN	100-500 GM/TON COMB. .005-.01 PERCENT 3.6-50 GM/TON COMB.
82426	SODIUM ARSANILATE BACITRACIN METHYLENE DISALICYLATE PLUS PENICILLIN	.005-.01 PERCENT 50-100 GM/TON COMB.
82440	SODIUM ARSANILATE BACITRACIN METHYLENE DISALICYLATE PLUS PENICILLIN	.005-.01 PERCENT 100-200 GM/TON COMB.
82022	SULFAQUINOXALINE PENICILLIN 2,4-DIAMINO-5-(PARA-CHLOROPHENYL)-6-ETHYL PYRIMIDINE	.0075 PERCENT 2.4-50 GM/TON .00075 PERCENT
82023	SULFAQUINOXALINE STREPTOMYCIN 2,4-DIAMINO-5-(PARA-CHLOROPHENYL)-6-ETHYL PYRIMIDINE	.0075 PERCENT 30-50 GM/TON .00075 PERCENT
82024	SULFAQUINOXALINE CHLORTETRACYCLINE 2,4-DIAMINO-5-(PARA-CHLOROPHENYL)-6-ETHYL PYRIMIDINE	.0075 PERCENT 10-50 GM/TON .00075 PERCENT
82025	SULFAQUINOXALINE ZINC BACITRACIN 2,4-DIAMINO-5-(PARA-CHLOROPHENYL)-6-ETHYL PYRIMIDINE	.0075 PERCENT 4-50 GM/TON .00075 PERCENT
82026	SULFAQUINOXALINE BACITRACIN METHYLENE DISALICYLATE 2,4-DIAMINO-5-(PARA-CHLOROPHENYL)-6-ETHYL PYRIMIDINE	.0075 PERCENT 4-50 GM/TON .00075 PERCENT
82027	SULFAQUINOXALINE BACITRACIN 2,4-DIAMINO-5-(PARA-CHLOROPHENYL)-6-ETHYL PYRIMIDINE	.0075 PERCENT 4-50 GM/TON .00075 PERCENT
82079	SULFAQUINOXALINE BACITRACIN	.0125-.025 PERCENT 4-50 GM/TON
82080	SULFAQUINOXALINE BACITRACIN PLUS PENICILLIN	.0125-.025 PERCENT 3.6-50 GM/TON COMB.
82083	SULFAQUINOXALINE BACITRACIN	.033-.1 PERCENT 4-50 GM/TON
82084	SULFAQUINOXALINE BACITRACIN PLUS PENICILLIN	.033-.1 PERCENT 3.6-50 GM/TON COMB.
82143	SULFAQUINOXALINE BACITRACIN 2,4-DIAMINO-5-(PARA-CHLOROPHENYL)-6-ETHYL PYRIMIDINE	.01-.02 PERCENT 4-50 GM/TON .003-.006 PERCENT
82149	SULFAQUINOXALINE ARSANILIC ACID BACITRACIN 2,4-DIAMINO-5-(PARA-CHLOROPHENYL)-6-ETHYL PYRIMIDINE	.01-.02 PERCENT .005-.01 PERCENT 4-50 GM/TON .003-.006 PERCENT
82150	SULFAQUINOXALINE SODIUM ARSANILATE BACITRACIN 2,4-DIAMINO-5-(PARA-CHLOROPHENYL)-6-ETHYL PYRIMIDINE	.01-.02 PERCENT .005-.01 PERCENT 4-50 GM/TON .003-.006 PERCENT
82152	SULFAQUINOXALINE FURAZOLIDONE BACITRACIN 2,4-DIAMINO-5-(PARA-CHLOROPHENYL)-6-ETHYL PYRIMIDINE	.01-.02 PERCENT .00083 PERCENT 4-50 GM/TON .003-.006 PERCENT
82156	SULFAQUINOXALINE	.01-.02 PERCENT
82157	BACITRACIN PLUS PENICILLIN 2,4-DIAMINO-5-(PARA-CHLOROPHENYL)-6-ETHYL PYRIMIDINE SULFAQUINOXALINE ARSANILIC ACID BACITRACIN PLUS PENICILLIN 2,4-DIAMINO-5-(PARA-CHLOROPHENYL)-6-ETHYL PYRIMIDINE	3.6-50 GM/TON COMB. .003-.006 PERCENT .01-.02 PERCENT .005-.01 PERCENT 3.6-50 GM/TON COMB. .003-.006 PERCENT
82158	SULFAQUINOXALINE SODIUM ARSANILATE BACITRACIN PLUS PENICILLIN 2,4-DIAMINO-5-(PARA-CHLOROPHENYL)-6-ETHYL PYRIMIDINE	.01-.02 PERCENT .005-.01 PERCENT 3.6-50 GM/TON COMB. .003-.006 PERCENT
82160	SULFAQUINOXALINE FURAZOLIDONE BACITRACIN PLUS PENICILLIN 2,4-DIAMINO-5-(PARA-CHLOROPHENYL)-6-ETHYL PYRIMIDINE	.01-.02 PERCENT .00083 PERCENT 3.6-50 GM/TON COMB. .003-.006 PERCENT
82227	SULFAQUINOXALINE OXYTETRACYCLINE 2,4-DIAMINO-5-(PARA-CHLOROPHENYL)-6-ETHYL PYRIMIDINE	.0075 PERCENT 50 GM/TON .00075 PERCENT
82251	SULFAQUINOXALINE CHLORTETRACYCLINE PLUS OXYTETRACYCLINE 2,4-DIAMINO-5-(PARA-CHLOROPHENYL)-6-ETHYL PYRIMIDINE	.0075 PERCENT 50 GM/TON COMB. .00075 PERCENT
82252	SULFAQUINOXALINE PENICILLIN 2,4-DIAMINO-5-(PARA-CHLOROPHENYL)-6-ETHYL PYRIMIDINE	.01-.02 PERCENT 2.4-50 GM/TON .003-.006 PERCENT
82253	SULFAQUINOXALINE ARSANILIC ACID PENICILLIN 2,4-DIAMINO-5-(PARA-CHLOROPHENYL)-6-ETHYL PYRIMIDINE	.01-.02 PERCENT .005-.01 PERCENT 2.4-50 GM/TON .003-.006 PERCENT
82254	SULFAQUINOXALINE SODIUM ARSANILATE PENICILLIN 2,4-DIAMINO-5-(PARA-CHLOROPHENYL)-6-ETHYL PYRIMIDINE	.01-.02 PERCENT .005-.01 PERCENT 2.4-50 GM/TON .003-.006 PERCENT
82256	SULFAQUINOXALINE FURAZOLIDONE PENICILLIN 2,4-DIAMINO-5-(PARA-CHLOROPHENYL)-6-ETHYL PYRIMIDINE	.01-.02 PERCENT .00083 PERCENT 2.4-50 GM/TON .003-.006 PERCENT
82259	SULFAQUINOXALINE STREPTOMYCIN 2,4-DIAMINO-5-(PARA-CHLOROPHENYL)-6-ETHYL PYRIMIDINE	.01-.02 PERCENT 30-50 GM/TON .003-.006 PERCENT
82260	SULFAQUINOXALINE ARSANILIC ACID STREPTOMYCIN 2,4-DIAMINO-5-(PARA-CHLOROPHENYL)-6-ETHYL PYRIMIDINE	.01-.02 PERCENT .005-.01 PERCENT 30-50 GM/TON .003-.006 PERCENT
82261	SULFAQUINOXALINE SODIUM ARSANILATE STREPTOMYCIN 2,4-DIAMINO-5-(PARA-CHLOROPHENYL)-6-ETHYL PYRIMIDINE	.01-.02 PERCENT .005-.01 PERCENT 30-50 GM/TON .003-.006 PERCENT
82263	SULFAQUINOXALINE FURAZOLIDONE	.01-.02 PERCENT .00083 PERCENT

IDENTIFICATION	DRUG	DOSAGE
	STREPTOMYCIN	30-50 GM/TON
	2,4-DIAMINO-5-(PARA-CHLOROPHENYL)-6-ETHYL PYRIMIDINE	.003-.006 PERCENT
82266	SULFAQUINOXALINE	.01-.02 PERCENT
	CHLORTETRACYCLINE	10-50 GM/TON
	2,4-DIAMINO-5-(PARA-CHLOROPHENYL)-6-ETHYL PYRIMIDINE	.003-.006 PERCENT
82267	SULFAQUINOXALINE	.01-.02 PERCENT
	ARSANILIC ACID	.005-.01 PERCENT
	CHLORTETRACYCLINE	10-50 GM/TON
	2,4-DIAMINO-5-(PARA-CHLOROPHENYL)-6-ETHYL PYRIMIDINE	.003-.006 PERCENT
82268	SULFAQUINOXALINE	.01-.02 PERCENT
	SODIUM ARSANILATE	.005-.01 PERCENT
	CHLORTETRACYCLINE	10-50 GM/TON
	2,4-DIAMINO-5-(PARA-CHLOROPHENYL)-6-ETHYL PYRIMIDINE	.003-.006 PERCENT
82270	SULFAQUINOXALINE	.01-.02 PERCENT
	FURAZOLIDONE	.00083 PERCENT
	CHLORTETRACYCLINE	10-50 GM/TON
	2,4-DIAMINO-5-(PARA-CHLOROPHENYL)-6-ETHYL PYRIMIDINE	.003-.006 PERCENT
82273	SULFAQUINOXALINE	.01-.02 PERCENT
	ZINC BACITRACIN	4-50 GM/TON
	2,4-DIAMINO-5-(PARA-CHLOROPHENYL)-6-ETHYL PYRIMIDINE	.003-.006 PERCENT
82274	SULFAQUINOXALINE	.01-.02 PERCENT
	ARSANILIC ACID	.005-.01 PERCENT
	ZINC BACITRACIN	4-50 GM/TON
	2,4-DIAMINO-5-(PARA-CHLOROPHENYL)-6-ETHYL PYRIMIDINE	.003-.006 PERCENT
82275	SULFAQUINOXALINE	.01-.02 PERCENT
	SODIUM ARSANILATE	.005-.01 PERCENT
	ZINC BACITRACIN	4-50 GM/TON
	2,4-DIAMINO-5-(PARA-CHLOROPHENYL)-6-ETHYL PYRIMIDINE	.003-.006 PERCENT
82277	SULFAQUINOXALINE	.01-.02 PERCENT
	FURAZOLIDONE	.00083 PERCENT
	ZINC BACITRACIN	4-50 GM/TON
	2,4-DIAMINO-5-(PARA-CHLOROPHENYL)-6-ETHYL PYRIMIDINE	.003-.006 PERCENT
82280	SULFAQUINOXALINE	.01-.02 PERCENT
	BACITRACIN METHYLENE DISALICYLATE	4-50 GM/TON
	2,4-DIAMINO-5-(PARA-CHLOROPHENYL)-6-ETHYL PYRIMIDINE	.003-.006 PERCENT
82281	SULFAQUINOXALINE	.01-.02 PERCENT
	ARSANILIC ACID	.005-.01 PERCENT
	BACITRACIN METHYLENE DISALICYLATE	4-50 GM/TON
	2,4-DIAMINO-5-(PARA-CHLOROPHENYL)-6-ETHYL PYRIMIDINE	.003-.006 PERCENT
82282	SULFAQUINOXALINE	.01-.02 PERCENT
	SODIUM ARSANILATE	.005-.01 PERCENT
	BACITRACIN METHYLENE DISALICYLATE	4-50 GM/TON
	2,4-DIAMINO-5-(PARA-CHLOROPHENYL)-6-ETHYL PYRIMIDINE	.003-.006 PERCENT
82287	SULFAQUINOXALINE	.01-.02 PERCENT
	BACITRACIN	4-50 GM/TON
	2,4-DIAMINO-5-(PARA-CHLOROPHENYL)-6-ETHYL PYRIMIDINE	.003-.006 PERCENT
82288	SULFAQUINOXALINE	.01-.02 PERCENT
	ARSANILIC ACID	.005-.01 PERCENT
	BACITRACIN	4-50 GM/TON
	2,4-DIAMINO-5-(PARA-CHLOROPHENYL)-6-ETHYL PYRIMIDINE	.003-.006 PERCENT
82289	SULFAQUINOXALINE	.01-.02 PERCENT
	SODIUM ARSANILATE	.005-.01 PERCENT
	BACITRACIN	4-50 GM/TON
	2,4-DIAMINO-5-(PARA-CHLOROPHENYL)-6-ETHYL PYRIMIDINE	.003-.006 PERCENT
82291	SULFAQUINOXALINE	.01-.02 PERCENT
	FURAZOLIDONE	.00083 PERCENT
	BACITRACIN	4-50 GM/TON
	2,4-DIAMINO-5-(PARA-CHLOROPHENYL)-6-ETHYL PYRIMIDINE	.003-.006 PERCENT
82364	SULFAQUINOXALINE	.0075 PERCENT
	ARSANILIC ACID	.005-.01 PERCENT
	OXYTETRACYCLINE	50 GM/TON
	2,4-DIAMINO-5-(PARA-CHLOROPHENYL)-6-ETHYL PYRIMIDINE	.00075 PERCENT
82365	SULFAQUINOXALINE	.0075 PERCENT
	SODIUM ARSANILATE	.005-.01 PERCENT
	OXYTETRACYCLINE	50 GM/TON
	2,4-DIAMINO-5-(PARA-CHLOROPHENYL)-6-ETHYL PYRIMIDINE	.0075 PERCENT
82367	SULFAQUINOXALINE	.0075 PERCENT
	FURAZOLIDONE	.00083 PERCENT
	OXYTETRACYCLINE	50 GM/TON
	2,4-DIAMINO-5-(PARA-CHLOROPHENYL)-6-ETHYL PYRIMIDINE	.00075 PERCENT
82455	SULFAQUINOXALINE	.033-.10 PERCENT
	BACITRACIN METHYLENE DISALICYLATE	4-50 GM/TON
82465	SULFAQUINOXALINE	.033-.10 PERCENT
	BACITRACIN METHYLENE DISALICYLATE PLUS PENICILLIN	3.6-50 GM/TON
82506	SULFAQUINOXALINE	.01-.02 PERCENT
	BACITRACIN METHYLENE DISALICYLATE PLUS PENICILLIN	3.6-50 GM/TON COMB.
	2,4-DIAMINO-5-(PARA-CHLOROPHENYL)-6-ETHYL PYRIMIDINE	.003-.006 PERCENT
82526	SULFAQUINOXALINE	.0125-.025 PERCENT
	PROCAINE PENICILLIN	2.4-50 GM/TON
82564	SULFAQUINOXALINE	.0075 PERCENT
	FURAZOLIDONE	.00083 PERCENT
	CHLORTETRACYCLINE	200 GM/TON
	2,4-DIAMINO-5-(PARA-CHLOROPHENYL)-6-ETHYL PYRIMIDINE	.00075 PERCENT
82571	SULFAQUINOXALINE	.0075 PERCENT
	FURAZOLIDONE	.00083 PERCENT
	ZINC BACITRACIN	50 GM/TON
	2,4-DIAMINO-5-(PARA-CHLOROPHENYL)-6-ETHYL PYRIMIDINE	.00075 PERCENT
82577	SULFAQUINOXALINE	.0075 PERCENT
	FURAZOLIDONE	.00083 PERCENT
	CHLORTETRACYCLINE	50 GM/TON
	2,4-DIAMINO-5-(PARA-CHLOROPHENYL)-6-ETHYL PYRIMIDINE	.00075 PERCENT
82584	SULFAQUINOXALINE	.0075 PERCENT
	FURAZOLIDONE	.00083 PERCENT
	CHLORTETRACYCLINE	100 GM/TON
	2,4-DIAMINO-5-(PARA-CHLOROPHENYL)-6-ETHYL PYRIMIDINE	.00075 PERCENT
82594	SULFAQUINOXALINE	.01-.02 PERCENT
	FURAZOLIDONE	.00083 PERCENT
	PENICILLIN PLUS STREPTOMYCIN	14.4-50 GM/TON COMB.
82648	SULFAQUINOXALINE	.00075 PERCENT

IDENTIFICATION	DRUG	DOSAGE
	CHLORTETRACYCLINE	50-100 GM/TON
	2,4-DIAMINO-5-(PARA-CHLOROPHENYL)-6-ETHYL PYRIMIDINE	.00075 PERCENT
82884	SULFAQUINOXALINE	.0125-.025 PERCENT
	ZINC BACITRACIN	4-50 GM/TON
82925	SULFAQUINOXALINE	.0075 PERCENT
	BACITRACIN PLUS PENICILLIN	100-500 GM/TON COMB.
	2,4-DIAMINO-5-(PARA-CHLOROPHENYL)-6-ETHYL PYRIMIDINE	.00075 PERCENT
82927	SULFAQUINOXALINE	.0075 PERCENT
	SODIUM ARSANILATE	.005-.010 PERCENT
	BACITRACIN PLUS PENICILLIN	100-500 GM/TON COMB.
	2,4-DIAMINO-5-(PARA-CHLOROPHENYL)-6-ETHYL PYRIMIDINE	.00075 PERCENT
82964	SULFAQUINOXALINE	.0075 PERCENT
	FURAZOLIDONE	.00083 PERCENT
	BACITRACIN METHYLENE DISALICYLATE	100 GM/TON
	2,4-DIAMINO-5-(PARA-CHLOROPHENYL)-6-ETHYL PYRIMIDINE	.00075 PERCENT
82965	SULFAQUINOXALINE	.0075 PERCENT
	FURAZOLIDONE	.00083 PERCENT
	BACITRACIN	100 GM/TON
	2,4-DIAMINO-5-(PARA-CHLOROPHENYL)-6-ETHYL PYRIMIDINE	.00075 PERCENT
82966	SULFAQUINOXALINE	.0075 PERCENT
	FURAZOLIDONE	.00083 PERCENT
	PENICILLIN	100 GM/TON
	2,4-DIAMINO-5-(PARA-CHLOROPHENYL)-6-ETHYL PYRIMIDINE	.00075 PERCENT
82972	SULFAQUINOXALINE	.0075 PERCENT
	FURAZOLIDONE	.00083 PERCENT
	CHLORTETRACYCLINE PLUS OXYTETRACYCLINE	200 GM/TON COMB.
	2,4-DIAMINO-5-(PARA-CHLOROPHENYL)-6-ETHYL PYRIMIDINE	.00075 PERCENT
82991	SULFAQUINOXALINE	.01-.02 PERCENT
	FURAZOLIDONE	.00083 PERCENT
	BACITRACIN METHYLENE DISALICYLATE	4-50 GM/TON
	2,4-DIAMINO-5-(PARA-CHLOROPHENYL)-6-ETHYL PYRIMIDINE	.003-.006 PERCENT
82999	SULFAQUINOXALINE	.0075 PERCENT
	PIPERAZINE PHOSPHATE MONOHYDRATE	.23-.92 PERCENT
	BACITRACIN METHYLENE DISALICYLATE PLUS PENICILLIN	3.6-50 GM/TON COMB.
	2,4-DIAMINO-5-(PARA-CHLOROPHENYL)-6-ETHYL PYRIMIDINE	.00075 PERCENT
82499	ZOALENE	.0125-.0188 PERCENT
	ARSANILIC ACID	.01 PERCENT
	BACITRACIN METHYLENE DISALICYLATE PLUS PENICILLIN	3.6-50 GM/TON COMB.

SPECIES: RABBIT

80059	FURAZOLIDONE	.0055 PERCENT
	OXYTETRACYCLINE	10 GM/TON
80058	OXYTETRACYCLINE	10 GM/TON
	SULFAQUINOXALINE	.1 PERCENT
80269	OXYTETRACYCLINE	10 GM/TON
	SULFAQUINOXALINE	.025 PERCENT

SPECIES: SWINE

80032	ARSANILIC ACID	.005-.01 PERCENT
	OXYTETRACYCLINE	150 GM/TON
	NITROFURAZONE	.0056 PERCENT
80045	ARSANILIC ACID	.005-.01 PERCENT
	OXYTETRACYCLINE	150 GM/TON
	PEPSIN	
80082	ARSANILIC ACID	.005-.01 PERCENT
	HYGROMYCIN B	12 GM/TON
	OXYTETRACYCLINE	500 GM/TON
80294	ARSANILIC ACID	.005-.01 PERCENT
	ROXARSONE	.0025-.0075 PERCENT
	FURAZOLIDONE	.011 PERCENT
	OXYTETRACYCLINE	100 GM/TON
80018	BACITRACIN	50 GM/TON
	THYROPROTEIN	200 GM/TON
80019	BACITRACIN	25 GM/TON
	PENICILLIN	25 GM/TON
	THYROPROTEIN	200 GM/TON
80020	BACITRACIN	100 GM/TON
	THYROPROTEIN	200 GM/TON
80021	BACITRACIN	50 GM/TON
	PENICILLIN	50 GM/TON
	THYROPROTEIN	200 GM/TON
80113	BACITRACIN PLUS PENICILLIN	100 GM/TON COMB.
	FURAZOLIDONE	.00083 PERCENT
	HYGROMYCIN B	12 GM/TON
80133	BACITRACIN METHYLENE DISALICYLATE	10-50 GM/TON
	ROXARSONE	.0025-.0075 PERCENT
	FURAZOLIDONE	.00083 PERCENT
	HYGROMYCIN B	12 GM/TON
	NITROFURAZONE	.0056 PERCENT
80154	BACITRACIN METHYLENE DISALICYLATE	50-100 GM/TON
	ROXARSONE	.0025-.0075 PERCENT
	FURAZOLIDONE	.00083 PERCENT
	HYGROMYCIN B	12 GM/TON
80155	BACITRACIN METHYLENE DISALICYLATE	50-100 GM/TON
	ROXARSONE	.0025-.0075 PERCENT
	FURAZOLIDONE	.00083 PERCENT
	HYGROMYCIN B	12 GM/TON
	NITROFURAZONE	.0056 PERCENT
80158	BACITRACIN METHYLENE DISALICYLATE PLUS PENICILLIN	50-100 GM/TON COMB.
	ARSANILIC ACID	.005-.01 PERCENT
	HYGROMYCIN B	12 GM/TON
80161	BACITRACIN METHYLENE DISALICYLATE PLUS PENICILLIN	50-100 GM/TON COMB.
	SODIUM ARSANILATE	.005-.01 PERCENT
	HYGROMYCIN B	12 GM/TON
80168	BACITRACIN METHYLENE DISALICYLATE PLUS PENICILLIN	50-100 GM/TON COMB.
	ROXARSONE	.0025-.0075 PERCENT
	FURAZOLIDONE	.00083 PERCENT
	HYGROMYCIN B	12 GM/TON
	NITROFURAZONE	.0056 PERCENT
80232	BACITRACIN METHYLENE DISALICYLATE PLUS PENICILLIN	10-50 GM/TON COMB.
	PIPERAZINE	.6 PERCENT
80233	BACITRACIN METHYLENE DISALICYLATE PLUS PENICILLIN	10-50 GM/TON COMB.
	SODIUM FLUORIDE	.5-1 PERCENT
80266	BACITRACIN METHYLENE DISALICYLATE	10-50 GM/TON
	PIPERAZINE	.6 PERCENT
80267	BACITRACIN METHYLENE DISALICYLATE	10-50 GM/TON

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IDENTIFICATION	DRUG	DOSAGE
	SODIUM FLUORIDE	.5-1 PERCENT
80273	BACITRACIN METHYLENE DISALICYLATE	50 GM/TON
	FURAZOLIDONE	.00083 PERCENT
	HYGROMYCIN B	12 GM/TON
80277	BACITRACIN METHYLENE DISALICYLATE PLUS	
	PENICILLIN	50 GM/TON COMB.
	FURAZOLIDONE	.00083 PERCENT
	HYGROMYCIN B	12 GM/TON
80279	BACITRACIN METHYLENE DISALICYLATE PLUS	
	PENICILLIN	100 GM/TON COMB.
	FURAZOLIDONE	.00083 PERCENT
	HYGROMYCIN B	12 GM/TON
80281	BACITRACIN METHYLENE DISALICYLATE	10-50 GM/TON
	FURAZOLIDONE	.00083 PERCENT
	HYGROMYCIN B	12 GM/TON
80152	ZINC BACITRACIN	50-100 GM/TON
	ROXARSONE	.0025-.0075 PERCENT
	FURAZOLIDONE	.00083 PERCENT
	HYGROMYCIN B	12 GM/TON
	NITROFURAZONE	.0056 PERCENT
80157	ZINC BACITRACIN PLUS	
	PENICILLIN	50-100 GM/TON COMB.
	ARSANILIC ACID	.005-.01 PERCENT
	HYGROMYCIN B	12 GM/TON
80160	ZINC BACITRACIN PLUS	
	PENICILLIN	50-100 GM/TON COMB.
	SODIUM ARSANILATE	.005-.01 PERCENT
	HYGROMYCIN B	12 GM/TON
80163	ZINC BACITRACIN PLUS	
	PENICILLIN	50-100 GM/TON
	ROXARSONE	.0025-.0075 PERCENT
	HYGROMYCIN B	12 GM/TON
80166	ZINC BACITRACIN PLUS	
	PENICILLIN	50-100 GM/TON COMB.
	ROXARSONE	.0025-.0075 PERCENT
	FURAZOLIDONE	.00083 PERCENT
	HYGROMYCIN B	12 GM/TON
	NITROFURAZONE	.0056 PERCENT
80236	ZINC BACITRACIN PLUS	
	PENICILLIN	10-50 GM/TON COMB.
	NICOTINE	.003-.07 PERCENT
	PHENOTHIAZINE	3-1.0 PERCENT
80238	ZINC BACITRACIN	10-50 GM/TON
	NICOTINE	.03-.07 PERCENT
	SODIUM FLUORIDE	.3 PERCENT
	SODIUM SULFATE	2 PERCENT
80241	ZINC BACITRACIN	10-50 GM/TON
	SODIUM FLUORIDE	.5-1.0 PERCENT
80242	ZINC BACITRACIN	10-50 GM/TON
	PIPERAZINE DIHYDROCHLORIDE	.18-.72 PERCENT
80243	ZINC BACITRACIN	10-50 GM/TON
	PIPERAZINE PHOSPHATE MONOHYDRATE	.23-.92 PERCENT
80244	ZINC BACITRACIN	10-50 GM/TON
	PIPERAZINE SULFATE	.21-.85 PERCENT
80245	ZINC BACITRACIN	10-50 GM/TON
	PIPERAZINE MONOHYDROCHLORIDE	.12-.52 PERCENT
80246	ZINC BACITRACIN	10-50 GM/TON
	BUTYNORATE	.07 PERCENT
	PHENOTHIAZINE	.29 PERCENT
	PIPERAZINE SULFATE	.12 PERCENT
80278	ZINC BACITRACIN PLUS	
	PENICILLIN	100 GM/TON COMB.
	FURAZOLIDONE	.00083 PERCENT
	HYGROMYCIN B	12 GM/TON
80280	ZINC BACITRACIN	10-50 GM/TON
	FURAZOLIDONE	.00083 PERCENT
	HYGROMYCIN B	12 GM/TON
80292	ZINC BACITRACIN	10-50 GM/TON
	ROXARSONE	.0025-.0075 PERCENT
	FURAZOLIDONE	.00083 PERCENT
	HYGROMYCIN B	12 GM/TON
	NITROFURAZONE	.0056 PERCENT
80027	CHLORTETRACYCLINE	100 GM/TON
	OXYTETRACYCLINE	100 GM/TON
80028	CHLORTETRACYCLINE	100 GM/TON
	ARSANILIC ACID	.005-.01 PERCENT
	OXYTETRACYCLINE	100 GM/TON
80029	CHLORTETRACYCLINE	100 GM/TON
	SODIUM ARSANILATE	.005-.01 PERCENT
	OXYTETRACYCLINE	100 GM/TON
80030	CHLORTETRACYCLINE	100 GM/TON
	ROXARSONE	.0025-.0075 PERCENT
	OXYTETRACYCLINE	100 GM/TON
80029	CHLORTETRACYCLINE	100 GM/TON
	SODIUM ARSANILATE	.005-.01 PERCENT
	OXYTETRACYCLINE	100 GM/TON
80030	CHLORTETRACYCLINE	100 GM/TON
	ROXARSONE	.0025-.0075 PERCENT
	OXYTETRACYCLINE	100 GM/TON
80127	CHLORTETRACYCLINE	10-50 GM/TON
	ROXARSONE	.0025-.0075 PERCENT
	FURAZOLIDONE	.00083 PERCENT
	HYGROMYCIN B	12 GM/TON
	NITROFURAZONE	.0056 PERCENT
80190	CHLORTETRACYCLINE	10-50 GM/TON
	PIPERAZINE DIHYDROCHLORIDE	.18-.72 PERCENT
80191	CHLORTETRACYCLINE	10-50 GM/TON
	PIPERAZINE PHOSPHATE	.23-.92 PERCENT
80192	CHLORTETRACYCLINE	10-50 GM/TON
	PIPERAZINE PHOSPHATE	.21-.85 PERCENT
80202	CHLORTETRACYCLINE	10-50 GM/TON
	FURAZOLIDONE	.00083 PERCENT
80205	CHLORTETRACYCLINE	10-50 GM/TON
	ROXARSONE	.0025-.0075 PERCENT
	FURAZOLIDONE	.00083 PERCENT
	NITROFURAZONE	.0056 PERCENT
80206	CHLORTETRACYCLINE	50-100 GM/TON
	ROXARSONE	.0025-.0075 PERCENT
	FURAZOLIDONE	.00083 PERCENT
	NITROFURAZONE	.0056 PERCENT
80207	CHLORTETRACYCLINE	100-200 GM/TON
	ROXARSONE	.0025-.0075 PERCENT
	FURAZOLIDONE	.00083 PERCENT
	NITROFURAZONE	.0056 PERCENT
80208	CHLORTETRACYCLINE	10-50 GM/TON
	ROXARSONE	.0025-.0075 PERCENT
	FURAZOLIDONE	.00083 PERCENT
80209	CHLORTETRACYCLINE	50-100 GM/TON
	ROXARSONE	.0025-.0075 PERCENT
	FURAZOLIDONE	.00083 PERCENT
80220	CHLORTETRACYCLINE	10-50 GM/TON
	PHENOTHIAZINE	.3-1.0 PERCENT
80104	FURAZOLIDONE	.00083 PERCENT
	HYGROMYCIN B	12 GM/TON
	STREPTOMYCIN	10-50 GM/TON
80179	FURAZOLIDONE	.011 PERCENT
	OXYTETRACYCLINE	50 GM/TON
80002	HYGROMYCIN B	12 GM/TON
	OXYTETRACYCLINE	50 GM/TON MAXIMUM
80035	OXYTETRACYCLINE	10-50 GM/TON
	PIPERAZINE	.6 PERCENT
80044	OXYTETRACYCLINE	150 GM/TON
	PEPSIN	
80036	PENICILLIN	10-50 GM/TON
	PIPERAZINE	.1-.4 PERCENT
80037	PENICILLIN PLUS	
	STREPTOMYCIN	10-50 GM/TON COMB.
	PIPERAZINE	.1-.4 PERCENT
80108	PENICILLIN PLUS	
	STREPTOMYCIN	45-90 GM/TON COMB.
	FURAZOLIDONE	.00083 PERCENT
	HYGROMYCIN B	12 GM/TON
80109	PENICILLIN PLUS	
	STREPTOMYCIN	90-270 GM/TON COMB.
	FURAZOLIDONE	.00083 PERCENT
	HYGROMYCIN B	12 GM/TON
80117	PENICILLIN	10-50 GM/TON
	ROXARSONE	.0025-.0075 PERCENT
	FURAZOLIDONE	.00083 PERCENT
	HYGROMYCIN B	12 GM/TON
	NITROFURAZONE	.0056 PERCENT
80134	PENICILLIN PLUS	
	STREPTOMYCIN	45-90 GM/TON COMB.

IDENTIFICATION	DRUG	DOSAGE
	ARSANILIC ACID	.005-.01 PERCENT
	HYGROMYCIN B	12 GM/TON
80135	PENICILLIN PLUS	
	STREPTOMYCIN	45-90 GM/TON COMB.
	ROXARSONE	.0025-.0075 PERCENT
	HYGROMYCIN B	12 GM/TON
80137	PENICILLIN PLUS	
	STREPTOMYCIN	45-90 GM/TON COMB.
	ROXARSONE	.0025-.0075 PERCENT
	FURAZOLIDONE	.00083 PERCENT
	HYGROMYCIN B	12 GM/TON
	NITROFURAZONE	.0056 PERCENT
80138	PENICILLIN PLUS	
	STREPTOMYCIN	90-270 GM/TON COMB.
	ARSANILIC ACID	.005-.01 PERCENT
	HYGROMYCIN B	12 GM/TON
80139	PENICILLIN PLUS	
	STREPTOMYCIN	90-270 GM/TON COMB.
	SODIUM ARSANILATE	.005-.01 PERCENT
	HYGROMYCIN B	12 GM/TON
80141	PENICILLIN PLUS	
	STREPTOMYCIN	90-270 GM/TON COMB.
	ROXARSONE	.0025-.0075 PERCENT
	FURAZOLIDONE	.00083 PERCENT
	HYGROMYCIN B	12 GM/TON
	NITROFURAZONE	.0056 PERCENT
80142	PENICILLIN PLUS	
	STREPTOMYCIN	90-270 GM/TON COMB.
	ROXARSONE	.0025-.0075 PERCENT
	FURAZOLIDONE	.00083 PERCENT
	HYGROMYCIN B	12 GM/TON
	NITROFURAZONE	.0056 PERCENT
80005	ROXARSONE	.0025-.0075 PERCENT
	FURAZOLIDONE	.00083 PERCENT
	HYGROMYCIN B	12 GM/TON
80006	ROXARSONE	.0025-.0075 PERCENT
	FURAZOLIDONE	.00083 PERCENT
	HYGROMYCIN B	12 GM/TON
	NITROFURAZONE	.0056 PERCENT
80047	ROXARSONE	.005-.01 PERCENT
	OXYTETRACYCLINE	150 GM/TON
	PEPSIN	
80077	ROXARSONE	.0025-.0075 PERCENT
	FURAZOLIDONE	.00083 PERCENT
	HYGROMYCIN B	12 GM/TON
	OXYTETRACYCLINE	50 GM/TON MAXIMUM
	NITROFURAZONE	.0056 PERCENT
80096	ROXARSONE	.0025-.0075 PERCENT
	FURAZOLIDONE	.00083 PERCENT
	HYGROMYCIN B	12 GM/TON
	OXYTETRACYCLINE	50-150 GM/TON
	NITROFURAZONE	.0056 PERCENT
80098	ROXARSONE	.0025-.0075 PERCENT
	FURAZOLIDONE	.00083 PERCENT
	HYGROMYCIN B	12 GM/TON
	OXYTETRACYCLINE	500 GM/TON
	NITROFURAZONE	.0056 PERCENT
80123	ROXARSONE	.0025-.0075 PERCENT
	FURAZOLIDONE	.00083 PERCENT
	HYGROMYCIN B	12 GM/TON
	NITROFURAZONE	.0056 PERCENT
	STREPTOMYCIN	10-50 GM/TON
80318	ROXARSONE	.0025-.0075 PERCENT
	SODIUM ARSANILATE	.005-.01 PERCENT
	FURAZOLIDONE	.011 PERCENT
	OXYTETRACYCLINE	100 GM/TON
80033	SODIUM ARSANILATE	.005-.01 PERCENT
	OXYTETRACYCLINE	150 GM/TON
	NITROFURAZONE	.0056 PERCENT
80046	SODIUM ARSANILATE	.005-.01 PERCENT
	OXYTETRACYCLINE	150 GM/TON
	PEPSIN	
80090	SODIUM ARSANILATE	.005-.01 PERCENT
	HYGROMYCIN B	12 GM/TON
	OXYTETRACYCLINE	500 GM/TON

SPECIES: TURKEY UNSPECIFIED

84185	ACETYLAMINO-NITROTHIAZOLE	.015 PERCENT
	STREPTOMYCIN	30-50 GM/TON
84174	AMPROLIUM	.0125-.025 PERCENT
	MANGANESE BACITRACIN PLUS PENICILLIN	3.6-50 GM/TON COMB.
84213	AMPROLIUM	.0125-.025 PERCENT
	STREPTOMYCIN	30-50 GM/TON
84214	AMPROLIUM	.0125-.025 PERCENT
	PENICILLIN PLUS STREPTOMYCIN	14.4-50 GM/TON COMB.
84215	AMPROLIUM	.0125-.025 PERCENT
	BACITRACIN	4-50 GM/TON
84216	AMPROLIUM	.0125-.025 PERCENT
	BACITRACIN PLUS PENICILLIN	3.6-50 GM/TON COMB.
84003	ARSANILIC ACID	.005-.010 PERCENT
	BACITRACIN METHYLENE DISALICYLATE PLUS PENICILLIN	50-100 GM/TON COMB.
84039	ARSANILIC ACID	.005-.010 PERCENT
	BACITRACIN	4-50 GM/TON
	ACETYLAMINO-NITROTHIAZOLE	.015 PERCENT
84090	ARSANILIC ACID	.005-.010 PERCENT
	BACITRACIN PLUS PENICILLIN	100-500 GM/TON COMB.
84146	ARSANILIC ACID	.005-.010 PERCENT
	BACITRACIN PLUS PENICILLIN	3.6-50 GM/TON COMB.
84166	ARSANILIC ACID	.005-.010 PERCENT
	BACITRACIN PLUS PENICILLIN	50-100 GM/TON COMB.
84276	ARSANILIC ACID	.005-.01 PERCENT
	AMINO NITROTHIAZOLE	.05-10 PERCENT
	OXYTETRACYCLINE	200 GM/TON
84343	ARSANILIC ACID	.005-.01 PERCENT
	BACITRACIN METHYLENE DISALICYLATE PLUS PENICILLIN	100-200 GM/TON COMB.
84410	ARSANILIC ACID	.005-.01 PERCENT
	BACITRACIN METHYLENE DISALICYLATE PLUS PENICILLIN	3.6-50 GM/TON COMB.
	ACETYLAMINO-NITROTHIAZOLE	.015 PERCENT
84424	ARSANILIC ACID	.005-.01 PERCENT
	BACITRACIN METHYLENE DISALICYLATE PLUS PENICILLIN	3.6-50 GM/TON COMB.
	ACETYLAMINO-NITROTHIAZOLE	.05 PERCENT
84431	ARSANILIC ACID	.005-.01 PERCENT
	BACITRACIN METHYLENE DISALICYLATE	4-50 GM/TON
	ACETYLAMINO-NITROTHIAZOLE	.05 PERCENT
84581	ARSANILIC ACID	.005-.01 PERCENT
	ZINC BACITRACIN PLUS PENICILLIN	3.6-50 GM/TON COMB.
84618	ARSANILIC ACID	.005-.01 PERCENT
	ZINC BACITRACIN PLUS PENICILLIN	3.6-50 GM/TON COMB.
	ACETYLAMINO-NITROTHIAZOLE	.015 PERCENT
85077	ARSANILIC ACID	.005-.010 PERCENT
	ZINC BACITRACIN PLUS PENICILLIN	3.6-50 GM/TON COMB.
	ACETYLAMINO-NITROTHIAZOLE	.05 PERCENT
84038	BACITRACIN	4-50 GM/TON
	ACETYLAMINO-NITROTHIAZOLE	.015 PERCENT
84069	BACITRACIN	4-50 GM/TON
	NYSTATIN	50 GM/TON
84070	BACITRACIN PLUS PENICILLIN	3.6-50 GM/TON COMB.
	NYSTATIN	50 GM/TON
84071	BACITRACIN	4-50 GM/TON
	NYSTATIN	100 GM/TON
84072	BACITRACIN PLUS PENICILLIN	3.6-50 GM/TON COMB.
	NYSTATIN	100 GM/TON
84193	BACITRACIN PLUS PENICILLIN	3.6-50 GM/TON COMB.
	ACETYLAMINO-NITROTHIAZOLE	.015 PERCENT
84175	MANGANESE BACITRACIN	4-50 GM/TON
	NYSTATIN	50 GM/TON

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IDENTIFICATION	DRUG	DOSAGE
84176	MANGANESE BACITRACIN PLUS PENICILLIN NYSTATIN	3.6-50 GM/TON COMB. 50 GM/TON
84177	MANGANESE BACITRACIN NYSTATIN	4-50 GM/TON 100 GM/TON
84178	MANGANESE BACITRACIN PLUS PENICILLIN NYSTATIN	3.6-50 GM/TON COMB. 100 GM/TON
84406	BACITRACIN METHYLENE DISALICYLATE PLUS PENICILLIN NYSTATIN	3.6-50 GM/TON COMB. 50 GM/TON
84407	BACITRACIN METHYLENE DISALICYLATE NYSTATIN	4-50 GM/TON 50 GM/TON
84408	BACITRACIN METHYLENE DISALICYLATE PLUS PENICILLIN	3.6-50 GM/TON COMB.
84409	BACITRACIN METHYLENE DISALICYLATE NYSTATIN	4-50 GM/TON 100 GM/TON
85105	BACITRACIN METHYLENE DISALICYLATE PLUS PENICILLIN ACETYLAMINO-NITROTHIAZOLE	3.6-50 GM/TON COMB. .015 PERCENT
85107	BACITRACIN METHYLENE DISALICYLATE PLUS PENICILLIN ACETYLAMINO-NITROTHIAZOLE	3.6-50 GM/TON COMB. .05 PERCENT
85108	BACITRACIN METHYLENE DISALICYLATE ACETYLAMINO-NITROTHIAZOLE	4-50 GM/TON .05 PERCENT
84616	ZINC BACITRACIN PLUS PENICILLIN NYSTATIN	3.6-50 GM/TON COMB. 50 GM/TON
84617	ZINC BACITRACIN PLUS PENICILLIN NYSTATIN	3.6-50 GM/TON COMB. 100 GM/TON
84744	ZINC BACITRACIN NYSTATIN	4-50 GM/TON 100 GM/TON
84746	ZINC BACITRACIN PLUS PENICILLIN ACETYLAMINO-NITROTHIAZOLE	3.6-50 GM/TON COMB. .05 PERCENT
85073	ZINC BACITRACIN PLUS PENICILLIN ACETYLAMINO-NITROTHIAZOLE	3.6-50 GM/TON COMB. .015 PERCENT
84388	BUTYNORATE PHENOTHIAZINE PIPERAZINE SULFATE BACITRACIN METHYLENE DISALICYLATE	.07 PERCENT .29 PERCENT .12 PERCENT 4-50 GM/TON
84400	BUTYNORATE PHENOTHIAZINE PIPERAZINE SULFATE BACITRACIN METHYLENE DISALICYLATE PLUS PENICILLIN	.07 PERCENT .29 PERCENT .12 PERCENT 3.6-50 GM/TON COMB.
84465	BUTYNORATE ZINC BACITRACIN PLUS PENICILLIN DINITRODIP ENYLSULFONYLETHYLENE DIAMINE SULFANITRAN	.02 PERCENT 3.6-50 GM/TON COMB. .02 PERCENT .03 PERCENT
84782	BUTYNORATE PHENOTHIAZINE PIPERAZINE SULFATE ZINC BACITRACIN PLUS PENICILLIN	.07 PERCENT .29 PERCENT .12 PERCENT 3.6-50 GM/TON COMB.
84191	CHLORTETRACYCLINE ACETYLAMINO-NITROTHIAZOLE	10-50 GM/TON .015 PERCENT
84534	CHLORTETRACYCLINE NYSTATIN	10-50 GM/TON 50 GM/TON
84535	CHLORTETRACYCLINE NYSTATIN	10-50 GM/TON 100 GM/TON
85139	CHLORTETRACYCLINE ACETYLAMINO-NITROTHIAZOLE	10-50 GM/TON .10 PERCENT
84496	DIENESTROL DIACETATE FURAZOLIDONE	.0023-.007 PERCENT .00083 PERCENT
84522	BACITRACIN DIENESTROL DIACETATE CHLORTETRACYCLINE	4-50 GM/TON .0023-.007 PERCENT 10-50 GM/TON
84523	DIENESTROL DIACETATE CHLORTETRACYCLINE	.0023-.007 PERCENT 50-100 GM/TON
84524	DIENESTROL DIACETATE CHLORTETRACYCLINE	.0023-.007 PERCENT 100-200 GM/TON
85134	DIENESTROL DIACETATE FURAZOLIDONE	.0023-.007 PERCENT .00083 PERCENT
85135	BACITRACIN PLUS PENICILLIN DIENESTROL DIACETATE FURAZOLIDONE	3.6-50 GM/TON COMB. .0023-.007 PERCENT .00083 PERCENT
85136	CHLORTETRACYCLINE DIENESTROL DIACETATE FURAZOLIDONE	10-50 GM/TON .0023-.007 PERCENT .00083 PERCENT
85203	PENICILLIN DIENESTROL DIACETATE FURAZOLIDONE	2.4-50 GM/TON .0023-.007 PERCENT .011 PERCENT
85204	BACITRACIN DIENESTROL DIACETATE FURAZOLIDONE	4-50 GM/TON .0023-.007 PERCENT .011 PERCENT
85205	BACITRACIN PLUS PENICILLIN DIENESTROL DIACETATE FURAZOLIDONE	3.6-50 GM/TON COMB. .0023-.007 PERCENT .011 PERCENT
85206	CHLORTETRACYCLINE DIENESTROL DIACETATE FURAZOLIDONE	10-50 GM/TON .0023-.007 PERCENT .011 PERCENT
85207	PENICILLIN DIENESTROL DIACETATE FURAZOLIDONE	4-50 GM/TON .0023-.007 PERCENT .011 PERCENT
85208	PENICILLIN PLUS STREPTOMYCIN DIENESTROL DIACETATE FURAZOLIDONE	14.4-50 GM/TON COMB. .0023-.007 PERCENT .022 PERCENT
85209	BACITRACIN DIENESTROL DIACETATE FURAZOLIDONE	4-50 GM/TON .0023-.007 PERCENT .022 PERCENT
85210	BACITRACIN PLUS PENICILLIN DIENESTROL DIACETATE FURAZOLIDONE	3.6-50 GM/TON COMB. .0023-.007 PERCENT .022 PERCENT
85211	CHLORTETRACYCLINE DIENESTROL DIACETATE FURAZOLIDONE	10-50 GM/TON .0023-.007 PERCENT .022 PERCENT
85212	PENICILLIN DIENESTROL DIACETATE FURAZOLIDONE	2.4-50 GM/TON .0023-.007 PERCENT .022 PERCENT
85213	PENICILLIN PLUS STREPTOMYCIN DIENESTROL DIACETATE FURAZOLIDONE	14.4-50 GM/TON COMB. .0023-.007 PERCENT .0055 PERCENT
85215	BACITRACIN DIENESTROL DIACETATE FURAZOLIDONE	4-50 GM/TON .0023-.007 PERCENT .0055 PERCENT
85216	CHLORTETRACYCLINE DIENESTROL DIACETATE FURAZOLIDONE	10-50 GM/TON .0023-.007 PERCENT .0055 PERCENT
85217	PENICILLIN DIENESTROL DIACETATE FURAZOLIDONE	2.4-50 GM/TON .0023-.007 PERCENT .0055 PERCENT
84013	PENICILLIN PLUS STREPTOMYCIN FURAZOLIDONE BACITRACIN METHYLENE DISALICYLATE	14.4-50 GM/TON COMB. .00083 PERCENT 50-100 GM/TON
84042	FURAZOLIDONE BACITRACIN ACETYLAMINO-NITROTHIAZOLE	.00083 PERCENT 4-50 GM/TON .015 PERCENT
84087	FURAZOLIDONE BACITRACIN	.00083 PERCENT 100-500 GM/TON
84169	FURAZOLIDONE BACITRACIN PLUS PENICILLIN	.00083 PERCENT 50-100 GM/TON COMB.
84204	FURAZOLIDONE OXYTETRACYCLINE	.00083 PERCENT 50 GM/TON
84267	FURAZOLIDONE OXYTETRACYCLINE	.00083 PERCENT 200 GM/TON

IDENTIFICATION	DRUG	DOSAGE
84346	FURAZOLIDONE	.00083 PERCENT
84353	BACITRACIN METHYLENE DISALICYLATE PLUS PENICILLIN FURAZOLIDONE	100-200 GM/TON COMB. .00083 PERCENT
84413	BACITRACIN METHYLENE DISALICYLATE FURAZOLIDONE	100-200 GM/TON .00083 PERCENT
84451	BACITRACIN METHYLENE DISALICYLATE PLUS PENICILLIN ACETYLAMINO-NITROTHIAZOLE FURAZOLIDONE	3.6-50 GM/TON COMB. .015 PERCENT .00083 PERCENT
84458	BACITRACIN METHYLENE DISALICYLATE FURAZOLIDONE	4-50 GM/TON .00083 PERCENT
84499	BACITRACIN METHYLENE DISALICYLATE PLUS PENICILLIN FURAZOLIDONE CHLORTETRACYCLINE PLUS OXYTETRACYCLINE	3.6-50 GM/TON COMB. .00083 PERCENT 50 GM/TON COMB.
84503	FURAZOLIDONE CHLORTETRACYCLINE	.00083 PERCENT 100 GM/TON
84505	FURAZOLIDONE CHLORTETRACYCLINE PLUS OXYTETRACYCLINE	.00083 PERCENT 100 GM/TON COMB.
84510	FURAZOLIDONE BACITRACIN	.00083 PERCENT 4-50 GM/TON
84511	FURAZOLIDONE BACITRACIN PLUS PENICILLIN	.00083 PERCENT 3.6-50 GM/TON COMB.
84512	FURAZOLIDONE CHLORTETRACYCLINE	.00083 PERCENT 10-50 GM/TON
84513	FURAZOLIDONE PENICILLIN	.00083 PERCENT 2.4-50 GM/TON
84584	FURAZOLIDONE ZINC BACITRACIN PLUS PENICILLIN	.00083 PERCENT 3.6-50 GM/TON COMB.
84621	FURAZOLIDONE ZINC BACITRACIN PLUS PENICILLIN ACETYLAMINO-NITROTHIAZOLE	.00083 PERCENT 3.6-50 GM/TON COMB. .015 PERCENT
84759	FURAZOLIDONE ZINC BACITRACIN	.00083 PERCENT 4-50 GM/TON
85080	FURAZOLIDONE ZINC BACITRACIN PLUS PENICILLIN ACETYLAMINO-NITROTHIAZOLE	.00083 PERCENT 3.6-50 GM/TON COMB. .05 PERCENT
85140	FURAZOLIDONE ZINC BACITRACIN	.00083 PERCENT 100 GM/TON
85143	FURAZOLIDONE PENICILLIN	.00083 PERCENT 100 GM/TON
85156	FURAZOLIDONE CHLORTETRACYCLINE	.00083 PERCENT 200 GM/TON
85158	FURAZOLIDONE CHLORTETRACYCLINE PLUS OXYTETRACYCLINE	.00083 PERCENT 200 GM/TON COMB.
85194	FURAZOLIDONE BACITRACIN PLUS PENICILLIN	.022 PERCENT 3.6-50 GM/TON COMB.
85199	FURAZOLIDONE BACITRACIN PLUS PENICILLIN	.0055 PERCENT 3.6-50 GM/TON COMB.
85202	FURAZOLIDONE PENICILLIN PLUS STREPTOMYCIN	.0055 PERCENT 14.4-50 GM/TON COMB.
85222	FURAZOLIDONE PENICILLIN PLUS STREPTOMYCIN	.00083 PERCENT 14.4-50 GM/TON COMB.
85224	ACETYLAMINO-NITROTHIAZOLE FURAZOLIDONE BACITRACIN PLUS PENICILLIN	.015-.05 PERCENT .00083 PERCENT 100-500 GM/TON COMB.
84442	NIHYDRAZONE BACITRACIN METHYLENE DISALICYLATE PLUS PENICILLIN	.011 PERCENT 3.6-50 GM/TON COMB.
84022	NITARSONE	.01875 PERCENT
84049	ZINC BACITRACIN PLUS PENICILLIN NITHIAZIDE	3.6-50 GM/TON COMB. .0125-.04 PERCENT
84050	BACITRACIN NITHIAZIDE	4-50 GM/TON .0125-.04 PERCENT
84257	BACITRACIN PLUS PENICILLIN NITHIAZIDE	3.6-50 GM/TON COMB. .0125-.04 PERCENT
84258	OXYTETRACYCLINE NITHIAZIDE	50 GM/TON .0125-.04 PERCENT
84440	PENICILLIN NITHIAZIDE	2.4-50 GM/TON .0125-.04 PERCENT
84445	BACITRACIN METHYLENE DISALICYLATE PLUS PENICILLIN NITHIAZIDE	3.6-50 GM/TON COMB. .0125-.04 PERCENT
84514	BACITRACIN METHYLENE DISALICYLATE NITHIAZIDE FURAZOLIDONE	4-50 GM/TON .0125-.04 PERCENT .00083 PERCENT
84533	BACITRACIN NITHIAZIDE	4-50 GM/TON .0125-.04 PERCENT
84628	CHLORTETRACYCLINE NITHIAZIDE	10-50 GM/TON .0125-.04 PERCENT
84738	ZINC BACITRACIN PLUS PENICILLIN NITHIAZIDE	3.6-50 GM/TON COMB. .0125-.04 PERCENT
85125	ZINC BACITRACIN NITHIAZIDE FURAZOLIDONE	4-50 GM/TON .0125-.04 PERCENT .00083 PERCENT
85126	BACITRACIN PLUS PENICILLIN NITHIAZIDE FURAZOLIDONE	3.6-50 GM/TON COMB. .0125-.04 PERCENT .00083 PERCENT
85127	CHLORTETRACYCLINE NITHIAZIDE FURAZOLIDONE	10-50 GM/TON .0125-.04 PERCENT .00083 PERCENT
85128	PENICILLIN NITHIAZIDE FURAZOLIDONE PENICILLIN PLUS STREPTOMYCIN	10-50 GM/TON .0125-.04 PERCENT .00083 PERCENT 14.4-50 GM/TON COMB.
84007	NITROFURAZONE FURAZOLIDONE BACITRACIN METHYLENE DISALICYLATE PLUS PENICILLIN	.0056 PERCENT .00083 PERCENT 50-100 GM/TON COMB.
84014	NITROFURAZONE FURAZOLIDONE BACITRACIN METHYLENE DISALICYLATE	.0056 PERCENT .00083 PERCENT 50-100 GM/TON
84056	NITROFURAZONE SULFAQUINOXALINE FURAZOLIDONE BACITRACIN	.0056 PERCENT .01-.02 PERCENT .00083 PERCENT 4-50 GM/TON
84058	2,4-DIAMINO-5-(PARA-CHLOROPHENYL)-6-ETHYL PYRIMIDINE NITROFURAZONE ROXARSONE SULFAQUINOXALINE FURAZOLIDONE BACITRACIN	.003-.006 PERCENT .0056 PERCENT .0025-.005 PERCENT .01-.02 PERCENT .00083 PERCENT 4-50 GM/TON
84064	2,4-DIAMINO-5-(PARA-CHLOROPHENYL)-6-ETHYL PYRIMIDINE NITROFURAZONE SULFAQUINOXALINE FURAZOLIDONE BACITRACIN PLUS PENICILLIN	.003-.006 PERCENT .0056 PERCENT .01-.02 PERCENT .00083 PERCENT 3.6-50 GM/TON COMB.
84066	2,4-DIAMINO-5-(PARA-CHLOROPHENYL)-6-ETHYL PYRIMIDINE NITROFURAZONE ROXARSONE SULFAQUINOXALINE FURAZOLIDONE BACITRACIN PLUS	.003-.006 PERCENT .0056 PERCENT .0025-.005 PERCENT .01-.02 PERCENT .00083 PERCENT

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IDENTIFICATION	DRUG	DOSAGE
	PENICILLIN	3.6-50 GM/TON COMB.
	2,4-DIAMINO-5-(PARA-CHLOROPHENYL)-6-ETHYL PYRIMIDINE	.003-.006 PERCENT
84088	NITROFURAZONE	.0056 PERCENT
	FURAZOLIDONE	.00083 PERCENT
	BACITRACIN	100-500 GM/TON
84094	NITROFURAZONE	.0056 PERCENT
	FURAZOLIDONE	.00083 PERCENT
	BACITRACIN PLUS PENICILLIN	100-500 GM/TON COMB.
84112	NITROFURAZONE	.0056 PERCENT
	BACITRACIN PLUS PENICILLIN	3.6-50 GM/TON COMB.
84113	NITROFURAZONE	.00112 PERCENT
	BACITRACIN PLUS PENICILLIN	3.6-50 GM/TON COMB.
84114	NITROFURAZONE	.0056 PERCENT
	FURAZOLIDONE	.00083 PERCENT
	BACITRACIN	4-50 GM/TON
84116	NITROFURAZONE	.0056 PERCENT
	FURAZOLIDONE	.00083 PERCENT
	BACITRACIN PLUS PENICILLIN	3.6-50 GM/TON COMB.
84159	NITROFURAZONE	.0056 PERCENT
	FURAZOLIDONE	.00083 PERCENT
	BACITRACIN	4-50 GM/TON
84164	NITROFURAZONE	.0056 PERCENT
	FURAZOLIDONE	.00083 PERCENT
	BACITRACIN	50-100 GM/TON
84230	NITROFURAZONE	.0056 PERCENT
	FURAZOLIDONE	.00083 PERCENT
	CHLORTETRACYCLINE	50 GM/TON
84232	NITROFURAZONE	.0056 PERCENT
	FURAZOLIDONE	.00083 PERCENT
	CHLORTETRACYCLINE PLUS OXYTETRACYCLINE	50 GM/TON COMB.
84234	NITROFURAZONE	.0056 PERCENT
	FURAZOLIDONE	.00083 PERCENT
	CHLORTETRACYCLINE	100 GM/TON
84235	NITROFURAZONE	.0056 PERCENT
	FURAZOLIDONE	.00083 PERCENT
	OXYTETRACYCLINE	100 GM/TON
84236	NITROFURAZONE	.0056 PERCENT
	FURAZOLIDONE	.00083 PERCENT
	CHLORTETRACYCLINE PLUS OXYTETRACYCLINE	100 GM/TON COMB.
84237	NITROFURAZONE	.0056 PERCENT
	FURAZOLIDONE	.00083 PERCENT
	PENICILLIN PLUS STREPTOMYCIN	90-180 GM/TON COMB.
84241	NITROFURAZONE	.0056 PERCENT
	FURAZOLIDONE	.00083 PERCENT
	OXYTETRACYCLINE	200 GM/TON
84242	NITROFURAZONE	.0056 PERCENT
	FURAZOLIDONE	.00083 PERCENT
	CHLORTETRACYCLINE PLUS OXYTETRACYCLINE	200 GM/TON COMB.
84244	NITROFURAZONE	.0056 PERCENT
	FURAZOLIDONE	.00083 PERCENT
	ZINC BACITRACIN	100 GM/TON
84246	NITROFURAZONE	.0056 PERCENT
	FURAZOLIDONE	.00083 PERCENT
	BACITRACIN	100 GM/TON
84247	NITROFURAZONE	.0056 PERCENT
	FURAZOLIDONE	.00083 PERCENT
	BACITRACIN METHYLENE DISALICYLATE	100 GM/TON
84249	NITROFURAZONE	.0056 PERCENT
	FURAZOLIDONE	.00083 PERCENT
	PENICILLIN	100 GM/TON
84250	NITROFURAZONE	.0056 PERCENT
	FURAZOLIDONE	.00083 PERCENT
	ZINC BACITRACIN PLUS PENICILLIN	100 GM/TON COMB.
84252	NITROFURAZONE	.0056 PERCENT
	FURAZOLIDONE	.00083 PERCENT
	BACITRACIN PLUS PENICILLIN	100 GM/TON COMB.
84280	NITROFURAZONE	.0056 PERCENT
	FURAZOLIDONE	.00083 PERCENT
	AMINO NITROTHIAZOLE	.05-.1 PERCENT
	OXYTETRACYCLINE	200 GM/TON
84296	NITROFURAZONE	.0056 PERCENT
	SULFAQUINOXALINE	.0075 PERCENT
	FURAZOLIDONE	.00083 PERCENT
	OXYTETRACYCLINE	50 GM/TON
	2,4-DIAMINO-5-(PARA-CHLOROPHENYL)-6-ETHYL PYRIMIDINE	.00075 PERCENT
84298	NITROFURAZONE	.0056 PERCENT
	ROXARSONE	.0025-.005 PERCENT
	SULFAQUINOXALINE	.0075 PERCENT
	FURAZOLIDONE	.00083 PERCENT
	OXYTETRACYCLINE	50 GM/TON
	2,4-DIAMINO-5-(PARA-CHLOROPHENYL)-6-ETHYL PYRIMIDINE	.00075 PERCENT
84322	NITROFURAZONE	.0056 PERCENT
	NITROPHENIDE	.05 PERCENT
	FURAZOLIDONE	.00083 PERCENT
	OXYTETRACYCLINE	200 GM/TON
84347	NITROFURAZONE	.0056 PERCENT
	FURAZOLIDONE	.00083 PERCENT
	BACITRACIN METHYLENE DISALICYLATE PLUS PENICILLIN	100-200 GM/TON COMB.
84354	NITROFURAZONE	.0056 PERCENT
	FURAZOLIDONE	.00083 PERCENT
	BACITRACIN METHYLENE DISALICYLATE	100-200 GM/TON
84365	NITROFURAZONE	.0056 PERCENT
	FURAZOLIDONE	.00083 PERCENT
	BACITRACIN METHYLENE DISALICYLATE	4-50 GM/TON
84375	NITROFURAZONE	.0056 PERCENT
	FURAZOLIDONE	.00083 PERCENT
	BACITRACIN METHYLENE DISALICYLATE PLUS PENICILLIN	3.6-50 GM/TON COMB.
84414	NITROFURAZONE	.0056 PERCENT
	FURAZOLIDONE	.00083 PERCENT
	BACITRACIN METHYLENE DISALICYLATE PLUS PENICILLIN	3.6-50 GM/TON COMB.
	ACETYLAMINO-NITROTHIAZOLE	.015 PERCENT
84416	NITROFURAZONE	.0056 PERCENT
	ROXARSONE	.0025-.005 PERCENT
	FURAZOLIDONE	.00083 PERCENT
	BACITRACIN METHYLENE DISALICYLATE PLUS PENICILLIN	3.6-50 GM/TON COMB.
	ACETYLAMINO-NITROTHIAZOLE	.015 PERCENT
84489	NITROFURAZONE	.0056 PERCENT
	FURAZOLIDONE	.00083 PERCENT
	PENICILLIN PLUS STREPTOMYCIN	14.4-50 GM/TON COMB.
84551	NITROFURAZONE	.0056 PERCENT
	FURAZOLIDONE	.00083 PERCENT
	CHLORTETRACYCLINE	10-50 GM/TON
84552	NITROFURAZONE	.0056 PERCENT
	FURAZOLIDONE	.00083 PERCENT
	CHLORTETRACYCLINE	50-100 GM/TON
84553	NITROFURAZONE	.0056 PERCENT
	FURAZOLIDONE	.00083 PERCENT
	CHLORTETRACYCLINE	100-200 GM/TON
84593	NITROFURAZONE	.0112 PERCENT
	ZINC BACITRACIN PLUS PENICILLIN	3.6-50 GM/TON COMB.
84594	NITROFURAZONE	.0056 PERCENT
	FURAZOLIDONE	.00083 PERCENT
	ZINC BACITRACIN PLUS PENICILLIN	3.6-50 GM/TON COMB.
84623	NITROFURAZONE	.0056 PERCENT
	FURAZOLIDONE	.00083 PERCENT
	ZINC BACITRACIN PLUS PENICILLIN	3.6-50 GM/TON COMB.
	ACETYLAMINO-NITROTHIAZOLE	.015 PERCENT

IDENTIFICATION	DRUG	DOSAGE
84640	NITROFURAZONE	.0056 PERCENT
	FURAZOLIDONE	.00083 PERCENT
	ACETYLAMINO-NITROTHIAZOLE	.05 PERCENT
	STREPTOMYCIN	30-50 GM/TON
84642	NITROFURAZONE	.0056 PERCENT
	ROXARSONE	.0025-.005 PERCENT
	FURAZOLIDONE	.00083 PERCENT
	ACETYLAMINO-NITROTHIAZOLE	.05 PERCENT
	STREPTOMYCIN	30-50 GM/TON
84678	NITROFURAZONE	.0056 PERCENT
	BACITRACIN METHYLENE DISALICYLATE PLUS PENICILLIN	3.6-50 GM/TON COMB.
84679	NITROFURAZONE	.0112 PERCENT
	BACITRACIN METHYLENE DISALICYLATE PLUS PENICILLIN	3.6-50 GM/TON COMB.
84691	NITROFURAZONE	.0056 PERCENT
	FURAZOLIDONE	.00083 PERCENT
	BACITRACIN METHYLENE DISALICYLATE	4-50 GM/TON
84761	NITROFURAZONE	.0056 PERCENT
	FURAZOLIDONE	.00083 PERCENT
	ZINC BACITRACIN	4-50 GM/TON
85012	NITROFURAZONE	.0125-.025 PERCENT
	ZINC BACITRACIN PLUS PENICILLIN	3.6-50 GM/TON COMB.
85013	NITROFURAZONE	.0112 PERCENT
	ZINC BACITRACIN PLUS PENICILLIN	3.6-50 GM/TON COMB.
85071	NITROFURAZONE	.0056 PERCENT
	SULFAQUINOXALINE	.0075 PERCENT
	FURAZOLIDONE	.00083 PERCENT
	BACITRACIN PLUS PENICILLIN	100-500 GM/TON
	2,4-DIAMINO-5-(PARA-CHLOROPHENYL)-6-ETHYL PYRIMIDINE	.00075 PERCENT
84106	NITROPHENIDE	.0125-.025 PERCENT
	BACITRACIN	4-50 GM/TON
84323	NITROPHENIDE	.0125-.05 PERCENT
	ROXARSONE	.0025-.005 PERCENT
	FURAZOLIDONE	.00083 PERCENT
	OXYTETRACYCLINE	200 GM/TON
84335	NITROPHENIDE	.0125-.025 PERCENT
	AMINO NITROTHIAZOLE	.05-.10 PERCENT
	OXYTETRACYCLINE	200 GM/TON
84360	NITROPHENIDE	.0125-.025 PERCENT
	BACITRACIN METHYLENE DISALICYLATE	4-50 GM/TON
84370	NITROPHENIDE	.0125-.025 PERCENT
	BACITRACIN METHYLENE DISALICYLATE PLUS PENICILLIN	3.6-50 GM/TON COMB.
84371	NITROPHENIDE	.05 PERCENT
	BACITRACIN METHYLENE DISALICYLATE PLUS PENICILLIN	3.6-50 GM/TON COMB.
84484	NITROPHENIDE	.0125-.025 PERCENT
	PENICILLIN	2.4-50 GM/TON
84488	NITROPHENIDE	.0125-.025 PERCENT
	PENICILLIN PLUS STREPTOMYCIN	14.4-50 GM/TON COMB.
84590	NITROPHENIDE	.0125-.025 PERCENT
	ZINC BACITRACIN PLUS PENICILLIN	3.6-50 GM/TON COMB.
84591	NITROPHENIDE	.05 PERCENT
	ZINC BACITRACIN PLUS PENICILLIN	3.6-50 GM/TON COMB.
85019	NITROPHENIDE	.0125-.025 PERCENT
	ZINC BACITRACIN	4-50 GM/TON
85020	NITROPHENIDE	.05 PERCENT
	ZINC BACITRACIN	4-50 GM/TON
84188	NYSTATIN	50-100 GM/TON
	PENICILLIN	2.4-50 GM/TON
84189	NYSTATIN	50-100 GM/TON
	STREPTOMYCIN	30-50 GM/TON
84118	PHENOTHIAZINE	.3-1 PERCENT
	BACITRACIN	4-50 GM/TON
	NICOTINE	.03-.07 PERCENT
84119	PHENOTHIAZINE	.3-1 PERCENT
	BACITRACIN	4-50 GM/TON
84128	PHENOTHIAZINE	.3-1 PERCENT
	BACITRACIN PLUS PENICILLIN	3.6-50 GM/TON COMB.
	NICOTINE	.03-.07 PERCENT
84129	PHENOTHIAZINE	.3-1 PERCENT
	BACITRACIN PLUS PENICILLIN	3.6-50 GM/TON COMB.
84377	PHENOTHIAZINE	.3-1 PERCENT
	BACITRACIN METHYLENE DISALICYLATE	4-50 GM/TON
	NICOTINE	.03-.07 PERCENT
84378	PHENOTHIAZINE	.3-1 PERCENT
	BACITRACIN METHYLENE DISALICYLATE	4-50 GM/TON
84389	PHENOTHIAZINE	.3-1 PERCENT
	BACITRACIN METHYLENE DISALICYLATE PLUS PENICILLIN	3.6-50 GM/TON COMB.
	NICOTINE	.03-.07 PERCENT
84390	PHENOTHIAZINE	.3-1 PERCENT
	BACITRACIN METHYLENE DISALICYLATE PLUS PENICILLIN	3.6-50 GM/TON COMB.
84596	PHENOTHIAZINE	.3-1 PERCENT
	ZINC BACITRACIN PLUS PENICILLIN	3.6-50 GM/TON COMB.
	NICOTINE	.03-.07 PERCENT
84597	PHENOTHIAZINE	.3-1 PERCENT
	ZINC BACITRACIN PLUS PENICILLIN	3.6-50 GM/TON COMB.
84796	PHENOTHIAZINE	.3-1 PERCENT
	ZINC BACITRACIN	4-50 GM/TON
84127	PIPERAZINE	.21-.85 PERCENT
	BACITRACIN	4-50 GM/TON
84341	PIPERAZINE	.1-.4 PERCENT
	OXYTETRACYCLINE	10-50 GM/TON
84342	PIPERAZINE	.1-.4 PERCENT
	PENICILLIN	2.4-50 GM/TON
84125	PIPERAZINE DIHYDROCHLORIDE	.18-.72 PERCENT
	BACITRACIN	4-50 GM/TON
84135	PIPERAZINE DIHYDROCHLORIDE	.18-.72 PERCENT
	BACITRACIN PLUS PENICILLIN	3.6-50 GM/TON COMB.
84384	PIPERAZINE DIHYDROCHLORIDE	.18-.72 PERCENT
	BACITRACIN METHYLENE DISALICYLATE	4-50 GM/TON
84396	PIPERAZINE DIHYDROCHLORIDE	.18-.72 PERCENT
	BACITRACIN METHYLENE DISALICYLATE PLUS PENICILLIN	3.6-50 GM/TON COMB.
84568	PIPERAZINE DIHYDROCHLORIDE	.18-.72 PERCENT
	CHLORTETRACYCLINE	10-50 GM/TON
84603	PIPERAZINE DIHYDROCHLORIDE	.18-.72 PERCENT
	ZINC BACITRACIN PLUS PENICILLIN	3.6-50 GM/TON COMB.
84790	PIPERAZINE DIHYDROCHLORIDE	.18-.72 PERCENT
	ZINC BACITRACIN	4-50 GM/TON
84138	PIPERAZINE MONOHYDROCHLORIDE	.13-.52 PERCENT
	BACITRACIN	4-50 GM/TON
84387	PIPERAZINE MONOHYDROCHLORIDE	.13-.52 PERCENT
	BACITRACIN METHYLENE DISALICYLATE	4-50 GM/TON
84399	PIPERAZINE MONOHYDROCHLORIDE	.13-.52 PERCENT
	BACITRACIN METHYLENE DISALICYLATE PLUS PENICILLIN	3.6-50 GM/TON COMB.
84606	PIPERAZINE MONOHYDROCHLORIDE	.13-.52 PERCENT
	ZINC BACITRACIN PLUS PENICILLIN	3.6-50 GM/TON COMB.
84793	PIPERAZINE MONOHYDROCHLORIDE	.13-.52 PERCENT
	ZINC BACITRACIN	4-50 GM/TON
84126	PIPERAZINE PHOSPHATE MONOHYDRATE	.18-.72 PERCENT
	BACITRACIN	4-50 GM/TON
84136	PIPERAZINE PHOSPHATE MONOHYDRATE	.23-.92 PERCENT

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IDENTIFICATION	DRUG	DOSAGE
84397	BACITRACIN PLUS PENICILLIN PIPERAZINE PHOSPHATE MONOHYDRATE BACITRACIN METHYLENE DISALICYLATE PLUS PENICILLIN	3.6-50 GM/TON COMB. .23-.92 PERCENT 3.6-50 GM/TON COMB.
84569	PIPERAZINE PHOSPHATE MONOHYDRATE CHLORTETRACYCLINE	.23-.92 PERCENT 10-50 GM/TON
84604	PIPERAZINE PHOSPHATE MONOHYDRATE ZINC BACITRACIN PLUS PENICILLIN	.23-.92 PERCENT 3.6-50 GM/TON COMB.
84669	PIPERAZINE PHOSPHATE MONOHYDRATE BACITRACIN METHYLENE DISALICYLATE	.23-.92 PERCENT 4-50 GM/TON
84791	PIPERAZINE PHOSPHATE MONOHYDRATE ZINC BACITRACIN	.23-.92 PERCENT 4-50 GM/TON
84137	PIPERAZINE SULFATE BACITRACIN PLUS PENICILLIN	.21-.85 PERCENT 3.6-50 GM/TON COMB.
84386	PIPERAZINE SULFATE BACITRACIN METHYLENE DISALICYLATE	.21-.85 PERCENT 4-50 GM/TON
84398	PIPERAZINE SULFATE BACITRACIN METHYLENE DISALICYLATE PLUS PENICILLIN	.21-.85 PERCENT 3.6-50 GM/TON COMB.
84570	PIPERAZINE SULFATE CHLORTETRACYCLINE	.21-.85 PERCENT 10-50 GM/TON
84605	PIPERAZINE SULFATE ZINC BACITRACIN PLUS PENICILLIN	.21-.85 PERCENT 3.6-50 GM/TON COMB.
84792	PIPERAZINE SULFATE ZINC BACITRACIN	.21-.85 PERCENT 4-50 GM/TON
84183	PENICILLIN ACETYLAMINO-NITROTHIAZOLE	2.4-50 GM/TON .015 PERCENT
84184	PENICILLIN PLUS STREPTOMYCIN ACETYLAMINO-NITROTHIAZOLE	14.4-50 GM/TON COMB. .015 PERCENT
84187	PENICILLIN PLUS STREPTOMYCIN ACETYLAMINO-NITROTHIAZOLE	14.4-50 GM/TON COMB. .05 PERCENT
84068	RESERPINE BACITRACIN	.0001 PERCENT 4-50 GM/TON
84179	RESERPINE MANGANESE BACITRACIN	.0001 PERCENT 4-50 GM/TON
84180	RESERPINE MANGANESE BACITRACIN PLUS PENICILLIN	.0001 PERCENT 3.6-50 GM/TON COMB.
84181	RESERPINE MANGANESE BACITRACIN	.0002 PERCENT 4-50 GM/TON
84481	RESERPINE PENICILLIN	.0001 PERCENT 2.4-50 GM/TON
84536	RESERPINE CHLORTETRACYCLINE	.00002-.0001 PERCENT 10-50 GM/TON
84537	RESERPINE CHLORTETRACYCLINE	.00002-.0001 PERCENT 50-100 GM/TON
84538	RESERPINE CHLORTETRACYCLINE	.00002-.0001 PERCENT 100-200 GM/TON
84633	RESERPINE ZINC BACITRACIN	.00002 PERCENT 4-50 GM/TON
84634	RESERPINE ZINC BACITRACIN	.0001 PERCENT 4-50 GM/TON
84008	ROXARSONE FURAZOLIDONE BACITRACIN METHYLENE DISALICYLATE PLUS PENICILLIN	.0025-.005 PERCENT .00083 PERCENT 50-100 GM/TON COMB.
84044	ROXARSONE FURAZOLIDONE BACITRACIN	.0025-.005 PERCENT .00083 PERCENT 4-50 GM/TON
84054	ACETYLAMINO-NITROTHIAZOLE ROXARSONE SULFAQUINOXALINE BACITRACIN	.015 PERCENT .0025-.005 PERCENT .01-.02 PERCENT 4-50 GM/TON
	2,4-DIAMINO-5-(PARA-CHLOROPHENYL)-6-ETHYL PYRIMIDINE	.003-.006 PERCENT
84152	ROXARSONE FURAZOLIDONE BACITRACIN PLUS PENICILLIN	.0025-.005 PERCENT .00083 PERCENT 3.6-50 GM/TON COMB.
84281	ROXARSONE FURAZOLIDONE AMINO NITROTHIAZOLE OXYTETRACYCLINE	.0025-.005 PERCENT .00083 PERCENT .05-.1 PERCENT 200 GM/TON
84294	ROXARSONE SULFAQUINOXALINE OXYTETRACYCLINE 2,4-DIAMINO-5-(PARA-CHLOROPHENYL)-6-ETHYL PYRIMIDINE	.0025-.005 PERCENT .0075 PERCENT 50 GM/TON .00075 PERCENT
84297	ROXARSONE SULFAQUINOXALINE FURAZOLIDONE OXYTETRACYCLINE 2,4-DIAMINO-5-(PARA-CHLOROPHENYL)-6-ETHYL PYRIMIDINE	.0025-.005 PERCENT .0075 PERCENT .00083 PERCENT 50 GM/TON .00075 PERCENT
84348	ROXARSONE FURAZOLIDONE BACITRACIN METHYLENE DISALICYLATE PLUS PENICILLIN	.0025-.005 PERCENT .00083 PERCENT 100-200 GM/TON COMB.
84412	ROXARSONE BACITRACIN METHYLENE DISALICYLATE PLUS PENICILLIN ACETYLAMINO-NITROTHIAZOLE	.0025-.005 PERCENT 3.6-50 GM/TON COMB. .015 PERCENT
84415	ROXARSONE FURAZOLIDONE BACITRACIN METHYLENE DISALICYLATE PLUS PENICILLIN ACETYLAMINO-NITROTHIAZOLE	.0025-.005 PERCENT .00083 PERCENT 3.6-50 GM/TON COMB. .015 PERCENT
84429	ROXARSONE FURAZOLIDONE BACITRACIN METHYLENE DISALICYLATE PLUS PENICILLIN ACETYLAMINO-NITROTHIAZOLE	.0025-.005 PERCENT .00083 PERCENT 3.6-50 GM/TON COMB. .05 PERCENT
84460	ROXARSONE FURAZOLIDONE BACITRACIN METHYLENE DISALICYLATE PLUS PENICILLIN	.0025-.005 PERCENT .00083 PERCENT 3.6-50 GM/TON COMB.
84624	ROXARSONE FURAZOLIDONE ZINC BACITRACIN PLUS PENICILLIN ACETYLAMINO-NITROTHIAZOLE	.0025-.005 PERCENT .00083 PERCENT 3.6-50 GM/TON COMB. .015 PERCENT
84641	ROXARSONE FURAZOLIDONE ACETYLAMINO-NITROTHIAZOLE STREPTOMYCIN	.0025-.005 PERCENT .00083 PERCENT .05 PERCENT 30-50 GM/TON
84750	ROXARSONE ZINC BACITRACIN PLUS PENICILLIN ACETYLAMINO-NITROTHIAZOLE	.0025-.005 PERCENT 3.6-50 GM/TON COMB. .015 PERCENT
85040	ROXARSONE FURAZOLIDONE ZINC BACITRACIN PLUS PENICILLIN	.0025-.005 PERCENT .00083 PERCENT 3.6-50 GM/TON COMB.
85069	ROXARSONE SULFAQUINOXALINE BACITRACIN PLUS PENICILLIN 2,4-DIAMINO-5-(PARA-CHLOROPHENYL)-6-ETHYL PYRIMIDINE	.0025-.005 PERCENT .0075 PERCENT 100-500 GM/TON COMB. .00075 PERCENT
85072	ROXARSONE SULFAQUINOXALINE FURAZOLIDONE BACITRACIN PLUS	.0025-.005 PERCENT .0075 PERCENT .00083 PERCENT

IDENTIFICATION	DRUG	DOSAGE
	PENICILLIN 2,4-DIAMINO-5-(PARA-CHLOROPHENYL)-6-ETHYL PYRIMIDINE	100-500 GM/TON COMB. .00075 PERCENT
85086	ROXARSONE ZINC BACITRACIN PLUS PENICILLIN	.0025-.005 PERCENT 3.6-50 GM/TON COMB.
85090	ACETYLAMINO-NITROTHIAZOLE ROXARSONE FURAZOLIDONE ZINC BACITRACIN PLUS PENICILLIN	.05 PERCENT .0025-.005 PERCENT .00083 PERCENT 3.6-50 GM/TON COMB.
84004	ACETYLAMINO-NITROTHIAZOLE SODIUM ARSANILATE BACITRACIN METHYLENE DISALICYLATE PLUS PENICILLIN	.05 PERCENT .005-.01 PERCENT 50-100 GM/TON COMB.
84040	SODIUM ARSANILATE BACITRACIN	.005-.01 PERCENT 4-50 GM/TON
84091	ACETYLAMINO-NITROTHIAZOLE SODIUM ARSANILATE BACITRACIN PLUS PENICILLIN	.015 PERCENT .005-.01 PERCENT 100-500 GM/TON COMB.
84147	SODIUM ARSANILATE BACITRACIN PLUS PENICILLIN	.005-.01 PERCENT 3.6-50 GM/TON COMB.
84167	SODIUM ARSANILATE BACITRACIN PLUS PENICILLIN	.005-.01 PERCENT 50-100 GM/TON COMB.
84344	SODIUM ARSANILATE BACITRACIN METHYLENE DISALICYLATE PLUS PENICILLIN	.005-.01 PERCENT 100-200 GM/TON COMB.
84411	SODIUM ARSANILATE BACITRACIN METHYLENE DISALICYLATE PLUS PENICILLIN	.005-.01 PERCENT 3.6-50 GM/TON COMB.
84456	ACETYLAMINO-NITROTHIAZOLE SODIUM ARSANILATE BACITRACIN METHYLENE DISALICYLATE PLUS PENICILLIN	.015 PERCENT .005-.01 PERCENT 3.6-50 GM/TON COMB.
84582	SODIUM ARSANILATE ZINC BACITRACIN PLUS PENICILLIN	.005-.01 PERCENT 3.6-50 GM/TON COMB.
84619	SODIUM ARSANILATE ZINC BACITRACIN PLUS PENICILLIN	.005-.01 PERCENT 3.6-50 GM/TON COMB.
84045	ACETYLAMINO-NITROTHIAZOLE SULFAQUINOXALINE BACITRACIN 2,4-DIAMINO-5-(PARA-CHLOROPHENYL)-6-ETHYL PYRIMIDINE	.015 PERCENT .01-.02 PERCENT 4-50 GM/TON .003-.006 PERCENT
84046	SULFAQUINOXALINE BACITRACIN PLUS PENICILLIN 2,4-DIAMINO-5-(PARA-CHLOROPHENYL)-6-ETHYL PYRIMIDINE	.01-.02 PERCENT 3.6-50 GM/TON COMB. .003-.006 PERCENT
84052	SULFAQUINOXALINE ARSANILIC ACID BACITRACIN 2,4-DIAMINO-5-(PARA-CHLOROPHENYL)-6-ETHYL PYRIMIDINE	.01-.02 PERCENT .005-.010 PERCENT 4-50 GM/TON .003-.006 PERCENT
84053	SULFAQUINOXALINE SODIUM ARSANILATE BACITRACIN 2,4-DIAMINO-5-(PARA-CHLOROPHENYL)-6-ETHYL PYRIMIDINE	.01-.02 PERCENT .005-.010 PERCENT 4-50 GM/TON .003-.006 PERCENT
84055	SULFAQUINOXALINE FURAZOLIDONE BACITRACIN 2,4-DIAMINO-5-(PARA-CHLOROPHENYL)-6-ETHYL PYRIMIDINE	.01-.02 PERCENT .00083 PERCENT 4-50 GM/TON .003-.006 PERCENT
84100	SULFAQUINOXALINE	.0125-.025 PERCENT
84101	BACITRACIN SULFAQUINOXALINE BACITRACIN PLUS PENICILLIN	4-50 GM/TON .0125-.025 PERCENT 3.6-50 GM/TON COMB.
84103	SULFAQUINOXALINE BACITRACIN PLUS PENICILLIN	.005-.025 PERCENT 3.6-50 GM/TON COMB.
84292	SULFAQUINOXALINE ARSANILIC ACID OXYTETRACYCLINE 2,4-DIAMINO-5-(PARA-CHLOROPHENYL)-6-ETHYL PYRIMIDINE	.0075 PERCENT .005-.01 PERCENT 50 GM/TON .00075 PERCENT
84293	SULFAQUINOXALINE SODIUM ARSANILATE OXYTETRACYCLINE 2,4-DIAMINO-5-(PARA-CHLOROPHENYL)-6-ETHYL PYRIMIDINE	.0075 PERCENT .005-.01 PERCENT 50 GM/TON .00075 PERCENT
84295	SULFAQUINOXALINE FURAZOLIDONE OXYTETRACYCLINE 2,4-DIAMINO-5-(PARA-CHLOROPHENYL)-6-ETHYL PYRIMIDINE	.0075 PERCENT .00083 PERCENT 50 GM/TON .00075 PERCENT
84334	SULFAQUINOXALINE AMINO NITROTHIAZOLE OXYTETRACYCLINE	.0125-.025 PERCENT .05-.10 PERCENT 200 GM/TON
84357	SULFAQUINOXALINE BACITRACIN METHYLENE DISALICYLATE	.0125-.025 PERCENT 4-50 GM/TON
84358	SULFAQUINOXALINE BACITRACIN METHYLENE DISALICYLATE	.005-.025 PERCENT 4-50 GM/TON
84359	SULFAQUINOXALINE BACITRACIN METHYLENE DISALICYLATE	.033-.1 PERCENT 4-50 GM/TON
84502	SULFAQUINOXALINE FURAZOLIDONE CHLORTETRACYCLINE 2,4-DIAMINO-5-(PARA-CHLOROPHENYL)-6-ETHYL PYRIMIDINE	.0075 PERCENT .00083 PERCENT 50 GM/TON .00075 PERCENT
84509	SULFAQUINOXALINE FURAZOLIDONE CHLORTETRACYCLINE 2,4-DIAMINO-5-(PARA-CHLOROPHENYL)-6-ETHYL PYRIMIDINE	.0075 PERCENT .00083 PERCENT 100 GM/TON .00075 PERCENT
84528	SULFAQUINOXALINE CHLORTETRACYCLINE 2,4-DIAMINO-5-(PARA-CHLOROPHENYL)-6-ETHYL PYRIMIDINE	.0075 PERCENT 10-50 GM/TON .00075 PERCENT
84529	SULFAQUINOXALINE CHLORTETRACYCLINE 2,4-DIAMINO-5-(PARA-CHLOROPHENYL)-6-ETHYL PYRIMIDINE	.0075 PERCENT 50-100 GM/TON .00075 PERCENT
84530	SULFAQUINOXALINE CHLORTETRACYCLINE 2,4-DIAMINO-5-(PARA-CHLOROPHENYL)-6-ETHYL PYRIMIDINE	.0075 PERCENT 100-200 GM/TON .00075 PERCENT
84575	SULFAQUINOXALINE CHLORTETRACYCLINE	.0125-.025 PERCENT 10-50 GM/TON
84576	SULFAQUINOXALINE CHLORTETRACYCLINE	.0125-.025 PERCENT 50-100 GM/TON
84577	SULFAQUINOXALINE CHLORTETRACYCLINE	.0125-.025 PERCENT 100-200 GM/TON
84587	SULFAQUINOXALINE ZINC BACITRACIN PLUS PENICILLIN	.0125-.025 PERCENT 3.6-50 GM/TON COMB.
84588	SULFAQUINOXALINE ZINC BACITRACIN PLUS PENICILLIN	.005-.025 PERCENT 3.6-50 GM/TON COMB.
84589	SULFAQUINOXALINE ZINC BACITRACIN PLUS PENICILLIN	.033-.10 PERCENT 3.6-50 GM/TON COMB.

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IDENTIFICATION	DRUG	DOSAGE
84629	SULFAQUINOXALINE ZINC BACITRACIN PLUS PENICILLIN 2,4-DIAMINO-5-(PARA-CHLOROPHENYL)-6-ETHYL PYRIMIDINE	.01-.02 PERCENT 3.6-50 GM/TON COMB. .003-.006 PERCENT
84674	SULFAQUINOXALINE BACITRACIN METHYLENE DISALICYLATE PLUS PENICILLIN 2,4-DIAMINO-5-(PARA-CHLOROPHENYL)-6-ETHYL PYRIMIDINE	.005-.025 PERCENT 3.6-50 GM/TON COMB. .005-.025 PERCENT
85017	SULFAQUINOXALINE ZINC BACITRACIN 2,4-DIAMINO-5-(PARA-CHLOROPHENYL)-6-ETHYL PYRIMIDINE	4-50 GM/TON .00075 PERCENT
85018	SULFAQUINOXALINE ZINC BACITRACIN 2,4-DIAMINO-5-(PARA-CHLOROPHENYL)-6-ETHYL PYRIMIDINE	.033-.10 PERCENT 4-50 GM/TON .0075 PERCENT
85066	SULFAQUINOXALINE BACITRACIN PLUS PENICILLIN 2,4-DIAMINO-5-(PARA-CHLOROPHENYL)-6-ETHYL PYRIMIDINE	100-500 GM/TON COMB. .00075 PERCENT
85067	SULFAQUINOXALINE ARSANILIC ACID BACITRACIN PLUS PENICILLIN 2,4-DIAMINO-5-(PARA-CHLOROPHENYL)-6-ETHYL PYRIMIDINE	.0075 PERCENT .005-.010 PERCENT 100-500 GM/TON COMB. .00075 PERCENT
85068	SULFAQUINOXALINE SODIUM ARSANILATE BACITRACIN PLUS PENICILLIN 2,4-DIAMINO-5-(PARA-CHLOROPHENYL)-6-ETHYL PYRIMIDINE	.0075 PERCENT .005-.010 PERCENT 100-500 GM/TON COMB. .00075 PERCENT
85070	SULFAQUINOXALINE FURAZOLIDONE BACITRACIN PLUS PENICILLIN 2,4-DIAMINO-5-(PARA-CHLOROPHENYL)-6-ETHYL PYRIMIDINE	.0075 PERCENT .00083 PERCENT 100-500 GM/TON COMB. .00075 PERCENT
85113	SULFAQUINOXALINE FURAZOLIDONE OXYTETRACYCLINE 2,4-DIAMINO-5-(PARA-CHLOROPHENYL)-6-ETHYL PYRIMIDINE	.0075 PERCENT .00083 PERCENT 50 GM/TON .00075 PERCENT
85114	SULFAQUINOXALINE FURAZOLIDONE CHLORTETRACYCLINE PLUS OXYTETRACYCLINE 2,4-DIAMINO-5-(PARA-CHLOROPHENYL)-6-ETHYL PYRIMIDINE	.0075 PERCENT .00083 PERCENT 50 GM/TON COMB. .00075 PERCENT
85122	SULFAQUINOXALINE FURAZOLIDONE CHLORTETRACYCLINE PLUS OXYTETRACYCLINE 2,4-DIAMINO-5-(PARA-CHLOROPHENYL)-6-ETHYL PYRIMIDINE	.0075 PERCENT .00083 PERCENT 100 GM/TON COMB. .00075 PERCENT
85123	SULFAQUINOXALINE FURAZOLIDONE PENICILLIN PLUS STREPTOMYCIN 2,4-DIAMINO-5-(PARA-CHLOROPHENYL)-6-ETHYL PYRIMIDINE	.0075 PERCENT .00083 PERCENT 90-180 GM/TON COMB. .00075 PERCENT
85131	SULFAQUINOXALINE FURAZOLIDONE CHLORTETRACYCLIN 2,4-DIAMINO-5-(PARA-CHLOROPHENYL)-6-ETHYL PYRIMIDINE	.01-.02 PERCENT .00083 PERCENT 10-50 GM/TON .003-.006 PERCENT
85132	SULFAQUINOXALINE FURAZOLIDONE PENICILLIN 2,4-DIAMINO-5-(PARA-CHLOROPHENYL)-6-ETHYL PYRIMIDINE	.01-.02 PERCENT .00083 PERCENT 2.4-50 GM/TON .003-.006 PERCENT
85133	SULFAQUINOXALINE FURAZOLIDONE PENICILLIN PLUS STREPTOMYCIN 2,4-DIAMINO-5-(PARA-CHLOROPHENYL)-6-ETHYL PYRIMIDINE	.01-.02 PERCENT .00083 PERCENT 14.4-50 GM/TON COMB. .003-.006 PERCENT
85152	SULFAQUINOXALINE FURAZOLIDONE ZINC BACITRACIN 2,4-DIAMINO-5-(PARA-CHLOROPHENYL)-6-ETHYL PYRIMIDINE	.0075 PERCENT .00083 PERCENT 100 GM/TON .00075 PERCENT
85153	SULFAQUINOXALINE FURAZOLIDONE BACITRACIN METHYLENE DISALICYLATE 2,4-DIAMINO-5-(PARA-CHLOROPHENYL)-6-ETHYL PYRIMIDINE	.0075 PERCENT .00083 PERCENT 100 GM/TON .00075 PERCENT
85154	SULFAQUINOXALINE FURAZOLIDONE BACITRACIN 2,4-DIAMINO-5-(PARA-CHLOROPHENYL)-6-ETHYL PYRIMIDINE	.0075 PERCENT .00083 PERCENT 100 GM/TON .00075 PERCENT
85155	SULFAQUINOXALINE FURAZOLIDONE PENICILLIN 2,4-DIAMINO-5-(PARA-CHLOROPHENYL)-6-ETHYL PYRIMIDINE	.0075 PERCENT .00083 PERCENT 100 GM/TON .00075 PERCENT
85165	SULFAQUINOXALINE FURAZOLIDONE CHLORTETRACYCLINE 2,4-DIAMINO-5-(PARA-CHLOROPHENYL)-6-ETHYL PYRIMIDINE	.0075 PERCENT .00083 PERCENT 200 GM/TON .00075 PERCENT
85166	SULFAQUINOXALINE FURAZOLIDONE OXYTETRACYCLINE 2,4-DIAMINO-5-(PARA-CHLOROPHENYL)-6-ETHYL PYRIMIDINE	.0075 PERCENT .00083 PERCENT 100 GM/TON .00075 PERCENT
85183	SULFAQUINOXALINE FURAZOLIDONE ZINC BACITRACIN 2,4-DIAMINO-5-(PARA-CHLOROPHENYL)-6-ETHYL PYRIMIDINE	.0075 PERCENT .00083 PERCENT 50 GM/TON .00075 PERCENT
85184	SULFAQUINOXALINE FURAZOLIDONE BACITRACIN METHYLENE DISALICYLATE 2,4-DIAMINO-5-(PARA-CHLOROPHENYL)-6-ETHYL PYRIMIDINE	.0075 PERCENT .00083 PERCENT 50 GM/TON .00075 PERCENT
85185	SULFAQUINOXALINE FURAZOLIDONE BACITRACIN 2,4-DIAMINO-5-(PARA-CHLOROPHENYL)-6-ETHYL PYRIMIDINE	.0075 PERCENT .00083 PERCENT 50 GM/TON .00075 PERCENT
85186	SULFAQUINOXALINE FURAZOLIDONE PENICILLIN 2,4-DIAMINO-5-(PARA-CHLOROPHENYL)-6-ETHYL PYRIMIDINE	.0075 PERCENT .00083 PERCENT 50 GM/TON .00075 PERCENT
85187	SULFAQUINOXALINE FURAZOLIDONE BACITRACIN PLUS PENICILLIN 2,4-DIAMINO-5-(PARA-CHLOROPHENYL)-6-ETHYL PYRIMIDINE	.0075 PERCENT .00083 PERCENT 3.6-50 GM/TON COMB. .00075 PERCENT

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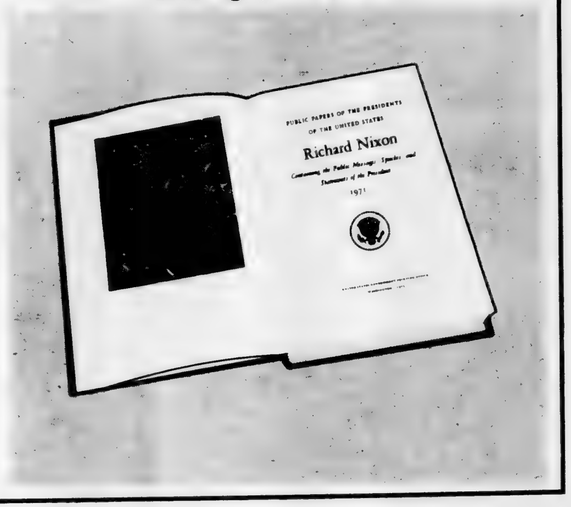

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federal register

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WASHINGTON, D.C.
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This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.

The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

Title 7—Agriculture

CHAPTER VIII—AGRICULTURAL STABILIZATION AND CONSERVATION SERVICE (SUGAR), DEPARTMENT OF AGRICULTURE

GENERAL CONDITIONAL PAYMENTS PROVISIONS—BEET SUGAR AREA

On December 7, 1972, a notice of proposed rule making regarding the issuance of a revised regulation governing the conditional payments provisions of the Sugar Act of 1948, as amended, in the Beet Sugar Area, effective with respect to 1973 and subsequent crop years was published in the FEDERAL REGISTER (37 FR 26038).

Interested persons were given until January 8, 1973, to submit written comments, suggestions, or objections regarding the proposed regulations. After consideration of all such relevant matter as was presented by interested parties, the regulations so proposed are hereby adopted, subject to the following change:

The proposed revision of the method of calculating farm normal yields contained in § 891.40(a) has not been adopted. The method of adjusting farm normal yields as originally provided for in § 841.5(a) (33 FR 1067) will remain unchanged.

Pursuant to the provisions of the Sugar Act of 1948, as amended, Part 831, Subchapter E of this chapter (29 FR 11824), Part 841, Subchapter F of this chapter (30 FR 14846; 33 FR 1067; 34 FR 14685; 35 FR 14498), Part 842, Subchapter F of this chapter (36 FR 25210), Part 849, Subchapter G of this chapter (36 FR 25211), and Part 895, Subchapter G of this chapter (30 FR 15206; 35 FR 4545) are deleted and the regulations therein are revised and incorporated into Part 891. Part 891, Subchapter K of this chapter of the Code of Federal Regulations (32 FR 7837, 8283; 34 FR 3737, 12657, 14378; 35 FR 4609) is revised as follows.

Effective date: March 9, 1973.

Signed at Washington, D.C., on March 1, 1973.

KENNETH E. FRICK,
Administrator, Agricultural Stabilization and Conservation Service.

PURPOSE AND BASES AND CONSIDERATIONS

To qualify for Sugar Act payments, sugar beet producers must comply with various general provisions and requirements of the Act, as implemented in determinations issued by the Secretary. In addition, they must file applications for payments, use approved forms, adhere to certain instructions, and furnish information regarding eligibility for payment and the basis for payment and in connection with appeals for review thereof.

This regulation represents an issuance of these general provisions applicable to the Beet Sugar Area. Prior to the revision of Part 891, the general conditional payments regulations applicable to the Beet Sugar Area were set forth in six separate parts. The consolidation of these separate parts provides a convenience for the user by placing all conditional payments provisions applicable to the Beet Sugar Area into one part.

This revision incorporated these parts into one, without substantive change, except as follows:

(1) Section 891.5 has been expanded to include the provisions of section 303 of the Act relating to the computation of abandonment and crop deficiency payments. This provision, heretofore, had not been included in applicable regulations.

(2) Section 891.15, paragraph (e), has been revised to conform with section 302(b)(2) of the Act which was amended in 1971 to provide for personal history of a farm operator who dies or becomes incapacitated. Section 891.15 was further changed to add paragraph (f) to conform with section 302(b)(10) of the Act which was added by the 1971 amendments to the Act to provide for history credit for farms (or producers in a personal history area) who lost a market for sugar beets as a result of the closing of a sugar beet factory.

(3) Section 891.22 has been added to provide that Sugar Act payments shall not be made to producers if illegal drug-producing plants are harvested on lands they own or control. The general applicability of this provision was previously set forth in Part 796 of Chapter VII, of this title.

Provisions of the Act relating to proportionate shares not included herein will be incorporated in the regulations pertaining to proportionate shares if and when it is determined by the Secretary that such shares are required.

PART 831—BEET SUGAR AREA

PART 841—NORMAL YIELDS; BEET SUGAR AREA

PART 842—BEET SUGAR AREA

PART 849—DOMESTIC BEET SUGAR PRODUCING AREA PREVENTED ACREAGE CREDIT; 1972 AND SUBSEQUENT CROPS

PART 895—RELEASE AND REALLOTMENT OF SUGAR BEET PROPORTIONATE SHARE ACREAGE, 1966 AND SUBSEQUENT CROPS

Parts 831, 841, 842, 849, and 895 are deleted and the regulations therein are revised and incorporated into Part 891, reading as set forth below.

PART 891—GENERAL CONDITIONAL PAYMENTS PROVISIONS—BEET SUGAR AREA

Subpart A—General

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891.2 Definitions.
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891.4 Filing application for payment.
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891.16. Determination of eligibility and basis for payment, review, and appeals.
891.17 Notification of shares when shares are in effect.
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891.20 Erroneous notice of share or of excess sugar beet acreage when shares are in effect.
891.21 Eminent domain.
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891.30 Prevented acreage credit.
891.31 Determining and recording prevented acreage credit.
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891.35 Limitation and retention of accredited acreage credit.
891.36 Notice and right to appeal.
891.37 Reallotment of released acreage.
891.38 No accredited acreage credit for realloted released acreage.

Subpart E—Determination of Normal Yields and Eligibility for Abandonment and Crop Deficiency Payments

891.40 Farm normal yield.
891.41 Eligibility for abandonment and deficiency payments.
891.42 Approval and certification.

Subpart F—Determination of Sugar Commercially Recoverable

891.45 Determination of sugar commercially recoverable from sugar beets.

AUTHORITY: Secs. 301, 302, 303, 304, 305, 306, 403, 61 Stat. 929, as amended, 930 as

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amended, 931, 932; 7 U.S.C. 1131, 1132, 1133, 1134, 1135, 1136, 1153.

Subpart A—General

§ 891.1 Purpose.

This part prescribes the authorizations and procedures applicable to the Beet Sugar Area under title III, conditional payments provisions, of the Sugar Act of 1948, as amended, effective for 1973 and subsequent crop years.

§ 891.2 Definitions.

For the purpose of this part, the term:

(a) "Secretary" means the Secretary of Agriculture of the United States, or any officer or employee of the U.S. Department of Agriculture to whom authority has been delegated, or to whom authority may hereafter be delegated, to act in his stead.

(b) "Deputy Administrator" or "DASCO" means the Deputy Administrator, State and County Operations, Agricultural Stabilization and Conservation Service, U.S. Department of Agriculture.

(c) "State Committee" means the persons in a State designated by the Secretary as the Agricultural Stabilization and Conservation State Committee under section 8(b) of the Soil Conservation and Domestic Allotment Act, as amended.

(d) "State Executive Director" means the person responsible for the day-to-day operations of the Agricultural Stabilization and Conservation Service State Office (herein referred to as State Office) or any employee of such office authorized to act on his behalf.

(e) "County Committee" means the persons elected within a county as the County Committee pursuant to regulations governing the selection and function of Agricultural Stabilization and Conservation County and Community Committees under section 8(b) of the Soil Conservation and Domestic Allotment Act, as amended.

(f) "County Executive Director" means the person responsible for the day-to-day operations of the Agricultural Stabilization and Conservation Service County Office (herein referred to as County Office).

(g) "Act" or "Sugar Act" means the Sugar Act of 1948, as amended.

(h) "Producer" means a person who is the legal owner, at the time of harvest or abandonment, of a portion or all of a crop of sugar beets grown on a farm for the extraction of sugar or liquid sugar.

(i) "Processor-producer" means a producer who is determined to be also a processor. A producer shall be deemed to be also a processor:

(1) If such producer is directly engaged in the processing of sugar beets for sugar;

(2) If such producer, whether alone or in conjunction with others, controls a person directly engaged in the processing of sugar beets for sugar, either by stock ownership or otherwise; or

(3) If such producer is controlled, whether through stock ownership or otherwise, by a person directly engaged in the processing of sugar beets for sugar.

(j) "Farm" means all land within a State farmed by the same operator and shall include, in addition, any land in an adjoining State or States farmed by such operator, if any of the equipment or labor used in the operation of the land in one State is also used in the operation of the land in the other State or States.

(k) "Operator" means, the producer (or producers) who has general control of the sugar beet operations on the farm. Guides of the county committee for determining the "operator" of a farm are set forth in paragraph (k) (1) to (7), inclusive of this section.

(1) The county committee shall determine the person (or persons acting together) who is a producer, as defined in paragraph (h) of this section, of the sugar beet crop and who has general control of the sugar beet operations and, hence, is the operator of all lands on which sugar beet operations are under his general control. The county committee shall determine the land that constitutes a farm in accordance with the definition of a farm in paragraph (j) of this section. To assist the county committee in determining who controls a sugar beet operation, there are set forth as follows certain factors that shall be given careful consideration in determining the operator of a farm. In developing information as to who controls a sugar beet operation where a partnership or legal entity such as a corporation is involved, the county committee shall consider whether an individual rather than the partnership or legal entity has the general control of the sugar beet operations and is a producer, as defined in paragraph (h) of this section, of the sugar beet crop.

(2) As possible indicia of control of a sugar beet operation, the county committee shall ascertain the producer who performs the following functions: (i) Controls the land (by ownership or lease); (ii) arranges for financing and is responsible for repayment of any loans or advances; (iii) arranges for and pays labor; and (iv) manages the sugar beet operations and makes the decisions with respect thereto.

(3) Also, as an indication of control over a sugar beet operation, the county committee shall ascertain whether a written record of accounts covering costs and income from such operations is maintained separately from that of any other operation in which the persons involved have an interest.

(4) Generally, the person (or persons acting together) who directs the sugar beet operation and who has the authority to make the final decisions with respect to growing, harvesting, and marketing the crop shall be considered as controlling the operation and, hence, the operator of the farm. Often, such person performs the actual farming functions himself. Usually, such person (or persons) also has the majority financial interest in the crop, either by direct ownership or indirectly by stock ownership or otherwise.

(5) Wherever a person has a substantial interest in more than one sugar beet operation, the county committee shall determine whether such operations are, in fact, separate and do not constitute a device to avoid the scale-down provisions of the Sugar Act.

(6) The fact that a person has a substantial interest or the majority financial interest in the crop of sugar beets does not preclude the county committee from determining that he is not the operator where it can be shown to the satisfaction of the committee that in consideration of other pertinent factors another person is a producer of the crop and controls the operations. Also, since the definition of a producer has been construed over a long period of time as not including a creditor whose only interest in a crop results from a lien upon a crop of sugar beets, such a creditor by not being a producer of such crop would not qualify as the operator of the land on which such crop was produced. For purposes of determining whether a person qualifies as a producer, as defined, the county committee should take into consideration that bare legal title does not solely determine the legal owner.

(7) In the following situations, it would appear that control of the sugar beet operations would be as indicated:

(i) Where two or more persons have the same ownership interest in a crop of sugar beets growing or grown on one or more tracts of land, and they are the only persons engaged in farming operations on such land, they will, generally, be considered as the operator of all of such land. However, if one or more of such persons is determined by the county committee as exercising control, he or they shall be considered as the operator.

(ii) Where a husband and wife not legally separated by judgment of a court are both engaged in the production of sugar beets and one of them shares in the crop produced on the land of the other, if the county committee determines that the one who shares in the crop of the other also controls the sugar beet operations of the other, the spouse exercising the control would be considered as the operator. If neither spouse shares in the sugar beet crop of the other, or the county committee determines that the indicia of control justify a conclusion that separate operations are involved, each such spouse would be considered as a separate operator.

(iii) If a minor child and a parent live in the same household and each is engaged in the production of sugar beets, the parent who is a producer of the crop would be considered the operator unless the county committee is satisfied that the minor child controls his sugar beet operations. However, the cosigning of a note by a parent to enable the child to obtain financing shall not of itself be considered as representing control by the parent. Any land farmed by a minor as a Future Farmers of America or 4-H project shall be considered a part of the parent's farm unless the land on which the sugar beets are grown is leased by the minor from someone other than the parent and the parent has no control over the operation.

(l) "Ownership tract" means a farm or portion of a farm which is separately owned.

(m) "Proportionate share" or "share" means the proportionate share for a farm in terms of planted acreage as provided in sections 301 and 302 of the Act.

(n) "Planted acres" means the acreage of sugar beets within the farm proportionate share which was: (1) Harvested for the extraction of sugar, (2) abandoned (bona fide) insofar as its use in sugar production is concerned, because of drought, flood, storm, freeze, disease, or insects, or (3) any other acreage seeded to sugar beets for the production of sugar on lands suitable for the production of the crop and which was cared for during the growing season in a workmanlike manner.

(o) "Abandoned acres" means the planted sugar beet acreage on the farm (not in excess of the farm's share minus the acreage harvested for sugar) which meets all the requirements specified in § 891.41 with respect to approved abandoned acreage.

(p) "Harvested acres" means the acreage from which sugar beets were taken out of the ground preparatory to marketing for the extraction of sugar, when the completion of such marketing can be reasonably anticipated. Sugar beets which have merely been lifted or loosened shall not be classified as harvested. However, such acreage may be considered for classification as abandoned acreage pursuant to § 891.41.

(q) "Prevented acreage" means the number of acres on a farm (when shares are not in effect) (1) which the county committee determines would have been seeded to sugar beets of a crop for the production of sugar, but were not seeded to sugar beets because of drought, flood, storm, freeze, disease, or insects, or on approval of DASCO because of other similar abnormal or uncontrollable conditions, or (2) which the county committee upon prior approval of DASCO determines were seeded to sugar beets of a crop and were not harvested for the extraction of sugar because of abnormal and uncontrollable natural conditions such as wild animals or an intervening force of nature, but which could not be determined by a member of the county committee to be bona fide abandoned acreage because the reason for the abandonment was not drought, flood, storm, freeze, disease, or insects.

(r) "Released share acreage" means the number of acres of the farm proportionate share initially established for the farm as adjusted by appeal (or tentative share in a personal history area), which the county committee determines will not be planted on a farm in any crop year, when shares are in effect, because of a crop rotation program or for other reason beyond the control of the producer. "Other reasons beyond the control of the producer" are limited to the following circumstances that cause an operator to be unable to utilize all or a portion of the farm proportionate share acreage established for his farm:

(1) The operator is unavoidably absent or incapable and, therefore, cannot fully utilize his proportionate share, and arrangements cannot be made for the production of sugar beets on his land through a management or customwork type of operation;

(2) Planting is prevented by flood, drought, storm, freeze, disease, insects, or other similar abnormal and uncontrollable natural conditions;

(3) A sugar beet processing company contracts to purchase from a farm operator sugar beets produced on some but not all proportionate share acreage established for his farm, or does not offer a contract to a farm operator to purchase sugar beets which could be produced on the proportionate share acreage established for his farm.

(4) A sugar beet processing company contracts or offers to contract to purchase sugar beets to be produced on the proportionate share acreage established for the farm but the operator does not plant all or a portion of the proportionate share acreage because the company is abandoning sugar beet processing operations.

(s) "Accredited acreage" or "accredited acres" for any crop year means the acres on the farm (within the share for such farm if shares are in effect), but excluding any acreage for which credit may not be given pursuant to § 891.38, which are determined by the county committee to have been (1) harvested for the extraction of sugar, (2) bona fide abandoned to the extent of fulfilling the requirement for abandonment set forth in § 891.41, as shown by records of the county office, (3) seeded to sugar beets for the production of sugar on lands suitable for the production of the crop and cared for during the growing season in a workmanlike manner, (4) prevented acres approved for the farm or recorded for the allotment area pursuant to § 891.30, or (5) released share acres approved for the farm pursuant to § 891.35.

(t) "Personal history area" means any State or substantial portion thereof in which the personal sugar beet production history of farm operators was used generally prior to 1962 in establishing shares or where shares were not established prior to 1962 and the State committee is authorized by DASCO to use personal history of operators.

(u) "Farm history area" means any sugar beet production area which is not a personal history area.

(v) "Cropland" means the land suitable for the production of sugar beets on the farm.

(w) "Crop" or "crop year" means a crop of sugar beets designated by year. In southern California (including the counties of Imperial, San Diego, Riverside, Orange, San Bernardino, and that part of Los Angeles County lying south of the San Gabriel Mountains and in any other State, a crop of sugar beets shall be designated by year to correspond with the calendar year in which the beets are planted. In other areas of California, a crop of sugar beets planted during the period beginning November 1, of one calendar year and ending October 31 of the following calendar year shall be designated by year to correspond with such following calendar year.

(x) "Annual yield for the farm" means the average yield in hundredweight of sugar commercially recoverable per planted acre, as computed from the production records applicable to all of the land constituting the farm in the crop year for which such annual yield is established.

(y) "County yield" means the average hundredweight of sugar commercially recoverable per planted acre in the county in a crop year, except that if the total number of farms producing such sugar beets was less than five for any such year, the county yield for such year shall be the yield established by the State committee on the basis of the yield which could have been reasonably expected that year in such county considering weather conditions and the yields obtained from other crops.

(z) "County normal yield" means the simple average of the county yields for three or more of the next preceding 5 crop years for which county yields are established. If county yields are established for less than three of such years on the basis of the yields which could have been reasonably expected in such years, the county normal yield shall be the yield established by the State committee on the basis of the yield which could have been reasonably expected in the county during such years considering weather conditions and the yields obtained from other crops.

(aa) "Commercially recoverable sugar" means the amount of sugar, in hundredweight raw value, determined annually as commercially recoverable from sugar beets grown on a farm in the Beet Sugar Area and marketed (or processed) for the extraction of sugar.

(bb) "Beet Sugar Area" means those States where sugar beets are grown and marketed (or processed) for the extraction of sugar.

§ 891.3 Instructions and forms.

DASCO shall cause to be prepared such forms and internal management instructions as are necessary for carrying out the regulations in this part and regulations hereafter issued. These forms, instructions, and data pertaining to the individual farms are available in the county office of the county in which the farm headquarters is located, or in the absence of a farm headquarters, in the county office of the county in which the major portion of land suitable for the production of sugar beets on the farm is located. A list of forms prescribed for the conditional payment program in the Beet Sugar Area is set forth in § 891.6.

§ 891.4 Filing application for payment.

(a) *Form to be used.* Applications for payments authorized under title III of the Act with respect to sugar commer-

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cially recoverable from sugar beets grown on a farm, as well as for acreage abandonment and crop deficiency payments, shall be made on Form SU–110.

(b) *Person eligible to apply and certify compliance for payment.* The producer on the farm, or his legal representative, must sign and file form SU–110 in the county office or with a representative of such office for the county in which the farm headquarters is located or, in the absence of a farm headquarters, for the county in which the major portion of land suitable for the production of sugar beets on the farm is located. Each producer signing the application certifies that the application covers all land farmed as a unit as defined in paragraph (j) of § 891.2.

(c) *Closing date for filing.* Form SU–110 must be filed with respect to a crop of sugar beets no later than December 31 of the second calendar year following the year designating such crop. The producers shall be notified by the county office of the place and time the forms are available for signing.

(d) *Exception to closing date requirement.* An application may be filed after the closing date if the State committee determines that the applicant was prevented from filing by such date because of illness or other reason beyond his control.

(e) *Person eligible to receive payment.* Payment shall be made to a producer of the sugar beets in accordance with the provisions of section 304(d) of the Act. In the event of death, disappearance, or incompetency of the producer, payment shall be made to the beneficiary designated in the application for payment by the producer, or if no such beneficiary is named, to the producer's legal representative or his heirs as determined by the county committee.

(f) *Assignments.* Sugar Act payments may not be assigned.

(g) *Receivers.* A Sugar Act payment may not be made to a receiver.

§ 891.5 Authority to make and computation of Sugar Act payments.

(a) The county committee is authorized to make payments on the conditions provided in this Part 891 with respect to sugar commercially recoverable from the sugar beets grown on a farm for the extraction of sugar or liquid sugar.

(b) In addition to the amount of sugar with respect to which payments are authorized under paragraph (a) of this section the county committee is also authorized to make payments, on the conditions provided in this Part 891, with respect to bona fide abandonment of planted acreage and crop deficiencies of harvested acreage as determined in accordance with the provisions of § 891.41. Payments are authorized on the following quantities of sugar:

(1) With respect to such bona fide abandonment of each planted acre of sugar beets, one-third of the normal yield of commercially recoverable sugar per acre for the farm as determined by the county committee; and

(2) With respect to such crop deficiencies of harvested acreage of sugar beets, the excess of 80 percent of the normal yield of commercially recoverable sugar for the farm, as determined by the county committee, over the actual yield.

(c) Payment is computed as to each farm, and the amount of payment is scaled down in accordance with the following table when the quantity of sugar determined as provided in paragraphs (a) and (b) of this section exceeds 7,000 hundredweight:

If the hundredweight of commercially recoverable sugar determined for a farm is—	Multiply it by—	Then add—
1 to 7,000	$0.80	0
7,001 to 14,000	.75	$350
14,001 to 30,000	.70	1,050
30,001 to 50,000	.60	3,050
50,001 to 90,000	.55	4,550
90,001 to 120,000	.525	6,050
120,001 to 240,000	.50	9,050
240,001 to 420,000	.475	15,050
More than 600,000	.30	120,050

EXAMPLE: If the hundredweight of commercially recoverable sugar determined for a farm is 50,000 hundredweight: 50,000 × $0.55 equals $27,500.00 plus $4,550.00 totals $32,050.00, the amount of payment.

§ 891.6 List of prescribed forms.

Forms prescribed for the conditional payment program in the Beet Sugar Area.

FORM NUMBER AND TITLE

SU–79–Application To Produce and Market Sugar Under Bond.
SU–100–Request for Sugar Beet Proportionate Share.
SU–102–Sugar Beet Farming Unit Report.
SU–103–Notice of Sugar Beet Farm Proportionate Share.
SU–103–A–Notice of History Credit for Released Share.
SU–104–Sugar Beet Record Card.
SU–104–1–Personal Sugar Beet Record Card.
SU–107–Sugar Beet Marketing Report.
SU–109–A–Sugar Beet Normal Yield Worksheet.
SU–110–Application for Payment.
SU–112–List of Sugar Beet Producers.
SU–113–Farm Operator Check and Record Sheet.
SU–114–Summary of Applications for Payments.
SU–115–Child Labor and Wage Compliance Report.
SU–191–Claim Against Producer for Unpaid Wages.
SU–195–Sugar Act Payments Deductions.

Subpart B—Determination of Compliance With Conditions of Payments

§ 891.10 Obtaining information regarding eligibility for payment.

(a) Where information is necessary to assist the county committee in determining: (1) Compliance with the conditions prescribed by the Act and regulations for any payment authorized under title III of the Act, (2) the facts constituting the basis for any such payment, or (3) the amount thereof, or

(b) Where information is necessary to assist the State committee or the Deputy Administrator in reviewing upon appeal, or upon their own initiative, a determination by the county committee:

(c) Any such information with respect to acreage or compliance shall be obtained to the extent possible as provided in the applicable provisions of Part 718 of Chapter VII of this title, as amended.

(d) In the absence of a provision in such Part 718 of this title for obtaining any such information, any employee of the county office or employees of the State office designated respectively by the county executive director or by the State executive director to be qualified to perform such a duty may obtain such information.

§ 891.11 Conditions of payment not met where producer prevents obtaining information.

If the producer, or his representative, on any farm with respect to which application is made for any payment authorized under title III of the Act prevents the obtaining of: (a) The information necessary to determine compliance with the conditions for any such payment, or (b) the facts constituting the basis of any such payment, and (c) the facts necessary to determine the amount of such payment, the conditions prescribed by the Act and regulations for any such payment shall be deemed not to have been met until such producer or his representative permits such information to be obtained.

§ 891.12 Compliance with child labor provisions of the Act.

(a) *Applicability.* As a condition for payment under the Act, and except for a member of the immediate family of a person who was the legal owner of not less than 40 percent of the crop at the time work was performed, no child under the age of 14 shall have been employed or permitted to work on the farm, whether for gain or so such child or any person, in the production, cultivation, or harvesting of a crop of sugar beets with respect to which application for payment is made, nor shall any child 14 or 15 years old have been employed or permitted to work for a longer period than 8 hours in any one day.

(b) *Deduction for noncompliance.* Payment authorized under the Act may be made notwithstanding a failure to comply with the conditions set forth in paragraph (a) of this section, but the payments made with respect to any crop shall be subject to a deduction of $10 for each child for each day, or a portion of a day, during which such child was employed or permitted to work contrary to the provisions of this section.

(c) *Proof of age.* The operator of a farm upon which a child is found by a representative of the county or State office or county or State committee to have worked or to be working in the production, cultivation, or harvesting of a crop of sugar beets shall be required upon request of the representative to furnish proof of age of the child unless such child is a member of the immediate family of a person owning at least 40 percent of the crop of sugar beets at the time such work was performed. Proof of age may be established by: (1) An age certificate issued pursuant to any child labor program carried out under the supervision of State or Federal personnel, or other authorized personnel such as a school superintendent or principal, (2) a birth certificate or transcript thereof, (3) a baptismal certificate showing the date of birth, (4) a passport, (5) an insurance policy, or (6) a Bible record.

(d) *Proving child member of producer's immediate family.* If it is alleged that the child is a member of the immediate family of a person who owns such 40 percent of a crop, such person or the operator of the farm must establish such relationship to the satisfaction of the representative of the county or State office or county or State committee. "Member of the immediate family" is deemed to include children living in the household of a person who is responsible for and provides the support of such children, either as parent or in place of the parent.

(e) *Checking compliance with child labor provisions.* In accordance with instructions issued by DASCO, the county committee shall determine by random selection the farms on which child labor compliance checks shall be made. The farm operator shall be notified immediately of any violation of these provisions.

§ 891.13 Compliance with the acreage certification and land use provisions.

If proportionate shares are in effect for a crop, and the operator of a farm located in a county designated in Part 718 of this title as a county in which farm operator's certification of the acreage and land use may be accepted in lieu of farm inspection and measurements either, (a) fails to file a report in compliance with § 718.8(b)(6) of this title, or (b) files a timely report showing that the acreage of beets is within the share for the farm and the county or State committee later determines that such acreage is in excess of the share and was knowingly reported incorrectly by the operator, no payment shall be made with respect to such farm.

§ 891.14 Compliance with other conditions of payment.

No person shall be eligible for payments under the Act unless he has met all requirements of the Act and the regulations issued pursuant thereto with respect to wage rates, farm proportionate shares (if in effect) and, in case of a processor-producer, prices paid for sugar beets.

§ 891.15 Credit for accredited sugar beet acreage record.

(a) *Crediting production record of farms which are subdivided.* For the purpose of compiling sugar beet production records for use in establishing proportionate shares, when required, and for use in determining normal yields for abandonment and crop deficiency payments, as provided in § 891.41, the production record for a subdivision of any farm which is divided shall be credited with its actual planted acreage, approved prevented acreage determined under § 891.31 and approved acreage eligible for release determined under § 891.35 if available from records in the county office. However, if such records are not available in such office, the production records of the subdivisions shall be credited with a pro rata share, respectively, of the planted acreage, approved prevented acreage, and approved released acreage of the farm on the basis of the cropland suitable for the production of sugar beets in each subdivision.

(b) *Corporations.* (1) In case of the merger or consolidation of two or more corporations in a personal history area, the accredited acreage record of any of the constituent corporations shall be credited to the surviving or consolidated corporation if the surviving or consolidated corporation operates land for the production of sugar beets.

(2) The personal sugar beet production records of individuals or members of a partnership forming a corporation may be credited to such corporation at the time it is formed. Furthermore, the corporation must conform to all of the following requirements: (i) The corporation must be formed by the members of an "immediate family" as defined in paragraph (g) of this section; (ii) all shares of stock in the corporation must be held by members of the immediate family; and (iii) one or more of the shareholders must have a personal accredited acreage record in the proportionate share base period at the time the corporation is formed. Thereafter, such production records will be credited to such corporation, except that if, at the time a proportionate share is established for the farm operated by the corporation, less than a majority of the outstanding shares of stock are owned by members of such immediate family, such production records will cease to be credited to such corporation.

(3) Upon the dissolution of a corporation, no personal history credits of the corporation shall be transferred to individuals, except, that in the case of the dissolution of a corporation of which a majority of the stock is owned by members of the immediate family that included members owning stock in the corporation when it was formed, the history credit of such corporation may be transferred to such individual members of the immediate family owning stock at the time of dissolution in the same ratio that the number of shares of stock owned by each member of the immediate family in such corporation bears to the total shares of stock issued by such corporation.

(c) *Initiation of joint operation.* Where a person having a personal accredited acreage record in a personal history area and another person (or persons) initiate a joint operation of a farm for the production of sugar beets by a partnership or other form of joint enterprise, the farm base shall be established on the basis of acreage not exceeding the landowner's share of the sugar beet crops included in the farm's accredited acreage records. A farm base may be established on a basis of acreage not limited to the landowner's share of such sugar beet crops where the county committee determines, and a representative of the State committee concurs, that: (1) Such joint enterprise is conducted exclusively by the members of an immediate family, or (2) under such joint enterprise the person (or persons) having a personal production record during the base period qualifies either as the sole operator or as a joint operator of the farm, regardless of whether any other joint operator has a personal production record, and (3) the initiation of the joint operation was not made in an attempt to transfer a share or personal production history.

(d) *Dissolving of partnership.* If, in a personal history area, a partnership is dissolved, the accredited acreage record of the partnership shall be credited, pro rata, to the individuals who were members of the partnership on the basis of their respective contributions of sugar beet production history to such partnership at the time it was formed: *Provided, however,* That if such dissolved partnership was in existence for at least 3 years, the accredited acreage record of the partnership may be credited to each of the former partners in accordance with a written agreement signed by all of the former partners or their legal representatives.

(e) *Death or incapacity.* The personal sugar beet production history of a farm operator who dies, or becomes incapacitated, shall accrue to the legal representative of his estate or to a member of his immediate family if such legal representative or family member continues within 3 years of such death or incapacity the customary sugar beet operations of the deceased or incapacitated operator. If in any year during this period sugar beets were not planted by such legal representative or member of the family, production history shall be credited to such year equal to the acreage last planted by the deceased or incapacitated farm operator.

(f) *Closed factory history protection.* If any producer has lost a market for sugar beets as a result of: (1) The closing of a sugar beet factory in any year after 1970; or (2) the complete discontinuance of contracting by a processor after 1970 in a State; or (3) the discontinuance of contracting by a processor after 1970 in a substantial portion of a State in which the processor contracted a total of at least 2,000 acres of the 1970 crop of sugar beets, the county committee shall credit to the Farm (or to the operator in a personal history area) an acreage history for each of the next 3 years equal to the average acreage planted on the farm (or by the operator) in the last 3 years of such factory's operation or processor's contracting. Any unused proportionate share acreage resulting from such history credit shall not be transferred to other farms (or operators).

(g) *Immediate family.* For the purpose of the section the term "immediate fam-

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ily" shall include only persons who have one of the following relationships to an owner-operator or the persons credited with the personal sugar beet production records: Spouse, father, mother, brother, sister, children, grandchildren, and spouses of a brother, sister, or children. This definition applies regardless of whether such persons reside in the same household.

§ 891.16 Determination of eligibility and basis for payment, review and appeals.

The finality provisions of section 306 of the Act apply to determinations made in conformity with the regulations in this section. Compliance with the conditions prescribed by the Act and regulations for any payment authorized under title III of the Act, the facts constituting the basis for any such payment, and the amount thereof, shall be determined by the county committee, subject to redetermination initiated by the county committee and to review initiated by the State committee and to approval or redetermination by the State committee. Any determination by the State committee shall be subject to redetermination initiated by the State committee and to review initiated by the Deputy Administrator and to approval or redetermination by the Deputy Administrator. Determinations and redeterminations by the county committee, the State committee, or the Deputy Administrator shall be made in accordance with the Act and regulations and on the facts in the individual case. The producers on the farm with respect to which such a determination or redetermination is made shall be promptly notified in writing of the substance and meaning of the determination or redetermination, the amounts of any payments and any reduction in payments which are determined; and that the producer may obtain reconsideration or review of the determination or redetermination and an informal hearing in connection therewith, by filing a written request within 15 days from the date of mailing of such written notification. The written notification also shall state where the request for reconsideration or review should be filed and where further information in regard to appeal procedure and the hearing may be obtained. The provisions apprising producers of their rights to request reconsideration or appeal from determinations affecting their eligibility for or the amounts of payments under the Act, and the procedure to follow in such instances including time limitations for filing requests for reconsideration and appeals are contained in Chapter VII, Part 780, of this title. The procedures applicable to claims for unpaid wages are set out in Part 862 of this chapter.

§ 891.17 Notification of shares when shares are in effect.

Each person filing a request for a share shall be notified in writing on behalf of the State committee of the share established in response to his request (even if "none"), and of any subsequent adjustment or change made in such share, and of his right to appeal under § 891.16. The farm operator of each farm for which a share is redetermined shall be notified in writing on behalf of the State committee of the redetermined share and of the right to appeal therefrom as provided in Part 780 of this title. Where a tentative share is computed pursuant to a preliminary request for a share filed as provided in Part 850 of this chapter, the person filing such request shall be furnished a notice informing him that the acreage stated thereon is a tentative share, does not constitute the establishment of a farm share for the purpose of payment under the Act, and that a farm share for such purpose may be established only upon the filing of a fully completed request for a share within the time and in the manner provided in Part 850 of this chapter.

§ 891.18 Harvesting within the farm's share when shares are in effect.

The acreage of sugar beets grown on the farm, marketed (or processed), and used for the production of sugar or liquid sugar shall not exceed the share determined for the farm in accordance with applicable regulations in Part 850 of this chapter, except as provided in § 891.20. However, sugar beets grown on acreage in excess of the share may be marketed (or processed) for the production of sugar or liquid sugar for livestock feed or for the production of livestock feed if the operator of the farm furnishes weight tickets to the county committee evidencing that such sugar beets were sold by him, or were processed by or for him, for the production of sugar or liquid sugar for livestock feed, or for the production of livestock feed, and if so sold, were purchased by the processor for such purpose. Notwithstanding the foregoing provisions of this paragraph, the farm shall be deemed to have met the requirements for payment with respect to marketings (or processings) within the share where sugar beets were marketed (or processed) for sugar from an acreage on the farm exceeding the share: *Provided*, That (a) such excess acreage is not more than the larger of four-tenths acre or 2 percent of the share but not in excess of 5 acres, and (b) the county committee finds that the farm operator did not intentionally market (or process) sugar beets from an acreage in excess of the share for the farm and the State committee concurs in such findings, and (c) within 1 year from the date of the processing of such excess sugar beets, the farm operator has arranged for the raw value equivalent of sugar produced from sugar beets in the Beet Sugar Area which had not been marketed to fill a quota for such area as provided in Part 816 of this chapter to be made subject to a bond given pursuant to the provisions of such Part 816 of this chapter, which provides as a condition of such bond that the sugar shall be used for livestock feed or for the production of livestock feed. The Sugar Act payment in such case shall be limited to the amount of sugar commercially recoverable from the sugar beets marketed (or processed) from the acreage within such share.

§ 891.19 Notification of excess sugar beet acreage when shares are in effect.

If the county committee determines for any crop that the acreage of sugar beets on any farm is in excess of the acreage established as the share for such farm, written notice of such excess acreage and of the eligibility requirements for payment shall be mailed to the person who is listed on the county office records as the operator of the farm.

§ 891.20 Erroneous notice of share or of excess sugar beet acreage when shares are in effect.

If through error, an operator is officially notified of a share for his farm greater than the share properly established, or is furnished an incorrect notice of excess sugar beet acreage, or if the determined acreage of sugar beets is in excess of the share for the farm and notice thereof is not mailed to the operator, and it is found by the county committee that such operator, acting solely on the information contained in the erroneous notice or without a notice of excess sugar beet acreage being mailed to him, markets sugar beets from an acreage in excess of the share properly established, the farm will be deemed to be in compliance with the correct share unless sugar beets are marketed for sugar from an acreage in excess of the share stated in the erroneous notice, or unless it is determined by the county committee that the error in the share or notice was so gross, or that, the excess acreage was so gross as to place the operator on notice regarding the error in the share or of the existence of the excess acreage. However, the Sugar Act payment with respect to the farm shall be limited to the amount of sugar determined by the county committee to be commercially recoverable from the sugar beets marketed (or procesed) from the acreage within the property established share.

§ 891.21 Eminent domain.

The share established for a crop designated by year for a farm which was removed from sugar beet production in its entirety or in part by acquisition within the 3 years immediately preceding the year designating such crop by an agency or entity entitled to exercise the right of eminent domain, shall, upon application by the owner of the land so removed to the appropriate State office, be added to the share established for such crop for any land owned by the owner in the same State to the extent requested in the application. The acreage so added shall not exceed the difference between the share established for the farm from which production was removed and the share established for the part of the farm not lost by the acquisition. Where application is not made as provided in this section for the entire share or part thereof established for the farm, the share or part thereof not applied for shall be reserved by the

State committee for 3 years after the date of acquisition or until application is made by the owner of the land removed, whichever is earlier: *Provided*, That such reserved share or part thereof shall be subject to any adjustments required to be made in establishing shares for old-producer farms under the regulations applicable during the period the share is reserved. The acreage of such reserved shares not applied for may not be reallocated to other old-producer farms.

§ 891.22 Harvest of illegal drug-producing plants.

In accordance with Part 796 of Chapter VII, of this title, after August 10, 1971, a Sugar Act payment shall not be made to a farm if any producer with respect to such farm harvests or knowingly permits to be harvested for illegal use, marihuana or other such prohibited drug-producing plants on any lands included in the farm. Such prohibited plants are specified in § 796.2 of Chapter VII of this title.

Subpart C—Prevented Acreage Credit

§ 891.30 Prevented acreage credit.

(a) The county committee shall determine prevented acreage credits in accordance with the provisions of this section as part of the general determination of performance. The limitations specified in paragraph (b) of this section are applicable in determining prevented acreage credit for farms in all areas including personal history areas.

(b) The prevented acreage of a crop to be credited to a farm shall not exceed the difference between: (1) The sum of the acreage harvested of such crop on the farm plus any bona fide abandoned acreage of such crop on the farm, and (2) the largest sum of the acreage harvested, bona fide abandoned acreage, prevented acreage and approved released acreage credited pursuant to §§ 891.35 through 891.38 of this chapter for any of the three crops immediately preceding the crop for which prevented acreage is to be credited to the farm.

§ 891.31 Determining and recording prevented acreage credit.

(a) Subject to the provisions of this section, the county committee shall determine the extent of prevented acreage of a crop to be credited to each farm and in a personal history area to be included in the production records of farm operators, upon the basis of: (1) The prevented acreage reported to the committee with respect to such farm by the operator or owner thereof, and (2) information brought to the attention of the county committee.

(b) For all States except California and Arizona information of prevented acreage shall be reported or brought to the attention of the county committee not later than July 15 of the year used to designate the crop involved in the prevented acreage. In the California counties of Imperial, San Diego, Riverside, Orange, San Bernardino, and that part of Los Angeles County lying south of the San Gabriel Mountains, and in the Arizona counties of Maricopa, Pima, Pinal, and Yuma, such information shall be reported or brought to the attention of the committee not later than January 15 of the year following the year used to designate the crop involved in prevented acreage. In the California counties not named above, such information shall be reported or brought to the attention of the committee not later than November 15 of the year used to designate the crop involved in prevented acreage. In the Arizona counties not named above such information shall be reported or brought to the attention of the committee not later than July 15 of the year used to designate the crop involved in the prevented acreage. Notwithstanding the foregoing provisions of this paragraph information of prevented acreage may be reported to a county committee after the date specified in this paragraph if the county committee determines that the person reporting such information failed to timely report because of illness or other reason beyond his control.

(c) The prevented acreage credit for each farm for any given crop as determined by the county committee, together with a brief reference to the basis relied upon by the committee in determining the extent of such credit shall be recorded on the appropriate county office records.

§ 891.32 Notification.

In each case of denial or reduction of prevented acreage credit the county committee shall notify the person reporting the prevented acreage regarding the credit, if any, approved in his case, and inform him of the basis for denial or reduction and of his right to appeal under Part 780 of Chapter VII of this title.

Subpart D—Released Share Acreage Credit

§ 891.35 Limitation and retention of accredited acreage credit.

(a) The number of proportionate share acres released and approved by the county committee for credit to a farm or farm operator shall be the share or portion thereof eligible for release.

(b) Accredited acreage credit shall be given to a farm (or farm operator in a personal history area) releasing the acreage, equal to the share or portion thereof eligible for release for a period not to exceed 3 consecutive years including the crop year in which released: *Provided*, That the operator of the farm (or person in a personal history area who has a personal accredited acreage record) releases such share or portion thereof at the county office of the county in which the headquarters of the farm is located. Such a release shall be executed for each individual crop year when proportionate shares are in effect but not to exceed 3 consecutive crop years.

(c) The release must be filed prior to a date determined and published by the State committee as the date beyond which sugar beets are not normally seeded in the area, except that if the county committee finds that the eligible producer was prevented from filing a release by such date for reasons beyond his control, his claim as filed subsequently may be considered.

§ 891.36 Notice and right to appeal.

(a) In each case in which the county committee determines that the facts do not justify approval of the release of a share or part thereof the county committee shall notify the person filing the release of such determination giving the basis for such decision.

(b) Such notification shall inform the producer of his right to appeal, under Part 780 of Chapter VII of this title.

§ 891.37 Reallotment of released acreage.

The acreage resulting from the release of all or a portion of the shares pursuant to §§ 891.35 and 891.36 may be reallotted to other farms in the area on which additional acreage may be utilized or to farms in other allotment areas in the State. Reallotment shall be subject to the conditions in § 891.38 and shall be made in the same manner as provided in Part 850 of this chapter for the distribution of unused proportionate share acreage. Only those sections of Part 850 which are effective for the crop year in which the released acreage is reallotted shall apply.

§ 891.38 No accredited acreage credit for reallotted released acreage.

A farm on which the reallotted released acreage (as approved pursuant to §§ 891.35 and 891.36) is used, or the operator of such farm in a personal history area, will not receive accredited acreage credit for such utilized acreage. Likewise, recognition will not be given to such reallotted acreage in establishing State allocations or area allotments.

Subpart E—Determination of Normal Yields and Eligibility for Abandonment and Crop Deficiency Payments

§ 891.40 Farm normal yield.

The normal yield per acre of each sugar beet farm in the Beet Sugar Area shall be established for the 1973 and subsequent crops as follows:

(a) Farms with planted acres in 3 or more years. For a farm on which there were planted acres in 3 or more years in the base period, the farm normal yield shall be the simple average or the annual yields of such crops for the farm: *Provided, however*, That if the normal yield so determined for any farm is less than 90 percent of the county normal yield established pursuant to paragraph (z) of § 891.2 due to the effect solely of drought, flood, insects, storm, freeze, or disease on production of planted acres in one or more of the base-period years, the normal yield for such farm shall be established as follows: (1) Increase the annual yield for the farm which is less than 90 percent of the county average yield for any year in the base period solely because of drought, flood, insects, storm, freeze, or disease to the lesser of

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90 percent of the county average yield or the highest annual yield for the farm in the base period; (2) add the increased yields thus determined to the annual yields for the farm for the other years in the base period in which there were planted acres on the farm and divide by the total number of such years.

(b) For a farm on which there were planted acres in only one or two of the next preceding 5 crop-years, the normal yield shall be the product derived by multiplying the county normal yield by the percentage obtained by dividing the simple average of the annual yields for the farm for such year or years by the simple average of the county yields for such year or years, except that the normal yield for such farm shall be not less than 80 percent nor more than 120 percent of the county normal yield.

(c) For a farm on which there were planted acres in none of the next preceding 5 crop-years, the normal yield shall be 90 percent of the county normal yield.

§ 891.41 Eligibility for abandonment and deficiency payments.

(a) For each crop, each farm having abandonment of planted sugar beet acreage, or having a crop deficiency of harvested sugar beet acreage below 80 percent of the normal yield for such acreage as determined in accordance with § 891.40, or having both such abandonment and deficiency, shall be approved by the county committee for payments relating thereto if the following requirements with respect to the farm are met:

(1) The sugar beets were planted on the farm on land suitable for the production of the crop, in a timely and workmanlike manner and under conditions conducive to normal production;

(2) The sugar beets were cared for up to the time of abandonment or harvest, as the case may be, in a manner which could have been expected, under average conditions, to produce a normal crop;

(3) The abandoned acreage could not have been reseeded to sugar beets in the same crop cycle under conditions offering at least a fair opportunity for production;

(4) The abandonment of planted sugar beet acreage on the farm, or the crop deficiency below 80 percent of the normal yield of the harvested sugar beet acreage on the farm, resulted directly from drought, flood, storm, freeze, disease, or insects;

(5) With respect to acreage abandonment, the county office was notified of the intention to abandon the acreage before the sugar beets were destroyed or the acreage was used for other purposes: *Provided*, That the county committee may waive the requirements of prior notification if such committee (i) has knowledge that sugar beets were planted on the abandoned acreage and the extent of such plantings, and (ii) has knowledge of widespread crop damage in the locality where the farm is located, and (iii) is satisfied that the abandonment on the farm in question resulted directly from draught, flood, storm, freeze, disease, or insects;

(6) There was compliance with all the other conditions for payment prescribed by the Act.

§ 891.42 Approval and certification.

Approval by a member of the county committee on behalf of such committee of an application for an abandonment payment or a crop deficiency payment, or both, shall constitute a determination that the farm with respect to which such application is made is eligible for an abandonment or a deficiency payment, or both, as the case may be.

Subpart F—Determination of Sugar Commercially Recoverable

§ 891.45 Determination of sugar commercially recoverable from sugar beets.

(a) *Definitions.* For the purpose of this section, the terms:

(1) "Settlement area" means an area in which the marketing agreements between producers and the processor for each crop of sugar beets contain a common pricing formula.

(2) "Base period" means the first five of the last six crops immediately preceding the crop year for which rates of recoverability are to be established.

(3) "Extraction rate" for a crop means the percentage obtained by dividing the hundredweight of refined sugar recovered from the total quantity of sugar beets marketed for the extraction of sugar in the United States by the hundredweight of total computed sugar content of such beets. The sugar content of such beets shall be computed by multiplying the quantity of beets marketed to each sugar beet processing company by the weighted average sugar content of cossettes sliced in the factories operated by the company and adding the products for all such companies to obtain the total computed sugar content.

(b) *Recoverable sugar.* The amount of sugar, raw value, commercially recoverable from sugar beets shall be deemed to be as follows:

(1) In the case of sugar beets marketed in a settlement area under any type of agreement other than an "individual test" contract or a "combined individual-cossette test" contract, the amount of sugar (expressed in hundredweight) established by multiplying the net tonnage of the sugar beets, at the time of delivery to a processor, by a rate expressed in hundredweight of sugar per ton of beets (rounded to three decimals). Such rate shall be computed by (i) multiplying 20 hundredweight (1 ton) by the weighted average percentage of sugar content of all the sugar beets of the next preceding seven crops marketed in such settlement area, according to cossette tests made by the processor, and (ii) multiplying the result obtained under paragraph (b)(1)(i) of this section by the simple average of the extraction rates for the sugar beet crops in the base period, as adjusted to raw sugar value by multiplying by 1.07.

(2) In the case of sugarbeets marketed under an "individual test" contract, the amount of sugar (expressed in hundredweight) established by multiplying the net tonnage of the sugar beets, at the time of delivery to a processor, by a rate expressed in hundredweight of sugar per ton of beets (rounded to three decimals). Such rates shall be computed by (i) multiplying 20 hundredweight (1 ton) by the percentage of sugar content on which settlement under the marketing contract is made, (ii) multiplying the result obtained under paragraph (b)(2)(i) of this section by the simple average of the extraction rates for the sugar beet crops in the base period, as adjusted to raw sugar value by multiplying by 1.07, and (iii) multiplying the result obtained under paragraph (b)(2)(ii) of this section by the ratio which the simple average for the crops in the base period of the annual weighted average percentages of sugar content of all the beets which were marketed under individual test contracts, according to cossette tests and tonnages processed, bears to the simple average of the annual weighted average percentages of sugar content of such beets according to individual tests and marketed tonnages.

(3) In the case of sugar beets marketed under a "combined individual-cossette test" contract, the amount of sugar (expressed in hundredweight) established by multiplying the net tonnage of the sugar beets, at the time of delivery to a processor, by a rate expressed in hundredweight of sugar per ton of beets (rounded to three decimals). Such rate shall be computed by:

(i) Multipling the weighted average percentage of sugar content of the beets delivered by a producer by a factor computed by dividing the factory cossette test average by the weighted average sugar content of beets comprising at least 97 percent of the current crop delivered to the factory as determined by individual tests. The factory cossette test average shall be the weighted average percentage of sugar content of all the sugar beets of the next preceding seven crops marketed in such settlement area and determined by factory cossette tests. The weighted average sugar content of beets comprising at least 97 percent of the current crop delivered to the factory shall be computed from individual tests of the beets so delivered at such time as the State committee determines that at least 97 percent of the sugar beets of a crop have been delivered and tested for sugar content in the settlement district.

(ii) Multiplying 20 hundredweight (1 ton) by the adjusted average percentage obtained in subdivision (i) of this subparagraph, and

(iii) Multiplying the result obtained in subdivision (ii) of this subparagraph by the simple average of the extraction rate for the sugar beet crops in the base period, as adjusted to raw value by multiplying by 1.07.

(c) *Delegation and effectiveness.* The applicable rate of sugar commercially recoverable, as determined herein, shall be established by the Deputy Administrator, and shall become effective for each crop when the specific rate for individual settlement areas, as provided for in paragraph (b)(1) of this section, and directions for computing the rates provided for in paragraph (b)(2) and (3) of this section are published in the FEDERAL REGISTER.

[FR Doc.73-4437 Filed 3-8-73;8:45 am]

CHAPTER IX—AGRICULTURAL MARKETING SERVICE (MARKETING AGREEMENTS AND ORDERS; FRUITS, VEGETABLES, NUTS), DEPARTMENT OF AGRICULTURE

[Navel Orange Reg. 291]

PART 907—NAVEL ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Limitation of Handling

This regulation fixes the quantity of California-Arizona Navel oranges that may be shipped to fresh market during the weekly regulation period March 9–March 15, 1973. It is issued pursuant to the Agricultural Marketing Agreement Act of 1937, as amended, and Marketing Order No. 907. The quantity of Navel oranges so fixed was arrived at after consideration of the total available supply of Navel oranges, the quantity currently available for market, the fresh market demand for Navel oranges, Naval orange prices, and the relationship of season average returns to the parity price for Navel oranges.

§ 907.591 Navel Orange Regulation 291.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 907, as amended (7 CFR Part 907), regulating the handling of Navel oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Navel Orange Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such Navel oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) The need for this section to limit the respective quantities of Navel oranges that may be marketed from District 1, District 2, and District 3 during the ensuing week stems from the production and marketing situation confronting the Navel orange industry.

(i) The committee has submitted its recommendation with respect to the quantities of Navel oranges that should be marketed during the next succeeding week. Such recommendation, designed to provide equity of marketing opportunity to handlers in all districts, resulted from consideration of the factors enumerated in the order. The committee further reports that the fresh market demand for Navel oranges remained active this week, with prices slightly higher than a week ago. Prices f.o.b. averaged $3.62 a carton on a reported sales volume of 998 carlots last week, compared with an average f.o.b. price for $3.56 per carton and sales of 902 carlots a week earlier. Track and rolling supplies at 418 cars were up 92 cars from last week.

(ii) Having considered the recommendation and information submitted by the committee, and other available information, the Secretary finds that the respective quantities of Navel oranges which may be handled should be fixed as hereinafter set forth.

(3) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this section is based became available and the time this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for Navel oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such Navel oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on March 6, 1973.

(b) *Order.* (1) The respective quantities of Navel oranges grown in Arizona and designated part of California which may be handled during the period March 9, 1973, through March 15, 1973, are hereby fixed as follows:

(i) District 1: 949,302 cartons;

(ii) District 2: 350,000 cartons;

(iii) District 3: Unlimited movement.

(2) As used in this section, "handled," "District 1," "District 2," "District 3," and "carton" have the same meaning as when used in said amended marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: March 7, 1973.

PAUL A. NICHOLSON,
Acting Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc.73-4757 Filed 3-8-73;11:30 am]

[Lemon Reg. 576]

PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Limitation of Handling

This regulation fixes the quantity of California-Arizona lemons that may be shipped to fresh market during the weekly regulation period March 11–17, 1973. It is issued pursuant to the Agricultural Marketing Agreement Act of 1937, as amended, and Marketing Order No. 910. The quantity of lemons so fixed was arrived at after consideration of the total available supply of lemons, the quantity of lemons currently available for market, the fresh market demand for lemons, lemon prices, and the relationship of season average returns to the parity price for lemons.

§ 910.876 Lemon Regulation 576.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 910, as amended (7 CFR Part 910), regulating the handling of lemons grown in California and Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such lemons, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) The need for this section to limit the quantity of lemons that may be marketed during the ensuing week stems from the production and marketing situation confronting the lemon industry.

(i) The committee has submitted its recommendation with respect to the quantity of lemons it deems advisable to be handled during the ensuing week. Such recommendation resulted from consideration of the factors enumerated in the order. The committee further reports the demand for lemons has slackened, but is expected to improve soon. Average f.o.b. price was $5.58 per carton the week ended March 3, 1973, compared to $5.44 per carton the previous week. Track and rolling supplies at 101 cars were up 11 cars from last week.

(ii) Having considered the recommendation and information submitted by the committee, and other available information, the Secretary finds that the quantity of lemons which may be handled should be fixed as hereinafter set forth.

(3) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is per-

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mitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for lemons and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this regulation, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on March 6, 1973.

(b) *Order.* (1) The quantity of lemons grown in California and Arizona which may be handled during the period March 11 through March 17, 1973, is hereby fixed at 250,000 cartons.

(2) As used in this section, "handled" and "carton(s)" have the same meaning as when used in the said amended marketing agreement and order.

(Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674)

Dated: March 8, 1973.

PAUL A. NICHOLSON,
Acting Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc.73-4758 Filed 3-8-73;11:30 am]

Title 12—Banks and Banking

CHAPTER V—FEDERAL HOME LOAN BANK BOARD

SUBCHAPTER A—GENERAL REGULATIONS OF THE FEDERAL HOME LOAN BANK BOARD

[No. 73-302]

PART 505—AVAILABILITY AND CHARACTER OF RECORDS

Access to Board Records

FEBRUARY 23, 1973.

Section 505.4 of the general regulations of the Federal Home Loan Bank Board (12 CFR 505.4) provides for public access to Board records. Paragraph (d) of said section sets forth procedures for public inspection and copying of those records. The fifth sentence of said paragraph (d) presently provides: "A person requesting access to or copies of particular records shall pay a prescribed fee based upon the estimated cost of locating, preparing for inspection, or copying such records."

The Board considers it desirable to amend said fifth sentence by revising it to specify that the present "prescribed fee" is $5 per hour for searching and preparing for inspection and 10 cents per page for copying.

In addition the Board considers it desirable to further amend paragraph (d) of said § 505.4 by adding a new sixth sentence in order to specify the instances in which payment of the fee may be waived by the Secretary to the Board or a designated Assistant Secretary. The specified instances are those in which the total charges are less than $2 or in which unecessary hardship would be inflicted upon the requesting person or in which waiver would serve the public interest. Accordingly, the Board hereby amends said paragraph (d) of § 505.4 by revising it to read as set forth below, effective March 9, 1973.

Since the above amendments are for the purpose of specifying agency practice regarding access to records, the Board finds that notice and public procedure with respect to said amendment are unnecessary under the provisions of 12 CFR 508.11 and 5 U.S.C. 553(b); and since publication of said amendment for the period specified in 12 CFR 508.14 and 5 U.S.C. 533(d) prior to the effective date of said amendment would in the opinion of the Board likewise be unnecessary for the same reason, the Board provides that said amendment shall become effective on March 9, 1973.

Section 505.4 is amended by revising paragraph (d) thereof to read as follows:

§ 505.4 Access to records.

* * * * *

(d) *Obtaining access to records.* Records of this Board subject to this section are available for public inspection or copying during regular business hours on regular business days at the offices of the Federal Home Loan Bank Board Building, 101 Indiana Avenue NW., Washington, DC 20552. Any person requesting access to, or copying of, such records shall submit such request in writing to the state the full name and address of the person requesting access to, or copying of, such records and a description of the records sought that is reasonably sufficient to permit their identification without undue difficulty. Wherever possible requests should be submitted in advance of the date inspection or copying is desired, preferably by mail. A person requesting access to or copies of particular records shall pay the costs of searching, preparing for inspection, or copying such records at the rate of $5 per hour for searching and preparing and 10 cents per page for copying. The Secretary or an Assistant Secretary designated by the Secretary is authorized to waive such payment in instances in which total charges are less than $2 or in which unnecessary hardship would be inflicted upon the requesting person or in which waiver would serve the public interest.

(Sec. 1, 81 Stat. 54; 5 U.S.C. 552; sec. 17, 47 Stat. 736, as amended, sec. 5, 48 Stat. 132, as amended, sec. 402, 48 Stat. 1256, as amended; 12 U.S.C. 1437, 1464, 1725. Reorg. Plan No. 3 of 1947, 12 FR 4981, 3 CFR, 1943-48 Comp., p. 1071)

By the Federal Home Loan Bank Board.

[SEAL] JACK CARTER,
Secretary.

[FR Doc.73-4601 Filed 3-8-73;8:45 am]

CHAPTER VI—FARM CREDIT ADMINISTRATION

FARM CREDIT SYSTEM

In the FEDERAL REGISTER for January 24, 1973, at page 2336, notice was given that the Farm Credit Administration, by its Federal Farm Credit Board, had under consideration proposed amendments of its regulations which, for purposes of nonfarm home lending, would (1) redefine a rural area, (2) provide for the establishment of standards of rural subdivision design, (3) delete the provision for bench marks on rural residences, (4) provide for the identification of housing loans as farm loans under certain circumstances, and (5) delete the definition of a commercial subdivision. Interested persons were afforded an opportunity to file written comments or suggestions thereon not later than March 1, 1973. Two written comments were received. They supported the proposed rule making. A copy is available for examination by interested persons in the Office of the Director of Information, Farm Credit Administration.

The Farm Credit Administration, as authorized by its Federal Farm Credit Board, has adopted as final and issued effective March 5, 1973, the amendments of its regulations relating to nonfarm home lending as proposed in the notice published in the FEDERAL REGISTER on January 24, 1973. The Farm Credit Administration also has adopted as final and issued effective March 5, 1973, further amendments of its regulations which (1) correct references to a Credit Manual and procedure which are no longer used, (2) provide for the submission of certain loans to the Farm Credit Administration for prior approval, and (3) include Federal land bank associations within the coverage of a policy insuring the shipment of valuables. Since these further amendments (1) and (2) relate to loans, and (3) relates to instruments involved directly or indirectly in the loanmaking function which are shipped by Federal land bank associations, it is found that as to these further amendments the notice of proposed rule making provided for in 5 U.S.C. 553 is unnecessary, and any delay in their issuance is not in the public interest.

Chapter VI of Title 12 of the Code of Federal Regulations is amended by revising paragraph (g) and adding a paragraph (i) in § 613.3040; by revising paragraph (c) in § 614.4190; by deleting paragraph (b) and renumbering paragraphs (c) and (d) as (b) and (c), respectively, in § 614.4390; by adding a paragraph (c) in § 614.4430; by revising subparagraph (b)(2) in § 614.4490; by revising § 615.5500; and by deleting § 619.9070. The revised, added, and renumbered sections, paragraphs, and subparagraphs are as follows:

PART 613—ELIGIBILITY AND SCOPE OF FINANCING

§ 613.3040 Rural residents.

* * * * *

(g) For the purposes of nonfarm home lending only, a rural area is agricultural open country which may include rural subdivisions or any city or village with a population not exceeding 2,500 persons. A rural area does not include subdivisions or villages associated with or adjacent to a larger population center. The intent is to avoid lending in concentrated, high-density residential areas or villages which are a part of an urbanizing area surrounding or immediately adjoining an urban area of a larger population center.

* * * * *

(i) The establishment of standards of rural subdivision design shall encourage an orderly development of economically stable communities in a healthful rural living environment. The bank shall prescribe appropriate standards subject to the approval of the district board for eligible subdivisions located in rural areas. Standards for rural subdivisions shall be designed to assure:

(1) Conformation where applicable with general planning policies of the planning agency having jurisdiction;

(2) Compliance with all local regulations, ordinances, and codes;

(3) Adequate and dependable water and waste disposal system;

(4) Adequate, economic, safe and dependable streets, lot layout, utilities, grading and drainage; and

(5) That the location will provide desirable permanent living conditions for the residents so as to insure long-term market demand and acceptability.

PART 614—LOAN POLICIES AND OPERATIONS

§ 614.4190 Federal intermediate credit banks.

* * * * *

(c) *Direct loan limitation.* The total credit extended to a production credit association under a direct loan and by discounting loans may not at any time exceed the total of that portion of the total loans, including participations purchased from other lenders, considered acceptable and problem (as defined by loan classification standards set forth in § 614.4051(a)(4)) in accordance with the percentage as classified in the bank's most recent credit review, or such percentages as may equitably represent the same percentages on a current basis, such alternate procedure to be subject to concurrence of the Farm Credit Administration, the total of investments under Commodity Credit Corporation programs, notes insured or guaranteed by Farmers Home Administration, and in farmers' notes to cooperatives and dealers, etc.; and capital and surplus less the total of the amount invested in the Federal intermediate credit bank and any portion of capital and surplus invested in loans to members, and any estimated losses not protected by reserves.

* * * * *

§ 614.4390 Appraisal of security.

* * * * *

(b) A procedure for classifying security and area shall be a basic part of the appraisal process.

(c) The same appraisal standards, and forms and procedures shall be used by both Federal land bank associations and production credit associations.

§ 614.4430 Identification of rural housing loans.

* * * * *

(c) *Provided, however,* That housing loans for homes used in farming operations or immediate family needs to farmers and ranchers may be identified as farm loans if the borrower meets the requirements of § 613.3020(g)(1) of this chapter.

§ 614.4490 Federal land bank and production credit association loans requiring prior approval.

* * * * *

(b) The following shall be subject to the prior approval of the appropriate bank board:

* * * * *

(2) Loans to a member of the district board unless the bank board has adopted a policy providing for the submission of such loans to the Farm Credit Administration for prior approval.

* * * * *

PART 615—FUNDING AND FISCAL AFFAIRS

§ 615.5500 Shipment of valuables.

Shipments of valuables by the Federal land banks, Federal land bank associations, Federal intermediate credit banks, banks for cooperatives, and production credit associations, when made to or by the assured or to or by others for the account of the assured, shall be covered by an insurance policy issued in the name of five companies, through John L. Swan & Co., Inc., broker, copies of which have been furnished the land banks, credit banks, and banks for cooperatives. Premium rates per $1,000 on general shipments of securities and other valuables shall be $0.04 by registered mail or express ($0.08 by registered airmail), and on shipments of canceled coupons and canceled securities shall be $0.01 by registered mail or express ($0.02 by registered airmail).

PART 619—DEFINITIONS

§ 619.9070 [Deleted]

(Secs. 5.9, 5.18, 5.26, 85 Stat. 619, 621, 624)

W. M. HARDING,
Acting Governor,
Farm Credit Administration.

[FR Doc.73-4584 Filed 3-8-73;8:45 am]

Title 14—Aeronautics and Space

CHAPTER I—FEDERAL AVIATION ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Airworthiness Docket No. 73-SW-16, Amdt. 39-1602]

PART 39—AIRWORTHINESS DIRECTIVES

Bell Model 206A, 206B, 206A-1 and 206B-1

Pursuant to the authority delegated to me by the Administrator (31 FR 13697), an airworthiness directive was adopted on February 28, 1973, and made effective immediately as to all known U.S. operators of Bell Model 206A, 206B, 206A-1 and 206B-1 helicopters. The directive requires an inspection of each pylon support link near the top bearing for cracks prior to further flight and a daily visual check for cracks in each link. It also requires disassembly and inspection of each link bearing inner race face within the next 10 hours' time in service after receipt of the message.

Since it was found that immediate corrective action was required, notice and public procedure thereon was impracticable and contrary to the public interest and good cause existed for making the airworthiness directive effective immediately as to all known U.S. operators of Bell Model 206A, 206B, 206A-1 and 206B-1 helicopters by individual messages dated February 28, 1973. These conditions still exist and the airworthiness directive is hereby published in the FEDERAL REGISTER as an amendment to § 39.13 of Part 39 of the Federal Aviation Regulations to make it effective to all persons.

BELL: Applies to Bell Models 206A, 206B, 206A-1 and 206B-1 helicopters certificated in all categories.

Compliance required as indicated.

To prevent possible failure of a pylon support link, P/N 206-031-508-5 or P/N 206-031-508-7, accomplish the following:

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(a) Prior to further flight after receipt of this message, unless already accomplished within the last 10 hours' time in service, accomplish the following:

(1) Remove the cowling to gain access to the transmission mount links, P/N 206-031-508.

(2) Visually inspect the exposed portion of the link forging around the top bearing for crack indications using a three power or higher magnifying glass and a mirror.

(3) If a crack is found replace the affected link prior to next flight, with a link having a bearing with the inner race flat surface less than 0.125 inch, in accordance with the pertinent model maintenance and overhaul manual.

(b) Prior to first flight of each day after the inspection in (a) is conducted, accomplish the following check:

(1) Open the cowling access doors.

(2) Visually check the exposed portion of the link forging around the top bearing for crack indications.

(3) If a crack is found replace the affected link prior to next flight, with a link having a bearing with the inner race flat surface less than 0.125 inch, in accordance with the pertinent model maintenance and overhaul manual.

(4) The checks in item (b)(2) may be performed by the pilot.

NOTE: For requirements regarding the listing of compliance and method of compliance with this message in the airplane's permanent maintenance record, see FAR 91.173.

(c) Within the next 10 hours' time in service after receipt of this message accomplish the following, unless already accomplished:

(1) Remove the transmission cowling and remove the cotter pin, nut, and washer from each transmission spindle, P/N 206-031-554, and expose the top link bearing face.

(2) Inspect the exposed portion of the link forging around the top bearing for crack indications using a three power or higher magnifying glass and a mirror.

(3) Measure the flat surface on the inner race of the bearing where it contacts the washer, P/N 206-030-505.

(4) If the flat surface of the inner race exceeds 0.125 inch or if a crack is found replace the affected link and bearing. Replace with a link having a bearing with the inner race flat surface less than 0.125 inch before further flight, in accordance with the pertinent model maintenance and overhaul manual.

NOTE: Fafnir bearing, P/N SBS 24ATC46, has an inner race flat surface less than 0.125 inch.

(5) If no cracks are found the repetitive checks in (b) are to be continued.

This amendment is effective on March 12, 1973, and was effective upon receipt for all recipients of the message dated February 28, 1973, which contained this amendment.

(Secs. 313(a), 601, 603, Federal Aviation Act of 1958, 49 U.S.C. 1354(a), 1421, 1423; sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Fort Worth, Tex., on March 2, 1973.

HENRY L. NEWMAN,
Director, Southwest Region.

[FR Doc.73-4522 Filed 3-8-73;8:45 am]

[Docket No. 73NW-1-AD, Amdt. 39-1604]

PART 39—AIRWORTHINESS DIRECTIVES

Boeing Model 707 Airplanes

Amendment 39-1593 (38 FR 4333), AD-73NW-1-AD, provides for inspection and replacement of the main deck cargo door latch support fittings. After issuing Amendment 39-1593, the agency has determined that the extent of damage permitted for continued safe operation is less than originally determined and should be corrected. If cracks are found emanating from the barrel nut hole on any one of the two most forward or two most aft fittings, the cracked fittings must be replaced prior to further pressurized flight. Therefore, the AD is being amended to provide the correct criteria for fitting replacement.

Since a situation exists that requires immediate adoption of this regulation, it is found that notice and public procedure hereon are impracticable and FR 4333), AD-73 NW-1-AD is amended ment effective on March 9, 1973.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (31 FR 13697), § 39.13 of Part 39 of the Federal Aviation Regulations, Amendment 39-1593 (38 FR 4333), AD-73 NW-1 AD is amended as follows:

Amend paragraph (a) to read as follows:

(a) Unless already inspected within the last 1,200 hours' time in service before the effective date of this AD, or unless inspected per Boeing Alert Service Bulletin 3124, dated January 29, 1973, or later FAA approved revisions, inspected per (d) below at the times specified in (b) or (c) below, as applicable.

Amend paragraph (d) to read as follows:

(d) Inspect in accordance with Boeing Alert Service Bulletin 3124 dated January 29, 1973, or later FAA approved revisions, or in a manner approved by the Chief, Engineering and Manufacturing Branch, FAA Northwest Region, for cracks emanating from the barrel nut hole on each of the eight fittings using visual or dye penetrant or Eddy Current methods.

Amend paragraph (e) to read as follows:

(e) If cracks are found emanating from the barrel nut hole, replace with a serviceable fitting or a 7075-T73 replacement fitting prior to further flight. Except, if cracks are found emanating from the barrel nut hole on any one of the two most forward or two most aft fittings, replace the cracked fitting prior to further pressurized flight. Airplanes with not more than one of the four center fittings cracked at the barrel nut hole, may be continued in service at a reduced cabin operating pressure of not more than 6.0 p.s.i. cabin differential, provided: All fittings are reinspected at intervals not to exceed 200 hours' time in service in accordance with (d) above.

This amendment becomes effective on March 9, 1973.

(Secs. 313(a), 601, 603, Federal Aviation Act of 1958, 49 U.S.C. 1354(a), 1421, 1423; sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Seattle, Wash., on March 1, 1973.

C. B. WALK JR.,
Director, FAA Northwest Region.

[FR Doc.73-4521 Filed 3-8-73;8:45 am]

[Docket No. 12323, Amdt. 39-1605]

PART 39—AIRWORTHINESS DIRECTIVES

Handley Page HP-137 Mark I Airplanes

Pursuant to the authority delegated to me by the Administrator, Amendment 39-1548 (37 FR 22846), AD 72-23-1, as amended by Amendment 39-1585 (38 FR 1579), was further amended on January 23, 1973, and made effective immediately as to all known U.S. operators of Handley Page HP-137 Mark I airplanes. The Amendment extends the time for compliance with the AD until March 24, 1973.

After issuing Amendment 39-1585 (38 FR 1579), the FAA determined that a critical shortage of the modification kits required for compliance with AD 72-23-1 still exists. The kits are not available in sufficient quantities to permit compliance with the AD within the time specified and this would result in grounding of airplanes. AD 72-23-1 was issued as a result of reports of ruptures of the horizontal firewall under the engine hot section due to engine rotor failures or combustor torching flame penetrating the combustor case and firewall, in order to provide additional fire shielding to protect the aft nacelle, wing, and fuel tank in case the horizontal firewall is penetrated. Subsequent to the issuance of AD 72-23-1 the FAA has determined that only a single case of inservice rupture of the horizontal firewall has occurred, and that rupture was caused by an uncontained engine rotor disc failure, and that there have been no cases of rupture caused by combustor torching flames.

In view of the foregoing and based on further review of the service history of these airplanes the FAA has determined that the situation is not as severe as originally determined, that the compliance time specified in AD 72-23-1 is unnecessarily restrictive, and that extension of the compliance time for 60 days will not adversely affect safety.

Since it was found that the amendment relieves a restriction and imposes no additional burden on any person, notice and public procedure thereon was unnecessary. These conditions still exist and the amendment is hereby published in the FEDERAL REGISTER as an amendment to § 39.13 of Part 39 of the Federal Aviation Regulations to make it effective as to all persons.

In consideration of the foregoing, and pursuant to the authority delegated to

me by the Administrator (14 CFR 11.89), § 39.13 of Part 39 of the Federal Aviation Regulations, Amendment 39-1548 (37 FR 22846), AD 72-23-1 as amended by Amendment 39-1585 (38 FR 1579), is further amended by amending the compliance statement therein to read as follows:

Compliance is required on or before March 24, 1973, unless already accomplished.

This amendment is effective on March 9, 1973, as to all persons except those persons to whom it was made immediately effective by the telegram, dated January 23, 1973, which contained this amendment.

(Sec. 313(a), 601, 603, Federal Aviation Act of 1958, 49 U.S.C. 1354(a), 1421, 1423; sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Washington, D.C., on March 2, 1973.

C. R. MELUGIN, JR.,
Acting Director,
Flight Standards Service.

[FR Doc.73-4520 Filed 3-8-73;8:45 am]

[Airspace Docket No. 73-SO-12]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Redesignation of Control Zone

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to redesignate the Greenville, Miss., control zone.

The Greenville control zone is described in § 71.171 (38 FR 351), and is effective "from 0700 to 2000 hours, local time, daily." Effective March 4, 1973, to provide the required air traffic control service at Greenville, the effective hours will be extended to "from 0700 to 2200 hours, local time, daily." It is necessary to alter the description to reflect this change. Since this amendment is minor in nature, notice and public procedure hereon are unnecessary.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., March 4, 1973, as hereinafter set forth.

In § 71.171 (38 FR 351) the Greenville, Miss., control zone is amended as follows:

"* * * 0700 to 2000 hours, local time, daily * * *" is deleted and "* * * 0700 to 2200 hours, local time, daily * * *" is substituted therefor.

(Sec. 307(a), Federal Aviation Act of 1958, 49 U.S.C. 1348(a); sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in East Point, Ga., on February 27, 1973.

DUANE W. FREER,
Acting Director, Southern Region.

[FR Doc.73-4519 Filed 3-8-73;8:45 am]

Chapter II—Civil Aeronautics Board

SUBCHAPTER D—SPECIAL REGULATIONS

[Reg. SPR-66; Amdt. 2]

PART 372a—TRAVEL GROUP CHARTERS

Miscellaneous Interpretative and Technical Amendments

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 6th day of March 1973.

By SPR-61, adopted and effective September 27, 1972, the Board issued rules authorizing a new class of charter, called Travel Group Charters (TGC), which are applicable to all direct air carriers and foreign air carriers. This new type of charter enables any 40 or more persons to be formed into a charter group, regardless of any prior affinity among such persons, provided that certain prescribed conditions and limitations are met.

Questions which have arisen in the course of administering the rule have indicated that it would be desirable to issue various interpretative and technical amendments. They are as follows:

1. *Definition of "round-trip."* The term "round-trip" is used in defining a "travel group charter" (§ 372a.2), but is not itself defined. In the absence of a prescribed definition, the meaning of "round-trip" varies with the context in which it is used. For example, in some tariffs on file with the Board, it is defined narrowly as a trip in which the outbound leg stops at one or more points, and the inbound leg stops at the same points in reverse order and terminates at the point of origination. We did not intend to limit TGC's to such a narrow definition of "round-trip"; rather, we sought only to require that a TGC should be "round-trip" in the popular sense of the term, i.e., a trip involving a departure from a particular point and a return to the same point or to a point in the same general area, regardless of the number or sequence of intermediate points served. Thus, a round-the-world trip should clearly qualify for a TGC, as should a trip in which, for example, the outbound leg is from New York to London and the inbound leg is from Rome to New York. In order to remove any ambiguity as to the interpretation of the term "round-trip" in the TGC rule we are now prescribing a broad definition, to encompass "any round, open-jaw or circle trip which includes an outbound flight and an inbound flight returning to a point no more than 50 air miles from the point of origin."[1]

[1] We wish to emphasize that by amending the definition of the term "round-trip" here, so as to expressly negate any narrow or technical denotation, we do not mean to imply that, in the absence of such explicitly broad definition, the term "round-trip" as used in other parts of our regulations is necessarily to be construed narrowly. As noted above, the question of whether the term should be broadly or narrowly defined depends on the context and the purpose of the rule in which it is used. Thus, for example, in our rules against stranding (e.g., §§ 208.32(e) and 208.202b of Part 208), in which we have required prepayment for the returning flight as well as the departing flight, in order to curtail the stranding of passengers abroad, our reference to "round-trip" charter is to be construed—even in the absence of an explicit definition—as applying to all travel arrangements which involve departure-and-return flights, whether described in an applicable tariff as "round-trip," "open-jaw," "circle-trip" or otherwise.

2. *Last day for individual participant's exercise of absolute right to cancel.* Paragraph (a) of § 372a.12 provides that the charter contract and the contract between the charter participants and the charter organizer shall become binding on the participants only upon the occurrence of specified conditions, culminating in the timely filing of the charter contract, i.e., no later than 3 months prior to departure. Paragraph (b) of the same section provides that at any time prior to the 4 months preceding the scheduled flight departure date, a participant may give to the organizer written notice of his cancellation and thereupon be entitled to a full refund of all moneys credited to his account. It has been noted that these two paragraphs appear to be somewhat inconsistent, since paragraph (b) implies that the individual participant has an absolute right to withdraw from the TGC only until four months before the scheduled date of flight departure, whereas paragraph (a) implies that he may do so even after that deadline, so long as all the enumerated conditions have not yet occurred.

We are therefore revising paragraph (a) of § 372a.12 so as to make it clear that although the TGC cannot be effectuated unless and until all the enumerated conditions precedent have occurred within the specified time limits, an individual participant may well be bound from the time he becomes a TGC participant, even if the enumerated conditions have not yet occurred.[2] In short, if the conditions prescribed in § 372.12 (a) are not timely met, the TGC is aborted and full refunds must be made to all participants; but, unless and until the entire TGC is so aborted, the individual participant has a right to withdraw and receive a full refund only pursuant to the provisions of §§ 372a.12(b), 372a.15(g) or of the particular contract with the organizer.[3]

3. *Requirement that terms of proposed charter contract conform to direct air*

[2] Paragraph C of the "truth-in-chartering" statement is also being revised, so as to reflect this clarification.

[3] For example, if the organizer has expressly undertaken, in his contract with participants, to file the charter contract at a specified date which is later than the earliest date permitted by the TGC rule, then an individual participant would have until that specified date to give written notice of his withdrawal for whatever reason.

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carrier's tariff in effect at time TGC option filed. Consistent with the declaration of agreed principles, worked out jointly by representatives of the United States and various foreign governments,[4] we are amending the TGC rule so as to require that the price and other terms set forth in a filed TGC option must be consistent with the tariff of the direct carrier in effect at time of such filing.

Moreover, we are also taking this occasion to amend § 372a.26 so as to specifically preclude any subsequent tariff filing which would have the effect of changing the rates set forth in the option and proposed charter contract. These amendments will assure timely review by the Board of the lawfulness of TGC charter rates prior to public solicitation thereof.

4. *Expressing all time requirements in terms of days.* In the TGC rule the time for complying with various requirements is in some instances expressed in terms of months, and in other instances is expressed in terms of days. Thus, the final pre-departure filings with the Board are required to be made "[n]o earlier than 4 months but no later than 3 months" prior to the scheduled flight departure date (§ 372a.22(b)), whereas, for example, full payment of each participant's minimum pro rata charter price is required to be paid "[n]o later than 60 days prior to such departure" (§ 372a.15(a)). Upon further consideration, we have concluded that it would be desirable to have time requirements in the rule expressed uniformly in terms of days. This uniformity will facilitate computations of time[4] required to be made under the rule and will also be in conformity with the manner in which comparable time requirements are being expressed in rules adopted by various foreign authorities as counterparts of our TGC rule. We are therefore substituting "120 days" and "90 days" for "4 months" and "3 months," respectively, throughout the text of the rule, including the "truth-in-chartering" statement.

5. *Clarifying when "tentative adjusted" price may be computed.* The text of the present rule is not sufficiently clear as to when the tentative adjusted pro rata charter price may be computed. For example, § 372a.15(d) refers to the tentative adjusted pro rata charter price "as computed on the 45th day prior to the scheduled date of flight departure," thereby implying that the computation must be made on that date. On the other hand, § 372a.29(d) provides that the contract between organizer and participants must set forth various prescribed terms and conditions, including the specific date on which the tentative adjusted pro rata price shall be computed, "which date shall not be later than 45 days before the scheduled departure date," thereby indicating that the date prescribed in the rule is merely a deadline. It is the latter provision which expresses the Board's intention, and the rule is therefore being amended so as to refer to this adjustment date consistently as being "no later than 45 days" before the scheduled departure date.

6. *Explicit prohibition against receiving money for prospective TGC before lawfully advertised.* Section 372a.22(a) provides that no charter organizer shall sell, or offer to sell, solicit, or advertise a charter trip, until at least 15 days after he and the direct air carrier have jointly made a preliminary filing with the Board of certain prescribed documents, including evidence of appropriate arrangements made to secure customers' deposits. In view of some TGC advertisements which have come to our attention, we are amending the rule so as to provide, expressly and emphatically, that no money is to be received by the organizer from any person in connection with a prospective TGC before that TGC may lawfully be advertised, i.e., only after the Board's staff has had an opportunity to review the filed preliminary documents which, as aforesaid, include evidence of the arrangements made by the organizer to secure customers' deposits.

7. *Explicit prohibition of any additional charges by organizer.* Section 372a.27(a) provides that the charter organizer shall not make any charges to the charter participants other than his service charge for consummating the charter and such transfer fees as may be due from those participants for whom he has effected an assignment. In view of some TGC advertisements which have come to our attention, we have determined to amend the rule so as to underscore that this prohibition is to be read literally. We are therefore adding an appropriate clause, expressly prohibiting any additional charges, however characterized.

8. *Additional provisions related to interlocking relationships.* When the Board adopted SPR–61 (the TGC rule), we made final certain proposed exemptions for charter organizers (other than foreign charter organizers) which we have customarily provided for indirect air carriers, including a limited exemption from sections 408(a) and 409, and from section 412.[8] However, we had inadvertently omitted from our proposal, and thus did not make final, related customary provisions which (a) grant blanket approval of certain interlocking relationships of an indirect air carrier's officers and directors, and (b) provide that such exemptions and approval do not constitute orders under section 414 of the Act for the purpose of conferring "antitrust law" immunity.[9] We are therefore adding these technical provisions to the TGC rule, so as to cure their inadvertent omission.

9. *Additional provision to be specified in participant-charter organizer contract.* While the TGC rule-making proceeding was in progress, the Board had instituted a separate proceeding, by notice of proposed rule making SPDR–26,[9] in which we proposed miscellaneous amendments to the Board's special regulations with respect to study group charters[9] and inclusive tour charters.[10] That proceeding culminated in the issuance (subsequent to the issuance of the TGC rule) of SPR–62,[11] in which the Board made final a number of the proposed amendments. Among the proposed amendments which were thus made final was a change in Part 378, adding to the enumerated provisions required to be specifically covered in the contract between an inclusive tour charter operator and tour participants, a provision advising participants of any available "trip liability insurance," i.e., health and accident insurance related to the inclusive tour charter. This requirement, which was adapted from an existing requirement applicable to study group charterers' contracts (§ 373.18(b)), is designed to assure that tour participants are apprised of insurance which may be available for their benefit in connection with a tour. Thus, for the same reasons that we decided, following public rule making procedures, to require this provision to be specified in tour contracts in connection with study group charters and inclusive tour charters, we have now determined to add it to the provisions which the TGC rule requires to be specified in the contract so as to be brought specifically to the attention of TGC participants, although this particular requirement was not proposed in the instant proceeding.

10. *Contents of the "truth-in-chartering" statement.* In SPR–61, we prescribed as Appendix "A" to the TGC rule a "truth-in-chartering" statement to be distributed by the charter organizer to actual and prospective charter participants, in order to assure that they would be advised, in non-technical terms, of their rights and obligations under the various pertinent provisions of the rule. It is now necessary to revise various portions of that statement so as to reflect the revised text of the TGC rule resulting from the foregoing amendments

We are also taking this occasion to otherwise revise the statement, so as to include the following additional information which should be helpful to the traveling public in better understanding the salient provisions of the TGC rule:

(a) The statement presently summarizes the rule's requirement (§ 372a–11) that each main list participant must pay an initial deposit of at least 25 percent of the "minimum pro rata charter price" specified in the contract. The revised statement refers explicitly to the rule's additional provisions with respect to payment: (1) Any unpaid balance of the "minimum pro rata charter price" must be fully paid no later than 60 days prior to the scheduled date of flight departure; and (2) at the same time the organizer may also require (if the contract so provides) payment of a "pro rata reserve deposit," so long as the total payments do not exceed the "maximum pro rata charter price." (§ 372a.15(a).)

(b) The statement presently states (p. 2, fn. 2) that tour conductors may be carried on a TGC flight, if the contract so provides and the number of conductors is not more than one for each 40 participants. The revised statement makes explicit that tour conductors may be carried only if the TGC package includes ground arrangements.

11. *Time of delivery of the "truth-in-chartering" statement.* The present TGC rule requires (§ 372a.22(b)(4)) that, at the time the executed charter contract is filed, there shall also be filed a statement of the charter organizer affirming that e[illegible] main list participant has been furnished with a copy of the "truth-in-chartering" statement discussed above, but the time for furnishing the statement is not prescribed. Yet, if the statement is to serve its purpose, the organizer should not be permitted to postpone its delivery until the last possible moment. We have therefore determined to amend the rule so as to require that a copy of the "truth-in-chartering" statement shall be furnished by the organizer to each main list participant no later than the time when the participant enters into a contract with the organizer.

12. *Statement of charges.* The present text of § 372a.28, prescribing the contents of statements of charges in connection with the marketing of TGC's, has given rise to various questions of interpretation. In particular, the present reference to "the total cost of the charter" has created some doubt as to whether or not a TGC advertisement is required to set forth the total price of the charter contract. We are therefore revising the entire text of this section, so as to remove such ambiguities.

13. *Effectiveness of these amendments.* Since the purpose of this rule is only to clarify and interpret various provisions of the TGC rule, as well as to make some minor technical revisions which, while imposing no substantial burden on anyone, should afford further protection to members of the public wishing to participate in charters operated hereunder, the Board finds that notice and public procedure are unnecessary and would not be in the public interest. For the same reasons, we find good cause to make all of the within revisions and amendments effective immediately, except as otherwise specified.

Recognizing that some organizers and direct air carriers have already filed with the Board options, proposed contracts and other documents in connection with proposed TGC programs, and may have already distributed "truth-in-chartering" statements, all drafted in conformity with the existing text of the rule, including Appendix "A" thereto, immediate effectiveness of all the amendments herein could impose a burden on such persons. We shall therefore permit them to execute, and otherwise continue to use, in connection with any TGC program pending at the time this rule becomes effective, any document conforming to the existing text of the rule, without requiring revisions to be made to reflect the within technical amendments. For this purpose, we shall regard a TGC program as pending on the effective date hereof if its preliminary filings, under § 372a.22(a), were made before said effective date or are submitted to the Board within 30 days after the within amendments are published in the FEDERAL REGISTER.

Similarly, we recognize that immediate application of the within amendment, insofar as it explicitly requires that the price and other terms set forth in a TGC option must be consistent with tariffs in effect at the time the TGC option is filed, would be disruptive of pending TGC programs, since no tariffs for TGC flights have as yet been filed and any tariff which could be immediately filed could not normally become effective except upon 30 days' notice. Thus, if the instant amendment were to become effective immediately, it would preclude the filing of any TGC option for a period of at least 30 days, and thus the marketing of any new TGC would be barred for a period of at least 45 days, since a TGC may not be offered for sale until 15 days after the option is filed. We shall therefore postpone the effectiveness of this amendment until 30 days after its publication in the FEDERAL REGISTER.

In consideration of the foregoing, the Civil Aeronautics Board amends Part 372a of its Special Regulations (14 CFR Part 372a), effective March 6, 1973, as follows:

1. Amend the Table of Contents to read in part as follows:

Sec.

372a.5	Termination of part.
372a.6	Computation of time.
372a.20a	Jurisdiction over foreign charter organizers.
372a.20b	Approval of certain interlocking relationships.
372a.20c	Effect of exemption on antitrust laws.
372a.21	Suspension of exemption authority.

2. Amend § 372a.2 by adding a definition of "round-trip" as follows:

§ 372a.2 Definitions.

As used in this part, unless the context otherwise requires—

* * * * *

"Round-trip" refers to any round, open-jaw or circle trip which includes an outbound flight and an inbound flight returning to a point no more than 50 air miles from the point of origin.

* * * * *

3. Add a new § 372a.6 to read as follows:

§ 372a.6 Computation of time.

In computing any period of time prescribed or allowed by this part, the day of the act, event, or default after which the designated period of time begins to run is not to be included. The last day of the period so computed is to be included, unless it is a Saturday, Sunday, or legal holiday for the Board, in which event the period runs until the end of the next day which is neither a Saturday, Sunday, nor holiday.

4. Amend § 372a.12 to read as follows:

§ 372a.12 Conditions precedent to contracts.

(a) The charter contract and the contract between the charter participants and the charter organizer shall become binding on each participant at the time he becomes a party thereto (subject to his right to receive a full refund if he cancels pursuant to paragraph (b) of this section, or defaults for cause pursuant to § 372a.15(g), or if he cancels pursuant to a right specifically granted in the contract with the organizer), but after the expiration date specified in the option of the direct air carrier, filed with the Board pursuant to § 372a.22(a)(1), no new contractual rights and obligations hereunder may be created, and any existing rights and obligations shall become null and void (other than the right of the participants to receive full refund of any payments already made) unless all of the following conditions have been met:

(1) The number of main list participants plus the number of tour conductors (which shall not exceed the maximum number permitted under this part) is equal to the number of seats specified in the charter contract;

(2) Each main list participant has paid at least an initial deposit of 25 percent of the minimum pro rata charter price specified in the charter contract; and

(3) The charter contract has been timely filed with the Board.

(b) At any time prior to 120 days preceding the scheduled flight date, a participant may submit to the organizer written notice of his cancellation, regardless of cause, and he shall thereupon be entitled to receive forthwith a refund of all moneys credited to his account, without deduction or penalty of any kind.

5. Amend the introductory paragraph to § 372a.13 to read as follows:

[4] I.e., Canada and the 10 member states of the European Civil Aviation Conference (ECAC). Paragraph 7 thereof provides in pertinent part: "Not less than 4 months before the commencement of their first operation, carriers should file appropriate tariffs with concerned regulatory authorities. In the absence of a challenge to such tariffs, contracts incorporating them shall be regarded as valid in this respect." See Department of State Release No. 296, Dec. 1, 1972.

[4] We are also adding a new § 372a.6, to expressly provide how computations of time under the TGC rules are to be made, and the "truth-in-chartering" statement is also being amended accordingly to include appropriate illustrations.

[8] See, for example, § 378.3 of Part 378 (governing inclusive tour operators), and § 373.3 of Part 373 (governing study group charter operators).

[9] See, for example, §§ 378.4 and 378.5 of Part 378, and §§ 373.4 and 373.5 of Part 373, respectively.

[9] Dated October 26, 1971; 36 FR 20895, October 30, 1971.

[9] Part 373 of the Board's Special Regulations (14 CFR Part 373).

[10] Part 378 of the Board's Special Regulations (14 CFR Part 378).

[11] Dated October 10, 1972; 37 FR 22851, October 26, 1972.

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§ 372a.13 Assignments.

At any time during the 120-day period preceding the scheduled flight departure date, a charter participant may assign his interest in the charter, but only in accordance with the following:

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6. Amend § 372a.15 (c), (d), (e), and (g) to read as follows:

§ 372a.15 Full payment of charter price; refunds.

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(c) If the interest of any defaulting participants has not been assigned prior to the date specified in the contract for the computation of the tentative adjusted price, pursuant to § 372a.29(d), then the initial 25 percent deposit of each such defaulting participant (unless refunded to him pursuant to paragraph (g) of this section) shall be applied toward payment of the charter price, and the pro rata charter price for each remaining participant shall be increased by an amount equal to his pro rata share in the unpaid balance of the defaulting participant's charter price.

(d) If the tentative adjusted pro rata charter price, as computed on the date specified therefor in the contract, pursuant to § 372a.29(d), exceeds the specified maximum, then the charter shall be canceled and all moneys paid by the charter participants shall be refunded to them forthwith, without deduction or penalty of any kind: *Provided, however,* That the initial 25-percent deposit of each defaulting participant (unless refunded to him pursuant to paragraph (g) of this section), may be paid over as liquidated damages to the direct air carrier and the charter organizer pursuant to the terms of the charter contract and the contract between the organizer and participants.

(e) If the tentative adjusted pro rata charter price, as computed on the date specified therefor in the contract, pursuant to § 372a.29(d), does not exceed the specified maximum, then each participant shall forwith pay the balance, if any, due on such adjusted pro rata charter price and all moneys theretofore paid by charter participants shall be nonrefundable, except as provided in paragraph (f) of this section: *Provided, however,* That if the charter contract is subsequently canceled for any of the reasons set forth in § 372a.18, then all moneys paid by the charter participants shall be refunded to them forthwith, without deduction or penalty of any kind.

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(g) If the charter organizer receives written notice, prior to the date specified in the contract for the computation of the tentative adjusted price, pursuant to § 372a.29(d), that a charter participant has died, or that, as a result of accident or illness, verified by a medical doctor, it appears probable that he will be unable to participate in the travel group charter, then the charter organizer shall refund the charter price payments already made by such participant.

7. Add new §§ 372a.20b and 372a.20c to read as follows:

§ 372a.20b Approval of certain interlocking relationships.

To the extent that any officer or director of a charter organizer would be in violation of any of the provisions of section 409(a) (3) and (6) of the Act by participating in interlocking relationships covered by the exemption granted by § 372a.20, such participation is hereby approved by the Board.

§ 372a.20c Effect of exemption on antitrust laws.

The relief granted by §§ 372a.20 and 372a.20b from sections 408, 409, and 412 of the Act shall not constitute an order under such sections within the meaning of section 414 of the Act, and shall not confer any immunity or relief from operation of the "antitrust laws" or any other statute (except the Act) with respect to any transaction, interlocking relationship, or agreement otherwise within the purview of such sections.

8. Amend § 372a.22 to read in part as follows:

§ 372a.22 Operating authorization of charter organizer.

A charter organizer • • •

(a) No charter organizer shall sell, or offer to sell, or solicit persons to participate in, or otherwise advertise, a charter trip, or receive any money from any prospective participant in connection therewith, until at least 15 days after he and the direct air carrier(s) have jointly filed with the Board (Supplementary Services Division, Bureau of Operating Rights) in duplicate:

(1) An option from the direct air carrier(s) under which the carrier(s) obligates itself for a specified period, which shall expire no later than 90 days prior to scheduled date of departure, to enter into a charter contract with the charter organizer as agent for the charter participants: *Provided, however,* That if the air transportation on the departing flight and the returning flight is to be performed by more than one direct air carrier, then there shall be a single option granted to the charter organizer by all such direct air carriers, acting jointly and severally;

(2) A copy of the proposed charter contract, setting forth specific terms and conditions upon which the carrier(s) will perform the charter, including the number of seats (specifically stating, where applicable, the number of seats to be occupied by tour conductors), the type of aircraft, the departure and return dates and points, and the minimum and maximum pro rata charter price, which terms and conditions shall conform to the currently effective tariff or tariffs of the direct air carrier(s), as identified by specific tariff citation;

• • • • • •

(b) No earlier than 120 days, but no later than 90 days, prior to the scheduled date of departure, the charter organizer and the direct air carrier(s) shall jointly file with the Board (Supplementary Services Division, Bureau of Operating Rights) in duplicate:

• • • • • •

(4) A statement of the charter organizer affirming that each main list participant (i) has entered into a contract with the organizer as provided in this part, (ii) has paid his initial 25-percent deposit, and (iii) has been furnished, no later than the time when he entered into such contract with the organizer, with an explanatory statement, in the form set forth in Appendix A; and

• • • • • •

9. Amend § 372a.26 to read as follows:

§ 372a.26 Prohibition on operations unless tariffs are observed.

No charter organizer shall charter aircraft to provide air transportation to charter participants, and no direct air carrier shall operate such aircraft, except in accordance with the rates, fares, and charges and all applicable rules, regulations, and other provisions for such transportation as set forth in the currently effective tariff or tariffs of the direct air carrier transporting charter participants; and no such organizer shall demand, collect, accept, or receive, in any manner or by any device, directly or indirectly, or through any agent or broker, or otherwise, any portion of the rates, fares, or charges so specified in the tariffs of such direct air carrier, and shall not demand, accept, or receive, either directly or indirectly, any privilege, service, or facility except those specified in the currently effective tariffs of such air carrier: *Provided, however,* That no direct air carrier shall file a tariff which has the effect of changing the charter price specified in any option or proposed charter contract previously filed under § 372a.22.

10. Amend § 372a.27(a) to read as follows:

§ 372a.27 Charter costs.

(a) The charter organizer shall not make any additional charges to the charter participants, other than his service charge for consummating the charter (or liquidated damages, as permitted hereunder, if the charter is canceled upon default of participants), and such transfer fee as may be due him from an individual participant for effecting an assignment, whether or not such additional charge is only nominal or is characterized as a membership fee, registration fee, reimbursement for expenses, or otherwise.

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11. Amend § 372a.28 to read as follows:

§ 372a.28 Statements of charges.

(a) Any announcement, statement, or solicitation material to prospective charter partcipants giving price per seat shall state that the price is dependent upon the number of seats sold, and shall also set forth the minimum and maximum pro rata charter price, as well as the service charge. It shall also state that the minimum pro rata charter price is subject to an increase of no more than 20 percent as a result of defaults by participants, and that the charter will be canceled if the pro rata charter price increases by more than 20 percent over the minimum pro rata charter price. The cost of ground arrangements, if any, shall be stated separately.

(b) All such announcements, statements, or solicitation material shall also identify the carrier(s) and the type of aircraft to be used for the charter, and shall state that for a person to be eligible to be a passenger on a charter flight he must be included in the main list or the standby list to be filed no later than 90 days before flight departure.

(c) All billings to charter participants shall separately state the pro rata cost of air transportation, the service charge, the transfer fee, and the cost of land accommodations, if any.

12. Amend § 372a.29 by adding new paragraph (e–1) to read as follows:

§ 372a.29 Contract between charter organizer and charter participants.

• • • • • •

(e) If applicable, the • • •

(e–1) Whether trip, health, and accident insurance is available and, if so, that upon request the charter organizer will furnish details thereof;

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13. Amend Appendix A to read in part as follows:

DESCRIPTION OF TRAVEL GROUP CHARTERS

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General Description of TGC. The basic idea of a TGC is that 40 or more persons may enter into a charter contract, by which they hire an aircraft (or part of an aircraft) to provide themselves with round trip air transportation for a trip which is to last a minimum of 7 days (10 days in some areas) on a pro rata basis, i.e., each charter participant shares equally in the cost of the charter. The charter contract must be filed with the Board several months before the scheduled date of departure.[1] At that time, the charter organizer must also file a "main list" identifying the people who have signed his contract and paid him an initial deposit of at least 25 percent of the "minimum pro rata charter price" (discussed below) specified in the contract. The number of persons on this "main list" must be equal to the number of seats which the contract specifies will be occupied by "charter participants."[2] At the same time, there may also be filed a "standby list" identifying any person who wants the opportunity to be substituted for a "main list" participant who might subsequently withdraw or default. The number of persons on the "standby list" may not exceed three times the number of "main list" participants, and a person on the "standby list" is under no obligation of any kind unless and until he actually becomes substituted for a "main list" participant. When the flight is performed, all the charter participants must be persons identified in either the "main list" or the "standby list" on file with the Board; and at least 80 percent of the charter participants must be from the "main list."

Pro rata charter price. The "minimum pro rata charter price," • • •

• • • • • •

If all the seats intended for participants are sold,[3] fully paid for, and no refunds are made, then the minimum pro rata charter price will be the actual price which each charter participant will pay. However, if a participant defaults (or refund is made because of the death or illness of a participant) then the pro rata price of each remaining participant must be increased accordingly. In order to limit the liability of the remaining participants for an increase in the pro rata charter price, the Board has provided for a "maximum pro rata charter price," which is 20 percent more than the minimum. The minimum pro rata charter price must be paid in full by each charter participant no later than the 60th day before the scheduled date of flight departure. The charter organizer must determine, no later than 45 days before the scheduled departure date, whether defaults and refunds would result in increasing each remaining participant's share beyond the "maximum." If they would, then the charter must be canceled; otherwise each remaining participant must pay the increased "adjusted pro rata price."[4]

Cancellations and refunds. • • •

C. Until 120 days prior to the scheduled flight departure date (or until such later date as may be specified in the contract with the organizer for the filing of the final contracts), any participant may give written notice to the organizer that he wishes to withdraw from the group, regardless of his reasons, and he is then entitled to a full refund of all payments.

Example 3. On March 1, 1973, John Jones signs a contract with an organizer and pays a 25 percent deposit for a TGC scheduled to depart from New York to London on July 6, 1973. The 120th day prior to flight departure is March 10, 1973 (which is a Saturady). Until the next regular business day, March 12, 1973, Mr. Jones is entitled to give the organizer written notice of his decision to withdraw, without cause or explanation, and to receive a full refund.

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[1] The charter contract and other documents are to be filed no earlier than 120 days, and no later than 90 days, before the scheduled date of departure. Thus, for example, if a TGC is scheduled to depart on July 6, 1973, this filing may be made no earlier than March 8, 1973 and no later than April 9, 1973. (Since the 90th day prior to the scheduled departure is April 7, 1973, a Saturday, the filing deadline is extended to the next business day, April 9th, which is only 88 days prior to departure.)

[2] The only other authorized passengers on the charter flight are tour conductors, whose seats are paid for by the charter participants, but these conductors may be carried only when ground arrangements are required as part of the TGC package. The number of tour conductors must be specified in the contract and may not exceed one for each 40 participants.

[3] If not all • • •

[4] Once this • • •

14. *Effective dates of these amendments.* The foregoing amendments shall become effective upon adoption, except that: (a) The amendment requiring that the price and other terms set forth in a TGC option or in a proposed charter contract filed under § 372a.22(a) shall be consistent with the direct air carrier's applicable tariff in effect at the time of such filing, shall become effective April 9, 1973; and (b) to the extent that any option, contract, or other document, in connection with a pending TGC program (as hereinbelow defined) has been or will be prepared in conformity with the existing text of Part 372a, it may be executed or otherwise continue to be used in connection with such pending TGC program and need not be revised so as to conform with the text of Part 372a as amended hereby. A TGC program shall be regarded as pending, for the purposes hereof, if the preliminary filings in connection therewith, under § 372a.22(a) have been made before, or are submitted to the Board for such filing on or before April 9, 1973.

(Secs. 101(3), 204(a), 401, 402, 407, 416(a) and 1001 of the Federal Aviation Act of 1958, as amended, 72 Stat. 737 (as amended), 743, 754 (as amended), 757, 766, 771, and 788; 49 U.S.C. 1301, 1324, 1371, 1372, 1377, 1386, and 1481)

By the Civil Aeronautics Board.

[SEAL] HARRY J. ZINK, *Secretary.*

[FR Doc.73-4621 Filed 3-8-73;8:45 am]

CHAPTER V—NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

PART 1204—ADMINISTRATIVE AUTHORITY AND POLICY

Use of the Wallops Station Airstrip by Aircraft Not Operated for Federal Government

Secton 1204.1403(c) is revised in its entirety as follows:

§ 1204.1403 Available airport facilities.

• • • • • •

(c) *Control tower.* The control tower is manned from 0730–1730 local time, Monday through Friday only, legal holidays excluded. When the tower is manned and in operation, the FAA regulations pertaining to the operation at airports with operating control towers (§ 91.87 of this title) will apply. The tower may be contacted on 394.3 MHz or 126.5 MHz. At all times when the tower is not manned, the Wallops Advisory Service (a 24-hour security service) may be contacted on the same frequencies for essential information. However, during such times the FAA rules pertaining to the operation at airports without control towers (§ 91.89 of this title) will apply.

Section 1204.1406(a) is revised in its entirety as follows:

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§ 1204.1406 **Procedures in the event of a declared in-flight emergency.**

(a) Any aircraft involved in a declared in-flight emergency that endangers the safety of its passengers and aircraft may land at Wallops Station Airstrip. In such situations, the requirements of this Subpart 14 for advance authorizations, etc., need not be followed. However, should time and circumstances permit, the pilot should contact the Wallops Station Airstrip control tower or the Wallops Advisory Service on 394.3 MHz or 126.5 MHz before attempting to land.

* * * * *

ROBERT L. KRIEGER,
Director, Wallops Station, National Aeronautics and Space Administration.

[FR Doc.73-4560 Filed 3-8-73;8:45 am]

Title 16—Commercial Practices

CHAPTER I—FEDERAL TRADE COMMISSION

[Docket No. 8869 o]

PART 13—PROHIBITED TRADE PRACTICES

Spiegel, Inc.

Correction

In FR Doc. 73-3414 appearing at page 4944 in the issue of Friday, February 23, 1973, the Docket Number should appear as set forth above.

PART 600—STATEMENTS OF GENERAL POLICY OR INTERPRETATIONS

Civil Service Commission

Correction

In FR Doc. 73-3497 appearing at page 4945 in the issue for Friday, February 23, 1973, the following changes should be made in § 600.6 *Civil Service Commission:*

1. The material in the third column of page 4947, now designated as paragraphs (b), (c), and (d), should be designated as paragraphs (c), (d), and (e).

2. In the paragraph redesignated (d), in the 14th line the word "unlike" should read "unhkely".

Title 18—Conservation of Power and Water Resources

CHAPTER I—FEDERAL POWER COMMISSION

[Docket No. R-469; Order 467-B]

PART 2—GENERAL POLICY AND INTERPRETATION

Order Modifying Statement of Policy, and Denying Motions for Reconsideration

MARCH 2, 1973.

On January 8, 1973, the Commission issued Order No. 467 in Docket No. R-469, statement of policy, adding § 2.78(a) to the Commission's rules of practice and procedure, as subsequently amended by Order No. 467-A, January 15, 1973.[1] Numerous applications or petitions for rehearing, reconsideration, modification or clarification of Orders Nos. 467 and 467-A have been filed. Those filing will be termed "applicants".

In Order No. 467 the Commission issued a policy statement setting forth initial priorities to be followed by jurisdictional pipeline companies during periods of curtailed deliveries. The priorities are based on end use of the gas whether by direct purchase from the pipeline or by indirect purchase through a distributing company. Order No. 467 stated:

> When applied in specific cases, opportunity will be afforded interested parties to challenge or support this policy through factual or legal presentation as may be appropriate in the circumstances presented.

And the statement of policy further provided that exceptions to the prescribed priority system would be permitted upon a finding of extraordinary circumstances after hearing initiated by a petition filed under § 1.7(b) of the Commission's rules of practice and procedure. Order No. 467-A provided that pipeline companies include provisions in their tariffs permitting them to respond to emergency situations.

The Applicants have made extensive arguments, both procedural and substantive. In a few cases the Applicants requested permission to intervene, and there was one separate Petition for Leave to Intervene (Rochester Gas & Electric Corp.). As discussed below, Order No. 467 is a policy statement and is not intended to initiate a proceeding or to provide a binding rule without further proceedings directed towards curtailment problems on specific pipelines. Therefore petitions to intervene are unnecessary, and petitions for rehearing do not lie. We treat the filings as petitions for reconsideration, and deny the same.

REASONS FOR ISSUANCE OF ORDERS 467 AND 467-A

Since the promulgation of Order 431, 45 FPC 570 (1971), the need for Commission guidance in curtailment planning has become apparent. The curtailment plans proposed by those pipelines which have filed pursuant to Order 431 reflect sharp differences in curtailment philosophy (e.g., curtailment based on end use versus curtailment based on pro rata reduction of contract entitlements) and curtailment implementation. As a consequence, the hearing records brought before us lack uniformity in the quantum of evidence relating to consumer impact and end use allocation patterns. The articulation and implementation of allocation policies on a uniform national basis are thereby constrained.

Of equal significance, because of the absence of general curtailment guidelines, we have been confronted with emergency situations where emergency action was necessary to prescribe curtailment plans. See Opinion 634 and 634-A, El Paso Natural Gas Co., 48 FPC ____, and order dated December 20, 1972, Mississippi River Transmission Co. In situations where the need to curtail arises suddenly and without anticipation, and where no curtailment plan has been approved, as was true for El Paso and Mississippi River Transmission, the pipeline is placed in the difficult position of undertaking service cutbacks at the risk of civil liability to direct and indirect customers if the curtailments are not required by Commission order, or if the pattern of curtailment is later adjudicated to be unjust or unreasonable. See International Paper Co. v. FPC, CA5, No. 71-3531, slip opinion issued February 7, 1973. Similarly, in such situations, pipeline customers and those dependent on pipeline service have no clear basis for conducting their operations.

Finally, our experience with curtailment litigation persuaded us that long-range advance planning by pipelines, distributors, and consumers has been rendered most difficult by the absence of a statement by the Commission of its general policy in curtailment cases.

Because of these considerations, we issued, as a policy statement, Orders 467 and 467-A. We recognized that some flexibility is essential as curtailments first occur, in order to ameliorate the economic dislocations which necessarily ensue, and for that reason we made clear in Order 467 that the policy therein stated could, and would, be adjusted in appropriate cases where the hearing record so required.

PROCEDURAL AND JURISDICTIONAL ARGUMENTS

A. *Nature of Order No. 467 and Conformity to the Administrative Procedure Act.* It is argued by a number of applicants that Order No. 467, despite its designation as a "Statement of Policy", is really rule making and section 553 of the Administrative Procedure Act requires notice, an opportunity to submit views and to participate. In some cases it is further argued that the action taken by the Commission is actually adjudication rather than rule making in that it abrogates or nullifies existing curtailment priorities in contracts and tariffs. On the other hand, Reynolds Metals Co. interprets Order No. 467 as not imputing to any pending curtailment case any controlling substantive effects; it asks that Order No. 467 be clarified to state that in each case the opportunity for evidentiary hearings will be afforded. Alabama Gas Corp. asks for clarification as to whether Order No. 467 is a flexible guideline against which curtailment would be judged.

Order No. 467 is designated "Statement of Policy." It specifically states that "When applied in specific cases, opportunity will be afforded interested parties to challenge or support this policy through factual or legal presentation * * *". It therefore falls whithin the exception for "general statements of policy" within section 553 of the APA. Our use of Orders 467 and 467-A as policy guidelines is exemplified in Texas Eastern Transmission Corp., et al., dockets Nos. RP71-130 et al., issued January 29, 1973, requiring Algonquin to show cause why it should not file an amendment to its tariff "to conform with Order 467-A".

Orders in Docket R-469 are not finally determinative of the rights and duties of a given pipeline, its customers or ultimate consumers; it expressly envisions further proceedings. As a statement of policy, it is excepted by section 553 from the requirements of the notice and hearing provisions of the Administrative Procedure Act, and, of course, it is not an adjudication within the meaning of that Act.

B. *Effect on Future Tariff Filings.* In orders in Docket R-469, we have set forth the form of curtailment plan preferred by the Commission. We have not attempted to impose this plan on all pipelines and their customers, nor have we attempted to delineate all details which should be embodied in proposed tariff changes which propose a curtailment plan. At this time, there is still a need for more flexibility than would be possible were we to insist upon one specific form for all curtailment tariffs.

Accordingly, those pipelines which do not yet have a curtailment plan approved by final order of the Commission are still free to file tariff changes under section 4 in whatever form they choose. Tariffs not in accord with the policies expressed in orders in Docket R-469 will be subject to suspension and hearing, and any curtailments made under nonconforming tariff sheets which have not received Commission approval may be found to be unjust and unreasonable, or preferential or discriminatory, dependent upon the facts proved in an evidentiary hearing. Proposed tariff sheets which conform to the policies expressed in orders in Docket R-469 will be accepted for filing, and permitted to become effective, subject to the rights of intervenors to hearing and adjudication of any claim of preference, discrimination, unjustness or unreasonableness of the provisions contained in the proposed tariff sheets, and subject to the further right of any one adversely affected to seek individualized special relief because of extraordinary circumstances. While our present intention is not to suspend tariff sheets which conform to the policies in orders in Docket R-469, we do not foreclose our discretionary powers to suspend such tariff sheets under section 4(e) under appropriate circumstances.

C. *Effect on Pending Cases.* Orders in Docket R-469 are not self-operative in pending cases. Initial decisions, and Commission decisions, will be reached on the record made, applying orders in Docket R-469 policies except where deviation therefrom is required by the evidence. Where insufficient end use data are not available, we will continue to make appropriate provision for the collection of such data. See, e.g., Opinion No. 634, El Paso Natural Gas Co., Opinion No. 643, Arkansas-Louisiana Gas Co.; Opinion No. 647, United Gas Pipe Line Co.

Many Applicants, particularly those representing California, argue that a general rule is inappropriate and that each pipeline system should be treated on an individual basis. With one extremely important exception, we are in general agreement with this thesis, at least at this time in the development of curtailment policies and practices. The one area where we believe uniformity to be essential is with respect to whether contract entitlements should form the basis for curtailment, or whether curtailment should be based on end use factors. As a matter of policy, we have determined that end use must be controlling. Our reasons for so concluding are articulated in Opinion 643, Arkla, supra, and Opinion 647, United Gas, supra.

As a statement of policy, orders in Docket R-469 will serve as a guide in other proceedings, specifically those arising under Order No. 431. By these orders, the parties are on notice that we consider the type of curtailment plan set forth in the Orders to be just and reasonable, nondiscriminatory and nonpreferential. This does not mean that the parties may not propose or the Commission may not adopt variations on the § 2.78 (a) plan, but there must be evidence in the record to support any such variations. Nor does it mean that adversely affected pipeline customers may not claim a right to special relief from the operation of a § 2.78(a) plan, but in such instances there must be evidence to support any such claim. In this way, § 2.78 (a) will assist the parties and the Administrative Law Judge in arriving at a curtailment plan which will meet the problems created by diverse needs for gas in the face of a nationwide gas shortage and at the same time be adapted to the peculiarities, if any, of the particular pipeline system involved.

D. *Control of End Use.* It is argued that in a curtailment proceeding under sections 4 and 5 of the Act, the FPC cannot control end use. The Applicants cite "Fuels Research Council v. FPC", 374 F. 2d 842 (CA 7, 1967), where it was argued that the Commission should have designed rates to discourage use of gas in power plants, and the Court held the Commission had no such authority. Furthermore, in the "Hope" case,[1] the Court said that it failed to find in the power to fix just and reasonable rates the power to fix rates which will disallow or discourage resales for industrial use.

The courts in those cases were not faced with a nationwide gas shortage, and rates were involved, not allocations or curtailments. "FPC v. Louisiana Power & Light Co.," 406 U.S. 621 (1972) confirms the Commission's broad powers to devise effective means of meeting its responsibilities. These include section 16, providing that the Commission "shall have power to perform any and all acts necessary or appropriate to carry out the provisions" of the Gas Act, and sections 4 and 5 dealing with rates, service, and contracts. Section 4 prohibits any "undue preference or advantage" or any "unreasonable difference" in service, and section 5 grants the Commission the power to determine "the just and reasonable * * * classification, rule, regulation, practice, or contract to be observed." The Gas Act says (section 1) "that the business of transporting and selling natural gas for ultimate distribution to the public is affected with a public interest." It is our conclusion that we have ample authority to require that curtailment plans be based on the end use of gas by the direct customers of the pipeline or the customers of the distributing companies.

E. *Requested Clarifications and Modifications.* Many applicants seek clarification of Order 467 by Commission definition of all terms used, or modification of the substance of Order 467 by a reordering of priorities. These applicants err in treating Orders 467 and 467-A as a rule of substance, which precisely defines the curtailment rights and obligations of all pipelines and all pipeline customers. We ascribe no such effect to Orders 467 and 467-A, for, as already stated, these orders are intended only to state initial guidelines as a means of facilitating curtailment planning and the adjudication of curtailment cases.

On the same date Order 467 was issued, we noticed a proposed policy statement in Docket No. R-467, 38 FR 1504. We therein seek comments on stated priorities of service, which priorities the Commission would implement "* * * in all matters arising under the Natural Gas Act." It is not mere coincidence that the priority system noticed in Docket No. R-467 is the same as that set forth in Order No. 467. The comment time has not expired in Docket No. R-467, and we will give due consideration to all comments therein received.

We find it appropriate, however, to modify § 2.78(a) of our regulations in one respect, in order to clarify our intent that while end usage of natural gas is controlling in curtailment situations, for the present the immediate impact of curtailment on small volume interruptible users should be lessened, and, for the present, the alternate fuel capabilities of interruptible users should be considered. As already noted, we will, after receipt and consideration of comments in Docket No. R-467, issue such definitions and clarifications of the terms used in determining priorities of service as may be necessary and desirable. One such area of concern will be a useful and workable demarcation between "interruptible" and "firm" service, bearing in mind that these terms are susceptible of differing interpretations. Pending resolution of this matter on the basis of a full record, we modify § 2.78(a) of our regulations in the particulars hereinafter stated.

The Commission finds:

(1) The notice and effective date provisions of 5 U.S.C. 553 do not apply with respect to the amendment to the policy statement here adopted.

(2) It is appropriate and in the public interest in administering the Natural

[1] 38 FR 1504, 3171 (Jan. 15, 22, 1973).

[1] F.P.C. v. Hope Natural Gas Co., 320 U.S. 591, 610 (1944).

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Gas Act to adopt the amendment to the policy statement herein ordered.

The Commission, acting pursuant to the provisions of the Natural Gas Act, as amended, particularly sections 4, 5, 7, and 16 (52 Stat. 822, 824, 825; 56 Stat. 83, 84; 61 Stat. 459; 76 Stat. 72; 15 U.S.C. 717c, 717d, 717f, orders:

(A) Part 2 of the Commission's General Rules of Practice and Procedure, General Policy and Interpretations, Subchapter A, Chapter I, Title 18 of the Code of Federal Regulations is amended by adding a new subparagraph at the end of § 2.78(a) and, as amended, it will read as follows:

§ 2.78 Utilization and conservation of natural resources—natural gas.

(a) The national interests in the development and utilization of natural gas resources throughout the United States will be served by recognition and implementation of the following priority-of-service categories for use during periods of curtailed deliveries by jurisdictional pipeline companies:

(1) Residential, small commercial (less than 50 Mcf on a peak day).

(2) Large commercial requirements (50 Mcf or more on a peak day), firm industrial requirements for plant protection, feedstock and process needs, and pipeline customer storage injection requirements.

(3) All industrial requirements not specified in paragraph (a) (2), (4), (5), (6), (7), (8), or (9) of this section.

(4) Firm industrial requirements for boiler fuel use at less than 3,000 Mcf per day, but more than 1,500 Mcf per day, where alternate fuel capabilities can meet such requirements.

(5) Firm industrial requirements for large volume (3,000 Mcf or more per day) boiler fuel use where alternate fuel capabilities can meet such requirements.

(6) Interruptible requirements of more than 300 Mcf per day, but less than 1,500 Mcf per day, where alternate fuel capabilities can meet such requirements.

(7) Interruptible requirements of intermediate volumes (from 1,500 Mcf per day through 3,000 Mcf per day), where alternate fuel capabilities can meet such requirements.

(8) Interruptible requirements of more than 3,000 Mcf per day, but less than 10,000 Mcf per day, where alternate fuel capabilities can meet such requirements.

(9) Interruptible requirements of more than 10,000 Mcf per day, where alternate fuel capabilities can meet such requirements.

• • • • •

The priorities-of-deliveries set forth above will be applied to the deliveries of all jurisdictional pipeline companies during periods of curtailment on each company's system; except, however, that, upon a finding of extraordinary circumstances after hearing initiated by a petition filed under § 1.7(b) of the Commission's rules of practice and procedure, exceptions to those priorities may be permitted.

The above list of priorities requires the full curtailment of the lower priority category volumes to be accomplished before curtailment of any higher priority volumes is commenced. Additionally, the above list requires both the direct and indirect customers of the pipeline that use gas for similar purposes to be placed in the same category of priority.

The tariffs filed with this Commission should contain provisions that will reflect sufficient flexibility to permit pipeline companies to respond to emergency situations (including environmental emergencies) during periods of curtailment where supplemental deliveries are required to forestall irreparable injury to life or property.

(B) The amendment provided for herein shall be effective as of March 2, 1973.

(C) The Secretary shall cause prompt publication of this order to be made in the FEDERAL REGISTER.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

[FR Doc.73-4565 Filed 3-8-73;8:45 am]

CHAPTER VIII—SUSQUEHANNA RIVER BASIN COMMISSION

PART 801—GENERAL POLICIES

Correction

In FR Doc. 73-3155 appearing at page 4662 of the issue for Tuesday, February 20, 1973, the following changes should be made in § 801.7: Paragraph (d) should be deleted and paragraph (e), should be redesignated as paragraph (d).

Title 19—Customs Duties

CHAPTER I—BUREAU OF CUSTOMS, DEPARTMENT OF THE TREASURY

[T.D. 73-55]

PART 1—GENERAL PROVISIONS

Designation of New Port of Entry

Correction

In FR Doc. 73-3037 appearing at page 4507 in the issue for Thursday, February 15, 1973, the following should be inserted in the second line of the third paragraph, immediately before the word "Department": "all that area in the State of Nevada as laid out by the United States".

Title 20—Employees' Benefits

CHAPTER III—SOCIAL SECURITY ADMINISTRATION, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

[Reg. 5, further amended]

PART 405—FEDERAL HEALTH INSURANCE FOR THE AGED (1965 .....)

Subpart D—Principles of Reimbursement for Provider Costs and for Services by Hospital-Based Physicians; Appeals by Provider

Subpart F—Agreements, Elections, Contracts, Nominations, and Notices

PROVIDER RECORDKEEPING CAPABILITY

On April 29, 1972, there was published in the FEDERAL REGISTER (37 FR 8677) a notice of proposed rule making with proposed amendments to Subparts D and F of Regulation No. 5 of the Social Security Administration. The proposed amendments provide that (1) an intermediary shall determine whether a newly certified provider has adequate recordkeeping capability sufficient for determining the cost of services furnished program beneficiaries before making payment to such provider; (2) an intermediary shall suspend Medicare payments at any time it ascertains that a provider's records are no longer adequate; and (3) the Secretary shall not enter into an agreement for participation in the Medicare program with an organization which has been adjudged insolvent or bankrupt under appropriate State or Federal law or with respect to which a court proceeding to make such a judgment is pending.

All comments submitted, with respect to the proposed amendments, were given due consideration. The following changes were made as a result of comments received:

1. A new paragraph (e) was added to § 405.406 requiring an intermediary, before suspending payments to a provider, to send written notice to the provider in accordance with § 405.371(a) notifying the provider that its recordkeeping capability is inadequate to determine the reasonable cost of services rendered to Medicare beneficiaries and identifying the specific recordkeeping deficiencies which are to be corrected before payment can be made. The provider will be given the opportunity in accordance with § 405.371(a) to submit a statement (including any pertinent evidence) as to why program payments should not be withheld or suspended.

2. Comment was also made on the costs that would be incurred by the intermediary in receiving, processing and monitoring copies of patient service charge schedules and changes thereto, as required by proposed § 405.406(d)(3). This subparagraph was revised to require the provider to furnish its charge schedules, along with any subsequent revisions, only when so requested by the intermediary. The change will virtually eliminate the administrative costs involved in continually monitoring provider charge schedules, but will permit the intermediary to acquire charge data when necessary to determine program payments.

3. Comments were received as to the various interpretations that could be given to the words "insolvent" and "insolvency" as used in § 405.454(k). This paragraph was rephrased to clarify their intent.

Accordingly, with these changes, the proposed amendments as set forth below are adopted.

(Secs. 1102, 1814(b), 1815, 1833(a), 1861(v), 1871, 49 Stat. 647, as amended, 79 Stat. 296–297, 79 Stat. 302, 79 Stat. 322, 79 Stat. 331; 42 U.S.C. 1302, 1395 et seq.)

Effective date. These amendments shall be effective on March 9, 1973.

Dated: January 22, 1973.

ROBERT M. BALL, *Commissioner of Social Security.*

Approved: March 1, 1973.

CASPER W. WEINBERGER, *Secretary of Health, Education, and Welfare.*

1. Section 405.406 is amended by revising paragraph (a) and adding new paragraphs (c), (d), and (e) to read as follows:

§ 405.406 Financial data and reports.

(a) *General.* The principles of cost reimbursement will require that providers maintain sufficient financial records and statistical data for proper determination of costs payable under the program. Standardized definitions, accounting, statistics, and reporting practices which are widely accepted in the hospital and related fields are followed. Changes in these practices and systems will not be required in order to determine costs payable under the principles of reimbursement. Essentially the methods of determining costs payable under title XVIII involve making use of data available from the institution's basic accounts, as usually maintained, to arrive at equitable and proper payment for services to beneficiaries.

• • • • •

(c) *Recordkeeping requirements for new providers.* A newly participating provider of services (as defined in § 405.605) shall make available to its selected intermediary for examination its fiscal and other records for the purpose of determining such provider's ongoing recordkeeping capability and inform the intermediary of the date its initial health insurance cost reporting period will end. This examination is intended to assure that (1) the provider has an adequate ongoing system for furnishing the records needed to provide accurate cost data and other information capable of verification by qualified auditors and adequate for cost reporting purposes under section 1815 of the Act, and (2) that no financial arrangements exist that will thwart the commitment of the health insurance program to reimburse providers the reasonable cost of services furnished beneficiaries. The data and information to be examined includes cost, revenue, statistical, and other information pertinent to reimbursement including, but not limited to, that described in paragraph (d) of this section and § 405.453.

(d) *Continuing provider recordkeeping requirements.* (1) The provider shall furnish such information to the intermediary as may be necessary (i) to assure proper payment by the program, including the extent to which there is any common ownership or control (see § 405.427(b) (2) and (3)) between providers or other organizations, and as may be needed to identify the parties responsible for submitting program cost reports, (ii) to receive program payments, and (iii) to satisfy program overpayment determinations.

(2) The provider shall permit the intermediary to examine such records and documents as are necessary to ascertain information pertinent to the determination of the proper amount of program payments due. These records shall include, but not be limited to, matters of provider ownership, organization, and operation; fiscal, medical, and other recordkeeping systems; Federal income tax status; asset acquisition, lease, sale or other action; franchise or management arrangements; patient service charge schedules; matters pertaining to costs of operation; amounts of income received by source and purpose; and flow of funds and working capital.

(3) The provider, when requested, shall furnish the intermediary copies of patient service charge schedules and changes thereto as they are put into effect. The intermediary shall evaluate such charge schedules to determine the extent to which they may be used for determining program payment.

(e) *Suspension of program payments to a provider.* When an intermediary determines that a provider does not maintain or no longer maintains adequate records for the determination of reasonable cost under the health insurance program, payments to such provider shall be suspended until the intermediary is assured that adequate records are maintained. Before suspending payments to a provider, the intermediary shall, in accordance with the provisions of § 405.317(a), send written notice to such provider of its intent to suspend payments. The notice shall, explain the basis for the intermediary's determination records and shall identify the provider's recordkeeping deficiencies. The provider will be given the opportunity, in accordance with § 405.371(a), to submit a statement (including any pertinent evidence) as to why the suspension should not be put into effect.

2. Section 405.454 is amended by adding thereto a new paragraph (k) to read as follows:

§ 405.454 Payment to providers.

• • • • •

(k) *Bankruptcy or insolvency of provider.* If, on the basis of reliable evidence, the intermediary has a valid basis for believing that, with respect to a provider, proceedings have been or will shortly be instituted in a State or Federal court for purposes of determining whether such provider is insolvent or bankrupt under an appropriate State or Federal law, any current financing payment or interim payments shall be adjusted by the intermediary, notwithstanding any other regulation or program instruction regarding the timing or manner of such adjustments, to a level necessary to insure that no overpayment to the provider is made.

3. Subpart F of Part 405 is amended by adding thereto a new § 405.603 to read as follows:

§ 405.603 Acceptance of agreement by Secretary; bankruptcy and insolvency.

(a) *General.* An agreement to participate as a provider under the program will not be accepted by the Secretary from an organization which has been adjudged insolvent or bankrupt under appropriate State or Federal law or with respect to which a court proceeding to make such a judgment is pending under such law.

(b) *Application.* Prior to the Secretary's acceptance of an agreement from an applicant organization, an owner or officer (if a corporation) must furnish a statement in writing indicating whether or not such organization has been adjudged insolvent or bankrupt in any State or Federal court or a court proceeding to make such a judgment is pending. An organization which has been adjudged insolvent or bankrupt under appropriate State or Federal law, or with respect to which a court proceeding to make such a judgment is pending under such law, is excluded from participation because such organization (as distinguished from the court having jurisdiction over the bankruptcy or insolvency proceeding) would be unable to give satisfactory assurances of compliance with the requirements of title XVIII of the Act. However, if a provider participating and receiving payments under the health insurance program subsequently is adjudged insolvent or bankrupt by a court of competent jurisdiction, such financial condition itself would not terminate the provider's participation in the program.

[FR Doc.73-4585 Filed 3-8-73;8:45 am]

Title 26—Internal Revenue

CHAPTER I—INTERNAL REVENUE SERVICE DEPARTMENT OF THE TREASURY

SUBCHAPTER A—INCOME TAX

[T.D. 7261]

PART 1—INCOME TAX; TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1953

Income Tax Treatment of Mineral Production Payments; Correction

On March 1, 1973, Treasury Decision 7261 was published in the FEDERAL REGISTER (38 FR 5462). Paragraph (b) of § 1.512(b)-1 of the Income Tax Regulations (26 CFR Part 1), as prescribed by T.D. 7261, is corrected by inserting the following sentence immediately after the first sentence thereof: "However, for taxable years beginning after December 31, 1969, certain royalties from and certain deductions in connection with either, debt-financed property (as defined in section 514(b)) or controlled organizations (as defined in paragraph (l) of this section) shall be included in computing unrelated business taxable income."

JAMES F. DRING, *Director, Legislation and Regulations Division.*

[FR Doc.73-4624 Filed 3-8-73;8:45 am]

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Title 28—Judicial Administration

CHAPTER I—DEPARTMENT OF JUSTICE

PART 42—NONDISCRIMINATION: EQUAL OPPORTUNITY: POLICIES AND PROCEDURES

Subpart E—Equal Employment Opportunity Guidelines

By virtue of the authority vested in it by 5 U.S.C. 301, and Section 501 of the Omnibus Crime Control and Safe Streets Act of 1968, Public Law 90-351, 82 Stat. 197, as amended, the Law Enforcement Assistance Administration hereby issues Title 28, Chapter I, Subpart E of Part 42 of the Code of Federal Regulations. In that the material contained herein is a matter relating to the grant program of the Law Enforcement Assistance Administration, the relevant provisions of the Administrative Procedure Act (5 U.S.C. 553) requiring notice of proposed rule making, opportunity for public participation, and delay in effective date are inapplicable.

In accordance with the spirit of the public policy set forth in 5 U.S.C. 553, interested persons may submit written comments, suggestions, data or arguments to the Administrator, Law Enforcement Assistant Administration, U.S. Department of Justice, Washington, D.C. 20530. Attention: Office of Civil Rights Compliance within 45 days of the publication of the guidelines contained in this part. Material thus submitted will be evaluated and acted upon in the same manner as if this document were a proposal. Until such time as further changes are made, however, Part 42, Subpart E as set forth herein shall remain in effect, thus permitting the public business to proceed more expeditiously.

Subpart E—Equal Employment Opportunity Guidelines

Sec:

42.301 Purpose.
42.302 Application.
42.303 Evaluation of employment opportunities.
42.304 Written Equal Employment Opportunity Program.
42.305 Recordkeeping and certification.
42.306 Guidelines.
42.307 Obligations of recipients.
42.308 Noncompliance.

AUTHORITY: 5 U.S.C., sec. 501 of the Omnibus Crime Control and Safe Streets Act of 1968, Public Law 90-351, 82 Stat. 197, as amended.

Subpart E—Equal Employment Opportunity Guidelines

§ 42.301 Purpose.

(a) The experience of the Law Enforcement Assistance Administration in implementing its responsibilities under the Omnibus Crime Control and Safe Streets Act of 1968, as amended (Public Law 90-351, 82 Stat. 197; Public Law 91-644, 84 Stat. 1881), has demonstrated that the full and equal participation of women and minority individuals in employment opportunities in the criminal justice system is a necessary component to the Safe Streets Act's program to reduce crime and delinquency in the United States.

(b) Pursuant to the authority of the Safe Streets Act and the equal employment opportunity regulations of theDepartment of Justice relating to LEAA assisted programs and activities (28 CFR 42.201, et seq., Subpart D of this part), the following Equal Employment Opportunity Guidelines are established.

§ 42.302 Application.

(a) As used in these guidelines "Recipient" means any State, political subdivision of any State, combination of such States or subdivisions, or any department, agency, or instrumentality of any of the foregoing receiving Federal financial assistance from LEAA, directly or through another recipient, or with respect to whom an assurance of civil rights compliance given as a condition of the earlier receipt of assistance is still in effect.

(b) Each recipient of LEAA assistance within the criminal justice system which has 50 or more employees and which has received grants or subgrants of $25,000 or more pursuant to and since the enactment of the Safe Streets Act of 1968, as amended, and which is located in a geographic area where the available minority work force is 3 percent or more of the total work force, is required to formulate, implement, and maintain an Equal Employment Opportunity Program relating to employment practices affecting minority persons and women within 120 days after the promulgation of these guidelines, or the initial application for assistance is approved, whichever is sooner. For a definition of "employment practices" within the meaning of this paragraph, see § 42.202(b).

(c) "Minority persons" shall include persons who are Negro, Oriental, American-Indian, or Spanish-surnamed Americans. "Spanish-surnamed Americans" means those of Latin American, Cuban, Mexican, Puerto Rican, or Spanish origin. In Alaska, Eskimos and Aleuts should be included as "American Indians."

(d) For the purpose of these guidelines, the relevant "geographic area" will be considered to be the State for State agencies, institutions, and facilities; the Standard Metropolitan Statistical Area, as that area is defined by the U.S. Bureau of Census for those county and municipal agencies, institutions, and facilities within a Standard Metropolitan Statistical Area; and the county for county and municipal agencies, institutions, and facilities not located in a Standard Metropolitan Statistical Area.

(e) "Fiscal year" means the 12 calendar months beginning July 1, and ending June 30, of the following calendar year. A fiscal year is designated by the calendar year in which it ends.

§ 42.303 Evaluation of employment opportunities.

(a) A necessary prerequisite to the development and implementation of a satisfactory Equal Employment Opportunity Program is the identification and analysis of any problem areas inherent in the utilization or participation of minorities and women in all of the recipient's employment phases (e.g., recruitment, selection, and promotion) and the evaluation of employment opportunities for minorities and women.

(b) In many cases an effective Equal Employment Opportunity Program may only be accomplished where the program is coordinated by the recipient agency with the cognizant Civil Service Commission or similar agency responsible by law, in whole or in part, for the recruitment and selection of entrance candidates and selection of candidates for promotion.

(c) In making the evaluation of employment opportunities, the recipient shall conduct such analysis separately for minorities and women. The evaluation should include, but not necessarily be limited to, the following factors:

(1) An analysis of present representation of women and minority persons in all job categories;

(2) An analysis of all recruitment and employment selection procedures for the preceding fiscal year, including such things as position descriptions, application forms, recruitment methods and sources, interview procedures, test administration and test validity, educational prerequisites, referral procedures and final selection methods, to insure that equal employment opportunity is being afforded in all job categories;

(3) An analysis of seniority practices and provisions, upgrading and promotion procedures, transfer procedures (lateral or vertical), and formal and informal training programs during the preceding fiscal year, in order to insure that equal employment opportunity is being afforded;

(4) A reasonable assessment to determine whether minority employment is inhibited by external factors such as the lack of access to suitable housing in the geographical area served by a certain facility or the lack of suitable transportation (public or private) to the workplace.

§ 42.304 Written Equal Employment Opportunity Program.

Each recipient's Equal Employment Opportunity Program shall be in writing and shall include:

(a) A job classification table or chart which clearly indicates for each job classification or assignment the number of employees within each respective job category classified by race, sex, and national origin (include for example Spanish-surnamed, Oriental, and American Indian). Also, principal duties and rates of pay should be clearly indicated for each job classification. Where auxiliary duties are assigned or more than one rate of pay applies because of length of time in the job or other factors, a special notation should be made. Where the recipient operates more than one shift or assigns employees within each shift to varying locations, as in law enforcement agencies, the number by race, sex, and national origin on each shift and in each location should be identified. When relevant, the location assignments should characterize the racial/ethnic mix of the

geographic location by the inclusion of minority population and percentage statistics.

(b) The number of disciplinary actions taken against employees by race, sex, and national origin within the preceding fiscal year, the number and types of sanctions imposed (suspension indefinitely, suspension for a term, loss of pay, written reprimand, oral reprimand, other) against individuals by race, sex, and national origin.

(c) The number of individuals by race, sex, and national origin (if available) applying for employment within the preceding fiscal year and the number by race, sex, and national origin (if available) of those applicants who were offered employment and those who were actually hired. If such data is unavailable, the recipient should institute a system for the collection of such data.

(d) The number of employees in each job category by race, sex, and national origin who made application for promotion or transfer within the preceding fiscal year and the number in each job category by race, sex, and national origin who were promoted or transferred.

(e) The number of employees by race, sex, and national origin who were terminated within the preceding fiscal year identifying by race, sex, and national origin which were voluntary and involuntary terminations.

(f) Available community and area labor characteristics within the relevant geographical area including total population, workforce, and existing unemployment by race, sex, and national origin. Such data may be obtained from the Bureau of Labor Statistics, Washington, D.C., State and local employment services, or other reliable sources. Recipients should identify the sources of the data used.

(g) A detailed narrative statement setting forth the recipient's existing employment policies and practices as defined in § 42.202(b). Thus, for example, where testing is used in the employment selection process, it is not sufficient for the recipient to simply note the fact. The recipient should identify the test, describe the procedures followed in administering and scoring the test, state what weight is given to test scores, how a cut-off score is established and whether the test has been validated to predict job performance and, if so, a detailed description of the validation study. Similarly detailed responses are required with respect to other employment practices, procedures and practices used by the applicant.

(1) The statement should include the recipient's detailed analysis of existing employment policies, procedures and practices as they relate to minority employment (see § 42.303) and equal opportunities for women, and, where improvements are necessary, the statement should set forth in detail the specific steps the recipient will take for the achievement of full and equal employment opportunity. For example, The Equal Employment Opportunity Commission, in carrying out its responsibilities in insuring compliance with title VII has published "Guidelines on Employee Selection Procedures" (29 CFR, 1607) which, among other things, proscribes the use of employee selection practices, procedures and devices (such as tests, minimum educational levels, oral interviews and the like) which have not been shown by the user thereof to be statistically related to job performance and where the use of such an unvalidated selection device tends to disqualify a disproportionate number of minority individuals or women for employment. The EEOC "Guidelines" set out appropriate procedures to assist in establishing and maintaining equal employment opportunities. Recipients of LEAA assistance using selection procedures which are not in conformity with the EEOC "Guidelines" shall set forth the specific areas of nonconformity, the reasons which may explain any such nonconformity, and, if necessary, the steps the recipient agency will take to correct any existing deficiency.

(2) The recipient should also set forth a program for recruitment of minority persons based on an informed judgment of what is necessary to attract minority applications including, but not necessarily limited to, dissemination of posters, use of advertising media patronized by minorities, minority group contracts and community relations programs. As appropriate, recipients may wish to refer to recruitment techniques suggested in Order No. 4 of the Office of Federal Contract Compliance, U.S. Department of Labor, found at 29 CFR 60-2.25(e).

(h) Plan for dissemination of the applicant's Equal Employment Opportunity Program to all personnel, applicants and the general public. As appropriate, recipients may wish to refer to the recommendations for dissemination of policy suggested in Order No. 4 of the Office of Federal Contract Compliance, U.S. Department of Labor, found at 29 CFR 60-2.21.

(i) Designation of specified personnel to implement and maintain adherence to the Equal Employment Opportunity Program and a description of their specific responsibilities. As appropriate, recipients may wish to refer to the responsibilities suggested in Order No. 4 of the Office of Federal Contract Compliance, U.S. Department of Labor, found at 29 CFR 60-2.22.

§ 42.305 Recordkeeping and certification.

The Equal Employment Opportunity Program and all records in its preparation shall be kept on file and retained by each recipient covered by these guidelines for subsequent audit or review by responsible personnel of the cognizant state planning agency or the LEAA. Applications to fund new or continuing programs under the Omnibus Crime Control and Safe Streets Act of 1968, shall be accompanied by a certificate stating that equal employment opportunity program is on file with the recipient. In the case of grants made at the discretion of LEAA in excess of $100,000 in amount, a copy of the certification required by this paragraph shall be mailed to the LEAA office in Washington, D.C., charged with responsibility for enforcement of civil rights compliance obligations of LEAA recipients. The form of the certification shall be as follows:

I, _____ (person filing the application) certify that the _____ (criminal justice agency) has formulated an equal employment opportunity program in accordance with 28 CFR 42.301, et seq., Subpart E, and that it is on file in the Office of _____ (name), _____ (address), _____ (title), for review or audit by officials of the cognizant state planning agency or the Law Enforcement Assistance Administration, as required by relevant laws and regulations.

The criminal justice agency created by the Governor to implement the Safe Streets Act within each State shall certify that it requires, as a condition of the receipt of block grant funds, that recipients from it have executed an Equal Employment Opportunity Program in accordance with this subpart, or that, in conformity with the terms and conditions of this regulation no equal employment opportunity programs are required to be filed by that jurisdiction.

§ 42.306 Guidelines.

(a) Recipient agencies are expected to conduct a continuing program of self-evaluation to ascertain whether any of their recruitment, employee selection or promotional policies (or lack thereof) directly or indirectly have the effect of denying equal employment opportunities to minority individuals and women.

(b) Postaward compliance reviews of recipient agencies will be scheduled by LEAA, giving priority to any recipient agencies which have a significant disparity between the percentage of minority persons in the relevant population workforce and the percentage of minority employees in the agency. Equal employment program modification may be suggested by LEAA whenever identifiable referral or selection procedures and policies suggest to LEAA the appropriateness of improved selection procedures and policies. Accordingly, any recipient agencies falling within this category are encouraged to develop recruitment, hiring or promotional guidelines under their equal employment opportunity program which will correct, in a timely manner, any identifiable employment impediments which may have contributed to the existing disparities.

(c) A significant disparity between minority workforce population in the relevant geographical area and the minority workforce of the agency may be deemed to exist if the percentage of a minority group in the employment of the agency is not at least seventy (70) percent of the percentage of that minority in the workforce population in the relevant geographical area.

§ 42.307 Obligations of recipients.

The obligation of those recipients subject to these guidelines for the mainte-

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nance of an Equal Employment Opportunity Program shall continue for the period during which the LEAA assistance is extended. In the case of an application for Federal financial assistance to provide real property or structures thereon, or personal property or equipment of any kind, such assistance shall obligate the recipient for the period during which the property is used for a purpose for which the Federal financial assistance is extended.

§ 42.308 Noncompliance.

Failure to implement and maintain an Equal Employment Opportunity Program as required by these guidelines shall subject recipients of LEAA assistance to the sanctions prescribed by the Safe Streets Act and the equal employment opportunity regulations of the Department of Justice. (See 42 U.S.C. 3757 and §42.206.)

Effective date. This guideline shall become effective on March 9, 1973.

Dated: March 6, 1973.

JERRIS LEONARD,
Administrator, Law Enforcement Assistance Administration.

Dated: March 5, 1973.

CLARENCE M. COSTER,
Associate Administrator.

Dated: March 6, 1973.

RICHARD W. VELDE,
Associate Administrator.

[FR Doc.73-4554 Filed 3-8-73;8:45 am]

Title 32—National Defense

CHAPTER XIV—THE RENEGOTIATION BOARD

PART 1460—PRINCIPLES AND FACTORS IN DETERMINING EXCESSIVE PROFITS

Contribution to the Defense Effort

The Renegotiation Board hereby adopts the proposed amendment to Part 1460 which was published on January 23, 1973 (38 FR 2219-2220), certain changes having been made therein. Said regulation, as adopted, reads as set forth below.

Dated: March 6, 1973.

RICHARD T. BURRESS,
Chairman.

This Part 1460 is amended by deleting § 1460.13 *Contribution to the defense effort* in its entirety and inserting in lieu thereof the following:

§ 1460.13 Contribution to the defense effort.

(a) *Statutory provision.* Section 103 (e) of the act provides that in determining excessive profits there shall be taken into consideration the following factor:

(4) Nature and extent of contribution to the defense effort, including inventive and developmental contribution and cooperation with the Government and other contractors in supplying technical assistance.

(b) *Comment.* Every contractor contributes to the defense effort when he performs or assists others to perform a defense contract or subcontract, or when, in connection with such a contract or subcontract, he otherwise renders a service of value to a defense program or objective. Credit will be given under this factor, in such degree as the facts may warrant, for (1) superior performance in excess of contract requirements, such as completion of urgent work ahead of schedule at the request of the procuring department, or exceeding specifications in a manner beneficial to the defense effort; (2) ingenuity in providing new uses for products or production machinery or equipment; (3) overcoming difficulties, which others have failed to overcome, in providing materials or services for the defense effort; (4) experimental and developmental work of high value to the defense effort; (5) new inventions, techniques, and processes of unusual merit; (6) performance under difficult environmental or geographical conditions or hazardous working conditions; (7) cooperation with the Government and with other contractors in contributing proprietary data or in developing and supplying technical assistance to alternative or competitive sources of supply; or (8) performance, assistance, or service considered otherwise exceptional.

(Sec. 109, 65 Stat. 22; 50 U.S.C.A.; App. sec. 1219)

[FR Doc.73-4613 Filed 3-8-73;8:45 am]

Title 33—Navigation and Navigable Waters

CHAPTER I—COAST GUARD, DEPARTMENT OF TRANSPORTATION

[CGD 72-178R]

PART 117—DRAWBRIDGE OPERATION REGULATIONS

Debbies Creek, Manasquan, N.J.

This amendment changes the regulations for the Monmouth County drawbridge across Debbies Creek at Brielle Road to permit closed periods from Memorial Day through Labor Day from 7 a.m. to 8 p.m. when the draw need open only on the hour and half hour if vessels are waiting to pass. This amendment was circulated as a public notice dated September 20, 1972, by the Commander, Third Coast Guard District and was published in the FEDERAL REGISTER as a notice of proposed rule making (CGD 72-178P) on September 14, 1972 (37 FR 18634). Twelve comments were received. Five favored the proposal and one had no objection. Six objections were received. Those opposing were concerned with safety of navigation, the increase in the number of vessels in the vicinity and the erosion of the free navigation of waterways by the imposition of restrictions of drawbridge operations. The Coast Guard has considered these objections and while they are valid, it is felt that the regulations, as proposed, are reasonable. This change will be closely monitored and if modifications of these regulations are indicated, action to accomplish this will be initiated.

Accordingly, Part 117 of Title 33 of the Code of Federal Regulations is amended by adding a new subparagraph (5) to paragraph (j) to § 117.215 to read as follows:

§ 117.215 Navigable streams flowing into Raritan Bay (except Raritan River and Arthur Kill), the Shrewsbury River and its tributaries, and all inlets on the Atlantic Ocean including their tributaries and canals between Sandy Hook and Bay Head, N.J.; bridges.

* * * * *

(j) * * *

(5) Debbies Creek, Manasquan, N.J. The draw shall open on signal except that from Memorial Day through Labor Day from 7 a.m. to 8 p.m. the draw need open only on the hour and half hour if any vessels are waiting to pass.

(Sec. 5, 28 Stat. 362, as amended, sec. 6(g)(2), 80 Stat. 937; 33 U.S.C. 499, 49 U.S.C. 1655(g)(2); 49 CFR 1.46(c)(5), 33 CFR 1.05-1(c)(4))

Effective date. This revision shall become effective on April 15, 1973.

Dated: March 2, 1973.

W. M. BENKERT,
Rear Admiral, U.S. Coast Guard, Chief, Office of Marine Environment and Systems.

[FR Doc.73-4555 Filed 3-8-73;8:45 am]

Title 40—Protection of Environment

CHAPTER I—ENVIRONMENTAL PROTECTION AGENCY

SUBCHAPTER B—GRANTS

PART 35—STATE AND LOCAL ASSISTANCE

Grants for Construction of Treatment Works

Correction

In FR Doc. 73-3756 appearing at page 5329 for the issue for Wednesday, February 28, 1973, the phrase in the second line of § 35.930-1(a)(4) now reading "920(c); or" should be deleted. The first word in § 35.935-6 now reading "Generall" should read "Generally".

Title 41—Public Contracts and Property Management

CHAPTER 3—DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

PART 3-1—GENERAL

Debarred, Suspended, and Ineligible Bidders

Chapter 3, Title 41, Code of Federal Regulations, is hereby amended to take cognizance of (a) the revisions to Subpart 1-1.6, Chapter 1, Title 41, of the Code of Federal Regulations published in the FEDERAL REGISTER, November 2, 1972, Volume 37, No. 212, and (b) organizational changes within the Department.

It is the general policy of the Department of Health, Education, and Welfare, to allow time for interested parties to take part in the rule making process. However, since the amendment herein involves minor technical matters, the public rule making process is deemed unnecesary in this instance.

(5 U.S.C. 301, 40 U.S.C. 486(c))

Subpart 3-1.6 is amended to read as follows:

Subpart 3-1.6—Debarred, Suspended, and Ineligible Bidders

Sec.
3-1.600 Scope of subpart.
3-1.602 Establishment, maintenance and distribution of a list of concerns or individuals debarred, suspended, or declared ineligible (Debarred Bidders List).
3-1.602-1 Bases for entry on the HEW debarred, suspended, and ineligible list.
3-1.603 Treatment to be accorded firms or individuals in debarred, suspended, or ineligible status.
3-1.604 Causes and conditions applicable to determination of debarment.
3-1.604-1 Procedural requirements relating to the imposition of debarment.
3-1.605 Suspension of bidders.
3-1.605-1 Causes and conditions under which HEW may suspend contractors.
3-1.605-4 Notice of suspension.
3-1.606 Departmental procedure.

AUTHORITY: 5 U.S.C. 301, 40 U.S.C. 486(c).

Subpart 3-1.6—Debarred, Suspended, and Ineligible Bidders

§ 3-1.600 Scope of subpart.

This subpart prescribes the policy and procedures of the Department of Health, Education, and Welfare (HEW) for (a) the establishment, use, maintenance, and distribution of a debarred, suspended, and ineligible bidders list, (b) the debarment and suspension of bidders for cause and (c) the placement of bidders in ineligible status for violations of the provisions of the Equal Opportunity clause.

§ 3-1.602 Establishment, maintenance and distribution of a list of concerns or individuals debarred, suspended, or declared ineligible (Debarred Bidders List).

(a) The Director, Office of Procurement and Materiel Management, OS-OASAM, is responsible for establishment and maintenance of a master consolidated list or file of firms and individuals who are administratively or legally debarred from HEW contracting and subcontracting and from whom bids and proposals will not be solicited as provided in FPR 1-1.603. This list will be known as the HEW Debarred Bidders List.

(b) Collectively, the following documents shall constitute the HEW Debarred Bidders List:

(1) Consolidated List of Current Administrative Debarments by Executive Agencies, and amendments thereto, compiled and published by the Office of Investigation—OA, General Services Administration (GSA). This publication is a combined list of debarred, suspended, and ineligible bidders, compiled from notifications furnished to GSA by executive agencies of the Federal Government.

(2) Consolidated List of Persons or Firms Currently Debarred for Violations of Various Public Contracts Acts Incorporating Labor Standards Provisions, and amendments thereto, compiled by the Comptroller General of the United States.

(3) Consolidated List of Concerns and Individuals Debarred, Suspended, or Declared Ineligible by the Department of Health, Education, and Welfare to participate in its procurement program under one or more of the bases set forth in FPR 1-1.602-1 and in accordance with the regulations in this Subpart.

(4) Contract, Ineligible List of persons and firms declared ineligible by the Office of Federal Contract Compliance (OFCC) of the Department of Labor to participate in Government contracting or subcontracting by reason of noncompliance with the Equal Opportunity clause.

(c) The Director, Office of Procurement and Materiel Management, OS-OASAM, will effect direct distribution of the consolidated GSA, GAO, OFCC, and HEW lists among holders of the HEW Procurement Regulations in this Department.

§ 3-1.602-1 Bases for entry on the HEW debarred, suspended, and ineligible list.

The Director, Office of Procurement and Materiel Management, OS-OASAM, makes the administrative debarment determinations prescribed in FPR 1-1.602-1 (d), (f), and (g).

(a)-(d) [Reserved]

(e) The Department Contract Compliance Officer directs that action prescribed by FPR 1-1.602-1(e) be taken.

§ 3-1.603 Treatment to be accorded firms or individuals in debarred, suspended, or ineligible status.

(a) *Total restrictions.* The Director, Office of Procurement and Materiel Management, OS-OASAM, makes the essential determinations required by FPR 1-1.603 (a) and (e).

§ 3-1.604 Causes and conditions applicable to determination of debarment.

Determination to debar or take other action concerning a firm or individual for a cause or condition for a specified period of time as provided in § 1-1.604 of this title shall be made by the Director, Office of Procurement and Materiel Management, OS-OASAM. Whenever cause for debarment becomes known to any contracting officer, he may submit recommendations for debarment to the Director, Office of Procurement and Materiel Management, OS-OASAM, through administrative channels. Such recommendations shall be accompanied by the documented file of the case.

§ 3-1.604-1 Procedural requirements relating to the imposition of debarment.

(a) *Initiation of debarment action.* The Director, Office of Procurement and Materiel Management, OS-OASAM, after consultation with the Office of General Counsel, shall determine whether the facts are sufficient to warrant debarment. If the decision is not to debar, he will notify the contracting officer recommending the action. If he decides to institute debarment proceedings, he shall send a letter by certified mail (return receipt requested) to the firm or individual proposed for debarment. The letter shall (1) state that debarment is being considered, (2) set forth the reasons for the proposed debarment, and (3) state that such party will be accorded an opportunity for a hearing within 30 days from the date of receipt of such letter.

(b) *Hearings.* Hearings requested in connection with debarment proceedings shall be conducted before the Director, Office of Procurement and Materiel Management, OS-OASAM, or his designee. An opportunity shall be afforded to the firm or individual to appear with witnesses and counsel to present facts or circumstances showing cause why such firm or individual should not be debarred. If the firm or individual elects not to appear, the reviewing authority will make its decision based on the facts on record and such additional evidence as may be furnished by the parties involved. After consideration of the facts, the reviewing authority shall notify the firm or individual of the final decision.

§ 3-1.605 Suspension of bidders.

§ 3-1.605-1 Causes and conditions under which HEW may suspend contractors.

Any contracting officer may recommend suspension of bidders for the causes and conditions set forth in FPR 1-1.605-1. These recommendations shall be accompanied by the documented file of the case and be submitted through administrative channels to the Director, Office of Procurement and Materiel Management, OS-OASAM, for a determination of suspension.

§ 3-1.605-4 Notice of suspension.

The Director, Office of Procurement and Materiel Management, OS-OASAM, or his designee, is responsible for notifying bidders of suspensions in accordance with the provisions of FPR 1-1.605-4.

§ 3-1.606 Departmental procedure.

The Director, Office of Procurement and Materiel Management, OS-OASAM, is responsible for complying with the provisions of FPR 1-1.606.

Effective date. This amendment shall be effective March 9, 1973.

Dated: March 1, 1973.

N. B. HOUSTON,
Deputy Assistant Secretary for Administration.

[FR Doc.73-4587 Filed 3-8-73;8:45 am]

PART 3-4—SPECIAL TYPES AND METHODS OF PROCUREMENT

Subpart 3-4.54—Procurement Clearance of Audiovisual Materials

Chapter 3, Title 41, Code of Federal Regulations, is amended as set forth below. The purpose of this amendment is to conform the terminology and definitions found in Subpart 3-4.54 to Chapter 1-121 of the General Administration Manual, provide that noncompetitive

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procurement requests for audiovisual materials be processed in the same manner as other noncompetitive procurements, and set forth the supplemental requirements for review of audiovisual materials intended for use with the general public.

It is the general policy of the Department of Health, Education, and Welfare to allow time for interested parties to take part in the rule making process. However, the amendment herein involves a change in internal administrative procedures. Therefore, the public rule making process is deemed unnecessary in this instance.

§§ 3–4.5401, 3–4.5402 [Amended]

1. In the following, the word "production(s)" is hereby changed to read "materials":

(a) The title of the subpart as set forth above.

(b) The first, second, and third sentences of § 3–4.5401.

(c) In paragraph (a) of § 3–4.5402.

(d) The first sentence of paragraph (b) of § 3–4.5402.

(e) The second sentence of paragraph (c) of § 3–4.5402.

2. Section 3–4.5400 is revised to read as follows:

§ 3–4.5400 Scope of subpart.

This subpart provides for prior clearance and methods of contracting for the procurement of audiovisual materials. Chapter 1–121 of the General Administration Manual sets forth supplementary requirements for review of audiovisual materials intended for use with the public. The term "audiovisual materials," as used in this subpart, refers not only to the completed product but also to all steps and techniques leading to the realization of the completed product. The term includes motion pictures, video tapes, slide shows, film strips, audio recordings, exhibitry, or similar materials; design, layout, preparation of scripts, filming or taping, sound recording, editing, fabrication, or other activities leading to the acquisition or creation of audiovisual materials regardless of intended use. Instructions relating to such material obtained with grant funds are contained in Chapter 1–450 of the HEW Grants Administration Manual.

3. Paragraph (a) of § 3–4.5404 is revised to read as follows:

§ 3–4.5404 Competition.

(a) Contracts shall be awarded after competition and on a fixed price basis whenever feasible. Requests for sole source procurement shall be processed in accordance with § 3–3.802–50, however, ASPA–OS, shall concur in the request prior to processing the "Justification."

(5 U.S.C. 301, 40 U.S.C. 486(c))

Effective date. This amendment shall be effective on March 9, 1973.

N. B. HOUSTON,
Deputy Assistant Secretary for Administration.

[FR Doc.73–4586 Filed 3–8–73;8:45 am]

Title 49—Transportation

CHAPTER V—NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Docket No. 71–7; Notice 8]

PART 571—FEDERAL MOTOR VEHICLE SAFETY STANDARDS

Truck-Camper Loading; Correction

This notice corrects the amendment to 49 CFR 571.126, Standard No. 126, *Truck-camper loading*, published on February 14, 1973 (38 FR 4399). The amendment to paragraph S5.1.2(a) erroneously referred to "the information required by subparagraphs (c) and (d) of paragraph S5.1.1". The reference should have been to "subparagraphs (b) and (c)".

Additionally, the opening statement of the preamble erroneously stated that the amendment allowed "optional wording of a portion of the placard to be affixed to campers, and of other required information". The amendment itself correctly allowed optional wording of information provided in the manual or other document delivered with the camper, not on the placard.

In consideration of the foregoing, paragraph S5.1.2(a) of 49 CFR 571.126, Standard No. 126, is amended by changing the words "subparagraphs (c) and (d) of paragraph S5.1.1" to "subparagraphs (b) and (c) of paragraph S5.1.1".

Effective date: March 9, 1973. Because the amendment corrects an error, it is found for good cause shown that an immediate effective date is in the public interest.

(Secs. 103, 112, 114 and 119, Public Law 89–563, 80 Stat. 718, 15 U.S.C. 1392, 1401, 1403, and 1407; delegation of authority at 49 CFR 1.51)

Issued on March 5, 1973.

DOUGLAS W. TOMS,
Administrator.

[FR Doc.73–4623 Filed 3–8–73;8:45 am]

CHAPTER X—INTERSTATE COMMERCE COMMISSION

[Ex Parte No. MC–19 (Sub 8)]

PART 1056—TRANSPORTATION OF HOUSEHOLD GOODS IN INTERSTATE OR FOREIGN COMMERCE

Practices of Motor Common Carriers of Household Goods; Correction

MARCH 5, 1973.

Section 1056.6(d), Title 49, Code of Federal Regulations (35 FR 5551, April 3, 1970) is corrected by amending the first sentence of the above as follows:

§ 1056.6 Determination of weights.

* * * * * * *

(d) *Reweighing of shipment.* The carrier, upon request of shipper, or his representative, made prior to the delivery date, will reweigh the shipment. * * *

* * * * * * *

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.73–4612 Filed 3–8–73;8:45 am]

Title 21—Food and Drugs

CHAPTER I—FOOD AND DRUG ADMINISTRATION, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

SUBCHAPTER A—GENERAL

PART 1—REGULATIONS FOR THE ENFORCEMENT OF THE FEDERAL FOOD, DRUG, AND COSMETIC ACT AND THE FAIR PACKAGING AND LABELING ACT

"Cents-Off" and "Economy Size" Package Promotions

In the matter of establishing new enforcement regulations (21 CFR 1.1d, 1.1e) to control "Cents-Off," "Economy Size," and other savings representations, a revised final order was published in the FEDERAL REGISTER of December 30, 1971 (36 FR 25219). The Commissioner ruled in the FEDERAL REGISTER of July 15, 1972 (37 FR 13976), on the objections to the final order. Included in the ruling was the finding that coupon offers accompanied by labeled savings representations are "merely another form of stating or implying that a commodity is offered at a price lower than the ordinary and customary retail price * * *."

In the July 15, 1972, issue of the FEDERAL REGISTER (37 FR 13998) the Commissioner also proposed a change in the frequency limitation on "Cents-Off" coupon or other savings representations. The proposal was made in order to achieve consistency with the regulations on "Cents-Off" promotions of the Federal Trade Commission, and the guide of the Commission concerning "free" merchandise.

A total of eight comments were received on this proposal consisting of two from trade associations, one from a food manufacturer, and five from consumers. One trade association urged that the proposal be adopted. It was argued that there is no rationale for discriminating or categorizing price promotions on the basis of whether the triggering words "Cents-Off" are used or not. Therefore, a simple six promotion limitation without subcategories of limit based on the phraseology of the promotion was urged. The Commissioner is rejecting this suggestion in order to achieve consistency with the regulations and guidelines of the Federal Trade Commission.

A trade association and one of its members agreed that the proposed limitation is reasonable and beneficial. This association repeated its earlier objections to the inclusion of coupons in "Cents-Off" regulations, and urged eliminations of coupons from the entire "Cents-Off" regulations. The member made the same suggestion.

Two consumers objected to the attempt of the Food and Drug Administration to regulate coupons. One consumer objected to "Cents-Off" promotions entirely. One consumer objected to the practices in handling coupons by retail grocery stores. One consumer urged complete discontinuance of the use of coupons.

It is the policy of the Food and Drug Administration to insure that the regulations promulgated under section 5 of the Fair Packaging and Labeling Act (Public Law 89–755), on commodities

regulated by the Agency are in consonance with regulations promulgated by the Federal Trade Commission under the same legislation, on commodities regulated by the Federal Trade Commission. On January 9, 1973, the Commissioner was advised by the Federal Trade Commission that the decision had been made by the Commission to not issue regulations on coupons under the Fair Packaging and Labeling Act. The decision of the Commission was based on the conclusion that consumers would be better off without attempting a massive regulation program. Since there was no showing of abuse, the Commission believed regulations on coupons could either severely restrict or discourage the use of an effective pricing device. The Commission considers its policy statement published in the FEDERAL REGISTER of December 16, 1969 (34 FR 19840), an adequate answer to whatever problems exist in couponing.

As a result of the decision of the Federal Trade Commission, and the comments received on the frequency limitation proposal, the Commissioner has reviewed his earlier decision to regulate coupons under the Fair Packaging and Labeling Act, and has decided to amend 21 CFR 1.1d by deleting all reference to coupons and by deleting § 1.1d(f) in its entirety while finalizing the frequency limitations proposal.

The Commissioner concludes that those portions of the final order of December 30, 1971, which apply to coupon promotions should be withdrawn, and therefore, pursuant to provisions of the Fair Packaging and Labeling Act (secs. 5, 6, 80 Stat. 1298–1300; 15 U.S.C. 1454–1455) and the Federal Food, Drug, and Cosmetic Act (sec. 701, 52 Stat. 1055, as amended; 21 U.S.C. 371), and under authority delegated to him (21 CFR 2.120), all references to coupons in § 1.1d are deleted and paragraph (f) is deleted in its entirety. In addition the provisions regarding frequency limitations proposed July 15, 1972 (37 FR 13998) are being finalized.

Section 1.1d is revised to read as follows:

§ 1.1d "Cents-off," or other savings representations.

Any food, drug, cosmetic, or device that bears on the label or labeling a representation that the consumer commodity is being offered for retail at a reduction in retail price is subject to the following conditions: *Provided, however,* That such conditions do not apply to any such savings representations initiated by persons who do not manufacture, package, or import such commodities and who do not prescribe or specify by any means the manner in which such commodities are packaged or labeled by a manufacturer, packager, or importer:

(a) A "cents-off," or other savings representation that states or implies a reduction in the ordinary and customary retail price may be used by a manufacturer, packer, distributor, or retailer, hereinafter known as the sponsor, initiating such promotion only if:

(1) An ordinary and customary selling price of such consumer commodity has been established at the retail level.

(2) The sponsor's selling price and the selling price at all subsequent levels of commerce such as wholesalers and jobbers has been reduced by at least the savings differential represented on the package or labeling, and

(3) The sponsor and all subsequent levels of commerce keep and maintain invoices or other records for each promotion and for all successive promotions which occur within a 12-month period for at least 1 year subsequent to the end of the year (calendar, fiscal, or market) in which the promotion occurs in order to show that the invoice cost to the retailer has been reduced in an amount sufficient to enable the retailer to pass the savings on to the purchaser.

(b) (1) Each "cents-off" price reduction representation imprinted on the package or label shall be limited to a phrase which reflects that the price marked by the retailer represents the savings in the amount of the "cents-off" the retailer's regular price, e.g., "Price Marked Is ____ Cents Off the Regular Price," "Price Marked Is ____ Cents-Off the Regular Price of This Package:" *Provided,* The package or label may in addition bear in the usual pricing spot a form reflecting a space for the regular price, the represented "cents-off," and a space for the price to be paid by the consumer. The sponsor who sells the commodity at retail shall display the regular price, clearly and conspicuously designated as "regular price," on the package or label of the commodity or on a sign, placard, or shelf-marker placed in a position contiguous to the retail display of the "cents-off" marked commodity. The sponsor who does not sell at retail shall provide the retailer with a sign, placard, shelf-marker, or other device for the purpose of clearly and conspicuously displaying the retailer's regular price, designated as "regular price," in a position contiguous to the "cents-off" marked commodity.

(2) Other savings representations which appear on the label or labeling of a package, e.g., "bonus offer," "two-for-one sales," "one-cent sales," etc., are subject to the provisions of this section. Due to the infinite variety and scope of such promotions, the label format of such representations may differ from that set forth in paragraph (b)(1) of this section for "cents-off" promotions; however, such representations shall include all material facts relative to the offer and shall in no way be misleading.

(3) For the purposes of this section, the terms "ordinary and customary" and "regular" when used with the term "price" mean the price at which a consumer commodity has been openly and actively sold in the most recent and regular course of business in a particular retail outlet or a trade area for a reasonably substantial period of time (at least 30 days). For consumer commodities that fluctuate in price, the ordinary and customary price shall be the lowest price at which any substantial sales were made during said 30 days.

(c) Shipments of consumer commodities bearing "cents-off," or other savings representations to a given geographic trade area made by the sponsor initiating such promotion shall be in no greater volume than 50 percent of the total units of that identical consumer commodity distributed in the same geographic trade area during any period of 12 consecutive months comprising a calendar, fiscal, or market year.

(d) The "cents-off," or other savings promotion may not be employed by a sponsor on consumer commodities for distribution to a specific geographic trade area until after 1 month has elapsed since their last distribution of that identical consumer commodity bearing a savings representation to the same geographic trade area. The number of such promotions for that identical consumer commodity that may occur within a 12-month period comprising a calendar, fiscal, or market year shall not exceed a total of six with no more than three of any one type or kind (e.g., "cents-off," "bonus offer," "two-for-one sale," "1-cent sale," etc.), and the total period of time for all such promotions shall not exceed 6 months within that 12-month period.

(e) A newly developed consumer commodity, one which has been changed in a functionally significant respect, or one which is newly introduced into a given geographic trade area may be the subject of an "introductory offer" type promotion. Such offers are not considered subject to the provisions of paragraphs (a) through (d) of this section, provided:

(1) Each such labeled offer is clearly and conspicuously qualified with the phrase "Introductory Offer," and

(2) If the introductory offer promotion is in the form of a "cents-off" representation, each such labeled offer shall include clearly and conspicuously in immediate conjunction therewith the phrase "____ Cents Off the After-Introductory-Offer Price"; and

(3) Labeled representations do not exceed a period of 6 months duration.

Any subsequent price reduction promotion of the consumer commodity is subject to the provisions of paragraphs (a) through (d) of this section and shall be preceded by the 30–day period required for a determination of the ordinary and customary selling price in that retail establishment. At the time of making the introductory offer promotion, the sponsor must intend in good faith to offer the commodity alone, immediately following the introductory offer promotion, for a reasonably substantial period of time (at least 30 days) at the anticipated after-introductory-offer price. The sponsor of the introductory offer promotion and all subsequent levels of commerce shall sell the commodity at a reduction from their anticipated after-introductory-offer price which reduction shall be at least equal to the savings differential represented on the package or labeling. The sponsor and all subsequent levels of commerce shall maintain invoices and records for at least 1 year subsequent to the end of the year (calendar, fiscal, or market) in which such introductory offer occurs.

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Any person who will be adversely affected by the foregoing order may at any time on or before April 9, 1973, file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 6–88, 5600 Fishers Lane, Rockville, MD 20852, written objections thereto. Objections shall show wherein the person filing will be adversely affected by the order, specify with particularity the provisions of the order deemed objectionable, and state the grounds for the objections. If a hearing is requested, the objections shall state the issues for the hearing, shall be supported by grounds factually and legally sufficient to justify the relief sought, and shall include a detailed description and analysis of the factual information intended to be presented in support of the objections in the event that a hearing is held. Objections may be accompanied by a memorandum or brief in support thereof. Six copies of all documents shall be filed. Received objections may be seen in the above office during working hours, Monday through Friday.

Effective date. This order shall become effective on May 8, 1973, except as to any provisions that may be stayed by the filing of proper objections. Notice of the filing of objections or lack thereof will be given by publication in the FEDERAL REGISTER.

(Secs. 5, 6, 80 Stat. 1298–1300; 15 U.S.C. 1454–1455; sec. 701, 52 Stat. 1055, as amended; 21 U.S.C. 371)

Dated: March 7, 1973.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.73–4716 Filed 3–8–73;10:55 am]

CHAPTER I—FOOD AND DRUG ADMINISTRATION, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

SUBCHAPTER A—GENERAL

PART 2—ADMINISTRATIVE FUNCTIONS, PRACTICES, AND PROCEDURES

Subpart M—Organization

WASHINGTON HEADQUARTERS

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 701(a), 52 Stat. 1055; 21 U.S.C. 371(a)) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 2.120), Part 2 is amended by revising § 2.171 to reflect organization changes, as follows:

§ 2.171 Washington headquarters.

The central organization of the Food and Drug Administration consists of the following:

OFFICE OF THE COMMISSIONER

Commissioner of Food and Drugs.
Deputy Commissioner.
Associate Commissioner for Compliance.
Associate Commissioner for Medical Affairs.
Associate Commissioner for Science.
Associate Commissioner for Administration.
Assistant Commissioner for Public Affairs.
Assistant Commissioner for Planning and Evaluation.

BUREAU OF FOODS

Director.
Deputy Director.
Office of the Assistant Director for Management.
Office of the Assistant Director for Scientific Coordination.
Office of Sciences.
Office of Product Technology.
Office of Compliance (Foods).
Office of Food Sanitation.

BUREAU OF RADIOLOGICAL HEALTH

Director.
Deputy Director.
Division of Biological Effects.
Division of Electronic Products.
Division of Medical Radiation Exposure.

BUREAU OF PRODUCT SAFETY[1]

Director.
Deputy Director.
Division of Compliance.
Division of Chemical Hazards.
Division of Mechanical, Electrical, and Thermal Hazards.
Division of Children's Hazards.
Injury Data and Control Center.

BUREAU OF BIOLOGICS

Director.
Deputy Director.
Associate Director for Regulatory and Administrative Management.
Division of Virology.
Division of Blood and Blood Products.
Division of Control Activities.
Division of Pathology.
Division of Bacterial Products.

NATIONAL CENTER FOR TOXICOLOGICAL RESEARCH

Director.
Assistant Director for Plans, Programs, and Systems.
Assistant Director for Administrative Services.
Office of Operations.
Office of Pathology Services.
Office of Toxicological Research.

EXECUTIVE DIRECTOR OF REGIONAL OPERATIONS

Executive Director of Regional Operations.
Deputy Executive Director of Regional Operations.
Division of Field Operations.
Division of Planning and Analysis.
Division of Federal-State Relations.

BUREAU OF VETERINARY MEDICINE

Director.
Deputy Director.
Division of Veterinary Research.
Division of New Animal Drugs.
Division of Veterinary Medical Review.
Division of Compliance.
Division of Nutritional Sciences.

BUREAU OF DRUGS

Director.
Deputy Director.
Office of the Assistant Director for Planning and Analysis.
Office of Compliance (Drugs).
Office of Pharmaceutical Research and Testing.
Office of Scientific Coordination.
Office of Scientific Evaluation.

Current locations and addresses of these units may be obtained from the Food and Drug Administration, Information Center, 200 C Street SW., Washington, D.C. 20204.

(Sec. 701(a), 52 Stat. 1055; 21 U.S.C. 371(a))

Dated: March 2, 1973.

WILLIAM F. RANDOLPH,
Acting Associate Commissioner for Compliance.

[FR Doc.73–4545 Filed 3–8–73;8:45 am]

[1] The majority of the functions of this Bureau will transfer to the Consumer Product Safety Commission pursuant to provisions of the Consumer Product Safety Act (Public Law 92–573, Oct. 27, 1972).

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 121—FOOD ADDITIVES

Subpart C—Food Additives Permitted in Feed and Drinking Water of Animals or for the Treatment of Food-Producing Animals

O,O-DIMETHYL 2,2,2-TRICHLORO-1-HYDROXYETHYL PHOSPHONATE; CORRECTION

In FR Doc. 73–1622 appearing at page 2681 in the FEDERAL REGISTER of Monday, January 29, 1973, the subpart letter and section number are incorrect. Accordingly, the following changes are made:

1. In the headings, change "Subpart D—Food Additives * * *" to "Subpart C—Food Additives Permitted in Feed and Drinking Water of Animals or for the Treatment of Food-Producing Animals".

2. In the sixth paragraph, last line, change "D" to "C".

3. In the section heading immediately following the above item 2, change "§ 121.1247" to "§ 121.344".

Dated: March 1, 1973.

HENRY J. KORP,
Deputy Assistant Administrator for Pesticide Programs.

[FR Doc.73–4505 Filed 3–8–73;8:45 am]

Proposed Rule Making

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[26 CFR Part 1]

INCOME TAX

Qualified Export Receipts and Producer's Loans of a Domestic International Sales Corporation (DISC)

On October 4, 1972, notice of proposed rule making was published in the FEDERAL REGISTER in regard to regulations under section 993 of the Internal Revenue Code of 1954, relating to qualified export receipts and producer's loans of a domestic international sales corporation (DISC), as added by section 501 of the Revenue Act of 1971 (37 FR 20853). Notice is hereby given that the proposed regulations contained in § 1.993–1(l)(1), as set forth in the notice of proposed rule making, are hereby withdrawn.

Further notice is hereby given that, in lieu of the proposed rules which are so withdrawn, the regulations set forth in tentative form below are proposed to be prescribed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury or his delegate. Prior to the final adoption of such regulations, consideration will be given to any comments or suggestions pertaining thereto which are submitted in writing (preferably six copies) to the Commissioner of the Internal Revenue, Attention: CC:LR:T, Washington, D.C. 20224, by March 26, 1973. Any written comments or suggestions not specifically designated as confidential in accordance with 26 CFR 601.601(b) may be inspected by any person upon written request. Any person submitting written comments or suggestions who desires an opportunity to comment orally at a public hearing on these proposed regulations should submit his request, in writing, to the Commissioner by March 26, 1973. In such case, a public hearing will be held, and notice of the time, place, and date will be published in a subsequent issue of the FEDERAL REGISTER, unless the person or persons who have requested a hearing withdraw their request for a hearing before notice of the hearing has been filed with the Office of the Federal Register. The proposed regulations are to be issued under the authority contained in section 7805 of the Internal Revenue Code of 1954 (68A Stat. 917; 26 U.S.C. 7805).

[SEAL] JOHNNIE M. WALTERS,
Commissioner of Internal Revenue.

By a notice of proposed rule making appearing in the FEDERAL REGISTER for Wednesday, October 4, 1972, (37 FR 20853), proposed regulations were published under section 993 of the Internal Revenue Code of 1954, relating to qualified export receipts and producer's loans of a domestic international sales corporation (DISC). This document withdraws the proposed regulations contained in § 1.993–1(l)(1) and in lieu of the proposed regulations which are so withdrawn sets forth new proposed regulations under § 1.993–1(l)(1).

The proposed regulations previously published under § 1.993–1(l)(1) allow a corporation, if it meets the necessary requirements to be treated as a DISC for a taxable year, to take advantage of the intercompany pricing rules of section 994(a) (1) or (2) in the case of any transactions described in § 1.994–1(b) (as proposed in 37 FR 19625 for September 21, 1972) between the DISC and its related supplier, provided that the relationship between the DISC and its related supplier is defined by an agreement which is written and which meets the requirements described in § 1.993–1(l)(2). In the case of a transaction pursuant to a sales or other agreement entered into before April 9, 1973, the new proposed regulations under § 1.993–1(l)(1) modify the strict requirements regarding the agreement between the DISC and its related supplier by providing that such agreement is the understanding relating to the participation of the DISC in such transaction, provided that such understanding is reduced before April 9, 1973, to a writing executed by the DISC and its related supplier containing the terms of such understanding. A transaction pursuant to a sales or other agreement entered into on or after April 9, 1973, will be subject to the rules originally proposed under § 1.993–1(l)(1).

AMENDMENT TO PROPOSED REGULATIONS

On October 4, 1972, notice of proposed rule making was published in the FEDERAL REGISTER (37 FR 20853) regarding the amendment of the Income Tax Regulations (26 CFR Part 1) to conform such regulations to section 993 of the Internal Revenue Code of 1954, relating to qualified export receipts and producer's loans of a domestic international sales corporation (DISC), as added by section 501 of the Revenue Act of 1971. The proposed regulations contained in § 1.993–1 (l)(1), as set forth in the appendix to the notice of proposed rule making, are hereby withdrawn. The above-mentioned notice of proposed rule making is amended as follows, and the following rules are hereby prescribed in lieu of the rules which are so withdrawn:

§ 1.993–1 Definition of qualified export receipts.

* * * * *

(l) *DISC's entitlement to income*—(1) *Application of section 994.* A corporation which meets the requirements of § 1.992–1(a) (as proposed in 37 FR 10368 for May 20, 1972) to be treated as a DISC for a taxable year is entitled to income, and the intercompany pricing rules of section 994(a) (1) or (2) apply, in the case of any transactions described in § 1.994–1(b) (as proposed in 37 FR 19625 for September 21, 1972) between such DISC and its related supplier (as defined in § 1.994–1(a)(3)) (as proposed in 37 FR 19625 for September 21, 1972), provided that the relationship between the DISC and its related supplier is defined by a supplier's agreement described in this paragraph. A supplier's agreement must be a written agreement described in paragraph (l)(2) of this section except that with respect to a transaction pursuant to an agreement for the sale or lease of property, or the furnishing of services, to a person other than the DISC or its related supplier, entered into before April 9, 1973, a supplier's agreement is the understanding relating to the participation of the DISC in such transaction, provided that such understanding is reduced before April 9, 1973, to a writing executed by the DISC and its related supplier containing the terms of such understanding (whether or not such writing conforms to the requirements of paragraph (l)(2) of this section and whether or not the transaction was completed before such date). For purposes of this paragraph, such DISC need not have employees or perfom any specific function.

* * * * *

[FR Doc.73–4561 Filed 3–8–73;8:45 am]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 981]

ALMONDS GROWN IN CALIFORNIA

Credit for Paid Advertising of Almond Products

Notice is hereby given of a proposal to amend § 981.441 of Subpart—Administrative Rules and Regulations (7 CFR 981.450–981.481; 37 FR 13790; 16930) to permit crediting handlers' assessment obligations for advertising almond products. The subpart is operative pursuant to the marketing agreement, as amended, and Order No. 981, as amended (7 CFR Part 981; 37 FR 3983), regulating the

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handling of almonds grown in California (hereinafter collectively referred to as the "order"). The order is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). The proposal was unanimously recommended by the Almond Control Board.

Section 981.41 of the order provides, in part, that the Almond Control Board may provide for crediting the pro rata expense assessment obligations of a handler with such portion of his direct expenditure for such marketing promotion including paid advertising as may be authorized. Section 981.441 provides that a handler may receive such credit for advertising almonds, either separately or in conjunction with a complementary commodity or product. Any such crediting is subject to the stipulation in § 981.441(c) that the theme of each advertisement shall promote the sale, consumption, or use of California almonds.

The proposal would add a subparagraph (4) to § 981.441(d) to permit crediting for paid advertising of almond products. Consistent with § 981.441(c) with respect to promoting the sale, consumption, or use of California almonds, almond products would have to contain at least 50 percent raw shelled almonds, by weight, to be creditable. In addition, to be eligible for credit, an almond product could not contain any other nuts. While some products contain less than 50 percent raw shelled almonds, by weight, these would not be deemed almond products under the proposal and thus not eligible for credit. Since an almond product is not composed solely of almonds, only 50 percent of the allowable expenses for promoting an almond product would be credited to a handler's assessment obligation. Furthermore, since the objective of the subparagraph is to permit crediting a handler's assessment obligation for allowable expenses incurred by the handler in advertising almond products, the handler's brand would have to be displayed on the product.

All persons who desire to submit written data, views, or arguments in connection with the aforesaid proposal should file the same in quadruplicate with the Hearing Clerk, U.S. Department of Agriculture, room 112, Administration Building, Washington, D.C. 20250 by March 15, 1973. All written submissions made pursuant to this notice will be made available for public inspection at the office of the hearing clerk during regular business hours (7 CFR 1.27(b)).

The proposal is to amend paragraph (d) of § 981.441 of Subpart—Administrative Rules and Regulations (7 CFR Part 981.450–981.481; 37 FR 13790; 16930) by adding a subparagraph (4) reading as follows:

§ 981.441 Crediting for paid advertising.

* * * * *

(d) * * *

(4) When almond products are advertised, the allowance shall be 50 percent of the total allowance payment to the advertising medium or the handler's allowable payment thereof, whichever is less: *Provided*, That (i) the almond product does not contain nuts other than almonds, (ii) the almond product contains at least 50 percent raw shelled almonds by weight, and (iii) the almond product displays the handler's brand.

* * * * *

Dated: March 5, 1973.

PAUL A. NICHOLSON,
Acting Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc.73–4524 Filed 3–8–73;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Parts 1, 3, 125]

SPECIAL DIETARY FOODS

Label Statements; Proposed Findings of Fact, Conclusions, and Tentative Order Following Public Hearing; Extension of Time for Exceptions

The notice of proposed rule making published in the FEDERAL REGISTER of January 19, 1973 (38 FR 2143) regarding the revocation of §§ 1.11, 3.9, 3.32, 3.46 (21 CFR 1.11, 3.9, 3.32, and 3.46), and the revision of § 125.1 *Definitions and interpretation of terms*, § 125.2 *General label statements; dietary properties; value; placement*, and § 125.3 *Label statements relating to vitamins and minerals* provided for the filing of written exceptions thereto on or before March 20, 1973.

The Commissioner of Food and Drugs has received a request from the National Association of Pharmaceutical Manufacturers to extend the filing period to April 20, 1973, and has also received requests from consumer groups' representatives for a nonspecified extension of time. Good reason therefor appearing, the time for filing of written exceptions is extended. To be considered, such exceptions must be received at the Office of the Hearing Clerk, Department of Health, Education, and Welfare, Room 6–88, 5600 Fishers Lane, Rockville, MD 20852, by the close of business (5 p.m.) on April 20, 1973.

This action is taken pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 401, 403(j), 701(e), 52 Stat. 1046, 1048, 1055, as amended by 70 Stat. 919; 21 U.S.C. 341, 343(j), 371 (e)) and under authority delegated to the Commissioner (21 CFR 2.120).

Dated: March 5, 1973.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.73–4660 Filed 3–8–73;8:45 am]

[21 CFR Part 80]

DIETARY SUPPLEMENTS OF VITAMINS AND MINERALS

Definitions, Identity, and Label Statements; Proposed Findings of Fact, Conclusions, and Tentative Order Following a Public Hearing; Extension of Time for Exceptions

The notice of proposed rule making published in the FEDERAL REGISTER of January 19, 1973 (38 FR 2152) regarding modification of § 80.1 *Dietary supplements of vitamins and minerals; definition, identity, label statements* provided for the filing of written exceptions thereto on or before March 20, 1973.

The Commissioner of Food and Drugs has received a request from the National Association of Pharmaceutical Manufacturers to extend the filing period to April 20, 1973, and has also received requests from consumer groups' representatives for a nonspecified extension of time. Good reason therefor appearing, the time for filing of written exceptions is extended. To be considered, such exceptions must be received at the Office of the Hearing Clerk, Department of Health, Education, and Welfare, Room 6–88, 5600 Fishers Lane, Rockville, MD 20852, by the close of business (5 p.m.) on April 20, 1973.

This action is taken pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 401, 403(j), 701(e), 52 Stat. 1046, 1048, 1055, as amended by 70 Stat. 919; 21 U.S.C. 341, 343(j), 371 (e)) and under authority delegated to the Commissioner (21 CFR 2.120).

Dated: March 5, 1973.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.73–4661 Filed 3–8–73;8:45 am]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 39]

[Airworthiness Docket No. 73–WE–1–AD]

INTERNATIONAL INFLATABLES COMPANY REGULATOR, MODEL NO. 70003

Proposed Airworthiness Directives

The Federal Aviation Administration is considering amending Part 39 of the Federal Aviation Regulations by adding an airworthiness directive applicable to International Inflatables Company regulator, Model No. 70003. Corrosion in two regulators in civil aircraft has occurred so as to render the equipment inoperative. An inoperative regulator prevents the passenger evacuation slide from being inflated. Since this condition is likely to exist or develop in other products of the same design, the proposed airworthiness directive would require a repetitive inspection of all regulators installed in civil aircraft.

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the docket number and be submitted in duplicate to the Department of Transportation, Federal Aviation Administration, Western Region, Attention: Regional Counsel, Airworthiness Rule Docket, Post Office Box 92007, Worldway Postal Center, Los Angeles, CA 90009. All communications received on or before April 13, 1973, will be considered by the agency before taking action upon the proposed rule. The proposals contained in this notice may be changed in light of comments received. All comments will

be available, both before and after the closing date for comments, in the rules docket for examination by interested persons.

This amendment is proposed under the authority of sections 313(a), 601, and 603 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, 1423) and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1665(c)).

In consideration of the foregoing, it is proposed to amend § 39.13 of Part 39 of the Federal Aviation Regulations by adding the following new airworthiness directive.

INTERNATIONAL INFLATABLES COMPANY. Applies to aircraft incorporating International Inflatables Company regulator, P/N 70003.

NOTE: This regulator has been FAA-approved as a replacement for International Inflatables regulator P/N 68240, the subject of AD 71–14–3. Both regulators are used on various international inflatables passenger evacuation slides, installed in but not limited to, BAC 1–11, B–707, B–720, B–727, DC–8, DC–9, and L–188 aircraft.

Compliance required as indicated.

To determine the presence of corrosion in regulator P/N 70003, accomplish the following:

(a) Within the next 60 days after the effective date of this AD, unless already accomplished within the last 60 days, and thereafter at intervals not to exceed 120 days from the last inspection, visually inspect the International Inflatables Company regulator, P/N 70003 for any evidence of corrosion both inside and outside of the regulator assembly, or an equivalent inspection approved by the Chief, Aircraft Engineering Division, FAA, Western Region. If there is any evidence of corrosion, replace the regulator prior to further flight with a previously inspected (per this AD) and corrosion-free regulator or an FAA-approved regulator. Do not return to service any regulator exhibiting evidence of corrosion.

(b) After the effective date of this AD, and prior to the installation of an International Inflatables Company regulator, P/N 70003, in an aircraft, inspect that regulator per (a) above.

Issued in Los Angeles, Calif., on February 27, 1973.

ROBERT O. BLANCHARD,
Acting Director, FAA Western Region.

[FR Doc.73–4523 Filed 3–8–73;8:45 am]

[14 CFR Part 71]

[Airspace Docket No. 73–SW–13]

CONTROL ZONES AND TRANSITION AREA

Proposed Designation and Alteration

The Federal Aviation Administration is considering amending Part 71 of the Federal Aviation Regulations to designate the Waco, Tex. (James Connally Airport), control zone; rename the Waco, Tex., control zone; and alter the Waco, Tex., transition area.

Interested persons may submit such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to Chief, Airspace and Procedures Branch, Air Traffic Division, Southwest Region, Federal Aviation Administration, Post Office Box 1689, Fort Worth, TX 76101. All communications received on or before April 9, 1973, will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Chief, Airspace and Procedures Branch. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official docket will be available for examination by interested persons at the Office of the Regional Counsel, Southwest Region, Federal Aviation Administration, Fort Worth, Tex. An informal docket will also be available for examination at the Office of the Chief, Airspace and Procedures Branch, Air Traffic Division.

It is proposed to amend Part 71 of the Federal Aviation Regulations as hereinafter set forth.

In § 71.171 (38 FR 351), the Waco, control zone is added:

WACO, TEX. (JAMES CONNALLY AIRPORT)

Within a 5-mile radius of James Connally Airport (latitude 31°38'00" N., longitude 97°04'00" W.) excluding the portion within the Waco, Tex. (Waco Municipal Airport), control zone. The control zone will be effective during the times established in advance by a notice to airmen continously published in the Airman's Information Manual.

In § 71.171 (38 FR 351), the Waco, Tex., control zone is amended to read "Waco, Tex. (Waco Municipal Airport)."

In § 71.181 (38 FR 435), the Waco, Tex., transition area is amended by deleting "latitude 31°49'00" N., longitude 97°00'00" W." and substituting therefor "latitude 31°46'00" N., longitude 96°55'00" W."

The alteration of the Waco, Tex., transition area and the designation of the Waco, Tex. (James Connally Airport), control zone are to provide necessary controlled airspace for a proposed instrument landing system (ILS) on Runway 17 at the James Connally Airport. Final rule-making airspace action is contingent upon establishment of the ILS instrument approach procedure and conformance of criteria contained in FAA Handbook 7400.2A, Procedures for Handling Airspace Matters, paragraph 210, Control Zone Requirements.

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348) and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Fort Worth, Tex., on February 28, 1973.

R. V. REYNOLDS,
Acting Director, Southwest Region.

[FR Doc.73–4516 Filed 3–8–73;8:45 am]

[14 CFR Part 71]

[Airspace Docket No. 72–SO–105]

CONTROL ZONE AND TRANSITION AREA

Proposed Alteration

Correction

In FR Doc. 73–3759 appearing at page 5482 in the issue for Thursday, March 1, 1973, the closing date for comments stated in the sixth line from the end of the second paragraph, now reading "March 2", should read "April 2".

[14 CFR Part 71]

[Airspace Docket No. 73–SW–12]

TRANSITION AREA

Proposed Alteration

The Federal Aviation Administration is considering amending Part 71 of the Federal Aviation Regulations to alter the Sherman, Tex., transition area.

Interested persons may submit such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to Chief, Airspace and Procedures Branch, Air Traffic Division, Southwest Region, Federal Aviation Administration, Post Office Box 1689, Fort Worth, TX 76101. All communications received on or before April 9, 1973, will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Chief, Airspace and Procedures Branch. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official docket will be available for examination by interested persons at the Office of the Regional Counsel, Southwest Region, Federal Aviation Administration, Fort Worth, Tex. An informal docket will also be available for examination at the Office of the Chief, Airspace and Procedures Branch, Air Traffic Division.

It is proposed to amend Part 71 of the Federal Aviation Regulations as hereinafter set forth.

In § 71.181 (38 FR 435), the Sherman, Tex., transition area is amended by deleting "(latitude 33°37'30" N., longitude 96°35'09" W.) and within a 7-mile radius of Grayson County Airport (latitude 33°42'25" N., longitude 96°40'25" W.)" and substituting therefor "(latitude 33°-37'30" N., longitude 96°35'00" W.); within a 7-mile radius of Grayson County Airport (latitude 33°42'55" N., longitude 96°40'25" W.); and within 2 miles each side of the 181° T. (173° M.) bearing from the Grayson County NDB (latitude 33°49'26" N., longitude 96°40'10" W.) extending from the 7-mile radius area to the NDB."

The proposed alteration of the Sherman, Tex., transition area is to provide additional controlled airspace necessary

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to contain the new instrument approach procedure predicated on the Grayson County NDB.

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348) and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Fort Worth, Tex., on February 28, 1973.

R. V. REYNOLDS,
Acting Director,
Southwest Region.

[FR Doc.73-4515 Filed 3-8-73;8:45 am]

[14 CFR Part 71]

[Airspace Docket No. 73-SW-15]

TRANSITION AREA

Proposed Designation

The Federal Aviation Administration is considering amending Part 71 of the Federal Aviation Regulations to designate a 700-foot transition area at Lake Village, Ark.

Interested persons may submit such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to Chief, Airspace and Procedures Branch, Air Traffic Division, Southwest Region, Federal Aviation Administration, Post Office Box 1689, Fort Worth, TX 76101. All communications received on or before April 9, 1973, will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Chief, Airspace and Procedures Branch. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official docket will be available for examination by interested persons at the Office of the Regional Counsel, Southwest Region, Federal Aviation Administration, Fort Worth, Tex. An informal docket will also be available for examination at the Office of the Chief, Airspace and Procedures Branch, Air Traffic Division.

It is proposed to amend Part 71 of the Federal Aviation Regulations as hereinafter set forth.

In § 71.181 (38 FR 435), the following transition area is added:

LAKE VILLAGE, ARK.

That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of Lake Village Airport (latitude 33°-20'42" N., longitude 91°18'57" W.).

The proposed transition area will provide controlled airspace for aircraft executing approach/departure procedures proposed at the Lake Village Airport, Ark.

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348) and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Fort Worth, Tex., on February 28, 1973.

R. V. REYNOLDS,
Acting Director,
Southwest Region.

[FR Doc.73-4517 Filed 3-8-73;8:45 am]

National Highway Traffic Safety Administration

[49 CFR Part 574]

[Docket No. 70-12; Notice 17]

TIRE IDENTIFICATION AND RECORD KEEPING

Universal Registration Form

This notice proposes an amendment to the Tire Identification and Record Keeping regulation, 49 CFR Part 574, that would establish a universal registration form for tire manufacturers, brand name owners, and retreaders to provide to their distributors and dealers for recording the name and address of the tire purchaser, the tire identification number, and the name and address of the seller of the tire. The portion of the Tire Identification and Record Keeping regulation that would be amended is § 574.7 as it appeared in the FEDERAL REGISTER of January 26, 1971 (36 FR 1198).

The regulation presently requires tire manufacturers, brand name owners, and retreaders to supply "a means" for recording the required information. This has apparently resulted in a multiplicity of different registration forms and procedures which tire dealers indicate represent a problem when the dealers sell tires manufactured by several different manufacturers or brand name owners. The variety of forms has caused confusion among dealers and often leads to the information being incorrectly recorded.

A meeting was held on November 11, 1971, to discuss among other things, the possibility of amending the regulation in order to establish a uniform format for recording the required information by the regulation. At the meeting most of those present did not object to a uniform format but some tire manufacturers said they needed a considerable amount of lead time if they had to change their existing systems. Some manufacturers indicated that it would be impracticable to require a specific form to be used in all cases, but that a common format would not create a difficult problem.

In order to relieve some of the confusion and errors created by the variety of forms being used, it is proposed that the regulation be changed to prescribe the size of the form to be used and the location of the required information. In addition, it is proposed that a copy of the reported information be provided to the first purchaser so that he will know that the information is being recorded. Finally, the proposed amendment to the regulation would make it clear that manufacturers, brand name owners or retreaders receiving other manufacturers' registration information must forward it to the proper manufacturer, brand name owner or retreader, or their designees, within 30 days.

One problem that may be created by a uniform size for the form is that dealers might have difficulty selecting the proper form for the tire being sold. Therefore, it is recommended that manufacturers voluntarily devise a system whereby individual manufacturers would be assigned a color code or other highly visible identification system for the forms.

In consideration of the foregoing, it is proposed that 49 CFR Part 574 be amended by adding a new Figure 3, and revising §§ 574.7 and 574.8 to read as follows:

§ 574.7 Information requirements—tire manufacturers, brand name owners, retreaders.

(a) Each tire manufacturer, brand name owner and retreader (hereinafter referred to in this section and § 574.8 as "tire manufacturer" unless specified otherwise) or his designee, shall provide to every distributor and dealer of his tires who offers these tires for sale or lease to tire purchasers forms similar to Figure 3 by which the distributor or dealer offering the tire for sale or lease to tire purchasers may record the following information in duplicate.

(1) Name and address of the tire purchaser;

(2) Tire identification number;

(3) Name and address of the tire seller or other means by which the manufacturer can identify the tire seller.

(b) Each tire manufacturer shall record and maintain, or have recorded and maintained for him, the information specified in paragraph (a) of this section and shall not use this information for any commercial purpose detrimental to tire distributors or dealers. Any tire manufacturer to whom forms are mistakenly sent shall forward the forms to the proper manufacturer within 30 days from receipt of the form;

(c) [Unchanged]

(d) [Unchanged]

§ 574.8 Information requirements—tire distributors and dealers.

(a) Each distributor and each dealer selling tires to tire purchasers shall record the information specified in § 574.7(a), give one copy of the information to the purchaser, and submit another copy of the information to the manufacturer of the tires sold or to the manufacturer's designee.

(b) [Unchanged]

(c) Each distributor and each dealer selling tires to other tire distributors and dealers shall supply to the tire distributor or dealer to whom he sells tires forms similar to Figure 3, to record in duplicate the information specified in § 574.7(a) unless such forms have been provided to that distributor or dealer by another person or by a manufacturer.

(d) [Unchanged]

Interested persons are invited to submit written data, views, and arguments concerning the proposed amendment. Comments should refer to the docket number and be submitted to: Docket Section, National Highway Traffic Safety Administration, Room 5221, 400 Seventh Street SW., Washington, DC 20590. It is requested but not required that 10 copies be submitted.

All comments received before the close of business on the comment closing date indicated below will be considered and will be available for examination in the docket at the above address both before and after the closing date. To the extent possible, comments filed after the comment closing date will also be considered by the Administration. However, the rule making action may proceed at any time after the date, and comments received after the closing date and too late for consideration in regard to the action will be treated as suggestions for future rule making. The Administration will continue to file relevant material, as it becomes available, in the docket after the closing date, and it is recommended that interested persons continue to examine the docket for new material.

Comment closing date: May 4, 1973.

Proposed effective date: Six months after issuance of the final rule.

This notice of proposed rule making is issued under the authority of sections 103, 112, 113, 119, and 201 of the National Traffic and Motor Vehicle Safety Act, Public Law 89-563, 80 Stat. 718, 15 U.S.C. 1392, 1401, 1402, 1407, and 1421, and the delegations of authority at 49 CFR 1.51 and 49 CFR 501.8.

Issued on March 1, 1973.

ROBERT L. CARTER,
Associate Administrator,
Motor Vehicle Programs.

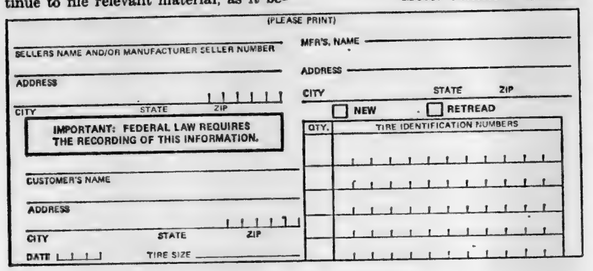

FIG. 3 —— STANDARD FORM

[FR Doc.73-4445 Filed 3-8-73;8:45 am]

ATOMIC ENERGY COMMISSION

[10 CFR Part 35]

MEDICAL USES OF RADIOISOTOPES (BYPRODUCT MATERIAL)

User and Reporting Requirements

The Atomic Energy Commission has under consideration amendments to its regulations in 10 CFR Part 35, "Human Uses of Byproduct Material," to: (1) Change the title of the part to "Medical Uses of Radioisotopes (Byproduct Material)," (2) specify certain responsibilities of physicians authorized to use radioisotopes for medical uses, (3) specify certain activities that may be delegated by physicians to technicians and other paramedical personnel, (4) require physicians to determine that technicians and other paramedical personnel are properly trained to perform such activities, (5) require reporting to the Commission of misadministrations of radioisotopes or radiation therefrom, and (6) require notification to the patient or a responsible relative of the patient of the misadministration of radioisotopes or radiation therefrom which could adversely affect the patient.

The title of 10 CFR Part 35 would be changed by the proposed rule to "Medical Uses of Radioisotopes (Byproduct Material)" to make the title more meaningful to users of radioactive material. If this rule is finally adopted, amendments to conform to this new title will be made to this and other parts of the Commission's regulations pertaining to byproduct material.

In its licensing of the medical uses of radioisotopes pursuant to 10 CFR Part 35, the Commission requires that the responsible user be a physician licensed by a State or territory of the United States, the District of Columbia or the Commonwealth of Puerto Rico to dispense drugs in the practice of medicine. Physicians are authorized to use radioisotopes by a condition of specific or general licenses issued by the Commission. One of the following three standard conditions is included in each specific license issued for medical use of radioisotopes:

1. "Byproduct material shall be used by (a named physician)." This condition is used in licenses to physicians in private practice.

2. "Byproduct material shall be used by, or under the supervision of (one or more named physicians)." This condition is used in licenses issued to medical institutions which have medical isotopes committees to review all proposals for uses of isotopes within the institution. The named physicians are those designated on the application for license as having appropriate nuclear medicine training and experience with isotopes. The phrase "or under the supervision of" provides a means whereby nonapproved physicians under the supervision of a physician named on the license may obtain basic and clinical radioisotope training and experience to enable them to qualify as authorized users.

3. "A. Byproduct material shall be used by, or under the supervision of, individuals designated by the (name of institution's isotopes committee).

"B. The use of byproduct material in or on humans shall be by a physician." This condition is used in licenses issued to medical institutions—usually medical schools—whose isotopes committees have set up appropriate administrative procedures, and training and experience criteria, for the committee to approve individual users. This condition also allows other physicians to obtain training and experience under the supervision of a physician designated by the committee as an authorized user.

It is recognized by the Commission that physicians utilize technicians and other paramedical personnel to perform some of the activities and manipulations involved in the medical uses of radioisotopes. In such instances, the physician is still considered to be the user of the radioisotopes. The Commission has developed with the assistance of its Advisory Committee on the Medical Uses of Isotopes a list of responsibilities which shall not be delegated by authorized physician users of radioisotopes—except to other physicians who are under the supervision of authorized physicians—and a list of activities that may be delegated by physicians to technicians and other paramedical personnel. The proposed new § 35.32 would codify these nondelegable responsibilities and permissible delegations in the Commission's regulations. Section 35.32 would also require physicians to determine that technicians and other paramedical personnel are properly trained to perform the activities which are delegated to them. Certification in nuclear medical technology by either the American Registry of Radiologic Technologists or the Registry of Medical Technologists would be deemed to satisfy the requirement for such proper training; however, the Commission does not consider it necessary to require paramedical personnel who only assist physicians with simple manipulations or in programs of limited scope to be fully trained and certified technologists.

Section 20.403 of 10 CFR Part 20 of the Commission's regulations requires licensees to notify the Commission of incidents involving the exposure of individuals to more than certain stated amounts of radiation, section 20.405(c) requires that any exposure of an individual to radiation which is required to be reported to the Commission shall also be reported to the individual. However, since § 20.107 of 10 CFR Part 20 provides that nothing in the regulations in that part shall be interpreted as limiting the intentional exposure of patients to radiation for the purpose of medical diagnosis or medical therapy, notifications have not been required of incidents involving the exposure of patients to radiation if the patient were receiving any

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intentional medical exposure. Although incidents involving medical exposures have not been required to be reported, 12 instances of misadministrations of radioactive materials involving 20 patients have been brought to the Commission's attention. Since these incidents have generally involved accidental or erroneous exposures of patients to radiation in amounts or forms other than intended, it does not appear appropriate to continue the past practice of not requiring reports of such misadministrations of radioactive materials to medical patients. The proposed new paragraphs (a) and (c) of § 35.33 would require licensees to report misadministrations of radiopharmaceuticals or radiation from byproduct material sources to the Commission. Paragraph (b) of § 35.33 would also require a notification to the patient or to a responsible relative of the patient of a misadministration which could cause a demonstrably adverse effect on the patient unless in the physician's professional judgment such notification would be contrary to the best interests of the patient or a surviving relative of the patient. (In accordance with the Freedom of Information Act and 10 CFR Part 9 of the Commission's rules and regulations, copies of reports filed under these proposed rules, except for any details which would identify the patient, will be available for public inspection.)

Pursuant to the Atomic Energy Act of 1954, as amended, and section 553 of title 5 of the United States Code, notice is hereby given that adoption of the following amendments to 10 CFR Part 35 is contemplated. All interested persons who desire to submit written comments or suggestions for consideration in connection with the proposed amendments should send them to the Secretary of the Commission, U.S. Atomic Energy Commission, Washington, D.C., 20545, Attention: Chief, Public Proceedings Staff by April 23, 1973. Copies of comments on the proposed amendments may be examined at the Commission's Public Document Room at 1717 H Street NW., Washington, DC.

1. The title of 10 CFR Part 35 is amended to read as follows: "Medical uses of radioisotopes (byproduct material)."

2. A new § 35.32 is added to 10 CFR Part 35 to read as follows:

§ 35.32 Conditions of licenses for medical uses of radioisotopes.

(a) The user of radioisotopes in or applied to humans for diagnostic, therapeutic, or investigational purposes shall be a physician authorized by a condition of a general license or a specific license, including a specific license of broad scope, issued by the Commission (authorized physician).

(b) No authorized physician may delegate to persons who are not physicians under the supervision of the authorized physician, the following:

(1) The approval of procedures involving the administration to patients of radiopharmaceuticals or the application to patients of radiation from radioisotope sources,

(2) The prescription of the radiopharmaceutical or source of radiation and the dose or exposure to be administered,

(3) The determination of the route of administration,

(4) The interpretation of the results of diagnostic procedures in which radiopharmaceuticals are administered.

(c) Subject to the provisions of paragraphs (b), (d), (e), (f), and (g) of this section, an authorized physician may permit technicians and other paramedical personnel to perform the following activities:

(1) Preparation and quality control testing of radiopharmaceuticals and sources of radiation,

(2) Measurement of radiopharmaceutical doses prior to administration.

(3) Use of appropriate instrumentation for the collection of data to be used by the physician,

(4) Administration of radiopharmaceuticals and radiation from radioisotope sources to patients, within limits otherwise permitted under applicable Federal, State or local laws.

(d) Authorized physicians who permit activities to be performed by technicians and other paramedical personnel pursuant to paragraph (c) of this section shall:

(1) Prior to such permission, determine that such technicians and other paramedical personnel have been properly trained to perform their duties. This training shall include training in the following subjects, as applicable to the duties assigned:

(i) General characteristics of radiation and radioactive materials.

(ii) Physical, chemical, and pharmaceutical characteristics of each radiopharmaceutical to be used.

(iii) Mathematics and calculations basic to the use and measurement of radioactivity, including units of quantity of radioactivity (curies, millicuries, microcuries) and units of radiation dose and radiation exposure.

(iv) Use of radiation instrumentation for measurements and monitoring including operating procedures, calibration of instruments, and limitations of instruments.

(v) Principles and practices of radiation protection.

(vi) Additional training in the above subjects, as appropriate, when new duties are added.

(2) Assure that such technicians and other paramedical personnel receive appropriate retraining in the subjects listed in paragraph (d)(1) of this section to maintain proficiency and to keep abreast of developments in the field of nuclear medical technology.

(3) Keep records showing the bases for such determinations of proper training, and

(4) Retain responsibility as licensee or authorized user for the satisfactory performance of such activities.

(e) Certification in nuclear medicine technology by the American Registry of Radiologic Technologists or in nuclear medical technology by the Registry of Medical Technologists of the American Society of Clinical Pathologists will be deemed to satisfy the training requirements of paragraph (d) (1) and (2) of this section.

(f) An applicant for a license or for amendment or renewal of a license shall state whether he desires to permit technicians or other paramedical personnel to perform activities pursuant to paragraph (c) of this section and, if so, shall include in his application for license, license amendment, or license renewal a statement of the activities to be so performed and a description of an adequate program for training (including retraining as required to keep abreast of developments in technology) such personnel or for otherwise determining that such personnel are properly trained to perform their duties. With respect to licenses in effect on (effective date of rule), a licensee who is permitting or who desires to permit technicians or other paramedical personnel to perform activities pursuant to paragraph (c) of this section shall file the information required by this paragraph with the Director of Licensing, U.S. Atomic Energy Commission, Washington, D.C. 20545, with his next application for amendment or renewal of the license or within 1 year of (effective date of rule), whichever occurs first.

(g) Whenever a technician or other paramedical person administers a radiopharmaceutical to a patient by injection, a physician (not necessarily a physician authorized by the Commission to be a user of radioisotopes) shall be immediately accessible.

3. A new § 35.33 is added to 10 CFR Part 35 to read as follows:

§ 35.33 Notifications and reports of misadministrations.

(a) Each licensee shall notify the Director of the appropriate Atomic Energy Commission Regulatory Operations Regional Office listed in Appendix D of 10 CFR Part 20 of the Commission's regulations by telephone and telegraph of any misadministration of radiopharmaceuticals or any misadministration of radiation from teletherapy and brachytherapy sources. This notification shall be made within 24 hours after such misadministration is known. For the purpose of the requirements of this section, misadministration is defined to include the administration of:

(1) A radiopharmaceutical, or radiation from a source other than the one intended,

(2) A radiopharmaceutical or radiation to the wrong patient, or

(3) A dose of a radiopharmaceutical, or exposure from a radiation source, outside of the intended dose range prescribed by the physician or by a route of administration other than that intended by the physician.

(b) (1) Whenever a misadministration of a radiopharmaceutical or radiation from a teletherapy or brachytherapy source could cause a demonstrably adverse effect on the patient to whom it was administered, the licensee or the authorized physician shall promptly notify the patient or a responsible relative of the patient of the misadministration unless in the physician's professional judgment such notification would be contrary to the best interests of the patient or a surviving relative of the patient.

(2) If death occurs after a judgment is made by the physician that notification to the patient or a responsible relative of the patient of the misadministration would be contrary to the best interests of the patient and the misadministration may have been a contributory cause of the death, the licensee or the authorized physician shall notify a responsible relative of the patient of the misadministration unless the physician makes an additional determination that such notification would be contrary to the best interests of a surviving relative of the patient.

(c) In addition to the notification required by paragraph (a) of this section, each licensee shall make a report in writing within 30 days to the Director of Regulatory Operations, U.S. Atomic Energy Commission, Washington, D.C. 20545, with a copy to the Director of the appropriate Regulatory Operations Regional Office specified in Appendix D of 10 CFR Part 20, of each misadministration. The report required under this paragraph need not include the name of the patient but shall describe the nature, extent, and cause of the misadministration and the corrective steps taken or planned to assure against a recurrence. If the misadministration could cause a demonstrably adverse effect on the patient or if death occurs and the misadministration may have been a contributory cause of the death, the report shall either confirm that the patient or a responsible relative of the patient has been notified of the misadministration as required by paragraph (c) (1) and (2) of this section or shall state that notification was not given because in the physician's judgment such notification would be contrary to the best interests of the patient or a surviving relative of the patient. If the patient or relative is not notified, the physician shall confirm that this decision was reviewed by a local Ethics Committee or an equivalent group of peers and shall state whether or not the committee or group concurred with the decision.

(d) Any notification or report filed with the Commission pursuant to paragraphs (a) and (c) of this section shall be prepared so that any details which would identify the patient will be stated in a separate part of the notification or report.

(Secs. 81, 161, 68 Stat. 935, 948, as amended; 42 U.S.C. 2111, 2201)

Dated at Washington, D.C., this 28th day of February 1973.

For the Atomic Energy Commission.

PAUL C. BENDER,
Secretary of the Commission.

[FR Doc.73-4436 Filed 3-8-73;8:45 am]

FEDERAL POWER COMMISSION

[18 CFR Part 2]

[Docket No. R-473; Order 415-C]

APPLICANTS' ENVIRONMENTAL REPORTS

Proposed Preparation Guidelines

MARCH 2, 1973.

Pursuant to 5 U.S.C. 553, the Commission gives notice it proposes to amend Part 2 of its general rules by adding guidelines for preparation of applicants' environmental reports pursuant to Order No. 415–C. On December 18, 1972, the Commission issued Order No. 415–C (37 FR 28412, Dec. 23, 1972), further prescribing regulations for the implementation of the National Environmental Policy Act of 1969 (83 Stat. 852) (NEPA), and amending §§ 2.80, 2.81 and 2.82 of the general rules (18 CFR 2.80–2.82), § 4.41 of the regulations under the Federal Power Act (18 CFR 4.41), and §§ 157.7 and 157.14(a) of the regulations under the Natural Gas Act (18 CFR 157.7 and 157.14(a)).

The current energy situation has spotlighted the need for speedy and creative solution of environmental problems in the sectors of the energy industry regulated by the Federal Power Commission. The Commission wishes to provide as much guidance as possible to those filing applications under the procedures promulgated in Order No. 415–C. These guidelines are proposed to be added in the form of Appendices to Part 2 of Title 18 CFR to supplement §§ 2.81(a) and 2.82 (a). Amendments are also proposed for §§ 2.81(a) and 2.82(a) in order to add the appropriate cross references to the new guidelines.

The guidelines seek to identify information to be supplied by applicants, to provide a basis for the preparation of an environmental report prepared pursuant to §§ 2.81(a) and 2.82(a) of the Commission Regulations, and to provide an insight into the scope of environmental reports required to assure a balanced interdisciplinary analysis of actions significantly affecting the quality of the human environment. The guidelines will also assist the Commission's staff in assessing deficiencies in applicant's environmental reports in cases which involve major Federal actions.

Any interested person may submit to the Federal Power Commission, Washington, D.C. 20426 not later than April 12, 1973, data, views, comments, or suggestions in writing concerning all or part of the amendments proposed herein. Written submittals will be placed in the Commission's public files and will be available for public inspection at the Commission's Office of Public Information, Washington, D.C. 20426, during regular business hours. An original and 14 conformed copies should be filed with the Secretary of the Commission. Submittals to the Commission should indicate the name, title, mailing address, and telephone number of the person to whom communications concerning the proposal should be addressed, and whether the person filing them requests a conference at the Federal Power Commission to discuss the proposed revision. The Commission will consider all such written submittals and responses before issuing an order in this proceeding. The staff, in its discretion, may grant or deny requests for conference.

The proposed amendments to Part 2 of the Commission's general rules would be issued under the authority granted the Federal Power Commission under the Federal Power Act, particularly sections 4, 10, 15, 307, 309, 311, and 312 (41 Stat. 1065, 1066, 1068, 1070; 46 Stat. 798; 49 Stat. 839, 840, 841, 842, 843, 844, 856, 857, 858, 859, 860; 61 Stat. 501; 82 Stat. 617; 16 U.S.C. 797, 803, 808, 825f, 825h, 825i, 825k), and the Natural Gas Act, particularly sections 7 and 16 (52 Stat. 824, 825, 830; 56 Stat. 83, 84; 61 Stat. 459; 15 U.S.C. 717f, 717o), and the National Environmental Policy Act of 1969, Public Law 91–190, approved January 1, 1970, particularly sections 102 and 103 (83 Stat. 853, 854).

Accordingly, it is proposed to amend Part 2, General Policy and Interpretations, in Subchapter A—General Rules, Chapter I, Title 18 of the Code of Federal Regulations as follows:

(1) Amend § 2.81(a) so that it will read:

§ 2.81 Compliance with the National Environmental Policy Act of 1969 under Part I of the Federal Power Act.

(a) All applications for major projects (those in excess of 2,000 horsepower) or for reservoirs only providing regulatory flows to downstream (major) hydroelectric projects under Part I of the Federal Power Act for license or relicense, shall be accompanied by exhibit W, the applicant's detailed report of environmental factors specified in §§ 2.80, 4.41, and Appendix A of Part 2 of this chapter. All applications for surrender or amendment of a license proposing construction, or operating change of a project shall be accompanied by the applicant's detailed report of environmental factors specified in § 2.80 and Appendix A. Notice of all such applications shall continue to be made as prescribed by law.

* * * * *

(2) Amend § 2.82(a) so that it will read:

§ 2.82 Compliance with the National Environmental Policy Act of 1969 under the Natural Gas Act.

(a) All certificate applications filed under section 7(c) of the Natural Gas Act (15 U.S.C. 717f(c)) for construction of pipeline facilities, except abbreviated applications filed pursuant to § 157.7(b), (c), and (d) of this chapter and producer applications for the sale of gas filed pursuant to §§ 157.23–29 of this chapter, shall be accompanied by the applicant's detailed report of the environmental factors specified in § 2.80 and Appendix B. Notice of all such applications shall continue to be made as prescribed by law.

* * * * *

(3) Append to 18 CFR Part 2 Guidelines for Preparation of Environmental Reports as follows:

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APPENDIX A

GUIDELINES FOR THE PREPARATION OF APPLICANTS' DETAILED REPORTS OF ENVIRONMENTAL FACTORS ON ACTIONS UNDER THE FEDERAL POWER ACT

These guidelines:

Identify information to be supplied by applicants to assist Federal Power Commission staff in an independent assessment of major Federal actions significantly affecting the quality of the human environment;

Pertain to actions under the Commission's Order 415–C (issued Dec. 18, 1972) amending §§ 2.80–2.82, Title 18, Code of Federal Regulations;

Provide the basis for the preparation of an environmental report (or exhibit W) being prepared pursuant to § 2.81(a) by applicants for hydroelectric and related developments under the jurisdiction of the Commission, and

Provide an insight into the rationale and scope of environmental reports to assure a balanced interdisciplinary analysis of actions significantly affecting the quality of the human environment.

It is the general policy of the Federal Power Commission to expect applicants to take the following actions in carrying out their environmental evaluation responsibilities:

Consult with the appropriate Federal, regional, State and local entities during the preliminary planning stages of the proposed action to assure that all environmental factors are identified;

Conduct any studies which are necessary to determine the impact of the proposed action on the human and natural resources and the measures which may be necessary to protect the values of the affected area. This analysis of impacts upon living and nonliving elements which make up the environment shall be to the depth necessary for a valid assessment of the impacts;

Utilize a sufficiently imaginative, comprehensive, interdisciplinary approach—utilizing a broad physical, biological, and social overview—during the development of the plans for a project; and

Prepare an environmental report for any proposed action that would be a major Federal action significantly affecting the quality of the human environment. The environmental report should contain information and analyses, to the extent appropriate to the proposed action. For proposed actions that are assumed not to be major Federal actions significantly affecting the quality of the human environment, applicants may file abbreviated reports with only sufficient detail to demonstrate that assumption. Applicants may confer with staff prior to submission of an application for guidance as to whether or not a specific proposed action would likely be classified as a major Federal action significantly affecting the quality of the human environment.

These guidelines have been prepared to relate to a wide range of possible actions that could come before the Commission for action. The applicant is expected to make the detail of the environmental report commensurate with the complexity of the possible environmental impact of the proposed action. Upon review of the applicant's environmental report, staff may request additional information. It is important to recognize that there is some redundancy in the information requested. Often a section asks for an evaluation from a different viewpoint rather than for absolutely new information.

ENVIRONMENTAL REPORT FORMAT

1. *Description of proposed action.* Describe fully the action under application, including:

1.1 *Purpose.* Describe the primary purpose of the proposed action and such secondary purposes as water supply, navigation, flood control, low flow augmentation, recreation, fish, and wildlife. Describe how these purposes, both primary and secondary, fit into existing and future utility systems or aid in meeting system reliability or regional and national needs. List the increases in productivity and values for each purpose described, e.g., power capacity in kw. and generation in kw.-hr/year, navigation in tonnage, recreation in visitor days, water use in cfs and AF.

1.2 *Location.* Describe the location of the action and its relationship to other similar programs or developments in the same river basin. Locate the proposed action with respect to State boundaries, counties and major cities and, if necessary, by more specific geographical identification such as township and range; provide a map or maps of the area and such other graphic materials as are needed to locate the action.

1.3 *Proposed facilities.* Provide dimensions where pertinent:

1.3.1 *Project works.* Describe and locate on functional drawings the project works proposed for construction, including dams, dikes, reservoirs, spillways, powerhouses, switchyards, and transmission facilities, water intakes and outlets and conduits, navigation works, visitor centers and other public use facilities, fish ladders, fish hatcheries, and fish protective facilities. Provide dimensions, elevations, data on geological foundations, and other technical data as necessary to give functional design characteristics for safety and adequacy.

1.3.2 *Reservoir.* Describe the reservoir and its outlet works giving dimensions in capacity, area, depth; thermal stratification if present or anticipated; mixing actions or flow-through of inflowing waters as related to water densities; and locate any water intake structures in relation to the occurrence of a reservoir thermocline.

1.3.3 *Tailwater features.* Locate the center line of the turbine or pump runners at maximum and minimum tailwater elevations with a description, using a profile drawing, of any tailrace excavations related to these elevations.

1.3.4 *Transmission facilities.* Describe any transmission lines, rights-of-way, and substations not considered a part of the action under application but a necessary adjunct thereto.

1.4 *Land requirements.* Locate and indicate the area and use of lands to be used by the proposed action and any measures, other than construction procedures, involved in its use, including clearing, borrow and spoil areas, rip-rap, settling ponds or basins, development of roads, recreation and wildlife management programs, drilling of wells for water supply or aquifer recharge, and reserving project lands for future uses. Describe the length and width of all existing, joint, or new rights-of-way required by the proposed action and any land treatment programs proposed thereon, including activities on adjacent lands.

1.5 *Construction procedures.* Describe procedures to be taken prior to or during construction of project works such as the relocation of homes and commercial and industrial facilities, clearing, preparation of any diversion works, surveying, land acquisition, and environmental planning. List any special measures to be taken in these procedures to protect property and environmental values. Provide a schedule of construction of major project works and how this will meet future power needs and avoid such limiting factors as floods, severe climatic conditions, or migrations of fish. Include schedules for needed relocations of transportation and other public facilities and methods of maintaining service during these relocations, and for development of public use facilities.

1.6 *Operational procedures.* Describe the proposed operational modes and how these will provide for protection of natural resources and values. Show how the water resources of the area are to be utilized (provide usable reservoir storage capacities for respective purposes, area-capacity curves, hydrology data, drawdowns, and flow duration curves applicable to project operation during dry, average, and wet years). Include a discussion of the quantity and quality of water flows as they enter, pass through the project, and are released to maintain the downstream aquatic habitat; and of any diversions of water for other uses including municipal or industrial uses, or fish ladders or hatcheries.

Describe circulation of waters as related to the location of water intake structures and the occurrence of a reservoir thermocline. For pumped storage projects describe the weekly and seasonal exchanges of waters between upper and lower reservoirs and the water currents and temperature changes produced by this pseudotidal action.

Include also a discussion of any pollutants (and their sources) which would be discharged as a result of the proposed action. Describe measures to be undertaken to minimize problems arising from malfunctions and accidents (with estimates of probability of occurrence).

1.7 *Maintenance.* Describe maintenance of proposed project works under normal conditions; include types of expected maintenance, anticipated maintenance problems, how system or area needs will be met during shutdown for maintenance, and standard procedures for protecting environmental values during maintenance work. Describe capacity of project works to withstand both usual and unusual, but possible, natural phenomena and accidents (e.g., floods, hurricanes or tornadoes, slides) and provide estimates of probability of occurrence; describe any related geological or structural problems, and measures to be taken to minimize problems arising from malfunctions and accidents.

1.8 *Health and safety measures.* Describe measures to be taken for protecting the health and welfare of workers and the public at the project during its construction, operation, and maintenance, including structures to exclude people from hazardous areas or to protect them during changes in operations; include sanitary and solid waste disposal facilities for workers and the public during construction and operation.

1.9 *Future plans.* Describe plans or potential for future expansion of facilities including land use and the compatibility of these plans with the proposed action.

2. *Description of the existing environment.* Provide an overall description of existing conditions or resources which might be affected directly and indirectly by the proposed action; include pertinent topics.

2.1 *Land Features and uses.* Identify present uses and describe the characteristics of the land area.

2.1.1 *Land uses.* Describe the extent of present uses, as in agriculture, business, industry, recreation, residence, wildlife, and other uses, including the potential for development; locate major nearby transportation corridors, including roads, highways, ship channels, and air traffic patterns; locate transmission facilities and their placement (underground, surface, or overhead); identify water resources.

2.1.2 *Topography, physiography, and geology.* Provide a detailed description of the topographic, physiographic, and geologic features within the area of the proposed action. Include U.S. Geographical Survey Topographic Maps, aerial photographs (if available), and other such graphic material.

2.1.3 *Soils.* Describe the physical characteristics and chemical composition of the soils, including the relationship of these to land slope.

2.1.4 *Geological hazards.* Indicate the potential occurrence of geological hazards in the area, such as earthquakes, slumping, landslides, subsidence, permafrost, and erosion.

2.2 *Species and ecosystems.* Identify those species and ecosystems that will be affected by the proposed action.

2.2.1 *Species.* List in general categories, by common and scientific names, the plant and wildlife species found in the area of the proposed action and indicate those having commercial and recreational importance.

2.2.2 *Communities and associations.* Describe the dominant plant and wildlife communities and associations located within the area of the proposed action. Provide an estimate of the population densities of major species. If data is not available for the immediate area of the proposed action, data from comparable areas may be used.

2.2.3 *Unique and other biotic resources.* Describe unique ecosystems or communities, rare or endangered species, and other biotic resources that may have special importance in the area of the proposed action.

2.3 *Socioeconomic considerations.* If the proposed action could have a significant socioeconomic effect on the local area, discuss the socioeconomic future of the area without the implementation of the proposed action; describe the economic development in the vicinity of the proposed action, particularly the local tax base and per capita income; and identify trends in economic development and/or land use of the area, both from a historical and prospective viewpoint. Describe the population densities of both the immediate and generalized area. Include distances from the site of the proposed action to nearby residences, cities, and urban areas and list their populations. Indicate the number and type of residences, businesses, and industries that will be directly affected and those requiring relocation if the proposed action occurs.

2.4 *Air and water environment.* Describe the prevailing climate and the quality and quantity of the air and water resources of the area.

2.4.1. *Climate.* Describe the historic climatic conditions that prevail in the vicinity of the proposed action: Extremes and means of monthly temperatures, precipitation, and wind speed and direction. In addition, indicate the frequency of temperature inversions, fog, smog, and destructive storms such as hurricanes and tornadoes.

2.4.2 *Hydrology and hydrography.* Describe surface waters, fresh, brackish, or saline, in the vicinity of the proposed action and discuss drainage basins, physical and chemical characteristics, water use, water supplies, and circulation. Describe the ground water situation, water uses and sources, aquifer systems, and flow characteristics.

2.4.3 *Air, noise, and water quality.* Provide data on the existing quality of the air and water (indicate the distance(s) from the proposed action site to monitoring stations) and the mean and maximum noise levels at the site boundaries.

2.5 *Unique features.* Identify unique or unusual features of the area, including historical, archeological, and scenic sites and values.

3 *Environmental impact of the proposed action.* Describe all known or expected significant environmental effects and changes, both beneficial and adverse, which will take place should the action be carried out. Include the impact caused by (a) construction, (b) operation, including maintenance, breakdown, and malfunctions, and (c) termination of activities, including abandonment. Include both direct and primary indirect changes in the existing environment in the immediate area and throughout the sphere of influence of the proposed action.[1] Assess the overall relationships between the environment and the proposed action as the total impact of obtaining and using the resources necessary for the proposed action.

3.1 *Construction.* — 3.1.1 *Land features and uses.* Assess the impact on present or future land use, including commercial use, recreational areas, public health and safety, and the aesthetic value of the land and its features. Describe any temporary restrictions on land use due to construction activities. State the effect of construction related activities upon local traffic patterns, including roads, highways, ship channels, and air patterns.

3.1.2 *Species and ecosystems.* Assess the impact of construction on the terrestrial and aquatic species and habitats in the area, including clearing, excavation, and impoundment. Discuss the possibility of a major alteration to the ecosystem and the potential loss of an endangered species.

3.1.3 *Socio-economic considerations.* Discuss the effect on local socio-economic development in relation to labor, housing, local industry, and public services. Discuss the need for potential relocations. Describe the beneficial effects, both direct and indirect, of the action on the human environment, such as benefits resulting from the services and products, and other results of the action (include tax benefits to local and State governments, growth in local tax base from new business and housing development and payrolls). Describe the adverse impact on human elements, including the need for increased public services (schools, police and fire protection, housing, waste disposal, markets, transportation, communication, and recreational facilities) and uses in the proposed project area, including any changes which will occur in recreational use and potential of the local area or region due to the proposed action; provisions for public access to and use of project lands and waters, including the impacts, these uses will have on the area; project lands reserved for future recreation development and the types of facilities which will be or which may need to be provided thereon and how the incremental uses of these lands will affect the area, including the effects of any increased recreational use on the land and water resources and on the public service facilities which presently exist or which would need to be developed to provide for public needs. Discuss the impact of the proposed action on national and local historic and archeological sites, any existing scenic, cultural and other similar values;

3.1.4 *Air and water environment.* Estimate the qualitative and quantitative effects on air, noise, and water quality and whether regulatory standards in effect for the area will be compiled with.

3.1.5 *Waste disposal.* Discuss the impact of disposal of all waste material such as spoils, vegetation, and construction materials.

3.2 Operation and maintenance—3.2.1 *Land features and uses.* Outline restrictions on existing and potential land use in the vicinity of the proposed action, including mineral and water resources. State the effect of operation related activities upon local traffic patterns including roads, highways, ship channels, and air patterns, and the possible need of new facilities.

3.2.2 *Species and ecosystems.* Assess the impact of operation upon terrestrial and aquatic species and habitats, including the importance of plant and animals species having economic or aesthetic value to man that would be affected by the action; provide pertinent information on animal migrations, foods, and reproduction in relation to the impacts; and, describe any ecosystem imbalances caused by the action and the possibility of major alteration to an ecosystem or the loss of an endangered species.

3.2.3 *Socio-economic considerations.* Discuss the effect on the local socio-economic development in relation to labor, housing, relocation, local industry, and public service. Describe the beneficial effects, both direct and indirect, of the action on the human environment such as economic benefits resulting from the services and products, energy, and other results of the action (include tax benefits to local and state governments, growth in local tax base from new business and housing developments, and payrolls). Describe adverse impacts on human elements, including the need for increased public service (schools, police and fire protection, housing, waste disposal, markets, transportation, communication, and recreational facilities). Indicate the extent to which maintenance of the area is dependent upon new sources of energy or the use of such vital resources as water.

3.2.4 *Air and water environment.* Assess the impact on present air quality due to process discharge quantities, and other discharging operational units. Assess the impact on present noise quality due to resultant noise levels. Assess the impact on present water quality due to reservoir operation, downstream water releases, power peaking operations, location of outlet works, and sanitary, waste, and process effluents. Indicate compliance with all regulatory standards in effect for the area.

3.2.5 *Solid wastes.* Describe the types and volumes of all solid wastes and by-products that will be produced and what methods would be used to dispose of these substances. Indicate compliance with regulatory standards in effect for the area.

3.2.6 *Operational resources.* Assess the impact of obtaining and using the resources necessary for operational uses.

3.2.7 *Maintenance.* Discuss the impact of maintenance programs, such as subsequent clearing or treatment of rights-of-way. Estimate the impact of possible major breakdowns and shutdowns of the facilities and how service will be maintained during shutdowns.

3.2.8 *Accidents and catastrophes.* Assess the potential for, and the nature of, accidents and natural catastrophes, the degree of engineering integrity associated with the proposed action, and provide an analysis of the capability of the area to absorb predicted impacts.

3.3 *Termination and abandonment.* Describe the possibility of, or plans for, the termination and/or abandonment of the proj-

[1] Changes in the environment throughout the sphere of influence of proposed action. Direct and indirect effects are those effects which can be discerned as occurring primarily because the proposed action would occur. For example: (1) The impact of a borrow pit would be evaluated to the extent that it would be developed or expanded but the manufacture of conventional trucks to work the pit would not; (2) the impact of construction workers moving into the area would be evaluated but not the impact of their leaving present homes. However, the impact of their subsequent leaving this place must be considered.

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ect. Discuss the impact on land use and aesthetics.

4 *Measures to enhance the environment or to avoid or mitigate adverse environmental effects.* Identify all measures which will be undertaken to enhance the environment or eliminate, avoid, mitigate, protect, or compensate for adverse and detrimental aspects of the proposed action, as described under Part 3, above, including engineering planning and design, design criteria, contract specifications, selection of materials, construction techniques, monitoring programs during construction and operation, trade-offs, research and development, and restoration measures which will be taken routinely or as the need arises.

4.1 *Preventative measures and monitoring.* Discuss provisions for pre- and post-monitoring of the proposed action, including programs for monitoring changes in operational phases. Describe measures for detecting and modifying noise levels, monitoring water quality, e.g. dissolved oxygen and nitrogen concentrations, and air quality, for inventorying key species in food chains, and for detecting induced changes in the weather. Describe all health and safety procedures, including equipment, training, and procedures, including vector control, to be used in the area of the proposed action. List measures to be taken to protect workers and the public from hazards of construction and operation. Discuss measures to be undertaken to minimize problems arising from malfunctions and accidents (with estimates of probability of occurrence). Describe capacity of proposed action to withstand both usual and unusual but possible natural phenomena and accidents (e.g., floods, hurricanes or tornadoes, slides, etc.). Identify standard procedures for protecting services and environmental values during maintenance and breakdowns. Discuss proposed and alternative construction timetables to prevent significant environmental impacts and plans for implementation of process changes whenever possible to reduce environmental impact.

4.2 *Environmental restoration and enhancement.* Discuss all measures to be taken to restore and enhance the environment, including measures for restoration, replacement, or protection of flora and fauna and of scenic, historic, archeological, and other natural values; describe measures to facilitate animal migrations and movements to protect their life processes (e.g., spawning of fish); describe programs for landscaping including selective clearing, floral feathering of the edges of timbered rights-of-way, and other horticultural practices; describe selection and use of any chemicals needed during construction, operation, and maintenance so as to prevent their entry into waters in the area; discuss programs to assist displaced families and businesses in their relocations; describe provisions for public access to, and use of, lands and waters in the area of the proposed action; and discuss the preparation of lands prior to and following their use.

5 *Unavoidable adverse environmental effects.* Indicate those human and natural resources and values which will sustain significant, unavoidable adverse effects, and discuss whether the impact will be transitory, a one-time but lasting effect, repetitive, continual, incremental, or synergistic to other effects and whether secondary adverse consequences will follow. Focus on human health and safety, aesthetic, and culture values and standards of living which will be sacrificed or endangered. Where possible, provide quantitative evaluations of these effects.

5.1 *Uses preempted and unavoidable changes.* Discuss all significant, unavoidable environmental impacts on the land and its present use, caused by inundation, clearing, excavation, and fills; losses to wildlife habitat, forests, unique ecosystems, minerals, and farmlands; effects on fish habitat and migrations; on relocation of populations and man-made facilities, such as homes, roads, highways, and trails; on historical, recreational, archeological, and aesthetic values or scenic areas.

5.2 *Loss of environmental quality.* Discuss any significant, unavoidable adverse changes in the air, including dust and emissions to the air, and noise quality; impacts resulting from solid wastes and their disposal; effects on the water resources of the area, including consumptive uses; effects on man and his health, safety, and well-being, including his displacement by the proposed action and its social, economic, and aesthetic implications.

6 *Relationship between local short-term uses of man's environment and the maintenance and enhancement of long-term productivity.* Compare the benefits to be derived from the immediate or short-time use of the environment, with and without the proposed action, and the long-term consequences of the proposed action.[1] Actions which diminish the diversity of beneficial uses of the environment or preempt the options for future uses or needs require detailed analysis, to assure that short-sighted decisions are not made which may commit future generations to undesirable courses of actions.

6.1 *Short-term uses.* Assess the local short-term uses of man's environment in terms of the proposed action's benefit to man, land use, alterations to the ecosystem, use of resources, and public health and safety.

6.2 *Long-term productivity.* Discuss any cumulative long-term effects which may be caused by the proposed action in terms of land use, alterations to the ecosystem, use of resources, and public health and safety.

7 *Irreversible and irretrievable commitments of resources.* Discuss, and quantify when possible, any irrevocable commitments of resources which would be involved in the implementation of the proposed action.

7.1 *Land features and uses.* Discuss any permanent changes in land features and/or land use.

7.2 *Endangered species and ecosystems.* Assess the possibility of eliminating any endangered species or the loss of an ecosystem.

7.3 *Socio-economic considerations.* Discuss probable indirect actions (e.g., highway systems, wastewater treatment facilities, housing developments, etc.) made economically feasible by the implementation of the proposed action that would be triggered and irrevocably commit other resources under our free enterprise system. Identify the destruction of any historical, archeological, or scenic areas.

7.4 *Loss of environmental quality.* Discuss possible irrevocable impacts, as in actions which affect resources indirectly, foreclosing their usage within present state-of-the-art methods.

7.5 *Resources lost or uses preempted.* Analyze the extent to which the proposed action would curtail the range of beneficial uses of the environment and whether the proposed action could be reversed if future environmental effects prove too serious.

7.6 *Finite resources.* Indicate the irreversible and/or irretrievable resources that would be committed as a result of the proposed action, such as gas, naphtha, coal, oil, and construction materials.

8 *Alternatives to the proposed action.* Discuss the systematic procedure used to arrive at the proposed action, starting with the broadest, feasible objectives of the action and progressively narrowing the alternatives to a specific action at a specific site or right-of-way. This systematic procedure should include the decision criteria used, the information weighed, and an explanation of the conclusion at each decision point. The decision criteria must show how environmental benefits/costs are weighed against economic benefits/costs and technology and procedural constraints. All realistic alternatives must be included, even though they may not be within the jurisdiction of the Commission or the responsibilities and capabilities of the applicant. Modification of the proposed action may be among the alternatives.

8.1 *Scope of alternatives.* Discuss appropriate alternatives for accomplishing the objective of the proposed action; the impact of these alternatives and the reason(s) why each is not now proposed. If the proposed action has significant timeliness, compare this feature with that of other alternatives, including the scale of possibilities.

8.2 *Energy sources.* Discuss the potential for substitution of alternative energy supplies, including energy conservation and other sources of natural or artificial gas, oil, coal, and nuclear fueled powerplants; and conventional or pumped storage hydroelectric plants. Provide an analysis of economic and ecological benefits and costs.

8.3 *Sites and locations.* Discuss considerations given to alternative proposed sites and locations. Include a description of each site, environmental factors of each site, the final reasons for rejection, and an analysis of economic and ecological benefits and costs.

8.4 *Designs, processes, and operations.* Describe alternative facility designs, processes, and/or operations that were considered and discuss the environmental consequences of each, the reasons for rejection, and an analysis of economic and ecological benefits and costs.

8.5 *No action.* Discuss the alternative of no action with an evaluation of the consequences of this option on a national, regional, State, or local level, as appropriate. Present a perspective of what future use the proposed site (area) may assume if the proposed facilities are not constructed and provide an analysis of ecological and economic benefits and costs.

9 *Permits and compliance with other regulations and codes*—9.1 *Permits.* Identify all necessary Federal, regional, State and local permits, licenses, and certificates needed before the proposed action can be completed, such as permits needed from State and local agencies for construction and waste discharges. Describe steps which have been taken to secure these permits and any additional efforts still required.

9.1.1 *Authorities consulted.* List all authorities consulted for obtaining permits, licenses, and certificates, including zoning approvals needed to comply with applicable statutes and regulations.

9.1.2 *Dates of approval.* Give dates of consultations and of issuance thereof.

9.2 *Compliance with health and safety regulations and codes.* Identify all Federal, regional, State, and local safety and health regulations and codes which must be complied with in the construction, maintenance, and operation of the proposed project. Also identify other health and safety standards and codes that will be complied with, such as underwriter codes and voluntary industry codes.

9.2.1 *Authorities consulted.* List all authorities and professional organizations consulted in identifying pertinent regulations and codes.

9.2.2 *Procedures to be followed.* Explain the specific procedures or actions that will be taken to assure compliance with each such regulation and code.

9.3 *Compliance with other regulations and codes.* Identify all other Federal, regional, State, and local regulations and codes which must be complied with in the construction, maintenance, and operation of the proposed project.

9.3.1 *Authorities consulted.* List all authorities and professional organizations consulted in identifying pertinent regulations and codes.

9.3.2 *Procedures to be followed.* Explain the specific procedures or actions that will be taken to assure compliance with each such regulation and code.

10 *Sources of information*—10.1 *Public hearings.* Describe any public hearings or meetings held, summarize the general tenor of public comments with the proportions of proponents to those in dissent, and include any public records resulting from these meetings.

10.2 *Other sources.* Identify all other sources of information utilized in the preparation of the environmental report, including:

10.2.1 *Meetings with governmental and other entities.* List meetings held with Federal, regional, State, and local planning, commerce, regulatory, environmental and conservation entities, the subjects discussed (e.g., recreation, fish, wildlife, esthetics, other natural resources, and values of the area, and economic development), and any environmental conclusions reached as a result of the meeting.

10.2.2 *Studies conducted.* Identify the studies conducted, including those by consultants, the general nature and major findings of those studies, and the title and availability of any reports thereon.

10.2.3 *Consultants.* Give the names, addresses, and professional vitae of all consultants who contributed to the environmental report.

10.2.4 *References consulted.* Provide a full citation of books, other publications, reports, documents, and maps and aerial photographs consulted for background information, including county land use and other planning reports.

10.2.5 *Bibliography.* Indicate with an asterisk those references cited in Section 10.2.4 which were used in the preparation of the detailed environmental report.

10.3 *Provide copies of supportive reports.* Supply copies of all technical reports prepared in conjunction with the preparation of the environmental report, such as model, heat budget, plankton, fish, and benthic sampling studies.

[1] *Duration of Impacts*—Short-term impacts and benefits generally are those which occur during the development and operation of a project. Long-term productivity related to an effect that remains many years (sometimes permanently) after the cause. As examples, strip mining without restoration and land inundation by reservoirs have obvious long-term effects.

APPENDIX B

GUIDELINES FOR THE PREPARATION OF APPLICANTS' DETAILED REPORT OF ENVIRONMENTAL FACTORS ON ACTIONS UNDER THE NATURAL GAS ACT

These guidelines:

Identify information to be supplied by applicants to assist Federal Power Commission staff in independent assessments of major Federal actions significantly affecting the quality of the human environment;

Pertain to actions under the Commission's Order 415–C (issued Dec. 18, 1972) amending §§ 2.80–2.82, Title 18, Code of Federal Regulations;

Provide the basis for the preparation of environmental reports being prepared pursuant to § 2.82(a) by applicants for the construction of pipeline facilities under the jurisdiction of the Commission, and

Provide an insight into the rationale and scope of environmental reports to assure a balanced interdisciplinary analysis of actions significantly affecting the quality of the human environment.

It is the general policy of the Federal Power Commission to expect applicants to take the following actions in carrying out their environmental evaluation responsibilities:

Consult with the appropriate Federal, regional, State and local entities during the preliminary planning stages of the proposed action to assure that all environmental factors are identified;

Conduct any studies which are necessary to determine the impact of the proposed action on the human and natural resources and the measures which may be necessary to protect the values of the affected area. This analysis of impacts upon living and nonliving elements which make up the environment shall be to the depth necessary for a valid assessment of the impacts;

Utilize a sufficiently imaginative, comprehensive, interdisplinary approach—utilizing a broad physical, biological, and social overview—during the development of the plans for a project; and

Prepare an environmental report for any proposed action that would be a major Federal action significantly affecting the quality of the human environment. The environmental report should contain information and analyses, to the extent appropriate to the proposed action. For proposed actions that are assumed not to be major Federal actions significantly affecting the quality of the human environment, applicants may file abbreviated reports with only sufficient detail to demonstrate that assumption. Applicants may confer with staff prior to submission of an application for guidance as to whether or not a specific proposed action would likely be classified as a major Federal action significantly affecting the quality of the human environment.

These guidelines have been prepared to relate to a wide range of possible actions that could come before the Commission for action. The applicant is expected to make the detail of the environmental report commensurate with the complexity of the possible environmental impact of the proposed action. Upon review of the applicant's environmental report, staff may request additional information. It is important to recognize that there is some redundancy in the information requested. Often a section asks for an evaluation from a different viewpoint rather than for absolutely new information.

EVIRONMENTAL REPORT FORMAT

1 *Description of proposed action.* Describe fully the proposed action under application, including:

1.1 *Purpose.* Describe the primary purpose of the proposed facilities (onshore/offshore pipelines, LNG, gas storage fields, SNG, and others) and how the proposed action fits into Federal, regional, State, and local energy demand and supply requirements.

1.2 *Location.* Identify site(s) including all existing natural gas pipelines in the general vicinity of the proposed action; locate with respect to State boundaries, counties and major cities; and illustrate with a suitable general location map(s).

1.3 *Proposed facilities.*—1.3.1 *Plant/operational facilities.* Identify all plant and/or operation unit(s) to be constructed, such as compressors, unloading and storage facilities, liquefaction/gasification facilities, and meters. Provide plan, elevation, and perspective views of all plant facilities.

1.3.2 *Pipeline facilities.* Describe the length and size of all transmission, lateral, looping, and gathering pipelines to be constructed, the method(s) of pipeline construction to be used (such as the push method, flotation method, Bay method, and barge laying).

1.4 *Land Requirements.* Indicate the length and width and location of all existing, joint, or new right of way required by the proposed action; identify the size of each proposed plant and/or operational site; designate what portion of the land at the operation site which will remain unaffected by construction and operation; and identify auxiliary construction activities on adjacent land.

1.5 *Construction Procedures.* Describe procedures to be taken prior to or during construction of proposed action such as the relocation of homes and commercial or industrial facilities, clearing, surveying, land acquisition, and environmental planning. List any special measures to be taken in these procedures to protect property and environmental values. Provide a schedule of construction of major facilities and how this will meet future energy needs and avoid such limiting factors as floods, ground slides, or severe climatic conditions. Include schedules for needed relocations of transportation and other public facilities and methods of maintaining service during these relocations, and for development of public facilities.

1.6 *Operational Procedures.* Describe fully the technical and operational considerations of the proposed action, including details of the process, catalyst involved, design, mass, heat and energy balances, flow diagrams, water purification treatment and facilities, waste product disposal facilities, and days and hours of operation.

1.7 *Maintenance.* Describe maintenance under normal conditions; include types of expected maintenance, anticipated maintenance problems, and how system or area needs will be met during shut down for maintenance.

1.8 *Health and safety measures.* Describe measures to be taken for protecting the health and welfare of workers and the public at the site of the proposed action during construction, operation, and maintenance, including structures to exclude people from hazardous areas or to protect them during changes in operations; include sanitary and solid waste disposal facilities for workers and the public during construction and operation.

1.9 *Future plans.* Describe plans or potential for future expansion of facilities including land use and the compatibility of these plans with the proposed action.

2. *Description of the existing environment.* Provide an overall description of existing conditions or resources which might be affected directly and indirectly by the proposed action; include pertinent topics.

2.1 *Land features and uses.* Identify present uses and describe the characteristics of the land area.

2.1.1 *Land uses.* Describe the extent of present uses, as in agriculture, business, industry, recreation, residence, wildlife, and other uses, including the potential for development; locate major nearby transportation corridors, including roads, highways, ship channels, and air traffic patterns; locate transmission facilities and their placement (underground, surface, or overhead); identify water resources.

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2.1.2 *Topography, physiography, and geology.* Provide a detailed description of the topographic, physiographic, and geologic features within the area of the proposed action. Include U.S. Geological Survey Topographic Maps, aerial photographs (if available), and other such graphic material.

2.1.3 *Soils.* Describe the physical characteristics and chemical composition of the soils, including the relationship of these to land slope.

2.1.4 *Geological hazards.* Indicate the potential occurrence of geological hazards in the area, such as earthquakes, slumping, landslides, subsidence, permafrost, and erosion.

2.2 *Species and ecosystems.* Identify those species and ecosystems that will be affected by the proposed action.

2.2.1 *Species.* List in general categories, by common and scientific names, the plant and wildlife species found in the area of the proposed action and indicate those having commercial and recreational importance.

2.2.2 *Communities and associations.* Describe the dominant plant and wildlife communities and associations located within the area of the proposed action. Provide an estimate of the population densities of major species. If data is not available for the immediate area of the proposed action, data from comparable areas may be used.

2.2.3 *Unique and other biotic resources.* Describe unique ecosystems or communities, rare or endangered species, and other biotic resources that may have special importance in the area of the proposed action.

2.3 *Socioeconomic considerations.* If the proposed action could have a significant socioeconomic effect on the local area, discuss the socioeconomic future of the area without the implementation of the proposed action; describe the economic development in the vicinity of the proposed action, particularly the local tax base and per capita income; and identify trends in economic development and/or land use of the area, both from a historical and prospective viewpoint. Describe the population densities of both the immediate and generalized area. Include distances from the site of the proposed action to nearby residences, cities, and urban areas and list their populations. Indicate the number and type of residences, businesses, and industries that will be directly affected and those requiring relocation if the proposed action occurs.

2.4 *Air and water environment.* Describe the prevailing climate and the quality and quantity of the air and water resources of the area.

2.4.1 *Climate.* Describe the historic climatic conditions that prevail in the vicinity of the proposed action; extremes and means of monthly temperatures, precipitation, and wind speed and direction. In addition, indicate the frequency of temperature inversions, fog, smog, and destructive storms such as hurricanes and tornadoes.

2.4.2 *Hydrology and hydrography.* Describe surface waters, fresh, brackish, or saline, in the vicinity of the proposed action and discuss drainage basins, physical and chemical characteristics, water use, water supplies, and circulation. Describe the ground water situation, water uses and sources, aquifer systems, and flow characteristics.

2.4.3. *Air, noise, and water quality.* Provide data on the existing quality of the air and water (indicate the distance(s) from the proposed action site to monitoring stations) and the mean and maximum noise levels at the site boundaries.

2.5 *Unique features.* Identify unique or unusual features of the area, including historical, archeological, and scenic sites and values.

3. *Environmental impact of the proposed action.* Describe all known or expected significant environmental effects and changes, both beneficial and adverse, which will take place should the action be carried out. Include the impact caused by (a) construction, (b) operation, including maintenance, breakdown, and malfunctions, and (c) termination of activities, including abandonment. Include both direct and primary indirect changes in the existing environment in the immediate changes in the existing environment if the immediate area and throughout the sphere of influence of the proposed action.[1] Assess the overall relationships between the environment and the proposed action as the total impact of obtaining and using the resources necessary for the proposed action.

3.1 *Construction*—3.1.1 *Land features and uses.* Assess the impact on present or future land use, including commercial use, recreational areas, public health and safety, and the esthetic value of the land and its features. Describe any temporary restrictions on land use due to construction activities. State the effect of construction related activities upon local traffic patterns, including roads, highways, ship channels, and air patterns.

3.1.2 *Species and ecosystems.*—Assess the impact of construction on the terrestrial and aquatic species and habitats in the area, including clearing, excavation, and impoundment. Discuss the possibility of a major alteration to the ecosystem, and the potential loss of an endangered species.

3.1.3 *Socioeconomic considerations.*—Discuss the effect on local socioeconomic development in relation to labor, housing, local industry, and public services. Discuss the need for potential relocations. Describe the beneficial effects, both direct and indirect, of the action on the human environment, such as benefits resulting from the services and products, and other results of the action (include tax benefits to local and state governments, growth in local tax base from new business and housing development and payrolls). Describe the adverse impact on human elements, including the need for increased public services (schools, police and fire protection, housing, waste disposal, markets, transportation, communication, and recreational facilities).

3.1.4 *Air and water environment.* Estimate the qualitative and quantitative effects on air, noise, and water quality and whether regulatory standards in effect for the area will be complied with.

3.1.5 *Waste disposal.* Discuss the impact of disposal of all waste material such as spoils, vegetation, construction materials, and hydrostatic test water.

3.2 Operation and maintenance—3.2.1 *Land features and uses.* Outline restrictions on existing and potential land use in the vicinity of the proposed action, including mineral and water resources. State the effect of operation related activities upon local traffic patterns including roads, highways, ship channels, and air patterns, and the possible need of new facilities.

3.2.2 *Species and ecosystems.* Assess the impact of operation upon terrestrial and aquatic species and habitats, including the importance of plant and animals species having economic or aesthetic value to man that would be affected by the action; provide pertinent information on animal migrations, foods, and reproduction in relation to the impacts; and, describe any ecosystem imbalances caused by the action and the possibility of major alteration to an ecosystem or the loss of an endangered species.

3.2.3 *Socioeconomic considerations.* Discuss the effect on the local socioeconomic development in relation to labor, housing, relocation, local industry, and public service. Describe the beneficial effects, both direct and indirect, of the action on the human environment such as economic benefits resulting from the services and products, energy, and other results of the action (include tax benefits to local and State governments, growth in local tax base from new business and housing developments, and payrolls). Describe adverse impacts on human elements, including the need for increased public service (schools, police and fire protection, housing, waste disposal, markets, transportation, communication, and recreational facilities). Indicate the extent to which maintenance of the area is dependent upon new sources of energy or the use of such vital resources as water.

3.2.4 *Air and water environment.* Assess the impact on present air quality due to process discharge quantities, and other discharging operational units. Assess the impact on present noise quality due to resultant noise levels. Assess the impact on present water quality due to cooling or heating system discharges, process effluents, sanitary and waste effluents, water use for hydrostatic testing, and water use for other operational units. Indicate compliance with all regulatory standards in effect for the area.

3.2.5 *Solid wastes.* Describe the types and volumes of all solid wastes and by-products that will be produced and what methods would be used to dispose of these substances. Indicate compliance with regulatory standards in effect for the area.

3.2.6 *Operation resources.* Assess the impact of obtaining and using the resources necessary for operational processes; e.g., water (human needs and processes), energy requirements, raw products, and specialized needs.

3.2.7 *Maintenance.* Discuss the impact of maintenance programs, such as subsequent clearing or treatment of rights-of-way and hydrostatic testing and shutdowns. Estimate the impact of possible major breakdowns and shutdowns of the facilities and how service will be maintained during shutdowns.

3.2.8 *Accidents and catastrophes.* Assess the potential for, and nature of, accidents and natural catastrophes, the degree of engineering integrity associated with the proposed action, and provide an analysis of the capability of the area to absorb predicted impacts.

3.3 *Termination and abandonment.* Describe the possibility of, or plans for, the termination and/or abandonment of the project. Discuss the impact on land use and esthetics.

4. *Measures to enhance the environment or to avoid or mitigate adverse environmental effects.* Identify all measures which will be undertaken to enhance the environment or eliminate, avoid, mitigate, protect, or compensate for adverse and detrimental aspects of the proposed action, as described under Part 3, above, including engineering planning and design, design criteria, contract specifications, selection of materials, construction techniques, monitoring programs during construction and operation, trade-offs, research and development, and restoration measures which will be taken routinely or as the need arises.

[1] Changes in the Environment Throughout the Sphere of Influence of Proposed Action. Direct and indirect effects are those effects which can be discerned as occuring primarily because the proposed action would occur. For example: (1) The impact of a borrow pit would be evaluated to the extent that it would be developed or expanded but the manufacture of conventional trucks to work the pit would not; (2) the impact of construction workers moving into the area would be evaluated but not the impact of their leaving present homes. However, the impact of their subsequent leaving this place must be considered.

4.1 *Preventative measures and monitoring.* Discuss provisions for pre- and post-monitoring of the proposed action, including programs for monitoring changes in operational phases. Describe measures for detecting and moodifying noise levels, monitoring water quality, e.g., dissolved oxygen and nitrogen concentrations, and air quality, for inventorying key species in food chains, and for detecting induced changes in the weather. Describe all health and safety procedures, including equipment, training, and procedures, including vector control, to be used in the area of the proposed action. List measures to be taken to protect workers and the public from hazards of construction and operation. Discuss measures to be undertaken to minimize problems arising from malfunctions and accidents (with estimates of probability of occurrence). Describe capacity of proposed action to withstand both usual and unusual but possible natural phenomena and accidents (e.g., floods, hurricanes or tornadoes, slides, etc.). Identify standard procedures for protecting service and environmental values during maintenance and breakdowns. Discuss proposed and alterative construction timetables to prevent significant environmental impacts and plans for implementation of process changes whenever possible to reduce environmental impact.

4.2 *Environmental restoration and enhancement.* Discuss all measures to be taken to restore and enhance the environment, including measures for restoration, replacement, or protection of flora and fauna and of scenic, historic, archeological, and other natural values, describe measures to facilitate animal migrations and movements and to protect their life processes; describe programs for landscaping, including selective clearing, floral feathering of the edges of timbered rights-of-way and other horticultural practices; discuss programs to assist displaced families and businesses in their relocations; and describe provisions for public access to, and use of, lands and waters in the area of the proposed action.

5 *Unavoidable adverse environmental effects.* Indicate those human and natural resources and values which will sustain significant, unavoidable adverse effects and discuss whether the impact will be transitory, a one-time but lasting effect, repetitive, continual, incremental, or synergistic to other effects and whether secondary adverse consequences will follow. Focus on human health and safety, esthetic, and culture values and standards of living which will be sacrificed or endangered. Where possible, provide quantitative evaluations of these effects.

5.1 *Uses preempted and unavoidable changes.* Discuss all significant, unavoidable environmental impacts on the land and its present use, caused by inundation, clearing, excavation, and fills; losses to wildlife habitat, forests, unique ecosystems, minerals, and farmlands; effects on fish habitat and migrations; on relocation of populations and manmade facilities, such as homes, roads, highways, and trails; on historical, recreational, archeological, and esthetic values or scenic areas.

5.2 *Loss of environmental quality.* Discuss any significant unavoidable adverse changes in the air, including dust and emissions to the air, and noise quality; impacts resulting from solid wastes and their disposal; effects on the water resources of the area, including consumptive uses; effects on man and his health, safety, and well-being, including his displacement by the action and its social, economic, and esthetic implications.

6. *Relationship between local short-term uses of man's environment and the maintenance and enhancement of long-term productivity.* Compare the benefits to be derived from the immediate or short-time use of the environment, with and without the proposed action, and the long-term consequences of the proposed action.[2] Actions which diminish the diversity of beneficial uses of the environment or preempt the options for future uses or needs require detailed analysis, to assure that shortsighted decisions are not made which may commit future generations to undesirable courses of actions.

6.1 *Short-term uses.* Assess the local short-term uses of man's environment in terms of the proposed action's benefit to man, land use, alterations to the ecosystem, use of resources, and public health and safety.

6.2 *Long-term productivity.* Discuss any cumulative long-term effects which may be caused by the proposed action in terms of land use, alterations to the ecosystem, use of resources, and public health and safety.

7. *Irreversible and irretrievable commitments of resources.* Discuss, and quantify when possible, any irrevocable commitments of resources which would be involved in the implementation of the proposed action.

7.1 *Land features and uses.* Discuss any permanent changes in land features and/or land use.

7.2 *Endangered species and ecosystems.* Assess the possibility of eliminating any endangered species or the loss of an ecosystem.

7.3 *Socioeconomic considerations.* Discuss probable indirect actions (e.g., highway systems, wastewater treatment facilities, housing developments, etc.) made economically feasible by the implementation of the proposed action that would be triggered and irrevocably commit other resources under our free enterprise system. Identify the destuction of any historical, archeological, or scenic areas.

7.4 *Loss of environmental quality.* Discuss possible irrevocable impacts, as in actions which affect resources indirectly, foreclosing their usage within present state-of-the-art methods.

7.5 *Resources lost or uses preempted.* Analyze the extent to which the proposed action would curtail the range of beneficial uses of the environment and whether the proposed action could be reversed if future environmental effects prove too serious.

7.6 *Finite resources.* Indicate the irreversible and/or irretrievable resources that would be committed as a result of the proposed action, such as gas, naphtha, coal, oil, and construction materials.

8 *Alternatives to the proposed action.* Discuss the systematic procedure used to arrive at the proposed action, starting with the broadest, feasible objectives of the action and progressively narrowing the alternatives to a specific action at a specific site or right-of-way. This systematic procedure should include the decision criteria used, the information weighed, and an explanation of the conclusion at each decision point. The decision criteria must show how environmental benefits/costs are weighed against economic benefits/costs and technology and procedural constraints. All realistic alternatives must be included, even though they may not be within the jurisdiction of the Commission or the responsibilities and capabilities of the applicant. Modification of the proposed action may be among the alternatives.

8.1 *Scope of alternatives.* Discuss appropriate alternatives for accomplishing the objective of the proposed action; the impact of these alternatives and the reason(s) why each is not now proposed. If the proposed action has significant timeliness, compare this feature with that of other alternatives, including the scale of possibilities.

8.2 *Energy sources.* Discuss the potential for substitution of alternative energy supplies, including energy conservation and other sources of natural or artificial gas; oil, coal, and nuclear fueled powerplants; and conventional or pumped storage hydroelectric plants. Provide an analysis of economic and ecological benefits and costs.

8.3 *Sites and locations.* Discuss considerations given to alternative proposed sites and locations. Include a description of each site, environmental factors of each site, the final reasons for rejection, and an analysis of economic and ecological benefits and costs.

8.4 *Designs, processes, and operations.* Describe alternative facility designs, processes, and/or operations that were considered and discuss the environmental consequences of each, the reasons for rejection, and an analysis of economic and ecological benefits and costs.

8.5 *No action.* Discuss the alternative of no action with an evaluation of the consequences of this option on a national, regional, State, or local level, as appropriate. Present a perspective of what future use the proposed site (area) may assume if the proposed facilities are not constructed and protric plants. Provide an analysis of economic benefits and costs.

9 *Permits and compliance with other regulations and codes*—9.1 *Permits.* Identify all necessary Federal, regional, State, and local permits, licenses, and certificates needed before the proposed action can be completed, such as permits needed from State and local agencies for construction and waste discharges. Describe steps which have been taken to secure these permits and any additional efforts still required.

9.1.1 *Authorities consulted.* List all authorities consulted for obtaining permits, licenses, and certificates, including zoning approvals needed to comply with applicable statutes and regulations.

9.1.2 *Dates of approval.* Give dates of consultations and issuance thereof.

9.2 *Compliance with health and safety regulations and codes.* Identify all Federal, regional, State, and local safety and health regulations and codes which must be complied with in the construction, maintenance, and operation of the proposed project. Also identify other health and safety standards and codes that will be complied with, such as underwriter codes and voluntary industry codes.

9.2.1 *Authorities consulted.* List all authorities and professional organizations consulted in identifying pertinent regulations and codes.

9.2.2 *Procedures to be followed.* Explain the specific procedures or actions that will be taken to assure compliance with each such regulation and code.

9.3 *Compliance with other regulations and codes.* Identify all other Federal, regional, State and local regulations and codes which must be complied with in the construction, maintenance, and operation of the proposed project.

9.3.1 *Authorities consulted.* List all authorities and professional organizations consulted in identifying pertinent regulations and codes.

[2] *Duration of impacts.* Short-term impacts and benefits generally are those which occur during the development and operation of a project. Long-term productivity relates to an effect that remains many years (sometimes permanently) after the cause. As examples, strip mining without restoration and land inundation by reservoirs have obvious long-term effects.

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9.3.2 *Procedures to be followed.* Explain the specific procedures or actions that will be taken to assure compliance with each such regulation and code.

9.4 *Special cases*—9.4.1 *Liquefied natural gas facilities.* Provide detailed design specifications for all facilities to be used for the liquefaction, transport, storage and regasification of liquefied natural gas. Provide information on the flammability and flame resistance of all tank lining and insulation materials. Describe all construction, maintenance, and operational procedures with particular emphasis on procedures to protect public and worker safety and health. Identify and describe all pertinent safety regulations and codes and any revisions thereto including the Department of Transportation Regulations issued by the Office of Pipeline Safety as Amendment 192–10 (Liquefied Natural Gas Systems) to Part 193, "Transportation of Natural and other Gas by Pipeline: Minimum Federal Safety Standards" and by the U.S. Coast Guard as 33 CFR 6.14–1 (safety measures for waterfront facilities and vessels in port), 33 CFR 124.14 (notice in advance of arrival of a vessel laden with a dangerous cargo), 33 CFR Part 126 (permits for handling of dangerous cargoes within or contiguous to waterfront facilities), and 46 CFR Subchapter D (regulations governing tank vessels). Describe detailed procedures that will be used to comply with these safety regulations and codes. Identify all Federal, regional, State, and local government agencies that have responsibilities for assuring compliance with these construction, maintenance, and operation regulations and codes. Describe safety reporting procedures, schedules, and recipients.

9.4.2 *Ancillary facilities.* Provide detailed design specifications for all ancillary facilities, owned and operated either by applicant or other parties, which will be constructed or operated in relation to the proposed project, such as processing plants and docking facilities. Describe all construction, maintenance, and operational procedures with particular emphasis on procedures to protect public and worker safety and health. Identify and describe all pertinent safety regulations and codes and describe detailed procedures that will be used to comply with these safety regulations and codes. Identify all Federal, regional, State, and local government agencies that have responsibilities for assuring compliance with these construction, maintenance, and operation regulations and codes. Describe safety reporting procedures, schedules, and recipients.

10. *Sources of information*—10.1 *Public hearings.* Describe any public hearings or meetings held, summarize the general tenor of public comments with the proportions of proponements to those in dissent, and include any public records resulting from these meetings.

10.2 *Other sources.* Identify all other sources of information utilized in the preparation of the environmental report, including:

10.2.1 *Meetings with governmental and other entities.* List meetings held with Federal, regional, State, and local planning, commerce, regulatory, environmental, and conservation entities, the subjects discussed (e.g., recreation, fish, wildlife, aesthetics, other natural resources, and values of the area, economic development, etc.), and any environmental conclusions reached as a result of the meeting.

10.2.2 *Studies conducted.* Identify the studies conducted, including those by consultants, the general nature and major findings of those studies, and the title and availability of any reports thereon.

10.2.3 *Consultants.* Give the names, addresses, and professional vitae of all consultants who contributed to the environmental report.

10.2.4 *References consulted.* Provide a full citation of books, other publications, reports, documents, and maps and aerial photographs consulted for background information, including county land use and other planning reports.

10.2.5 *Bibliography.* Indicate with an asterisk those references cited in section 10.2.4 which were used in the preparation of the detailed environmental report.

10.3 *Provide copies of supportive reports.* Supply copies of all technical reports prepared in conjunction with the preparation of the environmental report, such as plume dispersion models, temperature dispersion models, and benthic sampling studies.

The Secretary shall cause prompt publication of this notice to be made in the FEDERAL REGISTER.

By direction of the Commission.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73–4536 Filed 3–8–73;8:45 am]

INTERSTATE COMMERCE COMMISSION

[49 CFR Part 1036]

[Ex Parte No. 252 (Sub-No. 1)]

BOXCARS

Incentive Per Diem Charges

Order. At a general session of the Interstate Commerce Commission, held at its office in Washington, D.C., on the 6th day of March 1973.

It appearing, that by order of the Commission, dated December 15, 1967, this rule making proceeding was instituted for the purpose of implementing those provisions of the law relating to the Commission's authority to encourage the acquisition and maintenance of an adequate car supply as specified in Public Law 89–430, which, effective May 26, 1966, amended section 1(14)(a) of the Interstate Commerce Act;

And it further appearing, that pursuant to the prior reports and orders of the Commission appearing at 337 ICC 183 and 337 ICC 217, the Commission promulgated certain regulations, which regulations now appear as Part 1036, Incentive Per Diem Charges on Boxcars, of Chapter X of Title 49 of the Code of Federal Regulations, and that § 1036.5 provides that, "The rules set forth in §§ 1036.1 and 1036.2 shall be effective from September of each year through February of the following year.";

And it further appearing, that based upon statistics supplied by the Association of American Railroads, as summarized in the chart attached as Appendix A, the weekly plain boxcar shortages beginning from the week ending July 1 has persisted through the week ending February 17, and that based on statistics also supplied by the Association of American Railroads, the number of plain boxcars installed new and rebuilt has continued to decline, while the number retired during the 5-year period, 1968–72 has increased, as shown in the chart attached as Appendix B;

And it further appearing, that these statistics demonstrate that the Nation is facing an increasingly critical plain boxcar shortage, which shortage has escalated drastically during the last 8 months to the point where it is now greater than at any other time in the history of the Commission, that the car supply crisis has been occasioned primarily by the unprecedented demand for movement of grain brought about by the Russian wheat sale agreement, that despite the existence of funds earmarked for the purchase, building or rebuilding of unequipped boxcars, the railroads, during the last 4 years, have retired more than three times as many plain boxcars as they have installed or rebuilt, and that the seasonal abatement in the shortage which normally occurs after February is not in evidence and, on the contrary, the demand for equipment is greater than at any time during the past six months;

And it further appearing, that, under § 1036.5 of the Commission's regulations, as presently constituted, the incentive per diem charges prescribed by §§ 1036.1 and 1036.2 of said regulations have ceased to be operative since February 28, 1973, and will continue to be inoperative until September 1, 1973; and that § 1036.5 as now constituted makes the collecting of incentive per diem charges mandatory only during 6 months of the year; and that at present there is a continuous shortage of cars throughout the year;

And it further appearing, that in order to encourage the acquisition and maintenance of a car supply adequate to meet the needs of commerce and the national defense and to contribute to sound car service practices, including efficient utilization and distribution of cars, it is necessary for the above described incentive per diem charges to be made effective throughout the year, until such time as the Commission determines the present inadequacy in the boxcar supply has been sufficiently abated;

And it further appearing, that for the above-stated reasons, the Commission has tentatively concluded that § 1036.5 should be amended by deleting the words "from September 1 of each year through February of the following year" and substituting therefor the words "until further order of the Commission";

And it further appearing, that due to the increasing car supply shortage and the fact that, as above noted, as of February 28, 1973, no further incentive per diem charges will be collected until after September 1, 1973, good cause exists for making the proposed amendment effective in less than 30 days from the date of its publication in the FEDERAL REGISTER:

It is ordered, That verified statements of fact, briefs, and statements of position respecting the proposed amendment described above are hereby invited to be submitted on or before March 23, 1973, by any interested person whether or not such person is already a party to this proceeding.

It is further ordered, That any party requesting oral hearing shall set forth with specificity the need therefor and the evidence to be adduced.

And it is further ordered, That a copy of this order be served upon each respondent, all other parties, each public utility commission or board or similar regulatory body of each State, the Secretary of the Department of Transportation, the Association of American Railroads—Car Service Division, and the American Short Line Railroad Association; that a copy be posted in the Office of the Secretary of this Commission and in each field office; and that a copy of this order and of the appendixes hereto be delivered to the Director, Division of Federal Register, for publication in the FEDERAL REGISTER.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

APPENDIX A

AVERAGE DAILY PLAIN BOXCAR SHORTAGES—JULY 1, 1972–FEB. 17, 1973

Week ended	*Plain boxcar*
July 1	709
8	574
15	640
22	677
29	687
Aug. 5	910
12	1,078
19	1,563
26	2,036
Sept. 2	2,672
9	2,791
16	2,589
23	2,174
30	2,300
Oct. 7	3,109
14	3,997
21	4,671
28	5,113
Nov. 4	5,237
11	5,246
18	4,805
25	5,377
Dec. 2	5,378
9	6,272
16	7,330
23	8,339
30	8,147
Jan. 6	8,543
13	10,163
20	11,889
27	13,654
Feb. 3	15,751
10	16,608
17	16,943

APPENDIX B

PLAIN BOXCARS

Railroad	Owned 1–1–1968	Installed new and rebuilt 1968–72	Retired 1968–72	Owned 1–1–1973
B&O	11,220	0	4,682	6,538
C&O	9,120	0	3,526	5,594
E–L	9,063	265	1,444	7,904
N&W	20,201	141	7,979	12,363
PC	60,790	8,812	25,826	33,766
ICG	25,714	330	9,581	16,463
L&N	7,810	1,809	3,814	5,814
SCL	10,966	184	5,230	5,919
Sou	11,178	4,196	[1] −2,738	18,109
CNW	26,341	0	2,468	23,873
Milw	11,436	736	[1] −3,163	15,324
BN	62,781	606	16,813	47,576
SOO	6,604	100	2,166	4,538
ATSF	26,214	2,000	10,308	17,906
CRIP	11,361	102	3,078	8,385
SP	31,783	5,650	16,263	21,170
UP	23,763	3,370	8,821	18,312
KCS	2,290	0	1,521	769
MKT	4,305	1,060	1,472	3,893
MP	14,250	2,251	1,571	14,930
SLSF	5,228	1,161	1,870	4,519
SLSW	4,402	1,851	638	5,615
Class I				
U.S. total	427,206	29,068	133,347	332,927

[1] Negative retirement indicates increase in ownership in excess of new installations, resulting from reclassification or transfer of equipment purchase or lease of used equipment, etc.

NOTE: For the purpose of this summary statement, all data is on basis of present mergered lines.

[FR Doc.73–4600 Filed 3–8–73;8:45 am]

SECURITIES AND EXCHANGE COMMISSION

[17 CFR Parts 210, 231, 241]

[Release Nos. 33–5342, 33–5343, 33–5344]

ACCOUNTING POLICIES, CHANGES IN ACCOUNTING AND IN ASSUMPTIONS USED IN DETERMINING INCOME AND EXPENSE, AND DIFFERENCS IN CALCULATING INCOME FOR TAX AND FINANCIAL REPORTING PURPOSES

Extension of Time for Submitting Comments on Disclosure Requirements

On December 18, 1972, the Commission invited public comments on proposals to amend guidelines under the Securities Act of 1933, to adopt guidelines under the Securities Exchange Act of 1934, and to amend Regulation S–X (17 CFR 210.1–01 et seq.) (Securities Act Release 5342, 5343, and 5344 (Dec. 18, 1972)) (38 FR 1733–1735, 37). That release stated that comments on the proposed amendments should be submitted to specified persons on or before February 15, 1973. In view of certain delays in printing and distributing copies of the above releases, and in response to a number of requests for extension of the public comment period, the Commission hereby extends the time for submitting comments on the above proposals to March 19, 1973. All such comments will be considered available for public inspection.

By the Commission.

[SEAL] RONALD F. HUNT,
Secretary.

FEBRUARY 7, 1973.

[FR Doc.73–4599 Filed 3–8–73;8:45 am]

SMALL BUSINESS ADMINISTRATION

[13 CFR Part 120]

[Rev. 6]

LOAN POLICY

Notice of Proposed Rule Making

Notice is hereby given that the Small Business Administration proposes to revise Part 120 (revision 5) of Chapter I of Title 13 of the Code of Federal Regulations. Prior to adoption of revision 6 consideration will be given to any comments, suggestions, or objections submitted in writing, in triplicate, to the Associate Administrator for Finance and Investment, Small Business Administration, 1441 L Street NW., Washington, DC 20416, on or before March 29, 1973.

Proposed revision 6 will consolidate revision 5 and its several amendments. It will delete policy relating to disaster loans, which is being added to Part 123 of these regulations. It will restrict the requirement for at least two refusals by lending institutions to direct loans. The gambling prohibition would be modified for the sale of official State lottery tickets. It will incorporate the policy that an otherwise eligible small business concern owned by a nonprofit organization continues to be eligible. The adoption of the one-time guaranty fee is incorporated. Certain other clarifications and modifications would be included.

If adopted in final form the new revision 6 would read as follows:

Sec.
120.1 Introduction.
120.2 Business loans and guarantees.
120.3 Terms and conditions of business loans and guarantees.

AUTHORITY: 72 Stat. 387, as amended, 15 U.S.C. 636; sec. 5, 72 Stat. 385, 15 U.S.C. 634 (b)(6).

§ 120.1 Introduction.

(a) This part is established by the SBA to set forth principles and policies which will be followed in the granting and denial of financial assistance for business loans to small business concerns. It is not intended that this general statement of policy provide answers to all questions which may arise in connection with specific applications.

(b) "Financial assistance" as used in this part shall include direct loans made by SBA, immediate participation loans, and guaranteed loans.

(c) "Financial institutions" as used in this part shall include, but not be limited to, banks and other lending institutions whose regular course of business entails the making of commercial, industrial and/or other loans of the type authorized to be made by SBA to eligible small business concerns, and who otherwise meet the criteria specified in § 120.3(c).

§ 120.2 Business loans and guarantees.

Basic principles governing the granting and denial of applications for financial assistance:

(a) Applications for financial assistance may be considered only when there

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is evidence that the desired credit is not otherwise available on reasonable terms. The financial assistance applied for shall be deemed to be otherwise available on reasonable terms, unless it is satisfactorily demonstrated that:

(i) Proof of refusal of the required financial assistance has been obtained from—

(i) The applicant's bank of account;

(ii) If the amount of financial assistance applied for is in excess of the amount that the bank normally lends to any one borrower, then a refusal from a correspondent bank or from any other lending institution whose lending capacity is adequate to cover the financial assistance applied for; and

(iii) Not less than two financial institutions for direct loans in cities where the population exceeds 200,000.

(*a*) Proof of refusal must contain the date, amount, and terms requested, and the reasons for not granting the desired credit. Bank refusals to advance credit should not be considered the full test of unavailability of credit and, where there is knowledge or reasons to believe that credit is otherwise available on reasonable terms from sources other than such banks, the financial assistance applied for cannot be granted notwithstanding the receipt of written refusals from such banks.

(2) The financial assistance required does not appear to be obtainable:

(i) On reasonable terms through the public offering or private placing of securities of the applicant;

(ii) Through the disposal at a fair price of assets not required by the applicant in the conduct of its existing business or not reasonably necessary to its potential healthy growth; and

(iii) Without undue hardship through utilization of the personal credit or resources of the owner, partners, management, or principal shareholders of the applicant;

(iv) Through other applicable Government financing.

(b) It is the policy to stimulate and encourage loans by banks and other lending institutions.

(1) An applicant for a direct SBA loan must show that an immediate participation or guaranteed loan is not available. An applicant for an immediate participation loan must show that a guaranteed loan is not available.

(2) SBA's share of immediate participation loans shall not exceed 75 percent of the loan. Exceptions may be made in cases when the participant's legal lending limit precludes a 25-percent participation. In such cases the participant will be required to share in the loan to the extent of its legal lending limit but in no event less than 10 percent. In guaranteed loans the exposure of SBA under the guaranty may not exceed 90 percent of the unpaid principal balance and accrued interest.

(3) No agreement to extend financial assistance under the Small Business Act shall establish any preferences in favor of a bank or other lending institution.

(c) Assurance of repayment, change of ownership, and recreational and amusement enterprises.

(1) No financial assistance shall be extended unless there exists reasonable assurance that the loan can and will be repaid pursuant to its terms. Reasonable assurance of repayment will exist only where the past earnings record and future prospects indicate ability to repay the loan and other obligations. It will be deemed not to exist when the proposed loan is to accomplish an expansion which is unwarranted in the light of the applicant's past experience and management ability, or when the effect of making the loan is to subsidize inferior management.

(2) Where the purpose of the loan application is to effect a change in the ownership of the applicant small business concern, the loan may usually be approved where there is a reasonable justification for the change in ownership on the ground that the change will promote the sound development or preserve the existence of a small business concern; or will contribute to a well-balanced national economy by facilitating ownership of small business concerns by persons whose participation in the free enterprise system has been prevented or hampered because of economic, physical or social disadvantages, or because of disadvantages in the business or residential locations.

(3) Where the purpose of the financial assistance is to finance the construction, acquisition, conversion, or operation of recreational or amusement enterprises, any such enterprise must be open to the general public, it must be properly licensed by appropriate State or local authority, and the character and reputation of the applicant will be given special consideration.

(d) Financial assistance will not be granted by SBA:

(1) If the direct or indirect purpose or results of granting such assistance would be to—

(i) Pay off a creditor or creditors of the applicant who are inadequately secured and are in position to sustain a loss.

(ii) Provide funds, directly or indirectly, for payment, distribution, or as a loan to owners, partners, or shareholders of the applicant which do not change ownership interests in applicant. This shall not apply to ordinary compensation for services rendered.

(iii) Refund a debt owed to a Small Business Investment Co.

(iv) Replenish funds theretofore used for such purposes.

(2) If the financial assistance will provide or free funds for speculation in any kind of property, real or personal, tangible or intangible;

(3) If the applicant is an eleemosynary institution or other nonprofit enterprise: *Provided, however,* That this provision shall not be construed to bar financial assistance to a cooperative if it carries on a business activity and the purpose of such activity is to obtain pecuniary benefit for its members in the operation of their otherwise eligible small business concerns. An otherwise eligible small business concern will not become ineligible because it is owned in whole or in part by a nonprofit organization.

(4) If the applicant is a newspaper, magazine, book publishing company, radio broadcasting company, television broadcasting company, film production company, or similar enterprise;

(5) If any part of the gross income of the applicant (or of any of its principal owners) is derived from gambling activities, except in those cases where an otherwise eligible small business concern obtains less than one-third of its gross income from its income or commission from the sale of official State lottery tickets under a State license.

(6) If the financial assistance is to provide funds to an enterprise primarily engaged in the business of lending or investments or to any otherwise eligible enterprise for the purpose of financing investments not related or essential to the enterprise;

(7) If the purpose of the financial assistance is to finance the acquisition, construction, improvement, or operation of real property which is, or is to be, held primarily for sale or investment;

(8) If the effect of the granting of the financial assistance will be to encourage monopoly or will be inconsistent with the accepted standards of the American system of free competitive enterprise;

(9) Generally, if the financial assistance would be used primarily in agricultural activities. Agricultural activities include, but are not limited to, the production of food and fiber. Where the applicant is engaged in an agricultural activity and financial assistance has been formally declined by an agency of the Federal Government or an agricultural credit service supervised by the Farm Credit Administration, such applicant may be eligible for financial assistance from SBA: *Provided, however,* That an activity will not be eligible for financial assistance if it (i) produces (or in the last growing season produced) one or more crops currently eligible for a U.S. Department of Agriculture support payment or production loan; (ii) is engaged in the production of livestock or poultry, including eggs, except for (*a*) the operation of a hatchery for the production of baby chicks for sale to others, provided that the hatchery purchases from others more than 50 percent of its eggs; or (*b*) the operation of a commercial feed yard for cattle or hogs where its income is derived from the service operation of housing and feeding animals, either owned by others or purchased from producers solely for the purpose of fattening and resale prior to slaughter; or (c) the operation of a commercial poultry feed yard where its income is derived from the service operation of housing and feeding poultry owned by others, even when such operation results in the production of eggs; or (iii) is engaged in the production of fish, unless the production process or type of fish is novel, innovative, or experimental in nature.

(10) Generally, if the financial assistance to be provided is for use in multi-level sales distribution plans.

§ 120.3 Terms and conditions of business loans and guarantees.

(a) *Maturities.* The maturity of business loans made under the Small Business Act shall be restricted to the minimum consistent with sound business practice. The maturity may not exceed 10 years, except that such portion of a loan made for the purpose of constructing facilities may have a maturity not in excess of 15 years.

(b) *Charges and interest rates*—(1) *Charges.* In guaranteed loans (those made by a financial institution with which SBA has entered into an agreement to guarantee as set forth in Part 122 of this chapter), a guaranty charge shall be payable by the financial institution to SBA for such agreement. The guaranty charge shall be one-fourth of 1 percent per annum of the portion of the loan which SBA has guaranteed, for guarantees approved prior to January 1, 1973. Effective January 1, 1973, the guaranty charge is set on a one-time basis at 1 percent of the amount of the authorized guaranteed portion of the loan, and is payable at first disbursement by the participating bank. For loans made under a revolving line of credit, the guaranty charge is one quarter of 1 percent per annum of the guaranteed portion payable initially by the participating bank at the time of SBA approval of the line of credit.

(2) *Interest.* (i) Except as provided in paragraph (b)(2)(iii) of this section, interest on SBA's share of immediate participation loans shall not exceed 5½ percent per annum and where the rate of interest on the share of the loan of the bank or other financial institution is less than 5½ percent per annum then the rate of SBA's share of the loan shall be at the same rate, but not less than 5 percent per annum. Subject to the approval of SBA, a participating financial institution may establish such rate of interst on its share of a loan as shall be legal and reasonable. Subject to the above guidelines, lending institutions may be given the option of utilizing a fluctuating rate of interest. The fluctuations may occur no more than semiannually, and must rise or fall on the same basis.

(ii) Direct loans: Except as provided in paragraph (b)(2)(iii) of this section, interest on all direct loans which may be made by SBA shall be at the rate of 5½ percent per annum except as may be otherwise required by reason of the provisions of the Servicemen's Readjustment Act of 1944, as amended.

(iii) Interest on SBA's share of financial assistance, which may be extended to Group Corporations shall be at the rate of 5 percent per annum. Subject to the approval of SBA, financial institutions may establish such rate of interest on their share of participation or guaranteed loans as shall be legal and reasonable.

(iv) Except as provided in paragraph (b)(2)(iii) of this section, the interest rate on guaranteed loans, subject to the approval of SBA, may be established by the participating financial institution at a rate that shall be legal and reasonable. Subject to the above guidelines, lending institutions may be given the option of utilizing a fluctuating rate of interest. The fluctuations may occur no more than semiannually, and must rise or fall on the same basis. When purchased by SBA, the rate of interest to the borrower on SBA's share of the loan shall be 5½ percent per annum, except where the rate of interest on the share of the loan of the financial institution is less than 5½ percent per annum then the rate on SBA's share of the loan shall be at the same rate, but not less than 5 percent per annum. When SBA purchases its guaranteed share, its payment to the guaranteed participant of accrued interest to the date of purchase shall be at the interest rate established by participant but shall not exceed an effective rate of interest of 8 percent per annum, and without any future adjustment for any unpaid accrued interest in excess of 8 percent per annum.

(v) The interest which a financial institution pays SBA for temporary advances unler the liquidity privilege in a guaranty loan agreement varies according to the approval date of SBA's guaranty on a given loan.

(vi) From time to time SBA may publish in the FEDERAL REGISTER notices of the maximum rates acceptable to SBA under the immediate participation and guaranty programs.

(3) *Service fees.* In immediate participation loans, and guaranteed loans where SBA has purchased its portion, made and serviced by a financial institution, the financial institution may deduct a service fee only out of interest collected for the account of SBA so long as the bank is servicing the loan: *And provided,* That such fee shall not be added to any amount which borrower is obligated to pay under the loan. Where SBA's share of the loan is 75 percent or less, the service fee shall be three-eighths of 1 percent per annum on the unpaid principal balance of SBA's share of the loan. Where SBA's share is in excess of 75 percent of the loan, the service fee shall be one-fourth of 1 percent per annum on the unpaid principal balance of SBA's portion of the loan.

(4) *Closing fees.* A closing fee equivalent to one-eighth of 1 percent of SBA's approved portion of the loan, or $10, whichever is the greater, shall be imposed upon all direct loans and immediate participation loans made and serviced by SBA which are authorized pursuant to section 7(a) of the Small Business Act, as amended. The fee shall be paid to SBA prior to disbursement of the loan and shall be exclusive of any other closing costs (such as recording fees and taxes; costs of title examination and title insurance, and other charges incident to the transaction) which are customarily paid by the borrower.

(c) *Eligible loan participant.* SBA is authorized by appropriate enabling legislation to make participation loans to small concerns in cooperation with banks or other lending institutions through agreements to participate on an immediate or deferred basis. In order to serve as an eligible loan participant in a particular loan transaction with SBA, the financial institution must—

(1) *Capacity to service loan.* Have the continuing capacities for processing, evaluating, disbursing, and servicing commercial term, and other loans authorized to be made by SBA to small concerns.

(2) *Capital structure and financial standing.* Have an adequate capital structure aggregating not less than $200,000, which must be so unimpaired or of such tangible nature to be considered sound (except that the $200,000 minimum shall not apply to institutions which are subject to supervisory and examining control of State or Federal chartering, licensing or similar regulatory authority) and, together with its existing or proposed directors, officers, other employees, and other persons connected with its organization and operations, possess good character as well as general standing and reputation in the community based on their lending and other established financial ability and experience.

(3) *Qualified management.* Have and maintain in charge of operations qualified management which shall be available to the public during regular business hours, and hold itself out to the public as engaged in the making of commercial, industrial and other loans of the type authorized to be made by SBA to eligible small concerns.

(4) *Supervisory and examining authority.* Be operating subject to applicable supervisory and examining control of State or Federal chartering, licensing or similar regulatory authority, or, in the absence of such control, be authorized to and shall enter into a written agreement with SBA to submit appropriate financial reports to SBA or to make available for SBA examination its books, records, accounts and affairs deemed necessary and appropriate by SBA to the protection of its interest in the transaction.

(5) *Absence of other financial or self-dealing interest in borrower concern.* Not possess, nor may any of its officers, directors, stockholders owning ten (10) or more percent of any class of shares, investment advisers, or other associates or affiliates, possess any interest directly or indirectly, in the small business concern (or in the case of a loan to a Local Development Company, the small business concern to be assisted) by reason of a stock or warrants position, or as a result

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of financing its own sales or business operations (except that any such interest in the borrower by a small business investment company, duly licensed by SBA, associated or affiliated with a loan participant shall not disqualify such otherwise eligible loan participant). Concerns operating as a subsidiary or affiliate engaged primarily in lending for the purpose of financing the sale or products or services or other business operations of an affiliate or parent concern are not considered eligible. In the event the borrower shall be required to obtain personal insurance coverage (as contrasted with hazard insurance to protect collateral), it shall be only in such minimum amounts and costs as are necessary to protect the loan. Such insurance coverage shall be limited to declining term policies, providing a decrease in coverage consistent with the decreasing loan balance outstanding.

(6) *Ineligibility of SBIC's.* Not operate as a small business investment company duly licensed by SBA.

Dated: February 26, 1973.

THOMAS S. KLEPPE,
Administrator.

[FR Doc.73-3611 Filed 3-8-73;8:45 am]

Notices

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF STATE

[Public Notice CM-11]

SHIPPING COORDINATING COMMITTEE

Notice of Meeting

A meeting of the Shipping Coordinating Committee will be held at 9:30 a.m. on Monday, March 19, 1973, in Room 7200, Coast Guard Headquarters, 400 Seventh Street SW., Washington, D.C. The meeting will be open to the public.

The meeting will consider preparations for the 27th session of the IMCO Maritime Safety Committee, scheduled to meet in London, March 26–30.

For further information on the subject matter of the meeting, contact Mr. Ronald A. Webb, Chairman, Shipping Coordinating Committee, Department of State, Washington, D.C. 20520, telephone (area code 202) 632–1313.

Dated: March 5, 1973.

RONALD A. WEBB,
Chairman,
Shipping Coordinating Committee.

[FR Doc.73-4508 Filed 3-8-73;8:45 am]

DEPARTMENT OF THE TREASURY

Bureau of Alcohol, Tobacco and Firearms

NOTICE OF GRANTING OF RELIEF

Notice is hereby given that pursuant to 18 U.S.C. section 925(c) the following named persons have been granted relief from disabilities imposed by Federal laws with respect to the acquisition, transfer, receipt, shipment, or possession of firearms incurred by reason of their convictions of crimes punishable by imprisonment for a term exceeding 1 year.

It has been established to my satisfaction that the circumstances regarding the convictions and each applicant's record and reputation are such that the applicant will not be likely to act in a manner dangerous to public safety, and that the granting of the relief will not be contrary to the public interest.

Bittner, Bradley D., 411½ South Second Street, Aberdeen, SD, convicted on October 21, 1970, in the Circuit Court, Second Judicial Circuit, Sioux Falls, S. Dak.

Boncher, Thomas H., 1007 Smith Street, Green Bay, WI, convicted on December 14, 1961, in Brown County Municipal Court, Green Bay, Wis.

Cooper, Alphonso J., 732 Rose Street, Jackson, MS, convicted on December 29, 1948, and April 11, 1953, by the City Court of Jackson, Miss., and on November 13, 1962, by the U.S. District Court, Jackson, Miss.

Cotton, David J., 5920 Hughes Road, Lansing, MI, convicted on July 18, 1958, in the Circuit Court for the county of Ingham, Mich.

Cramer, Daniel A., 2419 Brownell Boulevard, Flint, MI, convicted on May 20, 1966, in the Circuit Court for Genesee County, Mich.

Deason, James O., Box 281, Brent, AL, convicted on June 17, 1968, in the U.S. District Court, Northern Judicial District, Birmingham, Ala.

Donahue, Thomas H., 3450 Xerxes Avenue North, Minneapolis, MN, convicted on July 16, 1967, in the District Court, Fourth Judicial District, county of Hennepin, Minn.

Edgar, Lester P., Rural Route 2, Box 169, Fennimore, WI, convicted on November 25, 1970, Waukesha County Court, Branch Two, Waukesha, Wis.

Engle, Billy Gene, Williamsville, Miss., convicted on November 16, 1967, in the Second Judicial District Circuit Court, Carrol County, Miss.

Fisher, Stanley L., 5302 O Street, Omaha, NE, convicted on December 11, 1968, in the District Court of Iowa, Story County.

Free, Grover Willie, Post Office Box 26, Tiger, GA, convicted on October 29, 1958, in the U.S. District Court, Northern District of Georgia, Gainesville Division.

Gautreau, William J., Jr., Post Office Box 597, Kenner, LA, convicted on October 24, 1968, in the 24th Judicial District Court, parish of Jefferson, La.

Hart, Sidney A., 1430 Ebert Street, Winston-Salem, NC, convicted on October 5, 1961, in U.S. Western District Court, Charlotte, N.C.

Hiebing, Michael D., 5515 Evergreen Drive, Sheboygan, WI, convicted on January 29, 1958, in the Municipal Court, Sheboygan, Wis.

Hinkle, Lewis Alton, 4810 Quimby Avenue, Beltsville, MD, convicted on December 8, 1966, in the Circuit Court for Prince George's County, Md.

Hinkle, Samuel E., 4431 North Front Street, Harrisburg, PA, convicted on April 26, 1955, and September 29, 1958, in the Court of Quarter Sessions, Dauphin County, Pa., and on August 3, 1959, in the Court of Quarter Sessions, York County, Pa., and on December 12, 1959, in the Cumberland County, Pennsylvania Court, and on January 14, 1964, in the Court of Quarter Sessions, Dauphin County, Pa.

Jones, George W., 602 Des Moines Street, Ankeny, IA, convicted on May 9, 1969, in the Circuit Court of the Fourth Judicial Circuit, Christian County, at Taylorville, Ill.

Kiskadden, Albert Martin, Route 1, Box 117A, Sutherland, NE, convicted on January 19, 1938, in the Criminal Division of the Court of Common Pleas, Washington County, Pa.

Lee, Willard H., 7739 West Vernor, Detroit, MI, convicted in Recorders Court of the city of Detroit, Mich., on March 26, 1929, and on April 3, 1931, in Recorders Court of the city of Detroit, Mich.

Little, Ros Evear, 723 Beau Dean Lane, Cape Girardeau, MO, convicted on or about July 20, 1950, in the Circuit Court for the county of Ogemaw, State of Mich.

McLaughlin, Serge, Post Office Box 224, Hopkins, MN, convicted on July 22, 1963, in Hennepin County District Court at Minneapolis, Minn.

Martin, Leonard Thomas, Route 1, Grant, AL, convicted on or about October 9, 1941, in the Circuit Court, Marshall County, Ala., and on December 3, 1962, in the Northern District of Alabama, U.S. District Court.

Moga, David E., 5016 Humbolt Avenue North, Minneapolis, MN, convicted on October 6, 1969, in the District Court, Second Judicial District, Ramsey County, Minn., and on September 8, 1969, in the District Court, Fourth Judicial District, Hennepin County, Minn.

Moore, Granville Leroy, 102 Glenmore, Hot Springs, AR, convicted on January 14, 1966, in the First Judicial District Court, Caddo Parish, La.

Rennells, Paul Darwin, 6838 Northeast Mallory Avenue, Portland, OR, convicted on February 8, 1954, in the District Court of the Eleventh Judicial District of the State of Idaho, in and for the county of Twin Falls.

Richards, Michael E., 18 Gary Street, South Paris, ME, convicted on April 26, 1967, in Oxford County Superior Court, South Paris Maine.

Scarton, Jack, 20124 Huron River Drive, Rockwood, MI, convicted on or about September 29, 1921, in the Common Pleas Court of Hudson, N.J., and on or about October 6, 1921, in the County Court of Hudson, N.J.

Schuler, John L., 858 Schenectady Avenue, Brooklyn, NY, convicted on or about June 6, 1953, by the Hudson County Court, Hudson County, N.J.

Slusher, Robert, 4974 Robb Highway, Palmyra, MI, convicted on December 4, 1969, in the Circuit Court for the county of Lenawee, State of Michigan.

Thomas, Oscar G., 7320 Asbury Drive, Lithonia, GA, convicted on April 15, 1957, in the Third Judicial Court, Suwanee County, Fla., and on May 19, 1960, in the Circuit Court, Alachua County, Fla., and on January 20, 1966, in the Superior Court of Fulton County, Ga.

Signed at Washington, D.C., this 2d day of March 1973.

[SEAL] REX D. DAVIS,
Director, Bureau of Alcohol, Tobacco and Firearms.

[FR Doc.73-4525 Filed 3-8-73;8:45 am]

Bureau of Customs

[T.D. 73-67]

FOREIGN CURRENCIES

Certification of Rates

FEBRUARY 28, 1973.

The appended table shows the rates of exchange certified to the Secretary of

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the Treasury by the Federal Reserve Bank of New York pursuant to section 522(c), Tariff Act of 1930, as amended (31 U.S.C. 372(c)), which are applicable to the currencies of the countries listed in § 16.4(d), Customs regulations (19 CFR 16.4(d)), for the period from February 20 through February 23, 1973. This table is published for the information and use of Customs officers and others concerned to show the amount of variation in these exchange rates following the devaluation of the U.S. dollar which took effect on February 13, 1973.

[SEAL] R. N. MARRA,
Director, Appraisement and Collections Division.

Country	Currency	February 20	February 21	February 22	February 23
Australia	Dollar	$1.4170	$1.4100	$1.4100	$1.4100
Austria	Schilling	.0470	.0469	.0469	.0483
Belgium	Franc	.024500	.024506	.024735	.025100
Canada	Dollar	(1)	(1)	(1)	(1)
Ceylon	Rupee	.1580	.1579	.1579	.1580
Denmark	Krone	.1573	.15795	.1580	.1605
Finland	Markka	.2535	.2530	.2525	.2530
France	Franc	.2142	.2145	.2174	.2205
Germany	Deutsche Mark	.33705	.3375	.3425	.3472
India	Rupee	.1320	.1320	.1320	.1320
Ireland	Pound	(1)	(1)	(1)	2.4740
Italy	Lira	(1)	(1)	(1)	(1)
Japan	Yen	.003760	.003775	.003767	.003775
Malaysia	Dollar	.3900	.3900	.3900	.3900
Mexico	Peso	(1)	(1)	(1)	(1)
Netherlands	Guilder	.3368	.3375	.3423	.3485
New Zealand	Dollar	1.3205	1.3205	1.3207	1.3200
Norway	Krone	.1648	.1651	.165450	.1665
Portugal	Escudo	.0372	.0394	.0393	.0397
Republic of South Africa	Rand	1.4000	1.4000	1.4000	1.4000
Spain	Peseta	.018900	.018903	.018900	.017295
Sweden	Krona	.2217	.2220	.221950	.2243
Switzerland	Franc	.2973	.2992	.3075	.3055
United Kingdom	Pound	(1)	(1)	(1)	2.4740

[1] Use quarterly rate published in T.D. 73-16; daily rate did not vary by 5 percent or more.

[FR Doc.73-4496 Filed 3-8-73;8:45 am]

Office of the Secretary

HAND-OPERATED, PLASTIC PISTOL-GRIP TYPE LIQUID SPRAYERS, FROM REPUBLIC OF KOREA

Antidumping Proceeding Notice

MARCH 5, 1973.

On January 23, 1973, information was received in proper form pursuant to §§ 153.26 and 153.27, Customs regulations (19 CFR 153.26, 153.27), indicating a possibility that hand-operated, plastic pistol-grip type liquid sprayers from the Republic of Korea are being, or are likely to be, sold at less than fair value within the meaning of the Antidumping Act, 1921, as amended (19 U.S.C. 160 et seq.).

There is evidence on record concerning injury to or likelihood of injury to or prevention of establishment of an industry in the United States.

Having conducted a summary investigation as required by § 153.29 of the Customs regulations (19 CFR 153.29) and having determined as a result thereof that there are grounds for so doing, the Bureau of Customs is instituting an inquiry to verify the information submitted and to obtain the facts necessary to enable the Secretary of the Treasury to reach a determination as to the fact or likelihood of sales at less than fair value.

A summary of information received from all sources is as follows:

The information received tends to indicate that the prices of the merchandise sold for exportation to the United States are less, or likely to be less, than the prices either for home consumption or to third countries, as appropriate.

A summary of information received from all sources is as follows:

The information received tends to indicate that the prices of the merchandise sold for exportation to the United States are less than the prices for home consumption.

This notice is published pursuant to § 153.30 of the Customs regulations (19 CFR 153.30).

[SEAL] EDWARD L. MORGAN,
Assistant Secretary of the Treasury.

MARCH 5, 1973.

[FR Doc.73-4579 Filed 3-8-73;8:45 am]

HAND-OPERATED, PLASTIC PISTOL-GRIP TYPE LIQUID SPRAYERS, FROM JAPAN

Antidumping Proceeding Notice

MARCH 5, 1973.

On January 23, 1973, information was received in proper form pursuant to §§ 153.26 and 153.27, Customs regulations (19 CFR 153.26, 153.27), indicating a possibility that hand-operated, plastic pistol-grip type liquid sprayers, from Japan are being, or are likely to be, sold at less than fair value within the meaning of the Antidumping Act, 1921, as amended (19 U.S.C. 160 et seq.).

There is evidence on record concerning injury to or likelihood of injury to or prevention of establishment of an industry in the United States.

Having conducted a summary investigation as required by § 153.29 of the Customs regulations (19 CFR 153.29) and having determined as a result thereof that there are grounds for so doing, the Bureau of Customs is instituting an inquiry to verify the information submitted and to obtain the facts necessary to enable the Secretary of the Treasury to reach a determination as to the fact or likelihood of sales at less than fair value.

A summary of information received from all sources is as follows:

The information received tends to indicate that the prices of the merchandise offered for exportation to the United States are less than the prices for home consumption.

This notice is published pursuant to § 153.30 of the Customs regulations (19 CFR 153.30).

[SEAL] EDWARD L. MORGAN,
Assistant Secretary of the Treasury.

[FR Doc.73-4581 Filed 3-8-73;8:45 am]

STEEL WIRE ROPE FROM JAPAN

Withholding of Appraisement Notice

Information was received on July 11, 1972, that steel wire rope from Japan was being sold at less than fair value within the meaning of the Antidumping Act, 1921, as amended (19 U.S.C. 160 et seq.) (referred to in this notice as "the Act"). This information was the subject of an antidumping proceeding notice which was published in the FEDERAL REGISTER of August 18, 1972, on page 16683. The antidumping proceeding notice indicated that there was evidence on record concerning injury to or likelihood of injury to or prevention of establishment of an industry in the United States.

Having conducted a summary investigation as required by § 153.29 of the Customs regulations (19 CFR 153.29) and having determined as a result thereof that there are grounds for so doing, the Bureau of Customs is instituting an inquiry to verify the information submitted and to obtain the facts necessary to enable the Secretary of the Treasury to reach a determination as to the fact or likelihood of sales at less than fair value.

A summary of information received from all sources is as follows:

The information received tends to indicate that the prices of the merchandise sold for exportation to the United States are less than the prices for home consumption.

This notice is published pursuant to § 153.30 of the Customs regulations (19 CFR 153.30).

[SEAL] EDWARD L. MORGAN,
Assistant Secretary of the Treasury.

MARCH 5, 1973.

[FR Doc.73-4580 Filed 3-8-73;8:45 am]

MANDELIC ACID FROM UNITED KINGDOM

Antidumping Proceeding Notice

MARCH 5, 1973.

On January 9, 1973, information was received in proper form pursuant to §§ 153.26 and 153.27, Customs regulations (19 CFR 153.26, 153.27), indicating a possibility that mandelic acid from the United Kingdom is being, or is likely to be, sold at less than fair value within the meaning of the Antidumping Act, 1921, as amended (19 U.S.C. 160 et seq.).

There is evidence on record concerning injury to or likelihood of injury to or prevention of establishment of an industry in the United States.

Having conducted a summary investigation as required by § 153.29 of the Customs regulations (19 CFR 153.29) and having determined as a result thereof that there are grounds for so doing, the Bureau of Customs is instituting an inquiry to verify the information submitted and to obtain the facts necessary to enable the Secretary of the Treasury to reach a determination as to the fact or likelihood of sales at less than fair value.

A summary of information received from all sources is as follows:

The information received tends to indicate that the prices of the merchandise offered for exportation to the United States are less than the prices for home consumption.

This notice is published pursuant to § 153.30 of the Customs regulations (19 CFR 153.30).

[SEAL] EDWARD L. MORGAN,
Assistant Secretary of the Treasury.

MARCH 5, 1973.

[FR Doc.73-4582 Filed 3-8-73;8:45 am]

to or prevention of establishment of an industry in the United States.

Pursuant to section 201(b) of the Act (19 U.S.C. 160(b)), notice is hereby given that there are reasonable grounds to believe or suspect that the purchase price or exporter's sales price, as applicable (sections 203 and 204 of the Act; 19 U.S.C. 162 and 163), of steel wire rope from Japan is less, or likely to be less, than the foreign market value (section 205 of the Act; 19 U.S.C. 164).

Statement of Reasons. The investigation revealed that the proper basis of comparison for fair value purposes is between purchase price or exporter's sales price and the adjusted home market price of such or similar merchandise.

Purchase price was based on the f.o.b. Japanese port price with deductions for inland freight and other shipping charges, as applicable.

Exporter's sales price was calculated by deducting from the resale price of the related firm to the unrelated purchaser in the U.S. bank charges, transportation charges in the United States and Japan, ocean freight and insurance, selling commission, and U.S. duty.

The home market price was calculated on the basis of a weighted-average delivered price of such or similar merchandise with deductions for inland freight and other shipping charges, as applicable. Appropriate adjustments were made for differences in packing and credit costs.

Using the above criteria, there are reasonable grounds to believe or suspect that the purchase price or exporter's sales price, as appropriate, will be lower than the home market price.

Customs officers are being directed to withhold appraisement of steel wire rope from Japan in accordance with § 153.48, Customs Regulations (19 CFR 153.48).

In accordance with §§ 153.32(b) and 153.37, Customs Regulations, interested parties may present written views or arguments, or request in writing that the Secretary of the Treasury afford an opportunity to present oral views.

Any requests that the Secretary of the Treasury afford an opportunity to present oral views should be addressed to the Commissioner of Customs, 2100 K Street NW., Washington, DC 20229, in time to be received by his office on or before March 19, 1973. Such requests must be accompanied by a statement outlining the issues wished to be discussed.

Any written views or arguments should likewise be addressed to the Commissioner of Customs in time to be received by his office on or before April 9, 1973.

This notice, which is published pursuant to § 153.54(b), Customs Regulations (19 CFR 153.34(b)), shall become effective on March 9, 1973. It shall cease to be effective on September 10, 1973, unless previously revoked.

[SEAL] EDWARD L. MORGAN,
Assistant Secretary of the Treasury.

MARCH 6, 1973.

[FR Doc.73-4668 Filed 3-8-73;8:45 am]

DEPARTMENT OF DEFENSE

Department of the Army

HISTORICAL ADVISORY COMMITTEE

Notice of Meeting

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Public Law 92-463), announcement is made of the following Committee meeting:

Name: Department of the Army Historical Advisory Committee.
Date: April 6, 1973.
Place: Conference Room, Wing 2, Second Floor, Tempo C, Second and R Streets SW., Washington, DC.
Time: 1015–1130; 1345–1515.
Proposed agenda:
1020–1130 Review of historical activities.
1345–1515 Discussion of activities and executive session of the committee.

Purpose of meeting: The committee will review the past year's historical activities based on reports and manuscripts received throughout the year and formulate recommendation to the Secretary of the Army for advancing the purposes of the Army Historical Program.

Meeting of the Advisory Committee is open to the public. Public attendance depending on available space, may be limited to those persons who have notified the Advisory Committee Management Office in writing, at least 5 days prior to the meeting, of their intention to attend the April 6 meeting.

Any member of the public may file a written statement with the Committee before, during or after the meeting. To the extent that time permits the Committee Chairman may allow public presentation of oral statements at the meeting.

All communications regarding this Advisory Committee should be addressed to LTC C. F. Moore, Advisory Committee Management Officer for Office Chief of Military History, Room 2009, Tempo C, Second and R Streets SW., Washington, DC 20315.

For the Chief of Military History.

C. F. MOORE,
LTC, Infantry, Executive Officer, Plans, Programs and Administration.

MARCH 5, 1973.

[FR Doc.73-4559 Filed 3-8-73;8:45 am]

DEPARTMENT OF JUSTICE

Law Enforcement Assistance Administration

EQUAL RIGHTS GUIDELINES

Effect on Minorities and Women of Minimum Height Requirements for Employment of Law Enforcement Officers

1. *Purpose.* This guideline is issued to assist in the elimination of discrimination based on national origin, sex, and race caused by the use of restrictive minimum height requirements criteria where such requirements are unrelated to the employment performance of law enforcement personnel.

2. *Scope.* The provisions of the guideline apply to all recipients of LEAA funds. This guideline is of concern to all State Planning Agencies.

3. *Background.* The use of minimum height requirements as criteria for employee selection, assignment, or similar personnel action may tend to disqualify disproportionately women and persons of certain national origins, and races. Discrimination on the ground of race, color, creed, sex, or national origin is prohibited by the Department of Justice regulations concerning employment practices of State agencies or offices receiving financial assistance extended by the Department (28 CFR Part 42, Subpart D).

4. *Requirement.* The use of minimum height requirements, which disqualifies disproportionately women and persons of certain national origins and races, such as persons of Mexican and Puerto Rican ancestry, or oriental descent, will be considered violative to this Department's regulations prohibiting employment discrimination.

5. *Exceptions.* In those instances where the recipient of Federal assistance is able to demonstrate convincingly through the use of supportive factual data such as professionally validated studies that such minimum height requirements used by the recipient is an operational necessity for designated job categories, the minimum height requirement will not be considered discriminating.

6. *Definition.* a. The term operational necessity as used in this guideline shall refer to an employment practice for which there exists an overriding legitimate operational purpose such that the practice is necessary to the safe and efficient exercise of law enforcement duties; is sufficiently compelling to override any discriminatory impact; is effectively carrying out the operational purpose it is alleged to serve; and for which there are available no acceptable alternate policies or practices which would better accomplish the operational purpose advanced, or accomplish it equally well with a lesser discriminatory impact.

b. The term law enforcement as used in this guideline is defined at section 601(a) of the Omnibus Crime Control and Safe Streets Act of 1968, as amended, and means all activities pertaining to crime prevention or reduction and enforcement of the criminal law.

Effective date. This Guideline shall become effective on March 9, 1973.

Dated: March 6, 1973.

JERRIS LEONARD,
Administrator, Law Enforcement Assistance Administration.

CLARENCE M. COSTER,
Associate Administrator.

MARCH 5, 1973.

RICHARD W. VELDE,
Associate Administrator.

MARCH 6, 1973.

[FR Doc.73-4553 Filed 3-8-73;8:45 am]

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DEPARTMENT OF THE INTERIOR

Bureau of Land Management

NATIONAL ADVISORY BOARD ON WILD FREE-ROAMING HORSES AND BURROS

Notice of Meeting

Notice is hereby given that the National Advisory Board for Wild Free-Roaming Horses and Burros will hold its second meeting March 21 and 22, 1973, at the Continental Denver Motor Inn, Valley Highway and Speer Boulevard, Denver, Colo. The agenda for the meeting will include consideration and review of proposed regulations, a draft environmental impact statement and comments and recommendations received from the general public subsequent to the last meeting.

The meeting will be open to the public. Seating will be available for about 25 observers. Time will be available for a limited number of brief statements by members of the public. Those persons wishing to make an oral statement must inform the Advisory Board chairman in writing prior to the meeting of the Board. Any interested person may file a written statement with the Board for its consideration. The Advisory Board chairman is Dr. C. Wayne Cook. Written statements should be submitted to Dr. Cook c/o the Director (330), Bureau of Land Management, Washington, D.C. 20240.

BURT SILCOCK,
Director.

MARCH 2, 1973.

[FR Doc.73-4598 Filed 3-8-73;8:45 am]

ARIZONA STATE MULTIPLE USE ADVISORY BOARD

Notice of Annual Business Meeting

Notice is hereby given that the Arizona State Multiple Use Advisory Board will hold its annual business meeting March 27, 1973, at the Adams Hotel, Central and Adams, Phoenix, Ariz. The agenda for the meeting will include election of board officers, proposed Federal legislation effecting national resource lands, discussion and recommendations on proposed off-road vehicle regulations, status of bureau management plans, management of Aravaipa Canyon Primitive Area, and wild horse and burro legislation and management.

The meeting will be open to the public to the extent seating is available. Seating will be available for about 30 persons. Time will be made available for a limited number of brief statements from the public. Those desiring to make public statements must notify the chairman in writing of this desire prior to the meeting date. Any interested party may file a written statement with the Board for its consideration. Written statements and requests to give an oral statement to the Board should be directed to Ted Lee, Chairman, c/o State Director, Bureau of Land Management, Room 3022, Federal Building, 230 North First Avenue, Phoenix, AZ 85025.

Dated: March 2, 1973.

JOE T. FALLINI,
State Director.

[FR Doc.73-4511 Filed 3-8-73;8:45 am]

DEPARTMENT OF AGRICULTURE

Office of the Secretary

UINTAH AND OURAY INDIAN LANDS IN NORTHEAST UTAH

Feed Grain Donations

Pursuant to the authority set forth in section 407 of the Agricultural Act of 1949, as amended (7 U.S.C. 1427), and Executive Order 11336, I have determined that:

1. The chronic economic distress of the needy members of the Uintah and Ouray Indian lands in northeast Utah has been materially increased and become acute because of excessive snowfall and subzero temperatures depleting supplies of livestock feed, thus creating a critical need for supplemental feed. These lands are reservation or other lands designated for Indian use and are utilized by members of the Indian tribes for grazing purposes.

2. The use of feed grain or products thereof made available by the Commodity Credit Corporation for livestock feed for such needy members of the tribes will not displace or interfere with normal marketing of agricultural commodities.

Based on the above determinations, I hereby declare the reservations and grazing lands of these tribes to be acute distress areas and authorize the donation of feed grain owned by the Commodity Credit Corporation to livestock, men who are determined by the Bureau of Indian Affairs, Department of the Interior, to be needy members of the tribes utilizing such lands. These donations by the Commodity Credit Corporation may commence upon signature of this notice and shall be made available through the duration of the existing emergency or to such other time as may be stated in a notice issued by the Department of Agriculture.

Signed at Washington, D.C. on March 2, 1973.

EARL L. BUTZ,
Secretary.

[FR Doc.73-4614 Filed 3-8-73;8:45 am]

Rural Electrification Administration

COOPERATIVE POWER ASSOCIATION

Draft Environmental Statement

Notice is hereby given that the Rural Electrification Administration has prepared a Draft Environmental Statement in accordance with section 102(2)(C) of the National Environmental Policy Act of 1969, in connection with the use of available loan funds by Cooperative Power Association of 6700 France Avenue, South, Minneapolis, Minn. 55435. This action will finance the construction of a switching station, a substation, and approximately 12 miles of 230-kV. transmission line from a location near Henning to a location near Rush Lake. Both locations are in Otter Tail County, Minn.

Additional information may be secured on request, submitted to the Assistant Administrator-Electric, Rural Electrification Administration, U.S. Department of Agriculture, Washington, D.C. 20250. Comments are particularly invited from State and local agencies which are authorized to develop and enforce environmental standards, and from Federal agencies having jurisdiction by law or special expertise with respect to any environmental impact involved from which comments have not been requested specifically.

Copies of the REA Draft Environmental Statement have been sent to various Federal, State, and local agencies, as outlined in the Council on Environmental Quality Guidelines. The Draft Environmental Statement may be examined during regular business hours at the offices of REA in the South Agriculture Building, 12th Street and Independence Avenue SW., Washington, DC, Room 4310, or at the borrower address indicated above.

Comments concerning the environmental impact of the construction proposed should be addressed to the Assistant Administrator-Electric at the address given above. Comments must be received on or before April 9, 1973 to be considered in connection with the proposed action.

Final REA action with respect to this matter (including any release of funds) will be taken only after REA has reached satisfactory conclusions with respect to its environmental effects and after procedural requirements set forth in the National Environmental Policy Act of 1969 have been met.

Dated at Washington, D.C., this 5th day of March 1973.

DAVID A. HAMIL,
Administrator,
Rural Electrification Administration.

[FR Doc.73-4616 Filed 3-8-73;8:45 am]

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[Docket No. B-560]

HIGHPOINT TRAWLERS, INC.

Notice of Loan Application

Highpoint Trawlers, Inc., Gooseberry Road, East Matunuck, R.I. 02879, has applied for a loan from the Fisheries Loan Fund to aid in financing the purchase of a new wood vessel, about 76-foot in length, to engage in the fishery for crabs, lobsters, herring, mackerel, cod, flounders, whiting, hake, menhaden, scup, butterfish, squid, fish for industrial uses, swordfish, and clams.

Notice is hereby given, pursuant to the provisions of 16 U.S.C. 742c, Fisheries Loan Fund Procedures (50 CFR Part 250, as revised), and Reorganization Plan No. 4 of 1970, that the above entitled application is being considered by the National Marine Fisheries Service, National Oceanic and Atmospheric Administration, Department of Commerce, Washington, D.C. 20235. Any person desiring to submit evidence that the contemplated operation of such vessel will cause economic hardship or injury to efficient vessel operators already operating in that fishery must submit such evidence in writing to the Director, National Marine Fisheries Service on or before April 9, 1973. If such evidence is received it will be evaluated along with such other evidence as may be available before making a determination that the contemplated operation of the vessel will or will not cause such economic hardship or injury.

ROBERT W. SCHONING,
Acting Director.

[FR Doc.73-4506 Filed 3-8-73;8:45 am]

Social and Economic Statistics Administration

CENSUS ADVISORY COMMITTEE ON POPULATION STATISTICS

Notice of Public Meeting

The Census Advisory Committee on Population Statistics will convene on March 23, 1973, at 9:30 a.m. The Committee will meet in room 2113, Federal Building 3, at the Bureau of the Census in Suitland, Md.

The Census Advisory Committee on Population Statistics was established in 1965 to advise the Director, Bureau of the Census, on current programs, on plans for the 1970 Census of Population and on other matters dealing with the collection and issuance of population statistics.

The Committee is composed of 15 members appointed by the Secretary of Commerce.

The agenda for the meeting includes: (1) Status of 1970 Decennial Census reports, (2) issues in defining statistical areas for census presentations, (3) changes and alternatives in the Consumer Buying Expectation Survey, (4) content of the mid-decade sample survey, and (5) 1970 Census—completeness of coverage and quality of data.

A limited number of seats—approximately 15—will be available to the public. A brief period will be set aside for public comment and questions. Extensive questions or statements must be submitted in writing to the Committee Guidance and Control Officer at least 3 days prior to the meeting.

Persons wishing additional information concerning this meeting should contact the Committee Guidance and Control Officer, Mr. Daniel B. Levine, Associate Director for Demographic Operations, Bureau of the Census, Room 2061, Federal Building 3, Suitland, MD. (Mail address: Washington, D.C. 20233.) Telephone (301) 763-5167.

Dated: March 6, 1973.

JOSEPH R. WRIGHT, JR.,
Acting Administrator, Social and Economic Statistics Administration.

[FR Doc.73-4514 Filed 3-8-73;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

ADVISORY COMMITTEES

Notice of Meetings

Pursuant to the Federal Advisory Committee Act of October 6, 1972, (Public Law 92-463, 86 Stat. 770-776), the Food and Drug Administration announces the following public advisory committee meetings and other required information in accordance with provisions set forth in section 10(a) (1) and (2) of the Act:

Committee name	Date, time, place	Type of meeting and contact person
1. Panel on Review of Bacterial Vaccines and Bacterial Antigens.	Mar. 16 and 17, 11:30 a.m., Bldg. 29, Room 115, National institutes of Health, 9000 Rockville Pike, Bethesda, MD.	Open Mar. 16, 11:30 a.m. to 1 p.m., closed Mar. 16 after 1 p.m., closed Mar. 17. Jack Gertzog (BIL-5), 5600 Fishers Lane, Rockville, MD 20852, 301-496-1676.

Purpose. Reviews and evaluates available data concerning the safety, effectiveness, and adequacy of labeling of currently marketed bacterial vaccines and bacterial antigens for which there are no U.S. standards of potency.

Agenda. Continuing review of bacterial vaccines and bacterial antigens under investigation.

Committee name	Date, time, place	Type of meeting and contact person
2. National Advisory Food Committee.	Mar. 26 and 27. 9 a.m., Room 1409, 200 C Street SW., Washington, D.C.	Open—Robert A. Littleford, Ph. D., Room 7-67, 5600 Fishers Lane, Rockville, MD 20852, 301-443-4463.

Purpose. Advises the Commissioner of Food and Drugs on policy matters of national significance as they relate to assuring safety of foods. Reviews and makes recommendations on applications for grants-in-aid for research and research training projects relevant to the mission of FDA.

Agenda. Funds available for research grants—current situation, and FDA's research activities (contracts, grants, and intramural).

Agenda items are subject to change as priorities dictate.

During the open sessions shown above, interested persons may present relevant information or views orally to any committee for its consideration. Information or views submitted to any committee in writing before or during a meeting shall also be considered by the committee.

A list of committee members and summary minutes of meetings may be obtained from the contact person for the committee both for meetings open to the public and those meetings closed to the public in accordance with section 10(d) of the Federal Advisory Committee Act.

Most Food and Drug Administration advisory committees are created to advise the Commissioner of Food and Drugs on pending regulatory matters. Recommendations made by the committees on these matters are intended to result in action under the Federal Food, Drug, and Cosmetic Act, and these committees thus necessarily participate with the Commissioner in exercising his law enforcement responsibilities.

The Freedom of Information Act recognized that the premature disclosure of regulatory plans, or indeed internal discussions of alternative regulatory approaches to a specific problem, could have adverse effects upon both public and private interests. Congress recognized that such plans, even when finalized, may not be made fully available in advance of the effective date without damage to such interests, and therefore provided that this type of discussion would remain confidential. Thus, law enforcement activities have long been recognized as a legitimate subject for confidential consideration.

These committees often must consider trade secrets and other confidential information submitted by particular manufacturers which the Food and Drug Administration by law may not disclose, and which Congress has included within the exemptions from the Freedom of Information Act. Such information includes safety and effectiveness information, product formulation, and manufacturing methods and procedures, all of which are of substantial competitive importance.

In addition, to operate most effectively, the evaluation of specific drug or device products requires that members of committees considering such regulatory matters be free to engage in full and frank discussion. Members of committees have frequently agreed to serve and to provide their most candid advice on the understanding that the discussion would be private in nature. Many experts would be unwilling to engage in candid public discussion advocating regulatory action against a specific product. If the committees were not to engage in the deliberative portions of their work on a confidential basis, the consequent loss of frank and full discussion among committee members would severely hamper the value of these committees.

The Food and Drug Administration is relying heavily on the use of outside experts to assist in regulatory decisions. The Agency's regulatory actions uniquely affect the health and safety of every citizen, and it is imperative that the best advice be made available to it on a continuing basis in order that it may most effectively carry out its mission.

A determination to close part of an advisory committee meeting does not mean that the public should not have ready access to these advisory committees considering regulatory issues. A determination to close the meeting is subject to the following conditions: First, any interested person may submit written data or information to any committee, for its consideration. This information will be accepted and will be considered by the committee. Second, a portion of every committee meeting will be open to the public, so that interested persons may present any relevant information or views orally to the committee. The period for open discussion will be designated in any announcement of a committee meeting. Third, only the deliberative portion of a committee meeting, and the portion dealing with trade secret and confidential information, will be closed to the public. The portion of any meeting during which nonconfidential information is made available to the committee will be open for public

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participation. Fourth, after the committee makes its recomendations and the Commissioner either accepts or rejects them, the public and the individuals affected by the regulatory decision involved will have an opportunity to express their views on the decision. If the decision results in promulgation of a regulation, for example, the proposed regulation will be published for public comment. Closing a committee meeting for deliberations on regulatory matters will therefore in no way preclude public access to the committee itself or full public comment with respect to the decisions made based upon the committee's recommendation.

The Commissioner has been delegated the authority under section 10(d) of the Federal Advisory Committee Act to issue a determination in writing, containing the reasons therefor, that any advisory committee meeting is concerned with matters listed in 5 U.S.C. 552(b), which contains the exemptions from the public disclosure requirements of the Freedom of Information Act. Pursuant to this authority, the Commissioner hereby determines, for the reasons set out above, that the portions of the advisory committee meetings designated in this notice as closed to the public involve discussion of existing documents falling within one of the exemptions set forth in 5 U.S.C. 552 (b), or matters that, if in writing, would fall within 5 U.S.C. 552(b), and that it is essential to close such portions of such meetings to protect the free exchange of internal views and to avoid undue interference with Agency and committee operations. This determination shall apply only to the designated portions of such meetings which relate to trade secrets and confidential information or to committee deliberations.

Dated: March 5, 1973.

CHARLES C. EDWARDS,
Commissioner of Food and Drugs.

[FR Doc.73-4541 Filed 3-8-73;8:45 am]

[DESI 2354; Docket No. FDC-D-559; NDA 2-354]

CHARLES C. HASKELL DIVISION, ARNAR-STONE LABORATORIES, INC.

Combination Drug Containing Phenobarbital, Acetaminophen, Phenacetin, Atropine Sulfate, Scopalamine Hydrobromide and Hyoscyamine Hydrobromide; Notice of Withdrawal of Approval of New Drug Application

A notice was published in the FEDERAL REGISTER of December 23, 1972 (37 FR 28436), extending to Charles C. Haskell Division, Arnar-Stone Laboratories Inc., 601 East Kensington Road, Mount Prospect, IL 60056 and to any interested person, an opportunity for hearing on the proposal of the Commissioner of Food and Drugs to issue an order under section 505(e) of the Federal Food, Drug, and Cosmetic Act withdrawing approval of NDA 2-354 for Hasamal Tablets (phenobarbital, acetaminophen, phenacetin, atropine sulfate, scopolamine hydrobromide and hyoscyamine hydrobromide). The basis of the proposed action was the lack of substantial evidence that the drug is effective for its labeled indications.

All identical, related, or similar products, not the subject of an approved new drug application, are covered by the new drug application reviewed and are subject to this notice. See 21 CFR 130.40 (37 FR 23185, Oct. 31, 1972). Any person who wishes to determine whether a specific product is covered by this notice should write to the Food and Drug Administration, Bureau of Drugs, Office of Compliance (BD-300), 5600 Fishers Lane, Rockville, Md. 20852.

Neither the holder of the application nor any other person filed a written appearance of election within the 30 days provided by said notice. The failure to file such an appearance constitutes election by such persons not to avail themselves of an opportunity for hearing.

The Commisioner of Food and Drugs pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 505, 52 Stat. 1053, as amended; 21 U.S.C. 355) and the Administrative Procedure Act (5 U.S.C. 554), and under authority delegated to him (21 CFR 2.120), finds that on the basis of new information before him with respect to the drug, evaluated together with the evidence available to him when the application was approved, there is a lack of substantial evidence that the drug will have the effect it purports or is represented to have under the conditions of use prescribed, recommended, or suggested in the labeling thereof.

Therefore, pursuant to the foregoing finding, approval of new drug application No. 2-354 and all amendments and supplements thereto is withdrawn effective on March 9, 1973.

Shipment in interstate commerce of the above-listed drug product or of any identical, related, or similar product, not the subject of an approved new drug application, is henceforth unlawful.

Dated: March 2, 1973.

WILLIAM F. RANDOLPH,
Acting Associate Commissioner for Compliance.

[FR Doc.73-4542 Filed 3-8-73;8:45 am]

[DESI 11503]

KANAMYCIN SULFATE INJECTION

Drugs for Human Use; Drug Efficacy Study Implementation; Follow-Up Notice

In a notice (DESI 11503) published in the FEDERAL REGISTER of January 10, 1970 (35 FR 397), the Commisioner of Food and Drugs announced his conclusions pursuant to evaluation of a report received from the National Academy of Sciences-National Research Council, Drug Efficacy Study Group on the following preparation containing kanamycin sulfate, stating that this drug is regarded as effective, possibly effective, and as lacking substantial evidence of effectiveness for the various labeled indications.

Kanamycin sulfate, marketed as Kantrex Injection equivalent to 1.0 gm. kanamycin base per 3 milliliters or 500 milligrams kanamycin base per 2 milliliters; Bristol Laboratories, Syracuse, N.Y. 13201.

Kantrex Pediatric Injection, also marketed by Bristol Laboratories, equivalent to 75 milligrams kanamycin base per 2 milliliters, was not submitted to the Academy for review, but is regarded as subject to the announcement of January 10, 1970, and this notice.

Based on a further reevaluation of the reports received from the National Academy of Sciences-National Research Council, Drug Efficacy Study Group, and other available evidence, the Commissioner of Food and Drugs finds it appropriate to amend the announcement of January 10, 1970, by:

1. Reclassifying the following possibly effective indications for kanamycin sulfate injection as effective when the condition is caused by staphylococci: Chronic pyelonephritis; pulmonary complications of cystic fibrosis; infected grafts; staphylococcal enterocolitis; acute pyelonephritis, cystitis, and prostatitis.

2. Reclassifying the following possibly effective indications for kanamycin sulfate injection as lacking substantial evidence of effectiveness where the condition is not caused by staphylococci: Chronic pyelonephritis; pulmonary complications of cystic fibrosis; infected grafts; anthrax; acute pyelonephritis, cystitis, and prostatitis.

3. Rewording the kanamycin sulfate injection "Indications" section as follows:

INDICATIONS

Kanamycin sulfate is indicated for short-term treatment of serious infections caused by susceptible strains of microorganisms. Bacteriology studies to determine the causative organisms and their susceptibility to kanamycin should be performed. Therapy may be instituted prior to obtaining the results of susceptibility testing.

Kanamycin sulfate may be indicated in the treatment of infections where one or more of the following are the known or suspected pathogens: *E. coli, Proteus* species, *Enterobacter aerogenes* (formerly *Aerobacter aerogenes*), *Klebsiella pneumoniae, Serratia marcescens* and Mima-Herellea. The decision to continue therapy with the drug should be based on results of the susceptibility tests, the severity of the infections, and the important additional concepts contained in the "Warning" box.

Although Kanamycin sulfate is not the drug of choice for staphylococcal infections, it may be indicated under certain conditions for the treatment of known or suspected staphylococcal disease. These situations include the initial therapy of severe infections where the organism is thought to be either a gram-negative bacterium or a *staphylococcus*, infections due to susceptible strains of staphylococci in patients allergic to other antibiotics, and mixed staphylococcal/gram-negative infections.

Batches of drugs with labeling bearing indications for which substantial evidence of effectiveness is lacking are no longer acceptable for certification or release.

Any person who will be adversely affected by the deletion from labeling of

the indications for which the drug has been reclassified from possibly effective to lacking substantial evidence of effectiveness may on or before April 9, 1973, petition for the issuance of a regulation providing for other certification of the drug for such indications. The petition must be supported by a full factual and well documented medical analysis which shows reasonable grounds for the issuance of such regulation.

The petition for issuance of said regulation should be filed (preferably in quintuplicate) with the Hearing Clerk, Department of Health, Education, and Welfare, Room 6-88, 5600 Fishers Lane, Rockville, Md. 20852.

This notice is issued pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 502, 507, 52 Stat. 1051-51, as amended, 59 Stat. 463, as amended; 21 U.S.C. 352, 357) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 2.120).

Dated: March 3, 1973.

WILLIAM F. RANDOLPH,
Acting Associate Commissioner for Compliance.

[FR Doc.73-4544 Filed 3-8-73;8:45 am]

ACUPUNCTURE DEVICES LABELING

Notice to Manufacturers, Packers and Distributors

The Commissioner of Food and Drugs is aware of the current interest in the United States surrounding the use of acupuncture needles, stimulators, and other accessories for medical purposes. Acupuncture paraphernalia are being imported into this country and are also being manufactured domestically for various medical uses, including the treatment and diagnosis of serious diseases, anesthesia, and pain relief. These products are devices and must comply with all applicable provisions of the Federal Food, Drug, and Cosmetic Act.

It is the position of the Food and Drug Administration that the safety and effectiveness of acupuncture devices have not yet been established by adequate scientific studies to support the many and varied uses for which such devices are being promoted, including uses for analgesia and anesthesia. Although various theories have been advanced as to how medical results can be obtained through the use of acupuncture, none has been proved or generally accepted, and there is a body of scientific opinion which questions the safety and effectiveness of acupuncture in many of the uses for which it is now being applied.

Under the Federal Food, Drug, and Cosmetic Act, all devices must be properly labeled to be in compliance with the law. Devices which are not safe for use by the laity, or for which adequate directions cannot be written for safe use by the laity, must be labeled as prescription devices and must be accompanied by labeling which provides the prescribing practitioner with adequate directions for their safe and effective use. Because the safety and effectiveness of acupuncture devices have not yet been adequately demonstrated, and labeling therefore cannot be devised, which would provide adequate directions for safe and effective use, they may not be labeled in accordance with the requirements for prescription devices as stated in 21 CFR 1.106(d). Until evidence is obtained demonstrating that acupuncture is a safe and effective medical technique, acupuncture devices must be limited to investigational or research use.

Current Food and Drug Administration regulations do not contain specific provisions governing the shipment of investigational devices in interstate commerce for clinical research or experimental use. The Commissioner of Food and Drugs is aware of the need for such regulations to provide adequate guidance as to the labeling for experimental devices to be used on human beings. Therefore, the Commissioner intends to publish at a later date proposed regulations which would govern all investigational devices. In the interim, this notice will apply to all acupuncture devices.

In order to establish guidelines under which manufacturers, packers, and distributors can properly label acupuncture devices for investigational use, the Food and Drug Administration met on September 22, 1972, with individuals concerned with the use of acupuncture in the United States. These included representatives of the States of California and New York, the city of New York, the American Society of Anesthesiologists, the National Institutes of Health, the Federation of State Medical Boards, the American Medical Association, medical practitioners, and the Food and Drug Administration Medical Device Advisory Committee. It was the consensus of this group that acupuncture devices should be restricted to investigational use by licensed practitioners and that the labeling for these devices should include this restriction in addition to other information.

Accordingly, the Commissioner of Food and Drugs concludes that until substantial scientific evidence is obtained by valid research studies supporting the safety and therapeutic usefulness of acupuncture devices, the Food and Drug Administration will regard as misbranded any acupuncture device shipped in interstate commerce if the following information does not appear in the labeling:

(a) The name of the device.

(b) The name and place of business of the manufacturer, packer, or distributor.

(c) An accurate statement of the quantity of the contents.

(d) The composition of the device and whether it is sterile, nonsterile, reusable, or disposable.

(e) The dimension or other pertinent physical characteristics of the device.

(f) The following statement: "Caution: Experimental device limited to investigational use by or under the direct supervision of a licensed medical or dental practitioner. This device is to be used only with informed consent under conditions designed to protect the patient as a research subject, where the scientific protocol for investigation has been reviewed and approved by an appropriate institutional review committee, and where conditions for such use are in accordance with State law."

Instructions for the use of the device for the purpose for which it is being investigated and, to the extent such information is known, any human hazards, contraindications, precautions, or side effects associated with its use, should be provided to researchers and investigators. The Food and Drug Administration, however, will regard as misbranded any acupuncture device shipped in interstate commerce if accompanied by claims of diagnostic or therapeutic effectiveness.

Pending promulgation of separate regulations for conducting clinical investigations of investigational devices, researchers and investigators shall assure adequate informed consent and institutional committee review for such investigations, utilizing as a guideline the standards established for investigational drugs in 21 CFR 130.37 and in Division 10, unit C of form FD-1571, in 21 CFR 130.3 (a)(2).

Dated: February 21, 1973.

SHERWIN GARDNER,
Deputy Commissioner of Food and Drugs.

[FR Doc.73-4540 Filed 3-8-73;8:45 am]

[Docket No. FDC-D-255; NDA 11-370 etc.; DESI 10732]

LAVEMA COMPOUND SOLUTION AND LAVEMA ENEMA POWDER

Final Order on Objections and Request for a Hearing Regarding Withdrawal of Approval of New-Drug Application

In the FEDERAL REGISTER of September 30, 1971 (36 FR 19184), the Food and Drug Administration announced its evaluation of a report received from the National Academy of Sciences-National Research Council, Drug Efficacy Study Group on several preparations containing oxyphenisatin, including Lavema Compound Solution and Lavema Enema Powder, Winthrop Laboratories, Division of Sterling Drug, Inc., 90 Park Avenue, New York, NY 10016 (NDA's 12-587 and 11-370; DESI 10732).

The announcement stated that new evidence of clinical experience, not contained in the new drug applications or evaluated together with the evidence available to the Commissioner until after the applications were approved, evaluated together with the evidence available to the Commissioner when the applications were approved, reveals that oxyphenisatin base and acetate are not shown to be safe for use under the conditions of use contained in the approved applications. The announcement further stated the conclusion of the Food and Drug Administration that in view of the hazards associated with the use of oxy-

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phenisatin, including hepatitis and jaundice, and the availability of alternative drugs having a wider margin of safety, the ratio of benefit-to-risk with either orally or rectally administered drugs containing oxyphenisatin base or acetate, does not justify their continued marketing.

II. RECOMMEDED USES

Lavema Compound Solution is recommended: For use as a cleansing enema for fecal impaction; for removal of barium following barium enema; for constipation on isolated occasions; prior to proctosigmoidoscopic examination; for preoperative preparation of the lower bowel; and postoperatively. Lavema Enema Powder is recommended: For use as a cleansing enema before roentgenography; before proctosigmoidoscopic and fluoroscopic examination of the colon; for preoperative preparation of the large intestine; and for administration on isolated occasions to patients with severe constipation not relieved by aqueous enemas. Lavema Enema Powder is also recommended for use as a barium enema adjuvant.

III. GENERAL OBJECTIONS

In its request for an opportunity for a hearing, Winthrop Laboratories contends that FEDERAL REGISTER notice of October 29, 1971, is defective and/or incorrect in several important respects: Lavema contains oxyphenisatin base compared to oxyphenisatin acetate which is present in the oral laxative preparations which were also subject to the October 29, 1971, order; the Lavema drugs are administered by the rectal rather than the oral route; Lavema drugs are prescription drugs rather than over-the-counter drugs, as is the case with the laxatives; the laxatives contain the wetting agent, dioctyl sodium sulfosuccinate, which is not present in the enemas; the laxative is intended for repeated administration while the enemas are intended for single dose administration; the orally administered preparation is present in the bowel for at least 8 hours; the enema is administered in the hospital while the laxative may be taken outside of the hospital; there have been no reports associating the use of Lavema with liver toxicity; and the alternative enemas, mainly saline, have been associated with toxic reactions. Winthrop has submitted the affidavit of Monroe Trout, M.D., Medical Director of Sterling Drug, Inc., in support of these contentions. Each of these points will be discussed in order.

The announcement provided an opportunity for a hearing on withdrawal of the new drug applications for Lavema Compound Solution and Lavema Enema Powder (NDA's 12-587 and 11-370). Thirty days were allowed for filing a written appearance requesting a hearing by any interested persons giving the reasons why approval of the new drug applications should not be withdrawn, together with a well-organized and full-factual analysis of the clinical and other investigational data they were prepared to prove in support thereof. A request for a hearing was submitted by Winthrop Laboratories, Division of Sterling Drug, Inc., on October 29, 1971.

The medical presentation of Winthrop Laboratories has been considered, and the Commissioner of Food and Drugs concludes that there is no genuine and substantial issue of fact requiring a hearing and that the legal arguments offered are insubstantial, all as explained in more detail below.

I. THE DRUGS

Lavema Compound Solution is a disposable enema kit, supplied in 180 ml. bottles, containing a liquid solution which has oxyphenisatin base as its active ingredient. Lavema Enema Powder is a powder preparation, supplied in 3 gm. packets, which has oxyphenisatin base as its active ingredient.

1. *Lavema contains oxyphenisatin in the unacetylated compound while the orally administered laxatives contained oxyphenisatin acetate.* The sponsor states that the acetate is more soluble while the unacetylated base form is less soluble, and implies that the base is less absorbed than the acetate from the gastrointestinal tract. However, Winthrop does not present adequate scientific evidence to support this suggestion or to show that, in fact, it results in greater safety. While the acetate form of various compounds is frequently more soluble, in the case of oxyphenisatin both the acetate and the base are quite insoluble and are not readily absorbed. The "U.S. Dispensatory and Physicians' Pharmacology," J. B. Lippincott Co., 1967, pages 796-797. It has been found that the unacetylated form of oxyphenisatin is more readily absorbed than the acetate form and evidence indicates that the oxyphenisatin acetate has to be deacetylated and converted to the unacetylated form in order for detectable absorption to occur. G. Ferlmann and W. Vogt, "Deacetylation and Absorption of Phenolic Laxatives," Arch. Exptl. Pathol. Pharmakol. 250(4), 479-487 (1965). Since Winthrop has failed to present adequate scientific data to refute this evidence or to support its own contention, the Commissioner finds a lack of evidence of safety on this point.

2. *Lavema is administered rectally while the laxatives are administered orally.* The sponsor attaches two points of significance to this fact, both of which are discussed under points 5 and 6 below.

3. *The Lavema drugs are prescription items administered in the hospital under the supervision of a physician which will severely decrease the likelihood of toxic liver reaction.* Winthrop presented no evidence to support this contention, and fails to show that the administration of the drug under a doctor's supervision may severely decrease the likelihood of toxic liver reaction if the toxic liver reaction is based on hypersensitivity (see point 5 below). The close observation by a physician may facilitate the early diagnosis of toxic liver reaction, but would not prevent the occurrence of such reaction. The Commissioner therefore finds inadequate evidence of safety with respect to this point.

4. *The oral preparation contains a wetting agent (dioctyl sodium sulfosuccinate).* Winthrop asserts that the presence of this wetting agent is likely to enhance the absorption of the drug. This is a theoretical possibility. However, Winthrop presents no scientific evidence to document this theory. The wetting agent is irrelevant with respect to absorption since oxyphenisatin acetate largely remains in the unabsorbable acetate form in the bowel. The Commissioner therefore finds a lack of adequate evidence of safety to support the theoretical contention made in this point.

5. *Frequency of administration.* Winthrop states, that, based on the literature reports, the liver toxicity apparently is dependent on number of doses and that if the liver toxicity is due to hypersensitivity reaction, one would not expect it to occur with Lavema, which is usualy given as a single treatment. This point is based on Winthrop's speculation of a decreased likelihood of Lavema being associated with toxic liver reaction whether this reaction is on a dose-related basis or on a hypersensitivity basis. However, as Winthrop readily admits, the exact mechanism of the toxic action of oxyphenisatin has not been determined at the present time. The law requires the sponsor to determine by scientific evidence that a drug is safe, rather than relying upon speculation and hypothesis. It is therefore incumbent upon Winthrop to show the mechanism for this toxicity. In the absence of well-documented evidence for the mechanism of the toxic reaction, it cannot be assumed that the drug administered as a single rectal dose will not cause hepatic toxicity. The Commissioner therefore finds a lack of adequate safety data to support this point.

6. *The rectally administered preparation is expelled within 15 to 30 minutes while the oral preparation is subject to absorption for at least 8 hours.* Two important facts must be taken into consideration here. First, the orally administered drug, as pointed out above, apparently must undergo deacetylation prior to any significant amount of absorption as the base. On the other hand, the rectally administered drug is already in the base and it is more suitable for absorption immediately after insertion in the body. Second, the dose administered is quite different. The oral product contains 3 milligrams of oxyphenisatin and the recommended dose is one capsule twice a day. In contrast, the rectally administered product contains 20 milligrams of oxyphenisatin base. In spite of these facts, Winthrop has submitted no scientific data to support its theory that the shorter period of exposure associated with the rectal product results in less absorption or greater safety. The Commissioner therefore finds a lack of proof of safety on this point.

7. *The enema is administered in the hospital.* This contention is discussed under point 3 above.

8. *There are no reports of association of liver toxicity with the use of Lavema.* The lack of adverse reaction reports, which are available on an ad hoc basis, does not constitute or substitute for adequate scientific evidence of safety. Toxic reactions may go unnoticed or unreported, or may not properly be associated with the causative drug. Only scientific studies can adequately show safety. Potential toxicity exists with Lavema as well as with the orally administered agents, and the law requires the sponsor of the drug to prove safety.

9. *The alternative methods which may be used instead of Lavema are not without toxicity.* Winthrop states that the saline type of enemas may be associated with aberrations of electrolyte balance in anuric patients. But this potential danger exists primarily in patients who already have extremely severe renal disease, and a physician using enemas in the hospital will be able to identify and exclude that type of patient very easily.

Furthermore, there are enemas safer than the Lavema drugs that are available for use for the conditions for which the Lavema drugs are recommended. First, for use before proctosigmoidoscopy and before roentgoenography examination of the colon, an ordinary saline enema, a warm water and soap suds enema, a tap water enema if renal problems are expected, a glycerine suppository or any safe cathartic that does not contain oxyphenisatin are safer for use than the Lavema drugs. Second, for preoperative preparation of the large intestine, a warm saline enema or a warm water and soap suds enema is safer than the Lavema drugs. Third, for isolated cases of severe constipation not relieved by aqueous enemas, a stimulant cathartic (other than oxyphenisatin) with or without a saline or soap suds and water enema is safer for use than the Lavema drugs. Fourth, for fecal impaction, an oil retention enema, containing mineral, cottonseed or olive oil, or manual dilatation are safer for use than the Lavema drugs. Fifth, as a barium enema adjuvant, air insuffication is safer than use of the Lavema drugs. Sixth, for removal of barium following a barium enema, an oral cathartic laxative not containing oxyphenisatin is safer for use than the Lavema drugs. Finally, use of enemas postoperatively is uncommon. When an enema is needed for this indication, the saline enema and soap suds and water enema are safer for this use than the Lavema drugs.

IV. THE DATA TO SUPPORT THE CLAIMS OF SAFETY

Winthrop has submitted the reports of three unpublished studies conducted for it, which it contends constitute substantial evidence of safety of the Lavema products, and a lengthy list of medical endorsements.

A. THE STUDIES

1. The first report submitted consists of a study conducted by J. O. Hoppe containing the following information from animal studies concerning dihydroxyphenylisatin: toxicity, irritation, information on mode of action, and how it differs from tannic acid. The Commissioner notes that tannic acid is a highly toxic drug. It is assumed that the researcher had hoped to show dihydroxyphenylisatin less toxic than tannic acid.

The acute toxicity studies were conducted with dihydroxyphenylisatin both intravenously and orally on mice. The oral dosage was a suspension form of the drug, while the clinical form of the drug is a solution.

The dihydroxyphenylisatin irritation tests were conducted on rabbits. The study shows a degree of irritation which may be clinically significant.

The investigator himself concluded that he lacked sufficient data to permit a free discussion of the mode of action of dihydroxyphenylisatin and stated that he had not conducted a comparative study of the drug with tannic acid.

2. The second report was submitted by F. Coulston, H. P. Drobeck, and M. Rennie, who conducted a study for Winthrop to determine the irritant effect of 0.02 percent of dihydroxyphenylisatin on the rectal mucosa of monkeys. The results of this study showed that a single rectal installation of 0.02 percent solution (only two times the maximum clinical concentration) had the potential for causing slight to moderate visible hyperemia of the rectal mucosa while an equal volume of saline solution administered in a similar manner had no effect.

3. The third study, conducted for Winthrop by J. O. Hoppe and Mr. Brosseau, was conducted to duplicate experimentally a collapse syndrome detected in elderly patients following a barium enema containing Lavema. The authors state that five experiments were conducted on dogs, although the report indicates that one experiment was carried out on five dogs by administration of varying amounts of Lavema.

Although the results failed to confirm the clinical reports of adverse cardiovascular effects, an adequate evaluation of the potential cardiovascular activity of oxyphenisatin would require parenteral studies as well.

4. *Summary.* The animal data are not sufficient to give a proper characterization of the potential toxicity of Lavema. They do indicate that oxyphenisatin base is irritating enough for one to be legitimately concerned about potential clinical irritancy. No data were submitted to show that Lavema is not toxic to the liver. Based on these studies, the Commissioner finds that Winthrop Laboratories has not submitted adequate evidence of safety of Lavema.

B. THE MEDICAL ENDORSEMENTS

Winthrop has submitted comments from approximately 66 physicians who have administered the Lavema drugs to their patients at Winthrop's request. These comments are testimonials at best and do not comprise in any manner adequate proof of safety. Moreover, none of these physicians makes any reference to any adequate scientific studies having been conducted on the Lavema drugs to establish their safety in use. No pre- or post-clinical data for the evaluation of the safety of the Lavema drugs is presented in any of these statements. The large numbers of clinical cases referred to in the comments are not documented with actual patient data.

V. LEGAL OBJECTIONS

For the reasons discussed below, Winthrop's objections are insubstantial and inapplicable to this withdrawal.

Winthrop cites "Bell v. Goddard," 366 F. 2d 177, 181 (C.A. 7, 1966) for the proposition that the Commissioner must show that one or more of the grounds for withdrawal under section 505(e) have been met. Winthrop contends that this condition has not been met since there is no new evidence of clinical experience relating to Winthrop's product which reveals that it is unsafe in use. However, as discussed in detail in the introduction to this order and under Part III above, jaundice, hepatitis, and liver hypersensitivity have been demonstrated to occur in the acetate form. The acetate when orally ingested is converted to the base, the form in which the drug is absorbed and which is responsible for its laxative action. The base form is the sole active ingredient in the Lavema drugs. Winthrop has presented no scientific evidence whatever to show how this evidence is inapplicable to the Lavema products.

Winthrop also objects to the Commissioner's conclusion that the ratio of benefit-to-risk with either orally or rectally administered drugs containing oxyphenisatin, base or acetate, does not justify their continued marketing, on the ground that this is an opinion. Winthrop has filed the affidavit of Dr. Monroe Trout, in support of this contention. Dr. Trout's affidavit has already been discussed (Part III, above). Moreover, the law requires that Winthrop submit evidence consisting of adequate tests by all methods reasonably applicable to demonstrate that the Lavema drugs are safe for use for their labeled conditions. Since new evidence of clinical experience reveals that the Lavema drugs are not shown to be safe and Winthrop has failed to submit any adequate scientific studies to demonstrate the Lavema drugs to be safe, the Act mandates that the new drug applications be withdrawn. The Commissioner has reached a legal conclusion, not merely issued an advisory opinion.

The Winthrop position appears to be bottomed on the contention that, once a drug is marketed, the Commissioner must permit it to remain on the market absent of clear proof of harm. The statute, however, provides that the burden of proving safety remains forever on the drug's sponsor. The Commissioner need find, as he did in this case, only that new evidence shows that the sponsor has failed to satisfy its burden of proving safety, in order to withdraw the new drug application, 21 U.S.C. 355(e)(2).

In this instance, Winthrop relies solely upon theory and hypothesis unsupported by scientific tests; upon animal studies

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not even related to the toxicity question involved; and upon testimonials from physicians that do not purport to be based on scientific tests. Winthrop has failed to identify even one scientific study to support its contentions. Accordingly, there is no possible basis for a finding that the drug has been proved safe.

VI. FINDINGS

The Commissioner, based on the review of the medical documentation offered to support the claims of safety for Lavema compound solution and Lavema enema powder finds that Winthrop Laboratories, Division of Sterling Drug, Inc., has failed to present adequate evidence of safety for these products. Therefore, pursuant to 21 CFR 130.14(b), the request of Winthrop Laboratories for a hearing on the withdrawal of the new drug application for Lavema compound solution and Lavema enema powder is denied. No objection or documentation was presented by any other firms and, in accordance with the provisions of 21 CFR 130.15, this failure is construed as an election by any other firm not to avail itself of the opportunity for the hearing.

The Commissioner further finds that the approval of the new drug application heretofore approved for Lavema compound solution and Lavema enema powder (NDA's 12–587 and 11–370) should be withdrawn on the basis of a lack of substantial evidence of safety.

Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (secs. 505, 701, 52 Stat. 1052–1053, 1055–1056, as amended, and 76 Stat. 781–785, as amended; 21 U.S.C. 355, 371), and under authority delegated to the Commissioner (21 CFR 2.120), notice is given that the approval of the new drug applications for Lavema compound solution and Lavema enema powder (NDA's 12–587 and 11–370) are withdrawn, effective immediately.

Dated: March 6, 1973.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.73–4543 Filed 3–8–73;8:45 am]

National Institutes of Health

AD HOC COMMITTEE ON SMOKING AND HEALTH

Notice of Meeting

Pursuant to Public Law 92–463, notice is hereby given of the meeting of the ad hoc committee on smoking and health, March 25, 1973, at 2 p.m., National Institutes of Health, Building 31, Conference Room 6. This meeting will be open to the public from 2 p.m. to 5 p.m. on March 25 to discuss the best method to control the levels of tar and nicotine in cigarettes and the organization of an expanded inter-disciplinary tobacco research program.

Mr. Frank Karel, Associate Director for Public Affairs, NCI, Building 31, Room 10A31, National Institutes of Health, Bethesda, Md. 20014 (301—496–1911) will furnish summaries of the open meeting and roster of committee members.

Dr. Glo B. Gorl, Executive Secretary, Building 31, Room 11A03, National Institutes of Health, Bethesda, Md. 20014 (301—496–6616) will provide substantive program information.

Dated: March 2, 1973.

JOHN F. SHERMAN,
Deputy Director, National Institutes of Health.

[FR Doc.73–4558 Filed 3–8–73;8:45 am]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. D–73–220]

CERTAIN HUD EMPLOYEES IN REGION VIII (DENVER)

Redelegation of Authority To Administer Oaths

Each of the following incumbent employees and their successors in the Department of Housing and Urban Development, Region VIII (Denver, Colo.), is hereby authorized to administer oaths under section 811(a) of the Civil Rights Act of 1968, Public Law 90–284, 42 U.S.C. 3611(a), and to verify complaints filed under the Civil Rights Act of 1968:

1. Equal opportunity specialists.
2. Housing opportunity officer.
3. Contract compliance employment officer.
4. Title VI—Complaint compliance officer.
5. Secretary to Assistant Regional Administrator for Equal Opportunity.

(Redelegation of authority by Regional Administrator effective January 22, 1971; 36 FR 11821, June 19, 1971.)

Effective date. This redelegation of authority shall be effective as of January 22, 1973.

ROBERT U. BARELA,
Assistant Regional Administrator for Equal Opportunity, Region VIII.

[FR Doc.73–4617 Filed 3–8–73;8:45 am]

DEPARTMENT OF TRANSPORTATION

Coast Guard

[CGD 73–39N]

SHELL OIL CO.

Notice of Qualification as Citizen of United States

This is to give notice that pursuant to 46 CFR 67.23–7, issued under the provisions of section 27A of the Merchant Marine Act, 1920, as added by the Act of September 2, 1958 (46 U.S.C. 883–1), the Shell Oil Company of 1 Shell Plaza, Houston, TX 77001, incorporated under the laws of the State of Delaware, did on February 14, 1973, file with the Commandant, U.S. Coast Guard, in duplicate, an oath for qualification of a corporation as a citizen of the United States following the form of oath prescribed in Form CG–1260.

The oath shows that:

(a) A majority of the officers and directors of the corporation are citizens of the United States (list of names, home addresses, and citizenship attached to the oath);

(b) Not less than 90 percent of the employees of the corporation are residents of the United States;

(c) The corporation is engaged primarily in a manufacturing or mineral industry in the United States, or in a territory, district, or possession thereof;

(d) The aggregate book value of the vessels owned by the corporation does not exceed 10 percent of the aggregate book value of the assets of the corporation; and

(e) The corporation purchases or produces in the United States, its territories, or possessions not less than 75 percent of the raw materials used or sold in its operations.

The Commandant, U.S. Coast Guard, having found this oath to be in compliance with the law and regulations, on February 19, 1973, issued to the Shell Oil Co. a certificate of compliance on Form CG–1262, as provided in 46 CFR 67.23–7. The certificate and any authorization granted thereunder will expire 3 years from the date thereof unless there first occurs a change in the corporate status requiring a report under 46 CFR 67.23–7.

Dated: March 2, 1973.

W. F. REA, III,
Rear Admiral, U.S. Coast Guard, Chief, Office of Merchant Marine Safety.

[FR Doc.73–4556 Filed 3–8–73;8:45 am]

Federal Aviation Administration

APPLICATION OF AREA NAVIGATION IN NATIONAL AIRSPACE SYSTEM

Policy Regarding Implementation of Area Navigation Concepts Recommended By Joint FAA/Industry Task Force

Correction

In FR Doc. 73–4366, appearing at page 6093 for the issue for Tuesday, March 6, 1973, the fifth paragraph should read as follows:

Any interested person who wishes to express his views or comment with respect to this report may do so by submitting them in writing to the Federal Aviation Administration, Air Traffic Service, Chief, Automation Division, AAT–500, 800 Independence Avenue SW., Washington, DC 20591. Individual copies of the report may be obtained from the above address. All communications received prior to May 31, 1973, will be considered in the formulation of a final policy.

ADVISORY COUNCIL ON INTERGOVERNMENTAL PERSONNEL POLICY

RECOMMENDATIONS REGARDING PERSONNEL POLICIES AND PROBLEMS

Notice of Closed Meeting

Pursuant to the provisions of section 10 of Public Law 92–463, effective January 5, 1973, notice is hereby given that a meeting of the Advisory Council on Intergovernmental Personnel Policy will be held on: Wednesday and Thursday, March 14 and 15, 1973.

The meeting will convene at 1 p.m. and will be held in the Tack Room, Airlie House, Warrenton, Va.

The Advisory Council's responsibility is to study and make recommendations regarding personnel policies and programs for the purpose of—

Improving the quality of public administration at State and local levels of government, particularly in connection with programs that are financed in whole or in part from Federal funds;

(2) Strengthening the capacity of State and local governments to deal with complex problems confronting them;

(3) Aiding State and local governments in training their professional, administrative, and technical employees and officials;

(4) Aiding State and local governments in developing systems of personnel administration that are responsive to the goals and needs of their programs and effective in attracting and retaining capable employees; and

(5) Facilitating temporary assignments of personnel between the Federal Government and State and local governments and institutions of higher education.

At this scheduled meeting the Council will establish its specific priority areas of concern for the next several months and develop work plans for study and deliberations with regard to those areas.

The meeting will be closed to the public under a determination to do so, made under the provisions of section 10(d) of Public Law 92–463.

However, members of the public are invited to submit material in writing to the Chairman concerning matters felt to be deserving of the Council's attention. Such material should be addressed to: Chairman, Advisory Council on Intergovernmental Personnel Policy, Room 2315, 1900 E Street NW., Washington, DC 20415, Attention: Executive Secretary.

E. C. WAKHAM,
Executive Secretary, Advisory Council on Intergovernmental Personnel Policy.

MARCH 6, 1973.

[FR Doc.73–4622 Filed 3–8–73;8:45 am]

ATOMIC ENERGY COMMISSION

[Docket No. 50–331]

IOWA ELECTRIC LIGHT & POWER CO.

Notice of Availability of Final Environmental Statement

Pursuant to the National Environmental Policy Act of 1969 (NEPA) and the U.S. Atomic Energy Commission's regulations in Appendix D to 10 CFR Part 50, notice is hereby given that the final environmental statement prepared by the Commission's Directorate of Licensing, related to the proposed actions for continuation of construction permit CPPR–70 and the issuance of an operating license for Duane Arnold Energy Center by Iowa Electric Light & Power Co. in Fayette Township, Linn County, Iowa, is available for inspection by the public in the Commission's Public Document Room at 1717 H Street NW., Washington, DC, and in the Cedar Rapids Public Library, 428 Third Avenue SE., Cedar Rapids, IA 52401. The final environmental statement is also being made available at the Office of Planning and Programing, State Capitol, Des Moines, Iowa 50319, and the Linn County Regional Planning Commission, Courthouse, Cedar Rapids, Iowa 52401.

The notice of availability of the draft environmental statement for the Duane Arnold Energy Center, and requests for comments from interested persons was published in the FEDERAL REGISTER on November 22, 1972 (37 FR 24842). The comments received from Federal, State, and local officials and interested members of the public have been included as appendices to the final environmental statement.

Single copies of the final environmental statement may be obtained by writing the U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Deputy Director for Reactor Projects, Directorate of Licensing.

Dated at Bethesda, Md., this 5th day of March 1973.

For the Atomic Energy Commission.

WM. H. REGAN,
Chief Environmental Projects Branch No. 4, Directorate of Licensing.

[FR Doc.73–4548 Filed 3–8–73;8:45 am]

[Docket No. 50–263]

NORTHERN STATES POWER CO.

Notice and Order Scheduling Prehearing Conference

In the matter of Northern States Power Co. (Monticello Nuclear Generating Plant), Docket No. 50–263.

Notice is hereby given that, in accordance with the Commission's "Notice of Hearing on a Facility Operating License", dated December 19, 1972, and published in the FEDERAL REGISTER on December 27, 1972 (37 FR 28544), a prehearing conference will be held in the above-captioned proceeding on Wednesday, March 28, 1973, at 10 a.m., local time, in Courtroom 4, U.S. Federal Courthouse, 316 North Roberts Street, St. Paul, MN 55101.

The prehearing conference shall deal with the following matters:

1. Further identification and clarification of the issues.

2. The status of any discovery initiated by the parties.

3. The need for further discovery, and the time required to complete preparation for the evidentiary hearing.

4. Any pending motions.

5. Scheduling of the evidentiary hearing.

The attorneys for the respective parties are directed to confer in advance of the prehearing conference, in such manner as they deem appropriate, and to report to the licensing board at said conference on any stipulations regarding matters in controversy, on any informal discovery that can be arranged between the parties, and on any other mutually agreeable procedures to expedite this proceeding.

Members of the public are welcome to attend the prehearing conference. However, no evidence will be received at the prehearing conference on March 28, 1973, which will consist of a conference of counsel for the various parties with the board to develop procedures for the evidentiary hearing which will be scheduled for a later date. Members of the public are invited to attend the evidentiary hearing, at which time statements of persons making limited appearances will be received. Notice of the date of the commencement of the evidentiary hearing wil be given, both by publication in the FEDERAL REGISTER and by notice sent by mail directly to all members of the public who have requested to be so notified.

Issued at Washington, D.C., this 5th day of March 1973.

It is so ordered.

ATOMIC SAFETY AND LICENSING BOARD,
ROBERT M. LAZO,
Chairman.

[FR Doc.73–3843 Filed 3–8–73;8:45 am]

[Dockets Nos. 50–259, etc.]

TENNESSEE VALLEY AUTHORITY

Notice of Conclusion With Respect to Issuance of Operating License and Continuation of Construction Permits

The Tennessee Valley Authority (the licensee), an agency of the Federal Government, is the holder of Provisional Construction Permits Nos. CPPR–29, CPPR–30, and CPPR–48, issued by the Atomic Energy Commission (Commission) on May 10, 1967, and July 31, 1968, respectively. The construction permits authorize the licensee to construct three boiling-water nuclear reactors designated as the Browns Ferry Nuclear Plant Units 1, 2, and 3, at the licensee's site in Limestone County, Ala. Each reactor is designed for initial operation at steady-state power levels not to exceed 3,293 megawatts thermal.

On September 1, 1972, in accordance with the provisions of the National Environmental Policy Act of 1969, the licensee issued an environmental statement prepared by it which evaluated the effects on the environment of the construction and operation of units 1, 2, and 3. A notice of availability of the environmental statement was published in the FEDERAL REGISTER on September 23, 1972 (37 FR 20052).

In accordance with the provisions of section C of Appendix D of 10 CFR Part 50 of the Commission's regulations and based on the information contained in that environmental statement which includes the weighing of the environmental, economic, technical, and other benefits against environmental costs and considering available alternatives, the Director of Regulation has concluded

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with respect to environmental matters that the construction permits issued for units 2 and 3 should be continued and that an operating license should be issued for unit 1. Copies of the licensee's document entitled "Environmental Statement, Browns Ferry Nuclear Plant, Units 1, 2, and 3—Volumes 1, 2, and 3," are available for inspection in the Commission's Public Document Room, 1717 H Street NW., Washington, DC 20545 and at the Athens Public Library, South and Forrest, Athens, Ala. 35611.

Dated at Bethesda, Md., this 5th day of March 1973.

For the Atomic Energy Commission.

A. GIAMBUSSO,
Deputy Director, for Reactor Projects, Directorate of Licensing.

[FR Doc.73-4549 Filed 3-8-73;8:45 am]

[Docket No. 50-346]

TOLEDO EDISON CO. AND CLEVELAND ELECTRIC ILLUMINATING CO.

Notice of Availability of Final Environmental Statement

Pursuant to the National Environmental Policy Act of 1969 and the U.S. Atomic Energy Commission's regulations in Appendix D to 10 CFR Part 50, notice is hereby given that the final environmental statement prepared by the Commission's Directorate of Licensing, related to the proposed continuation of the construction permit for the Davis-Besse Nuclear Power Station, currently under construction by The Toledo Edison Co. and The Cleveland Electric Illuminating Co. in Ottawa County, Ohio, is available for inspection by the public in the Commission's Public Document Room at 1717 H Street NW., Washington, DC, and in the Ida Rupp Public Library, Port Clinton, Ohio 43452. The final environmental statement is also being made available at the Office of the Governor, State Clearinghouse, 62 East Broad Street, second floor, Columbus, OH 43215.

The notice of availability of the draft statement for the Davis-Besse Nuclear Power Station, and requests for comments from interested persons was published in the FEDERAL REGISTER on November 25, 1972, 37 FR 25065. The comments received from Federal, State, and local officials and interested members of the public have been included as appendices to the final statement.

Single copies of the final statement may be obtained by writing the U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Deputy Director for Reactor Projects, Directorate of Licensing.

Dated at Bethesda, Md., this fifth day of March 1973.

For the Atomic Energy Commission.

R. S. CLEVELAND,
Acting Chief, Environmental Projects Branch No. 1, Directorate of Licensing.

[FR Doc.73-4547 Filed 3-8-73;8:45 am]

[Docket No. 50-271]

VERMONT YANKEE NUCLEAR POWER CORP.

Reconstitution of Atomic Safety and Licensing Appeal Board

Notice is hereby given that, in accordance with the authority of 10 CFR 2.787(a), the chairman of the Atomic Safety and Licensing Appeal Panel has reconstituted the Atomic Safety and Licensing Appeal Board for this proceeding to consist of the following members:

Michael C. Farrar, Chairman
Dr. John H. Buck, Member
Dr. Lawrence R. Quarles, Member

Dated: March 2, 1973.

MARGARET E. DU FLO,
Secretary, Atomic Safety and Licensing Appeal Panel.

[FR Doc.73-4507 Filed 3-8-73;8:45 am]

CIVIL AERONAUTICS BOARD

[Docket No. 17245]

ABC AIR FREIGHT, INC., ET AL.

Notice of Postponement of Hearing

ABC Air Freight, Inc. v. Flying Tiger Line, Shulman, Inc., and WTC Air Freight Enforcement Proceeding.

Notice is hereby given that the hearing in the above-entitled matter scheduled to be held on March 13, 1973 (38 FR 4433, Feb. 14, 1973), is hereby indefinitely postponed.

Dated at Washington, D.C., March 5, 1973.

[SEAL] JOSEPH L. FITZMAURICE,
Administrative Law Judge.

[FR Doc.73-4619 Filed 3-8-73;8:45 am]

[Docket No. 24412]

SERVICE TO RICHMOND CASE

Notice of Postponement of Hearing

Notice is hereby given that the hearing in the above-entitled proceeding originally noticed for March 20, 1973 (38 FR 4284, Feb. 12, 1973), has been postponed. It will be held on April 10, 1973, at 10 a.m. (local time), in room 503, Universal Building, 1825 Connecticut Avenue NW, Washington, DC.

The time for filing answers is extended to March 30, 1973.

Dated at Washington, D.C., March 6, 1973.

[SEAL] FRANK M. WHITING,
Administrative Law Judge.

[FR Doc.73-4618 Filed 3-8-73;8:45 am]

[Docket No. 25279; Order 73-3-6]

SHULMAN AIR FREIGHT, INC. AND EMERY AIR FREIGHT CORP.

Order of Investigation and Suspension

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 5th day of March 1973.

By tariff filed [1] Februray 2 and marked to become effective March 6, 1973, Shulman Air Freight, Inc. (Shulman) proposes to establish rules and rates for expedited movement of small packages under a service to be called "SkyCab Service." The service would be limited to shipments of 50 pounds or less, and having a total circumference (length plus width plus height) of 90 inches and a value of $50 unless a higher value, not exceeding $10,000, is declared.[2] The special services provided are indicated in the tariff to consist of (1) special dispatch of pickup and/or delivery vehicle, (2) forwarding to provide earliest arrival, (3) "constant" surveillance and protection of the shipment through segregation from other shipments, (4) pickup within 75 minutes from time forwarder receives the shipper's instructions and dispatch of delivery vehicle within 30 minutes from the time that the shipment is made available by the direct air carrier, and (5) at shipper's request and subject to an additional charge, telephone notification of time of delivery.

The rates proposed are quoted in three ways: Door-to-door, origin airport-to consignee's door, and consignor's door-to-destination airport. The rates would be roughly twice the rates for standard general commodity shipments, with the door-to-door rates somewhat higher than the rates including only pickup or delivery service. The tariff provides that, in cases that the forwarder does not provide all of the foregoing services, a refund of half of the charges would be made for door-to-door shipments and of $15 per shipment for those transported on a door-to-airport or airport-to-door basis.

The refund for shipments on a door-to-airport or airport-to-door basis appears inadequate and raises question of reasonableness and unjust discrimination. The anomaly in the refund schedule is further brought out by a comparison with the refund for door-to-door shipments. In the case of nonperformance of any of the special services offered in the tariff, the charges for door-to-door shipments will actually be less than the charges for the former. For example, the door-to-door tariff charge proposed for markets in Shulman's scale 8 is $111, of which half will be refunded in case of nonperformance, leaving $55.50 as the charge paid. For service without pickup or delivery, the charge proposed is $105.50, of which $15 is refunded, leaving $90.50 as the charge paid, or 65 percent more for less service. Shulman presents no support for the foregoing differences.

In the above circumstances, the Board finds that the proposed tariff may be unjust, unreasonable, unjustly discriminatory, unduly preferential, or unduly prejudicial, or otherwise unlawful, and should be investigated. We further conclude that the tariff should be suspended pending investigation.

[1] Shulman Air Freight, Inc. Tariff C.A.B. No. 11.

[2] Additional charges are provided for values above $50.

Emery Air Freight Corp. (Emery) already has in effect a tariff rule offering at additional charges expedited small package service, called VIP service.[3] This rule provides for services similar to Shulman's proposal, but does not contain any provision offering any refund in case of nonperformance of the special services listed.

We believe that there is no justification for Emery's omission of a refund rule with respect to a premium service for which additional charges are made. The Board, by Order 70-10-140, dated October 29, 1970, suspended pending investigation a small package tariff rule proposed by Western Air Lines, Inc., that contained no refund provision, stating, inter alia, that it "sees no reason why a carrier should be allowed to offer a special service at a premium rate, and then not provide for a refund to shippers in the event of nonperformance of that service."

Consistent with the above, and upon consideration of all relevant matters, the Board also finds that Emery's VIP Service rule may be unjust, unreasonable, unjustly discriminatory, unduly preferential or unduly prejudicial or otherwise unlawful, and should be investigated.

Accordingly, pursuant to the Federal Aviation Act of 1958 and particularly sections 204(a) and 1002 thereof,

It is ordered that.

1. An investigation is instituted to determine whether the provisions in Rule No. 150 on 2d Revised Page 14-A, 2d Revised Page 14-B, 1st Revised Page 14-C, 1st Revised Page 14-D, 3d Revised Page 14-E, 3d Revised Page 14-F, and 10th Revised Page 15 of Emery Air Freight Corp.'s C.A.B. No. 45 including subsequent revisions and reissues thereof, and Shulman Air Freight, Inc.'s C.A.B. No. 11, and rules, regulations, or practices affecting such provisions are or will be unjust, unreasonable, unjustly discriminatory, unduly preferential, unduly prejudicial, or othrewise unlawful, and if found to be unlawful, to determine and prescribe the lawful provisions and rules, regulations, and practices affecting such provisions;

2. Pending hearing and decision by the Board, Shulman Air Freight, Inc.'s C.A.B. No. 11 is suspended and its use deferred to and including June 3, 1973, unless otherwise ordered by the Board, and that no changes be made therein during the period of suspension except by order or special permission of the Board;

3. The proceeding herein designated Docket 25379 be assigned for hearing before an Administrative Law Judge of the Board at a time and place hereafter to be designated; and

4. Copies of this order shall be filed with Shulman Air Freight, Inc.'s tariff and served upon Emery Air Freight Corp. and upon Shulman Air Freight, Inc., which are hereby made parties to Docket 25279.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HARRY J. ZINK,
Secretary.

[FR Doc.73-4620 Filed 3-8-73;8:45 am]

[3] Emery Air Freight Corp., Tariff C.A.B. 45, Rule 150.

COMMITTEE FOR PURCHASE OF PRODUCTS AND SERVICES OF THE BLIND AND OTHER SEVERELY HANDICAPPED

PROCUREMENT LIST

Notice of Proposed Additions to the Initial List

Notice is hereby given pursuant to section 2(a)(2) of the Act to Create a Committee on Purchases of Blind-Made Products, as amended, 85 Stat. 79, of the proposed addition of the following commodities to the Initial Procurement List published on pages 16982 through 16997 of the FEDERAL REGISTER of August 26, 1971.

CLASS 6530

Bag, Patient's Effects 6530-715-0915

CLASS 8460

Suitcase, Cotton Duck, Sage Green 8460-391-0502

Not later than April 9, 1973, comments and views regarding the proposed addition may be filed with the Committee. Communications should be addressed to the Executive Director, Committee for Purchase of Products and Services of the Blind and Other Severely Handicapped, 2009 14th Street North, Suite 610, Arlington, VA 22201.

By the Committee.

CHARLES W. FLETCHER,
Executive Director.

[FR Doc.73-4651 Filed 3-8-73;8:45 am]

COST OF LIVING COUNCIL

[Cost of Living Council Order No. 15A]

COMMISSIONER OF INTERNAL REVENUE

Delegation of Authority

Pursuant to the authority delegated to the Director by Cost of Living Council Order No. 14 (38 FR 1489, Jan. 12, 1973), it is hereby ordered as follows:

There is hereby delegated to the Commissioner of Internal Revenue (the Commissioner), or his duly authorized agent, the authority to sign and issue subpenas for the attendance and testimony of witnesses and the production of relevant books, papers, and other documents, and to administer oaths, all in accordance with Section 206 of the Economic Stabilization Act of 1970, as amended, for the purpose of exercising, with respect to rentals of residential real property, any authority delegated to the Commissioner by Cost of Living Council Order No. 15 (38 FR 1489, Jan. 12, 1973).

The authority hereby delegated is in addition to the authority delegated to the Commissioner by Cost of Living Council Order No. 15.

Issued in Washington, D.C., on March 5, 1973.

JAMES W. MCLANE,
Deputy Director, Cost of Living Council.

[FR Doc.73-4613 Filed 3-8-73;8:45 am]

COUNCIL ON ENVIRONMENTAL QUALITY

ENVIRONMENTAL IMPACT STATEMENTS

Notice of Public Availability

Environmental impact statements received by the Council from February 26 through March 2, 1973.

NOTE: At the head of the listing of statements received from each agency is the name of an individual who can answer questions regarding those statements.

DEPARTMENT OF AGRICULTURE

Contact: Dr. T. C. Byerly, Office of the Secretary, Washington, D.C. 20250, 202—447-7803.

AGRICULTURAL STABILIZATION AND CONSERVATION SERVICE

Final, February 22
New Beet Sugar Area, Hillsboro, N. Dak., and Minnesota. The proposed action is the commitment (under the Sugar Act of 1948) of 30,000 acres of Red River Valley to the production of sugar beets, which will serve a new-beet processing facility in Hillsboro, N. Dak. Counties involved are Traill, Cass, and Walsh in North Dakota, and Norman in Minnesota. (31 pages) Comments made by: EPA. (ELR Order No. 00294) (NTIS Order No. EIS 73 0294-F)

FOREST SERVICE

Draft, February 27
Herbicide Use * * * Malheur, Umatilla, Wallowa-Whitman, Oreg., Counties: Several. The statement refers to the proposed use of the herbicides 2,4-D, 2,4,5-T, 2,4,5-TP, Amitrole T, Dicamba, and Picloram on the three national forests in northeastern Oregon. Counties affected will be Baker, Harney, Morrow, Grant, Malheur, Umatilla, Union, Wallowa, and Wheeler. The chemicals will be used in reforestation, site preparation, utility and road right-of-way maintenance, range revegetation and noxious weed and poison plant control. The herbicides will be put into the environment in varying amounts; nontarget species will be affected. (381 pages) (ELR Order No. 00323) (NTIS Order No. EIS 73 0323-D)

Final, February 28
Fish Creek Winter Sports Site, Alaska. The statement refers to the proposed development of 3,400 acres of the Tongass National Forest as a winter sports site. The area will have a potential capacity of from 4,000 to 5,000 skiers. Development of the area, which is 3 miles from the Juneau Airport, will affect soil and water quality, displace some wildlife, and could lead to uncontrolled development on adjacent (private) lands. (191 pages) Comments made by: DOC, COE, EPA, HUD, DOI, DOT, State and regional agencies,

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and concerned citizens. (ELR Order No. 00322) (NTIS Order No. EIS 73 0322–F)

Final, February 9

Port of Cascade Locks Aerial Tramway, Oregon, County: Hood River. The statement refers to the proposed issuance of a Special Use Permit to the Port of Cascade Locks for the construction, operation, and maintenance of an aerial tramway in the Columbia River Gorge. Some species of wildlife would be displaced in the immediate vicinity of the upper terminal. The introduction of visitors by mechanical means to a point of land now seldom visited will affect the ecosystem of the area. (289 pages) Comments made by: USDA, DOC, COE, EPA, DOI, DOT, State, local, and regional agencies of Oregon and Washington, and concerned citizens. (ELR Order No. 00258) (NTIS Order No. EIS 73 0258–F)

Final, February 27

Herbicide Use * * * Siuslaw, Umpqua, and Siskiyou National Forests, Oreg. and Calif. The statement refers to the proposed use of herbicides on the Siuslaw, Umpqua, and Siskiyou National Forests, in order to reduce the volume of native vegetation where it hampers forest management activities. The agents to be used (on approximately 40,000 acres of forest) are 2,4-D; 2,4,5-T; 2,4,5-TP, Amitrole-T, Atrazine; Picloram; and Dicamba. The spraying will temporarily reduce forage for big game, subject nectar feeding insects to toxic effects, and eliminate food and cover for those small animals which have limited home ranges. (approximately 500 pages) Comments made by: USDA, COE, HEW, HUD, DOI, EPA, State and local agencies, and concerned citizens. (ELR Order No. 00307) (NTIS Order No. EIS 73 0307–F)

Draft, February 27

Caney Creek Watershed Project, Kentucky, Counties: Butler and Gray. The statement refers to a proposed flood protection project on the 97,130 acre watershed. Project measures include 18 miles of channel works, two single purpose structures, and public recreation facilities. The project will reduce the average annual floodwater and sediment damage by 65 percent. Approximately 657 acres (some of which will be inundated), of land will be committed to the project, with adverse impacts to wildlife and agricultural uses; two residences will be displaced. (21 pages) (ELR Order No. 00311) (NTIS Order No. EIS 73 0311–D)

Draft, February 1

Knife Lake Improvement R. C. & D. Measure, Minnesota, County: Kanabec. The statement refers to a proposed project involving the use of land treatment measure on 3,570 acres and the construction of one multipurpose structure. Approximately 132 acres of land and 1 mile of stream fishery would be inundated. (43 pages) (ELR Order No. 00170) (NTIS Order No. EIS 73 0170–D)

Draft, February 1

Paint Creek Watershed Project, Oklahoma, County: Harper. The statement refers to a proposed protection project on the 15,929 acre watershed. Project measures include the use of land treatment on 3,847 acres, and the construction of one floodwater retarding structure, 1.1 miles of waterway works, and 450 feet of dike. Twenty-one acres of land will be committed to project structures; 51 acres will be inundated for use as a sediment pool. (15 pages) (ELR Order No. 00172) (NTIS Order No. EIS 73 0172–D)

Draft, February 8

Buffalo River Watershed, Virginia, County: Amherst. The statement refers to a proposed protection project on the 60,500 acre watershed. Land treatment measures will be utilized, along with two single purpose floodwater retarding structures and two multiple purpose structures, in order to reduce floodwater and sediment damages by 88 percent. Sediment entering the James River channel will be reduced by 22,000 tons annually. Four hundred and twenty-nine acres will be committed to project structures; an additional 290 acres will be intermittently inundated. (23 pages) (ELR Order No. 00215) (NTIS Order No. EIS 73 0215–D)

RURAL ELECTRIFICATION ADMINISTRATION

Draft, February 28

Transmission Lines, 230 kv., South Carolina, Counties: Several. The statement refers to the proposed use of REA loan funds for the construction by Central Electric Cooperative of: 34 miles of 230 kv. transmission line from Pinopolis to Kingstree and a 230/69 kv. substation at Darlington; 62 miles of 230 kv. line from the Robinson plant to Blythewood with a switching station at Camden; and 30 miles of line from Batesburg to Newberry. Counties involved are Berkley, Williamsburg, Darlington, Kershaw, Richland, Saluda, and Newberry. (223 pages) (ELR Order No. 00321) (NTIS Order No. EIS 73 0321–D)

SOIL CONSERVATION SERVICE

Draft, February 9

Kiokee Creek Watershed, Georgia, Counties: Columbia and McDuffie. The statement refers to a proposed protection project on the 65,290 acre watershed. Project measures include the use of conservation land treatment and the construction of two floodwater retarding structures, three multiple-purpose structures, and channel works. Erosion, siltation, and floodwater damages will be reduced. Approximately 398 acres will be permanently inundated; 521 acres will be intermittently inundated; 119 acres will be committed to project structures. (31 pages) (ELR Order No. 00222) (NTIS Order No. EIS 73 0222–D)

Draft, February 9

Narge Creek Watershed, Kentucky, County: Hopkins. The statement refers to a proposed flood protection project on the 4,205 acre watershed. Project measures include 6.2 miles of channel works. Seventy acres will be committed to the action. (20 pages) (ELR Order No. 00227) (NTIS Order No. EIS 73 0227–D)

ATOMIC ENERGY COMMISSION

Contact: For Nonregulatory Matters: Mr. Robert J. Catlin, Director, Division of Environmental Affairs, Washington, D.C. 20545, 202—973–5391.

For Regulatory Matters: Mr. A. Giambusso, Deputy Director for Reactor Projects, Directorate of Licensing, Washington, D.C. 20545, 202—973–7373.

Final, February 22

Cooper Nuclear Station, Nebraska, County: Nemaha. The statement refers to the proposed continuation of a construction permit and the issuance of an operating permit to the Nebraska Public Power District for the new station. The station will employ a boiling water reactor to produce 2,381 MWt and 778 MWe(net), with future levels of 2,486 MWt and 813 MWe anticipated. Cooling water will be drawn from and discharged to the Missouri River (at 18° F. above ambient). The estimated total body dose to the population within 50 miles from operation of the station is 59 man-rem/yr. (302 pages) Comments made by: USDA, DOC, EPA, FPC, HEW, DOI, and DOT. (ELR Order No. 00303) (NTIS Order No. EIS 73 0303–F)

DEPARTMENT OF DEFENSE

ARMY

Final, February 28

EXOTIC DANCER VI, North Carolina, Counties: Several. The statement refers to the sixth in a series of joint exercises directed by the Joint Chiefs of Staff and conducted by the Atlantic Command. The maneuvers, expected to take place in the time period of mid-March to mid-April 1973, will involve an estimated 40,000 troops, 50 ships, and 550 aircraft. Portions of 14 counties will be affected. Adverse impacts will include increases in local ambient air, water, noise, solid wastes, rubbish, and sewage production levels. There is some danger of forest fire, which will be anticipated by the prepositioning of firefighting equipment. (118 pages) Comments made by: EPA, USDA, DOC, HEW, DOI, and DOD. (ELR Order No. 00329) (NTIS Order No. EIS 73 0329–F)

ARMY CORPS

Contact: Mr. Francis X. Kelly, Director, Office of Public Affairs, Attention: DAEN–PAP, Office of the Chief of Engineers, U.S. Army Corps of Engineers, 1000 Independence Avenue SW., Washington, DC 20314, 202—693–7168.

Draft, February 8

Lawrence Flood Protection Project, Kans., counties: Douglas and Leavenworth. The statement, a revised draft, refers to the construction of two remaining units of a flood control project near the city of Lawrence. Project measures include levees, channel works, bridge replacements, road relocations, and interior drainage structures. Approximately 220 acres (95 acres of timber) and 4.7 miles of natural stream habitat would be committed to the project. Depletion of the forest cover would hinder bird migration patterns through the area. The project may encourage development on flood plain lands. (45 pages) (ELR Order No. 00218) (NTIS Order No. EIS 73 0216–D)

Final, February 6

Temporary Navigation Lock 53, Kentucky and Illinois. The statement refers to the proposed construction of a temporary navigation lock at existing Lock and Dam 53, in order to remove river traffic congestion. Riparian habitat will be adversely affected. (15 pages) (ELR Order No. 00187) (NTIS Order No. EIS 73 0187–F)

Draft, February 9

Charles River Locks and Dam, Mass. The statement refers to the proposed construction of a multipurpose earth and concrete dam, with river pumping facilities, three navigation locks, a fish ladder, and an overhead highway viaduct. Dredging will adversely affect aquatic life. (34 pages) (ELR Order No. 00226) (NTIS Order No. EIS 73 0026–D)

Huron Harbor, Ohio, county: Erie. The proposed project is the construction of a diked disposal area to receive polluted harbor sediment resulting from annual dredging operations. The action is intended to eliminate a source of pollution to Lake Erie. (33 pages) (ELR Order No. 00221) (NTIS Order No. EIS 73 0221–D)

Draft, February 13

Beaver Drainage District, Columbia River, Oreg., county: Columbia. The proposed project involves the improvement of existing flood control works. Included are the construction of a new pumping plant and the removal of two existing plants; the raising and strengthening of levees; the installation of seepage drains; and the renovation of a tide box. Dredging operations will adversely affect riparian habitat. (42 pages) (ELR Order No. 00252) (NTIS Order No. EIS 73 0252–D)

Final, February 1

Maintenance dredging of Rochester Harbor, N.Y. The statement refers to the proposed maintenance dredging of the harbor, with the 360,000 cubic yards of spoil being deposited in Lake Ontario. Aquatic life will be adversely affected. (39 pages) Comments made by: EPA, DOC, USCG, DOI, DOT, and State, local, and regional agencies. (ELR Order No. 00169) (NTIS Order No. EIS 73 0169–F)

Final, February 28

Buena Vista, Va. The statement refers to a proposed flood protection project consisting of an 11,700-foot-long levee and floodwall, a 200-foot-wide 2,800-foot channel, a 5,700-foot drainage canal, and three closures. The covering of 65 acres with levee and the dredging of 850,000 cubic yards of fill will adversely affect local biota. (51 pages) Comments made by: USDA, EPA, and DOT. (ELR Order No. 00336) (NTIS Order No. EIS 73 0336–F)

ENVIRONMENTAL PROTECTION AGENCY

Contact: Mr. Sheldon Meyers, Director, Office of Federal Activities, Room 3630, Waterside Mall, Washington, D.C. 20460, 202—755–0940.

Draft, February 28

Cobb County Sewerage Project (Supplement), Georgia, county: Cobb. The document is a supplement to the final statement, which was filed on July 28, 1971 (NTIS Order No. PB–189 858–F; ELR Order No. 259). The supplement provides additional information on the system's expected impact to Sope Creek Watershed, and elaborates on the steps that have been taken to preserve the historic and scenic aspects of Sope Creek. (76 pages) (ELR Order No. 00339) (NTIS Order No. EIS 73 0339–D)

DEPARTMENT OF INTERIOR

Contact: Mr. Bruce Blanchard, Director, Environmental Project Review, Room 7260, Department of the Interior, Washington, D.C. 20240, 202—343–3891.

BUREAU OF RECLAMATION

Draft, February 6

Deep Geothermal Test Well (Supplement), California. The statement, a supplement to the final statement which was filed on May 3, 1972 (ELR Order No. 4357, NTIS Order No. PB 206 162–F), covers the drilling of eight slim temperature recording holes to depths of 6,000 feet, and 30 additional temperature recording holes to depths varying between 100 and 1,500 feet. Approximately 23.5 acres of desert will be leveled at the site; 25 miles of access road will be constructed. (10 pages) (ELR Order No. 00188) (NTIS Order No. EIS 73 0188–F).

NATIONAL PARK SERVICE

Draft, February 28

Saguaro National Monument, Ariz. The statement refers to the proposed legislative designation of 42,000 acres within the monument as wilderness, and the designation of an additional 27,100 acres as potential wilderness to be added by the Secretary of the Interior at such time that the lands qualify. There may be some restrictions placed upon visitor use of the area. (30 pages) (ELR Order No. 00325) (NTIS Order No. EIS 73 0325–D)

Draft, February 9

Little Miami River and Caesar's Creek, Ohio. The statement refers to the proposed inclusion of 64 miles of the Little Miami River and 2 miles of Caesar's Creek in the National Wild and Scenic Rivers System. The inclusion is contingent upon application from the State of Ohio as required by section 2(a)(ii) of the Wild and Scenic Rivers Act (Public Law 90–542), in which the States, by adoption of an adequate development plan and initiation of action, commits itself to protect the river in perpetuity. (46 pages) (ELR Order No. 00223) (NTIS Order No. EIS 73 0223–D)

DEPARTMENT OF TRANSPORTATION

Contact: Mr. Martin Convisser, Director, Office of Environmental Quality, 400 Seventh Street SW., Washington, DC 20590, 202—466–4357.

FEDERAL AVIATION ADMINISTRATION

Draft, February 20

Cincinnati Municipal-Blue Ash Airport, Ohio, County: Hamilton. The statement refers to the proposed construction of a 3500' x 75' northeast/southwest runway, a connecting taxiway, holding aprons, and other supporting facilities. There will be an increase in the noise level for residents near the airport. (58 pages) (ELR Order No. 00286) (NTIS Order No. EIS 73 0286–F)

FEDERAL HIGHWAY ADMINISTRATION

Draft, February 27

Markham Street Parkway, Arkansas, County: Pulaski. The proposed action is to extend West Markham Street westward for 2.25 miles to intersect with Kanis Road. The roadway will provide four lanes divided by a median containing Rock Creek. Adverse effects include channel changes to Rock Creek, loss of wildlife, and increased noise and air pollution. (12 pages) (ELR Order No. 00314) (NTIS Order No. EIS 73 0314–D)

Madison North and South (US 81), Nebraska, County: Madison. The proposed project is the reconstruction of a 7.39 mile segment of U.S. Highway 81, including a proposed bypass section east of Madison. The improvements include grading, full safety sections, (roadway drainage structures, and a crossing of Union Creek. (19 pages) (ELR Order No. 00313) (NTIS Order No. EIS 73 0313–D)

Draft, February 9

I–787 Connection (Hoosick Street Bridge), New York, counties: Albany and Rensselaer. The proposed project is the construction of a multilane (eight lanes) facility (including a bridge over the Hudson River) known as the Hoosick Street Bridge. The 0.8 mile project will extend from Maplewood to Troy. Depending upon alternate chosen, the project will displace between 135 and 213 families and 34 to 41 businesses. Relocation of existing public utilities and the acquisition of a part of a church will occur. Noise and air pollution levels will increase. (179 pages) (ELR Order No. 00228) (NTIS Order No. EIS 73 0228–D)

Draft, February 27

L.R. 148, Section A17, Pennsylvania, County: Berks. The proposed project, designated as L.R. 148, Section A17, involves the relocation and reconstruction of T.R. 22 as a four-lane, divided, limited access highway from the Berks-Lancaster County line to Mohnton. Project length is 4 miles. Approximately 31 families and eight businesses will be displaced. An additional 150 acres of land is required for right-of-way. (23 pages) (ELR Order No. 00312) (NTIS Order No. EIS 73 0312–D)

Draft, February 14

I–664—Hampton Roads, Va., county: Several. The statement considers alternate corridors for the construction of proposed I–665, a bridge-tunnel water crossing of Hampton Roads. The project is proposed to connect the cities of Hampton and Newport News on the north of Hampton Roads Harbor with the cities of Portsmouth, Norfolk, and Nansemond on the southern side of Hampton Roads. The project, a six-lane, limited access divided highway, will be between 11.4 and 14.1 miles long, depending upon the route selected. Encroachment upon section 4(f) land, displacement of families and businesses, and increased air, noise, and water pollution are adverse effects of the action. (358 pages) (ELR Order No. 00265) (NTIS Order No. EIS 73 0265–D)

Final, February 8

Ahukini-Nawiliwili Cutoff Road, Route 51, Hawaii, county: Kauai. The statement refers to the proposed construction of a 1.07-mile section of highway beginning at a point on Rice Street adjoining the Lihue Industrial Park and ending at Ahukini Road west of the Lihue Airport. Right-of-way will be acquired from land that is now used exclusively for sugarcane production. Adverse effects include increased air and noise pollution and loss of local tax base. (43 pages) Comments made by: USDA, DOI, EPA, and State and local agencies. (ELR Order No. 00205) (NTIS Order No. EIS 73 0205–F)

TIMOTHY ATKESON,
General Counsel.

[FR Doc.73–4494 Filed 3–8–73;8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

BENOMYL

Notice of Extension of Temporary Tolerance

E. I. du Pont de Nemours & Co., Wilmington, Del. 19898, was granted a temporary tolerance (PP 2G1197) for residues of the fungicide benomyl (methyl 1 - (butylcarbamoyl) - 2 - benzimidazolecarbamate) in or on the raw agricultural commodity citrus fruit intended for the fresh fruit market at 10 parts per million (from preharvest and postharvest application) on January 11, 1972 (notice was published in the FEDERAL REGISTER Jan. 18, 1972 (37 FR 751)). This temporary tolerance expired January 11, 1973. The firm has requested a 1-year extension of the temporary tolerance to obtain additional experimental data.

It has been determined that:

1. This extension will protect the public health.

2. The 0.1 part per million tolerances for residues of benomyl in milk and the meat, fat, and meat byproducts of cattle, goats, hogs, horses, and sheep established November 29, 1972, eliminate the need to restrict application under this temporary tolerance to citrus intended for the fresh fruit market.

3. The temporary tolerance should be expressed in terms of total residues of

V 38 46 MAR 9 73 XUM

benomyl and its metabolites including the benzimidazole moiety (calculated as benomyl).

The tolerance is therefore extended as requested on condition that the fungicide be used in accordance with the temporary permit being issued concurrently and which provides for distribution under the E. I. du Pont de Nemours & Co. name.

This temporary tolerance, as extended, expires January 11, 1974.

This action is taken pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(j), 68 Stat. 516; 21 U.S.C. 346a(j)), the authority transferred to the Administrator of the Environmental Protection Agency (35 FR 15623), and the authority delegated by the Administrator to the Deputy Assistant Administrator for Pesticide Programs (36 FR 9038).

Dated: March 1, 1973.

HENRY J. KORP,
Deputy Assistant Administrator for Pesticide Programs.

[FR Doc.73-4510 Filed 3-8-73;8:45 am]

MERCK SHARP & DOHME

Notice of Filing of Pesticide and Food Additive Petitions; Correction

In FR Doc. 73-549, appearing at page 1303, of the issue of Thursday, January 11, 1973, the words "from postharvest application" should be added to the end of the first paragraph, and the second paragraph after the word "from" in the seventh line should be changed to read "postharvest application of the fungicide to citrus fruit".

Dated: March 1, 1973.

HENRY J. KORP,
Deputy Assistant Administrator for Pesticide Programs.

[FR Doc.73-4509 Filed 3-8-73;8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

PAX COMPANY ARSENIC ADVISORY COMMITTEE

Notice of Meeting

Pursuant to Public Law 92-463 notice is hereby given that a meeting of the PAX Company Arsenic Advisory Committee has been scheduled for March 12, 1973. The meeting will convene at 9 a.m., on March 12, in room 3908, Waterside Mall, 401 M Street SW., Washington, DC.

This is the second meeting of the committee. The agenda includes the executive secretary's report, committee member reports, and committee discussion and deliberation.

The meeting will be open to the public. Any individual wishing to attend and present relevant material to the committee should contact Mr. Clayton Bushong, executive secretary, PAX Company Arsenic Advisory Committee (202) 447-7823.

DAVID D. DOMINICK,
Assistant Administrator for Categorical Programs.

[FR Doc.73-4679 Filed 3-8-73;8:45 am]

FEDERAL COMMUNICATIONS COMMISSION

RADIO TECHNICAL COMMISSION FOR MARINE SERVICES

Notice of Public Meetings

MARCH 6, 1973.

In accordance with Public Law 92-463, "Federal Advisory Committee Act," the following is a listing of March meetings of the Radio Technical Commission for Marine Services (RTCM):

Special Committee No. 64, "MF, HF, and VHF Maritime Radioteleprinter and Data Systems and Operations," 34th meeting, Tuesday, March 13, 1973, 9:30 a.m.-4 p.m., Conference Room 205, 1229 20th Street NW., Washington, DC.

Principal agenda items:

a. Report on MarAd developmental program for a Digital Selective Calling System.

b. Preparation of Comments on FCC Notice of Inquiry for 1974 Maritime Conference.

c. Discussion of Direct Printing and Data Systems.

Chairman, SC-64, H. T. Blaker, Collins Radio Co., Dallas, Tex. 75207 (Phone: 214—235-9511 (Ext. 7500)).

Special Committee No. 66, "Receiver Standards for the Maritime Mobile Service," 10th meeting, Wednesday, March 14, 1973, 9 a.m. (all day meeting), Conference Room 205, 1229 20th Street NW., Washington, DC.

Principal agenda items:

a. Status Reports on Work Assignments.

(1) Interaction between VHF guard receiver and multichannel VHF receiver.

(2) Values for Modulation Acceptance Bandwidth and Adjacent Channel Selectivity.

(3) Optional method of measuring audio power output in terms of sound pressure.

(4) Salt Fog Test.

b. Continued review of VHF Receiver Standards.

Chairman, SC-66, H. R. Smith, ITT Mackay Marine, 441 U.S. Highway 1, Elizabeth, NJ 07202 (Phone: 201—527-0300).

Special Committee No. 65, "Ship Radar," 22d meeting, Wednesday, March 14, 1973, 1:30 p.m., Conference Room 847, 1919 M Street NW., Washington, DC.

Principal Agenda items:

a. Progress Reports of Working Groups on Collision Avoidance, Basic Radar Specifications, Transponders, and Reliability.

b. Status Reports on Other Working Groups.

Chairman, SC-65, Irvin Hurwitz, Federal Communications Commission, Washington, D.C. 20554 (Phone: 202—632-7197).

RTCM Executive Committee, Thursday, March 15, 1973, 1:45 p.m., Conference Room 847, 1919 M Street NW., Washington, DC.

Principal Agenda items:

a. Progress Reports on Currently Active Committees.

b. Status Reports on Other Committees.

c. Summary Review of Recent FCC Dockets.

d. Summary Review of Preliminary Views of the United States relative to the 1974 Maritime WARC.

e. Approval of SC-64 Recommendations:

(1) Narrow-Band Direct-Printing Telegraph Equipment.

(2) Narrow-Band Direct-Printing.

(3) VHF Radioteleprinter.

f. Election of RTCM Technical Advisors.

g. Report of the Nominating Committee for Chairman of RTCM.

h. Establishment of RTCM Award for out-

RTCM Secretariat, 202—632-6490.

i. Report on 1973 and 1974 RTCM Assembly Meetings.

Agendas, working papers, and other appropriate documentation for each committee meeting are available at that meeting. Those desiring more specific information may contact either the designated Committee Chairman or the RTCM Secretariat, 202—632-6490.

The RTCM has acted as a coordinator for maritime telecommunications since its establishment in 1947. Problems are studied by Special Committees and the final reports are approved by the RTCM Executive Committee. All RTCM meetings are open to the public.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[FR Doc.73-4603 Filed 3-8-73;8:45 am]

[Docket No. 19696; FCC 73-212]

WESTERN UNION TELEGRAPH CO.

Memorandum Opinion and Order Instituting Investigation

In the matter of the Western Union Telegraph Co. (Western Union), Transmittal No. 6834; and revisions of Telex Tariff FCC No. 240 and Teleprinter Exchange (TWX) Tariff FCC No. 258, Docket No. 19696.

1. On December 29, 1972, revised tariff schedules were filed by Western Union under Transmittal No. 6834 to become effective February 28, 1973.[1] These revised schedules apply to the interstate Telex and TWX services provided by Western Union throughout the United States. In the case of both Telex and TWX the basic rate elements will include an access charge, an installation charge for such access, and message or usage charges that vary with time and distance of transmission of messages. Additionally, charges will be applicable where a customer desires Western Union terminal equipment.

2. The specific changes made in the revised tariff are described briefly as follows:

a. Customers will be permitted to provide their own teleprinter terminal equipment from sources other than Western Union subject to certain technical limitations to prevent electrical interference in the Telex and TWX services;

b. Two new rate elements are added to the tariff; an "access charge" which will be applicable to all customers, and a "terminal charge" which will be applicable only to customers who choose to lease terminal equipment from Western Union.

c. The installation, move, and monthly rental charges for both Telex and TWX terminal equipment are increased;

d. The Telex usage charge is increased by eliminating a quantity discount now allowed under the present tariff; and

e. A new regulation is added to the effect that customers may terminate

[1] A petition for suspension and investigation was filed by the Secretary of Defense on Feb. 14, 1973, as was a petition for rejection and suspension by Western Union International, Inc. A reply was filed by Western Union on Feb. 20, 1973. These petitions have been considered in our disposition of this matter.

Telex and TWX services on 30 days' written notice to Western Union.

3. Western Union estimates that (a) the overall effect of the entire package tariff revisions will be to produce additional revenues of about $12 million in 1973, $14.5 million in 1974 and $16.3 million in 1975; (b) the increased revenues will increase the overall level of earnings of Western Union from a current level of 5.4 percent to 6.7 percent in 1973; (c) the Telex rate proposals would increase the Telex pretax earnings from 14.8 percent to 18.0 percent in 1973; and (d) the TWX rate proposals would increase the TWX pretax earnings from 8.6 percent to 12.3 percent in 1973.

4. To support its tariff revisions herein, Western Union has submitted the cost data and other information required by section 61.38 of our rules. There are two principal reasons advanced by the carrier for the revisions. With respect to the liberalization of the interconnection provisions in the Telex and TWX tariffs, the carrier states that this is being done to implement its commitment to do so at the time of the Commission's approval of Western Union's acquisition of TWX from the Bell System (24 FCC 2d 664 676). As to the rate increases and related changes the carrier contends that its current overall earnings are inadequate; and that, unless rate relief is granted in these two services where shrinkage and shifts from rate increases would be at a minimum, Western Union is faced with a decline in its overall return. The decline is caused by revisions in settlement agreements with the international Telex carriers which will reduce Western Union's Telex revenues by about $2.2 million in 1973, and the need to finance already committed new plant and equipment totaling about $3.9 million in 1973 and $12.4 million in 1974 in the Telex and TWX services.

5. The increase in the Telex rates amounts to an increase of about 10 percent. This is the fourth increase in the rates for that service over the past 6 years (4 percent in 1967; 10.6 percent in 1969; 8.8 percent in 1971). Western Union estimates a pretax earnings for Telex of 19.2 percent in 1972 and 18 percent in 1973 with the proposed increase. The TWX rate increase is the first by Western Union following the acquisition of that service from the Bell System. The estimated pretax returns from TWX is 7.8 percent for 1972 and 12.3 percent for 1973 with the proposed increases. On the basis of Western Union's current earnings level of 5.4 percent applicable to its total operations, it would appear that there may well be justification for appropriate revenue relief. However, we are of the opinion that the magnitude and nature of these increases present questions of lawfulness that should be resolved by investigation and hearing.

6. The liberalization of the tariffs for interconnection of customer-provided terminal equipment appears in general to be in keeping with the principles of our decision in Carterfone and we regard it as a forward step toward more effective use by the public of Western Union's services. There are, however, certain questions raised with respect thereto. For example, the new "access charge" will apply to all customers whether they use carrier or noncarrier terminal equipment, even though the "access charge" covers, in part, costs that are generated only by customers using noncarrier terminals; the Telex subscribers in some cases may provide their own network signaling unit whereas no TWX subscriber may do so; Western Union appears to disclaim all liability for transmission of signals sent or received by noncarrier terminal equipment; and Western Union proposes to maintain customer-provided terminal equipment on an undefined lease or maintenance basis at charges not shown in the tariffs. Accordingly, we are of the opinion that these questions should be resolved on the basis of a hearing record.

7. In view of the foregoing, we are unable to conclude at this time that all features of the tariff revisions are just and reasonable and free of undue discrimination within the meaning of section 201(b) and 202(a) of the Act or that the proposal of the carrier to impose charges not in the tariffs is in the conformity with section 203 of the Act. We shall therefore designate the revised tariff schedules for investigation and shall suspend the effectiveness thereof and enter an accounting order providing for possible refund. However, in view of the carrier's current earnings situation, the desirability of allowing customers the benefit of the proposed liberalized interconnection policy at an early date, and the protection afforded customers by the accounting and refund order we are providing herein, we will suspend the said tariff schedules for a period of 1 day.

8. In the present case, we believe it desirable that the Administrative Law Judge render an initial decision and that the trial staff of the Common Carrier Bureau be separated from both the Commission and the Administrative Law Judge. As we have previously explained, 32 FCC 2d at page 90, the separation of the trial staff simply means that such staff: (1) Will not make any oral presentations to the Administrative Law Judge or the Commission without the other parties being present, and (2) will not make any written presentations to the Administrative Law Judge or the Commission which are not served on the other parties.

9. *Accordingly, it is ordered,* That, pursuant to the provisions of sections 201, 202, 203, 204, 205, and 403 of the Communications Act of 1934, as amended, an investigation is instituted into the lawfulness of the tariff schedules filed by the Western Union Telegraph Co. submitted with Transmittal No. 6834 including any cancellations, amendments, or reissues thereof; and no changes shall be made in such tariff schedules during the pendency of this proceeding without prior approval by the Commission;

10. *It is further ordered,* That, pursuant to the provisions of section 204, the tariff schedules filed by the Western Union Telegraph Co. submitted with Transmittal No. 6834 are hereby suspended until March 1, 1973, and that Western Union, as to the operation of such tariff schedules, shall, in the case of all increased charges and until further order of the Commission, keep accurate account of all amounts received by reason of such increase, specifying by whom and in whose behalf such amounts were paid, and upon completion of the hearing and decision therein, the Commission may by further order require the refund thereof, with interest, pursuant to section 204 of the Act, and the carrier shall file such reports on the amounts accounted for as aforesaid as the Chief, Common Carrier Bureau, shall require;

11. *It is further ordered,* That, without in any way limiting the scope of the investigation, it shall include consideration of the following:

(1) Whether the charges, classifications, practices, and regulations published in the aforesaid tariffs are or will be unjust and unreasonable within the meaning of section 201(b) of the Act;

(2) Whether such charges, classifications, practices, and regulations will, or could be applied to, subject any person or class of persons to unjust or unreasonable discrimination or give any undue or unreasonable preference or prejudice to any person, class of persons, or locality, within the meaning of section 202(a) of the Act;

(3) Whether the aforesaid tariffs conform to the requirements of section 203 of the Act and part 61 (47 CFR Part 61) of our rules implementing that section;

(4) If any of such charges, classifications, practices, or regulations are found to be unlawful, whether the Commission, pursuant to section 205 of the Act, should prescribe charges, classifications, practices, and regulations for the service governed by the tariffs, and if so, what should be prescribed.

12. *It is further ordered,* That, the hearing in this proceeding shall commence at the Commission offices in Washington, D.C., at a time to be specified by the presiding Administrative Law Judge; and that such Administrative Law Judge shall, upon the closing of the record, prepare an initial decision which shall be subject to the submittal of exceptions and requests for oral argument as provided in 47 CFR 1.276 and 1.277, after which the Commission shall issue its decision as provided in 47 CFR 1.282 and that the trial staff of the Common Carrier Bureau be separated both from the Commission and from the Administrative Law Judge;

13. *It is further ordered,* That, the petitions for suspension and investigation and for rejection or suspension are

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granted to the extent noted herein and otherwise denied.

14. *It is further ordered*, That, the Western Union Telegraph Co. is named party respondent.

Adopted: February 21, 1973.

Released: March 6, 1973.

FEDERAL COMMUNICATIONS COMMISSION,[1]
BEN F. WAPLE,
Secretary.

[FR Doc.73-4602 Filed 3-8-73;8:45 am]

[Docket Nos. 19468, etc.; FCC 73R-69]

WIOO, INC., ET AL.

Memorandum Opinion and Order Enlarging Issues

In regard applications of WIOO, Inc., Carlisle, Pa., Docket No. 19468, File No. BPH-6572; Howard J. Hilton, John E. McGowan, and John E. Hilton, doing business as Hilton, McGowan & Hilton, Carlisle, Pa., Docket No. 19469, File No. BPH-6631; Alexander Contract and Sylvia Contract, doing business as Cumberland Broadcasting Co., Carlisle, Pa., Docket No. 19471, File No. BPH-7404, for construction permits.

1. In a petition to enlarge issues, WIOO, Inc., argues for the addition of an issue questioning whether Cumberland Broadcasting Co., in its original application, incorrectly represented the terms and conditions of a loan commitment from Mr. James Line.[2] The petition is supported by an affidavit from Mr. Line stating that he agreed to make the loan because he was promised an ownership interest in the station after it was granted. The application made no reference to an ownership interest. Mr. Contract, the principal of Cumberland who made the agreement with Mr. Line, denies that any ownership interest was promised. While good cause for the late filing of this petition has not been established, a serious public interest question bearing on the qualifications of Cumberland Broadcasting to be a licensee of the Commission has been raised which cannot be resolved except through a hearing in view of the conflicting statements revealed in the affidavits. Therefore, an appropriate issue will be added.

2. *Accordingly, it is ordered*, That the petition to enlarge issues, filed by WIOO, Inc., on November 7, 1972, is granted and the issues are enlarged as follows:

To determine whether in filing its original application, Cumberland Broadcasting Co. misrepresented the terms and conditions of the loan commitment from Mr. James Line and to determine the effect thereof on Cumberland Broadcasting Company's basic and/or comparative qualifications to be a licensee of the Commission.

3. *It is further ordered*, That the burden of proceeding with the introduction of evidence on this issue shall be upon WIOO, Inc., and that the burden of proof shall be upon Cumberland Broadcasting Co.

Adopted: February 7, 1973.

Released: February 7, 1973.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[FR Doc.73-4604 Filed 3-8-73;8:45 am]

FEDERAL POWER COMMISSION

NATIONAL POWER SURVEY; TECHNICAL ADVISORY COMMITTEE ON CONSERVATION OF ENERGY TASK FORCE ON ENVIRONMENTAL ASPECTS

Agenda and Notice for Meeting

Meeting to be held at the Federal Power Commission Offices, 441 G Street, NW., Washington, DC; 9:30 a.m., March 15, 1973, room 2043.

1. Meeting called to order by FPC Coordinating Representative.

2. Objectives and purposes of the meeting.

A. Discuss and implement the decision taken by the Technical Advisory Committee on Conservation of Energy relating to proposed policy recommendations.

B. Discuss the policy aspects of conservation of energy.

C. Other business.

D. Date of next meeting.

3. Adjournment.

This meeting is open to the public. Any interested person may attend, appear before, or file statements with the committee—which statements, if in written form, may be filed before or after the meeting, or, if oral, at the time and in the manner permitted by the committee.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-4727 Filed 3-8-73;11:53 am]

NATIONAL GAS SURVEY; TRANSMISSION-TECHNICAL ADVISORY TASK FORCE-REGULATION AND LEGISLATION

Agenda of Meeting

Meeting to be held in conference room 2043 of the Federal Power Commission, 441 G Street NW., Washington, D.C., March 13, 1973—9 a.m.

Presiding: Mr. Thos. H. Jenkins (Acting), FPC Survey Coordinating Representative and Secretary.

1. Meeting call to order—Mr. Jenkins.

2. Objectives and purposes of meeting:

A. Review of recent developments of the transmission-technical advisory task force-regulation and legislation—Dr. George F. Kirby, Director, transmission-technical advisory task force-regulation and legislation.

B. Review of draft report of transmission-technical advisory task force-regulation and legislation—Dr. Kirby.

C. Status of assigned work and estimated date for completion—Mr. Jack D. Head, Deputy Director, transmission-technical advisory task force-regulation and legislation.

D. Discussion of environmental aspects concerning the work of the transmission-technical advisory task force-regulation and legislation—Mr. Head.

E. Other business and next meeting date.

3. Adjournment—Mr. Jenkins.

This meeting is open to the public. Any interested person may attend, appear before, or file statements with the task force—which statements, if in written form, may be filed before or after the meeting, or if oral, at the time and in the manner permitted by the task force.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-4578 Filed 3-8-73;8:45 am]

[Docket No. R-432]

ALABAMA POWER CO. ET AL.

Order Denying Petition for Amendment of Regulations

MARCH 2, 1973.

On January 16, 1973, Petitioners[1] filed a Petition for Amendment of § 141.61 of the Commission's regulations under the Federal Power Act.[2] Petitioners request that the filing requirements of Form 423, as promulgated under Order No. 453, be revised to (1) require the reporting of average cost of fossil fuels, rather than actual prices, and (2) eliminating the reporting of identity of the fuel supplier and that date of contract expiration. In the alternative, Petitioners request that Form 423 data should be made available only to Commission members or other Federal agencies.

Petitioners filed comments under Docket No. R-432, from which Order No. 453 and Form 423 emanated. Petitioners did not seek rehearing of Order No. 453, but instead are utilizing § 1.7(b) of the Commission's rules of practice and procedure to collaterally attack that order. Order No. 453 is pending on review before the U.S. Court of Appeals for the District of Columbia Circuit,[3] which court has exclusive jurisdiction to affirm, modify or set aside that order.[4] Petitioners, due to their failure to seek rehearing of Order No. 453, are precluded from seeking court review.[5] We are of the opinion that to amend regulations prescribed under an order subject to judicial review is tantamount to our usurpation of the appellate court's jurisdiction. Accordingly, we deny the petition to amend for lack of jurisdiction.

In support of their position, Petitioners contend that (1) they will be at a competitive disadvantage in negotiating contracts since fuel suppliers will have access to specific price data under Form 423, (2) disclosure of such data violates "U.S. v. Container Corp. of America," 393 U.S. 333 (1969), and (3) the purposes of Form 423 can be achieved without public disclosure. Assuming *arguendo* our jurisdiction to grant the relief requested by Petitioners, we deny the proposed amendments for the reasons stated herein.

Petitioners argue for strict application of antitrust laws to electric utilities and would preclude the Commission from considering whether or not disclosure of such data serves the overriding public interest. In regulated industries, increased competition may sacrifice efficiency and retard the investment required for orderly growth and development so as to be contrary to the public interest. Competition among utilities need not be the primary consideration in determining how to achieve our economic, social, and environmental objectives.[6] The application of antitrust policy to public utilities requires a balancing of the public interest in energy supply at a reasonable price so as to achieve the most efficient allocation of our limited resources against the potential anticompetitive effects of the proposed action. Under Form 423, there is no agreement to exchange price information in violation of the Supreme Court's holding in "U.S. v. Container, supra.," when, as here, such information is made available to buyers as well as sellers, and to regulatory commissions, other Government agencies, and the public, generally. We refuse to apply a per se antitrust rationale to electric utilities, without further inquiry into the competitive effects of the disclosure of such data. To the extent that fuel suppliers tacitly agree among themselves to fix or interfere with the prices paid by utilities, the Department of Justice can invoke the sanctions of the Sherman Act. Our determination is not in the context of immunizing any alleged antitrust violations,[7] but is a determination that disclosure of such data, absent a showing to the contrary, serves the public interest.

Assuming arguendo that the Container rationale is applicable to Form 423 and that certain anticompetitive restraints do develop, Petitioners ignore the "Government action" of the Commission in requiring such disclosure for the benefit of the public.[8] Moreover, Petitioners cannot allege, as is implied in their motion, that the Commission violated the antitrust laws through the disclosure of Form 423.[9]

In the alternative, Petitioners contend that Form 423 is entitled to confidential treatment under exception 4 of the Freedom of Information Act, 5 U.S.C. section 552(b)(4), which covers trade secrets and commercial or financial information. We reject this contention.[10] Disclosure will not undermine the competitive positions of utilities. Moreover, inasmuch as elective utilities perform a public service, any determination of the need for confidentiality must recognize that distinction from the nonregulated sector.

Petitioners offer to prove that Form 423 has injured electric utilities and their customers in fuel contract negotiations and request that a public hearing be convened. We will grant petitioners the opportunity to submit a written offer of proof. However, even if injury has occurred, petitioners must show that such injury outweighs the public benefit from full disclosure.

The Commission orders that:

(A) The petition of certain electric utilities for amendment of Commission's regulations with respect to Form No. 423 is denied for lack of jurisdiction, or in the alternative, denied for the reasons set forth above.

(B) Petitioners may file an offer of proof, under oath, on or before April 2, 1973, setting forth facts and other circumstances to support its allegation that disclosure of data under Form 423 has resulted in injury to electric utilities and that such injury outweighs the public benefit from full disclosure and the relief which the Commission can grant, if any.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.73-4567 Filed 3-8-73;8:45 am]

[Docket No. E-7925]

CINCINNATI GAS & ELECTRIC CO.

Order Accepting for Filing and Suspending Proposed Tariff Sheets, Providing for Hearing and Granting Intervention

MARCH 1, 1973.

On December 19, 1972, Cincinnati Gas & Electric Co. (CG&E) tendered for filing a revised rate applicable to the Union Light Heat & Power Co.[1] (Union), a wholly owned subsidiary. The amount of the proposed rate increase in $1,460,302 based on test year 1971 data. The proposed filing supersedes the present agreement[2] as supplemented. CG&E has proposed an effective date of March 1, 1973.

The proposed rate increase raises both demand and energy monthly charges from $1.80 per kw. to $2.726 per kw. and 4.28 mills per kw.-hr. to 5.012 mills per kw.-hr. respectively. In addition, the proposed filing introduces a tax clause and revises the fuel clause to increase the basing point and reflect current system efficiency. The fuel clause revision results in up dating the base cost of fuel and reducing the size of adjustment from 0.5 cents to 0.1 cent per MBTO. Also, CG&E requests a rate of return of 8 percent.

A copy of the filing was served on Union. The filing was noticed on January 23, 1973, with comments due on February 16, 1973. Union filed a petition to intervene on the grounds that Union's customers will ultimately bear the impact of the proposed increased rates, and therefore it should be a party to the proceedings to assure its customers adequate representation.

Our review of CG&E's filing indicates that certain issues are raised which may requiré development in an evidentiary proceeding. The proposed increases in rates and charges have not been shown to be just and reasonable and may be unjust, unreasonable, unduly discriminatory, preferential, or otherwise unlawful.

Finally, so that the Commission will have a full, complete and up-to-date record on all of the issues presented we shall require CG&E to submit cost and revenue data for calendar year 1972. In this connection we would point out that our caveat on page 7 in "Duke Power Company", Opinion No. 641 in Docket No. E-7557, is particularly appropriate, wherein we stated:

* * * our filing requirements are not to be construed as a limitation on evidence which may be proffered as an aid to us in determining just and reasonable rates. All evidentiary material relevant to a fair determination of cost and revenue expectations may be appropriately presented in filings before us.

The Commission finds:

(1) It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Federal Power Act that the Commission enter upon a hearing concerning the lawfulness of the rates and charges contained in CG&E's Rate Schedule FPC No. 35, as

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[1] Alabama Power Co., Carolina Power & Light Co., Central Hudson Gas & Electric Corp., Consumers Power Co., Duke Power Co., Jersey Central Power & Light Co., Metropolitan Edison Co., The Montana Power Co., New England Power Co., New Jersey Power & Light Co., Pennsylvania Electric Co., Public Service Electric & Gas Co., Rochester Gas & Electric Corp., South Carolina Electric & Gas Co., Utah Power & Light Co., Wisconsin Electric Power Co.

[2] Such petitions are permitted under § 1.7 (b) of the Commission's rules of practice and procedure.

[3] National Coal Association v. F.P.C., CADC, No. 72-1919.

[4] Section 19(b) of the Natural Gas Act.

[5] Section 19(a) of the Natural Gas Act.

[6] E.g., F.C.C. v. RCA Communications, Inc., 346 U.S. 86, 91-96 (1953); Utility Users League v. F.P.C., 394 F. 2d 16 (CA7), cert. denied 393 U.S. 953 (1968); Union Leader Corp. v. Newspapers of New England, Inc., 284 F. 2d 582 (CA1, 1960); S.S.W., Inc. v. Air Transport Association, 191 F. 2d 658, 666 (1951), cert. denied 343 U.S. 955 (1952); New State Ice Co. v. Liebman, 285 U.S. 262 (1932), dissent of Justice Brandeis at 281.

[7] Cf. Silver v. NYSE, 373 U.S. 341, 360-61 (1965). Pan American World Airways, Inc. v. U.S., 371 U.S. 296, 305-09 (1963). See also Port of Boston Marine Terminal Assn. v. Rederiaktiebolaget Transatlantic, 400 U.S. 62, 71-72 (1970).

[8] E.g., California Motor Transport Co. v. Trucking Unlimited, 404 U.S. 508 (1972) and the Noerr-Pennington rationale; Parker v. Brown, 317 U.S. 341 (1943); Semke v. Enid Automobile Dealers Assn., 456 F. 2d 1361 (CA10, 1972); Alabama Power Co. v. Alabama Electric Coop., Inc., 394 F. 2d 672 (CA5, 1968). See particularly Gas Light Co. of Columbus v. Georgia Power, 440 F. 2d 1135 (CA5, 1971); Washington Gas Light Co. v. VEPCO, 438 F. 2d 248 (CA4, 1971). Compare Woods Exploration and Producing Co., Inc., v. ALCOA, 438 F. 2d 1286 (CA5), cert. denied 404 U.S. 871 (1971).

[9] The Federal Power Commission is not a "person" as defined in section 8 of the Sherman Act.

[10] See E. W. Bliss Co. v. Struthers-Dunn, Inc., 408 F. 2d 1108 (CA8, 1969). Cf. Central Specialties Co. v. Schaefer, 318 F. Supp. 855 (N.D. Ill. 1970).

[1] Designated Rate Schedule FPC No. 35.

[2] Designated Rate Schedule FPC No. 2 as supplemented.

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proposed in this docket, and that the tendered tariff sheets be suspended as hereinafter provided.

(2) The disposition of this proceeding should be expedited in accordance with the procedure set forth below.

(3) In the event this proceeding is not concluded prior to the termination of the suspension period herein ordered, the placing of the tariff changes applied for in this proceeding into effect, subject to refund with interest while pending Commission determination as to their justness and reasonableness, is consistent with the purpose of the Economic Stabilization Act of 1970, as amended.

(4) Participation of the above-named petitioner for intervention in this proceeding may be in the public interest.

The Commission orders:

(A) Pursuant to the authority of the Federal Power Act, particularly section 205(e) thereof, the Commission's rules of practice and procedure, and the regulations under the Federal Power Act (18 CFR Ch. I), a public hearing shall be held, commencing with a prehearing conference on July 24, 1973, at 10 a.m., e.d.t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, DC 20426, concerning the lawfulness of the rates, charges, classifications, and services contained in CG&E's Rate Schedule FPC No. 35 as proposed herein.

(B) At the prehearing conference on July 24, 1973, CG&E's prepared testimony (Statement P) together with its entire rate filing shall be admitted to the record as its complete case-in-chief subject to appropriate motions, if any, by parties to the proceeding. All parties will be expected to come to the conference prepared to effectuate the provisions of §§ 1.18 and 2.59 of the Commission's rules of practice.

(C) On or before April 16, 1973, CG&E shall file cost and revenue data for the 1972 calendar year. On or before July 16, 1973, the Commission staff shall serve its prepared testimony and exhibits. The prepared testimony and exhibits of all intervenors shall be served on or before July 30, 1973. Any rebuttal evidence by CG&E shall be served on or before August 13, 1973. The public hearing herein ordered shall convene on August 28, 1973, at 10 a.m., e.d.t.

(D) A Presiding Administrative Law Judge to be designated by the Chief Administrative Law Judge for that purpose (see Delegation of Authority, 18 CFR 3.5 (d)), shall preside at the hearing in this proceeding, shall prescribe relevant procedural matters not herein provided, and shall control this proceeding in accordance with the policies expressed in § 2.59 of the Commission's rules of practice and procedure.

(E) Pending hearing and a final decision thereon, CG&E's proposed tariff sheets are suspended for 5 months and the use thereof deferred until August 1, 1973.

(F) The above-named petitioner is hereby permitted to intervene in these proceedings, subject to the rules and regulations of the Commission: *Provided, however,* That the participation of such intervenor shall be limited to matters affecting rights and interests specifically set forth in the petition to intervene: *And provided, further,* That the admission of such intervenor shall not be construed as recognition that it might be aggrieved because of any order or orders issued by the Commission in these proceedings.

(G) Pursuant to § 2.59(c) of the Commission's rules of practice and procedure, CG&E shall promptly serve a copy of all filings upon the above-mentioned intervenor.

(H) The Secretary shall cause prompt publication in the FEDERAL REGISTER.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

[FR Doc.73-4535 Filed 3-8-73;8:45 am]

[Docket No. CP73-220]

EL PASO NATURAL GAS CO.

Notice of Tariff Filing

MARCH 2, 1973.

Take notice that on February 16, 1973, El Paso Natural Gas Co. (El Paso), filed, pursuant to Part 154 of the Commission's regulations under the Natural Gas Act, certain revised tariff sheets to its FPC Gas Tariff, Third Revised Volume No. 2.

El Paso states that such tariff sheets provide for the revision of the currently effective special Rate Schedule Z-1, which is comprised of the 1963 services agreement between El Paso and Northern Natural Gas Co. (Northern) dated August 17, 1962. Such agreement provides for the daily exchange of up to 575-million cubic feet of natural gas between the parties. The purpose of the subject revision is to define the location of an additional proposed delivery point for authorized exchange quantities, known as the Woodward County Delivery Point, located in Woodward County, Okla., and to appropriately amend the provisions of the exchange agreement as related to such new delivery point. The reason for the changes is to have on file with the Commission an effective Rate Schedule Z-1 which reflects the current exchange agreement between the parties. The basis for such changes is the amendment to 1963 services agreement dated February 1, 1973, between the parties.

El Paso requests that the tariff sheets become effective on a date coincident with the date of issuance of the authorization in the concurrent application for a certificate of public convenience and necessity under section 7(c) of the Natural Gas Act.

A copy of the filing has been mailed to Northern.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 441 G Street NW., Washington, DC 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before March 19, 1973. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB, *Secretary.*

[FR Doc.73-4574 Filed 3-8-73;8:45 am]

[Docket No. CP73-221]

EL PASO NATURAL GAS CO.

Notice of Tariff Filing

MARCH 2, 1973.

Take notice that on February 16, 1973, El Paso Natural Gas Co. (El Paso), filed, pursuant to Part 154 of the Commission's regulations under the Natural Gas Act, certain tariff sheets which are designed to establish initial special Rate Schedule X-30 to its FPC Gas Tariff, Third Revised Volume No. 2.

El Paso states that such initial special rate schedule is comprised of a gas purchase and sales agreement dated January 31, 1973, between El Paso and Northern Natural Gas Co. (Northern) providing for, among other things, the limited-term sale of natural gas by El Paso to Northern in Lea County, N. Mex., and Pecos County, Tex. The special operating arrangements contemplated thereunder provide for the sale and delivery, on a best efforts basis, by Northern to El Paso of up to 75,000 Mcf per day of raw, unprocessed gas produced in Lea County, N. Mex., for which El Paso will pay a negotiated rate of 18.87 cents per Mcf. El Paso will deliver and sell to Northern, in Lea County, N. Mex., and Pecos County, Tex., on a best efforts basis, a quantity of gas equivalent to the residue gas remaining after processing the raw gas delivered by Northern. Northern shall pay El Paso a rate equivalent to the rate in effect from time to time under Rate Schedule X-1 of El Paso's FPC Gas Tariff, Original Volume No. 1. The limited-term of the special rate schedule is for the period continuing through January 31, 1976.

El Paso requests that the tariff sheets become effective on a date coincident with the date of issuance of the authorization in the concurrent application for a certificate of public convenience and necessity under section 7(c) of the Natural Gas Act.

A copy of this filing has been mailed to Northern.

Any person desiring to be heard or to make any protest with reference to said filing should, on or before March 16, 1973, file with the Federal Power Commission, 441 G Street NW., Washington, DC 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and

procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 15.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestant parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB, *Secretary.*

[FR Doc.73-4573 Filed 3-8-73;8:45 am]

[Docket No. CI73-568]

INEXCO OIL CO.

Notice of Application

MARCH 6, 1973.

Take notice that on February 26, 1973, Inexco Oil Co., 12th floor, Houston Club Building, Houston, Tex. 77002, filed in Docket No. CI73-568 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale for resale and delivery of natural gas in interstate commerce to Natural Gas Pipeline Company of America from the Seven Oaks-Hortense area, Polk County, Tex., all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to sell approximately 1,400 Mcf of gas per day for 2 years at 45 cents per Mcf at 14.65 p.s.i.a., subject to upward and downward B.t.u. adjustment, within the contemplation of § 2.70 of the Commission's general policy and interpretations (18 CFR 2.70).

It appears reasonable and consistent with the public interest in this case to prescribe a period shorter than 15 days for the filing of protests and petitions to intervene. Therefore, any person desiring to be heard or to make any protest with reference to said application should on or before March 19, 1973, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB, *Secretary.*

[FR Doc.73-4563 Filed 3-8-73; 8:45 am]

[Docket No. CP73-224]

KANSAS-NEBRASKA NATURAL GAS CO., INC.

Notice of Application

MARCH 2, 1973.

Take notice that on February 23, 1973, Kansas-Nebraska Natural Gas Co., Inc. (Applicant), Post Office Box 608, Hastings, NE 68901, filed in Docket No. CP73-224 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing a new Winter Period Service (WPS) for Applicant's jurisdictional customers, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Specifically, Applicant proposes to provide WPS to its jurisdictional customers during the period from December 1 through the following March 31 of each winter under a two-part rate consisting of a WPS demand charge and a commodity charge. The application indicates that the WPS demand charge, payable in four equal installments, is equivalent to the annual contract demand charge for the appropriate rate zone currently in effect and the commodity rate is equal to the appropriate zone commodity charge currently in effect.

Applicant states that the WPS would be available to any of Applicant's existing contract demand customers who have executed a service agreement therefor providing for firm gas of a specific amount to be available to the customer in excess of the contract demand during the period between December 1 and March 31 of each heating season. Applicant proposes that this service be made available beginning with the 1973-74 heating season and estimates that the demand thereunder would be approximately 5,000 Mcf per day for said heating season.

Applicant further states that the proposed service is in accordance with the Commission's efforts to conserve natural gas since it will permit Applicant's jurisdictional customers to add new domestic and small commercial loads that develop in their respective service areas but will not encourage use of off-peak or valley gas for inferior uses.

Any person desiring to be heard or to make any protest with reference to said application should on or before March 26, 1973, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commissions' rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB, *Secretary.*

[FR Doc. 73-4571 Filed 3-8-73;8:45 am]

[Docket No. RP73-23]

LAWRENCEBURG GAS TRANSMISSION CORP.

Notice of Filing of Substitute Tariff Sheets To Comply With Commission Order

MARCH 2, 1973.

Take notice that Lawrenceburg Gas Transmission Corp. (Lawrenceburg) on February 14, 1973, tendered for filing substitute gas tariff sheets to its FPC Gas Tariff, Original Volume No. 1.

The proposed revisions are described by company's transmittal letter as Substitute Original Sheets Nos. 18-C, D, and E, and Substitute First Revised Sheet No. 3-A. The substitute original sheets are stated to be revisions necessary to comply with ordering paragraph (A) of "Commission Order Conditionally Accepting Purchase Gas Adjustment Clause," issued February 5, 1973, in this docket, and are purportedly effective September 1, 1972, as per the order. The company states that these revisions delete references to unaccounted-for charge and credit calculations in determining rate adjustments under the PGA clause and provide for the flow-through of re-

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funds from suppliers applicable to purchases on or after September 1, 1972. The substitute first revised sheet was purportedly designed to reflect a reduction in the commodity tariff rate of Rate Schedule EX–1 due to the revisions previously mentioned. The rate schedule with the reduction has an effective date of February 1, 1973, according to the company.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 441 G Street NW., Washington, DC 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before March 12, 1973. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73–4527 Filed 3–8–73;8:45 am]

[Docket No. R–432]

MONTHLY REPORT OF COST AND QUALITY OF FUELS FOR STEAM ELECTRIC PLANT

Order Denying Motion for Confidential Treatment

MARCH 2, 1973.

On December 22, 1972, Petitioners[1] filed a motion with the Commission to stay pendente lite the public dissemination of information required by Commission Order No. 453 to be provided on Monthly Form 423 and to hold the Forms 423 confidential. Petitioners also point out that Order No. 453 is currently on appeal with the U.S. Court of Appeals with the District of Columbia, such appeal having been taken by the National Coal Association in case No. 72–19197. In support of the Motion, Petitioners make four arguments:

(1) Order No. 453's requirement for the divulgence and dissemination of specific price information is inconsistent with holdings of the U.S. Supreme Court under the Sherman Act.

(2) Experience has now shown that the price information is being used for purposes contrary to those for which the rule was adopted and for purposes which will cause utilities and their customers to suffer irreparable injury.

(3) The purposes for which the monthly fuel cost information is purportedly needed can be satisfied by keeping it confidential.

(4) Lack of any consideration of anti-competitive consequences at the time Order No. 453 was adopted makes a stay of further disclosure pending such consideration appropriate in the public interest.

It should be noted at the outset that Petitioners made no application for rehearing of Order No. 453 itself within the allotted statutory time limit.

The courts have held that: "where an agency or court whose orders are under review has refused to stay its own orders, (they) will consider four factors, namely, whether the party seeking the stay made a strong showing that it was likely to prevail on the merits of its appeal, irreparable injury, whether issuance of a stay would substantially harm other parties, and where lies the public interest." Virginia Petroleum Jobbers Association v. F.P.C., 104 U.S. App. D.C. 106, 110, 259 F. 2d 921, 925 (1958). We are of the opinion that this test may be similarly applied in cases where motions to stay are sought before this Commission.

Petitioners have certainly not met the first test of making a strong showing that it is likely to prevail on the merits of an appeal. Appeal in this case is in fact lodged by the National Coal Association rather than by the Petitioners. Consequently it is impossible for Petitioners to meet this standard. Even viewing the standard in broader terms, Petitioners have not shown that the National Coal Association is likely to prevail on appeal.

Petitioners likewise have not shown that without such relief it will be irreparably injured. Although an allegation of irreparable injury is made, Petitioners' only attempt to support that allegation consists of a discussion of how popular Form 423 is in the Office of Public Information and an assertion that information from that form has been used in negotiating contracts. In our view neither of these establishes a case of irreparable injury.

The third criteria in the Jobbers Case requires an answer to the question: "Would the issuance of a stay substantially harm other parties interested in the proceedings?" We will assume for the sake of argument that Petitioners' third contention attempts to meet this criteria. The matter of confidentiality was raised early in the proceedings leading up to the adoption of Order No. 453. In exercising its discretion in this rulemaking, the Commission determined that it was in the public interest not to hold the information provided on Form No. 423 confidential. If we were to adopt Petitioners' view in this regard, we would simply be substituting their concept of public interest for our own and their discretion of our own. We shall not do this.

Finally, we are of the opinion the stay should not be granted because Petitioners' have failed to show that it is in the public interest to do so. The court stated in the Jobbers Case, supra, page 925:

> In litigation involving the administration of regulatory statutes designed to promote the public interest, this factor necessarily becomes crucial. The interests of private litigants must give way to the realization of public purposes. The public interest may, of course, have many faces—favoring at once both the rapid expansion of utilities and the prevention of wasteful and repetitive proceedings at the taxpayers' or consumers' expense; both fostering competition and preserving the economic viability of existing public services; both expediting administrative or judicial action and preserving orderly procedure.

Petitioners have wholly failed to show that granting a stay for this case would be in the public interest within the context of this language. The stay will therefore be denied.

The Commission orders:

The motion for confidential treatment of Form No. 423 pending further proceedings is denied.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.73–4570 Filed 3–8–73;8:45 am]

[Docket No. RP73–63]

NORTHERN NATURAL GAS CO.

Notice of Filing of Revisions of Proposed Rate Schedule

MARCH 2, 1973.

Take notice that Northern Natural Gas Co. (Northern) on February 20, 1973, tendered for filing revisions of its Proposed Rate Schedule X–32 of its FPC Gas Tariff, Original Volume No. 2. The revision provides for an increase in rates from 27 cents per Mcf to 33 cents.

Northern states that Proposed Rate Schedule X–32 is a sales agreement between Northern and Southern Union Gas Co. and is pending Commission approval. The revised sheets are being submitted, according to the company, to bring the rate into borrowing with those Volume 2 rates that purportedly became effective December 3, 1972, by motion filed by Northern, November 27, 1972, in Docket No. RP72–127.

The company requests that the Commission waive the notice requirements of § 154.22 of the Commission's regulations and further asks that the Commission accept the revised sheets simultaneously with its acceptance of Proposed Rate Schedule X–32, if such acceptance is forthcoming.

Any person desiring to be heard or to protest said revisions should file a petition to intervene or protest with the Federal Power Commission, 441 G Street NW., Washington, DC 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before March 15, 1973. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73–4572 Filed 3–8–73;8:45 am]

[1] Alabama Power Co., Carolina Power & Light Co., Central Hudson Gas & Electric Corp., Consumers Power Co., Duke Power Co., Jersey Central Power & Light Co., Metropolitan Edison Co., The Montana Power Co., New England Power Co., New Jersey Power & Light Co., Pennsylvania Electric Co., Rochester Gas & Electric Corp., South Carolina Electric & Gas Co., Utah Power & Light Co., Wisconsin Electric Power Co.

[Docket No. E–7705]

OHIO EDISON CO.

Notice of Filing of Settlement Agreement

MARCH 2, 1973.

Take notice that the Presiding Administrative Law Judge, on February 14, 1973, certified and transmitted to the Commission the joint motion of Ohio Edison Co. (Edison) and the Municipal Intervenors (filed February 12, 1973) for approval of a settlement agreement and the hearing record in this proceeding. The agreement would resolve all issues in this proceeding. The agreement attached to the motion includes a reduction in the rate increase proposed by Edison herein and provides for refunds computed on the basis of the proposed settlement rates for the period commencing September 1, 1972, until those rates become effective.

The settlement rates would yield annual revenues from wholesale electric service of $6,904,400, representing an annual increase of $742,100, based upon sales for the 12 months ended December 31, 1970. The proposed increased rates which became effective subject to refund on September 1, 1972, were estimated by Edison to yield an annual increase of approximately $1,140,000, based upon sales for the same operating period. The parties to the agreement agree that the presently effective loadshedding provisions will be deleted and that the parties will undertake a joint study to determine the manner in which loadshedding will be carried out in the future. The parties further agree to undertake a joint effort to realign their long-term power supply relationships.

Copies of the filing have been served on all wholesale customers and interested State regulatory agencies.

Responses or comments relating to the proposed settlement agreement may be filed with the Federal Power Commission, 441 G Street NW., Washington, DC 20426, on or before March 16, 1973.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73–4576 Filed 3–8–73;8:45 am]

[Docket No. CI72–773]

OFFSHORE CO.

Notice of Application

MARCH 2, 1973.

Take notice that on February 20, 1973, the Offshore Co. (Applicant) Post Office Box 2765, Houston, TX 77001, filed in Docket No. CI72–773 an application pursuant to section 7(c) of the Natural Gas Act and § 2.75 of the Commission's general policy and interpretations (18 CFR 2.75) for a certificate of public convenience and necessity authorizing the sale for resale and delivery of natural gas in interstate commerce to Sea Robin Pipeline Co. (Sea Robin) from Block 225, Ship Shoal Area, Offshore Louisiana, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes under the optional gas pricing procedure to sell natural gas to Sea Robin from Block 225 at an initial rate of 35 cents per Mcf at 15.025 p.s.i.a., subject to upward and downward B.t.u. adjustment. The basic contract for the subject sale dated April 27, 1972, provides for 2.5 cents per Mcf price escalations every 3 years for reimbursement to the applicant for any new or increased taxes, and for a contract term extending until January 1, 1973.

Applicant states that it was granted a temporary certificate for the subject sale of gas in Docket No. CI72–773, but that deliveries have not commenced from its interest in the subject acreage. If this application is granted, Applicant requests that its original application in this docket filed on May 26, 1972, be considered withdrawn.

Applicant asserts that the instant contract prices were reasonable at the time of execution of the contract and that contracts executed since then provide for much higher prices, including some executed intrastate sales contracts for Louisiana at prices in excess of 50 cents per Mcf. Applicant also asserts that the cost of liquefied natural gas and other nonconventional supply sources are much higher than the present proposal. Applicant alleges that the instant contract prices are needed to provide funds for increasing lease sale costs in the Southern Louisiana area and otherwise to provide funds for exploration, development, and production of needed gas supplies, thereby maintaining Applicant's financial integrity.

In the alternative, Applicant requests that this application be treated as an amendment to its existing, pending certificate application in Docket No. CI72–773 to accomplish the above-described results on a permanent basis. In such case Applicant requests that its notice of withdrawal of application be disregarded.

Any person desiring to be heard or to make any protest with reference to said application should on or before March 26, 1973, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73–4566 Filed 3–8–73;8:45 am]

[Docket No. RP73–78]

ORANGE AND ROCKLAND UTILITIES, INC.

Order Accepting for Filing and Suspending Revised Tariff Sheets and Providing for Hearing

MARCH 1, 1973.

On January 31, 1973, Orange and Rockland Utilities, Inc. (O&R), filed in this docket proposed changes in its FPC Gas Tariff, Original Volume No. 1. Also included for filing were executed service agreements between O&R and New York State Electric & Gas Corp. and a wholly owned subsidiary, Pike County Light & Power Co. The proposed changes would increase revenues from jurisdictional sales and service by $66,194 based on a volume of sales for the 12 months period ending September 30, 1972. The company requests the proposed changes be made effective as of March 2, 1973. The filing was noticed on February 12, 1973, with comments due by February 22, 1973. No applications for intervention were received.

The three schedules presently in effect are Cost of Service (General) Rate CS–1, Interruptible I–1, and S–1. O&R states that the proposed changes alter the methods of allocation somewhat in order to reflect more accurately O&R's current cost of serving its wholesale customers. The rates for service delivered under Rate Schedule CS–1 have been altered to reflect a two-part demand-commodity rate. O&R further states that the two-part rate has removed the necessity of an interruptible rate and therefore O&R proposed to cancel its tariff Interruptible Service I–1. It is proposed that Rate Schedule S [illegible] be maintained at its historical level. The company states in its filing that the rates have been negotiated and that the company's non-affiliated customer, New York State Electric & Gas, has agreed to all aspects of the filing relating to service it receives with the exception of rate of return.

We find that the proposed change in allocation and rate design and the requested increases as to a proposed rate of return of 9 percent for O&R's jurisdictional sales to New York State Electric & Gas and Pike County Light &

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Power raise certain issues which may require development in an evidentiary hearing. The proposed changes in O&R's FPC Gas Tariff, Original Volume No. 1, have not been shown to be just and reasonable and may be unjust, unreasonable, unduly discriminatory or preferential or otherwise unlawful.

The Commission finds:

(1) It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the rates and charges contained in O&R's FPC Gas Tariff Original Volume No. 1 as proposed to be amended in this docket, and that the tendered tariff sheets be suspended as hereinafter provided.

(2) The disposition of this proceeding should be expedited in accordance with the procedure set forth below.

(3) In the event this proceeding is not concluded prior to the termination of the suspension period herein ordered, the placing of the tariff changes applied for in this proceeding into effect, subject to refund with interest while pending Commission determination as to their justness and reasonableness, is consistent with the purpose of the Economic Stabilization Act of 1970, as amended.

The Commision orders:

(A) The tariff sheets filed by O&R on January 31, 1973, are accepted for filing and suspended as hereinafter ordered.

(B) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 5 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing shall be held, commencing with a prehearing conference on May 11, 1973, at 10 a.m., e.d.t. in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, DC 20426, concerning the lawfulness and reasonableness of the rates and charges contained in O&R's FPC Gas Tariff, Original Volume No. 1, as proposed to be amended herein.

(C) At the prehearing conference on May 11, 1973, O&R's prepared testimony (Statement) together with its entire rate filing shall be admitted to the record as its complete case-in-chief subject to appropriate motions, if any, by parties to the proceeding. All parties will be expected to come to the conference.

(D) On or before April 30, 1973, the Commission staff shall serve its prepared testimony and exhibits. Any rebuttal evidence by O&R shall be served on or before May 18, 1973. The public hearing herein ordered shall convene on May 30, 1973, at 10 a.m., e.d.t.

(E) A Presiding Administrative Law Judge to be designated by the Chief Administrative Law Judge for that purpose (see delegation of authority, 18 CFR 3.5 (d)), shall preside at the hearing in this proceeding, shall prescribe relevant procedural matters not herein provided, and shall control this proceeding in accordance with the policies expressed in § 2.59 of the Commission's rules of practice and procedure.

(F) Pending hearing and a decision thereon the O&R tariff sheets as amended are suspended for the full statutory period and the use thereof deferred until August 1, 1973, and until such further time as they are made effective in the manner provided in the Natural Gas Act.

(G) The Secretary shall cause prompt publication of this order in the FEDERAL REGISTER.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

[FR Doc.73-4533 Filed 3-8-73;8:45 am]

[Docket No. E-7986]

PUBLIC SERVICE COMPANY OF INDIANA

Notice of Proposed Changes in Delivery Points

MARCH 2, 1973.

Take notice that the Public Service Company of Indiana (PSI) on January 10, 1973, tendered for filing a document entitled second supplemental agreement. Entered into by PSI and Jackson County Rural Electric Membership Corp. (REMC), this agreement was purportedly entered into on June 1, 1972.

PSI indicates that the purpose of this agreement is to amend exhibit "A" of a document entitled the revised principal agreement by adding two delivery points. PSI further indicates that all other terms and conditions of the revised principal agreement remain in effect.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 441 G Street NW., Washington, DC 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before March 12, 1973. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB, *Secretary.*

[FR Doc.73-4575 Filed 3-8-73;8:45 am]

[Docket No. RP73-47]

SEA ROBIN PIPELINE CO.

Notice of Extension of Procedural Dates

MARCH 2, 1973.

On February 9, 1973, Sea Robin Pipeline Co. (Sea Robin) filed a motion for a revision of the procedural dates as established by the order issued November 13, 1973, in the above matter. On February 14, 1973, the Commission staff counsel filed an answer concurring conditionally to the motion but submitting a further revision of the procedural dates. On February 26, 1973, Sea Robin filed a response to the answer by the staff. Sea Robin does not oppose the procedural dates suggested by the staff but requested that the date for the service of its revised statement be extended to May 1, 1973.

Upon consideration, notice is hereby given that the procedural dates in the above matter are modified as follows:

Service of Revised Statement P by Sea Robin, May 1, 1973.
Staff service date, June 12, 1973.
Intervener service date, June 26, 1973.
Sea Robin rebuttal service date, July 13, 1973.
Prehearing date, July 10, 1973 (10 a.m., e.d.t.).
Hearing date, July 24, 1973 (10 a.m., e.d.t.).

KENNETH F. PLUMB, *Secretary.*

[FR Doc.73-4526 Filed 3-8-73;8:45 am]

[Docket No. CP66-43]

TEXAS EASTERN TRANSMISSION CORP.

Order Instituting Investigation

MARCH 2, 1973.

On August 9, 1965, Texas Eastern Transmission Corp. (Texas Eastern), filed an application in this docket for a certificate of public convenience and necessity, inter alia, authorizing the construction and operation of a liquefied natural gas (LNG) storage facility to be located near the terminus of its system and for authorization to provide additional service to its customers, pursuant to its storage rate schedule. Notice of the application was issued on August 13, 1965, and published in the FEDERAL REGISTER, August 18, 1965 (30 FR 10260).

By order issued April 29, 1966, the Commission issued a certificate of public convenience and necessity to Texas Eastern authorizing the construction and operation of the LNG facility and authorization to render the proposed storage service to its customers (35 FPC 655).

By letter dated October 23, 1970, Texas Eastern notified the Commission that the LNG facility had been constructed in accordance with the plans and specifications previously submitted to the Commission. It also advised the Commission that the shakedown operation of the plant was continuing and that the plant should be ready for service for the 1970-71 heating season.

On February 10, 1973, an accident occurred at the aforesaid LNG facility, resulting in extensive loss of life and property damage.

Texas Eastern is a "natural-gas company" within the meaning of the Natural Gas Act and is, therefore, subject to the jurisdiction of the Commission.

Proper administration of our responsibilities under the Natural Gas Act, and particularly our duties to protect the public interest in actions arising under sections 3, 4, 5, and 7 thereof, require the prompt collection and preservation of evidence relating to the accident of February 10, 1973.

We are cognizant that various investigations of the accident have been instituted by appropriate governmental agencies, but none of these is directed to the particular public interest concerns vested with this Commission by act of Congress. We have no desire or intention to duplicate other investigations. The investigation hereinafter shall be of sufficient scope to fulfill our statutory responsibilities, but shall not reach matters, such as a determination of negligence or nonnegligence, which are outside of our statutory responsibilities.

The Commission finds:

It is necessary and proper in the public interest that an investigation of the aforesaid LNG facility accident be instituted by the Commission.

The Commission orders:

An investigation of Texas Eastern Transmission Corp. pursuant to the provisions of the Natural Gas Act, particularly section 14 thereof, is hereby instituted for the purpose of investigating the facts, conditions, practices or matters relating to the accident at the Staten Island, New York, LNG facility. The Commission's Bureau of Natural Gas is directed to carry on the investigation of this matter in cooperation with other public agencies involved. Texas Eastern is directed to furnish all information relating to its own investigation of this accident to the Commission.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

[FR Doc.73-4529 Filed 3-8-73;8:45 am]

[Docket No. CP73-225]

TEXAS GAS TRANSMISSION CORP.

Notice of Application

MARCH 2, 1973.

Take notice that on February 23, 1973, Texas Gas Transmission Corp. (Applicant), 3800 Frederica Street, Owensboro, KY 42310, filed in docket No. CP73-225 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the exchange of up to 2,000 Mcf of natural gas per day with Terre Haute Gas Corp. (Terre Haute) during the period ending December 15, 1973, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant and Terre Haute have entered into an agreement, dated December 8, 1972, providing for the proposed exchange. Applicant states that it will deliver natural gas to Terre Haute at certain existing delivery points in Indiana and that Terre Haute will redeliver gas on Applicant's system near Applicant's existing Terre Haute Sales Meter Station No. 5 near Brazil, Ind. Applicant states further that the only facility required will be an additional meter run at Terre Haute Station No. 5.

The application indicates that the estimated cost of the proposed facility is $3,350, which cost will be financed through available funds on hand. Terre Haute will reimburse Applicant in full for the cost of said facility.

Applicant alleges that as a result of the instant proposal, Terre Haute will be in a better position to meet its requirements, and Panhandle Eastern Pipe Line Co. will be permitted to test, during said exchange, the feasibility of the Calcutta Carbon Storage Field in Parke and Clay Counties, Ind.

Any person desiring to be heard or to make any protest with reference to said application should on or before March 26, 1973, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB, *Secretary.*

[FR Doc.73-4528 Filed 3-8-73;8:45 am]

[Docket No. RP73-3]

TRANSCONTINENTAL GAS PIPE LINE CORP.

Notice of Purchased Gas Cost Adjustments to Rates and Charges

MARCH 2, 1973.

Take notice that Transcontinental Gas Pipe Line Corp. (Transco) on February 14, 1973, tendered for filing certain revised tariff sheets to its FPC Gas Tariff, First Revised Volume No. 1 to become effective April 1, 1973. Pursuant to the purchased gas adjustment clause (PGA clause) provision contained in its tariff, Transco proposes to increase its rates effective April 1, 1973, to purportedly reflect both a current purchased gas cost increase and a deferred adjustment increase.

Substitute Third Revised Sheet No. 5 and substitute First Revised Sheet No. 6 included in Appendix A of the filing reflect a rate change of 1.4 cents per Mcf which includes 0.9 cent per Mcf for a purported current gas cost increase and a deferred adjustment increase of 0.5 cent per Mcf which, according to the company, is to recoup the balance in its unrecovered purchased gas cost account. According to Transco, the 0.5 cent per Mcf deferred adjustment increase will not fully clear the unrecovered purchased gas cost account in the 6-month period subsequent to April 1, 1973, and Transco requests a waiver of its PGA clause to make this increase effective.

Should there be any objection to the 1.4-cent-per-Mcf increase, Transco, in the alternative, tendered for filing alternate substitute Third Revised Sheet No. 5 and alternate substitute First Revised Sheet No. 6 included in Appendix A reflecting a rate change of 1.7 cents per Mcf which includes the same 0.9 cent per Mcf current gas cost increase and 0.8 cent per Mcf deferred adjustment increase purportedly calculated strictly in accordance with Transco's PGA clause.

The company states that copies of the filing have been mailed to each of the company's jurisdictional customers and interested State commissions.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 441 G Street NW., Washington, DC 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before March 19, 1973. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspections.

KENNETH F. PLUMB, *Secretary.*

[FR Doc.73-4577 Filed 3-8-73;8:45 am]

[Docket No. CP71-166]

UNITED GAS PIPE LINE CO. AND SOUTHERN NATURAL GAS CO.

Notice of Petition To Amend

MARCH 1, 1973.

Take notice that on February 23, 1973, United Gas Pipe Line Co., 1500 Southwest Tower, Houston, Tex. 77002, and Southern Natural Gas Co., Post Office Box 2563, Birmingham, AL 35202, filed in Docket No. CP71-166 a petition to amend the order issuing a certificate of public convenience and necessity pursuant to section 7(c) of the Natural Gas Act in said docket on May 3, 1971 (45 FPC 629), by vacating in part the authorization therein granted, all as more fully set

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forth in the petition to amend which is on file with the Commission and open to public inspection.

Petitioners are authorized in the order of May 3, 1971, to exchange natural gas at three existing points of interconnection and to construct and operate facilities and to exchange gas at a fourth point of interconnection. Petitioners state that sufficient pipeline capacity exists on the systems of each company to accommodate the exchange of gas required by each without the proposed fourth exchange point in Bienville Parish, La. Accordingly, they request that the order be vacated in part with regard to the Bienville Parish exchange point.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before March 26, 1973, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-4530 Filed 3-8-73;8:45 am]

[Docket No. G-13385, et al.]

CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY

Findings and Order After Statutory Hearing

MARCH 1, 1973.

Findings and order after statutory hearing issuing certificates of public convenience and necessity, amending orders issuing certificates, terminating certificates, making successors corespondent, accepting rate schedules for filing, and granting petition to intervene.

Each applicant herein has filed an application pursuant to section 7 of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale for resale and delivery of natural gas in interstate commerce or a petition to amend an order issuing a certificate, all as more fully set forth in the applications and petitions to amend.

Applicants have filed FPC gas rate schedules or supplements to rate schedules on file with the Commission and propose to initiate, or add natural gas service in interstate commerce as indicated in the tabulation herein.

The Commission's staff has reviewed each application and recommends each action ordered as consistent with all substantive Commission policies and required by the public convenience and necessity.

After due notice by publication in the FEDERAL REGISTER, a petition for leave to intervene was filed and withdrawn by Ralph H. Meriwether in Docket No. CI71-665 and a petition for leave to intervene in the event of a formal hearing was filed by Pioneer Gas Products Co., in Docket No. CI71-894. No notices of intervention, protests to the granting of the applications and petitions to amend, or further petitions to intervene have been filed.

At a hearing held on February 27, 1973, the Commission on its own motion received and made a part of the record in this proceeding all evidence, including the applications and petitions and exhibits thereto, submitted in support of the authorizations sought herein, and upon consideration of the record,

The Commission finds:

(1) Each applicant herein is a natural-gas company within the meaning of the Natural Gas Act as heretofore found by the Commission or will be engaged in the sale of natural gas in interstate commerce for resale for ultimate public consumption, subject to the jurisdiction of the Commission, and will, therefore, be a natural-gas company within the meaning of the Natural Gas Act upon the commencement of service under the authorizations hereinafter granted.

(2) The sales of natural gas hereinbefore described, as more fully described in the applications in this proceeding, will be made in interstate commerce subject to the jurisdiction of the Commission; and such sales by applicants, together with the construction and operation of any facilities subject to the jurisdiction of the Commission necessary therefor, are subject to the requirements of subsections (c) and (e) of section 7 of the Natural Gas Act.

(3) Applicants are able and willing properly to do the acts and to perform the service proposed and to conform to the provisions of the Natural Gas Act and the requirements, rules, and regulations of the Commission thereunder.

(4) The sales of natural gas by applicants, together with the construction and operation of any facilities subject to the jurisdiction of the Commission necessary therefor, are required by the public convenience and necessity; and certificates therefor should be issued as hereinafter ordered and conditioned.

(5) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act and the public convenience and necessity require that the orders issuing certificates of public convenience and necessity in various dockets involved herein should be amended as hereinafter ordered.

(6) The predecessor of applicant in Docket No. CI66-301 has not collected any amounts subject to refund in Docket No. RI70-1779 is excess of the just and reasonable area ceiling rate established by the Commission.

(7) The rates proposed to be charged and collected by applicant in Dockets Nos. CI68-1231 and CI68-1232 are effective subject to refund in Dockets Nos. RI71-136 and RI72-118.

(8) The rate proposed to be charged and collected by applicant in Docket No. CI73-64 is effective subject to refund in Docket No. RI70-49.

(9) Participation by Pioneer Gas Products Co., in Docket No. CI71-894 may be in the public interest.

(10) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that the FPC gas rate schedules and supplements related to the authorizations hereinafter granted should be accepted for filing or are redesignated as hereinafter ordered.

The Commission orders:

(A) Certificates of public convenience and necessity are issued upon the terms and conditions of this order authorizing sales by applicants of natural gas in interstate commerce for resale, together with the construction and operation of any facilities subject to the jurisdiction of the Commission necessary therefor, all as hereinbefore described and as more fully described in the applications and in the tabulation herein.

(B) The certificates granted in paragraph (A) above are not transferable and shall be effective only so long as Applicants continue the acts or operations hereby authorized in accordance with the provisions of the Natural Gas Act and the applicable rules, regulations, and orders of the Commission.

(C) The grant of the certificates issued in paragraph (A) above shall not be construed as a waiver of the requirements of section 7 of the Natural Gas Act or of Part 154 or Part 157 of the Commission's regulations thereunder and is without prejudice to any findings or orders which have been or which may hereafter be made by the Commission in any proceedings now pending or hereafter instituted by or against applicants. Further, our action in this proceeding shall not foreclose or prejudice any future proceedings or objections relating to the operation of any price or related provisions in the gas purchase contracts herein involved. The grant of the certificates aforesaid for service to the particular customers involved does not imply approval of all of the terms of the contracts, particularly as to the cessation of the service upon termination of said contracts as provided by section 7(b) of the Natural Gas Act. The grant of the certificates aforesaid shall not be construed to preclude the imposition of any sanctions pursuant to the provisions of the Natural Gas Act for the unauthorized commencement of any sales of natural gas subject to said certificates.

(D) The orders issuing certificates of public convenience and necessity in various dockets are amended by adding thereto authorization to sell natural gas or by substituting successors in interest as certificate holders as more fully described in the applications and in the tabulation herein. In all other repsects said orders shall remain in full force and effect.

(E) Applicants in the dockets indicated shall charge and collect the following rates, subject to B.t.u. adjustment where applicable:

Docket No.	Rate (cents per Mcf)	Pressure base (p.s.i.a.)
CI61-1182	25.0	15.025
CI66-410	26.5	14.65
CI66-301	[1] 17.0637	14.65
CI68-926	[2] 16.5610	14.65
CI68-926	17.0637	14.65
CI71-665	[3] 22.0	14.65
CI71-894	10.0	14.65

[1] Sales under the basic contract.
[2] Sales from acreage dedicated by Supplements Nos. 2 and 5 to the rate schedule.
[3] For sales of gas-well-gas; subject to prospective modification upon the conclusion of the proceeding in Docket No. AR70-1 et al.

(F) Within 90 days from the date of this order, applicants in Dockets Nos. G-13385, G-16870, CI65-406, CI66-301, CI68-926, CI68-1231, CI68-1232, CI72-311, CI72-835, and CI73-64 shall each file three copies of a rate schedule-quality statement in the form prescribed in Opinion No. 586 or 607, as applicable.

(G) Within 90 days from the date of initial delivery, applicants in Dockets Nos. G-16764, CI61-1182, CI66-410, CI67-1834, CI71-665, CI71-894, CI72-521, CI72-696, CI72-824, CI73-2, CI73-12, CI73-38, CI73-44, and CI73-68 shall each file three copies of a rate schedule-quality statement in the form prescribed in Opinion No. 468-A, 586, 598, or 607, as applicable.

(H) The certificates and certificate authorization granted in Dockets Nos. G-13385, G-16764, G-16870, CI61-1182, CI65-406, CI66-301, CI66-410, CI67-1834, CI68-926, CI68-1231, CI68-1232, CI71-665, CI71-894, CI72-311, CI72-521, CI72-696, CI72-824, CI72-835, CI73-2, CI73-12, CI73-38, CI73-44, CI73-64, and CI73-68 are subject to the Commission's findings and orders accompanying Opinion Nos. 468, 468-A, 586, 586-A, 598, 598-A, 607, and 607-A, as applicable. If the quality of the gas deviates at any time from the quality standards set forth in the regulations under the Natural Gas Act so as to require a downward adjustment of the existing rates, notices of changes in rate shall be filed pursuant to section 4 of the Natural Gas Act; *Provided, however,* That adjustments reflecting changes in B.t.u. content of the gas shall be computed by the applicable formula and charged without the filing of notices of changes in rate.

(I) The proceeding pending in Docket No. RI70-1799 is terminated.

(J) The certificates in Docket Nos. G-16548 and CI68-904 are terminated.

(K) The orders issuing certificates in Docket Nos. G-14380, CI65-781, CI69-821, CI64-857, and G-6614 are amended by deleting therefrom authorization to sell natural gas from the interests acquired by applicants in Docket Nos. G-13385, CI65-406, CI72-311, CI72-835, and CI73-64, respectively. In all other respects said orders shall remain in full force and effect.

(L) Applicant in Docket No. CI71-665 shall comply with § 2.71 of the Commission's general policy and interpretations with respect to the transportation of liquids and liquefiable hydrocarbons.

(M) Applicants in the following dockets are made corespondents in their predecessors' rate proceedings and said proceedings are redesignated accordingly:

Successor's certificate Docket No.	*Rate proceeding Docket No.*
CI68-1231	RI71-136
CI68-1232	RI72-118
CI73-64	RI70-49

Applicants shall comply with the refunding provisions of the Natural Gas Act and § 154.102 of the regulations thereunder.

(N) The rate schedules and rate schedule supplements related to the authorizations granted herein are accepted for filing or are redesignated, all as set forth in the tabulation herein. Where the effective date is the date of initial delivery, Applicant shall advise the Commission of said date within 10 days thereof.

(O) Pioneer Gas Products Co. is permitted to intervene in Docket No. CI71-894 subject to the rules and regulations of the Commission: *Provided, however,* That participation of such intervener shall be limited to matters affecting rights and interests as specifically set forth in the petition to intervene; *and, provided, further,* That the admission of such intervener shall not be construed as recognition by the Commission that it might be aggrieved because of any order of the Commission entered in this proceeding.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

Docket No. and date filed	Applicant	Purchaser and location	FPC gas rate schedule [4] Description and date of document	No.	Supp.
G-13385 ..... F 8-7-72	Atlantic Richfield Co.....	Northern Natural Gas Co., Hugoton Field, Finney County, Kans.	Letter agreement 6-21-72[5] (Effective date: 6-1-71)[6]	404	9
G-16548 ..... 8-14-72[7]	Union Oil Co. of California.	Colorado Interstate Gas Co., A Division of Colorado Interstate Corp., Keyes Gas Field, Cimarron County, Okla.	Conveyance 10-22-71[8] ..... (Effective date: 11-1-72)[9]	116	8
G-16764 ..... C 7-3-72	Southwest Gas Producing Co., Inc.	Texas Gas Transmission Corp., Calhoun Field, Jackson and Lincoln Parishes, La.	Amendment 11-24-71[8] ..... Supplement 6-30-72.....	13 13	6 7
G-16870 ..... E 12-6-72	Charles B. Wilson, Jr., Ltd.	Colorado Interstate Gas Co., A Division of Colorado Interstate Corp., Keyes Gas Field, Cimarron County, Okla.	Petroleum, Inc. (Operator), et al., FPC Gas Rate schedule No. 12 and Supplement Nos. 1-7 thereto. Notice of succession (undated). Supplement 9-5-58[7] ..... Conveyance 10-22-71[8] ..... Assignment 9-27-72[8] ..... (Effective date: 9-1-72)[9]	1 1 1 1	..... 8 9 10
CI61-1182 ..... C 8-25-72[10]	Ashland Oil, Inc.....	Texas Gas Transmission Corp., Tremont and Calhoun Fields, Lincoln and Jackson Parishes, La.	Amendment 7-21-72[11]	144	4
CI65-406 ..... F 7-31-72[12]	Gulf Oil Corp. (Operator), et al.	Cities Service Gas Co., Northwest Lovedale Field, Harper County, Okla.	Assignment 1-5-72[13] ..... (Effective date: 1-5-72)[9]	280	6
CI66-301 ..... E 10-19-72	Suburban Propane Gas Corp. (Operator), et al.	Northern Natural Gas Co., Ozona Field, Crockett County, Tex.	Frio-Tex Oil & Gas Co., FPC Gas Rate Schedule No. 2 and Supplement Nos. 1-8 thereto. Notice of succession 10-17-72. Assignment 12-31-71[14] ..... (Effective date: 12-31-71)[9]	25 28	 9
CI66-410 ..... C 7-28-72	Atlantic Richfield Co. (Operator), et al.	Northern Natural Gas Co., El Dorado Gas Plant, Schleicher County, Tex.	Amended agreement 7-12-72.	366	9
CI67-1834 ..... C 7-3-72	Kerr-McGee Corp.....	Texas Gas Transmission Corp., Calhoun Field, Jackson and Lincoln Parishes, La.	Amendment 11-24-71[8] ..... Supplement 6-21-72[8]	101 101	6 7
CI68-904 ..... 4-5-71[15]	Phillips Petroleum Co.....	Trunkline Gas Co., Alta Loma Field, Galveston County, Tex.	Notice of termination, 4-1-71. [16] (Effective date: Date of this order.)	444	5

Filing code: A—Initial service.
B—Abandonment.
C—Amendment to add acreage.
D—Amendment to delete acreage.
E—Succession.
F—Partial succession.
See footnotes at end of table.

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Docket No. and date filed	Applicant	Purchaser and location	FPC gas rate schedule [6]: Description and date of document	No.	Supp.
[illegible] E 10-24-72	Suburban Propane Gas Corp.	Northern Natural Gas Co., Ozona Field, Crockett County, Tex.	Frio-Tex Oil & Gas Co., FPC Gas Rate Schedule No. 3 and—	26	
			Supplement Nos. 1-4 thereto.	26	1-4
			Notice of succession 10-11-72.		
			Assignment 12-31-71 [14]	26	5
			(Effective date 12-31-71.)[2]		
CI68-1231 E 8-16-72	Wainoco, Inc., et al.	Natural Gas Pipeline Co. of America, Lockridge Field, Ward County, Tex.	Atapaz Petroleum, Inc., et al., FPC Gas Rate Schedule No. 1.	1	
			Supplement Nos. 1-4 thereto.	1	1-4
			Notice of succession (undated).		
			Assignment 12-31-71 [17]	1	5
			Assignment 12-31-71 [18]	1	6
			(Effective date: 12-31-71.)[2]		
CI68-1232 E 8-16-72	do	do	Atapaz Petroleum Inc., et al., FPC Gas Rate Schedule No. 2.	2	
			Supplement Nos. 1-4	2	1-4
			Notice of succession (undated).		
			Assignment 12-31-71 [17]	2	5
			Assignment 12-31-71 [18]	2	6
			(Effective date: 12-31-71.)[2]		
CI71-665 A 3-15-71 [15]	King Resources Co.	Northern Natural Gas Co., Gomez (Ellenburger) Field, Pecos County, Tex.	Contract 9-18-70 [20]	38	
CI71-894 6-17-71 [21] [22]	Continental Oil Co.	Pioneer Gas Products Co., Northwest Madill Field, Marshall County, Okla.	Contract 3-3-65 [23]	370	
CI72-311 F 8-24-72	Mobil Oil Corp. (Operator), et al.	Arkansas Louisiana Gas Co., Arkoma Area, Yell County, Ark.	Assignment 4-12-72 [24]	479	3
			(Effective date: 1-1-72)[2]		
CI72-521 C 7-3-72	Marathon Oil Co.	Arkansas Louisiana Gas Co., Arkoma Area, Pittsburg and Latimer Counties, Okla.	Amendment 5-23-72 [25]	120	2
CI72-696 A 4-24-72 [26]	Shell Oil Co.	United Gas Pipe Line Co., East Texas Field, Gregg County, Tex.	Contract 12-29-71	391	
CI72-824 A 6-12-72	Texaco Inc.	Texas Gas Transmission Corp. Block 219, Ship Shoal Area, Offshore Louisiana.	Contract 6-1-72 [27]	478	
CI72-835 F 6-13-72	Suerte Oil Co. (Operator), et al.	Kansas-Nebraska Natural Gas Co., Inc., Acreage in Hamilton County, Kans.	Contract 4-11-63 [28]	7	
			Supplemental agreement 4-1-64.	7	1
			Amendment 4-8-64	7	2
			Letter Agreement 4-10-65	7	3
			Assignment 11-22-71 [29]	7	4
			(Effective date: 11-1-71)[2]		
CI73-2 A 7-3-72	Getty Oil Co.	Michigan Wisconsin Pipe Line Co., Eugene Island Block 266 Field, Offshore Louisiana.	Contract 5-1-72 [30]	199	
CI73-12 A 7-10-72	Atlantic Richfield Co.	Michigan Wisconsin Pipe Line Co., Eugene Island Area, Block 266 Field, Offshore Louisiana.	Contract 5-1-72 [30]	659	
CI73-38 A 7-14-72	Cities Service Oil Co.	do	Contract 5-1-72 [30]	392	
CI73-44 A 7-18-72	Continental Oil Co.	do	Contract 5-1-72 [30]	386	
CI73-64 F 7-19-72	Houston Oil & Minerals Corp.	El Paso Natural Gas Co., Spraberry Trend Area, Reagan, Upton, and Glasscock Counties, Tex.	Contract 1-13-53 [11]	15	
			Supplemental agreement 10-26-59.	15	1
			Supplemental agreement 8-31-62.	15	2
			Supplemental agreement 1-16-67.	15	3
			Supplemental agreement 4-30-69.	15	4
			Assignment 9-1-71	15	5
			(Effective date: 9-1-71)[2]		
CI73-68 A 7-24-72	Continental Oil Co.	Cities Service Gas Co., Eischen Unit, Canadian County, Okla.	Contract 6-28-72 [32]	383	

[1] Dedicates acreage acquired from Champlin Petroleum Co., to Applicant's contract. Sale previously covered by Champlin's Rate Schedule No. 70.

[2] Effective date of transfer of producing properties.

[3] No certificate filing required. 18 CFR 2.64.

[4] From Applicant and Petroleum, Inc., to B. R. Cannon.

[5] Rate filings accepted by temporary certificate issued Aug. 31, 1972.

[6] Where no effective date is shown, it is the date of initial delivery.

[7] Agreement whereby Union Oil Co. of California dedicated its interest in subject unit to basic contract.

[8] From Union Oil Co. of California and Petroleum, Inc., to B. R. Cannon. Union's submittal of the subject assignment reported in this tabulation.

[9] From B. R. Cannon to Applicant.

[10] By telegram filed Sept. 8, 1972, Ashland Oil, Inc., states it will accept a permanent certificate at 25 cents.

[11] Amends basic contract to dedicate additional reserves and provide for initial rate of 26 cents.

[12] Rate filings accepted by temporary certificate issued Sept. 8, 1972.

[13] Assigns interest from Mobil Oil Corp., to Gulf Oil Corp.

[14] From Frio-Tex to Applicant.

[15] Sale now covered by Standard Producing Corp. in Docket No. CI71-236.

[16] Includes assignment dated Feb. 20, 1970, to Associated Tank Co. of all acreage under rate schedule; now on file as Standard Producing Corp., FPC Gas Rate Schedule No. 1.

[17] Assignment by Atapaz Petroleum, Inc., to Wainoco Oil, Ltd.

[18] Assignment by Wainoco Oil, Ltd., to Wainoco, Inc.

[19] By letter dated May 13, 1971, Applicant agreed to accept permanent certificate at 22 cents with conditions imposed by the temporary certificate.

[20] The seller shall have the right to process the gas for the removal of liquefiable hydrocarbons. Buyer shall make deliverable reserve prepayments of $1 million on Well No. 1 and $1,500,000 per 100 million Mcf on additional wells. Prepayments will be recouped by buyer's retention of 20 percent of the proceeds.

[21] Applicant filing to cover sales under expired contract not previously on file with the Commission. Deliveries to continue.

[22] By letter filed Aug. 4, 1972, Applicant indicated it would accept a certificate at contract rate of 10 cents.

[23] No specific effective date.

[24] From Gulf Oil Corp., to Applicant. Gulf's interest in Lowery unit previously covered by Phillips Petroleum Co., FPC Gas Rate Schedule No. 471 and the related certificate in Docket No. CI60-821.

[25] Rate filings accepted by temporary certificate issued Aug. 23, 1972.

[26] Rate filing previously accepted by letter order issuing temporary certificate issued Sept. 18, 1972.

[27] Dedicates acreage down to the base of the I-2 sand, which sand is found at the interval 11,195 feet to 11,344 feet.

[28] Currently on file as Sun Oil Co., FPC Gas Rate Schedule No. 419.

[29] From Sun Oil Co., to Applicant.

[30] Dedicates acreage down to the base of the FR sand (FR sand is between 5,948 feet and 6,010 feet).

[31] Also on file as Union Texas Petroleum, A Division of Allied Chemical Corp., et al., FPC Gas Rate Schedule No. 25.

[32] Rate filings accepted by temporary certificate issued Sept. 8, 1972.

[FR Doc.73-4532 Filed 3-8-73;8:45 am]

[Dockets Nos. CP71-68, CP71-289]

COLUMBIA LNG CORP., ET AL.

Notice of Schedule

MARCH 7, 1973.

Please take notice that Commissioners of the Federal Power Commission will view the Cove Point, Md., site of the Columbia LNG Corp., et al., project (Docket No. CP71-68, et al.) on Tuesday, March 13, 1973. The schedule for the trip is attached.

Counsel for and other representatives of each party to the proceeding and other interested persons are invited to be present during the Commissioners' viewing of the area. Parties must arrange their own transportation. No discussion concerning any of the issues which may be raised in connection with this project will take place between the Commissioners and representatives of the parties or other interested persons. The Commissioners will also view the general area by helicopter and boat; because of space limitations, persons present for the viewing will not be able to accompany the Commissioners on this part of the trip.

KENNETH F. PLUMB,
Secretary.

SCHEDULE FOR COVE POINT VIEWING

March 13, 1973

9:30 a.m.—Chairman John N. Nassikas and Commissioners Albert B. Brooke, Jr., and Rush Moody, Jr., together with the Federal Power Commission general counsel, Mr. Leo E. Forquer, the Chief of the Bureau of Natural Gas, Mr. Thomas J. Joyce, and the Advisor on Environmental Quality, Dr. Richard F. Hill, will arrive at the project and will view the site by automobile and on foot. Their tour of the area will start at 9:30 a.m. or as soon thereafter as possible at a point just inside the entrance to the site which is north of Maryland Route 497 approximately one-half mile east of the intersection of Maryland Routes 2 and 497.

10:15 a.m.—Three members of the party will go aloft for a 20-minute general overview by helicopter of the storage and plant area, the cliffs and shoreline area, the location of the proposed docking facility offshore and surrounding points. The remainder of the party will continue the ground viewing of the site to conclusion.

10:45 a.m.—The three members of the official party who have concluded the ground viewing will go aloft for a 20-minute overview in the helicopter following approximately the same pattern as the previous flight, while the other members of the party complete their ground viewing of the project site.

11:15 a.m.—Depart the project site for Solomons, Md., the location of the staging base for the offshore facilities connected with the project.

11:30 a.m.—The members of the official party will board a launch for a trip by water from Solomons to the area of the proposed docking facility, other offshore points near the project site, and return to Solomons, immediately after which they will depart for Washington.

[FR doc.73-4681 Filed 3-8-73;8:45 am]

[Docket No. RP71-119]

PANHANDLE EASTERN PIPE LINE CO.

Notice of Filing in Compliance with Commission Order

MARCH 7, 1973.

Take notice that Panhandle Eastern Pipe Line Co. (Panhandle) has made a filing pursuant to the order issued by the Commission on February 9, 1973, in this proceeding requiring Panhandle to file revised tariff sheets modifying its tariff in order to incorporate provisions to define and delimit emergency procedures.[1]

Panhandle has submitted copies of its Second Revised Interim Sheet No. 42-H to its FPC Gas Tariff Original Volume No. 1 in compliance with the Commission's Order. It proposes that this new tariff sheet be effective from March 1, 1973, through October 31, 1973. The only change is the addition of § 16.9 which relates to emergency situations requiring supplemental deliveries. The proposed § 16.9 is as follows:

> 16.9 Emergency Situations Requiring Supplemental Deliveries—In the event an emergency situation, including an environmental emergency, should arise in which supplemental supplies of gas are required in order to forestall irreparable injury to life or property, Seller shall have the right to authorize supplemental daily and monthly quantities for a Customer whose deliveries are being curtailed under § 16.2 upon receipt of proof that such emergency exists, but the aggregate of Seller's deliveries to such Customer shall not exceed the Customer's contract quantity applicable to such period. In each instance in which such authorization is requested by the Customer and granted by the Seller, the supplemental quantity shall be separately itemized on the invoice for such month and billed at the unit price in the case of a Customer purchasing under a one-part rate, or the 100 percent load factor price in the case of a Customer purchasing under a two-part rate, and such Customer's Base Period volume for each of the 3 months of curtailment next following the end of the period of emergency deliveries hereunder shall be reduced by one-third of the aggregate supplemental quantity delivered by Seller during the period of emergency deliveries.

Any person desiring to be heard or to make any protest with reference to said filing should on or before March 21, 1973, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-4728 Filed 3-8-73;11:53 am]

[1] See Order issued by the Commission granting the city of Monroe City's petition for extraordinary relief on Feb. 9, 1973.

FEDERAL RESERVE SYSTEM

FIRST BANCORPORATION

Formation of One-Bank Holding Company

The First Bancorporation, Chelmsford, Mass., has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company through acquisition of 100 percent of the voting shares of The First Bank and Trust Co., Chelmsford, Mass. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Boston. Any person wishing to comment on the application should submit his views in writing to the Reserve Bank to be received not later than March 28, 1973.

Board of Governors of the Federal Reserve System, March 5, 1973.

[SEAL] MICHAEL A. GREENSPAN,
Assistant Secretary of the Board.

[FR Doc.73-4557 Filed 3-8-73;8:45 am]

FEDERAL RESERVE BANK OF BOSTON ET AL.

Notice of Hearings on Individual Applications To Engage in Insurance Agency Activities

Notice is hereby given that the Board of Governors of the Federal Reserve System has granted requests for hearings on applications, listed below, to engage in insurance agency activities pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and §§ 225.4(b) (1) and (2) of the Board's Regulation Y (12 CFR 225.4(b) (1) and (2)).[1] Objections to each of the applications and requests for a hearing thereon have been received from insurance agents or agencies, who assert they would be adversely affected by approval of each application and from organizations representing such agents or agencies. Among the objections are claims that the proposed activities are not closely related to banking within the terms of § 225.4(a)(9) of Regulation Y, which designates certain insurance agency activities as closely related to banking (12 CFR 225.4(a)(9)) and that in each instance approval of the application to engage in insurance agency activities would not be in the public interest.

The following are the applications involved:

FEDERAL RESERVE BANK OF BOSTON

1. Worcester Bancorp., Inc., Worcester, Mass., to engage de novo in certain insurance agency activities at 34 loca-

[1] Two of the applications were originally filed pursuant to § 225.4(b)(3) which was suspended prior to action on the applications.

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tions in Massachusetts at which Worcester Bancorp., Inc., or its subsidiaries are otherwise engaged in business, through a subsidiary known as Wornat Insurance Agency, Inc.

FEDERAL RESERVE BANK OF NEW YORK

2. The Chase Manhattan Corp., New York, N.Y., to engage de novo in certain insurance agency activities at offices of Dovenmuehle New York, Inc., New York, N.Y., a subsidiary of Dovenmuehle, Inc., New York, N.Y., which is a wholly owned subsidiary of the Chase Manhattan Corp.

3. The Chase Manhattan Corp., New York, N.Y., to engage de novo in certain insurance agency activities at seven offices in Florida at which its subsidiary, Housing Investment Corporation of Florida, Miami, Fla., engages in business.

FEDERAL RESERVE BANK OF CLEVELAND

4. Pittsburgh National Corp., Pittsburgh, Pa., to engage de novo in certain insurance agency activities at a location in Pittsburgh, Pa., through a subsidiary known as Bankers Insurance Services, Inc.

FEDERAL RESERVE BANK OF RICHMOND

5. Dominion Bankshares Corp., Roanoke, Va., to engage in certain insurance agency activities through the acquisition of Fitton Insurance Agency, Inc., Alexandria, Va. (Dominion Bankshares Corp. has filed a companion application to acquire the Fitton Co., Alexandria, Va., which, if denied or withdrawn, would moot the above application.)

FEDERAL RESERVE BANK OF ATLANTA

6. Barnett Banks of Florida, Inc., Jacksonville, Fla., to engage de novo in certain insurance agency activities at 28 offices in Florida at which Barnett Banks of Florida, Inc., or its subsidiaries are otherwise engaged in business.

7. Barnett Banks of Florida, Inc., Jacksonville, Fla., to engage de novo in certain insurance agency activities at six locations in Florida and one location in Texas through a subsidiary to be known as Barnett Winston Insurance Agency, Inc.

8. First National Holding Corp., Atlanta, Ga., to engage de novo in certain insurance agency activities at two locations in Georgia through a subsidiary, Tharpe & Brooks, Inc., Atlanta, Ga., and its registered trade style, First South Insurance Agency.

9. Central & State National Corp. of Alabama, Birmingham, Ala., to engage de novo in certain insurance agency activities at a location in Birmingham, Ala., through a subsidiary known as CSN Underwriters, Inc.

10. The Alabama Financial Group, Inc., Birmingham, Ala. (formerly known as BTNB Corp.), to engage de novo in certain insurance agency activities at a location in Birmingham, Ala., through a subsidiary known as Alabama Financial Insurance Agency, Inc.

11. Citizens & Southern Holding Co., Atlanta, Ga., a subsidiary of Citizens & Southern National Bank, Atlanta, Ga., to engage de novo in certain insurance agency activities at offices of the Citizens & Southern National Bank or Citizens & Southern Holding Co., and at the offices of subsidiaries thereof, through a subsidiary known as the Citizens & Southern Agency. (Applicant seeks to expand the activities of the Citizens & Southern Agency which were approved prior to the 1970 Amendments of the Bank Holding Company Act. See 55 "Federal Reserve Bulletin" 673 (1969).)

12. Palmer Bank Corp., Sarasota, Fla., to engage de novo in certain insurance agency activities at offices in Sarasota, Fort Myers, and Naples, Fla., through a subsidiary known as Coastal Mortgage Co.

13. Pan American Bancshares, Inc., Miami, Fla., to engage in certain insurance agency activities through the acquisition of Atico Financial Corp., Miami, Fla.

FEDERAL RESERVE BANK OF ST. LOUIS

14. Financial Development Co., Southaven, Miss., to engage de novo in certain insurance agency activities in Southaven, Miss., through a subsidiary known as FNB Insurance Agency.

15. County National Bancorporation, Clayton, Mo., to engage in certain insurance agency activities through the acquisition of General Mortgage Company of St. Louis, St. Ann, Mo. (Applicant has requested separate Board consideration of the insurance agency activities. Withdrawal or denial of the application to acquire the mortgage company would moot the insurance agency issues.)

FEDERAL RESERVE BANK OF KANSAS CITY

16. Affiliated Bankshares of Colorado, Inc., Boulder, Colo., to continue to engage in certain insurance agency activities through the retention of Insurance Professionals, Inc., Loveland, Colo. Applicant will engage in such activities at 17 offices of its banking and nonbanking subsidiaries in Colorado.

17. NBC Co., Lincoln, Nebr., to engage de novo in certain insurance agency activities at an office in Lincoln, Nebr., through a subsidiary known as NBC Agency, Inc.

18. The First National Bancorporation, Inc., Denver, Colo., to engage de novo in certain insurance agency activities at offices of The First National Bancorporation, Inc., and its subsidiaries in Colorado, through a subsidiary to be known as First Denver Assurors Co.

FEDERAL RESERVE BANK OF SAN FRANCISCO

19. Southern California First National Corp., San Diego, Calif., to engage de novo in certain insurance agency activities at an office in San Diego, Calif., through a subsidiary known as S. C. National Associates.

20. Marine Bancorporation, Seattle, Wash., to engage de novo in certain insurance agency activities at two offices in Seattle of its wholly owned subsidiary, Commerce Credit Co., Seattle, Wash.

21. Orbanco, Inc., Portland, Oreg., to engage in certain insurance agency activities through the acquisition of Far West Securities Co., Spokane, Wash., at offices of Far West Securities Co. (Applicant has requested separate Board consideration of the insurance agency activities from the mortgage company activities involved in the application. Withdrawal or denial of the proposed mortgage company acquisition would moot the insurance agency issues.)

22. Patagonia Corp., Tucson, Ariz., to engage in certain insurance agency activities through the acquisition of Western American Insurance Agency, Phoenix, Ariz.

It is hereby ordered, That, pursuant to section 4(c)(8) of the Bank Holding Company Act, a hearing be held with respect to each application listed above, to be conducted in accordance with the Board's rules of practice for formal hearings (12 CFR 263). Administrative Law Judge Paul N. Pfeiffer has been designated as the hearing officer by the U.S. Civil Service Commission. Hearings on the individual applications will be held at such Federal Reserve Bank offices and at such times as may be designated by the Administrative Law Judge. The right is reserved to the Board and the Administrative Law Judge to designate any other places for such hearings or any part thereof that may be determined to be necessary and appropriate.

Section 263.6(d) of the Board's rules of practice for formal hearings (12 CFR 263.6(d)) provides in part "Unless otherwise specifically provided by statute or by rule of the Board, a hearing shall ordinarily be private and should be attended only by the parties, their representatives or counsel, representatives of the Board, witnesses while testifying, and other persons having official interest in the proceedings: *Provided, however*, That on written request by a party or a representative of the Board, or on the Board's own motion, the Board in its discretion and to the extent permitted by law may permit other persons to attend or may order the hearing to be public."

Any person, including those who have already filed objection to an application, desiring to give testimony, present evidence, or otherwise participate in these proceedings should file with the secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, on or before March 30, 1973, a written request containing a statement of the nature of the petitioner's interest in the proceedings, the extent of the participation desired, a summary of the matters concerning which petitioner wishes to give testimony or submit evidence and the names and identity of witnesses who propose to appear. All requests received, together with the applications and the objections and requests to intervene heretofore received, will be presented to the Administrative Law Judge, who will thereafter schedule such prehearing conferences as are necessary.

The applications may be inspected at the respective Federal Reserve Bank of the applicants or at the Federal Reserve Building, 20th Street and Constitution Avenue NW., Washington, DC.

By order of the Board of Governors, March 6, 1973.

[SEAL] TYNAN SMITH, *Secretary of the Board.*

[FR Doc.73-4731 Filed 3-8-73;11:01 am]

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-10026]

NEW YORK, AMERICAN, MIDWEST, PBW, AND PACIFIC, COAST STOCK EXCHANGES AND NASD

Notice of Receipt of Plan

The Division of Market Regulation announced on March 2, 1973, the New York, American, Midwest, PBW and Pacific Coast Stock Exchanges and the NASD filed a joint plan (the Plan) with the Commission pursuant to Rule 17a-15 (17 CFR 240.17a-15) (37 FR 24173), under the Securities Exchange Act of 1934, providing for reporting of prices and volume of completed transactions with respect to securities registered on exchanges. The plan will be available for public inspection in the Commission's public reference room, and all interested persons may submit written comments on the plan. All comments should be directed to John M. Liftin, Associate Director, Division of Market Regulation, Securities and Exchange Commission, 500 North Capitol Street, Washington, DC 20549, on or before March 23, 1973, and should refer to File No. S7-433.

The staff also announced that the Commission will consider any comments received in connection with its review of the plan and its determination whether, having due regard for the maintenance of fair and orderly markets, the public interest and the protection of investors, to declare the plan effective and, if it does so, whether to require any changes thereto or to impose any terms or conditions thereon. Before requiring any changes or imposing any terms or conditions, the Commission will afford the plan's proponents an opportunity to respond to such proposed changes, terms or conditions. Any such proposed changes, terms or conditions, and any response thereto by the plan's proponents, will also be made publicly available.

By the Commission.

[SEAL] RONALD F. HUNT, *Secretary.*

MARCH 5, 1973.

[FR Doc.73-4589 Filed 3-8-73;8:45 am]

[812-3375]

CNA-LARWIN INVESTMENT CO. AND CNA FINANCIAL CORP.

Notice of Filing of Application

FEBRUARY 28, 1973.

Notice is hereby given that CNA-Larwin Investment Co., 9100 Wilshire Boulevard, Beverly Hills, CA 90212 (the "Company"), a diversified, closed-end management investment company registered under the Investment Company Act of 1940 (Act), and CNA Financial Corp., 310 South Michigan Avenue, Chicago, IL 60604 (CNA), (hereinafter referred to collectively as Applicants), have filed an application pursuant to section 17(d) and Rule 17d-1 thereunder for an order of the Commission permitting the transaction described below, and exempting the described transaction from the provisions of section 17(a) of the Act pursuant to section 17(b) of the Act. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein which are summarized below.

CNA, through its wholly owned subsidiary, The Larwin Group, Inc., and its wholly owned subsidiary CNA-Larwin Advisors, Inc. (Advisor), caused the formation of the Company. Advisor will be the Company's investment adviser. The Company, which will have a leveraged capital structure, intends to invest at least 50 percent of its investment portfolio in securities of real estate investment trusts (REIT's). The Company will also invest in debt and equity securities of other issuers. The objectives of the Company are to provide current income and capital appreciation for common shareholders after providing current income sufficient to pay the dividend on its preference shares.

In order to provide the Company with the opportunity to purchase securities of REIT's at market prices which the Advisor considered attractive, CNA has granted the Company an option to purchase any or all of a $10 million portfolio of securities, which CNA has committed to purchase, at CNA's cost (the Option).

In accordance with its option commitment, CNA purchased a portfolio of securities of REIT's at a cost of approximately $10 million (Option Securities).

The option price per unit of the Option Securities has been derived from CNA's actual average purchase cost for each unit, including brokerage commissions, and is subject to downward adjustment by the amount of profit, if any, derived from reciprocal brokerage received by CNA or any of its subsidiaries on account of the purchase of the Option Securities.

The Option Securities subject to the Option, and the option price per unit of such securities are as follows:

SHARES OF BENEFICIAL INTEREST

No. of units	Issuer	Average Option price per unit	Aggregate option price
57,000	Continental Illinois Realty.	$21.89	$1,230,494.73
11,000	Guardian Mortgage Investors.	45.64	502,076.35
31,300	Gulf South Mortgage Investors.	19.08	597,066.25
12,000	Hamilton Investment Trust.	18.00	216,000.00
33,100	Hanover Square Investors.	19.72	652,862.50
105,000	Heltman Mortgage Investors.	14.03	1,472,875.90
10,471	HNC Mortgage & Realty	21.51	225,270.03
21,700	Hospital Mortgage Group.	21.80	473,088.85
7,800	Justice Mortgage Investors.	20.70	161,475.00
55,000	Median Mortgage Investors.	13.50	675,000.00
55,000	NJB Prime Investors.	20.26	1,114,511.98
11,400	PNB Mortgage & Realty Inv.	24.71	281,645.55
14,000	Palomar Mortgage Investors.	16.02	224,271.20
7,600	State Mutual Investors.	24.78	188,303.35
32,600	Texas First Mortgage REIT.	19.96	650,561.82
20,000	USF Investors.	25.62	512,500.00
24,500	Unionamerica Mortgage & Equity Trust.	22.86	560,107.41
			9,738,131.82

WARRANTS

No. of units	Issuer	Option price per unit	Aggregate option price
30,100	Citizens & Southern Realty	$7.12	$214,231.25
20,000	Guardian Mortgage Investors	8.16	163,170.88
27,100	Gulf South Mortgage Investors	1.99	53,910.63
5,000	Texas First Mortgage REIT	2.27	11,375.00
			442,687.76
	Total option prices		10,180,819.58

The Option terminates 90 days after January 24, 1973, the effective date of a registration statement filed by the Company under the Securities Act of 1933 covering an offer of common and preferred shares of the company at an aggregate offering price of $50 million, or 15 days after the receipt of an order from the Commission with respect to this application, whichever is later. The Option is irrevocable during the option period.

In the event of a risk of loss or a decline in the value of the Option Securi-

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ties, it may be desirable that they be sold. Consequently, the Option provides that CNA has the right in the exercise of its sole discretion to effect sales of all or any part of the Option Securities, and that upon any such sale the Option terminates with respect to the securities sold. In the event of any such sale, CNA shall, at its option, either (i) reinvest the net aftertax proceeds in one or more substitute securities of REIT's selected by CNA or, (ii) segregate the amount of any net aftertax profit attributable to the net aftertax proceeds not so reinvested so that upon the purchase of any of the Option Securities by the Company, the full amount of such unreinvested net aftertax profits shall be credited to the option price of such purchased Option securities. In lieu of such crediting, the Company has the right to require CNA to pay the Company the full amount of any net aftertax profit attributable to the net aftertax proceeds which are not so reinvested, regardless of whether the Company exercises the Option. The option price per unit of any substitute securities will be equal to the average cost per unit, including brokerage commission to CNA of such substitute securities, reduced pro rata by the amount of CNA's net aftertax profit attributable to the reinvested net aftertax proceeds of the sale.

The Company may exercise the Option by giving 5 days' written notice to CNA. The securities purchased are to be delivered by CNA to the custodian designated by the Company upon payment by the Company within 5 days of the exercise of the Option. The Company will not be required to pay any transfer fees. Applicants state that the purchase of any or all of the Option Securities will at the time of exercise of the Option meet the Company's investment policies and restrictions as determined by the disinterested directors of the Company; that it is the intent of the Advisor to recommend to the Company that it exercise the Option as soon as possible following the receipt of an order permitting such action; that the Option Securities are of the type which the Company would have desired to acquire when they were purchased if the Company could have done so then; that the Option Securities were selected for purchase by CNA upon the advice of officers of the Advisor who will have primary responsibility for making investment recommendations to the Company; that any substitute securities will be selected on the same basis; that if the application for exemption is granted, the Advisor will recommend, subject to a determination by the disinterested directors, which of the Option Securities, if any, should be acquired by the Company; and that the Company is not under any obligation to purchase any of the Option Securities. Applicants also represent that none of the management of CNA will personally benefit from the proposed transaction except to the extent that they may be shareholders of CNA or the Company, and then in no way differently from any other shareholder.

Applicants have agreed that any order the Commission may issue pursuant to this notice may be conditioned upon the following:

1. Applicants will file with the Commission within 15 days after any exercise of the Option a copy of all records with respect to the Option and the subject securities required to be kept pursuant to Rule 31a–1(b)(10) and Rule 31a–1(b)(11) promulgated under the Act; and

2. The Company will not exercise its Option with respect to any securities if, at the time of the exercise, the Option price is greater than the market price plus commission.

Section 17(a) of the Act, as here pertinent, provides that it is unlawful for any affiliated person of a registered investment company, or any affiliated person of such an affiliated person, to sell to, or purchase from, such investment company any security or property unless the Commission, upon application pursuant to section 17(b), grants an exemption from the provisions of section 17(a) after finding that the terms of the proposed transaction are fair and reasonable and do not involve any overreaching on the part of any person concerned, that the proposed transaction is consistent with the policy of each registered investment company concerned, and that the proposed transaction is consistent with the general purposes of the Act.

Section 17(d) and Rule 17d–1, as here pertinent, make it unlawful for any affiliated person of a registered investment company, or any affiliated person of such person to effect any transaction in connection with a joint enterprise or other joint arrangement in which such registered investment company, or a company controlled by such registered investment company, is a participant unless an application regarding such joint enterprise has been filed with, and an appropriate order has been granted by, the Commission. Rule 17d–1 provides that in passing upon such application the Commission will consider whether the participation of such registered or controlled company in such joint enterprise or arrangement on the basis proposed is consistent with the provisions, policies, purposes of the Act and the extent to which such participation is on a basis different from, or less advantageous than, that of other participants.

Notice is further given that any interested person may not later than March 23, 1973, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request, and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon Applicants at the address set forth above. Proof of such service (by affidavit, or in case of an attorney at law, by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0–5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management Regulation, pursuant to delegated authority.

[SEAL] RONALD F. HUNT,
Secretary.

[FR Doc.73–4456 Filed 3–8–73;8:45 am]

[File No. 500–1]

ACCURATE CALCULATOR CORP.

Order Suspending Trading

MARCH 5, 1973.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, $0.01 par value, and all other securities of Accurate Calculator Corp., being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors:

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period from March 6 through March 15, 1973.

By the Commission.

[SEAL] RONALD F. HUNT,
Secretary.

[FR Doc.73–4595 Filed 3–8–73;8:45 am]

[811–517]

AMERICAN RESEARCH AND DEVELOPMENT CORP.

Notice of Filing of Application for Order

MARCH 5, 1973.

Notice is hereby given that American Research and Development Corp., c/o Gaston, Snow, Motley & Holt, 82 Devonshire Street, Boston, MA 02109 (Applicant), a Massachusetts corporation and a nondiversified, closed-end management investment company registered under the Investment Company Act of 1940 (Act), has filed an application pursuant to section 8(f) of the Act for an order of the Commission declaring that Applicant has ceased to be an investment company. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below.

On May 17, 1972, a special meeting of stockholders of Applicant was held, at which shares representing more than two-thirds of the outstanding common stock of Applicant were voted in favor of a proposed merger of Applicant and Textron, Inc. (Textron), a Delaware corporation, as a result of which merger Textron would be the surviving corporation, and each stockholder of Applicant would receive 0.3 shares of Textron common stock for each share of Applicant. On May 18, 1972, the merger of Applicant and Textron was effected, thereby resulting in Applicant's ceasing to exist as a separate corporate entity.

Applicant asserts that it has ceased to be an investment company since it is no longer an independent corporate entity.

Section 8(f) of the Act provides, in pertinent part, that whenever the Commission, upon application, finds that a registered investment company has ceased to be an investment company, it shall so declare by order, and upon the taking effect of such order the registration of such company shall cease to be in effect.

Notice is further given that any interested person may, not later than March 28, 1973, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request, and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon Applicant at the address stated above. Proof of such service (by affidavit, or in case of an attorney at law, by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0–5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in said application, unless an order for a hearing upon said application shall be issued upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management Regulation, pursuant to delegated authority.

[SEAL] RONALD F. HUNT,
Secretary.

[FR Doc.73–4591 Filed 3–8–73;8:45 am]

[811–1543]

AMERICAN ENTERPRISE DEVELOPMENT CORP.

Notice of Filing of Application

MARCH 5, 1973.

Notice is hereby given that American Enterprise Development Corp., c/o Gaston, Snow, Motley & Holt, 82 Devonshire Street, Boston, MA 02109 (Applicant), a Massachusetts corporation and a nondiversified, closed-end management investment company registered under the Investment Company Act of 1940 (Act), has filed an application pursuant to section 8(f) of the Act for an order of the Commission declaring that Applicant has ceased to be an investment company. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below.

As of May 17, 1972, Applicant was a wholly owned subsidiary of American Research & Development Corp. (Research), which was registered under the Act as a nondiversified, closed-end management investment company. The stockholders of Research, at a special meeting held on May 17, 1972, approved a proposed merger of Research and Textron, Inc. (Textron), a Delaware corporation, as a result of which merger Textron would be the surviving corporation, and each stockholder of Research would receive 0.3 shares of Textron common stock for each share of Research. In connection with, but prior to the Research–Textron merger, Applicant was to be merged into its parent, Research, thereby ceasing to be a separate corporate entity. On May 18, 1972, just prior to the merger of Research and Textron, Applicant was merged into Research, and thereby ceased to be a separate corporate entity. Research, prior to the Textron merger, became the surviving corporation.

Applicant asserts that it has ceased to be an investment company since it is no longer an independent corporate entity.

Section 8(f) of the Act provides, in pertinent part, that whenever the Commission, upon application, finds that a registered investment company has ceased to be an investment company, it shall so declare by order, and upon the taking effect of such order the registration of such company shall cease to be in effect.

Notice is further given that any interested person may, not later than March 28, 1973, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request, and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon Applicant at the address stated above. Proof of such service (by affidavit, or in case of an attorney at law, by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0–5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in said application, unless an order for a hearing upon said application shall be issued upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management Regulation, pursuant to delegated authority.

[SEAL] RONALD F. HUNT,
Secretary.

[FR Doc.73–4590 Filed 3–8–73;8:45 am]

[File No. 500–1]

FIRST WORLD CORP.

Order Suspending Trading

MARCH 5, 1973.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the Class A and Class B common stocks, $0.15 par value, and all other securities of First World Corp. being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors:

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period from March 6, 1973, through March 15, 1973.

By the Commission.

[SEAL] RONALD F. HUNT,
Secretary.

[FR Doc.73–4596 Filed 3–8–73;8:45 am]

[File No. 500–1]

LILAC TIME, INC.

Order Suspending Trading

MARCH 5, 1973.

It appearing to the Securities and Exchange Commission that the summary

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suspension of trading in the common stock, $0.05 par value, and all other securities of Lilac Time, Inc., being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors:

It is ordered, Pursuant to section 15 (c) (5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period from March 6, 1973, through March 15, 1973.

By the Commission.

[SEAL] RONALD F. HUNT, *Secretary.*

[FR Doc.73-4594 Filed 3-8-73;8:45 am]

[812-3203]

MCI COMMUNICATIONS CORP. AND BAKER, FENTRESS & CO.

Notice of Filing of Application for Order Exempting Certain Transactions

MARCH 5, 1973.

Notice is hereby given that MCI Communications Corp., 1150 17th Street NW., Washington, DC 20036 (Micom), a Delaware corporation, and Baker, Fentress & Co., 208 South La Salle Street, Chicago, IL 60604 (B–F), a nondiversified, closed-end management investment company registered under the Investment Company Act of 1940 (Act) (hereinafter sometimes referred to collectively as Applicants), have filed an application pursuant to section 17(b) of the Act for an order of the Commission exempting from the provisions of section 17(a) of the Act a proposed transaction whereby B–F would transfer to Micom, stock held by B–F in certain Micom affiliates, together with options to purchase additional stock in such affiliates, and commit itself to make certain loans to Micom, in exchange for shares of Micom stock, a warrant to purchase additional Micom stock, and the assumption by Micom of certain loan obligations of B–F, as more fully described below. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below.

In December of 1971, Micom and B–F were affiliated persons of each other since B–F then owned 6.5 percent of the outstanding voting stock of Micom, a company that had been formed to service companies that had applied, or intended to apply, for permits from the Federal Communications Commission (FCC), to operate common carrier communications systems providing point-to-point private line communication services by microwave between certain designated major cities in the United States, but which was then endeavoring to acquire such companies following an FCC ruling in May of 1971, that permission would no longer be granted to operate such facilities on a case-by-case basis upon a showing of public need, but, instead, qualified new common carriers would be permitted to serve in competition with existing common carriers.

At the present time, seventeen corporations affiliated with Micom (the MCI Carriers) have applied to the FCC for permits and licenses to construct and operate microwave communication systems connecting various points. Some applications have been granted and some are still pending.

B–F has the following rights and obligations with respect to the MCI Carriers:

(i) B–F owns 4.1 percent of the outstanding shares of Microwave Communications, Inc. (Microwave), 22.2 percent of the outstanding shares of MCI Michigan, Inc. (Michigan), 6.5 percent of the outstanding shares of Interdata Communications, Inc. (Interdata), and 9 percent of the outstanding shares of MCI New England, Inc.

(ii) B–F holds options to purchase 7,500 shares of Interdata at $2.30 per share, 25,000 shares of Michigan at $5.00 per share, and 20,000 shares of MCI Kentucky Central, Inc. (Kentucky Central), at $2.03 per share.

(iii) B–F is obligated to loan $131,250 to Interdata, $344,000 to MCI—New York West, Inc., $500,000 to Michigan, and $400,000 to Kentucky Central.

B–F acquired its stock in the aforementioned corporations in 1969 and 1970 with an aggregate investment of $400,000.

B–F and Micom have entered into an agreement dated December 3, 1971 (the Agreement), pursuant to which B–F will transfer all of the stock that it owns in the MCI Carriers, together with the options that it holds to purchase additional stock in the MCI Carriers, and will lend (or commit itself to lend) to Micom an aggregate of $2,250,000. In exchange, Micom will issue 144,000 shares of its common stock to B–F, will issue a warrant to B–F to purchase an additional 120,000 shares of its common stock at $8.33 per share, and will assume B–F's loan commitments in the aggregate amount of $1,375,250, to the MCI Carriers. The closing of the Agreement is conditional upon the Commission's entry of an order exempting the transactions provided for in the Agreement from the provisions contained in section 17(a) of the Act which prohibit an affiliated person of a registered investment company, such as was Micom of B–F at the time of the Agreement, from purchasing property from, or borrowing from, or selling property to, such registered company. Under section 17(b) of the Act, the Commission may exempt a proposed transaction from the provisions of section 17(a) upon finding that the terms of the proposed transaction, including the consideration to be paid or received, are reasonable and fair and do not involve overreaching on the part of any person concerned, that the proposed transaction is consistent with the policy of each registered investment company concerned as recited in its registration statement and reports filed under the Act, and that the proposed transaction is consistent with the Act.

In May of 1971, when the FCC ruled that it would permit qualified new common carriers in microwave communications to compete with existing services, Micom owned a majority of the voting shares of only one of the MCI Carriers. It now has or has agreed to acquire all, or the majority interests in 16, of the MCI carriers. These interests were acquired for common stock of Micom and certain other consideration. Micom expects to make an exchange offer, to be registered under the Securities Act of 1933, to acquire control of Microwave, the 17th MCI Carrier. Upon completion of its acquisition program, Micom expects to own and operate a national microwave system which will compete directly with the private line (sometimes called leased line) service offered by the American Telephone & Telegraph Co. and by Western Union.

Following the FCC decision in May of 1971, Micom raised over $10 million by the private sale of equity securities to a limited group of investors. In June 1972, a public offering resulted in the sale of 3.3 million shares of Micom common stock at $10 per share or an aggregate public offering price of $3.3 million. Micom has also entered into bank credit agreements under which it may borrow up to $64 million for the purpose of constructing and developing the "MCI System," and certain shareholders of the MCI Carriers exchanging their shares for shares of Micom have agreed to lend Micom an aggregate of $6,450,000. The proposed transactions are represented to be desirable to Micom because they will increase Micom's share of ownership of the MCI Carriers, and to be desirable to B–F because it will result in B–F's having a larger interest in the entire MCI System under development by Micom instead of a smaller interest in Micom and also an interest in just four of the 17 MCI Carriers, and because B–F's entire investment will be in a well capitalized, publicly owned, company, the securities of which (though, in the first instance, unregistered and acquired for investment), will be more readily marketable than securities of the four individual carriers for which there is no market. Since June 1972, when Micom's common stock was first publicly traded, its market price has ranged from a high of $12.75 to a low of $6.50.

The Agreement is represented to have been negotiated at arms-length between William McGowan, chairman and chief executive officer of Micom, on behalf of Micom, and James Fentress, president of B–F, and Robert Spicer, senior vice-president of B–F, on behalf of B–F.

The consideration to be exchanged between the parties to the transaction is represented to be reasonable and fair and the transaction is represented to be consistent with the policies of B–F and with the Act.

Notice is further given that any interested person may, not later than March 28, 1973, at 5:30 p.m., submit to the Commission in writing a request for a hearing on this matter accompanied by a statement as to the nature of his interest, the reasons for such request, and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a

hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon Applicants at the addresses stated above. Proof of such service (by affidavit, or in case of an attorney at law, by certificate) shall be filed contemporaneously with the request. At ay time after said date, as provided by Rule 0–5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued upon the basis of the information stated in said application, unless an order for a hearing upon said application shall be issued upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management Regulation, pursuant to delegated authority.

[SEAL] RONALD F. HUNT, *Secretary.*

[FR Doc.73-4592 Filed 3-8-73;8:45 am]

[70-5313]

METROPOLITAN EDISON CO.

Notice of Proposed Issue and Sale of Cumulative Preferred Stock at Competitive Bidding

MARCH 5, 1973.

Notice is hereby given that Metropolitan Edison Co., 2800 Pottsville Pike, Muhlenberg Township, Berks County, PA 19605 (Met-Ed), an electric utility subsidiary company of General Public Utilities Corp. (GPU), a registered holding company, has filed an application with this Commission pursuant to the Public Utility Holding Company Act of 1935 (Act), designating section 6(b) of the Act and Rule 50 promulgated thereunder as applicable to the proposed transaction. All interested persons are referred to the application, which is summarized below, for a complete statement of the proposed transaction.

Met-Ed proposes to issue and sell, subject to the competitive bidding requirements of Rule 50 under the Act, 250,000 shares of its Cumulative Preferred stock, ---- percent Series I, par value $100 per share. The dividend rate of the preferred stock (which will be a multiple of 1/25 of 1 percent) and the price to be paid to Met-Ed (which will be not less than $100 nor more than $102.75 per share) will be determined by competitive bidding. The terms of the preferred stock include a prohibition against refunding the preferred stock prior to April 1, 1978, directly or indirectly, with funds derived from the issue of debt securities at a lower effective interest cost or preferred stock at a lower effective dividend cost. Met-Ed is unable to issue additional first mortgage bonds at this time due to restrictions in its mortgage indenture.

The proceeds from the proposed sale of the preferred stock will be used to pay a portion of Met-Ed's short-term bank borrowings, which were incurred for construction purposes and which are expected to aggregate approximately $41,400,000 at the time of the proposed sale. Met-Ed's 1973 construction program is estimated at $150,900,000. Met-Ed plans to finance its 1973 construction program by the sale of preferred stock and bonds, funds provided from operations, and cash contributions by GPU.

The fees and expenses to be incurred in connection with the proposed transaction will be filed by amendment. The application states that the issue and sale of the preferred stock is subject to the jurisdiction of the Pennsylvania Public Utility Commission, the State commission of the State in which Met-Ed is organized and doing business, and no Federal Commission, other than this Commission, has jurisdiction over the proposed transaction.

Notice is further given that any interested person may, not later than March 29, 1973, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said application which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon the applicant at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the application, as filed or as it may be amended, may be granted as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL] RONALD F. HUNT, *Secretary.*

[FR Doc.73-4593 Filed 3-8-73;8:45 am]

SELECTIVE SERVICE SYSTEM

REGISTRANTS PROCESSING MANUAL

Current Forms Checklist and Index

The Registrants Processing Manual is an internal manual of the Selective Service System. The following portions of that manual are considered to be of sufficient interest to warrant publication in the FEDERAL REGISTER. Therefore, these materials are set forth in full as follows:

REGISTRANTS PROCESSING MANUAL.—APPENDIX 1

CURRENT FORMS CHECKLISTS AND INDEX

1. The following list sets forth all current Selective Service System operations forms as of February 15, 1973. Each listed form and its associated procedural directive should be filed in Appendix 1 of the RPM.

SSS form No.	Title	Date of form
1	Registration Card	10-72
2	Registration Certificate (OCR)	2-1-72
3	List of Registrants	6-6-67
4	Tally Sheet	8-19-48
7	Status Card	12-72
80	Standby Reserve Questionnaire	6-8-67
81	Standby Reserve Register	8-16-60
90	Standby Reserve Folder	5-12-65
100-S	Classification Questionnaire (supplemental sheet).	10-11-54
101	Registrant File Folder	1-73
102	Classification Record	10-8-64
102-S	Classification Record (supplement).	6-30-54
103	Graduate or Professional College Student Certificate.	10-11-67
103-A	Graduate or Professional College Student Certificate.	10-11-67
109	Student Certificate	6-9-69
109-A	Student Certificate	6-9-69
110	Notice of Classification (OCR)	6-1-72
112	Minutes of Local Board Meeting.	3-10-65
112-A	Minutes of Local Board Meeting (continuation sheet).	3-10-65
114	Order for Transfer for Classification.	8-19-48
116	Report of Manpower Inventory	1-1-72
117	Report of Availability	7-72
117-A	Availability of Extended Priorities Selection Group—Classes 1-A and 1-A-O.	10-72
118	Dependency Questionnaire	3-4-69
119	Report of Information	7-3-68
120	Individual Appeal Record (OCR).	12-1-71
120A	Action by Appeal Board	8-71
121	Docket Book of Appeal Board	10-11-48
123	Cover Sheet Transmittal and Receipt.	6-4-48
127	Current Information Questionnaire.	1-1-73
129	Report of Availability and Summary of Classification—Doctors of Medicine and Osteopathy, Dentists, and Veterinarians.	3-28-67
130	Request for Relief from Training and Service in the Armed Forces of the United States.	7-72
131	Special Form for Alien or Dual National.	7-72
150	Special Form for Conscientious Objector.	4-18-72
151	Application of Volunteer for Alternate Service.	1-3-72
152	Conscientious Objector Skills Questionnaire.	12-6-71
153	Order to Report for Alternate Service.	11-72
153A	Amendment to Order to Report for Alternate Service.	11-72
154	Certificate of Release from Alternate Service.	8-72
156	Employer's Statement of Availability of Job as Alternate Service.	12-6-71
172	Special Form for Divinity Student.	9-72
173	Special Form for Registrant with Court Record.	9-72
174	Special Form for Surviving Son	9-72
175	Special Form for Minister of Religion.	9-72
201	Notice of Call on Local Board	3-15-61
202	Physical Examination Call on Local Board.	3-15-61
204	Procedural Rights Notice (OCR).	4-1-72
204A	Notice of Decision of Local Board Not to Reopen Classification (OCR).	4-1-72
206	Inductions and Medical Determinations.	7-72

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SSS form No.	Title	Date of form
220	Record of Results of Armed Forces Examination (OCR).	9-72
223	Order to Report for Armed Forces Examination (OCR).	9-72
225	Physical Examination List	12-13-63
225 A	Physical Examination List (continuation sheet).	9-9-60
230	Transfer for Armed Forces Examination.	5-1-72
262	Order to Report for Induction (OCR).	12-1-71
263	Notice of Rescheduled Induction Reporting Date (OCR).	12-1-71
251	Application for Voluntary Induction.	10-29-64
255	Notice of Cancellation (OCR)	4-1-72
261	Delivery List	8-22-60
261-A	Delivery List (continuation sheet).	8-22-60
264	Postponement of Induction	10-30-60
301	Report of Violation	10-72
305	Notice of Confinement or Release from Confinement.	10-4-67
310	Appointment of Leader or Assistant Leader.	12-2-60
390	Correspondence Postal Card	8-20-58
392	Local Board Inquiry	6-26-63
394	Employer Development Contact Record.	9-72
397	Alternate Service Control Card	9-72
398	1-W Control Card	9-72
399	Alternate Service Employer	9-72
710	Charge-Out Card	6-15-56
711	Locator File Charge-Out Card	7-14-54
720	Request for Armed Forces Information.	3-7-60
721	Transcript of Military Record	5-31-60
725	Authorization for Release of Information.	3-10-68

Standard form	Title	Date of form
88	Report of Medical Examination	6-56
93	Report of Medical History	1-71

DD form No.	Title	Date of form
44	Record of Military Status of Registrant.	10-1-69
47	Record of Induction	6-1-70
53	Notification of Entry into Active Military Service.	4-1-69
62	Statement of Acceptability	3-1-59
98	Armed Forces Security Questionnaire.	10-1-70
214	Armed Forces of the United States Report of Transfer or Discharge.	7-1-70
215	Correction to DD Form 214, Armed Forces of the United States Report of Transfer or Discharge.	3-1-68
298	Statement of Personal History	3-1-64
880	Standby Reserve Control	9-1-64
1300	Report of Casualty	3-1-60
1343	Notification of Change in Service Member's Official Records.	6-1-69

PHS form No.	Title	Date of form
1867	Statement of Service—Verification of Status of Commissioned Officers of the U.S. Public Health Service.	8-63

2. Forms and procedural directives discontinued.

a. Use of the following forms has been discontinued: SF 89, SSS Forms 100, 104, 155, 161, 200, and 303. The facsimiles of these forms and their associated procedural directives will be withdrawn from Appendix I of the RPM and destroyed. Stock balances of these forms will be removed from inventory and destroyed.

b. Use of the following procedural directives has been discontinued: BA Form 53-11 and BA Form 53-41. These procedural directives and their associated facsimile forms will be removed from inventory and destroyed.

BYRON V. PEPITONE,
Acting Director.

MARCH 5, 1973.

[FR Doc.73-4440 Filed 3-8-73;8:45 am]

OFFICE OF THE SPECIAL REPRESENTATIVE FOR TRADE NEGOTIATIONS

[Docket No. 73-2]

TRADE INFORMATION COMMITTEE

Notice of Public Hearing

Notice of public hearing requesting views regarding accession to European Economic Community of United Kingdom, Denmark, and Ireland.

Notice is hereby given pursuant to § 2003.2 of the regulations of the Trade Information Committee of the Office of the Special Representative for Trade Negotiations (15 CFR ch. XX, pt. 2003) that a public hearing will be held beginning at 10 a.m. on April 10, 11, and 12, 1973 to adjourn and reconvene at a later date if needed, in Conference Room 730, 1800 G Street NW., Washington, DC. The purpose of said hearings is to provide an opportunity to the public to present all facts and views pertaining to the effect on U.S. exports of the accession to the European Economic Community of the United Kingdom, Denmark, and Ireland.

Interested parties are invited to express their views on this subject by written brief or other communication, submitted in not less than 20 copies, to the chairman of the Trade Information Committee. Interested parties are also invited to express their views on this subject in person at the aforementioned public hearing, provided they notify the chairman of the Trade Information Committee, Office of the Special Representative for Trade Negotiations, 1800 G Street NW., room 725, Washington, DC 20506. Such notification must be received by March 27, 1973. Requests to appear in person should be submitted in an original and 15 copies which must be legibly typed, printed, or duplicated, and must include the following information:

(a) The name, address, and telephone number of the party submitting the request;

(b) The name, address, telephone number, and official position of the person submitting the request on behalf of the party referred to in paragraph (a);

(c) A brief indication of the interest of, and the position to be taken by, the party;

(d) The name, address, and telephone number of the person or persons who will present oral testimony; and

(e) The amount of time desired for the presentation of oral testimony.

Request to present oral testimony should not contain any confidential information. Any requests marked "For Official Use Only" or similarly marked will not be accepted.

Each party will be notified if his request to appear in person has been granted. If so, he will be notified of the date on which he is scheduled to appear and the amount of time allotted for his presentation. If not, the reasons for the denial shall be given. (The committee reserves the right to restrict the time allotted for presentation of oral testimony.) Each party desiring to present oral testimony is required to submit a written brief to the chairman of the Trade Information Committee which must be received at least 1 week prior to the commencement of the hearing at which oral testimony shall be presented. The brief must include a statement in nonconfidential form of the position taken and supporting arguments. It must be submitted in not less than 20 copies which must be legibly typed, printed, or duplicated.

Parties are encouraged to support their briefs with all available information, including material that may be of a confidential nature. Reference should be had to § 2003.8 of the regulations of the commitee governing information exempt from public inspection. All written materials other than confidential information filed with the commitee in connection with the hearing will be open to public inspection by appointment, at room 725, 1800 G Street NW., Washington, DC 20506.

Interested parties should note that pursuant to § 2003.4(d), a "written brief shall state clearly the position taken and shall describe with particularity the evidence supporting such position." Parties should focus their briefs and oral testimony on the following:

(a) Conditions of access of U.S. exports into the markets of the United Kingdom, Denmark, and Ireland before the accession of those countries to the European Economic Community and the European Coal and Steel Community, compared with the conditions of access of U.S. exports to those markets after such accession to the European Communities;

(b) The effects upon U.S. exports of the application to them by the United Kingdom, Denmark, and Ireland of the tariff duties (Common External Tariff) of the European Economic Community and of the European Coal and Steel Community, taking into account, as may be relevant, the effects of competitive imports into the communities at other than most-favored-nation rates of duty; and

(c) The effects upon U.S. exports of the application to them by the United Kingdom, Denmark, and Ireland of nontariff measures or other regulations of the European Economic Community and the European Coal and Steel Community.

A limited amount of information about the agreeemnts under which the United Kingdom, Denmark, and Ireland will accede to the European Economic Communities and the tariff levels which may result from such accession may be obtained with respect to industrial products by addressing inquiries to the Ombudsman for Business, Department of Commerce, Washington, D.C. 20230 or telephoning (202) 967-3176. Similar information with respect to agricultural products may be obtained by addressing inquires to the Director, Trade Policy Division, Foreign Agricultural Service, Department of Agricultural, Washington, D.C. 20250, or telephoning (202) 447-7677.

JOHN H. JACKSON,
General Counsel Office of the Special Representative for Trade Negotiations, Acting Chairman, Trade Information Committee.

[FR Doc.73-4597 Filed 3-8-73;8:45 am]

TARIFF COMMISSION

[337-L-59]

SNIPS AND SCISSORS

Notice of Complaint Received

The U.S. Tariff Commission hereby gives notice of the receipt on February 20, 1973, of a complaint under section 337 of the Tariff Act of 1930 (19 U.S.C. 1337), filed by J. Wiss & Sons Co., Newark, N.J., alleging unfair methods of competition and unfair acts in the importation and sale of snips and scissors which are embraced within the claims of U.S. Patents Nos. 3,453,651, 3,524,363, and 3,608,196 owned by the complainant. The complaint names Greenland Studios, Inc., 4500 Northwest 135th Street, Miami, FL 33054; and the May Department Stores Co., Sixth and Olive Streets, St. Louis, Mo. 63101, as either importing or offering for sale the subject product.

In accordance with the provisions of § 203.3 of its rules of practice and procedure (19 CFR 203.3), the Commission has initiated a preliminary inquiry into the issues raised in the complaint for the purpose of determining whether there is good and sufficient reason for a full investigation, and if so, whether the Commission should recommend to the President the issuance of a temporary order of exclusion from entry under section 337(f) of the Tariff Act.

A copy of the complaint is available for public inspection at the Office of the Secretary, U.S. Tariff Commission, Eighth and E Streets NW., Washington, D.C., and at the New York office of the Tariff Commission located in Room 437 of the customhouse.

Information submitted by interested persons which is pertinent to the aforementioned preliminary inquiry will be considered by the Commission if it is received not later than April 20, 1973. Extensions of time for submitting information will not be granted unless good and sufficient cause is shown thereon. Such information should be sent to the Secretary, U.S. Tariff Commission, Eighth and F Streets NW., Washington, D.C. 20436. A signed original and nineteen (19) true copies of each document must be filed.

Issued: March 6, 1973.

By order of the Commission.

[SEAL] KENNETH R. MASON,
Secretary.

[FR Doc.73-4625 Filed 3-8-73;8:45 am]

INTERSTATE COMMERCE COMMISSION

[Notice 194]

ASSIGNMENT OF HEARINGS

MARCH 6, 1973.

Cases assigned for hearing, postponement, cancellation, or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the official docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested. No amendments will be entertained after the date of this publication.

I. & S. 8813, general increase in rates and charges, Sea-Land Service, Inc., I. & S. 8814, I. & S. 8814 Sub 1, General Increase, the Alaska Railroad, I. & S. 8814 Sub 2, now being assigned July 23, 1973, at Seattle, Wash. (1 week), July 30, 1973, at Fairbanks, Alaska (1 day), August 1, 1973, at Anchorage, Alaska (3 days), in hearing rooms to be later designated.

MC 668 Sub 95, Inter City Transportation Co., Inc., Donald A. Robinson, trustee, now assigned March 12, 1973, at Newark, N.J., is postponed indefinitely.

MC 128944 Sub 12, Reliable Truck Lines, Inc., continued to March 22, 1973 (2 days), at the Atlanta Cabana Motor Hotel, 870 Peachtree Street NE., Atlanta, Ga.

FD 26583, Detroit and Toledo Shore Line Railroad, petition for joint use of terminal facilities at Trenton, Mich., now assigned March 22, 1973, will be held in Room 718, Federal Building, 234 Summit Street, Toledo, OH.

AB 5 Sub 62, George P. Baker, Richard C. Bond, Jervis Langdon, Jr., and Willard Wirtz, trustees of the property of Penn Central Transportation Co., debtor, abandonment between Mount Gilead and Heath, Morrow, Delaware, Knox, and Licking Counties, Ohio, now assigned March 26, 1973, will be held at the Old Opera House (Johnstown Town Hall), Coshocton and Main Streets, Johnstown, Ohio.

AB 5 Sub 93, George P. Baker, Richard C. Bond, Jervis Langdon, Jr., and Willard Wirtz, trustees of the property of Penn Central Transportation Co., debtor, abandonment portion Mount Vernon secondary track between Howard and Holmesville, Knox and Holmes Counties, Ohio, now assigned March 28, 1973, will be held at the Agriculture Hall, Holmes County Court House, East Jackson Street, Millersburg, Ohio.

MC-C-7935, Samuel D. Summers, doing business as S. D. Summers Lumber Co. and The Valley Camp Coal Co., a corporation—Investigation of operations, now assigned March 20, 1973, postponed to March 21, 1973, at the State Capitol Building, Second Floor, Room A, 1900 Washington Street East, Charleston, WV.

MC 136343 Sub 3, Milton Transportation, Inc., now assigned March 23, 1973, at Boston, Mass., is advanced to March 21, 1973, will be held in Room 1112, Kennedy Building, Boston, Mass.

MC 136903, Intermodal Transport, Inc., now assigned April 2, 1973, at Atlanta, Ga., postponed to April 5, 1973, in Room 305, 1252 West Peachtree Street NW., Atlanta, GA.

MC 29642 Sub 5, Five Transportation Co., now assigned April 2, 1973, at Savannah, Ga., is postponed indefinitely.

MC-C-7910, Allied Foods, Inc., and Alterman Foods, Inc.—Investigation of operations and practices, now assigned April 9, 1973, at Atlanta, Ga., will be held in Room 305, 1252 West Peachtree Street NW.

MC 56679 Sub 64, Brown Transport Corp., now assigned April 11, 1973, at Atlanta, Ga., will be held in Room 305, 1252 West Peachtree Street NW.

MC 105566 Sub 80, Sam Tanksley Trucking, Inc., now assigned March 20, 1973, at Chicago, Ill., is cancelled and application dismissed.

AB 11, Chicago & Eastern Illinois Railroad Co., abandonment between Joppa Junction and Fayville Junction, Johnson, Pulaski, and Alexander Counties, Ill., AB 11 Sub 1, Chicago & Eastern Illinois Railroad Co., abandonment of operations between Fayville Junction and Thebes Junction, Alexander County, Ill., AB 11 Sub 2, Chicago & Eastern Illinois Railroad Co., abandonment of operations between Rockview and Chaffee, Scott County, Mo., now being assigned April 6, 1973 (2 days), at Cairo, Ill., in a hearing room to be later designated.

MC 123048 Sub 238, Diamond Transportation System, Inc., now being assigned April 30, 1973 (1 day), at Memphis, Tenn., in a hearing room to be later designated.

MC 128404 Sub 6, Blackwood Crane & Truck Service, Inc., now being assigned May 1, 1973 (2 days), at Memphis, Tenn., in a hearing room to be later designated.

MC-C-7912, Nashville Traffic Service, Inc., investigation of operations, now being assigned May 3, 1973 (2 days), at Memphis, Tenn., in a hearing room to be later designated.

MC 117883 Sub 159, Subler Transfer, Inc., continued to March 27, 1973, at the offices of the Interstate Commerce Commission, Washington, D.C.

MC 117119 Sub 459, Willis Shaw Frozen Express, Inc., continued to April 10, 1973, at the offices of the Interstate Commerce Commission, Washington, D.C.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.73-4607 Filed 3-8-73;8:45 am]

FOURTH SECTION APPLICATION FOR RELIEF

MARCH 6, 1973.

An application, as summarized below, has been filed requesting relief from the requirements of section 4 of the Interstate Commerce Act to permit common carriers named or described in the application to maintain higher rates and charges at intermediate points than those sought to be established at more distant points.

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Protests to the granting of an application must be prepared in accordance with Rule 1100.40 of the general rules of practice (49 CFR 1100.40) and filed on or before March 26, 1973.

FSA No. 42638—*Joint Water-Rail Container Rates—Pacific Far East Lines, Inc.* Filed by Pacific Far East Lines, Inc., (No. 3), for itself and interested rail carriers. Rates on general commodities, between ports in Japan, Hong Kong, Korea, Taiwan, and Manila, on the one hand, and rail stations and water carrier terminals on the U.S. Atlantic and Gulf seaboard, on the other.

Grounds for relief—Water competition.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.73-4609 Filed 3-8-73;8:45 am]

[Notice 224]

MOTOR CARRIER BOARD TRANSFER PROCEEDINGS

Synopses of orders entered by the Motor Carrier Board of the Commission pursuant to sections 212(b), 206(a), 211, 312(b), and 410(g) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR, Part 1132), appear below:

Each application (except as otherwise specifically noted) filed after March 27, 1972, contains a statement by applicants that there will be no significant effect on the quality of the human environment resulting from approval of the application. As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings on or before April 9, 1973. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petiiton will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petioners must be specified in their petitions with particularity.

No. MC-FC-35450. By order of February 15, 1973, the Motor Carrier Board approved the lease to Wardlaw Transport Express, Inc., Garland, Tex., of Certificate of Registration No. MC-99931 (Sub-No. 3) issued May 3, 1972 to B. L. Ellis, doing business as Ellis Brothers, Dallas, Tex., evidencing a right to engage in transportation in interstate commerce as described in Certificate of Convenience and Necessity No. 7399 dated May 27, 1946, issued by the Railroad Commission of Texas. Hugh T. Matthews, 630 Fidelity Union Tower, Dallas, Tex. 75201, attorney for applicants.

No. MC-FC-74123. By order of February 14, 1973, the Motor Carrier Board approved the transfer to C. William Redshaw, doing business as Rushville Truck Lines, Rushville, Ill., of Certificate of Registration No. MC-96935 (Sub-No. 1), issued April 14, 1970, to Virginia R. Redshaw, doing business as Rushville Truck Lines, Rushville, Ill., evidencing a right to engage in transportation in interstate commerce corresponding in scope to that portion of Certificate of Public Convenience and Necessity No. 9921MC dated October 20, 1954, as was embraced in predecessory's certificate of registration, transferred and reissued January 22, 1969, by the Illinois Commerce Commission. Carson D. Klitz, Rushville, Ill. 62681, applicants' attorney.

No. MC-FC-74132. By order of February 15, 1973, the Motor Carrier Board approved the transfer to Fresno Bass Lake Freight Lines, Inc., Fresno, Calif., of Certificate of Registration No. MC-85724 (Sub-No. 2) issued to Clyde D. Sturges, doing business as Huntington Stage Lines, Fresno, Calif., evidencing a right of the holder thereof to engage in interstate or foreign commerce in the transportation of: Property between specified points and areas solely within the State of California. Michael J. Stecher, attorney, 140 Montgomery Street, San Francisco, CA 94104.

No. MC-FC-74158. By order of February 15, 1973, the Motor Carrier Board approved the transfer to O. & A. Express, Inc., Lubbock, Tex., of Certificates Nos. MC-114737 (Sub-No. 2), MC-114737 (Sub-No. 4) and MC-114737 (Sub-No. 6) issued May 22, 1956, August 1, 1963, and August 18, 1971, respectively, to O. A. Woody, doing business as O. & A. Film Lines, Lubbock, Tex., authorizing the transportation of: Newspapers, motion picture film, and advertising material, recording, reproducing, and amplifying devices, exhibits, tickets, vending machines, and supplies and materials in connection with operation, and maintenance of theatres and places of motion picture exhibition, between specified points and areas in Texas, Oklahoma, and New Mexico. Austin L. Hatchell, attorney, 1102 Perry Brooks Building, Austin, Tex. 78701.

No. MC-FC-74159. By order of February 27, 1973, the Motor Carrier Board approved the transfer to Delia Marauszwski, doing business as Billy's Trucking, Pittsfield, Mass., of the operating rights in Permits Nos. MC-110063 and MC-110063 (Sub-No. 1) and Certificate No. MC-115817 issued March 15, 1949, July 5, 1962, and June 13, 1956, respectively, to William Marauszwski, doing business as Billy's Trucking, Pittsfield, Mass., authorizing the transportation of (1) such commodities as are dealt in by chain retail and mail order department stores, from Pittsfield, Mass., to points and places in Connecticut, New York, Massachusetts, and Vermont within 50 miles of Pittsfield, Mass.; (2) toys, in seasonal operations commencing August 1 and extending to December 31, inclusive, of each year, from Pittsfield, Mass., to points in New York, Vermont, New Hampshire, and Connecticut under continuing contract, or contracts, with Kaufman Brothers, Inc., of Pittsfield, Mass., and (3) household goods, as defined by the Commission, between points and places in Berkshire County, Mass., on the one hand, and, on the other, points in Connecticut, Rhode Island, New York, New Jersey, and Pennsylvania. Dual operations were approved. John E. Fay, 630 Oakwood Avenue, Suite 127, West Hartford, CT 06110, attorney for applicants.

No. MC-FC-74172. By order of February 14, 1973, the Motor Carrier Board approved the transfer to Tillman F. Rozean, doing business as Rozean Truck Line, Box 64, Green, Kans. 67447, of Certificate No. MC 5098 issued to Lionel G. Clark, doing business as Clark Truck Line, Clay Center, Kans., authorizing the transportation of various commodities, such as, livestock, feed, paint, sheet metal, tires, etc., between specified points in Kansas and Missouri.

No. MC-FC-74220. By order of February 15, 1973, the Motor Carrier Board approved the transfer to Max W. Tunks and Maxie Lee Tunks, a partnership, doing business as Circle M Truck Line, King City, Mo., of Certificate of Registration No. MC-96969 (Sub-No. 2) issued July 2, 1969, to Maurice Merrill Hall and Raymond Dale Wells, a partnership, doing business as Hall & Wells Truck Line, King City, Mo., evidencing a right to engage in transportation in interstate commerce as described in Certificate of Convenience and Necessity No. T-5776 issued by the Public Service Commission of Missouri, July 3, 1968. Thomas P. Rose, Post Office Box 205, Jefferson City, MO 65101, attorney for applicants.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.73-4610 Filed 3-8-73;8:45 am]

[Notice 227]

MOTOR CARRIER BOARD TRANSFER PROCEEDINGS

Synopses of orders entered by Division 3 of the Commission pursuant to sections 212(b), 206(a), 211, 312(b), and 410(g) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 1132), appear below:

Each application (except as otherwise specifically noted) filed after March 27, 1972, contains a statement by applicants that there will be no significant effect on the quality of the human environment resulting from approval of the application. As provided in the Commission's general rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings on or before April 9, 1973. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC-73778. By order of February 27, 1973, Division 3, acting as an appellate division, approved the transfer to Siegel's Hauling, Inc., Cadiz, Ohio, of the operating rights in Certificate No. MC-112798 issued December 21, 1961 to

Badgett Trucking Co., a corporation, South Charleston, W. Va., authorizing the transportation of various commodities from, to, and between specified points and areas in West Virginia. Paul F. Berry, 88 East Broad Street, Columbus, Ohio 43215, attorney for applicants.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.73-4611 Filed 3-8-73;8:45 am]

[Ex Parte No. 241; Rule 19; Exemption No. 35]

NORFOLK SOUTHERN RAILWAY CO.

Exemption Under Provision From Mandatory Car Service Rules

It appearing, that there is a substantial movement of traffic originating on the Norfolk Southern Railway Co., destined to points west of the Allegheny Mountains; that the supply of suitable plain boxcars on the Norfolk Southern Railway Co. is inadequate to meet the needs of the shippers of this traffic; that there is a surplus of such cars on the Norfolk and Western Railway Co. which presently are returning empty to the car owners; that use of such cars by the Norfolk Southern Railway for a single trip transporting traffic to, via, or in the direction of the car owners, will enable that line to protect the needs of its shippers, will increase effective car utilization, and will have no significant effect on the boxcar supplies of the car owners.

It is ordered, That pursuant to the authority vested in me by Car Service Rule 19, cars listed in the Official Railway Equipment Register, ICC RER No. 386, issued by W. J. Trezise, or successive issues thereof, as having mechanical designation XM, which are subject to Car Service Rule 2 while on the lines of the Norfolk and Western Railway, may be delivered empty by that line to the Norfolk Southern Railway Co. for subsequent loading of one trip only to, via, or in the direction of the car owners.

When so delivered empty by the Norfolk and Western Railway Co. to the Norfolk Southern Railway Co., such cars shall be exempt from the provisions of Car Service Rule 2.

It is further ordered, That all subsequent use of such cars by the Norfolk Southern Railway Co. shall be subject to all of the provisions of Car Service Rule 2.

Effective March 1, 1973.

Expires March 31, 1973.

Issued at Washington, D.C., March 1, 1973.

INTERSTATE COMMERCE COMMISSION,
[SEAL] R. D. PFAHLER, *Agent.*

[FR Doc.73-4608 Filed 3-8-73;8:45 am]

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federal register

FRIDAY, MARCH 9, 1973
WASHINGTON, D.C.
Volume 38 ■ Number 46

PART II

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

■

ALASKA NATIVE CLAIMS SETTLEMENT ACT

Selections of Lands; Proposed Rule Making

No. 46—Pt. II——1

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DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[43 CFR Parts 2650, 2651, 2652, 2653, 2654]

ALASKA NATIVE SELECTIONS—GENERALLY

Notice of Proposed Rule Making

On September 21, 1972, on pages 19634–19639 of the FEDERAL REGISTER there was published a notice and text of proposed rule making to add to Group 2600 of Title 43, Code of Federal Regulations, additional sections implementing the Alaska Native Claims Settlement Act of 1971. Interested persons were given until October 23, 1972, to submit comments, suggestions, or objections to the proposed addition to Group 2600. Review of the comments and suggestions resulted in a substantial revision of the proposal.

The purpose of this amendment is to provide regulations for the satisfaction of grants of lands and interests in lands made by the Alaska Native Claims Settlement Act of December 18, 1971 (43 U.S.C. 1601–1624). It is hereby determined that the publication of this proposed rule making is not a major Federal action significantly affecting the quality of the human environment and that no detailed statement pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969 (43 U.S.C. 4332(2)(C)) is required.

In accordance with the Department's policy on public participation in rule making (36 FR 8336), interested parties may submit written comments, suggestions or objections with respect to the proposed rules to the Director (210), Bureau of Land Management, Washington, D.C. 20240 until April 16, 1973.

Copies of comments, suggestions or objections made pursuant to this notice will be available for public inspection in the Office of Information, Bureau of Land Management, Room 5643, Interior Building, Washington, D.C., during the regular business hours (7:45 a.m.–4:15 p.m.).

Chapter II of Title 43 of the Code of Federal Regulations is amended by adding a new Part 2650, as set forth below.

CURT BERKLUND,
Deputy Assistant,
Secretary of the Interior.

MARCH 6, 1973.

Group 2600 of Chapter II, Title 43 of the Code of Federal Regulations is amended as follows:

PART 2650—ALASKA NATIVE SELECTIONS—GENERALLY

Sec

2650.0–1 Purpose.
2650.0–2 Objectives.
2650.0–3 Authority.
2650.0–5 Definitions.
2650.0–7 References.
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AUTHORITY: Sec. 25 of the Alaska Native Claims Settlement Act of December 18, 1971; Administrative Procedure Act (5 U.S.C. 551, et seq).

§ 2650.0–1 Purpose.

The purpose of the regulations in this part is to provide procedures for the orderly satisfaction of selections of lands, interests in lands, and rights derived therefrom, pursuant to the Alaska Native Claims Settlement Act of December 18, 1971 (43 U.S.C. 1601).

§ 2650.0–2 Objectives.

The program of the Secretary is to encourage and assist the beneficiaries of the 1971 Act, supra, to make timely selections of the lands and interests in lands for which it is determined they are eligible, consistent with the terms of the Act.

§ 2650.0–3 Authority.

Section 25 of the Alaska Native Claims Settlement Act of December 18, 1971, authorizes the Secretary of the Interior to issue and publish in the FEDERAL REGISTER, pursuant to the Administrative Procedure Act (5 U.S.C. 551, et seq.), such regulations as may be necessary to carry out the purposes of the Act.

§ 2650.0–5 Definitions.

(a) "Act" means the Alaska Native Claims Settlement Act of December 18, 1971 (43 U.S.C. 1601) and any amendments thereto.

(b) "Secretary" means the Secretary of the Interior or his authorized delegate.

(c) "Native" means a Native as defined in section 3(b) of the Act.

(d) "Native Village" means any tribe, band, clan, group, village, community, or association in Alaska, as defined in section 3(c) of the Act.

(e) "Village Corporation" means a profit or nonprofit Alaska Native Village Corporation which is eligible under § 2651.2 of this chapter to select land and receive benefits under the Act, and is organized under the laws of the State of Alaska in accordance with the provisions of section 8 of the Act.

(f) "Regional Corporation" means an Alaska Native Regional Corporation organized under the laws of the State of Alaska in accordance with the provisions of section 7 of the Act.

(g) "Public Lands" means all Federal lands and interests in lands located in Alaska (including the beds of all nonnavigable bodies of water), except:

(1) The smallest practicable tract, as determined by the Secretary, enclosing land actually used, but not necessarily having improvements thereon, in connection with the administration of a Federal installation; and,

(2) Land selections of the State of Alaska which have been patented or tentatively approved under section 6(g) of the Alaska Statehood Act, as amended (72 Stat. 341; 77 Stat. 223; 48 U.S.C. chapter 2), or identified for selection by the State prior to January 17, 1969, except as provided in § 2651.4(a)(1) of this chapter.

(h) "Interim Conveyance" means an instrument confirming the validity of the selection of a described tract of public land under the Act, entitling the transferee to a conveyance by patent of legal title thereto subject to confirmation of boundary descriptions and to easements, rights-of-way, and other reservations to be identified and expressed in the patent.

(i) "Patent" as used in these regulations means the document which conveys to the patentee the legal title to the public lands, subject to such reservations for easements, rights-of-way, or other interests in land, as provided by the Act or imposed on the land by applicable law.

(j) "National Wildlife Refuge System" means all lands, waters, and interests therein administered by the Secretary as wildlife refuges, areas for the protection and conservation of fish and wildlife that are threatened with extinction, wildlife ranges, game ranges, wildlife management areas, or waterfowl production areas.

(k) "Approved Protraction Diagram" means the approved diagram of the Bureau of Land Management mathematical plan for extending the public land surveys, and does not constitute an official Bureau of Land Management survey.

§ 2650.0–7 References.

(a) Native enrollment procedures are contained in 25 CFR Part 43h.

(b) Withdrawal procedures are contained in Part 2300 of this chapter.

(c) Application procedures are contained in Part 1821 of this chapter.

§ 2650.1 Provisions for interim administration.

(a)(1) Prior to any conveyance under the Act, all public lands withdrawn pursuant to sections 11, 14, and 16 of the Act shall be administered under applicable laws and regulations by the Secretary of the Interior, or by the Secretary of Agriculture in the case of national forest lands, as provided by section 22(l) of the Act. The authority of the Secretary of the Interior and of the Secretary of Agriculture to make contracts and to issue leases, permits, rights-of-way, or easements is not impaired by the withdrawals.

(2) Prior to making contracts or issuing leases, permits, rights-of-way, or easements, the views of the concerned regions or villages shall be obtained.

(b) As provided in section 17(d)(3) of the Act, any lands withdrawn pursuant to section 17 shall be subject to administration by the Secretary under applicable laws and regulations, and his authority to make contracts, and to issue leases, permits, rights-of-way, or easements shall not be impaired by the withdrawal.

(c) As provided in section 21(e) of the Act, so long as there are no substantial revenues from real property interests conveyed pursuant to this Act and the lands are not subject to State and local real property taxes, such lands shall continue to receive forest fire protection services from the United States at no cost.

§ 2650.2 Application procedures.

(a)(1) Applications must be filed on forms approved by the Director, Bureau of Land Management. Applications must be filed in accordance with Part 1821 of this chapter.

(2) Minor errors in submitting applications or in otherwise complying with nonstatutory requirements hereunder may be waived in the discretion of the Secretary.

(b) Each regional corporation must submit with its initial application a copy of the resolution authorizing the individual filing the application to do so.

(c) Each village corporation under Subpart 2651 of this chapter must submit with its initial application a certification of its eligibility and entitlement, a certified copy of its articles of incorporation, evidence of the approval thereof by the regional corporation for that region, a copy of the resolution authorizing the filing, and a copy of the authorization of the individual filing the application to do so.

(d)(1) Regional and village corporations authorized by the Act subsequently filing additional or amendatory applications need only refer to the serial number of the initial filing as reference to the articles of incorporation.

(2) Any change of the officer authorized to act for any corporation, and approved amendments to the articles of incorporation, should be promptly submitted to the appropriate office of the Bureau of Land Management.

(e)(1) If the lands applied for are surveyed, the legal description of the lands in accordance with the official plats of survey must be used.

(2) If the lands applied for are unsurveyed, they must be described by approved protraction diagrams of the Bureau of Land Management or State of Alaska protraction diagrams authenticated by the Bureau of Land Management.

(3) If the lands applied for are not surveyed and are not covered by approved or authenticated protraction diagrams, they must be described by metes and bounds commencing at a readily identifiable topographic feature, such as a mountain peak, mouth of a stream, etc., or a monumented point of known position, such as a triangulation station, and the description must be accompanied by a topographic map delineating the boundary of the area applied for.

(4) Where published 1:63,360 U.S.G.S. Quadrangle maps are available with the rectangular grid or approved protraction diagrams plotted thereon, these maps should be used to portray and describe the lands applied for.

(5) If the legal description and the map portrayal do not agree, the written description will be controlling.

(f) The boundaries of selected areas may be adjusted by the Secretary after consultation with the applicant and amendment of the application, provided that the adjustment will not create an excess over the selection entitlement, as follows:

(1) Include any contiguous parcel of public land that would otherwise remain as an isolated parcel of public land;

(2) Include unavailable land which becomes available subsequently for selection.

(g) Each selection application must be accompanied by a nonreturnable filing or service fee of $25.

§ 2650.3 Lawful entries and mining claims.

§ 2650.3–1 Lawful entries.

(a) Patent requirements met. Pursuant to sections 14(g) and 22(b) of the Act, all patents issued under the Act shall exclude any lawfully entered land, or entries which have been perfected under, or are being maintained in compliance with, laws leading to the acquisition of title, but shall include land subject to valid existing rights of a temporary or limited nature such as those created by leases (including leases issued under section 6(g) of the Alaska Statehood Act), contracts, permits, rights-of-way, or easements.

(b) The right of use and occupancy of persons who initiated lawful settlement or entry of land, prior to August 31, 1971, is protected: *Provided*, That:

(1) Occupancy has been or is being maintained in accordance with the appropriate public land law, and

(2) Settlement or entry was not in violation of Public Land Order No. 4582, as amended. Any person who entered or settled upon land in violation of that public land order has gained no rights.

§ 2650.3–2 Mining claims.

(a) *Possessory rights.* Pursuant to section 22(c) of the Act, on any lands to be conveyed to village or regional corporations, any person who, prior to August 31, 1971, initiated a valid mining claim or location, including millsites, under the general mining laws and recorded notice thereof with the appropriate State or local office, shall not be challenged by the United States as to his possessory rights, if all requirements of the general mining laws are met. However, the validity of any mining claim may be challenged by the United States at any time.

(b) *Patent requirements met.* Any person holding a valid mining claim on lands conveyed to regional or village corporations may proceed to patent, if all requirements under the general mining laws are met, provided that an acceptable mineral patent application has been filed with the appropriate land office not later than December 18, 1976.

(c) *Patent requirements not met.* Any mineral patent application filed after December 18, 1976, will be rejected for lack of Departmental jurisdiction.

§ 2650.4 Patent reservations.

§ 2650.4–1 Existing rights and contracts.

Any interim conveyance or patent issued for surface and subsurface rights under this Act will be subject to any lease, contract, permit, right-of-way, or easement and the rights of the lessee, contractee, permittee, or grantee to the complete enjoyment of all rights, privileges, and benefits thereby granted him.

§ 2650.4–2 Succession of interest.

Upon issuance of any interim conveyance or patent under this authority, the transferee thereunder shall succeed and become entitled to any and all interests of the State of Alaska or of the United States as lessor, contractor, permitter, or grantor, in any such lease, contract, permit, right-of-way, or easement covering the estate conveyed, subject to the provisions of section 14(g) of the Act.

§ 2650.4–3 Administration.

Leases, contracts, permits, rights-of-way, or easements granted prior to the issuance of any interim conveyance or patent under this authority shall continue to be administered by the State of Alaska or by the United States after the interim conveyance or patent has been issued, unless the responsible agency waives administration. For lands remaining under the jurisdiction of the Secretary, administration of such less-than-fee rights shall be continued by the issuing agency.

§ 2650.4–4 Revenues.

(a) If the interim conveyance or patent covers all the lands included in the lease, contract, permit, right-of-way, or easement, the transferee shall be entitled to all the revenues reserved by the State of Alaska or by the United States in the lease, contract, permit, right-of-way, or easement, accrued and payable after the date of such interim conveyance or patent.

(b) If the interim conveyance or patent does not cover all the lands included in any such lease, contract, permit, right-of-way, or easement, the transferee shall be entitled only to the proportionate amount of the revenues reserved under the lease, contract, permit, right-of-way, or easement, by the State of Alaska or by the United States, in accordance with section 14(g) of the Act, accrued and payable after the date of such interim conveyance or patent.

§ 2650.4–5 National Forest Lands.

Any interim conveyance or patent issued under this Act for lands located

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within the boundaries of a national forest shall contain the following reservations:

(a) For a period of 5 years from the date of the interim conveyance or patent, whichever occurs first, the sale of any timber from these lands shall be subject to the same restrictions relating to the export of timber from the United States as are applicable to national forest lands in Alaska under rules and regulations of the Secretary of Agriculture;

(b) These lands must be managed under the principle of sustained yield and under management practices for the protection and enhancement of environmental quality no less stringent than management practices on adjacent national forest land for a period of 12 years from the date of the interim conveyance or patent, whichever occurs first; and,

(c) In conformity with paragraph (b) of this section, management practices and the basis for computing the sustained yield capacity of the various resources will be specified in a plan made jointly by the transferee and the delegated representative of the Secretary of Agriculture, which plan shall constitute a covenant running with the land. Use of these lands, or the resources thereon, will be in accordance with the plan or its approved revisions during the 12-year period.

§ 2650.4–6 National Wildlife Refuge System Lands.

(a) Every interim conveyance or patent which includes land in the national wildlife refuge system shall reserve to the United States the first right of refusal for a period of 120 days from the date of notice to the United States that the land is being offered for sale by the village corporation.

(b) Every interim conveyance or patent which covers lands lying within the boundaries of a national wildlife refuge in existence on December 18, 1971, shall provide that the lands shall remain subject to the laws and regulations governing use and development of such refuge.

§ 2650.4–7 Public easements.

In accordance with section 17(b)(3) of the Act, prior to the issuance of any patent under this Act, the Secretary shall reserve such public easements as he deems necessary, after consultation with the State of Alaska and the Federal-State Land Use Planning Commission. If the recommendations of the State and the Planning Commission are not received within 90 days after notice by the Secretary, he may proceed to issue the patent reserving such public easements as he determines are necessary.

§ 2650.5 Survey requirements.

§ 2650.5–1 General.

(a) Surveys under section 13 of the Act are authorized to depart from the regulations governing the survey of the public lands of the United States under the rectangular system of surveys. Any survey or description used as a basis for conveyance must be adequate to identify the lands to be conveyed.

(b) Surveys shall take into account the navigability or nonnavigability of bodies of water. The beds of all bodies of water determined by the Secretary to be navigable shall be excluded from the gross area of the surveys and shall not be charged to total acreage entitlements under the Act. The beds of all bodies of water not determined to be navigable shall be included in the surveys as public lands, shall be included in the gross area of the surveys, and shall be charged to total acreage entitlements under the Act. No ground survey or monumentation shall be done by the Bureau of Land Management along the meander lines of navigable bodies of water.

(c) The entries of all persons who have made a lawful entry pursuant to § 2650.3–1 and who have met all requirements for survey under appropriate law and regulation by April 1, 1974, shall be surveyed and segregated from all selections. The entries of all persons who have not met the requirements for survey by April 1, 1974, shall be considered abandoned and shall not be surveyed.

§ 2650.5–2 Rule of approximation.

To assure full entitlement, the rule of approximation may be applied with respect to the acreage limitations applicable to conveyances and surveys under this authority, i.e., any excess must be less than the deficiency would be if the smallest legal subdivision were eliminated (see 62 I.D. 417, 421).

§ 2650.5–3 Regional surveys.

Lands to be patented to a regional corporation, when selected in contiguous units, may be grouped together for the purpose of survey and surveyed as one tract, with monuments being established on the exterior boundary at angle points and at intervals of approximately two miles on straight lines.

§ 2650.5–4 Village surveys.

(a) Only the exterior boundaries of the total acreage entitlement for each village corporation will be surveyed. The survey will be made after the total acreage entitlement of the village has been selected.

(b) Surveys will be made within the village corporation selections to delineate those occupied tracts required by law to be conveyed by the village corporations pursuant to section 14(c) of the Act.

(c)(1) The boundaries of the tracts described in paragraph (b) of this section shall be established by the affected village corporations and the recipient of the conveyance to be made by the village corporations by written agreement which shall be sent to the appropriate land office of the Bureau of Land Management within 180 days after issuance of the interim conveyance or patent. The written agreement must be accompanied by a map showing the approximate established boundaries. Each corner of the tract must be marked by permanent monuments on the ground, in order to survey the boundaries thereof.

(2) After the Bureau of Land Management has prepared a plan of survey, the affected village corporation and its potential transferees will be provided 30 days in which to comment. After having considered the comments, final approval of the plan of survey shall be by the Authorized Officer of the Bureau of Land Management. Thereafter, no addition shall be made to the aproved plan of survey. Survey needed after the final approval shall not be performed by the Secretary.

§ 2650.5–5 Cemetery sites and historical places.

Only those cemetery sites and historical places to be conveyed under section 14(h)(1) of the Act shall be surveyed.

§ 2650.5–6 Adjustment to plat of survey.

All interim conveyances issued for lands not covered by officially approved surveys of the Bureau of Land Management shall note that upon the filing of an official plat of survey, the boundary of the selection area, described in terms of protraction diagrams or by metes and bounds, shall be adjusted to the plats of survey.

§ 2650.6 Selection limitations.

(a) Notwithstanding any other provisions of the Act, no village or regional corporation may select lands which are within 2 miles from the boundary, as it existed on December 18, 1971, of any home rule or first-class city (excluding boroughs), or which are within 6 miles from the boundary of Ketchikan.

(b) Determination will be by certification by the State of Alaska as to which cities are home rule or first class and as to their boundaries as of December 18, 1971.

(c) Native groups, the cities of Juneau, Sitka, Kenai, and Kodiak, are not considered village corporations within the meaning of this section and are not subject to the 2-mile limit.

(d) If the village corporation for the Native village at Dutch Harbor is found eligible for land grants under this Act, it may select lands pursuant to Subpart 2651 of this chapter and receive patent under the terms of section 14(a) of the Act.

§ 2650.7 Publication.

The Authorized Officer will order publication of each proposed conveyance in accordance with the following procedures:

(a) Each applicant will be required to publish a notice allowing all persons claiming the land adversely to file in the appropriate land office their objections to the issuance of any interim conveyance. The notice must be published once a week for 5 consecutive weeks in a designated newspaper and format.

(b) Each applicant must file a statement of the publisher, accompanied by a copy of the published notice showing that publication has been had for the required time. The applicant will be required to pay the cost of publication of the notice.

(c) Any protestant must serve on the applicant a copy of the objections and furnish evidence of service thereof to the appropriate land office.

PART 2651—VILLAGE SELECTIONS

Sec.
2651.0–3 Authority.
2651.1 Entitlement.
2651.2 Eligibility requirements.
2651.3 Selection period.
2651.4 Selection limitations.
2651.5 Patent reservations.
2651.6 Airport and air navigation facilities.

AUTHORITY: Secs. 12 and 16(b) of the Act.

§ 2651.0–3 Authority.

Sections 12 and 16(b) of the Act provide for the selection of lands by eligible village corporations.

§ 2651.1 Entitlement.

(a) Village corporations eligible for land benefits under the Act shall be entitled to a patent to the surface estate in accordance with sections 14(a) and 16(b) of the Act.

(b) In addition to the land benefits in paragraph (a) of this section, each eligible village corporation shall be entitled to select and receive a patent to the surface estate for such acreage as is distributed to the village corporation in accordance with section 12(b) of the Act.

§ 2651.2 Eligibility requirements.

(a) Pursuant to section 11(b) of the Act, the Authorized Officer of the Bureau of Indian Affairs shall review and make a determination, not later than June 17, 1974, as to which villages are eligible for benefits under the Act.

(1) *Review of listed native villages.* The Authorized Officer of the Bureau of Indian Affairs shall make a determination of the eligibility of villages listed in section 11(b)(1) of the Act. He shall investigate and examine available records and evidence that may have a bearing on the character of the village and its eligibility pursuant to paragraph (b) of this section.

(2) *Findings of fact and notice of proposed decision.* After completion of the investigation and examination of records and evidence with respect to the eligibility of a village listed in section 11(b)(1) of the Act for land benefits, the Authorized Officer of the Bureau of Indian Affairs shall publish in the FEDERAL REGISTER and in one or more newspapers of general circulation in Alaska his proposed decision with respect to such eligibility and shall mail a copy of the proposed decision to the affected village, all villages located in the region in which the affected village is located, all regional corporations within the State of Alaska, the State of Alaska, and any other party that may have an interest in the proposed decision. His proposed decision is subject to protest by any interested party within 30 days of the publication of the proposed decision in the FEDERAL REGISTER. If no valid protest is received within the 30-day period such proposed decision shall become final and shall be published in the FEDERAL REGISTER. If the decision is in favor of a listed village, the Authorized Officer shall issue a certificate as to the eligibility of the village in question for land benefits under the Act, and certify the record and the decision to the Secretary. Copies of the final decisions and certificates of village eligibility shall be mailed to all interested parties.

(3) *Protest.* Within 30 days from the date of publication of the proposed decision in the FEDERAL REGISTER, any interested party may protest a proposed decision as to the eligibility of a village for benefits under the Act. No protest shall be considered which is not accompanied by supporting evidence. The protest shall be mailed to the Authorized Officer of the Bureau of Indian Affairs, with a copy to all interested parties.

(4) *Action on protest.* Upon receipt of a protest, the Authorized Officer shall examine and evaluate the protest and supporting evidence required herein, together with his record of findings of fact and proposed decision, and shall render a decision on the eligibility of the Native village that is the subject of the protest. Such decision shall be rendered within 30 days from the receipt of the protest and supporting evidence by the Authorized Officer. The decision of the Authorized Officer shall be published in the FEDERAL REGISTER and in one or more newspapers of general circulation in Alaska and a copy shall be mailed to all interested parties. Such decision shall become final, unless appealed to the Director, Office of Hearings and Appeals, Department of the Interior, within 30 days of its publication in the FEDERAL REGISTER.

(5) *Action on appeal.* Appeals to the Director, Office of Hearings and Appeals, shall be filed and governed by the applicable regulations in Part 4, Subpart G of this title, except that the appellant shall have not more than 15 days from the date of filing of his notice of appeal within which to file an appeal brief, and the opposing parties shall have not more than 15 days from the date of receipt of the appellant's brief within which to file an answering brief. No more than 15 days shall be allowed for the filing of additional briefs in connection with such appeals. All hearings held in connection with such appeals shall be conducted in the State of Alaska. Appeals filed hereunder shall take precedence on the docket of the Office of Hearings and Appeals. The decision of the Director, Office of Hearings and Appeals, shall be the final decision of the Secretary.

(6) *Applications by unlisted villages for determination of eligibility.* The head or any authorized subordinate officer of a Native community not listed in section 11(b) of the Act may file on behalf of the unlisted community an application for a determination of its eligibility for land and benefits under the Act. Such application shall be filed in duplicate with the appropriate land office in accordance with Subpart 1821 of this chapter prior to September 1, 1973. The original application shall be immediately forwarded to the Authorized Officer of the Bureau of Indian Affairs. Each application must describe the location of the community pursuant to § 2650.2(e) of this chapter.

(7) *Segregation of land.* The filing of an application by the authorized representative or representatives of the Native community shall operate to segregate the public land in the vicinity of the community as provided in sections 11(a)(1) and (2) of the Act. The segregative effect of an application for eligibility filed hereunder shall terminate upon final rejection of the application.

(8) *Action on application for eligibility.* Upon receipt of an application for eligibility, the Authorized Officer of the Bureau of Indian Affairs shall have a notice of the filing of the application published in the FEDERAL REGISTER and in one or more newspapers of general circulation in Alaska and shall promptly review the statements contained in the application. If the application does not adequately describe the community or constitute prima facie evidence of compliance with the requirements of sections 11(b)(3)(A) and (B) of the Act, he shall return the application to the representative or representatives of the Native community with a statement of the reason for return of the application. When a proper application is filed with the Authorized Officer of the Bureau of Indian Affairs, he shall investigate and examine available records and evidence that may have a bearing on the character of the community and its eligibility pursuant to paragraph (b) of this section, and thereafter make findings of fact as to the character of the community. No later than December 19, 1973, the Authorized Officer shall make a determination as to the eligibility of the community as a Native village for land and benefits under the Act and shall issue a decision. He shall publish his decision in the FEDERAL REGISTER and in one or more newspapers of general circulation in Alaska and shall mail a copy of the decision to the representative or representatives of the community, all villages in the region in which the community is located, all regional corporations within the State of Alaska, the State of Alaska, and any other party that may have an interest in the decision.

(9) *Protest to eligibility determination.* Any interested party may protest a decision of the Authorized Officer of the Bureau of Indian Affairs regarding the eligibility of a Native community for land and benefits under the provisions of sections 11(b)(3)(A) and (B) of the Act by filing a notice of protest with the Authorized Officer within 30 days from the date of publication of the decision in the FEDERAL REGISTER. A copy of the protest must be mailed to all interested parties. If no protest is received within the 30-day period, the decision shall become final and the Authorized Officer shall certify the record and the decision to the Secretary. No protest shall be considered which is not accompanied by supporting evidence. Anyone protesting a decision concerning the eligibility or ineligibility of a Native community shall have the

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burden of proof in establishing that the decision is incorrect. Anyone appealing a decision concerning the eligibility or ineligibility of a Native community shall have the burden of proof in establishing that the decision is incorrect.

(10) *Action on protest, appeal.* Upon receipt of a protest, the Authorized Officer shall follow the procedure outlined in paragraph (a)(4) of this section. If an appeal is taken from a decision on eligibility, the provisions of paragraph (a)(5) of this section shall apply.

(b) Villages must meet each of the following criteria to be eligible for land benefits under sections 14 (a) and (b) of the Act:

(1) There must be 25 or more Natives enrolled to the villages.

(2) The village must have been in existence as an established village on April 1, 1970, and separate and not connected with or a part of a city, town, or other identifiable community settlement.

(3) The village must not be modern and urban in character. A village will be considered to be of modern and urban character if the Secretary determines that it possesses a majority of the following attributes:

(i) Population over 2,500.

(ii) Centralization of water system or sewage system.

(iii) Five or more business establishments which provide goods or services such as transient accommodations or eating establishments, specialty retail stores, plumbing and electrical services, etc.

(iv) Organized police or fire protection.

(v) Resident medical or dental services, other than those provided by Indian Health Service.

(vi) A school system providing both elementary and secondary education.

(4) A majority of the residents must be native.

(5) The inhabitants of the village must rely upon the natural resources of the area for all or a portion of their livelihood.

(c) In addition to the criteria listed in paragraph (b) of this section, a village must possess a predominance of the following characteristics:

(1) Census place in the 1970 census.

(2) Some type of local government such as: traditional council, receiving Bureau of Indian Affairs services; Indian Reorganization Act—federally recognized village; incorporated under State law.

(3) Community services such as local school, Indian Health Service facilities, postal services, communications.

(4) Physical facilities consisting of permanent structures for residential or business purposes, or both, in more or less compact or proximate relationship.

(5) Established townsite and survey.

§ 2651.3 Selection period.

Each eligible village corporation must file its selection application(s) not later than December 18, 1974, under sections 12(a) or 16(b) of the Act; and not later than December 18, 1975, under section 12(b) of the Act.

§ 2651.4 Selection limitations.

(a) Each eligible village corporation may select up to the maximum surface acreage entitlement under sections 12 (a) and (b) and section 16(b) of the Act, but may not select more than:

(1) 69,120 acres from land that, prior to January 17, 1969, has been selected by, or tentatively approved to, but not yet patented to the State under the Alaska Statehood Act; and,

(2) 69,120 acres of land from the National Wildlife Refuge System; and,

(3) 69,120 acres of land from the National Forest System.

(b) To the extent necessary to obtain its entitlement, each eligible village corporation must select all available lands within priority Group 1 (below) before selecting lands within priority Group 2, and within priority Group 2 before selecting lands within priority Group 3.

(1) The township or townships within which all or part of the village is located.

(2) Withdrawn land in the two "rings" of contiguous or cornering townships, as specified in sections 11(a)(1) (B) and (C) and 11(a)(2) of the Act;

(3) Deficiency lands withdrawn pursuant to section 11(a)(3) of the Act.

(c) Selections shall be contiguous and in reasonably compact tracts, except as separated by bodies of navigable water or by lands which are unavailable for selection.

(1) Regardless of the number of selection applications filed, the total village corporation selection must be compact and contiguous and should conform as nearly as practicable to the U.S. Land Survey System.

(2) A tract will not be considered compact if it excludes other lands available for selection within its exterior boundaries, or if it is excessively strung out in long narrow strips of more than four times the length to the width. The omission of lands which must be selected by the regional corporation will not be considered a violation of the compactness requirement, unless such omission would require the selection of deficiency lands withdrawn pursuant to section 11(a)(3) of the Act.

(3) Village corporations are not required to select lands within an unpatented mining claim. If the village corporation selection omits lands within unpatented mining claims, this will not be construed as violating the requirements for compactness and contiguity.

(4) The lands selected shall be in whole sections where they are available, or include all available lands in less than whole sections, and, wherever feasible, shall be in units of not less than 1,280 acres.

(5) Except as provided in paragraph (c)(2) of this section, "checkerboard" or alternate tract selections will not be permitted.

(d) Optional selections are permitted to insure full entitlement under the Act. Optional selection applications must meet the criteria of paragraph (c) of this section, and give numerical choice, i.e., first choice, second choice, etc. Such selections must be filed not later than December 18, 1974. Land descriptions of optional selections may also be adjusted pursuant to § 2650.2(f) of this chapter, if the selections are approved.

(e) Whenever the Secretary determines that a dispute exists between villages over land selection rights, he shall direct the village corporations to arbitrate the dispute in accordance with section 12(e) of the Act, within 120 days of notice to that effect. Optional selections may be made pursuant to paragraph (d) of this section in order to protect selection rights.

(f) Village corporation selections within section 11(a)(1) and section 11(a)(3) areas shall be given priority over regional corporation selections for the same lands.

§ 2651.5 Patent reservations.

In addition to the patent reservations in § 2650.4 of this chapter, interim conveyances or patents issued to village corporations shall provide for the transfer of the surface estates specified in section 14(c) of the Act, and shall be subject to valid existing rights under section 14(g) of the Act.

§ 2651.6 Airport and air navigation facilities.

(a) Every airport and air navigation facility owned and operated by the United States which the Secretary determines is actually used in connection with the administration of a Federal program will be deemed a "Federal installation" under the provisions of section 3(e) of the Act, and the Secretary will determine the smallest practicable tract which shall enclose such Federal installations. Such Federal installations are not public lands as defined in the Act and are therefore not "lands available for selection" under the provisions of these regulations.

(b) The surface of all other lands used as airport sites, airway beacons, or other navigation aids, together with such additional lands or easements as are necessary to provide related services and to insure safe approaches to airport runways, shall be conveyed by the village corporation to the State of Alaska, and the Secretary will include any and all covenants which he deems necessary in the interim conveyance or patent to any village corporation to insure the fulfillment of this obligation.

PART 2652—REGIONAL SELECTIONS

Sec.
2652.0–3 Authority.
2652.1 Entitlement.
2652.2 Selection period.
2652.3 Selection limitations.
2652.4 Patent reservations.

AUTHORITY: Secs. 12(a)(1) and 12(c)(3), and secs. 14(e); 14(f); 14(h) (1), (2), (3), (5), and (8).

§ 2652.0–3 Authority.

Sections 12(a)(1) and 12(c)(3) provide for selections by regional corporations; and sections 14(e); 14(f); 14(h)

(1), (2), (3), (5), and (8), provide for the conveyance to regional corporations of the selected surface and subsurface estates, as appropriate.

§ 2652.1 Entitlement.

(a) Eligible regional corporations may select up to the maximum acreage granted pursuant to section 12(c) of the Act. They will be notified by the Secretary of their entitlement.

(b) Where subsurface rights are not available to the eligible regional corporations in lands whose surface has been patented to village corporations, the regional corporations may select an equal subsurface acreage from lands withdrawn under sections 11(a)(1) and 11(a)(3) of the Act, as provided in section 12(a) of the Act.

(c) As appropriate, the regional corporations will receive patent to the subsurface estate of lands, the surface estate of which is patented pursuant to section 14 of the Act.

(d) If a 13th regional corporations is organized under section 7(c) of the Act, it will not be entitled to any grant of lands.

§ 2652.2 Selection period.

All regional corporations must file their selection applications not later than December 18, 1975.

§ 2652.3 Selection limitations.

(a) To the extent necessary to obtain its entitlement, each regional corporation must select all available lands within priority group 1 (below) before selecting lands within priority group 2, and within priority group 2 before selecting lands within priority group 3:

(1) Withdrawn land in the two "rings" of contiguous or cornering townships, as specified in section 11(a)(1) (B) and (C) of the Act, except that regional corporations may select only even-numbered townships in even-numbered ranges, and only odd-numbered townships in odd-numbered ranges;

(2) Deficiency lands withdrawn for villages pursuant to section 11(a)(3) of the Act;

(3) Deficiency lands withdrawn for the regions pursuant to section 11(a)(3) of the Act.

(b) Village corporation selections within section 11(a)(1) and section 11(a)(3) areas shall be given priority over regional corporation selections for the same lands.

(c) Regional corporation selections should be in reasonably compact tracts considering the intended use and with associated village corporation selections, and in conformity with the regional land selection recommendations of the Joint Federal-State Land Use Planning Commission for Alaska. In no case will such selections be less than one complete township, whether surveyed or protracted. Such selections should be in accordance with plans developed with the maximum public participation. The Secretary will cooperate with the Natives and the Land Use Planning Commission regarding areas to be selected with the view of achieving economic growth and development that is orderly, planned and compatible with State and national environmental objectives.

(d) Optional selections are permitted to insure full entitlement under the Act. Optional selections must meet the criteria of paragraph (c) of this section, and must give numerical choice, i.e., first choice, second choice, etc. Such selections must be filed not later than December 18, 1975. Adjustment in land description and selection may be made in accordance with § 2650.2(f) of this chapter.

§ 2652.4 Patent reservations.

In addition to the patent reservations in § 2650.4 of this chapter, patents issued to regional corporations for the subsurface estate of lands whose surface has been patented to village corporations shall provide that the right to explore, develop, or remove minerals from the subsurface estate in the lands within the boundaries of any Native village shall be subject to the consent of the village corporation.

PART 2653—MISCELLANEOUS SELECTIONS

Sec.
2653.0–3 Authority.
2653.1 Conveyance limitations.
2653.2 Application procedures.
2653.3 Lands available for selection.
2653.4 Selection period.
2653.5 Cemetery sites and historical places.
2653.6 Native group selections.
2653.7 Sitka-Kenai-Juneau-Kodiak selections.
2653.8 Primary place of residence.
2653.8–1 Acreage to be conveyed.
2653.8–2 Primary place of residence criteria.
2653.9 Patent reservations.

AUTHORITY: Secs. 14(h) and 11, and 16 of the Act.

§ 2653.0–3 Authority.

Section 14(h) of the Act authorizes the Secretary to withdraw, and, in his discretion, to convey 2 million acres of unreserved and unappropriated public lands located outside the areas withdrawn by sections 11 and 16 of the Act, as follows:

(a) Fee title to existing cemetery sites and historical places to the regional corporations for the regions in which the lands are located;

(b) Title to the surface estate of not more than 23,040 acres to any Native group that does not qualify as a Native village;

(c) Title to the surface estate of not more than 23,040 acres of lands to the Natives residing in Sitka, Kenai, Juneau, and Kodiak, who meet the requirements; and,

(d) Title to the surface estate is not to exceed 160 acres of land to a Native as his primary place of residence.

§ 2653.0–5 Definitions.

(a) "Cemetery Site" means a burial ground consisting of six or more Native graves.

(b) "Historical Place" means a distinguishable tract of land or area upon which occurred a significant Native historical event, which is importantly associated with Native historical or cultural events or persons, or which was subject to sustained historical Native activity.

(c) "Native Group" means a community composed of less than 25, but more than 10 Natives, who constitute two or more families comprising a majority of the residents of a locality and who have incorporated under the laws of Alaska.

(d) "Primary place of residence" means the place where, on August 31, 1971, the applicant had his true, fixed, and permanent home, and principal establishment and to which whenever he is absent he has the intention of returning.

§ 2653.1 Conveyance limitations.

(a) Not more than a total of 2 million acres may be selected by qualified applicants under section 14(h) of the Act for cemetery sites and historical places, Native groups, corporations formed by the Natives residing in Sitka, Kenai, Juneau and Kodiak, for primary places of residence, and for Native allotments approved pursuant to section 18 of the Act within 4 years from December 18, 1971.

(1) One million acres shall be set aside for satisfaction of Native allotments under the Act of May 17, 1906 (34 Stat. 197), the Act of February 8, 1887 (24 Stat. 389), as amended and supplemented, and the Act of June 25, 1910 (36 Stat. 863). Any Native allotment applications pending before the Bureau of Indian Affairs or the Bureau of Land Management on December 18, 1971, will be considered as "pending before the Department." Those allotment applications which have been determined to meet the requirements of the Acts cited herein and for which survey has been requested before December 18, 1975, shall be charged against the 1-million-acre limitation.

(2) The remaining 1 million acres will be prorated among the regional corporations by population for conveyance pursuant to sections 14(h) (1), (2), (3), and (5). Priorities as to use and allocation of these lands will be determined by each regional corporation.

(b) If the Secretary determines that lands are available from the 2 million acres authorized for miscellaneous selections under section 14(h) of the Act for allocation to the regional corporations pursuant to section 14(h)(8) of the Act, the eligible regional corporations will be notified by the Secretary as soon as practicable. Upon such notification, each eligible regional corporation will be entitled to select the acreage from available lands.

§ 2653.2 Application procedures.

(a) All applications must be filed in accordance with the procedures in § 2650.2 (a) of this chapter, and must include the concurrence of the affected regional corporation.

(b) Native groups, and Natives residing in Sitka, Kenai, Juneau, and Kodiak, as provided in sections 14(h) (2) and (3), respectively, must comply with the applicable terms of § 2650.2 (a), (c), (d), (e), and (f) of this chapter.

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(c) The filing of an application under the regulations of this subpart and the provisions of section 14(h) of the Act will constitute a request for the withdrawal of the lands, and will segregate the lands applied for from all other forms of appropriation under the public land laws, including the mining and mineral leasing laws, and from selection under the Alaska Statehood Act, as amended, subject to valid existing rights. The segregative effect of such an application will terminate if the application is rejected.

§ 2653.3 Lands available for selection.

(a) Selections must be made only from areas subject to withdrawal pursuant to section 14(h) of the Act, and cannot be made from areas withdrawn pursuant to sections 11 and 16 of the Act.

(b) Selections may also be made for existing cemetery sites and historical places, Native groups, corporations formed by the Natives residing in Sitka, Kenai, Juneau, and Kodiak, and for primary places of residence, from any lands which the Secretary may withdraw for those purposes out of the National Wildlife Refuge System lands or the National Forest lands, as provided by section 14(h)(7).

(c) Selections may also be made from lands withdrawn pursuant to sections 17(d)(1) and 17(d)(2) of the Act.

§ 2653.4 Selection period.

Applications for selection under this subpart will be accepted until each regional corporation has applied for its entitlement under § 2652.1 of this chapter, or until December 18, 1975, whichever occurs first.

§ 2653.5 Cemetery sites and historical places.

(a) The appropriate regional corporation may apply to the Secretary for the conveyance of existing cemetery sites and historical places pursuant to section 14(h) of the Act. The Secretary may give favorable consideration to these applications, provided that the Secretary determines that the criteria in these regulations are met, and provided further that the regional corporation accepts a covenant in the patent that these cemetery sites and historical places will be maintained and preserved solely as cemetery sites and historical places by the regional corporation.

(b) The survey of selected sites shall include only the area actually used and a reasonable buffer zone, not over 66 feet wide around abandoned cemeteries; not over 330 feet wide around an area identified as an historical place; and an area to provide reasonable future expansion around active cemeteries.

§ 2653.6 Native group selections.

(a) (1) Native groups in existence on December 18, 1971, who incorporate in accordance with the laws of the State of Alaska may file applications to select the surface estate of not more than 23,040 acres.

(2) The incorporators of a Native group must include not less than three members of the group who are Natives as defined in § 2650.0–5(c) of this chapter.

(b) Native group selections must meet the criteria of compactness and contiguity specified in § 2651.4 (c) and (d) of this chapter.

(c) Native group selections shall not exceed 1,000 acres for each Native member of the group, or 23,040 acres for each Native group, whichever is less. Non-Native members of the group are not eligible for any benefits hereunder.

§ 2653.7 Sitka-Kenai-Juneau-Kodiak selections.

(a) Natives residing in Sitka, Kenai, Juneau, and Kodiak, who incorporate under the laws of the State of Alaska, may select the surface estate of up to 23,040 acres of lands of a similar character located in reasonable proximity to those municipalities.

(b) Selections under this subpart must meet the criteria of compactness and contiguity specified in § 2651.4 (c) and (d) of this chapter.

§ 2653.8 Primary place of residence.

(a) An application under this subpart may be made by a Native who occupied land as a primary place of residence on August 31, 1971.

(b) Applications for such lands must be filed not later than December 18, 1973.

§ 2653.8–1 Acreage to be conveyed.

A Native may secure title to the surface estate of only a single tract not to exceed 160 acres under the provisions of this subpart, and shall be limited to the acreage actually occupied and used.

§ 2653.8–2 Primary place of residence criteria.

The Secretary will consider the following criteria in determining whether the land occupied is a primary place of residence:

(a) *Periods of use.* Casual or occasional use will not be considered as making the tract applied for a primary place of residence.

(b) *Improvements constructed on the land.* (1) Must have a dwelling.

(2) May include associated structures such as food cellars, drying racks, caches, etc.

(c) *Evidence of use.* (1) Must have evidence of continuing use and occupancy.

(2) Does not include such uses as hunting, fishing, berrypicking, woodcutting, reindeer husbandry, etc.

§ 2653.9 Patent reservations.

(a) Patents issued pursuant to this subpart are subject to the patent reservations described in § 2650.4 of this chapter.

(b) In addition to the reservations provided in paragraph (a) of this section, patents for cemetery sites and historical places will contain a covenant running with the land providing that the regional corporation patentee shall not authorize mining or mineral activities of any type, any commercial activities or any other use which is incompatible with or is in derogation of the values of the area as a cemetery site or historical place. The covenant will also provide that the United States will be given a right of first refusal for a period of 90 days prior to the purchase from the appropriate regional corporation of any interest in the lands selected as cemetery sites and historical places prior to being conveyed by the regional corporation.

PART 2654—NATIVE RESERVES

Sec.
2654.0–3 Authority.
2654.1 Exercise of option.
2654.2 Application procedures.
2654.3 Conveyances.

AUTHORITY: Sec. 19(b) of the Act.

§ 2654.0–3 Authority.

Section 19(b) of the Act authorizes any village corporation(s) located within a reserve defined in the Act to acquire title to the surface and subsurface estates in any reserve set aside for the use and benefit of its stockholders or members prior to December 18, 1971. Such acquisition precludes any other benefits under the Act.

§ 2654.1 Exercise of option.

(a) Any village corporation which has not, by December 18, 1973, elected to acquire title to the reserve lands will be deemed to have elected to receive for itself and its members the other benefits under the Act.

(b) The election of a village corporation to acquire title to the reserve lands shall be expressed in the manner provided by its articles of incorporation, except that where two or more villages are located on the same reserve an election to acquire title to the reserve lands must be expressed by a majority of the whole number of stockholders or members of such corporations located on such reserve.

(c) The results of any election by a vilage corporation or coroprations to acquire title to the reserve lands shall be certified by the appropriate regional corporation as being in conformity with the articles of incorporation and bylaws of the village corporation or corporations or with the requirements of paragraph (b) of this section, as appropriate.

§ 2654.2 Application procedures.

(a) Applications under this subpart must comply with the requirements of § 2650.2 of this chapter, and be accompanied by a copy of the regional corporation's certificate of the election.

(b) If the village corporation elects to reject the reserve lands and take other benefits under the Act, it must apply for those benefits pursuant to Subpart 2651 of this chapter.

§ 2654.3 Conveyances.

(a) Conveyances under this subpart are subject to the provisions of section 14(g) of the Act, as provided by § 2650.4 of this chapter.

(b) Conveyances under this subpart to two or more village corporations will be made to them as tenants-in-common.

[FR Doc.73-4582 Filed 3-8-73;8:45 am]

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FRIDAY, MARCH 9, 1973
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PART III

DEPARTMENT OF LABOR

Employment Standards Administration

■

Minimum Wages for Federal and Federally Assisted Construction

Area Wage Determination Decisions, Modifications, and Supersedeas Decisions

No. 46—Pt. III——1

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DEPARTMENT OF LABOR

Employment Standards Administration

MINIMUM WAGES FOR FEDERAL AND FEDERALLY ASSISTED CONSTRUCTION

Area Wage Determination Decisions; Modifications and Supersedeas Decisions

Area wage determination decisions. Area Wage Determination Decisions of the Secretary of Labor specify, in accordance with applicable law and on the basis of information available to the Department of Labor from its study of local wage conditions and from other sources, the basic hourly wage rates and fringe benefit payments which are determined to be prevailing for the described classes of laborers and mechanics employed in construction activity of the character and in the localities specified therein.

The determinations in these decisions of such prevailing rates and fringe benefits have been made by authority of the Secretary of Labor pursuant to the provisions of the Davis-Bacon Act of March 3, 1931, as amended (46 Stat. 1494, as amended, 40 U.S.C. 276a), and of other Federal statutes referred to in 29 CFR 1.1 (including the statutes listed at 36 FR 306 following Secretary of Labor's Order No. 24–70) containing provisions for the payment of wages which are dependent upon determinations by the Secretary of Labor under the Davis-Bacon Act; and pursuant to the provisions of Part 1 of Subtitle A of Title 29 of Code of Federal Regulations, Procedure for Predetermination of Wage Rates (37 FR 21138), and of Secretary of Labor's Orders 12–71 and 15–71 (36 FR 8755, 8756). The prevailing rates and fringe benefits determined in these decisions shall, in accordance with the provisions of the foregoing statutes, constitute the minimum wages payable on Federal and federally assisted construction projects to laborers and mechanics of the specified classes engaged on contract work of the character and in the localities described therein.

Good cause is hereby found for not utilizing notice and public procedure thereon prior to the issuance of these determinations as prescribed in 5 U.S.C. 553 and not providing for delay in effective date as prescribed in that section, because the necessity to issue construction industry wage determinations frequently and in large volume causes procedures to be impractical and contrary to the public interest.

Area Wage Determination Decisions are effective from their date of publication in the FEDERAL REGISTER without limitation as to time and are to be used in accordance with the provisions of 29 CFR, Parts 1 and 5. Accordingly, the applicable decision together with any modifications issued subsequent to its publication date shall be made a part of every contract for performance of the described work within the geographic area indicated as required by an applicable Federal prevailing wage law and 29 CFR Part 5. The wage rates contained therein shall be the minimum paid under such contract by contractors and subcontractors on the work.

Modifications and supersedeas decisions to area wage determination decisions. Modifications and Supersedeas Decisions to Area Wage Determination Decisions are based upon information obtained concerning changes in prevailing hourly wage rates and fringe benefit payments since the decisions were issued.

The determinations of prevailing rates and fringe benefits made in the Modifications and Supersedeas Decisions have been made by authority of the Secretary of Labor pursuant to the provisions of the Davis-Bacon Act of March 3, 1931, as amended (46 Stat. 1494, as amended, 40 U.S.C. 276a), and of other Federal statutes referred to in 29 CFR 1.1 (including the statutes listed at 36 FR 306 following Secretary of Labor's Order No. 24–70) containing provisions for the payment of wages which are dependent upon determination by the Secretary of Labor under the Davis-Bacon Act; and pursuant to the provisions of Part 1 of Subtitle A of Title 29 of Code of Federal Regulations, Procedure for Predetermination of Wage Rates (37 FR 21138), and of Secretary of Labor's Orders 13–71 and 15–71 (36 FR 8755, 8756). The prevailing rates and fringe benefits determined in foregoing Area Wage Determination Decisions, as hereby modified, and/or superseded shall, in accordance with the provisions of the foregoing statutes, constitute the minimum wages payable on Federal and federally assisted construction projects to laborers and mechanics of the specified classes engaged in contract work of the character and in the localities described therein.

Modifications and Supersedeas Decisions are effective from their date of publication in the FEDERAL REGISTER without limitation as to time and are to be used in accordance with the provisions of 29 CFR, Parts 1 and 5.

Any person, organization, or governmental agency having an interest in the wages determined as prevailing is encouraged to submit wage rate information for consideration by the Department. Further information and self-explanatory forms for the purpose of submitting this data may be obtained by writing to the U.S. Department of Labor, Employment Standards Administration, Office of Special Wage Standards, Division of Wage Determinations, Washington, D.C. 20210. The cause for not utilizing the rule-making procedures prescribed in 5 U.S.C. 553 has been set forth in the original Area Wage Determination Decision.

Set forth below in this document are the following. New Area Wage Determination Decisions Nos. AP–168 and AP–486 for the States of Kentucky and New York respectively.

Modifications to Area Wage Determination Decisions for the following States (the numbers of the decisions being modified and their dates of publication in the FEDERAL REGISTER are listed with each State):

LEADER LINES INDENT 7 1-2 ON RT.

Florida:	
AP–129	Dec. 8, 1972.
AP–130	Dec. 22, 1972.
Georgia:	
AP–149	Jan. 12, 1973.
Illinois:	
AP–28	Nov. 3, 1972.
AP–30	Nov. 10, 1972.
AP–32	Dec. 1, 1972.
AP–51; AP–68	Dec. 8, 1972.
AP–604	Jan. 26, 1973.
Iowa:	
AP–510	Nov. 10, 1972.
Kansas:	
AM–6708	April 7, 1972.
AM–6717	April 14, 1972.
AP–501	Aug. 11, 1972.
AP–503	Aug. 25, 1972.
Louisiana:	
AP–363	Dec. 1, 1972.
Massachusetts:	
AP–456	Jan. 19, 1973
AP–470	Feb. 16, 1973.
Missouri:	
AP–504; AP–505	Sept. 1, 1972.
Oregon:	
AP–249	Nov. 10, 1972.
Pennsylvania:	
AM–1858; AM–1865	Aug. 20, 1971.
AM–9681	Feb. 25, 1972.
AM–9323	June 16, 1972.
AP–404; AP–408	July 28, 1972.
AP–421; AP–423; AP–424	Sept. 29, 1972.
Texas:	
AP–389	Jan. 26, 1973.
Virginia:	
AP–468	Feb. 9, 1973.

Supersedeas Decisions to Area Wage Determination Decisions for the following States (the numbers of the decisions being superseded and their dates of publication in the FEDERAL REGISTER are listed with each State; Supersedeas Decision numbers are in parentheses following the number of the decision being superseded):

Connecticut:	
AP–434(AP–477)	Oct. 6, 1972.
AP–437(AP–478)	Oct. 13, 1972.
AP–445(AP–471)	Nov. 25, 1972.
Maryland:	
AP–443(AP–492)	Nov. 17, 1972.
Minnesota:	
AP–605(AP–638); AP–606 (AP–639); AP–607(AP–640); AP–608(AP–641); AP–609(AP–642); AP–610 (AP–643); AP–611(AP–644); AP–612(AP–645); AP–613(AP–646); AP–614 (AP–647)	Jan. 19, 1973.
Mississippi:	
AM–491(AP–162); AM–492 (AP–163); AM–493(AP–164); AM–494(AP–165); AM–495(AP–166); AM–496 (AP–167)	Aug. 20, 1971.
Nevada:	
AP–236(AP–264); AP–242 (AP–265)	Sept. 22, 1972.
New York:	
AM–1721(AP–487)	Aug. 11, 1971.
North Dakota:	
AM–2509(AP–267); AM–2510(AP–268); AM–2511 (AP–268); AM–2512(AP–268); AM–2513(AP–268)	Aug. 27, 1971.
Pennsylvania:	
AM–1868(AP–489)	Aug. 20, 1971.
AP–462(AP–488); AP–463 (AP–490)	Jan. 26, 1973.
Rhode Island:	
(AP–427(AP–485)	Sept. 29, 1972.
Virginia:	
AP–443(AP–492)	Nov. 17, 1972.
Washington:	
AP–261(AP–263)	Feb. 2, 1973.
Washington, D.C.:	
AP–442(AP–491)	Nov. 17, 1972.

Signed at Washington, D.C., this 2d day of March 1973.

ROBERT M. BROCK,
Acting Assistant Administrator,
Wage and Hour Division.

AP-168 P. 2 59-KY-1 (2-2)

NEW DECISION

STATE: Kentucky
DECISION NUMBER: AP-168
DESCRIPTION OF WORK: Building Construction (excluding single family homes and garden type apartments up to and including 4 stories).

COUNTIES: Boone, Campbell & Kenton
DATE: Date of Publication

5y-KY-1-F (1-2)

PAID HOLIDAYS: (WHERE APPLICABLE)
A-New Year's Day; B-Memorial Day; C-Independence Day;
D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	Apr. Tr.	Others
Asbestos workers	$9.21	.30	.50		.02	
Boilermakers	8.10	.30	.70	.55	.01	
Boilermakers' helpers	7.85	.30	.70	.55	.01	
Bricklayers	9.395	.45				
Carpenters:						
Carpenters	8.70	.40	.55		.025	
Millwrights	8.70	.30	.35		.05	
Piledrivermen	8.70	.40	.55		.025	
Cement masons	8.845	.30	.50		.02	
Electricians	8.75	.50	1% + .30	2%+a&b	.005	# of 1 %
Elevator constructors	8.53	.195	.20	2%+a&b	.005	
Elevator constructors' helpers	70%JR	195	.20			
Elevator constructors' helpers (prob.)	50%JR					
Glaziers	8.15		.25		.005	
Ironworkers, structural & ornamental	8.995	.40	.55		.05	
Ironworkers, reinforcing	8.695	.40	.55		.02	
Laborers: (Demolition)						
Wrecking laborers	7.32	.35	.20			
Jackhammer operators	7.47	.35	.20			
Walkmen	7.47	.35	.20			
Burners	7.47	.35	.20			
Lathers	9.495				.015	
Lead burners	8.25	.30		o	.01	
Linemen	8.75	.50	1% + .30		.5%	
Marble setters' helpers	9.135	.45				
Painters, brush:	8.035					
Commercial	8.03	.35	.15			
Industrial	8.18	.35	.15			
Painters, spray:						
Commercial	8.28	.35	.15		.04	
Industrial	8.43	.35	.15		.01	
Pipefitters	8.81	.60	.775		.05	
Plasterers	9.245		.30		.05	
Plumbers & gas fitters	9.055	.38	.65			
Resilient floor layers	7.80	.40	.40			
Roofers	9.395		.30		.02	
Sheet metal workers	8.525	.40	.70		.05	
Sprinkler fitters	9.135	.30	.50			
Stone masons	9.135	.45				
Terrazzo workers:						
Terrazzo workers	9.085	.45				
Terrazzo workers' helpers & grinders	7.985					
Terrazzo base grinder	8.405					
Tile setters	9.085	.45				
Tile setters' helpers	7.935					
Tile setters' helpers (prob.)	75%JR					

FOOTNOTES:

a. Six paid holidays; A through F.

b. Employer contributes 2% of regular hourly rate to vacation pay credit for employee who has worked in business more than 5 years. Employer contributes 2% of regular hourly rate to vacation pay credit for employee who has worked in business less than 5 years.

o. Nine paid holidays; A through F plus Washington's Birthday, Good Friday and Christmas Eve, providing employee has worked 45 full days during the 120 calendar days prior to the holiday and the regular scheduled work days immediately preceding and following the holiday.

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LABORERS:	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.	Other
Common laborers, cement masons helpers, hand operated mechanical mule, mechanical sweeper, signal man	$7.60	.35	.20			
Bottom man, pipe layers	7.70	.35	.20			
Burning torch operator, jack hammer, mechanical and air tamper operator, mechanical concrete buggies, power operated michanical mule, concrete pump hose man, vibrator man	7.75	.35	.20			
Plasterers's tender, mason tender, stone mason tender, bottom jackhammer man	7.80	.35	.20			
Plaster mixer pump operator	7.95	.35	.20			
Tunnel laborer	8.10	.35	.20			
Gunnite nozzle operator	8.35	.35	.20			

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POWER EQUIPMENT OPERATORS:	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OTHER
A-Frames, air compressor on steel erection, all rotary drills used on caisson work for foundations and substructure work, boiler operator or compressor operator when compressor or boiler is mounted on crane (piggy back operation), boom trucks (all types), cableways, cherry pickers, combination concrete mixer and tower, concrete pumps, cranes (all types), derricks (all types), draglines, elevating grader or euclid loader, floating equipment, gradalls, helicopter operator hoisting building materials, helicopter winch operator hoisting builders materials, hoes (all ypes), hoisting engines (two or more drums), lift slab or panel jack operators, locomotives (all types), maintenance engineer (mechanic or welder), mixer paving (multiple drum), mobile concrete pumps with boom, panelboard (all types on site), pile driver, power shovels, side booms, slip form pavers, straddle carriers (building construction on site), tower derricks, trench machines (over 24" wide)	$8.63	.38	.65		.09	
Asphalt paver, bulldozer, CMI type equipment, endloaders, kohlman type loaders (dirt loading), mucking machines, power grader, power scoops, power scrapers, push cats	8.56	.38	.65		.09	
Air compressor (presurizing shafts or tunnels), all asphalt rollers, fork liifts, hoist (one drum), house elevators, man lift, power boilers (over 15 lbs., pressure), pump operator installing or operating well points or other type of dewatering system, pumps (4" & over discharge), submersible pumps (4" & over discharge), trenchers (24" and under)	8.41	.38	.65		.09	

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POWER EQUIPMENT OPERATORS:	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OTHER
Compressors on building construction, conveyors (building material), gunite machines, mixers (capacity more than one bag), mixers (one bag capacity side loader), post driver, post driver, post hole digger, pavement breaker (hydraulic or cable), road widening trencher, rollers welder operator	7.75	.38	.65		.09	
Backfillers & tampers, batch plant, bar & joint installing machine, bull floats, burlap & curing machines, clefplanes, concrete spreading machines, crushers, drum fireman (asphalt), farm type tractor (pulling attachments), finishing machines form trenchers, high pressure pumps (over ½" discharge), hydro seeders, self propelled power spreaders, self propelled sub-grader, tire repairman, tractors pulling sheep foot roller or grader, vibratory compactors (with integral power)	7.44	.38	.65		.09	
Oiler, helper, signalman, light plant operator, power driven heaters (oil fired), power boilers (less than 15 lbs. pressure), pumps (under 4" discharge), submersible pumps (under 4" discharge)	6.82	.38	.65		.09	

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TRUCK DRIVERS	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OTHER
4-wheel service trucks, 4-wheel dump trucks	$5.41	a $6.00				
Batch trucks, oil distributors, asphalt distributors	5.41	a $6.00				
Tandem trucks	5.46	a $6.00				
Tractor-trailer combinations: Semitractor trucks, pole trailers, readymix trucks, fuel trucks	5.51	a $6.00				
Asphalt-oil spray-bar man, when operated from cab	5.71	a $6.00				
Euclid wagons, Euclid end-dumps, low-boys, heavy duty equipment over 12 cu. yds., capacity (irrespective of load carried) when used exclusively for transportation, truck mechanics	5.88	a $6.00				
All trucks five axle and over	5.61	a $6.00				

FOOTNOTES:

a. Per week per employee.

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NEW DECISION

STATE: NEW YORK
DECISION NO.: AP-486
DESCRIPTION OF WORK: Building Construction, (excluding single family homes and garden type apartments up to and including 4 stories), heavy and highway construction.

COUNTY: Steuben
DATE: Date of Publication

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BUILDING, HEAVY AND HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Others
Asbestos workers	$9.13	.45	.15		.02	
Boilermakers	8.60	.50	.65		.01	
Bricklayers, cement masons, marble setters, plasterers, terrazzo workers, and tile setters:						
Townships of Wayne, Bradford, Campbell, Hornby, Erwin, Corning, Caton, Lindley, Tuscarora, Thurston, Addison and the eastern portion of Bath Township, Rathbone and Borden	6.555	.20				
Bricklayers, cement masons, marble setters, plasterers, stone masons, and tile setters:						
Remainder of County	6.60	.25	.25	f		
Carpenters:						
Prattsburgh and Pulteney Townships; and Urbana and Hammondsport:						
Carpenters, Building:						
Carpenters, and soft floor layers	7.81	.65	1.00		.005	
Core drillers, piledrivermen, timbermen & millwrights	7.91	.65	1.00		.005	
Carpenters, heavy and highway:						
Carpenters and piledrivermen	5.77	.90	.65	.25	.025	
Remainder of County:						
Carpenters, Building:						
Carpenters and soft floor layers	6.83	.30	.70			
Piledrivermen and millwrights	7.08	.30	.70			
Carpenters, heavy and highway	6.62	.35	45%		.025	
Cement masons, Heavy and Highway:						
Township of Wayne, Bradford, Campbell, Hornby, Erwin, Corning, Caton, Lindley, Tuscarora, Thurston, and Addison and eastern portion of Bath Township, Rathbone & Borden	6.33		.20			
Remainder of County	6.28		.25			
Electricians	8.50	.25	1%+.50	g	.05	
Glaziers	6.48	.35	.30		.01	
Ironworkers, structural, ornamental and reinforcing:						
Wayland Township; and Chocton, Atlantic and S. Dansville	8.51	.50	.40			
Remainder of County	7.85	.45	.40			

51-NY-1-2-3-W 2 of 3

BUILDING, HEAVY AND HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Others
Laborers, Building:						
Laborers	$5.05	.25	.15			
Mortar mixers, hand and machine for 3 or more men, jackhammer operator, pavement breakers, pipe layers, over 6", gin buggy work on swing scaffold, concrete vibrator, chain saw operator, and all other gas, electric air tools	5.25	.25	.15			
Lathers	8.08		.20		.01	
Lead burners	8.25	.30		a	.01	
Line Construction:						
Linemen, cable splicer helpers and material man	8.60	.35	1%+.25	b	1%	
Cable splicer	9.35	.35	1%+.25	b	1%	
Groundman	7.50	.35	1%+.25	b	1%	
Groundman digging machine operator	8.45	.35	1%+.25	b	1%	
Groundman mobile equipment operator	8.00	.35	1%+.25	b	1%	
Groundman truck driver and mechanic	7.65	.35	1%+.25	b	1%	
Groundman dynamite man	8.00	.35	1%+.25	b	1%	
Painters:						
Townships of Cameron, Bath, Thurston, Bradford, Campbell, Erwin, Lindley, Hornby, Corning City, Caton, Addison and Rathbone:						
Painters	5.30	.25	.25			
Swing scaffold or boatswain chair, and bridges	5.65	.25	.25			
Structural Steel: Under 35'	5.65	.25	.25			
Over 35'	6.00	.25	.25			
Spray	6.00	.25	.25			
Remainder of County:						
Brush	6.19	.975	.30		.05	
Spray, bosun chair, sandblasting, swing stage	6.44	.975	.30		.05	
Steel	6.69	.975	.30		.05	
Bridges	7.67	.975	.30		.05	
Plumbers and Steamfitters:						
Hornell and vicinity	7.32	.30	.20	.25+c	.03	
Towns of Corning, Addison, Cameron, Mills, Hornby, Caton, Lindley, Tuscarora, Rathbone, Thurston, Campbell, Bradford and part of Wayne and Reuka, Urbana, Bath, including the Veterans Facility, Hammondsport and Pulteney	7.69	.31	.45		.05	
Roofers	7.90	.34	.44			
Sheet Metal workers	7.87	5%	.50			
Sprinkler fitters	8.75	.30	.50		.05	

NOTICES

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BUILDING, HEAVY AND HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Others
Truck Drivers, Building:						
Wayland Township	7.67	.30	.25	h		
Addison, Corning, Bath, Hammondsport, Caton, Lindley, Tuscarora, Woodhull, Erwin, Rathbone, Cameron, Thurston, Campbell, Hornby, Bradford, and Wayne Townships	5.40	j	.20	d		
Remainder of County	6.73	.35	.23	i		
Welders - receive rate prescribed for craft performing operation to which welding is incidental.						

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:

a. Holidays; A through F; Washington's Birthday, Good Friday, and Christmas Eve providing employee has worked 45 full days during the 120 calendar days prior to the holiday, and the regular scheduled work days immediately preceding and following the holiday.

b. Holidays: A through F, Washington's Birthday, and Election Day for President of the United States and Election of Governor of New York State, providing employee works the day before and the day after the holiday.

c. Paid holidays: A through F; and two hours off with pay on Election Day.

d. Paid holidays: A through F.

e. Employer contributes $1.25 per day to Health and Welfare Fund.

f. Holidays; A through F; providing employee works the working day before and after the holiday.

g. Four hours off with pay at Christmas providing the employee has worked the first four hours.

h. Paid Holidays: Independence Day; Thanksgiving Day; Friday after Thanksgiving.

i. Paid Holidays: A through F, and Veteran's Day.

j. Employer contributes $2.40 per day to the Health and Welfare fund.

HEAVY AND HIGHWAY CONSTRUCTION	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS: H & W	PENSIONS	VACATION	APP. TR.	OTHER
LABORERS:						
Laborers and drill helpers	$5.60	.30	.30	a		
Concrete aggregate bin, mortar mixer, hand or machine vibrator gin buggy, mason tenders, concrete bootmen, chain saw, jackhammer, pavement breaker, and all other gas, electric oil and air tool operators, bull float, tamper pipelayers	5.80	.30	.30	a		
Drillers, asphalt rakers, stone or granite curb setters and acetylene torch operator	6.00	.30	.30	a		
Blasters, form setters, stone or granite curb setters	6.20	.30	.30	a		

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

Footnote:
a. Holidays: A through F, providing the employee works the day before and the day after the holiday.

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BUILDING CONSTRUCTION (Cont'd)

	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
POWER EQUIPMENT OPERATORS (CRANES):						
kinds), front end loader, forklift (with factory rating of less than (15) fifteen ft. of lift.), high pressure boiler (over 15 pounds pressure), hoist (1 or 2 drums), motor grader, maintenance engineer post hole digger, sheepsfoot roller, side boom, stone crusher, submersible Electric Pump, when used in lieu of well point system, tandem roller, Tournedozer and similar types, tournapull, tower mobile and similar kinds trenching machine, vibratory type roller and similar equipment of all kinds, welder, well drill, well point system,	8.45	.40	.65	a	.10	
Any combination (not to exceed three (3) pieces of equipment) pumps, welding machines or mechanical conveyors, (over 12 ft. in length), belt crete generator, compressors - 3 or less not to exceed 1200 c.f.m. combined capacity						
Fireman, longitudinal float, mechanical heater, roller (fill and grade), rubber tired tractor, oilers	7.415	.40	.65	a	.10	

PAID HOLIDAYS:

A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTE:

a. Holidays A through F; providing employee works the working day immediately preceding the Holiday, or on the scheduled work day immediately following the holiday.

BUILDING CONSTRUCTION

POWER EQUIPMENT OPERATORS	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHER
CRANES:						
121 ft. & under	$ 8.62	.40	.65	a	.10	
Between 121 - 151 ft.	8.87	.40	.65	a	.10	
Between 151 - 201 ft.	9.12	.40	.65	a	.10	
Between 201 - 251 ft.	9.37	.40	.65	a	.10	
Between 251 - 301 ft.	9.87	.40	.65	a	.10	
Between 301 - 351 ft.	10.37	.40	.65	a	.10	
Between 351 - 401 ft.	10.87	.40	.65	a	.10	
Between 401 - 451 ft.	11.37	.40	.65	a	.10	
Air tugger, backhoe, clamshell, dragline, shovel and similar machines over three eighths (3/8) cu. yd. capacity (factory rating), big generator plant, bridge crane (all types), cableway, caisson auger & similar type machine, climbing and/or tower crane (all kinds and all types), derrick, dredge, forklift (with factory rating of fifteen (15) ft. or more of lift) hoist (on steel erection), mucking machine, Ross Carrier (and similar types), three drum hoist (when all drums are in use.), "A" Frame truck, back filling machine, Barber Green and similar type loader, belt crete and similar type machine, bituminous spreading machine, bulldozer, carry-all type scraper, compressors; four (4) not to exceed 2000 c.f.m. combined capacity; or three (3) or less with more than 1200 c.f.m., but not to exceed 2000 c.f.m., concrete mixer, concrete pump, core drill, crane-hoe-shovel (3/8 yd. capacity or less). (factory rating), dinky locomotive (all types), elevating type grader, elevator, fine grade machine (all	8.62	.40	.65	a	.10	

Heavy and Highway Contruction

POWER EQUIPMENT OPERATORS:	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTH
Automatic fine grader, backhoe (except tractor mounted, rubber-tired), blacktop, plant (automated), cableway, caisson auger, central mix concrete plant (automated), Cherry picker-over 5 tons capacity, crane, cranes & derricks (steel erection), dragline, dual drum paver, excavator-all purpose-hydraulically operated, front end loader (4 C.Y. & over), hoist, two or three drums pile-driver, power grader with elevating loader attachment, Quarry master (or equivalent), shovel, slip form paver (if a second man is needed, he shall be an oiler), tractor drawn belt-type loader, truck crane, tunnel shovel	$7.75	.65	.25	a	.10	
Backhoe (tractor mounted, rubber-tired) bituminous spreader & mixer, blacktop plant (non-automated), boring machine cage hoist, central mix plant (non-automated) & all concrete batching plants, cherry picker-5 tons & under, compressors (4 or less) exceeding 2,000 C.F.M. combined capacity, concrete paver (over 16-S), concrete pump, crusher, drill rigs, tractor mounted, front end loader (under 4 c.y.), hi-pressure boiler (15 lbs., & over), hoist, one drum, Kolman plant loader & similar type loaders (if employer requires another man to clean screen or to maintain the equipment he shall be an oiler), maintenance engineer, mixer for stabilized base, self, propelled, monorail machine plant engineer, power grader, pump crete, ready-mix concrete plant, maintenance grease man, road widener, roller (all above subgrade), side boom, tractor scraper, tractor with dozer &/or pusher, winch	7.45	.65	.25	a	.10	
Compressors (4 not to exceed 2,000 C.F.M. combined capacity; or 3 or less with more than 1,200 C.F.M., but not to exceed 2,000 C.F.M. compressors (any size but subject to other provision for compressors), dust collectors, generators, pumps, welding machines						

Heavy and Highway Construction

POWER EQUIPMENT OPERATORS: (cont'd)	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTH
(4 of any type or combination), concrete pavement spreaders & finishers conveyor, drill core & well, electric pump used in conjunction with well point system, farm tractor with accessories, fine grade machine, fork lift gunnite machine, hammers, hydraulic self-propelled, locomotive, post hole digger & post driver, roller (grader & fill), tractor with towed accessories, vibratory compactor, vibro, tamp, well point	$7.00	.65	.25	a	.10	
Aggregate plant, boiler (used in conjunction with production), cement bin operator, compressors; 3 or less not to exceed 1,200 c.f.m. combined capacity, compressors (any size, but subject to other provisions, for compressors), dust collectors, generators, pumps, welding machines (3 or less of any type or combination), concrete mixer (16-S and under), concrete saw-self-propelled, firemen, form tamper, mulching machine, oiler, power broom power heaterman, revinius widener, steam cleaner, tractor	6.35	.65	.25	a	.10	

PAID HOLIDAYS:

A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:

a. Holidays: A through F; providing employee works the working day before and the working day after the holiday.

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HEAVY AND HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Other
TRUCK DRIVERS:						
Warehouse, yardmen, truck helpers, pick-ups, panel trucks, flatbody material trucks (straight jobs), single axle dump, dumpsters, material checkers and receivers, greasers, tireman, mechanic helpers and parts chaser	$6.08	.40	.35	a		
Tandems and batch trucks, mechanics dispatcher	6.13	.40	.35	a		
Semi-trailers, lowboy trucks asphalt distributor, agitator, mixer trucks and dumpcrete type vehicles	6.18	.40	.35	a		
Specialized earth moving equipment, Euclid type or similar off-highway equipment, where not self-loaded	6.33	.40	.35	a		
Off-highway tandem back dump, twin engine equipment and double hitched equipment where not self-loaded	6.48	.40	.35	a		

PAID HOLIDAYS:

A-New Year's Day; B-Memorial Day;
C-Independence Day; D-Labor Day;
E-Thanksgiving Day; F-Christmas Day.

FOOTNOTE:

a. Holidays: A through F, provided employee has worked the working day before and the working day after the holiday.

MODIFICATIONS P. 1

	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Others
DECISION #AP-129 - Mod. #2 (37 FR 26233 - December 8, 1972) Palm Beach County, Florida						
Change:						
Building Construction						
Boilermakers	$7.13	.40	.70		.01	
Sprinkler Fitters	8.41	.30	.50		.07	
DECISION #AP-130 - Mod. #4 (37 FR 28359 - December 22, 1972) Orange County, Florida						
Change:						
Building Construction						
Boilermakers	7.13	.40	.70		.01	
Painters:						
Brush, roller	5.85	.30	.30		.05	
Spray	6.10	.30	.30		.05	
Paperhangers	6.35	.30	.30		.05	
Sandblaster	6.35	.30	.30		.05	
Structural steel	6.10	.30	.30		.05	
Sprinkler fitters	8.41	.30	.50		.07	
DECISION #AP-149 - Mod. #2 (38 FR 1453 - January 12, 1973) Fulton, Cobb, DeKalb Counties, Georgia						
Change:						
Building Construction						
Boilermakers	7.13	.40	.70		.01	
Bricklayers and stonemasons	7.80	.30	.30		.05	
Cement masons	6.95	.25	.55			
Lathers	7.10	.20	.10	.50	.04	
Mil'wrights	8.00					

MODIFICATIONS P. 2

	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Others
DECISION #AP-28 - Mod. #4 (37 FR 23513 - November 3, 1972) Cook County, Illinois						
Change:						
Power Equipment Operators: (Heavy, Sewer & Highway) Construction						
Class I	$9.15	.40	.50	.20	.02	
Class II	8.65	.40	.50	.20	.02	
Class III	8.05	.40	.50	.20	.02	
Class IV	7.10	.50	.50	.20	.02	
Class V	6.10	.40	.50	.20	.02	
DECISION #AP-30 - Mod. #2 (37 FR 23975 - November 10, 1972) Dupage County, Illinois						
Change:						
Power Equipment Operators: (Heavy & Sewer Construction)						
Class I	$9.15	.40	.50	.20	.02	
Class II	8.65	.40	.50	.20	.02	
Class III	8.05	.40	.50	.20	.02	
Class IV	7.10	.40	.50	.20	.02	
Class V	6.10	.40	.50	.20	.02	
DECISION #AP-32 - Mod. #1 (37 FR 25631 - December 1, 1972) Kane County, Illinois						
Change:						
Power Equipment Operators: (Heavy Construction)						
Class I	$9.15	.40	.50	.20	.02	
Class II	8.65	.40	.50	.20	.02	
Class III	8.05	.40	.50	.20	.02	
Class IV	7.10	.40	.50	.20	.02	
Class V	6.10	.40	.50	.20	.02	

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	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Other
DECISION #AP-51 - Mod. #1 (37 FR 26235 - December 8, 1972) Lake County, Illinois						
Change: Power Equipment Operators: (Heavy Construction)						
Class I	$9.15	.40	.50	.20	.02	
Class II	8.65	.40	.50	.20	.02	
Class III	8.05	.40	.50	.20	.02	
Class IV	7.10	.40	.50	.20	.02	
Class V	6.10	.40	.50	.20	.02	
DECISION #AP-68 - Mod. #2 (37 FR 26240 - December 8, 1972) Will County, Illinois						
Change: Power Equipment Operators: (Heavy Construction)						
Class I	$9.15	.40	.50	.20	.02	
Class II	8.65	.40	.50	.20	.02	
Class III	8.05	.40	.50	.20	.02	
Class IV	7.10	.40	.50	.20	.02	
Class V	6.10	.40	.50	.20	.02	
DECISION #AP-604 - Mod. #1 (38 FR 2575 - January 26, 1973) Winnebago County, Illinois						
Change: Laborers: (Building)						
Air Tool Op. (Jackhammer, Vibrator)	$6.05	.25	.20		.035	
Laborers	5.75	.25	.20		.035	
Mortar Mixers	5.90	.25	.20		.035	
Cement Handlers & Dumpers	5.90	.25	.20		.035	
Concrete Puddling	5.90	.25	.20		.035	
Stone Derrick Man, Concrete Saws	6.05	.25	.20		.035	
Mechanical Buggies	5.90	.25	.20		.035	
Electricians	8.25	.25	1%+.147		1%	

	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Other
DECISION #AP-510 - Mod. #1 (37 FR 23980 - November 10, 1972) Black Hawk County (City of Waterloo and abutting municipalities), Iowa						
Change: Building Construction:						
Bricklayers; Stonemasons	$7.19	.25	.37			
Electricians:						
Electricians	7.45	.20	1%		1%	
Cable splicers	7.90	.20	1%		1%	
Laborers:						
Common laborers; Carpenters' Helpers; Moving; Wrecking & Demolition	5.12	.25				
Mason tenders; Hod carriers; Machine & Air Tool Operator	5.22	.25				
Powderman	5.37	.25				
Plumbers; Steamfitters	7.95				.08	
Sheet metal workers	7.20	.25	.10			
DECISION #AM-6,708 - Mod. #3 (37 FR 7031 - April 7, 1972) Leavenworth County, Kansas						
Change: Building Construction:						
Asbestos workers	$8.40	.30	.30		.02	
Electricians (Delaware, Kickapoo, High Prairie, & Leavenworth Townships):						
Electricians	8.30	.20	1%+.25	.70	.03	
Electricians (Remainder of County):						
Electricians; Technicians	8.35	.35	1%+.30		2/10%	
Ironworkers:						
Structural; Ornamental	8.50	.40	.40	.50	.05	
Reinforcing	8.50	.40	.40	.50	.05	
Marble setters	8.675	3.65%	3.25%			
Painters:						
Brush	6.25					
Spray	6.75					
Swing stage	6.50					
Structural steel	6.50					
General painting over 40' on ladders	6.50					
Pipefitters	8.52	.38	.75		.06	
Sprinkler fitters	8.75	.30	.50		.05	
Terrazzo workers	8.675	3.65%	3.25%			
Tile Setters	8.675	3.65%	3.25%			
Bricklayers; Stonemasons	7.975	.35	.35	.15		
Omit: Building Construction:						
Cable splicers	8.80	.25	1%+.30		2/10%	

	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Other
DECISION #AM-6,717 - Mod. #4 (37 FR 7458 - April 14, 1972) Shawnee County, Kansas						
Change: Building Construction:						
Bricklayers; Stonemasons	$7.70	.35	.25			
Electricians:						
Electricians	8.35	.35	1%+.30		2/10%	
Cable splicers	9.185	.35	1%+.30		2/10%	
DECISION #AP-501 - Mod. #4 (37 FR 16312 - August 11, 1972) Shawnee County, Kansas						
Change: Building Construction:						
Bricklayers; Stonemasons	$7.70	.35	.25			
Electricians:						
Electricians	8.35	.35	1%+.30		2/10%	
Cable splicers	9.185	.35	1%+.30		2/10%	
DECISION #AP-503 - Mod. #2 (37 FR 17349 - August 25, 1972) Douglas, Jefferson, Leavenworth, Miami, and Shawnee Counties, Kansas						
Change: Electricians:						
Leavenworth County (Delaware, High Prairie, Kickapoo & Leavenworth Townships)	$8.30	.20	1%+.25	.70	.03	
Douglas, Jefferson, Miami, Shawnee, & the remainder of Leavenworth Counties	8.35	.35	1%+.30		2/10%	

	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Other
DECISION #AP-363 - Mod. #5 (37 FR 25638 - December 1, 1972) Rapides Parish, Louisiana						
Change: Bricklayers; Stonemasons	$6.33					
DECISION #AP-456 - Mod. #3 (38 FR 2051 - January 19, 1973) Barnstable County, Massachusetts						
Change: Building, heavy & highway construction:						
Carpenters; Soft floor layers	$7.80	.35	.50			
DECISION #AP-470 - Mod. #1 (38 FR 4617 - February 16, 1973) Hampden County, Massachusetts						
Change: Footnote:						
c. $.15 per man per week						

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	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Other
DECISION #AP-504 - Mod. #2 (37 FR 17881 - September 1, 1972) St. Louis and St. Charles Counties, Missouri						
Change:						
Residential Building Construction St. Louis City & County & St. Charles County:						
Electricians:						
Electricians	$7.76	5%	1%+5½%	11%a+4½%	1%	
Elevator constructors	8.25	.345	.23	2%+b+c	.015	
Elevator constructors helpers	70%JR	.345	.23	2%+b+c	.015	
Ironworkers:						
Structural; ornamental; reinforcing	8.325	.40	.55		.05	
Terrazzo workers	7.55					
Site Preparation, Incidental Paving & Utilities-St. Charles County						
Power Equipment Operators Schedule						
See Modifications Ps. 8 & 9						
DECISION #AP-505 - Mod. #3 (37 FR 17933 - September 1, 1972) St. Louis and St. Charles Counties, Missouri						
Change:						
Building, Heavy & Highway-St. Louis City & County. Building-St. Charles County:						
Elevator constructors	$8.25	.345	.23	2%+b+c	.015	
Elevator constructors helpers	70%JR	.345	.23	2%+b+c	.015	
Terrazzo workers	7.55					
Heavy & Highway Construction: (St. Charles County Only)						
Carpenters, millwrights, pile-drivermen	8.21	.25	.30		.03	
DECISION #AP-249 - Mod. #3 (37 FR 23998 - November 10, 1972) Statewide, Oregon						
Change:						
Electricians:						
Clackamas; Clatsop; Columbia; Hood River; Multnomah; Sherman; Tillamook; Wasco; Washington; N. 1/2 of Yamhill Cos.						
Electricians	$7.75	.25	1%+.30		.02	
Cable splicers	8.35	.25	1%+.30		.02	

DECISION #AP-504 (Cont'd)

SITE PREPARATION, INCIDENTAL PAVING & UTILTIES-ST. CHARLES COUNTY

MO. 5-PEO-2,3 (1-2)

POWER EQUIPMENT OPERATORS	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Asphalt finishing machine & Trench Widening Spreader; Autograder; Backhoe; Blade Operator-all types; Boat Operator; Boilers-2; Central Mix Concrete Plant Operator; Clamshell Operator; Concrete Mixer Paver; Crane Operator; Derrick or Derrick Trucks; Ditching Machine; Dozer Operator; Dragline Operator; Dredge Engineman; Dredge Operator; Drill Cat with Compressor mounted on Cat; Drilling or Boring Machine, Rotary, Self-propelled; Highloader; Hoisting Engine-2 or more active drums; Launchhammer Wheel; Locomotive Operator - standard guage; Mechanics and Welders; Mucking Machine; Piledriver Operator; Pitman Crane Operator; Sideboom Cats; Skimmer Scoop Operator; Trenching Machine Operator; Truck Crane	$ 8.00	.35	.40		.02
A-Frame; Asphalt Roller Operator; Asphalt Plant Operator; Asphalt Plant Mixer Operator; Backfiller Operator; Barber-Greene Loader; Boat Operator (bridge & dams); Chip Spreader; Compressor Maintenance Operator - 2; Concrete Mix Operator, Skip Loader; Concrete Plant Operator; Concrete Pump Operator; Crusher Operator; Dredge Oiler; Elevating Grader Operator; Fork lift; Greaser-Fleet; Hoisting Engine-1; Locomotive Operator-narrow gauge; Multiple Compactor; Pavement Breaker; Powerbroom-self-propelled; Rooter; Slip Form Finishing Machine; Stumpcutter Machine; Throttle Man; Tractor Operator (over 50 H.P.); Welding Machine Maintenance Operator-2; Winch Truck	7.80	.35	.40		.02

DECISION #AP-504 (Cont'd)

MO. 5-PEO-2,3 (2-2)

POWER EQUIPMENT OPERATORS (cont'd)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Boilers-1; Chip Spreader (front man); Churn Drill Operator; Clef Plane Operator; Compressor Maintenance Operator -1; Conveyor Operator; Curb Finishing Machine; Distributor Operator; Finishing Machine Operator; Fireman-Rig; Flex Plane Operator; Float Operator; Form Grader Operator; Generator Maintenance Operator; Light Plant Maintenance Operator; Maintenance Operator; Pump Maintenance Operator; Roller Operator, other than high type asphalt; Screening & Washing Plant Operator; Siphons & Jets; Subgrading Machine Operator; Spreader Box Operator, Self-propelled (not asphalt); Tank Car Heater Operator (combination boiler & Booster); Fireman on Asphalt Plants, drum or boiler; Ulmac, Ulric or similar spreader; Vibrating Machine Operator, not hand; Welding Machine Maintenance Operator-1; Concrete Saw Operator (self-propelled); Tractor Operator (50 H.P. or less)	7.60	.35	.40		.02
Oiler	7.10	.35	.40		.02
Dragline Operator-3 yds. & over; Shovel -3 yds. & over; Clamshell-3 yds. & over; Crane, rigs or piledrivers, 100' to 200' of boom (incl. jib); Hoists - each additional active drum over 2 drums	8.25	.35	.40		.02
Scoop Operator; tandem; Crane, rigs or Piledrivers, 200' of boom or over (incl. jib)	8.50	.35	.40		.02

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
DECISION #AM-1,865 - Mod. #6 (36 FR 16333 - August 20, 1971) 5 Eastern Counties, Pennsylvania						
Change:						
Laborers Schedule						
See Modifications P. 11						
DECISION #AM-9,323 - Mod. #6 (37 FR 12023 - June 16, 1972) Philadelphia, Pennsylvania						
Change:						
Building Construction:						
Soft floor layers	$6.73	.35	.35	.40		
Heavy & Highway Construction:						
Laborers Schedule						
See Modifications P. 11						
DECISION #AM-9,681 - Mod. #10 (37 FR 4030 - February 25, 1972) Montgomery County, Pennsylvania						
Change:						
Building Construction:						
Soft floor layers	6.73	.35	.35	.40		
Heavy & Highway Construction:						
Laborers Schedule						
See Modifications P. 11						
DECISION #AP-408 - Mod. #5 (37 FR 15275 - July 28, 1972) Delaware County, Pennsylvania						
Change:						
Building Construction:						
Soft floor layers	6.73	.35	.35	.40		
Heavy & Highway Construction:						
Laborers Schedule						
See Modifications P. 11						

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DECISIONS #AM-1,865; AM-9,323; AM-9,681; AP-408 (Cont'd)

PA-51-LAB-2-3- G

HEAVY & HIGHWAY CONSTRUCTION LABORERS	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS			
		H & W	PENSIONS	VACATION	APP. TR.
Powdermen, Multiple wagon drill op.	$6.45	.45	.20		
Finished surface asphalt rakers, ops. pipelayers, caulkers, conduct and duct layers	6.25	.45	.20		
Other pneumatic tool ops., Laborers stripping concrete forms, carrying or handling lumber, steel & steel mesh and other concrete materials, form pinners, tool room men, Mortar mixers, Concrete pitmen & spaders, Grade men, Asphalt shovelers, Men working in sheeting, Men working in shoring, Men working in lagging, Laborers assisting in the setting of cut stone, granite or artificial stone, hod carriers, Scaffold builders	6.15	.45	.20		
Wagon drill operators	6.30	.45	.20		
YARD WORKERS:					
Laborers, Scale mixermen, Burnermen Dustmen. Feeders	6.05	.45	.20		
FREE AIR TUNNELS:					
Miners, Miners bore driver, Blasters, Drillers, Pneumatic Shield operators, Welders & Burners	6.70	.45	.20		
Miners' helpers, Form setters	7.55	.45	.20		
Trackmen, Brakemen, Groutmen, Bottom shaft men, All others in free air tunnels	6.40	.45	.20		
Circular caisson excavation bottom men	6.55	.45	.20		
Underpinning excavation bottom men	6.45	.45	.20		
All other laborers on construction work, with the exception of workers in compressed air	6.15	.45	.20		

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
DECISION #AM-1,858 - Mod. #9 (36 FR 16294 - August 20, 1971) Luzerne County, Pennsylvania						
Change:						
Building Construction:						
Carpenters:						
Hazleton, Black Creek, Butler, Dennison, Sugar Loaf and the lower part of Salem Township, Carbon, Banks, Lausanne, Lehigh, Packer and Kidder Towhship North of Route 940	$6.95	.20	.25		.02	
Remainder of County	7.10	.20	.25		.02	
Omit:						
Building Construction:						
Carpenters:						
Duryea	4.75	.15	.25			
Berwick and Freeland Commercial and Industrial	6.95	.20	.25		.02	
DECISION #AP-404 - Mod. #3 (37 FR 15229 - July 28, 1972) Bucks, Chester, Delaware, Montgomery, Philadelphia Counties, Pennsylvania						
Change:						
Soft floor layers	6.73	.35	.35	.40		
DECISION #AP-421 - Mod. #7 (37 FR 20447 - September 29, 1972) Allegheny County, Pennsylvania						
Change:						
Building Construction:						
Tile setters	6.85	.35	.95			
Tile setters helpers	7.89					
Millwrights	7.325	4%	3%+26%		1%	
Heavy and Highway:						
Cement masons	7.17	.43	1.08			

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
DECISION #AP-423 - Mod. #5 (37 FR 20458 - September 29, 1972) Dauphin County, Pennsylvania						
Change:						
Building Construction:						
Electricians	$8.56	.35	1%+.11		½%	
Soft floor layers	6.74	.20	.25		.02	
DECISION #AP-424 - Mod. #5 (37 FR 20460 - September 29, 1972) Cumberland County, Pennsylvania						
Change:						
Building Construction:						
Electricians	8.56	.35	1%+.11		½%	
Soft floor layers	6.74	.20	.25		.02	
DECISION #AP-389 - Mod. #3 (38 FR 2625 - January 26, 1973) Galveston County, Texas						
Change:						
Building Construction:						
Plasterers	$6.825	.27	.30		.05	
DECISION #AP-468 - Mod. #2 (38 FR 4177 - February 9, 1973) The Cities of Norfolk, Chesapeake, Portsmouth and Virginia Beach, Virginia						
Add:						
Painters:						
Paperhangers and glove work	$5.95		.20			
Epoxy - brushed or rolled	5.85		.20			
Rollers - with handles 6' or over	5.85		.20			

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SUPERSEDEAS DECISION

STATE: Connecticut
COUNTY: Tolland
DECISION NO.: AP-477
DATE: Date of Publication
Supersedes Decision No. AP-434, dated October 6, 1972, in 37 FR 21234.
DESCRIPTION OF WORK: Building construction, (excluding single family homes and garden type apartments up to and including 4 stories), heavy and highway construction.

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BUILDING, HEAVY & HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Others
Asbestos workers:						
Somers-Strafford-Union	$7.60	.39	.15		.01	
Remainder of County	8.715	.42	.28			
Boilermakers	8.705	.50	10%		.01	
Bricklayers, Cement Masons-Finishers, Marble Setters, Plasterers, Stonemasons, Terrazzo Workers, Tile Setters (Building Only)	9.00	.50	.25			
Marble Setters' helpers, Terrazzo Workers helpers, Tile Setters' helpers	7.65	.35	.15+.25			
Bricklayers, Cement Masons-Finishers, Stonemasons (Heavy & Highway)	7.60	.40	.25	e		
Carpenters & Piledrivermen (Hvy. & Hwy)	8.30	.35	.20	e	.03	
Carpenters, Soft Floor Layers & Pile-drivermen (Building Only):						
Bolton	8.48	.45	.30		.05	
Remainder of County	8.27	.25	.20			
Electricians	8.35	.40	1%+.20		½%	
Elevator constructors	8.21	.345	.23	2%+a+b	.015	
Elevator constructors' helpers	5.75	.345	.23	2%+a+b	.015	
Elevator constructors' helpers (Prob.)	4.105					
Glaziers (Outside)	8.01	.47	.32			
Ironworkers: Structural, Ornamental, Reinforcing	9.30	.35	.44		.04	
Laborers (Building, Heavy and Highway):						
Laborers, Carpenter Tenders, Wrecking Laborers	6.60	.30	.30		.05	
Jackhammer Operator, Mason Tenders, Mortar Mixer, Pipelayers, Plasterer Tenders, Power Buggy Operator	6.85	.30	.30		.05	
Air Track Operators, Wagon Drill Operators and Sandblasters	7.10	.30	.30		.05	
Open Air Caisson, cylindrical Work and Boring Crew:						
Bottom Man	7.10	.30	.30		.05	
Top Man	6.60	.30	.30		.05	
Lathers:						
Somers, Stafford, Stratford Spring, Straffordville, Union, Crystal Lake	7.60	.45	.25			
Remainder of County	9.15	.20	.30		.01	
Lead Burners	7.80	.30		c	.01	
Line Construction:						
Linemen, Dynamite Man	5.18	.10	1%	d		
Equipment Operator	4.37	.10	1%	d		
Groundman, Truck Driver	3.85	.10	1%	d		
Groundman, Experienced	3.41	.10	1%	d		
Groundman, Inexperienced	2.98	.10	1%	d		

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7-CONN-1-2-3-M 2 of 2

BUILDING, HEAVY & HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Others
Painters:						
Brush:						
Ellington, Hebron, Rockville, Somers, Vernon	$7.50	.20	.20			
Remainder of County	6.70	.25	.40	.20		
Bridge:						
Ellington, Hebron, Rockville, Somers, Vernon	8.50	.20	.20			
Spray:						
Ellington, Hebron, Rockville, Somers, Vernon	11.25	.20	.20		.15	
Bridge:						
Remainder of County	8.50	.25	.40	.20		
Plumbers	8.65	5%	5%			
Roofers:						
Composition	7.90	.425	.35	.30		
Composition Helpers, Class A	7.325	.425	.35	.30		
Composition Helpers, Class B	3.60	.425	.35	.30		
Slate, Tile, Precast Concrete	8.40	.425	.35	.30		
Sheet Metal Workers	8.70	.50	.51		.05	
Sprinkler Fitters	8.00	.25	.40		.05	
Steamfitters	8.82	.54	.54		.05	
Waterproofers	7.90	.425	.35	.30		

PAID HOLIDAYS (Where Applicable):
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:
a. Employer contributes 4% of the basic hourly rate for 5 years or more of service or 2% of the basic hourly rate for 6 months to 5 years of service as Vacation Pay Credit.
b. Six (6) paid holidays: A through F.
c. Nine (9) paid holidays: A through F, Washington's Birthday, Good Friday, and Christmas Eve, provided the employee has worked 45 full days during the 120 calendar days prior to the holiday, and the regular scheduled work days immediately preceding and following the holiday.
d. Seven (7) paid holidays: A through F, and Good Friday, provided the employee has been employed at least 10 working days prior to the holiday and is available for work the day before and after the holiday.
e. Paid holidays: A through F plus Good Friday.

AP-477 P. 3
1-TD-SW-CONN-1-2-3-F

BUILDING, HEAVY, & HIGHWAY CONSTRUCTION	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS: H & W	PENSIONS	VACATION	APP. TR.	OTH
Truck Drivers:						
Two axle trucks	$5.50	a	b	c		
Three axle trucks	5.60	a	b	c		
Four axle trucks	5.70	a	b	c		
Two axle ready-mix	5.60	a	b	c		
Three axle ready-mix	5.65	a	b	c		
Four axle ready-mix	5.75	a	b	c		
Heavy duty trailer - to 40 tons	5.65	a	b	c		
Heavy duty trailer - over 40 tons	5.80	a	b	c		
Helpers	5.50	a	b	c		
Specialized earth moving equipment	5.75	a	b	c		

Paid Holidays (Where applicable):

A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas.

Footnotes:
a. $14.00 per week for employee employed over 16 hours and $.35 per hour for employed less than 16 hours during the week.
b. $20.00 per week for employees employed over 24 hours and $.50 per hour for employees employed less than 24 hours during the week.
c. Seven (7) holidays: A through F, and Good Friday provided the employee has 31 calendar days service and is available for work the day preceding and following the holiday.

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SW-CONN-2-3-U

POWER EQUIPMENT OPERATORS HEAVY & HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Others
Erecting and handling structural steel, front end loader (7 yds. or over)	$8.25	.30	.25+a	b	.05	
Piledriver, crane shovel, dragline, gradall, trenching machine, lighter derrick, paver (concrete), derrick (stiff leg and guy), steel pile sheeting, kohering loader (skooper)	8.15	.30	.25+a	b	.05	
Drill (Joy Heavy weight champion or equivalent) side boom, loader (Euclid) mucking machine, pumpcrete, rock and earth boring machine post and well digger compressor (battery operated), hammer (vibratory), central mix operator, combination hoe & loader (over ½ yd.)	7.90	.30	.25+a	b	.05	
Asphalt spreader	7.75	.30	.25+a	b	.05	
Front end loader (3 yds. or over), grader power stone spreader, combination hoe & loader	7.65	.30	.25+a	b	.05	
Asphalt roller, bulldozer, carryall, maintenance engineer	7.50	.30	.25+a	b	.05	
Front end loader (under 3 yds.), roller power chipper fork lift, finishing machine, asphalt plant, power pavement breaker, dinky machine	7.35	.30	.25+a	b	.05	
Compressor, pump opr.	7.17	.30	.25+a	b	.05	
Firemen, high pressure	7.25	.30	.25+a	b	.05	
Well point system	7.33	.30	.25+a	b	.05	
Compressor battery operator	7.90	.30	.25+a	b	.05	
Oiler	6.90	.30	.25+a	b	.05	
Batch plant, bulk cement plant, oiler	6.90	.30	.25+a	b	.05	
Crane with 150 ft. boom - additional $.25 per hour						
Crane with 200 ft. boom - additional $.50 per hour						

Paid Holidays (Where Applicable):
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTE:
a. Employer contributes $.15 per hour to Supplemental Unemployment Fund.
b. Seven (7) paid holidays: A through F and Good Friday.

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POWER EQUIPMENT OPERATORS BUILDING CONSTRUCTION:	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Others
Derrick, hoist (2 drums or over), structural steel (hoisting and handling), stone setting, pile driver, lighter derrick, stiff leg and guy derrick	$ 8.32	.30	.25+a	b		
Tower crane, dragline, gradall, hoist, Kohering scooper loader and/or hoe, shovel, front end loader (7yds. or over) fork lift (over 4 ft. lift)	8.15	.30	.25+a	b		
Maintenance engineer	8.05	.30	.25+a	b		
Boiler (portable-high pressure), hammer (vibratory), front end load (3-7 yds.), Coleman loader and screening plant or similar equip., drill (joy-heavy weight champion or equivalent), mucking machine, pumpcrete, rock and earth boring machine, compressor (battery op.) post hole and well digger, conveyor, central mix operator, combination hoe and loader (over ¾ yd.)	7.90	.30	.25+a	b		
Asphalt spreader	7.90	.30	.25+a	b		
Bulldozer	7.80	.30	.25+a	b		
Grader, scraperpan, carryall operator	7.70	.30	.25+a	b		
Combination hoe and loader	7.70	.30	.25+a	b		
Concrete mixer (5 bags or over), front end loader (under 3 yds), powerstone spreader	7.65	.30	.25+a	b		
Compressor, generator, pump & well point opr., welding machine, air steam valve oprs., mechanical heater oprs.	7.53	.30	.25+a	b		
Steam Jenny, Fork lift (not over 4 ft.),	7.55	.30	.25+a	b		
Roller operators	7.50	.30	.25+a	b		
Dinky machine opr., firemen (high pressure), power pavement breaker	7.35	.30	.25+a	b		
Oiler	6.90	.30	.25+a	b		
Crane with boom, over 150 ft. Additional $.25 per hour						
Crane with boom, over 200 ft. Additional $.50 per hour						
Paid Holidays (Where applicable): A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day						

FOOTNOTE:

a. Employer contributes $.15 per hour to Supplemental Unemployment Fund.

b. Seven (7) paid holidays: A through F and Good Friday.

SUPERSEDEAS DECISION

STATE: Connecticut COUNTY: Windham
DECISION NO.: AP-478 DATE: Date of Publication
Supersedes Decision No. AP-437, dated October 13, 1972, in 37 FR 21756.
DESCRIPTION OF WORK: Building Construction, (excluding single family homes and garden type apartments up to and including 4 stories), heavy and highway construction.

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BUILDING, HEAVY & HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Others
Asbestos Workers:						
Ashford, Chaplin, Eastford, Hampton, Scotland, Windham	$8.715	.42	.28			
Woodstock	7.60	.34	.15		.01	
Remainder of County	8.70	.39	.35		.005	
Boilermakers	8.705	.50	10%		.01	
Bricklayers, Cement Masons-Finishers, Marble Setter, Plasterers, Stonemasons, Terrazzo Workers, Tile Setters, (Building Only)	6.20	.14	.15			
Bricklayers, Cement Masons-Finishers Stonemasons (Heavy and Highway)	7.60	.40	.25	f		
Carpenters & Piledrivermen (Hvy. & Hwy.)	8.30	.35	.20	f	.03	
Carpenters, Soft Floor Layers, Piledrivermen (Building Only)	8.27	.25	.20			
Electricians	8.35	.40	1%+.20		½%	
Elevator Constructors	8.21	.345	.23	2%+a+b	.015	
Elevator Constructors' helpers	5.75	.345	.23	2%+a+b	.015	
Elevator Constructors' helpers (Prob.)	4.105					
Glaziers (Outside)	8.01	.47	.32			
Ironworkers, Structural, Ornamental, Reinforcing	9.30	.35	.44		.04	
Laborers (Building, Heavy and Highway):						
Laborers, Carpenter Tenders, Wrecking Laborers	6.60	.30	.30		.05	
Jackhammer Operator, Mason Tenders, Mortar Mixer, Pipelayers, Plasterer Tenders, Power Buggy Operator	6.85	.30	.30		.05	
Air Track Operators, Wagon Drill Operators and Sandblasting	7.10	.30	.30		.05	
Open Air Caisson, Cylindrical Work and Boring Crew:						
Bottom Man	7.10	.30	.30		.05	
Top Man	6.60	.30	.30		.05	
Lathers:						
Chaplin, Hampton, Scotland, Windham	9.15	.20	.30		.01	
Danielson	7.40	.45	.50		.01	
Remainder of County	7.60	.45	.25			
Lead burners	7.80	.30		c	.01	
Line Construction:						
Linemen, Dynamite Man	5.18	.10	1%	e		
Equipment Operator	4.37	.10	1%	e		
Groundman, Truck Driver	3.85	.10	1%	e		
Groundman, Experienced	3.41	.10	1%	e		
Groundman, Inexperienced	2.98	.10	1%	e		
Marble Setters' helpers, Terrazzo Workers' helpers, Tile setters' helpers	7.65	.35	.15+.25			

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8-CONN-1-2-3-M 2 of 2

BUILDING, HEAVY & HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Others
Painters:						
Willimatic:						
Brush	$7.50	.20	.20			
Spray	11.25	.20	.20			
Bridge	8.50	.20	.20			
Remainder of County	6.70	.25	.40	.20		
Plumbers:						
Windham	8.65	5%	5%		.15	
Remainder of County	6.55	.15	.20			
Roofers:						
Composition	7.90	.425	.35	.30		
Composition Helpers, Class A	7.325	.425	.35	.30		
Composition Helpers, Class B	3.60	.425	.35	.30		
Slate, Tile, Precast Concrete	8.40	.425	.35	.30		
Waterproofers	7.90	.425	.35	.30		
Sheet Metal Workers	8.70	.50	.51		.05	
Sprinkler Fitters	8.00	.25	.40		.05	
Steamfitters:					.05	
Windham	8.82	.54	.54			
Remainder of County	6.55	.15	.20			
Welders - receive rate prescribed for craft performing operation to which welding is incidental.						

PAID HOLIDAYS (WHERE APPLICABLE):
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:

a. Employer contributes 4% of the basic hourly rate for 5 years or more of service or 2% of the basic hourly rate for 6 months to 5 years of service as Vacation Pay Credit.

b. Six (6) paid holidays: A through F.

c. Nine (9) paid holidays: A through F, Washington's Birthday, Good Friday, and Christmas Eve, provided the employee has worked 45 full days during the 120 calendar days prior to the holiday and the regular scheduled work days immediately preceding and following the holiday.

d. Seven (7) paid holidays: A through F, and Good Friday provided the employee has worked at least 10 working days prior to the holiday and is available for work the day before and after the holiday.

e. Paid holidays: A through F plus Good Friday.

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POWER EQUIPMENT OPERATORS BUILDING CONSTRUCTION:	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Other
Derrick, hoist (2 drums or over), structural steel (hoisting and handling), stone setting, pile driver, lighter derrick, stiff leg and guy derrick	$ 8.32	.30	.25+a	b		
Tower crane, dragline, gradall, hoist, Kohering scooper loader and/or hoe, shovel, front end loader (7yds. or over) fork lift (over 4 ft. lift)	8.15	.30	.25+a	b		
Maintenance engineer	8.05	.30	.25+a	b		
Boiler (portable-high pressure), hammer (vibratory), front end load (3-7 yds.), Coleman loader and screening plant or similar equip., drill (joy-heavy weight champion or equivalent), mucking machine, pumpcrete, rock and earth boring machine, compressor (battery op.) post hole and well digger, conveyor, central mix operator, combination hoe and loader (over ¼ yd.)	7.90	.30	.25+a	b		
Asphalt spreader	7.90	.30	.25+a	b		
Bulldozer	7.80	.30	.25+a	b		
Grader, scraperpan, carryall operator	7.70	.30	.25+a	b		
Combination hoe and loader	7.70	.30	.25+a	b		
Concrete mixer (5 bags or over), front end loader (under 3 yds), powerstone spreader	7.65	.30	.25+a	b		
Compressor, generator, pump & well point opr., welding machine, air steam valve oprs., mechanical heater oprs.	7.53	.30	.25+a	b		
Steam Jenny, fork lift (not over 4 ft.),	7.55	.30	.25+a	b		
Roller operators	7.50	.30	.25+a	b		
Dinky machine opr., firemen (high pressure), power pavement breaker	7.35	.30	.25+a	b		
Oiler	6.90	.30	.25+a	b		
Crane with boom, over 150 ft. Additional $.25 per hour						
Crane with boom, over 200 ft. Additional $.50 per hour						
Paid Holidays (Where applicable): A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day						

FOOTNOTE:
a. Employer contributes $.15 per hour to Supplemental Unemployment Fund.

b. Seven (7) paid holidays: A through F and Good Friday.

POWER EQUIPMENT OPERATORS HEAVY & HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Others
Erecting and handling structural steel, front end loader (7 yds. or over)	$8.25	.30	.25+a	b	.05	
Piledriver, crane shovel, dragline, gradall, trenching machine, lighter derrick, paver (concrete), derrick (stiff leg and guy), steel pile sheeting, kohering loader (skooper)	8.15	.30	.25+a	b	.05	
Drill (Joy Heavy weight champion or equivalent) side boom, loader (Euclid) mucking machine, pumpcrete, rock and earth boring machine post and well digger compressor (battery operated), hammer (vibratory), central mix operator, combination hoe & loader (over ¼ yd.)	7.90	.30	.25+a	b	.05	
Asphalt spreader	7.75	.30	.25+a	b	.05	
Front end loader (3 yds. or over), grader power stone spreader, combination hoe & loader	7.65	.30	.25+a	b	.05	
Asphalt roller, bulldozer, carryall, maintenance engineer	7.50	.30	.25+a	b	.05	
Front end loader (under 3 yds.), roller power chipper fork lift, finishing machine, asphalt plant, power pavement breaker, dinky machine	7.35	.30	.25+a	b	.05	
Compressor, pump opr.	7.17	.30	.25+a	b	.05	
Firemen, high pressure	7.25	.30	.25+a	b	.05	
Well point system	7.33	.30	.25+a	b	.05	
Compressor battery operator	7.90	.30	.25+a	b	.05	
Oiler	6.90	.30	.25+a	b	.05	
Batch plant, bulk cement plant, oiler	6.90	.30	.25+a	b	.05	
Crane with 150 ft. boom - additional $.25 per hour						
Crane with 200 ft. boom - additional $.50 per hour						
Paid Holidays (Where Applicable): A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.						

FOOTNOTE:
a. Employer contributes $.15 per hour to Supplemental Unemployment Fund.

b. Seven (7) paid holidays: A through F and Good Friday.

BUILDING, HEAVY, & HIGHWAY CONSTRUCTION	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS: H & W	PENSIONS	VACATION	APP. TR.	OTHE
Truck Drivers:						
Two axle trucks	$5.50	a	b	c		
Three axle trucks	5.60	a	b	c		
Four axle trucks	5.70	a	b	c		
Two axle ready-mix	5.60	a	b	c		
Three axle ready-mix	5.65	a	b	c		
Four axle ready-mix	5.75	a	b	c		
Heavy duty trailer - to 40 tons	5.65	a	b	c		
Heavy duty trailer - over 40 tons	5.80	a	b	c		
Helpers	5.50	a	b	c		
Specialized earth moving equipment	5.75	a	b	c		
Paid Holidays (Where applicable): A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas.						

Footnotes:
a. $14.00 per week for employee employed over 16 hours and $.35 per hour for employed less than 16 hours during the week.

b. $20.00 per week for employees employed over 24 hours and $.50 per hour for employees employed less than 24 hours during the week.

c. Seven (7) holidays: A through F, and Good Friday provided the employee has 31 calendar days service and is available for work the day preceding and following the holiday.

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SUPERSEDEAS DECISION

STATE: Connecticut
COUNTY: Fairfield
DECISION NO.: AP-471
DATE: Date of Publication
Supersedes Decision No. AP-445, dated November 25, 1972, in 37 FR 25130.
DESCRIPTION OF WORK: Building Construction, (excluding single family homes and garden type apartemnts up to and including 4-stories), heavy and highway construction.

1-CONN-1-2-3 Q — 1 of 4

BUILDING, HEAVY & HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Others
Asbestos workers	$8.715	.42	.28			
Boilermakers	8.705	.50	10%		.01	
Bricklayers, cement masons-finishers, marble setters, plasterers, terrazzo workers, tile setters: (Building only)						
Darien-Stamford	8.70	4%	.25			
Norwalk-New Canaan	8.25	.50	.50	k		
Bridgeport-Easton-Fairfield-Monroe-Stratford-Trumbull-Southport	8.47	.35+.15	.50			
Greenwich	8.70	.40	.45			
Remainder of County	8.35	.35+.15	.25			
Marble setters' helpers:						
Greenwich-Stamford-Darien-Norwalk-Westport	6.83	6.5%	7%			
Remainder of County	7.65	.35	.15+.25			
Terrazzo workers' helpers:						
Greenwich-Stamford-Darien-Norwalk-Westport	6.98	.88	.43			
Remainder of County	7.65	.35	.15+.25			
Tile setters' helpers:						
Greenwich-Stamford-Darien-Norwalk-Westport	4.85	6%	4%+.45			
Remainder of County	7.65	.35	.15+.25			
Bricklayers, cement masons-finishers stonemasons: (Heavy & Highway only)						
Stamford-Darien	7.85	4%	.15	h		
Greenwich	7.35	.30	.15	h		
Remainder of County	7.75	.35	.15	h		
Carpenters, soft floor layers: (Building only)						
Darien-Stamford-New Canaan-Wilton-Ridgefield	8.55	.40	.30		.05	
Norwalk	8.40	.50	.30	i	g	
Sherman	5.25	.15	.15			
Westport-Weston	8.15	.20	.20	f		
Bridgeport-Easton-Fairfield-Monroe-Stratford-Trumbull	8.15	.25	.35	f		
Greenwich	7.95	.35	.30	.50		
Shelton	7.75	.45	.20	j		
Remainder of County	8.55	.30	.30	i		
Carpenters - Piledrivermen: (Heavy & Highway only)	8.30	.35	.30	h	.03	
Electricians:						
Darien-Greenwich-New Canaan-Stamford	7.30	3-3/4%	7.5%	10%	½ of 1%	
Norwalk-Westport-Wilton-Weston	8.20	.33	1%+.20		½%	
Remainder of County	8.35	.33	1%+.20		½ of 1%	

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1-CONN-1-2-3 Q — 2 of 4

	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Others
Elevator constructors	$8.21	.345	.23	2%+a+b	.015	
Elevator constructors' helpers	5.75	.345	.23	2%+a+b	.015	
Elevator constructors' helpers (prob.)	4.105					
Glaziers	5.30	.125	.125			
Ironworkers:						
Structural, ornamental, reinforcing	9.30	.35	.44		.04	
Laborers: (Building, Heavy & Highway)						
Laborers, carpenter tenders, wrecking laborers	6.60	.30	.30		.05	
Jackhammer operator, mason tenders, mortar mixer, pipe layers, plasterer tenders, power buggy operator	6.85	.30	.30		.05	
Air track operators, wagon drill operators and sand blasters	7.10	.30	.30		.05	
Open air Caisson, Cylindrical Work and Boring Crew:						
Bottom man	7.10	.30	.30		.05	
Top man	6.60	.30	.30		.05	
Lathers:						
Bethel-Brookfield-Danbury-New Fairfield-Newton-Sherman	8.75	.25	.15		.01	
Norwalk	4.50					
Greenwich-Stamford-New Canaan	7.91	.25	.20	.75	.01	
Remainder of County	8.10	.25	.25		.01	
Lead burners	7.80	.30		c	.01	
Line Construction:						
Darien-Greenwich-New Canaan-Stamford-that portion of Norwalk West of Five Mile River:						
Linemen	8.88	3-3/4%	7.5%	10%	½ of 1%	
Cable splicer	8.88	3-3/4%	7.5%	10%	½ of 1%	
Driver groundmen	8.88	3-3/4%	7.5%	10%	½ of 1%	
Remainder of County:						
Linemen, cable splicer, welder, pipelayers, dynamite man	6.11	.15	1%	d		
Digger op., equipment operator	5.21	.15	1%	d		
Groundman, truck driver	4.99	.15	1%	d		
Cable splicer helper	4.85	.15	1%	d		
Groundman	4.39	.15	1%	d		
Painters:						
Greenwich:						
Brush	6.80	3%	9%	4%		
Structural steel	6.80	3%	9%	4%		
Spray	6.80	3%	9%	4%		
Bethel-Brookfield-Danbury-Ridgefield-Redding-Sandy Hook-New Fairfield-Newton-Sherman:						
Brush	6.20	.25				
Structural steel	7.20	.25				
Norwalk-Westport-Weston-Wilton:						
Brush	4.50	.10				
Roller	4.80	.10				
Steel	4.75	.10				

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1-CONN-1-2-3 Q — 3 of 4

	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Others
Painters (Cont'd):						
New Canaan:						
Brush	$4.35	.15				
Roller	4.85	.15				
Shelton-Monroe:						
Brush	4.75	.12		e		
Structural steel	5.75	.12		e		
Spray	5.75	.12		e		
Byram:						
Brush	6.25	.29	.76-6/7			
Structural steel	7.14-2/7	.29	.76-6/7			
Darien-Stamford:						
Brush	6.00	.25	.20			
Structural steel	6.00	.25	.20			
Spray	6.00	.25	.20			
Remainder of County:						
Brush	7.00	.25	.25	e		
Structural steel	8.00	.25	.25	e		
Millwrights	8.65	.50	.30	i		
Norwalk	8.00	.40	.20		g	
Piledrivermen: (Building Only)						
Greenwich	7.55	.35	.20	.50		
Darien-Stamford-New Canaan	8.25	.40	.20		.05	
Bridgeport-Easton-Fairfield-Monroe-Stratford-Trumbull	8.15	.20	.35	f		
Norwalk	8.40	.50	.30	i	g	
Shelton	7.75	.35	.20			
Sherman	5.25	.15	.15			
Westport-Weston	8.15	.20	.20	f		
Wilton-Ridgefield	8.25	.40	.20		.05	
Remainder of County	8.15	.20	.20	i		
Plumbers, Steamfitters:						
Greenwich	9.00	.30	.30		.01	
Bethel-Brookfield-Danbury-New Fairfield-Newton-Redding-Ridgefield-Sherman	8.10	.30	.30			
New Canaan	8.20	.40	.30			
Stamford-Darien	9.20	.55	.30	4%		
Bridgeport-Easton-Fairfield-Monroe-Shelton-Stratford-Trumbull	8.88	.30	.30	.36	.01	
Remainder of County	8.35	.40	.30	.30		
Roofers:						
Composition, kettlemen	8.50	.60	.30			
Slate	8.75	.60	.30			
Helper (slater)	7.75	.60	.30			
Precast slab	9.00	.60	.30			
Precast slab helper	8.25	.60	.30			
Sheet metal workers	5.42	.10	.20			
Sprinkler fitters	8.00	.25	.40		.05	
Waterproofers	8.50	.60	.30			
Welders - receive rate prescribed for craft performing operation to which welding is incidental.						

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1-CONN-1-2-3 Q — 4 of 4

	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Others

PAID HOLIDAYS: (Where Applicable)
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:

a. Employer contributes 4% of basic hourly rate for 5 years or more of service or 2% basic hourly rate for 6 months to 5 years of service as Vacation Pay Credit.

b. Holidays: A through F.

c. Holidays: A through F, plus Washington's Birthday, Good Friday and Christmas Eve, providing employee has worked 45 full days during the 120 calendar days prior to the holiday, and the regularly scheduled work days immediately preceding and following the holiday.

d. Holidays: A and D through F and Good Friday, providing the employee is available for work the days preceding and following the holiday.

e. Two (2) paid holidays: C and D providing the employee works the day before and the day after the holiday.

f. Holidays: B,C,D, plus Good Friday provided the employee has been employed 14 consecutive days immediately prior to the holiday.

g. Employer contributes fifty dollars per year.

h. Paid Holidays: A through F plus Good Friday.

i. Paid Holidays: Labor Day, ½ day on Christmas Eve and on New Year's Eve.

j. Paid Holidays: C through E.

k. Paid Holidays: C and D.

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POWER EQUIPMENT OPERATORS BUILDING CONSTRUCTION:	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Others
Derrick, hoist (2 drums or over), structural steel (hoisting and handling), stone setting, pile driver, lighter derrick, stiff leg and guy derrick	$ 8.37	.30	.25+a	b		
Tower crane, dragline, gradall, hoist, Kohering scooper loader and/or hoe, shovel, front end loader (7yds. or over) fork lift (over 4 ft. lift)	8.15	.30	.25+a	b		
Maintenance engineer	8.05	.30	.25+a	b		
Boiler (portable-high pressure), hammer (vibratory), front end load (3-7 yds.), Coleman loader and screening plant or similar equip., drill (joy-heavy weight champion or equivalent), mucking machine, pumpcrete, rock and earth boring machine, compressor (battery op.) post hole and well digger, conveyor, central mix operator, combination hoe and loader (over ¾ yd.)	7.90	.30	.25+a	b		
Asphalt spreader	7.90	.30	.25+a	b		
Bulldozer	7.80	.30	.25+a	b		
Grader, scraperpan, carryall operator	7.70	.30	.25+a	b		
Combination hoe and loader	7.70	.30	.25+a	b		
Concrete mixer (5 bags or over), front end loader (under 3 yds), powerstone spreader	7.65	.30	.25+a	b		
Compressor, generator, pump & well point opr., welding machine, air steam valve oprs., mechanical heater oprs.	7.53	.30	.25+a	b		
Steam Jenny, fork lift (not over 4 ft.),	7.55	.30	.25+a	b		
Roller operators	7.50	.30	.25+a	b		
Dinky machine opr., firemen (high pressure), power pavement breaker	7.35	.30	.25+a	b		
Oiler	6.90	.30	.25+a	b		
Crane with boom, over 150 ft. Additional $.25 per hour						
Crane with boom, over 200 ft. Additional $.50 per hour						

Paid Holidays (Where applicable):
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day

FOOTNOTE:
a. Employer contributes $.15 per hour to Supplemental Unemployment Fund.

b. Seven (7) paid holidays: A through F and Good Friday.

POWER EQUIPMENT OPERATORS HEAVY & HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Others
Erecting and handling structural steel, front end loader (7 yds. or over)	$8.25	.30	.25+a	b	.05	
Piledriver, crane shovel, dragline, gradall, trenching machine, lighter derrick, paver (concrete), derrick (stiff leg and guy), steel pile sheeting, kohering loader (skooper)	8.15	.30	.25+a	b	.05	
Drill (Joy Heavy weight champion or equivalent) side boom, loader (Euclid) mucking machine, pumpcrete, rock and earth boring machine post and well digger compressor (battery operated), hammer (vibratory), central mix operator, combination hoe & loader (over ¾ yd.)	7.90	.30	.25+a	b	.05	
Asphalt spreader	7.75	.30	.25+a	b	.05	
Front end loader (3 yds. or over), grader power stone spreader, combination hoe & loader	7.65	.30	.25+a	b	.05	
Asphalt roller, bulldozer, carryall, maintenance engineer	7.50	.30	.25+a	b	.05	
Front end loader (under 3 yds.), roller power chipper fork lift, finishing machine, asphalt plant, power pavement breaker, dinky machine	7.35	.30	.25+a	b	.05	
Compressor, pump opr.	7.17	.30	.25+a	b	.05	
Firemen, high pressure	7.25	.30	.25+a	b	.05	
Well point system	7.33	.30	.25+a	b	.05	
Compressor battery operator	7.90	.30	.25+a	b	.05	
Oiler	6.90	.30	.25+a	b	.05	
Batch plant, bulk cement plant, oiler	6.90	.30	.25+a	b	.05	
Crane with 150 ft. boom - additional $.25 per hour						
Crane with 200 ft. boom - additional $.50 per hour						

Paid Holidays (Where Applicable):
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTE:
a. Employer contributes $.15 per hour to Supplemental Unemployment Fund.

b. Seven (7) paid holidays: A through F and Good Friday.

BUILDING, HEAVY, & HIGHWAY CONSTRUCTION	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS: H & W	PENSIONS	VACATION	APP. TR.	OTH
Truck Drivers:						
Two axle trucks	$5.50	a	b	c		
Three axle trucks	5.60	a	b	c		
Four axle trucks	5.70	a	b	c		
Two axle ready-mix	5.60	a	b	c		
Three axle ready-mix	5.65	a	b	c		
Four axle ready-mix	5.75	a	b	c		
Heavy duty trailer - to 40 tons	5.65	a	b	c		
Heavy duty trailer - over 40 tons	5.80	a	b	c		
Helpers	5.50	a	b	c		
Specialized earth moving equipment	5.75	a	b	c		

Paid Holidays (Where applicable):

A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas.

Footnotes:
a. $14.00 per week for employee employed over 16 hours and $.35 per hour for employed less than 16 hours during the week.

b. $20.00 per week for employees employed over 24 hours and $.50 per hour for employees employed less than 24 hours during the week.

c. Seven (7) holidays: A through F, and Good Friday provided the employee has 31 calendar days service and is available for work the day preceding and following the holiday.

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SUPERSEDEAS DECISION

STATES: Maryland and Virginia

COUNTIES: Montgomery and Princes Georges Counties, Maryland; City of Alexandria, Virginia; Arlington and Fairfax Counties, Virginia and Dulles International Airport

DECISION NO.: AP-492

DATE: Date of Publication

Supersedes Decision No. AP-443, dated November 17, 1972, in 37 FR 24515.

DESCRIPTION OF WORK: Building Construction (excluding all residential projects).

AP-492 P. 1 — 1-DC-1-2-T — 1 of 3

BUILDING CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Others
Asbestos workers	$8.65	.25	.15		.015	
Boilermakers - Blacksmiths	7.65	.30	.70	.20	.01	
Bricklayers	8.70	.37	.33			
Carpenters	7.77	.25	.29		.07	
Cement Masons:						
Cement Masons	7.75	.255	.20		.05	
Grinding Machine	8.00	.255	.20		.05	
Electricians	8.85	.35	1% + .30		.10	
Elevator Constructors:						
Elevator Constructors	8.58	.195	.20	2% + a&b	.005	
Elevator Constructors' Helpers	6.01	.195	.20	2% + a&b	.005	
Elevator Constructors' Helpers (Prob).	4.29					
Glaziers	7.58	.46	.40			
Ironworkers:						
Structural	8.00	.45	.35		.01	
Ornamental & chain link fence	8.00	.45	.35		.01	
Reinforcing	7.85	.35	.25		.03	
Laborers:						
Common laborers, landscapers	6.07	.28	.25		.05	
Acetylene burners used on wrecking	6.57	.28	.25		.05	
Air tool op., scaffold builders, paving breakers, townmasters, buggy mobiles, spaders, mortarmen and scootcretes	6.22	.28	.25		.05	
Pipelayers	6.22	.28	.25		.05	
Plasterers' tenders	6.07	.32	.20		.03	
Plumbers' laborers	5.42	.30	.15		.03	
Powdermen	7.245	.28	.25		.05	
Powersaw, well points	6.32	.28	.25		.05	
Stone carvers	6.355	.175	.20			
Stone trimmers, fitters & cutters	6.30	.175	.20			
Lathers	7.225	.30	.30		.025	
Lead Burners	8.25	.30		c	.01	
Line Construction:						
Linemen, cable splicers, equipment ops.	9.36	.20	1%		½ of 1%	
Truck with winch, truck pole or steel handling	6.94	.20	1%		½ of 1%	
Groundmen (0 to 1 year)	5.52	.20	1%		½ of 1%	
Groundmen (1 to 2 years)	6.43	.20	1%		½ of 1%	
Groundmen (over 2 years)	6.68	.20	1%		½ of 1%	
Marble Setters	8.60	.35	.25			
Marble Setters' Helpers	7.35					
Millwrights	7.89	.25	.29		.07	
Painters:						
Brush, spray, paperhangers, tapers	7.46	.41	.18		.03	
Steel, sandblasting, swing stage, power brushing	7.79	.41	.18		.03	
Pildrivermen	7.905	.25	.29		.07	
Plasterers	8.015	.45	.25		.06	

AP-492 P. 2 — 1-DC-1-2-T — 2 of 3

BUILDING CONSTRUCTION, (Continued)	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Other
Plumbers	$8.93	.38	.25		.10	
Roofers:						
Composition	6.65	.35	.20			
Slate, tile mopmen, waterproofers, sprayers, sprandrel & ironite	7.15	.35	.20			
Helpers	4.85	.35	.20			
Sheet metal workers	8.30	.60	.66		.06	
Soft floor layers	7.77	.25	.29		.07	
Sprinkler fitters	8.75	.30	.50		.05	
Steamfitters, refrigeration & air conditioning mechanic	8.79	.40	.40		.07	
Stone masons	8.60	.35	.25			
Terrazzo & mosaic workers	8.31	.40	.30			
Terrazzo workers' helpers	7.10	e	.20			
Tile setters	8.31	.40	.30			
Tile setters' helpers	7.10	e	.20			
Truck Drivers:						
Boom trucks	4.10	.22	f	g		
Small dump, water sprinkler, grease & oil	3.85	.22	f	g		
Flat, pick-up hauling materials, small Euclids, dump over 8 wheels	3.95	.22	f	g		
Trailers, low-boys, tractor pulls	4.15	.22	f	g		
Helpers	3.70	.22	f	g		
Carryalls, large Euclids, water sprinkler, tunnel work ground	4.25	.22	f	g		
Mechanics	4.00	.22	f	g		
Concrete mixers	3.20	.12	.15	a		
Riggers & Welders - receive rates prescribed for crafts performing operations to which rigging & welding are incidental.						

AP-492 P. 3 — 1-DC-1-2-T — 3 of 3

BUILDING CONSTRUCTION, continued

PAID HOLIDAYS:

A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:

a. Holidays: A through F.

b. Employer contributes 4% basic hourly rate for 5 years or more of service or 2% basic hourly rate for 6 months to 5 years service as Vacation Pay Credit.

c. Holidays: A through F, plus Washington's Birthday, Good Friday and Christmas Eve (providing employee has worked at least 45 full dys during the 120 calendar days prior to the holiday, and the regularly scheduled work days immediately preceding and following the holiday).

e. Employer contributes $37.92 per man per month.

f. $6.00 per week when employee has worked 90 dyas and works 3 days in a work week.

g. Holidays: A - D - E and F (providing the employee works the regularly scheduled work days immediately preceding and following the holiday).

AP-492 P. 4 — 2-D.C.-PEO-1-2-M

BUILDING CONSTRUCTION	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS: H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Power Equipment Operators:						
35 ton cranes & above, tower & climbing cranes	$8.315	.35	.35		.10	
Backhoes, boom cats, cableways, cranes or derricks, draglines, elevating graders, hoists, elevator (permanent) paving mixers, piledriving engines, power shovels, tunnel shovels, mucking machines, batch platns, concrete pumps, locomotives (standard narrow gauge), power driven wheel scoops & scrapers 50 cu. yds. struck capacity or above, multiple concrete conveyors	8.065	.35	.35		.10	
Hydrocrane, and all other hydraulic cranes 12 tons or under	8.015	.35	.35		.10	
Hydraulic backhoes, under ½ yd., mounted on tractors	7.915	.35	.35		.10	
Front end loader (over 3½ cu. yds.)	8.065	.35	.35		.10	
Front end loader (over 2-3/4 cu. yds. to and including 3-½ cu. yds)	7.915	.35	.35		.10	
Front end loaders (Hi-lift), fork lifts	7.665	.35	.35		.10	
Air compressors (on steel)	7.735	.35	.35		.10	
Air compressors (except on steel), concrete mixers, mechanics & maintenance men, pumps, tunnel mechanics, tunnel motormen, welding machines, well points	7.485	.35	.35		.10	
Boilers (skeleton), trenching machines, tug boats, well drilling machines	7.655	.35	.35		.10	
Power driven wheel scoops & scrapers under 50 cu. yds. struck capacity blade graders, bulldozers, motor graders	7.465	.35	.35		.10	
Rollers, asphalt spreaders, bull float finishing machines, concrete spreaders, concrete finishing machines, fine graders, form graders, concrete saws	7.265	.35	.35		.10	
Apprentice engineers:						
Firemen	6.605	.35	.35		.10	
Truck crane oilers	6.485	.35	.35		.10	
Oilers	6.435	.35	.35		.10	

VAULT XUM MAR 9 1973 38 FR 6538

SUPERSEDEAS DECISION

STATE: Minnesota
DECISION NUMBER: AP-638
COUNTY: Anoka
DATE: Date of Publication
Supersedes decision No. AP-605 dated January 19, 1973, in 38 FR 2003
DESCRIPTION OF WORK: Building Construction (Excluding single family homes and garden type apartments up to and including 4 stories)

2-MINN-1-A

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Asbestos Workers	7.37	.36	.35		.02	
Boilermakers	7.80	.30	.85		.02	
Boilermakers' Helpers	7.55	.30	.85		.02	
Bricklayers & Stonemasons	7.61	.455	.23	.56		
Carpenters, Millwrights, Piledrivermen	7.36	.40	.20	.50	.02	
Cement masons	7.88	.30	.25			
Electricians, Twps of Anoka & Fridley	8.00	5.5%	4%	10%	1%	
Electricians, Remainder of County	8.00	5%	2.5%	11.5%	1.5%	
Elevator Constructors	7.23	.17	.185	2%+a		
Elevator Constructors' Helpers	70%JR	.17	.185	2%+a		
Elevator Constructors' Helpers, Prob.	50%JR					
Glaziers	7.70	.15	.10	.13		
Ironworkers, All types	7.85	.45	.45		.02	
Lathers	7.60	.20			.01	
Marble setters	7.385	.445	.23	.56		
Painters: Brush	7.60	.35	.25		.04	
Structural steel & Spray	8.10	.35	.25		.04	
Plasterers	7.39	.31	.20		.01	
Plumbers	7.28	.38	.35	1.25	.02	
Roofers	7.49	.39	.25			
Sheet Metal Workers	8.73	.32	.40		.04	
Soft Floor Layers	7.65b	c		d		
Sprinkler Fitters	8.64	.30	.50		.02	
Tile Setters	7.64	.37	.50			
Truck Drivers	6.30	.25	.25			

Welders-Receive rate prescribed for craft performing operation to which welding is incidential.

PAID HOLIDAYS: A-New years Day B-Memorial Day C-Independance Day D-Labor Day E-Thanksgiving Day F-Christmas Day.

FOOTNOTES:
a. Employer contributes 4% of basic hourly rate for over 5 Yrs. service and 2 basic hourly rate for 6 Mos. to 5 Yrs. service as vacation pay credit. Six paid holidays A through F.
b. Out-of-town employers will pay $8.40 per hour with no fringe benefits.
c. Employer shall contribute $25.00 per Mo. for each employee into the Health & Welfare Fund.
d. Employees with at least 1,700 hours service during the current year & one years service, one week vacation with pay; three years service, two weeks vacation with pay; fifteen years, three weeks with pay.

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MINN-1-PEO-1-F (1-1)

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
BUILDING CONSTRCUTION						
HELICOPTER OPERATORS (Hoisting material)	$11.40	.25	.25			
TRUCK & CRAWLER CRANES with 200' of boom & over inc. JIB	9.00	.25	.25			
TRUCK & CRAWLER CRANES with 150' of boom incl. JIB up to 200' of boom	8.65	.25	.25			
TRAVELING TOWER CRANE	8.55	.25	.25			
MASTER MECHANIC	8.45	.25	.25			
DERRICK (GUY & STIFF LEG); Hoist engineer (3 drums or more); Locomotive op., master mechanic; Overhead crane op. (inside building perimeter); Truck & crawler cranes up to 150" of boom incl. JIB	8.20	.25	.25			
AIR COMPRESSOR OPERATOR, Pump op. &/or Conveyor, 2 or more machines: Hoist engineer (2 drums); Mechanic or welder; Pumpcrete or Complaco type machine op.	8.08	.25	.25			
FORK LIFT OPERATOR	8.08	.25	.25			
BOOM TRUCK OPERATOR; Concrete mixer op.; Drill rigs (heavy duty rotary or churn drill when used for caisson drilling or when drilling for elevator cylinder on building construction); Fron end loader op.; Hoist engineer (1 drum); Power plant engineer (100 KWH & over); Straddle carrier op.; Tractor op. (over D-2); Well point pump op.	8.00	.25	.25			
CONCRETE BATCH PLANT OPERATOR; Gunite op.; Tractor op (D-2 or similar size & front end loader operator up to ¾ cu. yd.)	7.73	.25	.25			
AIR COMPRESSOR OPERATOR, Pump &/or Conveyor op.; Fireman, Temporary heat; Brakeman; Pick up sweeper (combustion engine operated); Truck crane oiler	7.45	.25	.25			
MECHANIC SPACE HEATER (Temporary heat); Oiler or greaser	7.00	.25	.25			

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MINN 27 LAB - a

Laborers:

Building Construction

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Class 1 Common laborer, Steel joist handler (erection), Power buggy operator, Carpenter tender, Earth dumpman, flagman	$6.00	.35	.35	.40		
Class 2 Reinforced Steel Handler	6.05	.35	.35	.40		
Class 3 Men handling cement 2 Hrs. per day (bulk or sack, excluding mortar mixer), Mason tender, Concrete joint saw Op., Demolition & wrecking laborer	6.10	.35	.35	.40		
Class 4 Hot tar caulker & corker, Labs. on swing stage line scaffold (excl. "Patent" scaffolding), Automatic tamper Op., Chipping hammer Op., Paving buster, Mortar mixer, Concrete vibrator Op., Sheeting setter & driver on Heavy Bldg. excavation, Jackhammer men	6.15	.35	.35	.40		
Class 5 Underground work	6.25	.35	.35	.40		
Class 6 Pipe layer	6.30	.35	.35	.40		
Class 7 Caisson work, Underpinning	6.35	.35	.35	.40		
Class 8 Nozzlemen	6.40	.35	.35	.40		
Class 9 Dynamite men, Power drillers for blasting Purposes	6.705	.35	.35	.40		

2-MINN-2-3 U

Site preparation, excavation and incidential paving

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
CARPENTERS	$7.36	.40	.20	.50	.02	
PILEDRIVERMEN	7.36	.40	.20	.50	.02	
CEMENT MASONS	7.88	.30	.25			

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Site preparation, excavation and incidential paving

MINN-9-LAB-2-3. E Area 1 (1-2)

	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHER
LABORERS:						
CLASS I						
UNSKILLED LABORERS; Drill runner helper; Landscape gardener; Sod layer & nurseryman; Powder monkey; Reinforced steel laborer; Reinforced steel setter (pavement); Salamander heater & blower tender; Carpenter tender; Winch handler (manual)	$5.95	.35	.35	.40		
CLASS II						
LABORER, WRECKING & DEMOLITION; Bituminous batcherman (stationary plant); Bituminous shoveler; Blacksmith helper; Bottom man (sewer, water or gas trench); Bricklayer tender; Cement handler (bulk or bag); Cement coverman (batch trucks); Compaction equipment (hand operated); Concrete shoveler, tamper & puddler (paving); Concrete vibrator; Concrete batcherman (proportioning plant); Concrete longitudinal floatmen (manual bull float on paving); Conduit layers (w/o wiring); Chipping hammer; Curb setter (stone or precast concrete); Dumper (wagon, truck, etc.); Dump man; Dump man (paver-batch truck, etc.); Form setter (municipal type curb & sidewalk); Formsetter (pavement); Hydrant & valve setter; Joint filler (concrete pavement); Kettleman (bituminous or lead); Service connection maker (water or gas); Power buggy; Joint sawer; Squeegeman (bituminous brick or block); Stabilizing batcherman (stationary plant); Stonemason tender; Drill runner (heavy, incl. churn drill)	6.05	.35	.35	.40		
CLASS III						
CHAINSAW MAN; Concrete mixer (1 bag); Jackhammer man & paving buster; Mortar mixer; Pipe handler (water, gas, cast iron); Pipe derrickman (triped, manual)	6.10	.35	.35	.40		

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MINN-9-LAB-2-3- (2-2)

LABORERS CONTINUED:	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OTHERS
CLASS VI						
BOTTOM MAN (sewer, water or gas trench, more than 8 ft. below starting level of manual work); Tunnel laborer (atmospheric pressure); Underground laborers; cofferdam work; Tunnel work; Underpinning work; Caisson work; Other work more than 8 ft. below starting level of manual work; Open ditch work	6.20	.35	.35	.40		
CLASS V						
BITUMINOUS TAMPER; Pipelayer (sewer, water, gas); Sand cushion & bed maker	6.25	.35	.35	.40		
CLASS VI						
CEMENT GUN (1½ in. & over); Leadman	6.30	.35	.35	.40		
CLASS VII						
NOZZLEMEN (gunite)	6.35	.35	.35	.40		
CLASS VIII						
BRICK OR BLOCK PAVING SETTER	6.38	.35	.35	.40		
CLASS IX						
BITUMINOUS RAKER, FLOATER & UTILITY MAN	6.40	.35	.35	.40		
CLASS X						
POWDERMAN; Tunnel man (air pressure) Tunnel miner	6.58	.35	.35	.40		
CLASS XI						
POWDERMAN	6.58	.35	.35	.40		

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MINN-7M-PEO-2-3 A

POWER EQUIPMENT OPERATORS: Site preparation, excavation and incidential paving	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.	Othe
GROUP 1						
Helicopter Pilot	$11.50	.25	.25			
GROUP 2						
Crane with over 135' Boom, excluding jib, Dragline and/or other similar equipment w/shovel type controls 3 cu. yds. & over Mfg. rated capacity	8.21	.25	.25			
GROUP 3						
Cableway Op., Concrete Mixer, Stationary Plant over 34E, Derrick, Dragline and/or other similar equipment with shovel type controls up to 3 cu. yds. Mfg. rated capacity, Dredge Operator or Engineer, Dredge Operator (power) & Engineer, Front End Loader Op., 5 cu. yds. & over, Grader or Motor Patrol, Finishing earthwork & bituminous, Locomotive Crane Operator, Master Mechanic, Mixer (Paving) Concrete Paving Op., Road Mole Op., incl. power supply, Mucking Mach., incl. mucking operations Conway or similar type, Refrigeration Plant Engineer, Tandem Scraper, Tractor Op. (Boom Type), Truck Crane Op., Tugboat Op. 100 HP & over	7.95	.25	.25			
GROUP 4						
Dual Tractor Op., Elevating Grader Op., Pumpcrete Op., Scraper Op., Struck Capacity 32 cu. yd. & over, Self-Prop. Traveling Soil Stabilizer	7.83	.25	.25			
GROUP 5						
Air Track Rock Drill, Asphalt Bituminous Stabilizer Plant Op., Crushing Plant Op., or Gravel Washing, Crushing and Screening Plant Op., Dope Machine Op., Drill Rigs, Heavey Rotary or Churn or Cable Drill, Engineer in Charge of Plant requiring First Class License, Fork Lift or Straddle Carrier Op., Fork Lift or Lumber Stacker, Front End Loader Op., over 1 cu. yds., Hoist Engineer, Hydraulic Tree Planter,						

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MINN-7M-PEO-2-3

POWER EQUIPMENT OPERATORS: (CONT'D)	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.	Othe
GROUP 5 (Cont'd)						
Launcherman, Locomotive, all types, Mechanic or Welder, Mutiple Machines, such as Air Compressors, Welding Machines, Generators, Pumps or Crane Oilers, Paving Breaker or Tamping Machine Op., (power driven) Mighty Mite or similar type, Pick-up Sweeper, 1 cu. yd. & over Hopper capacity, Pipeline Wrapping, Cleaning or Bending Machine Op., Power Plant Engineer, Power Actuated Horizontal Boring Mach., over 6" Op., Pugmill Op., Roller Op, 8 tons & over, Rubber Tired Farm Tractor, Backhoe Att., Sheep Foot Op., Tie Tamper & Ballast Mach. Op., Tractor Op., over D2, TD6 or similar H.P. with power take-off, Tractor Op., over 50 H.P. without power Take-Off, Trenching Machine Op., (sewer, water, gas) Turnapull Op., (or similar type) Well Point Installation, Dismantling or Repair Mechanic	$7.73	.25	.25			
GROUP 6						
Air Compressor Op. 375 CFM or over, Bituminous Spreader and Bituminous Finishing Machine Op., Concrete Dist. and Spreader Op., Finishing Mach. Longitudinal Float Op., Joint Mach, Op., Spray Op., Concrete Mixer Op. 14S and under, Concrete Saw Op. (Mult. Blade), Curb Mach. Op., Fine Grade Op., Form Trench Digger, Front End Loader Op. (up to & Incl. 1 cu. yd.), Grader Op. (Motor Patrol), Gunite Op. Gunall, Lead Greaser on truck or rack, Loader Op., Power Actuated Augars and Boring Mach. Op., Power Actuated Jacks Op., Pump Op., Roller Op., Self-propelled Chip Spreader, Shouldering Mach. Op., Stump Chipper Op., Tractor Op. (D2, TD6 or similar H. P. with power take-off	7.05	.25	.25			
GROUP 7						
Brakeman, Switchman, Conveyor Op., Deck hand, Fireman, Tank Car Heater Op., Gravel Screening Plant Op., Greaser, Leverman, Mech. Helper, Mech. Space Heater, Oiler, Self-Prop. Vib. Packer Op., Sheep foot roller, Tractor Op. 50 HP or less w/o Power takr-off, Truck Crane Oiler	6.75	.25	.25			

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MINN-3-TD-2-3- d

Site preparation, excavation and incidential paving TRUCK DRIVERS	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.	Other
GROUP I						
DRIVER (hauling machinery for employer's own use, incl. operation of hand & power ooperated einches); Truck train Mechanic; Welder; Tractor-trailer; Off-road truck	$6.80	.25	.25			
GROUP II						
TRI-AXLE (incl. four axles); Dump; Dry batch hauler; Tank truck (gas oil raod oil & water); Boom & A" frame; Ready mix concrete; Slurry driver	6.50	.25	.25			
GROUP III						
BITUMINOUS DISTRIBUTOR DRIVER: Bituminous distributor (one man operation); Tandem axle.	6.40	.25	.25			
GROUP IV						
BITUMINOUS DISTRIBUTOR SPRAY (rear-end oiler); Dumpman; Grease & truck service man; Tank truck helper (gas, oil road oil & water); Teamster & stableman; Tractor op. (wheel type used for any purpose)1 Pilot car; Self-porpelled packer; Slurry op.; Single axle	6.20	.25	.25			

XUM 37 FRAM 64:83V

SUPERSEDEAS DECISION

STATE: Minnesota — COUNTIES: Carver, Hennepin, & Scott
DECISION NUMBER: AP-639 — DATE: Date of Publication
Supersedes Decision No. AP-606 dated January 19, 1973 in 38 FR 2074
DESCRIPTION OF WORK: Building Construction (Excluding single family homes and garden type apartments up to and including 4 stories.)

27-MINN-1 U

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Other
Asbestos Workers	$7.37	.36	.35		.02	
Boilermakers	7.80	.30	.85		.02	
Boilermakers' Helper	7.55	.30	.85		.02	
Bricklayers & Stonemasons	7.61	.455	.23	.56		
Carpenters:						
Scott Co. S/W of Bell Plaine	7.65	.20			.02	
Remainder of Area	7.36	.40	.20	.50	.02	
Millwrights & Piledrivermen	7.36	.40	.20	.50	.02	
Cement Masons	7.88	.30	.25			
Electricians & Line Construction:						
Electricians & Linemen	8.00	5.5%	4%	10%	1%	
Equipment Operator	8.00	5.5%	4%	10%	1%	
Groundman	6.60	5.5%	4%	10%	1%	
Elevator Constructors	7.23	.17	.185	2%+a		
Elevator Constructors' Helpers	70%JR	.17	.185	2%+a		
Elevator Constructors' Helpers (Prob.)	50%JR					
Glaziers	7.70	.15	.10	.13		
Ironworkers, All types	7.85	.45	.45		.02	
Lathers	7.60	.20			.01	
Marble Setters	7.385	.445	.23	.56		
Painters:						
Brush	7.60	.35	.25		.04	
Spray, Structural Steel, Swing stage	8.10	.35	.25		.04	
Plumbers, pipefitters & steamfitters	7.28	.38	.35	1.25	.02	
Plasterers	7.39	.31	.20		.01	
Roofers	7.49	.39	.25			
Sheet Metal Workers	8.83	.32	.30			
Soft Floor Layers	7.65b	c		d		
Sprinkler Fitters	8.64	.30	.50		.02	
Tile Setters	7.64	.37	.50			
Truck Drivers	6.30	.25	.25			
Welders-receive rate for craft performing operation to which welding is incidential.						

PAID HOLIDAYS: A-New Years Day B-Memorial Day C-Independence Day D-Labor Day E-Thanksgiving Day F-Christmas Day

FOOTNOTES: a. Employer contributes 4% basis hourly rate for over 5 Yrs. service, 2% basi hourly rate for from 6 Mos. to 5 Yrs. service as vacation pay credit. Six Paid Holidays A through F
b. Out-of-town contractors pay the rate of $8.40 with no fringe benefits.
c. Employer shall contribute $25.00 per Mo. for each employee to H & W fund.
d. Employee with at least 1,700 hours service during the current year and 1 year's service - 1 week vacation with pay; 3 years service - 2 weeks vacation with pay; 15 years service - 3 weeks vacation with pay

AP-639 P. 2

MINN-1-PEQ-1-F (1-1)

BUILDING CONSTRCUTION	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Other
HELICOPTER OPERATORS (Hoisting material)	$11.40	.25	.25			
TRUCK & CRAWLER CRANES with 200' of boom & over inc. JIB	9.00	.25	.25			
TRUCK & CRAWLER CRANES with 150' of boom incl. JIB up to 200' of boom	8.65	.25	.25			
TRAVELING TOWER CRANE	8.55	.25	.25			
MASTER MECHANIC	8.45	.25	.25			
DERRICK (GUY & STIFF LEG); Hoist engineer (3 drums or more); Locomotive op., master mechanic; Overhead crane op. (inside building perimeter); Truck & crawler cranes up to 150" of boom incl. JIB	8.20	.25	.25			
AIR COMPRESSOR OPERATOR, Pump op. &/or Conveyor, 2 or more machines: Hoist engineer (2 drums); Mechanic or welder; Pumpcrete or Complaco type machine op.	8.08	.25	.25			
FORK LIFT OPERATOR	8.08	.25	.25			
BOOM TRUCK OPERATOR; Concrete mixer op.; Drill rigs (heavy duty rotary or churn drill when used for caisson drilling or when drilling for elevator cylinder on building construction); Fron end loader op.; Hoist engineer (1 drum); Power plant engineer (100 KWH & over); Straddle carrier op.; Tractor op. (over D-2); Well point pump op.	8.00	.25	.25			
CONCRETE BATCH PLANT OPERATOR; Gunite op.; Tractor op (D-2 or similar size & front end loader operator up to ¾ cu. yd.)	7.73	.25	.25			
AIR COMPRESSOR OPERATOR, Pump &/or Conveyor op.; Fireman, Temporary heat; Brakeman; Pick up sweeper (combustion engine operated); Truck crane oiler	7.45	.25	.25			
MECHANIC SPACE HEATER (Temporary heat); Oiler or greaser	7.00	.25	.25			

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MINN 27 LAB - a

Laborers: Building Construction	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Other
Class 1 Common laborer, Steel joist handler (erection), Power buggy operator, Carpenter tender, Earth dumpman, flagman	$6.00	.35	.35	.40		
Class 2 Reinforced Steel Handler	6.05	.35	.35	.40		
Class 3 Men handling cement 2 Hrs. per day (bulk or sack, excluding mortar mixer), Mason tender, Concrete joint saw Op., Demolition & wrecking laborer	6.10	.35	.35	.40		
Class 4 Hot tar caulker & corker, Labs. on swing stage line scaffold (excl. "Patent" scaffolding), Automatic tamper Op., Chipping hammer Op., Paving buster, Mortar mixer, Concrete vibrator Op., Sheeting setter & driver on Heavy Bldg. excavation, Jackhammer men	6.15	.35	.35	.40		
Class 5 Underground work	6.25	.35	.35	.40		
Class 6 Pipe layer	6.30	.35	.35	.40		
Class 7 Caisson work, Underpinning	6.35	.35	.35	.40		
Class 8 Nozzlemen	6.40	.35	.35	.40		
Class 9 Dynamite men, Power drillers for blasting Purposes	6.705	.35	.35	.40		

27-MINN-2-3 U

Site preparation, excavation and incidential paving	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Other
CARPENTERS	$7.36	.40	.20	.50	.02	
PILEDRIVERMEN	7.36	.40	.20	.50	.02	
CEMENT MASONS	7.88	.30	.25			

AP-639 P. 4

Site preparation, excavation and incidential paving

MINN-9-LAB-2-3. E Area 1 (1-2)

LABORERS:	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHER
CLASS I UNSKILLED LABORERS; Drill runner helper; Landscape gardener; Sod layer & nurseryman; Powder monkey; Reinforced steel laborer; Reinforced steel setter (pavement); Salamander heater & blower tender; Carpenter tender; Winch handler (manual)	$5.95	.35	.35	.40		
CLASS II LABORER, WRECKING & DEMOLITION; Bituminous batcherman (stationary plant); Bituminous shoveler; Blacksmith helper; Bottom man (sewer, water or gas trench); Bricklayer tender; Cement handler (bulk or bag); Cement coverman (batch trucks); Compaction equipment (hand operated); Concrete shoveler, tamper & puddler (paving); Concrete vibrator; Concrete batcherman (proportioning plant); Concrete longitudinal floatmen (manual bull float on paving); Conduit layers (w/o wiring); Chipping hammer; Curb setter (stone or precast concrete); Dumper (wagon, truck, etc.); Dump man; Dump man (paver-batch truck, etc.); Form setter (municipal type curb & sidewalk); Formsetter (pavement); Hydrant & valve setter; Joint filler (concrete pavement); Kettleman (bituminous or lead); Service connection maker (water or gas); Power buggy; Joint sawer; Squeegeman (bituminous brick or block); Stabilizing batcherman (stationary plant); Stonemason tender; Drill runner (heavy, incl. churn drill)	6.05	.35	.35	.40		
CLASS III CHAINSAW MAN; Concrete mixer (1 bag); Jackhammer man & paving buster; Mortar mixer; Pipe handler (water, gas, cast iron); Pipe derrickman (triped, manual)	6.10	.35	.35	.40		

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AP-639 P. 5

MINN-9-LAB-2-3- (2-2)

LABORERS CONTINUED:	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OTHERS
CLASS VI						
BOTTOM MAN (sewer, water or gas trench, more than 8 ft. below starting level of manual work); Tunnel laborer (atmospheric pressure); Underground laborers; cofferdam work; Tunnel work; Underpinning work; Caisson work; Other work more than 8 ft. below starting level of manual work; Open ditch work	6.20	.35	.35	.40		
CLASS V						
BITUMINOUS TAMPER; Pipelayer (sewer, water, gas); Sand cushion & bed maker	6.25	.35	.35	.40		
CLASS VI						
CEMENT GUN (1½ in. & over); Leadman	6.30	.35	.35	.40		
CLASS VII						
NOZZLEMEN (gunite)	6.35	.35	.35	.40		
CLASS VIII						
BRICK OR BLOCK PAVING SETTER	6.38	.35	.35	.40		
CLASS IX						
BITUMINOUS RAKER, FLOATER & UTILITY MAN	6.40	.35	.35	.40		
CLASS X						
POWDERMAN; Tunnel man (air pressure) Tunnel miner	6.58	.35	.35	.40		
CLASS XI						
POWDERMAN	6.58	.35	.35	.40		

AP-639 P. 6

MINN-7M-PEO-2-3 A

POWER EQUIPMENT OPERATORS: Site preparation, Excavation and Incidential Paving	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.	Other
GROUP 1						
Helicopter Pilot	$11.50	.25	.25			
GROUP 2						
Crane with over 135' Boom, excluding jib, Dragline and/or other similar equipment w/shovel type controls 3 cu. yds. & over Mfg. rated capacity	8.21	.25	.25			
GROUP 3						
Cableway Op., Concrete Mixer, Stationary Plant over 34E, Derrick, Dragline and/or other similar equipment with shovel type controls up to 3 cu. yds. Mfg. rated capacity, Dredge Operator or Engineer, Dredge Operator (power) & Engineer, Front End Loader Op., 5 cu. yds. & over, Grader or Motor Patrol, Finishing earthwork & bituminous, Locomotive Crane Operator, Master Mechanic, Mixer (Paving) Concrete Paving Op., Road Mole Op., incl. power supply, Mucking Mach., incl. mucking operations Conway or similar type, Refrigeration Plant Engineer, Tandem Scraper, Tractor Op. (Boom Type), Truck Crane Op., Tugboat Op. 100 HP & over	7.95	.25	.25			
GROUP 4						
Dual Tractor Op., Elevating Grader Op., Pumpcrete Op., Scraper Op., Struck Capacity 32 cu. yd. & over, Self-Prop. Traveling Soil Stabilizer	7.83	.25	.25			
GROUP 5						
Air Track Rock Drill, Asphalt Bituminous Stabilizer Plant Op., Crushing Plant Op., or Gravel Washing, Crushing and Screening Plant Op., Dope Machine Op., Drill Rigs, Heavey Rotary or Churn or Cable Drill, Engineer in Charge of Plant requiring First Class License, Fork Lift or Straddle Carrier Op., Fork Lift or Lumber Stacker, Front End Loader Op., over 1 cu. yds., Hoist Engineer, Hydraulic Tree Planter,						

AP-639 P. 7

MINN-7M-PEO-2-3

POWER EQUIPMENT OPERATORS: (CONT'D)	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.	Other
GROUP 5 (Cont'd)						
Launcherman, Locomotive, all types, Mechanic or Welder, Mutiple Machines, such as Air Compressors, Welding Machines, Generators, Pumps or Crane Oilers, Paving Breaker or Tamping Machine Op., (power driven) Mighty Mite or similar type, Pick-up Sweeper, 1 cu. yd. & over Hopper capacity, Pipeline Wrapping, Cleaning or Bending Machine Op., Power Plant Engineer, Power Actuated Horizontal Boring Mach. over 6" Op., Pugmill Op., Roller Op, 8 tons & over, Rubber Tired Farm Tractor, Backhoe Att., Sheep Foot Op., Tie Tamper & Ballast Mach. Op., Tractor Op., over D2, TD6 or similar H.P. with power take-off, Tractor Op., over 50 H.P. without power Take-Off, Trenching Machine Op., (sewer, water, gas) Turnapull Op., (or similar type) Well Point Installation, Dismantling or Repair Mechanic	$7.73	.25	.25			
GROUP 6						
Air Compressor Op. 375 CFM or over, Bituminous Spreader and Bituminous Finishing Machine Op., Concrete Dist. and Spreader Op., Finishing Mach. Longitudinal Float Op., Joint Mach. Op., Spray Op., Concrete Mixer Op. 14S and under, Concrete Saw Op. (Mult. Blade), Curb Mach. Op., Fine Grade Op., Form Trench Digger, Front End Loader Op. (up to & Incl. 1 cu. yd.), Grader Op. (Motor Patrol), Gunite Op. Gunall, Lead Greaser on truck or rack, Loader Op., Power Actuated Augars and Boring Mach. Op., Power Actuated Jacks Op., Pump Op., Roller Op., Self-propelled Chip Spreader, Shouldering Mach. Op., Stump Chipper Op., Tractor Op. (D2, TD6 or similar H. P. with power take-off	7.05	.25	.25			
GROUP 7						
Brakeman, Switchman, Conveyor Op., Deck hand, Fireman, Tank Car Heater Op., Gravel Screening Plant Op., Greaser, Leverman, Mech. Helper, Mech. Space Heater, Oiler, Self-Prop. Vib. Packer Op., Sheep foot roller, Tractor Op. 50 HP or less w/o Power takr-off, Truck Crane Oiler	6.75	.25	.25			

Site preparation, excavation and incidential paving

AP-639 P. 8

MINN-3-TD-2-3- d

TRUCK DRIVERS	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.	Other
GROUP I						
DRIVER (hauling machinery for employer's own use, incl. operation of hand & power oopersted einches); Truck train Mechanic; Welder; Tractor-trailer; Off-road truck	$6.80	.25	.25			
GROUP II						
TRI-AXLE (incl. four axles); Dump; Dry batch hauler; Tank truck (gas oil raod oil & water); Boom & A" frame; Ready mix concrete; Slurry driver	6.50	.25	.25			
GROUP III						
BITUMINOUS DISTRIBUTOR DRIVER: Bituminous distributor (one man operation); Tandem axle.	6.40	.25	.25			
GROUP IV						
BITUMINOUS DISTRIBUTOR SPRAY (rear-end oiler); Dumpman; Grease & truck service man; Tank truck helper (gas, oil road oil & water); Teamster & stableman; Tractor op. (wheel type used for any purpose)1 Pilot car; Self-porpelled packer; Slurry op.; Single axle	6.20	.25	.25			

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SUPERSEDEAS DECISION

STATE: Minnesota — COUNTIES: Dakota, Ramsey & Washington
DECISION NUMBER: AP-640 — DATE: Date of Pulbication
Supersedes Decision No. AP-607 dated January 19, 1973 in 38 FR 2078
DESCRIPTION OF WORK: Building Construction (Excluding single family homes and garden type apartments upt to and including 4 stories.)

62-MINN-1-w

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Other
Asbestos Workers	$7.37	.36	.35		.02	
Boilermakers	7.80	.30	.85		.02	
Boilermakers' Helpers	7.55	.30	.85		.02	
Bricklayers & Stonemasons	7.61	.455	.23	.56		
Carpenters, Millwrights & Piledrivermen	7.36	.40	.20	.50	.02	
Cement masons	7.88	.30	.25			
Electricians & Line Construction:						
Electricians, linemen & Equip. Op.	8.00	5%	2.5%	11.5%	1.5%	
Cable splicer & Technician	8.40	5%	2.5%	11.5%	1.5%	
Groundman	5.25	5%	2.5%	11.5%	1.5%	
Elevator Constructors	7.23	.17	.185	2%+a		
Elevator Constructors' Helpers	70%JR	.17	.185	2%+a		
Elevator Constructors' Helpers, Prob.	50%JR					
Glaziers	7.70	.15	.10	.13		
Ironworkers, All types	7.85	.45	.45		.02	
Lathers	7.66	.25	.25	.50	.01	
Marble Setters	7.385	.445	.23	.56		
Painters:						
Brush, Paperhanger	7.68	.35	.15		.06	
Spray, Structural Steel, Swing stage	8.18	.35	.15		.06	
Plumbers & Steamfitters	7.42	.38	.35	1.14	.05	
Roofers	7.49	.39	.25			
Sheet Metal Workers	8.73	.32	.40		.04	
Soft Floor Layers	7.65b	c		d		
Sprinkler Fitters	8.64	.30	.50		.02	
Tile Setters	7.64	.37	.50			
Truck Drivers	6.30	.25	.25			
Riggers & Welders: receive rate prescribed for craft performing operation to which rigging or welding is incidential.						

PAID HOLIDAYS: A. New Years Day; B. Memorial Day; C. Independence Day; D. Labor Day; E. Thanksgiving Day; F. Christmas Day.

FOOTNOTES:

a. Employer contributes 4% basic hourly rate for over 5 years service, 2% basic hourly rate for 6 months to 5 years as vacation pay credit Six paid holidays A through F.

b. Out-of-town contractors will pay the rate of $8.40 per hour with no fringe benefit payments.

c. Employer will contribute $25.00 per month for each employee into the Health & Welfare Fund.

d. Employees with at least 1,700 hours service during the current year & 1 year's service - 1 week vacation with pay; 3 years' service - 2 weeks vacation with pay; 15 years' service - 3 weeks with pay.

AP-640 P. 2

MINN-1-PEO-1-F (1-1)

BUILDING CONSTRCUTION	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Other
HELICOPTER OPERATORS (Hoisting material)	$11.40	.25	.25			
TRUCK & CRAWLER CRANES with 200' of boom & over inc. JIB	9.00	.25	.25			
TRUCK & CRAWLER CRANES with 150' of boom incl. JIB up to 200' of boom	8.65	.25	.25			
TRAVELING TOWER CRANE	8.55	.25	.25			
MASTER MECHANIC	8.45	.25	.25			
DERRICK (GUY & STIFF LEG); Hoist engineer (3 drums or more); Locomotive op., master mechanic; Overhead crane op. (inside building perimeter); Truck & crawler cranes up to 150" of boom incl. JIB	8.20	.25	.25			
AIR COMPRESSOR OPERATOR, Pump op. &/or Conveyor, 2 or more machines: Hoist engineer (2 drums); Mechanic or welder; Pumpcrete or Complaco type machine op.	8.08	.25	.25			
FORK LIFT OPERATOR	8.08	.25	.25			
BOOM TRUCK OPERATOR; Concrete mixer op.; Drill rigs (heavy duty rotary or churn drill when used for caisson drilling or when drilling for elevator cylinder on building construction); Fron end loader op.; Hoist engineer (1 drum); Power plant engineer (100 KWH & over); Straddle carrier op.; Tractor op. (over D-2); Well point pump op.	8.00	.25	.25			
CONCRETE BATCH PLANT OPERATOR; Gunite op.; Tractor op (D-2 or similar size & front end loader operator up to ¾ cu. yd.)	7.73	.25	.25			
AIR COMPRESSOR OPERATOR, Pump &/or Conveyor op.; Fireman, Temporary heat; Brakeman; Pick up sweeper (combustion engine operated); Truck crane oiler	7.45	.25	.25			
MECHANIC SPACE HEATER (Temporary heat); Oiler or greaser	7.00	.25	.25			

AP-640 P. 3

MINN 27 LAB - a

Laborers: Building Construction	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Oth
Class 1 Common laborer, Steel joist handler (ereption), Power buggy operator, Carpenter tender, Earth dumpman, flagman	$6.00	.35	.35	.40		
Class 2 Reinforced Steel Handler	6.05	.35	.35	.40		
Class 3 Men handling cement 2 Hrs. par day (bulk or sack, excluding mortar mixer), Mason tender, Concrete joint saw Op., Demolition & wrecking laborer	6.10	.35	.35	.40		
Class 4 Hot tar caulker & corker, Labs. on swing stage line scaffold (excl. "Patent" scaffolding), Automatic tamper Op., Chipping hammer Op., Paving buster, Mortar mixer, Concrete vibrator Op., Sheeting setter & driver on Heavy Bldg. excavation, Jackhammer men	6.15	.35	.35	.40		
Class 5 Underground work	6.25	.35	.35	.40		
Class 6 Pipe layer	6.30	.35	.35	.40		
Class 7 Caisson work, Underpinning	6.35	.35	.35	.40		
Class 8 Nozzlemen	6.40	.35	.35	.40		
Class 9 Dynamite men, Power drillers for blasting Purposes	6.705	.35	.35	.40		

62-MINN-2-3 W

Site preparation, excavation and incidential paving	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Other
CARPENTERS	$7.36	.40	.20	.50	.02	
PILEDRIVERMEN	7.36	.40	.20	.50	.02	
CEMENT MASONS	7.88	.30	.25			

AP-640 P. 4

MINN-9-LAB-2-3. E Area 1 (1-2)

Site preparation, excavation and incidential paving

LABORERS:	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTH
CLASS I UNSKILLED LABORERS; Drill runner helper; Landscape gardener; Sod layer & nurseryman; Powder monkey; Reinforced steel laborer; Reinforced steel setter (pavement); Salamander heater & blower tender; Carpenter tender; Winch handler (manual)	$5.95	.35	.35	.40		
CLASS II LABORER, WRECKING & DEMOLITION; Bituminous batcherman (stationary plant); Bituminous shoveler; Blacksmith helper; Bottom man (sewer, water or gas trench); Bricklayer tender; Cement handler (bulk or bag); Cement coverman (batch trucks); Compaction equipment (hand operated); Concrete shoveler, tamper & puddler (paving); Concrete vibrator; Concrete batcherman (proportioning plant); Concrete longitudinal floatmen (manual bull float on paving); Conduit layers (w/o wiring); Chipping hammer; Curb setter (stone or precast concrete); Dumper (wagon, truck, etc.); Dump man; Dump man (paver-batch truck, etc.); Form setter (municipal type curb & sidewalk); Formsetter (pavement); Hydrant & valve setter; Joint filler (concrete pavement); Kettleman (bituminous or lead); Service connection maker (water or gas); Power buggy; Joint sawer; Squeegeman (bituminous brick or block); Stabilizing batcherman (stationary plant); Stonemason tender; Drill runner (heavy, incl. churn drill)	6.05	.35	.35	.40		
CLASS III CHAINSAW MAN; Concrete mixer (1 bag); Jackhammer man & paving buster; Mortar mixer; Pipe handler (water, gas, cast iron); Pipe derrickman (triped, manual)	6.10	.35	.35	.40		

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AP-640 P. 5

MINN-9-LAB-2-3- (2-2)

LABORERS CONTINUED:

	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OTHERS
CLASS VI						
BOTTOM MAN (sewer, water or gas trench, more than 8 ft. below starting level of manual work); Tunnel laborer (atmospheric pressure); Underground laborers; cofferdam work; Tunnel work; Underpinning work; Caisson work; Other work more than 8 ft. below starting level of manual work; Open ditch work	6.20	.35	.35	.40		
CLASS V						
BITUMINOUS TAMPER; Pipelayer (sewer, water, gas); Sand cushion & bed maker	6.25	.35	.35	.40		
CLASS VI						
CEMENT GUN (1½ in. & over); Leadman	6.30	.35	.35	.40		
CLASS VII						
NOZZLEMEN (gunite)	6.35	.35	.35	.40		
CLASS VIII						
BRICK OR BLOCK PAVING SETTER	6.38	.35	.35	.40		
CLASS IX						
BITUMINOUS RAKER, FLOATER & UTILITY MAN	6.40	.35	.35	.40		
CLASS X						
POWDERMAN; Tunnel man (air pressure); Tunnel miner	6.58	.35	.35	.40		
CLASS XI						
POWDERMAN	6.58	.35	.35	.40		

AP-640 P. 6

MINN-7M-PEO-2-3 A

POWER EQUIPMENT OPERATORS:

Site preparation, excavation and incidental paving

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.	Others
GROUP 1 Helicopter Pilot	$11.50	.25	.25			
GROUP 2 Crane with over 135' Boom, excluding jib, Dragline and/or other similar equipment w/shovel type controls 3 cu. yds. & over Mfg. rated capacity	8.21	.25	.25			
GROUP 3 Cableway Op., Concrete Mixer, Stationary Plant over 34E, Derrick, Dragline and/or other similar equipment with shovel type controls up to 3 cu. yds. Mfg. rated capacity, Dredge Operator or Engineer, Dredge Operator (power) & Engineer, Front End Loader Op., 5 cu. yds. & over, Grader or Motor Patrol, Finishing earthwork & bituminous, Locomotive Crane Operator, Master Mechanic, Mixer (Paving) Concrete Paving Op., Road Mole Op., incl. power supply, Mucking Mach., incl. mucking operations Conway or similar type, Refrigeration Plant Engineer, Tandem Scraper, Tractor Op. (Boom Type), Truck Crane Op., Tugboat Op. 100 HP & over	7.95	.25	.25			
GROUP 4 Dual Tractor Op., Elevating Grader Op., Pumpcrete Op., Scraper Op., Struck Capacity 32 cu. yd. & over, Self-Prop. Traveling Soil Stabilizer	7.83	.25	.25			
GROUP 5 Air Track Rock Drill, Asphalt Bituminous Stabilizer Plant Op., Crushing Plant Op., or Gravel Washing, Crushing and Screening Plant Op., Dope Machine Op., Drill Rigs, Heavey Rotary or Churn or Cable Drill, Engineer in Charge of Plant requiring First Class License, Fork Lift or Straddle Carrier Op., Fork Lift or Lumber Stacker, Front End Loader Op., over 1 cu. yds., Hoist Engineer, Hydraulic Tree Planter,						

AP-640 P. 7

MINN-7M-PEO-2-3

POWER EQUIPMENT OPERATORS: (CONT'D)

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.	Others
GROUP 5 (Cont'd) Launcherman, Locomotive, all types, Mechanic or Welder, Mutiple Machines, such as Air Compressors, Welding Machines, Generators, Pumps or Crane Oilers, Paving Breaker or Tamping Machine Op., (power driven) Mighty Mite or similar type, Pick-up Sweeper, 1 cu. yd. & over Hopper capacity, Pipeline Wrapping, Cleaning or Bending Machine Op., Power Plant Engineer, Power Actuated Horizontal Boring Mach. over 6" Op., Pugmill Op., Roller Op, 8 tons & over, Rubber Tired Farm Tractor, Backhoe Att., Sheep Foot Op., Tie Tamper & Ballast Mach. Op., Tractor Op., over D2, TD6 or similar H.P. with power take-off, Tractor Op., over 50 H.P. without power Take-Off, Trenching Machine Op., (sewer, water, gas) Turnapull Op., (or similar type) Well Point Installation, Dismantling or Repair Mechanic	$7.73	.25	.25			
GROUP 6 Air Compressor Op. 375 CFM or over, Bituminous Spreader and Bituminous Finishing Machine Op., Concrete Dist. and Spreader Op., Finishing Mach. Longitudinal Float Op., Joint Mach. Op., Spray Op., Concrete Mixer Op. 14S and under, Concrete Saw Op. (Mult. Blade), Curb Mach. Op., Fine Grade Op., Form Trench Digger, Front End Loader Op. (up to & Incl. 1 cu. yd.), Grader Op. (Motor Patrol), Gunite Op. Gunall, Lead Greaser on truck or rack, Loader Op., Power Actuated Augars and Boring Mach. Op., Power Actuated Jacks Op., Pump Op., Roller Op., Self-propelled Chip Spreader, Shouldering Mach. Op., Stump Chipper Op., Tractor Op. (D2, TD6 or similar H. P. with power take-off	7.05	.25	.25			
GROUP 7 Brakeman, Switchman, Conveyor Op., Deck hand, Fireman, Tank Car Heater Op., Gravel Screening Plant Op., Greaser, Leverman, Mech. Helper, Mech. Space Heater, Oiler, Self-Prop. Vib. Packer Op., Sheep foot roller, Tractor Op. 50 HP or less w/o Power takr-off, Truck Crane Oiler	6.75	.25	.25			

AP-640 P. 8

MINN-3-TD-2-3- d

Site preparation, excavation and incidental paving

TRUCK DRIVERS

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.	Others
GROUP I						
DRIVER (hauling machinery for employer's own use, incl. operation of hand & power ooperated einches); Truck train Mechanic; Welder; Tractor-trailer; Off-road truck	$6.80	.25	.25			
GROUP II						
TRI-AXLE (incl. four axles); Dump; Dry batch hauler; Tank truck (gas oil raod oil & water); Boom & A" frame; Ready mix concrete; Slurry driver	6.50	.25	.25			
GROUP III						
BITUMINOUS DISTRIBUTOR DRIVER: Bituminous distributor (one man operation); Tandem axle.	6.40	.25	.25			
GROUP IV						
BITUMINOUS DISTRIBUTOR SPRAY (rear-end oiler); Dumpman; Grease & truck service man; Tank truck helper (gas, oil road oil & water); Teamster & stableman; Tractor op. (wheel type used for any purpose)l Pilot car; Self-porpelled packer; Slurry op.; Single axle	6.20	.25	.25			

SUPERSEDEAS DECISION

STATE: Minnesota
DECISION NUMBER: AP-641
COUNTY: St. Louis (Duluth Only)
DATE: Date of Publication
Supersedes Decision No. AP-608 dated January 19, 1973 in 38 FR 2082
DESCRIPTION OF WORK: Building Construction (Excluding single family homes and garden type apartments up to and including 4 stories

69 MINN 1 X

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Othe
Asbestos Workers	$7.80	.15		.40		
Boilermakers	7.80	.30	.85		.02	
Boilermakers' Helpers	7.55	.30	.85		.02	
Bricklayers & Stonemasons	7.67	.25	.25	.50		
Carpenters & Piledrivermen	7.50	.25		.30		
Millwrights	7.72	.25		.30		
Cement masons	7.595	.25				
Electricians:						
Electrical contracts under $5,000.	7.50	4%	4%	11%	1.5%	
Electrical contracts $5,000. & over	8.00	4%	4%	11%	1.5%	
Elevator Constructors	6.84	.185	.20	2%+a		
Elevator Constructors' Helpers	70%JR	.185	.20	2%+a		
Elevator Constructors' Helpers, Prob.	50%JR					
Ironworkers	7.95	.25	.45	.10		
Lathers	7.75	.15				
Marble Setters	7.385	.445	.23	.56		
Painters:						
Brush	7.60	.25			.05	
Paperhangers, sandblasting, spray, structural steel, bridge, swing stage	7.85	.25			.05	
Plasterers	7.55	.15		.30		
Plumbers & Pipefitters	6.86	.25	.45	1.00	.05	
Roofers:						
Roofers	7.40	.25	.10	.50		
2nd Rooters	7.15	.25	.10	.50		
Kettlemen	6.95	.25	.10	.50		
Helpers	6.05	.25	.10	.50		
Sheet Metal Workers	7.59	.25	.20			
Soft Floor Layers	7.50	.25		.30		
Sprinkler Fitters	8.75	.30	.50		.02	

PAID HOLIDAYS: A-New Years Day B- Memorial Day C-Independance Day D- Labor Day E- Thanksgiving Day F-Christmas Day

FOOTNOTES: a. Employer contributes 4% basic hourly rate for over 5 years service and 2% basic hourly rate for 6 months to 5 years service as vacation pay credit
Six paid holidays: A through F

AP-641 P. 2 MINN-1-PEQ-1-F (1-1)

BUILDING CONSTRCUTION	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Othe
HELICOPTER OPERATORS (Hoisting material)	$11.40	.25	.25			
TRUCK & CRAWLER CRANES with 200' of boom & over inc. JIB	9.00	.25	.25			
TRUCK & CRAWLER CRANES with 150' of boom incl. JIB up to 200' of boom	8.65	.25	.25			
TRAVELING TOWER CRANE	8.55	.25	.25			
MASTER MECHANIC	8.45	.25	.25			
DERRICK (GUY & STIFF LEG); Hoist engineer (3 drums or more); Locomotive op., master mechanic; Overhead crane op. (inside building perimeter); Truck & crawler cranes up to 150" of boom incl. JIB	8.20	.25	.25			
AIR COMPRESSOR OPERATOR, Pump op. &/or Conveyor, 2 or more machines: Hoist engineer (2 drums); Mechanic or welder; Pumcrete or Complaco type machine op.	8.08	.25	.25			
FORK LIFT OPERATOR	8.08	.25	.25			
BOOM TRUCK OPERATOR; Concrete mixer op.; Drill rigs (heavy duty rotary or churn drill when used for caisson drilling or when drilling for elevator cylinder on building construction); Fron end loader op.; Hoist engineer (1 drum); Power plant engineer (100 KWH & over); Straddle carrier op.; Tractor op. (over D-2); Well point pump op.	8.00	.25	.25			
CONCRETE BATCH PLANT OPERATOR; Gunite op.; Tractor op (D-2 or similar size & front end loader operator up to ¾ cu. yd.)	7.73	.25	.25			
AIR COMPRESSOR OPERATOR, Pump &/or Conveyor op.; Fireman, Temporary heat; Brakeman; Pick up sweeper (combustion engine operated); Truck crane oiler	7.45	.25	.25			
MECHANIC SPACE HEATER (Temporary heat); Oiler or greaser	7.00	.25	.25			

AP-641 P. 3 MINN 27 LAB - a

Laborers: Building Construction	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Other
Class 1 Common laborer, Steel joist handler (erection), Power buggy operator, Carpenter tender, Earth dumpman, flagman	$6.00	.35	.35	.40		
Class 2 Reinforced Steel Handler	6.05	.35	.35	.40		
Class 3 Men handling cement 2 Hrs. per day (bulk or sack, excluding mortar mixer), Mason tender, Concrete joint saw Op., Demolition & wrecking laborer	6.10	.35	.35	.40		
Class 4 Hot tar caulker & corker, Labs. on swing stage line scaffold (excl. "Patent" scaffolding), Automatic tamper Op., Chipping hammer Op., Paving buster, Mortar mixer, Concrete vibrator Op., Sheeting setter & driver on Heavy Bldg. excavation, Jackhammer men	6.15	.35	.35	.40		
Class 5 Underground work	6.25	.35	.35	.40		
Class 6 Pipe layer	6.30	.35	.35	.40		
Class 7 Caisson work, Underpinning	6.35	.35	.35	.40		
Class 8 Nozzlemen	6.40	.35	.35	.40		
Class 9 Dynamite men, Power drillers for blasting Purposes	6.705	.35	.35	.40		

69-MINN-2-3 X

Site preparation, excavation and incidential paving	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Othe
CARPENTERS	$7.43	.25		.30		
PILEDRIVERMEN	7.43	.25		.30		
CEMENT MASONS	7.85	.15				

AP-641 P. 4 MINN-10-LAB-2-3d Area 2

Site preparation, excavation and incidential paving

LABORERS	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Othe
CLASS I UNSKILLED LABORERS; Laborers, wrecking and demolition; Bricklayer tender; Drill runner helper; Landscape gardener; Sod layer & nurseryman; Pipe handler (water, gas, cast iron); Salamander heater & blower tender; Carpenter tender; Stone mason tender	$6.08	.25	.15	.25		
CLASS II BITUMINOUS SHOVELER: Bottom man sewer water or gas trench); Cement handler (bulk or bag); Cement coverman (batch trucks); Chain saw man; Compaction equipment (hand operated); Concrete mixer op. (1 bag); Concrete shoveler, tamper & puddler (paving); Concrete vibrator; Conduit layers (w/o wiring); Dumper (wagon, Truck, etc.); Formsetter (municipal type curb & sidewalk) Formsetter (pavement); Jackhammer man & paving buster; Kettleman (bituminous or lead); Mortar mixer; Power buggy; Joint sawer; Tunnel laborer (atmospheric pressure	6.18	.25	.15	.25		
CLASS III BITUMINOUS TAMPER; Cofferdam work; Caisson work	6.33	.25	.15	.25		
CLASS IV DRILL RUNNER (heavy, including churn drill)	6.38	.25	.15	.25		
CLASS V BITUMINOUS RAKER, FLOATER & UTILITY MAN; Pipelayer (sewer, water, gas); Leadman	6.43	.25	.15	.25		
CLASS VI NOZZLEMAN (gunite)	6.48	.25	.15	.25		
CLASS VII POWDERMAN	6.58	.25	.15	.25		
CLASS VIII TUNNEL MINER	6.68	.25	.15	.25		

AP-641 P. 5 MINN-7M-PEO-2-3 A

POWER EQUIPMENT OPERATORS: Site preparation, excavation and incidential paving	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Other
GROUP 1						
Helicopter Pilot	$11.50	.25	.25			
GROUP 2						
Crane with over 135' Boom, excluding jib, Dragline and/or other similar equipment w/shovel type controls 3 cu. yds. & over Mfg. rated capacity	8.21	.25	.25			
GROUP 3						
Cableway Op., Concrete Mixer, Stationary Plant over 34E, Derrick, Dragline and/or other similar equipment with shovel type controls up to 3 cu. yds. Mfg. rated capacity, Dredge Operator or Engineer, Dredge Operator (power) & Engineer, Front End Loader Op., 5 cu. yds. & over, Grader or Motor Patrol, Finishing earthwork & bituminous, Locomotive Crane Operator, Master Mechanic, Mixer (Paving) Concrete Paving Op., Road Mole Op., incl. power supply, Mucking Mach., incl. mucking operations Conway or similar type, Refrigeration Plant Engineer, Tandem Scraper, Tractor Op. (Boom Type), Truck Crane Op., Tugboat Op. 100 HP & over	7.95	.25	.25			
GROUP 4						
Dual Tractor Op., Elevating Grader Op., Pumpcrete Op., Scraper Op., Struck Capacity 32 cu. yd. & over, Self-Prop. Traveling Soil Stabilizer	7.83	.25	.25			
GROUP 5						
Air Track Rock Drill, Asphalt Bituminous Stabilizer Plant Op., Crushing Plant Op., or Gravel Washing, Crushing and Screening Plant Op., Dope Machine Op., Drill Rigs, Heavey Rotary or Churn or Cable Drill, Engineer in Charge of Plant requiring First Class License, Fork Lift or Straddle Carrier Op., Fork Lift or Lumber Stacker, Front End Loader Op., over 1 cu. yds., Hoist Engineer, Hydraulic Tree Planter,						

AP-641 P. 6 MINN-7M-PEO-2-3

POWER EQUIPMENT OPERATORS: (CONT'D)	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Other
GROUP 5 (Cont'd)						
Launcherman, Locomotive, all types, Mechanic or Welder, Mutiple Machines, such as Air Compressors, Welding Machines, Generators, Pumps or Crane Oilers, Paving Breaker or Tamping Machine Op., (power driven) Mighty Mite or similar type, Pick-up Sweeper, 1 cu. yd. & over Hopper capacity, Pipe line Wrapping, Cleaning or Bending Machine Op., Power Plant Engineer, Power Actuated Horizontal Boring Mach., over 6" Op., Pugmill Op., Roller Op, 8 tons & over, Rubber Tired Farm Tractor, Backhoe Att., Sheep Foot Op., Tie Tamper & Ballast Mach. Op., Tractor Op., over D2, TD6 or similar H.P. with power take-off, Tractor Op., over 50 H.P. without power Take-Off, Trenching Machine Op., (sewer, water, gas) Turnapull Op., (or similar type) Well Point Installation, Dismantling or Repair Mechanic	$7.73	.25	.25			
GROUP 6						
Air Compressor Op. 375 CFM or over, Bituminous Spreader and Bituminous Finishing Machine Op., Concrete Dist. and Spreader Op., Finishing Mach. Longitudinal Float Op., Joint Mach. Op., Spray Op., Concrete Mixer Op. 14S and under, Concrete Saw Op. (Mult. Blade), Curb Mach. Op., Fine Grade Op., Form Trench Digger, Front End Loader Op. (up to & Incl. 1 cu. yd.), Grader Op. (Motor Patrol), Gunite Op. Gunall, Lead Greaser on truck or rack, Loader Op., Power Actuated Augars and Boring Mach. Op., Power Actuated Jacks Op., Pump Op., Roller Op., Self-propelled Chip Spreader, Shouldering Mach. Op., Stump Chipper Op., Tractor Op. (D2, TD6 or similar H. P. with power take-off	7.05	.25	.25			
GROUP 7						
Brakeman, Switchman, Conveyor Op., Deck hand, Fireman, Tank Car Heater Op., Gravel Screening Plant Op., Greaser, Leverman, Mech. Helper, Mech. Space Heater, Oiler, Self-Prop. Vib. Packer Op., Sheep foot roller, Tractor Op. 50 HP or less w/o Power takr-off, Truck Crane Oiler	6.75	.25	.25			

Site preparation, excavation and incidential paving

AP-641 P. 7 MINN-3-TD-2-3- d

TRUCK DRIVERS	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Others
GROUP I						
DRIVER (hauling machinery for employer's own use, incl. operation of hand & power ooperated einches); Truck train Mechanic; Welder; Tractor-trailer; Off-road truck	$6.80	.25	.25			
GROUP II						
TRI-AXLE (incl. four axles); Dump; Dry batch hauler; Tank truck (gas oil raod oil & water); Boom & A" frame; Ready mix concrete; Slurry driver	6.50	.25	.25			
GROUP III						
BITUMINOUS DISTRIBUTOR DRIVER: Bituminous distributor (one man operation); Tandem axle.	6.40	.25	.25			
GROUP IV						
BITUMINOUS DISTRIBUTOR SPRAY (rear-end oiler); Dumpman; Grease & truck service man; Tank truck helper (gas, oil road oil & water); Teamster & stableman; Tractor op. (wheel type used for any purpose)l Pilot car; Self-porpelled packer; Slurry op.; Single axle	6.20	.25	.25			

38 FR 6554 MAR 9 1973 XUM

SUPERSEDEAS DECISION

STATE: Minnesota

COUNTIES: Anoka, Carver, Dakota, Hennepin, Ramsey, Scott, & Washington

DECISION NUMBER: AP-642

DATE: Date of Publication

Supersedes Decision No. AP-609 dated January 19, 1973 in 38 FR 2085

DESCRIPTION OF WORK: Heavy and Highway Construction

2-10-19-27-62-70-82-MINN-2-3 L

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
CARPENTERS & PILEDRIVERMEN	$7.36	.40	.20	.50	.02	
CEMENT MASONS	7.88	.30	.25			
ELECTRICIANS: (Carver, Hennepin, Scott & Twps. of Anoka & Fridley in Anoka County)						
Electrician, Lineman, Equip. Op.	8.00	5.5%	4%	10%	1%	
Groundman 1st 6 months	6.48	5.5%	4%	10%	1%	
Groundman thereafter	6.60	5.5%	4%	10%	1%	
ELECTRICIANS:(Remainder of area)						
Electrician, Lineman, Equip. Op.	8.00	5%	2.5%	11.5%	1.5%	
Cable splicers, Technicians	8.40	5%	2.5%	11.5%	1.5%	
Groundman	5.25	5%	2.5%	11.5%	1.5%	
IRONWORKERS	7.85	.45	.45		.02	
PAINTERS: (Anoka,Carver, Hennepin and Scott Counties)						
Brush	7.60	.35	.25		.04	
Structural Steel	8.10	.35	.25		.04	
PAINTERS: (Dakota, Ramsey and Washington Counties)						
Brush	7.68	.35	.15		.06	
Structural Steel	8.18	.35	.15		.06	

AP-642 P. 2

MINN-9-LAB-2-3- E Area 1 (1-2)

	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
LABORERS:						
CLASS I						
UNSKILLED LABORERS; Drill runner helper; Landscape gardener; Sod layer & nurseryman; Powder monkey; Rainforced steel laborer; Reinforced steel setter (pavement); Salamander heater & blower tender; Carpenter tender; Winch handler (manual)	$5.95	.35	.35	.40		
CLASS II						
LABORER, WRECKING & DEMOLITION; Bituminous batcherman (stationary plant); Bituminous shoveler; Blacksmith helper; Bottom man (sewer, water or gas trench); Bricklayer tender; Cement handler (bulk or bag); Cement coverman (batch trucks); Compaction equipment (hand operated); Concrete shoveler, tamper & puddler (paving); Concrete vibrator; Concrete batcherman (proportioning plant); Concrete longitudinal floatmen (manual bull float on paving); Conduit layers (w/o wiring); Chipping hammer; Curb setter (stone or precast concrete); Dumper (wagon, truck, etc.); Dump man; Dump man (paver-batch truck, etc.); Form setter (municipal type curb & sidewalk); Formsetter (pavement);Hydrant & valve setter; Joint filler (concrete pavement); Kettleman (bituminous or lead); Service connection maker (water or gas); Power buggy; Joint sawer; Squeegeman (bituminous brick or block); Stabilizing batcherman (stationary plant); Stonemason tender; Drill runner (heavy, incl. churn drill)	6.05	.35	.35	.40		
CLASS III						
CHAINSAW MAN; Concrete mixer (1 bag); Jackhammer man & paving buster; Mortar mixer; Pipe handler (water, gas, cast iron); Pipe derrickman (triped, manual)	6.10	.35	.35	.40		

NOTICES

AP-642 P. 3

MINN-9-LAB-2-3- (2-2)

LABORERS CONTINUED:	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
CLASS VI						
BOTTOM MAN (sewer, water or gas trench, more than 8 ft. below starting level of manual work); Tunnel laborer (atmospheric pressure); Underground laborers; cofferdam work; Tunnel work; Underpinning work; Caisson work; Other work more than 8 ft. below starting level of manual work; Open ditch work	6.20	.35	.35	.40		
CLASS V						
BITUMINOUS TAMPER; Pipelayer (sewer, water, gas); Sand cushion & bed maker	6.25	.35	.35	.40		
CLASS VI						
CEMENT GUN (1½ in. & over); Leadman	6.30	.35	.35	.40		
CLASS VII						
NOZZLEMEN (gunite)	6.35	.35	.35	.40		
CLASS VIII						
BRICK OR BLOCK PAVING SETTER	6.38	.35	.35	.40		
CLASS IX						
BITUMINOUS RAKER, FLOATER & UTILITY MAN	6.40	.35	.35	.40		
CLASS X						
POWDERMAN; Tunnel man (air pressure) Tunnel miner	6.58	.35	.35	.40		
CLASS XI						
POWDERMAN	6.58	.35	.35	.40		

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MINN-7M-PEO-2-3 A

POWER EQUIPMENT OPERATORS: HEAVY AND HIGHWAY	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Other
GROUP 1						
Helicopter Pilot	$11.50	.25	.25			
GROUP 2						
Crane with over 135' Boom, excluding jib, Dragline and/or other similar equipment w/shovel type controls 3 cu. yds. & over Mfg. rated capacity	8.21	.25	.25			
GROUP 3						
Cableway Op., Concrete Mixer, Stationary Plant over 34E, Derrick, Dragline and/or other similar equipment with shovel type controls up to 3 cu. yds. Mfg. rated capacity, Dredge Operator or Engineer, Dredge Operator (power) & Engineer, Front End Loader Op., 5 cu. yds. & over, Grader or Motor Patrol, Finishing earthwork & bituminous, Locomotive Crane Operator, Master Mechanic, Mixer (Paving) Concrete Paving Op., Road Mole Op., incl. power supply, Mucking Mach., incl. mucking operations Conway or similar type, Refrigeration Plant Engineer, Tandem Scraper, Tractor Op. (Boom Type), Truck Crane Op., Tugboat Op. 100 HP & over	7.95	.25	.25			
GROUP 4						
Dual Tractor Op., Elevating Grader Op., Pumpcrete Op., Scraper Op., Struck Capacity 32 cu. yd. & over, Self-Prop. Traveling Soil Stabilizer	7.83	.25	.25			
GROUP 5						
Air Track Rock Drill, Asphalt Bituminous Stabilizer Plant Op., Crushing Plant Op., or Gravel Washing, Crushing and Screening Plant Op., Dope Machine Op., Drill Rigs, Heavey Rotary or Churn or Cable Drill, Engineer in Charge of Plant requiring First Class License, Fork Lift or Straddle Carrier Op., Fork Lift or Lumber Stacker, Front End Loader Op., over 1 cu. yds., Hoist Engineer, Hydraulic Tree Planter,						

NOTICES

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POWER EQUIPMENT OPERATORS: (CONT'D)	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Other
GROUP 5 (Cont'd)						
Launcherman, Locomotive, all types, Mechanic or Welder, Mutiple Machines, such as Air Compressors, Welding Machines, Generators, Pumps or Crane Oilers, Paving Breaker or Tamping Machine Op., (power driven) Mighty Mite or similar type, Pick-up Sweeper, 1 cu. yd. & over Hopper capacity, Pipe line Wrapping, Cleaning or Bending Machine Op., Power Plant Engineer, Power Actuated Horizontal Boring Mach., over 6" Op., Pugmill Op., Roller Op, 8 tons & over, Rubber Tired Farm Tractor, Backhoe Att., Sheep Foot Op., Tie Tamper & Ballast Mach. Op., Tractor Op., over D2, TD6 or similar H.P. with power take-off, Tractor Op., over 50 H.P. without power Take-Off, Trenching Machine Op., (sewer, water, gas) Turna-pull Op., (or similar type) Well Point Installation, Dismantling or Repair Mechanic	$7.73	.25	.25			
GROUP 6						
Air Compressor Op. 375 CFM or over, Bituminous Spreader and Bituminous Finishing Machine Op., Concrete Dist. and Spreader Op., Finishing Mach. Longitudinal Float Op., Joint Mach. Op., Spray Op., Concrete Mixer Op. 14S and under, Concrete Saw Op. (Hult. Blade), Curb Mach. Op., Fine Grade Op., Form Trench Digger, Front End Loader Op. (up to & Incl. 1 cu. yd.), Grader Op. (Motor Patrol), Gunite Op. Gunall, Lead Greaser on truck or rack, Loader Op., Power Actuated Augars and Boring Mach. Op., Power Actuated Jacks Op., Pump Op., Roller Op., Self-propelled Chip Spreader, Shouldering Mach. Op., Stump Chipper Op., Tractor Op. (D2, TD6 or similar H. P. with power take-off	7.05	.25	.25			
GROUP 7						
Brakeman, Switchman, Conveyor Op., Deck hand, Fireman, Tank Car Heater Op., Gravel Screening Plant Op., Greaser, Leverman, Mech. Helper, Mech. Space Heater, Oiler, Self-Prop. Vib. Packer Op., Sheep foot roller, Tractor Op. 50 HP or less w/o Power takr-off, Truck Crane Oiler	6.75	.25	.25			

TRUCK DRIVERS	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Others
GROUP I						
DRIVER (hauling machinery for employer's own use, incl. operation of hand & power ooperated einches); Truck train Mechanic; Welder; Tractor-trailer; Off-road truck	$6.80	.25	.25			
GROUP II						
TRI-AXLE (incl. four axles); Dump; Dry batch hauler; Tank truck (gas oil raod oil & water); Boom & A" frame; Ready mix concrete; Slurry driver	6.50	.25	.25			
GROUP III						
BITUMINOUS DISTRIBUTOR DRIVER: Bituminous distributor (one man operation); Tandem axle.	6.40	.25	.25			
GROUP IV						
BITUMINOUS DISTRIBUTOR SPRAY (rear-end oiler); Dumpman; Grease & truck service man; Tank truck helper (gas, oil road oil & water); Teamster & stableman; Tractor op. (wheel type used for any purpose)1 Pilot car; Self-porpelled packer; Slurry op.; Single axle	6.20	.25	.25			

SUPERSEDEAS DECISION

STATE: Minnesota — COUNTIES: Cook, Lake & St. Louis
DECISION NUMBER: AP-643 — DATE: Date of Publication
Supersedes Decision No. AP-610 dated January 19. 1973 in 38 FR 2088
DESCRIPTION OF WORK: Heavy & Highway Construction

16-38-69-MINN-2-3 I

	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Others
CARPENTERS & PILEDRIVERMEN	$7.43	.25		.30		
CEMENT MASONS	7.85	.15	.25			
ELECTRICIANS (N. ½ of St. Louis Co.)						
Electricians	8.00	4%	3%	11%	1.5%	
Cable splicer	8.55	4%	3%	11%	1.5%	
Lineman	8.00	4%	3%	11%	1.5%	
Groundman	7.10	4%	3%	11%	1.5%	
ELECTRICIANS (Remainder of Area)						
Electrical Contracts $5,000. & over	7.70	4%	4%	11%	1.5%	
Electrical Contracts under $5,000.	7.20	4%	4%	11%	1.5%	
IRONWORKERS	7.95	.25	.45	.10		
PAINTERS: (Portion of St. Louis Co. including the cities of Bear River, Bengal, Buhl, Chisholm, Green Corner, Creaney, Hibbing, Kelly Lake, Riley, Sherwood, Side Lake, Silica, and Toivola)						
Brush	5.50					
Structural Steel	6.60					
PAINTERS: Remainder of Area						
Brush	7.60	.25			.05	
Structural Steel	7.85	.25			.05	

LABORERS	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Other
CLASS I						
UNSKILLED LABORERS; Laborers, wrecking and demolition; Bricklayer tender; Drill runner helper; Landscape gardener; Sod layer & nurseryman; Pipe handler (water, gas, cast iron); Salamander heater & blower tender; Carpenter tender; Stone mason tender	$6.08	.25	.15	.25		
CLASS II						
BITUMINOUS SHOVELER: Bottom man sewer water or gas trench); Cement handler (bulk or bag); Cement coverman (batch trucks); Chain saw man; Compaction equipment (hand operated); Concrete mixer op. (1 bag); Concrete shoveler, tamper & puddler (paving); Concrete vibrator; Conduit layers (w/o wiring); Dumper (wagon, Truck, etc.); Formsetter (municipal type curb & sidewalk) Formsetter (pavement); Jackhammer man & paving buster; Kettleman (bituminous or lead); Mortar mixer; Power buggy; Joint sawer; Tunnel laborer (atmospheric pressure	6.18	.25	.15	.25		
CLASS III						
BITUMINOUS TAMPER; Cofferdam work; Caisson work	6.33	.25	.15	.25		
CLASS IV						
DRILL RUNNER (heavy, including churn drill)	6.38	.25	.15	.25		
CLASS V						
BITUMINOUS RAKER, FLOATER & UTILITY MAN; Pipelayer (sewer, water, gas); Leadman	6.43	.25	.15	.25		
CLASS VI						
NOZZLEMAN (gunite)	6.48	.25	.15	.25		
CLASS VII						
POWDERMAN	6.58	.25	.15	.25		
CLASS VIII						
TUNNEL MINER	6.68	.25	.15	.25		

AP-643 P. 3

MINN-7M-PEO-2-3 A

POWER EQUIPMENT OPERATORS: HEAVY AND HIGHWAY	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Other
GROUP 1						
Helicopter Pilot	$11.50	.25	.25			
GROUP 2						
Crane with over 135' Boom, excluding jib, Dragline and/or other similar equipment w/shovel type controls 3 cu. yds. & over Mfg. rated capacity	8.21	.25	.25			
GROUP 3						
Cableway Op., Concrete Mixer, Stationary Plant over 34E, Derrick, Dragline and/or other similar equipment with shovel type controls up to 3 cu. yds. Mfg. rated capacity, Dredge Operator or Engineer, Dredge Operator (power) & Engineer, Front End Loader Op., 5 cu. yds. & over, Grader or Motor Patrol, Finishing earthwork & bituminous, Locomotive Crane Operator, Master Mechanic, Mixer (Paving) Concrete Paving Op., Road Mole Op., incl. power supply, Mucking Mach., incl. mucking operations Conway or similar type, Refrigeration Plant Engineer, Tandem Scraper, Tractor Op. (Boom Type), Truck Crane Op., Tugboat Op. 100 HP & over	7.95	.25	.25			
GROUP 4						
Dual Tractor Op., Elevating Grader Op., Pumpcrete Op., Scraper Op., Struck Capacity 32 cu. yd. & over, Self-Prop. Traveling Soil Stabilizer	7.83	.25	.25			
GROUP 5						
Air Track Rock Drill, Asphalt Bituminous Stabilizer Plant Op., Crushing Plant Op., or Gravel Washing, Crushing and Screening Plant Op., Dope Machine Op., Drill Rigs, Heavey Rotary or Churn or Cable Drill, Engineer in Charge of Plant requiring First Class License, Fork Lift or Straddle Carrier Op., Fork Lift or Lumber Stacker, Front End Loader Op., over 1 cu. yds., Hoist Engineer, Hydraulic Tree Planter,						

AP-643 P. 4

MINN-7M-PEO-2-3

POWER EQUIPMENT OPERATORS: (CONT'D)	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Other
GROUP 5 (Cont'd)						
Launcherman, Locomotive, all types, Mechanic or Welder, Mutiple Machines, such as Air Compressors, Welding Machines, Generators, Pumps or Crane Oilers, Paving Breaker or Tamping Machine Op., (power driven) Mighty Mite or similar type, Pick-up Sweeper, 1 cu. yd. & over Hopper capacity, Pipe line Wrapping, Cleaning or Bending Machine Op., Power Plant Engineer, Power Actuated Horizontal Boring Mach., over 6" Op., Pugmill Op., Roller Op, 8 tons & over, Rubber Tired Farm Tractor, Backhoe Att., Sheep Foot Op., Tie Tamper & Ballast Mach. Op., Tractor Op., over D2, TD6 or similar H.P. with power take-off, Tractor Op., over 50 H.P. without power Take-Off, Trenching Machine Op., (sewer, water, gas) Turnapull Op., (or similar type) Well Point Installation, Dismantling or Repair Mechanic	$7.73	.25	.25			
GROUP 6						
Air Compressor Op. 375 CFM or over, Bituminous Spreader and Bituminous Finishing Machine Op., Concrete Dist. and Spreader Op., Finishing Mach. Longitudinal Float Op., Joint Mach. Op., Spray Op., Concrete Mixer Op. 14S and under, Concrete Saw Op. (Mult. Blade), Curb Mach. Op., Fine Grade Op., Form Trench Digger, Front End Loader Op. (up to & Incl. 1 cu. yd.), Grader Op. (Motor Patrol), Gunite Op. Gunall, Lead Greaser on truck or rack, Loader Op., Power Actuated Augers and Boring Mach. Op., Power Actuated Jacks Op., Pump Op., Roller Op., Self-propelled Chip Spreader, Shouldering Mach. Op., Stump Chipper Op., Tractor Op. (D2, TD6 or similar H. P. with power take-off	7.05	.25	.25			
GROUP 7						
Brakeman, Switchman, Conveyor Op., Deck hand, Fireman, Tank Car Heater Op., Gravel Screening Plant Op., Greaser, Leverman, Mech. Helper, Mech. Space Heater, Oiler, Self-Prop. Vib. Packer Op., Sheep foot roller, Tractor Op. 50 HP or less w/o Power takr-off, Truck Crane Oiler	6.75	.25	.25			

AP-643 P. 5

MINN-3-TD-2-3- d

TRUCK DRIVERS	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Others
GROUP I						
DRIVER (hauling machinery for employer's own use, incl. operation of hand & power ooperated einches); Truck train Mechanic; Welder; Tractor-trailer; Off-road truck	$6.80	.25	.25			
GROUP II						
TRI-AXLE (incl. four axles); Dump; Dry batch hauler; Tank truck (gas oil raod oil & water); Boom & A" frame; Ready mix concrete; Slurry driver	6.50	.25	.25			
GROUP III						
BITUMINOUS DISTRIBUTOR DRIVER: Bituminous distributor (one man operation); Tandem axle.	6.40	.25	.25			
GROUP IV						
BITUMINOUS DISTRIBUTOR SPRAY (rear-end oiler); Dumpman; Grease & truck service man; Tank truck helper (gas, oil road oil & water); Teamster & stableman; Tractor op. (wheel type used for any purpose)1 Pilot car; Self-porpelled packer; Slurry op.; Single axle	6.20	.25	.25			

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SUPERSEDEAS DECISION

STATE: Minnesota
COUNTY: Anoka
DECISION NUMBER: AP-644
DATE: Date of Publication
Supersedes Decision No. AP-611 dated January 19, 1973 in 38 FR 2091
DESCRIPTION OF WORK: Residential construction consisting of single family homes and garden type apartments up to and including four stories.

2-MINN-1-A

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Other
Asbestos Workers	7.37	.36	.35		.02	
Boilermakers	7.80	.30	.85		.02	
Boilermakers' Helpers	7.55	.30	.85		.02	
Bricklayers & Stonemasons	7.61	.455	.23	.56		
Carpenters, Millwrights, Piledrivermen	7.36	.40	.20	.50	.02	
Cement masons	7.88	.30	.25			
Electricians, Twps of Anoka & Fridley	8.00	5.5%	4%	10%	1%	
Electricians, Remainder of County	8.00	5%	2.5%	11.5%	1.5%	
Elevator Constructors	7.23	.17	.185	2%+a		
Elevator Constructors' Helpers	70%JR	.17	.185	2%+a		
Elevator Constructors' Helpers, Prob.	50%JR					
Glaziers	7.70	.15	.10	.13		
Ironworkers, All types	7.85	.45	.45		.02	
Lathers	7.60	.20			.01	
Marble setters	7.385	.445	.23	.56		
Painters: Brush	7.60	.35	.25		.04	
Structural steel & Spray	8.10	.35	.25		.04	
Plasterers	7.39	.31	.20		.01	
Plumbers	7.28	.38	.35	1.25	.02	
Roofers	7.49	.39	.25			
Sheet Metal Workers	8.73	.32	.40		.04	
Soft Floor Layers	7.65b	c		d		
Sprinkler Fitters	8.64	.30	.50		.02	
Tile Setters	7.64	.37	.50			
Truck Drivers	6.30	.25	.25			
Welders-Receive rate prescribed for craft performing operation to which welding is incidential.						

PAID HOLIDAYS: A-New years Day B-Memorial Day C-Independance Day D-Labor Day E-Thanksgiving Day F-Christmas Day.

FOOTNOTES:
a. Employer contributes 4% of basic hourly rate for over 5 Yrs. service and 2 basic hourly rate for 6 Mos. to 5 Yrs. service as vacation pay credit. Six paid holidays A through F.
b. Out-of-town employers will pay $8.40 per hour with no fringe benefits.
c. Employer shall contribute $25.00 per Mo. for each employee into the Health & Welfare Fund.
d. Employees with at least 1,700 hours service during the current year & one years service, one week vacation with pay; three years service, two weeks vacation with pay; fifteen years, three weeks with pay.

AP-644 P. 2

MINN-1-FEO-1-F (1-1)

BUILDING CONSTRCUTION	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Other
HELICOPTER OPERATORS (Hoisting material)	$11.40	.25	.25			
TRUCK & CRAWLER CRANES with 200' of boom & over inc. JIB	9.00	.25	.25			
TRUCK & CRAWLER CRANES with 150' of boom incl. JIB up to 200' of boom	8.65	.25	.25			
TRAVELING TOWER CRANE	8.55	.25	.25			
MASTER MECHANIC	8.45	.25	.25			
DERRICK (GUY & STIFF LEG); Hoist engineer (3 drums or more); Locomotive op., master mechanic; Overhead crane op. (inside building perimeter); Truck & crawler cranes up to 150" of boom incl. JIB	8.20	.25	.25			
AIR COMPRESSOR OPERATOR, Pump op. &/or Conveyor, 2 or more machines: Hoist engineer (2 drums); Mechanic or welder; Pumpcrete or Concolaco type machine op.	8.08	.25	.25			
FORK LIFT OPERATOR	8.08	.25	.25			
BOOM TRUCK OPERATOR; Concrete mixer op.; Drill rigs (heavy duty rotary or churn drill when used for caisson drilling or when drilling for elevator cylinder on building construction); Fron end loader op.; Hoist engineer (1 drum); Power plant engineer (100 KWH & over); Straddle carrier op.; Tractor op. (over D-2); Well point pump op.	8.00	.25	.25			
CONCRETE BATCH PLANT OPERATOR; Gunite op.; Tractor op (D-2 or similar size & front end loader operator up to ¾ cu. yd.)	7.73	.25	.25			
AIR COMPRESSOR OPERATOR, Pump &/or Conveyor op.; Fireman, Temporary heat; Brakeman; Pick up sweeper (combustion engine operated); Truck crane oiler	7.45	.25	.25			
MECHANIC SPACE HEATER (Temporary heat); Oiler or greaser	7.00	.25	.25			

AP-644 P. 3

MINN 27 LAB - a

Laborers: Building Construction	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Other
Class 1 Common laborer, Steel joist handler (erection), Power buggy operator, Carpenter tender, Earth dumpman, flagman	$6.00	.35	.35	.40		
Class 2 Reinforced Steel Handler	6.05	.35	.35	.40		
Class 3 Men handling cement 2 Hrs. per day (bulk or sack, excluding mortar mixer), Mason tender, Concrete joint saw Op., Demolition & wrecking laborer	6.10	.35	.35	.40		
Class 4 Hot tar caulker & corker, Labs. on swing stage line scaffold (excl. "Patent" scaffolding), Automatic tamper Op., Chipping hammer Op., Paving buster, Mortar mixer, Concrete vibrator Op., Sheeting setter & driver on Heavy Bldg. excavation, Jackhammer men	6.15	.35	.35	.40		
Class 5 Underground work	6.25	.35	.35	.40		
Class 6 Pipe layer	6.30	.35	.35	.40		
Class 7 Caisson work, Underpinning	6.35	.35	.35	.40		
Class 8 Nozzlemen	6.40	.35	.35	.40		
Class 9 Dynamite men, Power drillers for blasting Purposes	6.705	.35	.35	.40		

2-MINN-2-3 U

Site preparation, excavation and incidential paving	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Other
CARPENTERS	$7.36	.40	.20	.50	.02	
PILEDRIVERMEN	7.36	.40	.20	.50	.02	
CEMENT MASONS	7.88	.30	.25			

AP-644 P. 4

MINN-9-LAB-2-3. E Area 1 (1-2)

Site preparation, excavation and incidential paving	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHER
LABORERS: CLASS I UNSKILLED LABORERS; Drill runner helper; Landscape gardener; Sod layer & nurseryman; Powder monkey; Reinforced steel laborer; Reinforced steel setter (pavement); Salamander heater & blower tender; Carpenter tender; Winch handler (manual)	$5.95	.35	.35	.40		
CLASS II LABORER, WRECKING & DEMOLITION; Bituminous batcherman (stationary plant); Bituminous shoveler; Blacksmith helper; Bottom man (sewer, water or gas trench); Bricklayer tender; Cement handler (bulk or bag); Cement coverman (batch trucks); Compaction equipment (hand operated); Concrete shoveler, tamper & puddler (paving); Concrete vibrator; Concrete batcherman (proportioning plant); Concrete longitudinal floatmen (manual bull float on paving); Conduit layers (w/o wiring); Chipping hammer; Curb setter (stone or precast concrete); Dumper (wagon, truck, etc.); Dump man; Dump man (paver-batch truck, etc.); Form setter (municipal type curb & sidewalk); Formsetter (pavement); Hydrant & valve setter; Joint filler (concrete pavement); Kettleman (bituminous or lead); Service connection maker (water or gas); Power buggy; Joint sawer; Squeegeman (bituminous brick or block); Stabilizing batcherman (stationary plant); Stonemason tender; Drill runner (heavy, incl. churn drill)	6.05	.35	.35	.40		
CLASS III CHAINSAW MAN; Concrete mixer (1 bag); Jackhammer man & paving buster; Mortar mixer; Pipe handler (water, gas, cast iron); Pipe derrickman (triped, manual)	6.10	.35	.35	.40		

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AP-644 P. 5
MINN-9-LAB-2-3- (2-2)

LABORERS CONTINUED:	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OTHER
CLASS VI						
BOTTOM MAN (sewer, water or gas trench, more than 8 ft. below starting level of manual work); Tunnel laborer (atmospheric pressure); Underground laborers; cofferdam work; Tunnel work; Underpinning work; Caisson work; Other work more than 8 ft. below starting level of manual work; Open ditch work	6.20	.35	.35	.40		
CLASS V						
BITUMINOUS TAMPER; Pipelayer (sewer, water, gas); Sand cushion & bed maker	6.25	.35	.35	.40		
CLASS VI						
CEMENT GUN (1½ in. & over); Leadman	6.30	.35	.35	.40		
CLASS VII						
NOZZLEMEN (gunite)	6.35	.35	.35	.40		
CLASS VIII						
BRICK OR BLOCK PAVING SETTER	6.38	.35	.35	.40		
CLASS IX						
BITUMINOUS RAKER, FLOATER & UTILITY MAN	6.40	.35	.35	.40		
CLASS X						
POWDERMAN; Tunnel man (air pressure) Tunnel miner	6.58	.35	.35	.40		
CLASS XI						
POWDERMAN	6.58	.35	.35	.40		

Site preparation, excavation and incidential paving

AP-644 P. 6
MINN-7M-PEO-2-3 A

POWER EQUIPMENT OPERATORS:	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.	Other
GROUP 1						
Helicopter Pilot	$11.50	.25	.25			
GROUP 2						
Crane with over 135' Boom, excluding jib, Dragline and/or other similar equipment w/shovel type controls 3 cu. yds. & over Mfg. rated capacity	8.21	.25	.25			
GROUP 3						
Cableway Op., Concrete Mixer, Stationary Plant over 34E, Derrick, Dragline and/or other similar equipment with shovel type controls up to 3 cu. yds. Mfg. rated capacity, Dredge Operator or Engineer, Dredge Operator (power) & Engineer, Front End Loader Op., 5 cu. yds. & over, Grader or Motor Patrol, Finishing earthwork & bituminous, Locomotive Crane Operator, Master Mechanic, Mixer (Paving) Concrete Paving Op., Road Mole Op., incl. power supply, Mucking Mach., incl. mucking operations Conway or similar type, Refrigeration Plant Engineer, Tandem Scraper, Tractor Op. (Boom Type), Truck Crane Op., Tugboat Op. 100 HP & over	7.95	.25	.25			
GROUP 4						
Dual Tractor Op., Elevating Grader Op., Pumpcrete Op., Scraper Op., Struck Capacity 32 cu. yd. & over, Self-Prop. Traveling Soil Stabilizer	7.83	.25	.25			
GROUP 5						
Air Track Rock Drill, Asphalt Bituminous Stabilizer Plant Op., Crushing Plant Op., or Gravel Washing, Crushing and Screening Plant Op., Dope Machine Op., Drill Rigs, Heavey Rotary or Churn or Cable Drill, Engineer in Charge of Plant requiring First Class License, Fork Lift or Straddle Carrier Op., Fork Lift or Lumber Stacker, Front End Loader Op., over 1 cu. yds., Hoist Engineer, Hydraulic Tree Planter,						

AP-644 P. 7
MINN-7M-PEO-2-3

POWER EQUIPMENT OPERATORS: (CONT'D)	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.	Other
GROUP 5 (Cont'd)						
Launcherman, Locomotive, all types, Mechanic or Welder, Mutiple Machines, such as Air Compressors, Welding Machines, Generators, Pumps or Crane Oilers, Paving Breaker or Tamping Machine Op., (power driven) Mighty Mite or similar type, Pick-up Sweeper, 1 cu. yd. & over Hopper capacity, Pipeline Wrapping, Cleaning or Bending Machine Op., Power Plant Engineer, Power Actuated Horizontal Boring Mach., over 6" Op., Pugmill Op., Roller Op, 8 tons & over, Rubber Tired Farm Tractor, Backhoe Att., Sheep Foot Op., Tie Tamper & Ballast Mach. Op., Tractor Op., over D2, TD6 or similar H.P. with power take-off, Tractor Op., over 50 H.P. without power Take-Off, Trenching Machine Op., (sewer, water, gas) Turnapull Op., (or similar type) Well Point Installation, Dismantling or Repair Mechanic	$7.73	.25	.25			
GROUP 6						
Air Compressor Op. 375 CFM or over, Bituminous Spreader and Bituminous Finishing Machine Op., Concrete Dist. and Spreader Op., Finishing Mach. Longitudinal Float Op., Joint Mach. Op., Spray Op., Concrete Mixer Op. 14S and under, Concrete Saw Op. (Mult. Blade), Curb Mach. Op., Fine Grade Op., Form Trench Digger, Front End Loader Op. (up to & Incl. 1 cu. yd.), Grader Op. (Motor Patrol), Gunite Op. Gunall, Lead Greaser on truck or rack, Loader Op., Power Actuated Augars and Boring Mach. Op., Power Actuated Jacks Op., Pump Op., Roller Op., Self-propelled Chip Spreader, Shouldering Mach. Op., Stump Chipper Op., Tractor Op. (D2, TD6 or similar H. P. with power take-off	7.05	.25	.25			
GROUP 7						
Brakeman, Switchman, Conveyor Op., Deck hand, Fireman, Tank Car Heater Op., Gravel Screening Plant Op., Greaser, Leverman, Mech. Helper, Mech. Space Heater, Oiler, Self-Prop. Vib. Packer Op., Sheep foot roller, Tractor Op. 50 HP or less w/o Power takr-off, Truck Crane Oiler	6.75	.25	.25			

Site preparation, excavation and incidential paving
TRUCK DRIVERS

AP-644 P. 8
MINN-3-TD-2-3- d

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.	Other
GROUP I						
DRIVER (hauling machinery for employer's own use, incl. operation of hand & power ooperated einches); Truck train Mechanic; Welder; Tractor-trailer; Off-road truck	$6.80	.25	.25			
GROUP II						
TRI-AXLE (incl. four axles); Dump; Dry batch hauler; Tank truck (gas oil raod oil & water); Boom & A" frame; Ready mix concrete; Slurry driver	6.50	.25	.25			
GROUP III						
BITUMINOUS DISTRIBUTOR DRIVER: Bituminous distributor (one man operation); Tandem axle.	6.40	.25	.25			
GROUP IV						
BITUMINOUS DISTRIBUTOR SPRAY (rear-end oiler); Dumpman; Grease & truck service man; Tank truck helper (gas, oil road oil & water); Teamster & stableman; Tractor op. (wheel type used for any purpose)1 Pilot car; Self-porpelled packer; Slurry op.; Single axle	6.20	.25	.25			

SUPERSEDEAS DECISION

STATE: Minnesota
DECISION NUMBER: AP-645
COUNTIES: Carver & Hennepin
DATE: Date of Publication
Supersedes Decision No. AP-612 dated January 19, 1973 in 38 FR 2095
DESCRIPTION OF WORK: Residential construction consisting of single family homes and garden type apartments up to and including four stories.

27-MINN-1 U

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Other
Asbestos Workers	$7.37	.36	.35		.02	
Boilermakers	7.80	.30	.85		.02	
Boilermakers' Helper	7.55	.30	.85		.02	
Bricklayers & Stonemasons	7.61	.455	.23	.56		
Carpenters:						
Scott Co. S/W of Bell Plaine	7.65	.20			.02	
Remainder of Area	7.36	.40	.20	.50	.02	
Millwrights & Piledrivermen	7.36	.40	.20	.50	.02	
Cement Masons	7.88	.30	.25			
Electricians & Line Construction:						
Electricians & Linemen	8.00	5.5%	4%	10%	1%	
Equipment Operator	8.00	5.5%	4%	10%	1%	
Groundman	6.60	5.5%	4%	10%	1%	
Elevator Constructors	7.23	.17	.185	2%+a		
Elevator Constructors' Helpers	70%JR	.17	.185	2%+a		
Elevator Constructors' Helpers (Prob.)	50%JR					
Glaziers	7.70	.15	.10	.13		
Ironworkers, All types	7.85	.45	.45		.02	
Lathers	7.60	.20			.01	
Marble Setters	7.385	.445	.23	.56		
Painters:						
Brush	7.60	.35	.25		.04	
Spray, Structural Steel, Swing stage	8.10	.35	.25		.04	
Plumbers, pipefitters & steamfitters	7.28	.38	.35	1.25	.02	
Plasterers	7.39	.31	.20		.01	
Roofers	7.49	.39	.25			
Sheet Metal Workers	8.83	.32	.30			
Soft Floor Layers	7.65b	c		d		
Sprinkler Fitters	8.64	.30	.50		.02	
Tile Setters	7.64	.37	.50			
Truck Drivers	6.30	.25	.25			
Welders-receive rate for craft performing operation to which welding is incidential.						

PAID HOLIDAYS: A-New Years Day B-Memorial Day C-Independence Day D-Labor Day E-Thanksgiving Day F-Christmas Day

FOOTNOTES: a. Employer contributes 4% basis hourly rate for over 5 Yrs. service, 2% basi hourly rate for from 6 Mos. to 5 Yrs. service as vacation pay credit. Six Paid Holidays A through F
b. Out-of-town contractors pay the rate of $8.40 with no fringe benefits.
c. Employer shall contribute $25.00 per No. for each employee to H & W fund.
d. Employee with at least 1,700 hours service during the current year and 1 year's service - 1 week vacation with pay; 3 years service - 2 weeks vacation with pay; 15 years service - 3 weeks vacation with pay

AP-645 P. 2

MINN-1-PEO-1-F (1-1)

BUILDING CONSTRCUTION	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Other
HELICOPTER OPERATORS (Hoisting material)	$11.40	.25	.25			
TRUCK & CRAWLER CRANES with 200' of boom & over inc. JIB	9.00	.25	.25			
TRUCK & CRAWLER CRANES with 150' of boom incl. JIB up to 200' of boom	8.65	.25	.25			
TRAVELING TOWER CRANE	8.55	.25	.25			
MASTER MECHANIC	8.45	.25	.25			
DERRICK (GUY & STIFF LEG); Hoist engineer (3 drums or more); Locomotive op., master mechanic; Overhead crane op. (inside building perimeter); Truck & crawler cranes up to 150" of boom incl. JIB	8.20	.25	.25			
AIR COMPRESSOR OPERATOR, Pump op. &/or Conveyor, 2 or more machines: Hoist engineer (2 drums); Mechanic or welder; Pumpcrete or Complaco type machine op.	8.08	.25	.25			
FORK LIFT OPERATOR	8.08	.25	.25			
BOOM TRUCK OPERATOR; Concrete mixer op.; Drill rigs (heavy duty rotary or churn drill when used for caisson drilling or when drilling for elevator cylinder on building construction); Fron end loader op.; Hoist engineer (1 drum); Power plant engineer (100 KWH & over); Straddle carrier op.; Tractor op. (over D-2); Well point pump op.	8.00	.25	.25			
CONCRETE BATCH PLANT OPERATOR; Gunite op.; Tractor op (D-2 or similar size & front end loader operator up to ¾ cu. yd.)	7.73	.25	.25			
AIR COMPRESSOR OPERATOR, Pump &/or Conveyor op.; Fireman, Temporary heat; Brakeman; Pick up sweeper (combustion engine operated); Truck crane oiler	7.45	.25	.25			
MECHANIC SPACE HEATER (Temporary heat); Oiler or greaser	7.00	.25	.25			

AP-645 P. 3

MINN 27 LAB - a

Laborers: Building Construction	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Oth
Class 1 Common laborer, Steel joist handler (erection), Power buggy operator, Carpenter tender, Earth dumpman, flagman	$6.00	.35	.35	.40		
Class 2 Reinforced Steel Handler	6.05	.35	.35	.40		
Class 3 Men handling cement 2 Hrs. per day (bulk or sack, excluding mortar mixer), Mason tender, Concrete joint saw Op., Demolition & wrecking laborer	6.10	.35	.35	.40		
Class 4 Hot tar caulker & corker, Labs. on swing stage line scaffold (excl. "Patent" scaffolding), Automatic tamper Op., Chipping hammer Op., Paving buster, Mortar mixer, Concrete vibrator Op., Sheeting setter & driver on Heavy Bldg. excavation, Jackhammer men	6.15	.35	.35	.40		
Class 5 Underground work	6.25	.35	.35	.40		
Class 6 Pipe layer	6.30	.35	.35	.40		
Class 7 Caisson work, Underpinning	6.35	.35	.35	.40		
Class 8 Nozzlemen	6.40	.35	.35	.40		
Class 9 Dynamite men, Power drillers for blasting Purposes	6.705	.35	.35	.40		

27-MINN-2-3 U

Site preparation, excavation and incidential paving	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Other
CARPENTERS	$7.36	.40	.20	.50	.02	
PILEDRIVERMEN	7.36	.40	.20	.50	.02	
CEMENT MASONS	7.88	.30	.25			

AP-645 P. 4

MINN-9-LAB-2-3- E Area 1 (1-2)

Site preparation, excavation and incidential paving	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHER
LABORERS: CLASS I UNSKILLED LABORERS; Drill runner helper; Landscape gardener; Sod layer & nurseryman; Powder monkey; Reinforced steel laborer; Reinforced steel setter (pavement); Salamander heater & blower tender; Carpenter tender; Winch handler (manual)	$5.95	.35	.35	.40		
CLASS II LABORER, WRECKING & DEMOLITION; Bituminous batcherman (stationary plant); Bituminous shoveler; Blacksmith helper; Bottom man (sewer, water or gas trench); Bricklayer tender; Cement handler (bulk or bag); Cement coverman (batch trucks); Compaction equipment (hand operated); Concrete shoveler, tamper & puddler (paving); Concrete vibrator; Concrete batcherman (proportioning plant); Concrete longitudinal floatmen (manual bull float on paving); Conduit layers (w/o wiring); Chipping hammer; Curb setter (stone or precast concrete); Dumper (wagon, truck, etc.); Dump man; Dump man (paver-batch truck, etc.); Form setter (municipal type curb & sidewalk); Formsetter (pavement); Hydrant & valve setter; Joint filler (concrete pavement); Kettleman (bituminous or lead); Service connection maker (water or gas); Power buggy; Joint sawer; Squeegeman (bituminous brick or block); Stabilizing batcherman (stationary plant); Stonemason tender; Drill runner (heavy, incl. churn drill)	6.05	.35	.35	.40		
CLASS III CHAINSAW MAN; Concrete mixer (1 bag); Jackhammer man & paving buster; Mortar mixer; Pipe handler (water, gas, cast iron); Pipe derrickman (triped, manual)	6.10	.35	.35	.40		

AP-645 P. 5

MINN-9-LAB-2-3- (2-2)

LABORERS CONTINUED:	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP TR.	OTHERS
CLASS VI						
BOTTOM MAN (sewer, water or gas trench, more than 8 ft. below starting level of manual work); Tunnel laborer (atmospheric pressure); Underground laborers; cofferdam work; Tunnel work; Underpinning work; Caisson work; Other work more than 8 ft. below starting level of manual work; Open ditch work	6.20	.35	.35	.40		
CLASS V						
BITUMINOUS TAMPER; Pipelayer (sewer, water, gas); Sand cushion & bed maker	6.25	.35	.35	.40		
CLASS VI						
CEMENT GUN (1½ in. & over); Leadman	6.30	.35	.35	.40		
CLASS VII						
NOZZLEMEN (gunite)	6.35	.35	.35	.40		
CLASS VIII						
BRICK OR BLOCK PAVING SETTER	6.38	.35	.35	.40		
CLASS IX						
BITUMINOUS RAKER, FLOATER & UTILITY MAN	6.40	.35	.35	.40		
CLASS X						
POWDERMAN; Tunnel man (air pressure) Tunnel miner	6.58	.35	.35	.40		
CLASS XI						
POWDERMAN	6.58	.35	.35	.40		

AP-645 P. 6

MINN-7M-PEO-2-3 A

POWER EQUIPMENT OPERATORS: Site preparation, excavation and incidential paving	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.	Other
GROUP 1						
Helicopter Pilot	$11.50	.25	.25			
GROUP 2						
Crane with over 135' Boom, excluding jib, Dragline and/or other similar equipment w/shovel type controls 3 cu. yds. & over Mfg. rated capacity	8.21	.25	.25			
GROUP 3						
Cableway Op., Concrete Mixer, Stationary Plant over 34E, Derrick, Dragline and/or other similar equipment with shovel type controls up to 3 cu. yds. Mfg. rated capacity, Dredge Operator or Engineer, Dredge Operator (power) & Engineer, Front End Loader Op., 5 cu. yds. & over, Grader or Motor Patrol, Finishing earthwork & bituminous, Locomotive Crane Operator, Master Mechanic, Mixer (Paving) Concrete Paving Op., Road Mole Op., incl. power supply, Mucking Mach., incl. mucking operations Conway or similar type, Refrigeration Plant Engineer, Tandem Scraper, Tractor Op. (Boom Type), Truck Crane Op., Tugboat Op. 100 HP & over	7.95	.25	.25			
GROUP 4						
Dual Tractor Op., Elevating Grader Op., Pumpcrete Op., Scraper Op., Struck Capacity 32 cu. yd. & over, Self-Prop. Traveling Soil Stabilizer	7.83	.25	.25			
GROUP 5						
Air Track Rock Drill, Asphalt Bituminous Stabilizer Plant Op., Crushing Plant Op., or Gravel Washing, Crushing and Screening Plant Op., Dope Machine Op., Drill Rigs, Heavey Rotary or Churn or Cable Drill, Engineer in Charge of Plant requiring First Class License, Fork Lift or Straddle Carrier Op., Fork Lift or Lumber Stacker, Front End Loader Op., over 1 cu. yds., Hoist Engineer, Hydraulic Tree Planter,						

AP-645 P. 7

MINN-7M-PEO-2-3

POWER EQUIPMENT OPERATORS: (CONT'D)	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.	Other
GROUP 5 (Cont'd)						
Launcherman, Locomotive, all types, Mechanic or Welder, Mutiple Machines, such as Air Compressors, Welding Machines, Generators, Pumps or Crane Oilers, Paving Breaker or Tamping Machine Op., (power driven) Mighty Mite or similar type, Pick-up Sweeper, 1 cu. yd. & over Hopper capacity, Pipeline Wrapping, Cleaning or Bending Machine Op., Power Plant Engineer, Power Actuated Horizontal Boring Mach., over 6" Op., Pugmill Op., Roller Op, 8 tons & over, Rubber Tired Farm Tractor, Backhoe Att., Sheep Foot Op., Tie Tamper & Ballast Mach. Op., Tractor Op., over D2, TD6 or similar H.P. with power take-off, Tractor Op., over 50 H.P. without power Take-Off, Trenching Machine Op., (sewer, water, gas) Turnapull Op., (or similar type) Well Point Installation, Dismantling or Repair Mechanic	$7.73	.25	.25			
GROUP 6						
Air Compressor Op. 375 CFM or over, Bituminous Spreader and Bituminous Finishing Machine Op., Concrete Dist. and Spreader Op., Finishing Mach. Longitudinal Float Op., Joint Mach. Op., Spray Op., Concrete Mixer Op. 14S and under, Concrete Saw Op. (Mult. Blade), Curb Mach. Op., Fine Grade Op., Form Trench Digger, Front End Loader Op. (up to & Incl. 1 cu. yd.), Grader Op. (Motor Patrol), Gunite Op. Gunall, Lead Greaser on truck or rack, Loader Op., Power Actuated Augars and Boring Mach. Op., Power Actuated Jacks Op., Pump Op., Roller Op., Self-propelled Chip Spreader, Shouldering Mach. Op., Stump Chipper Op., Tractor Op. (D2, TD6 or similar H. P. with power take-off	7.05	.25	.25			
GROUP 7						
Brakeman, Switchman, Conveyor Op., Deck hand, Fireman, Tank Car Heater Op., Gravel Screening Plant Op., Greaser, Leverman, Mech. Helper, Mech. Space Heater, Oiler, Self-Prop. Vib. Packer Op., Sheep foot roller, Tractor Op. 50 HP or less w/o Power takr-off, Truck Crane Oiler	6.75	.25	.25			

AP-645 P. 8

MINN-3-TD-2-3- d

Site preparation, excavation and incidential paving TRUCK DRIVERS	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.	Other
GROUP I						
DRIVER (hauling machinery for employer's own use, incl. operation of hand & power ooperated cinches); Truck train Mechanic; Welder; Tractor-trailer; Off-road truck	$6.80	.25	.25			
GROUP II						
TRI-AXLE (incl. four axles); Dump; Dry batch hauler; Tank truck (gas oil raod oil & water); Boom & A" frame; Ready mix concrete; Slurry driver	6.50	.25	.25			
GROUP III						
BITUMINOUS DISTRIBUTOR DRIVER: Bituminous distributor (one man operation); Tandem axle.	6.40	.25	.25			
GROUP IV						
BITUMINOUS DISTRIBUTOR SPRAY (rear-end oiler); Dumpman; Grease & truck service man; Tank truck helper (gas, oil road oil & water); Teamster & stableman; Tractor op. (wheel type used for any purpose)1 Pilot car; Self-porpelled packer; Slurry op.; Single axle	6.20	.25	.25			

MAR 9 1973 38:46 FR XUM

SUPERSEDEAS DECISION

STATE: Minnesota
DECISION NUMBER: AP-646
Supersedes Decision No. AP-613 dated January 19, 1973 in 38 FR 2099
COUNTIES: Dakota & Ramsey
DATE: Date of Publication
DESCRIPTION OF WORK: Residential construction consisting of single family homes and garden type apartments up to and including four stories.

62-MINN-1-W

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Other
Asbestos Workers	$7.37	.36	.35		.02	
Boilermakers	7.80	.30	.85		.02	
Boilermakers' Helpers	7.55	.30	.85		.02	
Bricklayers & Stonemasons	7.61	.455	.23	.56		
Carpenters, Millwrights & Piledrivermen	7.36	.40	.20	.50	.02	
Cement masons	7.88	.30	.25			
Electricians & Line Construction:						
Electricians, linemen & Equip. Op.	8.00	5%	2.5%	11.5%	1.5%	
Cable splicer & Technician	8.40	5%	2.5%	11.5%	1.5%	
Groundman	5.25	5%	2.5%	11.5%	1.5%	
Elevator Constructors	7.23	.17	.185	2%+a		
Elevator Constructors' Helpers	70%JR	.17	.185	2%+a		
Elevator Constructors' Helpers, Prob.	50%JR					
Glaziers	7.70	.15	.10	.13		
Ironworkers, All types	7.85	.45	.45		.02	
Lathers	7.66	.25	.25	.50	.01	
Marble Setters	7.385	.445	.23	.56		
Painters:						
Brush, Paperhanger	7.68	.35	.15		.06	
Spray, Structural Steel, Swing stage	8.18	.35	.15		.06	
Plumbers & Steamfitters	7.42	.38	.35	1.14	.05	
Roofers	7.49	.39	.25			
Sheet Metal Workers	8.73	.32	.40		.04	
Soft Floor Layers	7.65b	a		d		
Sprinkler Fitters	8.64	.30	.50		.02	
Tile Setters	7.64	.37	.50			
Truck Drivers	6.30	.25	.25			
Riggers & Welders: receive rate prescribed for craft performing operation to which rigging or welding is incidential.						

PAID HOLIDAYS: A. New Years Day; B. Memorial Day; C. Independence Day; D. Labor Day; E. Thanksgiving Day; F. Christmas Day.

FOOTNOTES:

a. Employer contributes 4% basic hourly rate for over 5 years service, 2% basic hourly rate for 6 months to 5 years as vacation pay credit. Six paid holidays A through F.

b. Out-of-town contractors will pay the rate of $8.40 per hour with no fringe benefit payments.

c. Employer will contribute $25.00 per month for each employee into the Health & Welfare Fund.

d. Employees with at least 1,700 hours service during the current year & 1 year's service - 1 week vacation with pay; 3 years' service - 2 weeks vacation with pay; 15 years' service - 3 weeks with pay.

AP-646 P. 2

MINN-1-PEO-1-F (1-1)

BUILDING CONSTRCUTION	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Other
HELICOPTER OPERATORS (Hoisting material)	$11.40	.25	.25			
TRUCK & CRAWLER CRANES with 200' of boom & over inc. JIB	9.00	.25	.25			
TRUCK & CRAWLER CRANES with 150' of boom incl. JIB up to 200' of boom	8.65	.25	.25			
TRAVELING TOWER CRANE	8.55	.25	.25			
MASTER MECHANIC	8.45	.25	.25			
DERRICK (GUY & STIFF LEG); Hoist engineer (3 drums or more); Locomotive op., master mechanic; Overhead crane op. (inside building perimeter); Truck & crawler cranes up to 150" of boom incl. JIB	8.20	.25	.25			
AIR COMPRESSOR OPERATOR, Pump op. &/or Conveyor, 2 or more machines: Hoist engineer (2 drums); Mechanic or welder; Pumpcrete or Complaco type machine op.	8.08	.25	.25			
FORK LIFT OPERATOR	8.08	.25	.25			
BOOM TRUCK OPERATOR; Concrete mixer op.; Drill rigs (heavy duty rotary or churn drill when used for caisson drilling or when drilling for elevator cylinder on building construction); Fron end loader op.; Hoist engineer (1 drum); Power plant engineer (100 KWH & over); Straddle carrier op.; Tractor op. (over D-2); Well point pump op.	8.00	.25	.25			
CONCRETE BATCH PLANT OPERATOR; Gunite op.; Tractor op (D-2 or similar size & front end loader operator up to ¾ cu. yd.)	7.73	.25	.25			
AIR COMPRESSOR OPERATOR, Pump &/or Conveyor op.; Fireman, Temporary heat; Brakeman; Pick up sweeper (combustion engine operated); Truck crane oiler	7.45	.25	.25			
MECHANIC SPACE HEATER (Temporary heat); Oiler or greaser	7.00	.25	.25			

AP-646 P. 3

MINN 27 LAB - a

Laborers:

Building Construction

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Other
Class 1 Common laborer, Steel joist handler (erection), Power buggy operator, Carpenter tender, Earth dumpman, flagman	$6.00	.35	.35	.40		
Class 2 Reinforced Steel Handler	6.05	.35	.35	.40		
Class 3 Men handling cement 2 Hrs. per day (bulk or sack, excluding mortar mixer), Mason tender, Concrete joint saw Op., Demolition & wrecking laborer	6.10	.35	.35	.40		
Class 4 Hot tar caulker & corker, Labs. on swing stage line scaffold (excl. "Patent" scaffolding), Automatic tamper Op., Chipping hammer Op., Paving buster, Mortar mixer, Concrete vibrator Op., Sheeting setter & driver on Heavy Bldg. excavation, Jackhammer men	6.15	.35	.35	.40		
Class 5 Underground work	6.25	.35	.35	.40		
Class 6 Pipe layer	6.30	.35	.35	.40		
Class 7 Caisson work, Underpinning	6.35	.35	.35	.40		
Class 8 Nozzlemen	6.40	.35	.35	.40		
Class 9 Dynamite men, Power drillers for blasting Purposes	6.705	.35	.35	.40		

62-MINN-2-3 W

Site preparation, excavation and incidential paving

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Other
CARPENTERS	$7.36	.40	.20	.50	.02	
PILEDRIVERMEN	7.36	.40	.20	.50	.02	
CEMENT MASONS	7.88	.30	.25			

AP-646 P. 4

Site preparation, excavation and incidential paving

MINN-9-LAB-2-3. E Area 1 (1-2)

LABORERS:	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHER
CLASS I UNSKILLED LABORERS; Drill runner helper; Landscape gardener; Sod layer & nurseryman; Powder monkey; Reinforced steel laborer; Reinforced steel setter (pavement); Salamander heater & blower tender; Carpenter tender; Winch handler (manual)	$5.95	.35	.35	.40		
CLASS II LABORER, WRECKING & DEMOLITION; Bituminous batcherman (stationary plant); Bituminous shoveler; Blacksmith helper; Bottom man (sewer, water or gas trench); Bricklayer tender; Cement handler (bulk or bag); Cement coverman (batch trucks); Compaction equipment (hand operated); Concrete shoveler, tamper & puddler (paving); Concrete vibrator; Concrete batcherman (proportioning plant); Concrete longitudinal floatmen (manual bull float on paving); Conduit layers (w/o wiring); Chipping hammer; Curb setter (stone or precast concrete); Dumper (wagon, truck, etc.); Dump man; Dump man (paver-batch truck, etc.); Form setter (municipal type curb & sidewalk); Formsetter (pavement); Hydrant & valve setter; Joint filler (concrete pavement); Kettleman (bituminous or lead); Service connection maker (water or gas); Power buggy; Joint sawer; Squeegeman (bituminous brick or block); Stabilizing batcherman (stationary plant); Stonemason tender; Drill runner (heavy, incl. churn drill)	6.05	.35	.35	.40		
CLASS III CHAINSAW MAN; Concrete mixer (1 bag); Jackhammer man & paving buster; Mortar mixer; Pipe handler (water, gas, cast iron); Pipe derrickman (triped, manual)	6.10	.35	.35	.40		

Site preparation, excavation and incidential paving

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MINN-9-LAB-2-3-
(2-2)

LABORERS CONTINUED:	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP TR	OTHERS
CLASS VI						
BOTTOM MAN (sewer, water or gas trench, more than 8 ft. below starting level of manual work); Tunnel laborer (atmospheric pressure); Underground laborers; cofferdam work; Tunnel work; Underpinning work; Caisson work; Other work more than 8 ft. below starting level of manual work; Open ditch work	6.20	.35	.35	.40		
CLASS V						
BITUMINOUS TAMPER; Pipelayer (sewer, water, gas); Sand cushion & bed maker	6.25	.35	.35	.40		
CLASS VI						
CEMENT GUN (1½ in. & over); Leadman	6.30	.35	.35	.40		
CLASS VII						
NOZZLEMEN (gunite)	6.35	.35	.35	.40		
CLASS VIII						
BRICK OR BLOCK PAVING SETTER	6.38	.35	.35	.40		
CLASS IX						
BITUMINOUS RAKER, FLOATER & UTILITY MAN	6.40	.35	.35	.40		
CLASS X						
POWDERMAN; Tunnel man (air pressure) Tunnel miner	6.58	.35	.35	.40		
CLASS XI						
POWDERMAN	6.58	.35	.35	.40		

Site preparation, excavation and incidential paving

AP-646 P. 6
MINN-7M-PEO-2-3 A

POWER EQUIPMENT OPERATORS:	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.	Other
GROUP 1						
Helicopter Pilot	$11.50	.25	.25			
GROUP 2						
Crane with over 135' Boom, excluding jib, Dragline and/or other similar equipment w/shovel type controls 3 cu. yds. & over Mfg. rated capacity	8.21	.25	.25			
GROUP 3						
Cableway Op., Concrete Mixer, Stationary Plant over 34E, Derrick, Dragline and/or other similar equipment with shovel type controls up to 3 cu. yds. Mfg. rated capacity, Dredge Operator or Engineer, Dredge Operator (power) & Engineer, Front End Loader Op., 5 cu. yds. & over, Grader or Motor Patrol, Finishing earthwork & bituminous, Locomotive Crane Operator, Master Mechanic, Mixer (Paving) Concrete Paving Op., Road Mole Op., incl. power supply, Mucking Mach., incl. mucking operations Conway or similar type, Refrigeration Plant Engineer, Tandem Scraper, Tractor Op. (Boom Type), Truck Crane Op., Tugboat Op. 100 HP & over	7.95	.25	.25			
GROUP 4						
Dual Tractor Op., Elevating Grader Op., Pumpcrete Op., Scraper Op., Struck Capacity 32 cu. yd. & over, Self-Prop. Traveling Soil Stabilizer	7.83	.25	.25			
GROUP 5						
Air Track Rock Drill, Asphalt Bituminous Stabilizer Plant Op., Crushing Plant Op., or Gravel Washing, Crushing and Screening Plant Op., Dope Machine Op., Drill Rigs, Heavey Rotary or Churn or Cable Drill, Engineer in Charge of Plant requiring First Class License, Fork Lift or Straddle Carrier Op., Fork Lift or Lumber Stacker, Front End Loader Op., over 1 cu. yds., Hoist Engineer, Hydraulic Tree Planter,						

AP-646 P. 7
MINN-7M-PEO-2-3

POWER EQUIPMENT OPERATORS: (CONT'D)	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.	Other
GROUP 5 (Cont'd)						
Launcherman, Locomotive, all types, Mechanic or Welder, Mutiple Machines, such as Air Compressors, Welding Machines, Generators, Pumps or Crane Oilers, Paving Breaker or Tamping Machine Op., (power driven) Mighty Mite or similar type, Pick-up Sweeper, 1 cu. yd. & over Hopper capacity, Pipeline Wrapping, Cleaning or Bending Machine Op., Power Plant Engineer, Power Actuated Horizontal Boring Mach. over 6" Op., Pugmill Op., Roller Op, 8 tons & over, Rubber Tired Farm Tractor, Backhoe Att., Sheep Foot Op., Tie Tamper & Ballast Mach. Op., Tractor Op., over D2, TD6 or similar H.P. with power take-off, Tractor Op., over 50 H.P. without power Take-Off, Trenching Machine Op., (sewer, water, gas) Turnapull Op., (or similar type) Well Point Installation, Dismantling or Repair Mechanic	$7.73	.25	.25			
GROUP 6						
Air Compressor Op. 375 CFM or over, Bituminous Spreader and Bituminous Finishing Machine Op., Concrete Dist. and Spreader Op., Finishing Mach. Longitudinal Float Op., Joint Mach. Op., Spray Op., Concrete Mixer Op. 14S and under, Concrete Saw Op. (Mult. Blade), Curb Mach. Op., Fine Grade Op., Form Trench Digger, Front End Loader Op. (up to & Incl. 1 cu. yd.), Grader Op. (Motor Patrol), Gunite Op. Gunall, Lead Greaser on truck or rack, Loader Op., Power Actuated Augars and Boring Mach. Op., Power Actuated Jacks Op., Pump Op., Roller Op., Self-propelled Chip Spreader, Shouldering Mach. Op., Stump Chipper Op., Tractor Op. (D2, TD6 or similar H. P. with power take-off	7.05	.25	.25			
GROUP 7						
Brakeman, Switchman, Conveyor Op., Deck hand, Fireman, Tank Car Heater Op., Gravel Screening Plant Op., Greaser, Leverman, Mech. Helper, Mech. Space Heater, Oiler, Self-Prop. Vib. Packer Op., Sheep foot roller, Tractor Op. 50 HP or less w/o Power takr-off, Truck Crane Oiler	6.75	.25	.25			

Site preparation, excavation and incidential paving

AP-646 P. 8
MINN-3-TD-2-3- d

TRUCK DRIVERS	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.	Others
GROUP I						
DRIVER (hauling machinery for employer's own use, incl. operation of hand & power ooperated einches); Truck train Mechanic; Welder; Tractor-trailer; Off-road truck	$6.80	.25	.25			
GROUP II						
TRI-AXLE (incl. four axles); Dump; Dry batch hauler; Tank truck (gas oil raod oil & water); Boom & A" frame; Ready mix concrete; Slurry driver	6.50	.25	.25			
GROUP III						
BITUMINOUS DISTRIBUTOR DRIVER: Bituminous distributor (one man operation); Tandem axle.	6.40	.25	.25			
GROUP IV						
BITUMINOUS DISTRIBUTOR SPRAY (rear-end oiler); Dumpman; Grease & truck service man; Tank truck helper (gas, oil road oil & water); Teamster & stableman; Tractor op. (wheel type used for any purpose)1 Pilot car; Self-porpelled packer; Slurry op.; Single axle	6.20	.25	.25			

XUM 37 9 RAM 94:83 V

SUPERSEDEAS DECISION

STATE: Minnesota
COUNTY: St. Louis (Duluth Only)
DECISION NUMBER: AP-647
DATE: Date of Publication
Supersedes Decision No. AP-614 dated January 19, 1973, in 38 FR 2103
DESCRIPTION OF WORK: Residential construction consisting of single family homes and garden type apartments up to and including four stories.

69 MINN 1 X

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Other
Asbestos Workers	$7.80	.15		.40		
Boilermakers	7.80	.30	.85		.02	
Boilermakers' Helpers	7.55	.30	.85		.02	
Bricklayers & Stonemasons	7.67	.25	.25	.50		
Carpenters & Piledrivermen	7.50	.25		.30		
Millwrights	7.72	.25		.30		
Cement masons	7.595	.25				
Electricians:						
Electrical contracts under $5,000.	7.50	4%	4%	11%	1.5%	
Electrical contracts $5,000. & over	8.00	4%	4%	11%	1.5%	
Elevator Constructors	6.84	.185	.20	2%+a		
Elevator Constructors' Helpers	70%JR	.185	.20	2%+a		
Elevator Constructors' Helpers, Prob.	50%JR					
Ironworkers	7.95	.25	.45	.10		
Lathers	7.75	.15				
Marble Setters	7.385	.445	.23	.56		
Painters:						
Brush	7.60	.25			.05	
Paperhangers, sandblasting, spray, structural steel, bridge, swing stage	7.85	.25			.05	
Plasterers	7.55	.15		.30		
Plumbers & Pipefitters	6.86	.25	.45	1.00	.05	
Roofers:						
Roofers	7.40	.25	.10	.50		
2nd Roofers	7.15	.25	.10	.50		
Kettlemen	6.95	.25	.10	.50		
Helpers	6.05	.25	.10	.50		
Sheet Metal Workers	7.59	.25	.20			
Soft Floor Layers	7.50	.25		.30		
Sprinkler Fitters	8.75	.30	.50		.02	

PAID HOLIDAYS: A-New Years Day B- Memorial Day C-Independance Day D- Labor Day E- Thanksgiving Day F-Christmas Day

FOOTNOTES: a. Employer contributes 4% basic hourly rate for over 5 years service and 2% basic hourly rate for 6 months to 5 years service as vacation pay credit
Six paid holidays: A through F

AP-647 P. 2

MINN-1-PEQ-1-F (1-1)

BUILDING CONSTRCUTION	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Other
HELICOPTER OPERATORS (Hoisting material)	$11.40	.25	.25			
TRUCK & CRAWLER CRANES with 200' of boom & over inc. JIB	9.00	.25	.25			
TRUCK & CRAWLER CRANES with 150' of boom incl. JIB up to 200' of boom	8.65	.25	.25			
TRAVELING TOWER CRANE	8.55	.25	.25			
MASTER MECHANIC	8.45	.25	.25			
DERRICK (GUY & STIFF LEG); Hoist engineer (3 drums or more); Locomotive op., master mechanic; Overhead crane op. (inside building perimeter); Truck & crawler cranes up to 150" of boom incl. JIB	8.20	.25	.25			
AIR COMPRESSOR OPERATOR, Pump op. &/or Conveyor, 2 or more machines: Hoist engineer (2 drums); Mechanic or welder; Pumpcrete or Complaco type machine op.	8.08	.25	.25			
FORK LIFT OPERATOR	8.08	.25	.25			
BOOM TRUCK OPERATOR; Concrete mixer op.; Drill rigs (heavy duty rotary or churn drill when used for caisson drilling or when drilling for elevator cylinder on building construction); Fron end loader op.; Hoist engineer (1 drum); Power plant engineer (100 KWH & over); Straddle carrier op.; Tractor op. (over D-2); Well point pump op.	8.00	.25	.25			
CONCRETE BATCH PLANT OPERATOR; Gunite op.; Tractor op (D-2 or similar size & front end loader operator up to ½ cu. yd.)	7.73	.25	.25			
AIR COMPRESSOR OPERATOR, Pump &/or Conveyor op.; Fireman, Temporary heat; Brakeman; Pick up sweeper (combustion engine operated); Truck crane oiler	7.45	.25	.25			
MECHANIC SPACE HEATER (Temporary heat); Oiler or greaser	7.00	.25	.25			

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MINN 27 LAB - a

Laborers: Building Construction	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Other
Class 1 Common laborer, Steel joist handler (erection), Power buggy operator, Carpenter tender, Earth dumpman, flagman	$6.00	.35	.35	.40		
Class 2 Reinforced Steel Handler	6.05	.35	.35	.40		
Class 3 Men handling cement 2 Hrs. per day (bulk or sack, excluding mortar mixer), Mason tender, Concrete joint saw Op., Demolition & wrecking laborer	6.10	.35	.35	.40		
Class 4 Hot tar caulker & corker, Labs. on swing stage line scaffold (excl. "Patent" scaffolding), Automatic tamper Op., Chipping hammer Op., Paving buster, Mortar mixer, Concrete vibrator Op., Sheeting setter & driver on Heavy Bldg. excavation, Jackhammer men	6.15	.35	.35	.40		
Class 5 Underground work	6.25	.35	.35	.40		
Class 6 Pipe layer	6.30	.35	.35	.40		
Class 7 Caisson work, Underpinning	6.35	.35	.35	.40		
Class 8 Nozzlemen	6.40	.35	.35	.40		
Class 9 Dynamite men, Power drillers for blasting Purposes	6.705	.35	.35	.40		

69-MINN-2-3 X

Site preparation, excavation and incidential paving	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Other
CARPENTERS	$7.43	.25		.30		
PILEDRIVERMEN	7.43	.25		.30		
CEMENT MASONS	7.85	.15				

AP-647 P. 4

MINN-10-LAB-2-3-d Area 2

Site preparation, excavation and incidential paving	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Other
LABORERS						
CLASS I UNSKILLED LABORERS; Laborers, wrecking and demolition; Bricklayer tender; Drill runner helper; Landscape gardener; Sod layer & nurseryman; Pipe handler (water, gas, cast iron); Salamander heater & blower tender; Carpenter tender; Stone mason tender	$6.08	.25	.15	.25		
CLASS II BITUMINOUS SHOVELER: Bottom man sewer water or gas trench); Cement handler (bulk or bag); Cement coverman (batch trucks); Chain saw man; Compaction equipment (hand operated); Concrete mixer op. (1 bag); Concrete shoveler, tamper & puddler (paving); Concrete vibrator; Conduit layers (w/o wiring); Dumper (wagon, Truck, etc.); Formsetter (municipal type curb & sidewalk) Formsetter (pavement); Jackhammer man & paving buster; Kettleman (bituminous or lead); Mortar mixer; Power buggy; Joint sawer; Tunnel laborer (atmospheric pressure	6.18	.25	.15	.25		
CLASS III BITUMINOUS TAMPER; Cofferdam work; Caisson work	6.33	.25	.15	.25		
CLASS IV DRILL RUNNER (heavy, including churn drill)	6.38	.25	.15	.25		
CLASS V BITUMINOUS RAKER, FLOATER & UTILITY MAN; Pipelayer (sewer, water, gas); Leadman	6.43	.25	.15	.25		
CLASS VI NOZZLEMAN (gunite)	6.48	.25	.15	.25		
CLASS VII POWDERMAN	6.58	.25	.15	.25		
CLASS VIII TUNNEL MINER	6.68	.25	.15	.25		

XUM 37 9 RAM 94:83 V

POWER EQUIPMENT OPERATORS: Site preparation, excavation and incidential paving	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Other
GROUP 1 Helicopter Pilot	$11.50	.25	.25			
GROUP 2 Crane with over 135' Boom, excluding jib, Dragline and/or other similar equipment w/shovel type controls 3 cu. yds. & over Mfg. rated capacity	8.21	.25	.25			
GROUP 3 Cableway Op., Concrete Mixer, Stationary Plant over 34E, Derrick, Dragline and/or other similar equipment with shovel type controls up to 3 cu. yds. Mfg. rated capacity, Dredge Operator or Engineer, Dredge Operator (power) & Engineer, Front End Loader Op., 5 cu. yds. & over, Grader or Motor Patrol, Finishing earthwork & bituminous, Locomotive Crane Operator, Master Mechanic, Mixer (Paving) Concrete Paving Op., Road Mole Op., incl. power supply, Mucking Mach., incl. mucking operations Conway or similar type, Refrigeration Plant Engineer, Tandem Scraper, Tractor Op. (Boom Type), Truck Crane Op., Tugboat Op. 100 HP & over	7.95	.25	.25			
GROUP 4 Dual Tractor Op., Elevating Grader Op., Pumpcrete Op., Scraper Op., Struck Capacity 32 cu. yd. & over, Self-Prop. Traveling Soil Stabilizer	7.83	.25	.25			
GROUP 5 Air Track Rock Drill, Asphalt Bituminous Stabilizer Plant Op., Crushing Plant Op., or Gravel Washing, Crushing and Screening Plant Op., Dope Machine Op., Drill Rigs, Heavey Rotary or Churn or Cable Drill, Engineer in Charge of Plant requiring First Class License, Fork Lift or Straddle Carrier Op., Fork Lift or Lumber Stacker, Front End Loader Op., over 1 cu. yds., Hoist Engineer, Hydraulic Tree Planter,						

POWER EQUIPMENT OPERATORS: (CONT'D)	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Other
GROUP 5 (Cont'd) Launcherman, Locomotive, all types, Mechanic or Welder, Mutiple Machines, such as Air Compressors, Welding Machines, Generators, Pumps or Crane Oilers, Paving Breaker or Tamping Machine Op., (power driven) Mighty Mite or similar type, Pick-up Sweeper, 1 cu. yd. & over Hopper capacity, Pipeline Wrapping, Cleaning or Bending Machine Op., Power Plant Engineer, Power Actuated Horizontal Boring Mach. over 6" Op., Pugmill Op., Roller Op, 8 tons & over, Rubber Tired Farm Tractor, Backhoe Att., Sheep Foot Op., Tie Tamper & Ballast Mach. Op., Tractor Op., over D2, TD6 or similar H.P. with power take-off, Tractor Op., over 50 H.P. without power Take-Off, Trenching Machine Op., (sewer, water, gas) Turnapull Op., (or similar type) Well Point Installation, Dismantling or Repair Mechanic	$7.73	.25	.25			
GROUP 6 Air Compressor Op. 375 CFM or over, Bituminous Spreader and Bituminous Finishing Machine Op., Concrete Dist. and Spreader Op., Finishing Mach. Longitudinal Float Op., Joint Mach. Op., Spray Op., Concrete Mixer Op. 14S and under, Concrete Saw Op. (Mult. Blade), Curb Mach. Op., Fine Grade Op., Form Trench Digger, Front End Loader Op. (up to & Incl. 1 cu. yd.), Grader Op. (Motor Patrol), Gunite Op. Gunall, Lead Greaser on truck or rack, Loader Op., Power Actuated Augars and Boring Mach. Op., Power Actuated Jacks Op., Pump Op., Roller Op., Self-propelled Chip Spreader, Shouldering Mach. Op., Stump Chipper Op., Tractor Op. (D2, TD6 or similar H. P. with power take-off	7.05	.25	.25			
GROUP 7 Brakeman, Switchman, Conveyor Op., Deck hand, Fireman, Tank Car Heater Op., Gravel Screening Plant Op., Greaser, Leverman, Mech. Helper, Mech. Space Heater, Oiler, Self-Prop. Vib. Packer Op., Sheep foot roller, Tractor Op. 50 HP or less w/o Power takr-off, Truck Crane Oiler	6.75	.25	.25			

Site preparation, excavation and incidential paving — TRUCK DRIVERS	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Others
GROUP I DRIVER (hauling machinery for employer's own use, incl. operation of hand & power ooperated einches); Truck train Mechanic; Welder; Tractor-trailer; Off-road truck	$6.80	.25	.25			
GROUP II TRI-AXLE (incl. four axles); Dump; Dry batch hauler; Tank truck (gas oil raod oil & water); Boom & A" frame; Ready mix concrete; Slurry driver	6.50	.25	.25			
GROUP III BITUMINOUS DISTRIBUTOR DRIVER: Bituminous distributor (one man operation); Tandem axle.	6.40	.25	.25			
GROUP IV BITUMINOUS DISTRIBUTOR SPRAY (rear-end oiler); Dumpman; Grease & truck service man; Tank truck helper (gas, oil road oil & water); Teamster & stableman; Tractor op. (wheel type used for any purpose)1 Pilot car; Self-porpelled packer; Slurry op.; Single axle	6.20	.25	.25			

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SUPERSEDEAS DECISION

AP-162 P. 2

STATE: Mississippi
DECISION NUMBER: AP-162
Supersedes Decision No. AM-491 dated August 20, 1971 36 FR 16466
DESCRIPTION OF WORK: Highway Construction.

COUNTY: See Below
DATE: Date of Publication

MISSISSIPPI 3-AREA-1

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Other
Alcorn, Benton, Calhoun, Chickasaw, Choctaw, Clay, Itawamba, Lafayette, Lee, Lowndes, Marshall, Monroe, Oktibbeha, Pontotoc, Prentiss, Tippah, Tishomingo, Union and Webster Cos.						
Air tool operator	$1.75					
Asphalt raker	2.25					
Bricklayer	4.13					
Carpenter	2.90					
Carpenters' helper	2.25					
Cement mason (finisher)	2.75					
Concrete saw operator	2.75					
Electrician	4.50					
Electrician's helper	2.50					
Form setter	3.25					
Grade checker	2.30					
Ironworker, reinforcing	2.50					
Ironworker's helper, reinforcing	2.00					
Ironworker, structural	2.50					
Laborer, unskilled	1.60					
Mason tender (cement mason helper)	2.10					
Mechanic helper	2.25					
Painter (structural steel)	2.50					
Piledriverman	2.50					
Truck driver	1.86					
Welder	2.50					
POWER EQUIPMENT OPERATORS:						
Aggregate spreader operator	2.30					
Air compressor operator	2.75					
Asphalt distributor-spreader op.	2.35					
Asphalt plant	2.50					
Backhoe or shovel operator	2.85					
Bulldozer operator	2.75					
Concrete batch plant operator	2.70					
Concrete finishing machine operator	3.00					
Curing machine operator	2.50					
Concrete paving machine operator	3.25					
Concrete spreader machine operator	2.60					
Crane, dragline operator	2.80					
Earth auger	2.75					
Fireman	2.50					
Joint filler	2.00					
Joint setter	2.38					
Loader operator (all types)	2.50					
Mechanic	2.80					
Mixer operator (all types)	2.50					
Motor patrol operator	2.75					
Mulcher operator	1.75					
Oiler - greaser	2.00					
Piledriver operator	3.00					
Roller operator (self-propelled)	2.09					
Scales (all types)	2.50					
Scraper operator	2.75					
Striping machine operator	3.25					
Tractor operator (track type)	2.50					
Tractor operator (wheel type)	1.75					
Trenching machine	2.60					
Mud-Jack operator	2.50					
Concrete breaker & hydo-hammer op.	2.00					

SUPERSEDEAS DECISION

AP-163 P. 2

STATE: Mississippi
DECISION NUMBER: AP-163
Supersedes Decision No. AM-492 dated August 20, 1971 36 FR 16467
DESCRIPTION OF WORK: Highway Construction.

COUNTY: See Below
DATE: Date of Publication

MISSISSIPPI 3-AREA-2

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Other
Bolivar, Carroll, Coahoma, DeSoto, Grenada, Leflore, Montgomery, Panola, Quitman, Sunflower, Tallahatchie, Tate, Tunica, Washington and Yalobusha Counties.						
Air Tool Operator	$ 1.85					
Asphalt Raker	2.00					
Bricklayer	3.50					
Carpenter	2.85					
Carpenter Helper	2.30					
Cement Mason (Finisher)	2.85					
Concrete Saw Operator	2.50					
Electrician	4.25					
Electrician Helper	2.75					
Form Setter	2.75					
Grade Checker	2.50					
Ironworker, Reinforcing	2.50					
Ironworker Helper, Reinforcing	2.00					
Ironworker, Structural	2.50					
Laborer, Unskilled	1.60					
Mason Tender (Cement Mason Helper)	2.25					
Mechanic Helper	1.90					
Painter (Structural Steel)	3.00					
Piledriverman	2.80					
Truck Driver	1.60					
Welder	2.30					
POWER EQUIPMENT OPERATORS						
Aggregate Spreader Operator	2.20					
Air Compressor Operator	2.50					
Asphalt Distributor-Spreader Operator	2.25					
Asphalt Plant	2.55					
Backhoe or Shovel Operator	2.75					
Bulldozer Operator	2.50					
Concrete Batch Plant Operator	2.75					
Concrete Finishing Machine Operator	2.75					
Curing Machine Operator	1.75					
Concrete Paving Machine Operator	2.50					
Concrete Spreader Machine Operator	2.30					
Crane, Dragline Operator	2.80					
Guard Rail Post Driver	2.50					
Earth Auger	2.75					
Fireman	2.50					
Joint Filler	1.75					
Loader Operator (All types)	2.30					
Mechanic	2.50					
Mixer Operator (All types)	2.25					
Motor Patrol Operator	2.85					
Mulcher Operator	1.75					
Oiler - Greaser	1.75					
Piledriver Operator	3.15					
Roller Operator (Self-propelled)	2.00					
Scales (All types)	1.90					
Scraper Operator	2.75					
Striping Machine Operator	3.25					
Tractor Operator (Track type)	2.25					
Tractor Operator (Wheel type)	1.70					
Trenching Machine	2.10					
Concrete Breaker & Hydo-Hammer Operator	2.25					

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SUPERSEDEAS DECISION

AP-164 P. 2

STATE: Mississippi
DECISION NUMBER: AP-164
Supersedes Decision No. AM-493 dated August 20, 1971 · 36 FR 16469
DESCRIPTION OF WORK: Highway Construction.

COUNTY: See Below
DATE: Date of Publication

MISSISSIPPI 3-AREA-3

Claiborne, Copiah, Hinds, Holmes, Humphreys, Issaquena, Madison, Rankin, Sharkey, Simpson, Warren and Yazoo Counties.	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Air Tool Operator	$2.50					
Asphalt Raker	2.30					
Bricklayer	4.00					
Carpenter	3.00					
Carpenter Helper	2.25					
Cement Mason (Finisher)	3.00					
Concrete Saw Operator	2.65					
Electrician	3.50					
Electrician Helper	2.50					
Form Setter	3.00					
Grade Checker	2.25					
Ironworker, Reinforcing	2.50					
Ironworker Helper, Reinforcing	2.00					
Ironworker, Structural	2.50					
Laborer, Unskilled	1.60					
Mason Tender (Cement Mason Helper)	2.50					
Mechanic Helper	2.30					
Painter (Structural Steel)	3.00					
Piledriverman	2.65					
Truck Driver	1.75					
Welder	3.00					
POWER EQUIPMENT OPERATORS						
"A" Frame Truck (Winch)	2.75					
Aggregate Spreader Operator	2.30					
Air Compressor Operator	2.50					
Asphalt Distributor-Spreader Operator	2.30					
Asphalt Plant	2.75					
Backhoe or Shovel Operator	2.60					
Bulldozer Operator	2.80					
Concrete Batch Plant Operator	2.85					
Concrete Finishing Machine Operator	3.00					
Curing Machine Operator	2.50					
Concrete Paving Machine Operator	3.00					
Concrete Spreader Machine Operator	3.00					
Crane, Dragline Operator	3.00					
Guard Rail Post Driver	3.00					
Earth Auger	3.05					
Fireman	2.75					
Joint Filler	2.30					
Joint Setter	2.75					
Loader Operator (All types)	2.50					
Mechanic	2.95					
Mixer Operator (All types)	2.35					
Motor Patrol Operator	2.85					
Mulcher Operator	1.75					
Oiler - Greaser	2.25					
Piledriver Operator	3.25					
Roller Operator (Self-propelled)	2.25					
Steel Machine Operator	2.25					
Scales (All types)	2.35					
Scraper Operator	2.80					
Striping Machine Operator	3.25					
Tractor Operator (Track type)	2.50					
Tractor Operator (Wheel type)	1.60					
Trenching Machine	2.25					
Pipelayer	2.25					
Crusher Feeder Operator	3.50					

SUPERSEDEAS DECISION

AP-165 P. 2

STATE: Mississippi
DECISION NUMBER: AP-165
Supersedes Decision No. AM-494 dated August 20, 1971 - 36 FR 16469
DESCRIPTION OF WORK: Highway Construction.

COUNTY: See Below
DATE: Date of Publication

MISSISSIPPI 3-AREA-4

Attala, Clarke, Jasper, Kemper, Lauderdale, Leake, Neshoba, Newton, Noxubee, Scott, Smith and Winston Counties.	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Air Tool Operator	$2.30					
Asphalt Raker	2.44					
Bricklayer	4.50					
Carpenter	3.00					
Carpenter Helper	2.50					
Cement Mason (Finisher)	2.75					
Concrete Saw Operator	2.20					
Electrician	4.25					
Electrician Helper	3.00					
Form Setter	2.50					
Grade Checker	2.10					
Ironworker, Reinforcing	2.75					
Ironworker Helper, Reinforcing	2.25					
Ironworker, Structural	2.75					
Laborer, Unskilled	1.60					
Mason Tender (Cement Mason Helper)	2.15					
Mechanic Helper	2.30					
Painter (Structural Steel)	3.25					
Piledriverman	2.75					
Truck Driver	1.75					
Welder	2.75					
POWER EQUIPMENT OPERATORS						
Aggregate Spreader Operator	2.30					
Air Compressor Operator	2.50					
Asphalt Distributor-Spreader Operator	2.30					
Asphalt Plant	2.55					
Backhoe or Shovel Operator	2.85					
Bulldozer Operator	2.80					
Concrete Batch Plant Operator	3.00					
Concrete Finishing Machine Operator	2.90					
Curing Machine Operator	2.30					
Concrete Paving Machine Operator	3.00					
Concrete Spreader Machine Operator	2.80					
Crane, Dragline Operator	3.00					
Earth Auger	2.75					
Fireman	2.50					
Joint Setter	2.25					
Loader Operator (All types)	2.40					
Mechanic	2.80					
Mixer Operator (All types)	2.25					
Motor Patrol Operator	2.85					
Mulcher Operator	1.75					
Oiler - Greaser	2.00					
Piledriver Operator	3.10					
Roller Operator (Self-propelled)	3.10					
Scales (All types)	2.30					
Scraper Operator	2.80					
Striping Machine Operator	3.25					
Tractor Operator (Track type)	2.25					
Tractor Operator (Wheel type)	1.75					
Trenching Machine	2.25					
Mud-Jack Operator	2.25					
Pipelayer	2.25					
Crusher Feeder Operator	3.50					

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SUPERSEDEAS DECISION

AP-166 P. 2

STATE: Mississippi
DECISION NUMBER: AP-166
Supersedes Decision No. AM-495 dated August 20, 1971 · 36 FR 16470
DESCRIPTION OF WORK: Highway Construction.

COUNTY: See Below
DATE: Date of Publication

MISSISSIPPI--3-AREA-5

Adams, Amite, Covington, Forrest, Franklin, Greene, Jefferson, Jefferson Davis, Jones, Lamar, Lawrence, Lincoln, Marion, Perry, Pike, Walthall, Wayne and Wilkinson Counties

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Other
Air tool operator	$2.00					
Asphalt raker	2.15					
Bricklayer	3.75					
Carpenter	3.00					
Carpenters' helper	2.50					
Cement mason (finisher)	2.80					
Concrete saw operator	2.50					
Electrician	4.10					
Electrician's helper	2.50					
Form setter	2.75					
Grade checker	2.25					
Ironworker, reinforcing	2.50					
Ironworker's helper, reinforcing	2.00					
Ironworker, structural	2.50					
Laborer, unskilled	1.60					
Mason tender (cement mason helper)	2.50					
Mechanic helper	2.25					
Painter (structural steel)	3.25					
Piledriverman	2.75					
Truck driver	1.80					
Welder	2.90					
POWER EQUIPMENT OPERATORS						
"A" Frame Truck (Winch)	2.50					
Aggregate Spreader Operator	2.30					
Air Compressor Operator	2.30					
Asphalt Distributor-Spreader Operator	2.31					
Asphalt Plant	2.70					
Backhoe or Shovel Operator	2.70					
Bulldozer Operator	2.75					
Concrete Batch Plant Operator	2.50					
Concrete Finishing Machine Operator	2.80					
Concrete Paving Machine Operator	2.80					
Concrete Spreader Machine Operator	2.75					
Crane, Dragline Operator	3.00					
Guard Rail Post Driver	2.50					
Earth Auger	2.80					
Fireman	2.55					
Joint Filler	2.50					
Joint Setter	2.30					
Loader Operator (All types)	2.50					
Mechanic	2.80					
Mixer Operator (All types)	2.30					
Motor Patrol Operator	2.85					
Mulcher Operator	1.70					
Oiler - Greaser	2.30					
Piledriver Operator	3.17					
Roller Operator (Self-propelled)	2.30					
Scales (All types)	2.13					
Scraper Operator	2.80					
Striping Machine Operator	3.25					
Tractor Operator (Track type)	2.75					
Tractor Operator (Wheel type)	1.85					
Trenching Machine	1.70					
Crusher Feeder Operator	2.50					

SUPERSEDEAS DECISION

AP-167 P. 2

STATE: Mississippi
DECISION NUMBER: AP-167
Supersedes Decision No. AM-496 dated August 20, 1971 - 36 FR 16471
DESCRIPTION OF WORK: Highway Construction.

COUNTY: See Below
DATE: Date of Publication

MISSISSIPPI 3-AREA-6

George, Hancock, Harrison, Jackson, Pearl River and Stone Counties

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Other
Air Tool Operator	$2.00					
Asphalt Raker	2.45					
Bricklayer	4.25					
Carpenter	3.30					
Carpenter Helper	2.75					
Cement Mason (Finisher)	3.10					
Concrete Saw Operator	3.37					
Electrician	5.40					
Electrician Helper	3.27					
Form Setter	2.75					
Grade Checker	2.20					
Ironworker, Reinforcing	3.00					
Ironworker Helper, Reinforcing	2.25					
Ironworker, Structural	3.00					
Laborer, Unskilled	1.90					
Mason Tender (Cement Mason Helper)	2.45					
Mechanic Helper	2.00					
Painter (Structural Steel)	3.50					
Piledriverman	3.00					
Truck Driver	2.00					
Tugboat Operator	2.50					
Welder	3.50					
POWER EQUIPMENT OPERATORS						
"A" Frame Truck (Winch)	2.30					
Aggregate Spreader Operator	2.71					
Air Compressor Operator	2.50					
Asphalt Distributor-Spreader Operator	2.60					
Asphalt Plant	2.80					
Backhoe or Shovel Operator	3.10					
Bulldozer Operator	3.00					
Concrete Batch Plant Operator	3.00					
Concrete Finishing Machine Operator	3.00					
Curing Machine	2.80					
Concrete Paving Machine Operator	3.25					
Concrete Spreader Machine Operator	2.75					
Crane, Dragline Operator	3.25					
Guard Rail Post Driver	2.50					
Earth Auger	2.75					
Fireman	3.00					
Joint Filler	2.80					
Loader Operator (All types)	2.80					
Mechanic	3.25					
Mixer Operator (All types)	3.00					
Motor Patrol Operator	3.00					
Mulcher Operator	1.90					
Oiler - Greaser	2.30					
Piledriver Operator	3.40					
Roller Operator (Self-propelled)	2.25					
Scales (All types)	2.00					
Scraper Operator	3.00					
Striping Machine Operator	3.25					
Tractor Operator (Track type)	2.25					
Tractor Operator (Wheel type)	2.00					
Trenching Machine	2.50					
Pipelayer	2.35					
Sub Grade Machine Operator	3.00					
Crusher Feeder Operator	2.50					

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SUPERSEDEAS DECISION

STATE: Nevada

COUNTIES: Statewide (excluding the Nevada Test Site & Tonopah Test Range

DECISION NO.: AP-264

DATE: Date of Publication

Supersedes Decision No. AP-236 dated September 22, 1972 in 37 FR 19919

DESCRIPTION OF WORK: Heavy and Highway Construction (excluding water well drilling)

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
LABORERS						
Clark, Esmeralda, Lincoln, Nye(south of Hwy. #6 and including the town of Tonopah)	$6.50	.45	.60	.80	.03	
Nye(north of Hwy. #6, excluding the town of Tonopah) and all remaining Counties	6.25	.50	.70	.90	.03	
ELECTRICIANS						
Clark & Lincoln Counties, and Nye County (south of Mt. Diablo Base line)						
Electricians & Technicians	9.60	.43	1%		.05	
Cable Splicers	9.93	.43	1%		.05	
Churchill, Douglas, Elko, Esmeralda, Eureka, Humboldt, Lander, Lyon, Mineral, Nye (remaining portions), Ormsby, Pershing, Storey, Washoe & White Pine Counties (excluding Lake Tahoe Area)						
Electricians	8.49	.53	1%+.25		.02	
Cable Splicers	9.29	.53	1%+.25		.02	
Lake Tahoe Area						
Electricians	9.24	.53	1%+.25		.02	
Cable Splicers	10.12	.53	1%+.25		.02	
IRONWORKERS						
Elko, Eureka (Northeast portion including Cities of Palisade, Beowawe & Carlin), Humboldt (Northeast portion incl. Town of McDermit to south-southeast border of Humboldt Co.), Lander (Northeast portion incl. City of Battle Mountain, Lincoln (Northeast portion south of 37th parallel), Nye (northeast portion), and White Pine Counties						
Structural; Ornamental; Reinforcing; Fence Erectors, Machinery Movers; Riggers	$7.08	.40	.65		.05	
Remainder of State						
Structural; Ornamental	8.38	.58	.625	.70	.02	
Reinforcing	8.84	.58	.625	.70	.02	
Fence Erectors	8.24	.58	.625	.70	.02	
PAINTERS:						
Clark-Esmeralda-Lincoln-Nye (South of Manhattan)						
Brush	8.23	.32	.25		.02	
Spray; Steel Painters; Swing Stage; Sand Blaster; Pot Tender; Sign Painting	8.48	.32	.25		.02	
Structural Steel and Buffing Steel	8.73	.32	.25		.02	
Steeple Jack	9.48	.32	.25		.02	
Churchill, Douglas, Eureka, Elko, Humboldt, Lander, Lyon, Mineral, Nye (remaining portion), Ormsby, Pershing, Storey and Washoe Counties (excluding Lake Tahoe Area)						
Brush	6.85	.30	.20	.40		
Spray; Structural Steel	7.10	.30	.20	.40		
Lake Tahoe Area						
Brush	7.70	.30	.20	.40		
Spray; Structural Steel	7.95	.30	.20	.40		
PLUMBERS						
Clark, Lincoln and Nye (south of Hwy #6) Counties	8.40	.45	.95	1.60	.06	
Nye (north of Hwy. #6), and Remaining Counties	8.10	.30	.60	1.55	.07	
WELDERS: Receive rate prescribed for craft performing operation to which welding is incidental.						

AP-264 P. 2

AP-264 P.3

2-NEV-LAB-1-2-3-d (1-3)

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
LABORERS: Clark, Esmeralda, Lincoln, & Nye Counties						
GROUP I LABORERS-general or Construction; Demolition (cleaning of brick, lumber, etc.; Dry packing of concrete, and filling of form-bolt holes; Gas and oil pipeline; Laborer-Temporary water lines (portable type); Window cleaner	$5.60	.26	.60	1.00		
GROUP II Cutting Torch Op. (Demolition); Tarman & Mortar man, Kettleman, Potman and man applying asphalt, Lay-Kold Creosote, Lime, & similar type materials	5.65	.26	.60	1.00		
GROUP III Guinea Chaser	5.68	.26	.60	1.00		
GROUP IV Fine Grader, highway & street paving, airport, runways & similar type heavy construction; Landscape gardener & nursery-man.	5.70	.26	.60	1.00		
GROUP V Laborers-packing rod steel & pans	5.72	.26	.60	1.00		
GROUP VI Underground laborer including Caisson Bellowers	5.73	.26	.60	1.00		
GROUP VII Chucktender (except tunnels); Scaler; Tank scaler & cleaner	5.75	.26	.60	1.00		
GROUP VIII Cesspool Digger & Installer	5.78	.26	.60	1.00		
GROUP IX Concrete Curer-impervious membrane & oiler of all materials; Riprap stone-paver; Sandblaster (Pot Tender); Making & Caulking of all non-metallic pipe joints	5.79	.26	.60	1.00		

AP-264 P.4

2-NEV-LAB-1-2-3-d (2-3)

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
LABORERS: (cont'd)						
GROUP X Operators & tenders of pneumatic & electric tools, vibrating machines, hand propelled trenching machines, impact wrench multi-plate & similar mechanical tools not separately classified herein; Asphalt Raker, ironer, spreader, Luteman; Buggy-mobile man; Cement dumper (on one yard or larger mixers & handling bulk cement); Concrete saw man excluding Tractor type, cutting, scoring old or new concrete; Concrete Core Cutter; Gas & oil pipeline wrapper-pot tender & form man; Operator of cement grinding machine; Roto-scraper; Tree climber, Faller, Chain saw opr., Pittsburgh Chipper & similar type brush shredders	$5.81	.26	.60	1.00		
GROUP XI Rock Slinger; Scaler (using Bos'n chair or safety belt or power tools)	5.86	.26	.60	1.00		
GROUP XII Driller and/or pavement breaker	5.89	.26	.60	1.00		
GROUP XIII Oversize concrete vibrator op., 70 lbs. & over; Laying of all non-metallic pipe, including sewer pipe, drain pipe & underground tile	5.91	.26	.60	1.00		
GROUP XIV Gas & oil pipeline wrapper - 6 inch pipe & over	5.94	.26	.60	1.00		
GROUP XV Cribber or Shorer, lagging, sheeting, trench bracing, hand guided lagging hammer; Powderman-Blaster-all work of loading holes, placing and blasting of all powder and explosives of whatever type regardless of method used for such loading & placing	5.96	.26	.60	1.00		
GROUP XVI Steel Headboardman	6.025	.26	.60	1.00		

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LABORERS: (cont'd)	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Others
GROUP XVII Sandblaster (nozzleman); Driller (Core, Diamond, or Wagon), Joy Driller Model TW-M-2A, Gardner-Denver Model DH 163 & similar type drills	6.05	.26	.60	1.00		
GROUP XVIII Head Rock Slinger	6.12	.26	.60	1.00		

LABORERS: Remaining Counties	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Others
GROUP I Asphalt Workers (Ironers, Shoveler, Cutting machine); Buggymobile; Chainsaw, Faller, Logloader and Bucker; Compactor (all types); Concrete Mixer under ½ yds.; Concrete pan work (bread-pan type), (handling, cleaning, stripping); Concrete Saw, Chipping, Grinding, Sanding, Vibrator; Cribbing, Shoring, Lagging, Trench Jacking, Hand-guided lagging hammer; Curbing or Divider machine; Curb setter (precast or cut); Ditching Machine (Hand-guided); Drillers Helper, Chuck Tender; Form Raiser, Slip Forms; Grouting of Concrete Walls; Windows and Door Jams; Headerboardman; Jackhammer, Pavement Breaker, Air Spade; Mastic workers (wet or dry); Pipe wrapper, Kettleman, Potman, & men applying asphalt, creosote and similar type materials; All power tools (air, gas or electric) not listed in Group V; Pipejacking; Post-hole Digger (air, gas, or electric) Post Driver; Rirrap-Stonepaver and Rock Slinger, incl. placing of sack concrete wet or dry; Tototiller; Rigging and signaling in connection with laborers work; Sandblaster, potman, gunman or nozzleman; Vibra-screed; Skilled Wrecker (removing and salvaging of sash, windows, doors, plumbing and electrical fixtures)	$6.05	.40	.30			
GROUP II Choker Setter or Rigger (clearing work only) Pittsburg Chipper and similar type brush shredders; Concrete worker (wet or dry) all concrete work not listed in Group I; Crusher or Grizzly Tender; Guinea Chaser (Stakeman); Panel Forms (wood or metal) handling, cleaning, and stripping of; Loading and unloading, Carrying and handling of all rods and material for use in reinforcing concrete; Railroad Trackmen (maintenance, repair or builders); Sloper; Semi-Skilled wreckers (salvaging of building materials other than those listed in Group I)	5.90	.40	.30			

LABORERS (cont'd)	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Other
GROUP III All cleanup work of debris, grounds, and building including windows & tile; Dumpman or Spotter (other than asphalt); General Laborer; Gardners and Landscape Laborers; Limber, Brushloader and Piler	$5.80	.40	.30			
GROUP IV Burning and Welding in connection with laborers work	6.15	.40	.30			
GROUP V Joy Drill Model TWM-2A, Gardner Denver Model DN43 and similar type drills; Core Drillers, Wagon Drillers; Mechanical Drillers on Multiple Units; Blaster and Powderman, all work of loading, placing, and blasting of all powder and explosives of any type, regardless of method used for such loading and placing; High scalers; Concrete pump operator; Heavy duty Vibrator with Stinger 5" diameter or over; Pipelayer; Caulker and Bander; Pipelayer-Waterline, Sewerline, Gasline, Conduit; Asphalt Rakers	6.30	.40	.30			
GROUP VI Nozzleman, Rodman	6.60	.40	.30			
Gunman, Materialman	6.30	.40	.30			
Reboundman	5.95	.40	.30			

TUNNEL LABORERS Except Clark, Esmeralda, Lincoln, & Nye Counties	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Others
SWAMPER; Bull Gang, Muckers, Trackmen; Dumpman; Concrete Crew - includes rodding & spreading; Grout Crew incl. Headerman & Potman; Reboundmen	$5.30	.40	.30			
NIPPER; Chuck Tenders & Cable Tenders; Powderman-Primer House; Steel Form Raisers & Setters; Vibratormen, Pavement Breakers	5.40	.40	.30			
GROUT GUNMEN; Jetgunmen; Gunmen	5.55	.40	.30			
MINERS-TUNNEL, incl. Top & Bottom man on Shaft & Raise Work; Timbermen, Retimberman-Wood or Steel or substitute materials therefor; Blasters, Drillers, Powdermen - in heading; Cherry Pickerman - where car is lifted; Nozzleman on slick line; Sand Blaster-Potman (work assignment interchangeable)	5.60	.40	.30			
SHAFT WORK & RAISE (below actual or excavated ground level); Diamond Driller; Gunnite Nozzlemen; Rodmen, Groundmen	5.90	.40	.30			
SHIFTERS	6.15	.40	.30			
SHAFT WORK & Raise-Shifters	6.45	.40	.30			

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POWER EQUIPMENT OPERATORS (Cont'd)	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
GROUP V ASPHALT PLANT ENGINEER; Concrete Batch Plant; Backhoe (up to and incl. 3/4 yd.); Bit Sharpener; Concrete Joint Machine (Canal and similar type); Concrete Planer; Deck Engine; Forklift (under 5 ton capacity); Machine Tool; Magimais Internal Full Slab Vibrator; Mechanical Berm, curb or gutter concrete or asphalt); Mechanical Finisher (concrete-Clary-Johnson-Bidwell or similar); Pavement Breaker; Road Oil Mixing Machine; Roller (asphalt or finish); Rubber-tired Earth Moving Equipment, (single engine, up to and including 25 yd. struck); Self-propelled Tar Pipelining Machine; Slip Form Pump (power-driven hydraulic lifting device for concrete forms); Tugger Hoist (1 drum); Tunnel Locomotive (over 10 and up to and incl. 30 tons); Stinger Crane (Austin-Western or similar type); Skiploader Crawler and Wheel type over 3/4 yds. & up to & incl. 1 1/2 yds.); Tractor - Bulldozer, Tamper, Scraper (single engine, up to 100 h.p., flywheel and similar types, up to and including D-5 and similar types)	$7.66	.75	1.20	.30	.02	
GROUP VI ASPHALT OR CONCRETE SPREADING (Tamping or Finishing); Asphalt Paving Machine (Barber Greene or similar type); BHL Lime Road Pactor or similar; Bridge Crane; Pipe Laying Machine (Cast in Place); Combination Mixer and Compressor (Gunite work); Concrete Pump (truck mounted); Concrete Mixer; Crane (up to and including 25 tons); Crushing Plant; Elevating Grader; Forklift (over 5 tons); Grade Checker; Gradeall; Grouting Machine; Heading Shield; Heavy Duty Repairman; Hoist (Chicago Boom & similar type); Kolman Belt Loader & similar type; LeTourneau Blob Compactor or similar type; Lift Slab Machine (Vagtborg and similar types)						

POWER EQUIPMENT OPERATORS (Cont'd)	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
GROUP VI (Cont'd) Lift Mobile; Loader (Athey, Euclid, Sierra and similar type); Material Hoist; Mucking Machine (1/4 yd. - rubber-tired, rail or track type); Pneumatic Concrete Placing Machine (Hackley-Presswell or similar type); Pneumatic Heading Shield (Tunnel); Pumpcrete Gun; Rotary Drill (excluding Caisson type); Rubber-tired earth moving equip. op. (single engine - Caterpillar, Euclid, Athey Wagon, & similar types with any and all attachments over 25 yds. & up to & incl. 50 cu. yds. struck); Rubber-tired Scraper (self-loading - Paddle wheel type - John Deere, 1040 & similar single unit); Skiploader (Crawler and Wheel type - over 1 1/2 yds., up to & incl. 6 1/2 yds.); Surface Heaters and Planer; Rubber-tired Earth Moving Equip., multiple engine (up to & incl. 25 yds. struck); Trenching Machine (over 6 ft. depth capacity, manufacturers rating); Tower Crane; Tractor Compressor Drill Combination; Tractor (any type larger D-5 - 100 Fly wheel h.p. & over, or similar) (Bulldozer, Tamper, Scraper and Push Tractor, single engine); Tractor (Boom attachments); Traveling Pipe Wrapping, Cleaning and Bending; Tunnel Locomotive (over 30 ton); Shovel, Backhoe, Dragline, Clamshell (over 3/4 yd. & up to 5 cu. yd. M.R.C.;	$7.76	.75	1.20	.30	.02	
GROUP VII CRANE (over 25 ton up to & incl. 100 tons M.R.C.; Derrick Barge, Dual Drum Mixer; Hoist, Stiff Legs, Guy Derrick, or similar type, up to & incl. 100 tons; Monorail Locomotive (Diesel, gas or electric); Motor Patrol - Blade Op. (single engine); Multiple Engine Tractor Op. (Euclid and similar type, except Quad 9 Cat); Rubber-tired Earth Moving Equip. (single engine over 50						

POWER EQUIPMENT OPERATORS (Cont'd)	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
GROUP VII (Cont'd) yds. struck; Rubber-tired Earth Moving Equip. (multiple engine, Euclid, Caterpillar and similar) (over 25 yds. & up to 50 cu. yds. struck); Tractor Loader Op. (Crawler & wheel type over 6 1/2 yds.); Tower Crane Repairman; Shovel, Backhoe, Dragline, Clamshell Op. (over 5 cu. yds., MRC; Woods Mixer and similar Pugmill Equip.; Heavy Duty Repairman - Welder Combination	$7.86	.75	1.20	.30	.02	
GROUP VIII Auto Grader; Automatic Slip Form; Crane (over 100 tons); Hoist, Stiff Legs, Guy Derricks or similar types (capable of hoisting 100 tons or more); Mass Excavator (less than 750 cu. yds.; Mechanical Finishing Machine; Mobile Form Traveler; Motor Patrol (Multi engine); Pipe Mobile Machine; Rubber-tired Earth Moving Equip. (multiple engine, Euclid, Caterpillar and similar type over 50 cu. yds. struck); Rubber-tired Self Loading Scraper (Paddle Wheel - Auger type self-loading (2 or more units); Tandem Equip. (2 units only); Tandem Tractor (Quad 9 or similar type); Tunnel Mole Boring Machine; Rubber-tired Scraper (pushing w/o Push Cat, Push-Pull (50¢ per hour additonal	8.00	.75	1.20	.30	.02	
GROUP IX Canal Liner; Canal Trimmer; Helicopter Pilot; Highline Cableway; Wheel Excavator (over 750 cu. yds.); Remote Controlled Earth Moving Equip. ($1.00 per hour additional to base rate)	8.10	.75	1.20	.30	.02	

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POWER EQUIPMENT OPERATORS:

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
GROUP I ASSISTANT TO ENGINEER, Including Brakeman, Beckhand, Fireman, Heavy Duty Repairman Helper, Oiler, Partsman (heavy duty repair shops parts room when needed), Switchman, Tar Pot Fireman	6.56	.55	1.00	.65	.31	
GROUP II COMPRESSOR (Electrically, diesel or gas powered, etc.) Material Loader and/or Conveyor (handling building materials); Oiler (Truck Crane); Pump; Tar Pot Fireman (power agitated)	6.87	.55	1.00	.65	.31	
GROUP III BOX OPERATOR (Bunker); Concrete Curing Machines (streets, highways, airports, canals); Conveyor Belt (Tunnel); Engineer Generating Plant (500 K.W.); Fireman Hot Plant; Hydraulic Monitor; Lubrication and Service Engineer (Mobile and Grease Rack); Mixer Box Operator (Concrete Plant); Motorman; Rodman or Chainman; Rotomist; Screedman (except asphaltic or concrete paving)	7.03	.55	1.00	.65	.31	
GROUP IV BALLAST JACK TAMPER; Ballast Regulator; Ballast Tamper Multi-Purpose; Boxman (asphalt plant); Concrete Mixer, Skip Type; Dinky (Assistant to Engineer required); Fork Lift (construction job site); Ross Carrier; Skip Loader (under 1 cu. yd.); Tie Spacer	7.45	.55	1.00	.65	.31	
GROUP V CONCRETE MIXER (over 1 cu. yd.); Concrete Pumps or Pumpcrete Guns; Elevator and Material Hoist (1 drum); Gradesetter, Grade checker; Screedman (Barber - Greene and similar) (asphaltic or concrete paving); Shuttle car; Signalman	7.62	.55	1.00	.65	.31	

POWER EQUIPMENT OPERATORS (Cont'd)

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
GROUP VI BOOM TRUCK OR DUAL PURPOSE "A" FRAME TRUCK; B.L.H. Lima Road Pactor or similar; Chip Box Spreader (Flaherty type or similar); Concrete Batch Plant (wet or dry); Concrete Saws (highways, streets, airports; canals); Highline Cableway Signalman; Locomotives (over 30 tons); Magiannis International Full Slab Vibrator (airports, highways, canals, warehouses); Mechanical Burn, Curb and/or Curb Gutter Machine (concrete or asphalt); Power Jumbo (setting slip forms, etc., in tunnels); Roller; Self-propelled Compactor (single engine); Slip Form Pump (power driven by hydraulic, electric, air gas, etc., Lifting device for concrete forms); Stationary Pipe Wrapping, Cleaning and Bending Machine; Pavement Breaker or Tamper (with or without compressor combination); Pavement Breaker, Truck Mounted, with Compressor Combination; Small Rubber-tired Tractors	7.71	.55	1.00	.65	.31	
GROUP VII COMPRESSOR (2 to 6) (electric, diesel or gas); Concrete Conveyor; Concrete Conveyor or Concrete Pump, Truck or equipment Mounted (Boom length to apply); Crusher Plant Engineer; Deck Engineer; Drilling and Boring machinery, Vertical & Horizontal (not to apply to waterliners, wagon drills or jackhammers); Instrument Man; Kolman Loader; Material Hoist (2 or more drums); Mechanical Finishers or Spreader Machine (asphalt, Barber - Greene and similar) (Screedman required); Mine or Shaft Hoist; Pipe Bending Machines (pipelines only); Pipe Cleaning Machines (Tractor propelled and supported); Pipe Wrapping Machines (Tractor propelled and supported); Portable Crushing and Screening Plants; Pumps (2 to 6); Refrigeration Plant; Self-propelled Boom Type Lifting Device; Slusher; Soil Tester						

AREA 1*

POWER EQUIPMENT OPERATORS (CONT'D):

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
GROUP VII (CONT'D) (certified); Surface Heater & Planer; Trenching Machine (maximum digging capacity 3 ft. depth) Truck Type Loader; Welding Machines (Gasoline or Diesel) (2 to 6)	7.86	.55	1.00	.65	.31	
GROUP VIII ASPHALT PLANT ENGINEER; CAR PASER; Cast-in-place Pipe Laying Machine; Combination Slusher & Motor; Dozer; Concrete Batch Plant - (Multiple Units); Elevating Grader; Heavy-Duty Repairman and/or Welder; Ken-Seal; Loader (up to and including 2 1/2 cu. yds.); Mechanical Trench Shield, Mixer-mobile; Push Cats; Road Oil Mixing Machine Wood-Mixer (and other similar Pugmill equipment); Rubber Tired Earthmoving Equipment (up to and including 35 cu. yds. "struck", M.R.C., Euclids, T-Pulls, DW's 10, 20, 21 and similar); Self-propelled Compactor with Dozer;Sheepfoot; Small Tractor (with boom); Soil Stabilizer (P & H or equal); Timber Skidder (rubber tire) or similar equipment; Tractor; Tractor Drawn Scraper; Tractor Mounted Compressor Drill Combination; Trenching Machine (over 3 ft. depth); tri-Batch Paver; Tunnel Badger or Tunnel Boring Machine; Tunnel Mole Boring Machine;	8.16	.55	1.00	.65	.31	
GROUP IX CANAL FINGER DRAIN DIGGER; Chicago Boom Combination Backhoe and Loader (up to & including 3/8 yds.); Combination Mixer and Compressor (gunnite); Lull Hi-Lift (20 ft. or over); Mucking Machine; Tractor (with boom) (D6 or larger); Track Laying Type Earth Moving Machine (single engine with tandem scrapers; Sub-Grader (Gurries or other types);	8.34	.55	1.00	.65	.31	

AREA 1*

POWER EQUIPMENT OPERATORS (Cont'd)

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
GROUP X BOOM-TYPE BACKFILLING MACHINE; Back Hoe (up to and including 1 cu. yd. hydraulic); Back Hoe (up to and including 1 cu. yd.) (Cable); Bridge Crane; Cranes (not over 25 tons) (hammerhead and gantry); Cary-Lift or similar; Chemical Grouting Machine; Derricks (2 Group 10 Operators required when swing engine remote from hoist); Derrick Barges (Except excavation work) Euclid Loader similar types; Grade-alls (up to and including 1 cu. yd.); Heavy Duty Rotary Drill Rigs (including caisson foundation work and Ribbins type drills); Lift-Slab (Vagtborg and similar types); Loader (over 2 1/2 yds up to and including 4 yds.); Locomotive (over 100 tons) (single or multiple units); Motor Patrol Op.; Multiple Engine Earth Moving Machines (Euclids, Dozers, etc.) (No tandem scraper); Power Shovels, Clamshells, Draglines, Cranes (up to and including 1 cu. yd.) Pre-Stress Wire Wrapping Machines; Self-propelled reservoir-debree equipment floating (200 h.p. and over); Shuttle Car (Reclaim Station); Single-Engine Scraper (over 35 cu. yds.) Vacuum Cooling Plant; Whirley Crane (up to and including 25 tons) Rubber tired Scraper (self-loading)	8.53	.55	1.00	.65	.31	
GROUP XI AUTOMATIC ASPHALT OR CONCRETE SLIP FORM PAVER; Automatic Railroad Car Dumper; Canal Finger Drain Backfiller; Canal Trimmer; Cranes (over 25 tons); Highline Cableway Operator; Loader (over 4 yds. up to and including 12 cu. yds.); Multi-Engine Earthmoving Equipment (up to and including 75 cu. yds. "struck" M.R.C.); Power Shovels, Clamshells, Draglines, Backhoes, Grade-alls (over 1 yd. and up to and including 7 cu. yds. M.R.C.); Self-propelled Compactor (with multiple propulsion power units); Single Engine Rubber Tired Earth-Moving Machine (with Tandem Scraper); Slip Form Paver (concrete or asphalt (1 Operator and 2 Screedmen); Tandem						

AREA 1*

1-NEV-PEO-1-2-3-e (5-5)

POWER EQUIPMENT OPERATORS (Cont'd) GROUP XI (Cont'd)	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Cats and Scrapers; Tower Crane Mobile Universal Liebher & Tower Cranes (and similar types); Wheel Excavator (up to and including 750 cu. yds. per hour); Whirley Cranes (over 25 tons)	8.76	.55	1.00	.65	.31	
GROUP XI-A BAND WAGONS (in conjunction with Wheel Excavators); Loader (over 12 cu. yds.); Multi-Engine Earth Moving Equipment (over 75 cu. yds. "struck" m.r.c.); Operator of Helicopter (when used in construction work); Power Shovels & Draglines (over 7 cu. yds. M.R.C.); Remote Controlled Earth Moving Equipment; Wheel Excavator (over 750 cu. yds. per hour)	9.63	.55	1.00	.65	.31	

AREA 2**

3-NEV-PEO-1-2-3-e (1-5)

POWER EQUIPMENT OPERATORS: GROUP I	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
ASSISTANT TO ENGINEER, Including Brakeman, Deckhand, Fireman, Heavy Duty Repairman Helper, Oiler, Partsman (heavy duty repair shops parts room when needed), Switchman, Tar Pot Fireman	7.56	.55	1.00	.65	.31	
GROUP II COMPRESSOR (Electrically, diesel or gas powered, etc.) Material Loader and/or Conveyor (handling building materials); Oiler (Truck Crane); Pump; Tar Pot Fireman (power agitated)	7.87	.55	1.00	.65	.31	
GROUP III BOX OPERATOR (Bunker); Concrete Curing Machines (streets, highways, airports, canals); Conveyor Belt (Tunnel); Engineer Generating Plant (500 K.W.); Fireman Hot Plant; Hydraulic Monitor; Lubrication and Service Engineer (Mobile and Grease Rack); Mixer Box Operator (Concrete Plant); Motorman; Rodman or Chainman; Rotomist; Screedman (except asphaltic or concrete paving)	8.03	.55	1.00	.65	.31	
GROUP IV BALLAST JACK TAMPER; Ballast Regulator; Ballast Tamper Multi-Purpose; Boxman (asphalt plant); Concrete Mixer, Skip Type; Dinky (Assistant to Engineer required); Fork Lift (construction job site); Ross Carrier; Skip Loader (under 1 cu. yd.); Tie Spacer	8.45	.55	1.00	.65	.31	
GROUP V CONCRETE MIXER (over 1 cu. yd); Concrete Pumps or Pumpcrete Guns; Elevator and Material Hoist (1 drum); Gradesetter, Grade checker; Screedman (Barber - Greene and similar) (asphaltic or concrete paving); Shuttle car; Signalman	8.62	.55	1.00	.65	.31	
GROUP VI BOOM TRUCK OR DUAL PURPOSE "A" FRAME TRUCK; B.L.H. Lima Road Pactor or similar; Chip Box Spreader (Flaherty type or similar); Concrete Batch Plant (wet or dry); Concrete Saws (highways,						

AREA 2**

3-NEV-PEO-1-2-3-e (2-5)

POWER EQUIPMENT OPERATORS (Cont'd): GROUP VI (Cont'd)	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
streets, airports, canals); Highline Cableway Signalman; Locomotives (over 30 tons); Maginnis International Full Slab Vibrator (airports, highways, canals, warehouses); Mechanical Burn, Curb and/or Curb Gutter Machine (concrete or asphalt); Power Jumbo (setting slip forms, etc., in tunnels); Roller;Self-propelled Compactor (single engine); Slip Form Pump (power driven by hydraulic, electric, air gas, etc., Lifting device for concrete forms); Stationary Pipe Wrapping, Cleaning and Bending Machine; Pavement Breaker or Tamper (with or without compressor combination); Pavement Breaker, Truck Mounted, with Compressor Combination: Small Rubber-tired Tractors	8.71	.55	1.00	.65	.31	
GROUP VII COMPRESSOR (2 to 6) (electric, diesel or gas); Concrete conveyor; Concrete Conveyor or Concrete Pump, Truck or equipment Mounted (Boom length to apply); Crusher Plant Engineer; Deck Engineer; Drilling and Boring Machinery, Vertical & Horizontal (not to apply to waterliners, wagon drills or jackhammers); Instrument Man; Kolman Loader; Material Hoist (2 or more drums); Mechanical Finishers or Spreader Machine (asphalt, Barber - Greene and similar) (Screedman required); Mine or Shaft Hoist; Pipe Bending Machines (pipelines only); Pipe Cleaning Machines (Tractor propelled and supported); Pipe Wrapping Machines (Tractor propelled and supported); Portable Crushing and Screening Plants; Pumps (2 to 6); Refrigeration Plant; Self-propelled Boom Type Lifting Device; Slusher; Soil Tester (certified); Surface Heater & Planer; Trenching Machine (maximum digging capacity 3 ft. depth) Truck Type Loader; Welding Machines (Gasoline or Diesel) (2 to 6)	8.86	.55	1.00	.65	.31	

AREA 2**

3-NEV-PEO-1-2-3-e (3-5)

POWER EQUIPMENT OPERATORS (Cont'd)	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
GROUP VIII ASPHALT PLANT ENGINEER; CAR PASER: Cast-in-place Pipe Laying Machine; Combination Slusher & Motor; Dozer; Concrete Batch Plant - (Multiple Units); Elevating Grader; Heavy-Duty Repairman and/or Welder; Ken-Seal; Loader (up to and including 2 1/2 cu. yds.); Mechanical Trench Shield, Mixermobile; Push Cats; Road Oil Mixing Machine Wood-Mixer (and other similar Pugmill equipment); Rubber Tired Earthmoving Equipment (up to and including 35 cu. yds. "struck", M.R.C., Euclids, T-Pulls, DW's 10, 20, 21 and similar); Self-propelled Compactor with Dozer; Sheepfoot; Small Tractor (with boom); Soil Stabilizer (P & H or equal); Timber Skidder (rubber tire) or similar equipment; Tractor; Tractor Drawn Scraper; Tractor Mounted Compressor Drill Combination; Trenching Machine (over 3 ft. depth); Tri-Batch Paver; Tunnel Badger or Tunnel Boring Machine; Tunnel Mole Boring Machine;	9.16	.55	1.00	.65	.31	
GROUP IX CANAL FINGER DRAIN DIGGER; Chicago Boom Combination Backhoe and Loader (up to & including 3/8 yds.); Combination Mixer and Compressor (gunnite); Lull Hi-Lift (20 ft. or over); Mucking Machine; Tractor (with boom) (D6 or larger); Track Laying Type Earth Moving Machine (single engine with tandem scrapers; Sub-Grader (Gurries or other types);	9.34	.55	1.00	.65	.31	
GROUP X BOOM-TYPE BACKFILLING MACHINE; Back Hoe (up to and including 1 cu. yd. hydraulic); Back Hoe (up to and including 1 cu. yd.) (Cable); Bridge Crane; Cranes (not over 25 tons) (hammerhead and gantry); Cary-Lift or similar; Chemical Grouting Machine; Derricks (2 Group 10 Operators required when swing engine remote from hoist); Derrick Barges (Except excavation work) Euclid						

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AREA 2**

3-NEV-PEO-1-2-3-e (4-5)

POWER EQUIPMENT OPERATORS (Cont'd): GROUP X (Cont'd)	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Loader similar types; Grade-alls (up to and including 1 cu. yd.); Heavy Duty Rotary Drill Rigs (including caisson foundation work and Ribbins type drills); Lift-Slab (Vagtborg and similar types); Loader (over 2 1/2 yds. up to and including 4 yds.); Locomotive (over 100 tons) single or multiple units); Motor Patrol Op.; Multiple Engine Earth Moving Machines (Euclids, Dozers, etc.) (no tandem scraper); Power Shovels, Clamshells, Draglines, Cranes (up to and including 1 cu. yd.) Pre-Stress Wire Wrapping Machines; Self-propelled reservoir-debree equipment floating (200 h.p. and over); Shuttle Car (Reclaim Station); Single-Engine Scraper (over 35 cu. yds.) Vacuum Cooling Plant; Whirley Crane (up to and including 25 tons) Rubber tired Scraper, Self Loading	9.53	.55	1.00	.65	.31	
GROUP XI AUTOMATIC ASPHALT OR CONCRETE SLIP FORM PAVER; Automatic Railroad Car Dumper; Canal Finger Drain Backfiller; Canal Trimmer; Cranes (over 25 tons); Highline Cableway Operator; Loader (over 4 yds. up to and including 12 cu. yds.); Multi-Engine Earthmoving Equipment (up to and including 75 cu. yds. "struck" M.R.C.); Power Shovels Clamshells, Draglines, Backhoes, Grade-alls (over 1 yd. and up to and including 7 cu. yds. M.R.C.); Self-propelled Compactor (with multiple propulsion power units); Single Engine Rubber Tired Earth-Moving Machine (with Tandem Scraper); Slip Form Paver (concrete or asphalt (1 Operator and 2 Screedmen); Tandem Cats and Scrapers; Tower Crane Mobile Universal Liebher & Tower Cranes (and similar types); Wheel Excavator (up to and including 750 cu. yds. per hour). Whirley Cranes (over 25 tons)	9.76	.55	1.00	.65	.31	

AREA 2**

3-NEV-PEO-1-2-3-e (5-5)

POWER EQUIPMENT OPERATORS (Cont'd): GROUP XI-A	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
BAND WAGONS (in conjunction with Wheel Excavators); Loader (over 12 cu. yds.); Multi-Engine Earth Moving Equipment (over 75 cu. yds. "struck" m.r.c.); Operator of Helicopter (when used in construction work); Power Shovels & Draglines (over 7 cu. yds. M.R.C.); Remote Controlled Earth Moving Equipment; Wheel Excavator (over 750 cu. yds. per hour)	10.63	.55	1.00	.65	.31

1-NEV-TD-1-2-3-d (1-2)

TRUCK DRIVERS Douglas, Ormsby, Storey Counties & those areas within 25 mi. radius of the City Hall in the following cities: Fallon in Churchill Co., Elko in Elko Co., Yerington in Lyon Co., Carson City in Ormsby Co., Lovelock in Pershing Co., and Reno in Washoe Co.	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
All Dump Trucks (single multiple or dump units incl. Semi's & double & transfer units):						
Under 4 yds. (water level)	5.40	.41	.25	.25		
4 yds. & under 8 yds. (water level)	5.60	.41	.25	.25		
8 yds. & under 18 yds. (water level)	5.80	.41	.25	.25		
18 yds. & under 35 yds. (water level)	5.95	.41	.25	.25		
35 yds. & under 60 yds. (water level)	6.20	.41	.25	.25		
60 yds. & over	6.35	.41	.25	.25		
Transit Mix:						
Under 8 yds.	5.80	.41	.25	.25		
8 yds. & incl. 12 yds.	5.90	.41	.25	.25		
Over 12 yds.	6.10	.41	.25	.25		
Transit Mix with Boom shall receive 12 - 1/2¢ per hour above the appropriate yardage classification rate of pay when such boom is used.						
Water Trucks:						
Up to 2,500 gals.	5.60	.41	.25	.25		
2,500 gals. & over	5.70	.41	.25	.25		
Semi Trailers	5.80	.41	.25	.25		
DW 20's and 21's and other similar Cat type, Terra Cobra, LeTourneau Pulls, Tournarocker, Euclid and similar type equipment when pulling Aqua/Pak, Water Tank Trailers and fuel &/or Grease Tank Trailers, or other misc. Trailers	5.95	.41	.25	.25		
Heavy Duty Transport (high bed), Heavy Duty Transport (gooseneck low bed), Tiltbed or Flatbed Pull Trailers	5.70	.41	.25	.25		
Bootman, Combination Bootman and Road Oiler	5.85	.41	.25	.25		
Road Oil Truck or Bootman	5.55	.41	.25	.25		
Flat Rack (single unit) (2 axle unit)	5.45	.41	.25	.25		
Flat Rack (single unit) (3 axle unit)	5.55	.41	.25	.25		

1-NEV-TD-1-2-3-d (2-2)

TRUCK DRIVERS (Cont'd):	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Truck Drivers (Cont'd) Bus and Manhaul Drivers:						
Up to 18,000 lbs. (single unit)	5.45	.41	.25	.25		
18,000 lbs & over (single unit)	5.55	.41	.25	.25		
Helicopter Pilot (when transporting men or materials)	6.35	.41	.25	.25		
Industrial Lift Truck - Use Appropriate Flat Rack Rate (mechanical tailgate)						
Lift Jitneys and Fork Lift	5.65	.41	.25	.25		
Winch Truck & "A" Frame Drivers:						
Under 18,000 lbs.	5.55	.41	.25	.25		
18,000 lbs. & over	5.65	.41	.25	.25		
Warehousemen Spotters Teamsters	5.35	.41	.25	.25		
Tire Repairman	5.65	.41	.25	.25		
Truck Repairman	6.10	.41	.25	.25		
Pick-up Truck & Pilot Cars (job site)	5.45	.41	.25	.25		
Truck Oiler & Greaser, Fuel Truck Driver, Fuel Man & Fuel Island Man	5.55	.41	.25	.25		

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3-NEV-TD-1-2-3-d (1-2)

REMAINING PORTIONS OF NEVADA	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Others
Truck Drivers:						
All Dump Trucks (single or multiple dump units incl. semi's & double & transfer units):						
Under 4 yds. (water level)	$ 6.15	.41	.25	.25		
4 yds. & under 8 yds. (water level)	6.35	.41	.25	.25		
8 yds. & under 18 yds. (water level)	6.55	.41	.25	.25		
18 yds. & under 35 yds. (water level)	6.70	.41	.25	.25		
35 yds. & under 60 yds. (water level)	6.95	.41	.25	.25		
60 yds. & over	7.10	.41	.25	.25		
Transit Mix:						
Under 8 yds.	6.55	.41	.25	.25		
8 yds. & incl. 12 yds.	6.65	.41	.25	.25		
Over 12 yds.	6.85	.41	.25	.25		
Transit Mix with Boom shall receive 12 - 1/2¢ per hour above the appropriate yardage classification rate of pay when such boom is used.						
Water Trucks:						
Up to 2,500 gals.	6.35	.41	.25	.25		
2,500 gals. & over	6.45	.41	.25	.25		
Semi Trailers	6.55	.41	.25	.25		
DW 20's and 21's and other similar Cat type, Terra Cobra, LeTourneau Pulls, Tournarocker, Euclid and similar type equipment when pulling Aqua/Pak, Water Tank Trailers and Fuel &/or Grease Tank Trailers, or other misc. trailers	6.70	.41	.25	.25		
Heavy Duty Transport (high bed), Heavy Duty Transport (gooseneck low bed), Tiltbed or Flatbed Pull Trailers	6.45	.41	.25	.25		
Bootman, combination Bootman and Road Oiler	6.60	.41	.25	.25		
Road Oil Truck or Bootman	6.30	.41	.25	.25		
Flat Rack (single unit) (2 axle unit)	6.20	.41	.25	.25		
Flat Rack (single unit) (3 axle unit)	6.30	.41	.25	.25		

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3-NEV-TD-1-2-3-d (2-7)

TRUCK DRIVERS (Cont'd):	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Others
Truck Drivers:						
Bus and Manhaul Drivers:						
Up to 18,000 lbs (single unit)	6.20	.41	.25	.25		
18,000 lbs & over (single unit)	6.30	.41	.25	.25		
Helicopter Pilot (when transporting men or materials)	7.10	.41	.25	.25		
Industrial Lift Truck - Use Appropriate Flat Rack Rate (mechanical tailgate)						
Lift Jitneys and Fork Lift	6.40	.41	.25	.25		
Winch Truck & "A" Frame Drivers:						
Under 18,000 lbs.	6.30	.41	.25	.25		
18,000 lbs. & over	6.40	.41	.25	.25		
Warehousemen Spotters Teamsters	6.10	.41	.25	.25		
Tire Repairman	6.40	.41	.25	.25		
Truck Repairman	6.85	.41	.25	.25		
Pick-up Truck & Pilot Cars (job site)	6.20	.41	.25	.25		
Truck Oiler & Greaser, Fuel Truck Driver, Fuel Man & Fuel Island Man	6.30	.41	.25	.25		

Clark, Esmeralda & Lincoln Counties and Nye County(south of Highway 6)

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2-NEV-TD-1-2-3-i (1-2)

TRUCK DRIVERS: Clark, Esmeralda, & Lincoln Counties; & Nye County (south of Highway 6)	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Others
GROUP I: Drivers of Dump Trucks (less than 12 yds. water level); Drivers of Trucks (legal payload capacity less 15 tons); Water & Fuel Truck Drivers under 2500 gals.; Pickup Drivers; Service Truck Driver--Teamster Equipment (highest rate paid for dual craft operation) Truck Repairman Helper; Drivers or Busses on Job Site used for transportation of up to 25 passengers	$7.20	.25	.30			
GROUP II: Drivers of Dump Trucks 12 yds. but less than 16 yds. water level; Drivers of Trucks--legal payload capacity between 15 & 20 tons; Gas & Oil Pipeline Working Truck Driver, including winch truck & all sizes of trucks; water & Fuel Truck Drivers 2500 gals. to 4000 gals.; Truck Greaser & Tireman; Drivers of Busses (on job site used for transportation or more than 25 passengers); Road Oil Spreading by Truck Drivers; Time spent Spreading Oil	7.31	.25	.30			
GROUP III: Drivers of Transit-mix Trucks, under 3 yds. Dumpcrete Truck, less than 6½ yds. water level	7.36	.25	.30			

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2-NEV-TD-1-2-3-i (2-2)

TRUCK DRIVERS (CONT'D)	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Others
GROUP IV: Drivers of Dump Trucks, 16 yds. up to & including 22 yds. water level; Drivers of Trucks, legal payload capacity, 20 tons but less than 30 tons; Drivers of Euclid-type Spreader Trucks; Drivers of Dumpster Trucks; Drivers of Transit-mix Trucks, 3 yds., but less than 6 yds.; Dumpcrete Truck, 6½ yds. water level & over; Fork Lift Driver; Ross Carrier Driver--Highway Water & Fuel Truck Drivers 4000 but less than 6000 gals.	7.52	.25	.30			
GROUP V: Drivers of Transit-mix Trucks, 6 yds. or more; Truck Repairman; Drivers of Dump Trucks, over 22 yds. water level; Drivers of Trucks, legal payload capacity, 20 tons & over; Drivers of Fuel & Water Trucks, 6000 gals, & over	7.70	.25	.30			
GROUP VI: D.W. & similar type equipment; D.W. 10 & D.W. 20 Euclid-type equipment LeTorneau Pulls, Terra Cobras & similar types of equipment, also PB & similar type trucks when performing work within Teamster jurisdiction, regardless of types of attachment including power units pulling off Highway Belly Dumps in tandem	8.20	.25	.30			

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** AREA 2: All areas not included within Area 1 as defined below.

* AREA 1: All of Northern Nevada within the following lines:

Commencing at the N.W. corner of township 22N, range 18E, Mount Diablo Baseline and Meridian at the California-Nevada border:

Thence Easterly to the N.E. corner of township 22N, range 22E;

Thence Southerly to the N.E. corner of township 20N, range 22E;

Thence Easterly to the N.W. corner of township 20N, range 26E;

Thence Northerly to the N.W. corner of township 22N, range 26E

Thence Easterly to the N.W. corner of township 22N, range 29E;

Thence Northerly to the N.W. corner of township 30N, range 29E;

Thence Easterly to the N.E. corner of township 30N, range 33E;

Thence Southerly to the S.E. corner of township 24N, range 33E;

Thence Westerly to the S.E. corner of township 24N, range 31E;

Thence Southerly to the S.E. corner of township 16N, range 31E;

Thence Westerly to the S.E. corner of township 16N, range 30E;

Thence Southerly to the S.E. corner of township 15N, range 30E;

Thence Westerly to the S.E. corner of township 15N, range 27E;

Thence Southerly to the S.E. corner of township 14N, range 27E;

Thence Westerly to the S.E. corner of township 14N, range 23E;

Thence Southerly to the S.E. corner of township 13N, range 23E;

Thence Westerly to the S.E. corner of township 13N, range 22E;

Thence Southerly to the N.E. corner of township 10N, range 22E;

Thence Easterly to the N.E. corner of township 10N, range 23E;

Thence Southerly along the Easterly line of range 23E to the intersection of the California-Nevada border;

Thence North-Westerly, then Northerly following the California-Nevada border to the point of beginning.

Area 1 also includes that portion of Northern Nevada included within the following line:

Commencing at the S.W. corner of township 37N, range 52E;

Thence Easterly to the S.E. corner of township 37N, range 52E;

Thence Northerly to the N.E. corner of township 37N, range 52E;

Thence Easterly to the N.W. corner of township 37N, range 53E;

Thence Southerly to the S.W. corner of township 37N, range 58E;

Thence Easterly to the S.E. corner of township 37N, range 58E;

Thence Southerly to the N.E. corner of township 31N, range 58E;

Thence Westerly to the N.W. corner of township 31N, range 58E;

Thence Southerly to the S.W. corner of township 31N, range 58E;

Thence Westerly to the S.E. corner of township 31N, range 52E;

Thence Northerly to the N.E. corner of township 31N, range 52E;

Thence Westerly to the S.E. corner of township 32N, range 51E;

Thence Northerly to the point of beginning.

SUPERSEDEAS DECISION

STATE: Nevada

COUNTIES: Churchill, Douglas, Lyon, Mineral, Ormsby, and Washoe

DECISION NO.: AP-265

DATE: Date of Publication

Supersedes Decision No. AP-242 dated September 22, 1972 in 37 FR 19934

DESCRIPTION OF WORK: Building Construction (excluding single family homes and garden apartments up to and including 4 stories).

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
ASBESTOS WORKERS	$8.87	.40	.35	.90	.04	
BOILERMAKERS	7.95	.60	1.00	.50	.02	
BRICKLAYERS; Stonemasons:						
ZONE A: Within 15 mi. radius of court house in Reno	8.45	.40			.01	
ZONE B: Within 15 to 35 mi. radius of court house in Reno	8.80	.40			.01	
ZONE C: Within 25 to 75 mi. radius of court house in Reno	9.20	.40			.01	
BRICK TENDERS:						
ZONE A: 0-15 mi. from court house in Reno	6.50	.40	.30			
ZONE B: 15-35 mi. from court house in Reno	6.85	.40	.30			
ZONE C: 35-75 mi. from court house in Reno	7.25	.40	.30			
CARPENTERS:						
Churchill & Mineral Counties						
Carpenters	6.25	.50	.70	.90	.03	
Floor Layers; Shinglers; Power Saw Op.; Patent Scaffold Erector	6.40	.50	.70	.90	.03	
Millwrights	6.55	.50	.70	.90	.03	
Lyon, Douglas, Ormsby & Washoe Counties						
Carpenters	6.25	.50	.70	.90	.03	
Floor Layers; Shinglers; Power Saw Op.; Patent Scaffold Erector	6.40	.50	.70	.90	.03	
Millwrights	6.55	.50	.70	.90	.03	
CEMENT MASONS						
Except Lake Tahoe Area						
Cement Masons	6.70	.50	.40	1.00	.01	
Mastic, Magnesite Composition; Trowelling Machine	6.95	.50	.40	1.00	.01	
Lake Tahoe Area						
Cement Masons	7.90	.50	.40	1.00	.01	
Mastic, Magnesite Composition; Trowelling Machine	8.15	.50	.40	1.00	.01	
ELECTRICIANS						
Except Lake Tahoe Area						
Electricians:						
Electricians	8.24	.53	1%+.25		.01	
Cable splicers	9.04	.53	1%+.25		.01	
Lake Tahoe Area						
Electricians:						
Electricians	8.99	.53	1%+.25		.01	
Cable splicers	9.87	.53	1%+.25		.01	
ELEVATOR CONSTRUCTORS	9.21	.345	.23	2%+a		
ELEVATOR CONSTRUCTORS' HELPERS	70%JR	.345	.23	2%+a		
ELEVATOR CONSTRUCTORS' HELPERS (PROB.)	50%JR					
GLAZIERS	7.605	.15	.25	8%		
IRONWORKERS:						
Reinforcing	8.34	.58	.625	.70	.02	
Fence Erectors	8.24	.58	.625	.70	.02	
Ornamental; Structural	8.38	.58	.625	.70	.02	
LATHERS	6.46	.20	.10		.01	
PAINTERS						
Except Lake Tahoe Area						
Painters:						
Brush	6.85	.30	.20	.40		
Spray; Structural	7.10	.30	.20	.40		
Lake Tahoe Area						
Brush	7.70	.30	.20	.40		
Spray, Structural Steel	7.95	.30	.20	.40		
PLASTERERS	7.00	.45	.40			
PLASTERERS' TENDERS:						
Zone A: Less than 75 mi. from Reno	6.25	.40	.30			
Zone B: Over 75 mi. from Reno	6.375	.40	.30			
Working on Hardwall Gun (except light texture mixture):						
Zone A: Less than 75 mi. from Reno	6.50	.50	.40			
Zone B: Over 75 mi. from Reno	6.625	.50	.40			
PLUMBERS; Steamfitters	8.10	.30	.60	1.55	.07	
ROOFERS	7.70	.25	.05		.02	
SHEET METAL WORKERS	7.90	.59	.90	10%	.02	
SOFT FLOOR LAYERS	8.35	.30	.20			
SPRINKLER FITTERS	11.30	.30	.50		.05	
TILE SETTERS:						
Zone A: Within 15 mi. radius of court house in Reno	7.60	.30			.01	
Zone B: Within 15 to 35 mi. radius of court house in Reno	7.95	.30			.01	
Zone C: Within 35 to 75 mi. radius of court house in Reno	8.35	.30			.01	

FOOTNOTE:
a. Employer contributes 4% basic hourly rate for over 5 years' service and 2% basic hourly rate for 6 months to 5 years' service as Vacation Pay Credit. Six Paid Holidays: A through F.

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

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1 NEV-LAB-1-2-3-j (1-2)

LABORERS:	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
GROUP I						
Asphalt Workers (Ironers, Shoveler, Cutting machine); Buggymobile; Chainsaw, Faller, Logloader and Bucker; Compactor (all types); Concrete Mixer under 1/2 yds.; Concrete pan work (breadpan type), (handling, cleaning, stripping); Concrete Saw, Chipping, Grinding, Sanding, Vibrator; Cribbing, Shoring, Lagging, Trench jacking, Hand-guided lagging hammer; Curbing or Divider machine; Curb setter (precast or cut); Ditching Machine (Hand-guided); Drillers Helper, Chuck Tender; Form Raiser, Slip Forms; Grouting of Concrete Walls; Windows and Door Jams; Headerboardman; Jackhammer, Pavement Breaker, Air Spade; Mastic workers (wet or dry); Pipe wrapper, Kettleman, Potman, & men applying asphalt, creosote and similar type materials; All power tools (air, gas or electric) not listed in Group V; Pipejacking; Posthole Digger (air, gas, or electric) Post Driver; Riprap-Stonepaver and Rock Slinger, incl. placing of sack concrete wet or dry; Tototiller; Rigging and signaling in connection with laborers work; Sandblaster, potman, gunman or nozzleman; Vibrascreed; Skilled Wrecker (removing and salvaging of sash, windows, doors, plumbing and electrical fixtures)	$ 6.05	.40	.30			
GROUP II						
Choker Setter or Rigger (clearing work only) Pittsburg Chipper and similar type brush shredders; Concrete worker (wet or dry) all concrete work not listed in Group I; Crusher or Grizzly Tender; Guinea Chaser (Stakeman); Panel Forms (wood or metal) handling, cleaning, and stripping of; Loading and unloading, Carrying and handling of all rods and material for use in reinforcing concrete; Railroad Trackmen (maintenance, repair or builders); Sloper; Semi-Skilled wreckers (salvaging of building materials other than those listed in Group I)	5.90	.40	.30			

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1-NEV-LAB-1-2-3-j (2-2)

LABORERS: (Cont'd)	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
GROUP III						
All cleanup work of debris, grounds, and buildings including windows & tile; Dumpman or Spotter (other than asphalt); General Laborer; Gardeners and Landscape Laborers; Limber, Brush-loader and Piler	5.80	.40	.30			
GROUP IV						
Burning and Welding in connection with laborers' work	6.15	.40	.30			
GROUP V						
Joy Drill Model TWM-2A, Gardner Denver Model DN143 and similar type drills; Core Drillers, Wagon Drillers; Mechanical Drillers on Multiple Units; Blaster and Powderman, all work of loading, placing, and blasting of all powder and explosives of any type, regardless of method used for such loading and placing; High scalers; Concrete pump operator; Heavy duty Vibrator with Stinger 5" diameter or over; Pipelayer; Caulker and Bander; Pipelayer-Waterline, Sewerline, Gasline, Conduit; Asphalt Rakers	6.30	.40	.30			
GROUP VI						
Nozzleman, Rodman	6.60	.40	.30			
Gunman, Materialman	6.30	.40	.30			
Reboundman	5.95	.40	.30			

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1-NEV-PEO-1-2-3-e (1-5)

AREA 1* POWER EQUIPMENT OPERATORS:	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Other
GROUP I						
ASSISTANT TO ENGINEER, Including Brakeman, Deckhand, Fireman, Heavy Duty Repairman Helper, Oiler, Partsman (heavy duty repair shops parts room when needed), Switchman, Tar Pot Fireman	6.56	.55	1.00	.65	.31	
GROUP II						
COMPRESSOR (Electrically, diesel or gas powered, etc.) Material Loader and/or Conveyor (handling building materials); Oiler (Truck Crane); Pump; Tar Pot Fireman (power agitated)	6.87	.55	1.00	.65	.31	
GROUP III						
BOX OPERATOR (Bunker); Concrete Curing Machines (streets, highways, airports, canals); Conveyor Belt (Tunnel); Engineer Generating Plant (500 K.W.); Fireman Hot Plant; Hydraulic Monitor; Lubrication and Service Engineer (Mobile and Grease Rack); Mixer Box Operator (Concrete Plant); Motorman; Rodman or Chainman; Rotomist; Screedman (except asphaltic or concrete paving)	7.03	.55	1.00	.65	.31	
GROUP IV						
BALLAST JACK TAMPER; Ballast Regulator; Ballast Tamper Multi-Purpose; Boxman (asphalt plant); Concrete Mixer, Skip Type; Dinky (Assistant to Engineer required); Fork Lift (construction job site); Ross Carrier; Skip Loader (under 1 cu. yd.); Tie Spacer	7.45	.55	1.00	.65	.31	
GROUP V						
CONCRETE MIXER (over 1 cu. yd.); Concrete Pumps or Pumpcrete Guns; Elevator and Material Hoist (1 drum); Gradesetter, Grade checker; Screedman (Barber - Greene and similar) (asphaltic or concrete paving); Shuttle car; Signalman	7.62	.55	1.00	.65	.31	

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1-NEV-PEO-1-2-3-e (2-5)

POWER EQUIPMENT OPERATORS (Cont'd) GROUP VI	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Other
BOOM TRUCK OR DUAL PURPOSE "A" FRAME TRUCK; B.L.H. Lima Road Pactor or similar; Chip Box Spreader (Flaherty type or similar); Concrete Batch Plant (wet or dry); Concrete Saws (highways, streets, airports, canals); Highline Cableway Signalman; Locomotives (over 30 tons); Maginnis International Full Slab Vibrator (airports, highways, canals, warehouses); Mechanical Burn, Curb and/or Curb Gutter Machine (concrete or asphalt); Power Jumbo (setting slip forms, etc., in tunnels); Roller; Self-propelled Compactor (single engine); Slip Form Pump (power driven by hydraulic, electric, air gas, etc., Lifting device for concrete forms); Stationary Pipe Wrapping, Cleaning and Bending Machine; Pavement Breaker or Tamper (with or without compressor combination); Pavement Breaker, Truck Mounted, with Compressor Combination; Small Rubber-tired Tractors	7.71	.55	1.00	.65	.31	
GROUP VII						
COMPRESSOR (2 to 6) (electric, diesel or gas); Concrete Conveyor; Concrete Conveyor or Concrete Pump, Truck or equipment Mounted (Boom length to apply); Crusher Plant Engineer; Deck Engineer; Drilling and Boring machinery, Vertical & Horizontal (not to apply to waterliners, wagon drills or jackhammers); Instrument Man; Kolman Loader; Material Hoist (2 or more drums); Mechanical Finishers or Spreader Machine (asphalt, Barber - Greene and similar) (Screedman required); Mine or Shaft Hoist; Pipe Bending Machines (pipelines only); Pipe Cleaning Machines (Tractor propelled and supported); Pipe Wrapping Machines (Tractor propelled and supported); Portable Crushing and Screening Plants; Pumps (2 to 6); Refrigeration Plant; Self-propelled Boom Type Lifting Device; Slusher; Soil Tester						

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AREA 1*

POWER EQUIPMENT OPERATORS (CONT'D):	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Other
GROUP VII (CONT'D) (certified); Surface Heater & Planer; Trenching Machine (maximum digging capacity 3 ft. depth) Truck Type Loader; Welding Machines (Gasoline or Diesel) (2 to 6)	7.86	.55	1.00	.65	.31	
GROUP VIII ASPHALT PLANT ENGINEER; CAR PASER; Cast-in-place Pipe Laying Machine; Combination Slusher & Motor; Dozer; Concrete Batch Plant - (Multiple Units); Elevating Grader; Heavy-Duty Repairman and/or Welder; Ken-Seal; Loader (up to and including 2 1/2 cu. yds.); Mechanical Trench Shield, Mixer-mobile; Push Cats; Road Oil Mixing Machine Wood-Mixer (and other similar Pugmill equipment); Rubber Tired Earthmoving Equipment (up to and including 35 cu. yds. "struck", M.R.C., Euclids, T-Pulls, DW's 10, 20, 21 and similar); Self-propelled Compactor with Dozer;Sheepfoot; Small Tractor (with boom); Soil Stabilizer (P & H or equal); Timber Skidder (rubber tire) or similar equipment; Tractor; Tractor Drawn Scraper; Tractor Mounted Compressor Drill Combination; Trenching Machine (over 3 ft. depth); Tri-Batch Paver; Tunnel Badger or Tunnel Boring Machine; Tunnel Mole Boring Machine;	8.16	.55	1.00	.65	.31	
GROUP IX CANAL FINGER DRAIN DIGGER; Chicago Boom Combination Backhoe and Loader (up to & including 3/8 yds.); Combination Mixer and Compressor (gunnite); Lull Hi-Lift (20 ft. or over); Mucking Machine; Tractor (with boom) (D6 or larger); Track Laying Type Earth Moving Machine (single engine with tandem scrapers; Sub-Grader (Gurries or other types);	8.34	.55	1.00	.65	.31	

AREA 1*

POWER EQUIPMENT OPERATORS (Cont'd) GROUP X	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Other
BOOM-TYPE BACKFILLING MACHINE; Back Hoe (up to and including 1 cu. yd. hydraulic); Back Hoe (up to and including 1 cu. yd.) (Cable); Bridge Crane; Cranes (not over 25 tons) (hammerhead and gantry); Cary-Lift or similar; Chemical Grouting Machine; Derricks (2 Group 10 Operators required when swing engine remote from hoist); Derrick Barges (Except excavation work) Euclid Loader similar types; Grade-alls (up to and including 1 cu. yd.); Heavy Duty Rotary Drill Rigs (including caisson foundation work and Ribbins type drills); Lift-Slab (Vagtborg and similar types); Loader (over 2 1/2 yds up to and including 4 yds.); Locomotive (over 100 tons) (single or multiple units); Motor Patrol Op.; Multiple Engine Earth Moving Machines (Euclids, Dozers, etc.) (No tandem scraper); Power Shovels, Clamshells, Draglines, Cranes (up to and including 1 cu. yd.) Pre-Stress Wire Wrapping Machines; Self-propelled reservoir-debree equipment floating (200 h.p. and over); Shuttle Car (Reclaim Station); Single-Engine Scraper (over 35 cu. yds.) Vacuum Cooling Plant; Whirley Crane (up to and including 25 tons) Rubber tired Scraper (self-loading)	8.53	.55	1.00	.65	.31	
GROUP XI AUTOMATIC ASPHALT OR CONCRETE SLIP FORM PAVER; Automatic Railroad Car Dumper; Canal Finger Drain Backfiller; Canal Trimmer; Cranes (over 25 tons); Highline Cableway Operator; Loader (over 4 yds. up to and including 12 cu. yds.); Multi-Engine Earthmoving Equipment (up to and including 75 cu. yds. "struck" M.R.C.); Power Shovels, Clamshells, Draglines, Backhoes, Grade-alls (over 1 yd. and up to and including 7 cu. yds. M.R.C.); Self-propelled Compactor (with multiple propulsion power units); Single Engine Rubber Tired Earth-Moving Machine (with Tandem Scraper); Slip Form Paver (concrete or asphalt (1 Operator and 2 Screedmen); Tandem						

AREA 1*

POWER EQUIPMENT OPERATORS (Cont'd) GROUP XI (Cont'd)	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Other
Cats and Scrapers; Tower Crane Mobile Universal Liebher & Tower Cranes (and similar types); Wheel Excavator (up to and including 750 cu. yds. per hour); Whirley Cranes (over 25 tons)	8.76	.55	1.00	.65	.31	
GROUP XI-A BAND WAGONS (in conjunction with Wheel Excavators); Loader (over 12 cu. yds.); Multi-Engine Earth Moving Equipment (over 75 cu. yds. "struck" m.r.c.); Operator of Helicopter (when used in construction work); Power Shovels & Draglines (over 7 cu. yds. M.R.C.); Remote Controlled Earth Moving Equipment; Wheel Excavator (over 750 cu. yds. per hour)	9.63	.55	1.00	.65	.31	

AREA 2**

POWER EQUIPMENT OPERATORS: GROUP I	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Others
ASSISTANT TO ENGINEER, Including Brakeman, Deckhand, Fireman, Heavy Duty Repairman Helper, Oiler, Partsman (heavy duty repair shops parts room when needed), Switchman, Tar Pot Fireman	7.56	.55	1.00	.65	.31	
GROUP II COMPRESSOR (Electrically, diesel or gas powered, etc.) Material Loader and/or Conveyor (handling building materials); Oiler (Truck Crane); Pump; Tar Pot Fireman (power agitated)	7.87	.55	1.00	.65	.31	
GROUP III BOX OPERATOR (Bunker); Concrete Curing Machines (streets, highways, airports, canals); Conveyor Belt (Tunnel); Engineer Generating Plant (500 K.W.); Fireman Hot Plant; Hydraulic Monitor; Lubrication and Service Engineer (Mobile and Grease Rack); Mixer Box Operator (Concrete Plant); Motorman; Rodman or Chainman; Rotomist; Screedman (except asphaltic or concrete paving)	8.03	.55	1.00	.65	.31	
GROUP IV BALLAST JACK TAMPER; Ballast Regulator; Ballast Tamper Multi-Purpose; Boxman (asphalt plant); Concrete Mixer, Skip Type; Dinky (Assistant to Engineer required); Fork Lift (construction job site); Ross Carrier; Skip Loader (under 1 cu. yd.); Tie Spacer	8.45	.55	1.00	.65	.31	
GROUP V CONCRETE MIXER (over 1 cu. yd); Concrete Pumps or Pumpcrete Guns; Elevator and Material Hoist (1 drum); Gradesetter, Grade checker; Screedman (Barber - Greene and similar) (asphaltic or concrete paving); Shuttle car; Signalman	8.62	.55	1.00	.65	.31	
GROUP VI BOOM TRUCK OR DUAL PURPOSE "A" FRAME TRUCK; B.L.H. Lima Road Pactor or similar; Chip Box Spreader (Flaherty type or similar); Concrete Batch Plant (wet or dry); Concrete Saws (highways,						

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AREA 2** 3-NEV-PEO-1-2-3-e (2-5)

POWER EQUIPMENT OPERATORS (Cont'd): GROUP VI (Cont'd)	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Other
streets, airports, canals); Highline Cableway Signalman; Locomotives (over 30 tons); Maginnis International Full Slab Vibrator (airports, highways, canals, warehouses); Mechanical Burn, Curb and/or Curb Gutter Machine (concrete or asphalt); Power Jumbo (setting slip forms, etc., in tunnels); Roller;Self-propelled Compactor (single engine); Slip Form Pump (power driven by hydraulic, electric, air gas, etc., lifting device for concrete forms); Stationary Pipe Wrapping, Cleaning and Bending Machine; Pavement Breaker or Tamper (with or without compressor combination); Pavement Breaker, Truck Mounted, with Compressor Combination: Small Rubber-tired Tractors	8.71	.55	1.00	.65	.31	
GROUP VII COMPRESSOR (2 to 6) (electric, diesel or gas); Concrete conveyor; Concrete Conveyor or Concrete Pump, Truck or equipment Mounted (Boom length to apply); Crusher Plant Engineer; Deck Engineer; Drilling and Boring Machines, Vertical & Horizontal (not to apply to waterliners, wagon drills or jackhammars); Instrument Man; Kolman Loader; Material Hoist (2 or more drums); Mechanical Finishers or Spreader Machine (asphalt, Barber - Greene and similar) (Screedman required); Mine or Shaft Hoist; Pipe Bending Machines (pipelines only); Pipe Cleaning Machines (Tractor propelled and supported); Pipe Wrapping Machines (Tractor propelled and supported); Portable Crushing and Screening Plants; Pumps (2 to 6); Refrigeration Plant; Self-propelled Boom Type Lifting Device; Slusher; Soil Tester (certified); Surface Heater & Planer; Trenching Machine (maximum digging capacity 3 ft. depth) Truck Type Loader; Welding Machines (Gasoline or Diesel) (2 to 6)	8.86	.55	1.00	.65	.31	

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AREA 2** 3-NEV-PEO-1-2-3-e (3-5)

POWER EQUIPMENT OPERATORS (Cont'd)	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Other
GROUP VIII ASPHALT PLANT ENGINEER; CAR PASER: Cast-in-place Pipe Laying Machine; Combination Slusher & Motor; Dozer; Concrete Batch Plant - (Multiple Units); Elevating Grader; Heavy-Duty Repairman and/or Welder; Ken-Seal; Loader (up to and including 2 1/2 cu. yds.); Mechanical Trench Shield, Mixermobile; Push Cats; Road Oil Mixing Machine Wood-Mixer (and other similar Pugmill equipment); Rubber Tired Earthmoving Equipment (up to and including 35 cu. yds. "struck", M.R.C., Euclids, T-Pulls, DW's 10, 20, 21 and similar); Self-propelled Compactor with Dozer; Sheepfoot; Small Tractor (with boom); Soil Stabilizer (P & H or equal); Timber Skidder (rubber tire) or similar equipment; Tractor; Tractor Drawn Scraper; Tractor Mounted Compressor Drill Combination; Trenching Machine (over 3 ft. depth); Tri-Batch Paver; Tunnel Badger or Tunnel Boring Machine; Tunnel Mole Boring Machine;	9.16	.55	1.00	.65	.31	
GROUP IX CANAL FINGER DRAIN DIGGER; Chicago Boom Combination Backhoe and Loader (up to & including 3/8 yds.); Combination Mixer and Compressor (gunnite); Lull Hi-Lift (20 ft. or over); Mucking Machine; Tractor (with boom) (D6 or larger); Track Laying Type Earth Moving Machine (single engine with tander scrapers; Sub-Grader (Gurries or other types);	9.34	.55	1.00	.65	.31	
GROUP X BOOM-TYPE BACKFILLING MACHINE; Back Hoe (up to and including 1 cu. yd. hydraulic); Back Hoe (up to and including 1 cu. yd.) (Cable); Bridge Crane; Cranes (not over 25 tons) (hammerhead and gantry); Cary-Lift or similar; Chemical Grouting Machine; Derricks (2 Group 10 Operators required when swing engine remote from hoist); Derrick Barges (Except excavation work) Euclid						

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AREA 2** 3-NEV-PEO-1-2-3-e (4-5)

POWER EQUIPMENT OPERATORS (Cont'd): GROUP X (Cont'd)	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Other
Loader similar types; Grade-alls (up to and including 1 cu. yd.); Heavy Duty Rotary Drill Rigs (including caisson foundation work and Ribbins type drills); Lift-Slab (Vagtborg and similar types); Loader (over 2 1/2 yds. up to and including 4 yds.); Locomotive (over 100 tons) single or multiple units); Motor Patrol Op.; Multiple Engine Earth Moving Machines (Euclids, Dozers, etc.) (no tandem scraper); Power Shovels, Clamshells, Draglines, Cranes (up to and including 1 cu. yd.) Pre-Stress Wire Wrapping Machines; Self-propelled reservoir-debree equipment floating (200 h.p. and over); Shuttle Car (Reclaim Station); Single-Engine Scraper (over 35 cu. yds.) Vacuum Cooling Plant; Whirley Crane (up to and including 25 tons) Rubber tired Scraper, Self Loading	9.53	.55	1.00	.65	.31	
GROUP XI AUTOMATIC ASPHALT OR CONCRETE SLIP FORM PAVER; Automatic Railroad Car Dumper; Canal Finger Drain Backfiller; Canal Trimmer; Cranes (over 25 tons); Highline Cableway Operator; Loader (over 4 yds. up to and including 12 cu. yds.); Multi-Engine Earthmoving Equipment (up to and including 75 cu. yds. "struck" M.R.C.); Power Shovels Clamshells, Draglines, Backhoes, Grade-alls (over 1 yd. and up to and including 7 cu. yds. M.R.C.); Self-propelled Compactor (with multiple propulsion power units); Single Engine Rubber Tired Earth-Moving Machine (with Tandem Scraper); Slip Form Paver (concrete or asphalt (1 Operator and 2 Screedmen); Tandem Cats and Scrapers; Tower Crane Mobile Universal Liebher & Tower Cranes (and similar types); Wheel Excavator (up to and including 750 cu. yds. per hour). Whirley Cranes (over 25 tons)	9.76	.55	1.00	.65	.31	

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AREA 2** 3-NEV-PEO-1-2-3-e (5-5)

POWER EQUIPMENT OPERATORS (Cont'd):	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Other
GROUP XI-A BAND WAGONS (in conjunction with Wheel Excavators); Loader (over 12 cu. yds.); Multi-Engine Earth Moving Equipment (over 75 cu. yds. "struck" m.r.c.); Operator of Helicopter (when used in construction work); Power Shovels & Draglines (over 7 cu. yds. M.R.C.); Remote Controlled Earth Moving Equipment; Wheel Excavator (over 750 cu. yds. per hour)	10.63	.55	1.00	.65	.31	

TRUCK DRIVERS

Douglas, Ormsby, Storey Counties & those areas within 25 mi. radius of the City Hall in the following cities: Fallon in Churchill Co., Elko in Elko Co., Yerington in Lyon Co., Carson City in Orsmby Co., Lovelock in Pershing Co., and Reno in Washoe Co.

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Other
All Dump Trucks (single multiple or dump units incl. Semi's & double & transfer units):						
Under 4 yds. (water level)	5.40	.41	.25	.25		
4 yds. & under 8 yds. (water level)	5.60	.41	.25	.25		
8 yds. & under 18 yds. (water level)	5.80	.41	.25	.25		
18 yds. & under 35 yds. (water level)	5.95	.41	.25	.25		
35 yds. & under 60 yds. (water level)	6.20	.41	.25	.25		
60 yds. & over	6.35	.41	.25	.25		
Transit Mix:						
Under 8 yds.	5.80	.41	.25	.25		
8 yds. & incl. 12 yds.	5.90	.41	.25	.25		
Over 12 yds.	6.10	.41	.25	.25		
Transit Mix with Boom shall receive 12 - 1/2¢ per hour above the appropriate yardage classification rate of pay when such boom is used.						
Water Trucks:						
Up to 2,500 gals.	5.60	.41	.25	.25		
2,500 gals. & over	5.70	.41	.25	.25		
Semi Trailers	5.80	.41	.25	.25		
DW 20's and 21's and other similar Cat type, Terra Cobra, LeTourneau Pulls, Tournarocker, Euclid and similar type equipment when pulling Aqua/Pak, Water Tank Trailers and fuel &/or Grease Tank Trailers, or other misc. Trailers	5.95	.41	.25	.25		
Heavy Duty Transport (high bed), Heavy Duty Transport (gooseneck low bed), Tiltbed or Flatbed Pull Trailers	5.70	.41	.25	.25		
Bootman, Combination Bootman and Road Oiler	5.85	.41	.25	.25		
Road Oil Truck or Bootman	5.55	.41	.25	.25		
Flat Rack (single unit) (2 axle unit)	5.45	.41	.25	.25		
Flat Rack (single unit) (3 axle unit)	5.55	.41	.25	.25		

TRUCK DRIVERS (Cont'd):

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Other
Truck Drivers (Cont'd) Bus and Manhaul Drivers:						
Up to 18,000 lbs. (single unit)	5.45	.41	.25	.25		
18,000 lbs & over (single unit)	5.55	.41	.25	.25		
Helicopter Pilot (when transporting men or materials)	6.35	.41	.25	.25		
Industrial Lift Truck - Use Appropriate Flat Rack Rate (mechanical tailgate)						
Lift Jitneys and Fork Lift	5.65	.41	.25	.25		
Winch Truck & "A" Frame Drivers:						
Under 18,000 lbs.	5.55	.41	.25	.25		
18,000 lbs. & over	5.65	.41	.25	.25		
Warehousemen Spotters Teamsters	5.35	.41	.25	.25		
Tire Repairman	5.65	.41	.25	.25		
Truck Repairman	6.10	.41	.25	.25		
Pick-up Truck & Pilot Cars (job site)	5.45	.41	.25	.25		
Truck Oiler & Greaser, Fuel Truck Driver, Fuel Man & Fuel Island Man	5.55	.41	.25	.25		

REMAINING PORTIONS OF NEVADA

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Other
Truck Drivers: All Dump Trucks (single or multiple dump units incl. semi's & double & transfer units):						
Under 4 yds. (water level)	$ 6.15	.41	.25	.25		
4 yds. & under 8 yds. (water level)	6.35	.41	.25	.25		
8 yds. & under 18 yds. (water level)	6.55	.41	.25	.25		
18 yds. & under 35 yds. (water level)	6.70	.41	.25	.25		
35 yds. & under 60 yds. (water level)	6.95	.41	.25	.25		
60 yds. & over	7.10	.41	.25	.25		
Transit Mix:						
Under 8 yds.	6.55	.41	.25	.25		
8 yds. & incl. 12 yds.	6.65	.41	.25	.25		
Over 12 yds.	6.85	.41	.25	.25		
Transit Mix with Boom shall receive 12 - 1/2¢ per hour above the appropriate yardage classification rate of pay when such boom is used.						
Water Trucks:						
Up to 2,500 gals.	6.35	.41	.25	.25		
2,500 gals. & over	6.45	.41	.25	.25		
Semi Trailers	6.55	.41	.25	.25		
DW 20's and 21's and other similar Cat type, Terra Cobra, LeTourneau Pulls, Tournarocker, Euclid and similar type equipment when pulling Aqua/Pak, Water Tank Trailers and Fuel &/or Grease Tank Trailers, or other misc. trailers	6.70	.41	.25	.25		
Heavy Duty Transport (high bed), Heavy Duty Transport (gooseneck low bed), Tiltbed or Flatbed Pull Trailers	6.45	.41	.25	.25		
Bootman, combination Bootman and Road Oiler	6.60	.41	.25	.25		
Road Oil Truck or Bootman	6.30	.41	.25	.25		
Flat Rack (single unit) (2 axle unit)	6.20	.41	.25	.25		
Flat Rack (single unit) (3 axle unit)	6.30	.41	.25	.25		

TRUCK DRIVERS (Cont'd):

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Other
Truck Drivers: Bus and Manhaul Drivers:						
Up to 18,000 lbs (single unit)	6.20	.41	.25	.25		
18,000 lbs & over (single unit)	6.30	.41	.25	.25		
Helicopter Pilot (when transporting men or materials)	7.10	.41	.25	.25		
Industrial Lift Truck - Use Appropriate Flat Rack Rate (mechanical tailgate)						
Lift Jitneys and Fork Lift	6.40	.41	.25	.25		
Winch Truck & "A" Frame Drivers:						
Under 18,000 lbs.	6.30	.41	.25	.25		
18,000 lbs. & over	6.40	.41	.25	.25		
Warehousemen Spotters Teamsters	6.10	.41	.25	.25		
Tire Repairman	6.40	.41	.25	.25		
Truck Repairman	6.85	.41	.25	.25		
Pick-up Truck & Pilot Cars (job site)	6.20	.41	.25	.25		
Truck Oiler & Greaser, Fuel Truck Driver, Fuel Man & Fuel Island Man	6.30	.41	.25	.25		

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SUPERSEDEAS DECISION

STATE: NEW YORK
COUNTY: BRONX, KINGS, QUEENS, NEW YORK & RICHMOND
DECISION NO.: AP-487
DATE: Date of Publication

Supersedes Decision No. AM-1,721, dated August 11, 1971, in 36 FR 14908.
DESCRIPTION OF WORK: Building Construction, (excluding single family homes and garden type apartments up to and including 4 stories), heavy and highway construction.

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BUILDING HEAVY & HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Others
Asbestos workers	$8.50	13.1%	9%	12%		
Boilermakers	8.88	5%	5%+10%	7%	.01	
Bricklayers	8.70	.78	2.92	.30		
Carpenters, Building:						
Carpenters, soft floor layers	8.90	.80	1.45	.50	.02	
Millwrights	8.90	.80	1.45	.50	.02	
Dock builders & piledrivermen	8.90	.80	1.45	.50	.02	
Carpenters, Heavy:						
Carpenters	8.70	.80	1.40	.50	.02	
Dock builders & piledrivermen	8.70	.80	1.40	.56	.02	
Timbermen	8.11	.80	1.45	.50	.02	
Cement masons	8.75	.845	.695+.50		.01	
Electricians and linemen	9.43	u	1%+a	v + b		
Elevator constructors	7.96	.075	.125 + m	c + d		
Elevator constructors' helpers	5.79	.075	.125 + m	c + d		
Elevator constructors' helpers (prob.)	3.98					
Elevator constructors modernization	7.24	.075	.125 + m	c + d		
Elevator constructors modernization' helpers	5.43	.075	.125 + m	c + d		
Elevator constructors repair	6.37	.075	.125 + m	c + d		
Elevator constructors repair's helpers	4.78	.075	.125 + m	c + d		
Glaziers	7.30	6%	6%+1.20	5%		
Ironworkers:						
Structural	9.38	.49	94.90	.99+y+z	.04	
Ornamental finisher	7.80	.52	.65+1.20	9%		
Reinforcing	7.80	.655	.655+1.00	.70	.01	
Laborers:						
Asphalt spreaders (Hwy.)	5.10	4%	4%	e		
Asphalt rubbers, kettlemen, helpers	4.40	4%	4%	e		
Asphalt rakers	7.13	1.05	.87	s		
Asphalt tampers	6.98	1.05	.87	s		
Asphalt laborers	6.96	1.05	.87	s		
Blasters (Hwy.)	8.44	.725	1.135	f + .55		
Cement concrete workers	8.05	.5025	.7025			
Curb setters, flaggers (Hwy.)	6.35	.75	.32	e		
Form setters (Hwy.)	7.89	1.05	.87	s		
Laborers, puddlers, concrete rakers (Hwy.)	7.01	1.05	.87	s		
Laborers, (Bldg., & Hvy.)	7.15	1.17	71+.05	s		
Mason tenders	7.10	.637	.545+.50			
Pavers (Hwy.)	6.35	.75	.32	e		
Plasterers' helpers (Kings)	7.05	1.60		.65		
Plasterers' helpers (Queens)	7.05	1.10		1.15		
Plasterers' helpers (NY-Bronx-Richmond)	7.50	.70	.50			
Pneumatic-gas-elec. tool op. (Hvy.)	7.36	.725	1.135	.55+f		

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BUILDING, HEAVY & HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Others
Laborers: (Cont'd)						
Powder carriers (Hvy.)	$6.70	.725	1.135	.55+f		
Rammers (Hwy.)	6.10	.75	.32			
Wagon drills (Hvy.)	7.50	.725	1.135	.55+f		
Lath hoister (except Richmond)	5.80	.12				
Lathers, metallic	7.80	.655	.655+1.00	.70	.01	
Lathers, nail-on (King & Queens)	5.95	8%	6% + .20	.70		
Lathers, nail-on (NY-Bronx-Richmond)	6.75		.25		.01	
Lead burners	8.25	.30		g	.01	
Marble setters:	7.55	.63	.66+w+x			
Carvers	7.40	.63	.66+w+x			
Cutters, setters	7.17	.63	.66+w+x			
Sawyers, rubbers, polishers	6.93	.63	.66+w+x			
Crane operators & derrickmen	6.93	.63	.66+w+x			
Crane operators helpers						
Painters:	6.35	6½%	6½% + h	3%		
Brush	7.71	6½%	6½% + h	3%		
Spray, spray gun and scaffold work	7.50	8%	11%			
Structural steel	8.50	8%	11%			
Structural steel spray						
Plasterers:	7.55	.85		1.35	.01	
Kings	7.55	i			.01	
Queens	7.55	.95	.65	.90	.01	
Bronx-NY-Richmond						
Plumbers:	7.50	.868	.565	.763	.04	
Manhattan and Bronx	8.67	.56	1.09+j	.48	.10	
Kings-Queens	7.90	.45	k+1.25	.87	.29	
Richmond	8.10	5½%	12%+.55	6½%+.15		
Riggers						
Roofers:	7.55	6%	1.43	4%		
Composition, damp & waterproofers	6.45	8%	.50	5%		
Slate-tile (Kings-Queens)	5.13	8%	.50	5%		
Slate-tile helpers (Kings-Queens)	7.45	.50	.30	.75		
Slate-tile (Bronx-NY-Richmond)	5.96	.40	.24	.60		
Slate-tile helpers (Bronx-NY-Richmond)	10.45	3%+.20	3%+.20	2%		
Sheet metal workers	8.115	7%+.50	.13%	10%	.03	
Sprinkler fitters	8.115	7%+.50	.13%	10%	.03	
Steamfitters						
Service fitters air condition up to 10 hp.	5.05	.05	.15			
Stonemasons	7.25	4%				
Stone derrickmen & riggers	8.87	7%+.79	4%+.55	.60	.01	
Terrazzo workers	8.40	1.11	.63			
Terrazzo workers' helpers	7.43	.925	.475			
Terrazzo workers, machine operator	7.68	.925	.475			
Tile setters	7.01	.45	1.105			
Tile setters' helpers	4.85	6%	4%+.45			
Tuckpointers:						
Steam cleaners	5.35	.38	.53			
Waterproofers	5.20	.38	.53			
Sandblasters	5.90	.38	.53			

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BUILDING, HEAVY & HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Others
Truck Drivers:						
Ready-mix concrete, sand, gravel and asphalt	$5.23	.44½	.55½	n + o		
Euclids and turnapull operator	5.385	.44½	.55½	n		
Demolition & Wrecking:						
Straight jobs	4.76	p	q	r		
Trailers	5.01	p	q	r		
Welders - receive rate prescribed for craft performing operation to which welding is incidental.						

PAID HOLIDAYS:

A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:

a. Employer contributes $.86 per hour to Annuity Fund.

b. Holidays: A through F; Election Day; Employee's Birthday.

c. Holidays: A through F; Lincoln's Birthday; Washington's Birthday; Columbus Day; Election Day; Armistice Day.

d. Employer contributes .4% basic hourly rate for 5 years or more of service or 4.2% basic hourly rate for 6 months to 5 years of service as vacation pay credit.

e. Holidays: A through F; (provided the employee worked one day in the payroll week in which the holiday falls).

f. Holidays: A through F; Washington's Birthday; Columbus Day; Election Day; Armistice Day, Lincoln's Birthday.

g. Holidays: A through F; Washington's Birthday; Christmas Eve and Good Friday, providing employee has worked 45 full days during the 120 calendar days prior to the holiday, and regular scheduled work days immediately preceding and following the holiday.

h. $3.00 per day contribution for each man to a special annuity fund.

i. Employer contributes $2.35 per hour to a combined Health & Welfare Pen. and Vacation Fu

j. Employer contributes $.857 to a Security Benefit Fund.

k. Employer contributes $3.00 per day to a Security Benefit Fund.

m. Employer contributes $7.00 per day to an Annuity Fund.

n. Holidays: A through F, Lincoln's Birthday; Washington's Birthday; Columbus Day; Election Day; Veteran's Day, providing the employee works two days in the calendar week in which the holiday falls and each remaining work day during such calendar week.

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BUILDING, HEAVY & HIGHWAY CONSTRUCTION

FOOTNOTES (cont'd):

o. Vacation with pay, with a miximum vacation of three weeks per year.

p. Employer contributes $28.86 per month to Health & Welfare.

q. Employer contributes $29.13 per month to a Pension Fund.

r. Holidays: A through F; Lincoln's Birthday; Washington's Birthday; Good Friday; Columbus Day; Armstice Day and Election Day.

s. Holidays: B, C, D & E, Election Day, Columbus Day, Providing employee works at least 1 day in the week in which the holiday occurs.

t. Holidays: A through F.

u. Employer contributes $.66 per hour to a combined Health & Welfare and Pension Fund.

v. Employer contribution of $.47 per gour to a Vacation Fund.

w. Employers contribute $.60 per hour to a Trust Fund.

x. Employers contribute $.15 per hour to an Annuity Fund.

y. Employer contributes $.90 per hour to an Annuity Fund.

z. Paid Holidays: New Year's Day, Christmas Day provided the employee works a full half day preceding the holiday.

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BUILDING CONSTRUCTION POWER EQUIPMENT OPERATORS	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Other
Double drum hoist	$9.79	5%	5%+a	.70 +b	.02	
Stone derrick, cranes, cherry picker	9.64	5%	5%+a	.70 +b	.02	
Hoist, fork lifts, house cars, plaster (platform machine), plaster bucket, plaster pumps, compressors-welding machines (cutting concrete-tank work), paint spraying, sand blasting, and all equipment used for hoisting material	9.25	5%	5%+a	.70 +b	.02	
Cranes: All types - crawler or truck 100' to 149' boom	10.14	5%	5%+a	.70 +b	.02	
150' to 249' boom	10.39	5%	5%+a	.70 +b	.02	
250' to 349' boom	10.64	5%	5%+a	.70 +b	.02	
350' to 450' boom	11.14	5%	5%+a	.70 +b	.02	
Steel Erection: Three drum derricks	10.02	5%	5%+a	.70 +b	.02	
Cranes, 2 drum derricks, cherry pickers	9.32	5%	5%+a	.70 +b	.02	
Compressors, welding machines	8.39	5%	5%+a	.70 +b	.02	

FOOTNOTES:

a. Employer contributes $.70 per hour to an annuity fund.

b. Paid Holidays: New Year's Day; Lincoln's Birthday; Washington's Birthday; Good Friday (Iron League only); Decoration Day; Independence Day; Labor Day; Columbus Day; Election Day; Armistice Day; Thanksgiving Day; and Christmas Day providing the employee is employed during the payroll week in which the holiday falls.

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POWER EQUIPMENT OPERATORS, HEAVY & HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Others
Backhoes, power shovels, steel erection	$9.67	5%	5%	.75+a		
Mine hoist & cranes	9.60	5%	5%	.75+a		
Gradalls, keystones, cranes (on land or water with digging buckets including sand rock cranes, bridge cranes, clamshells, draglines, trenching machines)	9.44	5%	5%	.75+a		
Piledriving cranes (when driving piles), piledriving rigs (when driving piles), cranes (under direction of a dockbuilder foreman), Derrick boats, tunnel shovels, concrete plants (on site only)	9.26	5%	5%	.75+a		
Cherrypicker (20 tons & over)	9.10	5%	5%	.75+a		
Tunnel mucking machines, back filling machines, cranes (including but not limited to those utilizing scale boxes and mucking buckets), paver dual drums	9.09	5%	5%	.75+a		
Elevators (manually operated), pavers, cableways, land derricks, power houses (which contain low air pressure units), asphalt spreaders, autogrades (C.M.I. and machines of similar nature)	8.90	5%	5%	.75+a		
Power houses (other than above), portable compressors (used for steel erection), compressors (3 or more in battery), driving of truck mounted compressors, double drum hoist, concrete pumps, well point pumps, tugger machines (compressed air caissons), drilled in caissons, soil solidification equipment, welding machines (used for steel erection)	8.71	5%	5%	.75+a		
Rollers (irrespective of motor power) concrete mixers	8.67	5%	5%	.75+a		
River cofferdam pumps, welding machines (1 op. 2 through 5 machines, 2 op. 6 through 10 machines except where ARC is operated by members of L-15). concrete breaking machines, portable compressors (1 or 2 in battery not over 100' apart), high pressure boilers, single						

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POWER EQUIPMENT OPERATORS, HEAVY & HIGHWAY CONSTRUCTION (CONT'D)	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Other
drum hoist, locomotives (over 10 tons), push-button machines, stationary engineers (care, operating and maintenence of conveyor roller and plant equipment in asphalt plants)	8.35	5%	5%	.75+a		
Long boom land cranes: 100' - 149'	9.94	5%	5%	.75+a		
150' - 249'	10.19	5%	5%	.75+a		
250' - 349'	10.44	5%	5%	.75+a		
350' - 450'	10.94	5%	5%	.75+a		
Junior engineers (when operating loaders rubber-tired and/or tractor type with a manufacturer's minimum rated bucket capacity of 6 cubic yards and over)	9.35	5%	5%	.75+a		
Junior engineers (when operating the following equipment and attachments): scrapers, turn-a-pulls, tugger hoists (used exclusively for handling excavated material), tractors (rubber-tired and/or track type), hysters and roustabout cranes, back scratchers, cherrypickers (all capacities, including the crew requirement for a manufacturer's minimum rated capacity of cherrypicker twenty tons and over), austin western and machines of a similar nature, basin machines, stetco silent hoist and machines of a similar nature, vac-all, meyers machines, john beam and machines of a similar nature, bulldozers, loaders (rubber-tired and/or tractor type with a manufacturer's minimum rated bucket capacity of less than 6 cubic yards), conveyors, motor graders, curb and gutter pavers and machines of a similar nature, ross carriers and travel lifts and machines of a similar nature	9.10	5%	5%	.75+a		
Junior engineers when operating the following pieces of minor equipment: tractors, locomotives (10 tons and under), post hole diggers, ditch witch (walk behind), motor generators, road finishing machines, mixers (16S and under with or without loading devices) rollers (5 tons and under), tugger						

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2-PEO-2-3- E 3 of 3

POWER EQUIPMENT OPERATORS, HEAVY & HIGHWAY CONSTRUCTION (CONT'D)	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Others
hoists, dual purpose trucks, fork lifts, dempster dumpers, firemen (tending to): steam operated shovels, power boilers, steam operated pile drivers, steam operated derrick boats, steam operated water rigs	8.94	5%	5%	.75+a		
Apprentice engineers & oilers (all gasoline, electric, diesel or air operated), shovels, cranes, draglines, backhoes, keystones, gradalls, pavers, trenching machines, concrete pumps, gunite machines, compressors (3 or more in battery), power houses, their duties shall be to assist the engineer in oiling, greasing and repairing of all machines, giving signals when necessary, chaining buckets and scale boxes, driving truck cranes, driving and operating fuel and grease truck	8.59	5%	5%	.75+a		

Footnotes:

a. New Year's Day; Lincoln's Birthday; Washington's Birthday; Memorial Day; Independence Day; Labor Day; Columbus Day; Election Day; Veterans' Day; Thanksgiving Day; Christmas Day, providing the employee works one day in the payroll week in which the holiday occurs.

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SUPERSEDEAS DECISION

STATE: North Dakota
DECISION NUMBER AP-267
Supersedes Decision Number AM-2,509 dated August 27, 1971 in 36 FR 17133
DESCRIPTION OF WORK: Highway Construction

COUNTIES: Statewide
DATE: Date of Publication

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	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Other
LABORERS:						
CARPENTER TENDER; Chip spreader; Levermen; Drill runner helper; Fine grader; Form grader; General construction laborer; Landscape worker; Pipe handler; Pump op. (per & dewater); Reinforced steel erector; Sack shaker (cement & mineral filler); Salamander heater & blower tender; Sign erector, Tunnel worker	$2.70					
BITUMINOUS WORKERS (shoveler, dumper, raker & floater); Brick & mason tender; Bulk cement handler; Chain saw; Concrete bucket signalman; Concrete curing man (not water); Concrete saw op.; Conduit layer (telephone or electrical); Culvert pipelayer; Form setter (pavement); Gas, electric or pneumatic tool op. (chipping hammer, grinders, & paving breakers) (tamper) (dirt); (Concrete vibrator); Joint filler machine; Kettlemen (bit. or lead); Multiplate pipelayer; Power buggy; Semi skilled laborer	2.80					
BOTTOM MAN (sanitary sewer, storm sewer, water, & gas lines); Caisson work; Concrete mixer (one bag cap.); Mortar mixers	2.90					
DRILL RUNNER (incl. wagon churn, or air track); Pipelayers (sanitary sewer, storm sewer, water, & gas lines); Powderman, gunite & sandblast, nozzleman	3.00					
POWER EQUIPMENT OPERATORS						
CABLEWAY OPERATOR; Crane Operator with over 135' boom; Derrick (Guy & Stiff Leg), (Power), (Skids & Stationary); Front End Loader over 10 cu. yds.; Gantry Crane Operator; Mole Operator, including Power Supply or Tunnel Mucking Machine; Power Shovel and/or other Equipment with Shovel Type Controls 3 - 1/2 cu. yd.	$6.35	.25	.25			
CONCRETE MIXER STATIONARY PLANT OPERATOR over 34E; Dredge Operator or Engineer, Dredge Operator (Power) and Engineer; Elevator Grader Operator; Locomotive, Crane Operator; Master Mechanic; Mixer (Paving) Concrete Paving Operator, road; Power Shovels and/or other Equipment with shovels and/or other Equipment with shovel type controls up to 3 - 1/2 cu. yds.; Scraper Tandem; Tandem Pusher Quad. 9 or similar; Tractor Operator (Pipeline) Side Boom; Truck Crane Operator	6.20	.25	.25			
DOPE MACHINE OPERATOR (Pipeline); Drill Rigs, Heavy Duty Rotary or Churn or Cable Drill; Front End Loader Operator, 6 cu. yds. & over; Locomotive, all types; Pipeline Wrapping, Cleaning & Bending Machine Operator; Power Actuated Horizontal Boring Machine over 6" Op. (Pipeline); Pumpcrete Operator; Refrigeration Plant Engineer; Slip Form Op. (Power Driven) (Paving); Tandem Scraper-Twin Engine, 50 cu. yds. Struck & over	6.05	.25	.25			
ASPHALT PAVING MACHINE OPERATOR; Asphalt Plant Operator and Console Board Op.; CMI Grading Operator; Crushing Plant Operator (Gravel & Stone or Gravel Washing, Crushing and Screening Plant Operator); Front End Loader Operator, 1 cu. yd. up to 6 cu. yds.; Grader or Motor Patrol, Finishing Earth Work and Bituminous; Mechanic or Welder (Heavy Duty); Rubber Tired Dozer Napco or similar & over; Rubber Tired Industrial Tractor with Backhoe						

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	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Other
POWER EQUIPMENT OPERATORS (CONT'D)						
Attachment (Water Main Sanitary Sewer & Storm Sewer, Trunk Line Construction); Scraper Op.; Tractor Type Dozer D-6 & over; Trenching Machine Operator, Sewer & Water, (Except Ditch Witch or Similar use oiler rate); Turnapull Operator, (or similar type)	$6.00	.25	.25			
BITUMINOUS SPREADER & BITUMINOUS FINISHING OPERATOR (Power); Concrete Distributor and Spreader Operator, Finishing Machine Longitudinal Float Operator, Ft. Machine Operator & Spray Operator; Concrete Mixer Operator on Job Site 16S or Over; Paving Breaker or Tamping Machine Op., including Machine with Power Shovel Attachments (Power Driven); Power Actuated Augers & Boring Machine Operator; Power Actuated Jacks Operator; Power Plant Engineer, 100 K.W.H. & over; Push Tractor; Self-Propelled Traveling Soil Stabilizer; Soil Cement Stabilizer	5.75	.25	.25			
CONCRETE SAW OPERATOR (MULTIPLE BLADE) (Power Operated); Fine Grade Operator; Roller, Steel, and Self-Propelled Rubber, on Hot Mix Asphalt Paving; Rubber Tired Dozer under Napco or similar; Tractor Type Dozer under D-6; Truck Mechanic	5.52	.25	.25			
BRAKEMAN OR SWITCHMAN; Concrete Batch Plant Operator (Cement, Rock and Sand) electronic; Concrete Mixer Operator on Job Site under 16S; Crane Truck Oiler; Distributor Operator; Grader Operator (Motor Patrol) (Haul Road); Gravel Screening Plant Operator (Portable not Crushing or Washing); Greaser (Truck or Tractor); Gunnite Operator Gunall; Hoist Engineer (Power); Hydro Crane Operator Launchman (Tankerman or Pilot License); Pick-up Sweeper, 1 yd. and over Hopper Capacity; Shouldering Machine Operator (Power) (Apsco or similar type) including Self-Propelled Sand Chip Spreader Flaherty or Similar	4.59	.25	.25			

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	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Other
POWER EQUIPMENT OPERATORS (CONT'D)						
CRAWLER TYPE TRACTOR PULLING COMPACTION OR AREATING EQUIPMENT; Farm Type Rubber Tired Tractor with Backhoe Attachment; Self-Propelled Vibrating Packer Op. Pad Type (35 H.P. & Over); Sheepsfoot Roller or Compactor (Self-Propelled); Off road Self-Propelled Watering Equipment	4.44	.25	.25			
BITUMINOUS SPREADER & BITUMINOUS FINISHING OPERATOR (Helper) (Power); Boom Truck Operator; Concrete Batch Operator (Cement, Rock & Sand) (Manual); Fireman or Tank Car Heater Op.; Form Trench Digger (Power); Front End Loader Op., up to 1 cu. yd.; Hyster Carrier; Leverman; Loader Operator (Barber Greene or Similar Type); Mechanics' Helper; Oiler (Power Shovel, Crane, Dragline); Pugmill Operator; Pump Operator (Well Points); Roller, Steel & Self-Propelled Rubber, on other than Hot Mix Asphalt Paving; Self-Propelled Broom	4.34	.25	.25			
CONVEYOR OPERATOR: Curb Machine Operator; Dredge Deck Hand; Farm Tractors, Rubber Tired for Compacting & Areating; Front End Loader Operator (Farm Type Rubber Tired Tractor); Stump Chipper Operator; Tie Tamper and Ballast Machine Operator	4.00	.25	.25			

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	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHER
TRUCK DRIVERS						
Single axle	$3.62					
Tandem	3.72					
Agitator dumpcrete	3.82					
Lowboy; Off road heavy duty end dumps, 20 yds. & under; Tandem semi	3.97					
Euclid, over 20 yds.	4.60					

SUPERSEDEAS DECISION

STATE: North Dakota

COUNTIES: Burleigh, Cass, Grand Forks, Morton, Richland, Steele, Walsh and Ward

DECISION NO.: AP-268

DATE: Date of Publication

Supersedes Decision Nos. AM-2,510 dated August 27, 1971 in 36 FR 17119; AM-2,511 dated August 27, 1971 in 36 FR 17122; AM-2,512 dated August 27, 1971 in 36 FR 17125; AM-2,513 dated August 27, 1971 in 36 FR 17129

DESCRIPTION OF WORK: Building Construction, (excluding single family homes and garden type apartments up to and including 4 stories)

Burleigh and Morton Counties	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
BUILDING CONSTRUCTION						
ASBESTOS WORKERS	$6.39	.25	.35			
BOILERMAKERS	8.25	.30	1.00		.02	
BRICKLAYERS; Stonemasons	6.75		.15			
CARPENTERS:						
Carpenters	5.75					
Piledrivermen	5.875					
ELECTRICIANS: From Main P. O. in Bismarck-Mandan						
Electricians 0-12 miles	7.00	.20	1%	6%	1-1/2%	
Cable splicers 0-12 miles	7.40	.20	1%	6%	1-1/2%	
Electricians over 12 miles	8.00	.20	1%	6%	1-1/2%	
Cable splicers over 12 miles	8.40	.20	1%	6%	1-1/2%	
ELEVATOR CONSTRUCTORS	7.23	.195	.20	2%+a		
ELEVATOR CONSTRUCTORS' HELPERS	70%JR	.195	.20	2%+a		
ELEVATOR CONSTRUCTORS' HELPERS (PROB.)	50%JR					
GLAZIERS	3.95	.20	.10	.20		
IRONWORKERS:						
Ornamental; Reinforcing; Structural	7.60	.30	.23		.02	
LABORERS:						
Common laborers; Concrete bucket man; Brick & plaster tenders; All power tools (under the laborers' jurisdiction); Mortar mixers; Hod carriers; Non-metallic pipelayers; Gas line wrapping or taping	4.17					
PAINTERS:						
Brush	4.90					
Spray	5.20					
PLUMBERS; steamfitters	7.40		.25			
SPRINKLER FITTERS	7.20	.30	.50		.05	
TRUCK DRIVERS	4.17					

FOOTNOTE:
a. Employer credits 2% basic hourly rate for employee with 6 months to 5 years' service, 4% basic hourly rate with over 5 years' service as Vacation Credit Plan. Six Paid Holidays; A through F.

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

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Cass and Richland Counties	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
BUILDING CONSTRUCTION						
ASBESTOS WORKERS	$6.39	.25	.35			
BOILERMAKERS	8.25	.30	1.00		.02	
BRICKLAYERS; Stonemasons	7.50	.40	.15		.30	
CARPENTERS	6.26	.	.20			
CEMENT MASONS	6.45					
ELECTRICIANS: From Main P.O. in Fargo						
0-15 miles	7.15	.20	1%	6%	1-1/2%	
15-30 miles	7.77	.20	1%	6%	1-1/2%	
Over 30 miles	8.15	.20	1%	6%	1-1/2%	
ELEVATOR CONSTRUCTORS	7.23	.195	.20	2%+a		
ELEVATOR CONSTRUCTORS' HELPERS	70%JR	.195	.20	2%+a		
ELEVATOR CONSTRUCTORS' HELPERS (PROB.)	50%JR					
IRONWORKERS:						
Ornamental; Reinforcing; Structural	7.60	.30	.23		.02	
LABORERS:						
Laborers; Concrete Dumpman	4.40					
Jackhammer; Mortar Mixer; Plasterers & Brick Tenders; Power Tool Ops.	4.55					
PAINTERS:						
Brush; Roller; Paperhangers	6.10				.01	
Sandblasting; Structural Steel Swing Stage; Spray	6.35				.01	
PLASTERERS	7.55					
PLUMBERS; Steamfitters	7.75	.30	.15		.005	
ROOFERS & Kettlemen	4.60					
SHEET METAL WORKERS	6.65					
SOFT FLOOR LAYERS	4.85					
SPRINKLER FITTERS	7.20	.30	.50		.05	
TRUCK DRIVERS	4.40					
TILE SETTERS	6.98	.37				

FOOTNOTE:
a. Employer credits 2% basic hourly rate for employee with less than 5 years' service 4% basic hourly rate with over 5 years' service as Vacation Credit Plan. Six Paid Holidays: A through F.

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

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Grand Forks, Steele and Walsh Counties	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Others
BUILDING CONSTRUCTION						
ASBESTOS WORKERS	$6.39	.25	.35			
BOILERMAKERS	8.25	.30	1.00		.02	
BRICKLAYERS; Stonemasons	5.95					
CARPENTERS:						
(Grand Forks-N1/2 Steele-Walsh Cos.)						
Carpenters	6.35				.02	
Piledrivermen	6.58				.02	
Millwrights	6.73				.02	
(S1/2 Steele County)						
Carpenters	6.26		.20			
ELECTRICIANS:						
(Grand Forks-Fargo-West Fargo-Valley City):						
Zone A (0-15 miles from all cities - 0-5 miles from Grafton)	7.15	.20	1%	6%	1-1/2%	
Zone B (15-30 miles)	7.77	.20	1%	6%	1-1/2%	
Zone C (over 30 miles from Grand Forks-Fargo-West Fargo-Valley City)	8.15	.20	1%	6%	1-1/2%	
ELEVATOR CONSTRUCTORS	7.23	.195	.20	2%+a		
ELEVATOR CONSTRUCTORS' HELPERS	70%JR	.195	.20	2%+a		
ELEVATOR CONSTRUCTORS' HLEPERS (PROB.)	50%JR					
IRONWORKERS:						
Ornamental; Structural; Reinforcing	7.60	.30	.23		.02	
LABORERS:						
Laborers; Concrete dumpman	4.85					
All power tool ops. (under the laborers' jurisdiction); Brick & plaster tenders; Cutting torch for demolition	5.00					
Hod carriers; Non-metallic pipelayers; Gas line wrapping or taping (distribution only)	5.20					
PAINTERS:						
Brush; Paperhangers	6.10				.01	
Sandblaster; Spray; Structural Steel; Swing Stage	6.35				.01	
PLUMBERS; Steamfitter	7.75	.30	.15		.005	
SPRINKLER FITTERS	7.20	.30	.50		.05	
TRUCK DRIVERS	4.85					

FOOTNOTE:
a. Employer credits 2% basic hourly rate for employees with 6 months to 5 years' service, 4% basic hourly rate with over 5 years' service as Vacation Pay Credit. Six Paid Holidays: A through F.

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

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Ward County	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Others
BUILDING CONSTRUCTION						
ASBESTOS WORKERS	$6.39	.25	.35			
BOILERMAKERS	8.25	.30	1.00		.02	
BRICKLAYERS; Stonemasons	6.85		.15		.02	
CARPENTERS:						
Carpenters	5.65					
Piledrivermen	5.88					
Millwrights	6.13					
CEMENT MASONS	5.00					
ELECTRICIANS:						
Electricians within 12 miles radius of Minot Post Office	7.00	.20	1%	6%	1-1/2%	
Electricians over 12 miles radius beyond Minot Post Office	8.00	.20	1%	6%	1-1/2%	
Cable splicers within 12 miles radius of Minot Post Office	7.40	.20	1%	6%	1-1/2%	
Cable splicers over 12 miles radius beyond Minot Post Office	8.40	.20	1%	6%	1-1/2%	
ELEVATOR CONSTRUCTORS	7.23	.195	.20	2%+a		
ELEVATOR CONSTRUCTORS' HELPERS	70%JR	.195	.20	2%+a		
ELEVATOR CONSTRUCTORS' HELPERS (PROB.)	50%JR					
IRONWORKERS:						
Ornamental; Reinforcing; Structural	7.60	.30	.23		.02	
LABORERS:						
Laborers; Concrete bucket dumpman	4.40					
Mortar mixers; Plaster tenders; Cutting torch for demolition; All power tool ops. (under laborers' jurisdiction)	4.50					
Non-metallic pipelayers; Gas line wrapping or taping (distribution only)	4.65					
PAINTERS:						
Brush	4.55					
Spray; Sandblasting	4.90					
PLASTERERS	5.50					
PLUMBERS; Steamfitters	7.36			.25	.04	
SHEET METAL WORKERS	7.75					
SPRINKLER FITTERS	7.20	.30	.50		.05	
TRUCK DRIVERS	4.40					

FOOTNOTE:
a. Employer credits 2% basic hourly rate for employee with 6 months to 5 years' service, 4% basic hourly rate with over 5 years' service as Vacation Credit Plan. Six Paid Holidays: A through F.

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

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BUILDING CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Others
POWER EQUIPMENT OPERATORS:						
GROUP I						
HOIST; Greaser; Concrete mixer op.; Boom truck; Firemen; Tractor, 75 HP & under; Frontend loader, 1½ cu. yds. & under; Air compressor, 300 & under; Forklift	$4.85	.15	.25			
GROUP II						
BRAKEMEN; Any air compressed operations over 300; Well points; Frontend loader over 1½ cu. yd.; Powor plant engineer; Straddle carrier; Oiler; Mechanic & welder; Batch plant drill rig; Tractor, over 75 HP.	5.85	.15	.25			
GROUP III						
CRANES, tower & overhead; Derricks; Cherry picker	6.45	.15	.25			

AP-268 P. 6

(Site prep., excav. & incid. paving)	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Others
LABORERS:						
CARPENTER TENDER; Chip spreader; Levermen; Drill runner helper; Fine grader; Form grader; General construction laborer; Landscape worker; Pipe handler; Pump op. (per & dewater); Reinforced steel erector; Sack shaker (cement & mineral filler); Salamander heater & blower tender; Sign erector, Tunnel worker	$2.70					
BITUMINOUS WORKERS (shoveler, dumper, raker & floater); Brick & mason tender; Bulk cement handler; Chain saw; Concrete bucket signalman; Concrete curing man (not water); Concrete saw op.; Conduit layer (telephone or electrical); Culvert pipelayer; Form setter (pavement); Gas, electric or pneumatic tool op. (chipping hammer, grinders, & paving breakers) (tamper) (dirt); (Concrete vibrator); Joint filler machine; Kettlemen (bit. or lead); Multiplate pipelayer; Power buggy; Semi skilled laborer	2.80					
BOTTOM MAN (sanitary sewer, storm sewer, water, & gas lines); Caisson work; Concrete mixer (one bag cap.); Mortar mixers	2.90					
DRILL RUNNER (incl. wagon churn, or air track); Pipelayers (sanitary sewer, storm sewer, water, & gas lines); Powderman, gunite & sandblast, nozzleman	3.00					

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AP-268 P. 7

(Site prep., excav. & incid. paving)

POWER EQUIPMENT OPERATORS	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Others
CABLEWAY OPERATOR; Crane Operator with over 135' boom; Derrick (Guy & Stiff Leg), (Power), (Skids & Stationary); Front End Loader over 10 cu. yds.; Gantry Crane Operator; Mole Operator, including Power Supply or Tunnel Mucking Machine; Power Shovel and/or other Equipment with Shovel Type Controls 3 - 1/2 cu. yd.	$6.35	.25	.25			
CONCRETE MIXER STATIONARY PLANT OPERATOR over 34E; Dredge Operator or Engineer, Dredge Operator (Power) and Engineer; Elevator Grader Operator; Locomotive, Crane Operator; Master Mechanic; Mixer (Paving) Concrete Paving Operator, road; Power Shovels and/or other Equipment with shovels and/or other Equipment with shovel type controls up to 3 - 1/2 cu. yds.; Scraper Tandem; Tandem Pusher Quad. 9 or similar; Tractor Operator (Pipeline) Side Boom; Truck Crane Operator	6.20	.25	.25			
DOPE MACHINE OPERATOR (Pipeline); Drill Rigs, Heavy Duty Rotary or Churn or Cable Drill; Front End Loader Operator, 6 cu. yds. & over; Locomotive, all types; Pipeline Wrapping, Cleaning & Bending Machine Operator; Power Actuated Horizontal Boring Machine over 6" Op. (Pipeline); Pumpcrete Operator; Refrigeration Plant Engineer; Slip Form Op. (Power Driven) (Paving); Tandem Scraper-Twin Engine, 50 cu. yds. Struck & over	6.05	.25	.25			
ASPHALT PAVING MACHINE OPERATOR; Asphalt Plant Operator and Console Board Op.; CMI Grading Operator; Crushing Plant Operator (Gravel & Stone or Gravel Washing, Crushing and Screening Plant Operator); Front End Loader Operator, 1 cu. yd. up to 6 cu. yds.; Grader or Motor Patrol, Finishing Earth Work and Bituminous; Mechanic or Welder (Heavy Duty); Rubber Tired Dozer Napco or similar & over; Rubber Tired Industrial Tractor with Backhoe						

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(Site prep., excav. & incid.paving)

POWER EQUIPMENT OPERATORS (CONT'D)	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Others
Attachment (Water Main Sanitary Sewer & Storm Sewer, Trunk Line Construction); Scraper Op.; Tractor Type Dozer D-6 & over; Trenching Machine Operator, Sewer & Water, (Except Ditch Witch or Similar use oiler rate); Turnapull Operator, (or similar type)	$6.00	.25	.25			
BITUMINOUS SPREADER & BITUMINOUS FINISHING OPERATOR (Power); Concrete Distributor and Spreader Operator, Finishing Machine Longitudinal Float Operator, Ft. Machine Operator & Spray Operator; Concrete Mixer Operator on Job Site 16S or Over; Paving Breaker or Tamping Machine Op., including Machine with Power Shovel Attachments (Power Driven); Power Actuated Augers & Boring Machine Operator; Power Actuated Jacks Operator; Power Plant Engineer, 100 K.W.H. & over; Push Tractor; Self-Propelled Traveling Soil Stabilizer; Soil Cement Stabilizer	5.75	.25	.25			
CONCRETE SAW OPERATOR (MULTIPLE BLADE) (Power Operated); Fine Grade Operator; Roller, Steel, and Self-Propelled Rubber, on Hot Mix Asphalt Paving; Rubber Tired Dozer under Napco or similar; Tractor Type Dozer under D-6; Truck Mechanic	5.52	.25	.25			
BRAKEMAN OR SWITCHMAN; Concrete Batch Plant Operator (Cement, Rock and Sand) electronic; Concrete Mixer Operator on Job Site under 16S; Crane Truck Oiler; Distributor Operator; Grader Operator (Motor Patrol) (Haul Road); Gravel Screening Plant Operator (Fortable not Crushing or Washing); Greaser (Truck or Tractor); Gunnite Operator Gunall; Hoist Engineer (Power); Hydro Crane Operator Launchman (Tankerman or Pilot License); Pick-up Sweeper, 1 yd. and over Hopper Capacity; Shouldering Machine Operator (Power) (Apsco or similar type) including Self-Propelled Sand Chip Spreader Flaherty or Similar	4.59	.25	.25			

(Site prep., excav. & incid. paving)

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POWER EQUIPMENT OPERATORS (CONT'D)	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Others
CRAWLER TYPE TRACTOR PULLING COMPACTION OR AREATING EQUIPMENT; Farm Type Rubber Tired Tractor with Backhoe Attachment; Self-Propelled Vibrating Packer Op. Pad Type (35 H.P. & Over); Sheepsfoot Roller or Compactor (Self-Propelled); Off road Self-Propelled Watering Equipment	4.44	.25	.25			
BITUMINOUS SPREADER & BITUMINOUS FINISHING OPERATOR (Helper) (Power); Boom Truck Operator; Concrete Batch Operator (Cement, Rock & Sand) (Manual); Fireman or Tank Car Heater Op.; Form Trench Digger (Power); Front End Loader Op., up to 1 cu. yd.; Hyster Carrier; Leverman; Loader Operator (Barber Greene or Similar Type); Mechanics' Helper; Oiler (Power Shovel, Crane, Dragline); Pugmill Operator; Pump Operator (Well Points); Roller, Steel & Self-Propelled Rubber, on other than Hot Mix Asphalt Paving; Self-Propelled Broom	4.34	.25	.25			
CONVEYOR OPERATOR: Curb Machine Operator; Dredge Deck Hand; Farm Tractors, Rubber Tired for Compacting & Areating; Front End Loader Operator (Farm Type Rubber Tired Tractor); Stump Chipper Operator; Tie Tamper and Ballast Machine Operator	4.00	.25	.25			

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(Site prep., excav. & incid. paving)

TRUCK DRIVERS	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS: H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Single axle	$3.62					
Tandem	3.72					
Agitator dumpcrete	3.82					
Lowboy; Off road heavy duty end dumps, 20 yds. & under; Tandem semi	3.97					
Euclid, over 20 yds.	4.60					

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SUPERSEDEAS DECISION

STATE: Pennsylvania COUNTY: Lackawanna
DECISION NO.: AP-488 DATE: Date of Publication
Supersedes Decision No. AP-462, dated January 26, 1973, in 38 FR 2605.
DESCRIPTION OF WORK: Building Construction, (excluding single family homes and garden type apartments up to and including 4 stories).

AP-488 P. 2 — 35-PA-1-C — 1 of 3

BUILDING CONSTRUCTION	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Asbestos workers	$6.80	.30	.30	1.00		
Boilermakers	8.50	.40	.90		.01	
Bricklayers, stone masons & tile setters (Scranton)	7.575	.35	.50		.01	
Bricklayers, plasterers, stone & cement masons & tile setters (Carbondale)	6.60					
Carpenters	7.05	.335	.35		.05	
Cement masons (Scranton)	7.50	.20	.40	.125		
Electricians	6.675	.275	1%+.50		.10	
Elevator constructors	7.66	.195	.20	1½%+a+b	.005	
Elevator constructors' helpers	5.36	.195	.20	1½%+a+b	.005	
Elevator constructors' helpers (prob.)	3.83					
Glaziers	7.96	.25	.20			
Ironworkers, structural & ornamental	9.15	d			.05	
Ironworkers, reinforcing	8.95	d			.05	
Laborers:						
Laborers (0 miles to court house * Scranton)	5.85	.48	.50			
Jackhammer op., vibrator, wagon drill, dynamite, gas buggies, 2" pumps, concrete mixers (up to 2 bags)	6.00	.48	.50			
Scaffold builders	6.25	.48	.50			
Pipelayers (concrete & clay)	6.25	.48	.50			
Plasterers tenders, Asphalt workers	6.25	.48	.50			
Laborers:						
Laborers (over 13 miles from Scranton)	6.25		.50			
Jackhammer op., vibrator, wagon drill, dynamite, gas buggies, 2" pumps, concrete mixers (up to2 bags)	6.40	.48	.50			
Scaffold builders	6.65	.48	.50			
Pipelayers (concrete and clay)	6.65	.48	.50			
Plasterers tenders, Asphalt workers	6.65	.48	.50			
Lathers	7.05		.10		.01	
Lead burners	8.25	.30		c	.01	
Line Construction:						
Linemen	6.94	.15	1%			
Cable splicer & dynamite man	6.94	.15	1%			
Digging machine operator	6.94	.15	1%			
Tractor & compressor op.	6.94	.15	1%			
Groundman-truck driver	4.92	.15	1%			
Groundman	4.73	.15	1%			
Tree trimmers:						
Tree trimmer	4.25	.10	1%			
Brush cutter	3.35	.10	1%			
Groundman-truck driver	4.04	.10	1%			

AP-488 P. 2 — 35-PA-1-C — 2 of 3

BUILDING CONSTRUCTION	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Marble setters	5.50					
Millwrights	7.63	.335	.35		.05	
Painters (Scranton):						
Brush	6.35	.35				
Spray	7.85	.35				
Steel	7.35	.35				
Painters (Carbondale):						
Brush	3.00					
Swing	3.25					
Steel	3.25					
Rollers	4.00					
Piledrivermen	7.60	.92	.25		.07	
Plasterers (Scranton)	7.65	.20	.40	.125		
Plumbers	7.74	.23	.40		.06	
Roofers:						
Roofers	6.81	.42	.27			
Helpers	6.585	.42	.27			
Kettlemen	6.81	.42	.27			
Precast slabs	7.00	.42	.27			
Sheet metal workers	6.30	.15	.10			
Soft floor layers	7.05	.335	.35		.05	
Sprinkler fitters	8.75	.30	.50		.05	
Steamfitters	7.64	.23	.50		.06	
Terazzo workers	5.50					
Terazzo workers' helpers	4.65					
Tile setters' helpers	4.55					
Truck Drivers:						
Class I						
Helper, Stake Body Truck (single axle), Dumpster	5.99					
Class II						
Dump Trucks, TAndem & Batch Trucks, Semi-Trailers, Agitator Mixer Trucks, Ready Mix and Dumpcrete Type Vehicles. Asphalt Distributors, Farm Tractor when used for transportation, Stake Body Truck (Tandem)	6.06					
Class III						
Euclid Type, Off-Highway Equipment - Back or Belly Dump Trucks and Double-Hitched Equipment, Straddle (Ross) Carrier, Low-Bed Trailers	6.55					

AP-488 P. 3 — 35-PA-1-B — 3 of 3

BUILDING CONSTRUCTION	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Welders-receive rate prescribed for craft performing operation to which welding is incidental.						

PAID HOLIDAYS: (WHERE APPLICABLE)
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:
a. Employer contributes 4% basic hourly rate for 5 years or more of service or 2% basic hourly rate for 6 months to 5 years of service for vacation pay credit.
b. Paid holidays: A through F.
c. Paid holidays, A through F and Washington's Birthday, Good Friday, and Christmas Eve, provided the employee has worked 45 days for the employer during the 120 days prior to the holiday and is available for work the days preceding and following the holiday.
d. Employer contributes $1.50 per hour to a Health and Welfare and Pension Fund.

AP-488 P. 4 — PA-22-IDO-1-2 C

POWER EQUIPMENT OPERATORS
BUILDING CONSTRUCTION

	Basic Hourly Rate	Fringe Benefits Payments				
		H&W	Pension	Vacation	Apr. Tr.	Other
WAGE GROUP I						
Machines doing hook work, any machine handling machinery, cable spinning machines, helicopters, machines similar to the above	$9.24	4.6%	6.5%	a	.7%	
WAGE GROUP II						
Pile drivers or engineers working with dock builders and pile drivers, all types of cranes, all types of backhoes, cableways, draglines, keystones, all types of shovels, derricks, trench shovels, trenching machines, hoists with two towers, pavers 21E and over, all types overhead cranes, building hoists (double drum), gradalls, mucking machine in tunnel, all front end loaders 3-½ cu yds. and over, tandem scrapers, pippin type backhoes, boat captains, batch plat operators (concrete), drills, self contained rotary drills, fork lifts, 20 ft. lift and over, machines similar to the above	8.95	4.6%	6.5%	a	.7%	
WAGE GROUP III						
Conveyors, building hoists (single drum), scrapers and tournapulls, spreaders, high or low pressure boilers, concrete pumps, well drillers, bulldozers and tractors, asphalt plant engineers, roller (high grade finishing), ditch witch type trencher, all loaders under 3-½ cu. yds., mechanic-welders, motor patrols, drill helper-self contained rotary drills, core drill operator, forklift trucks under 20 ft. lift, machines similar to the above	8.09	4.6%	6.5%	a	.7%	
WAGE GROUP IV						
Welding machines, well points, compressors, pumps, heaters, farm tractors, form line graders, fine grade machines, road finishing machines, concrete breaking machines, rollers, seaman pulverizing mixer, power broom, seeding spreader, fireman (for power equipment), machines similar to the above	7.33	4.6%	6.5%	a	.7%	
WAGE GROUP V						
Fireman, grease truck	6.87	4.6%	6.5%	a	.7%	
WAGE GROUP VI						
Oilers and deck hands (personnel boats), core drill helper	5.97	4.6%	6.5%	a	.7%	
WAGE GROUP VII						
All machines with booms (including jibs, masts, leads, etc.):						
100 ft. and over	9.49	4.6%	6.5%	a	.7%	
150 ft. and over	9.74	4.6%	6.5%	a	.7%	
200 ft. and over	9.99	4.6%	6.5%	a	.7%	

FOOTNOTE:
a. Paid Holidays: New Year's Day; Memorial Day; Independence Day; Labor Day; Thanksgiving Day; and Christmas Day, provided the employee works the day before and after the holiday.

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SUPERSEDEAS DECISION

STATE: Pennsylvania

COUNTIES: Adams, Berks, Bradford, Carbon, Columbia, Cumberland, Dauphin, Juniate, Lackawanna, Lancaster, Lebanon, Lehigh, Luzerne, Lycoming, Monroe, Montour, Northampton, Northumberland, Perry, Pike, Schuylkill, Snyder, Sullivan, Susquehanna, Tioga, Union, Wayne, Wyoming, and York

DECISION NO.: AP-489

DATE: Date of Publication

Supersedes Decision No. AM-1,866, dated August 20, 1971 in 36 FR 16335.

DESCRIPTION OF WORK: Heavy and Highway Construction.

PA-22-LAB-TD-2-3 L

HEAVY AND HIGHWAY	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Other
Carpenters/Piledrivermen	$7.09	.20	.25			
Laborers: Asphalt Tampers and Asphalt Rakers, Concrete Pitmen, Puddlers & Rubbers, Highway Slab Reinforcement Placers, Laborers, Landscape, Planters, Seeders and Arborists, Magazine Tenders, Railroad Trackmen & Signalmen	5.23	.20	.20			
Pneumatic Tool Operators, Jackhammers, Paving Breakers Concrete Saws, Wacker, Vibrators, Chain Saws, Steward	5.43	.20	.20			
Pipelayers	5.43	.20	.20			
Caisson-open air-below 8 feet, Cofferdam open air-below 8 feet, where excavations for circular caissons and cofferdams 8 feet and below level of natural grade adjacent to starting point, Form Setters (Road) Wagon Drill, Diamond Point Drill, Gunite nozzle Operators	5.78	.20	.20			
Blasters	6.01	.20	.20			
Reinforcing Steel Placers, Bonding, Aligning and Securing	6.07	.20	.20			
Concrete Surfacers	6.45	.20	.20			
Free Air Tunnels and Rocks Shafts						
Outside Laborers in conjunction with tunnels and rock shafts	5.87	.20	.20			
Chuck Tenders, Muckers, Nippers, Miners' and Driller Helpers, Inside Laborers	6.16	.20	.20			
Miners, Drillers, Blasters, Pneumatic Shield Opers., Lining, Spotting and Timber Workmen	6.64	.20	.20			
Truck Drivers:						
Class I						
Helper, Stake Body Truck (Single axle), Dumpster	5.99					
Class II						
Dump Trucks, Tandem & Batch Trucks, Semi-Trailers, Agitator Mixer Trucks, Ready Mix and Dumpcrete Type Vehicles, Asphalt Distributors, Farm Tractor when used for transportation, Stake Body Truck (Tandem)	6.06					
Class III						
Euclid Type, Off-Highway Equipment - Back or Belly Dump Trucks and Double-Hitched Equipment, Straddle (Ross) Carrier, Low-Bed Trailers	6.55					

AP-489 P. 2

PA-22-1EC- 2 C

POWER EQUIPMENT OPERATORS HEAVY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Other
WAGE GROUP I						
Machines doing hook work, any machine handling machinery, cable spinning machines, helicopters, machines similar to the above	$9.24	4.6%	6.5%	a	.7%	
WAGE GROUP II						
Pile drivers or engineers working with dock builders and pile drivers, all types of cranes, all types of backhoes, cableways, draglines, keystones, all types of shovels, derricks, trench shovels, trenching machines, hoists with two towers, pavers 21E and over, all types overhead cranes, building hoists (double drum), gradalls, mucking machine in tunnel, all front end loaders 3-½ cu yds. and over, tandem scrapers, pippin type backhoes, boat captains, batch plat operators (concrete), drills, self contained rotary drills, fork lifts, 20 ft. lift and over, machines similar to the above	8.95	4.6%	6.5%	a	.7%	
WAGE GROUP III						
Conveyors, building hoists (single drum), scrapers and tournapulls, spreaders, high or low pressure boilers, concrete pumps, well drillers, bulldozers and tractors, asphalt plant engineers, roller (high grade finishing), ditch witch type trencher, all loaders under 3-½ cu. yds., mechanic-welders, motor patrols, drill helper-self contained rotary drills, core drill operator, forklift trucks under 20 ft. lift, machines similar to the above	8.09	4.6%	6.5%	a	.7%	
WAGE GROUP IV						
Welding machines, well points, compressors, pumps, heaters, farm tractors, form line graders, fine grade machines, road finishing machines, concrete breaking machines, rollers, seaman pulverizing mixer, power broom, seeding spreader, tireman (for power equipment), machines similar to the above	7.33	4.6%	6.5%	a	.7%	
WAGE GROUP V						
Fireman, grease truck	6.87	4.6%	6.5%	a	.7%	
WAGE GROUP VI						
Oilers and deck hands (personnel boats), core drill helper	5.97	4.6%	6.5%	a	.7%	
WAGE GROUP VII						
All machines with booms (including jibs, masts, leads, etc.):						
100 ft. and over	9.49	4.6%	6.5%	a	.7%	
150 ft. and over	9.74	4.6%	6.5%	a	.7%	
200 ft. and over	9.99	4.6%	6.5%	a	.7%	

FOOTNOTE:

a. Paid Holidays: New Year's Day; Memorial Day; Independence Day; Labor Day; Thanksgiving Day; and Christmas Day, provided the employee works the day before and after the holiday.

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PA-22-PEO-3 - H 1 of 2

HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
WAGE GROUP 1						
Pile drivers or engineers working with dock builders and pile drivers All types of cranes All types of backhoes Draglines Keystones All types of shovels Derricks Trench shovels Trenching machines Pavers 21E and over Gradalls All front end loaders 4 cu. yds. and over Tandem scrapers Pippin type backhoes Boat Captains Batch plant with mixer Drill, self contained (Drillmaster Type) CMI Autograde Machines similar to above	$8.26	4.6%	6.5%		.7%	
WAGE GROUP 2						
Conveyor Loader (Euc Type) Scrapers and Tournapulls Spreaders High or low pressure boilers Concrete pumps Bulldozers and Tractors Asphalt plant engineers Rollers (High grade finishing) All loaders under 4 cu. yds. Mechanic - welders Motor Patrols Machines similar to above	7.44	4.6%	6.5%		.7%	
WAGE GROUP 3						
Welding Machines Well Points Compressors Pumps Heaters Farm Tractors Form Line Graders Fine Grade Machines Ditch Witch Type Trencher Road Finishing Machines Concrete Breaking Machines						

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PA-22-1EO-3 - H 2 of 2

HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Rollers Seaman Pulverizing Mixer Power Broom Seeding Spreader TireMan - (For power equipment) Conveyor Loaders other than Euc Type Conveyors Machines similar to above	$6.95	4.6%	6.5%		.7%	
WAGE GROUP 4						
Fireman	6.52	4.6%	6.5%		.7%	
WAGE GROUP 5						
Oilers and Deck Hands	5.99	4.6%	.5%		.7%	
WAGE GROUP 6						
On all machines with booms (including jibs, masts, leads, etc.)						
100 ft. and over	8.51	4.6%	6.5%		.7%	
150 ft. and over	8.76	4.6%	6.5%		.7%	
200 ft. and over	9.01	4.6%	6.5%		.7%	

SUPERSEDEAS DECISION

STATE: Pennsylvania COUNTY: Northampton
DECISION NO.: AP-490 DATE: Date of Publication
Supersedes Decision No. AP-463, dated January 26, 1973, in 38 FR 2607.
DESCRIPTION OF WORK: Building Construction, (excluding single family homes and garden type apartments up to and including 4 stories).

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BUILDING CONSTRUCTION	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Asbestos workers	$ 7.83	.30	.30		.01	
Boilermakers	8.50	.40	.90		.01	
Bricklayers & Stonemasons - Bethlehem	7.40	.30	.35			
Bricklayers & Stonemasons - Remainder of County	7.30	.30				
Bricklayers, Cement Finishers, Stone-Stonemasons & Plasterers (Bangor	5.70					
Carpenters	8.33	.22	.21			
Cement masons, Bethlehem	7.00	.30	.35			
Cement masons, Remainder of County	7.30	.30				
Electricians:						
Allen, Hanover, Lehign, Bath, Freemansburg, Hellertown and Bethlehem	8.575	.20	1%		.01	
Remainder of County	8.63	4%	1%+.05		½ of 1%	
Glaziers	6.82	.25	.10		.01	
Ironworkers, structural	7.30	.235	.665			
Ironworkers, ornamental	7.30	.235	.665			
Ironworkers, reinforcing	7.30	.235	.665			
Laborers, Building:						
Unskilled laborers	5.30	.10	.10			
Operator of jackhammer, paving breaking and other pneumatic and mechanical tools, wagon drills, and men handling dynamite, handling and using, cutting and burning torches in the wrecking of buildings, laying of all clay, terra cotta, ironstone, vitrified concrete or nonmetallic pipe and the making of joints for same and cofferdams (below 10 feet)	5.55	.10	.10			
Plasterer and Mason Tenders, scaffold builders, and handling of all materials to be used by plasterers and masons, brick and blocks loaded on pallets, cement finishers tenders, gunniting and molder-D, and sand blasters helpers	5.60	.10	.10			
Barko Tamper Operator	5.80	.10	.10			
Lathers	7.69	.40	.25			
Lead burners	8.25	.30		c	.01	
Line Construction:						
Linemen	9.00	.15	1%		.5%	
Cable splicer	9.00	.15	1%		.5%	
Groundman	5.40	.15	1%		.5%	
Winch truck operator	6.30	.15	1%		.5%	
Millwrights	8.83	.22	.21			
Painters (Bethlehem):						
Brush	6.50	.22	.20			
Structural Steel	7.25	.22	.20			
Spray	7.00	.22	.20			
Painters, Remainder of County						
Brush	6.00	.15	.15			
Structural Steel	6.75	.15	.15			
Spray	6.75	.15	.15			
Piledrivermen	9.22	1.08	.40		.07	
Plasterers, Bethlehem	7.13	.30	.35			
Plasterers, Remainder of County	7.30	.30				
Plumbers	7.95	.30	.30	.50	.01	
Roofers, Composition, Slate & Tile	7.90	.15				
Roofers, helpers	4.18	.15				
Sheet metal workers	7.95	.30	.50			
Soft floor layers	4.45	.07	.06			
Sprinkler fitters	8.75	.30	.50		.05	
Steamfitters	7.95	.30	.30	.50	.01	
Truck Drivers:						
Class I						
Helper, Stake Body Truck (single axle), Dumpster	5.99					
Class II						
Dump Trucks, TAndem & Batch Trucks, Semi-Trailers, Agitator Mixer Trucks, Ready Mix and Dumpcrete Type Vehicles, Asphalt Distributors, Farm Tractor when used for transportation, Stake Body Truck (Tandem)	6.06					
Class III						
Euclid Type, Off-Highway Equipment - Back or Belly Dump Trucks and Double Hitched Equipment, Straddle (Ross) Carrier, Low-Bed Trailers	6.55					
Welders- receive rate prescribed for craft performing operation to which welding is incidental.						

BUILDING CONSTRUCTION

Paid Holidays (Where Applicable):
A-New Years' Day; B-Memorial Day; C-Independence Day;
D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

Footnotes:

a. Employer contributes 4% of basic hourly rate for 5 years or more of service or 2% basic hourly rate for 6 months to 5 years of service as Vacation Pay Credit.

b. Six paid holidays: A through F.

c. 9 paid holidays, A through F and Washington's Birthday, Good Friday and Christmas Eve, provided the employee has worked 45 full days for the employer during the 120 days prior to the holiday, and is available for work the days preceding and following the holiday.

BUILDING CONSTRUCTION POWER EQUIPMENT OPERATORS	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
WAGE GROUP I						
Machines doing hook work, any machine handling machinery, cable spinning machines, helicopters, machines similar to the above	$9.24	4.6%	6.5%	a	.7%	
WAGE GROUP II						
Pile drivers or engineers working with dock builders and pile drivers, all types of cranes, all types of backhoes, cableways, draglines, keystones, all types of shovels, derricks, trench shovels, trenching machines, hoists with two towers, pavers 21E and over, all types overhead cranes, building hoists (double drum), gradalls, mucking machine in tunnel, all front end loaders 3-½ cu yds. and over, tandem scrapers, pippin type backhoes, boat captains, batch plat operators (concrete), drills, self contained rotary drills, fork lifts, 20 ft. lift and over, machines similar to the above	8.95	4.6%	6.5%	a	.7%	
WAGE GROUP III						
Conveyors, building hoists (single drum), scrapers and tournapulls, spreaders, high or low pressure boilers, concrete pumps, well drillers, bulldozers and tractors, asphalt plant engineers, roller (high grade finishing), ditch witch type trencher, all loaders under 3-½ cu. yds., mechanic-welders, motor patrols, drill helper-self contained rotary drills, core drill operator, forklift trucks under 20 ft. lift, machines similar to the above	8.09	4.6%	6.5%	a	.7%	
WAGE GROUP IV						
Welding machines, well points, compressors, pumps, heaters, farm tractors, form line graders, fine grade machines, road finishing machines, concrete breaking machines, rollers, seaman pulverizing mixer, power broom, seeding spreader, fireman (for power equipment), machines similar to the above	7.33	4.6%	6.5%	a	.7%	
WAGE GROUP V						
Fireman, grease truck	6.87	4.6%	6.5%	a	.7%	
WAGE GROUP VI						
Oilers and deck hands (personnel boats), core drill helper	5.97	4.6%	6.5%	a	.7%	
WAGE GROUP VII						
All machines with booms (including jibs, masts, leads, etc.):						
100 ft. and over	9.49	4.6%	6.5%	a	.7%	
150 ft. and over	9.74	4.6%	6.5%	a	.7%	
200 ft. and over	9.99	4.6%	6.5%	a	.7%	

FOOTNOTE:
a. Paid Holidays: New Year's Day; Memorial Day; Independence Day; Labor Day; Thanksgiving Day; and Christmas Day, provided the employee works the day before and after the holiday.

SUPERSEDEAS DECISION

STATE: Rhode Island COUNTY: Washington
DECISION NO.: AP-485 DATE: Date of Publication
Supersedes Decision No. AP-427, dated September 29, 1972, in 37 FR 20476.
DESCRIPTION OF WORK: Building Construction, (Excluding single family homes and garden type apartments up to and including 4 stories), heavy and highway construction, and marine construction.

BUILDING CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Asbestos workers	$8.70	.39	.35		.005	
Boilermakers	8.705	.50	10%		.01	
Bricklayers and stone masons:						
Westerly, Hopkington, So. Kingstown, Charlestown, Richmond, Wakefield, Peace Dale, Kingston	8.02	.25	.35			
Exeter, Johnson, No. Kingstown, Narragansett (Including the Pier of Point Judith)	8.57	.25	.35		.01	
Carpenters and soft floor layers:						
North Kingston:						
Carpenters, soft floor layers & piledrivermen	8.25	.35	.35		.01	
Millwrights	8.50	.35	.35		.01	
Remainder of County:						
Carpenters, soft floor layers & piledrivermen	8.15	.35	.35			
Millwrights	8.40	.35	.35			
Cement masons:						
Westerly, Hopkington, So. Kingstown, Charlestown, Richmond, Wakefield, Peace Dale, Kingston	6.075	.15	.20			
Exeter, Narragansett, No. Kingstown, Gould	7.95	.50	.35			
Electricians:						
Westerly Township	8.35	.40	1%+.20		½%	
Remainder of County	8.35	.18	1%		.02	
Elevator constructors	6.87	.17	.185	½%+a	.005	
Elevator constructors' helpers	4.81	.17	.185	½%+a	.005	
Elevator constructors' helpers (prob.)	3.435					
Glaziers	7.74	.42	.30	d	.01	
Ironworkers: Structural, Ornamental, & Reinforcing	7.70	.45	.80+.50		.02	
Laborers, Building:						
Laborers, carpenters' tenders, cement finisher tenders, mason tenders	6.50	.40	.40		.05	
Jackhammer, paving breaker, chain saw, pipelayers, mechanical grinder, all other pneumatic tools, barco type jumping tampers	6.75	.40	.40		.05	
Plasterers' tenders	6.30	.40	.15		.05	
Powdermen blasters	7.25	.40	.40		.05	
Laborers, Wrecking:						
Laborers, signalmen	6.50	.40	.40		.05	
Adzman, burner, jackhammer	6.75	.40	.40		.05	
Lathers	7.40	.45	.50		.01	
Lead burners	7.80	.30		c	.01	
Line Construction:						
Linemen	7.14	.20	1%	d		
Driver Groundman	5.58	.20	1%	d		
Groundmen	5.07	.20	1%	d		
Equipment operator	6.31	.20	1%	d		
Marble, Tile and Terrazzo workers:						
Exeter, N. Kingstown, Narragansett, (Including the Pier of Point Judith)	7.50	.25	.35			
Marble, Tile and Terrazzo helpers	7.23		.50			
Painters:						
Brush	6.95	.25	.25			
Structural steel	7.20	.25	.25			
Spray	7.95	.25	.25			
Plasterers, Exeter, Narragansett, N. Kingston	8.50	.20				
Plasterers (Westerly, Hopkington, S. Kingston, Charlestown, Richmond, Wakefield and Peace Dale)	4.775	.15	.20			
Plumbers	8.55	.35	.35			
Roofers:						
Composition, waterproofers	7.85	.20	.25			
Slate, tile, precast concrete	8.05	.20	.25			
Helpers, Class "A"	7.00	.20	.25			
Helpers, Class "B"	6.45	.20	.25			
Sheet metal workers	8.43	.36	.35		.02	
Sprinkler fitters	9.07	.30	.50		.01	
Steamfitters	8.82	.35	.80		.03	
Truck Drivers': Building						
Two-axle; dumps	5.31	.30	.50			
Three-axle; trailers	5.39	.30	.50			
Low-bed trailers (24 tons & over), Trailers (I-beam), specialized earth moving equipment (Euclid type)	5.64	.30	.50			
Euclid type equipment over 35 ton capacity	5.89	.30	.50			
Welders - receive rate prescribed for craft performing operation to which welding is incidental.						

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:
a. Holidays: A through F; employer contributes 4% basic hourly rate for 5 years or more of service or 2% basic hourly rate for 6 months to 5 years of service as Vacation Pay Credit.

FOOTNOTES (Cont'd):
b. Holidays: A through F, Washington's Birthday, Good Friday and Christmas Eve providing employee has worked 45 full days during the 120 calendar days prior to the holiday, and the regular scheduled work days immediately preceding and following the holiday.

c. Holidays: A through F; Bunker Hill Day, provided employee has been employed 10 working days prior to the holiday and provided employee works the scheduled work day immediately preceding and following the holiday.

d. Paid Holiday: "D".

HEAVY, HIGHWAY AND MARINE CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Other
Bricklayers, stone masons, catch basin, manhole builders	$8.02	.25	.35		.01	
Carpenters, piledrivermen, N. Kingstown	8.56	.35	.35			
Cement masons - finishers	6.85	.35				
Electricians:						
Westerly	7.45	.30	1%+.20		½%	
Remainder of County	7.70	.18	1%		.02	
Ironworkers, struc., orn., reinf.	7.70	.45	.85		.02	
Laborers:						
Laborers	6.10	.25	.25		.05	
Adzemen, asphalt rakers, barcotype jumping tampers, chain-saw operators, concrete and power buggy operators, concrete saw operators, demolition burners, fence and guard rail erectors, highway stone spreaders, mechanical grinder operators, mortar mixers, pipelayers, pipe trench bracers, pneumatic tool operators, riprap and dry stonewall builders, setters of metal forms for roadways, stumper operators, tree toppers, tree trimmers wagon drill operators, wood chipper operators	6.35	.25	.25		.05	
Air track operator	6.60	.25	.25		.05	
Blasterers and powdermen	6.85	.25	.25		.05	
Pavers, rammers and curb setters	6.60	.25	.25		.05	
Line Construction:						
Linemen	7.14	.20	1%	a		
Equipment operator	6.31	.20	1%	a		
Groundman	5.07	.20	1%	a		
Driver groundman	5.58	.20	1%	a		
Painters:						
Brush	6.95	.25	.25			
Structural steel	7.20	.25	.25			
Spray	7.95	.25	.25			
Plumbers	7.20	.35	.35			
Waterproofers	7.85	.20	.25			
Welders - receive rate prescribed for craft performing operation to which welding is incidental.						

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTE:
a. Holidays: A through F, Bunker Hill Day provided employee has been employed 10 working days prior to the holiday and provided the employee works the scheduled work day immediately preceding and following the holiday.

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BUILDING CONSTRUCTION POWER EQUIPMENT OPERATORS	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Other
Digging Machines, cranes, pile drivers, lighters, locomotives, derricks, hoists pavers, and front-end loaders 3 yds. and over	$9.35	.40	.40		.05	
Economobile type equipment	9.10	.40	.40		.05	
Fork lift	8.85	.40	.40		.05	
Firemen and Oilers	7.45	.40	.40		.05	
Bulldozers, graders, spreaders, tractors, scrapers, rollers and front-end loaders less than 3 yds.	8.00	.40	.40		.05	
Pippin type backhoes	8.30	.40	.40		.05	
Maintenance Engineers	7.90	.40	.40		.05	
Well-point Installation	8.05	.40	.40		.05	
Gas or electric driven pumps, heater, concrete mixers, stone crushers, air compressors, welding machines and generators for light plants	8.20	.40	.40		.05	

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BRIDGE (Incidental to Highway) and HIGHWAY CONSTRUCTION POWER EQUIPMENT OPERATOR	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Other
Digging machines, cranes, piledrivers, lighters, locomotives, derricks, hoists, pavers and front-end loaders 3 to 4 yds. and economobile & ross carriers	$9.15	.40	.40			
Fork lifts	8.35	.40	.40			
Firemen	7.75	.40	.40			
Oilers and apprentices	6.90	.40	.40			
Bulldozers, spreaders, rollers and front-end loaders, less than 3 yds., tractors	7.65	.40	.40			
Scrapers and graders & dozer operators	7.775	.40	.40			
Pippin type backhoe operator	8.00	.40	.40			
Maintenance engineers	7.50	.40	.40			
Gas and electric driven heaters, pumps, concrete mixers, stone crushers, air compressors, light plants and welding machines and concrete pumps	7.775	.40	.40			
Test boring machine operators	6.625	.40	.40			
Well point installation crews	7.60	.40	.40			
Operators of truck cranes with booms of 130 to 150 feet	9.65	.40	.40			
over 150 feet	9.90	.40	.40			
Operators of cat cranes with booms of 150 to 180 feet	9.65	.40	.40			
over 180 feet	9.90	.40	.40			

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BRIDGES, CAISSONS, DOCKS, MARINE, PIERS, SUBBASEMENTS, SUBTERRANEAN, TUNNELS, & HEAVY CONSTRUCTION POWER EQUIPMENT OPERATORS	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App Tr	Other
Digging Machines, cranes, pile drivers, lighters, locomotives, derricks, hoists, pavers and front end loaders 3 yds. and over	$10.05	.40	.40		.05	
Firemen and Oilers	8.05	.40	.40		.05	
Bulldozers, graders, spreaders, scrapers, rollers and front-end loaders less than 3 yds	8.65	.40	.40		.05	
Maintenance Engineers	8.35	.40	.40		.05	
Well-point Installation Crews	8.85	.40	.40		.05	
Gas or electric driven pumps, heaters, concrete mixers, stone crushers, air compressors, welding machines and generators for light plants	8.65	.40	.40		.05	
Boat and Tug Operators	10.05	.40	.40		.05	
Apprentices (Deckhands)	8.15	.40	.40		.05	

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HEAVY & HIGHWAY CONSTRUCTION	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS: H & W	PENSIONS	VACATION	APP. TR.	OTHER
Truck Drivers:						
2 axle	$3.97	.24	.35	a+b		
3-axle, Ready Mix Equipment	4.02	.24	.35	a+b		
4-5 axle Dump	4.12	.24	.35	a+b		
Low bed trailer equipment-specialized earth moving equipment other than conventional type	4.22	.24	.35	a+b		
Helpers on low bed	3.97	.24	.35	a+b		

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:
a. Holidays: A through F, Columbus Day, Veteran's Day providing employee has worked at least two days in the calendar week in which the holiday falls.

b. Employee who has been on payroll for 1 year or more but less than 5 years and has worked 150 days during the last year of employment shall receive: 1 week's vacation; 5 years or more - 2 weeks vacation.

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SUPERSEDEAS DECISION

STATE: Washington
DECISION No. AP-263
COUNTY: Statewide
DATE: Date of Publication
Supersedes Decision Number AP-261 dated February 2, 1973 in 38FR3265
DESCRIPTION OF WORK: Building construction (excluding single family homes and garden type apartments, up to and including 4 stories), heavy and highway construction and dredging

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
ASBESTOS WORKERS						
Chelan, Clallam, Douglas, Grays Harbor, Island, Jefferson, King, Kitsap, Kittitas, Lewis, Mason, Okanogan, Pacific (northern part), Pierce, San Juan, Skagit, Snohomish, Thurston, Whatcom and Yakima Counties	8.27	.25	.30			
Clark, Cowlitz, Klickitat, Pacific (southern part), Skamania & Wahkiakum Counties	7.85	.35	.60		.06	
Remaining Counties	8.15	.25	.37			
BOILERMAKERS	7.45	.60	1.00	.50	.02	
BRICKLAYERS						
Chelan, Douglas & Okanogan (Except area of Grand Coulee Dam)	7.05	.35				
Kittitas and Yakima Counties	7.00	.35	.40			
Clallam, Island, Jefferson, King, Kitsap, Snohomish & Skagit (south of the Cities of Burlington, Sedro-Woolley & Concrete) Counties	7.98	.40	.25		.02	
Grays Harbor County	6.50					
Pierce County	7.99	.35	.35		.02	
Lewis, Mason & Thurston Counties	6.70	.35	.30			
San Juan, Skagit (including Cities of Burlington, Sedro-Woolley, Concrete and north thereof), & Whatcom Counties	7.75	.40	.45			
Adams (except City of Othello), Asotin, Columbia, Ferry, Garfield, Lincoln, Pend Oreille, Spokane, Stevens & Whitman Counties, Grand Coulee Dam area in Okanogan County	8.15	.30				
City of Othello in Adams County, Benton, Franklin, Grant & Walla Walla Counties	7.85	.30				
Clark, Cowlitz, Klickitat, Pacific (southern part), Skamania & Wahkiakum Counties	7.40	.35	.35		.02	
CARPENTERS						
All Counties and parts of counties east of the 120th Meridian	7.04	.50	.45		.025	
Carpenters						
Piledriver; Floor Layers; Floor Finishers; Floor Sanders; Saw Filers; Stationary Power Woodworking Tool Operator	7.19	.50	.45		.025	
Shingler (wood or composition)	7.24	.50	.45		.025	
Millwrights; Boom Men; Machine Erector; Carpenters (creosoted material)	7.29	.50	.45		.025	
Piledriver (creosoted material)	7.44	.50	.45		.025	
CARPENTERS (Cont'd)						
All Counties and parts of Counties west of the 120th Meridian except Clark, Cowlitz, Klickitat, Pacific (southern part), Skamania and Wahkiakum Counties						
Carpenters	7.00	.50	.50		.01	
Carpenters on creosoted material	7.10	.50	.50		.01	
Sawfilers; Stationary Power Saw; Floor Finisher; Floor Layer; Shingles; Floor Sander; & other Stationary Power Woodworking tools	7.13	.50	.50		.01	
Millwrights and Machine Erectors; Piledrivers; Bridge, Dock & Wharf Builders	7.15	.50	.50		.01	
Acoustical Workers	7.16	.50	.50		.01	
Boommen	7.20	.50	.50		.01	
Clark, Cowlitz, Klickitat, Pacific (southern part), Skamania and Wahkiakum Counties						
Carpenters; Form Stripper; Manhole Builders; Acoustical & Drywall Applicators	6.78	.55	.40	.35	.03	
Piledrivermen, Bridge, Dock & Wharf Builders	6.88	.55	.40	.35	.03	
Floor Layers; Floor Finishers; Stationary Power Saw Operator	6.91	.55	.40	.35	.03	
Boomman	6.98	.55	.40	.35	.03	
Millwrights; Machine Erectors	7.03	.55	.40	.35	.03	
CEMENT MASONS						
Lewis, Pierce, Thurston and the City of Auburn in King County	6.70	.40	.50		.02	
King (except the City of Auburn), portion of Kittitas County lying one mile west of the City of Easton, Clallam, Grays Harbor, Island, Jefferson, Kitsap, Mason, San Juan, Skagit, Snohomish, Whatcom & Pacific (northern part) Counties	6.79	.55	.50			
Adams, Asotin, Benton, Chelan, Columbia, Douglas, Ferry, Franklin, Garfield, Grant, Lincoln, Okanogan, Pend Oreille, Spokane, Stevens, Walla Walla, Whitman, Yakima & Kittitas (except for western portion lying one mile west of City of Easton) Counties	6.90	.40	.40		.02	

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
CEMENT MASONS (Cont'd)						
Clark, Cowlitz, Klickitat, Pacific (southern part), Skamania and Wahkiakum Counties	6.81	.35	.35		.01	
ELECTRICIANS						
Clallam, Jefferson, King & Kitsap Counties						
Electricians	8.045	.14	1%		.02	
Cable Splicers	8.81	.14	1%		.02	
Grays Harbor, Lewis, Mason, Pierce, Pacific & Thurston Counties						
Electricians	7.66	.35	1% + .40	4%	.04	
Cable Splicers	8.38	.35	1% + .40	4%	.04	
Island, San Juan, Skagit, Snohomish & Whatcom Counties						
Electricians	8.445	.25	1%		.01	
Cable Splicers	9.29	.25	1%		.01	
Chelan, Douglas, Grant & Okanogan Counties						
Electricians	7.93	.35	1%		.02	
Cable Splicers	8.33	.35	1%		.02	
Asotin, Benton, Columbia, Franklin, Garfield, Kittitas, Walla Walla & Yakima Counties						
Electricians	7.93	.35	1%		.02	
Cable Splicers	8.33	.35	1%		.02	
Clark, Klickitat and Skamania Cos.						
Electricians	7.75	.25	1% + .30		.02	
Cable Splicers	8.35	.25	1% + .30		.02	
Cowlitz and Wahkiakum Counties						
Electricians	8.13	.25	1%		.02	
Cable Splicers	8.94	.25	1%		.02	
Adams, Ferry, Lincoln, Pend Oreille, Spokane, Stevens & Whitman Counties						
Electricians	7.93	.35	1%		.02	
Cable Splicers	8.33	.35	1%		.02	
ELEVATOR CONSTRUCTORS						
Chelan, Clallam, Grays Harbor, Island, Jefferson, King, Kitsap, Kittitas, Lewis, Mason, Pacific (northern part), Pierce, San Juan, Skagit, Snohomish, Thurston, Whatcom, and Yakima Counties						
Elevator Constructors	7.965	.345	.23	2% + a		
Elevator Constructors' Helpers	70%JR	.345	.23	2% + a		
Elevator Constructors' Helpers (Prob.)	50%JR					

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
ELEVATOR CONSTRUCTORS (Cont'd)						
Adams, Asotin, Benton, Columbia, Douglas, Ferry, Franklin, Garfield, Grant, Lincoln, Okanogan, Pend Oreille, Spokane, Stevens, Walla Walla and Whitman Counties						
Elevator Constructors	7.66	.345	.23	2% + a		
Elevator Constructors' Helpers	70%JR	.345	.23	2% + a		
Elevator Constructors' Helpers (Prob.)	50%JR					
Clark, Cowlitz, Klickitat, Pacific (southern part), Skamania and Wahkiakum Counties						
Elevator Constructors	7.12	.345	.23	2% + a		
Elevator Constructors' Helpers	70%JR	.345	.23	2% + a		
Elevator Constructors' Helpers (Prob.)	50%JR					
IRONWORKERS						
Statewide except Clark, Cowlitz, Klickitat, Pacific (southern part), Skamania and Wahkiakum Counties						
Reinforcing; Structural; Fence Erectors; Ornamental; Riggers and Signalmen	7.56	.48	.65		.05	
Clark, Cowlitz, Klickitat, Pacific (southern part), Skamania and Wahkiakum Counties						
Reinforcing; Structural; Fence Erectors; Ornamental; Riggers; Signal Men	7.31	.48	.65	.25	.05	
GLAZIERS						
Island, King, Kitsap, Pacific (northern part), Snohomish, Clallam, Grays Harbor, Jefferson, Lewis, Mason, Pierce, San Juan, Skagit, Thurston & Whatcom Counties	6.85	.22	.35	b		
Clark, Cowlitz, Klickitat, Pacific (southern part) Skamania and Wahkiakum Counties	6.82	.26	.20	4%	.01	
LATHERS						
Clallam, Island, Jefferson, King, Kitsap, Pacific (northern part), San Juan, Skagit, Snohomish & Whatcom Counties	7.50	.40				
Adams, Asotin, Benton, Chelan, Columbia, Ferry, Franklin, Garfield, Grant, Lincoln, Okanogan, Pend Oreille, Spokane, Stevens, Walla Walla and Whitman Counties	7.00	.40				

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Classification	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Others
LATHERS (Cont'd)						
Clark, Cowlitz, Klickitat, Pacific, (southern part), Skamania and Wahkiakum Counties	6.60	.15			.01	
MARBLE MASONS						
Adams (except city of Othello), Asotin, Columbia, Ferry, Garfield, Lincoln, Pend Oreille, Spokane, Stevens and Whitman Counties	8.15	.30				
City of Othello in Adams County, Benton, Franklin, Grant and Walla Walla Counties	7.85	.30				
MARBLE MASONS						
Chelan, Douglas & Okanogan (except area of Grand Coulee Dam)	7.05	.3[illegible]				
Clallam, Island, Jefferson, King, Kitsap, Snohomish & Skagit (south of the Cities of Burlington, Sedro-Woolley and Concrete) Counties	7.70	.35	.25		.02	
Grays Harbor, Pierce & Pacific (northern part) Counties	7.63	.40	.30		.02	
Lewis, Mason and Thurston Counties	6.70	.35	.30			
San Juan, Skagit (including the Cities of Burlington, Sedro-Woolley, Concrete & north thereof) & Whatcom Counties	7.50	.35	.25			
Clark, Cowlitz, Klickitat, Pacific (southern part), Skamania and Wahkiakum Counties	7.40	.35	.35		.02	
MARBLE, TILE AND TERRAZZO WORKERS HELPERS						
All Counties east of the Cascade Mountain Range in Washington	6.20					
Remaining Counties west of the Cascade Mountain Range	5.15	.35				
PAINTERS						
Adams, Asotin, Benton, Columbia, Ferry, Franklin, Garfield, Grant, Lincoln, Pend Oreille, Spokane, Stevens, Walla Walla and Whitman Counties						
Brush	6.67	.21	.45		.01	
Drywall Taper	6.92	.21	.45		.01	
Steel; Spray; Sandblasters; Steam Cleaning; Roller over 9" or 10" handle	7.02	.21	.45		.01	
Swing Stage Work or High Rate (over 30')	7.07	.21	.45		.01	
Bitumastics; Bridge; Tanks on legs; Tower; Stacks; Steeples	7.42	.21	.45		.01	

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Classification	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Others
PAINTERS (Cont'd)						
Chelan, Douglas, Kittitas, Okanogan and Yakima Counties						
Brush	6.29	.21	.35		.01	
Spray; Steel; Roller 9" or 10' handles; Finish Drywall Taper; Steam Cleaning	6.54	.21	.35		.01	
Swing Stage over 30' high	6.64	.21	.35		.01	
Bitumastic; Bridges; Towers; Tanks on legs; Steeples; Stacks; Sand Blasting	6.69	.21	.35		.01	
Clallam County						
Brush	5.68					
Tapers	5.78					
Spray; Structural Steel	5.88					
Grays Harbor, Island, Jefferson, King, Kitsap, Lewis, Mason, Pierce, San Juan, Skagit, Snohomish, Thurston, Pacific (northern part) and Whatcom Counties						
Brush; Tapers	6.92	.40	.27		.02	
Spray; Structural Steel; Bridge; Sandblasting; Stacks; Steam Cleaning; Steeples; Swing Stage; Tanks on legs; Tower; Toxic material	7.17	.40	.27		.02	
Clark, Cowlitz, Klickitat, Pacific (southern part), Skamania and Wahkiakum Counties						
Brush	6.45	.30	.20	.10	.015	
Spray	6.70	.30	.20	.10	.015	
High Work over 100'	6.95	.30	.20	.10	.015	
High Towers, ground to 100'	6.60	.30	.20	.10	.015	
Drywall Tapers	6.10	.32	.15	.50	.015	
PLASTERERS						
Clallam, Island, Jefferson, King (except the City of Kent), Kitsap, Skagit, San Juan, Snohomish, & Pacific (northern part) Counties	7.51	.30	.25		.02	
Chelan, Douglas, Kittitas, Okanogan and Yakima Counties	6.80	.40				
Grays Harbor, King (City of Kent), Lewis, Mason, Pierce and Thurston Counties	6.75	.40	.25		.02	
Clark, Cowlitz, Klickitat, Pacific (southern part), Skamania and Wahkiakum Counties	6.95	.45	.45		.01	

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Classification	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Others
PLASTERERS (Cont'd)						
Adams, Asotin, Benton, Columbia, Ferry, Franklin, Garfield, Grant, Lincoln, Pend Oreille, Spokane, Stevens, Walla Walla and Whitman Counties	7.50	.40				
PLASTERERS' TENDERS						
Adams, Asotin, Benton, Columbia, Ferry, Franklin, Garfield, Grant, Lincoln, Pend Oreille, Spokane. Stevens, Walla Walla and Whitman Counties	5.25	.25	.25		.02	
PLUMBERS						
Statewide (except Clallam, Clark, Jefferson & King Cos., and Chelan, Douglas and Okanogan Cos. west of the 119°, 30 Min., and Kittitas County north of the 47°, 15 Min. Latitude)	7.52	.26	.55	.47	.06	
Clark County	7.36	.59	.66		.07	
Clallam. Jefferson & King Counties and Chelan, Douglas and Okanogan Counties west of the 119°, 30 min., and Kittitas County north of the 47°, 15 min. latitude	7.59	.47	.85	.60	.06	
ROOFERS						
Kittitas, Franklin, Columbia, Klickitat, Garfield and Yakima Cos.						
Roofers; Kettlemen	6.15	.20				
Irritable Bituminous Material; Spray (hot)	6.80	.20				
Adams, Chelan, Douglas, Ferry, Grant, Lincoln, Okanogan, Pend Oreille, Spokane, Stevens & Whitman Counties	6.20	.30	.15	.50		
Asotin and Garfield Counties	6.65					
Cowlitz, Northern part of Pacific, and Wahkiakum Counties						
Roofers; Kettlemen; Waterproofers	6.68	.20	.20			
Slate and Tile	6.93	.20	.20			
Clark, Southern part of Pacific and Skamania Counties						
Roofers	6.95	.45	.46			
Handling of irritating material (coal tar or expoxy)	7.45	.45	.46			
In confined areas and handling of irritating materials (coal tar or expoxy)	7.70	.45	.46			

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Classification	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Others
ROOFERS (Cont'd)						
Callam, Grays Harbor, Island, Jefferson, King, Kitsap, Lewis, Mason, Pierce, San Juan, Skagit, Snohomish, Thurston and Whatcom Counties						
Roofers; Kettlemen; Waterproofers	$ 6.95	.20	.20			
SHEET METAL WORKERS						
King County	6.97	.22	.30		.01	
Island and Snohomish Counties	6.57	.22	.30		.01	
Benton, Franklin, Kittitas, Klickitat and Yakima Counties	6.50	.22	.30			
Adams, Asotin, Chelan, Douglas, Grant, Ferry, Lincoln, Pend Oreille, Okanogan, Spokane, Stevens & Whitman Counties	6.50	.22	.30			
Walla Walla, Columbia & Garfield Counties	6.50	.22	.30			
Cowlitz, Grays Harbor, Lewis, Pacific (northern part), Pierce, Thurston & Wahkiakum Counties	6.57	.22	.30		.01	
San Juan, Skagit and Whatcom Counties	6.57	.22	.30		.02	
Clark, Pacific (southern part) & Skamania Counties	6.05	.20	.24	.24	.02	
Clallam, Jefferson, Kitsap & Mason Counties	6.57	.22	.30		.01	
SOFT FLOOR LAYERS						
Adams, Asotin, Benton, Columbia, Ferry, Franklin, Garfield, Grant, Lincoln, Pend Oreille, Spokane, Stevens, Walla Walla and Whitman Counties	6.42	.21	.25			
Gray Harbor, Mason, Pacific (northern part), Pierce and Thurston Counties	7.59	.36	.45		.03	
King, Kitsap,&Snohomish Counties	7.65	.36	.45		.05	
Clallam, Island, Jefferson, Lewis, San Juan, Skagit and Whatcom Counties	7.03	.30	.45			
Clark, Cowlitz, Klickitat, Pacific (southern part), Skamania and Wahkiakum Counties	6.40	.30	.30	c	.05	
Chelan, Douglas, Kittitas, Okanogan and Yakima Counties	6.42	.16	.25	d		
SPRINKLER FITTERS						
Statewide (except Island, King, Kitsap, Pierce, Skagit, Snohomish and Thurston Counties)	7.95	.25	.40		.04	

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
SPRINKLER FITTERS (Cont'd)						
Island, King, Kitsap, Pierce, Skagit, Snohomish & Thurston Counties	$ 8.75	.30	.50		.06	
TERRAZZO WORKERS						
Clallam, Island, Jefferson, King, Kitsap, Skagit (south of the cities of Burlington, Sedro-Woolley and Concrete) & Snohomish Counties	7.53	.40	.35			
San Juan, Skagit (including cities of Burlington, Sedro-Woolley, Concrete and north thereof) & Whatcom Counties	7.50	.35	.25			
Lewis, Mason & Thurston Counties	6.70	.35	.30			
Grays Harbor, Pierce & Pacific (northern part) Counties	7.63	.40	.30		.02	
Adams (except city of Othello), Asotin, Columbia, Ferry, Garfield, Lincoln, Pend Oreille, Spokane, Stevens, Whitman & Grand Coulee Dam Area	8.31	.30				
City of Othello in Adams County, Benton, Franklin, Grant & Walla Walla Counties	7.18	.30				
Chelan, Douglas, Okanogan (except area of Grand Coulee Dam)	7.05	.35				
Clark, Cowlitz, Klickitat, Pacific (southern part), Skamania and Wahkiakum Counties	6.55	.25	.24			
TILE SETTERS						
Clallam, Island, Jefferson, King, Kitsap, Skagit (south of the cities of Burlington, Sedro-Woolley and Concrete) & Snohomish Counties	7.00	.40	.35		.04	
San Juan, Skagit (including cities of Burlington, Sedro-Woolley, Concrete and north thereof) & Whatcom Counties	7.50	.35	.25			
Lewis, Mason & Thurston Counties	6.70	.35	.30			
Grays Harbor, Pierce & Pacific (northern part) Counties	7.63	.40	.30		.02	
Adams (except city of Othello), Asotin, Columbia, Ferry, Garfield, Lincoln, Pend Oreille, Spokane, Stevens, Whitman & Grand Coulee Dam Area	8.21	.30				

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
TILE SETTERS (Cont'd)						
City of Othello in Adams County, Benton, Franklin, Grant & Walla Walla Counties	$ 7.18	.30				
Kittitas and Yakima Counties	6.75	.25	.25			
Chelan, Douglas, Okanogan (except area of Grand Coulee Dam)	7.05	.35				
Clark, Cowlitz, Klickitat, Pacific (southern part), Skamania and Wahkiakum Counties	6.55	.25	.24			

WELDERS: Receive rate prescribed for craft performing operation to which welding is incidental.

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:
a. Employer contributes 4% of basic hourly rate for 5 years' service and 2% of basic hourly rate for 6 months to 5 years' service as Vacation Pay Credit. Six Paid Holidays: A through F.
b. Two weeks' vacation with pay after 1 year of employment. Also seven paid Holidays. A through F plus Washington's Birthday.
c. 4% of all gross wages to be placed to the credit of the employee with less than one year's service - 6% of all gross wages to be placed to the credit of the employee with more than one year of service.
d. All employees who have completed 1800 compensable hours of employment with one employer in a year of employment shall receive one week's vacation with full pay; pro-rata vacation shall accrue in accordance with the ratio of hours worked in one year of employment divided by 1800 hours multiplied by the one week's full pay.

East of the 120th Meridian

DREDGING	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
LEVERMAN DIPPER:						
(a) 5 yards and under	$8.29	.45	.45			
(b) Over 5 yards	8.84	.45	.45			
LEVERMAN, HYDRAULIC	7.90	.45	.45			
ASSISTANT ENGINEER (Electric Generator Operator for Primary Pump, Power Barge or Dredge)	7.58	.45	.45			
ENGINEER WELDER; CRANEMAN	7.53	.45	.45			
ASSISTANT ENGINEER (Electric, Diesel, Steam or Booster Pump); Mates and Boatmen	7.48	.45	.45			
FIREMAN; OILER	7.14	.45	.45			
ASSISTANT MATE (Deckhand)	7.04	.45	.45			

West of the 120th Meridian and Pacific County(Northern Part)

DREDGING	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
DIPPER LEVERMAN:						
(a) Over 5 yards	$8.64	.45	.65			
(b) 5 yards and under	8.09	.45	.65			
HYDRAULIC LEVERMAN	7.70	.45	.65			
ASSISTANT ENGINEER (Electric, Generator Operator for Primary Pump, Power Barge or Dredge)	7.38	.45	.65			
ENGINEER WELDER; CRANEMAN	7.33	.45	.65			
ASSISTANT ENGINEER (Electric, Diesel, Steam or Booster Pump); Mates and Boatmen	7.28	.45	.65			
FIREMAN; OILER	6.94	.45	.65			
ASSISTANT MATE (Deckhand)	6.84	.45	.65			

Clark, Cowlitz, Klickitat, southern half of Pacific, Skamania and Wahkiakum Counties	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
DREDGING						
Dipper Leverman:						
(a) 5 yards and under	$7.89	.45	.60	.25		
(b) Over 5 yards	8.44	.45	.60	.25		
Leverman, Hydraulic	7.50	.45	.60	.25		
Assistant Engineer (Electric Generator Operator for Primary Pump; Power Barge or Dredge)	7.18	.45	.60	.25		
Assistant Engineer (Electric, Diesel, Steam or Booster Pump); Mates and Boatmen	7.13	.45	.60	.25		
Engineer Welder; Craneman	7.08	.45	.60	.25		
Fireman; Oiler	6.74	.45	.60	.25		
Assistant Mate (Deckhand)	6.64	.45	.60	.25		

LINE CONSTRUCTION - WASHINGTON - e (1-1)

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Cable Splicers Leadman Pole Sprayer	$8.60	.25	1%		½%	
Lineman; Pole Sprayer; Heavy Line Equipment Man; Certified Lineman Welder	7.76	.25	1%		½%	
Tree Trimmer	7.00	.25	1%		½%	
Line Equipment Man	6.67	.25	1%		½%	
Head Groundman (Chipper); Head Groundman; Powderman; Jackhammer Man	5.82	.25	1%		½%	
Groundman; Tree Trimmer Helper	5.49	.25	1%		½%	
Hole Digger	5.25	.25	1%		½%	

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1-WAS-LAB-1-2-3 (1-2)

All Counties and parts of Counties East of the 120th Meridian

LABORERS

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Group I Carpenters tender; Concrete crewman; Concrete signalman; Crusher feeder; Demolition; Driller helper, Dumpman; Fence erector; General laborer; Grout machine header tender; Nipper; Riprap man; Scaleman; Stake jumper; Structural mover; Tailhoseman (water nozzle); Track laborer (RR); Truck loader; Timber bucker and faller; Window cleaner; Brush Hog Feeder	$5.50	.35	.55		.02	
Group II Cement finisher tender; Cement handler; Demolition torch; Dope pot fireman, nonmechanical; Form cleaning machine, feeder, stacker; Form setter, paving; Grade checker using level, optional; Nozzleman, water & air or steam; Pipe layer, currugated metal culvert; Pipewrapper; Pot tender; Powderman helper; Power tool op.; gas, electric, pneumatic Railroad equipment, power driven; Rodder & spreader; Sandblast tailhoseman; Scaffold erector, wood or steel; Vibrator up to 4"; Wallpoint man; Wheelbarrow, power driven	5.65	.35	.55		.02	
Group III Asphalt raker; Asphalt roller, walking; Chain saw op. w/attachments; Concrete saw, walking; Creosote material; High scaler; Jackhammer op.; Multi-section pipelayer; Nozzleman; Pavement breaker; Tamper; Trencher; shawnee; Vibrator, 4" & over; Wagon drills; Water pipe liner	5.75	.35	.55		.02	
Group IV Chain Saw (faller); Pipelayer (Caulker, collarman, jointer, mortarman, rigger, jacker, shorer & lagger and laser beam but not incl. laying corrugated metal culvert pipe)	5.80	.35	.55		.02	
Group V Concrete stack, Hod carriers; Mortar mixer; Vibrator, 4 inches and over	5.85	.35	.55		.02	

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1- WAS-Lab-1-2-3 (2-2)

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Laborers (cont'd):						
GROUP VI Caisson worker, free air; High Scaler	$5.90	.35	.55		.02	
GROUP VII Brush machine; Drills, Gunnite; Monitor op., Air Track or similar mounting; Nozzleman	5.95	.35	.55		.02	
GROUP VIII Air track drills with dual masts and drills; Powderman	6.15	.35	.55		.02	
TUNNEL & SHAFT, FREE AIR						
GROUP IX Class A: Bull gang, pump crete crewman incl. distributing pipe, assembling & dismantle and nipper	5.55	.35	.55		.02	
Class B: Brakeman, dumpman	5.60	.35	.55		.02	
Class C: Minor & nozzleman for concrete and laser beam op. on tunnels	6.00	.35	.55		.02	
Class D: Raise & shaft miner and laser beam op. on raises and shafts	6.05	.35	.55		.02	
GROUP X Sand Hogs (Under compressed air conditions): 1 lb thru 14 lbs - 6 hrs. work	56.40	.35	.55		.02	
Over 14 lbs thru 18 lbs - 6 hrs. work	59.10	.35	.55		.02	
Over 18 lbs thru 22 lbs - 4 hrs. work	59.10	.35	.55		.02	
Over 18 lbs thru 22 lbs - 6 hrs. work	79.35	.35	.55		.02	
Over 22 lbs thru 26 lbs - 4 hrs. work	63.30	.35	.55		.02	
Over 26 lbs thru 32 lbs - 4 hrs. work	65.70	.35	.55		.02	
Over 32 lbs thru 38 lbs - 3 hrs. work	68.40	.35	.55		.02	
Over 38 lbs thru 44 lbs - 2 hrs. work	69.70	.35	.55		.02	
Outside lock & guage tender(per shift)	46.80	.35	.55		.02	

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4-WAS-LAB 1-2-3 (1-1)

Chelan, Douglas, Kittitas, Okanogan and Yakima Cos. West of the 120th Meridian

LABORERS

	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTH.
General Labor; Carpenter Tender; Form Stripper; Rip Rap Man; Track Laborer; Stake Hopper; Choke Setter; Fence Laborer	$4.65	.30	.30		.02	
Air Track & Wagon Drill Helper; Crusher Feeder; Dump & Stock Pile Man; Powder Man Helper; Sloper, Over 20 feet	4.75	.30	.30		.02	
Power Buggy; Drill Chipper; Grinder and similar light power tools; Faller and bucker (Hand); Grout Man (Power)	4.80	.30	.30		.02	
Asphalt Raker & Spreader; Cement Handler; Sack of Bulk; Dope Pot Tender; House Wreckers; Jackhammer; Pavement Breaker; Tamper Vibrator; Track Spike Puller; Concrete Saw and similar heavy power tools; Nozzleman (Air & Water)	4.85	.30	.30		.02	
Formsetter; Steel Forms; Grade Checker; Swinging Stage or Bosun Chair over water or over 25 feet in height	4.90	.30	.30		.02	
Air Track & Wagon Drill Operator; Chain Saw Operator; Gunite Man; High Scaler; Pipe Layer & Caulker; Pipe Wrapper; Sand Blaster; Timber Man; Open Ditch; Mortar Man & Hod Carrier	4.95	.30	.30		.02	
Faller & Bucker (Chain Saw); Powder Man	5.00	.30	.30		.02	
Caisson Workers; Free Air	5.05	.30	.30		.02	
TUNNEL SHAFTS, FREE AIR						
Topman & Bull Gang	4.75	.30	.30		.02	
Chuck Tender; Mucker & Laborer; Nipper; Brakeman	4.80	.30	.30		.02	
Powder Man Helper	4.90	.30	.30		.02	
Miner (including Monolithic Worker); Re-Timberman; Maintenance Man; Spader	5.00	.30	.30		.02	
Miner; Shaft & Raise	5.05	.30	.30		.02	
Powder Man	5.15	.30	.30		.02	

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2-WAS-LAB-1-2-3-c (1-2)

Remaining Counties West of the 120th Meridian including northern part of Pacific County.

LABORERS:

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
GROUP I General Laborer; Nipper; Truck Spotter; Pitman; Brush Cutter; Choker Setter; Concrete & Monolithic Laborer; Pot Tender; Asphalt Laborer; Ditch Digger; Drierman; Concrete Form Stripper; Carpenter Helper; Track Laborer; Well-Point and Header Laborer	$5.10	.45	.50		.03	
GROUP II Dumpman; Faller & Bucker: Hand, Powderman's Helper; Sloper (over 20'); Wagon Driller & Air Trac Helper	5.20	.45	.50		.03	
GROUP III Groutman (pressure); Power Tools-Light Duty Chippers; Grinders; Tampers; and Similar Electric and Air Operated Tools; Swinging Scaffold or Boatswain Chair over water or over 25' in height	5.25	.45	.50		.03	
GROUP IV Concrete Saw Operator; Pipe Pot Tenderer; Power Wheel Barrow or Buggy; Power Tools Heavy Duty Jackhammer; Pavement Breaker; Vibrators; Tampers (multiple & self-propelled); Rail-road Spike Puller; Rakers - Asphalt	5.30	.45	.50		.03	
GROUP V Form Setter (steel forms); Grademan and Stake Hopper; Nozzleman (concrete pump, green cutter when using combination of high pressure air and water on concrete & rock, sandblast, gunnite shot-crete)	5.35	.45	.50		.03	
GROUP VI Faller and bucker: Chain Saw; High Scaler; Mortarman & Hod Carrier; Pipe Layer and Caulker; Pipe Wrapper; Timberman - Sewer; Wagon Driller and Airtrac	5.40	.45	.50		.03	
GROUP VII Cement Dumper - Paving; Powderman	5.45	.45	.50		.03	

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
LABORERS: (Cont'd)						
GROUP VIII Tunnel Work Topman and Bull Gang	$5.15	.45	.50		.03	
GROUP IX Chuck Tender; Muck and Laborer; Nipper; Brakeman	5.20	.45	.50		.03	
GROUP X Powderman' Helper	5.30	.45	.50		.03	
GROUP XI Miner (Including monolithic work); Spader; Re-Timberman; Maintenance Man	5.20	.45	.50		.03	
GROUP XII Miner, Shaft and raise	5.25	.45	.50		.03	
GROUP XIII Powderman	5.35	.45	.50		.03	
GROUP XIV 1 lb. thru 14 lbs. (6 hrs.)	50.40	.45	.50		.03	
Over 14 lbs. thru 18 lbs. (6 hrs), over 18 lbs. thru 22 lbs. (4 hrs.)	53.10	.45	.50		.03	
Over 18 lbs. thru 22 lbs. (6 hrs.)	73.35	.45	.50		.03	
Over 22 lbs. thru 26 lbs. (4 hrs)	57.30	.45	.50		.03	
Over 26 lbs. thru 32 lbs. (4 hrs.)	59.70	.45	.50		.03	
Over 32 lbs. thru 38 lbs. (3 hrs.)	62.40	.45	.50		.03	
Over 38 lbs. thru 44 lbs. (2 hrs.)	63.70	.45	.50		.03	
Outside lock and gauge tender (per shift)	44.40	.45	.50		.03	

Clark, Cowlitz, Klickitat, Southern part of Pacific, Skamania and Wahkiakum Counties

LABORERS

GROUP I

Asphalt plant laborers; Asphalt spreaders; Batch weighman; Broomers; Brush burners & cutters; Car & truck loaders; Carpenter tender; Change-house man or dry shack men; Choker setters; Clean up laborers; Concrete laborers; Crusher feeders; Culvert, hand labor; Curing, concrete; Demolition, wrecking & moving laborers; Driller helpers; Dumpers, Road oiling crew; Dumpmen (for grading crew); Elevator feeders; Fence builder (incl. Guard rail, Median rail, Reference post, Guide post, Right-of-way marker); Fine graders; Form strippers (not swinging stages); General laborers; Landscaping or planting laborers; Leverman on aggregate spreader (Flaherty & similar types); Loading spotters; Material yard man (incl. electrical); Pittsburgh chipper operator or similar types; Powderman helper; Railroad track laborers; Ribbon setters (incl. steel forms); Rip Rap man (hand placed); Road pump tender; Sewer labor; Skipmen; Signalmen; Slopers, spraymen; Stake chaser-Stake setter-Grade checker; Stockpiler; Timber faller & Bucker (hand labor); Toolroom man (at job site); Tunnel bull gang (above ground); Weigh man crusher aggregate (when used)

GROUP II

Applicator (incl. pot tender for same), applying protective material by hand or nozzle on utility lines or storage tanks on project; Burners; Choker splicer; Clary power spreader & similar types; Clean-up nozzleman-greencutter (concrete rock, etc.); Concrete power buggyman; Demolition & wrecking charred materials; Gunite nozzleman tender; Gunite or sand blasting pot tender; Handlers or mixers of all materials of an irritating nature (incl. cement & lime); Manhole builder;

BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
	H & W	PENSIONS	VACATION	APP. TR.	OTHERS
$5.25	.40	.45	.20	.02	

BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
	H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Powertool op., incls. but not limited to: Chipping guns, Jackhammer, Paving breakers, Post hole digger, Air, Gas, or Electric, Tampers, Vibrating screed, Vibrators (less than 4" in diameter); Ribbon setter, head; Rip Rap man (head), hand placed; Sand blasting (wet); Sewer timbermen; Timber buckers & Fallers, Brush cutters (power saw); Tunnel-muckers, Brakemen, Concrete crew, Bull gang (underground) 5.40	.40	.45	.20	.02	
GROUP III Asphalt rakers; Bid grinder; Concrete saw op.; Drill doctor; Drill oprs., Air tracks, Cat drills, Wagon drills, Rubber-mounted drills, & other similar types; Gunite nozzleman; High scalers, Strippers & Drillers (covers work in swinging stages, chairs or belts, under extreme conditions usual to normal drilling, blasting, barring-down, or sloping & stripping); Powdermen; Power saw ops. (bucking & falling merchantable logs); Pumpcrete nozzlemen; Sand blasting (dry); Sewer pipe layers; Track liners, Anchor machines, Ballast regulators, Multiple tampers, Power jacks; Tugger op.; Tunnel — Chuck tenders, Nippers, & Timbermen; Vibrators (4" & larger); Water blaster; Welder 5.55	.40	.45	.20	.02	
GROUP IV Tunnel miners; Tunnel powderman 5.70	.40	.45	.20	.02	

All Counties & parts of Counties East of the 120th Meridian

POWER EQUIPMENT OPERATORS

GROUP I

Bit Grinders; Bolt Threading Machine; Brakeman; Compressors, under 1000 cu. ft. per minute gas, diesel or electric power; Crusher Feeder (mechanical); Deck Hand; Drillers' Helper; Fireman & Heater Tender; Grade Checker; Helper (Mechanic or Welder, H.D.); Oiler; Pumpman; Rollers, all types on subgrade (farm type, Case, John Deere and similar - or compacting or vibrator) except when pulled by dozer with operable blade; Welding Machines.

GROUP II

A-Frame Truck (single-drum); Assistant Refrigeration Plant (under 1000 tons); Assistant Plant Operator, Fireman or Pugmixer (asphalt); Bagley or Stationary Scraper; Batch Plant & Wet Mix Operator, single unit (concrete); Belt Finishing Machine; Bending Machine (pipeline); Blower Operator (cement); Cement Hog; Compressor (1000 cu. ft. or over, 2 or more - gas, diesel or electric power); Concrete Saw (multiple cut); Distributor Leverman; Dope Pots (power agitated); Equipment Serviceman, Greaser & Oiler; Fork Lift or Lumber Stacker, Hydra Lift & similar; Gin trucks (pipeline); Hoist, single drum; Loaders (bucket elevators and conveyors); Longitudinal Float; Mixer (portable - concrete); Pavement Breaker, Hydra-Hammer & similar); Posthold Auger or Punch; Power Broom; Railroad Ballast Regulation Operator, (self-propelled); Railroad Power Tamper Operator, (self-propelled); Railroad Power Tamper Jack Operator, (self-propelled); Spray Curing Machine (concrete); Spreader Box (self-propelled); Straddle Buggy (Ross &

Basic Hourly Rates	Fringe Benefits Payments				
	H & W	Pensions	Vacation	App. Tr.	Others
$ 6.45	.50	.55		.025	

POWER EQUIPMENT OPERATORS (CONT'D)	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Other
GROUP II (CONT'D)						
similar on construction job site); Tractor (farm type R/T with attachments except backhoe); Tugger Operator.	6.75	.50	.55		.025	
GROUP III						
A-Frame Truck (2 or more drums); Assistant Refrigeration Plant & Chiller Operator (over 1000 tons); Backfillers (Cleveland & similar); Belt-Crete Conveyors with Power Pack or similar; Belt Loader (Kocal or similar); Blade Operator (Motor Patrol and attachments); Boat Operators; Boom Cats (side); Boring Machine (earth); Boring Machine (rock under 8" bit) (Quarry Master, Joy or similar); Bump Cutter (Wayne, Saginaw or similar); Canal Lining Machine (concrete); Cleaning & Doping Machine (pipeline); Concrete Pumps (squeeze-crete, flow-crete, pump-crete, Whitman & similar); Drills Drills (churn, core, calyz or diamond); Elevating Belt-type Loader (Euclid, Barber Green or similar); Elevating Grader-type Loader (Dumor, Adams, or similar); Generator Plant Engineers (diesel electric); Gunite Combination Mixer & Compressor; Hoist, (2 or more drums or Tower Hoist); Loaders, (overhead & front-end, under 4 yds., R/T); Locomotive Engineer; Mixermobile; Oiler & Cable Tender, Mucking Machine, Paver (asphalt and concrete); Pump (Grout or Jet); Refrigeration Plant Engineer (1000 tons); Rollerman (finishing pavement); Rubber-tired Scrapers (one motor with one scraper, under 40 yds.); Screed Operator; Soil Stabilizer (P & H or similar); Spreader Machine; Tractor (crawler, incl. Dozer, Scraper, Drills, Booms, Rollers, etc.); Traverse Finishing						

POWER EQUIPMENT OPERATORS (CONT'D)	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Other
GROUP III (CONT'D)						
Machine; Trenching Machines (under 7 ft. depth capacity); Turnhead Operator	$ 7.00	.50	.55		.025	
GROUP IV						
H.D. Mechanic; H.D. Welder; Refrigeration Plant Engineer (1000 tons & over) Semi-automatic Welding Machine.	7.10	.50	.55		.025	
GROUP V						
Asphalt Plant Operator; Crusher & Screening Plant Operator; Rubber-tired Scrapers Multi-Engine Power with one Scraper (Euclid, TS-24 & similar); Rubber-tired Scraper, One Motor with One Scraper (40 yds. & over); Single Engine with two Scrapers (Letourneau, Tandem B & similar); Surface Heater & Planer Machine.	7.15	.50	.55		.025	
GROUP VI						
Automatic Subgrader (ditches & trimmers) (R.A. Hansen & similar); Backhoes (under 3 yds.); Batch & Wet Mix Operator-Multiple Units (2 and incl. 4); Clamshell Operator (under 3 yds.); Concrete Slip Form Paver; Cranes (under 65 tons); Derricks & Stifflegs (under 65 tons); Draglines (under 3 yds.); Drilling Equipment (8" bit and over) (Robbins & similar); Hydra-Cranes (Austin, Western Hydra-Hoe and similar with attachments); Loader Operator (Front End & Overhead 4 yds. to 8 yds.); Mucking Machines; Piledriving Engineers; Paver (dual drum); Quad-track or similar Equipment; Railroad Track Liner Operator (self-propelled); Rubber-tired Scrapers, Multiple						

POWER EQUIPMENT OPERATORS (CONT'D)	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Other
GROUP VI (CONT'D)						
Engines with two Scrapers; Shovels (under 3 yds.); Signalmen (Whirleys, Highline Hammerheads or similar); Trenching Machines (7 ft. depth and over).	7.30	.50	.55		.025	
GROUP VII						
Backhoes (3 yds. and over); Batch Plant (over 4 units); Cableway Controller-Dispatcher; Cableway Operators; Clamshell Operator (3 yds. and over); Cranes (65 tons and over); Derricks & Stifflegs (65 tons and over); Draglines (3 yds. and over); Loader - (360 degrees revolving Koehring Scooper or similar); Loaders (overhead and front end over 8 yds.); Rubber-tired Scrapers (multiple engine with three or more scrapers); Shovels (3 yds. and over); Tower Crane; Whirleys and Hammerheads (all).	7.55	.50	.55		.025	
Underground Work - Add 10% to the Classification. Classification. (Not to include open pits, cuts, ditches, trenches and such work as paving, etc.)						
All Crane Booms: 130' to 200' - $.15/hr. Additional to Classification; Over 200' - - $.30/hr. Additional to Classification;						
Yo-Yo Dozer: 10% Additional						

All Counties & parts of Counties West of the 120th Meridian except Clark, Cowlitz, Klickitat, Southern part of Pacific, Skamania, & Wahkiakum Counties	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Other
POWER EQUIPMENT OPERATORS						
GROUP I Mechanics' Helpers (heavy duty)	$6.92	.45	.65		.04	
GROUP II Brakemen; Oiler (grader checkers & stakeman)	7.02	.45	.65		.04	
GROUP III Fireman; Fireman (drier & hot plant)	7.13	.45	.65		.04	
GROUP IV Tractor (farmall type, 60 h.p. & under); Compressor (excavating and general purposes); Rollers, Tampers & Vibrators (other than plant, road mix or multilift materials)	7.18	.45	.65		.04	
GROUP V Oiler Driver on Truck Cranes (over 45 tons up to 100)	7.20	.45	.65		.04	
GROUP VI Oil Distributors; Blower Distriburors and mulch seeding operator	7.25	.45	.65		.04	
GROUP VII Locomotives (dinkey air, diesel, electric, gas, steam)	7.26	.45	.65		.04	
GROUP VIII Equipment Service Oiler; Oiler Driver on truck cranes (100 tons & over)	7.30	.45	.65		.04	
GROUP IX Tractors (farmall type, over 60 h.p.); Pump (water)	7.32	.45	.65		.04	
GROUP X Post Hole Diggers (mechanical)	7.45	.45	.65		.04	

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POWER EQUIPMENT OPERATORS (cont'd)	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Others
GROUP XI Brooms, power (Wayne, Saginaw & similar); Bulldozers (under D9 or similar); Saws (consrete); Loaders (fork lift or lumber stacker (on construction job site), Drott travel lift); Scrapers (carry-all type, single); Roller, tampers and vibrator, twin engine	$7.48	.45	.65		.04	
GROUP XII Mixer (asphalt up to 4 tons per batch) Loaders (elevating Athey, Barber Greene & similar types); Loaders (overhead & front end, under 2½ yds.); Mixers (concrete & batch 200 yd.s. per hour & under); Pumps, Fuller Kenyon; Pumps, concrete and Pump crete; Roller, Tamper & Vibrator (on plant, road mix or multilift materials); Trenching Machines (under 16 inches); Batch Plant & Mixer (200 yds. per hour & under); Conveyors; Crushers (rock), washing and screening plants; Finishing Machine Operator (concrete paving); Hoists, Air Tuggers, Strato Tower Bucket, Elevatoss and Deck Winches (power); Power Plant Operators; Screedman; Spreaders (Blaw Knox, Cedarapids, Jaeger, Flarrety or similars); Cranes ("A" frame truck, single power drum)	7.51	.45	.65		.04	
GROUP XIII Locomotive, Mechanics or Welder (heavy duty)	7.56	.45	.65		.04	
GROUP XIV Tournapulls, Caterpillar, Euclid Scrapers and similar type equipment (25 yds. and under); Motor Patrol Graders (incl. Model 14 & similar)	7.58	.45	.65		.04	
GROUP XV Hoists on Steel Erection, Air Tuggers and Towermobiles; Compressor (steel erection incl. sandblasting, painting or same); Loaders (fork lifts w/tower)	7.60	.45	.65		.04	

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2-WAS-PEO-1-2-3-d

POWER EQUIPMENT OPERATORS (cont'd)	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Others
GROUP XVI Loaders (elevating grader type, Dumor & similar); Cement Hogs; Locomotive (geared or rod engine); Paving; Scraper (carryall type, double)	$7.63	.45	.65		.04	
GROUP XVII Tractors (farmall type, used as back-hoes, rubber tired, Ford, Ferguson, Case & similar types, 60 h.p. & under)	7.66	.45	.65		.04	
GROUP XVIII Bulldozer (D-9 or similar)	7.70	.45	.65		.04	
GROUP XIX Trenching Machines (16 inches and over)	7.77	.45	.65		.04	
GROUP XX Bump Cutter (Concut, Christianson or similar types)	7.78	.45	.65		.04	
GROUP XXI Conveyors (beltcrete with power pack & similar types); Loaders (elevating belt type, Euclid & similar); Batch Plant, batch & Mixer (over 200 yds. per hour through 400 yds.); Mixer (concrete & batch, over 200 yds. per hour through 400 yds.), Paving (dual); Mixer, asphalt (4 tons & over per batch)	7.83	.45	.65		.04	
GROUP XXII Motor Patrol Graders (over Model 14 & similar); Derricks all-Drilling Machines (core, cable, rotary & exploration); Linked Pusher, Pay Dozer (quad 9 & similar); Mucking Machines (mole or tunnel drill and/or shield); Subgrader (Gurries, CMI and similar); Tournapulls, Caterpillar, Euclid Scrapers & similar type equipment (over 25 yds. through 40 yds.); Tractors (farmall type, used as backhoes, rubber tired, Ford, Ferguson, Case & similar, over 60 h.p.); Piledriver Engineers (L.B. Foster puller or similar paving breaker);						

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POWER EQUIPMENT OPERATORS (cont'd)	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Others
GROUP XXII (cont'd) Cranes ("A" frame truck, dbl. power drum); Crawler (truck type, floating, locomotive, Whirley, either 3 yds. & under, or 150' of boom, incl. jibs, & under, or 45 tons & under); Hydralifts; Hyster Cat Cranes & attachments; Bulldozers (engaged) in yo yo operation (while clearing and scaling); Shovels (Crawler and truck type, all attachments, 3 yds. & under); Cranes, Chipper, wood w with boom attachment; Mixer, (mobile type with hoist combination); Cableways (3 yds. & under); Loaders (fork lift with power boom & swing attachment); loaders (overhead & front end, 2½ yds. up to 4 yds.)	$7.88	.45	.65		.04	
GROUP XXIV Loaders (overhead & front end, 4 yds. up to 8 yds.)	8.10	.45	.65		.04	
GROUP XXV Mixer (concrete mixers & batch over 400 yds. per hour through 600 yds. per hour)	8.14	.45	.65		.04	
GROUP XXXI Tournapulls, Caterpillar, Euclid Scraper and similar type (over 40 yds. through 55 yds.)	8.19	.45	.65		.04	
GROUP XXVII Slip Form Paver (Zimmerman, CMI, and other similar types); Cableway (over 3 yds.); Crane (Crawler, truck type, floating, locomotive, Whirley, either over 3 yds. or over 150' of boom incl. jibs, or over 45 tons up to 100 tons); crane (Tower Cranes, Pecco, Lorraine, Bucyrus & similar types: Remote Control Operator (on rubber tired earth moving equipment) Helicopter Winch Operator; Shovel (Crawler and truck type, all attachments, over 3 yds. up to 6 yds.)	8.27	.45	.65		.04	
GROUP XXVIII Tournapulls, Caterpillar, Euclid Scrapers & similar type equipment (over 55 yds. through 70 yds.)	8.49	.45	.65		.04	

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POWER EQUIPMENT OPERATORS (cont'd)	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Others
GROUP XXIX Loaders (Overhead & front end, 8 yds. and over)	$8.69	.45	.65		.04	
GROUP XXX Tournapulls, Caterpillar, Euclid Scrapers & similar type equipment (over 70 yds. through 85 yds.)	8.80	.45	.65		.04	
GROUP XXXI Shovel (Crawler and truck type, all attachments, 6 yds. and over); Cranes (Crawler, truck type, floating, locomotive, Whirley, either 6 yds. & over, 200' of boom incl. jibs & over, or 100 tons and over)	8.82	.45	.65		.04	
GROUP XXXII Tournapulls, Caterpillar, Euclid Scrapers & similar type equipment (over 85 yds. through 100 yds.)	9.10	.45	.65		.04	

VAULT XUM

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3-WAS-PEO 1-2-3 d (1-6)

Clark, Cowlitz, Klickitat, Southern part of Pacific, Skamania & Wahkiakum Counties

POWER EQUIPMENT OPERATORS

	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
GROUP I ASSISTANT CONVEYOR; Oiler, including plant and crusher; Crusher Feederman; Deckhand; Self-propelled Scaffolding; Guard Rail Punch Oiler; Pump under 4" Brakeman Switchman; Parts Man (Tool Room)	$6.35	.45	.60	.25		
GROUP II BLASE, PULLED TYPE; Truck Crane Oiler-driver, 25 ton capacity or Fireman, all equipment; A-Frame Truck, single drum; Tugger or Coffin type Hoist, any power; Drill Helper; Auger Oiler; Boatman; Forklift or Lumber Stacker; Temporary Heating Plant; Grade Oiler, required to check grade; Grade Checker; Tar Pot Fireman; Tar Pot Fireman (power agitated); H.D. Repairman Helper; Welder's Helper; Fireman Helicopter Radio-man (ground); Roller, Rock	6.49	.45	.60	.25		
GROUP III PLANT FIREMAN; Pugmill; Truck Mounted Asphalt Spreader, with screed; Compressor, any power, under 1,000 cu. ft. total capacity; Mixer Box Concrete Plant; Concrete Conveyor; Cement Hog; Concrete Saw, self-propelled unit; Wire Mat Machine or Booming Machine; Concrete Curing Machine, self-propelled; Bucket Elevator Loader, Barber Greene and similar type; Hydraulic Pipe Press; Pump any power, 4" and over; Hydrostatic Pump; Motorman; Ballast Jack Tamper; Bell Boy, phones, etc; Tamping Machine, mechanical self-propelled; Hydrographic Seeder Machine, straw, pump or seed; Broom Operator, self-propelled; Air Filtration Equipment; Welding Machine	6.59	.45	.60	.25		

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3-WAS-PEO 1-2-3 d (2-6)

	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR	OTHERS
GROUP IV SCREED; Compactor, including vibratory; Compressor, over 1,000 cu. ft. total capacity, Concrete Mixer, single drum, under 5 bag capacity; Concrete Cooling Machine; Combination Mixer and Compressor, Gunite work; Helicopter Hoist; Fork Lift, over 5 tons; Lull Hi-Lift or similar types; Pavement Breaker; Pump, more than 3, any size; Locomotive, under 40 tons; Roller, Oiling, CTB	$6.75	.45	.60	.25		
GROUP V CURB MACHINE, MECHANICAL BERM, CURB AND/OR CURB AND GUTTER; Wagner Pactor or similar type (without blade); Batch Plant Material Control; Power Jumbo, setting slip forms, etc. in tunnels; Slip Form Pumps, power driven hydraulic lifting device for concrete forms; Hoist, single drum; Elevator, Diesel, Gas, Engineer; Chip Spreading Machine; Lime Spreading; Sweeper (Wayne Type); self-propelled; Tractor, rubber-tired 50 H.P. Flywheel and under; Trenching Machine, maximum digging capacity 3 ft. depth	6.77	.45	.60	.25		
GROUP VI ASPHALT PLANT; Asphalt Paver; Maginnis, internal full slab vibrator; Concrete finishing Machine, Clary, Johnson, Bidwell, Burgess, bridge deck or similar type; Curb Machine, Mechanical Berm, Curb and/or Curb and Gutter; Concrete Joint Machine; Concrete Planer; Cast in place pipe laying machine; Concrete Paving Machine; Concrete Spreader; Loaders, Rubber-tired type, 2½ cu. yds. and under; Rock Spreader, self-propelled	6.85	.45	.60	.25		

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3-WAS-PEO 1-2-3 d (3-6)

	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
GROUP VII ROLLER, ASPHALT; Concrete Mixer, single drum, 5 bag capacity and over; Beltcrete; Pumpcrete; Cement Pump, Fuller-Kenyon and similar; Grouting Machine; Concrete Pump; Tower Mobile; A-Frame Truck, double drums; Boom Truck; Churn Drill and Earth Boring Machine; Hydraulic Backhoe, wheel type 3/4 cu. yds. & under with or without front end attachments 2½ cu. yds. and under (Ford, John Deere, Case type); Elevating Grader, Tractor and towed requiring operator or grader; Pot Rammer; Ballast Regulator; Ballast Tamper Multi-Purpose; Track Liner; Tie Spacer; Shuttle Car; Locomotive 40 tons and over	$6.91	.45	.60	.25		
GROUP VIII DIESEL-ELECTRIC ENGINEER, PLANT OR FLOATING; Batch Plant and/or wet mix, one and two drums; Generator; Diesel-Electric Engineer; Belt Loaders, Kolman and Ko Cal types	7.01	.45	.60	.25		
GROUP IX BULLDOZER; Drill Cat; Side-Boom Cat; Compactor, with blade; Chicago Boom and similar types; Lift Slab Machine; Boom Type lifting device, 5 tons capacity or less; Cherry picker or similar type crane-hoist; 5 ton capacity or less; Grizzley; Crusher Plant; Boring Machine; Surface Heater & Planer; Hydraulic Backhoe, truck type 3/8 cu. yds. Loader, front end and overhead 2½ cu. yds. and under 4 cu. yds.; Pipe Cleaning Machine; Pipe Doping Machine; Pipe Bending Machine; Pipe Wrapping Machine; Bolt Treading Machine; Drill Doctor; including bit grinder; H.D. Mechanic; H.D. Welder; Machine Tool Operator; Stationary Drag Scraper; Tractor Rubber-tired over 50 H.P. Flywheel;						

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3-WAS-PEO 1-2-3 d (4-6)

	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Tractor, Rubber-tired with boom attachments; Trenching Machine maximum digging capacity over 3 ft. depth	$7.07	.45	.60	.25		
GROUP X BULLDOZER, TWIN-ENGINE (TC 12 and similar type); Cable-Plow; Compactor, Multi-engine; Driller-Percussion, Diamond, Core, Cable, Rotary and similar types; Jack Operator Elevating Barges; Barge Operator, self-unloading Combination H.D. Mechanic-Welder; Welder-Certified; Rubber-tired Dozers and Pushers (Michigan, Cat, Hough, type	7.13	.45	.60	.25		
GROUP XI MIXER MOBILE; Crane, 25 tons and under; Shovel, Dragline; Clamshell, Hoe, etc., under 1 cu. yd.; Grade-all, under 1 cu. yd.; Mucking Machine	7.15	.45	.60	.25		
GROUP XII BLADE; Batch Plant and/or wet mix, 3 units or more; Hoist, 2 drums; Hoist, 3 or more drums; Elevating Loader, Athey and similar types; Piledriver (not crane type); Rubber-tired Scraper, single engine, single scraper; Scraper-Self-Loading, paddle wheel ladder type; Rubber-tried Scraper, twin engine; Rubber-tired Scraper, with push-pull attachments; Blade Mounted Spreaders, Ulrich and similar types; Shield Operator	7.21	.45	.60	.25		
GROUP XIII BLADE, FINISH (working with either red or blue tops); Blade, Electronically controlled by wite or laser beams; Blade, Multi-engine; Concrete Paving and Road Mixer; Bridge Crane, Locomotive, Gantry Overhead; Derrick, under 100 tons; Hoist Stiffleg, Guy Derrick or similar type 50 tons and over; Cableway, up to 25 tons; Crane, over 25 tons and including 40 tons; Tower Crane; Piledriver (not crane type); Floating Clamshell, etc., under 3 cu. yds.;						

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3-WAS-PEO 1-2-33 (5-6)

	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR	OTHERS
Floating Crane (Derrick Barge); less than 30 tons; Hydraulic Backhoe, truck type over 3/8 cu. yds.; Elevating Grader, operated by tractor, Sierra, Euclid or similar types; Back-Filling Machine; Shovel, etc., 1 cu. yd. but less than 3 cu. yds.; Gradeall, 1 cu. yd. and over	$7.29	.45	.60	.25		
GROUP XIV RUBBER-TIRED SCRAPER WITH TANDEM SCRAPER	7.45	.45	.60	.25		
GROUP XV ROCK HOUND; Loader, 4 cu. yds. but less than 6 cu. yds.	7.61	.45	.60	.25		
GROUP XVI AUTO GRADER (i.e. CMB) or TRIMMER; Tandem Bulldozer, Quad-nine and similar type; Automatic Concrete Slip Form Paver; Concrete Canal Liner; Cableway, 25 tons and over; Crane, over 40 tons and including 100 tons; Whirley, 80 tons and under; Floating Clamshell, etc., 3 cu. yds. and over; Floating Crane (Derrick Barge), 30 tons but less than 80 tons; Loader, 6 cu. yds., but less than 8 cu. yds.; Loader 8 cu. yds. but less than 12 cu. yds.; Rubber-tired Scraper, with Tandem Scraper, Multi-engine; Shovel, etc., 3 cu. yds. but less than 5 cu. yds.; Wheel Excavator, under 750 cu. yds. per hour	7.79	.45	.60	.25		
GROUP XVII CRANE, Over 100 tons and including 200 tons; Whirley over 80 tons and including 150 tons; Floating Crane (Derrick Barge); 80 tons but less than 150 tons; Loader, 12 cu. yds. and over; Shovel, etc., 5 cu. yds. and over; Canal Trimmer	7.93	.45	.60	.25		
GROUP XVIII CRANE, over 200 tons; Whirley, 150 tons and over; Floating Crane 150 tons but less than 250 tons; Wheel Excavator, over 750 cu. yds. per						

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3-WAS-PEO 1-2-3 (6-6)

	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OTHERS
hour; Band Wagons, in conjuction with wheel excavator	$8.11	.45	.60	.25		
GROUP XVIV HELICOPTER; When used in erecting work; Floating Crane 250 tons and over; Remote controlled earth moving equipment (no one operator shall operate more than two pieces of moving equipment at one time); Underwater Equipment, remote or otherwise	8.25	.45	.60	.25		

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All Counties and parts of Counties East of the 120th Meridian

TRUCK DRIVERS

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.	Others
Group I FLAT BED TRUCK, single rear axle; Escort Driver; Fish Truck; Fork Lift, 3,000 lbs. & under; Fuel Truck Driver (steam cleaner & washer); Helper & Swamper; Leverman Loading Trucks at Bunkers; Pickup Hauling Material; Stationary Fuel Op.; Team Driver; Tractor (small rubber tired pulling trailer or sim. equip.); Water Tank Truck 1,800 gallons	$6.70	.62	.50			
Group II BUS DRIVER OR MANHAUL DRIVER; Flat Bed Truck, dual rear axle; Tireman No. 1; Warehouseman	6.75	.62	.50			
Group III BUGGY MOBILE & SIM.; Bulk Cement Tanker; Oil Tank Driver; Power Operated Sweeper; Semi-Trailer, low bed, truck & Trailer; Straddle Carrier (Ross, Hyster & sim.); Transit Mixers & Trucks Hauling Concrete (3 yds. & under); Trucks, side end and bottom dump (under 6 yds.); Water Tank Truck (1,801 - 4,000 gallons)	6.80	.62	.50			
Group IV AUTO CRANE - 2000 lbs. capacity; Bulk Cement Spreader; Dumptor (6 yds. & under); Flaherty Spreader, box driver; Flat Bed Truck (using power take off); Fork Lift (over 3,000 lbs.) Oil Distributor Driver (road, bootman; leverman, helper); Rubber tired Tunnel Jumbo; Scissors Truck; Slurry Truck Driver; Transit Mixers & Trucks Hauling Concrete (over 3 yds. to 6 yds.) Trucks, side, end and bottom dump (over 6 yds. to 12 yds.); Water Tank Truck (4,001 - 6,000 gals.); Wrecker & Tow Trucks	6.90	.62	.50			

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TRUCK DRIVERS (CONT'D)

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.	Others
Group V LOW BOY (under 50 tons); Service Greaser; Tireman No. 2	$6.95	.62	.50			
Group VI A-FRAME (Swedish Crane, Iowa 3,000, hydrolift); Water Tank Truck (over 6,001 - 8,000 gals.)	7.00	.62	.50			
Group VII DUMPTOR (over 6 yds.); Transit Mixers & Trucks Hauling Concrete (6 yds. to 10 yds.) Trucks, side, end & bottom dump (over 12 yds. incl. 20 yds.)	7.05	.62	.50			
Group VIII LOW BOY (over 50 tons); Water Tank Truck (8,001 - 10,000 gals.); 10¢ for each add. 2,000 gals.	7.10	.62	.50			
Group IX TRANSIT MIXERS & TRUCKS Hauling Concrete, (10 yds. to 15 yds.); Trucks, side, end & bottom dump (over 20 yds. incl. 30 yds.)	7.20	.62	.50			
Group X TOURNAROCKER, DW'S & sim. w/2 or 4 wheel power tractor w/trailer or yardage scale whichever is greater	7.25	.62	.50			
Group XI TRANSIT MIXERS & TRUCKS Hauling Concrete (15 yds. to 20 yds.); Trucks, side, end & bottom dump (over 30 yds. to 40 yds.)	7.35	.62	.50			
Group XII TRANSIT MIXERS & TRUCKS Hauling Concrete (over 20 yds.); Trucks, side, end & bottom dump (over 40 yds. to 50 yds.)	7.50	.62	.50			
Group XIII TRUCKS, side, end and bottom dumps, (over 50 yds. to 100 yds.)	7.65	.62	.50			
Group XIV TRUCKS, side, end and bottom dump (over 100 yds.)	7.80	.62	.50			

All Counties and parts of Counties West of the 120th Meridian except Clark, Cowlitz, Klickitat, Southern part of Pacific, Skamania, and Wahkiakum Counties

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2-WAS -TD-1-2-3-a (1-2)

TRUCK DRIVERS	Basic Hourly Rates	FRINGE BENEFITS PAYMENTS H&W	Pensions	Vacation	App Tr	Other
Leverman & Loaders at bunkers & batch plants; Pickup truck, Escort or Pilot car; Swampers; Warehouseman & Checkers	$6.20	.37	.35			
Team driver	6.25	.37	.35			
Bull lifts or similar equipment used in loading or unloading trucks, warehousing; Bus or Manhaul; Dumpsters and similar equipment; Tournorockers; Tournowagon; Turnatrailer, Cat DW Series, Terra Cobra, Le Tourneau, Westinghouse, Athey wagon; Euclid; Two & four wheeled power tractor with trailer & similar top loaded equipment transporting material; Dump trucks, side, end & bottom dump, including semi-trucks & trains; Dump trucks, up to & including 5 yds.; Flatbed, single rear axle; Grease truck, fuel truck; Greaser; Battery service man; Tire service man; Scissor truck; Spreader, flaherty; Tractor, small rubber-tired; Vacuum truck; Water wagon & Tank truck, up to 1600 gals.; Winch truck, single rear axle; Wrecker, tow truck & similar equipment	6.30	.37	.35			
Flatbed, dual rear axle	6.40	.37	.35			
Buggymobile; Hyster operators; Straddle carrier (Ross, Hyster) and similar equipment; Water wagon & tank truck, 1600 gals. to 3000 gals.	6.45	.37	.35			
Transit-mix, 0 to and including 4-1/2 yds.	6.49	.37	.35			
Dump trucks, over 5 yds. to and including 12 yds.; Explosive truck (Field mix) and similar equipment; Lowbed & heavy duty trailer, under 50 tons gross; Road oil distributor driver; Slurry truck; Sno-go & similar equipment; Winch truck, dual rear axle	6.50	.37	.35			
Dump trucks, over 12 yds. to & including 16 yds.	6.55	.37	.35			
Bulk cement tankers; Dump trucks, over 16 yds. to & including 20 yds.; Water wagon & Tank truck, over 3000 gals.	6.60	.37	.35			
Bull lifts or similar equipment used in loading or unloading trucks other than warehousing	6.62	.37	.35			
Transit-mix, over 4-1/2 yds. to & including 6 yds.	6.64	.37	.35			
"A"- Frame or Hydralift" trucks or similar equipment	6.74	.37	.35			
Dump trucks, over 20 yds. to & including 30 yds.; Lowbed & heavy duty trailer, over 50 tons gross to & including 100 tons gross	6.75	.37	.35			

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2-WAS-TD-1-2-3-a (2-2)

TRUCK DRIVERS (CONT'D)	Basic Hourly Rates	FRINGE BENEFITS PAYMENTS H&W	Pensions	Vacation	App Tr	Other
Transit-mix, over 6 yds. to & including 8 yds.	$6.79	.37	.35			
Dump trucks, over 30 yds. to & including 40 yds.; Lowbed & heavy duty trailer, over 100 tons gross	6.90	.37	.35			
Transit-mix, over 8 yds. to & including 10 yds.	6.94	.37	.35			
Dump trucks, over 40 yds. to & including 55 yds.	7.05	.37	.35			
Transit-mix, over 10 yds. to & including 12 yds.	7.09	.37	.35			
Transit-mix, over 12 yds. to & including 16 yds.	7.24	.37	.35			
Transit-mix, over 16 yds. to & including 20 yds.	7.39	.37	.35			
Transit-mix over 20 yds.	7.54	.37	.35			

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3-WAS-TD-2-3-c (1-3)

Clark, Cowlitz, Klickitat, Southern part of Pacific, Skamania, and Wahkiakum Counties TRUCK DRIVERS	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Battery rebuilders; Bus or man-haul driver; Concrete buggies (power operated); Dump trucks, side, end & bottom dumps, incl. semi-trucks & trains or combin. thereof: 6 cu. yds. & under; Lift jitneys, fork lifts (all sizes used in loading, unloading & transporting material on job site); Loader and/or leverman on concrete dry batch plant (manually operated); Pilot car; Solo flat bed & misc. body trucks, 0-10 tons; Truck helper; Truck mechanic helper; Warehouseman (warehouse parts, tool men & parts chaser, checkers & receivers); Water wagons (rated capacity); up to 1600 gals	$5.93	.35	.40	.15		
"A" frame or hydra-lift truck w/load bearing surfaces; Lubrication man, fuel truck driver, tireman, wash rack, steam cleaner or combin.; Team drivers	5.98	.35	.40	.15		
Dump trucks, side, end & bottom dumps, incl. semi-trucks & trains or combin. thereof: over 6 cu. yds. & incl. 10 cu. yds.; Slurry truck driver or leverman; Transit mix & wet or dry mix trucks: 5 cu. yds. & under; Tireman (full-time basis); Water wagons (rated capacity); 1600 to 3000 gals.	6.03	.35	.40	.15		
Flaherty spreader driver or leverman; Low bed equipment, flat bed semi-trailer, truck & trailer or doubles transporting equipment or wet or dry materials; Lumber carrier driver-Straddle carrier (used in loading, unloading and transporting of materials on job site); Oil distributor driver or leverman; Water wagons (rated capacity); 3000 to 5000 gals.	6.08	.35	.40	.15		
Dumpsters or similar equipment, all sizes; Transit mix & wet or dry mix trucks, over 5 cu. yds. & incl. 7 cu. yds.	6.13	.35	.40	.15		

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3-WAS-TD-1-2-3 c (2-3)

	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Dump trucks, side, end & bottom dumps, incl. semi trucks & trains or combin. thereof: over 10 cu. yds. & incl. 20 cu. yds.; Transit mix & wet or dry mix trucks; over 7 cu. yds. & incl. 9 cu. yds.; Truck Mechanic--welder--body repairman; Water wagons (rated capacity) 5000 to 7000 gals.	$6.23	.35	.40	.15		
Dump trucks, side, end & bottom dumps, incl. semi trucks & trains of combin. thereof: over 20 cu. yds. & incl. 30 cu. yds.; Transit mix & wet or dry mix trucks: over 9 cu. yds. & incl. 11 cu. yds.; Water Wagons (rated capacity); over 7000 gals. to 10,000 gals.	6.33	.35	.40	.15		
Dump trucks, side, end & bottom dumps, incl. semi trucks & trains or combin. 40 cu. yds.; Transit mix & wet or dry mix trucks: over 11 cu. yds. and incl. 13 cu. yds.; Water Wagons (rated capacity): over 10,000 gals. to 15,000 gals.	6.43	.35	.40	.15		
Dump trucks, side end & bottom dumps, incl. semi-trucks & trains or combin. thereof: over 40 cu. yds. & incl. 50 cu. yds.; Transit mix & wet or dry mix trucks: over 13 cu. yds. and incl. 15 cu. yds.	6.53	.35	.40	.15		
Dump trucks, side, end & bottom dumps, incl. semi trucks & trains or combin. thereof: over 50 cu. yds. & incl. 60 cu. yds.	6.70	.35	.40	.15		
Dump trucks, side, end & bottom dumps, incl. semi trucks & trains or combin. thereof: over 60 cu. yds. & incl. 70 cu. yds.	6.80	.35	.40	.15		
Dump trucks, side, end & bottom dumps, incl. semi truck & trains or combin. thereof: 70 cu. yds. and incl. 80 cu. yds.	6.90	.35	.40	.15		

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3-WAS-TD c 1-2-3 (3-3)

	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Dump trucks, side, end & bottom dump, including semi trucks & trains or combin. thereof: over 80 cu. yds. & incl. 90 cu. yds.	$7.00	.35	.40	.15		
Dump trucks, side, end & bottom dump, incl. semi-trucks and trains or combin. thereof: over 90 cu. yds. & incl. 100 cu. yds.	7.10	.35	.40	.15		
Drivers and Helpers (handling sacked cement add $.15 per hour).						
Winch truck - takes classification of truck on which winch is mounted.						

SUPERSEDEAS DECISION

STATE: Washington, D. C.
DECISION NO.: AP-491 DATE: Date of Publication
Supersedes Decision No. AP-442, dated November 17, 1972, in 37 FR 24512.
DESCRIPTION OF WORK: Building Construction (excluding single family houses and garden type apartments up to and including 4-stories); Highway Construction, Sewer and Water Lines.

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BUILDING CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Other
Asbestos workers	$8.65	.25	.15		.015	
Boilermakers - Blacksmiths	7.65	.30	.70	.20	.01	
Bricklayers	8.70	.37	.33			
Carpenters	7.77	.25	.29		.07	
Cement Masons:						
Cement Masons	7.75	.255	.20		.05	
Grinding Machine	8.00	.255	.20		.05	
Electricians	8.85	.35	1% + .30		.10	
Elevator Constructors:						
Elevator Constructors	8.58	.195	.20	2% + a&b	.005	
Elevator Constructors' Helpers	6.01	.195	.20	2% + a&b	.005	
Elevator Constructors' Helpers (Prob).	4.29					
Glaziers	7.58	.46	.40			
Ironworkers:						
Structural	8.00	.45	.35		.01	
Ornamental & chain link fence	8.00	.45	.35		.01	
Reinforcing	7.85	.35	.25		.03	
Laborers:						
Common laborers, landscapers	6.07	.28	.25		.05	
Acetylene burners used on wrecking	6.57	.28	.25		.05	
Air tool op., scaffold builders, paving breakers, townmasters, buggy mobiles, spaders, mortarmen and scootcretes	6.22	.28	.25		.05	
Pipelayers	6.22	.28	.25		.05	
Plasterers' tenders	6.07	.32	.20		.03	
Plumbers' laborers	5.42	.30	.15		.03	
Powdermen	7.245	.28	.25		.05	
Powersaw, well points	6.32	.28	.25		.05	
Stone carvers	6.355	.175	.20			
Stone trimmers, fitters & cutters	6.30	.175	.20			
Lathers	7.225	.30	.30		.025	
Lead Burners	8.25	.30		c	.01	
Line Construction:						
Linemen, cable splicers, equipment ops.	9.36	.20	1%		½ of 1%	
Truck with winch, truck pole or steel handling	6.94	.20	1%		½ of 1%	
Groundmen (0 to 1 year)	5.52	.20	1%		½ of 1%	
Groundmen (1 to 2 years)	6.43	.20	1%		½ of 1%	
Groundmen (over 2 years)	6.68	.20	1%		½ of 1%	
Marble Setters	8.60	.35	.25			
Marble Setters' Helpers	7.35					
Millwrights	7.89	.25	.29		.07	
Painters:						
Brush, spray, paperhangers, tapers	7.46	.41	.18		.03	
Steel, sandblasting, swing stage, power brushing	7.79	.41	.18		.03	
Pildrivermen	7.905	.25	.29		.07	
Plasterers	8.015	.45	.25		.06	

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1-DC-1-2-T 2 of 3

BUILDING CONSTRUCTION, (Continued)	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Plumbers	$8.93	.38	.25		.10	
Roofers:						
Composition	6.65	.35	.20			
Slate, tile mopmen, waterproofers, sprayers, sprandrel & ironite	7.15	.35	.20			
Helpers	4.85	.35	.20			
Sheet metal workers	8.30	.60	.66		.06	
Soft floor layers	7.77	.25	.29		.07	
Sprinkler fitters	8.75	.30	.50		.05	
Steamfitters, refrigeration & air conditioning mechanic	8.79	.40	.40		.07	
Stone masons	8.60	.35	.25			
Terrazzo & mosaic workers	8.31	.40	.30			
Terrazzo workers' helpers	7.10	e	.20			
Tile setters	8.31	.40	.30			
Tile setters' helpers	7.10	e	.20			
Truck Drivers:						
Boom trucks	4.10	.22	f	g		
Small dump, water sprinkler, grease & oil	3.85	.22	f	g		
Flat, pick-up hauling materials, small Euclids, dump over 8 wheels	3.95	.22	f	g		
Trailers, low-boys, tractor pulls	4.15	.22	f	g		
Helpers	3.70	.22	f	g		
Carryalls, large Euclids, water sprinkler, tunnel work ground	4.25	.22	f	g		
Mechanics,	4.00	.22	f	g		
Concrete mixers	3.20	.12	.15	a		
Riggers & Welders - receive rates prescribed for crafts performing operations to which rigging & welding are incidental.						

BUILDING CONSTRUCTION, continued

PAID HOLIDAYS:

A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:

a. Holidays: A through F.

b. Employer contributes 4% basic hourly rate for 5 years or more of service or 2% basic hourly rate for 6 months to 5 years service as Vacation Pay Credit.

c. Holidays: A through F, plus Washington's Birthday, Good Friday and Christmas Eve (providing employee has worked at least 45 full dys during the 120 calendar days prior to the holiday, and the regularly scheduled work days immediately preceding and following the holiday).

e. Employer contributes $37.92 per man per month.

f. $6.00 per week when employee has worked 90 dyas and works 3 days in a work week.

g. Holidays: A - D - E and F (providing the employee works the regularly scheduled work days immediately preceding and following the holiday).

SEWER AND WATER LINES	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP TR	OTHR
Bricklayers	$8.70	.37	.33			
Carpenters	7.77	.25	.29		.07	
Cement masons	7.75	.225	.20		.05	
Ironworkers, reinforcing	7.85	.35	.25		.03	
Piledrivermen	7.905	.25	.29		.07	
Plumbers	8.93	.38	.25		.10	
Power Equipment Operators:						
Backhoes, cableways, cranes, draglines, power shovels, tunnel shovels, tunnel mucking machines of 1 c.y. or above	6.54	.25	.25		.05	
Backhoes, cableways, cranes, derricks, draglines, power shovels, tunnel mucking machines up to 1 c.y. and boom cats, elevating graders, hoists, paving mixers, pile driving engines, batch plant, concrete pumps	6.29	.25	.25		.05	
Trenching machines (above 8'3")	6.09	.25	.25		.05	
Backhoes (hydraulic, under ¾ c.y.)	6.17	.25	.25		.05	
Trenching machines (up to 8'3"), boilers skeleton, well drilling machines	5.99	.25	.25		.05	
Air Compressors, tunnel	5.96	.25	.25		.05	
Front end loaders (high lift)	5.94	.25	.25		.05	
Concrete mixers, power wheel scoops and scrapers, motor graders, tunnel motor men	5.84	.25	.25		.05	
Mechanics	5.82	.25	.25		.05	
Bulldozers, hydraulic tampers	5.74	.25	.25		.05	
Roller	5.64	.25	.25		.05	
Air compressors, pumps welding machines, well points	5.565	.25	.25		.05	
Apprentice Engineers:						
Firemen	5.10	.25	.25		.05	
Truck crane oilers	4.95	.25	.25		.05	
Oilers	4.90	.25	.25		.05	
Truck drivers:						
Dump trucks	2.75	.12	c			
Dump trucks over 8 wheels	2.85	.12	c			
Flat trucks	2.85	.12	c			
Trailers	2.95	.12	c			
Fuel and oil trucks	2.75	.12	c			
Euclids	3.10	.12	c			

SEWER AND WATER LINES	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Oth
LABORERS:						
Open Cut:						
Laborers, probationary (1st 60 days)	$4.33	.25	.25		.03	
Laborers, jackhammer, rammers, and spaders	5.41	.25	.25		.03	
Timbermen, sheeting-man, shoringman, caulkers, pipelayers' helpers	5.56	.25	.25		.03	
Bottom man	5.46	.25	.25		.03	
Wagon drillers, air track drillers	5.76	.25	.25		.03	
Pipelayers	5.76	.25	.25		.03	
Rock drillers	5.51	.25	.25		.03	
Tunnel:						
Brakeman, bull gang, dumper, trackman, concrete man	6.345	.28	.25		.05	
Chuck tender, powdermen in prime house, form setters and movers, nippers, cablemen, hosemen, grout men, bell or signal man, top or bottom, vibrator operator, caulkers helpers	6.645	.28	.25		.05	
Miners, rodmen, re-bar underground, concrete or gunite, nozzleman, powderman, timberman, wood, steel including liner plate or any other support material, motormen, caulkers diamond drill, riggers, cement finishers underground, welders and burners, shield driver, air-trac, shotcrete nozzleman & potman	7.295	.28	.25		.05	
Mucking machine operator (air)	7.545	.28	.25		.05	

COMPRESSED AIR: (per day)

Guage Pressure Pounds	Work Period				
From 1 to 14	7 hours	66.00	a	b	d
" 14 to 18	6 hours	69.00	a	b	d
" 18 to 22	5½ hours	72.00	a	b	d
" 22 to 26	5 hours	75.00	a	b	d
" 26 to 32	4 hours	78.00	a	b	d
" 32 to 38	3 hours	81.00	a	b	d
" 38 to 44	2½ hours	84.00	a	b	d

FOOTNOTES:

a. Employer contributes $2.24 per day to Health & Welfare.

b. Employer contributes $2.00 per day to Pension.

c. $4.00 per week when employee has worked 90 days; and works three days in any work week.

d. Employer contributes .40 per day to Apprentice Training.

HIGHWAY CONSTRUCTION	Basic Hourly Rates	FRINGE BENEFITS PAYMENTS				
		H & W	Pensions	Vacation	App Tr	Other
Asphalt shoveler	$4.15	.22	.15			
Asphalt raker	4.35	.22	.15			
Asphalt tamper	4.25	.22	.15			
Bricklayers	8.70	.37	.33			
Carpenters	7.77	.25	.29		.07	
Cement masons	4.60	.22	.15			
Concrete saw operator	4.35	.22	.15			
Concrete shoveler	4.25	.22	.15			
Form setter	4.60	.22	.15			
Laborers:						
Laborers	4.10	.22	.15			
Jackhammer	4.30	.22	.15			
Hand burner operator	4.25	.22	.15			
Power Equipment Operators:						
Concrete spreader operator, finishing machine, roller (rough), compressor, rubber tired loader (1-½ cu. yds., or less), asphalt plant mixer	4.35	.22	.15			
Loader operator tracks (2-½ cu. yds. or less), burner planer, bulldozer, mechanical welder, rubber tired loader (over 1-½ cu. yds.)	4.55	.22	.15			
Asphalt spreader, hydraulic backhoe (½ cu.yd., or less), asphalt plant engineer, asphalt roller op., concrete breaker (machine)	4.60	.22	.15			
Crane operator, concrete paving op.	4.75	.22	.15			
Shovel operator	4.85	.22	.15			
Gradall operator (1-½ cu. yds., or less), motor grader, loader op. tracks (over 2-½ cu. yds.)	5.50	.22	.15			
G-1000 Gradall operator (over 1-½ cu.yds.)	5.75	.22	.15			
Power broom, oiler	4.25	.22	.15			
Sand setter	4.60	.22	.15			
Truck Drivers:						
Truck drivers (standard)	4.10	.22	.15			
Tandem	4.22	.22	.15			
Tractor trailer (capable of moving heavy equipment)	4.60	.22	.15			

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BUILDING CONSTRUCTION	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Power Equipment Operators:						
35 ton cranes & above, tower & climbing cranes	$8.115	.35	.35		.10	
Backhoes, boomcats, cableways, cranes or derricks, draglines, elevating graders, hoists, elevator (permanent) paving mixers, piledriving engines, power shovels, tunnel shovels, mucking machines, batch plants, concrete pumps, locomotives (standard narrow gauge), power driven wheel scoops & scrapers 50 cu. yds. struck capacity or above, multiple concrete conveyors	8.065	.35	.35		.10	
Hydrocrane, and all other hydraulic cranes 12 tons or under	8.015	.35	.35		.10	
Hydraulic backhoes, under ½ yd., mounted on tractors	7.915	.35	.35		.10	
Front end loader (over 3½ cu. yds.)	8.065	.35	.35		.10	
Front end loader (over 2-3/4 cu. yds. to and including 3-½ cu. yds.)	7.915	.35	.35		.10	
Front end loaders (Hi-lift), fork lifts	7.665	.35	.35		.10	
Air compressors (on steel)	7.735	.35	.35		.10	
Air compressors (except on steel), concrete mixers, mechanics & maintenance men, pumps, tunnel mechanics, tunnel motormen, welding machines, well points	7.485	.35	.35		.10	
Boilers (skeleton), trenching machines, tug boats, well drilling machines	7.655	.35	.35		.10	
Power driven wheel scoops & scrapers under 50 cu. yds. struck capacity, blade graders, bulldozers, motor graders	7.465	.35	.35		.10	
Rollers, asphalt spreaders, bull float finishing machines, concrete spreaders, concrete finishing machines, fine graders, form graders, concrete saws	7.265	.35	.35		.10	
Apprentice engineers:						
Firemen	6.605	.35	.35		.10	
Truck crane oilers	6.485	.35	.35		.10	
Oilers	6.435	.35	.35		.10	

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federal register

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PART I
(Part II begins on page 6741)

HIGHLIGHTS OF THIS ISSUE

This listing does not affect the legal status of any document published in this issue. Detailed table of contents appears inside.

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Title 3—The President

PROCLAMATION 4193

Law Day, U.S.A., 1973

By the President of the United States of America

A Proclamation

Nearly 190 years ago, Alexander Hamilton wrote in The Federalist Papers that an independent judicial system is "the best expedient which can be devised in any government, to secure a steady, upright, and impartial administration of the laws."

The theme of the sixteenth annual observance of Law Day, U.S.A., "Help Your Courts—Assure Justice," makes Hamilton's words particularly timely. For it is in our courts that our Constitution and all our laws take on their practical meaning.

The judicial system is the final arbiter of American justice—and the final guarantor of American democracy. The first principle of the judiciary must always be to interpret the law fairly and without prejudice—the rights of the weak must be equally protected with those of the strong, the rights of the poor with those of the rich, the rights of the guilty with those of the innocent.

We honor the law because it preserves civilized society. We revere the law because it protects the dignity of the individual. And we respect our courts because without them the words of law would be words without meaning.

NOW, THEREFORE, I, RICHARD NIXON, President of the United States of America, do hereby request the observance of Tuesday, May 1, 1973, as Law Day in the United States of America.

As requested by the Congress, I urge that our people observe Law Day with appropriate public ceremonies, through public bodies and private organizations, in schools, colleges and universities, and in other suitable places. I especially request that the courts, the legal profession, and all media of public information take the lead in such observances so that public understanding of the role of the courts in our society can be broadened. I call upon public officials to display the Nation's flag on public buildings on that day.

IN WITNESS WHEREOF, I have hereunto set my hand this eighth day of March, in the year of our Lord nineteen hundred seventy-three, and of the Independence of the United States of America the one hundred ninety-seventh.

Richard Nixon

[FR Doc.73-4810 Filed 3-8-73;5:40 pm]

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EXECUTIVE ORDER 11706

Inspection of Returns by U.S. Attorneys and Attorneys of Department of Justice and Use of Returns in Grand Jury Proceedings and in Litigation

By virtue of the authority vested in me by section 6103(a) of the Internal Revenue Code of 1954, as amended (26 U.S.C. 6103(a)), it is hereby ordered that returns made in respect of the taxes imposed by chapters 1, 2, 3, 5, 6, 11, 12, and 32, subchapters B and C of chapter 33, and chapter 41 of such Code shall be open to inspection by U.S. attorneys and attorneys of the Department of Justice and for use in grand jury proceedings and in litigation in accordance and upon compliance with the rules and regulations prescribed by the Secretary of the Treasury in Treasury Decision 6543, relating to inspection and use of returns by certain classes of persons and State and Federal Government establishments, approved by the President on January 17, 1961, the amendments thereto approved by the President on April 4, 1963, March 18, 1965, and February 16, 1972, and the amendment thereto approved by me this date.

Richard Nixon

THE WHITE HOUSE,
March 8, 1973.

[FR Doc.73-4809 Filed 3-8-73;5:40 pm]

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Rules and Regulations

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.

The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

Title 7—Agriculture

CHAPTER VII—AGRICULTURAL STABILIZATION AND CONSERVATION SERVICE (AGRICULTURAL ADJUSTMENT), DEPARTMENT OF AGRICULTURE

SUBCHAPTER C—SPECIAL PROGRAMS

[Amdt. 7]

PART 780—APPEAL REGULATIONS

Special Handling

On page 3071 of the FEDERAL REGISTER of February 1, 1973, there was published a notice of proposed rule making stating that the Agricultural Stabilization and Conservation Service was considering an amendment to the appeal regulations.

Interested persons were given 20 days in which to submit written comments, suggestions, or objections. No objections have been received and the proposed amendment to the regulations is hereby adopted without change and is set forth below. The amendment provides that determinations made by a State ASC committee with respect to the quality of the acreage set-aside under the programs for wheat, feed grains, and upland cotton are no longer appealable to the Deputy Administrator.

Effective date. This amendment shall be effective on March 12, 1973.

Signed at Washington, D.C., on March 6, 1973.

KENNETH E. FRICK,
Administrator, Agricultural Stabilization and Conservation Service.

Section 780.11(a) of the appeal regulations, 7 CFR Part 780, is amended by adding a new subparagraph (8). The paragraph, as amended, shall read as follows:

§ 780.11 Requests for reconsideration and appeals requiring special handling.

(a) Determinations made by a State committee with respect to (1) the establishment of farm yields for wheat, feed grain, and cotton, (2) the establishment of wheat allotments, (3) the establishment of farm feed grain bases, (4) the establishment of upland cotton base acreage allotments, (5) the establishment of conserving bases, (6) matters rising under the tobacco discount variety program, (7) eligibility provisions of the livestock feed program, and (8) the quality of the set-aside acreage are not appealable to the Deputy Administrator.

[FR Doc.73-4655 Filed 3-9-73;8:45 am]

CHAPTER IX—AGRICULTURAL MARKETING SERVICE (MARKETING AGREEMENTS AND ORDERS; FRUITS, VEGETABLES, NUTS), DEPARTMENT OF AGRICULTURE

[Navel Orange Reg. 290, Amdt. 1]

PART 907—NAVEL ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Limitation of Handling

This regulation increases the quantity of California-Arizona Navel oranges that may be shipped to fresh market during the weekly regulation period March 2–March 8, 1973. The quantity that may be shipped is increased due to improved market conditions for Navel oranges. The regulation and this amendment are issued pursuant to the Agricultural Marketing Agreement Act of 1937, as amended, and Marketing Order No. 907.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 907, as amended (7 CFR Part 907), regulating the handling of Navel oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Navel Orange Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such Navel oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) The need for an increase in the quantity of oranges available for handling during the current week results from changes that have taken place in the marketing situation since the issuance of Navel Orange Regulation 290 (38 FR 5480). The marketing picture now indicates that there is a greater demand for Navel oranges than existed when the regulation was made effective. Therefore, in order to provide an opportunity for handlers to handle a sufficient volume of Navel oranges to fill the current market demand thereby making a greater quantity of Navel oranges available to meet such increased demand, the regulation should be amended, as hereinafter set forth.

(3) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this amendment until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient, and this amendment relieves restriction on the handling of Navel oranges grown in Arizona and designated part of California.

(b) *Order, as amended.* The provisions in paragraph (b)(1)(ii) of § 907.590 (Navel Orange Reg. 290 (38 FR 5480)) are hereby amended to read as follows:

§ 907.590 Navel Orange Regulation 290.

* * * * * *

(b) *Order.* (1) * * *

(ii) District 2: 350,000 cartons.

* * * * * *

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: March 7, 1973.

PAUL A. NICHOLSON,
Acting Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc.73-4707 Filed 3-9-73;8:45 am]

Title 9—Animals and Animal Products

CHAPTER I—ANIMAL AND PLANT HEALTH INSPECTION SERVICE, DEPARTMENT OF AGRICULTURE

SUBCHAPTER C—INTERSTATE TRANSPORTATION OF ANIMALS (INCLUDING POULTRY) AND ANIMAL PRODUCTS; EXTRAORDINARY EMERGENCY REGULATION OF INTRASTATE ACTIVITIES

PART 73—SCABIES IN CATTLE

Areas Quarantined

This amendment releases Beckham, Greer, Harmon, Jackson, and Tillman Counties in Oklahoma from the areas quarantined because of cattle scabies. Therefore, the restrictions pertaining to the interstate movement of cattle from quarantined areas contained in 9 CFR Part 73, as amended, do not apply to the excluded areas, but will continue to apply to the quarantined areas described in § 73.1a. Further, the restrictions pertaining to the interstate movement of cattle from nonquarantined areas contained in said Part 73 apply to the excluded areas.

Pursuant to provisions of the Act of May 29, 1884, as amended, the Act of February 2, 1903, as amended, the Act of March 3, 1905, as amended, and the

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Act of July 2, 1962 (21 U.S.C. 111–113, 115, 117, 120, 121, 123–126, 134b, 134f), Part 73, Title 9, Code of Federal Regulations, restricting the interstate movement of cattle because of scabies, is hereby amended as follows:

In § 73.1a, paragraph (b) is amended to read:

§ 73.1a Notice of quarantine.

• • • • •

(b) Notice is hereby given that cattle in certain portions of the State of Oklahoma are affected with scabies, a contagious, infectious, and communicable disease; and, therefore, the following areas in such State are hereby quarantined because of said disease:

(1) Beaver County.
(2) Cimarron County.
(3) Texas County.

• • • • •

(Secs. 4–7, 23 Stat. 32, as amended; secs. 1 and 2, 32 Stat. 791–792, as amended; secs. 1–4, 33 Stat. 1264, 1265, as amended; secs. 3 and 11, 76 Stat. 130, 132; 21 U.S.C. 111–113, 115, 117, 120, 121, 123–126, 134b, 134f; 37 FR 28464, 28477)

Effective date. The foregoing amendment shall become effective March 6, 1973.

The amendment relieves restrictions presently imposed but no longer deemed necessary to prevent the spread of cattle scabies, and should be made effective promptly in order to be of maximum benefit to affected persons. It does not appear that public participation in this rule making proceeding would make additional relevant information available to the Department.

Accordingly, under the administrative procedure provisions in 5 U.S.C. 553, it is found upon good cause that notice and other public procedure with respect to the amendment are impracticable and unnecessary, and good cause is found for making the amendment effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 6th day of March 1973.

G. H. WISE,
Acting Administrator, Animal and Plant Health Inspection Service.

[FR Doc.73-4710 Filed 3-9-73;8:45 am]

Title 14—Aeronautics and Space

CHAPTER I—FEDERAL AVIATION ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Docket No. 73-CE-2-AD; Amdt. 39-1594]

PART 39—AIRWORTHINESS DIRECTIVES

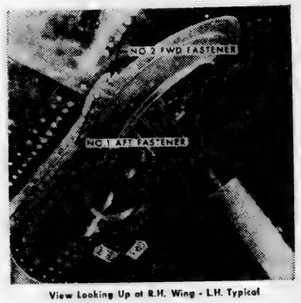
Cessna Models 336 and 337 Series Airplanes; Correction

In FR Doc. 73-3275, appearing on page 4749 in the issue of Thursday, February 22, 1973, the Airworthiness Directive should be corrected to include reproductions of Figures 1, 2, and 3.

Issued in Kansas City, Mo., on February 28, 1973.

CHESTER W. WELLS,
Acting Director, Central Region.

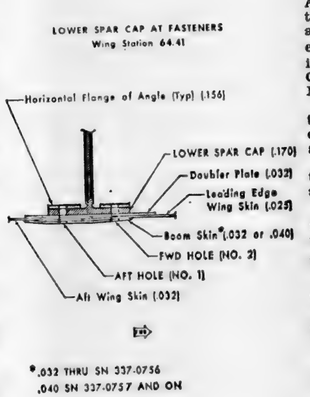
WING STRUT ATTACHMENT AREA
WITH STRUT CUFF REMOVED



View Looking Up at R.H. Wing - L.H. Typical

Fig. 1

LOWER SPAR CAP AT FASTENERS
Wing Station 64.41



*.032 THRU SN 337-0756
.040 SN 337-0757 AND ON

Fig. 2

FRONT WING SPAR-BOOM & STRUT ATTACHMENT AREA
L.H. Shown - R.H. Typical

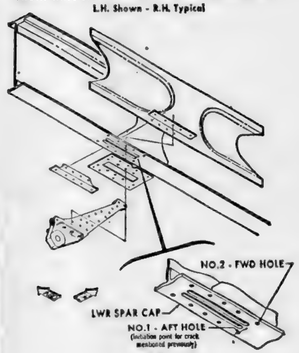


Fig. 3

[FR Doc.73-4518 Filed 3-9-73;8:45 am]

[Airspace Docket No. 72-GI-69]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Designation of Transition Area

On page 28764 of the FEDERAL REGISTER dated December 29, 1972, the Federal Aviation Administration published a notice of proposed rule making which would amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to designate a transition area at Fayette County Airport, Washington Court House, Ohio.

Interested persons were given 30 days to submit written comments, suggestions, or objections regarding the proposed amendment.

No objections have been received and the amendment as so proposed is hereby adopted, subject to the following change:

After line 7 of the transition area description for Fayette County Airport, Washington Court House, Ohio, add: "of the airport".

This amendment shall be effective 0901 G.m.t., May 24, 1973.

(Sec. 307(a), Federal Aviation Act of 1958, 49 U.S.C. 1348; sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Des Plaines, Ill., on February 26, 1973.

H. W. POGGEMEYER,
Acting Director, Great Lakes Region.

In § 71.181 (37 FR 2143), the following transition area is added:

WASHINGTON COURT HOUSE, OHIO

That airspace extending upward from 700 feet above the surface within a 5½-mile radius of the Fayette County Airport (latitude 39°34'15" N., longitude 83°25'13" W.) and within 3 miles each side of the 037° bearing from the airport extending from the 5½-mile radius area to 10 miles northeast of the airport.

[FR Doc.73-4746 Filed 3-9-73;8:45 am]

Title 12—Banks and Banking

CHAPTER VII—NATIONAL CREDIT UNION ADMINISTRATION

PART 701—ORGANIZATION AND OPERATIONS OF FEDERAL CREDIT UNIONS

Insured Loans to Student Members in Eligible Higher Education or Vocational Institutions; Correction

The document revising § 701.25 of Chapter VII of title 12 of the Code of Federal Regulations, published in the FEDERAL REGISTER on February 28, 1973, at 38 FR 5341, is corrected by changing the cite in line 12 from "79 Stat. 1247" to "79 Stat. 1048".

HERMAN NICKERSON, JR.,
Administrator.

MARCH 5, 1973.

[FR Doc.73-4658 Filed 3-9-73;8:45 am]

Title 18—Conservation of Power and Water Resources

CHAPTER I—FEDERAL POWER COMMISSION

[Docket No. R-451; Order No. 475]

PART 101—UNIFORM SYSTEM OF ACCOUNTS PRESCRIBED FOR CLASS A AND CLASS B PUBLIC UTILITIES AND LICENSEES

Electric Plant Instruction 9.D.

MARCH 1, 1973.

On August 28, 1972, the Commission issued a notice of proposed rule making in this proceeding (37 FR 18041, Sept. 6, 1972) proposing to amend Electric Plant Instruction 9.D. in the Uniform System of Accounts for Class A and Class B Public Utilities and Licensees, prescribed by Part 101, Chapter I, Title 18, CFR. The proposed amendments to Electric Plant Instruction 9.D. would modify the requirement that utilities furnish the Commission with full particulars and justification for test or experimental runs exceeding a period of 30 days to require such reporting when the testing period for nuclear plant exceeds 90 days and the testing for other plants exceed 60 days; and specify data on test periods to be submitted by utilities when they notify the Commission that test periods have exceeded the specified number of days.

Interested persons were given until October 12, 1972, to submit data, views, comments, and suggestions in writing. The Commission received 19 responses[1] representing 35 respondents. There were no requests for a conference.

It was unanimous among the electric utilities responding to the rule making that the 30-day reporting requirement should be modified, with several utilities suggesting it be modified to a greater degree than proposed in the rule making for both nuclear and other type plants. After an analysis of comments to the rule making and information furnished the Commission on test periods by utilities in compliance with the 30-day requirement, we are modifying the proposed 60 and 90 day reporting requirements to read 90 days for all other type plants and 120 days for nuclear plants.

One respondent commenting on the proposed amendment to Instruction 9.D., specifying data to be submitted when the test period exceeded the specified number of days, suggested that the amount of detail required to be reported to the Commission be more general and less specific. Another respondent suggested that the last sentence of the proposed amendment which read "• • • beginning with the first date the unit was tested or synchronized on the line • • •" be changed to read "• • • beginning with the first date the unit was synchronized on the line • • •" We recognize that it is necessary to synchronize generating units on the line before they can be tested, but do not believe that the suggestion should be adopted because it is too specific and pertains only to generating equipment. Instruction 9.D covers the testing of all types and kinds of equipment. With respect to the data to be submitted in support of the test period, it is necessary in most cases for the Commission to obtain such information from utilities before the reasonableness of test periods can be evaluated. Submission of the data by a utility at the same time it notifies the Commission it has exceeded the specified number of days should be less costly and time consuming than the present procedure.

Certain suggestions were received on the time a facility should be deemed to be ready for service or when it should be placed in service. Two respondents suggested adoption of an accounting procedure which would permit a facility to be partly in service during the test period, based upon operating capacity being used or allowed to be used. Another respondent suggested that the Commission consider outages that occur during the warranty period as serving to extend the test period. These comments pertain to matters to be considered in determining when the test period should be terminated and not on when utilities should notify the Commission on the length of test periods, which is the subject of this instant rule making. We wish to make it clear that the requirement in Plant Instruction 9.D. that utilities notify the Commission when a test period has exceeded a specified number of days does not pertain to the reasonableness of the test period. The Commission will continue to evaluate the reasonableness of all test periods.

The Commision finds:

(1) The notice and opportunity to participate in this rule making proceeding with respect to the matters presently before this Commission through the submission, in writing, of data, views, comments, and suggestions in the manner described above, are consistent and in accordance with the procedural requirements prescribed by 5 U.S.C. 553.

(2) The amendments to Part 101 of the Commission's Uniform System of Accounts for Class A and Class B Public Utilities and Licensees herein prescribed by Chapter I, Title 18 of the Code of Federal Regulations, are necessary and appropriate for the administration of the Federal Power Act.

(3) Good cause exists for making this order effective upon issuance.

The Commission, acting pursuant to the authority granted by the Federal Power Act, as amended, particularly Sections 3, 4, 301, 304, and 309 (49 Stat. 854, 855, 858; 16 U.S.C. 796, 797, 825, 825c, 825h), orders:

A. The Commission's Uniform System of Accounts for Class A and Class B Public Utilities and Licensees prescribed by Part 101, Chapter I, Title 18 of the Code of Federal Regulations is amended as follows:

1. Amend subparagraph D of Electric Plant Instruction "9. Equipment." As so amended the subparagraph reads:

Electric Plant Instructions

• • • • •

9. Equipment.

• • • • • •

D. The equipment accounts shall include the necessary costs of testing or running a plant or parts thereof during an experimental or test period prior to such plant becoming ready for or placed in service. The utility shall furnish the Commission with full particulars of and justification for any test or experimental run extending beyond a period of 120 days for nuclear plant, and a period of 90 days for all other plant. Such particulars shall include a detailed operational and downtime log showing days of production, gross kilowatts generated by hourly increments, types, and periods of outages by hours with explanation thereof, beginning with the first date the

[1] Alabama Power Co., American Electric Power System Cos., Baltimore Gas & Electric Co., Carolina Power & Light Co., Central Louisiana Electric Co., Cincinnati Gas & Electric Co., Cleveland Electric Illuminating Co., The, Commonwealth Edison Co., Consumers Power Co., Florida Power Corp., General Public Utilities Corp., Northern States Power Co., Pacific Gas & Electric Co., Public Service Indiana, Salt River Project, Southern California Edison Co., Southern Services, Inc., Virginia Electric & Power Co., and Arthur Andersen & Co.

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equipment was either tested or synchronized on the line to the end of the test period.

• • • • •

B. This order is effective on March 1, 1973.

C. The Secretary shall cause prompt publication of this order to be made in the FEDERAL REGISTER.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.73-4628 Filed 3-9-73;8:45 am]

Title 21—Food and Drugs

CHAPTER I—FOOD AND DRUG ADMINISTRATION, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

PART 2—ADMINISTRATIVE FUNCTIONS, PRACTICES, AND PROCEDURES

Subpart H—Delegations of Authority

COMMISSIONER OF FOOD AND DRUGS

Under authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (sec. 701(a), 52 Stat. 1055; 21 U.S.C. 371(a)) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 2.120), § 2.120(a) is revised to reflect the revised delegations of authority to the Commissioner of Food and Drugs by the Assistant Secretary for Health (35 FR 606, 3000; 36 FR 8893, 11433, 11770, 12803; 37 FR 27646).

§ 2.120 Delegations from the Secretary and Assistant Secretary.

(a) The Assistant Secretary for Health has redelegated to the Commissioner of Food and Drugs with authority to redelegate (35 FR 606 as amended) all authority delegated to him by the Secretary of Health, Education, and Welfare as follows.

(1) Functions vested in the Secretary under the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 301 et seq.), the Filled Milk Act (21 U.S.C. 61-63), the Federal Import Milk Act (21 U.S.C. 141 et seq.), the Tea Importation Act (21 U.S.C. 41 et seq.), the Federal Caustic Poison Act (44 Stat. 1406), the Federal Hazardous Substances Act (15 U.S.C. 1261 et seq.), The Fair Packaging and Labeling Act (15 U.S.C. 1451 et seq.), the Flammable Fabrics Act (15 U.S.C. 1201(a)), and sections 3, 4, 5, 7, 8, and 9 of the Poison Prevention Packaging Act of 1970 (15 U.S.C. 1471 et seq.), pursuant to section 12 of Reorganization Plan No. IV and Reorganization Plan No. 1 of 1953, including authority to administer oaths vested in the Secretary of Agriculture by 7 U.S.C. 2217.

(2) Functions vested in the Secretary under section 301. (Research and investigations); section 308. (International cooperation); section 311. (Federal-State cooperation); section 314(f). (Interchange of personnel with States); and section 315. (Health education and information) of the Public Health Service Act (42 U.S.C. 241, 242f, 243, 246(f), and 247) which relate to the functions of the Food and Drug Administration.

(3) Functions vested in the Secretary under sections 354 through 360F of the Public Health Service Act (42 U.S.C. 263b through 263n) which relate to electronic product radiation control.

(4) Functions vested in the Secretary under section 361 of the Public Health Service Act (42 U.S.C. 264) which relate to interstate travel sanitation (except interstate transportation of etiological agents under 42 CFR 72.25), milk and food service sanitation, and shellfish sanitation.

(5) Functions vested in the Secretary pertaining to section 351 of the Public Health Service Act (42 U.S.C. 262) which relate to the regulation of biological products.

(6) Functions vested in the Secretary pertaining to section 302(a) of the Public Health Service Act (42 U.S.C. 242(a)) which relate to the determination and reporting requirements with respect to the medicinal and scientific requirements of the United States for controlled substances.

(7) Functions vested in the Secretary pertaining to section 303 of the Public Health Service Act (42 U.S.C. 242a) which relate to the authorization of persons engaged in research on the use and effect of drugs to protect the identity of their research subjects with respect to drugs scheduled under Public Law 91-513 for which a notice of claimed exemption for an investigational new drug is filed with the Food and Drug Administration and with respect to all drugs not scheduled under Public Law 91-513.

(8) Functions vested in the Secretary pertaining to section 4 of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (84 Stat. 1241) which relate to the determination of the safety and effectiveness of drugs or to approve new drugs to be used in the treatment of narcotic addicts.

(9) Functions vested in the Secretary pertaining to section 303(f) of the Controlled Substances Act (21 U.S.C. 823(f)) which relate to the determination of the qualifications and competency of practitioners wishing to conduct research with controlled substances listed in Schedule I of the Act, and the merits of the research protocol.

(10) Functions vested in the Secretary pertaining to provisions of the Controlled Substances Act (21 U.S.C. 801 et seq.) which relate to administration of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 301 et seq.).

(11) Functions vested in the Secretary under section 409(b) of the Federal Meat Inspection Act (21 U.S.C. 679(b)) which relate to the detention of any carcass, part thereof, meat, or meat product of cattle, sheep, swine, goats, or equines.

(12) Functions vested in the Secretary under section 24(b) of the Poultry Products Inspection Act (21 U.S.C. 467f(b)) which relate to the detention of any poultry carcass, part thereof, or poultry product.

(13) Functions vested in the Secretary under the Egg Products Inspection Act (21 U.S.C. 1031 et seq.).

(14) Functions vested in the Secretary by amendments to the foregoing statutes subsequent to Reorganization Plan No. 1 of 1953.

(15) Functions vested in the Secretary regarding the issuance of all regulations pursuant to authorities cited in paragraphs (1) through (14) of this section. The reservation of authority contained in Chapter 1A of the Department Organization Manual shall not apply.

(16) Functions vested in the Secretary under Executive Order 11490, section 1103(5), and those portions of sections 1103(1), 1103(3), 1103(4), 3001(2), 3001(3), 3002(1), 3002(2), 3002(3), 3004, and 3009 which relate to food, drugs, and biologicals. In the performance of these emergency functions the Commissioner shall coordinate his activities with the Administrator, Health Services and Mental Health Administration, in order that preemergency plans shall be developed in consonance with postattack organization plans and structure of the Department for the Emergency Health Service.

(17) Function vested in the Secretary of authorizing and approving miscellaneous and emergency expenses of enforcement activities.

(18) Function vested in the Secretary under the Federal Advisory Committee Act, Public Law 92-463, to make determinations that advisory committee meetings are concerned with matters listed in section 552(b) of title 5, U.S.C. and therefore may be closed to the public for those committees under the administrative jurisdiction of the Commissioner of Food and Drugs. This authority may not be redelegated. This authority is to be exercised in accordance with the requirements of the Act and only with respect to the following:

(i) Meetings, to the extent that they directly involve review, discussion or consideration of records of the Department which are exempt from disclosure under 5 U.S.C. 552(b) (4), (6), and (7), namely, (a) records containing trade secrets and commercial or financial information obtained from a person and privileged or confidential; (b) personnel, medical and similar files the disclosure of which would constitute a clearly unwarranted invasion of personal privacy; and (c) investigatory files compiled for law enforcement purposes;

(ii) Meetings to the extent that they involve the review, discussion, and evaluation of specific drugs and devices regulated by FDA which are intended to result in recommendations for regulatory decisions under the Federal Food, Drug, and Cosmetic Act and which are concerned with matters listed in 5 U.S.C. 552(b) (4), (5), and (7);

(iii) Meetings held for the sole purpose of considering and formulating advice which the comittee will give or any final report it will render. *Provided:*

(a) The meetings will involve solely the internal expression of views and judgments of the members and it is essential to close the meeting or portions thereof to protect the free exchange of such views and avoid undue interference with agency or committee operations, and such views if reduced to writing would be protected from mandatory disclosure under section 552(b)(5) of title 5 U.S.C.;

(b) The meeting is closed for the shortest time necessary, summarizing the work of the committee during the closed session, and a report, prepared by the executive secretary will be made available promptly to the public.

(c) When feasible, the public is given a timely opportunity to present relevant information and views to the committee; and

(d) Concurrence for closing the meetings for such purpose is obtained from the Office of the General Counsel and the Office of Public Affairs.

• • • • •

Effective date. This order shall be effective on March 12, 1973.

(Sec. 701(a), 52 Stat. 1055; 21 U.S.C. 371(a))

Dated: March 5, 1973.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc. 73-4666 Filed 3-9-73;8:45 am]

PART 2—ADMINISTRATIVE FUNCTIONS, PRACTICES, AND PROCEDURES

Subpart H—Delegations of Authority

AUTHORITY RELATING TO MEAT, POULTRY, EGGS, AND RELATED PRODUCTS

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 701(a), 52 Stat. 1055; 21 U.S.C. 371(a)) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 2.120), Part 2 is amended to delegate authority regarding detention of meat, poultry, eggs, and related products.

Accordingly, § 2.121 is amended by adding paragraph (v), as follows:

§ 2.121 Redelegations of authority from the Commissioner to other officers of the Administration.

• • • • •

(v) *Delegations regarding detention of meat, poultry, eggs, and related products.* The Regional Food and Drug Directors and Deputy Regional Food and Drug Directors are authorized to perform and to designate other officials to perform all the functions of the Commissioner of Food and Drugs under:

(1) Section 409(b) of the Federal Meat Inspection Act (21 U.S.C. 679(b)) which relate to the detention of any carcass, part thereof, meat, or meat product of cattle, sheep, swine, goats, or equines.

(2) Section 24(b) of the Poultry Products Inspection Act (21 U.S.C. 467f(b)) which relate to the detention of any poultry carcass, part thereof, or poultry product.

(3) The Egg Products Inspection Act (21 U.S.C. 1031 et seq.).

Effective date. This order shall be effective on March 12, 1973.

(Sec. 701(a), 52 Stat. 1055; 21 U.S.C. 371(a))

Dated: March 5, 1973.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.73-4667 Filed 3-9-73;8:45 am]

PART 135b—NEW ANIMAL DRUGS FOR IMPLANTATION OR INJECTION

Xylazine Hydrochloride

The Commissioner of Food and Drugs has evaluated a supplemental new animal drug application (47-955V) filed by Chemagro, Division of Baychem Corp., Post Office Box 4913, Kansas City, MO 64120, proposing revised labeling regarding the use of the drug xylazine hydrochloride for subcutaneous and intramuscular use in dogs and cats. The supplemental application is approved.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 512(i), 82 Stat. 347; 21 U.S.C. 360b(i)) and under authority delegated to the Commissioner (21 CFR 2.120), § 135b.58 is amended in paragraph (c)(2) as follows:

§ 135b.58 Xylazine hydrochloride injection.

• • • • •

(c) • • •

(2) It is administered as follows:

(i) To horses from a solution containing 100 milligrams of xylazine hydrochloride per milliliter intravenously at 0.5 mg. per 100 pounds of body weight or intramuscularly at 1.0 mg. per 100 pounds of body weight.

(ii) To dogs and cats from a solution containing 20 milligrams of xylazine hydrochloride per milliliter intravenously at 0.5 mg. per pound of body weight or intramuscularly or subcutaneously at 1.0 mg. per pound of body weight. In dogs over 50 pounds, a dosage of 0.5 mg. per pound administered intramuscularly may provide sufficient sedation and/or analgesia for most procedures.

• • • • •

Effective date. This order shall be effective on March 12, 1973.

(Sec. 512(i), 82 Stat. 347; 21 U.S.C. 360b(i))

Dated: March 6, 1973.

C. D. VAN HOUWELING,
Director,
Bureau of Veterinary Medicine.

[FR Doc.73-4665 Filed 3-9-73;8:45 am]

SUBCHAPTER C—DRUGS

PART 135b—NEW ANIMAL DRUGS FOR IMPLANTATION OR INJECTION

Pyrilamine Maleate

The Commissioner of Food and Drugs has evaluated a supplemental new animal drug application (7-404V) filed by Norden Laboratories, Inc., Lincoln, Nebr. 68501, proposing revised labeling for the safe and effective use of pyrilamine maleate as an anthihistamine for treating horses. The supplemental application is approved.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 512(i), 82 Stat. 347; 21 U.S.C. 360b(i)) and under authority delegated to the Commissioner (21 CFR 2.120), Part 135b is amended by adding a new section as follows:

§ 135b.75 Pyrilamine maleate injection.

(a) *Specifications.* The drug is a sterile aqueous solution with each milliliter containing 20 milligrams of pyrilamine maleate.

(b) *Sponsor.* See code No. 026 in § 135.501(c) of this chapter.

(c) *Conditions of use.* (1) It is intended for treating horses in conditions in which antihistaminic therapy may be expected to lead to alleviation of some signs of disease, such as equine laminitis or insect stings.

(2) It is administered intramuscularly, subcutaneously, or intravenously. Local injection at the site of insect bites may be indicated in severe cases. Intravenous injections must be given slowly to avoid symptoms of overdosage. Dosage may be repeated every 6-12 hours whenever necessary. Horses, 40-60 milligrams per 10 pounds body weight; foals, 20 milligrams per 100 pounds body weight.

(3) Do not use in horses intended for food purposes.

(4) Federal law restricts this drug to use by or on the order of a licensed veterinarian.

Effective date. This order shall be effective on March 12, 1973.

(Sec. 512(i), 82 Stat. 347; 21 U.S.C. 360b(i))

Dated: March 6, 1973.

C. D. VAN HOUWELING,
Director,
Bureau of Veterinary Medicine.

[FR Doc.73-4664 Filed 3-9-73;8:45 am]

Title 41—Public Contracts and Property Management

CHAPTER 1—FEDERAL PROCUREMENT REGULATIONS

SUPPLY CONTRACT CLAUSES

This amendment of the Federal Procurement Regulations amends Part 1-7, Contract Clauses, by revising Subpart 1-7.1, Fixed-Price Supply Contracts, as follows: (1) Categorizes the clauses into three groupings: Required clauses, clauses to be used when applicable, and additional clauses to be used when it is desirable to cover the subject matter; (2) provides references to clauses appearing in other subparts which have not previously been referenced in Subpart 1-7.1; and (3) incorporates new and revised references pertaining to minority business enterprises and contract work hours and safety standards. Miscellaneous changes are included in Subpart 1-12.3 to provide necessary revisions of captions, titles, and citations pertaining to the Contract Work Hours and Safety Standards Act. The amendment also includes necessary revisions of cross-references.

PART 1-3—PROCUREMENT BY NEGOTIATION

Subpart 1-3.3—Determinations, Findings, and Authorities

Section 1-3.302(f) is revised, as follows:

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§ 1–3.302 Determinations and findings required.

• • • • •

(f) The determinations required by section 304(c) of the Act (41 U.S.C. 254(c)) and Subpart 1–6.10 with respect to omitting the clause specified in § 1–7.103–3 or § 1–7.602–7 from contracts with foreign contractors or subcontractors regarding the right of the Comptroller General of the United States to examine the contractor's records when it is determined (1) that the omission will serve the best interests of the United States, or (2) that the public interest will best be served by the omission.

Subpart 1–3.8—Price Negotiation Policies and Techniques

Section 1–3.814–2(e) is revised, as follows:

§ 1–3.814–2 Audit and records.

• • • • •

(e) Except as otherwise provided in Subpart 1–6.10 of this chapter, or when independent authority exists for the omission of such clause, the clause in §§ 1–7.103–3 and 1–7.602–7 of this chapter shall be inserted in all negotiated fixed-price contracts in excess of $2,500, including contracts awarded under a total setaside (small business restricted advertising, as defined in § 1–1.701–9 of this chapter) or a partial setaside (see §§ 1–1.706 and 1–1.804 of this chapter), and a clause containing substantially the same provisions shall be included in all other negotiated contracts in excess of $2,500 (the clause prescribed by § 1–7.103–3 of this chapter satisfies this requirement). In addition, the right of the contracting agency to inspect the plant and to audit the books and records of any prime conractor engaged in the performance of a cost-type contract shall be expressly reserved in any such contract.

PART 1–4—SPECIAL TYPES AND METHODS OF PROCUREMENT

Subpart 1–4.4—Public Utilities

Section 1–4.410–5(a) is revised, as follows:

§ 1–4.410–5 Uniform clauses for utility service contracts.

(a) The following uniform clauses, as prescribed in the FPR sections referenced or set forth verbatim in this § 1–4.410–5, shall be mandatory for utility service contracts. The clauses shall be inserted in all such contracts, expressly or through incorporation by reference:

(1) *Definitions.* Section 1–7.102–1.

(2) *Examination of records by Comptroller General.* Section 1–7.103–3.

(3) *Equal opportunity.* Section 1–12.803–2.

(4) *Officials not to benefit.* Section 1–7.102–17.

(5) *Covenant against contingent fees.* Section 1–1.503.

(6) *Convict labor.* Section 1–12.203.

(7) *Contract Work Hours and Safety Standards Act—overtime compensation.* Section 1–12.303.

(8) *Disputes.* Section 1–7.102–12.

(9) *Certificate of independent price determination.* Section 1–1.317.

(10) *Conflicts.*

CONFLICTS

To the extent of any inconsistency between the provisions of this contract, and any schedule, rider, or exhibit incorporated in this contract by reference or otherwise, or any of the Contractor's rules and regulations, the provisions of this contract shall control.

• • • • •

PART 1–6—FOREIGN PURCHASES

Subpart 1–6.1—Buy American Act—Supply and Service Contracts

Section 1–6.104–5(b) is revised, as follows:

§ 1–6.104–5 Contract clause.

• • • • •

(b) Where the term "secretary" is inapplicable to the agency, the term "head of the agency" may be substituted in the clause prescribed in § 1–6.104–5(a) when the contract does not contain the clause in § 1–7.102–1.

Subpart 1–6.10—Omission of the Examination of Records Clause From Contracts With Foreign Contractors

Section 1–6.1001(a) is revised, as follows:

§ 1–6.1001 Statutory requirements.

(a) In accordance with section 304(c) of the Federal Property and Administrative Services Act of 1949, as amended (41 U.S.C. 254(c)), the Examination of Records by Comptrolle rGeneral clause (see §§ 1–7.103–3 and 1–7.602–7) may be omitted from negotiated contracts and subcontracts with foreign contractors and foreign subcontractors.

• • • • •

PART 1–7—CONTRACT CLAUSES

The table of contents for Part 1–7 is amended to provide revised and new entries for Subpart 1–7.1, as follows:

Subpart 1–7.1—Fixed-Price Supply Contracts

Sec.
1–7.100 Scope of subpart.
1–7.101 Applicability.
1–7.102 Required clauses.
1–7.102–1 Definitions.
1–7.102–2 Changes.
1–7.102–3 Extras.
1–7.102–4 Variation in quantity.
1–7.102–5 Inspection.
1–7.102–6 Responsibility for supplies.
1–7.102–7 Payments.
1–7.102–8 Assignment of claims.
1–7.102–9 [Reserved].
1–7.102–10 Federal, State, and local taxes.
1–7.102–11 Default.
1–7.102–12 Disputes.
1–7.102–13 [Reserved].
—7.102–14 Buy American Act.
1–7.102–15 Contract Work Hours and Safety Standards Act—overtime compensation.
1–7.102–16 Equal opportunity.
1–7.102–17 Officials not to benefit.
1–7.102–18 Covenant against contingent fees.
1–7.102–19 Termination for convenience of the Government.
1–7.102–20 Pricing of adjustments.
1–7.103 Clauses to be used when applicable.
1–7.103–1 Clauses for fixed-price supply contracts involving construction.
1–7.103–2 Additional bond security.
1–7.103–3 Examination of records by Comptroller General.
1–7.103–4 Notice and assistance regarding patent and copyright infringement.
1–7.103–5 Convict labor.
1–7.103–6 Walsh-Healey Public Contracts Act.
1–7.103–7 Utilization of small business concerns.
1–7.103–8 Small business subcontracting program.
1–7.103–9 Utilization of labor surplus area concerns.
1–7.103–10 Labor surplus area subcontracting program.
1–7.103–11 Utilization of minority business enterprises.
1–7.103–12 Minority business enterprises subcontracting program.
1–7.103–13 Humane slaughter of livestock.
1–7.103–14 Required source for jewel bearings.
1–7.103–15 Use of excess aluminum.
1–7.103–16 Listing of employment openings.
1–7.103–17 Price reduction for defective cost or pricing data.
1–7.103–18 Audit and records.
1–7.103–19 Subcontractor cost and pricing data.
1–7.103–20 Advance payments.
1–7.103–21 Progress payments.
1–7.103–22 Workmen's compensation insurance (Defense Base Act).
1–7.103–23 Late offers and modifications or withdrawals.
1–7.103–24 Contracts with the Small Business Administration.
1–7.103–25 Supplementary tax clauses.
1–7.104 Additional clauses.
1–7.104–1 Liquidated damages provisions.
1–7.104–2 Changes to "make-or-buy" program.

Subpart 1–7.1, Fixed-Price Supply Contracts, is revised, as follows:

§ 1–7.100 Scope of subpart.

This subpart sets forth contract clauses for use in fixed-price supply contracts.

§ 1–7.101 Applicability.

The clauses set forth in this subpart shall be used in fixed-price supply contracts entered into either by formal advertising or by negotiation (other than for small purchases as defined in Subpart 1–3.6).

§ 1–7.102 Required clauses.

The clauses set forth in this § 1–7.102 shall be inserted in all fixed-price supply contracts.

§ 1–7.102–1 Definitions.

DEFINITIONS

As used throughout this contract, the following terms shall have the meaning set forth below:

(a) The term "head of the agency" or "Secretary" as used herein means the Secretary, the Under Secretary, any Assistant Secretary, or any other head or assistant head of the executive or military department or other Federal agency; and the term "his duly authorized representative" means any person

or persons or board (other than the Contracting Officer) authorized to act for the head of the agency or the Secretary.

(b) The term "Contracting Officer" means the person executing this contract on behalf of the Government, and any other officer or civilian employee who is a properly designated Contracting Officer; and the term includes, except as otherwise provided in this contract, the authorized representative of a Contracting Officer acting within the limits of his authority.

(c) Except as otherwise provided in this contract, the term "subcontracts" includes purchase orders under this contract.

Additional definitions may be included provided they are not inconsistent with the clause or the provisions of these regulations.

§ 1–7.102–2 Changes.

CHANGES

The Contracting Officer may at any time, by a written order, and without notice to the sureties, make changes, within the general scope of this contract, in any one or more of the following: (i) Drawings, designs, or specifications, where the supplies to be furnished are to be specially manufactured for the Government in accordance therewith; (ii) method of shipment or packing; and (iii) place of delivery. If any such change causes an increase or decrease in the cost of, or the time required for, the performance of any part of the work under this contract, whether changed or not changed by any such order, an equitable adjustment shall be made in the contract price or delivery schedule, or both, and the contract shall be modified in writing accordingly. Any claim by the Contractor for adjustment under this clause must be asserted within 30 days from the date of receipt by the Contractor of the notification of change: *Provided, however,* That the Contracting Officer, if he decides that the facts justify such action, may receive and act upon any such claim asserted at any time prior to final payment under this contract. Where the cost of property made obsolete or excess as a result of a change is included in the Contractor's claim for adjustment, the Contracting Officer shall have the right to prescribe the manner of disposition of such property. Failure to agree to any adjustment shall be a dispute concerning a question of fact within the meaning of the clause of this contract entitled "Disputes." However, nothing in this clause shall excuse the Contractor from proceeding with the contract as changed.

§ 1–7.102–3 Extras.

EXTRAS

Except as otherwise provided in this contract, no payment for extras shall be made unless such extras and the price therefor have been authorized in writing by the Contracting Officer.

§ 1–7.102–4 Variation in quantity.

VARIATION IN QUANTITY

No variation in the quantity of any item called for by this contract will be accepted unless such variation has been caused by conditions of loading, shipping, or packing, or allowances in manufacturing processes, and then only to the extent, if any, specified elsewhere in this contract.

§ 1–7.102–5 Inspection.

INSPECTION

(a) All supplies (which term throughout this clause includes without limitation raw materials, components, intermediate assemblies, and end products) shall be subject to inspection and test by the Government, to the extent practicable at all times and places including the period of manufacture, and in any event prior to acceptance.

(b) In case any supplies or lots of supplies are defective in material or workmanship or otherwise not in conformity with the requirements of this contract, the Government shall have the right either to reject them (with or without instructions as to their disposition) or to require their correction. Supplies or lots of supplies which have been rejected or required to be corrected shall be removed, or, if permitted or required by the Contracting Officer, corrected in place by and at the expense of the Contractor promptly after notice, and shall not thereafter be tendered for acceptance unless the former rejection or requirement of correction is disclosed. If the Contractor fails promptly to remove such supplies or lots of supplies which are required to be removed, or promptly to replace or correct such supplies or lots of supplies, the Government either (i) may by contract or otherwise replace or correct such supplies and charge to the Contractor the cost occasioned the Government thereby, or (ii) may terminate this contract for default as provided in the clause of this contract entitled "Default." Unless the Contractor corrects or replaces such supplies within the delivery schedule, the Contracting Officer may require the delivery of such supplies at a reduction in price which is equitable under the circumstances. Failure to agree to such reduction of price shall be a dispute concerning a question of fact within the meaning of the clause of this contract entitled "Disputes."

(c) If any inspection or test is made by the Government on the premises of the Contractor or a subcontractor, the Contractor without additional charge shall provide all reasonable facilities and assistance for the safety and convenience of the Government inspectors in the performance of their duties. If Government inspection or test is made at a point other than the premises of the Contractor or a subcontractor, it shall be at the expense of the Government except as otherwise provided in this contract: *Provided,* That in case of rejection the Government shall not be liable for any reduction in value of samples used in connection with such inspection or test. All inspections and tests by the Government shall be performed in such a manner as not to unduly delay the work. The Government reserves the right to charge to the Contractor any additional cost of Government inspection and test when supplies are not ready at the time such inspection and test is requested by the Contractor or when reinspection or retest is necessitated by prior rejection. Acceptance or rejection of supplies shall be made as promptly as practicable after delivery, except as otherwise provided in this contract; but failure to inspect and accept or reject the supplies shall neither relieve the Contractor from responsibility for such supplies as are not in accordance with the contract requirements nor impose liability on the Government therefor.

(d) The inspection and test by the Government of any supplies or lots thereof does not relieve the Contractor from any responsibility regarding defects or other failures to meet the contract requirements which may be discovered prior to acceptance. Except as otherwise provided in this contract, acceptance shall be conclusive except as regards latent defects, fraud, or such gross mistakes as amount to fraud.

(e) The Contractor shall provide and maintain an inspection system acceptable to the Government covering the supplies hereunder. Records of all inspection work by the Contractor shall be kept complete and available to the Government during the performance of this contract and for such longer period as may be specified elsewhere in this contract.

§ 1–7.102–6 Responsibility for supplies.

RESPONSIBILITY FOR SUPPLIES

Except as otherwise provided in this contract, (i) the Contractor shall be responsible for the supplies covered by this contract until they are delivered at the designated delivery point, regardless of the point of inspection; (ii) after delivery to the Government at the designated point and prior to acceptance by the Government or rejection and giving notice thereof by the Government, the Government shall be responsible for the loss or destruction of or damage to the supplies only if such loss, destruction, or damage results from the negligence of officers, agents, or employees of the Government acting within the scope of their employment; and (iii) the Contractor shall bear all risks as to rejected supplies after notice of rejection, except that the Government shall be responsible for the loss, or destruction of, or damage to the supplies only if such loss, destruction, or damage results from the gross negligence of officers, agents, or employees of the Government acting within the scope of their employment.

§ 1–7.102–7 Payments.

PAYMENTS

The Contractor shall be paid, upon the submission of proper invoices or vouchers, the prices stipulated herein for supplies delivered and accepted or services rendered and accepted, less deductions, if any, as herein provided. Unless otherwise specified, payment will be made on partial deliveries accepted by the Government when the amount due on such deliveries so warrants; or, when requested by the Contractor, payment for accepted partial deliveries shall be made whenever such payment would equal or exceed either $1,000 or 50 percent of the total amount of this contract.

§ 1–7.102–8 Assignment of claims.

Insert the clause set forth in § 1–30.703 under the conditions contained therein.

§ 1–7.102–9 [Reserved]

§ 1–7.102–10 Federal, State, and local taxes.

Insert either the clause in § 1.11.401–1 or the clause in § 1–11.401–2 and, when appropriate, insert the supplementary clause in § 1–11.401–3(a), in accordance with the conditions contained in those sections.

§ 1–7.102–11 Default.

Insert the clause set forth in § 1–8.707 under the conditions prescribed in § 1–8.700–2(b)(1).

§ 1–7.102–12 Disputes.

DISPUTES

(a) Except as otherwise provided in this contract, any dispute concerning a question of fact arising under this contract which is not disposed of by agreement shall be decided by the contracting officer, who shall reduce his decision to writing and mail or otherwise furnish a copy thereof to the contractor. The decision of the contracting officer shall be final and conclusive unless within 30 days from the date of receipt of such copy, the contractor mails or otherwise furnishes to the contracting officer a written appeal addressed to the Secretary. The decision of the Secretary or his duly authorized representative for the determination of such appeals shall be final and conclusive

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unless determined by a court of competent jurisdiction to have been fraudulent, or capricious, or arbitrary, or so grossly erroneous as necessarily to imply bad faith, or not supported by substantial evidence. In connection with any appeal proceeding under this clause, the contractor shall be afforded an opportunity to be heard and to offer evidence in support of its appeal. Pending final decision of a dispute hereunder, the contractor shall proceed diligently with the performance of the contract and in accordance with the contracting officer's decision.

(b) This "Disputes" clause does not preclude consideration of law questions in connection with decisions provided for in paragraph (a), above: *Provided*, That nothing in this contract shall be construed as making final the decision of any administrative official, representative, or board on a question of law.

§ 1–7.102–13 [Reserved]

§ 1–7.102–14 Buy American Act.

Insert the clause set forth in § 1–6.104–5 under the conditions contained therein.

§ 1–7.102–15 Contract Work Hours and Safety Standards Act—overtime compensation.

Insert the clause set forth in § 1–12.303 under the conditions contained in § 1–12.302.

§ 1–7.102–16 Equal opportunity.

Insert the clause set forth in § 1–12.803–2 under the conditions contained in § 1–12.803–1.

§ 1–7.102–17 Officials not to benefit.

OFFICIALS NOT TO BENEFIT

No member of or delegate to Congress, or resident commissioner, shall be admitted to any share or part of this contract, or to any benefit that may arise therefrom; but this provision shall not be construed to extend to this contract if made with a corporation for its general benefit.

§ 1–7.102–18 Covenant against contingent fees.

Insert the clause set forth in § 1–1.503 under the conditions contained in § 1–1.501.

§ 1–7.102–19 Termination for convenience of the Government.

Insert the clause set forth in § 1–8.701 in fixed-priced supply contracts in excess of $2,500 except as permitted by § 1–8.700–2(a)(2) for contracts not in excess of $100,000.

§ 1–7.102–20 Pricing of adjustments.

The following clause shall be included in all formally advertised or negotiated contracts other than cost-type contracts:

PRICING OF ADJUSTMENTS

When costs are a factor in any determination of a contract price adjustment pursuant to the "Changes" clause or any other provision of this contract, such costs shall be in accordance with the contract cost principles and procedures in Part 1–15 of the Federal Procurement Regulations (41 CFR 1–15) or section XV of the Armed Services Procurement Regulation in effect on the date of this contract.

§ 1–7.103 Clauses to be used when applicable.

§ 1–7.103–1 Clauses for fixed-price supply contracts involving construction.

(a) Insert the clauses set forth in § 1–12.403–1 in fixed-price supply contracts under the conditions contained in § 1–12.402–2. The clauses set forth in § 1–12.403–1 are:

Davis-Bacon Act.
Contract Work Hours and Safety Standards Act—overtime compensation.
Apprentices.
Payrolls and basic records.
Compliance with Copeland regulations.
Withholding of funds.
Subcontracts.
Contract termination—debarment.

(b) Insert the clause set forth in § 1–18.605 in fixed-price supply contracts under the conditions contained in Subpart 1–18.6.

§ 1–7.103–2 Additional bond security.

ADDITIONAL BOND SECURITY

If any surety upon any bond furnished in connection with this contract becomes unacceptable to the Government, or if any such surety fails to furnish reports as to his financial condition from time to time as requested by the Government, the contractor shall promptly furnish such additional security as may be required from time to time to protect the interests of the Government and of persons supplying labor or materials in the prosecution of the work contemplated by this contract.

§ 1–7.103–3 Examination of records by Comptroller General.

(a) The following clause shall be included in fixed-price negotiated contracts and may be included in other than fixed-price negotiated contracts, as provided in § 1–3.814–2(c) of this chapter. When contracts involve the use of Standard Forms 2–A and 2–B, or 253, the forms may be amended to provide for the use of the term "lessor" or "architect-engineer," respectively, in lieu of the term "contractor."

EXAMINATION OF RECORDS BY COMPTROLLER GENERAL

(a) This clause is applicable if the amount of this contract exceeds $2,500 and was entered into by means of negotiation, including small business restricted advertising, but is not applicable if this contract was entered into by means of formal advertising.

(b) The Contractor agrees that the Comptroller General of the United States or any of his duly authorized representatives shall, until the expiration of 3 years after final payment under this contract or such lesser time specified in either Appendix M of the Armed Services Procurement Regulation or the Federal Procurement Regulations Part 1–20, as appropriate, have access to and the right to examine any directly pertinent books, documents, papers, and records of the contractor involving transactions related to this contract.

(c) The contractor further agrees to include in all his subcontracts hereunder a provision to the effect that the subcontractor agrees that the Comptroller General of the United States or any of his duly authorized representatives shall, until the expiration of 3 years after final payment under the subcontract or such lesser time specified in either Appendix M of the Armed Services Procurement Regulation or the Federal Procurement Regulations Part 1–20, as appropriate, have access to and the right to examine any directly pertinent books, documents, papers, and records of such subcontractor, involving transactions related to the subcontract. The term "subcontract" as used in this clause excludes (1) purchase orders not exceeding $2,500 and (2) subcontractors or purchase orders for public utility services at rates established for uniform applicability to the general public.

(d) The periods of access and examination described in (b) and (c), above, for records which relate to (1) appeals under the "Disputes" clause of this contract, (2) litigation or the settlement of claims arising out of the performance of this contract, or (3) costs and expenses of this contract as to which exception has been taken by the Comptroller General or any of his duly authorized representatives, shall continue until such appeals, litigation, claims, or exceptions have been disposed of.

§ 1–7.103–4 Notice and assistance regarding patent and copyright infringement.

The following clause shall be included in all contracts which exceed $10,000:

NOTICE AND ASSISTANCE REGARDING PATENT AND COPYRIGHT INFRINGEMENT

(a) The contractor shall report to the Contracting Officer, promptly and in reasonable written detail, each notice or claim of patent or copyright infringement based on the performance of this contract of which the Contractor has knowledge.

(b) In the event of any claim or suit against the Government, on account of any alleged patent or copyright infringement arising out of the performance of this contract or out of the use of any supplies furnished or work or services performed hereunder, the contractor shall furnish to the Government, when requested by the contracting officer, all evidence and information in possession of the contractor pertaining to such suit or claim. Such evidence and information shall be furnished at the expense of the Government except where the contractor has agreed to indemnify the Government.

§ 1–7.103–5 Convict labor.

Insert the clause set forth in § 1–12.203 under the conditions contained in § 1–12.202.

§ 1–7.103–6 Walsh-Healey Public Contracts Act.

Insert the clause set forth in § 1–12.605 under the conditions contained in § 1–12.602.

§ 1–7.103–7 Utilization of small business concerns.

Insert the clause set forth in § 1–1.710–3(a) under the conditions and in the manner prescribed therein.

§ 1–7.103–8 Small business subcontracting program.

Insert the clause set forth in § 1–1.710–3(b) under the conditions and in the manner prescribed therein.

§ 1–7.103–9 Utilization of labor surplus area concerns.

Insert the clause set forth in § 1–1.805–3(a) under the conditions and in the manner prescribed therein.

§ 1–7.103–10 Labor surplus area subcontracting program.

Insert the clause set forth in § 1–1.805–3(b) under the conditions and in the manner prescribed therein.

§ 1–7.103–11 Utilization of minority business enterprises.

Insert the clause set forth in § 1–1.1310–2(a) under the conditions and in the manner prescribed therein.

§ 1–7.103–12 Minority business enterprises subcontracting program.

Insert the clause set forth in § 1–1.1310–2(b) under the conditions and in the manner prescribed therein.

§ 1–7.103–13 Humane slaughter of livestock.

Insert the clause set forth in § 1–4.605 or in § 1–4.606 under the procedures provided in § 1–4.604.

§ 1–7.103–14 Required source for jewel bearings.

Insert the clause set forth in § 1–1.319 under the conditions and in the manner prescribed therein.

§ 1–7.103–15 Use of excess aluminum.

Insert the clause set forth in § 1–5.1001–2 under the conditions contained in § 1–5.1001–1.

§ 1–7.103–16 Listing of employment openings.

Insert the clause set forth in § 1–12.1102–2 under the conditions and in the manner prescribed therein.

§ 1–7.103–17 Price reduction for defective cost or pricing data.

Insert the appropriate clause set forth in § 1–3.814–1 under the conditions described therein.

§ 1–7.103–18 Audit and records.

Insert the appropriate clause or clauses set forth in § 1–3.814–2 under the conditions described therein.

§ 1–7.103–19 Subcontractor cost and pricing data.

Insert the appropriate clause set forth in § 1–3.814–3 under the conditions described therein.

§ 1–7.103–20 Advance payments.

When advance payments are to be made in accordance with Subpart 1–30.4, insert the appropriate provisions as prescribed in § 1–30.414–2.

§ 1–7.103–21 Progress payments.

When progress payments are to be made in accordance with Subpart 1–30.5, insert the appropriate clause as provided in § 1–30.510.

§ 1–7.103–22 Workmen's compensation insurance (Defense Base Act).

Insert the clause set forth in § 1–10.402 under the conditions described therein.

§ 1–7.103–23 Late offers and modifications or withdrawals.

The following clause is prescribed for appropriate use in accordance with § 1–16.101(b).

LATE OFFERS AND MODIFICATIONS OR WITHDRAWALS

(This paragraph applies to all advertised solicitations. In the case of Department of Defense negotiated solicitations, it shall also apply to late offers and modifications (other than the normal revisions of offers by selected offerors during the usual conduct of negotiations with such offerors) but not to withdrawal of offers. Unless otherwise provided, this paragraph does not apply to negotiated solicitations issued by civilian agencies.)

(a) Offers and modifications of offers (or withdrawals thereof, if this solicitation is advertised) received at the office designated in the solicitation after the exact hour and date specified for receipt will not be considered unless: (1) They are received before award is made; and either (2) they are sent by registered mail, or by certified mail for which an official dated post office stamp (postmark) on the original receipt for certified mail has been obtained and it is determined by the Government that the late receipt was due solely to delay in the mails, for which the offeror was not responsible; or (3) if submitted by mail (or by telegram if authorized) it is determined by the Government that the late receipt was due solely to mishandling by the Government after receipt at the Government installation: *Provided*, That timely receipt at such installation is established upon examination of an appropriate date or time stamp (if any) of such installation, or of other documentary evidence of receipt (if readily available) within the control of such installation or of the post office serving it. However, a modification of an offer which makes the terms of an otherwise successful offer more favorable to the Government will be considered at any time it is received and may thereafter be accepted.

(b) Offerors using certified mail are cautioned to obtain a receipt for certified mail showing a legible, dated postmark and to retain such receipt against the chance that it will be required as evidence that a late offer was timely mailed.

(c) The time of mailing of late offers submitted by registered or certified mail shall be deemed to be the last minute of the date shown in the postmark on the registered mail receipt or registered mail wrapper or on the receipt for certified mail unless the offeror furnishes evidence from the post office station of mailing which establishes an earlier time. In the case of certified mail, the only acceptable evidence is as follows: (1) Where the receipt for certified mail identifies the post office station of mailing, evidence furnished by the offeror which establishes that the business day of that station ended at an earlier time, in which case the time of mailing shall be deemed to be the last minute of the business day of that station; or (2) an entry in ink on the receipt for certified mail showing the time of mailing and the initials of the postal employee receiving the item and making the entry, with appropriate written verification of such entry from the post office station of mailing, in which case the time of mailing shall be the time shown in the entry. If the postmark on the original receipt for certified mail does not show a date, the offer shall not be considered.

§ 1–7.103–24 Contracts with the Small Business Administration.

(a) Insert the clause set forth in § 1–1.713–3(d)(1) in contracts with the Small Business Administration awarded pursuant to section 8(a) of the Small Business Act (15 U.S.C. 637(a)).

(b) Insert the clause set forth in § 1–1.713–3(e) in subcontracts which will be executed by the Small Business Administration and its subcontractors.

§ 1–7.103–25 Supplementary tax clauses.

(a) Insert the supplementary clause set forth in § 1–11.401–3(a) under the conditions contained therein.

(b) Insert the clause set forth in § 1–11.401–3(b) under the conditions contained therein.

§ 1–7.104 Additional clauses.

The clauses set forth in this § 1–7.104 shall be inserted in fixed-price supply contracts if it is desired to cover the subject matter thereof.

§ 1–7.104–1 Liquidated damages provisions.

Insert the provision set forth in § 1–1.315–3 under the conditions and in the manner prescribed in § 1–1.315.

§ 1–7.104–2 Changes to "make-or-buy" program.

Insert the clause set forth in § 1–3.902–3 in all contracts containing a "make-or-buy" program.

Subpart 1–7.6—Fixed-Price Construction Contracts

Section 1–7.602 is revised, as follows:

§ 1–7.602–7 Examination of records by Comptroller General.

The clause set forth in § 1–7.103–3 shall be included in all negotiated fixed-price contracts in excess of $2,500.

§ 1–7.602–12 Pricing of adjustments.

Insert the clause set forth in § 1–7.102–20 under the conditions contained therein.

PART 1–12—LABOR

The table of contents for Part 1–12 is amended to provide a revised caption, as follows:

Subpart 1–12.3—Contract Work Hours and Safety Standards Act (Other Than Construction Contracts)

1. Section 1–12.300 is revised, as follows:

§ 1–12.300 Scope of subpart.

This subpart deals with the requirements of the Contract Work Hours and Safety Standards Act (40 U.S.C. 327–333) insofar as they apply to contracts

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other than construction contracts dealt with in Subpart 1–12.4.

2. Section 1–12.301 is revised, as follows:

§ 1–12.301 Statutory requirement.

The Contract Work Hours and Safety Standards Act provides that the wages of every laborer and mechanic employed by any contractor or subcontractor in his performance of work on any contract of the character specified in section 103 of that Act shall be computed on the basis of a standard workday of 8 hours and a standard workweek of 40 hours. Work in excess of such standard workday or workweek is permissible, provided that the wages of any laborer or mechanic so employed include compensation at a rate not less than one and one-half times the basic rate of pay for all hours worked in any workweek in excess of 8 hours in any calendar day or in excess of 40 hours in the workweek, as the case may be. "Laborers and mechanics" include apprentices, trainees, watchmen, guards, and workmen, other than seamen, performing services in connection with dredging or rock excavation in rivers or harbors.

3. Section 1–12.303 is revised, as follows:

§ 1–12.303 Contract clause.

The contract clause set forth in § 1–12.303 shall be included in contracts in accordance with the provisions of §§ 1–12.301 and 1–12.302. The clause may be modified as necessary in order to comply with the provisions of § 1–12.304(b).

CONTRACT WORK HOURS AND SAFETY STANDARDS ACT—OVERTIME COMPENSATION

This contract, to the extent that it is of a character specified in the Contract Work Hours and Safety Standards Act (40 U.S.C. 327–333), is subject to the following provisions and to all other applicable provisions and exceptions of such Act and the regulations of the Secretary of Labor thereunder.

(a) *Overtime requirements.* No Contractor or subcontractor contracting for any part of the contract work which may require or involve the employment of laborers, mechanics, apprentices, trainees, watchmen, and guards shall require or permit any laborer, mechanic, apprentice, trainee, watchman, or guard in any workweek in which he is employed on such work to work in excess of 8 hours in any calendar day or in excess of 40 hours in such workweek on work subject to the provisions of the Contract Work Hours and Safety Standards Act unless such laborer, mechanic, apprentice, trainee, watchman, or guard receives compensation at a rate not less than one and one-half times his basic rate of pay for all such hours worked in excess of 8 hours in any calendar day or in excess of 40 hours in such workweek, whichever is the greater number of overtime hours.

(b) *Violation; liability for unpaid wages; liquidated damages.* In the event of any violation of the provisions of paragraph (a), the Contractor and any subcontractor responsible therefor shall be liable to any affected employee for his unpaid wages. In addition, such Contractor and subcontractor shall be liable to the United States for liquidated damages. Such liquidated damages shall be computed with respect to each individual laborer, mechanic, apprentice, trainee, watchman, or guard employed in violation of the provisions of paragraph (a) in the sum of $10 for each calendar day on which such employee was required or permitted to be employed on such work in excess of 8 hours or in excess of his standard workweek of 40 hours without payment of the overtime wages required by paragraph (a).

(c) *Withholding for unpaid wages and liquidated damages.* The Contracting Officer may withhold from the Government Prime Contractor, from any moneys payable on account of work performed by the Contractor or subcontractor, such sums as may administratively be determined to be necessary to satisfy any liabilities of such Contractor or subcontractor for unpaid wages and liquidated damages as provided in the provisions of paragraph (b).

(d) *Subcontracts.* The Contractor shall insert paragraphs (a) through (d) of this clause in all subcontracts, and shall require their inclusion in all subcontracts of any tier.

(e) *Records.* The Contractor shall maintain payroll records containing the information specified in 29 CFR 516.2(a). Such records shall be preserved for 3 years from the completion of the contract.

4. Section 1–12.304 is revised, as follows:

§ 1–12.304 Variations and tolerances.

Variations and tolerances from the provisions of this subpart which are granted under section 105 of the Contract Work Hours and Safety Standards Act by the Secretary of Labor in the case of any contract work for which such variations and tolerances have been provided (29 CFR 5.14) shall be deemed to satisfy the requirements of § 1–1.009.

PART 1–14—INSPECTION AND ACCEPTANCE

Subpart 1–14.1—Inspection

Section 1–14.107(a) is revised, as follows:

§ 1–14.107 Rejection of nonconforming supplies or services.

(a) Contractors ordinarily shall be given an opportunity to correct or replace nonconforming supplies or services if this can be done within the required delivery schedule. Unless the contract provides otherwise (as may be the case in some cost-reimbursement type contracts), such correction or replacement shall be without additional cost to the Government. The standard inspection clause in § 1–7.102–5 reserves to the Government the right to charge the contractor the cost of Government reinspection and retests because of prior rejection.

• • • • •

Section 1–14.206 is revised, as follows:

§ 1–14.206 Acceptance of supplies or services not conforming with contract requirements.

Except as provided in this § 1–14.206, supplies or services tendered for acceptance which do not conform with contract requirements shall be rejected (see § 1–14.107). However, if it is in the best interest of the Government, for reasons of economy or the urgency of the requirement, acceptance of supplies or services which do not meet all contract requirements may occasionally be desirable. Prior to such acceptance, the contracting officer shall obtain the approval of the requiring activity. If the nonconformity is a significant deviation from contract requirements, or if the contracting officer determines that a price reduction is appropriate, the acceptance of nonconforming supplies or services shall be covered by an appropriate modification of the contract. A deviation is significant if it adversely affects safety; durability; performance; interchangeability of parts or assemblies; weight, where weight is a significant consideration; or any other basic objective of the specification. Where acceptance of nonconforming supplies or services is to be at a reduction in price, the amount of the reduction shall be fair and reasonable (see paragraph (b) of the standard inspection clause in § 1–7.102–5).

PART 1–15—CONTRACT COST PRINCIPLES AND PROCEDURES

Subpart 1–15.1—Applicability

1. Section 1–15.102(b)(6) is revised, as follows:

§ 1–15.102 Negotiated supply, service, experimental, developmental, and research contracts, and contract changes with concerns other than educational institutions.

• • • • • •

(b) • • •

(6) For pricing changes and other contract modifications (§ 1–7.102–20).

2. Section 1–15.104(b)(5) is revised, as follows:

§ 1–15.104 Construction and architect-engineer contracts.

• • • • • •

(b) • • •

(5) For pricing changes and other contract modifications (§ 1–7.102–20).

PART 1–16—PROCUREMENT FORMS

Subpart 1–16.1—Forms for Advertised Supply Contracts

Section 1–16.101(c) is revised, as follows:

§ 1–16.101 Contract forms.

• • • • • •

(c) General Provisions (Supply Contract) (Standard Form 32, November 1969 edition). Pending the publication of a new edition of the form, the Examination of Records by Comptroller General clause prescribed by § 1–7.103–3 of this chapter shall be substituted for the provision entitled Examination of Records in Article 10, the Utilization of Labor Surplus Area Concerns clause prescribed by § 1–1.805–3(a) of this chapter shall be substituted for the provision entitled Utilization of Concerns in Labor Surplus Areas in Article 22, and the Payment of Interest on Contractors' Claims clause set forth in §1–1.322(b), the Utilization of Minority Business Enterprises clause set forth in § 1–1.1310–2(a), the Pricing of Adjustments clause set forth in § 1–7.602–12, and the Listing of Employment Openings clause set forth in § 1–12.1102–2 shall be added as additional articles of the General Previsions.

• • • • •

Subpart 1–16.4—Forms for Advertised Construction Contracts

Section 1–16.401 is revised, as follows:

§ 1–16.401 Forms prescribed.

• • • • • •

(a) Invitation, Bid, and Award (Construction, Alteration or Repair) (Standard Form 19, October 1969 edition). Pending the publication of a new edition of the form, the Examination of Records by Comptroller General clause prescribed by § 1–7.103–3 of this chapter shall be substituted for the provision entitled Examination of Records in Article 12, and the Payment of Interest on Contractors' Claims clause set forth in § 1–1.322(b) and the Utilization of Minority Business Enterprises clause set forth in §1–1.1310–2(a) shall be added as additional General Provisions.

• • • • • •

(h) General Provisions (Construction Contract) (Standard Form 23–A, October 1969 edition). Pending the publication of a new edition of the form, the Payment of Interest on Contractors' Claims clause set forth in § 1–1.322(b), the Utilization of Minority Business Enterprises clause set forth in § 1–1.1310–2(a), the Pricing of Adjustments clause set forth in § 1–7.602–12, and the Listing of Employment Openings clause set forth in § 1–12.1102–2 shall be added as additional articles of the General Provisions.

Subpart 1–16.6—Forms of Leases for Real Property

Section 1–16.601 is revised, as follows:

§ 1–16.601 Forms prescribed.

• • • • • •

(b) Standard Form 2–A, May 1970 edition, General Provisions, Certification and Instructions, U.S. Government Lease for Real Property. Pending the publication of a new edition of the form, the Examination of Records by Comptroller General clause prescribed by § 1–7.103–3 of this chapter shall be substituted for the provision entitled Examination of Records in Article 11, and the clause set forth in § 1–12.1102–2 shall be added.

(c) Standard Form 2–B, February 1965 edition, U.S. Government Lease for Real Property (Short Form). Pending the publication of a new edition of the form, the Examination of Records by Comptroller General clause prescribed by § 1–7.103–3 of this chapter shall be substituted for the provision entitled Examination of Records in Article 10.

Subpart 1–16.7—Forms for Negotiated Architect-Engineer Contracts

Section 1–16.701(b) is revised, as follows:

§ 1–16.701 Forms prescribed.

• • • • • •

(b) General Provisions (Architect-Engineer Contract) (Standard Form 253, August 1970 edition). Pending the publication of a new edition of the form, the Examination of Records by Comptroller General clause prescribed by § 1–7.103–3 of this chapter shall be substituted for the provision entitled Examination of Records in Article 8, and the Payment of Interest on Contractors' Claims clause set forth in § 1–1.322(b), the Pricing of Adjustments clause prescribed in § 1–7.602–12, and the Listing of Employment Openings clause set forth in § 1–12.1102–2 shall be added as additional articles of the General Provisions.

• • • • •

PART 1–17—EXTRAORDINARY CONTRACTUAL ACTIONS TO FACILITATE THE NATIONAL DEFENSE

Subpart 1–17.2—Requests for Contractual Adjustment

Section 1–17.206 is revised, as follows:

§ 1–17.206 Contractual requirements.

• • • • • •

(f) The Equal Opportunity clause prescribed in § 1–7.102–16;

(g) The Assignment of Claims clause prescribed in § 1–7.102–8;

(h) If otherwise applicable, the contract clause entitled Walsh-Healey Public Contracts Act as set forth in § 1–12.605; the contract clauses entitled Davis-Bacon Act and Compliance with Copeland Regulations as set forth in Standard Form 19–A (see § 1–16.901–19–A); and the contract clause entitled Contract Work Hours and Safety Standards Act—Overtime Compensation as prescribed in § 1–7.102–15.

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PART 1–20—RETENTION REQUIREMENTS FOR CONTRACTOR AND SUBCONTRACTOR RECORDS

Subpart 1–20.2—General Provisions

Section 1–20.201(a) is revised, as follows:

§ 1–20.201 General retention requirements.

(a) Contractors and subcontractors are required to retain and make available books, records, documents, and other supporting evidence to satisfy contract negotiation, administration, and audit requirements of the contracting agency and the Comptroller General of the United States as set forth in the contract clauses prescribed under §§ 1–3.814–2, 1–7.103–3, 1–7.103–18, 1–7.602–5, and 1–7.602–7.

• • • • • •

(Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c))

Effective date. This amendment is effective May 15, 1973, but may be observed earlier.

Dated: March 2, 1973.

ARTHUR F. SAMPSON,
Acting Administrator of General Services.

[FR Doc.73–4698 Filed 3–9–73;8:45 am]

Title 50—Wildlife and Fisheries

CHAPTER I—BUREAU OF SPORT FISHERIES AND WILDLIFE, FISH AND WILDLIFE SERVICE, DEPARTMENT OF THE INTERIOR

SUBCHAPTER B—HUNTING AND POSSESSION OF WILDLIFE

PART 16—MIGRATORY BIRD PERMITS

SUBCHAPTER G—MISCELLANEOUS PROVISIONS

PART 90—FEEDING DEPREDATING MIGRATORY WATERFOWL

Present regulations governing the feeding of depredating migratory waterfowl are published in Part 16 of this chapter compromising §§ 16.31 through 16.37. These regulations are not directly related to law enforcement and it is determined that for purposes of clarity and convenience of those persons having an interest in these provisions that a new Subchapter G—Miscellaneous Provisions be added to this Chapter I. Collected and published in this new subchapter in appropriate parts will be those miscellaneous regulations which are not directly related to law enforcement but which are more directly related to the resource.

This new Subchapter G, Part 90, has been organized into suitable subparts for easier reading and uniformity of format. No new requirements or procedures are imposed.

Accordingly, Chapter I of this Title 50 is amended by adding a new subchapter to read:

§§ 16.31–16.37 [Deleted]

Sections 16.31 through 16.37 of Part 16 of Chapter I, Subchapter B are deleted.

Subpart A—Introduction

Sec.
90.1 General
90.2 Scope of regulations.

Subpart B—Use of Surplus Grain

90.11 Statutory provisions.
90.12 Interpretation.
90.13 Policy.
90.14 Waterfowl depredations complaints; where filed.
90.15 Criteria to govern approval of applications.
90.16 Actions following investigation.
90.17 Compliance with other regulations.

AUTHORITY: 70 Stat. 492, 7 U.S.C. 443.

Subpart A—Introduction

§ 90.1 General.

Any person having an interest in a crop and who is suffering damage due to depredations by migratory waterfowl may file a complaint and apply for surplus grain for use in feeding programs to augment the natural source of food available to migratory waterfowl to aid in the prevention of crop damage by such birds, as provided for in these regulations.

§ 90.2 Scope of regulations.

The provisions of this part supplement 70 Stat. 492, 7 U.S.C. sections 442–445.

Subpart B—Use of Surplus Grain

§ 90.11 Statutory provisions.

Section 1 of the Act of July 3, 1956, as amended (70 Stat. 492; 7 U.S.C. 442–445) provides that the Commodity Credit Corporation shall make available to the Secretary of the Interior such wheat, corn,

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or other grains, acquired through price support operations and certified by the Corporation to be available for purposes of the Act or in such condition through spoilage or deterioration as not to be desirable for human consumption, as the Secretary shall requisition for the purpose of preventing crop damage by migratory waterfowl. Section 2 of the Act provides that, upon a finding that any area in the United States is threatened with damage to farmers' crops by migratory waterfowl, the Secretary is authorized and directed to requisition from the Commodity Credit Corporation and to make available to Federal, State, or local governmental bodies or officials, or to private organizations or persons, such grain acquired by the Corporation through price support operations in such quantities and subject to such regulations as the Secretary determines will most effectively lure migratory waterfowl away from crop depredations and at the same time not expose such migratory waterfowl to shooting over areas to which the waterfowl have been lured by such feeding programs.

§ 90.12 Interpretation.

The authorization contained in the Act limits the availability of grain acquired through price support operations to the prevention of crop damage by migratory waterfowl (brant, wild ducks, geese, and swans) and such grain may not be made available for the feeding of any other species of migratory birds, whether or not such other species of migratory birds are committing or threatening to commit crop damage. Further, the Act does not authorize the use of such grain to conduct a migratory waterfowl feeding program for the purpose of augmenting natural sources of food available to migratory waterfowl, nor for any purpose incident to migratory waterfowl management not related to the prevention of crop damage. Accordingly, such grain shall not be made available pursuant to the Act to augment or to substitute for natural sources of migratory waterfowl food except as may be determined by the Secretary to be necessary to aid in the prevention of crop damage by such birds.

§ 90.13 Policy.

Whenever it is found necessary to conduct feeding programs under this section for the purposes of preventing crop damage by migratory waterfowl, it shall be the policy of the Secretary for the purposes of economy and efficiency to accord preference to feeding programs proposed to be executed through the placement of grain upon wildlife management areas or other lands or waters owned, leased, or otherwise controlled by an agency of the United States or a State.

§ 90.14 Water fowl depredation complaints; where filed.

Any person having an interest in crops being damaged or threatened with damage by migratory waterfowl in circumstances meeting the criteria prescribed in § 90.15 may make application for grain for use in luring such waterfowl away from such crops by submitting a written request to the Regional Director of the Bureau of Sport Fisheries and Wildlife regional office having administrative jurisdiction over the wildlife activities in the State where the affected crops are located. (See § 2.2 for geographical jurisdiction and addresses of regional offices.) Such applications may be in letter form but must contain information disclosing the location, nature, condition and extent of the crops being damaged or threatened, and the particular species of migratory waterfowl committing or threatening to commit damage. For the purposes of this section any authorized official of Federal State, or local governmental body shall be deemed to be a "person" and to have such an interest in crops threatened with damages as to qualify him as an applicant.

§ 90.15 Criteria to govern approval of applications.

Upon receipt of a written application for such grain for use in preventing crop depredations, the Regional Director shall promptly cause an investigation to be made, when necessary, to determine whether the applicant is in fact entitled to have such grain made available for such purposes. Whenever feasible the required investigation shall be made jointly by a representative of the game department of the State in which the affected crops are located and a representative of the Regional Director. When conducting such investigations, each of the factors set forth in paragraphs (a) to (d) of this section shall be considered separately. An application for grain shall not be approved if it is determined that one or more of these factors minimizes the extent of crop damage or provides another effective method of preventing the complained of damage.

(a) The migratory waterfowl committing or threatening to commit crop damage must be predominantly of a species which are susceptible of being effectively lured away from the crops by the use of such grain.

(b) The crop damage or threatened crop damage must be substantial in nature (when measured by the extent and potential value of the crops involved and the number of birds threatening damage); and must affect growing crops or mature unharvested crops that are in such condition as to be marketable or have value as feed for livestock or other purposes of material value to the applicant.

(c) It must be shown that the damage or threat of damage cannot be abated through the exercise of any of the privileges granted in permits authorized by this Chapter I to frighten or otherwise herd migratory waterfowl away from affected crops.

(d) During an open hunting season, it must be shown that the area affected by crop damage has been and is now open to public hunting and there has been a clear demonstration that such hunting is ineffective, and cannot be made effective, to prevent crop damage on such area.

§ 90.16 Actions following investigation.

Upon receipt of a report and recommendations based upon an investigation conducted under § 90.15, the Secretary shall make a determination that the applicant meets the qualifications for receiving grain. He shall then determine the quantity of grain, either bagged or in bulk, to be made available; the means of transportation; and the point of delivery in the vicinity of the crop damage. Before receiving delivery of such grain the applicant shall execute and deliver to any officer authorized to enforce this part written assurances as follows:

(a) That grain made available to him under this part will be used exclusively for the prevention and abatement of crop damage by migratory waterfowl and that no portion of such grain will be sold, donated, exchanged, or used as feed for livestock or other domestic animals or for any other purpose;

(b) That consent is granted to any officer authorized to enforce this part, to inspect, supervise or direct the placement and distribution of grain made available under this part for the prevention of crop damage at all reasonable times;

(c) That free and unrestricted access over the premises on which feeding operations have been or are to be conducted shall be permitted at all reasonable times, by any officer authorized to enforce this part and that such information as may be required by the officer will be promptly furnished; and

(d) That the applicant will not take, nor permit his agents, employees, invitees, or other persons under his control to take migratory game birds on or over any lands or waters subject to his control, during the time such grain is placed, exposed, deposited, distributed, scattered, or present upon such lands or waters, nor for a period of 10 days immediately following the consumption or removal of such grain from such lands or waters.

§ 90.17 Compliance with other regulations.

Nothing in this subpart shall be construed to supersede or modify any regulations relating to the hunting of migratory game birds, nor to permit the transportation, installation or use of grain contrary to any applicable Federal, State, or local laws or regulations.

This amendment recodifies existing regulations, does not impose any new requirements, restrictions, or procedures. Accordingly, notice and public procedure thereon are impracticable, unnecessary, and contrary to the public interest, and this amendment is effective March 12, 1973.

E. V. SCHMIDT,
Director, Deputy Bureau of Sport Fisheries and Wildlife.

MARCH 6, 1973.

[FR Doc.73-4643 Filed 3-9-73;8:45 am]

Title 24—Housing and Urban Development

CHAPTER X—FEDERAL INSURANCE ADMINISTRATION, DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

SUBCHAPTER B—NATIONAL FLOOD INSURANCE PROGRAM

PART 1914—AREAS ELIGIBLE FOR THE SALE OF INSURANCE

Status of Participating Communities

Section 1914.4 of Part 1914 of Subchapter B of Chapter X of Title 24 of the Code of Federal Regulations is amended by adding in alphabetical sequence a new entry to the table. In this entry, a complete chronology of effective dates appears for each listed community. Each date appearing in the last column of the table is followed by a designation which indicates whether the date signifies the effective date of the authorization of the sale of flood insurance in the area under the emergency or the regular flood insurance program. The entry reads as follows:

§ 1914.4 Status of participating communities.

State	County	Location	Map No.	State map repository	Local map repository	Effective date of authorization of sale of flood insurance for area
• • •	• • •	• • •	• • •	• • •	• • •	• • •
Colorado	El Paso	Unincorporated areas.				Mar. 9, 1973. Emergency.
Connecticut	Middlesex	Westbrook, Town of.				Do.
Do	Tolland	Mansfield, Town of.				Do.
Georgia	Chatham	Garden City, City of.	I 13 051 2290 01 I 13 051 2290 02	Department of Natural Resources, Office of Planning and Research, 270 Washington St. SW., Room 707, Atlanta, GA 30334.	City Hall, U.S. 17 North, Garden City, Ga. 31408.	Oct. 8, 1971. Emergency. Mar. 16, 1973. Regular.
Do	do	Port Wentworth, City of.	I 13 051 4475 01 I 13 051 4475 02	Georgia Insurance Department, State Capitol, Atlanta, GA 30334. do	Office of the City Clerk, City of Port Wentworth, Post Office Box 4086, Port Wentworth, GA 31407.	June 4, 1971. Emergency. Mar. 16, 1973. Regular.
Illinois	Cook	Unincorporated areas.				Mar. 9, 1973. Emergency.
Do	Lake	Fox Lake, Village of.				Do.
Maine	Oxford	Rumford, Town of.				Do.
Maryland	Kent	Unincorporated areas.				Do.
Massachusetts	Plymouth	Mattapoisett, Town of.	I 25 023 0696 01 through I 25 023 0696 05	Division of Water Resources, Water Resources Commission, State Office Bldg., 100 Cambridge, St., Boston, MA 02202. Massachusetts Division of Insurance, 100 Cambridge St., Boston, MA 02202.	Town Hall, Main St., Mattapoisett, Mass. 02739.	June 18, 1971. Emergency. March 16, 1973. Regular.
Do	Bristol	Dighton, Town of.				March 9, 1973. Emergency.
Michigan	Berrien	Chikaming, Township of.				Do.
Do	do	Grand Beach, Village of.				Do.
Do	Ingham	Lansing, City of.				Do.
Do	Macomb	Shelby, Township of.				Do.
Do	Monroe	Berlin, Township of.				Do.
Do	St. Clair	St. Clair, Township of.				Do.
Do	Wayne	Dearborn, City of.				Do.
Minnesota	Washington	Stillwater, City of.	I 27 163 6770 01 through I 27 163 6770 03	Division of Waters, Soils, and Minerals, Department of Natural Resources, Centennial Office Bldg., St. Paul, Minn. 55101. Minnesota Division of Insurance, R-210 State Office Bldg., St. Paul, Minn. 55101.	Municipal Bldg., 216 North Fourth St., Stillwater, MN 55082.	November 5, 1971. Emergency. March 16, 1973. Regular.
Do	Dakota	Hastings, City of.				March 9, 1973. Emergency.
Do	Polk	Crookston, City of.				Do.
New York	Monroe	Greece, Town of.				Do.
Do	do	Parma, Town of.				Do.
Do	do	Webster, Town of.				Do.
Do	Wayne	Sodus Point, Village of.				Do.

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State	County	Location	Map No.	State map repository	Local map repository	Effective date of authorization of sale of flood insurance for area
Pennsylvania	Berks	Muhlenberg, Township of.	----------	----------	----------	Do.
Do.	Clinton	Flemington, Borough of.	----------	----------	----------	Do.
Do.	Columbia	Bloomsburg, Town of.	----------	----------	----------	Do.
Do.	Dauphin	Lykens, Borough of.	----------	----------	----------	Do.
Do.	Delaware	Swarthmore, Borough of.	----------	----------	----------	Do.
Do.	Huntingdon	Smithfield, Township of.	----------	----------	----------	Do.
Do.	Lancaster	Columbia, Borough of.	----------	----------	----------	Do.
Do.	do	Lancaster, Township of.	----------	----------	----------	Do.
Do.	Lebanon	Cleona, Borough of.	----------	----------	----------	Do.
Do.	Luzerne	Black Creek, Township of.	----------	----------	----------	Do.
Do.	Lycoming	Porter, Township of.	----------	----------	----------	Do.
Do.	York	Dover, Township of.	----------	----------	----------	Do.
Vermont	Caledonia	Hardwick, Town of.	----------	----------	----------	Do.
Wisconsin	Crawford	Lynxville, Village of.	I 55 023 2760 01	Department of Natural Resources, Post Office Box 450, Madison, WI 53701. Wisconsin Insurance Department, 212 North Bassett St., Madison, WI 53703.	Office of Village Clerk, Village Hall, Village of Lynxville, Lynxville, Wis. 54640.	April 23, 1971. Emergency. March 15, 1973. Regular.
Do.	Milwaukee	Greenfield, City of.	----------	----------	----------	March 9, 1973. Emergency.

(National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968), effective Jan. 28, 1969 (33 FR 17804, Nov. 28, 1968), as amended (secs. 408–410, Public Law 91–152, Dec. 24, 1969), 42 U.S.C. 4001–4127; and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, Feb. 27, 1969)

Issued: March 5, 1973.

GEORGE K. BERNSTEIN,
Federal Insurance Administrator.

[FR Doc.73–4550 Filed 3–9–73;8:45 am]

PART 1915—IDENTIFICATION OF SPECIAL HAZARD AREAS
List of Communities With Special Hazard Areas

Section 1915.3 is amended by adding in alphabetical sequence a new entry to the table, which entry reads as follows:

§ 1915.3 List of communities with special hazard areas.

State	County	Location	Map No.	State map repository	Local map repository	Effective date of identification of areas which have special flood hazards
Florida	Broward	Pompano Beach, City of.	H 12 011 2570 01 through H 12 011 2570 04	Department of Community Affairs, 309 Office Plaza, Tallahassee, Fla. 32301. State of Florida Insurance Department, Treasurer's Office, The Capitol, Tallahassee, Fla. 32304.	City Engineer's Office, 101 Southwest 1st Ave., Post Office Box 1300, Pompano Beach, FL 33061.	March 16, 1973.
Georgia	Chatham	Garden City, City of	H 13 051 2290 01 H 13 051 2290 02	Department of Natural Resources, Office of Planning and Research, 270 Washington St. SW., Room 707, Atlanta, GA 30334. Georgia Insurance Department, State Capitol, Atlanta, Ga. 30334.	City Hall, U.S. 17 North, Garden City, Ga. 31408.	Do.
Do.	do	Port Wentworth, City of.	H 13 051 4475 01 H 13 051 4475 02	do	Office of the City Clerk, city of Port Wentworth, Post Office Box 4086, Port Wentworth, GA 31407.	Do.
Kentucky	Harlan	Cumberland, City of	H 21 095 0840 01 through H 21 095 0840 03	Division of Water, Kentucky Department of Natural Resources, Capitol Plaza Office Tower, Frankfort, Ky. 40601. Kentucky Insurance Department, Old Capitol Annex, Frankfort, Ky. 40601.	City Hall, city of Cumberland, Cumberland, Ky. 40823.	Do.
Do.	do	Harlan, City of	H 21 095 1420 01 H 21 095 1420 02	do	City Hall, Post Office Box 783, Harlan, KY 40831.	Do.
Massachusetts	Plymouth	Mattapoisett, Town of.	H 25 023 0696 01 through H 25 023 0696 05	Division of Water Resources, Water Resources Commission, State Office Bldg., 100 Cambridge St., Boston, MA 02202. Massachusetts Division of Insurance, 100 Cambridge St., Boston, MA 02202.	Town Hall, Main St., Mattapoisett, Mass. 02739.	Do.
Minnesota	Washington	Stillwater, City of.	H 27 163 6770 01 through H 27 163 6770 03	Division of Waters, Soils and Minerals, Department of Natural Resources, Centennial Office Bldg., St. Paul, Minn. 55101. Minnesota Division of Insurance, K-210 State Office Bldg., St. Paul, Minn. 55101.	Municipal Bldg., 216 North Fourth St., Stillwater, MN 55082.	Do.
New Jersey	Bergen	Allendale, Borough of.	H 34 003 0030 01 H 34 003 0030 02	Bureau of Water Control, Department of Environmental Protection, Post Office Box 1390, Trenton, NJ 08625. New Jersey Department of Insurance, State House Annex, Trenton, N.J. 08625.	Office of the Borough Clerk, 290 Franklin Turnpike, Allendale, NJ 07401.	Do.
Do.	Burlington	Moorestown, Township of.	H 34 005 2015 01 through H 34 005 2015 03	do	Office of the Township Clerk, Township of Moorestown, 40 East Main St., Moorestown, NJ 08057.	Do.
Do.	Morris	Dover, Town of	H 34 027 0750 01 H 34 027 0750 02	do	Office of the Town Clerk, Town of Dover, Municipal Bldg., 37 North Sussex St., Dover, NJ 07801.	Do.
Do.	Union	Summit, City of	H 34 039 3290 01 through H 34 039 3290 05	do	City Clerk's Office, Municipal Bldg., 512 Springfield Ave., Summit, NJ 07901.	Do.
New York	Westchester	White Plains, City of.	H 36 119 6670 01 through H 36 119 6670 06	New York State Department of Environmental Conservation, Division of Resources Management Services, Bureau of Water Management, Albany, N.Y. 12201. New York State Insurance Department, 123 William St., New York, N.Y. 10038, and 324 State St., Albany, NY 12210.	Office of Emergency Planning and Civil Defense, Municipal Bldg., 255 Main St., White Plains, NY 10601.	Do.
Pennsylvania	Bucks	Chalfont, Borough of.	H 42 017 1220 01 H 42 017 1220 02	Department of Community Affairs, Commonwealth of Pennsylvania, Harrisburg, Pa. 17120. Pennsylvania Insurance Department, 108 Finance Bldg., Harrisburg, Pa. 17120.	Borough Office, 101 North Main St., Chalfont, PA 18914.	Do.
Wisconsin	Crawford	Lynxville, Village of.	H 55 023 2760 01	Department of Natural Resources, Post Office Box 450, Madison, WI 53701. Wisconsin Insurance Department, 212 North Bassett St., Madison, WI 53703.	Office of the Village Clerk, Village Hall, Village of Lynxville, Lynxville, Wis. 51610.	Do.

(National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968), effective Jan. 28, 1969 (33 FR 17804, Nov. 28, 1968), as amended (secs. 408–410, Public Law 91–152, Dec. 24, 1969), 42 U.S.C. 4001–4127; and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, Feb. 27, 1969)

Issued: March 5, 1973.

GEORGE K. BERNSTEIN,
Federal Insurance Administrator.

[FR Doc.73–4551 Filed 3–9–73;8:45 am]

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Title 6—Economic Stabilization

CHAPTER I—COST OF LIVING COUNCIL

PART 130—COST OF LIVING COUNCIL PHASE III REGULATIONS

Executive and Variable Compensation Guidance

The purpose of the amendments set forth below is to provide rules and guidance in the area of executive and variable compensation during Phase III of the Economic Stabilization Program.

Decisions and orders of the Pay Board. Under the rules in effect during Phase II, decisions and orders were issued by the Pay Board with respect to executive and variable compensation plans, practices, and programs. Many decisions and orders did not provide for expiration dates and others required only that certain payments, awards, or grants be charged as wages and salaries when such payments, awards, or grants were made. Under Phase II rules, the payments, awards, or grants which were charged as wages and salaries were applied against the standard in the control year in which they were paid (except in the case of deferred payments). With the progression to the self-administered controls of Phase II, it now becomes necessary to clarify the status of, set expiration dates for, and provide specific rules with respect to, the treatment, of payments, awards, or grants made during Phase III, that were subject to decisions and orders issued under the rules in Phase II.

Accordingly, a new paragraph (d) has been added to § 130.1 to provide specifically that decisions and orders issued by the Pay Board shall be effective only for payments, awards, or grants made with respect to plan, practice or fiscal years (as appropriate), beginning prior to January 11, 1973. Furthermore, new § 130.1(d) provides that such payments, awards, or grants made during Phase III, which are required by decision and order of the Pay Board to be charged as wage and salary increases, should be added to other wage and salary increases, and that the total of such increases is subject to the general wage and salary standard provided in § 130.12. Thus, any such payments, awards, or grants treated as an increase in wages and salaries may be paid only to the extent the total thereof plus all other wage and salary increases affecting the appropriate employee unit involved is not unreasonably inconsistent with the general wage and salary standard in § 130.12.

Although § 130.12 will apply in many situations where payments, awards, or grants are made during Phase III, that section may not be applicable if another Pay Board decision and order limits wage and salary increases paid in an appropriate employee unit which includes plan, practice, or program participants, and applies to a control year which ends after January 10, 1973. In that situation, new § 130.1(d) requires that if the payments, awards, or grants are to be charged as wage and salary increases and are to be made during the control year covered by such a decision and order, then the total of wage and salary increases to be paid must be consistent with such other decision and order, in accordance with § 130.1(c)(ii). Also, § 130.12 will not apply to pay adjustments affecting employees in the food, health services and construction industries since these pay adjustments are under mandatory controls. For such industries the payments, awards, or grants required to be charged as wage and salary increases, therefore, remain subject to the rules and regulations applicable to those industries.

Where a decision and order with respect to executive and variable compensation does not provide that excess grants are to be charged as wages and salaries (as in cases involving stock options issued at 100 percent of fair market value), the grants made must be consistent with the limitations of the decision and order (i.e., subject to an aggregate share limitation).

Voluntary controls. During Phase II, certain payments, awards, or grants under existing executive and variable compensation plans, practices, or programs were permitted to be made under Pay Board rules without being charged as wages and salaries. Also during Phase II, certain other payments, awards, or grants under certain replacement, modified, or revised plans, practices, or programs were permitted to be made without being charged as wages and salaries. A new § 130.14 has been added to state the Council's policies during Phase III for employers subject to voluntary controls. These policies apply whether a plan, practice, or program is an existing one or one that is a replacement, modified, or new plan, practice, or program.

New § 130.14 provides that such employers should use both the Pay Board regulations in effect on January 10, 1973 and the guidance set forth in new Appendix B of Part 130 (as appropriate) in determining whether payments, awards, or grants are charged as wage and salary increases. Chargeable payments, awards, or grants are normally referred to as "excesses" and apportioned to the appropriate employee units which include the plan, practice, or program participants. Under new § 130.14, these "excesses" should be added to other wage and salary increases paid in the appropriate employee unit and the total of all such wage and salary increases is to be applied to the general wage and salary standard as provided in § 130.12.

Certain stock option plans. During Phase II, certain stock option plans which met the requirements of § 201.76(b)(1)(i) (*a*) through (*d*) of Pay Board regulations (e.g., stock options issued at 100 percent of fair market value) were controlled by imposing an aggregate share limitation. For employers under voluntary controls new § 130.14 provides that stock option grants during Phase III under plans which meet these four requirements should not exceed the applicable aggregate share limitation except to the extent necessary to prevent cross inequities, serious market disruptions, or localized shortages of labor.

Replacement, modified, and new plans, practices, or programs. Under Phase II rules, certain plans, practices, or programs were required to be submitted to the Pay Board for prior approval. This generally was the case when an employer replaced, modified, or revised a plan, practice, or program carried over from Phase I and the amount of compensation to be paid under the new plan, practice, or program exceeded that attributable to the old plan, practice, or program. In addition, under Phase II rules, all new plans, practices, or programs were required to be submitted to the Pay Board for prior approval.

In considering submissions for prior approval, the Pay Board applied certain principles, policies, and conditions not set forth in Pay Board regulations. These principles, policies, and conditions (as appropriate) were, however, made a part of each decision and order. Since prior approvals are no longer required (except for economic sectors under mandatory controls) a new Appendix B has been added to Part 130 to provide guidance to employers who implement a replacement, modified, or new executive and variable compensation plan, practice, or program during Phase III. The guidance provided includes the principles, policies, and conditions applied by the Pay Board during Phase II and should be used in determining whether payments, awards, or grants under replacement, modified, or new plans, practices, or programs are to be treated as wage and salary increases and apportioned to appropriate employee units which include the plan, practice, or program participants.

In the food, health, and construction industries the rules and regulations prescribed during Phase II continue to apply. Accordingly, requests for prior approval in the case of certain replacement, modified, and new plans, practices, or programs should now be submitted to the Cost of Living Council.

Incentive compensation plans or practices. During Phase III an employer may replace, modify, or revise an incentive compensation plan or practice in effect on November 13, 1971, as defined in §§ 201.74 and 201.75 of Pay Board regulations, without prior approval. However, any payment made under such replacement, revised, or modified plan or practice which is in excess of the allowable amount for such prior plan or practice, as defined in such regulations, or in excess of the payments which would have been made under the prior plan's formula or the prior practice's implied formula (if lower than the allowable amount) should be treated as an increase in wages and salaries and apportioned to the appropriate employee units of participants to determine the amount of wage and salary increase subject to § 130.12.

Where a new incentive compensation plan or practice is adopted which is neither a replacement, modification, or revision, of a plan or practice in existence on November 13, 1971, payments thereunder with respect to the first plan year of operation (the consecutive 12-month period starting with the effective date of the plan) should be treated as an increase in wages and salaries, should be apportioned in the control year paid to the appropriate employee units of the plan or practice participants, and should be added to other wage and salary increases subject to § 130.12.

Certain rules for certain types of incentive compensation plans. In Phase II, the Pay Board regulations did not specify how awards under new performance share plans and phantom stock plans should be valued for purposes of determining the increase in wages and salaries attributable to such awards for participants of such plans. The special rules in new Appendix B describe the valuation which should be used for awards under such new plans adopted in Phase III, to determine the increase in wages and salaries for participants. These rules are consistent with the valuation placed on such awards by the Pay Board during Phase II in decisions and orders on specific cases.

Stock option plans. An employer may replace or modify or revise an existing stock option plan which meets the requirements of § 201.76(b)(1)(i) (*a*) (*d*) of Pay Board regulations after January 10, 1973, without prior approval. However, the aggregate share limitation which was applicable for the prior existing plan under Pay Board regulations should continue to be the aggregate share limitation for such replacement, modified, or revised plan. If a new stock option plan (i.e., one which is not a replacement, modification, or revision of an existing plan, and one which meets the requirements of § 201.76(b)(1)(i) (*a*) through (*d*) of Pay Board regulations), is adopted after January 10, 1973, the aggregate share limitation for the first fiscal year in which such plan operates is 25 percent of the number of shares authorized for stock option grants under the plan.

Sales or commission plans or practices and certain production incentive programs. Sales or commission plans or practices and certain production incentive programs, as defined in § 201.77 of Pay Board regulations, which are applicable to employees not subject to a collective bargaining agreement and which were in effect on November 13, 1971, may operate under their terms without being treated as an increase in wages and salaries as long as such plans are not replaced, modified, or revised.

Payments made under a revised, modified, or replacement sales or commission plan or practice or production incentive program adopted in Phase III, which result in an increase in compensation over that which would have been payable under the prior existing plan, etc., when measured against the level of sales or production volume at the time of determining payments under such prior plan, etc., should be treated as an increase in wages and salaries for participants. Payments under a new sales or commission plan or practice or production incentive program (which is not a replacement or modification or revision of a prior existing plan, etc.) adopted during Phase III should be treated as an increase in wages and salaries to participants covered by such plan, etc.

Payments that should be treated as an increase in wages and salaries under these guidelines should be included in the base compensation rate of the appropriate employee unit for purposes of measuring wage and salary increases for subsequent control years after the control year in which such new, replacement, modified, or revised plan, etc., has been adopted.

Because the purpose of these amendments is to provide immediate guidance for compliance with the Economic Stabilization Program during Phase III, I find that publication in accordance with normal rule making procedures is impracticable and that good cause exists for making this amendment effective in less than 30 days. Interested persons may submit comments regarding these amendments. Communications should be addressed to the Office of the General Counsel, Cost of Living Council, Washington, D.C. 20507.

These amendments are effective as of January 11, 1973.

JAMES W. MCLANE,
Deputy Director,
Cost of Living Council.

PARAGRAPH 1. Section 130.1 is amended by adding a new paragraph (d) to read as follows:

§ 130.1 Scope.

* * * * *

(d) Executive and variable compensation: This part shall not operate to permit prospective payments, awards, or grants under an executive and variable compensation plan, practice, or program, where such plan, practice, or program is subject to a Pay Board decision and order, except to the extent consistent with such decision and order.

(1) Paid under voluntary controls: Notwithstanding the preceding sentence, a decision and order relating to executive and variable compensation, not affecting employees in the food, health services, or construction industry, shall be effective only for payments, awards, or grants made with respect to plan, practice, or fiscal years (as appropriate) which begin prior to January 11, 1973. Where such a decision and order requires that payments, awards, or grants are to be charged as wages and salaries, and such payments, awards, or grants are made after January 10, 1973, such payments, awards, or grants, together with any other wage and salary increases subject to voluntary controls, shall be subject to the general wage and salary standard set forth in § 130.12, unless such payments, awards, or grants are made during a control year covered by a Pay Board decision and order which limits wage and salary increases paid in an appropriate employee unit which includes plan, practice, or program participants. In such latter cases, the payments, awards, or grants which are to be charged as wage and salary increases may be paid only to the extent consistent with such other decision and order, as provided in paragraph (c)(ii) of this section.

(2) Paid under mandatory controls: Where a decision and order relating to executive and variable compensation affecting employees in the food, health services, or construction industry, requires that payments, awards, or grants are to be charged as wages and salaries, then such payments, awards, or grants made after January 10, 1973, together with any other wage and salary increases, shall be subject to the rules for pay adjustments in Subparts F, G, and H of this part.

PAR. 2. Subpart B of Part 130 is amended by adding at the end thereof a new § 130.14 to read as follows:

§ 130.14 Executive and variable compensation.

The rules contained in Subpart F of Part 201 of this title, in effect on January 10, 1973, and the guidance set forth in Appendix B of this part, relating to executive and variable compensation, should be used in determining whether payments, awards, or grants are charged as wage and salary increases which, when added to other wage and salary increases, are subject to the general wage and salary standard set forth in § 130.12. Stock option grants under plans which meet the requirements of § 201.76(b)(1)(i) (*a*) through (*d*) of this title should not exceed the aggregate share limitation applicable to such plans, except to the extent necessary to prevent gross inequities, serious market disruptions, or localized shortages of labor.

PAR. 3. Part 130 is amended by redesignating the present appendix thereto as Appendix A and by adding new Appendix B to read as follows:

APPENDIX B—GUIDANCE FOR REPLACEMENT, MODIFIED, AND NEW EXECUTIVE AND VARIABLE COMPENSATION PLANS

(1) *General.* The guidance set forth in this appendix should be used by employers subject to voluntary controls with respect to the implementation after January 10, 1973, of replacement, modified, or new executive and variable compensation plans, practices, or programs of the types covered in Subpart F of Part 201 of this title. For employers subject to voluntary controls, such implementation no longer requires prior approval. This appendix provides the principles, policies, and conditions that were used by the Pay Board in its consideration of such plans, practices, or programs submitted for approval during Phase II of the Economic Stabilization Program.

2. *Replacement incentive compensation plans or practices.* When an employer adopts a new incentive compensation plan or practice (other than a stock option plan) replacing such a plan or practice which has lapsed or terminated on account of the operation of time, the new plan or practice is not considered to increase wages and salaries if the aggregate amount of compensation attributable to the new plan or practice is not an increase over the aggregate amount which would have been granted under the replaced plan or practice had it not terminated. If the amount of compensation is increased over that attributable to the replaced plan or practice, the amount in excess should be treated as an increase in wages and salaries and should be apportioned to the appropriate employee units of the plan or practice participants in the man-

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ner provided in §§ 201.74(c)(2) and 201.75(c)(2) of Pay Board Regulations in effect on January 10, 1973.

3. *Modified or revised incentive compensation plans or practices.* When an employer modifies or revises an incentive compensation plan or practice (other than a stock option plan), the modification or revision is not considered to increase wages and salaries if the aggregate amount of compensation attributable to the modified or revised plan or practice is not an increase over the aggregate amount attributable to the plan or practice had it not been modified or revised. If the amount of compensation is increased over that attributable to the plan or practice prior to modification or revision, the amount in excess should be treated as an increase in wages and salaries and should be apportioned to the appropriate employee units of the plan or practice participants in the manner provided in §§ 201.74(c)(2) and 201.75(c)(2) of Pay Board Regulations in effect on January 10, 1973.

4. *New incentive compensation plans or practices.* When an employer adopts a new incentive compensation plan or practice (other than a stock option plan) which is neither a replacement nor modification or revision of an existing plan or practice, the amount granted with respect to the first 12 months of the operation of the plan or practice should be treated as an increase in wages and salaries and should be apportioned to the appropriate employee units of the plan or practice participants as provided in §§ 201.74(c)(2) and 201.75(c)(2) of Pay Board Regulations in effect on January 10, 1973. The amount so granted with respect to the first 12-month period should (within the meaning of §§ 201.74(b)(4) and 201.75(b)(4).) become the "base year amount" for such plan or practice in computing the "allowable amount" with respect to future plan years. Payments in subsequent plan years that exceed the "allowable amount" should also be considered an increase in wages and salaries.

5. *Special rules for certain incentive compensation plans and practices.* For purposes of paragraph 4 above, the amount of certain types of awards should be determined as follows—

(a) *For performance share awards:* In an amount equal to the fair market value of the stock at the time of the award assuming attainment of at least 75 percent of the performance goal allocated over the performance period.

(b) *For phantom stock awards:* In an amount equal to 25 percent of the fair market value of an equivalent number of actual shares of the employer at the time of the award.

6. *Replacement stock option plans.* If an employer subject to voluntary compliance adopts a new stock option plan which meets the requirements of § 201.76(b)(1)(1) (*a*) through (*d*) of Pay Board Regulations in effect on January 10, 1973, and the new plan replaces a stock option plan which had met those requirements but which had lapsed—

(a) On account of the operation of time, or

(b) Because all of the authorized shares had been the subject of option grants, or

(c) Because the authorized shares available for award were insufficient to grant options covering the applicable aggregate share limitation; then

for purposes of determining the aggregate share limitation applicable to the new plan, the new plan and the replaced plan should be treated as a single plan. If such an employer adopts a new stock option plan described in § 201.76(e) of Pay Board Regulations in effect on January 10, 1973, which replaces a prior plan that has lapsed or terminated, then the increases in wages and salaries attributable to grants and exercises of stock options under the replacement plan should be apportioned to the appropriate employee units of the plan participants as provided in § 201.76(e)(3) of such Pay Board Regulations.

7. *Modified or revised stock option plans.* If an employer modifies or revises a stock option plan which meets the requirements of § 201.76(b)(1)(1) (*a*) through (*d*) of Pay Board Regulations in effect on January 10, 1973, the aggregate shares to be granted under the modified or revised plan should not exceed the aggregate shares which would have been granted under the plan had it not been modified or revised. If such an employer modifies or revises a stock option plan described in § 201.76(e) of such Pay Board Regulations, any increase in wages and salaries attributable to awards under such plan should be apportioned to the appropriate employee units of the plan participants as provided in § 201.76(e)(3) of such Pay Board Regulations.

8. *New Stock option plans.* If an employer adopts a new stock option plan which is neither a replacement nor a modification or revision and which meets the requirements of § 201.76(b)(1)(1) (*a*) through (*d*) of Pay Board Regulations in effect on January 10, 1973, the aggregate share limitation for the first fiscal year of operation should be 25 percent of the number of shares authorized for stock options at the time the plan was adopted. If such an employer adopts a new stock option plan described in § 201.76(e) of such Pay Board Regulations, the increase in wages and salaries attributable to the options granted or exercised under the new plan should be apportioned to the appropriate employee units of the plan participants as provided in § 201.76(e)(3) of such Pay Board Regulations.

9. *Replacement sales or commission plans or practices and certain incentive programs.* When an employer adopts a new sales or commission plan or practice or a production incentive program (other than a program described in § 201.61 of Pay Board Regulations in effect on January 10, 1973) replacing such a plan, practice, or program, the payments under the new plan, practice, or program are not considered to increase wages and salaries if the aggregate amount of compensation attributable to the new plan, practice, or program (using the new formula or method for determining payments) is not an increase over that which would have been granted (using the old formula or method for determining payment) under the plan, practice, or program had it not been terminated. If the amount of compensation is increased solely due to the change in formula or method for determining payments over that attributable under the replaced plan, practice, or program, the amount in excess should be treated as an increase in wages and salaries in the control year such amounts are paid, should be apportioned to the appropriate employee units of the plan, practice, or program participants as provided in § 201.77(c) of such Pay Board Regulations, and should be included in the respective units' base compensation for subsequent control years.

10. *Modified or revised sales or commission plans or practices and certain incentive programs.* When an employer modifies or revises a sales or commission plan or practice or a production incentive program (other than a program described in § 201.61 of Pay Board Regulations in effect on January 10, 1973), the payments under the modification or revision are not considered to increase wages and salaries if the aggregate amount of compensation attributable to the modified or revised plan, practice, or program (using the modified formula or method for determining payments) is not an increase over that which would have been granted (using the old formula of method for determining payments) under the plan, practice, or program had it not been modified or revised. If the amount of compensation is increased solely due to the change in formula or method for determining payments over that attributable under the modified or revised plan, practice, or program, the amount in excess should be treated as an increase in wages and salaries in the control year such amounts are paid, should be apportioned to the appropriate employee units of the plan, practice, or program participants as provided in § 201.77(c) of such Pay Board Regulations, and should be included in the respective units' base compensation for subsequent control years.

11. *New sales or commission plans or practices and certain incentive programs.* When an employer adopts a new sales or commission plan or practice or production incentive program (other than a program described in § 201.61 of Pay Board Regulations in effect on January 10, 1973) which is neither a replacement, nor modification or revision, of an existing plan, practice or program, the amount granted with respect to the new plan, practice, or program should be treated as an increase in wages and salaries in the control year such amounts are paid, should be apportioned to the appropriate employee units of the plan, practice, or program participants as provided in § 201.77(c) of such Pay Board Regulations, and should be included in the respective units' base compensation for subsequent control years.

[FR Doc.73-4869 Filed 3-9-73;11:36 am]

Proposed Rule Making

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 1121]

[Docket No. AO-364-A6]

MILK IN SOUTH TEXAS MARKETING AREA

Notice of Recommended Decision and Opportunity To File Written Exceptions on Proposed Amendments to Tentative Marketing Agreement and to Order

Notice is hereby given of the filing with the hearing clerk of this recommended decision with respect to proposed amendments to the tentative marketing agreement and order regulating the handling of milk in the South Texas marketing area.

Interested parties may file written exceptions to this decision with the hearing clerk, U.S. Department of Agriculture, Washington, D.C. 20250, by the 15th day after publication of this decision in the FEDERAL REGISTER. The exceptions should be filed in quadruplicate. All written submissions made pursuant to this notice will be made available for public inspection at the office of the hearing clerk during regular business hours (7 CFR 1.27(b)).

The above notice of filing of the decision and of opportunity to file exceptions thereto is issued pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900).

PRELIMINARY STATEMENT

The hearing on the record of which the proposed amendments, as hereinafter set forth, to the tentative marketing agreement and to the order as amended, were formulated, was conducted at Houston, Tex., on January 17, 1973, pursuant to notices thereof which were issued November 20, 1972 (37 FR 24905) and December 12, 1972 (37 FR 26736).

The material issues on the record of the hearing relate to:

1. Adoption of an advertising and promotion program as authorized under Public Law 91-670; and

2. The specific terms and provisions necessary to implement such a program under the South Texas order.

FINDINGS AND CONCLUSIONS

The following findings and conclusions on the material issues are based on evidence presented at the hearing and the record thereof;

1. *Adoption of an advertising and promotion program.* The order should be amended to provide for an advertising and promotion program to be administered by an agency organized by producers and producers' cooperative associations and financed by producer monies deducted from pool proceeds.

The amendments to the Agricultural Marketing Agreement Act under Public Law 91-670 provide that a Federal milk order may, with the approval of producers on the market, include provisions for establishing or providing for the establishment of research and development projects, advertising (excluding brand advertising), sales promotion, and educational and other programs designed to improve or promote the domestic marketing and consumption of milk and its products (hereinafter referred to in this decision as the "advertising and promotion program" or "the program").

The hearing on the matter here under consideration was requested by Associated Milk Producers, Inc., a cooperative association representing a majority of the producers supplying milk for the South Texas market.

Under the proposal supported at the hearing and as herein adopted, the advertising and promotion program will be funded through a 5-cent per hundredweight assessment each month on producer milk pooled during such month. Under this program, the market administrator will deduct the monies from the producer-settlement fund prior to the computation of the uniform price. All of the monies so deducted, except for certain reserves withheld by the market administrator to cover refunds and administrative costs, will be turned over to and administered by an agency organized by producers and producers' cooperative associations under the order. The agency will be responsible for the development and implementation of programs and projects approved by the Secretary and designed to carry out the purposes of the Act as prescribed in the attached amending order.

Any producer not desiring to participate in the program, upon proper application, will be eligible for refund of the assessments made against his proportionate share of total producer marketings of milk, such refunds to be made by the market administrator on a quarterly basis.

The principal reason cited by proponent for the establishment of an advertising and promotion program under the South Texas order was the need for a sound and comprehensive program of promotion, education and research in the use of milk and dairy products to preserve the market against the competition of substitutes. Proponent stated that dairy farmers cannot hope for a continued healthy or growing market in the future if they do not meet the promotional efforts of their competition. It was pointed out that there has been a continuing downward trend nationally in the per capita consumption of milk and milk products.

Proponent testified that in those markets that have had a promotional program of the magnitude being proposed for the South Texas area the consumption trends for dairy products have been more favorable than in other markets. In 15 markets that have milk promotion programs with at least a 5-cent deduction per hundredweight, the daily sales of whole milk, lowfat milk and skim milk items increased nearly 3 percent from 1971 to 1972. In 48 markets with lesser funding, or with no program at all, the average daily sales increased only about 1 percent.

The cooperative also indicated that it has been operating a promotion program in the South Texas market for several years. Because of competitive conditions, it lowered its deduction rate in the spring of 1972 (then 5 cents) to 3 cents per hundredweight of member milk. The cooperative believes, however, that a promotion program funded at the 5-cent rate, and with such rate being applicable to the milk of all producers on the market, is essential to a healthy and growing market for milk in the South Texas area. Proponent urged the adoption of an advertising and promotion program under Public Law 91-670 comparable to the programs recently adopted in 15 other southwestern markets in which proponent operates.

Since the program is totally a producer-financed program and is voluntary in that any producer not wishing to participate has assurance of refund of the assessment made against his milk marketings, there can be no compelling reason for not adopting such a program.

In view of the foregoing, it is concluded that the program adopted should be essentially as proposed.

2. *Terms and provisions.* The rate of 5 cents per hundredweight on producer milk, as proposed by proponent, is a reasonable assessment on the marketings of producers under the order and is adopted.

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Based on the volume of milk marketed under the South Texas order in 1972, an assessment rate of 5 cents per hundredweight on producer milk will gross approximately $585,000 annually. (Official notice is taken of the "Market Administrator's Bulletin" for the months of January through December 1972, as issued by the market administrator for the South Texas order, with respect to total receipts of producer milk under the order.) Allowing for refunds to nonparticipating producers and for the necessary administrative costs, it reasonably can be expected that the money that will be available for advertising and promotion will be somewhat more than that presently being expended in this area by proponent.

The enabling legislation specifically provides that the promotion funds deducted from producer proceeds "shall be paid to an agency organized by milk producers and producers' cooperative associations in such form and with such methods of operation as shall be specified in the order."

A definition of "Agency" therefore is incorporated in the order to identify the administrative body organized by producers and producers' cooperatives that will be authorized to expend the funds for advertising and promotional activities.

The Agency under the terms prescribed herein is responsible for administration of the terms and provisions of the program within the scope of its authority. Subject to the approval of the Secretary, it also is empowered to enter into contracts and agreements with persons or organizations as deemed necessary to carry out the program. In addition, the Agency may recommend to the Secretary amendments to the terms of the program and make such rules and regulations as are necessary to carry out its stated objectives.

The powers, duties, and functions specifically assigned to the Agency under the terms herein adopted are of a nature and scope to provide participating producers on the market full and necessary authority through their representatives on the Agency to develop and administer advertising and promotion programs designed to accomplish the purposes of Public Law 91-670.

The Act states that the Agency "* * * may designate, employ, and allocate funds to persons and organizations engaged in such programs which meet the standards and qualifications specified in the order." The guidelines concerning this matter are set forth in the amendments to the order. Under the terms of such amendments the Agency will develop and submit to the Secretary for approval programs and projects that may provide for: (a) The establishment, issuance, effectuation, and administration of appropriate programs or projects for advertising and promotion of milk and milk products on a nonbrand basis; (b) the utilization of the services of other organizations to carry out Agency programs and projects, if the Agency finds that such activities will benefit producers supplying the market; and (c) the establishment, support, and conduct of research and development projects and studies that the Agency finds will benefit all producers supplying the market.

There was no testimony on the record in opposition to these Agency guidelines, although one cooperative association stated it is not in favor of the program generally.

Agency members are to be selected from producers who actively support the program. Representation on the Agency as it relates to cooperatives may include, however, individuals not directly engaged in the production of milk, e.g., employees of the cooperative.

Under the terms of the program as herein provided, the selection of cooperative representatives for the Agency will be entirely at the discretion of the cooperative(s). Each cooperative association that is authorized one or more representatives on the Agency shall notify the market administrator of the name and address of each representative selected who shall serve at the pleasure of the cooperative.

The composition of the Agency should be such that it insures fair representation for all participating producers. Proponent represents a substantial majority of the producers on the South Texas market. Since its representatives would be selected by the cooperative's board of directors and serve at the pleasure of the cooperative, the position of such representatives with respect to Agency matters no doubt will reflect the position of the cooperative's members. In view of this, there is no apparent reason why proponent's Agency representation need exceed that number necessary to retain for the cooperative a voting majority on the Agency. Proponent held that Agency representation should be as small as possible, consistent with fair and proportionate representation of producers.

Based on market representation at the time of the hearing, proponent indicated that its proposal would provide for a total of nine Agency representatives. This was determined on the basis that proponent would be eligible to have all but four of the Agency's representatives, and that the minimum number of representatives necessary for proponent to have a voting majority would be five.

It cannot be presumed that the composition of producers on the market will remain static. Ideally, the rules adopted with respect to the composition of the Agency should accommodate changes in the market structure under the guidelines set forth by proponent.

To meet these conditions, it is provided that each cooperative will be authorized one Agency representative for each full 5 percent of the participating producers (producers who have not requested refunds [1]) that such cooperative represents. For the purpose of meeting the 5-percent requirement, or multiples thereof, any cooperative association, including a cooperative having less than the required 5 percent of the producers participating in the program, may elect to combine its participating membership with that of one or more other cooperatives.

The participating producer members of any cooperative association having less than the required 5 percent that elects not to combine, as discussed above, and nonmember producers together will be authorized one Agency representative for each full 5 percent that such producers constitute of the total number of participating producers under the order. If such group of producers in total constitutes less than the full 5 percent, the group, nevertheless, will be authorized to select from such group, in total, one Agency representative.

Notwithstanding the above, if any cooperative association or group of associations that elects to combine for purposes of selecting Agency representation has a majority of the participating producers, representatives from such cooperative or group of cooperatives, as the case may be, shall be limited to the minimum number necessary to constitute a majority of the Agency representatives.

As previously indicated, the selection of cooperative representation will be entirely at the discretion of the cooperative. The market administrator will conduct a referendum annually to determine the representation on the Agency of participating nonmember producers and participating producer members of cooperative associations having less than the required 5 percent of the producers participating in the program and not electing to combine membership for purposes of selecting Agency representation.

Within 30 days after the effective date of the amended order, and annually thereafter, the market administrator shall give notice to all such producers (member and nonmember) of their opportunity to nominate Agency members and shall specify the number of representatives that such nonmember and member producers together are authorized.

Following the closing date for nominations, the market administrator shall notify the nominees who are eligible for Agency membership and then shall conduct a referendum in which each individual producer (member or nonmember) shall have one vote.

Since cooperative associations may freely elect to combine or not combine for purposes of selecting Agency representation, it is provided in the case of a cooperative with less than the 5 percent that does not combine that the balloting of its participating producer members shall be on an individual basis, the same as nonmembers. This procedure will tend to promote equity between member and nonmember producers in the selection of representatives.

Election to Agency membership will be determined on the basis of the nominee (or nominees) receiving the largest number of eligible votes.

[1] Provision is made in the program adopted herein that for the purposes of the Agency's initial formation all producers under the order will be considered as participating producers.

Each person selected for the Agency shall qualify by filing with the market administrator a written acceptance of his willingness and intention to serve in such capacity. It is anticipated that any eligible nominee included on the list that the market administrator is required to circulate to participating nonmember producers and certain participating member producers in the conduct of the referendum, as discussed elsewhere in these findings, would advise the market administrator promptly if he were not willing to be a nominee. Notwithstanding, it is possible that a person elected to membership or so designated by a cooperative may not be able or may not wish to accept the position. This requirement, therefore, is necessary in order that the market administrator will know whether or not the position has been filled. Such acceptance should be filed promptly after notification in order that the formation of the Agency can be prompt.

The term of office of each member of the Agency as herein adopted is one year or until a replacement is designated by the cooperative association or is elected.

It is possible that an elected representative may leave the market or otherwise be unable to complete his term of office. It is desirable, therefore, that some procedure be provided for filling the vacancy. It is concluded appropriate in such circumstance that the market administrator appoint as his replacement the then currently participating producer who received the next highest number of eligible votes in the referendum.

Actions to be taken by the Agency are of such importance that a majority of the representatives should be required to be present at any meeting to constitute a quorum and any action taken by the Agency should require a majority of concurring votes of those present and voting. The provisions herein adopted so provide.

The Agency's duties set forth in the order are generally necessary for the discharge of its responsibilities. It is intended that activities undertaken by the Agency shall be confined to those reasonably necessary to carry out its responsibilities as prescribed by the program. At the same time it should be recognized that these specified duties are not necessarily all inclusive, and it may develop that there are other duties the Agency may need to perform.

Congress clearly contemplated that producer activities under Public Law 91-670 would be under direct surveillance of the Secretary. It was specifically provided that "all funds collected under this subparagraph (I) shall be separately accounted for and shall be used only for the purposes for which they are collected." It is essential, therefore, that the Agency prepare and submit to the Secretary for his approval budgets showing projected amounts of available funds and how such funds are to be disbursed. Also, in order to make the audit necessary to establish that Agency funds are used only for authorized purposes, the market administrator or other representative of the Secretary must have access to all of the Agency's records and access to, and the right to examine, any directly pertinent books, documents, papers, and records of any organization performing advertising and promotion activities for such Agency.

Proponent proposed that budgets be prepared and submitted for approval on a quarterly basis. The Agency must be in a position to develop firm plans and make commitments covering a sufficient forward period to insure a continuing viable program. A calendar quarter is concluded to be the minimum practical period for achieving this end and it is provided, therefore, that a budget shall be submitted to the Secretary for his approval prior to each quarterly period.

All of the possible promotion and other authorized activities that the Agency may wish to pursue cannot be anticipated at this time. Therefore, the authority for the Agency to establish programs and projects is purposely left broad and flexible to facilitate the timely development of such programs suitable to prevailing circumstances in the market.

Any promotion program or project the Agency may consider must comport with the terms and conditions of the order and be evaluated in terms of cost, the statutory objectives to be accomplished, the time required to complete the program or project, and other such factors in order to arrive at a sound decision as to whether the program or project is justified.

The required budget submissions will permit the Secretary to evaluate projected programs in terms of the declared policy of the Act and also will serve as policy guidelines for Agency members in the conduct of their operations for each ensuing quarterly period. This will be particularly helpful in the transition of Agency membership as the terms of office of individual members expire.

The Agency appropriately must follow prudent operating procedures in the furtherence of the best interests of producers. It is required, therefore, that it shall keep minutes of its meetings and such other books and records as will clearly reflect all its transactions, and on request shall submit such books and records to the Secretary for his examination. It also shall provide for the bonding of all persons handling Agency funds with surety thereon satisfactory to the Secretary.

The attached order prescribes no specific requirement of the Agency to publish an account of funds collected and the use made thereof, or to make releases of information concerning the operation of the program to producers and other interested parties. Since the activities of the Agency are under the direct supervision of the Secretary, it is not necessary to prescribe such requirements to insure the integrity of the program. However, since the degree of producer participation in the program, and thus its relative success, will depend in large part upon the interest and confidence it generates among producers, the Agency undoubtedly will keep producers on the market fully informed of its milk promotion plans, projects, and activities. In view of these considerations, it is not necessary to prescribe specific informational releases to producers and other parties.

The Agency should be authorized to incur reasonable expense in its administration of the program, including the employment and the fixing of compensation of any person necessary to the exercise of its powers and performance of its duties. For example, the Agency may find it necessary to retain the services of an attorney from time to time to assist in the preparation of contracts, or to employ a stenographer, or other individual(s) to handle its record keeping and bookkeeping functions. It is possible that the Agency may find it desirable to enlist the services of other individuals with special talents who could aid in program and promotion planning by virtue of their particular knowledge, skills, or expertise in the areas of advertising and promotion. Other Agency costs could be expected to involve miscellaneous office costs usually associated with a business office.

It is, of course, appropriate and necessary that Agency representatives be reimbursed for reasonable expenses incurred in attending meetings and while on other Agency business. This could involve expenses for meals, lodging, and travel in a private car or by public transportation. It would be unreasonable to require members of the Agency to bear such expenses incurred in the interest of all producers on the market.

It was proposed, and it is here adopted, that the amount of money utilized by the Agency for its expenses in administering the program should not exceed 5 percent of the funds received by the Agency from the market administrator. This establishes a reasonable limitation on Agency costs and assurance to producers that the funds collected under the program will be expended prudently on advertising and promotion activities.

The Agency, of course, is handling funds otherwise payable to producers. The Agency members therefore should have assurance that they will not be personally liable for the impact of their official acts except for willful misconduct, gross negligence or any acts that are criminal in nature. To assure that the Agency funds are used only for the purpose contemplated by the Congress, it is provided that such funds shall not be used for political activities or for influencing governmental policy or acts.

It is possible that at some later date producers could request termination of the program or that the order provisions could be terminated by the Secretary on a finding that they no longer tend to effectuate the declared policy of the Act. In the event that the provisions of the advertising and promotion program are terminated in their entirety, any remaining uncommitted funds applicable thereto should revert to producers since such monies are derived

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solely from funds otherwise due producers. The uncommitted funds appropriately should be deposited in the producer-settlement fund for distribution to producers.

Expenses incurred by the market administrator in the administration of the advertising and promotion program should be charged against the advertising and promotion fund. Neither the marketing service fund nor the administrative fund should be charged with costs directly related to the administration of the advertising and promotion program. The program is producer originated and should be self sustaining. The expenses attendant to its administration appropriately should be borne by producers.

The statutory authority under Public Law 91-670 supports this position and makes it clear that this is intended to be strictly a producer program. The law provides for "Establishing or providing for the establishment of * * * program * * * to be financed by producers in a manner and at a rate specified in the order, on all producer milk under the order. * * * All funds collected under this subparagraph shall be separately accounted for and shall be used only for the purpose for which they are collected."

Public Law 91-670 provides that "notwithstanding any other provisions of this Act, as amended, any producer against whose marketings any assessment is withheld or collected under the authority of this subparagraph, and who is not in favor of supporting the research and promotion programs, as provided for herein, shall have the right to demand and receive a refund of such assessment pursuant to the terms and conditions specified in the order."

As adopted herein, a producer desiring a refund on the assessments made against his marketings must submit to the market administrator his signed request in the form prescribed by the market administrator within the first 15 days of the month (December, March, June, or September) preceding the calendar quarter for which refund is requested.

Congress clearly intended that producers not wishing to participate in the promotion program should get their money refunded with no unnecessary impediments. It must be recognized, however, that there is necessarily a significant cost in making refunds and, in addition, that any promotion program could have only limited success unless the moneys to be available for it are known in time to make firm forward plans and commitments. Refunding on a quarterly basis was proposed by proponent and is a reasonable basis for implementing the intent of Congress in that it insures refunds on a timely basis and without undue administrative costs.

Without appropriate safeguards it would be possible for any cooperative or individual not in harmony with the program to impede its effectiveness through the filing of refund requests in the name of individual producers or by solicitation of refund requests from individual producers without their full knowledge or understanding of the nature of their action. To deter this result, reasonable procedures must be set up to clearly establish that any refund request received originated with and is the action of the individual producer.

The provisions as herein adopted will permit the market administrator to develop appropriate procedures to this end. It is provided that the application must be filed in the form prescribed by the market administrator and signed by the producer. However, so that there can be no unnecessary demands placed on producers, only that information necessary to identify the producer and the records relevant to the refund may be required.

Proponent recognized that the refund request procedure as proposed (e.g., a request filed with the market administrator during the first 15 days of the month preceding the beginning of each calendar quarter) could not accommodate new producers who might not wish to participate in the program during their first few months on the market. The cooperative proposed, therefore, that until the initial quarter for which a new producer could comply with the regular refund request procedure such producer be granted a refund on his marketings upon proper application filed with the market administrator at any time during the period. This proposed flexibility in the refund procedure is necessary so that new producers will not be denied refunds during their first few months under the order because of their inability to comply with the quarterly refund request procedure.

Proponent proposed that the market administrator be required to advise each producer promptly of the advertising and promotion program when effectuated and thereafter with respect to new producers. To insure that producers have an awareness of the program and of their rights thereunder, it is provided that the market administrator shall make such notification by forwarding each producer a copy of the program provisions.

Proponent recognized that the production units of some producers under the order could be located in a State that has a mandatory checkoff for a similar advertising and promotion program under State law. Proponent held that in such circumstance a double assessment was not intended and that such producers appropriately should be refunded from the program under the Federal order an amount equal to such State assessment but not in excess of the 5-cent assessment under this program. This procedure is provided for in the statute and should be adopted.

The provisions, as herein adopted, provide that all refunds shall be made by the market administrator. Refund moneys have no relationship to the purpose for which the Agency is formed. Also, refunds to individual producers may vary depending on whether there has been a mandatory deduction from such producer's payments under a State program. The Agency could not have the necessary information to make refunds except as it was obtained from the market administrator. By making the market administrator wholly responsible for all refund activities, the overall administrative costs to the program will be minimized and, conversely, the funds available to the Agency for advertising and promotion will be maximized.

Since this is a voluntary program, there should be no provision for disclosure by the market administrator regarding the status of any producer under the program. It will be incumbent upon the participants, through their Agency, to conduct programs in a manner and of a nature to set the climate for maximum participation by producers.

To implement the advertising and promotion program, it is necessary that certain provisions of the current order be modified.

The procedure for computing the uniform price must be modified by the addition of a new paragraph prescribing the deduction from the aggregate value of an amount computed by multiplying the total hundredweight of producer milk included in the computation by 5 cents. It is through this procedure that the advertising and promotion funds are reserved. This, of course, has the result of reducing the uniform price by approximately 5 cents. The advertising and promotion moneys so reserved would be held in the producer-settlement fund for disposition by the market administrator in accordance with the terms and conditions prescribed under the advertising and promotion program order provisions.

It is also necessary to make appropriate corollary changes in the provisions prescribing the obligations of a handler operating a partially regulated distributing plant and the obligations of any handler with respect to other source milk allocated to Class I (on which the pool obligation is the difference between the Class I and the uniform price) so that such handlers' pool obligations will not be increased by 5 cents because of the change in the uniform price.

It is recognized that unless otherwise provided for an audit adjustment involving any handler's balance of payment to or from the producer-settlement fund could also require adjustments in the moneys to be turned over to the program or refunded to producers, as the case may be. However, such adjustment normally would not involve sufficient volumes of milk to significantly affect the moneys available to the program. For this reason, and because of the substantial administrative costs that would be involved in reflecting audit adjustments in adjusted payments to the program, it is intended that such audit adjustments shall not result in adjustments of funds available to the program.

Other order modifications not specifically discussed herein are necessary and incidental to insure the proper functioning of the order to accommodate the advertising and promotion program as here established.

RULINGS ON PROPOSED FINDINGS AND CONCLUSIONS

A brief and proposed findings and conclusions were filed on behalf of a certain interested party. This brief, proposed findings and conclusions and the evidence in the record were considered in making the findings and conclusions set forth above. To the extent that the suggested findings and conclusions filed by the interested party are inconsistent with the findings and conclusions set forth herein, the request to make such findings or reach such conclusions is denied for the reasons previously stated in this decision.

GENERAL FINDINGS

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) The tentative marketing agreement and the order, as hereby proposed to be amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(b) The parity prices of milk as determined pursuant to section 2 of the Act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the marketing area, and the minimum prices specified in the tentative marketing agreement and the order, as hereby proposed to be amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(c) The tentative marketing agreement and the order, as hereby proposed to be amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commerical activity specified in a marketing agreement upon which a hearing has been held.

RECOMMENDED MARKETING AGREEMENT AND ORDER AMENDING THE ORDER

The recommended marketing agreement is not included in this decision because the regulatory provisions thereof would be the same as those contained in the order, as hereby proposed to be amended. The following order amending the order, as amended, regulating the handling of milk in the South Texas marketing area is recommended as the detailed and appropriate means by which the foregoing conclusions may be carried out:

1. In § 1121.61(b), subparagraph (5) is revised as follows:

§ 1121.61 Obligation of handler operating a partially regulated distributing plant.

* * * * * *

(b) * * *

(5) From the value of such milk at the Class I price applicable at the location of the nonpool plant (not to be less than the Class II price) subtract its value at the uniform price applicable at such location plus 5 cents (not to be less than the Class II price) and add for the quantity of reconstituted skim milk specified in subparagraph (3) of this paragraph its value computed at the Class I price applicable at the location of the nonpool plant (not to be less than the Class II price) less the value of such skim milk at the Class II price.

2. Section 1121.63 is revised as follows:

§ 1121.63 Producer-handler.

Sections 1121.40 through 1121.46, 1121.50 through 1121.55, 1121.70 through 1121.72, 1121.80 through 1121.89, and 1121.110 through 1121.122 shall not apply to a producer-handler.

3. In § 1121.71, the word "and" at the end of paragraph (c) is deleted, the period at the end of paragraph (d) is deleted and a semicolon followed by the word "and" is added thereat, and a new paragraph (e) is added as follows:

§ 1121.71 Computation of aggregate value used to determine uniform price.

* * * * * *

(e) Subtract an amount computed by multiplying the total hundredweight of producer milk included pursuant to paragraph (a) of this section by 5 cents.

4. In § 1121.84(b), subparagraph (2) is revised as follows:

§ 1121.84 Payments to the producer-settlement fund.

* * * * * *

(b) * * *

(2) The value at the uniform price(s) applicable at the location of the plant(s) from which received plus 5 cents (not to be less than the value at the Class II price) with respect to other source milk for which a value is computed pursuant to § 1121.70(e).

5. Immediately following § 1121.88, a new centerhead and new §§ 1121.110 through 1121.122 are added as follows:

ADVERTISING AND PROMOTION PROGRAM

§ 1121.110 Agency.

"Agency" means an agency organized by producers and producers cooperative associations, in such form and with methods of operation specified in this part, which is authorized to expend funds made available pursuant to § 1121.121(b)(1), on approval by the Secretary, for the purposes of establishing or providing for establishment of research and development projects, advertising (excluding brand advertising), sales promotion, and educational and other programs designed to improve or promote the domestic marketing and consumption of milk and its products. Members of the Agency shall serve without compensation but shall be reimbursed for reasonable expenses incurred in the performance of duties as members of the Agency.

§ 1121.111 Composition of Agency.

Subject to the conditions of paragraph (a) of this section, each cooperative association or combination of cooperative associations, as provided for under § 1121.113(b), is authorized one Agency representative for each full 5 percent of the participating member producers (producers who have not requested refunds for the most recent quarter) it represents. Cooperative associations with less than 5 percent of the total participating producers which have elected not to combine pursuant to § 1121.113(b), and participating producers who are not members of cooperatives, are authorized to select from such group, in total, one Agency representative for each full 5 percent that such producers constitute of the total participating producers. If such group of producers in total constitutes less than 5 percent, it shall nevertheless be authorized to select from such group in total one Agency representative. For the purpose of the Agency's initial organization, all persons defined as producers shall be considered as participating producers.

(a) If any cooperative association or combination of cooperative associations, as provided for under § 1121.113(b), has a majority of the participating producers, representation from such cooperative or group of cooperatives, as the case may be, shall be limited to the minimum number of representatives necessary to constitute a majority of the Agency representatives.

§ 1121.112 Term of office.

The term of office of each member of the Agency shall be 1 year, or until a replacement is designated by the cooperative association or is otherwise appropriately elected.

§ 1121.113 Selection of Agency members.

The selection of Agency members shall be made pursuant to paragraphs (a), (b), and (c) of this section. Each person selected shall qualify by filing with the market administrator a written acceptance promptly after being notified of such selection.

(a) Each cooperative authorized one or more representatives to the Agency shall notify the market administrator of the name and address of each representative, who shall serve at the pleasure of the cooperative.

(b) For purposes of this program, cooperative associations may elect to combine their participating memberships and, if the combined total of participating producers of such cooperatives is 5 percent or more of the total participating producers, such cooperatives shall be eligible to select a representative(s) to

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the Agency under the rules of § 1121.111 and paragraph (a) of this section.

(c) Selection of Agency members to represent participating nonmember producers and participating producer members of a cooperative association having less than the required 5 percent of the producers participating in the advertising and promotion program and who have not elected to combine memberships as provided in paragraph (b) of this section, shall be supervised by the market administrator in the following manner:

(1) Promptly after the effective date of this amending order and annually thereafter the market administrator shall give notice to participating producer members of such cooperatives and participating nonmember producers of their opportunity to nominate one or more Agency representatives as the case may be, and also shall specify the number of representatives to be selected.

(2) Following the closing date for nominations, the market administrator shall announce the nominees who are eligible for Agency membership and shall conduct a referendum among the individual producers eligible to vote. The election to membership shall be determined on the basis of the nominee (or nominees) receiving the largest number of eligible votes. If an elected representative subsequently discontinues producer status or is otherwise unable to complete his term of office, the market administrator shall appoint as his replacement the participating producer who received the next highest number of eligible votes.

§ 1121.114 Agency operating procedure.

A majority of the Agency members shall constitute a quorum and any action of the Agency shall require a majority of concurring votes of those present and voting.

§ 1121.115 Powers of the Agency.

The Agency is empowered to:

(a) Administer the terms and provisions within the scope of Agency authority pursuant to § 1121.110;

(b) Make rules and regulations to effectuate the purposes of Public Law 91-670;

(c) Recommend amendments to the Secretary; and

(d) With approval of the Secretary, enter into contracts and agreements with persons or organizations as deemed necessary to carry out advertising and promotion programs and projects specified in §§ 1121.110 and 1121.117.

§ 1121.116 Duties of the Agency.

The Agency shall perform all duties necessary to carry out the terms and provisions of this program including, but not limited to, the following:

(a) Meet, organize, and select from among its members a chairman and such other officers and committees as may be necessary, and adopt and make public such rules as may be necessary for the conduct of its business,

(b) Develop programs and projects pursuant to §§ 1121.110 and 1121.117;

(c) Keep minutes, books, and records and submit books and records for examination by the Secretary and furnish any information and reports requested by the Secretary;

(d) Prepare and submit to the Secretary for approval prior to each quarterly period a budget showing the projected amounts to be collected during the quarter and how such funds are to be disbursed by the Agency;

(e) Employ and fix the compensation of any person deemed to be necessary to its exercise of powers and performance of duties;

(f) Establish the rate of reimbursement to the members of the Agency for expenses in attending meetings and pay the expenses of administering the Agency; and

(g) Provide for the bonding of all persons handling Agency funds in an amount and with surety thereon satisfactory to the Secretary.

§ 1121.117 Advertising, research, education, and promotion program.

The Agency shall develop and submit to the Secretary for approval all programs or projects undertaken under the authority of this part. Such programs or projects may provide for:

(a) The establishment, issuance, effectuation, and administration of appropriate programs or projects for the advertising and promotion of milk and milk products on a nonbrand basis;

(b) The utilization of the services of other organizations to carry out Agency programs and projects if the Agency finds that such activities will benefit producers under this part; and

(c) The establishment, support, and conduct of research and development projects and studies that the Agency finds will benefit all producers under this part.

§ 1121.118 Limitation of expenditures by the Agency.

(a) Not more than 5 percent of the funds received by the Agency pursuant to § 1121.121(b)(1) shall be utilized for administrative expense of the Agency.

(b) Agency funds shall not, in any manner, be used for political activity or for the purpose of influencing governmental policy or action, except in recommending to the Secretary amendments to the advertising and promotion program provisions of this part.

(c) Agency funds may not be expended to solicit producer participation.

(d) Agency funds may be used only for programs and projects promoting the domestic marketing and consumption of milk and its products.

§ 1121.119 Personal liability.

No member of the Agency shall be held personally responsible, either individually or jointly with others, in any way whatsoever to any person for errors in judgment, mistakes, or other acts, either of commission or omission, of such member in performance of his duties, except for acts of wilful misconduct, gross negligence, or those which are criminal in nature.

§ 1121.120 Procedure for requesting refunds.

Any producer may apply for refund under the procedure set forth under paragraphs (a) through (c) of this section.

(a) Refund shall be accomplished only through application filed with the market administrator in the form prescribed by the market administrator and signed by the producer. Only that information necessary to identify the producer and the records relevant to the refund may be required of such producer.

(b) Except as provided in paragraph (c) of this section, the request shall be submitted within the first 15 days of December, March, June, or September for milk to be marketed during the ensuing calendar quarter beginning on the first day of January, April, July, and October, respectively.

(c) A dairy farmer who first acquires producer status under this part after the 15th day of December, March, June, or September, as the case may be, and prior to the start of the next refund notification period as specified in paragraph (b) of this section, may, upon application filed with the market administrator pursuant to paragraph (a) of this section, be eligible for refund on all marketings against which an assessment is withheld during such period and including the remainder of the calendar quarter involved. This paragraph also shall be applicable to all producers during the period following the effective date of this amending order to the beginning of the first full calendar quarter for which the opportunity exists for such producers to request refunds pursuant to paragraph (b) of this section.

§ 1121.121 Duties of the market administrator.

Except as specified in § 1121.116, the market administrator, in addition to other duties specified by this part, shall perform all the duties necessary to administer the terms and provisions of the advertising and promotion program including, but not limited to, the following:

(a) Within 30 days after the effective date of this amending order, and annually thereafter, conduct a referendum to determine representation on the Agency pursuant to § 1121.113(c).

(b) Set aside the amounts subtracted under § 1121.71(e) into an advertising and promotion fund, separately accounted for, from which shall be disbursed:

(1) To the Agency each month, all such funds less any necessary amount held in reserve to cover refunds pursuant to subparagraphs (2) and (3) of this paragraph, and payments to cover expenses of the market administrator incurred in the administration of the advertising and promotion program (including audit).

(2) Refund to producers the amounts of mandatory checkoff for advertising and promotion programs required under

authority of State law applicable to such producers, but not in amounts that exceed a rate of 5 cents per hundredweight on the volume of milk pooled by any such producer for which deductions were made pursuant to § 1121.71(e).

(3) After the end of each calendar quarter, make a refund to each producer who has made application for such refund pursuant to § 1121.120. Such refund shall be computed at the rate of 5 cents per hundredweight of such producer's milk pooled for which deductions were made pursuant to § 1121.71(e) for such calendar quarter, less the amount of any refund otherwise made to the producer pursuant to subparagraph (2) of this paragraph.

(c) Promptly after the effective date of this amending order, and thereafter with respect to new producers, forward to each producer a copy of the provisions of the advertising and promotion program (§§ 1121.110 through 1121.122).

(d) Make necessary audits to establish that all Agency funds are used only for authorized purposes.

§ 1121.122 Liquidation.

In the event that the provisions of this advertising and promotion program are terminated, any remaining uncommitted funds applicable thereto shall revert to the producer-settlement fund of § 1121.83.

Signed at Washington, D.C., on March 7, 1973.

JOHN C. BLUM,
Deputy Administrator,
Regulatory Programs.

[FR Doc.73-4706 Filed 3-9-73;8:45 am]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 71]

[Airspace Docket No. 73-WE-8]

CONTROL ZONE

Proposed Designation

The Federal Aviation Administration is considering an amendment to Part 71 of the Federal Aviation regulations that would establish a new control zone at Gen. William J. Fox Airfield, Lancaster, Calif.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Airspace and Procedures Branch, Federal Aviation Administration, 15000 Aviation Boulevard, Post Office Box 92007, Worldway Postal Center, Los Angeles, CA 90009. All communications received on or before April 11, 1973, will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Regional Air Traffic Division Chief. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

A public docket will be available for examination by interested persons in the office of the Regional Counsel, Federal Aviation Administration, 15000 Aviation Boulevard, Hawthorne, CA 90250.

On or about April 26, 1973, the Federal Aviation Administration (FAA) will commission an air traffic control tower at Fox Field. In order to provide for the control of air traffic the FAA proposes to establish a control zone for Fox Field.

In consideration of the foregoing, the FAA proposes the following airspace action.

In § 71.171 (38 FR 351) the following control zone is added:

FOX FIELD, LANCASTER, CALIF.

Within a 5-mile radius of Gen. William J. Fox Airfield (latitude 34°44'26" N., longitude 118°13'04" W.), and within 2 miles each side of the Palmdale VORTAC 311° radial extending from the 5-mile radius zone to the Palmdale, Calif., 5-mile radius zone. This control zone is effective during the specific dates and times established in advance by a notice to airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958, as amended (49 U.S.C. 1348(a)), and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Los Angeles, Calif., on February 28, 1973.

ROBERT O. BLANCHARD,
Acting Director, Western Region.

[FR Doc.73-4648 Filed 3-9-73;8:45 am]

[14 CFR Part 71]

[Airspace Docket No. 73-EA-11]

CONTROL ZONE AND TRANSITION AREA

Proposed Alteration

The Federal Aviation Administration is considering amending §§ 71.171 and 71.181 of Part 71 of the Federal Aviation regulations so as to alter the Danville, Va., control zone (38 FR 369) and transition area (38 FR 471).

A review of the airspace requirements for the Danville, Va., area indicates a need to alter the control zone and transition area to conform to the criteria of the Terminal Instrument Procedures (TERPS).

Interested parties may submit such written data or views as they may desire. Communications should be submitted in triplicate to the Director, Eastern Region, Attention: Chief, Air Traffic Division, Department of Transportation, Federal Aviation Administrator, Federal Building, John F. Kennedy International Airport, Jamaica, N.Y. 11430. All communications received on or before April 11, 1973, will be considered before action is taken on the proposed amendment. No hearing is contemplated at this time, but arrangements may be made for informal conferences with Federal Aviation Administration officials by contacting the Chief, Airspace and Procedures Branch, Eastern Region.

Any data or views presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official docket will be available for examination by interested parties at the Office of Regional Counsel, Federal Aviation Administration, Federal Building, John F. Kennedy International Airport, Jamaica, N.Y.

The Federal Aviation Administration, having completed a review of the airspace requirements for the terminal area of Danville, Va., proposes the airspace action hereinafter set forth:

1. Amend § 71.171 of Part 71 of the Federal Aviation regulations by deleting the description of the Danville, Va., control zone and by substituting the following in lieu thereof:

Within a 5-mile radius of the center 36°-34'30" N., 79°20'11" W., of Danville Municipal Airport, Danville, Va.; within 3 miles each side of the Danville, Va., VOR 044° radial, extending from the 5-mile-radius zone to 8.5 miles northeast of the VOR; within 3 miles each side of the Danville, Va., VOR 208° radial, extending from the 5-mile-radius zone to 8.5 miles southwest of the VOR. This control zone is effective from 0600 to 2200 hours, local time, daily.

2. Amend § 71.181 of Part 71 of the Federal Aviation regulations by deleting the description of the Danville, Va., transition area and by substituting the following in lieu thereof:

That airspace extending upward from 700 feet above the surface within an 8-mile radius of the center 36°34'30" N., 79°20'11" W., of Danville Municipal Airport, Danville, Va.; within 3 miles each side of the Danville, Va., VOR 044° radial, extending from the 8-mile-radius area to 8.5 miles northeast of the VOR and within 3 miles each side of the Danville, Va., VOR 208° radial, extending from the 8-mile-radius area to 8.5 miles southwest of the VOR.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348) and section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Jamaica, N.Y., on February 23, 1973.

ROBERT H. STANTON,
Acting Director, Eastern Region.

[FR Doc.73-4647 Filed 3-9-73;8:45 am]

[14 CFR Part 71]

[Airspace Docket No. 73-EA-12]

CONTROL ZONE AND TRANSITION AREA

Proposed Alteration

The Federal Aviation Administration is considering amending §§ 71.171 and 71.181 of Part 71 of the Federal Aviation regulations so as to alter the Glens Falls, N.Y., control zone (38 FR 381) and transition area (38 FR 492).

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Upon a review of the terminal procedures for Glens Falls, N.Y., and the proposed new ILS instrument procedures for Runway 1 at Warren County Airport, it is determined that the control zone and transition area must be altered to provide controlled airspace for aircraft executing the IFR arrival and departure procedures for the airport.

Interested parties may submit such written data or views as they may desire. Communications should be submitted in triplicate to the Director, Eastern Region, Attention: Chief, Air Traffic Division, Department of Transportation, Federal Aviation Administrator, Federal Building, John F. Kennedy International Airport, Jamaica, N.Y. 11430. All communications received on or before April 11, 1973, will be considered before action is taken on the proposed amendment. No hearing is contemplated at this time, but arrangements may be made for informal conferences with Federal Aviation Administration officials by contacting the Chief, Airspace and Procedures Branch, Eastern Region.

Any data or views presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official docket will be available for examination by interested parties at the Office of Regional Counsel, Federal Aviation Administration, Federal Building, John F. Kennedy International Airport, Jamaica, N.Y.

The Federal Aviation Administration, having completed a review of the airspace requirements for the terminal area of Glens Falls, N.Y., proposes the airspace action hereinafter set forth:

1. Amend § 71.171 of Part 71, Federal Aviation regulations, by deleting the description of the Glens Falls, N.Y., control zone and substituting the following in lieu thereof:

GLENS FALLS, NEW YORK

Within a 5-mile radius of the center, latitude 43°20'32" N., longitude 73°36'35" W. of Warren County Airport, Glens Falls, N.Y., extending clockwise from a 357° bearing to a 275° bearing from the airport; within an 11-mile radius of the center of the airport extending clockwise from a 275° bearing to a 307° bearing from the airport; within a 7.5-mile radius of the center of the airport extending clockwise from a 307° bearing to a 357° bearing from the airport; within 2 miles each side of the Glens Falls VORTAC 005° radial extending from the VORTAC to 5.5 miles north of the VORTAC; and within 4 miles each side of the Glens Falls VORTAC 172° radial extending from the VORTAC to 12.5 miles south of the VORTAC.

2. Amend § 71.181 of Part 71, Federal Aviation regulations, by deleting the description of the Glens Falls, N.Y., 700-foot floor transition area and substituting the following in lieu thereof:

GLENS FALLS, NEW YORK

That airspace extending upward from 700 feet above the surface within a 7-mile radius of the center, latitude 43°20'32" N., longitude 73°36'35" W. of Warren County Airport extending clockwise from 050° bearing to a 220° bearing from the airport; within an 18.5-mile radius of the center of the airport, extending clockwise from 220° bearing to a 050° bearing from the airport; within 7 miles west and 9.5 miles east of the Glens Falls VORTAC 172° radial extending from the VORTAC to 18.5 miles south of the VORTAC.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348) and section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Jamaica, N.Y., on February 23, 1973.

ROBERT H. STANTON,
Acting Director, Eastern Region.

[FR Doc.73-4649 Filed 3-9-73;8:45 am]

[14 CFR Part 71]

[Airspace Docket No. 71-GL-16]

TRANSITION AREA

Withdrawal of Proposed Designation

On page 22599 of the FEDERAL REGISTER dated November 25, 1971, the Federal Aviation Administration published a Notice of proposed rule making which would amend § 71.181 of Part 71 of the Federal Aviation regulations so as to designate a transition area at Ashland, Ohio.

The proponent is having problems in the construction of the nondirectional beacon upon which the standard instrument approach procedure is based. Consequently, the proposed designation is withdrawn.

Issued in Des Plaines, Ill., on February 14, 1973.

R. O. ZIEGLER,
Acting Director, Great Lakes Region.

[FR Doc.73-4650 Filed 3-9-73;8:45 am]

[14 CFR Part 103]

[Docket No. 12574; Notice No. 73-7]

CARRIAGE OF RADIOACTIVE AND OTHER HAZARDOUS MATERIALS

Notice of Proposed Rule Making

The Federal Aviation Administration is considering amending Part 103 of the Federal Aviation regulations to specifically set forth the manner in which the distribution of packages of radioactive materials being transported in aircraft may be considered in determining the distance the packages must be kept from a space that is occupied by a person or an animal, to ensure that articles subject to the requirements of Part 103 are adequately secured to prevent their becoming a hazard by shifting and to assure their inaccessibility to anyone but crewmembers.

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the regulatory docket or notice number and be submitted in duplicate to: Federal Aviation Administration, Office of the General Counsel, Attention: Rules Docket, AGC-24, 800 Independence Avenue SW., Washington, DC 20591. All communications received on or before June 11, 1973, will be considered by the Administrator before taking action on the proposed rule. The proposals contained in this notice may be changed in the light of comments received. All comments submitted will be available, both before and after the closing date for comments, in the rules docket for examination by interested persons.

Part 103 of the Federal Aviation regulations permits limited amounts of certain radioactive materials to be carried in civil aircraft in the United States and in civil aircraft of U.S. registry anywhere in air commerce provided the individual packages of materials are kept a minimum distance from a space which may be continuously occupied by persons or shipments of animals. The minimum separation distance is specified in a table in § 103.23(a) according to the transport index shown on the label of the package. The transport index is equivalent to the radiation dose rate emitted by the package. If more than one package is present, the minimum separation distance is determined from that table by adding together all of the transport index numbers shown on the labels of the individual packages. The table does not currently provide for taking into account separation between individual packages or groups of packages in computing the minimum separation distance required to be maintained between packages and areas that are occupied by a person or an animal.

The FAA has received a number of inquiries as to how the table of minimum separation distances set forth in § 103.23 (a) should be applied when several individual packages of radioactive materials or groups of packages are separated by placing them in different areas of a cargo compartment or in different cargo compartments. The FAA believes, based on Atomic Energy Commission (AEC) statements, that the air transportation of radioactive materials can be safely accomplished utilizing the principle of distribution of the packages to control cumulative radiation levels. In order to assure a uniform application of the table when packages or groups of packages are separated in a cargo compartment or in several cargo compartments, the FAA proposes to redesignate present paragraph (b) as paragraph (c) and to add a new paragraph (b) to § 103.23 that would provide explicit provisions for taking into account the separation distance between individual packages or groups of packages of radioactive materials in determining the distance the packages must be kept from compartments occupied by persons or shipments of animals.

Under the proposed amendment, the separation distance required to be maintained between packages of radioactive materials and an area occupied by a person or an animal would take into account the fact that packages are separated into groups and each group is separated from each other group in the aircraft by at least the distance determined from the table for the group having the largest total transport index. It should be pointed out, however, that § 103.23 does not currently permit any variation in distance to be made on the basis of exposure time in computing the distance required between packages of radioactive materials and compartments which may be continually occupied by persons or shipments of animals. No such variation would be permitted under this proposed amendment. Moreover, this proposal would in no way change the applicability of the quantity limitations currently prescribed in § 103.19, which limit the quantity of radioactive materials that may be carried aboard any aircraft to the amount that would be represented by a total transport index of 50.

The distance between any package containing radioactive materials and any space occupied by a person or an animal is measured from the surface of the package nearest the compartment occupied by a person or an animal to the inside limiting surface of the occupied compartment. For example, for a package of radioactive materials carried in the cargo compartment directly below the passenger compartment, the distance would be measured from the top of the package to the surface of the passenger compartment upon which the passenger places his feet or to which, under normal circumstances, the passenger seats are attached.

The FAA is also proposing to amend § 103.31 to ensure that all articles subject to Part 103 are adequately secured to prevent shifting and are inaccessible to passengers. Current § 103.31(a) prohibits the carriage of dangerous articles in a cabin of a passenger-carrying aircraft. The proposed regulation would further restrict the placement of articles subject to Part 103 in an aircraft to require that they be secured to prevent the articles from becoming a hazard by shifting. Furthermore, the proposed regulation would prevent the placement of any article carried in an area accessible to unauthorized persons. This proposed amendment would in no way affect § 103.7 which prohibits the carriage of certain articles in passenger-carrying aircraft under any circumstances whatsoever.

In the event of any incident in which there has been breakage, spillage, or contamination involving radioactive materials shipments, the carrier is currently and will continue to be required to report the incident as required by § 103.28 and to notify the shipper. In addition, any such package or materials should be segregated and loose radioactive materials should be left in a segregated area pending disposal instructions from qualified persons.

In summary, the objective of the current proposal is to clearly specify reasonable spacing and distribution of packages in an aircraft. In connection with this objective, it should be noted that the maximum amount of radioactive materials that can be carried aboard any aircraft is still confined to the amount represented by a total transport index of 50, that such articles are not permitted in the cabin of a passenger-carrying aircraft and, when so amended, that such articles must not only be suitably secured to prevent shifting but that they must be inaccessible to passengers. In view of the foregoing, the FAA believes that for packages or groups of packages that are adequately distributed throughout the aircraft, the distance between any packages or group of packages and a space that is occupied by a person or an animal may be determined from the table in § 103.23 on the basis of the transport index of the package or group of packages.

This notice of proposed rule making is issued under the authority of sections 313(a), 601, 604, and 902 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, 1424, and 1472), and section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

In consideration of the foregoing, it is proposed to amend Part 103 of the Federal Aviation regulations as follows:

1. By amending § 103.23 to read as follows:

§ 103.23 Special requirements for radioactive materials.

(a) No person may place a package labeled "radioactive yellow II" or "radioactive yellow III" in an aircraft closer to a space that is occupied by a person or by an animal or a package containing undeveloped film (if so marked), than the distance specified in the following table. The distance is measured from the package surface nearest the compartment occupied by a person or an animal to the inside limiting surface of the compartment, that is, the surface nearest the space occupied by a person or an animal. If more than one package of radioactive materials is aboard an aircraft, the minimum separation distance for each individual package may be determined either from the following table on the basis of the sum of the transport index numbers shown on the labels of each of the individual packages in the aircraft or in accordance with paragraph (b) of this section.

Total transport index	Minimum distance in feet to area of persons or animals	Minimum separation distances in feet to nearest undeveloped film for various times of transit.				
		Up to 2 hours	2-4 hours	4-8 hours	8-12 hours	Over 12 hours
None	0	0	0	0	0	0
0.1 to 1.0	1	1	2	3	4	5
1.1 to 5.0	2	3	4	6	8	11
5.1 to 10.0	3	4	6	9	11	15
10.1 to 20.0	4	5	8	12	16	22
20.1 to 30.0	5	7	10	15	20	29
30.1 to 40.0	6	8	11	17	22	33
40.1 to 50.0	7	9	12	19	24	36

(b) When an individual package of radioactive material is separated from each other such package by at least the minimum distance prescribed in the table in paragraph (a) of this section for the package having the largest transport index, the minimum distance to a space occupied by persons or animals may be determined from the table in paragraph (a) of this section solely on the basis of the transport index shown on the label of that package. When individual packages of radioactive materials are grouped together, the transport index of the group and the appropriate separation distance of each group may be determined in the same manner as for an individual package.

(c) In addition to the reporting requirements of § 103.28, the carrier shall also notify the shipper at the earliest practicable moment following any incident in which there has been breakage, spillage, or suspected radioactive contamination involving radioactive materials shipments. Aircraft in which radioactive materials have been spilled may not be again placed in service or routinely occupied until the radiation dose rate at any accessible surface is less than 0.5 millirem per hour and there is no significant removable radioactive surface contamination (see 49 CFR 173.397). In these instances, the package or materials should be segregated as far as practicable from personnel contact. If radiological advice or assistance is needed, the U.S. Atomic Energy Commission should also be notified. In case of obvious leakage, or if it appears likely that the inside container may have been damaged, care should be taken to avoid inhalation, ingestion, or contact with the radioactive materials. Any loose radioactive materials should be left in a segregated area pending disposal instructions from qualified persons.

2. By adding new paragraphs (e) and (f) to § 103.31 to read as follows:

§ 103.31 Cargo location.

* * * * *

(e) No person may carry articles subject to the requirements of this part in an aircraft unless they are suitably secured to prevent their becoming a hazard by shifting. For radioactive materials, such

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securing must prevent movement that would permit the package to be closer to a space that is occupied by a person or an animal than is permitted by § 103.23.

(f) No person may carry an article subject to the requirements of this part that is acceptable for carriage in a passenger-carrying aircraft unless it is located in the aircraft in a place that is inaccessible to persons other than crewmembers.

Issued in Washington, D.C., on March 2, 1973.

C. R. MELUGIN, Jr.,
Acting Director,
Flight Standards Service.

[FR Doc.73-4546 Filed 3-9-73;8:45 am]

[14 CFR Part 139]

[Docket No. 12631; Notice 73-8]

CERTIFICATION AND OPERATIONS OF AIRPORTS SERVING CAB-CERTIFICATED AIR CARRIERS

Notice of Proposed Rule Making

The Federal Aviation Administration is considering amending Part 139 of the Federal Aviation Regulations to: (1) Broaden the applicability of Part 139 to make it applicable to all airports serving air carriers certificated by the Civil Aeronautics Board; (2) provide for the issuance of airport operating certificates to the airports that would be required by this proposal to comply with Part 139; and (3) provide separately certain certification and operation rules for heliports that are required by the nature of those airports.

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the regulatory docket or notice number and be submitted in duplicate to: Federal Aviation Administration, Office of the General Counsel, Attention: Rules Docket, AGC-24, 800 Independence Avenue SW., Washington, DC 20591. All communications received on or before April 11, 1973, will be considered by the Administrator before taking action on the proposed rule. The proposals contained in this notice may be changed in the light of comments received. All comments submitted will be available, both before and after the closing date for comments in the Rules Docket, for examination by interested persons.

As now in effect, Part 139 is applicable to land airports regularly serving scheduled air carriers that hold certificates of public convenience and necessity issued by the Civil Aeronautics Board (CAB) and operate large aircraft (other than helicopters) into those airports. In order to serve these air carriers after May 20, 1973, the airports must comply with the requirements of Part 139 and be issued an FAA airport operating certificate. The preamble to Part 139, issued June 12, 1972 (37 FR 12278, June 21, 1972) stated that further rules would be developed to comply with the legislative mandate of section 612 of the Federal Aviation Act of 1958, as amended, as to all airports serving air carriers certificated by the CAB. The amendments proposed herein are intended to accomplish that purpose.

Airports that do not regularly serve CAB-certificated scheduled air carriers operating large aircraft but do provide service to CAB-certificated air carriers include airports that serve (1) certificated supplemental air carriers; (2) certificated air carriers operating small aircraft (12,500 pounds or less maximum certificated takeoff weight); (3) certificated air carrier charter operations; (4) operators that conduct operations pursuant to a CAB approved route substitution agreement with a certificated air carrier; or (5) certificated air carriers operating helicopters. The proposal would enlarge the applicability of Part 139 to include these airports in addition to the airports regularly serving scheduled air carriers which are covered by the present rule. Thus, all airports serving certificated air carriers would be required to comply with Part 139 and to have an airport operating certificate in order to serve these air carriers after May 20, 1973. This would include provisional and refueling airports serving certificated air carriers as provided for in Parts 121 and 127.

Part 139 is presently applicable to the approximately 500 airports serving scheduled air carriers that accommodate about 99 percent of the Nation's passenger service. Substantial improvements in safety of airport operations have been and are expected to be achieved by the certification program now in progress for these airports. However, it should be noted that delays in the certification program of many airports have occurred due to delays encountered in the acquisition of some of the safety equipment required by Part 139, as well as funding problems encountered by many airports. Nevertheless, all these airports should be certificated by May 21, 1973.

It is estimated that another 400 airports may be included within the applicability of Part 139 by this proposal. The FAA recognizes that supplemental and charter air carrier operations are typically responsive to short-term or short-notice demands and that the random and unscheduled character of these operations makes accurate forecasting unrealistic. Thus, the number of airports desiring to service these operations may not be as great as anticipated. In any event, in vew of the difficulties that have been encountered by some of the airports presently being certificated, the FAA believes that, for the airports that would be required to comply with Part 139 by virtue of this proposal, it is desirable to provide for the issuance of airport operating certificates to those airports that may not be able to comply with all of the requirements of Part 139 before May 21, 1973. Therefore, it is proposed that the Administrator may issue an airport operating certificate to an applicant for a heliport that serves or is expected to serve certificated air carriers, or an airport that serves or is expected to serve certificated air carriers conducting only unscheduled operations or operations with small aircraft, if the applicant gives assurances satisfactory to the Administrator that it will comply as soon as practicable, but in any event no later than 1 year from the effective date of the certificate, with all the safety standards prescribed in subpart C, D, and E as applicable to airports, or subpart C, F, and G as applicable to heliports, that it may not meet on the date it files its application. These certificates would be effective for a period of 1 year, unless sooner surrendered, suspended, revoked, or otherwise terminated.

It should be noted that for the purpose of identifying the firefighting and rescue equipment and service requirements under § 139.49, an airport, including heliports, which serves fewer than five scheduled departures per day of large aircraft by air carriers, would fall in Index A. Thus, Index A would be applicable to airports and heliports serving only unscheduled air carrier operations (supplemental air carriers and charter operations by air carriers), or small aircraft operations (scheduled or unscheduled), or both. Where an index has been established, based on scheduled large aircraft departures, additional unscheduled or small aircraft operations would not increase or affect index selection.

In addition, it should be noted that Part 121 of the Federal Aviation Regulations requires that under certain prevailing weather conditions an alternate airport (alternate to the departure or destination airport) be designated in dispatching an air carrier flight, to be used in the event that weather conditions at the departure or destination airport are below landing minimums. With the improved weather forecasting techniques and radio navigation aids currently available, such airports are very infrequently used, and are therefore not considered as "serving" air carriers. Accordingly, Part 139 is not applicable to an airport based on the designation or use of that airport as an alternate.

Finally, it is proposed to establish in new subparts F and G to Part 139 certification and operating requirements applicable to heliports which would be required to have an airport operating certificate under this proposal. These requirements parallel similar requirements for airports in present subparts D and E, with differences appropriate to helicopter operations.

In consideration of the foregoing, it is proposed to amend Part 139 of the Federal Aviation Regulations as follows:

1. By amending the title to read "Part 139—Certification and Operations: Land Airports Serving CAB-Certificated Air Carriers."

2. By amending § 139.1 to read as follows:

§ 139.1 Applicability.

(a) This part prescribes rules governing the certification and operation of land airports serving air carriers that hold certificates of public convenience and necessity issued by the Civil Aeronautics Board and operate aircraft into those airports.

(b) As used in this part—

(1) "Air operations area" means an area of the airport used or intended to be used for landing, takeoff, or surface maneuvering of aircraft;

(2) "Air carrier user" means an air carrier holding a certificate of public convenience and necessity issued by the Civil Aeronautics Board; and

(3) "Certificated airport" means an airport that is certificated under Subpart B of this part.

3. By amending § 139.3 to read as follows:

§ 139.3 Certification: General.

(a) After May 20, 1973, no person may operate a land airport serving any CAB-certificated air carriers operating aircraft into that airport, in any State of the United States, the District of Columbia, or any territory or possession of the United States, without or in violation of an airport operating certificate for that airport, or in violation of this part or the approved airport operations manual for that airport.

4. By amending § 139.11 to read as follows:

§ 139.11 Issue of certificate.

An applicant for the issue of an airport operating certificate under this subpart is entitled to a certificate if—

(a) It serves or is expected to serve scheduled air carrier users; and

(b) The Administrator, after investigation, finds that the applicant is properly and adequately equipped and able to conduct a safe operation in accordance with this part, and approves the airport operations manual submitted with and incorporated in the application.

However, notwithstanding any other provision of this part, the Administrator may issue an airport operating certificate to an applicant for a heliport that serves or is expected to serve air carriers, or an airport that serves or is expected to serve air carriers conducting only unscheduled operations or operations with small aircraft, if the applicant together with its application for the issue of an airport operating certificate gives assurances satisfactory to the Administrator that it will comply as soon as practicable, but no later than 1 year from the effective date of the certificate, with all standards and requirements prescribed in Subparts C, D, and E of this part as applicable to airports, or Subparts C, F, and G of this part as applicable to heliports that it may not meet on the date it files its application. An airport operating certificate issued under this provision shall be effective for a period of 1 year from the date of issue, unless sooner surrendered, suspended, revoked, or otherwise terminated under section 609 of the Federal Aviation Act of 1958 (14 U.S.C. 1429) and the applicable procedures of Part 13 of this chapter for violation of the terms of the certificate.

5. By amending paragraph (a) of § 139.13 to read as follows:

§ 139.13 Application for certificate.

(a) Each applicant for the issue of an airport operating certificate under this subpart must submit its application on a form and in the manner prescribed by the Administrator, accompanied by and incorporating its airport operations manual prescribed by Subpart C of this part, to the appropriate FAA airport field office in whose area the applicant proposes to establish or has established its airport. Each applicant should submit its application at least 120 days before the intended date of operation.

* * * * *

6. By amending paragraphs (a) and (b) of § 139.19 to read as follows:

§ 139.19 Exemptions: safety equipment.

(a) Any person required to apply for an airport operating certificate under this part may petition the Administrator, under § 11.25 of Part 11 of this chapter (General Rule-Making Procedures), for an exemption from the safety equipment requirements of § 139.49, § 139.53, § 139.65, § 139.105, § 139.109, or § 139.111, on the grounds that compliance would be contrary to the public interest.

(b) Each petition filed under paragraph (a) of this section must be submitted in duplicate to the appropriate FAA airport field office in whose area the applicant proposes to establish or has established its airport.

* * * * *

§ 139.21 [Amended]

7. By inserting the phrase "or G" after the phrase "Subpart E" in the first sentence in § 139.21.

§ 139.33 [Amended]

8. By striking out the phrase "Subpart D of this part," in paragraph (a) (1) of § 139.33, and inserting the phrase "Subpart D or F of this part, as applicable," in place thereof.

9. By striking out the phrase "Subpart E of this part" in paragraph (a) (2) of § 139.33, and inserting the phrase "Subpart E or G of this part, as applicable," in place thereof.

10. By amending the heading of Subpart D to read as follows:

Subpart D—Certification Eligibility: Airports Other Than Heliports

11. By amending the lead-in language in § 139.41 to read as follows:

§ 139.41 Eligibility requirements: General.

To be eligible for an airport operating certificate for an airport other than a heliport, an applicant must—

* * * * *

12. By amending the heading of subpart E to read as follows:

Subpart E—Operations: Airport Other Than Heliports

13. By amending the lead-in language in § 139.81 to read as follows:

§ 139.81 Operation rules: General.

Each person operating an airport, other than a heliport, for which an airport operating certificate has been issued under Subpart B of this part shall—

* * * * *

14. By adding new Subparts F and G to read as follows:

Subpart F—Certification Eligibility: Heliports

Sec.

139.101 Eligibility requirements: General.
139.103 Marking and lighting.
139.105 Heliport firefighting and rescue equipment and service
139.107 Traffic and wind direction indicators.
139.109 Public protection.
139.111 Airport condition assessment and reporting.
139.113 Identifying, marking, and reporting construction and other unserviceable areas.

AUTHORITY: Secs. 313(a), 609, 610(a), and 612, Federal Aviation Act of 1958; 49 U.S.C. 1354(a), 1429, 1430; Public Law 91-258, 84 Stat. 234, 235; Public Law 92-174, 85 Stat. 492.

Subpart F—Certification Eligibility: Heliports

§ 139.101 Eligibility requirements: General.

To be eligible for an airport operating certificate for a heliport, an applicant must—

(a) Comply with the applicable requirements of Subparts A, B, and C of this part;

(b) Comply with each applicable section of this subpart; and

(c) Comply with the requirements of §§ 139.51, 139.55 through 139.63, and 139.67 of Subpart D of this part.

§ 139.103 Marking and lighting.

(a) The applicant for an airport operating certificate must show that any items of airport lighting are in operable condition. An airport lighting item is considered inoperable if, during periods of use, it fails to adequately illuminate its area or creates a lighting effect that misleads or confuses the user.

(b) The applicant must show that all vehicle parking, roadway, and building illumination lighting on its airport is so designed, adjusted, or shielded as not to blind or hinder air traffic control or aircraft operations.

(c) The applicant must show that any markings that it has on its airport are clearly visible and in good condition.

§ 139.105 Heliport firefighting and rescue equipment and service.

Except to the extent that the Administrator determines under § 139.19 that it would be contrary to the public interest, the applicant for an airport operating certificate must show that it has, and will have, available during helicopter operations, at least the airport firefighting and rescue equipment with the vehicle response-time capability and trained personnel prescribed in this section.

(a) The applicant must show that it has at least the required firefighting and rescue equipment assigned for Index A

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aircraft by § 139.49(b)(1), with the 3-minute response time prescribed by § 139.49(e)(1). A fixed installation, a wheeled vehicle (other than self-propelled), or off-airport firefighting and rescue equipment may be used if the prescribed 3-minute response time is met.

(b) The applicant must show that it has the capability to—

(1) Operate and maintain all required firefighting and rescue equipment owned by it in operable condition; and

(2) Alert by siren or equivalent alarm the firefighting and other personnel having a need to know of any existing or impending emergency that requires, or might require, their use.

(c) The applicant must show that it has available appropriately clothed and sufficiently qualified firefighting and rescue personnel to insure at least 85 percent of the required maximum agent discharge rate of firefighting equipment.

(d) The applicant must show that the firefighting and rescue personnel are familiar with the operation of the firefighting and rescue equipment and understand the basic principles of firefighting and rescue techniques.

§ 139.107 Traffic and wind direction indicators.

Except to the extent that the Administrator determines under § 139.19 that it would be contrary to the public interest, the applicant for an airport operating certificate must show that it has on its airport a wind direction indicator, installed to provide appropriate wind direction information, and lighted during the conduct of night operations.

§ 139.109 Public protection.

Except to the extent that the Administrator determines under § 139.19 that it would be contrary to the public interest, the applicant for an airport operating certificate must show that it has on its airport appropriate safeguards against inadvertent entry of persons into any air operations area.

§ 139.111 Airport condition assessment and reporting.

(a) The applicant for an airport operating certificate must show that it has appropriate procedures for identifying, assessing, and disseminating information to air carrier users of its airport, by Notices to Airmen or other means acceptable to the Administrator, concerning conditions on and in the vicinity of its airport that affect, or may affect, the safe operation of aircraft.

(b) The procedures prescribed by paragraph (a) of this section must cover the following conditions:

(1) Construction or maintenance work on pavement areas.

(2) The presence and depth of snow on pavement areas.

(3) The presence of parked aircraft or other objects on, or next to, runways, taxiways, or helicopter landing surface.

(4) The failure or irregular operation of all or part of the airport lighting system, including the approach, threshold, and obstruction lights operated by the operator of the airport.

(5) The presence of a large number of birds.

§ 139.113 Identifying, marking, and reporting construction and other unserviceable areas.

(a) The applicant for an airport operating certificate must show that it has appropriate procedures for the following items when on or adjacent to any air operations area:

(1) Conspicuously identifying all construction areas and other unserviceable pavement areas by marking and lighting them.

(2) Identifying and marking the location of all utilities in construction areas that, if interrupted, could cause failure of a facility or navaid.

(b) Identifying and marking any areas adjacent to navaids that, if traversed, could cause emission of false signals or failure of the navaids.

Subpart G—Operations: Heliports

Sec.
139.121 Operational rules: General.
139.123 Pavement areas.
139.125 Snow removal and positioning.
139.127 Airport fire fighting and rescue equipment and service.

AUTHORITY: Secs. 313(a) 609, 610(a), and 612, Federal Aviation Act of 1958; 49 U.S.C. 1354(a), 1429, 1430; Public Law 91-258, 84 Stat. 234, 235; Public Law 92-174, 85 Stat. 492.

Subpart G—Operations: Heliports

§ 139.121 Operations rules: general.

Each person operating an airport for which an airport operating certificate has been issued under Subpart B of this part shall—

(a) Operate, maintain, and provide facilities, equipment, systems, and procedures at least equal in condition, quality, and quantity to the standards currently required for the issue of the airport operating certificate for that airport;

(b) Have sufficient personnel available, and require that personnel comply with its approved airport operations manual in the performance of their duties;

(c) Comply with the additional rules of this subpart; and

(d) Comply with the requirements of §§ 139.87, 139.91, and 139.93 of Subpart E of this part.

§ 139.123 Pavement areas.

The operator of each certificated airport shall comply with the following requirements:

(a) It shall promptly repair each crack or hole in the landing area that exceeds 3 inches across or 3 inches deep.

(b) It shall promptly, and as completely as practicable, remove from the landing areas, snow, ice, slush, standing water, mud, dust, sand, loose aggregate, or other contaminants as required by operational considerations.

(c) Where sand is used on ice on the pavement areas, it shall use only sand, free of corrosive salts, that adheres to the snow or ice sufficiently to minimize aircraft engine ingestion of the sand.

(d) It shall promptly prevent ponding on any pavement area on the airport caused by inadequate drainage.

(e) It shall promptly prevent ponding on any pavement area on the airport that has a depth or other dimension that would obscure markings.

§ 139.125 Snow removal and positioning.

The operator of each certificated airport shall move any drifted or piled snow off the usable landing pad (except as otherwise authorized in its approved airport operations manual). When unable to comply with this requirement, the operator shall promptly notify the users.

§ 139.127 Airport fire fighting and rescue equipment and service.

The operator of each certificated airport shall at all times comply with the following:

(a) Except as provided in paragraph (b) of this section, it shall provide the required firefighting and rescue equipment and service prescribed in § 139.105 during all periods of scheduled aircraft operations.

(b) When any required firefighting or rescue vehicle becomes inoperable, it shall provide appropriate replacement equipment within 8 hours thereafter. However, if appropriate replacement equipment is not available within that period, it shall promptly issue a Notice to Airmen to that effect. When the equipment is inoperable and the notice has been issued, and the service level is not restored within 10 calendar days, air carrier operations on the airport must be discontinued.

These amendments are proposed under the authority of sections 313(a), 609, 610(a), and 612 of the Federal Aviation Act of 1958; 49 U.S.C. 1354(a), 1429, 1430; Public Law 91-258, 84 Stat. 234, 235; Public Law 92-174, 85 Stat. 492.

Issued in Washington, D.C., on March 7, 1973.

NOTE: The reporting and/or recordkeeping requirements contained herein have been approved by the Office of Management and Budget in accordance with the Federal Reports Act of 1942.

CLYDE W. PACE, JR.,
Director, Airports Service.

[FR Doc.73-4715 Filed 3-9-73;11:00 am]

DEPARTMENT OF THE TREASURY

Bureau of Customs

[19 CFR Part 1]

CUSTOMS FIELD ORGANIZATION

Proposed Changes in Customs Region I

FEBRUARY 28, 1973.

A notice was published in the FEDERAL REGISTER on February 1, 1972 (37 FR 2443), of proposed changes in Customs Region I.

In addition to other changes, the notice proposed to designate Island Pond, Vt., and Newport, Vt., as customs stations under the supervision of the port of St. Albans, Vt. It has been determined that present needs do not warrant the designation of Island Pond as a customs station, and that the station of Newport, Vt., would operate more efficiently under the supervision of the port of Derby Line, Vt.

Therefore, the notice published in the FEDERAL REGISTER dated February 1, 1972 (37 FR 2443), is superseded by this notice of proposed rule making.

By virtue of the authority vested in the President by section 1 of the Act of August 1, 1914, 38 Stat. 623, as amended (19 U.S.C. 2), which was delegated to the Secretary of the Treasury by the President by Executive Order 10289, September 17, 1951 (3 CFR Ch. II), and pursuant to authority provided by Treasury Department Order No. 190, Rev. 8 (37 FR 18572), it is proposed to make the following changes in the organization of Region I:

1. To designate Norton, Vt., as a port of entry in the St. Albans, Vt., customs district with boundaries coextensive with the corporate limits of the city of Norton, Vt., and revoke its designation as a customs station under the supervision of the Port of Island Pond, Vt.

2. To designate Newport, Vt., as a customs station under the supervision of the Port of Derby Line, Vt., and revoke its designation as a customs port in the St. Albans, Vt., customs district.

3. To revoke the designation of Island Pond, Vt., as a customs port in the St. Albans, Vt., customs district.

Data, views, or arguments with respect to the foregoing proposal may be addressed to the Commissioner of Customs, Washington, D.C. 20229. To insure consideration of such communications, they must be received in the Bureau not later than May 11, 1973.

Written material or suggestions submitted will be available for public inspection in accordance with § 103.3(b) of the Customs Regulations (19 CFR 103.3 (b)), at the Bureau of Customs, Washington, D.C., during regular business hours.

[SEAL] EDWARD L. MORGAN,
Assistant Secretary of the Treasury.

[FR Doc.73-4694 Filed 3-9-73;8:45 am]

VETERANS ADMINISTRATION

[38 CFR Part 1]

RELEASE OF INFORMATION PROCEDURES

Notice of Proposed Regulatory Development

The Veterans' Administration is considering amending § 1.556, Title 38 of the Code of Federal Regulations to further implement the provisions of 5 U.S.C. 552 concerning the right of the public, subject to certain safeguards, to obtain specified categories of information under Government control upon request. The proposed amendments will insure the availability of data regarding the disposition of such requests, require that requesters denied such information be advised of the basis for the denial, and require coordination of denials at the Central Office level with the Director, Information Service, as well as with the General Counsel. These procedures are proposed as the result of an exchange of communications between the Chairman of the Foreign Operations and Government Information Subcommittee of the House Committee on Government Operations and the Administrator of Veterans' Affairs regarding several recommendations of the subcommittee for further implementation of the cited law.

Interested persons are invited to submit written comments, suggestions, or objections regarding the proposal to the Administrator of Veterans' Affairs (232H), Veterans' Administration Central Office, 810 Vermont Avenue NW., Washington, DC 20420. All relevant material received before April 11, 1973, will be considered. All written comments received will be available for public inspection at the above address only between the hours of 8 a.m. and 4:30 p.m. Monday through Friday (except holidays) during the mentioned 30-day period and for 10 days thereafter. Any person visiting Central Office for the purpose of inspecting any such comments will be received by the Central Office Veterans' Assistance Unit in Room 132. Such visitors to any VA field station will be informed that the records are available for inspection only in Central Office and furnished the address and the above room number.

Notice is also given that it is proposed to make any amendments that are adopted effective on the date of final approval.

§ 1.556 Requests for other identifiable records.

(a) Each department, staff office, and field station head will designate an employee(s) who will be responsible for initial action on (granting or denying) requests to inspect or obtain information from or copies of records under their jurisdiction and within the purview of § 1.553. This responsibility includes maintaining a uniform listing of such requests. Data logged will consist of: Name and address of requester; date of receipt of request; brief description of request; action taken on request—granted or denied; citation of the specific section when request is denied; and date of reply to the requester. Any legal question arising in a field station concerning the release of information will be referred to the appropriate Chief Attorney for disposition as contemplated by § 13.401 of this chapter. In Central Office such legal questions will be referred to the General Counsel. Any administrative question will be referred through administrative channels to the appropriate department or staff office head. All denials or proposed denials at the Central Office level will be coordinated with the Director, Information Service, as well as the General Counsel.

(b) Upon denial of a request, the responsible Veterans Administration official or designated employee will inform the requester in writing of the denial, cite the specific exemption in § 1.554 upon which the denial is based, and advise him that he may appeal the denial. The requester will also be furnished the title and address of the Veterans Administration official to whom the appeal should be addressed. (See § 1.557.)

Approved: March 6, 1973.

By direction of the Administrator.

[SEAL] FRED B. RHODES,
Deputy Administrator.

[FR Doc.73-4680 Filed 3-9-73;8:45 am]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 19698; RM-1941; FCC 73-237]

[47 CFR Part 73]

FM BROADCAST STATIONS (YORKTOWN, VA.)

Proposed Table of Assignments

1. The Commission has before it (a) a petition for rule making filed by William H. Eacho, Jr., and William Swartz (E&S) seeking the assignment of Class B Channel 231 to Yorktown, Va., (b) an opposition to the petition filed by Hampton Roads Broadcasting Corp. (Roads), licensee of Stations WGH(AM) and WGH-FM, Newport News, Va., (c) a reply to opposition to petition for rule making filed by E&S and (d) two supplements to their petition filed by E&S.

2. Yorktown, a location famous in American history, is not listed in the census as an incorporated or unincorporated community. The principal dispute between the parties centers on whether Yorktown has the status of a community, and if so, whether it is of such size as to warrant the proposed Class B assignment. At present no commercial stations are licensed to Yorktown but a noncommercial educational FM station is so licensed.

3. According to E&S, Yorktown has a population of 14,593 persons (the sum of two census districts, Nelson and Grafton[1] and notwithstanding the lack of exact boundaries[1] is said to be a community.[2] E&S have provided information to support the view that local residents consider Yorktown a community and have created various organizations reflecting this conception. It has a post office which in turn has a branch office. Roads asserts that Yorktown is not an incorporated community and lacking boundaries, its population cannot be ascertained with any accuracy. It urges us to perpetuate what it says is our continuing unwillingness to assign channels to unincorporated communities. In Roads' opinion, Yorktown has not been shown to be a viable community to which to assign the channel—citing FM Channel Assignment at Batavia, New York, 16 R.R. 2d 1654 (1969).

4. While most of our assignments are to incorporated communities, we have not refused to make assignments to unincorporated communities where warranted. See, e.g., assignments of Bethesda, Md., and Cathedral City, Calif. The

[1] No question has been raised about the ability to provide a city grade signal to the community regardless of its exact size.

[2] The census districts of Nelson and Grafton abut the city of Newport News.

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use of the word community is no accident for the key ingredients is that there be a community of interest associated with an identifiable population grouping. A mere geographical location is not enough, there must be a population having needs that the station can address—see Sierra-Pacific Radio Corp. (KOSO), 7 FCC 2d 61 (1967). While status as a community is harder to establish in cases where municipal corporation boundaries are not present, it is not an impossible burden. The principal test is whether the residents function as and conceive of themselves as residents of a community, around which their interests coalesce. In this case we believe that the test has been met. The Batavia case mentioned by Roads is not apt for there the "community" (West Batavia) was at best minute (population 25) and was proposed when the proponent was rebuffed in seeking an asignment for Batavia. On the basis of the information before us we view Yorktown as a community.

5. Roads questions use of a Class B channel, considering it unsuitable even if, as the parties apparently agree, a Class A channel is unavailable. E&S stress Yorktown's needs and those of the surrounding area for a first local service. Although assignments do not always match the theory of assigning Class A channels to smaller communities and Class B or C channels to larger ones, this is not a matter of happenstance. Rather, these assignments have reflected our consideration of the entire situation before us in each case. Here, we are unable to yet determine with any precision the population of Yorktown. While in the absence of a Class A channel to use as a substitute we are willing to proceed with consideration of a Class B channel, we cannot make a final judgment absent a further showing of the size of Yorktown. We need to know the approximate boundaries as well as the population residing in this area.[1] In addition, we need to know whether establishment of a station on the proposed channel would lead to providing a first or second FM service. For this purpose the procedure outlined in Roanoke Rapids and Goldsboro, N.C., 9 FCC 2d 672 (1967), should be followed. Only with this additional information can we be in a position to determine whether the proposed use of a Class B channel has merit. E&S should provide this information in its comments.

6. E&S have indicated that the only significant preclusionary effect would be co-channel and would occur only in the Cape Hatteras area. They state that substitute channels would be available there, and we note that much of the Cape is a National Seashore preserve rather than being densely populated even in the height of the tourist season. In sum, we consider this proposal worth pursuing and seek comments on it, in particular dealing with the questions raised in the preceding paragraph.

7. *Showings required.* Comments are invited upon the proposal discussed above. As indicated, the Commission has questions concerning the proposal, and the proponent of the proposed assignment will be expected to answer them. In addition, it should reaffirm its intention to apply for the channel if assigned, and, if authorized, to promptly build the station. Failure to make these showings may result in denial of the proposal.

8. *Cut-off procedures.* The following procedures will govern:

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in initial comments, so that parties may comment on them in reply coments. They will not be considered, if advanced, in reply comments.

(b) With respect to petitions for rule making which conflict with the proposal in this Notice, they will be considered as comments in the proceeding, and Public Notice to this effect will be given, as long as they are filed before the date for filing initial comments herein. If filed later than that, they will not be considered in connection with the decision herein.

9. In view of the foregoing, subject to the conditions and reservations set forth hereinabove in certain respects, and pursuant to authority found in sections 4(i), 303 (g) and (r) of the Communications Act of 1934, as amended, it is proposed to amend § 73.202(b) of the Commission's rules, the FM Table of Assignments, as follows:

City	Channel No.	
	Present	Proposed
Yorktown, Va		231

10. Pursuant to applicable procedures set out in § 1.415 of the Commission's rules, interested parties may file comments on or before April 16, 1973, and reply comments on or before April 26, 1973. All submissions by parties to this proceeding, or persons acting in behalf of such parties, must be made in written comments, reply comments or other appropriate pleadings.

11. In accordance with the provisions of § 1.419 of the rules, an original and 14 copies of all comments, replies, pleadings, briefs, and other documents shall be furnished the Commission. Responses will be available for public inspection during regular business hours in the Commission's public reference room at its headquarters in Washington, D.C. (1919 M Street NW.).

Adopted: March 2, 1973.

Released: March 7, 1973.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[FR Doc.73-4701 Filed 3-9-73;8:45 am]

[1] This should not be interpreted as indicating that if Yorktown is not a certain size the proposal must be denied. Rather, it reflects our need, as in all cases, to make a judgment based on a full rather than partial knowledge of the pertinent factual situation.

Notices

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF DEFENSE

Department of the Navy

CHIEF OF NAVAL OPERATIONS EXECUTIVE PANEL ADVISORY COMMITTEE

Notice of Meetings

Notice is hereby given that the Chief of Naval Operations Executive Panel Advisory Committee has scheduled closed meetings on March 15 and 16, 1973, at the Program Evaluation Center, Room 4D710, the Pentagon, Washington, D.C. The meetings will commence at 0915 daily and are scheduled to terminate at 1700. Items to be discussed will include: Navy strategic policy and plans; future Navy force levels, and recent developments in the Soviet Navy.

Dated: March 6, 1973.

H. B. ROBERTSON, Jr.,
Rear Admiral, JAGC, U.S. Navy,
Acting Judge Advocate General.

[FR Doc.73-4627 Filed 3-9-73;8:45 am]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Colorado 17528]

COLORADO

Notice of Proposed Withdrawal and Reservation of Lands

MARCH 8, 1973.

The U.S. Atomic Energy Commission has filed an application, Serial No. Colorado 17528, for the withdrawal of the public lands and the reserved minerals in the patented lands as described below from all forms of disposition, and from the leasing under the mineral leasing laws.

The applicant desires to use the lands as a site for phase one of its Project Rio Blanco Phase I experiment in connection with the detonation of nuclear explosives to stimulate natural gas production.

Until April 11, 1973; all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the Director, Bureau of Land Management, Washington, D.C. 20240.

The Director, Bureau of Land Management, will prepare a report for consideration by the Secretary of the Interior who will determine whether or not the lands will be withdrawn as requested by the applicant agency.

The determination of the Secretary of the Interior on the application will be published in the FEDERAL REGISTER.

If the circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The application is for the withdrawal, subject to valid existing rights, of:

A. The following described public lands from all forms of disposition under the public land laws, including the U.S. mining laws, and from leasing under the mineral leasing laws:

SIXTH PRINCIPAL MERIDIAN

T. 3 S., R. 98 W.,
Sec. 10, SE¼SE¼;
Sec. 11, SW¼SW¼;
Sec. 14, NW¼NW¼;
Sec. 15, E½NE¼.

The areas described aggregate 200 acres.

B. All minerals reserved to the United States in the following described patented lands from disposition under the mining laws, and from leasing under the mineral leasing laws:

SIXTH PRINCIPAL MERIDIAN

T. 3 S., R. 98 W.,
Sec. 11, SE¼SW¼;
Sec. 14, E½NW¼, SW¼NW¼.

The areas described aggregate 160 acres.

The total of the areas described aggregates 360 acres in Rio Blanco County.

GEORGE L. TURCOTT,
Acting Director.

[FR Doc.73-4803 Filed 3-9-73;8:45 am]

Office of Hearings and Appeals

[Docket No. M 73-28]

DIXON RUN COAL CO.

Petition for Modification of Application of Mandatory Safety Standard

In accordance with the provisions of section 301(c) of the Federal Coal Mine Health and Safety Act of 1969, 30 U.S.C. 861(c) (1970), notice is given that Dixon Run Coal Co. has filed a petition for modification of section 307(a) of the Federal Coal Mine Health and Safety Act and 30 CFR 75.701-4 of the Secretary's implementing regulations in the operation of Dixon Run Coal Co.'s Dixon Run No. 3 mine. The petition for modification was filed with the Office of Hearings and Appeals on January 30, 1973.

Section 307(a) of the Federal Coal Mine Health and Safety Act provides as follows:

All metallic sheaths, armors, and conduits enclosing power conductors shall be electrically continuous throughout and shall be grounded by methods approved by an authorized representative of the Secretary. Metallic frames, casings, and other enclosures of electric equipment that can become "alive" through failure of insulation or by contact with energized parts shall be grounded by methods approved by an authorized representative of the Secretary. Methods other than grounding which provide no less effective protection may be permitted by the Secretary or his authorized representative.

This statutory standard has been supplemented by 30 CFR 75.701-4 of the regulations which provides in part:

Where grounding wires are used to ground metallic sheaths, armors, conduits, frames, casings, and other metallic enclosures, such grounding wires will be approved if: (a) The cross sectional area (size) of the grounding wire is at least one-half the cross sectional area (size) of the power conductor where the power conductor used is No. 6 A.W.G. or larger.

Petitioner requests approval of a grounding system which uses a number 4 A.W.G. grounding wire approximately one-quarter the cross sectional area of the power conductor. It is contended that the alternate method for which approval is requested will at all times guarantee no less than the same measure of protection afforded the miners at the subject mine by the mandatory standard.

Petitioner sets out several arguments in support of its application for modification. In addition, petitioner has submitted a detailed sketch of the proposed electrical system.

Parties interested in this petition should, on or before April 11, 1973, file their answers or comments with the Office of Hearings and Appeals, Hearings Division, U.S. Department of the Interior, 4015 Wilson Boulevard, Arlington, VA 22203. Copies of the petition are available for inspection at that address.

Dated: March 2, 1973.

JAMES M. DAY,
Director,
Office of Hearings and Appeals.

[FR Doc.73-4656 Filed 3-9-73;8:45 am]

Office of the Secretary

NEWLANDS RECLAMATION PROJECT, NEV.

Operating Criteria and Procedures; Truckee and Carson Rivers

The following Judgment and Order and accompanying Operating Criteria and Procedures for Coordinated Operation and Control of the Truckee and Carson Rivers for Service to Newlands Project (Nevada), are published pursuant to order of the U.S. district court in the case

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entitled "Pyramid Lake Paiute Tribe of Indians v. Rogers C. B. Morton, Secretary of the Interior," U.S.D.C., D.C., Civil Action No. 2506–70. The explanatory Memorandum which was issued with the Judgment and Order is also published.

Dated: March 2, 1973.

JOHN C. WHITAKER,
Acting Secretary of the Interior.

IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF COLUMBIA

[Civil Action No. 2506–70]

PYRAMID LAKE PAIUTE TRIBE OF INDIANS, PLAINTIFF

v.

ROGERS C. B. MORTON, SECRETARY OF THE INTERIOR, DEFENDANT

MEMORANDUM

During the pendency of this litigation, the Secretary placed into effect operating criteria to govern the water year ending October 31, 1973, it being understood that these criteria would be subject to possible revision and change based on the determinations of the court. The court has today entered a judgment and order approving different operating criteria which the court finds more consistent with the Secretary's legal and fiduciary obligations to the tribe. The parties are in accord with respect to many aspects of the approved operating criteria, but the court has had to resolve controversies over other substantial portions.

This judgment and order is entered midway in the water year. It will not be practical to implement fully all of its provisions by October 31, 1973. Accordingly, the court has been obliged to recognize the need for certain interim adjustments. It has directed that the approved operating criteria shall be placed in full force and effect commencing with the next water year, November 1, 1973.

For the current water year the approved operating criteria will be generally applicable and the Secretary must take immediate steps to put them into effect. Since some aspects will require time to implement, the court is authorizing the Secretary to divert more water to aid transition.

In selecting 350,000 acre-feet for diversion during the present water year, rather than the 288,120 acre-feet specified for the following water year, the court has acceded to the Secretary's representations that this amount will enable a more gradual transition and in view of current weather conditions will not substantially deprive the tribe of water for Pyramid Lake. The tribe has not accepted the figure of 350,000 acre-feet, but did agree that more diversion than 288,129 acre-feet should be permitted for the current year. The judgment and order also makes certain additional changes in the approved criteria for the immediate period ahead in recognition of this larger diversion.

The court's role in these proceedings has focused on the operating criteria in effect since November 1, 1971. The proof showed, however, that the Secretary has followed the practice of more or less renewing similar or identical criteria from year-to-year. As these proceedings have gone forward, the Secretary has indicated an increasing willingness to take actions in aid of Pyramid Lake. While some adjustments in operating criteria may be necessary after October 31, 1974, to accommodate changing conditions, there is no reason to believe from the record before the court that the general standards established by the court's judgment and order should otherwise change. The Secretary's fiduciary obligations will not alter and his continuing duty actively to supervise and upgrade the Newlands project and to provide maximum water for Pyramid Lake will not change. It is to be hoped that new litigation can be avoided by the Secretary's assiduous attention to his responsibilities in this regard.

GERHARD A. GESELL,
U.S. District Judge.

FEBRUARY 20, 1973.

IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF COLUMBIA

[Civil Action No. 2506–70]

PYRAMID LAKE PAIUTE TRIBE OF INDIANS, PLAINTIFF

v.

ROGERS C. B. MORTON, SECRETARY OF THE INTERIOR, DEFENDANT

JUDGMENT AND ORDERS

The Court having filed its memorandum opinion of November 8, 1972, after giving full opportunity to the parties to fashion appropriate relief and having considered the proposed relief of each party, it is hereby

Ordered, Adjudged and Decreed That:

(1) The Secretary's operating criteria setting forth procedures for coordinating operation and control of the Truckee and Carson Rivers to provide service to the Newlands Project now in effect are arbitrary and an abuse of his discretion.

(2) The Court declares that operating criteria in the form attached to this Judgment and Order are necessary and appropriate to fulfill the Secretary's fiduciary and legal obligations to the tribe.

(3) The Secretary shall immediately publish this Judgment and Order, and publish and implement and enforce the attached operating criteria for the water year commencing November 1, 1973, and for the current water year ending October 31, 1973: *Provided, however,* For the current water year only, he may divert up to 350,000 acre-feet for the 12 months ending October 31, 1973, and he shall disregard the detailed provisions of sections A and B and in lieu thereof comply with the following requirements:

A(1) 50,000 acre-feet of water presently stored in Stampede Reservoir will be credited to the Truckee-Carson Irrigation District to be used by it in the event the water stored in Lahontan Reservoir shall fall below 80,000 acre-feet and it appears that it is necessary to draw upon this water to meet the needs within the allowable maximum total diversion of the Truckee-Carson Irrigation District for this water year.

(2) Subject to the provisions of section A(1), diversions from the Truckee River for the Truckee-Carson Irrigation District shall be limited to the needs of the Truckee division.

(3) Maximum storage of water in Stampede Reservoir shall be required. Releases shall be limited insofar as possible consistent with existing decrees, flood control requirements and for the purposes of assisting fishery experiments as approved by the Secretary after consultation with the tribe and the Bureau of Sport Fisheries and Wildlife.

(4) Nothing in this Judgment and Order shall constitute an interpretation or modification of either the Alpine or Orr Water Ditch decrees, nor shall it be deemed to affect the rights of any person under either of such decrees, so long as they remain in effect.

(5) Nothing in this Judgment and Order shall be deemed to prevent any change in the operating criteria that may be agreed between the parties, in writing, or ordered by the Court, after notice.

GERHARD A. GESELL,
U.S. District Judge.

FEBRUARY 20, 1973.

IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF COLUMBIA

[Civil Action No. 2506–70]

PYRAMID LAKE PAIUTE TRIBE OF INDIANS, PLAINTIFF

v.

ROGERS C. B. MORTON, SECRETARY OF THE INTERIOR, DEFENDANT

OPERATING CRITERIA AND PROCEDURES FOR COORDINATED OPERATION AND CONTROL OF THE TRUCKEE AND CARSON RIVERS FOR SERVICE TO NEWLANDS PROJECT

The water supply diversions to the Truckee-Carson Irrigation District from both the Truckee and Carson Rivers shall be limited to the amount needed for agricultural purposes, not exceeding 288,129 acre-feet, if available, for the 12 months ending October 31, 1974. The water supply diversions shall be measured at the gaging station below Lahontan Dam and at diversion points along the Truckee Canal.

All use of water for power generation shall be incidental to either agricultural use or precautionary drawdown or spill.

In satisfying the diversion for agricultural purposes, maximum use will be made of Carson River water and diversions through the Truckee Canal will be minimized.

Stampede Reservoir shall be operated by the United States to provide flood control, fish and wildlife, and recreation benefits and to store water for possible agricultural use by the Truckee-Carson Irrigation District. The operation of Stampede Reservoir will be coordinated with the operation of Lake Tahoe, Prosser Creek Reservoir, and Boca Reservoir to avoid infringing upon the Floristan Rates or water rights established by existing degrees and agreements.

In all of the operations, Truckee Canal will be operated to the maximum extent practical with the objective of maintaining minimum terminal flow to Lahontan Reservoir or Carson River during all periods except when criteria herein specifically permits such deliveries. In order to minimize the rates of fluctuation in the Truckee River below Derby Dam the change of flow in Truckee Canal within any 24-hour period shall not exceed 50 cubic feet per second or 20 percent of the flow in the Truckee River below Derby, whichever is greater.

During periods of spill or precautionary drawdown of Lahontan Reservoir, the District will be charged only with the predetermined schedule of irrigation releases to be passed at the gaging station below Lahontan Reservoir plus measured diversions from the Truckee Canal and Rock Dam Ditch.

The operation of Stampede Reservoir, Derby Diversion Dam, Truckee Canal, and Lahontan Reservoir will be conducted in accordance with the following criteria in order to minimize diversions from the Truckee River through the Truckee Canal.

SECTION A—*Truckee Diversion Criteria.* Subject to conditions specified in section B (Storage Credit at Stampede), the diversions of water from the Truckee River into and through the Truckee Canal will be governed by the following criteria:

(1) If available, sufficient water will be diverted into Truckee Canal to meet direct agricultural requirements along the Truckee Canal.

(2) Diversions through the Truckee Canal into Lahontan Reservoir will be made in accordance with the following tabulation:

Operating month	If accumulated precipitation from Oct. 1 to date at Tahoe City, Calif.	Continue truckee canal diversion to Lahontan Reservoir if storage is less than upper limit			
		Lower limit [1]		Upper limit	
	Inches	*Elevation*	*Acre-feet*	*Elevation*	*Acre-feet*
February 1	Less than 16.80	4,145.8	160,000	4146.3	163,000
	Between 16.80 and 22.10	4,138.5	120,000	4139.1	123,000
	Greater than 22.10	4,129.3	80,000	4130.1	83,000
March 1	Less than 22.10	4,151.8	200,000	4152.2	203,000
	Between 22.10 and 26.10	4,144.1	150,000	4144.6	153,000
	Greater than 26.10	4,134.2	100,000	4134.9	103,000
	If forecasted runoff plus existing storage on Apr. 1 is—	Continue truckee canal diversion to Lahontan Reservoir if storage is less than upper limit			
	Acre-feet	*Elevation*	*Acre-feet*	*Elevation*	*Acre-feet*
April 1	Greater than 350,000	No diversion to Lahonton thru October			
	Between 250,000 and 350,000	4,164.2	220,000	4164.7	223,000
	Less than 250,000	4,160.8	270,000	4160.1	273,000
May 1	Between 250,000 and 350,000	4,161.8	200,000	4162.2	203,000
	Less than 250,000	4,162.6	300,000	4162.8	303,000
June 1	Between 250,000 and 350,000	4,144.1	150,000	4144.6	153,000
	Less than 250,000	4,187.7	250,000	4156.1	253,000
July 1	Between 250,000 and 350,000	4,134.2	100,000	4134.9	103,000
	Less than 250,000	4,145.8	160,000	4146.3	163,000
August 1	Between 250,000 and 350,000	4,129.3	80,000	4130.1	83,000
	Less than 250,000	4,131.8	90,000	4132.6	93,000
Sept. 1	Less than 350,000	4,119.7	80,000	4120.8	53,000
October 1	Less than 350,000	4,115.4	40,000	4116.8	43,000

[1] Truckee canal diversion to Lahontan Reservoir should be started only when storage recedes below lower limit.

SEC. B—*Storage credit at stampede.* As a means of minimizing the diversions of Truckee River water for use on the Carson Division of the Truckee-Carson Irrigation District or for storage in Lahontan Reservoir and at the same time insuring that the district shall receive exactly the same total amount of water for its beneficial use as otherwise, the following modifications shall be applied to the criteria in section A (Truckee Diversion Criteria):

(1) The storage levels in Lahontan Reservoir specified as limits for starting and stopping diversions of water for storage in Lahontan or use on the Carson Division shall be converted to acre-feet and applied to the sum of water in storage at Lahontan Reservoir and water in Stampede Reservoir credited to the Truckee-Carson Irrigation District using the most up-to-date area-capacity curve for each reservoir.

(2) The combined storage facilities on the upper Truckee River will be operated in a manner consistent with the applicable decrees and so as to maintain the Floristan Rates with the objective of maximizing the accumulation of storage in Stampede Reservoir.

(3) Whenever there is an adequate amount of uncommitted water in Stampede Reservoir the Truckee-Carson Irrigation District shall forego the diversion of water into the Truckee Canal for storage in Lahontan Reservoir or for use on the Carson Division and shall accept credit in Stampede Reservoir for the amount of water it otherwise would have diverted. For the purposes of this subsection, an adequate amount of uncommitted water (consisting of not less than 50,000 acre-feet) will be deemed to have accumulated in Stampede Reservoir no later than February 1, 1974.

(4) The sum of the amount of water stored in Lahontan Reservoir plus the amount of water stored in Stampede Reservoir and credited to the Truckee-Carson Irrigation District shall not be allowed to exceed the storage capacity of Lahontan Reservoir below elevation 4,163.67 feet above mean sea level (317,300 acre-feet), and this limit shall be preserved, if necessary, by the reduction of credit in Stampede Reservoir. When the amount of water credited to the Truckee-Carson Irrigation District is so reduced, the amount of that reduction shall be credited for the purpose of maintaining the minimum rates of flow below Derby Dam provided in section B(7) of these operating criteria and procedures.

(5) Whenever the water surface elevation of Lahontan Reservoir is at or below elevation 4,129.28 feet (80,000 acre-feet) above mean sea level during the irrigation season, water will be released from Stampede Reservoir to be diverted into and through the Truckee Canal for agricultural use by the Truckee-Carson Irrigation District in either or both the Truckee and Carson Divisions. The total amount of the release shall be limited to the lesser of the amount credited to the Truckee-Carson Irrigation District or the amount needed to supplement the 80,000 acre-feet of water in Lahontan Reservoir to meet the remaining seasonal agricultural requirements of this Truckee-Carson Irrigation District.

(6) From February 1, 1974, the District will be credited with an initial 50,000 acre-feet of water in Stampede. In addition to this amount, the District will be credited with the accumulated storage in excess of 5,915 feet above mean sea level (127,600 acre-feet) in accordance with B(3) above.

(7) Insofar as possible consistent with existing decrees and with maintaining the Floristan Rates and with Operating Criteria and Procedures sections B(1) through B(6), Stampede Reservoir (as well as the other storage facilities on the upper Truckee River) shall be operated with the objective of maintaining the following minimum rates of flow for fish, wildlife, and recreation purposes in the Truckee River below Derby Dam measured at the Nixon gauge:

	Cubic feet per second
Mar. 1 to May 15	600
May 16 to Sept. 15	300
Sept. 16 to Feb. 28	150

(8) At the conclusion of the water year, October 31, 1973, the District shall retain as minimum carryover credit in Stampede Reservoir for the 1974 water year the quantity of Truckee River water that it would have been able to divert to Lahontan Reservoir in the absence of its storage credit at Stampede. In addition, the Secretary of the Interior, in consultation with the Pyramid Lake Paiute Tribe of Indians and the Bureau of Sport Fisheries and Wildlife with respect to the requirements of the Pyramid Lake fishery, will determine: (1) The portion of the remaining storage in Stampede Lake allocted for releases to Pyramid Lake, and (2) the portion of the remaining storage in Stampede Reservoir to be allocated to the District as additional carryover storage credit for the 1974 water year.

(9) Nothing in sections B(1) through B(8) of these Operating Criteria and Procedures shall in any way infringe on or interfere with the flood control function of Stampede Reservoir.

SEC. C. As a means of insuring that the amount of water diverted is limited to that prescribed for beneficial agricultural use, the Truckee-Carson Irrigation District shall:

(1) Deliver water only to lands for which the District has in advance established to the satisfaction of the Secretary or his designee that a current valid water right exists.

(2) Establish a single water operations center which will coordinate all orders for delivery of water to individual turnouts and which then will dispatch flows in the distribution systems so as to meet the water orders with minimum spill from the distribution system.

(3) Permit only authorized District employees to open and close individual turnouts and operate the distribution system facilities.

(4) Establish and operate sufficient stations for the measurement of all surface waters flowing out of the Truckee, North Carson, and South Carson Divisions.

(5) Initiate immediately a program for improving the measurement of the amounts of water delivered to individual turnouts. The program shall include the installation of measuring devices on at least 10 percent of the total turnouts in 1973; the program shall concentrate first on the combinations of large users and currently poor measurements; and the installed devices must be approved by the U.S. Geological Survey and the Bureau of Reclamation.

(6) Submit to the Project Office of the Bureau of Reclamation a monthly report by the 15th of the following month for each of the three divisions showing the total water delivery in acre-feet and the maximum, minimum, and mean daily outflow in cubic feet per second. Reports showing the amount of water in acre-feet delivered to each farm each month during the water year shall be made at least twice during the calendar year. These reports shall be circulated to the Tribe and the members of the Truckee-Carson Operating Criteria and Procedures Committee.

(7) By June 30, 1973, establish a system, to become effective November 1, 1973, for charging water users for the quantity of water delivered to their turnouts. The system shall be designed: (a) To provide a reasonable financial incentive for economical and efficient use of water; and (b) to produce revenue against the District's operation and maintenance expenses and to assist the discharge of its debt to the United States.

SEC. D. (1) Article 32 of the December 18, 1926, contract between the United States and the District will be invoked by the Secretary for substantial violations of these Operating Criteria and Procedures and the Secretary reserves all other rights and options to enforce these criteria.

(2) If the Secretary determines that waste has occurred through negligence or inattention, after written notice the amount of such waste shall be deducted from the District's allowable maximum total diversion.

(3) The District shall not deliver water to users who do not comply with all of the terms and provisions of these Operating Criteria and Procedures. Such deliveries shall not resume without the prior approval of the Secretary or his designee.

(4) The Secretary shall not approve any applications for transfers of water rights

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within the Newlands Project pursuant to 43 U.S.C. 389 unless he finds that the District is in compliance with all of the terms and provisions of these Operating Criteria and Procedures and that the applicants for such transfers are in compliance with these Operating Criteria and Procedures and with the applicable decrees. Transfers of water rights shall be restricted to the extent that there shall be no enlarged consumptive use of water within the lands of the Newlands Project.

(5) All of the water delivery operations of the Truckee-Carson Irrigation District shall be monitored closely by the Bureau of Reclamation. Any and all violations of the terms and provisions of these Operating Criteria and Procedures shall be reported immediately by the District to the Project Office of the Bureau of Reclamation.

[FR Doc.73-4512 Filed 3-9-73;8:45 am]

Bureau of Indian Affairs

NEW YORK FIELD OFFICE, NEW YORK

Notice of Change in Location

Notice is hereby given that the location of the New York Field Office is changed from Post Office Box 500, Salamanca, NY, to Midtown Plaza, 700 East Water Street, Syracuse, NY 13210. The New York Field Office is responsible for providing services to federally recognized groups of Indians in New York State.

WILLIAM L ROGERS,
Deputy Assistant Secretary of the Interior.

MARCH 5, 1973.

[FR Doc.73-4659 Filed 3-9-73;8:45 am]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

SHIPPERS ADVISORY COMMITTEE

Notice of Public Meeting

Pursuant to the provisions of section 10(a)(2) of Public Law 92-463, notice is hereby given of a meeting of the Shippers Advisory Committee established under Marketing Order No. 905 (7 CFR Part 905). This order regulates the handling of oranges, grapefruit, tangerines, and tangelos grown in Florida and is effective pursuant to the provisions of the Agricultural Marketing Agreement Act of committee will meet in the auditorium of South Massachusetts Avenue, Lakeland, FL, at 10:30 a.m., local time, on March 20, 1973.

The meeting will be open to the public and a brief period will be set aside for public comments and questions. The agenda of the committee includes the receipt and review of market supply and demand information incidental to consideration of the need for regulation of shipments of any grade or size of the named fruits, including export shipments, and the size, capacity, weight, dimensions, or pack of the containers used in export shipments other than to Canada or Mexico.

Dated: March 7, 1973.

JOHN C. BLUM,
Deputy Administrator Regulatory Programs.

[FR Doc.73-4663 Filed 3-9-73;8:45 am]

DEPARTMENT OF COMMERCE

Maritime Administration

CONTINENTAL ILLINOIS NATIONAL BANK AND TRUST COMPANY OF CHICAGO

Notice of Approval of Applicant as Trustee

Notice is hereby given that Continental Illinois National Bank and Trust Company of Chicago, with offices at 231 South La Salle Street, Chicago, IL, has been approved as Trustee pursuant to Public Law 89-346 and 46 CFR 221.21-221.30.

Dated: February 28, 1973.

BURT KYLE,
Chief, Office of Domestic Shipping.

[FR Doc.73-4705 Filed 3-9-73;8:45 am]

ECONOMIC VIABILITY ANALYSIS (EVA)

Revised Notice of Announcement of Publication

Revised notice is hereby given that the Maritime Subsidy Board/Maritime Administration announced on March 7, 1973, publication, prior to final adoption, of an Economic Viability Analysis (EVA) pursuant to the terms of the stipulation agreement in "Environmental Defense Fund, Inc. et al. v. Peter G. Peterson, et al.," Civil Action No. 2164-72 in the U.S. District Court for the District of Columbia.

Copies of the EVA may be obtained by interested persons from the Secretary, Maritime Subsidy Board, Maritime Administration, Department of Commerce, 14th and E Streets NW., Washington, D.C. 20235. Comments on the EVA by any interested persons must be received by the Secretary, Maritime Subsidy Board by close of business on March 22, 1973.

Dated: March 7, 1973.

By order of the Maritime Subsidy Board, Maritime Administration.

AARON SILVERMAN,
Assistant Secretary.

[FR Doc.73-4704 Filed 3-9-73;8:45 am]

Office of the Secretary

CHILDREN'S SLEEPWEAR SIZES 7 THROUGH 14

Notice of Proposed Flammability Standard

On June 15, 1972, there was published in the FEDERAL REGISTER (37 FR 11896) a notice of finding that a new or amended flammability standard or other regulation, including labeling, may be needed for sleepwear sizes 7 through 14, normally worn by children of ages 6 through 12, and for fabrics or related materials intended or promoted for use in such sleepwear. The finding informed the public that such standard or other regulation may be needed to protect the public against unreasonable risk of the occurrence of fire leading to death, or personal injury, or significant property damage. The notice also advises of the institution of proceedings for the development of a new or amended flammability standard or other regulation for children's sleepwear sizes 7 through 14.

After review and analysis of the comments received, and after review of information including that previously cited in the June 15, 1972, FEDERAL REGISTER (37 FR 11896) and more recent additions thereto, it is hereby found that a flammability standard for sleepwear sizes 7 through 14, normally worn by children ages 6 through 12, is needed to protect the public against unreasonable risk of the occurrence of fire leading to death, personal injury, or significant property damage.

Proposed standard. It is preliminarily found that the proposed flammability standard (DOC PFF 5-73) as set out in full at the end hereof:

(a) Is needed for children's sleepwear sizes 7 through 14 to protect the public against unreasonable risk of the occurrence of fire leading to death, personal injury, or significant property damage;

(b) Is reasonable, technologically practicable, and appropriate, and is stated in objective terms; and

(c) Is limited to children's sleepwear sizes 7 through 14, and fabrics or related materials which are intended or promoted for use in such children's sleepwear, and which have been determined to present such unreasonable risk.

Basis for proposed flammability standard. The Standard for the Flammability of Children's Sleepwear, DOC FF 3-71 (36 FR 14062) provides for coverage of sleepwear sizes 0 through 6X normally worn by young children 5 years and under. However, review and analysis of the accident data available at the National Bureau of Standards show that 44 percent of all sleepwear cases involve children between ages 0 through 12 and of these about 45 percent of the victims are between ages 6 through 12. On the basis of these data and research conducted on children's sleepwear, it has been determined that children's sleepwear in the size range 7 through 14 normally worn by children of ages 6 through 12 present a special hazard, over and above that presented by those same items of wearing apparel for the population as a whole.

The finding that a flammability standard or other regulation is needed for children's sleepwear sizes 7 through 14 is based on the analysis of data developed by investigations of deaths and injuries resulting from wearing apparel fires and on results of laboratory research involving garments and fabrics for children's sleepwear. The analysis of accident data indicates that children are injured at high frequencies from ignition and burning of sleepwear. Laboratory research indicates that children's sleepwear garments, and fabrics for such garments, present a significant burn hazard to children.

In the course of the development of this finding, the Department of Commerce has analyzed data from 1,964 cases investigated by HEW and contained in the Flammable Fabrics Accident Case and Testing System (FFACTS) data base. Of these cases, 413 involved sleepwear. Twenty-two of the 413 sleepwear cases involved flammable liquid contamination. The ages of the victims are known for 389 of the noncontaminated incidents.

In 316 of these 389 incidents, sleepwear was the first fabric item ignited. Children 6 through 12, which account for only 14 percent of the U.S. population, were involved in 77 or 24 percent of these first-to-ignite sleepwear incidents. Thus, they were involved 1.8 times more frequently than would be expected from their representation in the U.S. population.

An analysis of the 77 first-to-ignite sleepwear item incidents involving children in the 6 through 12 age bracket showed that all but three garments were made of cellulosic fibers. While the remains of many of these garments were unavailable for testing, prior experience with these types of garments permit us to state that none of these garments would pass the proposed standard. Therefore, the proposed standard is appropriate in that, had it been in effect during the past several years, it would have protected the public by keeping off the market the garments involved in those particular children's burn cases.

Research indicated that purchased items of children's sleepwear in sizes 7 through 14 were readily ignited by a small ignition source. Exposure to a 1½-inch natural gas flame for 3 seconds resulted in ignition and burning of many such items. Burning of such items in their usual, vertical configuration was rapid.

Simulation of real-life accident conditions was accomplished by dressing child-size mannequins in purchased items of children's sleepwear. Brief exposure of these assemblies to small flames resulted in extensive damage to the mannequins. These experiments indicate that children wearing such garments would have been seriously injured.

The proposed standard is reasonable and technologically practicable. In the course of the development of the proposed standard, NBS purchased garments on the open market that comply with the proposed standard. These garments are being marketed nationally by major distributors, both through their retail outlets and through catalog sales.

The proposed standard, which the Department of Commerce finds is needed to protect the public against unreasonable risk of the occurrence of fire leading to death, personal injury, or significant property damage, is limited to children's sleepwear sizes 7 through 14.

Participation in proceedings. All interested persons are invited to submit written comments relative to the proposed flammability standard on or before April 11, 1973. Written comments should be submitted in at least four (4) copies to the Assistant Secretary for Science and Technology, Room 3862, U.S. Department of Commerce, Washington, D.C. 20230, and may include any data or other information pertinent to the subject.

Inspection of relevant documents. The written comments received pursuant to this notice will be available for public inspection at the central reference and records inspection facility of the Department of Commerce, Room 7043, Main Commerce Building, 14th Street between E Street and Constitution Avenue, NW., Washington, D.C. 20230. Supporting documents are available for inspection in the above facility. The documents contain in more detail the data which are summarized in the preceding portions of this notice.

Issued: March 6, 1973.

RICHARD O. SIMPSON,
Acting Assistant Secretary for Science and Technology.

CHILDREN'S SLEEPWEAR SIZES 7 THROUGH 14

PROPOSED STANDARD FOR THE FLAMMABILITY OF CHILDREN'S SLEEPWEAR; SIZES 7 THROUGH 14

DOC PFF 5-73

.1 Definitions.
.2 Scope and application.
.3 General requirements.
.4 Sampling and acceptance procedures.
.5 Test procedure.
.6 Labeling requirements.

.1 *Definitions.* In addition to the definitions given in section 2 of the Flammable Fabrics Act, as amended (sec. 1, 81 Stat. 568; 15 U.S.C. 1191), and section 7.2 of the procedures (33 FR 14642, Oct. 1, 1968), the following definitions apply for the purposes of this Standard:

(a) "Children's Sleepwear" means any product of wearing apparel from size 7 through size 14 such nightgowns, pajamas, or similar or related items, such as robes, intended to be worn primarily for sleeping or activities related to sleeping. Underwear and diapers are excluded from this definition.

(b) "Sizes 7 through 14" means the sizes defined as 7 through 14 in Department of Commerce voluntary product standards, PS 54-72 and PS 36-70, previously identified as commercial standards, CS 153-48, "Body Measurements for the Sizing of Girls' Apparel", and CS 155-50, "Body Measurements for the Sizing of Boys' Apparel", respectively.[1]

(c) "Item" means any product of children's sleepwear or any fabric or related material intended or promoted for use in children's sleepwear.

(d) "Trim" means decorative materials, such as ribbons, laces, embroidery, or ornaments. This definition does not include (1) individual pieces less than 2 inches in their longest dimension, provided that such pieces do not constitute or cover in aggregate a total of more than 20 square inches of the item, or (2) functional materials (findings), such as zippers, buttons, or elastic bands, used in the construction of garments.

(e) "Test Criteria" means the average char length and the maximum char length which a sample or specimen may exhibit in order to pass an individual test.

(f) "Char Length" means the distance from the original lower edge of the specimen exposed to the flame in accordance with the procedure specified in .5 test procedure to the end of the tear or void in the charred, burned, or damaged area, the tear being made in accordance with the procedure specified in .5(c)(2), specimen burning and evaluation.

(g) "Afterglow" means the continuation of glowing of parts of a specimen after flaming has ceased.

(h) "Fabric Piece" (Piece) means a continuous, unseamed length of fabric, one or more of which make up a Unit.

[1] Copies available from the National Technical Information Service, 5285 Port Royal Street, Springfield, VA 22151.

(i) "Fabric Production Unit" (Unit) means any quantity of finished fabric up to 4,600 linear meters (5,000 linear yards) for normal sampling or 9,200 linear meters (10,000 linear yards) for reduced sampling which has a specific identity that remains unchanged throughout the Unit except for color or print pattern as specified in .4(a). For purposes of this definition, finished fabric means fabric in its final form after completing its last processing step as a fabric except for slitting.

(j) "Garment Production Unit" (Unit) means any quantity of finished garments up to 500 dozen which have a specific identity that remains unchanged throughout the Unit except for size, trim, findings, color, and print patterns as specified in .4(a).

(k) "Sample" means five test specimens.

(l) "Specimen" means an 8.9±0.5×25.4 ±0.5 cm. (3.5±0.2×10±0.2 in.) section of fabric. For garment testing, the specimen will include a seam or trim.

.2 *Scope and application.* (a) This standard provides a test method to determine the flammability of items as defined in .1(c).

(b) All items as defined in .1(c), are subject to the requirements of this standard.

.3 *General requirements*—(a) *Summary of test method.* Conditioned specimens, 8.9± 0.5×25.4±0.5 cm. (3.5±0.2×10±0.2 in.), are suspended one at a time vertically in holders in a prescribed cabinet and subjected to a standard flame along their bottom edges for a specified time under controlled conditions. The char lengths are recorded.

(b) *Test criteria.* The test criteria when the testing is done in accordance with .4 sampling and acceptance procedures and .5 test procedure are:

(1) *Average char length.* The average char length of five specimens shall not exceed 17.8 cm. (7.0 in.).

(2) *Full specimen burn.* No individual specimen shall have a char length of 25.4 cm. (10 in.).

.4 *Sampling and acceptance procedures*—(a) *General.* The test criteria of .3(b) shall be used in conjunction with the following fabric and garment sampling plan, or any others approved by the Department of Commerce that provide at least the equivalent level of fire safety to the consumer. Alternate sampling plans submitted for approval shall have operating characteristics such that the probability of Unit acceptance at any percentage defective does not exceed the corresponding probability of Unit acceptance of the following sampling plan in the region of the latter's operating characteristic curves that lies between 5 and 95 percent acceptance probability.

Different colors or different print patterns of the same fabric may be included in a single fabric or garment production unit, provided such colors or print patterns demonstrate char lengths that are not significantly different from each other as determined by previous testing of at least three samples from each color or print pattern to be included in the Unit.

Garments with different trim and findings may be included in a single garment production unit provided the other garment characteristics are identical except for size, color, and print pattern.

For fabrics whose flammability characteristics are not dependent on chemical additives or chemical reactants to fiber, yarns, or fabrics, the laundering requirement of 5(c)(4) is met on subsequent fabric production units if results of testing an initial fabric production unit demonstrate acceptability according to the requirements of .4(b), normal sampling, both before and after the appropriate laundering.

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If the fabric has been shown to meet the laundering requirement, .5(c)(4), the garments produced from that fabric are not required to be laundered.

Each sample (five specimens) for all fabric sampling shall be selected so that two specimens are in one fabric direction (machine or cross machine) and three specimens are in the other fabric direction, except for the additional sample selected after a failure, in which case, all five specimens shall be selected in the same fabric direction in which the specimen failure occurred.

Fabric samples may be selected from fabric as outlined in .4(b) fabric sampling or, for verification purposes, from randomly selected garments.

Multi-layer fabrics shall be tested with a hem of approximately 2.5 cm. (1 in.) sewn at the bottom edge of the specimen with a suitable threat and stitch. The specimen shall include each of the components over its entire length. Garments manufactured from multilayer fabrics shall be tested with the edge finish which is used in the garment at the bottom edge of the specimen.

(b) *Fabric sampling.* A fabric production unit (Unit) is either accepted or rejected in accordance with the following plan:

Normal sampling. Select one sample from the beginning of the first fabric piece (piece) in the Unit and one sample from the end of the last piece in the Unit, or select a sample from each end of the piece if the Unit is made up of only one piece. Test the two selected samples. If both samples meet all the test criteria of .3(b), accept the Unit. If either or both of the samples fail the 17.8 cm. (7.0 in.) average char length criterion, .3(b)(1), reject the Unit. If two or more of the individual specimens, from the 10 selected specimens, fail the 25.4 cm. (10 in.) char length criterion, .3(b)(2), reject the Unit. If only one individual specimen, from the 10 selected specimens, fails the 25.4 cm. (10 in.) char length criterion, .3(b)(2), select five additional specimens from the same end of the piece in which the failure occurred, all five to be taken in the fabric direction in which the specimen failure occurred. If this additional sample passes all the test criteria, accept the Unit. If this additional sample fails any part of the test criteria, reject the Unit.

Reduced sampling. The level of sampling required for fabric acceptance may be reduced provided the preceding 15 Units of the fabric have all been accepted using the normal sampling plan.

The reduced sampling plan shall be the same as for normal sampling except that the quantity of fabric in the Unit may be increased to 9,200 linear meters (10,000 linear yards).

Select and test two samples in the same manner as in normal sampling. Accept or reject the Unit on the same basis as with normal sampling.

Reduced sampling shall be discontinued and normal sampling resumed if a Unit is rejected.

Tightened sampling. The level of sampling required for acceptance shall be increased when a Unit is rejected under the normal sampling plan. The tightened sampling shall be the same as normal sampling except that one additional sample shall be selected and cut from a middle piece in the Unit. If the Unit is made up of less than two pieces, the Unit shall be divided into at least two pieces. The division shall be such that the pieces produced by the division shall not be smaller than 92 linear meters (100 linear yards) or greater than 2,300 linear meters (2,500 linear yards). If the Unit is made up of two pieces, the additional sample shall be selected from the interior end of one of the pieces. Test the three selected samples. If all three selected samples meet all the test criteria of .3(b), accept the Unit. If one or more of the three selected samples fail the 17.8 cm. (7.0 in.) average char length criterion, .3(b)(1), reject the Unit. If two or more of the individual specimens, from the 15 selected specimens, fail the 25.4 cm. (10 in.) char length criterion, .3(b)(2), reject the Unit. If only one individual specimen, from the 15 selected specimens, fails the 25.4 cm. (10 in.) char length criterion, .3(b)(2), select five additional specimens from the same end of the piece in which the failure occurred, all five to be taken in the fabric direction in which the specimen failure occurred. If this additional sample passes all the test criteria, accept the Unit. If this additional sample fails any part of the test criteria, reject the Unit. Tightened sampling may be discontinued and normal sampling resumed after five consecutive Units have all been accepted using tightened sampling. If tightened sampling remains in effect for 15 consecutive Units, production of the specific fabric in tightened sampling must be discontinued until that part of the process or component which is causing failure has been identified and the quality of the end product has been improved.

Disposition of rejected units. The piece or pieces which have failed and resulted in the initial rejection of the Unit may not be retested, used, or promoted for use in children's sleepwear as defined in .1(a) of this standard and DOC FF 3–71 except after reworking to improve the flammability characteristics and subsequent retesting in accordance with the procedures in tightened sampling.

The remainder of a rejected Unit, after removing the piece or pieces, the failure of which resulted in Unit rejection, may be accepted if the following test plan is successfully concluded at all required locations. The required locations are those adjacent to each such failed piece. (Required locations exist on both sides of the "Middle Piece" tested in tightened sampling if failure of that piece resulted in Unit rejection). Failure of a piece shall be deemed to have resulted in Unit rejection if Unit rejection occurred and a sample or specimen from the piece failed any test criterion of .3(b).

The Unit should contain at least 15 pieces for disposition testing after removing the failing pieces. If necessary for this purpose, the Unit shall be demarcated into at least 15 approximately equal length pieces unless such division results in pieces shorter than 92 linear meters (100 linear yards). In this latter case, the Unit shall be demarcated into roughly equal length pieces of approximately 92 linear meters (100 linear yards) each. If such a division results in five pieces or less in the Unit for each failing piece after removing the failing pieces, only the individual piece retest procedure (described subsequently) may be used.

Select and cut a sample from each end of each adjoining piece beginning adjacent to the piece which failed. Test the two samples from the piece. If both samples meet all the test criteria of .3(b), the piece is acceptable. If one or both of the two selected samples fail the 17.8 cm. (7.0 in.) average char length criterion, .3(b)(1), the piece is unacceptable. If two or more of the individual specimens, from the 10 selected specimens, fail the 25.4 cm. (10 in.) char length criterion, .3(b)(2), the piece is unacceptable. If only one individual specimen, from the 10 selected specimens, fails the 25.4 cm. (10 in.) char length criterion, .3(b)(2), select five additional specimens from the same end of the piece in which the failure occurred, all five to be taken in the fabric direction in which the specimen failure occurred. If this additional sample passes all the test criteria, the piece is acceptable. If this additional sample fails any part of the test criteria, the piece is unacceptable.

Continue testing adjoining pieces until a piece has been found acceptable. Then continue testing adjoining pieces until three successive adjoining pieces, not including the first acceptable piece, have been found acceptable or until five such pieces, not including the first acceptable piece, have been tested, whichever occurs sooner. Unless three successive adjoining pieces have been found acceptable among five such pieces, testing shall be stopped and the entire Unit rejected without further testing. If three successive pieces have been found acceptable among five such pieces, accept the three successive acceptable pieces and the remaining pieces in the Unit.

Alternatively, individual pieces from a rejected Unit containing three or more pieces may be tested and accepted or rejected on a piece by piece basis according to the following plan, after removing the piece or pieces, the failure of which resulted in Unit rejection:

Select four samples (two from each end) from the piece. Test the four selected samples. If all four samples meet all the test criteria of .3(b), accept the piece. If one or more of the samples fail the 17.8 cm. (7.0 in.) average char length criterion, .3(b)(1), reject the piece. If two or more of the individual specimens, from the 20 selected specimens, fail the 25.4 cm. (10 in.) char length criterion, .3(b)(2), reject the piece. If only one individual specimen, from the 20 selected specimens, fails the 25.4 cm. (10 in.) char length criterion, .3(b)(2), select two additional samples from the same end of the piece in which the failure occurred. If these additional two samples meet all the test criteria of .3(b), accept the piece. If one or both of the two additional samples fail any part of the test criteria, reject the piece.

The pieces of a Unit rejected after retesting may not be retested, used, or promoted for use in children's sleepwear as defined in .1(a) of this standard and DOC FF 3–71 except after reworking to improve the flammability characteristics, and subsequent retesting in accordance with the procedures set forth in tightened sampling.

Records. Records of all Unit sizes, test results, and the disposition of rejected pieces and Units must be maintained by the manufacturer beginning upon the effective date of this standard. Rules and regulations may be established by the Federal Trade Commission.

(c) *Garment sampling.* The garment sampling plan is made up of two parts: (1) Prototype testing and (2) Production testing. Prior to production, prototypes must be tested to assure that the design characteristics of the garment are acceptable. Garment production units (Units) are then accepted or rejected on an individual Unit basis.

Edge finishes such as hems, except in multilayer fabrics, and binding are excluded from testing except that when trim is used on an edge the trim must be subjected to prototype testing. Seams attaching findings are excluded from testing.

Prototype testing. Preproduction prototypes of a garment style or type shall be tested to assure that satisfactory garment specifications in terms of flammability are set up prior to production.

Seams. Make three samples (15 specimens) using the longest seam type and three samples using each other seam type 10 inches or longer that is to be included in the garment. Prior to testing, assign each specimen to one of the three samples. Test each set of three samples and accept or reject each seam design in accordance with the following plan:

If all three samples meet all the test criteria of .3(b), accept the seam design. If one or more of the three samples fail the 17.8 cm. (7.0 in.) average char length criterion, .3(b)(1), reject the seam design. If three or more of the individual specimens from the 15 selected specimens fail the 25.4 cm. (10 in.) char length criterion, .3(b)(2), reject the seam design. If only one of the individual specimens from the 15 selected specimens fails the 25.4 cm. (10 in.) char length criterion, .3(b)(2), accept the seam design.

If two of the individual specimens, from the 15 selected specimens, fail the 25.4 cm. (10 in.) char length criterion, .3(b)(2), select three more samples (15 specimens) and retest. If all three additional samples meet all the test criteria of .3(b), accept the seam design. If one or more of the three additional samples fail the 17.8 cm. (7.0 in.) average char length criterion, .3(b)(1), reject the seam design.

If two or more of the individual specimens, from the 15 selected specimens, fail the 25.4 cm. (10 in.) char length criterion, .3(b)(2), reject the seam design. If only one of the individual specimens, from the 15 selected specimens, fails the 25.4 cm. (10 in.) char length criterion, .3(b)(2), accept the seam design.

Trim. Make three samples (15 specimens) from each type of trim to be included in the garment. Specimens shall be prepared by sewing or attaching the trim to the center of the vertical axis of an appropriate section of untrimmed fabric, beginning the sewing or attachment at the lower edge of each specimen. The sewing or attachment shall be made in the manner in which the trim is to be attached in the garment.

Sewing or otherwise attaching the trim shall be done with thread or fastening material of the same composition and size to be used for this purpose in the garment and using the same stitching or seam type. The trim shall be sewn or fastened the entire length of the specimen. Prior to testing, assign each specimen to one of the three samples. Test the sets of three samples and accept or reject the type of trim and design on the same basis as seam design.

Production testing. A Unit is either accepted or rejected according to the following plan:

From each Unit, select at random sufficient garments and cut three samples (15 specimens) from the longest seam type. No more than five specimens may be cut from a single garment. Prior to testing, assign each specimen to one of the three samples. All specimens cut from a single garment must be included in the same sample. Test the three selected samples. If all three samples meet all the test criteria of .3(b), accept the Unit. If one or more of the three samples fail the 17.8 cm. (7 inches) average char length criterion, .3(b)(1), reject the Unit. If four or more of the individual specimens, from the 15 selected specimens, fail the 25.4 cm. (10 inches) char length criterion, .3(b)(2), reject the Unit. If three or less of the individual specimens, fail the 25.4 cm. (10 inches) char length criterion .3(b)(2), accept the Unit.

If the garment under test does not have a 10 inch seam in the largest size in which it is produced, the following selection and testing procedure shall be followed:

Select and cut specimens 8.9 cm. (3.5 inches) wide by the maximum available seam length, with the seam in the center of the specimen and extending the entire specimen length. Cut three samples (15 specimens). These specimens shall be placed in specimen holders so that the bottom edge is even with the top of the shoe on the guide plate of the specimen holder and the seam begins in the center of the bottom edge. Prior to testing, assign each specimen to one of the three samples. All specimens cut from a single garment must be included in the same sample.

Test the three samples. If all three samples pass the 17.8 cm. (7 inches) average char length criterion, .3(b)(1), and if three or less individual specimens fail by charring the entire specimen length, accept the Unit. If the Unit is not accepted in the above test, three samples (15 specimens) of the longest seam type shall be made using fabric and thread from production inventory and sewn on production machines by production operators. The individual fabric sections prior to sewing must be no larger than 20.3 by 63.3 cm. (8 by 25 inches) and must be selected from more than one area of the base fabric. Test the three prepared samples. Accept or reject the Unit as described previously in this subsection.

Disposition of rejected units. Rejected Units shall not be retested, used, or promoted for use in children's sleepwear as defined in .1(a) except after reworking to improve the flammability characteristics and subsequent retesting in accordance with the procedures set forth in garment production testing.

Records. Records of all Unit sizes, test results, and the disposition of rejected Units must be maintained by the manufacturer beginning upon the effective date of this standard. Rules and regulations may be established by the Federal Trade Commission.

(d) *Compliance market sampling plan by FTC.* The FTC may submit, for approval by the Secretary of Commerce, fabric and/or garment sampling plans for use in market testing of items covered by this standard. For approval, such plans shall define noncompliance of a production Unit to exist only when it is shown, with a high level of statistical confidence, those production Units represented by tested items which fail such FTC plans will, in fact, fail this standard.

Production Units found to be noncomplying under these provisions shall be deemed not to conform to this standard.

.5 *Test procedure*—(a) *Apparatus*—(1) *Test chamber.* The test chamber shall be a steel cabinet with inside dimensions of 32.9 cm. (12 15/16 in.) wide, 32.9 cm. (12 15/16 in.) deep, and 76.2 cm. (30 in.) high. It shall have a frame which permits the suspension of the specimen holder over the center of the base of the cabinet at such a height that the bottom of the specimen is 1.7 cm. (¾ in.) above the highest point of the barrel of the gas burner specified in .5(a)(3), burner, and perpendicular to the front of the cabinet. The front of the cabinet shall be a close-fitting door with a transparent insert to permit observation of the entire test. The cabinet floor may be covered with a piece of asbestos paper, whose length and width are approximately 2.5 cm. (1 in.) less than the cabinet floor dimensions. The cabinet to be used in this test method is illustrated in Figure 1 and detailed in engineering drawings, Nos. 1 to 7.

(2) *Specimen holder.* The specimen holder to be used in this test method is detailed in Engineering Drawing No. 7. It is designed to permit suspension of the specimen in a fixed vertical position and to prevent curling of the specimen when the flame is applied.

The specimen shall be fixed between the plates, which shall be held together with side clamps.

(3) *Burner.* The burner shall be substantially the same as that illustrated in Figure 1 and detailed in Engineering Drawing No. 6. It shall have a tube of 1.1 cm. (0.43 in.) inside diameter. The input line to the burner shall be equipped with a needle valve. It shall have a variable orifice to adjust the height of the flame. The barrel of the burner shall be at an angle of 25 degrees from the vertical. The burner may be equipped with an adjustable stop collar so that it may be positioned quickly under the test specimen. The burner shall be connected to the gas source by rubber or other flexible tubing.

(4) *Gas supply system.* There shall be a pressure regulator to furnish gas to the burner under a pressure of 103–259 mm. Hg. (2–5 lbs./sq. in.) at the burner inlet.

(5) *Gas.* The gas shall be at least 97 percent pure methane.

(6) *Hooks and weights.* Metal hooks and weights shall be used to produce a series of loads for char length determinations. Suitable metal hooks consist of No. 19 gauge steel wire, or equivalent, made from 7.6 cm. (3 in.) lengths of the wire, bent 1.3 cm. (0.5 in.) from one end to a 45° angle hook. The longer end of the wire is fastened around the neck of the weight to be used and the other in the lower end of each burned specimen to one side of the burned area. The requisite loads are given in Table 1.

TABLE 1

ORIGINAL FABRIC WEIGHT[1]

Grams per square meter	Ounces per square yard	Loads	
		Gram	Pound
Less than 101	Less than 3	54.5	0.12
101–207	3–6	113.4	.25
207–338	6–10	226.8	.50
Greater than 338	Greater than 10.0	340.2	.75

[1] Weight of the original fabric, containing no seams or trim, is calculated from the weight of a specimen which has been conditioned for at least 8 hours at 21±1° C. (70±2° F.) and 65±5 percent relative humidity. Shorter conditioning times may be used if the change in weight of a specimen in successive weighings made at intervals of not less than 2 hours does not exceed 0.2 percent of the weight of the specimen.

(7) *Stopwatch.* A stopwatch or similar timing device shall be used to measure time to 0.1 second.

(8) *Scale.* A linear scale graduated in millimeters or 0.1 inch divisions shall be used to measure char length.

(9) *Conditioning facility.* A facility capable of maintaining the specimens at 21±1° C. (70±2° F.) and 65±5 percent relative humidity (percent RH) shall be used to condition the specimens.

(10) *Hood.* A hood or other suitable enclosure shall be used to provide a draft-free environment surrounding the test chamber without restricting the availability of air. This enclosure shall have a fan or other suitable means for exhausting smoke and or toxic gases produced by testing.

(b) *Conditioning and mounting of specimens.* The specimens shall be placed in the conditioning facility in a manner that will permit free circulation of air at 21±1° C. (70±2° F.) and 65±5 percent RH around them for a minimum of 8 hours.[2] Prior to conditioning or before removing the specimens from the conditioned atmosphere, the specimens shall be placed in specimen holders so that the bottom edge of each specimen is even with the top of the shoe on the guide plate shown in Engineering Drawing No. 7. Mount the specimen in as close to a flat configuration as possible. The sides of the specimen holder shall cover 1.9 cm. (¾ in.) of the specimen width along each long edge of the specimen, and thus shall expose 5.1 cm. (2 in.) of the specimen width. The sides of the specimen holder shall be clamped with a sufficient number of clamps or shall be taped to prevent the specimen from being displaced during handling and testing. The specimens

[2] Shorter conditioning times may be used if the change in weight of a specimen in successive weighings made at intervals of not less than 2 hours does not exceed 0.2 percent of the weight of the specimen.

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may be taped in the holders if the clamps fail to hold them. If the atmosphere of the conditioning facility varies more than ±5 percent RH, the specimen shall be reconditioned for a minimum of 8 hours.

(c) *Testing*—(1) *Burner adjustment.* With the hood fan turned off, use the needle valve to adjust the flame height of the burner to 3.8 cm. (1½ in.) above the highest point of the barrel of the burner. A suitable height indicator is shown in Engineering Drawing No. 6 and Figure 1.

(2) *Specimen burning and evaluation.* One at a time, the mounted specimens shall be suspended in the cabinet for testing. The cabinet door shall be closed and the burner flame impinged on the bottom edge of the specimen for 3.0±0.2 seconds.[4] Flame impingement is accomplished by moving the burner under the specimen for this length of time, and then removing it.

When afterglow has ceased, remove the specimen from the cabinet and holder, and place it on a clean flat surface. Fold the specimen lengthwise along a line through the highest peak of the charred or melted area; crease the specimen firmly by hand. Unfold the specimen and insert the hook with the correct weight as shown in Table 1 in the specimen on one side of the charred area 6.4 mm. (¼ in.) from the lower edge. Tear the specimen by grasping the other lower corner of the fabric and gently raising the specimen and weight clear of the supporting surface.[5] Measure the char length as the distance from the end of the tear to the original lower edge of the specimen exposed to the flame. After testing each specimen, vent the hood and cabinet to remove the smoke and/or toxic gases.

(3) *Report.* Report the value of char length, in centimeters (inches), for each specimen, as well as the average char length for each set of five specimens.

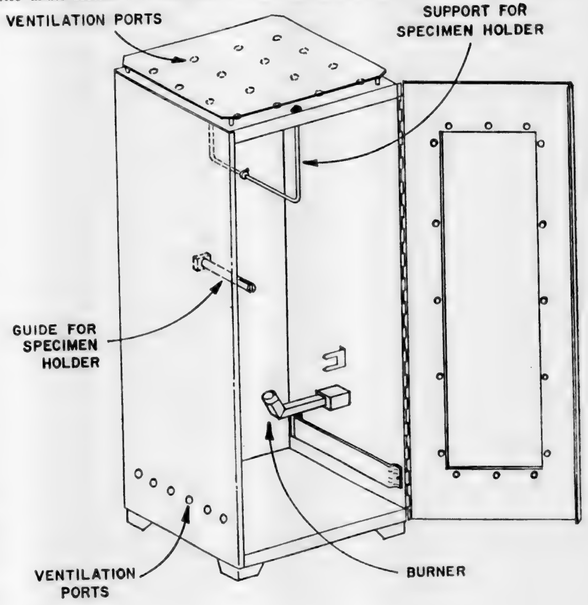
(4) *Laundering.* The procedures described under .4, Sampling and Acceptance Procedures, .5(b), Conditioning and Mounting of Specimens, and .5(c), Testing, shall be carried out on finished items (as produced or after one washing and drying) and after they have been washed and dried 50 times according to the laundering procedure in AATCC Test Method 124–1969.[6] Items which do not withstand 50 launderings shall be tested at the end of their useful life.

Washing procedure 6.2(III), with a water temperature of 60± 2.8° C. (140± 5° F.), and drying procedure 6.3.2(B), shall be used. Maximum load shall be 3.64 kg. (8 pounds) and may consist of any combination of test samples and dummy pieces. Alternatively, a different number of times under another washing and drying procedure may be specified and used, if that procedure has previously been found to be equivalent by the Federal Trade Commission. Such laundering is not required of items which are not intended to be laundered, as determined by the Federal Trade Commission.

Items which are not susceptible to being laundered and are labeled "dry-clean only" shall be dry-cleaned by a procedure which has previously been found to be acceptable by the Federal Trade Commission.

For the purpose of the issuance of a guarantee under section 8 of the Act, finished sleepwear garments to be tested according to .4(b), fabric sampling, need not be laundered or dry-cleaned provided all fabrics used in making the garments (except trim) have been guaranteed by the fabric producer to be acceptable when tested according to .4(b), fabric sampling.

.6 *Labeling requirements.* All items of children's sleepwear shall be labeled with precautionary instructions to protect the items from agents or treatments which are known to cause significant deterioration of their flame resistance. If the item has been initially tested under .5(c)(4), laundering, after one washing and drying, it shall be labeled with instructions to wash before wearing. Such labels shall be permanent and otherwise in accordance with rules and regulations established by the Federal Trade Commission.

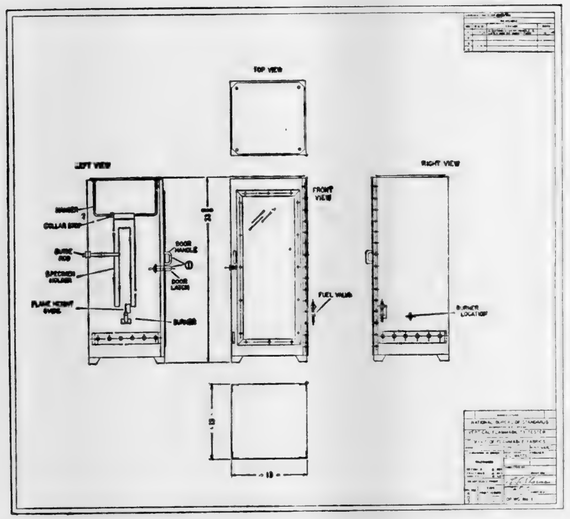


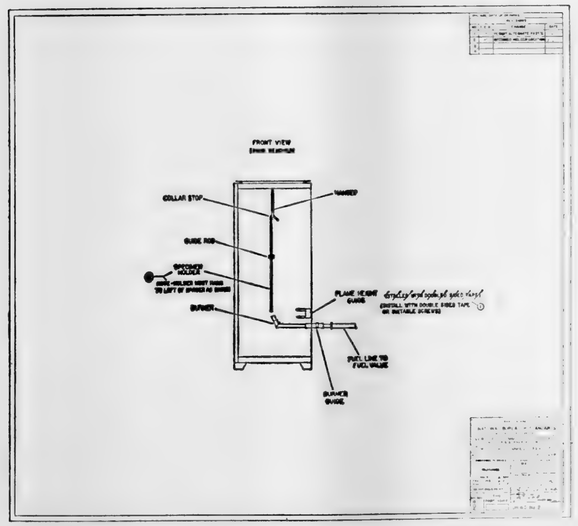
VERTICAL TEST CABINET
FIGURE 1

[4] If more than 30 seconds elapse between removal of a specimen from the conditioning facility and the initial flame impingement, that specimen shall be reconditioned prior to testing.

[5] A figure showing how this is done is given in AATCC 34–1969, Technical Manual of the American Association of Textile Chemists and Colorists, vol. 46, 1970, published by AATCC, Post Office Box 12215, Research Triangle Park, N.C. 27709.

[6] Technical Manual of the American Association of Textile Chemists and Colorists vol. 46 1970 published by AATC Post Office Box 12215 Research Triangle Park, NC 27709.





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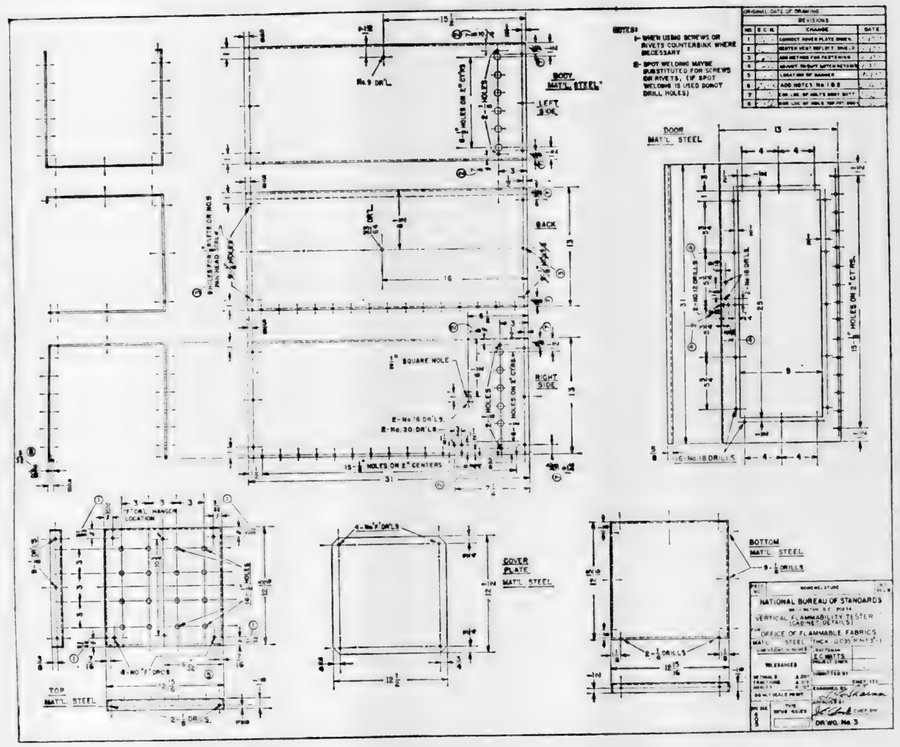

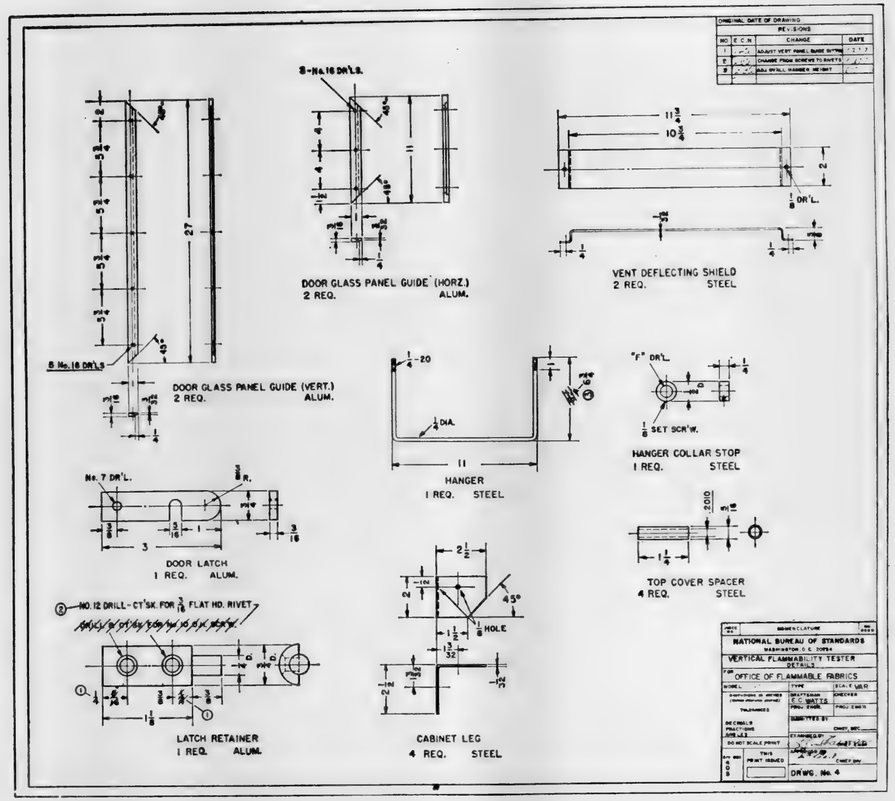

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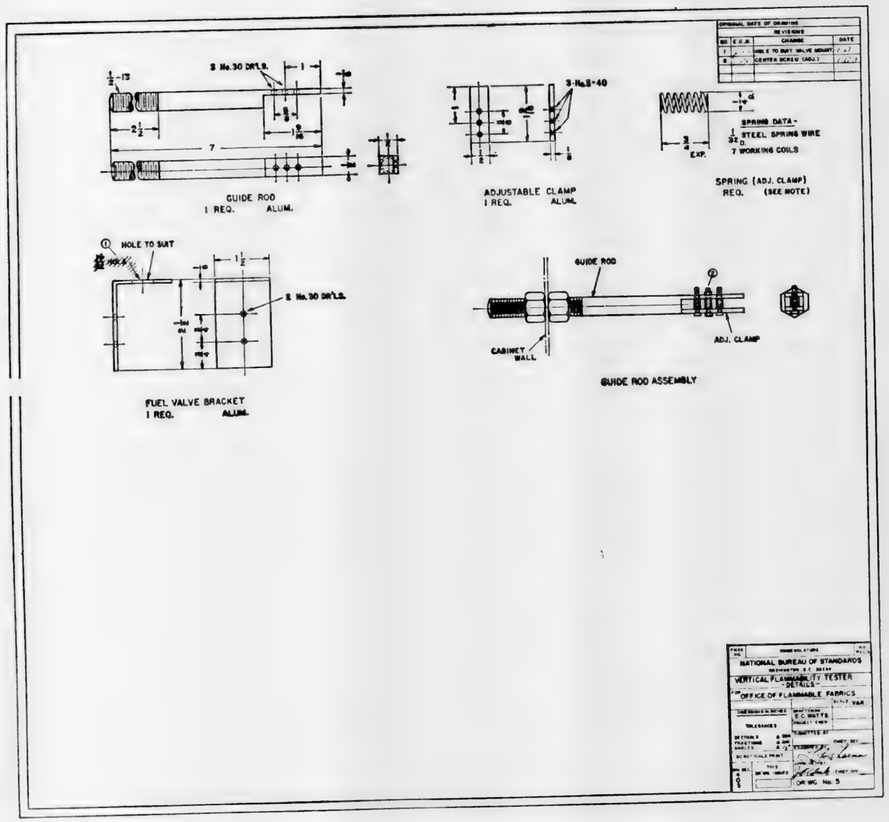

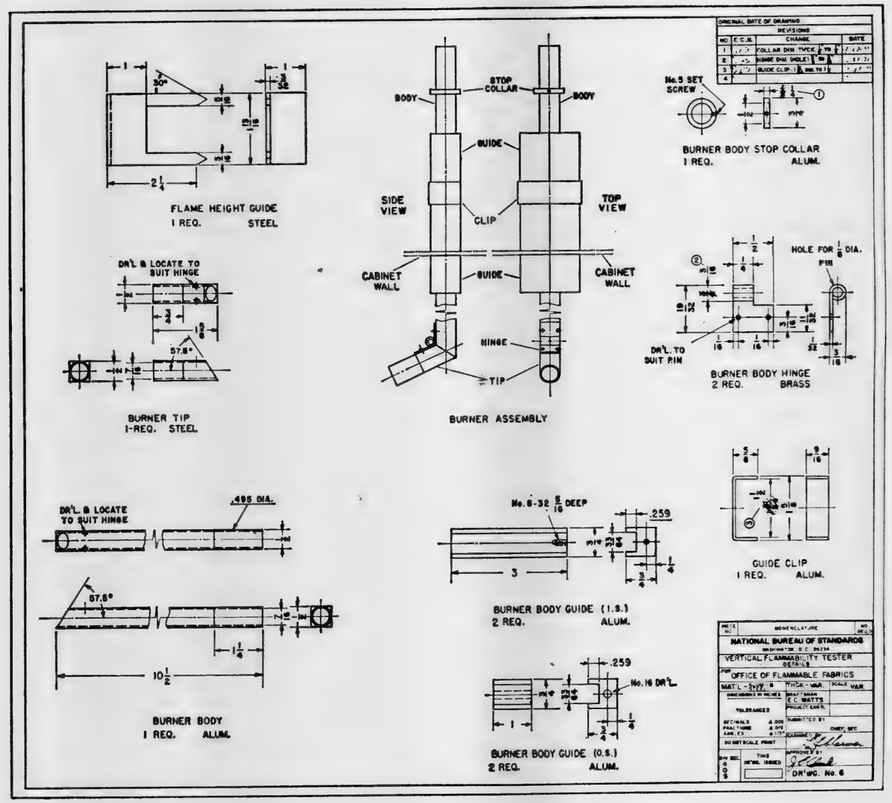

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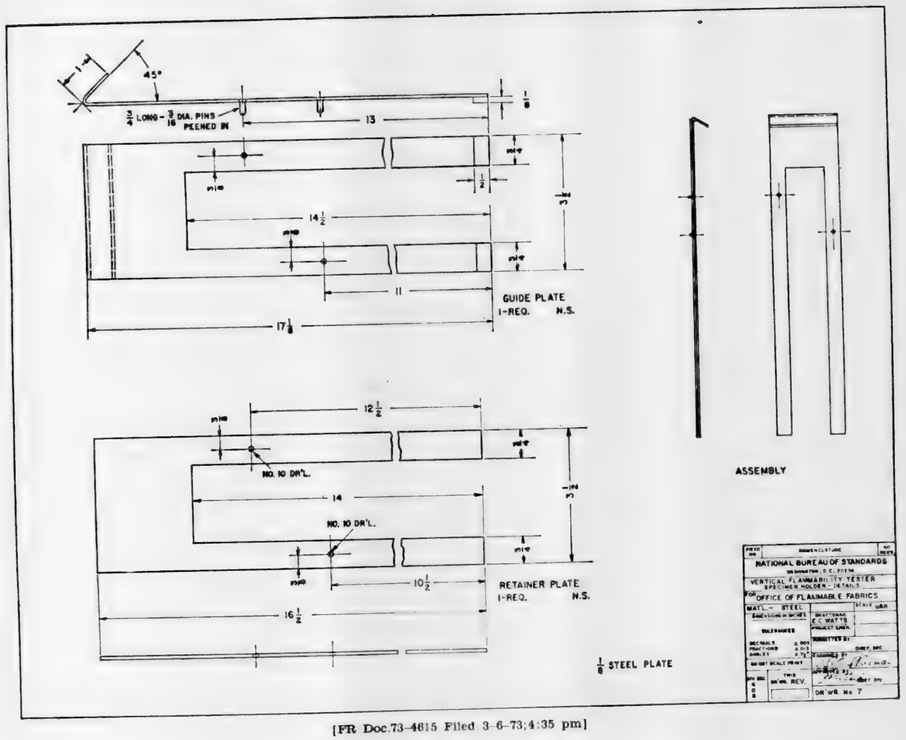

[FR Doc.73-4815 Filed 3-6-73;4:35 pm]

SMALL CARPETS AND RUGS

Supplementary Notice Regarding Proposed Sampling Plan

On March 7, 1973, there was published in the FEDERAL REGISTER (38 FR 6207, FR Doc. 73-4270) (38 FR 6210, FR Doc. 73-4269), a proposed Sampling Plan for the Standard for the Surface Flammability of Small Carpets and Rugs (Pill Test) DOC FF 2-70 and a proposed Sampling Plan for the Standard for the Surface Flammability of Carpets and Rugs DOC FF 1-70:

PARTICIPATION IN ABOVE-REFERENCED PROCEEDINGS

All interested persons are invited to submit written comments relative to each of the proposed sampling plans on or before April 11, 1973. Written comments should be submitted in at least four (4) copies to the Assistant Secretary for Science and Technology, Room 3862, U.S. Department of Commerce, Washington, D.C. 20230, and may include any data or other information pertinent to the subject.

INSPECTION OF RELEVANT DOCUMENTS

The written comments received pursuant to this notice will be available for public inspection at the Central Reference and Records Inspection Facility of the Department of Commerce, Room 7043, Main Commerce Building, 14th Street between E Street and Constitution Avenue NW., Washington, D.C. 20230. Supporting documents are available for inspection in the above facility. The documents contain in more detail the data which are summarized in the preceding portions of this notice.

Issued: March 8, 1973.

RICHARD O. SIMPSON,
Acting Assistant Secretary for Science and Technology.

[FR Doc.73-4781 Filed 3-8-73;3:01 pm]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of the Secretary

CHILD AND FAMILY DEVELOPMENT RESEARCH REVIEW COMMITTEE

Notice of Family and Youth Study Section Meeting

The Family and Youth Study Section of the Child and Family Development Research Review Committee will meet on March 14, 15, and 16, 1973. Each day the study section will meet from 9 a.m. until 5:30 p.m. in Club Room B of the Shoreham Hotel, 2500 Calvert Street NW., Washington, DC. The meetings will be closed to the public. The purpose of the Child and Family Development Research Review Committee is to review applications of research and demonstration projects and to make recommendations to the Director of the Office of Child Development as to which projects should be funded.

A list of Committee members and a summary of the meeting may be obtained from:

Barbara Rosengard, Research and Evaluation Division, Office of Child Development, Post Office Box 1182, Washington, DC 20013, 202—755-7758.

Dated: March 7, 1973.

BARBARA ROSENGARD,
Executive Secretary.

[FR Doc.73-4811 Filed 3-9-73;8:40 am]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

ADVISORY CIRCULAR 70/7460-1, OBSTRUCTION MARKING AND LIGHTING

Proposed Change

Public notice is hereby given that the Federal Aviation Administration is considering amending its standards to recommend the use of high intensity (strobe) obstruction lighting systems on tall skeletal structures. In addition, the FAA proposes to delete the recommended practices of obstruction marking skeletal structures with aviation surface orange and white paint when strobe lighting systems are employed. It is believed that interested parties should have an opportunity to comment on the proposed changes before it is put into effect. Accordingly, interested parties are invited to participate by submitting such written data, views or arguments as they may desire. Written comments should be submitted prior to April 15, 1973, to the Chief, Airspace and Air Traffic Rules Division, AAT-200, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591. Receipt of comments will not be acknowledged; however, all comments will be given careful consideration.

BACKGROUND

In accordance with the Federal Aviation Act of 1958, the Administrator of the Federal Aviation Administration is charged with the statutory responsibility for promoting safety in air commerce. In the light of this responsibility, the Director, Air Traffic Service, has been delegated the responsibility to describe the standards for obstruction marking and lighting obstructions to air navigation and to establish the methods, procedures, and equipment types as advisory material. These are promulgated in Advisory Circular 70/7460-1, Obstruction Marking and Lighting.

The FAA in its continuing efforts to improve the conspicuity of tall structures initiated several projects toward this goal in the early 1960's. These efforts culminated in a report dated January 1963; the installation and evaluation of a high intensity incandescent lighting system on a 1,449-foot above ground level television antenna tower in Oklahoma City, Okla. (1966-68), and the evaluation of a high intensity strobe lighting system installed on the supporting structures of an overhead transmission line across the Mississippi River in New Orleans, La., between December 1969 and early 1970. Data obtained from the January 1963 report and gleaned from the subsequent evaluations, formed the basis for the FAA's recommended specifications and standards for high intensity lighting systems.

The FAA's demand for an effective and highly reliable strobe system coupled with close coordination with industry and the advent of new and improved technologies, resulted in the development of acceptable hardware. This enabled the FAA to specify an improved high intensity lighting system for obstruction lighting objects determined to be obstructions to air navigation.

Strobe lighting systems are installed and operating on 11 chimneys, three television antenna towers, the supporting structures of four overhead transmission line crossings and one building. Approximately 34 more installations are in varying stages of planning and installation. As a result of field experience gained on the early installations and flight evaluations of several structures, amendments are being incorporated in the specifications leading to improved lighting systems. The use of these systems on tall solid structures negates the recommended practice of applying and maintaining aviation surface orange and white obstruction painting. The FAA is contemplating applying similar criteria to skeletal structures.

JUSTIFICATION

An evaluation of strobe lighting systems has been underway since the initial installation of these types of systems in 1969. One phase consisted of distributing questionnaire cards to be completed by pilots observing the systems. In excess of 89 percent of the comments received on all systems stated that the lights effectively warned them of the structure's presence.

During 1972 two existing television antenna towers were equipped with strobe systems. These structures were marked and lighted with the standard aviation orange and white paint and red obstruction lighting system. An evaluation team composed of representatives of several aviation organizations, a State aeronautics commission, the Federal Communications Commission, a television station, and various services of the FAA observed the two television antennas under both day and night conditions. In summary, the comments stated that the strobe lights are most effective during daylight hours; they are often seen long before the outline of the skeletal structure can be seen; the paint is only effective on sunny days with the sun behind the observer, the lights should remain on high intensity later in the day; at night the flash rate should be increased or have a longer flash duration; painting appears unnecessary when stroke lights are used; color bands are not distinguishable under most flight conditions and certainly not at night; leave red lights on at night, where they exist, along with strobes and if not possible, strobes are preferred; use at least one steady burning light to decrease chance of vertigo; flash rate was satisfactory; use intermediate intensity step when switching from day to night operation and vice versa.

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As a result, the specification for the lighting system is being amended to provide for a scintillating or burst mode when operating at night. This will make the light appear to be on for approximately 0.25 seconds rather than a very rapid single flick. This results in the pilot being able to get a better fix on the location of the structure at night when he cannot see the outline of the strucure; it will decrease the possibility of getting vertigo; it will assist in determining the distance to the structure and it is significantly unique to provide distinction from an aircraft strobe light. The switch over from day to night intensity was also recognized as a problem in that the day intensity is much too bright against a late evening sky and the night intensity is not bright enough if the switch over is made too early. As a result, the new specifications will require an intermediate step during the switch over period at dusk and dawn.

RELIABILITY

During 1972 several manufacturers' systems were approved as meeting current FAA specifications. A request was made to users of all systems to determine problem areas and system reliability. The reports received indicated that the systems manufactured in accordance with the FAA specifications have encountered only minor malfunctions after the initial installation problems are overcome. Since these systems are new to most electrical contractors, installation problems can be anticipated until greater experience is gained by the various electrical installation contractors.

SPECIFICATION

The following are the basic recommended specifications for high intensity obstruction lighting systems applied to tall structures (excluding the supporting structures of overhead transmission lines):

1. *Intensity*—200,000 candelas, day; 1,000 candelas, night.

2. *Flash rate*—All lamps flash simultaneously at 40 flashes per minute.

3. *Beam spread*—A narrow vertical beam spread is specified in order to provide the full light intensity at possible collision altitudes with the structure, while persons on the ground or at altitudes above the structure will only receive residual light.

INDUSTRY ACCEPTANCE

All indications are that the strobe lighting systems are being readily accepted by electric utility companies. Several independent studies have been conducted by these companies to determine if any savings could be incurred if strobe lighting were used in lieu of the red obstruction lighting systems and painting every 4 or 5 years. It has been determined that for a chimney 500 feet and above, it is more economical to employ strobe lights. Inquiries regarding the application of strobe light systems to skeletal structures has resulted in responses similar to those mentioned above from members of the radio and television industry.

COORDINATION

The high intensity obstruction lighting standard as proposed for application on skeletal structures has been coordinated with the Federal Communications Commission and is being coordinated with aviation interests and organizations, and the public, through the media of this notice.

PROPOSED HIGH INTENSITY OBSTRUCTION LIGHTING STANDARDS

1. *Purpose.* The purpose of lighting an object is to warn airmen of its presence during daytime, nighttime, and periods of limited daytime light intensity and meteorological visibility. To accomplish this objective, it is necessary to display lighting on the obstruction of sufficient intensity and in such a manner that it will attract the attention of the pilot of any airplane that is approaching the obstruction from any angle while at any altitude up to 1,500 feet above the uppermost point on the obstruction.

1.1 *Scope.* The standards described herein describe day and night high intensity obstruction lighting recommended for obstructions to air navigation. The standard applies to tall skeletal type structures and is not applicable to the supporting structures of overhead wires which are described under another section of Advisory Circular 70/7460-1.

2. *Light distribution.* The vertical and horizontal light distribution of the high intensity lights should meet the requirements specified in Advisory Circular 150/5345-43, FAA/DOD Specification L-856, High Intensity Obstruction Lighting Systems.

3. *Inspection of obstruction lighting.* Obstruction lighting should be visually observed at least once each 24 hours or checked by observing an automatic and properly maintained indicator designed to register any failure of such lights to insure that all such lights are functioning properly as required. An automatic alarm system to denote such malfunction may be used.

4. *Notification of light failure.* Any observed or otherwise known extinguishment or improper functioning of an obstruction light which will last more than 30 minutes, regardless of its position on a natural or man-made obstruction, should be immediately reported. Such reports should be made by telephone or telegraph to the nearest flight service station or office of the FAA and should set forth the condition of the light or lights, the circumstances which caused the failure and the probable date that normal operation will be resumed. Further notification by telephone or telegraph should be given immediately upon resumption of normal operation by the light or lights.

5. *Obstruction marking and lighting.*

5.1 *Variables.* It is recommended that marking and lighting be displayed on skeletal structures in any of the following combinations:

5.1.1 *Paint and red obstruction lights.* Aviation surface orange and white paint, daytime; flashing aviation red beacons and steady burning aviation red lights, nighttime. (Standards are specified in Advisory Circular Number 70/7460-1, Obstruction Marking and Lighting.)

5.1.2 *High intensity lighting system.* Flashing high intensity white obstruction lights at full intensity, daytime; lights at reduced intensity, nighttime. Aviation surface orange and white paint for daytime marking may be omitted.

5.1.3 *Combination aviation red and high intensity white obstruction lights.* A combination of flashing high intensity white lights, daytime; flashing aviation red beacons and steady burning aviation red lights, nighttime operation. Aviation surface orange and white paint for daytime marking may be omitted.

6. *Interference.* Where any obstruction lights displayed on an obstruction may present a problem to the safe operation of railway trains, boats, or motor vehicles, or may be a source of irritation to any person or persons in the vicinity of the lights, action should be taken to properly adjust the angular elevation of the light beam and/or install louvers to eliminate the adverse effects. Neither of these adjustments should affect the effectiveness of the lights as an obstruction marking system.

7. *High intensity white obstruction lighting system.*

7.1 *Specification.* The high intensity white lighting system referred to in the standards set forth in this publication should conform with the applicable provisions of FAA/DOD Specification L-856, High Intensity Obstruction Lighting System.

7.2 *Availability of specifications.* FAA/DOD Specification L-856 is contained in the Federal Aviation Administration Advisory Circular No. 150/5345-43. Copies of this advisory circular may be obtained free of charge from the Department of Transportation, Distribution Unit, TAD-484.3, Washington, D.C. 20590.

7.3 *Manufacturers.* The names of qualified manufacturers and a description of their equipment will be included in the next revision to Federal Aviation Administration Advisory Circular No. 150/5345-1C, Approved Airport Lighting Equipment. Copies may be obtained free of charge from the Department of Transportation, Distribution Unit, TAD-484.3, Washington, D.C. 20590.

8. *Standards for lighting obstructions to air navigation with high intensity white obstruction lights.*

8.1 *Application.* The following standard applies only to skeletal structures, excluding supporting structures for overhead wires:

8.1.1 There should be installed on the highest portion of the obstruction a light or lights in a manner to insure unobstructed visibility of at least one light from aircraft at any normal angle of approach.

8.1.2 Skeletal structures having a rod, antenna or similar appurtenance thereto, 20 feet or greater above the main structural frame should have a white strobe beacon installed at the highest point. This light should be similar in appearance to a 300 MM code beacon, operate 24 hours a day at 1,000 candelas and flash in unison with the high intensity lighting system.

8.1.3 Skeletal structures and solid structures such as chimneys and flare stacks having a diameter of 20 feet or less should not need more than three light heads per level.[1] (This is based on lighting systems built in accordance with L-856 specifications.)

8.1.4 The main structural frame, excluding appurtenances thereto, determines the number of vertical levels[2] of lights to be applied in addition to the strobe light under Item 8.1.2 above, if applicable.

8.1.4.1 For skeletal structures having an overall height of 300 feet above ground level (AGL) or less, one level of lights should be installed at the top of the main skeletal structure.

8.1.4.2 For skeletal structures having an overall height of 301 to 600 feet AGL, two levels of lights should be installed. These should be installed at the top and at the approximate midpoint of the main skeletal frame.

8.1.4.3 For skeletal structures having an overall height of 601 to 1,000 feet AGL, three levels of lights should be installed. These should be installed at the top and approximate two-thirds and one-third levels of the main skeletal frame.

8.1.4.4 For skeletal structures having an overall height of more than 1,000 feet AGL, there should be installed an additional level of lights (excluding the white strobe beacon atop any appurtenance, if applicable) for each additional 400 feet, or fraction thereof, of the height of the main skeletal frame.

8.1.5 Where dual lighting systems are employed (i.e., high intensity white obstruction lights for daytime marking and red beacon and red steady burning lights for nighttime lighting) the top level should be installed at the top of the main skeletal frame (in addition to the 300 MM red flashing code beacon on top of any appurtenance). The succeeding light levels should be installed as close as possible to levels described above in Items 8.1.4.1 through 8.1.4.4, depending on the height of the structure and may be installed on the same level as the next closest red flashing beacon or red steady burning obstruction light. This is permitted in order that additional servicing catwalks need not be installed.

[1] Chimneys greater than 20 feet in diameter should have four light heads per level. Consideration is being given to increasing the number of lights per level for structures in excess of 100 feet in diameter.

[2] The standard for the vertical placement of high intensity obstruction lights on tall skeletal structures prescribed herein and under Item 8.1.5 is identical to those presently recommended for tall solid structures such as chimneys.

9. *Angular elevation of light beam.* Each light head installed at the same level on a structure should be installed such that the angular elevation of the light beam for each light on that level is set at the identical elevation above the horizontal. This elevation is determined by the beam pattern of the particular manufacturer's equipment used and should be such that the beam to 20 percent of its effective intensity shall not strike the ground within 3 miles of the structure.

Issued in Washington, D.C., on March 1, 1973.

RAYMOND G. BELANGER,
Acting Director,
Air Traffic Service.

[FR Doc.73-4644 Filed 3-9-73;8:45 am]

AIRPORTS FIELD OFFICE AT BECKLEY, W. VA.

Notice of Change of Jurisdiction and Establishment

On or about April 2, 1973, the Airports District Office at Falls Church, Va., will no longer service the State of West Virginia.

In lieu thereof, an Airports Field Office will be established at Beckley, W. Va., on or about April 2, 1973. It will provide airport services to communities, airport sponsors, and public agencies, and conduct associated activities including the Airport Development Aid Program for the State of West Virginia. Communications to the Airports Field Office should be addressed as follows:

Airports Field Office, Department of Transportation, Federal Aviation Administration, Beckley National Plaza Building, 600 Neville Street, Beckley, WV 25801.

(Sec. 313(a), 72 Stat. 752; 49 U.S.C. 1354)

Issued in New York, N.Y., on March 2, 1973.

GEORGE M. GARY,
Director, Eastern Region.

[FR Doc.73-4645 Filed 3-9-73;8:45 am]

ATOMIC ENERGY COMMISSION

[Docket No. 50-312]

RANCHO SECO NUCLEAR GENERATING STATION

Notice of Availability of Final Environmental Statement

Pursuant to the National Environmental Policy Act of 1969 and the U.S. Atomic Energy Commission's regulations in Appendix D to 10 CFR Part 50, notice is hereby given that the Final Environmental Statement, prepared by the Commission's Directorate of Licensing, related to Rancho Seco Nuclear Generating Station for the proposed continuation of Construction Permit No. CPPR-56 and the proposed issuance of an operating license by Sacramento Municipal Utility District in Sacramento County, Calif., is available for inspection by the public in the Commission's Public Document Room at 1717 H Street NW., Washington, D.C., and in the Sacramento City County Library, Sacramento, Calif. The Final Environmental Statement is also being made available at the State of California, Office of Intergovernmental Management, 1400 10th Street, Room 121, Sacramento, CA.

The notice of availability of the Draft Environmental Statement for the Rancho Seco Nuclear Generating Station, and requests for comments from interested persons was published in the FEDERAL REGISTER on October 20, 1972 (37 FR 22638). The comments received from Federal, State, and local officials and interested members of the public have been included as appendices to the Final Environmental Statement.

Single copies of the Final Environmental Statement may be obtained by writing the U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Deputy Director for Reactor Projects, Directorate of Licensing.

Dated at Bethesda, Md., this 7th day of March 1973.

For the Atomic Energy Commission.

GORDON K. DICKER,
Chief, Environmental Projects Branch No. 2, Directorate of Licensing.

[FR Doc 73-4693 Filed 3-9-73;8:45 am]

[Docket No. 50-407]

UNIVERSITY OF UTAH

Notice of Proposed Issuance of Construction Permit and Facility License

The Atomic Energy Commission (herein "the Commission") is considering the issuance of a construction permit and subsequently a facility license to the University of Utah which would authorize the construction and operation of a TRIGA Mark I nuclear reactor for research purposes on the university's campus at Salt Lake City, Utah. The proposed reactor will be operated at steady-state power levels up to 100 kilowatts (thermal).

Upon completion of the construction of the TRIGA Mark I nuclear reactor in accordance with the terms and conditions of the construction permit, and in the absence of good cause to the contrary, the Commission will issue to the University of Utah without further notice, a facility license authorizing the operation of the TRIGA since the application is complete enough to permit evaluation of the safety of the proposed operation of the reactor.

The Commission has found that the application for the construction permit and facility license complies with the requirements of the Atomic Energy Act of 1954, as amended, and the Commission's regulations published in 10 CFR Chapter I. Prior to issuance of the proposed issuances, the Commission will have made the remainder of the findings required by the Act, and the Commission's regulations which are set forth in the proposed permit and facility license.

On or before April 11, 1973, the applicant may file a request for a hearing,

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and any person whose interest may be affected by the issuance of the construction permit and facility license may file a petition for leave to intervene. Requests for a hearing and petitions to intervene shall be filed in accordance with the provisions of the Commission's rules of practice, 10 CFR Part 2. If a request for a hearing or petition for leave to intervene is filed within the time prescribed in this notice, the Commission will issue a notice of hearing or an appropriate order.

For further details with respect to these proposed issuances, see (1) the application dated October 1971 and supplements dated August 4 and October 10, 1972, (2) a related safety evaluation prepared by Reactor Projects, (3) the proposed construction permit, and (4) the proposed facility license all of which are available for public inspection in the Commission's Public Document Room, 1717 H Street NW., Washington, DC. A copy of each of items (2), (3), and (4) may be obtained upon request sent to the Atomic Energy Commission, Washington, D.C. 20545, Attention: Director of Licensing.

Dated at Bethesda, Md., this 2d day of March 1973.

For the Atomic Energy Commission.

ROBERT J. SCHEMEL,
Acting Assistant Director for Operating Reactors, Directorate of Licensing.

[FR Doc.73-4792 Filed 3-9-73;8:45 am]

[WASH-1519]

RIO BLANCO GAS STIMULATION PROJECT

Notice of Availability of Addendum to Final Environmental Statement

Notice is hereby given that an addendum to a document entitled, "Rio Blanco Gas Stimulation Project, Rio Blanco County, Colorado" issued in April 1972 pursuant to the Atomic Energy Commission's implementation of section 102(2)(c) of the National Environmental Policy Act of 1969 is being placed in the Commission's Public Document Room, 1717 H Street NW., Washington, DC 20545, and in the Commission's Albuquerque Operations Office, Post Office Box 5400, Albuquerque, NM 87115; Chicago Operations Office, 9800 South Cass Avenue, Argonne, IL 60439; Grand Junction Office, Post Office Box 2567, Grand Junction, CO 81501; Idaho Operations Office, Post Office Box 2108, Idaho Falls, ID 83401; Health and Safety Laboratory, 376 Hudson Street, New York, NY 10014; Oak Ridge Operations Office, Post Office Box E, Oak Ridge, TN 37830; San Francisco Operations Office, 2111 Bancroft Way, Berkeley, CA 94704. This addendum has been prepared to supplement the environmental statement in order to reflect the consideration of comments received too late to be incorporated in the environmental statement and to present additional information. The plans for and the evaluation of the potential environmental impact of the proposed project have not been significantly altered.

This addendum to the environmental statement is being furnished to recipients of the statement and will be furnished upon request addressed to the Director, Division of Environmental Affairs, U.S. Atomic Energy Commission, Washington, D.C. 20545.

Dated at Germantown, Md., this 8th day of March 1973.

For the Atomic Energy Commission.

PAUL C. BENDER,
Secretary of the Commission.

[FR Doc.73-4802 Filed 3-9-73;8:45 am]

[Docket 25287; Order 73-3-11]

CIVIL AERONAUTICS BOARD

BRANIFF AIRWAYS, INC.

Order of Investigation and Suspension

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 6th day of March, 1973.

By tariff revision[1] marked to become effective March 7, 1973, Braniff Airways, Inc. (Braniff) proposes to amend its group-fare structure between points in the southern portion of its system and Hawaii by canceling its fares for groups of 88, 105, and 154 or more passengers, and substituting a single fare for groups of 100 or more at the level of the present fare for groups of 154.

In support of its proposal, Braniff alleges that as a result of the increasing number of travel agents engaged in developing tour groups to Hawaii, it has become more difficult for one agent to gather the minimum number required for travel at the advertised price.[2] The smaller required group size is intended to alleviate this problem. It is alleged that the increase in revenue flowing from the fact that groups of less than 100 would be required to pay a higher individual fare will be offset by the lower fare which would become available for groups of 105–153 passengers, and that the net effect on revenues will be a wash.

Continental Air Lines, Inc. (Continental) has filed a complaint alleging that Braniff is incorrect in stating that the proposal will result in neither an increase nor decrease in its revenues; that in fact the change in minimum group size will result in a dilution of revenue; that Braniff's proposal is inconsistent with the Board's view of the overall fare situation in the Hawaiian market; and that Braniff is now seeking to establish a new 100-passenger fare which is actually lower than the comparable fare last fall.

Braniff answers that the 100-passenger group size is essential to induce agents to promote group fares on off-peak days, and that the absence of a weekend surcharge on these days has not proved sufficient. It alleges that its weekend flights for the coming summer are already almost completely blocked for large groups, but agents are still not promoting weekday departures because they are fearful that they cannot generate the 154 passengers required to be eligible for the lowest available fare.

Braniff further alleges that tour operators are willing to solicit group passengers for a given flight only on Braniff's commitment to block more than the minimum number of seats per group and that the practical result is that 200 seats are usually blocked in advance. It asserts that the reduction in group size will permit it to limit normal block booking to 150 seats and thus free more capacity for individual sales.

Upon consideration of the proposal, the complaint and answer thereto, and all relevant matters, the Board finds that the proposed revisions may be unjust, unreasonable, unjustly discriminatory, unduly preferential, unduly prejudicial, or otherwise unlawful and should be investigated. The Board has also concluded to suspend the proposal pending investigation.

In our opinion, this proposal represents a liberalization of the existing group-fare structure which could result in a net revenue reduction. In light of the Board's stated concern with the discount fare/regular fare relationship in the Hawaiian market, we believe Braniff's proposal reflects a regressive step at a time when carriers should be moving to achieve yield improvement.

While we can appreciate that Braniff would like to accommodate its group-fare structure to the tour operators' selling programs, we are not convinced that its approach is economically sound. We believe it would be far more reasonable to apply the existing fare level for groups of 105 passengers, rather than the lower 154-passenger group fare, and note that the proposed fare would be below the minimum for a comparable group established in the Group Inclusive Tour Basing Fares to Hawaii case, Docket 20850.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204(a), 403, 404, and 1002 thereof, *It is ordered that:*

1. An investigation be instituted to determine whether the fares and provisions described in Appendix A[3] attached hereto, and rules, regulations, and practices affecting such fares and provisions, are or will be unjust, unreasonable, unjustly discriminatory, unduly preferential, unduly prejudicial, or otherwise unlawful, and if found to be unlawful, to determine and prescribe the lawful fares and provisions, and rules, regulations, or practices affecting such fares and provisions;

2. Pending hearing and decision by the Board, the fares and provisions described in Appendix A hereto are suspended and their use deferred to and including June 4, 1973, unless otherwise ordered by the Board, and that no changes be made therein during the period of suspension except by order or special permission of the Board;

3. Except to the extent granted herein, the complaint in Docket 25225 is dismissed;

4. The investigation ordered herein be assigned for hearing before an Administrative Law Judge of the Board at a time and place hereafter to be designated; and

5. Copies of this order be served on Braniff Airways, Inc., and Continental Air Lines, Inc., which are made parties to this proceeding.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HARRY J. ZINK,
Secretary.

[FR Doc.73-4699 Filed 3-9-73;8:45 am]

[1] Revisions to Airline Tariff Publishers, Inc., Agent, Tariffs CAB Nos. 136 and 142.

[2] Braniff alleges that an agent normally bases his tour package on the lowest group fare available, in this case, for groups of 154 or more persons.

[3] Appendix A filed as part of the original document.

[Docket No. 25262]

LUFTHANSA GERMAN AIRLINES

Notice of Prehearing Conference and Hearing

Amendment of Foreign Air Carrier Permit Addition of Toronto, Canada, as an intermediate point.

Notice is hereby given that a prehearing conference in the above-entitled matter is assigned to be held on April 10, 1973, at 10 a.m., local time, in Room 1031, North Universal Building, 1875 Connecticut Avenue NW., Washington, DC, before Administrative Law Judge Arthur S. Present.

Notice is also given that the hearing may be held immediately following conclusion of the prehearing conference unless a person objects or shows reason for postponement on or before April 3, 1973.

Dated at Washington, D.C., March 6, 1973.

[SEAL] RALPH L. WISER,
Chief Administrative Law Judge.

[FR Doc.73-4700 Filed 3-9-73;8:45 am]

CIVIL SERVICE COMMISSION

DENTAL HYGIENIST, COLUMBIA, MO.

Notice of Establishment of Minimum Rates and Rate Ranges

Under authority of 5 U.S.C. 5303 and Executive Order 11073, the Civil Service Commission has established special minimum salary rates and rate ranges as follows:

GS-682 DENTAL HYGIENIST SERIES

Geographic coverage: Columbia, Mo.
Effective date: First day of the first pay period beginning on or after March 18, 1973

(PER ANNUM RATES)

Grade	1	2	3	4	5	6	7	8	9	10
GS-4	$8,256	$8,485	$8,714	$8,943	$9,172	$9,401	$9,630	$9,859	$10,088	$10,317
GS-5	8,722	8,979	9,236	9,493	9,750	10,007	10,264	10,521	10,778	11,035
GS-6	9,430	9,716	10,002	10,288	10,574	10,860	11,146	11,432	11,718	12,004

All new employees in the specified occupational level will be hired at the new minimum rates.

As of the effective date, all agencies will process a pay adjustment to increase the pay of employees on the roles in the affected occupational levels. An employee who immediately prior to the effective date was receiving basic compensation at one of the statutory rates shall receive basic compensation at the corresponding numbered rate authorized by this notice on or after each date. The pay adjustment will not be considered an equivalent increase within the meaning of 5 U.S.C. 5335.

Under the provisions of section 3–2b, Chapter 571, FPM, agencies may pay the travel and transportation expenses to first post of duty under 5 U.S.C. 5723, of new appointees to positions cited.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.73-4583 Filed 3-9-73;8:45 am]

FEDERAL COMMUNICATIONS COMMISSION

[Report 638]

COMMON CARRIER SERVICES INFORMATION[1]

Domestic Public Radio Services Applications Accepted for Filing[2]

MARCH 5, 1973.

Pursuant to §§ 1.227(b)(3) and 21.30 (b) of the Commission's rules, an application, in order to be considered with any domestic public radio services application appearing on the list below, must be substantially complete and tendered for filing by whichever date is earlier: (a) The close of business 1 business day preceding the day on which the Commission takes action on the previously filed application; or (b) within 60 days after the date of the public notice listing the first prior filed application (with which subsequent applications are in conflict) as having been accepted for filing. An application which is subsequently amended by a major change will be considered to be a newly filed application. It is to be noted that the cutoff dates are set forth in the alternative—applications will be entitled to consideration with those listed below in the appendix if filed by the end of the 60-day period, only if the Commission has not acted upon the application by that time pursuant to the first alternative earlier date. The mutual exclusivity rights of a new application are governed by the earliest action with respect to any one of the earlier filed conflicting applications.

The attention of any party in interest desiring to file pleadings pursuant to section 309 of the Communications Act of 1934, as amended, concerning any domestic public radio services application accepted for filing, is directed to § 21.27 of the Commission's rules for provisions governing the time for filing and other requirements relating to such pleadings.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[1] All applications listed below are subject to further consideration and review and may be returned and/or dismissed if not found to be in accordance with the Commission's rules, regulations, and other requirements.

[2] The above alternative cutoff rules apply to those applications listed below as having been accepted in Domestic Public Land Mobile Radio, Rural Radio, Point-to-Point Microwave Radio, and Local Television Transmission Services (Part 21 of the rules).

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APPENDIX

APPLICATIONS ACCEPTED FOR FILING

DOMESTIC PUBLIC LAND MOBILE RADIO SERVICE

MARCH 5, 1973.

6246-C2-P-73—Northwestern Bell Telephone Co. (KFL887), C.P. to change antenna system and additional facilities to operate at 2.7 miles west-southwest of center of Grand Island, Grand Island, Nebr. on frequency 152.78 MHz.
6248-C2-P-73—Tele-Page, Inc. (New), C.P. for a new two-way station to operate on 152.21 MHz at Road 1258 between Highways 21 and 178, Orangeburg, S.C.
6302-C2-P-73—Nashville Mobilphone, Inc. (KIY750), C.P. to add frequency 152.09 MHz at 1.75 miles west of Junction U.S. 70 South and 100, Nashville, Tenn.
6303-C2-P-73—Massachusetts-Connecticut Mobile Telephone Co. (KCC803), C.P. to add antenna site, control point and transmitter, operating on 152.12 MHz at Brushy Hill Road, Danbury, Conn.
6304-C2-P-73—Cincinnati Radiotelephone Systems, Inc. (KLF476), C.P. to add antenna location No. 4, to operate on 43.22 MHz at 4164 Halfacre, Afton, OH.
6305-C2-P-73—Dial-A-Page, Inc. (New), C.P. for a new one-way signaling station, to operate on 158.70 MHz at 3600 Oakland Avenue, Elkhart, IN.
6306-C2-P-73—Anserfone of St. Lucie County, Inc. (KUC847), C.P. to change antenna location, operating on 158.70 MHz at 200 South Seventh Street, Fort Pierce, FL (one-way signaling).
6307-C2-P-73—Mobilfone Corp. (KSV992), C.P. to add location No. 2, operating on 158.70 MHz at 80 South Eighth Street, Minneapolis, MN (one-way signaling).
6309-C2-P-73—Calumet Radio Dispatch (KSB589), C.P. to change antenna system, and to replace transmitter. Operating on frequency 152.09 MHz at 504 Broadway, Gary, IN.
6310-C2-P-73—North Alabama Paging Co., doing business as Walter Britt Smith (New), C.P. for a new one-way signaling station to operate on 158.70 MHz at 703 Band Street NE., Decatur, AL.
6311-C2-P-(3)-73—Marianas Telephone Co. (WWA347), C.P. to change antenna system and to replace transmitter operating on 152.21 MHz at Libugan Hill, Asan, Agana, Guam, and to add a repeater station operating on 459.100 MHz at the same location. Also adding a control station to operate on 454.100 MHz at 1.9 miles southeast of Agana, Guam.
6314-C2-P-73—General Communications Co. (KUC849), C.P. to add location No. 2 to operate on 35.22 MHz at Westover Reservoir Park, Morgantown, W. Va. and location No. 3 to operate on 35.22 MHz at Route 50, 2 miles east of Clarksburg, W. Va.

Major Amendments

1765-C2-P-73—Industrial Communications Systems, Inc. (KSV926), Los Angeles, Calif. Amend to add base facilities operating on 158.70 MHz at a location described as 1709 West Eighth Street, Los Angeles, CA. All other particulars of operation remain as reported in Public Notice No. 165 dated September 25, 1972.
4018-C2-P-72—Robert S. Ditton (KOA605), change base frequency from 152.21 MHz to 152.06 MHz. All other particulars remain as reported in Public Notice No. 578 dated January 10, 1972.

RURAL RADIO SERVICE

6247-C1-P/L-73—The Pacific Telephone & Telegraph Co. (New), C.P. for a new rural subscriber station to operate on 157.77 and 157.89 MHz at 7.5 miles east-southeast of Holtville, Calif.
6249-C1-P/L-73—Industrial Communications, Inc. doing business as Port Arthur Mobile Phone (New), C.P. for a new rural subscriber station to operate at a temporary fixed location on frequency 158.58 MHz.
6308-C1-P-73—Illinois Bell Telephone Co. (KSH92), C.P. to change frequencies, power and to replace transmitter. Operating on 459.400, 459.425, 459.450, 459.475, 459.500, 459.550, 450.600, and 459.650 MHz at 4913 West Belmont Street, Chicago, IL.
6312-C1-P-73—South Central Bell Telephone Co. (New), C.P. for a new rural subscriber station to operate on 157.95 and 158.01 MHz at approximately 8.3 miles southwest of Houma, La.

RURAL RADIO SERVICE—continued

6315-C1-P-73—General Communications Service, Inc. (New), C.P. for a new rural subscriber station to operate at Office of Borderland Trading Post on AZ Highway 87N, 16 miles northeast of Junction with U.S. Highway 66, Arizona on frequency 158.49 MHz.

POINT-TO-POINT MICROWAVE RADIO SERVICE

6235-C1-P-73—South Central Bell Telephone Co. (KIV66), approximately 1.5 miles southeast of Paintsville, Ky. Latitude 37°47'45'' N., longitude 82°48'05'' W. C.P. to change antenna system and power; replace transmitter on frequencies 4050V and 4130V MHz toward White Oak, Ky.
6236-C1-P-73—Same (KYS48), 232 West Lexington Avenue, Winchester, KY. Latitude 37°59'35'' N., longitude 84°11'02'' W. C.P. to change power and replace transmitter on frequencies 3730H and 3810H MHz toward Stanton, Ky.
6237-C1-P-73—Same (KYC46), approximately 0.4 miles north of Centerville, Ky. Latitude 38°13'43'' N., longitude 84°23'20'' W. C.P. to add frequency 3910V MHz toward Claysville, Ky.; frequencies 10,875V and 11,115H MHz toward Lexington, Ky.
6238-C1-P-73—Same (WAY83), approximately 4.3 miles southeast of Claysville, Ky. Latitude 38°27'43'' N., longitude 84°09'11'' W. C.P. to add frequency 3870H MHz toward Williamstown, Ky.; frequency 3870V MHz toward Centerville, Ky.
6239-C1-P-73—The Mountain States Telephone & Telegraph Co. (KPS31), approximately 1.7 miles east of McCammon, Idaho. Latitude 42°37'48'' N., longitude 112°09'56'' W. C.P. to change points of communication on frequencies 10,715H and 10,955V MHz toward Lava Hot Springs, Idaho via passive reflector.
6240-C1-P-73—Same (KPS32), approximately 5 miles east of Lava Hot Springs, Idaho. Latitude 42°36'53'' N., longitude 111°55'10'' W. C.P. to change antenna system and location on frequencies 11,405V and 11,645H MHz toward McCammon, Idaho via passive reflector; frequencies 11,685V and 11,445H MHz toward Soda Springs, Idaho via passive reflector.
6241-C1-P-73—Same (KPS33), 210 North Main Street, Soda Springs, ID. Latitude 42°39'50'' N., longitude 111°36'09'' W. C.P. to change antenna system, points of communication and add lighting rod on frequencies 10,775V and 10,955H MHz toward Lava Hot Springs, Idaho via passive reflector; frequencies 10,715V and 10,955H MHz toward Georgetown, Idaho.
6242-C1-P-73—Same (KPS34), approximately 4 miles north-northwest of Georgetown, Idaho. Latitude 42°31'41'' N., longitude 111°24'14'' W. C.P. to change antenna system and antenna location on frequencies 11,405H and 11,645V MHz toward Soda Springs, Idaho; frequencies 11,685H and 11,445V MHz toward Montpelier, Idaho.
6243-C1-P-73—Same (KPS35), 802 Monroe Avenue, Montpelier, ID. Latitude 42°19'18'' N., longitude 111°18'24'' W. C.P. to change points of communication on frequencies 10,755H and 10,995V MHz toward Georgetown, Idaho.
6250-C1-P-73—General Telephone Company of the Southeast (WBO56), 3.6 miles southeast of intersection of Routes 84 and 70 North in Monterey, Tenn. Latitude 36°06'11'' N., longitude 85°14'03'' W. C.P. to add frequency 10,875V MHz toward Monterey, Tenn.
6245-C1-MP-73—United Telephone Company of the Carolinas, Inc. (KIC29), Saveall Street at Highway 22, Greenwood, S.C. Latitude 34°10'19'' N., longitude 82°08'32'' W. Modify C.P. to add frequency 6286.19V MHz toward Ware Shoals, S.C.
6251-C1-P-73—General Telephone Company of the Southeast (New), 104 South Popular Street, Monterey, TN. Latitude 36°08'56'' N., longitude 85°16'05'' W. C.P. for a new station on frequency 11,325V MHz toward Putnam, Tenn.
6279-C1-P-73—Peninsula Telephone & Telegraph Co. (KPG70), 1.7 miles west of Neah Bay, Bahokus Peak, Wash. Latitude 48°22'08'' N., longitude 124°39'54'' W. C.P. to add frequency 5967.4V MHz toward Mount Ellis Lookout, Wash.
6280-C1-P-73—Same (KPG69), 4.2 miles north-northwest of Sappho, Mount Ellis Lookout, Wash. Latitude 48°07'58'' N., longitude 124°18'20'' W. C.P. to change frequency to 6219.5V MHz toward Neah Bay, Wash.
6281-C1-ML-73—Bell Telephone Company of Nevada (KPF92), Montezuma, 8 miles west of Goldfield, Nev. Latitude 37°42'06'' N., longitude 117°22'57'' W. Modification of license to delete frequencies 6004.5V and 6123.1V and two Lenkurt Electric Co. Type 74 transmitters toward Booker Mountain, Nev. (KPF93).
6282-C1-P-73—Southwestern Bell Telephone Co. (New), Arlington Stadium, Arlington, Tex. Latitude 32°45'19'' N., longitude 97°05'07'' W. C.P. for a new station on frequency 11,035H MHz toward Dallas, Tex.

POINT-TO-POINT MICROWAVE RADIO SERVICE—continued

6283-C1-P-73—Southern Bell Telephone & Telegraph Co. (KTF45), 937 Greene Street, Augusta, GA. Latitude 33°28'30'' N., longitude 81°58'10'' W. C.P. to add frequency 6152.8V MHz toward Clarks Hill, S.C.
6284-C1-P-73—Same (KJK92), 0.8 mile south-southwest of Clarks Hill, S.C. Latitude 33°39'39'' N., longitude 82°10'47'' W. C.P. to add frequency 6375.2V MHz toward Thomson, Ga.; frequency 6375.2V MHz toward Augusta, Ga.
6285-C1-P-73—Same (KJK93), 2.7 miles northeast of Thomson, Ga. Latitude 33°29'53'' N., longitude 82°28'34'' W. C.P. to add frequency 6152.8V MHz toward Mitchell, Ga.; frequency 6152.8V MHz toward Clarks Hill, S.C.
6286-C1-P-73—Same (KJK94), 1.6 miles north-northeast of Mitchell, Ga. Latitude 33°14'29'' N., longitude 82°41'46'' W. C.P. to add frequency 6375.2V MHz toward Tennville, Ga.; frequency 6375.2V MHz toward Thomson, Ga.
6287-C1-P-73—Southern Bell Telephone & Telegraph Co. (KJK95), 1.9 miles east of Tennille, Ga. Latitude 32°56'10'' N., longitude 82°46'44'' W. C.P. to add frequency 6152.8V MHz toward Nickelsville, Ga.; frequency 6152.8V MHz toward Mitchell, Ga.; frequency 5945.2H MHz toward Mitchell, Ga.
6288-C1-P-73—Same (KJL23), 4.2 miles southeast of Nickelsville, Ga. Latitude 32°39'15'' N., longitude 83°01'48'' W. C.P. to add frequencies 6375.2V and 6226.9H MHz toward Tennille, Ga.
6289-C1-P-73—Southwestern Bell Telephone Co. (KYJ47), 715 Louisiana Street, Little Rock, AR. Latitude 34°44'30'' N., longitude 92°16'20'' W. C.P. to add frequency 6226.9H MHz toward Belfast, Ark.
6290-C1-P-73—Same (New), 2.5 miles northeast of Belfast, Ark. Latitude 34°26'36'' N., longitude 92°26'03'' W. C.P. for a new station on frequency 5974.8V MHz toward Little Rock, Ark.; frequency 5974.8H MHz toward Cove Creek, Ark.
6291-C1-P-73—Same (New), 0.11 mile northwest of Hot Springs, Ark. Latitude 34°30'18'' N., longitude 93°04'40'' W. C.P. for a new station on frequency 5974.8V MHz toward Cove Creek, Ark.
6292-C1-P-73—Same (New), Cove Creek, 3 miles south-southwest of Lonsdale, Ark. Latitude 34°30'03'' N., longitude 92°49'18'' W. C.P. for a new station on frequency 6226.9V MHz toward Belfast, Ark.; frequency 6226.9H MHz toward Hot Springs, Ark.
6293-C1-P-73—The Mountain States Telephone & Telegraph Co. (New), southeast corner of Main and Second Street, Humboldt, Ariz. Latitude 34°30'03'' N., longitude 112°14'19'' W. C.P. for a new station on frequencies 11,405V and 11,645H MHz toward Cordes Junction, Ariz. via passive reflector.
6294-C1-P-73—Same (New), Cordes Junction, 8 miles southeast of Mayer, Ariz. Latitude 34°20'02'' N., longitude 112°07'09'' W. C.P. for a new station on frequencies 10,715H and 10,995V MHz toward Humboldt, Ariz. via passive reflector.
6295-C1-P-73—Public Service Telephone Co. (KVU90), 18 miles east of Knoxville, Ga. Latitude 32°43'06'' N., longitude 83°58'11'' W. Resubmitted C.P. to add frequency 6301.0H MHz toward Culloden, Ga.
6296-C1-P-73—Same (New), Old Post Road, Culloden, Ga. Latitude 32°51'44'' N., longitude 84°05'37'' W. Resubmitted C.P. for a new station on frequency 6019.3H MHz toward Knoxville, Ga.
6300-C1-P-73—Midwestern Relay Co. (WLJ68), 5 miles northwest of Fort Atkinson, Jefferson, Wis. Latitude 42°59'38'' N., longitude 88°53'49'' W. C.P. to add frequency 6034.2V MHz toward Stoughton, Wis.
6301-C1-P-73—Midwestern Relay Co. (WJL50), Stockbridge, Wis. Latitude 44°04'20'' N., longitude 88°15'27'' W. C.P. to add frequencies 6256.5H and 6315.9H MHz toward Neenah CATV, Wis. (INFORMATIVE: Midwestern proposes to provide the television signal of WGN (Chicago) to a CATV system serving Stoughton, Wis., and the television signals of stations WGN (Chicago) and WVTV (Milwaukee) to a CATV system serving Neenah and Menasha, Wis.)
6297-C1-P-73—Southern Bell Telephone & Telegraph Co. (KIY59), 1645 Hampton Street, Columbia, SC. Latitude 34°00'29'' N., longitude 81°01'42'' W. C.P. to add frequency 6034.2V MHz toward Blaney, S.C.
6298-C1-P-73—Same (KJB47), two blocks southeast of U.S. Highway 1 (Kershaw), S.C. Latitude 34°10'10'' N., longitude 80°47'15'' W. C.P. to add frequency 6286.2H MHz toward Columbia, S.C.; frequency 6286.2V MHz toward Camden, S.C.

POINT-TO-POINT MICROWAVE RADIO SERVICE—continued

6299-C1-P-73—Same (KJA71), 1209 Broad Street, Camden, SC. Latitude 34°14'57'' N., longitude 80°36'26'' W. C.P. to add frequency 6034.2H MHz toward Blaney, S.C.
6328-C1-P-73—KHC Microwave Corp., doing business as United Video/Louisiana (New), just southwest of city, Bayou Sorrel, La. Latitude 30°09'45'' N., longitude 91°19'58'' W. C.P. for a new station on frequency 5945.2H MHz toward Donaldsonville, La.; 6034.2H MHz toward Catahoula, La.; 5945.2H MHz toward Baton Rouge, La.
6329-C1-P-73—Same (New), within Jennings Incorporated city boundaries, Jennings, La. Latitude 30°14'06'' N., longitude 92°38'13'' W. C.P. for a new station on frequency 5974.8H MHz toward Lacassine, La.; frequency 6093.5V MHz toward Crowley, La.
6330-C1-P-73—Same (New), 2 miles south of Catahoula, La. Latitude 30°11'09'' N., longitude 91°42'38'' W. C.P. for a new station on frequency 6226.9V MHz toward Bayou Sorrel, La.; 6226.9V MHz toward Lafayette, La.

Corrections

5415-C1-P-73—The Mountain States Telephone & Telegraph Co. (New), Correct to read: C.P. for a new station on frequencies 11,405V and 11,645H MHz toward Marana, Ariz., via passive reflector.
5416-C1-P-73—Same (New), Correct to read: C.P. to add frequencies 10,755H and 10,995V MHz toward Tumamoc, Ariz., via passive reflector.

(Major Amendments)

6496-C1-P-70—KHC Microwave Corp., doing business as United Video/Louisiana (New), New Orleans, La. Change proposed station location to Marais and Canal Street, New Orleans, La., at latitude 29°57'24'' N., longitude 90°04'34'' W. Correct polarization on frequency 5989.7 MHz from H to V toward Dufresne, La. Delete frequency 6078.6H MHz on azimuth 268°44' toward Dufresne, La.
6497-C1-P-70—Same (New), Dufresne, La. Change station location to 0.8 mile northwest of Dufresne, La., at latitude 29°56'48'' N., longitude 90°24'09'' W. Correct frequencies and azimuths to 6241.7H on azimuth 87°54' toward New Orleans, La., and 6301.0V MHz on azimuth 284°04' toward Vacherie, La. Delete frequencies 6271.4H and 6390.0V MHz on azimuth 281°34' toward Vacherie, La., and 6271.4H and 6390.0H MHz on azimuth 88°35' toward New Orleans, La.
6498-C1-P-70—Same (New), Vacherie, La. Change station location to 0.1 mile southeast of Vacherie, La., at latitude 30°00'49'' N., longitude 90°42'40'' W. Correct polarization and azimuth on frequency 5989.7 MHz to H on azimuth 103°55' toward Dufresne, La., Correct frequency and azimuth to 6152.8H MHz on azimuth 289°11' toward Donaldsonville, La. Delete frequencies 6078.6V MHz on azimuth 101°24' toward Dufresne, La., and 5989.7H MHz on azimuth 289°45' toward Donaldsonville, La.
6499-C1-P-70—Same (New), Donaldsonville, La. Change station location to 0.6 mile west of Donaldsonville, La., at latitude 30°06'27'' N., longitude 91°01'22'' W. Correct frequency and azimuth to 6197.2H MHz on azimuth 109°01' toward Vacherie, La. Add Bayou Sorrel, La., as a point of communication on frequency 6286.2H MHz on azimuth 339°31' toward Baton Rouge, La.
6500-C1-P-70—Same (New), Baton Rouge, La. Change station location to within Baton Rouge Incorporated area at latitude 30°26'56'' N., longitude 91°11'20'' W. Correct frequency and azimuth to 6286.2V MHz on azimuth 203°36' toward Bayou Sorrel, La. Delete frequencies 6049.0V MHz and 6108.3V MHz on azimuth 291°30' toward Blanks, La., and 5989.7V MHz and 6078.6V MHz on azimuth 159°28' toward Donaldsonville, La.
6504-C1-P-70—Same (New), Lafayette, La. Station location 4.5 miles southwest of Lafayette at latitude 30°09'51'' N., longitude 92°05'16'' W. Correct frequencies and azimuths to new points of communication to 5974.8V MHz on azimuth 86°07' toward Catahoula, La., and 6123.1V MHz on azimuth 280°09' toward Crowley, La. Delete frequencies 5989.7V MHz and 6049.9V MHz toward Rayne, La., on azimuth 300°29'.
6505-C1-P-70—Same (New), Crowley, La. Station location 1.5 miles west of Crowley at latitude 30°12'46'' N., longitude 92°24'10'' W. Correct frequencies and azimuths to 6345.5V MHz on azimuth 276°17' toward Jennings, La., and 6404.8V MHz on azimuths 99°59' toward Lafayette, La. Delete frequencies 5960.0H and 6049.0V MHz on azimuth 79°51' toward Rayne, La., and 5989.7H and 6049.0H MHz on azimuth 272°22' toward Roanoke, La.
6506-C1-P-70—KHC Microwave Corp., doing business as United Video/Louisiana (New), Lacassine, La. Change station location to 3 miles west of Lacassine at latitude 30°13'40''

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Major Amendments—Continued

N., longitude 92°57'40" W. Correct frequencies and azimuths to 6226.9V MHz on azimuth 256°16' toward Lake Charles, La., and 6404.8V MHz on azimuth 88°27' toward Jennings, La. Delete frequencies 6241.7V and 6404.8V MHz on azimuth 274°17' toward Mossville, La., and 6271.4H and 6212.0H MHz on azimuth 92°11' toward Crowley, La.

6507–C1–P–70—Same (New), Vinton, La. Change proposed station location to 7 miles southsoutheast of Vinton, La., at latitude 30°05'07" N., longitude 93°31'40" W. Correct frequencies and azimuths to 6404.8V MHz on azimuth 253°16' toward Port Neches, Tex., and 6226.9H MHz on azimuth 71°21' toward Lake Charles, La. Delete frequencies 6078.6H and 6152.8H MHz on azimuth 336°20' toward Oretta, La.; 6137.9V and 5989.7V MHz on azimuth 94°01' toward Roanoke, La.; 5960.0V MHz and 6049.0V MHz on azimuth 160°44' toward Lake Charles, La.; and 5989.7H and 6137.9H MHz on azimuth 245°13' toward Orange, Tex.

6508–C1–P–70—Same (New), Lake Charles, La. Station location 0.5 mile southwest of Lake Charles at latitude 30°09'54" N., longitude 93°15'18" W. Correct frequency and azimuth to 5974.8H MHz on azimuth 251°29' toward Vinton, La., and add 6093.5H MHz on azimuth 76°07' toward new point of communication at Lacassine, La. Delete frequencies 6271.4V and 6360.3V MHz on azimuth 340°45' toward Mossville, La.

6509–C1–P–70—Same (New), Port Neches, Tex. Change proposed station location to 2 miles east of Port Neches at latitude 29°58'45" N., longitude 93°55'50" W. Correct frequencies and azimuths to 6093.5H MHz on azimuth 235°26' toward La Belle, Tex., and 6093.5V MHz on azimuth 73°03' toward Vinton, La. Delete frequencies 6241.7H and 6404.8H MHz on azimuth 64°59' toward Mossville, La., and 6301.0H and 6360.3H MHz on azimuth 270°54' toward Beaumont, Tex.

6510–C1–P–70—Same (New), La Belle, Tex. Change proposed station location 2.5 miles south of La Belle at latitude 29°50'25" N., longitude 94°09'41" W. Correct frequencies and azimuths to 6197.2H MHz on azimuth 271°23' toward West Winnie, Tex., and 6197.2V MHz on azimuth 55°19' toward Port Neches, Tex. Delete frequencies 6019.3H and 6078.6H MHz on azimuth 90°43' toward Orange, Tex., and 5960.0V and 6049.0V MHz on azimuth 278°49' toward Grayburg, Tex.

6511–C1–P–70—Same (New), West Winnie, Tex. Change proposed station location to 6 miles west of Winnie at latitude 29°50'48" N., longitude 94°29'05" W. Correct frequencies and azimuths to 5974.8H MHz on azimuth 265°30' toward Mont Belview, Tex., and 5974.8V MHz on azimuth 91°13' toward La Belle, Tex. Delete frequencies 6271.4V and 6330.7V MHz on azimuth 259°09' toward Liberty, Tex.

6512–C1–P–70—Same (New), Mont Belview, Tex. Change proposed station location to 5 miles east of Mont Belview at latitude 29°49'27" N., longitude 94°48'25" W. Correct frequencies and azimuths to 6345.5H MHz on azimuth 254°24' toward Channelview, Tex., and 6286.2V MHz on azimuth 85°21' toward West Winnie, Tex. Delete frequencies 5989.7V and 6078.6V MHz on azimuth 78°59' toward Grayburg, Tex., and 5960.0H and 6019.3H MHz on azimuth 234°04' toward Barrett, Tex.

6513–C1–P–70—KHC Microwave Corp., doing business as United Video/Louisiana (New), Channelview, Tex. Change proposed station location to 1.5 miles south of Channelview at latitude 29°45'02" N., longitude 95°06'25" W. Correct frequencies and azimuths to 6093.5V MHz on azimuth 272°15' toward Houston, Tex., and 6152.8H MHz on azimuth 74°15' toward Mont Belview, Tex. Delete frequencies 6271.4H and 6330.7H MHz on azimuth 53°55' toward Liberty, Tex., and 6241.7H and 6375.2H MHz on azimuth 248°17' toward Houston, Tex.

3889–C1–P–73—CPI Microwave, Inc. (WPE45), change station location to 4.2 miles southeast of Driftwood, Tex. Latitude 30°04'07" N., longitude 98°04'39" W. and change frequency to 6241.7V MHz on azimuth 205°30' toward new point of communication at New Braunfels.

3890–C1–P–73—Same (WPE46), change station location to 8.5 miles west of New Braunfels, Tex. Latitude 29°46'04" N., longitude 98°14'35" W. Change frequency to 6108.3V MHz on azimuth 214°04' toward new point of communication at San Antonio.

3892–C1–P–73—Same (WPE48), change station location to corner of Hilderbrand and Devine, San Antonio, Tex., and change frequency to 10,895H on azimuth 196°34' toward station WOAI–TV, San Antonio. (All other particulars same as reported on public notice dated December 4, 1972.)

SATELLITE COMMUNICATIONS SERVICE

Major Amendment

84–CSG–P–70—Communications Satellite Corp. (New), location: Kwajalein, Marshall Islands. Amendment proposes use of 32-foot diameter with G/T of 31.7 db/°K, in lieu of 90–100 foot diameter antenna originally proposed, with new power output of 300 watts, maximum e.i.r.p. of 78 dBw in main beam and 32.5 dBw/4 kHz in horizontal plane. Transmissions will be in 5925–6425 MHz band and reception in 3700–4200 MHz band. Operational range of azimuths changed to 140–160° with minimum elevation of 10°. Applicant also proposes a slight change in coordinates to 8°43'50" N., and 167°44'30" E. All other particulars same as reported public notice dated March 2, 1970.

[FR Doc.73–4605 Filed 3–9–73;8:45 am]

[Mexican List 269]

MEXICAN STANDARD BROADCAST STATIONS
Notification List

JANUARY 20, 1973.

List of new stations, proposed changes in existing stations, deletions, and corrections in assignments of Mexican standard broadcast stations modifying the assignments of Mexican broadcast stations contained in the Appendix to the Recommendations of the North American Regional Broadcasting Agreement Engineering Meeting, January 30, 1941.

Call letters	Location	Power watts	Antenna radiation mv/m./ kw.	Schedule	Class	Antenna height (feet)	Ground system: Number of radials	Ground system: Length (feet)	Proposed date of change or commencement of operation
		700 kHz							
XERA	San Cristobal, las Casas, Chis.	5000	ND-190	D	II	324	120	324	5-1-73 (probable).
		830 kHz							
XELA (PO 10000-D/5000-N, DA-1).	Mexico, D.F., N. 19°20'02", W. 99°07'58".	1000	DA-1	U	II				
		960 kHz							
XERN (PO 1000 W, ND, D)	Montemorelos, N.L., N. 25°11'24", W. 99°51'15".	5000-D/175-N	ND 175	U	III	246	90	203	5-1-73 (probable).
		980 kHz							
XEQO (provisional operation—5000 W, ND, D).	Cosamaloapan, Ver., N. 18°20'37", W. 95°47'49".	5000	DA-N ND-197	U	III	*515*	*180*	*328*	11-11-72.
XETE (operation suspended)	Tehuacan, Pue	1000	ND	D	II				3-1-72.
		1140 kHz							
XEBE (PO 250 W, ND, D)	Perote, Ver., N. 19°37'12", W. 97°14'24".	*1000*	ND 190	D	II	212	120	212	5-1-73 (probable).
		1180 kHz							
XEACN (change in call letters—previously XEXS).	San Francisco del Rincon, Gto., N. 21°00'00", W. 101°45'00".	500	ND 187	D	II	232	90	207	
		1250 kHz							
XEZT (PO 250 W D, ND)	Puebla, Pue., *N. 19°02'30", W. 98°11'58".*	*500*	ND 175	D	III	*177*	*90*	*177*	5-1-73 (probable).
		1300 kHz							
XELS	Armeria, Col., *N. 18°55'00", W. 103°57'35".*	1000-D/100-N	ND 175	U	III	*165*	*90*	*165*	5-1-73 (probable).
XEQC (correction to call letters).	Puerto Peñasco, Son	500	ND 170	D	III	148	90	148	
		1350 kHz							
XESX (New)	Tuxtla Gutierrez, Chis	5000	ND	D	III				5-1-73 (probable).
		1410 kHz							
XEIR (New)	Cd. Valles, S.L.P	1000	ND	D	III	c_{ga}			5-1-73 (probable).
		1450 kHz							
XESS (PO 250-D/200-N) (requires coordination).	Ensenada, B.C	*1000-D/200-N*	ND	U	IV				6 1-73.
		1490 kHz							
XECJC (In operation since 1.18.72 with 250 W, U).	Cd. Juarez, Chih. *N. 31°44'18.52", W. 106°28'41.07".*	1000-D/250-N	ND-150	U	IV	*118*	*90*	*98*	5-1-73 (probable).
		1490 kHz							
XEAR (assignment of call letters and correction to nighttime operation).	Tampico, Tams	250-D/*150-N*	ND	U	IV				5-1-73 (probable).
		1480 kHz							
XEME (change in location—previously Merida, Yuc.).	Valladolid, Yuc. *N. 20°41'55", W. 88°12'24".*	500	ND-175	U	IV	*148*	*90*	*146*	1-1-73 (probable).
		1600 kHz							
XEGN (New)	Piedras Negras Ver	250	ND	D	II				5-1-73 (probable).
		1600 kHz							
XEFL (PO 250 W-D, ND)	Guanajuato, Gto	*1000*	ND	D	II				5-1-73 (probable).
		1580 kHz							
XEQL (PO 1000-D/100-N, ND).	Zamora, Mich. N. 19°59'14", W. 102°16'12".	1000-D/*250-N*	ND-192	U	II	167	120	164	2-1-73 (probable).

[SEAL]

WALLACE E. JOHNSON,
FEDERAL COMMUNICATIONS COMMISSION,
Chief, Broadcast Bureau.

[FR Doc.73–4606 Filed 3–9–73;8:45 am]

V38-47 MAR 12 73 XUM

FEDERAL MARITIME COMMISSION

ARGENTINA/UNITED STATES GULF NORTHBOUND AND SOUTHBOUND POOLING AGREEMENT

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1015; or may inspect the agreement at the field offices located at New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, on or before April 2, 1973. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed by:

Thos. E. Stakem, Esquire, Macleay, Lynch, Bernhard & Gregg, 1625 K Street NW., Washington, DC 20006.

Agreement No. 10039, between Empresa Lineas Maritimas Argentinas (E.L.M.A.) and Delta Steamship Lines, Inc., provides for the establishment of a pooling arrangement for the apportionment of freight revenue on all cargo (with certain differing exceptions northbound and southbound, respectively), transported by the parties on owned or chartered vessels from Argentine ports within the La Plata/Rosario range, both inclusive, to U.S. Gulf of Mexico ports within the Brownsville, Tex./Key West, Fla. range, both inclusive (Annex I), and from U.S. Gulf of Mexico ports within the Brownsville, Tex./Key West, Fla. range, both inclusive, to Argentine ports within the La Plata/Rosario range, both inclusive (Annex II). The intent is that the lines will equally participate in the cargo revenue generated by both of them when operating within the scope of the agreement.

The parties will each maintain both northbound and southbound a minimum of 18 sailings during each pool period (12 months) subject to conditions of force majeure. Sailings for a period of less than 12 months will be on a pro rata basis.

Provisions with respect to (1) adjustments in the event of a sailing deficiency, (2) calculation of revenues from pooled cargo, (3) pool accounting and settlement, and (4) arbitration, are set forth in the agreement. The agreement will become effective upon approval by the respective governmental authorities, and will remain in effect for three (3) years thereafter, unless earlier canceled as provided therein.

By order of the Federal Maritime Commission.

Dated: March 7, 1973.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.73-4690 Filed 3-9-73;8:45 am]

ARGENTINA/UNITED STATES ATLANTIC NORTHBOUND AND SOUTHBOUND POOLING AGREEMENT

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1015; or may inspect the agreement at the field offices located at New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, on or before April 2, 1973. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed by:

Thos. E. Stakem, Esquire, Macleay, Lynch, Bernhard & Gregg, 1625 K Street NW., Washington, DC 20006.

Agreement No. 10038, between Empresa Lineas Maritimas Argentinas (E.L.M.A.) and Moore-McCormack Lines, Inc., provides for the establishment of a pooling arrangement for the apportionment of freight revenue on all cargo (with certain differing exceptions northbound and southbound, respectively), transported by the parties on owned or chartered vessels from Argentine ports within the La Plata/Rosario range, both inclusive, to U.S. Atlantic Coast ports within the Jacksonville/New York range, both inclusive (Annex I), and from U.S. Atlantic Coast ports within the Jacksonville/New York range, both inclusive, to Argentine ports within the La Plata/Rosario range, both inclusive (Annex II). The intent is that the lines will equally participate in the cargo revenue generated by both of them when operating within the scope of the agreement.

The parties will each maintain both northbound and southbound a minimum of 24 sailings during each pool period (12 months) subject to conditions of force majeure. Sailings for a period of less than 12 months will be on a pro rata basis.

Provisions with respect to (1) adjustments in the event of a sailing deficiency, (2) calculation of revenues from pooled cargo, (3) pool accounting and settlement, and (4) arbitration, are set forth in the agreement. The agreement will become effective upon approval by the respective governmental authorities, and will remain in effect for three (3) years thereafter, unless earlier canceled as provided therein.

By order of the Federal Maritime Commission.

Dated: March 7, 1973.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.73-4689 Filed 3-9-73;8:45 am]

CITY OF LONG BEACH AND UNITED STATES LINES

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1015; or may inspect the agreement at the field offices located at New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, on or before March 22, 1973. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreements filed by:

Mr. Leonard Putnam, City Attorney, City of Long Beach, Suite 600 City Hall, Long Beach, Calif. 90802.

Agreement No. T-2750, between the City of Long Beach (City) and United States Lines (U.S.L.), is a preferential assignment of a marine container terminal at Berth 230, Pier G, and water area adjacent thereto in the Port of Long Beach, Calif. U.S.L. is authorized to use the assigned premises and improvements thereon to conduct a marine terminal. U.S.L. will pay $51,471 per each 3-month period for the premises, including land and water areas, but excluding the wharf structure and all other improvements. Also, U.S.L. will pay a sum equal to 2.5575 percent per each 3-month period of the total actual cost of construction of the wharf structure on the assigned premises. Finally, U.S.L. shall pay a sum equal to 2.9375 percent per each 3-month period of the total actual cost of construction of the marine terminal and related appurtenances and improvements, excluding land and water areas and the wharf structure. Rates, charges, regulations, and practices of U.S.L. shall be subject to review and control by the City.

Agreement No. T-2750-A, between the City and U.S.L., is a container freight station lease (CFS) located at Pier A in the Harbor District of the City of Long Beach, containing approximately 159,947 square feet, together with the container freight station, garage and offices located thereon. The leased premises will be used for a container freight station; a truck terminal; for the parking, storage, repair, and maintenance of its trucks, trailers, and containers; for the loading and unloading of containers, as general offices; and for uses incidental thereto. U.S.L. shall pay to the City for the use of the leased premises and all improvements located thereon, a quarterly rental in the sum of $13,035.75. The term of this lease shall expire on June 30, 1978, or on the date the Preferential Assignment Agreement (T-2750) entered into by and between the parties, shall terminate, whichever shall occur later.

Agreement No. T-2750-B, between the City and U.S.L., is a preferential assignment for the use of two container cranes for use by U.S.L. for the handling of cargo containers at premises to be assigned to U.S.L. pursuant to the wharf assignment contained in Agreement No. T-2750. More specifically, the City agrees to grant to U.S.L. nonexclusive assignments of those certain items of personal property referred to as Paceco container cranes. The term of this agreement shall commence as of the first day of the calendar month immediately following approval of this agreement and Agreements Nos. T-2750 and T-2750-A. U.S.L. shall pay to the City for the use of the secondarily assigned crane, the sum of $125 per hour or any portion thereof, of use, with a minimum use of 4 hours at a time, payable within 10 days from date of receipt by U.S.L. of a billing for such use. In addition, U.S.L. shall pay to the City, for the use of the preferentially assigned cranes, a sum equal to 11.75 percent per annum of the total cost of construction of each of said cranes, payable in quarterly payments in advance, on the first day of each quarter while this assignment agreement is in effect with respect to each of the cranes and while the crane, or cranes, are available for use on a preferential basis. In the event the Wharf Agreement (T-2750) or the CFS Lease (T-2750-A) shall, for any reason expire or terminate prior to the expiration of this agreement (June 30, 1978), either party hereto shall have the option to terminate the agreement upon thirty (30) days' written notice to the other.

By order of the Federal Maritime Commission.

Dated: March 7, 1973.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.73-4688 Filed 3-9-73;8:45 am]

AIR-SEA FORWARDERS, INC., AND SAN DIEGO INTERNATIONAL SERVICES

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1015; or may inspect the agreement at the field offices located at New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, on or before April 2, 1973. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed by:

Mr. Erwin Rautenberg, President, Air-Sea Forwarders, Inc., 10425 La Cienega Boulevard, Los Angeles, CA 90045.

Agreement No. FF 73-1 between Air-Sea Forwarders, Inc. (FMC No. 903) and San Diego International Services (FMC No. 668) was filed for the purpose of obtaining Commission approval pursuant to section 15, Shipping Act, 1916, of the sale of all the stock and assets of San Diego International Services to Air-Sea Forwarders, Inc.

San Diego International Services will operate as a fully owned subsidiary of Air-Sea Forwarders, Inc., under the name and FMC license of Air-Sea Forwarders, Inc.

By order of the Fedreal Maritime Commission.

Dated: March 5, 1973.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.73-4685 Filed 3-9-73;8:45 am]

FLOTA MERCANTE GRAN CENTROAMERICANA, S.A. AND PAN AMERICAN MAIL LINE, INC.

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street, NW., Room 1015; or may inspect the agreement at the field offices located at New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, on or before April 2, 1973. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed by:

Edwin Longcope, Attorney, Hill, Betts & Nash, 26 Broadway, New York, NY 10004.

Agreement No. 10040, a cooperative working arrangement between Flota Mercante Gran Centroamericana, S.A. (Flomerca) and Pan American Mail Line, Inc. (PAM), provides for the establishment of a specialized roll-on/roll-off transportation service to be initially operated between the port of Santo Tomas de Castilla, Guatemala and ports in the State of Florida. Under the agreement the following pertinent aspects are:

(1) Flomerca shall lease a specialized vessel that it shall place at the disposal of the service;

(2) Flomerca shall provide the specialized administrative personnel necessary for the

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handling of the operations of the service in Guatemala;

(3) PAM shall provide the rest of the equipment necessary for the handling and operation of the service. It shall also provide all financing for the entire operation both initially and subsequently in order to establish the service permanently other than an initial monetary contribution to be made by Flomerca for the installation and operation of the service;

(4) PAM shall also provide all skilled personnel for handling the service in the United States as well as those that may be necessary on the high seas;

(5) Flomerca shall receive a stated percentage of the profits of the service during the first year of the agreement, which percentage may be increased provided conditions permit and the parties agree;

(6) The service shall operate under the name of "Flomerca Trailer Service," which name must be used in the identification of the vessel or vessels employed in the service, as well as in the bills of lading and other documents utilized.

(7) Chester, Blackburn & Roder, Inc., shall be the parties' agent in Florida. Flomerca shall be the agent in Guatemala. The commission percentages for the handling of the agency in each country are specified in the agreement.

(8) The agreement shall have a duration of 2 years and may be extended for a like period.

By order of the Federal Maritime Commission.

Dated: March 7, 1973.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.73-4686 Filed 3-9-73;8:45 am]

ORIENT OVERSEAS LINES, INC. AND ORIENT OVERSEAS CONTAINER LINES, INC.

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1015; or may inspect the agreement at the field offices located at New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, on or before April 2, 1973. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed by:

Elliot B. Nixon, Esq., Burlingham Underwood & Lord, 25 Broadway, New York, NY 10004

Agreement No. 10037, entered into by Orient Overseas Line, Inc. (OOLI) and Orient Overseas Container Line, Inc. (OOCLI) is a "joint service" arrangement whereby (1) OOCLI will assume and continue the existing all-water container service of OOLI under the trade name "Orient Overseas Container Line," in the eastbound and westbound trades between U.S. East Coast and Gulf ports and ports in the Far East (Japan, Korea, Taiwan, Hong Kong, and the Philippines); (2) OOLI will continue to operate as the "Orient Overseas Container Line" in (a) its all-water container service in the eastbound and westbound trades between U.S. West Coast ports and Far East ports and (b) any future combined rail/water "mini-bridge" service which may be instituted by OOLI in the eastbound and westbound trades between U.S. East Coast and Gulf ports involving through transportation of containers by rail across the United States and by sea across the Pacific Ocean on vessels which load or discharge at U.S. Pacific Coast ports; (3) OOCLI will charter space to OOLI on the former's vessels, which call at U.S. Pacific coast ports en route to or from the Far East, for the movement of containerized cargo under bills of lading issued by the latter which is shipped from or consigned to said Pacific Coast ports; and (4) the parties will participate as a single member or party in any conference or pooling agreement to which OOLI is or may become a participant, under terms and conditions set forth in the agreement.

By order of the Federal Maritime Commission.

Dated: March 5, 1973.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.73-4684 Filed 3-9-73;8:45 am]

LYKES BROS. STEAMSHIP CO., INC. AND PORT OF NEW ORLEANS

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1015; or may inspect the agreement at the field offices located at New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, on or before April 2, 1973. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed by:

Cyrus C. Guidry, Port Counsel, Board of Commissioners of the Port of New Orleans, Post Office Box 60046, New Orleans, LA 70160.

Agreement No. T-2749, between Lykes Bros. Steamship Co., Inc. (Lykes) and the Port of New Orleans (Port), is an agreement whereby the Port grants Lykes a permit to install, maintain, and operate at its own risk and expense a high density container storage system, including a 40 ton Clyde container gantry crane, the estimated cost of which will exceed $400,000, provided that Port will not exercise its right under Dock Department Tariff, FMC-T No. 1 to cancel Lykes' First Call on Berth Privilege Agreement covering Henry Clay Avenue Wharf Marshalling Area prior to the expiration of 20 years from the date of the completion of the installation of the crane, or from the date of the first commercial use of the crane, whichever first occurs; and, provided further that Port will continue to grant Lykes a First Call on Berth Privilege upon such portions of the Nashville Avenue Wharf and/or Henry Clay Avenue Wharf, during the 20-year period as will meet Lykes' needs. Port retains the right to assign to others the use of the Henry Clay Avenue Wharf Marshalling Area when Lykes is not making full use thereof, and Lykes agrees to make available the crane facilities, at such charges which Lykes may establish from time to time, provided such rates and charges shall be reasonable and competitive with charges for similar facilities and services at the Port of New Orleans and other ports in the U.S. Gulf.

By order of the Federal Maritime Commission.

Dated: March 7, 1973.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.73-4692 Filed 3-9-73;8:45 am]

MOORE-McCORMACK LINES, INC. AND UNICORN SHIPPING LINES (PTY) LTD.

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1015; or may inspect the agreement at the field offices located at New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, on or before March 22, 1973. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violations or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed by:

A. C. Hidalgo, Assistant Traffic Manager, Moore-McCormack Lines, Inc., 2 Broadway, New York, NY 10004.

Agreement No. 9820-1, between Robin Line, a service of Moore-McCormack Lines, Inc., and Unicorn Shipping Lines (Pty) Ltd., modifies the approved basic transshipment agreement between the parties by (1) broadening the geographic scope to include ports on the islands of Madagascar, Mauritius and Reunion with transshipment at a port in South or East Africa, in the Cape Town/Nacala range, (2) amends the ports of transfer to permit transshipment at Tamatave or other Madagascar ports, and (3) amends the division of the through ocean freight and transfer costs in accordance with the terms and conditions set forth in the agreement. Presently, the agreement covers a through billing arrangement for the movement of general cargo between U.S. Atlantic ports and ports in the Seychelles Islands/Comores Islands range with transshipment at a South African port in the Cape Town/Beira range.

By order of the Federal Maritime Commission.

Dated: March 7, 1973.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.73-4691 Filed 3-9-73;8:45 am]

PACIFIC COAST AUSTRALASIAN TARIFF BUREAU

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1015; or may inspect the agreement at the field offices located at New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, on or before April 2, 1973. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed by:

F. Conger Fawcett, Esq., Graham & James, 310 Sansome Street, San Francisco, CA 94104.

Agreement No. 50-25 is an updated compilation of the presently approved agreement of the member lines of the Pacific Coast Australasian Tariff Bureau, which covers the establishment and maintenance of rates for the movement of cargo in the trades from Pacific Coast ports of the United States and Canada (not including Alaska), and Hawaii, to ports in Australia and various South Seas Islands specifically named therein, including cargo moving under intermodal conditions from, to or between inland points via ports within the scope of the conference agreement. Agreement No. 50-25 has been submitted in conjunction with the application on behalf of the member lines for consideration and approval under section 15 of an extension of the presently approved intermodal authority, as set forth in Articles II and III(c) of the conference agreement, for a period of 1 year beyond the present expiration date on March 28, 1973.

By order of the Federal Maritime Commission.

Dated: March 5, 1973.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.73-4683 Filed 3-9-73;8:45 am]

PORT OF SEATTLE AND WESTERN PIONEER

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington Office of the Federal Maritime Commission, 1405 I Street NW., Room 1015; or may inspect the agreement at the field offices located at New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, on or before April 2, 1973. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed by:

Alvin L. Sklow, Director, Real Estate, Port of Seattle, Post Office Box 1209, Seattle, WA 98111.

Agreement No. T-2748, between the Port of Seattle (Port) and Western Pioneer, Division of Swiftsure, Inc. (WP), provides for the lease of certain property which WP will use for the operation of a steamship business, including loading and unloading of vessels and related terminal and business operations. WP will pay the Port $1,132.50 per month for rental of approximately 15,400 square feet of space located in Building No. 6, plus 300 square feet of ground area, plus berthage at Berth 6, all at Pier 90 situated at Seattle, Wash. The rental is in lieu of all applicable Port tariff charges. The monthly rental charge pertaining to berthage, however, is open for renegotiation if the usage of the facility by WP and/or other vessels controlled or chartered by the WP should increase by an amount in excess of 15 percent of 164 days.

By order of the Federal Maritime Commission.

Dated: March 7, 1973.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.73-4687 Filed 3-9-73;8:45 am]

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FEDERAL POWER COMMISSION

[Docket No. E-7925]

CINCINNATI GAS & ELECTRIC CO.

Order Accepting for Filing and Suspending Proposed Tariff Sheets

MARCH 1, 1973.

On December 19, 1972, Cincinnati Gas & Electric Co. (CG&E) tendered for filing a revised rate applicable to the Union Light Heat & Power Co.[1] (Union), a wholly owned subsidiary. The amount of the proposed rate increase is $1,460,302 based on test year 1971 data. The proposed filing supersedes the present agreement[2] as supplemented. CG&E has proposed an effective date of March 1, 1973.

The proposed rate increase raises both demand and energy monthly charges from $1.80 per kilowatt to $2.726 per kilowatt and 4.28 mills per kilowatt-hour to 5.012 mills per kilowatt-hour, respectively. In addition, the proposed filing introduces a tax clause and revises the fuel clause to increase the basing point and reflect current system efficiency. The fuel clause revision results in updating the base cost of fuel and reducing the size of adjustment from $0.5 to $0.1 per MBTO. Also, CG&E requests a rate of return of 8 percent.

A copy of the filing was served on Union. The filing was noticed on January 23, 1973, with comments due on February 16, 1973. Union filed a petition to intervene on the grounds that Union's customers will ultimately bear the impact of the proposed increased rates, and therefore it should be a party to the proceedings to assure its customers adequate representation.

Our review of CG&E's filing indicates that certain issues are raised which may require development in an evidentiary proceeding. The proposed increases in rates and charges have not been shown to be just and reasonable and may be unjust, unreasonable, unduly discriminatory, preferential, or otherwise unlawful.

Finally, so that the Commission will have a full, complete, and up-to-date record on all of the issues presented we shall require CG&E to submit cost and revenue data for calendar year 1972. In this connection we would point out that our caveat on page 7 in Duke Power Co., Opinion No. 641 in Docket No. E-7557, is particularly appropriate, wherein we stated:

> * * * our filing requirements are not to be construed as a limitation on evidence which may be proferred as an aid to us in determining just and reasonable rates. All evidentiary material relevant to a fair determination of cost and revenue expectations may be appropriately presented in filings before us.

The Commission finds:

(1) It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Federal Power Act that the Commission enter upon a hearing concerning the lawfulness of the rates and charges contained in CG&E's Rate Schedule FPC No. 35, as proposed in this docket, and that the tendered tariff sheets be suspended as hereinafter provided.

(2) The disposition of this proceeding should be expedited in accordance with the procedure set forth below.

(3) In the event this proceeding is not concluded prior to the termination of the suspension period herein ordered, the placing of the tariff changes applied for in this proceeding into effect, subject to refund with interest while pending Commission determination as to their justness and reasonableness, is consistent with the purpose of the Economic Stabilization Act of 1970, as amended.

(4) Participation of the above-named petitioner for intervention in this proceeding may be in the public interest.

The Commission orders:

(A) Pursuant to the authority of the Federal Power Act particularly section 205(e) thereof, the Commission's rules of practice and procedure, and the regulations under the Federal Power Act (18 CFR, Ch. I), a public hearing shall be held, commencing with a prehearing conference on July 24, 1973, at 10 a.m., e.d.t. in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, DC 20426, concerning the lawfulness of the rates, charges, classifications, and services contained in CG&E's Rate Schedule FPC No. 35 as proposed herein.

(B) At the prehearing conference on July 24, 1973, CGSE's prepared testimony (Statement P) together with its entire rate filing shall be admitted to the record as its complete case-in-chief subject to appropriate motions, if any, by parties to the proceeding. All parties will be expected to come to the conference prepared to effectuate the provisions of §§ 1.18 and 2.59 of the Commission's rules of practice.

(C) On or before April 16, 1973, CG&E shall file cost and revenue data for the 1972 calendar year. On or before July 16, 1973, the Commission staff shall serve its prepared testimony and exhibits. The prepared testimony and exhibits of all intervenors shall be served on or before July 30, 1973. Any rebuttal evidence by CG&E shall be served on or before August 13, 1973. The public hearing herein ordered shall convene on August 28, 1973, at 10 a.m., e.d.t.

(D) Presiding Administrative Law Judge to be designated by the Chief Administrative Law Judge for that purpose (see delegation of authority, 18 CFR 3.5 (d)), shall preside at the hearing in this proceeding, shall prescribe relevant procedural matters not herein provided, and shall control this proceeding in accordance with the policies expressed in § 2.59 of the Commission's rules of practice and procedure.

(E) Pending hearing and a final decision thereon, CG&E's proposed tariff sheets are suspended for 5 months and the use thereof deferred until August 1, 1973.

(F) The above-named petitioner is hereby permitted to intervene in these proceedings, subject to the rules and regulations of the Commission: *Provided, however,* That the participation of such intervenor shall be limited to matters affecting rights and interests specifically set forth in the petition to intervene: *And provided, further,* That the admission of such intervenor shall not be construed as recognition that it might be aggrieved because of any order or orders issued by the Commission in these proceedings.

(G) Pursuant to § 2.59(c) of the Commission's rules of practice and procedure, CG&E shall promptly serve a copy of all filings upon the above-mentioned intervenor.

(H) The Secretary shall cause prompt publication in the FEDERAL REGISTER.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

[FR Doc.73-4640 Filed 3-9-73;8:45 am]

[1] Designated Rate Schedule FPC No. 35.
[2] Designated Rate Schedule FPC No. 2 as supplemented.

[Docket No. CP72-15]

CITIES SERVICE GAS CO.

Notice of Petition To Amend

MARCH 5, 1973.

Take notice that on January 16, 1973, Cities Service Gas Co. (Petitioner), Post Office Box 25128, Oklahoma City, OK 73125, filed in Docket No. CP72-15 a petition to amend the order of the Commission issuing a certificate of public convenience and necessity in said docket pursuant to section 7(c) of the Natural Gas Act on November 1, 1971 (46 FPC 1110), as amended on July 17, 1972 (48 FPC ——), by authorizing Petitioner to construct and operate facilities as an additional point of receipt of natural gas from Arkansas Louisiana Gas Co. (Arkla) for exchange, all as more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.

Petitioner is authorized in the subject docket to receive gas from Arkla at various specified delivery points for exchange. Petitioner proposes to establish a fourth point of receipt of gas from Arkla to receive gas produced from the AEC-Coastal States' Baird No. 1 well. The additional delivery point will be near Petitioner's Pampa 20-inch pipeline in Woodward County, Okla. (Baird Exchange Point), where Petitioner proposes to construct and operate measuring and appurtenant facilities to receive exchange volumes of gas from Arkla.

It is stated that the total cost of the facilities proposed herein is $4,160, and will be paid from treasury cash. It is also stated the proposed additional point of receipt will augment the exchange of natural gas between Petitioner and Arkla and will result in the delivery of available gas to the consuming public at locations where it is needed at minimal costs.

Petitioner states that on December 22, 1972, Arkla filed with the Commission a petition to amend the Commission's order in Docket No. CP72-9 by authorizing Arkla to exchange gas with Petitioner at a fourth point.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before March 26, 1973, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

KENNETH F. PLUMB, *Secretary.*

[FR Doc.73-4638 Filed 3-9-73;8:45 am]

[Docket No. RP73-86]

COLUMBIA GAS TRANSMISSION CORP.

Notice of Proposed Changes in Rates and Charges

MARCH 5, 1973.

Take notice that Columbia Gas Transmission Corp. (Columbia) on February 28, 1973, tendered for filing proposed changes in its FPC Gas Tariff, Original Volume No. 1. The proposed changes would increase Columbia's revenues from jurisdictional sales and service by $57,985,000 for the 12-month period ending October 31, 1972, as adjusted for known and measurable changes through July 31, 1973. The proposed effective date is April 14, 1973. Copies of the filing were served upon Columbia's jurisdictional customers and the State public service commissions of the States in which Columbia conducts its business.

The filing is made pursuant to the Commission's order issued March 10, 1971, 45 FPC 398, in Docket No. CP71-132, wherein the Commission approved the final step in the realinement of the seven jurisdictional Appalachian companies of the Columbia Gas System into a single transmission company. Ordering paragraph E of that order provided that the instant rate filing should be either in support of * * * then existing rates and rate zones or in support of any new rates or rate zones which Columbia may propose at that time. Columbia does not propose any changes in its rate zones in this filing.

Columbia states that the increased revenues to be derived from the new rates will be due to an increase in rate of return from 8.15 percent to 9 percent, increased depreciation rates and increases in cost of gas transported by others for Columbia. Columbia states that these additional revenues are needed to increase the internal generation of capital to attract more outside capital to aid Columbia in its search for new gas.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 441 G Street NW., Washington, DC 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before March 16, 1973. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB, *Secretary.*

[FR Doc.73-4633 Filed 3-9-73;8:45 am]

[Docket No. RP73-85]

COLUMBIA GULF TRANSMISSION CO.

Notice of Proposed Changes in Rates and Charges

MARCH 5, 1973.

Take notice that Columbia Gulf Transmission Co. (Columbia Gulf) on February 28, 1973, tendered for filing proposed changes in its FPC Gas Tariff, Original Volume No. 1. The proposed changes would increase revenues from jurisdictional sales and service by $16,462,000 annually for the 12-month period ending October 31, 1972, as adjusted for known and measurable changes through July 31, 1973. The proposed effective date is April 14, 1973. Copies of the filing were served upon Columbia Gas Transmission Corp.

The increased rates reflect increases in Columbia Gulf's depreciation rates, rate of return from 8.15 percent to 9 percent, and in the method of computing Federal income taxes. Columbia Gulf alleges that the increased revenues to be derived from such changes are needed to increase internally generated funds in order to attract additional outside capital to develop new sources of gas supply having far greater costs than historically experienced by the industry.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 441 G Street NW., Washington, DC 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before March 16, 1973. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB, *Secretary.*

[FR Doc.73-4639 Filed 3-9-73;8:45 am]

[Dockets Nos. E-7971, E-7972]

COMISION FEDERAL DE ELECTRICIDAD, DIVISION NORTE, ET AL.

Notice of Applications

FEBRUARY 26, 1973.

Take notice that Comision Federal de Electricidad, Division Norte (CFE) filed with the Federal Power Commission on January 5, 1973, the following applications: (1) An application in Docket No. E-7971 for a permit, pursuant to Executive Order No. 10485, dated September 3, 1953, authorizing the operation and maintenance at the international border between the United States and Mexico of certain constructed facilities for the transmission of electric energy between the United States and Mexico; and (2) an application in Docket No. E-7972 for an order, pursuant to section 202(e) of the Federal Power Act, authorizing the transmission of electric energy from the United States to Mexico by means of the aforementioned facilities. Central Power & Light Co. (Central), filed a joinder on January 5, 1973, in CFE's application in Docket No. E-7972.

CFE is an agency of the Republic of Mexico. Central is incorporated under the laws of the State of Texas with its principal place of business at Corpus Christi, Tex.

CFE proposes to transmit electric energy from the United States to Mexico over an existing three phase, 60 hertz, 12,000 volt transmission line which extends overhead from a point in Texas near the international Amistad Dam on the Rio Grande River, northwest of Del Rio, Val Verde County, Tex., across the Rio Grande and international border to a point in Mexico. Accordingly, CFE seeks an order (Docket No. E-7972) authorizing the exportation of energy to Mexico in an amount not to exceed 3 million kw.-hr. per year at a maximum rate of transmission of 500 kw., and a permit (Docket No. E-7971) authorizing the operation and maintenance of the 12,000 volt line at the United States-Mexican Border.

The electric energy proposed to be exported by CFE will be sold by Central to CFE in accordance with the terms and conditions and at the rates set forth and included in the Electric Service Contract, dated September 25, 1969, between Central and CFE, copies of which were submitted as exhibits to the aforementioned applications. Such energy will be delivered by Central to CFE in Texas at the point near Amistad Dam described above. The energy purchased from Central by CFE will be utilized in Mexico to provide electric service in an area which was formerly used as a work camp in connection with the construction of Amistad Dam and vicinity.

The source of the electric energy to be supplied by Central to CFE for exportation will be Central's interconnected electric generating plants. Central represents that it has generating, transmission, and transformer capacity in excess of that required to supply demands on it from within the United States in an

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amount sufficient to furnish the electric energy at the rate of supply sought by Purchaser (CFE).

Any person desiring to be heard or to make any protest with reference to said applications should on or before March 23, 1973, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The applications are on file with the Commission and available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-4641 Filed 3-9-73;8:45 am]

EASTERN SHORE NATURAL GAS CO. ET AL.

Notice of Filings in Compliance With Commission Orders

MARCH 2, 1973.

Take notice that each of the parties listed herein has made a filing pursuant to sections 4 and 5 of the Natural Gas Act and Part 154 of the regulations promulgated thereunder.

Any person desiring to be heard or to make any protest with reference to said filing should on or before March 12, 1973, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The applications are on file with the Commission and available for public inspection.

Date filed and company	Action
Feb. 5, 1973: Eastern Shore Natural Gas Co.	5 superseding service agreements increasing service under RS GSS-1. Certificate authorization by order issued 1-9-73, in Docket No. CP73-89, requested effective date 30 days after filing.
Feb. 1, 1973: Transcontinental Gas Pipe Line Corp.	Cancellation X-53 a limited term exchange agreement with United Gas Pipe Line Co. The term of the agreement was for a period of 1 year from the date of certificate authorization. Certificate authorization was issued 11-11-72, in Docket No. CP72-72, requested effective date 12-24-72.
Feb. 2, 1973: United Gas Pipe Line Co	Revised tariff sheets providing for an optional delivery point under Rate Schedule X-47 a transportation agreement with Trunkline Gas Co. Certificate authorization was issued 1-19-73 in Docket No. CP72-192 et al., requested effective date 1-19-72.
Feb. 6, 1973: Transcontinental Gas Pipe Line Corp.	Tariff sheets comprising initial Rate Schedules X-58 and X-59 with Mid-Louisiana Gas Co. for the exchange, transportation, and storage of gas. Certificate authorization was issued 1-12-73 in Docket No. CP73-52, requested effective date 1-12-73.
Jan. 26, 1973: Southern Natural Gas Co.	Rate schedule, rate change quality statement pursuant to ordering paragraph of the Commission's Opinion Nos. 598 and 598-A.
Jan. 30, 1973: Trunkline Gas Co.	Revised tariff sheet for FPC Gas Tariff, Original Volume 1 in compliance with the Commission's order of 12-8-72 in RP73-35 to modify its PGA, requested effective date of 8-1-72, request of waiver of provisions of § 154.22 of Commission's regulations.
Jan. 30, 1972: Panhandle Eastern Pipe Line Co.	Substitute First Revised Sheet No. 43-1 to its FPC Gas Tariff, original Volume No. 1 pursuant to Commission's order of 12-8-72 in RP73-36 to modify its PGA, company requests effective date of 8-1-72 and requests waiver of 154.22 of Commission's regulations.
Jan. 2, 1973: Pennsylvania Gas Co.	Refund of $3,625.30 to its sole jurisdictional customer, N.E. Heat and Light Co., pursuant to orders of 11-20-72 in Docket Nos. G-18475 and RP70-10 and order of 1-8-71 in Docket No. RP71-45, Refund to flow through applicable jurisdictional portion received in supplier refunds.
Dec. 14, 1972: United Natural Gas Co.	Refund to its jurisdictional customers in accordance with the settlement agreement of 4-3-70 approved by order of 5-4-70 in RP70-24 and 10-15-71 in RP72-12.
Feb. 6, 1973: United Gas Pipe Line Co.	Cancellation of Rate Schedule X-46, a short term agreement dated 8-6-71 with Transcontinental Gas Pipe Line Corp. authorized by order of 1-11-72 in Docket No. CP72-72, requested effective date is 12-24-72.
Jan. 29, 1973: Texas Gas Transmission Corp.	Revised Exhibit A to service agreement under Rate Schedule G-3 which relocates the Sebrice Meter Station in Webster County, Ky., and adds a new delivery point for an existing market area in Henderson County, Ky. The relocation is authorized by order issued 4-24-72 in Docket No. CP72-205. Requested effective date is 3-2-73.
Jan. 30, 1973: Transcontinental Gas Pipe Line Corp.	Tariff sheets comprising Rate Schedule X-57, an exchange agreement of 5-30-72 with North Pennsylvania Gas Co., requested effective date is 3-1-73.
Jan 30, 1973: Transcontinental Gas Pipe Line Corp.	Tariff sheets establishing an additional delivery point in Morris County, N.J., under an exchange agreement dated 11-1-60 with Tex. East. Tran. Corp. on file as Transco's Rate Schedule X-4. Requested effective date of 3-1-73.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-4568 Filed 3-9-73;8:45 am]

[Dockets Nos. RP72-150 and RP72-155]

EL PASO NATURAL GAS CO.

Notice of Proposed Changes in Rates and Charges

MARCH 5, 1973.

Take notice that on February 14, 1973, El Paso Natural Gas Co. (El Paso) tendered for filing proposed changes respecting all Southern Division System rate schedules contained in its FPC Gas Tariff, Original Volume No. 1, and as well, Rate Schedules X-7, X-14, and X-25 contained in its Third Revised Volume No. 2 and Rate Schedules FS-25, FS-26, FS-27, FS-28, FS-29, FS-30, FS-34, FS-35, and FS-45 contained in its Original Volume No. 2A, and that on February 26, 1973, El Paso tendered for filing corrections to the proposed change which are incorporated in this notice. The change would effect a uniform increase of 1.19 cents per Mcf to each of the rate schedules, and El Paso proposed an effective date of April 1, 1973, requesting waiver of the 45-day notice requirement of § 154.38(d)(v) of the regulations.

El Paso states that the increase was filed in accordance with the provisions of Article 19, Purchased Gas Adjustment Provision (PGAC), contained in the general terms and conditions of FPC Gas Tariff, Original Volume No. 1. The proposed increase was comprised of the changes in El Paso's annualized purchased gas cost which occurred during the period August 13, 1972, through March 31, 1973 ($0.57 per Mcf), and a surcharge amount attributable to unrecovered purchased gas cost increased accrued in Account 191 during the period August 13 through December 31, 1972 ($0.62 per Mcf).

Copies of these filings have been mailed to all parties of record, all Southern Division System customers, and interested State regulatory commissions.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 441 G Street NW., Washington, DC 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before March 16, 1973. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-4636 Filed 3-9-73;8:45 am]

[Dockets Nos. RI73-81, etc.]

EXXON CORP. ET AL.

Order Providing for Hearing and Suspension of Proposed Changes in Rates, Allowing Rate Changes To Become Effective Subject to Refund [1]

MARCH 2, 1973.

Respondents have filed proposed changes in rates and charges for jurisdictional sales of natural gas, as set forth in Appendix A below.

The proposed changed rates and charges may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is in the public interest and consistent with the Natural Gas Act that the Commission enter upon hearings regarding the lawfulness of the proposed changes, and that the supplements herein be suspended and their use be deferred as ordered below.

The Commission orders: (A) Under the Natural Gas Act, particularly sections 4 and 15, the regulations pertaining there to (18 CFR Ch. I), and the Commission's rules of practice and procedure, public hearings shall be held concerning the lawfulness of the proposed changes.

(B) Pending hearings and decisions thereon, the rate supplements herein are suspended and their use deferred until date shown in the "Date Suspended Until" column. Each of these supplements shall become effective, subject to refund, as of the expiration of the suspension period without any further action by the respondent or by the Commission. Each respondent shall comply with the refunding procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder.

(C) Unless otherwise ordered by the Commission, neither the suspended supplements, nor the rate schedules sought to be altered, shall be changed until disposition of these proceedings or expiration of the suspension period, whichever is earlier.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[1] Does not consolidate for hearing or dispose of the several matters herein.

APPENDIX A

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf* Rate in effect	Cents per Mcf* Proposed increased rate	Rate in effect subject to refund in docket No.
RI73-81	Exxon Corp.	210	14	El Paso Natural Gas Co. (East LaBarge Field, Lincoln and Sublette Counties, Wyo.).	$42	1-31-73		8 6- 1-73	10 20.6538	10 20.6613	RI73-81.
RI70-469	do	218	8	Mountain Fuel Supply Co. (Dry Piney Unit, Sublette County, Wyo.).	1 34	1-31-73		1-31-73	1 10 17.0650	1 10 17.090	RI70-469.
RI73-85	do			do	1 16	1-31-73		8 4-19-73	1 10 23.85675	1 10 23.8737	RI73-85.
RI70-469	do	226	4	Montana Dakota Utilities Co. (Elk Basin Field, Park County, Wyo.).	21	1-31-73		1-31-73	10 13.065	10 13.070	RI70-469.
RI73-81	do	249	13	El Paso Natural Gas Co. (Green River Bend Unit, Lincoln and Sublette Counties, Wyo.).	9	1-31-73		8 6- 1-73	10 20.6538	10 20.6613	RI73-81.
RI73-81	do	348	7	Colorado Interstate Gas Co. (Wamsutter Field, Sweetwater County, Wyo.).	21	1-31-73		1-31-73	17.1275	17.1350	RI73-81.
RI70-364	do	359	5	Kansas-Nebraska Natural Gas Co., Inc. (Frenchie Draw Field, Fremont and Natrona Counties, Wyo.).	59	1-31-73		1-31-73	16.160	16.165	RI70-364.
RI73-121	do	360	6	Colorado Interstate Gas Co. (Patrick Draw Field, Sweetwater County, Wyo.).	1	1-31-73		1-31-73	18.270	18.2775	RI73-121.
RI73-81	do	362	4	Colorado Interstate Gas Co. (Desert Springs Field, Sweetwater County, Wyo.).	6	1-31-73		1-31-73	16.62375	16.63125	RI73-81.
RI70-469	do	363	3	Montana-Dakota Utilities Co. (Elk Basin Field, Park County, Wyo.).	3	1-31-73		1-31-73	10 13.130	10 13.135	RI70-469.
RI71-695	do	383	5	Mountain Fuel Supply Co. (West Side Canal Area, Carbon County, Wyo.).	12	1-31-73		1-31-73	10 16.160	10 16.165	RI71-695.
RI73-81	do	403	17	Colorado Interstate Gas Co. (Desert Springs Area, Sweetwater County Wyo.).	22	1-31-73		1-31-73	8 17.1275	8 17.1350	RI73-81.
RI73-216	Pubco Petroleum Corp.	1	38	El Paso Natural Gas Co. (Pictured Cliffs and Chacra Fields, San Juan and Rio Arriba Counties, N. Mex. (San Juan Basin)).	112,000	2- 5-73		8- 8-73	8 11 24.0	8 10 28.0	
RI73-217	Northwest Production Corp.	1	12	El Paso Natural Gas Co. (Dakota Field, San Juan County, N. Mex. (San Juan Basin)).	71	2- 5-73		8- 8-73	8 10 21.33	8 7 10 22.0	RI73-55.
	do			do		2- 5-73		8- 8-73	8 10 21.33	8 7 10 28.0	
	do	5	12	do	7 9	2- 5-73		8- 8-73	8 10 21.33	8 7 10 22.0	RI73-55.
	do			do	(11)	2- 5-73		8- 8-73	8 10 21.33	8 7 10 28.0	RI73-55.
	do	6	12	do	7 8	2- 5-73		8- 8-73	8 10 21.33	8 7 10 22.0	RI73-55.
	do			do	(11)	2- 5-73		8- 8-73	8 10 21.33	8 7 10 28.0	RI73-55.
RI73-218	Caroline Hunt Trust Estate.	2	10 7	El Paso Natural Gas Co. (Buckhorn Field, Schleicher County, Tex., Permian Basin).		2- 5-73	3- 8-73	12 Accepted			
	do		8	do	4,899	2- 5-73		8- 8-73	16.2760	11 23.2747	RI69-555.
RI73-219	Hassie Hunt Trust	60	3	El Paso Natural Gas Co. (North Puckett (Wolfcamp) Field, Pecos County, Tex., Permian Basin).	21	2- 5-73		8- 8-73	8 30.0	8 30.35	RI72-192.
RI73-220	Skelly Oil Co.	265	2	El Paso Natural Gas Co. (Cedar Canyon Unit, Eddy County, N. Mex., Permian Basin).	28,800	2- 5-73		9-24-73	35.0	8 36.0	RI73-99.
RI73-221	Sun Oil Co.	94	9	Northern Natural Gas Co. (Emperor Field, Winkler County, Tex., Permian Basin).	40,150	1-31-73		4- 3-73	18.0675	19.0713	RI69-13.
RI73-222	Amoco Production Co.	220	8	West Texas Gathering Co. (Emperor Field, Winkler County, Tex., Permian Basin).		2- 6-73	3- 9-73	12 Accepted			
RI73-222	Amoco Production Co.	220	9	West Texas Gathering Co. (Emperor Field, Winkler County, Tex., Permian Basin).	864,650	2- 6-73		8- 9-73	19.07	28.105	RI73-146.
	do	363	13 7	do		2- 6-73	3- 9-73	12 Accepted			
	do		8	do	353,269	2- 6-73		8- 9-73	19.07	28.105	RI73-146.
RI73-223	Chevron Oil Co., Western Division.	20	8	El Paso Natural Gas Co. (Puckett Field, Pecos County, Tex., Permian Basin).	597,760	2- 6-73		8- 9-73	21.0	24.09	RI73-147.
RI73-224	Texaco Inc.	179	13 7	West Texas Gathering Co. (Emperor and South Kermit Fields, Winkler County, Tex.) (Permian Basin).		2- 1-73	3- 4-73	12 Accepted			
	do		8	do	211,932	12 2- 1-73		4- 4-73	18.0675	21.0	RI68-459.
RI73-225	Mobil Oil Corp.	17	25	Northern Natural Gas Co. (Blinebry and Tubb Fields, Lea County, N. Mex.).	12,854	2- 6-73		4- 9-73	16.3856	16.9170	RI72-180.

See footnotes on next page.

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[1] Unless otherwise stated, the pressure base is 14.65 p.s.i.a.
[2] Gas from wells completed prior to June 7, 1972.
[3] Gas from wells completed after June 7, 1972.
[4] Date the underlying rate becomes effective.
[5] Applicable to Wyoming sales only.
[6] For acreage added by Supplement No. 37 dated October 27, 1972.
[7] Subject to B.t.u. adjustment.
[8] Applicable to gas from wells completed prior to June 1, 1970.
[9] Applicable to gas from wells completed on or after June 1, 1970.
[10] No current production.
[11] Amends pricing provisions and extends contract term.
[12] Includes quality adjustment.
[13] Amends pricing provisions.
[14] Amended filing made on February 12, 1973.
[15] Not used.
[16] Accepted for filing to be effective on the date shown in the "Effective Date" column.
[17] The pressure base is 15.025 p.s.i.a.

The proposed increases of Pubco Petroleum Corp., Northwest Production Corp., Caroline Hunt Trust Estate under Supplement No. 8, Hassie Hunt Trust, Skelly Oil Co., Amoco Production Co. under Supplements Nos. 9 and 8 to its FPC Gas Rate Schedules Nos. 220 and 463, respectively, and Chevron Oil Co., Western Division, exceed the rate limit for a 1-day suspension and are therefore suspended for 5 months.

The proposed increases of Sun Oil Co., Texaco, Inc., and Mobil Oil Corp., do not exceed the rate limit for a 1-day suspension and therefore are suspended for 1 day from the expiration of the 60-day notice period or the contractual effective date, whichever is later.

The proposed increases of Exxon Corp. reflect the increase in the Wyoming conservation tax which became effective January 1, 1973. Consistent with prior Commission action on similar tax increase filings, the proposed increases are permitted to become effective subject to existing suspension proceedings.

The producers' proposed increased rates and charges exceed the applicable area price levels for increased rates as set forth in the Commission's Statement of General Policy No. 61–1, as amended (18 CFR, Ch. I, Part 2, § 2.56).

The rate increases granted in these cases have been reviewed in the light of and are consistent with the Economic Stabilization Act of 1970 as amended, Executive Order No. 11695, and the rules and regulations issued thereunder.

[FR Doc.73-4569 Filed 3-9-73;8:45 am]

[Docket No. G-3079, etc.]

EXXON CORP.

Order Amending Orders Issuing Certificates of Public Convenience and Necessity, Substituting Applicant and Respondent, Accepting Notices of Succession for Filing, and Redesignating FPC Gas Rate Schedules

FEBRUARY 27, 1973.

On November 14, 1972, Exxon Corp. (Petitioner) filed in Docket No. G-3079, et al., a petition to amend the orders issuing certificates of public convenience and necessity pursuant to section 7(c) of the Natural Gas Act to Humble Oil & Refining Co. (Humble) by substituting Petitioner as certificate holder, all as more fully set forth in the petition to amend and in the appendix below.

Effective January 1, 1973, Petitioner merged Humble and proposes to continue all sales of natural gas in interstate commerce theretofore authorized to be made by Humble.

Petitioner has filed notices of succession to the FPC gas rate schedules of Humble. On December 26, 1972, Exxon filed an agreement and undertaking in which it assumes all refund obligations of Humble under section 4 of the Natural Gas Act and § 154.102 of the regulations under the Natural Gas Act.

After due notice by publication in the FEDERAL REGISTER, no petition to intervene, notice of intervention, or protest to the granting of the petition to amend has been filed.

The Commission finds:

It is necessary and appropriate in carrying out the provisions of the Natural Gas Act and the public convenience and necessity require that the orders issuing certificates of public convenience and necessity to Humble be amended by substituting Petitioner as certificate holder, that Petitioner should be substituted in lieu of Humble in pending proceedings, that the notices of succession and agreement and undertaking submitted by Petitioner should be accepted for filing, and that the related FPC gas rate schedules should be redesignated accordingly.

The Commission orders:

(A) The orders issuing permanent and temporary certificates[1] to Humble are amended by substituting Petitioner as certificate holder, and in all other respects said orders remain in full force and effect.

(B) Petitioner is substituted in lieu of Humble as party applicant, respondent, or intervener in all pending proceedings.

(C) The notices of succession submitted by Petitioner are accepted for filing effective as of January 1, 1973, and Humble's FPC gas rate schedules are redesignated as those of Petitioner and shall bear the same numerial designations.[1]

(D) The agreement and undertaking submitted by Petitioner is accepted for filing. Petitioner shall comply with the refunding procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

[1] Humble's outstanding certificates and rate schedules are set forth in the appendix to this order.

Rate schedule No.	Certificate docket No.	Purchaser
1	G-3079	Trunkline Gas Co.
2	G-3065	Phillips Petroleum Co.
3	G-5145	[7] El Paso Natural Gas Co.
4	G-3066	United Gas Pipe Line Co.
5	G-5145	El Paso Natural Gas Co.
6	G-3067	Tennessee Gas Pipeline Co.
9	G-3070	El Paso Natural Gas Co.
10	G-3071	Texas Eastern Transmission Corp.
11	G-3072	Tennessee Gas Pipeline Co.
12	G-3073	Texas Eastern Transmission Corp.
14	G-3075	Do.
15	G-3076	Do.
16	G-3077	El Paso Natural Gas Co.
17	G-3078	Tennessee Gas Pipeline Co.
18	G-3080	Phillips Petroleum Co.
19	G-3081	Texas Eastern Transmission Corp.
20	G-3082	Phillips Petroleum Co.
21	G-3083	Mississippi River Transmission Corp.
23	G-3109	Columbia Gas Transmission Corp.
24	G-3108	Do.
28	G-3118	El Paso Natural Gas Co.
31	G-3113	Do.
32	G-3114	Do.
33	G-3119	Do.
34	G-3116	United Gas Pipe Line Co.
35	G-3112	Do.
36	G-3117	Tennessee Gas Pipeline Co.
38	G-3100	Arkansas Louisiana Gas Co.
39	G-3132	Southern Natural Gas Co.
77	G-6780	El Paso Natural Gas Co.
92	G-6796	Do.
93	G-6798	Do.
108	G-8823	Lone Star Gas Co.
110	G-8816	United Gas Pipe Line Co.
111	G-8835	Mississippi River Transmission Corp.
113	G-9616	Coastal States Gas Producing Co.
116	G-10367	El Paso Natural Gas Co.
118	G-11033	Do.
120	G-11857	Gas Gathering Corp.
121	G-12175	Northern Natural Gas Co.
123	G-12422	United Gas Pipe Line Co.
124	G-13009	Do.
126	G-3105	Southern Natural Gas Co.
127	G-14154	Texas Gas Transmission Corp.
128	G-14606	Transcontinental Gas Pipe Line Corp.
129	G-14605	Do.
130	G-14607	Do.
131	G-14608	Do.
132	G-14603	West Texas Gathering Co.
134	G-14840	El Paso Natural Gas Co.
135	G-14967	Columbia Gas Transmission Corp.
136	G-15227	United Gas Pipe Line Co.
137	G-15254	Natural Gas Pipeline Co. of America.
138	G-15249	El Paso Natural Gas Co.
139	G-15272	Coastal States Gas Producing Co.
140	G-15365	Michigan Wisconsin Pipe Line Co.
141	G-15512	West Lake Natural Gasoline Co.
143	G-3101	Texas Gas Transmission Corp.
144	G-17088	El Paso Natural Gas Co.
146	G-17290	Do.
148	G-17349	United Gas Pipe Line Co.
149	G-17570	Do.
152	G-17772	Transcontinental Gas Pipe Line Corp.
153	G-18123	Colorado Interstate Gas Co.
154	G-3103	United Gas Pipe Line Co.
155	G-3104	Do.
157	G-18624	Coastal States Gas Producing Co.
158	G-18547	United Gas Pipe Line Co.
159	G-18693	El Paso Natural Gas Co.
160	G-19071	Do.
163	G-18714	Tennessee Gas Pipeline Co.
164	G-18715	Do.
165	G-18716	Do.
166	G-19416	Columbia Gas Transmission Corp.
167	G-17391	Texas Gas Transmission Corp.
169	G-20049	Tennessee Gas Pipeline Co.
170	G-20136	Transcontinental Gas Pipe Line Corp.
171	G-4092	Lone Star Gas Co.
173	G-4554	United Gas Pipe Line Corp.
174	G-4803	Kansas-Nebraska Natural Gas Co.
175	G-4801	Lone Star Gas Co.
176	G-4551	Mississippi River Transmission Corp.
181	G-4087	Michigan Wisconsin Pipe Line Co.
183	G-4086	Lone Star Gas Co.
184	G-4089	Montana Dakota Utilities Co.
185	G-4555	Arkansas Louisiana Gas Co.
187	G-4088	Montana Dakota Utilities Co.

Rate schedule No.	Certificate docket No.	Purchaser
188	G-5143	Northern Natural Gas Co.
191	G-9765	Natural Gas Pipeline Co. of America.
192	G-10073	Cities Service Gas Co.
193	G-10131	Colorado Interstate Gas Co.
194	G-10196	Kansas Nebraska Natural Gas Co.
195	G-10230	Louisiana Nevada Transit Co.
196	G-10322	Panhandle Eastern Pipe Line Co.
197	G-10383	Colorado Interstate Gas Co.
200	G-11109	Natural Gas Pipeline Co. of America.
201	G-11224	Texas Eastern Transmission Corp.
202	G-11608	Panhandle Eastern Pipe Line Co.
203	G-11739	Northern Natural Gas Co.
204	G-11922	Panhandle Eastern Pipe Line Co.
205	G-12026	Do.
207	G-12869	Colorado Interstate Gas Co.
208	G-13278	Northern Natural Gas Co.
210	G-13679	El Paso Natural Gas Co.
211	G-14292	Panhandle Eastern Pipe Line Co.
212	G-14369	El Paso Natural Gas Co.
215	G-15095	Natural Gas Pipeline Co. of America.
217	G-15913	Northern Natural Gas Co.
218	G-16430	Mountain Fuel Supply.
219	G-17046	Lone Star Gas Co.
220	G-16973	Natural Gas Pipeline Co. of America.
221	G-15900	Northern Natural Gas Co.
222	G-17472	United Gas Pipe Line Co.
223	G-18228	Texas Gas Transmission Corp.
224	G-18290	Do.
225	G-18291	Do.
226	G-18486	Montana Dakota Utilities Co.
227	G-18882	Natural Gas Pipeline Co. of America.
228	G-19048	Horner & Smith.
230	G-19597	Arkansas Louisiana Gas Co.
231	G-20036	Texas Gas Transmission Corp.
232	G-20293	Natural Gas Pipeline Co. of America.
234	C160-177	Tennessee Gas Pipeline Co.
235	GG9728	United Gas Pipe Line Co.
236	G-19200	Southern Natural Gas Co.
238	C160-623	United Gas Pipe Line Co.
239	G-15714	Transwestern Pipeline Co.
240	G-4861	Colorado Interstate Gas Co.
241	C160-96	Tennessee Gas Pipeline Co.
242	C160-828	Natural Gas Pipeline Co. of America.
244	C161-158	Tennessee Gas Pipeline Co.
245	G-3111	United Gas Pipe Line Co.
246	C161-207	Tennessee Gas Pipeline Co.
247	C161-425	Southern Natural Gas Co.
248	C160-578	Panhandle Eastern Pipe Line Co.
249	C160-65	El Paso Natural Gas Co.
252	C161-607	Panhandle Eastern Pipe Line Co.
253	C161-723	Natural Gas Pipeline Co. of America.
254	C161-771	Panhandle Eastern Pipe Line Co.
255	C161-794	Colorado Interstate Gas Co.
256	C161-1050	Natural Gas Pipeline Co. of America.
257	G-4287	Texas Eastern Transmission Corp.
258	G-4286	Do.
259	G-6253	El Paso Natural Gas Co.
260	G-8347	Do.
262	G-11469	Do.
263	G-14256	Transcontinental Gas Pipe Line Corp.
267	C161-1098	United Gas Pipe Line Co.
268	C161-1177	Arkansas Louisiana Gas Co.
269	C161-1176	Tennessee Gas Pipeline Co.
272	C161-1306	Trunkline Gas Co.
273	C161-1360	United Gas Pipe Line Co.
274	C160-531	Tennessee Gas Pipeline Co.
276	C161-1581	Transwestern Pipeline Co.
278	C161-1796	Natural Gas Pipeline Co. of America.
279	C162-566	Northern Natural Gas Co.
280	C162-70	Trunkline Gas Co.
281	C160-269	Do.
282	C162-129	Southern Natural Gas Co.
283	C162-130	Do.
285	C162-243	Arkansas Louisana Gas Co.
286	C162-244	Do.
287	G-6253	El Paso Natural Gas Co.
288	C162-329	Do.
289	C162-331	Do.
290	C162-330	Do.
291	C162-328	Do.
292	C162-332	Do.
293	C162-327	Do.
294	C162-536	Do.
295	C162-542	United Gas Pipe Line Co.
296	C162-620	El Paso Natural Gas Co.
297	C162-619	Western Gas Interstate Co.
300	C162-704	Tennessee Gas Pipeline Co.
302	C162-847	El Paso Natural Gas Co.
303	C162-1094	Panhandle Eastern Pipe Line Co.
304	C162-60	Transcontinental Gas Pipeline Corp.
305	C162-1236	Texas Gas Transmission Corp.
306	G-15893	Arkansas Louisiana Gas Co.
307	C162-1275	Natural Gas Pipeline Co. of America.
308	C162-1261	El Paso Natural Gas Co.
309	C163-30	Arkansas Louisiana Gas Co.
310	C161-307	Michigan Wisconsin Pipe Line Co.
312	C163-287	Valley Gas Transmission Co.
314	C163-455	United Gas Pipe Line Co.
315	C163-501	Arkansas Louisiana Gas Co.
316	C163-575	Michigan Wisconsin Pipe Line Co.
317	C163-635	Southern Natural Gas Co.
318	C163-621	Natural Gas Pipeline Co. of America.
320	C163-669	El Paso Natural Gas Co.
321	C163-681	Natural Gas Pipeline Co. of America.
322	C163-731	Panhandle Eastern Pipe Line Co.
325	C163-1067	Trunkline Gas Co.
326	C163-1120	Natural Gas Pipeline Co. of America.
327	C163-1162	Northern Natural Gas Co.
329	G-4991	Kansas-Nebraska Natural Gas Co.
330	C163-1344	El Paso Natural Gas Co.
331	C163-996	Arkansas Louisiana Gas Co.
332	C163-1000	Do.
333	C164-86	Natural Gas Pipeline Co. of America.
334	C164-164	Northern Natural Gas Co.
336	C164-340	El Paso Natural Gas Co.
337	C163-20	Arkansas Louisiana Gas Co.
338	C161-187	Natural Gas Pipeline Co. of America.
339	C163-1483	Do.
340	C164-638	Colorado Interstate Gas Co.
341	C164-298	Tennessee Gas Pipeline Co.
342	C164-677	Natural Gas Pipeline Co. of America.
343	G-4111	Texas Eastern Transmission Corp.
344	C164-791	El Paso Natural Gas Co.
345	C164-349	Colorado Interstate Gas Co.
346	C164-1102	Transwestern Pipeline Co.
347	C164-1119	Trunkline Gas Co.
348	C164-1140	Michigan Wisconsin Pipe Line Co.
349	C164-297	Natural Gas Pipeline Co. of America.
350	C164-299	Do.
351	C164-1338	Do.
352	C164-1244	Do.
353	C165-51	El Paso Natural Gas Co.
355	C163-129	Southern Natural Gas Co.
356	C165-66	Panhandle Eastern Pipe Line Co.
357	C164-5	Columbia Gas Transmission Corp.
358	C164-408	El Paso Natural Gas Co.
359	C165-197	Kansas Nebraska Natural Gas Co.
360	C165-210	Colorado Interstate Gas Co.
361	C165-351	El Paso Natural Gas Co.
362	C164-872	Colorado Interstate Gas Co.
363	G-4862	Montana Dakota Utilities Co.
364	C165-389	Panhandle Eastern Pipe Line Co.
365	C164-1406	Northern Natural Gas Co.
367	C165-618	Arkansas Louisiana Gas Co.
368	C165-636	El Paso Natural Gas Co.
369	C165-493	The Nueces Co.
370	C165-725	Cities Service Gas Co.
371	C165-771	Natural Gas Pipeline Co. of America.
372	C165-606	Northern Natural Gas Co.
373	C165-842	Trunkline Gas Co.
374	C165-1158	El Paso Natural Gas Co.
375	C165-1216	Northern Natural Gas Co.
377	C165-1363	Natural Gas Pipeline Co. of America.
379	C166-4	Do.
380	C165-1369	Do.
383	C166-502	Mountain Fuel Supply Co.
385	C166-501	Tennessee Gas Pipeline Co.
386	C166-606	El Paso Natural Gas Co.
388	G-11378	Arkansas Louisiana Gas Co.
390	G-9465	Texas Eastern Transmission Corp.
391	G-11944	El Paso Natural Gas Co.
392	C166-416	Michigan Wisconsin Pipe Line Co.
393	C166-900	El Paso Natural Gas Co.
395	C166-1142	Tennessee Gas Pipeline Co.
396	C166-1268	El Paso Natural Gas Co.
397	C166-1269	Do.
398	C167-2	Cities Service Gas Co.
399	C167-3	Michigan Wisconsin Pipe Line Co.
401	C166-1302	Texas Eastern Transmission Corp.
402	C167-76	Panhandle Eastern Pipe Line Co.
403	C167-253	Colorado Interstate Gas Co.
406	C167-316	Natural Gas Pipeline Co. of America.
407	C167-386	Do.
408	C167-461	Transwestern Pipeline Co.
409	C167-667	Florida Gas Transmission Co.
410	C167-517	Northern Natural Gas Co.
411	C167-548	El Paso Natural Gas Co.
413	C167-596	Oklahoma Natural Gas Gathering Corp.
414	C167-659	United Gas Pipe Line Co.
415	C167-49	El Paso Natural Gas Co.
417	C167-952	United Gas Pipe Line Co.
418	C167-1014	Plaquemines Oil & Gas Co.
420	C167-1104	Arkansas Louisana Gas Co.
421	C167-1635	Pecos Co.
423	C167-1325	El Paso Natural Gas Co.
424	G-6365	Natural Gas Pipeline Co. of America.
425	C167-1687	Panhandle Eastern Pipe Line Co.
426	C167-1689	Northern Natural Gas Co.
429	C167-1636	Natural Gas Pipeline Co. of America.
430	C167-1780	Michigan Wisconsin Pipe Line Co.
431	C166-62	Panhandle Eastern Pipe Line Co.
432	C167-1762	Columbia Gas Transmission Corp.
433	C168-134	Texas Eastern Transmission Corp.
435	C168-285	Arkansas Louisana Gas Co.
436	C168-536	Michigan Wisconsin Pipe Line Co.
437	C168-575	Northern Natural Gas Co.
438	C168-632	Do.
439	C168-604	Panhandle Eastern Pipe Line Co.
440	C168-969	El Paso Natural Gas Co.
441	C168-996	Texas Gas Transmission Corp.
442	C168-1135	Southern Natural Gas Co.
443	C168-1133	El Paso Natural Gas Co.
444	C168-1149	United Gas Pipe Line Co.
445	C168-1222	Northern Natural Gas Co.
446	C168-1256	Arkansas Louisiana Gas Co.
447	C168-1261	West Texas Gathering Co.
448	C168-1357	Southern Natural Gas Co.
449	C168-1368	Arkansas Louisiana Gas Co.
450	C168-1394	Natural Gas Pipeline Co. of America.
451	C169-147	Tennessee Gas Pipeline Co.
452	C169-153	Natural Gas Pipeline Co. of America.
453	C168-1358	Arkansas Louisiana Gas Co.
454	C169-262	Northern Natural Gas Co.
455	C169-304	Transwestern Pipeline Co.
456	C169-312	Do.
457	C169-502	Tennessee Gas Pipeline Co.
458	C169-505	Natural Gas Pipeline Co. of America.
459	C169-504	Arkansas Louisiana Gas Co.
460	C169-588	South Texas Natural Gas Gathering Co.
461	C169-888	Transcontinental Gas Pipe Line Corp.
463	C169-947	Tennessee Gas Pipeline Co.
464	C169-1062	Southern Natural Gas Co.
465	C169-1133	Do.
466	C169-1146	Transwestern Pipeline Co.
467	C170-96	Natural Gas Pipeline Co. of America.
468	C170-63	Trunkline Gas Co.
469	C170-267	Transwestern Pipeline Co.
470	C170-392	Tennessee Gas Pipeline Co.
471	C170-460	Northern Natural Gas Co.
473	C170-874	Michigan Wisconsin Pipe Line Co.
474	C170-480	Do.
475	C170-881	El Paso Natural Gas Co.
476	C170-1111	Columbia Gas Transmission Corp.
477	C171-219	Florida Gas Transmission Corp.
478	C171-466	Natural Gas Pipeline Co. of America.
479	C171-183	Transwestern Pipeline Co.
480	C171-158	Columbia Gas Transmission Corp.
481	C171-263	Southern Natural Gas Co.
482	C171-853	Arkansas Louisana Gas Co.
483	C171-883	Tennessee Gas Pipeline Co.

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Rate schedule No.	Certificate docket No.	Purchaser
484	C172-1	United Gas Pipe Line Co.
485	C172-12	Texas Gas Transmission Corp.
487	C172-24	Colorado Interstate Gas Co.
488	C172-138	Columbia Gas Transmission Corp.
489	C171-547	Do.
490	C171 876	Texas Eastern Transmission Corp.
491	C172-190	Columbia Gas Transmission Corp.
492	C172-191	Do.
493	C172-287	Transwestern Pipeline Co.
494	C172-259	United Gas Pipe Line Co.
495	C172-298	Mississippi River Transmission Corp.
496	C172-326	United Gas Pipe Line Co.
497	C172-294	Northern Natural Gas Co.
498	C172 344	Tennessee Gas Pipeline Co.
499	C172-305	Arkansas Louisiana Gas Co.
502	C172-509	Cities Service Gas Co.
503	C172 508	Michigan Wisconsin Pipe Line Co.
504	C172-25	Florida Gas Transmission Co.
505	C172 532	Texas Eastern Transmission Corp.
506	C172-728	Columbia Gas Transmission Corp.
507	C172-302	Sea Robin Pipeline Co.
508	C172 393	Do.
509	C172 841	El Paso Natural Gas Co.
510	C173-1	Transwestern Pipeline Co.
511	C173 42	Southern Natural Gas Co.
512	C173 116	United Gas Pipe Line Co.
513	C173-140	Northern Natural Gas Co.
514	C173 219	Columbia Gas Transmission Corp.
515	C173 240	Transwestern Pipeline Co.
516	C173 155	Transcontinental Gas Pipe Line Corp.
261	G 3008	Tennessee Gas Pipeline Co.
26	G 3106	Columbia Gas Transmission Corp.

AREA RATE PROCEEDINGS

A R61-1	A R61-2	A R64-1
A R64-2	A R67-1	A R69-1
A R70-1		

OTHER PROCEEDINGS

Applicant	Docket No.
Trunkline Gas Co	CP73-58.
Sea Robin Pipeline Co	RP73-47.
Algonquin SNG, Inc. et al	CP72-35 et al.
Columbia LNG Corp	CP72-8.
Transco Energy Co	CP73-20.
Natural Gas Pipeline Co. of America	CP72-47 et al.
Tecon Gasification Co	CP72-100.
Texas Eastern Transmission Corp	CP72-101.
United Gas Pipe Line Co	CP71-89.
Tennessee Gas Pipeline Co	CP72-6 et al.
United Gas Pipe Line Co	RP71-29, RP71-120.
Columbia LNG Corp	CP71-68.

[FR Doc.73-4534 Filed 3-8-73;8:45 am]

[Docket No. CI73-569]

GEORGE MITCHELL & ASSOCIATES, INC.

Notice of Application

MARCH 6, 1973.

Take notice that on February 26, 1973, George Mitchell & Associates, Inc. (Applicant), 3900 1 Shell Plaza, Houston, TX 77002, filed in Docket No. CI73-569 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of publi cconvenience and necessity authorizing the sale for resale and delivery of natural gas in interstate commerce to Natural Gas Pipeline Company of America from the Northeast Provident City Field Area, Colorado and Lavaca Counties, Tex., all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to sell approximately 150,000 Mcf of gas per month at 45 cents per Mcf at 14.65 p.s.i.a. for 2 years within the contemplation of § 2.70 of the Commission's general policy and interpretations (18 CFR 2.70).

It appears reasonable and consistent with the public interest in this case to prescribe a period shorter than 15 days for the filing of protests and petitions to intervene. Therefore, any person desiring to be heard or to make any protest with reference to said application should on or before March 22,, 1973, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-4564 Filed 3-9-73;8:45 am]

[Docket No. E-8003]

GULF STATES UTILITIES CO.

Order Accepting Rate Schedules for Filing, Suspending Rates, Granting Intervention, and Consolidating Proceedings

MARCH 1, 1973.

On January 26, 1973, Gulf States Utilities Co. (Gulf States) tendered for filing an incomplete application, pursuant to Part 35 of the Commission's regulations, for approval of rate schedules[1] under an agreement dated December 12, 1972, between Gulf States and Cajun Electric Cooperative, Inc. (CEPCO), (formerly Louisiana Electric Cooperative, Inc.). Notice of such filing was published on February 5, 1973, and February 15, 1973 was given as the last day on which to file protests and petitions to intervene.

The filing was completed by submission of additional data on February 20, 1973.

CEPCO, a generating cooperative, recently completed construction of its 200 mw. Big Cajun station. An interim agreement dated August 3, 1971, between Gulf States, Louisiana Electric Cooperative, Inc. (now CEPCO), Central Louisiana Electric Co., Inc. (CLECO), and Louisiana Power and Light Co. (L.P. & L.), was accepted for filing by the Commission by order dated August 7, 1972.[2] Under that agreement, Gulf States, L.P. & L., and CLECO were to provide startup power and energy to the new station, and, until acceptance of the rates filed herein, were to purchase the output of the new station.

Dow Chemical Co. (Dow) and the Cities of Lafayette and Plaquemine, La. (Cities) filed petitions to intervene in response to the notice of filing of the interim agreement in Docket No. E-7696. These petitions alleged general anticompetitive aspects of the interim agreement. At the time of such protests petitioners were already involved in the proceedings of Docket No. E-7676, an application to issue securities, in which similar allegations of anticompetitive behavior on the part of Gulf States, L.P. & L. and CLECO were made. Therefore, the interim agreement was accepted for filing effective September 13, 1971, but set for hearing in consolidation with the proceedings in Docket No. E-7676 by the Commission's order of August 7, 1972, in Docket Nos. E-7676 and E-7696.

Under the terms of the proposed Power Interconnection Agreement filed in this docket, and set forth in the notice, Gulf States will provide transmission service for power and energy generated at Big Cajun Station to four distribution member cooperatives of CEPCO who now purchase energy from Gulf States under individual service agreements.[3]

[1] See Attachment A.

[2] Order Accepting Rate Schedules for Filing, Waiving Notice Requirements, Granting Intervention, Granting Late Petition to Intervene, and Consolidating Proceedings, Dockets Nos. E-7696 and E-7676.

[3] The Agreement will supersede the following Federal Power Commission Rate Schedules, and Gulf States has requested that they be terminated concurrently with the initiation of service under the agreement:
(1) FPC Schedule 70—Jefferson Davis Electric Cooperative, Inc.
(2) FPC Schedule 73—Beauregard Electric Cooperative, Inc.
(3) FPC Schedule 74—Dixie Electric Membership Corp.
(4) FPC Schedule 75—Pointe Coupee Electric Membership, Corp.
(5) Agreement dated Aug. 3, 1971, between Louisiana Electric Cooperative, Inc., Central Louisiana Electric Co., Inc., Louisiana Power & Light Co. which was accepted for filing by FPC correspondence issued Aug. 7, 1972.

In addition, Gulf States will provide emergency and replacement energy and, when the member cooperatives' demand has grown equal to Big Cajun's assured capability, such additional power as is necessary to meet member cooperatives' requirements.[4] Gulf States will also purchase energy generated at Big Cajun in excess of member cooperatives' requirements.

PROPOSED RATE SCHEDULES

The monthly charges specified for transmission service at the voltage levels indicated are as follows:

	Per kw. demand
Under 69 kv	$0.60
69 and 138 kv	0.45
230 kv	0.40

An allowance for losses of 0.15 mill per kw.-hr. is added.

Billing demand is defined as the highest maximum 30-minute demand established during the 12 months preceding the billing month.

During the period 1973 through 1975, Gulf States will purchase that part of the capacity of Big Cajun Station in excess of member cooperatives' requirements at a rate of $1.25 per kw. per month. For energy associated with excess capacity and for surplus energy (available through the term of the contract) Gulf States will pay a charge equal to CEPCO's incremental gas fuel cost plus 0.5 mill per kw.-hr. Sales of excess capacity and energy are subject to availability of gas at the prices stated in Cajun's contract with Texaco, Inc., as shown in Attachment B below.

The charges specified for emergency and replacement energy are the same as those now on file in Gulf States' Interconnection Agreement with CLECO and LP&L. The charges specified for additional power are the same as those now on file for service to the four member cooperatives who will now be supplied under the terms of the instant submittal. CEPCO's charges for sales of excess and surplus capacity and energy to Gulf States are not subject to Commission jurisdiction.

PROTESTS AND PETITIONS TO INTERVENE

In general, the petitions to intervene which have been filed allege that Gulf States is involved in a conspiracy to suppress and defeat an interconnection and pooling agreement between the Cities, Dow, and CEPCO.

Dow filed on February 15, 1973, a protest and petition to intervene, in which it stated that Dow, CEPCO, and the Cities are parties to an interconnection and pooling agreement dated August 16, 1968. This agreement was attached as Appendix B to the protest and petition to intervene by the Cities in Docket No. E-7663 and is incorporated by reference in Dow's petition.

[4] Gulf States' charges for emergency energy, replacement energy, and additional power are set forth in service schedules supplementing the agreement and are summarized in Attachment B.

Dow alleges that the agreement of December 12, 1972, in this docket is inconsistent with its rights under the agreement of August 16, 1968, and that Gulf States, "acting unlawfully and in concert with Louisiana Power & Light Co. and Central Louisiana Electric Co." has prevented the effective operation of the 1968 agreement. Dow alleges that CEPCO is willing to carry out its obligations under the 1968 agreement but has been forced "because of economic duress" to enter into the December 12 agreement.

Dow requests that, in the event Gulf States' application is granted, it be conditioned to protect the rights of the parties to the 1968 agreement.

The Cities have filed a protest and petition in which they raise antitrust issues similar to those raised by the same parties in Dockets Nos. E-7663, E-7676, E-7682, E-7696, and E-7805.

Cities incorporate by reference their pleadings in the foregoing dockets.

Cities move for rejection of the rate schedules or in the alternative for suspension of the rate for at least 1 day and to consolidate this docket into Docket No. E-7676.

Gulf States filed its answers to the protests and petitions to intervene on February 26, 1973.

The convoluted procedural history surrounding these proceedings has been set forth in the order issued by the Commission August 7, 1972, in Dockets Nos. E-7676 and E-7696.[5] Little purpose would be served in repeating this history and it is hereby incorporated by reference.

The Commission has reviewed the contentions which are set forth in the petitions of Dow and Cities in the light of its overall responsibility in the administration of its functions under the Federal Power Act. The Commission is aware of its responsibilities with regard to interconnection and coordination of facilities in order to assure an adequate and reliable supply of electric energy throughout the United States at the lowest practical rate consonant with the maximum utilization and conservation of natural resources.

The Commission is further aware of its responsibilities for enhancement of ultimate interconnection and interchange of electric energy as well as other activities in furtherance of electric energy capability. All these Commission responsibilities are directed toward safeguarding costs, rates, and reliability.

Based upon similar allegations by Dow and Cities in Dockets Nos. E-7663 and E-7682, the Commission found itself unable to determine either the merits of the contentions or the authority of the Commission to grant relief without further proceedings. The Commission therefore instituted a separate proceeding in Docket No. E-7676 for purposes of providing a hearing in which evidence would be presented and authority to grant relief would be cited.

The allegations put forth in the petitions of Dow and Cities in this docket present issues substantially similar to those to be considered by the Commission in Docket No. E-7676. Consequently, it is appropriate to consolidate the issues here presented with those in the previous docket.

The Commission is aware, however, that to the extent the filing in this docket proposes changes in presently existing rate schedules it is a superseding rate. Such a rate is subject to suspension under the Federal Power Act. It is clear that this filing proposes such changes.[6]

The Commission finds:

(1) The public interest would not be served by rejection of the tendered filing pending final determination of the issues set forth here in Docket No. E-7676.

(2) Interventions by the Cities of Lafayette and Plaquemine, La., and Dow Chemical Co. may be in the public interest for purposes of Commission consideration of the issues raised in the petitions.

(3) Petitioner's contentions do not address themselves directly to unreasonable rates or charges, but to the possibility of unduly discriminatory practices in the services contemplated by the filed rate schedules. However, such discrimination, if it exists, may have an effect on the filed rates. Therefore, in order to protect the possibility of refund, the Commission will order a 1-day suspension in the effectiveness of the filed rate.

(4) The matters asserted and the activities alleged in the petitions of Dow and Cities raise issues which should be heard in a proceeding separate from this docket.

(5) The petitions filed by Dow and Cities should be considered as complaints under section 306 of the Federal Power Act.

(6) The petitions filed in this docket by Cities and Dow raise issues which are substantially similar to those being considered in Docket No. E-7676, a proceeding now before the Commission, and it is therefore appropriate that the complaints filed in this docket should be consolidated with Docket No. E-7676 for purposes of hearing and decision.

(7) The period of public notice given in this matter is reasonable.

The Commission orders:

(A) Dow Chemical Co. and the Cities of Lafayette and Plaquemine, La., are permitted to intervene in this proceeding subject to the rules and regulations of the Commission: *Provided, however,* The admission of the aforementioned petitioners shall not be construed as recognition by the Commission that the petitioners might be aggrieved because of any order or orders of the Commission entered in this proceeding.

(B) Pursuant to the authority of the Federal Power Act, particularly sections 202, 205, 206, 306, and 307 thereof and the Commission's rules of practice and procedure, an investigation is hereby instituted to determine the justification of the protests and petitions to intervene by the Cities of Lafayette and Plaquemine, La., and Dow Chemical Co., and

[5] See footnote 2, supra.

[6] See footnote 3, supra.

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if necessary to prescribe such relief as is appropriate within the boundary of the Federal Power Act.

(C) All further proceedings in this docket shall be consolidated with the complaint proceeding previously instituted in Docket No. E-7676.

(D) Pending hearing and decision thereon, Gulf States' proposed rate schedule and the rates and charges contained therein, as tendered on January 26, 1973, and completed on February 20, 1973, are accepted for filing and hereby suspended and the use thereof deferred until March 23, 1973. (One-day suspension from March 22, 1973, 30 days after filing was completed February 20, 1973, in accordance with § 35.13).

(E) Inasmuch as Central Louisiana Electric Co., Inc., and Louisiana Power & Light Co. were named as parties in Docket No. E-7676, with which this proceeding will be consolidated, a copy of the Cities' and Dow's complaints shall be served on them and their response thereto shall be filed with the Commission within 15 days of the date of issuance of this order.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

ATTACHMENT A

RATE SCHEDULE DESIGNATIONS AND DESCRIPTIONS, GULF STATES UTILITIES COMPANY

Filed: January 26, 1973
Other Party: Cajun Electric Power Cooperative, Inc.
Instrument Dates: (1) through (5) December 12, 1972, (6) None, (7) November 7, 1968

Rate schedule designation	Description	Effective date
(1) FPC No. 104	Power interconnection agreement	Initiation of service but not sooner than Feb. 26, 1973, nor later than Apr. 27, 1973.
(2) Supp. No. 1, FPC No. 104	Service schedule X, emergency energy	Do.
(3) Supp. No. 2, FPC No. 104	Service schedule Y, replacement energy	Do.
(4) Supp. No. 3, FPC No. 104	Service schedule REA, additional power	Do.
(5) Supp. No. 4, FPC No. 104	Letter agreement, excess capacity purchase	None.
(6) Exhibit A, FPC No. 104	Delivery points	Do.
(7) Exhibit B, FPC No. 104	Gas sales and purchase contract, Texaco, Inc. and Louisiana Electric Cooperative, Inc.	

CURRENT RATE SCHEDULES TO BE SUPERSEDED BY GULF STATES UTILITIES CO., RATE SCHEDULE FPC NO. 104 AS SUPPLEMENTED

GULF STATES UTILITIES CO.

Designation	*Other parties*
FPC No. 102	Central Louisiana Electric Co., Inc., Louisiana Power and Light Co., Louisiana Electric Cooperative, Inc.
FPC No. 70 as supplemented.	Jefferson Davis Electric Cooperative, Inc.
FPC No. 73 as supplemented.	Beauregard Electric Cooperative, Inc.
FPC No. 74 as supplemented.	Dixie Electric Membership Corp.
FPC No. 75 as supplemented.	Pointe Coupee Electric Membership Corp.

ATTACHMENT B

GULF STATES—CAJUN ELECTRIC POWER COOPERATIVE, INC., POWER INTERCONNECTION AGREEMENT

Summary of Service Schedules

Schedule X—Emergency Service. Applicable for first 48 hours of unscheduled outage.

Charge: Greater of—(a) 12.5 mills per kw.-hr., (b) Cost to produce or purchase, including any standby costs, plus 1 mill per kw.-hr.

Schedule Y—Replacement energy. Applicable to scheduled outage; curtailment or deferred use of fuel supply; unscheduled outage after initial 48 hours.

Charge: Incremental production cost plus 2 mills per kw.-hr. in on-peak hours (3 mills per kw.-hr. in off-peak hours). Peak hours defined as 6 a.m. to 10 p.m. of the same day except Sundays and six specified holidays.

Schedule REA—Additional power.

Charges and billing determinants:

Demand: $1.55 per kw. per month, includes first 200 kw.-hr. per kw. demand.

Energy: 4.75 mills per kw.-hr., usage in excess of demand allowance.

Fuel adjustment: A corresponding adjustment in the energy charge for variations in average fuel cost above or below 2.1 mills per kw.-hr.

Billing demand: Maximum monthly 30-minute integrated demand.

Voltage adjustment: 5 percent discount for delivery above 34.5 kv.

Tax adjustment: Adjustment to reflect new or increased taxes after the effective date of the rate schedule.

[FR Doc.73-4531 Filed 3-8-73;8:45 am]

[Docket No. E-7690]

NEPEX MANAGEMENT COMMITTEE, NEW ENGLAND POWER POOL

Notice of Application

MARCH 5, 1973.

Take notice that on February 5, 1973, the NEPOOL Management Committee (Applicant), filed a supplement to the NEPOOL Power Pool Agreement, dated as of September 1, 1971. The supplement adopts uniform rules for calculating EHV PTF costs of NEPOOL participants, including rules for calculating charges and depreciation percentages pursuant to § 13.9(c) of the NEPOOL Agreement. The Applicant requests the recommended rules for calculating costs of EHV PTF under the NEPOOL Agreement take effect on November 1, 1971.

Any person desiring to be heard or to make any protest with reference to such application should, on or before March 19, 1973, file with the Federal Power Commission, Washington, D.C. 20426, petitions or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and available for public inspection.

KENNETH F. PLUMB, *Secretary.*

[FR Doc.73-4630 Filed 3-9-73;8:45 am]

[Project 13]

NIAGARA MOHAWK POWER CORP.

Notice of Issuance of Annual License

MARCH 5, 1973.

On March 2, 1970, Niagara Mohawk Power Corp., Licensee for Green Island Project No. 13 located in the vicinity of the town of Green Island, Albany County, N.Y., on the Hudson River filed an application for a new license under section 15 of the Federal Power Act and Commission regulations thereunder (§§ 16.1-16.6). Licensee also made a supplemental filing pursuant to Commission Order No. 384 on December 28, 1970.

The license for Project No. 13 was issued effective March 3, 1921, for a period ending March 2, 1971. An annual license was issued from the original date of expiration until March 2, 1972. In order to authorize the continued operation of the project pursuant to section 15 of the Act pending completion of licensee's application and Commission action thereon it is appropriate and in the public interest to issue an annual license to Niagara Mohawk Power Corp., for continued operation and maintenance of Project No. 13.

Take notice that an annual license is issued to Niagara Mohawk Power Corp. (Licensee), under Section 15 of the Federal Power Act for the period March 3, 1973, to March 2, 1974, or until Federal takeover, or the issuance of a new license for the project, whichever comes first, for the continued operation and maintenance of the Green Island Project No. 13, subject to the terms and conditions of its license.

KENNETH F. PLUMB, *Secretary.*

[FR Doc.73-4635 Filed 3-9-73;8:45 am]

ADVANCE PAYMENTS AGREEMENTS

Notice of Filing

MARCH 5, 1973.

Take notice that each of the parties listed herein has made a filing pursuant to sections 4 and 5 of the Natural Gas Act and Part 154 of the regulations promulgated thereunder.

Any person desiring to be heard or to make any protest with reference to said filing should on or before March 12, 1973, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The applications are on file with the Commission and available for public inspection.

Date filed and company	Action
Feb. 22, 1973: Michigan Wisconsin Pipe Line Co.	Agreement dated 12-27-72 with Champlin Exploration, Inc., 1972 Oil & Gas Partnership, Agreement dated 12-27-72 with Dyco Petroleum Corp.; agreement dated 12-27-72 with Ferguson Oil Co.
Feb. 5, 1973: Cities Service Gas Co.	Amendment dated 12-29-72, to the agreement dated 3-10-71, between The Rodman Corp., Basin Petroleum Corp., and Jack H. Choate, an individual, as Sellers, and Cities Service Gas Co.
Jan. 26, 1973: Columbia Gas Transmission Corp.	Agreement between Mobreal Ohio Producers Adams-Six and Columbia Gas Transmission Corp., dated 12-21-72, concerning an advance payment for the development and production of certain gas reserves.
Feb. 8, 1973: Cities Service Gas Co.	Agreement dated 12-30-72, between Cities Service Gas Resources Co., and Cities Service Gas Co., pursuant to the provisions of Paragraph H of Account No. 166 of the Commission's Uniform System of Accounts for Class A and Class B Natural Gas Companies, as amended in Order No. 465 issued 12-29-72, in Docket No. R-411.

KENNETH F. PLUMB, *Secretary.*

[FR Doc.73-4637 Filed 3-9-73;8:45 am]

[Docket No. E-8056]

OTTER TAIL POWER CO.

Notice of Application

MARCH 5, 1973.

Take notice that on March 1, 1973, Otter Tail Power Co. (Applicant), of Fergus Falls, Minn., filed an application with the Federal Power Commission seeking authority pursuant to section 204 of the Federal Power Act to negotiate privately for the underwriting of 300,000 common shares, $5 par value, of the company.

The company asserts that a portion of its cash requirements in 1973 should be financed through the issuance of additional common shares to be publicly offered. To be authorized to select the investment bankers for the underwriting of the common shares through private negotiations rather than through competitive bidding will be to the advantage of company shareholders and customers. The Applicant requests authority to negotiate privately for the underwriting of common shares so that the company will not be precluded by § 34.2 (f) (2) and § 34.1(a) (4) of the Commission's rules and regulations requiring public invitation of proposals for the underwriting of shares.

Any person desiring to be heard or to make any protest with reference to such application should, on or before March 13, 1973, file with the Federal Power Commission, Washington, D.C. 20426, petitions or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and available for public inspection.

KENNETH F. PLUMB, *Secretary.*

[FR Doc.73-4634 Filed 3-9-73;8:45 am]

[Project 67]

SOUTHERN CALIFORNIA EDISON CO.

Notice of Issuance of Annual License

MARCH 5, 1973.

On February 12, 1970, Southern California Edison Co., Licensee for Big Creek No. 2A and No. 8 Project No. 67 located in Fresno County, Calif., on the San Joaquin River filed an application for a new license under section 15 of the Federal Power Act and Commission regulations thereunder (§§ 16.1-16.6). Licensee also made a supplemental filing pursuant to Commission Order No. 384 on August 21, 1970.

The license for Project No. 67 was issued effective March 3, 1921, for a period ending March 2, 1971. An annual license was issued from the original date of expiration until March 2, 1972. In order to authorize the continued operation of the project pursuant to section 15 of the Act pending completion of the licensee's application and Commission action thereon it is appropriate and in the public interest to issue an annual license to Southern California Edison Co., for continued operation and maintenance of Project No. 67.

Take notice that an annual license is issued to Southern California Edison Co. (Licensee), under section 15 of the Federal Power Act for the period March 3, 1973, to March 2, 1974, or until Federal takeover, or the issuance of a new license for the project, whichever comes first, for the continued operation and maintenance of the Big Creek No. 2A and No. 8 Project No. 67, subject to the terms and conditions of its license.

KENNETH F. PLUMB, *Secretary.*

[FR Doc.73-4631 Filed 3-9-73;8:45 am]

[Project 120]

SOUTHERN CALIFORNIA EDISON CO.

Notice of Issuance of Annual License

MARCH 5, 1973.

On February 11, 1970, Southern California Edison Co., Licensee for Big Creek No. 3 Project No. 120 located in Fresno, Kern, Madera, Los Angeles, and Tulare Counties, Calif., on the San Joaquin River filed an application for a new license under section 15 of the Federal Power Act and Commission regulations thereunder (§§ 16.1-16.6). Licensee also made a supplemental filing pursuant to Commission Order No. 384 on August 20, 1970.

The license for Project No. 120 was issued effective June 8, 1922, for a period ending March 3, 1971. An annual license was issued from the original date of expiration until March 3, 1972. In order to authorize the continued operation of the project pursuant to section 15 of the Act pending completion of licensee's application and Commission action thereon it is appropriate and in the public interest to issue an annual license to Southern California Edison Co. for continued operation and maintenance of Project No. 120.

Take notice that an annual license is issued to Southern California Edison Co. (Licensee), under section 15 of the Federal Power Act for the period March 4, 1973, to March 3, 1974, or until Federal takeover, or the issuance of a new license for the project, whichever comes first, for the continued operation and maintenance of the Big Creek No. 3 Project No. 120, subject to the terms and conditions of its license.

KENNETH F. PLUMB, *Secretary.*

[FR Doc.73-4632 Filed 3-9-73;8:45 am]

[Docket No. CP73-226]

SOUTHERN NATURAL GAS CO.

Notice of Application

MARCH 5, 1973.

Take notice that on February 26, 1973, Southern Natural Gas Co. (Applicant), Post Office Box 2563, Birmingham, AL 35202, filed in Docket No. CP73-226 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the acquisition and operation of certain natural gas facilities from Gulf Oil Corp. (Gulf), in Louisiana, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant seeks authorization to acquire from Gulf for $20,466 and operate approximately 11,600 feet of 4½-inch pipe, together with the rights-of-way incident thereto, all located in St. Martin Parish, La. Applicant states that this pipe has been used to deliver natural gas into Applicant's system pursuant to gas purchase contracts with Gulf, Union Texas Petroleum, Amoco Production Co.,

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and Freeport Oil Co. Applicant further states that it has contracted with Gulf to acquire the aforesaid pipe because Gulf advised it that Gulf could no longer operate economically the pipeline to transport gas for others and that Gulf presently has no gas available for sale to Applicant. Applicant indicates that it will utilize the pipe to transport gas delivered to it under present gas purchase contracts and any future contracts for the sale of gas from section 28 field in St. Martin Parish.

Any person desiring to be heard or to make any protest with reference to said application should on or before March 26, 1973, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-4629 Filed 3-9-73;8:45 am]

[Docket No. CP72-181]

PANHANDLE EASTERN PIPELINE CO.

Notice of Availability of Staff Final Environmental Impact Statement

MARCH 9, 1973.

Notice is hereby given in the captioned docket that on March 9, 1973, as required by § 2.82(b) of Commission Order No. 415-C, a final environmental statement prepared by the staff of the Federal Power Commission; was made available This statement deals with the environmental impact in the proceeding under Docket No. CP72-181, Panhandle Eastern Pipeline Co. for certificate of public convenience and necessity under section 7(c) of the Natural Gas Act for construction of 89 miles of 20-inch gas transmission line, approximately 300 miles of small diameter gathering pipeline, 25; 800 compressor horsepower; and other appurtenant facilities. These facilities would be located in Weld, Adams, and Arapahoe Counties in Colorado, and Seward, Haskell, Grant, and Kearney Counties in Kansas.

This statement has been sent to the Council on Environmental Quality and to Federal, State, and local agencies, has been placed in the public files of the Commission's Office of Public Information, Room 2523, General Accounting Office Building, 441 G Street NW., Washington, DC, and at its regional office located at 819 Taylor Street, Fort Worth, TX. Copies may be ordered from the National Technical Information Service, Department of Commerce, Springfield, Va. 22151.

A staff draft environmental impact statement was circulated for comments on February 5, 1973. The Commission found that it was necessary and appropriate in the public interest to dispense with the 45-day time period for review and comment and shortened the period to 30 days to afford the Commission the opportunity to decide within the gas contract deadline period if the merits of this application serve the public convenience and necessity.

The 30-day period for comment expired on March 7, 1973. All comments received are attached to the final environmental impact statement in accordance with § 2.82(b) of Commission Order No. 415-C.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-4824 Filed 3-9-73;10:47 am]

GENERAL SERVICES ADMINISTRATION

[Federal Property Management Regulations; Temp. Reg. F-171]

SECRETARY OF DEFENSE

Delegation of Authority

1. *Purpose.* This regulation delegates authority to the Secretary of Defense to enter into a multi-year contract for procurement of refuse disposal utility services from the North Davis Refuse Disposal Board, Farmington, Utah, for the benefit of Hill Air Force Base, Utah.

2. *Effective date.* This regulation is effective immediately.

3. *Delegation.* a. Pursuant to the authority vested in me by the Federal Property and Administrative Services Act of 1949, 63 Stat. 377, as amended, particularly sections 201(a)(3) and 205(d) (40 U.S.C. 481(a)(3) and 486(d)), authority is delegated to the Secretary of Defense to enter into a contract for a period not to exceed 10 years for the purchase of refuse disposal utility services from the North Davis Refuse Disposal Board, Farmington, Utah, for the benefit of Hill Air Force Base, Utah.

b. The delegation of authority shall be subject to all provisions of law with respect to such a contract.

c. The Secretary of Defense may redelegate this authority to any officer, official, or employee of the Department of Defense.

d. A copy of said contract, and any amendments thereto, shall be furnished to the General Services Administration as soon as practicable after the execution thereof.

ARTHUR F. SAMPSON,
Acting Administrator of General Services.

MARCH 6, 1973.

[FR Doc.73-4696 Filed 3-9-73;8:45 am]

DEPARTMENT OF LABOR

Office of the Secretary

DOVER SHOE MANUFACTURING CO.

Investigation Regarding Certification of Eligibility of Workers To Apply for Adjustment Assistance

The Department of Labor has received a Tariff Commission report containing an affirmative finding under section 301(c)(2) of the Trade Expansion Act of 1962 with respect to its investigation of a petition for determination of eligibility to apply for adjustment assistance filed on behalf of workers of the Dover Shoe Manufacturing Co., Somersworth, N.H. (TEA-W-171). In view of the report and the responsibilities delegated to the Secretary of Labor under section 8 of Executive Order 11075 (28 FR 473), the Director, Office of Foreign Economic Policy, Bureau of International Labor Affairs, has instituted an investigation, as provided in 29 CFR 90.5 and this notice. The investigation relates to the determination of whether any of the group of workers covered by the Tariff Commission report should be certified as eligible to apply for adjustment assistance, provided for under title III, chapter 3, of the Trade Expansion Act of 1962, including the determination of related subsidiary subjects and matters, such as the date unemployment or underemployment began or threatened to begin and the subdivision of the firm involved to be specified in any certification to be made, as more specifically provided in Subpart B of 29 CFR Part 90.

Interested persons should submit written data, views, or arguments relating to the subjects of investigation to the Director, Office of Foreign Economic Policy, U.S. Department of Labor, Washington, D.C., on or before March 23, 1973.

Signed at Washington, D.C., this 5th day of March 1973.

GLORIA G. VERNON,
Director, Office of Foreign Economic Policy.

[FR Doc.73-4654 Filed 3-9-73;8:45 am]

INTERSTATE COMMERCE COMMISSION

[Notice 195]

ASSIGNMENT OF HEARINGS

MARCH 7, 1973.

Cases assigned for hearing, postponement, cancellation or oral argument appear below and will be published only

once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested. No amendments will be entertained after the date of this publication.

MC 71459 Sub 31, O. N. C. Freight Systems, now being assigned April 23, 1973 (2 weeks), at Salt Lake City, Utah, in a hearing room to be later designated.

AB 5 Sub 112, George P. Baker, Richard C. Bond, Jervis Langdon, Jr., and Willard Wirtz, trustees of the property of Penn Central Transportation Co., debtor, abandonment portion northern branch between Ackerson Lake, Mich., and Bryan, Ohio, in Jackson, Lenawee, and Hillsdale Counties, Mich., and Williams County, Ohio, now being assigned April 30, 1973, (3 days), at Bryan, Ohio, in a hearing room to be later designated.

MC 124606 Sub 3, Ford Truck Line, Inc., continued to April 10, 1973, at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC 107515 Sub 804, Refrigerated Transport Co., Inc., now being assigned continued hearing April 17, 1973, at the Offices of the Interstate Commerce Commission, Washington, D.C.

FD 27078 and FD 27079, Carolina and Northwestern Railway Co. Merger-Norfolk Southern Railway Co. and Southern Railway Co. control, now assigned April 2, 1973, at Washington, D.C., postponed to April 9, 1973, at the Offices of the Interstate Commerce Commission, Washington, D.C.

FFC-50, Sunshine State Shippers and Receivers Association, Inc., Harry De Montmollin, and Florida All State Consolidators, Inc., Jacksonville, Fla.—Investigation of operations—now being assigned April 16, 1973 (1 day), at Jacksonville, Fla., in a hearing room to be later designated.

MCC-7966, Citrusales, Inc., and Southern Gold Citrus Products, Inc., investigation of operations, now being assigned April 17, 1973 (2 days), at Jacksonville, Fla., in a hearing room to be later designated.

MC 108811 Sub 6, Thomas Motor Tours, Inc., continued to April 9, 1973, at the Offices of the Interstate Commerce Commission, Washington, D.C.

MCC 7879, A-1 Corporation Investigation and Revocation of Certificate of Registration, now assigned March 13, 1973, at Boston, Mass., is postponed indefinitely.

MC 107295 Sub 631, Pre-Fab Transit Co., now being assigned continued hearing April 17, 1973, at the Offices of the Interstate Commerce Commission, Washington, D.C.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.73-4711 Filed 3-9-73;8:45 am]

FOURTH SECTION APPLICATIONS FOR RELIEF

MARCH 7, 1973.

An application, as summarized below, has been filed requesting relief from the requirements of section 4 of the Interstate Commerce Act to permit common carriers named or described in the application to maintain higher rates and charges at intermediate points than those sought to be established at more distant points.

Protests to the granting of an application must be prepared in accordance with § 1100.40 of the general rules of practice (49 CFR 1100.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

FSA No. 42639—*Resin plasticizers from specified points in Texas.* Filed by Southwestern Freight Bureau, agent (No. B-396), for interested rail carriers. Rates on resin plasticizers, in tank carloads, as described in the application, from specified points in Texas, to specified points in Florida.

Grounds for relief—Market competition.

Tariff—Supplement 49 to Southwestern Freight Bureau, agent, tariff ICC 5019. Rates are published to become effective on April 4, 1973.

FSA No. 42640—*Lumber and related articles from points in southwestern territory.* Filed by Southwestern Freight Bureau, agent (No. B-386), for interested rail carriers. Rates on lumber and related articles, in carloads, as described in the application, from points in southwestern territory, to points in Michigan on the ELS.

Grounds for relief—Rate relationship.

Tariff—Supplement 16 to Southwestern Freight Bureau, agent, tariff ICC 5056. Rates are published to become effective on April 10, 1973.

FSA No. 42641—*Volcanic scoria or slag from points in New Mexico and Texas.* Filed by Southwestern Freight Bureau, agent (No. B-394), for interested rail carriers. Rates on volcanic scoria or slag, not pumice stone, in carloads, as described in the application, from specified points in New Mexico, also Planeport, Tex., to points in Illinois, Michigan, and Wisconsin on the CNW.

Grounds for relief—Market and carrier competition, short-line distance formula and grouping.

Tariff—Supplement 16 to Southwestern Freight Bureau, agent, tariff ICC 5056. Rates are published to become effective on April 10, 1973.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.73-4713 Filed 3-9-73;8:45 am]

[Notice 229]

MOTOR CARRIER BOARD TRANSFER PROCEEDINGS

Synopses of orders entered by the Motor Carrier Board of the Commission pursuant to sections 212(b), 206(a), 211, 312(b), and 410(g) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 1132), appear below:

Each application (except as otherwise specifically noted) filed after March 27, 1972, contains a statement by applicants that there will be no significant effect on the quality of the human environment resulting from approval of the application. As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings on or before April 2, 1973. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC-74073. By order of February 26, 1973, the Motor Carrier Board, on reconsideration, approved the transfer to Atlantic Coast Express, Inc., Elizabeth, N.J., of the operating rights in certificate No. MC-133264 issued March 9, 1971, to Apollo Warehousing Corp., Avenel, N.J., authorizing the transportation of general commodities, with exceptions, between points in Union County, N.J., on the one hand, and, on the other, New York, N.Y. Robert B. Pepper, registered practitioner, 168 Woodbridge Avenue, Highland Park, N.J., representative for transferor. Arthur D. Bernstein, 1054 31st Street NW., Washington, DC, attorney for transferee.

No. MC-FC-74075. By order of February 26, 1973, the Motor Carrier Board, on reconsideration, approved the transfer to Atlantic Coast Express, Inc., Elizabeth, N.J., of the operating rights in certificate No. MC-32967 issued May 13, 1941, to Klasten Bros., Inc., Closter, N.J., authorizing the transportation of general commodities, with exceptions, between points in Hudson, Bergen, Passaic, Union, Middlesex, Somerset, and Essex Counties, N.J., on the one hand, and, on the other, New York, N.Y. Robert B. Pepper, registered practitioner, 168 Woodbridge Avenue, Highland Park, N.J., representative for transferor, Arthur D. Bernstein, 1054 31st Street NW., Washington, DC, attorney for transferee.

No. MC-FC-74201. By order entered February 20, 1973, the Motor Carrier Board approved the transfer to Lee & Backes, Inc., Glenburn, N. Dak., of the operating rights set forth in certificate of registration No. MC-96736 (Sub-No. 1), issued February 26, 1969, to Marvin A. Baska and Ruth Baska, doing business as M & R Transfer, Mohall, N. Dak., evidencing a right to engage in operations in interstate or foreign commerce in motor freight service between Minot and Sherwood, N. Dak., via U.S. Highway No. 83 serving all intermediate points, State Highways Nos. 5 and 28, as well as portions of county roads covering the intermediate points of Glenburn, Lansford, Mohall, and Loraine, N. Dak., restricted against service from Minot to Minot Air Force Base and from the Air Force Base to Minot, N. Dak. Orline W. Backes, Post Office Box 998, Minot, ND 58701, attorney for applicants.

No. MC-FC-74210. By order entered February 15, 1973, the Motor Carrier Board approved the transfer to Julius R.

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Taylor, Jr., Ned R. Taylor, and Alex Taylor, a partnership, doing business as Taylor Truck Line, Charleston, Miss., of the operating rights set forth in certificates Nos. MC-106565 (Sub-No. 2), MC-106565 (Sub-No. 7), and MC-106565 (Sub-No. 10), issued August 1, 1966, August 27, 1956, and June 3, 1971, respectively, to Julius R. Taylor, doing business as Taylor Truck Line, Charleston, Miss., authorizing the transportation of general commodities, with the usual exceptions, between specified points in Mississippi, and between specified points in Tennessee and Mississippi. Donald B. Morrison, 717 Deposit Guaranty National Bank Building, Post Office Box 22628, Jackson, MS 39205, attorney for applicants.

No. MC-FC-74224. By order of February 16, 1973, the Motor Carrier Board approved the transfer to Kennelly Moving & Storage Co., Inc., Jacksonville, Fla., of the operating rights in certificate No. MC-133417 (Sub-No. 1) issued June 3, 1970 to Joseph G. Kennelly, Jr., doing business as Kennelly Moving & Storage, Jacksonville, Fla., authorizing the transportation of household goods between specified areas in Florida and Georgia, subject to certain restrictions. Sol H. Proctor, 2501 Gulf Life Tower, Jacksonville, Fla. 32207, attorney for applicants.

No. MC-FC-74261. By order of February 20, 1973, the Motor Carrier Board approved the transfer to Beaverson Trucking, Inc., Wooster, Ohio, of the operating rights in permits No. MC-88621 (Sub-No. 4), MC-88621 (Sub-No. 6), MC-88621 (sub-No. 7), and MC-88621 (Sub-No. 13) issued June 2, 1947, March 1, 1954, June 17, 1949, and July 25, 1962 respectively to H. G. Stauffer Trucking Co., Inc., Cleveland, Ohio, authorizing the transportation of various commodities from, to, and between points in Connecticut, Delaware, Illinois, Iowa, Indiana, Kentucky, Maryland, Massachusetts, Michigan, Minnesota, Missouri, Nebraska, New Jersey, New York, Ohio, Pennsylvania, Tennessee, Virginia, West Virginia, Wisconsin, and the District of Columbia. A. Charles Tell, 100 East Broad Street, Columbus, OH 43215, attorney for applicants.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.73-4712 Filed 3-9-73;8:45 am]

[Notice 228]

MOTOR CARRIER TRANSFER PROCEEDINGS

MARCH 7, 1973.

Application filed for temporary authority under section 210a(b) in connection with transfer application under section 212(b) and transfer rules, 49 CFR Part 1132:

No. MC-FC-74327. TILLMAN TRANSFER, INC., 904 City National Bank Building, Omaha, Nebr. 68102, seeks temporary authority to lease the operating rights of KAY C. SCHWEDHELM, doing business as SCHWEDHELM FREIGHT, Pender, Nebr. 68047, under section 210a(b). The transfer to TILLMAN TRANSFER, INC., of the operating rights of KAY C. SCHWEDHELM, doing business as SCHWEDHELM FREIGHT, is presently pending.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.73-4714 Filed 3-9-73;8:45 am]

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PART II

COMMITTEE FOR PURCHASE OF PRODUCTS AND SERVICES OF THE BLIND AND OTHER SEVERELY HANDICAPPED

Procurement List 1973

No. 47—Pt. II——1

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COMMITTEE FOR PURCHASE OF PRODUCTS AND SERVICES OF THE BLIND AND OTHER SEVERELY HANDICAPPED

PROCUREMENT LIST 1973

Notice of Establishment

The Committee for Purchase of Products and Services of the Blind and Other Severely Handicapped was established by Public Law 92-28, June 23, 1971 (85 Stat. 77, 41 U.S.C. 46-48) (hereinafter the Act) for the purpose of directing the procurement of selected commodities and services by the Federal Government to qualified workshops serving blind and other severely handicapped individuals with the objective of increasing the employment opportunities for these individuals. The Committee is required to establish and publish in the FEDERAL REGISTER a procurement list of:

(1) The commodities produced by any qualified nonprofit agency for the blind or by any qualified nonprofit agency for other severely handicapped, and

(2) The services provided by any such agency, which the Committee determines are suitable for procurement by the Government pursuant to the Act.

The Act further provides that any entity of the Government which intends to procure any commodity or service on the procurement list, shall procure such commodity or service, at the price established by the Committee, from a qualified nonprofit agency for the blind or such agency for the other severely handicapped if the commodity or service is available within the normal period required by that Government entity. However, this requirement shall not apply to the procurement of any commodity or service which is available from Federal Prison Industries, Inc.

A Government entity is defined as any entity of the legislative branch or judicial branch, any executive agency or military department (as such agency and department are respectively defined by sections 102 and 105 of title 5, United States Code), the U.S. Postal Service, and any nonappropriated fund instrumentality under the jurisdiction of the Armed Forces.

Notice is hereby given pursuant to section 2 of the Act that Procurement List 1973 is established as set forth below. Procurement List 1973 supersedes the Initial Procurement List, August 26, 1971 (36 FR 16982) and subsequent changes thereto through February 10, 1973.

By the Committee.

CHARLES W. FLETCHER,
Executive Director.

ASSIGNMENT CODES

Central Nonprofit Agency	*Code*
Goodwill Industries of America	GI
International Association of Rehabilitation Facilities.	RF
Jewish Occupational Council	JO
National Association for Retarded Children.	RC
National Easter Seal Society for Crippled Children and Adults.	ES
National Industries for the Blind	IB
United Cerebral Palsy Association	CP

COMMODITIES

CLASS 1005
Sling, Gun, M1 (Nylon) (IB)

		Each
1005-654-4058	Stock Issue Pack	$0.596
	Basic Issue Pack	0.650

CLASS 1095
Scabbard, Bayonet-Knife (IB)

	Each
1095-508-0339	$ 1.60

CLASS 1730
Chock Assembly, Wheel (IB)

	Each		
	Unpainted	Painted	Codit reflecting
1730-294-3694	$4.43	$4.95	$ 6.25
1730-063-4095	5.73	6.25	7.29
1730-294-3696	9.17	9.95	12.08
1730-294-3695	3.13	3.39	4.32
1730-945-8450	2.08	2.50	3.02

CLASS 2540
Belt, Automobile Safety (IB)

	Each
2540-894-1273	$ 3.13
2540-894-1274	2.99
2540-894-1275	2.54
2540-894-1276	2.49

CLASS 3510
Net, Laundry (IB)

	Each
3510-273-9738	$ 0.39
3510-273-9739	0.93

CLASS 5140
Bag Tool (IB)

	Each
5140-772-4142	$ 1.41

CLASS 5330
Packing, Preformed (Grommets) (IB)

	Box
5330-543-7172	$15.70
5330-543-7173	15.99
5330-242-3676	16.33
5330-543-7174	16.68
5330-242-3679	16.96
5330-543-7175	17.25
5330-242-3675	17.60
5330-543-7176	17.88
5330-543-7177	18.23
5330-543-7178	18.52
5330-543-7179	18.86

CLASS 5440
Stepladder (IB)

	Each
5440-514-4483	$10.67
5440-514-4485	15.60
5440-514-4487	21.28

Note: IB will furnish requirements for GSA Regions 8, 9, and 10 only

CLASS 6515
Tourniquet, Non-Pneumatic (IB)

	Each
6515-383-0565	$0.55

CLASS 6530
Cover, Litter (IB)

	Each
6530-784-1035	$3.8097
6530-784-1250	$ 5.45

Drape, Surgical (IB)

	Dozen	
	East	West
6530-299-9608	$17.42	$17.55
	Each	
6530-299-9607	$ 3.71	$ 3.77
6530-715-9310	3.37	3.43
6530-299-9605	11.60	11.60
6530-715-9340	9.42	9.42
6530-299-9604	15.58	15.58

Strap, Webbing, Patient Securing (IB)

	Each
6530-784-4205	$ 1.63

Wrapper, Sterilization (IB)

	Dozen	
	East	West
6530-299-9603	$ 8.24	$ 8.32
6530-719-0000	7.52	7.59
6530-299-9602	4.74	4.79
6530-719-0030	4.46	4.51
6530-299-9601	7.52	7.61
6530-719-0035	6.96	7.05
6530-299-9600	11.27	11.39
6530-719-0040	10.22	10.34
6530-299-9599	21.80	22.18
6530-719-0045	19.77	20.15
6530-850-8613	44.02	44.02
6530-850-8612	31.61	32.15
6530-926-4912	35.88	36.42
6530-850-8614	50.98	51.88
6530-926-4902	4.24	4.27
6530-926-4903	6.73	6.83
6530-926-4904	10.05	10.17
6530-926-4905	18.77	19.14

CLASS 6532
Cap, Operating, Surgical (IB)

	Dozen
6532-299-9614	$ 2.32
6532-299-9613	2.35
6532-299-9612	2.40
6532-543-7378	8.88
6532-634-6262	7.21
6532-634-6263	7.21
6532-634-6264	7.21

Pillowcase (IB)

	Each
6532-634-9828	$ 0.22

CLASS 6540
Case, Spectacle (IB)

	Each
6540-735-5157	$ 0.145

CLASS 6625
Test Set, Lead (RF)

	Set
6625-553-1442	$ 2.20

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CLASS 6695
Kit, Spectro Oil Analysis (IB)

	Box
6695-925-2982	$ 3.16

Sampler-Spectro, Analysis Oil Kit (IB)

	Box
6695-758-1355	$ 4.03

CLASS 7195
Bulletin Board (IB)

		Each
7195-989-2370	7195-844-9036	$10.57
7195-989-2371	7195-844-9037	13.28
7195-989-2372	7195-844-9038	15.29
7195-990-0615	7195-843-7938	28.50

CLASS 7210
Bedspread (IB)

	Each
7210-728-0188	$5.092
7210-728-0186	5.092
7210-728-0189	5.092
7210-728-0190	5.092
7210-728-0191	5.092
7210-728-0187	5.58
7210-728-0176	5.58
7210-728-0173	5.58
7210-728-0177	5.58
7210-728-0178	5.58
7210-728-0179	5.58
7210-728-0175	

Bedspring (IB)

	Each East	Each West
7210-582-7540	$22.58	$23.33
7210-582-0984	23.20	24.09
7210-110-8104	23.90	24.76
7210-582-7541	26.40	27.40
7210-110-8105	27.56	28.75
7210-559-5085	26.60	27.40
7210-559-6025	30.70	31.81

Cover, Mattress (IB)

	Each
7210-291-8419	$ 3.65
7210-205-3083	3.58
7210-205-3082	3.62
7210-067-7969	4.82
7210-998-7745	2.06
7210-883-8492	2.53
7210-171-1091	2.41
7210-935-6619	2.48

Note: When Government furnished material is utilized on FSN 7210-883-8492 price is $0.98 each

7210-230-1041	2.45
7210-241-9718	2.84

Mattress (IB)
Cotton-Felt

		Each East	Each West
7210-531-6476	7210-531-6479	$10.78	$11.34
7210-205-3574	7210-205-3893	9.75	10.26
7210-205-3575	7210-680-0938	11.68	12.29
7210-205-3576	7210-205-3894	12.62	13.28
7210-205-3577	7210-205-3891	13.04	13.72
7210-205-3579	7210-205-3889	17.94	18.87

CLASS 7210 cont'd
Mattress (IB)

		Each East	Each West
7210-252-9628	7210-716-0500	$14.91	$15.69
7210-274-3780	7210-274-7001	16.50	17.36
7210-205-3581	7210-205-3485	20.30	21.36
7210-531-6477	7210-531-6480	11.68	12.29
7210-205-3906	7210-205-3532	10.48	11.02
7210-205-3907	7210-205-3454	12.66	13.32
7210-253-4649	7210-205-3455	13.75	14.47
7210-253-4648	7210-269-9198	14.44	15.19
7210-205-3904	7210-205-3915	19.72	20.72
7210-205-3905	7210-205-3916	16.16	17.00
7210-205-3902	7210-205-3913	18.00	18.94
7210-205-3900	7210-205-3896	22.32	23.48

Innerspring

7210-205-3585		$25.65 $26.51
7210-205-3535		27.89 28.83
7210-682-6505		28.79 29.81
7210-716-0706		29.69 30.77
7210-551-5497		31.63 32.78
7210-682-6507		30.38 31.48
7210-205-3534		31.08 32.29
7210-205-3488		33.17 34.47
7210-205-3489		37.01 38.47
7210-205-3490		38.56 40.08
7210-682-6506		39.45 41.01
7210-582-2354		30.28 31.38
7210-110-8102		31.38 32.51
7210-110-8103		41.59 43.24

Innerspring, Plastic-Coated

		Each
7210-995-1093		$29.09
7210-682-7146		30.51

Foam Rubber

	Order Quantity	Each
7210-682-6503	1 to 20	$34.28
	21 to 99	32.00
	100 or over	29.46
7210-682-6504	1 to 20	51.72
	21 to 99	48.46
	100 or over	44.95

Mattress and Bedspring Set (IB)

Innerspring Mattress	Bedspring	Set East	Set West
7210-582-2354	7210-582-0984	$53.58	$55.47
7210-682-6507	7210-559-5085	56.98	58.88
7210-682-6507	7210-582-7540	52.96	54.81
7210-682-6506	7210-559-6025	70.15	72.82
7210-682-6506	7210-582-7541	65.85	68.41

Renovated Mattresses (IB)

	Berth	Each
C.P.O. Mattress. 28 x 77 x 4-1/2"		
7210-M-1050	Class 1	$ 8.76
7210-M-1050	Class 2	9.30
Crew Mattress. 26 x 72-1/2 x 4"		
7210-M-1050	Class 1	7.81
7210-M-1050	Class 2	8.12

	Regular Bed Size, Inches	Each
Grade B 7210-M-1050	26 x 72-1/2	$ 6.08
	26 x 76	5.61
	27 x 73	6.50
	30 x 76	6.92
	31 x 78	7.10

CLASS 7210 cont'd
Renovated Mattresses (IB) cont'd

	Regular Bed Size, Inches	Each
Grade B 7210-M-1050	33 x 75	$ 9.33
	34 x 76	7.98
	36 x 78	8.63
	38 x 75	10.31
Grade C 7210-M-1050	26 x 72-1/2	6.50
	26 x 76	5.95
	27 x 73	6.95
	30 x 76	7.44
	31 x 78	7.73
	33 x 75	10.13
	34 x 76	8.55
	36 x 78	9.30
	38 x 75	11.21

Innerspring

Size, Inches	Each With Used Spring Unit	Each With New Spring Unit
29 x 76	$14.50	$19.40
33 x 78	15.00	20.00
36 x 75	15.35	20.65
36 x 78	15.68	21.18
36 x 80	15.64	21.90
36 x 84	15.93	22.86
38 x 75	15.59	21.00
38 x 80	15.98	22.89
39 x 78	15.92	22.72
41-1/2 x 78	16.45	23.70
47 x 78	16.62	25.07
53 x 73	16.87	25.19
53 x 75	17.00	25.60
53 x 80	18.35	27.32

Prices for sizes not indicated must be negotiated with IB.

Pad, Mattress (IB)

	Each
7210-227-1526	$ 3.79
7210-753-3042	5.42

Pillow, Bed (IB)

	Each
7210-619-8262	$ 2.94
7210-894-1144	1.96

Pillowcase (IB)

	Dozen East	Dozen West
7210-299-9609	$ 9.44	$ 9.56
7210-170-5478	7.45	7.57
7210-171-1100	8.65	8.77
7210-205-3101	8.80	8.92
7210-716-9000	8.82	8.94
7210-761-1472	9.36	9.48
7210-054-7910	9.34	9.46
7210-231-2373	7.74	7.86

Protector, Hospital Bed, Pillow (IB)

	Box
7210-958-9118	$ 5.55

Sheet, Bed (Crib) (IB)

	Bundle
7210-634-1288	$10.12

CLASS 7210 cont'd
Sheet, Crib (IB)

	Each
7210-717-0000	$ 1.12

Towel, Dish (IB)

	Dozen
7210-171-1144	$ 1.12

Washcloth (IB)

	Box
7210-060-6008	$14.94
7210-082-2065	18.87

CLASS 7220
Mat, Floor (IB)

	Dozen
7220-205-3099	$49.93
7220-224-6491	67.45
7220-205-3100	115.42

Standard Size

	Dozen
7220-224-6489	$22.73
7220-205-2807	26.16
7220-205-2808	30.01
7220-224-6490	33.54
7220-238-8852	38.73
7220-224-6487	47.56
7220-224-6488	64.09
7220-224-6486	86.73

Special size made to order
48 x 96" is largest size made in one piece.
Larger sizes are made in sections.

	Square Foot
7220-205-2805	$ 1.57

Standard Size

	Dozen
7220-238-8854	$34.72

Special size made to order
48 x 96" is largest size made in one piece.
Larger sizes are made in sections.

	Square Foot
7220-205-2806	$ 1.56

Door Mat

	Each
7220-165-7020	$ 4.25

CLASS 7230
Curtain, Shower (IB)

	Each
7230-205-1762	$ 0.93

CLASS 7290
Cover, Ironing Board (IB)

	Dozen
7290-130-3271	$ 9.24

CLASS 7330
Pad, Bakery (IB)

	Each
7330-379-4439	$ 0.54

CLASS 7360
Dining Packet (IB)

	Box
7360-935-6407	$10.80

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CLASS 7360 cont'd
Dining Packet, Inflight (IB)

	Box	
	East	West
7360-660-0526	$21.32	$21.50

CLASS 7510
Binder, Looseleaf (IB)

	Box
7510-281-4309	$ 3.53
7510-281-4314	4.69
7510-582-4201	3.73
7510-281-4310	5.77
7510-281-4311	5.06
7510-281-4313	4.18
7510-281-4315	5.29
7510-286-7792	2.87
7510-286-7794	2.95
7510-582-5488	5.59
7510-286-7791	4.70
7510-582-3807	5.18
7510-582-4200	4.48
7510-582-4199	2.49
7510-582-3801	4.70
7510-582-3809	4.76

Binder, Note Pad (IB)

	Each
7510-286-6954	$ 3.00
7510-145-0296	0.359
7510-728-8060	0.438

Eraser, Mechanical (IB)

	Each
7510-865-5292	$ 0.15
	Dozen
7510-082-2665	$ 2.35

Pencil (IB)

	Dozen
7510-286-5757	$0.195
7510-281-5234	0.188
7510-281-5235	0.186

Note: Procurement from IB is limited to 60% of the Government's annual requirement

Portfolio (IB)

	Dozen
7510-558-1572	$ 5.73
7510-616-7241	5.73
7510-551-9813	5.73
7510-558-1573	6.77
7510-616-7239	6.77
7510-558-1571	6.77
7510-995-4856	5.96
7510-995-4857	5.96
7510-995-4854	5.96
7510-995-4852	7.00
7510-995-4853	7.00
7510-995-4850	7.00

Refill, Ballpoint Pen (IB)

	Dozen
7510-543-6792	$0.414
7510-543-6793	0.407
7510-754-2687	0.415
7510-543-6795	0.420
7510-754-2688	0.423
7510-754-2689	0.416
7510-754-2690	0.424
7510-754-2691	0.429

CLASS 7520
Arch Board File (IB)

	Each
7520-281-4848	$1.344
7520-240-5498	1.368
7520-191-1074	0.947
7520-191-1075	0.960
7520-281-4845	0.515
7520-255-7081	0.528

Ballpoint Pen (IB)

	Dozen
7520-935-7136	$0.855
7520-935-7135	0.865
7520-664-5198	0.756
7520-664-5200	0.748
7520-663-0059	0.757
7520-664-5197	0.761
7520-298-7045	0.746
7520-754-2516	0.739
7520-298-7046	0.747
7520-754-2517	0.752
7520-543-7149	1.50

Book Ends (IB)

	Pair
7520-264-5479	$ 0.25

Case, Maintenance and Operational Manuals (IB)

	Each
7520-559-9618	$ 2.04

Clipboard, File (IB)

	Each
7520-281-5918	$0.234
7520-254-4610	0.249
7520-240-5503	0.257
7520-274-5496	0.231
7520-281-5892	0.258

Marker, Tube Type (IB)

	Each
7520-973-1059	$ 0.07
7520-973-1060	0.07
7520-079-0285	0.07
7520-973-1061	0.07
7520-079-0286	0.07
7520-079-0287	0.07
7520-973-1062	0.07
7520-079-0288	0.07
7520-558-1501	0.215
	Dozen
7520-904-1265	$0.521
7520-904-1268	0.521
7520-935-0979	0.521
7520-904-1267	0.521
7520-935-0981	0.521
7520-935-0982	0.521
7520-904-1266	0.521
7520-935-0980	0.521
	Each
7520-051-5031	$0.067
7520-051-5035	0.067
7520-116-2888	0.067
7520-051-5036	0.067
7520-116-2886	0.067
7520-116-2889	0.067
7520-051-5033	0.067
7520-116-2887	0.067

CLASS 7520 cont'd
Pencil, Mechanical (IB)

	Dozen
7520-223-6672	$ 0.97
7520-223-6673	0.97
7520-223-6674	0.97
7520-268-9913	0.97
7520-223-6675	0.97
7520-223-6676	0.97
7520-268-9912	0.97
7520-577-4570	0.94
	Each
7520-285-5826	$0.4065
7520-285-5822	0.4065
7520-285-5823	0.4065
7520-205-1645	0.170
	Dozen
7520-724-5606	$ 1.28
	Each
7520-285-5817	$0.1599
7520-161-5664	0.24
	Dozen
7520-164-8950	$ 1.23
7520-268-9915	1.23
7520-285-5818	1.23
7520-268-9916	1.23
7520-634-3475	1.23

Pen Set, Desk (IB)

	Set
7520-106-9840	$ 0.29

Stand, Calendar Pad (IB)

	Each
7520-162-6153	$ 0.23

Trimmer, Paper (IB)

	Each
7520-224-7621	$23.95
7520-282-2137	35.99

CLASS 7530
Card, Guide, File (IB)

	Hundred
7530-989-0184	$ 9.20
7530-989-2425	9.40
7530-988-6541	5.29
7530-988-6542	5.29
7530-988-6543	5.29
7530-988-6549	5.69
7530-988-6550	5.69
7530-988-6551	5.69
7530-988-6544	4.75
7530-988-6545	4.75
7530-988-6546	4.75
7530-988-6547	4.75
7530-988-6548	4.75
7530-988-6515	2.09
7530-988-6516	2.09
7530-988-6520	2.52
7530-988-6521	2.52
7530-988-6517	2.09
7530-988-6518	2.09
7530-988-6522	2.52

CLASS 7530 cont'd
Card Set, Guide, File (IB)

	Set
7530-989-0698	$0.625
7530-989-0697	0.755
	Hundred
7530-989-0683	$ 2.30
7530-082-2635	2.78
7530-989-0684	2.30
7530-989-0686	2.78
7530-989-0692	5.32
7530-989-0694	5.68
7530-989-0693	4.84
7530-989-0695	5.30

Pad, Writing Paper (IB)
IB will provide requirements for GSA regions shown in parentheses.

		Package
7530-285-3090	(1,6)	$0.665
7530-239-8479	(1,4,5,6,7,8)	0.78
7530-285-3088	(1,2,3,4,6,7,8)	1.57
7530-285-3083	(1,5,6)	1.635

CLASS 7920
Broom, Push (IB)

	Dozen
7920-267-2967	$16.55

Broom, Upright (IB)

	Dozen
7920-292-4371	$ 8.04
7920-292-4375	18.09
7920-292-4372	19.73
7920-291-8305	22.02
7920-292-2368	16.58
7920-292-2369	17.51
7920-292-4370	19.34

Broom, Whisk (IB)

	Dozen
7920-240-6350	$ 6.10

Brush, Chassis and Running Gear (IB)

	Dozen
7920-255-7536	$11.32

Brush, Cleaning (IB)

	Dozen
7920-281-7009	$15.28

Brush, Dusting (IB)

	Dozen
7920-178-8315	$19.96

Brush, Floor Sweeping (IB)

	Dozen
7920-238-2442	$39.70
7920-243-3407	50.83
7920-238-2443	70.00
7920-292-2363	100.57
7920-263-9848	121.22
7920-292-2365	25.19
7920-292-2367	31.84
7920-292-2366	43.76
7920-264-4638	71.99
7920-292-2362	86.32

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CLASS 7920 cont'd
Brush, Sanitary (IB)

	Dozen
7920-141-5450	$ 6.74
7920-772-5800	8.50
7920-234-9317	7.04

Brush, Scrub (IB)

	Dozen
7920-240-7174	$ 5.94
7920-951-8795	5.14
	Each
7920-282-2470	$ 0.43

	Dozen
7920-324-2746	$ 2.26
7920-297-1511	4.97
7920-619-9162	4.48

Brush, Shoe and Stove (IB)

	Dozen
7920-852-8170	$ 7.55

Brush, Wire, Scratch (IB)

	Dozen
7920-291-5815	$ 4.42
7920-282-9246	4.34
7920-246-8501	5.25
7920-223-7649	7.40

Brush, Wire, Stainless Steel (IB)

	Dozen
7920-958-1157	$ 5.40

Brush, Set, Shoe and Stove (IB)

	Dozen
7920-205-0200	$11.13

Cloth, Polishing (IB)

	Each
7920-205-1656	$ 0.18
7920-205-3170	$0.3140
7920-664-0103	0.2812

Handle, Mop (IB)

	Dozen
7920-205-1168	$13.71
7920-267-1218	14.05
7920-205-1167	14.61
7920-550-9902	18.06
7920-550-9911	18.64
7920-550-9912	19.44
7920-246-0930	6.58
7920-205-1170	6.91
7920-998-2485	23.78
7920-998-2486	27.10
7920-851-0140	34.97
7920-851-0142	44.22

Handle, Wood (IB)

	Each
7920-177-5106	$0.246
7920-141-5452	0.302
7920-263-0328	0.265

Mop, Dusting, Cotton (IB)

	Dozen
7920-205-0481	$22.91
7920-205-0483	29.71
7920-205-0484	38.95
7920-245-8289	17.40

CLASS 7920 cont'd
Mop, Wet

	Bundle	
	East	West
7920-224-8726	$15.61	$15.78

Mop, Wet, Cellulose (IB)

Mop complete	Each
7920-432-7117	$ 1.48
7920-728-1167	1.48
Sponge refill	Each
7920-471-2876	$ 0.52

Mophead, Dusting, Cotton (IB)

	Dozen
7920-634-0201	$11.34
7920-267-4921	11.95
7920-998-2482	25.82
7920-998-2483	33.97
7920-998-2484	43.52
7920-851-0141	55.45
7920-205-0485	13.59
7920-205-0487	19.83
7920-205-0488	28.96

Mophead, Wet (IB)

	Dozen	
	East	West
7920-205-0425	$ 9.15	$ 9.30
7920-205-0426	13.88	14.12
7920-141-5549	6.28	6.58
7920-171-1148	7.91	8.28
7920-141-5550	9.47	9.93
7920-141-5547	11.06	11.58
7920-141-5548	12.15	12.72
7920-141-5544	14.32	15.00
7920-141-5542	8.38	8.76
7920-245-8290	10.01	10.46
7920-141-5543	11.55	12.09
7920-923-0448	12.65	13.23
7920-141-5541	14.82	15.50

	Dozen
7920-926-5492	$10.30
7920-926-5493	13.32
7920-926-5494	16.00
7920-926-5495	18.34
7920-926-5496	20.17
7920-926-5497	22.04
7920-926-5498	10.51
7920-926-5499	13.61
7920-926-5500	16.32
7920-926-5501	18.66
7920-926-5502	20.50
7920-926-5503	22.39

	Dozen	
	East	West
7920-634-0202	$14.96	$15.60
7920-634-0203	27.94	29.20

CLASS 8105
Bag, Cloth (IB)

	Each
8105-282-8183	$ 1.07

Bag, Cotton (IB)

	Hundred	
	East	West
8105-183-6981	$ 4.51	$ 4.56
8105-281-3924	4.80	4.85
8105-183-6982	6.89	6.97
8105-179-0089	6.89	6.97
8105-271-1511	8.11	8.22

CLASS 8105 cont'd
Bag, Cotton (IB) cont'd

	Hundred	
	East	West
8105-183-6985	$ 9.83	$ 9.94
8105-174-0836	9.48	9.59
8105-183-6989	14.43	14.67
8105-290-3360	10.35	10.51

Bag, Motion Sickness (IB)

	Thousand
8105-835-7212	$23.50

CLASS 8115
Box, Set-Up, Mailing, Dental (IB)

	Each
8115-511-5750	$ 0.27

CLASS 8120
Cap, Compressed Gas Cylinder (IB)

	Each
8120-178-9814	$1.740
8120-179-0076	1.740

CLASS 8345
Flag, Signal (IB)

	Each
8345-935-0588	$10.64
8345-935-0589	10.43
8345-935-0590	10.89
8345-935-0591	10.64
8345-935-0592	10.43
8345-935-0594	10.89
8345-935-0595	10.43
8345-935-0597	10.64
8345-935-0598	10.43
8345-935-0599	10.77
8345-935-0602	10.43
8345-935-0604	10.06
8345-935-0607	10.64
8345-935-0608	10.77
8345-935-0633	10.19
8345-935-1840	10.19
8345-935-0634	10.19
8345-935-0638	10.23
8345-935-0639	10.23
8345-935-0640	10.23
8345-926-9977	6.23
8345-926-9216	5.79
8345-926-9978	6.12
8345-926-6804	5.96
8345-926-6806	6.23
8345-926-9979	6.46
8345-926-6807	5.83
8345-926-6809	6.35
8345-926-9980	6.23
8345-926-9219	6.30
8345-935-0582	6.38
8345-926-9984	6.09
8345-926-6003	6.35
8345-926-9985	6.30
8345-935-0619	6.18
8345-935-1839	6.18
8345-935-0620	6.18
8345-935-0623	6.18
8345-935-0409	6.18
8345-935-0624	6.18
8345-935-0445	4.52
8345-926-6803	4.51
8345-935-0446	4.84
8345-926-6805	4.52
8345-935-0447	4.51

CLASS 8345 cont'd
Flag, Signal (IB) cont'd

	Each
8345-926-9987	$ 4.84
8345-935-0448	4.51
8345-926-6810	4.52
8345-926-9988	4.51
8345-935-0450	4.71
8345-935-0451	4.51
8345-935-0453	4.11
8345-926-6002	4.52
8345-926-6814	4.71
8345-935-0436	4.15
8345-935-0437	4.15
8345-935-0438	4.15
8345-935-0408	4.23
8345-935-0441	4.23
8345-935-0442	4.23
8345-935-0464	4.00
8345-935-0465	3.82
8345-935-0466	4.23
8345-935-0467	4.01
8345-935-0468	3.82
8345-935-0470	4.23
8345-935-0471	3.82
8345-935-0473	4.01
8345-935-0474	3.82
8345-935-0475	4.14
8345-935-0478	3.82
8345-935-0480	3.45
8345-935-0483	4.01
8345-935-0484	4.14
8345-935-0626	3.85
8345-935-1838	3.85
8345-935-0627	3.85
8345-935-0407	3.89
8345-935-0630	3.89
8345-935-0631	3.89

CLASS 8415
Apron (IB)

Construction Worker's	Each
8415-205-3895	$ 1.37
8415-257-4290	1.62

Food Handling	Each	
	East	West
8415-255-8577	$1.097	$1.114

	Each
8415-634-0205	$1.094
8415-051-1173	0.914

Food serving

	Dozen
8415-899-3027	$ 5.87

Band, Helmet, Camouflage (IB)

	Each
8415-576-2873	
When elastic cotton webbing furnished by ordering office	$0.0184
When elastic cotton webbing furnished by IB	0.0950

Cap, Food Handler's (IB)

	Dozen
Cloth furnished by ordering agency	$ 4.83
8415-234-7677	4.83
8415-234-7678	4.83
8415-234-7679	

Cover, Helmet (IB)

	Each
8415-261-6833	$0.295

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CLASS 8415 cont'd
Headband, Food Serving (IB)

8415-634-4939	Dozen $ 1.76

Strap, Chin (IB)

8415-360-0232	Each $ 0.21

Traffic Safety Clothing (IB)

8415-177-4977	Pair $ 2.17
8415-177-4978	Dozen $ 4.57
8415-177-4975	Pair $ 2.50
8415-177-4976	2.00
8415-177-4974	Each $ 6.60

CLASS 8430
Slide Fastener Unit, Laced Boot (IB)

8430-465-1888	Pair $ 1.35
8430-465-1889	1.35
8430-465-1890	1.35

CLASS 8440
Belt, Trousers (IB)

8440-000-000	Hundred $ 4.04

Neckerchief (IB)

8440-240-4922	Each $ 1.41

Necktie (IB)

8440-926-6604	Each $ 0.64
8440-926-4933	0.64
8440-426-1999	0.64

CLASS 8455
Backing Plates, Plastic (IB)

8455-421-7475	Pair $0.018
8455-421-7476	0.018
8455-421-7477	0.018
8455-421-7478	0.018
8455-421-7479	0.018
8455-421-7480	0.018
8455-421-7481	0.018
8455-421-7482	0.018
8455-421-7483	0.018
8455-421-7484	0.018
8455-421-7485	0.018

CLASS 8460
Kit Bag, Flyer's (IB)

8460-606-8366	Each $ 2.47

CLASS 8465
Bag, Barrack (IB)

8465-530-3692	Each $0.753

Bag, Duffel (IB)

8465-265-4928	Each $1.168

CLASS 8465 cont'd
Bag, Sleeping (IB)

8465-338-5415	Each $ 1.83

Bag, Soiled Clothes (IB)

8465-286-5455	Each $ 3.20

Belt, MP (IB)

8465-527-8843	Each $ 2.49

Clothes Stop (IB)

8465-377-5701	Hank $0.321

Cover, Water Canteen, Nylon (IB)

8465-860-0256	Each $ 1.18

Suspenders, Field Pack (IB)

8465-577-4922	Each $ 2.57
8465-577-4923	2.57
8465-823-7231	2.57

CLASS 8940
Condiment Packet (Dietetic) (IB)

8940-177-4958	Box $14.80
8940-177-4959	17.05
8940-177-4960	16.30
8940-177-4961	18.55
8940-177-4962	13.80
8940-177-4963	16.05
8940-935-6416	15.10
8940-935-6417	16.25
8940-935-6420	14.15
8940-935-6421	15.25

CLASS 8950
Condiment Packet (IB)

8950-935-6408	Box $13.65
8950-935-6409	14.75
8950-935-6410	12.65
8950-935-6411	13.75
8950-935-6412	12.00
8950-935-6413	13.00

CLASS 9920
Ash Receiver, Tobacco (IB)

9920-682-6757	Each $0.352

SERVICES

Services are arranged alphabetically according to type.

Food Packet, Final Assembly # Survival, General Purpose, Individual (FSN 8970-082-5665) (IB)	Box $ 6.71
Furniture Rehabilitation Lackland Air Force Base and Randolph Air Force Base, San Antonio, Texas (GI)	Price list available from PMDS, GSA, Region 8
Mailing U.S. Coast Guard Academy, New London, Connecticut (ES)	Price list available from U.S. Coast Guard Academy.

All Government Requirements.

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MILITARY RESALE COMMODITIES

Procedures for ordering military resale commodities are contained in Section 51-5.6 Code of Federal Regulations, Title 41.

CLASS 3740	
Swatter, Fly (IB)	
3740-B510-994	Each $ 0.12
CLASS 7210	
Cloth, All Purpose (IB)	
7210-B510-981	Each $ 0.36
Cloth, Dish (IB)	
7210-B510-942	Each $ 0.32
Cloth, Polishing and Dusting (IB)	
7210-B510-982	Each $ 0.34
Cloth, Wash (IB)	
7210-B510-984	Each $ 0.38
Towel, Kitchen (IB)	
7210-B510-945	Each $ 0.69
CLASS 7220	
Mat, Floor (IB)	
7220-B510-992	Each $ 1.69
CLASS 7290	
Bag, Dampening (IB)	
7290-B510-968	Each $ 0.56
Bag, Washing Machine (IB)	
7290-B510-970	Each $ 0.71
Clothesline, Plastic (IB)	
7290-B510-974	Each $ 0.73
Cover, Ironing Board (IB)	
7290-B510-964	Each $ 0.87
7290-B510-969	1.19
Cover and Pad Set, Ironing Board (IB)	
7290-B510-962	Each $ 1.44
CLASS 7320	
Brush, Bottle (IB)	
7320-B510-956	Each $ 0.31
Brush, Pastry and Basting (IB)	
7320-B510-959	Each $ 0.32
Brush, Percolator (IB)	
7320-B510-952	Each $ 0.29
CLASS 7320 cont'd	
Cloth, Dishwashing (IB)	
7320-B510-943	Each $ 0.21
Scrubber, Nylon (IB)	
7320-B510-954	Each $ 0.12
CLASS 7330	
Can Opener, Liquipour (IB)	
7330-B510-988	Each $ 0.98
Mit, Oven (IB)	
7330-B510-949	Each $ 0.36
Mop, Dish and Bottle (IB)	
7330-B510-950	Each $ 0.32
Mop, Glassware and Dishware (IB)	
7330-B510-951	Each $ 0.19
Potholder (IB)	
7330-B510-946	Each $ 0.19
Scrubber (IB)	
7330-B510-944	Each $ 0.29
7330-B510-953	0.29
CLASS 7920	
Applicator, Wax (IB)	
7920-B510-930	Each $ 0.89
7920-B510-922	0.68
Bag, Laundry (IB)	
7920-B510-967	Each $ 1.67
Broom, Corn (IB)	
7920-B510-904	Each $ 1.38
7920-B510-906	1.28
Broom, Parlor (IB)	
7920-B510-903	Each $ 1.66
Broom, Plastic Filament (IB)	
7920-B510-905	Each $ 1.36
Broom, Whisk (IB)	
7920-B510-909	Each $ 0.64
7920-B510-910	0.66
Brush, Counter (IB)	
7920-B510-915	Each $ 0.63
Brush, Dish and Pan (IB)	
7920-B510-957	Each $ 0.59

CLASS 7920 cont'd	
Brush, Floor with Handle (IB)	
7920-B510-911	Each $ 1.49
Brush, Lint (IB)	
7920-B510-913	Each $ 0.51
Brush, Sanitary (IB)	
7920-B510-916	Each $ 0.56
Brush, Scrubbing (IB)	
7920-B510-918	Each $ 0.33
7920-B510-919	0.66
Brush, Vegetable (IB)	
7920-B510-955	Each $ 0.29
Duster, All Purpose (IB)	
7920-B510-997	Each $ 0.65
Dust Pan (IB)	
7920-B510-995	Each $ 0.49
Handle, Spring Lever (IB)	
7920-B510-920	Each $ 0.38
Mop, Block Sponge (IB)	
7920-B510-924	Each $ 0.88
Mop, Cotton, Wet (IB)	
7920-B510-928	Each $ 0.68
Mop, Dusting (IB)	
7920-B510-925	Each $ 1.69
7920-B510-929	1.19
Mop, Self Wringing (IB)	
7920-B510-921	Each $ 2.98
Mop, Stick or Yacht, Wet (IB)	
7920-B510-926	Each $ 0.79
Mophead, Cotton, Wet (IB)	
7920-B510-937	Each $ 0.41
Mophead, Viscose and Rayon (IB)	
7920-B510-936	Each $ 0.51
Refill, Mophead, Dusting (IB)	
7920-B510-939	Each $ 1.28
Refill, Sponge (IB)	
7920-B510-934	Each $ 0.62
CLASS 7920 cont'd	
Refill, Wax Applicator (IB)	
7920-B510-932	Each $ 0.24
7920-B510-938	0.39
Refill, Wring Easy Mop (IB)	
7920-B510-931	Each $ 0.99
Sponge, Body (IB)	
7920-B510-993	Each $ 0.27
CLASS 8450	
Bib, Terrycloth (IB)	
8450-B510-985	Each $ 0.48
CLASS 8530	
Brush, Grooming (IB)	
8530-B510-958	Each $ 0.25

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Just Released

CODE OF FEDERAL REGULATIONS

(Revised as of January 1, 1973)

Title 8—Aliens and Nationality ---------- $1.85
Title 11—Federal Elections ---------- .75

[A Cumulative checklist of CFR issuances for 1973 appears in the first issue of the Federal Register each month under Title 1]

**Order from Superintendent of Documents,
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federal register

TUESDAY, MARCH 13, 1973
WASHINGTON, D.C.
Volume 38 ■ Number 48
Pages 6755–6866

HIGHLIGHTS OF THIS ISSUE

This listing does not affect the legal status of any document published in this issue. Detailed table of contents appears inside.

HONEY BEES—FDA approves drug for prevention of nosema; effective 3–13–73 6810

WINE—Alcohol, Tobacco and Firearms Bur. changes to list of additives 6814

COAST RADIO STATIONS—FCC rule on assignment of call signs 6822

RURAL HOUSING LOANS—USDA assists builders in obtaining construction financing through commercial sources; effective 3–13–73 6805

ANTIBIOTICS—FDA announces change in identity test for gramicidin and makes technical changes in the rolitetracycline monograph (2 documents); effective 4–12–73 ..... 6810, 6813

AIR BRAKE SYSTEMS—DoT proposals on stopping distance requirements for single axle truck-tractors; comments by 4–15–73 6831

LIVESTOCK—USDA amends emergency feed program; effective 3–13–73 6804

COTTON LOANS—USDA modifies specifications for bagging and ties; effective 6–1–73 6803

HANDICAPPED WORKERS—Committee for Purchase of Products and Services of the Blind and other Severely Handicapped amendments to procurement list (2 documents) 6844

NATURAL GAS PIPELINES—FPC revises form for certain annual report 6809

STUDENTS WAGES—Labor Dept. lists establishments paying special minimum wages 6856

TELECOMMUNICATIONS—
FCC adopts changes in antenna heights and equipment; effective 4–16–73 6827
FCC requires simultaneous payment of filing and grant fees; effective 4–16–73 6817

FEDERAL SUPPLY SERVICES—GSA regulations on transportation; effective 2–27–73 6815

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REMINDERS

NOTE: There were no items published after October 1, 1972, that are eligible for inclusion in the list of RULES GOING INTO EFFECT TODAY.

federal register

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The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

Title 32—National Defense

CHAPTER VII—DEPARTMENT OF THE AIR FORCE

SUBCHAPTER A—ADMINISTRATION

PART 804—MORTUARY AFFAIRS

Part 804, Subchapter A of Chapter VII of Title 32 of the Code of Federal Regulations is revised to read as follows:

Sec.
804.0 Purpose.

Subpart A—Mortuary Benefits

804.1 Scope of coverage.
804.2 Eligibility for benefits.
804.3 Disposition of remains.

Subpart B—Disposition Procedures

804.10 Person (next of kin) entitled to direct disposition of remains.
804.11 Unclaimed remains.
804.12 Military prisoners.

Subpart C—Deaths Within the Continental United States Occurring Away From Home Installation

804.20 Deaths while absent without leave (AWOL).
804.21 Deaths at Veterans' Administration facilities.

Subpart D—Nonrecovered Remains

804.30 Memorial flags, services, and markers.
804.31 Reimbursement of memorial service expenses.

Subpart E—Transportation and Shipment of Remains

804.40 Transportation authorized.
804.41 Responsibility for determining methods of shipment.
804.42 Modes of transportation authorized for shipment of remains and escorts.
804.43 Stopover of remains en route to final destination.
804.44 Through shipment of remains by common carrier.
804.45 Delivery of remains from common carrier terminal.
804.46 Shipment after interment.
804.47 Transportation of disinterred remains.

Subpart F—Escorts

804.50 For whom escort is authorized.

Subpart G—Government Cemeteries

804.60 National cemeteries eligibility.
804.61 Persons eligible for interment.
804.62 Interment policy for dependents.
804.63 Reservation of grave site.

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804.70 Definitions.
804.71 Establishment, maintenance and disposal.
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804.73 Interment of remains and reservation of grave sites in base cemeteries.

Subpart I—Cemetery Markers

804.80 Types furnished.
804.81 Application for markers.
804.82 Shipment and erection costs.

Subpart J—Handling of Reimbursable Cases Outside the Continental United States

804.90 Furnishing mortuary services and supplies on reimbursable basis.

Sec.
Subpart K—Military Honors

804.100 Policy and responsibility.

AUTHORITY: 10 U.S.C. 8012, except as otherwise noted.

§ 804.0 Purpose.

(a) This part contains procedures for transportation and disposition of remains of deceased Air Force personnel and certain other categories of deceased personnel. It also explains what mortuary benefits are authorized; escorts; Government and Air Force cemeteries; cemetery markers; and military honors.

(b) Part 806 of this chapter states the basic policies and instructions governing the disclosure of records and tells members of the public what they must do to inspect or obtain copies of the material referenced herein.

Subpart A—Mortuary Benefits

§ 804.1 Scope of coverage.

Certain mortuary services and items, as described in the following paragraphs of this section, may be provided at Government expense or on a reimbursable basis to care for the remains of deceased persons cited in § 804.2. Certain other benefits to which entitlement exists for certain categories of personnel are also shown. Section 804.3 (which combines the provisions of this section and § 804.2) shows the extent of coverage for each category of personnel. Insofar as civilian employees and military members are concerned, this subpart covers only those benefits provided by the Air Force. Entitlement to other benefits derived from civilian employees' status as Federal employees or as veterans is explained in AFR 40–717 and AFP 40–15. Entitlement of military members to other benefits (such as those resulting from participation in the Federal Social Security Program) is explained in AFP 211–15. The mortuary officer will insure that only those services and/or items authorized are provided (see § 804.3).

(a) *Recovery.* Search, recovery, segregation, and identification of remains.

(b) *Communications.* Advising next of kin or other appropriate person concerning arrangements for preparation and disposition of remains.

(c) *Mortuary services*—(1) *Removal.* Removal of remains from place of death to a mortuary.

(2) *Preparation.* Embalming and other preservative measures, derma surgery, restorative art, dressing or wrapping, placing in casket, burial and shipping permits and other related items, some of which may be required to comply with laws for shipment of remains to or from the Continental United States.

(3) *Casket and outer case.* (i) Casket and outer case conforming to the specification in the Contract for Care of Remains.

(ii) Casket and outer case suitable for shipment to place of interment.

(d) *Cremation.* Actual crematory charges including a suitable urn and any costs necessary to transport the remains to the crematory.

(e) *Clothing.* Military uniform or civilian clothing.

(f) *Transportation.* Transportation by rail, commercial air, hearse or other suitable closed vehicle furnished by a funeral director, or by suitable Government vehicle or aircraft, except, movement of remains by military aircraft within the Continental United States is not authorized (see § 804.42(d)). Transportation includes shipping case and/or overpack, removal of remains from place of death to a mortuary, one delivery by funeral director vehicle from place of preparation to common carrier at the onloading point, and one delivery of remains by hearse from the common carrier terminal at destination to a mortuary or other place of immediate delivery.

(g) *Escort travel.* Round trip transportation and prescribed allowances for an escort (one person) to accompany remains of deceased military personnel to final destination.

(h) *Flag.* One or more interment flags, with cases, for each deceased military person.

(i) *Interment.* Interment in a Government cemetery as designated by the person authorized to direct disposition of the remains or, in the absence of such designation, a Government cemetery designated by the commander concerned.

(j) *Interment allowance.* The next of kin of a military person is entitled to an allowance toward payment of burial expenses. These expenses may be for a grave site in a civilian cemetery; opening and closing of the grave; use of cemetery equipment; purchase of burial vault; flowers; obituary notices; services of a funeral director; clergy fee; hearse; transportation of relatives and friends to and from the funeral home, church and cemetery; and any other expenses incident to burial of the remains.

(k) *Grave marker.* The Government furnishes an upright marble marker or a flat marker of marble, granite or bronze to mark certain graves (see Subchapter I of this chapter).

§ 804.2 Eligibility for benefits.

The following are authorized certain benefits listed in § 804.1.

(a) *Military personnel.* Even though such person may have been temporarily absent from active duty without leave at the time of death (provided he had not been dropped from the rolls of his organization before his death):

(1) Regulars of the Air Force (including cadets of the U.S. Air Force Academy), members of the Air Force Reserve,

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members of the Air National Guard of the United States, and members of the Air Force without component, who die while on active duty (other than active duty for training).

(2) Members of the Air Force Reserve, the Air National Guard, and the Air National Guard of the United States, who die while:

(i) On active duty for training for any period of time or performing authorized travel to or from such duty, or

(ii) Hospitalized or undergoing treatment at the expense of the United States for injury incurred, or disease contracted, while in that duty or training or while performing that travel, or

(iii) On authorized inactive duty training. (Inactive duty training Reservists who die en route to or from such training are not eligible for care and disposition of remains at Air Force expense.)

(3) Members of or applicants for membership in the Air Force Reserve Officer's Training Corps who die while:

(i) Attending a training camp or performing authorized travel to or from such camp, or

(ii) While hospitalized or undergoing treatment at the expense of the United States for injury incurred, or disease contracted while attending training camp or while performing travel to or from such camp.

(4) Accepted applicants for enlistment in the Air Force.

(5) Any person who has been discharged from an enlistment in the Air Force while a patient in the U.S. Government hospitals, and who continued to be such a patient to the date of death.

(6) Any retired member of the Air Force who became a patient in a U.S. Government hospital while he was on active duty for a period of more than 30 days and who continued to be a patient in a U.S. Government hospital to the date of death.

NOTE: Individual must have been a patient continuously and physically in the hospital. Those who have been medically treated in an out-patient status are not authorized mortuary services at Government expense. (Disposition of remains of retired personnel, other than those indicated above, is the responsibility of relatives or the Veterans' Administration if death occurs while the retired person is hospitalized in a Veterans' Administration hospital. Queries concerning payment of burial expenses for such personnel should be referred to the Veterans' Administration.)

(b) *Air Force civilian employees paid from appropriated funds.* (1) Employees who die while traveling at Government expense on official business within and outside the Continental U.S.

(2) Employees whose homes are in the Continental United States, who die while assigned to an official duty station outside the Continental United States or in transit thereto or therefrom: *Provided*, The employee would have been entitled to travel to his home at Government expense upon termination of his employment.

(3) Employees whose homes are in foreign countries, who die while performing official duties away from their homeland or in transit thereto or therefrom: *Provided*, The employee would have been entitled to travel to his home at Government expense upon termination of his employment.

(c) *Contractor engineering and technical services personnel.* Contractor engineering and technical services personnel as defined in AFM 66–18.

(d) *Dependents.* (1) Dependents of members of the Armed Forces who die while the member is on active duty (other than for training).

(2) Dependents of civilian employees of the Armed Forces (paid from appropriated funds) who die while residing with such employee outside the Continental United States or while traveling to or from such place of duty: *Provided*, The employee would have been entitled to travel to his home at Government expense upon termination of his employment.

(e) *United States citizens who die outside the Continental United States.* For the purpose of this section, Alaska and Hawaii are considered to be Continental U.S.

(1) An employee of a humanitarian agency accredited to the Armed Forces of the United States such as the American National Red Cross and the United Services Organization.

(2) Any civilian performing services directly for the Armed Forces because of employment by an agency under contract with the Armed Forces.

(3) Any person on duty with the Armed Forces of the United States paid from nonappropriated funds.

(4) Any officer or member of a crew of a merchant vessel operated by or for the United States through the Armed Forces.

(5) Any person for whom such services are requested by the Department of State.

(6) Any dependent of a United States citizen covered in this section: *Provided*, The dependent is living outside the Continental United States with that person at the time of death.

(f) *Indigent persons.* Indigent persons who die in Air Force hospitals and other persons who die on Air Force installations, when next of kin or local municipal authorities will not assume custody of the remains and disposition cannot otherwise be made.

(g) *Military prisoners.* Military prisoners (other than prisoners of war or internees) who die or are executed while in Air Force custody or confinement.

(h) *Enemy prisoners and aliens.* Prisoners of war and interned enemy aliens who die while in Air Force custody.

§ 804.3 Disposition of remains.

Decedents covered	Items and expenses authorized										
	Recovery	Communications	Mortuary services	Cremation	Clothing	Transportation	Escort	Flag	Interment, Government cemetery	Interment allowance	Grave marker
Military personnel	×	×	×	×	×	To place selected by next of kin.	×	×	[1] ×	×	×
Accepted applicants	×	×	×	×	×	do	×	×		×	
Civilian employees	×	×	(2)	(2)	(2)	To home, official station, or another place no further distant [3]	(4)		[5] ×		[5] ×
Contractor engineering and technical services personnel.						To place selected by next of kin.	(6)				
Death outside CONUS			(2)			do	(6)				
Dependents, death in CONUS						do	(4)		(7)		(8)
Dependents, death outside CONUS			(2)			do	(4)		(7)		(8)
U.S. citizens' death in foreign country.			(2)			May be furnished on reimbursable basis to CONUS port.					
Indigent persons	These items (including expenses for interment and transportation to a cemetery designated by HQ USAF/LGS) may be furnished provided disposition cannot otherwise be made.										
Military prisoners (other than POW's and internees).	×	×	×	×	×	To place selected by next of kin.	×	(9)			(8)
Enemy prisoners and aliens.	These items (including expenses for interment and transportation to a cemetery designated by HQ USAF/LGS) may be furnished at reasonable cost.										

[1] An applicant for membership in the AFROTC is not eligible for burial in a Government cemetery.
[2] Costs of these items (excluding outer case) may not exceed $250 when death occurs in CONUS.
[3] An outer case for transportation, (including when necessary, dealing of such cases) is authorized as part of transportation expenses.
[4] Travel as escort is not authorized. However, if remains are moved as baggage by rail, an individual may travel as attendant when a second ticket is required for transportation of the remains. No return transportation is authorized for the attendant.
[5] If a veteran and honorably separated from military service.
[6] May be furnished on reimbursable basis.
[7] Wife, husband, widow, widower, minor child, and in certain instances an unmarried adult child.
[8] If buried in a Government cemetery.
[9] A military person who dies while in Air Force custody and whose approved sentence includes a discharge is not authorized a flag.

Subpart B—Disposition Procedures

§ 804.10 Person (next of kin) entitled to direct disposition of remains.

(a) The person entitled to direct disposition of the remains of military personnel and Department of the Air Force civilian employees covered by this part are recognized in the order listed below:

(1) Widow or widower (if not divorced, or remarried, see paragraphs (c) and (d) of this section).

(2) Sons over 21 years of age in order of seniority.

(3) Daughters over 18 years of age in order of seniority.

(4) Father (unless legal custody of the decedent when he was a minor had been granted to another person by reason of a court decree or statutory provision, see paragraph (d) of this section).

(5) Mother (unless legal custody of the decedent when he was a minor had been granted to another by reason of a court decree or statutory provision, see paragraph (d) of this section).

(6) Blood or adoptive relative of decedent who had been granted legal custody of the decedent by reason of court decree or statutory provision.

(7) Brothers over 21 years of age in the order of seniority.

(8) Sisters over 18 years of age in the order of seniority.

(9) Grandfather.

(10) Grandmother.

(11) Next of kin of legal age in order of relationship to the deceased in accordance with civil laws. Seniority controls where persons are of equal degree of relationship, except that males have priority over females.

(12) In the absence of persons listed above, a person standing in loco parentis to the deceased.

(b) The right to direct disposition of remains is considered a personal right and cannot be exercised by guardians, committees, or agents of any of the above-listed persons solely by reason of their status as such.

(c) To invalidate the entitlement of a widow or widower, proof must be submitted that final decree of divorce was awarded or that the widow or widower has remarried.

(d) To invalidate the entitlement of any person cited in paragraph (a) of this section the person claiming to have priority over another person must submit documentary evidence sufficient to establish his right. (For example, in the case of divorced parents, where custody of the minor child was awarded by the court at the time of the divorce, a certified copy of the decree or custody document must be furnished.)

(e) When two or more persons claim to have the entitlement to direct disposition of remains and a way to settle the matter is not readily apparent, tactfully suggest that they try to reach an agreement as to disposition to be effected. An example of such a case would be where parents have been separated (but not divorced) for many years, the decedent had lived with one parent only, but custody by reason of court decree was not involved. If the parties concerned cannot reach an agreement, advise them of their right to seek adjudication in an appropriate court.

(f) Where there is a question as to the person entitled to direct disposition of the remains, obtain legal assistance from a staff judge advocate.

§ 804.11 Unclaimed remains.

(a) Remains will be considered unclaimed when:

(1) No next of kin or other responsible person can be located.

(2) The next of kin states in writing (or telegram) that he is not concerned with disposition of the remains.

(b) Unclaimed remains will be prepared at Air Force expense and interred in a cemetery designatd by HQ USAF/LGS.

§ 804.12 Military prisoners.

Military prisoners who die or are executed while in Air Force custody or confinement are entitled to the burial benefits authorized active duty personnel, except that a flag is not authorized in the case of a prisoner whose sentence includes a discharge. All decorations, insignia or other evidence of membership in the Air Force must be removed when the regulation uniform is used for burial.

Subpart C—Deaths Within the Continental United States Occurring Away From Home Installation

§ 804.20 Deaths while absent without leave (AWOL).

In general, procedures for disposition of the remains of personnel who die while AWOL are the same as for personnel who die while on active duty except as follows:

(a) It is absolutely essential that determination be made as to whether or not the deceased had been dropped from the rolls of his organization prior to the date of death before any funds are obligated for payment of burial expenses or any commitments are made concerning payment of burial expenses by the Air Force.

(b) If it is determined that an individual who was AWOL had been dropped from the rolls of his organization prior to the date of death, the Air Force will not participate in any arrangements for disposition of the remains or assume any responsibility for the remains or for payment of expenses. Advise relatives that disposition of the remains must be handled by them and that any expenses incurred must be paid from personal funds.

(c) When it cannot be readily determined whether the deceased had been dropped from the rolls of his organization, request relatives to make all arrangements for care and disposition of the remains and advise them of their privilege of submitting a claim to the Air Force.

(d) If it is determined that an individual who was AWOL had not been dropped from the rolls of his organization, the same procedures will be followed as for active duty personnel.

§ 804.21 Deaths at Veterans' Administration facilities.

(a) When the death of an eligible person occurs in a Veterans' Administration facility, the nearest Air Force installation will obtain disposition instructions and arrange for preparation and shipment of the remains.

(b) Any Air Force installation contacted by a Veterans' Administration facility will either assume responsibility for disposition of the remains or immediately notify the Air Force installation nearest the Veterans' Administration facility in order that such installation can properly assume its responsibilities.

Subpart D—Nonrecovered Remains

§ 804.30 Memorial flags, services, and markers.

(a) *Services.* Memorial services may be conducted when remains are not recovered. The presentation of flag(s) at a memorial service will be in accordance with established Air Force regulations.

(b) *Flag.* A flag(s), with flag case(s), for memorial purposes, may be furnished in accordance with established Air Force regulations.

(c) *Memorial plots and markers in national cemeteries.* Memorial plots, where memorial markers may be erected, can be set aside in national cemeteries. DD Form 1330, "Application for Headstone or Marker," will be submitted by the next of kin for memorial plots and markers in national cemeteries.

(d) *Memorial markers in civilian cemeteries.* DD Form 1330 will be submitted for memorial markers to be erected in a civilian cemetery.

§ 804.31 Reimbursement of memorial service expenses.

(a) The next of kin of those declared dead and carried in a nonrecovered status after January 1, 1961, may be reimbursed for expenses incurred in conducting a memorial service. The reimbursement may not exceed $375 maximum, when remains are shipped or released to a funeral director designated by the next of kin (can be contract funeral director) and subsequently interred in a Government cemetery. A claim for reimbursement may be allowed only if presented within 2 years after date of death or October 22, 1970 (date of enactment of Public Law 91–487), whichever is later.

(b) Next-of-kin claims will be submitted to HQ AFLC/DPSM for processing and payment. The claims will be submitted in triplicate, in letter form, for memorial expenses incurred.

(c) There is no statutory authority for payment of the interment allowance when remains are in a nonrecovered status.

Subpart E—Transportation and Shipment of Remains

§ 804.40 Transportation authorized.

(a) *At Government expense.* Transportation at Government expense is authorized for shipment of the remains of the following deceased personnel from

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the place of death to the destination specified below:

(1) Military personnel cited in § 804.2 (a) and (g) to place selected by the next of kin.

(2) Civilian employee cited in § 804.2 (b) to the home or official station of the deceased or to another place no further distant.

(3) Contractor engineering and technical services personnel cited in § 804.2 (c) to place selected by next of kin.

(4) Dependents cited in § 804.2(d) to place selected by the next of kin.

(5) Indigent persons, enemy prisoners, and aliens cited in § 804.2 (f) and (h) to a cemetery designated by HQ USAF/LGS.

(b) *On reimbursable basis.* Government transportation on a reimbursable basis is authorized for shipment of remains from place of death outside the continental United States to a continental United States aerial port of entry for U.S. citizens and their dependents cited in § 804.2(e).

(1) Information as to transportation charges to be assessed for shipment of the remains and charges for return of the transfer case from the continental United States aerial port of entry will be obtained from the Military Airlift Command traffic representative at the port where the remains will be accepted for movement to the continental United States. Expenses for transportation of remains of these persons from the continental United States aerial port to final destination cannot be paid by the Government nor will such transportation be furnished on a reimbursable basis.

(2) The sponsor will be required to arrange with the carrier of his choice at his own expense the necessary transportation within the United States. The sponsor will be required to deposit with the selected carrier, in advance, funds to cover the cost of this transportation. The sponsor will be advised to contact the aerial port Mortuary Officer who will assist him in every way possible in completing these arrangements.

§ 804.41 Responsibility for determining method of shipment.

(a) *Outside the continental United States.* The Air Force commander of the area in which death occurred will determine the manner of shipment between two oversea points and between the place of death outside the continental United States and the appropriate continental United States aerial port of entry.

(b) *Continental United States aerial ports of entry.* At continental United States aerial ports of entry, the Mortuary Officer, in conjunction with the Transportation Officer, will determine the fastest and most practicable method of shipment between the port and final destination.

(1) If feasible, all remains, regardless of the Service of which the decedent was a member, will be shipped from continental United States ports within 24 hours after arrival at the port.

(2) To avoid confusion, and to insure proper control, continental United States ports will accept instructions for disposition of remains of deceased Air Force military and civilian personnel who die outside the continental United States only from HQ USAF/LGS.

(c) *Continental United States.* The Mortuary Officer at the place of death within the continental United States, in conjunction with the Transportation Officer, will determine the fastest and most practicable method of shipment between the place of death and the final designation whether such destination is within or without the continental United States.

(1) In the case of remains being shipped outside the continental United States, he will ascertain from the port through which shipment may be made the requirements which must be met to comply with shipping regulations and regulations governing entry into the foreign country.

(2) When Government facilities are not available, or the use thereof is impracticable, remains may be shipped direct to final destination.

§ 804.42 Modes of transportation authorized for shipment of remains and escort.

Transportation of remains and escorts at Government expense is authorized as set forth in this section.

(a) *In the continental United States.* From the place of death to the place of interment; from the place of death to a continental United States aerial port of entry; from a continental United States aerial port of entry to the place of interment; and from an aerial port of entry to another port for reshipment, one of the following methods or combinations of methods may be used:

(1) Railway Baggage Service procured by Government transportation requests.

(2) Commercial air procured by Government transportation requests.

(3) Railway Express Agency. Transportation of remains without escort procured by Government transportation requests.

(4) Hearse or other suitable closed vehicle furnished by a funeral director provided:

(i) The cost of such transportation is not in excess of the cost of common carrier transportation.

(ii) Common carrier service is not available, or use thereof is impracticable.

(iii) It is requested by the next of kin and the next of kin defrays any costs in excess of what it will have cost the Government to transport the remains by common carrier.

(b) *Outside the continental United States.* Between two overseas points and between oversea points and the continental U.S. aerial ports of entry movement will be made by the following methods:

(1) Government transportation facilities, whenever possible.

(2) Commercial transportation, when Government transportation facilities are not available or the use thereof is impractical.

(3) Hearse or other suitable closed vehicle furnished by a funeral director provided such service is requested by the next of kin and the next of kin defrays any costs in excess of what it would have cost the Government to transport the remains.

(c) *Between the continental United States and overseas.* From the continental United States, movement will be made by the following methods:

(1) Government transportation facilities, whenever possible.

(2) Commercial transportation, when Government transportation facilities are not available or the use thereof is impractical.

(d) *Movement of remains by military aircraft within the continental United States is not authorized.* Except for:

(1) The recovery of remains for autopsy or accident investigation purposes from the accident site to the nearest adequate military installation.

(2) The movement of remains originating outside the continental United States by the Military Airlift Command from the aerial port of debarkation of the first continental United States landing, to an aerial port of debarkation where mortuary facilities are located, using Military Airlift Command positioning/depositioning aircraft.

§ 804.43 Stopover of remains en route to final destination.

The next of kin may request that arrangements be made for a stopover of remains en route to final destination, either by direct or indirect routing.

(a) The installation commander may authorize one stopover if the primary next of kin, who directed disposition of remains, makes the request for a bona fide reason. Any additional stopovers must be approved by HQ USAF/LGS.

(b) The next of kin will be advised that the escort will accompany the remains to final destination at Government expense. The next of kin will also be advised that he is responsible for all costs incurred at the stopover point. (For example, if the next of kin wants remains moved from Philadelphia to Chicago with ultimate burial in Arlington National Cemetery, transportation at Government expense can be furnished from Philadelphia to Chicago then back to Arlington National Cemetery. All expenses incurred in Chicago, such as removal of the remains from the carrier, funeral services, and returning the remains to the carrier, would be a responsibility of the next of kin.)

§ 804.44 Through shipment of remains by common carrier.

Remains will be routed through from point of origin, to destination. Local ticket agents will assist in making necessary arrangements for transfer of remains from one carrier to another.

§ 804.45 Delivery of remains from common carrier terminal.

Transportation will include one delivery of remains from the common carrier terminal at destination to a funeral home selected by the next of kin or a Government cemetery. When remains are transported by hearse under this provision to a:

(a) *Government cemetery.* Superintendents of national cemeteries and commanders of base cemeteries will engage a funeral director to receive the remains at the common carrier terminal and to deliver them to the cemetery. This will include necessary personnel to handle the casketed remains and storage, if required. Government facilities will be used if available; otherwise, services will be obtained as required in each individual case.

(1) A funeral director rendering any of the necessary services must submit a properly certified, itemized invoice to the national cemetery superintendent or to the commander of the base or post cemetery concerned.

(2) The following certification will be added and the invoice forwarded to the mortuary officer of the shipping activity for processing and payment:

I certify that the services itemized in this invoice have been satisfactorily rendered.

(b) *Funeral home selected by the next of kin.* A funeral director's unpaid invoice for the removal of the remains from a common carrier terminal to the funeral home should be submitted direct to the shipping installation for payment. The funeral director will be so advised when remains are transported.

§ 804.46 Shipment after interment.

(a) If temporary disposition is required because of local health laws or inability to contact the person recognized as having the right to direct disposition of remains, remains may subsequently be disinterred and transported at Government expense.

(b) If the person recognized as having the right to direct disposition of remains states in writing that he is not concerned with disposition, and the remains are interred at Government expense, subsequent disinterment or transportation of the remains will not be made at Government expense.

(c) After remains are interred in accordance with instructions of the next of kin, subsequent disinterment or transportation of the remains will not be made at Government expense.

§ 804.47 Transportation of disinterred remains.

The disinterment and transportation of remains within the continental United States requires special permission of the health authorities at the place of disinterment and, in some instances, at the point of destination. All disinterred remains will be inclosed in a metal lined container, which will be hermetically sealed. However, remains stored in a receiving vault, when prepared by licensed embalmers, will not be regarded as disinterred until after the expiration of 30 days.

Subpart F—Escorts

§ 804.50 For whom escort is authorized.

(a) One escort is authorized to accompany the remains (including cremated remains) of a deceased military member specified in § 804.2(a).

(b) An escort is authorized for personnel specified in § 804.2(g), except that an escort will not be furnished for:

(1) A person who dies after the approved court-martial sentence which includes a dishonorable or bad conduct discharge, or

(2) A person who is executed following a sentence by court-martial.

Subpart G—Government Cemeteries

§ 804.60 National cemeteries eligibility.

(a) Burial in national cemeteries except Arlington, of the following categories of persons is authorized:

(1) *Military.* (i) Members of the Armed Forces of the United States who die while on active duty (other than for training).

(ii) Former members (veterans and retired) of the Armed Services of the United States who were honorably separated from last period of service. Subsequent conviction of a crime may result in ineligibility for burial in a national cemetery (§ 804.6(c)).

(iii) Any member of a reserve component of the Armed Forces, and any member of the Army National Guard and the Air National Guard, whose death occurs under honorable conditions while he is:

(*a*) On active duty for training, or performing full-time service under section 316, 503, 504, or 505 of title 32, United States Code.

(*b*) Performing authorized travel to or from that duty or service.

(*c*) On authorized inactive duty training, including training performed as a member of the Army National Guard or the Air National Guard, or

(*d*) Hospitalized or undergoing treatment, at the expense of the United States, for injury or disease contracted or incurred under honorable conditions while he is:

(*1*) On that duty or service.

(*2*) Performing that travel or inactive duty training; or

(*3*) Undergoing that hospitalization or treatment at the expense of the United States.

(iv) Any member of the Reserve Officers' Training Corps of the Army, Navy, or Air Force whose death occurs under honorable conditions while he is:

(*a*) Attending an authorized training camp or on an authorized practice cruise.

(*b*) Performing authorized travel to or from that camp or cruise, or

(*c*) Hospitalized or undergoing treatment, at the expense of the United States, for injury or disease contracted or incurred under honorable conditions while he is:

(*1*) Attending that camp or on that cruise;

(*2*) Performing that travel; or

(*3*) Undergoing that hospitalization or treatment at the expense of the United States.

(2) *Citizens.* U.S. citizens who served in the armed services of any government allied with the United States during any war in which the United States has been or may hereafter be engaged. However, they must have been honorably separated from the last period of such service.

(3) *Members of families of service or former service members.* The wife, husband, widow, widower, minor child, and in certain instances the unmarried adult child of any of the persons listed in paragraphs (a) (1) and (2) of this section. This includes the widow or widower of a member of the Armed Forces of the United States lost or buried at sea; officially determined to be permanently absent in a status of missing or missing in action; officially determined to be dead for the purpose of terminating his status of missing or missing in action; or one whose remains have not been recovered.

(b) Burial in Arlington National Cemetery is limited to:

(1) A member of the Army, Navy, Air Force, Marine Corps, or Coast Guard dying on active duty.

(2) A retired member of one of the above services carried on a service retired list and eligible to receive compensation stemming from service in that Armed Force.

(3) A former member of one of the above services who:

(i) Has been awarded the Medal of Honor.

(ii) Is otherwise eligible by reason of honorable military service who have also held elective office in the U.S. Government or served on the Supreme Court or in the cabinet or in an office compensated at level II under the Executive Salary Act.

(4) The spouse, minor children, and, in certain instances, unmarried adult children of any of the persons listed in paragraph (b) (1) through (3) of this section.

(5) The surviving spouse, minor children, and in certain instances, unmarried adult children of any person already buried in Arlington National Cemetery.

(6) The parents of a minor child or unmarried adult child whose remains, based on the eligibility of a parent, are already buried in Arlington National Cemetery.

§ 804.61 Persons ineligible for interment.

(a) *Fathers, mothers, and in-laws.* These relatives are not eligible for interment in a national cemetery by reason of relationship to an eligible service person regardless of whether they are dependent upon the service member for support and/or members of his household.

(b) *Discharge other than honorable.* Persons whose last separation from the Armed Forces of the United States was under other than honorable conditions

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are not eligible for burial in a national cemetery notwithstanding the fact that they may have received veterans benefits, treatment in a Veterans' Administration hospital, or that they died in such a hospital.

(c) *Conviction of a crime.* (1) A person otherwise eligible for burial in a national cemetery but who was convicted in a Federal, State, or U.S. military court of a crime or crimes, the result of which was the loss of U.S. citizenship or nationality, a sentence of death, a sentence of imprisonment for 5 years or more, or in the case of any offense involving subversive activities listed in paragraph (c)(1)(i) of this section, any sentence, will not be buried in a national cemetery, except that any such person who, subsequent to such conviction and sentence, is pardoned of his offense or serves in the Armed Forces of the United States and whose last service therein terminates honorably may be buried in a national cemetery.

(i) The offenses involving subversive activities referred to in paragraph (c)(1) of this section are those offenses for which punishment is prescribed in the following provisions of Title 18, United States Code: Sections 792, 793 (excluding subsection (f)), 794, 798, 2381, 2382, 2383, 2384, 2385, 2387, 2388, 2389, 2390, and chapter 105; in the following sections of the Atomic Energy Act of 1954; sections 222, 223, 224, 225, and 226 (42 U.S.C. 2272, 2273, 2274, 2275, and 2276); and in the following sections of the Internal Security Act of 1950; sections 4, 112, and 113 (50 U.S.C. 783, 822, and 823).

(ii) Where minimum and maximum terms are imposed, the maximum will be used. An indeterminate sentence is considered to be a sentence of 5 years or more when the maximum term equals or exceeds 5 years. Separate sentences served consecutively and which aggregate 5 years or more are disqualifying. A suspended sentence will not be considered as imposing a term of imprisonment, except to the extent that such sentence is actually served.

(2) A person excluded from burial under subparagraph (1) of this paragraph who dies while in the custody of an Armed Force, may, with prior approval of the U.S. Army Memorial Affairs Agency (USAMAA), be buried in such other imilitary burial ground as the USAMAA may select, but no military ceremony will be performed at such burial.

§ 804.62 Interment policy for dependents.

(a) If a dependent dies before the service member, interment may be made in a national cemetery upon submission of a signed certificate by the service member that he will be interred eventually in the same grave (AF Form 507, "Agreement for Burial"). Such certificate will be presented or promptly mailed to the superintendent of the national cemetery concerned.

(b) The remains of those persons listed in § 804.60 (a)(3) and (b)(4) may be removed from a national cemetery proper and interred in the post section of a national cemetery if, upon death, the related service member is not buried in the same grave. This will not apply when the service member is lost or buried at sea; officially determined to be permanently absent in a status of missing or missing in action; officially determined to be dead for the purpose of terminating his status of missing or missing in action; or determined to be nonrecoverable.

§ 804.63 Reservation of grave site.

Grave sites are not reserved or assigned in advance of actual interments. Adjoining grave sites are not available.

Subpart H—Air Force Cemeteries

§ 804.70 Definitions.

(a) *Base cemetery.* A military cemetery located at an Air Force installation.

(b) *Civilian cemetery.* Any privately or publicly-owned cemetery or burial plot located within or without the boundaries of an Air Force installation.

§ 804.71 Establishment, maintenance and disposal.

New base cemeteries will not be established, and existing base cemeteries will not be expanded beyond present boundaries. Base cemeteries now in operation may be used for authorized burials, within present boundaries, until filled or discontinued.

(a) Base cemeteries will be maintained until disposition is effected by the procedures listed below. Those located on surplus installations which are not to be moved or otherwise disposed of will be maintained under the supervision of an active military installation to be designated by the Director of Civil Engineering, HQ USAF.

(b) When feasible and possible, base cemeteries will be disposed of in accordance with the provisions of AFR 87-4. Normally, the General Services Administration would accomplish disposal by transfer to a State, county, municipality, or proper agency thereof, or by the removal of remains and reinterment in a national, private, or public cemetery, or by a transfer of custody to the next of kin or other relatives. Once a cemetery has been disposed of, it will not be reacquired without prior approval of an acquisition request as outlined in AFR 87-1.

§ 804.72 Eligibility.

Burials in base cemeteries will be restricted to the following categories of personnel.

(a) Members of the armed services of the United States on the active and retired lists as published by the decedent's service.

(b) The wife, husband, widow, widower, minor child and, in certain instances, the dependent unmarried adult child of any person listed in paragraph (a) of this section. (Dependent unmarried adult children include those who have never married, widows, widowers, and divorcees, provided the unmarried adult child, at time of death, was incapable of self-support because of physical or mental condition and was receiving over one-half of his support from the service-connected parent or surviving spouse, or had been receiving such support prior to the death of the parents and by reason of their death was receiving such support from some other source.)

(c) General prisoners whose discharges have been executed, who die while under the jurisdiction of the Department of the Air Force.

(d) Prisoners of war and interned aliens, and unclaimed remains which cannot be transferred to the custody of civil authority, provided no other disposition of remains can be made under existing statutes.

(e) Veterans when a dependent of the deceased has been previously buried in such a cemetery.

(f) Individuals whose remains must be disposed of as directed by HQ USAF/LGS.

§ 804.73 Interment of remains and reservation of grave sites in base cemeteries.

(a) *Interment policies for dependents.* (1) If a dependent dies before the service member, interment may be made in a base cemetery upon submission of a signed certificate by the service member that he will be interred eventually in the same grave or an adjoining (side-by-side) grave. Such certificate, in the following format, will be presented or promptly mailed to the base commander concerned:

This is to certify that in consideration of the interment of the remains of my _____ (spouse-child) _____ (name), in the _____ Base Cemetery, my remains shall, upon my demise, be interred in the same or adjoining grave.

_____ (name)

(2) When a deceased dependent child is interred prior to the death of either parent, the above certificate will be accomplished by the service member with the understanding that all available space in the occupied grave must be used for any future family interment, including that of the service member, before the second grave can be used. Additional eligible dependents may be interred before the death of the service member, provided not more than two side-by-side graves are used and that space is reserved for burial of the service member.

(b) *Procedures for effecting interment.* The procedure for effecting interment will conform in general with that outlined in prescribed Air Force regulations.

(c) *Reservation of grave sites.* (1) Grave sites are not reserved or assigned in advance of actual interments except as provided in paragraph (c) (2) and (3) of this section.

(2) If the service member dies first, an adjoining grave may be reserved for the eventual interment of the surviving spouse. Such reservations must be requested by the spouse at the time arrangements are being made for the interment of the service member to insure availability of an adjoining grave site. The surviving spouse will receive an inquiry every 2 years to find out whether she wants to continue the reservation. Until she receives such an inquiry it will not be necessary for her to contact the base concerned in order to insure continuance of the reservation. Failure to reserve an adjoining grave site will not preclude burial of the spouse in the same grave with the service member or removal, at private expense, of the remains of the service member to a location where two adjoining graves are available.

(3) When arrangements are being made for the interment of a dependent of a service member, the surviving service member may request a reservation of an adjoining gravesite for his future interment. However, provisions of paragraph (b) of this section are applicable irrespective of this reservation.

Subpart I—Cemetery Markers

§ 804.80 Types furnished.

(a) *Grave markers.* The Government will furnish an upright marble marker or a flat marker of marble, granite or bronze, free of cost, to mark the graves of:

(1) Members of the Air Force who died in the service.

(2) Members of a Reserve component of the Air Force, the Air National Guard or Air Force Reserve Officer Training Corps who died under conditions incident to service on behalf of the United States: *Provided,* The death, injury, illness, or disease occurred or was contracted under honorable conditions.

(3) All persons buried in Government cemeteries.

(b) *Memorial markers.* The Government will furnish, free of cost, an appropriate marker for erection in a Government or civilian cemetery, to commemorate members of the Air Force who died in the service and whose remains have not been recovered or identified, or were buried at sea.

§ 804.81 Application for markers.

(a) *Grave markers—(1) Civilian cemetery.* When interment is to be made in a civilian cemetery, DD Form 1330 will be furnished to the next of kin by the escort. Stocks of this form are available through Air Force supply channels. The application form can be requested and submitted by anyone interested who will be responsible for receiving and erecting the marker at the grave.

(2) *National cemetery.* When interment is made in a national cemetery, the superintendent of the cemetery normally prepares the necessary form for supply of the final marker for the grave, whether individual or group burial.

(3) *Air Force cemetery.* When interment is made in an Air Force cemetery, DD Form 1330 will be submitted by the base commander, or his designee, who will be responsible for receiving and erecting the marker at the grave.

(b) *Memorial markers.* (See § 804.30 (c) and (d).)

§ 804.82 Shipment and erection costs.

(a) *At civilian cemeteries.* The Government will prepay shipping charges for delivery to the consignee. Costs for transporting the marker to the cemetery, and erection, must be borne by the applicant.

(b) *At Government cemeteries.* All expense is borne by the Government.

Subpart J—Handling of Reimbursable Cases Outside the Continental United States

§ 804.90 Furnishing mortuary services and supplies on reimbursable basis.

Mortuary services and supplies may be furnished on a reimbursable basis in an Air Force mortuary to care for the remains of the following when local commercial facilities and supplies are not available or, if available, the cost thereof is prohibitive:

(a) Dependents of members of the Armed Forces who die while the member is on active duty (other than for training).

(b) Dependents of civilian employees of the Armed Forces (paid from appropriated funds) who die while residing with such employee performing official duties outside the continental United States or while traveling to or from such place.

(c) Contractor engineering and technical services personnel, as defined in AFM 66-18.

(d) U.S. citizens and their dependents cited in § 804.2(e).

Subpart K—Military Honors

§ 804.100 Policy and responsibility.

(a) *Policy.* It is the view of the Department of Defense that it is a privilege to participate to the extent possible in the conduct of funerals for active and retired military personnel and veterans who served honorably in the Armed Forces. Commanders at all echelons will place sufficient emphasis on this program to insure that honors are properly rendered in every instance.

(b) *Responsibility.* Air Force commanders of bases manned by active duty personnel will provide or assist in providing military honors as prescribed below. Commanders of Air Reserve training bases will coordinate the furnishing of military honors with the nearest capable Air Force installation manned by active duty personnel.

(1) *Air Force member.* Upon request of the next of kin of an active duty member of the Air Force or a retired member of the Air Force or Air Corps provide honors.

(2) *Air Force veteran.* Upon request of the next of kin of any veteran of Air Force or Air Corps whose last service terminated honorably, advise the next of kin to first request honors from local patriotic organizations. Should it be impossible for any local organization to furnish honors make every effort to provide honors.

(3) *Personnel of other services.* Upon request of the next of kin of a deceased of another service:

(i) Advise the next of kin that the request will be passed on to the nearest military activity of the same service as the deceased.

(ii) Contact the parent service of the deceased who must assume responsibility for the requested honors in accordance with Department of Defense policy; the other service should be asked to work out arrangements with the next of kin.

(c) Air Force commanders of bases manned by active duty personnel will cooperate with other services within their capability in furnishing military honors.

(d) Air Force commanders of bases manned by active duty personnel when the parent service of the deceased and requested by another service to take care of its own will assume the responsibility to provide or assist in providing military honors for those personnel indicated in paragraph (b) (1) and (2) of this section.

(e) In instances where Air Force commanders are unable to provide requested military honors for:

(1) An active duty member of the Air Force or a retired member of the Air Corps or Air Force, the major command concerned will determine the final action to be taken. The decision to decline to participate in furnishing military honors in these instances will not be delegated below the major command level.

(2) A veteran of the Air Corps or Air Force, the base commander concerned will advise the person making the request in a timely manner that it is necessary to respectfully decline to participate. However, each request should be considered in light of the circumstances at the time.

(f) The organization responsible for obtaining instructions from the next of kin for disposition of remains of Air Force personnel who die while on active duty will determine whether or not the next of kin desires military honors at the funeral. The installation to provide honors will not be committed at this time regarding the type and extent of honors that will be furnished.

(g) The home installation will provide military honors when the place of burial is located nearby. When the place of burial is not near the home installation, the mortuary officer who is arranging for disposition of the remains will ask the Air Force installation nearest the place of burial to provide honors. Exception: When a military member dies overseas and the remains are returned to the continental United States for burial, the mortuary branch, HQ USAF/LGSKC, will designate the installation to provide honors.

(h) The wishes of the next of kin regarding the type and extent of honors to be furnished will be paramount, limited only by the capabilities of the activity rendering the honors, and the principles of good taste. Immediately after the request to furnish military honors is received, the base commander will designate a person to supervise the honors and to contact the next of kin to make preliminary arrangements. Final arrangements will be made when notification of

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shipment of the remains to final destination is received from the shipping installation. The mortuary officer will assist the person who is designated to supervise the furnishing of honors. The mortuary officer will also complete Air Force Form 1946, "Military Honors Checklist," and submit a copy to the major command supervisor for mortuary affairs.

By order of the Secretary of the Air Force.

JOHN W. FAHRNEY,
Colonel, USAF, Chief, Legislative Division, Office of The Judge Advocate General.

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SUBCHAPTER B—SALES AND SERVICES

PART 813—SCHEDULE OF FEES FOR COPYING, CERTIFYING AND SEARCHING RECORDS AND OTHER DOCUMENTARY MATERIAL

Part 813, Subchapter B of Chapter VII of Title 32 of the Code of Federal Regulations is revised to read as follows:

Sec.
813.0 Purpose.
813.1 Policy on fee collection.
813.2 Restrictions on copying and releasing information.
813.3 Establishing the schedule of fees.
813.4 Services furnished free to or in behalf of members of the Armed Forces (Armed Forces includes Air Force, Navy, and Marine Corps, and their civilian components).
813.5 Services furnished free upon request from specific sources other than members of the Armed Forces of the United States.
813.6 Services furnished free, regardless of source of request.
813.7 Schedule of fees and rates.

AUTHORITY: 10 U.S.C. 8012, except as otherwise noted.

§ 813.0 Purpose.

(a) This part explains what fees will be collected by the Air Force for copying, certifying, and searching records and other documentary material whose release has been authorized under pertinent Air Force directives. It also cites certain restrictions that must be applied in the release of material.

(b) Additionally, Part 806 of this chapter states the basic policies and instructions governing the disclosure of records and tells members of the public what they must do to inspect or obtain copies of the material referenced herein.

§ 813.1 Policy on fee collection.

(a) A reasonable charge will be made for any service or sale that conveys a special benefit to the recipient above and beyond any benefits that accrue to the general public (see § 813.7). A special benefit will be considered to accrue and a charge will be made when the service:

(1) Enables the recipient to obtain more immediate or substantial gain or values than those which accrue to the general public; or

(2) Is performed at the request of the recipient and is above and beyond the service ordinarily received by, or available to, the general public without charge.

(b) The charge for a special service may be waived, or reduced, when it is determined that:

(1) The recipient of the special benefit is engaged in a nonprofit endeavor which is actively promoting the public safety, health, or welfare, and the national interest;

(2) Payment of the full cost or fee by a State, local government or nonprofit group would not be consistent with traditional policy of Air Force or Federal support of the customer's endeavor; and

(3) The incremental cost of collecting the fee would be an unduly large part of the receipts for the service.

(c) The service or sale will be provided without charge, when the request is:

(1) From, or in behalf of, a member of the Armed Forces (see § 813.4).

(2) From other specific sources (see § 813.5).

(3) In accordance with the policy of free service (see § 813.6).

(d) When the fee can be determined in advance, it will be collected before the service is rendered, unless the service is in response to an unusual request (for example, in a situation where time is so important to the customer that the delay might make the information useless; where the cost is insignificant; or where the recipient has established a regular customer relationship).

§ 813.2 Restrictions on copying and releasing information.

(a) All requests for information and documentation are subject to policy outlined in Part 806 of this chapter and Air Force directives governing the release of information.

(b) To avoid violating the exclusive rights of a copyright holder, consult AFR 110-8 before copying or selling copyrighted material in any Air Force document.

(c) The restrictions outlined in AFR 6-1 also apply in copying and reproducing material.

§ 813.3 Establishing the schedule of fees.

Costs are determined or estimated by the cost standards outlined in Part 812 of this chapter and in this part.

(a) HQ USAF/DAD reviews the schedule of fees:

(1) At least once each year, to determine whether the Air Force should:

(i) Collect fees for other services rendered to the public, or

(ii) Change or discontinue any of the existing fees.

(2) Whenever costs change significantly.

(b) Any activity may submit a recommendation for a change or addition to these fees.

§ 813.4 Services furnished free to or in behalf of members of the Armed Forces. (Armed Forces includes Air Force, Navy, and Marine Corps and their civilian components.)

Ref. No.	A When requested by—	B This service is furnished free
1	A member of the Armed Forces of the United States.	Any service when he requires the information or document in his capacity as a member of the Armed Forces of the United States.
2	A member or retired member of the Armed Forces of the United States.	Copies of papers or information from his own medical and dental records when required for treatment and copies of his flight records.
3		The address of record of an active member or former member of the Armed Forces of the United States, if the information can be furnished informally through reference to a local telephone directory, base locator or the USAF Worldwide Locator Service.
4	A member of the Armed Forces who is in a casualty status, or from his next of kin or legal representative.	Any service.
5	A member or retired member, or his dependent.	Any service pertaining to copies of papers or information from the medical or dental records of the dependent when required for treatment.
6	A relative or legal representative of a member of the Armed Forces of the United States.	The address of record of an active duty member of the Armed Forces of the United States if the information can be furnished informally through reference to a local telephone directory, base locator, or the USAF Worldwide Locator Service.
7	A member or former member of the Armed Forces of the United States.	Any service pertaining to requests for: Information: Required to obtain financial benefits; relating to a decoration or award; or required for memorial purposes. Documents that show membership and military records in the Armed Forces, when discharge or release was under honorable conditions. Review of or change in type of discharge. Correction of records. Personal documents, such as birth certificate, when the requester is required to furnish the document.

§ 813.5 Services furnished free upon request from specific sources other than members of the Armed Forces of the United States.

Ref. No.	A When requested by—	B This service is furnished free
1	A member of Congress	Any service that is for official use.
2	An agency of a State, U.S. possession, county, or municipal government or a U.S. Government agency that is carrying on a function favorably related to and in furtherance of an ob ective of the Department of Defense.	Any service requested.
3	A court	Any service that will serve as a substitute for personal court appearance of a military or civilian employee of DOD.
4	A nonprofit organization that is carrying on a function in furtherance of an objective of the Federal Government and/or is in the national interest in the area of public health, safety or welfare.	Any service or information requested dealing directly with the mission of the organization as reflected in its charter.
5	A donor	Any service pertaining to his gift.
6	A Federal employee	Information to complete forms applicable to claims for reimbursement under the Federal Employee's Health Benefit Act of 1959 (5 U.S.C. 8901, et seq.).
7	An accredited medical facility, physician, or dentist, or a patient or his next of kin or legal representative.	Information from or copies of medical or dental records or X-ray films of patients or former patients of military medical or dental facilities, if information or copies are for furthering medical or dental care of the patient.
8	A custodian or manager of property owned by a member or former member of the Armed Forces of the United States who seeks to communicate with the owner about that property.	The address of record of an active duty member or former member of the Armed Forces of the United States.
9	A prospective employer or recognized source of inquiry for credit or financial purpose.	Any service that involves confirmation of employment or salaries of active or separated civilian or military personnel.

§ 813.6 Service furnished free, regardless of source of request.

Ref. No. Service furnished free upon request

1 Any service designated as free by a statute or executive order.
2 Any service that relates to or furthers the Armed Forces Recruiting Program.
3 Any serivce furnished to representatives of public information media or the general public in the interest of furthering understanding of the Armed Forces.
4 Any service the cost of which would ultimately be charged to the Federal Government.
5 Any request that results in an unsuccessful search of records, except a request to determine the existence or nonexistence of a record, or an unsuccessful search for an address of record.
6 Any service when furnishing it free is an appropriate courtesy to a foreign country or international organization. (When comparable fees are set on a reciprocal basis with a foreign country, such fees apply instead of the fees in § 813.7.)
7 Administrative services normally provided in reference or reading rooms or libraries for public inspection of records, except furnishing copies of records or documents.
8 Information about a casualty.
9 Address of record of an active duty member or former member of the Armed Forces of the United States when it can be furnished informally through reference to a local directory (locator), if the address is required to pay money or forward property to the member or former member.
10 Address of record of members and employees required by banks and other financial organizations participating in the composite check/guaranteed deposit program and listed in the "Financial Organization Directory" of the Treasury Department.
11 Requests for services that are occasional, incidental, and not often made (including any request from a resident of a foreign country), if it is administratively determined that a fee for such an occasional case would be inappropriate.

§ 813.7 Schedule of fees and rates.

This schedule of fees applies to authorized services related to copying, certifying, and searching records rendered to the public, unless those services are excluded or excepted from charges under § 813.1. A minimum fee of $2 is levied for processing any chargeable case, except as specified below. (This ordinarily provides for only one copy of the document.)

(a) *Training and education records.*

(1) Transcripts (including transcripts of graduation from military academies and schools), original copy	$2.00
Each additional copy	.25
(2) Certificates (including certificates, verification of attendance, and course completion from service schools and other facilities), original copy	2.00
Each additional copy	.25

(b) *Medical and dental records.* Requests that involve the records of patients and former patients, when the record is to be used for purposes other than further treatment (for example, for information from, or for copies of, medical records, including clinical records (inpatient records of military and nonmilitary patients); health records (military outpatient records); outpatient records (nonmilitary outpatient records); dental records; and loan of X-ray). For copies of other medical articles and illustrations, apply the rates for general services as shown in paragraph (1) of this section.

(1) Searching and processing (per hour)	$5.00
Minimum charge	3.00
(2) Each typewritten page	1.75
(3) Office copy reproduction (per image; first 6 images included in the minimum fee)	.05
(4) Loan of each X-ray	1.50

(c) *Military membership and record (excluding medical and dental records).*

(1) Address of record, both successful and unsuccessful searchs, each	$2.00
(2) Copies of releasable military personnel records (such as effectiveness reports) reproduced for the personal use of an active, retired, or former member, or for the next of kin of a deceased member of the Armed Forces.	
(i) Minimum charge (up to 6 pages of office copy reproductions)	$2.00
(ii) Each additional image or each additional page (standard or legal)	.05
(iii) Statment of verification of service, or report of separation, for individuals with other than honorable discharges	3.00
(iv) Certification and validation with seal, each	3.00

(d) *Photography, motion picture film, and magnetic tape.* All film used in duplication to furnish a requested end product shall be charged on a per foot basis (for additional information, see Parts 810 and 811 of this chapter).

(1) Still or documentary pictures (not more than three prints from any one negative on each order). If available, standard sizes not listed here may be furnished at proportional rates.

8×10 single weight glossy finish, 1st print	$1.25
2d and 3d print, each	1.00
8×10 double weight matte finish, 1st print	1.75
2d and 3d prints, each	1.50
11×14 double weight matte finish, each	3.50
16×20 double weight matte finish, each	4.75
20×24 double weight matte finish, each	6.50
35 mm. color transparencies (cardboard mount), each	3.50
4×5 color transparencies or color negative, each	6.75
8×10 color transparencies or color negative, each (in quantities not to exceed 3 copies of any 1 view)	14.00
8×10 color type "C" print, 1st print	4.50
2d and 3d prints, each	2.00
11×14 color type "C" print, 1st print	8.00
2d and 3d print, each	5.00
16×20 color type "C" print, each	17.50
16×20 color type "C" print, mounted on 20×24 cardboard, each	19.25

(2) An aerial photographic print (contact print or duplicate negative; single weight glossy or double weight semimatte).

Negatives (in quantity):
Up to 9 by 9 inches: 1-25 at $1.75 per print, over 25, $43.75, plus $1.25 for each print.
9 by 18 inches: 25 at $3 per print, over 25, $75, plus $2.30 for each print.
Print enlargements:

14 by 14 inch format, each	$3.00
18 by 18 inch format, each	3.50
20 by 20 inch format, each	4.00
Duplicate positives, each	3.00
Duplicate negatives:	
Up to 9 by 9 inch format, each	6.00
9 by 18 inch format, each	10.00

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(3) Aerial photographic indexes and mosaic copies:

Size 20 by 24 inch, each $3.00

(4) Reproduction of cover overlays:

Transparent foil film overlays, each 2.00
Transparent paper overlays, each 1.00

(5) Motion picture:

16 mm. or 35 mm., black and white, unedited footage:
Without optical sound track, per foot ..... .07
With optical sound track, per foot ..... .10
Color unedited footage:
16 mm., per foot ..... .20
16 mm., internegative ..... .25
35 mm., per foot:
Answer print, each ..... .45
Viewing or release print, each ..... .15
Separation master positive (3 required) ..... .85
Color, interpositive, each ..... .55
Color, internegative, each ..... .55
Magnetic tape (per foot):
16 mm. (direct dubb), each ..... .05
35 mm. (direct dubb), each ..... .05
Searching (including overhead expense), each hour or fraction thereof 10.00
Minimum charge (including stock search) per order 20.00

(e) *Construction and engineering information.* The fees for copies of a photographic map, specification, permit, chart, blueprint, or other technical engineering document are as follows:

(1) Searching, per hour (or fraction thereof) $5.00
(2) First print 1.00
Each additional print of same document ..... .50

(f) *Claims or litigation.* This refers to requests for information from a court-martial record, or from an investigative report (such as an automobile collision investigation, etc.). If the record is to be used in private litigation, or in a claim or litigation to which the U.S. Government is a party (and when the court rules that the record will be provided at no cost to the Government), the following rates apply, unless the rates in paragraphs (b) and (c) of this section apply.

(1) Searching and processing, per hour (for professional search or research, see paragraph (i) of this section) $5.00
Minimum charge 3.00
(2) Office copy reproduction (minimum charge, up to 6 reproduced images) 2.00
(3) Each additional image or each additional page (standard or legal) ..... .05
(4) Certification and validation with seal, each 3.00

(g) *Publications and forms.* This refers to requests for shelf stock, or when shelf stock is unavailable, for office copy reproductions of a publication or form. When the service requires extensive time (1 hour or more) in searching or processing, an additional fee applies, as explained in paragraph (i) of this section.

(1) Shelf stock:
(i) Minimum fee (includes the first 6 pages of the publication, or the first copy of a form) $2.00
(ii) Additional copies:
(a) Publications (each printed page over 6 pages) ..... .01
(b) Forms, per copy ..... .05
(2) Office copy reproduction, when shelf stock is not available:
(i) Minimum fee (includes the first 6 pages or images of the publication or forms) $2.00
(ii) Each additional image or each additional page (standard or legal) ..... .05

(h) *Microfilms.*

(1) General:
(i) Diazo/thermal process:
(a) 16 mm., per 100-foot roll $3.00
(b) 16 mm., roll film, per frame ..... .25
(c) 35 mm., per 100-foot roll 3.50
(d) 35 mm., roll film, per frame ..... .30
(ii) Silver process:
(a) 16 mm., per 100-foot roll 4.00
(b) 16 mm., roll film, per frame ..... .25
(c) 35 mm., per 100-foot roll 6.00
(d) 35 mm., roll film, per frame ..... .30
(iii) Microfiche:
(a) Cost of each copy of the fiche ..... .95
(b) Cost to make a copy of a frame ..... .25
(2) Engineering data:
(i) Aperture cards, silver duplicate negative, per card. When keypunched, verified and interpreted, per card ..... .40 / .50
(ii) Copy cards, diazo duplicate negative, per card. When reproduced punched and interpreted each card ..... .35 / .40
(iii) 35 mm. microfilm, per individual frame ..... .30
(a) When copies of engineering data are maintained in roll form only and complete roll(s) are required, per foot ..... .10
(b) Minimum charge per order, including stock search 10.00
(iv) Paper reproduction for microfilm:
(a) Paper prints (engineering drawings), each ..... .50
(b) Paper reprints of microfilm indices, for each printed page (standard or legal) ..... .05
Minimum processing charge, per order 2.00
(c) Letter-size (standard or legal) paper prints from 16 mm. roll or cartridge film, each ..... .15
(d) Letter-size (standard or legal) paper prints from 35 mm. roll film, each ..... .16
(e) Larger than letter-size paper prints from 35 mm. roll film, each ..... .50

(i) *General services.* When the fee is not specified here for any service which is authorized by this part and consistent with the policy outlined in Part 812 of this chapter, the following rates will apply:

(1) Clerical search and processing, each hour $5.00
Minimum charge, including first half-hour 3.00
(2) Professional searching or researching (by professional personnel as opposed to clerical personnel) will be established prior to the search, using the actual hourly pay rate of the professional accomplishing the work. (The minimum charge will be one-half the hourly rate.)
(3) Minimum charge for office copy reproduction, including the first 6 pages 2.00
(4) Each additional image or each additional page (standard or legal) ..... .05
(5) Each typewritten page 1.75
(6) Certification and validation with seal, each 3.00
(7) Review of application for authorization to solicit members of the military services for the purchase of life insurance on U.S. military installations in foreign areas 175.00
(8) Handdrawn plots and sketches, per hour (or fraction thereof) ... 6.00

By order of the Secretary of the Air Force.

JOHN W. FAHRNEY,
Colonel, USAF, Chief, Legislative Division, Office of The Judge Advocate General.

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SUBCHAPTER I—MILITARY PERSONNEL

PART 888—ENLISTMENT IN THE REGULAR AIR FORCE

Part 888, Subchapter I of Chapter VII of Title 32 of the Code of Federal Regulations is revised to read as follows:

Sec.
888.0 Purpose.
888.1 Definitions.
888.2 Instructions.
888.3 Citizenship requirements.
888.4 Age.
888.5 Mental and educational requirements.
888.6 Applicants ineligible to enlist.
888.7 Obtaining specific authority for enlistment.
888.8 Applicability of the programs.
888.9 Terms of enlistment.
888.10 Date of rank.
888.11 Preenlistment security investigation.
888.12 Nonprior service (NPS) program.
888.13 Enlistment in NPS personnel for Air Force bands.
888.14 Medically remedial enlistment program (MREP).
888.15 Prior service program.
888.16 Women in the Air Force (WAF) (NPS).
888.17 Airmen removed from temporary disability retired list (TDRL).
888.18 Restored Air Force prisoners.
888.19 Applicants whose last period of service was in officer status.
888.20 Officer appointees to the U.S. Air Force Academy.
888.21 Selected applicants to School of Military Sciences, Officer (SMSO).

Sec.
888.22 National Guard and Reserve members of the Armed Forces not on extended active duty (EAD).
888.23 National Guard and Reserve members of the Air Force on extended active duty (EAD).
888.24 General considerations.
888.25 Prequalification of applicants by USAF recruiting service.
888.26 Processing of qualified applicants by USAF recruiting service.
888.27 Distribution of enlistment documents by AFEES.

AUTHORITY: 10 U.S.C. 8012, except as otherwise noted.

§ 888.0 Purpose.

(a) This part prescribes the eligibility requirements for enlistment in the regular Air Force.

(b) Part 806 of this chapter states the basic policies and instructions governing the disclosure of records and tells members of the public what they must do to inspect or obtain copies of the material referenced herein.

§ 888.1 Definitions.

(a) *Extended active duty (EAD).* A tour of active duty, normally in excess of 90 days, performed by a Reservist for whom strength accountability changes from the Air Reserve Forces to the Regular Air Force.

(b) *Original enlistment.* Enlishment of a person who never was a member of the Army Air Corps, Army Air Forces, or U.S. Air Force.

(c) *Prior service (PS).* Includes: (1) former members of the Armed Forces who served a continuous period of active duty for 6 months or more.

(2) Enlisted or former enlisted members of Reserve components of the Armed Forces who served a continuous period of active duty or ACDUTRA exceeding 6 months, except as provided in § 888.22 (b).

(d) *Reenlistment code.* This entry made in item 15, DD Form 214, "Armed Forces of the United States Report of Transfer or Discharge," is a primary consideration in establishing the enlistment eligibility of an applicant with previous military service. An explanation of the entries made for former Air Force personnel is as follows:

(1) "NA"—Airman reenlisting within 24 hours or being released from involuntary recall to extended active duty.

(2) "1"—Applicant is eligible for enlistment.

(3) "2"—Applicant is barred from enlistment by § 888.6.

(4) Blank—No entry is made when directed by HQ USAF.

(e) *Restraint.* As used in this part, restraint means court imposed restrictions such as confinement, suspended sentence of confinement, parole, probation, or work detail. The following are not considered forms of restraint:

(1) Acceptance of detention in lieu of fine.

(2) A fine, whether or not suspended.

(3) An unconditional suspended sentence.

(4) Unsupervised unconditional probation.

(f) *Unconditional suspended sentence and unsupervised unconditional probation.* These terms are explained as any suspended sentence or probationary status imposed by a criminal or juvenile court that places no conditions upon the individuals:

(1) Regarding his freedom of movement.

(2) Requiring the payment of damage (upon payment, the condition would not be disqualifying).

(3) Requiring periodic reporting by him to an officer of the court (to include a probation officer).

(4) Involving supervision by an officer of the court (to include a probation officer).

§ 888.2 Instructions.

(a) *Secretarial authority.* The Secretary of the Air Force may deny enlistment to any individual although the applicant appears to meet the criteria specified in this part. The Secretary of the Air Force may also authorize waivers of, or exceptions to, the provisions of this part which do not recite or implement statutory requirements.

(b) *Privileged communications.* All letters, documents, and information pertaining to applicants are privileged communications and will not be revealed to anyone not officially concerned. Release of mailing lists or rosters of military personnel, applicants, and dependents is prohibited. Do not reveal derogatory information to the applicant.

(c) *Provision on confidentiality of information.* All information received from judicial authorities and probation officers, all character, police and employment references, and any other document reflecting upon the character of an applicant are confidential in nature. Treat their source and contents accordingly and do not make them available to anyone outside the recruiting service except authorized Air Force investigative officials (commanders and OSI agents) and only to them provided its content is held in confidence and is not released to another agency outside the investigative channels. It is incumbent upon recruiters to refrain from divulging the nature or source of any adverse rating to prevent reflections on institutions, officials, or others who have made objective ratings.

(d) *Enlistment oath.* The oath of enlistment may be taken before any commissioned officer of any Armed Force of the United States. Except under unusual circumstances, use an active duty officer (preferably Air Force) in uniform to administer the oath.

§ 888.3 Citizenship requirements.

Applicant must be a citizen of the United States or possess a valid Form I-151, "Immigration and Naturalization Service Alien Registration Receipt Card," as evidence of lawful entry into the United States for permanent residence. Do not process in any way (including preliminary qualification testing) an alien who does not possess an I-151 form as he is ineligible for enlistment; advise him to contact the Immigration and Naturalization Service to obtain this form. Reproduction of the I-151 form in any manner is prohibited.

§ 888.4 Age.

All applicants, except when otherwise specified, are required to meet the standards listed under this section.

Rule	A If applicant is—	B Then the minimum age is attainment of the— (note 1)	C And the maximum age limit is—
1	Male nonprior service.	18th birthday.	Less than the 26th birthday.
2	Female nonprior service.	21st birthday.	
3	Male prior service.	18th birthday.	Less than 28, when reduced by total active service shown on DD Form 214 (note 2).
4	Female prior service.	21st birthday.	

NOTES: 1. Minimum age is 17 years for men and 18 years for women if DD Form 373, "Consent, Declaration of Parent or Legal Guardian (for Enlistment of a Minor in the U.S. Armed Forces)," is properly executed.

2. Applicants over 35 years of age must have at least 3 months prior service in the U.S. Air Force.

§ 888.5 Mental and educational requirements.

(a) *Mental testing*—(1) *Passing scores.* All applicants must attain passing scores as prescribed and additionally qualify as outlined in paragraph (a)(2) of this section.

(2) *Additional qualifications and restrictions on enlistments.* Applicant enlisting for a specific aptitude or AFSC must attain the passing score prescribed for that aptitude area in AFM 35-1.

(3) *Testing guidelines.* (i) USAF Recruiting Service will administer the ASVAB or AQE to applicants. ACT scores may be accepted for enlistment of members of the Air Force Reserves or Air National Guard. Oversea applicants will be tested with the ACT. Defer from enlistment applicants failing to achieve a qualifying score. When authorized by AFMPC/DPMMPA, recruiting service may establish and publish scores for deferment higher than the minimum prescribed scores.

(ii) Do not administer the ASVAB, AQE, or ACT to:

(a) Any applicant currently on active duty with another Armed Force.

(b) A high school student, unless he is scheduled to graduate during the current school year or is tested under the HS testing program.

(iii) The Defense Language Aptitude Test (DLAT) is authorized to be administered by AFEES to those individuals desiring to be considered for a guaranteed job in AFSC 203X0 who are referred by Air Force liaison NCO's. To be eligible, individuals must receive a score of 80 or above on the general aptitude index of the AQE or ACT.

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(4) *Retesting.* (i) A retest of an applicant who failed to achieve a qualifying score on the AQE, ASVAB, or ACT may not be administered until 1 year after the date of the first test. Only one retest is authorized.

(ii) An applicant, qualified on the ASVAB or AQE who previously failed the AFQT/AFWST and later successfully completes the Job Corps training program as evidenced by JC Form 71 or 71A, "Certificate of Achievement," may be retested once. This exception also applies to a person who submits a certificate or other satisfactory evidence of having completed a federally sponsored educational program subsequent to his failure to pass the AFQT/AFWST.

(iii) Any applicant may be retested on the AFQT/AFWST provided all the conditions below are met:

(*a*) The recruiting detachment commander determines that the applicant deserves a retest.

(*b*) No applicant is tested more than twice.

(*c*) Applicant has qualified on the ASVAB or AQE for enlistment in the Air Force.

(b) *Conditions that bar enlistment.* (1) Intoxicated or under the influence of alcohol or drugs.

(2) Does not possess a social security account number (§ 888.25(b)).

(3) Conscientious objector or person with convictions which preclude unrestricted assignments, regardless of selective service classification.

(4) Enlistment not clearly consistent with interest of national security under AFR 35–62.

(5) Questionable moral character, history of antisocial behavior, alcoholism, sexual perversion, having frequent difficulties with law enforcement agencies, history of psychotic disorders.

(6) Has moral disqualifications listed in § 888.7(b)(2), or has been involved with narcotics, marihuana, or dangerous drugs (§ 888.7(d)), unless specific authority to enlist is granted (NOTE 1).

(7) Under restraint imposed by any civil court (NOTE 1).

(8) Civil or criminal charges filed or pending against them by civil authorities.

(9) Relieved of criminal charges filed and pending on condition that he enlist.

(10) Male, 18–26 years of age not registered with Selective Service.

(11) Selective Service Registrant classified I–O, I–A–O, I–W, or IV–F (NOTES 1 and 2).

(12) Under orders for induction (NOTE 3).

(13) Receiving disability compensation from any Federal or other agency.

(14) Does not have a valid letter of selection (NPS female applicants only).

NOTES: 1. For exceptions, see § 888.7.

2. Classification of IV–F because of a medical defect covered by the MREP does not render an NPS individual ineligible to enlist.

3. Applicant may enlist provided enlistment is accomplished at least 10 days prior to the scheduled reporting date for induction.

(c) *Additional conditions barring enlistment of applicant with previous military service.* (1) Separated from the Air Force for a period of less than 93 days (NOTE 1).

(2) Separated from last period of service for unsuitability, unfitness, disloyalty, or not recommended for reenlistment.

(3) Separated with other than an honorable discharge certificate or with entry other than "Honorable" on DD Form 214.

(4) Separated with discharge or conditions that are a bar to enlistment.

(5) Separated under AFM 39–10 while on control roster.

(6) Separated because of physical disability with or without severance pay.

(7) Separated and charged with time lost under 10 U.S.C. 972 (NOTE 2).

(8) Separated in pay grade E–3 or lower after 6 months or more active duty in last enlistment (NOTE 2).

(9) Discharged prior to completion of 6 months active Federal service (NOTES 2 and 3).

(10) Separated as a USAFR member under AFR 45–43, paragraphs 11, 16, or 20 thru 28.

(11) Separated and claims prior honorable service but lacks written evidence of such service.

(12) Has completed 20 or more years active Federal service.

(13) Retired, eligible for retirement under any provision of law, or retired and serving on extended active duty.

NOTES: 1. Reenlistment may be authorized at CBPOs in accordance with AFM 36–16.

2. For exceptions see § 888.7.

3. Except those separated for minority (AFM 39–10, paragraphs 3–21) or failure to complete School of Military Sciences, Officer (SMSO) (AFM 39–10, paragraphs 3–8h) who will be given RE Code 1.

(d) *Education.* The minimum educational requirements for enlistment are as follows:

(1) A nonhigh school graduate NPS male applicant must score in mental category I, II or III (AFQT 31–99).

(2) A 17-year-old NPS male applicant must be a high school graduate unless he scores in mental category I or II on the AFQT.

(3) A WAF applicant must be a high school graduate.

(4) A prior service enlistee must be a high school graduate or have qualified on the GED test.

§ 888.6 Applicants ineligible to enlist.

Section 888.5 (b) and (c) summarize the conditions that render an applicant ineligible to enlist in the regular Air Force.

§ 888.7 Obtaining specific authority for enlistment.

(a) *Authorization required.* ATC/RS may submit to AFMPC/DPMMPA, Randolph Air Force Base, Tex. 78148, fully justified requests to enlist an applicant who was:

(1) Separated from the Air Force and charged with time lost under 10 U.S.C. 972.

(2) Separated with honorable discharge under former AFR 39–10, AFR 39–11, and AFR 39–14 (now obsolete) and AFM 39–10 with DD Form 214 coded RE–2, RE–2/91, RE–3, RE–3/91, RE–4, RE–15, or RE–20.

(3) Separated under AFM 39–10, paragraph 3–8m, and coded RE–1.

(b) *Authorization required from HQ USAF recruiting service.*—(1) *Applicants separated for dependency or hardship reasons.* HQ USAF recruiting service is authorized to approve enlistment of applicants separated for dependency or hardship. If more than 1 year has elapsed, approval authority may be delegated. Include the following in the request:

(i) Statement of applicant that the hardship or dependency condition is permanently terminated.

(ii) Proof in the form of affidavits or sworn statements that the hardship or dependency condition has ended. These must be executed in duplicate by the person on whose behalf the discharge was obtained or by other members of the community familiar with the home conditions involved.

NOTE: The burden of furnishing proof if the conditions at time of discharge have changed is upon the applicant.

(2) *Applicants with moral disqualifications.* Advise applicants who were convicted or adjudicated for an offense listed in this subparagraph of their ineligibility to enlist. Upon request of applicant or in meritorious cases, submit an application for waiver. Document case according to instructions from USAF recruiting service.

Rule	A	B	C
	If applicant has a conviction or an adverse juvenile adjudication for—(note 1)	And the offenses number—	Then approval authority for the waiver is delegated to—(note 2)
1	Multiple minor traffic offenses.	6 or more in 1 year.	USAF Recruiting Detachment.
2	Multiple minor nontraffic offenses.	2 or 3	USAF Recruiting Detachment.
3		4 or more	USAF Recruiting Group.
4	Other (nonminor) misdemeanors.	1 or more	USAF Recruiting Group.
5	A felony	1 or more	HQ USAF Recruiting Service.

NOTES: 1. Waiting periods after civilian restraint are as follows:

(a) No waiting period is required following termination of parole, probation, or suspended sentence.

(b) A 3-month waiting period is required after termination of confinement of 15 days or more for those convicted. (Does not apply to juveniles with an adverse adjudication.)

(c) Up to a 3-month waiting period, after termination of confinement of 15 days or more for juvenile offenders, is authorized when considered necessary by the detachment commander.

(d) Up to a 2-month waiting period after termination of confinement of less than 15 days for those convicted or adjudicated is authorized when considered necessary by the detachment commander.

2. Disapproval authority is delegated to the USAF Recruiting Detachment. Refer questionable cases to next higher headquarters within the USAF recruiting service.

(c) *Uniform guide lists of typical offenses.*—(1) *Minor traffic offenses.* (i) Blocking or retarding traffic.

(ii) Careless driving.

(iii) Crossing yellow line; driving left of center.

(iv) Disobeying traffic lights, signs, or signals.

(v) Driving on shoulder.

(vi) Driving uninsured vehicle.

(vii) Driving with blocked vision.

(viii) Driving with expired plates or without plates.

(ix) Driving without license or with suspended or revoked license.

(x) Driving without registration or with improper registration.

(xi) Driving wrong way on one-way street.

(xii) Failure to comply with officer's directives.

(xiii) Failure to have vehicle under control.

(xiv) Failure to keep to right or in line.

(xv) Failure to signal.

(xvi) Failure to stop for or yield to pedestrian.

(xvii) Failure to yield right of way.

(xviii) Faulty equipment (defective exhaust, horn, lights, mirror, muffler, signal device, steering device, tailpipe, or windshield wipers).

(xix) Following too closely.

(xx) Improper backing: Backing into intersection or highway; backing on expressway; backing over crosswalk.

(xxi) Improper blowing of horn.

(xxii) Improper parking: Restricted area, fire hydrant, double parking.

(xxiii) Improper passing: Passing on right, in no passing zone; passing parked school bus; pedestrian in crosswalk (when not treated as reckless driving).

(xxiv) Improper turn.

(xxv) Invalid or unofficial inspection sticker; failure to display inspection sticker.

(xxvi) Leaving key in ignition.

(xxvii) License plates improperly displayed or not displayed.

(xxviii) Operating overloaded vehicle.

(xix) Racing, dragging, contest for speed (when not treated as reckless driving).

(xxx) Speeding (when not treated as reckless driving).

(xxxi) Spinning wheels; improper start; zigzagging or weaving in traffic (when not treated as reckless driving).

NOTE: This list is a guide; consider as minor the offenses of a similar nature and traffic offenses treated as minor by local law enforcement agencies.

(2) *Minor nontraffic offenses.* (i) Abusive language under circumstances to provoke breach of peace.

(ii) Carrying concealed weapon (other than firearm); possession of brass knuckles.

(iii) Curfew violation.

(iv) Damaging road signs.

(v) Discharging firearm through carelessness.

(vi) Discharging firearm within municipal limits.

(vii) Disobeying summons.

(viii) Disorderly conduct; creating disturbance, boisterous conduct.

(ix) Disturbing peace.

(x) Drinking liquor on train (other than club car).

(xi) Drunk in public; drunk and disorderly.

(xii) Dumping refuse near highway.

(xiii) Fighting; participating in affray.

(xiv) Fornication.

(xv) Illegal betting or gambling; operating illegal handbook, raffle, lottery, punch board; matching cockfight.

(xvi) Juvenile non-criminal misconduct: Beyond parental control, incorrigible, runaway, truant, or wayward.

(xvii) Killing domestic animal.

(xviii) Liquor: Unlawful manufacture, sale, or possession, or consumption in public place.

(xix) Loitering.

(xx) Malicious mischief: Painting water tower, throwing water-filled balloons, throwing rocks on highway, throwing missiles at athletic contests, or throwing objects at vehicles.

(xxi) Nuisance, committing.

(xxii) Poaching.

(xxiii) Possession of cigarettes by minor.

(xxiv) Possession of indecent publications or pictures.

(xxv) Purchase, possession, or consumption of alcoholic beverages by minor.

(xxvi) Removing property under lien.

(xxvii) Removing property from public grounds.

(xxviii) Robbing orchard.

(xxix) Shooting from highway.

(xxx) Shooting on public road.

(xxxi) Simple assault.

(xxxii) Throwing glass or other material in road.

(xxxiii) Trespass to property.

(xxxiv) Unlawful assembly.

(xxxv) Using or wearing unlawful emblem.

(xxxvi) Vagrancy.

(xxxvii) Vandalism: Injuring or defacing public property or property of another; shooting out street lights.

(xxxviii) Violation of fireworks law.

(xxxix) Violation of fish and game laws.

NOTE: This list is a guide; consider offenses of a similar nature as minor. In doubtful cases, apply the following rule: If the maximum confinement under local law is 4 months or less, treat the offense as minor.

(4) *Other (nonminor) misdemeanors.* (i) Adultery.

(ii) Assault consummated by battery.

(iii) Bigamy.

(iv) Breaking and entering vehicle.

(v) Check, worthless, making or uttering, with intent to defraud or deceive ($100 or less).

(vi) Conspiring to commit misdemeanor.

(vii) Contributing to delinquency of minor.

(viii) Desecration of grave.

(ix) Driving while drugged or intoxicated.

(x) Failure to stop and render aid after accident.

(xi) Indecent exposure.

(xii) Indecent, insulting, or obscene language communicated to a female directly or by telephone.

(xiii) Leaving dead animal.

(xiv) Leaving scene of accident (hit and run).

(xv) Looting.

(xvi) Negligent homicide.

(xvii) Petty larceny (value $100 or less); stealing hub caps; shoplifting.

(xviii) Reckless driving.

(xix) Resisting arrest.

(xx) Selling or leasing weapons to minor.

(xxi) Slander.

(xxii) Stolen property, knowingly receiving (value $100 or less).

(xxiii) Suffrage rights, interference with.

(xxiv) Unlawful carrying of firearms; carrying concealed firearm.

(xxv) Unlawful entry.

(xxvi) Unlawful use of long-distance telephone lines.

(xxvii) Use of telephone to abuse, annoy, harass, threaten, or torment another.

(xxviii) Using boat without owner's consent.

(xxix) Wilfully discharging firearm so as to endanger life; shooting in public place.

(xxx) Wrongful appropriation of motor vehicle; joyriding; driving motor vehicle without owner's consent (if intent is to permanently deprive owner of vehicle, consider as grand larceny).

NOTE: This list is a guide; consider offenses of comparable seriousness as nonminor misdemeanors. In doubtful cases, apply the following rule: If the maximum confinement under local law exceeds 4 months but does not exceed 1 year, treat the offense as a nonminor misdemeanor.

(4) *Felonies.* (i) Aggravated assault; assault with dangerous weapon; assault intentionally inflicting great bodily harm; assault with intent to commit felony.

(ii) Arson.

(iii) Attempt to commit felony.

(iv) Breaking and entering with intent to commit felony.

(v) Bribery.

(vi) Burglary.

(vii) Carnal knowledge of female under 16.

(viii) Cattle rustling.

(ix) Check, worthless, making or uttering, with intent to defraud or deceive (over $100).

(x) Conspiring to commit felony.

(xi) Criminal libel.

(xii) Extortion.

(xiii) Forgery; knowingly uttering or passing forged instrument.

(xiv) Graft.

(xv) Grand larceny; embezzlement (value over $100).

(xvi) Housebreaking.

(xvii) Indecent acts or liberties with child under 16.

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(xviii) Indecent assault.
(xix) Kidnaping, abduction.
(xx) Mail matter: Abstracting, destroying, obstructing, opening, secreting, stealing, or taking.
(xxi) Mails: Depositing obscene or indecent matter.
(xxii) Maiming; disfiguring.
(xxiii) Manslaughter.
(xxiv) Misprison of felong.
(xxv) Murder.
(xxvi) Narcotics or habit forming drugs: Wrongful possession, use, or sale.
(xxvii) Pandering.
(xxviii) Perjury; subordination of perjury.
(xxix) Public record: Altering, concealing, destroying, mutilating, obliterating, or removing.
(xxx) Rape.
(xxxi) Riot.
(xxxii) Robbery.
(xxxiii) Sedition; soliciting to commit sedition.
(xxxiv) Sodomy.
(xxxv) Stolen property, knowingly receiving (value over $100).

NOTE: This list is a guide; consider offenses of comparable seriousness as felonies. In doubtful cases, apply the following rule: If maximum confinement under local law exceeds 1 year, treat the offense as a felony.

(d) *Accession of military personnel through original enlistment/appointment.* Illegal drug usage affects enlistment/appointment eligibility as follows:
(1) An applicant is ineligible for enlistment/appointment if he has:
(i) Ever used LSD or,
(ii) Ever illegally used narcotics or dangerous drugs
(iii) Ever been a supplier or casual supplier of narcotics, dangerous drugs or marihuana, or
(iv) Illegally used marihuana more than four times or at any time in the last 3 months.
(2) Persons who have experimented with marihuana are not normally eligible for flying training. USAFA applicants, requests for individual waiver for flying training will be considered by the USAFA Director of Physical Standards. All other requests for waiver will be considered by AFMPC/DPMAJD provided the applicants have not experimented with marihuana during the last 12 months.

§ 888.8 Applicability of the programs.

Sections 888.9 through 888.16 outline the programs for enlistment in the regular Air Force and applies to all personnel enlisting unless specified otherwise.

§ 888.9 Terms of enlistment.

(a) The Air Force has various terms of enlistment to meet the desires of the individual and the needs of the Air Force. The number of years in the enlistment period is determined by the option which the applicant qualifies for and selects. More guarantees and inducements are available to an applicant enlisting for the longer period.

(b) Enlist all applicants for 4 year terms except when:
(1) Specifically directed otherwise.
(2) Enlistment is accomplished under special limited programs announced by HQ USAF/DPMMPA.

§ 888.10 Date of rank.

Date of rank for all enlistees except when specified otherwise in §§ 888.17 through 888.23 is the date of enlistment.

§ 888.11 Preenlistment security investigation.

(a) The completion of a preenlistment security investigation, under certain circumstances, may be required before he is eligible for enlistment.

(b) Complete all processing, except enlistment, before requesting security investigation. Advise applicant that the normal time required to complete the investigation is 60 to 120 days; additional time may be necessary if applicant has resided for an extended period of time or has near relatives currently residing in a Communist-oriented country. If applicant has received a notice to report for induction, furnish the Selective Service Board a written statement of qualifications and request a deferment of 90 days from induction. If the Board approves the deferment in writing, submit request for investigation. Inform the Selective Service Board in writing, when the deferred applicant does not enlist.

(c) Submit request for preenlistment security investigation under AFR 205–6. Enter following remark as the reason for requesting the investigation on AF Form 1145, or DD Form 1584 as appropriate: "Applicant requires a security investigation prior to enlistment in accordance with AFR 205–6, paragraph 10."

(d) Upon receipt of notification from HQ USAF/DPPS that the facts developed in the investigation were reviewed and authority to enlist the individual is granted, enlist the otherwise qualified applicant. On date of enlistment, recruiting detachment will forward by certified mail the letter of notification and any investigative records to the airman's unit of assignment, Attention: Security police. If the applicant is not qualified for enlistment, or declines to enlist, file the records at the detachment, and destroy in accordance with AFM 12–50, table 35–3.

(e) Communist or Communist-oriented countries:

Country or area	*Date effective*
Albania	Jan. 11, 1946.
Bulgaria	Oct. 27, 1946.
Chinese Peoples Republic (Communist China) (including Tibet)	Jan. 1, 1949.
Cuba	Dec. 2, 1960.
Czechoslovakia	Feb. 25, 1948.
Democratic Peoples Republic of Korea (North Korea—above the 38th parallel)	Sept. 2, 1945.
Democratic Republic of Vietnam (North Vietnam)	Dec. 19, 1946.
Estonia	June 15, 1940.
German Democratic Republic (GDR) (East Germany)	Apr. 1, 1946.
Hungary	June 1, 1947.
Kurile Islands and South Sakhalin (Kurafuto)	Sept. 2, 1945.
Latvia	June 15, 1940.
Lithuania	June 15, 1940.
Poland	Feb. 7, 1947.
Republic of San Marino	*Mar. 14, 1945.
Rumania	Dec. 30, 1947.
Soviet Sector of Berlin	Apr. 1, 1946.
Union of Soviet Socialist Republics (U.S.S.R.)	Oct. 25, 1922.
Yugoslavia	Nov. 11, 1945.

NOTE: *Terminated October 26, 1957.

§ 888.12 Nonprior service (NPS) program.

The provisions of this program apply to all nonprior service applicants regardless of the program for which they enlist.

(a) Subject to the restriction of the established numerical objectives of the enlistment programs, give enlistment priority to NPS applicant who is:
(1) In the USAFR (DEP), Part 907 of this chapter.
(2) Authorized enlistment by HQ USAF either for a class of applicants or by individual letter of specific authority to enlist.
(3) Authorized enlistment in Grade E–2, if applicable.
(4) A high school graduate or has attained a higher educational level.

(b) Nonprior service male applicants who are found disqualified on AFQT for enlistment at the AFEES are required to take the regular physical examination given to all inductees or enlistees.

(c) All enlistees are assigned to the School of Military Sciences, Airmen (SMSA), Lackland Air Force Base, Tex.

(d) Enlistment programs such as the Air Force Band or Medically Remedial Enlistment Program (MREP) may be implemented to augment the normal NPS enlistment program.

§ 888.13 Enlistment of NPS personnel for Air Force Bands.

Eligibility for:

(a) An applicant for an Air Force Band, otherwise qualified for enlistment, is required to establish instrument or band qualification prior to enlistment.

(b) Advise applicant that:

(1) If he is proficient on an instrument for which a requirement exists he should consult one of the following band directors:

Alabama—Maxwell Air Force Base 36112.
Alaska—Elmendorf Air Force Base 99506.
Arizona—Luke Air Force Base 85301.
California—March Air Force Base 92508.
Colorado—Ent Air Force Base, United States Air Force Academy 80840.
District of Columbia—Bolling Air Force Base 20332.
Florida—MacDill Air Force Base 33608.
Georgia—Robins Air Force Base 31093.
Hawaii—Hickam Air Force Base 96553.
Illinois—Chanute Air Force Base 61866; Scott Air Force Base 62225.
Louisiana—Barksdale Air Force Base 71110.
Massachusetts—Westover Air Force Base 01022.
Mississippi—Kessler Air Force Base 39534.
Nebraska—Offutt Air Force Base 68113.
Ohio—Wright-Patterson Air Force Base 45433.
Texas—Lackland Air Force Base 78236; Sheppard Air Force Base 76311.
Virginia—Langley Air Force Base 23365.
Washington—McChord Air Force Base 98438.

(2) All expenses in connection with preenlistment auditioning must be paid by the applicant.
(3) He may volunteer for assignment to a specific Air Force Band, or any Air Force Band, except the U.S. Air Force Band, HQ COMD, USAF, Bolling Air Force Base, Washington, D.C.
(4) He may enlist in the Regular Air Force for assignment to the U.S. Air Force Band, HQ COMD, USAF, Bolling Air Force Base, D.C., as a performing member, only through the Delayed Enlistment Program (DEP). Assignment to the U.S. Air Force Band as a performer requires a completed expanded background investigation. AFEES will furnish the extra copy of the SF 88 and 93 prescribed by AFR 205–32 for this investigation. Part 907, Delayed Enlistment Program (DEP) of this chapter, explains the required procedures. Do not enlist an individual through the DEP or into the Regular Air Force for the U.S. Air Force Band if an investigation is required.

(c) The Band director will audition applicant according to AFR 39–61. If found qualified in the instrumental performance tests for the three skill level, process applicant as outlined. Accomplish all instrumental and vocal auditions for membership in the U.S. Air Force Band, Bolling Air Force Base, D.C., at Bolling Air Force Base, D.C.

§ 888.14 Medically Remedial Enlistment Program (MREP).

NPS male personnel who meet the special medical standards may enlist in MREP if qualified in accordance with this section. The AFEES Medical Examining Officer will determine whether the applicant is medically qualified for the MREP. The AFEES will inform the Air Force recruiting detachment concerned that the applicant is qualified under MREP and furnish appropriate medical records.

(a) *Action by recruiting service.* Upon receipt of certificate of qualification for MREP from AFEES the recruiting detachment will determine eligibility to enlist based on the following:
(1) Applicant must be fully qualified for enlistment other than medically, in accordance with this part. Additionally, he must score 31 or higher on the AFQT.
(2) Applicant must agree to undergo therapeutic procedures necessary to remedy his medical condition.
(3) Approval of ATC/ATSGM is obtained.

(b) *Processing.* Process the applicant according to established processing actions, except as follows:
(1) Explain the program thoroughly to the applicant and emphasize he is being enlisted by waiver of physical standards under an agreement to undergo the therapeutic procedures necessary to remedy his medical condition. He will not enter basic military training until completion of his remedial period, but he is subject to existing guidance.
(2) Complete SF 522, "Clinical Record—Authorization for Administration of Anesthesia and for Performance of Operations and Other Procedures," in duplicate and have it signed by a parent if applicant is under 18 years of age. Attach the SF 522 to the SF 88 and forward as a single document.
(3) Fully qualified applicants may enlist subject to quotas established by HQ USAF for the MREP, and as scheduled by HQ ATC.

(c) *MREP.* Defect occurring or being discovered after enlistment:
(1) If an airman has a medical defect that occurs or is discovered during basic military training, his enlistment contract may be changed to enlistment under the MREP. The medical officer of the basic military training activity is responsible for identifying the basic airmen eligible for MREP. The director of base medical services (DBMS) will explain to the airman the therapeutic procedures necessary to correct the defect. He will advice the airman that he may either agree to undergo the therapeutic procedures or have his case considered by a medical board which will make recommendations concerning disposition. If the airman is under 18 years of age, the DBMS will require SF 522 to be completed in duplicate and forwarded to the airman's servicing CBPO.
(2) The CBPO will use the following procedures to process the airman into the MREP:
(i) Type the following statement on his Air Force Form 1114 as a separate paragraph:

I understand that I am being granted a waiver of medical qualifications on the express condition that I submit to whatever surgical or other therapeutic procedures are determined to be necessary to correct my physical defect (indicate specific defect).

(ii) Upon receipt of SF's 522 from DBMS, CBPO/DPMMR will forward the forms to airman's parent or guardian for signature, and suspense for return; when received, return forms to DBMS for disposition.

§ 888.15 Prior service program.

This section applies to the enlistment of all prior service personnel in the Regular Air Force except when specified otherwise in this part and other Air Force regulations. Enlistment of prior service personnel in the Air Force is extremely selective because of limited yearly quotas. Applicants for this program are required to meet all standards prescribed in this part.

(a) *Grade determination.* Enlistment grade may not be higher than E–7. Applicants who are authorized grades E–6 and E–7 may not enlist for vacancies below the seven skill level; if authorized a grade lower than E–5, an applicant may not enlist for a seven skill level vacancy.

(b) *Criteria for enlisting for assignment in a required skill.* (1) The AFSC of the applicant shown on his last DD Form 214 must be on the required skills list or be a specialty convertible to the required AFSC for the conversion list with the specified total active military service (TAFMS). Use primary AFSC only for applicants from the other armed forces.
(2) If AFSC or assignment for which applicant is enlisting requires a security clearance, obtain this prior to date of enlistment.

(c) *Enlistment of prior service applicants.* Enlist as indicated in the following priority:
(1) Without regard to Required Skills List provided they:
(i) Are airmen removed from the Temporary Disability Retired List.
(ii) Are authorized to enlist by a letter issued by HQ USAF.
(iii) Are enlisted women separated for pregnancy prior to first anniversary of their date of separation.
(2) Personnel who possess a skill contained on the Required Skills List.
(3) Former military members who possess a skill convertible to an AFSC on the Required Skills List.
(4) Former military members enlisting for formal school training.

§ 888.16 Women in the Air Force (WAF) (NPS) program.

Women will be selected for enlistment at recruiting detachment in accordance with the following procedures. The Recruiting Detachment Selection Board will:

(a) Review all available information pertaining to the applicant (including the mental qualification and medical examination).

(b) One voting member of the Detachment Selection Board will personally interview the applicant.

(c) Decide selection / nonselection based upon established criteria.

(d) Advise the applicant by letter of her selection or nonselection. The letter of selection is valid for 6 months after the date of issue unless the applicant enlists in the Delayed Enlistment Program (DEP). The selection of a WAF in the DEP is void on the day following her scheduled date of extended active duty (EAD). Reestablish enlistment eligibility by obtaining a new letter of selection.

§ 888.17 Airman removed from temporary disability retired list (TDRL).

(a) A former airman removed (discharged) from the TDRL may enlist as prescribed unless barred for conditions occurring subsequent to his placement on the TDRL. Refer all cases of barred airmen through channels to USAFMPC/DPMMPA for final determination of enlistment eligibility.

(b) Applicants (includes former airmen who have completed 20 or more years of active service and are eligible for retirement under AFR 35–7) may enlist through USAF Recruiting Service or at any Air Force CBPO by presenting:
(1) Letter from AFMPC/DPMARA authorizing enlistment.
(2) Special order announcing removal from TDRL and discharge.
(3) DD Form 214 issued at the time of placement on TDRL.

NOTE: Enlist applicants under paragraph (c) of this section at Air Force installations only.

(c) An airman who has completed the minimum requirement for voluntary retirement established by law and policy, and who is physically fit by having re-

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covered from the condition for which placed on TDRL, but unfit by reason of a condition incurred while on TDRL or 60 days thereafter, shall be enlisted provided he was removed from TDRL and discharged without severance pay. Such enlistment shall be consummated notwithstanding the fact that there is a nonservice-connected disqualifying disability and with the understanding that retirement for length of service will be accomplished as soon as practicable. In item 48 of DD Form 4, enter "AFM 33–3, paragraph 4–1c."

§ 888.18 Restored Air Force prisoners.

A "restored prisoner" is a former member of the Air Force discharged from the Air Force with a dishonorable discharge or bad conduct discharge who is permitted to enlist in the Air Force pursuant to established Air Force policy. The authority to effect such enlistment is limited to commanders exercising general court-martial authority. In some individual cases special instructions are issued by HQ USAF. Approval of restoration by competent authority constitutes a waiver of existing disqualifications for reenlistment. Enter in disqualifications for reenlistment. Enter in item 48, DD Form 4: "Enlistment completed under AFM 33–3, paragraph 4–2." As these airmen in fact and in law enter upon a new enlistment, their eligibility for future enlistment is determined entirely by their service during such enlistment.

§ 888.19 Applicants whose last period of service was in officer status.

(a) *Former Air Force officers with prior enlisted service in Regular Air Force.* This paragraph applies only to former officers who served in the Regular Air Force as enlisted members and enlist within 6 months from date of separation:

(1) To qualify for enlistment applicant must:

(i) Have served on EAD as a Reserve officer or have been discharged as an enlisted member to accept temporary appointment as an officer.

(ii) Not have had a break in service exceeding 6 months after separation as an airman. An officer relieved from active service and later recalled, within 6 months will be considered to have had continuous service.

(iii) Not be an officer relieved from active duty to await appellate review of sentence that includes dismissal or dishonorable discharge.

(iv) Have been separated with honorable discharge.

(v) Have approval from the Secretary of Air Force to enlist if separated with general discharge.

(2) Applicant is authorized to enlist in the grade determined by the appropriate provision listed as follows:

(i) Highest permanent enlisted grade held in the Regular Air Force immediately preceding discharge to serve on EAD as an officer.

(ii) Highest temporary enlisted grade held in the Regular Air Force for 6 or more months.

(iii) Sergeant (E–4) if not qualified for a higher grade.

(3) Is not required to meet the prior service program criteria and will be processed without regard to age, physical disqualification incurred in line of duty while in active military service, or existing vacancy.

(4) Is entitled to date of rank in accordance with AFR 35–54.

(b) *Other former Air Force officers.* Officers separated over 90 days (ineligible under paragraph (a) of this section). Applicants in this category are considered as prior service personnel. Authorized grade is A1C (E–3) with date of rank as date of enlistment.

§ 888.20 Officer appointees to the U.S. Air Force Academy.

(a) Qualifications and procedures for appointment to the U.S. Air Force Academy from quotas allocated to the Regular Air Force are prescribed in Part 901b.

(b) Terminate officer status of the applicant prior to appointment. CBPO's will enlist candidate as prescribed in this section.

(c) *Processing.* (1) Physical and mental testing are not required.

(2) DD Form 4 and DD Form 53, "Notification of Entry into Active Military Service," are the only forms required in connection with this enlistment.

(3) Special instructions on DD Form 4:

(i) Item 56—enter "This airman was selected for appointment to the U.S. Air Force Academy." (The applicant will initial.)

(ii) Item 10—enter "NA."

(iii) Item 12—enter "paragraph 4–4, AFM 33–3."

(4) Enlistees will sign the following statement and have it witnessed by the enlisting officer:

Upon acceptance of appointment as a cadet to the U.S. Air Force Academy effective ----------, I understand that in accordance with the provisions of 10 U.S.C. 516, should my appointment be terminated for reasons other than acceptance of a commission in a Regular or Reserve component of the Armed Forces, or for physical disability, I will resume my enlisted status and complete the period of service for which I was enlisted and for which I have an obligation.

NOTE: Attach original to original DD Form 4; duplicate to duplicate DD Form 4; etc.

(5) Prepare DD Form 53 and forward as prescribed by AFR 35–77.

(6) Determine grade and date of rank under § 888.19.

(7) Assign enlistees in accordance with instructions from HQ USAF.

§ 888.21 Selected applicants to School of Military Sciences, Officer (SMSO).

These are individuals who have successfully completed all qualifying examinations (Part 902, USAF Officers Training School—OTS of this chapter) and have been notified in writing of selection to attend officer training school by the Commander, Air Training Command. Except as prescribed in this section, processing is the same as for regular enlistees.

(a) Applicant who possesses a letter of selection may enlist if not disqualified under this part by conditions which occurred or were discovered subsequent to the initial selection.

(b) Advise applicant that a completed copy of the college transcript must be turned in upon arrival at Lackland Air Force Base.

(c) Commander, Air Training Command, will issue instructions covering class assignment, reporting date, career field, and travel.

§ 888.22 National Guard and Reserve members of the Armed Forces not on extended active duty (EAD).

(a) Do not actively solicit personnel of the Reserve components to enlist in the U.S. Air Force. Upon request, furnish members with all the information they desire concerning enlistment in the Regular Air Force.

(b) Reservists whose total active service consists of an initial tour of active duty for training may enlist under the nonprior service program although their total active service exceeds 6 months.

(c) Inform applicant that airmen are not authorized to hold a Reserve commission or warrant in an Armed Force other than the Air Force. Advise applicants to contact the nearest Air Force Reserve unit to obtain information on procedures for transfers to the Air Force Reserve. Action must be completed prior to enlistment as all commissions and warrants are revoked automatically as of the date of enlistment.

(d) DD Form 368, "Request for Discharge or Clearance from Reserve Components," is required for all members of the Reserve components unless in Air Force Standby Reserve (those assigned to ARPC who are not participating actively in pay status). Forward DD Form 368 to Reserve unit address when known by applicant, or hold form until he obtains the correct address.

(e) If clearance is not received within 21 days, assume it has been granted. Prepare a duplicate DD Form 368 and have applicant sign the following statement on the reverse side of the DD Form 368:

As of ---------- (date) I am not on extended active duty or active duty for training, nor have I been ordered to report for extended active duty within the next 60 days.

(f) For all reservists except those in the DEP (Part 907) make specific entry in item 48, DD Form 4, requesting discharge.

§ 888.23 National Guard and Reserve members of the Air Force on extended active duty (EAD).

(a) *Qualifications.* (1) Airman has served on current extended active duty tour for 12 months or longer.

(2) Applicant must be screened and selected for enlistment by special boards appointed by Wing/Base Commander. Decision of the appointing authority is final.

(3) An airman serving in grades E–8 or E–9 must have passed the USAF Supervisory Examination and enlist for a specific vacancy.

(b) *Grade and date of rank.* Grade and date of rank upon enlistment are the same as that at time of discharge.

§ 888.24 General considerations.

Sections 888.24 through 888.27 explain the procedures for processing and completion of all actions pertaining to enlistment in the Regular Air Force. At Air Force activities authorized by this part to effect enlistment, the CBPO is responsible for accomplishing all processing actions prescribed for Recruiting Service personnel and the Armed Forces Examining and Entrance Station. HQ USAF will notify the major command concerned of any discrepancies in enlistment actions taken by the CBPO.

§ 888.25 Prequalification of applicants by USAF Recruiting Service.

Use the procedures outlined in this section to determine whether or not an applicant may be eligible for enlistment.

(a) *Verification of documents.* Advise applicant to submit originals or duly signed and authenticated copies of all documents. When the required information has been entered on the appropriate records, these documents will be returned to the applicant.

(b) *Verification of Social Security Account Number.* (The burden of proof is upon the applicant.) The only acceptable document for verification of Social Security Account Number is the Social Security Account Number Card normally carried on the person. In item 1 of the DD Form 4 (work copy) enter the SSAN exactly as shown on the SSAN card and in item 47, enter "SSAN verified from SSAN card." If applicant has lost or does not possess an SSAN card, have him prepare and submit IRS Form SS–5, "Application for Social Security Number (or Replacement of Lost Card)" to the nearest Social Security Administration District Office.

(c) *Enlistees from the Delayed Enlistment Program (Part 907 of this chapter).* Obtain previously completed Reserve documents of those who enlist under the Delayed Enlistment Program and furnish to AFEES for their use in processing DEP member for Regular Air Force enlistment. AFEES will retain these documents for attachment to Regular Air Force enlistment documents when the latter are processed for forwarding to AMFPC/DPMDRR, Randolph Air Force Base, Tex. 78148, for inclusion in the USAF Master Personnel Record Group.

(d) *Education.* Encourage applicants to complete their secondary education. Explain the Air Force "stay in school and graduate" policy to all applicants. High school students who apply for enlistment contingent upon their disenrollment require consent of parents and prior notification of the school officials. If applicant is enrolled in high school or has withdrawn therefrom during the current school year obtain signature from school official acknowledging that he discussed the problems with him and the applicant still desires to enlist. If no reply is received from the officer after 10 days, make a statement to this effect, attach it to the DD Form 373, and continue processing.

(e) *DD Form 398, "Statement of Personal History."* Each applicant is required to complete DD Form 398 in accordance with AFR 205–6 and must insure that all entries are complete and readable. Review the form carefully to determine whether or not the applicant requires a preenlistment security investigation. Also use this form to detect discrepancies from other documents and information furnished by the applicant. Insure that applicant lists all previous security clearances in item 20.

(f) *Police record check.* (1) The use of the DD Form 369 to obtain a police record check as a prerequisite for enlistment is optional at the discretion of USAF Recruiting Service except under the following conditions:

(i) When offenses listed by applicant on AF Form 1114 or DD Form 398 indicates that a waiver is necessary to permit his enlistment.

(ii) If the applicant does not know the final disposition of the offense(s) he listed on his AF Form 1114 or DD Form 398.

(iii) When the recruiter has reason to believe a police record check is appropriate.

(iv) When applicant requires a preenlistment security investigation in accordance with § 888.11.

(2) When a police record check is mandatory or required by Recruiting Service, obtain information from law enforcement agencies covering applicant's background for at least 5 years or to date on which first offense was committed, whichever is the greater period. (For PS consider only period since last separated from active duty.) Use DD Form 369, "Police Record Check" for this as follows:

(i) Change the parenthetical phrase "(other than minor traffic violations)" to read "(including minor traffic violations)" on each DD Form 369. Forward DD Form 369 with an addressed return envelope to the chief of police, sheriff, and/or juvenile agency where the applicant resides, has resided, attended school, was employed, or where the offense was committed. This includes Canada and Mexico for U.S. citizens who committed offenses or lived therein for 6 months or more.

(ii) When law enforcement agencies will not or cannot furnish the required information, prepare a DD Form 369 for the appropriate period of time and enter the following remark: "Law enforcement agency will not check for law violations as a matter of policy." HQ U.S. Air Force Recruiting Service will identify these agencies.

(iii) When a reply from a law enforcement agency is not received within 21 days and personal visits or telephone calls are impracticable or unsuccessful, process the enlistment or request special authority for enlistment if appropriate. Enter the following remarks on DD Form 369, "Reply not received and I have no reason to suspect the applicant had difficulties with the above law enforcement agency."

(iv) When offenses admitted require specific authority to enlist and a DD Form 369 cannot be obtained, advise applicant that processing will be held in abeyance until he furnishes the required information.

(g) *Mental screening tests.* Administer EST or WEST only when it appears the applicant cannot successfully complete the ASVAB or AQE. Retesting on alternate tests after 30 days is authorized; however, not more than two retests may be given in a 12-month period. Applicants failing to achieve a minimum score of 23 on the EST or 14 on the WEST are not authorized to take the AQE or ASVAB.

§ 888.26 Processing of qualified applicants by USAF Recruiting Service.

After the applicant has been found tentatively qualified for enlistment, accomplish DD Form 4. Using a typewriter or pen, prepare an original work copy of DD Form 4 for the applicant in accordance with established procedure. Insure that each entry is accurate, legible, and verified by the applicant or substantiating document. AFEES will use this for preparing the final copy. After the applicant signs item 55 of the work copy of the DD Form 4, the recruiter will sign his name in the witness block.

§ 888.27 Distribution of enlistment documents by AFEES.

Forward all enlistment documents pertaining to enlistment in the Regular Air Force as prescribed. If enlistee is entering the Regular Air Force through the Delayed Enlistment Program (Part 907 of this chapter) attach all enlistment documents to the Regular Air Force enlistment documents for forwarding to USAFMPC/DPMDRR, Randolph Air Force Base, Tex. 78148, for inclusion in the USAF Master Personnel Record Group. The AFEES will:

(a) Assemble the documents for Regular Air Force enlistees in order indicated, staple together in upper left corner (to include, if applicable, USAFR (DEP) documents underneath Regular Air Force enlistment documents) and forward within 1 workday to AFMPC/DPMDRR, Randolph Air Force Base, Tex. 78148.

(b) Place records into a sealed separate envelope for disposition as follows:

(1) *For male NPS.* If several male enlistees are traveling together give the records to one man who will be responsible for their delivery to the unit of initial assignment.

(2) *For WAF NPS.* Same procedures as for male NPS; however, a WAF must be designated to handle WAF records.

(3) *For PS Airman.* On date of enlistment, mail records to unit of assignment in preaddressed envelopes furnished by Recruiting Service. Do not mail records to TDY school location. If airman is placed on TDY to technical training schoolo, give him copy of SF's 88 and 93 to hand carry.

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(4) *SMSO personnel.* SMSO personnel will hand carry their individual records, in a sealed envelope to Lackland Military Training Center (LMTC).

(c) Forward the triplicate copy of DD Form 4 to the appropriate USAF Recruiting Group.

(d) Furnish the Consolidated Accessions Reporting Unit, Lackland Air Force Base, Tex. 78236, on a daily basis the enlistment data on each Air Force enlistee. The following procedures apply:

(1) Prepare an individual envelope for each category of enlistee and prominently stamp or mark it as NPS, SMSO, PS, DEP, or WAF.

(2) Attach one copy of the enlistment special orders to the quadruplicate copy of the DD Form 4. Place all of these DD Forms 4 and special orders in the envelope appropriate for the category of enlistment.

(3) Consolidate all Air Force DD Form 4 byproduct tapes fo reach day's accessions on a single tape by enlistment category (NPS, SMSO, DEP, WAF).

(4) Place the separate envelopes for each enlistment category into a larger envelope. Roll or fold, as appropriate, the consolidated DD Form 4 byproduct tape and insert it into the larger envelope. (Care should be taken to minimize the possibility of damage to this tape during its transmittal.) Mark the outside of this envelope as follows to clearly identify contents: "Byproduct paper tape/DD Form 4. For immediate delivery to CDCC (Attention: NCOIC, Machine Accounting Unit)."

(5) Give this envelope to the enlistee or group leader (if more than one enlistee) and instruct him to hand carry and turn it in upon his arrival at the Base Reception Center, Lackland Air Force Base, Tex.

(6) Records listed on each Regular Air Force enlistee reassigned from the AFEES to Lackland Air Force Base, Tex., cannot be the same envelope referred to in subparagraph (4) of this paragraph.

(7) Records for Lackland Air Force Base, Tex., should be hand carried in all cases. On days when no enlistees travel to Lackland Air Force Base, AFEES are authorized to hold such records up to 2 workdays before resorting to mail transmittal. (Hold records should be consolidated and placed in a separate envelope.)

(3) Retain applicable records and then make disposition as prescribed by AR 601-270. After enlistment the AF Form 2030 is filed in the Unit Personnel Record Group until the airman reenlists or is discharged. AF Form 2031 is destroyed immediately on enlistment or declination to enlist. Do not return any records to the USAF Recruiting Detachment unless specifically directed in this part.

By order of the Secretary of the Air Force.

JOHN W. FAHRNEY,
Colonel, USAF, Chief, Legislative Division, Office of The Judge Advocate General.

[FR Doc.73-4482 Filed 3-12-73;8:45 am]

PART 888a—ENLISTMENT OF NONPRIOR SERVICE PERSONNEL IN READY RESERVE UNITS

Miscellaneous Amendments

Part 888a, Subchapter I of Chapter VII of Title 32 of the Code of Federal Regulations is amended as follows:

1. Section 888a.0 is revised to read as follows:

§ 888a.0 Purpose.

(a) This part describes the purpose and explains Air Reserve Forces airman enlistment programs in Ready Reserve units available to qualified draft eligible applicants without prior military service. It also outlines the policies and procedures that apply. It applies to Air National Guard of the United States (ANGUS) and U.S. Air Force Reserve (USAFR).

(b) Part 806 of this chapter states the basic policies and instructions governing the disclosure of records and tells members of the public what they must do to inspect or obtain copies of the material referenced herein.

2. Section 888a.1 is amended by revising paragraphs (b) and (c) and deleting paragraph (d) to read as follows:

§ 888a.1 Policy.

• • • • • •

(b) Qualified applicants are enlisted under this part in the ANGUS and USAFR according to priorities in Part 888b.

(c) A person who does not appear to meet the qualifications listed in Airman Assignment Instruction Codes ALD and BGE, AFM 39-11, will not be placed on waiting lists under Part 888b of this chapter for enlistment in USAFR air postal and courier units.

§ 888a.10 [Amended]

3. Section 888a.10 is amended by deleting paragraph (b) and removing "(a)" from the remaining paragraph.

4. Section 888a.11 is amended by adding paragraphs (f) and (g) to read as follows:

§ 888a.11 Who may enlist.

• • • • • •

(f) They are not engaged in or preparing for a skill in a critical civilian occupation unless there is an overriding military need for the skill as determined by AFRES.

(g) They are not medical, dental, veterinary, osteopathy, or optometry students.

5. Section 888a.12 is amended by correcting "(E-12)" in paragraph (b) to "(E-2)" and by adding paragraphs (e) and (f) to read as follows:

§ 888a.12 How to enlist.

• • • • • •

(e) Upon enlistment, DD Form 44, "Record of Military Status of Registrants," will be prepared and distributed.

(f) When an otherwise qualified applicant questions his denial of enlistment because of nonselection for a quota vacancy, he will be advised:

(1) Of the policy.

(2) That he may have his name retained on a waiting list pending the availability of another recruiting quota and may check his status at any time.

(3) Of other reserve units to which he may apply for enlistment.

(4) If he feels additional consideration of his application is warranted, he may appeal the denial of his immediate enlistment. Appeal will be in writing and will be forwarded to AFRES, Robins Air Force Base, Ga. 31093. The unit will offer any necessary assistance in preparing the appeal.

6. Section 888a.13 is amended: By changing "120 days" to "180 days" in the third and fourth sentences of paragraph (b); by redesignating (b)(3) to (b)(4) and adding a new (b)(3) to read as follows; and by changing the note following paragraph (b) from "(1), (2), or (3)" to "(1), (2), (3), or (4)":

§ 888a.13 Active duty for training (ACDUTRA).

• • • • • •

(b) • • •

(3) If, after enlistment, a member incurs a personal hardship of a temporary nature resulting in an unexpected delay, or

• • • • • •

7. Section 888a.14 is revised to read as follows:

§ 888a.14 Participation in Reserve training.

After completing initial ACDUTRA, the member must satisfactorily participate in training required for his reserve assignment.

§ 888a.15 [Amended]

8. Section 888a.15 is amended by deleting paragraph (b) and removing "(a)" from the remaining paragraph.

§ 888a.20 [Amended]

9. Section 888a.20 is amended by deleting paragraph (b) and removing "(a)" from the remaining paragraph.

10. Section 888a.21 is amended by correcting in the introductory text "36 years" to "26 years", and adding new paragraphs (f) and (g) to read as follows:

§ 888a.21 Who may enlist.

• • • • • •

(f) They are not engaged in or preparing for a skill in a critical civilian occupation unless there is an overriding need for the skill as determined by the applicant's State Adjutant General.

(g) They are not medical, dental, veterinary, osteopathy, or optometry students.

11. Section 888a.23 is amended: By deleting "nonprior service" from the first sentence of paragraph (a); by changing "120 days" to "180 days" in paragraph (b); by redesignating (b)(3) to (b)(4) and adding a new (b)(3) to read as follows; and by changing the note following paragraph b) from "(1), (2), or (3)" to "(1), (2), (3), or (4)":

§ 888a.23 Active duty for training (ACDUTRA).

• • • • • •

(b) • • •

(3) If, after enlistment, a member incurs a personal hardship of a temporary nature resulting in an unexpected delay, or

• • • • • •

12. Section 888a.24 is revised to read as follows:

§ 888a.24 Participation in training.

After completing initial ACDUTRA, the member must satisfactorily participate in training required for his reserve assignment.

§ 888a.25 [Amended]

13. Section 888a.25 is amended by deleting paragraph (b) and removing "(a)" from the remaining paragraph.

14. Section 888a.26 is amended by revising paragraph (b) to read as follows:

§ 888a.26 Release of members from this program.

• • • • • •

(b) *After the initial period of active duty for training.* The commander of the unit of assignment may permit the conditional release of airmen within prescribed policy on releases of this purpose.

15. Section 888a.35 is revised to read as follows:

§ 888a.35 Promotion.

See chapter 22 of AFM 35-3 for USAFR members and ANGR 39-29 for ANGUS members.

16. Section 888a.36 is revised to read as follows:

§ 888a.36 Release from active duty for training.

(a) A member will be released upon completion of 4 months ACDUTRA unless retained beyond this period to complete required technical training or OJT applicable to his Air Force specialty. A member who completes basic military training and/or technical training and has:

(1) Seven or more days remaining to complete the 4-month tour, will be returned to his unit of assignment for OJT and release upon completion of the ACDUTRA tour.

(2) Less than 7 days remaining to complete the 4-month tour is to be retained and released by his unit of attachment upon completion of the ACDUTRA tour.

(b) DD Form 214, "Armed Forces of the United States Report of Transfer or Discharge," will be issued to each individual released from ACDUTRA under this part. The form will be prepared and issued under AFM 35-5 by the CBPO servicing the last active establishment organization with which the individual performs ACDUTRA. When an ANGUS member performs duty with his parent ANG unit, the servicing CBPO of that unit will be responsible for completing the form.

(c) In addition to paragraph (b) of this section, when a member is released from ACDUTRA for reasons other than normal termination of tour, the CBPO of the unit of attachment will publish orders according to AFM 10-3.

(1) Orders will provide that the member is released from attachment and that upon his return to the address of entry on ACDUTRA, will revert to his inactive duty assignment.

(2) Five copies will be sent to the servicing CBPO of the parent unit of assignment and to the Adjutant General of the appropriate State (for ANGUS members).

(3) The servicing CBPO of the unit that terminates the member's ACDUTRA tour is responsible for accomplishing or arranging the complete separation processing of the member. Before release from active duty, the health records of each member will be thoroughly reviewed. Depending on the validity and completeness of the physical examination for entry into active duty as well as interval medical history, the original physical examination may be accepted, supplemented, or reaccomplished at the discretion of the director of base medical services.

(10 U.S.C. 8012, except as otherwise noted)

By order of the Secretary of the Air Force.

JOHN W. FAHRNEY,
Colonel, USAF, Chief Legislative Division, Office of The Judge Advocate General.

[FR Doc.73-4483 Filed 3-12-73;8:45 am]

PART 888b—ENLISTMENT IN THE AIR FORCE RESERVE

Part 888b, Subchapter I of Chapter VII of Title 32 of the Code of Federal Regulations is revised to read as follows:

Sec.
888b.1 Purpose.
888b.2 General provisions.
888b.3 Qualifications for enlistment.
888b.4 Term of enlistment.
888b.5 Who enlists applicants.
888b.6 Verifying applicant's identity and age.
888b.7 Consent of parents/guardians.
888b.8 Medical examination.
888b.9 Police record check.
888b.10 Security investigation for certain applicants.
888b.11 Verifying prior service.
888b.12 Applicants enlisted by agency other than unit of assignment.
888b.13 Administering oath of enlistment.
888b.14 Age qualifications.
888b.15 Mental requirements.
888b.16 Applicants ineligible to enlist—waivers may not be requested.
888b.17 Applicants ineligible to enlist—waivers may be requested.
888b.18 Preenlistment security investigations.
888b.19 How to verify prior service.
888b.20 Uniform guide list of typical minor traffic offenses.
888b.21 Uniform guide list of typical minor nontraffic offenses.
888b.22 Uniform guide list of typical other (nonminor) misdemeanors.
888b.23 Uniform guide list of typical felonies.

AUTHORITY: 10 U.S.C. 8012, except as otherwise noted.

§ 888b.1 Purpose.

(a) This part provides basic policy, qualifications, and procedures for enlisting eligible men and women as Reserves of the Air Force for service in the USAFR.

(b) Part 806 of this chapter states the basic policies and instructions governing the disclosure of records and tells members of the public what they must do to inspect or obtain copies of the material referenced herein.

§ 888b.2 General provisions.

(a) Under this part an applicant may enlist only to fill:

(1) A vacant position in a unit organized to serve as a unit if mobilized, or

(2) A vacant MA position. Exception: A person enlisting for the Retired Reserve under AFM 35-7 or whose enlistment is required by Parts 888d, 901b, 902, or AFR 53-14 may enlist without regard to position vacancies or other qualifications peculiar to this part.

(b) Qualified applicants without prior service are enlisted in the following order:

(1) *Priority 1.* Females, and male applicants under Part 888c of this chapter who have not undergone random selection for induction or who have undergone random selection and have passed through their full year of vulnerability without induction.

(2) *Priority 2.* Male applicants under Part 888c who have undergone random selection for induction but who have not yet passed through their full year of vulnerability.

(c) Within the priorities listed in paragraph (b) of this section, applicants in priority 1 may be enlisted without regard to date of application. Applicants in priority 2 who are accepted on a unit waiting list will be retained in their original priority. Exceptions to this policy may be made, when in the judgment of AFRES (for USAFR) or the State Adjutant General (for ANGUS), an applicant's civilian training or experience in the Air Force Specialty concerned is considered to warrant it.

(d) Units are required to actively recruit qualified persons of all races, creeds, and ethnic groups to insure that all units generally reflect the character of the population of their recruiting area.

(e) The Secretary of the Air Force may deny enlistment to any individual or authorize the enlistment of an individual otherwise ineligible by the criteria contained in this part when it is determined to be in the best interest of the Air Force.

§ 888b.3 Qualifications for enlistment.

An applicant who does meet requirements stated in this section and other applicable AF regulations may not be enlisted unless waiver is specifically permitted by this part, requested in writing, and approved. Waivers are approved only when the facts indicate that the applicant will be a useful member of the AFR. Major commands have waiver approving authority unless otherwise specified in this part. Send requests through channels to the approving authority.

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(a) *Citizenship.* Applicant must be a citizen of the United States or possess a valid Immigration Form I–151, "Immigration and Naturalization Service Alien Registration Receipt Card," as evidence of lawful entry into the United States for permanent residence. Reproduction of this form in any manner is prohibited.

(b) *Moral character.* Applicant must be of good moral character which can be determined by ascertaining his reputation in his community. A person convicted or adversely adjudicated as a juvenile offender for certain offenses, is ineligible to enlist; however, waiver may be considered.

(c) *Age.* *See* §§ 888b.7, 888b.14, and 888b.16.

(d) *Mental.* See § 888b.15.

(e) *Drug abuse.* Refer to AFR 30–19, table 1, to determine eligibility of applicants who have used drugs.

§ 888b.4 Term of enlistment.

(a) Six years for applicants under Part 888c of this chapter.

(b) As prescribed in Part 888d of this chapter for college students selected for enrollment in the Professional Officer Course or the College Scholarship Program, AFROTC.

(c) One time for 1 year when enlisting in the USAFR for the first time after the member completes his military service obligation (MSO).

(d) Four years for a ResAF officer selected under Part 901b to fill a reserve (competitive) vacancy in the USAF Academy.

(e) Three, 4, 5, or 6 years for a person with prior service enlisting as an Air Reserve technician.

(f) Unspecified period of time when enlisting for transfer or assignment to the Retired Reserve under AFM 35–7, Chapter 8.

(g) Two, 3, 4, 5, or 6 years for all others.

NOTE: Male applicants must enlist for a period equal to or greater than their remaining MSO.

§ 888b.5 Who enlists applicants.

Enlistment normally is done by the unit or servicing CBPO/CRPO that controls the position for which the applicant is enlisted, unless a written agreement is made to have it done by another agency.

(a) *Within the United States and U.S. possessions and territories.* (1) Men subject to induction. (i) Applicants without prior service are enlisted according to Part 888c of this chapter.

(ii) Applicants with prior service transferred to the USAFR may be enlisted by the unit or servicing CBPO/CRPO having the vacant position.

(iii) College students accepted for enrollment under Part 870 of this chapter in the Professional Officer Course or in the College Scholarship Program, AF ROTC, are enlisted according to Part 888d of this chapter.

(iv) ResAF commissioned officers accepted for appointment to the USAF Academy against a reserve (competitive) vacancy under Part 901b of this title are enlisted by their unit of assignment (or servicing CBPO/CRPO) after instructions are received from ARPC.

(v) Upon receipt of notification from the USAF Academy that an individual has been selected to attend the USAF Preparatory School, ARPC notifies the CBPO/CRPO of an Air Force activity or USAFR unit nearest the individual's home to enlist the applicant in the USAFR. Specific assignment instructions are furnished by ARPC.

(2) Men not subject to induction because of prior service or because they have reached their 26th birthday are enlisted by the unit (or servicing CBPO/CRPO) having the position vacancy.

(3) Women applicants with or without prior service are enlisted by the unit (or servicing CBPO/CRPO) having the position vacancy.

(b) *Outside the United States and U.S. possessions and territories.* Any oversea Air Force installation (or servicing CBPO/CRPO capable of accomplishing the enlistment is authorized to enlist an applicant with prior service whose term of reserve enlistment expired while overseas to fill an MA position for which he qualifies and has been selected provided the period since his last discharge was either EAD or USAFR is less than 12 months. If the individual has been discharged for 12 months or more, authorization for enlistment and assignment must be obtained from ARPC.

§ 888b.6 Verifying applicant's identity and age.

(a) *Persons without prior service.* Verifying identity and age from the applicant's original birth certificate, delayed birth certificate, or an official signed statement from the State registrar of vital statistics or other designated government official. Copies are permitted provided they are duly signed and authenticated by the appropriate official as being true copies of the original.

(1) DD Form 372, "Application for Verification of Birth for Official U.S. Armed Forces Use Only," may be used when requesting information. Addresses of State officials are provided on the form. If a record of the applicant's birth is not available, advise him to obtain a delayed birth certificate according to instructions he obtains separately from the State concerned.

(2) The applicant's driver's license, selective service card, social security card, etc., may be used in conjunction with his birth certificate to confirm his identity. If his present name differs from that originally shown on his birth certificate, his identity can be established by a copy of the court order changing his name; or by an affidavit legally executed by the parents or legal guardian stating that he is the same person whose name appears on the birth certificate or document substantiating his date of birth; or by completing an AF Form 63, "Statement of Name For Use in Official Air Force Records," on which his identity is established and attested to by two witnesses whose signatures appear on the form. If he does not have natural parents, stepparents, or a legal guardian available, the witnesses may be reliable members of the community, such as school officials, ministers, close relative, or neighbors.

(b) *Person with prior service.* Verify identity and age from entries on his last DD Form 214. Part 887 of this chapter states how to apply for a replacement if the document has been lost or destroyed.

§ 888b.7 Consent of parents/guardians.

(a) An applicant under 18 years of age and any applicant who is still in high school (including those who withdraw during the current school year), regardless of age, must furnish a completed DD Form 373, "Consent Declaration of Parent or Legal Guardian" in duplicate. If either parent or the guardian objects, do not enlist the applicant. If after investigation the applicant is found to have neither a living parent nor legal guardian, the enlisting authority may waive parental consent.

(b) Upon receipt of parental/guardian consent for high school applicants, the enlisting authority notifies the responsible school official of the proposed enlistment, stating that the student will not be enlisted until his return comments are received. Furnish a self-addressed, franked envelope to expedite his reply. In the absence of a reply from the school official, the enlisting authority signs a statement indicating that notification was given but return comment was not received.

§ 888b.8 Medical examination.

Each applicant eligible in other respects must undergo a medical examination to determine if physically qualified for enlistment.

§ 888b.9 Police record check.

A police record check for years subsequent to 12 years of age is required for applicants without prior service and for applicants with prior service whose last discharge from EAD or Reserve status exceeds 90 days. Major commands may waive this requirement when difficulty is experienced in obtaining verification of an individual's status. Enlisting activities prepare DD Form 369, "Police Record Check" (AFR 125–36) and forward it to the chief of police, sheriff, or juvenile agency having jurisdiction over the area where the applicant resides, has resided, attended school, was employed, or where the offense was committed (verify from items 9, 13, and 15 of DD Form 398). This includes Canada and Mexico for U.S. citizens who lived in either country for 6 months or more. To facilitate their reply, provide a return addressed franked envelope.

§ 888b.10 Security investigation for certain applicants.

(a) See § 888b.18.

(b) Administrative instructions. (1) Before requesting security investigation, complete all processing except enlistment. The normal time required for the investigation is 60 to 120 days. More time may be needed if the applicant has resided for an extended time or has close

relatives currently residing in a Communist-oriented country. If applicant has received a preinduction examination, furnish the Selective Service board a written statement of qualifications and request a 6-month deferment from induction. If the board approves the deferment in writing, submit request for investigation. Inform the Selective Service board in writing when the deferred applicant does not enlist.

(2) Submit request for investigation as required by AFR 205–6.

(3) The following additional information is required on AF Form 1145, "Request for Personnel Security Investigation":

(i) *Item 1.* Indicate "AFR 205–6 and AFM 35–3, paragraph 6–11."

(ii) *Item 2.* Type "None."

(iii) *Remarks section.* Indicate that the request is for a preenlistment security investigation and give the reason. Example: "Applicant for enlistment in NPS program as a ResAF requires preenlistment security investigation according to AFM 35–3, paragraph 6–11."

(iv) *Window envelop area.* For all applicants included in § 888b.18 type the address of the OSI District Office serving the enlisting activity. For all other aliens, type "Director, DOD NAC Center, Post Office Box 4, Fort Holabird, MD 21219."

(4) Upon receipt of favorable results of the investigation, enlist qualified applicants.

§ 888b.11 Verifying prior service.

Prior service claimed by an applicant is verified according to § 888b.19 before his enlistment if:

(a) He is unable to show his last report of separation.

(b) Essential entries on the report of separation are not readable, or

(c) There is reasonable belief that his report of separation has been altered by other than official direction.

§ 888b.12 Applicants enlisted by agency other than unit of assignment.

Advise the applicant that the sponsoring agency (unit requesting his enlistment) will contact him and provide pertinent instructions and information about his status. The enlistee should also be informed that if the unit of assignment does not contact him within 30 days from the date of enlistment, he should visit or write to (designation of unit, street addresses of unit, city, State, and ZIP code). If he writes, an information copy of the letter should also be forwarded to ARPC. The letter should include his name, Social Security account number, correct home address, date and place of enlistment, and any other information concerned applicable.

§ 888b.13 Administering oath of enlistment.

Arrange for the oath of enlistment to be administered in a dignified manner in appropriate surroundings. Display the flag of the United States prominently near the person administering the oath.

§ 888b.14 Age qualifications.

Rule	A If applicant has—	B And age at enlistment is—	C Then maximum prior service requirement is—
1	No prior service.	17 but less than 35.	None.
2	Prior service (note).	Up to and including 35.	
3		36 but under 38.	1 year.
4		38 but under 41.	2 years.
5		41 but under 58.	2 years plus number of years applicant is over age 40.

NOTE: Major commands may waive the age requirement for an applicant without sufficient prior service who possesses a technical skill required by the USAFR provided the applicant is less than 58 years old at the time of enlistment.

§ 888b.15 Mental requirements.

Rule	A If applicant has—	B Then qualifying score on ACT is—(note 2)
1	No prior service.	The minimum aptitude index shown in AFM 35–1 for the career field subdivision for which considered.
2	Prior service...	25 or higher on general, plus 25 or higher on either administrative or mechanical; or equivalent or higher on the AQE, or ACB, if taken.

NOTES: 1. The following are exempt from the mental requirements:

(a) An individual who has been accepted for enrollment in the professional officer course or college scholarship program, AFROTC and whose enlistment is required by Part 888d of this chapter.

(b) An applicant who is enlisting as an ART.

(c) An individual whose enlistment is required by Parts 901b and 902 o this Title.

(d) A former RegAF or AFR member last discharged in grade E–5 or higher with a five-skill level or higher who enlists within 90 days of his last discharge. If test results are of record, qualifying or otherwise, scores must be entered on DD Form 4. If results are not of record, the ACT must be administered and scores attained must be entered on DD Form 4.

2. See AFM 35–8, Chapter 11, for retest provisions.

§ 888b.16 Applicants ineligible to enlist—waivers may not be requested.

Rule	Conditions indicated by "X" are disqualifying for enlistment of applicant. These rules apply to both male and female unless otherwise indicated	Non prior service	Prior service
1	Male under 26 years of age and subject to induction under the Military Selective Service Act of 1967, unless enlisting under Part 888c or under Parts 888d, 901b, 907, or AFR's 53–14 or 53–27.	X	X
2	Unable to speak, read, write, and understand the English language sufficiently to insure that applicant can satisfactorily absorb required training.	X	X
3	Habitually intoxicated or under the influence of alcohol or drugs	X	1
4	Questionable moral character, history of antisocial behavior, alcoholism, sexual perversion, having frequent difficulties with law enforcement agencies, history of psychotic disorders.	X	X
5	Civil and criminal charges filed or pending against applicant by civil authorities (note)	X	X
6	Under restraint imposed by any civil court	X	X
7	Conscientious objector or person with convictions which preclude unrestricted assignment	X	X
8	Engaged in disloyal or subversive activities or enlistment not clearly consistent with interests of national security under AFR 35–62.	X	X
9	Refuses to complete or sign DD Form 98, Armed Forces security questionnaire, AF Forms 2030, USAF drug abuse certificate, and 2031, drug abuse circumstances (when individual evaluation is requested on AF Form 2030).	X	X
10	Member of the U.S. Public Health Service or Environmental Science Services Administration.	X	X
11	Does not posses a social security account number	X	
12	Applicant, 17 but less than 18 years of age or at time of application is still in high school regardless of age (includes those who withdrew in current school year), whose parent(s) or guardian will not consent to their enlistment.	X	
13	Male applicants not registered with Selective Service System and who have attained 18th but not passed 26th birthday.	X	
14	Male applicants separated from active service longer than 30 days, are 18 but not over 26 years of age and have not registered with Selective Service System.		X
15	Male Selective Service registrant classified as 1–O, 1–A–O, 1–W, or 1V–For under orders for induction.	X	
16	Male applicant currently a cadet of the U.S. Military Academy, U.S. Air Force Academy, U.S. Coast Guard Academy, or midshipman of the U.S. Naval Academy.	X	
17	Separated from U.S. Armed Forces other than Air Force with time lost under 10 U.S.C. 972.		X
18	Separated from last period of service for unsuitability, unfitness, disloyalty, or not recommended for reenlistment, or under any other pertinent regulations.		X
19	Separated with discharge or conditions that are a bar to enlistment		X
20	Separated from any of the Armed Forces for physical disability with or without severance pay.		X

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21	Receiving retirement or retainer pay from any of the Armed Forces or having received severance pay because of permanent physical disability.	.....	×
22	Separated with other than an honorable discharge certificate or with entry other than "Honorable" on DD Form 214.	.....	×
23	Application for retirement pending or retired persons	.....	×
24	Former officers separated or released from EAD for cause by the Secretary of the Air Force or in lieu of such action (including cases initiated under AFR's 35-62, 35-66, 36-2, or 36-3).	.....	×
25	Former officers separated because of failure of selection for promotion during their 3-year probationary period.	.....	×
26	Former officers eligible for retirement in officer status under any provision of law (does not include former AF officers with prior enlisted service in the RegAF or as a Reserve of the Air Force or those covered by AFR 36-12, paragraph 9c(2)).	.....	×
27	Former regular and reserve officers discharged with severance pay	.....	×
28	Reserve commissioned officers and warrant officers separated for age who do not possess sufficient service for retirement.	.....	×
29	Applicants credited with 30 years of satisfactory service for retirement purposes	.....	×
30	Applicant who is 58 years or older (not applicable to persons under consideration as ART's)	.....	×
31	Applicant who cannot attain 20 good years for retirement prior to reaching maximum age or length of service.	×	×
32	Applicant who is credited with 20 or more good years for retirement and is within 1 year of reaching maximum service.	.....	×

NOTE: For applicants with prior service, consider only offenses which occurred after date of last separation.

§ 888b.17 Applicants ineligible to enlist—waivers may be requested.

Rule	Conditions indicated by "X" are disqualifying for enlistment unless waived or excepted. These rules apply to male and female unless otherwise noted.	Non-prior Service	Prior Service
1	Has moral disqualification listed in §§ 888b.20, 888b.21, 888b.22, or 888b.23 unless specific authority to enlist is obtained under proper rules, or has been involved with narcotics, marihuana, or dangerous drugs listed in AFR 30-19 unless specific authority to enlist is granted.	×	×
2	Discharged for hardship or dependency unless proof is presented that the condition(s) no longer exists.	.....	×
3	Separated and claims prior honorable service but lacks written evidence of such service, unless verified.	.....	×
4	Former reserve officer of any of the U.S. Armed Forces, except when specifically authorized, or unless otherwise authorized by ARPC.	.....	×
5	Former Reserve member discharged under AFR 45-43, para 13b, because of an erroneous enlistment (note).	.....	×
6	Former RegAF airmen separated with reenlistment eligibility codes RE 4, 15, or 20, without approval of major command.	.....	×
7	Discharged under provisions of AFM 35-4, Chapter 9, unless proof is presented that EPTS disability no longer exists.	.....	×
8	Separated from the U.S. Air Force and charged with time lost under 10 U.S.C. 972	.....	×

NOTE: When requesting waiver include a copy of DD Form 214, "Armed Forces of the United States Report of Transfer or Discharge," for each period of prior service. The unit commander must include a recommendation based on a personal interview with the applicant and any statement the applicant desires to make regarding the reasons for his separation. Even when a waiver is approved by the major command, the applicant is not eligible for voluntary recall to EAD under AFR 45-21.

§ 888b.18 Preenlistment security investigations.

Rule	A If applicant has—(note 1).	B In countries (within effective period) listed in AFR 205-6 Attachment 3, and he is—	C Then before enlistment, he requires a—
1	Parent, spouse, child, brother, or sister residing.	A U.S. citizen (note 2).	BI.
2	Lived		
3	Traveled	A U.S. citizen (note 2).	BI if he traveled more than 30 days.
4		An alien (note 2).	BI.

NOTES: 1. Travel or presence under sponsorship of U.S. Government requires no investigation; a valid U.S. passport alone is not considered as sponsorship.

2. Aliens not included in this section require a preenlistment NAC.

§ 888b.19 How t verify prior service.

Rule	A If branch of service is—	B And status of applicant is—(note 1)	C Then write to—(note 2)
1	Air Force	A reserve member not on EAD.	Air Reserve Personnel Center, 3800 York St., Denver, CO 80825.
2	Army	An officer separated before July 1, 1917.	National Archives and Record Service, National Archives Bldg., Washington, D.C. 20408.
3		An enlisted member separated before Nov. 1, 1912.	
4		A person separated on or after Jan. 1, 1960.	HQ Department of the Army, Office of the Adjutant General, U.S. Army Administration Center, 9700 Page Blvd., St. Louis, MO 63132.
5		A Reserve member.	
6	Army National Guard	A person whose period of AD or ACDUTRA in the U.S. Army ended after Dec. 31, 1959.	
7		A member not on AD in the U.S. Army.	The adjutant general of the appropriate State.
8		A person discharged from the NG (excludes periods of active duty and ACDUTRA in U.S. Army).	
9	Coast Guard	An enlisted member separated less than 6 months.	Commandant, U.S. Coast Guard, Washington, D.C. 20226.
10		An officer separated less than 3 months.	
11		A member of the Reserve.	
12		An officer completely separated before Jan. 1, 1929.	
13	Marine Corps	An officer in Reserves.	Commandant of the Marine Corps, Headquarters, U.S. Marine Corps, Washington, D.C. 20380.
14		An enlisted member in organized Active Reserve.	
15		A person completely separated less than 4 months.	
16	Navy	An officer separated less than 1 year.	Chief of Naval Personnel, Department of the Navy, Washington, D.C. 20370.
17		An enlisted member separated less than 4 months.	
18		An Active and Inactive reservist with 18 or more months remaining in 1st term of enlistment.	
19	All branches	A person not listed above.	National Personnel Records Center (Military Personnel Records), 9700 Page Blvd., St. Louis, MO 63132.

NOTES: 1. Acceptable reports of separation:

(a) Persons last discharged from a regular component of any of the U.S. Armed Forces, on or after January 1, 1951, must possess the original DD Form 214.

(b) A discharge certificate or report of separation is acceptable, if discharged before January 1, 1951, provided the specific reason is indicated either by an actual statement or reference to a regulation or other authority. If specific reason is not included, other official documentary evidence, stating reasons, is acceptable.

(c) DD Form 214 is required from members without prior service released from their initial ACDUTRA tour after July 1, 1956. DA Form 87 or other similar certificate for U.S. Army Reserve members, and official release order for U.S. Marine Corps Reserve members released before July 1, 1956, is acceptable.

2. Enlisting activities asking for verification of prior service must request that a reproduced copy of the DD Form 214 or other official statement of service (whichever is available) be furnished. The request must contain the following data which must be provided by the applicant:

(a) Exact name under which applicant served.
(b) Branch of service.
(c) Service number(s) and social security account number.
(d) Date and place of birth.
(e) Type of discharge claimed.
(f) Date of discharge.
(g) Other pertinent data which might be helpful to the searching agency.

§ 888b.20 Uniform guide list of typical minor traffic offenses.

This list is a guide; consider as minor the offenses of a similar nature and traffic offenses treated as minor by local law enforcement agencies.

(a) Following too closely.
(b) Improper backing; backing into intersection or highway; backing on expressway; backing over crosswalk.
(c) Improper blowing of horn.
(d) Improper parking; Restricted area, fire hydrant, double parking.
(e) Improper passing; Passing on right, in no passing zone; passing parked school bus; pedestrian in crosswalk (when not treated as reckless driving).
(f) Improper turn.
(g) Invalid or unofficial inspection sticker; failure to display inspection sticker.
(h) Leaving key in ignition.
(i) License plates improperly displayed or not displayed.
(j) Operating overloaded vehicle.
(k) Racing, dragging, contest for speed (when not treated as reckless driving).
(l) Speeding (when not treated as reckless driving).
(m) Spinning wheels; improper start; zigzagging or weaving in traffic (when not treated as reckless driving).
(n) Blocking or retarding traffic.
(o) Careless driving.
(p) Crossing yellow line; driving left of center.
(q) Disobeying traffic lights, signs, or signals.
(r) Driving on shoulder.
(s) Driving uninsured vehicle.
(t) Driving with blocked vision.
(u) Driving with expired plates or without plates.
(v) Driving without license or with suspended or revoked license.
(w) Driving without registration or with improper registration.
(x) Driving wrong way on one-way street.
(y) Failure to comply with officer's directives.
(z) Failure to have vehicle under control.
(aa) Failure to keep to right or in line.
(ab) Failure to signal.
(ac) Failure to stop for or yield to pedestrian.
(ad) Failure to submit report following accident.
(ae) Failure to yield right-of-way.
(af) Faulty equipment (defective exhaust, horn, lights, mirror, muffler, signal device, steering device, tailpipe, or windshield wipers).

§ 888b.21 Uniform guide list of typical minor nontraffic offenses.

This list is a guide; consider offenses of a similar nature as minor. In doubtful cases, apply the following rule: If the maximum confinement under local law is 4 months or less, treat the offense as minor.

(a) Abusive language under circumstances to provoke breach of peace.
(b) Carrying concealed weapon (other than firearm); possession of brass knuckles.
(c) Curfew violation.
(d) Damaging road signs.
(e) Discharging firearm through carelessness.
(f) Discharging firearm within municipal limits.
(g) Disobeying summons.
(h) Disorderly conduct; creating disturbance; boisterous conduct.
(i) Disturbing peace.
(j) Drinking liquor on train (other than club car).
(k) Drunk in public; drunk and disorderly.
(l) Dumping refuse near highway.
(m) Fighting; participating in affray.
(n) Fornication.
(o) Illegal betting or gambling; operating illegal handbook, raffle, lottery, punch board; matching cockfight.

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(p) Juvenile noncriminal misconduct: Beyond parental control, incorrigible, runaway, truant, or wayward.
(q) Killing domestic animal.
(r) Liquor: Unlawful manufacture, sale, or possession, or consumption in public place.
(s) Loitering.
(t) Malicious mischief: Painting water tower, throwing water-filled balloons, throwing rocks on highway, throwing missiles at athletic contests, or throwing objects at vehicle.
(u) Nuisance, committing.
(v) Poaching.
(w) Possession of cigarettes by minor.
(x) Possession of indecent publications or pictures.
(y) Purchase, possession, or consumption of alcoholic beverages by minor.
(z) Removing property under lien.
(aa) Removing property from public grounds.
(ab) Robbing orchard.
(ac) Shooting from highway.
(ad) Shooting on public road.
(ae) Simple assault.
(af) Throwing glass or other material in road.
(ag) Trespass to property.
(ah) Unlawful assembly.
(ai) Using or wearing unlawful emblem.
(aj) Vagrancy.
(ak) Vandalism: Injuring or defacing public property or property of another; shooting out streetlights.
(al) Violation of fireworks law.
(am) Violation of fish and game laws.

§ 888b.22 Uniform guide list of typical other (nonminor) misdemeanors.

This list is a guide; consider offenses of seriousness as nonminor misdemeanors. In doubtful cases, apply the following rule: If the maximum confinement under local law exceeds 1 year, treat the offense as a nonminor misdemeanor.
(a) Adultery.
(b) Assault consummated by battery.
(c) Bigamy.
(d) Breaking and entering vehicle.
(e) Check, worthless, making or uttering, with intent to defraud or deceive ($100 or less).
(f) Conspiring to commit misdemeanor.
(g) Contributing to delinquency of minor.
(h) Desecration of grave.
(i) Driving while drugged or intoxicated.
(j) Failure to stop and render aid after accident.
(k) Indecent exposure.
(l) Indecent, insulting or obscene language communicated to a female directly or by telephone.
(m) Leaving dead animal.
(n) Leaving scene of accident (hit and run).
(o) Looting.
(p) Negligent homicide.
(q) Petty larceny (value $100 or less); stealing hub caps; shoplifting.
(r) Reckless driving.
(s) Resisting arrest.
(t) Selling or leasing weapons to minor.
(u) Slander.
(v) Stolen property, knowingly receiving (value $100 or less).
(w) Suffrage rights, interference with.
(x) Unlawful carrying of firearms; carrying concealed firearm.
(y) Unlawful entry.
(z) Unlawful use of long-distance telephone lines.
(aa) Use of telephone to abuse, annoy, harass, threaten, or torment another.
(bb) Using boat without owner's consent.
(cc) Willfully discharging firearm so as to endanger life; shooting in public place.
(dd) Wrongful appropriation of motor vehicle; joyriding; driving motor vehicle without owner's consent (if intent is to permanently deprive owner of vehicle, consider as grand larceny).

§ 888b.23 Uniform guide list of typical felonies.

This list is a guide; consider offenses of comparable seriousness as felonies. In doubtful cases, apply the following rule: If maximum confinement under local law exceeds 1 year, treat the offense as a felony.
(a) Aggravated assault; assault with dangerous weapon; assault intentionally inflicting great bodily harm; assault with intention to commit felony.
(b) Arson.
(c) Attempt to commit felony.
(d) Breaking and entering with intent to commit felony.
(e) Bribery.
(f) Burglary.
(g) Carnal knowledge of female under 16.
(h) Cattle rustling.
(i) Check, worthless, making or uttering, with intent to defraud or deceive (over $100).
(j) Conspiring to commit felony.
(k) Criminal libel.
(l) Extortion.
(m) Forgery; knowingly uttering or passing forged instrument.
(n) Graft.
(o) Grand larceny; embezzlement (value over $100).
(p) Housebreaking.
(q) Indecent acts or liberties with child under 16.
(r) Indecent assault.
(s) Kidnaping; abduction.
(t) Mail matter: Abstracting, destroying, obstructing, opening, secreting, stealing, or taking.
(u) Mails: Depositing obscene or indecent matter.
(v) Maiming; disfiguring.
(w) Manslaughter.
(x) Misprison of felony.
(y) Murder.
(z) Narcotics or habit forming drugs; wrongful possession, use, or sale.
(aa) Pandering.
(ab) Perjury; subornation of perjury.
(ac) Public record: Altering, concealing, destroying, mutilating, obliterating, or removing.
(ad) Rape.
(ae) Riot.
(af) Robbery.
(ag) Sedition; soliciting to commit sedition.
(ah) Sodomy.
(ai) Stolen property, knowingly receiving (value over $100).

By order of the Secretary of the Air Force.

JOHN W. FAHRNEY,
Colonel, USAF, Chief, Legislative Division, Office of The Judge Advocate General.

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PART 888c—ACTIVE DUTY SERVICE COMMITMENTS

Part 888c, Subchapter I, Chapter VII of Title 32 of the Code of Federal Regulations is retitled as set forth above and revised to read as follows:

Sec.
888c.0 Purpose.
888c.2 Statutory authority.
888c.4 Definitions.
888c.6 Why the Air Force has active duty service commitments.
888c.8 Who incurs active duty service commitments.
888c.10 How to compute active duty service commitments and active duty service commitment dates.
888c.12 Active duty service commitment date record entries and source documents.
888c.14 Miscellaneous instructions.
888c.16 Active duty service commitment from accepting regular Air Force commission.
888c.18 Active duty service commitment for ResAF officers entering extended active duty/attaining career reserve status.
888c.20 Active duty service commitments for flying training.
888c.22 Air Force Institute of Technology, fellowship, scholarship, grant, and operation bootstrap active duty service commitments.
888c.24 Active duty service commitments for technical training.
888c.26 Active duty service commitments for service schools and other miscellaneous education or training.
888c.28 Permanent change of station and promotion active duty service commitments.
888c.30 Physician training active duty service commitments.
888c.32 Active duty service commitments for accepting continuation pay.
888c.34 Dentist training active duty service commitments.
888c.36 Veterinary, nurse, biomedical sciences, and medical service corps officer training active duty service commitments.
888c.38 Active duty service commitments after elimination from training.

AUTHORITY: 10 U.S.C. 8012.

§ 888c.0 Purpose.

(a) This part establishes active duty service commitments (ADSC) for all officers.
(b) Part 806 of this chapter states the basic policies and instructions governing the disclosure of records and tells members of the public what they must do to inspect or obtain copies of the material referenced herein.

§ 888c.2 Statutory authority.

10 U.S.C. 8012(f) authorizes the Secretary of the Air Force to prescribe regulations to carry out his functions, powers, and duties. This part, wherein career and certain noncareer officers receive and must serve all ADSCs, is issued under that authority.

§ 888c.4 Definitions.

(a) *Active duty (AD).* Full-time duty in the active military service of the United States. (Does not include active duty for training.)
(b) *Active duty service commitment (ADSC).* A period of AD that an officer is required to serve before becoming eligible for voluntary separation.
(c) *ADSCD and reasons for ADSC.* The year, month, and day the ADSC will expire, and the basis for the commitment, such as AFIT, etc.
(d) *Career officer.* (1) A regular officer.
(2) A reserve of the Air Force (ResAF) officer currently serving in career reserve status (CRS).
(e) *Date of separation (DOS).* A date established according to law or policy for the termination of active duty.
(f) *Extended active duty (EAD).* A tour of active duty (normally for more than 90 days) performed by a member of the Air Reserve Forces. Strength accountability for persons on extended active duty changes from the Air Reserve Forces to the active forces.
(g) *Noncareer officer.* (1) A temporary officer.
(2) A ResAF officer who entered on AD for a specified period of duty. (Does not include the 20-year active service career for reserve officers program.)
(3) A ResAF officer who has canceled CRS or established a DOS under AFR 36-12.
(4) A ResAF officer with a DOS involuntarily established by law or policy. (Does not include the 20-year active service career for reserve officers program.)
(5) A ResAF officer who remains on AD beyond the period prescribed in his EAD orders pursuant to AFR 36-94.
(h) *Officer.* An Air Force commissioned or warrant officer.
(i) *Separation.* (1) Termination of AD by release, resignation, or discharge (AFR 36-12).
(2) Service retirement (AFM 35-7).
(3) Disability retirement or discharge (AFM 35-4).
(4) Termination of AD by expiration of specified period of time contract (AFRs 36-12 and 36-94).
(j) *Specified period of time contract (SPTC).* A signed statement in which a noncareer officer or an appointee from civilian or airman status agrees to remain on AD in commissioned officer status for a specified period of time (AFR 36-94).

§ 888c.6 Why the Air Force has active duty service commitments.

In order for the Air Force to effectively manage its resources, accomplish its assigned mission, maintain an experienced and well-qualified officer force and still operate within a limited budget, it is essential that it be assured of a reasonable return following the expenditure of public funds. The ADSC has been devised to satisfy that requirement. The need for this program has been noted by inclusion of a specific objective in the USAF personnel plan (Topline).
(a) The expenditure of public funds starts at the precommissioning phase, such as the USAF Academy, AFROTC, and other commissioning program. It continues when an officer enters active duty and as he proceeds into expensive training or education programs that serve to qualify him for his particular utilization field. During his training, he is not performing the normal duties of his grade or specialty; consequently, he is obliged to provide the Air Force a reasonable period of productive utilization or assignment or return to his regular duties. Once trained, the officer must then be reassigned at considerable cost to duties and locations where he is most needed, whether in the continental United States or in an overseas area.
(b) There are other ADSC's that are not directly related to the investment of public funds. They are incurred as a result of promotions to certain grades, acceptance of regular or career reserve status, or interservice transfers. These ADSC's have been developed to assure a reasonable degree of stability in the officer force, particularly for those officers who accept promotions or career status.
(c) For the career-minded officer, periods of service under an ADSC are not highly significant, except as they may affect his date of retirement. For an officer who intends to leave the Air Force before retirement, additional service as a result of ADSCs takes on a higher degree of importance since it may preclude his separation, if he is a career officer, until he has fulfilled all of his ADSCs. Therefore, each officer must thoroughly understand the system used by the Air Force to insure that sufficient numbers of qualified officers are available to fulfill the Air Force mission.

§ 888c.8 Who incurs active duty service commitments.

Generally, any time an officer completes a period of formal education or training, a permanent change of station, accepts a promotion to a certain grade, or accepts career status, he incurs an ADSC and is required to remain on active duty for a period of time equal to the ADSC.
(a) An officer is obligated to accept any duty assignment directed by the appropriate assignment authority (see AFM 36-11). A career officer who has not submitted a request for separation is considered to be serving in a career status voluntarily. If selected for reassignment, he may not apply for separation, except under the conditions specified in AFM 36-11, paragraph 1-12, July 30, 1970, until his ADSC for the PCS and associated training, if any, has been computed.
(b) A noncareer officer or any other officer who possesses a DOS established by voluntary request, law, or policy continues to incure ADSC's, but is not required to serve beyond the DOS, except under extraordinary circumstances. Later election of continued service, such as CRS, withdrawal of separation request, regular Air Force appointment, etc., will result in a requirement that he serve the balance of the outstanding ADSC.
(c) An officer serving on an SPTC incurs ADSC's, but is not required to remain on AD to fulfill the ADSC's unless he signs another SPTC, accepts CRS or a regular Air Force appointment. Fulfillment of the ADSC before his established DOS does not serve to make him eligible for early separation as the SPTC is a separate agreement.

§ 888c.10 How to compute active duty service commitments and active duty service commitment dates.

Once an event has occurred that requires an officer to incur an ADSC, compute the ADSC and ADSCD using the rules in §§ 888c.16 through 888c.38 according to the following instructions:
(a) Find the rule containing the event or condition that has occurred.
(b) Determine whether there are other conditions in the same rule that must be considered. Such additional conditions may be specific on or after dates entered training and or the period of training. When the rules for a specific training program change while an officer is in training, compute the ADSC on the basis of the rules in effect at the time he entered training.
(c) Determine the ADSC applicable to that rule in terms of a fixed period, such as 2, 3, or 4 years, or by a numerical factor, such as 6 times the length of the training period. When the ADSC must be computed on the basis of the length of the training period (other than flying training), compute it by the steps shown below. If the ADSC computed is less than 61 days, no fulfillment is required. If it is 61 or more days but less than 181 days, a 6-month ADSC applies.
(1) *Step 1.* Determine the length of training by counting the number of calendar weeks spent by the student at the training facility. Count any remaining fractions of a week as an additional week.
(2) *Step 2.* Multiply the total length of training by the factor (that is, 3 times or 6 times the number of calendar weeks) to obtain the total length of the ADSC in calendar weeks.
(3) *Step 3.* Convert the total number of weeks of the ADSC to a specific ADSCD by converting weeks to complete years (52 weeks equal 1 year; 104 weeks equal 2 years; etc.). Convert any remaining period of less than 52 weeks to a specific date by counting on a calendar the actual number of weeks remaining. (Do not attempt to convert weeks to months at any point in the computation. To do so would give an erroneous ADSCD as the months vary in length.)
(d) When a newly incurred ADSC is to be served consecutively, it will be added to the unfulfilled portion of the existing one. Exceptions: The new ADSC

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will be served concurrently with, not added to, an existing ADSC incurred by promotion, the 1-year ADSC for acceptance, while on AD, of CRS or a regular Air Force appointment, voluntary entry on AD of prior service officers or interservice transferees. Medical, dental, or veterinary officers may fulfill any ADSC received from training under §§ 888c.30, 888c.34, and 888c.36, concurrently with an ADSC incurred by accepting regular or career reserve status.

(e) Insure that the supporting documents listed for the particular rule have been reviewed and substantiate the condition which has occurred.

(f) Consider the additional information or exceptions to the rules contained in the notes to the particular table when determining the ADSC.

(g) Prior ADSC's that exceed the requirements of this part are reduced to comply with them. Prior ADSC that are less than the requirements of this part are not to be increased to comply with them. Exception: ADSC's that are announced as effective on a specific date will be determined according to that date. (See § 888c.20, rules 1 and 2, for examples of this exception.)

§ 888c.12 Active duty service commitment dates record entries and source documents.

(a) The ADSCD and reason for ADSC (ADE AC–803–II, AFM 300–4) are entered in the PDS–O according to AFM 30–3, volumes III and VI. To assure that officers are fully aware of any ADSC they incur, the ADSCD and any change thereto, and the ADSC reason will be announced on AF Form 2095, Assignment/Personnel Action. The AF Form 2095 will contain in the remarks section a specific reference to the supporting documents (see tables) that were used to determine the ADSCD. Exception: An AF Form 2095 is not required in the following instances:

(1) The special order announcing the promotion is the source document for the ADSC incurred by promotion.

(2) The continuation agreement pay signed by the Medical Corps officer is the source document for that ADSC (see AFR 36–8).

(3) The AF Form 1227, Request for Tuition Assistance, indicating the date of course completion/withdrawal is the source document for the ADSC incurred for tuition assistance.

(b) Record the ADSCD and reason for ADSC, even though the date exceeds the established DOS. The ADSCD and reason will remain in the PDS–O even though the date has expired, as this information is used for historical and analytical purposes.

(c) When there are multiple ADSCD's, record the date that extends for the longest period.

(d) The ADSCD and reason for ADSC will be reviewed by a personnel technician or skilled specialist with the officer, and verified against the source documents, at time of incoming records review and at the time the officer applies for separation or retirement. Any cases of disputed ADSCD's will be forwarded, with supporting documentation, through major command channels to AFMPC/DPMROC1, Randolph Air Force Base, Tex. 78148, for resolution.

(e) Consolidated Base Personnel Office (CBPO) chiefs must establish internal procedures to insure that all documents in support of an ADSC are routed to and coordinated with CBPO–DPMCA for determination of the correct ADSCD and reason for ADSC, and entry in PDS–O.

§ 888c.14 Miscellaneous instructions.

(a) Under certain conditions, AFMPC/DPMROC1 may establish an ADSC on an individual basis to cover a unique situation. The officer must acknowledge the ADSC in writing. Miscellaneous ADSC's are handled by separate correspondence between the major command and AFMPC/DPMROC1.

(b) Officers entering EAD as judge advocates and those on active duty (except officers who obtain a legal education pursuant to AFR 36–7) who request and obtain designation as a judge advocate incur an ADSC of 4 years effective on the date of such designation. The supporting document for this ADSC is the order designating the officer a judge advocate. Officers who obtain a legal education in an excess leave status (AFR 36–7) incur an ADSC as specified in § 888c.26. The ADSC for all aforementioned officers runs consecutively to any existing ADSC.

(c) Waivers of ADSC's are not authorized under this part. They may be granted only when specifically authorized in the directive governing the separation of an officer. The existence of an outstanding ADSC does not preclude an officer from requesting separation before fulfillment of the ADSC. Requests for separation to be effective in advance of fulfillment of the ADSC may be approved when fully documented and justified as being in the best interest of the Air Force.

§ 888c.16 Active duty service commitments for accepting regular Air Force commission.

Rule	A If officer is—	B And his class or appointment program was—	C Then his ADSC is— (note 1)	D And supporting document(s) is/are—
1	USAFA graduate (note 2), USNA graduate, or USMA graduate.	class of 1967	4 years.	AF Form 133, oath of office (military personnel), or special orders for active duty.
2		class of 1968 or later	5 years.	
3	Appointed from AFROTC; civilian or non-EAD Reserve dentists.	Fiscal year 1967 Regular AF appointment program or any preceding program.	4 years.	
4		Fiscal year 1968 Regular AF appointment program or a later one.	5 years.	
5	Appointed to Regular AF on AD.	Fiscal year 1967 Regular AF appointment program or any preceding program.	4 years on current tour, including 1 year of service after acceptance (note 3).	
6		Fiscal year 1968 Regular AF appointment program or later one.	5 years on current tour, including 1 year after acceptance (note 3).	
7	An interservice transfer.		4 years.	

NOTES: 1. These ADSC's are effective from the date of entry on AD.
2. ADSC duration is incorporated within statements of understanding executed as cadets at USAFA.
3. The 1-year ADSC is served concurrently with any existing ADSC.

§ 888c.20 Active duty service commitment for flying training.

Rule	A If training is—	B And was entered—	C For a period of—	D Then ADSC is—	E And is served concurrently with existing ADSC effective—	F And supporting documents are—
1	UPT, UNT, or UHT (note 1).	Before Jan. 1, 1970.		4 years.	Date officer is awarded aeronautical rating.	Special orders announcing aeronautical rating.
2		On/after Jan. 1, 1970.		3 years (note 2).		
3	Formal combat or specialized training directed by MAJCOM or established AF school (notes 3, 4, 5, 6, and 7).		Less than 4 weeks.	1 year.	Date officer completes training.	Any official document indicating date training was completed, such as certificate of training, special orders, or training report.
4			4 or more weeks, but less than 8 weeks.	2 years.		
5			8 or more weeks, but less than 12 weeks.	3 years.		
6			12 or more weeks.	4 years.		

NOTES: 1. UHT graduates of Air Force Helicopter Training who subsequently attended the T–38 phase of UPT for the purpose of qualifying for fixed-wing pilot duty do not incur any ADSC as a result of this special training. UHT graduates of Army Helicopter Training who subsequently attend fixed-wing conversion training will incur a 2-year ADSC on completion of fixed-wing training.
2. If an officer executed an agreement indicating a 4-year ADSC, he will incur that ADSC even though he entered training on or after January 1, 1970. An officer who entered UPT before January 1, 1970, was subsequently eliminated and entered UNT on or after January 1, 1970 will incur a 4-year ADSC on completion of UNT.
3. Compute the ADSC based on each individual course length listed in AFM 50–5 at the time of entry into training. If the course length is not listed, use the course length announced by the MAJCOM conducting the source. An officer who receives aircrew qualification or upgrade training as a result of local unit training (while available for other military duties), not of the formal school nature identified above, does not incur an ADSC.
4. An additional ADSC is not incurred for this training if it is entered within the first year after award of an aeronautical rating.
5. When an officer is required to undergo requalification or special crew qualification training in an aircraft in which he previously received formal training, he will incur an ADSC for that training only if it upgrades his crew qualification. Example: An officer who attends B–52/KC–135 CCTS for a second time upon returning from SEA does not incur an additional ADSC.
6. If an officer is reassigned to duties in an aircraft other than the one in which he incurred his last ADSC, Hq USAF would normally support an application for separation requesting a waiver of that ADSC.

§ 888c.18 Active duty service commitments for ResAF officers entering extended active duty/attaining career reserve status.

Rule	A If officer enters EAD—	B And—	C Then his ADSC is (note 1)—	D And supporting documents are EAD orders and—
1	From AFROTC (note 2).		4 years.	AF Form 1096, AFROTC, category agreement.
2	From SMSO (note 2).			AF Form 56, application for training, acceptance of commission in the USAF.
3	From another armed service.			AF Form 24, application for appointment as ResAF or USAF without component.
4	As a line officer (AFR 45–26).			AF Form 125, application for EAD with the USAF.
5	As a physician, dentist.	Has prior service.		AF Form 24 or 125.
6	As a physician, dentist, or veterinarian.	Has no prior service (note 4).	2 years.	AF Form 24.
7	As a Medical Service or Biomedical Sciences Corps officer other than dietitian, optometrist, occupational or physical therapist.	Has prior service.	4 years.	AF Form 24 or 125.
8		Has no prior service (note 5).	3 years.	AF Form 24.
9	As a Biomedical Sciences Corps dietitian, optometrist, occupational or physical therapist.	Has prior service.	4 years.	AF Form 24 or 125.
10		Has no prior service (note 5).	2 years.	AF Form 24.
11	As a judge advocate.		4 years.	AF Form 24 or 125.
12	As a chaplain.		3 years.	
13	As a nurse.	Has prior service.	3 years.	
14		Has no prior service (note 6).	2 years.	
15	As a physician, dentist, or veterinarian.	Subsequently attains CRS.	2 years (including 1 year CRS) (notes 3 and 4).	AF Form 1227, application for CRS.
16	As other than a physician, dentist, or veterinarian.		4 years (including 1 year CRS) (note 3).	

NOTES: 1. These ADSC's are effective from the date of entry on EAD.
2. AFROTC/SMSO graduates who subsequently enter undergraduate pilot training, undergraduate helicopter training, or undergraduate navigator training incur a 5-year ADSC on award of an aeronautical rating according to § 888c.20.
3. The 1-year ADSC is served concurrently with any existing ADSC and is effective from the date CRS is approved by HQ USAF.
4. Officers commissioned through AFROTC incur a 4-year ADSC rather than a 2-year ADSC.
5. Officers who have qualified for a commission through AFROTC, AECP, or BCP have a 4-year ADSC.

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7 All training received in the type ...craft, flying training course(s), or for the duty assignment(s) listed below will result in a 1-year ADSC, regardless of the length of training. The 1-year ADSC will be considered satisfied on completion of a tour in SEA, if such occurs before 1 year.

(a) ALO FAC. (b) USAF Special Fighter Training Course (F-105). Course 111506G; (c) A-1; (d) A-26; (e) C-7A; (g) C-123; (h) O-1, (i) O-2; (j) OV-10; (k) SOF Training Course, T-28 Pilot ≠111103Z; (l) U-6; (m) U-10; (n) A-37; (o) AC-119G K; (p) EC-121R; (q) QU22B.

§ 888c.22 Air Force Institute of Technology, fellowship, scholarship, grant, and Operation Bootstrap active duty service commitment.

Rule	A If training is—	B And was entered—	C For a period of—	D Then ADSC is—	E And is served—	F And supporting documents are—
1	AFIT professional education or training with industry, including USAFA special masters program but not special short courses.	On or after Oct. 1, 1963, but before Feb. 13, 1964.		3 times length of training period.	Concurrently with existing ADSC, effective on date officer departs training facility.	DD Form 1351-2, travel voucher or subvoucher, AF Form 475, training report, or any official document indicating date of arrival and departure from training facility
2		On or after Feb. 13, 1964, but before July 1, 1971.			Consecutively to existing ADSC.	
3		On/after July 1, 1971.		The period of ADSC for commission plus length of training or 3 times length of training period, whichever is longer.	Concurrently with existing ADSC, effective on date officer departs training facility.	
4	AFIT special short courses.		Less than 20 weeks.	6 times length of training period.		
5			20 or more weeks, but less than 12 months.	3 years.		
6			12 or more months, but less than 24 months.	4 years.....		
7	AFIT follow-on for Warren Minuteman education program.		24 or more months.	4 years, plus 2 months for each additional or fraction of a month.		
8				2 years.	Concurrently with existing ADSC, effective on date officer completes course.	Any official document indicating date course completed (such as transcript or certificate of training).
9	AFIT follow-on for Malmstrom Minuteman education program.		1 to 3 academic quarters.			
10			4 or more academic quarters.	3 times length of training period.		
11	Fellowship, scholarship, or grant (AFR 53-15).	Before Jan. 1, 1969.			Concurrently with existing AFSC, effective on date officer departs training facility.	DD Form 1351-2, travel voucher or subvoucher, AF Form 475, training report, or any official document indicating date of arrival or departure from the training facility.
12		On or after Jan. 1, 1969		The period of ADSC for commission plus length of training, or 3 times length of training period, whichever is longer.		
13	Operation Bootstrap with tuition assistance (AFM 213-1).			2 years.	Concurrently with existing ADSC, effective on date course terminates.	AF Form 1227, request for tuition assistance.
14	Operation Bootstrap TDY program (AFM 213-1).			3 times length of training period.	Concurrently with existing ADSC, effective on date officer departs training facility.	Any official document indicating date of arrival and departure from training facility.
15	The White House Fellows program.					

§ 888c.24 Active duty service commitment for technical training.

Rule	A If training is—	B And was entered—	C For a period of—	D Then ADSC is—	E And is served—	F And supporting documents are—
1	Technical training including AFR 50-9; weather officer courses; education or professional training requiring absence from duty not specifically shown in other portions of this part.		Less than 20 weeks.	6 times length of training period.	Concurrently with existing ADSC, effective on date officer departs training facility.	DD Form 1351-2, or any official document indicating date of arrival and departure from the training base.
2			20 or more weeks, but less than 12 months.	3 years.....		
3			12 or more months, but less than 24 months.	4 years.....		
4			24 or more months.	4 years plus 2 months for each additional or fraction of month.		
5	ATC missile course (Titan).	On or after Feb. 29, 1968.		2 years.....		
6	ATC missile course (Minuteman).	On or after Feb. 29, 1968 but before Sept. 1, 1970.				
7		On or after Sept. 1, 1970.		2 years from completion of SAC ORT.		DD Form 1351-2, or any official document indicating date of departure from the ORT training base.

§ 888c.26 Active duty service commitment for service schools and other miscellaneous education or training.

Rule	A If training is—	B And was entered—	C Then ADSC is—	D And is served—	E And supporting documents are—
1	National War College, Air War College, Industrial College of the Armed Forces, Armed Forces Staff College, Command and Staff College, or completion of training at comparable schools of other forces or nations.		3 years.	Concurrently with existing ADSC, effective on date officer departs training facility.	DD Form 1351-2, or any official document indicating date of departure from the training facility.
2	Squadron Officer School, Academic Instructor School (AU), or comparable schools of other forces or nations.		1 year.		
3	With Manned Spacecraft Center (NASA), Houston, Tex. (note 1).		2 years after termination of tour.		
4	Off-duty proficiency education and training program conducted by MAJCOM.	On or after Apr. 3, 1964.	1 year.	Concurrently with existing ADSC, effective on date officer completes course consecutively to existing ADSC.	Any official document indicating date course was completed.
5	Legal education in an excess leave status (AFR 36-7).	On or after Jan. 1, 1961, but before Sept. 1, 1968.	6 months for each school year (note 2).		DD Form 1351-2, AF Form 475, training report, or any official document indicating period of actual time spent in training.
6		On or after Jan. 1, 1968.	1 month for each month of school year (note 2).		
7		On or after Nov. 1, 1972.	4 years (note 2).		
8	With the US/FRG scientific and engineering exchange program (note 3).	On or after Jan. 1, 1966.	3 times the length of training.	Concurrently with existing ADSC, effective on date officer completes program.	

NOTES: 1. Formalized by USAF/NASA Memoranda of Agreement, July 15, 1965 and October 5, 1967.

2. The period of legal education cannot be used to satisfy previously incurred ADSC.

3. Officer selected by Air Force Systems Command for this program must acknowledge the ADSC before departure from his home station.

Rule	A If training is (note 1)—	B And is conducted at a—	C For a period (note 2)—	D And was completed—	E Then ADSC is—	F And is served—	G And supporting documents are—
3	Internship.	Military facility.		On or before June 30, 1970.	None (note 5)		
4		Civilian hospital or institution.			1 year in addition to any remaining ADSC (obligation) pursuant to the Military Selective Service Act.	Consecutively with existing ADSC.	
5				On or after July 1, 1970.	None, except for any remaining ADSC (obligation) pursuant to the Military Selective Service Act (note 5).		
6	Residency, fellowship, and postgraduate education and training (notes 6, 7, 8, and 9).	Military facility (note 10).	Any length.	On or before June 30, 1970.	1 year, or 50 percent of ADSC remaining July 1, 1970, computed on the basis of 1 month for each month of training, whichever is greater (note 11).	Concurrently with existing ADSC, except that the 2d year incurred under rule 2, note 7.	
7			1 year or less.	On or after July 1, 1970.	1 year.		
8			More than 1 year.		2 years (note 12).		
9		Civilian hospital or institution (note 10).	Any length.	On or before June 30, 1970.	1 year, or 50 percent of ADSC remaining on July 1, 1970, computed on the basis of 2 years for 1st year of training and 1 month for each month thereafter, whichever is greater (note 11).		
10			1 year or less.	On or after July 1, 1970.	2 years.		
11			More than 1 year.		An amount equal to the period of training, but not less than 2 nor more than 3 years.		

NOTES: 1. Attendance at a nonmedical training program results in ADSC as prescribed in § 888c.34 or elsewhere in this part.
2. ADSC incurred for a course of less than 10 weeks.
3. Do not include in computations periods of duty performed at military locations during breaks in medical school.
4. An obligation under the Military Selective Service Act of 1967 may be served concurrently during the first and second year.
5. A physician who has no obligation under the Military Selective Service Act of 1967, as amended, will be required to serve on active duty only for the period of internship.

§ 888c.28 Permanent change of station and promotion active duty service commitment.

Rule	A If officer is—	B And—	C Then his ADSC is (note 1)—	D Effective from—	E And supporting documents are—
1	Reassigned PCS from OS to Conus OS to OS (not COT), Conus to Conus.		1 year.	Date departed last duty station.	DD Form 1351-2.
2	Reassigned PCS from Conus to OS or from Conus to OS (COT) with travel through the Conus.	Is serving an accompanied tour because dependents have been authorized or joined him.	Equal to the prescribed tour (note 2).	Date departed the Conus.	
3		Is serving an oversea tour other than in rule 2 above.	1 year.		
4	Reassigned PCS from OS to OS (COT) without travel in Conus.	Is serving an accompanied tour because dependents have been authorized or joined him.	Equal to the prescribed tour (note 2).	Date of arrival at new OS station.	
5		Is serving an oversea tour other than in rule 4 above.	1 year.		
6	Promoted to the AD grade of major, lieutenant colonel, or colonel (note 3).		2 years.	Date of promotion.	Special orders announcing promotion.

NOTES: 1. ADSC's for PCS or promotion are served concurrently with any existing ADSC's. Extensions of oversea tours do not serve to increase the ADSC's. Curtailments of oversea tours serve to decrease ADSC's according.
2. The ADSC for oversea tour lengths of 18 months is 3 years.
3. Officers serving in a fixed tour of duty according to AFR 45-22 do not incur ADSC's for promotions. MC officers (physicians) promoted to temporary major, lt colonel, or colonel do not incur ADSC's for promotion.

§ 888c.30 Physician training active duty service commitment.

Rule	A If training is (note 1)—	B And is conducted at a—	C For a period of (note 2)—	D And was completed—	E Then ADSC is—	F And is served—	G And supporting documents are—
1	Education leading to doctor of medicine or doctor of osteopathy degree.				3 months for each month, or fraction of month, spent in medical school (note 3).	Concurrently with existing ADSC, effective date officer receives his degree.	Evidence of graduation and awarding of the degree from his school, AF Form 475, training report, or any official documents indicating period of training and date completed.
2	Basic medical student program.				3 years after completion of internship or 1st year of residency training following receipt of MD or DO degree (note 4).	Concurrently with existing ADSC.	

6. Officer will continue to fulfill ADSC incurred under rule 1 during his residency.
7. The first and second year ADSC incurred under rule 2 may be fulfilled during residency training; however, the third year ADSC is suspended during residency training and is added to the ADSC incurred for training under rules 6 through 11.
8. Fellowship or subspecialty training entered directly from a residency program or within 6 months of the original program for purposes of certification will be considered a continuation of that program.
9. Aerospace Medicine Residency, Phase I, Academic Year, in a civilian institution incurs a 2-year ADSC, and Phase II and Phase III incur a 1-year ADSC each. The maximum ADSC for this residency program is 3 years. Note 12 does not apply.
10. Required training in a civilian institution entered during a period of a military residency is considered continuation of the military program.
11. If officer has an ADSC of 1 year or less on July 1, 1970, his ADSC will not be adjusted under this rule.
12. The ADSC will be reduced by the amount of time (up to 1 year) he served as a Medical Corps officer before entering residency or similar training, unless that time was served as a student or intern or was fulfilling commitment for military-sponsored professional training. This reduction applies to the initial Air Force-sponsored residency or similar training only.

§ 888c.32 Active duty service commitment for accepting continuation pay.

Rule	A If the officer is (note 1)—	B Then the ADSC is—	C And supporting document is—
1	Not in a training status and has no ADSC for training.	1 year from effective date of agreement as defined in AFR 36-8.	Continuation pay agreement signed by the officer.
2	In a training status as specified in § 888c.30.	Computed by adding 1 year to the anticipated ADSC that will be incurred upon completion of the current period of training (note 2).	
3	Not in a training status, but has an ADSC for training.	Computed by adding 1 year to the ADSC incurred for training (note 2).	

NOTES: 1. A medical officer who is selected to receive and elects to accept continuation pay under AFR 36-8 incurs an ADSC according to this section. Any questions regarding computation of the ADSC herein should be referred to AFMPC/SGPSCC, Randolph Air Force Base, Tex. 78148.
2. The 1-year ADSC is added only to an ADSC incurred for training, and not to any other ADSC.

§ 888c.34 Dentist training active duty service commitment.

Rule	A If training is—	B And is conducted at a—	C For a period of—	D Then ADSC is—	E And is served—	F And the supporting documents are—
1	Education leading to a DDS degree.			3 months for each month, or fraction thereof, sponsored in dental school (note 1).	Concurrently with existing ADSC, effective date receives his degree.	Evidence of graduation and the awarding of the degree from his school, AF Form 475, or any official document indicating period of training and date completed.
2	Internship	Military facility.		None		
3	Residency, fellowship, and postgraduate education and training (notes 2 and 3).		Any length..	1 year for 1st year, plus 1 month for each additional month, or fraction of month.	Concurrently with existing ADSC.	
4		Civilian hospital or institution.	10 through 52 weeks.	2 years		
5			More than 52 weeks.	2 years, plus 1 month for each additional or fraction of month.		

NOTES: 1. Do not include in computations periods of duty performed at military locations during breaks in dental school.
2. Fulfillment of ADSC incurred under rule 1 above will continue during residency, fellowship, or postgraduate education and training.
3. Required training in a civilian institution, entered during a military residency, is a continuation of that military program.

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§ 888c.36 Veterinary, nurse, biomedical sciences, and Medical Services Corps officer training active duty service commitment.

Rule	A If training is (note 1)—	B And is conducted at a—	C For a period of—	D Then ADSC is—	E And is served—	F And supporting documents are—
1	Education leading to DVM degree.			3 months for each month, or fraction of month sponsored in veterinary school (note 2).	Concurrently with existing ADSC effective date officer receives his degree.	Evidence of graduation and the awarding of the degree from his school, AF Form 475, or any official document indicating period of training and date completed.
2	Internship	Military facility.		None (note 3)		
3	Undergraduate, graduate, postgraduate, or professional education and training (notes 3 and 4).	Military or civilian institution.	More than 10 weeks (note 5).	3 times length of training period, but not less than 1 year (notes 6 and 7).	Concurrently with existing ADSC (note 8).	
4	Residency (notes 3 and 4).	Civilian institution.		3 times length of training period, but not less than 1 year (note 7).		
5		Military facility.	1 year or less.	1 year		
6			More than 1 year.	1 year, plus 1 month for each additional month, or fraction thereof, in training.		

NOTES: 1. Attendance at technical medical training programs resulting in ADSC as prescribed in § 888c.24. ADSC's for nonmedical training programs will be computed based on the appropriate section.

2. Do not include in computation periods of duty performed at military locations during breaks in veterinary school.

3. An individual appointed and placed on EAD as an officer in the Medical Service and entered directly into a professional education, internship, or residency program will be required to serve a minimum of 3 years following completion of training except for Nurse Corps and Biomedical Sciences Corp. (dietitian, occupational and physical therapist only) personnel (see Part 905 (§§ 905.16 and 905.18) of this chapter).

4. Fulfillment of ADSC incurred under rule 1 above continues during later periods of graduate, residency, or professional education and training.

5. ADSC is not incurred for training of 10 weeks or less; however, an officer normally will not be considered for training unless he has 1 year of assured retainability following training.

6. Exception: Officers sponsored at the Ph. D. level in clinical psychology will be required to serve 3 years following internship, or 2 months for each month of academic training, whichever is greater.

7. Use procedures in § 888c.10(c) to compute ADSC based on the length of training period.

8. For those who entered training before July 1, 1971, the ADSC is served consecutively to existing ADSC; for those who entered training on or after July 1, 1971, the ADSC is served concurrently with existing ADSC.

§ 888c.38 Active duty service commitment after elimination from training.

Rule	A If elimination is from—	B Conducted at a—	C And termination point was—	D Then ADSC is (notes 1 and 2)—	E And supporting documents are—
1	A medical, dental, or veterinary residency.	Civilian hospital or institution.	Before completing 1 year.	2 years.	Those required for completion of training, as appropriate, and/or any official document reflecting date eliminated or withdrawn from the training or education program.
2			After completing 1 year.	2 years, plus 1 month for each additional or fraction of month, not to exceed (NTE) 3 years.	
3		Military facility.	Before completing 1 year.	1 year.	
4			After completing 1 year.	1 year, plus 1 month for each additional or fraction of month, NTE 2 years.	
5	Medical postgraduate professional education.	Civilian hospital or institution.	Before 50 percent completed.	Equal to incompleted portion, NTE 3 years.	
6			50 percent or more completed.	Equal to completed portion, NTE 3 years.	
7		Military facility.	Before 50 percent completed	Equal to incompleted portion, NTE 2 years.	
8			50 percent or more completed.	Equal to completed portion, NTE 2 years.	
9	Medical education leading to MD, DDS, or DVM degree.		Before completing 1 year.	3 years.	
10			After completing 1 year.	3 years, plus 3 months for each additional or fraction of month.	
11	Legal education in excess leave status.		Before completing course (note) 3.	1 month for each month of school.	
12	All other courses or programs (notes 4 and 5).		Less than 10 weeks.	1 year.	
13			10 or more weeks.	2 years.	

NOTES: 1. These ADSC's are served concurrently with any existing ADSC, and are effective on the date the officer is eliminated or withdrawn from training.

2. In no event will the ADSC incurred as a result of elimination from training exceed the ADSC which would have been incurred from completing the training.

3. An officer who fails to met legal licensing requirements incurs an ADSC of 1 month for each month of school.

4. An officer eliminated from flying training because of physical disqualification begins fulfilling his ADSC on the date he is placed on "duty not involving flying" (DNIF) status.

5. An officer eliminated from AFIT professional education or training, with industry program, scholarship, felowship, or grant incurs an ADSC from § 888c.22 based on the length of training received, rather than an ADSC under this section.

By order of the Secretary of the Air Force.

JOHN W. FAHRNEY,
Colonel, USAF, Chief, Legislative Division, Office of The Judge Advocate General.

[FR Doc.73-4485 Filed 3-12-73;8:45 am]

PART 888f—SPECIFIED PERIOD OF TIME CONTRACT (SPTC)

Subchapter I of Chapter VII of Title 32 of the Code of Federal Regulations is amended by adding a new Part 888f to read as follows:

Sec.
888f.1 Purpose.
888f.2 Definitions.
888f.3 Policy on SPTCs.
888f.4 Application procedures.
888f.5 SPTC record entries.
888f.6 SPTC application procedures.
888f.7 SPTC format.

AUTHORITY: 10 U.S.C. 8012.

§ 888f.1 Purpose.

(a) This part tells how a noncareer officer may voluntarily extend his period of active duty beyond his established date of separation.

(b) Part 806 of this chapter states the basic policies and instructions governing the disclosure of records and tells members of the public what they must do to inspect or obtain copies of the material referenced herein.

§ 888f.2 Definitions.

(a) *Active duty (AD)*. For this part, active duty is full-time duty in active military service of the United States. (Does not include a tour of AD for training.)

(b) *Date of separation (DOS)*. A date established according to law or policy for the termination of a tour of AD.

(c) *Noncareer officers*. (1) A temporary officer appointed in the Air Force without specification of component who does not hold a Reserve or Regular appointment.

(2) A Reserve officer who voluntarily or involuntarily entered AD for a specified period of time less than that prescribed by the 20-Year Active Service Career for Reserve Officers Program.

(3) A Reserve officer who has canceled his Career Reserve status.

(d) *Specified period of time contract (SPTC)*. A signed statement in which a noncareer officer agrees to remain on AD for a specified period.

§ 888f.3 Policy of SPTC's.

(a) The SPTC is a short-term instrument whereby a noncareer officer may remain on AD beyond his established DOS to satisfy a one-time requirement. Career officers (Regular and Career Reserve) are ineligible to apply for an SPTC. SPTC's will not be used to extend a DOS involuntarily established as a result of law or policy. It is not intended that an SPTC be used to prolong the service of an individual who is not qualified to serve as a career officer. Since projected losses of noncareer officers have an impact on accession rates and other programed actions, such officers should not be encouraged to remain on active duty beyond their established DOS except in career status or as provided in paragraph (b) of this section.

(b) Eligible officers may apply for SPTC's within the following limitations:

(1) Judge advocates, chaplains, and officers of the Medical Service who do not have sufficient retainability to serve a prescribed tour may apply at the time they are selected for oversea assignment for an SPTC of the period necessary to meet the retainability requirement.

(2) Any noncareer officer may apply for an SPTC upon his selection for promotion to the grade of major, lieutenant colonel, or colonel to gain sufficient retainability to serve the active duty service commitment associated with his promotion.

(3) Noncareer officers who are ineligible for Career Reserve status under AFR 36-14 or for retention under subparagraph (b) (1) and (2) of this section, may apply for an SPTC if they believe their retention on active duty would be in the best interest of the Air Force. SPTC's submitted under this provision will be considered on their individual merits. They will not be approved unless it is sustained that the officer's service beyond his established DOS is clearly in the best interest of the Air Force. SPTC's under these circumstances must normally be submitted no earlier than 12 months nor later than 6 months before the established DOS and are generally limited to not more than 6 months' duration. (Exceptions: Officers with hardship reasons or those who require retainability to be considered or processed for Regular appointment may apply up to date of separation provided travel incident to separation has not been performed.)

(c) Once approved, the SPTC may not be withdrawn by the applicant. Approval of the SPTC does not preclude earlier separation when required by law or policy. The applicant is obligated to serve on AD for the period of the SPTC even when it exceeds an ADSC which he has incurred or may incur under Part 888c of this chapter.

(d) Once disapproved, the officer may not apply again for an SPTC unless he includes additional justification which was not previously submitted or considered.

§ 888f.4 Application procedures.

Section 888f.6 contains the rules for applying for SPTC's, processing procedures, and the designated approval/disapproval authority for each application.

(a) The SPTC will be submitted in the format shown in § 888f.7 in original and sufficient copies to meet the requirements of § 888f.6. Modification of the format for the purpose of adding conditional statements is not authorized. The first indorsement must include the recommendation of the officer's immediate commander or his designated representative.

(b) The CBPO/DPMQS will suspense a copy of the application and insure that the officer does not perform travel incident to separation or is not released from AD before receipt of final action by the designated authority. Separation orders, if published, will be revoked at the time the application is submitted. When final action is not received before the DOS, the CBPO will input a G format, PTI 430 (not eligible to separate), indicating an estimated DOS of not more than 30 days beyond the current DOS.

(c) The major command must provide specific comments and justification in support of its recommendation on all applications. Applications which are submitted to satisfy manning shortages must include comments by the major command of actions taken to remedy the situation. The major command will suspense a copy of the application and insure that the officer is not separated before final action is taken by the designated authority.

§ 888f.5 SPTC record entries.

(a) Upon approval of the application, the designated authority (§ 888f.6, Column C) will enter the new DOS in PDS-O and forward the SPTC to AFMPC/DPMDRR for file in the officer's Master Personnel Record Group.

(b) Upon disapproval of the application, the designated authority will inform the applicant's major command by indorsement thereto, or by separate letter or message. A copy of the application and all related correspondence will be forwarded by the disapproval authority to AFMPC/DPMDRR for file in the officer's Master Personnel Record Group.

(c) Major commands will expedite all PDS-O transactions and correspondence to the officer's CBPO.

(d) Upon receipt of approval action through PDS-O or disapproval correspondence, the CBPO/DPMQS will inform the officer of the final action taken on his application.

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§ 888f.6 SPTC application procedures.

Rule	A If officer is—	B Then he submits SPTC through immediate commander to CBPO/DPMQS who forwards—	C The approving/disapproving authority, which is—
1	Line of the Air Force.	To MAJCOM/DP (information cycle to numbered AF or comparable level) for recommendation and indorsement to.	AFMPC/DPMROC1 Randolph Air Force Base, Tex. 78148.
2	Judge advocate.	Through SJA of major subordinate command to major command/HC for recommendation and indorsement to.	HQ USAF/JAEC, Washington, D.C. 20330.
3	Chaplain.	Through HC of major subordinate command to major command/HC for recommendation and indorsement to.	HQ USAF/HCP, Washington, D.C. 20330 (note 1).
4	In the medical service and is attending basic orientation course (note 2).	To designated authority in Column C.	HQ School of Health Care Science, Sheppard Air Force Base, Tex. 76311.
5	In the medical service and is attending primary aerospace medical course (note 2).		HQ Aerospace Medicine Division, Brooks Air Force Base, Tex. 78235.
6	In the medical service other than in rule 4 or 5.	To major command/SG for recommendation and indorsement to.	AFMPC/SGC, Randolph Air Force Base, Tex. 78148.

NOTES: 1. Ecclesiastical indorsement from the applicant's religious agency is required and must be received in HQ USAF/HCP before action is completed on the SPTC.

2. Applies only to officers on initial tour of active duty. A copy of approved/disapproved SPTC correspondence will be forwarded to AFMPC/SGC. AFMPC/SGC will insure the new DOS is entered in PDS–O.

§ 888f.7 SPTC format.

From: (Organization identification).
Subject: Specified Period of Time Contract.
To: Immediate Commander, CBPO/DPMQS, in turn.

1. In accordance with AFR 36–94, I agree to remain on active duty until _____ (day) (month) _____, (year) unless relieved sooner under appropriate Air Force directives. My established DOS is now _____ (day) (month) (year).

2. I desire to remain on active duty for the following reason: (Include full details and justification to assure that the approving authority has all the facts upon which to base a decision.)

3. I understand and agree to the following:

a. This SPTC is subject to approval or disapproval by the designated authority in AFR 36–94. My established DOS may be extended until final action on this SPTC is taken by the designated authority.

b. I may not withdraw this SPTC after it has been approved by the designated authority and I accept the obligation to serve on action duty for the period of this SPTC, even though such period may exceed an ADSC incurred under AFR 36–51.

c. When required by law or policy, I may be involuntarily separated prior to the expiration of this SPTC.

Name, grade, SSAN _____
(Signature)

By order of the Secretary of the Air Force.

JOHN W. FAHRNEY,
Colonel, USAF, Chief, Legislative Division, Office of The Judge Advocate General.

[FR Doc.73–4486 Filed 3–12–73;8:45 am]

SUBCHAPTER K—MILITARY TRAINING AND SCHOOLS

PART 901a—APPOINTMENT TO THE U.S. AIR FORCE ACADEMY

PART 901b—DISENROLLMENT OF U.S. AIR FORCE ACADEMY CADETS

Subchapter K of Chapter VII of Title 32 of the Code of Federal Regulations is amended by replacing Part 901 with Parts 901a and 901b to read as follows:

Subpart A—Overall Provisions

Sec.
901a.0 Purpose.
901a.1 Appointment vacancies.
901a.2 Source of nominations.
901a.3 Basic eligibility requirements.
901a.4 Medical requirements to qualify for admission.
901a.5 Academic examination requirements.
901a.6 Physical aptitude examination requirement.

Subpart B—Nomination Requirements and Procedures

901a.7 Notice of nomination.
901a.8 Congressional, District of Columbia, and U.S. possessions.
901a.9 Regular (competitive).
901a.10 Reserve (competitive).
901a.11 Presidential (competitive).
901a.12 Vice Presidential.
901a.13 Sons of deceased or disabled veterans (competitive).
901a.14 Honor military and honor naval schools—college or university AFROTC—high school AFJROTC (competitive).
901a.15 Sons of Congressional Medal of Honor recipients.
901a.16 Citizens of the American Republic and the Philippines.
901a.17 Notification of change of address or station assignment.

Subpart C—Obligations of Cadet Appointment

901a.18 Obligations of cadet appointment.

AUTHORITY: 10 U.S.C. 903 and 10 U.S.C. 8012, except as otherwise noted.

Subpart A—Overall Provisions

§ 901a.0 Purpose.

(a) This part explains the methods of application, requirements and procedures for appointment to the Air Force Academy.

(b) Part 806 of this chapter states the basic policies and instructions governing the disclosure of records and tells members of the public what they must do to inspect or obtain copies of the material referenced herein.

§ 901a.1 Appointment vacancies.

Appointment vacancies are authorized by law to specific nominating authorities.

§ 901a.2 Sources of nomination.

(a) U.S. Senators and Representatives.

(b) Resident Commissioner of Puerto Rico; Governor of Puerto Rico; Governor of the Panama Canal Zone; Governor of American Samoa; Governor of Guam; Governor of the Virgin Islands; and the Delegate to the House of Representatives from the District of Columbia (Public Law 91–405).

(c) Air Force enlisted Regular competitive category.

(d) Air Force enlisted Reserve competitive category.

(e) Presidential competitive category.

(f) Vice Presidential category.

(g) Sons of deceased or disabled veterans competitive category.

(h) Honor military and honor naval schools, Air Force Reserve Officer Training Corps (AFROTC), and Air Force Junior Reserve Officer Training Corps (AFJROTC) competitive category.

(i) Sons of Congressional Medal of Honor recipients.

(j) Citizens of the American Republics and the Philippines—(Designated—To receive instructions—10 U.S.C. 9344 and 9345).

§ 901a.3 Basic eligibility requirements.

Each applicant: (a) *Age.* Must be at least 17 and not have passed his 22d birthday on July 1 of the year in which he enters the Academy. Appointees are required to legally substantiate their date of birth.

(b) *Citizenship.* Must be a male citizen of the United States. If an applicant is a citizen by naturalization, the following certificate is required, authenticated by a notary public or other persons authorized by law to administer oaths:

I certify that I have examined the certificate of (naturalization) (citizenship) of (candidate's first, middle and last name) and the following information was extracted therefrom:

Court name and location; certificate number; date of certificate; full name; place of birth; date of birth; and signature, notary public.

Address certificate to Associate Director of Admissions, U.S. Air Force Academy, Colorado 80840. Facsimilies or copies, photographs or otherwise, will not be made of naturalization certificates under any circumstances, as stated in 18 U.S.C. 1426(H).

(c) *Domicile.* If nominated by an authority designated in § 901a.2(a) or § 901a.2(b), he must be domiciled within the constituency of such authority.

(d) *Moral character.* Must be of highest moral character. Commanders will furnish information to USAFA/RRS, USAF Academy, Colorado 80840 on any military applicant or nominee whose official records indicate questionable background as follows:

(1) He is or has been a conscientious objector. In this case, an affidavit expressing his abandonment of such beliefs and principles so far as they pertain to his willingness to bear arms and to give full or unqualified military service to his country is required.

(2) Any facts which give reason to believe that his appointment may not be clearly consistent with the interests of national security.

(3) Conviction by court-martial for other than a "minor offense" (MCM, 1969, revised edition, paragraph 128b, page 26–1) or conviction of a felony in a civilian court.

(4) Elimination from any officer training program or any preparatory school of the Army, Navy, or Air Force academies for military inaptitude, indifference, or undesirable traits of character. This includes any person who resigned in the face of impending charges or who was eliminated by official action.

(5) Habitual intemperance and drug abuse (AFR 39–10 will be consulted when information on drug experimentation or use becomes known).

(6) Any behavior, activity, or associations tending to show that he is of questionable moral character or reputation.

(e) *Martial status.* Must never have been married. Cadets are not permitted to marry until after graduation.

§ 901a.4 Medical requirements to qualify for admission.

Each candidate must meet the physical requirements outlined in AFM 160–1 and AFR 160–13.

§ 901a.5 Academic examination requirements.

Each candidate must take either the College Entrance Examination Board tests (CEEB) or the American College Testing Program tests (ACT).

(a) *College Entrance Examination Board.* (1) If a candidate elects to use the CEEB tests, he must take the following tests:

(i) *Scholastic aptitude test.* (a) Verbal.

(b) Mathematics.

(ii) *Achievement tests.* (a) English composition.

(b) Level I (standard) Mathematics or Level II (intensive) Mathematics. (Select one—Level I recommended for candidates without advanced high school mathematics.)

(2) Makeup examination. A makeup administration of College Entrance Examination Board tests is held by examining centers at a time to be determined by USAFA/RRS. If, for some valid reason, a candidate is unable to take the tests on the regular testing dates, he may request authorization from USAFA/RRS to take them on the special makeup date. Supplies and instructions are furnished by the College Entrance Examination Board.

(b) *American College Testing Program tests.* If a candidate elects to use the ACT tests, he must take the complete battery of tests: English, mathematics, social sciences and natural sciences.

§ 901a.6 Physical aptitude examination requirements.

Each Air Force Academy candidate must take a physical aptitude examination consisting of four exercises designed to measure coordination, strength, endurance, speed, and agility. A list of test items is included in the USAFA Catalog. A candidate will usually be scheduled to take the physical aptitude examination at the same time he takes the qualifying medical examination.

Subpart B—Nomination Requirements and Procedures

§ 901a.7 Notice of nomination.

The Associate Director of Admissions, USAFA/RRS, notifies military applicants of their eligibility or ineligibility for nomination and provides admissions processing instructions. After an applicant is notified that he has been nominated, he will address all correspondence and send all required documents to USAFA/RRS, USAF Academy, Colorado 80840.

§ 901a.8 Congressional, District of Columbia, and U.S. possessions.

(a) A U.S. citizen domiciled in one of the 50 States may apply directly to the U.S. Senators of his State and the Representative of his congressional district. Persons domiciled in the District of Columbia apply to the Delegate to the House of Representatives from the District of Columbia. Persons domiciled in Puerto Rico apply to the Resident Commissioner. Such persons who are natives of Puerto Rico also may apply to the Governor. Sons of civilians residing in the Panama Canal Zone, or sons of civilian employees of the U.S. Government and the Panama Canal Company residing in the Republic of Panama, apply to the Governor of the Panama Canal Zone. Residents of American Samoa, Guam, and the Virgin Islands apply to their respective Governors.

(b) Congressional nominations are submitted by the nominating authorities between May 1 and January 31 for the class entering the following July. Send applications to the nominating authority before or early in the nominating period. Address all inquiries concerning status of applications to the nominating authority.

(c) The nominating authority forwards DD Form 1870, "Nomination for Appointment" (used by HQ USAF and Congressmen), for each nominee through HQ USAF/DPPAB, Washington, D.C. 20330, to USAFA/RRS, USAF Academy, Colorado 80840.

§ 901.9 Regular (competitive).

Appointments to fill vacancies from this category are made from candidates in order of merit. Applications must be submitted no later than January 31 for the class entering the following July.

(a) Any enlisted member of the Regular component of the Air Force may apply for nomination. Selectees must be in active enlisted status when appointed as cadets.

(b) A Reserve commissioned officer on extended active duty may apply for vacancies in the Regular military category. If selected, he must have his commissioned officer status terminated and be enlisted before appointment as an Air Force cadet. If a cadet in this category is separated without prejudice and under honorable conditions from the Air Force Academy, he may apply for reappointment as a commissioned officer.

(c) A regular category applicant arranges to have his high school transcript submitted to the Associate Director of Admissions, USAFA/RRS, and completes in triplicate AF Form 1786, "Application for Appointment to the U.S. Air Force Academy Under Quota Allotted to Enlisted Men of the Regular and Reserve Components to the Air Force," and submits it to his immediate commander who:

(1) Determines if the applicant meets the basic eligibility requirements. If disqualified, the application is returned and the applicant is informed of the reason.

(2) Records on AF Form 1786 the scores achieved on the Airman Classification Test (ACT) and the date of the examination. ACT scores recorded on AF Form 7, "Airman Military Record," may be used. If no score is available, the immediate commander arranges for administration of the test. Do not use the Airman Qualifying Examination scores unless applying for USAF Academy Preparatory School.

(3) Forwards by first indorsement the original and one copy of AF Form 1786 to USAFA/RRS, USAF Academy, Colorado 80840. The indorsement must include a complete comprehensive statement on the applicant's character, ability and background, plus the following statement: "Statements contained in this application regarding component, length of service, and date of birth have been verified from official records."

§ 901.10 Reserve (competitive).

Appointments to fill vacancies from this category are made from candidates in order of merit. Applications must be submitted no later than January 31 for the class entering the following July.

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(a) Any enlisted member of the Air Force Reserve or the Air National Guard of the United States (ANGUS) may apply for nomination.

(b) A Reserve commissioned officer who satisfactorily completes 1 year of service in an active Reserve assignment by July 1 of the year in which he seeks admission may apply for vacancies in the Reserve military category. If selected, he must have his commissioned officer status terminated and be enlisted in the Air Force Reserve before appointment as an Air Force Cadet. If a cadet in this category is separated without prejudice and under honorable conditions from the Air Force Academy, he may apply for reappointment as a commissioned Reserve officer.

(c) A Reserve category applicant arranges to have his high school transcript submitted to the Associate Director of Admissions, USAFA/RRS, completes AF Form 1786, and submits it to his organization commander. The organization commander processes the application. A Reserve applicant is not placed on active duty to be processed for nomination or appointment to the Air Force Academy.

§ 901a.11 Presidential (competitive).

(a) The son of a Regular or Reserve member of the Armed Forces of the United States is eligible for nomination if:

(1) His parent is on active duty and has completed 8 years of continuous active duty service (other than for training) by July 1 of the year that the candidate would enter the USAF Academy; or

(2) His parent was retired with pay or was granted retired or retainer pay (sons of Reservists retired while not on active duty status are ineligible); or

(3) His parent died after retiring with pay or after being granted retired or retainer pay (sons of deceased Reservists who were retired while not on active duty status are ineligible); or

(4) He does not meet the eligibility requirements for the Sons of Deceased or Disabled Veterans (SODDV) appointment category. (By law, a person eligible for appointment consideration under the SODDV category may not be a candidate in the Presidential category.) An adopted son is eligible if adoption proceedings were initiated before his 15th birthday.

(5) An eligible individual may apply to USAFA/RRS, USAF Academy, Colorado 80840, requesting nomination. The nominating period opens on May 1 and closes December 15. Applicants must not write directly to the President of the United States, since these applications are processed by the Air Force Academy.

§ 901a.12 Vice Presidential.

(a) Any individual who meets the basic eligibility requirements of § 901a.3 may apply for a nomination to the Vice President, U.S. Senate, Washington, D.C. 20510. The Vice President may submit nominations to the Academy between May 1 and September 1 for the class entering the following July.

(b) It is important to submit a request for nomination before or early in the nominating period. Address all inquiries concerning status of application to the nominating authority.

§ 901a.13 Sons of deceased or disabled veterans (competitive).

(a) The son of a deceased or disabled member of the Armed Forces of the United States is eligible for nomination if:

(1) His parent was killed in action or died of wounds or injuries received or diseases contracted in active service, or preexisting injury or disease aggravated by active service.

(b) An individual eligible for a nomination in this category may submit a written request to USAFA/RRS, USAF Academy, Colorado 80840. The nominating period opens on May 1 and closes on December 15.

§ 901a.14 Honor military and honor naval schools—college or university AFROTC—high school AFJROTC (competitive).

(a) *Honor military and honor naval schools.* (1) Three honor graduates or prospective honor graduates from each designated honor military and honor naval school may be nominated to fill the vacancies allocated to such schools. Vacancies are filled in the order of merit, regardless of the schools from which the nominations are made. Appropriate school authorities must certify that each nominee is a prospective honor graduate or an honor graduate and meets the basic eligibility requirements listed in § 901a.3.

(2) Use forms provided by the Academy to submit nominations to USAFA/RRS, USAF Academy, Colorado 80840. Make nominations no later than January 31 for the class entering the following July. Nominations are not limited to honor graduates of the current year. An individual eligible for nomination in this category applies to the administrative authority of his school.

(b) *College or university AFROTC and high school AFJROTC.* (1) Three students from each college or university AFROTC unit may be nominated to compete for the vacancies allocated to this category. Vacancies are filled in the order of merit. The college or university student applies for nomination to the professor of aerospace studies, who must certify that the applicant meets the basic eligibility requirements listed in § 901a.3, and will have completed satisfactorily 1 year of scholastic work at the time the class for which he is applying enters the Academy. The professor of aerospace studies uses the form provided by the Academy to recommend for nomination the three best qualified applicants to the president of the educational institution in which the AFROTC unit is established. The president of the institution submits the nominations to USAFA/RRS, USAF Academy, Colorado 80840, by January 31 of the year in which the applicant desires appointment.

(2) Three students from each high school AFJROTC unit may be nominated to compete for the vacancies allocated to this category. Vacancies are filled in the order of merit. The high school student applies for nomination to the aerospace education instructor, who must certify that the applicant meets the basic eligibility requirements listed in § 901a.3, and, by the end of the school year, will have successfully completed the prescribed AFJROTC program. The aerospace education instructor uses the forms provided by the Academy to recommend for nomination the three best qualified applicants to the principal of the high school in which the AFJROTC unit is established. The principal of the high school submits the nominations to USAFA/RRS, USAF Academy, Colorado 80840, by January 31 of the year in which the applicant desires appointment.

§ 901a.15 Sons of Congressional Medal of Honor recipients.

(a) The son of any Congressional Medal of Honor recipient who served in any branch of the Armed Forces may apply for nomination. If an applicant meets the eligibility criteria and qualifies on the entrance examinations, he is admitted to the Academy.

(b) An applicant must write to USAFA/RRS, USAF Academy, Colorado 80840, requesting a nomination in this category. The nominating period opens on May 1 and closes on January 31.

§ 901a.16 Citizens of the American Republics and the Philippines.

(a) These persons may apply for designation to receive instruction at the Air Force Academy. The Academy is authorized to provide instruction to as many as 20 persons at any one time from the American Republics. However, not more than three students from one republic may receive instruction at the same time. In addition, one student from the Republic of the Philippines may be admitted in each entering class. A citizen of an American Republic must apply to the government of his own country. A Filipino applies to the President of the Republic of the Philippines.

(b) The application should contain complete particulars about his background and should be submitted at least a year before the time of desired admission to the Academy. Applicants in these categories must meet the eligibility requirements established for all Academy candidates and must be able to read, write, and speak English proficiently.

§ 901a.17 Notification of change of address or station assignment.

Each applicant or nominee is personally responsible for notifying USAFA/RRS, USAF Academy, Colorado 80840, of every change of address or station assignment. Notifications must include complete name, grade, social security account number, and new organization or unit to which assigned. Reassignment of military personnel to any duty station must not be delayed pending action by USAFA/RRS.

Subpart C—Obligations of Cadet Appointment

§ 901a.18 Obligations of cadet appointment.

Upon admission each cadet will be required to take the following Oath of Allegiance:

I, ---------- (name), having been appointed an Air Force Cadet in the U.S. Air Force, do solemnly swear (or affirm) that I will support and defend the Constitution of the United States against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; that I take this obligation freely, without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties of the office on which I am about to enter. So help me God.

(a) A cadet who enters the Air Force Academy directly from civilian status and takes an oath of allegiance as a cadet assumes a military service obligation of 6 years.

(b) Each cadet will be required to sign an agreement, with the consent of his parents or guardian if he is a minor, that he will fulfill these obligations:

(1) Complete the Academy course of instruction, unless he is disenrolled from the Academy by competent authority.

(2) Accept an appointment and serve as a commissioned officer in a Regular component of one of the armed services for 5 years.

(3) If authorized to resign from the Regular component before the sixth anniversary of his graduation, serve as a commissioned officer in the Reserve component until the sixth anniversary.

(4) If disenrolled from the Academy before graduation, he will be subject to the separation policies which apply to all service academies. Application of these policies will be governed by the Department of Defense requirements for the Active and Reserve components and the national manpower needs of selective service. (See Part 901b of this chapter.)

Part 901b is to read as follows:

Subpart A—Overall Provisions

Sec.
901b.0 Purpose.
901b.1 Authority for disenrollment and discharge or transfer.
901b.2 Definitions.
901b.3 Types of separation/discharge.
901b.4 Discharge/separation documents.
901b.5 Processing of disenrolled cadet with no prior service.
901b.6 Separation processing for prior-service cadets.
901b.7 Grade awarded.
901b.8 Boards and committees involved in evaluating and disenrolling cadets.

Subpart B—Resignation

901b.9 Policy on accepting resignations.
901b.10 Resignation.
901b.11 Resignation tendered by cadet.
901b.12 Resignation instead of action under Subpart E of this part.
901b.13 Resignation for good of the service.

Subpart C—Disenrollment of Deficient Cadets

901b.14 Disenrollment for deficiency.
901b.15 Willful or nonwillful determination of the deficiency.
901b.16 Deficiency in conduct.
901b.17 Deficiency in aptitude.
901b.18 Deficiency in studies.

Subpart D—Serious Offenses Under Uniform Code of Military Justice (UCMJ)

901b.19 Disposition of serious cases.

Subpart E—Disenrollment for Misconduct or Conduct Incompatible With Exemplary Standards of Personal Conduct, Character, and Integrity

901b.20 Disposition of misconduct cases.
901b.21 Notice to cadet of board action.
901b.22 When board action is considered appropriate.
901b.23 Character of separation discharge.

Subpart F—Disposition of Cadets for Medical Reasons

901b.24 Disposition of cadets found medically disqualified.

Subpart G—Procedures

901b.25 Nonadversary proceedings.
901b.26 Board action.
901b.27 Request for assignment.

AUTHORITY: 10 U.S.C. 516, 651, 8012, 9342, 9349, 9351, 9352, and 9353.

Subpart A—Overall Provisions

§ 901b.0 Purpose.

(a) This part explains the procedures for separation or discharge of those Air Force Academy cadets disenrolled before being commissioned.

(b) Part 806 of this chapter states the basic policies and instructions governing the disclosure of records and tells members of the public what they must do to inspect or obtain copies of the material referenced herein.

§ 901b.1 Authority for disenrollment and discharge or transfer.

(a) Disenrollment or discharge authority for cadets of the U.S. Air Force Academy is not specifically set forth in the statutes. However, 10 U.S.C. 9351 provides that a cadet who is reported as deficient in conduct or studies and recommended to be discharged from the Academy may not, unless recommended by the Academy Board, be returned or reappointed to the Academy; 10 U.S.C. 9353 confers authority upon the Secretary of the Air Force to determine conditions upon which cadets will be graduated from the Academy; and 10 U.S.C. 9342 provides that "all cadets are appointed by the President." Accordingly, involuntary separation/discharges other than for medical reasons are effected by order of the Secretary of the Air Force, acting for the President, upon recommendation of the Academy Board. The Academy Board will evaluate cases reported to it by the Commandant (deficiency in conduct and deficiency in aptitude for commissioned service), by the Dean (deficiency in academics) or by a board of officers convened pursuant to Part 866.

(b) Title 10 U.S.C. 516, 651, 9348b, and Department of Defense directives and instructions provide the policy guidance: The secretaries of the military departments will develop procedures covering the separation of cadets or midshipmen or graduates of the service academies consistent with the following:

(1) *General.* (i) A cadet entering a service academy directly from a civilian status assumes a military service obligation for 6 years. A cadet failing to fulfill his agreement (which includes completing the course of instruction and accepting a commission) may be transferred to the respective Reserve component in an appropriate enlisted status and may be ordered to active duty for a period of time not to exceed 4 years.

(ii) A cadet who enters a service academy from the Regular or Reserve component of any military service and fails to fulfill his agreement will revert to his former status for the completion of any prior service obligation upon separation from cadet status. However, completion or partial completion of service obligation acquired by prior enlistment in no way exempts a separated cadet from being transferred to a Reserve component and ordered to active duty.

(iii) A cadet separated from a service academy because of demonstrated unsuitability, unfitness, or physical disqualification for military service will be discharged as prescribed in current regulations.

(iv) A cadet tendering a resignation will be required to state a specific reason for his action. However, prior to final determination, each case will be considered under the criteria established by the service to determine if the circumstances fall within "demonstrated unfitness or unsuitability for military service."

(2) *Criteria.* The following specific policies apply except for cadets reverted to former enlisted status:

(i) *Fourth and third classmen (first and second years).* Any fourth or third classman who is separated, or whose resignation is accepted will be discharged as prescribed in current regulations. (A resignation tendered by a fourth or third classman will be accepted if it is in the best interests of the service.)

(ii) *Second and first classmen (third and fourth years).* (a) A second classman separated before the commencement of the second class academic year will be discharged.

(b) With the commencement of the second class academic year, a second or first classman separated before completing the course of instruction, except for physical disqualifications, unfitness, or unsuitability will normally be transferred to the Reserve component in an enlisted status and ordered to active duty. The period of active duty is normally 2 years for a cadet separated after the commencement of the second class academic year and 3 years if separation occurs after the commencement of the first class academic year.

(c) If separation occurs as a result of deficiencies that are not considered will-

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ful, the active duty provision may be waived.

(*d*) Any first classman who completes the course of instruction and declines to accept an appointment as a commissioned officer will be transferred to the Reserve component in an enlisted status and ordered to active duty for 4 years.

(3) *Agreements.* The agreement statements signed by all entering fourth classmen will contain the active duty and discharge provisions of this subpart.

(4) *Change in status notification.* When a cadet is separated from a service academy, the Selective Service System will be notified of his change in status.

§ 901b.2 Definitions.

(a) *Academic probation.* The academic status of a cadet who at any progress or grade report fails to achieve a satisfactory academic standing as determined by the appropriate class committee.

(b) *Aptitude for commissioned service.* The personality, capacity, and inclination (either natural or acquired) to adapt to military relationships, customs, and responsibilities that have become traditional and necessary in the military service; and the strength of character and willingness to accept those limitations on freedom of individual action that the traditional structure and legal status of military service imposes upon its members.

(c) *Aptitude probation.* The status of a cadet who has serious deficiencies in aptitude for commissioned service as determined by the Commandant of Cadets.

(d) *Conduct.* The measurement of a cadet's inclination to abide by necessary directives and restrictions. The Commandant will operate a conduct evaluation system to determine each cadet's conduct status. This system will assess corrective measures for minor offenses not warranting punitive action under the Uniform Code of Military Justice.

(e) *Conduct probation.* The status of a cadet whose conduct has raised serious doubts concerning his qualification to remain a cadet, as determined by the Commandant of Cadets.

(f) *Discharge.* A complete severance from all military status—active or otherwise.

(g) *Disenrollment.* Termination of cadet status. Disenrollment does not in itself terminate other military obligations.

(h) *Fraudulent entry.* A deliberate, material misrepresentation, omission, or concealment of a fact requested or required to be stated by the individual as part of his application to a nominating authority or any document provided to the Director of Admissions which, if truly stated, might have resulted in his nonselection for admission to the Air Force Academy.

(i) *Misconduct.* The commission of an act triable by city, State, Federal, or military jurisdiction.

(j) *Resignation.* As used herein, refers to resignation from cadet status. If a resignation is accepted, the cadet status is terminated, and he will either be discharged or transferred as provided in § 901b.1(b).

(k) *Separation.* Refers to disenrollment and transfer to another component of the military service.

(l) *Willful deficiency.* As used herein, refers to intentional acts of commission or omission on the part of the cadet resulting in a report by the Commandant's Board or a class committee that the cadet is deficient in conduct, aptitude, or studies.

(m) *Beginning of academic year.* "Call to quarters" of the evening of the day preceding the first day of the fall academic semester.

§ 901b.3 Types of separation/discharge.

A separation or discharge will be one of the following:

(a) *Honorable.* When it is determined that the record of the cadet concerned warrants the highest type of separation or discharge.

(b) *Under honorable conditions.* When it is determined that the record of the cadet concerned is not sufficiently meritorious to warrant an honorable separation or discharge, but is not of such nature that a separation or discharge under other than honorable conditions is warranted. Normally, a cadet will be separated or discharged under honorable conditions when the reason for separation involves moral or professional dereliction within the control of the individual which is not triable by court-martial, or if triable, probably would not result in dismissal.

(c) *Under other than honorable conditions.* When it is determined that the record of the cadet concerned does not warrant other than the least desirable administrative separation or discharge. Normally, a cadet will be separated or discharged under other than honorable conditions when the reason for separation or discharge involves moral or professional dereliction within the control of the individual which, if triable, probably would result in dismissal.

§ 901b.4 Discharge/separation documents.

Each cadet whose separation is effected under this part will be furnished appropriate separation documents unless the Secretary of the Air Force directs that a separation document not be issued.

(a) *Discharge certificates.* Three types of discharge certificates are authorized for issuance to cadets:

Type of discharge	*Type of certificate*
Honorable	DD Form 256AF, "Honorable Discharge."
Under honorable conditions.	DD Form 257AF, "General Discharge."
Under other than honorable conditions.	DD Form 794AF, "Discharge."

(b) *DD Form 214, "Armed Forces of the United States Report of Transfer or Discharge."* This document will be issued to each cadet disenrolled and discharged and to each cadet disenrolled and transferred.

§ 901b.5 Processing of disenrolled cadets with no prior service.

(a) If a cadet is disenrolled before beginning the second class academic year, he will be discharged. The appropriate Selective System board is notified of the cadet's disenrollment by means of DD Form 44, "Record of Military Status of Registrant." Include in item 12, "Remarks," "Cadet is eligible for service under appropriate Selective Service directives. Cadet has no prior active military service."

(b) If a cadet is disenrolled after beginning the second class academic year for other than physical disqualifications, unfitness, or unsuitability for military service and the active-duty provisions has not been waived, he is administered the Airman Classification Test (ACT) and the Apprentice Knowledge Test (AKT) in a selected specialty to provide a standard basis for the award of an Air Force Specialty Code (AFSC) in the bypass specialty category.

(1) If the cadet passes successfully the AKT, an AFSC at the three level may be awarded, the cadet transferred to the Air Force Reserve, and ordered to duty in the awarded specialty for a period of time specified in § 901b.1(b).

(2) If the cadet does not achieve a qualifying score on the AKT, he may be awarded an AFSC at the one level, receive either a directed duty assignment (DDA) to an operational squadron or an assignment to a technical training school, be transferred to the Air Force Reserve in an enlisted status and ordered to active duty for a period of time specified in § 901b.1(b). Orders are issued by the United States Air Force Academy.

§ 901b.6 Separation processing for prior-service cadets.

(a) A cadet who was a member of a Regular or Reserve component of the Armed Forces of the United States on entry into the Academy and who is disenrolled for other than physical disqualifications, unfitness, or unsuitability for military service before beginning the second class academic year, he will revert to his former status for the completion of any prior service obligation. Exception: If his initial enlistment has expired (or is within 180 days of expiration), he will be reassigned to the Reserve component (not on extended active duty) of the same armed service in which he served as an enlisted man. If a cadet's prior service was not with the Air Force and he is disenrolled for physical disqualifications, unfitness, or unsuitability report this fact to the appropriate service with a request for instructions.

(b) A cadet in this category who has begun his second class academic year is processed the same as a nonprior service cadet. If his prior service was not with the Air Force, request the pertinent service secretary to separate the cadet from his former status so that he may be processed under this part. If such separation is denied, he will revert to his former status to complete any prior service obligation.

§ 901b.7 Grade awarded.

Former cadets ordered to active duty upon disenrollment may be awarded in the separation order the grades shown below (unless entitled to a higher grade):

(a) Second Classmen—E–3.

(b) First Classmen—E–4. (Must qualify at the five-skill level AFSC not later than 1 year after award of three-skill level AFSC.)

§ 901b.8 Boards and committees involved in evaluating and disenrolling cadets.

Various boards and committees, operating from the cadet unit level to the Secretary of the Air Force level, evaluate and counsel cadets on potential deficiencies, minimum standards, rehabilitation, and when necessary, disenrollment from the cadet wing and discharge or transfer. Pertinent boards and committees are:

(a) *The Academy Board.* This board performs certain statutory functions (10 U.S.C. 9351) and has other responsibilities stated in AFR 53–30, which also defines its composition and authority.

(b) *The Commandant's Board.* This is a board appointed by the Commandant of Cadets. The Commandant's Board makes findings and recommends to the Commandant the disposition of cadets considered for alleged deficiency in conduct and deficiency in aptitude for commissioned service. If the Commandant concurs with the findings and recommendations of the Commandant's Board, for disenrollment, he will indorse a record of its proceedings to the Academy Board for evaluation and disposition. In addition to the Commandant's Board, the Commandant may appoint other boards and committees to assist in evaluating cadets whose conduct or aptitude for commissioned service may be in question.

(c) *The class committees.* The class committees for the first, second, third, and fourth classes are subcommittees of the Academy Board. The appropriate class committee evaluates cadets whose academic achievement is questionable and makes recommendations to the Academy Board pertinent to the disposition of cadets found deficient in studies.

(d) *Boards of officers appointed under Part 866 of this chapter.* These boards will hear cases and make recommendations as prescribed herein.

Subpart B—Resignation

§ 901b.9 Policy on accepting resignations.

The right of a cadet to resign from the Air Force Academy is subject to certain restrictions. 10 U.S.C. 9348 requires each entering cadet who is a citizen or national of the United States to sign an agreement that he will complete the course of instruction at the Academy. The acceptance of a resignation is a discretionary executive act. A resignation from the Academy may entail a period of active military service.

§ 901b.10 Resignation.

Each resignation will contain a complete statement of the reasons for which submitted and, when appropriate, have attached documentary evidence to substantiate the reasons given. The Academy Superintendent will forward, with his recommendation, the resignation submitted under this subpart to the Secretary of the Air Force.

(a) If a cadet has had prior service, the Superintendent will normally recommend to the Secretary of the Air Force that a fourth or third classman be discharged or transferred to the cadet's prior military component.

(b) If a cadet resigns voluntarily after he commences the second class academic year (third year) and before the beginning of his first class academic year (fourth year), the Superintendent will normally recommend that he be called to active duty for 2 years.

(c) If a cadet resigns voluntarily after the beginning of his first class academic year, the Superintendent will normally recommend that he be called to active duty for 3 years.

§ 901b.11 Resignation tendered by cadet.

A cadet may tender a resignation for any reason listed below unless he is officially notified that action to separate him under Subpart C, D, or E, of this part has been initiated. If his resignation is accepted, he will be discharged honorably or transferred to the Air Force Reserve in an appropriate grade and ordered to active duty under § 901b.-10. The Superintendent's Resignation Review Committee will evaluate each resignation tendered under this Subpart B.

(a) Academics.
(b) Environmental adjustment.
(c) Change of career goals.
(d) Personal reasons.
(e) Marriage.
(f) Breach of cadet honor code. When the cadet has been notified officially that he may resign voluntarily under this section.
(g) Hardship. The current provisions for evaluating airman hardship cases will be generally followed (documentation requirements, etc.).
(1) If the substantiated conditions are such that the cadet's temporary assistance will eliminate the problem, he will be considered for administrative turnback to a subsequent class.
(2) If the conditions are permanent, the cadet will be considered for separation or discharge as appropriate.
(3) If separation/discharge is considered appropriate, the Superintendent will forward the case, with documents substantiating the hardship, to the Secretary of the Air Force with his recommendation.

§ 901b.12 Resignation instead of action under Subpart E of this part.

A cadet who receives official notification that action has been initiated under Subpart E of this part may tender his resignation under this section with the understanding that, if accepted, he will be discharged under honorable conditions or transferred unless the Secretary of the Air Force directs that the cadet be honorably discharged or transferred, or discharged under other than honorable conditions.

§ 901b.13 Resignation for good of the service.

A resignation tendered under this section will be with the understanding that the cadet will be discharged under other than honorable conditions unless the Secretary of the Air Force determines that he is entitled to be honorably discharged, discharged under honorable conditions, or retained in the Air Force and transferred.

(a) A cadet whose conduct has rendered him triable by city, State, Federal, or military jurisdiction may tender his resignation for the good of the service under this section, whether or not court-martial charges have been preferred.

(b) A cadet whose conduct has rendered him subject to discharge may tender his resignation for the good of the service under this section.

Subpart C—Disenrollment of Deficient Cadets

§ 901b.14 Disenrollment for deficiency.

A cadet will be disenrolled under this subpart if he is reported deficient in conduct, aptitude, or studies under the procedures stated in §§ 901b.16, 901b.17, or § 901b.18 and is recommended for disenrollment by the Academy Board. A cadet so recommended for disenrollment may not be returned or reappointed to the Academy unless recommended by the Academy Board (10 U.S.C. 9351). If the Academy Board recommends disenrollment, the Superintendent will forward the case to the Secretary of the Air Force, together with his recommendation on whether active duty for a second or first class cadet should be waived. A cadet disenrolled under this subpart and discharged will receive an honorable discharge.

§ 901b.15 Willful or nonwillful determination of the deficiency.

The willful (intentional) aspects of any deficiency resulting in disenrollment under this subpart will be evaluated by the board or committe initially recommending disenrollment, and the findings will be reported to the Academy Board. A statement will be included in the findings of the board or committee that, in the best judgment of a majority of the voting members, the deficiency resulting in the recommendation for disenrollment was either willful or nonwillful. If the Academy Board recommends disenrollment, the Superintendent, in forwarding the Academy Board's recommendation to the Secretary of the Air Force will consider the willfulness or nonwillfulness of the deficiency in recommending whether active duty for a second or first class cadet should be waived.

§ 901b.16 Deficiency in conduct.

Under the Commandant of Cadets, the cadet disciplinary system identifies, counsels, and attempts to rehabilitate

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those cadets who, by acts of omission or commission, indicate questionable qualification for continuing in cadet status and eventual commissioned service. The excessive demerit system, the Commandant's Disciplinary Board, and conduct probation are examples of identification and rehabilitation procedures available to the Commandant in administering the conduct system.

(a) If the Commandant determines that a cadet's pattern of conduct (for example, as evidenced by excessive demerits) is such that he should be required to show cause for retention, but not of such serious nature as to require processing under Subpart D or E of this part, the cadet will be given the opportunity to appear before the Commandant's Board. If he declines to avail himself of the opportunity to show cause for retention, he will (after consultation with legal counsel) furnish the recorder of the Commandant's Board a statement that he understands that, without evidence to the contrary, the Commandant's Board will consider the evidence against him as a prima facie case.

(b) If the commandant concurs in the findings and recommendations of the commandant's Board, he will send its report to the Academy Board for its recommendation concerning disenrollment.

(c) During basic cadet training (BCT), the commandant, based on acts of omission or commission by a basic cadet (absence without leave, gross contempt for authority, etc.) may, after documenting the case fully, report it directly to the Academy Board with a recommendation for disenrollment because of deficiency in conduct.

§ 901b.17 Deficiency in aptitude.

A cadet who has indicated potential deficiencies in aptitude for commissioned service will normally be placed on aptitude probation. During the period of the probation, the cadet will receive counseling and guidance as directed by the commandant to help him overcome his deficiencies.

(a) If after a period of aptitude probation, a cadet is considered deficient, he will be given the opportunity to appear before the commandant's Board to show cause for retention as a member of the cadet wing. If he declines to avail himself of the opportunity to show cause for retention, he will (after consultation with legal counsel) furnish the recorder of the commandant's Board a statement that he understands that, without evidence to the contrary, the commandant's Board will consider the evidence against him as a prima facie case and will send its findings and recommendations to the commandant of cadets with a recommendation for disenrollment.

(b) If the commandant concurs, he will send the case proceedings to the Academy Board for its recommendation concerning disenrollment.

§ 901b.18 Deficiency in studies.

A cadet deficient in studies will be considered by the appropriate class committee. If that committee determines that the cadet should be disenrolled because of failure to meet minimum Academy academic standards at the end of any semester, it will report the deficiency and send its recommendation to the Academy Board. If upon review of the case the Academy Board concurs, it will recommend disenrollment.

Subpart D—Serious Offenses Under Uniform Code of Military Justice (UCMJ)

§ 901b.19 Disposition of serious cases.

Evidence of serious offenses under the UCMJ (offense(s)) for which dismissal of a cadet would likely be adjudged if tried by court-martial will be immediately reported to the commandant of cadets and the superintendent and, unless directed otherwise by the superintendent, the commandant will conduct an investigation under UCMJ, chapter VII. Upon completion of the investigation, the commandant will forward the report of investigation to the Superintendent with his recommendations. He may recommend that:

(a) No further action be taken because evidence of an offense is insufficient.

(b) The matter be referred to the commandant's disciplinary board because the nature of the offense(s) does not warrant consideration for dismissal.

(c) The case be referred for trial by court-martial.

(d) The case be referred to a board of officers as provided for in § 901b.21.

Subpart E—Disenrollment for Misconduct or Conduct Incompatible With Exemplary Standards of Personal Conduct, Character, and Integrity

§ 901b.20 Disposition of misconduct cases.

When information is received indicating that a cadet has conducted himself in a manner which, if the information is confirmed, would make his qualifications for continuation as a cadet doubtful, but the conduct would not warrant trial by court-martial, the Commandant will cause the case to be investigated. If, in the opinion of the Commandant, the investigation discloses evidence indicating the cadet is disqualified for continued cadet status, he will forward the case to the Superintendent recommending referral to a board of officers.

§ 901b.21 Notice to cadet of board action.

If the Superintendent determines that referral of the case to a board of officers convened pursuant to Part 866 of this chapter is appropriate, the cadet will be furnished notification.

(a) If the cadet does not waive a board, the case will be referred to a board of officers composed of not less than three nor more than five commissioned Air Force officer members, at least one of whom will be serving in the grade of colonel. A field grade judge advocate will be appointed as a legal advisor to the board (without vote), and a commissioned officer will be appointed as a recorder (without vote). The board will make findings of facts which will be sent to the Academy Board for its review and determination of whether the cadet remains qualified as a candidate for graduation from the Academy. If the Academy Board recommends disenrollment from the cadet wing, the case will be returned to the board of officers to hear evidence bearing on the character of discharge or separation and make recommendations thereon. The cadet will be afforded an opportunity to appear before the board with counsel and present such statements or evidence as he may desire. Thereafter, the superintendent will forward the record, together with his recommendations on the type of discharge, to the Secretary of the Air Force.

(b) If the cadet waives a hearing before a board of officers on the facts, the case will be presented to the Academy Board for its determination as provided in paragraph (a) of this section. The cadet may submit a written statement to the Academy Board for its consideration even though he has waived a hearing by a board of officers. If the Academy Board recommends disenrollment, the case will be referred to a board of officers to hear evidence bearing on the character of discharge as in paragraph (a) of this section.

§ 901b.22 When board action is considered appropriate.

Action under § 901b.21 is appropriate if substantial evidence indicates that any of the circumstances of this section or similar circumstances exist:

(a) Conduct incompatible with exemplary standards of personal conduct, character, and integrity. This is evidenced by the existence of one or more of the following or similar circumstances:

(1) Advocacy of political or ethical beliefs which would preclude fulfillment of the commissioning oath.

(2) Breach of the Cadet Honor Code.

(3) Repeated and dishonorable failure to meet financial obligations.

(4) Use or possession of narcotics or dangerous drugs; or excessive or illegal use of alcoholic beverages.

(5) Willful failure to meet minimum standards of academic or military proficiency.

(6) Repeated failure to meet required formations or other military duties, either willfully or through gross indifference.

(7) Loss, destruction, or waste of Government property under circumstances indicating a gross disregard for public property.

(8) Repeated commission of minor offenses not warranting trial by court-martial.

(9) Indecent and lewd acts and acts of sexual perversion including transvestism.

(b) Conviction by a civil court of any offense for which confinement for more than 1 year is an authorized punishment in the table of maximum punishments in the MCM 1969 (revised edition).

(c) Information received indicates that the retention of a cadet may not be consistent with the interests of national security. The facts and circumstances

will be reported to the local office of special investigation (OSI) and an investigation by that office will be requested. On receipt of the report of investigation, action will be taken as outlined in AFR 35–62.

(d) Conduct prescribed in AFR 36–2.

(e) Hazing. If the cadet requests in writing a trial by general court-martial, he may not be separated except under sentence of such court (10 U.S.C. 9352).

(f) Court - adjudicated paternity claims, when the cadet has not tendered a resignation. A cadet referred under this paragraph will, if recommended for disenrollment, normally be recommended for an honorable discharge/separation.

(g) Fraudulent entry.

§ 901b.23 Character of separation/discharge.

A cadet whose disenrollment is approved as a result of action under this subpart will be separated or discharged under honorable conditions unless the Secretary of the Air Force determines that he is entitled to an honorable separation or discharge or that he should be discharged under other than honorable conditions.

Subpart F—Disposition of Cadets for Medical Reasons

§ 901b.24 Disposition of cadets found medically disqualified.

(a) If the cadet is found by a Cadet Medical Evaluation Board (CMEB) not qualified for initial commission under AFM 160–1 and is not retainable in the Air Force Academy under the commission with waiver criteria and has no other military status then, upon approval of the CMEB findings by the Secretary of the Air Force, the cadet will be discharged.

(b) If the cadet who has no other military status is found by a CMEB not qualified for initial commission, but is commissionable with waiver elects to disenroll, then upon approval of board findings by the Secretary of the Air Force, the cadet will be processed in accordance with the administrative procedures of § 901b.5. If the cadet has had prior service in a component of the armed forces and is determined to be qualified medically for worldwide duty, then upon approval of the CMEB findings by the Secretary of the Air Force, he will be separated in accordance with the administrative procedures of § 901b.6.

(c) If the cadet found by a CMEB not qualified medically for initial commission (including commission with medical waiver) is also found deficient for worldwide duty, he will normally be discharged medically, regardless of any former Air Force status. If the cadet found deficient medically for commission (including commission with medical waiver) has status with another military department, his case will be sent, after approval of the CMEB finding by the Secretary of the Air Force, to the military service concerned for disposition.

(d) If the cadet found by a CMEB not qualified medically for initial commission (including commission with medical waiver) has status with an Air Force component and is determined to be qualified medically for worldwide duty then, upon approval of the CMEB findings by the Secretary of the Air Force, he will revert to his prior Air Force component.

(e) The U.S. Air Force Academy will effect final discharge/reassignment processing.

Subpart G—Procedures

§ 901b.25 Nonadersary proceedings.

Disenrollment for conduct and aptitude authorized in §§ 901b.16 and 901b.17 are informal, nonadversary proceedings. In such cases a cadet will be apprised of the specific allegations against him and given an opportunity, after consultation with legal counsel, to submit matters in his defense. However since the Government is not represented by legal counsel at the disenrollment proceedings, the cadet will not be entitled to legal representation at such proceedings. In instances involving deficiencies in studies (§ 901b.18), the case will be reported by the appropriate class committee directly to the Academy Board for disposition without preliminary notice or hearings. The cadet in these cases is not entitled to appear personally or through counsel before the Academy Board.

§ 901b.26 Board action.

If a cadet is recommended for separation for any reason other than those specified in § 901b.16, § 901b.17, § 901b.18, or § 901b.24, and has not tendered a resignation, the case will be referred to a board of officers appointed by the Superintendent convened pursuant to Part 866 of this chapter, to hear evidence and make findings in fact. If requested, the cadet concerned will be granted a personal hearing before such board, either with or without counsel, as desired by the cadet.

§ 901b.27 Request for assignment.

Assignment requests of disenrolled cadets reverting to Air Force enlisted status with concurrent call to extended active duty will be submitted to USAFMPC/DPMRAA.

By order of the Secretary of the Air Force.

JOHN W. FAHRNEY,
Colonel, USAF, Chief, Legislative Division, Office of The Judge Advocate General.

[FR Doc.73-4487 Filed 3-12-73;8:45 am]

Title 7—Agriculture

CHAPTER IX—AGRICULTURAL MARKETING SERVICE (MARKETING AGREEMENTS AND ORDERS; FRUITS, VEGETABLES, AND NUTS), DEPARTMENT OF AGRICULTURE

PART 947—IRISH POTATOES GROWN IN MODOC AND SISKIYOU COUNTIES, CALIF., AND IN ALL COUNTIES IN OREGON EXCEPT MALHEUR COUNTY

Subpart—Rules and Regulations

REAPPORTIONMENT OF COMMITTEE MEMBERSHIP

Preamble—This reapportions the Oregon-California Potato Committee members among districts to provide more equitable representation by shifting one producer member from District No. 1, where production has declined, to District No. 2 where production is much larger.

Notice of rule making was published in the February 14, 1973, FEDERAL REGISTER (38 FR 4407), regarding the proposed reapportionment of committee membership to be effective under Marketing Agreement No. 114 and Order No. 947, both as amended (7 CFR Part 947). They regulate the handling of Irish potatoes grown in Modoc and Siskiyou Counties in California and in all counties in Oregon except Malheur County. This regulatory program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.). The notice afforded interested persons an opportunity to file written data, views, or arguments pertaining thereto not later than March 1, 1973. None was filed.

Statement of consideration. This marketing order program provides that upon recommendation of the committee the Secretary may reapportion committee membership among the various districts. After carefully considering the criteria in § 947.32(b), the committee at its January 3, 1973, meeting voted 13 to 1 to recommend reapportioning representation by shifting one producer-member and his alternate from District No. 1 to District No. 2.

Production in District No. 1 has declined from nearly 2 million hundredweight a decade ago to only about 771,000 hundredweight in 1972, yet it still has three producer-members while District No. 2 with 2 million hundredweight has only two members. With this change, representation will be more nearly in proportion to production.

Findings. After consideration of all relevant matters, including the proposals set forth in the aforesaid notice which were recommended by the Oregon-California Potato Committee, established pursuant to the said marketing agreement and order, it is hereby found and determined that a new § 947.160 should be added to the rules and regulations reapportioning the committee membership as follows:

§ 947.160 Reapportionment of committee membership.

(a) Pursuant to § 947.32(b), the membership of the Oregon-California Potato Committee shall be apportioned among the districts so as to provide the following representation: (1) Producer membership—two members from each of Districts No. 1 and No. 4; three members from District No. 2; and one member from each of Districts No. 3 and No. 5: (2) handler membership—one member from each of Districts No. 1, No. 2, No. 3, No. 4, and No. 5. The respective alternates shall be selected on the same basis of representation as the members.

(b) Terms used in this section shall have the same meaning as when used in said marketing agreement and this part.

It is hereby further found that good cause exists for not postponing the effective date of this action beyond the

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date specified (5 U.S.C. 553) in that (1) it is necessary that the reapportionment be made effective prior to the selection of the new membership on the committee for the term of office to begin on June 1, 1973, (2) information regarding this proposal was made available to producers and handlers in the production area, and (3) notice hereof has been given by publication in the FEDERAL REGISTER of February 14, 1973 (38 FR 4407).

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: March 8, 1973.

PAUL A. NICHOLSON,
Acting Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc.73-4798 Filed 3-12-73;8:45 am]

[Amdt. 1]

PART 980—VEGETABLES: IMPORT REGULATIONS

Onions; Minimum Grades and Sizes

This amendment will require imported onions to meet minimum grade and size regulations similar to those in effect for the South Texas Onion Marketing Order, as required by Federal law.

Notice of rule making regarding a proposed amendment to § 980.111 Onion import regulation (37 FR 13701), was published in the February 12, 1973, issue of the FEDERAL REGISTER (38 FR 4261). This regulation is effective under section 8e–1 of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 608e–1).

The notice afforded interested persons an opportunity to file written data, views, or arguments in regard thereto not later than February 20, 1973. None was filed.

Under section 8e–1 of the act (7 U.S.C. 608e–1), whenever two or more marketing orders are concurrently in effect regulating the same agricultural commodity produced in different areas of the United States, the importation of such commodity shall be prohibited unless it complies with the grade, size, quality, and maturity provisions of the order which, as determined by the Secretary of Agriculture, regulates the commodity produced in the area with which the imported commodity is in most direct competition.

Onion import regulation § 980.111 (37 FR 13701), became effective July 17, 1972, and sets forth similar grade, size, quality, and maturity requirements as those in effect for onions handled under Marketing Order No. 958, as amended (7 CFR Part 958), regulating the shipments of onions grown in designated counties in Idaho and Eastern Oregon. Grade, size, quality, and maturity requirements become effective for the period March 12 through May 13, 1973, under Marketing Order No. 959, as amended (7 CFR Part 959), regulating the handling of onions grown in South Texas. Imported onions will be in most direct competition with those regulated under Marketing Order 959 on or about March 19 and the changes will be necessary to bring import regulations into line with domestic regulations covering these South Texas onions.

Findings. (a) After consideration of all relevant matters, including the proposal set forth in the aforesaid notice, and other available information, it is hereby found that the proposal as published in the notice should be issued and that imported onions comply with the grade, size, quality, and maturity requirements, as hereinafter provided, applicable to onions produced in the United States, and effective under Marketing Order No. 959, as amended (7 CFR Part 959), regulating the handling of onions grown in designated counties of South Texas. This regulation is subject to further amendment with adequate notice as domestic regulations are changed.

(b) It is hereby further found that good cause exists for not postponing the effective date of this regulation beyond the time specified (5 U.S.C. 553) in that (1) the requirements established by this regulation are mandatory under section 8e–1 of the act; (2) all known onion importers were notified of the proposed regulation; and (3) notice hereof was published in the February 12, 1973, FEDERAL REGISTER (38 FR 4261), and such notice is determined to be reasonable.

Regulation, as amended. Section 980.111, Onion import regulation (37 FR 13701), is hereby amended to read as follows:

§ 980.111 Onion import regulation.

Pursuant to section 608e–1 of the act (7 U.S.C. 608e–1) and except as otherwise provided herein, during the period beginning March 19, 1973, and continuing through May 13, 1973, the importation of onions is prohibited unless such onions are inspected and meet the requirements of this section.

(a) Minimum grade and size requirements. (1) Grade. Not to exceed 20 percent defects of U.S. No. 1 grade. In percentage grade lots, tolerance for serious damage shall not exceed 10 percent including not more than 2 percent decay. Double the lot tolerance shall be permitted in individual packages in percentage grade lots. Applications of tolerances in U.S. Grade Standards shall apply to in-grade lots.

(2) Size. White onions—1 inch minimum diameter; all other varieties of onions—1¾ inches minimum diameter.

(b) Condition. Due consideration shall be given to the time required for transportation and entry of onions into the United States. Onions with transit time from country of origin to entry into the United States of 10 or more days may be entered if they meet an average tolerance for decay of not more than 5 percent, provided they meet the other requirements of this section.

(c) Minimum quantity. Any importation which in the aggregate does not exceed 100 pounds in any day, may be imported without regard to the provisions of this section.

(d) Plant quarantine. Provisions of this section shall not supersede the restrictions or prohibitions on onions under the Plant Quarantine Act of 1912.

(e) Designation of governmental inspection service. The Federal or the Federal-State Inspection Service, Fruit and Vegetable Division, Agricultural Marketing Service, U.S. Department of Agriculture, and the Fruit and Vegetable Division, Production and Marketing Branch, Canada Department of Agriculture, are designated as governmental inspection services for certifying the grade, size, quality, and maturity of onions that are imported into the United States under the provisions of section 8e–1 of the act.

(f) Inspection and official inspection certificates. (1) An official inspection certificate certifying the onions meet the U.S. import requirements for onions under section 8e–1 (7 U.S.C. 608e–1), issued by a designated governmental inspection service and applicable to a specific lot is required on all imports of onions.

(2) Inspection and certification by the Federal or Federal-State Inspection Service will be available and performed in accordance with the rules and regulations governing certification of fresh fruits, vegetables, and other products (Part 51 of this title). Each lot shall be made available and accessible for inspection as provided therein. Cost of inspection and certification shall be borne by the applicant.

(3) Since inspectors may not be stationed in the immediate vicinity of some smaller ports of entry, importers of onions should make advance arrangements for inspection by ascertaining whether or not there is an inspector located at their particular port of entry. For all ports of entry where an inspection office is not located, each importer must give the specified advance notice to the applicable office listed below prior to the time the onions will be imported.

Ports	Office	Advance notice
All Texas points..	W. T. McNabb, Post Office Box 310, Austin, TX 78767 (Phone 512—385-5385 or 5386).	1 day.
All Arizona points.	B. O. Morgan, Post Office Box 1614, Nogales, AZ 85621 (Phone 602—287-2802).	Do.
All California points.	D. P. Thompson, 204 Wholesale Terminal Bldg., 784 South Central Ave., Los Angeles, CA 90021 (Phone 213—622-8756).	3 days.
All Hawaii points.	Stevenson Ching, Post Post Office Box 5425, Pawaa Substation, 1128 South King St., Honolulu, HI 96814 (Phone 808—914-3071).	1 day.
All Puerto Rico points.	Daniel H. Hancock, Post Office Box 10163, Santurce, PR 00908 (Phone 809—783-2230 or 4116).	2 days.
New York City..	Frank J. McNeal, Room 28A Hunts Point Market, Bronx, N.Y. 10474 (Phone 212—991-7669 or 7668).	1 day.
New Orleans.....	Pascal J. Lamarca, 6027 Federal Office Bldg., 701 Loyola Ave., New Orleans, LA 70113 (Phone 504—527-6741 or 6742).	1 day.
All other points..	D. S. Matheson, Fruit and Vegetable Division, Agricultural Marketing Service, Washington, D.C. 20250 (Phone 202—447-3870).	3 days.

(4) Inspection certificates shall cover only the quantity of onions that is being imported at a particular port of entry by a particular importer.

(5) Each inspection certificate issued with respect to any onions to be imported into the United States shall set forth, among other things:

(i) The date and place of inspection;

(ii) The name of the shipper, or applicant;

(iii) The commodity inspected;

(iv) The quantity of the commodity covered by the certificate;

(v) The principal identifying marks on the containers;

(vi) The railroad car initials and number, the truck and trailer license number, the name of the vessel, or other identification of the shipment; and

(vii) The following statement, if the facts warrant: Meets import requirements of 7 U.S.C. 608e–1.

(g) Reconditioning prior to importation. Nothing contained in this part shall be deemed to preclude any importer from reconditioning prior to importation any shipment of onions for the purpose of making it eligible for importation.

(h) It is hereby determined that imports of onions, during the effective time of this section, are in most direct competition with onions grown in South Texas. The requirements set forth in this section comply with those applicable to grade, size, quality, and maturity being made effective for onions grown in South Texas.

(i) Definitions. For the purpose of this section, "Onions" means all (except red) varieties of Allium cepa marketed dry, except dehydrated, canned, and frozen onions, onion sets, green onions, and pickled onions. Onions commonly referred to as "braided," that is, with tops, may be imported if they meet the grade and size requirements except for top length. The term "U.S. No. 1" shall have the same meaning as set forth in the U.S. Standards for Grades of Bermuda-Granex-Grano Type Onions (§§ 51.3195–51.3209 of this title), U.S. Standards for Grades of Creole Onions (§§ 51.3955–51.3970 of this title), or in the U.S. Standards for Grades of Onions Other Than Bermuda-Granex-Grano and Creole Types (§§ 51.2830–51.2854 of this title), whichever is applicable to the particular variety. Tolerances for size shall be those in the applicable U.S. Standards. The requirements of Canada No. 1 grade are deemed comparable to the requirements of U.S. No. 1 grade. "Importation" means release from custody of the U.S. Bureau of Customs.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: March 2, 1973, to become effective March 19, 1973.

PAUL A. NICHOLSON,
Acting Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc.73-4708 Filed 3-12-73;8:45 am]

CHAPTER XIV—COMMODITY CREDIT CORPORATION, DEPARTMENT OF AGRICULTURE

SUBCHAPTER B—LOANS, PURCHASES, AND OTHER OPERATIONS

[Bagging and Bale Tie Specifications, Amdt. 1]

PART 1427—COTTON

Subpart—Bagging and Bale Tie Specifications

MODIFICATIONS OF SPECIFICATIONS

On September 6, 1972, notice of proposed rule making regarding the specifications for bagging and bale ties used in wrapping ELS cotton pledged for Commodity Credit Corporation loans was published in the FEDERAL REGISTER (37 FR 18039) and on September 16, 1972, notice of proposed rule making regarding specifications used in wrapping upland cotton pledged for Commodity Credit Corporation loans was published in the FEDERAL REGISTER (37 FR 18923). Five recommendations were filed by interested persons. Most replies recommended retention of the current specifications and adoption of specifications for other materials when recommended by the Joint Industry Bale Packaging Committee. Department officials have reviewed the specifications and the following amendment has been deemed necessary in order to make the specifications consistent for all bales packaged in used jute material and to correct the error regarding moisture content in bagging manufactured from cotton material. The bagging and bale tie specifications, published at 37 FR 3742 are hereby amended for the 1973 and subsequent crops of cotton as follows:

Paragraph (d)(2) of § 1427.1903 is amended to allow each one-half pattern of salvage jute bagging used to wrap gin standard density and gin universal density bales to be composed of not more than three pieces of used bag cloth of the same construction and weight and to have not more than two crosswise sewn seams. Paragraphs (e) and (f) of § 1427.1903 and paragraph (e) of § 1427.1904 are amended to show the correct percent moisture content for cotton bagging. The amended subparagraph and paragraphs read as follows:

§ 1427.1903 Specifications for bagging.

* * * * * *

(d) *Salvage jute (burlap) bagging used to wrap gin standard density and gin universal density bales.* * * *

(2) Each one-half pattern must be composed of not more than three pieces of used bag cloth of the same construction and weight. There must not be more than two crosswise sewn seams and no lengthwise sewn seams in any one-half pattern. (Seams, hems, and necessary patches in the original bags from which the bagging is made will not be considered sewn seams.) Overlap at seams and patches must not be greater than 3½ inches. Overlaps, patches, and hems sewn into bagging to increase the weight of lightweight material will not be permitted. Sewn seams must be such that the edges of the joined pieces coincide to make a symmetrical one-half pattern without appreciable displacement of the edge of one piece of bagging relative to the edge of the adjoining piece in the seam. Sewing must be made with strong thread with not larger than $^3/_{8}$-inch stitching.

(e) *Cotton bagging used to wrap flat bales.* Cotton bagging may be used to wrap flat bales stored only in the States of Alabama, Florida, Georgia, North Carolina, South Carolina, and Virginia. Each one-half pattern of cotton bagging must not be less than 108 inches or more than 112 inches in length and must not be less than 45 inches or more than 48 inches in width. The bagging must contain not less than 120 warp yarns (plied or single) per 12 inches of bagging of a size equal to or larger than the weft (filling) yarns, must contain not less than 78 weft (filling) yarns (plied or single) per 12 inches of bagging and must weigh not less than 2½ pounds per pattern at 8.5 percent moisture content (not moisture regain).

(f) *Cotton bagging used to wrap gin standard density or gin universal density bales.* Each one-half pattern of cotton bagging used to wrap gin standard density or gin universal density bales must not be less than 100 inches or more than 104 inches in length and must not be less than 45 inches or more than 48 inches in width. The bagging must contain not less than 120 warp yarns (plied or single) per 12 inches of bagging of a size equal to or larger than the weft (filling) yarns, must contain not less than 78 weft (filling) yarns (plied or single) per 12 inches of bagging, and

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must weigh not less than 2¼ pounds per pattern (two panels) at 8.5 percent moisture content (not moisture regain).

§ 1427.1904 Test methods.

* * * * *

(e) *Weight of bagging.* The weight of bagging will be determined by weighing on suitable accurate scales and the weight per pattern determined to the nearest one-quarter pound. Several patterns (or bales of bagging patterns) may be weighed simultaneously and the weight averaged. The weight of jute bagging will be calculated on the basis of 13.75 percent moisture content (not moisture regain) and the weight of cotton bagging will be calculated on the basis of 8.5 percent moisture content (not moisture regain).

(Secs. 4, 5, 62 Stat. 1070, as amended; secs. 101, 103, 401, 63 Stat. 1051, as amended; 15 U.S.C. 714 (b), (c); 7 U.S.C. 1441, 1444, 1421)

Effective date. June 1, 1973.

Signed at Washington, D.C., on March 7, 1973.

KENNETH E. FRICK,
Executive Vice President,
Commodity Credit Corporation.

[FR Doc.73-4799 Filed 3-12-73;8:45 am]

[Rev. 3, Amdt. 11]

PART 1475—EMERGENCY FEED PROGRAM

Livestock Feed Program

Recent changes in the Livestock Feed Program are reflected in this Amendment 11 to the program regulations. Such changes clarify and update gross and net feed allowances as they pertain to feed grain equivalents as well as paragraphs pertaining to feeding of grains being made available. They also provide for approved handlers to advance feed grain from their private stocks for subsequent replacement by Commodity Credit Corporation; for redemption of dealer's certificate in cash; and for excluding the feeding of roughage allocated from end of prescribed period to the end of the feeding period.

The regulations issued by CCC published by 29 FR 13475, 30 FR 2854, 6909, 31 FR 13532, 32 FR 14372, 34 FR 14206, 36 FR 9497, 37 FR 7149, 13635, 37 FR 18181, and 37 FR 22875, which contain specific requirements for the Livestock Feed Program are further amended to change §§ 1475.205(d)(2), 1475.205(d)(3), 1475.210 leading paragraph, 1475.211(e)(3), 1475.212, and 1475.214(a).

Because these changes are urgently needed in emergency areas, it is hereby determined that compliance with the notice of proposed rule making procedures is impracticable and contrary to the public interest with respect to this amendment. The changes are as follows:

§ 1475.205 Application and approval.

* * * * *

(d) * * *

(2) Except for oats, the feed grain gross allowance for the authorized period shall not exceed 10 pounds per day per animal unit (or whatever lesser quantity is established by the State committee or county committee) times the number of days in the authorized period. In the case of oats, the feed grain gross allowance shall not exceed 12 pounds per day per animal unit: *Provided, however,* That allowances of oats in excess of 10 pounds shall be used only when specifically authorized by DASCO.

(3) The net approved quantity for the approved period shall be the smaller of: (i) The gross allowance less the total quantity of feed or feed equivalent (considering kind and quality of hay, silage, pasture, and range) determined by the approving officials to be available to the owner for feeding his eligible livestock during the authorized period, or (ii) the quantity the approving officials determine to be adequate for the authorized period after taking into account the kind and quality of feed or feed grain equivalent (including feed grain, hay, silage, pasture, and range) determined to be available for feeding his eligible livestock during the authorized period. Total roughage can be allocated for feeding throughout the entire feeding period. Notwithstanding the foregoing in paragraph (d)(3)(i) and (ii) of this section, in situations where the approving officials determine that there has been a substantial loss of the owner's livestock feed normally produced and used for his livestock, and that the existing feed resources of the owner are not adequate in kind and quality for the types and needs of eligible livestock being fed, assistance up to the amount of the loss, but not in excess of the maximum daily feed allowance, may be approved.

* * * * *

§ 1475.210 Sales of other CCC-owned grain.

CCC shall designate the delivery point and kind of CCC-owned grain to be sold under this program. Approved handlers are authorized to advance feed grain from their private stocks for subsequent replacement by CCC from such stocks of feed grain as KCCO determines are available for use in the area. The value of the stocks advanced and the value of the stocks made available to replace such stocks shall be determined by CCC.

§ 1475.211 Sales of grain advanced by dealers.

* * * * *

(e) * * *

(3) A dealer's certificate will be accepted at face value if presented to a commodity office or other office designated by a commodity office or DASCO and applied to the purchase of a feed grain, in accordance with these regulations, under a contract which specifies a "date of sale" not more than 90 days after the effective date of the certificate. If the specified date of sale is after such 90th day, the face value shall be reduced by one twenty-fifth of 1 percent for each day beginning on the 91st day after the effective date of the certificate to, but not including, the date of sale specified in the CCC contract to which it is applied. The certificates may be transferred by endorsement to any other person. CCC reserves the right to determine the time and place of delivery and the class, grade, and quality of feed grain to be delivered in redemption of dealer's certificates. Feed grain delivered under a dealer's certificate shall be sold at the applicable current market price determined by CCC. Overdeliveries of the quantity of grain requested shall be adjusted at the applicable market price. A dealer's certificate may also be redeemed in cash at KCCO when requested by the dealer and provided the option is available at the time the certificate is presented.

* * * * *

§ 1475.212 Disposition of grain and adjustment of sales price.

(a) *Feed for livestock.* A total quantity of feed equal in feed grain equivalents to the total quantity which was originally on hand and, also, including that purchased under the LFP must be fed to the owner's eligible livestock within the prescribed period, except, roughage allocated from end of prescribed period to the end of the feeding period.

(b) *Grace period.* Notwithstanding the provisions of paragraph (a) of this section, the owner shall have a grace period of 30 days after the prescribed period for feeding the required quantities of feed grain to his livestock.

(c) *Adjustments.* Except as provided in § 1475.214, if the owner does not feed the grain as provided in paragraphs (a) and (b) of this section to his eligible livestock he may satisfy his obligation to CCC under this program as follows:

(1) If there is a current Livestock Feed Program in the area he may, with prior approval of the county committee, sell the grain to another owner with an unfilled net approved quantity on his application at not more than the price at which the grain was purchased, or

(2) If he agrees to use the feed on hand for feed purposes only, or dispose of the feed only for such use, he may pay to CCC the difference between the price paid for such feed grain and the market price thereof, as determined by CCC, on the date of the delivery order, warrant, or other delivery authorization, as the case may be, for the last acquisition of such feed grain under the program.

(3) Notwithstanding the provisions of paragraphs (a) and (b) of this section, if CCC determined that the quantity of feed which should have been fed to the owner's eligible livestock was actually fed by the owner to ineligible livestock within the prescribed and grace periods, the owner shall be deemed to have acquired the kind and quantity of feed grain specified in paragraph (d) of this section for feeding to such livestock and shall pay CCC, on demand, the balance due under § 1475.208(b) for such feed grain.

(d) *Kind of feed grain involved in price adjustments.* The kind and quantity of feed grain on which the price adjustments specified in this section shall be based, shall be the kind and quality acquired from CCC which was not fed to eligible livestock, except that:

(1) If the feed involved was feed otherwise available to the owner for feeding his eligible livestock, the price adjustment shall be based on the kind of feed grain last acquired under the program and on a quantity of such feed grain equal in feed grain equivalents to the feed involved, as determined by CCC, or

(2) If the feed involved was processed feed acquired from an approved dealer, the price adjustment shall be based on the kind of feed grain for which payment was made to CCC and on a quantity equal to the quantity of such feed grain in the processed feed involved.

(e) *Reporting livestock changes.* If the owner suffers losses among or disposes of any of his eligible livestock or transfers any of his eligible livestock outside the emergency area, he shall report the fact promptly to the county office from which feed grain was purchased under the program. If the owner fails to feed the quantities of feed to his eligible livestock as specified in this section, he shall report the fact promptly to the applicable county office.

§ 1475.214 Violations.

(a) *Disposal of grain to others.* If the owner has failed to feed the quantities of feed required by § 1475.212(a) to his eligible livestock, he shall not dispose of feed grain acquired under the program (including any processed feed containing any feed grain acquired under the program) to any other person except as permitted in §§ 1475.210(f) and 1475.212(c). If the feed grain acquired from CCC is disposed of to any other person, except as permitted in the regulations of this subpart, or if a delivery order or warrant is used for obtaining other than feed grain, the owner shall be subject to such civil penalties and to such criminal liabilities as are provided by applicable Federal statutes.

* * * * *

(Secs. 1-4 of 73 Stat. 574, as amended; secs. 407 and 421 of 63 Stat. 1055, as amended; secs. 4 and 5 of 62 Stat. 1070, as amended; 7 U.S.C. 1427 note and 1433; 15 U.S.C. 714 b and c)

Effective date: March 13, 1973.

Signed at Washington, D.C., on March 7, 1973.

KENNETH E. FRICK,
Executive Vice President,
Commodity Credit Corporation.

[FR Doc.73-4800 Filed 3-12-73;8:45 am]

CHAPTER XVIII—FARMERS HOME ADMINISTRATION, DEPARTMENT OF AGRICULTURE

SUBCHAPTER B—LOANS AND GRANTS PRIMARILY FOR REAL ESTATE PURPOSES

[FHA Instruction 444.2]

PART 1822—RURAL HOUSING LOANS AND GRANTS

Subpart A—Section 502 Rural Housing Loan Policies, Procedures, and Authorizations

On pages 28076 and 28077 of the FEDERAL REGISTER of December 20, 1972, there was published a notice of proposed rule making to provide policies and procedures to assist builders, who are unable to do so, to obtain construction financing from commercial sources. Interested persons were given 30 days in which to submit written comments, suggestions or objections regarding the proposed regulations.

No objections have been received and the proposed regulations are hereby adopted without change and are set forth below.

Effective date. These regulations shall become effective on March 13, 1973.

Dated: February 14, 1973.

ARTHUR C. HARMAN, JR.,
Acting Associate Administrator,
Farmers Home Administration.

As amended, the new § 1822.19 reads as follows:

§ 1822.19 Construction financing for section 502 rural housing loans.

(a) *Scope.* The policy of the Farmers Home Administration (FHA) is to encourage the construction or repair of buildings so that section 502 Rural Housing (RH) loans can be closed after the buildings are completed. This section sets forth policies and procedures to assist builders, who are otherwise unable to do so, to obtain construction financing from commercial sources.

(b) *Purpose.* The purpose of construction financing is to reduce the interest cost to the borrower and FHA on funds that would otherwise be deposited in a supervised bank account, reduce the administrative costs of supervised bank accounts, and eliminate the need for borrowers to make loan repayments during the construction period.

(c) *Procedures.* (1) This section is applicable to cases in which:

(i) A conditional commitment has been or will be issued and a loan approved and funds obligated for the applicant in accordance with instructions on conditional commitments involving packaging of applications issued by the national office of the FHA and available at all FHA offices; or

(ii) The applicant owns a building site and will contract for the construction or improvement of the building or buildings. In such a case the applicant will retain ownership of his site and not convey title to the builder, and the lender providing the construction financing will not take a mortgage on the site owned by the applicant or otherwise require the applicant to secure the construction loan; or

(iii) The RH loan is not being made in participation with an FO or an individual SW loan.

(2) Loan docket: Loan docket forms will be prepared in accordance with § 1822.12. If the applicant owns the building site he will be required to obtain and submit to the County Supervisor preliminary title evidence to assure that he has a satisfactory title or leasehold interest in the property before he executes Form FHA 424-6, "Construction Contract," and before FHA executes Form FHA 444-16, "Notice of Loan Approval."

(3) Notice of loan approval: When the obligated copy of the Form FHA 440-3, "Record of Actions," is received from the Finance Office, the County Supervisor will complete and sign an original and one copy of Form FHA 444-16.

(i) The original of Form FHA 444-16 will be given to the builder and a copy will be retained in the loan docket.

(ii) The builder may present Form FHA 444-16 and a copy of Forms FHA 444-11, "Conditional Commitment," FHA 440-34, "Option to Purchase Real Property," or FHA 424-6, as appropriate, to a commercial lender of his choice to obtain the construction financing he needs.

(4) Inspections: FHA will as a minimum make the inspections specified in Form FHA 444-16 and send copies of Form FHA 424-12, "Inspection Report," to the builder, and if requested, to the commercial lender.

(5) Construction advances: The lender is responsible for determining the amount that he will advance to the builder under the construction financing arrangement, and for determining any measures necessary to protect his interest.

(6) Loan closing: When construction is completed, the necessary title clearance will be obtained and the County Supervisor will order the loan check and arrange for loan closing as soon as possible, usually within 30 days after satisfactory completion of construction.

(d) *Forms.* All forms listed in these requirements will be available at all FHA offices.

(Sec. 510, 63 Stat. 437, 42 U.S.C. 1480; orders of Acting Secretary of Agriculture, 36 FR 21529, 37 FR 22008; order of Assistant Secretary of Agriculture for Rural Development and Conservation, 36 FR 21529)

[FR Doc.73-4759 Filed 3-12-73;8:45 am]

Title 8—Aliens and Nationality

CHAPTER I—IMMIGRATION AND NATURALIZATION SERVICE, DEPARTMENT OF JUSTICE

PART 103—POWERS AND DUTIES OF SERVICE OFFICERS; AVAILABILITY OF SERVICE RECORDS

Procedures for Access to Service Records

This order revises the regulations of the Immigration and Naturalization Service pertaining to the procedures for making and acting upon requests of members of the public for access to Service records under the Freedom of Information Act (5 U.S.C. 552). The Service regulations are amended in conformity with the Department of Justice regulations, 28 CFR Part 16, Subpart A, published in the FEDERAL REGISTER on February 14, 1973 (38 FR 4391).

Pursuant to 5 U.S.C. 552 and the authority contained in 8 U.S.C. 1103 and 8 CFR 2.1, the following amendments to Part 103 of Chapter I of Title 8 of the Code of Federal Regulations are hereby prescribed:

1. In § 103.7(b), subparagraph (2) is amended to read as follows:

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§ 103.7 Fees.

* * * * * *

(b) *Amounts of fees.* * * *

(2) For the filing of each Form N–585 or Form I–550, and for the services expended in searching for or making available records or copies thereof under 5 U.S.C. 552, the following user charges are deemed fair and equitable and, except as otherwise provided in § 103.10 (a)(2) and in paragraph (c) of this section, shall be assessed against the person who requests that records be made available:

Requests. Each Form N–585 or Form I–550 shall be accompanied by a payment of (This charge shall be retained whether or not an identified record is located. However, when additional fees in connection with the request are chargeable under this section, the above-described payment shall be applied against them, and only so much of such fee as exceeds $3 shall be collected.)	$3.00
Clerical searches. For each one-quarter hour spent by clerical personnel in excess of the first quarter hour in searching for and producing a requested record	1.25
Monitoring inspection. For each one-quarter hour spent in monitoring the requester's inspection of records	1.25
Copies of documents. (Maximum of 10 copies will be supplied.) Per page	.10
Certification. For certification of true copies, each	1.00
Attestation. For attestation under seal	3.00
Nonroutine, nonclerical searches. Where a search cannot be performed by clerical personnel, for example, where the task of determining which records fall within a request and collecting them requires the time of professional or managerial personnel, and where the amount of time that must be expended in the search and collection of the requested records by such higher level personnel is substantial, charges for the search may be made at a rate in excess of the clerical rate, namely for each one-quarter hour spent in excess of the first quarter hour by such higher level personnel in searching for a requested record	3.75

When records must be screened or obtained from a computer. The Service shall conform its charges with the policies of the Department of Justice, stated in subparagraphs (7) and (8) of 28 CFR 16.9(b), concerning charges for examination and related tasks in screening records and charges for services involving computerized records.

Notice of anticipated fees in excess of $25.00. Where it is anticipated that the fees chargeable under this section will amount to more than $25.00, and the requester has not indicated in advance his willingness to pay fees as high as are anticipated, the requester shall be promptly notified of the amount of the anticipated fee or such portion thereof as can readily be estimated. In appropriate cases an advance deposit may be required. The notice or request for an advance deposit shall extend an offer to the requester to confer with knowledgeable Service personnel in an attempt to reformulate the request in a manner which will reduce the fees and meet the needs of the requester. Dispatch of such a notice or request shall toll the running of the period for response by the Service until a reply is received from the requester.

* * * * * *

2. Section 103.10 is amended to read as follows:

§ 103.10 Requests for records.

(a) *Place and manner of requesting records*—(1) *Place.* Records shall be made available in the Central Office, each regional office, any district office, and the following offices: Agana, Guam; Albany, N.Y.; Cincinnati, Ohio; Dallas, Tex.; Hammond, Ind.; Houston, Tex.; Memphis, Tenn.; Milwaukee, Wis.; Norfolk, Va.; Pittsburgh, Pa.; Providence, R.I.; Reno, Nev.; St. Louis, Mo.; Salt Lake City, Utah; San Diego, Calif.; Spokane, Wash.; additionally, in particular cases, a district director may designate any other Service office.

(2) *Manner of requesting records.* Requests for records may be made in person or by mail. Each request made under this section pertaining to the availability of a record shall include or consist of Form N–585 or Form I–550, shall be accompanied by a fee of $3 as provided in § 103.7(b)(2), and shall describe the record with sufficient specificity with respect to names, dates, subject matter, and location to permit it to be identified and located. A request for all records falling within a reasonably specific category shall be regarded as conforming to the statutory requirement that records be identifiable if it can reasonably be determined which particular records come within the request, and the records can be searched for, collected, and produced without unduly burdening or interfering with Service operations because of the staff time consumed or the resulting disruption of files. A fee shall not be required when the request is made by Federal or State government agencies, including political subdivisions and municipalities. A single filing fee shall be charged for a request for a search relating to one individual even though information concerning him is in more than one record and in more than one place.

(b) *Authority to grant and deny requests*—(1) *Grants.* The Associate Commissioner, Management, may grant any type of request. The head of any office specified in paragraph (a)(1) of this section may grant the following types of requests:

(i) Requests for information and records which officers and employees of the Service prior to the enactment of 5 U.S.C. 552 customarily furnished to the public in the regular performance of their duties;

(ii) Requests for records of proceedings in deportation hearings, unless members of the public have been excluded from the hearings by direction of the special inquiry officer pursuant to § 242.16(a) of this chapter;

(iii) Requests for records of proceedings in naturalization examinations and hearings;

(iv) Requests for records of proceedings in any other proceedings before the Service which were open to the public; and

(v) Requests for records of proceedings in administrative fine cases.

(2) *Denials.* The Commissioner has sole authority to deny a request.

(3) *Authority to state that a record cannot be located or does not exist.* The head of any office specified in paragraph (a)(1) of this section has authority to notify a requester that a record cannot be located from the information supplied, or is known to have been destroyed or otherwise disposed of.

(4) *Authority to certify records.* Whenever authorized under 5 U.S.C. 552 or any other law to furnish information from records to persons entitled thereto, the following officials have authority to make certifications, as follows:

(i) The Associate Commissioner, Management—copies of files, documents, and records in the custody of the Central Office.

(ii) A regional commissioner or district director—copies of files, documents, and records in the custody of his office.

(iii) The Chief, Records Administration and Information Branch, Central Office—the nonexistence of an official record in the records of the Service.

(c) *Prompt response.* Ordinarily a request shall be decided within 30 working days following receipt, or sooner if practicable. If additional time is required, the office processing the request shall acknowledge receipt of the request within the 30-day period stating the reason for the delay and giving an indication of the date on which it is expected that a determination as to disclosure will be forthcoming. An extended deadline will be considered reasonable in all cases if it does not exceed 10 additional working days. If a longer extended deadline is designated, the notice of extension shall state the special circumstances which warrant it and shall be approved by the Commissioner. If the request is not responded to or acknowledged within the 30-day period, or if it is not responded to within an extended deadline, or if the requester considers an extended deadline of more than 10 additional working days unreasonable, the requester may petition the Deputy Attorney General to take appropriate measures to assure prompt action on the request. In order for a requester to treat a failure by the Service to respond as a denial and to file an appeal with the Attorney General, he must have filed a petition with the Deputy Attorney General complaining of the delay, and must have allowed time for action on such petition as prescribed in 28 CFR 16.5(c)(1).

(d) *Disposition of requests.* When a requested record is available, appropriate notification, including notice of any applicable additional fees, shall be furnished the requester. A reply denying a request shall be in writing signed by the Commissioner and shall include: (1) A reference to the specific exemption under the Freedom of Information Act authorizing the withholding of the record, and such further explanation, if any, as is deemed appropriate; and (2) a statement that the denial may be appealed within 30 days to the Attorney General as prescribed by 28 CFR 16.7, and that judicial review will be thereafter available either in the district in which the requester resides or has a principal place of business or in which the agency records are situated.

(e) *Copies of responses to Deputy Attorney General.* A copy of each notification to a requester of an extended deadline, of a grant (other than in any of the five types of requests enumerated in paragraph (b)(1) of this section), of a denial, or of inability to locate a requested record shall be furnished to the Deputy Attorney General.

Compliance with the provisions of section 553 of title 5 of the United States Code (80 Stat. 383), as to notice of proposed rule making and delayed effective date is unnecessary in this instance and would serve no useful purpose because the amendments to §§ 103.7(b)(2) and 103.10 are made to conform to the revised regulations of the Department of Justice (28 CFR Part 16, Subpart A), pertaining to access to Department records under the Freedom of Information Act, which was published in the FEDERAL REGISTER on February 14, 1973 (38 FR 4391), effective March 1, 1973.

Effective date. This order shall become effective on March 13, 1973.

Dated: March 8, 1973.

RAYMOND F. FARRELL,
Commissioner of Immigration and Naturalization.

[FR Doc.73–4804 Filed 3–12–73;8:45 am]

Title 12—Banks and Banking

CHAPTER II—FEDERAL RESERVE SYSTEM

SUBCHAPTER A—BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM

PART 262—RULES OF PROCEDURE

Revision of Rules

The Board of Governors of the Federal Reserve System has revised its rules of procedure in order to bring them into conformity with current practice and to make them more informative to the public.

1. Effective March 1, 1973, Part 262 is revised to read as follows:

Sec.
262.1 Basis and scope.
262.2 Procedure for regulations.
262.3 Applications.
262.4 Adjudication with formal hearing.
262.5 Appearance and practice.
262.6 Forms.

AUTHORITY: 5 U.S.C. 552.

§ 262.1 Basis and scope.

This part is issued pursuant to section 552 of Title 5 of the United States Code, which requires that every agency shall publish in the FEDERAL REGISTER statements of the general course and method by which its functions are channeled and determined, rules of procedure, and descriptions of forms available or the places at which forms may be obtained.

§ 262.2 Procedure for regulations.

(a) *Notice.* Notices of proposed regulations of the Board of Governors of the Federal Reserve System (the "Board") or amendments thereto are published in the FEDERAL REGISTER, except as specified in paragraph (e) of this section or otherwise excepted by law. Such notices include a statement of the terms of the proposed regulations or amendments and a description of the subjects and issues involved; but the giving of such notices does not necessarily indicate the Board's final approval of any feature of any such proposal. The notices also include a reference to the authority for the proposed regulations or amendments and a statement of the time, place, and nature of public participation.

(b) *Public participation.* The usual method of public submission of data, views, or arguments is in writing. It is ordinarily preferable that they be sent to the Secretary of the Board, Washington, D.C. 20551, with copies to the appropriate Federal Reserve Bank. The locations of the 12 Federal Reserve Banks and the boundaries of the Federal Reserve districts are shown in the appendix to the Board's rules of organization. Such material will be made available for inspection and copying upon request, except as provided in § 261.6(a) of this chapter regarding availability of information.

(c) *Preparation of draft and action by Board.* In the light of consideration of all relevant matter presented or ascertained, the appropriate division of the Board's staff, in collaboration with other divisions, prepares drafts of proposed regulations or amendments, and the staff submits them to the Board. The Board takes such action as it deems appropriate in the public interest. Any other documents that may be necessary to carry out any decision by the Board in the matter are usually prepared by the Legal Division, in collaboration with the other divisions of the staff.

(d) *Effective dates.* Any substantive regulation or amendment thereto issued by the Board is published not less than 30 days prior to the effective date thereof, except as specified in paragraph (e) of this section or as otherwise excepted by law.

(e) *Exceptions as to notice or effective date.* In certain situations, notice and public participation with respect to proposed regulations may be impracticable, unnecessary, contrary to the public interest, or otherwise not required in the public interest, or there may be reason and good cause in the public interest why the effective date should not be deferred for 30 days. The reason or reasons in such cases usually are that such notice, public participation, or deferment of effective date would prevent the action from becoming effective as promptly as necessary in the public interest, would permit speculators or others to reap unfair profits or to interfere with the Board's actions taken with a view to accommodating commerce and business and with regard to their bearing upon the general credit situation of the country, would provoke other consequences contrary to the public interest, would unreasonably interfere with the Board's necessary functions with respect to management or personnel, would not aid the persons affected, or would otherwise serve no useful purpose. The following may be mentioned as some examples of situations in which advance notice or deferred effective date, or both, will ordinarily be omitted in the public interest: The review and determination of discount rates established by Federal Reserve Banks, and changes in general requirements regarding reserves of member banks, maximum interest rates on time and savings deposits, or credit for purchasing or carrying securities.

§ 262.3 Applications.

(a) *Forms.* Any application, request, or petition (hereafter referred to as "application") for the approval, authority, determination, or permission of the Board with respect to any action for which such approval, authority, determination, or permission is required by law or regulation of the Board (including actions authorized to be taken by a Federal Reserve Bank or others on behalf of the Board pursuant to authority delegated under Part 265 of this chapter) shall be submitted in accordance with the pertinent form, if any, prescribed by the Board. Copies of any such form and details regarding information to be included therein may be obtained from any Federal Reserve Bank. Any application for which no form is prescribed should be signed by the person making the application or by his duly authorized agent, should state the facts involved, the action requested, and the applicant's interest in the matter, and should indicate the reasons why the application should be granted. Applications for access to, or copying of, records of the Board should be submitted as provided in § 261.4(d) of this chapter.

(b) *Filing of applications.* Any application should be sent to the Federal Reserve Bank of the district in which the applicant is located, except as otherwise specified on application forms, and that Bank will forward it to the Board when appropriate.

(c) *Analysis by staff.* In every case, the Reserve Bank makes such investigation as may be necessary, and, except when acting pursuant to delegated authority, reports the relevant facts, with its recommendation, to the Board. In the light of consideration of all relevant matter presented or ascertained, the Board's staff prepares and submits to the Board comments on the subject.

(d) *Action on applications.* The Board takes such action as it deems appropriate in the public interest. Such documents as may be necessary to carry out any decision by the Board are prepared by the Board's staff. With respect to actions taken by a Federal Reserve Bank on behalf of the Board under delegated authority, statements and necessary documents are prepared by the staff of such Federal Reserve Bank.

(e) *Notice of action.* Prompt notice is given to the applicant of the granting or denial in whole or in part of any application. In the case of a denial, except in affirming a prior denial or where

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the denial is self-explanatory, such notice is accompanied by a simple statement of the grounds for such action.

(f) *Action at Board's initiative.* When the Board, without receiving an application, takes action with respect to any matter as to which opportunity for hearing is not required by statute or Board regulation, similar procedure is followed, including investigations, reports, and recommendations by the Board's staff and by the Reserve Banks, where appropriate.

(g) *General procedures for bank holding company and merger applications.* In addition to procedures applicable under other provisions of this part, the following procedures are applicable in connection with the Board's consideration of applications under sections 3 and 4 of the Bank Holding Company Act of 1956 (12 U.S.C. 1842 and 1843), hereafter referred to as "section 3 applications" or "section 4 applications," and of applications under section 18(c) of the Federal Deposit Insurance Act (12 U.S.C. 1823), hereafter called "merger applications." Except as otherwise indicated, the following procedures apply to all such applications.

(1) The Board issues each week a list that identifies section 3 and section 4 and merger applications received and acted upon during the preceding week by the Board or the Reserve Banks pursuant to delegated authority. Notice of receipt of all section 3 applications and of section 4(c)(8) applications acted on by the Board is published in the FEDERAL REGISTER.

(2) If a hearing is required by law or if the Board determines that a formal hearing for the purpose of taking evidence is desirable, the Board issues an order for such a hearing, and notice thereof is published in the FEDERAL REGISTER. Any such formal hearing is conducted by an administrative law judge in accordance with the Board's rules of practice for formal hearings (Part 263 of this chapter) except that, unless otherwise ordered by the Board, such a hearing is public.

(3) In any case in which a formal hearing is not ordered by the Board, the Board may afford the applicant and other properly interested persons (including Governmental agencies) an opportunity to present views orally before the Board or its designated representative. Unless otherwise ordered by the Board, any such oral presentation is public and notice of such public proceeding is published in the FEDERAL REGISTER.

(4) Each action taken by the Board on an application is embodied in an order that indicates the votes of members of the Board. The order either contains reasons for the Board's action (i.e., an expanded order) or is accompanied by a statement of the reasons for the Board's action. Both the order and any accompanying statement are released to the press. Each such order is published in the FEDERAL REGISTER. Each order accompanied by a statement and any order of general interest, together with a list of other orders, are published in the Federal Reserve Bulletin. Action by a Reserve Bank under delegated authority as provided for under Part 265 of this chapter is reflected in a letter of notification to the applicant.

(5) After action by the Board on an application, the Board will not grant any request for reconsideration of its action unless the request presents relevant facts that, for good cause shown, were not previously presented to the Board, or unless it otherwise appears to the Board that reconsideration would be appropriate.

(6) Unless the Board shall otherwise direct, each section 3 and section 4 and merger application is made available for inspection by the public except for portions thereof as to which the Board determines that nondisclosure is warranted under section 552(b) of Title 5 of the United States Code.

(h) *Special procedures for certain applications.* The following types of applications require procedures exclusive of, or in addition to, those described in (g)(1)–(6) above.

(1) Special rules pertaining to section 3 and merger applications follow: (i) Each order of the Board and each letter of notification by a Reserve Bank acting pursuant to delegated authority approving a section 3 application includes, pursuant to the Act approved July 1, 1966 (12 U.S.C. 1849(b)), a requirement that the transaction approved shall not be consummated before the 30th calendar day following the date of such order. (ii) Each order of the Board approving a merger application includes, pursuant to the Act approved February 21, 1966 (12 U.S.C. 1828(c)(1)(6)), a requirement that the transaction approved shall not be consummated before the 30th calendar day following the date of such order, except as the Board may otherwise determine pursuant to emergency situations as to which the Act permits consummation at earlier dates. (iii) Each order or each letter of notification approving an application also includes, as a condition of approval, a requirement that the transaction approved shall be consummated within 3 months and, in the case of acquisition by a holding company of stock of a newly organized bank, a requirement that such bank shall be opened for business within 6 months, but such periods may be extended for good cause by the Board (or by the appropriate Federal Reserve Bank where authority to grant such extensions is delegated to the Reserve Bank).

(2) For special rules governing procedures for section 4(c)(8) applications, refer to § 225.4(a)(c) of this chapter.

(3) For special rules governing procedures for section 4(c)(9) applications, refer to § 225.4(g) of this chapter.

(4) For special rules governing procedures for section 4(c)(12) applications, refer to § 225.4(d) of this chapter.

(5) For special rules governing procedures for section 4(c)(13) applications, refer to § 225.4(f) of this chapter.

§ 262.4 Adjudication with formal hearing.

In connection with adjudication with respect to which a formal hearing is required by law or is ordered by the Board, the procedure is set forth in Part 263 of this chapter, entitled "Rules of Practice for Formal Hearings."

§ 262.5 Appearance and practice.

Appearance and practice before the Board in all matters are governed by § 263.3 of this chapter.

§ 262.6 Forms.

Necessary forms to be used in connection with applications and other matters are available at the Federal Reserve Banks. A list of all such forms, which is reviewed and revised periodically, may be obtained from any Federal Reserve Bank.

(a) This action is taken pursuant to and in accordance with the provisions of section 552 of Title 5 of the United States Code.

(b) The provisions of section 553 of Title 5, United States Code, relating to notice and public participation and to deferred effective dates, are not followed in connection with the adoption of this action, because the rules involved are procedural in nature and accordingly do not constitute substantive rules subject to the requirements of such section.

By order of the Board of Governors of the Federal Reserve System, March 1, 1973.

[SEAL] MICHAEL A. GREENSPAN,
Assistant Secretary of the Board.

[FR Doc.73-4607 Filed 3-12-73;8:45 am]

Title 15—Commerce and Foreign Trade

CHAPTER III—BUREAU OF EAST-WEST TRADE, DEPARTMENT OF COMMERCE

SUBCHAPTER B—EXPORT REGULATIONS

[13th Gen. Rev. of the Exports Regs., Amdt. 52]

PART 377—SHORT SUPPLY CONTROLS

Elimination of Weekly Coal Export Reports

The Department of Commerce has been monitoring the exports of certain types of coal and coke by requiring exporters of these commodities to file weekly reports of their shipment on Form IA-1094, Report of Exports. This report is no longer necessary and is therefore eliminated.

Accordingly, Supplement No. 2 to Part 377 is revised to delete all Schedule B numbers listed therein and the related commodity descriptions. In lieu thereof, the following is substituted: "(At present, no commodities are subject to this weekly reporting requirement.)"

(50 U.S.C. App. 2402(2)(B), 2403(b), and 22 U.S.C. 287C)

Effective date: March 5, 1973.

RAUER H. MEYER,
Director,
Office of Export Control.

[FR Doc.73-4782 Filed 3-12-73;8:45 am]

Title 17—Commodity and Securities Exchanges

CHAPTER II—SECURITIES AND EXCHANGE COMMISSION

[Release No. 33-5365]

PART 230—GENERAL RULES AND REGULATIONS, SECURITIES ACT OF 1933

Rule Concerning Use of a Japanese Prospectus in Japan

On June 23, 1970, the Commission published guidelines concerning the applicability of the Federal securities laws to the offer and sale outside the United States of shares of registered open-end investment companies.[1] These guidelines stated, among other things, that investment company shares offered and sold to foreign nationals outside the United States should be registered under the Securities Act of 1933 and offered by a prospectus which does not differ materially from the prospectus used in the United States.

In recent months, the Minister of Finance of Japan has issued an ordinance (Ministerial Ordinance No. 78) to permit registered open-end investment companies to offer and sell in Japan shares there registered. Pursuant to this ordinance, the Ministry of Finance requires that such shares be registered under the Securities Act of 1933 but that any offer or sale in Japan be made exclusively pursuant to the Japanese prospectus. In this regard, questions have arisen as to whether the prospectus required by Japanese law is materially different from the 1933 Act prospectus, and thus whether the issuer is in compliance with section 10(a) of the 1933 Act.

To clarify this situation, in the light of the rather elaborate Japanese requirements, the Commission today announced, under its authority in section 19(b) of the 1933 Act, the adoption of Rule 434C (17 CFR 230.434C). The rule would be applicable to industrial issuers as well as investment companies.

Commission action: Pursuant to authority in the provisions of sections 10(b) and 19(a) of the Securities Act of 1933, as amended, the Commission hereby adopts § 230.434C of Chapter II of Title 17 of the Code of Federal Regulations to read as follows:

§ 230.434C. Use of Japanese prospectus in Japan.

(a) A prospectus required by the laws of Japan to be used for the offer or sale in Japan of securities which are also registered under the Act shall be deemed to meet the requirements of section 10(a) of the Act when such offers or sales in Japan are to persons who are not nationals or residents of (including corporations, trusts, partnerships created or organized in) the United States provided that such Japanese prospectus contains substantially the information required in the prospectus filed as part of the registration statement under the Act notwithstanding that such Japanese prospectus (1) contains certain additional information, and (2) differs in form from the U.S. prospectus.

(b) Three copies of an English translation of a Japanese prospectus described in paragraph (a) above shall be filed with the Commission within 20 days after its use. If such Japanese prospectus is amended, three copies of an English translation of such prospectus as last amended prior to the close of an issuer's fiscal year shall be filed with the Commission within 20 days after the close of such year.

The Commission finds that Rule 434C is a relaxation of the present regulation and should not impose burdens on issuers or others or sacrifice the protection of investors, and thus, further notice and rule making procedures pursuant to 5 U.S.C. 552 are unnecessary.

(Secs. 10(b), 19(a), 48 Stat. 81, 85, secs. 205, 209, 48 Stat. 906, 908, sec. 8, 68 Stat. 685, 15 U.S.C. 77j(b), 77s(a))

By the Commission.

[SEAL] RONALD F. HUNT,
Secretary.

FEBRUARY 7, 1973.

[FR Doc.73-4747 Filed 3-12-73;8:45 am]

[1] Securities Act Release No. 5068 (35 FR 12103).

Title 18—Conservation of Power and Water Resources

CHAPTER I—FEDERAL POWER COMMISSION

[Docket No. R-308; Order 476]

PART 260—STATEMENTS AND REPORTS (SCHEDULES)

Annual Report of Gas Supply for Certain Natural Gas Pipelines

MARCH 6, 1973.

In the proceeding in Docket No. R-239, the Commission proposed to require the filing of certain reservoir reserve estimate, contractual, and deliverability data as a part of the then-proposed Form 15. These data were to be submitted on electric accounting punch cards, electric data magnetic tape, or paper tape. By order issued March 31, 1964 (Order No. 279, 31 FPC 750), the Commission prescribed Form No. 15 which did not include the aforementioned data to be filed in automatic data processing (ADP) media. The then-prescribed report was designated as the first phase and further considerations with respect to such data were deferred as the second phase.

By order issued herein on February 16, 1967 (Order No. 337, 37 FPC 326), the Commission further deferred requiring the submission of Form No. 15 in ADP media and made certain minor revisions in section 260.7, Statements and Reports. By further order issued herein on April 27, 1970 (Order No. 339, 43 FPC 563), the Commission amended § 260.7 by requiring the filing of revised Form No. 15 and continued the instant proceeding for consideration of further revisions of § 260.7 with respect to the filing of the aforementioned reservoir data.

Following the issuance of the aforestated Orders Nos. 337 and 339, it has become increasingly clear that it is necessary to have the second phase reservoir data to determine the appropriate criteria for checking data filed in other proceedings and through the use of ADP methods to obtain instant checks on the deliverability status of each interstate natural gas pipeline company.

Accordingly, by notice of proposed rule making issued herein on September 29, 1971 (36 FR 19515), it was proposed to amend Form No. 15 by addition of new Schedules Nos. 4 and 5 for the collection of reservoir data and flow test data for nonassociated gas completions, respectively. Further it was proposed to revise the instructions with respect to Form No. 15 to optionally permit the filing of all schedules in ADP media. As stated, a magnetic tape prepared for the electronic computer, accompanied by a verified, attested electronic computer printout, would be the preferred form for filing the report. It is recognized that all companies required to file the report may not presently utilize computers in their operations, and therefore the filing of the report in ADP media will be optional. However, it is the Commission's intention to eventually require all companies to report such data in ADP form. In addition to amending paragraph (a) of § 260.7 as set out in said notice of October 31, 1972, it was further proposed to revise the Form No. 15 by adding new Schedules 4 and 5 in addition to permitting the filing of all schedules in ADP media.

Comments on this former proposal were received from 27 interstate pipeline companies, the Independent Natural Gas Association of America and the Associated Gas Distributors which represented 52 distributing companies. As a result of such comments, it was further proposed to revise Form No. 15 by substituting three schedules to replace the previously proposed five schedules and adding a fourth special schedule for gas not directly related to wells, reservoirs, and fields, all as set forth in Appendix A hereto.[1] It was further proposed that the newly proposed Schedule No. 4 replace Form No. 15–A. As a consequence companies which formerly filed Form 15–A under these regulations would thereafter file only Schedule No. 4 of the revised Form No. 15 and the table of contents and page No. 47, which is the Synopsis of Pipeline Company Gas Supply with Attestations, and such companies would not be required to file Schedules Nos. 1, 2, and 3 of the revised Form No. 15.

With respect to this latter notice, comments were received from the Independent Natural Gas Association of America, 19 interstate natural gas pipelines, the Associated Gas Distributors, and the Public Service Commission for the State of New York. Among the comments made were (a) the proposal to collect 1972 data in 1973 would impose a hardship stating that the preparation necessary and the conversion to the method proposed would require a delay in reporting and requested that 1973 data be collected in 1974; (b) that the collection of Phase

[1] Appendix A filed as part of the original document.

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II data would be unduly burdensome; and (c) that further conferences be held.

Following appropriate notice, a further conference was held on January 10, 1973, which was attended by representatives of the pipeline industry, the distributor section of the industry, the general public and representatives from our staff and from the Office of Management and Budget. Following a work session off the record at which details of reporting were discussed, all parties were afforded the opportunity to enter further comments and suggestions on the record.

Following a full review of the record in this proceeding including the modified Form No. 15 as promulgated by the notices hereinbefore set forth, the written comments received and the oral record as made on January 10, 1973, it is clear that the data herein and hereby required to be filed and the form of reporting such data are such as to facilitate the Commission in carrying out its obligations under the Natural Gas Act. Further, although we are aware that the time factor may be somewhat burdensome to some persons who are required to complete the revised Form No. 15, the Commission's need for the data is so great at this time of energy shortage, we are hereinafter requiring the data for the calendar year 1972 be reported in 1973 as hereinafter provided.

The Commission finds:

In view of the foregoing and upon consideration of all the relevant matters presented in the comments received, it is necessary and appropriate in the administration of the Natural Gas Act that the use of Form No. 15, as modified herein, be prescribed for the reporting years 1972 and thereafter.

The Commission, acting under the authority of the Natural Gas Act, as amended, particularly sections 7, 10(a), 14(a), and 16 thereof (52 Stat. 825, 826, 828, 830; 56 Stat 83; U.S.C. 717f, 717i(a), 717o), orders:

(A) Effective upon the issuance of this order, Part 260, Chapter I, Title 18 of the Code of Federal Regulations, is amended as follows:

1. In § 260.7, paragraph (a), (b), and (c) are revised to read as follows:

§ 260.7 Form 15, Annual report of gas supply for certain natural gas pipelines.

(a) A revised form of Annual Report of total Gas Supply, designated FPC Form No. 15, is prescribed for the reporting year 1972 and thereafter to be used by natural gas companies as provided by and in accordance with paragraphs (b) and (c) of this section.

(b) Each natural gas company, as defined by the Natural Gas Act, as amended (52 Stat. 821), subject to the requirements of § 260.7 (18 CFR 260.7) except (1) a company whose gas reserves, owned or controlled by producer contracts, at the end of any report year are less than 50 billion cubic feet of gas, or (2) a company purchasing its entire supply of natural gas from other companies subject to the provisions of this section and/or foreign suppliers, or (3) a company which acts only as a transporter of gas for others, shall prepare and file with the Commission for the calendar year ending December 31, 1972, on or before December 31, 1973, and for years subsequent to 1972, on or before each April 1, thereafter, for each calendar year ending December 31, of the previous year all data as prescribed by Paragraph No. 1 of the General Instructions as set out on page 0001 of the Appendix A attached hereto.[1] Such companies having the exceptions hereinbefore stated shall file the schedules required by Paragraph No. 2 of such General Instructions.

(c) Also, in addition to the requirements of paragraph (b)(1) of this section for the reporting year 1972 only, each reporting natural gas company shall file on or before July 1, 1973, either (1) an abbreviated reserves report consisting of the newly revised FPC Form 15 (Appendix A)[1] "Synopsis of Pipeline Company Gas Supply" (page 0047) and lines 101 and 102 of Schedule No. 1 of Appendix A entitled "System Deliverability Summary," or (2) in lieu thereof, at the companies' option, shall file the 1972 data in the same Form 15 format as was used to report the 1971 data.

(B) FPC Form No. 15 as set out and provided for in the attachment hereto, is prescribed, effective for the reporting year 1972 and thereafter, for use in accordance with § 260.7 as revised by paragraph (A) hereof.

(C) In all other respects this proceeding is continued for such further action and orders with respect to Form No. 15 as may appear to be appropriate.

(D) The Secretary shall cause prompt publication of this order to be made in the FEDERAL REGISTER.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

[FR Doc.73-4730 Filed 3-12-73;8:45 am]

Title 21—Food and Drugs

CHAPTER I—FOOD AND DRUG ADMINISTRATION, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

SUBCHAPTER C—DRUGS

PART 135c—NEW ANIMAL DRUGS IN ORAL DOSAGE FORMS

Bicyclohexylammonium Fumagillin

The Commissioner of Food and Drugs has evaluated a supplemental new animal drug application (9-252V) filed by Amdal Co., Division of Abbott Laboratories, 14th Street and Sheridan Road, North Chicago, Ill. 60064, proposing revised labeling regarding the safe and effective use of bycyclohexylammonium fumagillin for the prevention of nosema in honey bees. The supplemental application is approved.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 512(i), 82 Stat. 347; 21 U.S.C. 360b(i)) and under authority delegated to the Commissioner (21 CFR 2.120), Part 135c is amended by adding a new section as follows:

§ 135c.67 Bicyclohexylammonium fumagillin.

(a) *Specifications.* The drug is a soluble powder containing bicyclohexylammonium fumagillin and appropriate phosphate buffers.

(b) *Sponsor.* See code No. 003 in § 135.501(c) of this chapter.

(c) *Conditions of use.* (1) The drug is used for the prevention of nosema in honey bees.

(2) It is administered usually in a 2:1 sugar sirup containing a concentration of from 75 to 100 milligrams of fumagillin activity per gallon of sugar sirup.

(3) Colonies used for package production should be fed medicated sirup as a principal food supply for a month prior to stocking nuclei or shaking packages for market.

(4) The medicated sirup should not be fed immediately before or during the honey flow.

Effective date. This order shall be effective on March 13, 1973.

(Sec. 512(i), 82 Stat. 347; 21 U.S.C. 360b(i))

Dated: March 7, 1973.

C. D. VAN HOUWELING,
Director, Bureau of Veterinary Medicine.

[FR Doc.73-4721 Filed 3-12-73;8:45 am]

ROLITETRACYCLINE MONOGRAPHS

Recodification and Technical Revisions

In a notice of proposed rule making published in the FEDERAL REGISTER of October 7, 1972 (37 FR 21344), and a correction of November 8, 1972 (37 FR 23730), the Commissioner of Food and Drugs proposed that the antibiotic drug regulations be amended by revising Parts 141, 141c, 146c, and 149q and by establishing a new Part 150d to provide for the recodification and technical revisions of the rolitetracycline monographs. Interested persons were invited to submit their comments in response to the notice of proposed rule making within 60 days. No comments were received. Accordingly, the Commissioner of Food and Drugs concludes that the antibiotic drug regulations should be amended as set forth below.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 507, 59 Stat. 463, as amended; 21 U.S.C. 357) and under authority delegated to the Commissioner (21 CFR 2.120), Parts 141, 141c, 146c, and 149q are amended and a new Part 150d is added as follows:

PART 141—TESTS AND METHODS OF ASSAY OF ANTIBIOTIC AND ANTIBIOTIC-CONTAINING DRUGS

§ 141.111 [Amended]

1. In Part 141 in the table in § 141.111(a) by revising the entry in the "Final concentrations—units or micrograms of antibiotic activity per milliliter" column for rolitetracycline to read "0.160, 0.200, 0.250, 0.312, 0.390 μg."

[1] Appendix A filed as part of the original document.

PART 141c—CHLORTETRACYCLINE (OR TETRACYCLINE) AND CHLORTETRACYCLINE- (OR TETRACYCLINE-) CONTAINING DRUGS: TESTS AND METHODS OF ASSAY

§§ 141c.248, 141c.249, and 141c.250 [Revoked]

2. In Part 141c by revoking §§ 141c.248, 141c.249, and 141c.250.

PART 146c—CERTIFICATION OF CHLORTETRACYCLINE (OR TETRACYCLINE) AND CHLORTETRACYCLINE- (OR TETRACYCLINE-) CONTAINING DRUGS

§§ 146c.248, 146c.249, and 146c.250 [Revoked]

3. In Part 146c by revoking §§ 146c.248, 146c.249, and 146c.250.

PART 149q—ROLITETRACYCLINE

§§ 149q.1a, 149q.4, and 149q.5 [Revoked]

4. In Part 149q by revoking §§ 149q.1a, 149q.4, and 149q.5.

PART 150d—ROLITETRACYCLINE

5. By adding a new Part 150d consisting at this time of six sections, as follows:

Sec.
150d.1 Sterile rolitetracycline.
150d.2 Sterile rolitetracycline nitrate.
150d.3–150d.10 [Reserved]
150d.11 Rolitetracycline for intravenous use.
150d.12 Rolitetracycline for intramuscular use.
150d.13 Rolitetracycline nitrate for intravenous use.
150d.14 Rolitetracycline nitrate for intramuscular use.

AUTHORITY: Sec. 507, 59 Stat. 463, as amended; 21 U.S.C. 357.

§ 150d.1 Sterile rolitetracycline.

(a) *Requirements for certification—(1) Standards of identity, strength, quality, and purity.* Sterile rolitetracycline is *N*-(1-pyrrolidinylmethyl) tetracycline. It is so purified and dried that:

(i) Its potency is not less than 900 micrograms per milligram on the anhydrous basis.
(ii) It is sterile.
(iii) It is nonpyrogenic.
(iv) It passes the safety test.
(v) It contains no histamine nor histaminelike substances.
(vi) Its moisture content is not more than 3.0 percent.
(vii) Its pH in an aqueous solution containing 10 milligrams per milliliter is not less than 7 and not more than 9, and such solution is substantially clear.
(viii) It is crystalline.
(ix) When calculated on an anhydrous basis, its absorptivity at 380 nanometers is 100±4.4 percent of that of the rolitetracycline standard similarly treated.
(x) It passes the identity test.

(2) *Labeling.* It shall be labeled in accordance with the requirements of § 148.3 of this subchapter.

(3) *Requests for certification; samples.* In addition to complying with the requirements of § 146.2 of this subchapter, each such request shall contain:

(i) Results of tests and assays on the batch for potency, sterility, pyrogens, safety, histamine, moisture, pH, crystallinity, absorptivity, and identity.

(ii) Samples required:

(a) For all tests except sterility: 10 packages, each containing approximately 500 milligrams.

(b) For sterility testing: 20 packages, each containing approximately 300 milligrams.

(b) *Tests and methods of assay—(1) Potency.* Proceed as directed in § 141.111 of this chapter, preparing the sample for assay as follows: Dissolve an accurately weighed portion of the sample in sufficient methyl alcohol to give a solution containing 1 milligram of rolitetracycline per milliliter (estimated). Further dilute an aliquot of this solution with 0.1*M* potassium phosphate buffer, pH 4.5 (solution 4), to the reference concentration of 0.25 microgram of rolitetracycline per milliliter (estimated).

(2) *Sterility.* Proceed as directed in § 141.2 of this subchapter, using the method described in paragraph (e)(1) of that section, except use diluting fluid D in lieu of diluting fluid A.

(3) *Pyrogens.* Proceed as directed in § 141.4(b) of this subchapter, using a solution containing 5.0 milligrams of rolitetracycline per milliliter.

(4) *Safety.* Proceed as directed in § 141.5 of this subchapter.

(5) *Histamine.* Proceed as directed in § 141.7 of this subchapter.

(6) *Moisture.* Proceed as directed in § 141.502 of this subchapter.

(7) *pH.* Proceed as directed in § 141.503 of this subchapter, using an aqueous solution containing 10 milligrams per milliliter.

(8) *Crystallinity.* Proceed as directed in § 141.504(a) of this subchapter.

(9) *Absorptivity.* Determine the absorbance of the sample and standard solutions in the following manner: Dissolve an accurately weighed portion of approximately 40 milligrams each of the sample and standard in approximately 150 milliliters of distilled water and mix thoroughly. Dilute each to exactly 250 milliliters with distilled water and mix thoroughly. Transfer a 10.0-milliliter aliquot of each of these solutions to separate 100-milliliter volumetric flasks. Add approximately 75 milliliters of distilled water and 5.0 milliliters of 5*N* NaOH to each flask, and then dilute to volume with water and mix thoroughly. Exactly 6 minutes after the addition of the NaOH, determine the absorbance of each solution at 380 nanometers, using a suitable spectrophotometer and distilled water as the blank. Determine the percent absorptivity of the sample relative to the absorptivity of the standard using the following calculations:

$$\text{Percent relative absorptivity} = \frac{\text{Absorbance of sample}}{\text{Absorbance of standard}} \times \frac{\text{weight of standard in milligrams}}{\text{weight of sample in milligrams}} \times \frac{\text{potency of standard in micrograms per milligram}}{\text{potency of sample in micrograms per milligram}} \times \frac{10}{(100-m)}$$

where m = percent moisture in the sample.

(10) *Identity.* Place approximately 100 milligrams of the sample to be tested in a test tube, and 5 milliliters of 1*N* NaOH, and heat gently to boiling for about 15 seconds. (The musty, aminelike odor of pyrrolidine is detectable.) Allow to cool to room temperature. A deep burgundy-red color of the clear solution indicates the presence of rolitetracycline.

§ 150d.2 Sterile rolitetracycline nitrate.

(a) *Requirements for certification—(1) Standards of identity, strength, quality, and purity.* Sterile rolitetracycline nitrate is the nitrate salt of *N*-(pyrrolidinomethyl) tetracycline. It is so purified and dried that:

(i) It contains not less than 765 micrograms of rolitetracycline per milligram on an "as is" basis.
(ii) It is sterile.
(iii) It is nonpyrogenic.
(iv) It passes the safety test.
(v) It contains no histamine nor histaminelike substances.
(vi) Its moisture content is not more than 5.0 percent.
(vii) Its pH in an aqueous solution containing 10 milligrams per milliliter is not less than 3.5 and not more than 5.5.
(viii) It is crystalline.
(ix) When calculated on an anhydrous basis, its absorptivity at 380 nanometers is 89.2±4.0 percent of that of the rolitetracycline standard similarly treated and corrected for potency.
(x) It gives a positive result to the identity tests for rolitetracycline nitrate.

(2) *Labeling.* It shall be labeled in accordance with the requirements of § 148.3 of this subchapter.

(3) *Requests for certification; samples.* In addition to complying with the requirements of § 146.2 of this subchapter, each such request shall contain:

(i) Results of tests and assays on the batch for potency, sterility, pyrogens, safety, histamine, moisture, pH, crystallinity, absorptivity, and identity.

(ii) Samples required:

(a) For all tests except sterility: 10 packages, each containing approximately 500 milligrams.

(b) For sterility testing: 20 packages, each containing approximately 300 milligrams.

(b) *Tests and methods of assay—(1) Potency.* Proceed as directed in § 141.111 of this chapter, preparing the sample for assay as follows: Dissolve an accurately weighed sample in sufficient methyl alcohol to give a solution containing 1 mil-

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ligram of rolitetracycline per milliliter (estimated). Further dilute an aliquot of this solution with 0.1*M* potassium phosphate buffer, pH 4.5 (solution 4), to the reference concentration of 0.25 microgram of rolitetracycline per milliliter (estimated).

(2) *Sterility.* Proceed as directed in § 141.2 of this subchapter, using the method described in paragraph (e)(1) of that section, except use diluting fluid D in lieu of diluting fluid A.

(3) *Pyrogens.* Proceed as directed in § 141.4(b) of this subchapter, using a solution containing 5.0 milligrams of rolitetracycline per milliliter.

(4) *Safety.* Proceed as directed in § 141.5 of this subchapter.

(5) *Histamine.* Proceed as directed in § 141.7 of this subchapter.

(6) *Moisture.* Proceed as directed in § 141.502 of this subchapter.

(7) *pH.* Proceed as directed in § 141.503 of this subchapter, using an aqueous solution containing 10 milligrams per milliliter.

(8) *Crystallinity.* Proceed as directed in § 141.504(a) of this subchapter.

(9) *Absorptivity.* Determine the absorbance of the sample and standard solutions in the following manner: Dissolve an accurately weighed portion of approximately 40 milligrams each of the sample and standard in approximately 150 milliliters of distilled water and mix thoroughly. Dilute each to exactly 250 milliliters with distilled water and mix thoroughly. Transfer a 10.0-milliliter aliquot of each of these solutions to representative 100-milliliter volumetric flasks. Add about 75 milliliters of distilled water and 5.0 milliliters of 5*N* NaOH to each and then dilute to volume with water and mix thoroughly. Exactly 6 minutes after the addition of the NaOH, determine the absorbance of each solution at 380 nanometers, using a suitable spectrophotometer and distilled water as the blank. Determine the percent absorptivity of the sample relative to the absorptivity of the standard using the following calculations:

$$\text{Percent relative absorptivity} = \frac{\text{Absorbance of sample} \times \text{weight of standard in milligrams} \times \text{potency of standard in micrograms per milligram} \times 10,}{\text{Absorbance of standard} \times \text{weight of sample in milligrams} \times (100-m)}$$

where: *m* = percent moisture in the sample.

(10) *Identity.*—(i) *Rolitetracycline.* Place approximately 100 milligrams of the sample to be used in a test tube, add 5 milliliters of 1*N* NaOH, and heat gently to boiling for about 15 seconds. (The musty, aminelike odor of pyrrolidine is detectable.) Allow to cool to room temperature. A deep burgundy-red color of the clear solution indicates the presence of rolitetracycline.

(ii) *Nitrate identity.* Transfer approximately 1 gram of sample to a 250-milliliter beaker, add 100 milliliters of water, and acidify with 1 milliliter of acetic acid. Heat to boiling and, with constant stirring, add 10 milliliters of a 10-percent solution of nitron (1,4-diphenyl-3,5-endo - anilino - 4,5 - dihydro - 1,2,4 - triazole) $C_{20}H_{16}N_4$[1] in 1*N* acetic acid. Allow to cool. A heavy precipitate indicates the presence of nitrate.

§§ 150d.3—150d.10 [Reserved]

§ 150d.11 Rolitetracycline for intravenous use.

(a) *Requirements for certification.*—(1) *Standard of identity, strength, quality, and purity.* Rolitetracycline for intravenous use is a dry mixture of rolitetracycline and one or more suitable buffer substances. Its potency is satisfactory if it is not less than 90 percent and not more than 115 percent of the number of milligrams of rolitetracycline that it is represented to contain. It is sterile. It is nonpyrogenic. It passes the safety test. It contains no histamine nor histaminelike substances. Its loss on drying is not more than 5 percent. When reconstituted as directed in the labeling, its pH is not less than 3.0 and not more than 4.5. The rolitetracycline used conforms to the standards prescribed by § 150d.1(a)(1).

(2) *Labeling.* It shall be labeled in accordance with the requirements of § 148.3 of this subchapter.

(3) *Requests for certification; samples.* In addition to complying with the requirements of § 146.2 of this subchapter, each such request shall contain:

(i) Results of tests and assays on:

(*a*) The rolitetracycline used in making the batch for potency, moisture, pH, crystallinity, absorptivity, and identity.

(*b*) The batch for potency, sterility, pyrogens, safety, histamine, loss on drying, and pH.

(ii) Samples required:

(*a*) The rolitetracycline used in making the batch: 10 packages, each containing approximately 500 milligrams.

(*b*) The batch:

(*1*) For all tests except sterility: A minimum of 10 immediate containers.

(2) For sterility testing: 20 immediate containers, collected at regular intervals throughout each filling operation.

(b) *Tests and methods of assay.*—(1) *Potency.* Proceed as directed in § 141.111 of this subchapter, preparing the sample for assay as follows: Reconstitute the sample as directed in the labeling. Using a suitable hypodermic needle and syringe, remove all of the withdrawable contents if it is represented as a single dose container; or if the labeling specifies the amount of potency in a given volume of the resultant preparation, remove an accurately measured representative portion from each container. Add sufficient methyl alcohol to give a solution containing 1 milligram of rolitetracycline per milliliter (estimated). Further dilute an aliquot of this solution with 0.1*M* potassium phosphate buffer, pH 4.5 (solution 4), to the reference concentration of 0.25 microgram of rolitetracycline per milliliter (estimated).

(2) *Sterility.* Proceed as directed in § 141.2 of this subchapter, using the method described in paragraph (e)(1) of that section, except use diluting fluid D in lieu of diluting fluid A.

(3) *Pyrogens.* Proceed as directed in § 141.4(b) of this subchapter, using a solution containing 5.0 milligrams of rolitetracycline per milliliter.

(4) *Safety.* Proceed as directed in § 141.5 of this subchapter.

(5) *Histamine.* Proceed as directed in § 141.7 of this subchapter.

(6) *Loss on drying.* Proceed as directed in § 141.501(b) of this subchapter.

(7) *pH.* Proceed as directed in § 141.503 of this subchapter, using a solution prepared as directed in the labeling.

§ 150d.12 Rolitetracycline for intramuscular use.

(a) *Requirements for certification.*—(1) *Standards of identity, strength, quality, and purity.* Rolitetracycline for intramuscular use is a dry mixture of rolitetracycline and one or more suitable buffer substances and anesthetic agents. Its potency is satisfactory if it is not less than 90 percent and not more than 115 percent of the number of milligrams of rolitetracycline that it is represented to contain. It is sterile. It is nonpyrogenic. Its loss on drying is not more than 5 percent. When reconstituted as directed in the labeling, its pH is not less than 3.0 and not more than 4.5. The rolitetracycline used conforms to the standards prescribed by § 150d.1(a)(1).

(2) *Labeling.* It shall be labeled in accordance with the requirements of § 148.3 of this subchapter.

(3) *Requests for certification; samples.* In addition to complying with the requirements of § 146.2 of this subchapter, each such request shall contain:

(i) Results of tests and assays on:

(*a*) The rolitetracycline used in making the batch for potency, safety, histamine, moisture, pH, crystallinity, absorptivity, an identity.

(*b*) The batch for potency, sterility, pyrogens, loss on drying, and pH.

(ii) Samples required:

(*a*) The rolitetracycline used in making the batch: 10 packages, each containing approximately 500 milligrams.

(*b*) The batch:

(*1*) For all tests except sterility: A minimum of 10 immediate containers.

(2) For sterility testing: 20 immediate containers, collected at regular intervals throughout each filling operation.

(b) *Tests and methods of assay.*—(1) *Potency.* Proceed as directed in § 141.111 of this subchapter, preparing the sample for assay as follows: Reconstitute the sample as directed in the labeling. Then using a suitable hypodermic needle and syringe, remove all of the withdrawable contents if it is represented as a single dose container; or if the labeling specifies the amount of potency in a given volume of the resultant preparation, remove an accurately measured representative portion from each container. Add sufficient methyl alcohol to give a solution containing 1 milligram of rolitetracycline per milliliter (estimated). Further dilute an aliquot of this solution with 0.1*M* potassium phosphate buffer, pH 4.5 (solution 4), to the reference concentration of 0.25 microgram of rolitetracycline per milliliter (estimated).

(2) *Sterility.* Proceed as directed in § 141.2 of this subchapter, using the method described in paragraph (e)(1) of that section, except use diluting fluid D in lieu of diluting fluid A.

(3) *Pyrogens.* Proceed as directed in § 141.4(b) of this subchapter, using a solution containing 5.0 milligrams of rolitetracycline per milliliter.

(4) *Safety.* Proceed as directed in § 141.5 of this subchapter.

(5) *Histamine.* Proceed as directed in § 141.7 of this subchapter.

(6) *Loss on drying.* Proceed as directed in § 141.501(b) of this subchapter.

(7) *pH.* Proceed as directed in § 141.503 of this subchapter, using a solution prepared as directed in the labeling.

§ 150d.13 Rolitetracycline nitrate for intravenous use.

(a) *Requirements for certification.*—(1) *Standard of identity, strength, quality, and purity.* Rolitetracycline nitrate for intravenous use is a dry mixture of rolitetracycline nitrate and one or more suitable buffer substances. Its potency is satisfactory if it contains not less than 90 percent and not more than 115 percent of the number of milligrams of rolitetracycline that it is represented to contain. It is sterile. It is nonpyrogenic. It passes the safety test. It contains no histamine nor histaminelike substances. Its loss on drying is not more than 5 percent. When reconstituted as directed in the labeling, its pH is not less than 3.0 and not more than 4.5. The rolitetracycline nitrate used conforms to the standards prescribed by § 150d.1(a)(1).

(2) *Labeling.* It shall be labeled in accordance with the requirements of § 148.3 of this subchapter.

(3) *Requests for certification; samples.* In addition to complying with the requirements of § 146.2 of this subchapter, each such request shall contain:

(i) Results of tests and assays on:

(*a*) The rolitetracycline used in making the batch for potency, moisture, pH, crystallinity, absorptivity, and identity.

(*b*) The batch for potency, sterility, pyrogens, safety, histamine, loss on drying, and pH.

(ii) Samples required:

(*a*) The rolitetracycline nitrate used in making the batch: 10 packages, each containing approximately 500 milligrams.

(*b*) The batch:

(*1*) For all tests except sterility: A minimum of 10 immediate containers.

(2) For sterility testing: 20 immediate containers, collected at regular intervals throughout each filling operation.

(b) *Tests and methods of assay.*—(1) *Potency.* Proceed as directed in § 141.111 of this subchapter, preparing the sample for assay as follows: Reconstitute the sample as directed in the labeling. Using a suitable hypodermic needle and syringe, remove all of the withdrawable contents if it is represented as a single dose container; or if the labeling specifies the amount of potency in a given volume of the resultant preparation, remove an accurately measured representative portion from each container. Add sufficient methyl alcohol to give a solution containing 1 milligram of rolitetracycline per milliliter (estimated). Further dilute an aliquot of this solution with 0.1*M* potassium phosphate buffer, pH 4.5 (solution 4), to the reference concentration of 0.25 microgram of rolitetracycline per milliliter (estimated).

(2) *Sterility.* Proceed as directed in § 141.2 of this subchapter, using the method described in paragraph (e)(1) of that section, except use diluting fluid D in lieu of diluting fluid A.

(3) *Pyrogens.* Proceed as directed in § 141.4(b) of this subchapter, using a solution containing 5.0 milligrams of rolitetracycline per milliliter.

(4) *Loss on drying.* Proceed as directed in § 141.501(b) of this subchapter.

(5) *pH.* Proceed as directed in § 141.503 of this subchapter, using a solution prepared as directed in the labeling.

§ 150d.14 Rolitetracycline nitrate for intramuscular use.

(a) *Requirements for certification.*—(1) *Standards of identity, strength, quality, and purity.* Rolitetracycline nitrate for intramuscular use is a dry mixture of rolitetracycline nitrate, one or more suitable buffer substances, and lidocaine hydrochloride. Its potency is satisfactory if it is not less than 90 percent and not more than 115 percent of the number of milligrams of rolitetracycline that it is represented to contain. It is sterile. It is nonpyrogenic. Its loss on drying is not more than 5 percent. When reconstituted as directed in the labeling, its pH is not less than 2.5 nor more than 4.0. The rolitetracycline nitrate used conforms to the standards prescribed by § 150d.2(a)(1).

(2) *Labeling.* It shall be labeled in accordance with the requirements of § 148.3 of this subchapter.

(3) *Requests for certification; samples.* In addition to complying with requirements of / 146.2 of this subchapter, each such request shall contain:

(i) Results of tests and assays on:

(*a*) The rolitetracycline nitrate used in making the batch for potency, moisture, pH, crystallinity, absorptivity, and identity.

(*b*) The batch for potency, sterility, pyrogens, safety, histamine, loss on drying, and pH.

(ii) Samples required:

(*a*) The rolitetracycline nitrate used in making the batch: 10 packages, each containing approximately 500 milligrams.

(*b*) The batch:

(*1*) For all tests except sterility: A minimum of 10 immediate containers.

(2) For sterility testing: 20 immediate containers, collected at regular intervals throughout each filling operation.

(b) *Tests and methods of assay.*—(1) *Potency.* Proceed as directed in § 141.111 of this subchapter, preparing the sample for assay as follows: Reconstitute the sample as directed in the labeling. Using a suitable hypodermic needle and syringe, remove all of the withdrawable contents if it is represented as a single dose container; or if the labeling specifies the amount of potency in a given volume of the resultant preparation, remove an accurately measured representative portion from each container. Add sufficient methyl alcohol to give a solution containing 1 milligram of rolitetracycline per milliliter (estimated). Further dilute an aliquot of this solution with 0.1*M* potassium phosphate buffer, pH 4.5 (solution 4), to the reference concentration of 0.25 microgram of rolitetracycline per milliliter (estimated).

(2) *Sterility.* Proceed as directed in § 141.2 of this subchapter, using the method described in paragraph (e)(1) of that section, except use diluting fluid D in lieu of diluting fluid A.

(3) *Pyrogens.* Proceed as directed in § 141.4(b) of this subchapter, using a solution containing 5.0 milligrams of rolitetracycline per milliliter.

(4) *Loss on drying.* Proceed as directed in § 141.501(b) of this subchapter.

(5) *pH.* Proceed as directed in § 141.503 of this subchapter, using a solution prepared as directed in the labeling.

Effective date. This order shall become effective on April 12, 1973.

(Sec. 507, 59 Stat. 463, as amended; 21 U.S.C. 357)

Dated: March 7, 1973.

MARY A. MCENIRY,
Assistant to the Director for Regulatory Affairs, Bureau of Drugs.

[FR Doc.73-4726 Filed 3-12-73;8:45 am]

PART 148f—GRAMICIDIN

Change in Identity Test

In a notice published in the FEDERAL REGISTER of October 7, 1972 (37 FR 21347), the Commissioner of Food and Drugs proposed to amend the antibiotic drug regulations to require that the gramicidin identity test be calculated on the anhydrous basis. Interested persons were invited to submit their comments in response to the notice of proposed rule making within 60 days. No comments were received. Accordingly, the Commissioner of Food and Drugs concludes that the antibiotic drug regulations should be amended as set forth below.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 507, 59 Stat. 463, as amended; 21 U.S.C. 357) and under authority delegated to the Commissioner (21 CFR 2.120), Part 148f is amended in § 148f.1 by revising paragraphs (a)(1)(vi) and (b)(6) to read as follows:

§ 148f.1 Gramicidin.

(a) *Requirements for certification.* • • •

(1) • • •

(vi) When calculated on the anhydrous basis, the difference between the absorptivity value at the maximum occurring at 282 nanometers and the absorptivity

[1] Nitron is available from J. T. Baker Laboratory Chemicals, North Phillipsburg, N.J. 08865.

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value at the minimum occurring at 247 nanometers is 100±4 percent of the difference obtained with the gramicidin working standard.

• • • • • • •

(b) *Tests and methods of assay.* • • •

(6) *Identity.* Accurately weigh about 20 milligrams of the sample and dilute in ethyl alcohol to give a concentration of 0.05 milligram (estimated) of gramicidin per milliliter. Prepare a solution of the gramicidin working standard to contain 0.05 milligram per milliliter in ethyl alcohol. Using a suitable recording spectrophotometer with 1-centimeter cells, record the ultraviolet absorbance spectrum of each solution from 220 nanometers to 320 nanometers. The ultraviolet absorbance spectrum of the sample solution should compare qualitatively to that of the working standard solution. Determine the absorptivities of each at the maximum occurring at 282 nanometers and at the minimum occurring at 247 nanometers (the exact position of the maximum and minimum of the gramicidin working standard should be determined for the particular instrument used).

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Effective date. This order shall be effective on April 12, 1973.

(Sec. 507, 59 Stat. 463, as amended; 21 U.S.C. 357)

Dated: March 7, 1973.

MARY A. MCENIRY,
Assistant to the Director for Regulatory Affairs, Bureau of Drugs.

[FR Doc.73-4724 Filed 3-12-73;8:45 am]

Title 26—Internal Revenue

CHAPTER I—INTERNAL REVENUE SERVICE, DEPARTMENT OF THE TREASURY

SUBCHAPTER E—ALCOHOL, TOBACCO, AND OTHER EXCISE TAXES

[T.D. ATF-3]

PART 240—WINE

Materials Authorized for Treatment of Wine

This document amends 26 CFR Part 240, Wine, the primary purposes being to make it consistent with 21 CFR Part 121, GRAS and Food Additive Status, with respect to materials authorized for treatment of wine, and to provide for continuing consistency between these parts. The most significant changes consist of additions and deletions to the list of approved materials, changes in the authorized uses of certain materials, and the addition of provisions for removing from the list of approved materials those materials which are removed by the Commissioner of Food and Drugs from the GRAS listing.

On November 2, 1972, a notice of proposed rule making to amend 26 CFR Part 240, as described in the previous paragraph, was published in the FEDERAL REGISTER (37 FR 23339). In accordance with the notice, interested persons were afforded an opportunity to submit written comments or suggestions pertaining thereto. After consideration of all relevant matter presented and further study of the proposed amendments, the amendments to 26 CFR Part 240 are hereby adopted as published in the notice of proposed rule making subject to the following changes:

The entry for "ammonium phosphate (monobasic and dibasic)", has been deleted since this material is included within the term "phosphates" which is already on the list of approved materials; however, the uses (and limitations on the uses) of ammonium phosphate (monobasic and dibasic) and diammonium phosphate have been added to the existing "phosphates" entry; polyvinylpyrrolidone has been added to the list of authorized materials as a wine clarifier; and the uses of "granular cork" have been broadened so that it may be used to treat wines stored in tanks constructed of materials other than redwood or concrete. The preamble is changed by modifying items (b) through (f) thereof to read: "(b) adding polyvinylpyrrolidone to the list of approved materials; (c) deleting diammonium phosphate; (d) deleting glycine (amino acetic acid); (e) deleting diethyl pyrocarbonate ;(f) combining the entries for the materials ammonium phosphate (monobasic and dibasic) and phosphates into the single entry phosphates;" and adding item (g) which will read "and (g) broadening the authorized use of granular cork."

The list of materials authorized for use in wine is changed to combine the entries for the materials "Ammonium phosphate (monobasic and dibasic)" and "Phosphates" into the single entry "Phosphates"; to add the material "Polyvinylpyrrolidone" and to broaden the authorized uses of "Granular cork". To accomplish this the list of materials as published in the notice of proposed rule making is further changed to read as set forth below.

In order to make 26 CFR Part 240, Wine, consistent with 21 CFR Part 121, GRAS and Food Additive Status, with respect to materials authorized for treatment of wine, and to provide for continuing consistency between these parts, the regulations in 26 CFR Part 240 are amended as follows:

Section 240.1051 is amended by: (a) Adding a sentence to the introductory paragraph to provide for removal from the list of materials authorized for treatment of wine, those materials which are removed by the Commissioner of Food and Drugs from the GRAS listing; (b) adding polyvinylpyrrolidone to the list of approved materials; (c) deleting diammonium phosphate; (d) deleting glycine (amino acetic acid); (e) deleting diethyl pyrocarbonate; (f) combining the entries for the materials ammonium phosphate (monobasic and dibasic) and phosphates into the single entry phosphates; and (g) broadening the authorized use of granular cork.

§ 240.1051 Materials authorized for treatment of wine.

The materials listed below are approved, as being consistent with good commercial practice, for use by proprietors of bonded wine cellars in the production, cellar treatment, or finishing of wine (including distilling material), within the general limitations of § 240.524, or the specific limitations shown in the table, or given in the sections referred to: *Provided*, That when any approved material on this list is removed from the Food and Drug Administration list of products generally recognized as safe, the Director may cancel its approval for use in the production, cellar treatment, or finishing of wine (including distilling material).

Materials	Use	Reference or limitation
• • •	• • •	• • •
Defoaming agents (polyoxyethylene-40-monostearate and silicon dioxide) (sorbic acid, carboxy methyl cellulose, dimethyl polysiloxane, polyoxyethylene (40) monostearate, and sorbitan monostearate).	Defoaming agent	Defoaming agents which are 100 percent active may be used in amounts not exceeding 0.15 pound per 1,000 gallons of wine. Defoaming agents which are 30 percent active may be used in amounts not exceeding 0.5 pound per 1,000 gallons of wine. Silicon dioxide shall be completely removed by filtration. 21 CFR 121.1099, 121.101(d)(2), 121.101(d)(8).
Eggs (Albumen or yolks)	To clarify wine	GRAS.
• • •	• • •	• • •
Gelatin	To clarify wine	GRAS.
Granular cork	For treatment of wine	The amount used shall not exceed 10 pounds per 1,000 gallons of wine GRAS.
• • •	• • •	• • •
Phosphates	Yeast food in distilling material and wind production, and to start secondary fermentation in manufacturing champagne and sparkling wines.	As a yeast food in distilling material, the amount shall not exceed 10 pounds per 1,000 gallons. In wine production, the amount shall not exceed 1.7 pounds per 1,000 gallons. In manufacturing champagne and sparkling wines a small quantity only shall be used. 21 CFR 121.101(d)(8).
• • •	• • •	• • •
Polyvinylpyrrolidone (PVP)	To clarify wine	The residual level of PVP in the finished wine will not exceed 60 p.p.m.
• • •	• • •	• • •

(72 Stat. 1383; 26 U.S.C. 5382)

This Treasury decision shall become effective on May 1, 1973.

(26 U.S.C. 7805 (68 Stat. 917))

[SEAL] REX D. DAVIS,
Director, Bureau of Alcohol, Tobacco and Firearms.

Approved: March 2, 1973.

EDWARD L. MORGAN,
Assistant Secretary of the Treasury.

[FR Doc.73-4695 Filed 3-12-73;8:45 am]

SUBCHAPTER F—PROCEDURE AND ADMINISTRATION

[T.D. 7266]

PART 301—PROCEDURE AND ADMINISTRATION

Inspection of Returns by U.S. Attorneys and Attorneys of Department of Justice and Use of Returns in Grand Jury Proceedings and in Litigation

To officers and employees of the Treasury Department and others concerned. In order to revise and strengthen the procedures governing the inspection of returns by U.S. attorneys and attorneys of the Department of Justice and the use of returns in grand jury proceedings and in litigation under section 6103 of the Internal Revenue Code of 1954, the Regulations on Procedure and Administration (26 CFR Part 301) under such section are amended as follows:

Section 301.6103(a)-1 is amended by revising paragraphs (g) and (h). The amended provisions read as follows:

§ 301.6103(a)-1 Inspection of returns by certain classes of persons and State and Federal Government establishments pursuant to Executive order.

• • • • • • •

(g) *Inspection of returns by U.S. attorneys and attorneys of Department of Justice.* A return in respect of any tax described in paragraph (a)(2) of this section shall be open to inspection by a U.S. attorney or by an attorney of the Department of Justice where necessary in the performance of his official duties. The application for inspection shall be in writing and shall show (1) the name and address of the person for whom the return was made, (2) the kind of tax reported on the return, (3) the taxable period covered by the return, and (4) the reason why inspection is desired. The application shall, where the inspection is to be made by a U.S. attorney, be signed by such attorney, and, where the inspection is to be made by an attorney of the Department of Justice, be signed by the Attorney General, Deputy Attorney General, or an Assistant Attorney General. The application shall be addressed to the Commissioner of Internal Revenue, Washington, D.C. 20224, with a copy addressed to the internal revenue officer (the district director or the director of the service center) with whom the return was filed.

(h) *Use of returns in grand jury proceedings and in litigation.* Returns made in respect of any tax described in paragraph (a)(2) of this section, or copies thereof, may be furnished by the Secretary or the Commissioner or the delegate of either to a U.S. attorney or an attorney of the Department of Justice for official use in proceedings before a U.S. grand jury, or in litigation in any court, if the United States is interested in the result, or for use in preparation for such proceedings or litigation. The original return will be furnished only in exceptional cases, and then only if it is made to appear that the ends of justice may otherwise be defeated. Returns or copies thereof will be furnished without written application therefor to U.S. attorneys and attorneys of the Department of Justice for official use in the prosecution of claims and demands by, and offenses against, the United States, or the defense of claims and demands against the United States or officers or employees thereof, in cases arising under the internal revenue laws or related statutes which were referred by the Department of the Treasury to the Department of Justice for such prosecution or defense. In all other cases, written application for a return or copies thereof shall be made to the Commissioner of Internal Revenue, Washington, D.C. 20224, with a copy addressed to the internal revenue officer (the district director or the director of the service center) with whom the return was filed. The application shall be in writing and shall show (1) the name and address of the person for whom the return was made, (2) the kind of tax reported on the return, (3) the taxable period covered by the return, and (4) the reason why the return or a copy thereof is desired. Such application shall be signed by the U.S. attorney if the return or copy is for his use, or by the Attorney General, the Deputy Attorney General, or an Assistant Attorney General if the return or copy is for the use of an attorney of the Department of Justice. For provisions relating to the certification of copies of returns, see § 301.6103(a)-2. If a return, or copy thereof, is furnished pursuant to this paragraph, it shall be limited in use to the purpose for which it is furnished and is under no condition to be made public except to the extent that publicity necessarily results from such use. Neither the original nor a copy of a return desired for use in litigation in court will be furnished if the United States is not interested in the results, but this provision is not a limitation on the use of copies of returns by the persons entitled thereto. See paragraphs (e) and (f) of this section for use, in proceedings to which the United States is a party, of information obtained by executive departments and other Federal Government establishments from inspection of returns. If a U.S. attorney or an attorney of the Department of Justice has obtained a copy of a return under paragraph (g) of this section, an application for the use of such return in a situation specified in this paragraph shall not be necessary. Returns shall not be made available to the Department of Justice for purposes of examining prospective jurors except that this shall not prohibit the answering of an inquiry, from the Department of Justice, as to whether a prospective juror has, or has not, been investigated by the Internal Revenue Service.

• • • • • • •

Because this Treasury decision constitutes a general statement of policy and establishes rules of Departmental practice and procedure, it is found that it is unnecessary to issue this Treasury decision with notice and public procedure thereon under subsection (b) of section 553 of title 5 of the United States Code or subject to the effective date limitation of subsection (d) of that section.

[SEAL] GEORGE P. SHULTZ,
Secretary of the Treasury.

Approved: March 8, 1973.

RICHARD NIXON,
The White House.

[FR Doc.73-4901 Filed 3-9-73;3:51 pm]

Title 41—Public Contracts and Property Management

CHAPTER 5A—FEDERAL SUPPLY SERVICE, GENERAL SERVICES ADMINISTRATION

Contract Clauses Related To Transportation

This change establishes a new Part 5A-19, Transportation, to revise and consolidate material related to transportation matters heretofore contained in various parts of Chapter 5A.

PART 5A-7—CONTRACT CLAUSES

The table of contents for Part 5A-7 is amended by revision of the following entry:

5A-7.101-78. Identification of production point.

Subpart 5A-7.1—Fixed Price Supply Contracts

Section 5A-7.101-78 is revised to read as follows:

§ 5A-7.101-78 Identification of production point.

When identification of production point is required as part of the solicitation, a clause substantially as follows shall be inserted (see § 1-2.201(b)(4)):

PRODUCTION POINT

Offeror shall insert, in the spaces below, the names of the manufacturers of the items offered and the address and telephone numbers of the production facility(ies).

Item No.	Name of manufacturer	Production point (name, address, including county and telephone)
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Chapter 5A is amended by adding new Part 5A–19 as follows:

PART 5A–19—TRANSPORTATION

Subpart 5A–19.1—General

Sec.
5A–19.102 Coordination between contracting and transportation officers.

Subpart 5A–19.2—Transportation Factors in the Procurement of Personal Property

5A–19.202 Transportation factors in invitations.
5A–19.202–2 Packing and marking.
5A–19.202–6 Bid requirements.
5A–19.202–7 Use of appropriate delivery terms.
5A–19.202–8 Options in shipment and delivery.

Subpart 5A–19.3—Contract Delivery Terms

5A–19.301 Use of standard delivery terms.
5A–19.370 Deliveries to GSA supply distribution facilities.
5A–19.371 Delivery terms—Federal Supply Schedule contracts.

AUTHORITY: Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c); 41 CFR 5–1(c).

Subpart 5A–19.1—General

§ 5A–19.102 Coordination between contracting and transportation officers.

The contracting officer shall obtain traffic management advice and assistance, including appropriate transportation factors, required for (a) solicitations and awards and (b) the administration and modification of contracts from transportation officers, FSS.

Subpart 5A–19.2—Transportation Factors in the Procurement of Personal Property

§ 5A–19.202 Transportation factors in invitations.

§ 5A–19.202–2 Packing and marking.

See §§ 5A–7.101–75, 5A–7.101–76, and 5A–7.101–79 (clauses 31, 29, and 33, respectively, of GSA Form 1424).

§ 5A–19.202–6 Bid requirements.

(a) *General.* See § 1–19.202–6 for general requirements.

(b) *Notice of shipment.* See §§ 5A–7.101–70 (clause 37 of GSA Form 1424) and 5A–16.950–1056 for notice of shipment clause and form.

(c) *Shipping points.* When f.o.b. origin prices are solicited, offerors shall be required to specify their shipping point(s) by providing street address, city, county, and State applicable to each item on which an offer is submitted. Spaces shall be provided in the solicitation for the insertion of this information.

(d) *Guaranteed maximum shipping weights.* When guaranteed maximum shipping weights and/or dimensions are required for evaluation of freight costs, see § 5A–7.101–82 (clause 38 of GSA Form 1424).

§ 5A–19.202–7 Use of appropriate delivery terms.

See § 1–19.202–7 for guidance in the selection of appropriate delivery terms. If the contracting officer uses only one delivery term in the solicitation despite guidance in § 1–19.202–7 that alternative delivery terms should be included, the reasons for so doing shall be stated in the contract file.

§ 5A–19.202–8 Options in shipment and delivery.

The clause in § 5A–7.101–2 (clause 2 of GSA Form 1424) is an amplification of Article 2 (Changes) of the General Provisions, Standard Form 32, and is prescribed for use in all Federal Supply Service contracts except Federal Supply Schedule contracts.

Subpart 5A–19.3—Contract Delivery Terms

§ 5A–19.301 Use of standard delivery terms.

(a) "Standard" delivery terms are those listed and defined in §§ 1–19.302 through 1–19.315. These terms should be used except in particular types of contracts for which specially adapted delivery provisions are required. (See (c), below.) In this connection, it has been determined that the standard delivery term "f.o.b. destination" does not satisfy the Government's needs with respect to contracts for stock items and Federal Supply Schedule contracts. Accordingly, special clauses providing for destination delivery are prescribed in §§ 5A–19.370 and 5A–19.371 for use in such contracts.

(b) The use of a standard delivery term in a solicitation activates clause 36 of GSA Form 1424 entitled "Meaning of Delivery Terms" (see § 5A–7.101–73) which in turn causes the FPR definition of the term and related contractor responsibilities shown thereunder to be incorporated by reference in the solicitation.

(c) When other than standard delivery terms are used, the solicitation shall clearly define the point of delivery and shall set forth thereunder any appropriate related contractor responsibilities. These responsibilities shall include factors such as those outlined in "contractor responsibilities" under specific FPR delivery terms, unless such responsibilities are provided for elsewhere in the solicitation.

§ 5A–19.370 Deliveries to GSA supply distribution facilities.

(a) The following clause shall be used in contracts for stock items when separate delivered prices are solicited for individual GSA supply distribution facilities. The first sentence of the clause may be modified as appropriate when prices are requested to cover deliveries to specified destinations within certain areas (i.e., GSA regions or zones). When prices are solicited covering delivery to any point within specified regions or zones, the geographic areas of the regions or zones shall be defined in the solicitation.

DELIVERY-DESTINATION PRICES

Prices cover delivery to the GSA supply distribution facilities specified in the item listing. Supplies shall be delivered to the named destination consignee's warehouse, unloading platform, or receiving dock at the expense of the Contractor. The Government shall not be liable for any delivery, storage, demurrage, detention, accessorial, or other charges involved prior to the actual delivery (or "constructive placement" as defined in carrier tariffs) of the supplies to the destination, unless such charges are caused by an act or order of the Government acting in its contractual capacity. If rail carrier is used, supplies will be delivered to the specified unloading platform of the consignee. If motor carrier (including "piggyback") is used, supplies will be delivered to truck tailgate at the unloading platform of the consignee. If the Contractor uses rail carrier or freight forwarder for less than carload shipments, he shall ensure that the carrier will furnish tailgate delivery if transfer to truck is required to complete delivery to consignee.

(b) Less - than - carload/less - than - truckload shipments to GSA supply distribution facilities.

(1) It is common industry practice for shippers to take advantage of lower freight rates by consolidating less-than-carload/less-than-truckload shipments into a carload or truckload with stopoff privileges en route for partial unloading. Where a supply contract provides for delivery to destination, any economies resulting from such consolidation accrue to the contractor; therefore, any costs associated with the use of the stopoff privilege should be borne by him. However, since the carrier's tariff rules provide with respect to such shipments that each intermediate consignee must restow, block, and brace the remaining shipments in the conveyance prior to releasing the conveyance back to the carrier, the Government bears the restoration costs unless it recovers them from the contractor. Accordingly, invitations for bids for stock items which provide for delivery on a destination basis shall contain the following clause (clause 34 of GSA Form 1424):

LESS-THAN-CARLOAD/LESS-THAN-TRUCKLOAD SHIPMENTS WITH STOPOFF PRIVILEGES

(a) When the contract provides for delivery to destination and the Contractor elects to deliver a less-than-carload/less-than-truckload quantity with stopoff privileges for partial unloading, the Government's shipment must be loaded by the Contractor in a manner which will not require the Government to restow, block, and brace any freight remaining in the conveyance.

(b) In the event the Contractor fails to comply with the above requirement, the Government shall have the right, without prejudice to any other available remedies under the contract, to (1) reject the shipment or (2) perform the required restowing, blocking, and bracing by use of Government personnel and charge the Contractor therefor at a rate of $11 per man-hour, with a minimum of $11, and deduct such charges from the Contractor's invoice for the material.

(2) Deductions from contractor's invoice pursuant to paragraph (b) of the clause above will be made by the appropriate accounting center making payment for the supplies and will be based on a statement furnished by the receiving supply facility indicating the amount to be deducted and the basis therefor.

§ 5A–19.371 Delivery terms—Federal Supply Schedule contracts.

(a) The following clause may be used in Federal Supply Schedule solicitations, as applicable, covering delivery to all destinations within specified zones, including Alaska, Hawaii, and Puerto Rico when contracts awarded include delivery prices for those zones:

DELIVERY PRICES

Prices offered must cover delivery to destinations within the zone(s) to which such prices apply, as provided below:

(a) Delivery to the door of the specified Government activity by freight or express common carriers on articles for which store-door delivery is provided, free or subject to a charge, pursuant to regularly published tariffs duly filed with the Federal and/or State regulatory bodies governing such carrier; or, at the option of the Contractor, by parcel post on mailable articles, or by the Contractor's vehicle. Where store-door delivery is subject to a charge, the Contractor shall (1) place the notation "Delivery Service Requested" on bills of lading covering such shipments and (2) pay such charge and add the actual cost thereof as a separate item to his invoice.

(b) Delivery to siding at destination when specified by the ordering office, if delivery is not covered under paragraph (a), above.

(c) Delivery to the freight station nearest destination when delivery is not covered under paragraphs (a) or (b), above.

ZONES: For the purpose of this solicitation and any resulting contract, zones consist of the geographic areas specified below:

Zone	*Geographic Area*

(b) When delivered prices are desired to a specific area representing a large portion of potential requirements and it is also desired to make the items available outside such area, with appropriate adjustment in transportation costs, the following clause (modified to specify the applicable area) shall be used (Washington, D.C., is used as an example only):

DELIVERY PRICES

Prices bid must cover delivery to destination in Washington, D.C., and contiguous area as provided below:

(a) Deliveries in the District of Columbia must be made, at the expense of the Contractor, within the doors of the storeroom ("storeroom" is understood to mean that room on the entrance floor of the building in which supplies can be deposited) designated in the order. Deliveries in Prince Georges and Montgomery Counties in Maryland, the cities of Alexandria and Falls Church, and Arlington and Fairfax Counties in Virginia shall be made at the expense of the Contractor as follows:

(1) Delivery to the door of the specified Government activity by freight or express common carriers on articles for which store-door delivery is provided, free or subject to a charge, pursuant to regularly published tariffs duly filed with the Federal and/or State regulatory bodies governing such carrier; or, at the option of the Contractor, by parcel post on mailable articles, or by the Contractor's vehicle. Where store-door delivery is subject to a charge the Contractor shall (i) place the notation "Delivery Service Requested" on bills of lading covering such shipments and (ii) pay such charge and add the actual cost thereof as a separate item to his invoice.

(2) Delivery to siding at destination when specified by the ordering office, if delivery is not covered under subparagraph (a)(1), above.

(3) Delivery to the freight station nearest destination when delivery is not covered under subparagraph (a) (1) or (2), above.

(b) When deliveries are made to destinations outside Washington, D.C., and contiguous area, the following conditions will apply:

(1) On shipments weighing less than 100 pounds where transportation charges are not greater than to Washington, D.C., the Contractor shall pay transportation charges. No freight adjustments are required.

(2) On all shipments other than specified in subparagraph (b)(1), above, the Contractor shall deduct from his invoice the transportation charges from his shipping point to Washington, D.C., and add the actual cost of transportation to destinations designated by ordering offices. Transportation charges will in all cases be based upon the lowest regularly established rates on file with the Interstate Commerce Commission, the Federal Maritime Commission (if shipped by water), or any State regulatory body, or published by the U.S. Postal Service, and must be supported by paid freight or express receipt or by a statement of parcel post charges, including weight of the shipment, or when delivered in Contractor's vehicle, by an explanatory statement.

(3) Subparagraphs (b) (1) and (2), above, will not apply when Contractor stipulates that his Washington, D.C., delivered price is also the delivered price to any point within the continental limits of the United States.

(4) The Contractor's shipping point for the purpose of computing transportation charges will be the shipping point named in his bid. In the event two or more shipping points are named by the Contractor without qualification as to destination areas to be served by each, freight charges to Washington, D.C., to be deducted from invoices and freight charges to destinations designated by ordering offices to be added to invoices will be computed from the shipping points involving the lowest transportation charges to Washington, D.C., and to designated destinations, respectively.

(5) The right is reserved to the ordering office to specify the type of transportation to be employed.

When more than one specified delivery point is used, either within a region or zone or within the continental United States, it will also be necessary to define specifically the limits of the surrounding area in which deliveries are authorized through application of the transportation cost adjustment clause. This is necessary to avoid having two Federal Supply Schedule contracts which could be used for delivery of the same item to the same point.

PART 5A–72—REGULAR PURCHASE PROGRAMS OTHER THAN FEDERAL SUPPLY SCHEDULES

The table of contents for Part 5A–72 is amended to delete §§ 5A–72.105–7, 5A–72.105–8, and 5A–72.105–14 and to revise the following entry:

5A–72.105–6 Delivery terms.

Subpart 5A–72.1—Procurement of Stock Items

1. Section 5A–72.105–6 is revised to read as follows:

§ 5A–72.105–6 Delivery terms.

See Part 5A–19 for transportation factors and delivery terms.

§§ 5A–72.105–7, 5A–72.105–8, 5A–72.105–14 [Deleted]

2. Sections 5A–72.105–7, 5A–72.105–8, 5A–73.105–14 are deleted.

PART 5A–73—FEDERAL SUPPLY SCHEDULE PROGRAM

The table of contents for Part 5A–73 is amended to delete §§ 5A–73.115–1 through 5A–73.115–7 and to revise the following entry:

5A–73.115 Delivery terms.

Subpart 5A–73.1—Production and Maintenance

1. Section 5A–73.115 is revised to read as follows:

§ 5A–73.115 Delivery terms.

See Part 5A–19 for transportation factors and delivery terms.

§§ 5A–73.115–1—5A–73.115–7 [Deleted]

2. Sections 5A–73.115–1 through 5A–73.115–7 are deleted.

(Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c); 41 CFR 5–1(c))

Effective date. These regulations are effective on February 27, 1973.

Dated: February 27, 1973.

M. S. MEEKER,
Commissioner,
Federal Supply Service.

[FR Doc.73–4697 Filed 3–12–73; 8:45 am]

Title 47—Telecommunication

CHAPTER I—FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 19642; FCC 73–232]

PART 1—PRACTICE AND PROCEDURE

Certification or Type Acceptance

Report and order in the matter of amendment of Part 1 of the Commission's rules to require simultaneous payment of the filing and grant fee with an application for certification or type acceptance.

1. On November 22, 1972, the Commission adopted a notice of proposed rule making in the subject proceeding (see 37 FR 25729). The date for receiving comments closed on January 8, 1973, and for reply comments on January 18, 1973.

2. This notice proposed that, to simplify administration, the applicant for certification or type acceptance pay the required filing fee and grant fee simultaneously. The notice further proposed that such payment be made at the time the application for certification or for type acceptance is filed and that no action be taken on the application until such combined payment is made.

3. Comments were received from one manufacturer of aeronautical radio equipment—Narco Avionics, who agreed with the Commission that simultaneous payment of filing and grant fees would be desirable and would simplify bookkeeping and administrative problems. However, Narco proposes that the procedure be further simplified by requiring the simultaneous payment after certification or type acceptance has been granted on the grounds that this would avoid the need for making a refund if no grant were issued.

4. The Commission cannot accept Narco's proposal. As pointed out in paragraph 4 of the notice, our experience has been that better than 95 percent of the applications are granted. Moreover, we

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have found that in a significant number of cases, the applicant did not pay the grant fee within the period allowed and it was necessary to dun the applicant for such payment. In the opinion of the Commission, the need to make a refund is outweighed by the problem of late payment, and we must insist on prepayment of the combined filing and grant fee as the more desirable administrative approach.

5. Accordingly, the regulation requiring prepayment of the combined fee is adopted herein. To provide a reasonable transition period, simultaneous payment will not be required prior to July 1, 1973. However, no application will be accepted for processing after that date unless the combined payment is submitted with the application.

6. Authority for the adoption of the amendments herein proposed is contained in section 4(i) of the Communications Act (47 U.S.C. 154(i)), title V of the Independent Offices Appropriation Act of 1952 (31 U.S.C. 483(a)), and Budget Bureau Circular A-25 and supplements thereto.

7. *It is ordered*, That effective April 16, 1973, Part 1 of our rules is amended as set forth below and that this proceeding is terminated.

(Secs. 4, 303, 48 Stat., as amended, 1066, 1082; 47 U.S.C. 154, 303)

Adopted: March 2, 1973.

Released: March 7, 1973.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

Part 1 of Chapter I, Title 47, of the Code of Federal Regulations is amended as follows:

1. Section 1.1102 is amended by adding a note immediately after paragraph (b), revising paragraphs (d) and (g) and adding a new paragraph (j) to read as set forth below.

§ 1.1102 Payment of fees.

* * * * *

(b) * * *

NOTE: Combined fees. See paragraph (j) of this section concerning simultaneous payment of filing and grant fees with applications for type acceptance or certification of equipment.

* * * * *

(d) Where a separate grant fee payment is prescribed in the various services, the fee will be payable within 45 days after grant by the Commission. In the broadcast services, the grant fee, based on a percentage of the consideration in assignment and transfer cases must be transmitted by the new licensee immediately following consummation of the transfer or assignment. All grants, approvals, and authorizations issued by the Commission are made subject to payment and receipt of the applicable fee within the required period. Failure to make payment of the applicable fee to the Commission by the required date shall result in the grant, authorization, or approval becoming null and void and ineffective after that date.

* * * * *

(g) Applications and attached fees should be addressed to Federal Communications Commission, Washington, D.C. 20554, or to the appropriate FCC field office and should not be marked for the attention of any individual bureau or office. Fee payments should be in the form of a check or money order payable to the Federal Communications Commission. The Commission will not be responsible for cash sent through the mails. All fees collected will be paid into the U.S. Treasury as miscellaneous receipts in accordance with the provisions of title V of the Independent Offices Appropriations Act of 1952 (31 U.S.C. 483(a)).

* * * * *

(j) Combined filing and grant fees with applications for certification and type acceptance of equipment: Each application for certification or type acceptance of equipment shall be accompanied by a combined payment covering the filing and grant fees for such application. Payment of filing and grant fees separately is permissible until July 1, 1973; however, applicants are encouraged to submit fees simultaneously prior to this date. On or after July 1, 1973, applications will not be processed prior to payment of the combined filing and grant fees.

2. Section 1.1103 is amended by adding a new paragraph (c) to read as follows:

§ 1.1103 Return or refund of fees.

* * * * *

(c) Grant fees received as part of a combined fee payment pursuant to § 1.1102(j) will be refunded in the following instances:

(1) When an application for certification or type acceptance is dismissed or denied by the Commission.

(2) When a request for withdrawal of the application is received prior to the date of grant of certification or type acceptance.

(3) When the failure of an applicant for certification or type acceptance to reply to a request for additional information results in a dismissal of the application.

§ 1.1120 [Amended]

3. In § 1.1120, add footnote [10] to the table headings "Certification" and "Type Acceptance" and insert the following footnote at the bottom of the text:

[10] After July 1, 1973, the filing fee and the grant fee must be paid simultaneously when an application for certification or for type acceptance is filed. See §§ 1.1102(j) and 1.1103(c).

[FR Doc.73-4796 Filed 3-12-73;8:45 am]

PART 2—FREQUENCY ALLOCATIONS AND RADIO TREATY MATTERS; GENERAL RULES AND REGULATIONS

Treaties and Other International Agreements

Order. In the matter of amendment of Part 2 of the Commission's rules and regulations to effect certain editorial changes therein.

1. The Commission has before it the desirability of making certain editorial changes in Part 2 of its rules and regulations.

2. Authority for the amendments is contained in sections 4(i), (5)(d)(1) and 303(r) of the Communications Act of 1934, as amended, and § 0.231(d) of the Commission's rules. Because the amendments are editorial in nature, the prior notice and effective date provisions of section 4 of the Administrative Procedure Act, 5 U.S.C. 553, do not apply.

3. *It is ordered*, Effective March 7, 1973. That Part 2 of the rules and regulations is amended as set forth below.

(Secs. 4, 5, 303, 48 Stat., as amended, 1066, 1068, 1082; 47 U.S.C. 154, 155, 303)

Adopted: February 21, 1973.

Released: February 27, 1973.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] JOHN M. TORBET,
Executive Director.

Subpart G—Treaties and Other International Agreements

In Subpart G §§ 2.601, 2.602 and 2.603 are revised to read as follows:

§ 2.601 General.

This subpart is corrected to March 1, 1973. The Commission does not distribute copies of these documents. Inquiry may be made to the U.S. Government Printing Office concerning availability for purchase.

§ 2.602 Citation abbreviations used in this subpart.

Trenwith—Treaties, Conventions, International Acts, Protocols, and Agreements between the United States of America and Other Powers, 1923–1937 (compiled under S. Res. No. 132, 75th Cong., 1st Sess.).

LNTS—League of Nations Treaty Series.

Stat.—United States Statutes at Large.

UST—United States Treaties and Other International Agreements.

TS—Treaty Series.

EAS—Executive Agreement Series.

TIAS—Treaties and Other International Acts Series.

Bevans—Treaties and Other International Agreements of the United States of America 1776–1949.

§ 2.603 Treaties and other international agreements relating to radio.

(a) The applicable treaties and other international agreements in force relating to radio and to which the United States of America is a party (other than reciprocal operating agreements for radio amateurs) are listed below:

Date	Citations	Subject
1925	IV Trenwith 4248, 4250 and 4251 TS 724-A 6 Bevans 22	US-UK (also for Canada and Newfoundland) Bilateral Arrangements providing for the Prevention of Interference by Ships off the Coasts of these Countries with Radio Broadcasting. Effected by exchange of notes Sept. and Oct., 1925. Entered into force Oct. 1, 1925.
1928 and 1929	102 LNTS 143 TS 767-A 6 Bevans 26	US-Canada Arrangement governing Radio Communications between Private Experimental Stations. Effected by exchange of notes at Washington Oct. 2 and Dec. 29, 1928, and Jan. 12, 1929. Entered into force Jan. 1, 1929. Continued by the arrangement contained in EAS 62.
1929	IV Trenwith 4787 TS 777-A 2 Bevans 775	US-Canada (including Newfoundland) Arrangement relating to Assignment of High Frequencies on the North American Continent. Effected by exchange of notes at Ottawa Feb. 26 and 28, 1929. Entered into force Mar. 1, 1929. (Originally, Cuba was also a party to this arrangement, but by virtue of notice to the Canadian Government, it ceased to be a party effective Oct. 5, 1933.)
1934	49 Stat. 3555 EAS 66 10 Bevans 1103	US-Peru Arrangement regarding Radio Communications between Amateur Stations on Behalf of Third Parties. Effected by exchange of notes at Lima Feb. 16, and May 23, 1934. Entered into force May 23, 1934.
1934	48 Stat. 1876 EAS 62 6 Bevans 26	US-Canada Arrangement relative to Radio Communications between Private Experimental Stations and between Amateur Stations. Continues the arrangement contained in TS 767 A. Effected by exchange of notes at Ottawa Apr. 23, and May 2 and 4, 1934. Entered into force May 4, 1934.
1934	49 Stat. 3667 EAS 72 6 Bevans 564	US-Chile Arrangement regarding Radio Communications between Amateur Stations on Behalf of Third Parties. Effected by exchange of notes at Santiago Aug. 2 and 17, 1934. Entered into force Aug. 17, 1934.
1937	53 Stat. 1576 TS 938 3 Bevans 462	Inter-American Radio Communications Convention between the United States and Other Powers. Signed at Havana Dec. 13, 1937. (First Inter-American Radio Conference.) Entered into force for the United States July 21, 1938, for Parts I, III and IV; Apr. 17, 1939 for Part II. Part II of the Convention (Inter-American Radio Office) terminated for all parties Dec. 20, 1958 (TIAS 4079).
1938	54 Stat. 1675 TS 949 3 Bevans 529	Regional Radio Convention between the United States (in behalf of the Canal Zone) and Other Powers. Signed at Guatemala City Dec. 8, 1938. Entered into force Oct. 8, 1934.
1939	53 Stat. 2157 EAS 143 6 Bevans 143	US-Canada Arrangement governing the Use of Radio for Civil Aeronautical Services. Effected by exchange of notes at Washington Feb. 20, 1939. Entered into force Feb. 20, 1939.
1946	60 Stat. 1696 TIAS 1527	US-USSR Agreement on Organization of Commercial Radio Teletype Communication Channels. Signed at Moscow May 24, 1946. Entered into force May 24, 1946.
1947	61 Stat. (4) 3800 TIAS 1726 6 Bevans 447	US-Canada Agreement providing for Frequency Modulation Broadcasting in Channels in the Radio Frequency Band 88-108 Mcs. Effected by exchange of notes at Washington Jan. 8 and Oct. 15, 1947. Entered into force Oct. 15, 1947.
1947	61 Stat. (4) 3416 TIAS 1676	US-UN Agreement relative to Headquarters of the United Nations. Signed at Lake Success June 26, 1947. Entered into force Nov. 21, 1947. Supplemented by the agreements contained in TIAS 5961 and TIAS 6750 signed Feb. 9, 1966, and Aug. 28, 1969, respectively.
1947	61 Stat. (3) 3131 TIAS 1652	US-UK Agreement regarding Standardization of Distance Measuring Equipment. Signed at Washington Oct. 13, 1947. Entered into force Oct. 13, 1947.
1948	9 UST 621 TIAS 4044 4 Bevans 700	Intergovernmental Maritime Consultative Organization (IMCO) Convention. Signed at Geneva Mar. 6, 1948. Entered into force Mar. 17, 1958. Modified by the amendments contained in TIAS 6285 and in TIAS 6490 adopted by the IMCO Assembly Sept. 15, 1964, and Sept. 28, 1965, respectively.
1949	3 UST (3) 3064 TIAS 2489 4 Bevans 851	Inter-American Radio Agreement between the United States and Canada and Other American Republics. Signed at Washington July 9, 1949. (Fourth Inter-American Radio Conference.) Entered into force Apr. 13, 1952, subject to the provisions of Article 13.
1949	3 UST (2) 2686 TIAS 2435 4 Bevans 852	London Telecommunications Agreement between the United States and Certain British Commonwealth Governments. Signed at London Aug. 12, 1949. Entered into force Feb. 21, 1950. Amended by the agreement contained in TIAS 2705 which was signed Oct. 1, 1952.
1950	3 UST (2) 267 TIAS 2433	US-Ecuador Arrangement regarding Radio Communications between Amateur Stations on Behalf of Third Parties. Effected by exchange of notes at Quito Mar. 16 and 17, 1950. Entered into force Mar. 17, 1950.
1950 and 1951	2 UST (1) 683 TIAS 2223	US-Liberia Arrangement regarding Radio Communications between Amateur Stations on Behalf of Third Parties. Effected by exchange of notes at Monrovia Nov. 9, 1950, and Jan. 8, 9 and 10, 1951. Entered into force Jan. 11, 1951.
1950	11 UST 413 TIAS 4460	North American Regional Broadcasting Agreement (NARBA). Signed at Washington Nov. 15, 1950. Entered into force Apr. 19, 1960. Effective between United States, Canada, Cuba, Dominican Republic, and the United Kingdom of Great Britain and Northern Ireland for the Bahama Islands. Ratification on behalf of Jamaica pending.
1951	3 UST (3) 3787 TIAS 2508	US-Canada Convention relating to the Operation by Citizens of Either Country of Certain Radio Equipment or Stations in the Other Country. Signed at Ottawa Feb. 8, 1951. Entered into force May 15, 1952.
1951 and 1952	3 UST (3) 3892 TIAS 2520	US-Cuba Arrangement regarding Radio Communications between Amateur Stations on Behalf of Third Parties. Effected by exchange of notes at Havana Sept. 17, 1951, and Feb. 27, 1952. Entered into force Feb. 27, 1952.
1951	3 UST (2) 2860 TIAS 2459	US-Cuba Agreement concerning the Control of Electromagnetic Radiation. Effected by exchange of notes at Havana Dec. 10 and 18, 1951. Entered into force Dec. 18, 1951.
1952	3 UST (4) 4926 TIAS 2666	US-Canada Agreement for the Promotion of Safety on the Great Lakes by Means of Radio. The agreement applies to vessels of all countries as provided for in Article 3. Signed at Ottawa Feb. 21, 1952. Entered into force Nov. 13, 1954.
1952	3 UST (3) 4443 TIAS 2594	US-Canada Agreement relating to the Assignment of Television Frequency Channels along United States-Canadian Border. Effected by exchange of notes at Ottawa Apr. 23 and June 23, 1952. Entered into force June 23, 1952.
1952	3 UST (4) 5140 TIAS 2705	London Revision (1952) of the London Telecommunications Agreement (1949) between the United States and Certain British Commonwealth Governments. Signed at London Oct. 1, 1952. Entered into force Oct. 1, 1952. This amends the agreement contained in TIAS 2435 signed Aug. 12, 1949.
1953	5 UST (3) 2840 TIAS 3138	US-Canada Understanding relating to the Sealing of Mobile Radio Transmitting Equipment. Effected by exchange of notes at Washington Mar. 9 and 17, 1953. Entered into force Mar. 17, 1953.
1956	7 UST 2170 TIAS 3617	US-Panama Agreement regarding Radio Communications between Amateur Stations on Behalf of Third Parties. Effected by exchange of notes at Panama July 19 and Aug. 1, 1956. Entered into force Sept. 1, 1956.
1956	7 UST 2839 TIAS 3665	US-Costa Rica Agreement regarding Radio Communications between Amateur Stations on Behalf of Third Parties. Effected by exchange of notes at Washington Aug. 13 and Oct. 19, 1956. Entered into force Oct. 19, 1956.
1956	7 UST 3159 TIAS 3694	US-Nicaragua Agreement regarding Radio Communications between Amateur Stations on Behalf of Third Parties. Effected by exchange of notes at Managua Oct. 8 and 16, 1956. Entered into force Oct. 16, 1956.
1957	9 UST 1037 TIAS 4079	Multilateral Declaration between the United States and Other Powers terminating Part II (Inter-American Radio Office) of the Inter-American Radio Communications Convention of Dec. 13, 1937 (TS-938). Signed at Washington Dec. 20, 1957. Entered into force Dec. 20, 1957. Additionally, a Contract on the Exchange of Notifications of Radio Broadcasting Frequencies between the Pan American Union, the United States and Other Powers was signed at Washington Dec. 20, 1957. Entered into force Jan. 1, 1958.
1958	9 UST 1001 TIAS 4089	US-Mexico Agreement regarding Allocation of Ultra High Frequency Channels to Land Border Television Stations. Effected by exchange of notes at Mexico July 16, 1958. Entered into force July 16, 1958.
1958	10 UST 2423 TIAS 4390	Telegraph Regulations (Geneva Revision, 1958) Annexed to the International Telecommunication Convention. Signed at Geneva Nov. 29, 1958. Entered into force Jan. 1, 1960.
1959	10 UST 1449 TIAS 4295	US-Mexico Arrangement regarding Radio Communications between Amateur Stations on Behalf of Third Parties. Effected by exchange of notes at Mexico July 31, 1959. Entered into force Aug. 30, 1959.
1959 and 1960	11 UST 257 TIAS 4412	US-Honduras Agreement regarding Radio Communications between Amateur Stations on Behalf of Third Parties. Effected by exchange of notes at Tegucigalpa Oct. 26, 1959, and Feb. 17, 1960, and related note of Feb. 19, 1960. Entered into force Mar. 17, 1960.
1959	10 UST 3019 TIAS 4344	US-Venezuela Arrangement regarding Radio Communications between Amateur Stations on Behalf of Third Parties. Effected by exchange of notes at Caracas Nov. 12, 1959. Entered into force Dec. 12, 1959.

Date	Citations	Subject
1959	12 UST 2377 TIAS 4893	International Radio Regulations Annexed to the International Telecommunication Convention. Signed at Geneva Dec. 21, 1959. Entered into force with respect to the United States Oct. 23, 1961. Revised by the Partial Revisions of the Radio Regulations, Geneva, 1959, contained in TIAS 5603, TIAS 6332, TIAS 6590, and TIAS 7435 signed Nov. 8, 1963, Apr. 29, 1966, Nov. 3, 1967, and July 17, 1971, respectively.
1960	11 UST 1 TIAS 4399	US-Haiti Agreement regarding Radio Communications between Amateur Stations on Behalf of Third Parties. Effected by exchange of notes at Port-au-Prince Jan. 4 and 6, 1960. Entered into force Feb. 5, 1960.
1960	16 UST 185 TIAS 5780	International Convention for the Safety of Life at Sea and Annexed Regulations. Signed at London June 17, 1960. Entered into force May 26, 1965. Corrections to certain annexes contained in TIAS 6284 signed Feb. 15, 1966.
1960	11 UST 2229 TIAS 4590	US-Paraguay Agreement regarding Radio Communications between Amateur Stations on Behalf of Third Parties. Effected by exchange of notes at Asuncion Aug. 31, and Oct. 6, 1960. Entered into force Nov. 5, 1960.
1961	17 UST 1574 TIAS 6115	US-Uruguay Agreement regarding Radio Communications between Amateur Stations on Behalf of Third Parties. Effected by exchange of notes at Montevideo Sept. 12, 1961. Entered into force Sept. 26, 1966.
1961	12 UST 1695 TIAS 4888	US-Bolivia Agreement regarding Radio Communications between Amateur Stations on Behalf of Third Parties. Effected by exchange of notes at La Paz Oct. 23, 1961. Entered into force Nov. 22, 1961.
1962	13 UST 411 TIAS 5001	US-El Salvador Arrangement regarding Radio Communications between Amateur Stations on Behalf of Third Parties. Effected by exchange of notes at San Salvador Apr. 5, 1962. Entered into force May 5, 1962.
1962	13 UST 997 TIAS 5043	US-Mexico Agreement relating to the Assignment of VHF Television Channels along United States-Mexican Border. Effected by exchange of notes at Mexico Apr. 18, 1962. Entered into force Apr. 18, 1962.
1962	13 UST 2418 TIAS 5205	US-Canada Agreement relating to the Coordination and Use of Radio Frequencies above 30 Mc/s. Effected by exchange of notes at Ottawa Oct. 24, 1962. Entered into force Oct. 24, 1962. The technical annex to this agreement was revised by the agreement contained in TIAS 5833 signed June 16 and 24, 1965.
1963	14 UST 817 TIAS 5360	US-Dominican Republic Agreement regarding Radio Communications between Amateur Stations on Behalf of Third Parties. Effected by exchange of notes at Santo Domingo Apr. 18 and 22, 1963. Entered into force May 22, 1963.
1963	15 UST 887 TIAS 5603	Partial Revision of the Radio Regulations, Geneva, 1959, Final Acts of the EARC to Allocate Frequency Bands for Space Radio Communication Purposes. Signed at Geneva Nov. 8, 1963. Entered into force Jan. 1, 1965.
1963	14 UST 1751 TIAS 5483	US-Colombia Agreement regarding Radio Communications between Amateur Stations on Behalf of Third Parties. Effected by exchange of notes at Bogota Nov. 16 and 29, 1963. Entered into force Dec. 29, 1963.
1964	18 UST 1299 TIAS 6285	Amendments to Articles 17 and 18 of the IMCO Convention (TIAS 4044). Adopted by the IMCO Assembly at London Sept. 15, 1964. Entered into force Oct. 6, 1967.
1965	16 UST 821 TIAS 5816	US-Brazil Agreement regarding Radio Communications between Amateur Stations on Behalf of Third Parties. Effected by exchange of notes at Washington June 1, 1965. Entered into force June 1, 1965.
1965	16 UST 923 TIAS 5833	US-Canada Agreement regarding Coordination and Use of Radio Frequencies above 30 Mc/s Revising the Technical Annex to the Agreement of Oct. 24, 1962 (TIAS 5205). Effected by exchange of notes at Ottawa June 16 and 24, 1965. Entered into force June 24, 1965.
1965	16 UST 863 TIAS 5827	US-Israel Agreement regarding Radio Communications between Amateur Stations on Behalf of Third Parties. Effected by exchange of notes at Washington July 7, 1965. Entered into force Aug. 6, 1965.
1965	19 UST 4855 TIAS 6490	Amendment to Article 28 of the IMCO Convention (TIAS 4044). Adopted by the IMCO Assembly at Paris Sept. 28, 1965. Entered into force Nov. 3, 1968.
1965	18 UST 575 TIAS 6267	International Telecommunication Convention. Signed at Montreux Nov. 12, 1965. Entered into force with respect to the United States May 29, 1967.
1966	17 UST 74 TIAS 5961	US-UN Agreement regarding Headquarters of the United Nations Supplementing the Agreement of June 26, 1947 (TIAS 1676). Signed at New York Feb. 9, 1966. Entered into force Feb. 9, 1966. Amended by the agreement contained in TIAS 6176 signed Dec. 8, 1966.
1966	18 UST 1289 TIAS 6284	Proces-Verbal of Rectification to Certain Annexes to the International Convention for the Safety of Life at Sea of June 17, 1960 (TIAS 5780). Done at London Feb. 15, 1966.
1966	18 UST 2091 TIAS 6332	Partial Revision of the Radio Regulations, Geneva, 1959, Final Acts of the EARC for the Preparation of a Revised Allotment Plan for the Aeronautical Mobile (R) Service. Signed at Geneva Apr. 29, 1966. Entered into force for the United States Aug. 23, 1967, except for the frequency allotment plan contained in Appendix 27 which entered into force Apr. 10, 1970.
1966	17 UST 2319 TIAS 6176	US-UN Agreement regarding Headquarters of the United Nations Amending the Supplemental Agreement of Feb. 9, 1966 (TIAS 5961). Effected by exchange of notes at New York Dec. 8, 1966. Entered into force Dec. 8, 1966.
1967	18 UST 365 TIAS 6244	US-Argentina Agreement regarding Radio Communications between Amateur Stations on Behalf of Third Parties. Effected by exchange of notes at Buenos Aires Mar. 31, 1967. Entered into force Apr. 30, 1967.
1967	18 UST 1291 TIAS 6268	US-Canada Agreement relating to Pre-Sunrise Operation of Certain Standard (AM) Radio Broadcasting Stations. Effected by exchange of notes at Ottawa Mar. 31 and June 12, 1967. Entered into force June 12, 1967. Amended by the agreement contained in TIAS 6626 signed Apr. 18, 1969, and Jan. 31, 1969.
1967	19 UST 6717 TIAS 6590	Partial Revision of the Radio Regulations, 1959, Final Acts of the WARC to Deal with Matters relating to the Maritime Mobile Service. Signed at Geneva Nov. 3, 1967. Entered into force Apr. 1, 1969.
1968 and 1969	20 UST 7 TIAS 6626	US-Canada Agreement relating to Pre-Sunrise Operation of Certain Standard (AM) Radio Broadcasting Stations Amending the Agreement of Mar. 31 and June 12, 1967 (TIAS 6268). Effected by exchange of notes at Ottawa Apr. 18, 1969, and Jan. 31, 1969. Entered into force Jan. 31, 1969.
1968	21 UST 2776 TIAS 7021	US-Mexico Agreement concerning radio broadcasting in the standard band (535-1605 kHz), with annexes. Signed at Mexico Dec. 11, 1968. Entered into force Nov. 18, 1970.
1968	21 UST 2831 TIAS 7031	US-Mexico Agreement concerning the operation of broadcasting stations in the standard broadcast band (535-1605 kHz) during a limited period prior to sunrise ("Pre-Sunrise") and after sunset ("Post-Sunset"), with annexes. Signed at Mexico Dec. 11, 1968. Entered into force Nov. 18, 1970.
1969	20 UST 2810 TIAS 6750	US-UN Agreement regarding Headquarters of the United Nations Supplementing the Agreement of June 26, 1947, as Supplemented (TIAS 1676, 5961, 6176). Signed at New York Aug. 28, 1969. Entered into force Aug. 28, 1969.
1969	21 UST 1744 TIAS 6931	US-Canada Agreement relating to the Operation of Radiotelephone Stations. Signed at Ottawa Nov. 19, 1969. Entered into force July 24, 1970.
1970	21 UST 2089 TIAS 6955	US-NATO Agreement concerning North Atlantic Treaty Organization Satellite Communications Earth Terminal in the United States. Signed at Washington July 10 and at Mons, Belgium Aug. 20, 1970. Entered into force Aug. 20, 1970.
1971	TIAS 7135	Partial Revision of the Radio Regulations, 1959, Final Acts of the WARC for Space Telecommunications, with Annex. Signed at Geneva July 17, 1971. Entered into force January 1, 1973.
1971		Agreement relating to the International Telecommunications Satellite Organization (INTELSAT), with Annexes, and Operating Agreement. Done at Washington Aug. 20, 1971. Entered into force Feb. 12, 1973.
1971	22 UST 2053 TIAS 7239	US-Trinidad & Tobago Arrangement regarding Radio Communications between Amateur Stations on Behalf of Third Parties. Effected by exchange of notes at Port-of-Spain Oct. 26 and Nov. 18, 1971. Entered into force Dec. 18, 1971.
1972	TIAS 7355	US-Guyana Agreement regarding Radio Communications between Amateur Stations on Behalf of Third Parties. Effected by exchange of notes at Georgetown May 30 and June 6, 1972. Entered into force July 6, 1972.
1972	TIAS 7508	US-Jordan Agreement regarding Radio Communications between Amateur Stations on Behalf of Third Parties. Effected by exchange of notes at Washington Nov. 13 and 30, 1972. Entered into force Dec. 30, 1972.

(b) The applicable agreements in force between the United States and another country relating to the reciprocal granting of authorizations to permit licensed amateur radio operators of either country to operate their stations in the other country are as follows:

Date	Citations	Subject
1964	15 UST 1787 TIAS 5649	US-Costa Rica Agreement regarding Alien Amateur Radio Operators. Effected by exchange of notes at San Jose Aug. 17 and 24, 1964. Entered into force Aug. 24, 1964.
1965	16 UST 93 TIAS 5766	US-Dominican Republic Agreement regarding Alien Amateur Radio Operators. Effected by exchange of notes at Santo Domingo Jan. 28 and Feb. 2, 1965. Entered into force Feb. 2, 1965.
1965	16 UST 165 TIAS 5777	US-Bolivia Agreement regarding Alien Amateur Radio Operators. Effected by exchange of notes at La Paz Mar. 16, 1965. Entered into force Apr. 15, 1965.
1965	16 UST 181 TIAS 5779	US-Ecuador Agreement regarding Alien Amateur Radio Operators. Effected by exchange of notes at Quito Mar. 26, 1965. Entered into force Mar. 26, 1965.
1965	16 UST 817 TIAS 5815	US-Portugal Agreement regarding Alien Amateur Radio Operators. Effected by exchange of notes at Lisbon May 17 and 26, 1965. Entered into force May 26, 1965.
1965	16 UST 869 TIAS 5824	US-Belgium Agreement regarding Alien Amateur Radio Operators. Effected by exchange of notes at Brussels June 15 and 18, 1965. Entered into force June 18, 1965.
1965	16 UST 973 TIAS 5836	US-Australia Agreement regarding Alien Amateur Radio Operators. Effected by exchange of notes at Canberra June 25, 1965. Entered into force June 25, 1965.
1965	16 UST 1160 TIAS 5860	US-Peru Agreement regarding Alien Amateur Radio Operators. Effected by exchange of notes at Lima June 28 and Aug. 11, 1965. Entered into force Aug. 11, 1965.
1965	16 UST 1746 TIAS 5900	US-Luxembourg Agreement regarding Alien Amateur Radio Operators. Effected by exchange of notes at Luxembourg July 7 and 29, 1965. Entered into force July 29, 1965.
1965	16 UST 1131 TIAS 5856	US-Sierra Leone Agreement regarding Alien Amateur Radio Operators. Effected by exchange of notes at Freetown Aug. 14 and 16, 1965. Entered into force Aug. 16, 1965.
1965	16 UST 1742 TIAS 5899	US-Colombia Agreement regarding Alien Amateur Radio Operators. Effected by exchange of notes at Bogota Oct. 19 and 28, 1965. Entered into force Nov. 28, 1965.
1965	16 UST 2047 TIAS 5941	US-UK Agreement regarding Alien Amateur Radio Operators. Effected by exchange of notes at London Nov. 26, 1965. Entered into force Nov. 26, 1965. Supplemented by the amendment contained in TIAS 6800 which was signed Dec. 11, 1969.
1966	17 UST 328 TIAS 5978	US-Paraguay Agreement regarding Alien Amateur Radio Operators. Effected by exchange of notes at Asuncion Mar. 18, 1966. Entered into force Mar. 18, 1966.
1966	17 UST 719 TIAS 6022	US-France Agreement regarding Alien Amateur Radio Operators. Effected by exchange of notes at Paris May 5, 1966, with related notes of June 29 and July 6, 1966. Entered into force July 1, 1966. Modified by the amendment contained in TIAS 6711 which was signed Oct. 3, 1969.
1966	17 UST 813 TIAS 6038	US-India Agreement regarding Alien Amateur Radio Operators. Effected by exchange of notes at New Delhi May 16 and 25, 1966. Entered into force May 25, 1966.
1966	17 UST 780 TIAS 6028	US-Israel Agreement regarding Alien Amateur Radio Operators. Effected by exchange of notes at Washington June 15, 1966. Entered into force June 15, 1966.
1966	17 UST 2426 TIAS 6189	US-Netherlands Agreement regarding Alien Amateur Radio Operators. Effected by exchange of notes at The Hague June 22, 1966. Entered into force Dec. 21, 1966.
1966	17 UST 1120 TIAS 6068	US-Federal Republic of Germany Arrangement regarding Alien Amateur Radio Operators. Effected by exchange of notes at Bonn June 23 and 30, 1966. Entered into force June 30, 1966.
1966	17 UST 1033 TIAS 6061	US-Kuwait Agreement regarding Alien Amateur Radio Operators. Effected by exchange of notes at Kuwait July 19 and 24, 1966. Entered into force July 19, 1966.
1966	17 UST 1590 TIAS 6112	US-Nicaragua Agreement regarding Alien Amateur Radio Operators. Effected by exchange of notes at Managua Sept. 3 and 20, 1966. Entered into force Sept. 20, 1966.
1966	17 UST 2215 TIAS 6159	US-Panama Agreement regarding Alien Amateur Radio Operators. Effected exchange of notes at Panama by Nov. 16, 1966. Entered into force Nov. 16, 1966.
1966 and 1967	18 UST 525 TIAS 6259	US-Honduras Agreement regarding Alien Amateur Radio Operators. Effected by exchange of notes at Tegucigalpa Dec. 29, 1966, Jan. 21 and Apr. 17, 1967. Entered into force Apr. 17, 1967.
1967	18 UST 551 TIAS 6264	US-Switzerland Agreement regarding Alien Amateur Radio Operators. Effected by exchange of notes at Bern Jan. 12 and May 16, 1967. Entered into force May 16, 1967.
1967	18 UST 543 TIAS 6261	US-Trinidad and Tobago Agreement regarding Alien Amateur Radio Operators. Effected by exchange of notes at St. Ann's and Port of Spain Jan. 14 and Mar. 16, 1967. Entered into force Mar. 16, 1967.
1967	18 UST 361 TIAS 6243	US-Argentina Agreement regarding Alien Amateur Radio Operators. Effected by exchange of notes at Buenos Aires Mar. 31, 1967. Entered into force Apr. 30, 1967.
1967	18 UST 1661 TIAS 6309	US-El Salvador Agreement regarding Alien Amateur Radio Operators. Effected by exchange of notes at San Salvador May 24 and June 5, 1967. Entered into force June 5, 1967.
1967	18 UST 1241 TIAS 6273	US-Norway Agreement regarding Alien Amateur Radio Operators. Effected by exchange of notes at Oslo May 27 and June 1, 1967. Entered into force June 1, 1967.
1967	18 UST 1272 TIAS 6281	US-New Zealand Agreement regarding Alien Amateur Radio Operators. Effected by exchange of notes at Wellington June 21, 1967. Entered into force June 21, 1967.
1967	18 UST 2499 TIAS 6348	US-Venezuela Agreement regarding Alien Amateur Radio Operators. Effected by exchange of notes at Caracas Sept. 18, 1967. Entered into force Oct. 3, 1967.
1967	18 UST 2878 TIAS 6378	US-Austria Agreement regarding Alien Amateur Radio Operators. Done at Vienna Nov. 21, 1967. Entered into force Dec. 21, 1967.
1967	18 UST 2882 TIAS 6380	US-Chile Agreement regarding Alien Amateur Radio Operators. Effected by exchange of notes at Washington Nov. 30, 1967. Entered into force Dec. 30, 1967.
1967	20 UST 2883 TIAS 6766	US-Guatemala Agreement regarding Alien Amateur Radio Operators. Effected by exchange of notes at Guatemala Nov. 30 and Dec. 11, 1967. Entered into force Oct. 2, 1969.
1967	18 UST 3153 TIAS 6406	US-Finland Agreement regarding Alien Amateur Radio Operators. Effected by exchange of notes at Helsinki Dec. 15 and 27, 1967. Entered into force Dec. 27, 1967.
1968	19 UST 7852 TIAS 6672	US-Monaco Agreement regarding Alien Amateur Radio Operators. Effected by exchange of notes at Nice and Paris Mar. 29 and Oct. 16, 1968. Entered into force Dec. 1, 1968.
1968	19 UST 4892 TIAS 6494	US-Guyana Agreement regarding Alien Amateur Radio Operators. Effected by exchange of notes at Georgetown May 6 and 13, 1968. Entered into force May 13, 1968.
1968	19 UST 5994 TIAS 6553	US-Barbados Agreement regarding Alien Amateur Radio Operators. Effected by exchange of notes at Bridgetown Sept. 10 and 12, 1968. Entered into force Sept. 12, 1968.
1968	19 UST 6057 TIAS 6566	US-Ireland Agreement regarding Alien Amateur Radio Operators. Effected by exchange of notes at Dublin Oct. 10, 1968. Entered into force Oct. 10, 1968.
968	20 UST 490 TIAS 6654	US-Indonesia Agreement regarding Alien Amateur Radio Operators. Effected by exchange of notes at Djakarta Dec. 10, 1968. Entered into force Dec. 10, 1968.
1969	20 UST 773 TIAS 6690	US-Sweden Agreement regarding Alien Amateur Radio Operators. Effected by exchange of notes at Stockholm May 27 and June 2, 1969. Entered into force June 2, 1969.
1969	20 UST 2398 TIAS 6711	US-France Agreement regarding Alien Amateur Radio Operators Amending the Agreement of May 5, 1966 (TIAS 6022). Effected by exchange of notes at Paris Oct. 3, 1969. Entered into force Oct. 3, 1969.
1969	20 UST 4089 TIAS 6800	US-UK Agreement regarding Alien Amateur Radio Operators Supplementing the Agreement of Nov. 26, 1965 (TIAS 5941). Effected by exchange of notes at London Dec. 11, 1969. Entered into force Dec. 11, 1969.
1970	21 UST 1960 TIAS 6936	US-Brazil Agreement regarding Alien Amateur Radio Operators. Effected by exchange of notes at Rio de Janeiro and Brasilia Jan. 26, June 19 and July 30, 1970. Entered into force June 19, 1970.
1971	22 UST 694 TIAS 7127	US-Jamaica Agreement regarding Alien Amateur Radio Operators. Effected by exchange of notes at Kingston March 4 and April 28, 1971. Entered into force April 28, 1971.
1971	22 UST 701 TIAS 7129	US-Uruguay Agreement regarding Alien Amateur Radio Operators. Effected by exchange of notes at Montevideo May 28, 1971. Entered into force May 28, 1971.
1972	TIAS 7417	US-Fiji Agreement regarding Alien Amateur Radio Operators. Effected by exchange of notes at Suva and Washington July 10 and August 14, 1972. Entered into force August 14, 1972.

(c) With respect to its relations with several countries, the United States is bound by certain superseded treaties and agreements because some of the contracting countries other than the United States did not become a party to subsequent treaties and agreements. These include the following:

Date	Citations	Subject
1912	38 Stat. 1672 TS 581 1 Bevans 883	International Radiotelegraph Convention. Signed at London July 5, 1912. Entered into force July 1, 1913. Superseded by the International Radiotelegraph Convention and General Regulations, Washington, 1927 (TS 767).

Date	Citations	Subject
1927	45 Stat. 2760 TS 767 2 Bevans 683	International Radiotelegraph Convention and General Regulations. Signed at Washington Nov. 25, 1927. Entered into force Jan. 1, 1929. Superseded by the International Telecommunication Convention and General Radio Regulations, Madrid, 1932 (TS 867).
1932	49 Stat. 2391 TS 867 3 Bevans 65	International Telecommunication Convention. Signed at Madrid Dec. 9, 1932. Entered into force for the United States June 12, 1934. Superseded by the International Telecommunication Convention, Atlantic City, 1947 (TIAS 1901).
1937	51 Stat. 2411 EAS 200 3 Bevans 480	Inter-American Arrangement concerning Radiocommunications and Annex. Signed at Havana Dec. 13, 1937. (First Inter-American Radio Conference.) Entered into force for the United States July 18, 1938. This arrangement was replaced by the Inter-American Agreement concerning Radiocommunications, Santiago, 1940 (EAS 231).
1938	54 Stat. 1417 TS 948 3 Bevans 518	General Radio Regulations (Cairo Revision, 1938) Annexed to the International Telecommunication Convention, Madrid, 1932. Signed at Cairo Apr. 8, 1938. Entered into force Sept. 1, 1939. Superseded by the Radio Regulations, Atlantic City, 1947 (TIAS 1901).
1940	55 Stat. 1183 EAS 231 3 Bevans 611	Inter-American Radiocommunications Agreement between the United States, Canada and Other American Republics. Signed at Santiago Jan. 26, 1940. (Second Inter-American Radio Conference.) Entered into force with respect to the United States Feb. 25, 1942. Replaced by the Inter-American Radio Agreement, Washington, 1949 (TIAS 2486).
1947	61 Stat. (2) 1399 TIAS 1901 4 Bevans 370	International Telecommunication Convention and Radio Regulations. Signed at Atlantic City Oct. 2, 1947. Entered into force Jan. 1, 1949. The Convention was superseded by the International Telecommunication Convention, Buenos Aires, 1952 (TIAS 3286). The Radio Regulations were superseded by the International Radio Regulations, Geneva, 1959 (TIAS 4893).
1949	2 UST (1) 17 TIAS 2175 4 Bevans 852	Telegraph Regulations (Paris Revision, 1949) Annexed to the International Telecommunication Convention. Signed at Paris August 5, 1949. Entered into force with respect to the United States Sept. 26, 1950. Superseded by the Telegraph Regulations, Geneva Revision, 1958 (TIAS 4390).
1952	6 UST 1 TIAS 3286	International Telecommunication Convention. Signed at Buenos Aires Dec. 22, 1952. Entered into force with respect to the United States June 27, 1955. Superseded by the International Telecommunication Convention, Geneva, 1959 (TIAS 4892).
1959	12 UST 1761 TIAS 4892	International Telecommunication Convention. Signed at Geneva Dec. 21, 1959. Entered into force with respect to the United States Oct. 23, 1961. Superseded by the International Telecommunication Convention, Montreux, 1965.

(d) There are certain treaties and agreements primarily concerned with matters other than the use of radio but which affect the work of the Federal Communications Commission insofar as they involve communications. Among the most important of these are the following which are available from the Secretary General, International Civil Aviation Organization (ICAO), International Aviation Building, 1080 University Street, Montreal 101, Canada:

Date	Citations	Subject
1944	61 Stat. (2) 1180 TIAS 1591 3 Bevans 944	International Civil Aviation Convention. Signed at Chicago Dec. 7, 1944. Entered into force Apr. 4, 1947. Amended by the protocols contained in TIAS 3756 and TIAS 5170.
1954	8 UST 179 TIAS 3756	Protocol Amending the International Civil Aviation Convention (TIAS 1591). Done at Montreal June 14, 1954. Entered into force Dec. 12, 1956.
1961	13 UST 2105 TIAS 5170	Protocol Amending the International Civil Aviation Convention (TIAS 1591). Done at Montreal June 21, 1961. Entered into force July 17, 1962.
1968	19 UST 7693 TIAS 6605	Protocol on the Authentic Trilingual Text of the Convention on International Civil Aviation (TIAS 1591). Done at Buenos Aires Sept. 24, 1968. Entered into force Oct. 24, 1968.
1969	20 UST 718 TIAS 6681	Proces-Verbal of Rectification to the Protocol of Sept. 24, 1968, on the Authentic Text of the Convention on International Civil Aviation (Chicago, 1944). Done at Washington April 8, 1969. Entered into force April 8, 1969.

[FR Doc.73-4007 Filed 3-12-73;8:45 am]

[FCC 73-235]

PART 2—FREQUENCY ALLOCATIONS AND RADIO TREATY MATTERS: GENERAL RULES AND REGULATIONS

PART 81—STATIONS ON LAND IN THE MARITIME SERVICES AND ALASKA—PUBLIC FIXED STATIONS

In the matter of amendment of Parts 2 and 81 of the Commission's rules concerning the assignment of call signs to Class II coast stations.

1. At the present time call signs formed from the two blocks KAA through KZZ and WAA through WZZ are being assigned to stations on land in the maritime mobile service which provide service up to several thousand miles (Class I) and to other coast stations which are intended to provide service of primarily a regional character (Class II). With the increase in the number of coast stations licensed by the Commission, the number of three-letter call signs available for assignment to Commission licensees as well as to stations operated by the U.S. Government has progressively diminished.

2. To provide sufficient available call signs for assignment to both of the above-mentioned classes of coast stations in the future, the call sign for each new Class II limited coast station will be formed from the block KAA200 through KZZ999 or from the block WAA200 through WZZ999. Call signs consisting of three letters which were assigned prior to the effective date of this order will normally be retained upon license renewal. Consequent amendments of §§ 2.302 and 81.72 of the Commission's rules are set forth below.

3. Due to factors including the impending shortage of three-letter call signs taken together with the fact that call signs from the KAA200 through KZZ999 and WAA200 through WZZ999 blocks are now assignable to Class III coast stations, notice and public procedure within the meaning of the Administrative Procedure Act 5 U.S.C. 553 (b)(3)(B) are found to be unnecessary. The amendments set forth below are therefore effective forthwith.

4. Authority for the amendment is contained in sections 4(i) and 303 of the Communications Act of 1934, as amended. In view of the foregoing, *It is ordered*, That, effective March 15, 1973, §§ 2.302 and 81.72 of the Commission's rules are amended as set forth below.

(Secs. 4, 303, 48 Stat., as amended, 1066, 1082; 47 U.S.C. 154, 303)

Adopted: March 2, 1973.

Released: March 7, 1973.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

NOTE: Rules changes herein will be covered by T.S.II(72)-1 & T.S.IV(71)-3.

1. In § 2.302 table, "coast (Classes II and III) and maritime radiodetermination" is revised to read as follows:

§ 2.302 Call signs.

• • • • •

Class of station	Composition of call sign	Call sign block
• • •	• • •	• • •
Coast (Classes II and III) and maritime radiodetermination.	3 letters, 3 digits.	KAA200 through KZZ999. WAA200 through WZZ999.
• • •	• • •	• • •

2. In § 81.72 paragraphs (b) and (c) are revised to read as follows:

§ 81.72 Assignment of call signs.

• • • • •

(b) Class I coast stations (public or limited) shall be assigned individual call signs each consisting of three letters, taken from either the group KAA through KZZ or the group WAA through WZZ.

(c) New Class II and Class III coast stations (public or limited) shall be assigned individual call signs each consisting of three letters followed by three digits, taken from either the group KAA200 through KZZ999 or the group WAA200 through WZZ999. Three-letter call signs which were assigned prior to March 15, 1973, will normally be retained upon renewal of the station license.

• • • • • •

[FR Doc.73-4702 Filed 3-12-73;8:45 am]

[Docket No. 19185; RM-1752; FCC 73-234]

PART 15—RADIO FREQUENCY DEVICES

Licensing of Auditory Training Devices for Partially Deaf

Memorandum opinion and order in the matter of amendment of the Commission's rules and regulations to provide for the licensing of auditory training devices for the partially deaf in the bands 72–73 and 75.4–76 MH3.

1. A report and order in this proceeding was adopted on July 6, 1972, and released on July 14, 1972 (35 FCC 2d 677–691; 37 FR 13984). This report promulgated regulations for the operation of wireless auditory training systems (used for the education of deaf and partially deaf children) without individual license under Part 15 of the FCC Rules. The regulations listed 28 channels, each 50 kHz wide, in the bands 72–73 MHz and 75.4–76 MHz, with provision to operate wide band equipment (200 kHz wide) on certain of these channels. The regulations also set out technical specifications for the receiver portion and the transmitter portion of the auditory training system.

2. Three petitions for reconsideration of the report and order have been received. One petition filed on August 10, 1972, by HC Electronics, Inc. (hereafter HC), deals largely with the question of frequency and asks the Commission to reverse its original decision and to permit the use of higher power in the FM broadcast band, 88–108 MHz for wireless microphones which are used in wireless auditory training systems. In addition, HC requests that the technical standards adopted in our July 6, 1972 order be relaxed. On February 7, 1973, HC submitted a supplement to its petition for reconsideration withdrawing its request for relation of certain of these standards. This request is discussed in paragraphs 20 to 26 below.

3. Electronic Futures, Inc. (hereafter EFI) filed a petition for reconsideration on September 18, 1972. This petition addresses itself to two of the technical standards proposed: receiver image rejection and receiver selectivity and desensitization. EFI requests the Commission to reduce the requirement for each of these characteristics from 60 db to 40 db.

4. The Oticon Corp., a Danish company that manufactures hearing aids and associated equipment which it markets in the U.S.A. through a U.S. subsidiary, filed a petition on November 6, 1972, requesting the Commission to reduce the receiver image rejection and receiver selectivity and desensitization from 60 db to 40 db. The petition also asks for a special regulation for receivers using so low an IF that the image frequency falls within the band of frequencies made available for auditory training devices. For such a receiver, Oticon requests that the image frequency suppression requirement be deleted and the permitted level of oscillator radiation from such receiver be increased.

5. In its petition, HC discusses a number of aspects of the Commission's report and order, but addresses itself basically to the relative merits of the 88–108 MHz band for auditory training systems. Primarily HC contends that inadequate consideration had been given to its argument in favor of higher power operation in the 88–108 MHz. Noting that the Commission had conceded the need for higher powered operation, HC reiterates its original argument that such higher power can be achieved in the FM broadcast band (88–108 MHz) without causing harmful interference to that service. HC bases this contention on the fact that no complaints of interference had been received, even with respect to those high power wireless microphones that had been authorized under waivers of § 15.212 granted during June–September 1971.[1]

THE USE OF THE FM BROADCASTING BAND (88–108 MHz)

6. The FM broadcasting service in the band 88–108 MHz was established to provide a high quality aural broadcasting service. Wide channels (200 kHz) were provided to permit the transmission of high fidelity aural programs with negligible interference. In keeping with our policy of utilizing the radio spectrum in the most efficient manner, wireless microphones and telemetering devices were authorized to operate in the FM broadcast band but only under severe restrictions designed to insure that these devices could not cause interference to the FM broadcasting service. HC's request for higher power for its wireless microphone sought to ease these restrictions. The Commission did not find that HC's proposal was in the public interest, insofar as it sought higher power in the 88–108 MHz band.

7. We indicated in our report of July 6, 1972, that we were persuaded by the arguments presented in HC's petition that higher power was required for wireless microphones used as auditory training devices. But we were not at all persuaded that such devices must operate in the 88–108 MHz band. The device described by HC can be developed and used successfully on almost any frequency in the VHF spectrum and even higher. (One need merely look at the variety of low-power devices operating on the various land mobile frequencies, at the bio-medical telemetry devices operating on frequencies between 100 and 200 MHz,[2] at radio controls for door openers between 220 and 400 MHz). Thus, the problem confronting the Commission in seeking to satisfy the need for higher power for the transmitter part of the auditory training system was where in the spectrum to locate these devices. In our study of this problem, we set ourselves the following objectives:

A. To minimize the changes that a manufacturer would have to make in his existing designs.

B. To minimize cost increases that might arise from a requirement that these devices operate in the higher reaches of the spectrum.

C. To insure that devices furnished to schools could reasonably be expected to provide satisfactory service and have a minimum susceptibility to out of band (including adjacent channel) signals.

8. This study convinced us that to minimize redesign requirements the frequencies provided should be as close to 88–108 MHz as possible and should not be much above 300 MHz or much below 50 MHz. It was further decided not to increase the risk of interference to the FM broadcasting service by authorizing relatively high-power operation in that band. (See discussion in paragraphs 11 and 12 below). At the same time, by keeping wireless auditory training systems out of the FM band 88–108 MHz, we eliminate the possibility that these systems will be subject to destructive interference from on-channel (or adjacent channel) FM broadcasting stations. We concluded that the most reasonable available location in the spectrum for wireless auditory training systems was in the band 72–76 MHz. This band is currently used for a variety of low-power operations (see paragraphs 37–38 of report and order) with a very low interference potential to wireless auditory training systems in schools and vice versa.

9. To minimize susceptibility to adjacent channel and other undesired signals, we imposed a requirement on the desensitization and adjacent channel selectivity characteristics and for image rejection of the receiver. We also imposed frequency stability requirements on the transmitter and receiver used in the auditory training system.

THE PROBLEM OF AVOIDING INTERFERENCE

10. HC bases its argument for higher power in the 88–108 MHz band on the fact that present operation of wireless microphones in this band, even with high power,[3] has not resulted in any complaints of interference. HC's position appears to be that the Commission should wait for interference to develop and then take corrective measures. The Commission has taken precisely the opposite position.

11. The Commission's responsibility is to anticipate interfernce and to promulgate rules to avoid its occurrence.[4] In line

[1] Section 15.212 provides that wireless microphones in the band 88–108 MHz shall operate with a maximum radiated field strength of 50 μV./m. at 50 feet. Between June and September 1971, some 80 schools were authorized to operate the noncomplying HC wireless microphone model 221–T with a radiation level of some 3,000–5,000 μV./m. at 50 feet. See number 7 of the report and order in this proceeding. The schools given this authorization may continue to operate the noncomplying devices until January 1982, and may repair and replace units. (47 CFR 15.335(b).)

[2] In a rule making proceeding in Docket No. 19231, the Commission made available under Part 15, frequencies between 174 and 216 MHz for bio-medical telemetering devices operating with a field strength of 150 microvolts per meter at 100 feet.

[3] See note 1 supra.

[4] Congress appears to have the same preference for the preventive approach in this area of regulation. Public Law 90–379 (adopted July 5, 1968), which added § 302 to the Communications Act, was justified on the basis that it was more effective to prevent interference than to correct it.

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with this responsibility, we are in the process of tightening observance of technical standards by establishing more elaborate and more rigorous equipment authorization procedures.[5] We have already adopted marketing regulations[6] designed to keep interference-capable equipment out of the hands of the public.

12. HC points out also that not a single FM broadcaster had objected to its proposal to use higher power in the 88–108 MHz band; HC implies that, in the absence of such objection, the Commission should authorize higher power operation. But there was no reason for FM broadcasters to object in this rule making. The notice proposed higher power operations only in the 72–76 MHz band—not in the FM band. The failure of FM licensees to object, then, does not indicate acquiescence in the HC proposal.

13. In looking at this situation, the Commission concluded that the growth in the use of auditory training systems in the 88–108 MHz band (which could be anticipated if high power auditory training systems were permitted in that band) together with the normal growth of the FM broadcasting service could be expected to produce an interference situation that would be difficult to correct. Accordingly, it was concluded that such high power operation by auditory training systems in the FM broadcasting band (88–108 MHz) was not in the public interest. In the absence of new information or more persuasive arguments, we reaffirm our original finding in this respect.

HC's Argument Against the Use of the 72–76 MHz Band

14. HC also questions the usefulness of the 72–76 MHz band for auditory training systems, as compared to the band 88–108 MHz. This question is argued from two points of view—the availability of an adequate number of channels and the alleged interference to be expected from the operation of channel 4 and 5 television transmitters. HC takes the position that the spectrum space made available in this proceeding between 72–76 MHz does not provide a sufficient number of channels, and cites the NAE report[7] in this proceeding which calls for a minimum of 16 channels to be provided. HC contends that the frequencies made available between 72 and 76 MHz will provide only eight channels (each 200 kHz wide). This contention is based on HC's claim that each channel must be 200 kHz wide, based on its allegations that an audio bandwidth out to 15,000 cycles is required. This allegation is not supported, however, either by the NAE or the HEW[8] reports. NAE in its report states that an audio bandwidth of 100–8000 Hz is required. HEW in its report, sets the required audio bandwidth at 100–7000 Hz.

15. We are persuaded to accept the judgment of the experts consulted by HEW and NAE. Accordingly, we reiterate our finding that a 50 kHz channel is adequate. Such a channel is easily capable of delivering a 8000 Hz audio signal with an adequate signal to noise ratio. The spectrum space we have provided, permitting 28 channels, each 50 kHz wide, thus more than meets the minimum requirement set out in the NAE report.

16. The second aspect—that of potential interference from channel 4 and channel 5 television transmitters—is discussed in some detail in paragraph 38 of the July 6, 1972 report and order. We recognized there that the potential for interference existed, but we concluded that satisfactory service could be obtained even under the worst interference conditions. We need not reiterate that discussion. We can add, however, that many of the existing operations in the band 72–76 MHz are low power mobile operations. The communications provided by these operations have been satisfactory despite the existence of high power TV transmitters on adjacent channels. On the basis of information now available to the Commission, we cannot accept HC's contention that channels 4 and 5 will produce destructive interference to auditory training systems in this band.

17. HC asserts further that the potential for interference to television reception from auditory training systems is substantial in the band. It calls attention to the Commission's pending notice of inquiry regarding interference to reception of TV channel 6 from noncommercial educational FM stations in the band 88–92 MHz. These situations are not analogous, however. In the case of FM/TV–6 interference, we are concerned with a blanketing effect produced by an FM station operating with 10 watts or more. In the present rule making, we are dealing with auditory training system transmitters operating with a power output of the order of 20–100 milliwatts whose blanketing area is negligible when compared with that of a 10 watt transmitter. HC also calls attention to the special restrictions imposed by § 91.8(g) against operational fixed stations operating in the band 72–76 MHz. These restrictions apply to operational fixed stations operating with hundreds of watts. The restrictions imposed against these stations are designed to avoid the creation of an area in which television reception is destroyed. At the same time, we can point to the many low power operations in the band 72–76 MHz which are not subject to the restrictions as to geographic location imposed by § 91.8(g).

Technical Standards for the Transmitter

18. Of the three parties who filed for reconsideration in this proceeding,[9] only HC questioned the frequency stability for the transmitter part of the auditory training system as set out in § 15.353.[10] HC states that such a requirement is unnecessary for low power equipment. It particularly objects to the requirement that frequency stability be demonstrated over the large temperature range specified. However, HC does not indicate how much this frequency tolerance should be relaxed, or what in its opinion would constitute a suitable requirement. HC merely refers, in this connection, to the requirements in § 91.555[11] apparently suggesting that similar requirements should be applied to the transmitter part of the auditory training system.

19. The purpose of this requirement in § 15.353 was to insure that each transmitter in the auditory training system would stay within its own channel and would not intrude into the adjacent channels. Such a requirement is essential if an adequate number of channels is to be available for auditory training systems. It is significant that no other manufacturer of such systems has questioned this requirement.[12] We remain convinced that the transmitter frequency stability requirement is a necessary element in the new auditory training systems rules. It is reaffirmed.

Technical Standards for the Receiver

20. All three petitioners for reconsideration challenge the technical standards for the receiver. EFI argues that the 60 db requirement for adjacent channel selectivity and desensitization[13] and the 60 db image rejection requirement[14] are excessively severe for receivers to be worn by children in auditory training systems. In support of its argument it presents extensive data showing the specifications claimed by manufacturers of a variety of receivers now on the market. In citizens band equipment, the best advertised specifications are respectively 45 db and 42 db. In pocket paging receivers, 60 db is achieved but only in equipment which is designed for one frequency operation and whose front end can therefore be carefully packaged. This, EFI states, is not true for auditory training receivers, which have to be designed for multiple-channel operation. EFI also presents data for conventional FM receivers which achieve 70 db alternate channel selectivity and 90 db image rejection, and points out that, despite the unlimited size permitted, no manufacturer offers receivers capable of adjacent channel operation.

21. EFI contends that requirements of 60 db are not necessary for auditory training receivers and asserts that a standard of 40 db is adequate to protect adjacent channel operation under the conditions that normally prevail in the classroom. This opinion is supported by statements from Mr. Chaplin C. Cutler,[15] Bell Telephone Labs and Dr. Peter Kindlman,[16] Yale University.

22. The Oticon Corp. also contends that the 60 db specification is excessive and will increase excessively the cost of the auditory training receiver. Oticon agrees that a specification of 40 db for adjacent channel selectivity and image rejection is adequate.

23. Oticon proposes a different approach to the problem of image frequency. It suggests that the IF be sufficiently low so that the image frequency falls within the bands allocated. Oticon argues that this approach will obsolete the image frequency rejection requirement since no disturbance (interference) from other services will be possible. Moreover, Oticon points out that this approach will permit each receiver to be served by two transmitters, although it does not elaborate on this theme and explain how this arrangement would benefit the auditory training system. Oticon does point up one apparent defect in using a low IF which brings the local oscillator frequency close to the signal frequency. In such an arrangement, the front-end circuitry is no longer available to suppress oscillator energy from reaching the antenna and being radiated. Being close to the desired signal frequency, the front-end circuits will readily pass and not discriminate against the local oscillator energy. It would, therefore, be necessary to raise the permitted level of oscillator radiation for a receiver using such a low IF.

24. HC asserts that the requirement for frequency stability of the receiver[17] is unrealistic, is unnecessary, and that no similar requirement is found elsewhere in the Commission's rules.[18]

25. The Commission has reviewed the several arguments against our present technical standards for the auditory training receiver. We are persuaded that we can reduce our requirement for adjacent channel selectivity and desensitization and for image frequency rejection from 60 db to 40 db without seriously compromising the desired performance of these receivers. We are amending our rules accordingly. While we see some merit in Oticon's proposal to use a low IF, we do not see how these benefits overcome the undesirable side result of increased oscillator radiation. Accordingly, we cannot agree to Oticon's second request for an increase in oscillator radiation. This does not mean that we will object to the use of a low IF. On the contrary, Oticon is free to use any IF it finds desirable and convenient: *Provided*, That its receivers meet our 40 db requirement for image frequency rejection and our requirements for oscillator radiation.

26. We cannot agree with HC that our proposal for frequency stability is unrealistic. As to HC's argument that such receiver standards are not found elsewhere in the Commission's rules, we can point out that our frequency allocations and our channeling arrangements in all services have always taken into account the performance of the receiver to be used.[19] These standards were always discussed in the order making the change in the allocations or in the channeling arrangement, but it is true that they were never specifically stated in our regulations. In the past several years we have been importuned to set out these receiver specifications in the rules. Actually, this is the second proceeding in which receiver specifications have been set out in our rules.[20] It is our intention to do so in all future proceedings which involve changes in channeling designed to take account of improved receiver characteristics. We reaffirm the receiver frequency stability requirements.

Measurement Procedure

27. The question of measurement procedure to be used in measuring the radiated field from the transmitter part of an auditory training system was not raised in the petitions for reconsideration. Since we have experienced enforcement problems due to difference in measurement procedures,[21] we are taking this opportunity to clarify the procedures. The clarification requires the addition of a new § 15.377 to Subpart G of Part 15, but it does not change the substantive restrictions on field strength.

28. Measurement of the radiated field from the transmitter part of the auditory training system when worn on the body or held in the hand is not satisfactory since the results vary according to how the device is worn or carried. To yield more consistent results, a standard procedure has been developed in which the device is measured in a test setup—a wooden support in an open field.[22] Using such a test set-up presents a problem since our experience derived during measurements for type approval show that radiation in a test setup is not the same as when the device is worn on the body or carried in the hand. The difference in any one case is unpredictable. On the average, however, there is some reduction. The practical effect is that a device designed to meet the required field strength limit under standard test conditions, on the average, may operate below the allowable limit in normal use. Thus, on the average, the standard test procedure may impose a stricter limit on the device than the Commission has intended.

29. With a view toward retaining the standard test procedure and, at the same

[5] Docket No. 19356: In the matter of amendment of Parts 0 and 2 of the rules relating to equipment authorization of RF devices. Notice of proposed rule making adopted November 24, 1971. (36 FR 23313).

[6] Part 2 Subpart I (47 CFR .801 et seq.).

[7] Report filed September 2, 1971, by National Engineering Academy, Subcommittee on Sensory Aids as a comment in Docket No. 19185.

[8] Report filed on December 20, 1971, by the Department of Health, Education, and Welfare, National Advisory Committee on Education of the Deaf as a comment in Docket No. 19185.

[9] See paragraphs 2, 3, and 4 of this order.

[10] Sec. 15.353 provides that the transmitter part of the auditory training system shall maintain a frequency stability of ±0.005 percent over a temperature range of 0° to 50° C., and a supply voltage range of 85 percent to 115 percent of the normal supply voltage.

[11] Sec. 91.555 provides that a transmitter operating in the busines radio service with a power input that does not exceed 200 milliwatts is exempt from the general technical requirements applicable to that service provided the sum of the bandwidth occupied by the emitted signal plus the bandwidth required for frequency tolerance is confined within a band 80 kHz wide centered on the assigned frequency with emissions outside this 80 kHz band attenuated at least 30 db. Such transmitters must be typed accepted (§ 91.109(b)). To receive type acceptance, data must be submitted showing that the transmitter meets the above requirement over a temperature range of −30° to +50° C. and a supply voltage variation of 85 percent to 115 percent of normal supply voltage.

[12] As a practical matter two transmitters for use in auditory training systems in the 72–76 MHz band have already been type approved under these standards. These are listed in FCC Bulletin OCE 32.

[13] Sec. 15.363 specifies that the receiver shall provide 60 db adjacent channel selectivity and desensitization.

[14] Sec. 15.365 specifies that the receiver shall provide 60 db image frequency rejection.

[15] Exhibit D to EFI petition for reconsideration. Mr. Cutler is Director of Electronic and Computer Systems Research Laboratory at Bell Telephone Laboratories, Holmdel, N.J.

[16] Exhibit E to EFI petition for reconsideration. Dr. Kindlman is Director of the Engineering and Applied Sciences Electronic Laboratory of the Durham Laboratory at Yale University, New Haven, Conn.

[17] Sec. 15.361 specifies that the receiver frequency stability shall be ±0.005 percent over the temperature range 0°–50° C. and a supply voltage variation of 85 percent to 115 percent.

[18] In its petition for reconsideration filed Aug. 10, 1972, HC had, in addition, requested reconsideration of the requirement imposed by §§ 15.363 and 15.365, claiming that the 60 db requirement for image rejection and for adjacent channel selectivity and sensitivity, were also unrealistic. The request for reconsideration of the requirements in §§ 15.363 and 15.365 was withdrawn by HC's supplement filed Feb. 7, 1973, on the grounds that it had determined that these standards are attainable in circuitry manufactured on an assembly line. HC points out in this connection that its recently certificated receiver model 421–R which operates in the band 88–108 MHz and is not required to comply with §§ 15.363 and 15.365, does in fact meet the 60 db standard imposed by these regulations.

[19] An outstanding example is the frequency assignment plan for the UHF television channels which is based on a number of taboos to account for the performance of UHF television receivers.

[20] See § 83.715 of the rules adopted for bridge-to-bridge communications in the Maritime Mobile Service. Docket No. 19343, adopted May 24, 1972 (37 FR 11245).

[21] This question was raised in connection with two petitions filed on Sept. 22, 1972, by HC Electronics, Inc., asking the Commission to take remedial action against EFI for marketing wireless microphones that allegedly were in violation of the Commission's rules. The Commission's investigation of HC's allegations revealed that some of these devices were tested for type approval under a procedure different from the published statement of the measurement procedure. The Commission dismissed HC's petitions on Jan. 23, 1973, after obtaining commitments from EFI to bring its microphones into compliance. Memorandum opinion and order, 39 FCC 2d —. In a footnote to the dismissal order, the Commissioner said that it would address this question in connection with petitions for reconsideration of the auditory training systems rules.

[22] Bulletin OCE 19, published in January 1969, sets forth the test procedure that has been employed by the Commission's Laboratory Division. The Division also has taken measurements under conditions of normal use.

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time, insuring that it does not impose a stricter limit than the regulations intended, the test procedure heretofore used is being revised to incorporate a factor to take into account the average difference between radiation under standard test conditions and that in normal use. The factor to be used is 4 db and reflects the experience of our laboratory in making these measurements. The revised bulletin incorporating this correction factor is expected to be issued in March 1973.

CONCLUSION

30. As explained above, we do not find it in the public interest to permit the high power sought by petitioner in the band 88–108 MHz—the FM broadcasting band, and we reaffirm our earlier determination that such high-power operation shall be permitted in the band 72–76 MHz. We reaffirm also our earlier determination to divide the frequency space in the 72–76 MHz band into channels 50 kHz wide, with provision for using 200 kHz channels in special circumstances. We are persuaded by the arguments presented and have relaxed our technical specifications for receivers from 60 db to 40db for adjacent channel selectivity and desensitization and for image frequency rejection requirements. We deny the requests for relaxation of the other receiver specifications and of the transmitter specification. Finally, we clarify the measurement procedure for determining compliance with field strength limits.

31. Accordingly, *it is ordered*, Effective April 16, 1973, that Part 15 is amended as set forth below. Authority for these amendments is contained in §§ 4(i), 302, 303 (c), (g), and (r) of the Communications Act of 1934, as amended. *It is further ordered*, That this proceeding is terminated.

(Secs. 4, 302, 303, 48 Stat., as amended; 82 Stat. 290; 1066, 1082; 47 U.S.C. 154, 302, 303.)

Adopted: March 2, 1973.

Released: March 8, 1973.

FEDERAL COMMUNICATIONS COMMISSION,

[SEAL] BEN F. WAPLE,
Secretary.

Part 15 of the Commission's rules is amended as follows:

1. Section 15.363 is amended to read as follows:

§ 15.363 Receiver selectivity and desensitization (72–76 MHz).

A receiver operating as part of an auditory training system in the band 72–76 MHz shall provide a minimum of 40 db adjacent channel selectivity and desensitization when measured in accordance with the procedure specified in EIA Standard RS–204 dated January 1958, or equivalent procedure. (See IEEE Standard 184, April 1969.)

2. Section 15.365 and headnote are amended to read as follows:

§ 15.365 Receiver image frequency rejection (72–76 MHz).

A receiver operating as part of an auditory training system in the band 72–76 MHz shall provide a minimum of 40 db image frequency rejection when measured in accordance with the procedure specified in EIA Standard RS–204 dated January 1958, or equivalent procedure. (See IEEE Standard 184, April 1969.)

3. A new § 15.377 is added to read as follows:

§ 15.377 Measurement of field strength.

Measurement of radiated field strength of all emissions (fundamental, harmonics and other spurious) from the transmitter parts of auditory training systems, operating in the 72–76 MHz band or in the 88–108 MHz band, shall be made in accordance with the procedure set forth in FCC Bulletin OCE 19, published March 1973.

[FR Doc 73-4793 Filed 3-12-73;8:45 am]

[Docket No. 19628; FCC 73-239]

PART 73—RADIO BROADCAST SERVICES

FM Broadcast Stations; Union Springs and Tallassee, Ala.

1. The Commission has before it the notice of proposed rule making released November 13, 1972 (37 FR 24369), proposing an amendment of § 73.202(b) of the rules, the FM table of assignments. The rule making was instituted on the basis of two petitions for assignment of the same FM channel to neighboring communities resulting in a channel conflict. The petition filed by Ne-Ler Co., licensee of Station WTLA, Tallassee, Ala., proposed assignment of Channel 240A to Tallassee, Ala. The petition filed by Union Springs Broadcasting Co. (Union Springs) proposed the assignment of Channel 240A to Union Springs, Ala. This report and order concerns only the petition for the assignment at Union Springs, RM–1902. At a later date a report and order will be issued on the remaining petition.

2. The notice observed that since the distance between Tallassee and Union Springs is 28 miles, Channel 240A cannot be assigned to each of the two communities (required spacing is 65 miles). To resolve the conflict we proposed to assign Channel 240A to Tallassee and Channel 265A to Union Springs, provided that the transmitter site of a Union Springs station is located at least 4 miles southwest of the community in order to meet the spacing requirement with respect to Station WCJM at West Point, Ga., operating on Channel 265A. A counterproposal timely filed in this proceeding by All Channel TV Service, Inc., proposes to assign Channel 240A to Tuskegee, Ala., rather than to Tallassee.

3. On January 15, 1973, Union Springs Broadcasting Co., filed a motion to sever and request for immediate allocation of Channel 265A to Union Springs stating that the only remaining conflict in this proceeding is that between the proposals to assign Channel 240A to Tallassee or Tuskegee, and that Channel 265A can be assigned to Union Springs without regard to either Tallassee or Tuskegee. The motion further states that although Channel 265A at Union Springs can meet spacing requirements with regard to Station WCJM, West Point, Ga., if located at either Tallassee or Tuskegee, it cannot. In view of this, it states, it is appropriate for the Commission to sever the Union Springs proposal to make the assignment immediately. We believe it would be in the public interest to sever the proposal for Union Springs, Ala., and grant the assignment of Channel 265A to that community since Channel 265A cannot be used at either Tallassee or Tuskegee.

4. A supporting comment was filed by Union Springs Broadcasting Co., stating its acceptance of the suggested proposed Channel 265A and reiterated its intent to apply for the channel, if assigned, and to construct a station promptly, if authorized. There were no opposing comments. As indicated in paragraph 2 above, this assignment can be made in conformance with the Commission's minimum mileage separation rule, providing the transmitter site is located at least 4 miles southwest of Union Springs. In the notice of proposed rule making we set out economic and other information pertaining to the need for a first FM assignment to Union Springs, Ala. That information is accepted as being substantially correct and will not be repeated here, except to say that there are no aural or television facilities authorized or operating in Union Springs or Bullock County (populations 4,323 and 11,824, respectively). The assignment of Channel 265A would thus provide for a first local broadcast facility there.

5. The authority for the action taken herein is contained in sections 4(i), 303 (g) and (r), and 307(b) of the Communications Act of 1934, as amended.

6. Accordingly, *it is ordered*, That effective April 16, 1973, the table of FM assignments (§ 73.202(b) of the rules) is amended with respect to the community listed below to read as folows:

City	*Channel No.*
Union Springs, Ala.	265A

7. *It is further ordered*, That the motion to sever and request for immediate allocation of Channel 265A to Union Springs, Ala., filed January 15, 1973, by Union Springs Broadcasting Co., is granted.

(Secs. 4, 303, 307, 48 Stat., as amended, 1066, 1082, 1083; 47 U.S.C. 154, 303, 307)

Adopted: March 2, 1973.

Released: March 7, 1973.

FEDERAL COMMUNICATIONS COMMISSION,

[SEAL] BEN F. WAPLE,
Secretary.

[FR Doc.73-4703 Filed 3-12-73;8:45 am]

[Docket No.19582; FCC 73-238]

PART 74—EXPERIMENTAL, AUXILIARY, AND SPECIAL BROADCAST, AND OTHER PROGRAM DISTRIBUTIONAL SERVICES

PART 78—CABLE TELEVISION RELAY SERVICES

Applications for Changes in Height or Direction of Antennas

Report and order in the matter of amendment of Parts 74 and 78 of the Commission's rules and regulations as concerns applications for changes in height or direction of an antenna, and other respects.

1. By notice of proposed rule making, adopted August 29, 1972 (37 FR 18569), the Commission proposed amendment to §§ 74.451, 74.551(a), 74.651(a), 74.751(b), 74.851(a), 74.951(a), and 78.109(a) of the Commission's rules and regulations, relating to remote pickup, aural STL and intercity relay, television auxiliary, television translator, television booster, Instructional Television Fixed Service, and cable television relay services, and more particularly the requirements for filing applications for changes in facilities where possible airspace problems are presented.

2. The notice pointed out that one of the purposes of the rule making was that any application for change of antenna height for the various services covered by Part 74 and § 78.109 of the rules be coextensive with the requirements of Part 17 unless other requirements are deemed necessary. In the latter respect, we also proposed changes in provisions concerning the application-filing requirements where a horizontal change in antenna location is involved to bring the provisions of the rules into harmony with Part 17. Editorial changes were also proposed for internal consistency with other rules.

3. These proposals were made by the Commission sua sponte. No one has filed comments either in favor of or opposing the proposed change. We would suppose that the absence of comments more or less reflects agreement with the proposals. In the circumstances, an extended discussion is unnecessary, inasmuch as it is quite clear that the proposals are deemed meritorious. With the exception of § 74.451, these rules are being adopted as proposed, and that one is being adopted in a form consistent with the other rule changes.

4. Accordingly, under the authority of sections 4 (i) and (j) and section 303(r) of the Communications Act of 1934, as amended, Part 74 and § 78.109(a) is amended as set forth below. These amendments shall go into effect April 16, 1973.

5. *It is further ordered*, That this proceeding is terminated.

(Secs. 4, 303, 48 Stat., as amended, 1066, 1082; 47 U.S.C. 154, 303)

Adopted: March 2, 1973.

Released: March 7, 1973.

FEDERAL COMMUNICATIONS COMMISSION,

BEN F. WAPLE,
Secretary.

1. Section 74.451 is amended to read as follows:

§ 74.451 Equipment changes.

(a) Prior Commission approval is required for any change in the overall height of the antenna structure except where notice to the Federal Aviation Administration is specifically not required under § 17.14(b) of this chapter.

(b) The licensee of a remote pickup broadcast station may make any other changes in the equipment that are deemed desirable or necessary provided:

(1) That the operating frequency is not permitted to deviate more than the allowed tolerance;

(2) That the emissions are not permitted outside the authorized band;

(3) That the power output complies with the license and the regulations governing the same; and

(4) That the transmitter as a whole or output power rating of the transmitter is not changed.

(c) Other equipment changes not specifically referred to in this section may be made at the discretion of the licensee: *Provided*, That the engineer in charge of the radio district in which the station is located and the Commission in Washington, D.C., are promptly notified in writing upon the completion of such changes, and further that the changes are set forth in the next application for renewal of license.

2. In § 74.551(a), subparagraph 4 is amended to read as follows:

§ 74.551 Equipment changes.

(a) • • •

(4) Any change in the overall height of the antenna structure, except where notice to the Federal Aviation Administration is specifically not required under § 17.14(b) of this chapter.

• • • • • •

3. In § 74.651(a), subparagraph (4) is amended and subparagraph (5) is added to read as follows:

§ 74.651 Equipment changes.

(a) • • •

(4) Any change in the overall height of the antenna structure, except where notice to the Federal Aviation Administration is specifically not required under § 17.14(b) of this chapter.

(5) Any change in the direction of the main radiation lobe of the transmitting antenna.

• • • • • •

4. In § 74.751(b), subparagraphs (3) and (5) are amended to read as follows:

§ 74.751 Equipment changes.

• • • • • •

(b) • • •

(3) Any change in the overall height of the antenna structure, except where notice to the Federal Aviation Administration is specifically not required under § 17.14(b) of this chapter.

• • • • • •

(5) Any horizontal change in the location of the antenna structure which would (i) be in excess of 500 feet, or (ii) require notice to the Federal Aviation Administration pursuant to § 17.7 of this chapter.

• • • • • •

5. In § 74.851(a), subparagraphs (3), (5), (6), and (7) are amended and (8) is added to read as follows:

§ 74.851 Equipment changes.

(a) • • •

(3) Any change in the overall height of the antenna structure, except where notice to the Federal Aviation Administration is specifically not required under § 17.14(b) of this chapter.

• • • • • •

(5) Any change in the location of the transmitter except a move within the same building or upon the same tower or pole.

(6) Any horizontal change in the location of the antenna structure which would (i) be in excess of 500 feet, or (ii) require notice to the Federal Aviation Administration pursuant to § 17.7 of this chapter.

(7) A change of frequency assignment.

(8) A change of authorized operating power.

• • • • • •

6. In § 74.951(a), subparagraphs (3), (4), (5), (6), and (7) are amended and (8) is added to read as follows:

§ 74.951 Equipment changes.

(a) • • •

(3) Any change in the overall height of the antenna structure, except where notice to the Federal Aviation Administration is specifically not required under § 17.14(b) of this chapter.

(4) Any horizontal change in the location of the antenna structure which would (i) be in excess of 500 feet, or (ii) require notice to the Federal Aviation Administration pursuant to § 17.7 of this chapter.

(5) Any change in the transmitter control system.

(6) Any change in the location of the transmitter except a move within the same building or upon the same tower or pole.

(7) A change of frequency assignment.

(8) A change of authorized operating power.

• • • • • •

7. In § 78.109(a), subparagraphs (3), (4), (5), (6), and (7) are amended and subparagraph (8) is added to read as follows:

§ 78.109 Equipment changes.

(a) • • •

(3) Any change in the overall height of the antenna system except where notice to the Federal Aviation Administration is specifically not required under § 17.14(b) of this chapter.

(4) Any horizontal change in the location of the antenna (other than a CAR pickup station transmitter).

(5) Any change in the transmitter control system.

(6) Any change in the location of a station transmitter (other than a CAR pickup station transmitter), except a move within the same building or upon

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the tower or mast or a change in the area of operation of a CAR pickup station.

(7) Any change in frequency assignment.

(8) Any change in authorized operating power.

* * * * *

[FR Doc.73-4794 Filed 3-12-73;8:45 am]

Title 49—Transportation

CHAPTER X—INTERSTATE COMMERCE COMMISSION

SUBCHAPTER A—GENERAL RULES AND REGULATIONS

PART 1003—LIST OF FORMS

Motor Carrier and Broker Forms

Order. At a general session of the Interstate Commerce Commission, held at its office in Washington, D.C., on the 29th day of November 1972.

Pursuant to section 211 of the Interstate Commerce Act (39 U.S.C. 311), and good cause appearing therefor, the use of a new form for application to operate as a broker, of property or passengers, under part II of the Act, being under consideration:

It is ordered, That application Forms B.M.C. 4 and B.M.C. 5 be, and they are hereby, vacated and revoked.

It is further ordered, That application for Brokerage License, Form OP–OR 11 (49 CFR 1003.1), which is attached hereto[1] and incorporated into this order, be, and it is hereby, prescribed and approved.

It is further ordered, That 49 CFR 1003.1 be, and it is hereby, amended by revoking all references to forms B.M.C. 4, and B.M.C. 5, and replacing said matters with the following:

§ 1003.1 Motor carrier and broker forms.

* * * * *

OP–OR 11.

Applications under section 211 of the Interstate Commerce Act for licenses to operate as brokers of motor-carrier transportation of passengers or property.

* * * * *

And it is further ordered, That this order shall become effective April 2, 1973, and notice of this order shall be given to the general public by depositing a copy thereof in the Office of the Secretary of the Commission, Washington, D.C., and by filing a copy with the Director, Office of the Federal Register.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.73-1791 Filed 3-12-73;8:45 am]

[S.O. 1124]

PART 1033—CAR SERVICE

Demurrage and Free Time on Freight Cars

At a session of the Interstate Commerce Commission, Division 3, held in Washington, D.C., on the 6th day of March 1973.

It appearing, that an acute shortage of boxcars, gondola cars, and covered hopper cars exists throughout the country; that certain carriers are unable to furnish adequate supplies of these types of freight cars to shippers located on their lines; that these shortages of freight cars are impeding the movement of many commodities; that many freight cars are held by shippers for excessive periods awaiting loading, unloading, or disposition instructions; that such practices immobilize large numbers of freight cars needed by shippers for the transportation of other freight; and that the existing demurrage and detention rules, regulations, and practices of the railroads are ineffective to control such use of freight cars. It is the opinion of the Commission that an emergency exists requiring immediate action to promote car service in the interest of the public and the commerce of the people. Accordingly, the Commission finds that notice and public procedure are impracticable and contrary to the public interest, and that good cause exists for making this order effective upon less than 30 days' notice.

It is ordered, That:

§ 1033.1124 Demurrage and free time on freight cars.

(a) Each common carrier by railroad subject to the Interstate Commerce Act shall observe, enforce, and obey the following rules, regulations, and practices with respect to its car service:

(1) *Application.* (i) The provisions of this order shall apply to intrastate, interstate, and foreign commerce.

(ii) This order shall apply to all freight cars which are listed in the Official Railway Equipment Register, ICC R.E.R. 386, issued by W. J. Trezise, or successive issues thereof, as having one of the mechanical designations shown on pages 1154 and 1155 under the headings:

Class "X"—Box Car Type—"XL", "XLI", "XM", "XMI", only.
Class "G"—Gondola Car Type—All Class "G" except "GW."
Class "L"—Special Car Type—"LC", "LO", "LU", only.

(iii) Exception: This order shall not apply to cars held at, or outside of ocean, Great Lakes, or river ports, while subject to the provisions of Service Order No. 1121—Demurrage and Free Time at Ports—or revisions thereof.

(iv) Exception: This order shall not apply to freight cars of Mexican ownership while held by or for shippers at Mexican border crossings, viz:

Brownsville, Tex.	Douglas, Ariz.
Laredo, Tex.	Naco, Ariz.
Eagle Pass, Tex.	Nogales, Ariz.
Presidio, Tex.	Calexico, Calif.
El Paso, Tex.	

(v) Exception: This order shall not apply to cars subject to rule 8, section G—Interference Due to Strikes—of General Car Demurrage Tariff 4–I, ICC H–36, issued by B. B. Maurer, supplements thereto, or reissues thereof, or to similar strike rules in other tariffs.

(vi) The terms "loading," "unloading," "constructive placement," and "forwarding directions" as defined in General Car Demurrage Tariff 4–I, ICC H–36, issued by B. B. Maurer, supplements thereto, or reissues thereof, shall apply to cars subject to this order.

(vii) The term "holidays" means holidays as listed in Item 25 of General Car Demurrage Tariff 4–I, ICC H–36, issued by B. B. Maurer, supplements thereto, or reissues thereof.

(2) *Free Time.* (i) Not more than a total of 24 hours' free time, computed in accordance with the provisions of the applicable tariffs naming demurrage or detention rules and charges, shall be allowed for loading, unloading, or furnishing of forwarding or disposition instructions on cars held for orders.

(ii) If the maximum free time authorized in applicable tariffs is less than the 24-hour period described in paragraph (a)(2)(i) of this section, the free-time periods provided in such tariffs shall apply.

(3) *Demurrage, detention, or storage charges.* (i) After the expiration of the free-time period described in paragraph (a)(2) of this section, demurrage charges shall be assessed at the following rates, until car is released:

$10 per car per day, or fraction of a day, for each of the first 4 days.
$20 per car per day, or fraction of a day, for each of the next 2 days.
$30 per car per day, or fraction of a day, for each of the next 2 days.
$50 per car per day for subsequent days.

Average demurrage agreement rules shall not apply.

(ii) The applicable demurrage charges provided in paragraph (a)(3)(i) of this section will accrue on all Saturdays, Sundays, and holidays subsequent to the second chargeable day including a Saturday, Sunday, or holiday immediately following the day on which the second chargeable day begins; except as otherwise provided in rule 6, section B, of General Car Demurrage Tariff 4–I, ICC H–36, issued by B. B. Maurer, supplements thereto, or reissues thereof.

(iii) Existing tariff rules requiring the placement or release, as a unit, of all cars in a multiple-car shipment shall remain in effect.

(iv) The demurrage, detention, or storage rates provided in paragraph (a)(3)(i) of this section shall supersede all published storage charges expressed in cents per hundred-weight, per bushel, or other unit of measure, for all freight held in cars in excess of the free-time periods provided in paragraph (a)(2) of this section.

(v) Exception: If the demurrage, detention, or storage rates authorized in the applicable tariffs are greater than those described in paragraph (a)(3)(i) of this section, such higher rates shall apply.

(4) *Notices of arrival, constructive placement, etc.* (i) Existing tariff provisions defining constructive placement and establishing the requirements for the placement, adjustment of run-arounds, and the giving of arrival or constructive placement notice of freight destined for unloading or transshipment, shall apply.

(ii) If no such rules with respect to arrival, run-around, or constructive placement are published in the applicable tariffs, the rules published in General Car Demurrage Tariff 4–I, ICC H–36, issued by B. B. Maurer, supplements thereto, or reissues thereof, shall apply.

(b) Rules and regulations suspended: The operation of all rules and regulations, including rates, rules, and free-time periods granted by authority of part 1, section 22 of the Interstate Commerce Act, insofar as they conflict with the provisions of this order, is hereby suspended.

(c) Notification of shipper required: (1) Carriers shall send or deliver a written notice to shippers or consignees of the requirements of this order at or prior to the time of actual or constructive placement of cars for loading or unloading or at the time notice of arrival or of constructive placement is given. On cars held for instructions from the shipper or qualified owner of the freight, such notices must accompany or precede the arrival notice.

(2) If a notice described in paragraph (c)(1) of this section has been given to a shipper or receiver at origin, destination, or hold point, no further notices of the requirements of this order need be given.

(3) Carriers are required to maintain a copy of all notices of the requirements of this order sent to shippers, receivers, or qualified owners of freight, at the station or point from which sent.

(4) Failure of a carrier to send and preserve copies of the notices required by paragraph (c)(1) of this section shall not be deemed as nullifying the requirements of paragraph (c) (2) or (3) of this section.

(d) Effective date: This section shall become effective at 7 a.m., March 16, 1973.

(e) Expiration date: This section shall expire at 6:59 a.m., July 31, 1973, unless otherwise modified, changed, or suspended by order of this Commission.

(Secs. 1, 12, 15, and 17(2), 24 Stat. 379, 383, 384, as amended; 49 U.S.C. 1, 12, 15, and 17(2). Interprets or applies secs. 1(10–17), 15(4), and 17(2), 40 Stat. 101, as amended, 54 Stat. 911, 49 U.S.C. 1(10–17), 15(4), and 17(2))

It is further ordered, That a copy of this order and direction shall be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and car hire agreement under the terms of that agreement, and upon the American Short Line Railroad Association; and that notice of this order be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and by filing it with the Director, Office of the Federal Register.

By the Commission, Division 3.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.73-4790 Filed 3-12-73;8:45 am]

[1] Filed as part of the original document.

Title 32A—National Defense, Appendix

CHAPTER X—OFFICE OF OIL AND GAS, DEPARTMENT OF THE INTERIOR

[Oil Import Reg. 1 (Rev. 5), Amdt. 54]

O I REG. 1—OIL IMPORT REGULATION

Miscellaneous Amendments—Oil Imports

This Amendment 54 amends Sections 21 and 27 of Oil Import Regulation 1 (Revision 5).

Section 21 is amended to set aside for the use of the Oil Import Appeals Board in 1973, 50,000 b/d (18,250,000 barrels total) of imports into Districts I–IV and 10,000 b/d (3,650,000 barrels total) of imports into District V.

Section 27 is rescinded in its entirety.

Because the Oil Import Appeals Board urgently needs the set aside to continue its function without interruption and because the other change is merely technical in nature, it is not considered necessary to give notice of proposed rule making respecting this amendment, and it shall become effective March 13, 1973.

Dated: March 9, 1973.

JOHN C. WHITAKER, *Acting Secretary of the Interior.*

Approved:

WILLIAM E. SIMON, *Deputy Secretary, Treasury Department.*

1. Paragraph (e) of section 21 of Oil Import Regulation 1 (Revision 5), as amended, is amended to read as follows:

Sec. 21 Appeals.

* * * * * *

(e) For the allocation period January 1, 1973 through December 31, 1973, 50,000 b/d of imports into Districts I–IV of crude oil and unfinished oils (including Canadian imports as defined in section 1A of Proclamation 3279, as amended) and finished products, and 10,000 b/d of imports into District V of crude oil, unfinished oils, and finished products are made available to the Oil Import Appeals Board.

2. Section 27 of Oil Import Regulation 1 (Revision 5), as amended, is hereby rescinded.

[FR Doc.73-5007 Filed 3-12-73;11:48 am]

Title 14—Aeronautics and Space

CHAPTER I—FEDERAL AVIATION ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Airspace Docket No. 72–AL–10]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Control Zone and Transition Area

On December 13, 1972, a notice of proposed rule making was published in the FEDERAL REGISTER (37 FR 26532) stating that the Federal Aviation Administration proposed amendments to Part 71 of the Federal Aviation Regulations that would alter the King Salmon, Alaska, control zone and transition area.

Interested persons were afforded an opportunity to participate in the proposed rule making through the submission of comments. No comments were received.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended effective 0901 G.m.t., May 24, 1973, as hereinafter set forth.

1. In § 71.171 (38 FR 351), the King Salmon, Alaska, control zone is amended to read:

KING SALMON, ALASKA

Within a 5-mile radius of the King Salmon, Alaska, airport (latitude 58°40'43" N., longitude 156°38'50" W.), within 2.5 miles each side of the King Salmon VORTAC 312° and 132° radials, extending from the 5-mile-radius zone to 12.5 miles northwest of the VORTAC; and within 2 miles each side of the King Salmon VORTAC 132° radial, extending from the 5-mile-radius zone to 11.5 miles southeast of the VORTAC.

2. In § 71.181 (38 FR 435), the King Salmon, Alaska, transition area is amended to read:

KING SALMON, ALASKA

That airspace extending upward from 700 feet above the surface within an 8.5-mile radius of the King Salmon, Alaska, airport (latitude 58°40'43" N., longitude 156°38'50" W.); that airspace extending upward from 1,200 feet above the surface within a 45-mile radius of the King Salmon, Alaska, airport; and that airspace extending upward from 14,500 feet MSL within a 172-mile radius of the King Salmon VORTAC, excluding the portions within the United States, Federal Airways, Control 1217, Control 1234, Control 1400, and Control 1401.

(Sec. 307(a), Federal Aviation Act of 1958, 49 U.S.C. 1348(a); sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Anchorage, Alaska, on March 2, 1973.

THOMAS J. CRESWELL, *Director, Alaskan Region.*

[FR Doc. 73-4765 Filed 3-12-73;8:45 am]

[Airspace Docket No. 72–AL–28]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Control Zone and Transition Area

On December 13, 1972, a notice of proposed rule making was published in the FEDERAL REGISTER (37 FR 26533) stating that the Federal Aviation Administration proposed amendments to Part 71 of the Federal Aviation Regulations that would alter the Bethel, Alaska, terminal airspace structure.

Interested persons were afforded an opportunity to participate in the proposed rule making through the submission of comments. No comments were received.

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In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended effective 0901 G.m.t., May 24, 1973, as hereinafter set forth.

1. In § 71.171 (38 FR 351), the Bethel control zone is amended to read:

BETHEL, ALASKA

Within a 5-mile radius of the Bethel Airport (latitude 60°46'54" N., longitude 161°50'05" W.); within 3 miles each side of the Bethel RBN (BEA) 023° bearing, extending from the 5-mile-radius zone to 8.5 miles northeast of the RBN; within 3 miles each side of the Bethel VORTAC 007° radial, extending from the 5-mile-radius zone to 8.5 miles north of the VORTAC; and within 3 miles each side of the Bethel VORTAC 214° radial, extending from the 5-mile-radius zone to 9 miles southwest of the VORTAC.

2. In § 71.181 (38 FR 435), the Bethel transition area is amended to read:

BETHEL, ALASKA

That airspace extending upward from 700 feet above the surface within 3 miles each side of the Bethel VORTAC 007° radial, extending from the north control zone extension to 11.5 miles north of the VORTAC; from the southwest control zone extension to 11.5 miles southwest of the VORTAC; and that airspace extending upward from 1,200 feet above the surface within a 20-mile radius of the Bethel VORTAC; and within 9.5 miles northwest and 4.5 miles southeast of the 023° bearing from BET localizer (latitude 60°46'06" N., longitude 161°50'39" W.) extending from the 20-mile-radius area to 26 miles northeast of the BET localizer.

(Sec. 307(a), Federal Aviation Act of 1958, 49 U.S.C. 1348(a); sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Anchorage, Alaska, on March 2, 1973.

THOMAS J. CRESWELL,
Director, Alaskan Region.

[FR Doc.73-4764 Filed 3-12-73;8:45 am]

Proposed Rule Making

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 71]

[Airspace Docket No. 72-AL-17]

ALTERATION OF CONTROL ZONE AND TRANSITION AREA

Notice of Proposed Rule Making

The Federal Aviation Administration is considering amendments to Part 71 of the Federal Aviation Regulations which would alter the Dillingham, Alaska, terminal airspace structure.

Interested persons may submit such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Air Traffic Division, Alaskan Region, Federal Aviation Administration, 632 Sixth Avenue, Anchorage, AK 99501. All communications received on or before April 12, 1973, will be considered before action is taken on the proposed amendments. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Chief, Air Traffic Division. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official docket will be available for examination by interested persons at the office of the Regional Counsel, Federal Aviation Administration, 632 Sixth Avenue, Anchorage, AK.

Application of the U.S. Standard for Terminal Instrument Procedures (TERP's) and revised criteria for establishment of terminal controlled airspace require amendments to the Dillingham, Alaska, control zone and transition area.

In consideration of the foregoing, the Federal Aviation Administration proposes to amend Part 71 of the Federal Aviation Regulations as hereinafter set forth:

1. In § 71.171 (38 FR 351), the Dillingham, Alaska, control zone is amended to read:

DILLINGHAM, ALASKA

Within a 5-mile radius of the Dillingham Airport (latitude 59°02'30" N., longitude 158°30'28" W.); within 4 miles each side of the Dillingham VORTAC 025° radial extending from the 5-mile-radius zone to 13.5 miles northeast of the Dillingham VORTAC and within 3.5 miles each side of the Dillingham VORTAC 205° radial extending from the 5-mile-radius zone to 8.5 miles southwest of the VORTAC. This control zone is effective during the specific dates and times established in advance by notice to airmen. The effective date and time will thereafter be continuously published in the U.S. Government Flight Information Publication, Supplement Alaska.

2. In § 71.181 (38 FR 435), the Dillingham transition area is amended to read:

DILLINGHAM, ALASKA

That airspace extending upward from 700 feet above the surface within an 8.5-mile radius of the Dillingham Airport (latitude 59°02'30" N., longitude 158°30'28" W.); and that airspace within 4 miles each side of the Dillingham VORTAC 025° radial extending from the 8.5-mile-radius zone to 15.5 miles northeast of the VORTAC and within 3.5 miles each side of the Dillingham VOR TAC 205° radial extending from the 8.5-mile radius zone to 12 miles southwest of the VORTAC; and that airspace extending upward from 1,200 feet above the surface within 4.5 miles northwest and 9.5 miles southeast of the Dillingham VORTAC 025° and 205° radials extending from 23 miles northeast to 18.5 miles southwest of the VORTAC and within an 18-mile radius of the Dillingham VORTAC extending clockwise from the 056° radial to the 173° radial of the VORTAC.

The action proposed herein would alter the Dillingham, Alaska, control zone by canceling the northeast control zone extension and altering the north and south control zone extensions to comply with new criteria. The lateral limits of the 700-foot and 1,200-foot portion of the transition areas would be reconfigured to provide the necessary controlled airspace for holding aircraft, aircraft conducting the Dillingham VOR Runway 1 and VOR/DME Runway 19 instrument approach procedures, and DME approach orbits thereto.

(Sec. 307(a), Federal Aviation Act of 1958, 49 U.S.C. 1348(a); sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Anchorage, Alaska, on March 2, 1973,

THOMAS J. CRESWELL,
Director, Alaskan Region.

[FR Doc.73-4766 Filed 3-12-73;8:45 am]

National Highway Traffic Safety Administration

[49 CFR Part 571]

[Docket No. 73-4; Notice 1]

AIR BRAKE SYSTEMS

Proposed Emergency Braking Requirements

This notice proposes to amend the emergency braking requirements of Motor Vehicle Safety Standard No. 121, Air Brake Systems, with respect to two-axle truck-tractors being driven without trailers. In place of the stopping distances now specified, the proposed amendment would substitute a stopping distance formula based on the vehicle's weight distribution.

In substance, the proposed amendment constitutes a favorable response to a petition for rule making submitted by Ford Motor Co. on August 10, 1972. In its petition, Ford urges the adoption of longer emergency stopping distances for vehicles equipped with modulated emergency braking systems. In justification of its petition, the company points to the disparity between these vehicles and vehicles with automatic parking brake application, which are required to meet a static pull test but not a stopping distance test.

The Ford analysis indicates that in a 60 m.p.h. test in an unloaded condition, certain of its short wheelbase tilt-cab models do not have enough weight on the rear axles to permit a stop within the specified distance, regardless of the efficiency of the brakes. Ford states that these models cannot be redesigned to accommodate front emergency brake units without compromising the performance of the vehicle in other respects.

If Ford equips these tractors with automatic parking brakes, pursuant to S5.7.1 of the standard, they will meet the emergency braking requirements, but their stopping distance capability would be no better than with a modulated emergency system. Ford considers the modulated system to be superior to the automatic system in terms of safety, and therefore requests the amendment of Table II to specify stopping distances for modulated systems that would permit their continued use on short wheelbase tilt-cab truck-tractors.

Upon consideration of Ford's petition, it has been tentatively decided to grant the request in substance. However, the stopping distances requested by Ford were derived from the vehicles with the smallest proportion of weight on the rear axle. It does not appear appropriate to base all stopping distances on the worst cases.

The proposed amendment therefore employs a formula that obtains the required stopping distance by multiplying the service brake stopping distance in Table II by the proportion of weight on the rear axle, with a corrective factor to allow for brake application time. The formula will exempt from Table II only the limited category of two-axle truck-tractors, and will exempt this category only in the lightly loaded tests. The stopping distances specified in Table II for modulated emergency braking systems will continue to apply to other vehicles and to other weight conditions.

It is therefore proposed that S5.7.2.3 of Motor Vehicle Safety Standard No. 121

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(49 CFR 571.121) be amended by the addition of a sentence at the end of the present text. As amended, the section would read as follows:

§ 571.121 Standard No. 121; air brake systems (effective September 1, 1974).

. . . . . .

S5.7.2.3 *Emergency braking stopping distance.* When stopped six times for each combination of weight and speed specified in S5.3.1.1 on a road surface with a skid number of 75, with a single failure in the service brake system of a part designed to contain compressed air or brake fluid (except failure of a common valve, manifold, brake fluid housing, or brake chamber housing) the vehicle shall stop at least once in not more than the distance specified in Table II, measured from the point at which movement of the brake control begins, without any part of the vehicle leaving the roadway. However, in place of the distances specified in Table II, a two-axle truck-tractor, when tested at its unloaded weight plus 500 pounds, shall stop at least once in not more than a distance S such that

$$S = \left(\frac{\text{Unloaded vehicle weight}}{\text{Unloaded rear axle weight}}\right)\left(S_t - \frac{V}{K}\right) + \frac{V}{K}$$

where V is the test velocity in miles per hour, as shown in Table II, S_t is the service brake stopping distance in feet specified in Table II for velocity V, and k has the value 2 miles per hour per foot.

Interested persons are invited to submit comments on the proposal. Comments should refer to the docket number and be submitted to: Docket Section, National Highway Traffic Safety Administration, Room 5221, 400 Seventh Street SW., Washington, DC 20590. It is requested but not required that 10 copies be submitted.

All comments received before the close of business on April 15, 1973, will be considered, and will be available for examination in the docket at the above address both before and after the closing date. To the extent possible, comments filed after the above date will also be considered by the Administration. However, the rule making action may proceed at any time after that date, and comments received after the closing date and too late for consideration in regard to the action will be treated as suggestions for future rule making. The Administration will continue to file relevant material, as it becomes available, in the docket after the closing date, and it is recommended that interested persons continue to examine the docket for new material.

This notice of proposed rule making is issued under the authority of sections 103 and 119 of the National Traffic and Motor Vehicle Safety Act, Public Law 89-563, 80 Stat. 718, 15 U.S.C. 1392, 1407, and the delegations of authority at 49 CFR 1.51 and 49 CFR 501.8.

Issued on March 7, 1973.

ROBERT L. CARTER,
Associate Administrator,
Motor Vehicle Programs.

[FR Doc.73-4797 Filed 3-8-73;4:13 pm]

SECURITIES AND EXCHANGE COMMISSION

[17 CFR Part 270]

[Release No. IC-7706; File No. S7-469]

INVESTMENT COMPANY REQUIREMENTS TO REPORT SECURITIES TRANSACTIONS AND TO ADOPT CODES OF ETHICS

Extension of Time for Comments

Notice is hereby given that the Securities and Exchange Commission has extended the period for comment on proposed Rule 17j-1 (17 CFR 270.17j-1) under the Investment Company Act of 1940, as amended by the Investment Company Amendments Act of 1970, from February 28, 1973, to March 14, 1973. Written views and comments should be addressed to Lewis J. Mendelson, Assistant Director, Division of Investment Management Regulation, Securities and Exchange Commission, Washington, D.C. 20549, on or before March 14, 1973. All communications on this matter should refer to File No. S7-469 and will be available for public inspection. The proposal was published in Investment Company Act Release No. 7581 (38 FR 2182).

By the Commission.

[SEAL] RONALD F. HUNT,
Secretary.

MARCH 5, 1973.

[FR Doc.73-4745 Filed 3-12-73;8:45 am]

Notices

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF STATE

[CM-10]

NATIONAL COMMITTEE FOR THE INTERNATIONAL RADIO CONSULTATIVE COMMITTEE (CCIR)

Notice of Meeting

The Department of State announces that Study Group 9 of the U.S. National Committee for the International Radio Consultative Committee (CCIR) will meet on March 21, 1973, at 9:30 a.m. in Room 1406, Department of State, 21st and C Streets NW., Washington, D.C. Study Group 9 deals with questions relating to line-of-sight and transhorizon radio relay systems operating via terrestrial stations at frequencies above about 30 MHz. The agenda for the meeting on March 21 will include the following matters:

a. Review of the conclusions of the 1972 meeting of international Study Group 9;

b. Work programs for the development of U.S. contributions to the 1974 meeting of International Study Group 9.

Members of the general public who desire to attend the meeting will be admitted up to the limits of the capacity of the meeting room. In that regard, entrance to the Department of State building is controlled and entry will be facilitated if arrangements are made in advance of the meeting. It is requested that prior to March 21, 1973, members of the general public who plan to attend the meeting inform their name and affiliation/address to Mr. Gordon L. Huffcutt, Office of Telecommunications, Department of State; the telephone number is area code 202—632-2631. All non-Government attendees at the meeting should use the C Street entrance to the building.

Dated: March 5, 1973.

GORDON L. HUFFCUTT,
Chairman,
CCIR National Committee.

[FR Doc.73-4755 Filed 3-12-73;8:45 am]

TREASURY DEPARTMENT

Internal Revenue Service

[Order No. 129]

ASSISTANT COMMISSIONER (STABILIZATION) ET AL.

Delegation of Exception Authority and Authority To Challenge, Review, and Decide Certain Wage and Salary Adjustment Cases

The authority delegated to the Commissioner of Internal Revenue by Cost of Living Council Order No. 19 in connection with the administration of the Economic Stabilization Act of 1970, as amended, is hereby redelegated to the following officials.

Assistant Commissioner (Stabilization).
Regional Commissioners.
Assistant Regional Commissioners (Stabilization).
District Directors.

The authority delegated herein may be redelegated only by the officials specified in this order and may not be redelegated by those officials to whom the specified officials redelegate.

The authority delegated in this order shall be effective as of January 11, 1973, except as otherwise provided in Cost of Living Council Order No. 19.

Date of issue: March 5, 1973.

[SEAL] JOHNNIE M. WALTERS,
Commissioner.

[FR Doc.73-4763 Filed 3-12-73;8:45 am]

[Order No. 42 (Rev. 3)]

ASSISTANT REGIONAL COMMISSIONERS (APPELLATE) ET AL.

Authority To Execute Consents Fixing Period of Limitations on Assessment or Collection

1. Pursuant to authority vested in the Commissioner of Internal Revenue by Treasury Department Order No. 120, dated July 31, 1950; Order No. 150-2, dated May 15, 1972; 26 CFR 301.6501(c)-1; 26 CFR 301.6502-1; 26 CFR 301.6901-1(d), and 26 CFR 301.7701-9; I hereby delegate authority to sign all consents fixing the period of limitations on assessment or collection to the following officials:

a. Assistant Regional Commissioners (Appellate).
b. Service Center Directors.
c. District Directors.
d. Director of International Operations.

2. This authority may be redelegated but not below the following level for each activity:

a. Service Centers—Chief, Correspondence Audit Branch.
b. Collection—Revenue Officer.
c. Audit—Conferees and Reviewers, Grade GS-11, and Group Supervisors.
d. Intelligence—Chief, Intelligence Division.
e. Appellate—Appellate Conferee.
f. Office of International Operations—Conferees and Reviewers, Grade GS-11; Group Supervisors; Representatives at foreign posts; and Revenue Agents, Tax Auditors, and Special Agents on foreign assignments; and Revenue Officers.

3. This order supersedes Delegation Order No. 42 (Rev. 2), issued March 20, 1969.

Date of issue and effective date: March 7, 1973.

[SEAL] JOHNNIE M. WALTERS,
Commissioner.

[FR Doc.73-4761 Filed 3-12-73;8:45 am]

[Order No. 89 (Rev. 2)]

DEPUTY COMMISSIONER ET AL.

Delegation of Authority Regarding Administrative Classification of Documents and Material

The authority vested in the Commissioner of Internal Revenue by Treasury Department Order No. 222 of August 3, 1972, for the administrative classification of information necessarily restricted for official purposes is hereby delegated as follows:

(1) The Deputy Commissioner is authorized to classify for Limited Official Use documents or materials dealing with important, delicate, or sensitive matters which must be so restricted as to be available only for the information of officials who have a need to know such information. This authority may not be redelegated.

(2) The Deputy Commissioner, Assistant Commissioners, Assistant to the Commissioner (Public Affairs), Director, Tax Administration Advisory Staff, Director of International Operations, National Office Division Directors, Chief, Disclosure Staff, Regional Commissioners, Assistant Regional Commissioners, District Directors, and Service Center Directors, are authorized to classify for Official Use Only documents or materials which require restriction to a lesser degree than those marked Limited Official Use, but which may be made available only to authorized officials. This authority may not be redelegated.

(3) The authority to declassify documents or material classified under this delegation order may be exercised by the official authorizing the original classification, a successor in that capacity, or a line supervisory official of either.

This order supersedes Delegation Order No. 89 (Rev. 1) issued May 10, 1972.

Date of issue and effective date: March 8, 1973.

[SEAL] JOHNNIE M. WALTERS,
Commissioner.

[FR Doc.73-4762 Filed 3-12-73;8:45 am]

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DEPARTMENT OF DEFENSE

Department of the Navy

BOLLING-ANACOSTIA DEVELOPMENT CONCEPT

Notice of Public Hearing and Availability of Draft Environmental Impact Statement

Announcement. A public hearing will be held for the purpose of soliciting comments from the community regarding the base development concept for the joint military use of the Bolling-Anacostia tract in southeast Washington in the District of Columbia. The hearing will be conducted by a senior naval officer, and will include a presentation of the Development Concept Plan.

Date. March 28, 1973.
Time. 7–11 p.m.
Place. Ballou High School, Fourth and Trenton Streets SE., Washington, D.C.
Title. Environmental Impact Statement, Bolling-Anacostia Development Concept, Washington, D.C.

Description. The concept proposes continued development of the existing Tri-Service Support Facilities with enlisted-men dormitories, a mess hall, support facilities, substantial Air Force administrative space and DOD administrative space. There will also be an industrial/technical area, an Air Force Exchange service station and car-care center, and the existing Naval Photographic Center. Adjacent to this is a 30-acre reservation for the joint Armed Forces Reserve Complex. In addition, the U.S. Coast Guard will maintain a relatively small operation on less than 10 acres. The balance of the tract will be made up of housing for both officers (287 units) and enlisted men (1,100 units). Serving this housing and other military personnel will be a Community Center limited to military personnel, both active and retired, and their immediate families. One elementary school site, a junior high or senior high school site, and a lineal park along the river's edge are proposed. An area of 190 acres in the northern area will be occupied by the Executive Flight Detachment which provides helicopter support for the President, and is planned so as not to preclude future alternative uses. Construction is planned over a 15-year period beginning with the south portion of the tract with housing, and progressing to the north portion.

WHERE COPIES OF THE DRAFT ENVIRONMENTAL IMPACTS STATEMENT CAN BE OBTAINED

Environmental Engineering Branch, Chesapeake Division, Naval Facilities, Engineering Command, Building 57, Washington Navy Yard, Washington, D.C. 20390.

Cost of Copies. No charge. Stock is limited.

LOCATION OF LOCAL COPIES AVAILABLE FOR PUBLIC REFERENCE

(a) Libraries: Public Library Branch Office, Good Hope Road and 18th Street SE.; Public Library Branch Office, Fort Davis, Alabama Ave. and 37th Street SE.; Public Library Branch Office, 5440 Oxon Hill Road, Oxon Hill, MD; Public Library Branch Office, John Marshall, 6122 Rose Hill Drive, Alexandria, VA.

(b) Churches: Assumption B. C. Church, 3401 Martin Luther King Jr. Avenue SE.; Our Lady of Perpetual Help, Roman Catholic Church, 1600 Morris Road SE.; Saint Timothy, 3601 Alabama Avenue SE.; Emanuel Church Anacostia Parish, 1301 V Street SE.

(c) Post Office: Postal Service, Congress Heights Station, Martin Luther King Jr. Avenue SE., Washington, D.C.

NAME, ADDRESS, AND TELEPHONE NUMBER OF GOVERNMENT CONTACT

Lt. Comdr. R. T. Siler, Chesapeake Division, Naval Facilities, Engineering Command, Building 57, Washington Navy Yard, Washington, D.C. 20390; telephone 433-2487.

Time limit for oral presentations. The following procedures will be followed during the public hearing. Individual speakers will be limited to 3 minutes, with 5 minutes for a group spokesman. There will be no relinquishing of time by one speaker to another. Written documents and text material are encouraged and will be accepted by the Hearing Officer. Speakers will talk on a first-come-first-served basis. The registration period will begin at 6:30 p.m. on the night of the scheduled public hearing (Ballou High School), with the official meeting beginning promptly at 7 p.m.

Dated: March 9, 1973.

[SEAL] MERLIN H. STARING,
Rear Admiral, JAGC, U.S. Navy,
Judge Advocate General.

[FR Doc.73-4937 Filed 3-12-73;8:45 am]

DEPARTMENT OF THE INTERIOR

National Park Service

COMMITTEE FOR THE RECOVERY OF ARCHAEOLOGICAL REMAINS

Notice of Meeting

Notice is hereby given in accordance with the Federal Advisory Committee Act that a meeting of the Committee for the Recovery of Archaeological Remains will be held at 9:30 a.m., e.s.t. on March 22 and 23, 1973, in the Department of the Interior building, Washington, D.C. On March 22, 1973, the committee will meet in Room 3446, and on March 23, 1973, in Room 8068A–North, Penthouse.

The purpose of the Committee for the Recovery of Archaeological Remains is to provide independent advice and assistance to Government agencies, through the Inter-Agency Archeological Salvage Program administered by the National Park Service, in order to provide an effective program for the salvage of archeological remains threatened with loss by reason of Federal programs and activities.

The members of the Committee are as follows:

Dr. J. O. Brew (Chairman), Cambridge, Mass.; Dr. James F. Deetz, Plymouth, Mass.; Dr. Emil W. Haury, Tucson, Ariz.; Dr. Charles R. McGimsey III, Fayetteville, Ark.; Dr. Douglas W. Schwartz, Santa Fe, N. Mex.; Dr. Raymond H. Thompson, Tucson, Ariz.; and Dr. Fred Wendorf, Dallas, Tex.

The committee will meet in open session with members of the National Park Service on March 22, 1973. The matters to be discussed at this meeting include:

1. Review of the National Park Service's accomplishments and administration of the Inter-Agency Archeological Salvage Program for 1972.

2. National Park Service guidelines and responsibilities to other Federal agencies regarding environmental impact statements and implementation of Executive Order 11593, of May 13, 1971, in relation to archeological and other cultural remains.

3. Salvage contract costs and contract administration with State and local institutions.

4. Legislation pending before Congress for amending the Reservoir Salvage Act of 1960 (Public Law 86–523; 74 Stat. 220).

5. Federal responsibilities for archeological materials recovered as the result of the Inter-Agency Archeological Salvage Program.

6. Review of the National Park Service's archeological publications program.

This meeting session will be open to the public. However, facilities and space for accommodating members of the public are limited and it is expected that not more than 10 persons will be able to attend the meeting. Any member of the public may file with the committee a written statement concerning the matters to be discussed.

The committee will meet in general session with representatives from other Federal agencies on March 23, 1973. The matters to be discussed at this session include:

1. Activities of the agencies represented regarding the protection and preservation of archeological remains on lands under their control. Brief reports will be presented to the committee by agency representatives.

2. Significance and status of legislation pending before Congress for amending the Reservoir Salvage Act of 1960 (Public Law 86–523; 74 Stat. 220).

3. Federal agencies' responsibilities and National Park Service's role in implementing Executive Order 11593 of May 13, 1971.

This meeting session will be open to the public. However, facilities and space for accommodating members of the public are limited and it is expected that not more than 20 persons will be able to attend the meeting. Any member of the public may file with the committee a written statement concerning the matters to be discussed.

Persons wishing further information concerning this meeting, or who wish to submit written statements, may contact Dr. Robert H. Lister, Chief, Division of Archeology and Anthropology, National Park Service, Department of the Interior, Washington, D.C., at 202—343-6975. Minutes of the meeting will be available for public inspection 4 weeks after the meeting at the office of the Chief, Division of Archeology and Anthropology, Room 1214, Department of the Interior, Washington, D.C.

Dated: March 5, 1973.

STANLEY W. HULETT,
Associate Director,
National Park Service.

[FR Doc.73-4768 Filed 3-12-73;8:45 am]

Office of the Secretary

GEORGE W. PUSACK

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past 6 months:

(1) None.
(2) None.
(3) None.
(4) None.

This statement is made as of February 16, 1973.

Dated: February 22, 1973.

GEORGE W. PUSACK.

[FR Doc.73-4779 Filed 3-12-73;8:45 am]

DEPARTMENT OF AGRICULTURE

Commodity Credit Corporation

BYLAWS

The bylaws of the Commodity Credit Corporation, amended February 21, 1973, are as follows:

OFFICES

1. The principal office of the Corporation shall be in the city of Washington, District of Columbia, and the Corporation shall also have offices at such other places as it may deem necessary or desirable in the conduct of its business.

SEAL

2. There is impressed below the official seal which is hereby adopted for the Corporation. Said seal may be used by causing it or a facsimile thereof to be impressed or affixed or reproduced.

MEETINGS OF THE BOARD

3. Regular meetings of the Board shall be held, whenever necessary, on Wednesdays at 9:30 a.m. in the Board meeting room in the U.S. Department of Agriculture in the city of Washington, D.C. Notice of such meetings shall be provided in the same manner as is specified for special meetings in paragraph 4.

4. Special meetings of the Board may be called at any time by the Chairman, the Vice Chairman, or by the President, or the Executive Vice President and shall be called by the Chairman, the Vice Chairman, the President, or the Executive Vice President at the written request of any four Directors. Notice of special meetings shall be given either personally or by mail (including the intradepartmental mail channels of the Department of Agriculture or interdepartmental mail channels of the Federal Government) or by telegram, and notice by telephone shall be personal notice. Any Director may waive in writing such notice as to himself, whether before or after the time of the meeting, and the presence of a Director at any meeting shall constitute a waiver of notice of such meeting. No notice of an adjourned meeting need be given. Any and all business may be transacted at any special meeting unless otherwise indicated in the notice thereof.

5. The Secretary of Agriculture shall serve as Chairman of the Board. The Under Secretary of Agriculture shall serve as Vice Chairman of the Board and, in the absence or unavailability of the Chairman, shall preside at meetings of the Board. In the absence or unavailability of the Chairman and the Vice Chairman, the President of the Corporation shall preside at meetings of the Board. In the absence or unavailability of the Chairman, the Vice Chairman, and the President, the Directors present at the meetings shall designate a Presiding Officer.

6. At any meeting of the Board a quorum shall consist of four Directors. The Act of a majority of the Directors present at any meeting at which there is a quorum shall be the act of the Board.

7. The General Counsel of the Department of Agriculture, whose office shall perform all legal work of the Corporation, and the Deputy General Counsel of the Department of Agriculture shall, as General Counsel and Deputy General Counsel of the Corporation, respectively, attend meetings of the Board.

8. The Executive Vice President, the Vice President who is the Associate Administrator of the Agricultural Stabilization and Conservation Service, and the Secretary shall attend meetings of the Board. Each of the other Vice Presidents and Deputy Vice Presidents, and the Controller shall attend meetings of the Board during such times as the meetings are devoted to consideration of matters as to which they have responsibility.

9. Other persons may attend meetings of the Board upon specific authorization by the Chairman, Vice Chairman, or President.

COMPENSATION OF BOARD DIRECTORS

10. The compensation of each Director shall be prescribed by the Secretary of Agriculture. Any director who holds another office or position under the Federal Government, the compensation for which exceeds that prescribed by the Secretary of Agriculture for such Director, may elect to receive compensation at the rate provided for such other office or position in lieu of compensation as a Director.

OFFICERS

11. The officers of the Corporation shall be a President, Vice Presidents, and Deputy Vice Presidents as hereinafter provided for, a Secretary, a Controller, a Treasurer, a Chief Accountant, and such additional officers as the Secretary of Agriculture may appoint.

12. The Assistant Secretary of Agriculture for International Affairs and Commodity Programs shall be ex officio President of the Corporation.

13. The following officials of the Agriculture Stabilization and Conservation Service (referred to as ASCS), Export Marketing Service (referred to as EMS), Foreign Agricultural Service (referred to as FAS), Food and Nutrition Service (referred to as FNS), and Agricultural Marketing Service (referred to as AMS) shall be ex officio officers of the Corporation.

Administrator, ASCS; Executive Vice President.
General Sales Manager, EMS; Vice President.
Administrator, FAS; Vice President.
Administrator, AMS; Vice President.
Administrator, FNS; Vice President.
Associate Administrator, ASCS; Vice President.
Deputy Administrator, State and County Operations, ASCS; Deputy Vice President.
Deputy Administrator, Commodity Operations, ASCS; Deputy Vice President.
Deputy Administrator, Management, ASCS; Deputy Vice President.
Executive Assistant to the Administrator, ASCS; Secretary.
Director, Fiscal Division, ASCS; Controller.
Deputy Director, Fiscal Division, ASCS; Treasurer.
Chief, Accounting Systems Branch, Fiscal Division, ASCS; Chief Accountant.

The person occupying, in an acting capacity, the office of any person designated ex officio by this paragraph 13 as an officer of the Corporation shall, during his occupancy of such office, act as such officer.

14. Officers who do not hold office ex officio shall be appointed by the Secretary of Agriculture and shall hold office until their respective appointments shall have been terminated.

THE PRESIDENT

15. The President shall have general supervision and direction of the Corporation, its officers and employees.

THE VICE PRESIDENTS

16. (a) The Executive Vice President shall be the chief executive officer of the Corporation and shall be responsible for submission of all Corporation policies and programs to the Board. Except as provided in paragraphs (b), (c), (d), and (e) below, the Executive Vice President shall have general supervision and direction of the preparation of polices and

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programs for submission to the Board, of the administration of the policies and programs approved by the Board, and of the day-to-day conduct of the business of the Corporation and of its officers and employees.

(b) The Vice President who is the Administrator, Foreign Agricultural Service, shall be responsible for preparation for submission by the Executive Vice President to the Board of those policies and programs of the Corporation which are for performance through the facilities and personnel of the Foreign Agricultural Service. He shall also have responsibility for the administration of those operations of the Corporation, under policies and programs approved by the Board, which are carried out through facilities and personnel of the Foreign Agricultural Service. He shall also perform such special duties and exercise such powers as may be prescribed, from time to time, by the Secretary of Agriculture, the Board, or the President of the Corporation.

(c) The Vice President who is Administrator, Agricultural Marketing Service, shall be responsible for the administration of those operations of the Corporation, under policies and programs approved by the Board, which are carried out through facilities and personnel of the Agricultural Marketing Service. He shall also perform such special duties and exercise such powers as may be prescribed, from time to time, by the Secretary of Agriculture, the Board, or the President of the Corporation.

(d) The Vice President who is the General Sales Manager of the Export Marketing Service shall be responsible for preparation for submission by the Executive Vice President to the Board of policies and programs of the Corporation which are for performance through the facilities and personnel of the Export Marketing Service. He shall also have responsibility for the administration of those operations of the Corporation, under policies and programs approved by the Board, which are carried out through facilities and personnel of the Export Marketing Service. He shall also perform such special duties and exercise such powers as may be prescribed, from time to time, by the Secretary of Agriculture, the Board, or the President of the Corporation.

(e) The Vice President who is the Administrator, Food and Nutrition Service, shall be responsible for the administration of those operations of the Corporation, under policies and programs approved by the Board, which are carried out through facilities and personnel of the Food and Nutrition Service. He shall also perform such special duties and exercise such powers as may be prescribed, from time to time, by the Secretary of Agriculture, the Board, or the President of the Corporation.

17. The Vice President who is the Associate Administrator, Agricultural Stabilization and Conservation Service, and the Deputy Vice Presidents shall assist the Executive Vice President in the performance of his duties and the exercise of his powers to such extent as the President or the Executive Vice President shall prescribe, and shall perform such special duties and exercise such powers as may be prescribed from time to time by the Secretary of Agriculture, the Board, the President of the Corporation, or the Executive Vice President of the Corporation.

THE SECRETARY

18. The Secretary shall attend and keep the minutes of all meetings of the Board; shall attend to the giving and serving of all required notices of meetings of the Board; shall sign all papers and instruments to which his signature shall be necessary or appropriate; shall attest the authenticity of and affix the seal of the Corporation upon any instrument requiring such action and shall perform such other duties and exercise such other powers as are commonly incidental to the office of Secretary as well as such other duties as may be prescribed from time to time by the President or the Executive Vice President.

THE CONTROLLER

19. The Controller shall have charge of all fiscal and accounting affairs of the Corporation, including all borrowings and related financial arrangements, claims activities, and formulation of prices in accordance with established policies; and shall perform such other duties as may be prescribed from time to time by the President or the Executive Vice President.

THE TREASURER

20. The Treasurer, under the general supervision and direction of the Controller, shall have charge of the custody, safekeeping and disbursement of all funds of the Corporation; shall designate qualified persons to authorize disbursement of corporate funds; shall direct the disbursement of funds by disbursing officers of the Corporation or by the Treasurer of the United States, Federal Reserve Banks and other fiscal agents of the Corporation; and shall issue instructions incidental thereto; shall be responsible for documents relating to the general financing operations of the Corporation, including borrowings from the U.S. Treasury, commercial banks and others; shall arrange for the payment of interest on and the repayment of such borrowings; shall arrange for the payment of interest on the capital stock of the Corporation; shall coordinate and give general supervision to the claims activities of the Corporation and shall have authority to collect all moneys due the Corporation, to receipt therefor and to deposit same for the account of the Corporation; and shall perform such other duties relating to the fiscal and accounting affairs of the Corporation as may be prescribed from time to time by the Controller.

THE CHIEF ACCOUNTANT

21. The Chief Accountant, under the general supervision and direction of the Controller, shall have charge of the general books and accounts of the Corporation and the preparation of financial statements and reports. He shall be responsible for the initiation, preparation and issuance of policies and practices related to accounting matters and procedures, including official inventories, records, accounting and related office procedures where standardized, and adequate subsidiary records of revenues, expenses, assets and liabilities; and shall perform such other duties relating to the fiscal and accounting affairs of the Corporation as may be prescribed from time to time by the Controller.

OTHER OFFICIALS

22. Except as otherwise authorized by the Secretary of Agriculture or the Board, the operations of the Corporation shall be carried out through the facilities and personnel of the Agricultural Stabilization and Conservation Service, the Foreign Agricultural Service, the Export Marketing Service, the Food and Nutrition Service and the Agricultural Marketing Service, in accordance with any assignment of functions and responsibilities made by the Secretary of Agriculture and, within his respective agency, by the Administrators of the Agricultural Stabilization and Conservation Service, Foreign Agricultural Service, Food and Nutrition Service, Agricultural Marketing Service, or the General Sales Manager of the Export Marketing Service.

23. The Directors of the divisions and commodity offices of the Agricultural Stabilization and Conservation Service shall be contracting officers and executives of the Corporation in general charge of the activities of the Corporation carried out through their respective divisions or offices. The responsibilities of such Directors in carrying out activities of the Corporation, which shall include the authority to settle and adjust claims by and against the Corporation arising out of activities under their jurisdiction, shall be discharged in conformity with these bylaws and applicable program, policies, and procedures.

CONTRACTS OF THE CORPORATION

24. Contracts of the Corporation relating to any of its activities may be executed in its name by the Secretary of Agriculture or the President. The Vice Presidents, the Deputy Vice Presidents, the Controller, the Treasurer, and the Directors of the divisions and commodity offices of the Agricultural Stabilization and Conservation Service may execute contracts relating to the activities of the Corporation for which they are respectively responsible.

25. The Executive Vice President who is the Administrator of ASCS and, subject to the written approval by such Executive Vice President of each appointment, the Vice Presidents, the Deputy Vice Presidents, the Controller, and the Directors of the divisions and commodity officers of the Agricultural Stabilization and Conservation Service may appoint, by written instrument or instruments, such Contracting Officers as they deem necessary, who may, to the extent authorized by such instrument or instruments, execute contracts in the name of the Corporation. A copy of each such instrument shall be filed with the Secretary.

26. Appointments of Contracting Officers may be revoked by written instrument or instruments by the Executive Vice President or by the official who made the appointment. A copy of each such instrument shall be filed with the Secretary.

27. In executing a contract in the name of the Corporation, an official shall indicate his title.

ANNUAL REPORT

28. The Executive Vice President shall be responsible for the preparation of an annual report of the activities of the Corporation, which shall be filed with the Secretary of Agriculture and with the Board.

AMENDMENTS

29. These bylaws may be altered or amended or repealed by the Secretary of Agriculture, or subject to his approval by action of the Board at any regular meeting of the Board or at any special meeting of the Board, if notice of the proposed alteration, amendment, or repeal be contained in the notice of such special meeting.

APPROVAL OF BOARD ACTION

30. The actions of the Board shall be subject to the approval of the Secretary of Agriculture.

I, Seeley G. Lodwick, Secretary, Commodity Credit Corporation, do hereby certify that the above is a full, true, and correct copy of the bylaws of Commodity Credit Corporation, as amended February 21, 1973.

In witness whereof I have officially subscribed my name and have caused the corporate seal of the said Corporation to be affixed this sixth day of March 1973.

[SEAL] SEELEY G. LODWICK,
Secretary,
Commodity Credit Corporation.

[FR Doc.73-4709 Filed 3-12-73;8:45 am]

CONTROLLER

Delegation of Authority Regarding Export Credit Sales Program

Pursuant to the authority vested in me by the Assistant Secretary for International Affairs and Commodity Programs and set forth in § 2.65 of Subpart H, Title 7, CFR, entitled Delegations of Authority by the Assistant Secretary for International Affairs and Commodity Programs, I hereby delegate to the Controller, Commodity Credit Corporation, who is Director, Fiscal Division, Agricultural Stabilization and Conservation Service, the following authority, which may be redelegated within the limitation of 7 CFR 2.7:

The authority, set forth in 7 CFR 2.65 (a) (13), to provide fiscal and accounting functions for the Export Marketing Service with respect to program matters, and the processing and disposition for the Export Marketing Service of all claims arising under Department functions for which the Export Marketing Service has responsibility; and, in participation with other agencies of the U.S. Government, to develop and formulate amendments to credit agreements under Title I, Public Law 480, and the Export Credit Sales Program involving the rescheduling of amounts due from foreign countries under such agreements.

Effective date. This delegation of authority is effective on March 13, 1973.

Signed at Washington, D.C., on March 7, 1973.

KENNETH E. FRICK,
Executive Vice President,
Commodity Credit Corporation.

[FR Doc.73-4801 Filed 3-12-73;8:45 am]

Forest Service

PROPOSED TIMBER MANAGEMENT PLAN, SANTA FE NATIONAL FOREST

Notice of Availability of Draft Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Forest Service, Department of Agriculture, has prepared a draft environmental statement for a Proposed Timber Management Plan for the Santa Fe National Forest, USDA–FS–DES (Adm.) 73–48.

The purpose of the statement is to consider probable environmental effects of the proposed timber management program.

This draft environmental statement was filed with CEQ on February 28, 1973.

Copies are available for inspection during regular working hours at the following locations:

USDA, Forest Service, South Agriculture Building, Room 3230, 14th Street and Independence Avenue SW., Washington, DC 20250.

USDA, Forest Service, Southwestern Region, 517 Gold Avenue SW., Albuquerque, NM 87101.

Santa Fe National Forest, U.S. Post Office and Federal Building, Santa Fe, N. Mex. 87501.

Copies are available from the National Technical Information Service, U.S. Department of Commerce, Springfield, Va. 22151; and Colorado Plateau Environmental Advisory Council, Post Office Box 1389, Flagstaff, AZ 86001. Please refer to the name and number of the environmental statement above when ordering.

A limited number of single copies are available upon request to William D. Hurst, Regional Forester, Southwestern Region, U.S. Forest Service, 517 Gold Avenue SW., Albuquerque, NM 87101.

Copies of the environmental statement have been sent to various Federal, State, and local agencies as outlined in the Council on Environmental Quality Guidelines.

Comments are invited from the public and from State and local agencies which are authorized to develop and enforce environmental standards, and from Federal agencies having jurisdiction by law or special expertise with respect to any environmental impact involved for which comments have not been requested specifically.

Comments concerning the proposed action and requests for additional information should be addressed to Forest Supervisor, John M. Hall, Santa Fe National Forest, U.S. Post Office and Federal Building, Santa Fe, N. Mex. 87501. Comments must be received by April 5, 1973 in order to be considered in the preparation of the final environmental statement.

PHILIP L. THORNTON,
Deputy Chief, Forest Service.

MARCH 6, 1973.

[FR Doc.73-4760 Filed 3-12-73;8:45 am]

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

SEA WORLD, INC.

Notice of Issuance of Letter of Exemption From Provisions of Marine Mammal Protection Act

On January 24, 1973, a notice was published in the FEDERAL REGISTER (38 FR 2340), stating that an application had been filed with the National Oceanic and Atmospheric Administration for an economic hardship exemption by Sea World, Inc., 1720 South Shores Road, Mission Bay, San Diego, CA 92109, to take or import the following marine mammals for public display at their facility, in Orlando, Fla., now under construction. The marine mammals are as follows: 14 Bottle-nosed dolphins (*Tursiops truncatus*); six White-sided dolphins (*Lagenorhynchus obliquidens*); four Killer whales (*Orcinus orca*); eight Pilot whales (*Globicephala scammoni*); four Beluga whales (*Delphinapterus leucas*); 15 California sea lions (*Zalophus californianus*); four Stellar sea lions (*Eumetopias jubata*); five Northern elephant seals (*Mirounga angustirostris*); 16 Harbor seals (*Phoca vitulina*); six Bearded seals (*Erignathus barbatus*).

Therefore, notice is hereby given that, pursuant to the provisions of the Marine Mammal Protection Act of 1972 (Public Law 92–522), after having considered the application and all other pertinent information and facts with regard thereto, the National Marine Fisheries Service issued a letter of exemption to Sea World, Inc., San Diego, Calif., March 6, 1973, subject to the limtations and conditions set forth in the letter of exemption. Such letter, and supporting rationale, are available for review by interested persons, in the Office of the Director, National Marine Fisheries Service, Washington, D.C.

Dated: March 8, 1973.

ROBERT W. SCHONING,
Acting Director,
National Marine Fisheries Service.

[FR Doc.73-4805 Filed 3-12-73;8:45 am]

V 38 - 48 MAR 13 73 XUM

NATIONAL TECHNICAL INFORMATION SERVICE

GOVERNMENT-OWNED INVENTIONS

Notice of Availability for Licensing

The inventions listed below are owned by the U.S. Government and are available for licensing in accordance with the GSA patent licensing regulations.

Copies of patent applications, either paper copy (PC) or microfiche (MF), can be purchased from the National Technical Information Service (NTIS), Springfield, Va. 22151, at the prices cited. Requests for copies of patent applications must include the PAT-APPL number and the title. Inquiries and requests for licensing information should be directed to the address cited on the first page of each copy of the patent application.

Paper copies of patents cannot be purchased from NTIS but are available from the Commissioner of Patents, Washington, D.C. 20231, at $0.50 each. Inquiries and requests for licensing information should be directed to the "Assignee" as indicated on the copy of the patent.

DOUGLAS J. CAMPION,
Patent Program Coordinator, National Technical Information Service.

DEPARTMENT OF THE INTERIOR

Patent 3,708,356. Urea-Modified Ammonium Nitrate-Fuel Oil Explosives. Filed December 10, 1970. Patented January 2, 1973. Not available NTIS.

Patent application 315,445. Apparatus for Burning Sulfur-Containing Fuels. Filed December 15, 1972. PC $3/MF $0.95.

Patent application 310,721. Magnetite Coating Composition. Filed November 30, 1972. PC $3/MF $0.95.

Patent application 280,923. Solvent Extraction Procedure for Separating Metal Values. Filed August 15, 1972. PC $3/MF $0.95.

Patent application 297,093. Improved Process for Refining Carranaceous Fuels. Filed October 12, 1972. PC $3.75/MF $0.95.

Patent 3,711,386. Recovery of Metals by Electrodeposition. Filed December 4, 1969. Patented January 16, 1973. Not available NTIS.

[FR Doc.73-4744 Filed 3-12-73;8:45 am]

Office of Import Programs

MIAMI VALLEY HOSPITAL

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (37 FR 3892 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C.

Docket No. 73-00175-33-43780. Applicant: Miami Valley Hospital, Radiation Therapy Department, 1 Wyoming Street, Dayton, Ohio 45409. Article: 45 MeV medical-type betatron with accompanying magnetic lens. Manufacturer: Brown-Boveri, Switzerland. Intended use of article: The article is intended to be used in the following research projects:

(1) Determination of the physical characteristics of the electron beam;

(2) Investigation of the effects of inhomogeneities in the body such as, bone and air cavities, on the beam; and

(3) Development of computer programs for use in radiation dosimetry of the electron beam.

The article will also be used for teaching the principles and clinical applications of high energy electron and X-ray beam therapy to radiology residents. In addition the article will be used for both high energy X-ray and electron beam therapy in the treatment of certain cancers. Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States. Reasons: The Department of Health, Education, and Welfare (HEW) advises in its memorandum dated February 23, 1973, that the high energy of the beam provided by the foreign article is pertinent to the applicant's research and educational purposes. The foreign article provides beam energies to 45 million electron volts. HEW further advises that it knows of no domestic medical betatrons which provide beam energies exceeding 25 million electron volts.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

B. BLANKENHEIMER,
Acting Director, Office of Import Programs.

[FR Doc.73-4771 Filed 3-12-73;8:45 am]

NORTH CAROLINA DEPARTMENT OF MENTAL HEALTH ET AL.

Notice of Consolidated Decision on Applications for Duty-Free Entry of Ultramicrotomes

The following is a consolidated decision on applications for duty-free entry of ultramicrotomes pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (37 FR 3892 et seq.). (See especially section 701.11(e).)

A copy of the record pertaining to each of the applications in this consolidated decision is available for public review during ordinary business hours of the Department of Commerce, at the Special Import Programs Division, Office of Import Programs, Department of Commerce, Washington, D.C.

Docket No. 73-00183-33-46500. Applicant: North Carolina Department of Mental Health, Research Division, Embryology Laboratory, Station B, Box 7532, Raleigh, NC 27611. Article: Ultramicrotome, Model "OmU2." Manufacturer: C. Reichert Optische Werke AG, Austria. Intended use of article: The article is intended to be used for thin-sectioning and ultrathin-sectioning of embryonal brain and spinal cord of chickens for electron microscopy in order to study fine structural changes due to the experimental manipulations. Application received by Commissioner of Customs: October 11, 1972. Advice submitted by Department of Health, Education, and Welfare on: February 23, 1973.

Docket No. 73-00191-33-46500. Applicant: University of Alabama in Birmingham, University Station, Birmingham, Ala. 35294. Article: Ultramicrotome, Model LKB 4800A. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The article is intended to be used in dental research for investigations involving samples of purified collagen, other proteins, mitochondria, lysosomes, cell membranes, and basement membranes in normal and pathologic tissues utilizing a variety of techniques including combined histochemical-cytochemical-microchemical-biochemical electron microscope methods. The article will also be used in the preparation of a book including practical histochemical techniques which will require laboratory testing and training students in an understanding of cellular pathology. Application received by Commissioner of Customs: October 6, 1972. Advice submitted by Department of Health, Education, and Welfare on: February 23, 1973.

Docket No. 73-00193-33-46500. Applicant: University of Illinois, Eye and Ear Infirmary, 1855 West Taylor Street, Chicago, IL 60612. Article: Ultramicrotome, Model LKB 8800A and accessories. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The article is intended to be used in the investigation of ocular adnexal tissues obtained from enucleated human eye and experimental animals. Specific projects include: (1) A study of argon laser photocoagulation on the cornea, iris, anterior chamber angle, retina and choroid of the human eye; (2) a study of the vascular changes of Coats' disease, a pediatric ocular disease; (3) a study of the optic nerve changes associated with hereditary-primary tapetal-retinal degeneration of canines; and (4) studies related to retinal degeneration following experimental retinal detachment in monkeys. Application received by Commissioner of Customs: October 16, 1972. Advice submitted by Department of Health, Education, and Welfare on: February 23, 1973.

Docket No. 73-00194-33-46500. Applicant: University of Pittsburgh, School of Medicine, The Montefiore Hospital, 3459 Fifth Avenue, Pittsburgh, PA 15213. Article: Ultramicrotome, Model LKB 8800A. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The article is intended to be used for studies of normal and altered mammalian tissues, mostly derived from animal experiments. The phenomena under investigation include the finding of enzymatic activity of certain renal cells as related to their phagocytic and/or pinocytotic function. These experiments may help to understand the handling of antigenic materials and the findings are relevant for the understanding of a variety of interstitial human renal diseases. Application received by Commissioner of Customs: October 16, 1972. Advice submitted by Department of Health, Education, and Welfare on: February 23, 1973.

Docket No. 73-00195-33-46500. Applicant: University of Miami, Post Office Box 8184, Coral Gables, FL 33124. Article: Ultramicrotome, Model LKB 8800A and accessories. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The article is intended to be used to prepare ultrathin sections of plastic-embedded tissues, principally muscle and nerve, from a wide variety of animal types from lower invertebrates to mammals. The experiments to be conducted include the embryogenesis of muscle and nerve, and the development of the characteristic subcellular components of these cells. A variety of experiments will involve the association of the myofibrils with the membranes concerned in synaptic excitation and the control of contraction and relaxation. Application received by Commissioner of Customs: October 16, 1972. Advice submitted by Department of Health, Education, and Welfare on: February 23, 1973.

Docket No. 73-00196-33-46500. Applicant: Ball State University, Muncie, Ind. 47306. Article: Ultramicrotome, Mode LKB 4800A and accessories. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The article is intended to be used for examination of embryonic, larval, pupal, and adult tissues in insects to examine the interactions of somatic and germ tissues in development of functional adult gonads. The study will involve looking at sections of heterogenous tissues, for example, ovaries containing eggs undergoing shell formation and larval material. Other projects will involve examination of various plant materials including woody and germinating material. These materials present special problems in embedding and ultramicrotomy. The article will also be used to instruct selected undergraduate and graduate students in the preparation of specimens for electron microscopy. Application received by Commissioner of Customs: October 16, 1972. Advice submitted by Department of Health, Education, and Welfare on: February 23, 1973.

Docket No. 73-00197-33-46500. Applicant: Children's Hospital Medical Center, 300 Longwood Avenue, Boston, MA 02115. Article: Ultramicrotome, Model LKB 8800A and accessories. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The article is intended to be used in studies on biological materials which will include mammalian tissues obtained from experimental animals. The specific research purposes are to investigate the chemical and structural nature of the initial mineral deposits in enamel, bone, dentin, and cartilage; to characterize the phases and those changes occurring during maturation of the deposits; and to relate to phases to cellular organelles and to structural elements in the organic matrices. Application received by Commissioner of Customs: October 16, 1972.

Docket No. 73-00201-33-46500. Applicant: Veterans' Administration Hospital, 500 Foothill Boulevard, Salt Lake City, UT 84113. Article: Ultramicrotome, Model LKB 8800A and accessories. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The article is intended to be used to prepare thin sections for electron micrography for ultrastructural studies of changes of the liver in hypercholesterol diets and changes of the liver in diabetic animals. The article will also be used to train an electron microscopy technician and to familiarize pathology residents with electron microscopy. Application received by Commissioner of Customs: October 19, 1972. Advice submitted by Department of Health, Education, and Welfare on: February 23, 1973.

Docket No. 73-00210-33-46500. Applicant: Chico State College, Department of Biological Sciences, Chico, Calif. 95926. Article: Ultramicrotome, Model LKB 8800A. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The article is intended to be used in the following studies:

(1) The role that microtubules play in the morphogenesis of parasitic protozoa, particularly flagellates;

(2) The ultrastructure and development of generative cells in geranium pollen grain and pollen tube; and

(3) The role of generative organelles (amyloplasts and mitochondria) in male transmission of cytoplasmic inherited characters in several plants, and ultrastructure of the walls of pollen grains. The article will also be used in the course, Biology Science 202, Cytology, to present an introduction to the structure and related functions of plant and animal cells and protoplasmic systems. In addition the article will be used in the course Biological Preparation for Electron Microscopy to present theory and provide actual experience in preparing biological specimens for electron microscopy. Application received by Commissioner of Customs: October 24, 1972. Advice submitted by Department of Health, Education, and Welfare on: February 23, 1973.

Comments: No comments have been received with respect to any of the foregoing applications. Decision: Applications approved. No instrument or apparatus of equivalent scientific value to the foreign articles, for such purposes as these articles are intended to be used, is being manufactured in the United States. Reasons: Each of the foreign articles provides a range of cutting speeds from equal to or less than 0.5 millimeter/second (mm./sec.) to equal to or greater than 10 mm./sec. The most closely comparable domestic instrument is the Model MT-2B ultramicrotome which is manufactured by Ivan Sorvall, Inc. (Sorvall). The Model MT-2B has a range of cutting speeds from 0.09 to 3.2 mm./sec. The conditions for obtaining high quality sections that are uniform in thickness depend to a large extent on the hardness, consistency, toughness and other properties of the specimen materials, the properties of the embedding materials and the geometry of the block. In connection with a prior application (Docket No. 69-00118-33-46500) which relates to the duty-free entry of an article in the category of instruments to which the foregoing applications relate, the Department of Health, Education, and Welfare (HEW) advised that "Smooth cuts are obtained when the speed of cutting (among such [other] obvious factors as knife edge condition and angle), is adjusted to the characteristics of the material being sectioned." In connection with another prior case (Docket No. 69-00665-33-46500) relating to the duty-free entry of an article in the same category as those described above, HEW advised that "The range of cutting speeds and a capability for the higher cutting speeds is • • • a pertinent characteristic of the ultramicrotome to be used for sectioning materials that experience has shown difficult to section." In connection with still another prior case (Docket No. 70-00077-33-46500) relating to the duty-free entry of an article similar to those described above, HEW advised that "ultrathin sectioning of a variety of tissues having a wide range in density, hardness, etc." requires a maximum range in cutting speed and, further, that "The production of ultrathin serial sections of specimens that have great variation in physical properties is very difficult." Accordingly, HEW advises in its respectively cited memoranda, that cutting speeds in excess of 4 mm./sec. are pertinent to the satisfactory sectioning of the specimen materials and the relevant embedding materials that will be used by the applicants in their respective experiments.

For these reasons, we find that the Sorvall Model MT-2B ultramicrotome is not of equivalent scientific value to the foreign articles to which the foregoing applications relate, for such purposes as these articles are intended to be used.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to any of the foreign articles to which the foregoing applications relate, for such purposes as these articles are intended to be used, which is being manufactured in the United States.

B. BLANKENHEIMER,
Acting Director, Office of Import Programs.

[FR Doc.73-4772 Filed 3-12-73;8:45 am]

UNIVERSITY OF CHICAGO

Notice of Consolidated Decision on Applications for Duty-Free Entry of Electron Microscopes

The following is a consolidated decision on applications for duty-free entry of electron microscopes pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (37 FR 3892 et seq.). (See especially § 701.11(e).)

V38-48 MAR 13 73 XUM

A copy of the record pertaining to each of the applications in this consolidated decision is available for public review during ordinary business hours of the Department of Commerce, at the Special Import Programs Division, Office of Import Programs, Department of Commerce, Washington, D.C.

Docket No. 73-00211-00-46040. Applicant: University of Chicago, Department of Pathology, 950 East 59th Street, Chicago, IL 60637. Article: Universal Casette for Elmiskop 101, Electron microscope. Manufacturer: Siemens AG, West Germany. Intended use of article: The article is an accessory to an existing electron microscope being used in studies of diagnostic material consisting of human renal biopsies. In addition, extended studies will be made of several experimental models produced in rats that have resemblance to human renal disease. Finally, a high resolution study of membrane formation in the renal medulla induced by electrolyte imbalance is to be continued with emphasis on the unique nature of the liposomes formed. The article will also be used in medical school courses CPP 307 and Pathology 324 for teaching of clinical pathologic correlations from renal disease. Application received by Commissioner of Customs: October 27, 1972.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States.

Reasons: The application relates to an accessory for an instrument that had been previously imported for the use of the applicant institution. The article is being furnished by the manufacturer which produced the instrument with which the article is intended to be used, and is pertinent to the applicant's purposes.

The Department of Commerce knows of no similar accessory being manufactured in the United States, which is interchangeable with or can be readily adapted to the instrument with which the foreign article is intended to be used.

B. BLANKENHEIMER,
Acting Director,
Office of Import Programs.

[FR Doc.73-4773 Filed 3-12-73;8:45 am]

UNIVERSITY OF MARYLAND HOSPITAL

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (37 FR 3892 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C.

Docket No.: 73-00176-99-72500. Applicant: University of Maryland Hospital, Redwood and Greene Streets, Baltimore, Md. 21201. Article: Engstrom Respirator system ER 300. Manufacturer: LKB Medical AB, Sweden. Intended use of article: The article is intended to be used in training anesthesiology and surgical residents, nurses, and inhalation therapists in the functional characteristics and clinical application of mechanical ventilators. Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States. Reasons: The foreign article provides a pressure waveform automatically adapted to changing compliance and airway resistance resulting in improved distribution of air and ventilation of patients under anesthesia. We are advised by the Department of Health, Education, and Welfare (HEW) in its memorandum dated February 23, 1972, that the characteristics described above are pertinent to the purposes for which the article is intended to be used. HEW further advises that it knows of no domestic instrument which provides the pertinent characteristics of the article.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

B. BLANKENHEIMER,
Acting Director,
Office of Import Programs.

[FR Doc.73-4774 Filed 3-12-73;8:45 am]

TENNESSEE UNIVERSITY

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (37 FR 3892 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C.

Docket No. 73-00184-33-03400. Applicant: The University of Tennessee, Department of Audiology and Speech Pathology, South Stadium Hall, Knoxville, Tenn. 37916. Article: Mini-suvag hearing aid. Manufacturer: Service European De Diffusion Des Inventories, S.A., France. Intended use of article: The article is intended to be used to examine the effect of utilizing this low-frequency hearing aid with preschool deaf children. In addition, the article will be used in courses in diagnostics and aural rehabilitation of the deaf. Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States. Reasons: The foreign article provides extended low frequency response suitable for a bone vibrating transducer. We are advised by the Department of Health, Education, and Welfare (HEW) in its memorandum dated February 23, 1973, that characteristics of the article described above are pertinent to the purposes for which the foreign article is intended to be used. HEW further advise that it knows of no comparable domestic instrument which provides pertinent characteristics of the foreign article.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

B. BLANKENHEIMER,
Acting Director,
Office of Import Programs.

[FR Doc.73-4775 Filed 3-12-73;8:45 am]

UNIVERSITY OF WISCONSIN-STEVENS POINT ET AL.

Notice of Consolidated Decision on Applications for Duty-Free Entry of Electron Microscopes

The following is a consolidated decision on applications for duty-free entry of electron microscopes pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (37 FR 3892 et seq.). (See especially section 701.11(e).)

A copy of the record pertaining to each of the applications in this consolidated decision is available for public review during ordinary business hours of the Department of Commerce, at the Special Import Programs Division, Office of Import Programs, Department of Commerce, Washington, D.C.

Docket No. 73-00186-33-46040. Applicant: University of Wisconsin-Stevens Point, Department of Biology, Stevens Point, Wis. 54481. Article: Electron microscope, Model HS-8. Manufacturer: Hitachi-Perkin, Elmer, Japan. Intended use of article: The article is intended to be used to examine embryonic hearts of chicks and rats at appropriate stages of development to determine the mechanism of formation of the Interventricular septum and the atrioventricular valves. In addition, studies of structural features of plant cells and tissues which characterize organisms with long life spans, and effects of conditions such as hormones and environment on reversal of the aging process will be carried out. The article is also intended to be used in teaching undergraduates (juniors and seniors) electron microscopic techniques and the interpretation of fine structure. Application received by Commissioner of Customs: October 5, 1972. Advice submitted by Department of Health, Education, and Welfare on: February 23, 1973.

Docket No. 73-00204-33-46040. Applicant: Stein Research Center, Jefferson Medical College, Thomas Jefferson University, 920 Chancelor Street, Philadelphia, PA 19107. Article: Electron microscope, Model EM 9S-2. Manufacturer: Carl Zeiss, West Germany. Intended use of article: The article is intended to be used to study transplacental activity, and yolk sac morphology, and to further elucidate the mechanism by which abnormal development proceeds. The article will also be used as an educational tool for predoctoral, postdoctoral, and medical students in electron microscopy techniques. Application received by Commissioner of Customs: October 25, 1972. Advice submitted by Department of Health, Education, and Welfare on: February 23, 1973.

Docket No. 73-00209-33-46040. Applicant: Chico State College, Department of Biological Sciences, Chico, Calif. 95926. Article: Electron microscope, Model HS-8F-2. Manufacturer: Hitachi-Perkin Elmer, Japan. Intended use of article: The article is intended to be used for electron microscopy studies which will include the following investigations:

(1) The role that microtubules play in the morphogenesis of parasitic protozoa, particularly trypanosomes,

(2) The ultrastructure and development of generative organelles (amyloplasts and mitochondria) in male transmission of cytoplasmic inherited characters in several plants, and

(3) The ultrastructure of the walls of pollen grains.

The article will also be used for instruction and research of graduate students and faculty in the following courses: Bio Sci, 202 Cytology; Biological Preparations for Electron Microscopy; Electron Microscope Theory and Operations; Bio Sci 398, Independent Study; and Bio Sci 399, Master's Study.

Application received by Commissioner of Customs: October 24, 1972. Advice submitted by Department of Health, Education, and Welfare on: February 23, 1973.

Comments: No comments have been received with respect to any of the foregoing applications. Decision: Applications approved. No instrument or apparatus of equivalent scientific value to the foreign articles, for such purposes as these articles are intended to be used, is being manufactured in the United States. Reasons: Each applicant requires an electron microscope which is suitable for instruction in the basic principles of electron microscopy. Each of the foreign articles to which the foregoing applications relate is a relatively simple, medium resolution electron microscope designed for confident use by beginning students with a minimum of detailed programing. The most closely comparable domestic instrument is the Model EMU-4C electron microscope which is a relatively complex instrument designed primarily for research, which requires a skilled electron microscopist for its operation. We are advised by the Department of Health, Education, and Welfare (HEW) advised in its respectively cited memoranda, that the relative simplicity of design and ease of operation of the foreign articles described above are pertinent to the applicants' educational purposes. We, therefore, find that the Forgflo Model EMU-4C electron microscope is not of equivalent scientific value to any of the foreign articles described above for such purposes as these articles are intended to be used.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to any of the foreign articles to which the foregoing applications relate, for such purposes as these articles are intended to be used, which is being manufactured in the United States.

B. BLANKENHEIMER,
Acting Director,
Office of Import Programs.

[FR Doc.73-4776 Filed 3-12-73;8:48 am]

WISTAR INSTITUTE

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (37 FR 3892 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C.

Docket No. 73-00202-00-37100. Applicant: The Wistar Institute, 36th Street at Spruce, Philadelphia, PA 19104. Article: Multiple membrane filter—consisting of stainless steel and perspex base, stainless steel filter disc carrier and perspex cover plate. Manufacturer: Yeda, Research & Development Co., Ltd., Israel. Intended use of article: The articles are accessories to a Yeda Press to be used for the rapid filtration of large numbers of small samples through filter discs. It will be used for amino acid transport and incorporation studies involving, for example, nucleic acids and proteins, radiological and radioimmunological assays. Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States. Reasons: The use is in processing large numbers of radioactive samples for radiological or radioimmunological assay. The foreign article provides a capability to process 10 samples in a carrier simultaneously as well as quick change of carrier for additional sampling. The Department of Health, Education, and Welfare (HEW) advised in its memorandum dated February 23, 1973, that the capability described above is pertinent to the purposes for which the article is intended to be used. HEW also advised that it knows of no domestic instrument or apparatus of equivalent scientific value to the article for the purposes for which the article is intended to be used.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

B. BLANKENHEIMER,
Acting Director,
Office of Import Programs.

[FR Doc.73-4777 Filed 3-12-73;8:45 am]

WISTAR INSTITUTE

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (37 FR 3892 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C.

Docket No. 73-00203-33-37100. Applicant: The Wistar Institute, 36th Street at Spruce, Philadelphia, PA 19104. Article: Yeda press. Manufacturer: Yeda, Research and Development Co., Ltd., Israel. Intended use of article: The article is intended to be used for homogenization of a number of biological tissues which include tumor cells and spleen cells. These tissues have to be homogenized for the purpose of isolating subcellular particulates with high biological activity. Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States. Reasons: The article permits isolation of biologically active substances without loss of biological activity. The Department of Health, Education, and Welfare (HEW) advised in its memorandum dated February 23, 1973, that the capability for maintenance of biological activity is pertinent to the purposes for which the article is intended to be used. HEW also advises that it knows of no domestic instrument or apparatus of equivalent scientific value to the article for such purposes as this article is intended to be used.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article

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is intended to be used, which is being manufactured in the United States.

B. BLANKENHEIMER,
Acting Director,
Office of Import Programs.

[FR Doc.73-4778 Filed 3-12-73;8:45 am]

Social and Economic Statistics Administration

SURVEY OF RETAIL SALES, PURCHASES, INVENTORIES, CAPITAL EXPENDITURES, FIXED ASSETS, RENTAL PAYMENTS, PAYROLL, AND SUPPLEMENTARY LABOR COSTS

Notice of Consideration

Notice is hereby given that the Bureau of the Census is considering a proposal to repeat in 1973 the Annual Retail Trade Survey which has been conducted each year under title 13, United States Code, sections 181, 224, and 225 to collect data covering year-end inventories, purchases, and annual sales. Additional items requesting capital expenditures, changes in fixed assets, rental payments, payroll, and supplementary labor costs are included as supplemental data for the 1972 Census of Business. This survey covering 1972 is the only continuing source available on a comparable classification and timely basis for use as the benchmark for developing monthly retail inventory estimates. It also assists in establishing a benchmark for the distribution of monthly sales by geographic area.

Information and recommendations received by the Bureau of the Census indicate that the data will have significant application to the needs of the public, the distribution trades, and governmental agencies, and are not publicly available from nongovernment or other governmental sources.

Such a survey, if conducted, shall begin not earlier than April 12, 1973.

Reports will be required only from a selected sample of retail establishments in the United States. The sample will provide, with measurable reliability, statistics on the subjects specified above. Reports will be requested from a sample of stores based on their sales size and location in Census sample areas. A group of the largest firms, in terms of number of retail stores, will be requested to report their sales and number of stores by county; but those firms which are participating monthly in the Bureau's geographic area survey will be asked to report at the national level only.

Copies of the proposed forms and a description of the collection methods are available upon request to the Director, Bureau of the Census, Washington, D.C. 20233.

Any sugestions or recommendations concerning the subject matter of the proposed survey, submitted in writing to the Director of the Bureau of the Census on or before April 12, 1973, will receive consideration.

Dated March 7, 1973.

JOSEPH R. WRIGHT, JR.,
Acting Administrator, Social and Economics Statistics Administration.

[FR Doc.73-4770 Filed 3-12-73;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of Education

NATIONAL ADVISORY COUNCIL ON ADULT EDUCATION

Notice of Public Meeting

Notice is hereby given, pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Public Law 92-463), that the next meeting of the National Advisory Council on Adult Education will be held on March 22, 23, and 24, 1973, at the Statler Hilton Hotel, 16th and K Streets NW., Washington, DC. The Council meeting will commence at 9 a.m., on March 22, and terminate at 12:30 p.m. on March 24.

The National Advisory Council on Adult Education is established under section 310 of the Adult Education Act (80 Stat. 1216.20 U.S.C. 1201). The Council is directed to:

Advise the Commissioner in the preparation of general regulations and with respect to policy matters arising in the administration of this title, including policies and procedures governing the approval of State plans under section 306 and policies to eliminate duplication, and to effectuate the coordination of programs under this title and other programs offering adult education activities and services.

The Council shall review the administration and effectiveness of programs under this title, make recommendations with respect thereto, and make annual reports to the President of its findings and recommendations (including recommendations for changes in this title and other Federal laws relating to adult education activities and services). The President shall transmit each such report to the Congress together with his comments and recommendations.

The meeting of the Council shall be open to the public. The proposed agenda includes:

Reports of the Executive Committee, Legislative Committee, Publicity and Publications Committee, and Research Committee.
Council Plans and Priorities for FY-74.
1973 Annual Report.

Records shall be kept of all Council proceedings (and shall be available for public inspection at the Office of the National Advisory Council on Adult Education located in Room 1144, Pennsylvania Building, 425 13th Street NW., Washington, DC 20004).

Signed at Washington, D.C., on March 7, 1973.

GARY A. EYRE,
Executive Director, National Advisory Council on Adult Education.

[FR Doc.73-4780 Filed 3-12-73;8:45 am]

DEPARTMENT OF TRANSPORTATION

Hazardous Materials Regulations Board

TRANSPORTATION OF HAZARDOUS MATERIALS

Special Permits Issued

Pursuant to Docket No. HM-1, rule making procedures of the Hazardous Materials Regulations Board, issued May 22, 1968 (33 FR 8277), 49 CFR 170, following is a list of new DOT Special Permits upon which Board action was completed during February 1973:

Special permit No.	Issued to—Subject	Mode or modes of transportation
6716	Shippers registered with this Board to ship fissile and large quantities of radioactive materials in packaging identified as the F 144-1 shipping container.	Highway, Rail, Cargo-only aircraft.
6717	Shippers registered with this Board to ship Type B quantities of radioactive materials, special form in an outer container which is a package identified as the Gamma Industries Type B container for radiography devices.	Highway, Rail, Passenger-carrying aircraft, Cargo-only aircraft, Cargo vessel.
6720	Shippers registered with this Board to ship certain flammable liquids in non-DOT specification portable tanks patterned after Specification MC 307.	Highway, Rail Cargo vessel.
6724	Brunswick Corporation, Sugar Grove, Virginia, The U.S. Department of Defense and Philco-Ford Corporation to ship 25MM caseless ammunition, with solid projectile, as explosive, Class C.	Highway, Cargo-only aircraft.
6725	Shippers registered with this Board to ship a flammable liquid, n.o.s. in DOT-12P60 fiberboard box having inside a 5 gallon DOT-2C 15 mil high density polyethylene container.	Highway, Rail, Cargo vessel.
6726	Shippers registered with this Board to ship certain corrosive liquids in non-DOT specification reusable, polyethylene containers of 55 gallon capacity.	Highway, Rail.
6728	Olin Corporation, Stamford, Conn., to make one shipment of chlorine in a partially filled DOT 105A500W tank car.	Rail.
6729	Dow Chemical Company, Midland, Michigan to make escorted shipment of contaminated isatropheneol solution in defective DOT-17E drums overpacked in steel drums equivalent to Rule 40 drums.	Highway.
6730	I-K-I Manufacturing Company, Inc., Edgerton, Wisconsin to ship Engine starting fluid in a limited number of non-refillable metal containers complying with DOT Specification 2P except for marking.	Highway.
6734	NASA Manned Spacecraft Center, Houston, Texas to ship helium in non-DOT specification stainless steel cylinders.	Passenger-carrying aircraft.

ALAN I. ROBERTS,
Secretary, Hazardous Materials Regulations Board.

[FR Doc.73-4682 Filed 3-12-73;8:45 am]

ATOMIC ENERGY COMMISSION

[Docket Nos. 50-324, 50-325]

CAROLINA POWER & LIGHT CO.

Notice of Hearing on a Facility Operating License

Pursuant to the Atomic Energy Act of 1954, as amended (the Act), and the regulations in Title 10, Code of Federal Regulations, Part 50, Licensing of Production and Utilization Facilities, and Part 2, Rules of Practice, notice is hereby given that a hearing will be held at a time and place to be set in the future by an Atomic Safety and Licensing Board, to begin in or in the vicinity of Brunswick County, N.C., to consider the application filed under section 104(b) of the Act by the Carolina Power & Light Co. (Applicant) for facility operating licenses which would authorize the operation of two boiling water nuclear reactors (the facilities), identified as the Brunswick Steam Electric Plant, Units 1 and 2, at steady state power levels not to exceed 2,436 megawatts thermal each, at the Applicant's site in Brunswick County, N.C. The hearing will be conducted by an Atomic Safety and Licensing Board (Board) designated by the Chairman of the Atomic Safety and Licensing Board Panel, consisting of Michael Glaser, Esq. (Chairman); Mr. Glenn O. Bright, and Dr. J. V. Leeds, Jr. Dr. Forrest J. Remick has been designated a technically qualified alternate, and James R. Yore, Esq., has been designated as an alternate qualified in the conduct of administrative proceedings.

Construction of the facilities was authorized by Construction Permit Nos. CPPR-67 and CPPR-68 issued by the Atomic Energy Commission (Commission) on February 7, 1970.

On November 3, 1972, a notice of consideration of issuance of facility operating license and opportunity for hearing; notice of hearing in the above matter appeared in the FEDERAL REGISTER (37 FR 23468). The notice advised that, within 30 days from the date of publication, "any person whose interest may be affected by this proceeding may file a petition for leave to intervene (1) with respect to the issuance of the facility operating licenses; or (2) with respect to whether, considering those matters covered by Appendix D to 10 CFR Part 50, the construction permits should be continued, modified, terminated, or appropriately conditioned to protect environmental values." A timely petition for leave to intervene with respect to both the environmental review of the construction permits and the issuance of the operating licenses was filed by Ronald L. Horton on behalf of Project Environment (petitioner), an unincorporated association. Answers to the petition were filed by the Applicant and the Commission's regulatory staff.

As set forth in a memorandum and order on this matter dated March 6, 1973, the Atomic Safety and Licensing Board designated to rule on this petition has determined that a hearing with respect to the issuance of the facility operating licenses is warranted, that this hearing should be consolidated with the hearing on whether the construction permits should be continued, modified, terminated or appropriately conditioned to protect any environmental values, and that petitioner should be admitted to intervene as a party to the proceedings.

A prehearing conference or conferences will be held by the Licensing Board, at a date and place to be set by it, to consider pertinent matters, including specification of the issues to be considered at the consolidated hearing, in accordance with the Commission's rules of practice. The date and place of the consolidated hearing will be published in the FEDERAL REGISTER.

The instant facilities are subject to the provisions of section B of Appendix D to 10 CFR Part 50 which sets forth procedures for environmental review of certain licenses to construct or operate production or utilization facilities issued in the period January 1, 1970, to September 9, 1971. In addition to deciding the matters in controversy among the parties, the Board will, in accordance with section A.11 of said Appendix D: (a) Determine whether the requirements of section 102(2) (C) and (D) of NEPA and Appendix D to 10 CFR Part 50 of the Commission's regulations have been complied with in this proceeding; (b) independently consider the final balance among conflicting factors contained in the record of the proceeding with a view toward determining the action to be taken; and (c) determine, after weighing the environmental, economic, technical and other benefits against environmental costs and considering available alternatives, whether the construction permits should be continued, modified, terminated or appropriately conditioned to protect environmental values.

Depending on the resolution of the issues specified by the Licensing Board, authorization for issuance of the operating licenses may be granted or denied, or the licenses may be authorized as appropriately conditioned. Operating licenses would be issued only after appropriate findings are made by the Director of Regulation on the matters set forth below which are not embraced by the Board's decision (and upon compliance with the applicable provisions of Appendix D to 10 CFR Part 50 dealt with above):

1. Whether construction of the facilities has been substantially completed in conformity with the construction permits and the application, as amended, the provisions of the Act, and the rules and regulations of the Commission.

2. Whether the facilities will operate in conformity with the application, as amended, the provisions of the Act, and the rules and regulations of the Commission.

3. Whether there is reasonable assurance (i) that the activities authorized by the operating licenses can be conducted without endangering the health and safety of the public, and (ii) that such activities will be conducted in compliance with the regulations of the Commission.

4. Whether the applicant is technically and financially qualified to engage in the activities authorized by the operating licenses in accordance with the regulations of the Commission.

5. Whether the applicable provisions of 10 CFR Part 150, Financial Protection Requirements and Indemnity Agreements, of the Commission's regulations have been satisfied.

6. Whether the issuance of the licenses will be inimical to the common defense and security or to the health and safety of the public.

For further details pertinent to the matters under consideration, see the application for the facility operating license docketed May 30, 1972, as amended, and the Applicant's Environmental Report dated November 8, 1971, which are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, DC, and at the Southport Brunswick County Library, 109 West Moore Street, Southport, NC 28461. As they become available, the following documents also will be available at the above locations: (1) The safety evaluation prepared by the Directorate of Licensing; (2) the Commission's draft detailed statement on environmental considerations pursuant to 10 CFR Part 50, Appendix D; (3) the Commission's final detailed statement on environmental considerations; (4) the report of the Advisory Committee on Reactor Safeguards on the application for facility operating licenses; (5) the proposed facility operating licenses and (6) the proposed technical specifications, which will be attached to the proposed facility operating licenses. To the extent of supply, copies of items (1), (3), (4), and (5) will be furnished upon request to Deputy Director for Reactor Projects, Directorate of Licensing, U.S. Atomic Energy Commission, Washington, D.C. 20545.

Any person who wishes to make an oral or written statement in this proceeding but who has not filed a petition for leave to intervene as noted above, may request permission to make a limited appearance pursuant to the provisions of 10 CFR 2.715 of the Commission's rules of practice. Limited appearances will be permitted at the time of the hearing in the discretion of the Licensing Board, within such limits and on such conditions as may be fixed by it. Persons desiring to make a limited appearance are requested to inform the Secretary of the Commission, U.S Atomic Energy Commission, Washington, D.C. 20545, on or before April 12, 1973. A person permitted to make a limited appearance does not become a party, but may state his position and raise questions which he would like to have answered to the extent that the questions are within the scope of the hearing. A member of the public does not have the right to participate unless he has been granted the right to intervene as a party or the right of limited appearance.

An answer to this notice, pursuant to the provisions of 10 CFR 2.705 of the

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Commission's rules of practice, must be filed by the parties to this proceeding (other than the regulatory staff) on or before April 2, 1973.

Papers required to be filed in this proceeding may be filed by mail or telegram addressed to the Secretary of the Commission, U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Chief, Public Proceedings Staff, or may be filed by delivery to the Commission's Public Document Room, 1717 H Street NW., Washington, DC.

Pending further order of the Licensing Board named herein, parties are required to file pursuant to the provisions of 10 CFR 2.708 of the Commission's rules of practice, an original and 20 conformed copies of each such paper with the Commission.

It is so ordered.

Issued at Washington, D.C., this 6th day of March 1973.

THE ATOMIC SAFETY AND LICENSING BOARD,
ELIZABETH S. BOWERS,
Chairman.

[FR Doc.73-4717 Filed 3-12-73;8:45 am]

[Docket No. 50-412]

DUQUESNE LIGHT CO., ET AL.

Notice of Special Prehearing Conference

On November 22, 1972, the Atomic Energy Commission (Commission) issued a notice of hearing in the above-entitled proceeding, which was published in the FEDERAL REGISTER on November 28, 1972 (37 FR 25,188), which provided an opportunity for participation by the public in the consideration of the application filed by the Duquesne Light Co., Ohio Edison Co., Pennsylvania Power Co., The Cleveland Electric Illuminating Co., and The Toledo Edison Co. (applicants) for a license and construction permit for a nuclear power facility to be designated Beaver Valley Power Station, Unit No. 2, and to be located in Shippingport Borough, Beaver County, Pa.

In response to such notice, petitions to intervene have been filed by the following:

COMMONWEALTH OF PENNSYLVANIA

JOINT PETITIONERS

City of Pittsburgh.
Mayor Pete Flaherty.
Environmental Coalition on Nuclear Power.
Friends of the Earth.
Environment Pittsburgh.
Beaver County Citizens Conservation Corps.
Ernest J. Sierenglass.
David Marshall.
Virginia Pell, Norman Michelson, and Robert P. Coval.

The rules of practice of the Commission provide for a special prehearing conference to consider with the said petitioners, as well as with the applicants and the regulatory staff of the Commission, the aforesaid petitions and procedures in reference thereto.

Wherefore, it is ordered, In accordance with the Atomic Energy Act, as amended, and the rules of practice of the Commission, particularly § 2.751(a) thereof, a special prehearing conference to consider the petitions to intervene in this proceeding, and procedures in reference thereto, shall convene at 9 a.m., on Tuesday, April 3, 1973, in Courtroom No. 14, U.S. District Court, located on the fifth floor, U.S. Post Office and Courthouse, Seventh and Grand Streets, Pittsburgh, PA 15230.

Issued: March 5, 1973, Germantown, Md.

ATOMIC SAFETY AND LICENSING BOARD,
SAMUEL W. JENSCH,
Chairman.

[FR Doc.73-4718 Filed 3-12-73;8:45 am]

COMMISSION ON CIVIL RIGHTS

CONNECTICUT STATE ADVISORY COMMITTEE

Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights, that a meeting of the Connecticut State Advisory Committee will convene at 8 p.m. on March 14, 1973, at the Holiday Inn, 900 East Main Street, Meriden, CT 06450. This meeting shall be open to the public and the press.

The purposes of this meeting shall be to: (1) Hear reports on the Puerto Rican Project Hearing, and (2) receive reports and recommendations from the Higher Education and Prison Project Subcommittees of the Connecticut State Advisory Committee.

This meeting will be conducted pursuant to the rules and regulations of the Commission.

Dated at Washington, D.C., March 7, 1973.

ISAIAH T. CRESWELL, JR.,
Advisory Committee Management Officer.

[FR Doc.73-4902 Filed 3-12-73;8:45 am]

VIRGINIA STATE ADVISORY COMMITTEE

Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights, that a meeting of the Virginia State Advisory Committee will convene at 6 p.m. on March 14, 1973, at the Capriccio Restaurant, Crystal City Marriott, 1999 Jefferson Davis Highway, Arlington, VA 22202. This meeting shall be open to the public and the press.

The purpose of this meeting shall be to hear a report of the Administration of Justice Subcommittee on its Judicial Selection Project.

This meeting will be conducted pursuant to the rules and regulations of the Commission.

Dated at Washington, D.C., March 7, 1973.

ISAIAH T. CRESWELL, JR.,
Advisory Committee Management Officer.

[FR Doc.73-4903 Filed 3-12-73;8:45 am]

COMMITTEE FOR PURCHASE OF PRODUCTS AND SERVICES OF THE BLIND AND OTHER SEVERELY HANDICAPPED

PROCUREMENT LIST

Notice of Withdrawal of Proposed Additions

Notice is hereby given that the commodities and services published on page 23943 of the FEDERAL REGISTER of December 16, 1971, as proposed additions to the Initial Procurement List are withdrawn except for those listed below.

COMMODITIES

Class 7210—Cover, pillow, plastic.
Class 7510—Binder, note pad, springback.
Class 7520—Pencils, mechanical; pen set, desk.
Class 8345—Signal pennants.
Class 8460—Kit, bag, flyers.

SERVICES

Food packet, survival, general purpose, assembly of.

By the Committee.

CHARLES W. FLETCHER,
Executive Director.

[FR Doc.73-4652 Filed 3-12-73;8:45 am]

PROCUREMENT LIST

Notice of Withdrawal of Proposed Additions

Notice is hereby given that the commodities and services published on pages 20260 and 20261 of the FEDERAL REGISTER of October 19, 1971, as proposed additions to the Initial Procurement List are withdrawn except for those listed below.

COMMODITIES

Class 5440:	
Stepladder, aluminum	5440-514-4483
Do	5440-514-4485
Do	5440-514-4487
Class 7210:	
Bedspreads	7210-728-0173
Do	7210-728-0175
Do	7210-728-0176
Do	7210-728-0177
Do	7210-728-0178
Do	7210-728-0179
Class 7220:	
Mat, door	
Class 7510:	
Erasure, mechanical	7510-865-5292
Do	7510-082-2665
Class 7520:	
Stand, calendar, plastic	7520-162-6153
Pencil, mechanical, china marking	7520-223-6672
Do	7520-223-6673
Do	7520-223-6674
Do	7520-223-6675
Do	7520-223-6676
Do	7520-268-9912
Do	7520-268-9913
Pencil, mechanical	
Marker, tube type, felt tip	7520-973-1059
Do	7520-973-1060
Do	7520-973-1061
Do	7520-973-1062
Do	7520-079-0285
Do	7520-079-0286
Do	7520-079-0287
Do	7520-079-0288
Marker, tube type, fine tip	

Class 7530:	
Folder, file	7530-889-3555
Do	7530-926-8978
Do	7530-926-8980
Do	7530-281-5907
Do	7530-281-5908
Do	7530-559-4512
Do	7530-281-5905
Pad writing paper	7530-285-3083
Do	7530-285-3088
Do	7530-285-3090
Do	7530-239-8479

MILITARY RESALE ITEMS

	Item No.
Scrubber, synthetic net	7330-B510-944
Mop, dish and bottle	7330-B510-950
Broom, corn with plastic cap	7920-B510-904
Broom, whisk, all plastic	7920-B510-910
Applicator, wax, acrylic pad, with handle.	7920-B510-930
Refill, acrylic pad with wax applicator.	7920-B510-938

By the Committee.

CHARLES W. FLETCHER,
Executive Director.

[FR Doc.73-4653 Filed 3-12-73;8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

HAZARDOUS MATERIALS ADVISORY COMMITTEE

Committee Management; Notice of Determination

The U.S. Environmental Protection Agency utilizes the advice and recommendations of the Hazardous Materials Advisory Committee in carrying out its functions of grants administration.

The Federal Advisory Committee Act, Public Law 92-463, governs the formation, use, conduct, management, and accessibility to the public of advisory committees formed to advise and assist the Federal Government. Section 10 of that Act specifies that adequate provision shall be made for public attendance and participation, except to the extent a determination is made by the agency head that committee activities are matters which fall within policies analogous to those recognized in the Freedom of Information Act, section 552(b) of title 5 of the United States Code, and the public interest requires such activities to be withheld from disclosure. Consequently, the Agency will open to the public as many advisory committee meetings as possible.

While the Agency has a policy of this fullest possible disclosure of records pursuant to the Freedom of Information Act, obligations of confidentiality and administrative necessity require that the Agency invoke mandatory disclosure specified in the Act for certain of its records.

Records containing trade secrets, commercial or financial information, or personnel or medical files are illustrative of such exempt records. The functions and responsibilities with which the committee is charged require that certain of the exempt records be submitted for the use of the Committee during their deliberations. If the Committee was required to discuss these records in open meetings, the protection of the exemptions of the Freedom of Information Act would be lost and their purpose frustrated. Moreover, if the deliberations were reduced to writing, the records thus created likewise would be entitled to the same exemption from mandatory disclosure.

Pursuant to section 10(d) of the Federal Advisory Committee Act, it is hereby determined, therefore, that the grants review meeting of the Hazardous Materials Advisory Committee on March 19, 1973, shall be closed to the public on the following basis:

(1) That the meeting directly involves review, discussion, or consideration of records of the Agency which are exempt under items (4) and (6) of the Freedom of Information Act (5 U.S.C. 552(b) (4) and (6)); namely, records (a) containing commercial or financial information obtained from a person and privileged or confidential and (b) which are personnel and medical files and similar files the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

(2) That the meeting pertains to internal memoranda or to the internal expression of views and judgments of the members, which if reduced to writing would be exempt as internal memoranda from mandatory disclosure under item (5) of the Freedom of Information Act (5 U.S.C. 552(b)(5)).

It is further determined that the public interest requires that meetings or portions of meetings devoted to activities described in the preceeding two numbered paragraphs be closed to the public in the interest of maintaining the Agency's obligation of confidentiality and administrative necessity and so the Agency may continue to receive needed information and advice through the advisory committee process.

No persons other than members and consultants of the Committee or staff of this Agency shall be present at any meeting or portion of a meeting closed to the public pursuant to this determination.

WILLIAM D. RUCKELSHAUS,
Administrator.

MARCH 9, 1973.

[FR Doc.73-4943 Filed 3-12-73;8:45 am]

HAZARDOUS MATERIALS ADVISORY COMMITTEE

Notice of Meeting

Pursuant to Public Law 92-463, notice is hereby given that a meeting of the Hazardous Materials Advisory Committee will be held at 9:30 a.m., March 19, 1973, in Room 3307, Waterside Mall, 401 M Street SW., Washington, DC.

This is the regular monthly meeting of the Committee. The agenda includes the Staff Director's report, mutagenicity studies, a discussion of the SEAS program, progress on the nitrogen study, a report on MECCA—a model for estimation of consumption of contaminants from aquatic foods, progress on herbicide study, member items of interest, reports and comments by program liaison representatives and adjourn.

The meeting is open to the public. Any member of the public wishing to attend or participate or to present a paper should contact Dr. Winfred F. Malone, Staff Science Adviser, Hazardous Materials Advisory Committee, 202—963-5117.

WILLIAM D. RUCKELSHAUS,
Administrator.

MARCH 9, 1973.

[FR Doc.73-4941 Filed 3-12-73;8:45 am]

HAZARDOUS MATERIALS ADVISORY COMMITTEE

Notice of Meeting

Pursuant to Public Law 92-463, notice is hereby given that a meeting of the Hazardous Materials Advisory Committee, in its special assigned function of grants review, will be held at 8:30 a.m., March 19, 1973, at Waterside Mall, 401 M Street SW., Washington, DC.

The meeting is held to review and discuss a specific research grant application. This meeting is closed to the public; however, members of the public who wish to do so are invited to submit material in writing appropriate to this session.

The regularly scheduled meeting of the Hazardous Materials Advisory Committee which is open to the public will also be held on March 19, 1973. Further notice will be published separately.

WILLIAM D. RUCKELSHAUS,
Administrator.

MARCH 9, 1973.

[FR Doc.73-4942 Filed 3-12-73;8:43 am]

FEDERAL COMMUNICATIONS COMMISSION

[Dockets Nos. 19503, 19506; FCC 73R-95]

ST. CROSS BROADCASTING, INC. AND PROGRESSIVE BROADCASTING CO.

Memorandum Opinion and Order Broadening Issue

In regard applications of: St. Cross Broadcasting, Inc., Santa Cruz, Calif., Docket No. 19503, File No. BP-18014; James B. Fenton, Grant R. Wrathall, Jr., Lawrence M. Wrathall, and Loretta Wrathall, doing business as Progressive Broadcasting Co., Aptos-Capitola, Calif., Docket No. 19506, File No. BP-18221; for construction permits.

1. This proceeding involves the mutually exclusive applications of St. Cross Broadcasting, Inc. (St. Cross) and Progressive Broadcasting Co. (Progressive) for a new standard broadcast station at Santa, Cruz, Calif. and Aptos-Capitola, Calif., respectively.[1] The Commission des-

[1] The applications of Milo Communications Corp. (Milo), Docket 19504, and Lloyd M. Marks (Marks), Docket 19505, also designated for hearing, were dismissed by the Administrative Law Judge pursuant to their petitions to dismiss. Marks' application was dismissed by Order FCC 72M-853, released June 30, 1972; Milo's application was dismissed by Order FCC 72M-1325, released October 25, 1972.

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ignated the applications for hearing by Order, FCC 72-422 (37 FR 10611, published May 25, 1972), specifying, inter alia, Suburban Community and engineering issues against Progressive,[4] and areas and populations and 307(b) issues. Now before the Review Board for consideration is a motion to enlarge issues, filed June 9, 1972, by St. Cross, seeking the addition of a further Suburban Community issue and Suburban and cross ownership cross interest issues against Progressive.[5]

SUBURBAN COMMUNITY ISSUE

2. In support of its request for another Suburban Community issue against Progressive, St. Cross argues that Aptos (population 8,704)[6] and Capitola (population 5,080), are small communities which are completely dominated in their political, economic, and social life by the neighboring city of Santa Cruz (population 32,076). St. Cross also asserts that Progressive could adequately cover Aptos-Capitola with a power of 250 watts and that the 5 kw power proposed indicates that Progressive realistically intends to serve Santa Cruz. Finally, St. Cross urges that the ascertainment efforts conducted by Progressive support its allegations, in that contacts with community leaders were oriented to Santa Cruz City and the county as a whole rather than to Aptos-Capitola. According to St. Cross, the needs revealed by Progressive's survey are not peculiar to Aptos-Capitola, and, furthermore, those needs are presently being met and can be met by stations located in Santa Cruz City.

3. In its opposition, Progressive first argues that St. Cross has failed to make the threshold showing necessary for addition of the requested issue, claiming that no concrete facts have been presented to support the allegations concerning either Aptos-Capitola's dependence on Santa Cruz or Progressive's engineering proposal. Progressive further asserts that the allegations made by St. Cross are not in accord with the facts and that only a limited suburban-city relationship exists between Santa Cruz and Aptos-Capitola. Attached to Progressive's pleading are data in support of its allegations that Aptos and Capitola are economically and politically independent and that social, recreational and cultural facilities exist outside of Santa Cruz City. Its ascertainment efforts, Progressive claims, were directed to the Aptos-Capitola area and resulted in the identification of the area's distinct needs and interests. Finally, Progressive submits an exhibit which, it claims, shows that the power it proposes complies with Commission regulations for service to its specified community.

4. The Broadcast Bureau supports addition of the issue, nothing that Progressive proposes to place a 5 mv./m. signal over most, if not all, of Santa Cruz, a city with a substantially larger population than Aptos-Capitola. The Bureau submits that a less powerful proposal could serve Aptos-Capitola, rather than one which is directionalized to place a major lobe over Santa Cruz. The Bureau also agrees with St. Cross that the community needs listed by Progressive in its application are as applicable to Santa Cruz County as a whole, including Santa Cruz City, as they are to Aptos and Capitola.

5. In its reply to Progressive's opposition, St. Cross contests the facts alleged in Progressive's pleadings and the implications to be drawn therefrom, concluding that Progressive has not rebutted movant's showing that Santa Cruz City dominates the surrounding area and that the needs of Aptos-Capitola are essentially the same as those of the rest of the county, including Santa Cruz City. An evidentiary hearing, urges St. Cross, is therefore necessary to resolve the question.

6. The Review Board is of the view that the pleadings raise a substantial question as to whether Progressive's proposed facility will realistically provide service for the two communities it has specified in its application or for the nearby larger community of Santa Cruz. This question is raised in large part by Progressive's engineering proposal. The Board agrees with the Broadcast Bureau that 5 kw. of power does, on its face, seem to be greatly in excess of that needed to provide adequate coverage of the specified communities. The gravity of this question is compounded by the fact that Progressive plans a directionalized signal, with one major lobe of its pattern substantially, if not completely, covering Santa Cruz City with a 5 mv./m. signal. Furthermore, Progressive has failed to make an adequate showing that the proposed power and directional system indicate a clear intention to direct its service to its specified community. The applicant has merely stated that its proposed power would be "adequate" and that a station with less power "would not be competitive signal wise" in neighboring communities with the signals of other area stations.[8] In our opinion, this is not an adequate explanation and raises serious questions concerning Progressive's intentions. Compare "Creek County Broadcasting," 31 FCC 2d 462, 22 RR 2d 891 (1971). "Cf. Babcom, Inc.," 12 FCC 2d 306, 12 RR 2d 998 (1968).

7. Furthermore, St. Cross' motion raises a substantial question as to whether the needs and interests of Aptos-Capitola are truly distinct from those of Santa Cruz City, a neighboring city with over two times the combined populations of the specified communities. Progressive has, in fact, shown that in some respects the smaller communities are definable areas apart from Santa Cruz City with some problems which are distinct from those of a larger urban community. However, the pleadings and Progressive's community survey showing indicate that the economic, cultural and recreational activities of those areas may be so integrated with or dependent upon Santa Cruz City that Aptos and Capitola should not be considered distinct and independent communities for 307(b) purposes. Progressive's "community profile", submitted as an amendment to its application, deals in general with Santa Cruz County as a whole and includes specific reference to Aptos, Capitola, and Santa Cruz City with no distinctions drawn to indicate that all three communities are other than similar elements of that integrated whole. Furthermore, a large number of the civic, political, and cultural organizations listed by Progressive in its pleadings as serving Aptos and Capitola appear to encompass the entire county[9] or the Santa Cruz-midcounty area,[10] while not more than 25 percent of all the organizations listed in Progressive's community survey, including those contained in its pleadings, appear to direct their activities exclusively to Aptos, Capitola, or at least the midcounty area as distinguished from Santa Cruz City. The majority of the ascertained needs listed by Progressive in its exhibit, including those given the greatest priority by Progressive, also are stated in terms of problems which encompass both Santa Cruz City and its neighbors.[11] Finally, while

[4] The Commission specified a Suburban Community issue against Progressive because its proposed 5 mv./m. contour would penetrate Salinas, Calif., a city with a population of over 50,000, which is more than twice the size of Aptos-Capitola. The Commission found that the applicant did not effectively rebut the presumption that it realistically proposes to serve the larger city. See Policy Statement on "Section 307(b) Considerations for Standard Broadcast Facilities Involving Suburban Communities," FCC 2d 190, 6 RR 2d 1901 (1965).

[5] Also before the Board are: (a) Opposition, filed June 30, 1972, by Milo; (b) opposition, filed July 3, 1972, by Progressive; (c) Broadcast Bureau's comments, filed July 3, 1972; (d) reply to (a), filed July 14, 1972, by St. Cross; (e) reply to (c), filed July 14, 1972, by St. Cross; (f) reply to (b), filed July 17, 1972, by St. Cross; (g) further opposition, filed Aug. 7, 1972, by Progressive; (h) a letter received Aug. 22, 1972, from St. Cross; (i) a letter received Aug. 25, 1972, from Progressive. Insofar as the motion seeks to add issues against Milo and Marks, it is now moot and will be dismissed. See note 1, supra. Progressive's "further opposition" to St. Cross' motion, filed Aug. 7, 1972 is an unauthorized pleading and good cause for its acceptance has not been shown. Therefore, it will be dismissed. See the Board's Public Notice on the Filing of Supplemental Pleadings before the Review Board No. 90836, released Oct. 11, 1972. See also Southern Broadcasting Co. (WGHP-TV), FCC 73R-17, —— FCC 2d —— released Jan. 12, 1973.

[6] All population figures herein are derived from the 1970 U.S. Census.

[7] KSCO in Santa Cruz; KDON and KSBW in Salinas.

[8] For example, the Santa Cruz County Fair, Women's League of Voters of Santa Cruz County, Santa Cruz County Central Labor Council, Santa Cruz County Arts Commission.

[9] For example, the local Red Cross (City of Santa Cruz and Mid-County), United Fund—City of Santa Cruz and Mid-County.

[10] It is apparent from Progressive's list of needs that "county problems" are those of both Santa Cruz and the Aptos-Capitola area. We also note that several of the problems referred to as "county" problems in Progressive's exhibit are referred to as problems of "Aptos-Capitola" in the pleadings before us. An evidentiary hearing will also allow this ambiguity to be resolved.

Progressive has cited in its opposition several needs ascertained from its random survey that relate specifically to Aptos-Capitola, there are at least that many references to Santa Cruz City or countywide problems listed in that survey. In sum, we have found that Progressive's ascertainment efforts, on their face, indicate that the communities specified by Progressive in its application may be so dominated by or integrated with their larger neighbor that they are not to be considered distinct and independent communities within the meaning of section 307(b). This question can best be resolved within the framework of a full evidentiary hearing. Therefore, we will broaden the scope of the existing Suburban Community issue (see paragraph 1, supra) to encompass a determination with regard to the city of Santa Cruz.

SUBURBAN ISSUE

8. Next, St. Cross argues that certain aspects of Progressive's ascertainment efforts raise questions which warrant addition of a "suburban" issue. Movant alleges that the efforts show that Progressive has not adequately ascertained the needs of the specified communities, but only those of the entire Santa Cruz County area. The Board does not believe that such an issue is warranted. While Progressive's ascertainment efforts do raise a question whether the needs of Aptos-Capitola and Santa Cruz are distinct, St. Cross has not shown that the needs listed by Progressive are not those of Aptos-Capitola, that the process of ascertaining those needs was inadequate or improper, or that the programming proposed by Progressive was not responsive to the needs ascertained.

CROSS OWNERSHIP/CROSS INTEREST ISSUES

9. St. Cross alleges that standard broadcast station KSAY, San Francisco, Calif., is owned in part by three of the Progressive partners and, furthermore, that the controlling partner and chief engineer of KSAY is both the father of those partners and the consulting engineer for the Progressive application. St. Cross claims that since there will be an overlap of the 1 mv./m. contour of KSAY and the 1 mv./m. contour of Progressive's proposed station, cross ownership and cross interest issues are warranted.[12] Progressive and the Broadcast Bureau oppose the request. Progressive claims that the three Progressive partners together own only a 16-percent interest in KSAY as limited partners and that a trustee owns another 16 percent for their benefit. Progressive asserts that neither the limited partnership interests nor the trust arrangement give Progressive's partners "any voice whatsoever" in the policies or management of KSAY. The Broadcast Bureau argues that St. Cross did not utilize acceptable engineering methodology and, therefore, that no adequate showing of overlap has been made. In reply, St. Cross asserts that it has established overlap and that the positions held by Grant R. Wrathall (father of the three Progressive partners) and his relationship with the Progressive partners require addition of the requested issues.

10. In our opinion, St. Cross has not raised a sufficient question of overlap to warrant addition of the requested issues. St. Cross utilizes measurement data contained in the Progressive application to reach its determination of the proposed Progressive 1 mv./m. contour. The data were taken on a test transmitter located near the proposed Progressive site from which the soil conductivities were determined for paths along 82° and 108°. Contending that measured ground conductivity is "normally" valid over a plus or minus 10° from the measured radial, St. Cross submits that the FCC Figure M-3 conductivity (which is higher) must therefore be used between 92° and 98° and has so calculated the extent of the contour at 95°. The resulting 1 mv./m. contour (based on calculations made along 82°, 95° and 108°) shows overlap with what St. Cross alleges to be KSAY's 1 mv./m. contour.[13] We are constrained to note that St. Cross' depiction of the Progressive contour along 92°[14] extend more than 10 miles further (thus showing overlap) than it would based on the 82° measured conductivity which St. Cross has accepted as accurate.

11. Accepting, arguendo, St. Cross' depiction of Progressive's proposed 1 mv./m. contour and ignoring the resultant discrepancy, we also find that St. Cross has not depicted the KSAY contour in accordance with the methods prescribed by the Commission's rules and policies. The engineering report submitted by St. Cross in support of its motion includes measurement data taken on a "stub" radial along a path 142° from KSAY.[15] These "stub" radial measurements are not acceptable. St. Cross has failed to comply with § 73.186, which requires that the inverse distance field be determined by taking measurements within a few miles of the transmitter.[16] "Lake Valley Broadcasters, Inc.," 38 FCC 622, 4 RR 2d 913 (1965). Instead, St. Cross has stated that it "assumed" an inverse distance field for the measured radial. Finally, if the proposed Progressive 1 mv./m. contour is as depicted by St. Cross and if the "stub" data with regard to KSAY are accurate, we still do not find overlap. We find, instead, that St. Cross has incorrectly depicted the extent of the KSAY 1 mv./m. contour. As shown in note 12, supra, the KSAY signal beyond 71.5 miles was determined to be less than 1 mv./m. St. Cross has depicted the KSAY 1 mv./m. contour as extending greater than that distance from KSAY. However, using acceptable methodology[17] at 71.5 miles there would be no overlap with the Progressive 1 mv./m. contour, even as the Progressive contour is depicted by St. Cross. In view of the above, the Board will not add the requested issues.

12. *Accordingly, it is ordered*, That the further opposition to motion to enlarge issues, filed August 7, 1972, by Progressive Broadcasting Co., is dismissed; and

13. *It is further ordered*, That the motion to enlarge issues, filed June 9, 1972, by St. Cross Broadcasting, Inc., is granted to the extent indicated below, is dismissed as against Milo Communications Corp. (KMPG) and Lloyd M. Marks, and is denied in all other respects; and

14. *It is further ordered*, That the Suburban Community issue against Progressive Broadcasting Co., specified by the Commission in the designation Order (FCC 72-422) is broadened to include a determination with respect to the city of Santa Cruz, Calif.

Adopted: March 1, 1973.

Released: March 5, 1973.

FEDERAL COMMUNICATIONS COMMISSION,[18]

[SEAL] BEN F. WAPLE, *Secretary.*

[FR Doc.73-4795 Filed 3-12-73;8:45 am]

[8] The Commission's cross ownership rule (§ 73.35(a)) forbids ownership or control of two stations whose 1 mv./m. contours overlap. The derivative cross interest policy forbids meaningful interests in two stations whose 1 mv./m. contours overlap and which serve substantially the same area. See United Community Enterprises, Inc., 37 FCC 2d 953, 25 RR 2d 745 (1972).

[9] St. Cross has submitted a map along with the motion which depicts the alleged overlap.

[10] The 92° azimuth crosses within the area of alleged overlap.

[11] The St. Cross data include the following seven measured points:

Point No.	Distance (miles)	Measured signal (mv./m.)
1	58.5	1.52
2	64.5	1.08
3	68.0	1.01
4	71.5	0.98
5	76.0	0.98
6	80.0	0.94
7	83.1	0.93

[12] The determination of the inverse distance field provides a necessary check as to whether the transmitter being measured is operating at its authorized power.

[13] The methodology for using this data, were it acceptable, is established in Denver Area Broadcasters, 38 FCC 583, 4 RR 2d 895 (1965) (paragraph 16).

[14] Board Member Kessler dissenting with statement, which is filed as part of the original document. Board Member Nelson expressing additional views with statement, which is also filed as part of the original document. See FR Doc. 73-3185 which appears at 38 FR 4690, Tuesday, Feb. 20, 1973.

FEDERAL POWER COMMISSION

[Docket No. DA-1110—Projects Nos. 1354; 507]

CALIFORNIA

Lands Withdrawn for Projects; Determination and Order Under Section 24 of the Federal Power Act

MARCH 7, 1973.

In order to effectuate a proposed land exchange under the Act of March 20, 1922 (42 Stat. 465), as amended, with

V38-48 MAR 13 73 XUM

the Pacific Gas & Electric Co. (Pacific), the Forest Service, U.S. Department of Agriculture, has requested a determination under section 24 of the Federal Power Act with respect to the following described land of the United States withdrawn for power purposes:

MOUNT DIABLO MERIDIAN, CALIF.

T. 7 S., R. 22 E.,
Sec. 9, That part of the W½SE¼ lying within the boundary of Project No. 1354 as shown on map Exhibit E, sheet 7A (FPC No. 1354–63) filed in the office of the Federal Power Commission on June 21, 1937.
Approximately 20.95 acres.

The land lies within the Sierra National Forest and is partially inundated by Crane Valley Reservoir (now known as Bass Lake) a unit of Pacific's licensed Project No. 1354. Bass Lake is located on North Fork Willow Creek, a tributary of the San Joaquin River. The land is withdrawn pursuant to the filing on December 9, 1935, by the San Joaquin Light & Power Corp. (Pacific's predecessor in interest) of an application for Project No. 1354.

The land is included in a proposed exchange which would consolidate Pacific's land ownership on the north and northeast shores of Bass Lake and consolidate U.S. land ownership on the west and southwest shores of the lake. Such consolidation would provide administrative benefits to Pacific and to the United States and would enable the Forest Service to expand its public recreation facilities at Bass Lake.

A small portion of the land is also withdrawn pursuant to the filing of an application for minor Project No. 507 the license for which expired on January 8, 1960. The withdrawal for Project No. 507 covers 0.25 of an acre, all in the SE¼ of the subject section 9. This withdrawal serves no useful purpose as the project is no longer in operation.

The Commission determines:

That the power value of the subject 20.95 acres withdrawn for Project No. 1354 will not be injured or destroyed for the purposes of power development by selection by the Pacific Gas & Electric Co. for the purpose of effectuating a land exchange with the U.S. Forest Service subject to the provisions of section 24 of the Federal Power Act.

The Comission finds:

The withdrawal for Project No. 507 no longer serves a useful purpose and should be vacated in its entirety.

The Commission orders:

The withdrawal pursuant to the application for Project No. 507 is hereby vacated in its entirety.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

[FR Doc.73–4737 Filed 3–12–73;8:45 am]

NATIONAL POWER SURVEY; TECHNICAL ADVISORY COMMITTEE ON FUELS TASK FORCE ON FUELS AVAILABILITY

Notice of Meeting

Meeting to be held at the Federal Power Commission Offices, 1425 K Street NW., Washington, DC, 9:30 a.m., March 21, 1973, Room 785.

1. Meeting called to order by FPC Coordinating Representative.
2. Objectives and purposes of meeting.
A. Approval of minutes of February 15, 1973, meeting.
B. Discussion of outlines Task Force members propose to use in preparing their draft reports.
C. Discussion of all source material to be utilized or needed to prepare draft reports.
D. Other business.
E. Date for next meeting.
3. Adjournment.

This meeting is open to the public. Any interested person may attend, appear before, or file statements with the committee—which statements, if in written form, may be filed before or after the meeting, or, if oral, at the time and in the manner permitted by the committee.

KENNETH F. PLUMB, *Secretary.*

[FR Doc.73–4732 Filed 3–12–73;8:45 am]

[Dockets Nos. E–7738 and E–7784]

BOSTON EDISON CO.

Notice of Further Extension of Time and Postponement of Hearing

MARCH 7, 1973.

On March 1, 1973, the Light Department of Reading, Mass. and the towns of Concord, Norwood, and Wellesley, Mass., filed a motion for an extension of the procedural dates as set by order issued July 28, 1972, and amended by notices issued January 4, 1973, and February 12, 1973.

The motion states that counsel for the other parties have agreed to the extension.

Upon consideration, notice is hereby given that the procedural dates are further modified as follows:

Intervenors service date, April 2, 1973.
Company rebuttal service date, April 16, 1973.
Prehearing conference, April 27, 1973, 10 a.m., e.s.t.
Hearing, May 3, 1973, 10 a.m., e.s.t.

KENNETH F. PLUMB, *Secretary.*

[FR Doc.73–4733 Filed 3–12–73;8:45 am]

[Dockets Nos. G–10426, and CP70–137; G–8934, G–10008]

EL PASO NATURAL GAS CO.

Notice of Extension of Time

MARCH 6, 1973.

On February 23, 1973, Washington Natural Gas Co., filed a request as amended by letter filed March 1, 1973, for a change in dates for service of evidence and a postponement of the hearing in the above-designated matter. The request states that California-Utilities Co., Cascade Natural Gas Corp., Intermountain Gas Co., Northwest Natural Gas Co., Washington Water Power Co., Colorado Interstate Gas Co., Mountain Fuel Supply Co., and the Commission Staff have no objection to the request.

Upon consideration, notice is hereby given that the date for the service of evidence in the above matter is extended to and including March 30, 1973. The hearing is postponed to April 23, 1973, e.s.t.

KENNETH F. PLUMB, *Secretary.*

[FR Doc.73–4734 Filed 3–12–73;8:45 am]

[Project No. 176; Dockets Nos. E–7562, E–7655]

ESCONDIDO MUTUAL WATER CO. ET AL.

Notice of Petition Requesting Order Setting Conditions for Future Operation of Licensed Project

MARCH 7, 1973.

Public notice is hereby given that the Secretary of the Interior (correspondence to: Mitchell Melich, Solicitor, Department of the Interior, Washington, D.C. 20240), filed on February 9, 1973, a petition of the Secretary of the Interior for an order setting conditions for future operation under the license for FPC Project No. 176, in the above-docketed proceeding. The Secretary's petition would have the Commission impose certain conditions on the use of the project works by the Vista Irrigation District and by the licensee, Escondido Mutual Water Co., for the balance of the license period. The license expires in 1974.

The Secretary contends in his petition that these conditions are necessary for the adequate protection and utilization of the Indian reservations which are within the project boundaries, in order that operations under the license will not interfere, or be inconsistent with the purpose for which those reservations were created or acquired, as required by section 4(e) of the Federal Power Act. The Secretary requests the following conditions:

(a) That the Vista Irrigation District be required to obtain the approval of the Department of the Interior concerning the terms of any use by it of the Escondido Conduit or any other project facilities located on Indian reservations, or on the public lands of the United States.

(b) That the licensee shall be prevented from transporting any water for the use of Vista through the license facilities until Vista obtains the approval from the Department of Interior for the right to use such water.

(c) That no diversions of water from the underground basins surrounding Lake Henshaw obtained by pumping, whether by Vista or by the licensee, shall be transported through the project facilities without prior approval of the Department of the Interior.

(d) That adequate compensation from the date of the Secretary of Interior's complaint must be computed and paid for the balance of the term of the license for the use by the licensee of the license rights-of-way over public lands, and on each of the three Indian reservations involved, provided that the amounts shall be determined at a hearing held at a later date.

(e) That the provisions of section 8 of Mission Relief Act of January 12, 1891 (26 Stat. 712), shall be complied with and the water needs of the La Jolla, Rincon, and San Pasqual Indian reservations are to be filled by diversions through the Escondido Conduit.

(f) That the licensee shall be required to take all necessary safety precautions to avoid physical harm or bodily injury to the Indian band members, or the general public which could occur by reason of the exposed condition of the Escondido Conduit where it tranverses the lands of the United States or the Indian reservations.

The Secretary states that the imposition of the above conditions is necessary at this time. He prays that an order be issued by this Commission pursuant to the provisions of section 309 of the Federal Power Act which would amend the license for Project No. 176 imposing the above conditions as a part of the license for the balance of the license period, and further that by order of the Commission, the licensee and Vista be prevented from transporting any water for use by Vista through the project facilities until the use of the facilities by Vista becomes subject to the terms of the license including the above conditions which the Secretary deems necessary to implement, and that such use may continue only so long as such conditions are complied with.

Pursuant to the provisions of § 1.9 of the Commission's rules of practice and procedure (18 CFR 1.9), the parties to this proceeding may file answers to the petition with the Secretary of this Commission. Therefore, any answers by the parties shall be filed on or before April 5, 1973.

KENNETH F. PLUMB, *Secretary.*

[FR Doc.73–4735 Filed 3–12–73;8:45 am]

[Docket No. CP72–68]

MICHIGAN POWER CO. AND GREAT LAKES GAS TRANSMISSION CO.

Notice of Further Extension of Time

MARCH 6, 1973.

On February 27, 1973, Michigan Power Co. filed a motion for a further extension of time to respond to renewal of offer of settlement by Michigan Consolidated Gas Co., filed January 26, 1973. The order issued February 9, 1973, fixed the time as March 1, 1973, to respond to the settlement.

Upon consideration, notice is hereby given that the time is extended to and including March 15, 1973, within which responses may be filed to the offer of settlement.

KENNETH F. PLUMB, *Secretary.*

[FR Doc.73–4736 Filed 3–12–73;8:45 am]

[Docket No. E–7777]

PACIFIC GAS & ELECTRIC CO.

Notice of Extension of Time and Postponement of Prehearing Conference and Hearing

MARCH 7, 1973.

On March 2, 1973, Commission Staff Counsel filed a motion for an extension of the procedural dates fixed by order issued November 27, 1972, in the above-designated matter. The motion states that all the parties have been notified and have no objection to the motion.

Upon consideration, notice is hereby given that the procedural dates in the above-designated matter are modified as follows:

Staff service date, April 10, 1973.
Intervener service date, April 24, 1973.
Pacific Gas & Electric Co.'s rebuttal service date, May 8, 1973.
Prehearing Conference, April 17, 1973, 10 a.m., e.s.t.
Hearing, May 22, 1973, 10 a.m., e.s.t.

KENNETH F. PLUMB, *Secretary.*

[FR Doc.73–4738 Filed 3–12–73;8:45 am]

[Docket No. CI73–63]

SOUTHERN UNION GATHERING CO.

Notice of Further Extension of Time and Postponement of Hearing Date

MARCH 7, 1973.

On March 2, 1973, Southern Union Gathering Co., and Aztec Oil & Gas Co. (Aztec) filed a motion for further extension of time of the dates established by the order issued September 29, 1972, as amended by notice issued October 10, 1972, November 3, 1972, November 28, 1972, January 4, 1973, and January 30, 1973, in the above designated matter. The motion states that the Commission Staff and the New Mexico Commission have no objection to the motion in view of Aztec's agreement to defer the effective date of its rate increase to May 22, 1973.

Upon consideration, notice is hereby given that the time is further extended to and including April 2, 1973, within which prepared testimony and exhibits shall be filed. The hearing is postponed to April 9, 1973, at 10 a.m., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, DC.

KENNETH F. PLUMB, *Secretary.*

[FR Doc.73–4739 Filed 3–12–73;8:45 am]

[Dockets Nos. RP72–128, RP71–121]

TRANSWESTERN PIPELINE CO., AND SOUTHWEST GAS CORP.

Notice of Proposed Purchase Gas Adjustments to Rates

MARCH 6, 1973.

Take notice that the following filings for proposed purchase gas adjustments to rates were made:

(1) Transwestern Pipeline Co. (Transwestern), on February 14, 1973, tendered for filing, in Docket No. RP72–128, as part of its FPC Gas Tariff, First Revised Volume No. 1 the following sheets:

Second Revised Sheet PGA–1.
Thirtieth Revised Sheet No. 4.
Twenty-fifth Revised Sheet No. 6–A.
Ninth Revised Sheet No. 6–D.
Twentieth Revised Sheet No. 7.

These sheets are issued pursuant to Transwestern's Purchased Gas Cost Adjustment provision set forth in section 19 of the general terms and conditions of its FPC Gas Tariff, First Revised Volume No. 1. This provision was approved by order of the Federal Power Commission dated September 19, 1972 in Docket No. RP72–128. This change in Transwestern's rates according to the company's transmittal letter, reflects a cost of gas adjustment to track increased purchased gas costs and a surcharge adjustment to clear the balance of the Gas Cost Adjustment Account. The proposed effective date of the tariff sheets filed is April 1, 1973, and the company requests that the Commission waive compliance with its rules and regulations to the extent necessary to permit this effective date.

(2) Southwest Gas Corp. (Southwest), on February 20, 1973, tendered for filing, in Docket RP71–121, a Second Revised Sheet No. 3A, constituting original PGA–1, in its FPC Gas Tariff, Original Volume No. 1.

The company's transmittal letter indicates that El Paso Natural Gas Co., is its sole supplier and states that a $0.181 per therm increase is needed to meet the net effect of several changes in the price of gas purchased from El Paso. The company also states that it used the unrecovered purchased gas cost account of its PGA clause to accumulate a $0.127 per therm overcharge in December of 1972, and requests permission to refund concurrent with its March 1973, billing to its jurisdictional customers this overcharge. Southwest requests that the tendered tariff sheet become effective April 1, 1973.

Any person desiring to be heard or to protest the above applications should file a petition to intervene or protest with the Federal Power Commission, 441 G Street NW., Washington, DC 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before March 19, 1973. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make pro-

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testants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of these filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-4740 Filed 3-12-73;8:45 am]

[Project 2299]

TURLOCK AND MODESTO IRRIGATION DISTRICTS

Notice of Application for Approval of a Recreational Use Plan and for Modification of License Requirements

MARCH 7, 1973.

Public notice is hereby given that on November 18, 1971, pursuant to Article 45 of the license (31 FPC 510, 528) application was filed under the Federal Power Act (16 U.S.C. 791–825r) by Turlock and Modesto Irrigation Districts (Correspondence to: Mr. Charles D. Crawford, Project Coordinator, Turlock and Modesto Irrigation Districts, 1301 K Street, Post Office Box 4086, Modesto, CA 95352), for approval of a revised Recreational Use Plan which includes As-Built Exhibit R Drawings and modification of Article 46 relocating lands for public hunting facilities, for constructed Project No. 2299, known as the Don Pedro Project, located on Tuolumne River, and Woods and Moccasin Creek in Tuolumne County, Calif., in the vicinity of La Grange, Jacksonville, and Modesto, Calif., and affecting lands of the United States.

In the revised Recreational Use Plan (Exhibit R) three specific major development locations have been developed for recreation under the Davis-Grunsky Program. They are Fleming Meadows, Mexican Gulch, and Moccasin Point. This program involves an area of 558 acres (exclusive of the hunting area which is public land) having a design day load of 5,000 visitors.

The recreational facilities include 150 picnic units, 470 camping units, 1,026 parking spaces, two boat launching ramps (providing a total of nine lanes), a 2-acre swimming lagoon, water supply, and some 32 installations of sanitary facilities of various types. Except for those at the hunting area, the recreation facilities proposed in the revised recreational use plan, filed November 18, 1971, for Project No. 2299 have been completed and were placed in use on May 10, 1972. Upon Commission approval of the revised Recreational Use Plan the access road and sanitary facilities at the proposed hunting area will be completed.

Any person desiring to be heard or to make any protest with reference to said application should on or before April 13, 1973, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to a proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-4741 Filed 3-12-73;8:45 am]

[Project No. 2246]

YUBA COUNTY WATER AGENCY

Notice of Application

MARCH 6, 1973.

Public notice is hereby given that application was filed on February 26, 1965, and supplemented on September 28, 1970, and July 26, 1971, under the Federal Power Act (16 U.S.C. 791a–825r) by the Yuba County Water Agency (Correspondence to: Mr. Colin H. Handforth, Engineering Administrator, Yuba County Water Agency, Post Office Box 1569, Marysville, CA 95901) for approval of Exhibit R with "As Built" Exhibit R drawings for constructed Project No. 2246, known as the Yuba River Project, located on the Yuba River, and Oregon Creek, in Yuba, Nev., and Sierra Counties, Calif., in the vicinity of Marysville, Calif.

The recreational use plan was filed pursuant to Article 56 of the project license which was issued May 16, 1963.

Drawings and the recreational use plan depict the development of facilities planned in cooperation with the U.S. Forest Service and approved by the California Department of Water Resources (DWR).

The recreation facilities include campgrounds at the Burnt Bridge, Hornswoggle (Group), and Schoolhouse sites; boat access campgrounds at Garden Point, Frenchy Point, and Madrone sites, each with a floating comfort station; picnic and boat launching at Dark Day and Cottage Creek sites; a future marina site at Cottage Creek; and an administrative site with maintenance facilities and a vista point near the dam. On September 9, 1968, Licensee and the U.S. Forest Service entered into a contractual agreement whereby the Forest Service is to operate, maintain, renew, and replace the on-shore facilities. The U.S. Forest Service assumed these functions following conveyances by Licensee to the Forest Service of private lands and of facilities thereon, and of facilities on Forest Service lands, all within the project boundary.

Any person desiring to be heard or to make protest with reference to said application should on or before April 13, 1973, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission shall be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to a proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's Rules. The application is on file with the Commission and available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-4742 Filed 3-12-73;8:45 am]

FEDERAL RESERVE SYSTEM

BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM

Rules of Organization

The Board of Governors of the Federal Reserve System has revised its Rules of Organization in order to bring up to date descriptions of the functions of the various offices and divisions of the Board's staff and otherwise to bring the rules into conformity with current practice.

Effective March 1, 1973, the Rules of Organization of the Board of Governors of the Federal Reserve System are amended to read as follows:

RULES OF ORGANIZATION

Sec.
1 Basis and scope.
2 Composition and location.
3 Central organization.
4 Field organization.
5 Delegations of authority.

SECTION 1. *Basis and scope.* These rules are issued by the Board of Governors of the Federal Reserve System (the "Board") pursuant to the requirement of section 552 of title 5 of the United States Code that each agency shall publish in the FEDERAL REGISTER a description of its central and field organization.

SEC. 2. *Composition and location.*—(a) *Governors, Chairman, Vice Chairman.* The Board consists of seven members appointed by the President, by and with the advice and consent of the Senate, for 14-year terms. The members of the Board are required by law to devote their entire time to the business of the Board. One of them is designated by the President as Chairman and one as Vice Chairman, to serve as such for terms of 4 years. At meetings, the Chairman presides or, in his absence, the Vice Chairman presides. In the absence of the Chairman and Vice Chairman, the member of the Board present with the longest service acts as Chairman. The Chairman of the Board, subject to its supervision, is its active executive officer. The Board meets regularly and frequently to consider matters relating to monetary and credit policies, regulatory and supervisory duties with which it has been charged by the Congress, and administrative and other questions arising in the conduct of the work of the Board.

(b) *Location and business hours.* The principal offices of the Board are in the Federal Reserve Building, 20th Street and Constitution Avenue NW., Washington, D.C. 20551. The Board's regular business hours are from 8:45 a.m. to 5:15 p.m. each weekdays except Saturday; but such business hours may be changed from time to time.

SEC. 3. *Central organization.* The Board's central organization consists of the members of the Board and the following Offices, Divisions, and officials:

(a) "Office of the Executive Director" is headed by an Executive Director whose functions include the coordination and overall planning of the activities of the staff in carrying out the Board's programs, and the handling of administrative affairs under the direction of the Chairman of the Board and other Board members with delegated functions. The Executive Director is responsible to the Board for the direct supervision of the Office of the Secretary, Division of Personnel Administration, Office of the Controller, Division of Administrative Services, Division of Data Processing, and for certain special programs. The Director has administrative and coordination responsibilities for the Legal Division, Division of Federal Reserve Bank Operations, Division of Research and Statistics, Division of International Finance, Division of Supervision and Regulation, and for the Federal Reserve Labor Relations Panel. In addition, the Executive Director is concerned with coordination of the functions of the Board and its Divisions with the activities of the Federal Reserve Banks, operating through the appropriate Division of the Board's staff, and with the Conference of Chairmen of the Federal Reserve Banks, the Conference of Presidents of the Federal Reserve Banks, and other System organizations.

(b) "Office of the Secretary," headed by the Board's Secretary, coordinates items regarding Board actions, prepares agendas for Board meetings, and implements actions taken. This Office clears and conducts official correspondence of the Board, and is charged with responsibility for maintaining and providing reference service to the official records of the Board and of the Federal Open Market Committee.

(c) "Legal Division," headed by the Board's General Counsel, advises and assists the Board with respect to legal aspects of its daily operations, including applicable statutes, regulations, applications, interpretations, opinions, orders, hearings, litigation, and legislation.

(d) "Division of Research and Statistics," headed by a Director, provides the Board and the Federal Open Market Committee with the economic analysis and information needed for current operations, for the formulation of monetary and credit policies, and for the exercise of responsibilities with regard to bank regulation; prepares, publishes, and interprets a variety of statistical series in the financial and nonfinancial fields; conducts basic research relating to the effects of monetary policy on economic activity and prices, and to the effects of financial regulation on the structure and functioning of financial markets.

(e) "Division of International Finance," headed by a Director, advises and assists the Board on international financial, banking, and economic matters and conducts research in this field. It carries on staff work in connection with the supervision of foreign operations of the Federal Reserve System, the membership of the Chairman of the Board on the National Advisory Council on International Monetary and Financial Policies, and the administration of the Voluntary Foreign Credit Restraint Program.

(f) "Division of Federal Reserve Bank Operations," headed by a Director, advises and assists the Board with respect to matters concerning the planning and programs for operation of the Federal Reserve Banks. The Division monitors the implementation and achievement of such programs and informs the Board of the status of each program. It is responsible for the examination of the Federal Reserve Banks and the System Open Market Account; reviews and appraises Reserve Bank audit activities; provides an appraisal of Reserve Bank building programs; provides analysis and recommendations for Board policy in the payments mechanism area; administers an accounting system for collection and analysis of budget and expense data; reviews the lending and credit activities of the Reserve Banks; and maintains liaison with the Treasury and other Government agencies on fiscal agency operations and with various interested parties on payments mechanism matters. The Division also coordinates the printing, issuance, and redemption of Federal Reserve notes and is jointly responsible with the Bureau of the Mint for the production and distribution of coin.

(g) "Division of Supervision and Regulation," headed by a Director, coordinates the bank supervisory functions of the System and evaluates the examination procedures of the Reserve Banks; exercises general supervision of the commercial and fiduciary activities of State member banks; administers the supervisory features of laws and regulations relating to affiliates and bank holding companies; supervises various foreign banking activities of member banks and foreign banking and financing corporations; administers the public disclosure provisions of the Securities Exchange Act of 1934, as amended, in their application to State member banks, and the provisions of the Act giving responsibility to the Board for regulating security credit transactions; drafts regulations pursuant to the Truth in Lending Act for financial institutions and other firms engaged in consumer lending and administers the regulations in their application to State member banks; administers the provisions of the Fair Credit Reporting Act, the Currency and Foreign Transactions Reporting Act, and the Civil Rights Act of 1968 in their application to State member banks; processes and presents to the Board applications filed pursuant to the Bank Holding Company Act of 1956, as amended, and the Bank Merger Act and various other applications submitted under the provisions of the Federal Reserve Act or related statutes; and advises the Board regarding developments in banking and bank supervisory policies and procedures.

(h) "Division of Personnel Administration," headed by a Director, is responsible for the development and implementation of Board personnel policies and programs, serves as the Board's personnel security office, and advises and assists the Board on personnel matters pertaining to the Federal Reserve Banks.

(i) "Division of Administrative Services," headed by a Director, serves as the central procurement, duplicating, communications, and service unit of the Board and advises and assists the Board with respect to such matters. It also performs various administrative functions, including the distribution of Board publications and the operation of the Board's building and other facilities.

(j) "Office of the Controller," headed by the Board's Controller, is responsible for maintaining an effective internal financial management system, including budgeting, accounting, reporting, internal and contract auditing, and operational analyses; determining assessments on the Federal Reserve Banks for funds to cover expenses of the Board; receiving and disbursing the Board's funds; and handling reimbursement to the Treasury Department for the printing, issuance, and redemption of Federal Reserve notes.

(k) "Division of Data Processing," headed by a Director, supports the Board organization through the development, operation, and maintenance of information processing systems. Activities include systems and mathematical statistical analysis, computer programming, equipment operation, data and production control, advanced planning and implementation of computer systems and communication networks. The Division develops, collects, and processes statistical information on banking developments and on the condition of Federal Reserve Banks and member banks, and designs and produces graphics used in economic analysis and information presentation.

(l) "Other personnel." In addition to the Divisions mentioned above, the staff of the Board includes Advisers, Assistants, and Special Assistants to the Board. The Federal Reserve Bulletin is issued monthly under the direction of a Staff Editorial Committee. The Board does not employ administrative law judges or hearing officers as regular members of its staff; but, in accordance with applicable provisions of law and in individual cases as the need may arise, the Board obtains and utilizes administrative law judges and hearing officers, whose functions in such capacity are appropriately separated, as required by law, from investigative and prosecuting functions of the staff.

SEC. 4. *Field organization.*—(a) *Federal Reserve Banks.* The United States is divided into 12 Federal Reserve districts. In one city in each Federal Reserve district there is located a Federal Reserve Bank; in 10 of the districts there are one or more branches of the Federal Reserve Bank in other cities; and in some districts there are offices or facilities with specialized functions. Each Federal Reserve Bank is a separate legal entity, created pursuant to the Federal Reserve Act and operating under the general supervision of the Board. The locations of the 12 Federal Reserve Banks and the

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Federal Reserve Bank	Address
Chicago	230 South La Salle Street (Post Office Box 834, Chicago, IL 60690)
Detroit Branch	160 Fort Street West (Post Office Box 1059, Detroit, MI 48231)
St. Louis	411 Locust Street (Post Office Box 442, St. Louis, MO 63166)
Little Rock Branch	325 West Capital Avenue (Post Office Box 1261, Little Rock, AR 72203)
Louisville Branch	410 South Fifth Street (Post Office Box 899, Louisville, KY 40201)
Memphis Branch	200 North Main Street (Post Office Box 407, Memphis, TN 38101)
Minneapolis	73 South Fifth Street (Minneapolis, MN 55480)
Helena Branch	400 North Park Avenue (Helena, MT 59601)
Kansas City	925 Grand Avenue (Federal Reserve Station, Kansas City, MO 64198)
Denver Branch	1020 16th Street (Post Office Box 5228, Terminal Annex, Denver, CO 80217)
Oklahoma City Branch	226 Northwest Third Street (Post Office Box 25129, Oklahoma City, OK 73125)
Omaha Branch	102 South 17th Street (Omaha, NE 68102)
Dallas	400 South Akard Street (Post Office Box 100, El Paso, TX 79999)
El Paso Branch	301 East Main Street (Post Office Box 2578, Houston, TX 77001)
Houston Branch	1701 San Jacinto Street (Post Office Box 1471, San Antonio, TX 78296)
San Antonio Branch	126 East Nueva Street (Post Office Box 1471, San Antonio, TX 78296)
San Francisco	400 Sansome Street, Post Office Box 7702, San Francisco, CA 94120)
Los Angeles Branch	409 West Olympic Boulevard (Post Office Box 2077, Terminal Annex, Los Angeles, CA 90051)
Portland Branch	915 Southwest Stark Street (Post Office Box 3436, Portland, OR 97208)
Salt Lake City Branch	120 South State Street (Post Office Box 780, Salt Lake City, UT 84110)
Seattle Branch	1015 Second Avenue (Post Office Box 3567, Seattle, WA 98124)

[FR Doc.73-4806 Filed 3-12-73;8:45 am]

CONNECTICUT RIVER BANCORP, INC.

Formation of One-Bank Holding Company

Connecticut River Bancorp, Inc., Charlestown, N.H., has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company through acquisition of 80 percent or more of the voting shares of Connecticut River National Bank, Charlestown, N.H. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Boston. Any person wishing to comment on the application should submit his views in writing to the Reserve Bank to be received not later than March 26, 1973.

Board of Governors of the Federal Reserve System, March 5, 1973.

[SEAL] MICHAEL A. GREENSPAN, *Assistant Secretary of the Board.*

[FR Doc.73-4710 Filed 3-12-73;8:45 am]

TENNESSEE VALLEY BANCORP, INC.

Acquisition of Banks

Tennessee Valley Bancorp, Inc., Nashville, Tenn., has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire not less than 90 percent of the voting shares of: (1) The First National Bank of Greeneville, Greeneville, and (2) Citizens Bank, Elizabethton, both in Tennessee. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Atlanta. Any person wishing to comment on the application should submit his views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than April 2, 1973.

Board of Governors of the Federal Reserve System, March 5, 1973.

[SEAL] MICHAEL A. GREENSPAN, *Assistant Secretary of the Board.*

[FR Doc.73-4720 Filed 3-12-73;8:45 am]

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

Office of the Administrator

[Notice 73-20]

ESTABLISHMENT OF ADVISORY COMMITTEES

Notice of Determinations

Pursuant to section 9(a)(2) of the Federal Advisory Committee Act (Public Law 92-463), and after consultation with the Office of Management and Budget, I have determined that the establishment of the following advisory committees is in each case in the public interest in connection with the performance of duties imposed upon NASA by law:

1. Post Viking Mars Science Advisory Committee.

The functions of this committee will include the review of the objectives and strategy of NASA's Mars exploration program and the development of guidelines for post-Viking missions and their payloads. The reason for establishing this committee is to obtain advice in connection with current planning for continued Martian exploration following the flyby, orbiter, and lander sequence of missions.

2. Comets and Asteroids Science Advisory Committee.

The functions of this committee will include reevaluation of existing comet and asteroid mission objectives and proposed instrumentation, and the definition of those projects which would represent a scientifically optimum program. The reason for establishing this committee is to obtain advice in connection with developing the first balanced comet and asteroid program for NASA, in anticipation of favorable flight opportunities in the near future.

3. Outer Planets Science Advisory Committee.

The functions of this committee will include the formulation of Outer Planet mission designs and suggested science payloads, and the development of alternative mission strategies. The reason for establishing this committee is to obtain advice for NASA on outer planet exploration which will be initiated by the Mariner Jupiter Saturn mission, and also to obtain a review of the science objectives of this first flight.

Dated: March 7, 1973.

JAMES C. FLETCHER, *Administrator.*

[FR Doc.73-4769 Filed 3-12-73;8:45 am]

SECURITIES AND EXCHANGE COMMISSION

[File No. 500-1]

BENEFICIAL LABORATORIES, INC.

Order Suspending Trading

MARCH 5, 1973.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, warrants, units, and all other securities of Beneficial Laboratories, Inc., being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period from 10 a.m. (e.s.t.) on March 5, 1973, through March 14, 1973.

By the Commission.

[SEAL] RONALD F. HUNT, *Secretary.*

[FR Doc.73-4748 Filed 3-12-73;8:45 am]

[File No. 500-1]

FIRST LEISURE CORP.

Order Suspending Trading

MARCH 6, 1973.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, $0.10 par value and all other securities of First Leisure Corp., being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period from March 7, 1973, through March 16, 1973.

By the Commission.

[SEAL] RONALD F. HUNT, *Secretary.*

[FR Doc.73-4749 Filed 3-12-73;8:45 am]

[File No. 500-1]

INDECON, INC.

Order Suspending Trading

MARCH 5, 1973.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, and all other securities of Indecon, Inc., being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, That trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period from 10 a.m. (e.s.t.) on March 5, 1973, through March 14, 1973.

By the Commission.

[SEAL] RONALD F. HUNT, *Secretary.*

[FR Doc.73-4750 Filed 3-12-73;8:45 am]

[812-3385; Rel. No. 7711]

MASSACHUSETTS MUTUAL LIFE INSURANCE CO. AND MASSMUTUAL CORPORATE INVESTORS, INC.

Notice of Filing of Application

MARCH 6, 1973.

Notice is hereby given that Massachusetts Mutual Life Insurance Co. (the Insurance Company), and MassMutual Corporate Investors, Inc., 1295 State Street, Springfield, MA 01101 (the Fund), a non-diversified, closed-end management investment company registered under the Investment Company Act of 1940 (Act) (hereinafter collectively referred to as Applicants), have filed an application pursuant to section 17(d) of the Act and Rule 17d-1 thereunder for an order of the Commission permitting Applicants to participate jointly in the purchase of a package of securities consisting of a new issue of 8¾ percent 16-year senior notes (the Senior Notes) and 7¼ percent 16-year convertible subordinated debentures (the Debentures) of Aberdeen Manufacturing Corp. (Aberdeen), or, in the event the Insurance Company purchases such securities before the issuance of such order, for an order pursuant to section 17(b) of the Act exempting from the provisions of section 17(a) of the Act the sale of one-half of such securities to the Fund. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below.

Pursuant to an order of the Commission issued on August 19, 1971 (Investment Company Act Release No. 6690), the Insurance Company, which acts as investment adviser to the Fund, is permitted to invest concurrently for its general account in each issue of securities purchased by the Fund at direct placement, and to exercise warrants, conversion privileges, and other rights at the same time. This order is subject to several conditions. One condition generally requires that purchases at direct placement of securities, which would be consistent with the investment policies of the Fund, be shared equally by the Insurance Company and the Fund. Another condition limits the order to situations in which neither the Insurance Company nor the Fund have any prior interest in the issuer, in any affiliated person of the issuer, or in securities issued by such issuer or affiliated person, other than interests in all respects identical.

Applicants expect the total issue of Senior Notes to be $2,215,000 and the total issue of Debentures to be $1 million. The Debentures will be convertible into Aberdeen common stock at a price of $13.50 per share. (The closing price on the American Stock Exchange for a share of Aberdeen common stock was $11⅛ on January 24, 1973.) The Insurance Com-

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pany understands that Aberdeen is willing to sell a portion of the Senior Notes and Debentures to the Fund and, as the adviser for the Fund, the Insurance Company believes that the Senior Notes would be an attractive investment for the Fund. Applicants would like to invest concurrently in these securities, but such investment would not be consistent with the terms of the order of August 19, 1971, because the Insurance Company already holds the following debt securities of Aberdeen: 5⅝ percent notes due 1980 in the aggregate unpaid principal amount of $1,400,000; 6½ percent promissory notes due 1982 in the aggregate unpaid principal amount of $384,000; and 5⅞ percent convertible subordinated notes due 1988 in the aggregate unpaid principal amount of $400,000, which are convertible into Aberdeen common stock at $16.59 per share. The Insurance Company and Aberdeen have agreed to a consolidation of the indebtedness represented by the notes due in 1980 and 1982 into a single note which will bear interest at an annual rate of 7⅝ percent, and which will mature in 1989. Because the Fund owns no securities of Aberdeen, Applicants cannot comply with the condition that they have no prior interests in an issuer other than interests in all respects identical. Therefore, Applicants have applied for an order of the Commission pursuant to section 17(d) of the Act and Rule 17d–1 thereunder permitting the acquisition by each Applicant of $1,107,500 principal amount of the Senior Notes and $500,000 principal amount of the Debentures, subject to the conditions imposed on such joint transactions in the Commission's order of August 19, 1971.

Should such an order not be issued before the issuance of the Senior Notes and the Debentures, the Insurance Company proposes to acquire them for its general account, subject to an obligation to transfer one-half of the issue to the Fund at cost, plus accrued interest, should such order issue within 3 months of such acquisition. Applicants seek an exemptive order pursuant to section 17(b) of the Act in the event the requested order pursuant to section 17(d) of the Act is not granted before acquisition of the Senior Notes and Debentures by the Insurance Company.

Rule 17d–1 adopted by the Commission under section 17(d) of the Act provides that "no affiliated person of • • • any registered investment company • • •, acting as principal, shall participate in, or effect any transaction in connection with, any joint enterprise or other joint arrangement or profit sharing plan in which any such registered company • • • is a participant, and which is entered into, adopted or modified subsequent to the effective date of this rule, unless an application regarding such joint enterprise, arrangement or profit sharing plan has been filed with the Commission and has been granted by an order entered • • • prior to such adoption or modification." It is also provided that in passing upon such application, the Commission will consider whether the participation of such registered or controlled company in such joint enterprise, joint arrangement or profit sharing plan on the basis proposed is consistent with the provisions, policies, and purposes of the Act, and the extent to which such participation is on a basis different from, or less advantageous than, that of other participants. Section 17(a) of the Act, as here pertinent, prohibits the Insurance Company as an affiliated person of the Fund from selling the Fund any securities unless the Commission upon application pursuant to section 17(b) of the Act, grants an exemption from the provisions of section 17(a) of the Act upon finding that the terms of the proposed transaction, including the consideration to be paid, are reasonable and fair and do not involve overreaching on the part of any person concerned, and that the proposed transaction is consistent with the policy of Fund and with the general purposes of the Act.

Applicants submit that the terms of such a transfer would be fair and reasonable and would not involve overreaching on the part of any person, and that the proposed transaction would be consistent with the policies of the Fund and the general purposes of the Act.

Notice is further given that any interested person may, not later than March 29, 1973, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request, and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon Applicants at the address stated above. Proof of such service (by affidavit, or in case of attorney at law, by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0–5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management Regulation, pursuant to delegated authority.

[SEAL] RONALD F. HUNT, *Secretary.*

[FR Doc.73–4751 Filed 3–12–73;8:45 am]

[812–3405; Rel. No. 7709]

PACIFIC AMERICAN INCOME SHARES, INC.

Notice of Filing of Application

MARCH 5, 1973.

Notice is hereby given that Pacific American Income Shares, Inc., 108 West Sixth Street, Los Angeles, CA 90014, a diversified, closed-end management investment company (Applicant), in connection with a proposed public offering of shares of its common stock, has filed an application pursuant to section 6(c) of the Investment Company Act of 1940 (the "Act"), for an order of exemption from sections 15(a) and 16(a) of the Act to the extent necessary to permit Western Asset Management Co. to serve as investment adviser of the Applicant pursuant to a written investment advisory contract approved by the Applicant's Board of Directors even though such contract has not been approved by a vote of the stockholders of the Applicant, and to permit directors of Applicant to serve as directors without having been elected to such positions by the stockholders of the Applicant, such exemptions to be effective until the meeting of stockholders to be held within 180 days after the effective date of Applicant's Form S–4 Registration Statement filed under the Securities Act of 1933 (1933 Act).

Applicant, at present, has no stockholders but it proposes to issue up to 6,600,000 shares of its common stock when its 1933 Act Registration Statement becomes effective. Applicant also proposes to enter into an investment advisory agreement with Western Asset Management Co. which will constitute that company as adviser of the Applicant.

Section 15(a) of the Act provides, in part, that a person may not serve as an investment adviser of a registered investment company except pursuant to a written contract which has been approved by a vote of a majority of the outstanding voting securities of such registered investment company, and section 16(a) of the Act provides, with limited exceptions not here relevant, that no person shall serve as a director of a registered investment company unless elected to that office by the holders of the outstanding voting securities of such company. Inasmuch as the Applicant has no stockholders to date, the present Board of Directors of the Applicant has not been elected by the stockholders.

The application states that the proposed investment advisory contract will comply with the provisions of the Act in all respects except as to necessary advance stockholder approval provided in section 15(a) of the Act, and that the persons serving as directors of the Applicant will meet all of the requirements of the Act except the requirements of section 16(a) that they be elected to that office by holders of the outstanding voting securities of the Applicant and that at least two-thirds of the directors in office have been elected by stockholders of the Applicant.

The application also states that the entire Board of Directors will stand for election, and the investment advisory contract will be presented for approval, at a meeting of stockholders to be held within 180 days after the effective date of Applicant's 1933 Act Registration Statement, and that the prospectus to be used by the Applicant in connection with the sale of its shares will contain full appropriate information concerning the directors and the investment advisory contract.

Applicant submits that the requested exemptions from the provisions of sections 15(a) and 16(a) of the Act are necessary and appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Section 6(c) of the Act authorizes the Commission to exempt any person, security or transaction, or any class or classes of persons, securities, or transactions from the provisions of the Act and rules promulgated thereunder if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Notice is further given that any interested person may, not later than March 20, 1973, at 5:30 p.m., submit to the Commission in writing a request for a hearing on this matter accompanied by a statement as to the nature of his interest, the reason for such request, and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon Applicant at the address stated above. Proof of such service (by affidavit, or in case of an attorney at law, by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0–5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered, will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

The notice period above provided for is deemed reasonable in light of the nature of the application and the necessity for action prior to the date which has been planned for the sale of Applicant's shares.

For the Commission, by the Division of Investment Management Regulation, pursuant to delegated authority.

[SEAL] RONALD F. HUNT, *Secretary.*

[FR Doc.73–4752 Filed 3–12–73;8:40 am]

[File No. 500–1]

PELOREX CORP.

Order Suspending Trading

MARCH 6, 1973.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, $0.10 par value, and all other securities of Pelorex Corp., being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to Section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period from March 7, 1973 through March 16, 1973.

By the Commission.

[SEAL] RONALD F. HUNT, *Secretary.*

[FR Doc.73–4753 Filed 3–12–73;8:45 am]

[File No. 500–1]

PROOF LOCK INTERNATIONAL CORP.

Order Suspending Trading

MARCH 5, 1973.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, $0.01 par value, and all other securities of Proof Lock International Corp., being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period from 10 a.m. (e.s.t.) on March 5, 1973, through March 14, 1973.

By the Commission.

[SEAL] RONALD F. HUNT, *Secretary.*

[FR Doc.73–4754 Filed 3–12–73;8:45 am]

TARIFF COMMISSION

[22–31]

CHEESES AND SUBSTITUTES FOR CHEESE

Notice of Investigation and Date of Hearing

At the request of the President (reproduced herein), the U.S. Tariff Commission, on the 9th day of March 1973, instituted an investigation under subsection (d) of section 22 of the Agricultural Adjustment Act, as amended (7 U.S.C. 624), with respect to cheeses and substitutes for cheese presently subject to section 22 quantitative limitations as described in items 950.07 through 950.10E of Part 3 of the Appendix of the Tariff Schedules of the United States, to determine whether each of the annual quota quantities for the above-described articles, and for each of the supplying countries wherever applicable, may be increased by 50 percent for the calendar year 1973, such additional quantities to be entered during a temporary period ending July 31, 1973, without rendering or tending to render ineffective, or materially interfering with, the price support program now conducted by the Department of Agriculture for milk, or reducing substantially the amount of products processed in the United States from domestic milk.

The text of the President's letter of March 8, 1973, to the Commission follows:

Pursuant to section 22(d) of the Agricultural Adjustment Act, as amended, I have reason to believe that additional quantities of cheese and substitutes for cheese may be imported for a temporary period without rendering or tending to render ineffective, or materially interfering with the price support program for milk now conducted by the Department of Agriculture, or reducing substantially the amount of products processed in the United States from domestic milk.

Specifically, reference is made to the articles presently subject to section 22 quantitative limitations as described in items 950.07 through 950.10E of part 3 of the Appendix to the Tariff Schedules of the United States.

The United States Tariff Commission is therefore directed to make an investigation under section 22 of the Agricultural Adjustment Act, as amended. The investigation shall be for the purpose of determining whether each of the annual quota quantities for the above-described articles, and for each of the supplying countries wherever applicable, may be increased by fifty percentum for the calendar year 1973, such additional quantities to be entered during a temporary period ending July 31, 1973, without rendering or tending to render ineffective, or materially interfering with, the price support program now conducted by the Department of Agriculture for milk, or reducing substantially the amount of products processed in the United States from domestic milk. The effect of this increase would be to allow the importation of additional quantities of such articles of not more than 63,894,799 pounds.

The Commission shall report its findings and recommendations at the earliest practicable date, but not later than thirty days from receipt of this letter.

Sincerely,

RICHARD NIXON

Hearing. A public hearing in connection with this investigation will be held in the Tariff Commission's Hearing Room, Tariff Commission Building, Eighth and E Streets NW., Washington, D.C., beginning at 9:30 a.m., e.s.t., on March 19, 1973. All parties will be given

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opportunity to be present, to produce evidence, and to be heard at such hearing. Interested parties desiring to appear at the public hearing should notify the Secretary of the Tariff Commission, in writing, at its offices in Washington, D.C., at least by the close of business on March 15, 1973. The notification should indicate the name, address, telephone number, and organization of the person filing the request, and the name and organization of the witnesses who will testify.

Because of the limited time available, the Commission reserves the right to limit the time assigned to witnesses. Questioning of witnesses will be limited to members of the Commission and officials of the Department of Agriculture.

Written submissions. Interested parties may submit written statements of information and views, in lieu of their appearance at the public hearing, or they may supplement their oral testimony by written statements of any desired length. In order to be assured of consideration, all written statements should be submitted at the earliest practicable date, but not later than the close of business on March 23, 1973.

With respect to any of the aforementioned written submissions, interested parties should furnish a signed original and nineteen (19) true copies. Business data to be treated as business confidential shall be submitted on separate sheets, each clearly marked at the top "Business Confidential," as provided for in § 201.6 of the Commission's rules of practice and procedure.

Issued: March 9, 1973.

By order of the Commission.

[SEAL] KENNETH R. MASON, *Secretary.*

[FR Doc.73-4939 Filed 3-12-73;8:45 am]

DEPARTMENT OF LABOR

Office of the Secretary

[Secretary of Labor's Order No. 37-72]

ASSISTANT SECRETARY FOR ADMINISTRATION

Approval of Sole Source Procurements

1. *Purpose.* To establish policy and procedures for the approval of sole source contracts and grants for supplies and services in the Department of Labor.

2. *Background.* By law and regulation Federal agencies are required to award contracts on a competitive basis to the maximum practicable extent. There are provisions which permit contracts to be awarded on a sole source basis when the supplies or services are available from only one person or firm. These provisions are set forth in the Federal Procurement Regulations, FPR 1-3.210, 41 CFR 1-3.210, and require a written justification supporting the selection of a sole source. Based on the free enterprise system of this country, it can be assumed that the largest percentage of the products or services on the market are available from more than a single source. Yet, recent studies indicate that many of the sole source contracts awarded by the Department are for supplies and services that appear to lend themselves to the competitive process.

3. *Policy.* In order to ensure that the Department utilizes the competitive procurement process to the maximum practicable extent, all proposed sole source contracts or grants of the types identified in paragraph 4 below, exclusive of contracts with other Federal agencies, shall be reviewed by the Assistant Secretary for Administration and Management. No requirement which is expected to amount to $25,000 or more shall be broken down into several requirements which are less than $25,000, merely for the purpose of circumventing this order.

4. *Applicability.* This order is applicable to all original contracts, grants or agreements, or amendments thereto, when the amount of each action is $25,000 or more, and the procurement falls within one of the following categories:

(a) Procurements under contracting officer authority redelegated to the Associate Assistant Secretary for Systems Development and Administrative Services, OASA, and the Regional Directors.

(b) Procurements for technical assistance, research, and evaluation studies pursuant to the Economic Opportunity Act, the Manpower Development and Training Act, the Social Security Act, all as amended, and the Emergency Employment Act. (Experimental and demonstration projects are excluded.)

(c) Procurements for statistical and economic research.

(d) Procurement for operation of Job Corps Centers.

5. *Responsibility.* (a) All contracting officers proposing to enter into contracts, grants or agreements falling within the categories enumerated in paragraph 4 above, shall submit a written justification to the Assistant Secretary for Administration and Management. This justification shall include all pertinent information so as to permit a decision on this record.

(b) The Assistant Secretary for Administration and Management shall review the justification for a sole source procurement and shall either approve or disapprove the proposed action within five working days after receipt of the request.

6. *Directives affected.* This order affects contracting officer authority delegated under Secretary's Order 19-71 dated June 18, 1971, and Secretary's order 35-72 dated October 26, 1972.

7. *Effective date.* This order became effective on December 13, 1972.

TOM KOUZES,
Deputy Assistant Secretary for Administration and Management.

[FR Doc.73-4808 Filed 3-12-73;8:45 am]

Wage and Hour Division

FULL-TIME STUDENTS

Certificates Authorizing Employment at Special Minimum Wages in Retail or Service Establishments or in Agriculture

Notice is hereby given that pursuant to section 14 of the Fair Labor Standards Act of 1938 (52 Stat. 1060, as amended, 29 U.S.C. 201 et seq.), the regulation on employment of full-time students (29 CFR Part 519), and Administrative Order No. 621 (36 FR 12819), the establishments listed in this notice have been issued special certificates authorizing the employment of full-time students working outside of school hours at hourly rates lower than the minimum wage rates otherwise applicable under section 6 of the act. While effective and expiration dates are shown for those certificates issued for less than a year, only the expiration dates are shown for certificates issued for a year. The minimum certificate rates are not less than 85 percent of the applicable statutory minimum.

The following certificates provide for an allowance not to exceed the proportion of the total hours worked by full-time students at rates below $1 an hour to the total number of hours worked by all employees in the establishment during the base period in occupations of the same general classes in which the establishment employed full-time students at wages below $1 an hour in the base year; or provide the same standards authorized in certificates previously issued to the establishment.

Aland's, Inc., apparel store; 12 Western Hills Mall, Fairfield, AL; 11-30-73.

Archer Avenue Big Store, Inc., variety-department store; 4181-4193 Archer Avenue, Chicago, IL; 12-2-73.

Babcock's IGA Foodliner, Inc., foodstore; 425 West Vienna Street, Clio, MI; 12-19-73.

The Bargain Center, Inc., variety-department store; 2 Washington Street, Quincy, MA; 11-23-73.

A. J. Bayless Markets, Inc., foodstores, 12-15-72 to 11-30-73, except as otherwise indicated: No. 34, Tucson, Ariz. (11-30-73); Nos. 44, 47, 49, and 56, Tucson, Ariz.

Bell's Drug Store, Inc., drugstore; Beaufort, N.C.; 12-3-73.

Ben Franklin Store, variety-department store; 1250 North Green Street, McHenry, IL; 12-14-73.

Bidigare Hardware, hardware store; 19550 Kelly Road, Harper Woods, MI; 12-14-73.

Big John Store, foodstores: No. 6, Effingham, Ill., 12-6-73; No. 10, Olney, Ill.; 11-30-73.

The Blue Bird, apparel store; 2506 13th Street, Columbus, NE; 11-30-73.

Callaway's Yard and Garden Center, retail nurseries, 12-4-72 to 11-30-73: Westland Plaza, Jackson, Miss.; 422 North Mart Plaza, Jackson, MS.

Coast to Coast, variety-department store; 626 Sixth Street, Rapid City, SD; 12-18-73.

Cohen's, Inc., variety-department store; 712-16 Park Avenue, Morton, VA; 12-9-73.

Dillon Companies, Inc., foodstores, 11-30-73: No. 38, Arkansas City, Kans.; Nos. 1, 8, 10, and 25, Hutchinson, Kans.; No. 39, Junction City, Kans.; No. 37, Winfield, Kans.

A. L. Duckwall Stores Co., variety-department store; No. 90, Pampa, Tex.; 8-7-73.

Edward's, variety-department store; Lake City Plaza, Lake City, S.C.; 12-15-73.

The Fair Co., Inc., apparel store; Union Springs, Ala.; 11-21-73.

Family Thrift Center, foodstore; 11th West and Fourth Avenue, Williston, N. Dak.; 11-23-73.

Farmer's Market, Inc., foodstore; Waukon, Iowa; 12-10-73.

M. H. Fishman Co., Inc., variety-department store; 88-90 Merchants Row, Rutland, VT; 11-20-73.

Foodway, Inc., foodstore; Fayette, Ala.; 11-30-73.

Forrest Keeling Nursery, Inc., retail nursery; Elsberry, Mo.; 12-9-73.

Fred M. Nye, Co., apparel store; 2422 Washington Boulevard, Ogden, UT; 11-20-73.

Gail's Fashions, apparel store; East Hills Shopping Center, St. Joseph, Mo.; 11-30-73.

Gartin's, foodstore; Franklin, Nebr.; 11-26-73.

W. T. Grant Co., variety-department stores: No. 663, Somersville, N.J.; 12-13-73; No. 157, Uniontown, Pa.; 11-30-73.

Grubbs Food Store, foodstore; 543 North Broad, Fremont, Nebr.; 12-5-73.

Guin Supermarkets, Inc., foodstore; Spanish Plaza Shopping Center, Guin, Ala.; 12-15-72 to 11-30-73.

Haines Super Market, foodstores, 12-1-72 to 10-31-73; 551 State Street, Clairton, Pa.; Route 51, Pleasant Hills, Pittsburgh, Pa.

Hall's Food Market, foodstore; Wiggins, Miss.; 12-3-73.

Hamilton Supermarkets, Inc., foodstore; U.S. Highway 78, Hamilton, Ala.; 11-30-73.

Handy-Andy, Inc., foodstore; No. 61, Kerville, Tex.; 7-31-73.

H. E. B. Food Store, foodstore; No. 106, San Antonio, Tex.; 11-28-73.

Holding's Little America, restaurant; Little America, Wyo.; 12-8-73.

Horn's Big Star, foodstore; 207 South Jackson Street, Houston, Miss.; 11-20-73.

Hy Weibacher & Sons, Inc., variety-department store; 207 North Main Street, Columbia, IL; 12-9-73.

Jack & Jill Food Center, foodstore; Sauk Centre, Minn.; 12-14-73.

Jenny Lee Bakery, foodstore; 219 Forbes Avenue, Pittsburgh, PA; 12-14-73.

Kenlar, Inc., restaurant; 2921 Brady Street, Davenport, IA; 11-30-73.

Kentom, Inc., restaurant; 550 Wilson Avenue, Cedar Rapids, IA; 12-14-73.

Key Drug Store, drugstore; 500 Fourth Street, Sioux City, IA; 11-30-73.

Kistler-Collister Co., Inc., apparel store; 1100 San Mateo NE., Albuquerque, NM; 11-11-73.

S. S. Kresge Co., variety-department stores, 12-5-73, except as otherwise indicated: No. 4392, Huntsville, Ala. (11-21-73); No. 783, Merritt Island, Fla. (12-9-73); No. 4298, Miami, Fla. (11-30-73); No. 4451, Atlanta, Ga. (11-20-72 to 11-14-73); No. 4456, Rome, Ga. (11-21-72 to 10-31-73); No. 4386, Arlington Heights, Ill. (9-30-73); No. 551, Chicago, Ill. (12-4-73); No. 4543, Chicago, Ill. (12-18-73); No. 4076, Evansville, Ind. (12-9-73); No. 4268, Muncie, Ind. (12-1-73); Nos. 4171 and 4174, Wichita, Kans. (12-4-73); No. 670, St. Clair Shores, Mich. (12-18-73); No. 4177, St. Clair Shores, Mich. (11-26-73); No. 4520, Duluth, Minn. (12-14-73); No. 4611, Sedalia, Mo. (12-17-73); No. 4026, St. Joseph, Mo. (11-27-73); No. 4567, Cleveland, Ohio (12-11-73); No. 564, Fostoria, Ohio (12-11-73); No. 600, Northfield, Ohio (11-20-73); No. 4603, Aberdeen, S.C. (12-17-73); No. 4307, Corpus Christi, Tex.; No. 4402, Fort Worth, Tex. (11-30-73); No. 4309, McAllen, Tex.; No. 4398, Pasadena, Tex.; No. 4186, Texarkana, Tex.

Lake City Super Valu, foodstore; Lake City, Minn.; 12-14-73.

M & D Food Store, foodstore; 2501 East Genesee, Saginaw, Mich.; 12-3-73.

Martin's variety-department stores; 3100 Quintard Avenue, Anniston, Ala.; 12-8-73; 1219 Wilmer Avenue, Anniston, Ala.; 11-21-73.

May's Drug Store, drugstore; No. 201, Peru, Ill.; 11-17-73.

McCrory-McLellan-Green Store, variety-department stores; No. 638, South Norwalk, Conn., 12-14-73; No. 1138, Silver Spring, Md., 12-12-73; No. 374, Framingham, Mass., 11-13-73; No. 58, Worcester, Mass., 11-30-73; No. 328, Yazoo City, Miss. 11-21-73; No. 140, Wilkes-Barre, Pa., 11-30-73; No. 76, Pittston, Pa., 11-30-73; No. 392, North Riverside, Ill., 11-2-73.

McDonald's Hamburgers, restaurant: 1115 Sassfras Street, Erie, Pa.; 12-14-73.

Melwood Drug Co., drugstore; 4631 Centre Avenue, Pittsburgh, Pa.; 12-2-73.

Memorial Hospital, hospital; 107 Swift Street, Refugio, Tex.; 12-9-73.

Meyer's Rexall Drugs, drugstore; West Bremer Avenue, Waverly, Iowa; 12-8-73.

Mickels', Inc., restaurant; 12th and Chatburn, Harlem, Iowa; 12-8-73.

Millport Supermarkets, Inc., foodstore; Millport, Ala.; 11-30-73.

Moncrief's, apparel store; 303 Barnett, Tallassee, Ala.; 11-29-73.

Morgan & Lindsey, variety-department store; No. 3123, Monroe, La.; 12-4-72 to 11-30-73.

M. E. Moses Co., Inc., variety-department stores; No. 37, Dallas, Tex., 9-16-73; No. 36, Hurst, Tex., 8-6-73.

G. C. Murphy Co., variety-department store; No. 98, Beckley, W. Va.; 11-20-73.

J. J. Newberry Co., variety-department store; No. 218, Newport, Vt.; 11-8-73.

Parisian, Inc., apparel stores, 11-23-73; 2217 Bessemer Road, Birmingham, AL; 702 Montgomery Highway, Birmingham, AL.; 1924 Second Avenue North, Birmingham, AL.; Eastwood Mall, Birmingham, Ala.; Gateway Shopping Center, Decatur, Ala.

Parsons & Co., variety-department store; Cumming, Ga.; 12-12-73.

Peabody's Market, foodstore; 154 South Hunter Boulevard, Birmingham, Mich.; 12-17-73.

Piggly Wiggly, foodstores: No. 9, Russellville, Ark., 12-19-73; 121 High Street, Eufaula, Okla. 9-22-73; No. 51, St. George, S.C.; 12-15-73.

Reams Bargain Annex, foodstore; American Fork, Utah; 12-13-73.

Rogers Pharmacy, drugstore; 124 West Walnut, Rogers, Ark.; 12-5-73.

Rose Drug, drugstores, 12-5-73: 103 Main Street, Bentonville, Ark; 1050 West Walnut, Rogers, Ark.

Roth Bros. Co., variety-department store; 1321-27 Tower Avenue, Superior, Wis.; 12-5-73.

Royal Chef Cafeteria, restaurant; 5064 West Main Street, Kalamazoo, Mich.; 10-14-73.

St. Luke's Hospital, hospital; South Avenue and First Street West, Crosby, N. Dak.; 12-10-73.

St. Luke's Sunset Home, nursing home; Bowman, N. Dak.; 12-15-72 to 12-9-73.

Schensul's Cafeteria, Inc., restaurants: 3235 North Plainfield Avenue, Grand Rapids, Mich., 11-28-73; Woodland Mall, Kentwood, Mich.; 11-30-73.

Schneider's Dept. Store, variety-department store; 806-810 Main Street, Jasper, Ind.; 12-14-73.

Schulte & Treide, variety-department store; 7816 Harford Road, Baltimore, Md.; 11-23-73.

A. G. Shannon Hardware Co., hardware store; Buckhannon, W. Va.; 12-14-73.

Sovine Brothers Super Market, Inc., foodstore; Culloden, W. Va.; 12-14-73.

Spurgeon's, variety-department stores; 204-206 East Main Street, Hoopeston, Ill., 12-7-73; 429 Lincoln Highway, Rochelle, Ill., 11-5-73; 14-16 West Third, Sterling, Ill., 11-20-73; 117-119 First Avenue West, 11-21-73; 13 North Frederick, Oelwein, Iowa, 12-4-73; 1013 16th Avenue, Monroe, Wis., 12-10-73.

Sterling's Men's and Boys', Inc., apparel store; 218 Southwest First Avenue, Fort Lauderdale, FL; 12-12-73.

Style Shop, apparel store; 316 Norfolk Avenue, Norfolk, NE; 11-30-73.

Sumiton Supermarkets, Inc., foodstore; Sumiton, Ala.; 11-30-73.

T. G. & Y. Stores Co., variety-department stores, 11-30-73, except as otherwise indicated: No. 179, Mesa, Ark.; No. 188, Tempe, Ariz.; No. 2103, Little Rock, Ark.; No. 513, Pico River, Calif.; No. 562, West Covina, Calif.; No. 321, Gonzales, La.; No. 452, Independence, Mo. (12-14-73); No. 474, Independence, Mo. (12-1-73); No. 303, Lee's Summit, Mo. (12-1-73); No. 299, St. Joseph, Mo. (12-7-73); No. 465, Blackwell, Okla. (11-21-73); No. 1016, Durant, Okla. (12-14-73); No. 89, Moore, Okla. (12-6-73); No. 411, Oklahoma City, Okla. (12-6-73); No. 425, Oklahoma City, Okla.; No. 438, Oklahoma City, Okla. (12-14-73); No. 422, Tulsa, Okla. (12-14-73); No. 1004, Woodward, Okla.; No. 80, Yukon, Okla. (12-4-73); No. 395, Jasper, Tex. (11-22-73).

T-Mart Drug Corp., drugstore; Churchville Avenue, Staunton, Va.; 11-25-73.

Variety Stores, Inc., variety-department store; 5711 North Broad Street, Philadelphia, PA; 12-14-73.

Vernon Supermarkets, Inc., foodstore; 201 North Pond Street, Vernon, AL; 11-30-73.

Viewcrest Nurseries, agriculture; 9617 Northeast Burton Road, Vancouver, WA; 11-30-73.

Waconia Super Valu, foodstore; Waconia, Minn.; 12-16-73.

Wakefield's, Inc., variety-department store; 1212 Quintard Avenue, Anniston, AL; 11-21-73.

A. Weitzenkorn's Sons, Inc., apparel store; 145 High Street, Pottstown, PA; 12-3-73.

Western Auto Associate Store, automobile supply store; 386 West Hidalgo, Raymondville, TX; 11-23-73.

Whitaker, Inc., foodstore; Harrah, Okla. 9-28-73.

Wild Willies, Inc., variety-department store; 3401 South Topeka Boulevard, Topeka, KS; 11-30-73.

Worth's apparel stores; 95 Bank Street, Waterbury, CT, 11-17-73; 920-75 Wolcott Road, Waterbury, CT, 11-23-73.

The following certificates issued to establishments permitted to rely on the base-year employment experience of others were either the first full-time student certificates issued to the establishment, or provide standards different from those previously authorized. The certificates permit the employment of full-time students at rates of not less than 85 percent of the applicable statutory minimum in the classes of occupations listed, and provide for the indicated monthly limitations on the percentage of full-time student hours of employment at rates below the applicable statutory minimum to total hours of employment of all employees.

Keltsch Bros., Inc., drugstore: 6121 North Clinton Street, Fort Wayne, IN; checker, fountain clerk; 11 to 15 percent; 12-14-73.

S. S. Kresge Co., variety-department store: No. 3020, Baton Rouge, La.; salesclerk, stock clerk, maintenance, checker-cashier, office clerk; 2 to 15 percent; 12-14-73.

Lesher's 5-10-1.00 Store, variety-depart-

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ment store: 7-9-11 North Seventh Street, Perkasie, PA; salesclerk, stock clerk; 15 to 25 percent; 12-14-73.

Magic Mart, Inc., variety-department stores, for the occupations of salesclerk, stock clerk, janitorial, 12-14-73; Indiandale Shopping Center, Hot Springs, AR; 2520 West 28th Street, Pine Bluff, AR.

McCrory-McLellan-Green Store, variety-department stores: No. 16, Port Richey, Fla., salesclerk, stock clerk, office clerk porter; 8 to 28 percent, 12-14-73; No. 3, Marrow, Ga., salesclerk, stock clerk, office clerk, 7 to 19 percent, 12-14-73.

G. C. Murphy Co., variety-department stores, for the occupations of salesclerk, stock clerk, office clerk, janitorial, 12-14-73; No. 806, Pittsburgh, Pa., 9 to 25 percent; No. 343, Nacogdoches, Tex., 10 to 28 percent.

Singley's Supermarket, foodstore: Columbia, Miss.; bagger, cleanup; 18 to 20 percent; 12-14-73.

Sublett's, Inc., apparel store; 415 Wesleyan Park Plaza, Owensboro, KY; teen board representative, salesclerk, wrapper; 10 to 30 percent; 12-3-73.

Each certificate has been issued upon the representations of the employer which, among other things, were that employment of full-time students at special minimum rates is necessary to prevent curtailment of opportunities for employment, and the hiring of full-time students at special minimum rates will not create a substantial probability of reducing the full-time employment opportunities of persons other than those employed under a certificate. The certificate may be annulled or withdrawn, as indicated therein, in the manner provided in Part 528 of title 29 of the Code of Federal Regulations. Any person aggrieved by the issuance of any of these certificates may seek a review or reconsideration thereof on or before April 12, 1973, pursuant to the provisions of 29 CFR 519.9.

Signed at Washington, D.C., this 6th day of March 1973.

ROBERT G. GRONEWALD,
Authorized Representative of the Administrator.

[FR Doc.73-4767 Filed 3-12-73;8:45 am]

INTERSTATE COMMERCE COMMISSION

[Notice 196]

ASSIGNMENT OF HEARINGS

MARCH 8, 1973.

Cases assigned for hearing, postponement, cancellation or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested. No amendments will be entertained after the date of this publication.

MC 124211 Sub 218, Hilt Truck Line, Inc., and MC 135874 Sub 1, LTL Perishables, Inc., now being assigned continued hearing June 4, 1973 (2 weeks), at the Hilton Hotel, 1616 Dodge Street, Omaha, NE.

MC 115841 Sub 437, Colonial Refrigerated Transportation, Inc., application dismissed.

No. 35533, Petroleum Products, Williams Brothers Pipe Line Co., No. 35533 Sub 1, petroleum products to Illinois, Iowa, and Missouri, Williams Brothers Pipe Line Co., No. 35533 Sub 2, petroleum products, Williams Brothers Pipe Line Co., and No. 35540, petroleum products, Louisiana and Texas to Midwest, continued to April 17, 1973, at the Offices of the Interstate Commerce Commission, Washington, D.C.

No. 35768, Cornnuts, Inc. v. All-American Transport, Inc. et al., now being assigned hearing May 14, 1973 (2 days), at San Francisco, Calif., in a hearing room to be later designated.

No. 35717, Southern Railway Co. v. Union Pacific Railroad Co., and the Denver and Rio Grande Western Railroad Co., and No. 35717 Sub 1, Louisville and Nashville Railroad Co. v. Union Pacific Railroad Co., and the Denver and Rio Grande Western Railroad Co., now being assigned for prehearing conference April 24, 1973, at the Offices of the Interstate Commerce Commission, Washington, D.C.

No. 35757, Port of Seattle v. Chicago, Milwaukee, St. Paul, and Pacific Railroad Co., No. 35758, Port of Seattle v. Union Pacific Railroad Co., and No. 35759, Port of Seattle v. Burlington Northern, Inc., now being assigned hearing May 21, 1973 (1 week), at Seattle, Wash., in a hearing room to be later designated.

No. 35641, The Chesapeake and Ohio Railway Co. v. Atlantic and East Carolina Railway Co. et al., now assigned hearing on March 26, 1973, at Washington, D.C., is postponed to April 10, 1973, at the Offices of the Interstate Commerce Commission, Washington, D.C.

AB-5 Sub 91, George P. Baker, Richard C. Bond, Jervis Langdon, Jr., and Willard Wirtz, Trustees of the Property of Penn Central Transportation Co., Debtor, abandonment between Duff Junction and Washington, Daviess County, Ind., now assigned April 23, 1973, at Washington, Ind., is canceled.

MCC-7939, M & R Transport, Inc., Sun Oil Co., Miller Gas Co., Inc., and Garst L. P. Gas—Investigation of operations and practices, now assigned April 2, 1973, will be held in Room 2, State Office Building, 65 South Front Street, Columbus, OH.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.73-4783 Filed 3-12-73;8:45 am]

[Rev. S.O. 994; ICC Order 85, Amdt. 1]

CHICAGO, ROCK ISLAND, & PACIFIC RAILROAD CO. ET AL.

Rerouting or Diversion of Traffic

Upon further consideration of ICC Order No. 85 (Chicago, Rock Island, & Pacific Railroad Co., the Kansas City Southern Railway Co., Louisiana & Arkansas Railway Co.) and good cause appearing therefor:

It is ordered, That:

ICC Order No. 85 be, and it is hereby, amended by substituting the following paragraph (i) for paragraph (i) thereof:

(i) *Expiration date.* This order shall expire at 11:59 p.m., March 6, 1973, unless otherwise modified, changed, or suspended.

It is further ordered, That this amendment shall become effective at 11:59 p.m., March 3, 1973, and that this amendment shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and car hire agreement under the terms of that agreement, and upon the American Short Line Railroad Association; and that it be filed with the Director, Office of the Federal Register.

Issued at Washington, D.C., March 2, 1973.

[SEAL] INTERSTATE COMMERCE COMMISSION,
R. D. PFAHLER,
Agent.

[FR Doc.73-4789 Filed 3-12-73;8:45 am]

[Notice 230]

MOTOR CARRIER BOARD TRANSFER PROCEEDINGS

Synopses of orders entered by the Motor Carrier Board of the Commission pursuant to sections 212(b), 206(a), 211, 312(b), and 410(g) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 1132), appear below:

Each application (except as otherwise specifically noted) filed after March 27, 1972, contains a statement by applicants that there will be no significant effect on the quality of the human environment resulting from approval of the application. As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings on or before April 2, 1973. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC-74149. By order entered on March 1, 1973, the Motor Carrier Board approved the transfer to B.T.L., Inc., Kansas City, Mo., of the operating rights set forth in Certificate No. MC-67315, issued March 22, 1968, to Triangle Truck Line, Inc., North Kansas City, Mo., authorizing the transportation of general commodities, with the usual exceptions, between Kansas City and North Kansas City, Mo., Kansas City, Kans., and points within 15 miles of the named points. Donald J. Quinn, Suite 900, 1012 Baltimore, Kansas City, MO 64105, attorney for applicants.

No. MC-FC-74221. By order entered February 20, 1973, the Motor Carrier Board approved the transfer to Robert J. Martin, Ellicott City, Md., of the operating rights set forth in Permit No. MC-88268, issued February 6, 1940, to O. A. Diamond, Ellicott City, Md., authorizing the transportation of such merchandise as is dealt in by wholesale, retail, and chain grocery and food business houses, and in connection therewith, equipment, materials, and supplies used in the conduct of such business, between points and places in the territory bounded by a line beginning at Cape Charles, Va., and extending in a southerly direction along the Chesapeake Bay to the Atlantic Ocean, thence in a northerly direction along the Atlantic Coast to the Delaware Bay, thence along the west shore of the Delaware Bay and Delaware River to Delaware City, Del., thence in a northwesterly direction through Newark, Del., to the point of intersection of the Maryland-Delaware-Pennsylvania State lines, thence in a westerly direction along the Maryland-Pennsylvania State line to the Susquehanna River, thence in a northwesterly direction along the Susquehanna River to Columbia, Pa., thence in an easterly direction to Lancaster, Pa., thence in a northwesterly direction to Lebanon, Pa., thence in a westerly direction to Newport, Pa., thence in a southwesterly direction through McConnellsburg, Pa., to Hancock, Md., thence in a southerly direction to Winchester, Va., and thence in a southeasterly direction through Fredericksburg, Va., to Cape Charles, including points and places on the above-described boundary line. V. Baker Smith, 2107 The Fidelity Building, Philadelphia, Pa. 19109, attorney for applicants.

No. MC-FC-74222. By order of February 20, 1973, the Motor Carrier Board approved the transfer to David R. Free, doing business as National Cartage Co., Salt Lake City, Utah, of Certificate of Registration No. MC 120402 (Sub-No. 1) issued to R. Price Morsley, doing business as National Cartage Co., Salt Lake City, Utah, evidencing a right to engage in interstate or foreign commerce covering the transportation of: General commodities, within a specified area solely within the State of Utah. William S. Richards, Attorney, 900 Walker Bank Building, Salt Lake City, UT 84111.

No. MC-FC-74229. By order of February 20, 1973, the Motor Carrier Board approved the transfer to Atlas Transport, Inc., Cranston, R.I., of Certificate of Registration No. MC-85817 (Sub-No. 1) issued to Thomas F. McDevitt, doing business as Atlas Transport, Cranston, R.I., evidencing the right to engage in interstate or foreign commerce in the transportation of: General commodities, solely within the State of Rhode Island. Francis A. Kelleher, Attorney, 508 Hospital Trust Building, Providence, R.I. 02903.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.73-4786 Filed 3-12-73;8:45 am]

[Notice 29]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

MARCH 5, 1973.

The following are notices of filing of applications [1] for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC-67 (49 CFR Part 1131), published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protests must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protests must be specific as to the service which such protestant can and will offer, and must consist of assigned original and six copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in field office to which protests are to be transmitted.

[1] Except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application.

MOTOR CARRIERS OF PROPERTY

No. MC 4687 (Sub-No. 12 TA), filed February 26, 1973. Applicant: BURGESS & COOK, INC., Post Office Box 458, 21 North Second Street, Fernandina Beach, FL 32304. Applicant's representative: Sol H. Proctor, 2501 Gulf Life Tower, Jacksonville, Fla. 32207. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Paper and paper products*, from points in Sumter County, Fla., to points in Alabama, Florida, Georgia, and South Carolina, and (2) *Materials and supplies* used in the manufacturing of paper and paper products, from points in Alabama, Florida, Georgia, and South Carolina to points in Sumter County, Fla., for 180 days. Supporting shipper: Containers Corporation of America, Post Office Box 957, Atlanta, GA 30301. Send protests to: District Supervisor G. H. Fauss, Jr., Bureau of Operations, Interstate Commerce Commission, Box 35008, 400 West Bay Street, Jacksonville, FL 32202.

No. MC 51146 (Sub-No. 311 TA), filed February 26, 1973. Applicant: SCHNEIDER TRANSPORT, INC., 2661 South Broadway, Post Office Box 2298 (Box Zip 54306), Green Bay, WI 54304. Applicant's representative: Neil DuJardin (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic products*, from Lewiston, Utah to points in the United States (except Alaska and Hawaii) and *returned shipments and equipment, materials and supplies* used in the manufacture and distribution of the above-named commodities, from points in the United States (except Alaska and Hawaii) to Lewiston, Utah, for 180 days. Supporting shipper: Presto Products, Inc., 1843 West Reeve Street, Appleton, WI (James K. Spanbauer, Distributing Manager). Send protests to: District Supervisor John E. Ryden, Interstate Commerce Commission, Bureau of Operations, 135 West Wells Street, Room 807, Milwaukee, WI 53203.

No. MC 65660 (Sub-No. 6 TA), filed February 26, 1973. Applicant: WARNER & SMITH MOTOR FREIGHT, INC., Third Avenue, Post Office Box 96, Masury, OH 44438. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, livestock, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), (1) between Titusville, Pa., and Farmers Valley, Pa., serving all intermediate points: From Titusville over Pennsylvania Highway 27 via Pleasantville, Pa., to junction U.S. Highway 6 to junction Pennsylvania Highway 59, thence over Pennsylvania Highway 59 to junction Pennsylvania Highway 770, thence over Pennsylvania Highway 770 to junction U.S. Highway 219, thence over U.S. Highway 219 to junction Pennsylvania Highway 46, thence over Pennsylvania Highway 46 to Farmers Valley, and return over the same routes; (2) between Oil City, Pa., and Tidioute, Pa., serving all intermediate points: From Oil City over U.S. Highway 62 to the junction of Pennsylvania Highway 127, thence over Pennsylvania Highway 127 to Tidioute and return over the same routes; (3) between Franklin, Pa., and Luthersburg, Pa., serving all intermediate points: From Franklin over U.S. Highway 322 to Luthersburg and return over the same route; (4) between Barkeyville (Venango County), Pa., and Frills Corners (Clarion County), Pa., serving all intermediate points: From Barkeyville over Pennsylvania Highway 208 to Frills Corners and return over the same route; (5) Between Brookville, Pa. and Tionesta, Pa. serving all intermediate points: From Brookville over Pennsylvania Highway 36 to Tionesta and return over the same route; (6) Between Brookville, Pa. and Luthersburg, Pa. serving all intermediate points: From Brookville over Pennsylvania Highway 28 to junction U.S. Highway 219, thence over U.S. Highway 219 to Luthersburg and return over the same route. Service in connection with routes (1) through (6) above is authorized at all intermediate points and at the off-route points of Callensburg, East Hickory, Falls Creek, Foxburg, Lucinda, Marienville, North East, Parker, Rimersburg, Sligo, and Townville, Pa., for 180 days. NOTE: Applicant intends to tack the authority here applied for with its authority in Docket No. MC-65660 at Oil City, Franklin, Barkeyville, and Titusville, Pa., and applicant also intends to interline with other carriers at feasible points in the application areas as well as at present service and interline points under its authority in Docket No. MC-65660 and subnumbers thereto. Supporting shippers: There are approximately 58

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statements of support attached to the application, which may be examined here at the Interstate Commerce Commission in Washington, D.C., or copies thereof which may be examined at the field office named below. Send protests to: Franklin D. Ball, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 181 Federal Office Building, 1240 East Ninth Street, Cleveland, OH 44199.

No. MC 87103 (Sub-No. 7 TA), filed February 20, 1973. Applicant: MILLER TRANSFER AND RIGGING CO., Post Office Box 6077, Akron, OH 44312, and 3917 State Route 183, Edinburg, OH 58227. Applicant's representative: A. David Millner, 744 Broad Street, Newark, NJ. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (A) *Trusses, joists, and beams and supplies* used in the installation thereof when moving in connection therewith, from the plantsite of Trus Joist Central, located at or near Delaware, Ohio, on the one hand, and, on the other, points in Alabama, Arkansas, Connecticut, Delaware, District of Columbia, Florida, Georgia, Illinois, Indiana, Iowa, Kentucky, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, New Hampshire, New Jersey, New York, North Carolina, Pennsylvania, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, West Virginia, and Wisconsin and (B) *Materials, equipment, and supplies* used or useful in the production, manufacturing, assembly, or distribution of trusses, joists, and beams, and returned, rejected, or refused shipments of trusses, joists, and beams, from the above-specified destination States to the plantsite of Trus Joist Central, located at or near Delaware, Ohio, for 180 days. Supporting shipper: Trus Joist Corp., Post Office Box 357, Delaware, OH 43015. Send protests to: Franklin D. Ball, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 181 Federal Office Building, 1240 East Ninth Street, Cleveland, OH 44199.

No. MC 106688 (Sub-No. 19 TA) (Correction), filed February 12, 1973, published in the FEDERAL REGISTER issue of February 28, 1973, and republished as corrected this issue. Applicant: EDWARD M. RUDE CARRIER CORP., RFD No. 1, Falling Waters, W. Va. 25419. Applicant's representative: Francis J. Ortman, 1100 17th Street, NW., Suite 613, Washington, DC 20036. NOTE: The purpose of this republication is to indicate that the applicant's correct name is EDWARD M. RUDE CARRIER CORP., in lieu of EDWARD M. RUDER CARRIER CORP. which was inadvertently previously published in error.

No. MC 111170 (Sub-No. 199 TA), filed February 26, 1973. Applicant: WHEELING PIPE LINE, INC., 2811 North West Avenue, Post Office Box 1718, El Dorado, AR 71730. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dibromopropanol*, in bulk, from El Dorado, Ark, to Salem, Ohio, for 180 days. Supporting shipper: Great Lakes Chemical Corp., Post Office Box 1878, El Dorado, AR 71730. Send protests to: District Supervisor William H. Land, Jr., Bureau of Operations, Interstate Commerce Commission, 2519 Federal Office Building, 700 West Capitol, Little Rock, AR 72201.

No. MC 111214 (Sub-No. 10 TA), filed February 23, 1973. Applicant: CLARK V. GRAHAM, doing business as CONTRACT TRUCKING COMPANY, Linde Road, Box 8778, Jackson, MS 39204. Applicant's representative: Fred W. Johnson, Jr., Deposit Guaranty Bank Building, Jackson, Miss. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Animal and poultry feed and feed ingredients*, between Vicksburg, Miss., and points in Louisiana, Mississippi, and Alabama, for 180 days. Supporting shipper: Valley Mills, Division of The Merchants Co., Vicksburg, Miss. 39180. Send protests to: District Supervisor Tarrant, Interstate Commerce Commission, Bureau of Operations, Room 212, 145 East Amite Building, Jackson, Miss. 39201.

No. MC 117799 (Sub-No. 50 TA), filed February 22, 1973. Applicant: BEST WAY FROZEN EXPRESS, INC., Room 205, 3033 Excelsior Boulevard, Minneapolis, MN 55416. Applicant's representative: K. O. Petrick (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Top soil, potting soil and manufactured potting soil, manufactured mulches and commodities* exempt from regulation under section 203(b)(6) of the Interstate Commerce Act, from Chillicothe and Schooleys, Ohio, and Clark County, Ohio, to point in Arkansas, Connecticut, Illinois, Indiana, Iowa, Kansas, Kentucky, Maryland, Massachusetts, Michigan, Minnesota, Missouri, Nebraska, New Hampshire, New Jersey, New York, Pennsylvania, Tennessee, Rhode Island, Virginia, West Virginia, Wisconsin, Georgia, and the District of Columbia, for 150 days. Supporting shipper: The Mead Corp., 118 West First Street, Dayton, OH 45402. Send protests to: A. N. Spath, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 448 Federal Building and U.S. Courthouse, 110 South Fourth Street, Minneapolis, MN 55401.

No. MC 118989 (Sub-No. 91 TA), filed February 22, 1973. Applicant: CONTAINER TRANSIT, INC., 5223 South Ninth Street, Milwaukee, WI 53221. Applicant's representative: Albert A. Andrin, 29 South La Salle Street, Chicago, IL 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic containers and parts* related thereto, from the plantsite of Continental Can Co., Inc., at Burlington, Wis., to Rockford, Ill., for 180 days. Supporting shipper: Continental Can Co., Inc., 150 South Wacker Drive, Chicago, IL 60606 (David Kelly, Regional Traffic Manager). Send protests to: District Supervisor John E. Ryden, Interstate Commerce Commission, Bureau of Operations, 135 West Wells Street, Room 807, Milwaukee, WI 53203.

No. MC 119789 (Sub-No. 149 TA), filed February 22, 1973. Applicant: CARAVAN REFRIGERATED CARGO, INC., 1612 Irving Boulevard, Post Office Box 6188, Dallas, TX 75222. Applicant's representative: Hugh T. Matthews, 630 Fidelity Union Tower, Dallas, TX 75201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products* (except in bulk), when moving in mechanically refrigerated equipment, from Howard County, Tex., to Phoenix, Ariz., and points in California, for 180 days. NOTE: Carrier does not intend to tack authority. Supporting shipper: American Petrofina Company of Texas, Mercantile Dallas Building, Dallas, Tex. 75201. Send protests to: District Supervisor E. K. Willis, Jr., Interstate Commerce Commission, Bureau of Operations, 1100 Commerce Street, Room 13C12, Dallas, TX 75202.

No. MC 124692 (Sub-No. 101 TA), filed February 26, 1973. Applicant: SAMMONS TRUCKING, Post Office Box 1447, Missoula, MT 59801. Applicant's representative: James B. Hovland, 425 Gate City Building, Fargo, N. Dak. 58102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bentonite clay*, in bags, from the plantsite of American Colloid near Belle Fourche, S. Dak., to points in Michigan, for 180 days. Supporting shipper: American Colloid Co., 5100 Suffield Court, Skokie, IL 60076. Send protests to: Paul J. Labane, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 222, U.S. Post Office Building, Billings, Mont. 59101.

No. MC 124854 (Sub-No. 11 TA), filed February 20, 1973. Applicant: GRIM BROS., TRUCKING CO., 997 Loucks Mill Road, York, PA 17402. Applicant's representative: Chester A. Zyblut, 1522 K Street NW., Washington, DC 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Concrete, cinder, and slag products*, in vehicles equipped with mechanical unloaders, from Baltimore, Md., to points in Maine, New Hampshire, Vermont, Massachusetts, Connecticut, and Rhode Island, for 180 days. Supporting shipper: United Glazed Products, Inc., Post Office Box 6077, Baltimore, MD. Send protests to: Robert W. Ritenour, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Post Office Box 869, Harrisburg, PA 17108.

No. MC 126600 (Sub-No. 7 TA) (Amendment), filed February 15, 1973. Applicant: EHRSAM TRANSPORT, INC., 108 North Factory, Enterprise, KS 67441. Applicant's representative: Bob W. Storey, Columbian Title Building, 820 Quincy Street, Topeka, KS 66612. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Electrical Transformers and parts* having value only for reconditioning or salvage and allied line equipment, between Solomon, Kans., and all points in the United States (except Alaska and Hawaii), for 180 days. NOTE: Applicant does not intend to tack the authority here applied for to other authority held by it, or to interline with other carriers. Supporting shipper: Solomon Electric Supply, Inc., Solomon, Kans. 67480. Send protests to: Thomas P. O'Hara, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 234 Federal Building Topeka, Kans. 66603.

No. MC 128642 (Sub-No. 9 TA), filed February 23, 1973. Applicant: SKYLINE TRANSPORT, INC., 1910 Russell Street, Baltimore, MD 21230. Applicant's representative: H. Neil Garson, 1400 North Uhle Street, Arlington, VA. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid dextrose, corn syrup and blends thereof*, in bulk, from the site of Skyline Terminals, Inc., Baltimore, Md., to Altoona, Biglerville, Chambersburg, Gardners, Harrisburg, Lancaster, Norristown, Philadelphia, Sayre, Williamsport, and York, Pa.; Wilmington, Del.; Bridgeton, Cedarville, Paterson, and Vineland, N.J.; Alexandria, Norfolk, Petersburg, and Richmond, Va. and Washington, D.C., for 180 days. Supporting shippers: CPC International, Inc., International Plaza, Englewood Cliffs, N.J. 07632: A. E. Staley Manufacturing Co., 2200 Eldorado Street, Decatur, IL 62525; and Skyline Terminals, Inc., 1910 Russell Street, Baltimore, MD 21230. Send protests to: William L. Hughes, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 814-B Federal Building, Baltimore, Md. 21201.

No. MC 133777 (Sub-No. 7 TA), filed February 22, 1973. Applicant: METAL CARRIERS, INC., 7601 South Central, Dallas, TX 75216. Applicant's representative: Clayte Binion, 1108 Continental Life Building, Fort Worth, TX 76102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (A) *Scrap nonferrous metals*: (1) from Alton, Ill., to El Dorado, Harrison, and Paragould, Ark.; New Orleans and Shreveport, La.; Broken Arrow and Sapulpa, Okla.; Dallas, Houston, Longview, Garland, Fort Worth, and Lubbock, Tex.; (2) from Carthage, Tenn. to Russellville, Ala.; (3) from Columbia, Tenn. to Russellville, Ala.; Alton and Aurora, Ill.; East Chicago and Bedford, Ind.; South Haven, Mo.; Toledo, Ohio; (4) from Gallitan, Tenn. to Russellville, Ala.; East Chicago, Ind.; Toledo, Ohio; (5) from Hawesville, Ky. to Russellville, Ala.; Alton and Aurora, Ill.; East Chicago, Ind.; (6) from Grenado, Miss. to Russellville, Ala.; (7) from Monett, Mo. to Alton, Ill.; (8) from New Johnsonville, Tenn. to Russellville, Ala.; Alton and Aurora, Ill.; East Chicago, Ind.; and (9) from New Madrid, Mo. to Chalmette, La. and Dallas, Tex.; and (B) *contaminated aluminum breakage* from points in Missouri to points in Oklahoma, for 180 days. NOTE: Carrier does not intend to tack authority. Supporting shippers: Republic Aluminum Co., 100 Spring Valley, Richardson, TX 75080; U.S. Reduction Co., 4610 Melville, East Chicago, IN 46312; Interstate Metals Corp., Post Office Box 24063, 1101 East Reno, Oklahoma City, OK 73124; and Federal Metallurgical Division, Post Office Box 219, Alton, IL 62002. Send protests to: District Supervisor E. K. Willis, Jr., Bureau of Operations, Interstate Commerce Commission, 1100 Commerce Street, Room 13C12, Dallas, TX 75202.

No. MC 136529 (Sub-No. 1 TA), filed February 23, 1973. Applicant: MISSOURI BEEF EXPRESS, INC., 630 Amarillo Building, Amarillo, Tex. 79101. Applicant's representative: Donald L. Stern, 530 Univac Building, Omaha, Nebr. 68106. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, and articles distributed by meat packinghouses*, as described in sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 MCC 209 and 766, (a) from the facilities of Missouri Beef Packers, Inc., at or near Boise, Idaho, to points in the United States (except Alaska and Hawaii), and (b) from points in Illinois, Wisconsin, Minnesota, Iowa, Nebraska, Missouri, Kansas, Texas, Colorado, North Dakota, South Dakota, Washington, Oregon, and California, to the facilities of Missouri Beef Packers, Inc. at or near Boise, Idaho; and (2) *Such commodities* as are used by meat packers in the conduct of their business when destined to and for use by meat packers, as described in section D of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 MCC 209 and 766, from points in the United States (except Alaska and Hawaii), to the facilities of Missouri Beef Packers, Inc., at or near Boise, Idaho, for 180 days. All transportation service hereunder is to be performed under a continuing contract or contracts with Missouri Beef Packers, Inc., of Amarillo, Tex. Supporting shipper: Missouri Beef Packers, Inc., 630 Amarillo Building, Amarillo, Tex. 79101. Send protests to: Haskell E. Ballard, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Box H-4395 Herring Plaza, Amarillo, TX 79101.

No. MC 136848 (Sub-No. 2 TA), filed February 23, 1973. Applicants: JAMES BRUCE LEE AND STANLEY LEE, doing business as LEE CONTRACT CARRIERS, Old Route 66, Post Office Box 48, Pontiac, IL 61768. Applicant's representative: James Bruce Lee (same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Pulpboard, leather and its byproducts, and materials, supplies, and equipment* used in the manufacture, sale, and distribution of pulpboard (except commodities in bulk), between Bridgewater, Mass., and Madison, Ind., on the one hand, and, on the other, Belle and St. Louis, Mo., Bridgewater, Mass., Montgomery, Westfield, Williamsport, Hanover, and Akron, Pa., Columbus and Ashtabula, Ohio, Endicott and Johnson City, N.Y., Nashville, Tenn., Milwaukee, Wis., and Madison, Ind., for 180 days. Supporting shipper: George O. Jenkins Co., Bridgewater, Mass. Send protests to: William J. Gray, Jr., Area Supervisor, Interstate Commerce Commission, Bureau of Operations, Everett McKinley Dirksen Building, 219 South Dearborn Street, Room 1086, Chicago, IL 60604.

No. MC 138418 (Sub-No. 3 TA), filed February 20, 1973. Applicant: STANDARD CONTAINER TRANSPORT CORPORATION, 145 North Avenue East, Elizabeth, NJ 07201. Applicant's representative: Bert Collins, 140 Cedar Street, New York, NY 10006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Steel beams*, from Bethlehem, Pa., to points on the New Jersey Turnpike in Kearny, N.J., for 180 days. Supporting shipper: Karl Koch Erecting Co., Inc., 400 Roosevelt Avenue, Carteret, NJ 07008. Send protests to: District Supervisor Robert E. Johnston, Bureau of Operations, Interstate Commerce Commission, 970 Broad Street, Newark, NJ 07102.

No. MC 138439 TA, filed February 23, 1973. Applicant: V & J REFRIGERATED SERVICE, INC., 18121—88th Avenue West, Edmonds, WA 98020. Applicant's representative: J. A. Beaunaux (same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Shingles, shakes, and trim*, from Grays Harbor, Skagit, and Snohomish Counties, Wash., to points in California and (2) *wine and alcoholic beverages*, between points in California and points in King, Pierce, and Snohomish Counties, Wash., for 180 days. Supporting shippers: Wesco Cedar Inc., Post Office Box 2566, Eugene, OR 97402, and J. W. Brpwm & Associates, 217 White Henry Stuart Building, Seattle, Wash. 98101. Send protests to: L. D. Boone, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 6049 Federal Office Building, Seattle, Wash. 98104.

No. MC 138440 TA, filed February 22, 1973. Applicant: PINKY'S TRANSPORTATION, INC., 5936 Highway 115, Brawley, CA 92227. Applicant's representative: Robert F. Kempton (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Animal feed*, dry, in bulk, having a prior movement by rail, between points in Imperial County, Calif., for 180 days. Supporting shippers: Rio Bend Cattle Co., 5004 Brandt Road, Brawley, CA 92207; Allied Cattle Feeders, Inc., Post Office Box 245, Heber, CA 90249; Frank P. Borchard Ranches, 4204 Green Road,

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Brawley, CA 92227; Harriss Feed Yard, Post Office Box 510, Brawley, CA 92227; Del Charro Feed Lot, Post Office Box 95, Brawley, CA 92227; James E. Baker, Inc., 3200 Los Feliz Boulevard, Los Angeles, CA 90039; and V. Borchard Land & Cattle, Post Office Box 155, Brawley, CA 92227. Send protests to: John E. Nance, Officer in Charge, Interstate Commerce Commission, Bureau of Operations, Room 7708, Federal Building, 300 North Los Angeles Street, Los Angeles, CA 90012.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.73-4784 Filed 3-12-73;8:45 am]

[Notice 30]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

MARCH 6, 1973.

The following are notices of filing of applications[1] for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC-67, (49 CFR Part 1131), published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protests must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protests must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commere Commission, Washington, D.C., and also in field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 29392 (Sub-No. 20 TA) (Amendment), filed January 30, 1973, published in the FEDERAL REGISTER issue of February 22, 1973, as MC 138369 TA and republished as amended this issue. Applicant: LES JOHNSON CARTAGE CO., 611 South 28th Street, Milwaukee, WI 53246. Applicant's representative: Richard H. Prevette (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Truck washout machines*, from Port Washington, Wis., to Los Angeles, Calif.; Miami, Orlando, and Tampa, Fla.; Baltimore, Md.; Detroit, Mich.; Jackson, Miss.; Portland, Oreg.; Philadelphia, Pa.; Memphis, Tenn.; Dallas, Fort Worth, and Houston, Tex., for 180 days. Supporting shipper: Jadair, Inc., Post Office Box 89, Port Washington, WI 53074 (Jack Schmutzler, president). Send protests to: District Supervisor John E. Ryden, Interstate Commerce Commission, Bureau of Operations, 135 West Wells Street, Room 807, Milwaukee, WI 53203. NOTE: The purpose of this republication is to show that applicant now seeks to operate as a *common carrier*, in lieu of contract carrier, shown in error in the previous publication.

No. MC 116282 (Sub-No. 25 TA), filed February 21, 1973. Applicant: NEIL'S BAKERY PRODUCTS TRANSPORTATION CO., 246 Broad Street, Auburn, ME 04210. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Bakery products*, from Auburn, Maine, to the international boundary line between the United States/Canada at or near Derby Line, Vt., under a continuing bilateral contract with F. R. Lepage Bakery Inc., doing business as Country Kitchen Bakers, Auburn, Maine, for 180 days. Supporting shipper: F. R. Lepage Bakery, Inc., doing business as Country Kitchen Bakers, 60 Second Street, Auburn, ME 04210. Send protests to: Donald G. Weiler, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 307, 76 Pearl Street, Post Office Box 167, PSS, Portland, ME 04112.

No. MC 117153 (Sub-No. 8 TA), filed February 26, 1973. Applicant: H. G. SNYDER TRUCKING, INC., 1111 Pittfield Boulevard, St. Laurent 384, PQ, Canada. Applicant's representative: Julius Braun, Room 21, Albany Port Administration Building, Albany, N.Y. 12202. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Paper labels and dogfood ingredients*, from Connecticut, New Jersey, Ohio, and Pennsylvania to Champlain, N.Y., on traffic destined to Gentilly, Quebec, Canada, for 180 days. Supporting shipper: J. Demers, Inc., Gentilly, Quebec, Canada. Send protests to: District Supervisor Martin P. Monaghan, Jr., Interstate Commerce Commission, Bureau of Operations, 52 State Street, Room 5, Montpelier, VT 05602.

No. MC 127505 (Sub-No. 54 TA) (Amendment), filed February 5, 1973, published in the FEDERAL REGISTER issue of February 22, 1973, as MC 138379 TA and republished as amended this issue. Applicant: RALPH H. BOELK, doing business as R. H. BOELK TRUCK LINES, Route 2, Mendota, IL 61342. Applicant's representative: Walter Kobos, 1016 Kehoe Drive, St. Charles, IL 60174. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Aluminum sheet and plate*, from Amax Aluminum Mill Products Inc., near Channahon, Ill., to Loveland, Colo., for 180 days. Supporting shipper: Robert S. Michalak, Traffic Manager Eastern Division, Amax Aluminum Mill Products Inc., Post Office Box 143, Morris, IL 60450. Send protests to: William J. Gray, Jr., Area Supervisor, Interstate Commerce Commission, Everett McKinley Dirksen Building, 219 South Dearborn Street, Room 1086, Chicago, IL 60604. NOTE: The purpose of this republication is to show that applicant now seeks to operate as a *common carrier*, in lieu of contract carrier, shown in error in the previous publication.

No. MC 127527 (Sub-No. 13 TA), filed February 21, 1973. Applicant: CARL W. REAGAN, doing business as SOUTHEAST TRUCKING CO., 8418 C. H. 18, R.F.D. 6, Ravenna, OH 44266. Applicant's representative: Robert N. Krier, 88 East Broad Street, Columbus, OH 43215. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Conduit and other pipe* (except iron and steel) and *attachments parts and fittings therefor*, from the plantsite of the Flintkote Co., Pipe Products Group, located at or near Ravenna, Ohio, in Rootstown Township, Portage County, Ohio, to points in Delaware, Michigan, Maryland, New Jersey, New York, Pennsylvania, West Virginia, District of Columbia, Virginia, Kentucky, Illinois, Wisconsin, and Indiana and return of damaged or rejected shipments, for 180 days. Supporting shipper: Flintkote Co., Pipe Products Group, Ravenna, Ohio 44266. Send protests to: Franklin D. Bail, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 181 Federal Office Building, 1240 East Ninth Street, Cleveland, OH 44199. NOTE: Applicant proposes to conduct operations under the applied-for authority under continuing contract with the Flintkote Co., Pipe Products Group.

No. MC 134890 (Sub-No. 1 TA) filed February 21, 1973. Applicant: MARION TRANSFER, INC., 2380 North 124th Street, Wauwatosa, WI 53226. Applicant's representative: William C. Dineen, 710 North Plankinton Avenue, Milwaukee, WI 53203. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Cheese, cheese products, and cheese byproducts*, from the plantsite of Grande Cheese Co., town of Le Roy, Dodge County, Wis., to points in New Jersey, New York, Ohio, Pennsylvania, Michigan, Massachusetts, Connecticut, Maine, Maryland, and Rhode Island, for the account of Grande Cheese Co., for 180 days. Supporting shipper: Grande Cheese Co., Post Office Box 455, Fond du Lac, WI 54935 (T. J. Brinkman). Send protests to: District Supervisor John E. Ryden, Interstate Commerce Commission, Bureau of Operations, 135 West Wells Street, Room 807, Milwaukee, WI 53203.

No. MC 136121 (Sub-No. 2 TA), filed February 26, 1973. Applicant: BRISCOE TRUCKING COMPANY, INC., Post Office Box 45388, 8740 East 46th Street, Tulsa, OK 74145. Applicant's representative: Joe T. Briscoe (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bedsprings, bedstead rails, cots and cot frames, unupholstered daybeds, bed frames, springs and spring assemblies,*

[1] Except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application.

metal sleeper fixtures, and materials used in the manufacture of the foregoing commodities, (1) from Springfield, Mo., and Hominy, Okla., to Los Angeles, Calif., and points in Colorado and Arizone and (2) from Cathage, Mo., to Winchester, Ky., for 180 days. Supporting shipper: Frank E. Ford, Jr., Vice President, Leggett & Platt, Inc., 600 West Mound Street, Carthage, MO 64836. Send protests to: C. L. Phillips, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 240, Old Post Office Building, 215 Northwest Third, Oklahoma City, OK 73102.

No. MC 138436 TA, filed February 20, 1973. Applicant: GLEN AND ANNA BOCH, doing business as MERCHANDISE PICKUP & DELIVERY, 2828 North 83d Terrace, Kansas City, KS 66109. Applicant's representative: Frank W. Taylor, 1221 Baltimore Avenue, Kansas City, MO 64105. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Auto parts and accessories*, from the NAPA Distribution Center at 250 Osage, Kansas City, KS, to points in Missouri, for 150 days. (Damaged, returned or rejected shipments on return movement.) Supporting shipper: General Automotive Parts Corp., 250 Osage Avenue, Kansas City, KS 66105. Send protests to: Vernon V. Coble, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 600 Federal Office Building, 911 Walnut Street, Kansas City, KS 64106.

No. MC 138437 TA, filed February 23, 1973. Applicant: J. T. R. TRUCKING COMPANY, INC., 489 Washington Street, New York, NY 10013. Applicant's representative: William D. Traub, 10 East 40th Street, New York, NY 10016. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Components and supplies used in the manufacture of costume jewelry*, between the New York, N.Y., commercial zone as defined by the Interstate Commerce Commission and shipper's warehouse facility in Providence, R.I., for 180 days. Supporting shipper: Kittay & Blitz, Inc., 104 West 29th Street, New York, NY., Attention: Mr. Richard L. Blitz, President, telephone: 212—594-7900. Send protests to: Paul W. Assenza, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 26 Federal Plaza, Room 1807, New York, NY 10007.

By The Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.73-4785 Filed 3-12-73;8:45 am]

[Notice 231]

MOTOR CARRIER TRANSFER PROCEEDINGS

MARCH 8, 1973.

Application filed for temporary authority under section 210a(b) in connection with transfer application under section 212(b) and transfer rules, 49 CFR Part 1132:

No. MC-FC-74337. By application filed March 6, 1973, TRANSTAR CORP., 79 Jacobus Avenue, South Kearny, NJ, seeks temporary authority to lease the operating rights of ROBERT W. MERRELL, doing business as MERRELL MOTOR LINE, 6 Darcy Street, Newark, NJ, under section 210a(b). The transfer to Transtar Corp., of the operating rights of Robert W. Merrell, doing business as Merrell Motor Line, is presently pending.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.73-4787 Filed 3-12-73;8:45 am]

[Ex Parte 241; Rule 19, Exemption 36]

SOUTHERN RAILWAY CO.

Exemption From Mandatory Car Service Rules

It appearing that there is an emergency movement of military impedimonta from Bynum, Ala., to Mobile, Ala.; that the originating carrier has insufficient system cars of suitable dimensions immediately available for loading with this traffic; that sufficient cars of other ownerships having suitable dimensions are available on the lines of the originating carrier and on its connections; and that compliance with Car Service Rules 1 and 2 would prevent the timely assembly and use of such cars.

It is ordered, That pursuant to the authority vested in me by Car Service Rule 19, the Car Service Division of the Association of American Railroads is authorized to direct the movement to the Southern Railway Co., the railroads designated by the Car Service Division are authorized to move to, and the Southern Railway Co., is authorized to accept, assemble, and load not to exceed 41 empty cars with military impedimenta from Bynum, Ala., to Mobile, Ala., regardless of the provisions of Car Service Rules 1(b), 2(c), 2(d), or 2(e).

Effective March 6, 1973.

Expires March 16, 1973.

Issued at Washington, D.C., March 6, 1973.

INTERSTATE COMMERCE COMMISSION,

[SEAL] R. D. PFAHLER, *Agent.*

[FR Doc.73-4788 Filed 3-12-73;8:45 am]

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(The items in these lists were editorially compiled as an aid to FEDERAL REGISTER users. Inclusion or exclusion from these lists has no legal significance. Since these lists are intended as reminders, they do not include effective dates, comment deadlines, or hearing dates that occur within 14 days of publication.

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Weekly List of Public Laws

This is a listing of public bills enacted by Congress and approved by the President, together with the law number, the date of approval, and the U.S. Statutes Citation. Subsequent lists will appear every Wednesday in the FEDERAL REGISTER, and copies of the laws may be obtained from the U.S. Government Printing Office.

H.J. Res. 1 ..... Pub. L. 93–1
Budget Message and Economic Report of the President (Jan. 19, 1973; 87 Stat. 3)

H.J. Res. 163 ..... Pub. L. 93–2
International Clergy Week in the United States (Jan. 26, 1973; 87 Stat. 4)

H.J. Res. 246 ..... Pub. L. 93–3
National Moment and Day of Prayer and Thanksgiving (Vietnam war truce) (Feb. 1, 1973; 87 Stat. 4)

H.J. Res. 299 ..... Pub. L. 93–7
Budget Message and Economic Report of the President (Feb. 16, 1973; 87 Stat. 6)

H.J. Res. 345 ..... Pub. L. 93–9
Continuing appropriations for fiscal year 1973 (Mar. 8, 1973; 87 Stat. 7)

S.J. Res. 26 ..... Pub. L. 93–4
Flood insurance coverage (Feb. 2, 1973; 87 Stat. 4)

S.J. Res. 37 ..... Pub. L. 93–8
Lyndon B. Johnson Space Center, Houston, Tex. (Feb. 17, 1973; 87 Stat. 7)

S.J. Res. 42 ..... Pub. L. 93–6
Commission on Highway Beautification (Feb. 16, 1973; 87 Stat. 6)

S.J. Res. 59 ..... Pub. L. 93–5
Railway Labor Act (Penn Central work stoppage) (Feb. 9, 1973; 87 Stat. 5)

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Title 3—The President

PROCLAMATION 4194

Earth Week, 1973

By the President of the United States of America

A Proclamation

The first Earth Week in 1971 marked an important milestone for the cause of environmental protection. It also provided an important opportunity for all Americans to pay tribute to the qualities which have made our country great—individual initiative, voluntary action, and a deep sense of responsibility for the gifts of nature and the welfare of the community.

Our environment is the source of life upon which we all depend; its preservation has brought out the best in the American character. In thousands of communities, citizens have joined to improve the quality of their lives and those of their neighbors.

Our environmental problems have not been resolved since that first Earth Week, but we have done much and we will do more. While our new awareness has taught us that our natural resources are exhaustible, we know that our most important resource, the American spirit, is not.

We can never rest in the effort to preserve and improve our good earth. Earth Week, 1973 gives us the chance to affirm our dedication to that high calling.

NOW, THEREFORE, I, RICHARD NIXON, President of the United States of America, do hereby designate the week beginning April 8, 1973, as Earth Week. I call upon Federal, State and local officials to foster the purposes of Earth Week and to arrange for its proper observance. I ask that special attention be given to personal voluntary activities and educational efforts directed toward protecting and enhancing our life-giving environment.

IN WITNESS WHEREOF, I have hereunto set my hand this 12th day of March, in the year of our Lord nineteen hundred seventy-three, and of the Independence of the United States of America the one hundred ninety-seventh.

Richard Nixon

[FR Doc.73-5022 Filed 3-12-73;2:56 pm]

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PROCLAMATION 4195

Small Business Week, 1973

By the President of the United States of America

A Proclamation

In no facet of our national life is the American genius for independence, innovation and self-improvement better displayed than in the small business community.

The instinct to create, sustain and expand an independent enterprise is as old as America herself—an impulse that brought the earliest settlers to our shores and motivated generation after generation of our citizens in their onward, upward march. Nowhere is it more clearly evident today than among our Nation's 8 million small businesses.

In the past year alone, more than 70 thousand new companies were started. Nineteen out of every twenty firms are considered small business, and they provide approximately 35 million jobs, and contribute more than $420 billion to the gross national product.

They also provide a ladder of opportunity to hard working, ambitious Americans of all races and creeds—the chance to harness individual initiative and ability to the mighty potentials of the free enterprise system. As long as America remains true to her heritage, the small businessman will continue as a mainstay of our economy and our society.

NOW, THEREFORE, I, RICHARD NIXON, President of the United States of America, do hereby designate the week beginning May 13, 1973, as Small Business Week. I ask all Americans to share with me during this week a deep pride in the many accomplishments of our Nation's small businessmen and women, and in the invaluable contribution they have made to our free way of life.

IN WITNESS WHEREOF, I have hereunto set my hand this 12th day of March, in the year of our Lord nineteen hundred seventy-three, and of the Independence of the United States of America the one hundred ninety-seventh.

Richard Nixon

[FR Doc.73-5023 Filed 3-12-73;2:57 pm]

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EXECUTIVE ORDER 11707

Change in Boundaries of New England River Basins Commission

The Governors of the member States of the New England River Basins Commission and the Water Resources Council have requested that the jurisdiction of the Commission be extended to include those portions of the States of Vermont and Massachusetts which are not presently included within the area of the Commission's jurisdiction. I have determined that it would be in the public interest to comply with that request.

NOW, THEREFORE, by virtue of the authority vested in me by Section 201 of the Water Resources Planning Act (42 U.S.C. 1962b) and as President of the United States, subsections (3) and (4) of section 2 of Executive Order No. 11371 of September 6, 1967, as amended, are hereby amended to read as follows:

"(3) The State of Vermont,

"(4) The State of Massachusetts,".

Richard Nixon

THE WHITE HOUSE,
March 12, 1973.

[FR Doc.73-5021 Filed 3-12-73;2:56 pm]

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Rules and Regulations

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.

The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

Title 5—Administrative Personnel

CHAPTER I—CIVIL SERVICE COMMISSION

PART 213—EXCEPTED SERVICE

Treasury Department

Section 213.3305 is amended to show that the following positions are excepted under Schedule C: One Secretary to the Assistant Secretary for Administration, one Executive Assistant to the Secretary, one Staff Assistant to the Deputy Under Secretary (Congressional Relations), and one Secretary to the Deputy Assistant to the Secretary for Legislative Affairs.

Effective on March 14, 1973, §§ 213.3305(a) (39), (40), (41), and (42) are added as set out below.

§ 213.3305 Treasury Department.

(a) *Office of the Secretary.* • • •

(39) One Secretary to the Assistant Secretary for Administration.

(40) One Executive Assistant to the Secretary.

(41) One Staff Assistant to the Deputy Under Secretary (Congressional Relations).

(42) One Secretary to the Deputy Assistant to the Secretary for Legislative Affairs.

• • • • • •

(5 U.S.C. secs. 3301, 3302, E.O. 10577; 3 CFR 1954–58 Comp. p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.73–4873 Filed 3–13–73;8:45 am]

PART 213—EXCEPTED SERVICE

Department of Defense

Section 213.3306 is amended to show that one position of Private Secretary to the Principal Deputy Assistant Secretary (Health and Environment) is excepted under Schedule C.

Effective on March 14, 1973, § 213.3306(a)(49) is added as set out below.

§ 213.3306 Department of Defense.

(a) *Office of the Secretary.* • • •

(49) One Private Secretary to the Principal Deputy Assistant Secretary (Health and Environment).

• • • • • •

(5 U.S.C. secs. 3301, 3302, E.O. 10577; 3 CFR 1954–58 Comp. p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.73–4875 Filed 3–13–73;8:45 am]

PART 213—EXCEPTED SERVICE

Department of Agriculture

Section 213.3313 is amended to show that one position of Confidential Assistant to the Assistant Secretary for Rural Development is excepted under Schedule C.

Effective on March 14, 1973, § 213.3313 (a)(20) is added as set out below.

§ 213.3313 Department of Agriculture.

(a) *Office of the Secretary.* • • •

(20) One Confidential Assistant to the Assistant Secretary for Rural Development.

• • • • • •

(15 U.S.C. secs. 3301, 3302, E.O. 10577; 3 CFR 1954–58 Comp. p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.73–4853 Filed 3–13–73;8:45 am]

PART 213—EXCEPTED SERVICE

Department of Commerce

Section 213.3314 is amended to show that two additional positions of Confidential Assistant to the Assistant Secretary for Administration are excepted under Schedule C.

Effective on March 14, 1973, § 213.3314 (a)(8) is amended as set out below.

§ 213.3314 Department of Commerce.

(a) *Office of the Secretary.* • • •

(8) Three Confidential Assistants to the Assistant Secretary for Administration.

• • • • • •

(5 U.S.C. secs. 3301, 3302, E.O. 10577; 3 CFR 1954–58 Comp. p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.73–4852 Filed 3–13–73;8:45 am]

PART 213—EXCEPTED SERVICE

U.S. Information Agency

Section 213.3328 is amended to show that one position of Congressional and Legal Liaison Officer, Office of the General Counsel, is excepted under Schedule C.

Effective on March 14, 1973, § 213.3328 (i) is added as set out below.

§ 213.3328 U.S. Information Agency.

• • • • • •

(i) One Congressional and Legal Liaison Officer, Office of the General Counsel.

(5 U.S.C. secs. 3301, 3302, E.O. 10577; 3 CFR 1954–58 Comp. p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.73–4874 Filed 3–13–73;8:45 am]

PART 213—EXCEPTED SERVICE

Department of Transportation

Section 213.3394 is amended to reflect the following title change: from two Special Assistants to the Assistant Secretary for Policy and International Affairs to two Special Assistants to the Assistant Secretary for Policy, Plans, and International Affairs.

Effective on March 14, 1973, § 213.3394 (a)(21) is amended as set out below.

§ 213.3394 Department of Transportation.

(a) *Office of the Secretary.* • • •

(21) Two Special Assistants to the Assistant Secretary for Policy, Plans, and International Affairs.

• • • • • •

(5 U.S.C. secs. 3301, 3302, E.O. 10577; 3 CFR 1954–58 Comp. p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.73–4850 Filed 3–13–73;8:45 am]

PART 213—EXCEPTED SERVICE

Department of Transportation

Section 213.3394 is amended to show that the following positions are excepted under Schedule C: one Secretary to each of two Special Assistants to the Secretary and one Secretary to the Assistant Secretary for Policy, Plans, and International Affairs.

Effective on March 14, 1973, paragraphs (a)(33) and (a)(34) are added to § 213.3394 as set out below.

§ 213.3394 Department of Transportation.

(a) *Office of the Secretary.* • • •

(33) One Secretary to each of two Special Assistants to the Secretary.

(34) One Secretary to the Assistant Secretary for Policy, Plans, and International Affairs.

• • • • • •

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(5 U.S.C. secs. 3301, 3302, E.O. 10577; 3 CFR 1954–58 Comp. p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.73–4851 Filed 3–13–73;8:45 am]

Title 14—Aeronautics and Space

CHAPTER I—FEDERAL AVIATION ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Airspace Docket No. 72–NE–25]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Control Zone and Transition Area

Correction

In FR Doc. 73–3209 appearing on page 4709 in the issue for Wednesday, February 21, 1973, in the fourth and fifth lines of the description of the Presque Isle, Maine, control zone the words "zone to 10 tending" should be deleted and replaced with "course extending".

[Airspace Docket No. 72–RM–3]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Control Zone

Correction

In FR Doc. 73–4069 appearing on page 5838 in the issue for Monday, March 5, 1973, in the third line of the description of the Sheridan, Wyo., control zone, the coordinates now reading "106°55'15" W." should read "106°58'15" W.".

Title 46—Shipping

CHAPTER I—COAST GUARD, DEPARTMENT OF TRANSPORTATION

SUBCHAPTER Q—SPECIFICATIONS

[CGD 72–214R]

PART 162—ENGINEERING EQUIPMENT

Marine-Type Portable Fire Extinguishers

These amendments provide for:

(1) More rigorous salt spray testing requirements for marine-type portable fire extinguishers.

(2) Mandatory testing of all such extinguishers submitted for approval.

(3) Coast Guard review and approval both of test reports of a recognized laboratory and of quality control procedures of the manufacturers.

(4) Termination of listing or labeling of an extinguisher when service experience or a report from a recognized laboratory or the Coast Guard indicates that a product is unsatisfactory.

These amendments appeared as a notice of proposed rule making in the March 9, 1972, issue of the FEDERAL REGISTER (37 FR 5060–5061). A public hearing was held on April 18, 1972, in Washington, D.C., concerning the amendments. Interested persons were given the opportunity to submit written comments and to make oral comments at the public hearing.

The only comment received suggested that the revised salt spray test proposed by the Coast Guard was essentially identical to the salt spray test performed by Underwriters' Laboratories, Inc., and that the amendment should therefore allow evidence of compliance with the Underwriters' Laboratories test to constitute evidence of compliance with the Coast Guard test. Though the two tests are similar, the proposed Coast Guard test, as well as the other existing requirements contained in 46 CFR 162.028–3, are intended to provide the standards to which recognized laboratories are required to adhere in devising testing procedures and requirements. Thus, many similarities in requirements may occur between Coast Guard requirements and requirements followed by a recognized laboratory.

Two minor revisions of the proposed rule have been made for purposes of clarity: The last sentence of 46 CFR 162.028–3(g) has been incorporated into § 162.028–3(c)(6)(iv) of the proposed rule; and § 162.028–7 of the proposed rule has been reworded with no substantive changes.

In consideration of the foregoing, Part 162 of Chapter I of Title 46 of the Code of Federal Regulations is amended as follows:

1. By revising §§ 162.028–3 (c) (5) and (6), (g), and 162.028–7 to read as follows:

§ 162.028–3 Requirements.

* * * * * * *

(c) * * *

(5) *Suitability of materials.* All extinguishers submitted for approval shall undergo the salt spray test in accordance with subparagraph (6) of this paragraph.

(6) *Salt spray tests.* Expose the complete fully charged specimen extinguisher to a 20 percent sodium chloride solution spray at a temperature of 95° F. (35° C.) for a period of 240 hours. The procedures and apparatus described in Method 811 of Federal Test Method Standard No. 151 are suitable. Alternate methods may be found satisfactory if the results are comparable. Following the test, allow the specimen extinguisher to air dry for a period of 48 hours. Following the air drying—

(i) The extinguisher must be capable of being operated and recharged in a normal fashion;

(ii) Any coating required in this section to be corrosion resistant must remain intact and must not be removable (when such removal exposes a material subject to corrosion) by such action as washing or rubbing with a thumb or fingernail;

(iii) No galvanic corrosion may appear at the points of contact or close proximity of dissimilar metals;

(iv) The extinguisher and its bracket, if any, must not show any corrosion, except corrosion that can be easily wiped off after rinsing with tap water, on surfaces having no protective coating or paint; and,

(v) The gage on a stored pressure extinguisher must remain watertight throughout the test.

* * * * * * *

(g) *Mounting bracket.* Every portable fire extinguisher shall be supplied with a suitable bracket which will hold the extinguisher securely in its stowage location on vessels or boats, and which is arranged to provide quick and positive release of the extinguisher for immediate use.

* * * * * * *

2. By revising § 162.028–7 to read as follows:

§ 162.028–7 Procedure for listing and labeling.

(a) Manufacturers having a marine-type portable fire extinguisher which they consider has characteristics suitable for general use on merchant vessels and motorboats may make application for listing and labeling as a marine-type portable fire extinguisher by addressing a request directly to a recognized laboratory. The laboratory will inform the submitter as to the requirements for inspection, examinations, and testing necessary for such listing and labeling. The request shall include permission for the laboratory to furnish a complete test report together with a description of the quality control procedures to the Commandant.

(b) The U.S. Coast Guard will review the test report and quality control procedures to determine if the requirements in § 162.028–3 have been met. If this is the case, the Commandant will notify the laboratory that the extinguisher is approved and that when the extinguisher is listed and labeled, it may be marked as being U.S. Coast Guard approved.

(c) If disagreements concerning procedural, technical, or inspection questions arise over U.S. Coast Guard approval requirements between the manufacturer and the laboratory, the opinion of the Commandant shall be requested by the laboratory.

(d) The manufacturer or the laboratory may at any time request clarification or advice from the Commandant on any question which may arise regarding manufacturing and approval of approved devices.

3. By adding a new paragraph (a)(5) to § 162.028–8 to read as follows:

§ 162.028–8 Termination of listing or labeling.

(a) * * *

(5) When service experience or laboratory or U.S. Coast Guard reports indicate a product is unsatisfactory.

(46 U.S.C. 367, 390b, 391a, 404, 481, 526g, 526p, 1333, 49 U.S.C. 1655(b); 49 CFR 1.4(b), 1.46(b))

Effective date. These amendments shall become effective on June 18, 1973.

Dated: March 8, 1973.

C. R. BENDER,
Admiral, U.S. Coast Guard, Commandant.

[FR Doc.73–4878 Filed 3–13–73;8:45 am]

[CGD 72–215R]

PART 164—MATERIALS

Incombustible Materials for Merchant Vessels

This amendment provides for ready identification of Coast Guard approved incombustible materials. Manufacturers often sell two different products under the same brand name, one for marine industry and the other for the building trade. As a result, a product not suitable for marine industry may be unintentionally delivered and accepted. This amendment will enable marine inspectors, users, and suppliers to identify Coast Guard approved incombustible materials.

The amendment appeared as a notice of proposed rule making in the March 9, 1972, issue of the FEDERAL REGISTER (37 FR 5061). A public hearing was held on April 18, 1972, in Washington, D.C., on the amendment. Interested persons were given the opportunity to submit written comments and to make oral comments concerning the proposed amendment at the public hearing. No comments were received to the proposed amendment.

In consideration of the foregoing, Part 164 of Chapter I of Title 46 of the Code of Federal Regulations is amended by adding a new § 164.009–5 to read as follows:

§ 164.009–5 Marking.

(a) Approved incombustible materials shall be marked on the shipping container with the approval number and date of approval. Where practical, the product shall also be labeled with the approval number and date of approval. Determination of practicality shall be made by the Coast Guard at the time of application for approval.

(46 U.S.C. 367, 389, 390b, 391a, 404, 481, 1333; 49 U.S.C. 1655(b); 49 CFR 1.4(b), 1.46(b))

Effective date. These amendments shall become effective on June 18, 1973.

Dated: March 8, 1973.

C. R. BENDER,
Admiral, U.S. Coast Guard, Commandant.

[FR Doc.73–4879 Filed 3–13–73;8:45 am]

Title 49—Transportation

CHAPTER X—INTERSTATE COMMERCE COMMISSION

SUBCHAPTER A—GENERAL RULES AND REGULATIONS

[Rev. S. O. 1119]

PART 1033—CAR SERVICE

Demurrage on Freight Cars

At a session of the Interstate Commerce Commission, Railroad Service Board, held in Washington, D.C., on the seventh day of March 1973.

It appearing, that an acute shortage of all types of railroad-owned freight cars exists throughout all sections of the country; that certain carriers are unable to furnish an adequate supply of freight cars to shippers located on their lines; that these shortages of freight cars are impeding the movement of many commodities; that many freight cars are ordered and held by shippers for loading which are later returned to the carrier without being used in transportation service; that such practices immobilize large numbers of freight cars needed by shippers for the transportation of other freight; and that the existing demurrage and detention rules, regulations, and practices of the railroads are ineffective to control such use of freight cars. It is the opinion of the Commission that an emergency exists requiring immediate action to promote car service in the interest of the public and the commerce of the people. Accordingly, the Commission finds that notice and public procedure are impracticable and contrary to the public interest, and that good cause exists for making this order effective upon less than 30 days' notice.

It is ordered, That:

§ 1033.1119 Service Order No. 1119.

(a) *Demurrage on freight cars.* Each common carrier by railroad subject to the Interstate Commerce Act shall observe, enforce, and obey the following rules, regulations, and practices with respect to its demurrage rules and charges.

(b) *Description of cars subject to this section.* Except as otherwise provided in paragraph (c) of this section, this section shall apply to freight cars which are subject to demurrage rules applicable to detention of cars.

(c) *Exceptions.* (1) The provisions of this section shall not apply to freight cars listed in the Official Railway Equipment Register, ICC R.E.R. 386 issued by W. J. Trezise, or reissues thereof, as having the following descriptions and mechanical designations:

Mechanical designation. RA, RAM, RCD, RS, RSB, RSM, RSTC, and RSTM.
Mechanical designation. SA, SC, SD, SF, SH, SM, SP, and ST.
Mechanical designation. TA, TAI, TG, TGI, THI, TL, TLI, TM, TMI, TMU, TMUI, TP, TPI, TPA, TPAI, TR, TRI, TVI, TW, and TWI.
Mechanical designation. XT.

(2) The provisions of this section shall not apply to freight cars while subject to the provisions of Agent B. B. Maurer's Tariffs 8–0, ICC H–30; 551–L, ICC H–50; 552–P, ICC H–47; and 719–F, ICC H–53; nor to perishable protective charges published in Agent W. T. Jamison's National Perishable Protective Tariff No. 18, ICC; 73; supplements thereto, or reissues thereof.

(d) *Cars subject to this section.* (1) When empty cars placed on orders are not used in transportation service, demurrage will be charged for all detention, including Saturdays, Sundays, and holidays (see list in Item 25, Freight Tariff 4–I, ICC H–36), from actual or constructive placement until released, with no free time allowance.

(2) Charges for cars detained as described in paragraph (1) of this section shall be assessed at the following rates, until car is released:

$10 per car per day, or fraction of a day, for each of the first 4 days.
$20 per car per day, or fraction of a day, for each of the next 2 days.
$30 per car per day, or fraction of a day, for each of the next 2 days.
$50 per car per day for each subsequent day.

(3) In the application of this section, a demurrage day consists of a 24-hour period, or fraction thereof, computed from the hour of actual or constructive placement of the car, except that on cars placed in advance of the date for which ordered for loading, time will be computed from 7 a.m. of the day for which so ordered.

(4) When a car so ordered and placed on a public track or on an industrial interchange track is not used and no advice from the party who ordered the car has been received within 48 hours (2 days), exclusive of Saturdays, Sundays, and holidays (see list in Item 25, Freight Tariff 4–I, ICC H–36), from the first 7 a.m. after placement (see paragraph (d)(3) of this section), the car shall be removed and treated as released at the time of removal. Such cars shall be subjected to demurrage charges as provided herein.

(5) (i) In the event a car is rejected account not suitable for loading, this section will not apply if the party ordering the car advises the carrier of rejection and condition that caused the car to be rejected, within 24 hours (1 day) exclusive of Saturdays, Sundays, and holidays (see list in Item 25, Freight Tariff 4–I, ICC H–36) after actual placement (see paragraph (d)(3) of this section).

(ii) If rejection has not been made within time specified in paragraph (d)(5)(i) of this section, demurrage will be charged for all detention, computed under paragraphs (d) (1), (2), and (3) of this section.

(e) If the application of demurrage rules published in any tariff lawfully in effect results in demurrage charges greater than those provided in this order, such greater charges shall apply.

(f) *Application.* The provisions of this order shall apply to intrastate, interstate, and foreign commerce.

(g) *Regulations suspended—announcement required.* The operation of all rules and regulations, insofar as they conflict with the provisions of this order, is hereby suspended and each railroad subject to this order, or its agent, shall publish, file, and post a supplement to its tariff affected hereby in substantial accordance with the provisions of Rule 9(k) of the Commission's Tariff Circular No. 20, announcing such suspension.

(h) *Effective date.* This order shall become effective at 7 a.m., March 16, 1973.

(i) *Expiration date.* This order shall expire at 6:59 a.m., July 31, 1973, unless otherwise modified, changed, or suspended by order of this Commission.

(Secs. 1, 12, 15, 17(2), 24 Stat. 379, 383, 384, as amended; 49 U.S.C. 1, 12, 15, and 17(2). Interprets or applies secs. 1(10–17), 15(4),

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17(2), 40 Stat. 101, as amended, 54 Stat. 911; 49 U.S.C. 1(10–17), 15(4), 17(2).)

It is further ordered, That a copy of this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and car hire agreement under the terms of that agreement, and upon the American Short Line Railroad Association; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D.C., and by filing it with the Director, Office of the Federal Register.

By the Commission, Railroad Service Board.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.73-4932 Filed 3-13-73;8:45 am]

[Rev. S.O. 1121]

PART 1033—CAR SERVICE

Demurrage and Free Time at Ports

At a session of the Interstate Commerce Commission, Railroad Service Board, held in Washington, D.C., on the seventh day of March 1973.

It appearing, that an acute shortage of covered hopper cars and plain boxcars exists throughout the country; that certain carriers are unable to furnish an adequate supply of these cars to shippers located on their lines; that these shortages of covered hopper cars and plain boxcars are impeding both the domestic and export movement of agricultural, mineral, forest, and manufactured products and other commodities; that certain existing tariff rules and regulations provide excessive free-time periods for loading or unloading at ports, and demurrage, detention, or storage rates at levels below those applicable to domestic freight; that such rules, regulations, and demurrage, detention, or storage rates are ineffective in securing prompt release of cars held at the ports. It is the opinion of the Commission that an emergency exists requiring immediate action to promote car service in the interest of the public and the commerce of the people. Accordingly, the Commission finds that notice and public procedure are impracticable and contrary to the public interest, and that good cause exists for making this order effective upon less than 30 days' notice.

It is ordered, That:

§ 1033.1121 Service Order No. 1121.

(a) *Demurrage and free time at ports.* Each common carrier by railroad subject to the Interstate Commerce Act shall observe, enforce, and obey the following rules, regulations, and practices with respect to its car service:

(1) *Application.* (i) The provisions of this section shall apply to intrastate, interstate, and foreign commerce.

(ii) This section shall apply to all freight cars which are listed in the Official Railway Equipment Register, ICC R.E.R. 386, issued by W. J. Trezise, or successive issues thereof, as having one of the mechanical designations shown on pages 1154 and 1155 under the headings:

Class "X"—boxcar type. "XL," "XLI," "XM," "XMI," only.

Class "G"—gondola car type. All Class "G" except "GW."

Class "L"—special car type. "LC," "LO", "LU", only.

(iii) Ocean, Great Lakes, or river ports are hereby defined as being any station at which shipments are transferred between rail carriers and water carriers, whether by direct car-vessel transfer or by intermediate handling through a port elevator, wharf, dock, or warehouse capable of both the loading and unloading of railcars and the loading and unloading of vessels.

(iv) Multiple-car shipments are hereby defined as shipments made under tariff provisions specifically requiring the loading of two or more cars in order to qualify for the rate.

(v) Constructive placement is hereby defined as the holding of a car by the carrier because of the inability of the consignee or shipper to receive it.

(vi) The terms "loading," "unloading," and "forwarding directions" as defined in Demurrage Rule 2, Item 905 of General Car Demurrage Tariff 4–I, ICC H–36, issued by B. B. Maurer, supplements thereto, or reissues thereof, shall apply to cars subject to this section.

(vii) The term "holidays" means holidays as listed in Item 25 of General Car Demurrage Tariff 4–I, ICC H–36, issued by B. B. Maurer, supplements thereto, or reissues thereof.

(viii) Exception. Exceptions to this order may be authorized to carriers by the Railroad Service Board. Request for exceptions must be submitted in writing to R. D. Pfahler, Chairman, Railroad Service Board, Interstate Commerce Commission, Washington, D.C. 20423. Each such request must specifically identify the type of cars for which an exemption is desired and must clearly state the reasons why such cars cannot be utilized in other services.

(ix) Exception. This order shall not apply to cars of Mexican ownerships held at Texas gulf ports.

(x) Exception. This order shall not apply to emergency relief supplies, other than bulk grain or soybeans, when billed to an agency of the U.S. Government.

(2) *Free time.* (i) Not more than a total of 72 hours' free time, excluding Saturdays, Sundays, and holidays, shall be allowed for loading or unloading freight cars described in paragraph (a) (1) (ii) of this section at ocean, Great Lakes, or river ports with freight requiring transfer between rail and water carriers, either direct or through port elevators, wharves, docks, or warehouses.

(ii) When freight cars described in paragraph (a) (1) (ii) of this section are held by rail carriers at any point outside the port because of any condition attributable to the shipper or consignee, the combined total of the free time allowed at the port and at the point where cars are held shall not exceed 72 hours, excluding Saturdays, Sundays, and holidays.

(iii) If the maximum free time authorized in applicable tariffs is less than the 72-hour period described in paragraph (a) (2) (i) of this section, the free-time periods provided in such tariffs shall apply.

(3) *Demurrage, detention, or storage charges.* (i) After the expiration of the free-time period described in paragraph (a) (2) of this section, demurrage charges shall be assessed at the following rates, until car is released:

$10 per car per day, or fraction of a day, for each of the first 4 days.
$20 per car per day, or fraction of a day, for each of the next 2 days.
$30 per car per day, or fraction of a day, for each of the next 2 days.
$50 per car per day for each subsequent day.

Average demurrage agreement rules shall not apply.

(ii) The applicable demurrage charges provided in paragraph (a) (3) (i) of this section will accrue on all Saturdays, Sundays, and holidays subsequent to the second chargeable day including a Saturday, Sunday, or holiday immediately following the day on which the second chargeable day begins; except as otherwise provided in Rule 6, Section B, of General Car Demurrage Tariff 4–I, ICC H–36, issued by B. B. Maurer, supplements thereto, or reissues thereof.

(iii) Exception. If the demurrage, detention, or storage rates authorized in the applicable tariffs are greater than those described in paragraph (a) (3) (i) of this section, such higher rates shall apply.

(iv) Existing tariff rules requiring the placement or release, as a unit, of all cars in a multiple-car shipment shall remain in effect.

(v) The demurrage, detention, or storage rates provided in paragraph (a) (3) (i) of this section shall supersede all published storage charges expressed in cents per hundredweight, per bushel, or other unit of measure, for all freight held at ports in cars in excess of the free-time periods provided in paragraph (a) (2) of this section.

(4) *Notices of arrival, constructive placement, etc.* (i) Existing tariff provisions defining constructive placement and establishing the requirements for the placement, adjustment of runarounds, the giving of arrival or constructive placement notice on freight destined for unloading or transhipment at the ports shall apply.

(ii) If no such rules with respect to arrival, runaround, or constructive placement are published in the applicable tariffs, the rules published in General Car Dumurrage Tariff 4–I, ICC H–36, issued by B. B. Maurer, supplements thereto, or reissues thereof, shall apply.

(b) *Rules and regulations suspended.* The operation of all rules and regulations, including rates, rules, and free-time periods granted by authority of Part I, section 22 of the Interstate Commerce Act, insofar as they conflict with the provisions of this order, is hereby suspended.

(c) *Effective date.* This order shall become effective at 7 a.m., March 16, 1973.

(d) *Expiration date.* This order shall expire at 6:59 a.m., July 31, 1973, unless otherwise modified, changed, or suspended by order of this Commission.

(Secs. 1, 12, 15, and 17(2), 24 Stat. 379, 383, 384, as amended; 49 U.S.C. 1, 12, 15, 17(2). Interprets or applies secs. 1(10–17), 15(4), and 17(2), 40 Stat. 101, as amended, 54 Stat. 911; 49 U.S.C. 1(10–17), 15(4), 17(2).)

It is further ordered, That a copy of this order and direction shall be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and car hire agreement under the terms of that agreement, and upon the American Short Line Railroad Association; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D.C., and by filing it with the Director, Office of the Federal Register.

By the Commission, Railroad Service Board.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.73-4934 Filed 3-13-73;8:45 am]

[S.O. 1125]

PART 1033—CAR SERVICE

St. Louis-San Francisco Railway Co. Authorized To Operate Over Tracks of the Kansas City Southern Railway Co.

At a session of the Interstate Commerce Commission, Railroad Service Board, held in Washington, D.C., on the eighth day of March 1973.

It appearing, that the St. Louis-San Francisco Railway Co. (SL–SF) is unable to operate over its spur track serving a paper mill at Ashdown, Ark., because of track conditions; that SL–SF service to this shipper can be accomplished by the use of certain tracks of The Kansas City Southern Railway Co. (KCS); that the KCS has consented to such use of its tracks by the SL–SF; that operation by the SL–SF over the aforementioned tracks of the KCS at Ashdown, Ark., is necessary in the interest of the public and the commerce of the people; that notice and public procedure herein are impracticable and contrary to the public interest; and that good cause exists for making this order effective upon less than 30 days' notice.

It is ordered, That:

§ 1033.1125 Service Order No. 1125.

(a) St. Louis-San Francisco Railway Co. authorized to operate over tracks of the Kansas City Southern Railway Co. The St. Louis-San Francisco Railway Co. (SL–SF) be, and it is hereby, authorized to operate over tracks of the Kansas City Southern Railway Co. (KCS) between KCS milepost 470.47 and KCS milepost 467.66, a distance of approximately 2.81 miles, in the vicinity of Ashdown, Ark.

(b) *Application.* The provisions of this order shall apply to intrastate, interstate, and foreign traffic.

(c) *Rates applicable.* Inasmuch as this operation by the SL–SF over tracks of the KCS is deemed to be due to carrier's disability, the rates applicable to traffic moved by the SL–SF over these tracks of the KCS shall be the rates which were applicable on the shipments at the time of shipment as originally routed.

(d) *Effective date.* This order shall become effective at 11:59 p.m., March 12, 1973.

(e) *Expiration date.* The provisions of this order shall expire at 11:59 p.m., July 31, 1973, unless otherwise modified, changed, or suspended by order of this Commission.

(Secs. 1, 12, 15, 17(2), 24 Stat. 379, 383, 384, as amended; 49 U.S.C. 1, 12, 15, 17(2). Interprets or applies secs. 1(10–17), 15(4), 17(2), 40 Stat. 101, as amended, 54 Stat. 911; 49 U.S.C. 1(10–17), 15(4), 17(2).)

It is further ordered, That copies of this order shall be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and car hire agreement under the terms of that agreement, and upon the American Short Line Railroad Association; and that notice of this order shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D.C., and by filing it with the Director, Office of the Federal Register.

By the Commission, Railroad Service Board.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.73-4933 Filed 3-13-73;8:45 am]

Title 50—Wildlife and Fisheries

CHAPTER I—BUREAU OF SPORT FISHERIES AND WILDLIFE, FISH AND WILDLIFE SERVICE, DEPARTMENT OF THE INTERIOR

PART 33—SPORT FISHING

Certain Wildlife Refuges In Nevada

The following special regulations are issued and are effective on March 14, 1973.

§ 33.5 Special regulations; sport fishing; for individual wildlife refuge areas.

NEVADA

General conditions: Fishing shall be in accordance with applicable State regulations. Portions of refuges which are open to fishing are designated by signs and/or delineated on maps. The maps are available at the respective refuge headquarters and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, Post Office Box 3737, Portland, OR 97208.

Charles Sheldon Antelope Range—Headquarters: Post Office Box 111, Lakeview, OR 97630.

Special condition: Dufurrena Ponds closed to fishing March 1 through May 31.

Ruby Lake National Wildlife Refuge—Ruby Valley, Nev. 89833.

Stillwater National Wildlife Refuge—Post Office Box 592, Fallon, NV 89406.

Special condition: Refuge closed to fishing during the migratory hunting season.

The provisions of these special regulations supplement the regulations which govern fishing on wildlife refuge areas generally, which are set forth in Title 50, Code of Federal Regulations, Part 33, and are effective through December 31, 1973.

JOHN D. FINDLAY,
Regional Director, Bureau of Sport Fisheries and Wildlife.

MARCH 6, 1973.

[FR Doc.73-4861 Filed 3-13-73;8:45 am]

Title 21—Food and Drugs

CHAPTER I—FOOD AND DRUG ADMINISTRATION, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 19—CHEESES, PROCESSED CHEESES, CHEESE FOODS, CHEESE SPREADS, AND RELATED FOODS

Certain Cheese Products; Order Listing Xanthan Gum as an Optional Ingredient and Changes in Labeling Requirements

In the matter of amending the standards of identity for cream cheese, neuf-

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chatel cheese, pasteurized process cheese spread, cream cheese with other foods, pasteurized neufchatel cheese spread with other foods, and cold-pack cheese food (21 CFR 19.515, 19.520, 19.775, 19.782, 19.783, and 19.787) to provide for xanthan gum as an optional ingredient by adding it to the list of stabilizing ingredients heretofore provided:

A notice of proposed rule making in the above-identified matter was published in the FEDERAL REGISTER of September 15, 1972 (37 FR 18742), based on a petition filed jointly by Kelco Co., 1010 Second Avenue, San Diego, CA 92191, and the National Cheese Institute, Inc., 110 North Franklin Street, Chicago, IL 60606. Published along with the proposal regarding xanthan gum was a further proposal, on the initiative of the Commissioner of Food and Drugs, that all optional ingredients in cream cheese and neufchatel cheese be listed on an appropriate information panel of the package label. An order requiring label declaration of all ingredients used in pasteurized process and cold-pack cheese products was published in the FEDERAL REGISTER of July 7, 1972 (37 FR 13339).

Five comments were received in response to the proposal, all of which supported the use of xanthan gum as an optional ingredient in certain cheese products. Four of those who commented took exception to the labeling provisions proposed on the initiative of the Commissioner. The issues raised by these comments are as follows:

1. An ingredient statement is not necessary on standardized natural cheeses such as cream cheese and neufchatel cheese, since it is common knowledge that all cheese is made from milk through addition of a culture (e.g., bacteria or mold) and/or a suitable milk clotting enzyme.

2. The option for label declaration of gum karaya, gum tragacanth, carob bean gum, guar gum, and oat gum, or mixtures of these by the collective term "vegetable gum," should not be terminated.

3. Provision should be made for label declaration of bacterial cultures used in cheesemaking as "culture."

4. The type size required for the ingredient statement on cream cheese and neufchatel cheese labels is too large and would crowd the labels, particularly in the case of any package the principal display panel of which has an area of 5 square inches or less.

5. Label declaration of cheese whey used to adjust the fat and moisture content of cream cheese should not be required, since whey is a normal component of all cheese products.

The order published in the January 19, 1973 FEDERAL REGISTER (38 FR 1237) affirmed the intention of the Food and Drug Administration to amend the definitions and standards of identity of food by setting into motion as rapidly as possible the provisions of section 401 of the Federal Food, Drug, and Cosmetic Act to require label declaration of all optional ingredients with the exception of optional spices, flavorings, and colorings which may continue to be designated as such without specific ingredient declaration. It is the opinion of the Commissioner that there is significant consumer interest that the labels of cheese products, including cream cheese and neufchatel cheese, bear complete information of the ingredients contained, including the specific names of any vegetable gums used. Therefore, he concludes that the changes to the proposal suggested by items (1) and (2) above should not be made.

Regarding label declaration of bacterial and mold cultures used in cheesemaking, the Commissioner concludes that "cheese culture" would be a suitable designation, and the order set forth below provides for this term.

Concerning the type size required for the ingredients statement, a new § 1.8d, Food Labeling; Information Panel (21 CFR 1.8), was established by an order published in the January 19, 1973, FEDERAL REGISTER (38 FR 2124). This section required that certain required label information, including the ingredient statement, must appear on the label with the prominence and conspicuousness required by section 403(f) of the act and § 1.9 (21 CFR 1.9), but in no case may the letters be less than 1/16th inch in height. Also paragraph (e) of § 1.8d contains a provision for petitioning for the exemption of small-size packages of food from the type size requirements of that section. Accordingly, the proposed provisions regarding the prominence with which ingredient statements must appear on cream cheese and neufchatel cheese packages have been deleted from §§ 19.515 and 19.520 (21 CFR 19.515, 19.520) on the basis that these are now covered by Part I regulations and with the understanding that the Commissioner will consider appropriate petitions for exemptions pursuant to § 1.8d(e).

The Commissioner agrees that label declaration of cheese whey in liquid, concentrated, or dried form should not be required. Whey is used to standardize the fat and moisture contents of the finished foods prior to packaging, and is added back to the cheeses only in those cases where too much whey was drained away in the make process. Therefore, the declaration of added whey would seem to indicate a compositional difference in the finished product, when in fact no such difference exists.

When the cream cheese standard was amended to list liquid, concentrated, dried, and reconstituted cheese whey as optional dairy ingredients (34 FR 14070, September 5, 1969), no such amendment of the neufchatel cheese standard was petitioned for. However, the practice of adding back whey to standardize the fat and moisture content of the curd from which too much whey has been drained is as necessary with neufchatel cheese as it is with cream cheese. We have therefore amended the neufchatel cheese standard to make it consistent with the cream cheese standard.

The cream cheese standard in § 19.515 (b)(1) states that cream cheese curd is made from cream or a mixture of cream with one or more of the other dairy ingredients listed in § 19.515(b)(3). The current practice is to make cream cheese curd from a mixture of dairy ingredients, such mixture having a fat content ranging from 10–14 percent. In the hot-pack method of cream cheese manufacture, the curd may be made from milk or a dairy ingredient mixture containing from 4–6 percent fat, and then blended with a high fat content cream to standardize the fat level of the finished product. Therefore, in order to fully inform consumers about ingredients used in the manufacture of cream cheese and to reflect current industry practice, the Commissioner concludes that § 19.515 (b) and (c) should be amended to make cream having a minimum of 18 percent milkfat and plastic cream optional ingredients of cream cheese curd, and that § 19.515 (c) should be amended to require that cream used in cream cheese manufacture be declared as an ingredient. Changes have been made in the neufchatel cheese standard so that it corresponds to the cream cheese standard as amended.

On the basis of the information given in the proposal, the comments received, and other relevant information, the Commissioner concludes that it will promote honesty and fair dealing in the interest of consumers to adopt the modified proposal, as set forth below. Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sections 401, 701, 52 Stat. 1046, 1055–1056, as amended 70 Stat. 919 and 72 Stat. 948; 21 U.S.C. 341, 371) and under authority delegated to the Commissioner (21 CFR 2.120): *It is ordered*, that Part 19 be amended as follows:

1. In § 19.515 by revising paragraphs (b) and (c), as follows:

§ 19.515 Cream cheese; identity; label statement of optional ingredients.

* * * * *

(b)(1) One or a mixture of two or more of the dairy ingredients specified in subparagraph (3) of this paragraph is pasteurized and may be homogenized. To such ingredient or mixture harmless lactic-acid-producing bacteria, with or without rennet, or other safe and suitable milk-clotting enzyme that produces equivalent curd formation, or both, are added and it is held until it becomes coagulated. The coagulated mass may be warmed; it may be stirred; it is then drained. The moisture content may be adjusted with cheese whey, concentrated cheese whey, dried cheese whey, or reconstituted cheese whey prepared by addition of water to concentrated cheese whey or dried cheese whey. The curd may be pressed, chilled, worked, seasoned with salt; it may be heated, with or without addition of one or more of the dairy ingredients specified in subparagraph (3) of this paragraph, until it becomes fluid, and it may then be homogenized or otherwise mixed.

(2)(i) In the preparation of cream cheese, one or any mixture of two or more of the optional ingredients gum karaya, gum tragacanth, carob bean gum, guar gum, carrageenan, gelatin, algin (sodium alginate), propylene glycol alginate, or xanthan gum may be used; but the quantity of any such ingredient or mixture is such that the total weight of solids contained therein is not more than 0.5 percent by weight of the finished cream cheese.

(ii) * * *

(3) The dairy ingredients referred to in subparagraph (1) of this paragraph are cream, plastic cream, milk, skim milk, concentrated milk, concentrated skim milk, and nonfat dry milk. If concentrated milk, concentrated skim milk, or nonfat dry milk is used, water may be added in a quantity not in excess of that removed when the milk or skim milk was concentrated or dried.

(4) * * *

(c) When used in the food, salt, bacterial culture, and enzymes as provided for in paragraph (b)(1) of this section and each of the ingredients listed in paragraph (b)(2) and (3) of this section shall be declared by common name on the label as required by the applicable sections of Part I of this chapter except that:

(1) Any cream as defined in Part 18 of this chapter and plastic cream may be declared as "cream".

(2) Concentrated milk and reconstituted milk prepared by addition of water to concentrated milk may be declared as "milk".

(3) Concentrated skim milk, nonfat dry milk, and reconstituted skim milk prepared by addition of water to concentrated skim milk or nonfat dry milk may be declared as "skim milk".

(4) Bacterial cultures may be declared as "cheese culture" or by the word "cultured" followed by the name of the substrate, e.g., "made from cultured cream".

(5) Milk clotting enzymes may be declared by the word "enzymes".

2. In § 19.520 by revising paragraphs (b) and (c) as follows:

§ 19.520 Neufchatel cheese; identity; label statement of optional ingredients.

* * * * *

(b)(1) One or a mixture of two or more of the dairy ingredients specified in subparagraph (3) of this paragraph is pasteurized and may be homogenized. To such ingredient or mixture harmless lactic-acid-producing bacteria, with or without rennet, or other safe and suitable milk-clotting enzyme that produces equivalent curd formation, or both, are added and it is held until it becomes coagulated. The coagulated mass may be warmed; it may be stirred; it is then drained. The moisture content may be adjusted with cheese whey, concentrated cheese whey, dried cheese whey, or reconstituted cheese whey prepared by addition of water to concentrated cheese whey or dried cheese whey. The curd may be pressed, chilled, worked, seasoned with salt; it may be heated, with or without addition of one or more of the dairy ingredients specified in subparagraph (3) of this paragraph, until it becomes fluid, and it may then be homogenized or otherwise mixed.

(2)(i) In the preparation of neufchatel cheese, one or any mixture of two or more of the optional ingredients gum karaya, gum tragacanth, carob bean gum, guar gum, carrageenan, gelatin, algin (sodium alginate), propylene glycol alginate, or xanthan gum may be used; but the quantity of any such ingredient or mixture is such that the total weight of solids contained therein is not more than 0.5 percent by weight of the finished neufchatel cheese.

(ii) * * *

(3) The dairy ingredients referred to in subparagraph (1) of this paragraph are cream, plastic cream, milk, skim milk, concentrated milk, concentrated skim milk, and nonfat dry milk. If concentrated milk, concentrated skim milk, or nonfat dry milk is used, water may be added in a quantity not in excess of that removed when the milk or skim milk was concentrated or dried.

(4) * * *

(c) When used in the food, salt, bacterial culture, and enzymes as provided for in paragraph (b)(1) of this section and each of the ingredients listed in paragraph (b) (2) and (3) of this section shall be declared by common name on the label as required by the applicable sections of Part I of this chapter except that:

(1) Any cream as defined in Part 18 of this chapter and plastic cream may be declared as "cream".

(2) Concentrated milk and reconstituted milk prepared by addition of water to concentrated milk may be declared as "milk".

(3) Concentrated skim milk, nonfat dry milk, and reconstituted skim milk prepared by addition of water to concentrated skim milk or nonfat dry milk may be declared as "skim milk".

(4) Bacterial cultures may be declared as "cheese culture" or by the word "cultured" followed by the name of the substrate, e.g., "made from cultured cream".

(5) Milk clotting enzymes may be declared by the word "enzymes".

3. In § 19.775 by revising paragraph (f)(1)(i), as follows:

§ 19.775 Pasteurized process cheese spread; identity; label statement of optional ingredients.

* * * * *

(f) * * *

(1)(i) One or any mixture of two or more of the following: Carob bean gum, gum karaya, gum tragacanth, guar gum, gelatin, sodium carboxymethylcellulose (cellulose gum), carrageenan, oat gum, algin (sodium alginate), propylene glycol alginate, or xanthan gum. The total weight of such substances is not more than 0.8 percent of the weight of the finished food.

* * * * *

4. In § 19.782 by revising paragraph (a)(1)(i), as follows:

§ 19.782 Cream cheese with other foods; identity; label statement of optional ingredients.

(a) * * *

(1)(i) One or any mixture of two or more of the following optional ingredients: Gum karaya, gum tragacanth, carob bean gum, gelatin, guar gum, sodium carboxymethylcellulose (cellulose gum), carrageenan, oat gum, algin (sodium alginate), propylene glycol alginate, or xanthan gum. The total quantity of any such substances, including that contained in the cream cheese, is not more than 0.8 percent by weight of the finished food.

* * * * *

5. § 19.783 by revising paragraph (b)(1)(i), as follows:

§ 19.783 Pasteurized neufchatel cheese spread with other foods; identity; label statement of optional ingredients.

* * * * *

(b) * * *

(1)(i) One or any mixture of two or more of the following: Gum karaya, gum tragacanth, carob bean gum, gelatin, algin (sodium alginate), propylene glycol alginate, guar gum, sodium carboxymethylcellulose (cellulose gum), carrageenan, oat gum, or xanthan gum. The total quantity of any such substances, including that contained in the neufchatel cheese, is not more than 0.8 percent by weight of the finished food.

* * * * *

6. In § 19.787 by revising paragraph (e)(8), as follows:

§ 19.787 Cold-pack cheese food; identity; label statement of optional ingredients.

* * * * *

(e) * * *

(8) In the preparation of cold-pack cheese food, guar gum, or xanthan gum, or both may be used, but the total quantity of such ingredient or combination is not to exceed 0.3 percent of the weight of the finished food. When one or both such optional ingredients is used, dioctyl sodium sulfosuccinate complying with the requirements of § 121.1137 of this chapter may be used in a quantity not in excess of 0.5 percent by weight of such ingredient or ingredients.

* * * * *

Any person who will be adversely affected by the foregoing order may at anytime on or before April 13, 1973 file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 6–88, 5600 Fishers Lane, Rockville, MD 20852, written objections thereto. Objections shall show wherein the person filing will be adversely affected by the order, specify with particularity the provisions of the order deemed objectionable, and state the grounds for the objections. If a hearing is requested, the objections shall state the issues for the hearing, shall be supported by grounds factually and legally sufficient to justify the relief sought and shall include a detailed description and analysis of the factual information intended to be presented in support of the objections in the event that a hearing is held. Objections may be accompanied by a memorandum or brief in support thereof. Six copies of all documents shall be filed. Received objections may be seen in the above office during working hours, Monday through Friday.

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Effective date. Compliance with this order, which shall include any labeling changes required, may begin on May 14, 1973, and all labeling ordered after December 31, 1973, and all labeling used for products shipped in interstate commerce after December 31, 1974, shall comply with these regulations except as to any provisions that may be stayed by the filing of proper objections. Notice of the filing of objections or lack thereof will be published in the FEDERAL REGISTER.

(Secs. 401, 701, 52 Stat. 1046, 1055–1056 as amended by 70 Stat. 919 and 72 Stat. 948; 21 U.S.C. 341, 371)

Dated: March 9, 1973.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.73–4889 Filed 3–13–73;8:45 am]

PART 19—CHEESES, PROCESSED CHEESES, CHEESE FOODS, CHEESE SPREADS, AND RELATED FOODS

Cottage Cheese Dry Curd, Cottage Cheese, and Lowfat Cottage Cheese; Standards of Identity; Direct Acidification by Vat Method With Appropriate Product Labeling

In the matter of amending the standards of identity for cottage cheese dry curd, cottage cheese, and lowfat cottage cheese (21 CFR 19.525, 19.530, and 19.531, respectively) to permit the manufacturing procedure of direct acidification by the vat method utilizing Glucono-delta-lactone with appropriate product labeling:

A notice of proposed rule making in the above-identified matter was published in the FEDERAL REGISTER of September 16, 1972 (37 FR 18924), based on a petition submitted by the Milk Industry Foundation, 910 17th Street NW., Washington, DC 20006. The petition proposed that direct acidification by the vat method, utilizing the acidulant Glucono-delta-lactone, be permitted as an alternate procedure for the production of cottage cheese dry curd, cottage cheese and lowfat cottage cheese, with appropriate product labeling. The purpose of the new procedure would be:

(1) To eliminate bacterial starter culture failures;

(2) To give greater product uniformity;

(3) To increase efficiency in cheese production; and

(4) To provide longer keeping quality to the finished product.

Eight letters of comment were received. Seven of the respondents, all of whom were producers or distributors of cottage cheese, were in favor of the proposal. The one unfavorable comment came from a consumer who considers cottage cheese dry curd to be a reasonably natural food and would not care to see anything added to it. For consumers who may share a similar opinion there is a provision in the standards that requires the label of such foods to bear appropriate designations. Therefore, the choice of accepting or rejecting such a product is made available to the consumer.

In the opinion of the Commissioner of Food and Drugs, consumers and manufacturers alike should share in the benefits anticipated from this technological development in that (1) efficiency of production should increase, (2) product uniformity should improve, and (3) shelf life should increase, all of which should help to hold down the cost of these products as a valuable food and increase its availability. This is in keeping with the legislative intent of the Food Additives Amendment of 1958 (Public Law 85–929), which indicated that the use of safe and suitable additives for the purpose of assisting the Nation to make use of advances in technology to increase and improve our food supplies was one of the primary purposes of the amendment. This matter was elaborated upon in an order amending the standard for creamed cottage cheese (21 CFR 19.530) published in the FEDERAL REGISTER on July 17, 1972 (37 FR 12065).

Having considered the information submitted by the petitioner, the comments received and other relevant material, the Commissioner concludes that it will promote honesty and fair dealing in the interest of consumers to adopt the proposal to amend the standards of identity for cottage cheese dry curd, cottage cheese, and lowfat cottage cheese as set forth below.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 401, 701, 52 Stat. 1046, 1055–56 as amended by 70 Stat. 919 and 72 Stat. 948; 21 U.S.C. 341, 371) and under authority delegated to the Commissioner (21 CFR 2.120): *It is ordered*, That § 19.525 be amended by adding a new subdivision (iii) to paragraph (b)(1) and revising paragraph (d); and that § 19.530(d) be revised to read as follows:

§ 19.525 Cottage cheese dry curd; identity; identity label statement of optional ingredients.

* * * * *

(b) * * *

(1) * * *

(iii) Food grade acids as provided in subdivision (ii) of this subparagraph, D-Glucono-delta-lactone with or without rennet, and/or other safe and suitable milk clotting enzyme that produces equivalent curd formation, are added in such amounts as to reach a final pH value in the range of 4.5–4.8, and it is held until it becomes coagulated. The coagulated mass may be cut; it may be warmed; it may be stirred; it is then drained. The curd is then washed with water, and further drained. It may be pressed, chilled, worked, and seasoned with salt.

* * * * *

(d) When either of the optional processes described in paragraph (b)(1)(ii) or (iii) of this section is used to make cottage cheese dry curd, the label shall bear the statement "Directly set" or "Curd set by direct acidification." Wherever the name of the food appears on the label so conspicuously as to be seen under customary conditions of purchase, the statement specified in this paragraph, showing the optional process used, shall immediately and conspicuously precede or follow such name without intervening written, printed, or graphic matter.

§ 19.530 Cottage cheese; identity; label statement of optional ingredients.

* * * * *

(d) When the optional process described in § 19.525(b)(1)(ii) or (iii) is used to make the cottage cheese dry curd used in cottage cheese, the label shall bear the statement "Directly set" or "Curd set by direct acidification." Wherever the name of the food appears on the label so conspicuously as to be seen under customary conditions of purchase, the statement specified in this paragraph, showing the optional process used, shall immediately and conspicuously precede or follow such name without intervening written, printed, or graphic matter.

* * * * *

By cross-reference, the above amendments have the effect of providing for the optional use of Glucono-delta-lactone in the manufacture of lowfat cottage cheese (21 CFR 19.531).

Any person who will be adversely affected by the foregoing order may at any time on or before April 13, 1973 file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 6–88, 5600 Fishers Lane, Rockville, MD 20852, written objections thereto. Objections shall show wherein the person filing will be adversely affected by the order, specify with particularity the provisions of the order deemed objectionable, and state the grounds for the objections. If a hearing is requested, the objections shall state the issues for the hearing, shall be supported by grounds factually and legally sufficient to justify the relief sought, and shall include a detailed description and analysis of the factual information intended to be presented in support of the objections in the event that a hearing is held. Objections may be accompanied by a memorandum or brief in support thereof. Six copies of all documents shall be filed. Received objections may be seen in the above office during working hours, Monday through Friday.

Effective date. Compliance with this order, which shall include any labeling changes required, may begin on May 14, 1973, and all labeling ordered after December 31, 1973, and all labeling used for products shipped in interstate commerce after December 31, 1974, shall comply with these regulations except as to any provisions that may be stayed by the filing of proper objections. Notice of the filing of objections or lack thereof will be published in the FEDERAL REGISTER.

(Secs. 401, 701, 52 Stat. 1046, 1055–1056 as amended by 70 Stat. 919 and 72 Stat. 948; 21 U.S.C. 341, 371)

Dated: March 9, 1973.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.73–4888 Filed 3–13–73;8:45 am]

PART 19—CHEESES, PROCESSED CHEESES, CHEESE FOODS, CHEESE SPREADS, AND RELATED FOODS

Grated Cheeses; Identity Standard; Microcrystalline Cellulose as Optional Anticaking Agent

In the matter of amending the standard of identity for grated cheeses (21 CFR 19.791) to permit the optional use of microcrystalline cellulose as an anticaking agent in grated cheeses:

A notice of proposed rule making in the above-identified matter was published in the FEDERAL REGISTER of September 27, 1972 (37 FR 20183), based on a petition submitted by the National Cheese Institute, Inc., 110 North Franklin Street, Chicago, IL 60606. The petition proposed to add microcrystalline cellulose to the present list of anticaking agents used in grated cheeses. The total amount of anticaking agents that could be used would not be increased. Also the requirement that the names of anticaking agents must be declared on the label, would be retained.

Seven letters of comment were received concerning the proposal, all of which were from consumers. Two of the respondents stated they had no objections to the proposal. Two others said they thought it proper that all ingredients used in foods should be declared on the label. One respondent opposed the proposal because it was thought that the total amount of permissible anticaking agent was being increased.

Another opposed the proposal because they did not think there was a functional need for additives in foods and the final respondent opposed the proposal because they had no information as to its safety.

An analysis of these letters of comment showed that they contained no information which refutes the grounds presented by the petitioner in support of the petition or which casts doubt on the safety or functionality of the proposed anticaking agent.

In answer to the comments received, the standard already requires the names of the anticaking agents to be declared on the label when used and the total amount that can be used is limited to 2 percent. The use of microcrystalline cellulose in foods has long been established and the use of additives for functional purposes is in keeping with the legislative intent of the Food Additives Amendment of 1958 (Public Law 85–929). This matter was elaborated upon in an order amending the standard for creamed cottage cheese (21 CFR 19.530) published in the FEDERAL REGISTER on June 17, 1972 (37 FR 12065). The Commissioner has no information which would cause him to question the proposed safe use of the subject ingredient.

Having considered the information submitted by the petitioner, the comments received, and other relevant material, the Commissioner of Food and Drugs concludes that it will promote honesty and fair dealing in the interest of consumers to adopt the proposal to amend the standard of identity for grated cheeses as set forth below.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 401, 701, 52 Stat. 1046, 1055–1056 as amended by 70 Stat. 919 and 72 Stat 948; 21 U.S.C. 341, 371) and under authority delegated to the Commissioner (21 CFR 2.120): *It is ordered*, That § 19.791 be amended by revising paragraph (b)(2), as follows:

§ 19.791 Grated cheeses; identity; label statement of optional ingredients.

* * * * *

(b) * * *

(2) An anticaking agent consisting of silicon dioxide (complying with the provisions of § 121.1058 of this chapter), calcium silicate (complying with the provisions of § 121.1135 of this chapter), sodium silicoaluminate, microcrystalline cellulose, or any combination of two or more of these in an amount not to exceed 2 percent by weight of the finished food.

* * * * *

Any person who will be adversely affected by the foregoing order may, at any time on or before April 13, 1973, file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 6–88, 5600 Fishers Lane, Rockville, MD 20852, written objections thereto. Objections shall show wherein the person filing will be adversely affected by the order, specify with particularity the provisions of the order deemed objectionable, and state the grounds for the objections. If a hearing is requested, the objections shall state the issues for the hearing, shall be supported by grounds factually and legally sufficient to justify the relief sought, and shall include a detailed description and analysis of the factual information intended to be presented in support of the objections in the event that a hearing is held. Objections may be accompanied by a memorandum or brief in support thereof. Six copies of all documents shall be filed. Received objections may be seen in the above office during working hours, Monday through Friday.

Effective date. This order shall become effective May 14, 1973, except as to any provisions that may be stayed by the filing of proper objections. Notice of the filing of objections or lack thereof will be given by publication in the FEDERAL REGISTER.

(Secs. 401, 701, 52 Stat. 1046, 1055–1056 as amended by 70 Stat. 919 and 72 Stat. 948; 21 U.S.C. 341, 371)

Dated: March 8, 1973.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.73–4868 Filed 3–13–73;8:45 am]

PART 121—FOOD ADDITIVES

Subpart F—Food Additives Resulting From Contact With Containers or Equipment and Food Additives Otherwise Affecting Food

RESINOUS AND POLYMERIC COATINGS

The Commissioner of Food and Drugs, having evaluated the data in a petition (1B2648) filed by Union Carbide Corp., Chemicals and Plastics, River Road, Bound Brook, N.J. 08805, and other relevant material, concludes that the food additive regulations should be amended, as set forth below, to provide for the safe use of vinyl chloride-acetate-2,3-epoxypropyl methacrylate copolymers as a coating or as a component of coatings of articles intended for use in contact with fatty foods.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)), and under authority delegated to the Commissioner (21 CFR 2.120), § 121.2514 is amended in subparagraph (3)(xv) of paragraph (b) by alphabetically inserting in the list of substances a new item, as follows:

§ 121.2514 Resinous and polymeric coatings.

* * * * *

(b) * * *

(3) * * *

(xv) Vinyl resinous substance, as the basic polymers:

* * * * *

Vinyl chloride - acetate - 2,3 - epoxypropyl methacrylate copolymers containing not more than 10 weight percent of total polymer units derived from 2,3-epoxypropyl methacrylate and not more than 0.1 weight percent of unreacted 2,3-epoxypropyl methacrylate monomer for use in coatings for containers intended to contact food only, of the types identified in paragraph (d) of this section, Table 1, under Categories IV–A, V, VII, and VIII.	

* * * * *

Any person who will be adversely affected by the foregoing order may at any time on or before April 13, 1973, file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 6–88, 5600 Fishers Lane, Rockville, MD 20852, written objections thereto. Objections shall show wherein the person filing will be adversely affected by the order, specify with particularity the provisions of the order deemed objectionable, and state the grounds for the objections. If a hearing is requested, the objections shall state the issues for the hearing, shall be supported by grounds factually and legally sufficient to justify the relief sought, and shall include a detailed description and analysis of the factual information intended to be presented in support of the objections in the event that a hearing is held. Objections may be accompanied by a memorandum or brief in support thereof. Six copies of all documents shall be filed. Received objections may be seen in the above office during working hours, Monday through Friday.

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Effective date. This order shall become effective on March 14, 1973.

(Sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1))

Dated: March 7, 1973.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.73-4867: Filed 3-13-73;8:45 am]

SUBCHAPTER C—DRUGS

PART 135—NEW ANIMAL DRUGS

Subpart C—Sponsors of Approved Applications

PART 135b—NEW ANIMAL DRUGS FOR IMPLANTATION OR INJECTION

PART 135c—NEW ANIMAL DRUGS IN ORAL DOSAGE FORMS

Phenylbutazone

The Commissioner of Food and Drugs has evaluated new animal drug applications (46-78V and 49-187V) filed by Anthony Veterinary Products Co., 11634 McBean Drive, El Monte, CA 91732, proposing the safe and effective use of phenylbutazone injection and phenylbutazone tablets for the treatment of horses. The applications are approved.

To facilitate referencing, the firm is being assigned a code number and placed in the list of firms in § 135.501 (21 CFR 135.501).

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 512(i), 82 Stat. 347; 21 U.S.C. 360b(i)) and under authority delegated to the Commissioner (21 CFR 2.120), Parts 135, 135b, and 135c are amended as follows:

1. Section 135.501 is amended in paragraph (c) by adding a new code No. 092 as follows:

§ 135.501 Names, addresses, and code numbers of sponsors of approved applications.

* * * * *

(c) * * *

Code No.	*Firm name and address*
* * *	* * *
092	Anthony Veterinary Products Co., 11634 McBean Dr., El Monte, CA 91732.

2. Part 135b is amended in § 135b.47 by adding a new paragraph (g) as follows:

§ 135b.47 Phenylbutazone injection.

* * * * *

(g) (1) *Specifications.* Phenylbutazone injection contains 200 milligrams of phenylbutazone in each milliliter of sterile aqueous solution.

(2) *Sponsor.* See code No. 092 in § 135.501(c) of this chapter.

(3) *Conditions of use.* (i) The drug is indicated for the treatment of acute inflammatory conditions of horses. These include musculoskeletal conditions involving inflammation.

(ii) It is administered intravenously to horses at a dosage level of 1 to 2 grams per 1,000 pounds of animal weight per day. Administration should be limited to 5 consecutive days. An initial high dose is recommended to obtain a prompt effect. As the symptoms regress, the dose should be reduced.

(iii) Not for use in horses intended for food.

(iv) Federal law restricts this drug to use by or on the order of a licensed veterinarian.

3. Part 135c is amended in § 135c.57 by adding a new paragraph (g) as follows:

§ 135c.57 Phenylbutazone tablets and boluses.

* * * * *

(g)(1) *Specifications.* The drug is in tablet form with each tablet containing 1 gram of phenylbutazone.

(2) *Sponsor.* See code No. 092 in § 135.501(c) of this chapter.

(3) *Conditions of use.* (i) The drug is indicated for the treatment of acute inflammatory conditions of horses. These include musculoskeletal conditions involving inflammation.

(ii) It is administered orally to horses at a dosage level of 2 to 4 grams per 1,000 pounds of body weight per day. The total daily dose should be limited to 4 grams per day. Because of the relatively short half-life of the drug, administration every 8 hours is the most satisfactory schedule. If there is no significant clinical effect in 5 days, a reevaluation of the diagnosis and treatment should be made.

(iii) Not for use in horses intended for food.

(iv) Federal law restricts this drug to use by or on the order of a licensed veterinarian.

Effective date. This order shall be effective March 14, 1973.

(Sec. 512(i), 82 Stat. 347; 21 U.S.C. 360b(i))

Dated: March 8, 1973.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.73-4890 Filed 3-13-73;8:45 am]

PART 135b—NEW ANIMAL DRUGS FOR IMPLANTATION OR INJECTION

Thialbarbitone Sodium for Injection, Veterinary

The Commissioner of Food and Drugs has evaluated a supplemental new animal drug application (8-932V) filed by Fort Dodge Laboratories, Fort Dodge, Iowa 50501, proposing revised labeling for the safe and effective use of thialbarbitone sodium for injection, veterinary for use as a general anesthetic in dogs, cats, horses, cattle, swine, and sheep. The supplemental application is approved.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 512(i), 82 Stat. 347; 21 U.S.C. 360b(i)) and under authority delegated to the Commissioner (21 CFR 2.120), Part 135b is amended by adding a new section as follows:

§ 135b.79 Thialbarbitone sodium for injection, veterinary.

(a) *Specifications.* Thialbarbitone sodium for injection, veterinary when reconstituted with sterile distilled water provides 94 milligrams of thialbarbitone sodium per milliliter of solution.

(b) *Sponsor.* See code No. 017 in § 135.501(c) of this chapter.

(c) *Conditions of use.* (1) The drug is administered as a general anesthetic in surgical procedures on dogs, cats, swine, sheep, cattle, and horses. The drug is used for procedures of relatively short duration. However, the period of anesthesia can be lengthened by slower initial injection and supplemental administration during surgery.

(2) It is administered intravenously. The drug is injected slowly to dogs, cats, cattle, sheep, and swine. For horses, it is recommended that a pre-anesthetic sedation be administered to the horse 30 minutes before the drug is administered. The drug is then injected rapidly and completely. The drug is used at the following dosage levels:

Species	Weight of animal in pounds	Dosage in milligrams per pound
Dog	Over 50	14.1
Do	30-50	18.8
Do	10-30	23.5
Do	Under 10	28.2
Cat		31.3-37.6
Horse		6.3-7.8
Cattle and swine		6.7-9.4
Calves and sheep		9.4-11.8

(3) Federal Law restricts this drug to use by or on the order of a licensed veterinarian.

Effective date. This order shall be effective on March 14, 1973.

(Sec. 512(i), 82 Stat. 347; 21 U.S.C. 360b(i))

Dated: March 7, 1973.

C. D. VAN HOUWELING,
Director, Bureau of Veterinary Medicine.

[FR Doc.73-4722 Filed 3-13-73;8:45 am]

PART 135e—NEW ANIMAL DRUGS FOR USE IN ANIMAL FEEDS

Coumaphos

The Commissioner of Food and Drugs has evaluated a supplemental new animal drug application (15-965V) filed by Chemagro, Division of Baychem Corp., Post Office Box 4913, Kansas City, MO 64120, proposing revisions in use of coumaphos for beef and dairy cattle for control of gastrointestinal roundworms. The supplemental application is approved.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 512(i), 82 Stat. 347; 21 U.S.C. 360b(i)) and under authority delegated to the Commissioner (21 CFR 2.120), section 135e.39 is amended in paragraph (f) by revising item 2 in the table to read as follows:

§ 135e.39 Coumaphos.

* * * * *

(f) *Conditions of use.* It is used as follows:

	Amount	Limitations	Indications for use
* * *	* * *	* * *	* * *
Coumaphos	0.0002 lb. (0.091 gram) per 100 lb. body weight per day.	For beef and dairy cattle; feed 0.0002 lb. (0.091 gram) per 100 lb. body weight per day for 6 consecutive days in the normal grain ration to which the animals are accustomed but not in rations containing more than 0.1 percent coumaphos; do not feed to animals less than 3 months old; do not feed to sick animals or animals under stress, such as those just shipped, dehorned, castrated, or weaned within the last 3 weeks; do not feed in conjunction with oral drenches or with feeds containing phenothiazine. Should conditions warrant, repeat treatment at 30-day intervals.	Control of gastro-intestinal roundworms (*Haemonchus spp.*, *Ostertagia spp.*, *Cooperia spp.*, *Nematodirus spp.*, *Trichostrongylus spp.*).
* * *	* * *	* * *	* * *

Effective date. This order shall be effective on March 14, 1973.

(Sec. 512(i), 82 Stat. 347; 21 U.S.C. 360b(i))

Dated: March 7, 1973.

C. D. VAN HOUWELING,
Director, Bureau of Veterinary Medicine.

[FR Doc.73-4723 Filed 3-13-73;8:45 am]

CARBENICILLIN INDANYL SODIUM

The Commissioner of Food and Drugs has evaluated data submitted in accordance with regulations promulgated under section 507 of the Federal Food, Drug, and Cosmetic Act, as amended, with respect to approval of the antibiotic drug carbenicillin indanyl sodium.

The Commissioner concludes that data supplied by the manufacturer concerning the subject antibiotic drug is adequate to establish its safety and efficacy when used as directed in the labeling and that the regulations should be amended to provide for the certification of this drug.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 507, 59 Stat. 463, as amended; 21 U.S.C. 357) and under authority delegated to the Commissioner (21 CFR 2.120), Parts 141, 145 and 149y are amended as follows to provide for certification of the antibiotic carbenicillin indanyl sodium:

PART 141—TESTS AND METHODS OF ASSAY OF ANTIBIOTIC AND ANTIBIOTIC-CONTAINING DRUGS

1. Part 141 is amended:

a. In § 141.5(b) by alphabetically inserting a new item in the table, as follows:

§ 141.5 Safety test.

* * * * *

(b) * * *

Antibiotic drug	Diluent (diluent number as listed in §141.3)	Test dose: Concentration in milligrams of activity per milliliter	Test dose: Volume in milliliters to be administered to each mouse	Route of administration as described in paragraph (c) of this section
* * *	* * *	* * *	* * *	* * *
Carbenicillin indanyl sodium	3	100	0.5	Oral
* * *	* * *	* * *	* * *	* * *

b. By adding two new sections, as follows:

§ 141.522 Polarimetric assay of carbenicillin indanyl sodium.

(a) *Equipment.* Polarimeter capable of measuring optical rotatory activity at 365 nanometers: Perkin-Elmer Model 141 or equivalent, with a suitable 1-decimeter polarimeter tube.

(b) *Reagents*—(1) *4-methyl-2-pentanone.* Meets ACS specifications.

(2) *Phosphate-citrate buffer.* Dissolve 61.0 grams of anhydrous disodium phosphate and 11.0 grams of citric acid in 950 milliliters of distilled water. Adjust the pH to 6.0 with 6*N* hydrochloric acid. Dilute to 1,000 milliliters with distilled water.

(c) *Preparation of carbenicillin indanyl sodium sample and working standard solutions.* Accurately weigh approximately 125 milligrams of the carbenicillin indanyl sodium sample or working standard into a 25-milliliter volumetric flask. Dissolve and dilute to volume with distilled water. Transfer a 5-milliliter aliquot to a 50-milliliter glass-stoppered centrifuge tube. Add 15 milliliters of the phosphate-citrate buffer and 20 milliliters of 4-methyl-2-pentanone; stopper and shake the tube for 10 seconds. Centrifuge at 2,000 revolutions per minute for 10 minutes to separate the phases. Remove about 15 milliliters of the upper (4-methyl-2-pentanone solvent) phase and proceed as directed in paragraph (e) of this section.

(d) *Preparation of the blank.* Place a 5-milliliter aliquot of distilled water into a 50-milliliter glass-stoppered centrifuge tube, add 15 milliliters of phosphate-citrate buffer and 20 milliliters of 4-methyl-2-pentanone; stopper and shake the tube for 10 seconds. Centrifuge at 2,000 revolutions per minute for 10 minutes to separate the phases. Remove about 15 milliliters of the upper phase and proceed as directed in paragraph (e) of this section.

(e) *Procedure.* Fill the polarimeter tube with the blank solution prepared as described in paragraph (d) of this section. Place the tube in the polarimeter. Adjust the polarimeter to zero rotation using a light source with a wavelength of 365 nanometers. Use the same procedure to determine the optical rotation of both the sample solution and the working standard solution prepared as directed in paragraph (c) of this section.

(f) *Calculations.* Calculate the carbenicillin content (potency) of the sample on an anhydrous basis as follows:

$$\text{Micrograms of carbenicillin per milligram of sample} = \frac{\text{Degrees of rotation of sample solution} \times \text{weight of working standard} \times 100 \times \text{micrograms of carbenicillin in each milligram of the working standard}}{\text{Degrees of rotation of working standard solution} \times \text{weight of sample} \times (100-m)},$$

where: m = moisture content of the sample.

§ 141.555 Thin layer chromatography identity test for carbenicillin indanyl.

Using the sample solution prepared as described in the section for the antibiotic drug to be tested, proceed as described in paragraphs (a), (b), (c), and (d) of this section.

(a) *Equipment*—(1) *Chromatography tank.* A rectangular tank, approximately 9 x 9 x 3.5 inches lined with filter paper (3 millimeters in thickness).

(2) *Iodine vapor chamber.* A rectangular tank approximately 9 x 9 x 3.5 inches, with a suitable cover, containing iodine crystals.

(3) *Plates.* Use 20 x 20 centimeters thin layer chromatography plates coated with silica gel G or equivalent to a thickness of 250 microns.

(b) *Reagents*—(1) *Extraction solvent.* Mix ethyl acetate, acetone, pyridine, water, and acetic acid in volumetric proportions of 100:200:25:75:1.5 respectively.

(2) *Developing solvent.* Mix ethyl acetate, acetone, pyridine, water, and acetic acid in volumetric proportions of 300:400:25:75:2 respectively.

(3) *Ferric chloride-potassium ferricyanide reagent.* Immediately before use, mix 100 milliliters of a 1 percent ferric chloride solution in 1 percent hydrochloric acid with 100 milliliters of a 1 percent potassium ferricyanide solution and 75 milliliters of methanol.

(c) *Preparation of working standard solution.* Weigh an amount of the carbenicillin indanyl working standard equivalent to approximately 10 milligrams of carbenicillin into a 50-milliliter Erlenmeyer flask. Dissolve the material in sufficient extraction solvent to make a solution containing 1 milligram carbenicillin per milliliter.

(d) *Procedure.* Pour developing solvent into the bottom of the chromatography tank. Cover and seal the tank. Allow it to equilibrate for 1 hour. Prepare a plate as follows: On a line 2 centimeters from the base of the silica gel plate, and at intervals of 2 centimeters, spot 10 microliters of the standard solu-

tion and the sample solution. The plate should be air dried for 30 minutes. Place the plate into the chromatography tank. Allow the solvent front to travel about 15 centimeters from the starting line and then remove the plate from the tank. Heat the plate for 30 minutes at 80° C. in a circulating air oven and then allow the plate to cool to room temperature. Place the plate in the iodine vapor chamber for about 30 seconds, remove the plate and spray it with the ferric chloride-potassium ferricyanide reagent. Carbenicillin indanyl appears as a blue spot on a yellow-green background at an R_f of about 0.5. The test is satisfactory if the sample compares qualitatively with the standard.

PART 145—ANTIBIOTIC DRUGS; DEFINITIONS AND INTERPRETATIVE REGULATIONS

2. Part 145 is amended:

a. In § 145.3 by adding a new subparagraph (49) to paragraph (a) and a new subparagraph (49) to paragraph (b), as follows:

§ 145.3 Definitions of master and working standards.

(a) • • •

(49) *Carbenicillin indanyl.* The term "carbenicillin indanyl master standard" means a specific lot of carbenicillin indanyl designated by the Commissioner as the standard of comparison in determining the potency of the carbenicillin indanyl working standard.

(b) • • •

(49) *Carbenicillin indanyl.* The term "carbenicillin indanyl working standard" means a specific lot of a homogeneous preparation of carbenicillin indanyl.

b. In § 145.4(b) by adding a new subparagraph (52), as follows:

§ 145.4 Definitions of the terms "unit" and "microgram" as applied to antibiotic substances.

• • • • • •

(b) • • •

(52) *Carbenicillin indanyl.* The term "microgram" applied to carbenicillin indanyl means the carbenicillin activity (potency) contained in 1.4204 micrograms of the carbenicillin indanyl master standard.

PART 149y—CARBENICILLIN

3. Part 149y is amended by adding the following new sections:

§ 149y.2 Carbenicillin indanyl sodium.

(a) *Requirements for certification—*(1) *Standards of identity, strength, quality, and purity.* Carbenicillin indanyl sodium is the monosodium salt of *N*-(2-carboxy-3,3-dimethyl-7-oxo - 4 - thia-1-azabicyclo [3.2.0] hept-6-yl)-2-phenylmalonamic acid, 1-(5-indanyl) ester. It is so purified and dried that:

(i) Its potency is not less than 659 micrograms and not more than 769 micrograms of carbenicillin per milligram on an anhydrous basis at the time of certification, and not less than 630 micrograms of carbenicillin per milligram on an anhydrous basis at any time during the expiration period.

(ii) It passes the safety test.

(iii) Its moisture content is not more than 2.0 percent.

(iv) Its pH in an aqueous solution containing 100 milligrams per milliliter is not less than 5.0 nor more than 8.0.

(v) It gives a positive result to the identity test for carbenicillin indanyl sodium.

(2) *Labeling.* It shall be labeled in accordance with the requirements of § 148.3 of this chapter.

(3) *Requests for certification; samples.* In addition to complying with the requirements of § 146.2 of this chapter, each such request shall contain:

(i) Results of tests and assays on the batch for potency, safety, moisture, pH, and identity.

(ii) Samples required: Five packages, each containing approximately 1.0 gram and one package containing approximately 2.5 grams.

(b) *Tests and methods of assay—*(1) *Potency.* Proceed as directed in § 141.522 of this chapter.

(2) *Safety.* Proceed as directed in § 141.5 of this chapter.

(3) *Moisture.* Proceed as directed in § 141.502 of this chapter.

(4) *pH.* Proceed as directed in § 141.503 of this chapter, using an aqueous solution containing 100 milligrams per milliliter.

(5) *Identity.* Proceed as directed in § 141.521 of this chapter, using the 0.5-percent potassium bromide disc prepared as described in paragraph (b)(1) of that section.

§ 149y.11 Carbenicillin indanyl sodium tablets.

(a) *Requirements for certification—*(1) *Standards of identity, strength, quality, and purity.* Carbenicillin indanyl sodium tablets are composed of carbenicillin indanyl sodium and one or more suitable and harmless diluents, binders, lubricants, colorings, and coating substances. Each tablet contains carbenicillin indanyl sodium equivalent to 382 milligrams of carbenicillin. Its potency is satisfactory if it contains not less than 90 percent and not more than 120 percent of the number of milligrams of carbenicillin that it is represented to contain. Its moisture content is not more than 2.0 percent. It gives a positive identity test for carbenicillin indanyl sodium. The tablets shall disintegrate within 1 hour. The carbenicillin indanyl sodium used conforms to the standards prescribed by § 149y.2(a)(1).

(2) *Labeling.* It shall be labeled in accordance with the requirements of § 146.2 of this chapter.

(3) *Requests for certification; samples.* In addition to complying with the requirements of § 146.2 of this chapter, each such request shall contain:

(i) Results of tests and assays on:

(*a*) The carbenicillin indanyl sodium used in making the batch for potency, safety, moisture, pH, and identity.

(*b*) The batch for potency, moisture, identity, and disintegration time.

(ii) Samples required:

(*a*) The carbenicillin indanyl sodium used in making the batch: Five packages, each containing approximately 1 gram and one package containing approximately 2.5 grams.

(*b*) The batch: A minimum of 36 tablets.

(b) *Tests and methods of assay—*(1) *Potency.* Proceed as directed in § 141.522 of this chapter, except:

(i) *Preparation of the sample.* Accurately weight 20 tablets and determine the average tablet weight. Using a mortar and pestle, grind the tablets to a fine powder. Accurately weight a portion of the powder approximately equivalent to the weight of one tablet and transfer it into a 100-milliliter volumetric flask. Add approximately 70 milliliters of distilled water and shake the flask for 5 minutes. Dilute to volume and mix well. Transfer a 5-milliliter aliquot of the stock solution to a 50-milliliter glass-stoppered centrifuge tube. (The solution will be slightly turbid.) Add 15 milliliters of phosphate-citrate buffer and 20 milliliters of 4-methyl-2-pentanone to the tube. Stopper the tube and shake it for 10 seconds. Centrifuge at 2,000 revolutions per minute to separate the phases. Remove about 15 milliliters of the upper phase and proceed as directed in § 141.522(e) of this chapter.

(ii) *Calculations.* Calculate the carbenicillin content (potency) of the tablets as follows:

$$\text{Milligrams of carbenicillin per tablet} = \frac{\text{Degrees rotation of sample solution}}{\text{Degrees rotation of working standard}} \times \frac{\text{weight of working standard}}{\text{weight of sample}} \times \frac{\text{average tablet weight}}{25} \times 100 \times \frac{\text{micrograms of carbenicillin in each milligram of the working standard}}{1{,}000}$$

where:
100 and 25 = the volume of the sample and working standard solutions, respectively;
1,000 = factor to correct micrograms to milligrams.

(2) *Moisture.* Proceed as directed in § 141.502 of this chapter.

(3) *Identity.* Proceed as directed in § 141.555 of this chapter, preparing the sample as follows: Using a mortar and pestle, grind a representative number of tablets into a fine powder. Dissolve a weighed amount of this powder in sufficient extraction solvent (described in § 141.555(b)(1) of this chapter) to give 10 milligrams of carbenicillin per milliliter. Shake the mixture for 5 minutes and promptly dilute an aliquot in extraction solvent to obtain a final concentration of 1 milligram carbenicillin per milliliter.

(4) *Disintegration time.* Proceed as directed in § 141.540 of this chapter, using the procedure described in paragraph (e)(2) of that section.

Since the conditions prerequisite to providing for certification of subject

antibiotic have been complied with and since the matter is noncontroversial in nature, notice and public procedures and delayed effective date are not prerequisites to this promulgation.

Effective date. This order shall be effective on March 14, 1973.

(Sec. 507, 59 Stat. 465, as amended; 21 U.S.C. 357)

Dated: March 7, 1973.

MARY A. MCENIRY,
Assistant to the Director for Regulatory Affairs, Bureau of Drugs.

[FR Doc.73-4725: Filed 3-13-73;8:45 am]

PART 146a—CERTIFICATION OF PENICILLIN AND PENICILLIN-CONTAINING DRUGS

Procaine Penicillin G in Oil

In the FEDERAL REGISTER of November 29, 1972 (37 FR 25240), the Commissioner of Food and Drugs proposed, on the basis of a petition from G. C. Hanford Manufacturing Co., Post Office Box 1055, Syracuse, NY 13201, that the regulations for procaine penicillin G in oil be amended to delete the requirement that inactive ingredients be listed on the labeling for such products intended for udder instillation in cattle. The Commissioner, based on an evaluation of the petition and other available data, concluded that the exemption should be granted as requested since the inactive ingredients in such formulations are not of concern to the user and such exemption would not be contrary to the public interest. No comments were received on the proposal.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 512(n), (5), 82 Stat. 351; 21 U.S.C. 360b(n)(5)) and under authority delegated to the Commissioner (21 CFR 2.120), Part 146a is amended in § 146a.45 (c)(2)(i) as follows:

1. Part 146a is amended as follows:

§ 146a.45 Procaine penicillin G in oil.

• • • • •

(c) • • •

(2) *It is packaged for dispensing and intended solely for veterinary use.* (i) If it does not contain adrenocorticotropic hormone, it shall comply with subparagraph (1) of this paragraph, except in lieu of the statement "Caution: Federal law prohibits dispensing without prescription" each package shall include adequate directions and warnings for the veterinary use of the drug by the laity. If it is intended for udder instillation in cattle it shall be exempt from the requirements of § 1.106(b)(2)(v) of this chapter.

• • • • •

Effective date. This order shall become effective April 13, 1973.

(Sec. 512(n), (5), 82 Stat. 351; 21 U.S.C. 360b(n)(5))

Dated: March 8, 1973.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.73-4891 Filed 3-13-73;8:45 am]

[DESI 6485]

PART 146e—BACITRACIN

Bacitracin With Phenacaine Hydrochloride Ophthalmic Ointment; Revocation of Certification

In the FEDERAL REGISTER of April 13, 1972 (37 FR 7355), the Commissioner of Food and Drugs announced (DESI 6485) the conclusions of the Food and Drug Administration following evaluation of a report received from the National Academy of Sciences-National Research Council, Drug Efficacy Study Group, on the following drug for ophthalmic use:

Baciguent Ophthalmic Ointment containing bacitracin and phenacaine hydrochloride; The Upjohn Co., 7171 Portage Road, Kalamazoo, MI 49001 (NDA 60-734).

The notice stated that the drug was regarded as possibly effective for the labeled indications relating to use in superficial ocular infections. These indications have been reclassified as lacking substantial evidence of effectiveness in that no data have been submitted pursuant to the notice of April 13, 1972.

Accordingly, the Commissioner concludes that the antibiotic drug regulations should be amended to revoke provisions for certification or release of such antibiotic drugs for human use.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 502, 507, 52 Stat. 1050-1051, as amended, 59 Stat. 463, as amended; 21 U.S.C. 352, 357) and under authority delegated to the Commissioner (21 CFR 2.120), Part 146e is amended in § 146e.402 by revising the second sentence in paragraph (a) to read as follows:

§ 146e.402 Bacitracin ointment; zinc bacitracin ointment.

(a) *Standards of identity, strength, quality, and purity.* • • • It may contain a suitable local anesthetic (if it is not intended for ophthalmic use), cortisone, or a suitable derivative of cortisone, one or more suitable sulfonamides, one or more suitable proteolytic enzymes, and if it is intended solely for veterinary use and is conspicuously so labeled, one or more suitable antifungal agents or rotenone. • • •

• • • • • •

Any person who will be adversely affected by the removal of any such drug from the market may file objections to this order and request a hearing, showing reasonable grounds therefor. The statement of reasonable grounds and request for a hearing shall be submitted in writing on or before April 13, 1973, shall state the reasons why the antibiotic regulations should not be so amended, and shall include a well-organized and full-factual analysis of the clinical and other investigational data the objector is prepared to prove in support of his objections.

A request for a hearing may not rest upon mere allegations or denials, but must set forth specific facts showing that a genuine and substantial issue of fact requires a hearing. When it clearly appears from the data incorporated into or referred to by the objections and from the factual analysis in the request for a hearing that no genuine issue of fact precludes the action taken by this order the Commissioner will enter an order on these data, making findings and conclusions on such data.

If a hearing is requested and justified by the objections, the issues will be defined and a hearing examiner named. The provisions of Subpart F of 21 CFR Part 2 shall apply to such hearing, except as modified by 21 CFR 146.1(f), and to judicial review in accord with section 701 (f) and (g) (21 U.S.C. 371 (f) and (g)) of the Federal Food, Drug, and Cosmetic Act (35 FR 7250, May 8, 1970).

Objections and requests for a hearing should be filed (preferable in quintuplicate) with the Hearing Clerk, Department of Health, Education, and Welfare, Room 6-88, 5600 Fishers Lane, Rockville, MD 20852. Received objections and requests for a hearing may be seen in the above office during regular business hours, Monday through Friday.

Effective date. This order shall become effective April 23, 1973. If objections are filed, the effective date will be extended as necessary to rule thereon. In so ruling, the Commissioner will specify another effective date.

(Secs. 502, 507, 52 Stat. 1050-1051, as amended, 59 Stat. 463, as amended; 21 U.S.C. 352, 357)

Dated: March 9, 1973.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.73-4892 Filed 3-13-73;8:45 am]

[DESI 10106]

PART 148i—NEOMYCIN SULFATE

Certain Antibiotic-Containing Ophthalmic Combination Drugs; Revocation of Certification

In the FEDERAL REGISTER of October 15, 1970 (35 FR 16198), the Commissioner of Food and Drugs announced (DESI 10106) the conclusions of the Food and Drug Administration following evaluation of reports received from the National Academy of Sciences-National Research Council, Drug Efficacy Study

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Group, on the following combination drugs for topical ophthalmic use:

1. Statrol Ophthalmic Preparation containing neomycin sulfate, polymyxin B sulfate, and phenylephrine hydrochloride; Alcon Laboratories, Inc., 6201 South Freeway, Fort Worth, TX 76134 (NDA 11-515).

2. OP-Isophrin-AB Ophthalmic Solution containing neomycin sulfate, polymyxin B sulfate, and phenylephrine hydrochloride; Broemmel Pharmaceuticals, 1235 Sutter Street, San Francisco, CA 94109 (NDA 12-512).

3. Biomydrin Ophthalmic Solution containing neomycin sulfate, gramicidin, thenzylamine hydrochloride, boric acid, and phenylephrine hydrochloride; Warner-Chilcott Laboratories Division, Warner-Lambert Co., 201 Tabor Road, Morris Plains, NJ 07950 (NDA 10-106).

The notice stated that these drugs were regarded as possibly effective for their labeled indications. These indications have been reclassified as lacking substantial evidence of effectiveness in that such evidence has not been submitted pursuant to the notice of October 15, 1970.

Currently pending before the Administration is a new drug application submitted by Alcon Laboratories to provide for a reformulated Statrol Ophthalmic Preparation. Agency action on that new drug application will be taken upon completion of review of the data submitted.

Accordingly the Commissioner concludes that the antibiotic drug regulations should be amended to revoke provisions for certification or release of such antibiotic drugs for human use.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 502, 507, 52 Stat. 1050-1051, as amended, 59 Stat. 463, as amended; 21 U.S.C. 352, 357) and under authority delegated to the Commissioner (21 CFR 2.120), Part 148i is amended as follows:

1. In § 148i.15 by revising the section heading, by deleting the words "solution or" in the first sentence of paragraph (a)(1), by deleting paragraphs (a)(1)(i) and (a)(1)(iii), and by redesignating paragraphs (a)(1)(ii) as (a)(1)(i) and (a)(1)(iv) as (a)(1)(ii). The section heading and subparagraph (1) of paragraph (a) are hereby revised to read as follows:

§ 148i.15 Neomycin sulfate—polymyxin B sulfate _____ ophthalmic suspension (the blank being filled in with the established name(s) of the other active ingredient(s) present in accordance with paragraph (a)(1) of this section).

(a) *Requirements for certification—(1) Standards of identity, strength, quality, and purity.* The drug is a suspension in a suitable and harmless aqueous vehicle containing, in each milliliter, neomycin sulfate, polymyxin B sulfate, and other active ingredients in the following amounts:

(i) 3.5 milligrams of neomycin, 16,250 units of polymyxin B, and either 5 milligrams or 15 milligrams of hydrocortisone acetate; or

(ii) 5 milligrams of neomycin, 15,000 units of polymyxin B, and 2.5 milligrams of hydrocortisone.

It may contain one or more suitable and harmless irrigants, dispersants, buffers, and preservatives. It is sterile. Its pH is not less than 5.0 and not more than 7.0. The neomycin sulfate used conforms to the standards prescribed by § 148i.1(a)(1)(i), (iv), (vi), and (vii). The polymyxin B sulfate used conforms to the standards prescribed by § 148p.1(a)(1)(i), (iv), (vi), (vii), and (ix) of this chapter. Each other substance used, if its name is recognized in the U.S.P. or N.F., conforms to the standards prescribed therefor by such official compendium.

* * * * *

2. In § 148i.23 by deleting paragraph (a)(1)(i), by redesignating paragraphs (a)(1)(ii) as (a)(1)(i), and paragraph (a)(1)(iii) as (a)(1)(ii), and by revising subparagraph (2) of paragraph (b). Subparagraph (1) of paragraph (a), and subparagraph (2) of paragraph (b) are hereby revised to read as follows:

§ 148i.23 Neomycin sulfate—gramicidin_____ ophthalmic solution; neomycin sulfate—gramicidin_____ ophthalmic suspension (the blanks being filled in with the established name(s) of the other ingredient(s) present in accordance with paragraph (a)(1) of this section).

(a) *Requirements for certification—(1) Standards of identity, strength, quality, and purity.* The drug is a solution or suspension in a suitable and harmless aqueous vehicle containing, in each milliliter, the following:

(i) 2.5 milligrams of neomycin, 0.025 milligram of gramicidin, and 1 milligram of fluorocortisone acetate; or

(ii) 2.5 milligrams of neomycin, 0.025 milligram of gramicidin, and 1.14 milligrams of fluorocortisone hemisuccinate.

It may also contain suitable and harmless buffers, dispersants, irrigants, and preservatives. It is sterile. Its pH is not less than 5.0 nor more than 7.5. The neomycin sulfate used conforms to the standards prescribed by § 148i.1(a)(1)(i), (iv), (vi), and (vii). The gramicidin used conforms to the standards prescribed by § 148f.1(a)(1)(i), (ii), (iv), and (vi) of this chapter. Each other substance used, if its name is recognized in the U.S.P. or N.F., conforms to the standards prescribed therefor by such official compendium.

* * * * *

(b) * * *

(2) *Sterility.* Proceed as directed in § 141.2 of this chapter, using the method described in paragraph (e)(2) of that section, except use 0.25 milliliter of sample in lieu of 1.0 milliliter.

* * * * *

Any person who will be adversely affected by the removal of any such drug from the market may file objections to this order and request a hearing, showing reasonable grounds therefor. The statement of reasonable grounds and request for a hearing shall be submitted in writing on or before April 13, 1973, shall state the reasons why the antibiotic regulations should not be so amended, and shall include a well-organized and full-factual analysis of the clinical and other investigational data the objector is prepared to prove in support of his objections.

A request for a hearing may not rest upon mere allegations or denials, but must set forth specific facts showing that a genuine and substantial issue of fact requires a hearing. When it clearly appears from the data incorporated into or referred to by the objections and from the factual analysis in the request for a hearing that no genuine issue of fact precludes the action taken by this order the Commissioner will enter an order on these data, making findings and conclusions on such data.

If a hearing is requested and justified by the objections, the issues will be defined and a hearing examiner named. The provisions of Subpart F of 21 CFR Part 2 shall apply to such hearing, except as modified by 21 CFR 146.1(f), and to judicial review in accord with section 701 (f) and (g) (21 U.S.C. 371 (f) and (g)) of the Federal Food, Drug, and Cosmetic Act (35 FR 7250, May 8, 1970).

Objections and requests for a hearing should be filed (preferably in quintuplicate) with the Hearing Clerk, Department of Health, Education, and Welfare (CC-20), Room 6-88, 5600 Fishers Lane, Rockville, MD 20852. Received objections and requests for a hearing may be seen in the above office during regular business hours, Monday through Friday.

Effective date. This order shall become effective on April 23, 1973. If objections are filed, the effective date will be extended as necessary to rule thereon. In so ruling, the Commissioner will specify another effective date.

(Secs. 502, 507, 52 Stat. 1050-1051, as amended, 59 Stat. 463, as amended; 21 U.S.C. 352, 357)

Dated: March 9, 1973.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.73-4893 Filed 3-13-73;8:45 am]

SUBCHAPTER F—REGULATIONS UNDER SPECIFIC ACTS OF CONGRESS OTHER THAN THE FEDERAL FOOD, DRUG, AND COSMETIC ACT

PART 295—REGULATIONS UNDER THE POISON PREVENTION PACKAGING ACT OF 1970

Exemption of Certain Effervescent Aspirin-Containing Preparations From Child Protection Packaging Standards; Correction

In FR Doc. 73-2241 appearing on page 3403 in the FEDERAL REGISTER in the issue of Tuesday, February 6, 1973, in the fifth line, paragraph (a)(1)(i) of § 295.2 the word "of" following the words "LD-50" is deleted and the words "in rats of" is added thereto.

Dated: March 7, 1973.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.73-4866 Filed 3-13-73;8:45 am]

Title 26—Internal Revenue

CHAPTER I—INTERNAL REVENUE SERVICE, DEPARTMENT OF THE TREASURY

SUBCHAPTER A—INCOME TAX

[T.D. 7262]

PART 1—INCOME TAX; TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1953

Disallowance of Interest on Certain Indebtedness Incurred by Corporations To Acquire Stock or Assets of Another Corporation

Correction

In FR Doc. 73-4097 appearing at page 5842 in the issue for Monday, March 5, 1973, in § 1.279-4(b)(1) in the ninth line from the end the following should be inserted between the words "indebtedness" and "for": "such obligation will continue to be deemed corporate acquisition indebtedness".

Title 28—Judicial Administration

CHAPTER I—DEPARTMENT OF JUSTICE

[Order 504-73]

PART 0—ORGANIZATION OF THE DEPARTMENT OF JUSTICE

Establishing the Office of Legislative Affairs

By virtue of the authority vested in me by 28 U.S.C. 509, 510 and 5 U.S.C. 301, there is hereby established in the Department of Justice the Office of Legislative Affairs, to be headed by an Assistant Attorney General. The functions of the Office include maintaining liaison between the Department and the Congress, reviewing and submitting departmental legislative reports, coordinating the preparation of proposed departmental legislation, and performing such other duties respecting legislative matters as may be assigned by the Attorney General or the Deputy Attorney General. Accordingly Part 0 of Chapter I of Title 28, Code of Federal Regulations, is amended as follows:

§ 0.1 [Amended]

1. Section 0.1 of Subpart A, which lists the organizational units of the Department, is amended by adding "Office of Legislative Affairs" immediately after "Office of Legal Counsel."

2. Section 0.15 of Subpart C, which sets forth the functions of the Deputy Attorney General, is amended by deleting paragraph (a) and revising paragraph (h) to read as follows:

§ 0.15 Deputy Attorney General.

* * * * *

(h) Generally supervise the submissions of proposed departmental legislation and reports and recommendations on pending legislation (except as provided in § 0.105(h) in response to requests of congressional committees or other agencies and on enrolled bills.

* * * * *

3. A new Subpart E-1 is added immediately after Subpart E, to read as follows:

Subpart E-1—Office of Legislative Affairs

§ 0.27 General functions.

Subject to the general supervision and direction of the Attorney General, the following-described matters are assigned to, and shall be conducted, handled, or supervised by, the Assistant Attorney General in charge of the Office of Legislative Affairs:

(a) Maintaining liaison between the Department and the Congress.

(b) Reviewing, coordinating and submitting departmental legislative reports.

(c) Coordinating the preparation and submission of proposed departmental legislation.

(d) Performing such other duties respecting legislative matters as may be assigned by the Attorney General or the Deputy Attorney General.

This order is effective as of February 2, 1973.

Dated: March 5, 1973.

RICHARD G. KLEINDIENST,
Attorney General.

[FR Doc.73-4841 Filed 3-13-73;8:45 am]

Title 32—National Defense

CHAPTER VII—DEPARTMENT OF THE AIR FORCE

SUBCHAPTER B—SALES AND SERVICES

PART 814a—CONTRACT FUNDS STATUS REPORT (CFSR)

Subchapter B of Chapter VII of Title 32 of the Code of Federal Regulations is amended by deleting Part 814a. This part has been superseded by a Department of Defense instruction which will be published in Chapter I of Title 32 in the near future.

By order of the Secretary of the Air Force.

JOHN W. FAHRNEY,
Colonel, USAF, Chief, Legislative Division, Office of The Judge Advocate General.

[FR Doc.73-4657 Filed 3-13-73;8:45 am]

Title 33—Navigation and Navigable Waters

CHAPTER I—COAST GUARD, DEPARTMENT OF TRANSPORTATION

[CGD 72-230R]

PART 117—DRAWBRIDGE OPERATION REGULATIONS

Biscayne Bay, Fla.

This amendment changes the regulations for the Venetian Causeway drawbridges to reduce the periods that the draws may remain closed to the passage of vessels. This amendment was circulated as a public notice dated December 4, 1972, by the Commander, Seventh Coast Guard District, and was published in the FEDERAL REGISTER as a notice of proposed rule making (CGD 72-230P) on November 28, 1972 (37 FR 25174). Five comments were received and each endorsed the proposed change.

Accordingly, Part 117 of Title 33 of the Code of Federal Regulations is amended by revising § 117.447 to read as follows:

§ 117.447 Biscayne Bay, Fla., MacArthur Causeway, and east and west spans of the Venetian Causeway; bridges.

(a) MacArthur Causeway: The draws shall open promptly on signal; however, from November 1 through April 30 from 7 a.m. to 9 a.m. and 4:30 p.m. to 6:30 p.m. the draws need open only on the hour and half hour if any vessels are waiting to pass.

(b) West span Venetian Causeway: The draws shall open promptly on signal; however, from November 1 through April 30, from 7 a.m. to 9 a.m. and 4:30 p.m. to 6:30 p.m., Monday through Friday, the draws need open only on the hour and half hour if any vessels are waiting to pass. The draws shall open promptly on signal on Thanksgiving, Christmas, New Year's Day, and Washington's Birthday.

(c) East Span Venetian Causeway: The draws shall open promptly on signal; however, the draws need not open from November 1 through April 30, from 7:15 a.m. to 8:45 a.m. and 4:45 p.m. to 6:15 p.m., Monday through Friday, except that the draws shall open at 7:45 a.m., 8:15 a.m., 5:15 p.m., and 5:45 p.m., if any vessels are waiting to pass during this period. The draws shall open promptly on signal on Thanksgiving, Christmas, New Year's Day, and Washington's Birthday.

(d) The draws of these bridges shall open at any time for passage of public vessels of the United States, tugs with tows, regularly scheduled cruise boats and vessels in distress. The opening signal from these vessels shall be four blasts of a whistle, horn, other sound producing device, or by shouting.

(e) The owner of or agency controlling the bridges shall post notices containing the substance of these regulations, both upstream and downstream, on the bridges or elsewhere, in such a manner that they can easily be read at all times from an approaching vessel.

(Sec. 5, 28 Stat. 362, as amended, sec. 6(g)(2), 80 Stat. 937; 33 U.S.C. 499, 49 U.S.C. 1655(g)(2); 49 CFR 1.46(c)(5), 33 CFR 1.05-1(c)(4))

Effective date. This revision shall become effective on May 1, 1973.

Dated: March 8, 1973.

W. M. BENKERT,
Rear Admiral, U.S. Coast Guard, Chief, Office of Marine Environment and Systems.

[FR Doc.73-4880 Filed 3-13-73;8:45 am]

Title 39—Postal Service

CHAPTER I—U.S. POSTAL SERVICE

PART 145—PERMIT IMPRINTS

Experimental Methods of Paying Postage

The Postal Service has changed its regulations so as to provide for the establishment of experiments to evaluate new methods of payment of postage.

V38-49 MAR 14 73 XUM

Accordingly, § 145.9 is added, effective on March 14, 1973, to read as follows:

§ 145.9 Experimental negotiated procedures.

Notwithstanding any other provision of the regulations of the Postal Service, the Mail Classification Division may authorize contracts with individual mailers to provide for experimental methods of paying postage whenever the adoption of such methods would be in the best interests of the Postal Service. Such contracts may provide for surcharges to cover damages suffered by the Postal Service from the incorrect payment of postage.

(39 U.S.C. 401(3), 404(2), 2008(c))

ROGER P. CRAIG,
Deputy General Counsel.

MARCH 8, 1973.

[FR Doc.73-4896 Filed 3-13-73;8:45 am]

Title 45—Public Welfare

CHAPTER X—OFFICE OF ECONOMIC OPPORTUNITY

PART 1067—FUNDING OF COMMUNITY ACTION PROGRAMS

Subpart 1067.3—Control Over Cash in the Hands of Grantees

Subpart 1067.4—Grant Processing Instructions During the OEO Phaseout Period

Subpart 1067.5—Additional Funding Instructions

Subpart 1067.6—Funding Periods for Grant Actions

Notice is hereby given that the regulations set forth below are promulgated as interim regulations by the Acting Director of the Office of Economic Opportunity. As a result of the prospective delegation of certain programs to other Federal departments, prospective funding changes, and changes in the management and administration of certain programs, the Office of Economic Opportunity has been required to institute emergency guidelines and instructions in advance of 30-day prior notice in the FEDERAL REGISTER. Accordingly, the regulations published below are effective on the dates indicated therein. Moreover, in view of the nature of the problems which these regulations are designed to remedy, having been advised by counsel, I find that to publish them in the FEDERAL REGISTER 30 days prior to their effective date would be impracticable and contrary to the public interest.

The regulations below will remain in effect unless and until superseded by permanent regulations published in the FEDERAL REGISTER. Interested persons wishing to comment before permanent regulations are promulgated may submit written data, views, and comments by mailing them to the Acting Director, Policy Regulation, Office of Program Review, Office of Economic Opportunity, 1200 19th Street NW., Washington, DC 20506, in time to arrive on or before April 15, 1973.

After careful consideration is given to all relevant material submitted, and to such other information as may be available, the Acting Director of OEO may modify these interim regulations as he deems appropriate and publish them as permanent regulations in the FEDERAL REGISTER.

Chapter X of Title 45 of the Code of Federal Regulations is amended by adding four new subparts, reading as follows:

Subpart 1067.3—Control Over Cash in the Hands of Grantees

Sec.
1067.3–1 Applicability of this subpart.
1067.3–2 Policy.
1067.3–3 Effective date.

AUTHORITY: Sec. 602(n), 78 Stat. 530; 42 U.S.C. 2942.

Subpart 1067.3—Control Over Cash in the Hands of Grantees

§ 1067.3–1 Applicability of this subpart.

This subpart applies to grantees receiving financial assistance under titles II, III–B and VII of the Economic Opportunity Act of 1964, as amended, when the assistance is administered by OEO.

§ 1067.3–2 Policy.

The provisions of OEO Instruction 6714–1 concerning Letter of Credit withdrawals will be strictly observed. In no case will a grantee exceed a 30-day cash requirement. Those grantees demonstrating excessive drawdowns will have their Letters of Credit revoked. There will be no further utilization of the Letter of Credit method for advancing Federal funds to grantees. Future funding will be accomplished on a monthly check issuance basis. All advances previously scheduled upon a quarterly check issuance basis are revised accordingly.

§ 1067.3–3 Effective date.

This subpart is effective on February 8, 1973.

Subpart 1067.4—Grant Processing Instruction During the OEO Phaseout Period

Sec.
1067.4–1 Purpose.
1067.4–2 Applicability.
1067.4–3 Effective date.
1067.4–4 Policy.
1067.4–5 Procedures.

AUTHORITY: Sec. 602(n), 78 Stat. 530 42 U.S.C. 2942.

Subpart 1067.4—Grant Processing Instruction During the OEO Phaseout Period

§ 1067.4–1 Purpose.

The purpose of this subpart is to establish detailed procedures to be used in processing OEO grants during the phaseout period of the agency. These procedures serve to amplify the general guidelines previously provided.

§ 1067.4–2 Applicability.

This subpart applies to all OEO Headquarters and Regional Offices funding grants under the Economic Opportunity Act of 1964, as amended.

§ 1067.4–3 Effective date.

This subpart is effective on February 8, 1973.

§ 1067.4–4 Policy.

(a) In view of the recent decision to transfer functions, phase out this agency, and terminate all funding by June 30, 1973, revised funding procedures are being issued to establish Headquarters control and assure an orderly transition and continuation of operations. As part of this effort, all grants must be submitted to the OEO Headquarters for review and approval by the Acting Director of OEO before funds may be obligated. For refunding the amount of funds requested must not exceed the current average monthly level of funding for the grantee for which funds are being requested. Grant packages that request funding in excess of this average funding level will not be accepted for review by the Acting Director of OEO, and will be returned to the originating office.

(b) Grant packages submitted to the Acting Director must contain all audit and evaluation reports dated within 18 months prior to the date of submission of the grant package to the Office of the Acting Director, together with a statement signed by both the OEO project manager and his supervisor indicating in detail what actions were (were not) taken with respect to each recommendation or problem area contained in such reports and the reasons for such action (inaction). No grant package will be accepted by the Acting Director without such a statement.

(c) If an audit or an evaluation has not been performed during the 18-month period referred to above, the grant package must contain a statement to this effect along with the reasons for such.

§ 1067.4–5 Procedures.

(a) *Submission of grant packages to the Central Grants Control Branch, OEO Headquarters.* (1) All Headquarters and Regionally processed grant packages will be processed in accordance with existing OEO procedures up to the point where they are ready for the final Assistant, Associate, or Regional Director's signoff.

(2) Grants ready for final signoff must be submitted prior to such signoff to the Acting Director of OEO for his approval and signature on the OEO Form 314. This should be done at least 60 days, but in no event less than 30 days prior to the end of the current funding period.

(i) The grants shall be submitted in two parts under one cover, together with an index of contents of each part. Grants submitted from Regional Offices shall be mailed to OEO (via pouch mail to minimize travel time) and shall be addressed to the Central Grants Control Branch, Office of Grants and Contracts Review, OEO, 1200 19th Street NW., Washington, DC 20506, and shall be labeled "Grant Package Expedite."

(3) The contents of Part I of each grant package must contain a highlight statement and the proposed OEO Form 314, Statement of OEO Grant. All grants expected to be the final awards to a particular grantee must contain a termination date in column 12 of OEO Form 314. Part I shall also contain the following, plus such other papers as may be appropriate:

(i) CAP Form 29, Special Conditions.

(ii) OEO Form 301, Summary of Grant Application (for applications received in accordance with OEO Instruction 7570–1, dated January 7, 1972).

(ii) CAP Form 10, Highlight Memorandum.

(iv) An analysis which relates the grantee's current monthly level of expenditures reported during the last 12 months to be projected average monthly funding levels contained in the grant package. In no event shall the recommended monthly funding level exceed the grantee's average monthly expenditure rate for the past 12 months. The analysis should be in the following format:

Total expenditures (prior 12 months)	XXX
Average expenditures per month	XXX
Proposed funding per grant action	XXX
Projected average monthly funding level	XXX

(v) Copies of all audit, and evaluation reports together with a statement indicating what actions were (were not) taken with respect to each recommendation or problem area contained in such reports and the reasons for such action (inaction).

(vi) A certification as follows:

I hereby certify that funds are available for (identify the grant action as it will be recorded on Agency ledgers) (signed) _____ Regional Director.

(b) *Receipt and review of grants by the Central Grants Control Branch.* (1) All grants received will be logged in, indicating the date received and the submitting Headquarters or Regional Office.

(2) The Central Grants Control Branch will review the grant package to assure that it is complete. A determination will be made as to whether or not the package has been properly submitted in two parts, as specified above, and that it includes all required forms and statements. Incorrectly submitted Headquarters grant packages will be returned to the Headquarters funding office for correction.

(3) Regions will be notified by TWX of those grant packages not properly submitted and the reason for their rejection to enable prompt correction of the erroneous or incomplete information.

(4) A priority will be assigned to the individual grant package by the Central Grants Control Branch to identify whether or not the grant package is a late refunding, Priority A; an on-time refunding, Priority B; an advance refunding, Priority C; or a new grant, Priority X. The priority given to the grant package will be identified on the outside of the package so that it will be readily apparent to those processing the grant.

(5) Accepted grant packages will be handcarried to the Review Branch, Office of Grants and Contracts Review for their consideration and submission to the Acting Director of OEO for his approval.

(6) Grant packages that have been reviewed and approved by the Acting Director of OEO will be returned to the Central Grants Control Branch for return to the Headquarters or Regional Offices.

(7) Upon return of the grant package, the funding office will continue the processing of the grant package in accordance with existing procedures.

Subpart 1067.5—Additional Funding Instructions

Sec.
1067.5–1 Applicability.
1067.5–2 Effective date.
1067.5–3 Purpose.
1067.5–4 Policy.

AUTHORITY: Sec. 602(n), 78 Stat. 530; 42 U.S.C. 2942.

Subpart 1067.5—Additional Funding Instructions

§ 1067.5–1 Applicability.

This subpart applies to all OEO Headquarters and Regional Offices funding grants under the Economic Opportunity Act of 1964, as amended.

§ 1067.5–2 Effective date.

This subpart is effective on February 8, 1973.

§ 1067.5–3 Purpose.

This subpart is to clarify and supersede two existing memoranda entitled Funding Instructions—I and Funding Instructions—II, both dated January 31, 1973, and respond to questions raised by various Regional Offices concerning these new policies.

§ 1067.5–4 Policy.

(a) Existing grants already obligated prior to January 28, 1973, but for which funds have not yet been released will be honored, but on a 30-day check issue basis in accordance with OEO Notice 6710–5 (Subpart 1067.3 of this part). No Letters of Credit will be issued for these grants. A grant obligation occurs when a grant is mailed to a Governor and/or grantee.

(b) For those grants which have been signed prior to January 28, 1973, but not yet sent to the Governor and/or grantee, an OEO Form 314 will be prepared for a 1-month funding period for the signature of the Acting Director. These OEO Forms 314 will be processed in accordance with the instructions in OEO Staff Instruction 6710–1, Change 8 (Subpart 1067.4 of this part).

(c) For these grants, it will also be necessary to prepare an OEO Form 314 to delete them from the 2826 Report. These grants will subsequently be reinstituted on the 2826 Report by the applicable Headquarters or Regional Director for a 1-month funding period after they are approved by the Acting Director.

(d) For those grantees whose funding period ends after January 28, 1973, and before February 28, 1973, an OEO Form 314 for a 1-month funding period will be prepared and processed in accordance with OEO Staff Instruction 6710–1, Change 8 (Subpart 1067.4 of this part) if the grantee does not have sufficient funds to operate through February 28, 1973.

(e) For those grants whose funding ends after February 28, 1973, all processing should be completed as required by OEO Staff Instruction 6710–1, Change 8 (Subpart 1067.4 of this part). Note that all documents and statements required by OEO Staff Instruction 6710–1, Change 8 (Subpart 1067.4 of this part) must be completed for these grants. These grants will be retained in the applicable Headquarters or Program Office until additional instructions are received from this headquarters.

Subpart 1067.6—Funding Periods for Grant Actions

Sec.
1067.6–1 Applicability.
1067.6–2 Purpose.
1067.6–3 Reinstatement of grant obligating authority of Regional Directors.
1067.6–4 General limitation on funding periods.
1067.6–5 Grant actions signed before February 28, 1973.
1067.6–6 Specification of funding periods for project continuation grant actions.
1067.6–7 Phaseout provisions of project continuation grant actions.
1067.6–8 Supersession of prior directives.
1067.6–9 Effective date.

AUTHORITY: Sec. 602(n), 78 State. 530; 42 U.S.C. 2942.

Subpart 1067.6—Funding Periods for Grant Actions

§ 1067.6–1 Applicability.

This subpart applies to all OEO funding offices.

§ 1067.6–2 Purpose.

As indicated shortly after the announcement of the fiscal year 1974 budget, certain interim procedures were instituted on a 30-day basis to conclude on February 28, 1973. Subsequent to that date, the following funding procedures will be applicable within the fiscal year 1974 budget guidelines.

§ 1067.6–3 Reinstatement of grant obligating authority of Regional Directors.

The applicability of OEO Staff Instruction 6710–1, Change 8 (Subpart 1067.4 of this part) (except the limitation of funding to the grantee's current average level) to grant actions within the preexisting authority of the Regional Directors is hereby terminated and such authority is herewith reinstated by separate delegation of authority.

§ 1067.6–4 General limitation on funding periods.

Except as stated in § 1067.6–6 hereof, no grant action for any program account shall be made with a funding period ending more than 12 months after the end of the last funding period for that program account that ended before January 1, 1973.

§ 1067.6–5 Grant actions signed before February 28, 1973.

Subject to § 1067.6–4 hereof, obligation of funds shall proceed on all grant actions signed before February 28, 1973. If the funding period of any such grant action on which the funds have not heretofore been obligated does not conform to § 1067.6–4 hereof, the grant action shall be revised to conform to that section.

V38-49 MAR 14 73 XUM

§ 1067.6–6 Specification of funding periods for project continuation grant actions.

(a) All project continuation grant actions renewing, extending or supplementing funds provided by grant action under section 221 (except a grant action administered through the Indian Programs Branch), 226 or 228 of the Economic Opportunity Act of 1964, as amended (the Act), shall be made with a funding period of 6 months, except that such funding shall not expire before August 31, 1973, or after December 31, 1973, unless reason appears to the funding office why the grant action should be made for a shorter period. No grant action shall be made under this paragraph renewing, extending or supplementing funding provided by a grant action made or extended after the date hereof or the funding period of which expires after June 30, 1973.

(b) All project continuation grant actions renewing, extending or supplementing, without change of program account, funding provided by grant actions made (1) under section 221 of the Act and administered through the Indian Programs Branch, or (2) under sections 222, 231, 232, 312, or 314 of the Act, shall be made with a funding period expiring 12 months after the end of the funding period of the last grant action under which funds were obligated, or by which funding was extended, before the date hereof, except that such funding period shall not expire before December 31, 1973, or after June 30, 1974, unless reason appears to the funding office why the grant action should be made for a shorter period.

(c) Grant actions made under title VII of the Act for continuation of economic development projects shall be made with a funding period expiring 12 months after the end of the funding period of the last grant action under which funds were obligated, or by which funding was extended, for the economic development project before the date hereof, unless reason appears to the funding office why the grant action should be made for a shorter or longer period. If for a longer funding period, the funding period shall expire not later than June 30, 1975, or 24 months after the end of the funding period of the last grant action under which funds were obligated, or by which funding was extended, before the date hereof, whichever is earlier. "Economic development project" means a project for which the last grant action under which funds were obligated before the date hereof was (1) made under title I–D or title VII of the Act or (2) made by a Headquarters funding office under section 232 of the Act for Program Account 84 and provided funds under budget category 2.5 specifically for investment of provided funds for the administration of a project for which funds had previously been so provided.

(d) Grant actions renewing, extending or supplementing funding provided by grant action under section 230 of the Act shall not be made without the specific written approval of the Acting Director.

(e) The specification of funding periods in this § 1067.6–6 applies only to projects for which the funding office considers it appropriate to provide funding for project continuation. In the case of all other projects the funding period shall comprise only the period of time necessary to phase out the Federal interest and to secure the return of funds due to the Government and the proper disposition of property subject to Government disposition.

§ 1067.6–7 Phaseout provisions of project continuation grant actions.

Any grant action expected to be the final grant action for a program account must have a termination date in column 12 of the OEO Form 314 and must contain appropriate terms to secure an orderly phaseout and the return of funds due to the Government and proper disposition of property subject to Government disposition. It is expected that an OEO staff instruction will be issued soon identifying the grant actions, by sections of the Act or program accounts, that must be terminal grant actions and prescribing required provisions for them. At present all grant actions made under section 221 of the Act, except grant actions renewing, extending, or supplementing funding provided by grant actions administered through the Indian Programs Branch, are identified as required to be terminal grant actions.

§ 1067.6–8 Supersession of prior directives.

Except as noted in § 1067.6–3 hereof, Subparts 1067.4 and 1067.5 of this part are hereby superseded.

§ 1067.6–9 Effective date.

This subpart shall be effective on March 1, 1973.

HOWARD PHILLIPS,
Acting Director.

[FR Doc.73–4872 Filed 3–13–73;8:45 am]

PART 1069—COMMUNITY ACTION PROGRAM GRANTEE PERSONNEL MANAGEMENT

Subpart 1069.5—Policy Guidance on Lobbying Activities (OEO Instruction 6907–01)

This subpart, except for § 1069.5–2(a)(5), was published essentially as it now appears on June 10, 1967, by the Office of Economic Opportunity as Community Action Memorandum No. 66, to become effective on June 20, 1967. When OEO's system of directives was reorganized, it became OEO Instruction 6907–01. It was not published in the FEDERAL REGISTER.

On February 9, 1973, OEO Instruction 6907–01 was amended by adding thereto § 1069.5–2(a)(5) of this subpart. However, the Office of Economic Opportunity was not able to publish this amendment to OEO Instruction 6907–01 in the FEDERAL REGISTER 30 days prior to its effective date. Accordingly, the amendment contained in § 1069.5–2(a)(5) is effective February 9, 1973. In view of the emergency nature of the problem which this amendment is designed to remedy, having been advised by counsel, I find that to publish it in the FEDERAL REGISTER 30 days prior to its effective date would be impracticable and contrary to the public interest.

OEO Instruction 6907–01, as amended, is published herewith in its entirety. It forbids the use of OEO grant funds, as well as non-Federal share in support thereof, if any, to be used for certain specified lobbying activities. In particular, § 1069.5–2(a)(5) forbids such funds to be used to pay dues to or otherwise support any organization or group which devotes any of its resources to any activity whose purpose is to influence legislation or politicize.

Part 1069 of Chapter X of Title 45 of the Code of Federal Regulations is revised by adding a new Subpart 1069.5 as follows:

Subpart 1069.5—Policy Guidance on Lobbying Activities (OEO Instruction 6907–01)

Sec.
1069.5–1 Applicability of this subpart.
1069.5–2 Purpose of this subpart.
1069.5–3 Effective date.

AUTHORITY: Sec. 602(n), 78 Stat. 530; 42 U.S.C. 2942.

Subpart 1069.5—Policy Guidance on Lobbying Activities (OEO Instruction 6907–01)

§ 1069.5–1 Applicability of this subpart.

This subpart applies to all grants made under the authority of titles II, III–B and VII of the Economic Opportunity Act of 1964, as amended, if the assistance is administered by OEO.

§ 1069.5–2 Purpose of this subpart.

Many of the problems which cause or aggravate poverty are bound up with harsh or outmoded laws. Others can be most effectively attacked by the passage of new legislation. Community action is thus inevitably concerned with the shape of the laws which affect the poor. On the other hand, there are necessarily very sharp limitations on the use of project funds by grantee and delegate agencies to influence the passage or defeat of legislation. Moreover, there are certain kinds of lobbying which interfere with the work of legislatures and thus impair the basic processes of democratic self-government. The primary purpose of this support is to identify essential restrictions on lobbying activities by grantees and delegate agencies that receive OEO funds under titles II, III–B, and VII of the Economic Opportunity Act. The subpart also serves as a reminder that under Federal (and many State) tax laws, private nonprofit agencies may endanger their capacity to receive tax-deductible contributions if they engage in substantial lobbying activities.

(a) *Restrictions on lobbying with project funds.* Project funds may not be used to support any of the following:

(1) Any activity which is planned and carried out in such a manner as to disrupt the orderly conduct of business by Congress or any other legislative body. This includes, but is not limited to, any disruptive action carried on in the chambers of Congress or any other legislative body or in any capitol or legislative office building.

(2) Any demonstration, rally, picketing, or other form of direct action aimed at the family or home of a member of a legislative body for the purpose of influencing his actions as a member of that body.

(3) Any campaign of advertising carried on through commercial media for the purpose of influencing the passage or defeat of legislation.

(4) Any campaign of letter writing, of other mass communications, or of mass visits to individual members of Congress or State legislatures for the purpose of influencing the passage or defeat of legislation. This restriction does not prohibit purely informational and educational activities involving target areas and groups.

(5) Project funds may not be used to pay dues or to support any organization or group which devotes or contributes any of its resources from whatever source to any activity, the purpose of which is to influence legislation or to politicize. For purposes of the above, the amount of resources devoted to such activity is immaterial.

These restrictions on use of project funds apply to Federal and matching non-Federal shares of approved program budgets under titles II, III–B and VII of the Economic Opportunity Act and include the use of equipment, material, and facilities and employee time and services which are either paid for with project funds or contributed to project funds. These restrictions are not intended to limit the rights of individuals to express their personal views on public issues so long as they do so in their capacity as private citizens rather than employees. Nor are they intended to limit the freedom of local agencies to express their views on legislation so long as project funds are not used in violation of the foregoing limitations.

(b) *Reminder concerning tax implications of lobbying.* Under Federal income, estate, and gift tax laws, gifts made to private nonprofit organizations which devote a substantial part of their activities to carrying on propaganda or other activities aimed at influencing legislation, are not considered tax deductible "charitable contributions." This applies not only to Federal and State legislation but also to the legislative actions of county and city councils and similar local bodies. Many State tax laws contain similar provisions.

(1) In view of these tax laws, private nonprofit grantee and delegate agencies should bear in mind that if they devote any substantial part of their activities to lobbying efforts, they may be endangering their ability to receive tax-deductible contributions. Such contributions may represent an important means of providing the non-Federal share required in programs assisted under sections 221 and 222(a) of the Economic Opportunity Act. They also enable many local agencies to carry out other programs of assistance to the poor, apart from the Act.

(2) There are no published rules defining what is meant under the Federal tax laws by the term "substantial" lobbying activities. In cases of doubt local agencies should seek private tax counsel or contact the nearest field offices of the Internal Revenue Service and State tax authorities.

§ 1069.5–3 Effective date.

Section 1069.5–2(a)(5) of this subpart is effective on February 9, 1973. The other portions of this subpart took effect on June 20, 1967.

HOWARD PHILLIPS,
Acting Director.

[FR Doc.73–4871 Filed 3–13–73;8:45 am]

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Proposed Rule Making

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

[9 CFR Part 319]

FRANKFURTERS AND CERTAIN OTHER COOKED SAUSAGE PRODUCTS

Substitute Proposal for Standards

Statement of considerations. On December 23, 1972, there appeared in the FEDERAL REGISTER (37 FR 28430) a notice of proposed rule making under the Federal Meat Inspection Act (21 U.S.C. 601 et seq.) to amend the standard for frankfurters and certain other cooked sausage products to designate different ingredient and labeling requirements for the specified kinds of cooked sausages. A notice on the same subject, to correct typographical errors in the December 23 notice, was published in the December 28, 1972, FEDERAL REGISTER (37 FR 28636). This document contains a substitute proposal for such standards.

The proposal in the notice was to provide for implementation of the order of the U.S. District Court for the District of Columbia as modified by the U.S. Court of Appeals for the District of Columbia in the case of Federation of Homemakers v. Earl L. Butz, et al. (No. 71-1611). The order, as modified, enjoins the Department from permitting the term "All Meat" or "All (Species)" to be included on labels for sausages within the meaning of § 319.180 of the Federal meat inspection regulations, and requires the Secretary "to develop, prescribe and submit to the District Court revised labels that accurately and without deception distinguish the different types of frankfurters from each other and from competitive meats." Compliance with the principal provisions of the order was originally required by March 19, 1973, but this period was later extended by the District Court for 180 days, i.e. from March 6, 1973, through September 2, 1973. In order to comply with such order, it is necessary to consider what ingredients will be permitted in the various sausage products, so that a proper decision can be made with respect to their labeling. In that connection, the notice sought comments on the ingredients to be included in the various cooked sausages, including the merits of a standard that would ban byproducts from cooked sausages and require that they be made from skeletal muscle meat with, optionally, up to 15 percent poultry meat. Background information concerning the proposal was included in the notice.

A total in excess of 3,100 written submissions with views and opinions on the proposal were received during the 60-day comment period provided for in the notices and which expired February 21, 1973. The comments were principally from consumers (including a significant number of consumer comments with multiple signatures) and meatpackers or their trade associations but some were also submitted by State government officials, organizations representing consumers in several localities, poultry processors and poultry trade organizations, and food scientists associated with a number of universities.

Considerable information on the nutritional values of various meats and meat byproducts, along with comparative costs of such items and consumer products in which they are ingredients, was presented with a number of the comments in support of the views and arguments expressed therein.

The proposal to discontinue the label usage of the term "All Meat" or "All (Species)," in accordance with the court orders, received but limited attention in the comments with nearly a total absence of opposition. The comments on the proposed ingredients to be included in the various cooked sausages were varied in nature but generally could be grouped as follows:

1. Agreement with the composition requirements contained in the proposal.

2. Opposition to any change in the current standard for the cooked sausages as related to permitted ingredients, and a recommendation that byproducts continue to be acceptable in cooked sausage formulas with explicit requirements included in the standard to provide prominent, distinctive, and informative labeling of the products, to assure that such ingredients are effectively identified.

The objections expressed in the comments to proposed changes in current cooked sausage ingredient requirements or in support of provisions to permit the continued use of byproducts in such products were generally based on the following suppositions:

1. The interest in changing such ingredient restrictions has been generated by a relatively few vocally effective individuals or groups whose efforts have distorted the perspective of the matter considerably, and the opinions of the majority of consumers are not represented.

2. Byproducts are nutritious and wholesome and have been traditional ingredients of frankfurters and similar cooked sausages. The present opposition to their usage is based on esthetics and has no relationship to the nature of such ingredients and their contributions of value to the nutrition, taste, and texture of the consumer products. The opinion was frequently stated that standards should not be used to control matters of esthetics. Such judgments should, it was indicated, be made by individual consumers through informative labeling.

3. The use of byproducts provides cooked sausages with protein content that is significant and of benefit to the diets of many consumers of limited income. The elimination of the byproducts would adversely hinder such persons and families in preparing nutritionally adequate meals.

The views and opinions expressed in the comments indicate that the public generally considers byproducts to be nutritious and wholesome; that there is an awareness that various kinds of byproducts have been traditional ingredients of products such as frankfurters, wieners, bologna, and garlic bologna. It appears from the comments, also, that the public considers hearts and tongues to be byproducts when used as ingredients of cooked sausages. It further appears that the term "variety meats" has significant meaning through long-time usage as a class designation for byproducts in a number of geographical areas.

The comments which suggested that an additional identification be provided by regulation to allow for the use of byproducts in cooked sausages that would be distinctively labeled, were based mainly on the following contentions:

1. A ban on byproducts would increase the selling price of the sausages which would most profoundly affect low-income families and further reduce their access to nutritionally beneficial protein foods.

2. Analytical data show that sausages containing nonskeletal meat products are nutritionally equivalent and not infrequently superior to similar products that contain only skeletal meat.

3. A ban on byproducts would greatly stimulate competition for muscle meat and aggravate an already serious scarcity problem, both domestically and worldwide, resulting in increased prices for raw materials and subsequently consumer products.

4. The sausages with byproducts can be effectively identified with distinctive and specific labeling so that consumers can be quickly informed on the composition of competing products, so as to permit selections on the basis of ingredient preferences.

In consideration of the importance of cooked sausages to the protein food supply of this country and the obvious differences in opinions as to ingredients suitable for use in their formulas, it now appears that the interest in general of all persons concerned can best be served through standards that would cover the several types of products that have the different ingredients desired by various segments of the public, and which require distinctive and prominent labeling for the sausages that contain byproducts or binders so that consumers can be fully aware of their contents.

Accordingly, it is now proposed to amend the regulations to provide for the following identifications of cooked sausages:

1. A cooked sausage made primarily with raw skeletal muscle meat, but which could also include up to 15 percent raw or cooked poultry meat, combined with required functional agents such as water, salt, sweeteners, and curing substances would be required to be labeled by its generic name, e.g., frankfurter, wiener, bologna, vienna, garlic bologna, or knockwurst.

2. A cooked sausage made with at least 15 percent raw skeletal muscle meat combined with raw byproducts, or made with at least 15 percent raw skeletal muscle meat combined with raw byproducts and up to 15 percent raw or cooked poultry products, combined with required functional agents such as water, salt, sweeteners, and curing substances would be required to be labeled by its generic name, e.g., frankfurter, wiener, bologna, vienna, garlic bologna, or knockwurst, in conjunction with the phrase "with byproducts" or "with variety meats," and with all terms in such description being given equal prominence.

3. A cooked sausage made with the ingredients described in items 1 or 2 above but which contains one or more of the approved nonmeat binder materials that are functionally distinctive ingredients, such as "calcium reduced dried skim milk," would be required to be labeled with the generic name of the cooked sausage together with a name of the binder, e.g., "Frankfurter, Calcium Reduced Dried Skim Milk Added," and with a reference to byproducts if present, e.g. "Bologna, with Variety Meats, Soy Flour Added."

Although these provisions relate to matters within the scope of the notices of rule making, they differ substantially from the specific proposals set forth in the notices. In view of this fact and the widespread interest in this subject, it is deemed necessary to publish these provisions in another notice of rule making so as to afford the public opportunity to comment thereon. Accordingly, the following amendments of the regulations in 9 CFR Part 319 are proposed:

1. Subpart G would be amended to read: "Subpart G—Cooked Sausage" and Subpart H would be reserved.

2. Section 319.180 would be amended to read:

§ 319.180 Frankfurter, wiener, vienna, bologna, garlic bologna, knockwurst, and similar products.

(a) Frankfurter, wiener, bologna, vienna, garlic bologna, knockwurst, and similar cooked sausages are comminuted, semisolid sausages prepared from one or more kinds of raw skeletal muscle meat or raw skeletal muscle meat and poultry meat, and seasoned and cured, using one or more of the curing agents in accordance with § 318.7(c) of this chapter. They may or may not be smoked. The finished products shall not contain more than 30 percent fat. Water and/or ice may be used to facilitate chopping or mixing or to dissolve the curing ingredients, but the sausage shall contain no more than 10 percent of added water. These sausage products may contain uncooked, cured pork from primal parts, as defined in § 316.9(b) of this chapter, which do not contain any phosphates or contain only phosphates approved under Part 318 of this chapter. Such products may also contain raw or cooked poultry meat not in excess of 15 percent of the total ingredients, excluding water, in the sausage. Such poultry meat ingredients shall be designated in the ingredient statement on the label of such sausage in accordance with the provisions of § 381.118 of this chapter.

(b) Frankfurter, wiener, bologna, vienna, garlic bologna, knockwurst and similar cooked sausages that are labeled with the phrase "with byproducts" or "with variety meats" in the product name are comminuted, semisolid sausages consisting of not less than 15 percent of one or more kinds of raw skeletal muscle meat with raw meat byproducts, or not less than 15 percent of one or more kinds of raw skeletal muscle meat with raw meat byproducts and raw or cooked poultry products; and seasoned and cured, using one or more of the curing ingredients in accordance with § 318.7(c) of this chapter. They may or may not be smoked. Partially defatted pork fatty tissue or partially defatted beef fatty tissue, or a combination of both, may be used in an amount not exceeding 15 percent of the meat and meat by products, or meat, meat byproducts and poultry products ingredients. The finished products shall not contain more than 30 percent fat. Water and/or ice may be used to facilitate chopping or mixing or to dissolve the curing and seasoning ingredients, but the sausage shall contain no more than 10 percent of added water. These sausage products may contain uncooked, cured pork which does not contain any phosphates or contains only phosphates approved under Part 318 of this chapter. These sausage products may contain poultry products, individually or in combination, not in excess of 15 percent of the total ingredients, excluding water, in the sausage. Such poultry products shall not contain kidneys or sex glands. The amount of poultry skin present in the sausage must not exceed the natural proportion of skin present on the whole carcass of the kind of poultry used in the sausage, as specified in § 381.117(d) of this chapter. The poultry products used in the sausage shall be designated in the ingredient statement on the label of such sausage in accordance with the provisions of § 381.118 of this chapter. Meat byproducts used in the sausage shall be designated individually in the ingredient statement on the label for such sausage in accordance with § 317.2 of this chapter.

(c) A cooked sausage as defined in paragraph (a) of this section shall be labeled by its generic name, e.g., frankfurter, wiener, bologna, vienna, garlic bologna, or knockwurst.

(d) A cooked sausage, as defined in paragraph (b) of this section shall be labeled by its generic name, e.g., frankfurter, wiener, bologna, vienna, garlic bologna, or knockwurst, in combination with the phrase "with byproducts" or "with variety meats" shown with equal prominence as the generic name in the product name.

(e) With appropriate labeling as required by § 317.8(b)(16) of this chapter, e.g., "Frankfurter, Calcium Reduced Dried Skim Milk Added" or "Bologna with Byproducts (or 'Variety Meats'), Soy Flour Added," one or more of the following binders may be used in a cooked sausage otherwise complying with paragraph (a) or (b) of this section, provided such ingredients individually or collectively, do not exceed 3½ percent of the finished product, except that 2 percent of isolated soy protein shall be deemed to be the equivalent of 3½ percent of any one or more of the other binders: Dried milk, calcium reduced dried skim milk, nonfat dry milk, cereal, vegetable starch, starchy vegetable flour, soy flour, soy protein concentrate, and isolated soy protein.

(f) Cooked sausages shall not be labeled with terms such as "All Meat" or "All (Species)," or otherwise to indicate they do not contain nonmeat ingredients or are prepared only from meat.

(g) For the purposes of this section: Poultry meat means deboned chicken meat or turkey meat, or both, without skin or added fat; poultry products means chicken or turkey, or chicken meat or turkey meat, as defined in § 381.118 of this chapter, or poultry byproducts as defined in § 381.1 of this chapter; and meat byproducts means pork stomachs or snouts, beef, veal, lamb or goat tripe, and beef, veal, lamb, goat or pork hearts, tongues, fat, lips, weasands and spleens, and partially defatted pork fatty tissue, or partially defatted beef fatty tissue.

Any person who wishes to submit written data, views, or arguments concerning the proposed amendments may do so by filing them in duplicate with the Hearing Clerk, U.S. Department of Agriculture, Washington, D.C. 20250, before April 17, 1973.

Any person desiring opportunity for oral presentation of views on the proposal should address such requests to the Product Standards Staff, Scientific and Technical Services, Meat and Poultry Inspection Program, Animal and Plant Health Inspection Service, U.S. Department of Agriculture, Washington, D.C. 20250, so that arrangements may be made for such views to be presented prior to the date specified in the preceding paragraph. A record will be made of all views orally presented.

All written submissions and records of oral views made pursuant to this notice will be made available for public inspection in the Office of the Hearing Clerk during regular hours of business, unless the person makes the submission to the

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staff identified in the preceding paragraph and requests that it be held confidential. A determination will be made whether a proper showing in support of the request has been made on grounds that its disclosure could adversely affect such person by disclosing information in the nature of trade secrets or commercial or financial information obtained from any person and privileged or confidential. If it is determined that a proper showing has been made in support of the request, the material will be held confidential; otherwise, notice will be given of denial of such request and an opportunity afforded for withdrawal of the submission. Requests for confidential treatment will be held confidential (7 CFR 1.27(c)).

Comments on the proposal should bear a reference to the date and page number of this issue of the FEDERAL REGISTER.

Done at Washington, D.C., on March 9, 1973.

CLAYTON YEUTTER,
Assistant Secretary.

[FR Doc.73-5011 Filed 3-13-73;8:45 am]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[43 CFR Part 3110]

SIMULTANEOUS OFFERS

Noncompetitive Leases; Oil and Gas Leasing; Time Extension for Comments

Correction

In FR Doc. 73-4298 appearing on page 6188 in the issue for Wednesday, March 7, 1973, the final date for comments appearing in the last line of the first paragraph, now reading "May 1, 1973", should read "May 15, 1973".

Bureau of Mines

[30 CFR Part 75]

UNDERGROUND COAL MINES

Proposed Mandatory Safety Standards; Objections Filed and Hearing Requested

Pursuant to the authority contained in section 101(a) of the Federal Coal Mine Health and Safety Act of 1969 (83 Stat. 745; 30 U.S.C. 811(a)), there was published, as proposed rulemaking, in the FEDERAL REGISTER for December 12, 1972 (37 FR 26422) §§ 75.524, 75.1001-1, 75.1003-2, 75.1101-23, 75.1600-1, 75.1600-2, and 75.1704-2 of Part 75, Subchapter O, Chapter I, Title 30, Code of Federal Regulations, setting forth mandatory standards which would: (1) Establish a requirement that electric current permitted to exist between frames of electric equipment be limited to not more than 1 ampere; (2) provide for frequent testing and calibration of devices for overcurrent protection; (3) specify requirements for movement of off-track mining equipment in areas where energized trolley wires or trolley feeder wires are present; (4) provide for instruction in the location and use of firefighting equipment, escapeways, exits, routes of travel and for fire drills; (5) improve two-way communication between working sections and the surface; and (6) require improved escapeways and periodic drills in their use.

Interested persons were afforded a period of 45 days following publication within which to submit to the Director, Bureau of Mines, written comments, suggestions, or objections to these proposed mandatory safety standards, stating the grounds therefor, and to request a public hearing on such objections.

Section 101(f) of the Act directs the Secretary to publish in the FEDERAL REGISTER, as soon as practicable after the period for filing objections has expired, a notice specifying proposed mandatory safety standards to which objections have been filed and a hearing requested.

Notice is hereby given that written objections were timely filed with the Director, Bureau of Mines, stating the grounds for objections and requesting a hearing on proposed §§ 75.524, 75.1001-1, 75.1003-2, 75.1101-23, 75.1600-1, 75.1600-2, and 75.1704-2.

Pursuant to section 101(g) of the Act, the Secretary shall, promptly after publication of this notice in the FEDERAL REGISTER, issue notice of the time and place at which a public hearing will be held for the purpose of receiving evidence relevant to the objections received.

HOLLIS M. DOLE,
Assistant Secretary of the Interior.

MARCH 9, 1973.

[FR Doc.73-4914 Filed 3-13-73;8:45 am]

DEPARTMENT OF TRANSPORTATION

Coast Guard

[33 CFR Parts 1, 177]

[CGD 73-40PH]

ESPECIALLY HAZARDOUS CONDITIONS

Notice of Proposed Rule Making

The Coast Guard is considering issuing the following regulations:

1. A regulation to amend Part 177 of Subchapter S, Chapter I of Title 33, Code of Federal Regulations to provide for the termination of use, under the authority of section 13 of the Federal Boat Safety Act of 1971, of recreational boats designated unsafe for a specific voyage on a specific body of water.

2. A regulation to amend Subchapter A, Chapter I of Title 33, Code of Federal Regulations by adding a paragraph to § 1.05-1 redelegating from the Commandant to each district commander, the authority under section 13 of the Federal Boat Safety Act of 1971 to issue regulations designating specific recreational boats unsafe for certain voyages.

Section 13 of the Federal Boat Safety Act of 1971 provides that if a Coast Guard Boarding Officer observes a boat being used without sufficient lifesaving or firefighting devices or in an overloaded or other unsafe condition as defined in regulations of the Secretary, and in his judgment such use creates an especially hazardous condition, he may direct the operator to take whatever immediate and reasonable steps would be necessary for the safety of those aboard the vessel, including directing the operator to return to mooring and to remain there until the situation creating the hazard is corrected or ended.

Marine Casualty and Search and Rescue Statistics indicate that vessels of unique design and construction, vessels in poor condition, and vessels improperly manned and equipped often depart on voyages, especially extended ocean voyages, for which they are manifestly unsuited. Operation of such craft on waters for which they are not suitable not only endanger the lives of the occupants but often result in enormous unnecessary expenditure of effort and expense for searches conducted by both military and commercial craft. The lives of the persons conducting the search efforts are also often endangered.

The termination of use of vessels in this category would be accomplished by a regulation issued by the district commander (under the redelegated authority proposed in 33 CFR 1.05-1(d)) applicable only to a specific unseaworthy vessel. The regulation would specifically identify the vessel and specify the reasons why the vessel is considered unsafe for the voyage and body of water on which the vessel is to be used. The regulation issued by the district commander to the user of the vessel would apply only to that vessel for the voyage and body of water indicated. The boarding officer could then take corrective action including termination of use of the vessel if in his judgment such use with this unsafe condition creates an especially hazardous condition, as authorized by section 13 of the Act.

The Boating Safety Advisory Council has been consulted and its opinions and advice have been considered concerning the need for these proposed regulations. The transcript of the proceedings of the meeting of the Boating Safety Advisory Council at which the need for these regulations were discussed is available for examination in Room 6240, U.S. Coast Guard Headquarters, Department of Transportation Headquarters Building, 400 Seventh Street SW., Washington, D.C. 20590. The minutes of the meeting are available from the Executive Director, Boating Safety Advisory Council at this address.

In consideration of the foregoing the Coast Guard proposes to amend Parts 1 and 177 of Title 33 of the Code of Federal Regulations as follows:

1. Section 1.05-1 is proposed to be amended by adding paragraph (d) as follows:

§ 1.05-1 General.

* * * * *

(d) The Commandant redelegates to each Coast Guard District Commander, with the reservation that this authority shall not be further redelegated, the authority, under section 13 of the Federal Boat Safety Act of 1971, to issue rules and regulations applicable to a specific recreational vessel within his jurisdiction designating that vessel unsafe for a specific voyage on a specific body of water when it is determined, under the provisions of 33 CFR 177.07(f), that an unsafe condition exists.

2. Section 177.07 is proposed to be amended by adding paragraph (f) as follows:

§ 177.07 Other unsafe conditions.

* * * * *

(f) Designated unsafe for a specific voyage on a specific body of water due to:

(1) Design or configuration, or

(2) Construction or material condition, or

(3) Operational or safety equipment, or

(4) Operator competency and manning, and

set forth in a regulation issued by a district commander under the authority of 33 CFR 1.05-1(d).

Any interested person may submit written data, views, comments, suggestions, and arguments to the U.S. Coast Guard (GCMC/82), Room 8234, 400 Seventh Street SW., Washington, DC 20590. All communications received by May 14, 1973, will be considered before action is taken on the proposed regulations. Each person submitting comments should include their name and address, identify this notice [CGD 73-40PH], and give reasons and supporting data for their recommendations. All comments will be available for examination in Room 8234.

On May 8, 1973, at 10 a.m. a public hearing to receive the views of interested persons on the proposed regulations will be held in Room 2230, 400 Seventh Street SW., Washington, DC 20590. Each person who wishes to make an oral statement is requested to notify the U.S. Coast Guard (GCMC/82), Room 8234, 400 Seventh Street SW., Washington, DC 20590, before 1 May 1973, and indicate the amount of time required for initial statement. The hearing will be an informal hearing conducted by a designated representative of the U.S. Coast Guard. It will not be a judicial or evidentiary type hearing so there will be no cross-examination of persons presenting statements. After all initial statements have been completed those persons who wish to make rebuttal statements will be given an opportunity to do so in the same order in which they made their initial statements.

These regulations are proposed under the authority of the Federal Boat Safety Act of 1971 (P.L. 92-75). The authority and responsibilities vested in the Secretary of the Department of Transportation by this Act were delegated to the Commandant of the Coast Guard on 5 October 1971 (49 CFR 1.46(o)(1)).

Dated: March 9, 1973.

A. C. WAGNER,
Rear Admiral, U.S. Coast Guard,
Chief, Office of Boating Safety.

[FR Doc.73-4881 Filed 3-13-73;8:45 am]

[33 CFR Part 117]

[CGD 73-51 P]

WHITCOMB BAYOU, FLA.

Proposed Drawbridge Operation Regulations

At the request of the Pinellas County Board of County Commissioners the Coast Guard is considering amending the regulations for the North Spring Boulevard (Beckett) drawbridge across Whitcomb Bayou in Tarpon Springs to require that the draw open on signal from 9 a.m. to 6 p.m. on Saturdays and Sundays and at all other times if at least 4 hours' notice is given. The draw is presently opened on signal. This change is being considered because of limited requests for openings during the proposed restricted times. Data submitted shows that of 88 openings from November 1971 through October 1972, 72 were on Saturday or Sunday from 9 a.m. to 6 p.m. There were no openings in June, October, November, and December, other than Saturdays or Sundays.

Interested persons may participate in this proposed rule making by submitting written data, views, or arguments to the Commander (oan), Seventh Coast Guard District, Room 1018, Federal Building, 51 Southwest First Avenue, Miami, FL 33130.

Each person submitting comments should include his name and address, identify the bridge, and give reasons for any recommended change in the proposal. Copies of all written communications received will be available for examination by interested persons at the office of the Commander, Seventh Coast Guard District.

The Commander, Seventh Coast Guard District, will forward any comments received before April 17, 1973, with his recommendations to the Chief, Office of Marine Environment and Systems, who will evaluate all communications received and take final action on this proposal. The proposed regulations may be changed in the light of comments received.

In consideration of the foregoing, it is proposed that Part 117 of Title 33 of the Code of Federal Regulations, be amended by adding a new subparagraph (5-a) immediately after subparagraph (5) of paragraph (1) of § 117.245 to read as follows:

§ 117.245 Navigable waters discharging into the Atlantic Ocean south of and including Chesapeake Bay and into the Gulf of Mexico, except the Mississippi River and its tributaries and outlets; bridges where constant attendance of draw tenders is not required.

* * * * *

(1) * * *

(5-a) *Whitcomb Bayou, Fla.* The draw shall open on signal from 9 a.m. to 6 p.m. on Saturdays and Sundays. At all other times the draw shall open on signal if at least 4 hours notice is given.

* * * * *

(Sec. 5, 28 Stat. 362, as amended, sec. 6(g)(2), 80 Stat. 937; 33 U.S.C. 499, 49 U.S.C. 1655(g)(2); 49 CFR 1.46(c)(5), 33 CFR 1.05-1(c)(4))

Dated: March 9, 1973.

W. M. BENKERT,
Rear Admiral, U.S. Coast Guard,
Chief, Office of Marine Environment and Systems.

[FR Doc.73-4884 Filed 3-13-73;8:45 am]

[33 CFR Part 117]

[CGD 73-52 P]

HALIFAX RIVER, AIWW, FLORIDA

Proposed Drawbridge Operation Regulations

At the request of the Volusia County Commissioners, the Coast Guard is considering revising the regulations for the Ormond Beach Bridge (State Road 40) and the Port Orange Bridge (U.S. AIA) across the Atlantic Intracoastal Waterway (Halifax River). This revision would allow closed periods from 7:30 a.m. to 8:30 a.m. and 4:30 p.m. to 5:30 p.m., Monday through Saturday, with the proviso that the draws shall open at 8 a.m. and 5 p.m. if any vessels are waiting to pass the closed draw. The draws are presently required to open on signal at any time. This revision is being considered because of a substantial increase in vehicular traffic during these periods.

Interested persons may participate in this proposed rule making by submitting written data, views, or arguments to the Commander (oan), Seventh Coast Guard District, Room 1018, Federal Building, 51 Southwest First Avenue, Miami, FL 33130. Each person submitting comments should include his name and address, identify the bridge, and give reasons for any recommended change in the proposal. Copies of all written communications received will be available for examination by interested persons at the office of the Commander, Seventh Coast Guard District.

The Commander, Seventh Coast Guard District, will forward any comments received before April 17, 1973, with his recommendations to the Chief, Office of Marine Environment and Systems, who will evaluate all communications received and take final action on this proposal. The proposed regulations may be changed in the light of comments received.

In consideration of the foregoing, it is proposed that Part 117 of Title 33 of the Code of Federal Regulations, be amended by adding a new § 117.433 immediately after § 117.432a to read as follows:

§ 117.433 Ormond Beach bridge (State Road 40) and Port Orange bridge (U.S. AIA), AIWW, Volusia County, Fla.

(a) The draws of these bridges shall open on signal except that from 7:30

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a.m. to 8:30 a.m. and 4:30 p.m. to 5:30 p.m., Monday through Saturday, the draws may remain closed to the passage of vessels. The draws shall open at 8 a.m. and 5 p.m. during this period if any vessels are waiting to pass. The draws shall open on signal on Federal and Florida State holidays.

(b) Public vessels of the United States, tugs with tows, and vessels in distress shall be passed at any time. The opening signal from these vessels is 4 blasts of a whistle, horn, or other sound producing device or by shouting.

(c) During periods when storm signals are displayed in the Daytona Beach area, the draws shall open on signal. Storm signals are displayed upon notification by the National Weather Service that winds of up to 33 knots or more and/or sea conditions considered dangerous to small craft are expected. The opening signal is three blasts of a whistle, horn or other sound producing device or by shouting.

(d) The owners of or agents controlling these bridges shall keep conspicuously posted on both the upstream and downstream sides of the bridges, in such a manner that they can be easily read at any time from an approaching vessel, signs stating the regulations in this section.

(Sec. 5, 28 Stat. as amended, sec. 6(g)(2), 80 Stat. 937; 33 U.S.C. 499, 49 U.S.C. 1655(g)(2); 49 CFR 1.46(c)(5), 33 CFR 1.05-1(c)(4))

Dated: March 9, 1973.

W. M. BENKERT,
Rear Admiral, U.S. Coast Guard, Chief, Office of Marine Environment and Systems.

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[33 CFR Part 177]

[CGD 73-41PH]

ESPECIALLY HAZARDOUS CONDITIONS

Notice of Proposed Rule Making

The Coast Guard is considering issuing regulations to amend Part 177 of Subchapter S, Chapter I of Title 33, Code of Federal Regulations, to provide for the termination of use of recreational vessels during especially hazardous conditions on certain river bars and coastal inlets along the Pacific coastline of the States of Washington and Oregon.

Section 13 of the Federal Boat Safety Act of 1971 provides that if a Coast Guard boarding officer observes a boat being used without sufficient lifesaving or firefighting devices, or in an overloaded or other unsafe condition as defined in regulations of the Secretary, and in his judgment such use creates an especially hazardous condition, he may direct the operator to take whatever immediate and reasonable steps would be necessary for the safety of those aboard the vessel, including directing the operator to return to mooring and to remain there until the situation creating the hazard is corrected or ended.

For purposes of section 13 of the Federal Boat Safety Act, the proposed § 177.07(g) will define additional unsafe conditions for recreational boats being used in certain areas along the coastlines of Washington and Oregon. The addition of § 177.08, designating the Regulated Recreational Boating Areas in these States to which § 177.07(g) would apply is also proposed.

The bars and inlets along the coastlines of Oregon and Washington have certain characteristics which make them at times hazardous to navigation and each year a large number of fatalities of recreational boatmen occur in these areas. Oregon's State Boating Law Administrator and the Governors of the States of Oregon and Washington have expressed a great concern over these boating casualties and have petitioned the U.S. Coast Guard to issue more effective boating safety regulations for the hazardous areas.

The primary areas of potential hazard are just seaward of jetties which extend out through the surf zone over the longshore bars and also in and around channel entrances. When the ebbing tidal currents, occurring twice daily, of the rivers clash with the landward moving ocean waves in the shallow bar area, a very turbulent, heavy sea can be produced. This condition can happen very abruptly with no warning and even on seemingly calm, clear days. Other factors which can cause these bar areas to be hazardous are the high velocity tidal currents caused by a constriction of flow inside the jetties, wave refraction, and wave reflection off the jetties and the eddying effects caused by longshore ocean currents outside the jetties. All of these conditions can cause extremely difficult vessel handling problems in those areas.

Statistics compiled by the Office of Boating Safety, U.S. Coast Guard, indicate that vessel capsizings have consistently accounted for more of the lives lost in boating accidents in those areas of potential hazard along the coastlines of Washington and Oregon, each year than any other type of casualty. The ignoring of weather warnings, proceeding under unfavorable sea conditions, and operating in waters which exceed the limits of the craft or operator's training are major causes of these casualties.

Section 177.07 of Subchapter S, Chapter I of Title 33, Code of Federal Regulations, lists certain unsafe conditions for the purpose of termination of use of a vessel authorized by section 13 of the Federal Boat Safety Act of 1971. The proposed regulations would give the boarding officer another useful definition of an unsafe condition in the specifically designated areas. Since the ignoring of weather and sea conditions and proceeding under unfavorable conditions in these areas are major causes of boating fatalities the Coast Guard takes the position that there should be a way to prevent the use of boats under such conditions when this amounts to an especially hazardous condition.

Section 177.07(g) stipulates certain factors which would create for the purpose of this part, an unsafe condition in a "Regulated Recreational Boating Area." A wave height of 4 feet or greater in a "Regulated Recreational Boating Area" is designated as an unsafe condition for any size recreational vessel for the purpose of section 13 of the Federal Boat Safety Act of 1971. The decision as to whether this situation would create an especially hazardous condition is left to the judgment of the boarding officer in accordance with section 13 of the Act. A wave height of less than 4 feet in regulated recreational boating areas would create an especially hazardous condition for some types of recreational vessels, especially some of the smaller boats. A formula has been developed to define an unsafe condition for these smaller, less seaworthy boats when the wave height in a "Regulated Recreational Boating Area" is less than 4 feet. The formula takes into account the overall length of a boat and its minimum freeboard. A surface current of 4 knots or greater would also create an unsafe condition in these areas for any size recreational vessel. Reduced navigability and the threat of an underpowered or disabled vessel being swept into the turbulent surf zone were key factors in making that determination.

It should be emphasized that the mere existence of an unsafe condition does not preclude the use of these areas by a recreational boat. Section 13 of the Federal Boat Safety Act of 1971 requires that the unsafe condition must be deemed, in the judgment of the boarding officer, to create an especially hazardous condition before he may require action to correct the condition.

Section 177.08 lists the specific "Regulated Recreational Boating Areas" to which the provisions of § 177.07(g) will apply. These areas were taken from local Coast Guard Auxiliary Bar Guides and State Recreational Boating Guides.

The Boating Safety Advisory Council has been consulted concerning the need for these proposed regulations and its opinions and advice have been considered in their formulation. The transcript of the proceedings of the meeting of the Boating Safety Advisory Council at which these regulations were discussed is available for examination in Room 6240, U.S. Coast Guard Headquarters, Department of Transportation Headquarters Building, 400 Seventh Street SW., Washington, DC 20590. The minutes of the meeting are available from the Executive Director, Boating Safety Advisory Council, at this address.

In consideration of the foregoing, the Coast Guard proposes to amend Part 177 of Title 33 of the Code of Federal Regulations as follows:

1. Section 177.07 is proposed to be amended by adding paragraph (g) as follows:

§ 177.07 Other unsafe conditions.

* * * * *

(g) Is operated in a Regulated Recreational Boating Area as described in 177.08 when—

(1) The wave height within the Regulated Recreational Boating Area is 4 feet or greater; or

(2) The wave height within the Regulated Recreational Boating Area is less than 4 feet but is equal to or greater than the wave height determined by the formula $\frac{L}{10}+F=W$ where:

L = Overall length of a boat measured in feet in a straight horizontal line along and parallel with the centerline between the intersections of this line with the vertical planes of the stem and stern profiles excluding deckhouses and equipment.

F = The minimum freeboard when measured in feet from the lowest point along the upper strake edge to the surface of the water.

W = Maximum wave height in feet to the nearest highest whole number; or

(3) The surface current is greater than 4 knots within the Regulated Recreational Boating Area.

2. By adding § 177.08 as follows:

§ 177.08 Regulated recreational boating areas.

For the purpose of this part the following are regulated recreational boating areas.

(a) *Quillayute River Entrance, Wash.* From the west end of James Island 47° 54'23'' N., 124°39'05'' W. southward to buoy No. 2 at 47°53'42'' N., 124°38'42'' W. eastward to the shoreline at 47°53'42'' N., 124°37'51'' W., thence northward along the shoreline to 47°54'29'' N., 124° 38'20'' W. thence northward to 47°54'36'' N., 124°38'22'' W. thence westward to the beginning.

(b) *Grays Harbor Entrance, Wash.* From a point on the shoreline at 46° 59'00'' N., 124°10'10'' W. westward to 46°59'00'' N., 124°15'30'' W. thence southward to 46°51'00'' N., 124°15'30'' W. thence eastward to a point on the shoreline at 46°51'00'' N., 124°06'40'' W. thence northward along the shoreline to a point at the south jetty 46°54'20'' N., 124°08'07'' W. thence eastward to 46° 54'10'' N., 124°05'00'' W. thence northward to 46°55'00'' N., 124°03'30'' W. thence northwestward to Damon Point at 46°56'50'' N., 124°06'30'' W. thence westward along the north shoreline of the harbor to the north jetty at 46°55'40'' N., 124°10'27'' W. thence northward along the shoreline to the beginning.

(c) *Willapa Bay, Wash.* From a point on the shoreline at 46°46'00'' N., 124° 05'40'' W. westward to 46°44'00'' N., 124° 10'45'' W. thence southward to 46°35'00'' N., 124°10'45'' W. thence eastward to a point on the shoreline at 46°35'00'' N., 124°03'45'' W. thence northward along the shoreline around the north end of Leadbetter Point thence southward along the east shoreline of Leadbetter Point to 46°36'00'' N., 124°02'15'' W. thence eastward to 46°36'00'' N., 124°00'00'' W. thence northward to Toke Point at 46° 42'15'' N., 123°58'00'' W. thence westward along the north shoreline of the harbor and northward along the seaward shoreline to the beginning.

(d) *Columbia River Bar, Wash.-Oreg.* From a point on the shoreline at 46°18'-00'' N., 124°04'39'' W. thence westward to 46°18'00'' N., 124°09'30'' W. thence southward to 46°12'00'' N., 124°09'30'' W. thence eastward to a point on the shoreline at 46°12'00'' N., 123° 59'33'' W. thence northeastward to Chinook Point at 46°15'08'' N., 123°55'25'' W. thence northwestward to the north end of Sand Island at 46°17'29'' N., 124°01'25'' W. thence southwestward to a point on the north shoreline of the harbor at 46°16'-25'' N., 124°02'28'' W. thence eastward along the north shoreline of the harbor and northward along the seaward shoreline to the beginning.

(e) *Nehalem River Bar, Oreg.* From a point on the shoreline 45°41'25'' N., 123°-56'16'' W. thence westward 45°41'25'' N., 123°59'00'' W. thence southward to 45°37'25'' N., 123°59'00'' W. thence eastward to a point on the shoreline at 45°-37'25'' N., 123°56'38'' W. thence northward along the shoreline to the north end of the south jetty at 45°39'40'' N., 123°-55'45'' W. thence westward to a point on the shoreline at 45°39'45'' N., 123°56'-19'' W. thence northward along the shoreline to the beginning.

(f) *Tillamook Bay Bar, Oreg.* From a point on the shoreline at 45°35'15'' N., 123°57'05'' W. thence westward 45°35'-15'' N., 124°00'00'' W. thence southward to 45°30'00'' N., 124°00'00'' W. thence eastward to a point on the shoreline at 45°30'00'' N., 123°57'40'' W. thence northward along the shoreline to the north end of Kincheloe Point at 45°33'-30'' N., 123°56'05'' W. thence northward to a point on the north shoreline of the harbor at 45°33'40'' N., 123°55'59'' W. thence westward along the north shoreline of the harbor then northward along the seaward shoreline to the beginning.

(g) *Netarts Bay Bar, Oreg.* From a point on the shoreline at 45°28'05'' N. thence westward to 45°28'05'' N., 124°00'-00'' W. thence southward to 45°24'00'' N., 124°00'00'' W. thence eastward to a point on the shoreline at 45°24'00'' N., 123°57'45'' W. thence northward along the shoreline to 45°26'03'' N., 123°57'15'' W. thence eastward to a point on the north shoreline of the harbor at 45°26'-00'' N., 123°56'57'' W. thence northward along the shoreline to the beginning.

(h) *Siletz Bay Bar, Oreg.* From a point on the shoreline at 44°56'32'' N., 124°-01'29'' W. thence westward to 44°56'32'' N., 124°03'00'' W. thence southward to 44°54'40'' N., 124°03'15'' W. thence eastward to a point on the shoreline at 44°54'40'' N., 124°01'55'' W. thence northward along the shoreline to 44°55'-35'' N., 124°01'25'' W. thence northward to a point on the north shoreline of the harbor at 44°55'45'' N., 124°01'20'' W. thence westward and northward along the shoreline to the beginning.

(i) *Depoe Bay Bar, Oreg.* From a point on the shoreline at 44°49'15'' N., 124° 04'00'' W. thence westward to 44°49'15'' N., 124°04'35'' W. thence southward to 44°47'55'' N., 124°04'55'' W. thence eastward to a point on the shoreline at 44°-47'53'' N., 124°04'25'' W. thence northward along the shoreline and eastward along the south bank of the entrance channel to the highway bridge thence northward to the north bank at the bridge thence westward along the north bank of the entrance channel and northward along the seaward shoreline to the beginning.

(j) *Yaquina Bay Bar, Oreg.* From a point on the shoreline at 44°38'11'' N., 124°03'47'' W. thence westward to 44°-38'11'' N., 124°05'55'' W. thence southward to 44°35'15'' N., 124°06'05'' W. thence eastward to a point on the shoreline at 44°35'15'' N., 124°04'02'' W. thence northward along the shoreline and eastward along the south bank of the entrance channel to the highway bridge thence northward to the north bank of the entrance channel at the bridge thence westward along the north bank of the entrance channel and northward along the seaway shoreline to the beginning.

(k) *Siuslaw River Bar, Oreg.* From a point on the shoreline at 44°02'00'' N., 124°08'00'' W. thence westward to 44°-02'00'' N., 124°09'30'' W. thence southward to 44°00'00'' N., 124°09'30'' W. thence eastward to a point on the shoreline at 44°00'00'' N., 124°08'12'' W. thence northward along the shoreline and southward along the west bank of the entrance channel to 44°00'35'' N., 124°07'48'' W. thence southeastward to a point on the east bank of the entrance channel at 44°00'20'' N., 124°07'31'' W. thence northward along the east bank of the entrance channel and northward along the seaward shoreline to the beginning.

(l) *Umpqua River Bar, Oreg.* From a point on the shoreline at 43°41'20'' N., 124°11'58'' W. thence westward to 43°-41'20'' N., 124°13'32'' W. thence southward to 43°38'35'' N., 124°14'25'' W. thence eastward to a point on the shoreline at 43°38'35'' N., 124°12'35'' W. thence northward along the shoreline to the north end of the training jetty at 43°40'15'' N., 124°11'45'' W. thence northward to a point on the west bank of the entrance channel at 43°40'40'' N., 124°11'41'' W. thence southwestward along the west bank of the entrance channel thence northward along the seaward shoreline to the beginning.

(m) *Coos Bay Bar, Oreg.* From a point on the shoreline at 43°22'15'' N., 124°19'-34'' W. thence westward to 43°22'20'' N., 124°22'28'' W. thence southwestward to 43°21'00'' N., 124°23'35'' W. thence southeastward to a point on the shoreline at 43°20'25'' N., 124°22'28'' W. thence northward along the shoreline and eastward along the south shore of the entrance channel to a point on the shoreline at 43°20'52'' N., 124°19'12'' W. thence eastward to a point on the east shoreline of the harbor at 43°21'00'' N., 124°18'50'' W. thence northward to a point on the west shoreline of the harbor at 43°21'45'' N., 124°19'10'' W. thence south and west along the west shoreline of the harbor thence northward along the seaward shoreline to the beginning.

(n) *Coquille River Bar, Oreg.*—From a point on the shoreline at 43°08'25'' N., 124°25'04'' W. thence southwestward to 43°07'50'' N., 124°27'05'' W. thence southwestward to 43°07'03'' N., 124°28'-25'' W. thence eastward to a point on the shoreline at 43°06'00'' N., 124°25'55'' W. thence northward along the shoreline and eastward along the south shoreline of the channel entrance to 43°07'17'' N., 124°25'00'' W. thence northward to the

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east end of the north jetty at 43°07'24" N., 124°24'59" W. thence westward along the north shoreline of the entrance channel and northward along the seaward shoreline to the beginning.

(o) *Rogue River Bar, Oreg.*—From a point on the shoreline at 42°26'25" N., 124°26'03" W. thence westward to 42°-26'10" N., 124°27'05" W. thence southward to 42°24'15" N., 124°27'05" W. thence eastward to a point on the shoreline at 42°24'15" N., 124°25'30" W. thence northward along the shoreline and eastward along the south shoreline of the entrance channel to the highway bridge thence northward across the inner harbor jetty to a point on the north shoreline of the entrance channel at the highway bridge thence westward along the north shoreline of the entrance channel thence northward along the seaward shoreline to the beginning.

(p) *Chetco River Bar, Oreg.*—From a point on the shoreline at 42°02'35" N., 124°17'20" W. thence southeastward to 42°01'45" N., 124°16'30" W. thence northwestward to a point on the shoreline at 42°02'10" N., 124°15'35" W. thence northwestward along the shoreline thence northward along the east shoreline of the channel entrance to 42°-02'47" N., 124°16'03" W. thence northward along the west face of the inner jetty and east shoreline of the channel entrance to the highway bridge thence westward to the west shoreline of the channel at the highway bridge thence southward along the west shoreline of the channel thence westward along the seaward shoreline to the beginning.

Any interest person may submit written comments and suggestions to the U.S. Coast Guard (GCMC/82), Room 8234, 400 Seventh Street SW., Washington, DC 20590. All communications received before May 1, 1973, will be considered before action is taken on the proposed regulations. Each person submitting comments should include their name and address, identify this notice (CGD 73-41PH) and give reasons and supporting data for their recommendations. All comments will be available for examination in Room 8234.

Public hearings to receive the views of interested persons on the proposed regulations will be held on April 17, 1973, at 10 a.m. in the Orcas Room, Seattle Center, Seattle, Wash., and on April 19, 1973, at 10 a.m. in the Bonneville Power Administration Auditorium Lloyd Center, Portland, Oreg. The hearings will be informal, conducted by a designated representative of the U.S. Coast Guard. They will not be judicial or evidentiary type hearings, so there will be no cross-examination of persons presenting statements. After all initial statements have been completed, those persons who wish to make rebuttal statements will be given an opportunity to do so in the same order in which they made their initial statement.

These regulations are proposed under the authority of the Federal Boat Safety Act of 1971 (Public Law 92-75). The authority and responsibilities vested in the Secretary of the Department of Transportation by this Act were delegated to the Commandant of the Coast Guard on October 5, 1971 (49 CFR 1.46 (o)(1)).

Dated: March 9, 1973.

A. C. WAGNER,
Rear Admiral, U.S. Coast Guard,
Chief, Office of Boating Safety.

[FR Doc.73-4882 Filed 3-13-73;8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

[40 CFR Part 10]

ADMINISTRATIVE CLAIMS UNDER FEDERAL TORT CLAIMS ACT

Proposed Procedures

Notice is hereby given in accordance with the administrative procedure provisions in 5 U.S.C. 553 that pursuant to the Federal Tort Claims Act, as amended (28 U.S.C. sections 2671–2680), the Environmental Protection Agency (EPA) is considering an amendment to 40 CFR by adding a new Part 10, Administrative Claims under Federal Tort Claims Act.

The proposed regulations would establish the means whereby persons who believe they have a valid tort claim against EPA can present that claim to EPA, and the procedures under which the Agency will process that claim, compromise the claim, compromise the claim after consulting the Department of Justice, or reject the claim and inform the claimant of his right to bring suit on the claim in Federal court. The proposed regulations specify the evidence that may have to be submitted in support of a claim, and the time limits that must be obeyed. The proposed regulations are very similar to those of several other agencies, and are designed to conform to and supplement both the requirements of the Federal Tort Claims Act and the regulations issued by the Department of Justice concerning it, which are set forth at 28 CFR Part 14.

Interested parties may submit, in triplicate, written comments concerning the proposed amendment, to the Claims Officer, Environmental Protection Agency, Room 3712–A, Waterside Mall, Washington, D.C. 20460. Communications received on or before April 30, 1973 will be considered prior to adoption of the final regulation. A copy of each communication received will be placed on file for public inspection in Room 3712–A, Waterside Mall, Washington, D.C. 20460.

Dated: March 5, 1973.

WILLIAM D. RUCKELSHAUS,
Administrator.

PART 10—ADMINISTRATIVE CLAIMS UNDER FEDERAL TORT CLAIMS ACT

Subpart A—General

Sec.
10.1 Scope of regulations.

Subpart B—Procedures

10.2 Administrative claim; when presented; place of filing.
10.3 Administrative claim; who may file.
10.4 Administrative claim; evidence to be submitted.
10.5 Investigation, examination, and determination of claims.
10.6 Final denial of claim.
10.7 Payment of approved claims.
10.8 Release.
10.9 Penalties.
10.10 Limitations on Environmental Protection Agency's authority.
10.11 Relationship to other Agency regulations.

AUTHORITY: Sec. 1, 80 Stat. 306; 28 U.S.C. 2672; 28 CFR Part 14.

Subpart A—General

§ 10.1 Scope of regulations.

The regulations in this part shall apply only to claims asserted under the Federal Tort Claims Act, as amended, 28 U.S.C. sections 2671–2680, accruing on or after January 18, 1967, for money damages against the United States for damage to or loss of property or personal injury or death, caused by the negligent or wrongful act or omission of any employee of the Environmental Protection Agency (EPA) while acting within the scope of his office of employment.

Subpart B—Procedures

§ 10.2 Administrative claim; when presented; place of filing.

(a) For purpose of the regulations in this part, a claim shall be deemed to have been presented when the Environmental Protection Agency receives, at a place designated in paragraph (c) of this section, an executed Standard Form 95 or other written notification of an incident accompanied by a claim for money damages in a sum certain for damage to or loss of property, for personal injury, or for death, alleged to have occurred by reason of the incident. A claim which should have been presented to EPA, but which was mistakenly addressed to or filed with another Federal agency, shall be deemed to be presented to EPA as of the date that the claim is received by EPA. A claim mistakenly addressed to or filed with EPA shall forthwith be transferred to the appropriate Federal agency, if ascertainable or returned to the claimant.

(b) A claim presented in compliance with paragraph (a) of this section may be amended by the claimant at any time prior to final action by the Administrator, or his designee, or prior to the exercise of the claimant's option to bring suit under 28 U.S.C. 2675(a). Amendments shall be submitted in writing and signed by the claimant or his duly authorized agent or legal representative. Upon the timely filing of an amendment to a pending claim, EPA shall have 6 months in which to make a final disposition of the claim as amended and the claimant's option under 28 U.S.C. 2675(a) shall not accrue until 6 months after the filing of an amendment.

(c) Forms may be obtained and claims may be filed with the office, local, regional, or headquarters, of the constituent organization having jurisdiction over the employee involved in the accident or incident, or with the EPA Claims Officer, Room 3712–A, Waterside Mall Building, 401 M Street SW., Washington, D.C. 20460.

§ 10.3 Administrative claim; who may file.

(a) A claim for injury to or loss of property may be presented by the owner of the property interest which is the subject of the claim, his duly authorized agent, or his legal representative.

(b) A claim for personal injury may be presented by the injured person, his duly authorized agent, or his legal representative.

(c) A claim based on death may be presented by the executor or administrator of the decedent's estate or by any other person legally entitled to assert such a claim under applicable State law.

(d) A claim for loss wholly compensated by an insurer with the rights of a subrogee may be presented by the insurer. A claim for loss partially compensated by an insurer with the rights of a subrogee may be presented by the insurer or the insured individually as their respective interests appear, or jointly. Whenever an insurer presents a claim asserting the rights of a subrogee, he shall present with his claim appropriate evidence that he has the rights of a subrogee.

(e) A claim presented by an agent or legal representative shall be presented in the name of the claimant, be signed by the agent or legal representative, show the title or legal capacity of the person signing, and be accompanied by evidence of his authority to present a claim on behalf of the claimant as agent, executor, administrator, parent, guardian, or other representative.

§ 10.4 Administrative claim; evidence to be submitted.

(a) *Death.* In support of a claim based on death, the claimant may be required to submit the following evidence or information:

(1) An authenticated death certificate or other competent evidence showing cause of death, date of death, and age of the decedent.

(2) Decedent's employment or occupation at time of death, including his monthly or yearly salary or earnings (if any), and the duration of his last employment or occupation.

(3) Full names, addresses, birth dates, kinship, and marital status of the decedent's survivors, including identification of those survivors who were dependent for support upon the decedent at the time of his death.

(4) Degree of support afforded by the decedent to each survivor dependent upon him for support at the time of his death.

(5) Decedent's general physical and mental condition before death.

(6) Itemized bills for medical and burial expenses incurred by reason of the incident causing death, or itemized receipts of payments for such expenses.

(7) If damages for pain and suffering prior to death are claimed, a physician's detailed statement specifying the injuries suffered, duration of pain and suffering, any drugs administered for pain, and the decedent's physical condition in the interval between injury and death.

(8) Any other evidence or information which may have a bearing on either the responsibility of the United States for the death or the damages claimed.

(b) *Personal injury.* In support of a claim for personal injury, including pain and suffering, the claimant may be required to submit the following evidence or information:

(1) A written report by his attending physician or dentist setting forth the nature and extent of the injury, nature and extent of treatment, any degree of temporary or permanent disability, the prognosis, period of hospitalization, and any diminished earning capacity. In addition, the claimant may be required to submit to a physical or mental examination by a physician employed or designated by EPA. A copy of the report of the examining physician shall be made available to the claimant upon the claimant's written request provided that the claimant has, upon request, furnished the report referred to in the first sentence of this subparagraph and has made or agrees in writing to make available to EPA any other physician's reports previously or thereafter made of the physical or mental condition which is the subject matter of his claim.

(2) Itemized bills for medical, dental, hospital and related expenses incurred, or itemized receipts of payment for such expenses.

(3) If the prognosis reveals the necessity for future treatment, a statement of expected duration of and expenses for such treatment.

(4) If a claim is made for loss of time from employment, a written statement from his employer showing actual time lost from employment, whether he is a full- or part-time employee, and wages or salary actually lost.

(5) If a claim is made for loss of income and the claimant is self-employed, documentary evidence showing the amount of earnings actually lost.

(6) Any other evidence or information which may have a bearing on the responsibility of the United States for either the personal injury or the damages claimed.

(c) *Property damage.* In support of a claim for damage to or loss of property, real or personal, the claimant may be required to submit the following evidence or information:

(1) Proof of ownership.

(2) A detailed statement of the amount claimed with respect to each item of property.

(3) An itemized receipt of payment for necessary repairs or itemized written estimates of the cost of such repairs.

(4) A statement listing date of purchase, purchase price, market value of the property as of date of damage, and salvage value, where repair is not economical.

(5) Any other evidence or information which may have a bearing on the responsibility of the United States either for the injury to or loss of property or for the damages claimed.

(d) *Time limit.* All evidence required to be submitted by this section shall be furnished by the claimant within a reasonable time. Failure of a claimant to furnish evidence necessary to a determination of his claim within 3 months after a request therefor has been mailed to his last known address may be deemed an abandonment of the claim. The claim may be thereupon disallowed.

§ 10.5 Investigation, examination, and determination of claims.

When a claim is received, the constituent unit out of whose activities the claim arose shall make such investigation as may be necessary or appropriate for a determination of the validity of the claim. A full account of this investigation, together with all pertinent documentary materials, the claim itself, and a recommendation based on the merits of the case, shall be forwarded through regular supervisory channels to the EPA Claims Officer, Washington, D.C. 20460, to whom authority has been delegated to adjust, determine, compromise, and settle tort claims under the direction of the Director, Data and Support Systems Division, and with the advice of the General Counsel or his designee.

§ 10.6 Final denial of claim.

(a) Final denial of an administrative claim shall be in writing and sent to the claimant, his attorney, or legal representative by certified or registered mail. The notification of final denial may include a statement of the reasons for the denial and shall include a statement that, if the claimant is dissatisfied with EPA's action, he may file suit in an appropriate U.S. District Court not later than 6 months after the date of mailing of the notification.

(b) Prior to the commencement of suit and prior to the expiration of the 6-month period after the date of mailing by certified or registered mail of notice of final denial of the claim as provided in 28 U.S.C. 2401(b), a claimant, his duly authorized agent, or legal representative, may file a written request with the EPA for reconsideration of a final denial of a claim under paragraph (a) of this section. Upon the timely filing of a request for reconsideration, EPA shall have 6 months from the date of filing in which to make a final disposition of the claim and the claimant's option under 28 U.S.C. 2675(a) to bring suit shall not accrue until 6 months after the filing of a request for reconsideration. Final action on a request for reconsideration shall be effected in accordance with the provisions of paragraph (a) of this section.

§ 10.7 Payment of approved claims.

(a) Upon allowance of his claim, claimant or his duly authorized agent shall sign the voucher for payment, Standard Form 1145, before payment is made.

(b) When the claimant is represented by an attorney, the voucher for payment (SF 1145) shall designate both the claimant and his attorney as "payees." The check shall be delivered to the at-

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torney whose address shall appear on the voucher.

(c) No attorney shall charge fees in excess of 25 percent of a judgment or settlement after litigation, or in excess of 20 percent of administrative settlements (28 U.S.C. 2678).

§ 10.8 Release.

Acceptance by the claimant, his agent, or legal representative of any award, compromise or settlement made hereunder, shall be final and conclusive on the claimant, his agent, or legal representative and any other person on whose behalf or for whose benefit the claim has been presented, and shall constitute a complete release of all claims against either the United States or any employee of the Government arising out of the same subject matter.

§ 10.9 Penalties.

A person who files a false claim or makes a false or fraudulent statement in a claim against the United States may be liable to a fine of not more than $10,000 or to imprisonment of not more than 5 years, or both (18 U.S.C. 287, 1001), and, in addition, to a forfeiture of $2,000 and a penalty of double the loss or damage sustained by the United States (31 U.S.C. 231).

§ 10.10 Limitations on Environmental Protection Agency's authority.

(a) An award, compromise or settlement of a claim hereunder in excess of $25,000 shall be effected only with the prior written approval of the Attorney General or his designee. For the purposes of this paragraph, a principal claim and any derivative or subrogated claim shall be treated as a single claim.

(b) An administrative claim may be adjusted, determined, compromised, or settled hereunder only after consultation with the Department of Justice when, in the opinion of the Environmental Protection Agency:

(1) A new precedent or a new point of law is involved; or

(2) A question of policy is or may be involved; or

(3) The United States is or may be entitled to indemnity or contribution from a third party and the Agency is unable to adjust the third party claim; or

(4) The compromise of a particular claim, as a practical matter, will or may control the disposition of a related claim in which the amount to be paid may exceed $25,000.

(c) An administrative claim may be adjusted, determined, compromised, or settled by EPA hereunder only after consultation with the Department of Justice when EPA is informed or is otherwise aware that the United States or an employee, agent, or cost-plus contractor of the United States is involved in litigation based on a claim arising out of the same incident or transaction.

§ 10.11 Relationship to other Agency regulations.

(a) The regulations in this part supplement the Attorney General's regulations in Part 14 of Chapter 1 of Title 28, Code of Federal Regulations, as amended. Those regulations, including subsequent amendments thereto, and the regulations in this part apply to the consideration by the Environmental Protection Agency of administrative claims under the Federal Tort Claims Act.

(b) Each of the four preexisting agencies that contributed parts of its organization to the Environmental Protection Agency had published regulations to govern the administrative disposition of claims under the Federal Tort Claims Act at the time Reorganization Plan No. 3 of 1970 became effective: Namely, Department of the Interior (43 CFR Part 22); Department of Health, Education, and Welfare (45 CFR Part 35); Department of Agriculture (7 CFR Part 1, Subchapter D); and Atomic Energy Commission (10 CFR Part 14). These regulations that are currently applicable to the various constituent units of the Environmental Protection Agency are hereby repealed upon publication of the Agency's regulations with respect to claims asserted under the Federal Tort Claims Act involving employees of the Agency within scope of employment.

[FR Doc.73-4839 Filed 3-13-73;8:45 am]

[40 CFR Part 85]

LIGHT DUTY TRUCKS

Air Pollution Control; Standards and Test Procedures

The U.S. Court of Appeals decision regarding the suspension of 1975 model year light duty vehicle emission standards, issued on February 10, 1973, ordered EPA to remove light duty trucks from the light duty vehicle category.

The decision states that when this had been done "these light weight trucks will be governed by the standards duly promulgated by EPA for 'trucks and buses and other commercial vehicles'."

The interior quote in this sentence is taken from a passage in the legislative history of the Clean Air Act which the Court relied on as showing that the fundamental distinction Congress had in mind in establishing legislative standards for "light duty vehicles" was the distinction between "passenger cars" on the one hand and "trucks and buses and other commercial vehicles" on the other. EPA believes that by making this distinction the Court did not mean to preclude the making by EPA of further distinctions, for regulatory purposes, among the often widely differing vehicles in the second category. Since light duty trucks currently on sale, and those now being certified for sale next year, already meet stricter emissions standards than will be required of other classes of trucks for several more years, to view the Court's opinion as precluding distinctions within the class of "trunks and buses and other commercial vehicles" would lead to the paradoxical and insupportable conclusion that the Court has mandated a relaxation in emission control levels that no one disputes have already been satisfactorily achieved by these vehicles.

Since I conclude that discretion exists under the Court's opinion to regulate light duty trucks as a separate category of vehicles for emission control purposes, it is my responsibility to examine these vehicles in the light of the standards specified in section 202(a) of the Clean Air Act, and the more general goals of that statute, to determine whether new standards for them should be established, and if so, what the level of those standards should be.

In conducting this examination, it is my further responsibility to review the relevant information available to me, including information which has only recently become available, testimony given at the suspension hearings for 1975 model year light duty vehicles and any comments received in response to this notice of proposed rule making.

For the purpose of this proposed rule making, a light duty truck is defined as "a motor vehicle, rated at 6,000 pounds gross vehicle weight or less, which is designed primarily for the transportation of property and is capable of being equipped to seat no more than three persons for safe and reasonably comfortable transport."

Studies conducted by the Federal Highway Administration (FHA) of the Department of Transportation indicate that 57 percent of all pickup trucks and panel trucks (including campers) carried no cargo at all when weighed at various weighing stations throughout the country. Of the 43 percent which carried at least some cargo, the average load was about 1,000 pounds. An unloaded pickup or panel truck weighs about 4,000 pounds. A loaded one, therefore, would weigh an average of 5,000 pounds. In either case, the weight of these vehicles is similar to the average weight of passenger-carrying light duty vehicles when operating on the highway. Therefore, though light duty trucks may be used to haul heavy loads, they are not commonly used in that capacity.

A study by the State of California in 1971 (Reference Supplement to "Commercial Vehicle Taxation in California" by Richard M. Zettel and Eric A. Mohr, report submitted to the State Department of Motor Vehicles) of commercial vehicles, i.e., station wagons or vans on a truck chassis, pickup trucks, and panel trucks, indicated that less than 6 percent of the 4,938 vehicles in the survey weighed in at over 6,000 pounds and 37 percent of the total vehicles in the survey carried no cargo at all. Since both the FHA and California studies included trucks weighing over 6,000 pounds as well as those under 6,000 pounds, it may be concluded that the actual operating weight of light duty trucks (i.e., those under 6,000 pounds) is actually even closer to that of passenger-carrying light duty vehicles than these data indicate.

Limited data is available on the extent of use of light-duty trucks in urban driving, in comparison to their use in nonurban areas. The California study cited above shows that 74 percent of all commercial vehicles surveyed throughout the State were being used for personal use (driving to work, shopping, visiting friends) rather than work-related use (deliveries, sales, or service calls). Also, a 1967 Wilbur Smith and Associates report to the Automobile Manufacturers Association entitled "Motor Trucks in the Metropolis" states "* * * motor truck travel, like passenger car travel, tends to concentrate in urban places; and * * * there is clear differentiation between the roles of light and heavy trucks. Light trucks are predominantly urban oriented in an urban area, while the smaller vehicles perform the convenience trip making * * * the light truck class of vehicle acts and operates in traffic in a fashion similar to the average automobile."

Therefore, EPA concludes that even though light-duty trucks may be designed for different purposes than light-duty vehicles, and therefore may be considered as a separate class of vehicles, the standards applied to light-duty trucks should, in terms of actual use, be similar to those applied to light-duty vehicles.

Such a position is also supported by the estimated impact of light duty truck emissions on air quality. Over 11 percent of all vehicles sold nationally (and 15–20 percent of vehicles sold in California), which are presently considered in the light duty vehicle category, are light duty trucks. These trucks are currently meeting 1973/74 standards which are 3.4 grams per mile (g.p.m.) hydrocarbons, 39 g.p.m. carbon monoxide, and 3 g.p.m. oxides of nitrogen. The 1975 light duty vehicle standards, measured by a slightly different test procedure, are .41 g.p.m. hydrocarbons, 3.4 g.p.m. carbon monoxide, and 3.1 oxides of nitrogen. If light duty trucks continue to meet 1973–74 standards, the net effect would be to double the total emissions from under-6,000 pound 1975 model year vehicles (assuming that the current 1975 standards will be met by all other under-6,000 pound vehicles). The difference in magnitude is the result of one-tenth of all under-6,000 pound vehicles meeting a standard approximately 10 times less stringent than the standard being met by the other nine-tenths of under-6,000 vehicles. If light duty trucks were required to meet current heavy duty engine standards, which are substantially less stringent than current light duty vehicle standards, the effect on air quality would be even more adverse.

EPA considers that data available to it at this time indicate that emission control technology is as available for light duty trucks to meet 1975 light duty standards as it is for light duty vehicles. In fact, some specific data has very recently become available to show that a light duty truck can meet the 1975 light duty standards (Ford Motor Co. "Submission upon Remand" to EPA, March 5, 1973, figure 2–37).

I have also considered the general question of the economic impact of additional costs that may be associated with a requirement to control light duty trucks as stringently as light duty passenger cars. To the extent that such light duty trucks are actually used for commercial purposes, it is held that their owners are better able to absorb any additional costs that may arise out of the more stringent emission control requirements; conversely, to the extent that light duty trucks are used primarily for the transportation of passengers, there is no equity in a situation which would allow their owners to avoid costs that are imposed on all other owners of passenger-carrying light duty vehicles.

EPA will consider testimony given at the suspension hearings for 1975 model year light duty vehicles, as well as comments submitted formally to the Administrator in response to this notice of proposed rule making, in making its final decision regarding the standards which are technologically feasible for light duty trucks. The range which will be considered in making this final determination will be, at minimum, the current 1974 model year light duty vehicle standards and, at maximum, the current 1975 model year light duty vehicle standards.

40 CFR Part 85 as amended by this amendment to Subpart A and by the addition of Subpart C would become effective 30 days after promulgation and would be applicable to 1975 and subsequent model year light duty trucks. The current regulations which appear at 40 CFR 85.073 would remain in effect for the purpose of their applicability to 1974 and earlier model year light duty trucks.

Interested persons may submit written data, views, or arguments (in quadruplicate) in regard to the proposed regulations to the Administrator, Environmental Protection Agency, Attention: Mobile Source Air Pollution Control Program, Office of Air and Water Programs, Washington, D.C. 20460. All relevant material received on or before April 13, 1973 will be considered. The Administrator will also consider all testimony submitted at the 1975 model year light duty vehicle standards suspension hearings beginning in Washington, D.C. on March 12, 1973.

Comments submitted in response to the proposed regulations will be available for public inspection during normal business hours at the Office of Public Affairs, Environmental Protection Agency, Fourth and M Streets SW., Washington, D.C. 20460.

This notice of proposed rule making is issued under the authority of section 202 of the Clean Air Act, as amended (42 U.S.C. 1857f–1).

Dated: March 9, 1973.

WILLIAM D. RUCKELSHAUS,
Administrator.

1. Subpart A of Part 85, Title 40 of the Code of Federal Regulations as applicable to 1975 and later model year light duty vehicles is proposed to be amended as follows:

§ 85.002 Definitions.

* * * * *

(5) "Light duty vehicle" means a motor vehicle which is designed primarily for the transportation of persons and is capable of being equipped to seat 12 or fewer persons for safe and reasonably comfortable transport.

2. Subpart C of Part 85, Title 40 of the Code of Federal Regulations as applicable to 1975 and later model year light duty trucks is proposed to be added as follows:

Subpart C—Emission Regulations for New Light Duty Trucks

§ 85.201 General applicability.

(a) The provisions of this subpart are applicable to 1975 and later model year light duty trucks. For purposes of this subpart, "light duty truck" means a motor vehicle, rated at 6,000 pounds gross vehicle weight or less, which is designed primarily for the purpose of transporting property and is capable of being equipped to seat no more than three persons for safe and reasonable comfortable transport.

(b) The provisions of Subpart A of this part applicable to 1975 model year new gasoline-fueled light duty vehicles, with the exception of § 85.075–1, are applicable to 1975 and later model year light duty trucks.

[FR Doc.73-4913 Filed 3-13-73;8:45 am]

[40 CFR Part 135]

PRIOR NOTICE OF CITIZEN SUITS

Procedures for Giving Notice of Civil Actions

Section 505 of the Federal Water Pollution Control Act as amended by Public Law 92–500 (October 18, 1972) authorizes any citizen to commence a civil action against (1) any person alleged to be in violation of an effluent standard or limitation under the Act or in violation of an order with respect to such limitation issued by the Administrator of the Environmental Protection Agency or a State or, (2) the Administrator, where there is alleged a failure of the Administrator to perform any nondiscretionary act or duty under the Act. Except in certain cases, no action may be commenced against the Administrator pursuant to section 505 prior to 60 days after the plaintiff gives notice of such action to the Administrator. In the case of actions against persons other than the Administrator, section 505 requires that notice of the violation be given to the Administrator, to the State in which the violation is alleged to have occurred, and to the alleged violator, at least 60 days prior to commencement of the action. Section 505 directs the Administrator to prescribe by regulation the manner in which such notices shall be given.

Part 135, as proposed below, prescribes the maner in which such notice shall be given.

Interested persons may submit written comments on the proposed regulations, in triplicate, to the Administrator, Environmental Protection Agency, Waterside Mall Building, 401 M Street SW., Washington, DC 20460. All relevant comments received on or before April 13, 1973 will be considered.

V38-49 MAR 14 73 XUM

This notice of proposed rulemaking is issued under the authority of section 505 of the Federal Water Pollution Control Act Amendments of 1972 (Public Law 92-500, 86 Stat. 816).

WILLIAM D. RUCKELSHAUS,
Administrator.

MARCH 9, 1973.

A new Part 135 would be added to Subchapter D, Chapter 1, Title 40 Code of Federal Regulations as follows:

PART 135—PRIOR NOTICE OF CITIZEN SUITS

Sec
135.1 Purpose.
135.2 Service of notices.
135.3 Contents of notice.

AUTHORITY: Sec. 505, Federal Water Pollution Control Act Amendments of 1972, Public Law 92-500, 86 Stat. 816.

§ 135.1 Purpose.

Section 505 of the Federal Water Pollution Control Act Amendments of 1972 (hereinafter "the Act") authorizes the actions by any citizen to enforce the Act or to enforce certain requirements promulgated pursuant to the Act. The purpose of this part is to prescribe procedures governing the giving of notice required by subsection 505(b) of the Act as a prerequisite to the commencement of such actions.

§ 135.2 Service of notices.

(a) Notice of intent to file suit pursuant to section 505(a)(1) of the Act shall be served upon an alleged violator of an effluent standard, or limitation under the Act, or an order issued by the Administrator or a State with respect to such a standard or limitation, in the following manner:

(1) If the alleged violator is an individual, service of notice shall be accomplished by certified mail addressed to, or by personal service upon, the owner or managing agent of the building, plant, installation, vessel, facility, or activity alleged to be in violation. If the alleged violator is a corporation, service of notice shall be accomplished by certified mail addressed to, or by personal service upon, the owner or managing agent of the building, plant, installation, vessel, facility or activity alleged to be in violation. A copy of such notice shall be mailed to the registered agent, if any, of such corporation in the State where such violation is alleged to have occurred. In such instance, a copy of the notice shall be mailed to the Administrator of the Environmental Protection Agency, the Regional Administrator of the Environmental Protection Agency for the region in which such violation is alleged to have occurred, and the chief administrative officer of the water pollution control agency for the State where the violation is alleged to have occurred.

(2) If the alleged violator is a State or local agency, service of notice shall be accomplished by certified mail addressed to, or by personal service upon, the head of such agency. A copy of such notice shall be mailed to the chief administrative officer of the water pollution control agency for the State where the violation is alleged to have occurred, the Administrator of the Environmental Protection Agency, and the Regional Administrator of the Environmental Protection Agency for the region in which such violation is alleged to have occurred.

(3) If the alleged violator is a Federal agency, service of notice shall be accomplished by certified mail addressed to, or by personal service upon, the head of such agency. A copy of such notice shall be mailed to the Administrator of the Environmental Protection Agency, the Regional Administrator of the Environmental Protection Agency for the region in which such violation is alleged to have occurred, the Attorney General of the United States, and the chief administrative officer of the water pollution control agency for the State where the violation is alleged to have occurred.

(b) Service of notice of intent to file suit pursuant to section 505(a)(2) of the Act shall be accomplished by certified mail addressed to, or by personal service upon, the Administrator, Environmental Protection Agency, Washington, D.C. 20460. A copy of such notice shall be mailed to the Attorney General of the United States.

(c) Notice given in accordance with the provisions of this part shall be deemed to have been served on the postmark date if mailed, or on the date of receipt if served personally.

§ 135.3 Contents of notice.

(a) *Failure to act.* Notice regarding an alleged failure of the Administrator to perform any act or duty under the Act which is not discretionary with the Administrator shall identify the provision of the Act which requires such act or creates such duty, shall describe with reasonable specificity the action taken or not taken by the Administrator which is alleged to constitute a failure to perform such act or duty, and shall state the full name and address of the person giving the notice.

(b) *Violation of standard, limitation or order.* Notice regarding an alleged violation of an effluent standard or limitation or of an order with respect thereto, shall include sufficient information to permit the recipient to identify the specific standard, limitation, or order alleged to have been violated, the activity alleged to constitute a violation, the person or persons responsible for the alleged violation, the location of the alleged violation, the date or dates of such violation, and the full name and address of the person giving notice.

(c) *Identification of counsel.* The notice shall state the name, address, and telephone number of the legal counsel, if any, representing the person giving the notice.

[FR Doc. 73-4912 Filed 3-13-73;8:45 am]

FEDERAL HOME LOAN BANK BOARD

[12 CFR Parts 546, 563, 563b, 571]

[No. 73-395]

CONVERSIONS OF MUTUAL ASSOCIATIONS TO STOCK FORM

Extension of Comment Period

Notice was given by the Federal Home Loan Bank Board on January 11, 1973 (38 FR 1334) that the Board would receive until March 12, 1973 public comments regarding its proposed regulations relating to conversions to the stock form by mutual savings and loan associations, the accounts of which are insured by the Federal Savings and Loan Insurance Corporation. Notice was also given by the Board on February 7, 1973 (38 FR 3527) that the Board would hold public hearings on the proposed conversion regulations on March 12 and 13, 1973.

Notice is hereby given that the above-mentioned comment period on the proposed conversion regulations is extended until March 19, 1973. The Board intends to revise the proposed conversion regulations after considering comments received during the comment period and the views presented at the public hearings, and intends thereafter to issue revised conversion regulations with an additional comment period of not less than 30 days.

Washington, D.C., March 8, 1973.

By the Federal Home Loan Bank Board.

[SEAL] EUGENE M. HERRIN,
Assistant Secretary.

[FR Doc.73-4911 Filed 3-13-73;8:45 am]

Notices

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF STATE

Agency for International Development

ASIAN-AMERICAN FREE LABOR INSTITUTE, INC.

Register of Voluntary Foreign Aid Agencies

In accordance with the regulations of the Agency for International Development concerning Registration of Agencies for Voluntary Foreign Aid (AID Regulation 3) 22 CFR Part 203, promulgated pursuant to section 621 of the Foreign Assistance Act of 1961, as amended, notice is hereby given that a Certificate of Registration as a voluntary foreign aid agency has been issued by the Advisory Committee on Voluntary Foreign Aid of the Agency for International Development to the following agency:

Asian-American Free Labor Institute, Inc., 1775 K Street NW., Washington, DC 20006.

Dated: March 5, 1973.

JAROLD A. KIEFFER,
Assistant Administrator for Population and Humanitarian Assistance.

[FR Doc.73-4860 Filed 3-13-73;8:45 am]

CODEL (COOPERATION IN DEVELOPMENT), INC.

Register of Voluntary Foreign Aid Agencies

In accordance with the regulations of the Agency for International Development concerning Registration of Agencies for Voluntary Foreign Aid (AID Regulation 3) 22 CFR Part 203, promulgated pursuant to section 621 of the Foreign Assistance Act of 1961, as amended, notice is hereby given that a Certificate of Registration as a voluntary foreign aid agency has been issued by the Advisory Committee on Voluntary Foreign Aid of the Agency for International Development to the following agency:

CODEL (Cooperation in Development), Inc., 79 Madison Avenue, New York, NY 10016.

Dated: March 5, 1973.

JAROLD A. KIEFFER,
Assistant Administrator for Population and Humanitarian Assistance.

[FR Doc.73-4859 Filed 3-13-73;8:45 am]

LIST OF INELIGIBLE SUPPLIERS

The following list of ineligible suppliers under AID Regulation 8 is currently in effect. All persons who anticipate AID financing for a transaction involving any person whose name appears on this list should take special notice of its contents.

LIST OF INELIGIBLE SUPPLIERS

SECTION 1. *Purpose of the list.* The list of ineligible suppliers implements the provisions of AID Regulation 8, Suppliers of Commodities and Commodity-Related Services Ineligible for AID Financing (22 CFR Part 208). Subject to the conditions described below AID will not make funds available to finance the cost of commodities or commodity-related services furnished by any supplier whose name appears on the list. A debarred supplier whose name appears in section 4 of a printed or published list has been placed thereon for the causes specified in § 208.5 of Regulation 8; a suspended supplier whose name appears in section 4 of a printed or published list has been placed thereon for the causes specified in § 208.7 of Regulation 8. AID has taken such action in accordance with the procedures described in Subpart D of Regulation 8.

With respect to the interest of any U.S. bank which holds an AID Letter of Commitment, special attention is called to the fact that the list as periodically modified by AID constitutes a special amendment to every Letter of Commitment to the effect that AID will not provide reimbursement to a bank for payment to any supplier whose name appears on the list, excepting only (a) a payment made to a supplier on or before the initial date of suspension indicated for that supplier under an AID Letter of Commitment issued prior to that date, and (b) a payment made to a supplier under an irrevocable Letter of Credit opened or confirmed on or before the initial date of suspension indicated for that supplier under an AID Letter of Commitment issued prior to that date. A bank which receives copies of the list and the periodic modifications thereto shall be held in its relationship with AID to the standard of care described in § 201.73(f) of Regulation 1 (22 CFR 201.73(f)) with respect to every transaction governed by an AID Letter of Commitment issued to that bank.

SEC. 2. *Contents of the list.* The list of ineligible suppliers consists of all suppliers and affiliates who have been debarred or suspended by AID. Additions to or deletions from the list are communicated directly to every U.S. bank holding an AID Letter of Commitment as they occur. AID endeavors to keep printed and published lists as current as possible by superseding or supplementary issuance. No prejudice whatsoever shall attach to a supplier whose name has been removed from this list.

SEC. 3. *Suppliers DEBARRED from AID financing.*

NAME, ADDRESS, INITIAL DATE OF SUSPENSION, AND PERIOD OF DEBARMENT

Liao, Mr. J. Y. (aka Liao, Chi Yo), President, Summid Corp., 7-2 Alley 13, Lane 1032, Chung Cheng Road, Taipei, Taiwan, April 7, 1970, 5/7/71-5/7/74.
Mane Fils, Inc., 250 Park Avenue S., New York, NY, January 7, 1969, 2/6/70-2/6/73.
Summid Corp., 7-2 Alley 13, Lane 1032, Chung Cheng Road, Taipei, Taiwan, April 7, 1970, 5/7/71-5/7/74.

SEC. 4. *Suppliers SUSPENDED from AID financing.* The following suppliers have been suspended from AID financing until further notice pending completion of an AID investigation of facts which may lead to the eventual debarment of such suppliers:

NAME, ADDRESS, AND INITIAL DATE OF SUSPENSION

Archifar Pharmaceutical Products, Inc., 20 Exchange Place, New York, NY 10005, November 9, 1966.
Associated Chemo-Pharm Industries, Inc., 20 Exchange Place, New York, NY 10005, November 9, 1966.
Bershad, Mrs. Carolyn, 8211 Streamwood Drive, Baltimore, MD 21208, September 26, 1967.
Bershad, Mr. Irving, 8211 Streamwood Drive, Baltimore, MD 21208, September 26, 1967.
Cathay Steel Export Corp., 160 Broadway, New York, NY 10038, September 26, 1967.
Colony Steel Co., 122 East 42d Street, New York, NY, March 26, 1968.
Concepcion, Mr. Segismundo, 160 Broadway, New York, NY 10038, April 22, 1969.
Concrete Pipe Machinery Co., Post Office Box 1708, Sioux City, IA 51102, August 10, 1970.
Corrigan-Gonzalez Export Corp., 4001 Northwest 25th Street, Miami, FL, November 17, 1970.
Corrigan & Sons, Inc., Post Office Box 218, San Antonio, FL, November 17, 1970.
Dixie Chick Co., 510 Davis Street SW., Gainesville, GA 30501, March 5, 1969.
Domestic Export Corp., 288 New York Avenue, Huntington, NY, February 14, 1972.
Eastar Trading Co., 1830 West Olympic Boulevard, Los Angeles, CA 90006, May 20, 1970.
Gubbay, Mr. Clement, 20 Exchange Place, New York, NY 10005, November 9, 1966.
Higgins, Thomas Edison, Enterprise, Inc., 660 Capri Boulevard, Treasure Island, FL 33706, April 5, 1967.
Higgins, Mrs. Mabel, 660 Capri Boulevard, Treasure Island, FL 33706, April 5, 1967.
Higgins, Mr. Thomas Edison, 660 Capri Boulevard, Treasure Island, FL 33706, April 5, 1967.
International Clay Machinery Co. of Delaware, Inc., 15 Park Row, New York, NY 10038, August 9, 1971.
International Engineering, Inc., 15 Park Row, New York, NY 10038, August 9, 1971.
International Enterprises, 160 Broadway, New York, NY 10038, April 22, 1969.
Kim, Mr. Peter, Eastar Trading Co., 1880 West Olympic Boulevard, Los Angeles, CA 90006, May 20, 1970.

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LeVita Industries, 35 LaPatera Lane, Goleta, CA 93016, November 2, 1971.
LeVita, Mr. Frank O., North American Steel Co., Pontiac State Bank Building, Pontiac, Mich. 48058, November 2, 1971.
Lowens, Mr. Ernest, 20 Exchange Place, New York, NY 10005, November 9, 1966.
Marciem, S. A., c/o Bufete Tapia, Calle 31 3-80 Panama City, Republic of Panama, October 25, 1967.
Meoni, Mr. A., 20 Exchange Place, New York, NY 10005, November 9, 1966.
McElroy, Mr. Roy H., President, International Clay Machinery Co. of Delaware, Inc., 15 Park Row, New York, NY 10038, August 9, 1971.
Navarro, Mr. Ben, 20 Exchange Place, New York, NY 10005, November 9, 1966.
North American Steel Co., Pontiac State Bank Building, Pontiac, Mich. 48058, November 2, 1971.
North Georgia Feed & Poultry, Inc., 514 Davis Street SW., Gainesville, GA 30501, March 5, 1969.
Pharma Scienta, 156 Rue de Damas, Imm. Homis, Beirut, Lebanon, December 19, 1966.
R & Z Co., Inc., 2041-67 Pitkin Avenue, Brooklyn, NY 11207, October 23, 1969.
Richter Gedeon, Pharmaceutical Products, Inc., 20 Exchange Place, New York, NY 10005, November 9, 1966.
Rogers, Mr. Henry, 2041-47 Pitkin Avenue, Brooklyn, NY 11207, October 23, 1969.
Rolquin, Mr. E. R., President, Domestic Export Corp., 288 New York Avenue, Huntington, NY, February 14, 1972.
Scheinis, Mr. Samuel, 122 East 42d Street, New York, NY 10017, March 25, 1971.
Shalom, Mr. Raleigh, 20 Exchange Place, New York, NY 10005, November 9, 1966.
Societe des Laboratories Reunis (SOLAR), 156 Rue de Damas, Imm. Homis, Beirut, Lebanon, December 19, 1966.
Spe-D-Magic Co., 660 Capri Boulevard, Treasure Island, FL 33706, April 5, 1967.
Surplus Steel Exchange, Inc., 227 Fulton Street, New York, NY 10007, January 16, 1968.
Tricon International, Inc., 160 Broadway, New York, NY 10038, April 22, 1969.
United Pharmacal Laboratories, Post Office Box 1718, Lot 28, Foreign Trade Zone, Mayaguez, PR, December 19, 1966.
White Magic Co., 660 Capri Boulevard, Treasure Island, FL 33706, April 5, 1967.
Wolff, Mr. Tom G., 787 Tucker Road, North Dartmouth, MA, October 23, 1969.
Zubof, Mr. Samuel, 2041-47 Pitkin Avenue, Brooklyn, NY 11207, October 23, 1969.

Dated: March 5, 1973.

JAMES F. CAMPBELL,
Assistant Administrator for Program and Management Services.

[FR Doc.73-4858 Filed 3-13-73;8:45 am]

DEPARTMENT OF STATE

Office of the Secretary

[Public Notice CM-12]

STUDY GROUP 7 OF U.S. NATIONAL COMMITTEE FOR THE INTERNATIONAL RADIO CONSULTATIVE COMMITTEE

Notice of Meeting

The Department of State announces that Study Group 7 of the U.S. National Committee for the International Radio Consultative Committee (CCIR) will meet on March 10, 1973, at 9:30 a.m. in Room N13 of Building 12, Goddard Space Flight Center, National Aeronautics and Space Administration (NASA), Greenbelt, Md. Study Group 7 deals with questions relating to the standard-frequency and time-signal services. The agenda for the meeting will include the following matters:

a. Discussion of issues related to the international meeting of Study Group 7 in 1974;

b. Work programs for the development of U.S. contributions to the international meeting in 1974.

Members of the general public who desire to attend the meeting will be admitted up to the limits of the capacity of the meeting room. In that regard, entrance to the Goddard Space Flight Center is controlled and all non-NASA representatives will be required to register at which ever gate is used for entry to the area. Entry for members of the general public may be facilitated if arrangements are made in advance of the meeting. Therefore, it is suggested that prior to March 30, 1973, members of the general public who plan to attend the meeting should inform their name, affiliation, and address to Mr. Hugh Fosque, NASA Headquarters; the telephone number is area code 202—755-2434.

Dated: March 8, 1973.

GORDON L. HUFFCUTT,
Chairman, U.S. CCIR National Committee.

[FR Doc.73-4899 Filed 3-13-73;8:45 am]

[Public Notice CM-13]

SECRETARY OF STATE'S ADVISORY COMMITTEE ON PRIVATE INTERNATIONAL LAW

Notice of Meeting

A meeting of the Secretary of State's Advisory Committee on Private International Law will be held at 10 a.m. on Saturday, March 24, 1973, in room 5519 of the Department of State. The Committee meeting will be open to the public.

The principal topic of the meeting will be consideration of positions to be taken by the United States at the Sixth Session of the United Nations Commission on International Trade Law (UNCITRAL) to be held in Geneva April 1-13, 1973. In formulating these positions the Committee will be considering reports on recent meetings of UNCITRAL working groups on international sale of goods, maritime bills of lading and international negotiable instruments.

Members of the general public who desire to attend the meeting will be admitted up to the limits of the capacity of the meeting room. Entrance to the Department of State building is controlled and entry will be facilitated if arrangements are made in advance of the meeting. It is requested that prior to March 24, 1973, members of the general public who plan to attend the meeting inform their name and affiliation and address to Mr. Robert E. Dalton, Office of the Legal Adviser, Department of State; the telephone number is area code 202, 632-2107. All non-Government attendees at the meeting should use the C Street entrance to the building.

Dated: March 8, 1973.

ROBERT E. DALTON,
Executive Director.

[FR Doc.73-4900 Filed 3-13-73;8:45 am]

DEPARTMENT OF THE INTERIOR

National Park Service

BLUE RIDGE PARKWAY

Notice of Intention to Negotiate Concession Contract

Pursuant to the provisions of section 5, of the Act of October 9, 1965 (79 Stat. 969; 16 U.S.C. 20), public notice is hereby given that on April 13, 1973, the Department of the Interior, through the Director of the National Park Service, proposes to negotiate a concession contract with Northwest Trading Post, Inc., authorizing it to provide concession facilities and services for the public near Milepost 260 on the Blue Ridge Parkway, N.C., for a period of five (5) years from January 1, 1973, through December 31, 1977.

The foregoing concessioner has performed its obligations under the expiring contract to the satisfaction of the National Park Service, and therefore, pursuant to the Act cited above, is entitled to be given preference in the renewal of the contract and in the negotiation of a new contract. However, under the Act cited above, the Secretary is also required to consider and evaluate all proposals received as a result of this notice. Any proposal to be considered and evaluated must be submitted on or before April 13, 1973.

Interested parties should contact the Chief, Office of Concessions Management, National Park Service, Washington, D.C. 20240, for information as to the requirements of the proposed contract.

Dated: February 27, 1973.

JOSEPH C. RUMBERG, Jr.,
Deputy Associate Director, National Park Service.

[FR Doc.73-4847 Filed 3-13-73;8:45 am]

Office of the Secretary

CHARLES A. CAMPBELL

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past 6 months:

(1) No change.
(2) No change.
(3) No change.
(4) No change.

This statement is made as of February 6, 1973.

Dated: February 6, 1973.

CHARLES A. CAMPBELL.

[FR Doc.73-4812 Filed 3-13-73;8:45 am]

GLENN J. HALL

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past 6 months:

(1) No change.
(2) No change.
(3) No change.
(4) No change.

This statement is made as of February 12, 1973.

Dated: February 12, 1973.

GLENN J. HALL.

[FR Doc.73-4813 Filed 3-13-73;8:45 am]

ROBERT L. HUFMAN

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past 6 months:

(1) No change.
(2) No change.
(3) No change.
(4) No change.

This statement is made as of February 5, 1973.

Dated: February 5, 1973.

ROBERT L. HUFMAN.

[FR Doc.73-4814 Filed 3-13-73;8:45 am]

DAVID G. JETER

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past 6 months:

(1) No change.
(2) No change.
(3) No change.
(4) No change.

This statement is made as of January 1, 1973.

Dated: February 2, 1973.

DAVID G. JETER.

[FR Doc.73-4815 Filed 3-13-73;8:45 am]

J. W. KEPNER

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past 6 months:

(1) No change.
(2) No change.
(3) No change.
(4) No change.

This statement is made as of February 22, 1973.

Dated: February 22, 1973.

J. W. KEPNER.

[FR Doc.73-4816 Filed 3-13-73;8:45 am]

WILLIAM M. KIEFER

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past 6 months:

(1) No change.
(2) No change.
(3) No change.
(4) No change.

This statement is made as of February 9, 1973.

Dated: February 9, 1973.

WILLIAM M. KIEFER.

[FR Doc.73-4817 Filed 3-13-73;8:45 am]

ROBERT McLAGAN

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past 6 months:

(1) No change.
(2) No change.
(3) No change.
(4) No change.

This statement is made as of February 6, 1973.

Dated: February 6, 1973.

ROBERT R. MCLAGAN.

[FR Doc.73-4818 Filed 3-13-73;8:45 am]

HARRY H. MOCHON, JR.

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past 6 months:

(1) No change.
(2) No change.
(3) No change.
(4) No change.

This statement is made as of February 2, 1973.

Dated: February 2, 1973.

HARRY H. MOCHON, Jr.

[FR Doc.73-4819 Filed 3-13-73;8:45 am]

JULIO A. NEGRONI

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past 6 months:

(1) No change.
(2) No change.
(3) No change.
(4) No change.

This statement is made as of February 6, 1973.

Dated: February 6, 1973.

JULIO A. NEGRONI.

[FR Doc.73-4820 Filed 3-13-73;8:45 am]

WILLIAM K. PENCE

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past 6 months.

(1) None.
(2) None.
(3) None.
(4) None.

This statement is made as of February 14, 1973.

Dated: February 16, 1973.

WILLIAM K. PENCE.

[FR Doc.73-4821 Filed 3-13-73;8:45 am]

LEROY J. SCHULTZ

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past 6 months:

(1) No change.
(2) No change.
(3) No change.
(4) No change.

This statement is made as of February 5, 1973.

Dated: February 5, 1973.

LEROY J. SCHULTZ,

[FR Doc.73-4822 Filed 3-13-73;8:45 am]

CHARLES W. WATSON

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Pro-

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duction Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past 6 months:

(1) No change.
(2) No change.
(3) No change.
(4) No change.

This statement is made as of February 1, 1973.

Dated: February 1, 1973.

CHARLES W. WATSON.

[FR Doc.73-4823 Filed 3-13-73;8:45 am]

ROBERT W. WINFREE

Report of Appointment and Statement of Financial Interests

MARCH 7, 1973.

Pursuant to section 302(a) of Executive Order 10647, the following information on a WOC appointee in the Department of the Interior is furnished for publication in the FEDERAL REGISTER:

Name of appointee. Robert W. Winfree.

Name of employing agency. Department of the Interior, Defense Electric Power Administration.

The title of the appointee's position. Deputy Director, DEPA Area 4.

The name of the appointee's private employer or employers. Georgia Power Co.

The statement of "financial interests" for the above appointee is enclosed.

ROGERS C. B. MORTON,
Secretary of the Interior.

APPOINTEE'S STATEMENT OF FINANCIAL INTERESTS

In accordance with the requirements of section 302(b) of Executive Order 10647, I am filing the following statement for publication in the FEDERAL REGISTER:

(1) Names of any corporations of which I am, or had been within 60 days preceding my appointment, on January 11, 1973, as Deputy Director, Area 4, Defense Electric Power Administration, an officer or director:

None.

(2) Names of any corporations in which I own, or did own within 60 days preceding my appointment, any stocks, bonds, or other financial interests:

None.

(3) Names of any partnerships in which I am associated, or had been associated within 60 days preceding my appointment:

None.

(4) Names of any other businesses which I own, or owned within 60 days preceding my appointment:

None.

ROBERT W. WINFREE.

JANUARY 23, 1973.

[FR Doc.73-4746 Filed 3-13-73;8:45 am]

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

[PPQ-639]

SOIL SAMPLES

List of Approved Laboratories

Correction

In FR Doc. 73-3850 appearing at page 5915 in the issue of Monday, March 5, 1973, the following changes should be made:

1. On page 5915:

a. In the second column, the footnote 3, which appears after the second to last entry under "A", should be "footnote 2".

b. In the 10th entry in the third column, the fourth word "Kervorkian", should read "Kevorkian".

c. The first name "Coenan", in the last entry under "C" in the third column, should read "Coenen".

2. In the third column on page 5917, change the footnote 4, which appears after the 10th entry to be "footnote 3".

3. In the second column on page 5918:

a. In the fourth to the last entry under "R", the word "Univesrity", should read "University".

b. Directly above the second to the last entry under "R", delete "Rutgers, the State University, Department of".

c. Under "S", the first word of the 14th entry "Shillstone", should read "Shilstone".

4. In the third column on page 5918, the first word "Smithsonia", should read "Smithsonian".

5. In the second column on page 5919, in the 11th entry from the bottom of the page, in the third line of this 11th entry, delete "Marietta, Ga." (6-30-77)."; and insert in lieu of, "Sausalito, Ca." (6-30-73)".

Commodity Credit Corporation

[Amdt. 8]

SALES OF CERTAIN COMMODITIES

Monthly Sales List (Fiscal Year Ending June 30, 1973); Amendment

The CCC Monthly Sales List for the fiscal year ending June 30, 1973, published in 37 FR 13352 is amended as follows:

1. The provisions of section 44 entitled "Linseed Oil—unrestricted use sales" published in 37 FR 13355, as amended in 37 FR 19389, are deleted.

Effective date: 2:30 p.m. e.s.t., February 28, 1973.

Signed at Washington, D.C., on March 8, 1973.

KENNETH E. FRICK,
Executive Vice President,
Commodity Credit Corporation.

[FR Doc.73-4935 Filed 3-13-73;8:45 am]

DEPARTMENT OF COMMERCE

Maritime Administration

TANKER CONSTRUCTION PROGRAM

Draft Environmental Impact Statement; Notice of Availability

Notice is hereby given that copies of the U.S. Department of Commerce draft environmental impact statement on the Maritime Administration Tanker Construction Program will be filed with the Council on Environmental Quality and available to the public on March 15, 1973. Copies of the statement will be available for public inspection at the following locations:

Maritime Administration, Office of Public Affairs, Room 4889, Department of Commerce, Washington, D.C. 20235.
Maritime Administration, Eastern Regional Office, 26 Federal Plaza, New York, N.Y. 10007.
Maritime Administration, Central Regional Office, 701 Loyola Avenue, New Orleans, La. 70152.
Maritime Administration, Western Regional Office, 450 Golden Gate Avenue, San Francisco, Calif. 94102.

Any questions concerning the statement should be directed to Dr. Sidney R. Galler, Deputy Assistant Secretary for Environmental Affairs, Department of Commerce, Washington, D.C. 20230, 202—967-4335. Persons desiring to file written comments should submit same to Dr. Galler prior to May 15, 1973.

The draft statement entitled, "Maritime Administration Tanker Construction Program," refers to proposed assistance to private industry to aid in the construction in the United States of a fleet of modern tankers and other oil carrying vessels during the decade of the 1970's. Vessel classes included range from approximately 35,000 d.w.t. to 400,000 d.w.t.

Copies of the statement may be purchased from the National Technical Information Service, Ordering Department, 5285 Port Royal Road, Springfield, VA 22151, or from the Environmental Law Institute, Document Service, 1346 Connecticut Avenue NW., Washington, DC 20036 (approximately 700 pages including appendixes) (NTIS Order No. EIS 73 0392-D) (ELR Order No. 00392).

Dated: March 12, 1973.

By Order of the Assistant Secretary of Commerce for Maritime Affairs.

JAMES S. DAWSON, Jr.,
Secretary,
Maritime Administration.

[FR Doc.73-5020 Filed 3-13-73;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[Docket No. FDC-D-609; NADA No. 8-525V]

CHEVRON CHEMICAL CO.

Ortho Tack Wash; Notice of Withdrawal of Approval of New Animal Drug Application

In the FEDERAL REGISTER of September 5, 1970 (35 FR 14168, DESI 901V), the Commissioner of Food and Drugs announced the conclusions of the Food and Drug Administration following evaluation of a report received from the National Academy of Sciences-National Research Council, Drug Efficacy Study Group on Ortho Tack Wash (Ortho Fungicide 45 and R-Cide 45), new animal drug application (NADA) No. 8-525V; marketed by Chevron Chemical Co., Ortho Division, 940 Hensley Street, Richmond, CA 94804.

Chevron Chemical Co. responded to said announcement by waiving the opportunity for a hearing and requesting that approval of NADA No. 8-525V be withdrawn.

Based on the grounds set forth in said announcement and the firm's response, the Commissioner concludes that approval of said new animal drug application should be withdrawn. Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 512, 82 Stat. 343-351; 21 U.S.C. 360b) and under authority delegated to the Commissioner (21 CFR 2.120), approval of NADA No. 8-525V, including all amendments and supplements thereto is hereby withdrawn effective on March 14, 1973.

Dated: March 7, 1973.

SAM D. FINE,
Associate Commissioner
for Compliance.

[FR Doc.73-4863 Filed 3-13-73;8:45 am]

[Docket No. FDC-D-610; NADA No. 2-678V]

PITMAN-MOORE, INC.

Phenazoid Liquid; Notice of Withdrawal of Approval of New Animal Drug Application

In the FEDERAL REGISTER of December 9, 1970 (35 FR 18688, DESI 2302V), the Commissioner of Food and Drugs announced the conclusions of the Food and Drug Administration following evaluation of a report received from the National Academy of Sciences-National Research Council, Drug Efficacy Study Group, on Phenazoid Liquid, new animal drug application (NADA) No. 2-678V; marketed by Pitman-Moore, Inc., Washington Crossing, N.J. 08560.

Pitman-Moore, Inc., responded to the announcement by advising the Commissioner that said drug has been deleted from the market and requesting that approval of NADA No. 2-678V be withdrawn.

Based on the grounds set forth in said announcement and the firm's response, the Commissioner concludes that approval of said new animal drug application should be withdrawn. Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 512, 82 Stat. 343-351; 21 U.S.C. 360b) and under authority delegated to the Commissioner (21 CFR 2.120), approval of NADA No. 2-678V, including all amendments and supplements thereto, is hereby withdrawn effective on March 14, 1973.

Dated: March 7, 1973.

SAM D. FINE,
Associate Commissioner
for Compliance.

[FR Doc.73-4863 Filed 3-13-73;8:45 am]

[DESI 6566; Docket No. FDC-D-578; NDA 11-467 et al.]

WINTHROP LABORATORIES

Chlormezanone and Chlormezanone with Aspirin; Notice of Opportunity for Hearing on Proposal To Withdraw Approval of New Drug Applications; Correction

In the FEDERAL REGISTER Doc. 73-1672, appearing on page 2779, in the issue of Tuesday, January 30, 1973, in the table, delete the first entry which is NDA 11-467 for Trancopal Caplets.

Dated: March 8, 1973.

SAM D. FINE,
Associate Commissioner
for Compliance.

[FR Doc.73-4864 Filed 3-13-73;8:45 am]

Health Services and Mental Health Administration

NATIONAL ADVISORY BODIES

Notice of Meetings

The Acting Administrator, Health Services and Mental Health Administration, announces the meeting dates and other required information for the following National Advisory bodies scheduled to assemble during the month of March 1973:

Committee name	Date, time, place	Type of meeting and/or contact person
National Advisory Mental Health Council.	Mar. 19-20, 9:30 a.m., Parklawn Bldg., Conference Room 14-105, 5600 Fishers Lane, Rockville, Md.	Mar. 19—Open, Mar. 20—Closed, Contact K. P. Okura, Room 17C-26, 5600 Fishers Lane, Rockville, Md. Code 301—443-4597 or Mrs. Barbara O'Konek, Room 9C-05, 5600 Fishers Lane, Rockville, Md. Code 301—443-4335.

Purpose. Reviews applications for grants-in-aid relating to research, training, and instructions in the field of psychiatric disorders. Advises on matters of program planning and evaluation relevant to mental health programs.

Agenda. March 19 will be devoted to a discussion of policy issues. Agenda items will include a report by the Director of NIMH on administrative and legislative developments, the Social Security Amendments, and new directions in mental health training programs. On March 20 the Council will conduct a final review of grant applications for Federal assistance and this session will not be open to the public, in accordance with the determination by the Acting Administrator, Health Services and Mental Health Administration, pursuant to the provisions of Public Law 92-463, section 10(d).

Committee name	Date, time, place	Type of meeting and/or contact person
Board of Scientific Counselors, NIMH.	Mar. 30-31, 9:30 a.m., National Institutes of Health, Building 36, Room 1B-07, Bethesda, Md.	Open—9:30-10 a.m. on Mar. 30. Closed—remainder of meeting. Contact Dr. John C. Eberhart, Room 1A-05, National Institutes of Health, Building 36, Bethesda, Md. Code 301-496-3561.

Purpose. The committee provides expert advice to the Director, National Institute of Mental Health, on the mental health intramural research program through periodic visits to the laboratories for assessment of the research in progress and evaluation of productivity and performance of staff scientists.

Agenda. The open portion of the meeting will consist of a report by the Director and Deputy Director for Intramural Research, National Institute of Mental Health, on recent administrative developments. The remainder of the 2-day session will be devoted to the review of intramural research projects and the evaluation of individual scientific programs, and will not be open to the public in accordance with the determination by the Acting Administrator, Health Services and Mental Health Administration, pursuant to the provisions of Public Law 92-463, section 10(d).

Agenda items are subject to change as priorities dictate.

A roster of members and other relevant information regarding open sessions may be obtained from the contact persons listed above.

Dated: March 7, 1973.

ANDREW J. CARDINAL,
Acting Associate Administrator for Management Health Services and Mental Health Administration.

[FR Doc.73-4743 Filed 3-13-73;8:45 am]

Office of the Secretary

TUSKEGEE SYPHILIS STUDY AD HOC ADVISORY PANEL

Notice of Meeting

A meeting of a subcommittee of the Tuskegee Syphilis Study Ad Hoc Advisory Panel is to be held on March 20, 1973. This panel was established by the Assistant Secretary for Health to provide advice on the circumstances surrounding the Tuskegee, Ala., Study of Untreated Syphilis in the Male Negro initiated by the U.S. Public Health Service in 1932. The Assistant Secretary for Health requested the panel to advise him on spe-

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cific aspects of the Tuskegee syphilis study, including a determination whether existing policies to protect the rights of patients participating in health research conducted or supported by the Department of Health, Education, and Welfare are adequate and effective and to recommend improvements in these policies, if needed.

This subcommittee meeting is for the purpose of reviewing current policy and recommendations to assist the panel in preparing its response to this charge. Within the facilities available the meeting will be open to observers. Observers may not participate in the proceedings of the meeting. Observers may not take photographs or visual recordings of proceedings. Observers may not occupy seats at the conference table or place any object on the table during the meeting. Written statements or documentary contributions from observers will be received before or after the meeting by the Executive Secretary for inclusion in the panel's records.

The meeting will begin at 1:30 p.m., in Conference Room 3835C at 26 Federal Plaza, New York, N.Y. A summary of the meeting and a roster of panel members may be obtained from Mr. John Blamphin, 202—962–7906, room 5614, HEW North Building, 330 Independence Avenue SW., Washington, DC 20201.

Dated: March 5, 1973.

R. C. BACKUS,
Executive Secretary, Tuskegee Syphilis Study Ad Hoc Advisory Panel.

[FR Doc.73–4854 Filed 3–13–73;8:45 am]

TUSKEGEE SYPHILIS STUDY AD HOC ADVISORY PANEL

Notice of Meeting

A meeting of a subcommittee of the Tuskegee Syphilis Study Ad Hoc Advisory Panel is to be held on March 22, 1973. This panel was established by the Assistant Secretary for Health to provide advice on the circumstances surrounding the Tuskegee, Ala., Study of Untreated Syphilis in the Male Negro initiated by the U.S. Public Health Service in 1932. The Assistant Secretary for Health requested the panel to advise him on specific aspects of the Tuskegee syphilis study, including a determination whether the study was justified in 1932 and whether it should have been continued when penicillin became generally available.

This subcommittee meeting is for the purpose of obtaining information from persons who may be able to assist the panel in preparing its response to this charge. Within the facilities available the meeting will be open to observers. Observers may not participate in the proceedings of the meeting. Observers may not take photographs or visual recordings of proceedings. Observers may not occupy seats at the conference table or place any object on the table during the meeting. Written statements or documentary contributions from observers will be received before or after the meeting by the Executive Secretary for inclusion in the panel's records.

The meeting will begin at 10 a.m., in Conference Room 3835C, at 26 Federal Plaza, New York, N.Y. A summary of the meeting and a roster of panel members may be obtained from Mr. John Blamphin, 202—962–7906, room 5614, HEW North Building, 330 Independence Avenue SW., Washington, DC 20201.

Dated: March 5, 1973.

R. C. BACKUS,
Executive Secretary, Tuskegee Syphilis Study Ad Hoc Advisory Panel.

[FR Doc.73–4855 Filed 3–13–73;8:45 am]

TUSKEGEE SYPHILIS STUDY AD HOC ADVISORY PANEL

Notice of Meeting

A meeting of the Tuskegee Syphilis Study Ad Hoc Advisory Panel is to be held on March 28, 1973. This panel was established by the Assistant Secretary for Health to provide advice on the circumstances surrounding the Tuskegee, Ala., Study of Untreated Syphilis in the Male Negro initiated by the U.S. Public Health Service in 1932. The Assistant Secretary for Health requested the panel to advise him on certain specific aspects of the Tuskegee syphilis study including a determination whether the study was justified in 1932 and whether it should have been continued when penicillin became generally available; a recommendation whether the study should be continued at this point in time, and if not, how it should be terminated in a way consistent with the rights and health needs of its remaining participants; and a determination whether existing policies to protect the rights of patients participating in health research conducted or supported by the Department of Health, Education, and Welfare are adequate and effective and to recommend improvements in these policies, if needed.

The agenda for this meeting provides for panel discussion on these charges. Within the facilities available the meeting will be open to observers. Observers may not participate in the proceedings of the meeting. Observers may not take photographs or visual recordings of proceedings. Observers may not occupy seats at the conference table or place any object on the table during the meeting. Written statements or documentary contributions from observers will be received before or after the meeting by the Executive Secretary for inclusion in the panel's records.

This meeting will begin at 10 a.m., in Conference Room 3, Building 31, National Institutes of Health, Bethesda, Md. A summary of the meeting and a roster of panel members may be obtained from Mr. John Blamphin, 202—962–7906, room 5614, HEW North Building, 330 Independence Avenue SW., Washington, DC 20201.

Dated: March 5, 1973.

R. C. BACKUS,
Executive Secretary, Tuskegee Syphilis Study Ad Hoc Advisory Panel.

[FR Doc.73–4856 Filed 3–13–73;8:45 am]

CHILD AND FAMILY DEVELOPMENT RESEARCH REVIEW COMMITTEE

Notice of Early Childhood Study Section Meeting

The Early Childhood Study Section of the Child and Family Development Research Review Committee will meet on March 19, 20, and 21, 1973. Each day the study section will meet from 9 a.m. until 5:30 p.m. in the Directors Room of the Shoreham Hotel, 2500 Calvert Street NW., Washington, DC. The meetings will be closed to the public. The purpose of the Child and Family Development Research Review Committee is to review applications of research and demonstration projects and to make recommendations to the Director of the Office of Child Development as to which projects should be funded. A list of committee members and a summary of the meeting may be obtained from:

Barbara Rosengard, Research and Evaluation Division, Office of Child Development, Post Office Box 1182, Washington, DC 20013, 202—755–7758.

Dated: March 7, 1973.

BARBARA ROSENGARD,
Executive Secretary.

[FR Doc.73–4857 Filed 3–13–73;8:45 am]

DEPARTMENT OF TRANSPORTATION

Coast Guard

[CGD 72–248R]

FEDERAL BOAT SAFETY ACT OF 1971

Exemption to Supersede Existing Exemption

A notice was published in the January 3, 1973 issue of the FEDERAL REGISTER (38 FR 71) proposing to supersede the exemption of August 11, 1971 (36 FR 15764 Aug. 18, 1971) to section 10 of the Federal Boat Safety Act of 1971 by issuing a more limited exemption.

The August 11, 1971 exemption exempted each State of the United States, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, and the District of Columbia and political subdivisions thereof from the provisions of section 10 of the Federal Boat Safety Act of 1971. That exemption applied only to laws and regulations in effect on the effective date of the Federal Boat Safety Act of 1971 (Aug. 20, 1971) and was to remain in effect until expressly superseded, revoked, or otherwise terminated (36 FR 15764, Aug. 18, 1971).

This exemption which will supersede the exemption of August 11, 1971, will principally affect State statutes and regulations by preempting those concerning boat performance or safety standards such as requirements for capacity plates, hull identification numbers, and flotation.

The exemption will continue to exempt State laws concerning performance or other safety standards for associated equipment and requirements for associated equipment.

During the written comment period no comments on the proposed exemption were received.

The Boating Safety Advisory Council has been consulted and its opinions and advice have been considered in the formulation of this exemption. The transcript of the proceedings of the meeting of the Boating Safety Advisory Council at which these regulations were discussed is available for examination in room 6240, U.S. Coast Guard Headquarters, Department of Transportation Headquarters Building, 400 Seventh Street SW., Washington, DC 20590. The minutes of the meeting are available from the Executive Director, Boating Safety Advisory Council at this address.

In consideration of the foregoing the exemption of August 11, 1971, to section 10 of the Federal Boat Safety Act of 1971 is superseded by a more limited exemption as follows:

Under the authority vested in me by sections 9 and 10 of the Federal Boat Safety Act of 1971 and 49 CFR 1.46 (o)(1), I hereby exempt each State of the United States, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, and the District of Columbia and political subdivisions thereof from those provisions of section 10 of the Federal Boat Safety Act of 1971 that prohibit any of those jurisdictions from continuing in effect or enforcing any provision of law or regulation which establishes any associated equipment performance or safety standard, or which imposes any requirement for associated equipment that is not identical to a Federal regulation. This exemption applies only to laws and regulations in effect on the effective date of the Federal Boat Safety Act of 1971 and remains in effect until expressly superseded, revoked, or otherwise terminated.

Dated: March 8, 1973.

C. R. BENDER,
Admiral, U.S. Coast Guard, Commandant.

[FR Doc.73–4877 Filed 3–13–73;8:45 am]

[CGD 73–46N]

SAN FRANCISCO VESSEL TRAFFIC SYSTEM

Operating Procedures

The Commander, Twelfth Coast Guard District, San Francisco, Calif., has issued Public Notice No. 12–55 on March 1, 1973, containing operating procedures to implement the San Francisco Vessel Traffic System, as authorized by the Ports and Waterways Safety Act of 1972, Public Law 92–340, 86 Stat. 424 (July 10, 1972).

The operating procedures describe a system of voluntary traffic separation on San Francisco Bay applicable to all commercial and public vessels. The system is effective on March 15, 1973.

Copies of Public Notice No. 12–55 are available to the public at the Office of the Commander, Twelfth Coast Guard District, 630 Sansome Street, San Francisco, CA 94126.

Dated: March 9, 1973.

W. M. BENHERT,
Rear Admiral, U.S. Coast Guard, Chief, Office of Marine Environment and Systems.

[FR Doc.73–4938 Filed 3–13–73;8:45 am]

ATOMIC ENERGY COMMISSION

[Docket No. 27–47]

CHEM-NUCLEAR SERVICES, INC.

Notice of Issuance of Amendment of Byproduct, Source, and Special Nuclear Material License

A notice of proposed amendment of Byproduct, Source, and Special Nuclear Material License which would amend License No. 46–13536–01, held by Chem-Nuclear Services, Inc., to authorize Chem-Nuclear Services, Inc., to possess up to 850 grams of uranium-235 and to dispose of the uranium-235 by land burial at its facility near Barnwell, S.C., was published in the FEDERAL REGISTER on October 14, 1972, 37 FR 21866.

No request for a hearing or petition for leave to intervene has been filed following publication of the notice of proposed amendment. The Commission has found that the application for amendment of License No. 46–13536–01 complies with the requirements of the Atomic Energy Act of 1954, as amended and of the Commission's regulations in Chapter I, Title 10, of the Code of Federal Regulations. Accordingly, the Atomic Energy Commission has this date issued Amendment No. 04 to License No. 46–13536–01 held by Chem-Nuclear Services, Inc.

For the Atomic Energy Commission.

Dated at Bethesda, Md., February 21, 1973.

RICHARD E. CUNNINGHAM,
Acting Deputy Director for Fuels and Materials, Directorate of Licensing.

[FR Doc.73–4848 Filed 3–13–73;8:45 am]

[Dockets Nos. 50–282; 50–306]

NORTHERN STATES POWER CO.

Assignment of Members of Atomic Safety and Licensing Appeal Board

Notice is hereby given that, in accordance with the authority in 10 CFR 2.787(a), the Chairman of the Atomic Safety and Licensing Appeal Panel has assigned the following panel members to serve as the Atomic Safety and Licensing Appeal Board for these proceedings:

Alan S. Rosenthal, Chairman.
Dr. John H. Buck, Member.
William C. Parler, Member.

Dated: March 7, 1973.

MARGARET E. DUFLO,
Secretary to the Appeal Board.

[FR Doc.73–4862 Filed 3–13–73;8:45 am]

REGULATORY GUIDES

Notice of Issuance and Availability

The Atomic Energy Commission has issued a guide in its regulatory guide series. This series has been developed to describe and make available to the public methods acceptable to the AEC Regulatory staff of implementing specific parts of the Commission's regulations and, in some cases, to delineate techniques used by the staff in evaluating specific problems or postulated accidents and to provide guidance to applicants concerning certain of the information needed by the staff in its review of applications for permits and licenses.

The guide is in Division 1, "Power Reactor Guides." Regulatory Guide 1.10, "Mechanical (Cadweld) Splices in Reinforcing Bars of Category I Concrete Structures," is a revision of Safety Guide 10 and is being reissued in the new series.

Comments and suggestions in connection with improvements in the guides are encouraged and should be sent to the Secretary of the Commission, U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Chief, Public Proceedings Staff. Copies of issued guides may be obtained by request to the U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Director of Regulatory Standards.

Other Division 1 Regulatory Guides currently being developed include the following:

Operating Status Indication for Nuclear Powerplant Safety Systems.
Availability of Electric Power Sources.
Preoperational Testing of Redundant Onsite Electric Power Sources to Verify Proper Load Group Assignments.
Qualification Tests of Continuous-Duty Motors Installed Inside the Containment of Nuclear Powerplants.
Requirements for Instrumentation to Assess Nuclear Powerplant Conditions During and Following an Accident for Water-Cooled Reactors.
Shared Emergency and Shutdown Power Systems at Multiunit Sites.
Physical Independence of Safety Related Electric Systems.
Isolating Low Pressure Systems Connected to the Reactor Coolant Pressure Boundary.
Assumptions for Evaluating a Control Rod Ejection Accident for Pressurized Water Reactors.
Assumptions for Evaluating a Control Rod Drop Accident for Boiling Water Reactors.
Quality Assurance Requirements for Cleaning of Fluid Systems and Associated Components of Nuclear Powerplants.
Quality Assurance Requirements for Packaging, Shipping, Receiving, Storage, and Handling of Items for Nuclear Powerplants.
Housekeeping Requirements for Nuclear Powerplants.
Requirements for Collection, Storage, and Maintenance of Quality Assurance Records for Nuclear Powerplants.
Requirements for Assessing Ability of Material Underneath Nuclear Powerplant Foundations to Withstand Safe Shutdown Earthquake.
Design Basis Floods for Nuclear Powerplants.
Design Phase Quality Assurance Requirements for Nuclear Powerplants.
Qualification Tests of Electric Valve Operators for Use in Nuclear Powerplants.
Fire Protection Criteria for Nuclear Powerplants.
Protective Coatings for Nuclear Reactor Containment Facilities.

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Quality Assurance for Protective Coatings Applied to Nuclear Powerplants.
Application of the Single Failure Criteria to Nuclear Power Generating Station Protective Systems.
Protection Against Pipe Whip Inside Containment.
Additional Material Requirements for Bolting.
Inservice Surveillance of Ungrouted Prestressing Tendons.
Inservice Surveillance of Grouted Prestressing Tendons.
Stainless Steel Overlay Welding.
Design Loading Combinations for Fluid System Components.
Design Loading Combinations for Primary Metal Containment Systems.
Reactor Coolant Pressure Boundary Leak Detection System.
Requirements for Thermal Insulation Used with Stainless Steel.
Concrete Placement in Category I Structures.
Control of Sensitized Stainless Steel.
Design Spectra for Seismic Design of Nuclear Power Stations.
Seismic Input Motion to Uncoupled Structural Model.
Control of Preheat Temperature for Low Alloy Steel Welding.
Rules for Inservice Inspection of Class 3 and Class C Nuclear Powerplant Components.
Primary Reactor Containment (Concrete) Design and Analysis.
Preservice Testing of In-Situ Components.
Preheat Temperature Control During Low Alloy Steel Welding.
Installation of Over-Pressure Devices.
Nondestructive Examination of Tubular Products.
Category I Structural Foundations.
Maintenance of Water Purity in BWRs.

(5 U.S.C. 552(a))

Dated at Bethesda, Md., this 5th day of March 1973.

For the Atomic Energy Commission.

LESTER ROGERS,
Director of Regulatory Standards.

[FR Doc.73-4849 Filed 3-13-73;8:45 am]

CIVIL AERONAUTICS BOARD

[Docket No. 23486; Order 73-3-14]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Order Regarding Delayed Inaugural Flights

Issued under delegated authority on March 7, 1973.

An agreement has been filed with the Board pursuant to section 412(a) of the Federal Aviation Act of 1958 (the Act) and Part 261 of the Board's Economic Regulations between various air carriers, foreign air carriers and other carriers embodied in the resolutions of Traffic Conference 1 of the International Air Transport Association (IATA). The agreement, which was adopted by mail vote, has been assigned CAB Agreement No. 23524.

The agreement would permit AVIANCA to allocate the maximum number of seats on its B-720b aircraft introduced on its service between Bogotá-São Paulo/Rio de Janeiro into a maximum of four inaugural flights of not less than 40 seats per flight: *Provided*, That such flights shall be operated not later than July 31, 1973.

Pursuant to authority duly delegated by the Board in the Board's regulations 14 CFR 385.14:

It is not found that Resolution 100 (Mail 920) 200h, which is incorporated in Agreement C.A.B. 23524, affects air transportation within the meaning of the Act.

Accordingly, it is ordered, That:

Jurisdiction is disclaimed with respect to Agreement C.A.B. 23524.

Persons entitled to petition the Board for review of this order pursuant to the Board's regulations, 14 CFR 385.50, may file such petitions within 10 days after the date of service of this order.

This order shall be effective and become the action of the Civil Aeronautics Board upon expiration of the above period, unless within such period a petition for review thereof is filed or the Board gives notice that it will review this order on its own motion.

This order will be published in the FEDERAL REGISTER.

[SEAL] HARRY J. ZINK,
Secretary.

[FR Doc.73-4910 Filed 3-13-73;8:45 am]

COMMISSION ON CIVIL RIGHTS

MICHIGAN STATE ADVISORY COMMITTEE

Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights, that a subcommittee meeting of the Michigan State Advisory Committee will convene at 10 a.m. on March 16, 1973, at the Kellogg Center of the Michigan State University, East Lansing, Mich. 48823. This subcommittee will meet with an ad hoc committee of Michigan State officials and Michigan University officials. This meeting shall be open to the public and the press.

The purpose of this meeting shall be to discuss the design of a proposed conference to be held in June 1973, which will deal with the impact of national priorities in the State of Michigan as they relate to the operation, role, and function of State, local, and private agencies.

This meeting will be conducted pursuant to rules and regulations of the Commission.

Dated at Washington, D.C., March 8, 1973.

ISAIAH T. CRESWELL, JR.,
Advisory Committee Management Officer.

[FR Doc.73-4904 Filed 3-13-73;8:45 am]

MICHIGAN STATE ADVISORY COMMITTEE

Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights, that a meeting of the Michigan State Advisory Committee will convene at 6:15 p.m. on March 16, 1973, at the Kellogg Center, Michigan State University, East Lansing, Mich. 48823. This meeting shall be open to the public and the press.

The purpose of this meeting shall be to receive a report from a Joint State Advisory Committee Conference Subcommittee and an ad hoc Committee of Michigan State and Michigan University officials. This report will concern a proposed conference of Michigan State Advisory Committee members, State and local human relations officials, and other civil rights workers in the State of Michigan.

This meeting will be conducted pursuant to the rules and regulations of the Commission.

Dated at Washington, D.C., March 8, 1973.

ISAIAH T. CRESWELL, JR.,
Advisory Committee Management Officer.

[FR Doc.73-4905 Filed 3-13-73;8:45 am]

NEW HAMPSHIRE STATE ADVISORY COMMITTEE

Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights, that a meeting of the New Hampshire State Advisory Committee will convene at 8 p.m. on March 27, 1973, at the New Hampshire Highway Motel, Concord, N.H. 03301. This meeting shall be open to the public and the press.

The purposes of this meeting shall be to (1) plan for the distribution of and followup to the Committee's report on the New Hampshire Employment Project, and (2) discuss a proposed Joint Meeting of the New Hampshire State Advisory Committee and the New Hampshire Commission for Human Rights.

This meeting will be conducted pursuant to rules and regulations of the Commission.

Dated at Washington, D.C., March 8, 1973.

ISAIAH T. CRESWELL, JR.,
Advisory Committee Management Officer.

[FR Doc.73-4907 Filed 3-13-73;8:45 am]

NEW JERSEY STATE ADVISORY COMMITTEE

Notice of Open Meeting

Notice is hereby given, pursuant to the provision of the rules and regulations of the U.S. Commission on Civil Rights, that a meeting of the New Jersey State Advisory Committee will convene at 7:30 p.m. on March 22, 1973, in room 730, Federal Building, 970 Broad Street, Newark, N.J. 07102. This meeting shall be open to the public and the press.

The purpose of this meeting shall be to review all field operations performed between March 12 and March 16, in connection with the New Jersey Committee's Prison Project.

This meeting will be conducted pursuant to rules and regulations of the Commission.

Dated at Washington, D.C., March 8, 1973.

ISAIAH T. CRESWELL, JR.,
Advisory Committee Management Officer.

[FR Doc.73-4906 Filed 3-13-73;8:45 am]

NEW YORK STATE ADVISORY COMMITTEE

Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights, that a meeting of the New York State Advisory Committee will convene at 4 p.m. on March 27, 1973, in Room 1639, 26 Federal Plaza, New York, NY 10007. This meeting shall be open to the public and the press.

The purpose of this meeting shall be to define project plans for a proposed open meeting concerning the New York State University System.

This meeting will be conducted pursuant to rules and regulations of the Commission.

Dated at Washington, D.C., March 8, 1973.

ISAIAH T. CRESWELL, JR.,
Advisory Committee Management Officer.

[FR Doc.73-4908 Filed 3-13-73;8:45 am]

NEW YORK STATE ADVISORY COMMITTEE

Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights, that a meeting of the New York State Advisory Committee will convene at 6 p.m. on March 27, 1973, in Room 1639, 26 Federal Plaza, New York, NY 10007. This meeting shall be open to the public and the press.

The purpose of this meeting shall be to further define the New York Advisory Committee's project proposals to be undertaken by the Sex Discrimination Subcommittee.

This meeting will be conducted pursuant to the rules and regulations of the Commission.

Dated at Washington, D.C., March 8, 1973.

ISAIAH T. CRESWELL, JR.,
Advisory Committee Management Officer.

[FR Doc.73-4909 Filed 3-13-73;8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

BENZOYL CHLORIDE (2,4,6-TRICHOLORPHENYL)HYDRAZONE

Reextension of Temporary Tolerance

The Upjohn Co., Kalamazoo, Mich. 49001, was granted a temporary tolerance (PP 0G0962) for residues of the insecticide benzoyl chloride (2,4,6-trichlorophenyl) hydrazone and its metabolite benzoic acid (2,4,6-trichlorophenyl) hydrazide in or on the raw agricultural commodity citrus fruit as 1 part per million on May 18, 1971 (notice was published in the FEDERAL REGISTER of June 23, 1971 (36 FR 11957)). The firm received a 1-year extension of the temporary tolerance on May 18, 1972 (notice was published in the FEDERAL REGISTER of May 19, 1972 (37 FR 10097)).

The firm has requested a 1-year reextension of the temporary tolerance for residues of the insecticide in or on citrus fruit at 1 part per million to obtain additional experimental data.

It is concluded that such reextension will protect the public health. The tolerance is therefore reextended on condition that the insecticide be used in accordance with the temporary permit which is being issued concurrently and which provides for distribution under the Upjohn name.

This temporary tolerance expires May 18, 1974.

This action is taken pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(j), 68 Stat. 516; 21 U.S.C. 346a(j)), the authority transferred to the Administrator of the Environmental Protection Agency (35 FR 15623), and the authority delegated by the Administrator to the Deputy Assistant Administrator for Pesticide Programs.

Dated: March 9, 1973.

HENRY J. KORP,
Deputy Assistant Administrator for Pesticide Programs.

[FR Doc.73-4923 Filed 3-13-73;8:45 am]

FEDERAL COMMUNICATIONS COMMISSION

[Dockets Nos. 19503, 19506; FCC 73R-99]

ST. CROSS BROADCASTING CO. AND PROGRESSIVE BROADCASTING CO.

Memorandum Opinion and Order Enlarging Issues

In regard applications of St. Cross Broadcasting, Inc., Santa Cruz, Calif., Docket No. 19503, File No. BP-18014; James B. Fenton, Grant R. Wrathall, Jr., Lawrence M. Wrathall, and Loretta Wrathall, doing business as Progressive Docket No. 19506, File No. BP-18221; for construction permits.

1. Before the Review Board is a motion, filed June 19, 1972, by Progressive Broadcasting Co. (Progressive), requesting waiver of § 1.229 of the rules and the addition of a Suburban issue against St. Cross Broadcasting, Inc. (St. Cross).[1] The petition was not filed within the time limit specified by § 1.229(b) of the rules, and the Board does not find that Progressive has established good cause for the untimeliness.[2] However, the motion does raise serious public interest questions and the likelihood of proving the allegations contained therein is sufficient to meet the test set forth in The Edgefield-Saluda Radio Co. (WJES), 5 FCC 2d 148, 8 RR 2d 611 (1966). The Board will accordingly entertain Progressive's motion on its merits.

2. In its motion, Progressive alleges that the ascertainment efforts of St. Cross are defective, in that St. Cross principals did not conduct the surveys, the surveys were not of community leaders, certain community groups were excluded from the survey, the St. Cross demographic study was submitted after the surveys and the list of ascertainment needs submitted by St. Cross did not reflect its surveys. St. Cross opposes the motion and contests each allegation. The Broadcast Bureau acknowledges that there are deficiencies in St. Cross' Suburban showing, but opposes the motion on the ground that the deficiencies are not so great as to warrant specification of an issue.

3. The Board will add the requested issue. In general, the pleadings raise a substantial question as to the adequacy of St. Cross' ascertainment efforts pursuant to the "Primer on Ascertainment of Community Problems by Broadcast Applicants," 27 FCC 2d 650, 21 RR 2d 1507 (1971). First, it is not clear whether principals, management-level employees, or prospective management-level employees have consulted with leaders of significant groups in the community in order to ascertain community problems, needs, and interests.[3] With regard to the December 1967 and February 1969 surveys, it appears that they may have been directed solely to and resulted solely in ascertainment of programing interests and format preferences. See paragraph 17 of the "Report and Order" adopting the "Primer, supra. Cf. Estate of John C. Mullins," 36 FCC 2d 78, 25 RR 2d 73 (1972). With respect to the September 1969 survey, it is unclear whether it was conducted by a principal, management-level employee, or prospective management-level employee. See Q. & A. 11(b) of the "Primer, supra. Cf. Childress Broadcasting Corp. of West Jefferson (WKSK)," 37 FCC 2d 766, 25 RR 2d 711 (1972). While the August 1970 survey apparently was conducted by a principal, it has not been established that it was of community leaders rather than of the general public. See Q. & A. 4 of the

[1] Also before the Board are: (a) Opposition filed July 5, 1972, by the Broadcast Bureau; (b) reply opposing motion [opposition], filed July 5, 1972, by St. Cross; (c) reply, filed July 13, 1972, by Progressive; (d) a letter, received July 14, 1972, from Progressive; (e) a letter, received July 14, 1972, from St. Cross; and (f) clarification of paragraph 6 of (c), filed July 14, 1972, by Progressive. A previous memorandum opinion and order in this matter was published at 38 FR 4690, Feb. 20, 1973.

[2] In support of its claim for good cause, Progressive states that it discovered evidence supporting its motion while preparing an opposition to a St. Cross motion to enlarge issues against Progressive and that the burden of preparing that opposition prevented earlier completion and filing of its own motion.

[3] Results of its surveys were filed by St. Cross with the Commission on Dec. 14, 1967; Feb. 25, 1969; Sept. 29, 1969; and Aug. 3, 1970. On Dec. 17, 1971, a description of the three counties contained within its proposed 0.5 mv./m. contour, a "recapping" of ascertained needs, and programing proposals were filed by St. Cross.

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"Primer, supra." Mere membership in a profession, involvement in education, business, or agriculture; or employment in Government or social service do not automatically make an individual a "community leader." An applicant must make at least a minimal showing that either the interviewee is a leader of that group or organization of which he is a member, or that he, by virtue of his position or otherwise, should be considered a leader of some other portion of the community or of the community as a whole.[4] Thus, it must be resolved at the hearing whether St. Cross has shown that a dialog has been established and will be maintained between the community and the decisionmaking personnel of the applicant. "WPIX, Inc. (WPIX)," 34 FCC 2d 419, 422, 24 RR 2d 59, 63 (1972), review denied FCC 72-616 (1972).[5]

4. Also, St. Cross does not appear to have contacted leaders of all significant groups in the community and this raises additional questions as to the adequacy of the survey. See paragraph 44 of the "Report and Order" and Q. & A. 16 of the "Primer, supra." St. Cross reveals in its demographic study (see note 3, supra) that 5 percent of the population within its proposed 0.5 mv./m. contour is Oriental; yet it appears to have made no effort at all to ascertain the needs of this group by consulting with its leaders.[6] Progressive raises this question, as well, with regard to the Mexican-American minority (8 percent–9 percent) within this area. Moreover, we find persuasive Progressive's contentions that St. Cross, in some instances, contacted only individuals who work with or have knowledge of certain groups (e.g., farm laborers) rather than leaders of those groups themselves. A question exists, too, whether St. Cross has consulted with the "rank and file" of certain groups, construing "representative," as used in the heading of paragraph 44 of the "Report and Order, supra;" to mean "sample" rather than "leader" or "spokesman." Paragraph 38 of the "Report and Order" explains that such an interpretation and procedure is improper. Also see "Qunnipiac Valley Service, Inc.," FCC 73-174, ____ FCC 2d ____, released February 23, 1973.

5. Finally, the demographic study submitted by St. Cross (see note 3, supra), too, appears to be insufficient. The major function of such a study, regardless of when it is filed, is to indicate to the Commission the composition of the community, so that the Commission can intelligently evaluate the sufficiency of the applicant's ascertainment efforts. See "WPIX, Inc. (WPIX), supra." The necessity for such information is obvious in this proceeding. The very general description of the proposed 0.5 mv./m. service area does not appear to comply with Q. & A. 9 of the Primer and, thus, prevents a satisfactory conclusion with regard to St. Cross' "Surburban" showing. "William R. Gaston," 35 FCC 2d 624, 24 RR 2d 779 (1972). Moreover, the "recapping" of ascertained needs presented by St. Cross appears to be more closely attuned to the demographic study than to the interviews St. Cross has reported.[7] In sum, sufficient questions have been raised regarding St. Cross' showing to convince us that an issue is necessary to determine the efforts undertaken by St. Cross to ascertain the needs of its specified community and whether it proposes programing designed to help meet those ascertained needs.

6. *Accordingly, it is ordered*, That the motion for waiver of § 1.229 and motion to enlarge issues, filed June 19, 1972, by Progressive Broadcasting Co., is granted; and that the issues in this proceeding are enlarged to include the following:

To determine the efforts made by St. Cross Broadcasting, Inc., to ascertain the community needs and interests of the area to be served and the means by which it proposes to meet those needs and interests; and

7. *It is further ordered*, That the burden of proceeding with the introduction of evidence and proof under the issue added herein shall be on St. Cross Broadcasting, Inc.

Adopted: March 6, 1973.

Released: March 8, 1973.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[FR Doc.73-4885 Filed 3-13-73;8:45 am]

[FCC 73-230]

"CLIPPING" OF RADIO AND TELEVISION NETWORK PROGRAMS

Interpretation Regarding Licensees' Obligations

MARCH 2, 1973.

Affiliation contracts between broadcast stations and networks typically provide that the station will be compensated for carrying specific network programs, commercials, and other material, including, but not limited to, network identifications, credit announcements, or promotional material. In order to collect payment, the station periodically submits a statement to the network certifying that the specified network material has been broadcast. A certification form usually has space to indicate deletions or cancellations of network material. If deletions or cancellations are indicated by the station, the amount of payment received from the network may be reduced. "Network clipping" means that the licensee has not fulfilled its contractual obligation to the network, by certifying that specified network material was broadcast in full when there were, in fact, cancellations or deletions. Because of the number of complaints that have been filed with the Commission on network clipping, often confirmed upon investigation, this public notice is being issued to clarify further the Commission's policy in this area, as well as pertinent rules and Commission cases dealing with network clipping.

Licensees are cautioned that as a general proposition the Commission considers falsely certifying that network material has been carried to be a use of a licensed facility for fraudulent purposes, which raises serious questions as to a licensee's qualifications to hold a broadcast authorization. The Commission's concern exists regardless of whether the clipped material consists of advertising, program content, or other material provided by the network, and regardless of whether network clipping exists because of the licensee's knowing participation, its indifference, of its failure to adequately supervise or control its employees or agents.

One party has indicated that it believes that the Commission's concern as to network clipping expressed above is a change from the policy set out in Radio Station WSOC, Inc., 21 FCC 887, 943, 12 RR 953, 1007 (1956). In the WSOC decision, the Commission did not award a demerit in a comparative hearing where an applicant had deleted network material (not program content), because the deletions were made with the full knowledge of the network. Network clipping, as defined above, refers only to situations where the network is not aware of the clipping because of false certifications submitted by the affiliated station. Thus, there is no inconsistency between the WSOC case and the Commission's statement here.

Where the clipped material contains advertising, licensees are subject to forfeitures under the fraudulent billing rule, § 73.1205. See, for example, "Radiozark Broadcasting of Louisiana," 32 FCC 2d 603 (1971). Licensees should note that the material appearing at the end of certain television contest or quiz programs disclosing the receipt of payment for the use of merchandise on the program is a commercial announcement, unless the announcement comes under the terms of the proviso clause of section 317(a) of the Communications Act, "National Broadcasting Co.," 27 FCC 2d 75, 20 RR 2d 901 (1970), affirmed on

[4] We also note that St. Cross has not interviewed a single member of the government of Santa Cruz City, its prospective community of license.

[5] The public policy underlying the requirement that consultation with community leaders must be done by means of a person-to-person dialog between them and the decisionmaking personnel of the applicant has been articulated by the Commission in paragraph 33 of the Report and Order, supra. See also Fisher's Blend Station, Inc., 30 FCC 2d 37, 21 RR 2d 1220 (1971), clarified 30 FCC 2d 705, 22 RR 2d 385 (1971), reconsideration denied 31 FCC 2d 148, 22 RR 2d 684 (1971).

[6] Absent an adequate description of the specific community of license (see paragraph 5, infra), we will assume that it reflects the population characteristics given for the counties.

[7] While the needs of military personnel are noted in the "recap" and appropriate programing proposed, nowhere in any survey are contained interviews with members of that group or even mention of the military by other interviewees. We also have found no mention in the interviews of the exodus of young adults due to lack of employment opportunities, of the endangered species that exist in the area, or of the tourist influx during the summer months.

reconsideration; American Broadcasting Co., 30 FCC 2d 827, 22 RR 2d 220 (1971). Clipping of such commercial material, while certifying to the network that it was broadcast, has resulted in the assessment of a forfeiture, "Channel 13 of Las Vegas, Inc.," 37 FCC 2d 518, 25 RR 2d 286 (1972). Clipped material at the end of programs may also contain the sponsor identification required by section 317 of the Communications Act and by §§ 73.119, 73.289 and 73.654 of the Commission's rules, providing another basis for the imposition of forfeitures or other sanctions.

In some situations, primarily involving television stations, the network may determine that no payments to the station are warranted because of the station's limited audience. The network may, however, agree to pay all or part of the costs of providing its programing to the station by wire or microwave transmission. The assumption of these costs constitutes consideration. Licensees in these circumstances should carefully read their affiliation contracts to assure that no certifications are issued to the network that provide false information as to the station's compliance with the terms of the contract.

Nothing in this notice should be interpreted to place any limitation on the licensee's discretion to delete any material that it believes to be indecent, profane, obscene, in bad taste, or otherwise contrary to the public interest. The notice is intended to emphasize that such deletions or cancellations should be accurately disclosed in the certifications to the network. This notice is not intended to apply to clipping of a few seconds duration that occasionally results from switching or other technical problems. Finally, this notice is directed toward the obligations of the licensee. The licensee is not responsible for material deleted by the network; for example, the editing of films by a network to conform to time requirements, or returning to a sports event after a network commercial when play was resumed during the commercial.

The above refers to situations in which fraudulent certifications are given to networks. In some circumstances, licensees may delete portions of network program content in order to insert local commercial announcements, but notify the network of the deletions. If information coming to the attention of the Commission indicates that this is a frequent practice, the Commission will consider, on the facts presented, whether the licensee has subordinated the public's interest in viewing or hearing programs in their entirety to the licensee's private interest in maximizing the sale of commercial time.

Action by the Commission March 2, 1973.[1]

[1] Commissioners Burch (Chairman), Robert E. Lee, Johnson, H. Rex Lee, Reid, Wiley and Hooks.

Sent to all broadcast licensees.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[FR Doc.73-4886 Filed 3-13-73;8:45 am]

FEDERAL MARITIME COMMISSION

AUSTRALIA/U.S. AND ATLANTIC GULF CONFERENCE

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., room 1015; or may inspect the agreement at the field offices located at New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, on or before March 26, 1973. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed by:

Stanley O. Sher, Esq., Bebchick, Sher & Kushnick, 919 18th Street NW., Washington, DC 20006.

Agreement No. 9450-7 has been entered into by the member lines of the Australia/U.S. Atlantic and Gulf Conference, to modify the presently approved agreement of that conference by incorporating therein a more extensive self-policing system, to be implemented through a neutral body under terms and conditions set forth therein.

Dated: March 8, 1973.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.73-4918 Filed 3-13-73;8:45 am]

CITY OF LONG BEACH AND HUMBLE OIL & REFINING CO.

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., room 1015; or may inspect the agreement at the field offices located at New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, on or before April 3, 1973. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed by:

Leonard Putnam, City Attorney, City of Long Beach, Suite 600 City Hall, Long Beach, Calif. 90802.

Agreement No. T-2652, between the City of Long Beach (City) and Humble Oil & Refining Co. (Humble), provides for the 38-year lease to Humble of approximately 13.732 acres at Berth 202, Long Beach, Calif.; 3.693 acres of inland area; an exclusive license to construct and maintain pipelines on Piers A, B, C, D, F, G, and J for bunkering purposes; and a nonexclusive option for a license to construct and maintain pipelines on a tanker wharf to be constructed at a later date. This proposed wharf is leased to Humble as part of the premises leased under this agreement. The premises are to be for the receipt, handling, loading, unloading, transporting, and storage of Humble's petroleum products in connection with its oil-bunkering services at Long Beach. The agreement specifically provides in paragraph 4(e) that Humble's activities are to be restricted to either that of (1) a proprietary operation in connection with common carriers by water and other vessels whereby only Humble's products will be handled, or (2) in connection with vessels that are not common carriers by water, whereby Humble may handle products of others

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who wish to use the facility. In any event, the agreement provides that Humble will not use the pipelines covered by this agreement as common carriers pipelines, nor hold them out to the public for the transportation of liquids other than those owned by Humble. The agreement prohibits Humble from operating a public warehouse or storage business utilizing the premises or the pipelines. The agreement also prohibits Humble from furnishing warehouses, storage, or other terminal facilities in connection with common carriers by water, except for bunkers, vessels' supplies, and water. The agreement provides that both Humble and City are to construct certain improvements to the premises. As compensation, the City is to receive rental as set forth in detail in the agreement. The City is to also receive tariff charges on Humble's operations. When the wharfage and dockage charges paid to the City meet Humble's guaranteed minimum annual rental for Parcels III and IIIA, Humble will pay the City 75 percent of the applicable dockage and wharfage charges accruing in the next 2½ million tons, and 50 percent of the applicable dockage and wharfage charges on all commodities exceeding 10 million tons annually.

Dated: March 8, 1973.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.73-4920 Filed 3-13-73;8:45 am]

MATSON NAVIGATION CO. AND KOPPEL BULK TERMINAL

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1015; or may inspect the agreement at the field offices located at New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, on or before April 3, 1973. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed by:

David V. Ainsworth, Counsel, Matson Navigation Co., 100 Mission Street, San Francisco, CA 94105.

Agreement No. T-2753, between Matson Navigation Co. (Matson) and Koppel Bulk Terminal (Koppel), is an agreement whereby Koppel will perform loading and unloading services with respect to containerized cargo on behalf of Matson. The facility at which these services are to be performed is the Container Freight Station (CFS), located at 305 Henry Ford Avenue, Long Beach, CA. For the performance of such services Matson shall pay to Koppel all costs for the operation, based upon the actual cost, including supervision and overhead, plus 5 percent. The parties understand that there will be no rental charged at the outset for CFS facilities. Rental will be negotiated and mutually agreed upon at a later date. Koppel will have complete control and supervision of activity at the CFS and Matson will have no right or duty to control the detail of the work of any employee of Koppel. This agreement will continue in effect from year to year unless terminated by either party upon 30 days' written notice to the other party.

Dated: March 8, 1973.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.73-4919 Filed 3-13-73;8:45 am]

SOUTH JERSEY PORT CORP. AND NACIREMA OPERATING CO., INC.

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., room 1015; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, on or before March 26, 1973. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed by:

Francis A. Scanlan, Esq., Kelly, Deasey & Scanlan, 926 Four Penn Center Plaza, Philadelphia, PA 19103.

Agreement No. T-2561-1, between South Jersey Port Corp. (Port) and Nacirema Operating Co., Inc. (Nacirema), is a modification of Agreement No. T-2561. The purpose of the modification is to delete certain areas from the original agreement. In addition, the modified operating agreement shall apply to Pier 2, and Buildings C and D, and any other buildings as mutually agreed upon by the parties. Port will collect all dockage and wharfage under its terminal tariff and will also receive wharfage from vessels berthed at Pier 1 or 1A, where cargo is placed in buildings not covered under the lease for those facilities. Wharfage in the same amount as set forth in Port's tariff shall be remitted by Nacirema to Port. Nacirema shall collect for such wharfage under its tariff. Port shall receive a portion of revenue from line tending and from storage.

Dated: March 9, 1973.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.73-4916 Filed 3-13-73;8:45 am]

CERTIFICATES OF FINANCIAL RESPONSIBILITY (OIL POLLUTION)

Notice of Certificates Revoked

Notice of voluntary revocation is hereby given with respect to Certificates of Financial Responsibility (Oil Pollution) which had been issued by the Federal Maritime Commission, covering the below-indicated vessels, pursuant to Part 542 of Title 46 CFR and section 11 (p) (1) of the Federal Water Pollution Control Act, as amended.

Certificate No.	*Owner/Operator and Vessel*
01034---	Graff-Wang Evjen:
	Seaheron.
01092---	Thor Dahls Hvalfangerselskap A/S:
	Thorshavn.
01145---	Det Bergenske Dampskibsselskab:
	Crux.
01187---	Skibsaktieselskapet Gylfe:
	Geflon.
01271---	N. V. Nederlandsch Amerikaansche Stoomvaart Maatschappij:
	Poeldyk.
	Katsedyk.
	Gaasterdyk.
	Grotedyk.
	Grebbedyk.
	Gorredyk.
	Moerdyk.
	Bilderdyke.
	Atlantic Crown.
	Atlantic Star.
	Statendam.
	Nieuw Amsterdam.
01305---	Royal Mail Lines Ltd.:
	Cotopaxi.

Certificate No.	*Owner/Operator and Vessel*
01421---	Bibby Line Ltd.:
	Worcestershire.
	Derbyshire.
	Toronto City.
	Coventry City.
01428---	The Ocean Steam Ship Co. Ltd.:
	Dardanus.
	Astyanax.
	Perseus.
01557---	Knut Knutsen O.A.S.:
	Hilda Knudsen.
01574---	Fearnley & Eger:
	Ferngate.
01641---	The Bank Line Ltd.:
	Laganbank.
01645---	Compania Corinthia de Navegacion S.A. Panama:
	Alouette.
01685---	Zushi Shipping Corp. S.A.:
	Cali.
01861---	B. P. Tanker Co., Ltd.:
	British Vigilance.
	British Glory.
	British Courage.
01878---	Messana-Societa Di Navigazione, SPA:
	Angelo Scinicariello.
01910---	Deutsche Dampfschifffahrts-Gesellschaft "Hansa":
	Ehrenfels.
01935---	SS Co. Svendborg Ltd. & SS Co. of 1912 Ltd.:
	Maren Maersk.
01988---	Angfartygs AB Tirfing:
	Lappland.
	Hemland.
	Sydland.
02152---	A. F. Klaveness & Co. A/S:
	Stuklestad.
02156---	Lorentzens Skibs A/S:
	Robert Stove.
02198---	The Peninsular & Oriental Steam Navigation Co.:
	Advocate.
02202---	Humble Oil & Refining Co.:
	Humble DB-1 (173).
	Humble ST-10.
	Humble ST-12.
	Esso 222.
	Esso 31.
	Esso 220.
	Esso 236.
	Esso 237.
	Humble 847.
	Esso 238.
	Esso 32.
	Esso 221.
	Esso 229.
	Esso 230.
	Esso 241.
	Esso 213.
	Esso 214.
	Esso 233.
	Esso 234.
	Esso 227.
	Esso BBR.
	Esso 228.
	Esso 239.
	Esso 242.
	Esso 235.
	Esso 225.
	Esso 226.
	Esso 219.
	Esso 217.
	Esso 218.
	Esso 205.
	Esso 210.
	Esso 211.
	Esso 212.
	Esso 201.
	Esso 206.
	Esso 224.
	Esso 266.
	Esso 267.
	Esso 24.
	Esso 25.
	Esso 26.
	Esso 223.
	Esso 231.
	Esso 232.
	Esso 240.
	Esso 215.
	Esso 216.
	Esso Baton Rouge.
	Esso Philadelphia.
	Esso San Francisco.
	Esso Houston.
	Esso New Orleans.
	Esso Boston.
	Esso Baltimore.
	Esso Lexington.
	Esso Jamestown.
	Esso Washington.
	Esso Gettysburg.
	Esso Seattle.
	Esso Huntington.
	Esso Florence.
	Esso Newark.
	Esso Bangor.
	Esso Chester.
	Esso Miami.
	Enco Port Everglades.
	Esso 5.
	Enco 100.
	Esso 268.
	Esso Connecticut.
	Esso 30.
	Esso 29.
	Esso 118.
	Esso 119.
	Esso Tow #1.
	Esso 204.
	Esso 209.
	Esso 202.
	Esso 203.
	Esso 207.
	Esso 208.
	Esso Pennsylvania.
	Esso W. Virginia.
	Esso 9.
	Esso 12.
	Esso 13.
	Esso 14.
	Esso 16.
	Esso 17.
	Esso 22.
	Esso 23.
	Esso Tennessee.
	Esso 257.
	Esso 111.
	Esso 117.
	Humble 823.
	Humble 866.
	Humble 839.
	Humble 840.
	Humble 841.
	Humble 120.
	Humble 101.
	Humble 831.
	Humble 832.
	Humble 833.
	Humble 834.
	Humble 835.
	Humble 836.
	Humble 837.
	Humble 838.
	Esso 110.
	Esso 33.
	Liz Brent.
	Ellis 2003.
	Ellis 2004.
	Humble 6939.
	Esso 108.
	Esso 109.
02242---	Dal Deutsche Afrika-Linien G.m.b.H. & Co.:
	Woermann Sassandra.
02278---	Argo Compania Maritima S.A. of Panama:
	Armonikos.
02292---	Pacific Marine Transport Co., Ltd.:
	Hongkong Friendship.
	Hongkong Evergreen.
	Hongkong Beauty.
	Hongkong Alliance.
02293---	China Marine Investment Co., Ltd.:
	Liberty Manufacturer.
	Liberty Exporter.
	Liberty Retailer.
	Liberty Importer.
	Hongkong Gallantry.
02355---	Van Nievelt, Goudriaan & Co.'s Stoomvaart Maatschappij N.V.:
	Astron.
	Asterope.
	Asmidiske.
	Alkes.
	Alcor.
	Algorab.
	Algol.
	Subra.
	Nieuwland.
	Markab II.
	Situla.
	Adara.
	Villarrica.
	Rochab.
	Marian Maria.
	Asuncion.
02501---	Standard Oil Co. of California:
	Standard Oiler.
02557---	Fanny Shipping Co.:
	Fanny.
02666---	Reederei Hans H. Schmidt K.G.:
	Cadiz.
02702---	Partenreederei M/S "Vulkan":
	Vulkan.
02707---	Ernst Komrowski Rederei:
	Montan.
02864---	Refineria de Petroleos de Escombreras S. A. (Repesa):
	Puentes de Garcia Rodriguez.
02876---	Kabushiki Kaisha Hokkaido Gyogyo Kosha:
	Ryoyo Maru No. 2.
02925---	Exemplar Steamship Co.:
	Exemplar.
02945---	American Trading and Production Corp.:
	Washington Trader.
03256---	Upper Mississippi Towing Corp.:
	UM-79B.
03289---	Det Forenede Dampskibsselskab A/S:
	Freesia.
	Wisconsin.
	Nebraska.
03441---	Japan Line K. K.:
	Daiwa Maru.
03459---	Meiji Kaiun K. K.:
	Meiryu Maru.
03470---	Nikko Kaiji K. K.:
	Hakuyo Maru.
	Kiyo Maru.
03499---	El-Yam Bulk Carriers (1967) Ltd., Israel:
	Har Tabor.
	Har Carmel.
	Har Gilboa.
03501---	Osaka Shosen Mitsui Senpaku K. K.:
	Hakonesan Maru.
03509---	Taiyo Shosen K. K.:
	Senyo Maru.
03534---	Zapata Naess (Holland) B.V.:
	Carbo Dragon.
03705---	Grundstads Rederi A/S:
	Granega.
03841---	American Export Lines:
	Exchester.
03923---	Shinwa Kaiun Kaisha, Ltd.:
	Taga Maru.
03956---	The Apex Shipping Co., Ltd.:
	World Yuri.
03971---	Korea Shipping Corp., Ltd.:
	Mok Po.

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Certificate No.	Owner/Operator and Vessel
04094---	Kommanditttiyhtio Palkki Oy & Co: Saara Aarnio. Annukka Aarnio.
04358---	Holland Bulk Transport N. V.: Stolt Munttoren.
04398---	Hapag-Lloyd Aktiengesellschaft: Tannstein. Torstein. Weimar. Wien. Worms. Isarstein. Neckerstein. Havelstein.
04468---	Kotoshiromaru Gyogyo Kabushiki Kaisha: Kotoshiromaru No. 18.
04470---	Sankomaru Gyogyo Kabushiki Kaisha: Sanko Maru.
04471---	Chiyomaru Gyogyo Kabushiki Kaisha: Chiyomaru No. 15.
04478---	Takiguchi Gyogyo Kabushiki Kaisha: Taiyomaru No. 25.
04487---	Sanwa Enyo Gyogyo Seisan Kumiai: Sanwamamaru No. 2.
04502---	Kotoshiro Gyogyo Kabushiki Kaisha: Kotoshiromaru No. 1. Kotoshiromaru No. 7.
04504---	Sumiyoshi Gyogyo Kabushiki Kaisha: Sumiyoshimaru No. 3. Sumiyoshimaru No. 38.
04508---	Akiyama Gyogyo Kabushiki Kaisha: Matsuseimaru No. 1.
04511---	Showa Gyogyo Kabushiki Kaisha: Showamaru No. 12.
04512---	Seiju Gyogyo Kabushiki Kaisha: Seijumaru No. 5. Seishumaru No. 21.
04546---	Mr. Toshikazu Miki: Kyowamaru No. 2.
04564---	Yamashita Shinnihon Kisen Kaisha: Shigaharu Maru. Tagaharu Maru.
04782---	Karfas Shipping Corporation Monrovia: Belloria.
05017---	Amerada Hess Corp.: Hess 6.
05150---	United Philippine Lines, Inc.: Don Antonio.
05235---	Gulfcoast Transit Co.: Deloris Rogers.
05304---	Caribbean Cement Co., Ltd.: Carib Carrier.
05336---	Genimar Development Corp.: Genimar.
05512---	Union Barge Line Corp.: Bluebird. 324. 343. 347. 348. 350. 351. 356. 361.
05618---	Compania Naviera Unitas S.A.: Argolis.
05627---	Gestioni Esercizio Sicilia G.E.N.S. S.P.A.: Capo Noli.
05753---	Veb Deutfracht Internationale Befrachtung und Reederei: Pritz Reuter.
05991---	Fukukyu Gyogyo Kabushiki Kaisha: Fukukyu Maru No. 12. Fukukyu Maru No. 18.
06011---	Mitsui Kinkai Kisen Kabushiki Kaisha: Azuchisan Maru.
06139---	Indo-Pacific Corp. of Monrovia: Trikora Djaya.
06215---	Fukuichi Gyogyo Kabushiki Kaisha: Fukuichi Maru No. 36.
06255---	Investment Finance Trust Ltd.: Ocean Trader.
06279---	Mercandia Chartering, Copenhagen, Faroe Islands: Sofia Lasson.
06372---	Achernar Navigation Corp.: Techni.
06389---	Sears Oil Co., Inc.: Syracuse Sears.
06607---	Consolidation Marine Corp.: Hollyhock.
06704---	Yuugen Kaisha Marukyo Boshi Suisan: Kakimaru No. 3. Nadayoshimaru No. 7.
06919---	General Shipping Co., Inc.: General Aquinaldo.
06946---	Bath Iron Works Corp.: Yard Hull No. 358.
07023---	Taiko Suisan Kabushiki Kaisha: Taiko Maru No. 2.
07136---	Nam Sung Wonyang Fisheries Co., Ltd.: No. 72 Nam Sung.
07154---	Cruiseship 6 NV: Veendam.
07155---	Cruiseship 7 NV: Volendam.
07236---	Independent Marine Transport, Inc.: John Purves. Peter Reiss.
07291---	Butler Marine Equipment Co.: M-1.
07388---	Reading & Bates Exploration Co.: S-22.

By the Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.73-4922 Filed 3-13-73;8:45 am]

[Independent Ocean Freight Forwarder License No. 845]

MERCAL AIR CARGO, INC.

Order of Revocation

By letter dated August 16, 1972, Mercal Air Cargo, Inc., 26 Broadway, New York, NY 10004, was advised by the Federal Maritime Commission that Independent Ocean Freight Forwarder License No. 845 would be automatically revoked or suspended unless a valid surety bond was filed with the Commission on or before September 15, 1972.

Section 44(c), Shipping Act, 1916, provides that no independent ocean freight forwarder license shall remain in force unless a valid bond is in effect and on file with the Commission. Rule 510.9 of Federal Maritime Commission General Order 4, further provides that a license will be automatically revoked or suspended for failure of a licensee to maintain a valid bond on file.

Mercal Air Cargo, Inc. has failed to furnish a surety bond.

By virtue of authority vested in me by the Federal Maritime Commission as set forth in Manual of Orders, Commission Order No. 1 (revised) § 7.04(g) (dated 5-1-72);

It is ordered, That Independent Ocean Freight Forwarder License No. 845 of Mercal Air Cargo, Inc., be returned to the Commission for cancellation.

It is further ordered, That Independent Ocean Freight Forwarder License No. 845 of Mercal Air Cargo, Inc., be and is hereby revoked effective September 15, 1972.

It is further ordered, That a copy of this order be published in the FEDERAL REGISTER and served upon Mercal Air Cargo, Inc.

AARON W. REESE,
Managing Director.

[FR Doc.73-4921 Filed 3-13-73;8:45 am]

PENINSULAR STEAMSHIP CO. ET AL.

Applicants for Independent Ocean Freight Forwarder License

Notice is hereby given that the following applicants have filed with the Federal Maritime Commission applications for licenses as independent ocean freight forwarders pursuant to section 44(a) of the Shipping Act, 1916 (75 Stat. 522 and 46 U.S.C. 841(b)).

Persons knowing of any reason why any of the following applicants should not receive a license are requested to communicate with the Director, Bureau of Certification and Licensing, Federal Maritime Commission, Washington, D.C. 20573.

Peninsular Steamship Co., 715 East Bird Street, Tampa, FL 33604.

OFFICERS

Thomas E. Mansfield, President; Marianne A. Mansfield, Treasurer; Jan C. Uiterwyk, Vice President; L. David Shear, Secretary.

Sid Lefkowitz, 6127 Braesheather, Houston, TX 77035.

American International Forwarders, Inc., 4720 Clinton Drive, Houston, TX 77011.

OFFICERS

Donald L. Jones, President; Hugo A. Teste, Vice President; E. R. Alexander, Secretary/Treasurer.

Dated: March 7, 1973.

By the Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.73-4917 Filed 3-13-73;8:45 am]

FEDERAL POWER COMMISSION

[Docket No. RI73-227]

AUSTRAL OIL CO., INC.

Notice of Petition for Special Relief

MARCH 7, 1973.

Take notice that on February 21, 1973, Austral Oil Co., Inc. (petitioner), 2700 Humble Building, Houston, Tex. 77002, filed in Docket No. RI73-227 pursuant to section 4 of the Natural Gas Act and § 1.7(b) of the Commission's rules of practice and procedure, a petition for special relief with respect to the provisions of Opinion No. 598 issued July 16, 1971, in the Southern Louisiana Area Rate Proceeding, Docket No. AR69-1, and Opinion No. 595 issued May 6, 1971, in the Texas Gulf Coast Area Rate Proceeding, Docket No. AR64-2.

Petitioner requests the Commission to issue an order permitting it to discharge its $1,009,752 Southern Louisiana refund obligation through credits against the $5,820,000 which it has expended in connection with Project Rulison, and allowing it to collect the contractually authorized prices for its jurisdictional sales of gas from the Southern Louisiana and Texas Gulf Coast Areas to the extent such prices exceed applicable area prices. Petitioner agrees that all amounts it is permitted to collect in excess of the applicable area prices after recovery of $4,810,248 (representing the cost to it of Project Rulison less the refund credit of $1,009,752 discussed above) will be expended in maintaining its leases in the Rulison field and in the Pinedale area of Sublette County, Wyo., with any excess being used for exploration for new gas reserves in Southern Louisiana and the Texas Gulf Coast areas which would be offered first to interstate pipelines.

Any person desiring to be heard or to make any protest with reference to said petition should on or before March 22, 1973, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any party wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-4825 Filed 3-13-73;8:45 am]

[Docket No. CP72-184]

MICHIGAN WISCONSIN PIPE LINE CO.

Notice of Petition To Amend

MARCH 7, 1973.

Take notice that on February 22, 1973, Michigan Wisconsin Pipe Line Co. (petitioner), 1 Woodward Avenue, Detroit, MI 48226, filed in Docket No. CP72-184 a petition to amend the order of the Commission issuing a certificate of public convenience and necessity in said docket pursuant to section 7(c) of the Natural Gas Act on June 1, 1972, by authorizing petitioner to increase the amount of gas it stores for Wisconsin Southern Gas Co. (Wisconsin Southern) and to increase the daily redelivery rate, all as more full set forth in the petition to amend which is on file with the Commission and open to public inspection.

By the order of June 1, 1972, in the subject docket, Petitioner was authorized inter alia, to accept from Wisconsin Southern each year daily volumes of up to 1,000 Mc.f. of gas and an annual volume of up to 200,000 Mc.f. for storage and redelivery to Wisconsin Southern at a daily rate of up to 2,000 Mc.f. during the period November 1, 1972, through March 1, 1973, and each year thereafter. Petitioner proposes to render additional storage service to Wisconsin Southern by accepting each year daily volumes of up to 2,000 Mc.f. of gas and an annual volume of up to 400,000 Mc.f. for storage and redelivery to Wisconsin Southern at a daily rate of up to 4,000 Mc.f., commencing November 1, 1973, pursuant to a February 9, 1973, agreement between the parties to amend the January 12, 1972, storage agreement.

Petitioner states that no new facilities will be needed to provide the proposed additional storage and redelivery service and that such additional service will permit Wisconsin Southern to convert off-peak gas supplies to firm winter high-end use.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before March 27, 1973, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-4828 Filed 3-13-73;8:45 am]

[Docket No. CP63-32]

PANHANDLE EASTERN PIPE LINE CO.

Notice of Petition To Amend

MARCH 5, 1973.

Take notice that on February 26, 1973, Panhandle Eastern Pipe Line Co. (petitioner), Post Office Box 1642, Houston, TX 77001, filed in Docket No. CP63-32 a petition to amend the Commission's order issued pursuant to section 7(c) of the Natural Gas Act on November 8, 1962 (28 FPC 797), in said docket by authorizing the construction and operation of certain facilities and the exchange of natural gas with Terre Haute Gas Co. (Terre Haute) in order to implement a withdrawal test on petitioner's Calcutta-Carbon Storage project, Parke and Clay Counties, Ind., all as more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.

The order of November 8, 1962, authorized petitioner to construct and operate certain facilities for the testing and development of the Calcutta-Carbon field. Petitioner and Terre Haute have entered into an exchange agreement, dated December 15, 1972, providing for the delivery by petitioner from the Calcutta-Carbon project such volumes of gas as can be delivered without compression, up to a maximum of 2,000 Mc.f. per day. Such gas, the petition indicates, will be delivered to Texas Gas Transmission Co. facilities for the account of Terre Haute. Further, the agreement provides that Terre Haute has the obligation to redeliver at least one-half of the cumulative volume delivered to it by Panhandle, and Terre Haute will either redeliver the balance by December 15, 1973, or purchase that part thereof not redelivered to Panhandle at a price of 45 cents per Mc.f.

Petitioner estimates that the subject proposal will require the installation in Clay County of certain pipeline, wellhead, measurement, and leased gas conditioning facilities at a cost of $111,600. Said cost will be financed, petitioner states, from funds on hand.

The petition indicates that, to date, no gas has ever been withdrawn by Petitioner from the Calcutta-Carbon storage reservoir and that the withdrawal test is required in order to permit the complete evaluation of said field for storage purposes.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before March 26, 1973, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of

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the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-4827 Filed 3-13-73;8:45 am]

[Docket No. G-5720 etc.]

INTERSTATE SALES OF NATURAL GAS

Notice of Applications for Certificates, Abandonment of Service and Petitions To Amend Certificates [1]

MARCH 6, 1973.

Take notice that each of the applicants listed herein has filed an application or petition pursuant to section 7 of the Natural Gas Act for authorization to sell natural gas in interstate commerce or to abandon service as described herein, all as more fully described in the respective applications and amendments which are on file with the Commission and open to public inspection.

Any person desiring to be heard or to make any protest with reference to said applications should on or before April 2, 1973, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure a hearing will be held without further notice before the Commission on all applications in which no petition to intervene is filed within the time required herein if the Commission on its own review of the matter believes that a grant of the certificates or the authorization for the proposed abandonment is required by the public convenience and necessity. Where a petition for leave to intervene is timely filed, or where the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

Docket No. and date filed	Applicant	Purchaser and location	Price per Mcf	Pressure base
G-5720 ..... D 2-7-73	The California Co., a division of Chevron Oil Co., 1111 Tulane Ave., New Orleans, LA 70112.	Texas Eastern Transmission Corp., Hico-Knowles, Terryville, North Choudrant, and Trement Fields, Lincoln and Ouachita Parishes, La.	Unproductive	
G-11860 ..... D 2-5-73	Mobil Oil Corp., 3 Greenway Plaza East, Suite 800 Houston, TX 77046.	Cities Service Gas Co., North Rhodes Field, Barber County, Kans.	Assigned	
G-13385 ..... (G-14380) E 8-7-72	Atlantic Richfield Co. (successor to Champlin Petroleum Co.), Post Office Box 2819, Dallas, TX 75221.	Northern Natural Gas Co., Anna C. Miller Gas Unit, Hugton Field, Finney County, Kans.	13.5	14.65
C162-825 ..... D 2-7-73	Mobil Oil Corp., 3 Greenway Plaza East, Suite 800, Houston, TX 77046.	El Paso Natural Gas Co., Rojo Caballos Fidld, Pecos County, Tex.	Nonproducing	
C162-1184 ..... (C163-20) C 8-4-72	Atlantic Richfield Co. (successor to Humble Oil & Refining Co.), Post Office Box 2819, Dallas, TX 75221.	Arkansas Louisiana Gas Co., W. P. Lerblance Unit, Latimer County, Okla.	Assigned	
C166-481 ..... D 9-27-72	The Superior Oil Co., Post Office Box 1521, Houston, TX 77001.	Arkansas Louisiana Gas Co., Arkoma Area, Sequoyah County, Okla.	Assigned	
C168-499 ..... D 11-6-72	Texaco, Inc., Post Office Box 2100, Denver, CO 80201.	Mountain Fuel Supply Co., West Side Canal, Carbon County, Wyo.	Nonproductive	
C168-666 ..... D 2-2-73	General American Oil Company of Texas, 1800 First National Bank Bldg., Dallas, Tex. 75202.	Transcontinental Gas Pipe Line Co., Southeast Gueydan Field, Vermilion Parish, La.	(1)	
C173-226 ..... E 9-25-72	Petro-Lewis Corp. (successor to Monterey Pipeline Co.; Secure Trusts; H. L. Hunt; and Lyda Hunt Trusts), 1600 Broadway, Denver, CO 80202.	Southern Natural Gas Co., Lake Enfermer Field, Lafourche Parish, La.	22.375	15.025
C173-235 ..... (G-18484) F 10-4-72	Clinton Oil Co. (successor to Amoco Production Co.), 217 North Water St., Wichita, KS 67202.	Transcontinental Gas Pipe Line Corp., Stuart City Field, La Salle County, Tex.	14.6958	14.65
C173-236 ..... (G-10022) F 10 4 72	do	Columbia Gas Transmission Corp., South Thornwell Field, Jefferson Davis and Cameron Parishes, La.	22.375	15.025
C173-386 ..... (C164-1487) F 12-1-72	do	Arkansas Louisiana Gas Co., Lacy Field, Kingfisher County, Okla.	18.082	14.65
C173-397 ..... (C165-661) F 12-4-72	do	Michigan Wisconsin Pipe Line Co., Laverne Gas Area, Harper County, Okla.	[3] 18.7775	14.65
C173-399 ..... (C166-942) F 12-4-72	do	Northern Natural Gas Co., Luthur Hill and East Fort Supply Fields, Woodward County, and Anadarko, Okla.	[3] 18.30581	14.65
C173-523 ..... B 2-5-73	Texaco, Inc., Post Office Box 2100, Denver, CO 80201.	Mountain Fuel Supply Co., State Line Unit Field, Carbon and Sweetwater Counties, Wyo.	(3)	[2]
C173-524 ..... A 2-2-73	Pennzoil Co., 900 Southwest Tower Houston, Tex 77002.	Equitable Gas Co., Booths Creek District, Taylor County, W. Va.	45.0	15.325
C173-527 ..... A 2-5-73	Amoco Production Co., Security Life Bldg., Denver, Colo. 80202.	El Paso Natural Gas Co., Pinon and Simpson Gallup Fields, San Juan County (San Juan Basin Area), N. Mex.	[4] 22.0	15.025
C173-528 ..... A 2-5-73	William Herbert Hunt Trust Estate, 1401 Elm St., Dallas, TX 75202.	Arkansas Louisiana Gas Co., Colquitt Field, Claiborne Parish, La.	[4] 17.0	15.025
C173-529 ..... A 2-5-73	Amoco Production Co., Security Life Bldg., Denver, Colo. 80202.	El Paso Natural Gas Co., Ignacio Blanco Dakota Field, La Plata County ("San Juan Basin") Colo.	[4] 23.463	15.025

[1] Expiration and release of leases.
[2] Subject to upward and downward B.t.u. adjustment.
[3] Last well plugged and abandoned and Unit terminated according to its terms.
[4] Plus 2.25 cents tax reimbursement.
[5] Applicant is willing to accept a certificate at an initial rate 23.463 cents subject to B.t.u. adjustment; however, the contract price is 28 cents.

Filing code: A—Initial service.
B—Abandonment.
C—Amendment to add acreage.
D—Amendment to delete acreage.
E—Succession.
F—Partial succession.
See footnotes at end of table.

[FR Doc.73-4729 Filed 3-13-73;8:45 am]

[1] This notice does not provide for consolidation for hearing of the several matters covered herein.

[Docket No. CI73-582]

KILLAM & HURD, LTD.

Notice of Application

MARCH 12, 1973.

Take notice that on March 5, 1973, Killam & Hurd, Ltd. (Applicant), Post Office Box 499, Laredo, TX 78040, filed in Docket No. CI73-582 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale for resale and delivery of natural gas in interstate commerce to Trunkline Gas Co. from the North Telferner Field, Victoria County, Tex., all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to sell 2,000 Mcf of gas per day for 1 year at 35 cents per Mcf at 14.65 p.s.i.a. within the contemplation of 2.70 of the Commission's general policy and interpretations (18 CFR 2.70).

It appears reasonable and consistent with the public interest in this case to prescribe a period shorter than 15 days for the filing of protests and petitions to intervene. Therefore, any person desiring to be heard or to make any protest with reference to said application should on or before March 22, 1973, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-5025 Filed 3-13-73;8:45 am]

[Docket No. E-7888 etc.]

LONG ISLAND LIGHTING CO. ET AL.

Notice of Applications

MARCH 12, 1973.

Take notice that each of the applicants listed herein has filed an application pursuant to section 205 of the Federal Power Act and Part 35 of the regulations issued thereunder.

Any person desiring to be heard or to make any protest with reference to said applications should on or before March 20, 1973, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The applications are on file with the Commission and available for public inspection.

Docket No.	Filing date	Applicant
E-7888	11-6-72	Long Island Lighting Co.

Applicant files October 25, 1972, capability sales agreement between Long Island Lighting Co. and Central Hudson Gas and Electric Corp. Under the agreement LILCO will furnish 29,000 kilowatts of electric generating capability from turbines installed on its system and the associated operating reserve and energy. Service under the agreement begins on November 1, 1972, and terminates on November 30, 1972.

Docket No.	Filing date	Applicant
E-7889	12-1-72	Long Island Lighting Co.

Applicant files October 25, 1972 capability sales agreement between Long Island Lighting Co., and Central Hudson Gas and Electric Corp., to take effect on December 1, 1972, and terminate on December 31, 1972. Under the agreement, LILCO will furnish 81,500 kilowatts of electric generating capability from four gas turbines installed on its system and the associated operating reserve and energy.

Docket No.	Filing date	Applicant
E-8046	2-26-73	Consumers Power Co.

Applicant files December 15, 1972 agreement between Consumers Power Co. and the city of Lansing, Mich., to take effect February 19, 1973, and providing for certain modifications in the October 7, 1970 Interconnection Agreement between the parties.

Docket No.	Filing date	Applicant
E-8048	2-25-73	Public Service Co. of Oklahoma.

Applicant files December 18, 1972, Schedule RE, Replacement Energy, between Public Service Company of Oklahoma and Southwestern Public Service Co., providing for the purchase and sale of replacement energy between the parties, and supplementing the January 22, 1971, Interconnection Agreement between the parties (FPC No. 184). Schedule RE is to take effect April 1, 1973.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-5060 Filed 3-13-73;10:35 am]

[Docket No. RP71-107]

NORTHERN NATURAL GAS CO.

Notice of Proposed Changes in Tariff

MARCH 12, 1973.

Take notice that on March 2, 1973, Northern Natural Gas Co. (Northern), tendered for filing as part of its FPC Gas Tariff, Third Revised Volume No. 1, Second Revised Sheet No. 59a and First Revised Sheet No. 59b. An effective date of March 1, 1973, is requested.

Second Revised Sheet No. 59a contains language added to paragraph 9.4 of the general terms and conditions of Northern's FPC Gas Tariff to make clear that sales of gas in a billing group for the requirements of large volume consumers are subject to curtailment, excluding for such large volume consumer only that volume of Contract Demand which is certificated for firm service by the Commission and which is set forth in an effective service agreement and is shown on the Directory of Communities Served of Northern's Tariff. Northern states that the additional language will eliminate the possibility of a distributor firming up large volume interruptible requirements without the knowledge of Northern and the Commission for the purpose of excluding such requirements from curtailment.

First Revised Sheet No. 59b contained a revised paragraph 9.5 of the general terms and conditions of Northern's FPC Gas Tariff which is required to conform to the clarification of the Commission's October 2, 1972 order herein as set forth in the Commission's order denying rehearing issued November 27, 1972.

Northern requests that the Commission waive to the extent necessary the notice requirements of § 154.22 of the regulations. Copies of the filing have been served upon all gas utility cus-

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tomers and upon interested State Commissions.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 441 G Street NW., Washington, DC 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before March 21, 1973. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of the filing are on file with the Commission and available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-5059 Filed 3-13-73;10:35 am]

FEDERAL RESERVE SYSTEM

AMERICAN BANCORPORATION

Order Approving Acquisition of Bank

American Bancorporation, Columbus, Ohio, a bank holding company within the meaning of the Bank Holding Company Act, has applied for the Board's approval under section 3(a)(3) of the Act (12 U.S.C. 1842(a)(3)) to acquire 100 percent of the voting shares (less directors' qualifying shares) of The Continental Bank, Continental, Ohio (Bank).

Notice of the application, affording opportunity for interested persons to submit comments and views, has been given in accordance with section 3(b) of the Act. The time for filing comments and views has expired, and none has been timely received. The Board has considered the application in light of the factors set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Applicant controls five banks with deposits of $27.4 million, representing one-tenth of 1 percent of aggregate deposits of commercial banks in Ohio. (All banking data are as of June 30, 1972, and reflect holding company formations and acquisitions approved through October 31, 1972.) Upon acquisition of Bank with deposits of $6.7 million applicant would continue to rank as the smallest bank holding company in the State.

Bank serves the northern section of Putnam County and the village of Oakwood in Paulding County. Three other banks serve the market area and hold total deposits of $8.6, $7.2, and $4.2 million, respectively, each serving its own agricultural community. The closest offices of Bank and any of applicant's present subsidiary banks are 35 miles apart, and no meaningful present competition exists between these or any of applicant's offices and Bank. Furthermore, it does not appear that significant future competition would develop between them in view of their wide separation and the restrictions placed on branching by Ohio laws. Competitive considerations are consistent with approval of the application.

The financial and managerial resources of applicant, its subsidiary banks, and Bank are considered to be generally satisfactory, and their prospects appear favorable. Banking factors are consistent with approval of the application. The primary banking needs of the area appear to be satisfactorily served at the present time. However, applicant proposes to improve Bank's present services by its assistance in providing larger loans for customers, improvement of present parking facilities, and the installation of a drive-up teller window. Considerations relating to the convenience and needs of the communities to be served are consistent with and lend some support to approval of the application. It is the Board's judgment that consummation of the proposed transaction would be in the public interest and that the application should be approved.

On the basis of the record, the application is approved for the reasons summarized above. The transaction shall not be consummated: (a) Before the 30th calendar day following the effective date of this order, or (b) later than 3 months after the effective date of this order, unless such period is extended for good cause by the Board, or by the Federal Reserve Bank of Cleveland pursuant to delegated authority.

By order of the Board of Governors,[1] effective March 6, 1973.

[SEAL] TYNAN SMITH,
Secretary of the Board.

[FR Doc.73-4830 Filed 3-13-73;8:45 am]

AMERICAN BANCSHARES, INC.

Acquisition of Bank

American Bancshares, Inc., North Miami, Fla., has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 100 percent of the voting shares (less directors' qualifying shares) of the Second National Bank of Homestead, Homestead, Fla., a proposed new bank. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Atlanta. Any person wishing to comment on the application should submit his views in writing to the Reserve Bank to be received not later than March 29, 1973.

Board of Governors of the Federal Reserve System, March 6, 1973.

[SEAL] MICHAEL A. GREENSPAN,
Assistant Secretary of the Board.

[FR Doc.73-4831 Filed 3-13-73;8:45 am]

[1] Voting for this action: Governors Mitchell, Daane, Brimmer, Sheehan, and Bucher. Absent and not voting: Chairman Burns and Governor Robertson.

CBT CORP.

Proposed Acquisition of General Discount Corporation

CBT Corp., Hartford, Conn., has applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 184(c)(8)) and § 225.4(b)(2) of the Board's Regulation Y, for permission to acquire voting shares of General Discount Corp., and thereby to indirectly acquire voting shares of its subsidiaries, G.D.C. Leasing Corp. and General Discount Corp. (Maine), all with head offices in Boston, Mass. Notice of the application was published on January 9, 1973, in the Boston Globe, Boston, Mass., and on March 5, 1973, in both the Manchester Union Leader, Manchester, N.H., and the Providence Journal, Providence, R.I.

Applicant states that the proposed subsidiary would engage in the activities of financing accounts receivable, inventories, machinery and equipment, and real estate for business customers, and the leasing of equipment to business customers. Such activities have been specified by the Board in § 225.4(a) of Regulation Y as permissible for bank holding companies, subject to Board approval of individual proposals in accordance with the procedures of § 225.4(b).

Interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question should be accompanied by a statement summarizing the evidence the person requesting the hearing proposes to submit or to elicit at the hearing and a statement of the reasons why this matter should not be resolved without a hearing.

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Boston.

Any views or requests for hearing should be submitted in writing and received by the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, not later than April 3, 1973.

The Board of Governors of the Federal Reserve System, March 7, 1973.

[SEAL] MICHAEL A. GREENSPAN,
Assistant Secretary of the Board.

[FR Doc.73-4898 Filed 3-13-73;8:45 am]

ELLIS BANKING CORP.

Order Approving Acquisition of Bank

Ellis Banking Corp., Bradenton, Fla., a bank holding company within the meaning of the Bank Holding Company Act, has applied for the Board's approval under section 3(a)(3) of the Act (12 U.S.C. 1842(a)(3)) to acquire 51 percent or more of the voting shares of First Park Bank, Pinellas Park, Fla. (Bank).

Notice of the application, affording opportunity for interested persons to submit comments and views, has been given in accordance with section 3(b) of the Act. The time for filing comments and views has expired, and the Board has considered the application and all comments received in light of the factors set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Applicant controls 16 banks with aggregate deposits of $447.3 million, representing 2.6 percent of the total commerical bank deposits in the State, and is the eighth largest banking organization in Florida. (Bank deposit data are as of June 30, 1972 and reflect holding formations and acquisitions approved through December 31, 1972.)

Bank ($22.6 million in deposits) is the ninth smallest of 26 banks in the South Pinellas County banking market and controls 2.3 percent of total commercial bank deposits in the area. Applicant has one subsidiary bank ($33.7 million in deposits) in the market accounting for 3.4 percent of market deposits; upon consummation, applicant will become the fifth largest banking organization in the market, holding 5.7 percent of its deposits. Eleven multibank holding companies (with 16 banks) are represented in the market with the first, second, and third largest controlling 18.3, 15.8, and 9.6 percent of total deposits, respectively. The remaining banks not affiliated with bank holding companies (exclusive of Bank) hold 21.8 percent of the market's deposits. The record reveals that the service areas of Bank and applicant's subsidiary bank slightly overlap; however, in view of the presence of intervening banks and an interstate highway being constructed that is expected to act as a barrier between these service areas, consummation of the proposed transaction would not appear to eliminate any significant existing or potential competition. Further, it appears that approval of this transaction will not have an adverse effect on any competing bank nor significantly increase the concentration of banking resources in any relevant area.

The financial and managerial resources of applicant and its subsidiary banks are generally satisfactory, the financial condition of Bank is excellent and its management satisfactory. Future prospects for all appear favorable. While the banking needs of the area are presently being served by Bank and its competitors, considerations related to the convenience and needs of the community to be served are consistent with approval of the application. It is the Board's judgment that the proposed acquisition would be in the public interest and that the application should be approved.

On the basis of the record, the application is approved for the reasons summarized above. The transaction shall not be consummated: (a) Before the 30th calendar day following the effective date of this order, or (b) later than 3 months after the effective date of this order, unless such period is extended for good cause by the Board, or by the Federal Reserve Bank of Atlanta pursuant to delegated authority.

By order of the Board of Governors,[1] effective March 6, 1973.

[SEAL] TYNAN SMITH,
Secretary of the Board.

[FR Doc.73-4837 Filed 3-13-73;8:45 am]

ELLIS BANKING CORP.

Order Approving Acquisition of Bank

Ellis Banking Corp., Bradenton, Fla., a bank holding company within the meaning of the Bank Holding Company Act, has applied for the Board's approval under section 3(a)(3) of the Act (12 U.S.C. 1842(a)(3)) to acquire all of the voting shares (less directors' qualifying shares) of First Security Bank, Bradenton, Fla., a proposed new bank (Bank).

Notice of the application, affording opportunity for interested persons to submit comments and views, has been given in accordance with section 3(b) of the Act. The time for filing comments and views has expired, and the Board has considered the application and all comments received in light of the factors set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Applicant controls 16 banks with aggregate deposits of $447.3 million, representing 2.6 percent of the total commercial bank deposits in Florida, and is the eighth largest banking organization in the State. (Bank deposit data are as of June 30, 1972 and reflect holding company formations and acquisitions approved through December 31, 1972.) Applicant competes in seven major banking markets in Florida and its respective position in those major markets are as follows: St. Petersburg, 3.4 percent of deposits; Clearwater-Tarpon Springs, 10.7 percent; Manatee County, 27.2 percent; Sarasota, 34.2 percent; Tampa, 2 percent; New Port Richey, 80.9 percent; and east Pasco County, 20.9 percent.

Bank would be located in the Manatee County banking market in west central Florida where applicant, as indicated above, has 27.2 percent of total commercial bank deposits through control of the largest and the smallest banks in the market. These two banks are located 3.3 miles north and 4.9 miles southeast, respectively, from the proposed new bank site. Of the nine banks in the banking market, the second and third largest, controlling 24.1 and 18.9 percent, respectively, are members of the first and sixth largest bank holding companies in the State. All banks in the market have demonstrated ability to secure shares of deposit growth and, accordingly, competition between them and applicant should be enhanced. Inasmuch as Bank is a proposed new bank, no existing competition would be eliminated between Bank and applicant's subsidiaries; future competition should be nominal due to Bank's proposed immediate service area (2-mile radius) coupled with the existence of three banks in the areas between applicant's present subsidiary banks and Bank. Further, it appears that consummation of the proposal would not have an adverse effect on any competing bank.[1]

The financial and managerial resources and future prospects of Applicant and its subsidiary banks are generally satisfactory. Future prospects of Bank also appear favorable; its financial and managerial resources are dependent upon Applicant which, as noted above, are generally satisfactory.

The banking needs of the relevant area are presently being served by existing organizations. Approval of this application would provide a more convenient source of banking services to area residents and business establishments. Further, approval would insure adequate future banking services in light of the substantial growth experienced in Manatee County and the future projections of a continued rapid rate of expansion.[2] Therefore, considerations relating to the convenience and needs of the area to be served are consistent with approval herein. It is the Board's judgment that the proposed acquisition would be in the public interest and that the application should be approved.

[1] It has been suggested by opponents to this acquisition that consummation herein would result in enlarging applicant's already dominant position in this Florida market. The facts of record reveal that Southeast Banking Corp., Miami, through its subsidiary, Manatee National Bank, Bradenton, controls 24.1 percent of the market deposits while First Financial Corp., Tampa, through its subsidiary, Intercity National Bank, Bradenton, controls 18.9 percent. (Intercity National Bank and Bayshore State Bank, Bradenton, have interlocking officers and directors; Bayshore has an additional 4.1 percent of the market deposits.) These figures when compared to applicant's 27.2 percent control of deposits indicate that applicant does not now have a dominant position in the market and formation of the proposed new bank would not immediately increase this percentage.

[2] From the facts of record, the Board finds that applicant is not attempting to preempt a bank site before a need exists. The Comptroller of the Currency denied an application by the Manatee National Bank of Bradenton on March 15, 1971, for a national bank to be located in the same service area as that of Bank. Since that time, however, the Florida State Commissioner of Banking granted initial approval in July and August 1972 of two applications for new bank charters in Manatee County (including that of applicant). The Commissioner's approval of the aforementioned applications is consistent with the Board's finding that the subject area is now experiencing rapid commercial and residential growth with a developing need for additional banking facilities.

[1] Voting for this action: Governors Mitchell, Daane, Brimmer, Sheehan, and Bucher. Absent and not voting: Chairman Burns and Governor Robertson.

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On the basis of the record, the application is approved for the reasons summarized above. The transaction shall not be consummated: (a) Before the 30th calendar day following the effective date of this order, or (b) later than 3 months after that date, and (c) First Security Bank, Bradenton, Fla., shall be opened for business not later than 6 months after the effective date of this order. Each of the periods described in (b) and (c) may be extended for good cause by the Board, or by the Federal Reserve Bank of Atlanta pursuant to delegated authority.

By order of the Board of Governors,[3] effective March 6, 1973.

[SEAL] TYNAN SMITH,
Secretary of the Board.

[FR Doc.73-4836 Filed 3-13-73;8:45 am]

ELLIS BANKING CORP.

Order Approving Acquisition of Bank

Ellis Banking Corp., Bradenton, Fla., a bank holding company within the meaning of the Bank Holding Company Act, has applied for the Board's approval under section 3(a)(3) of the Act (12 U.S.C. 1842(a)(3)) to acquire all of the voting shares (less directors' qualifying shares) of First National Bank of Hudson, Hudson, Fla., a proposed new bank (Bank).

Notice of the application, affording opportunity for interested persons to submit comments and views, has been given in accordance with section 3(b) of the Act. The time for filing comments and views has expired, and the Board has considered the application and all comments received in light of the factors set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Applicant controls 16 banks with aggregate deposits of $447.3 million,[1] representing 2.6 percent of the total commercial bank deposits in Florida, and is the eighth largest banking organization in the State. Inasmuch as Bank is a proposed new bank, no existing competition would be eliminated nor would the concentration level of banking resources be immediately increased in any relevant area.

Bank would be competing in the New Port Richey banking market of an estimated 65,000 people located in the western portion of Pasco County on Florida's west coast. Applicant is the largest banking organization in the relevant market and controls, through two subsidiary banks (located 6½ and 7 miles south, respectively, from the proposed bank site), 80.9 percent of total deposits as of June 30, 1972. Several factors have caused applicant's dominance in the market area to be reduced in recent years. The establishment of two new banks since 1970 reduced applicant's share of total deposits from 100 percent to 80.9 percent as of June 30, 1972. Even this percentage is somewhat overstated because, since that date, two additional banks have been opened. Population in the market area increased 266.4 percent from 1960 to 1970, and total deposits expanded 313.7 percent from 1967 to 1971. Much of this growth in population and total deposits was due to the immigration of retirees into Pasco County which has the highest percent of persons over 65 years old in Florida—31 percent. In view of the expected large population increases and accompanying growth in deposits, it appears that the market will continue to remain attractive for de novo entry as evidenced by the new banks which recently opened in the area. Accordingly, it appears that consummation of the proposal herein would not adversely alter the competitive situation nor the concentration of resources in the market, nor is there any evidence that applicant is attempting to preempt a site before there is a need for a bank.

The unincorporated community of Hudson with a currently estimated population of 2,800 has no commercial banking facility at the present time. Approval of this application would provide a more convenient source of banking services to its residents. Therefore, considerations relating to the convenience and needs of the area to be served lend support to approval of the application.

The financial and managerial resources of applicant and its subsidiary banks are generally satisfactory; Bank, as a proposed new bank, has no operating history but its projected earnings and growth under Applicant's control appear favorable.[2] Banking factors are consistent with approval of this application. It is the Board's judgment that the proposed acquisition would be in the public interest and that the application shall be approved.

On the basis of the record, the application is approved for the reasons summarized above.[4] The transaction shall not be consummated: (a) Before the 30th calendar day following the effective date of this order, or (b) later than 3 months after that date, and (c) First National Bank of Hudson, Hudson, Fla., shall be opened for business not later than 6 months after the effective date of this order. Each of the periods described in (b) and (c) may be extended for good cause by the Board, or by the Federal Reserve Bank of Atlanta pursuant to delegated authority.

By order of the Board of Governors,[4] effective March 6, 1973.

[SEAL] TYNAN SMITH,
Secretary of the Board.

[FR Doc.73-4834 Filed 3-13-73;8:45 am]

FIRST AT ORLANDO CORP.

Order Denying Acquisition of Bank

First at Orlando Corp., Orlando, Fla., a bank holding company within the meaning of the Bank Holding Company Act, has applied for the Board's approval under section 3(a)(3) of the Act (12 U.S.C. 1842(a)(3)) to acquire all of the voting shares (less directors' qualifying shares) of Citrus First National Bank of Leesburg, Leesburg, Fla., a proposed new bank.

Notice of the application, affording opportunity for interested persons to submit comments and views, has been given in accordance with section 3(b) of the Act. The time for filing comments and views has expired, and the Board has considered the application and all comments received in light of the factors set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Applicant, the second largest banking organization in Florida, controls 32 banks which hold aggregate deposits of $1.1 billion, representing 6.6 percent of the total deposits in commercial banks in the State. (Unless otherwise indicated, banking data are as of June 30, 1972, and reflect holding company acquisitions and formations approved by the Board through December 31, 1972.) The First National Bank of Leesburg (First Bank), a subsidary of applicant, holds approximately 24 percent of the total deposits held by commercial banks located in the north Lake County banking market; applicant ranks thereby as the second largest banking group and the largest bank holding company in the market. First Bank ($34 million deposits) is the largest of nine banks in the market, and the largest of three banks within the immediate Leesburg area, with approximately 61 percent of deposits in that area. In addition, through other subsidiary banks, applicant controls 43 percent of deposits in the neighboring Orlando banking market (south of Lake County) and is the largest banking organization in that market; and applicant controls 35 percent of the neighboring Ocala banking market (north of Lake County) and is the largest banking organization in that market as well.

Bank is proposed to be located in the city of Leesburg in northern Lake County in central Florida. The three banks presently located in the city of Leesburg (which includes one subsidiary bank of applicant) appear to compete in

[3] Voting for this action: Chairman Burns and Governors Robertson, Mitchell, Daane, Brimmer, Sheehan, and Bucher.

[1] Bank deposit data are as of June 30, 1972, and reflect holding company formations and acquisitions approved through Dec. 31, 1972.

[2] Applicant has projected, and not unreasonably, that Bank will grow to $3.8 million in total deposits during the first 3 years of operation.

[3] Dissenting Statement of Governors Robertson and Brimmer filed as part of the original document. Copies available upon request to the Board of Governors of the Federal Reserve System, Washington, D.C. 20551, or to the Federal Reserve Bank of Atlanta.

[4] Voting for this action: Chairman Burns and Governors Mitchell, Sheehan, and Bucher. Dissenting from this action: Governors Robertson and Brimmer. Absent and not voting: Governor Daane.

the North Lake County banking market, which is approximated by the Golden Triangle area (which includes the towns of Tavares, Eustis, Mount Dora, and Umatilla) and the area immediately surrounding and including the city of Leesburg. First Bank (applicant's subsidiary) is located in the downtown area of Leesburg 1.6 miles east of the proposed site of Bank. Citizens National Bank of Leesburg ($21 million deposits), located 5 miles northeast from the proposed location of Bank, holds approximately 39 percent of deposits in the Leesburg area and is part of the largest banking organization in the market which holds approximately 35 percent of deposits in North Lake County.

Lake Eustis separates the Leesburg area from much of the Golden Triangle area, but two major roads, one passing Lake Eustis on the north and one on the south, connect the two areas, and all the major towns in the Golden Triangle area are within a radius of 22 miles of Leesburg. Residential and commercial development has occurred recently just west of the Golden Triangle area toward Leesburg, just east of Leesburg toward the Golden Triangle area, and in the intervening area between Leesburg and the Golden Triangle area. Further development is expected in this intervening area, spurred in part by the expected construction of a community college approximately midway along the major road joining Leesburg and the Golden Triangle area. In view of the foregoing, commuting patterns in Lake County, and the responsiveness of Leesburg banks to changes in the banking charges and services at the other banks in North Lake County, the Board regards the relevant banking market in the present case as North Lake County.

Since Applicant's proposal involves the establishment of a new bank which will be opened only in the event of approval of the application, no existing competition nor potential competition between Applicant's subsidiaries and Bank would be eliminated by the proposal, and there would be no immediate increase in banking concentration in any area. However, in addition, the Board is concerned and has focused its attention particularly on the competitive effects of Applicant's proposal on the Leesburg portion of the relevant market, wherein Applicant already controls over 60 percent of the deposits.

The Leesburg area, as a result of its location on Highway 27, one of the major highway approaches to the newly opened Disney World complex, its proximity to Disney World, approximately 42 miles to the southeast, and increases in the retirement population of the area, has experienced increased economic activity over the past 2 years. This growth has occurred primarily in the portion of Leesburg west of the downtown area, and Bank would be located close to the intersection of Highway 27 and Route 441, the major highway connecting Leesburg with the Golden Triangle area. A new bank, the third in the area, opened in August 1972, and is located on Route 27 less than 1 mile to the north of the proposed location of Bank. Deposits in Leesburg banks increased by approximately 30 percent during 1971, and total deposits of all banks in the north Lake County market increased by approximately 43 percent during the period from June 1970 to June 1972.

However, in spite of this activity, the population of Leesburg has remained somewhat stable, increasing about 5 percent (11,172 to 11,879) from 1960 to 1970, and it apears that the Leesburg and the north Lake County banking market already have an adequate number of banking offices in comparison to the rest of the State. Presently, there are an average 13,579 persons per banking office in the State of Florida. In Leesburg, the present ratio is 8,940 persons per banking office; should the proposed transaction be consummated, the ratio would drop to 6,930 persons per banking office, approximately half the State average. The ratio of population to banking office in the north Lake County banking market is approximately 6,317 to 1 and would become 5,685 to 1 if Bank were to open. Subsequent to the granting of a charter to Bank, two groups withdrew charter applications for locations in the Leesburg area apparently in the belief that the Leesburg area could not support an additional bank. The facts tend to support this belief. Lake County Bank, which opened in August 1972, has experienced heavy start-up operating losses, reducing its undivided profits account by half, and has encountered difficulties in attracting local deposits. In commenting on the instant application, Lake County Bank has asserted that the opening of Bank at a location of approximately 0.7 mile distant from its own office could seriously jeopardize its viability. In view of the past experiences, the Board finds that approval of this application is likely to have the effect of hindering significantly the ability of Lake County Bank to establish itself as a viable competitor in the market. The Board has previously denied applications where the establishment of a de novo bank by a bank holding company with an already strong competitive position would have such an effect by adversely affecting the competitive position of a smaller or recently opened bank.[1] While the Board will not act simply to protect an ineffective competitor from its own inability to successfully compete, the Board will not sanction the efforts of the area's dominant banking organization to solidify its position in the area at the direct expense of a newly emerging competitor.

Given the present state of banking concentration in the area, the Board is of the view that the probable effect of the opening at this time of a new bank at the proposed location by Applicant, which appears to be dominant in the Leesburg area, as well as in neighboring banking markets, and possesses considerable market power in the north Lake County banking market,[2] would be to reduce further the likelihood of a deconcentration of banking resources in the Leesburg area and the north Lake County banking market. The U.S. Supreme Court, in another context, has noted that "if concentration is already great, the importance of * * * preserving the possibility of eventual deconcentration is correspondingly great".[3] The elimination of such a possibility, even as a result of de novo entry, may be substantially to lessen competition. The Board has acted against the establishment of a de novo bank by a holding company in an area in which the bank holding company is considered dominant.[4] This has been the case even where a real need for a new bank has been clearly and convincingly established.[5]

Inasmuch as entry into a commercial banking market is restricted, opportunities for deconcentration are limited. This is particularly true in a State * * * where branching is highly restricted. If every newly developing need for banking facilities which arises in a concentrated market were to be filled by the market's dominant organization, any meaningful deconcentration of the market's banking resources would be made impossible, and further concentration might be encouraged. Each application by such an organization to expand within its present trade area, even through acquisition of a new bank, must therefore be examined to determine its probable effect on existing concentration, whether it will foreclose an opportunity for new entry which could provide additional competition and possibly promote a decrease in concentration, and its effect in limiting the development of existing competitors located in or near the area to be served by the new institution.[6]

[1] See statement accompanying order of Dec. 20, 1957, denying application of Wisconsin Bankshares Corp. to acquire shares of proposed Capital National Bank of Milwaukee (44 Federal Reserve Bulletin 15 (1958)); statement accompanying order of Mar. 23, 1967, denying application of First National Corp. to acquire shares of proposed First National Bank West (53 Federal Reserve Bulletin 582 (1967)).

[2] With approximately 24 percent of market deposits, Applicant is the second largest banking group controlling the largest bank in the market. The largest banking group controls 35 percent of market deposits and the third largest group and bank in the market holds approximately 14 percent of market deposits. Therefore, of the seven banking organizations in the north Lake County banking market, the three largest control approximately 73 percent of market deposits, and the two largest control approximately 59 percent of market deposits.

[3] United States v. Philadelphia National Bank, 374 U.S. 321, 365 N. 42 (1963).

[4] See statement accompanying order of Jan. 4, 1966, denying Application of Central Wisconsin Bankshares, Inc. to acquire shares of proposed Central National Bank of Stettin (52 Federal Reserve Bulletin 29 (1966)).

[5] See statement accompanying order of Nov. 27, 1968, denying application of First Wisconsin Bankshares Corp. to acquire shares of proposed First Wisconsin National Bank of Greenfield (54 Federal Reserve Bulletin 1024 (1968)).

[6] Statement accompanying order of July 2, 1968, approving application of First Wisconsin Bankshares Corp. to acquire shares of proposed First Northwestern National Bank of Milwaukee (54 Federal Reserve Bulletin 645, 647-48 (1968)).

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In addition to the effect consummation of the proposed transaction is expected to have on at least one existing competitor in the Leesburg area and the perpetuation of a high degree of banking concentration, the proposal would eliminate the possibilities for increased competition and a deconcentration of banking resources by reducing the opportunity for new entry by a bank organization not already represented in the market—an alternative that the Board considers to be clearly preferable to the proposal herein. The receipt of a charter by the organizers of Bank was apparently one of the factors that resulted in the abandonment of charter application plans by two other banking groups. In view of Applicant's already existing market position in Leesburg, Applicant's entry via the proposal herein can be expected to have even a more formidable effect on entry plans of the two groups mentioned above or on others. This factor alone provides substantial weight for the denial of this application in the absence of any countervailing considerations.[7]

On the basis of the foregoing and other facts of record, the Board concludes that consummation of the proposed transaction would adversely affect the development of competition in the Leesburg area and the north Lake County banking market by jeopardizing the competitive ability of Lake County Bank and by foreclosing entry by other banking organizations and thereby perpetuating a high level of concentration of banking resources. In view of such conclusions, the Board is precluded from approving the application unless the anticompetitive effects are outweighed by other factors in the record.

The financial and managerial resources and future prospects of Applicant and its subsidiary banks appear generally satisfactory, as do financial and managerial resources and future prospects of Bank, which would be dependent upon assistance from Applicant. These factors are consistent with, but lend no weight toward, approval of the application.

The banking needs of the Leesburg and north Lake County areas are presently being adequately met by the already existing banking institutions. The recent opening of the Lake County Bank suggests that those needs will continue to be met in the reasonably foreseeable future. Bank would serve as a more convenient source of banking services for a number of residents of west Leesburg who are presently customers of First Bank in that Bank would be located approximately 1½ miles closer to them. However, there is no evidence that this distance causes those residents any great hardship; furthermore, the Board does not regard this slight (almost insignificant) increase in convenience as outweighing the adverse competitive effects inherent in the proposed transaction.

On the basis of all relevant facts in the record, and in the light of the factors set forth in section 3(c) of the Act, it is the Board's judgment that the proposed acquisition would have adverse effects on competition, without any significant offsetting benefits under considerations relating to the banking factors or the convenience and needs of the communities to be served. Accordingly, the Board concludes that consummation of the proposal would not be in the public interest and that the application should be, and the application is hereby, denied.

By order of the Board of Governors,[8] effective March 6, 1973.

[SEAL] TYNAN SMITH,
Secretary of the Board.

[FR Doc.73-4833 Filed 3-13-73;8:45 am]

FIRST NATIONAL FINANCIAL CORP.

Acquisition of Bank

First National Financial Corp., Kalamazoo, Mich., has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 100 percent of the voting shares of the successor by merger to the Commercial Bank of Menominee, Menominee, Mich. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Chicago. Any person wishing to comment on the application should submit his views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than April 2, 1973.

Board of Governors of the Federal Reserve System, March 6, 1973.

[SEAL] MICHAEL A. GREENSPAN,
Assistant Secretary of the Board.

[FR Doc.73-4832 Filed 3-13-73;8:45 am]

NORTHWEST IOWA BANCORPORATION

Order Approving Formation of Bank Holding Company

Northwest Iowa Bancorporation, Le Mars, Iowa, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) of formation of a bank holding company through the acquisition of 80 percent or more of the voting shares of the Lakes National Bank, Arnolds Park, Iowa (Bank).

Notice of the application, affording opportunity for interested persons to submit comments and views, has been given in accordance with section 3(b) of the Act. The time for filing comments and views has expired, and the Board has considered the application and all comments received in light of the factors set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Since its organization in 1967, Applicant has been selling credit life insurance to customers of Bank's predecessor organization.[1] Bank was granted a national bank charter on September 29, 1971, and opened for business on January 6, 1972. Upon approval of this application, Applicant proposes to transfer its credit life insurance agency operations to Bank. Bank is located in a community of less than 5,000 people, and would conduct such insurance agency activities pursuant to its authority as a national bank (12 U.S.C. 92 and 12 CFR 7.7100).

Bank has deposits of $1.9 million, representing less than 1 percentage point of total deposits in commercial banks in Iowa, and is the smallest of four banks located in the Arnolds Park area.[2] Since the sole shareholder of Applicant owns 96 percent of Bank's shares, the proposed transaction involves only a change from individual to corporate ownership. Accordingly, consummation of the proposed transaction would have no adverse effect on existing or potential competition.

Although Applicant would incur a significant amount of debt in relation to its net worth in acquiring Bank, Applicant has committed itself to increase its equity capital and has arranged to amortize its remaining debt over a period of 12 years. In addition to these facts, since Bank's income will be increased by the insurance agency operations being transferred to it by Applicant, it appears that Applicant will be able to service its debt without adversely affecting the condition of Bank. Accordingly, the financial and managerial resources and future prospects of Applicant and Bank are consistent with approval of this application. Considerations relating to the convenience and needs of the communities to be served are consistent with approval of the application. It is the Board's judgment that the proposed transaction is in the public interest and should be approved.

On the basis of the record, the application is approved for the reasons set forth in the Board's statement of this date. The transaction shall not be consummated (a) before the 30th calendar day following the effective date of this order or (b) later than 3 months after the effective date of this order, unless such period is extended for good cause by the Board, or by the Federal Reserve Bank of Chicago pursuant to delegated authority.

By order of the Board of Governors,[3] effective March 6, 1973.

[SEAL] TYNAN SMITH,
Secretary of the Board.

[FR Doc.73-4835 Filed 3-13-73;8:45 am]

[7] See statement accompanying order of Oct. 19, 1970, denying application of Security Financial Services, Inc., to acquire shares of proposed Security West Side Bank (56 Federal Reserve Bulletin 834 (1970)).

[8] Voting for this action: Chairman Burns and Governors Robertson, Mitchell, Daane, Brimmer, Sheehan, and Bucher.

[1] Prior to the time Bank was granted a national bank charter, it was operated as a branch of First National Bank, Sibley, Iowa.

[2] Banking data are as of June 30, 1972, adjusted to reflect holding company formations and acquisitions through Dec. 31, 1972.

[3] Voting for this action: Governors Mitchell, Daane, Brimmer, Sheehan, and Bucher. Absent and not voting: Chairman Burns and Governor Robertson.

SOUTHWEST FLORIDA BANKS, INC.

Order Approving Formation of Bank Holding Company

Southwest Florida Banks, Inc., Fort Myers, Fla., has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) of formation of a bank holding company through acquisition of 80 percent or more of the voting shares of the following five banks, all in Florida: (1) First National Bank in Fort Myers, Fort Myers (Fort Myers Bank); (2) Beach First National Bank, Fort Myers Beach (Beach Bank); (3) East First National Bank, Fort Myers (East Bank); (4) National Bank of Sarasota, Sarasota (Sarasota Bank); and (5) National Bank Gulf Gate, Sarasota (Gulf Gate Bank).

Notice of the application, affording opportunity for interested persons to submit comments and views, has been given in accordance with section 3(b) of the Act. The time for filing comments and views has expired, and the Board has considered the application and all comments received in light of the factors set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Applicant, a newly organized Florida corporation, proposes to acquire control of the above five banks; three located in Lee County, two located in Sarasota County, in Florida. Consummation of the proposal would give Applicant control of $198 million in deposits which represents 1.2 percent of deposits in commercial banks in the State of Florida. It would become the 19th largest banking organization in the State.[1]

Management of Fort Myers Bank ($116.6 million in deposits) was instrumental in the formation of Beach Bank ($10.3 million in deposits) and East Bank ($5.4 million in deposits). Since the formations the three banks, which control 36 percent of the Fort Myers market deposits, have been closely affiliated through common stock ownership of over 51 percent and interlocking directorships. Additionally, the banks offer many services to customers on a cooperative basis and share many internal services. Due to this affiliation, consummation of the proposal would eliminate no significant existing competition in the Fort Myers market. Similarly, Sarasota Bank ($42.4 million in deposits) and Gulf Gate Bank ($22.9 million in deposits) are affiliated by common management and common stock ownership of over 70 percent. Consummation of the proposal would have no adverse effects on existing competition in the Sarasota banking market where the subject banks hold 17 percent of market deposits.

With respect to potential competition, due to the nature and strength of the affiliations, there is little likelihood that, absent this proposal, competition would develop within either of the presently existing groups. Further, each of these groups is relatively small, and since the banking markets involved are separated by over 70 miles, it does not appear likely that either group would enter the market served by the other.[2] The Board concludes that consummation of the proposal would have no significant adverse effects on potential competition.

The financial and managerial resources of Applicant and its proposed subsidiaries are satisfactory, taking into account Applicant's commitment to add capital to three of the banks, and future prospects are favorable. These considerations are consistent with approval. Although consummation of the transaction will have no immediate effect on the banking needs of the residents in Applicant's banking markets, considerations relating to the convenience and needs of the communities to be served are regarded as consistent with approval. It is the Board's judgment that the transaction would be in the public interest and that the application should be approved.

On the basis of the record, the application is approved for the reasons summarized above. The transaction shall not be consummated (a) before the 30th calendar day following the effective date of this order or (b) later than 3 months after the effective date of this order, unless such period is extended for good cause by the Board, or by the Federal Reserve Bank of Atlanta pursuant to delegated authority.

By order of the Board of Governors,[3] effective March 6, 1973.

[SEAL] TYNAN SMITH,
Secretary of the Board.

[FR Doc.73-4829 Filed 3-13-73;8:45 am]

INTERIM COMPLIANCE PANEL (COAL MINE HEALTH AND SAFETY)

[ICP Docket No. 20348]

WESTMORELAND COAL CO.

Application for Renewal Permit; Notice of Opportunity for Public Hearing

Application for Renewal Permit for Noncompliance with the Interim Mandatory Dust Standard (2.0 mg/m³) has been received as follows:

ICP Docket No. 20348, Westmoreland Coal Co., McAlpin No. 3 UG Mine, USBM ID No. 46 01517 0, McAlpin, W. Va., Section ID No. 016 (2d panel right), Section ID No. 018 (4 right off 2d south headings).

In accordance with the provisions of section 202(b)(4) (30 U.S.C. 842(b)(4)) of the Federal Coal Mine Health and Safety Act of 1969 (83 Stat. 742, et seq., Public Law 91-173), notice is hereby given that requests for public hearing as to an application for renewal may be filed on or before March 29, 1973. Requests for public hearing must be filed in accordance with 30 CFR Part 505 (35 FR 11296, July 15, 1970), as amended, copies of which may be obtained from the Panel on request.

A copy of the application is available for inspection and requests for public hearing may be filed in the office of the Correspondence Control Officer, Interim Compliance Panel, Room 800, 1720 K Street NW., Washington, DC 20006.

GEORGE A. HORNBECK,
Chairman,
Interim Compliance Panel.

MARCH 8, 1973.

[FR Doc.73-4840 Filed 3-13-73;8:45 am]

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

ARCHITECTURE AND ENVIRONMENTAL ARTS ADVISORY PANEL

Notice of Closed Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Public Law 92-463), notice is hereby given that a closed meeting of the Architecture and Environmental Arts Advisory Panel to the National Endowment for the Arts will be held at 9 a.m. on March 15, 1973, in Washington, D.C.

This meeting is for the purpose of Panel review, discussion, and evaluation of grant applications. It has been determined by the Chairman, in accordance with section 10(d) of the Act, that the meeting involves matters exempt from the requirements of public disclosure under the provisions of the Freedom of Information Act (5 U.S.C. 552(b)).

Further information with reference to this meeting can be obtained from Mrs. Eleanor A. Snyder, Advisory Committee Management Officer, National Endowment for the Arts, 806 15th Street NW., Washington, DC 20560, or call area code 202—382-2854.

P. P. BERMAN,
Director of Administration, National Foundation on the Arts and the Humanities.

[FR Doc.73-4944 Filed 3-13-73;8:45 am]

DANCE ADVISORY PANEL

Notice of Closed Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Public Law 92-463), notice is hereby given that a closed meeting of the Dance Advisory Panel to the National Endowment for the Arts will be held at 9 a.m., on March 16, 1973, 9 a.m., on March 17, 1973, and 9 a.m., on March 18, 1973, in Atlanta, Ga.

This meeting is for the purpose of panel review, discussion, and evaluation of grant applications. It has been determined by the Chairman, in accordance

[1] All banking data are as of June 30, 1972.

[2] This contrasts with the Board's findings with respect to the applications of First at Orlando Corp., to acquire the Sarasota group where First at Orlando was a likely entrant into the market with the size and ability to enter de novo or through the acquisition of a smaller bank. Further, after Board approval for First at Orlando to acquire the smaller bank in the group, the owners of the group were unwilling to sell only one of the banks. (1971 Federal Reserve Bulletin 1013.)

[3] Voting for this action: Governors Mitchell, Daane, Brimmer, Sheehan, and Bucher. Absent and not voting: Chairman Burns and Governor Robertson.

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with section 10(d) of the Act, that the meeting involves matters exempt from the requirements of public disclosure under the provisions of the Freedom of Information Act (5 U.S.C. 552(b)).

Further information with reference to this meeting can be obtained from Mrs. Eleanor A. Snyder, Advisory Committee Management Officer, National Endowment for the Arts, 806 15th Street NW., Washington, DC 20560, or call Area Code 202—382–2854.

P. P. BERMAN,
Director of Administration, National Foundation on the Arts and the Humanities.

[FR Doc.73–4945 Filed 3–13–73;8:45 am]

FEDERAL GRAPHICS EVALUATION ADVISORY PANEL

Notice of Closed Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Public Law 92–463), notice is hereby given that a closed meeting of the Federal Graphics Evaluation Advisory Panel to the National Endowment for the Arts will be held at 9:30 a.m., on March 16, 1973, in Washington, D.C.

The panel will review, discuss, evaluate, and make recommendations in connection with Federal agency graphics programs. It has been determined by the Chairman, in accordance with section 10(d) of the Act, that the meeting involves matters exempt from the requirements of public disclosure under the provisions of the Freedom of Information Act (5 U.S.C. 552(b)).

Further information with reference to this meeting can be obtained from Mrs. Eleanor A. Snyder, Advisory Committee Management Officer, National Endowment for the Arts, 806 15th Street NW., Washington, DC 20560, or call Area Code 202—382–2854.

P. P. BERMAN,
Director of Administration, National Foundation on the Arts and the Humanities.

[FR Doc.73–4946 Filed 3–13–73;8:45 am]

MUSIC ADVISORY PANEL

Notice of Closed Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Public Law 92–463), notice is hereby given that a closed meeting of the Music Advisory Panel to the National Endowment for the Arts will be held at 9:30 a.m., on March 19, 1973, 9:30 a.m., on March 20, 1973, and 9:30 a.m., on March 21, 1973, in Washington, D.C.

This meeting is for the purpose of panel review, discussion, and evaluation of grant applications. It has been determined by the Chairman, in accordance with section 10(d) of the Act, that the meeting involves matters exempt from the requirements of public disclosure under the provisions of the Freedom of Information Act (5 U.S.C. 552(b)).

Further information with reference to this meeting can be obtained from Mrs. Eleanor A. Snyder, Advisory Committee Management Officer, National Endowment for the Arts, 806 15th Street NW., Washington, DC 20560, or call Area Code 202—382–2854.

P. P. BERMAN,
Director of Administration, National Foundation on the Arts and the Humanities.

[FR Doc.73–4947 Filed 3–13–73;8:45 am]

NATIONAL SCIENCE FOUNDATION

ADVISORY COMMITTEE FOR RESEARCH

Notice of Meeting

MARCH 8, 1973.

Pursuant to the Federal Advisory Committee Act (P.L. 92–463) notice is hereby given that a meeting of the Advisory Committee for Research will be held at 9:00 a.m. on March 22 and 23, 1973 in Room 540, 1800 G Street NW., Washington, DC 20550. The purpose of this committee is to provide advice and counsel concerning research activities and potential in the U.S. and to consult on problems in the administration of research support.

The agenda for this meeting shall include:

MARCH 22 SESSION

A.M. PORTION

9:00—Welcome and opening remarks—Committee Chairman.
9:30—Research Advisory Committee in Perspective—Director, National Science Foundation.
—Review of NSF Mission.
—Review of NSF Programs.
—Statement of Committee Purpose and Relation to NSF Mission.
10:00—Proposed Committee Operandi—Committee Chairman.
—Relation of Committee Purpose to Research Advisory Requirements of:
a. Research Directorate — Assistant Director for Research;
b. National and International Programs—Assistant Director for National and International Programs;
c. Research Applications Directorate—Assistant Director for Research Applications
11:25—The 1973 and 1974 NSF Budget Situation; Prospects for Federal Support of Basic Science—Near and Long Term-Director, National Science Foundation.
12:00—Break for lunch.

P.M. PORTION

1:15—Impact of Changing National Priorities on Federal Support of Science—Senior Staff Associate, Directorate of Research.
1:45—Distribution of special problem area statements and floor suggestions of other possible areas for later review by ad hoc task groups; arrangements for ad hoc task group activities—Committee Chairman.
—Instructions to ad hoc task groups—Deputy Assistant Director of Research.
3:00—Recess of full committee for reassembly into ad hoc task groups to discuss problem area topics (specific room numbers to be announced prior to recess).

MARCH 23 SESSION

A.M. PORTION

9:00—Continuation of ad hoc task group discussions (same room numbers as previously announced).
10:30—Assembly of full committee (Room 540)—Presentations of ad hoc task groups to full committee.
12:30—Break for lunch.

P.M. PORTION

1:30—Appointment of chairmen for ad hoc task groups and assignment of special problem areas for intensive review—Committee Chairman.
2:30—Floor discussion of other special problem areas for possible future examination by ad hoc groups—Deputy Assistant Director for Research.
3:30—Future meeting schedules—Committee Chairman.
3:45—Adjournment.

The meeting shall be open to the public and attendance will be limited to space available on a first-come basis. Persons who plan to attend should notify Mr. Leonard Gardner, Directorate for Research by telephone (202—632–4278) or by mail (Room 320, 1800 G Street NW., Washington, DC 20550) not later than close of business on March 19, 1973.

For further information concerning this committee, contact Mr. Leonard F. Gardner, Special Assistant, Directorate for Research, Room 320, 1800 G Street NW., Washington, DC 20550. Summary minutes of this meeting may be obtained by contacting the Management Analysis Office, Room K–720, 1800 G Street NW., Washington, DC 20550.

T. E. JENKINS,
Assistant Director for Administration.

MARCH 5, 1973.

[FR Doc.73–4924 Filed 3–13–73;8:45 am]

ADVISORY PANEL FOR HUMAN CELL BIOLOGY

Notice of Meeting

MARCH 8, 1973.

Pursuant to the Federal Advisory Committee Act (Public Law 92–463) notice is hereby given that a meeting of the Advisory Panel for Human Cell Biology will be held at 8:30 a.m., on March 24, and 25, 1973 in Room 338, 1800 G Street NW., Washington, DC 20550. The purpose of this panel is to provide advice and recommendations as part of the review and evaluation process for specific proposals and projects.

This meeting will not be open to the public in accordance with the determination by the Director of the National Science Foundation dated January 15, 1973, pursuant to the provisions of section 10(d) of the Federal Advisory Committee Act. For further information, contact Dr. Herman W. Lewis, Acting Program Director, Human Cell Biology Program, Room 325, 1800 G Street NW., Washington, DC 20550.

T. E. JENKINS,
Assistant Director for Administration.

MARCH 5, 1973.

[FR Doc.73–4925 Filed 3–13–73;8:45 am]

ADVISORY PANEL FOR ASTRONOMY

Notice of Meeting

MARCH 8, 1973.

Pursuant to the Federal Advisory Committee Act (Public Law 92–463) notice is hereby given that a meeting of the Advisory Panel for Astronomy will be held at 9 a.m., on March 26 and 27, 1973 in Room 338, 1800 G Street NW., Washington, DC 20550. The purpose of this panel is to provide advice and recommendations concerning support for research and research-related activities in Astronomy.

The agenda for this meeting shall include:

1. Discussion of the needs for support for theoretical astrophysics (computational support, special programs and institutions).
2. Discussion of observing sites (future of dark sky sites, protection, acquisition).
3. Discussion of cosmic ray research in astronomy.
4. Discussion of the need for support of astronomical institutions by grants for observatory operations, departmental block grants, coherent area grants, project grants, etc.
5. Discussion of long range plans for instruments and instrumentation.

This meeting will be open to the public on a space available basis and the public may make written suggestions following the meeting. Persons who desire to attend should notify Mrs. Marvis M. Rush, Astronomy Section, by telephone (202—632–4196) or by mail (Room 305, 1800 G Street NW., Washington, DC 20550), not later than close of business on March 23, 1973.

For further information respecting this panel, contact Dr. Robert Fleischer, Section Head, Astronomy Section, Room 305, 1800 G Street NW., Washington, DC 20550. Summary minutes relative to this meeting may be obtained by contacting the management Analysis Office, Room K–720, 1800 G Street NW., Washington, DC 20550.

T. E. JENKINS,
Assistant Director for Administration.

MARCH 5, 1973.

[FR Doc.73–4926 Filed 3–13–73;8:45 am]

SECURITIES AND EXCHANGE COMMISSION

[812–3350]

AUDAX FUND INC. ET AL.

Notice of Application for Order Exempting Applicants

MARCH 7, 1973.

Notice is hereby given that Audax Fund Inc., and Wisconsin Fund, Inc. (Funds), both open-end diversified management investment companies registered under the Investment Company Act of 1940 (Act), and Wisconsin Investment Management Co., Inc., 225 East Michigan Street, Milwaukee, WI 53202 (Management) the principal underwriter for the Funds (hereinafter collectively called "Applicants") have filed an application pursuant to section 6(c) of the Act for an order of the Commission exempting Applicants from section 22(d) of the Act and Rule 22d–1 thereunder. All interested persons are referred to the application, as amended, on file with the Commission for a statement of the representations made therein, which are summarized below.

Section 22(d) of the Act provides, in pertinent part, that no registered investment company or principal underwriter thereof shall sell any redeemable security issued by such company to any person except at a current offering price described in the prospectus. The prospectuses of the Funds state that a sales commission is included in the offering price of the shares of such Funds.

Applicants propose to offer to persons who have caused their shares of either of the Funds to be redeemed the privilege of being able to reinstate their accounts without any sales charges. In order to be eligible for such privilege, an investor must not previously have exercised the privilege. Reinstatement, or the purchase of shares of a Fund pursuant to the privilege, will be limited to not more than the amount of the redemption proceeds (or, if fractional shares are not purchased, to an amount necessary to purchase the nearest full share). A written order to purchase the shares must be received by the Fund or Management or be postmarked, within 15 days after the date the request for redemption was received. The reinstatement will be made at net asset value next determined after notice of the exercise of the privilege is received. Salesmen of shares of the Fund involved would receive no compensation of any kind in connection with the reinvestments.

It is contemplated that Management, at its expense, will include with the redemption check mailed to a redeeming shareholder a statement containing information concerning the repurchase privilege. Telephone calls to redeeming shareholders are also contemplated.

Applicants contend that the proposed privilege will enable investors to be reminded of features of their investment which they may have overlooked, or which they may have misunderstood at the time they redeemed, and that in order to minimize the possibility of shareholder speculation on a possible short-term decline in the net asset value of the Fund's shares, the reinvestment privilege is being offered on a one-time basis and must be exercised within a relatively short period of time.

Section 6(c) of the Act provides that the Commission may, upon application, conditionally or unconditionally exempt any person or transaction from any provisions of the Act if such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Notice is further given that any interested person may, not later than March 30, 1973 at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request, and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon Applicants at the address stated above. Proof of such service (by affidavit, or in case of an attorney at law, by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0–5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management Regulation, pursuant to delegated authority.

[SEAL] RONALD F. HUNT,
Secretary.

[FR Doc.73–4846 Filed 3–13–73;8:45 am]

[File No. 500–1]

CLINTON OIL CO.

Order Suspending Trading

MARCH 7, 1973.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, $0.03⅓ par value, and all other securities of Clinton Oil Co., being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period from March 8, 1973, through March 17, 1973.

By the Commission.

[SEAL] RONALD F. HUNT,
Secretary.

[FR Doc.73–4843 Filed 3–13–73;8:45 am]

[812–3381]

E. F. HUTTON TAX-EXEMPT FUND (ALL EXISTING AND SUBSEQUENT NATIONAL AND STATE SERIES), ET AL.

Notice of Filing of Application

MARCH 7, 1973.

Notice is hereby given that E. F. Hutton Tax-Exempt Fund (All Existing and

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Subsequent National and State Series), Michigan Fund, Tax-Exempt Municipal Investment Trust (First and Subsequent Series), and Pennsylvania Fund, Tax-Exempt Municipal Investment Trust (First and Subsequent Series) (the Applicants) c/o E. F. Hutton & Co., Inc., One Battery Park Plaza, New York, NY 10004, all unit investment trusts registered under the Investment Company Act of 1940 (the Act), have jointly filed an application pursuant to section 6(c) of the Act for an order exempting Applicants from the provisions of Rule 19b–1 under the Act. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below.

Each of the Applicants is or will be composed of unit investment trusts, all of which are organized or, in the case of subsequent series, will be organized under the laws of the State of New York. E. F. Hutton & Co., Inc., acts as sponsor of E. F. Hutton Tax-Exempt Fund and co-sponsor of Michigan Fund, Tax-Exempt Municipal Investment Trust (also co-sponsored by Manley, Bennett, McDonald & Co.), and Pennsylvania Fund, Tax-Exempt Municipal Investment Trust (also cosponsored by Butcher and Sherrerd). Each existing series of the Applicants is governed by the provisions of a trust indenture and agreement (Indenture) entered into by the sponsor or co-sponsors and U.S. Trust Co. of New York as Trustee (Trustee), and consists of a diversified portfolio of interest-bearing obligations (Bonds) issued by or on behalf of States, counties, municipalities, authorities or political subdivisions thereof, or territories or possessions of the United States, the interest from which, in the opinion of recognized bond counsel, is exempt, under existing law, from all applicable Federal and State income taxes. Pursuant to the terms of the Indenture for each series, the sponsor or cosponsors deposit in excess of $3 million principal amount of the Bonds with the Trustee who, in turn, delivers to the sponsor or cosponsor registered certificates in excess of 3,000 units which represents the entire ownership of that particular series. Once the Bonds are deposited with the Trustee, they may not be pledged or in any way subjected to any debt by the Applicants. After such a deposit is made with the Trustee for a series, and following the effective date of a registration statement under the Securities Act of 1933 for the series, and clearance by the Blue-Sky authorities of the various States, the sponsor or cosponsors offer the units of that series to the public at the public offering price set forth in the prospectus relating to such series, plus accrued interest.

Certain of the Bonds may from time-to-time be sold under circumstances set forth below or may be redeemed or may mature in accordance with their terms. The proceeds from such dispositions will be distributed to the unitholders and not reinvested. Units will remain outstanding until redeemed or until the termination of an Indenture, which may occur by 100 percent agreement of the unitholders of the series, or, in the event that the value of the Bonds falls below an amount specified for each series either upon direction of the sponsors to the Trustee or by the Trustee without such direction.

It is intended that distributions of principal and interest will be made to unitholders monthly, quarterly, and semiannually. Distributions of principal constituting capital gains to unitholders may arise in two instances: (1) If an issuing authority calls or redeems an issue held in the portfolio, the sums received by an Applicant will be distributed to unitholders on the next distribution date; and (2) if units are redeemed by the Trustee and Bonds from the portfolio are sold to provide the funds necessary for such redemption, each unitholder will receive his pro rata portion of the proceeds from the Bonds sold. In such instances, a unitholder will frequently receive in his distribution funds which constitute capital gains since, in many cases, the value of the Bonds redeemed or sold will have increased since the date of initial deposit.

Distributions of capital gains more frequently than annually are, however, prohibited by Rule 19b–1(a) which provides, in part, that no registered investment company which is a regulated investment company, as defined in section 851 of the Internal Revenue Code of 1954, shall distribute more than one capital gain distribution in any one taxable year of the company, and by paragraph (b) of the rule which contains a similar prohibition for a company not a regulated investment company, but permits a unit investment trust to distribute capital gain distributions received from a regulated investment company within a reasonable time after receipt.

In support of their requested exemption from Rule 19b–1, Applicants represent that the dangers which Rule 19b–1 is intended to guard against, to wit, the realization of capital gains on a frequent and regular basis, will not exist in the Applicant's situation since they and their sponsors have no control over the events which might trigger capital gains, i.e., the tendering of units for redemption and the prepayment of Bonds by the issuing authorities. In addition, Applicants represent that the amounts involved in a normal distribution of principal are relatively small in comparison to the normal interest distribution, and such distributions are clearly indicated in accompanying reports to unitholders as a return of principal.

Section 6(c) of the Act provides, in part, that the Commission may conditionally or unconditionally exempt any person, security or transaction from any provisions of the Act or of any rule or regulation under the Act, if and to the extent such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Notice is further given that any interested person may, not later than April 2, 1973, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request, and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon Applicants at the address stated above. Proof of such service (by affidavit, or in case of an attorney at law, by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0–5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management Regulation, pursuant to delegated authority.

[SEAL] RONALD F. HUNT,
Secretary.

[FR Doc.73–4844 Filed 3–13–73;8:45 am]

[70–5315]

NORTHEAST UTILITIES

Notice of Proposed Amendment of Declaration of Trust and Order Authorizing Solicitation of Proxies

MARCH 7, 1973.

Notice is hereby given that Northeast Utilities (Northeast), 174 Brush Hill Avenue, Springfield, MA 01089, a registered holding company, has filed a declaration with this Commission pursuant to the Public Utility Holding Company Act of 1935 (Act), designating sections 6(a), 7, and 12(e) of the Act and Rule 62 promulgated thereunder as applicable to the proposed transactions. All interested persons are referred to the declaration, which is summarized below, for a complete statement of the proposed transactions.

Northeast proposes to amend Article 34 of its Declaration of Trust dealing with the indemnification of Northeast's trustees and officers, and persons who serve at the request of Northeast as directors, officers or trustees of another organization in which Northeast has an interest as a shareholder or creditor. The proposed amendment would clarify and broaden the provisions of Article 34 to include indemnification of such persons against liabilities and expenses, including counsel fees reasonably incurred, resulting from litigation or pending litigation in which any trustee or officer, acting as such in good faith may be involved. Northeast states that the proposed amendment would serve to clarify the circumstances under which indemnification is available to trustees and officers; is consistent with contemporary corporate practice; and is in the best interests of Northeast in helping to attract and retain qualified leadership.

The proposed amendment of the Declaration of Trust will require the written consent of holders of at least 66⅔ percent of Northeast's outstanding common shares of capital stock; and the company proposes to solicit proxies from its shareholders through the use of solicitation material submitted herein, to be voted at the stockholders annual meeting scheduled for April 24, 1973.

Expenses to be incurred in connection with the proposed transactions are estimated at $2,750, including $1,750 for counsel fees and $1,000 for services performed at cost by Northeast's subsidiary service company, Northeast Utilities Service Co. The declaration states that no State commission and no Federal commission, other than this Commission, has jurisdiction over the proposed transactions.

Northeast has requested that the effectiveness of its declaration with respect to the solicitation of consent from its shareholders be accelerated as provided in Rule 62.

Notice is further given that any interested person may, not later than April 5, 1973, request in writing that a hearing be held with respect to the proposed amendment to the Declaration of Trust, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon the declarant at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the declaration, as filed or as it may be amended, may be permitted to become effective as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

It appearing to the Commission that the declaration regarding the proposed solicitation of proxies should be permitted to become effective forthwith pursuant to Rule 62:

It is ordered, That the declaration regarding the proposed solicitation of proxies be, and it hereby is, permitted to become effective forthwith pursuant to Rule 62 and subject to the terms and conditions prescribed in Rule 24 under the Act.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL] RONALD F. HUNT,
Secretary.

[FR Doc.73–4845 Filed 3–13–73;8:45 am]

[File No. 500–1]

MANAGEMENT DYNAMICS, INC.

Order Suspending Trading

MARCH 7, 1973.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, $0.01 par value, and all other securities of Management Dynamics, Inc., being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors.

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period from March 8, 1973, through March 17, 1973.

By the Commission.

[SEAL] RONALD F. HUNT,
Secretary.

[FR Doc.73–4842 Filed 3–13–73;8:45 am]

TARIFF COMMISSION

[TEA–W–188]

TMA CO., WHEELING, ILL.

Workers' Petition for Determination; Notice of Investigation

On the basis of a petition filed under section 301(a)(2) of the Trade Expansion Act of 1962, on behalf of the former workers of the TMA Co., Wheeling, Ill., the U.S. Tariff Commission, on March 9, 1973, instituted an investigation under section 301(c)(2) of the Act to determine whether, as a result in major part of concessions granted under trade agreements, articles like or directly competitive with television receivers and radio-television-phonograph combinations (of the types provided for in items 685.20 and 685.42 of the Tariff Schedules of the United States) produced by said firm are being imported into the United States in such increased quantities as to cause, or threaten to cause, the unemployment or underemployment of a significant number or proportion of the workers of such firm or an appropriate subdivision thereof.

The optional public hearing afforded by law has not been requested by the petitioners. Any other party showing a proper interest in the subject matter of the investigation may request a hearing, provided such request is filed on or before March 26, 1973.

The petition filed in this case is available for inspection at the Office of the Secretary, U.S. Tariff Commission, Eighth and E Streets NW., Washington, D.C., and at the New York City office of the Tariff Commission located in Room 437 of the Customhouse.

Issued: March 9, 1973.

By order of the Commission.

[SEAL] KENNETH R. MASON,
Secretary.

[FR Doc.73–4940 Filed 3–13–73;8:45 am]

VETERANS ADMINISTRATION

VETERANS ADMINISTRATION WAGE COMMITTEE

Notice of Meetings

The Veterans Administration gives notice that meetings of the VA Wage Committee will be held at the Veterans Administration Central Office, 810 Vermont Avenue NW., Washington, DC, on:

Thursday, March 15, 1973.
Thursday, March 29, 1973.
Thursday, April 12, 1973.
Thursday, April 26, 1973.
Thursday, May 10, 1973.
Thursday, May 24, 1973.

The meetings will convene in Room 1100 at 2 p.m., for the purpose of reviewing the adequacy of data obtained in wage surveys conducted under the lead of VA field stations and under the procedure requirements of the Federal Wage System.

The meetings will be closed to the public under the provisions of section 10(d) of Public Law 92–463, based on the confidential nature of information under consideration.

Dated: March 9, 1973.

By direction of the Administrator.

[SEAL] RUFUS H. WILSON,
Associate Deputy Administrator.

[FR Doc.73–4949 Filed 3–13–73;8:45 am]

VETERANS ADMINISTRATION WAGE COMMITTEE

Continuation of Committee

Pursuant to the Federal Advisory Committee Act (Public Law 92–463), the Veterans Administration has determined that the continuation of the Veterans Administration Wage Committee is in the public interest in connection with the performance of duties imposed on the Veterans Administration by law.

Signed at Washington, D.C. this 9th day of March 1973.

[SEAL] DONALD E. JOHNSON,
Administrator.

[FR Doc. 73–4950 Filed 3–13–73;8:45 am]

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DEPARTMENT OF LABOR

Occupational Safety and Health Administration

STANDARDS ADVISORY COMMITTEE ON NOISE

Notice of Meeting

Notice is hereby given that the Standards Advisory Committee on Noise, established under section 7(b) of the Williams-Steiger Occupational Safety and Health Act of 1970 (29 U.S.C. 656), will meet on Thursday, March 29, 1973, and Friday, March 30, 1973, starting at 8:30 a.m. each day, in Hearing Room B, Interstate Commerce Commission, 12th and Constitution Avenue NW., Washington, D.C.

The agenda provides for the presentation of a draft of a proposed noise standard by the OSHA Office of Standards, and for a review of the NIOSH criteria document on Occupational Exposure to Noise with a view toward sspecific recommendations.

The meeting shall be open to the public. Written data, views, or arguments concerning the subject to be considered may be filed with the Committee's Executive Secretary, together with 20 copies, by March 26, 1973. Any such submissions, timely received, will be provided to the members of the committee and will be included in the record of the meeting.

Persons wishing to orally address the committee at the meeting should submit a written request to be heard, together with 20 copies thereof, to the Executive Secretary no later than March 26, 1973. The request must contain a short summary of the intended presentation and an estimate of the amount of time that will be needed. At the meeting the chairman will announce whether oral presentations will be allowed, and, if so, under what conditions.

Communications to the Executive Secretary should be addressed as follows:

Mr. Wendell R. Blair, Executive Secretary, Standards Advisory Committees, Room 509, Railway Labor Building, 400 First Street NW., Washington, DC 20210.

Signed at Washington, D.C., this 13th day of March 1973.

CHAIN ROBBINS,
Acting Assistant Secretary of Labor.

[FR Doc.73-5056 Filed 3-13-73;10:23 am]

INTERSTATE COMMERCE COMMISSION

[Notice 197]

ASSIGNMENT OF HEARINGS

MARCH 9, 1973.

Cases assigned for hearing, postponement, cancellation, or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the official docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested. No amendments will be entertained after the date of this publication.

MC 31389 Sub 151, McLean Trucking Co., now assigned April 23, 1973, at Atlanta, Ga., postponed to May 1, 1973, at the Royal Inn Motel, 301 Central Avenue, Atlanta, Ga.

MC 3700 Sub 66, Manhattan Transit Co., now assigned March 26, 1973, at Newark, N.J., is postponed indefinitely.

AB-5 Sub 85, George P. Baker, Richard C. Bond, Jervis Langdon, Jr., and Willard Wirtz, trustees of the property of Penn Central Transportation Co., debtor, abandonment Harlem Branch between Millerton and Ghent, Dutchess and Columbia Counties, N.Y., now assigned April 4, 1973, at Millerton, N.Y., will be held in the Community Room, 2nd Floor, Village Community Building, Dutchess Avenue.

MC 98701 Sub 3, Cleveland Express, Inc., now assigned April 2, 1973, at Knoxville, Tenn., will be held in room LL8, Cumberland Building, 301 West Cumberland Avenue, Knoxville, TN.

AB-5 Sub 106, George P. Baker, Richard C. Bond, Jervis Langdon, Jr., and Willard Wirtz, trustees of the property of Penn Central Transportation Co., debtor, abandonment between Cockeysville and Hyde, in Baltimore County, Md., and York County, Pa., now assigned March 19, 1973, at York, Pa., will be held at the Meeting Hall, Historical Society of York County, 250 East Market Street.

MC 76032 Sub 292, Navajo Freight Lines, Inc., now assigned March 15, 1973, at St. Louis, Mo., is cancelled and transferred to modified procedure.

MC-2900, Ryder Truck Lines, Inc., now assigned April 30, 1973, will be held in room LL8, Cumberland Building, 301 West Cumberland Avenue, Knoxville, TN.

MC 134781 Sub 2, Fast Freight Transfer, Inc., now assigned March 20, 1973, at Miami, Fla., is cancelled and application dismissed.

MC-F-11641, Yellow Freight System, Inc.—control and merger—The Adley Corp., doing business as Adley Express Co., now assigned April 9, 1973, at New York, N.Y., is postponed to June 4, 1973, at the Offices of the Interstate Commerce Commission, Washington, D.C.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.73-4927 Filed 3-13-73;8:45 am]

[Notice 9]

MOTOR CARRIER ALTERNATE ROUTE DEVIATION NOTICES

MARCH 9, 1973.

The following letter-notices of proposals (except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application), to operate over deviation routes for operating convenience only have been filed with the Interstate Commerce Commission under the Commission's Revised Deviation Rules—Motor Carriers of Property, 1969 (49 CFR 1042.4(c)(11)) and notice thereof to all interested persons is hereby given as provided in such rules (49 CFR 1042.4(c)(11)).

Protests against the use of any proposed deviation route herein described may be filed with the Interstate Commerce Commission in the manner and form provided in such rules (49 CFR 1042.4(c)(12)) at any time, but will not operate to stay commencement of the proposed operations unless filed within 30 days from the date of publication.

Successively filed letter-notices of the same carrier under the Commission's Revised Deviation Rules—Motor Carriers of Property, 1969, will be numbered consecutively for convenience in identification and protests, if any, should refer to such letter-notices by number.

MOTOR CARRIERS OF PROPERTY

No. MC-200 (Deviation No. 26), RISS INTERNATIONAL CORPORATION, Post Office Box 2809, Kansas City, MO 64142, filed February 28, 1973. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Dallas, Tex., over Texas Highway 114 to junction U.S. Highway 287, thence over U.S. Highway 287 to Lamar, Colo., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over pertinent service routes as follows: (1) From Dallas, Tex., over U.S. Highway 75 to Denison, Tex., (2) from Ottawa, Kans., over U.S. Highway 59 to junction unnumbered highway (formerly U.S. Highway 59), thence over unnumbered highway via Shaw, Kans., to junction U.S. Highway 59, thence over U.S. Highway 59 to Welch, Okla., thence over Oklahoma Highway 2 (formerly U.S. Highway 59) to Vinita, Okla., thence over U.S. Highway 69 to junction unnumbered highway (formerly U.S. Highway 69), thence over unnumbered highway to Wagoner, Okla., thence over Oklahoma Highway 51 to junction U.S. Highway 69, thence over U.S. Highway 69 to Atoka, Okla., thence over U.S. Highway 75 to Denison, Tex., (2) from Salina, Kans., over U.S. Highway 81 to Waurika, Okla., thence over U.S. Highway 70 to Durant, Okla., (3) from Dodge City, Kans., over U.S. Highway 154 to junction U.S. Highway 54, near Mullinville, Kans., thence over U.S. Highway 54 to Augusta, Kans., thence over U.S. Highway 77 to junction unnumbered highway (formerly U.S. Highway 77) near Edmond, Okla., thence over unnumbered highway to Edmond, Okla., thence over Oklahoma Highway 77 (formerly U.S. Highway 77) to Oklahoma City, Okla., thence over U.S. Highway 77 to Ardmore, Okla.

(4) From Oklahoma City, Okla., over Oklahoma Highway 3 to junction U.S. Highway 81, thence over U.S. Highway 81 to Kingfisher, Okla., thence over Oklahoma Highway 33 to junction U.S. Highway 270, thence over U.S. Highway 270 to junction U.S. Highway 183, thence over U.S. Highway 183 to Buffalo, Okla., thence over U.S. Highway 64 to junction U.S. Highway 83, thence over U.S. Highway 83 to Garden City, Kans., thence over U.S. Highway 50 to junction U.S. Highway 287, thence over U.S. Highway 287 to Denver, Colo., and (5) from Kansas City, Mo., over U.S. Highway 50 to junction Kansas Highway 150 (formerly U.S. Highway 50), thence over Kansas Highway 150 to Olathe, Kans., thence over Kansas Highway 7 (formerly U.S. Highway 50) to junction U.S. Highway 50, thence over U.S. Highway 50 to junction U.S. Highway 59, thence over U.S. Highway 59 to junction U.S. Highway 50 (formerly U.S. Highway 50–S), near Ottawa, Kans., thence over U.S. Highway 50 to junction unnumbered highway near Ellinor, Kans., thence over unnumbered highway to Ellinor, thence return over said unnumbered highway to junction U.S. Highway 50 (formerly U.S. Highway 50–S), thence over U.S. Highway 50 to junction unnumbered highway near Dillwyn, Kans., thence over unnumbered highway to Dillwyn, thence return over said unnumbered highway to junction U.S. Highway 50 (formerly U.S. Highway 50–S), thence over U.S. Highway 50 to junction U.S. Highway 56 (formerly U.S. Highway 50–S), thence over U.S. Highway 56 to Dodge City, Kans., thence over U.S. Highway 50 via Garden City, Kans., to Pueblo, Colo., thence over U.S. Highway 85 to junction Colorado Highway 105 (formerly U.S. Highway 85), thence over Colorado Highway 105 via Monument, Colo., to Palmer Lake, Colo., thence over Colorado Highway 393 (formerly U.S. Highway 85) via Larkspur, Colo., to junction U.S. Highway 85, thence over U.S. Highway 85 to Denver, Colo., and return over the same routes.

No. MC-13235 (Deviation No. 5) (Correction), CENTRALIA CARTAGE CO., 650 West Nolema Street, Centralia, IL 62801, filed January 5, 1973. Carrier's representative: Charles W. Singer, 2440 East Commercial Boulevard, Fort Lauderdale, FL 33308. The summary of this deviation notice published in the FEDERAL REGISTER February 28, 1973, should be corrected to show the correct deviation number assigned to the deviation notice to be Deviation No. 5, incorrectly shown in the summary of the notice publish a Deviation No. 1.

No. MC-63562 (Deviation No. 3), BN TRANSPORT, INC., 796 South Pearl Street, Galesburg, IL 61401, filed February 28, 1973. Carrier's representative: Larry J. Schwarz, same address as applicant. Carrier proposes to operate as a *common carrier*, vehicle, of *general commodities*, with certain exceptions over a deviation route as follows: From St. Louis, Mo., over city streets to junction Interstate Highway 270, thence over Interstate Highway 270 to junction Interstate Highway 55 and 70 and U.S. Highway 66, thence over Interstate Highway 55 (using U.S. Highway 66 where portions of Interstate Highway 55 are not completed) to Chicago, Ill., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over pertinent service routes as follows: (1) From Chicago, Ill., over U.S. Highway 66 to junction combined U.S. Highways 36 and 54, thence over combined U.S. Highways 36 and 54 to Jacksonville, Ill., (2) from St. Louis, Mo., over U.S. Highway 67 to junction Illinois Highway 101, (3) from Davenport, Iowa, over U.S. Highway 67 to junction Illinois Highway 92, thence over Illinois Highway 92 to Taylor Ridge, Ill., thence over Illinois Highway 94 to junction Illinois Highway 135, thence over Illinois Highway 135 to junction Illinois Highway 164, thence over Illinois Highway 164 to Monmouth, Ill., thence over U.S. Highway 67 to junction Illinois Highway 67, thence over Illinois Highway 67 to junction Illinois Highway 101, thence over Illinois Highway 101 to Augusta, Ill.

(4) From Davenport, Iowa, over U.S. Highway 6 to Moline, Ill., thence over U.S. Highway 150 to Galesburg, Ill., thence over Illinois Highway 41 to junction U.S. Highway 136 (formerly Illinois Highway 10), thence over U.S. Highway 136 to junction Illinois Highway 61, thence over Illinois Highway 61 to Ursa, Ill., thence over Illinois Highway 96 to junction U.S. Highway 24, thence over U.S. Highway 24 to Quincy, Ill. (also from junction Illinois Highway 96 and U.S. Highway 24 over Illinois Highway 96 to Quincy), and (5) from Chicago, Ill., over U.S. Highway 34 to junction Illinois Highway 65, thence over Illinois Highway 65 to Aurora, Ill., thence over Illinois Highway 31 to junction U.S. Highway 34 (also from junction U.S. Highway 34 and Illinois Highway 65 over U.S. Highway 34 to junction Illinois Highway 31), thence over U.S. Highway 34 to Glenwood, Iowa, thence over U.S. Highway 275 to junction Iowa Highway 375, thence over Iowa Highway 375 to Council Bluffs, Iowa, thence over U.S. Highway 6 to Omaha, Nebr., and return over the same routes.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.73-4929 Filed 3-13-73;8:45 am]

[Notice 19]

MOTOR CARRIER APPLICATIONS AND CERTAIN OTHER PROCEEDINGS

MARCH 9, 1973.

The following publications are governed by the new Special Rule 1.247 of the Commission's rules of practice, published in the FEDERAL REGISTER, issue of December 3, 1963, which became effective January 1, 1964.

The publications hereinafter set forth [1] reflect the scope of the applications as filed by applicant, and may include descriptions, restrictions, or limitations which are not in a form acceptable to the Commission. Authority which ultimately may be granted as a result of the applications here noticed will not necessarily reflect the phraseology set forth in the application as filed, but also will eliminate any restrictions which are not acceptable to the Commission.

[1] Except as otherwise specifically noted, each applicant (on applications filed after Mar. 27, 1972) states that there will be no significant effect on the quality of the human environment resulting from approval of its application.

MOTOR CARRIERS OF PROPERTY

No. MC 136507 (Sub-No. 2) (Republication), filed July 17, 1972, published in the FEDERAL REGISTER of August 10, 1972, and republished this issue. Applicant: SKYLINE TRANSPORT, INC., 6120 Eastbourne Avenue, Baltimore, MD 21224. Applicant's representative: H. Neil Garson, Court Square West Building, 1400 North Uhle Street, Arlington, VA 22201. A supplemental order of the Commission, Operating Rights Board, dated February 5, 1973, and served February 26, 1973, finds that the present and future public convenience and necessity require operation by applicant, in interstate or foreign commerce, as a *common carrier* by motor vehicle, over irregular routes, of *maple sugar*, in bulk (1) from ports of entry on the international boundary line between the United States and Canada at or near Highgate Springs and Derby, Vt., to Baltimore, Md., Brundidge, Ala., Terre Haute, Ind., and Chicago, Ill., and (2) from Baltimore, Md., to Brundidge, Ala., Terre Haute, Ind., and Chicago, Ill.; that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. Because it is possible that other parties who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described above, issuance of a certificate in this proceeding will be withheld for a period of 30 days from the date of this publication of the authority actually granted, during which period any proper party in interest may file an appropriate petition for intervention or other relief in this proceeding setting forth in detail the precise manner in which it has been so prejudiced.

No. MC 136509 (Republication), filed March 7, 1972, published in the FEDERAL REGISTER of April 6, 1972, and republished this issue. Applicant: JAMES R. COLELLO, INC., 174 Plain Street, Millis, MA 02054. Applicant's representative: William P. Sullivan, 1819 H Street NW., Washington, DC 20006. An order of the Commission, Review Board No. 1, dated February 22, 1973, and served March 2, 1973, finds that operation by applicant, in interstate or foreign commerce, as a *contract carrier* by motor vehicle, over irregular routes, of *stone dust*, in bulk, from North Stonington, Conn., to the plantsite of Bird & Son, Inc., located at East Walpole, Mass., and the plantsite of GAF Corp., located at Millis, Mass., under continuing contracts with Bird &

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Son, Inc., of East Walpole, Mass., and GAF Corp. of South Bound Brook, N.J., will be consistent with the public interest and the national transportation policy; that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. Because it is possible that other parties who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described above, issuance of a permit in this proceeding will be withheld for a period of 30 days from the date of this publication of the authority actually granted, during which period any proper party in interest may file an appropriate petition for intervention or other relief in this proceeding setting forth in detail the precise manner in which it has been so prejudiced.

No. MC 136681 (Republication), filed May 2, 1972, published in the FEDERAL REGISTER of June 2, 1972, and republished this issue. Applicant: LEWIS M. BARON, doing business as TRADE DELIVERY SERVICE, 17 East 22d Street, New York, NY 10010. Applicant's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City, NJ 07306. An order of the Commission, Operating Rights Board, dated January 24, 1973, and served February 21, 1973, finds that operation by applicant, in interstate or foreign commerce, as a *contract carrier* by motor vehicle, over irregular routes, of *copperware, enamelware, kitchen utensils, and books*, (1) from points in New York, N.Y., harbor area as defined by the Commission (49 CFR 1070.1a) to East Brunswick, N.J., and points in Nassau, Suffolk, Westchester, and Rockland Counties, N.Y., and (2) from East Brunswick, N.J., to points in that portion of the New York, N.Y. commercial zone as defined by the Commission in the Fifth Supplemental Report in *Commercial Zones and Terminal Areas*, 53 M.C.C. 451 within which local operations may be conducted under the exemption provided by section 203(b)(8) of the Act (the "exempt" zone) and to points in Nassau, Suffolk, Westchester, and Rockland Counties, N.Y., under a continuing contract with David Kamenstein, Inc., will be consistent with the public interest and the national transportation policy; that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. Because it is possible that other parties who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority as described above, issuance of a permit in this proceeding will be withheld for a period of 30 days from the date of this publication of the authority actually granted, during which period any proper party in interest may file an appropriate petition for intervention or other relief in this proceeding setting forth in detail the precise manner in which it has been so prejudiced.

FREIGHT FORWARDER APPLICATION

No. FF-233 (Sub-No. 1) (Republication), filed December 13, 1971, published in the FEDERAL REGISTER of January 20, 1972, and republished this issue. Applicant: JOE M. HAMBRICK, doing business as I & S FORWARDING COMPANY, 2265 Vistamont Drive, Decatur, GA 30033. An order of the Commission, Division 1, acting as an Appellate Division, dated February 20, 1973, and served March 2, 1973, finds that service by applicant, in interstate commerce, as a *freight forwarder of iron and steel articles*, from points in Belmont, Carroll, Columbiana, Cuyahoga, Geauga, Guernsey, Harrision, Jefferson, Lorain, Mahoning, Medina, Monroe, Morgan, Noble, Portage, Stark, Summit, Trumbull, Tuscarawas, and Washington Counties, Ohio; Allegheny, Armstrong, Beaver, Butler, Cambria, Clarion, Clearfield, Fayette, Greene, Indiana, Jefferson, Lawrence, Mercer, Somerset, Venanago, Washington, and Westmoreland Counties, Pa.; Brooke, Doddridge, Hancock, Harrison, Marion, Marshall, Monongalia, Ohio, Pleasants, Preston, Ritchie, Taylor, Tyler, Wetzel, and Wood Counties, W. Va., Lake and Porter Counties, Ind.; Cook, DuPage, Grundy, Jersey, Madison, Monroe, St. Clair, and Will Counties, Ill., and those points in Illinois contiguous to the Illinois River which are not located in the previously named Illinois Counties, and points in St. Charles, St. Louis, and Jefferson Counties, Mo., to points in Alabama, Georgia, Florida, to those points in Abbeville, Aiken, Allendale, Anderson, Bamberg, Barnwell, Beaufort, Calhoun, Charleston, Colleton, Edgefield, Greenville, Greenwood, Hampton, Jasper, Laurens, Lexington, McCormick, Newberry, Oconee, Orangeburg, Pickens, Richland, Saluda, Spartanburg, and Union Counties, S.C., to those points in Mississippi in and east of the counties of George, Perry, Forrest, Covington, Simpson, Hinds, Yazoo, Holmes, Leflore, Grenada, Yalobusha, Lafayette, and Marshall, and to those points in Tennessee in and south of the counties of Lawrence, Maury, Williamson, Davidson, Wilson, Smith, Putman, Cumberland, Morgan, Anderson, Knox, and Blount, will be consistent with the public interest and the national transportation policy; that applicant is ready, able and willing properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. Because it is possible that other parties who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described above, issuance of a permit in this proceeding will be withheld for a period of 30 days from the date of this publication of the authority actually granted, during which period any proper party in interest may file an appropriate petition for intervention or other relief in this proceeding setting forth in detail the precise manner in which it has been so prejudiced.

MOTOR CARRIER PASSENGER-BROKERAGE LICENSE

No. MC 130174 (Republication), filed July 28, 1972, and published in the FEDERAL REGISTER of August 24, 1972, and republished this issue. Applicant: STEWART TOURS, INCORPORATED, a corporation, doing business as STEWART TOURS, 35 South Fairview Circle, Portsmouth, VA 23702. An order of the Commission, Operating Rights Board, dated January 26, 1973, and served February 21, 1973, finds that operation by applicant as a *broker* at Portsmouth, Norfolk, Virginia Beach, Newport News, Hampton, and Suffolk, Va., in arranging for transportation by motor vehicle, in round-trip charter and special operations, in interstate or foreign commerce, of *passengers and their baggage*, beginning and ending at points in Portsmouth, Norfolk, Chesapeake, Virginia Beach, Nansemond, Hampton, Suffolk, and Newport News, Va., and extending to points in the United States (except Hawaii but including Alaska), will be consistent with the public interest and the national transportation policy; that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. Because it is possible that other parties who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described above, issuance of a license in this proceeding will be withheld for a period of 30 days from the date of this publication of the authority actually granted, during which period any proper party in interest may file an appropriate petition for intervention or other relief in this proceeding setting forth in detail the precise manner in which it has been so prejudiced.

APPLICATIONS FOR CERTIFICATES OR PERMITS WHICH ARE TO BE PROCESSED CONCURRENTLY WITH APPLICATION UNDER SECTION 5 GOVERNED BY SPECIAL RULE 240 TO THE EXTENT APPLICABLE

No. MC 35320 (Sub-No. 135), filed January 22, 1973. Applicant: T.I.M.E.-DC, INC., Post Office Box 2550, 2598 74th Street, Lubbock, TX 79408. Applicant's representative: Walter N. Bieneman, Suite 1700, 1 Woodward Avenue. Authority sought to operate as a *common carrier*, by motor vehicle, over regular/irregular routes, transporting: Regular Routes: (1) Between Cincinnati, Ohio, and junction Ohio State Highway 73 and Interstate Highway 75 serving the intermediate points of Franklin and Middletown and the junction of Ohio State Highway 73 and Interstate Highway 75, from Cincinnati over Ohio State Highway 4 via Hamilton and Middletown, Ohio, to junction Ohio State Highway 4 and Ohio State Highway 73 and Interstate Highway 75 and return over the same route; (2) Between Cincinnati, Ohio, and Toledo, Ohio, serving the intermediate points of Fairfield, Hamilton, Eaton, Greenville, Van Wert, Bryan, West Unity, and Delta, Ohio, and the off-route points of St. Marys, Defiance, Napoleon, Gettysburg, Montpelier, Wauseon, Waterville, Fernald, Harrison, Middletown, and Oxford, Ohio, from Cincinnati over U.S. Highway 127 via Hamilton and Van Wert, Ohio, to junction of U.S. Highway 127 and Interstate Highways 80/90, thence over Interstate Highways 80/90 to junction Interstate Highways 80/90 and U.S. Highway 24, thence over U.S. Highway 24 to Toledo, and return over the same route:

(3) Between Cincinnati, Ohio, and Van Wert, Ohio, serving the intermediate points of Miamisburg, West Carrollton, Dayton, Vandalia, Tipp City, Troy, Piqua, Sidney, Lima, and Delphos, the off-route points of Kettering and Wapakoneta, and serving the junction of Ohio State Highway 73 and Interstate Highway 75, from Cincinnati, over U.S. Highway 25 and Interstate Highway 75 to junction of U.S. Highway 25 and Interstate Highway 75 and U.S. Highway 30N, near Beaverdam, Ohio, thence over U.S. Highway 30N junction of U.S. Highway 30N and U.S. Highway 30 near Delphos, Ohio, thence over U.S. Highway 30 to Van Wert, and return over the same route;

(4) Between Cincinnati, Ohio, and Marion, Ohio, serving the intermediate points of Lebanon, Xenia, Springfield, Urbana, Bellefontaine, Kenton, Marion, and Pisgah, and off-route points of Fairborn, Wright-Patterson AFB, South Lebanon, Loveland, and Morrow; from Cincinnati, over U.S. Highway 42 to Xenia, Ohio, thence over U.S. Highway 68 to Kenton, Ohio, thence over U.S. Highway 30S to Marion, and return over the same route; (5) Between Cincinnati, Ohio, and Cleveland, Ohio, serving the intermediate points of Columbus, Mansfield, Ashland, and Brunswick, the off-route points of Mount Vernon, Wooster, Massillon, Rittman, Willard, Shelby, Crestline, Galion, Lockbourne AFB, Batavia, Blanchester, Maineville, Milford, and Withhamsville, and serving the junctions of Interstate Highway 71 and U.S. Highway 68 junction of Interstate 71 and Interstate Loop 270 south of Columbus, and junction of Interstate Highway 71 and Interstate Highway 80S; from Cincinnati over Interstate Highway 71 to Cleveland, and return over the same route;

(6) Between junction of Interstate Highway 71 and Interstate Loop 270, south of Columbus, Ohio, and Toledo, Ohio serving the intermediate points of Grandview Heights, Upper Arlington, Delaware, Marion, Findlay, Bowling Green, Upper Sandusky, Marysville, and Grove City, and the off-route points of London, Bucyrus, Tiffin, Fostoria, Deshler, Galion, and Ottawa; from junction of Interstate Highway 71 and Interstate Loop 270, south of Columbus, over Interstate Loop 270 to junction of Interstate Loop 270 and U.S. Highway 33, thence over U.S. Highway 33 to Marysville, Ohio, thence over U.S. Highway 36 to junction of U.S. Highway 23, thence over U.S. Highway 23 to junction U.S. Highway 23 and Ohio State Highway 15 south of Carey, Ohio, thence over Ohio Highway 15 to Findlay, Ohio, thence over Interstate Highway 75 to Toledo, and return over the same route; (7) Between junction Interstate Highway 71 and U.S. Highway 68 and Columbia, Ohio, via Newark, Ohio, serving the intermediate points of Wilmington, Washington Court House, Chillicothe, Circleville, Lancaster, and Newark, and the off-route points of, Greenfield, Zanesville, Logan, Wellston, Jackson, and Hillsboro, from junction Interstate Highway 71 and U.S. Highway 68 over U.S. Highway 68 to Wilmington, Ohio, thence over U.S. Highway 22 to Washington Court House, Ohio, thence Highway 68 and Columbus, Ohio, via over U.S. Highway 23 to Circleville, Ohio, thence over U.S. Highway 22 to Lancaster, Ohio, thence over Ohio State Highway 37 to junction Ohio State Highway 37 and Ohio State Highway 16, thence over Ohio State Highway 16 to Newark, Ohio, thence over Ohio State Highway 16 to Columbus, and return over the same route;

(8) Between junction Interstate Highway 71 and Interstate Highway 80S via Interstate Highway 80S and Ohio State Highway 18 to Youngstown, Ohio, and return to Akron, Ohio, via Salem, Alliance, and Canton, Ohio, serving the intermediate points of Akron, Wadsworth, Youngstown, Salem, Alliance, Louisville, Canton, North Canton, and Barberton, and the off-route points of Kent, Niles, Warren, Girard, Sharon, East Liverpool, Dover, New Philadelphia, and Ravenna, from junction Interstate Highway 71 and Interstate Highway 80S over Interstate Highway 80S to junction Interstate Highway 80S and Ohio State Highway 18 to Youngstown, Ohio, thence from Youngstown over U.S. Highway 62 via Salem and Alliance, Ohio to Canton, Ohio, thence over Interstate Highway 77 to Akron; (9) Between junction Interstate Highway 70 and Interstate Highway 75, approximately 7 miles north of Dayton, Ohio, and Columbus, Ohio, serving as an alternate route for operating convenience only in connection with carrier's regular-route operations serving no intermediate points, and serving junction of Interstate Highway 70 and Interstate Highway 75 for purpose of joinder only, from junction Interstate Highway 70 and Interstate Highway 75, approximately 7 miles north of Dayton over Interstate Highway 70 and/or U.S. Highway 40 to Columbus, and return over the same route; (10) Between junction Interstate Highway 75 and U.S. Highway 30N, approximately 1 mile east of Beaverdam, Ohio, and Findlay, Ohio, serving as an alternate route for operating convenience only in connection with carrier's regular-route operations, serving no intermediate points, and serving junction of Interstate Highway 75 and U.S. Highway 30N for purpose of joinder only, from junction Interstate Highway 75 and U.S. Highway 30N, approximately 1 mile east of Beaverdam over Interstate Highway 75 to Findlay, and return over the same route;

(11) Between Kenton, Ohio, and Findlay, Ohio, serving no intermediate points, and serving the termini as an alternate route for operating convenience only in connection with carrier's regular-route operation; from Kenton to Findlay over U.S. Highway 68, and return over the same route; (12) Between junction Interstate Highway 71 and U.S. Highway 30, located approximately 6 miles northeast of Mansfield, Ohio, and Canton, Ohio, as an alternate route for operating convenience only in connection with carrier's regular-route operation, serving no intermediate points, from junction Interstate Highway 71 and U.S. Highway 30, located approximately 6 miles northeast of Mansfield, Ohio, over U.S. Highway 30 to Canton, and return over the same route; (13) Between Cleveland, Ohio, and Akron, Ohio, serving as an alternate route for operating convenience only with carrier's regular-route operation, serving no intermediate points; from Cleveland over U.S. Highway 21 and/or Interstate Highway 77 to junction U.S. Highway 21 and Interstate Highway 77 with Ohio State Highway 18, thence over Ohio State Highway 18 to Akron, and return over the same route. Irregular route: Between points in Cincinnati, Ohio, commercial zone, on the one hand, and, on the other, points in Ohio. NOTE: Applicant states that the requested authority can be tacked with its existing authority since its present operations are conducted on a nationwide basis which includes service to Cincinnati, Toledo, and Cleveland, Ohio. The proposed operations in Ohio could connect at any of these three points, thus permitting through service from any of applicant's existing authorized points to Ohio. This instant application is a matter directly related to MC-F 11778 published in the FEDERAL REGISTER issue of February 7, 1973. If a hearing is deemed necessary, applicant requests it be held at Dallas, Tex., or Washington, D.C.

No. MC 69224 (Sub-No. 40), filed February 15, 1973. Applicant: H & W MOTOR EXPRESS COMPANY, a corporation, 3000 Elm Street, Dubuque IA 52001. Applicant's representative: Carl L. Steiner, 39 South La Salle Street, Chicago, IL 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), between points in Lake, Cook, Du Page, Kane, Kendall and Will Counties, Ill., and those in that portion of McHenry County, Ill., on and east of Illinois Highway 47. NOTE: The instant application is a matter directly related to

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MC–F–11798 published in the FEDERAL REGISTER of February 28, 1973. Applicant states that tacking will be at numerous duplicating points in the radial authority of J & S Cartage Co., but principally at Chicago, Ill. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

APPLICATIONS UNDER SECTIONS 5 AND 210a(b)

The following applications are governed by the Interstate Commerce Commission's special rules governing notice of filing of applications by motor carriers of property or passengers under sections 5(a) and 210a(b) of the Interstate Commerce Act and certain other proceedings with respect thereto (49 CFR 1.240).

MOTOR CARRIERS OF PROPERTY

No. MC–F–11682. (Amendment) (U.S. TRUCK COMPANY, INC.—Purchase (Portion)—TRANSPORTATION SERVICE, INC.), published in the October 18, 1972, issue of the FEDERAL REGISTER. By amendment filed February 27, 1973, to include the authority sought in No. MC–F–10998 (TRANSPORTATION SERVICE, INC.—Purchase (Portion)—ATKINSON FREIGHT LINES, INC.), involving a certificate of registration authorizing the transportation of general commodities, between Bellefontaine, Ohio, on the one hand, and, on the other, all points in Ohio; and the directly related matter, in MC–43442 (Sub-No. 22), to convert the certificate of registration to a certificate of public convenience and necessity, to transport general commodities, serving all points in Ohio as off-route points in connection with regular-route service at Bellefontaine, Ohio.

NOTE: The captioned application is presently set for hearing on March 26, 1973, at Detroit, Mich., any party desiring to protest this application may do so at the hearing.

No. MC–F–11782. (Correction) (KREVDA BROS., EXPRESS, INC.—Purchase (Portion)—LEE MOTOR LINES, INC.), published in the February 14, 1973, issue of the FEDERAL REGISTER on page 4448. Prior notice to be modified to show docket number as MC–F–11782.

No. MC–F–11810. Authority sought for purchase by K-LINES, INC., Post Office Box 1348, Lake Oswego, OR 97034, of a portion of the operating rights and property of RYALS TRUCK LINE, INC., Post Office Box 634, Albany, OR 97321, and for acquisition by JAMES BERREY, and MARY JEAN BERREY, both of 18690 Southwest Nixon Street, West Linn, OR 97068, of control of such rights and property through the purchase. Applicants' attorney: John G. McLaughlin, 620 Blue Cross Building, Portland, Oreg. 97201. Operating rights sought to be transferred: *Fertilizer, dry*, as a *common carrier* over irregular routes, from Tacoma, Wash., to points in Oregon; *dry urea and dry fertilizers*, from Vancouver, Wash., to points in that part of Oregon west of the summit of the Cascade Mountain Range; *liquid fertilizer and fertilizer solutions*, from Vancouver, Wash., to points in Oregon, with restriction; *dry feed and dry feed ingredients*, in bulk, in tank or hopper type vehicles, between points in Oregon and Washington; *ore*, in bulk, from Portland, Oreg., and Vancouver, Wash., to Albany, Oreg. Vendee is authorized to operate as a *common carrier* in Oregon, Washington, California, Utah, Nevada, Idaho, and Montana. Application has been filed for temporary authority under section 210a(b).

No. MC–F–11811. Authority sought for control and merger by WATKINS CAROLINA EXPRESS, INC., Post Office Box 10188, Federal Station, Greenville, SC 29603, of the operating rights and property of LLOYD MOTOR EXPRESS, LTD., Post Office Box 26622, Charlotte, NC 28213, and for acquisition by WATKINS MOTOR LINES, INC., 1958 Monroe Drive NE., Atlanta, GA 30324, and W. B. WATKINS IV, 2516 Jonila Drive, Lakeland, FL 33803, of control of such rights and property through the transaction. Applicants' attorneys: Paul M. Daniell and Alan E. Serby, Post Office Box 872, Atlanta, GA 30301. Operating rights sought to be controlled and merged: Under a certificate of registration, in Docket No. MC–120361 (Sub-No. 1), covering the transportation of general commodities as a *common carrier*, in interstate commerce, within the state of North Carolina. WATKINS CAROLINA EXPRESS, INC., is authorized to operate as a *common carrier* in South Carolina, North Carolina, Georgia, New York, New Jersey, Maryland, Pennsylvania, Alabama, Tennessee, Virginia, Delaware, and the District of Columbia. Application has been filed for temporary authority under section 210a(b).

NOTE: MC–30280 (Sub-No. 64), is a matter directly related.

No. MC–F–11812. Authority sought for purchase by QUEENSWAY, INC., 105 North Keyser Avenue, Old Forge, PA 18518, of the operating rights of MILTON A. RAPPOLD, doing business as RAPPOLD MOTOR TRANSPORT, 47 Grider Street, Buffalo, NY 14215, and for acquisition by WILLIAM S. GILCHRIST, and JOHN GILCHRIST, both of 509 Susquehanna Avenue, Old Forge, PA 18518, of control of such rights through the purchase. Applicants' attorney: Morton E. Kiel, 140 Cedar Street, New York, NY 10006. Operating rights sought to be transferred: *General commodities*, excepting among others, dangerous explosives, household goods and commodities in bulk, as a *common carrier* over regular routes, between Buffalo, N.Y., and Lockport, N.Y.; and under a certificate of registration in Docket No. MC–16998 (Sub-No. 2), covering the transportation of general commodities as a common carrier, in interstate commerce, within the State of New York. Vendee is authorized to operate as a *common carrier* in New York and Pennsylvania. Application has not been filed for temporary authority under section 210a(b).

NOTE: MC–135639 (Sub-No. 2), is a matter directly related.

No. MC–F–11814. Authority sought for control by HAHN TRANSPORTATION, INC., New Market, Md. 21774, of DAYTON TRANSPORT CORPORATION, Post Office Box 338, Dayton, VA 22821, and for acquisition by ROBERT S. WINDSOR, JR., E. REBECCA WINDSOR, both of New Market, Md. 21774, BARBARA JEAN WINDSOR, 1617 Northeast Vivian, Kansas City, MO 64118, and E. REBECCA WINDSOR, Custodian for ROSEMARY PATRICIA WINDSOR, New Market, Md. 21774, of control of DAYTON TRANSPORT CORPORATION, through the acquisition by HAHN TRANSPORTATION, INC. Applicants' attorney: Francis J. Ortman, 1100 17th Street NW., Washington, DC 20036. Operating rights sought to be controlled: *General commodities*, excepting among others, classes A and B explosives, household goods and commodities in bulk, as a *common carrier* over regular routes, between Harrisonburg, Va., and Franklin, W. Va., serving all intermediate points, between Franklin, W. Va., and Harman, W. Va., serving all intermediate points, and off-route points within 5 miles of the route specified below; *petroleum products* as described in Appendix XIII to the report in Descriptions in Motor Carrier Certificates, 61 M.C.C. 209, in bulk, in tank vehicles, over irregular routes, from Hopewell, Richmond, and Petersburg, Va., and points in Chesterfield County, Va., to points in Pendleton County, W. Va.; *angles, bars, bases, beams, bridge steel, channels, forms (structural), joists, piling, pipe (cast iron, plate, or sheet), pipe fittings, plates (structural), rivets, rods, sheets, slabs, wire rope, and accessories for beams and joists*, from Roanoke, Va., to certain specified points in North Carolina, Tennessee, and West Virginia, from Troutville, Va., to certain specified points in North Carolina, Tennessee, and West Virginia, with restriction; *gasoline, fuel oil, kerosene, and asphalt*, in bulk, in tank vehicles, from Hopewell, Richmond, and Petersburg, Va., and points in Chesterfield County, Va., to certain specified points in West Virginia; *crushed stone, sand, and cement*, in dump trucks, from points in Rockingham County, Va., to points in Pendleton County, W. Va.; *animal and poultry feeds* (except in bulk), *equipment and supplies* necessary for the raising and marketing of poultry, and *fertilizer*, from Harrisonburg, Va., to points in Pendleton County, W. Va.; *livestock*, from points in Pendleton County, W. Va., to Harrisonburg, Va., with restriction; *general commodities*, excepting among others, classes A and B explosives, household goods, and commodities in bulk, between Harrisonburg, Va., on the one hand, and, on the other, points in Pendleton County, W. Va., with restriction; *livestock*, between points in Rockingham County, Va., on the one hand, and, on the other, points in Pendleton County, W. Va., and that part of Hardy County, W. Va., within 25 miles of Fort Seybert, W. Va.; *brick and sand*, from Dayton, Va., to points in Pendleton County, W. Va., and those in that part of Hardy County, W. Va., within 25 miles of Fort Seybert, W. Va., with restriction. HAHN TRANSPORTATION, INC., is authorized to operate as a *common carrier* in Delaware, Virginia, Maryland, Pennsylvania, New Jersey, North Carolina, New York, West Virginia, and the District of Columbia. Application has been filed for temporary authority under section 210a(b).

MOTOR CARRIER PASSENGERS

No. MC–F–11813. Authority sought for purchase by BROOKS BUS LINE, INC., 421 Washington Street, Paducah, KY 42001, of the operating rights and property of WESTERN KENTUCKY STAGES, INCORPORATED, doing business as WESTERN KENTUCKY STAGES, INC., 955 West Pine Street, Lexington, KY 40508, and for acquisition by JAMES P. BROOKS, JR., Route No. 1, Paducah, KY 42001, J. POLK BROOKS, and SAIDEE BROOKS, both of Springwell Lane, Paducah, Ky. 42001, and CAROL B. McADOO, Etheridge Lane, Union City, Tenn. 38261, of control of such rights and property through the purchase. Applicants' attorney: William B. Elmer, 21635 East Nine Mile Road, St. Clair Shores, MI 48080. Operating rights sought to be transferred: Passengers and their baggage, and express and newspapers, in the same vehicle with passengers, as a common carrier over regular routes, between Paducah, Ky., and Paris, Tenn., between Clarksville, Tenn., and junction Kentucky Highway 94 and Kentucky Highway 97 at Tri City, Ky., between Tri City, and Mayfield, Ky., between Gracey, and Princeton, Ky., between Paris, and Erin, Tenn., between Murray, and Mayfield, Ky., serving all intermediate points. Vendee is authorized to operate as a common carrier in Kentucky, Michigan, and Illinois. Application has not been filed for temporary authority under section 210a(b).

NOTICE

BURLINGTON NORTHERN, INC., 176 East Fifth Street, St. Paul, MN 55101, represented by Mr. Byron D. Olsen, Assistant General Attorney of the same address, hereby gives notice that on the 29th day of January 1973, it filed with the Interstate Commerce Commission at Washington, D.C., an application, assigned Finance Docket No. 27293, for authority to acquire certain properties of the Chicago & North Western Transportation Co. The properties to be acquired consist of 4.35 miles of trackage between Sioux City, Iowa, and Ferry, Nebr., include a bridge spanning the Missouri River. Operations over this trackage are presently conducted by both Burlington Northern, Inc., and the Chicago & North Western Transportation Co. and, if the acquisition is approved these operations will not be changed in any way. In the opinion of the Applicant, the authority sought by this application is not a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969. The proceeding will be handled without public hearings unless protests are received which contain information indicating a need for such hearings. Any protests submitted shall be filed with the Commission no later than April 13, 1973.

SOUTHERN RAILWAY COMPANY AND TENNESSEE RAILWAY COMPANY hereby give notice that on the 16th day of February 1973, they filed with the Interstate Commerce Commission at Washington, D.C., applications under section 5(2) of the Interstate Commerce Act, which was assigned Finance Docket No. 27312 and Finance Docket No. 27313. The names and addresses of Applicants and their attorneys are:

Southern Railway Co., Post Office Box 1808, Washington, DC 20013.
Tennessee Railway Co., Post Office Box 1808, Washington, DC 20013.
Mr. James L. Tapley and R. Allan Wimbish, Post Office Box 1808, Washington, DC 20013.

The nature of the proposed transaction is (1) for Tennessee Railway Co. to purchase and operate the lines of railroad other properties and assets of Tennessee Railroad Co. as a common carrier in interstate or foreign commerce and (2) for Southern Railway Co. to acquire control of Tennessee Railway Co. through stock ownership, all pursuant to a Plan and Agreement of Reorganization of Tennessee Railroad Co.

Applicant Tennessee Railway Co., a corporation organized for the purpose of engaging in transportation as a carrier by railroad, seeks to acquire and operate the property and lines of railroad of Tennessee Railroad Co., whose principal commodity is coal. The main line of the railroad, beginning at a point of connection with the main line of the Cincinnati Southern Railway (now Cincinnati, New Orleans and Texas Pacific Railway Co.) at Oneida, in the county of Scott and State of Tennessee, and extending thence southerly to the New River, and thence up the valley of the New River through Scott, Campbell and Anderson Counties, Tenn., to the head waters of said New River in Anderson County, and also any and all further extensions of ,and all lines of railroad adjacent to, main line in any direction, as have been or may hereafter be authorized in and by the Charter of the Railroad Co. All such branch lines springing from the said above described main line, and all such lines of railroad adjacent to said main line, as have been or may be hereafter constructed or acquired by the Railroad Co.

In the opinion of the Applicants the requested Commission action will have no effect of the quality of the human environment. In accordance with the Commission's regulations (49 CFR 1100.–250) in Ex Parte No. 55 (Sub-No. 4), Implementation-National Environmental Policy Act, 1969, 340 ICC 431 (1972), any protests may include a statement indicating the presence or absence of any effect of the requested Commission action on the quality of the human environment. If any such effect is alleged to be present, the statement shall include information relating to the relevant factors set forth in Ex Parte No. 55 (Sub-No. 4), supra, Part (b)(1)–(5), 340 ICC 431, 461.

The proceeding will be handled without public hearings unless protests are received which contain information indicating a need for such hearings. Any protests submitted shall be filed with the Commission no later than April 13, 1973.

BURLINGTON NORTHERN, INC., 176 East Fifth Street, St. Paul, MN 55101, filed by Mr. R. J. Schreiber, Assistant General Counsel, 547 West Jackson Boulevard, Chicago, IL 60606, as applicant's attorney, hereby gives notice that on the 22d day of February 1973, the Burlington Northern, Inc., filed an application assigned Finance Docket No. 27317 under section 5(2) of the Interstate Commerce Act, for authority to acquire trackage rights over the Peoria & Pekin Union Railway Co. in the area of Peoria and East Peoria, Ill., involving operations over approximately 3 miles of trackage. In the opinion of the applicant, the proposed transaction will have no effect on the quality of the human environment. The proceeding will be handled without public hearings, unless protests are received which contain information indicating a need for such hearings. Any protests submitted shall be filed with the Commission no later than April 13, 1973.

LOUISVILLE AND NASHVILLE RAILROAD COMPANY, 908 West Broadway, Louisville, KY 40201, represented by Mr. Fred R. Birkholz of the same address, hereby give notice that on the 23d day of February 1973, an application assigned Finance Docket No. 27320, was filed for authority to acquire trackage rights over the Norfolk and Western Railway Co. between Norton and St. Paul, in Wise County, Va., a distance of approximately 22 miles. In the opinion of the Applicant, there will be no adverse environmental effects occasioned by the implementation of the use of the proposed trackage rights sought by this application. The proceeding will be handled without public hearings unless protests are received which contain information indicating a need for such hearings. Any protests submitted shall be filed with the Commission no later than April 13, 1973.

NORFOLK AND WESTERN RAILWAY COMPANY, represented by Mr. John S. Shannon, Vice President, Law, Norfolk & Western Railway Co., Roanoke, Va., 24011 hereby gives notice that on the 27th day of February 1973, it filed with the Interstate Commerce Commission at Washington, D.C., an application under section 5(2) of the Interstate Commerce Act for authority to acquire trackage rights over approximately 31.9 miles of the tracks of the Penn Central Transportation Co., George P. Baker, Richard C. Bond, and Jervis Langdon, Jr., Trustees, extending between Penn Central Transportation Co.'s milepost 120.4, Reddick, and its milepost

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152.3, Streator, in Kankakee, Livingston and La Salle Counties, Ill. This application has been assigned Finance Docket No. 27322. In the opinion of the Applicant, the proposed acquisition of trackage rights will have no affect on the quality of the human environment. The proceeding will be handled without public hearings unless protests are received which contain information indicating a need for such hearings. Any protests submitted shall be filed with the Commission no later than April 13, 1973.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc 73-4931 Filed 3-13-73;8:45 am]

[Notice 232]

MOTOR CARRIER BOARD TRANSFER PROCEEDINGS

Synopses of orders entered by the Motor Carrier Board of the Commission pursuant to sections 212(b), 206(a), 211, 312(b), and 410(g) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 1132), appear below:

Each application (except as otherwise specifically noted) filed after March 27, 1972, contains a statement by applicants that there will be no significant effect on the quality of the human environment resulting from approval of the application. As provided in the Commission's Special Rules of Practice any interested person may file a petition seeking reconsideration of the following numbered proceedings on or before April 3, 1973. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC-74216. By order of February 22, 1973, the Motor Carrer Board approved the transfer to Elm City Moving and Trucking Co., Inc., New Haven, Conn., of the operating rights in Certificate No. MC-29182 issued December 18, 1940, to Leo C. Laughlin, doing business as Elm City Moving & Trucking Co., New Haven, Conn., authorizing the transportation of various commodities from, to and between specified points and areas in Connecticut, Rhode Island, New Jersey, Massachusetts, and New York.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc 73-4928 Filed 3-13-73;8:45 am]

MOTOR CARRIER INTRASTATE APPLICATIONS

MARCH 9, 1973.

The following applications for motor common carrier authority to operate in intrastate commerce seek concurrent motor carrier authorization in interstate or foreign commerce within the limits of the intrastate authority sought, pursuant to section 206(a)(6) of the Interstate Commerce Act, as amended October 15, 1962. These applications are governed by § 1.245 of the Commission's rules of practice, published in the FEDERAL REGISTER issue of April 11, 1963, page 3533, which provides, among other things, that protests and requests for information concerning the time and place of State Commission hearings or other proceedings, any subsequent changes therein, any other related matters shall be directed to the State Commission with which the application is filed and shall not be addressed to or filed with the Interstate Commerce Commission.

Minnesota Docket No. 515 filed February 9, 1973. Applicant: QUAST TRANSFER, INC., Winsted, Minn. 55395. Applicant's representative: William S. Rosen, 630 Osborn Building, St. Paul, Minn. 55102. Certificate of public convenience and necessity sought to operate a freight service as follows: Transportation of *general commodities* over regular routes within the State of Minnesota as follows: (a) Between Cokato, Minn., and Minneapolis and St. Paul, Minn.; between Cokato, Winsted, and Lester Prairie, Minn.; and between Cokato, Winsted, and Lester Prairie, Minn., and Minneapolis and St. Paul, Minn., over the following routes: Route No. 1: From Cokato over U.S. Highway 12 to Minneapolis and St. Paul, and return over the same route. Route No. 2: From Cokato over U.S. Highway 12 to junction with Wright County Road 6; thence over Wright County Road 6 and State Highway 261 to Winsted; thence from Winsted over State Highway 261 to junction with U.S. Highway 7; thence over U.S. Highway 7 to Minneapolis and St. Paul, and return over the same route. Route No. 3: From Lester Prairie over State Highway 261 via Winsted to junction with Wright County Road 6; thence over Wright County Road 6 to junction with U.S. Highway 12; thence over U.S. Highway 12 to Cokato, and return over the same route. (b) No service at intermediate points, except Winsted and Lester Prairie; applicant shall serve all points in the Twin Cities Metropolitan Area to and from Winsted, Lester Prairie, and Cokato; and applicant shall tack any authority granted herein with its existing authority, which authorizes transportation of general commodities between Lester Prairie and Winsted and Minneapolis and St. Paul, Minn., and between Lester Prairie and Winsted, Minn.

HEARING: April 24, 25, and 26, 1973, at the Wright County Court House, Buffalo, Minn., at 9 a.m. Requests for procedural information should be addressed to the Minnesota Public Service Commission, 400 State Office Building, St. Paul, Minn. 55155, and should not be directed to the Interstate Commerce Commission.

California Docket No. 53871, filed March 2, 1973. Applicant: POZAS BROS. TRUCKING CO., 2147 O'Toole Avenue, San Jose, CA 95131. Applicant's representative: Marvin Handler, 405 Montgomery Street, Suite 1400, San Francisco, CA 94104. Certificate of public convenience and necessity sought to operate a freight service as follows: Transportation of *general commodities* subject to the exceptions hereinbelow set forth, between: (A)(1) All points in the San Francisco territory. (See (B) below for description of San Francisco territory.) (2) The San Francisco territory and the Los Angeles Basin territory and intermediate points located on U.S. Highway 101. (See (C) below for description of Los Angeles Basin territory.) (3) Sacramento and the Los Angeles Basin territory, serving intermediate points located on Interstate Highway 5. (4) Sacramento and the Los Angeles Basin territory, serving intermediate points located on State Highway 99. (5) The San Francisco territory and Manteca, serving intermediate points on Interstate Highway 580. (6) The San Francisco territory and Sacramento, serving intermediate points on Interstate Highway 80. (7) Watsonville and Chowchilla, serving intermediate points on State Highway 152. (8) The Los Angeles Basin territory and San Diego, serving intermediate points on Interstate Highway 5.

(9) All points within 20 miles of all points and places on the routes or in the territories described above. Through routes may be established between any and all points specified above. This does not include the right to render service between points within the Los Angeles Basin territory. Applicant shall not transport any shipments of: (1) Used household goods and personal effects not packed in accordance with the crated property requirements set forth in paragraph (d) of Item No. 10-C of Minimum Rate Tariff No. 4-A. (2) Automobiles, trucks and buses, viz., new and used, finished or unfinished passenger automobiles (including jeeps), ambulances, hearses and taxis; freight automobiles, automobile chassis, trucks, truck chassis, truck trailers, trucks and trailers combined, buses and bus chassis. (3) Livestock, viz., bucks, bulls, calves, cattle, cows, dairy cattle, ewes, goats, hogs, horses, kids, lambs, oxen, pigs, sheep, sheep camp outfits, sows, steers, stags or swine. (4) Liquids, compressed gases, commodities in semiplastic form and commodities in suspension in liquids in bulk, in tank trucks, tank trailers, tank semitrailers or a combination of such highway vehicles. (5) Commodities when transported in bulk in dump trucks or in hopper-type trucks. (6) Commodities when transported in motor vehicles equipped for mechanical mixing in transit.

(7) Fresh or green fruits, fresh or green vegetables, or mushrooms, when the point of destination of the shipment is a cannery, accumulation station, cold storage plant, precooling plant, or winery, or the empty containers used or shipped out for use in connection with such transportation. (8) Logs. (B) The San Francisco territory includes that area embraced by the following boundary: Beginning at the point the San Francisco-San Mateo County boundary line meets the Pacific Ocean; thence easterly along said boundary line to a point 1 mile west of U.S. Highway 101; southerly along an imaginary line 1 mile west of and paralleling U.S. Highway 101 to its intersection with the corporate boundary of the city of San Jose; southerly, easterly, and northerly along said corporate boundary to its intersection with State Highway No. 17; northerly along State Highway No. 17 to Warm Springs; northerly along the unnumbered highway via Mission San Jose and Niles to Hayward; northerly along Foothill Boulevard to Seminary Avenue; easterly along Seminary Avenue to Mountain Boulevard; northerly along Mountain Boulevard and Morago Avenue to Estates Drive; westerly along Estates Drive, Harbord Drive and Broadway Terrace to College Avenue; northerly along College Avenue to Dwight Way; easterly along Dwight Way to the Berkeley-Oakland boundary line; northerly along said boundary line to the campus boundary of the University of California; northerly and westerly along the campus boundary of the University of California to Euclid Avenue; northerly along Euclid Avenue to Marin Avenue; westerly along Marin Avenue to Arlington Avenue; northerly along Arlington Avenue to U.S. Highway No. 40 (San Pablo Avenue); northerly along U.S. Highway No. 40 to and including the city of Richmond; southwesterly along the highway extending from the city of Richmond to Point Richmond; southerly along an imaginary line from Point Richmond to the San Francisco waterfront at the foot of Market Street; westerly along said waterfront and shoreline to the Pacific Ocean; southerly along the shoreline of the Pacific Ocean to point of beginning.

(C) The Los Angeles basin territory includes that area embraced by the following boundary: Beginning at the point the Ventura County-Los Angeles County boundary line intersects the Pacific Ocean; thence northeasterly along said county line to the point it intersects State Highway No. 118, approximately 2 miles west of Chatsworth; easterly along State Highway No. 118 to Sepulveda Boulevard; northerly along Sepulveda Boulevard to Chatsworth Drive; northeasterly along Chatsworth Drive to the corporate boundary of the city of San Fernando; westerly and northerly along said corporate boundary to McClay Avenue; northeasterly along McClay Avenue and its prolongation to the Angeles National Forest boundary; southeasterly and easterly along the Angeles National Forest and San Bernardino National Forest boundary to the county road known as Mill Creek Road; westerly along Mill Creek Road to the county road 3.8 miles north of Yucaipa; southerly along said county road to and including the unincorporated community of Yucaipa; westerly along Redlands Boulevard to U.S. Highway No. 99; northwesterly along U.S. Highway No. 99 to the corporate boundary of the city of Redlands; westerly and northerly along said corporate boundary to Brookside Avenue; westerly along Brookside Avenue to Barton Avenue; westerly along Barton Avenue and its prolongation to Palm Avenue; westerly along Palm Avenue to La Cadena Drive; southwesterly along La Cadena Drive to Iowa Avenue; southerly along Iowa Avenue to U.S. Highway No. 60; southwesterly along U.S. Highways Nos. 60 and 395 to the county road approximately 1 mile north of Perris; easterly along said county road via Nuevo and Lakeview to the corporate boundary of the city of San Jacinto; easterly, southerly and westerly along said corporate boundary to San Jacinto Avenue; southerly along San Jacinto Avenue to State Highway No. 74; westerly along State Highway No. 74 to the corporate boundary of the city of Hemet; southerly, westerly and northerly along said corporate boundary to the right of way of the Atchison, Topeka and Santa Fe Railway Co.; southwesterly along said right of way to Washington Avenue; southerly along Washington Avenue, through and including the unincorporated community of Winchester to Benton Road; westerly along Benton Road to the county road intersecting U.S. Highway No. 395, 2.1 miles north of the unincorporated community of Temecula; southerly along said county road to U.S. Highway No. 395; southeasterly along U.S. Highway No. 395 to the Riverside County-San Diego County boundary line; westerly along said boundary line to the Orange County-San Diego County boundary line; southerly along said boundary line to the Pacific Ocean; northwesterly along the shoreline of the Pacific Ocean to point of beginning. Both intrastate and interstate authority sought.

HEARING: Date, time, and place not shown. Requests for procedural information should be addressed to the California Public Utilities Commission, State Building, Civic Center, San Francisco, Calif. 94102, and should not be directed to the Interstate Commerce Commission.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.73-4930 Filed 3-13-73;8:45 am]

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PART II

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

■

Food Labeling

No. 49—Pt. II——1

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Title 21—Food and Drugs

CHAPTER I—FOOD AND DRUG ADMINISTRATION, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

SUBCHAPTER A—GENERAL

PART 1—REGULATIONS FOR THE ENFORCEMENT OF THE FEDERAL FOOD, DRUG, AND COSMETIC ACT AND THE FAIR PACKAGING AND LABELING ACT

Food Label Information Panel

In the FEDERAL REGISTER of January 19, 1973 (38 FR 2124), the Commissioner of Food and Drugs promulgated a new § 1.8d, establishing a food label information panel for all mandatory label information. Additional comments were requested within 30 days. Comments were received from consumers, industry representatives, trade associations, and other interested persons.

1. A number of comments objected to the inclusion of certain mandatory information under § 1.8d either on the information panel or the principal display panel, or objected to the requirement that the information panel appear immediately to the right of the principal display panel. The Commissioner, having considered and discussed these issues fully in the preamble to the regulation as published on January 19, 1973, is of the opinion that the requirement for placement of mandatory label information on one of these panels is an entirely reasonable application of the provisions of the statute. Accordingly, no change has been made in these provisions.

2. All trade associations and several industry representatives objected to the minimum type size of one-sixteenth inch for all packages. The Commissioner, having considered and discussed this issue in the preamble to the regulation as published on January 19, 1973, believes that in the absence of a specific showing or justification of the need for a smaller type size, a minimum type size of one-sixteenth inch is a very reasonable application of the requirements of the law.

The Commissioner again wishes to emphasize that he recognizes that type size is only one of the elements which determines conspicuousness. The regulation specifically provides that any interested person may petition for a smaller type size or an alternative means of disseminating mandatory label information to the consumer, based on a showing of impracticability or economic hardship.

3. Several firms requested that the effective date of this regulation be extended. It was pointed out that many labels would not be required to be changed by any of the other new labeling regulations being promulgated by the Commissioner, and that such labels should be permitted to remain unchanged until they are changed for other reasons. The cost of a label plate change ranges from $200 to $1,000 wholly apart from the additional expense in company time and disposition of unused old labels.

The Commissioner recognizes the current widespread public concern about increase in food prices. Also, there undoubtedly will be difficulties simply in achieving the labeling changes required under other regulations being promulgated, e.g., §§ 1.12 and 1.17 in the FEDERAL REGISTER of January 19, 1973 (38 FR 2139 and 2125). Accordingly, the Commissioner has concluded that this comment is reasonable, and the effective date of the regulation is changed to provide that § 1.8d will be effective in accordance with the uniform effective date unless the labeling is otherwise not changed during that interim period, in which case it need not comply with new § 1.8d until a label change is made. A final cutoff date of December 31, 1975, is also established.

4. Comments were submitted questioning the legality of the final order. This matter was fully discussed in the preamble to the regulation as published on January 19, 1973. See Federal Power Commission v. Texaco, 377 U.S. 33 (1964); United States v. Storer Broadcasting Co., 351 U.S. 192 (1956); Securities Exchange Commission v. Chenery, 332 U.S. 194 (1946); Abbott Laboratories v. Gardner, 387 U.S. 136 (1967); Ciba Geigy v. Richardson, 446 F. 2d 466 (2d Cir. 1971).

5. It has been pointed out that the definition of the "information panel" is imprecise in that it might be interpreted to extend completely around a cylindrical container and might include the entire back side of a large flat package. The Commissioner agrees that clarification is appropriate and, accordingly, language has been added to state that the information panel is immediately contiguous to the principal display panel and that all mandatory information must appear in one area of space without other intervening material. This will preclude interspersing nonmandatory information. On the other hand, this will not preclude use of nonmandatory information in other places on the information panel as long as it does not interfere and is not commingled with the mandatory information.

6. It was suggested that exemptions should be granted by letter rather than by FEDERAL REGISTER notice. The Commissioner concludes that it would be inappropriate to grant exemptions under § 1.8d(f) by letter, for two reasons. First, the public has a right to know what permanent exemptions are granted and the reasons therefor. Second, all manufacturers and distributors of foods similarly situated should be advised of any exemptions granted in order that they may understand the legal requirements applicable to them. Accordingly, no change is made in this provision.

7. Representatives of margarine manufacturers commented that because the statement of ingredients is required to appear on the principal display panel of margarine, their product would be required to bear all mandatory label information on the principal display panel. The Commissioner concludes that, where a food is required to bear the statement of ingredients on the principal display panel, if the manufacturer or distributor wishes to place other mandatory information on an information panel he should be permitted to do so. The regulation has been changed to reflect this conclusion.

8. Comments pointed out that a food which, by reason of fortification, is also subject to Part 80 would be required to bear the nutrition information specified in Part 80 on the principal display panel and would not be permitted to include it on the information panel. The Commissioner intended that this form of labeling apply to such products. A food represented as a dietary supplement should bear, on the principal display panel, the same information that is required for other dietary supplements (except that the nutrients will be shown in the increments established in § 1.17). Except where there is insufficient space, the other mandatory label information should also appear on the principal display panel, just as it does for all dietary supplements. A food is not required to be formulated and represented as a dietary supplement, and if the manufacturer or distributor chooses to do so the same requirements should apply as for all dietary supplements.

9. In response to other concerns and questions raised in the comments, the Commissioner advises that:

a. If the manufacturer elects to place all the mandatory label information on the principal display panel, the panel immediately to the right of the principal display panel may be used to provide any other information that is not false or misleading.

b. When the panel to the right of the display panel is too small to accommodate the mandatory label information, the panel immediately to the right of this part of the label may be used.

c. Part of the mandatory label information may be placed on the principal display panel and part on the information panel if there is insufficient space for all the information on one panel, provided that the information required by any given section of the regulations shall appear on the same panel. However, in determining whether sufficient space exists, all nonmandatory information must be excluded from consideration.

Accordingly, having considered the additional comments received and other relevant information, the Commissioner concludes that new § 1.8d, as promulgated in the FEDERAL REGISTER of January 19, 1973 (38 FR 2124), should be repromulgated to reflect the technical modifications discussed above.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 201, 403, 701(a), 52 Stat. 1040–1042 as amended, 1047–1048 as amended, 1055; 21 U.S.C. 321, 343, 371(a)), and under authority delegated to him (21 CFR 2.120), the Commissioner amends § 1.8d as promulgated on January 19, 1973 (38 FR 2124), to read as follows:

§ 1.8d Food labeling; information panel.

(a) The term "information panel" as it applies to packaged food means that part of the label immediately contiguous and to the right of the principal display panel as observed by an individual facing the principal display panel with the following exceptions:

(1) If the part of the label immediately contiguous and to the right of the principal display panel is too small to accommodate the necessary information or is otherwise unusable label space, e.g., folded flaps or can ends, the panel immediately contiguous and to the right of this part of the label may be used.

(2) If the package has one or more alternate principal display panels, the information panel is immediately contiguous and to the right of any principal display panel.

(3) If the top of the container is the principal display panel and the package has no alternate principal display panel, the information panel is any panel adjacent to the principal display panel.

(b) All information required to appear on the label of any package of food pursuant to §§ 1.8a, 1.8c, 1.10, 1.17, 1.18, and Parts 80 and 125 of this chapter shall appear either on the principal display panel or on the information panel unless otherwise specified by regulations in this chapter.

(c) All information appearing on the principal display panel or the information panel pursuant to this section shall appear prominently and conspicuously, but in no case may the letters and/or numbers be less than 1/16th inch in height unless an exemption pursuant to paragraph (f) of this section is established. The requirements for conspicuousness and legibility shall include the specifications of §§ 1.8b(h) (1) and (2) and 1.9.

(d) All information required to appear on the principal display panel or on the information panel pursuant to this section shall appear on the same panel unless there is insufficient space. In determining the sufficiency of the available space, any vignettes, design, and other nonmandatory label information shall not be considered. If there is insufficient space for all of this information to appear on a single panel, it may be divided between these two panels except that the information required pursuant to any given section or part shall all appear on the same panel. A food whose label is required to bear the ingredient statement on the principal display panel may bear all other information specified in paragraph (b) of this section on the information panel.

(e) All information appearing on the information panel pursuant to this section shall appear in one place without other intervening material.

(f) If the label of any package of food is too small to accommodate all of the information required by §§ 1.8a, 1.8c, 1.10, 1.17, 1.18, and Parts 80 and 125, the Commissioner may establish by regulation an acceptable alternative method of disseminating such information to the public, e.g., a type size smaller than one-sixteenth inch in height, or labeling attached to or inserted in the package or available at the point of purchase. A petition requesting such a regulation, as an amendment to this paragraph, shall be submitted to the hearing clerk in the form established in § 2.65 of this chapter.

Effective date. All labeling ordered after December 31, 1973, and all labeling used for products shipped in interstate commerce after December 31, 1974, shall comply with this regulation; except that if labeling is otherwise not changed in any respect subsequent March 14, 1973, all such labeling used for products shipped in interstate commerce after December 31, 1975, shall comply with this regulation.

(Secs. 201, 403, 701(a), 52 Stat. 1040–1042 as amended, 1047–1048 as amended, 1055; 21 U.S.C. 321, 343, 371(a))

Dated: March 7, 1973.

CHARLES C. EDWARDS,
Commissioner of Food and Drugs.

[FR Doc.73-4669 Filed 3-13-73;8:45 am]

PART 1—REGULATIONS FOR THE ENFORCEMENT OF THE FEDERAL FOOD, DRUG, AND COSMETIC ACT AND THE FAIR PACKAGING AND LABELING ACT

Nutrition Labeling

In the FEDERAL REGISTER of January 19, 1973 (38 FR 2125), the Commissioner of Food and Drugs promulgated a new section on nutrition labeling under Title 21, § 1.17 Food; nutrition labeling. A period of 30 days was provided for additional comments suggesting technical changes or corrections. More than 200 comments were received from industry, consumer, and professional groups, trade associations, and individuals. Each of the suggested modifications and request for clarifications has been reviewed, and the Commissioner's conclusions are as follows:

1. Requests to make nutrition labeling mandatory were again received from consumer groups. In the preamble to the regulation as published on January 19, 1973, the Commissioner stated his conclusion that current information is insufficient to adopt a mandatory nutrition labeling regulation at this time. No additional information has been brought to the attention of the agency to alter this decision

2. Consumer comments again requested complete ingredient labeling and labeling of the percentage of ingredients. The Commissioner has issued a separate policy statement on labeling of all ingredients in standardized foods in the FEDERAL REGISTER of January 19, 1973 (38 FR 2137), and is publishing in this issue of the FEDERAL REGISTER a new Part 102 which establishes a procedure for including the percentage of characterizing ingredients as part of the common or usual name of a food.

3. Comments were submitted questioning the legality of § 1.17. This matter was fully discussed in the preamble to the regulation as published on January 19, 1973. See "Federal Power Commission v. Texaco," 377 U.S. 33 (1964); "United States v. Storer Broadcasting Co.," 351 U.S. 192 (1956); "Securities Exchange Commission v. Chenery," 332 U.S. 194 (1946); "Abbott Laboratories v. Gardner," 387 U.S. 136 (1967); "Ciba Geigy v. Richardson," 446 F. 2d 466 (2d Cir. 1971).

4. Comments were received which stated that the Food and Drug Administration does not have authority to regulate advertising of food products. The Commissioner agrees with this statement. Section 1.17 in no way attempts to regulate claims made in advertising. If a nutrition claim is made in advertising, however, § 1.17 provides that the label of the product must comply with requirements of that section. Once nutrition claims are made for a food, the consumer who wants to use the product for its nutrient content is entitled to examine a label which is complete enough to provide information at the time of purchase and use upon which an intelligent determination may be made as to the total nutrient content of the food.

5. A number of comments requested further clarification of the circumstances under which nutrition labeling becomes mandatory, and in particular what constitutes a "nutrition claim."

The Commissioner has adopted no rigid rule in determining exactly what type of claim will require nutrition labeling. In general, any claim designed to state or give the impression that a food is a good source of nutrition generally, or of a particular nutrient, will require compliance with § 1.17. Thus, mention of any nutrient (i.e., vitamins, minerals, protein, calories, carbohydrates, fat, fatty acids, or cholesterol), or any claim that the food is nutritious, will fall within § 1.17. In close cases, the context of the claims and the impression intended or produced in the public will be controlling. Since a manufacturer or distributor can easily avoid nutrition claims if he chooses to do so, close cases will ordinarily be decided in favor of requiring compliance with § 1.17.

6. Questions have been raised as to whether a food may be labeled in compliance with § 1.17 rather than existing Part 125, pending the uniform effective date and implementation of the changes in Part 125 and § 80.1 published as tentative orders on January 19, 1973 (38 FR 2143, 2152). In publishing new § 1.17, the Commissioner concluded that it is in the public interest that transition to labeling under § 1.17 begin immediately. Accordingly, any food meeting the requirements of § 1.17 will be exempt from existing Part 125 to the extent that § 1.17 and the tentative order for new Part 125 so provide, effective as of January 19, 1973. Similarly, any food meeting the requirements of the tentative orders for new Part 125 and § 80.1 will be exempt from existing Part 125 to the extent that existing Part 125 is changed, effective as of the same date.

7. One comment requested a clear statement that nutrition labeling does not apply to foods designed for use by animals other than man. Section 1.17 applies only to food for human use, as is clearly shown by its provisions. The Commissioner concludes that it is unnecessary explicitly to state this fact in the regulation itself.

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8. Questions have been raised whether an industry-wide trade advertisement for a type of food requires nutrition labeling for all members of the sponsoring group. The Commissioner has concluded that, while nutrition claims in labeling an advertising of individual manufacturers will require nutrition labeling for a product, manufacturers will not at this time be subject to nutrition labeling solely because of advertising programs of trade associations or educational organizations. Thus, a nutrition claim for a class of processed foods, or for a specific commodity, when made by a trade organization or educational group, will not in itself require any manufacturer or distributor of the food mentioned to use nutrition labeling if the manufacturer or distributor or his brand(s) is not identified. However, if such material is used by a manufacturer or distributor to promote a specific brand, the fact that the material was prepared and used by the trade or educational organization for general information programs will not exempt such brand from nutrition labeling.

9. Several comments asked that restoration of nutrient levels not be considered an addition of nutrients that would require full nutrition labeling, when such restoration provides only nutrient levels contained in the product prior to processing. The Commissioner has given this comment very careful consideration, and concludes that it is not feasible for a number of reasons. First, there are extremely few foods for which nutrient restoration occurs only up to levels found in the product prior to processing. Any exemption for these products would therefore be so limited as to be illusory, and would not be of any significant assistance to those companies concerned with the problems of meeting the new nutrition labeling requirements. Second, any product for which restoration of nutrients is made would undoubtedly refer to that fact in labeling or advertising, which would independently require use of nutrition labeling. Again, the result would be that any exemption would, for all practical purposes, be nonexistent. Third, any such exemption, if it did result in a significant number of foods with restored nutrients without nutrition labeling, would deprive consumers of important nutrition information about the foods they consume. In this respect, foods with restored nutrients are no different than fortified or enriched foods. Finally, the comments submitted with respect to this issue fail to substantiate any particular products for which this requested exemption would be appropriate. If in fact restoration is found to present a special problem for any particular food, the Commissioner will entertain a petition directed specifically to that problem at that time.

10. Numerous manufacturers asked that they be allowed to state only the caloric content on products which contain no vitamins or minerals and 50 calories or less. Others asked that the exact caloric content be stated when the total caloric content of a serving is less than 50 calories. These correspondents pointed out that at low calorie levels, e.g., 4 calories per serving, the manufacturer would be required to label the product either as zero or as 10 calories, both values being potentially misleading to the consumer. One of the strong consumer positions received following publication of the proposal on March 30, 1972, asked for a clear statement of the vitamin and mineral content of foods which make claims for low calories, and for those which are frequently consumed between meals and provide calories but offer little in terms of other nutrients. The Commissioner concludes that the provision requiring full nutrition labeling when caloric content was stated is reasonable and should be retained.

11. Requests were received from consumers and consumer groups to require full nutrition labeling when cholesterol content is stated. Their comments suggested that foods represented as useful in modified diets because of their cholesterol content should be identified as to their complete nutrition value, as required when fatty acid information is stated in labeling, because consumers need more complete nutrition information to determine how a food can fit into their diet.

Comments from manufacturers asked that the requirement for complete nutrition labeling whenever fatty acid information is present be deleted. They contended that the fatty acid information alone, or with caloric information, was all that was wanted or needed by consumers.

The Commissioner has reviewed this question, and concludes that the original exemption from full nutrition labeling when cholesterol content is provided should be removed. Many of the foods on which either or both fatty acid and cholesterol information will be stated make important contributions of several nutrients to the diet, and the consumer will be best served if full nutrition labeling is required. The requirement for full nutrition labeling when fatty acid information is given is retained.

12. Some manufacturers have placed statements on the labels of their products offering consumers nutrition information if they write to the company. These manufacturers expressed concern that they would no longer be able to carry out such information programs unless the products bear full nutrition labeling. Trade associations pointed out that, unless this approach were permitted, the consumer would receive less nutrition information.

The purpose of nutrition labeling is to provide consumers with information at the points of purchase and use to compare products, to evaluate nutritional claims which have been made for a product, and to prepare a nutritious diet. Providing information independent of the label would not meet these objectives at the point of purchase. However, some companies may not wish voluntarily to adopt nutrition labels, and others may be concerned about placing nutrition information on their labels where nutrient values may be changing or too uncertain to permit label declaration in advance. Where companies have developed what they feel is adequate current information, but would prefer to carry out additional studies to support a more permanent label statement, it would seem appropriate to permit them to offer such information to consumers by a uniform label statement. This has been provided for in the regulation, by permitting a manufacturer to state "For nutrition information write to _____" without requiring full nutrition labeling. Any information provided in response to the label statement is labeling that is subject to the format and compliance requirements for nutrition labeling. Any product with an added nutrient or for which any other nutrition claim is made on the label or in labeling or advertising may not use this approach to avoid nutrition labeling.

The Commissioner recognizes that this limited exception could be subject to abuse. The agency will maintain surveillance over this matter to determine whether it should be retained. If such label statements become a substitute for full nutrition labeling, and are used by companies which have sufficient label space and nutrition data to utilize full nutritional labeling, the Commissioner will promptly revoke this exception.

To conform with this change, the provision in § 1.17(f) relating to labeling statements offering additional nutrition information upon request has been deleted. This deletion results in no change in substance. A food that is subject to § 1.17, as well as one that is not subject to § 1.17, may include an offer to supply additional nutrition information on request. A food not subject to § 1.17 would be limited to furnishing the nutrition information specified in § 1.17, but a food subject to § 1.17 could furnish any additional truthful nutrition information it might choose.

13. A request was made that food be permitted to contain 50 percent of the U.S. RDA, and that a dietary supplement contain more than 50 percent. The Commissioner has concluded, however, that any product with nutrients added so that it contains half the nutrient level established as the U.S. RDA is properly regarded as a dietary supplement rather than as a food (unless such fortification is specifically provided for in a standard of identity, nutrition guideline, or other applicable regulation). Accordingly, no change has been made in this provision in § 1.17(a).

14. One comment reflected concern that § 1.17 may prohibit the sale of all food which naturally contains 50 percent or more of the U.S. RDA for a given vitamin or mineral unless the food conforms to § 80.1 or another standard of identity. Such an interpretation is incorrect. Those products in which the naturally occurring level of a nutrient equals or exceeds 50 percent of the U.S. RDA, and those foods in which addition of a nutrient(s) is permitted or required by regulation, e.g., a standard of identity or nutritional quality guideline, or is

otherwise exempted by the Commissioner, are not prohibited and need not conform to the requirements of § 80.1. Only those foods in which a nutrient has been added so that it equals or exceeds the 50 percent of the U.S. RDA must conform to the requirements of § 80.1, as well as § 1.17. This matter was discussed fully in the preamble to this regulation as published on January 19, 1973, and in the discussion of the proposed findings for § 80.1 (38 FR 2152, 2157), also published on January 19, 1973.

15. Comments were received from many manufacturers asking that, in addition to the use of a serving as a basis for nutrition labeling and fatty acid and cholesterol labeling, the designation of a "portion" be permitted. The term "portion" was defined in several ways: The amount reasonably consumed in 1 day; a quantity expressed in common household terms but not necessarily related to a serving, e.g., 2 ounces of margarine, or 1 cup of flour; or the complete container when that quantity would usually be used as an ingredient in the preparation of a meal component, e.g., a can of tomato paste used in preparing a meat sauce.

The Commissioner recognizes that there are many foods for which servings cannot easily be stated. However, nutrition labeling statements based on unreasonably large quantities could confuse consumers and make comparisons between products difficult or impossible. In seeking reasonable statements of serving sizes the Commissioner concludes that, for most products, the requirements for serving size as stated in the final regulation published on January 19, 1973, shall be maintained. Manufacturers may express a "portion" for a food which is used only as an ingredient in other foods; and shall do so in an easily identifiable serving quantity in household terms, e.g., cupfuls or teaspoonfuls or ounces, or a complete container where this information is not misleading to consumers.

16. A comment was received stating that the use of the phrase "adult male engaged in light physical activity" indicated that § 1.17(b) was intended to apply only to this segment of the population. This is erroneous. The phrase is used only as a guide in attempting to define a serving.

17. Several comments suggested that the serving or portion size should be standardized so that labels will reflect a uniform approach from which consumers may readily make comparisons. The Commissioner agrees that serving and portion sizes should be uniform. Under the regulation it is incumbent upon industry and consumers to work together to devise uniform serving and portion sizes. If this does not materialize, the Commissioner will establish a procedure for adopting uniform serving and portion sizes that will be applicable to all foods.

At least one comment expressed concern that requiring declaration of nutrient content on the basis of a serving or portion would understate the nutritional value where it may be consumed at each of three meals during the day. The Commissioner recognizes that repeated consumption of a food item with a moderate or low nutritional content may well result in a significant nutrient contribution to the daily diet. Accordingly, § 1.17(b) has been revised to provide that, where a food is commonly consumed more than once a day, the label shall state the nutrient content on a serving or portion basis and may, in addition, also state the nutrient content when consumed on a daily basis. For example, it may be appropriate for bread to be shown per two slices (a serving) and per six slices (per day), and for milk to be shown per glass (a serving) and per quart (per day). In order to justify any such statement, reliable data, such as statistically valid dietary surveys, must be available to show that the food is in fact customarily consumed more than once daily and the total daily amount usually consumed.

18. It has been suggested that nutrition labeling should be provided both with respect to the food in the package and with respect to the food as prepared for consumption after cooking or other home preparation. Section 1.17(b) has been modified to permit this information. Where this optional form of declaration is used, the specific method of preparation or cooking must be specified. Manufacturers are also encouraged to provide consumers with additional information on methods of cooking or preparation which will result in maximum retention of nutrients. The Commissioner has concluded that requiring nutrient declaration on the basis of the product as consumed is not feasible because, for many products, there are numerous variations of cooking or other methods of preparation, and enforcement would not appear to be feasible.

19. Consumer groups and individual consumers expressed great concern that some deviations from the standard format are permitted. They asked that the label have the basic information on the seven nutrients plus protein present every time that nutrition labeling is used. Consumer groups also preferred to have zero listed when less than 2 percent of the U.S. Recommended Dietary Allowance (U.S. RDA) of a nutrient is present.

The comments from manufacturers asked that a more flexible position be taken on the question of listing the percent of the U.S. RDA. It was suggested that if no vitamins or minerals are present in a food, a statement "contains no significant amounts of nutrients" or "contains no nutrients" be permitted. Some manufacturers also asked that, for foods containing only a single component contributing only calories, only the caloric content and the amount of this component be required, e.g., corn starch containing only carbohydrate and no vitamins or minerals.

The Commissioner has concluded that a standard format is desirable whenever reasonable, since this will assist those developing consumer information and educational programs. This matter was fully discussed in the preamble to the January 19, 1973, regulation. The exception permitted in the regulation, when no more than three of the vitamins or minerals are present at levels of 2 percent or greater, was based in part on the results of consumer studies suggesting that a few positive values intermingled with zeros or asterisks could be misunderstood. A statement that the other nutrients are not present is required immediately following the listing of the nutrients by percent U.S. RDA.

The Commissioner concludes that a change in the basic format proposed in the January 19, 1973, regulation is not warranted. Accordingly, the format is retained. However, several technical changes suggested in order to make the basic format more readable, and reduce possible confusion, are reasonable and have been adopted. The optional statement "per serving" has been added to the heading "Nutrition Information" in order to make it clear that the basis of the information is on a serving. The term "Calories" can be used as an alternate term for "Caloric content." Similarly, the term "content" may be eliminated as a required part of the headings for the protein, carbohydrate, and fat statements. The placement of fatty acid information has also been clarified by stating that it must follow the statement on fat, rather than be adjacent to the statement.

Several manufacturers pointed out that the statement "Percentage of the U.S. RDA for fat, protein, vitamins, and minerals" could be shortened by deleting the portion "for protein, vitamins, and minerals," as it was obvious that these were what was stated. The Commissioner agrees that this latter phrase is not needed, and the regulation has been corrected.

In stating the exception to the complete format of the U.S. RDA percentage of seven nutrients, the fact that, with protein, there are eight items to be listed was overlooked. In order to correct this error, the section relating to the exception has been changed to read that if five or more of the eight nutrients required are present at less than 2 percent of the U.S. RDA the alternate labeling approach may be used.

20. The question of stating calories to the nearest calorie, rather than in 10 calorie increments, has been carefully considered, and the Commissioner agrees that at calorie levels less than 50 calories a more correct statement of calories should be permitted. The regulation has been slightly modified in § 1.17(c)(3) to permit the use of 2-calorie increments up to 20 calories and 5-calorie increments above 20 calories up to and including 50 calories. Ten-calorie increments will be used above 50 calories. At the lower caloric levels compliance will be more difficult, but careful monitoring of protein, fat, and carbohydrate content can provide a means of determining if real misrepresentations are being made by the low calorie statements.

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Several objections were raised concerning the 2, 5, and 10 percent of the U.S. RDA intervals used to state the protein, vitamin, and mineral levels. Some persons felt that 5 or 10 percent intervals should be used, while a few felt that 1 percent intervals over the entire range should be permitted. The 2 percent intervals at the lower level of nutrients was incorporated on the basis of consumer, industry, and nutrition educator comments on the original proposal, and are reasonable. Using smaller intervals over the entire range will in the opinion of the Commissioner only result in consumer confusion.

21. Several manufacturers objected to the double listing for protein, both as grams of protein and as a percent of the U.S. RDA, under § 1.17(c)(4). They were particularly concerned about a product which contains no protein, and which would have to list zero twice, or zero and an asterisk, on the label.

The Commissioner concludes that there is a need to maintain the basic nutrition labeling format, and there appears to be no special hardship in the situation mentioned. In many of the instances where protein content is zero the manufacturer will be able to use the limited listing plus the statement that specific nutrients are not present, thus eliminating the second zero statement from the listing under the percentage of the U.S. RDA.

22. Several manufacturers and trade associations raised questions about the procedure to be used for establishing a value for the U.S. RDA of protein in a food. Some asked for a third standard of 30 grams of protein to be used with those animal protein foods with the highest biological quality. They pointed out that the use of 45 grams of protein as a standard for all proteins equal to or better than casein put the better quality proteins at a disadvantage.

A review of the proposed standard does not support such a change at this time. As the Commissioner stated in the preamble to the regulation as published on January 19, 1973, further extension of subdivisions of protein types does not appear justified. As experience with nutrition labeling is gained, and additional information is obtained concerning simpler procedures for evaluating protein quality, the Commissioner will evaluate the procedure for establishing the U.S. RDA value for labeling protein and make any appropriate modifications.

Several manufacturers also requested the Commissioner to establish a standard conversion factor for converting nitrogen content to protein as part of the analytical method for protein in food. The factor of 6.25 times the nitrogen content is commonly used to calculate protein, but scientists recognize that this factor gives larger protein values than are determined by more accurate and complex procedures for certain food proteins. The alternate conversion factors for specific proteins are available in the literature, and could be used when use of the common conversion value of 6.25 results in significant overstatement of the protein content.

In reviewing this matter, the Commissioner is of the opinion that for labeling purposes use of the 6.25 conversion factor is satisfactory. However, methods for determining protein content listed in the Official Methods of Analysis of the Association of Official Analytical Chemists, 11th Ed., 1970 (AOAC), give more correct factors for the conversion of nitrogen to protein, and when a conversion factor other than 6.25 is given in the AOAC methods that value shall be used.

23. Many manufacturers stated that they felt that the calculation of caloric content by the Atwater method as required by the regulation is more accurate than required. They suggested that the more commonly used values of 4, 4, and 9 calories per gram of protein, carbohydrate, and fat, respectively, be used as these are actual standard values derived from the Atwater values.

The reference to the Atwater method to determine caloric content was included in the final regulation in order to provide manufacturers with a standard guide for calculating calories. This procedure was developed to account for those factors which led to caloric contents less than expected due to reduced absorption or biological availability. The Commissioner is aware that for most foods, the caloric factors of 4, 4, and 9 calories per gram of protein, carbohydrate, and fat, respectively, will give a satisfactory statement for caloric content. However, there are situations where the calculation of caloric content using the 4, 4, and 9 calories per gram values will misrepresent the caloric content of the product. In such situations, where more accurate values are given in the reference cited in the regulation, USDA Handbook 74 (1955), it would appear reasonable for manufacturers to use the correct values. The agency will follow this procedure outlined above in determining caloric content in order to establish if a product is in compliance. Manufacturers can identify those situations where the use of the 4, 4, and 9 calorie per gram values will result in a label value more than 20 percent greater than the actual value and in those cases the values in the USDA Handbook 74 should be used in determining the caloric content of the food.

24. Comments were received objecting to any declaration of the U.S. RDA greater than 100 percent in a serving. Those taking this position were concerned that consumers would be misled by such claims, and also that claims of significance on the basis of 10 percent of the U.S. RDA, e.g., 120 percent compared to 110 percent, would confuse consumers.

In naturally occurring products such nutrient levels are rare. When they do occur, the Commissioner concludes that it is unreasonable to deny those marketing the product the right truthfully to label the nutritional content.

The Commissioner is aware that the addition of vitamins or minerals to a food at levels greater than 50 percent of the U.S. RDA may in some cases be allowed. However, when such values are added to a food and not covered by a regulation permitting such levels of added nutrients, the product will be regulated as a dietary supplement under § 80.1 (38 FR 2152).

The Commissioner is of the opinion that the issue of proper food fortification cannot be appropriately dealt with under nutrition labeling. The Commissioner stated in the preamble to the regulation as published on January 19, 1973, that the agency is preparing a number of regulations regarding the addition of nutrients to foods. New Part 100, establishing nutrition guidelines, is published in this issue of the FEDERAL REGISTER. In addition to specific regulations and guidelines, the Commissioner will prepare a regulation incorporating overall agency policy on addition of nutrients to foods. Until this action is complete, the agency will review food fortification on an individual basis using the principles stated in existing and newly published regulations.

25. One manufacturer pointed out that the language stating that vitamins and minerals other than the basic five vitamins and two minerals could be listed, did not make it clear that these must be listed as a percent of the U.S. RDA. The language has been changed to make this clear. In addition, the mandatory listing of the other vitamins when they are added is also made clear by a slight modification in the regulation.

26. A few comments were received requesting that values other than those selected for the U.S. RDA be chosen for nutrition labeling in § 1.17(c)(7)(iv). As stated in the preamble to the regulation as published on January 19, 1973, this question was carefully considered, and the values selected were those considered appropriate for nutrition labeling as well as for use by the agency in establishing standards for special dietary foods and dietary supplements. While no change in the current U.S. RDA will be made at this time, the Commissioner will review the U.S. RDA values periodically to insure that they are in general agreement with the National Academy of Sciences' values for the Recommended Dietary Allowances.

27. One comment was received pointing out that the terms "thiamine" and "folic acid" have been replaced by the terms "thiamin" and "folacin" in the listing of accepted nomenclature by the International Union of Nutritional Sciences (Nutrition Abstracts and Reviews, 40, 395, 1920), the recognized international nutrition organization. The Food and Drug Administration uses the nomenclature of the United States Pharmacopeia, and their accepted spelling and names for these two products are used in the regulation.

28. One comment was received asking that choline and inositol be included in the list of essential nutrients in order to permit their inclusion in products such as infant formulas, products intended for use as the total daily diet, medical diets, and similar products. Such products are

special dietary foods, and this question is therefore properly considered under Part 125. This comment will be included with those received on that document in response to the tentative order published on January 19, 1973 (38 FR 2143). Special dietary foods are specifically exempted from nutrition labeling under § 1.17(h)(1), (3), and (4). Any change in the list of essential nutrients under Part 125 will be accompanied by reconsideration of the list of nutrients appropriate for label declaration under § 1.17(c)(7)(iv).

29. One comment was received asking that, in addition to the percent of the U.S. RDA, manufacturers be required to list the actual amounts of each nutrient present, e.g., milligrams or International Units. The Commissioner had considered this type of labeling in the early stages of development of nutrition labeling. As consumer understanding of the quantities was very limited and labeling as a percent of daily allowances offers a procedure for indicating the nutrient contribution of a food without extensive nutrition training, the use of actual values has been rejected for consumer labeling. Actual values may, under § 1.17(f) of the revised regulation, be furnished to interested professionals.

30. Several manufacturers objected to 10 percent of the U.S. RDA being established as the level where claims for significance can be made. Some suggested that 5 percent of the U.S. RDA would be more appropriate, while one comment said that a system relating caloric content and contribution of vitamins, minerals, and protein would be more appropriate.

The Commissioner recognizes that any minimum value established for claiming a significant nutrient content will be arbitrary. Since all foods will be able to indicate their nutrient content under nutrition labeling and consumers will be able to make nutrient comparisons, the point at which a product can claim to be a "significant" source of a nutrient takes on less importance than when actual nutrient contents were not available for consumer comparison. In addition, the use of 5-percent increments for protein, vitamin, and mineral levels between 10 percent and 50 percent of the U.S. RDA, and 10-percent increments at levels over 50 percent, make it unreasonable to select a value of 5 percent of the U.S. RDA or less as significant. The level of 10 percent of the U.S. RDA was selected as significant since it represents a major difference throughout most of the range at which nutrient values commonly are present in foods.

The use of a caloric-nutrient ratio for establishing the nutritional significance of a product is a concept which was considered in the early development of nutrition labeling. While the concept is one which nutritionists are currently developing, it is not readily understood by consumers, and to use such information would, in the opinion of the Commissioner, result in problems of consumer understanding and use. The Commissioner has therefore retained 10 percent of the U.S. RDA as the level for declaring significance as stated in the regulation published on January 19, 1973.

31. Information on other properties of food, e.g., fiber content, sugar content, or moisture content, is included on labels or in labeling by some manufacturers. Comments were received asking that such information be allowed to appear on labels. While such information is not nutrition information as described in this regulation, the Commissioner recognizes that some consumers want to know about these other properties of food. Such information can be included on the label or in labeling provided it is not false or misleading, and is not prohibited by other regulations. This information may not be placed on the label as part of or with nutrition labeling or other mandatory information, but it may immediately follow or otherwise be contiguous to the mandatory information on the information panel. The information on these other properties should be stated for the same serving size (portion) as used for nutrition labeling.

32. It has been suggested that the definition of a "lot," which is based solely upon the common container code or marking, may be inapplicable to methods of continuous production (e.g., bread and milk). In recognition of this possibility, § 1.17(e)(1) has been changed to state that, in such situations, a lot will be regarded as a day's production.

33. Concern was voiced by several manufacturers that official methods of analysis are not applicable to their products, and it would therefore be difficult to determine if they are in compliance. The Commissioner has stated in the regulation that the official procedures will be those of the Association of Official Analytical Chemists (AOAC) or other reliable and appropriate analytical procedures. Questions of methodology may be submitted to the agency, and the suitability and applicability of alternative procedures will be resolved in that way.

34. Virtually all comments expressed concern about meeting the compliance requirements contained in the regulations within the time limits established by the uniform effective date. The Commissioner is aware that difficulties may be encountered by some firms, whereas for other firms compliance will not present any significant problem. Accordingly, the Commission has concluded to approach this matter in the following way.

First, there are some companies and industries which will find it difficult or even impossible to meet the first requirement under the uniform effective date, that labels printed after December 31, 1973, must comply with the new requirements. For those who are now gathering the data necessary for compliance, this represents insufficient time to obtain that information before such orders must be placed. For example, some companies and industries are now conducting intensive analytical surveys which must be continued over a sufficiently representative period of time in order to make them statistically valid. The Commissioner wishes to encourage this type of program which will for the first time result in a detailed data base upon which truthful and accurate nutritional labeling can rest. Accordingly, the Commissioner will entertain all reasonable requests for extension of this first part of the uniform effective date, where the petitioner shows the type of analytical data being obtained and the time schedule involved, as justification for this extension. Extensions will be granted only upon a showing of good cause therefor, based upon an on-going program. Such extensions should be requested promptly. All correspondence relating to such extensions will be placed on file for public review at the office of the hearing clerk.

Second, the Commissioner again reiterates the point made in the preamble to the regulations as published in the FEDERAL REGISTER of January 19, 1973, that temporary exemptions will be considered, upon a showing of economic hardship, for any enriched standardized food which, by reason of the standard, must include added nutrients and thereby is required by § 1.17 to bear nutrition labeling. Many manufacturers of these foods unquestionably have the quality control and analytical capabilities at this time to meet this requirement without significant difficulty. Other manufacturers, however, and particularly small manufacturers, may not presently have these capabilities. The Commissioner does not wish those manufacturers who cannot immediately meet these requirements to be forced to eliminate the nutrients from the food, or to discontinue production of the food, or to suffer an economic and competitive hardship. Accordingly, the Commissioner will entertain petitions which demonstrate such a hardship, and will grant temporary exemptions upon a showing of good cause. Such exemptions will not be granted on an across-the-board or industrywide basis, but rather upon a detailed factual showing by an individual firm justifying a temporary exemption.

The Commissioner anticipates that these exemptions will be only temporary in nature, not permanent. Adequate time will be provided for these manufacturers to obtain the necessary quality control and analytical methodology, or to contract for it, without undue hardship. It must be recognized, however, that no permanent exemption could be justified. Indeed, it would be unfair to permit any extensive exemption for one group of manufacturers and to require their competitors to achieve full compliance with § 1.17 within the uniform effective date.

Third, comments were received from several groups, including consumer advocates, suggesting that the agency establish interim compliance requirements that would allow greater variation from the stated label values for nutrients in Class II foods (i.e., foods with naturally occurring (indigenous) ingredients) after the December 31, 1974, effective date. Such an approach would allow a

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substantially greater tolerance during the first year, with a more rigid requirement each year for 3 years until the requirement contained in § 1.17(e)(4)(ii) is reached. It was also suggested that a moratorium period be established during which only gross violations would result in regulatory action.

The Commissioner is in agreement with the concepts underlying these comments but believes that the matter should be approached in a different way. Many manufacturers, and particularly those who began 2 or 3 years ago to prepare for these regulations, are now fully able to meet the compliance requirements established in § 1.17. The compliance requirements adopted by the Commissioner are relatively flexible, and do not impose very difficult standards. Indeed, it is the intent of the Commissioner that they be tightened as experience develops with nutrition labeling, rather than relaxed. In any event, they present entirely realistic standards at this time for any company with sound quality control and who wishes to engage in nutrition labeling.

On the other hand, the Commissioner is well aware that this is an entirely new program, relying upon quality control requirements, analytical capabilities, and testing programs of a nature that have not previously been used. Like any new program, it will take time for both industry and Government to work out problems that are encountered. The Commissioner cannot and does not expect full and complete adherence to the exact compliance requirements established in § 1.17 on an immediate basis. It is entirely likely that, acting in the best of faith, deviations will occur.

The Commissioner concludes that the most equitable approach to this matter is to retain the compliance requirements of the regulation as published on January 19, 1973, but to exercise substantial discretion in their enforcement during the first few years in which they are in use. In exercising this discretion, the Commissioner will take into account all pertinent information. It is impossible to articulate a rigid compliance rule precisely because of the factors discussed above, i.e., in some instances full compliance is entirely feasible and should be required, whereas in other instances it cannot realistically be expected on an immediate basis. The principal factor that will guide enforcement policy will be the action taken by the manufacturer or distributor to obtain the analytical data, the quality control procedures, and the testing programs necessary to achieve compliance with the regulation. The Commissioner does not anticipate taking regulatory action during this initial period where a good faith attempt has been made to achieve compliance, even though exact compliance has not been achieved.

The Commissioner has concluded that an industrywide relaxation of the compliance requirements contained in § 1.17 or a moratorium on regulatory action based on a sliding scale of compliance during the next 3 years, is not in the public interest and is not justified by the facts. Those who have advocated this position are largely companies which chose not to prepare for this regulation by obtaining analytical data and establishing quality control procedures adequate to assure compliance with whatever regulation might issue. Several of their competitors, on the other hand, anticipated the new regulatory requirements that have now been promulgated and are fully prepared for nutrition labeling. The Commissioner concludes that, while enforcement flexibility will be retained, the failure of some manufacturers and distributors to prepare for these regulations cannot be accepted as justification for a total moratorium or a failure to require compliance where it should be achieved.

Food distributors who depend on many small- or medium-sized processors to provide a private label product have pointed out several problems which they feel are unique to this type of operation. Their suppliers are not uniformly capable of initiating programs to develop the information and controls required for nutrition labeling, and these distributors must print up their labels before they know what specific manufacturers may be among their suppliers during a given year. Distributors of private label products are therefore concerned that it may be impossible to place nutrition labeling on their products which they are sure will meet the compliance requirements as currently stated.

While the Commissioner agrees that these organizations have some problems which are unique to this form of marketing, it is not reasonable to require manufacturers of major brands to meet the compliance procedures while providing exceptions for certain of their competitors. In the discussion of comments on compliance and the use of representative values, the Commissioner has provided several alternatives to permit manufacturers to initiate nutrition labeling as soon as basic nutrient information is available without undue risk. A mechanism for obtaining sufficient time to achieve the compliance levels is provided to manufacturers, and is also available for distributors working with these manufacturers.

Fourth, some of the comments suggest that the second step of the uniform effective date, requiring that all food shipped in interstate commerce after December 31, 1974, be labeled in compliance with § 1.17, should be extended for up to 5 years, and particularly for Class II foods. This suggestion is closely tied to the problem of the compliance standard.

The Commissioner has concluded that no justification has been presented for extension of the effective date of the regulation beyond December 31, 1974. Petitions for extension of the first step of the effective date, requiring that all labels printed after December 31, 1973, shall conform to § 1.17, have already been discussed above.

Some comments noted that, for products containing Class II nutrients, it may take more than one growing season to obtain the data necessary for accurate nutrition labeling. The Commissioner is prepared to deal with these problems on an individual basis. If a manufacturer or a trade association begins immediately to establish a complete program to obtain the analytical data necessary for accurate nutrition labeling, the Commissioner will consider an extention of the December 31, 1973, label printing requirement. When those data become available a year from now, that manufacturer or trade association may then review them with the Food and Drug Administration and a determination may be reached as to whether they present sufficiently accurate and reliable information on which labels for the following year may be based. By repeating this process for the succeeding years, labels will bear the most accurate and reliable information available and consumers will have the assurance that the label represents the contents of the product as accurately and reliably as possible at the present time.

For the reasons explained at some length in the preamble to the regulation as published on January 19, 1973, the Commissioner has concluded that the industrywide or representative data presently available from such sources as USDA Handbook 8 is not sufficiently reliable or accurate to be a basis for nutrition labeling at this time. The Commissioner pointed out then, and reiterates now, that it is essential that representative data be checked by analysis of individual lots to give assurance that the label value adequately represents the product offered, at least until accurate and complete data are available on an industrywide, regional, and manufacturer basis. In time, the use of standard representative data, backed up by periodic analytical spot checks, will undoubtedly be possible in achieving compliance with § 1.17. The Commissioner encourages agricultural experiment stations, producer associations, food manufacturers, and others to expand efforts in the gathering of food nutrient composition data, in order to provide the information essential for the expansion of nutrition labeling.

35. One comment suggested that use of a standard compliance requirement of 20 percent for Class II nutrients is inequitable because it allows greater variability at a high level of the U.S. RDA and virtually no variability at a low level of the U.S. RDA. Moreover, varability at a low level of the U.S. RDA will have a far smaller effect on the overall nutrient conof the U.S. RDA. Moreover, variability at high level of the U.S. RDA.

The Commissioner recognizes the validity of this point. Nevertheless, even at levels of 10 percent of the U.S. RDA or less, the variability permitted using the 20-percent compliance standard is 2 percent or 1 percent of the U.S. RDA. In addition, the variability of the available analytical methods for determining nutrient content in Class II foods at levels

below 10 percent of the U.S. RDA in many instances exceeds this 20-percent variability permitted for compliance purposes under the regulation, and no regulatory action will be taken unless the nutrient level found in the product exceeds both the 20-percent compliance standard and whatever variability is recognized for the particular method being used. In all instances, therefore, the actual variability permitted will exceed the 20-percent standard specified under the regulation, and in many instances it will be double that standard or greater. Accordingly, the Commissioner has concluded that it is unnecessary to incorporate into the regulation any explicit provision to alleviate the narrower range of variability permitted at the low end of the U.S. RDA scale, because this is built into the regulation through the use of methodology that has its own degree of precision. The regulation has been revised to state that fact.

36. One organization requested that, for compliance purposes, minimum levels of calories, protein, carbohydrate, and fat be established below which values for these nutrients would not be subject to the compliance requirements of the regulation. The specific values suggested were 40 calories, 5 grams of protein, 10 grams of carbohydrate, and 5 grams of fat. Other comments pointed out that, for some foods, analytical problems would make it very difficult to evaluate compliance.

The Commissioner realizes that analytical problems do exist for some foods. However, for many foods the analytical procedures will permit determinations of even these low levels of protein, carbohydrate, and fat. For example, one can identify the fat content in a milk product with sufficient accuracy to distinguish between 3.25 grams and 3.5 grams of fat per 100 grams of milk product. Consumers should expect that products claiming only 1 gram of fat would have close to that amount, and not as much as 5 grams. A separate compliance position for these lower levels would actually provide no greater protection for manufacturers in terms of risk of mislabeling. Since the agency, as well as manufacturers, recognizes the analytical problems, compliance actions relating to these nutrient levels will reflect the accuracy of the available analytical methodology as well as the tolerance permitted in the regulation. Until experience with the regulation indicates that a more specific procedure is required for low levels of protein, carbohydrate, and fat content, this section of the regulation will be left unchanged. Since caloric content is actually directly related to the protein, carbohydrate, and fat content, the limits on these nutrients will provide a control on calories.

37. Many manufacturers have prepared pamphlets and charts for physicians, dietitians, and teachers providing more detailed nutrition composition information, including the actual amounts of the various nutrients. This labeling material often is not amenable to the format established in § 1.17, and in any event usually provides this information in more precise amounts rather than in the increments established in § 1.17. Several comments requested that these materials be permitted for use without requiring nutrition labeling, or at least that they not be required to be prepared in the exact format established in § 1.17.

It is not the intention of the agency to restrict the information flow from food manufacturers to professionals in the fields of health, nutrition, foods, or education generally. Thus, the Commissioner concludes that this type of labeling material should be permitted, and indeed encouraged, as long as it also contains, or has attached to it, nutrition labeling in the form in which it is provided to consumers under § 1.17. An appropriate change has been made in § 1.17(f) to reflect this.

The Commissioner also concludes that such material should not be permitted to be used without also requiring nutrition labeling for the foods involved. The nutrient values set forth in such material will be required to meet the compliance levels contained in § 1.17, and therefore the manufacturer or distributor of the food must already have sufficient information to permit nutrition labeling in order to use these other materials. Such materials, even when distributed only to professionals, are routinely redistributed to the public on a widespread basis, and often are a primary source of nutrition information for interested consumers. Thus, although such detailed materials should be encouraged as a good source of nutrition information, and should not be restricted to the label form established in § 1.17, the Commissioner concludes that no sound basis exists for exempting them from the general rule that the use of any nutrition information will require full nutrition labeling for the foods involved.

38. Nutrition labeling for infant and baby foods was included in the regulation at the request of professional organizations and individuals specifically interested in infant and child nutrition. Several comments were received requesting that the U.S. RDA contained in § 1.17(h)(1) for an infant or child under 4 years of age be further refined to include a separate U.S. RDA for infants from birth to 12 months. The Commissioner recognizes that the U.S. RDA standard that presently exists for children up to 4 years of age is not wholly adequate and should be improved. The Commissioner invites all interested persons to consider appropriate new U.S. RDA's for this age level which can be incorporated in § 1.17, and Part 125 in the future.

In the interim, the Commissioner concludes that the U.S. RDA levels established in this regulation are reasonable and will result in no harm whatever with respect to infant nutrition. None of the comments suggest that infant and baby foods should be totally exempt from nutrition labeling until better U.S. RDA's can be established. Accordingly, the regulation is not changed in this respect.

The fact that the U.S. RDA's for infants and babies may be revised should in no way deter food manufacturers from including this information on their labels, based upon the present regulation. When new U.S. RDA's are adopted, which may well take several years, the Commissioner will include an adequate effective date in order to provide manufacturers with sufficient time to achieve compliance, in order to avoid economic hardship that may result from label changes.

39. Those persons concerned with infant feeding also pointed out that no protein standard was established for labeling infant and junior foods. The Commissioner agrees that the standards of 45 grams and 65 grams to be used for nutrition labeling of protein in foods, as contained in § 1.17(c)(7)(ii)(a), are not suitable for labeling strained infant and junior foods. A standard protein value of 20 grams for protein with a protein efficiency ratio (PER) equal to or greater than casein, and a value of 28 grams of protein for other proteins with a PER less than casein, was suggested in several comments. These values appear to be reasonable for labeling baby food products, and are consistent with protein values of the National Academy of Sciences Food and Nutrition Board for this age grouping. These suggestions have been incorporated into the regulation for use by manufacturers of baby foods until a revised set of U.S. RDA for this age can be developed.

40. One comment pointed out that, although iodized salt is exempt from nutrition labeling when sold as such, any product to which it is added is not exempt from nutrition labeling. This was an oversight in the regulations, and has been corrected by a change in § 1.17(h)(5).

41. Exemptions for food packed for institutional use, for food being shipped in bulk containers, and for food shipped to a manufacturer as an ingredient for use in another processed food, were requested by many manufacturers. The basic arguments against providing nutrition labeling on these products was that the information would not be seen by the consumer. In the case of institutions such as hospitals, nursing homes, and schools, those commenting also pointed out that a dietitian was often involved in the ordering of the food, and the purchase specifications were more informative than the nutrition labeling.

The labeling regulations promulgated under the Federal Food, Drug, and Cosmetic Act, including § 1.17, apply to all food shipped in interstate commerce, unless otherwise exempted. The Commissioner recognizes that many products are manufactured only for use in institutional feeding, and that under these circumstances the ultimate consumer would not have an opportunity to see the label. In certain instances, e.g., hospitals and school lunch programs, the persons responsible for planning menus and purchasing food may have special training and be aware of the nutritional qualities of the foods, or may even establish

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nutrition specifications for certain food products being purchased. However, nutrition labeling can serve to assist these individuals in identifying the most nutritious products, and provide a means for evaluating nutrition claims. The Commissioner has therefore decided that products requiring nutrition labeling because of added nutrients or label claims being shipped solely for institutional food service use shall be exempt from the requirements of the nutrition labeling regulation, if the manufacturer provides the nutrition information required by § 1.17 directly to those institutions and such information is kept current with changes in formulation or processing procedures. Manufacturers may also distribute factual information on the composition and nutritional quality of foods to professionals in the health and education fields which need not be in the format required for nutrition labeling, in addition to nutrition labeling.

The situation involving products being shipped from one manufacturer to another for use as ingredients in a processed food is different from foods manufactured and shipped to food service units which will prepare them for immediate consumption. The Commissioner concludes that bulk shipments of products such as flour, sugar, sirups, oils, and shortenings, or other products which are shipped in bulk form for use in manufacturing other foods shall be exempt from nutrition labeling. It is assumed that the manufacturer purchasing these food products will have established specifications for the product and no purpose would be served to require nutrition labeling.

42. Comments were received about the prohibition in § 1.17(j)(1) against labeling claims that the dietary properties of a food are adequate or effective in the prevention or treatment of any disease or symptom. Some comments erroneously interpreted this as prohibiting virtually any discussion of the nutritional usefulness of any food.

The Commissioner fully recognizes that all nutrients assist in preventing nutrient deficiencies and thus, in that sense, prevent disease. The prohibition contained in this provision in no way prohibits a truthful representation that a given nutrient is essential to human nutrition and good health and well-being. At the same time, it must be recognized that claims related to specific disease conditions render the product a drug under section 201(g)(1)(B) of the Act.

This prohibition was adopted because of widespread promotional practices stating or implying that a nutrient or food should be consumed in order to prevent a specific disease. For example, it has been common practice to promote nutrients by stating that a deficiency in a particular nutrient leads to a specified disease, thus implying that a consumer who fails to purchase the product in question may suffer from that disease or that the product in question will prevent that disease. The Food and Drug Administration and the Federal Trade Commission have successfully brought numerous cases to prevent such promotional practices over the years, but in spite of this success in the courts manufacturers and distributors of some products continue to use such claims.

The Commissioner concludes that reliance upon scare promotional claims, designed to panic the public into believing that nutrient fortification or supplementation is necessary to prevent the onset of severe deficiency diseases, is neither supported by the available scientific and medical facts nor fosters good nutritional practices. Promotion designed to educate the public about the need for basic nutrition planning for daily food needs, and to emphasize the importance of essential nutrients to good health, is both truthful and conducive to sound nutrition.

43. Comments were received objecting to § 1.17(j)(2), which prohibits the use of labeling claims suggesting that conventional foods in the diet, as usually prepared, are inadequate to meet nutritional needs. No data were furnished in the comments to show that a diet of conventional foods cannot satisfy all nutrition needs. To clarify this prohibition, however, the phrase "balanced diet" will be substituted for "diet," since it is obvious that an unbalanced or extremely poor diet could be deficient in nutrients. This prohibition was discussed fully in the preambles, findings of fact, and conclusions of law with respect to Part 125, published on January 19, 1973 (38 FR 2149).

44. Concern has been expressed that the labeling prohibitions contained in § 1.17(j)(3) and (4) would preclude factually supportable statements that, for example, a particular food has been handled by the producer or manufacturer in a special way in order to retain a higher nutrient content than competitive foods. This is not the intent of these prohibitions nor are they so worded.

These prohibitions are intended to prohibit unsupported generalizations about nutrient losses because of soil, transportation, and processing that have often been used in promotional literature in the past. They do not preclude a manufacturer or distributor who had adequate scientific data to show a higher nutrient retention in his product than in a competitor's product from making that claim. Nor do they prohibit a claim that a particular food has a higher nutrient content than is ordinarily true because of the soil in which it is grown, if that claim is backed up by adequate scientific data showing the differences between the soils involved and the resulting nutrient differences in the foods. Finally, a manufacturer may, without question, suggest cooking or handling methods for optimum nutrient retention. In order to clarify this, the phrase "the daily diet" is substituted for diets in § 1.17(j)(4). Any such claims will, of course, also require full nutrition labeling under § 1.17.

45. Several requests were received asking that manufacturers identify the natural and added vitamins in their products. The regulation premits, but does not require, such identification, and the statement of ingredients will in many instances reveal this information. The Commissioner concludes that there is insufficient differences between these two types of nutrients to justify requiring a special label designation of this kind.

Section 1.17(j)(6) forbids any suggestion that a natural vitamin is superior to an added vitamin, but permits any truthful designation of any nutrient as natural in origin. This prohibition was included because of widespread claims that nutrients of natural origin are superior to synthetic nutrients. At the present time, there is no valid scientific evidence to support such a claim of superiority, nor is there evidence to support any suggestion that synthetic nutrients are superior to natural nutrients.

One comment objected to § 1.17(j)(6) on the basis that it suggested that natural vitamins in a food were inferior to added vitamins. After reviewing the wording of the regulation, the Commissioner concludes that it in no way suggests that added vitamins are superior to vitamins natural to a food. Any such claim would be subject to prompt regulatory action.

46. One comment questioned the basis for delaring rutin and other bioflavonoids as unnecessary nutrients, and challenged the prohibition against combining these ingredients with nutrients already found to be essential in human nutrition. The basis for the Commissioner's conclusions on this matter was set out in detail in the preambles, findings of fact, discussion, and conclusions of law with respect to Part 125 and § 80.1, as published in the FEDERAL REGISTER for January 19, 1973 (38 FR 2143 and 2152). No data or information were submitted to show that any of these ingredients is essential in human nutrition or otherwise beneficial to health. The courts have previously upheld the Food and Drug Administration's position that inclusion of such ingredients in the product falsely represents nutritional value (United States v. Vitasafe, 226 F. Supp. 266 (D. N.J., 1964); United States v. Nuclomin, No. 71 C 585(2) (E.D. Mo., 1972)). Nevertheless, the Commissioner has concluded that it is reasonable to permit these ingredients to be marketed alone or in combination as foods, without claims for nutritional value. Any citizen who wishes to purchase and consume them will have an opportunity to do so.

47. The Commissioner has carefully reviewed and considered all comments, and to the extent that they are not encompassed within the above discussion or modifications made in the regulation they are rejected.

Accordingly, having considered the additional comments received and other relevant information, the Commissioner concludes that new § 1.17, as promulgated in the FEDERAL REGISTER of January 19, 1973 (38 FR 2125), should be repromulgated to reflect the technical modifications discussed above. Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs., 201, 403, 701(a), 52 Stat. 1040–1042 as amended, 1047, 1055; 21 U.S.C. 321, 343, 371(a)) and under authority delegated to him (21 CFR 2.120), the Commissioner hereby amends new § 1.17 to read as follows:

§ 1.17 Food; nutrition labeling.

(a) Nutrition information relating to food may be included on the label and in the labeling of a product: *Provided*, That it conforms to the requirements of this section. Except as provided in paragraph (h) of this section, inclusion of any added vitamin, mineral, or protein in a product or of any nutrition claim or information, other than sodium content, on a label or in advertising for a food subjects the label to the requirements of this section, and in labeling for a food subjects the label and that labeling to the requirements of this section.

(1) Solicitation of requests for nutrition information by a statement "For nutrition information write to _____" on the label or in the labeling or advertising for a food, or providing such information in a direct written reply to a solicited or unsolicited request, does not subject the label or the labeling to the requirements of this section if no other nutrition claim is made on the label or in other labeling or advertising, if the reply to the request conforms to the requirements of this section and contains no additional nutrition information, and if no vitamin, mineral, or protein is added to the food.

(2) If any vitamin and/or mineral is added to a food so that a single serving provides 50 percent or more of the U.S. Recommended Daily Allowance (U.S. RDA) for adults and children 4 years or more of age, as specified in § 125.1 of this chapter, of any one of the added vitamins and/or minerals, unless such addition is permitted or required in other regulations, e.g., a standard of identity or nutritional quality guideline, or is otherwise exempted by the Commissioner the food shall conform to the standard or identity set forth in § 80.1, of this chapter, and shall also conform to the labeling established in § 80.1 of this chapter, except that the labeling established in paragraph (c) of this section including the order for listing vitamins and minerals established in paragraph (c)(7)(iv) of this section, shall be used in lieu of the labeling established in § 80.1(i)(1) of this chapter.

(b) All nutrient quantities (including vitamins, minerals, calories, protein, carbohydrate, and fat) shall be declared in relation to the average or usual serving or, where the food is customarily not consumed directly, in relation to the average or usual portion. Another column of figures may be used to declare the nutrient quantities in relation to the average or usual amount consumed on a daily basis, in the same format required in paragraph (c) of this section for the serving (portion), where reliable data have established that the food is customarily consumed more than once during the day and the average or usual amount so consumed.

(1) The term "serving" means that reasonable quantity of food suited for or practicable of consumption as part of a meal by an adult male engaged in light physical activity, or by an infant or child under 4 years of age when the article purports or is represented to be for consumption by an infant or child under 4 years of age. The term "portion" means the amount of a food customarily used only as an ingredient in the preparation of a meal component (e.g., ½ cup flour, ½ tablespoon cooking oil or ¼ cup tomato paste). A label statement regarding a serving (portion) shall be in terms of a convenient unit of such food or a convenient unit of measure that can be easily identified as an average or usual serving (portion) and can be readily understood by purchasers of such food (e.g., a serving (portion) may be expressed in slices, cookies, or wafers; or in terms of ounces, fluid ounces, teaspoonfuls, tablespoonfuls, or cupfuls).

(2) A teaspoonful shall be considered to mean 5 milliliters (approximately ⅙ fluid oz.) in volume; a tablespoon shall be considered to mean 15 milliliters (approximately ½ fluid oz.) in volume; and a cupful shall be considered to mean 240 milliliters (approximately 8 fluid oz.) in volume. The weight of the serving (portion) may also be expressed in grams.

(3) The declaration of nutrient quantities shall be on the basis of the food as packaged. Another column of figures may be used to declare the nutrient quantities on the basis of the food as consumed after cooking or other preparation, in the same format required in paragraph (c) of this section for the food alone: *Provided*, That the specific method of cooking or other preparation shall be disclosed in a prominent statement immediately following the information required by paragraph (c) of this section.

(c) The declaration of nutrition information on the label and in labeling shall contain the following information in the following order, using the headings specified, under the overall heading of "Nutrition Information Per Serving (Portion)." The terms "Per Serving (Portion)" are optional and may follow or be placed directly below the terms "Nutrition Information."

(1) "Serving (portion) size": A statement of the serving (portion) size.

(2) "Servings (portions) per container": The number of servings (portions) per container.

(3) "Caloric content" or "Calories": A statement of the caloric content per serving (portion), expressed to the nearest 2-calorie increment up to and including 20 calories, 5-calorie increment above 20 calories and up to and including 50 calories, and 10-calorie increment above 50 calories. Caloric content shall be determined by the Atwater method as described in A. L. Merrill and B. K. Watt, "Energy Value of Foods—Basis and Derivation," USDA Handbook 74 (1955).[1] Caloric content may be calculated on the basis of 4, 4, and 9 calories per gram for protein, carbohydrate, and fat respectively unless the use of these values gives a caloric value more than 20 percent greater than the caloric value obtained when using the more accurate values determined by use of the Atwater method as found in USDA Handbook 74 (1955).

(4) "Protein content" or "Protein": A statement of the number of grams of protein in a serving (portion), expressed to the nearest gram. Protein content may be calculated on the basis of the factor of 6.25 times the nitrogen content of the food as determined by the appropriate method of analysis of the Association of Official Analytical Chemists, 11th edition, 1970, except when the official procedure for a specific food requires another factor.

(5) "Carbohydrate content" or "Carbohydrate": A statement of the number of grams of carbohydrate in a serving (portion) expressed to the nearest gram.

(6) "Fat content" or "Fat": A statement of the number of grams of fat in a serving (portion) expressed to the nearest gram. Fatty acid composition, cholesterol content, and sodium content may also be declared in compliance with §§ 1.18 and 125.9 of this chapter.

(i) When fatty acid composition is declared, the information on fatty acids required by § 1.18(c) shall be placed on the label immediately following the statement of fat content. The declaratory information statement required by § 1.18(d) shall be placed either immediately following the statement on fat and fatty acids or shall be appropriately referenced by symbol and placed immediately following the completed nutrition information statement.

(ii) When cholesterol content is declared, the information on cholesterol required by § 1.18(b) shall immediately follow the statement on fat content (and fatty acids, is stated). The declaratory information statement required by § 1.18(d) shall be placed either immediately following the statement on cholesterol or shall be appropriately referenced by symbol and placed immediately following the completed nutrition information statement.

(iii) When both fatty acid and cholesterol information are provided, the declaratory information statement may be combined as permitted by § 1.18(d).

(iv) When sodium is declared, the information on sodium required by § 125.9 of this chapter shall be placed on the label immediately following the statement on fat content (and fatty acid and/or cholesterol, if stated).

(7) "Percentage of U.S. Recommended Daily Allowances (U.S. RDA)": A statement of the amount per serving (portion) of the protein, vitamins, and minerals, as described in this subparagraph, expressed in percentage of the U.S. Recommended Daily Allowance (U.S. RDA).

(i) The percentages shall be expressed in 2-percent increments up to and in-

[1] Copies may be obtained from: Division of Nutrition (BF–124), Bureau of Foods, Food and Drug Administration, 200 C Street SW., Washington, DC 20204.

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cluding the 10-percent level, 5-percent increments above 10 percent and up to and including the 50-percent level, and 10-percent increments above the 50-percent level. Nutrients present in amounts less than 2 percent of the U.S. RDA may be indicated by a zero, or by an asterisk referring to another asterisk placed at the bottom of the table and followed by the statement "contains less than 2 percent of the U.S. RDA of this (these) nutrient (nutrients)." However, when a product contains less than 2 percent of the U.S. RDA for each of five or more of the eight nutrients specified in subdivision (iii) of this subparagraph, the manufacturer or distributor may choose to declare no more than three of those nutrients and none of the remainder listed in subdivision (iv) of this subparagraph. The statement "contains less than 2 percent of the U.S. RDA of _____", listing whichever of the eight nutrients are present at less than 2 percent of the U.S. RDA and have not been declared, shall directly follow the declared nutrient in the same type size. Any nutrient declared shall always appear in the order established in subdivision (iv) of this subparagraph.

(ii) The declaration of protein, which shall come first, shall be a statement of the amount per serving (portion) of protein, expressed as a percentage of the U.S. RDA.

(a) The U.S. RDA of the protein in a food product is 45 grams if the protein efficiency ration (PER) of the total protein in the product is equal to or greater than that of casein, and 65 grams if the PER of the total protein in the product is less than that of casein. The percentage of the U.S. RDA shall be declared as described in subdivision (i) of this subparagraph.

(b) Total protein with a PER less than 20 percent of the PER of casein may not be stated on the label in terms of percentage U.S. RDA, and the statement of protein content in grams per serving (portion) under subparagraph (4) of this paragraph shall be modified by the statement "not a significant source of protein" immediately adjacent to the protein content statement regardless of the actual amount of protein present.

(iii) The declaration of vitamins and minerals as a percent of the U.S. RDA which shall follow the protein declaration, shall include vitamin A, vitamin C, thiamine, riboflavin, niacin, calcium, and iron, in that order, and shall include any of the other vitamins and minerals listed in subdivision (iv) of this subparagraph when they are added and may list any of the other vitamins and minerals listed in subdivision (iv) of this subparagraph when they are naturally occurring in the order listed therein.

(iv) The following U.S. Recommended Daily Allowances (U.S. RDA) and nomenclature are established for these vitamins and minerals, essential in human nutrition:

Vitamin A, 5,000 International Units.
Vitamin C, 60 milligrams.[1]
Thiamine, 1.5 milligrams.[2]
Riboflavin, 1.7 milligrams.[3]
Niacin, 20 milligrams.
Calcium, 1.0 gram.
Iron, 18 milligrams.
Vitamin D, 400 International Units.
Vitamin E, 30 International Units.
Vitamin B_6, 2.0 milligrams.
Folic acid, 0.4 milligram.[4]
Vitamin B_{12}, 6 micrograms.
Phosphorus, 1.0 gram.
Iodine, 150 micrograms.
Magnesium, 400 milligrams.
Zinc, 15 milligrams.
Copper, 2 milligrams
Biotin, 0.3 milligrams.
Pantothenic acid, 10 milligrams.

These nutrients and levels have been derived by the Food and Drug Administration from the "Recommended Dietary Allowances," published by the Food and Nutrition Board, National Academy of Sciences-National Research Council, and are subject to amendment from time to time as more information on human nutrition becomes available.

(v) No claim may be made that a food is a significant source of a nutrient unless that nutrient is present in the food at a level equal to or in excess of 10 percent of the U.S. RDA in a serving (portion). No claim may be made that a food is nutritionally superior to another food unless it contains at least 10 percent more of the U.S. RDA of the claimed nutrient per serving (portion).

(d) Products with separately packaged ingredients or to which other ingredients are added by the user may be labeled as follows:

(1) If a product is comprised of two or more separately packaged ingredients enclosed in an outer container, nutrition labeling of the total product shall be located on the outer container to provide information for the consumer at the point of purchase. However, when two or more food products are simply combined together in such a manner that no outer container is used, or no outer label is available, each product shall have its own nutrition information, e.g., two boxes taped together or two cans combined in a clear plastic overwrap.

(2) If a food is commonly combined with another ingredient(s) before eating and directions for such combination are provided, another column of figures may be used to provide a list of the nutrient contents for the final combination in the same format required in paragraph (c) of this section for the the food alone (e.g., a dry ready-to-eat cereal may be described with one set of percentage U.S. RDA values for the cereal as sold (per ounce), and another set for the cereal and milk as suggested in the label (per ounce of cereal and one-half cup of vitamin D fortified whole milk); and a cake mix may be labeled with one set of percentage U.S. RDA values for the dry mix (per serving), and another set for a serving of the final cake when prepared). The type and quantity of the other ingredient(s) to be added by the user to the product shall be specified.

(e) Compliance with this section shall be determined as follows:

(1) A collection of primary containers or units of the same size, type, and style produced under conditions as nearly uniform as possible, designated by a common container code or marking, or in the absence of any common container code or marking a day's production, constitutes a "lot."

(2) The sample for nutrient analysis shall consist of a composite of 12 subsamples (consumer units), taken one from each of 12 different randomly chosen shipping cases, to be representative of a lot. Composites shall be analyzed by Association of Official Analytical Chemists (AOAC) methods where available or, if no AOAC method is available, by reliable and appropriate analytical procedures. Alternative methods of analysis may be submitted to the Food and Drug Administration to determine their acceptability.

(3) Two classes of nutrients are defined for purposes of compliance:

Class I. Added nutrients in fortified or fabricated foods.
Class II. Naturally occurring (indigenous) nutrients.

If any ingredient which contains a naturally occurring (indigenous) nutrient is added to a food the total amount of such nutrient in the final food product is subject to Class II requirements unless the same nutrient is also added.

(4) A food with a label declaration of a vitamin, mineral, or protein shall be deemed to be misbranded under section 403(a) of the act unless it meets the following requirements:

(i) *Class I vitamin, mineral, or protein.* The nutrient content of the composite is at least equal to the value for that nutrient declared on the label.

(ii) Class II vitamin, mineral, or protein. The nutrient content of the composite is at least equal to 80 percent of the value for that nutrient declared on the label.

Provided, That no regulatory action will be based on a determination of a nutrient value which falls below this level by a factor less than the variability generally recognized for the analytical method used in that food at the level involved.

(5) A food with a label declaration of calories, carbohydrates, or fat shall be deemed to be misbranded under section 403(a) of the act unless the nutrient content of the composite is no greater than 20 percent in excess of the value for that nutrient declared on the label.

(6) Reasonable excesses of a vitamin, mineral, or protein over labeled amounts are acceptable within good manufacturing practices. Reasonable deficiencies of calories or fat under labeled amounts are acceptable within good manufacturing practices.

[1] The following synonyms may be added in parentheses immediately following the
Biotin, 0.3 milligram.

Vitamin C	Ascorbic acid
Folic acid	Folacin
Riboflavin	Vitamin B_2
Thiamine	Vitamin B_1

(f) Nutrition information provided by a manufacturer or distributor directly to professionals (e.g., physicians, dietitians, educators) may vary from the requirements of this section but shall also contain or have attached to it the nutrition information exactly as required by this section.

(g) The location of nutrition information on a label shall be in compliance with § 1.8d.

(h) The following foods are exempt from this section or are subject to special labeling requirements:

(1) Except where expressly covered by § 125.5 of this chapter, infant, baby, and junior-type foods marketed and promoted for children under 4 years of age shall include nutrition information on the label and in labeling in compliance with this section except that the term "serving" shall mean that reasonable quantity of food suited for or practicable of consumption by an infant or child under 4 years of age and that the U.S. RDA levels for infants and children under 4 years of age contained in § 125.1(b) of this chapter shall be used in lieu of the U.S. RDA levels contained in paragraph (c) (7) (iv) of this section. For the purposes of labeling these foods with a percent of the U.S. RDA for protein, a value of 20 grams of protein shall be the U.S. RDA value for protein with a protein efficiency ratio (PER) equal to or greater than casein, and 28 grams if the PER of the protein is less than the PER of casein but greater than 20 percent of casein.

(2) Dietary supplements, the nutrients of which consist solely of vitamins and/or minerals, shall be labeled in compliance with §§ 80.1 and 125.3 of this chapter, except that the labeling of a dietary supplement in food form, e.g., a breakfast cereal, shall conform to the labeling established in paragraph (c) of this section, including the order for listing vitamins and minerals established in paragraph (c) (7) (iv) of this section, in lieu of the labeling established in § 80.1 (1) (1) of this chapter.

(3) Any food represented for use as the sole item of the diet shall be labeled in compliance with Part 125 of this chapter.

(4) Foods represented for use solely under medical supervision in the dietary management of specific diseases and disorders shall be labeled in compliance with Part 125 of this chapter.

(5) Iodized salt shall be labeled in compliance with § 3.87 of this chapter and when used in a food does not subject that food to labeling under this section if it is declared in the ingredient statement by its name (iodized salt) and neither iodine nor iodized salt is otherwise referred to on the label or in labeling or advertising.

(6) A nutrient(s) included in food solely for technological purposes may be declared solely in the ingredient statement, without complying with this section, if the nutrient(s) is otherwise not referred to on the label or in labeling or in advertising.

(7) A standardized food containing an added nutrient(s), e.g., enriched flour, and included in another food as a component may be declared in the ingredient statement by its standardized name, without compliance with this section, if neither the nutrient(s) nor the component is otherwise referred to on the label or in labeling or in advertising.

(8) Food products shipped in bulk form for use solely in the manufacture of other foods and not for distribution to consumers in such bulk form or container.

(9) Food products containing an added vitamin, mineral, or protein, or for which a nutritional claim is made on the label or in labeling or in advertising, which are supplied for institutional food service use only: *Provided*, That the manufacturer or distributor provides the nutrition information required by this section directly to those institutions on a current basis.

(i) A food labeled under the provisions of this section shall be deemed to be misbranded under sections 201(n) and 403(a) of the act if its labeling represents, suggests, or implies:

(1) That the food because of the presence or absence of certain dietary properties, is adequate or effective in the prevention, cure, mitigation, or treatment of any disease or symptom.

(2) That a balanced diet of ordinary foods cannot supply adequate amounts of nutrients.

(3) That the lack of optimum nutritive quality of a food, by reason of the soil on which that food was grown, is or may be responsible for an inadequacy or deficiency in the quality of the daily diet.

(4) That the storage, transportation, processing, or cooking of a food is or may be responsible for an inadequacy or deficiency in the quality of the daily diet.

(5) That the food has dietary properties when such properties are of no significant value or need in human nutrition. Ingredients or products such as rutin, other bioflavonoids, para-aminobenzoic acid, inositol, and similar substances which have in the past been represented as having nutritional properties but which have not been shown to be essential in human nutrition may not be combined with vitamins and/or minerals, added to food label in accordance with this section, or otherwise used or represented in any way which states or implies nutritional benefit. Ingredients or products of this type may be marketed as individual products or mixtures thereof: *Provided*, That the possibility of nutritional, dietary, or therapeutic value is not stated or implied (e.g., their labeling does not state that their usefulness in human nutrition has not been established and does not otherwise disclaim nutritional, dietary, or therapeutic value).

(6) That a natural vitamin in a food is superior to an added or synthetic vitamin, or to differentiate in any way between vitamins naturally present from those added.

Effective date. All labeling ordered after December 31, 1973, unless extended by the Commissioner on petition for good cause shown, and all labeling used for products shipped in interstate commerce after December 31, 1974, shall comply with this regulation. (Secs. 201, 403, 701(a), 52 Stat. 1040–1042 as amended, 1047, 1055; 21 U.S.C. 321, 343, 371(a).)

Dated: March 7, 1973.

CHARLES C. EDWARDS,
Commissioner of Food and Drugs.

NOTE: Incorporation by reference provisions approved by the Director of the Federal Register, January 15, 1973.

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PART 1—REGULATIONS FOR THE ENFORCEMENT OF THE FEDERAL FOOD, DRUG, AND COSMETIC ACT AND THE FAIR PACKAGING AND LABELING ACT

Labeling of Foods With Information on Cholesterol and Fat and Fatty Acid Composition

In the FEDERAL REGISTER of January 19, 1973 (38 FR 2132), the Commissioner of Food and Drugs published a regulation relating to labeling foods with information on cholesterol and fatty acid composition. The regulation reflected the comments received on proposals published on June 15, 1971 (36 FR 11521), concerning cholesterol and fatty acid labeling. Thirty days were provided for additional comments on technical corrections or modifications. The Commissioner received more than 20 additional comments on the published regulation.

The comments from manufacturers were directed toward the triggering of nutrition labeling when fatty acid labeling was provided, the restrictions on label statements other than those provided for in the regulation, and the analytical procedures to be used for determining compliance. Other comments received from manufacturers included a request to allow products with less than 2 grams of fat in a serving to be labeled with fatty acid informaton; a request to delete the words "fatty acid" from the required heading (i.e., "Polyunsaturated fatty acid") and to use the word "fat" instead; a request to delete the statement of the percent of calories from fat and definition of servings; and a request to delete the required statement which makes reference to physicians advising the use of diets.

Two comments were received stating that the proposed labeling for fat was derogatory that no lower limit for fat content was proposed, suggesting that fat was not a valuable ingredient. It was suggested that the Commissioner establish a standard for the percent of calories from fat so that a food could state what percent of this daily fat standard it contained in a manner similar to that permitted for protein.

Comments received from consumers or consumer representation gave strong support to the cholesterol and fatty acid labeling. Their comments include a request that complete nutrition labeling be required whenever cholesterol content was stated, that the ratio of polyunsaturated to saturated fatty acids be listed (P/S ratio), and that servings be defined.

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After considering all comments and suggestions for change submitted, the Commissioner has concluded to make a number of technical modifications to the final regulation, as outlined in the following discussion.

I. CHOLESTEROL LABELING

1. The suggestion that cholesterol labeling also require nutrition labeling was based on the contention that products listing a lower cholesterol content than usually found for that product class should disclose total nutritional value. The Commissioner concludes that there is merit in this suggestion, in that it would provide consumers with the same total information for both fatty acids and cholesterol. In reviewing products for which cholesterol labeling would provide consumers with useful information, primarily foods from those classes which are major contributors to dietary cholesterol of fabricated substitutes, it appears that nutrition labeling would serve a useful purpose. The regulation has therefore been changed in this respect.

The combining of cholesterol and nutrition labeling results in several additional technical changes to make the provisions of nutrition labeling apply to this section. In this issue of the FEDERAL REGISTER, the Commissioner is also publishing technical modifications to the nutrition labeling regulations of § 1.17 (21 CFR 1.17) reflecting the additional comments received on that regulation. Several of the proposed changes in cholesterol and fatty acid labeling are discussed in the preamble to that document and are incorporated into that regulation. These include provisions for using portions as well as servings, a partial exemption for institutional food products, and a provision for providing information to health and education professionals.

2. The suggestion was made that cholesterol content be declared in 5-milligram increments. While it does not appear that permitting actual values for cholesterol content would cause any problem, a more uniform statement of cholesterol content, in 5-milligram increments, would afford consumers a more uniform method of comparison. The regulation has therefore been modified to require cholesterol content to be stated in the nearest 5-milligram increment.

3. One manufacturer requested that a series of names be established for low, reduced, or cholesterol-free products. The Commissioner does not at this time propose to attempt to establish any common names of this type on his own initiative. Manufacturers with products which might be labeled with a common or usual name incorporating such statements may submit an appropriate petition under new Part 102, which establishes a procedure for adopting a common or usual name for a food, and which is published elsewhere in this issue of the FEDERAL REGISTER. Such names may not be false or misleading, and will be required to provide sufficient information to consumers that they can easily identify the product.

II. FAT AND FATTY ACID LABELING

1. The Food and Drug Administration (FDA) did not intend to suggest that the fat portion of the diet was unimportant. However, the Commissioner concludes that there is no good reason at this time for FDA to establish a U.S. Recommended Daily Allowance (U.S. RDA) for fat. There appears to be no deficiency of fat in the American diet. If there is a need for a standard for the quality of fat in the diet, it would be more appropriate to request that the Food and Nutrition Board of the National Academy of Science consider establishment of such a standard.

With respect to establishing a lower compliance limit for fat content, the Commissioner has concluded that no exact minimum figure is needed for determining compliance with the label declaration of fat. Manufacturers will be expected to follow good manufacturing practices in the production of products, and the label declaration of fat, carbohydrates, and calories will reflect such practices.

2. Several manufacturers and associations requested that the term "fatty acid" be dropped from the required declaration, on the basis that this term would confuse consumers. In addition, it was pointed out that the calculation of the fatty acid class was in fact made on the basis of the triglycerides, not the fatty acids, and therefore should not be referred to as "fatty acids." Comments were also received asking that the class "other fatty acids" be deleted.

With respect to the use of the term "fatty acids," it is probably true that consumers recognize "polyunsaturated" and "saturated" in relation to fat-modified diets, and the more technically correct term "fatty acids" could be confusing. The Commissioner agrees that the deletion of the term "fatty acids" will not result in any misunderstanding of the label by consumers, and has therefore changed the regulation.

In regard to deletion of the term "other fatty acids" there is only limited comment either supporting deletion or requesting retention of this statement. With the deletion of the term "fatty acid," the word "other" no longer can be easily understood, and might be misunderstood to mean that the "other" category has some special value. The original intent was to provide a means for identifying the total fat content, but it appears that this is less important than reducing the danger of consumer confusion. Thus, the category of "other fatty acids" has been deleted.

3. Two comments were received asking that the statement on the percent of calories from fat be deleted. A comment was received supporting retention of this provision. In the preamble to the published regulation, reference was made that percent of calories from fat was considered useful. No evidence was submitted that this would create any hardship. Accordingly, no change is made in the regulation in this respect.

4. A major objection related to the restrictions on any other statements on cholesterol and fatty acids content on the label or in labeling. Manufacturers felt that such restrictions were unreasonable, and that they had a right to provide such information if it was true and not misleading. Their concern was that consumers would not be able easily to identify products that might be useful in low cholesterol or fat-modified diets.

The Commissioner concludes that unrestricted statements on the principal display panel highlighting the cholesterol or fatty acid content overemphasize these components and could mislead consumers into believing that the medical basis for a fat-modified diet has been firmly established. However, the Commissioner also recognizes the need to identify a product on the shelf of the food store, and consideration has therefore been given to how this best can be done. For purposes of identifying a product which has cholesterol or fatty acid information on the label, a statement has been included in the revised regulation which can appear on the principal display panel. This will be a standard statement, to avoid the possibility that every manufacturer would use a different statement, thus further confusing the consumers. The restriction on other statements is retained.

5. The Commissioner discussed in the preamble to the January 19, 1973, regulation, the need for limiting fatty acid labeling to foods which made a reasonable contribution to the total daily fat intake. The requirement that a product provide at least 2 grams of fat in a serving is reasonable. No valid reasons or data were provided to support changing this limit, and it has been retained in the regulation.

6. A request was received to permit, in fatty acid statements, the content of fatty acid to be rounded off to the nearest gram. It was the intent of the Commissioner that this be done, and this change has been incorporated into the regulation.

7. Another request was made to require the polyunsaturate/saturate content ratio (P/S ratio) to be placed on the label. This was fully discussed in the preamble to the regulation as published on January 19, 1973. The Commissioner had concluded that stating the content of polyunsaturated and saturated fatty acids is adequate. Thus no change is made in this aspect of the regulation.

8. The deletion of mandatory nutrition labeling when fatty acid information is provided was requested by manufacturers and trade associations. They were particularly concerned with the inclusion of full nutrition labeling on products such as vegetable oils and shortenings where the product contains only fat and the label would show positive values for only calories and fat, and

zero for all other nutritional components.

The Commissioner considered this problem prior to publishing the final regulations on January 19, 1973, and concluded that the consumer needs full nutrition labeling in order to evaluate products bearing fatty acid labeling. The provision for nutrition labeling is therefore retained unchanged.

9. Several manufacturers requested deletion of the required statement regarding physicians advising individuals to use modified diets, as they contended that this statement would be misunderstood by consumers. A comment strongly supporting the statement was received from a consumer organization which felt that individuals considering the special information provided by fatty acid and cholesterol labeling should be reminded that major diet changes should be carried out under medical direction. The Commissioner concludes that it is essential that consumers understand that a modified diet should be undertaken only with the advice and guidance of a physician and only as a total program. The required label statement has been retained in the final regulation.

10. Many manufacturers objected to the use of the Canadian Food and Drug Directorate Method FA–59 for determining the level of cis,cis-methylene-interrupted polyunsaturated fatty acid as part of the compliance program. The concerns expressed by those manufacturers were essentially the same as those stated in response to the proposal published June 15, 1971. In the preamble to the January 19, 1973, regulation, the Commissioner stated in the discussion of this question that FDA had modified the procedure so that it could be applied to products covered by this regulation. Copies of these modifications will be made available to interested parties upon request to the Bureau of Foods, Food and Drug Administration, 200 C Street SW., Washington, DC 20204. The principal reason for using the method adopted for cis,cis-methylene-interrupted polyunsaturated fatty acids is to eliminate interference from trans forms of the polyunsaturated fatty acids. Use of the Association of Official Analytical Chemists (AOAC) methods for polyunsaturated fatty acids determinations will also be acceptable where trans forms are not present. The Commissioner has also stated in the regulation that alternative methods of analysis may be submitted to FDA for determination of their acceptability, and he encourages manufacturers to use this route to handle specific problems of analysis on individual food products. The reference to methods for analysis in the regulation has therefore been retained.

Accordingly, having considered the additional comments received and other relevant information, the Commissioner concludes that new § 1.18 as promulgated in the FEDERAL REGISTER of January 19, 1973 (38 FR 2132), should be repromulgated to reflect the technical modifications discussed above.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 201, 403, 701(a), 52 Stat. 1040–1042 as amended, 1047–1048 as amended, 1055; 21 U.S.C. 321, 343, 371(a)) and under authority delegated to the Commissioner (21 CFR 2.120), § 1.18 as promulgated on January 19, 1973 (38 FR 2132), is amended to read as follows:

§ 1.18 Labeling of foods in relation to fat, fatty acid, and cholesterol content.

(a) Implicit or explicit claims for the value of food in preventing or treating heart or artery disease can be misleading to consumers. However, a significant segment of the medical community is recommending that individuals modify their total diet by eliminating certain foods or by replacing certain foods with others in order to effect changes in the levels of blood components. Although there have been no definitive studies which have demonstrated beyond doubt that extensive changes in the consumption of fat and cholesterol by the general public are desirable, it is nevertheless appropriate to provide for informative labeling which will help individuals to identify foods for inclusion in fat-modified diets recommended by physicians. It is also appropriate to prohibit label statements which misrepresent specific foods as being, of themselves, of value in the control of the levels of these blood components or in the control of heart or artery disease.

(b) A food label or labeling may include a statement of the cholesterol content of the food: *Provided*, That it meets the following conditions:

(1) The food is labeled in compliance with the provisions of § 1.17.

(2) The following information is included in the following order, in accordance with the provisions of § 1.17 (c) (6) (ii):

(i) The cholesterol content, stated to the nearest 5-milligram increment per serving.

(ii) The cholesterol content, stated to the nearest 5-milligram increment per 100 grams of the food.

(iii) The statement required by paragraph (d) of this section.

(c) A food label or labeling may include information on the fatty acid content of the food: *Provided*, That it meets the following conditions:

(1) The food contains 10 percent or more fat on a dry weight basis and not less than 2 grams of fat in an average serving. Any food containing less than 10 percent total fat on a dry weight basis and/or containing less than 2 grams of fat in a serving is not suitable for use by man as a means of regulating the intake of fatty acids.

(2) The food is labeled in compliance with § 1.17 and the following information is included in the following order in accordance with § 1.17(c) (6) (ii):

(i) The total fat content in terms of the percentage of the total calories in the food provided by fat with the heading "Percent of calories from fat."

(ii) The amount of fatty acids, calculated as the triglycerides, shall be stated in grams per serving to the nearest gram in the following two categories, stated with the following headings, in the following order, and displayed in equal prominence:

(a) *Cis, cis* - methylene - interrupted polyunsaturated fatty acids, stated as "Polyunsaturated";

(b) The sum of lauric, myristic, palmitic, and stearic acids, stated as "Saturated"; and

(iii) The statement required by paragraph (d) of this section.

(d) A food labeled in accordance with paragraph (b) or (c) of this section shall display the following statement on the label: "Information on fat (and/or cholesterol, where appropriate) content is provided for individuals who, on the advice of a physician, are modifying their total dietary intake of fat (and/or cholesterol, where appropriate)."

(e) Compliance with this section shall be determined as follows:

(1) A collection of primary containers or units of the same size, type, and style produced under conditions as nearly uniform as possible, designated by a common container code or marking or, in the absence of any common container code or marking, a day's production, constitutes a "lot."

(2) The sample for analysis shall consist of a composite of 12 subsamples (consumer units), taken one from each of 12 different randomly chosen shipping cases, to be representative of a lot.

(3) Composites shall be analyzed for fat and saturated fatty acids by the methods of the Association of Official Analytical Chemists (AOAC). The methods for fat, fatty acids, and cholesterol will be those of the Association of Official Analytical Chemists (AOAC), or other reliable and appropriate methods. Alternative methods of analysis may be submitted to the Food and Drug Administration to determine their acceptability. The determination of cis,cis-methylene-interrupted polyunsaturated fatty acids will be the Canadian Food and Drug Directorate Method FA–59[1] for cis,cis-methylene-interrupted fatty acid.

(4) A food with a label declaration of cholesterol content shall be deemed to be misbranded under section 403(a) of the act if the content of the composite is greater than 20 percent in excess of the value for the cholesterol content declared on the label.

(5) A food with a label declaration of fat content shall be deemed to be misbranded under section 403(a) of the act if the content of the composite is greater than 20 percent in excess of the value for the fat content declared on the label or less than required by good manufacturing practices.

(6) A food with a label declaration of fatty acid content shall be deemed to be

[1] Copies of the method may be obtained by writing to Division of Nutrition, BF–124, Bureau of Foods, Food and Drug Administration, 200 C Street SW., Washington, DC 20204.

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misbranded under section 403(a) of the act if the content of the composite is greater than 20 percent in excess of the value, or less than 80 percent of the value, for the fatty acid content declared on the label.

(f) Label statements made in accordance with paragraphs (b), (c), or (d) of this section shall comply with the requirements of § 1.8d, but in no case may they be printed in larger than the minimum size type required by the provisions of § 1.8b for the declaration of net quantity of contents.

(g) No label or labeling may contain a claim indicating, suggesting, or implying that the product will prevent, mitigate, or cure heart or artery disease or any attendant condition. The principal display panel of the label may state "cholesterol (fat) information appears _____," the blank to be filled in with a phrase stating where the information is contained. The statement shall appear in one-sixteenth-inch type size or in the alternative in a type size no larger than one-half the minimum type size required for the declaration of net quantity of contents by the provisions of § 1.8b of this chapter.

(h) Any label or labeling containing a statement on cholesterol and fatty acid content not in conformity with this section shall be deemed to be misbranded under sections 201(n) and 403(a) of the act.

Effective date. All labeling ordered after December 31, 1973, and all labeling used for products shipped in interstate commerce after December 31, 1974, shall comply with this regulation.

(Secs. 201, 403, 701(a), 52 Stat. 1040–1042 as amended, 1047–1048 as amended, 1055; 21 U.S.C. 321, 343, 371(a))

Dated: March 7, 1973.

CHARLES C. EDWARDS,
Commissioner of Food and Drugs.

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COMMON OR USUAL NAMES FOR NONSTANDARDIZED FOODS

In the FEDERAL REGISTER of June 22, 1972 (37 FR 12327), the Commissioner of Food and Drugs proposed a procedure for the establishment by regulation of common or usual names for foods. The Commissioner also proposed to establish a common or usual name for seafood cocktails, to include the percentage of the characterizing seafood ingredient(s).

Seventy-nine comments were received in response to the proposal. Forty-eight comments (including two consumer comments bearing, respectively, 132 and 50 signatures) endorsed the proposal. Of these, 21 suggested additional requirements. Twelve comments were in opposition to the proposal. Nineteen expressed neither endorsement nor opposition, but requested modification, clarification, specific exemptions, or additional requirements.

The Commissioner has evaluated all the comments. The points raised and the Commissioner's responses are as follows:

1. Twenty-eight requests were made that the proposal be expanded to include additional labeling requirements such as the percentage of all ingredients for all foods; the percentage of primary ingredients for all foods; the percentage of fats, carbohydrates, and proteins; the vitamin and mineral content; and the specific source of ingredients.

The Commissioner concludes that percentage labeling of ingredients should be restricted to situations where this information has a material bearing on price or consumer acceptance of the food, or where such information may prevent deception. Labeling the percentage of all ingredients would be extremely costly and would provide no proven benefits to consumers. A mechanism for estalishing a regulation requiring labeling of the percentage of all "primary" ingredients that have a material bearing on the price or consumer acceptance is provided for in this regulation.

Since receipt of the comments relating to this matter, the Commissioner has published regulations in the FEDERAL REGISTER of January 19, 1973 (38 FR 2125), relating to nutrition labeling. Labeling the specific source of ingredients is still under consideration and is not the subject of this regulation.

2. Several objections were made on the ground that authority for establishing the common or usual name does not exist outside of section 401 of the act. The objections were as follows:

a. There is no legal basis for the application of section 201(n) of the act to the establishment of common or usual names.

b. A product containing a substantial and adequate quantity of a characterizing ingredient does not need the amount disclosed, since this is not a "material fact" within the meaning of section 201(n).

c. The proposal establishes, with no authority, a new method of promulgating standards of identity.

d. The proposal is contrary to congressional intentions that the common or usual name shall be established only under section 401 with safeguards of section 701(e) of the act.

The Food and Drug Administration (FDA) has, in the past, determined the name of a specific product, and required the percentage labeling of specific ingredients under sections 201(n), 403, and 701(a) of the act (e.g., 21 CFR 1.10(d), 3.6, 3.34, and 3.70, of which the latter three are revoked by this order and transferred to new Part 102). After reviewing all comments, the Commissioner concludes that the statutory provisions contain ample authority for the establishment of common or usual names that may or may not include the percentage of any characterizing ingredient(s), and that the regulation is well within the congressional intent.

The Commissioner does not agree that the disclosure of the amount of a characterizing ingredient is not a "material fact" within the meaning of section 201(n). Disclosure of this fact is often necessary for the consumer to choose between two competing products when the amount of the ingredient is important to the value of the food.

The Commissioner agrees that a name may be determined by regulation through the establishment of a standard of identity under section 401 of the act, and proposes to continue utilizing this alternative method whenever appropriate. Section 401 does not, however, preclude the establishment of a common or usual name under other sections of the act.

In response to several objections that there are no provisions in the proposal for formal hearings, the Commissioner notes that no hearing is required by the Federal Food, Drug, and Cosmetic Act or the Administrative Procedure Act for regulations promulgated pursuant to section 701(a) of the Federal Food, Drug, and Cosmetic Act. The Commissioner concludes that there is sufficient opportunity for public participation in the development of regulations establishing a common or usual name. Any interested person may submit a petition to establish a common or usual name. Any proposal published in the FEDERAL REGISTER will allow at least 60 days for comment. Interested persons may submit counterproposals, or may discuss any proposal with FDA officials, or may request an informal hearing, which may be granted if good cause is shown. The regulation establishing the common or usual name for Greenland turbot was published after such an informal hearing. All information that could be produced at a formal hearing can be submitted in comments, and the requirement of a formal hearing would serve only to delay new regulations. The Commissioner concludes that neither a formal hearing nor an informal hearing in every case would be in the public interest.

3. Several comments argued that there is no need for new regulations establishing the common or usual name of foods, because this can be done through a standard of identity. The Commissioner concludes that standards of identity are appropriate and useful, and will continue to be promulgated, where there is a need to prescribe the entire compositional requirements for a food, in addition to the name of the food. Often, however, there is a need simply to establish a uniform and informative name for a food without the compositional aspects of a food standard and, in these instances, a food standard is inappropriate.

4. Many industry representatives recommended that the proposal, if adopted, be amended to include clarification regarding the intended application of the regulation. The matters suggested for clarification may be stated as follows:

a. Will the common or usual name of all nonstandardized foods be established where no such name now exists?

b. How will names for "like" products and "similar" products be selected without defining such products?

c. What would prevent a firm from developing a food similar to a standardized food but giving it a different name by adding the percent of characterizing ingredients to the label?

Common or usual names will not be established under Subpart B of Part 102 for all nonstandardized foods. Such names will be established by such regulation only when it is necessary fully to inform the consumer, or where different names are used for the same product by different manufacturers.

Common or usual names for "like" or "similar" products, where none now exists, may be proposed under the provisions of this regulation and will reflect the reasonable expectations of consumers. The name itself will accurately identify or describe the basic nature or characterizing properties of the food in a way that will distinguish it from other foods.

A food that purports to be a standardized food does not cease purporting to be a standardized food merely because its label bears the percent of characterizing ingredients. The label of a food which neither purports to be nor is represented as being a standardized food must bear on the label its common or usual name, which may not be false or misleading. Nor may a manufacturer avoid a standard merely by adding an ingredient not permitted in the standard unless that ingredient substantially changes the nature or characteristics of the food. Thus, addition of another nutrient to an enriched standardized food would not be permissible ("Federal Security Administrator v. Quaker Oats Co.," 318 U.S. 218 (1942)). Use of a new method or process, with or without an added artificial sweetener, to produce a substantial reduction in calories would, on the other hand, result in the new product not purporting to be the standardized food if a distinctive descriptive name is used and the food is not an "imitation" under proposed new § 1.8(e) (38 FR 2138).

The Commissioner recognizes that there will inevitably be close questions in specific instances. The FDA urges consumer and industry representatives to work together on resolving these matters. Where there exists a lack of uniformity in the names used for a class of food, or where the name used is not sufficiently informative, or where the FDA is requested to provide an opinion, the FDA will propose a regulation to settle the matter.

5. Several comments and requests for clarification were received relative to the term "characterizing ingredient." These comments and requests for clarification may be stated as follows:

a. What is a "characterizing ingredient"? Isn't each ingredient added to a food "characterizing" to some degree?

b. What degree of accuracy is required when determining the percentage of the characterizing ingredient?

c. At what stage of the manufacturing process is the determination of the percentage of the characterizing ingredient made?

d. How is the common or usual name of the characterizing ingredient determined?

The regulation makes clear that a "characterizing ingredient" which is required to be labeled by percentage is one whose proportion in the food has a material bearing on price or consumer acceptance or which a consumer might otherwise believe to be present in an amount greater than is actually the case. Thus, although a flavor may be "characterizing" in many instances, it is not the type of characterizing ingredient which would require either percent declaration or a declaration of absence (although it would be required to be declared in accordance with the provisions of § 1.12 (38 FR 2139)). Similarly, the amount of flour in bread would not be regarded as sufficiently important to require percentage labeling.

The declaration of the percentage of a characterizing ingredient must accurately express the amount of the ingredient contained in the food. Reasonable excesses over labeled amounts are acceptable within the limits of good manufacturing practice. The percentage of a characterizing ingredient present in a food shall be determined on the basis of its quantity in the finished product (i.e., weight/weight in the case of solids, or volume/volume in the case of liquids) unless otherwise provided in an individual regulation.

The common or usual name of a characterizing ingredient will be the accepted name of the ingredient in common use at the time a proposal is made to establish labeling requirements for the ingredient. The name of the ingredient will ordinarily be included in a regulation under Subpart B of Part 102.

6. Some comments contended that the minimum type size requirement is unnecessary and unreasonable, particularly with respect to small labels. Both lesser and minimum type sizes were suggested. The act requires prominence of mandatory information, and the Commissioner concludes that the regulations should define the type size required for the necessary prominence. The final regulation therefore retains the type size requirement, but provides that any interested person may petition the Commissioner to establish, where justified, a smaller type size for the required information.

7. Comments and requests for modification were received about the manner in which the percentage declaration was proposed to be set forth. These may be stated as follows:

a. The proposal should be modified to allow the word "percent" to be expressed by the symbol "%".

b. The word "containing" should not be mandatory, since it will be impossible to place this word on labels of small packages and it is not essential to the declaration.

The Commissioner agrees with both of these comments and the regulation has been changed accordingly.

8. Some comments contended that the proposal could interfere with this country's acceptance of the Codex Alimentarius standards. The Commissioner concludes that promulgation of regulations establishing the common or usual name of a food will not prevent consideration of standards recommended by the Codex Alimentarius Commission. Whether a particular Codex standard is to be accepted by this country will be decided on a case-by-case basis, regardless of whether a common or usual name has been established by regulation for the food. If, subsequent to the promulgation of a regulation establishing a common or usual name, a Codex Standard is adopted by establishing or amending a U.S. food standard, such action would have the effect of superseding or revising, as necessary, the original regulation. The Commissioner therefore concludes that the proposal will not interfere or conflict with acceptance by this country of Codex Standards.

9. Eight respondents contended that other factors such as count, size, and quality may be factors of equal or greater importance in determining value than the percentage of the characterizing ingredient. The Commissioner agrees that characteristics other than percentage may influence both price and consumer acceptance. The establishment of informative common or usual names will make new information available to the consumer without subtracting from, or otherwise affecting, any other information or means by which the consumer judges acceptability. Nothing in this regulation precludes the use of such information in labeling or excuses labeling from the requirement that it not be false or misleading in any particular.

10. Questions have also been raised about the applicability of new Part 102 to situations involving the presence or absence of a characterizing ingredient or component. The Commissioner had intended that this be covered by use of a label declaration of the percentage of ingredient, including zero percent, under the proposal. In order to clarify this intent and to provide greater flexibility in the permitted label declaration, the final regulation contains specific provisions relating to declaration of the presence or absence of a characterizing ingredient as well as provisions for requiring a statement, where applicable, that a characterizing ingredient must be added to prepare a final product.

11. Comments also were directed specifically to the proposed common or usual name for seafood cocktails. Two industry representatives asserted that there was no need for a seafood cocktail regulation. Another comment expressed concern that the percentage declaration may mislead the consumer into purchasing

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an "inferior" product which contains a large quantity of a relatively unacceptable or low quality ingredient.

The Commissioner concludes that there is a need for the regulation since, as noted in the seventh paragraph of the preamble to the proposal, there have been complaints concerning both the amount of seafood present in such cocktails and the use of labeling which suggests a greater proportion of seafood than is actually present. The percentage declaration will not mislead the consumer into purchasing an inferior product. The label will clearly show the percentage of each seafood ingredient. The consumer will also be able to continue to judge the product by quality, size, or other criteria of acceptability, in addition to this new information that will be made available.

12. In response to the proposal, requests for exemptions, including exemptions from type size requirements were received for nonstandardized foods "resembling margarine or butter", foods for special dietary uses, pet food, and certain juice drinks. The Commissioner advises that any requests for an exemption for a specific product should be made at the time, if such occurs, that a proposal for establishing the common or usual name of that particular food or class of foods is being considered. After a common or usual name has been established by regulation, a petition may also be filed pursuant to the provisions of § 102.2 (21 CFR 102.2) to amend the regulation or to establish alternative labeling requirements (e.g., a smaller type size).

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 201(n), 403, 701(a), 52 Stat. 1041 as amended, 1047–48 as amended, 1055; 21 U.S.C. 321(n), 343, 371(a)), and under authority delegated to the Commissioner (21 CFR 2.120), Chapter 1 of Title 21 of the Code of Federal Regulations is amended as follows:

PART 1—REGULATIONS FOR THE ENFORCEMENT OF THE FEDERAL FOOD, DRUG, AND COSMETIC ACT AND THE FAIR PACKAGING AND LABELING ACT

1. In Part 1 by adding a new sentence to the end of paragraph (d) in § 1.10, as follows:

§ 1.10 Food; labeling; designation of ingredients.

* * * * * *

(d) * * * A label may be required to bear the percentage(s) of a characterizing ingredient(s) or information concerning the presence or absence of an ingredient(s) or the need to add an ingredient(s) as part of the common or usual name of the food pursuant to Subpart B of Part 102 of this chapter.

PART 3—STATEMENTS OF GENERAL POLICY OR INTERPRETATION

§§ 3.6, 3.34, and 3.70 [Revoked]

2. In Part 3 by revoking §§ 3.6, 3.34, and 3.70.

PART 102—COMMON OR USUAL NAMES FOR NONSTANDARDIZED FOODS

3. By adding a new part consisting at this time of the following subparts and sections:

Subpart A—General

Sec.
102.1 General principles.
102.2 Petitions.
102.3–4 [Reserved]

Subpart B—Common or Usual Names

102.5 Seafood cocktail.
102.6 Greenland turbot.
102.7 Crabmeat.
102.8 Bonito.

AUTHORITY: Secs. 201(n), 403, 701(a), 52 Stat. 1041 as amended, 1047–48 as amended, 1055; 21 U.S.C. 321(n), 343, 371(a)).

Subpart A—General

§ 102.1 General principles.

(a) The common or usual name of a food, which may be a coined term, shall accurately identify or describe, in as simple and direct terms as possible, the basic nature of the food or its characterizing properties or ingredients. The name shall be uniform among all identical or similar products and may not be confusingly similar to the name of any other food that is not reasonably encompassed within the same name. Each class or subclass of food shall be given its own common or usual name that states, in clear terms, what it is in a way that distinguishes it from different foods.

(b) The common or usual name of a food shall include the percentage(s) of any characterizing ingredient(s) or component(s) when the proportion of such ingredient(s) or component(s) in the food has a material bearing on price or consumer acceptance or when the labeling or the appearance of the food may otherwise create an erroneous impression that such ingredient(s) or component(s) is present in an amount greater than is actually the case. The following requirements shall apply unless modified by a specific regulation in Subpart B of this part.

(1) The percentage of a characterizing ingredient or component shall be declared on the basis of its quantity in the finished product (i.e., weight/weight in the case of solids, or volume/volume in the case of liquids).

(2) The percentage of a characterizing ingredient or component shall be declared by the words "containing (or contains) ____ percent (or %) ____" or "____ percent (or %) ____" with the first blank filled in with the percentage expressed as a whole number not greater than the actual percentage of the ingredient or component named and the second blank filled in with the common or usual name of the ingredient or component. The word "containing" (or "contains"), when used, shall appear on a line immediately below the part of the common or usual name of the food required by paragraph (a) of this section. For each characterizing ingredient or component, the words "____ percent (or %) ____" shall appear following or directly below the word "containing" (or contains), or directly below the part of the common or usual name of the food required by paragraph (a) of this section when the word "containing" (or contains) is not used, in easily legible boldface print or type in distinct contrast to other printed or graphic matter, and in a height not less than the larger of the following alternatives:

(i) Not less than one-sixteenth inch in height on packages having a principal display panel with an area of 5 square inches or less and not less than one-eighth inch in height if the area of the principal display panel is greater than 5 square inches; or

(ii) Not less than one-half the height of the largest type appearing in the part of the common or usual name of the food required by paragraph (a) of this section.

(c) The common or usual name of a food shall include a statement of the presence or absence of any characterizing ingredient(s) or component(s) and/or the need for the user to add any characterizing ingredient(s) or component(s) when the presence or absence of such ingredient(s) or component(s) in the food has a material bearing on price or consumer acceptance or when the labeling or the appearance of the food may otherwise create an erroneous impression that such ingredient(s) or component(s) is present when it is not, and consumers may otherwise be misled about the presence or absence of the ingredient(s) or component(s) in the food. The following requirements shall apply unless modified by a specific regulation in Subpart B of this part.

(1) The presence or absence of a characterizing ingredient or component shall be declared by the words "containing (or contains) _____" or "containing (or contains) no _____" or "no _____" or "does not contain _____," with the blank being filled in with the common or usual name of the ingredient or component.

(2) The need for the user of a food to add any characterizing ingredient(s) or component(s) shall be declared by an appropriate informative statement.

(3) The statement(s) required under subparagraphs (1) and/or (2) of this paragraph shall appear following or directly below the part of the common or usual name of the food required by paragraphs (a) and (b) of this section, in easily legible bold face print or type in distinct contrast to other printed or graphic matter, and in a height not less than the larger of the alternatives established under paragraphs (b)(2) (i) and (ii) of this section.

(d) A common or usual name of a food may be established by common usage or by establishment of a regulation in Subpart B of this part, in Part 100, in a standard of identity, or in other regulations in this chapter.

§ 102.2 Petitions.

(a) The Commissioner of Food and Drugs, either on his own initiative or on behalf of any interested person who has submitted a petition, may publish a proposal to establish or amend, under Subpart B of this part, a regulation prescribing a common or usual name for a food. Any such petition shall include an adequate factual basis to support the petition, shall be in the form set forth in § 2.65 of this chapter, and will be published for comment if it contains reasonable grounds for the proposed regulation.

(b) If the principal display panel of a food for which a common or usual name regulation is established is too small to accommodate all mandatory requirements, the Commissioner may establish by regulation an acceptable alternative (e.g., a smaller type size). A petition requesting such a regulation, which would amend the applicable regulation, shall be submitted to the Office of the Hearing Clerk in the form set forth in § 2.65 of this chapter.

Subpart B—Common or Usual Names

§ 102.5 Seafood cocktails.

The common or usual name of a seafood cocktail in package form fabricated with one or more seafood ingredients shall be:

(a) When the cocktail contains only one seafood ingredient, the name of the seafood ingredient followed by the word "cocktail" (e.g., shrimp cocktail, crabmeat cocktail) and a statement of the percentage by weight of that seafood ingredient in the product in the manner set forth in § 102.1(b).

(b) When the cocktail contains more than one seafood ingredient, the term "seafood cocktail" and a statement of the percentage by weight of each seafood ingredient in the product in the manner set forth in § 102.1(b).

§ 102.6 Greenland turbot (Reinhardtius hippoglossoides).

"Greenland turbot" is the common or usual name of the food fish *Reinhardtius hippoglossoides*, a species of *Pleuronectidae* right-eye flounders. The term "halibut" may be associated only with Atlantic halibut (*Hippoglossus hippoglossus*) or Pacific halibut (*Hippoglossus stenolepis*).

§ 102.7 Crabmeat.

The common or usual name of crabmeat derived from each of the following designated species of crabs shall be as follows:

Scientific name of crab	Common or usual name of crabmeat
Paralithodes camtschatica and *Paralithodes platypus.*	King crabmeat.
*Paralithodes brevipes*___	King crabmeat or Hanasaki crabmeat.
*Erimacrus isenbeckii*____	Korean variety crabmeat or Kegani crabmeat.
Chionoecetes opilio, Chionoecetes tanneri, Chionoecetes bairdii, and *Chionoecetes angulatus.*	Snow crabmeat.

§ 102.8 Bonito.

"Bonito" or "bonito fish" is the common or usual name of the food fish *Sardi chilensis* and *Sardi velox.*

Effective date. The amendment to § 1.10, the revocation of §§ 3.6, 3.34, and 3.70, new §§ 102.6, 102.7 and 102.8 and Subpart A of new Part 102 shall become effective on March 14, 1973. All labeling ordered for products subject to § 102.5 after December 31, 1973, and all labeling used for such products shipped in interstate commerce after December 31, 1974, shall comply with § 102.5.

(Secs. 201(n), 403, 701(a), 52 Stat. 1041 as amended, 1047–48 as amended, 1055; 21 U.S.C. 321(n), 343, 371 (a))

Dated: March 5, 1973.

CHARLES C. EDWARDS,
Commissioner of Food and Drugs.

[FR Doc.73-4670 Filed 3-13-73;8:45 am]

CERTAIN STANDARDIZED FOODS

Nutrition Labeling

In the FEDERAL REGISTER of January 19, 1973 (38 FR 2152), the Commissioner of Food and Drugs proposed to amend the labeling provisions for nutrients in existing standards of identity for foods by replacing each reference to section 403(j) of the act with a reference to the new 21 CFR 1.17 nutrition labeling regulations, also published in the January 19, 1973 FEDERAL REGISTER (38 FR 2125). Thirty days were provided for comment.

Comments received on this proposal noted that it was issued under section 701(e) of the act and therefore that any person who objects is entitled to an opportunity for a hearing. The Commissioner agrees with this comment, and the final regulation provides for the filing of objections and the opportunity for any person adversely affected to submit sufficient factual information to justify a hearing.

It has also been pointed out that food labeling requirements promulgated in 21 CFR Part 1 apply to all foods generally, including all standardized foods, and as a result need not be referenced in each food standard issued under section 401 of the act. The Commissioner agrees with this observation, and has concluded simply to delete the reference to section 403(j) of the act where it now appears in individual standards of identity, rather than to substitute a reference to § 1.17 (21 CFR 1.17) as was originally proposed. The terms of new § 1.17 apply to all standardized foods, and it is therefore unnecessary to refer specifically to these requirements in any or all enriched food standards.

The identity standards for evaporated milk (21 CFR 18.520) and concentrated milk (21 CFR 18.525) are subject to proposed revisions appearing in the September 9, 1972 FEDERAL REGISTER (37 FR 18392). The September 9, 1972 publication, also proposed the promulgation of identity standards for milk, low fat milk, and skim milk. The period for filing comments on these proposed revisions of 21 CFR Part 18 has been extended to July 1, 1973, as announced in the February 13, 1973 FEDERAL REGISTER (38 FR 4347). At such time as an order is published for 21 CFR Part 18, the Commissioner will revise §§ 18.2, 18.520, and 18.525 to delete the reference to section 403(j) of the act.

Published elsewhere in this issue of the FEDERAL REGISTER is a notice staying the effective date of the order published in the March 11, 1972 FEDERAL REGISTER (37 FR 5224) establishing a new identity standard for orange juice drink (37 FR 5224) and deleting existing 21 CFR 27.120. The effective dates of the identity standards for canned pineapple-grapefruit juice drink (21 CFR 27.125) and canned fruit nectars (21 CFR 27.126) were stayed in the July 27, 1968 FEDERAL REGISTER (33 FR 10713). Those for cranberry juice cocktail (21 CFR 27.120) and artificially sweetened cranberry juice cocktail (21 CFR 27.128) were stayed in the July 13, 1968 FEDERAL REGISTER (33 FR 10088). Whenever the issues surrounding these stayed standards are resolved, the Commissioner will revise the standards to delete the reference to section 403(j) of the act.

The use of sodium labeling in low sodium cheddar cheese (21 CFR 19.503) and low sodium colby cheese (21 CFR 19.513) establishes these foods as represented for special dietary use. The sodium content shall be declared according to 21 CFR 125.9, which does not require full nutrition labeling under § 1.17.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 201, 403, 701(a), 52 Stat. 1040–1042 as amended, 1047, 1055; 21 U.S.C. 321, 343, 371(a)), and under authority delegated to the Commissioner (21 CFR 2.120), Parts 18, 19, 27, and 45 are amended as follows:

PART 18—MILK AND CREAM

§ 18.545 [Amended]

1. Section 18.545 is amended by deleting paragraph (d).

PART 19—CHEESES, PROCESSED CHEESES, CHEESE FOODS, CHEESE SPREADS, AND RELATED FOODS

2. Section 19.503 is amended in paragraph (f) to read as follows:

§ 19.503 Low sodium cheddar cheese; identity; label statement of optional ingredients.

* * * * * *

(f) Low sodium cheddar cheese is subject to § 125.9 of this chapter.

3. Section 19.513 is amended in paragraph (f) to read as follows:

§ 19.513 Low sodium colby cheese; identity; label statement of optional ingredients.

* * * * * *

(f) Low sodium colby cheese is subject to § 125.9 of this chapter.

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PART 27—CANNED FRUITS AND FRUIT JUICES

§ 27.54 [Amended]

4. Section 27.54 is amended by deleting the last sentence of paragraph (c)(2).

§ 27.60 [Amended]

5. Section 27.60 is amended by deleting the last sentence of subdivision (iv) of paragraph (c)(2).

6. Section 27.80 is amended by revising paragraph (d)(7) to read as follows:

§ 27.80 Canned applesauce; identity; label statement of optional ingredients.

* * * * *

(d) * * *

(7) Applesauce containing ascorbic acid (vitamin C) as provided for in paragraph (b)(8)(ii) of this section shall bear the label statement prescribed by subparagraph (6) of this paragraph and in addition thereto the statement "vitamin C added" or "with added vitamin C".

* * * * *

PART 45—OLEOMARGARINE, MARGARINE

§ 45.1 [Amended]

7. Section 45.1 is amended by deleting the last sentence of subdivision (v) of paragraph (b)(2).

Any person who will be adversely affected by the foregoing order may at any time on or before April 13, 1973, file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 6–88, 5600 Fishers Lane, Rockville, MD 20852, written objections thereto. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. Such objections must be supported by grounds factually and legally sufficient to justify the relief sought and must include a detailed description and analysis of the factual information intended to be presented in support of the objections in the event that a hearing is held. Objections may be accompanied by a memorandum or brief in support thereof. All documents shall be filed in six copies. Received objections may be seen in the above office during working hours, Monday through Friday.

Effective date. All labeling ordered after December 31, 1973, and all labeling used for products shipped in interstate commerce after December 31, 1974, shall comply with these regulations.

Dated: March 7, 1973.

CHARLES C. EDWARDS,
Commissioner of Food and Drugs.

[FR Doc.73-4673 Filed 3-13-73;8:45 am]

PART 27—CANNED FRUITS AND FRUIT JUICES

PART 102—COMMON OR USUAL NAMES FOR NONSTANDARDIZED FOODS

Diluted Orange Juice Beverages; Notice Staying Identity Standards, and Order Establishing a Common or Usual Name

In the matter of establishing definitions and standards of identity for diluted orange juice beverages (§§ 27.158–27.168) and certain related products (§§ 27.150–27.157):

In response to the order in the above-identified matter, published in the FEDERAL REGISTER of March 11, 1972 (37 FR 5224), 41 responses were received. These responses ranged from total support by several consumers to rejection of most provisions of all the standards by some industry members. A tabulation of these responses is as follows:

Beverage manufacturers	20
Industry associations	7
Ingredients manufacturers	2
Consumers	4
Consumer associations	1
State agencies or officials	5
Members of Congress	2

Ten beverage manufacturers, four industry associations, one ingredient manufacturer, one consumer association and one State agency stated that they would be adversely affected if the order becomes effective and requested a hearing to resolve the controversial aspects of the order. The remaining 24 respondents either asserted their displeasure with certain provisions of the order and recommended changes but did not request a hearing, or expressed approval of the standards as a whole.

The State of Florida Department of Citrus and the Florida Citrus Commission included in their joint response to the order a nationwide consumer survey which they had conducted to determine the extent of confusion over existing and potential labeling of diluted orange juice beverages. On the basis of the results of the original consumer survey and a followup survey submitted at a later date as supplemental support for their objection, the State agencies recommended amendments to certain labeling provisions set out in the order. This recommendation as well as all other information submitted by those responding to the order has been taken into consideration by the Commissioner in his conclusions that follow herein.

Controversy has surrounded proposals to establish identity standards for diluted orange juice beverages ever since they were first published in the FEDERAL REGISTER of August 13, 1964 (29 FR 11621). Those responding to the proposals and the order published in the FEDERAL REGISTER of May 7, 1968 (33 FR 6862), ruling on the 1964 proposals, opposed every provision of the proposed standards. Consequently, the Commissioner stayed the effective date of that order pending resolution of the issues raised by the objections at a hearing.

Most of the controversy surrounding the stayed standards resulted from differences between representatives of packers from the two major orange-producing areas of the United States and by others siding with one or the other. The most controversial issues involved the names, minimum orange juice requirements, and added color and other ingredients used. In an attempt to avoid a lengthy and costly hearing, the Commissioner granted a request by industry to postpone the scheduling of the hearing to allow representatives of the two major associations (Florida Canners Association and the National Juice Products Association) time in which to resolve their differences at informal meetings. Industry negotiators met in a number of sessions over a 2-year period, but failed to reach full agreement. Consequently, the associations submitted separate petitions proposing to amend the stayed standards for diluted orange juice beverages and to establish standards of identity for certain related products. These proposals, along with one by the Commissioner, were published in the FEDERAL REGISTER of September 9, 1971 (36 FR 18098). The Commissioner published a final order in the FEDERAL REGISTER of March 11, 1972 (37 FR 5224), ruling on the September 9, 1971, proposals, and petitioner associations and others have now filed objections to most of the provisions set out in the Commissioner's order. As a consequence, the development of standards for these beverages has progressed very little since 1964.

Consumers are still confronted with an array of names in the labeling of diluted orange juice beverages which do not inform them that these beverages may contain from more than zero percent to less than 100 percent orange juice. As a result they have no way to make a value comparison of the beverages at the time of purchase. Under these circumstances, it is the judgment of the Commissioner that a further delay in putting into effect the most useful and least controversial provision of the standards of identity for diluted orange juice beverages (i.e., the declaration of the amount of juice present in the beverage as part of the common or usual name of the product) would not be in the public interest.

Upon review of the objections and other comments submitted, it is apparent that, with the exception of the requirement for declaration of the amount of juice present in the beverage, most of the important features of the definitions and standards of identity remain in substantial controversy. Moreover, it would be confusing to stay the provisions of these definitions and standards of identity to which valid objections have been made, and to allow other provisions to become effective, because this would involve distinguishing between sentences, and in some instances even parts of sentences. Accordingly, the Commissioner has concluded that the definitions and standards of identity should be completely stayed pending a full public hearing on the matter, and that a separate regulation should be issued as a final order pursuant to new Part 102, which is published elsewhere in this issue of the FEDERAL REGISTER, establishing the percent of orange juice as part of the common or usual name for all diluted orange juice beverages. This will achieve the major goal of the Food and Drug Administration, in making certain that consumers are better informed about the nature of the product they are purchasing.

The concept of requiring declaration of the percent of orange juice in diluted orange juice products, as part of the common or usual name of the product, has already been the subject of a proposal and a final order, and consumers and industry have therefore commented upon it twice. The comments submitted on this aspect of the definitions and standards of identity, and the Commissioner's conclusions, are as follows:

1. It was commented that the "%" sign should be permitted in lieu of the word "percent." The Commissioner agrees and new § 102.9 so provides.

2. Three comments stated that the word "containing" should not be required. The Commissioner agrees, and the regulation so provides.

3. Two comments objected to including the percent of orange juice as part of the name, and one objected to the use of particular placement and type size requirements. The Commissioner rejects these comments. It is obvious that orange juice is the characterizing ingredient in diluted orange juice beverages, that the amount of orange juice has a material bearing on both price and consumer acceptance, and that the orange appearance and taste of the product would create an erroneous impression of greater orange juice content than is actually the case unless the amount of orange juice is prominently labeled. The same placement and type size requirements that will apply to all common or usual names under Part 102 will also apply in this instance. The Commissioner has concluded that insufficient information presently exists to determine whether a smaller type size is supportable. A request for use of a smaller type size, if justified, may be submitted pursuant to § 102.2.

4. A number of objections were submitted to the use of 2-percent increments for products containing more than zero to less than 10 percent orange juice and to the use of 5-percent increments for products containing more than 10 percent orange juice. Having reviewed the objections it is now the opinion of the Commissioner that label declaration of increments of less than 5 percent in orange juice content is not significant and should not be so represented. Manufacturers, using reasonable controls and within the variables found in good manufacturing practices, will be able accurately to label their products in 5-percent increments with the percentage of orange juice expressed as a multiple of five not greater than the actual percentage of orange juice present (except that products containing less than 5 percent but more than zero percent orange juice shall bear a percentage declaration "less than 5%"). The Commissioner concludes that the percentage labeling requirements set out in § 102.9 below are reasonable and not misleading to consumers.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 201, 401, 403, 701, 52 Stat. 1040–1042, 1046, 1047–1048, 1055–1056, 21 U.S.C. 321, 341, 343, 371) and under authority delegated to him (21 CFR 2.120), the Commissioner of Food and Drugs hereby orders that:

1. The order establishing definitions and standards of identity for diluted orange juice beverages (21 CFR 27.158–27.168) and certain related products (21 CFR 27.150–27.157), published in the FEDERAL REGISTER of March 11, 1972 (37 FR 5224), is stayed in its entirety. As provided for in 21 CFR 2.69 a notice of hearing will be published in the FEDERAL REGISTER at a future date.

2. The following new section is added to Part 102 of this chapter:

§ 102.9 Diluted orange juice beverages.

(a) The common or usual name of a noncarbonated beverage containing less than 100 percent and more than 0 percent orange juice shall be as follows:

(1) A descriptive name for the product meeting the requirements of § 102.1(a) (e.g., diluted orange juice beverage or another descriptive phrase) and

(2) A statement of the percent of orange juice contained in the product in the manner set forth in § 102.1(b)(2). The percent of orange juice shall be declared in 5-percent increments, expressed as a multiple of five not greater than the actual percentage of orange juice in the product, except that the percent of orange juice in products containing more than 0 percent but less than 5-percent orange juice shall be declared in the statement as "less than 5" percent.

(b) The percent of orange juice in the product shall be determined on the basis of the orange juice having an equivalent single strength of 11.8 percent orange juice soluble solids.

Effective date. The stay of the definitions and standards of identity for diluted orange juice beverages shall be effective immediately. All labeling ordered for products subject to § 102.9 after December 31, 1973, and all labeling used for such products shipped in interstate commerce after December 31, 1974, shall comply with § 102.9.

(Secs. 201, 401, 403, 701, 52 Stat. 1040–1042, 1046, 1047–1048, 1055–1056; 21 U.S.C. 321, 341, 343, 371)

Dated: March 5, 1973.

CHARLES C. EDWARDS,
Commissioner of Food and Drugs.

[FR Doc.73-4674 Filed 3-13-73;8:45 am]

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 100—NUTRITIONAL QUALITY GUIDELINES FOR FOODS

General Principles and Frozen Dinner Guideline

In the FEDERAL REGISTER of December 23, 1971 (36 FR 24822), the Commissioner of Food and Drugs proposed a procedure and general principles for the establishment by regulation of nutritional quality guidelines for foods. The Commissioner also proposed, at the same time, the first such guideline, for precooked frozen convenience "heat and serve" dinners. One hundred and thirty-five letters were received from consumers, eight from Federal- or State-related organizations, 12 from consumer groups and dietetic associations, nine from consumers with professional food or dietary training, and 24 from manufacturers and related industries. Comments received from consumers and manufacturers, with few exceptions, indicated strong support for the proposal. The Commissioner's conclusions, after having considered all comments, may be summarized as follows:

THE GENERAL PRINCIPLES

1. While the majority of the consumer-oriented reponses did not speak to the labeling alternatives presented in the proposed general principles for indicating compliance or noncompliance with a guideline, most of those who did comment favored a label statement showing "noncompliance." Generally, respondents expressed the desire to be informed of what is not satisfactory rather than having to search for the "compliance" label. Several suggested that both labels be used. Among the manufacturers all either favored the "compliance" label or opposed the "noncompliance" label. Several of these comments raised questions concerning the legality of a requirement for a "noncompliance" label.

The question whether to use "affirmative" or "negative" labeling or a combination of both, is a close one in this instance. A statement of noncompliance could be regarded as unfair in view of the fact that the product might be nutritionally equivalent or superior to a product for which no guideline exists. Consumers generally would not know all of those classes of foods for which guidelines will exist. On the other hand, a general statement of compliance could give one class of foods an unfair competitive advantage and be misleading to consumers where nutritional guidelines have not been established for competing foods.

Although the Commissioner clearly has legal authority to require a statement of noncompliance, it is concluded that, at least at this time, such a statement should not be required. The generally favorable industry comments on the first proposed guideline indicate that there will be wide industry acceptance. The possibility of unwarranted or misleading use of an affirmative compliance statement is minimized in the final regulation by limiting the type size and by narrow-

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ing the scope of the specific statement to be used. Should the Commissioner find that there is little compliance with a guideline, or that use of a permitted label statement is causing unfair competitive advantage or consumer confusion, he will propose additional new requirements to correct the situation.

2. Almost universally among the consumers and consumer groups responding, nutrition labeling was either assumed or specifically requested. Manufacturers also assumed that some nutrient declaration would be required to fulfill the requirements of the appropriate provisions of 21 CFR Part 125. The final regulation provides that, in accordance with § 1.17 (21 CFR 1.17), products covered by a nutritional quality guideline shall be subject to nutrition labeling if the authorized guideline statement is used or if any nutrient is added, unless such product is offered as a food for special dietary use in which case it shall also be subject to 21 CFR Part 125.

THE FROZEN DINNER GUIDELINE

3. Several comments objected to the use of an RDA based upon the caloric value. One of these letters concerning the caloric basis of nutrient requirements suggested that protein would be the proper basis for nutrient requirements rather than calories. However, since many, if not all, nutrient requirements are ultimately related to metabolic need it is reasonable to base such requirements upon caloric intake except in special dietary situations where caloric intake is deliberately set at a level considerably below the body's needs. Establishment of minimum nutrient levels per 100 calories should effectively discourage the addition of calorie-contributing components which do not make significant nutrient contributions.

4. Objections to the name "dinner" as used in the first guideline were received from manufacturers, consumer groups and professional consumers, who asserted that these so-called "dinners" are not complete meals as implied by the common meaning of the word "dinner." A number of respondents commented on the possibility that a statement that a product meets the Federal guideline could be interpreted as meaning that it is "complete and adequate" and many of the objections to the name "dinner" were based upon this concern.

Elsewhere in this issue of the FEDERAL REGISTER the Commissioner is promulgating a new Part 102 which establishes principles governing common or usual names for nonstandardized foods. The purpose of Part 102 is to establish accurate and informative descriptive names for food, including where appropriate the presence or absence of important characterizing ingredients or components. Pursuant to the provisions of Part 102, the Commissioner is also proposing elsewhere in this issue of the FEDERAL REGISTER a common or usual name for "frozen 'heat and serve' dinners" which includes a statement of what the food includes and, where appropriate, a statement that other foods such as soup, bread or rolls, beverage, or dessert should be added in order to obtain a complete meal. Thus, the name of the food will itself include a direct statement which draws to the consumer's attention the fact, where it is true, that the product is not a complete meal and that other food items are needed.

The guideline also requires the declaration of the caloric value of the product as part of nutrition labeling. This will serve to give the consumer a quantitative estimate of the calories supplied by the product, to help determine whether it constitutes a meal.

5. A number of comments indicated a further need to clarify certain aspects of the calorie requirements specified in the proposed guideline. Some objected to the proposed minimum caloric value, which had not been recommended specifically by the National Academy of Sciences-National Research Council (NAS–NRC). Although the NAS–NRC did not recommend a minimum caloric value, the proposal included such a value (340 calories) to provide assurance that the food would contain at least a minimal amount of calories. Upon further consideration, however, it has been concluded that this minimum caloric value should be deleted. By requiring a minimum content for protein and certain vitamins and minerals, the regulation in effect sets a minimum caloric value. Establishment of a rigid minimum caloric value would seriously jeopardize the use of some good sources of protein, such as fish, which because of their relatively low fat content are desirable components of some dinners. Inclusion of a minimum caloric value would only force manufacturers of some dinners to add calorie-contributing components which do not make a significant nutrient contribution to meet the minimum, and thus would be counter-productive.

6. The nutrient levels needed to fulfill the guideline requirements are based only upon the contributions of the main protein sources, the vegetable components, and their associated breadings, sauces and/or gravies. The contribution of additional components (e.g., appetizer, bread or rolls, dessert, soup, etc.), if they are present, are to be included in the declaration of available calories and nutrients for the purposes of nutrition labeling but not for purposes of meeting the guideline's minimum nutrient requirements. The caloric content shall be determined by the Atwater system as prescribed by § 1.17 (21 CFR 1.17).

7. Most comments concerning the frozen dinner guideline were from manufacturers requesting that other principal protein sources be included, such as eggs and soy products. The guideline has been revised to include eggs. The addition of other protein products except as vegetable components is deferred until promulgation of a separate guideline, now under consideration, establishing the nutritional qualities necessary for the use of soy protein products. Upon promulgation of that guideline, the guideline for frozen dinners will be amended to provide for the use of these ingredients. This will cause no dislocation in the interim since these ingredients are not presently being used.

8. Many consumer comments requested that the weight of the edible portion of the principal protein sources be included on the label. Such a requirement is not directly related to nutrient quality, and the Commissioner concludes that nutrition labeling will supply all the appropriate information on protein content. The requirements of 4.6 grams of protein per 100 calories and that 70 percent of the total protein be obtained from the specified principal sources (meat, poultry, fish, cheese, or eggs) will oblige the manufacturer to use a reasonable portion of these principal protein sources. In addition, meat and poultry products must meet the requirements of the Department of Agriculture. The remaining 30 percent of the protein will be from the vegetable components and from such adjuvants as sauces, breadings, etc. This does not preclude the use of other food servings with protein contributions, such as bread or dessert.

9. Several comments concerning ingredient listing were directed to a concern for the presence of various substances to which consumers are allergic. Label declarations of ingredients wil continue to be required for these products.

10. Comments received indicate that many ethnic, national, and specialty food dishes may be traditionally low in protein, so that they may not meet the nutritional quality guideline. However, the Commissioner is of the opinion that it is not in the public interest to compromise the minimum protein content of a food class intended as the principal component of a meal for the sole purpose of including a greater number of specialty products under the guideline. Moreover, manufacturers have the alternative of changing their recipes to meet such guidelines if they wish to do so.

11. Both directly and by implication, consumer group comments requested a higher meat (protein) content, either by increasing the guideline minimum or by requiring the declaration of the amount of meat, anticipating that industry would respond with a meat (protein) increase. The frozen dinner as presently defined will supply approximately one-third of the adult daily requirement for protein. Therefore, it does not seem reasonable to require a greater quantity of protein. However, the additional requirement that 70 percent of the total protein be derived from specific protein sources has been included to give greater assurance of adequate protein of good biological quality. It is believed that this 70 percent value is reasonable since data

indicate that most products that meet the proposed guideline also fulfill the 70 percent requirement. Therefore, it is expected that these dinners will supply sufficient high quality protein so that the total protein of the entire meal (including beverages, salads, breads, desserts, etc., which may be added) will have a satisfactory biological value.

The NAS–NRC recommendation for the RDA for protein is based upon an assumption that the average protein utilization efficiency is 70 percent of the ideal protein. Meat and cheese proteins have biological values in the order of 80 percent or more of the ideal protein. Combinations of these proteins with cereal and vegetable proteins of lower biological value will therefore still produce an adequate total protein quality.

12. Several comments suggested a greater flexibility in vegetable selection or the substitution of fruit for a vegetable. Fruits are rarely equivalent to vegetables in nutritional value so this suggestion has not been accepted, but the guideline has been revised to allow a wider variation in vegetable selection and use.

13. One consumer group requested that calcium and vitamin C be included in the minimum nutrients required. This request has been rejected. The NAS–NRC Committee report indicated, and the Commissioner agrees, that the meats and vegetables usually used for this class of foods are not good sources of either nutrient (with the exception of vitamin C in potatoes).

The report and the regulation speak to the desirability of adding calcium to bring the calcium : phosphorus ratio closer to 1:1 when it can be done without detriment to the organoleptic food qualities. If a calcium level were specified (in the virtual absence of acceptable calcium compounds for addition to food products) it would make certain vegetable selections or milk products almost mandatory, and it is clearly not desirable to include additional requirements that will further limit the component selection. With this difficulty in the addition of calcium, manufacturers are encouraged to limit the technological addition of phosphates to an absolute minimum. The regulation states that manufacturers should attempt to adjust the total calcium content in relation to the phosphorus content of the product by food selection or other processing techniques.

The addition of vitamin C to foods which do not normally contain significant amounts of the vitamin is not a rational supplementation and could be counterproductive from the standpoint of nutrition education.

14. Requests were received from two manufacturers for the addition of vitamin E to the list of nutrients for which minimum levels are established. The rationale for this omission is the same as for the omission of vitamin C. Although some foods do contain the vitamin in significant amounts, it is not generally present throughout the range of vegetables and meat products with sufficient uniformity to make it practical to include it. Vitamin E would have to be almost universally added, which as noted above is not a rational approach to either good nutrition or nutrition education.

15. Comments, with some data, requested the establishment of at least tentative levels in the list of minimum nutrient levels for pantothenic acid, vitamin B_6 and vitamin B_{12}. These three nutrients have been added to the table with tentative values as a guide to manufacturers. Until final values can be established, frozen dinners will not be required to meet these levels in order to be eligible for use of the guideline statement; however, any designations of these vitamins under nutrition labeling must be factual.

Although a number of nutrients have been excluded from the list of required nutrients, manufacturers are encouraged to formulate their recipes and make component selections so that, whenever possible, the products will naturally contain as much of all essential nutrients as is consistent with good food preparation. Although these other nutrients are not included in the guideline, § 1.17 (21 CFR 1.17) prescribes the requirements for their inclusion in nutrition labeling.

16. Industry comments were directed primarily toward the difficulty of meeting all of the minimum nutrient levels when using the vegetable selection that they have found to have the widest consumer acceptability compatible with processing technology. The purpose of the limitation of the number of nutrient additions was to make it virtually obligatory for the manufacturer to use quality produce and process it in a manner which would retain maximum nutrient content. The two-nutrient maximum for supplementation was also intended to minimize the possibility that manufacturers might use nutrient additions to offset poor quality produce or to avoid good quality control procedures. One manufacturer suggested that no additions be allowed but that a product be acceptable if four of five nutrients meet the guideline minimums.

The Commissioner recognizes that wide variations in nutrient content may occur as a result of many environmental factors as well as problems of processing. Therefore, the restriction on the number of discrete nutrients added (Class I nutrients within the meaning of 21 CFR 1.17) has been deleted, but the level to which such nutrients may be added has been lowered so that the total amount present may not be greater than 150 percent of the prescribed minimum. It must be emphasized that the removal of the restriction on the number of nutrients that may be added is solely for the purpose of offsetting the technological and acceptability limitations inherent in component selection and is not a sanction to make general additions of nutrients for the purpose of assuring compliance with the guideline without appropriate component selection and/or good manufacturing practices. Nutrient addition will require full compliance with the labeling provisions in § 1.17 (21 CFR 1.17).

17. A request was made to remove the iodine requirement because of the development of off-flavors when iodine compounds are used in processed foods. The Commissioner recognizes that this can be a technological problem in some foods. However, by selecting food items which are sources of iodine or by salting with iodized salt, when this is feasible, frozen dinners can be significant sources of iodine. Iodine has been deleted from the table of required nutrients but the regulation recognizes the desirability, in the interest of consumers, of having frozen dinners provide a significant quantity of iodine to the daily diet.

18. A request was made to use only a free niacin value for the minimum requirements rather than the total equivalent niacin. This change is acceptable since the recommendation was based upon niacin data and does not include a "niacin equivalent" from the protein. Therefore, the reference to "niacin equivalent" has been deleted.

19. Several letters requested that the guideline require on the label an open date showing the date of manufacture. Although open dating is certainly desirable for many products, it would not necessarily contribute toward an improved nutritional value for these frozen products since the nutrients are stable if the products have been properly stored.

20. Questions were raised by both consumers and manufacturers with respect to limitations on the use of sauces, gravies, etc. It is the opinion of the Commissioner that the use of the minimum nutrients levels per 100 calories will effectively preclude the use of excessive amounts of these components.

21. The question of the application of the guiedline to children's dinners has been considered. The language of the guideline as set forth below gives sufficient latitude to the selection of the components so that these dinners can be included. There is no justification for this subclass of frozen convenience dinners to be of lower nutritional quality.

22. A number of requests were made to establish a section concerned with methodology for the analytical determinations needed. The methodology used shall be that prescribed by § 1.17(e) (21 CFR 1.17) of this chapter.

23. Numerous questions have arisen about potential overfortification of foods, particularly as a result of nutrition labeling (21 CFR 1.17), which could induce food manufacturers to add nutrients to their products for promotional purposes. One purpose of a nutritional guideline is to establish an appropriate level or range of nutrients which should be present in the food, in accordance with sound nutritional principles. Not every food is an appropriate carrier for every nutrient, and indeed unwarranted fortification of numerous foods could create a serious public health problem and would unquestionably mislead consumers into believing that such fortification is necessary or appropriate.

A provision has therefore been added to the regulation which specifically states that fortification with any discrete

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nutrient for which no minimum nutrient level or nutrient range or other allowance is provided for in the guideline, will result in the product being deemed to be misbranded under sections 201(n) and 403(a) of the act unless a prominent and conspicuous statement on the principal display panel of the label and in all labeling discloses that the nutrient fortification has been determined to be unnecessary and inappropriate for this food by the U.S. Government. Without such a disclosure, consumers would erroneously conclude that such fortification increased the dietary value of the product. In any event, when nutrients for which minimums are prescribed by the nutritional quality guideline are added, and such addition results in a nutrient level between 50 percent and 150 percent of the Recommended Daily Allowance (RDA), the food must comply with § 80.1 (21 CFR 80.1 published January 19, 1973, at 38 FR 2152) and a nutrient level over 150 percent of the RDA results in the product being a drug.

The Commissioner believes that this enforcement mechanism will only seldom, if ever, be used. It is in the interests of food manufacturers as well as the public generally to make the concept of nutritional guidelines work. The Commissioner has concluded that a _____ flexible guideline, which can be changed relatively rapidly, is preferable to handling this matter by a more rigid standard of identity. Accordingly, the Commissioner has tentatively concluded that nutritional guidelines should replace the attempt to standardize all fortified foods under § 80.2 (21 CFR 80.2, stayed) (see paragraph 10 under "History," FEDERAL REGISTER of January 19, 1973 (38 FR 2153)). Whether this is possible will depend upon the food industry use of an approach to nutritional guidelines.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 201, 403, 701(a), 52 Stat. 1040–1042, as amended, 1047–1048, as amended, 1055; 21 U.S.C. 321, 343, 371(a)), and under authority delegated to him (21 CFR 2.120), the Commissioner of Food and Drugs amends Chapter I of Title 21 of the Code of Federal Regulations by adding a new Part 100, to consist at this time of the following subparts and sections:

Subpart A—General

Sec.
100.1 General principles.
100.2 Petitions.

Subpart B—Nutritional Quality Guidelines

100.5 Frozen "heat and serve" dinner.

AUTHORITY: Federal Food, Drug, and Cosmetic Act (secs. 201, 403, 701(a), 52 Stat. 1040–1042, as amended, 1047–1048, as amended, 1055; 21 U.S.C. 321, 343, 371(a)); and authority delegated to Commissioner (21 CFR 2.120).

Subpart A—General

§ 100.1 General principles.

(a) A nutritional quality guideline prescribes the minimum level or range of nutrient composition (nutritional quality) appropriate for a given class of food.

(b) Labeling for a product which complies with all of the requirements of the nutritional quality guideline established for its class of food may state "This product provides nutrients in amounts appropriate for this class of food as determined by the U.S. Government," except that the words "this product" are optional. This statement, if used, shall be printed on the principal display panel, and may also be printed on the information panel, in letters not larger than twice the size of the minimum type required for the declaration of net quantity of contents by § 1.8b of this chapter. Labeling of noncomplying products may not include any such statement or otherwise represent, suggest, or imply the product as being, in whole or in part, in compliance with a guideline.

(c) A product bearing the statement provided for in paragraph (b) of this section, in addition to meeting the requirements of the applicable nutritional quality guideline, shall comply with the following requirements:

(1) The label of the product shall bear the common or usual name of the food in accordance with the provisions of the guideline and §§ 1.8 and 102.1 of this chapter.

(2) The label of the product shall bear nutrition labeling in accordance with §§ 1.8d and 1.17 of this chapter and all other labeling required by applicable sections of Part 1 of this chapter.

(d) No claim or statement may be made on the label or in labeling representing, suggesting, or implying any nutritional or other differences between a product to which nutrient addition has or has not been made in order to meet the guideline, except that a nutrient addition shall be declared in the ingredient statement.

(e) Compliance with a nutrient level specified in a nutritional quality guideline shall be determined by the procedures and requirements established in § 1.17(e) of this chapter.

(f) A product within a class of food for which a nutritional quality guideline has been established and to which has been added a discrete nutrient either for which no minimum nutrient level or nutrient range or other allowance has been established as appropriate in the nutritional quality guideline, or at a level that exceeds any maximum established as appropriate in the guideline, shall be ineligible to bear the guideline statement provided for in paragraph (b), and such a product shall also be deemed to be misbranded under the act unless the label and all labeling bears the following prominent and conspicuous statement: "The addition of —— to (or "The addition of —— at the level contained in) this product has been determined by the U.S. Government to be unnecessary and inappropriate and does not increase the dietary value of the food," the blank to be filled in with the common or usual name of the nutrient(s) involved.

§ 100.2 Petitions.

The Commissioner of Food and Drugs, on his own initiative, on the advice of the National Academy of Sciences and/or other experts, or on behalf of any interested person who has submitted a petition, may publish a proposal to establish or amend, a regulation prescribing a nutritional quality guideline for a class of foods. Any such petition shall include an adequate factual basis to support the petition in the form set forth in § 2.65 of this chapter and will be published for comment if it contains reasonable grounds for the proposed guideline.

Subpart B—Nutritional Quality Guidelines

§ 100.5 Frozen "heat and serve" dinner.

(a) A product, for which a common or usual name is established in § 102.11 of this chapter, in order to be eligible to bear the guideline statement set forth at § 100.1(b), shall contain at least the following three components:

(1) One or more sources of protein derived from meat, poultry, fish, cheese, or eggs.

(2) One or more vegetables or vegetable mixtures other than potatoes, rice, or cereal-based product.

(3) Potatoes, rice, or cereal-based product (other than bread or rolls) or another vegetable or vegetable mixture.

(b) The three or more components named in paragraph (a) of this section, including their sauces, gravies, breading, etc.:

(1) Shall contribute not less than the minimum levels of nutrients prescribed in paragraph (d) of this section.

(2) Shall be selected so that one or more of the listed protein sources of paragraph (a)(1) of this section, excluding their sauces, gravies, breading, etc., shall provide not less than 70 percent of the total protein supplied by the components named in paragraph (a) of this section.

(c) If it is necessary to add any nutrient(s) in order to meet the minimum nutrient levels prescribed in paragraph (d) of this section, the addition of each such nutrient may not result in a total nutrient level exceeding 150 percent of the minimum level prescribed. Nutrients used for such addition shall be biologically available in the final product.

(d) Minimum levels of nutrients for a frozen "heat and serve" dinner are as follows:

Nutrient	Minimum levels for frozen "heat and serve" dinner— for each 100 Calories (kcal) of the total components specified in paragraph (a)	for the total components specified in paragraph (a)
Protein, grams	4.60	16.0
Vitamin A, IU	166.00	820.0
Thiamine, mg	0.05	0.2
Riboflavin, mg	0.06	0.2
Niacin, mg	0.99	3.4
Pantothenic acid, mg	0.32	1.1
Vitamin, B_6, mg	0.15	0.5
Vitamin, B_{12}, mcg	0.33	1.1
Iron, mg	0.62	2.2

(1) A frozen "heat and serve" dinner prepared from conventional food ingredients listed in paragraph (a) of this section will also contain folic acid, magnesium, iodine, calcium, and zinc. Minimum levels for these nutrients cannot be established at the present time but may be specified as additional data are obtained.

(2) The minimum levels for pantothenic acid, vitamin B-6, and vitamin B-12 are tentative. Final levels will be established when sufficient data are available. Until final levels are established, a product containing less than the tentative levels will not be deemed to be misbranded when labeled in accordance with § 100.1(b).

(3) When technologically practicable iodized salt shall be used or iodine shall be present at a level equivalent to that which would be present if iodized salt were used in the manufacture of the product.

(4) When technologically practicable, product components and ingredients shall be selected to obtain the desirable calcium to phosphorous ratio of 1:1. Technological addition of phosphates shall be minimized and shall not exceed the amount necessary for the intended effect.

(e) If the product includes servings of food which are not prescribed by paragraph (a) of this section (e.g., soup, bread or rolls, beverage, or dessert), their contribution shall not be considered in determining compliance with the nutrient levels established in paragraph (d) of this section but shall be included in any nutrition labeling.

(f) For the purposes of labeling, an "average serving" shall be one entire frozen "heat and serve" dinner.

Effective date. Subpart A shall become effective on March 14, 1973. All labeling ordered for products subject to § 100.5 after December 31, 1973, and all labeling used for such products shipped in interstate commerce after December 31, 1974, shall comply with § 100.5 (21 CFR 100.5).

(Secs. 201, 403, 701(a), 52 Stat. 1040–1042, as amended, 1047–1048, as amended, 1055; 21 U.S.C. 321, 343, 371(a))

Dated: March 5, 1973.

CHARLES C. EDWARDS,
Commissioner of Food and Drugs.

[FR Doc.73-4675 Filed 3-13-73;8:45 am]

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DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 102]

NONCARBONATED BEVERAGES CONTAINING NO FRUIT OR VEGETABLE JUICE

Proposed Label Statement of No Juice Content

In the FEDERAL REGISTER of March 11, 1972 (37 FR 5224), the Commissioner of Food and Drugs noted the need to regulate the labeling of beverage products that contain no orange juice but that have the appearance of containing orange juice. The Commissioner stated that he was preparing a document which would require manufacturers of such beverages to declare on the principal display panel that the product contains no orange juice.

The Commissioner concludes that the lack of fruit or vegetable juice in other noncarbonated beverages is also a material fact which requires disclosure when the labeling or the taste and appearance of the beverage represents, suggests, or implies that such an ingredient may be present. This is true both for beverages whose color and flavor give the impression of fruit or vegetable juice content and where the label bears the name or a variation of the name or any pictorial representation of any friut or vegetable. Consumer confusion and deception resulting from the labeling of such beverages can be remedied by the adoption of an informative common or usual name. Accordingly, the Commissioner has concluded that it is appropriate to propose the establishment of a common or usual name for these products pursuant to the new Part 102 published elsewhere in this issue of the FEDERAL REGISTER.

The establishment of a common or usual name for this class of foods is in addition to the other labeling requirements established under 21 CFR Part 1. In particular, the requirements with respect to the label declaration of flavor, proposed in the FEDERAL REGISTER of January 19, 1973 (38 FR 2139) would also be applicable.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 20(n), 403, 701(a), 52 Stat. 1041, as amended, 1047–1048, as amended, 1055; 21 U.S.C. 321(n), 343, 371(a)) and under authority delegated to the Commissioner (21 CFR 2.120), it is proposed that a new section be added to Part 102, as follows:

§ 102.10 Non-carbonated beverage products containing no fruit or vegetable juice.

(a) The common or usual name of noncarbonated beverage products (including a concentrated, dehydrated, powdered, or other counterpart) containing no fruit or vegetable juice shall include the following:

(1) A descriptive name for the product meeting the requirements of § 102.1 (a) and;

(2) When the labeling or the color and flavor of the beverage represents, suggests, or implies that any fruit or vegetable juice may be present (e.g., the product label bears the name or a variation of the name or any pictorial representation of any fruit or vegetable, or the product contains color and flavor which give the beverage the appearance and taste of containing a fruit or vegetable juice) the statement "Containing (or contains) no _____ juice", or "no _____ juice", or "does not contain _____ juice", the blank to be filled in with the name of the fruit(s) or vegetable(s) represented, suggested, or implied, in the manner set forth in § 102.1 (c). If a nonspecific fruit or vegetable juice content is represented, suggested, or implied, the blank shall be filled in with the word "fruit" or "vegetable" as applicable.

Interested persons may, on or before May 14, 1973, file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 6–88, 5600 Fishers Lane, Rockville, MD 20852, written comments (preferably in quintuplicate) regarding this proposal. Comments may be accompanied by a memorandum or brief in support thereof. Received comments may be seen in the above office during working hours, Monday through Friday.

Dated: March 5, 1973.

CHARLES C. EDWARDS,
Commissioner of Food and Drugs.

[FR Doc.73-4676 Filed 3-13-73;8:45 am]

[21 CFR Part 102]

FROZEN "HEAT AND SERVE" DINNERS

Proposal Regarding Common or Usual Name

Elsewhere in this issue of the FEDERAL REGISTER, the Commissioner of Food and Drugs is establishing a nutritional quality guideline for frozen "heat and serve" dinners. The comments received from both consumer and industry representatives on the proposed regulation published in the FEDERAL REGISTER of December 23, 1971 (36 FR 24822) clearly demonstrated the need to establish a uniform and informative common or usual name for the product. Indeed, the only substantial concern raised in the comments related to the inappropriateness of the term "dinner" when applied without qualification or explanation to a wide variety of products, some providing only part of a meal and others providing a full meal. In order to distinguish between the various types of frozen dinners available, it is proposed that the name of the food include the major components of the product, and a statement that other components must be added to complete a meal where that is the situation.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 201(n), 403, 701(a), 52 Stat. 1041, as amended, 1047–1048, as amended, 1055; 21 U.S.C. 321(n), 343, 371(a)), and under authority delegated to the Commissioner of Food and Drugs (21 CFR 2.120), it is proposed that a new section be added to Part 102, as follows:

§ 102.11 Frozen "heat and serve" dinner.

(a) A frozen "heat and serve" dinner:

(1) Shall contain at least three separate and different dishes (recipes), each of which shall consist of one or more of the following: meat, poultry, fish, cheese, eggs, vegetables, potatoes, rice, or other cereal based products (other than bread or rolls).

(2) May also contain other servings of food (e.g., soup, bread or rolls, beverage, or dessert).

(b) The common or usual name of the food consists of all of the following:

(1) The phrase "frozen 'heat and serve' dinner", except that "heat and serve" is optional.

(2) The phrase "containing (or contains) _____", the blank to be filled in with an accurate description of each of the three or more dish components listed in paragraph (a) of this section in their order of descending predominance by weight (e.g., meat, mashed potatoes, and peas), followed by any of the other servings specified in paragraph (a)(2) of this section contained in the package (e.g., onion soup, enriched white bread, and artificially flavored vanilla pudding) in their order of descending predominance by weight. This part of the name shall be placed immediately following the part specified in paragraph (b)(1) of this section in the manner set forth in § 102.1(c)(3).

(3) If the package contains less than two of the other servings set forth in paragraph (a)(2) of this section, the phrase "other foods such as _____ should be consumed with this product to obtain a complete meal," the blank to be filled in with each of the servings set forth in paragraph (a)(2) of this section (i.e., soup, bread or rolls, beverage, or dessert) not contained in the package. This part of the name shall be placed immediately following the parts specified in paragraph (b) (1) and (2) of this section and in letters half the size used for the part of the name specified in paragraph (b)(2) of this section but in no event less than the size specified in § 102.1(b)(2)(i).

Interested persons may, on or before May 14, 1973, file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 6–88, 5600 Fishers Lane, Rockville, MD 20852, written comments (preferably in quintuplicate) regarding this proposal. Comments may be accompanied by a memorandum or brief in support thereof. Received comments may be seen in the above office during working hours, Monday through Friday.

Dated: March 5, 1973.

CHARLES C. EDWARDS,
Commissioner of Food and Drugs.

[FR Doc.73-4677 Filed 3-13-73;8:45 am]

[21 CFR Part 102]

FOODS PACKAGED FOR USE IN PREPARATION OF "DISHES" OR "DINNERS"

Common or Usual Name

Many new convenience foods have appeared on the market that are designed to be used in preparing "main dishes", "dinners", or other such food servings. In many cases, meat or other valuable characterizing ingredients or components necessary for preparation of the dish or dinner are not included in the package and must be purchased separately. The labeling of such food products readily lends itself to representations that may mislead the consumer into thinking that all of the significant characterizing ingredients or components necessary for the preparation of the dish or dinner are contained in the package.

The Food and Drug Administration has initiated legal actions charging misbranding of certain foods packaged in this manner. Such misbranding has usually resulted where the product was intended for use in the preparation of a meat main dish and the meat was the omitted characterizing ingredient. Labels of these packages emphasized the name of the important missing characterizing ingredient, or a vignette on the label depicted the missing ingredient, and the package failed to bear a common or usual name sufficiently informative to make the consumer aware of the identity of the product and the fact that the package did not contain the important missing characterizing ingredient.

A food is misbranded when the label emphasizes any valuable missing characterizing ingredient or component in a misleading manner. For example, the package may bear a brand name or statement that includes the name or implies the presence of an important missing characterizing ingredient (e.g., "Chicken Dinner", "Chili Con Carne", "Pepper Steak"). These words are often given undue emphasis by being printed in larger type size or with greater prominence than the food ingredients or components that are in fact furnished in the package. Taken together, this manner of presenting the label information implies that the package contains the important missing ingredient or component, such as chicken or meat, and that all the ingredients or components for the preparation of the final food serving are included in the package.

The Commissioner of Food and Drugs is promulgating elsewhere in this issue of the FEDERAL REGISTER a final regulation establishing a new Part 102 under which the common or usual name of foods may be established by regulation. Section 102.1(a) requires that the common or usual name of a food "shall accurately identify or describe, in as simple and direct terms as possible, the basic nature of the food or its characterizing properties or ingredients." The Commissioner may, pursuant to this new part, designate a common or usual name for a food to prevent consumer confusion and deception.

The Commissioner has concluded that the confusion and deception resulting from the present labeling of foods packaged for use in the preparation of dishes or dinners can readily be remedied by adoption of an informative common or usual name for these products. Such a name must clearly state the essential components (which may be a combination of ingredients) contained in the package and the important characterizing ingredients or components which must be provided by the consumer in making the final product. Accordingly, the Commissioner has concluded that it is appropriate to propose the establishment of a common or usual name for these products pursuant to new Part 102.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 201(n), 403, 701(a), 52 Stat. 1041, as amended 1047–1048, as amended, 1055; 21 U.S.C. 321(n), 343, 371(a)) and under authority delegated to the Commissioner (21 CFR 2.120), it is proposed that a new section be added to Part 102, as follows:

§ 102.12 Foods packaged for use in the preparation of "dishes" or "dinners".

(a) The common or usual name of a packaged food which is represented on the principal display panel by word or vignette to be used in the preparation of a "dish", "dinner", or other food serving, and to which some other important characterizing ingredient(s) or component(s) not present in the package must be added, consists of all of the following:

(1) The common or usual name of each important ingredient or component in the package, in descending order of predominance by weight.

(2) An appropriate informative statement identifying the food to be prepared by use of the package contents (e.g., "for preparation of chicken casserole").

(3) An appropriate informative statement that additional ingredient(s) or component(s) must be added and which names the additional ingredient(s) or component(s) (e.g., "you must add _____ to complete the recipe," the blank to be filled in with the name(s) of the ingredient(s) or component(s) that must be added).

(b) The labeling required by paragraph (a) of this section shall appear on the principal display panel, and

(1) No word in the statement required by paragraph (a)(2) of this section shall appear on the principal display panel more conspicuously or in larger type than the smallest and least conspicuous type employed on the panel for any word, phrase or statement within the scope of paragraph (a)(1).

(2) Any word in the statement required by paragraph (a)(3) of this section shall appear in the manner set forth in § 102.1(c)(3).

(c) Any vignette which shows any food or characterizing ingredient(s) or component(s) not included in the package shall be accompanied either by the statement required by paragraph (a)(3) of this section or by a separate statement specifying the food or characterizing ingredient(s) or component(s) shown in the vignette but not included in the package.

(d) If the statement specified in paragraph (a)(2) of this section is used on any label panel in addition to the principal display panel, the complete common or usual name shall appear on such panel in the manner specified in paragraph (b) of this section.

Interested persons may, on or before May 14, 1973, file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 6–88, 5600 Fishers Lane, Rockville, MD 20852, written comments (preferably in quintuplicate) regarding this proposal. Comments may be accompanied by a memorandum or brief in support thereof. Received comments may be seen in the above office during working hours, Monday through Friday.

Dated: March 5, 1973.

CHARLES C. EDWARDS,
Commissioner of Food and Drugs.

[FR Doc.73-4678 Filed 3-13-73;8:45 am]

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Just Released

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(Revised as of January 1, 1973)

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THURSDAY, MARCH 15, 1973

WASHINGTON, D.C.

Volume 38 ■ Number 50

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PROCLAMATION 4196

National Defense Transportation Day and National Transportation Week, 1973

By the President of the United States of America

A Proclamation

Transportation has always been a central factor in the growth of our country. Our ability to meet economic needs, overcome geographic barriers, and respond rapidly to emergencies—foreign or domestic—rests largely on a modern and efficient transportation system.

From our earliest days, the Federal government has worked in partnership with the private sector to achieve better transportation systems. That partnership continues today—but the challenges it faces are changing. The need today is for initiatives which can help us to reconcile our transportation needs with our energy resources, to encourage mobility without impairing safety and security, to upgrade our transportation capabilities without damaging the environment.

Because of the great importance of transportation to our daily lives and in tribute to the men and women who move goods and people throughout America, the Congress by a joint resolution approved May 16, 1957, requested the President to proclaim annually the third Friday in May of each year as National Defense Transportation Day and by a joint resolution approved May 14, 1962, requested the President to proclaim annually the week of May in which that Friday falls as National Transportation Week.

NOW, THEREFORE, I, RICHARD NIXON, President of the United States of America, do hereby designate Friday, May 18, 1973, as National Defense Transportation Day, and the week beginning May 13, 1973, as National Transportation Week.

I ask the people of our Nation to join with the Department of Transportation and with appropriate State and local agencies in reaffirming our commitment to a progressive and balanced transportation system for America.

IN WITNESS WHEREOF, I have hereunto set my hand this 13th day of March, in the year of our Lord nineteen hundred seventy-three, and of the Independence of the United States of America the one hundred ninety-seventh.

Richard Nixon

[FR Doc.73-5092 Filed 3-13-73;12:38 pm]

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PROCLAMATION 4197

National Farm Safety Week

By the President of the United States of America

A Proclamation

The unfailing supply of food and fiber provided by the Nation's largest industry, agriculture, has been a foundation of American prosperity since our country's beginnings. Abundance on the farm, in turn, has been stimulated by constant technological progress. But the blessings of technology have sometimes been mixed, as each advance has also brought a new potential for injury.

Each year, many thousands of farm and ranch residents are killed or seriously injured in work, home, recreation and highway mishaps. For the most part, these accidents could be prevented if basic safety precautions were observed.

The dollar cost of rural accidents is high, but there is no higher price than the human suffering. This waste of precious human and economic resources must be reduced and can be reduced. The same energies and talents which have made agriculture so highly productive should also be turned to the task of making it safer.

NOW, THEREFORE, I, RICHARD NIXON, President of the United States of America, do hereby designate the week beginning July 25, 1973, as National Farm Safety Week. I urge all persons engaged in farming and ranching to consider ways in which they can promote safer practices in work, home, and recreational activities, and can exercise greater caution when traveling on public roads. Further, I call upon community leaders, private organizations, and the communications media to assist in providing safety information so that we can be as effective in promoting safety on the farm as we have been in promoting abundance on the farm.

IN WITNESS WHEREOF, I have hereunto set my hand this thirteenth day of March, in the year of our Lord nineteen hundred seventy-three, and of the Independence of the United States of America the one hundred ninety-seventh.

Richard Nixon

[FR Doc. 73-5091 Filed 3-13-73;12:38 pm]

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Rules and Regulations

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.

The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

Title 7—Agriculture

CHAPTER IX—AGRICULTURAL MARKETING SERVICE (MARKETING AGREEMENTS AND ORDERS; FRUITS, VEGETABLES, NUTS), DEPARTMENT OF AGRICULTURE

[Navel Orange Reg. 292]

PART 907—NAVEL ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Limitation of Handling

This section fixes the quantity of California-Arizona Navel oranges that may be shipped to fresh market during the weekly regulation period March 16–March 22, 1973. It is issued pursuant to the Agricultural Marketing Agreement Act of 1937, as amended, and Marketing Order No. 907. The quantity of Navel oranges so fixed was arrived at after consideration of the total available supply of Navel oranges, the quantity currently available for market, the fresh market demand for Navel oranges, Navel orange prices, and the relationship of season average returns to the parity price for Navel oranges.

§ 907.592 Navel Orange Regulation 292.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 907, as amended (7 CFR Part 907), regulating the handling of Navel oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Navel Orange Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such Navel oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) The need for this section limiting the respective quantities of Navel oranges that may be marketed from District 1, District 2, and District 3 during the ensuing week stems from the production and marketing situation confronting the Navel orange industry.

(i) The committee has submitted its recommendation with respect to the quantities of Navel oranges that should be marketed during the next succeeding week. Such recommendation, designed to provide equity of marketing opportunity to handlers in all districts, resulted from consideration of the factors enumerated in the order. The committee further reports that the fresh market demand for Navel oranges remained active this week, with prices slightly higher than a week ago. Prices f.o.b. averaged $3.67 a carton on a reported sales volume of 1,030 carlots last week, compared with an averaged f.o.b. price for $3.62 per carton and sales of 998 carlots a week earlier. Track and rolling supplies at 255 cars were down 163 cars from last week.

(ii) Having considered the recommendation and information submitted by the committee, and other available information, the Secretary finds that the respective quantities of Navel oranges which may be handled should be fixed as hereinafter set forth.

(3) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this section is based became available and the time this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for navel oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such navel oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on March 13, 1973.

(b) *Order.* (1) The respective quantities of Navel cranges grown in Arizona and designated part of California which may be handled during the period March 16, 1973, through March 22, 1973, are hereby fixed as follows:

(i) District 1: 875,000 cartons;

(ii) District 2: 325,000 cartons;

(iii) District 3: Unlimited movement.

(2) As used in this section, "handled," "District 1," "District 2," "District 3," and "carton" have the same meaning as when used in said amended marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: March 14, 1973.

CHARLES R. BRADER,
Acting Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc.73-5170 Filed 3-14-73;11:18 am]

[Valencia Orange Reg. 421]

PART 908—VALENCIA ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Limitation of Handling

This section fixes the quantity of California-Arizona Valencia oranges that may be shipped to fresh market during the weekly regulation period March 16–March 22, 1973. It is issued pursuant to the Agricultural Marketing Agreement Act of 1937, as amended, and Marketing Order No. 908. The quantity of Valencia oranges so fixed was arrived at after consideration of the total available supply of Valencia oranges, the quantity of Valencia oranges currently available for market, the fresh market demand for Valencia oranges, Valencia orange prices, and the relationship of season average returns to the parity price for Valencia oranges.

§ 908.721 Valencia Orange Regulation 421.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 908, as amended (7 CFR Part 908), regulating the handling of Valencia oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Valencia Orange Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such Valencia oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) The need for this section limiting the respective quantities of Valencia oranges that may be marketed from District 1, District 2, and District 3 during the ensuing week stems from the production and marketing situation confronting the Valencia orange industry.

(i) The committee has submitted its recommendation with respect to the

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quantities of Valencia oranges that should be marketed during the next succeeding week. Such recommendation, designed to provide equity of marketing opportunity to handlers in all districts, resulted from consideration of the factors enumerated in the order.

(ii) Having considered the recommendation and information submitted by the committee, and other information, the Secretary finds that the respective quantities of Valencia oranges which may be handled should be fixed as hereinafter set forth.

(3) It is hereby further found that it is impractible and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for Valencia oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such Valencia oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on March 13, 1973.

(b) *Order.* (1) The respective quantities of Valencia oranges grown in Arizona and designated part of California which may be handled during the period March 16, 1973, through March 22, 1973, are hereby fixed as follows:

(i) District 1: Unlimited;

(ii) District 2: Unlimited;

(iii) District 3: 225,000 cartons.

(2) As used in this section, "handled," "District 1," "District 2," "District 3," and "carton" have the same meaning as when used in said amended marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: March 14, 1973.

CHARLES R. BRADER,
Acting Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc.73-5183 Filed 3-14-73;11:54 am]

Title 12—Banks and Banking

CHAPTER II—FEDERAL RESERVE SYSTEM

SUBCHAPTER A—BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM

PART 201—ADVANCES AND DISCOUNTS BY FEDERAL RESERVE BANKS

Changes in Rates

Pursuant to section 14(d) of the Federal Reserve Act (12 U.S.C. 357), and for the purpose of adjusting discount rates with a view to accommodating commerce and business in accordance with other related rates and the general credit situation of the country, Part 201 is amended as set forth below:

1. Section 201.51 is amended to read as follows:

§ 201.51 Advances and discounts for member banks under sections 13 and 13a.

The rates for all advances and discounts under sections 13 and 13a of the Federal Reserve Act (except advances under the last paragraph of such section 13 to individuals, partnerships, or corporations other than member banks) are:

Federal Reserve Bank of—	Rate	Effective
Boston	5½	Feb. 28, 1973
New York	5½	Feb. 26, 1973
Philadelphia	5½	Do.
Cleveland	5½	Feb. 27, 1973
Richmond	5½	Do.
Atlanta	5½	Do.
Chicago	5½	Do.
St. Louis	5½	Feb. 26, 1973
Minneapolis	5½	Feb. 27, 1973
Kansas City	5½	Feb. 26, 1973
Dallas	5½	Feb. 27, 1973
San Francisco	5½	Mar. 2, 1973

2. Section 201.52 is amended to read as follows:

§ 201.52 Advances to member banks under section 10(b).

The rates for advances to member banks under section 10(b) of the Federal Reserve Act are:

Federal Reserve Bank of—	Rate	Effective
Boston	6	Feb. 28, 1973
New York	6	Feb. 26, 1973
Philadelphia	6	Do.
Cleveland	6	Feb. 27, 1973
Richmond	6	Do.
Atlanta	6	Do.
Chicago	6	Do.
St. Louis	6	Feb. 26, 1973
Minneapolis	6	Feb. 27, 1973
Kansas City	6	Feb. 26, 1973
Dallas	6	Feb. 27, 1973
San Francisco	6	Mar. 2, 1973

3. Section 201.53 is amended to read as follows:

§ 201.53 Advances to persons other than member banks.

The rates for advances under the last paragraph of section 13 of the Federal Reserve Act to individuals, partnerships, or corporations other than member banks secured by direct obligations of, or obligations fully guaranteed as to principal and interest by, the United States or any agency thereof are:

Federal Reserve Bank of—	Rate	Effective
Boston [1]	7½	Feb. 28, 1973
New York	7½	Feb. 26, 1973
Philadelphia	7½	Do.
Cleveland	7½	Feb. 27, 1973
Richmond [1]	7½	Do.
Atlanta [1]	7½	Do.
Chicago [1]	7½	Do.
St. Louis [1]	7½	Feb. 26, 1973
Minneapolis [1]	7½	Feb. 27, 1973
Kansas City [1]	7½	Feb. 26, 1973
Dallas [1]	7½	Feb. 27, 1973
San Francisco	7½	Mar. 2, 1973

[1] A rate of 5½ percent was approved (effective on the indicated dates) on advances to nonmember banks, to be applicable in special circumstances resulting from implementation of changes in Regulation J (see 37 FR 12714).

(12 U.S.C. 248(i). Interprets or applies 12 U.S.C. 357)

By order of the Board of Governors, March 6, 1973.

[SEAL] TYNAN SMITH,
Secretary of the Board.

[FR Doc.73-4838 Filed 3-14-73;8:45 am]

PART 265—RULES REGARDING DELEGATION OF AUTHORITY

State Bank Applications for Waiver of 6-Month Notice Requirement

The purpose of this amendment is to grant to the Federal Reserve banks discretionary authority to deny applications by State banks for waiver of the requirement for 6 months' notice of intention to withdraw from Federal Reserve membership. Under the provisions of the 10th paragraph of section 9 of the Federal Reserve Act (12 U.S.C. 328), the Board in its discretion may waive such notice in individual cases. In the past, such waiver applications have been, for the most part, routinely approved by the Federal Reserve banks acting under delegated authority. It is contemplated that the Reserve banks will henceforth review each application in the light of its particular circumstances, and that such applications will be approved only in exceptional circumstances.

1. To accomplish this delegation, § 265.2(f)(3) is amended to read as follows:

§ 265.2 Specific functions delegated to Board employees and Federal Reserve banks.

• • • • •

(f) Each Federal Reserve bank is authorized, as to member banks or other indicated organizations headquartered in its district, or under paragraph (f)(25) of this section as to its officers:

• • • • •

(3) Under the provisions of the 10th paragraph of section 9 of the Federal Reserve Act (12 U.S.C. 328), to approve or deny applications by State banks for waiver of the required 6 months' notice of intention to withdraw from Federal Reserve membership.

• • • • •

2. The provisions of section 553 of title 5, United States Code, relating to notice and public participation and to deferred effective dates, were not followed in connection with the adoption of this amendment, because the rule contained therein is procedural in nature and accordingly does not constitute a substantive rule subject to the requirements of such section.

Effective date. This amendment is effective with respect to applications received by the Reserve banks on and after March 12, 1973.

By order of the Board of Governors, March 8, 1973.

[SEAL] TYNAN SMITH,
Secretary of the Board.

[FR Doc.73-4957 Filed 3-14-73;8:45 am]

Title 14—Aeronautics and Space

CHAPTER I—FEDERAL AVIATION ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Airworthiness Docket No. 72-SW-64; Amdt. 39-1606]

PART 39—AIRWORTHINESS DIRECTIVES

Certain Aero Commander Models

A proposal to amend Part 39 of the Federal Aviation regulations to include an airworthiness directive requiring replacement of fuel tank filler cap assemblies on Aero Commander Models 500, 500A, 500B, 500U, 520, 560, 560A, 560E, 560F, 680, 680E, 680F, 680F(P), 680FL, 680FL(P), and 720 airplanes was published in 37 FR 22390.

Interested persons have been afforded an opportunity to participate in the making of the amendment. No objections were received.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (31 FR 13697), § 39.13 of Part 39 of the Federal Aviation regulations is amended by adding the following new airworthiness directive:

AERO COMMANDER: Applies to all Models 500, 500A, 500B, 500U, 520, 560, 560A, 560E, 560F, 680, 680E, 680F, 680F(P), 680FL, 680FL(P), and 720 series airplanes certificated in all categories.

Compliance: Required within the next 200 hours' time in service after the effective date of this AD, unless already accomplished.

To prevent siphoning of fuel from the fuel tanks and thereby contribute to fuel exhaustion with resultant stoppage of both engines, accomplish the following:

a. On Models 520 and 560, Serial Nos. 1 through 230, replace the standard fuel cap assemblies with nonsiphoning fuel cap assemblies, Aero Commander Kit No. 87A-1.

b. On the following models, replace the standard fuel cap assemblies with nonsiphoning fuel cap assemblies, Aero Commander Kit No. 87A-2 (optional fuel caps already installed by use of Aero Commander Kit No. 87 are acceptable):

(1) Models 500, 500A, 500B, 500U, 560A, 560E, 560F, 680, 680E, 680F, 680F(P), 680FL(P), and 720, Serial Nos. 231 through 1854.

(2) Model 680FL, Serial Nos. 1261 through 1738.

c. The compliance time for this AD may be adjusted up to a maximum of 50 hours to coincide with the aircraft's annual or 100 hour scheduled inspection.

Aero Commander Custom Kit No. 87A contains the hardware and instructions necessary to accomplish this modification. Equivalent replacement parts approved by the Chief, Engineering and Manufacturing Branch, Flight Standards Division, Southwest Region, Federal Aviation Administration, Fort Worth, Tex., may be used.

This amendment becomes effective March 19, 1973.

(Secs. 313(a), 601, 603, Federal Aviation Act of 1958, 49 U.S.C. 1354(a), 1421, 1423; sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Fort Worth, Tex., on March 2, 1973.

HENRY L. NEWMAN,
Director, Southwest Region.

[FR Doc.73-4990 Filed 3-14-73;8:45 am]

[Airspace Docket No. 72-NW-25]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Designation of VOR Federal Airway

On December 8, 1972, a notice of proposed rule making (NPRM) was published in the FEDERAL REGISTER (37 FR 26125) stating that the Federal Aviation Administration (FAA) was considering an amendment to Part 71 of the Federal Aviation regulations that would designate a new VOR Federal airway between Burley, Idaho, and Yellowstone, Mont., via Idaho Falls, Idaho.

Interested persons were afforded an opportunity to participate in the proposed rule making through the submission of comments. No objections to the proposed action were received. However, further review of the proposal by the FAA has indicated the advisability of terminating the proposed airway at the St. Anthony, Idaho, intersection on V-298 rather than extending the airway all the way to Yellowstone as proposed in the notice. This action is being taken because the Yellowstone radio beacon is owned by the State of Montana and is operated only from May through September each year. A portion of the proposed airway would have been based upon use of the Yellowstone radio beacon. The airway as designated herein does not require use of the Yellowstone radio beacon.

In consideration of the foregoing, Part 71 of the Federal Aviation regulations is amended, effective 0901 G.m.t., May 24, 1973, as hereinafter set forth.

In § 71.123 (38 FR 307) the following is added:

V-365 from Burley, Idaho, via INT Burley 042° and Idaho Falls, Idaho, 248° radials; Idaho Falls; to INT Idaho Falls 030° and Dubois, Idaho, 099° radials.

(Sec. 307(a), Federal Aviation Act of 1958, 49 U.S.C. 1348(a); sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Washington, D.C., on March 9, 1973.

CHARLES H. NEWPOL,
Acting Chief, Airspace and Air Traffic Rules Division.

[FR Doc.73-4992 Filed 3-14-73;8:45 am]

[Airspace Docket No. 72-NE-25]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Control Zone and Transition Area

On page 4709 of the FEDERAL REGISTER dated February 21, 1973 (38 FR 4709), the Federal Aviation Administration issued an amendment effective 0901 G.m.t., April 26, 1973, which altered the Presque Isle, Maine, control zone and transition area.

It has been determined that it is now possible to implement the new standard instrument approach procedure by March 29, 1973, instead of the later date which was set forth in the initial amendment.

Since thirty (30) days will elapse from the time of publication of the rule as initially adopted to the new effective date, this change is made in compliance with section 4 of the Administrative Procedure Act.

In view of the foregoing, the effective date for the proposed regulations is amended to read 0901 G.m.t., March 29, 1973, in lieu of 0901 G.m.t., April 26, 1973.

(Sec. 307(a), Federal Aviation Act of 1958, 49 U.S.C. 1348; sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Burlington, Mass., on March 6, 1973.

W. E. CROSBY,
Deputy Director, New England Region.

[FR Doc.73-4991 Filed 3-14-73;8:45 am]

[Airspace Docket No. 73-GL-10]

PART 75—ESTABLISHMENT OF JET ROUTES AND AREA HIGH ROUTES

Change of Jet Route Numbered Identifier

The purpose of this amendment to Part 75 of the Federal Aviation regulations is to change the numbered identifier of J99, which is designated from Atlanta, Ga., to Northbrook, Ill., to J73. This change will eliminate confusion sometimes caused by a similar sounding jet route in the Chicago area.

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Since this amendment is minor in nature with no substantive change in regulations and one in which the public is not particularly interested, notice and public procedure thereon are unnecessary. However, since sufficient time must be allowed to make appropriate changes on aeronautical charts, this amendment will become effective more than 30 days after publication.

In consideration of the foregoing Part 75 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., May 24, 1973, as hereinafter set forth.

Section 75.100 (38 FR 681) is amended as follows:

In the heading Jet Route No. 99, delete "Jet Route No. 99 (Atlanta, Ga., to Northbrook, Ill.)." and substitute therefor "Jet Route No. 73 (Atlanta, Ga., to Northbrook, Ill.)."

(Sec. 307(a), Federal Aviation Act of 1958, 49 U.S.C. 1348(a); sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Washington, D.C., on March 7, 1973.

CHARLES H. NEWPOL,
Acting Chief, Airspace and Air Traffic Rules Division.

[FR Doc.73-4993 Filed 3-14-73;8:45 am]

[Airspace Docket No. 73-SO-7]

PART 75—ESTABLISHMENT OF JET ROUTES AND AREA HIGH ROUTES

Change of Waypoint Name

The purpose of this amendment to Part 75 of the Federal Aviation regulations is to change the name of Waypoint, Callahan, Fla., on J838R, to Barford, Fla. The locally familiar name of Callahan will be assigned to identify an instrument landing system which will be commissioned soon to serve the Jacksonville, Fla., International Airport.

Since this amendment is minor in nature with no substantive change in regulations, notice and public procedure thereon are unnecessary. However, since sufficient time must be allowed to make appropriate changes on aeronautical charts, this amendment will become effective more than 30 days after publication.

In consideration of the foregoing Part 75 of the Federal Aviation regulations is amended, effective 0901 G.m.t. May 24, 1973, as hereinafter set forth.

Section 75.400 (38 FR 700) is amended as follows:

In J838R delete waypoint "Callahan, FL., 30°45'09" N., 82°05'08" W. Savannah, GA." and substitute therefor "Barford, Fla., 30°45'09" N., 82°05'08" W. Savannah, Ga."

(Sec. 307(a), Federal Aviation Act of 1958, (49 U.S.C. 1348(a)); sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Washington, D.C., on March 7, 1973.

CHARLES H. NEWPOL,
Acting Chief, Airspace and Air Traffic Rules Division.

[FR Doc.73-4994 Filed 3-14-73;8:45 am]

[Docket No. 12630; Amdt. 855]

PART 97—STANDARD INSTRUMENT APPROACH PROCEDURES

Miscellaneous Amendments

This amendment to Part 97 of the Federal Aviation regulations incorporates by reference therein changes and additions to the Standard Instrument Approach Procedures (SIAP's) that were recently adopted by the Administrator to promote safety at the airports concerned.

The complete SIAP's for the changes and additions covered by this amendment are described in FAA Forms 3139, 8260-3, 8260-4, or 8260-5 and made a part of the public rule making dockets of the FAA in accordance with the procedures set forth in Amendment No. 97-696 (35 FR 5609).

SIAP's are available for examination at the Rules Docket and at the National Flight Data Center, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591. Copies of SIAP's adopted in a particular region are also available for examination at the headquarters of that region. Individual copies of SIAP's may be purchased from the FAA Public Document Inspection Facility, HQ-405, 800 Independence Avenue SW., Washington, DC 20591 or from the applicable FAA regional office in accordance with the fee schedule prescribed in 49 CFR 7.85. This fee is payable in advance and may be paid by check, draft or postal money order payable to the Treasurer of the United States. A weekly transmittal of all SIAP changes and additions may be obtained by subscription at an annual rate of $150 per annum from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402. Additional copies mailed to the same address may be ordered for $30 each.

Since a situation exists that requires immediate adoption of this amendment, I find that further notice and public procedure hereon is impracticable and good cause exists for making it effective in less than 30 days.

In consideration of the foregoing, Part 97 of the Federal Aviation regulations is amended as follows, effective on the dates specified:

1. Section 97.23 is amended by originating, amending, or canceling the following VOR-VOR/DME SIAP's, effective April 26, 1973.

Albert Lea, Minn.—Albert Lea Municipal Airport, VOR Runway 16, Amdt. 2.
Bennettsville, S.C.—Bennettsville Airport, VOR DME-A, Original.
Bloomington, Ill.—Bloomington-Normal Airport, VOR Runway 21, Amdt. 10.
Brookings, S. Dak.—Brookings Municipal Airport, VOR Runway 12, Amdt. 2.
Brookings, S. Dak.—Brookings Municipal Airport, VOR Runway 30, Amdt. 1.
College Station, Tex.—Easterwood Field, VOR Runway 10, Amdt. 10.
College Station, Tex.—Easterwood Field, VOR Runway 28, Amdt. 2.
Great Falls, Mont.—Great Falls International Airport, VOR Runway 3, Amdt. 11.
Great Falls, Mont.—Great Falls International Airport, VOR/DME Runway 21, Amdt. 3.
Kailua-Kona, Hawaii—Ke-ahole Airport, VORTAC Runway 17, Amdt. 1.
Kailua-Kona, Hawaii—Ke-ahole Airport, VORTAC Runway 35, Amdt. 1.
Lanai City, Hawaii—Lanai Airport, VOR-A, Amdt. 1.
Miami, Fla.—Miami International Airport, VOR Runway 12, Amdt. 18.
Miami, Fla.—Miami International Airport, VOR Runway 30, Amdt. 1.
Minneapolis, Minn.—Flying Cloud Airport, VOR Runway 9L, Amdt. 6.
Minneapolis, Minn.—Flying Cloud Airport, VOR Runway 36, Amdt. 2.
Shelby, N.C.—Shelby Municipal Airport, VOR/DME Runway 4, Amdt. 3.
Victoria, Tex.—Victoria County-Foster Airport, VOR Runway 12L, Amdt. 5.
Walla Walla, Wash.—Walla Walla City-County Airport, VOR-A, Amdt. 2, Canceled.
Yakima, Wash.—Yakima Air Terminal Airport, VOR-A, Amdt. 2.
Yakima, Wash.—Yakima Air Terminal Airport, VOR/DME Runway 27, Amdt. 2.

• • • effective April 19, 1973.

Glen Falls, N.Y.—Warren County Airport, VOR DME Runway 1, Amdt. 2.

• • • effective April 12, 1973.

Davenport, Iowa—Davenport Municipal Airport., VOR Runway 2, Amdt. 1.

2. Section 97.25 is amended by originating, amending, or canceling the following SDF-LOC-LDA SIAP's, effective April 26, 1973.

College Station, Tex.—Easterwood Field, LOC(BC) Runway 16, Amdt. 1.
Kailua-Kona, Hawaii—Ke-ahole Airport., LOC(BC) Runway 35, Original.
Los Angeles, Calif.—Los Angeles International Airport, LOC Runway 6R, Original, Canceled.
Miami, Fla.—Miami International Airport, LOC(BC) Runway 9R, Amdt. 7.
Miami, Fla.—Miami International Airport, Parallel LOC(BC) Runway 9R, Amdt. 1, Canceled.
Miami, Fla.—Miami International Airport, LOC(BC) Runway 27R, Amdt. 8, Canceled.
Miami, Fla.—Miami International Airport, Parallel LOC(BC) Runway 27R, Amdt. 3, Canceled.
Yakima, Wash.—Yakima Air Terminal, LOC/DME(BC) Runway 9, Amdt. 3.

• • • effective April 12, 1973.

Lafayette, Ind.—Purdue University Airport, LOC Runway 10, Amdt. 2, Canceled.

• • • effective March 29, 1973.

Watertown, S. Dak.—Watertown Municipal Airport, LOC/DME(BC) Runway 17, Original.

3. Section 97.27 is amended by originating, amending, or canceling the following NDB/ADF SIAP's, effective April 26, 1973.

Athens, Ga.—Athens Municipal Airport, NDB Runway 2, Original.
Athens, Ga.—Athens Municipal Airport, NDB Runway 27, Original.
Charles City, Iowa—Charles City Municipal Airport, NDB Runway 12, Amdt. 4.
College Station, Tex.—Easterwood Field, NDB Runway 34, Amdt. 1.
Columbus, Ind.—Bakalar Municipal Airport, NDB Runway 22, Amdt. 2.
Great Falls, Mont.—Great Falls International Airport, NDB Runway 34, Amdt. 12.
Majuro Atoll, Marshall Islands—Marshall Islands International Airport, NDB Runway 25, Original.
Miami, Fla.—Miami International Airport, NDB Runway 9L, Amdt. 10.
Miami, Fla.—Miami International Airport, NDB Runway 27L, Amdt. 9.
Minocqua-Woodruff, Wis.—Lakeland Airport, NDB Runway 10, Amdt. 2.
Minocqua-Woodruff, Wis.—Lakeland Airport, NDB Runway 18, Amdt. 5.
Minocqua-Woodruff, Wis.—Lakeland Airport, NDB Runway 28, Amdt. 2.
Minocqua-Woodruff, Wis.—Lakeland Airport, NDB Runway 36, Amdt. 3.
Somerset, Ky.—Somerset-Pulaski County Airport, NDB Runway 4, Amdt. 4.
Walla Walla, Wash.—Walla Walla City-County Airport, NDB-1 Runway 20, Original, Canceled.
Walla Walla, Wash.—Walla Walla City-County Airport, NDB-2 Runway 20, Original, Canceled.
Walla Walla, Wash.—Walla Walla City-County Airport, NDB Runway 20, Original.
Yap, Caroline Islands—Yap Airport, NDB Runway 7, Original.

• • • effective April 12, 1973.

Lafayette, Ind.—Purdue University Airport, NDB Runway 10, Amdt. 2.

• • • effective March 22, 1973.

Lebanon, Mo.—Floyd W. Jones Lebanon Airport, NDB Runway 36, Original.

• • • effective March 5, 1973.

West Bend, Wis.—West Bend Municipal Airport, NDB Runway 31, Amdt. 4.

4. Section 97.29 is amended by originating, amending, or canceling the following ILS SIAP's, effective April 26, 1973.

College Station, Tex.—Easterwood Field, ILS Runway 34, Amdt. 1.
Great Falls, Mont.—Great Falls International Airport, ILS Runway 34, Amdt. 16.
Kailua-Kona, Hawaii—Ke-ahole Airport, ILS/DME Runway 17, Original.
Los Angeles, Calif.—Los Angeles International Airport, ILS Runway 6R, Original.
Melbourne, Fla.—Cape Kennedy Regional Airport, ILS Runway 9, Amdt. 1.
Miami, Fla.—Miami International Airport, ILS Runway 9L, Amdt. 14.
Miami, Fla.—Miami International Airport, ILS Runway 27L, Amdt. 13.
Miami, Fla.—Miami International Airport, Parallel ILS Runway 27L, Amdt. 4, Canceled.
Miami, Fla.—Miami International Airport, ILS Runway 27R, Original.
Yakima, Wash.—Yakima Air Terminal, ILS Runway 27, Amdt. 19.

• • • effective April 12, 1973.

Lafayette, Ind.—Purdue University Airport, ILS Runway 10, Original.

• • • effective March 29, 1973.

Crescent City, Calif.—Jack McNamara Field, ILS/DME Runway 11, Original.
Watertown, S. Dak.—Watertown Municipal Airport, ILS, DME Runway 35, Original.

5. Section 97.31 is amended by originating, amending, or canceling the following Radar SIAP's, effective April 26, 1973.

Great Falls, Mont.—Great Falls International Airport, Radar-1, Amdt. 4.
Miami, Fla.—Miami International Airport, Radar-1, Amdt. 13.

6. Section 97.33 is amended by originating, amending, or canceling the following RNAV SIAP's, effective April 26, 1973.

Columbus, Ind.—Bakalar Municipal Airport, RNAV Runway 22, Original.
Elgin, Ill.—Elgin Airport, RNAV Runway 18, Original.
Elgin, Ill.—Elgin Airport, RNAV Runway 36, Original.
Miami, Fla.—Miami International Airport, RNAV Runway 9L, Amdt. 2.
North Little Rock, Ark.—North Little Rock Municipal Airport, RNAV-A, Original.

(Secs. 307, 313, 601, 1110, Federal Aviation Act of 1958; 49 U.S.C. 1438, 1354, 1421, 1510; sec. 6(c) Department of Transportation Act, 49 U.S.C. 1655(c), 5 U.S.C. 552(a)(1))

Issued in Washington, D.C., on March 8, 1973.

C. R. MELUGIN, JR.,
Acting Director, Flight Standards Service.

NOTE: Incorporation by reference provisions in §§ 97.10 and 97.20 (35 FR 5610), approved by the Director of the Federal Register on May 12, 1969.

[FR Doc.73-4989 Filed 3-14-73;8:45 am]

Title 16—Commercial Practices

CHAPTER I—FEDERAL TRADE COMMISSION

[Docket No. 8861o]

PART 13—PROHIBITED TRADE PRACTICES

Credit Card Services Corporation and John P. Ferry

Correction

In FR Doc. 73-3519, appearing at page 5157 for the issue of Monday, February 26, 1973, the docket number should read as set out above.

PART 425—USE OF NEGATIVE OPTION PLANS BY SELLERS IN COMMERCE

Regulations Pertaining to the Use of Negative Option Plans

Correction

In FR Doc. 73-3278, appearing at page 4896 for the issue of Thursday, Feb. 22, 1973, the following changes should be made:

1. In the 13th and 14th lines of the note in § 425.1(b)(5) the word which now reads "announce" should read "announcement".

2. The third line of the third column on page 4897 now reading "original subscription arrangement sub-" should read "business in 1925 as a mail-order sub-".

3. In the fifth line of the first column on page 4898, there should be a footnote reference "8" at the end of the line.

Title 19—Customs Duties

CHAPTER I—BUREAU OF CUSTOMS

[T.D. 73-73]

PART 123—CUSTOMS RELATIONS WITH CANADA AND MEXICO

Foreign Locomotives and Equipment in International Traffic

Part 123 of the Customs Regulations incorporates former § 5.12, Customs Regulations of 1943, in present §§ 123.12 and 123.13. Section 5.12 set forth the restrictions on the domestic use of foreign railroad cars and the procedures applicable to foreign repairs to "domestic" cars. Footnote 11 to § 5.12 defined "domestic" and "foreign" railroad equipment. However, when § 5.12 and its related footnote 11 were revised and incorporated into Part 123, the definition of "domestic" equipment was, by oversight, retained in § 123.13 with the words "For the purpose of this section," but the definition was not extended to § 123.12. Questions have therefore been raised regarding the appropriate treatment, on entry, of foreign locomotives and equipment in international traffic. These amendments to §§ 123.12 and 123.13, Customs Regulations, merely clarify that the status of those articles, for entry purposes, has not changed.

The amendment to § 123.12 adds a paragraph (d) setting forth the definition of domestic locomotives and railroad equipment, and adds the clarifying sentence: "Other locomotives and railroad equipment shall be considered 'foreign'." In § 123.13 the statement of the definition is deleted, and it is then incorporated by reference.

Accordingly, §§ 123.12 and 123.13 of the Customs Regulations are amended as follows:

§ 123.12 **Entry of foreign locomotives and equipment in international traffic.**

* * * * * *

(d) *Domestic and foreign locomotives and other railroad equipment defined.* For the purpose of this section and section 123.13, locomotives or other railroad equipment manufactured in, or regularly imported into, the United States, shall be considered "domestic" if not subsequently formally entered and cleared through foreign customs into another country, nor used in foreign local traffic otherwise than as an incident of the return of the equipment to the United States. Other locomotives and railroad equipment shall be considered "foreign".

(Sec. 14, 67 Stat. 516; 19 U.S.C. 1322)

§ 123.13 **Foreign repairs to domestic locomotives and other domestic railroad equipment.**

A report of the first arrival in the United States of a domestic locomotive or other railroad equipment after repairs have been made in a foreign country other than those required to restore it to the condition in which it last left the United States ("running repairs"), shall be made promptly, in writing, to the Customs officer at the port of reentry. The report shall state the time and place of arrival, and the nature and value of the repairs. Each such locomotive or other piece of railroad equipment when withdrawn from interna-

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tional traffic shall be subject to duty upon the value of the repairs (other than "running repairs"), made abroad at the rate at which the repaired article would be dutiable if imported. For the appropriate determination as to whether the locomotive or other railroad equipment should be considered "domestic" or "foreign", see § 123.12(d).

(Sec. 14, 67 Stat. 516, 77A Stat. 14; 19 U.S.C. 1202, (Gen. Hdnte. 11), 1322; R.S. 251, sec. 624, 46 Stat. 759, 77A Stat. 14; 19 U.S.C. 66, 1202, (Gen. Hdnte. 11), 1624)

These amendments merely confirm a preexisting exemption for certain foreign locomotives, railroad equipment, and repairs to those articles. Therefore, notice and public procedure thereon is unnecessary under 5 U.S.C. 553(b), and good cause exists for dispensing with a delayed effective date, under the provisions of 5 U.S.C. 553(d).

Effective date. This amendment shall be effective March 15, 1973.

[SEAL] EDWIN F. RAINS,
Acting Commissioner of Customs.

Approved: March 6, 1973.

EDWARD L. MORGAN,
Assistant Secretary of the Treasury.

[FR Doc.73-5047 Filed 3-14-73;8:45 am]

Title 24—Housing and Urban Development

CHAPTER X—FEDERAL INSURANCE ADMINISTRATION, DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

SUBCHAPTER B—NATIONAL FLOOD INSURANCE PROGRAM

PART 1914—AREAS ELIGIBLE FOR THE SALE OF INSURANCE

Status of Participating Communities

Section 1914.4 of Part 1914 of Subchapter B of Chapter X of Title 24 of the Code of Federal Regulations is amended by adding in alphabetical sequence a new entry to the table. In this entry, a complete chronology of effective dates appears for each listed community. Each date appearing in the last column of the table is followed by a designation which indicates whether the date signifies (1) the effective date of the authorization of the sale of flood insurance in the area under the emergency or under the regular flood insurance program; (2) the effective date on which the community became ineligible for the sale of flood insurance because of its failure to submit land use and control measures as required pursuant to § 1909.24(a); or (3) the effective date of a community's formal reinstatement in the program pursuant to § 1909.24(b). The entry reads as follows:

§ 1914.4 Status of participating communities.

State	County	Location	Map No.	State map repository	Local map repository	Effective date of authorization of sale of flood insurance for area
• • •	• • •	• • •	• • •	• • •	• • •	• • •
Arkansas	Pope	Russellville, City of.				July 17, 1970. Emergency. Dec. 31, 1970. Regular. Apr. 15, 1973. Suspension.
Florida	Pinellas	Unincorporated areas.				June 17, 1970. Emergency. June 18, 1971. Regular. Sept. 15, 1972. Suspension. Nov. 3, 1972 Reinstated. Apr. 15, 1973. Suspension.
New Jersey	Ocean	Lavallette, Borough of.				Sept. 11, 1970. Emergency. June 11, 1971. Regular. Apr. 15, 1973. Suspension.
Ohio	Cuyahoga	Garfield Heights, City of.				Sept. 18, 1970. Emergency. July 9, 1971. Regular. Apr. 15, 1973. Suspension.
Texas	Guadalupe	Seguin, City of.				Oct. 9, 1970. Emergency. June 18, 1971. Regular. Apr. 15, 1973. Suspension.
Do.	Jefferson	Griffing Park, Town of.				July 17, 1970. Emergency. Nov. 13, 1970. Regular. Apr. 15, 1973. Suspension.
Do.	Matagorda	Palacios, City of.				Aug. 7, 1970. Emergency. Nov. 13, 1970. Regular. Apr. 15, 1973. Suspension.
Do.	Victoria	Victoria, City of.				May 22, 1970. Emergency. July 3, 1971. Regular. Apr. 15, 1973. Suspension.

State	County	Location	Map No.	State map repository	Local map repository	Effective date of authorization of sale of flood insurance for area
West Virginia	Logan	Chapmanville, Town of.				Jan. 29, 1971. Emergency. Aug. 27, 1971. Regular. Apr. 15, 1973. Suspension.
Do.	do.	Man, Town of.				Jan. 29, 1971. Emergency. Sept. 10, 1971. Regular. Apr. 15, 1973. Suspension.
Do.	do.	Mitchell Heights, Town of.				Jan. 29, 1971. Emergency. Aug. 13, 1971. Regular. Apr. 15, 1973. Suspension.

(National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968), effective Jan. 28, 1969 (33 FR 17804, Nov. 28, 1968), as amended (secs. 408–410, Public Law 91–152, Dec. 24, 1969), 42 U.S.C. 4001–4127; and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, Feb. 27, 1969)

Issued: March 12, 1973.

GEORGE K. BERNSTEIN,
Federal Insurance Administrator.

[FR Doc.73-5080 Filed 3-14-73;8:45 am]

Title 30—Mineral Resources

CHAPTER I—BUREAU OF MINES, DEPARTMENT OF THE INTERIOR

PART 11—RESPIRATORY PROTECTIVE DEVICES, TESTS FOR PERMISSIBILITY; FEES

MISCELLANEOUS AMENDMENTS

On March 25, 1972, the Department of Health, Education, and Welfare and the Department of the Interior jointly adopted regulations which provided for the testing of all respirators by the Bureau of Mines and the issuance of joint approvals of all respirators whether such an approval was authorized by the Bureau of Mines alone, the Bureau and the Institute jointly, or by the Institute alone (30 CFR Part 11, 37 FR 6244).

Notice of proposed rule making, public rule making procedures and postponement of effective date have been omitted in the issuance of the following amendments to Part 11 which relate solely to agency management. Specifically, the amendments reflect a Memorandum of Understanding dated May 30, 1972, between the U.S. Bureau of Mines, Department of the Interior and the National Institute for Occupational Safety and Health, Department of Health, Education, and Welfare whereby the site for testing of respiratory protective devices (other than the testing of electrical devices for intrinsic safety) was transferred from the Bureau's laboratory in Pittsburgh to the Institute's laboratory at Morgantown, W. Va.

Under various statutory provisions the Bureau has sole authority to approve respirators used in metal and nonmetallic mines, the Bureau and the Institute are authorized jointly to approve respirators for use in coal mines, and the Institute has authority for all other respirator approvals. Since it is almost impossible to predict when a respirator will be used exclusively in a specific occupation, all respirator approvals will continue to be issued jointly by the Bureau and the Institute based on tests conducted by the Institute at its laboratory in Morgantown.

A copy of the May 30 Memorandum of Understanding is available for inspection at the Bureau of Mines, Room 4512, 18th and C Streets NW., Washington, D.C. 20240, and the National Institute for Occupational Safety and Health, Room 10A–19, 5600 Fishers Lane, Rockville, MD 20852.

In view of the foregoing, Part 11 is amended as set forth below, and the amendments are effective on March 15, 1973.

Dated: February 15, 1973.

HOLLIS M. DOLE,
Assistant Secretary of the Interior.

Dated: February 6, 1973.

FRANK CARLUCCI,
Acting Secretary of Health, Education, and Welfare.

1. The authorty for the issuance of Part 11 is amended to read as follows:

AUTHORITY: Secs. 202(h), 204, and 508, 83 Stat. 763, 764 and 803; 30 U.S.C. 842(h), 844 and 957; secs. 2, 3, and 5, 36 Stat. 370, as amended 37 Stat. 681; 30 U.S.C. 3, 5, and 7; sec. 8(g), 84 Stat. 1600; 29 U.S.C. 657(g).

§ 11.2 [Amended]

2. In paragraphs (a) and (b) of § 11.2, the phrase "hazardous mine atomspheres" is changed to read "hazardous atmospheres".

§ 11.3 [Amended]

3. In § 11.3, the paragraph designated as (hh) is redesignated as (ii) and a new paragraph (hh) is inserted to read as follows:

(hh) "Testing and Certification Laboratory" means the Testing and Certification Laboratory, National Institute for Occupational Safety and Health, 944 Chestnut Ridge Road, Morgantown, W V 26505.

4. Section 11.4 is revised to read as follows:

§ 11.4 Incorporation by reference.

In accordance with 5 U.S.C. 552(a)(1), the technical publications to which reference is made in this Part 11, and which have been prepared by organizations other than the Bureau or the Institute, are hereby incorporated by reference and made a part hereof. The incorporated technical publications are available for examination at Approval and Testing, Health and Safety Technical Support Center, Bureau of Mines, 4800 Forbes Avenue, Pittsburgh, PA 15213, and at the Testing and Certification Laboratory. In addition, copies of the American National Standards Institute Standard Z88.2–1969, "Practices for Respiratory Protection," are available for examination in every Coal Mine Health and Safety District and Subdistrict Office.

§§ 11.1, 11.12, 11.20–11.22, 11.35, 11.50, 11.53, 11.61, 11.63, 11.64, 11.66, 11.85–14, 11.98, 11.102–3, 11.135, 11.162–3, 11.183–3 [Amended]

5. In the sections and paragraphs specified below, the word "Bureau" is deleted wherever it appears and the word "Institute" is substituted therefor.

Sec.	Sec.
11.1 (b) and (d)	11.63 (a) and (d)
11.12 (a), (d), and (e)	11.64 (b) and (c)
11.20	11.66(b)
11.21	11.85–14(c)
11.22 (c), (d), and (e)	11.98(c)
11.35 (d) and (e)	11.102–3(b)
11.50	11.135(f)
11.53(b)	11.162–3(b)
11.61(a)	11.183–3(b)

6. Section 11.10 is revised to read as follows:

§ 11.10 Application procedures.

(a) Inspection, examination, and testing leading to the approval of the types of respirators classified in Subpart F of this part shall be undertaken by the Institute only pursuant to written applica-

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tions which meet the minimum requirements set forth in this Subpart B.

(b) Applications shall be submitted to the Testing and Certification Laboratory, and shall be accompanied by a check, bank draft, or money order in the amount specified in Subpart C of this part payable to the order of the National Institute for Occupational Safety and Health.

(c) Except as provided in § 11.64 and in paragraph (e) of this section, the examination, inspection, and testing of all respirators shall be conducted by the Testing and Certification Laboratory.

(d) Applicants, manufacturers, or their representatives may visit or communicate with the Testing and Certification Laboratory in order to discuss the requirements for approval of any respirator or the proposed designs thereof. No charge shall be made for such consultation and no written report shall be issued to applicants, manufacturers, or their representatives by the Institute as a result of such consultation.

(e) Inspection, examination, and testing of electrical components of respirators that are required to be permissible shall be tested in accordance with Part 18 of this chapter, and such components shall be submitted to Approval and Testing, Bureau of Mines, 4800 Forbes Avenue, Pittsburgh, PA 15213.

§§ 11.12, 11.36 [Amended]

7. In §§ 11.12(b) and 11.36, the words "Approval and Testing, Bureau of Mines, 4800 Forbes Avenue, Pittsburgh, PA 15213" are deleted wherever they appear and the words "Testing and Certification Laboratory" are substituted therefor.

8. In § 11.12 the section heading is changed to read "Delivery of respirators and components by applicant; requirements."

§ 11.22 [Amended]

9. In § 11.22 the first sentence of paragraph (b) is revised to read as follows:

The Bureau and the Institute reserve the right to conduct any examination, inspection or test they deem necessary to determine the quality and effectiveness of any listed or unlisted respirator assembly or respirator component or subassembly, and to assess the cost of such examinations, inspections, or tests against the applicant prior to the issuance of any approval for such assembly, component, or subassembly.

§ 11.30 [Amended]

10. In the second sentence of § 11.30 (c), the word "Bureau" is deleted and the word "Institute" is substituted therefor.

§ 11.31 [Amended]

11. In § 11.31(e) the words "or the Institute" are inserted immediately following the word "Bureau".

§ 11.33 [Amended]

12. In § 11.33 the following changes are made:

In paragraph (b) the word "Bureau" in the sixth line is deleted and the word "Institute" is substituted therefor, and a sentence is added at the end of the paragraph to read: "The approval number assigned by the Institute shall be designated by the prefix TC and a serial number."

In paragraph (c) the phrase "and the Institute" is added immediately following the word "Bureau".

§ 11.34 [Amended]

13. Section 11.34 is amended by deleting the phrase "violation of section 109 (e) of the Federal Coal Mine Health and Safety Act of 1969 (30 U.S.C. 819(e))".

§ 11.64 [Amended]

14. The heading is § 11.64 is changed to read "Pretesting by applicant; approval of test methods" and paragraph (d) is amended to read as follows:

(d) No approval will be issued until the Institute has validated the applicant's test results.

§ 11.85–14 [Amended]

15. In paragraph (b) of § 11.85–14 the word "Bureau" is deleted.

§ 11.90 [Amended]

16. Paragraph (c) of § 11.90 is amended to read as follows:

Gas masks for respiratory protection against gases and vapors other than those specified in paragraph (b) of this section, may be approved upon submittal of an application in writing for approval to the Testing and Certification Laboratory listing the gas or vapor and suggested maximum use concentration for the specific type of gas mask. The Institute and the Bureau will consider the application and accept or reject it on the basis of effect on the wearer's health and safety and any field experience in use of gas masks for such exposures. If the application is accepted, the Institute will test such masks in accordance with the requirements of this subpart.

§ 11.150 [Amended]

17. In the first sentence of the Note to section 11.150, the word "Bureau" is deleted and the word "Institute" is substituted therefor.

(Secs. 202(h), 204, 508, 83 Stat. 763, 764, 803; 30 U.S.C. 842(h), 844, 957; secs. 2, 3, 5, 36 Stat. 370, as amended 37 Stat. 681; 30 U.S.C. 3, 5, 7; sec 8(g), 84 Stat. 1600; 29 U.S.C. 657(g))

[FR Doc.73-4948 Filed 3-15-73;8:45 am]

Title 32—National Defense

CHAPTER I—OFFICE OF THE SECRETARY OF DEFENSE

SUBCHAPTER D—SECURITY

PART 159—INFORMATION SECURITY PROGRAM REGULATION

Mandatory Classification Review

The following amendments to Part 159 have been approved, effective on the dates shown: Section 159.303 *Material covered*, clarifies the scope and description of DoD classified information and material to which the mandatory classification review applies; § 159.303–2 *Submission of requests for review*, identifies with greater particularity the DoD element or office to which, or the DoD official to whom, requests for mandatory classification review should be submitted; § 159.306–3 *Declassification of encrypted messages*, establishes DoD policy on declassification of encrypted messages encrypted from February 1, 1946 through May 31, 1960, and states established DoD policy on declassification of messages encrypted prior to February 1, 1946 and subsequent to May 31, 1960.

The amended sections of Part 159 read as follows:

§ 159.303 Material covered.

(a) All classified information and material originated on or after June 1, 1972 which is exempted under § 159.302–1 above from the General Declassification Schedule, and all classified information and material which is "excluded" from the General Declassification Schedule under § 159.301–1(b), shall, upon request, be subject to mandatory classification review by the originating DoD component at any time after the expiration of 10 years from date of origin.

(b) Effective date is February 16, 1973.

§ 159.303–2 Submission of requests for review.

(a) Requests described in § 159.303 shall be submitted in accordance with the following:

(1) Requests originating within DoD shall in all cases be submitted directly to the DoD element which originated the material involved for action as indicated in § 159.204. Such cases are not referred to the Departmental Classification Review Committees (§ 159.1301–1, § 159.–1302–1).

(2) Requests originating in other agencies of the Executive Branch should be submitted directly to the DoD element which originated the material. If the originating element is not known or cannot be located, the request may be submitted as indicated in paragraph (a)(3) of this section.

(3) For most expeditious action, requests from outside the executive branch should be submitted directly to the DoD element which originated the material. If the originating element is not known or cannot be located, the requester may submit the request to any of the following:

(i) The facilities established in the Office, Secretary of Defense, the military departments and the Defense Agencies under DoD Directive 5400.7 (Part 286), to receive requests for records under the Freedom of Information Act. These facilities are identified in appropriate sections of Title 32 of the Code of Federal Regulations for each DoD component.

(ii) The head of the DoD component which is most concerned with the subject matter of the material requested.

(iii) Chief, Records Management Branch, Office, Deputy Assistant Secretary of Defense (Administration), (Comptroller), Department of Defense, Washington, D.C. 20301.

(b) Effective date is February 16, 1973.

§ 159.306–3 Declassification of encrypted messages.

(a) Declassification of encrypted messages will be accomplished in accordance with the following policy:

(1) *Messages encrypted prior to February 1, 1946.* Declassification of messages in this category has been and will continue to be based solely on the informational content of the messages.

(2) *Messages encrypted during the period February 1 through May 31, 1960.* The requirement that messages in this category (so-called category "B" messages) be paraphrased and the date-time group physically removed prior to declassification is canceled. Effective immediately, declassification of such messages will be based solely on the informational content of the messages.

(3) *Messages encrypted subsequent to May 31, 1960.* Communications Centers have received instructions via KAG–1 and Department and Agency implementing documents to perform necessary cryptographic editing on these messages prior to release from the Communications Center. Declassification of messages in this category by holders outside Communications Centers is based solely on the informational content of the messages. Further cryptographic editing is not required.

(b) Effective date is February 2, 1973.

MAURICE W. ROCHE,
Director, Correspondence and Directives Branch, OASD (Comptroller).

[FR Doc.73-5015 Filed 3-14-73;8:45 am]

CHAPTER VII—DEPARTMENT OF THE AIR FORCE

SUBCHAPTER A—ADMINISTRATION

PART 806a—RELEASING INFORMATION FROM AND PROVIDING ACCESS TO MILITARY PERSONNEL RECORDS

Consolidated Base Personnel Office Level

This revision authorizes release of routine information at the Consolidated Base Personnel Office level. Procedures are established for release/withholding of information by Consolidated Base Personnel Offices servicing tenant members, and reply to burdensome requests. Lists additional references to other publications pertaining to release of information affecting Air Force personnel. Restrictions on release of lists or compilations of personnel data and personal data without member's written consent. Air Force directives referenced throughout this part have been corrected to reflect the correct nomenclatures.

Part 806a, Subchapter A of Chapter VII of Title 32 of the Code of Federal Regulations is amended as follows:

1. Section 806a.0 is revised to read as follows:

§ 806a.0 Purpose.

(a) This part outlines procedures for releasing information from, and providing access to, the military personnel records of present and former members of the Air Force, in accordance with title 5, United States Code, section 552. It applies to all custodians of military personnel records as well as to custodians of personnel data contained or developed within the personnel data systems.

(b) Part 806 of this chapter states the basic policies and instructions governing the disclosure of records and tells members of the public what they must do to inspect or obtain copies of the material referenced herein.

2. Section 806a.1 is amended by revising paragraph (b) to read as follows:

§ 806a.1 Policy.

(a) • • •

(b) This basic policy is subject to the exception that normally records containing information from military personnel records or personnel data systems are not required to be made routinely available to the public. Such information may be released when the disclosure would not result in a clearly unwarranted invasion of the personal privacy of the individual who is the subject of the record or release has been authorized in writing by the member.

• • • • • •

3. Section 806a.2 is revised to read as follows:

§ 806a.2 Authority.

(a) *Authorization to disclose information.* The following disclosure authorities are responsible for the disclosure of information from or access to military personnel records:

(1) Chiefs of Offices at directorate or higher level within Headquarters, USAF, including but not below chiefs of offices designated as custodians of records or documentary material thereat.

(2) Commanders and their representatives at major command or comparable level, including but no lower than installation, wing or comparable commanders and the Consolidated Base Personnel Office (CBPO) chiefs. Release of information and documentary material at CBPO level must be of a routine nature and in accordance with this part.

EXAMPLES: Officer effectiveness reports (OER), airman performance reports (APR), training reports, locator data, photographs, unclassified publications, etc., not designated "For Official Use Only."

(3) Anyone having the authority to disclose information or provide access thereto, is called a disclosure authority.

(b) *Authority to withhold information.* (1) Only a disclosure authority at a major command or comparable level, or at directorate or higher level within Headquarters USAF is authorized to refuse to make available military personnel records or information therefrom to the public. This authority may not be delegated except to the principal deputy, vice commander, or chief of staff at the level indicated in this subparagraph.

(2) Commands of CBPO's servicing tenant members will withhold release of information according to this part; however, requests for information that appear unique to a tenant member's command of assignment will be forwarded to that command for action.

4. Section 806a.3 is amended: By deleting subparagraph (1) of paragraph (a) and redesignating subparagraphs (2) and (3) of paragraph (a) as (1) and (2), respectively; and, by adding a new subparagraph (3) to paragraph (c) to read as follows:

§ 806a.3 Responsibility.

• • • • • •

(c) • • •

(3) When the information exists in the form of several records at several locations, the requester should be referred to those sources if gathering the information would be burdensome.

• • • • • •

5. Section 860a.4 is revised to read as follows:

§ 806a.4 Release of information.

To insure a uniform policy on release of information from military personnel records, the custodian:

(a) Refers to § 806a.6 for guidance.

(b) Refers to Part 813 or Part 812 of this chapter for the prescribed schedule of fees to be charged for copying, certifying and searching records.

(c) Refers to one of the following publications for policies pertaining to release of specific items of information from military personnel records if the request involves information not identified in § 806a.6, or is a combination of listed and unlisted data.

(1) Information or copies of military personnel records to Members of Congress or congressional committees—AFR 11–7.

(2) Information to the General Accounting Office or concerning General Accounting audit of program information—AFR 11–8.

(3) Central base locator data—AFR 11–24.

(4) Unusual, controversial, or doubtful requests, refer to Part 806 or USAFMPC/DPMDR, Randolph Air Force Base, Tex. 78148.

(5) Marking, protecting, and handling "For Official Use Only" information—AFR 12–31.

(6) A member, former member, or authorized representative (AFM 35–14, formerly AFM's 35–9 and 35–12) who desires to:

NOTE: If an OSI investigative report or similar report of any other investigative agency has been misfiled within the military personnel record, withdraw and dispose of in accordance with AFR 124–4 and AFR 205–1.

(i) Review subject records in person, refer the individual to the appropriate records custodian/office for scheduling of an appointment.

(ii) Verify his military service through correspondence or request for copies of his records.

(7) Paternity complaint—Part 841 of this chapter.

(8) Information from military personnel records for litigation—Part 840 of this chapter.

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(9) Unclassified record of a trial by Court-Martial—AFR 111–2.

(10) Office of Special Investigation (OSI) reports or similar reports of other governmental investigative agencies—AFR 124–4.

(11) Medical records—AFM 168–4. (Refer to appropriate director of medical services.)

(12) Commercial opinion, advertising campaign, or statistical survey sponsored or supported by the Air Force, refer to the authority specified by the Air Force. (If not sponsored or supported by the Air Force, refuse according to § 806a.3(d) and AFR 171–2.)

(13) Department of the Air Force information proposed for public release by the Air Force or its personnel, and writing for publication by Air Force personnel—AFR 190–12.

(14) Classified information—AFR 205–1.

(15) For release of information to any organization listed on the current DD Form 98, "Armed Forces Security Questionnaire," or to a country listed in § 806a.6, AFR 205–32, or if the inquiry is suspected of being requested for use in a smear campaign or for other ulterior motives, refer to HQ USAF/OSI, Forrestal Building, Washington, D.C. 20330.

(16) Personal solicitation, including commercial and insurance—AFR 211–16.

(17) Any foreign national (including a grave adoption committee) caring for the grave of a deceased Air Force member interred in an oversea military cemetery, refer to USAFMPC/DPMDR, Randolph Air Force Base, Tex. 78148.

(18) Casualties, missing or captured personnel, refer to USAFMPC/DPMSC, Randolph Air Force Base, Tex. 78148.

(19) Warning. (i) Do not provide identity of selection board members, under any circumstances.

(ii) Releasing rosters or similar multilistings of names to nongovernmental requesters with or without additional data is prohibited.

(20) Service member under 21 years of age in serious trouble. Release of information to immediate family member of all circumstances, incident(s) and proposed action to be taken on a service member under 21 years of age in serious trouble may be furnished without consent of the service member—rule 18, § 806a.6 and AFR 110–1.

§ 806a.5 [Amended]

6. Section 806a.5 is amended by changing the reference to "paragraph (b) of § 806a.4" to read "paragraph (c) of § 806a.4".

7. Section 806a.6 is amended by revising column A of rule 14 to read as follows; and by changing, under rule 16, column A the reference "§ 806a.4(d).)" to read "§ 806a.3(d).)"; and by adding a new rule 18 to read as follows:

§ 806a.6 Guidance Table—Release of Information.

14. Any source, including credit agencies, requesting the current military address of an Air Force member or home address of a former member (§ 806a.4(b) and (c)).	No	Yes			
18. The most immediate family member (spouse, father, mother, guardian, paternal parent/grand parent or next of kin) of a service member under 21 years of age in serious trouble.	No	Yes	Yes	Yes	

8. A new § 806a.7 is added to read as follows:

§ 806a.7 Preservation of personal privacy of Air Force members.

The following conditions take precedence over other provisions of this part.

(a) Unauthorized release to private organizations or individuals of personal information from personnel, medical, or similar files without the written consent of the individual concerned will be considered a clearly unwarranted invasion of his personal privacy within the meaning of section 552(b)(6) of title 5, United States Code. The written consent of the individuals concerned normally must be obtained prior to any such release of personal information to a nongovernment agency.

(b) Members of the Armed Forces and civilian employees may not release nor otherwise provide the following kinds of information to nongovernment organizations or individuals, whether commercial, nonprofit, or other, without previously obtaining the written consent of the individuals concerned.

(1) Lists or compilations containing the names and addresses of Air Force servicemen, servicewomen, former servicemen or former servicewomen;

(2) Data from medical records, except as prescribed in AFM 168–4;

(3) Aptitude test scores;

(4) Identification of the individual member's occupational specialty for other than authorized publicity; and

(5) Similar information of a personal nature.

(c) Development of procedures to obtain authorized releases should be limited by the costs and resources involved in establishing and executing them, weighted against the anticipated benefits to the members or former members of the Armed Forces, or to the national interest. Benefits may include such actions as assistance to separating service members in accomplishing the transition to civilian life; other promotion of the welfare of Department of Defense military or civilian personnel; scholarly research and other effects by nongovernmental agencies to further the national interest.

(5 U.S.C. 552 and 10 U.S.C. 8012)

By order of the Secretary of the Air Force.

JOHN W. FAHRNEY,
Colonel, USAF, Chief, Legislative Division, Office of The Judge Advocate General.

[FR Doc.73–5016 Filed 3–14–73;8:45 am]

Title 36—Parks, Forests, and Memorials

CHAPTER II—FOREST SERVICE, DEPARTMENT OF AGRICULTURE

PART 291—OCCUPANCY AND USE OF DEVELOPED SITES AND AREAS OF CONCENTRATED PUBLIC USE

Redesignation of Existing Regulations

Correction

In FR Doc. 73–3703 appearing at page 5851 of the issue of Monday, March 5, 1973, § 291.3 *Applicability and scope* was inadvertently omitted. This § 291.3 reads as follows:

§ 291.3 Applicability and scope.

(a) The regulations in §§ 291.2 through 291.8 prescribe the proper use, management, government, and protection of, and maintenance of good order in, the sites and areas to which they apply on lands of the United States within the National Forest System.

(b) The regulations in §§ 291.2 through 291.8 apply to all persons entering, using, or visiting developed recreation sites or posted areas of concentrated public recreation use. A map delineating the boundaries of the areas of concentrated public recreation use shall be posted by the Forest Supervisor at each such area in such a manner as will reasonably bring them to the attention of the public.

Title 39—Postal Service

CHAPTER I—U.S. POSTAL SERVICE

PART 122—ADDRESSES

Postage to Overlap Mailing Labels on Parcels

Part 122 is amended to add a new paragraph providing that postage on parcels be affixed so as to overlap mailing labels. This new provision is intended to prevent thieves from diverting parcels by attaching new address labels.

These procedures took effect on January 3, 1973.

Accordingly, § 122.2 is amended by the addition of paragraph (d) to read as follows:

§ 122.2 Arrangement of address.

* * * * *

(d) Parcels which bear address labels shall have the regular or postage meter stamps affixed by accepting postal employees so that the stamps overlap the upper right corner, as shown in the following illustration.

Postmasters should seek the cooperation of business mailers by asking them to affix postage in this manner. Parcels bearing address labels covering any portion of the postage or showing other significant evidence of overlabeling shall be withheld from dispatch or delivery and must be immediately reported to the nearest postal inspector or postal inspector in charge.

(39 U.S.C. 401, 404)

ROGER P. CRAIG,
Deputy General Counsel.

MARCH 8, 1973.

[FR Doc.73–4895 Filed 3–14–73;8:45 am]

Title 49—Transportation

SUBTITLE A—OFFICE OF THE SECRETARY OF TRANSPORTATION

[OST Docket No. 32]

PART 85—CARGO SECURITY ADVISORY STANDARDS

By notice of proposed rule making (Docket 32; Notice 72–3) in the FEDERAL REGISTER of November 30, 1972 (37 FR 25401), the Department of Transportation proposed establishment of a program for the issuance of Cargo Security Advisory Standards. The Department would serve as a clearinghouse and coordinator of the knowledge that exists within the public, industry, and Government of the best methods available to combat cargo theft. In specific areas related to the security of cargo from theft, after consultation with the public, industry, and Government, the Department would issue advisory standards. The standards would not be mandatory but would be an authoritative aid to all parts of the transportation system, including shippers and consignees, in the prevention of theft and pilferage of cargo. Nothing in the standards would replace or modify any statutory requirements or any regulatory authority vested in any Federal, State, or local governmental body. Procedures relating to packaging, storage, accountability, communications, and vehicle control were deemed at that time appropriate subjects for the issuance of advisory standards. Public comment was invited on proposed procedures under which the advisory standards would be promulgated.

After consideration of the comments received, it has been decided not to make any changes of substance between the regulations as proposed and as adopted. A discussion of the substantive comments and the Department's responses thereto follows:

1. A number of commentators requested that the procedural regulations be amended to provide that parties so requesting be given copies of each advisory standard at the time that it is published in the FEDERAL REGISTER. The limited resources of the Department do not permit the expenditure of time and money which would be required were this request adopted. Congress created the FEDERAL REGISTER to obviate personally serving documents on all interested persons, and such persons should consult the FEDERAL REGISTER regularly.

2. A number of commentators requested that the procedural regulations be amended to state that they do not grant authority administratively to change the standards from advisory to mandatory. Language to this effect is unnecessary because—

a. The regulations (§ 85.1) already make clear that the standards are advisory only.

b. The Department of Transportation lacks authority to prescribe mandatory standards; the grant of such authority requires an Act of Congress and cannot be accomplished administratively.

3. The New York Terminal Conference, consisting of most companies operating marine terminals in the Port of Greater New York and vicinity, commented that there is a proliferation of regulatory agencies involved in cargo security programs. Consequently the industry has experienced difficulties understanding and coordinating the efforts of each. Addition of another agency will inevitably lead to overlapping and duplication of functions, thereby diluting the benefit of existing programs. Similar views were expressed by the Far East Conference, consisting of common carriers by water in foreign commerce from and to the United States.

It is the view of the Department that the advisory standards will complement rather than dilute existing programs. Before promulgation, they will be coordinated sufficiently to preclude conflicting with procedures required by other regulatory agencies.

4. Consolidated Freightways, claiming to be the largest trucking company in the United States, commented that the advisory standards would not recognize the geographical variance in the problems of protecting cargo; that those carriers having inadequate physical and procedural security are in the minority; and that emphasis should be placed on apprehension rather than prevention.

First, the language of the advisory standards will indicate that considerable latitude is expected in their application based on all factors affecting the security of cargo in any location. Second, the majority of theft-related losses by carriers is being reported in the "shortage" category, indicating a significant lack of effective accountability procedures among carriers. Finally, while the Department recognizes the importance of apprehension of criminals, it also strongly believes that theft prevention should receive prominent attention.

5. The Association of American Railroads raised eight points. Those points and the Department's responses are as follows:

a. AAR takes issues with the charge, if such was intended, that the railroads are unconcerned about the problem of cargo security.

"Some carriers, shippers, and consignees have acted to protect the goods in their care; many others, however, are still careless or unconcerned." This statement from the NPRM, quoted by AAR in its comments, does not charge all railroads with unconcern; neither does it exclude all.

b. The figures in the table included in the notice of proposed rule making (NPRM) grossly overstate railroad industry losses.

Whether the figures in the table in the NPRM are completely accurate is irrelevant, since AAR agrees with the Department that, in AAR's language, "* * * cargo security for the railroads is a serious problem."

c. and d. Advisory standards are likely to be misleading to the uninformed; a substantial segment of the shipping and receiving public would regard the standards as mandatory, leading to disputes, controversy, and, perhaps, ill will. Practical, if not legal, relationships could be affected. Further, AAR strongly urges that advisory standards not be published in the Code of Federal Regulations because such a format gives them an aura of apparent compulsiveness that would tend to deceive.

At every opportunity the Department will emphasize the advisory nature of the standards. The language of each standard will make it clear to the reasonable reader that the standard is not mandatory and that considerable latitude in application is anticipated.

e. There is neither need nor justification for advisory standards; the cargo security problem would not be alleviated by their issuance.

The Department disagrees that the cargo security problem will not be alleviated by the issuance of Cargo Security Advisory Standards; rather, the Department believes that publication of sound, professional, informational material cannot but further the objective of increasing the security of cargo.

f. The subjects listed in the NPRM for consideration as advisory standards (procedures relating to packaging, storage, accountability, communications, and vehicle control) are all matters better left to the carriers and the users of their services to work out, taking into account individual circumstances, resources, priorities, cost effectiveness, projected results, and modal aspects. They are matters for managerial judgment and decision, not for governmental fiat.

Considering that any compliance with the advisory standards must be voluntary, managerial judgment and decision will be exercised in every application of

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them. It is expected that an organization applying an advisory standard will consider such of those factors enunciated by AAR as are appropriate to its circumstances.

g. The NPRM complains of widespread disparities in the cargo security efforts of the transportation industry. This assumes the virtue of uniformity which AAR feels is not necessarily desirable and may actually be undesirable.

As used in the NPRM, the term "widespread disparities" was meant to apply to the degree of application of preventive measures by the industry, rather than to the methods of application. The Department does not support uniformity of methodology, but does believe that a given level of threat should be met by all concerned with a corresponding level of preventive security.

h. The procedural regulations should be amended to provide reasonable standards to guide exercise of the discretion to be conferred upon the Department's Director of Transportation Security, who will issue the advisory standards. The Director should establish, as a condition to its issuance, that an advisory standard is cost effective (positive cost/benefit ratio), considering the inherent differences among the various modes of transportation and the geographical areas within which their operations are conducted.

In its comments AAR has set forth most, if not all, of the various factors which may affect the practical application of advisory standards. For those very reasons, no statistical cost/benefit analysis can be broadly applied to a single preventive measure recommended by the Department. The Department will issue only those advisory standards which, in its best judgment, are prudent and reasonable.

Since this amendment relates to Departmental procedures, it may be made effective in less than 30 days after publication in the FEDERAL REGISTER.

In consideration of the foregoing, Title 49, Code of Federal Regulations, is amended, effective March 12, 1973, by adding a new Part 85, as follows:

Subpart A—General

Sec.
85.1 Applicability.
85.3 Initiation of advisory standard setting.
85.5 Participation by interested persons.
85.7 Docket.

Subpart B—Petitions for Advisory Standard Setting

85.11 Filing of petitions.
85.13 Processing of petitions.

Subpart C—Procedures

85.21 General.
85.23 Contents of notices.
85.25 Petitions for extension of time to comment.
85.27 Consideration of comments received.
85.29 Additional advisory standard setting proceedings.
85.31 Hearings.
85.33 Adoption of final advisory standards.

AUTHORITY: Section 9(e)(1), 80 Stat. 944; 49 U.S.C. 1657(e)(1).

Subpart A—General

§ 85.1 Applicability.

(a) This part prescribes the procedures for the development and promulgation of Cargo Security Advisory Standards. These advisory standards are suggested procedures and policies intended to assist all parts of the transportation industry in reducing the incidence of loss and theft of cargo entrusted to their care. The advisory standards are not mandatory, and nothing in them replaces or modifies any statutory requirement or any regulatory authority vested in any Federal, State, or local governmental body.

(b) As used herein—

"Advisory standard" means a Cargo Security Advisory Standard issued under this part;

"Director" means the Director of Transportation Security, Office of the Secretary, U.S. Department of Transportation.

"Secretary" means the Secretary of Transportation.

§ 85.3 Initiation of advisory standard setting.

The Director, for the Secretary, may initiate advisory standard setting on his own motion. He may also, in his discretion, consider the recommendations of other agencies of the United States, of State and local government, of any part of the transportation industry, and of any other interested person.

§ 85.5 Participation by interested persons.

Any person may participate in advisory standard setting proceedings by submitting written information or views. The Director may also allow any person to participate in additional advisory standard setting proceedings, such as informal appearances or hearings, held with respect to any advisory standard.

§ 85.7 Docket.

(a) Records of the Office of the Secretary concerning advisory standard setting actions, including notices of proposed advisory standard setting, comments received in response to those notices, petitions for advisory standard setting, petitions for rehearing or reconsideration, denials of petitions for advisory standard setting, and final advisory standards are maintained in current docket form in the Office of the General Counsel of the Department of Transportation.

(b) Any person may examine any docketed material at that Office and may obtain a copy of any docketed material upon payment of the prescribed fee.

Subpart B—Petitions for Advisory Standard Setting

§ 85.11 Filing of petitions.

(a) Any person may petition the Director to issue, amend, or repeal an advisory standard.

(b) Each petition filed under this section must—

(1) Be submitted in duplicate to the Docket Clerk, Office of the General Counsel, Department of Transportation, Washington, D.C. 20590;

(2) Set forth the text or substance of the advisory standard or amendment proposed, or specify the advisory standard that the petitioner seeks to have repealed, as the case may be;

(3) Explain the interest of the petitioner in the action requested; and

(4) Contain any information and arguments available to the petitioner to support the action sought.

§ 85.13 Processing of petitions.

(a) *General.* No proceeding is held directly on a petition before its disposition under this section.

(b) *Grants.* If the Director determines that the petition contains adequate justification, he initiates advisory standard setting action under Subpart C of this part.

(c) *Denials.* If the Director determines that the petition does not justify initiating advisory standard setting, he denies the petition.

(d) *Notification.* Whenever the Director determines that a petition should be granted or denied, he and the Office of the General Counsel prepare a notice of that grant or denial for issuance to the petitioner, and the Director issues it to the petitioner.

Subpart C—Procedures

§ 85.21 General.

(a) A notice of proposed advisory standard setting is issued and interested persons are invited to participate in the advisory standard setting proceedings with respect to each advisory standard.

(b) In his discretion, the Director may invite interested persons to participate in the advisory standard setting proceedings described in § 85.29.

§ 85.23 Contents of notices.

(a) Each notice of proposed advisory standard setting is published in the FEDERAL REGISTER.

(b) Each notice includes—

(1) A statement of the time, place, and nature of the proposed advisory standard setting proceeding;

(2) A reference to the authority under which it is issued;

(3) A description of the subjects or issues involved or the substance or terms of the proposed advisory standard;

(4) A statement of the time within which written comments must be submitted and the required number of copies; and

(5) A statement of how and to what extent interested persons may participate in the proceedings.

§ 85.25 Petitions for extension of time to comment.

(a) Any person may petition the Director for an extension of time to submit comments in response to a notice of proposed advisory standard setting. The petition must be submitted in duplicate not later than 10 days before expiration

of the time stated in the notice. The filing of the petition does not automatically extend the time for petitioner's comments.

(b) The Director grants the petition only if the petitioner shows a substantive interest in the proposed advisory standard and good cause for the extension, and if the extension is in the public interest. If an extension is granted, it is granted as to all persons and is published in the FEDERAL REGISTER.

§ 85.27 Consideration of comments received.

All timely comments are considered before final action is taken on an advisory standard setting proposal. Late filed comments may be considered so far as possible without incurring additional expense or delay.

§ 85.29 Additional advisory standard setting proceedings.

The Director may initiate any further advisory standard setting proceedings that he finds necessary or desirable. The Director may also invite interested persons to present oral arguments, participate in conferences, appear at informal hearings, or participate in any other proceedings.

§ 85.31 Hearings.

(a) Sections 556 and 557 of title 5, United States Code, do not apply to hearings held under this part. As a fact-finding proceeding, each hearing is nonadversary and there are not any formal pleadings or adverse parties. The record in a proceeding may include matters other than those presented at the hearing. An advisory standard issued will be based exclusively on the record in the proceeding.

(b) The Director designates a representative to conduct any hearing held under this part. The General Counsel designates a member of his staff to serve as legal officer at the hearing.

§ 85.33 Adoption of final advisory standards.

Final advisory standards are prepared by the Director and the Office of the General Counsel. If the Director adopts an advisory standard, it is published in the FEDERAL REGISTER.

Issued in Washington, D.C. on March 7, 1973.

CLAUDE S. BRINEGAR,
Secretary of Transportation.

[FR Doc.73-4997 Filed 3-14-73;8:45 am]

CHAPTER V—NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Dockets Nos. 71-23, 1-8; Notices 3, 10]

PART 571—FEDERAL MOTOR VEHICLE SAFETY STANDARDS

New and Retreaded Pneumatic Tires; Minimum Size for Permanent Labeling

This notice amends Motor Vehicle Safety Standards Nos. 109 and 117 (49 CFR 571.109) to reduce the minimum size of permanent safety labeling to 0.078 inch. Motor Vehicle Safety Standard No. 109, "New Pneumatic Tires," was amended November 4, 1972 (37 FR 23536), to specify both a location on the tire sidewall for safety labeling and a labeling size of not less than three thirty-seconds of an inch. Motor Vehicle Safety Standard No. 117, "Retreaded Pneumatic Tires," was amended March 23, 1972 (37 FR 5950), to specify permanent labeling of the same minimum size.

The Michelin Tire Co. has protested that the 3/32 inch minimum size is inconsistent with the existing practice of European tire manufacturers of labeling tires in letters having a size of 0.078 inches (2 mm.). It has pointed out that as, a consequence of the amendment European tire manufacturers will have to increase the size of all existing labeling. The NHTSA has concluded that the difference between letters 0.078 inches in size and those of 0.093 inches is not significant, and does not justify the resultant expense to manufacturers of modifying tire molds. By this notice the NHTSA therefore reduces the minimum size to 0.078 inches for labeling required by S4.3 of Standard No. 109.

Because the permanent labeling provisions of Standard No. 117 are intended to be ultimately met with new tire labeling, the size requirements for permanent labeling in that standard are also modified.

In light of the above, Motor Vehicle Safety Standard No. 109, 49 CFR 571.109, and Motor Vehicle Safety Standard No. 117, 49 CFR 571.117, are amended as follows:

1. Paragraph S4.3 of Standard No. 109, 49 CFR 571.109, is amended to read:

S4.3 *Labeling requirements.* Except as provided in S4.3.1 and S4.3.2, each tire shall have permanently molded into or onto both sidewalls, in letters and numerals not less than 0.078 inches high, the information shown below in (a) through (g) * * *.

• • • • •

2. Paragraph S6.3.2 of Standard No. 117, 49 CFR 571.117, is amended to read:

S6.3.2 Each retreaded pneumatic tire manufactured on or after February 1, 1974, shall be permanently labeled in at least one location on the completed retreaded tire, in letters and not less than 0.078 inches high, that are molded into or onto the tire sidewall, with the following information:

• • • • •

Effective dates: July 1, 1973, for the amendment to S4.3 of 49 CFR 571.109; February 1, 1974, for the amendment to S6.3.2 of 49 CFR 571.117. These amendments relieve an unnecessary restriction without a significant effect on motor vehicle safety. Consequently, it is found for good cause that notice and public procedure thereon are unnecessary, and that an effective date less than 180 days from the day of issuance is in the public interest.

(Secs. 103, 112, 113, 114, 119, 201, Public Law 89-563, 80 Stat. 718, 15 U.S.C. 1392, 1401, 1402, 1403, 1407, 1421; delegations of authority at 49 CFR 1.51)

Issued on March 8, 1973.

JAMES E. WILSON,
Acting Administrator.

[FR Doc.73-4998 Filed 3-14-73;8:45 am]

CHAPTER X—INTERSTATE COMMERCE COMMISSION

SUBCHAPTER A—GENERAL RULES AND REGULATIONS

[S.O. 1126]

PART 1033—CAR SERVICE

Baltimore and Ohio Railroad Co.

At a session of the Interstate Commerce Commission, Railroad Service Board, held in Washington, D.C., on the ninth day of March 1973.

It appearing, that a portion of the tracks of the Penn Central Transportation Co., George P. Baker, Richard C. Bond, and Jervis Langdon, Jr., Trustees (PC) located in Columbus, Ohio, and used by the Baltimore and Ohio Railroad Co. (B&O) as a portion of its main-line trackage in Columbus is inoperative because of track conditions; that the B&O and the PC have agreed upon an alternate route via other PC tracks through Columbus to be used by the B&O; that operation by the B&O over the aforementioned PC tracks is necessary in the interest of the public and the commerce of the people; that notice and public procedure herein are impracticable and contrary to the public interest; and that good cause exists for making this order effective upon less than 30 days' notice.

It is ordered, That:

§ 1033.1126 Service Order No. 1126.

(a) *The Baltimore and Ohio Railroad Co. authorized to operate over tracks of Penn Central Transportation Co., George P. Baker, Richard C. Bond, and Jervis Langdon, Jr., Trustees.* The Baltimore and Ohio Railroad Co. (B&O) be, and it is hereby, authorized to operate over tracks of the Penn Central, George P. Baker, Richard C. Bond, and Jervis Langdon, Jr., Trustees (PC), between GN tower and a point just east of Fourth Street, on the so-called "Little Miami and PB&W Route" of the PC, a distance of approximately 2.19 miles, all located in Columbus, Ohio.

(b) *Application.* The provisions of this order shall apply to intrastate, interstate, and foreign traffic.

(c) *Rates applicable.* Inasmuch as this operation by the B&O over trucks of the PC is deemed to be due to carrier's disability, the rates applicable to traffic moved by the B&O over these tracks of the PC shall be the rates which were applicable on the shipments at the time of shipment as originally routed.

(d) *Effective date.* This order shall become effective at 11:59 p.m., March 9, 1973.

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(e) *Expiration date.* The provisions of this order shall expire at 11:59 p.m., August 31, 1973, unless otherwise modified, changed, or suspended by order of this Commission.

(Secs. 1, 12, 15, and 17(2), 24 Stat. 379, 383, 384, as amended; 49 U.S.C. 1, 12, 15, and 17 (2). Interprets or applies secs. 1(10–17), 15 (4), and 17(2), 40 Stat. 101, as amended, 54 Stat. 911; 49 U.S.C. 1(10–17), 15(4), and 17(2).)

It is further ordered, That copies of this order shall be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and car hire agreement under the terms of that agreement, and upon the American Short Line Railroad Association; and that notice of this order shall be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and by filing it with the Director, Office of the Federal Register.

By the Commission, Railroad Service Board.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.73–5043 Filed 3–14–73;8:45 am]

Title 50—Wildlife and Fisheries

CHAPTER I—BUREAU OF SPORT FISHERIES AND WILDLIFE, FISH AND WILDLIFE SERVICE, DEPARTMENT OF THE INTERIOR

PART 33—SPORT FISHING

Certain Wildlife Refuges in California

The following special regulations are issued and are effective March 15, 1973.

§ 33.5 Special regulations; sport fishing; for individual wildlife refuge areas.

General conditions: Fishing shall be in accordance with applicable State regulations. Portions of refuges which are open to fishing are designated by signs and/or delineated on maps. The maps are available at the respective refuge headquarters and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, Post Office Box 3737, Portland, OR 97208.

Colusa National Wildlife Refuge—(Headquarters: Sacramento National Wildlife Refuge, Route 1, Box 311, Willows, CA 95988).

Special Conditions: (1) The taking of frogs is permitted except that the refuge is closed to sport fishing and the taking of frogs during the migratory waterfowl hunting season.

(2) The use of boats without motors is permitted for fishing and the taking of frogs.

Delevan National Wildlife Refuge—(Headquarters: Sacramento National Wildlife Refuge, Route 1, Box 311, Willows, CA 95988).

Special Conditions: (1) The taking of frogs is permitted except that the refuge is closed to sport fishing and the taking of frogs during the migratory waterfowl hunting season.

(2) The use of boats without motors is permitted for fishing and the taking of frogs.

Modoc National Wildlife Refuge—(Headquarters: Sheldon-Hart-Modoc National Antelope Refuges, Post Office Box 111, Lakeview, OR 97630).

Special Conditions: (1) Fishing will be permitted in designated areas only during the migratory waterfowl hunting season.

(2) The taking of frogs on refuge lands is prohibited except by special permit obtainable at refuge headquarters, Alturas, Calif.

Sacramento National Wildlife Refuge, Route 1, Box 311, Willows, CA 95988.

Special Conditions: (1) The taking of frogs is permitted except that the refuge is closed to sport fishing and the taking of frogs during the migratory waterfowl hunting season.

(2) The use of boats without motors is permitted for fishing and the taking of frogs.

San Luis National Wildlife, 535 J Street, Los Banos, CA 93635.

Special Conditions: (1) Fishing permitted from sunrise to 1 hour after sunset.

(2) The refuge is closed to sport fishing during the migratory waterfowl hunting season.

(3) Use of boats is prohibited.

Salton Sea National Wildlife Refuge, Post Office Box 247, Calipatria, CA 92233.

Special Condition: (1) Fishing is permitted in that portion of the refuge which is inundated by the Salton Sea.

The provisions of these special regulations supplement the regulations which govern fishing on wildlife refuge areas generally, which are set forth in Title 50, Code of Federal Regulations, Part 33, and are effective through December 31, 1973.

L. EDWARD PERRY,
Acting Regional Director, Bureau of Sport Fisheries and Wildlife.

MARCH 8, 1973.

[FR Doc.73–5019 Filed 3–14–73;8:45 am]

PART 33—SPORT FISHING

Certain Wildlife Refuges in Idaho

The following special regulations are issued and are effective on March 15, 1973.

§ 33.5 Special regulations; sport fishing; for individual wildlife refuge areas.

General conditions: Fishing shall be in accordance with applicable State regulations except for special conditions listed.

All areas open to fishing are designated by signs and delineated on maps available at the respective refuge headquarters and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, Post Office Box 3737, Portland, OR 97208.

Deer Flat National Wildlife Refuge, Route 1, Box 1457, Nampa, ID 83651. Sport fishing is permitted on the entire refuge year-round except as stipulated under special conditions.

Special conditions: (1) Fishing is not permitted on the public hunting area during the migratory waterfowl hunting season.

(2) Boats with motors may be used during daylight hours only (interpreted here to be 1 hour before sunrise to 1 hour after sunset) from April 15 through September 30, 1973.

(3) Shoreline fishing is prohibited on the islands of the Snake River sector from February 1 to May 31.

Kootenai National Wildlife Refuge, Star Route No. 1, Box 88, Bonners Ferry, ID 83805.

Sport fishing is permitted on portions of Kootenai River, Deep Creek, and Myrtle Creek within the refuge.

Minidoka National Wildlife Refuge, Route 4, Rupert, Idaho 83350.

Sport fishing is permitted on the entire refuge year-round except as stipulated under special conditions.

Special conditions: (1) Shoreline fishing shall be permitted on the entire refuge year around.

(2) Boat fishing is permitted on the main reservoir from Minidoka Dam to the west end of Bird Island, April 1 through September 30, 1973, and from Smith Springs to the east end of the refuge October 1 through June 30, 1973, during daylight hours only.

(3) Boat crossing lanes at Smith and Gifford Springs' open year around.

The provisions of these special regulations supplement the regulations which govern fishing on wildlife refuge areas generally and which are set forth in Title 50, Code of Federal Regulations, Part 33, and are effective through December 31, 1973.

L. EDWARD PERRY,
Acting Regional Director, Bureau of Sport Fisheries and Wildlife.

MARCH 7, 1973.

[FR Doc.73–4999 Filed 3–14–73;8:45 am]

PART 33—SPORT FISHING

Certain Wildlife Refuges in Oregon and California

The following special regulations are issued and are effective on March 15, 1973.

§ 33.5 Special regulations; sport fishing; for individual wildlife refuge areas.

General conditions. Fishing shall be in accordance with applicable State regulations and special conditions listed. Portions of refuges which are open to fishing are designated by signs and/or delineated on maps. The maps are available at the respective refuge headquarters and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, Post Office Box 3737, Portland, OR 97208.

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Ankeny National Wildlife Refuge—(Headquarters: William L. Finley National Wildlife Refuge, Route 2, Box 208, Corvallis, OR 97330).

Special conditions: (1) The use of boats is not permitted.

(2) During the open season, fishing shall be permitted each day from 1 hour before sunrise to 1 hour after sunset. Use of artificial lights will not be permitted.

Hart Mountain National Antelope Refuge—(Headquarters: Sheldon-Hart Mountain National Antelope Refuges, Post Office Box 111, Lakeview, OR 97630).

Klamath Forest National Wildlife Refuge—(Headquarters: Tule Lake National Wildlife Refuge, Route 1, Box 74, Tulelake, CA 96134).

Special condition: (1) Use of boats is not permitted.

Malheur National Wildlife Refuge, Post Office Box 113, Burns, OR 97720.

Special conditions: (1) Refuge waters, with the exception of Krumbo Reservoir, are closed to the use of boats for fishing purposes.

(2) The use of motors on boats is not permitted on Krumbo Reservoir.

Upper Klamath National Wildlife Refuge—(Headquarters: Klamath Basin National Wildlife Refuges, Route 1, Box 74, Tulelake, CA 96134).

Special condition: (1) Speedboats shall not exceed 10 miles per hour in any stream, creek, or canal, and that portion of Pelican Bay west of a line beginning at a point on the north shore of Pelican Bay one-fourth mile east of Crystal Creek and extending due south to opposite shore of the lake.

William L. Finley National Wildlife Refuge, Route 2, Box 208, Corvallis, OR 97330.

Special conditions: (1) Use of boats is not permitted.

(2) During the open season, fishing shall be permitted each day from 1 hour before sunrise to 1 hour after sunset. Use of artificial lights will not be permitted.

Cold Springs National Wildlife Refuge—(Headquarters: Umatilla National Wildlife Refuge, Post Office Box 239, Umatilla, OR 97882).

Special conditions: (1) The refuge is closed to sport fishing during the migratory waterfowl hunting season.

(2) Boats without motors may be used for purpose of fishing.

McKay Creek National Wildlife Refuge—(Headquarters: Umatilla National Wildlife Refuge, Post Office Box 239, Umatilla, OR 97882).

Special condition: (1) The refuge is closed to sport fishing during the migratory waterfowl hunting season.

The provisions of these special regulations supplement the regulations which govern fishing on wildlife refuge areas generally, which are set forth in Title 50, Code of Federal Regulations, Part 33, and are effective through December 31, 1973.

L. EDWARD PERRY,
Acting Regional Director, Bureau of Sport Fisheries and Wildlife.

MARCH 8, 1973.

[FR Doc.73–5001 Filed 3–14–73;8:45 am]

PART 33—SPORT FISHING

Certain Wildlife Refuges in Washington

The following special regulation is issued and is effective on March 15, 1973.

§ 33.5 Special regulations; sport fishing; for individual wildlife refuge areas.

General conditions. Fishing shall be in accordance with applicable State regulations. Portions of the refuge which are open to fishing are designated by signs and/or delineated on maps. The maps are available at the refuge headquarters and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, Post Office Box 3737, Portland, OR 97208.

McNary National Wildlife Refuge, Post Office Box 19, Burbank, WA 99323.

Special conditions: (1) The refuge is closed to sport fishing during the migratory waterfowl hunting season.

(2) The use of boats or floating devices of any description is prohibited.

Columbia National Wildlife Refuge, Post Office Drawer F, Othello, WA 99344.

Special conditions: (1) Mallard Lake, Migraine Lake, Seabrock Lake, Royal Lake, Crab Creek, Marsh Management Units I and III are open April 15 through August 15, 1973.

(2) The use of boats and the use of outboard motors are prohibited on lakes so posted.

The provisions of this special regulation supplement the regulations which govern fishing on wildlife refuge areas generally, which are set forth in Title 50, Code of Federal Regulations, Part 33, and are effective through December 31, 1973.

L. EDWARD PERRY,
Acting Regional Director, Bureau of Sport Fisheries and Wildlife.

MARCH 7, 1973.

[FR Doc.73–5000 Filed 3–14–73;8:45 am]

PART 33—SPORT FISHING

Horicon National Wildlife Refuge, Wis.

The following special regulation is issued and is effective on March 15, 1973.

§ 33.5 Special regulations; sport fishing, for individual wildlife refuge areas.

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HORICON NATIONAL WILDLIFE REFUGE

Sport fishing on the Horicon National Wildlife Refuge, Mayville, Wis., is permitted only on the areas designated by signs as open to fishing. These open areas are delineated on maps available at refuge headquarters and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, Federal Building, Fort Snelling, Twin Cities, Minn. 55111. Sport fishing shall be in accordance with all applicable State regulations subject to the following special conditions:

(1) The open season for sport fishing on the refuge extends from May 15, 1973, through September 15, 1973, inclusive.

(2) The use of boats is not permitted.

(3) Fishing during daylight hours only.

The provisions of this special regulation supplement the regulations which govern fishing on wildlife refuge areas generally which are set forth in Title 50, Part 33, and are effective through September 15, 1973.

ROBERT G. PERSONIUS,
Refuge Manager, Horicon National Wildlife Refuge, Mayville, Wis.

MARCH 6, 1973.

[FR Doc.73–5013 Filed 3–14–73;8:45 am]

Title 21—Food and Drugs

CHAPTER I—FOOD AND DRUG ADMINISTRATION, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

ENVIRONMENTAL IMPACT STATEMENTS

Procedures for Preparation

In the FEDERAL REGISTER of July 12, 1972 (37 FR 13636), the Commissioner of Food and Drugs published proposed procedures for consideration of environmental impact factors pursuant to the National Environmental Policy Act of 1969 (Public Law 91–190; 83 Stat. 852 et seq.; 42 U.S.C. 4321–4347).

During the 60-day comment period, 15 comments were received on the proposal; from the Environmental Protection Agency, one college of agriculture, three trade associations, and regulated industries. The principal points raised and the Commissioner's conclusions are as follows:

A. *Applicability.* Seven comments questioned whether routine actions of the Food and Drug Administration, such as approval of new drug applications, new animal drug applications, antibiotic drug monographs, food additive petitions and color additive petitions constitute major actions significantly affecting the quality of the human environment which would require issuance of environmental impact statements. Two comments doubted that destruction of condemned, enjoined, detained, or recalled articles would ever amount to a major agency action requiring an environmental impact statement. Five comments proposed establishing categories of animal drugs which would be excluded from environmental impact consideration. The Commissioner concludes that the National Environmental Policy Act applies to the categories of agency action in § 6.1(b) and that FDA shall therefore consider the need for preparing environmental impact statements for them. No environmental impact statement will be issued if the agency action is not major or it does not significantly affect the quality of the human environment.

B. *Environmental impact analysis reports.* Five comments stated that the FDA has no authority to require new drug applications, new animal drug applications, new antibiotic drug applications, food additive petitions and color additive petitions to include environ-

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mental impact analysis reports, or to refuse to accept or file such an application or petition for failure to include such a report, or to reject such an application or petition for failure to include an adequate environmental impact analysis report. Seven comments objected that the filing of environmental impact analysis reports would cause lengthy delays in the processing of such applications and petitions. The Commissioner concludes that the National Environmental Policy Act, as interpreted by the courts, amends the Federal Food, Drug, and Cosmetic Act to the extent that it requires consideration of environmental issues in the review by the FDA of these applications and petitions, and that the FDA therefore has the authority to require submission of adequate environmental data as a criterion for accepting, filing, and approving them.

Five comments proposed that an applicant or a petitioner be required to file an environmental impact analysis report only when the FDA determines that a specific application or petition constitutes a major agency action significantly affecting the quality of the human environment. One comment suggested that submission of an environmental impact analysis report be required for destruction of condemned, enjoined, detained, or recalled articles only when the agency determines that destruction of an article constitutes a major FDA action significantly affecting the quality of the human environment. The Commissioner concludes that environmental impact analysis reports are necessary for all applications and petitions submitted to FDA and for all destructions of condemned, enjoined, detained, and recalled articles in order to provide sufficient environmental data and information to enable the agency to determine whether an environmental impact statement must be issued on the action involved. The amount and detail of the information provided in the environmental impact analysis report will be expected to vary depending upon the nature of the action involved.

Three comments proposed prompt notification to an applicant if its environmental impact analysis report is inadequate. Three comments also recommended that notice be afforded an applicant when the FDA deems the amendment to an existing regulation or the supplement to an existing approval is substantial enough to require submission of an environmental impact analysis report. Notice in both these instances will be given in accordance with existing regulations of the FDA providing that an applicant will be notified if its application is incomplete for filing.

C. *Trade secrets and confidential information.* Twelve comments expressed concern that submission of an environmental impact analysis report by an applicant or petitioner would necessitate disclosure of trade secrets and confidential information, particularly with respect to a description of the manufacturing process required in the report. Seven comments proposed that applicants and petitioners have the opportunity to review environmental impact statements before they are made available to the public to prevent disclosure of trade secrets and confidential information by the statements. The Commissioner concludes that data and information which constitute trade secrets or confidential information under 21 CFR Part 4 should not be submitted in an environmental impact analysis report, although they are submitted as part of an application or petition itself. A new paragraph (h) is therefore added to § 6.1 to this effect. The FDA is not precluded from considering trade secrets or confidential information submitted by an applicant or petitioner in its environmental assessment of an application or petition. However, no trade secrets or confidential information submitted in the application or petition will be disclosed in an environmental impact statement circulated outside the Department.

D. *Time for consideration of environmental impact statements.* Nine comments proposed time limitations for the preparation and review of environmental impact statements for food additive petitions, new drug applications and new animal drug applications on the grounds that sections 409(c), 505(c), and 512(c) of the Federal Food, Drug, and Cosmetic Act require the agency to act on such applications and petitions within 180 days after filing. The Commissioner concludes that the National Environmental Policy Act, as interpreted by the courts, amends the Federal Food, Drug, and Cosmetic Act to the extent that it requires the FDA to give full consideration without restrictions of time to all environmental issues relevant to FDA approval of food additive petitions, new drugs and new animal drugs. Every effort will be made to stay within the statutory time periods and the regulations so provide.

E. *Alleged regulatory duplication.* Seven comments contended that the requirement to include a description of manufacturing processes in environmental impact analysis reports unnecessarily duplicates regulatory activity since the Environmental Protection Agency and various State and local authorities already administer air and water quality standards controlling the emission of pollutants. Two comments made an identical contention with respect to the requirement of environmental impact analysis reports for destruction of condemned, enjoined, detained, or recalled articles. The Commissioner finds that existing Federal, State, and local regulation of air and water pollution does not eliminate the independent statutory obligation of the FDA under NEPA to consider all relevant environmental factors in performing its regulatory activities. The Commissioner concludes that, to fulfill its responsibilities under the National Environmental Policy Act, the FDA must require the submission of environmental data and information on the discharge of pollutants in the manufacture of any drug, food additive or color additive it reviews for marketing and in the destruction of all articles removed from the market as a result of legal action it initiates. Once a description of the pollutants expected to be discharged is included, a statement of other applicable Federal, State, and local requirements, and information showing that they are satisfied, will ordinarily be sufficient for this aspect of the environmental impact analysis report.

F. *Destruction of perishable articles.* One comment expressed concern that perishable articles condemned, enjoined, detained, or recalled might create an environmental and health hazard while awaiting environmental impact consideration prior to destruction. Section 6.3(c) of the regulation permits immediate destruction of such articles without environmental impact statement consideration in order to protect the public health.

G. *Direct solicitation of comments from Federal agencies.* The Environmental Protection Agency proposed that comments on draft environmental impact statements be directly solicited from those Federal agencies concerned with the substance of the statements by reason of jurisdiction by law or special expertise to insure maximum input to the agency's environmental statement review process pursuant to the NEPA guidelines of the Council on Environmental Quality. The Commissioner concurs with this proposal, and provision for direct solicitation is therefore included in § 6.3(a)(3).

H. *Investigational new drugs.* The Environmental Protection Agency questioned the exemption afforded investigational new drugs from environmental impact statement consideration in § 6.1(d)(5) of the proposal. Since an investigational new drug is not permitted to be commercially marketed, the Commissioner concludes that allowing limited investigation in most instances is not a major action and does not significantly affect the quality of the human environment. In those instances where an environmental impact statement may be required, the applicant will be so notified and § 6.1(d)(5) is amended to so provide.

I. *Additional changes.* In addition to the amendments adopted on the basis of comments received, the Commissioner concludes that additional amendments be made to the regulation, as follows:

1. All provisions of the proposal governing hazardous substances are deleted since jurisdiction for such substances is being transferred from FDA to the Consumer Product Safety Commission.

2. Sections 6.1(e) and 6.1(g) are amended to delete the provision requiring that an applicant in its environmental impact analysis report analyze whether the proposed action is a major Federal action significantly affecting the quality of the human environment. The National Environmental Policy Act requires the FDA to make this determination, and in any event an applicant may comment on this issue in an environmental impact analysis report if he wishes to do so.

3. Section 6.3(b) of the proposal is amended to reflect the Commissioner's conclusion that environmental consideration of condemned, enjoined, or recalled articles and disposition of laboratory waste materials should be undertaken on a case-by-case basis and that the disposal methods considered be consistent with Federal, State, and local regulations to safeguard the human environment and the public health.

4. The provision for public hearings on final environmental impact statements in § 6.3(a)(6) is deleted from the final order since they are not required by NEPA or by the Council on Environmental Quality.

Therefore, having considered the comments received and other relevant material, the Commissioner concludes that the proposal, with changes, should be adopted as set forth below. Accordingly, pursuant to the National Environmental Policy Act of 1969 (sec. 102(2)(C), 83 Stat. 853; 42 U.S.C. 4332), and pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (secs. 409, 505, 507, 512, 701, 706, 52 Stat. 1052 as amended, 1055–1056 as amended by 70 Stat. 919 and 72 Stat. 948, 59 Stat. 468 as amended, 72 Stat. 1785–1788 as amended, 74 Stat. 399–404 as amended, 82 Stat. 343–351; 21 U.S.C. 348, 355, 357, 360b, 371, 376), and under authority delegated to the Commissioner (21 CFR 2.120), title 21, Chapter I is amended:

1. By adding a new Part 6 as follows:

PART 6—ENVIRONMENTAL IMPACT CONSIDERATIONS

Sec.
6.1 Applicability.
6.2 Content and format of environmental impact statements.
6.3 Preparation and review procedures.
6.4 Responsible agency officials.
6.5 Submission of comments to other agencies.
6.6 Public availability of environmental impact statements.

AUTHORITY: Sec. 701, 52 Stat. 1055–56 as amended by 70 Stat. 919 and 72 Stat. 948, 21 U.S.C. 371; sec. 10, 74 Stat. 378, 15 U.S.C. 1269; sec. 102(2)(C), 83 Stat. 853, 42 U.S.C. 4332; the Guidelines issued by the Council on Environmental Quality (36 FR 7724); Executive Order 11514 of March 4, 1970 (35 FR 4247).

§ 6.1 Applicability.

(a) (1) An environmental impact statement shall be prepared, circulated, and filed pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969 for every major agency action that significantly affects the quality of the human environment.

(2) Agency decisions shall include a careful consideration of all environmental effects of proposed actions.

(b) The need for preparing an environmental impact statement shall be considered for the following agency actions pursuant to environmental criteria established by the agency and the department:

(1) Recommendations or reports made to Congress on proposals for legislation in instances where the agency has primary responsibility for the subject matter involved;

(2) Destruction of articles condemned after seizure or enjoined;

(3) Destruction of articles following detention or recall at agency request;

(4) Disposition of Food and Drug Administration laboratory waste materials;

(5) Issuance of licenses for biological products;

(6) Establishment by regulation of labeling or other requirements for marketing articles;

(7) Establishment by regulation of standards for articles (except food standards);

(8) Approval of new drug and abbreviated new drug applications and old drug monographs;

(9) Approval of new animal drug and abbreviated new animal drug aplications and old animal drug monographs;

(10) Approval of antibiotic drug monographs;

(11) Approval of food additive petitions;

(12) Approval of color additive petitions; and

(13) Policy, regulations, and procedure making which significantly affect the quality of the human environment.

(c) An environmental impact statement will not be required for amendments to existing regulations and approvals of supplements to existing approvals unless the change is substantial.

(d) The agency has carefully considered the environmental effects of the following types of actions and has concluded that since they are not major agency actions significantly affecting the quality of the human environment, environmental impact statements are not required for them:

(1) Recommendations for court action concerning foods, drugs, devices, cosmetics, and electronic products;

(2) Factory inspections;

(3) Seafood inspections;

(4) Issuance or amendment of food standards; and

(5) Investigational new drug applications and investigational new animal drug applications, unless the agency notifies the applicant that one is required.

(e) Whenever a person submits any application or petition requesting action by the agency (except action specified in paragraph (d) of this section), he shall include an environmental impact analysis report on the requested action. Failure to include an adequate environmental impact analysis report in an application or petition shall be sufficient grounds to refuse to accept or file the application or petition.

(f) Whenever a manufacturer, distributor, or dealer proposes to destroy a food, drug, cosmetic, device, or electronic product which has been condemned, enjoined, detained, or banned by regulation, he shall submit to the agency an environmental impact analysis report analyzing the environmental impact of the disposition of such articles.

(g) An environmental impact analysis report shall be submitted to the agency in the following format:

ENVIRONMENTAL IMPACT ANALYSIS REPORT

Date: _____
Name of applicant: _____
Address: _____

1. Describe the proposed action: _____

2. Discuss the probable impact of the action on the environment (including primary and secondary consequences): _____

3. Discuss the probable adverse environmental effects which cannot be avoided: _____

4. Evaluate alternatives to the proposed action: _____

5. Describe the relationship between local short-term uses of the environment with respect to the proposed action and the maintenance and enhancement of long-term productivity: _____

6. Describe any irreversible and irretrievable commitment of resources which would be involved in the proposed action should it be implemented: _____

7. Discuss the objections raised by other agencies, organizations, or individuals which are known to the applicant: _____

8. If proposed action should be taken prior to 90 days from the circulation of a draft environmental impact statement or 30 days from the filing of a final environmental impact statement, explain why: _____

9. Analyze whether the benefit to the public of the proposed action will outweigh the action's potential risks to the environment: _____

(Date) (Signature of responsible official)

(h) Data and information which constitute trade secrets or confidential information under Part 4 of this chapter shall not be submitted in an environmental impact analysis report.

(i) Upon receipt of an environmental impact analysis report, the responsible agency official shall make an independent assessment as to whether an environmental impact statement shall be prepared for the proposed action.

§ 6.2 Content and format of environmental impact statements.

(a) When it is determined that an environmental impact statement is required, draft and final environmental impact statements shall cover the following points:

(1) There shall be a description of the proposed action including adequate information and technical data to permit a careful assessment of the environmental impact. Where relevant, exhibits should be provided.

(2) The probable impact that the proposed action will have on the environ-

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ment shall be analyzed and shall include the impact on ecological systems such as wildlife, fish, and other marine life. Both primary and secondary significant consequences for the environment should be included in the analysis.

(3) There shall be a description of any probable adverse environmental effects which cannot be avoided (such as water or air pollution, undesirable land use patterns, damage to life systems, threats to health, or other consequences adverse to the environmental goals set forth in section 101(b) of the National Environmental Policy Act).

(4) Alternatives to the proposed action must be described, in accordance with section 102(2)(D) of the National Environmental Policy Act, which requires the responsible agency to "study, develop, and describe appropriate alternatives to recommended courses of action in any proposal which involves unresolved conflicts concerning alternative uses of available resources." A rigorous exploration and objective assessment of alternative actions that might avoid some or all of the adverse environmental effects is essential. Sufficient analysis of alternatives and their costs and impact on the environment should accompany the proposed action through the agency review process in order to avoid eliminating prematurely options which might have fewer adverse environmental effects.

(5) The relationship between local short-term uses of man's environment and the maintenance and enhancement of long-term productivity must be discussed. Thus, realizing that each generation is trustee of the environment for succeeding generations, the agency must assess the action for cumulative and long-term effects.

(6) There must be a statement concerning any irreversible and irretrievable commitments of resources which would be involved in the proposed action should it be implemented. This requires the agency to identify the extent to which the action curtails the range of beneficial uses of the environment.

(7) Where appropriate, there must be a discussion of the problems and objections raised by other Federal, State, and local agencies and by private organizations and individuals, and a disposition of the issues raised by these problems and objections. This section may be added at the end of the review process in the final text of the environmental statement.

(b) When it is determined that an environmental impact statement is required, draft and final environmental impact statements shall be prepared in the following format:

("DRAFT" OR "FINAL") ENVIRONMENTAL IMPACT STATEMENT, FOOD AND DRUG ADMINISTRATION (RESPONSIBLE OPERATING DIVISION)

1. Indicate administrative action or legislative action.

2. Describe the action, indicating any States or counties particularly affected.

3. Analyze the environmental impact of the proposed action.

4. Describe any unavoidable adverse environmental effects of the action.

5. Describe and assess alternative courses of action considered.

6. Describe any irreversible and irretrievable commitments of resources involved in implementing the action.

7. Where appropriate, evaluate any objections to the action raised by interested persons.

8. (a) For draft statements, state the date and form of FEDERAL REGISTER publication by which comments have been requested from all interested persons and attach a copy of the notice.

(b) For final statements, list all persons from which written comments have been received and attach a copy of each.

9. Give the date that the draft or final statement was made available to the Council on Environmental Quality and to the public.

§ 6.3 Preparation and review procedures.

(a) When it is determined that an environmental impact statement is required, the statement shall be prepared as follows:

(1) *Preparation of draft environmental impact statement.* A draft environmental impact statement shall be prepared by the responsible agency official as designated in § 6.4. When appropriate during the preparation of a draft environmental impact statement, the responsible agency official shall consult with Federal, State, and local officials and other interested persons.

(2) *Distribution of draft environmental impact statements.* After the responsible agency official has prepared a draft environmental impact statement, he shall forward 20 copies of the draft statement to the Office of the Secretary which shall thereupon forward 10 copies to the Council on Environmental Quality. At the same time the draft statement will be made available for public inspection by the Office of the Assistant Commissioner for Public Affairs and the Hearing Clerk.

(3) *Solicitation of comments.* (i) After the preparation and distribution of a draft environmental impact statement, comments will be solicited from all interested persons. Sixty days are allowed for reply, after which it is presumed that no comments will be made unless a specified extension of time is requested.

(ii) Where the subject of a draft environmental impact statement is also the subject of a notice of proposed rule making or a notice of filing published in the FEDERAL REGISTER, the FEDERAL REGISTER notice shall state that the environmental impact analysis report and the draft environmental impact statement are available upon request and shall solicit comments by all interested persons.

(iii) Where the subject of a draft environmental impact statement is not also the subject of a notice published in the FEDERAL REGISTER, a notice will be published in the FEDERAL REGISTER describing the proposed action, stating that the environmental impact analysis report and the draft environmental impact statement are available upon request, and soliciting comments by all interested persons. This notice may be published by the agency or the department, or the agency or the department may request that the Council on Environmental Quality publish it.

(iv) Comments shall be solicited from Federal agencies having jurisdiction by law or special expertise with respect to the environmental impact of a proposed action by sending them a copy of a draft environmental impact statement.

(v) All comments on draft environmental impact statements shall be submitted in quintuplicate to the Hearing Clerk, Food and Drug Administration, Department of Health, Education, and Welfare, Room 6—88, 5600 Fishers Lane, Rockville, MD 20852, where they shall be available for public inspection during working hours, Monday through Friday.

(vi) When the responsible agency official concludes that no environmental impact statement is necessary and the proposed action is the subject of a notice of proposed rule making or a notice of filing published in the FEDERAL REGISTER, the FEDERAL REGISTER notice shall state that no environmental impact statement is necessary and, where applicable, that the environmental impact analysis report is available upon request.

(4) *Time for consideration prior to decision.* Draft environmental impact statements shall be prepared, forwarded to the Council on Environmental Quality, and made available to the public early enough in the consideration of the proposed action to permit meaningful review of the environmental issues involved. To the maximum extent practicable, no final action shall be taken on the proposal earlier than 90 days after a draft environmental impact statement has been prepared, forwarded to the Council, and made available to the public.

(5) *Final environmental impact statements.* The final text of an environmental impact statement shall be prepared by the responsible agency official after comments on the draft statement have been reviewed and shall include an evaluation of all comments. The final statement shall receive full consideration in the agency's decisionmaking process. The responsible agency official shall forward 20 copies of the final statement to the Office of the Secretary which shall thereupon forward 10 copies to the Council on Environmental Quality, and copies of the final statement shall be made available for public inspection by the Office of the Assistant Commissioner for Public Affairs and the Hearing Clerk. To the maximum extent practicable, no agency action shall take place earlier than 30 days after the final statement has been forwarded to the Council on Environmental Quality and made available to the public.

(6) Where the subject of an environmental impact statement is an agency action governed by specific time requirements under statute or regulation, every effort shall be made to comply with the provisions of this part within the time specified, and those time requirements shall be extended only as long as is absolutely necessary to permit the agency

to consider or issue an environmental impact statement of the action.

(b) When the proposed action involves destruction of condemned, enjoined, detained or recalled articles or disposition of Food and Drug Administration laboratory waste materials, the agency shall adhere to disposal guidelines consistent with Federal, State, and local regulations applicable on a case-by-case basis. This shall be reflected in environmental impact statements when they are issued on such actions.

(c) There are certain regulatory actions which, because of their immediate importance to the public health, make adherence to the requirements of paragraph (a) (1) through (5) of this section impracticable. Compliance with the requirements for environmental analysis under the National Environmental Policy Act is impossible in instances which require immediate regulatory action to safeguard the public health. The responsible agency official shall give written notice to the Council on Environmental Quality of those actions having potentially significant individual environmental impact as to which no environmental impact statement is filed because public health considerations require immediate action.

§ 6.4 Responsible agency officials.

(a) When environmental impact statements are required, the following agency officials are responsible for preparing the statements as indicated:

(1) The office of the Commissioner is responsible for preparing a draft or final environmental impact statement on actions not delegated by the Commissioner.

(2) The director of each bureau is responsible for preparing a draft or final environmental impact statement on actions delegated to that bureau by the Commissioner under § 2.121 of this chapter.

(3) The Executive Director for Regional Operations is responsible for preparing a draft or final environmental impact statement on the destruction of articles condemned after seizure, enjoined, under import detention, or under detention or recalled at agency request.

(b) Every action memorandum proposing an agency action included under § 6.1(b) shall contain an evaluation of the environmental impact of the proposed action and shall be accompanied by a draft or final environmental impact statement if one is required.

§ 6.5 Submission of comments to other agencies.

When the Food and Drug Administration is requested by the Office of the Secretary to comment on environmental impact statements prepared by other agencies, the Commissioner shall prepare such comments as he deems appropriate and shall submit them to the Office of the Secretary, which shall prepare an appropriate response for submission to the requesting agency and the Council on Environmental Quality.

§ 6.6 Public availability of environmental impact statements.

(a) All draft and final environmental impact statements and all environmental impact analysis reports shall be available for public inspection through the office of the Assistant Commissioner for Public Affairs and the Hearing Clerk.

(b) Draft and final environmental impact statements will be available immediately after preparation. An environmental impact analysis report will be available at the time a draft environmental impact statement is circulated or, if no environmental impact statement is necessary, at the time of publication of the FEDERAL REGISTER notice announcing the availability of the report.

PART 8—COLOR ADDITIVES

2. In Part 8, by adding a new item J to the form in § 8.4(c), as follows:

§ 8.4 Petitions proposing regulations for color additives.

* * * * * *

(c) * * *

J. The petitioner is required to submit an environmental impact analysis report analyzing the manufacturing process and the ultimate use or consumption of the color additive pursuant to § 6.1 of this chapter.

* * * * * *

PART 121—FOOD ADDITIVES

3. In Part 121:

a. By adding a new item H to the form in § 121.51(c), as follows:

§ 121.51 Petitions proposing regulations for food additives.

* * * * * *

(c) * * *

H. The petitioner is required to submit an environmental impact analysis report analyzing the environmental impact of the manufacturing process and the ultimate use or consumption of the food additive pursuant to § 6.1 of this chapter.

* * * * * *

b. By adding the following sentence to § 121.53:

§ 121.53 Substantive amendments to petitions.

* * * Where the substantive amendment proposes a substantial change to the petition which may affect the quality of the human environment, the petitioner is required to submit an environmental impact analysis report pursuant to § 6.1 of this chapter.

PART 130—NEW DRUGS

4. In Part 130:

a. By adding a new item 15 to the form in § 130.3(a)(2), as follows:

§ 130.3 New drugs for investigational use in human beings; exemptions from section 505(a).

(a) * * *

(2) * * *

15. When requested by the agency, an environmental impact analysis report pursuant to § 6.1 of this chapter.

* * * * * *

b. Section 130.4 is amended by adding a new item 15 to the form in paragraph (c)(2), and by redesignating paragraph (f)(6) as paragraph (f)(7) and adding a new paragraph (f)(6) as follows:

§ 130.4 Applications.

* * * * * *

(c) * * *

(2) * * *

15. The applicant is required to submit an environmental impact analysis report analyzing the environmental impact of the manufacturing process and the ultimate use or consumption of the drug pursuant to § 6.1 of this chapter.

* * * * * *

(f) *Abbreviated new drug applications.*

* * *

(6) An environmental impact analysis report analyzing the environmental impact of the manufacturing process and ultimate use or consumption of the drug pursuant to § 6.1 of this chapter.

* * * * * *

c. By adding a new subparagraph (8) to § 130.5(d), as follows:

§ 130.5 Reasons for refusing to file applications.

(d) * * *

(8) The applicant fails to submit an environmental impact analysis report analyzing the environmental impact of the manufacturing process and the ultimate use or consumption of the drug pursuant to § 6.1 of this chapter.

* * * * * *

d. By adding the following sentence to the end of § 130.9(a)(1):

§ 130.9 Supplemental applications.

(a)(1) * * * A supplemental application proposing substantial changes which may affect the quality of the human environment shall be accompanied by an environmental impact analysis report pursuant to § 6.1 of this chapter.

* * * * * *

e. By adding a new subparagraph (7) to § 130.12(a), as follows:

§ 130.12 Refusal to approve the application.

(a) * * *

(7) The applicant fails to submit an environmental impact analysis report analyzing the environmental impact of the manufacturing process and the ultimate use or consumption of the drug pursuant to § 6.1 of this chapter.

* * * * * *

PART 135—NEW ANIMAL DRUGS

5. In Part 135:

a. By adding a new subparagraph (10) to § 135.3(b), as follows:

§ 135.3 New animal drugs for investigational use; exemptions from section 512(a) of the Act.

* * * * * *

(b) * * *

(10) When requested by the agency, the sponsor shall submit an environmental impact analysis report pursuant to § 6.1 of this chapter.

* * * * * *

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b. In § 135.4a(b), by redesignating subparagraph (13) *Assembling and binding the application* as subparagraph (15) and adding a new subparagraph (14) as follows (a new subparagraph (13) has recently been proposed):

§ 135.4a New animal drug applications.

* * * * *

(b) * * *

(14) *Environmental impact analysis report.* The applicant is required to submit an environmental impact analysis report analyzing the environmental impact of the manufacturing process and the ultimate use or consumption of the new animal drug pursuant to § 6.1 of this chapter.

* * * * *

c. By adding a new subparagraph (9) to § 135.12(a), as follows:

§ 135.12 Refusal to approve an application.

(a) * * *

(9) The applicant fails to submit an environmental impact analysis report analyzing the environmental impact of the manufacturing process and the ultimate use or consumption of the new animal drug pursuant to § 6.1 of this chapter.

* * * * *

d. By adding the following sentence to § 135.13a(a)(1):

§ 135.13a Supplemental new animal drug applications.

(a)(1) * * * A supplemental application proposing substantial changes which may affect the quality of the human environment shall be accompanied by an environmental impact analysis report pursuant to § 6.1 of this chapter.

* * * * *

e. By adding a new paragraph (d) to § 135.13b, as follows:

§ 135.13b Supplemental applications for animal feeds bearing or containing new animal drugs.

* * * * *

(d) A supplemental application proposing substantial changes which may affect the quality of the human environment shall be accompanied by an environmental impact analysis report pursuant to § 6.1 of this chapter.

PART 146—ANTIBIOTIC DRUGS; PROCEDURAL AND INTERPRETATIVE REGULATIONS

6. In Part 146, by adding a new paragraph (i) to § 146.10, as follows:

§ 146.10 New antibiotic and antibiotic-containing products.

* * * * *

(i) An environmental impact analysis report analyzing the environmental impact of the manufacturing process and the ultimate use or consumption of the antibiotic drug pursuant to § 6.1 of this chapter.

Effective date. This order shall become effective on March 15, 1973.

(Sec. 102(a)(2)(C), 83 Stat. 853; 42 U.S.C. 4332; secs. 409, 505, 507, 512, 701, 706, 52 Stat. 1052 as amended, 1055–1056 as amended by 70 Stat. 919 and 72 Stat. 948, 59 Stat. 468 as amended, 72 Stat. 1785–1788 as amended, 74 Stat. 399–404 as amended, 82 Stat. 343–351; 21 U.S.C. 348, 355, 360b, 371, 376)

Dated: March 12, 1973.

SHERWIN GARDNER,
Deputy Commissioner of Food and Drugs.

[FR Doc.73-5008 Filed 3-14-73;8:45 am]

PART 8—COLOR ADDITIVES

Subpart—Provisional Regulations

POSTPONEMENT OF CLOSING DATES OF PROVISIONAL LISTING

Pursuant to the provisions of title II of the Color Additive Amendments of 1960 (sec. 203(a)(2), Public Law 86–618, 74 Stat. 404; 21 U.S.C. 376, note) and under authority delegated to him (21 CFR 2.120), the Commissioner of Food and Drugs is authorized to postpone the closing date of a provisional listing of a color additive on his own initiative or upon application of an interested person. He is also authorized to promulgate and keep current a list or lists of the color additives and of the particular uses thereof, whenever in his judgment such action is consistent with the protection of the public health.

Requests have been received to postpone the closing dates of provisional listings of the color additives in § 8.501 of the color additive regulations. For those color additives listed in paragraphs (a) and (b) of § 8.501 where the uses in products such as foods, drugs, and lipsticks involve ingestion, reports on teratological potentials have been submitted to the Food and Drug Administration, in accordance with the provisions of the notice published in the FEDERAL REGISTER of September 11, 1971 (36 FR 18336).

A notice was published in the FEDERAL REGISTER of January 31, 1973 (38 FR 2996), to clarify the status of metallic salts and vegetable substances when used as color components in hair dye. The notice stated that it was the intention of the Food and Drug Administration to provisionally list, on an interim basis, metallic salts and vegetable substances for use as color components in hair dye. Any such substances will be removed from the provisional list, and thus disapproved for any further use, unless the requirements of that notice are satisfied.

In addition, requests have been received to restore the color additives, D&C Brown No. 1 and External D&C Violet No. 2, for use in coloring externally applied cosmetics, to the provisional list. These color additives previously had been provisionally listed for use in externally applied drugs and cosmetics. The closing dates of the provisional listing were terminated because the sponsor no longer had any commercial interest in these color additives. Subsequently, petitions were received from other interested persons, who had also been using the colors and conducting tests, to permanently list each of these color additives for use in externally applied cosmetics, and to restore them to the provisional list pending the processing of these petitions. In the light of their previous provisional listing and the continuing scientific investigations, the Commissioner concludes that these colors should be restored to the provisional list.

The Commissioner of Food and Drugs finds that postponement of the closing date of the currently provisionally listed color additives is consistent with the protection of the public health and with the objective of carrying to completion the scientific investigations, including multigeneration reproduction studies and stability testings, and regulatory review thereof, necessary for making a determination as to the listing of such color additives, or specified uses thereof, under section 706 of the act. These extensions are granted on condition, that, where applicable, progress reports on the respective multigeneration reproduction studies shall be received on or before July 1, 1973, by the Food and Drug Administration.

The Commissioner of Food and Drugs also finds that the provisional listing of metallic salts and vegetable substances for use as color components in hair dye, and the restoring to the provisional list of D&C Brown No. 1 and External D&C Violet No. 2 are consistent with the protection of the public health.

Therefore, pursuant to authority of the Federal Food, Drug, and Cosmetic Act (sec. 203(a)(2) and (d)(1), Public Law 86–618; 74 Stat. 404–405; 21 U.S.C. 376, note) and under authority delegated to the Commissioner (21 CFR 2.120), Part 8 of the color additive regulations is amended as follows:

1. The closing dates for the color additives listed in paragraphs (a), (b), (c), (e), (f), and (g) of § 8.501 of the color additive regulations are changed to read: "December 31, 1973, or until a new closing date is established".

2. Paragraph (b) is further amended by inserting therein the following item:

	Closing date	*Restrictions*
* * *	* * *	* * *
D&C Brown No. 1.	Dec. 31, 1973, or until a new closing date is established.	For coloring externally-applied cosmetics.
* * *	* * *	* * *

3. Paragraph (c) is further amended by inserting the following item:

	Closing date	*Restrictions*
* * *	* * *	* * *
External D&C Violet No. 2.	Dec. 31, 1973, or until a new closing date is established.	For coloring externally-applied cosmetics.
* * *	* * *	* * *

4. Paragraph (g) is further amended by inserting therein an alphabetical order the following items:

	Closing date	*Restrictions*
* * *	* * *	* * *
Metallic salts...	Dec. 31, 1973, or until a new closing date is established.	For use as color components in hair dye.
* * *	* * *	* * *
Vegetable substances.	Dec. 31, 1973, or until a new closing date is established.	For use as color components in hair dye.
* * *	* * *	* * *

Notice and public procedure and delayed effective date are not prerequisites to the promulgation of this order, since section 203(a)(2) of Public Law 86–618 provides for this issuance.

Effective date. This order is effective as of January 1, 1973.

(Sec. 203(a)(2) and (d)(1), Public Law 86–618; 74 Stat. 404–405; 21 U.S.C. 376, note)

Dated: March 12, 1973.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.73-5009 Filed 3-14-73;8:45 am]

[DESI 11048]

PART 148I—NEOMYCIN SULFATE

Antiperspirants and Deodorants; Postponement of Effective Date of Final Order

An order was published in the FEDERAL REGISTER of December 5, 1972 (37 FR 25820), to become effective in 40 days, amending Part 148I of the antibiotic drug regulations to repeal provisions for certification of antiperspirants and deodorants for topical use containing aluminum chlorohydroxide complex in combination with neomycin sulfate.

Having received objections and a request for a hearing, the Commissioner of Food and Drugs concludes that the effective date of the order should be postponed to allow time for completion of review of the objections and the material submitted. When this review is completed, the Commissioner will announce in the FEDERAL REGISTER whether or not requests for hearing with reasonable grounds have been received. Therefore, the effective date of the order of December 5, 1972 (37 FR 25820), is hereby postponed pending said review.

This action is taken pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 502, 507, 52 Stat. 1050–51, as amended, 59 Stat. 463, as amended, 21 U.S.C. 352, 357) and under authority delegated to the Commissioner (21 CFR 2.120).

Dated: March 12, 1973.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.73-5134 Filed 3-14-73;10:17 am]

V 38 I 50 MAR 15 73 XUM

Proposed Rule Making

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF THE TREASURY

Bureau of Customs

[19 CFR Part 1]

CUSTOMS FIELD ORGANIZATION

Designation of Port of Portland, Oreg., as Sole Port of Entry for the Columbia River

MARCH 6, 1973.

In order to provide better Customs service to carriers, importers, and the public, it is considered desirable to extend the port limits of Portland, Oreg.

Notice is therefore given that under the authority vested in the President by section 1 of the Act of August 1, 1914, 38 Stat. 623, as amended (19 U.S.C. 2), which was delegated to the Secretary of the Treasury by the President in Executive Order No. 10289, September 17, 1951 (3 CFR Ch. II), and pursuant to authorization provided by Treasury Department Order No. 190, Rev. 8 (37 FR 18572), it is proposed to establish the Port of Portland, Oreg., as the only Customs port of entry on the Columbia River, and redesignate it as the Port of Portland-Columbia River, with limits of the present port limits of Portland, Oreg., Astoria, Oreg., and Longview, Wash., as well as all points and places on either bank of the Columbia River between the Pacific and The Dalles, Oreg., to include all such points in the counties of Clatsop, Columbia, Multnomah, Hood River, Wasco, Washington, and Clackamas, Oreg.; and Pacific, Wahkiakum, Cowlitz, Clark, Skamania, and Klickitat, Wash.

Since the proposed amendment will result in the extension of the present Port of Portland limits to the areas now falling within the present port limits of the Ports of Longview, Wash., and Astoria, Oreg., it is proposed to revoke the Customs port of entry status of the latter two ports.

Prior to the adoption of the foregoing proposal, consideration will be given to any relevant data, views, or arguments which are submitted to the Commissioner of Customs, Attention: Regulations Division, Washington, D.C. 20229, and received not later than April 16, 1973. Written material or suggestions submitted will be available for public inspection in accordance with § 103.3(b) of the Customs regulations (19 CFR 103.3(b)), at the Regulations Division, Bureau of Customs, Washington, D.C., during regular business hours.

[SEAL] EDWARD L. MORGAN,
Assistant Secretary of the Treasury.

[FR Doc.73-5050 Filed 3-14-73;8:45 am]

DEPARTMENT OF THE INTERIOR

Land Management Bureau

[43 CFR Parts 2070, 6250, 6290]

USE OF OFF-ROAD VEHICLES ON PUBLIC LANDS

Proposed Procedures and Standards; Extension of Time for Comments

The time within which written comments on the proposed rule making to provide regulations to implement Executive Order 11644 (37 FR 2877), concerning use of off-road vehicles on public lands, which was published in the FEDERAL REGISTER, Vol. 38, No. 30, February 14, 1973, is hereby extended from March 16, 1973, to April 16, 1973.

At the request of interested parties, the time period for submission of comments on these proposed regulations has been extended to give the general public an extended opportunity for review. Accordingly, interested parties may submit written comments, suggestions, or objections with respect to the proposed regulations to the Director (210), Bureau of Land Management, Washington, D.C. 20240, until April 16, 1973.

CURT BERKLUND,
Deputy Assistant, Secretary of the Interior.

MARCH 7, 1973.

[FR Doc.73-5003 Filed 3-14-73;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 19]

PASTEURIZED PROCESS CHEESE SPREAD, COLD-PACK CHEESE AND CHEESE FOOD, AND COLD-PACK CHEESE FOOD WITH FRUITS, VEGETABLES OR MEATS

Use of Additional and/or Increased Levels of Mold-Inhibitors

Notice is given that the National Cheese Institute, Inc., 110 North Franklin Street, Chicago, IL 60606, filed a petition proposing that the standards of identity for certain cheese products be amended as follows:

(1) Pasteurized process cheese spread (21 CFR 19.775), to add to the presently permitted 0.2 percent by weight of sorbic acid, not more than 0.2 percent by weight of potassium sorbate, sodium sorbate, or any combination of two or more of these, or not more than 0.3 percent by weight of sodium propionate, calcium propionate, or a combination of sodium propionate and calcium propionate.

(2) Cold-pack cheese (21 CFR 19.785), to increase the presently permitted sorbic acid content from 0.2 percent to 0.3 percent by weight, and to permit potassium sorbate, sodium sorbate, or any combination of two or more of these, in an amount not to exceed 0.3 percent by weight calculated as sorbic acid, or not more than 0.3 percent by weight of sodium propionate, calcium propionate, or a combination of sodium propionate and calcium propionate.

(3) Cold-pack cheese food (21 CFR 19.787), to increase the presently permitted sorbic acid content from 0.2 percent to 0.3 percent by weight and to permit potassium sorbate, sodium sorbate, or any combination of two or more of these, in an amount not to exceed 0.3 percent by weight calculated as sorbic acid. Not more than 0.3 percent by weight of the propionates is presently provided for in this standard.

(4) Cold-pack cheese food with fruits, vegetables, or meats (21 CFR 19.788) would be amended by cross-reference to cold-pack cheese food (21 CFR 19.787).

Grounds set forth in the petition in support of the proposal are that: (1) When the standards for pasteurized process cheese (21 CFR 19.750) and pasteurized process cheese food (21 CFR 19.765) were amended in 1963 to provide for the use of the salts of sorbic acid, pasteurized process cheese spread was not included because consumer demand for plastic wrapped pasteurized process cheese spread had not been made manifest. Because of its poor solubility in water, sorbic acid must be either dusted on the cheese surfaces or applied to the plastic film in which the cheeses are wrapped. Sorbic acid causes opaqueness of the film wrap whereas the sodium and potassium salts of sorbic acid perform as mold-inhibitors without affecting the clearness of the plastic wrap.

(2) Packaging techniques would be improved and possible savings to the consumer would result through the use of the sodium and potassium salts of sorbic acid.

Sodium and potassium salts of sorbic acid are readily soluble in water and their aqueous solutions are easier to apply by dipping or spraying, resulting in a more even and complete surface deposit with no significant flavor changes.

(3) Studies have shown that the use of sorbic acid and its sodium and potassium salts at a level of 0.3 percent by weight, calculated as sorbic acid, when compared to the presently permitted 0.2 percent will more effectively prolong the usable life of cold-pack cheese food. The additional kinds or increases involved do not make poor products appear better but simply arrest the growth rates of normal contaminant populations.

(4) The proposed amendments will provide for greater uniformity in the use levels of permitted mold-inhibitors in comparable cheese products.

The petition proposes that the subject optional mold-inhibitors may be used subject to the same restrictions and requirements for label declaration already prescribed for sorbic acid.

Accordingly, it is proposed that paragraph (f)(8) in § 19.775, paragraph (c)(6) in § 19.785, and paragraph (e)(7) in § 19.787 be amended as set out above.

Interested persons may, on or before May 14, 1973, file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 6-88, 5600 Fishers Lane, Rockville, MD 20852, written comments (preferably in quintuplicate) regarding this proposal. Comments may be accompanied by a memorandum or brief in support thereof. Received comments may be seen in the above office during working hours, Monday through Friday.

Dated: February 12, 1973.

VIRGIL O. WODICKA,
Director, Bureau of Foods.

[FR Doc.73-5010 Filed 3-14-73;8:45 am]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 71]

[Airspace Docket No. 72-80-122]

CONTROL ZONE AND TRANSITION AREA

Notice of Proposed Alteration

The Federal Aviation Administration (FAA) is considering an amendment to Part 71 of the Federal Aviation Regulations that would alter the Christiansted, St. Croix, Virgin Island, control zone and transition area.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Southern Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, Post Office Box 20636, Atlanta, GA 30320. All communications received on or before April 16, 1973, will be considered before action is taken on the proposed amendment. The proposal contained in this notice may be changed in the light of comments received.

An official docket will be available for examination by interested persons at the Federal Aviation Administration, Office of the General Counsel, Attention: Rules Docket, 800 Independence Avenue SW., Washington, DC 20591. An informal docket also will be available for examination at the office of the Regional Air Traffic Division Chief.

As parts of this proposal relate to the navigable airspace outside the United States, this notice is submitted in consonance with the ICAO International Standards and Recommended Practices.

Applicability of International Standards and Recommended Practices by the Air Traffic Service, FAA, in areas outside domestic airspace of the United States is governed by Article 12 of and Annex 11 to the Convention on International Civil Aviation, which pertain to the establishment of air navigation facilities and services necessary to promoting the safe, orderly and expeditious flow of civil air traffic. Their purpose is to insure that civil flying on international air routes is carried out under uniform conditions designed to improve the safety and efficiency of air operations.

The International Standards and Recommended Practices in Annex 11 apply in those parts of the airspace under the jurisdiction of a contracting State, derived from ICAO, wherein air traffic services are provided and also whenever a contracting State accepts the responsibility of providing air traffic services over high seas or in airspace of undetermined sovereignty. A contracting State accepting such responsibility may apply the International Standards and Recommended Practices to civil aircraft in a manner consistent with that adopted for airspace under its domestic jurisdiction.

In accordance with Article 3 of the Convention on International Civil Aviation, Chicago, 1944, State aircraft are exempt from the provisions of Annex 11 and its Standards and Recommended Practices. As a contracting State, the United States agreed by Article 3(d) that its State aircraft will be operated in international airspace with due regard for the safety of civil aircraft.

Since this action involves, in part, the designation of navigable airspace outside the United States, the Administrator has consulted with the Secretary of State and the Secretary of Defense in accordance with the provisions of Executive Order 10854.

The airspace actions proposed in this amendment would:

1. Reflect the name change of the St. Croix RBN to Christiansted RBN in the description of the control zone

2. Extend the control zone 8.5 miles westward (from its present boundary) along the new ILS localizer west course.

3. Extend the 700-foot transition area 15 miles westward (from its present boundary) along the new ILS localizer west course.

4. Reflect the name change of the St. Croix RBN to Christiansted RBN in the description of the 700-foot and 1,200-foot transition areas.

The proposed alterations of the control zone and the 700-foot transition area are required to provide controlled airspace for the new ILS Runway 9 Instrument Approach Procedure to the Alexander Hamilton Airport. The name of the St. Croix RBN will soon be changed to Christiansted RBN, so the description of the control zone and of the 700 and 1,200-foot transition areas would be amended to include the new name.

(Sec. 307(a), 1110, Federal Aviation Act of 1958, 49 U.S.C. 1348(a), 1510; Executive Order 10854, 24 FR 9565; sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655 (c))

Issued in Washington, D.C., on March 8, 1973.

CHARLES H. NEWPOL,
Acting Chief, Airspace and Air Traffic Rules Division.

[FR Doc.73-4995 Filed 3-14-73;8:45 am]

Office of the Secretary

[49 CFR Part 71]

[OST Docket No. 21; Notice No. 73-1]

EASTERN-CENTRAL STANDARD TIME ZONE BOUNDARY IN THE STATE OF MICHIGAN

Proposed Relocation

The Boards of County Commissioners of four contiguous counties in the Upper Peninsula of Michigan—Gogebic, Iron, Dickinson, and Menominee—have petitioned the Department of Transportation to amend § 71.5 of Title 49 of the Code of Federal Regulations to redefine the boundary line between the eastern and central time zones so as to include those counties in the central time zone.

At present, the entire State of Michigan is in the eastern time zone (49 CFR 71.5). The southern boundaries of the four counties and waters of Lake Michigan adjacent to the county of Menominee constitute the boundary between the eastern and central zones in that area.

The petitions cite two reasons for seeking the change—closer commercial relations with neighboring communities of Wisconsin, which is in the central zone, than with the rest of Michigan; and the recent decision of the State of Michigan to observe advanced (daylight, or "fast") time beginning in 1973. From 1969 to 1972, the State of Michigan exercised its option under section 3(a) of the Uniform Time Act of 1966 (15 U.S.C. 260a), and exempted itself from the observance of advanced time. Thus, eastern nonadvanced (standard, or "slow") time was observed throughout the year in Michigan. All or part of the four counties concerned are farther west than Chicago, Ill., which is in the central zone; the westermost of the counties, Gogebic, is as far west as St. Louis, Mo., which is also in the central zone. Under eastern advanced time, during the summer, areas that far west have daylight as late as 10:30 p.m.; under central advanced time (which is the same time on the clock as eastern nonadvanced time), there is daylight only as late as 9:30 p.m.

Under the Time Act originally enacted in 1918, as amended by the Uniform Time Act of 1966 (15 U.S.C. 260 et seq.) the Secretary of Transportation is authorized to modify the limits of time zones having regard to "the convenience of commerce and the existing junction points and division points of carriers engaged in interstate or foreign commerce"

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In consideration of the foregoing, the Department proposes to amend paragraph (a) of § 71.5 of Title 49 of the Code of Federal Regulations to read as follows:

§ 71.5 Boundary line between eastern and central zones.

(a) *Minnesota-Michigan-Wisconsin.* From the junction of the western boundary of the State of Michigan with the boundary between the United States and Canada northerly and easterly along the west line of Gogebic County to the east line of Ontonagon County; thence south along the east line of Ontonagon County to the north line of Gogebic County; thence southerly and easterly along the north line of Gogebic County to the west line of Iron County; thence north along the west line of Iron County to the north line of Iron County; thence east along the north line of Iron County to the east line of Iron County; thence south along the east line of Iron County to the north line of Dickinson County; thence east along the north line of Dickinson County to the east line of Dickinson County; thence south along the east line of Dickinson County to the north line of Menominee County; thence east along the north line of Menominee County to the east line of Menominee County; thence southerly and easterly along the east line of Menominee County to Lake Michigan; thence east to the western boundary of the State of Michigan; thence southerly and easterly along the western boundary of the State of Michigan to a point in the middle of Lake Michigan opposite the main channel of Green Bay; thence southerly along the western boundary of the State of Michigan to its junction with the southern boundary thereof and the northern boundary of the State of Indiana.

* * * * *

Before taking final action to adopt, deny, or modify the proposed boundary requested by the petitioners, the Secretary of Transportation will consider the timely comments of all interested persons. Comments should identify the regulatory docket or notice number (see above) and be submitted to the Docket Clerk, Office of the General Counsel, TGC, Department of Transportation, Washington, D.C. 20590. Comments received on or before April 6, 1973, will be considered before final action is taken on the petitions. All docketed comments will be available for public inspection and copying, both before and after the closing date for comments, in the Office of the Assistant General Counsel for Regulation, Room 10100, Department of Transportation Headquarters (Nassif) Building, 400 Seventh Street SW., Washington, DC, between 9 a.m. and 5:30 p.m. local time, Monday through Friday, except Federal holidays.

This proceeding does not concern adherence to or exemption from advanced time. The Uniform Time Act of 1966 requires observance of advanced time from 2 a.m. on the last Sunday in April to 2 a.m. on the last Sunday in October of each year, but permits any State to exempt itself from this requirement by law applicable to the entire State. A State that has parts in more than one time zone may exempt the entire area within one time zone without exempting the entire State. Thus, any part of the State of Michigan placed in the central time zone must, under existing law in the State of Michigan, observe central advanced time from 2 a.m. on the last Sunday in April to 2 a.m. on the last Sunday in October of each year. All such parts may, however, be exempted collectively from such observance by act of the Michigan legislature.

The Department intends that any change in the existing boundary which results from the adoption of this proposal shall take effect at 2 a.m., Sunday, April 29, 1973, the beginning of the advanced time period.

Comments are invited also as to whether more than just these four counties in the Upper Peninsula should be placed in the central zone. If comment supports it and their respective Boards of County Commissioners petition for such a change, additional counties contiguous to the four named may be placed in the central zone.

This proposal is issued under authority of the Act of March 19, 1918, as amended by the Uniform Time Act of 1966 (15 U.S.C. 260–67); section 6(e)(5) of the Department of Transportation Act (49 U.S.C. 1655(e)(5)); and § 1.59(a) of the Regulations of the Office of the Secretary of Transportation (49 CFR 1.59(a)).

Issued in Washington, D.C., on March 9, 1973.

JOHN W. BARNUM,
General Counsel.

[FR Doc.73-4996 Filed 3-14-73;8:45 am]

SECURITIES AND EXCHANGE COMMISSION

[17 CFR Part 275]

[Release Nos. IA-363, IC-7682, File No. S7-462]

INVESTMENT ADVISER REGULATIONS

Recordkeeping Requirements and Exemption From Definition of "Investment Adviser"; Extension of Time; Correction

In Release Nos. IA-363, IC-7682, filed as FR Doc. 73-4064 and which appeared in the FEDERAL REGISTER for March 5, 1973, at page 5912, the references to the sections of Title 17 of the Code of Federal Regulations proposed to be affected were incorrectly stated. In the first paragraph of the release, the parenthetical reference following the words "Rule 202–2" and "Rule 204–2(a)" should be corrected to read "(17 CFR 275.202–2)" and "(17 CFR 275.204–2(a))" respectively. Also, the last paragraph thereof should be corrected to read as follows:

Commission action. The Commission pursuant to authority in sections 202 and 211 of the Investment Advisers Act of 1940, hereby redesignates proposed new § 275.202–1 of 17 CFR Chapter II, which appeared in Investment Advisers Act Release No. 353 dated December 18, 1972, and in the FEDERAL REGISTER issue of January 17, 1973, at volume 38, page 1651, as proposed new § 275.202–2 of 17 CFR Chapter II, and also extends the time for comments on proposed new redesignated § 275.202–2 and the proposed amendment to § 275.204–2(a) from February 16, 1973, until March 16, 1973.

For the Commission.

[SEAL] RONALD F. HUNT,
Secretary.

MARCH 7, 1973.

[FR Doc.73-4973 Filed 3-14-73;8:45 am]

Notices

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF THE TREASURY

Bureau of Customs

[T.D. 73-72]

LAMBRUSCO WINE

Change in Tariff Classification

A notice was published in the FEDERAL REGISTER for December 27, 1972, 37 FR 28524, that the Bureau of Customs was reviewing the existing practice of classifying certain Lambrusco wine as still wine in item 167.30, Tariff Schedules of the United States (TSUS).

After reviewing the matter in the light of the evidence submitted, the Bureau is of the opinion that Lambrusco wine, other than that labeled as sparkling, is classifiable according to the carbon dioxide content. Accordingly, where samples of a shipment exceed the carbon dioxide limitation for still wine of 0.277 grams carbon dioxide per 100 milliliters, the entire shipment will be classified as sparkling wine in item 167.10, TSUS, with the appropriate internal revenue tax for sparkling wine added, in accord with General Headnote 7, TSUS, which concerns the classification of commingled articles.

As this ruling will result in the assessment of duties at a higher rate than that previously assessed on such wines, the higher rate will be applied only to such merchandise as may be entered, or withdrawn from warehouse, for consumption on or after the 91st day following publication of this ruling in the weekly Customs Bulletin.

Dated: March 7, 1973.

[SEAL] VERNON D. ACREE,
Commissioner of Customs.

Approved:

EDWARD L. MORGAN,
Assistant Secretary of the Treasury

[FR Doc.73-5048 Filed 3-14-73;8:45 am]

DEPARTMENT OF DEFENSE

Department of the Air Force

SCIENTIFIC ADVISORY BOARD, CERTAIN COMMITTEES

Notice of Meetings

MARCH 8, 1973.

Munitions-Armament Panel Meeting on Conventional Munitions. The Munitions-Armament Panel will hold closed meetings on March 21 and 22, 1973, at Eglin Air Force Base, Fla. The meeting on the 21st will be from 8:30 a.m. until 5 p.m. and the meeting on the 22d will be from 8:30 a.m. until 11:30 a.m.

The agenda of the meetings will be briefings on inventory, developmental, and future conventional munitions.

Committee on B–1 Aerodynamics. The Committee on B–1 Aerodynamics will hold closed meetings on March 22 and 23, 1973, from 8 a.m. until 5 p.m., at the Rockwell International Corp., Los Angeles, Calif.

The committee will receive briefings on topics pertinent to the continuing review of the aerodynamic aspects of the B–1 development program.

On-Board Test and Recording Systems Committee. The On-Board Test and Recording Systems Committee will hold a meeting on March 23, 1973, from 8:30 a.m. until 5:30 p.m., at Charleston Air Force Base, S.C. The meeting will be open to the public for the morning session only.

The agenda of the meeting will be briefings on MADARS Ground Processing System and a committee work session.

Committee on B–1 Structures. The Committee on B–1 Structures will hold closed meetings on March 23 and 24, 1973, from 8 a.m. until 5 p.m., at the Rockwell International Corp., Los Angeles, Calif.

The committee will receive briefings on topics pertinent to the continuing review of the structural aspects of the B–1 development program.

For additional information on these meetings, telephone (202) 697–4648.

JOHN W. FAHRNEY,
Colonel, USAF, Chief, Legislative Division, Office of The Judge Advocate General.

[FR Doc.73-5014 Filed 3-14-73;8:45 am]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Group 513]

ARIZONA

Notice of Filing of Plat of Survey

MARCH 9, 1973.

1. Plat of survey of the lands described below will be officially filed in the Arizona State Office, Phoenix, Ariz., effective at 10 a.m., on April 23, 1973.

GILA AND SALT RIVER MERIDIAN, ARIZONA

T. 33 N., R. 15 W.,
Sec. 1;
Secs. 3 to 36, inclusive.

The area described aggregates 22,376.89 acres of land.

2. The area surveyed is located about 40 miles south of Mesquite, Nev. The land is rolling, with the soil a gravelly loam. There is no timber and vegetation consists of creosote bush, cacti, yucca, sagebrush, and sparse grass.

3. All rights of the State of Arizona to section 36 have been conveyed to the United States.

4. All of sections 4 to 9, inclusive, 16 to 21, inclusive, and 28 to 33, inclusive, are withdrawn from all forms of appropriation under the public land laws, including the mining laws, except for mineral leasing.

5. Sections 1 to 3, inclusive, 10 to 15, inclusive, 22 to 27, inclusive, 34 and 36 are classified for multiple use management and will be opened only to such forms of disposition as are allowed under the provision of the multiple use classification on the effective date of the filing of this plat.

6. Inquiries concerning the lands should be addressed to the Arizona State Office, Bureau of Land Management, 3022 Federal Building, Phoenix, Ariz. 85025.

CHARLES G. BAZAN, JR.,
Chief, Branch of Records and Data Management.

[FR Doc 73-5051 Filed 3-14-73;8:45 am]

[Group 513]

ARIZONA

Notice of Filing of Plat of Survey

MARCH 9, 1973.

1. Plat of survey of the lands described below will be officially filed in the Arizona State Office, Phoenix, Ariz., effective at 10 a.m., on April 23, 1973.

GILA AND SALT RIVER MERIDIAN, ARIZONA

T. 35 N., R. 15 W.,
Secs. 1 to 15, inclusive, and
Secs. 17 to 36, inclusive.

The area described aggregates 22,326.08 acres.

2. The land is mostly rolling mesa, cut by numerous canyons and gullies. Lava rock overlays portions of the township with a rocky, sandy loam subsoil, which supports limited growth of grasses. Major vegetation consists of sagebrush, creosote bush, cacti with scattered Joshua trees.

3. All rights of the State of Arizona to sections 2, 32, and 36 have been conveyed to the United States.

4. All of the lands are classified for multiple use management and will be opened only to such forms of disposition as are allowed under the provisions of the multiple use classification on the effective date of the filing of this plat.

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5. Inquiries concerning the lands should be addressed to the Arizona State Office, Bureau of Land Management, 3022 Federal Building, Phoenix, Ariz. 85025.

CHARLES G. BAZAN, JR.,
Chief, Branch of Records and Data Management.

[FR Doc.73-5052 Filed 3-14-73;8:45 am]

[Group 513]

ARIZONA

Notice of Filing of Plat of Survey

MARCH 9, 1973.

1. Plat of survey of the lands described below will be officialy filed in the Arizona State Office at 10 a.m., on April 23, 1973.

GILA AND SALT RIVER MERIDIAN, ARIZONA

T. 34 N., R. 15 W.,
Sec. 1;
Secs. 3 to 36, inclusive

The area described aggregates 22,254.78 acres.

2. The area surveyed is located about 40 miles south of Mesquite, Nev. The land is rolling and the soil is mostly gravelly loam except for a gypsum deposit in the center south portion. Vegetation consists of creosote bush, sagebrush, cacti, and yucca with scattered Joshua trees in the eastern portion.

3. All rights of the State of Arizona to sections 16, 32, and 36 have been conveyed to the United States.

4. All of the lands are classified for multiple use management and will be opened only to such forms of disposition as are allowed under the provisions of the multiple use classification on the effective date of the filing of this plat.

5. Inquiries concerning the lands should be addressed to the Arizona State Office, Bureau of Land Management, 3022 Federal Building, Phoenix, Ariz. 85025.

CHARLES G. BAZAN, JR.,
Chief, Branch of Records and Data Management.

[FR Doc.73-5053 Filed 3-14-73;8:45 am]

National Park Service

INDEPENDENCE NATIONAL HISTORICAL PARK ADVISORY COMMISSION

Notice of Meeting

Notice is hereby given in accordance with the Federal Advisory Committee Act that a meeting of the Independence National Historical Park Advisory Commission will be held at 10 a.m., on March 28, 1973, at 313 Walnut Street, Philadelphia, PA.

The Commission was established by Public Law 80-795 to render advice on such matters relating to the park as may from time to time be referred to them for consideration.

The members of the Commission are as follows:

Mr. Arthur C. Kaufmann (Chairman), Philadelphia, Pa.
Hon. Michael J. Bradley, Philadelphia, Pa.
Mr. John P. Bracken, Philadelphia, Pa.
Hon. James A. Byrne, Philadelphia, Pa.
Mr. William L. Day, Philadelphia, Pa.
Hon. Edwin O. Lewis, Philadelphia, Pa.
Hon. Filindo B. Masino, Philadelphia, Pa.
Mr. Frank C. P. McGlinn, Philadelphia, Pa.
Mr. John B. O'Hara, Philadelphia, Pa.
Mr. Howard D. Rosengarten, Villanova, Pa.
Mr. Charles R. Tyson, Philadelphia, Pa.

The purpose of this meeting is to discuss the following matters:

1. Status of architects' study on placement of the Liberty Bell;
2. Progress report on plans and programs;
3. Status of area "F";
4. Proposal to transfer State mall to the Federal Government;
5. Review of Public Law 92-463 (Federal Advisory Committee Act);
6. Fixing of future meeting dates.

The meeting will be open to the public, and any member of the public may file with the Commission a written statement concerning the matters to be discussed.

Persons wanting further information concerning this meeting, or who wish to file written statements, may contact Mr. Hobart G. Cawood, Superintendent, Independence National Historical Park, at 215—597-7120. Minutes of the meeting will be available for public inspection 2 weeks after the meeting, at the office of Independence National Historical Park, 313 Walnut Street, Philadelphia, PA.

Dated: March 5, 1973.

STANLEY W. HULETT,
Associate Director.

[FR Doc.73-5004 Filed 3-14-73;8:45 am]

DEPARTMENT OF AGRICULTURE

Forest Service

FLATHEAD NATIONAL FOREST MULTIPLE USE ADVISORY COMMITTEE

Notice of Meeting

The Flathead National Forest Advisory Committee will meet at 7:30 p.m., March 14, 1973, at the Forest Supervisor's Office, 290 North Main, Kalispell, MT.

The purpose of this meeting is to discuss land use planning.

The meeting will be open to the public. Persons who wish to attend should notify Mrs. Marge Williams, Flathead National Forest, telephone 752-3401. Written statements may be filed with the committee before or after the meeting. The committee has established the following rules for public participation: Public members may present their views the last half hour (8:30-9:00) of session.

E. L. CORPE,
Forest Supervisor.

MARCH 6, 1973.

[FR Doc.73-5002 Filed 3-14-73;8:45 am]

Office of the Secretary

SANTA DOMINGO, SAN JUAN, TESUQUE, AND ZUNI INDIAN LANDS IN NEW MEXICO

Notice of Feed Grain Donations

Pursuant to the authority set forth in section 407 of the Agricultural Act of 1949, as amended (7 U.S.C. 1427), and Executive Order 11336, I have determined that:

1. The chronic economic distress of the needy members of the Santa Domingo, San Juan, Tesuque, and Zuni Indian lands in New Mexico has been materially increased and become acute because of serious drought for the past two growing seasons depleting supplies of livestock feed, thus, creating a critical need for supplemental feed. These lands are reservation or other lands designated for Indian use and are utilized by members of the Indian tribes for grazing purposes.

2. The use of feed grain or products thereof made available by the Commodity Credit Corporation for livestock feed for such needy members of the tribes will not displace or interfere with normal marketing of agricultural commodities.

Based on the above determinations, I hereby declare the reservations and grazing lands of these tribes to be acute distress areas and authorize the donation of feed grain owned by the Commodity Credit Corporation to livestockmen who are determined by the Bureau of Indian Affairs, Department of the Interior, to be needy members of the tribes utilizing such lands. These donations by the Commodity Credit Corporation may commence upon signature of this notice and shall be made available through the duration of the existing emergency or to such other time as may be stated in a notice issued by the Department of Agriculture.

Signed at Washington, D.C., on March 8, 1973.

J. PHIL CAMPBELL,
Acting Secretary.

[FR Doc.73-5012 Filed 3-14-73;8:45 am]

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

BERGNER INTERNATIONAL CORP.

Notice of Change of Location of Public Hearing

Notice is hereby given that the location of the hearing scheduled for March 22, 1973, at 10 a.m., to consider the application by the Bergner International Corp., New York, N.Y., for an economic hardship exemption under the Marine Mammal Protection Act of 1972, has been changed. The hearing, originally scheduled for Room 6802, Main Commerce Building, 14th Street and Constitution Avenue NW., Washington, D.C., will be held in the Department of Commerce Auditorium at the same address.

Issued at Washington, D.C., and dated March 9, 1973.

PHILIP M. ROEDEL,
Director,
National Marine Fisheries Service.

[FR Doc.73-5017 Filed 3-14-73;8:45 am]

Office of Import Programs

COLLEGE OF WILLIAM & MARY ET AL.

Notice of Consolidated Decision on Applications for Duty-Free Entry of Scientific Articles

The following is a consolidated decision on applications for duty-free entry of scientific articles pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (37 FR 3892 et seq.).

A copy of the record pertaining to each of the applications in this consolidated decision is available for public review during ordinary business hours of the Department of Commerce, at the Special Import Programs Division, Office of Import Programs, Department of Commerce, Washington, D.C.

Decision: Applications denied. Applicants have failed to establish that instruments or apparatus of equivalent scientific value to the foreign articles, for such purposes as the foreign articles are intended to be used, are not being manufactured in the United States.

Reasons: Section 701.8 of the regulations provides in pertinent part:

> The applicant shall on or before the 20th day following the date of such notice, inform the Deputy Assistant Secretary whether it intends to resubmit another application for the same article for the same intended purposes to which the denied application relates. The applicant shall then resubmit the new application on or before the 90th day following the date of the notice of denial without prejudice to resubmission, unless an extension of time is granted by the Deputy Assistant Secretary in writing prior to the expiration of the 90 day period. • • • If the applicant fails, within the applicable time periods specified above, to either (a) inform the Deputy Assistant Secretary whether it intends to resubmit another application for the same article to which the denial without prejudice to resubmission relates, or (b) resubmit the new application, the prior denial without prejudice to resubmission shall have the effect of a final decision by the Deputy Assistant Secretary on the application within the context of § 701.11.

The meaning of the subsection is that should an applicant either fail to notify the Deputy Assistant Secretary of its intent to resubmit another application for the same article to which the denial without prejudice relates within the 20-day period, or fails to resubmit a new application within the 90-day period, the prior denial without prejudice to resubmission will have the effect of a final denial of the application.

None of the applicants to which this consolidated decision relates has satisfied the requirements set forth above, therefore, the prior denials without prejudice have the effect of a final decision denying their respective applications.

Section 701.8 further provides:

> • • • the Deputy Assistant Secretary shall transmit a summary of the prior denial without prejudice to resubmission to the FEDERAL REGISTER for publication, to the Commissioner of Customs, and to the applicant.

Each of the prior denials without prejudice to resubmission to which this consolidated decision relates was based on the failure of the respective applicants to submit the required documentation, including a completely executed application form, in sufficient detail to allow the issue of "scientific equivalency" to be determined by the Deputy Assistant Secretary.

Docket No. 71-00535-01-77030. Applicant: College of William & Mary, Department of Chemistry, Williamsburg, Va. 23185. Article: NMR Spectrometer, R-20B. Date of denial without prejudice to resubmission: November 2, 1972.

Docket No. 72-00067-01-11000. Applicant: Southern Illinois University, Edwardsville, Ill. 62025. Article: Gas chromatograph-mass spectrometer, Varian MAT 111 GS/MS. Date of denial without prejudice to resubmission: November 22, 1972.

Docket No. 72-00111-65-46070. Applicant: Vanderbilt University, Department of Materials Science and Engineering, Box 3245, Station B, Nashville, TN 37203. Article: Scanning electron microscope, Model Mark IIA. Date of denial without prejudice to resubmission: November 28, 1972.

Docket No. 72-00138-36-46040. Applicant: University of Akron, Institute of Polymer Sciences, 302 East Buchtel Avenue, Akron, OH 44304. Article: Electron microscope, Model JEM-T8. Date of denial without prejudice to resubmission: November 16, 1972.

Docket No. 72-00363-33-46040. Applicant: University of Chicago, Department of Pathology, Division of Surgical Pathology, 950 East 59th Street, Chicago, IL 60637. Article: Electron microscope, Model EM 201. Date of denial without prejudice to resubmission: November 7, 1972.

Docket No. 72-00446-33-77040. Applicant: Research Triangle Institute, Post Office Box 12194, Research Triangle Park, NC 27709. Article: Mass spectrometer, Model CH-7. Date of denial without prejudice to resubmission: November 1, 1972.

Docket No. 72-00534-01-28200. Applicant: The City College of the City University of New York, Department of Chemistry, Convent Avenue and 138th Street, New York, N.Y. 10031. Article: Electron spin resonance spectrometer. Date of denial without prejudice to resubmission: November 16, 1972.

Docket No. 72-00626-33-46500. Applicant: Veterans Administration Hospital, Department of Pathology, Durham, N.C. 27705. Article: Ultramicrotome, Model LKB 8800A. Date of denial without prejudice to resubmission: November 3, 1972.

Docket No. 72-00631-33-79200. Applicant: Veterans Administration Hospital, 4150 Clement Street, San Francisco, CA 94121. Article: Water still and condenser. Date of denial without prejudice to resubmission: November 8, 1972.

Docket No. 72-00635-00-46500. Applicant: Veterans Administration Hospital, Cell Biology Section, 4150 Clement Street, San Francisco, CA 94121. Article: Two (2) diamond knives 1.5 mm. (40 - 45°). Date of denial without prejudice to resubmission: November 3, 1972.

Docket No. 72-00644-33-46040. Applicant: University of Texas Medical Branch, Department of Human Genetics and Biological Chemistry, Galveston, Tex. 77550. Article: Electron microscope, Model EM 201. Date of denial without prejudice to resubmission: November 3, 1972.

Docket No. 73-00006-33-46070. Applicant: University of North Dakota, Department of Anatomy, Grand Forks, N. Dak. 58201. Article: Scanning electron microscope, Model S4. Date of denial without prejudice to resubmission: November 15, 1972.

Docket No. 73-00020-33-46595. Applicant: University of Missouri, Department of Anatomy, School of Medicine, Columbia, Mo. 65201. Article: Pyramitome, LKB 11800. Date of denial without prejudice to resubmission: November 9, 1972.

Docket No. 73-00032-33-46070. Applicant: West Virginia University, Division of Infectious Diseases, Morgantown, W. Va. 26506. Article: Scanning electron microscope, Model S4. Date of denial without prejudice to resubmission: November 16, 1972.

Docket No. 73-00047-33-46040. Applicant: University of Texas at Houston, M. D. Anderson Hospital and Tumor Institute, 6723 Bertner Avenue, Houston, TX 77025. Article: Electron microscope, Model EM 300. Date of denial without prejudice to resubmission: November 17, 1972.

Docket No. 73-00048-55-17500. Applicant: Oregon State University, School of Oceanography, Corvallis, Oreg. 97331. Article Recording current meter. Date of denial without prejudice to resubmission: November 2, 1972.

Docket No. 73-00138-60-80300. Applicant: USDA-Forest Service, Institute of Northern Forestry, Fairbanks, Alaska 99701. Article: two miniature temperature recorders, Model D and accessories. Date of denial without prejudice to resubmission: November 24, 1972.

Docket No. 73-00064-33-46500. Applicant: Veterans Administration Hospital, Middleville Road, Northport, N.Y. 11768. Article: Ultramicrotome, Model LKB 8800A. Date of denial without prejudice to resubmission: November 24, 1972.

Docket No. 73-0207-33-46500. Applicant: Duke University Medical Center, Department of Pathology, Post Office Box 3712, Durham, NC 27710. Article: Ultramicrotome, Model Om U3. Date of denial without prejudice to resubmission: November 15, 1972.

B. BLANKENHEIMER,
Acting Director,
Office of Import Programs.

[FR Doc.73-5005 Filed 3-14-73;8:45 am]

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TEXAS TECHNICAL UNIVERSITY ET AL.

Notice of Consolidated Decisions on Application for Duty-Free Entry of Scientific Articles; Correction

In the Notice of Consolidated Decision on Applications for Duty-Free Entry of Scientific Articles appearing at page 5488 in the FEDERAL REGISTER of Thursday, March 1, 1973, the following docket should be deleted:

Docket No. 72–00567–01–07500. Applicant: Brooklyn College of the City University of New York, Department of Chemistry, Bedford Avenue and Avenue H, Brooklyn, NY 11210. Article: Precision Calorimetry System, LKB 8700. Date of denial without prejudice to resubmission: October 31, 1972.

B. BLANKENHEIMER,
Acting Director,
Office of Import Programs.

[FR Doc.73-5006 Filed 3-14-73;8:45 am]

U.S. Travel Service

TRAVEL ADVISORY BOARD

Notice of Meeting

The Travel Advisory Board of the U.S. Department of Commerce will meet March 27 at 9:30 a.m. in Room 4830 of the Main Commerce Building, 14th Street and Constitution Avenue NW., Washington, DC 20230.

Members advise the Secretary of Commerce and the Assistant Secretary of Commerce for Tourism on policies and programs designed to accomplish the purposes of the International Travel Act of 1961, as amended.

Agenda items are as follows:

(1) Opening remarks by Acting Assistant Secretary of Commerce for Tourism, C. Langhorne Washburn.
(2) Remarks by Secretary of Commerce, Frederick B. Dent.
(3) Role of Travel Advisory Board.
(4) USTS Marketing Plan.
(5) Task Force Reports.
(6) New USTS Initiatives.
(7) Adjournment.

Established in July 1968, the Travel Advisory Board consists of senior representatives of 15 U.S. travel industry segments, who are appointed by the Secretary of Commerce to serve a 2-year term.

Represented industry segments include international airlines, domestic airlines, supplemental airlines, domestic surface transportation, communications, travel agencies, rental car agencies, travel societies, accommodations, steamship lines, tour operators, sightseeing firms, States, cities, aircraft manufacturers.

A limited number of seats—approximately 12—will be available to observers from the press and the public.

Robert Jackson, Director of Information Services of the U.S. Travel Service, Room 1525, U.S. Department of Commerce, Washington, D.C. 20230 (Area code 202—967–4987) will respond to public requests for information about the meeting.

Minutes will be available 30 days from the date of the meeting. Pursuant to regulations of the Department of Commerce (15 CFR 4.6), requests to review the minutes should be made by completing Form CD–244. Copies of this form are available from the Central Reference and Records Inspection Facility, Department of Commerce, Washington, D.C. 20230.

C. LANGHORNE WASHBURN,
Acting Assistant Secretary for
Tourism, Department of Commerce.

[FR Doc.73-4956 Filed 3-14-73;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

METHADONE

Notice of Interim Approval

In the FEDERAL REGISTER of December 15, 1972 (37 FR 26790) the Commissioner of Food and Drugs amended 21 CFR Part 130 by promulgating new regulations for methadone.

These new regulations require that, beginning March 15, 1973, methadone will be available for use as an analgesic and for the treatment of narcotic addiction only through a closed distribution system to approved pharmacies and approved methadone treatment programs. The Commissioner is concerned that all qualified methadone treatment programs continue to operate without interruption and that methadone be available in as many approved hospital pharmacies as is justified for its analgesic use. The Food and Drug Administration has made every effort through such means as mailings, workshops, and various national organizations to inform all sponsors of methadone treatment programs of the requirements of the new regulations and to encourage them to submit applications for approval of such programs as soon as possible.

By March 9, 1973, approximately 300 applications for approval of methadone treatment programs had been received by the Food and Drug Administration and such applications are being received in increasing numbers. Each of these applications requires a review and a determination of its adequacy by the Food and Drug Administration and this action cannot be completed in all cases by the March 15, 1973, deadline. Also, it is recognized that there may be some instances where sponsors of ongoing methadone treatment programs, for some legitimate reason, will have failed to submit an application by March 15, 1973.

To avoid disruption of ongoing methadone treatment programs the Commissioner concludes that an interim approval should be granted for any ongoing methadone treatment program for which an application for approval has been submitted to the Food and Drug Administration. This interim approval will expire on May 15, 1973, except for any application for which final approval is granted or denied prior to that time in which case the interim approval shall expire on the date of the granting or denying of final approval. The sponsor of an ongoing methadone treatment program which is covered by the interim approval may continue to order and receive shipments of methadone. However, the interim approval does not apply to any exception or exemption requested under the new methadone regulations nor will it preclude the Food and Drug Administration's taking regulatory action against a methadone treatment program for failing to comply with any provision of the Federal Food, Drug, and Cosmetic Act and the regulations promulgated thereunder.

In the case of hospitals that have submitted applications for use of methadone for analgesia in severe pain, for detoxification, and for temporary maintenance treatment, the same conditions for interim approval as set forth above apply.

The Food and Drug Administration may authorize a single emergency shipment of methadone to an ongoing methadone treatment program which has not yet submitted an application for approval, on a case-by-case basis where a bona fide emergency is shown to exist. Requests for such authorization should be submitted to the Food and Drug Administration, Bureau of Drugs, Methadone Monitoring Staff (BD–125) (telephone 301–443–3504), 5600 Fishers Lane, Rockville, MD 20852.

This notice is issued pursuant to sections 505 and 701(a) of the Federal Food, Drug, and Cosmetic Act as amended (21 U.S.C. 355, 371(a)), section 303(a) of the Public Health Service Act as amended (42 U.S.C. 242a(a)), and section 4 of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (42 U.S.C. 257 (a)), and under authority delegated to the Commissioner (21 CFR 2.120).

Dated: March 13, 1973.

WILLIAM F. RANDOLPH,
Deputy Associate Commissioner
for Compliance.

[FR Doc.73-5058 Filed 3-14-73;8:45 am]

National Institutes of Health

ARTIFICIAL HEART ASSESSMENT PANEL

Notice of Meeting

Pursuant to Public Law 92–463, notice is hereby given of the meeting of the Artificial Heart Assessment Panel, March 29 and 30, 1973, 9 a.m., National Institutes of Health, Building 31, Conference Room 2. This meeting will be open to the public from 9 a.m. to 5 p.m. on March 29 and 30, to discuss reports on the social, legal, and economic implications of an artificial heart. Attendance by the public will be limited to space available.

Mr. Hugh Jackson, Information Officer, NHLI, NIH Landow Building, Room C918, phone 496–4236, will furnish summaries of the meeting and rosters of the panel members. Substantive information may be obtained from Constance Foshay Row, NHLI, NIH Building 31, Room 5A31, phone 496–6331.

Dated: March 9, 1973.

JOHN F. SHERMAN,
Deputy Director,
National Institutes of Health.

[FR Doc.73-4970 Filed 3-14-73;8:45 am]

DENTAL EDUCATION REVIEW COMMITTEE

Amended Notice of Meeting

Notice is hereby given that the meeting of the Dental Education Review Committee, announced in notice of meeting dated February 20, 1973, will be held for 1 day only, March 15, 1973, at 8:30 a.m., National Institutes of Health, Bethesda, Md., Building 31, Conference Room 4, A Wing. This meeting will be open to the public from 8:30 a.m. to 9:30 a.m., to discuss current status of dental special project grants, startup assistance grants, capitation waiver requests, and postconstruction site visit assessments. The meeting will be closed to the public thereafter, in accordance with the provisions set forth in section 10(d) of Public Law 92–463. Attendance by the public will be limited to space available.

The Executive Secretary who will furnish summaries of the closed meeting and rosters of committee members, and from whom substantive information may be obtained is:

Leonard P. Wheat, Room 4B44, Building 31, National Institutes of Health, Bethesda, Md. 20014, Telephone: 496–6641.

Dated: March 9, 1973.

JOHN F. SHERMAN,
Deputy Director,
National Institutes of Health.

[FR Doc.73-4968 Filed 3-14-73;8:45 am]

DIAGNOSIS AND TREATMENT AND CARCINOGENESIS AND PREVENTION SUBCOMMITTEES

Notice of Meetings

Pursuant to Public Law 92–463, notice is hereby given of the meetings of the Subcommittees of the National Cancer Advisory Board and the individuals from whom summaries of meetings may be obtained.

Subcommittee	Date	Time	Location
Diagnosis and treatment.	3/26/73	9 a.m.	NIH, Bldg. 31, Conference Room 7.
Carcinogenesis and prevention.	3/26/73	9 a.m.	NIH, Bldg. 31, Conference Room 8.

Mr. Frank Karel, Associate Director for Public Affairs, NCI, Building 31, Room 10A31, National Institutes of Health, Bethesda, Md. 20014 (301—496–1911), will furnish summaries of the open/closed meetings and roster of committee members.

Dr. John T. Kalberer, Jr., Special Assistant to the Director, Division of Cancer Grants, NCI, Building 31, Room 10A06, National Institutes of Health, Bethesda, Md. 20014 (301—496–5147), will provide substantive program information.

These meetings will be open to the public from 9 to 9:30 a.m., March 26, for discussions of any new policy considerations involving the National Cancer Program, and closed thereafter in accordance with the provisions set forth in section 552(b)4, of title 5, United States Code, section 10(d), of Public Law 92–463. Attendance by the public will be limited to space available.

Dated: March 6, 1973.

JOHN F. SHERMAN,
Deputy Director,
National Institutes of Health.

[FR Doc.73-4966 Filed 3-14-73;8:45 am]

INFORMATION AND RESOURCES SEGMENT ADVISORY COMMITTEE

Notice of Meeting

Pursuant to Public Law 92–463, notice is hereby given of the meeting of the Information and Resources Segment Advisory Committee meeting, March 23, 1973, at 9 a.m., National Institutes of Health, Building 31, Conference Room 2–A. This meeting will be open to the public from 9 a.m., March 23, 1973, to discuss reorganization of segments within the carcinogenesis program and closed to the public from 10 a.m., March 23, 1973, in accordance with the provisions set forth in section 10(d) of Public Law 92–463, and section 552(b)4, of title 5, United States Code. Attendance by the public will be limited to space available.

Mr. Frank Karel, Associate Director for Public Affairs, NCI, Building 31, Room 10A31, National Institutes of Health, Bethesda, Md. 20014 (301—496–1911) will furnish summaries of the open/closed meeting and roster of committee members.

Marcia D. Litwack, Ph. D., Executive Secretary, Landow Building, Room A 304, National Institutes of Health, Bethesda, Md. 20014, phone 301—496–5471, will provide substantive program information.

Dated: March 7, 1973.

JOHN F. SHERMAN,
Deputy Director,
National Institutes of Health.

[FR Doc.73-4964 Filed 3-14-73;8:45 am]

NATIONAL BLOOD RESOURCES PROGRAM ADVISORY COMMITTEE

Notice of Meeting

Pursuant to Public Law 92–463, notice is hereby given of the meeting of the National Blood Resource Program Advisory Committee, March 29, 1973, at 9 a.m., National Institutes of Health, Building 31, Conference Room 4. This meeting will be open to the public from 9 a.m. to 9:30 a.m., to discuss administrative details relating to committee business; the remaining session will be closed to the public in accordance with the provisions set forth in section 552(b) 4 of title 5, United States Code and 10(d) of Public Law 92–463. Attendance by the public will be limited to space available.

Dr. Jerome G. Green, Director, Division of Extramural Affairs, NHLI, NIH Westwood Building, Room 5A18, 496–7416, will furnish summaries of the meeting and rosters of the committee members. Substantive program information may be obtained from the Executive Secretary, Dr. James M. Stengle, NHLI, NIH Building 31, Room 4A03, 496–5911.

Dated: March 7, 1973.

JOHN F. SHERMAN,
Deputy Director,
National Institutes of Health.

[FR Doc.73-4965 Filed 3-14-73;8:45 am]

NATIONAL HEART AND LUNG ADVISORY COUNCIL

Notice of Meeting

Pursuant to Public Law 92–463, notice is hereby given of the meeting of the National Heart and Lung Advisory Council, March 30 and 31, 1973, at 9 a.m., National Institutes of Health, Building 31, Conference Room 6. This meeting will be open to the public to discuss the Council's contribution for a plan for a National Heart, Blood Vessel, Lung, and Blood Disease program. Attendance by the public will be limited to space available.

Mr. Hugh Jackson, Information Officer, NHLI, Landow Building, Room C–918, 496–4236, will furnish summaries of the minutes and rosters of the National Heart and Lung Advisory Council members, and Dr. Jerome G. Green, Director of the Division of Extramural Affairs, NHLI, Westwood Building, Room 5A18, 496–7416, will furnish substantive program information.

Dated: March 9, 1973.

JOHN F. SHERMAN,
Deputy Director,
National Institutes of Health.

[FR Doc.73-4969 Filed 3-14-73;8:45 am]

OPTOMETRY, PHARMACY, PODIATRY AND VETERINARY MEDICINE REVIEW COMMITTEE

Amended Notice of Meeting

Notice is hereby given that the meeting of the Optometry, Pharmacy, Podiatry, and Veterinary Medicine Review Committee, announced in notice of meeting dated February 20, 1973, will be held for 1 day only, March 19, 1973, at 9 a.m., National Institutes of Health, Building 31, Bethesda, Md., Conference Room 5. The meeting will be open to the public from 9 a.m. to 10 a.m., to discuss grant review guidelines and procedures and

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closed to the public thereafter, in accordance with the provisions set forth in section 10(d) of Public Law 92-463. Attendance by the public will be limited to space available. The Executive Secretary who will furnish summaries of the closed meeting, rosters of committee members, and substantive information is:

Philip R. Hugill, Building 31, Room 4B-43, National Institutes of Health, Bethesda, Md. 20014, telephone: 496-6631.

Dated: March 6, 1973.

JOHN F. SHERMAN,
Deputy Director,
National Institutes of Health.

[FR Doc.73-4967 Filed 3-14-73;8:45 am]

ATOMIC ENERGY COMMISSION

[Docket No. 50-335]

FLORIDA POWER & LIGHT CO.

Establishment of Atomic Safety and Licensing Board

On January 9, 1973, the Commission published in the FEDERAL REGISTER, 38 FR 1139, a notice of hearing pursuant to 10 CFR Part 50, Appendix D, section B. The St. Lucie Nuclear Power Plant, Unit 1, of the Florida Power & Light Co., is subject to the above provisions of 10 CFR Part 50. The notice indicated that the Safety and Licensing Board for this proceeding would be designated at a later date and that notice of its membership would be published in the FEDERAL REGISTER.

Pursuant to the Atomic Energy Act of 1954, as amended, the regulations of Title 10, Code of Federal Regulations, Part 2, Rules of Practice, and the notice of hearing referred to above, notice is hereby given that the Safety and Licensing Board in this proceeding will consist of Dr. Hugh C. Paxton, Dr. Paul W. Purdom, and Robert M. Lazo, Esq., Chairman. Dr. Walter H. Jordan has been designated as a technically qualified alternate and Max D. Paglin, Esq., has been designated as an alternate qualified in the conduct of administrative proceedings.

The positions and mailing addresses of the Board members are as follows:

1. Robert M. Lazo, Esq., Chairman, an attorney member of the Atomic Safety and Licensing Board Panel, U.S. Atomic Energy Commission, Washington, D.C. 20545.

2. Dr. Hugh C. Paxton, Los Alamos Scientific Laboratory, Post Office Box 1663, Los Alamos, NM 87544.

3. Dr. Paul W. Purdom, Director, Center for Urban Research and Environmental Studies, Drexel University, 32d and Chestnut Streets, Philadelphia, PA 19104.

4. Max D. Paglin, Esq., Alternate Chairman, an attorney member of the Atomic Safety and Licensing Board Panel, U.S. Atomic Energy Commission, Washington, D.C. 20545.

5. Dr. Walter H. Jordan, Senior Research Adviser, Oak Ridge National Laboratory, Post Office Box X, Oak Ridge, TN 37830.

The above-designated Board is authorized to rule on any petitions to intervene received in this proceeding. As provided in the notice of hearing, the date and place of a prehearing conference and of a hearing will be scheduled by the Board and will be published in the FEDERAL REGISTER.

Dated at Washington, D.C., this 9th day of March 1973.

NATHANIEL H. GOODRICH,
Chairman, Atomic Safety and Licensing Board Panel.

[FR Doc.73-4952 Filed 3-14-73;8:45 am]

[Docket No. 50-344]

PORTLAND GENERAL ELECTRIC CO. ET AL.

Establishment of Atomic Safety and Licensing Board

On December 29, 1972, the Commission published in the FEDERAL REGISTER, 37 FR 28770, a notice of hearing pursuant to 10 CFR Part 50, Appendix D, section B. The Trojan Nuclear Plant of the Portland General Electric Co., the city of Eugene, Oreg., and the Pacific Power & Light Co. is subject to the above provisions of 10 CFR Part 50. The notice indicated that the Safety and Licensing Board for this proceeding would be designated at a later date and that notice of its membership would be published in the FEDERAL REGISTER.

Pursuant to the Atomic Energy Act of 1954, as amended, the regulations of Title 10, Code of Federal Regulations, Part 2, rules of practice, and the notice of hearing referred to above, notice is hereby given that the Safety and Licensing Board in this proceeding will consist of Dr. A. Dixon Callihan, Dr. John R. Lyman, and Jerome Garfinkel, Esq., chairman. Mr. Ernest E. Hill has been designated as a technically qualified alternate and Thomas W. Reilly, Esq., has been designated as an alternate qualified in the conduct of administrative proceedings.

The positions and mailing addresses of the Board members are as follows:

1. Jerome Garfinkel, Esq., Chairman, an attorney member of the Atomic Safety and Licensing Board Panel, U.S. Atomic Energy Commission, Washington, D.C. 20545.

2. Dr. A. Dixon Callihan, Union Carbide Corp., Post Office Box Y, Oak Ridge, TN 37830.

3. Dr. John R. Lyman, Department of Environmental Sciences and Engineering, University of North Carolina, Chapel Hill, N.C. 27514.

4. Thomas W. Reilly, Esq., Alternate Chairman, an attorney member of the Atomic Safety and Licensing Board Panel, U.S. Atomic Energy Commission, Washington, D.C. 20545.

5. Mr. Ernest E. Hill, Alternate, Lawrence Livermore Laboratory, University of California, Post Office Box 808-L-123, Livermore, CA.

The above-designated Board is authorized to rule on any petitions to intervene received in this proceeding. As provided in the notice of hearing, the date and place of a prehearing conference and of a hearing will be scheduled by the Board and will be published in the FEDERAL REGISTER.

Dated at Washington, D.C., this 9th day of March 1973.

NATHANIEL H. GOODRICH,
Chairman, Atomic Safety and Licensing Board Panel.

[FR Doc.73-4953 Filed 3-14-73;8:45 am]

[Docket No. 50-346]

TOLEDO EDISON CO. AND CLEVELAND ELECTRIC ILLUMINATING CO.

Establishment of Atomic Safety and Licensing Board

On January 5, 1973, the Commission published in the FEDERAL REGISTER, 38 FR 904, a notice of hearing pursuant to 10 CFR Part 50, Appendix D, section B. The Davis-Besse Nuclear Power Station of the Toledo Edison Co. and the Cleveland Electric Illuminating Co. is subject to the above provisions of 10 CFR Part 50. The notice indicated that the Safety and Licensing Board for this proceeding would be designated at a later date and that notice of its membership would be published in the FEDERAL REGISTER.

Pursuant to the Atomic Energy Act of 1954, as amended, the regulations of Title 10, Code of Federal Regulations, Part 2, rules of practice, and the notice of hearing referred to above notice is hereby given that the Safety and Licensing Board in this proceeding will consist of Dr. Cadet H. Hand, Jr., Mr. Frederick J. Shon, and John F. Fermakides, Esq., Chairman. Dr. Harry Foreman has been designated as a technically qualified alternate and Joseph F. Tubridy, Esq., has been designated as an alternate qualified in the conduct of administrative proceedings.

The positions and mailing addresses of the Board Members are as follows:

1. John B. Farmakides, Esq., Chairman, an attorney member of the Atomic Safety and Licensing Board Panel, U.S. Atomic Energy Commission, Washington, D.C. 20545.

2. Dr. Cadet H. Hand, Jr., Director, Bodega Marine Laboratories, University of California, Post Office Box 247, Bodega Bay, CA 94923.

3. Mr. Frederick J. Shon, a technical member of the Atomic Safety and Licensing Board Panel, U.S. Atomic Energy Commission, Washington, D.C. 20545.

4. Joseph F. Tubridy, Esq., Alternate Chairman, an attorney, formerly with the U.S. Department of Justice, 4100 Cathedral Avenue NW., Washington, DC 20016.

5. Dr. Harry Foreman, Alternate, Director, Center for Population Studies, University of Minnesota, Minneapolis, Minn. 55455.

The above-designated Board is authorized to rule on any petitions to intervene received in this proceeding. As provided in the notice of hearing, the date and place of a prehearing conference and of a hearing will be scheduled by the Board and will be published in the FEDERAL REGISTER.

Dated at Washington, D.C., this 9th day of March 1973.

NATHANIEL H. GOODRICH,
Chairman, Atomic Safety and Licensing Board Panel.

[FR Doc.73-4954 Filed 3-14-73;8:45 am]

[Docket Nos. 50-338 and 50-339]

VIRGINIA ELECTRIC AND POWER CO.

Establishment of Atomic Safety and Licensing Board

On December 22, 1972, the Commission published in the FEDERAL REGISTER, 37 FR 28313, a notice of hearing pursuant to 10 CFR Part 50, Appendix D, section B. The North Anna Power Station Units 1 and 2 of the Virginia Electric and Power Co. are subject to the above provisions of 10 CFR Part 50. The notice indicated that the Safety and Licensing Board for this proceeding would be designated at a later date and that notice of its membership would be published in the FEDERAL REGISTER.

Pursuant to the Atomic Energy Act of 1954, as amended, the regulations of Title 10, Code of Federal Regulations, Part 2, rules of practice, and the notice of hearing referred to above, notice is hereby given that the Safety and Licensing Board in this proceeding will consist of Mr. R. B. Briggs, Dr. Emil T. Chanlett, and Sidney G. Kingsley, Esq., Chairman. Dr. Kenneth A. McCollum has been designated as a technically qualified alternate and Daniel H. Head, Esq., has been designated as an alternate qualified in the conduct of administrative proceedings.

The positions and mailing addresses of the Board members are as follows:

1. Sidney G. Kingsley, Esq., Chairman, an attorney member of the Atomic Safety and Licensing Board Panel, U.S. Atomic Energy Commission, Washington, D.C. 20545.

2. Mr. R. B. Briggs, Associate Director, Molten-Salt Reactor Program, Oak Ridge National Laboratory, Post Office Box Y, Oak Ridge, TN 37830.

3. Dr. Emil T. Chanlett, Department of Environmental Sciences, University of North Carolina, Chapel Hill, N.C. 27514.

4. Daniel M. Head, Esq., Alternate Chairman, an attorney member of the Atomic Safety and Licensing Board Panel, U.S. Atomic Energy Commission, Washington, D.C. 20545.

5. Dr. Kenneth A. McCollom, Alternate, Assistant Dean, College of Engineering, Oklahoma State University, Stillwater, Okla. 74074.

The above designated Board is authorized to rule on any petitions to intervene received in this proceeding. As provided in the notice of hearing, the date and place of a prehearing conference and of a hearing will be scheduled by the Board and will be published in the FEDERAL REGISTER.

Dated at Washington, D.C., this 9th day of March 1973.

NATHANIEL H. GOODRICH,
Chairman, Atomic Safety and Licensing Board Panel.

[FR Doc.73-4955 Filed 3-14-73;8:45 am]

REGULATORY GUIDES

Notice of Issuance and Availability

The Atomic Energy Commission has issued five new guides, Regulatory Guide 8.1, "Radiation Symbol," Regulatory Guide 8.2, "Administrative Practices in Radiation Monitoring," Regulatory Guide 8.3, "Film Badge Performance Criteria," Regulatory Guide 8.4, "Direct-Reading and Indirect-Reading Pocket Dosimeters," and Regulatory Guide 8.5, "Immediate Evacuation Signal," in its Regulatory Guide series. This series has been developed to describe and to make available to the public methods acceptable to the AEC Regulatory staff for implementing specific parts of the Commission's regulations and, in some cases, to delineate techniques used by the staff in evaluating specific problems or postulated accidents and to provide guidance to applicants concerning certain information needed by the staff in its review of applications for permits and licenses.

The new guides are the first to be issued in Division 8, "Occupational Health Guides," of the Regulatory Guide series. Regulatory Guides 8.1, 8.2, 8.3, 8.4, and 8.5 indicate acceptability, subject to conditions, of the use of American National Standards Institute standards N2.1-1969, N13.2-1969, N13.7-1972, N13.5-1972, and N2.3-1967, respectively, in implementing certain parts of the Commission's regulations.

Comments and suggestions for improvements in the guides are encouraged and should be sent to the Secretary of the Commission, U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Chief, Public Proceedings Staff. Copies of issued guides may be obtained by request to the U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Director of Regulatory Standards.

Other Division 8 Regulatory Guides currently being developed include the following:

Fissile Material Symbol.
Bioassay for Uranium.
As Low As Practicable Occupational Exposure to Ionizing Radiation from Nuclear Reactors.
Respiratory Protection.
Test Procedures for Geiger-Muller Counters.
Occupational Radiation Exposure Records Systems.
Dosimetry for Criticality Accidents.
Criticality Accidents Alarm System.

(5 U.S.C. 552(a))

Dated at Bethesda, Md., this 6th day of March 1973.

For the Atomic Energy Commission.

LESTER ROGERS,
Director of Regulatory Standards.

[FR Doc.73-4951 Filed 3-14-73;8:45 am]

CIVIL AERONAUTICS BOARD

STATES-ALASKA AND INTRA-ALASKA FARE INCREASES; ALASKA AIRLINES, INC.

[Docket No. 24977]

Notice of Hearing

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that a public hearing in the above-entitled proceeding is assigned to be held on April 24, 1973, at 10 a.m., local time, in Room 503, Universal Building, 1825 Connecticut Avenue NW., Washington, DC, before the undersigned.

For information concerning the issues involved and other details of this proceeding, interested persons are referred to the various documents which are in the docket of this case on file in the Docket Section of the Civil Aeronautics Board.

Dated at Washington, D.C., March 9, 1973.

[SEAL] JAMES S. KEITH,
Administrative Law Judge.

[FR Doc.73-5046 Filed 3-14-73;8:45 am]

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FEDERAL COMMUNICATIONS COMMISSION

[Canadian List 306]

STANDARD CANADIAN BROADCAST STATIONS

Notification List

MARCH 2, 1973.

List of new stations, proposed changes in existing stations, deletions, and corrections in assignments of Canadian standard broadcast stations modifying the assignments of Canadian broadcast stations contained in the Appendix to the Recommendations of the North American Regional Broadcasting Agreement Engineering Meeting January 30, 1941.

Call letters	Location	Power kw	Antenna	Schedule	Class	Antenna height (feet)	Ground system: Number of radials	Ground system: Length (feet)	Proposed date of commencement of operation
CJRN (in operation)	Niagara Falls, Ontario, N. 42°53'52", W. 78°57'27".	710 kHz: 5D/2.5N	DA-2	U	II				
CJRN (delete assignment immediately—VIDE 710 kHz).	Niagara Falls, Ontario, N. 42°57'51", W. 79°06'36".	1000 kHz: 10	DA-2	U	III				
CKOT (delete assignment immediately).	Tillsonburg, Ontario, N. 42°44'08", W. 80°39'25".	1000 kHz: 10	DA-2	U	III				
CFRS	Simcoe, Ontario, N. 42°45'06", W. 80°16'03".	1600 kHz: 10	DA-2	U	III				E.I.O. 3-2-74.

[SEAL]

FEDERAL COMMUNICATIONS COMMISSION,
WALLACE E. JOHNSON,
Chief, Broadcast Bureau.

[FR Doc.73-4887 Filed 3-14-73;8:45 am]

FEDERAL HOME LOAN BANK BOARD

FEDERAL SAVINGS AND LOAN ADVISORY COUNCIL

Notice of Meeting

Pursuant to section 10(a) of Public Law 92-463, entitled the Federal Advisory Committee Act, notice is hereby given of the meeting of the Federal Savings and Loan Advisory Council on Monday, Tuesday, and Wednesday, March 19, 20, 21, 1973. The meeting will commence at 9 a.m. on March 19, at 9 a.m. on March 20, and at 9 a.m. on March 21 at the Madison Hotel, 15th and M Streets NW., Washington, D.C., in the Arlington Room.

MONDAY, MARCH 19, 1973

9-11 a.m.---- General discussion.
2:15 p.m.---- Further delegation of authority to Federal Home Loan Banks on branching applications.
2:45 p.m.---- Sale of consolidated capital notes by Federal Home Loan Banks.
3:15 p.m.---- Service corporations—proposed regulations.
3:45 p.m.---- Federal Advisory Committee Act.
4:15 p.m.---- Rural Development Act.

TUESDAY, MARCH 20, 1973

Change regulations regarding loans on certain commercial buildings.
Prepayment provisions, FR 545.6-12 on commercial loans.
Investments in other savings and loan associations counting as liquidity.
Loans to one borrower.
Increase the 80 percent limitation on loans, insured by PMI, on other than single family.
Review of liquidity regulations.
Board hearings on major or controversial regulations.
Foundation for Cooperative Housing.
Line of credit for builder financing.
Joint venture in nationwide lending.
Maximum term on farm loans using other than monthly installments.
Establishment of service corporation offices over state lines for mortgage banking purposes.

WEDNESDAY, MARCH 21, 1973

9-11 a.m. ---- General discussion.

The meeting will be open to the public on March 19 from 9-5, on March 20 from 9-5, and on March 21 from 9-5.

[SEAL] CARL O. KAMP, JR.,
Acting Chairman,
Federal Home Loan Bank Board.

MARCH 12, 1973.

[FR Doc.73-5054 Filed 3-14-73;8:45 am]

FEDERAL POWER COMMISSION

[Docket No. ID-260, etc.]

AUTHORITY TO HOLD CERTAIN POSITIONS

Notice of Applications

MARCH 9, 1973.

Take notice that the following applications were filed on the stated dates, pursuant to section 305(b) of the Federal Power Act, for authority to hold the position of officer or director of more than one public utility, or the position of officer or director of a public utility and officer or director of a firm authorized to market utility securities, or the position of officer or director of a public utility and officer or director of a company supplying electric equipment to such public utility.

Any person desiring to be heard or to make any protest with reference to said application should on or before March 30, 1973, file with the Federal Power Commission, Washington, D.C. 20426, petition to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and available for public inspection.

ID-260, Albert A. Cree, December 18, 1972, Vermont Yankee Nuclear Power Corp., Central Vermont Public Service Corp., Connecticut Valley Electric Company, Inc.
ID-1307, L. Douglas Meredith, December 21, 1972, Central Vermont Public Service Corp., Connecticut Valley Electric Company, Inc., Vermont Electric Power Co., Inc.
ID-1534, Ernest L. Grove, January 22, 1973, Western Massachusetts Electric Co., The Connecticut Light & Power Co., Holyoke Water Power Co., Holyoke Power & Electric Co.
ID-1534, Ernest L. Grove, January 22, 1973, The Hartford Electric Light Co., Connecticut Yankee Atomic Power Co., Yankee Atomic Electric Co., Maine Yankee Atomic Power Co., Vermont Yankee Nuclear Power Corp.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-5037 Filed 3-14-73;8:45 am]

ATLANTIC RICHFIELD CO.

[Docket No. CI73-574]

Notice of Application

MARCH 9, 1973.

Take notice that on March 2, 1973, Atlantic Richfield Co. (Applicant), Post Office Box 2819, Dallas, TX 75221, filed in Docket No. CI73-574 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale for resale and delivery of natural gas in interstate commerce to United Gas Pipe Line Co., from the Willow Springs Field, Gregg County, Tex., all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that it commenced the sale of natural gas on February 15, 1973, within the contemplation of § 157.29 of the regulations under the Natural Gas Act (18 CFR 157.29) and that it proposes to continue said sale for 1 year from the end of the 60-day emergency period within the contemplation of § 2.70 of the Commission's general policy and interpretations (18 CFR 2.70). Applicant proposes to sell an average daily quantity of 1,000 Mcf of gas at 35 cents per Mcf at 14.65 p.s.i.a.

It appears reasonable and consistent with the public interest in this case to prescribe a period shorter than 15 days for the filing of protests and petitions to intervene. Therefore, any person desiring to be heard or to make any protest with reference to said application should on or before March 23, 1973, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-5026 Filed 3-14-73;8:45 am]

[Docket No. E-8013]

BUCKEYE POWER, INC.

Notice of Proposed Changes in Rates and Charges

MARCH 8, 1973.

Take notice that Buckeye Power, Inc. (Buckeye) on January 31, 1973, tendered for filing Supplement No. 9 to Rate Schedules FPC Nos. 3 through 29, inclusive, and Supplement No. 8 to Rate Schedule FPC No. 30. Buckeye states that it is presently rendering service under these rate schedules to 28 member-owners. The proposed changes would increase the rates charged by Buckeye to each of its member-owners by approximately 1 mill per kilowatt hour, according to the company. Buckeye estimates that this increase will produce approximately $2,548,923 in additional revenues from jurisdictional sales and service based on a volume of sales for the 12-month period ending June 30, 1972. The proposed rate change is described in the company's transmittal letter as follows:

* * * The primary reason for the increase is to produce equity capital to Buckeye in an orderly and systematic manner which will assure its ability to add generating capacity to meet its present and foreseeable future requirements. Unlike normal rate filings, the data supporting this filing is not based upon historical information nearly so much as it is upon Buckeye's need for additional capital in connection with expansion of its utility plant.

Buckeye proposes that the supplements be made effective April 1, 1973, and requests permission to be relieved of the requirements of § 35.13(b) of the Commission's regulations insofar as they may not have been met by the company's letter and enclosures because in Buckeye's opinion, the information therein constitutes all pertinent information reasonably available to Buckeye.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 441 G Street NW., Washington, DC 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before March 20, 1973. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-5035 Filed 3-14-73;8:45 am]

[Project No. 2110]

CONSOLIDATED WATER POWER CO.

Notice of an Application for New License

MARCH 9, 1973.

Public notice is hereby given pursuant to section 4(e) of the Federal Power Act (16 U.S.C. 791a-825r) that an application for a new license was filed on February 10, 1969 (as supplemented February 27, 1970, March 17, and June 16, 1971, and May 8, 1972), by Consolidated Water Power Co. (Correspondence to: Mr. F. E. Husting, Secretary, Consolidated Water Power Co., Wisconsin Rapids, Wis. 54494) the current Licensee for Project No. 2110, known as the Stevens Point Project, located on the Wisconsin River in the city of Stevens Point, Portage County, Wis.

The original license for the project expired on June 30, 1970. The Applicant is now operating the project under annual license.

This run-of-the-river project, which affects the navigable waters of the United States, has an installed capacity of 3,840 kilowatts (5,120 hp.). It consists of: (1) A concrete gravity dam about 28 feet high and 1,390 feet long composed of a powerhouse section, a 450-foot long spillway section with 15 26-foot wide by 16.5-foot deep tainter gates, and dikes extending upstream from the ends of the dam consisting of a 2,600-foot-long earthen right embankment and a combination 1,022-foot-long concrete gravity wall and a 1,490-foot-long earthen embankment along the left shore; (2) a 2,000-foot-long concrete overflow about ¾ mile upstream of the dam at Rocky Run; (3) a 3,915-acre reservoir with a normal water surface elevation of 1,088.07 feet; (4) a powerhouse, integral with the dam, containing six generating units each rated at 640 kilowatts; and (5) appurtenant facilities.

Applicant estimates a net investment of $1,042,012.55 as of June 30, 1970, which is less than its estimate of the fair market value of $3,600,000.

Applicant estimates that the annual taxes paid for the project are $103,000.

The 3,915-acre project reservoir extends 13 miles upstream from the dam and has a maximum width of 2 miles. Most of the project land owned by the Applicant is low and swampy and has little recreational value except for hunting and fishing.

Three parks are operated at the reservoir by the city of Stevens Point on land donated by the Company. Facilities at the parks provide for picnicking, fishing, hiking, and tennis. Playing fields and a band shell are also available. Also, Portage County is seeking to purchase 60 acres of project land along the reservoir for park purposes. Other facilities on the reservoir include two boat launching ramps.

Project energy is sold to Consolidated Papers, Inc. (Applicant's parent company) for use in the manufacture of paper and paper products principally at its Stevens Point mill, and also at its plants in Wisconsin Rapids, Biron, and Whiting. Electricity is also wholesaled to the city of Wisconsin Rapids and retailed in and near the village of Biron.

Any person desiring to be heard or to make protest with reference to said application should on or before May 9, 1973, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appro-

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priate action to be taken but will not serve to make the protestants parties to a proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules.

The application is on file with the Commission and is available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-5036 Filed 3-14-73;8:45 am]

[Docket No. E-8045]

LAKE SUPERIOR DISTRICT POWER CO.

Notice of Proposed Changes in Rates and Charges

MARCH 9, 1973.

Take notice that on February 26, 1973, Lake Superior District Power Co. (Company) tendered for filing a contract with North Central Power Co. Inc. (North Central) dated February 5, 1973, which modifies the contract between the same parties dated July 27, 1964, as supplemented. The filing reduces the rates provided in that contract. The Company proposes an effective date of September 1, 1971, necessitating a refund of $5,994.45 to North Central for the first year ended September 1, 1972, and additional refunds subsequent to that date.

The Company states that the changes embodied in the new contract were required as a result of North Central acquiring the Arpin Dam and hydroelectric plant. This plant has a capacity of 1,200 kilowatts at 80 percent power factor, which made the old contract dated July 27, 1964, obsolete because the demand charge in that contract was based on a total estimated 700 kilowatts of North Central hydroelectric capacity.

The Company also states that it was agreed between the parties that the new contract should not be based on North Central's system demand less some calculated credit for North Central's hydroelectric capacity. The old contract was based on estimated hydro capacity and had proved cumbersome to administer. It required the Company to synchronize demand charts to arrive at North Central's system load. Consequently, it was agreed that the new rate should be based on the meter located at the 69,000-volt bus of North Central's substation at the point of delivery. All charges would be based on metered values at this point.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 441 G Street NW., Washington, DC 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before March 20, 1973. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-5038 Filed 3-14-73;8:45 am]

[Project 2709]

MONONGAHELA POWER CO. ET AL.

Order Providing for Hearing and Ruling on Motions

MARCH 9, 1973.

On June 3, 1970, Monongahela Power Co., the Potomac Edison Co., and the West Penn Power Co. filed their application for a license for 50 years authorizing the construction, operation and maintenance of the Davis Power Project, to be located in the vicinity of the towns of Thomas and Davis in Tucker and Grant Counties, W. Va., on the Blackwater River, and is described as:

(1) Two rockfill dams on Cabin Mountain having a total length of about 7,800 feet and a maximum height of about 90 feet forming an upper reservoir with a gross storage capacity of 30,000 acre-feet and a surface area of about 600 acres at full pond elevation 4,042 feet (m.s.l.); (2) an intake channel; (3) a 1,325-foot-long tunnel with diameter varying from 29.5 to 27 feet; (4) a 1,350-foot-long steel penstock 27 feet in diameter; (5) two 1,670-foot-long steel penstocks 19 feet in diameter; (6) four 520-foot-long steel penstocks 13.5 feet in diameter; (7) a surface powerhouse containing four 250,000-kilowatt pump-turbine generating units; (8) two 550,000 kilovolt-ampere transformers; (9) a tailrace channel about 500 feet long; (10) a lower reservoir having a gross storage capacity of 162,500 acre-feet and a surface area of about 7,000 acres at full pond elevation 3,182 feet (m.s.l.) formed by a rockfill dam constructed across Blackwater River about 75 feet high and 710 feet long, having an ungated spillway, and low level outlet works; (11) two independent overhead single-circuit 500-kilovolt transmission lines constructed in a single corridor from the project 500-kilovolt switchyard and extending in a northeasterly direction for about 1.2 miles to a point just beyond the crest of Cabin Mountain then extending in a northerly direction for about 10.8 miles where a connection would be made with Applicant's existing 500-kilovolt line from Monongahela Power Co.'s Pruntytown substation to VEPCO's Mount Storm generating plant; (12) a 500-kilovolt switchyard adjacent to the powerhouse; and (13) all other facilities appurtenant to operation of the project.

Notice of the application was issued July 24, 1970, setting September 16, 1970, as the last date for petitions to intervene. Notice of Applicant's revised application for license for unconstructed project was issued June 30, 1972, setting September 5, 1972, as the last date for petitions to intervene. Numerous protests have been received and all petitions to intervene have been granted. Intervention has been granted to: (1) Canaan Valley Association, (2) Linda Cooper Elkinton and David Passmore Elkinton (Elkinton), (3) Appalachian Research and Defense Fund, Inc. (Defense Fund), (4) Environmental Defense Fund, Inc., (5) West Virginia Highlands Conservancy (Highlands), (6) the Attorney General of West Virginia on behalf of the State of West Virginia, (7) Tucker County Chamber of Commerce, and (8) West Virginia Division, Izaak Walton League of America.

A series of pleadings has been filed by Defense Fund, Elkinton, Highlands and Applicants regarding the filing, amendment and circulation of Applicant's Initial Environment Impact Statement. The first of these pleadings was filed August 18, 1971, and the last was filed February 23, 1972. The period since August 18, 1971, has also been a period during which the Commission has been engaged in litigation regarding the procedures by which it is to fulfill its responsibilities under the National Environmental Policy Act. On October 10, 1972, the U.S. Supreme Court denied certiorari to review the decision in the Court of Appeals for the Second Circuit in "Greene County Planning Board v. FPC," 455 F 2d 412 (1972) "F.P.C. v. Greene County Planning Board," S. Ct. No. 71-1591 —— U.S. —— (1972). On December 18, 1972, the Commission issued its Order 415-C in Docket No. R-398 regarding its procedures under the National Environmental Policy Act. The pleadings of the parties have thereby been rendered moot. That Order establishes procedures by which each Applicant, in certain specified instances, must submit a detailed environmental report with its application. Commission staff will conduct an independent analysis of the filings and require Applicant to make any corrections.

Staff will then prepare and circulate for comment a draft environmental impact statement. Comments will be made within 45 days of the date of notice of availability appears in the FEDERAL REGISTER. After expiration of the time for comment, and after consideration of the comments received, staff will revise as necessary and finalize its environmental impact statement which, together with the comments received will accompany the application through the agency review and decisionmaking process. At the hearing provided by this order, the staff's environmental impact statement will be offered in evidence.

In accordance with Order 415-C, all parties to the proceeding taking a position on environmental matters shall offer evidence for the record in support of their environmental position and the Applicant and all intervenors shall specify any differences with the Staff's position and shall include, among other relevant factors, a discussion of their position in the context of the factors enumerated in the regulations.

The procedures to be followed in this proceeding will be in accordance with our Order No. 415-C in docket No. R-398 relating to the implementation of the National Environmental Policy Act as follows:

1. All testimony, exhibits and pleadings shall comport with Rules 1.12, 1.26, 1.15, 1.16, and 1.17 of our rules of practice and procedure and shall be accompanied by a certificate stating the names and addresses of all parties served.

2. Applicants shall file on or before April 16, 1973, an original and 10 copies of such updated testimony as may be necessary with copies served on all parties. At this filing Applicants will have filed all their testimony including qualifications of the witnesses and exhibits to be presented in Applicants' direct case.

3. On June 15, 1973, staff shall file a draft environmental impact statement.

4. At the same time that the Commission Staff's draft environmental impact statement is filed with the Secretary, public notice of the availability of the Commission Staff's statement shall also be given, and the draft statement shall be made available for comment to the parties to this proceeding, the Council on Environmental Quality, the general public and other appropriate Federal, State and local agencies. All comments shall be filed with the Secretary by July 30, 1973.

5. On October 5, 1973, the Commission Staff and intervenors, respectively, shall file, with the Secretary, an original and 10 copies of all direct testimony and exhibits, including qualifications of witnesses with copies served on all parties.

6. On October 5, 1973, the Commission Staff shall also file an original and 10 copies of the Commission Staff's final environmental impact statement. Copies of the final environmental impact statement shall be served on all participants.

7. In order that the parties may have a sufficient period of time in which to prepare cross-examination on the Staff's final environmental impact statement, the hearing in this proceeding shall commence on November 6, 1973, 30 days after the Commission Staff files its final environmental impact statement with the Secretary.

8. The final environmental impact statement shall be offered into evidence at the hearing, and cross-examination thereon shall be permitted.

9. Time for preparation of rebuttal testimony and the form of its presentation shall be fixed by the Administrative Law Judge.

10. The Administrative Law Judge shall also provide for hearing for the benefit of local residents as budget limitations permit.

On January 24, 1972, Applicants filed their direct testimony and exhibits and a motion requesting that the Commission set for hearing their application for license at the earliest practicable date. The schedule set forth in this order is designed to reach hearing on the contested issues as soon as practicable in view of our responsibilities under the National Environmental Policy Act and current hearing calendar.

On February 12, 1973, Applicants filed a motion for prehearing conference for the purpose of adopting a schedule for implementation of Order 415-C. We are of the view that the order herein has fully and completely provided for the implementation of Order 415-C. Should it appear that a prehearing conference is desirable for purposes other than scheduling, the Administrative Law Judge may hold a conference at his discretion.

The Commission finds:

It is appropriate and in the public interest to hold a public hearing as hereinafter provided on the application of Monongahela Power Co., The Potomac Edison Co. and West Penn Power Co. for a license to construct, and maintain, a hydroelectric project, which application has been docketed as Project No. 2709.

The Commission orders:

(A) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by the Federal Power Act, particularly sections 4(e), 10(a), and 308 thereof, and the Commission's rules of practice and procedure, a public hearing shall be held in a hearing room of the Federal Power Commission, 441 G Street NW., Washington DC, 20426, respecting the matters involved and issues presented in this proceeding. The time for the submission of additional testimony and exhibits by the participants and the time for convening additional hearing sessions in Washington, D.C. and such other places by the Administrative Law Judge in conjunction with the dates set forth below.

(B) The following procedure is prescribed for this proceeding:

1. On April 16, 1973, the Applicant shall file with the Secretary of the Commission an original and 10 copies of all updated testimony, including qualifications of the witnesses, and exhibits to be presented in Applicants' direct case. Copies of such testimony and exhibits shall be served on all parties.

2. On June 15, 1973, the Commission Staff shall file an original and 10 copies of the Commission Staff's draft environmental impact statement. Copies of this statement shall be served on all participants.

3. At the same time that the Commission Staff's draft environmental impact is filed with the Secretary, public notice of the availability of the Commission Staff's statement shall be given, and the draft statement shall be made available for comment to the parties to this proceeding, the Council on Environmental Quality, the general public and other appropriate Federal, State and local agencies. All comments shall be filed with the Secretary by July 30, 1973.

4. On October 5, 1973, Commission Staff and Intervenors, respectively, shall file with the Secretary, an original and 10 copies of all direct testimony and exhibits, including qualification of witnesses, with copies served on all parties.

5. On October 5, 1973, the Commission Staff shall file an original and 10 copies of the Commission Staff's final environmental impact statement. Copies of the final environmental impact statement shall be served on all participants.

6. In order that the parties may have a sufficient period of time in which to prepare cross-examination on the Staff's final environmental impact statement, the hearing in this proceeding shall commence at 10 a.m. in a hearing room at the Commission's office in Washington, D.C., on November 6, 1973, 30 days after the Commission Staff files its final environmental impact statement with the Secretary.

7. The Presiding Administrative Law Judge shall prescribe procedures for the hearing, consistent with the decision in Greene County Planning Board v. FPC, supra, and with this order. At such hearing, the Staff's environmental impact statement, as revised and finalized following the receipt of comments, shall be offered in evidence, and cross-examination thereon shall be permitted.

(C) All motions to strike prepared testimony, including the final environmental impact statement and exhibits, and replies to such motions shall be filed with the Administrative Law Judge within periods of time to be set by the Administrative Law Judge.

(D) All of the testimony, except exhibits and the final environmental impact statement, shall be in question and answer form.

(E) No exhibits, except those of which official notice may properly be taken, shall contain narrative material other than brief explanatory notes.

(F) Any party submitting more than one exhibit shall enclose a cover sheet listing the title of each exhibit in the sequence in which it is to be marked for identification.

(G) The Administrative Law Judge will specify the order of cross-examination and time to be permitted for preparation of rebuttal evidence.

(H) Subsequent to the filing of the final environmental impact statement but prior to the evidentiary hearing, the Administrative Law Judge shall hold a public hearing session in the vicinity of the project for the purpose of receiving statements of position from interested members of the public. Public notice of the public hearing session shall be given in the vicinity of the project prior to such hearing session.

(I) If upon motion filed 20 days in advance of the due date for submission of prepared direct testimony by Intervenors and Staff and a showing of fact upon which the Administrative Law Judge finds it would be an economic hardship to prepare written testimony, the Administrative Law Judge may permit a party to present sworn direct oral testimony.

(J) If upon motion filed 20 days in advance of the opening date of the hearing and a showing that presentation of a witness in Washington, D.C., will constitute a hardship, the Administrative Law Judge may permit cross-examination of such witness during the hearing session in the vicinity of the project, as provided for in paragraph (H) of this order.

(K) If it becomes apparent that a saving of time or money may be achieved in clarifying relevant issues to be tried, the Administrative Law Judge shall hold a prehearing conference at which, among other matters, the admission into evi-

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dence of relevant but uncontroverted facts within the necessity of presenting a sponsoring witness therefor shall be considered.

(L) In order to provide for an expeditious hearing procedure, to avoid repetitious and cumulative cross-examination and the necessity for recalling witnesses, all cross-examination on any particular area or subject matter receiving evidentiary treatment by the parties and treatment in the final environmental impact statement shall be conducted at one time. Witnesses deemed necessary to complete such cross-examination shall be subject to recall as needed.

(M) The Commission's rules of practice and procedure shall apply in this proceeding except to the extent they are modified or supplemented herein.

(N) The issues raised by the outstanding motions of the parties are, for the reasons discussed above, moot, and therefore the motions are denied.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

[FR Doc.73-5039 Filed 3-14-73;8:45 am]

[Docket No. E-8058]

OKLAHOMA GAS AND ELECTRIC CO.

Notice of Filing of Agreement

MARCH 9, 1973.

Take notice that on March 1, 1973, Oklahoma Gas and Electric Co. (OGE), tendered for filing copies of an Agreement for Purchase and Sale of Electric Power and Energy, dated October 26, 1972, between OGE and Middle South Services, Inc., as agent for Arkansas Power and Light Co. (FPC No. 21A), and Letter Agreement dated January 31, 1973, between the two companies.

OGE states that these agreements provide for OGE to sell 100,000 kilowatts of Contract Capacity and accompanying energy to Arkansas Power and Light Co. for a 13-month period beginning May 1, 1973, and ending May 31, 1974, and 50,000 kilowatts of Contract Capacity for the month of April 1973.

OGE also purports to enclose two copies of the Estimated Revenue for the 12-month period ending April 30, 1974.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 441 G Street NW., Washington, DC 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before March 19, 1973. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB, *Secretary.*

[FR Doc.73-5040 Filed 3-14-73;8:45 am]

[Docket No. CI73-573]

PENNZOIL PRODUCING CO.

Notice of Application

MARCH 12, 1973.

Take notice that on February 27, 1973, Pennzoil Producing Co. (Applicant), 900 Southwest Tower, Houston, Tex. 77002, filed in Docket No. CI73-573 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale for resale of natural gas in interstate commerce to United Gas Pipe Line Co. (United) from the Walker Creek Field, Columbia County, Ark., and delivery of said gas to Beacon Gasoline Co. for processing and delivery to United in Webster Parish, La., all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant is presently selling gas from the subject properties pursuant to a temporary certificate issued March 23, 1972, in docket No. CI72-491 at 35 cents per Mcf at 15.025 p.s.i.a. Applicant proposes to continue said sale for 1 year from the expiration of the temporary authorization, March 26, 1973, at 45 cents per Mcf at 15.025 p.s.i.a. within the contemplation of § 2.70 of the Commission's general policy and interpretations (18 CFR 2.70). The estimated monthly sales volume is 75,000 Mcf of gas.

It appears reasonable and consistent with the public interest in this case to prescribe a period shorter than 15 days for the filing of protests and petitions to intervene. Therefore, any person desiring to be heard or to make any protest with reference to said application should on or before March 23, 1973, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB, *Secretary.*

[FR Doc.73-5028 Filed 3-14-73;8:45 am]

[Docket No. CI73-567]

PHILLIPS PETROLEUM CO.

Notice of Application

MARCH 12, 1973.

Take notice that on February 26, 1973, Phillips Petroleum Co. (Applicant), Bartlesville, Okla. 74004, filed in Docket No. CI73-567 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale for resale and delivery of natural gas in interstate commerce to Transwestern Pipeline Co. from Lipscomb County, Tex., all as more fully set forth in the application and open to public inspection.

Applicant states that it is selling natural gas within the contemplation of § 157.29 of the regulations under the Natural Gas Act and that it intends to continue said sale for 10 months from the end of the 60-day emergency period within the contemplation of § 2.70 of the Commission's rules of practice of procedure. Applicant proposes to sell up to 5,000 Mcf of gas per day at 40 cents per Mcf at 14.65 p.s.i.a.

It appears reasonable and consistent with the public interest in this case to prescribe a period shorter than 15 days for the filing of protests and petitions to intervene. Therefore, any person desiring to be heard or to make any protest with reference to said application should on or before March 23, 1973, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedures (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject

to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB, *Secretary.*

[FR Doc.73-5027 Filed 3-14-73;8:45 am]

PUBLIC SERVICE COMMISSION FOR STATE OF NEW YORK

Order Rejecting Notice of Intervention

MARCH 8, 1973.

The Public Service Commission for the State of New York (PSCNY) filed on January 10, 1973, a notice of intervention in all proceedings which may henceforth be initiated by the filing of a rate increase by a producer making jurisdictional sales for which the producer seeks a price above the area rate applicable to gas of the particular vintage involved on grounds that the original contract has terminated by its terms and a new contract has been entered into with the purchaser. In addition to its request that it be made a party, PSCNY requests a hearing in all such cases.

PSCNY claims that its "blanket notice" is necessary to protect its rights in all proceedings initiated by rate increases which are filed under the policy enunciated in Opinion No. 639, issued December 12, 1972, in Docket No. R-371 (Appalachian and Illinois Basin Areas) with respect to vintaging, pending Commission action on its application for rehearing of that opinion and any action for judicial review. PSCNY states that the only notice given by the Commission of producer rate filings is that contained in the weekly "FPC News"; that such notice does not give sufficient details to enable it to ascertain the filings which involve vintaging; and that subscribers do not receive the FPC News until about half of the statutory 30-day notice period has expired.

Section 1.8(d) of the Commission's rules of practice and procedure permits the filing of a notice of intervention after the filing of a notice of change in rate. That section, however, does not permit the filing of a notice of intervention prior to the filing of a rate change. Nor is there any apparent justification here for permitting PSCNY to file a notice of intervention with respect to filings not yet made and proceedings not yet initiated. We shall therefore reject PSCNY's notice.

We agree, however, that rate filings involving the vintaging matter discussed by PSCNY in its notice should be noticed so as to give PSCNY, as well as others, an opportunity to intervene with respect to such filings until such time as this matter is resolved on judicial review. Accordingly, we shall notice all future filings involving "vintaging" in the FEDERAL REGISTER. Moreover, consistent with our rules, PSCNY is free to file a notice of intervention at any time subsequent to the filing of a rate increase as long as its notice of intervention is filed within the time prescribed in our notice.

The Commission orders:

For the reasons set forth above, the blanket notice of intervention filed by PSCNY on January 10, 1973, is rejected.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

[FR Doc.73-5034 Filed 3-14-73;8:45 am]

[Docket No. E-8052]

SOUTH CAROLINA ELECTRIC & GAS CO.

Notice of Proposed Changes in Rates and Charges

MARCH 9, 1973.

Take notice that on February 28, 1973, South Carolina Electric & Gas Co. (SCE&G) tendered for filing proposed changes in its FPC Electric Tariff Original Volume No. 1. The proposed changes increase the rates for wholesale electric service rendered by SCE&G to municipal, public power and rural cooperative systems, and provide general terms and conditions for wholesale electric power service to those customers. The filing also contains a new form of Service Agreement and attachment thereto. An index of purchasers is included in the filing.

Copies of this filing have been mailed to SCE&G's customers which are affected by the rate increase and to the South Carolina Public Service Commission.

SCE&G states that the purpose of the filing is to establish a uniformity of terms and conditions and to provide a tariff form of filing in lieu of the present individual contract-type filings. SCE&G's present contracts with its wholesale customers do not have uniform expiration dates. One contract expired on December 31, 1972. Three contracts contemplate rate increases during the term of the contract; SCE&G proposes an effective date of May 1, 1973, for these three: Orangeburg, Winnsboro, and South Carolina Public Service Authority, and for those contracts that have expired prior to that date. SCE&G proposes that for the remaining customers the new rates become effective upon expiration of the existing contracts, at which time new contracts which conform to the tariff will be executed.

SCE&G states that under the present rates, based on the test year 1971, it is earning a rate of return from service to the municipal customers of only 3.6 percent; and 3.7 percent from the rural cooperative customers. SCE&G is proposing a rate of return of 8.71 percent.

SCE&G avers that no facilities will be installed or modified in order to supply the service to be furnished except as such facilities will be installed or modified in order to supply the service to be furnished except as such facilities may be required for additional service at future times.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 441 G Street NW., Washington, DC 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before March 30, 1973. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB, *Secretary.*

[FR Doc.73-5041 Filed 3-14-73;8:45 am]

[Project 400]

WESTERN COLORADO POWER CO.

Notice of Application for New Major License

MARCH 9, 1973.

Public notice is hereby given that application was filed on January 29, 1969, and supplemented on February 3, 1970, and September 18, 1970, under section 15 of the Federal Power Act (16 U.S.C. 791a-825r) by the Western Colorado Power Co. (Correspondence to: the Western Colorado Power Co., c/o Mr. Lee C. Sherline, Leighton and Sherline, Suite 406, 1701 K Street NW., Washington, DC 20006) for a new major license for constructed Project No. 400, known as the Tacoma-Ames project, located on the Animas River and Lake Fork and Howard's Fork of the San Miguel River in La Plata, San Juan, and San Miguel Counties, Colo. The original license expired on June 30, 1970. The project has since been under annual license. The Tacoma development comprises a concrete diversion dam 15 feet high on Cascade Creek; a conduit about 20,000 feet long extending from Cascade Creek diversion dam to Little Cascade Creek; a diversion dam (Aspaas) on Little Cascade Creek; a short canal from Little Cascade Creek to Cascade Reservoir (Electra Lake); the Terminal Dam located on Elbert Creek comprising a rock-filled log and timber dam 55 feet high and 725 feet long creating Cascade Reservoir with an area of 831 acres and a storage capacity of 22,550 acre-feet; two diversion dams just downstream from Terminal Dam diverting water into a flume 8,800 feet long to a forebay; a forebay with an area of 5.3 acres and a

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storage capacity of 100 acre-feet created by an earth and rock-fill dam 20 feet high and 100 feet long; two penstocks each about 2,900 feet long; a powerhouse located on the Animas River containing three generating units aggregating 8,000 kilowatts operating under a static head of 983 feet; a 46-kilovolt transmission line extending about 20 miles to Durango, Colo.; a 46-kilovolt transmission line about 26 miles long extending to Silverton, Colo.; and all other facilities and interests appurtenant to the operation of the project.

The Ames development consists of a diversion dam on Howard's Fork; a conduit 4,584 feet long and a penstock 2,187 feet long extending to the powerhouse; a stone masonry dam 192 feet long and 10 feet high located on Lake Fork creating Lake Hope with an area of 44 acres and a storage capacity of 2,310 acre-feet; an outlet tunnel 971 feet long; an earth and rock-fill dam 37 feet high and 870 feet long located on Lake Fork downstream from Lake Hope, creating Trout Lake with an area of 142 acres and a storage capacity of 3,180 acre-feet; a conduit 12,653 feet long with a capacity of 50 cubic feet per second extending from the dam; a penstock 2,684 feet long; a powerhouse located on the South Fork San Miguel River containing one generating unit, with a rated capacity of 3,600 kilowatts, directly connected to two water wheels, one operated by water from Lake Fork under a static head of 928 feet and the other from Howard's Fork under a static head of 648 feet; a 46-kilovolt transmission line extending 9 miles to Burro Bridge and three short 12.5-kilovolt lines; and all other facilities and interests appurtenant to the operation of the project.

Applicant estimates its net investment as $2,529,035 which is less than its estimate of fair value. In the event of takeover of the project Applicant estimates its severance damages would be $5 million. Applicant estimates its annual local property taxes in excess of $35,000.

The Tacoma-Ames project's recreational features consist of four public campgrounds with picnic areas, trails and privately developed cottages and boating facilities on Electra Lake, the latter being open to the public on a permit basis. Applicant in cooperation with the Forest Service is developing plans to provide access to the proposed Rainbow Lake and Tacoma Forebay campgrounds, to upgrade sanitary facilities at existing Trout Lake campgrounds and to improve access roads.

The power generated by the project is used for public utility purposes in Applicant's service area in southwestern Colorado.

Any person desiring to be heard or to make protest with reference to said application should on or before May 7, 1973, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to a proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and is available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-5042 Filed 3-14-73;8:45 am]

[Docket No. RP73-84]

EL PASO NATURAL GAS CO.

Notice of Proposed Rate Treatment for Expenditures Associated with Development Coal Gasifier Plant

MARCH 8, 1973.

Take notice that on February 16, 1973, El Paso Natural Gas Co. (El Paso) tendered for filing proposed accounting and rate treatment for research and development expenditures associated with a development coal gasifier plant.

El Paso states that the proposed project is to be located on El Paso's coal lease situated in the Burnham Chapter area of the Navajo Indian Reservation in San Juan County, N. Mex., at the site of El Paso's proposed Burnham Coal Gasification Complex.[1] El Paso avers that the project will undertake the installation and operation of a major facility designed to develop and test, for purposes of feasibility and reliability, certain proposed improvements in the Lurgi coal gasification process.

El Paso also states that the project, including related coal mining activities, will require a capital investment of approximately $14,054,000. The estimated cost of operation of the project for the first year is $4,485,000. El Paso requests prior Commission approval for the proposed accounting treatment for the expenditures made in connection with the project and for the inclusion of such expenditures in El Paso's utility cost of service in future rate proceedings.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 441 G Street NW., Washington, DC 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before March 23, 1973. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-4984 Filed 3-14-73;8:45 am]

[Docket No. CP73-222]

NATURAL GAS PIPELINE COMPANY OF AMERICA

Notice of Application

MARCH 8, 1973.

Take notice that on February 26, 1973, Natural Gas Pipeline Company of America (Applicant), 122 South Michigan Avenue, Chicago, IL 60603, filed in Docket No. CP73-222 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of certain natural gas facilities, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that since 1971 the deliverability of its gas supply has been inadequate to support operation of its pipeline at authorized levels of capacity. In order to offset the predicated 1973–74 winter season gas supply delivery deficiencies of its system, Applicant proposes to

1. Increase the seasonal withdrawal capacity of its Sayre field storage reservoir in Beckham County, Okla., to 42 million Mcf;

2. Increase the peak day and seasonal capacity of its storage fields in Iowa (Cairo and Columbia City) and Illinois (Loudon and Herscher Northwest) by 80,000 Mcf and 8 million Mcf respectively;

3. Increase the capacity of its main transmission system between its Iowa storage fields and the terminus of its main transmission system at Joliet, Ill., to effectuate transportation of the increased daily withdrawal quantities therefrom; and

4. Increase the inventory limitations of its storage fields to the following levels:

Storage field	*Mcf*
Sayre	84,000,000
Cairo Mount Simon	20,000,000
Herscher Northwest	15,000,000
Loudon	50,000,000
Columbus City Mount Simon	12,000,000

In order to effectuate this proposal, Applicant seeks authorization to construct and operate the following facilities:

A. Approximately 2.03 miles of 16-inch and 10-inch gathering pipelines, six injection withdrawal wells, and other miscellaneous facilities in the Sayre field storage reservoir;

B. Approximately 6.2 miles of 30-inch and 20-inch loop pipeline and approximately 1.85 miles of 8-inch and 6-inch gathering pipelines, complete eight Mount Simon observation wells as injection-withdrawal wells, additional cushion gas, and other miscellaneous facilities at its Columbus City Mount Simon Storage Field in Louisa County, Iowa;

C. The modification of one existing compressor unit at Station No. 204, drill 14 injection-withdrawal wells as Mount Simon injection-withdrawal wells, approximately 2.36 miles of 16-inch, 8-inch and 6-inch gathering pipelines, additional cushion gas and other miscellaneous facilities at its Cario Mount Simon Storage Field in Louisa County, Iowa;

D. Two injection-withdrawal wells, approximately 0.55 mile of 8-inch gathering pipeline, additional cushion gas, other miscellaneous facilities at its Herscher Northwest Storage Field in Kankakee County, Ill.;

E. Approximately 0.44 mile of 8-inch gathering pipeline, complete two observation wells and one oil recovery well as injection-withdrawal wells, additional cushion gas and other miscellaneous facilities at its Loudon storage field in Fayette County, Ill.; and

F. Approximately 16.20 miles of 36-inch pipeline partially looping its existing pipeline between its Iowa Storage Fields and the terminus of its main transmission system at Joliet, Ill.

Applicant estimates the cost of the proposed facilities inclusive of additional cushion gas at $12,018,000. Applicant states that it has no special plan to finance this cost separately, but will finance this cost with its other costs through interim and permanent programs.

Any person desiring to be heard or to make any protest with reference to said application should on or before April 2, 1973, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-4985 Filed 3-14-73;8:45 am]

[Docket No. RP72-127]

NORTHERN NATURAL GAS CO.

Notice of Further Extension of Time and Postponement of Hearing

MARCH 6, 1973.

On March 5, 1973, the Commission Staff Counsel filed a motion for a further extension of the procedural dates as set by the order issued June 30, 1972, and amended by notices issued October 17, 1972, and December 4, 1972, in the above-designated matter pending the disposition of the proposed stipulation and agreement filed in this proceeding and Docket No. RP71-107 (Phase I). The motion states that no party objects to the motion.

Upon consideration, notice is hereby given that the procedural dates are further amended as follows:

Staff service date—May 4, 1973.
Intervener service date—May 21, 1973.
Northern Natural's rebuttal service date—June 7, 1973.
Prehearing conference and hearing date—June 26, 1973 (10 a.m., e.d.t.).

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-4986 Filed 3-14-73;8:45 am]

[Docket No. E-7737, E-7739]

ORANGE & ROCKLAND UTILITIES, INC., AND ROCKLAND ELECTRIC CO.

Notice of Extension of Time

MARCH 6, 1973.

On February 23, 1973, the Commission Staff Counsel filed a motion requesting an extension of the procedural dates as established by the order issued November 3, 1972, in the above matter.

Upon consideration, notice is hereby given that the procedural dates in the above matter are modified as follows:

Service of evidence by staff—April 3, 1973.
Service of evidence by intervenor—April 17, 1973.
Prehearing conference—April 24, 1973.
Rebuttal evidence by Orange & Rockland Utilities, Inc., and Rockland Electric Co.—May 1, 1973.
Cross examination on consolidated issues—May 8, 1973.
Hearing on remaining issues in Docket No. E-7739—May 15, 1973.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-4987 Filed 3-14-73;8:45 am]

[Dockets Nos. CP73-117, etc.]

UNITED GAS PIPELINE

Order on Answers to, and Applications for Rehearing and Clarification of, Orders To Show Cause

MARCH 8, 1973.

United Gas Pipe Line Co., Mississippi River Transmission Corp., Natural Gas Pipeline Company of America, Southern Natural Gas Co., Texas Eastern Transmission Corp., Texas Gas Transmission Corp., Dockets Nos. CP73-117, CP73-168, CP73-169, CP73-170, CP73-171, CP73-179, CP73-180, CP73-189.

On January 17, 1973, the Commission issued an order to show cause why United Gas Pipe Line Co. (United) should not abandon industrial requirements for boiler-fuel use at more than 1,500 Mcf per day where alternate fuel capabilities can meet such requirements, i.e., Priorities 4 and 5 of United's curtailment plan in Opinion No. 647. The five pipeline purchasers from United were named as parties to those proceedings, i.e., Mississippi River Transmission Corp. (MRT), Natural Gas Pipeline Company of America (Natural), Southern Natural Gas Co. (Southern), Texas Eastern Transmission Corp. (Texas Eastern), and Texas Gas Transmission Corp. (Texas Gas). On February 12, 1973, we issued a clarifying order which, inter alia, severed the proceedings into Phase I, which included the show-cause proceeding and those portions of the individual abandonment applications involving gas usage in Priorities 4 and 5, and Phase II, which included the individual abandonment applications. Hearings were prescribed for each of the phases of the proceedings. The several motions and applications discussed infra followed those orders.

ANSWERS TO SHOW CAUSE ORDER

United, as respondent to the show cause order, and the five pipeline purchasers named as parties, MRT, Natural,[1] Southern, Texas Eastern, and Texas Gas, each filed answers to our orders. The State of Louisiana et al.[2] (Louisiana) filed an answer to the show cause order, which was in the nature of a brief advocating its position in separate additional petitions filed herein. Inasmuch as Louisiana is neither a respondent nor a named party to the show cause proceeding, such an answer is not permitted.[3] Louisiana has petitioned to intervene in these proceedings and it may raise its factual and legal arguments during the proper course of the hearings below. The legal issues raised by Louisiana will be discussed in our disposition of its petition for rehearing.

United contests neither our jurisdiction nor authority to institute the show cause proceeding. Indeed, "United cannot show cause why service should not be abandoned on a firm basis for a substantial volume of gas within Priority 5 as established by Opinion No. 647."[4] Each of the five pipeline customers, on the other hand, contend that (1) the Commission has no authority to initiate an abandonment proceeding, and (2) assuming the existence of such power, it cannot shift the burden of proof to the pipeline.

[1] On Nov. 15, 1972, El Paso filed in Docket No. CP73-131 an application for a certificate of public convenience and necessity pursuant to 7(c) of the Natural Gas Act seeking authorization for the construction and operation of certain facilities on its Southern Division System and the transportation and sale of synthetic pipeline gas mixed with natural gas. The Burnham Coal Gasification Complex is designed to produce up to 250,000 Mcf per day of synthetic pipeline gas per day through coal gasification.

[1] Natural's answer was contained in its petition for rehearing.

[2] Louisiana Municipal Association, Louisiana Public Service Commission, St. James Parish Utilities, Town of Franklinton, and Norco Gas & Fuel Co.

[3] Section 1.9(c) of the Commission's Rules of Practice and Procedure.

[4] Answer at 4.

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Our January 17, 1973, order sets forth both our authority (p. 2) and our reasons (pp. 2, 4–5) for instituting this show cause proceeding. While section 5(a),[4] by its own terms, envisions a proceeding initiated by the Commission, it does not follow that section 7(b) [5] forecloses initiation of an abandonment proceeding by the Commission to protect the public interest. By its express terms, section 7(b) states that no natural gas company shall abandon service without our approval and the appropriate findings by the Commission. There is nothing in section 7(b) to indicate that a filing by a pipeline must precede an abandonment determination by the Commission. Section 16 of the Natural Gas Act [7] complements and supplements our authority to institute such a proceeding. That provision gives us broad authority to carry out the provisions and purposes of the Natural Gas Act,[8] including our responsibility to assure adequate and reliable gas service to consumers at the lowest reasonable cost. Such authority is not to be narrowly construed [9] and the Commission does possess the authority through sections 7(b) and 16 to discharge its public interest responsibilities.[10]

Confronted with a nationwide gas shortage affecting the Nation's economic and social well-being the Commission has both the authority and responsibility to formulate a rational allocation of limited gas supplies,[11] particularly in the supply situation of United. Moreover, because of United's circumstances, we are concerned that a permanent cessation of deliveries of natural gas for inferior uses, where alternate fuel capabilities can meet such requirements, may be required so as not to impair United's ability to serve its human needs customers.[12]

[4] 15 U.S.C. 717d(a).
[5] 15 U.S.C. 717f(b).
[7] 15 U.S.C. 717o.
[8] E.g., section 1(a) of the Natural Gas Act.
[9] E.g., "Mesa Petroleum Co. v. F.P.C.," 441 F. 2d 182, 187 (5th Cir. 1971).
[10] "F.P.C. v. Louisiana Power & Light Co.," 406 U.S. 621 (1972; "Permian Basin Area Rate Case," 390 U.S. 747, 776 (1968); "Phillips Petroleum Co. v. F.P.C." No. 71–1659, 10th Cir., February 20, 1973; "Mobile Oil Corp. v. F.P.C.," No. 71–1260, D.C. Cir., Oct. 6, 1972; "Superior Oil Co. v. F.P.C.," 322 F. 2d 601, 610–14 (5th Cir. 1963), cert. denied 377 U.S. 922 (1964). This proceeding is unlike the purposes for which Order No. 427 was promulgated, "New England Power Co. v. F.P.C.," No. 71–1439, D.C. Cir., August 15, 1972, petition for certiorari pending, No. 72–1162. The language in "Texaco, Inc. v. F.P.C.," No. 71–1560, D.C. Cir., Dec. 12, 1972, Slip op. at 10, is not applicable to responsibilities sought to be discharged in this proceeding. See "Public Service Commission of New York v. F.P.C.," 467 F. 2d 361 (D.C. Cir. 1972).
[11] "F.P.C. v. Louisiana Power & Light Co.," supra. Cf. "Permian Basin Area Rate Case," supra, 390 U.S. at 784; "City of Chicago v. F.P.C.," 385 F. 2d 629, 637 (D.C. Cir. 1967), cert. denied 390 U.S. 945 (1968).
[12] Compare "Alabama Gas Corp. v. F.P.C.," No. 72–1475, 5th Cir., February 7, 1973, Slip op. at 13–14.

There is nothing in section 7(b) which requires the Commission to assume the burden of proof in this show cause proceeding. There must be evidence and a record to support any ultimate final order of the Commission in this case that United's gas supply is so depleted so as to warrant discontinuance of service,[13] or that the present or future public convenience or necessity permit such abandonment. However, because of the distinctions between sections 5(a) and 7(b), United, as respondent, is required initially to present evidence as to why such abandonment should not be ordered. This show cause order permits a hearing and formulation of a record wherein all affected parties are permitted to offer evidence to aid the Commission in making its final determination.

MRT and Texas Gas contend that the scope of the show cause proceeding should include United's city-gate customers. Priorities 4 and 5 of Opinion No. 647 speak to "industrial requirements for boiler fuel use" and include pipeline customers, direct sale customers, and United's city-gate customers, whether or not such use is "firm" or "interruptible." In other words, Phase I includes all gas sales of United which are directed to boiler fuel use above 1500 Mcf per day, where alternate fuel capabilities can meet such requirements.

Texas Eastern seeks clarification of our January 17 order wherein we stated "that whether or not a contract is in force or has expired, is immaterial to a section 7(b) determination." We did not, as Texas Eastern recognized, intend to preclude the existence or nonexistence of a contract as one factor in arriving at a section 7(b) determination. The weight to be afforded such a factor may be part of the hearing. Our intent in the January 17, 1973, order was to indicate that the mere fact a contract expires, accompanied by inferior gas usage and declining gas supplies, is not dispositive of a section 7(b) proceeding.[14]

Southern contends that we erred in indicating that if abandonments are ultimately authorized, United's contractual obligations thereunder are discharged.[15] We reject that contention. Any such final order in this case will recognize the holdings in International Paper Co. v. F.P.C., No. 71–3531, 5th Cir., February 7, 1973, and other applicable judicial and Commission precedent.

Applications for Rehearing

Louisiana, Natural,[16] Northern Illinois Gas Co. (Northern), Southern Natural and Texas Eastern filed applications for rehearing of our orders of January 17 and February 12. There has been no final order of the Commission in these proceedings which is subject to rehearing [17] so we will treat such applications as motions for reconsideration. Several of the contentions raised were discussed in our disposition of the answers to the show cause order, supra., e.g. effect of abandonment on a pipeline's contractual duties, Commission's authority to institute such a proceeding, burden of proof, and need not be reiterated here.

Texas Eastern posits a situation that United may be required to abandon certain gas volumes, while Texas Eastern (and other pipeline customers) would have no concurrent reduction in its delivery obligations. While we indicated in our January 17 order,[18] that we did not contemplate partial abandonments by United's pipeline customers at this juncture, we do not preclude broadening the scope of Phase I at a later date. Section 7(b) of the Natural Gas Act is available to the pipeline customers so as to effectuate a proportionate abandonment, as may be required by any final order in Phase I.

Northern seeks a clear definition of the term "boiler fuel". Such definition will be forthcoming in an order on rehearing in Opinion No. 647 or in Docket No. R–467. In the interim, a workable definition may be "gas used as a fuel to generate steam or electricity, including turbine and engine fuel for power generation or mechanical drive."

Louisiana cites 38 specifications of error (referred to hereafter as L.1, et seq.), the majority of which represent collateral attacks upon other Commission decisions, e.g. Order No. 467, Opinions Nos. 643 and 647, or resolution of which would prejudge the outcome of these proceedings. (L.27–31, 36–38). Louisiana petitions to vacate our show cause order, or in the alternative, institute a nationwide abandonment proceeding for all industrial uses of natural gas.

First, Louisiana contends we should have issued an environmental impact statement pursuant to section 102(2)(C) of the National Environmental Policy Act prior to our show cause order. We summarily reject this contention.[19] Conversely, and in contradistinction, Louisiana contends we cannot consider end-use in a certificate proceeding (L.7). Again, such an allegation is contrary to law.[20]

Louisiana avers we erred in not affording them the opportunity to present evidence (L.2–6). Louisiana has petitioned to intervene in the proceedings and has the opportunity to present its evidence on April 16, 1973, and participate fully in the hearing below. As a corollary,

[13] See our clarifying order of February 12, 1973, concerning the scope of the Phase II proceedings and discussion infra herein.
[14] Our clarification in this paragraph is applicable to both Phase I and Phase II.
[15] See page 4 of Jan. 17 order.
[16] Application consolidated with Natural's answer, supra.
[17] Section 19(a) of the Natural Gas Act; section 1.30(e) of the Commission's rules of practice and procedure. Cf. Cases cited in "Alabama Gas Corp. v. F.P.C.", supra. Slip op. at 11.
[18] Page 4.
[19] Compare El Paso Natural Gas Co., Docket No. RP72–6, issued Aug. 22, 1972, and scope of Order No. 415–C, issued Dec. 18, 1972. See Alabama Gas Corp. v. FPC, supra, slip op. at 16–17.
[20] Cf. FPC v. Transcontinental Gas Corp., 365 U.S. 1 (1962); Commission Opinion Nos. 640, 636, 627, 621, 615, and 614.

Louisiana contends there is no evidence to support the proposition that boiler fuel use is inferior (L.8–11, 32–35). While we disagree with such a proposition,[21] Louisiana can present evidence to support its allegation.

Louisiana makes the spurious contention that the Commission lacks the power to order a hearing or to set hearing dates and objects to the scope of the hearing ordered (L.14–17, 19–20, 24–26). We need not refer to the numerous authorities which are contrary to Louisiana's position, nor to the powers delegated to the Commission, by Congress, under the Natural Gas and Administrative Procedure Acts.

Finally, Louisiana contends we should have named the five pipeline customers of United as co-respondents and directed them to abandon deliveries for boiler fuel use (L.21–22). We chose not to, but did not foreclose such an option.[22]

Petition To Clarify and Answer

United filed a petition to clarify Phase II, as established in our February 12 order, to (1) present evidence to show that continuation of service at less than the price proposed would have an adverse effect on the depletion of available gas supplies, and (2) to include all gas usage of the individual abandonment applications in Phase II, rather than only non-Priorities 4 and 5 gas usage. Air Products et al. filed an answer opposing United's petition for clarification as did Allied Paper, Inc. and Monsanto Co. Inasmuch as Phase I will examine all Priorities 4 and 5 gas usage on United's system, we remain of the view that Ordering paragraphs (A) and (B) of our February 12 order should not be changed and that the clear distinction between the phased proceedings should continue.

Our February 12 order [23] was clear as to the scope of the Phase II proceeding. We do not intend, nor are we empowered, to prescribe a just and reasonable rate for a direct sale. We do intend, as Air Products, et al. properly interprets, that in Phase II, evidence will be presented as to whether or not the rate is so low so as to adversely affect the ability of United to render adequate systemwide service, including replacement of systemwide supplies.[24] United, on the other hand, desires to show the "true market value price of gas" so as to determine a rate which enables the replacement of gas sold to industrial customers and which does not deplete gas supplies required for domestic use. Inasmuch as a pipeline normally acquires new reserves for the benefit of its system, we cannot perceive that "true market value" price evidence for individual customers would be relevant. However, evidence may be introduced to indicate whether or not the rate at which United is currently making sales to those customers in Phase II impairs, or if continued will impair, United's ability to provide reliable and adequate service to jurisdictional customers. The rates at which United sells to direct customers are not within our jurisdiction. It follows that these nonjurisdictional rates are not to be examined on a traditional cost-of-service and fair-rate-of-return basis. In Phase II we seek to determine if industrial sales should or should not be continued, and in making this determination, we intend to explore on an evidentiary record, the means by which the Commission can assist in the allocation of this wasting resource to its highest and best usage. More specifically, we encourage the parties to present evidence bearing upon the economic and social considerations underlying usage of a limited resource, including but not limited to, whether or not those customers which utilize gas for industrial purposes should bear a greater economic burden, than they have historically borne, to obtain such a resource.

Motions To Postpone Evidence

Natural and Texas Eastern [25] request postponement of the filing of evidence in Phase I, now scheduled for March 19, 1973, and to coordinate the receipt of evidence with the remanded proceedings in RP71–29, Opinion No. 647. United, on the other hand, has indicated it will adhere to the evidentiary schedule we provided for in our January 17 order [26] and that such data need not await the completion of the curtailment proceedings.[27] The presiding Administrative Law Judge is directed to act on these motions for postponement in Phase I, recognizing (1) the Commission's desire to proceed expeditiously in this proceeding, (2) United's willingness to adhere to the prior schedule, and (3) not requiring unnecessary duplication in compiling data in Phase I and the remanded curtailment proceeding. Even if the presiding judge determines such a postponement should be granted, the maximum postponement should be until April 20,[28] and appropriate adjustments may be made to the dates for intervenors and staff, rebuttal, and cross-examination.

The Commission orders that:

(A) The several answers to the January 17, 1973, order to show cause have been considered and the proceedings should continue in both Phase I and Phase II, as previously ordered.

(B) The several applications for rehearing of the January 17, 1973, order are denied as motions for reconsideration.

(C) The petition to clarify Phase II, filed on February 16, 1973, by United, is denied, with appropriate instructions and guidance to the presiding Administrative Law Judge, as contained herein.

(D) The several motions to postpone filing evidence in Phase I are referred to the presiding Administrative Law Judge, with appropriate instructions and guidance as contained herein.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

[FR Doc.73–4988 Filed 3–14–73;8:45 am]

[21] E.g., Order No. 467, Opinion Nos. 643 and 647.
[22] See response to similar point raised by Texas Eastern, supra.
[23] Page 3.
[24] Cf. Opinion No. 606, 46 FPC at 803–05.
[25] Northern, Southern, and Natural support Texas Eastern's motion.
[26] See United's answer to show cause order at 4–6.
[27] Texas Eastern proposed an alternative of 45 days following the hearing on Mar. 5, 1973.

[Docket No. RP73–88]

NORTHERN NATURAL GAS CO.

Notice of Proposed Changes in Rates and Charges

MARCH 13, 1973.

Take notice that the Northern Natural Gas Co. (Northern) on March 1, 1973, tendered for filing proposed changes in its FPC Gas Tariff, Original Volume No. 2 the following tariff sheets:

First revised sheet Nos. 369, 375, and 420.
Second revised sheet Nos. 129a, 209, 212, 222, 226, 250, 313, 317, 325, 328, 337, 341, 353, and 356.
Third revised sheet Nos. 115, 122, 188, and 190.
Fourth revised sheet Nos. 256 and 260.

Northern is here proposing to increase certain present jurisdictional field rates by one and nineteen-hundredths of one cent (1.19 cents) per Mcf which Northern states represents the estimated increase in its average cost of purchased gas, per Mcf of gas sales volumes, for the year 1973. Pursuant to 18 CFR 154.51 Northern requests the Commission to waive the notice requirements of 18 CFR 154.22 to permit these tariff sheets to become effective on February 27, 1973.

Northern states that copies of this letter and tariff sheets are being mailed to the affected jurisdictional field customers covered by these tariff sheets as well as interested State Commissions shown on the attached list.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 441 G Street NW., Washington, DC 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before March 22, 1973. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB, *Secretary.*

[FR Doc.73–5129 Filed 3–14–73;10:06 am]

FEDERAL RESERVE SYSTEM

CHARTER NEW YORK CORP.

Order Approving Acquisition of Bank

Charter New York Corp., New York, N.Y., a bank holding company within the meaning of the Bank Holding Company

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Act, has applied for the Board's approval under section 3(a)(3) of the Act (12 U.S.C. 1842(a)(3)) to acquire all of the voting shares (less directors' qualifying shares) of the successor by merger to Nanuet National Bank, Nanuet, N.Y. (Bank).[1] The bank into which Bank is to be merged has no significance except as a means to facilitate the acquisition of the voting shares of Bank. Accordingly, the proposed acquisition of shares of the successor organization is treated herein as the proposed acquisition of the shares of Bank.

Notice of the application, affording opportunity for interested persons to submit comments and views, has been given in accordance with section 3(b) of the Act. The time for filing comments and views has expired, and the Board has considered the application and all comments received in light of the factors set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Applicant, the seventh largest banking organization in New York, controls 12 banks with aggregate deposits of $4.2 billion representing 4.3 percent of the total domestic deposits of commercial banks in the State.[2] (Banking data are as of June 30, 1972, and reflect holding company formations and acquisitions approved by the Board through January 31, 1973.) Consummation of the proposed acquisition of Bank, with deposits of $64.5 million, would increase Applicant's share of commercial bank deposits within the State an insignificant amount, would not change its ranking among the banking organizations in the State, and would not result in a significant increase in the concentration of banking resources in any area.

Bank is the fourth largest of eight banks located in the Rockland County banking market (Third Banking District) in southeastern New York just north of the New York City metropolitan area and controls 13.2 percent of the commercial bank deposits in the area. The three largest banks in the market control about two-thirds of deposits therein, and three of the four smaller banks are bank holding company subsidiaries. Although Applicant has two subsidiary banks located in the Third Banking District (in Westchester and Dutchess Counties), each of these banks competes principally in a market other than Rockland County, and consummation of the proposed acquisition would not eliminate any significant existing competition nor deprive customers in the relevant market of an alternative source of banking services.

Applicant could enter the Rockland County market on a de novo basis; however, foreclosure of this potential competition is not considered serious. Economic conditions in the market are favorable to de novo entry.[3] Applicant, with its substantial resources and statewide orientation, is financially and legally able (through its subsidiary banks in Westchester and Dutchess Counties) to branch de novo into Rockland County. In addition, each multibank holding company headquartered in New York State (except Security New York Corp., Rochester) has at least one subsidiary bank in the Third Banking District and, accordingly, is legally permitted to branch into Rockland County. Furthermore, as statewide branching becomes effective in 1976, New York City banks will be permitted to branch de novo into the county. In view of the large number of potential entrants and banking alternatives, the elimination of some potential competition is not considered significant. On the basis of the facts of record, the Board concludes that considerations relating to competition are consistent with approval of the application.

The financial and managerial resources of Applicant and its subsidiaries appear to be satisfactory and future prospects are favorable. The managerial resources and future prospects of Bank are good. While the Board regards the present capital position of Bank as low, Applicant has committed itself to providing Bank with $1,500,000 in equity capital in order to correct this situation.

Affiliation with Applicant will permit Bank to meet the growing banking needs within the Rockland County banking market and enhance its ability to compete with the larger institutions in the area. Consummation of this proposal would enable Bank to broaden and improve the range of services it presently offers, including increased lending limits, expanded consumer lending, and data processing services, and newly provided trust and municipal financing services. Considerations relating to the convenience and needs of the community to be served are consistent with approval. It is the Board's judgment that the proposed transaction is in the public interest and that the application should be approved.

On the basis of the record, the application is approved for the reasons summarized above. The transaction shall not be consummated (a) before April 7, 1973, or (b) later than June 8, 1973, unless such period is extended for good cause by the Board, or by the Federal Reserve Bank of New York pursuant to delegated authority.

By order of the Board of Governors,[4] effective March 8, 1973.

[SEAL] TYNAN SMITH,
Secretary of the Board.

[FR Doc.73-4958 Filed 3-14-73;8:45 am]

[1] Applicant submitted to the Board on June 1, 1971, an earlier application to acquire Bank which was withdrawn (without prejudice) at the request of Applicant on Apr. 3, 1972, in order to revise and incorporate new material therein. The New York State Banking Board denied on Sept. 1, 1971, a similar application for permission to acquire Bank; Applicant's request for a reconsideration of that action resulted in approval by the Banking Board of the application on Sept. 1, 1972.

[2] Applicant's lead bank, Irving Trust Co., New York City, has deposits of $3.1 billion and operates 16 branches all within Manhattan; the other 11 subsidiary banks of Applicant are small-to-medium size retail banks operating variously in seven of the State's remaining eight banking districts.

[3] The county's population in 1970 was 230,000, 68 percent higher than 10 years earlier, while the population of the State as a whole grew only 8 percent. By 1990, it is predicted that the population of the county will increase to 408,000, or 77 percent over the 1970 level. Further, Rockland County is characterized by a relatively high income level (effective buying income per household totaled $15,866 in 1971, compared to $13,309 per household for the State).

[4] Voting for this action: Vice Chairman Robertson and Governors Mitchell, Brimmer, and Sheehan. Absent and not voting: Chairman Burns and Governors Daane and Bucher.

FIRST OF MUSKOGEE CORP.

Formation of Bank Holding Company

First of Muskogee Corp., Muskogee, Okla., has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company through acquisition of 100 percent of the voting shares (less directors' qualifying shares) of the successor by merger to The First National Bank & Trust Co. of Muskogee, Muskogee, Okla. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Kansas City. Any person wishing to comment on the application should submit his views in writing to the Reserve Bank, to be received not later than March 31, 1973.

Board of Governors of the Federal Reserve System, March 8, 1973.

[SEAL] MICHAEL A. GREENSPAN,
Assistant Secretary of the Board.

[FR Doc.73-4959 Filed 3-14-73;8:45 am]

MANUFACTURERS HANOVER CORP.

Acquisition of Bank

Manufacturers Hanover Corp., Dover, Del., has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 100 percent of the voting shares (less directors' qualifying shares) of the successor by merger to The First National Bank of Olean, Olean, N.Y. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of New York. Any person wishing to comment on the application should submit his views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than April 4, 1973.

Board of Governors of the Federal Reserve System, March 8, 1973.

[SEAL] MICHAEL A. GREENSPAN,
Assistant Secretary of the Board.

[FR Doc.73-4960 Filed 3-14-73;8:45 am]

RIBSO, INC.

"Grandfather" Privileges Under Bank Holding Company Act

Section 4 of the Bank Holding Company Act, became subject to the Bank tain privileges ("grandfather" privileges) with respect to nonbanking activities of a company that, by virtue of the 1970 Amendments to the Bank Holding Company Act, became subject to the Bank Holding Company Act. Pursuant to section 4(a)(2) of the Act, a company covered in 1970 may continue to engage, either directly or through a subsidiary, in nonbanking activities that such company was lawfully engaged in on June 30, 1968, (or on a date subsequent to June 30, 1968, in the case of activities carried on as a result of the acquisition by such company or subsidiary, pursuant to a binding written contract entered into on or before June 30, 1968, of another company engaged in such activities at the time of the acquisition), and has been continuously engaged in since June 30, 1968 (or such subsequent date).

Section 4(a)(2) of the Act provides, inter alia, that the Board of Governors of the Federal Reserve System may terminate such grandfather privileges if, having due regard to the purposes of the Act, the Board determines that such action is necessary to prevent undue concentration of resources, decreased or unfair competition, conflicts of interest, or unsound banking practices. With respect to a company that controls a bank with assets in excess of $60 million on or after December 31, 1970, the Board is required to make such a determination within a 2-year period.

Notice of the Board's proposed review of any grandfather privileges of Ribso, Inc., Rock Island, Ill. (Ribso), and an opportunity for interested persons to submit comments and views or request a hearing, has been given (37 FR 21382). The time for filing comments, views, and requests has expired.

The proposed review of grandfather privileges of Ribso was based on the premise that Ribso became a bank holding company on December 31, 1970, as a result of the 1970 Amendments to the Act, with respect to Rock Island Bank & Trust Co., Rock Island, Ill. (Bank) (assets of $64 million, as of December 31, 1970). Ribso has indicated that it should be regarded as a company covered in 1970[1] since, on June 30, 1968, Registrant owned 20.82 percent of the voting shares of Bank and controlled or exerted a controlling influence over the management or policies of Bank.

On December 31, 1970, Ribso owned slightly over 23 percent of the outstanding voting shares of Bank and acquired (without prior Board approval) an additional 2.276 percent of the voting shares of Bank during the first 6 months of 1971. Ribso received Board approval on August 1, 1972, for the retention of the additional 2.276 percent of the voting shares of Bank (1972 Federal Reserve Bulletin" 802).

In its order of August 1, 1972, approving Ribso's application for permission to retain ownership of 2.276 percent of the voting shares of Bank, the Board accepted as a fact, for purposes of the decision in that matter, Ribso's claim of control of Bank even though the ownership of shares was less than 25 percent of the outstanding voting shares of Bank. However, for purposes of grandfather benefits under section 4(a)(2) of the Act, a company is not entitled to such privileges because of a claim (on its part) of control of more than 25 percent of the shares of a bank prior to the cutoff date or a claim of being able to exercise a controlling influence over the management or policies of a bank within the meaning of section 2(a)(2)(C) of the Act.[2] A determination under section 2(a)(2)(C) of the Act is made by the Board (not by a company) and only after notice and opportunity for hearing; and such determination is made prospectively and does not relate back to a time prior to the date of the Board's determination. On this basis, the Board concludes that Ribso cannot be regarded as having been a one-bank holding company on June 30, 1968, that Ribso is not a company covered in 1970 within the meaning of the Act and is not entitled to grandfather benefits, and that the question of termination of grandfather privileges, under the proviso in section 4(a)(2) of the Act, is moot.

Board of Governors of the Federal Reserve System, March 8, 1973.

[SEAL] TYNAN SMITH,
Secretary of the Board.

[FR Doc.73-4961 Filed 3-14-73;8:45 am]

[1] Sec. 2(b) of the Act defines company covered in 1970 as a company which becomes a bank holding company as a result of the enactment of the Bank Holding Company Act Amendments of 1970, and which would have been a bank holding company on June 30, 1968, if those amendments had been enacted on that date.

[2] Sec. 2(a)(2)(C) of the Act provides that a company has control over a bank (and thus is a bank holding company) if the Board determines, after notice and opportunity for hearing, that the company directly or indirectly exercises a controlling influence over the management or policies of the bank or (bank holding) company.

SENECA BANCSHARES, INC.

Formation of One-Bank Holding Company

Seneca Bancshares, Inc., St. Joseph, Mo., has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company through acquisition of 80.22 percent of the voting shares of the Citizens' State Bank, Seneca, Kans. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Kansas City. Any person wishing to comment on the application should submit his views in writing to the Reserve bank to be received not later than April 2, 1973.

Board of Governors of the Federal Reserve System, March 9, 1973.

[SEAL] MICHAEL A. GREENSPAN,
Assistant Secretary of the Board.

[FR Doc.73-4962 Filed 3-14-73;8:45 am]

GENERAL SERVICES ADMINISTRATION

[Wildlife Order 100]

ESPIRITU SANTO GRANT, CAMERON COUNTY, TEX.

Transfer of Property

Pursuant to section 2 of Public Law 537, 80th Congress, approved May 19, 1948 (16 U.S.C. 667c), notice is hereby given that:

1. By a transfer letter dated February 15, 1973, the property known as Share 19 of Espiritu Santo Grant in Cameron County, Tex., consisting of approximately 17.4 acres of unimproved land, has been transferred from the International Boundary and Water Commission to the Department of the Interior.

2. The above-described property was transferred for wildlife purposes in accordance with the provisions of section 1 of said Public Law 537 (16 U.S.C. 667b).

Dated: March 6, 1973.

THOMAS M. THAWLEY,
Commissioner.

[FR Doc.73-4963 Filed 3-14-73;8:45 am]

SECURITIES AND EXCHANGE COMMISSION

[File No. 500-1]

CONTINENTAL VENDING MACHINE CORP.

Order Suspending Trading

MARCH 9, 1973.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, $0.10 par value, of Continental Vending Machine Corp., and the 6 percent convertible subordinated debentures due September 1, 1976, being traded otherwise than on a national securities exchange, is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period from March 11, 1973, through March 20, 1973.

By the Commission.

[SEAL] RONALD F. HUNT,
Secretary.

[FR Doc.73-4974 Filed 3-14-73;8:45 am]

[File No. 500-1]

CRYSTALOGRAPHY CORP.

Order Suspending Trading

MARCH 9, 1973.

It appearing to the Securities and Exchange Commission that the summary

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suspension of trading in the common stock, $0.01 par value, and all other securities of Crystalography Corp., being traded otherwise than on a national securities exchange, is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15 (c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period from March 10, 1973, through March 19, 1973.

By the Commission.

[SEAL] RONALD F. HUNT, *Secretary.*

[FR Doc.73-4975 Filed 3-14-73;8:45 am]

[File No. 500-1]

DCS FINANCIAL CORP.

Order Suspending Trading

MARCH 8, 1973.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, $0.10 par value, and all other securities of DCS Financial Corp. being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15 (c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period from March 9, 1973, through March 18, 1973.

By the Commission.

[SEAL] RONALD F. HUNT, *Secretary.*

[FR Doc.73-4976 Filed 3-14-73;8:45 am]

[File No. 500-1]

GOODWAY INC.

Order Suspending Trading

MARCH 8, 1973.

The common stock, $0.10 par value of Goodway Inc., being traded on the American Stock Exchange, pursuant to provisions of the Securities Exchange Act of 1934 and all other securities of Goodway Inc. being traded otherwise than on a national securities exchange; and

It appearing to the Securities and Exchange Commission that the summary suspension of trading in such securities on such exchanges and otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to sections 19 (a)(4) and 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities on the above-mentioned exchange and otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period from March 9, 1973, through March 18, 1973.

By the Commission.

[SEAL] RONALD F. HUNT, *Secretary.*

[FR Doc.73-4977 Filed 3-14-73;8:45 am]

[812-3407]

LEHMAN BROS. INC.

Notice of Filing of Application for Exemption

MARCH 9, 1973.

Notice is hereby given that Lehman Bros. Inc. (Applicant), 1 William Street, New York, NY 10004, on behalf of itself, the other representatives (comprised of duPont Glore Forgan Inc., Walston & Co., Inc., Crowell, Weeden & Co., Mitchum, Jones & Templeton, Inc., Rauscher Pierce Securities Corp., Stern, Frank, Meyer & Fox, Inc., and Sutro & Co., Inc.), and all other persons who will be underwriters (Underwriters) of a proposed offering of shares of Current Income Shares, Inc. (Corporation), a closed-end management investment company registered under the Investment Company Act of 1940 (Act), has filed an application pursuant to section 6(c) of the Act for an order of the Commission exempting Applicant, the other representatives and the Underwriters from section 30(f) of the Act in respect of their transactions incidental to the distribution of the Corporation's shares. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below.

Shares of the Corporation are to be purchased by the Underwriters pursuant to an underwriting agreement to be entered into between the Corporation and the Underwriters represented by Applicant and the other representatives. It is intended that upon the effective date of the Corporation's Registration Statement under the Securities Act of 1933, the Corporation's shares will be sold to the public.

It is possible that one or more of the Underwriters, including the Applicant and any of the other representatives, may acquire, in accordance with the provisions of the underwriting agreement, more than 10 percent of the Corporation's common stock which will be outstanding at the time of the closing of the initial public offering of the shares. Since section 30(f) of the Act subjects every person who is directly or indirectly a beneficial owner of more than 10 percent of any class of outstanding securities of the Corporation to the same duties and liabilities as those imposed by section 16 of the Securities Exchange Act of 1934 (Exchange Act) on certain owners in respect of their transactions in certain securities, such Underwriter or Underwriters may, accordingly, become subject to the filing requirements of section 16 (a) of the Exchange Act and, upon resale of the shares purchased by them to their customers, become subject to the obligations imposed by section 16(b) of the Exchange Act.

Rule 16b-2 under the Exchange Act exempts certain persons from the operation of section 16(b) thereof. Applicants state that the purpose of the purchase by the Underwriters is for resale in connection with the initial distribution of shares of the Corporation. Such purchases will, therefore, be transactions effected in connection with the distribution of a substantial block of securities within the purpose and spirit of Rule 16b-2. Nevertheless, it is possible that one or more of the Underwriters will not be entitled to rely upon Rule 16b-2 to exempt them from section 16(b) of the Exchange Act.

It is anticipated that the requirements of paragraphs (a) (1) and (2) of Rule 16b-2 will be satisfied by all of the Underwriters, but paragraph (a)(3) of such rule may be construed in such a manner as to cause one or more of the Underwriters to fail to comply therewith. For example, a group of the Underwriters, each of whom is obligated through the underwriting agreement to purchase more than 10 percent of the aggregate number of shares of the Corporation's common stock to be outstanding after the closing, may together purchase more than 50 percent of the aggregate number of shares being offered. In this event, such arrangements might be characterized as not meeting the requirement of Rule 16b-2(a)(3) that persons not within the purview of section 16(b) of the Exchange Act participate in the distribution to an extent at least equal to the aggregate participation of all persons exempted from the provisions of section 16(b) of the Exchange Act by Rule 16b-2.

Moreover, this requirement of Rule 16b-2(a)(3) may not be met because it is possible that one or more Underwriters, even though they are obligated by the underwriting agreement to purchase less than 10 percent of the aggregate number of shares of the Corporation's common stock to be outstanding upon completion of the initial public offering of the shares, may, as a consequence of defaults by other Underwriters who do not purchase their respective underwriting commitments, become obligated to purchase at the closing of the public offering more than 10 percent of the aggregate number of shares of the Corporation's common stock to be outstanding after the closing.

In addition to purchases of shares from the Corporation and sales of shares to customers, there may be the usual transactions of purchase or sale incident to a distribution such as stabilizing purchases, purchases to cover overallotments or other short positions created in connection with such distribution and sales of shares purchased in stabilization.

The application states that there is no inside information concerning the Corporation, since the Corporation, prior

to the initial distribution of shares, will have no assets (other than cash in the amount required to enable it to commence its business as an investment company) or be engaged in business of any sort, and all material facts with respect to the Corporation will be set forth in the prospectus pursuant to which the shares will be offered and sold. The application further states that no partner, director, or officer of any of the Representatives, including the Applicant, is a director or officer of either the Corporation or Unionamerica Investment Management Co., the Corporation's investment adviser (the "Adviser"), or any affiliate of the Adviser and that it is not anticipated that any director or officer of any other Underwriter will be a director or officer of the Corporation or the Adviser or any such affiliate. Applicants thus submit that the requested exemption from the provisions of section 30(f) of the Act is necessary and appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Notice is further given that any interested person may, not later than March 26, 1973, at 12:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request, and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon Applicant at the address stated above. Proof of such service (by affidavit, or in case of an attorney at law, by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in said application, unless an order for a hearing upon said application shall be issued upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponement thereof.

For the Commission, by the Division of Investment Management Regulation, pursuant to delegated authority.

[SEAL] RONALD F. HUNT, *Secretary.*

[FR Doc.73-4978 Filed 3-14-73;8:45 am]

[812-3318]

MASSACHUSETTS CAPITAL DEVELOPMENT FUND, INC., ET AL.

Notice of Application for an Order Exempting Applicants

MARCH 8, 1973.

Notice is hereby given that Massachusetts Capital Development Fund, Inc., Massachusetts Financial Development Fund, Inc., Massachusetts Income Development Fund, Inc., Massachusetts Investors Growth Stock Fund, Inc., and Massachusetts Investors Trust, Inc. (collectively referred to as the "Massachusetts Group"), 200 Berkeley Street, Boston, MA 02116. Vance Sanders Common Stock Fund, Inc., Boston Fund, Inc., and Vance, Sanders Special Fund, Inc. (collectively referred to as the "Boston Group"), and Century Shares Trust (CST) (hereinafter referred to collectively as the "Funds"), 111 Devonshire Street, Boston, MA 02109, all of which are diversified, open-end management investment companies registered under the Investment Company Act of 1940 (the Act), and Vance, Sanders & Co., Inc. (VS), 111 Devonshire Street, Boston, MA 02109, principal underwriter pursuant to a special distributing agreement with each Fund, have filed an application pursuant to section 6(c) of the Act for an order of the Commission exempting applicants and certain transactions from the provisions of section 22(d) of the Act and Rule 22d-1 thereunder. All interested persons are referred to the application on file with the Commission for a statement of the representations made therein which are summarized below.

Section 22(d) of the Act provides, in pertinent part, that no registered investment company or principal underwriter thereof shall sell any redeemable security issued by such company to any person except at a current public offering price described in the prospectus. The prospectus of each of the Funds states that a sales commission is included in the offering price of the shares of the Funds. The Massachusetts Group are advised by Massachusetts Financial Services, Inc., the funds in the Boston Group are advised either by VS or a subsidiary of VS, and CST is internally managed.

Each of the Funds proposes to sell its shares at their net asset value per share, i.e., without any sales charges, to persons who have caused their shares of that Fund to be redeemed or repurchased within the previous 15 days.

In addition, each fund in the Massachusetts Group proposes to sell its shares at net asset value plus a $5 service charge to persons who have caused shares of any other Fund in the group to be redeemed or repurchased within the previous 15 days, provided that at least 80 percent of the shares redeemed or repurchased must have been held for at least 6 months, and each Fund in the Boston Group proposes to sell its shares at net asset value plus a $5 service charge to persons who have caused shares of any other Fund in the group to be redeemed or repurchased within the previous 15 days.

In every case the amount of a sale, which is made pursuant to a reinvestment privilege, will not exceed the amount of the redemption or repurchase proceeds, and a shareholder of any of the Funds will be permitted to exercise the aforementioned reinvestment privileges only once with respect to each Fund of which he is a shareholder.

The sale will be made at the net asset value per share next determined after receipt of the order. A written order to purchase the shares must be received by the Funds or VS or be postmarked within 15 days after the date the request for redemption or repurchase was received.

The application states, among other things, that to advise investors of the privileges, each of the Funds may, at its expense, probably through the facilities of the appropriate transfer agent and probably by a statement inserted with the redemption check, or in appropriate instances by telephonic communication, advise the investor of the right to reinvest in a Fund within the Massachusetts Group or within the Boston Group (which may or may not be the Fund whose shares were redeemed) or in CST at net asset value plus any applicable service charge. This would be in addition to the disclosure of the privilege in the prospectus of each of the Funds.

The application also asserts that the proposed privilege will enable investors to be reminded of features of their investment which they may have overlooked or of which they may have been unaware at the time they redeemed; that the privilege does not operate to the prejudice of the Funds or their shareholders; and that the one-time feature will prevent any speculation or trading against the Funds.

Section 6(c) of the Act provides that the Commission, upon application, may conditionally or unconditionally exempt any person or transaction from any provisions of the Act if such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Notice is further given that any interested person may, not later than April 2, 1973, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request, and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any

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such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon Applicants at the addresses stated above. Proof of such service (by affidavit, or in case of an attorney at law, by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0–5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in said application, unless an order for hearing thereon shall be issued upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management Regulation, pursuant to delegated authority.

[SEAL] RONALD F. HUNT, *Secretary.*

[FR Doc.73-4979 Filed 3-14-73;8:45 am]

[File No. 500-1]

MERIDIAN FAST FOOD SERVICES, INC.

Order Suspending Trading

MARCH 9, 1973.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, $0.01 par value, of Meridian Fast Food Services, Inc., being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period from March 12, 1973, through March 21, 1973.

By the Commission.

[SEAL] RONALD F. HUNT, *Secretary.*

[FR Doc 73-4980 Filed 3-14-73;8:45 am]

[70-4637]

NORTHEAST UTILITIES ET AL.

Notice of Proposed Issuance and Sale of Long-Term Notes, Exception From Competitive Bidding, and Related Transactions

MARCH 9, 1973.

Notice is hereby given that Northeast Utilities (Northeast), 174 Brush Hill Avenue, West Springfield, MA 01089, a registered holding company, and five of its subsidiary companies have filed a seventh post-effective amendment to the joint application-declaration in this proceeding pursuant to the provisions of the Public Utility Holding Company Act of 1935 (the Act), designating sections 6, 7, 9, 10, 12(b), and 12(f) of the Act, and Rules 45 and 50(a)(5) promulgated thereunder as applicable to the proposed transactions. The subsidiary companies are the Connecticut Light & Power Co. (CL&P), Selden Street, Berlin, Conn. 06037, the Hartford Electric Light Co. (HELCO), 176 Cumberland Avenue, Wethersfield, CT 06109, Western Massachusetts Electric Co. (WMECO), 174 Brush Hill Avenue, West Springfield, MA 01089, all public utility companies; the Rocky River Realty Co. (Rocky River), a nonutility company; and Northeast Utilities Service Co. (NUSCO), Selden Street, Berlin, Conn., the service company serving the Northeast Utilities System. All interested persons are referred to the application-declaration as heretofore amended and as further amended by said seventh post-effective amendment, for a complete statement of the proposed transactions, which is summarized below.

Rocky River, which performs various real estate functions for associate companies at cost, is the owner of a tract of land of 125.6 acres located in Berlin and Newington, Conn., together with structures thereon consisting of two office buildings, a central warehouse, a service building and a commons building (collectively referred to as the "Berlin Complex"). One of the office buildings is occupied by CL&P as its principal executive office; the other office building and the balance of the Berlin Complex are occupied and used by NUSCO. All of these properties are covered by net leases from Rocky River to the said two associate companies.

In a series of prior orders of the Commission in this proceeding, Rocky River was authorized to issue and sell from time to time certain interim securities for the purpose of financing the costs of its acquisition and construction of the Berlin Complex pending the permanent financing thereof (see Holding Company Act Releases Nos. 16105, 16293, 16567, and 16759 dated, respectively, 7/2/68, 2/26/69, 12/23/69, and 6/22/70). Pursuant to these authorizations, Rocky River issued and sold $13,500,000 face amount of 3-year notes to banks (Bank Notes) maturing June 30, 1973; and $4,900,000 face amount of 5-year subordinated notes to Northeast (5-year Notes). Of these interim securities, $12,150,000 and $4,900,000, respectively, were outstanding as of December 31, 1972. On that date Rocky River's capitalization also included 3.15 percent and 3.75 percent first mortgage bonds (Old Bonds) due 1981 and 1983, respectively, in an aggregate principal amount of $1,905,000, held by financial institutions; and $1,785,000 face amount of 40-year subordinated notes plus $56,000 (including retained earnings) of equity capital, all held by Northeast.

Said prior orders of the Commission had also granted Rocky River an exception from the competitive bidding requirements of Rule 50 under the Act, permitting it to enter into negotiations with institutional investors for the issuance and sale of first mortgage bonds as permanent financing of the Berlin Complex. These negotiations were unsuccessful (HCAR No. 16567).

In the current post-effective amendment, applicants-declarants now propose that Rocky River will issue and sell, at par $15 million principal amount of long-term notes (30-year Notes). Rocky River will use the proceeds to repay the Bank Notes at maturity (estimated to total $12,015,000), to pay the expenses of said issuance and sale, and with the remainder, to prepay a portion (approximately $2,900,000) of the 5-year Notes held by Northeast. It is further proposed that the balance of the 5-year Notes then held by Northeast (approximately $2 million) be converted into an equal amount of new 30-year subordinated notes (Subordinated Notes). The Old Bonds will be left outstanding until maturity.

Applicants-declarants seek an exception from the competitive bidding requirements of Rule 50 under the Act, pursuant to subparagraph (a)(5) of the rule, in respect of the 30-year Notes, and request permission to enter into negotiations for the sale thereof to institutional investors. The 30-year Notes will mature in the year 2003, will be severally and unconditionally guaranteed by CL&P, HELCO, and WMECO in the proportions of 62 percent, 23 percent, and 15 percent, respectively, and will be subject to a mandatory semiannual sinking fund, commencing approximately 6 months after the date of issuance, designed to retire 100 percent of the issue by maturity. On each sinking fund date Rocky River will have the right to prepay, without premium, an additional principal amount of the 30-year Notes not exceeding the amount then required under the mandatory provision. In addition, Rocky River will have the option of prepaying the 30-year Notes at any time or from time to time, in whole or in part, at stated premiums: *Provided*, That no such prepayment may be made prior to 1978 from or in anticipation of, debt for moneys borrowed by Rocky River or on its behalf by any associate company, at an interest cost less than that of the 30-year Notes.

The new Subordinated Notes to be issued to Northeast will bear interest at an annual rate of one quarter of 1 percent above the prime rate for short-term loans in effect from time to time at The Connecticut Bank and Trust Company. It is further proposed that Rocky River may prepay and thereafter reissue the Subordinated Notes, provided that as a result thereof Rocky River's total debt to third parties shall not exceed four times the sum of: (a) Capital stock and retained earnings, and (b) all subordinated notes held by Northeast.

It is stated that the proposed guarantees of the 30-year Notes by CL&P and HELCO are subject to the approval of the Public Utilities Commission of Connecticut and that the guarantee by WMECO is subject to approval by the Massachusetts Department of Public Utilities. A statement of the fees and expenses incurred and to be incurred in connection with the proposed transactions will be supplied herein by amendment.

Notice is further given that any interested person may, not later than April 3, 1973, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said application-declaration as amended which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon the applicant-declarants at the above-stated addresses, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the joint application-declaration, as amended or as it may be further amended, may be granted and permitted to become effective as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL] RONALD F. HUNT, *Secretary.*

[FR Doc.73-4982 Filed 3-14-73;8:45 am]

[File No. 500-1]

STAR-GLO INDUSTRIES INC.

Order Suspending Trading

MARCH 9, 1973.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, $0.10 par value, and all other securities of Star-Glo Industries Inc., being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period from March 10, 1973, through March 19, 1973.

By the Commission.

[SEAL] RONALD F. HUNT, *Secretary.*

[FR Doc.73-4981 Filed 3-14-73;8:45 am]

SMALL BUSINESS ADMINISTRATION

CALIFORNIA GROWTH CAPITAL, INC.

[License No. 09/12-0023]

Notice of Application for Transfer of Control of Licensed Small Business Investment Company

Notice is hereby given that application has been filed with the Small Business Administration (SBA) pursuant to § 107.701 of the regulations govering small business investment companies (13 CFR 107.701 (1972)) for transfer of control of California Growth Capital, Inc. (Growth), 1615 Cordova Street, Los Angeles, CA 90007, a Federal licensee under the Small Business Investment Act of 1958, as amended (the Act) (15 U.S.C., 661 et seq.).

Growth, which was licensed on May 11, 1961, will have paid-in capital and paid-in surplus from private sources of approximately $1,021,400. The transfer of control is being made pursuant to purchase and sale agreements between Growth, De Anza Land and Leisure Corp., 1615 Cordova Street, Los Angeles, CA, First National Bank of Commerce, 210 Baronne Street, New Orleans, LA 70112, All American Assurance Co., Post Office Box 66127, Baton Rouge, LA 70806, and H. D. Hughes.

The proposed transfer of control is subject to and contingent upon the approval of SBA.

After the proposed transfer of control, the officers, directors, and principal stockholders will be as follows:

Allen R. Houk, 3751 Rue Delpine, New Orleans, LA, Director, Chairman of the Board.
Walter B. Stuart III, 5672 Rosemary Place, New Orleans, LA, Director, Vice Chairman of the Board.
Thomas S. Davison, 1333 State Street, New Orleans, LA, Director.
Thomas E. Smith, Jr., 1470 Arabella Street, New Orleans, LA, Director, President and Chief Executive Officer.
Charest D. Thibaut, Jr., 2775 McCarroll Drive, Baton Rouge, LA, Director.
James A. Churchill, 461 Pine Street, New Orleans, LA, Director, Secretary.
William H. Oldknow, 1161 Virginia Road, San Marino, CA, Director.
Richard C. Seaver, 434 South Rossmore Avenue, Los Angeles, CA, Director.
John Ferraro, 570 North Rossmore Avenue, Los Angeles, CA, Director.
Warren P. Deckert, 46 Dove Street, New Orleans, LA, Director.
Jon E. M. Jacoby, 23 River Valley Road, Little Rock, AR, Director.
Richard J. Shopf, Oaklawn Drive, Tchefuncta Club Estates, Covington, LA 70433, Director.
Billy E. Mitchum, 2511 Danbury Drive, New Orleans, LA, Treasurer.
First National Bank of Commerce, 210 Baronne Street, New Orleans, LA, Stockholder.
All American Assurance Co., Post Office Box 66127, Stockholder.
Jaser Development Co., 1615 Cordova Street, Los Angeles, CA, Stockholder.

First National Bank of Commerce will own 49 percent of the licensee's stock, All American Assurance Co. will own 16.6 percent and Jaser Development Co. will own 14.9 percent. The balance of licensee's stock will be owned by approximately 445 shareholders.

The name of Growth will be changed to "First Southern Capital Corporation." It is contemplated that the principal operating office will be transferred to 1208 Commerce Building, New Orleans, La. 70112. Growth will maintain an office, for purpose of General Corporation Law of California, at 1615 Cordova Street, Los Angeles, CA. The new license number would be 06/12–0023.

Matters involved in SBA's consideration of the application include the general business reputation and character of the new owners, and the probability of successful operations of the company in accordance with the Act and regulations.

Notice is further given that any interested person may, not later than 15 days from the date of publication of this notice, submit to SBA, in writing, relevant comments on the proposed transfer of control. Any such communications should be addressed to: Associate Administrator for Finance and Investment, Small Business Administration, 1441 L Street NW., Washington, DC 20416.

A copy of this notice shall be published by the transferee in a newspaper of general circulation in Los Angeles, Calif., and New Orleans, La.

Dated: March 6, 1973.

DAVID A. WOLLARD, *Associate Administrator, for Finance and Investment.*

[FR Doc.73-4972 Filed 3-14-73;8:45 am]

[Delegation of Authority No. 30; Region IX, Amdt. 2]

CHIEF AND ASSISTANT CHIEF, REGIONAL FINANCING DIVISION ET AL.

Delegation of Authority To Conduct Program Activities in Region IX

Delegation of Authority No. 30—Region IX (37 FR 17624) as amended (37 FR 20288) is hereby further amended by revising Part I, section A, 3a, and 3b; section B, 1a, 3a, b, and c; Part II, section A, 1, 2, and 4; section B, 1, 2a, 2b; Part VII, section A, 1a(2); Part VIII, section A, 2, and 3. This amendment more clearly defines certain authorities; eliminates reference to class B disasters; delegates eligibility determination authority to PMA Chief; and includes authority to contract for local credit bureau services and loss verification services.

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PART I—FINANCING PROGRAM

SECTION A. *Loan approval authority.*

* * * * *

3. *Displaced business and other economic injury loans.* a. To decline displaced business loans, coal mine health and safety loans, consumer protection loans (meat, egg, poultry), occupational safety and health loans, strategic arms limitation economic injury loans, and economic injury disaster loans in connection with declarations made by the Secretary of Agriculture for natural disasters in any amount and to approve such loans up to the following amounts (SBA share):

Chief and Assistant Chief, Regional Financing Division	$350,000

b. To approve or decline displaced business loans, coal mine health and safety loans, consumer protection loans (meat, eggs, poultry), occupational safety and health loans, strategic arms limitation economic injury loans, and economic injury disaster loans in connection with declarations made by the Secretary of Agriculture for natural disasters up to the following amounts (SBA share):

Regional Supervisory Loan Officer	$50,000
District Directors	350,000
Chief, District Financing Division, or, if assigned, Chief, District Financial Services Division	350,000
District Supervisory Loan Officer, Los Angeles District Office	50,000

SEC. B. *Other financing authority.* 1. a. To enter into business, economic opportunity, disaster, displaced business, consumer protection (meat, eggs, poultry), occupational safety and health, coal mine health and safety, and strategic arms limitation economic injury loan participation agreements with banks:

(1) Chief and Assistant Chief, Regional Financing Division.

(2) Regional Supervisory Loan Officer.

(3) District Directors.

(4) Chief, District Financing Division, or, if assigned, Chief, District Financial Services Division.

(5) District Supervisory Loan Officer, is assigned.

* * * * *

3. To cancel, reinstate, modify, and amend authorizations:

a. For business, economic opportunity, disaster, displaced business, consumer protection (meat, egg, poultry), occupational safety and health, coal mine health and safety, and strategic arms limitation economic injury loans:

(1) District Directors.

b. For fully undisbursed or partially disbursed business, economic opportunity, disaster, displaced business, consumer protection (meat, egg, poultry), occupational safety and health, strategic arms limitation economic injury, and coal mine health and safety loans:

(1) Chief and Assistant Chief, Regional Financing Division.

(2) Regional Supervisory Loan Officer.

(3) Chief, District Financing Division, or, if assigned, Chief, District Financial Services Division.

(4) District Supervisory Loan Officer, if assigned.

c. For business, economic opportunity, disaster, displaced business, consumer protection (meat, egg, poultry), coal mine health and safety, strategic arms limitation economic injury, and occupational safety and health loans personally approved under delegated authority:

Does not apply.

* * * * *

PART II—DISASTER PROGRAM

SECTION A. *Disaster loan authority.* 1. To decline direct disaster and immediate participation disaster loans in any amount and to approve such loans up to the total SBA funds of (1) $50,000 per household for repairs or replacement of the home and/or not to exceed an additional $10,000 allowable for household goods and personal items, but in no event may the money loaned for physical loss or damage exceed $55,000 for a single disaster on home loans, except for funds to refinance prior liens or mortgages, which may be approved in addition to the foregoing limits for amounts up to $50,000; and (2) $500,000 on disaster business loans (excluding displaced business loans, coal mine health and safety, occupational safety and health, strategic arms limitation economic injury, and economic injury disaster loans in connection with declarations made by the Secretary of Agriculture for natural disasters) except to the extent of refinancing of a previous SBA disaster loan:

(1) Chief and Assistant Chief, Regional Financing Division.

(2) District Director.

(3) Chief, District Financing Division, or, if assigned, Chief, District Financial Services Division.

(4) Disaster Branch Managers, as assigned.

(5) Supervisory Loan Officer, if assigned, Los Angeles Earthquake Disaster Office.

2. To decline direct disaster and immediate participation disaster loans (excluding displaced business loans, coal mine health and safety, occupational safety and health, strategic arms limitation economic injury, and economic injury disaster loans in connection with declarations made by the Secretary of Agriculture for natural disasters) in any amount and to approve such loans up to the total SBA funds of $50,000:

(1) Supervisory Loan Officer, Regional Financing Division.

* * * * *

4. To appoint as a processing representative any bank in the disaster area:

(1) Chief and Assistant Chief, Regional Financing Division.

(2) District Directors.

SEC. B. *Administrative authority*—1. *Establishment of disaster field offices.* (a) To establish field offices upon receipt of advice of the designation of a disaster area and to close disaster field offices when no longer advisable to maintain such offices; and (b) to obligate the Small Business Administration to reimburse the General Services Administration for the rental of temporary office space:

(1) Chief and Assistant Chief, Regional Financing Division.

(2) Chief, Regional Administative Division.

(3) District Director.

(4) Chief, District Administrative Division.

2. *Purchase and contract authority.* a. To contract for local credit bureau services and loss verification services pursuant to Chapter 4 of title 41, United States Code, as amended, subject to the limitations contained in section 257 (a) and (b) of that chapter:

(1) Chief, Regional Administrative Division.

(2) District Director.

(3) Chief, District Administrative Division.

(4) Disaster Branch Manager, if assigned.

b. To purchase office supplies and equipment, including office machines and rent regular office equipment and furnishings; contract for repair and maintenance of equipment and furnishings; contract for printing (Government sources only); contract for services required in setting up and dismantling and moving SBA exhibits; and issue Government bills of lading pursuant to Chapter 4 of title 41, United States Code, as amended, subject to the limitations contained in section 257 (a) and (b) of that chapter:

(1) Chief, Regional Administrative Division.

(2) District Director.

(3) Chief, District Administrative Division.

* * * * *

PART VII—ELIGIBILITY AND SIZE DETERMINATIONS

SECTION A. *Eligibility determinations.* 1. a. In accordance with Small Business Administration standards and policies, to determine eligibility of applicants for assistance under any program of the Agency:

* * * * *

(2) Except: The SBIC and community economic development programs:

(1) Chief and Assistant Chief, Regional Financing Division.

(2) Chief, Regional PMA Division.

(3) Chief, District Financing Division, or, if assigned, Chief, District Financial Services Division.

(4) Chief, PMA Division, Los Angeles District Office.

* * * * *

PART VIII—ADMINISTRATIVE

SECTION A. *Authority to purchase, rent, or contract for equipment, services, and supplies.*

* * * * *

2. *To purchase office supplies and equipment,* including office machines and

rent regular office equipment and furnishings; contract for repair and maintenance of equipment and furnishings; contract for printing (Government sources only); contract for services required in setting up and dismantling and moving SBA exhibits; and issue Government bills of lading pursuant to Chapter 4 of title 41, United States Code, as amended, subject to the limitations contained in section 257 (a) and (b) of that chapter:

(1) Chief, Regional Administrative Division.

(2) Regional Office Services Specialist or Administrative Services Assistant.

(3) District Director.

(4) Chief, District Administrative Division.

3. To rent motor vehicles and garage space for the storage of such vehicles when not furnished by this Administration:

(1) Chief, Regional Administrative Division.

(2) Regional Office Services Specialist or Administrative Services Assistant.

(3) District Director.

(4) Chief, District Administrative Division.

SEC. B. [Deleted]

* * * * *

Effective dates: September 28, 1972—Part I, section A, Paragraph 3; September 28, 1972—Part I, section B, Paragraphs 1 and 3; September 28, 1972—Part II, section A, Paragraphs 1, 2 and 4; July 1, 1972—Part II, section B, Paragraphs 1 and 2; July 1, 1972—Part VII, section A, Paragraph 1; July 1, 1972—Part VIII, section A, Paragraphs 2 and 3.

GILBERT MONTANO,
Regional Director,
San Francisco Region IX

[FR Doc.73-4971 Filed 3-14-73;8:45 am]

INTERSTATE COMMERCE COMMISSION

[Notice 198]

ASSIGNMENT OF HEARINGS

MARCH 12, 1973.

Cases assigned for hearing, postponement, cancellation or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested. No amendments will be entertained after the date of this publication.

MC 99284 Sub 6, Sullivan's Motor Delivery, Inc., now being assigned hearing April 30, 1973 (2 weeks), at Madison, Wis., in a hearing room to be later designated.

MC-C-7759, Central Motor Express, Inc., et al. v. Renner's Express, Inc., now being assigned April 23, 1973, at Louisville, Ky., in a hearing room to be later designated.

MC 105045 Sub. 34, R. L. Jeffries Trucking Co., Inc., now being assigned April 24, 1973 (1 day), at Louisville, Ky., in a hearing room to be later designated.

MC 113267 Sub 289, Central & Southern Truck Lines, Inc., now being assigned April 25, 1973 (1 day), at Louisville, Ky., in a hearing room to be later designated.

MC-F-11673, Reliance Truck Co.—Purchase—Daigh & Stewart Truck Co., and MC 54567, Reliance Truck Co., now being assigned hearing April 30, 1973 (1 week), at Phoenix, Ariz., in a hearing room to be later designated.

MC-FC-73661, Bianchi Transportation Co., Inc., Old Bridge, N.J., Transferee and Bianchi Truck Line, Inc., Klemmer Kaltelissen, trustee, Old Bridge, N.J., Transferor, MC 114132, Bianchi Truck Line, Inc., now being assigned April 30, 1973 (1 day), at New York City, N.Y., in a hearing room to be later designated.

MCC-7865, Mayflower Coach Corp. v. Bronx Bus Corp., now being assigned May 1, 1973 (1 day), at New York City, N.Y., in a hearing room to be later designated.

MC 135955, Bakker Service Station, Inc., now being assigned May 2, 1973 (3 days), at New York, N.Y., in a hearing room to be later designated.

MC 109397 Sub 277, Tri-State Motor Transit Co., now being assigned hearing May 10, 1973 (2 days), at Los Angeles, Calif., in a hearing room to be later designated.

MC 126514 Sub 39, Schaeffer Trucking, Inc., now being assigned hearing May 7, 1973 (3 days), at Los Angeles, Calif., in a hearing room to be later designated.

MC-2202 Sub 418, Roadway Express, Inc., now being assigned hearing April 30, 1973 (1 week), at Lansing, Mich., in a hearing room to be later designated.

MC 136222, Movers Port Service, Inc., now being assigned hearing May 14, 1973 (1 week), at San Diego, Calif., in a hearing room to be later designated.

MC-135532, J. B. Levin, Inc., now assigned April 4, 1973, will be held on the fifth floor, 150 Causeway Street, Boston, Mass.

AB 65, St. Johnsbury & Lamoille County Railroad, entire line abandonment between St. Johnsbury and Swanton, Caledonia, Washington, Lamoille and Franklin Counties, Vt., now assigned March 26, 1973, at Montpelier, Vt., is canceled and reassigned to March 26, 1973, at the Charlmont Restaurant, Banquet Room, junction of Highway Routes 15 and 100, Morrisville, Vt.

MC 136354, Lizza Trucking Co., now assigned March 15, 1973, at St. Louis, Mo., is canceled and the application is dismissed.

MCC-7757, Inter-County Motor Coach, Inc., v. Schenck Tours, Inc., et al., MC 12731 Subs 1 and 2, Teens N Tours, Inc., now assigned March 19, 1973, in Court Room 3, U.S. Customs Court, One Federal Plaza, New York, NY.

MC-F-11530, John R. Remis, Bernard Sacharoff, John Roncoroni, Louis Gelk, Henry Bono, Nicholas Accardi, New Deal Delivery Service, Inc., Eastern Transportation Co., Inc., and Airfreight Transportation Corp. of New Jersey—Investigation of control, MC-PC-71876, Resil Trucking Corp., transferee and Eastern Transportation Co., Inc., transferor, now assigned March 21, 1973, will be held in Court Room 3, U.S. Customs Court, One Federal Plaza, New York, NY.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.73-5045 Filed 3-14-73;8:45 am]

[Notice 20]

MOTOR CARRIER, BROKER, WATER CARRIER AND FREIGHT FORWARDER APPLICATIONS

MARCH 9, 1973.

The following applications (except as otherwise specifically noted, each applicant (on applications filed after March 27, 1972) states that there will be no significant effect on the quality of the human environment resulting from approval of its application), are governed by Special Rule 1100.247[1] of the Commission's general rules of practice (49 CFR, as amended), published in the FEDERAL REGISTER issue of April 20, 1966, effective May 20, 1966. These rules provide, among other things, that a protest to the granting of an application must be filed with the Commission within 30 days after date of notice of filing of the application is published in the FEDERAL REGISTER. Failure seasonably to file a protest will be construed as a waiver of opposition and participation in the proceeding. A protest under these rules should comply with section 247(d) (3) of the rules of practice which requires that it set forth specifically the grounds upon which it is made, contain a detailed statement of protestant's interest in the proceeding (including a copy of the specific portions of its authority which protestant believes to be in conflict with that sought in the application, and describing in detail the method—whether by joinder, interline, or other means—by which protestant would use such authority to provide all or part of the service proposed), and shall specify with particularity the facts, matters, and things relied upon, but shall not include issues or allegations phrased generally. Protests not in reasonable compliance with the requirements of the rules may be rejected. The original and one copy of the protest shall be filed with the Commission, and a copy shall be served concurrently upon applicant's representative, or applicant if no representative is named. If the protest includes a request for oral hearing, such requests shall meet the requirements of section 247(d) (4) of the special rules, and shall include the certification required therein.

Section 247(f) of the Commission's rules of practice further provides that each applicant shall, if protests to its application have been filed, and on or before May 15, 1973, notify the Commission in writing (1) that it is ready to proceed and prosecute the application, or (2) that it wishes to withdraw the application, failure in which the application will be dismissed by the Commission.

Further processing steps (whether modified procedure, oral hearing, or other procedures) will be determined generally in accordance with the Commission's general policy statement concerning motor carrier licensing procedures, published in the FEDERAL REGISTER issue of May 3, 1966. This assignment will be by Commission order which will be served on each party of record. Broadening amendments will not be accepted after the date of this publication

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except for good cause shown, and restrictive amendments will not be entertained following publication in the FEDERAL REGISTER of a notice that the proceeding has been assigned for oral hearing.

MOTOR CARRIERS OF PROPERTY

No. MC 263 (Sub-No. 205), filed January 17, 1973. Applicant: GARRETT FREIGHTLINES, INC., 2055 Garrett Way, Pocatello, ID 83201. Applicant's representative: Wayne S. Green (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, household goods as defined by the Commission, commodities in bulk and those requiring special equipment), between Denver, Colo., and Great Falls, Mont., from Denver, Colo., over U.S. Highway 87 (Interstate Highway 25) to junction Interstate Highway 90 near Buffalo, Wyo., thence over U.S. Highway 87 (Interstate Highway 90) to Billings, Mont., thence over Montana Highway 3 to junction U.S. Highway 12, thence over U.S. Highway 12 to U.S. Highway 191 at Harlowton, Mont., thence over U.S. Highway 191 to junction U.S. Highway 87 near Moore, Mont., thence over U.S. Highway 87 to Great Falls, Mont., and return over the same route, serving the intermediate points of Billings, Mont., and the plantsite of Big Horn Carpet Mills at Crow Agency, Mont. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Billings, Mont.

No. MC 531 (Sub-No. 284), filed January 10, 1973. Applicant: YOUNGER BROTHERS, INC., 4904 Griggs Road, Post Office Box 14948, Houston, TX 77021. Applicant's representative: Wray E. Hughes (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid plastics and synthetic resins*, in bulk, in tank vehicles, from Covington, Ky., to all points in the United States (except Alaska and Hawaii and Kentucky). NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at San Francisco, Calif.

No. MC 2202 (Sub-No. 437), filed February 9, 1973. Applicant: ROADWAY EXPRESS, INC., 1077 Gorge Boulevard, Post Office Box 471, Akron, OH 44309. Applicant's representative: William O. Turney, 2001 Massachusetts Avenue NW., Washington, DC 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving points in New Castle County, Del., Hunterdon County, N.J., Fairfax and Prince William Counties, Va., Baltimore, Harford, Cecil, Anne Arundel, Howard, Montgomery, Prince Georges and Carroll Counties, Md., York, Adams, Lancaster, Lebanon, Franklin, Cumberland, Perry, Berks, Schuylkill, Columbia, Northumberland, Union, Snyder, Montour, and Luzerne Counties, Pa., and Smithsburg and Thurmont, Md., as off-route points in connection with applicant's presently authorized regular-route operations. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 5227 (Sub-No. 5), filed February 9, 1973. Applicant: ECONOMY MOVERS, INC., Post Office Box 201, Mead, NE 68041. Applicant's representative: Gailyn L. Larsen, Post Office Box 80806, 521 South 14th Street, Lincoln, NE 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Metal buildings, and metal grain bins, and components and accessories and parts* thereof, from Galesburg, Ill., and Kansas City, Mo., to points in Nebraska. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Lincoln or Omaha, Nebr.

No. MC 6078 (Sub-No. 72), filed February 1, 1973. Applicant: D. F. BAST, INC., Post Office Box 2288, Allentown, PA 18001. Applicant's representative: Bert Collins, 140 Cedar Street, New York, NY 10006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Building slabs*, from points in Lehigh County, Pa., to points in the United States in and east of Minnesota, Iowa, Missouri, Arkansas, Louisiana, and Texas; and (2) *materials, supplies, and equipment* (except in bulk) from the aforementioned destination States to the aforementioned origin. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary applicant requests it be held at Philadelphia, Pa.

No. MC 8948 (Sub-No. 102), filed January 19, 1973. Applicant: WESTERN GILLETTE, INC., 2550 East 20th Street, Los Angeles, CA 90058. Applicant's representative: Christopher Ashworth, 1545 Wilshire Boulevard, Suite 606, Los Angeles, CA 90017. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving Verona, Mo., located approximately 29 miles southwest of Springfield, Mo., as an off-route point in connection with applicant's presently authorized regular-route operations between Oklahoma City, Okla., and Chicago, Ill., over U.S. Highway 66 in No. MC-8948. NOTE: If a hearing is deemed necessary, applicant requests it be held at Los Angeles, Calif., or St. Louis, Mo.

No. MC 9914 (Sub-No. 7), filed January 22, 1973. Applicant: WARREN TRUCKING CO., INC., U.S. Highway 220 South, Box 2038, Martinsville, VA 24112. Applicant's representative: Francis W. McInerny, 1000 16th Street NW., Washington, DC 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *New furniture and furniture parts*, from points in Smyth County, Va., to points in Delaware, Maryland, New Jersey, North Carolina, Pennsylvania, West Virginia, the District of Columbia, that part of Ohio on and east of a line beginning at Portsmouth, Ohio, and extending along U.S. Highway 23 to Marion, Ohio, thence along Ohio Highway 4 to Sandusky, Ohio, those in the New York, N.Y., commercial zone as defined by the Commission in 1 MCC 655, and those in Nassau County, N.Y.; and (2) *materials, equipment, and supplies* used in the manufacture, packaging, and distribution of new furniture and furniture parts, from points in the destination territory named in (1) above, to points in Smyth County, Va. NOTE: Applicant presently holds authority to transport new furniture and related materials, from Martinsville, Va., to points in Delaware, Maryland, New Jersey, North Carolina, Pennsylvania, West Virginia, the District of Columbia, eastern Ohio, and New York City-Long Island, N.Y., and return materials on return, therefore duplicating authority may be involved. Applicant further states that the requested authority cannot or will not be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Roanoke, Va.

No. MC 9997 (Sub-No. 3), filed January 29, 1973. Applicant: KEOMAH TRUCK LINES, INC., 546 Ninth Avenue East, Oskaloosa, IA 52577. Applicant's representative: Larry D. Knox, Ninth Floor, Hubbell Building, Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Animal and poultry feeds, animal and poultry feed ingredients, and animal and poultry feed concentrates*, between Oskaloosa, Iowa, and Danville, Ill. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Des Moines, Iowa, or Omaha, Nebr.

No. MC 11862 (Sub-No. 4), filed February 2, 1973. Applicant: FLOYD HILL, doing business as DELTA TRANSFER LINES, 1100 West 14th Street, Jasper, AL 35501. Applicant's representative: Alan F. Wohlstetter, 1700 K Street NW., Washington, DC 20006. Authority sought to operate as a *common carrier*, by motor

[1] Copies of Special Rule 247 (as amended) can be obtained by writing to the Secretary, Interstate Commerce Commission, Washington, D.C. 20423.

vehicle, over irregular routes, transporting: *Used household goods*, between points in Bibb, Blount, Calhoun, Cherokee, Clay, Cleburne, De Kalb, Etowah, Fayette, Jefferson, Lamar, Marion, Pickens, Randolph, St. Clair, Shelby, Talladega, Tuscaloosa, Walker, and Winston Counties, Ala. NOTE: Applicant states that the requested authority can be tacked with its existing authority at Jasper, Ala. If a hearing is deemed necessary, applicant requests it be held at Birmingham, Ala.

No. MC 16634 (Sub-No. 17), filed January 17, 1973. Applicant: STRANG TRANSPORTATION, INC., Center Street, Elmer, N.J. 08318. Applicant's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City, NJ 07306. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Prepared animal and poultry feeds*, in bulk, in compartmentized equipment of not less than three compartments, from the plantsite of Ralston Purina Co., Hampden Township (Camp Hill), Pa., to points in New Jersey, restricted to traffic originating at and destined to be above origin and named destination. NOTE: If a hearing is deemed necessary, applicant requests it be held at Philadelphia, Pa., or Washington, D.C.

No. MC 17051 (Sub-No. 11), filed January 31, 1973. Applicant: BARNET'S EXPRESS, INC., 758 Lidgerwood Avenue, Elizabeth, NJ 07202. Applicant's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City, NJ 07306. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wearing apparel, and equipment, materials, and supplies* used or useful in the manufacture and sale of wearing apparel, between Carteret, Perth Amboy, and Newark, N.J., Johnstown, and New York, N.Y., Brunswick, Ga., and Salisbury, N.C. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at New York, N.Y., or Washington, D.C.

No. MC 19227 (Sub-No. 183), filed February 2, 1973. Applicant: LEONARD BROS. TRUCKING CO., INC., 2595 Northwest 20th Street, Miami, FL 33152. Applicant's representative: J. Fred Dewhurst (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Signs, sign parts, attachments, accessories, and equipment* used in connection with or installation thereof, between points in California on the one hand, and, on the other, points in Kentucky, Missouri, Indiana, Ohio, Wisconsin, Minnesota, Iowa, and Michigan. NOTE: Common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Los Angeles, Calif., or Washington, D.C.

No. MC 19227 (Sub-No. 184), filed February 2, 1973. Applicant: LEONARD BROS. TRUCKING CO., INC., 2595 Northwest 20th Street, Miami, FL 33152. Applicant's representative: J. Fred Dewhurst (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Signs, sign parts, attachments, accessories, an equipment* used in connection with or installation thereof, between points in California on the one hand, and, on the other, points in Arkansas, Louisiana, Mississippi, Alabama, Georgia, Tennessee, North Carolina, South Carolina, Florida, Virginia, and West Virginia. NOTE: Common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Los Angeles, Calif., or Washington, D.C.

No. MC 19227 (Sub-No. 185), filed February 2, 1973. Applicant: LEONARD BROS. TRUCKING CO., INC., 2595 Northwest 20th Street, Miami, FL 33152. Applicant's representative: J. Fred Dewhurst (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Signs, sign parts, attachments, accessories, and equipment* used in connection with or installation thereof, between points in Arizona, New Mexico, Texas, Nebraska, Kansas, Oklahoma, Colorado, Nevada, Oregon, Washington, Utah, Montana, and Idaho. NOTE: Common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Los Angeles, Calif., or Washington, D.C.

No. MC 22179 (Sub-No. 15), filed January 21, 1973. Applicant: FREEMAN TRUCK LINE, INC., 416 Jackson Avenue, Post Office Box 467, Oxford, MS 38655. Applicant's representative: Louis I. Dailey, Suite 2205, Sterick Building, Memphis, Tenn. 38103. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wood particle board or composition board*, from the plantsite of Champion International Corp. at or near Oxford, Miss., to points in Alabama on and north of U.S. Highway 80, and those points in Tennessee on and west of U.S. Highway 231. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Memphis, Tenn., Jackson, Miss., or Nashville, Tenn.

No. MC 30383 (Sub-No. 13), filed January 29, 1973. Applicant: JOSEPH F. WHELAN CO., INC., 439 West 54th Street, New York, NY 10019. Applicant's representative: Herbert Burstein, One World Trade Center, New York, N.Y. 10048. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Soap products, stearic acid, vegetable stearine, glycerine, oils, cooking fats, soap, soap powder, cleaning and washing compounds, lard substitutes, toilet preparations, empty containers, kegs and drums, advertising matter and premiums and groceries* (except commodities in bulk), from Bayonne, N.J., to points in Nassau, Suffolk, Westchester, and Rockland Counties, N.Y., under contract with Procter & Gamble Manufacturing Co., and Procter & Gamble Distributing Co. NOTE: If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 30844 (Sub-No. 453), filed January 29, 1973. Applicant: KROBLIN REFRIGERATED XPRESS, INC., 2125 Commercial Street, Post Office Box 5000, Waterloo, IA 50702. Applicant's representative: Truman A. Stockton, The 1650 Grant Street Building, Denver, Colo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Glass rods and glass tubing* from Milville and Vineland, N.J., and Parkersburg, W. Va., to Syracuse, Nebr., and (2) *glassware, glass containers, caps, covers, tops, stoppers, corrugated cartons, and accessories for glassware and glass containers* from Milville, N.J., to points in Colorado, Iowa, Kansas, Minnesota, Missouri, and Nebraska. NOTE: Common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Philadelphia, Pa., or Washington, D.C.

No. MC 35045 (Sub-No. 10), filed January 16, 1973. Applicant: HORNE HEAVY HAULING, INC., 1124 De Kalb Avenue NE., Atlanta, GA 30307. Applicant's representative: E. G. Horne (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Scrap metal* (nonferrous)-*aluminum borings*, from Atlanta, Ga., to Wabash, Ind. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga., or Washington, D.C.

No. MC 44639 (Sub-No. 64), filed January 19, 1973. Applicant: L. & M. EXPRESS CO., INC., 220 Ridge Road, Lyndhurst, NJ 07071. Applicant's representative: Herman B. J. Weckstein, 60 Park Place, Newark, N.J. 07109. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wearing apparel, and materials, and supplies* used in the manufacture of wearing apparel, between Richmond, Va., on the one hand, and, on the other, Lyndhurst, N.J., and points in the New York, N.Y., commercial zone as defined by the Commission. NOTE: Applicant states that the requested authority can be tacked at New York, N.Y., with its authority in No. MC-44639 and various subs thereunder, but does not

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identify the points or territories which can be served through tacking. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or New York, N.Y.

No. MC 51146 (Sub-No. 309), filed February 2, 1973. Applicant: SCHNEIDER TRANSPORT, INC., 2661 South Broadway, Green Bay, WI 54306. Applicant's representative: Neil DuJardin (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Paper* and *paper products*, from Nicholasville, Ky., to Mobile, Ala., and points on and north of U.S. Highway 78 in Alabama; east of St. Louis, Ill.; Evansville, Ind.; Memphis, Tenn., and points in Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Delaware, Maryland, Virginia, North Carolina, South Carolina, Georgia, Florida, Mississippi, Louisiana, Arkansas, Missouri, North Dakota, South Dakota, Nebraska, Kansas, Oklahoma, Texas, New Mexico, Colorado, Wyoming, Montana, Idaho, Utah, Nevada, Arizona, California, Oregon, and Washington; and (2) *equipment, materials, and supplies* used in the manufacture or distribution of paper and paper products from the destinations named above to Nicholasville, Ky. NOTE: Applicant states that its requested authority could be tacked with various subs of MC 51146 and applicant will tack with its MC 51146 where feasible. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 51146 (Sub-No. 310), filed February 5, 1973. Applicant: SCHNEIDER TRANSPORT, INC., 2661 South Broadway, Green Bay, WI 54304. Applicant's representative: D. F. Martin, Post Office Box 2298, Green Bay, WI 54306. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Such merchandise* as is dealt in by department stores (except foodstuffs, furniture, and commodities in bulk); and (2) *foodstuffs and furniture* (except in bulk), moving in mixed loads with the commodities described in (1) above, from Georgia, North Carolina, South Carolina, Mississippi, Kentucky, Florida, Alabama, Tennessee, and Virginia, to the facilities maintained or utilized by the J. L. Hudson Co. located at Grand Rapids, Ann Arbor, Flint, Pontiac, and Detroit, Mich., and Toledo, Ohio. Restriction: Restricted to traffic originating at the origin points and destined to the above facilities. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Miami, Fla.

No. MC 52657 (Sub-No. 699), filed January 29, 1973. Applicant: ARCO AUTO CARRIERS, INC., 2140 West 79th Street, Chicago, IL 60620. Applicant's representative: S. J. Zangri, 2140 West 79th Street, Chicago, IL 60620. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Motor buses*, in driveaway and truckaway service, and *materials, supplies* (except commodities in bulk), and *parts* used in the manufacture, assembly, or servicing of buses when moving in the same load and at the same time with such buses, between Boyertown, Pa., on the one hand, and on the other, points in the United States (except Alaska and Hawaii). Restriction: Restricted to the transportation of buses which have been manufactured or assembled in Boyertown, Pa. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Philadelphia, Pa.

No. MC 55896 (Sub-No. 39), filed January 18, 1973. Applicant: R–W SERVICE SYSTEM, INC., 20225 Goddard Road, Taylor, MI 48180. Applicant's representative: Jack H. Blanshan, 29 South La Salle Street, Chicago, IL 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts and articles distributed by meat packinghouses*, as described in sections A and C of Appendix I to the report in Descriptions in Motor Carrier Certificates, 61 MCC 209 and 766 (except hides and commodities in bulk), from the plantsite and warehouse facilities of Wilson Sinclair Co., at or near Monmouth, Ill., to points in Indiana, Michigan, and Ohio, restricted to the transportation of traffic originating at the plantsite and warehouse facilities of Wilson Sinclair Co., at or near Monmouth, Ill., and destined to the above-named destinations. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 59570 (Sub-No. 37), filed February 5, 1973. Applicant: HECHT BROTHERS, INC., 2075 Lakewood Road, Toms River, NJ 08753. Applicant's representative: James C. Werner (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (a) *Limestone*, natural, ground in bulk, in dump and pneumatic trailers, from Perth Amboy, N.J., to points in Pennsylvania, Delaware, Maryland, Connecticut, New York, and Rhode Island and (2) *Asphalt filler*, in dump and pneumatic vehicles, from Pennsylvania to points in New Jersey. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Philadelphia, Pa., or Washington, D.C.

No. MC 59583 (Sub-No. 133), filed January 23, 1973. Applicant: THE MASON AND DIXON LINES INCORPORATED, Post Office Box 969, Eastman Road, Kingsport, TN 37662. Applicant's representative: A. Alvis Layne, 915 Pennsylvania Building, Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, and those which because of size or weight require the use of special equipment), serving the plantsite of Reynolds Metals Co. at Ashville, Ohio, as an off-route points in connection with applicant's authorized regular-route operations. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio, or Washington, D.C.

No. MC 61231 (Sub-No. 70), filed February 5, 1973. Applicant: ACE LINES, INC., 4143 East 43d Street, Des Moines, IA 50317. Applicant's representative: William L. Fairbank, 900 Hubbell Building, Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Building, roofing, and insulation materials* (except iron and steel and commodities in bulk) and (2) *Materials and supplies* used in the installation and distribution of the commodities named in (1) above, between the plantsites and warehouse facilities of Certain-teed Products Corp. in Scott County, Minn., on the one hand, and, on the other, points in Colorado, Illinois, Indiana, Iowa, Kansas, Kentucky, Michigan, Missouri, Montana, Nebraska, North Dakota, Ohio, South Dakota, Wisconsin, and Wyoming, restricted to traffic originating at or destined to the plantsites and warehouse facilities of Certain-teed Products Corp. in Scott County, Minn. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or St. Paul, Minn.

No. MC 61592 (Sub-No. 301), filed February 2, 1973. Applicant: JENKINS TRUCK LINE, INC., 3708 Elm Street, Bettendorf, IA 52722. Applicant's representative: Donald Smith, 900 Circle Tower Building, Indianapolis, Ind. 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those which because of size or weight require the use of special equipment), between Savannah, Ga., on the one hand, and, on the other, points in Bryan, Chatham, Evans, Effingham, Liberty, Long, McIntosh, and Tattnall Counties, Ga. NOTE: Common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga.

No. MC 64112 (Sub-No. 52), filed January 29, 1973. Applicant: NORTHEASTERN TRUCKING COMPANY, a corporation, 2508 Starita Road, Post Office Box 26276, Charlotte, NC 28213. Applicant's representative: John M. Dunn, Jr. (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fabricated sheet metal products and equipment, materials and supplies* used in the installation of sheet metal products (except commodities which because of size and weight require the use of special equipment), (1) from Philadelphia, Pa., to points in Tennessee located on and east of U.S. Highway 27, and points in Virginia; and (2) from the plantsite and warehouses of Acme Manufacturing Co. at Atlanta, Ga., to points in Alabama, Kentucky, Mississippi, and Tennessee. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Philadelphia, Pa.

No. MC 69119 (Sub-No. 149), filed February 12, 1973. Applicant: SPECTOR FREIGHT SYSTEM, INC., 205 West Wacker Drive, Chicago, IL 60606. Applicant's representative: Edward G. Bazelon, 39 South La Salle Street, Chicago, IL 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving Frankfort, Ind., as an off-route point in connection with applicant's presently authorized regular-route operations. NOTE: If a hearing is deemed necessary, applicant requests it be held at Indianapolis, Ind., or Chicago, Ill.

No. MC 74321 (Sub-No. 71), filed January 22, 1973. Applicant: B. F. WALKER, INC., 650 17th Street, Denver, CO 80202. Applicant's representative: Richard P. Kissinger (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cooling towers and fluid coolers which because of size of weight require the use of special equipment, and cooling towers, fluid coolers and parts and accessories for cooling towers and fluid coolers which do not require the use of special equipment*, when moving in the same vehicle with cooling towers and fluid coolers which because of size or weight require the use of special equipment, from the plantsite of E. D. Goodfellow Co., Inc. at Memphis, Tenn., to points in Alabama, Arkansas, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Kansas, Kentucky, Louisiana, Mississippi, Missouri, New Jersey, New York, North Carolina, Ohio, Oklahoma, Pennsylvania, South Carolina, Texas, Virginia, West Virginia, and the District of Columbia. NOTE: Applicant states that the requested authority cannot or will not be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Memphis, Tenn.

No. MC 74321 (Sub-No. 72), filed January 29, 1973. Applicant: B. F. WALKER, INC., 650 17th Street, Denver, CO 80202. Applicant's representative: Richard P. Kissinger (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Livestock*, from points in San Patricio County, Tex., to points in the United States (except Alaska and Hawaii). NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Houston, Tex.

No. MC 82079 (Sub-No. 32), filed January 29, 1973. Applicant: KELLER TRANSFER LINE, INC., 1239 Randolph Avenue SW., Grand Rapids, MI 49507. Applicant's representative: J. M. Neath, Jr., 900—1 Vandenberg Center, Grand Rapids, MI 49502. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods and foodstuffs*, from the plantsite of Anthony J. Pizza Food Products Corp. located at or near Chicago Heights, Ill., to points in Michigan, restricted to traffic originating at the named facilities and destined to the named destination points. NOTE: Common control and dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Lansing, Mich. or Chicago, Ill.

No. MC 82492 (Sub-No. 76), filed January 31, 1973. Applicant: MICHIGAN & NEBRASKA TRANSIT CO., INC., Post Office Box 2853, 2109 Olmstead Road, Kalamazoo, MI 49003. Applicant's representative: William C. Harris (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Paper and paper products*, from Coloma and Watervliet, Mich., to points in St. Louis County, Mo., and the St. Louis, Mo. commercial zone. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 87720 (Sub-No. 137), filed February 5, 1973. Applicant: BASS TRANSPORTATION CO., INC., Post Office Box 391, Flemington, NJ 08822. Applicant's representative: Bert Collins, 140 Cedar Street, New York, NY 10006. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Plasticers and polyester resin*, in bulk, from the plantsite or other facilities of Tenneco, Inc., Chestertown, Md., to points in Massachusetts, Rhode Island, Connecticut, Delaware, New York, Pennsylvania, New Jersey, Maryland, and Ohio; and (2) *materials and supplies* used in connection with the production, distribution, and sale of the above-named commodities, from the named destination points to the plantsite and other facilities of Tenneco, Inc., Chestertown, Md. Restriction: The proposed service to be performed under contract with Tenneco, Inc. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 103993 (Sub-No. 758), filed February 7, 1973. Applicant: MORGAN DRIVE-AWAY, INC., 2800 West Lexington Avenue, Elkhart, IN 46514. Applicant's representative: Paul D. Borghesani (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers designed to be drawn by passenger automobiles*, in initial movements, from points in Guernsey County, Ohio, to points in the United States (except Alaska and Hawaii). NOTE: Applicant states that the requested authority cannot or will not be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio.

No. MC 104896 (Sub-No. 44), filed February 5, 1973. Applicant: WOMELDORF, INC., Post Office Box 495, Jefferson Avenue Extension, Washington, PA 15301. Applicant's representative: James W. Patterson, 2107 The Fidelity Building, Philadelphia, Pa. 19109. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastics, plastic products and articles; articles constructed primarily of plastic, and materials, supplies and equipment* used or useful in the production, distribution, and sale of plastic, plastic products, and articles constructed primarily of plastic (except in bulk) between the facilities of Double R Enterprises in Lawrence County, Pa., on the one hand, and, on the other, points in New Jersey, New York, Pennsylvania, Ohio, Maryland, West Virginia, and Michigan. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Pittsburgh or Philadelphia, Pa., or Washington, D.C.

No. MC 105045 (Sub-No. 39), filed January 26, 1973. Applicant: R. L. JEFFRIES TRUCKING CO., INC., Post Office Box 3277, Evansville, IN 47701. Applicant's representative: Paul F. Sullivan, 711 Washington Building, 15th and New York Avenue NW., Washington, DC 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Aluminum and aluminum products* from Adrian, Mich., to points in the United States in and east of Wisconsin, Iowa, Kansas, Oklahoma, Texas, Colorado, and Nebraska, and (2) *equipment, materials and supplies* used in the manufacture and processing of aluminum and aluminum product (except commodities in bulk), from points in the destination territory described in (1) above, to Adrian, Mich. NOTE: Applicant states that the requested authority can be tacked with its existing authority but indicates that it

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has no present intention to tack and therefore does not identify the points or territories which can be served through tacking. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. Applicant further states no duplicating authority sought. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 107496 (Sub-No. 879), filed January 31, 1973. Applicant: RUAN TRANSPORT CORPORATION, Third and Keosauqua Way, Des Moines, Iowa 50309. Applicant's representatives: H. L. Fabritz, Post Office Box 855, Des Moines, IA 50304. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Petroleum products*, in bulk, from Winona, Minn. to points in Wisconsin, Minnesota, Iowa, North Dakota, and South Dakota; (2) *cement*, from Iola, Kans., to points in Missouri, Oklahoma, Nebraska, Kansas, and Arkansas; (3) *corn syrup and blends* thereof, from Minneapolis, Minn., to points in North Dakota and Wisconsin; (4) *copper chloride and aqua ammonia* from Cedar Rapids, Iowa, to Chicago, Ill., Garland, Tex., and Elyria, Ohio; (5) *sand and sand with additives*, in bulk, from points in Ogle County, Ill., to points in Iowa, Illinois, Kentucky, Indiana, Michigan, Minnesota, Missouri, Ohio, West Virginia, and Wisconsin; and (6) *molten sulfur* from Superior, Wis., to points in Minnesota. NOTE: Common control may be involved. Applicant states that the requested authority can be tacked with its existing authority but has no present intention to tack therefore it does not identify the points or territories which can be served through tacking. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill. or Des Moines, Iowa.

No. MC 107678 (Sub-No. 44), filed November 22, 1972. Applicant: HILL & HILL TRUCK LINE, INC., 14942 Talcott, Houston, TX 77015. Applicant's representative: Jay W. Elston, 800 Bank of the Southwest Building, Houston, Tex. 77002. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Forest products, lumber, lumber products, plywood, plywood products, hardboard, hardboard products, particle board, particle board products, composition board, composition board products, fiberboard, fiberboard products, poles and posts*, from points in Montana, Idaho, Oregon, and Washington, to points in Wyoming, Nebraska, Colorado, Kansas, Missouri, New Mexico, Texas, Oklahoma, Arkansas, and Louisiana. NOTE: Common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Houston, Tex.

No. MC 107678 (Sub-No. 46), filed January 3, 1973. Applicant: HILL & HILL TRUCK LINE, INC., 14942 Talcott, Houston, TX 77015. Applicant's representative: Jay W. Elston, 800 Bank of the Southwest Building, Houston, Tex. 77002. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *General commodities*, in cargo containers and/or cargo vans; and (2) *empty cargo containers and empty cargo vans*, between points in the United States including Alaska (but excluding Hawaii). NOTE: Common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Houston, Tex.

No. MC 108295 (Sub-No. 7), filed January 29, 1973. Applicant: HIGHWAY TRANSPORTATION CO., INC., 205 North Carson, St. James, MO 65559. Applicant's representative: Herman W. Huber, 101 East High Street, Jefferson City, MO 65101. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between the plant and mining sites of Meramec Mining Co., located at or near Pea Ridge, St. Clair, and Sullivan, Mo., serving St. Clair and Sullivan for the purpose of joinder in connection with applicant's regular route operations between East St. Louis, Ill.-St. Louis, Mo., and Rolla, Mo., over the following routes: (1) From St. Clair, Mo., over Missouri State Highway 47 to junction with County Route H in Washington County, Mo., thence over County Route H to junction with County Route T, thence over County Route T to junction with Missouri State Highway 185, thence over Missouri Highway 185 to junction with County Route EE, thence over County Route EE to the mining sites of Meramec Mining Co., in the vicinity of Pea Ridge, Mo., and return over the same route; (2) from St. Clair, Mo., over Missouri State Highway 47 to junction with County Route H in Washington County, Mo., thence over County Route H to junction with Missouri State Highway 185, thence over Highway 185 to junction with County Route EE, thence over County Route EE to the mining sites of Meramec Mining Co., in the vicinity of Pea Ridge, Mo., and return over the same route; (3) from Sullivan, Mo., over Missouri State Highway 185 to junction with County Route EE, thence over County Route EE to the mining sites of Meramec Mining Co., in the vicinity of Pea Ridge, Mo., and return over the same route. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Jefferson City or St. Louis, Mo.

No. MC 109564 (Sub-No. 14), filed January 22, 1973. Applicant: LYONS TRANSPORTATION LINES, INC., 138 East 26th Street, Erie, PA 16512. Applicant's representative: A. Charles Tell, 100 East Broad Street, Columbus, OH 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), (1) between Portville and Albany, N.Y., serving all intermediate points, as follows: From Portville over New York Highway 17 to junction New York Highway 7 at Binghamton, thence over New York Highway 7 to junction U.S. Highway 20 at Duanesburg, thence over U.S. Highway 20 to Albany, and return over the same route; (2) between Syracuse and Binghamton, N.Y., serving all intermediate points, as follows: From Syracuse over U.S. Highway 11 to Binghamton, and return over the same route; and (3) between Syracuse and Albany, N.Y., serving all intermediate points, as follows: (a) From Syracuse over Interstate Highway 81 to junction U.S. Highway 20 near La Fayette, thence over U.S. Highway 20 to Albany, and return over the same route; and (b) from Syracuse over New York Highway 5 to Albany, and return over the same route, restricted in (1), (2), (3)(a) and (3)(b) above to the transportation of traffic moving from, to or through points in Erie, Crawford, Mercer, and Venango Counties, Pa. NOTE: Applicant presently holds authority to provide all of the service sought herein over irregular routes and by this application seeks to convert a portion of its present irregular-route service to regular-route service. If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio.

No. MC 111401 (Sub-No. 378), filed February 5, 1973. Applicant: GROENDYKE TRANSPORT, INC., 2510 Rock Island Boulevard, Post Office Box 632, Enid, OK 73701. Applicant's representative: Alvin J. Meiklejohn, Jr., Suite 1600, Lincoln Center, 1660 Lincoln Street, Denver, CO 80203. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid animal feed ingredients and supplements* in bulk, from points in Colorado, Missouri, Nebraska, New Mexico, Oklahoma, and Texas to Leoti, Kans. NOTE: Common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Houston or Dallas, Tex.

No. MC 111812 (Sub-No. 484), filed January 28, 1973. Applicant: MIDWEST COAST TRANSPORT, INC., 900 West Delaware, Post Office Box 1233, Sioux Falls, SD 57101. Applicant's representative: David L. Lewis (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Confectionery, chocolate, and chocolate products*, from points in Derry Township, Pa.,

to points in Nebraska, Iowa, Minnesota, North Dakota, and South Dakota, restricted to the transportation of traffic originating at Derry Township, Pa. NOTE: Common control may be involved. Applicant states that the requested authority can be tacked with its existing authority in MC–111812 (Sub-No. 200), at Sioux Falls, S. Dak., to serve Salt Lake City, Utah, and points in California and Arizona; however, these tacking possibilities were granted to applicant in No. MC–111812 (Sub-No. 472), dated February 26, 1973. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 111826 (Sub-No. 3), filed January 26, 1973. Applicant: BRAM MOTOR EXPRESS, INCORPORATED, Post Office Box 95, Toronto, OH 43964. Applicant's representative: James R. Stiverson, 50 West Broad Street, Columbus, OH 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Refractories*, from the plantsite of Universal Refractory Co., at or near Wampum and Greenville, Pa., to points in Illinois, Indiana, Kentucky, Maryland, Michigan, New York, Ohio, Pennsylvania, and West Virginia. NOTE: Applicant states that the requested authority cannot be tacked or will not be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio, or Pittsburgh, Pa.

No. MC 112304 (Sub-No. 63), filed January 29, 1973. Applicant: ACE DORAN HAULING & RIGGING CO., a corporation, 1601 Blue Rock Street, Cincinnati, OH 45223. Applicant's representative: A. Charles Tell, 100 East Broad Street, Columbus, OH 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Heating, cooling, and ventilating systems, and parts and accessories therefor*, between the plantsite of American Standard, Inc., at Detroit, Mich., on the one hand, and on the other, points in the United States (except Alaska and Hawaii). NOTE: Applicant states that the requested authority can be tacked with its existing authority under MC 112304 Sub-Nos. 1, 6, and 36, but indicates that it has no intention to tack and therefore does not identify the points or territories which can be served through tacking. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Detroit, Mich.

No. MC 112854 (Sub-No. 33), filed January 29, 1973. Applicant: HOLLEBRAND TRUCKING, INC., Post Office Box 164, Ontario Center, NY 14520. Applicant's representative: S. Michael Richards, 44 North Avenue, Webster, NY 14580. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Coal*, from points in Clinton, Lycoming, and Sullivan Counties, Pa., to points in New York, and (2) *manufactured dairy products*, from La Fargeville and Arkport, N.Y., to Richmond and Norfolk, Va., Charlotte and Raleigh, N.C., Charleston and Columbia, S.C., Quincy, Jacksonville, Miami, and Tampa, Fla., and Atlanta, Statesboro, Thomasville, and Valdosta, Ga. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Syracuse, N.Y.

No. MC 113267 (Sub-No. 297), filed January 29, 1973. Applicant: CENTRAL & SOUTHERN TRUCK LINES, INC., 3385 Airways Boulevard, Suite 115, Memphis, TN 38116. Applicant's representative: Lawrence A. Fischer, 312 West Morris, Caseyville, IL 62232. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from the plantsite and facilities utilized by Banquet Foods Corp., at or near Wellston, Ohio, to points in Alabama, Arkansas, Florida, Georgia, Illinois, Iowa, Kentucky, Louisiana, Mississippi, Missouri, Minnesota, North Carolina, South Carolina, Tennessee, Texas, and Wisconsin. NOTE: Applicant states that tacking the requested authority with its existing authority is possible at points in Missouri, however, not feasible as it only involves some States requested in this application. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Memphis, Tenn., or Washington, D.C.

No. MC 113362 (Sub-No. 253), filed January 29, 1973. Applicant: ELLSWORTH FREIGHT LINES, INC., 310 East Broadway, Eagle Grove, IA 50533. Applicant's representative: Milton D. Adams, 1105½ Eighth Avenue NE., Austin, MN 55912. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs, including frozen packaged meat* (except commodities in bulk), from the plantsite storage facilities of Kold Storage, Inc., at Fort Dodge, Iowa, to points in Missouri, restricted to the transportation of traffic originating at the named plantsite storage facilities. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn., or Omaha, Nebr.

No. MC 113434 (Sub-No. 54), filed January 31, 1973. Applicant: GRA-BELL TRUCK LINE, INC., 679 Lincoln Avenue, Holland, MI 49423. Applicant's representative: Wilhemina Boersma, 1600 First Federal Building, Detroit, Mich. 48266. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Vinegar*, in bulk, in tank trucks, from Benton Harbor, Mich., to Bowling Green and Fremont, Ohio, Muscatine, Iowa, and Pittsburgh, Pa. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Pittsburgh, Pa., or Washington, D.C.

No. MC 113666 (Sub-No. 72), filed February 7, 1973. Applicant: FREEPORT TRANSPORT, INC., 1200 Butler Road, Freeport, PA 16229. Applicant's representative: Chester A. Zybult, 1522 K Street NW., Washington, DC 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages*, in containers, from Baltimore, Md.; Latrobe, Pa.; Detroit and Frankenmuth, Mich.; Cleveland and Columbus, Ohio; Newark, N.J.; Milwaukee, Wis., and Rochester, N.Y., to Akron, Cleveland, Lorain, and Ravenna, Ohio, and Butler and Tarentum, Pa. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Pittsburgh, Pa.

No. MC 113832 (Sub-No. 68), filed January 31, 1973. Applicant: SCHWERMAN TRUCKING CO., a Corporation, 611 South 28 Street, Milwaukee, WI 53246. Applicant's representative: James R. Ziperski (same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Aluminum, brass, bronze, copper, steel, nickel and nickel alloy materials and products; foundry alloys; refrigeration equipment and supplies; welding equipment and supplies; fasteners, and fittings; and supplies and materials*, used in the operation and maintenance of the office and warehouse activities of Williams & Co., Inc., restricted against the transportation of commodities in bulk, between the facilities of Williams & Co., Inc., in Pittsburg, Pa., on the one hand, and, on the other, the facilities of Williams & Co., Inc., located at or near Columbus and Cleveland, Ohio, and Buffalo, N.Y., under contract with Williams & Co., Inc. NOTE: Applicant holds common carrier authority under MC 234078 and subs thereto, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Pittsburgh, Pa.

No. MC 113908 (Sub-No. 255), filed February 2, 1973. Applicant: ERICKSON TRANSPORT CORP., 2105 East Dale Street, Springfield, MO 65804. Applicant's representative: B. B. Whitehead (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid soap*, from Denver, Colo., to Metaire-New Orleans, La. NOTE: Applicant states that the requested authority cannot or will not be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Kansas City or St. Louis, Mo., or Chicago, Ill.

No. MC 114045 (Sub-No. 377), filed January 26, 1973. Applicant: TRANS-COLD EXPRESS, INC., Post Office Box 5842, Dallas, TX 75222. Applicant's representative: J. B. Stuart (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Drugs, pharmaceuticals and chem-*

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ical products, in vehicles equipped with mechanical refrigeration, from Washington Crossing, N.J., to points in California and Texas. NOTE: Common control may be involved. Applicant states that the requested authority cannot or will not be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Philadelphia, Pa.

No. MC 114829 (Sub-No. 8), filed February 2, 1973. Applicant: GENERAL CARTAGE COMPANY, INC., Post Office Box 417, Sterling, IL 61081. Applicant's representative: Daniel C. Sullivan, 327 South La Salle Street, Chicago, IL 60604. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Doors, door accessories, door parts, and automatic door operators*, from Sterling and Rock Falls, Ill., to points in Iowa, Minnesota, Indiana, Wisconsin, and Omaha, Nebr., and (2) *materials and supplies*, from points in Iowa, Minnesota, Indiana, Wisconsin, and Omaha, Nebr., to Sterling and Rock Falls, Ill., under contract with Frantz Manufacturing Co. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 115311 (Sub-No. 145), filed February 4, 1973. Applicant: J & M TRANSPORTATION CO., INC., Post Office Box 488, Milledgeville, GA 31061. Applicant's representative: Paul M. Daniell, Post Office Box 872, Atlanta, GA 30301. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wall particle board and composition board*, from the plantsite of Champion International Corp., located at or near Oxford, Miss., to points in Alabama, Florida, Georgia, Kentucky, Tennessee, North Carolina, South Carolina, and Virginia. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga.

No. MC 115331 (Sub-No. 340), filed January 29, 1973. Applicant: TRUCK TRANSPORT, INCORPORATED, 1931 North Geyer Road, St. Louis, MO 63131. Applicant's representative: J. R. Ferris, 230 St. Clair Avenue, East St. Louis, IL 62201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Feed supplement, medicated feeding compounds; feed, animal or poultry; conditioning powders, regulators or tonics; drugs or medicines; weed killing compounds, n.o.i.; agricultural insecticide or fungicide; toilet preparations; dip, animal or poultry, n.o.i.; and bags, paper, n.o.i.*; from Clinton and Lafayette, Ind., to points in Alabama, Arkansas, Indiana, Illinois, Iowa, Kansas, Kentucky, Michigan, Mississippi, Missouri, Minnesota, Nebraska, Tennessee, Texas, and Wisconsin. NOTE: Common control may be involved. Applicant states that the requested authority can be tacked with its existing authority but indicates that it has no present intention to tack and therefore does not identify the points or territories which can be served through tacking. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo., or Indianapolis, Ind.

No. MC 115917 (Sub-No. 26), filed February 1, 1973. Applicant: UNDERWOOD & WELD COMPANY, INC., Post Office Box 247, Crossnore, NC 28616. Applicant's representative: Wilmer B. Hill, 805 McLachlen Bank Building, 666 11th Street NW., Washington, DC 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Salt, salt products, salt byproducts, and salt mixtures*, in containers or blocks; (2) *pepper*, in packages, in mixed shipments with the commodities named in (1) above; (3) *animal and poultry mineral feed mixtures*, in packages, in mixed shipments with the commodities in (1) above, and (4) *materials and supplies* used in agricultural, water treatment, food processing, wholesale grocery, and institutional supply industries (except in bulk), in mixed shipments with commodities named in (1) above, from Akron and Rittman, Ohio, and Port Huron, Mich., to points in Alabama, Florida, Georgia, Kentucky, Maryland, North Carolina, South Carolina, Tennessee, Virginia, West Virginia, Mississippi, Louisiana, and the District of Columbia. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Washington, DC.

No. MC 115924 (Sub-No. 22), filed January 31, 1973. Applicant: SUGAR TRANSPORT, INC., Post Office Box 4063, Port Wentworth, GA 31407. Applicant's representative: J. A. Kundtz, 1100 National City Bank Building, Cleveland, Ohio 44114. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Molasses*, in bulk, in tank vehicles, from Decatur and Mobile, Ala.; New Orleans, La.; and Wilmington, N.C., to Port Wentworth, Ga., under a continuing contract, or contracts, with Savannah Foods & Industries, Inc., at Savannah, Ga. NOTE: Dual operations and common control may be involved. If a hearing is deemed necessary applicant requests it be held at Washington, D.C., or Atlanta, Ga.

No. MC 115931 (Sub-No. 26), filed January 30, 1973. Applicant: BEE LINE TRANSPORTATION, INC., Box 925 Berwald Road, Baker, MT 59313. Applicant's representative: C. M. Burns (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Knocked down metal buildings and wrought iron or steel conduit and conduit fittings*, from Parkersburg, W. Va., to points in Illinois, Wisconsin, Missouri, Iowa, Minnesota, Kansas, Nebraska, South Dakota, North Dakota, Colorado, Wyoming, Montana, Utah, Idaho, Oregon, Washington, Indiana, Ohio, Michigan, Oklahoma, Nevada, and California. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 116119 (Sub-No. 25), filed February 1, 1973. Applicant: JOHN F. HARRIS, doing business as HOGAN'S TRANSFER & STORAGE CO., 1122 South Davis Avenue, Elkins, WV 26241. Applicant's representative: Steven L. Weiman, Suite 501, 1730 M Street NW, Washington, DC 20036. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Shoes, and materials and supplies* used in the manufacture and distribution of shoes, between points in West Virginia, Indiana, Maryland, Pennsylvania, Massachusetts, Texas, and New Jersey, under a continuing contract, or contracts, with Bata Shoe Co., Inc. at Elkins, W. Va. NOTE: Applicant presently holds a motor common carrier certificate in No. MC-106002 and Sub-No. 3 thereunder, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 116254 (Sub-No. 134), filed January 31, 1973. Applicant: CHEM-HAULERS, INC., Post Office Drawer M, Sheffield, AL 35660. Applicant's representative: Walter Harwood, 1822 Parkway Towers, Nashville, Tenn. 37219. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry chemicals*, in bulk, from New Johnsonville, Tenn., to points in Alabama, Arkansas, Delaware, Iowa, Michigan, New Jersey, New York, Pennsylvania, and Texas. NOTE: Applicant states that the requested authority can be tacked with its existing authority but indicates that it has no present intention to tack and therefore does not identify the points or territories which can be served through tacking. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. If a hearing is deemed necessary, applicant requests it be held at Nashville, Tenn.

No. MC 116514 (Sub-No. 31), filed February 5, 1973. Applicant: EDWARD TRUCKING, INC., Post Office Drawer 428, Hemingway, SC 29554. Applicant's representative: Edward G. Villalon, 1032 Pennsylvania Building, Washington, DC 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *synthetic fibers and synthetic fiber waste* (except commodities in bulk) between Charleston, S.C., and Jamestown, S.C.; (2) (a) *textiles, bonded fibers and bonded and nonwoven fiber products*, and (b) *equipment, materials and supplies* used in the manufacture and processing of the commodities set forth in (2)(a), above, restricted in 2 (a) and (b) against commodities in bulk, between Jamestown, S.C., on the one hand, and, on the other, points in Georgia, North Carolina, and South Carolina. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Boston, Mass.

No. MC 116763 (Sub-No. 239), filed January 29, 1973. Applicant: CARL SUBLER TRUCKING, INC., North West Street, Versailles, OH 45380. Applicant's representative: H. M. Richters (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Filters, cleaners, purifiers, parts and accessories thereto*, from Cucamonga, Calif., to points in Connecticut, Delaware, Kentucky, Maine, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, Tennessee, Vermont, Virginia, West Virginia, and the District of Columbia. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Los Angeles, Calif., or Columbus, Ohio.

No. MC 117503 (Sub-No. 4), filed January 29, 1973. Applicant: HATFIELD TRUCKING SERVICE, INC., 1625 North C Street, Sacramento, CA 95814. Applicant's representative: Eldon M. Johnson, 650 California Street, Suite 2808, San Francisco, CA 94108. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except class A and B explosives, household goods as defined by the Commission, commodities in bulk, livestock and commodities requiring refrigeration), between the Sacramento Metropolitan Airport and Sacramento, Calif., on the one hand, and, on the other, points in Alameda, Amador, Butte, Colusa, Contra Costa, El Dorado, Glenn, Lassen, Marin, Napa, Nevada, Placer, Plumas, Sacramento, San Francisco, San Joaquin, San Mateo, Santa Clara, Shasta, Sierra, Solano, Sonoma, Stanislaus, Sutter, Tehama, Yolo, and Yuba Counties, Calif., restricted to shipments having a prior or subsequent movement by air. NOTE: Applicant states that the requested authority can be tacked with its existing authority at Sacramento, Calif., and serve points in California. If a hearing is deemed necessary, applicant requests it be held at Sacramento or San Francisco, Calif.

No. MC 117565 (Sub-No. 80), filed January 22, 1973. Applicant: MOTOR SERVICE COMPANY INC., Route 3, Post Office Box 448, Coshocton, OH 43812. Applicant's representative: John R. Hafner (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trucks and truck bodies*, from Henderson, Ky., to points in the United States (excluding Alaska and Hawaii). NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Louisville, Ky.; Evansville, Ind., or Indianapolis, Ind.

No. MC 117565 (Sub-No. 81), filed January 22, 1973. Applicant: MOTOR SERVICE COMPANY INC., Route 3, Post Office, Box 448, Coshocton, OH 43812. Applicant's representative: John R. Hafner (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Moveable offices, booths, shelters and canopies, and accessories* for moveable offices, booths, shelters, and canopies, from Mount Clemens, Mich., to points in the United States (except Alaska and Hawaii). NOTE: Applicant has pending a motor contract carrier application in No. MC-135701 (Sub-No. 1), therefore dual operations may be involved. Applicant states that the requested authority cannot or will not be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Detroit, Mich., or Toledo, Ohio.

No. MC 117565 (Sub-No. 82), filed January 22, 1973. Applicant: MOTOR SERVICE COMPANY INC., Route 3, Post Office Box 448, Coshocton, OH 43812. Applicant's representative: John R. Hafner (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle over irregular routes, transporting: *Plywood, plywood paneling, wood products and accessories* used in the installation and maintenance thereof, from the plantsite and warehouse facilities of Plywood Panels Inc., at or near New Orleans and the Port of New Orleans, La., to points in Louisiana, Mississippi, Tennessee, Alabama, Georgia, and Florida. NOTE: Applicant has pending a motor contract carrier application in No. MC-135701 (Sub-No. 1), therefore dual operations may be involved. Applicant states that the requested authority cannot or will not be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at New Orleans, La.

No. MC 117765 (Sub-No. 154), filed January 23, 1973. Applicant: HAHN TRUCK LINES, INC., 5315 Northwest Fifth, Oklahoma City, OK 73107. Applicant's representative: R. E. Hagan (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Charcoal and charcoal products*, from Cotter, Ark., to points in Alabama, Colorado, Illinois, Iowa, Kansas, Louisiana, Mississippi, Missouri, Nebraska, New Mexico, Oklahoma, Tennessee, Texas, and Kentucky. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Oklahoma City, Okla.

No. MC 117815 (Sub-No. 199), filed January 29, 1973. Applicant: PULLEY FREIGHT LINES, INC., 405 Southeast 20th Street, Des Moines, IA 50317. Applicant's representative: Larry D. Knox, Ninth Floor, Hubbell Building, Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such merchandise* as is dealt in by wholesale, retail and food business houses, and in connection therewith, *equipment, materials, and supplies* used in the conduct of such business (except in bulk), between Plainfield, Ill., on the one hand, and, on the other, Benton Harbor, Kalamazoo, Portage, and St. Joseph, Mich., restricted to traffic originating or terminating at Plainfield, Ill. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr., or Chicago, Ill.

No. MC 118377 (Sub-No. 2), filed February 2, 1973. Applicant: RICHARD R. JOHNCOX, Route 104, Williamson, N.Y. 14589. Applicant's representative: Morton E. Kiel, 140 Cedar Street, New York, NY 10006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such frozen merchandise* as is dealt in by grocery and food business houses, between the facilities of Empire Freezers of Syracuse, Inc., located at or near Geddes, N.Y., on the one hand, and, on the other, points in Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Pennsylvania, Delaware, Maryland, District of Columbia, Virginia, Ohio, and West Virginia. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Syracuse, N.Y.

No. MC 119604 (Sub-No. 5), filed January 17, 1973. Applicant: SEARS TRUCK LINE, INC., Post Office Box 6016, Jasper, TX 75951. Applicant's representative: Mike Cotten, Post Office Box 1148, Austin, TX 78767. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Lumber*, between the plantsite of Snider Industries, Inc., at or near Marshall, Tex., on the one hand, and, on the other, points in Louisiana, under a continuing contract or contracts with Snider Industries, Inc. NOTE: If a hearing is deemed necessary applicant requests it be held at Dallas, Tex., Shreveport, La., or Houston, Tex.

No. MC 119669 (Sub-No. 32), filed January 22, 1973. Applicant: TEMPCO TRANSPORTATION, INC., 546 South 31A, Columbus, IN 47201. Applicant's representative: Craig B. Sherman, 29 South La Salle Street, Chicago, IL 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes transporting: *Food, food products, drugs and plastic and rubber articles*, from Sturgis, Mich., to points in Texas, Arizona, New Mexico, Oklahoma, California, Colorado, Nevada, Utah, Washington, and Oregon. NOTE: Applicant states that the requested authority

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cannot or will not be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 119777 (Sub-No. 246), filed December 4, 1972. Applicant: LIGON SPECIALIZED HAULER, INC., Post Office Box L, Madisonville, KY 42431. Applicant's representative: Louis J. Amato (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Particle board*, from the plantsite of Temple Industries, Inc., at or near Thomson, Ga., to points in the United States in and east of North Dakota, South Dakota, Nebraska, Colorado, and New Mexico. NOTE: Applicant also holds contract carrier authority under MC 126970 and subs, therefore dual operations and common control may be involved. Applicant states that it presently holds authority which could be tacked with the requested authority, but tacking is not feasible and it has no present intention to tack, and therefore does not identify the points or territories which can be served through tacking. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. If a hearing is deemed necessary, applicant requests it be held at Houston, Tex., or Atlanta, Ga.

No. MC 119789 (Sub-No. 147), filed February 2, 1973. Applicant: CARAVAN REFRIGERATED CARGO, INC., 1612 East Irving Boulevard (Post Office Box 6188), Dallas, TX 75222. Applicant's representative: James K. Newbold, Jr. (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, in packages and containers, from Perrysburg, Ohio, to points in Alabama Arkansas, California, Colorado, Kansas, Georgia, Louisiana, Mississippi, Missouri, Nevada, Oklahoma, and Texas. NOTE: Applicant states that the requested authority can be tacked at Cade or Lozes, La., with the authority it presently holds in MC-119789 (Sub-No. 13) to serve points in Arizona, Idaho, New Mexico, Oregon, Utah, and Washington; however, no tacking is presently intended. If a hearing is deemed necessary, applicant requests it be held at Toledo, Ohio, or Dallas, Tex.

No. MC 119789 (Sub-No. 148), filed February 8, 1973. Applicant: CARAVAN REFRIGERATED CARGO, INC., Post Office Box 6188, 1612 East Irving Boulevard, Dallas, TX 75222. Applicant's representative: James K. Newbold, Jr., Post Office Box 6188, Dallas, TX 75222. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Furniture and furniture parts*, from Los Angeles, Calif., to points in the United States (except Alaska and Hawaii). NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Los Angeles, Calif., or Dallas Tex.

No. MC 119988 (Sub-No. 55), filed February 5, 1973. Applicant: GREAT WESTERN TRUCKING CO., INC., Highway 103 East, Post Office Box 1384, Lufkin, TX 75901. Applicant's representative: Hugh T. Matthews, 630 Fidelity Union Tower, Dallas, Tex. 75201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Paper and paper products and plastic articles*, from the plantsite and warehouse facilities of Great Plains Bag Corp., at or near Jacksonville, Ark., to points in Arizona, Colorado, Kansas, Louisiana, Oklahoma, New Mexico, and Texas. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Dallas, Tex., or Little Rock, Ark.

No. MC 119988 (Sub-No. 56), filed February 5, 1973. Applicant: GREAT WESTERN TRUCKING CO., INC., Highway 103 East, Post Office Box 1384, Lufkin, TX 75901. Applicant's representative: Hugh T. Matthews, 630 Fidelity Union Tower, Dallas, Tex. 75201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Synthetic rubber and related products, and materials, equipment, and supplies* used in the manufacture thereof, between Kountze, Tex., on the one hand, and, on the other, points in Alabama, Arkansas (except Little Rock), Colorado, Connecticut, Georgia, (except Atlanta), Florida, Illinois (except Chicago), Indiana, Iowa, Kansas, Kentucky, Louisiana, Maryland, Massachusetts, Michigan, Mississippi, Missouri (except St. Louis), New Hampshire, New Jersey, New York, North Carolina, Ohio (except Toledo), Oklahoma, Pennsylvania, South Carolina, Tennessee (except Memphis), Virginia, West Virginia, Wisconsin, and Vermont. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Dallas, Tex.

No. MC 120530 (Sub-No. 3), filed January 17, 1973. Applicant: POLAR TRANSPORT, INC., Post Office Box 1696, 929 Wilco Boulevard, Wilson, NC 27893. Applicant's representative: W. J. Blair, Jr., 929 Wilco Boulevard, Wilson, NC 27893. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Solid refrigerated products*, from Charlotte, N.C., to points in Virginia. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Charlotte or Raleigh, N.C.

No. MC 123255 (Sub-No. 32), filed January 29, 1973. Applicant: B & L MOTOR FREIGHT, INC., 140 Everett Avenue, Newark, OH 43055. Applicant's representative: N. E. Milford (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Paper and paper products*, (1) from Monroe, Mich., to Donora, Pa., Milwaukee, Wis., and Eaton, Ind., and (2) from Eaton, Ind., to Donora, Pa. NOTE: Applicant also holds contract carrier authority under MC 81968 and subs, therefore dual operations and common control may be involved. Applicant states that the requested authority can be tacked with its existing authority in MC 123255 and subs, but does not identify the points or territories which can be served through tacking. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio.

No. MC 123255 (Sub-No. 33), filed January 29, 1973. Applicant: B & L MOTOR FREIGHT, INC., 140 Everett Avenue, Newark, OH 43055. Applicant's representative: N. E. Milford (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Ceramic foam, plastics and plastic products* (except in bulk) from the plantsites and warehouses of Dow Chemical U.S.A. located in Hamilton Township, Lawrence County, Ohio, to points in Colorado, Indiana, Michigan, Kentucky, West Virginia, Rhode Island, Connecticut, Massachusetts, Maine, New Hampshire, Vermont, that part of Pennsylvania on and west of U.S. Highway 219, and the Chicago, Ill., commercial zone, (2) *plastics and plastic products* (except in bulk) from the plantsites and warehouses of Dow Chemical U.S.A. located at Gales Ferry, Conn., to points in the United States on and east of U.S. Highway 85, (3) *plastic foam products* (except in bulk), from the plantsite and warehouses of Dow Chemical U.S.A. located at Royersford, Pa., to points in the United States on and east of U.S. Highway 85 (except points in Michigan, Illinois, Indiana, Ohio, Kentucky, Tennessee, Georgia, South Carolina, Maryland, and West Virginia), (4) *plastic foam building panels, laminated or other than laminated*, from the plantsite and warehouses of Dow Chemical U.S.A. located at Cape Girardeau, Mo., to points in the United States on and east of U.S. Highway 85, and (5) *plastic foam products* (except in bulk), from the plantsites and warehouses of Dow Chemical U.S.A. located at Carteret, N.J., Midland, Mich., Pevely, Mo., and in Columbia County, Ark., to points in the United States on and east of U.S. Highway 85. NOTE: Applicant also holds contract carrier authority under MC 81968 and subs, therefore dual operations and common control may be involved. Applicant states that the requested authority can be tacked with its existing authority in MC 123255 and subs, but does not identify the points or territories which can be served through tacking. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio.

No. MC 123407 (Sub-No. 117), filed February 2, 1973. Applicant: SAWYER TRANSPORT, INC., U.S. Highway 6, South Haven Square, Valparaiso, Ind. 46383. Applicant's representative: Robert W. Sawyer (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Roofing, siding, decking, roof drainage products, galvanized metalware, stovepipe and mobile home skirting*, from Dover, Ohio, to points in Wisconsin and Minnesota. NOTE: Applicant states that the requested authority can be tacked with its existing authority but indicates that it has no present intention to tack and therefore does not identify the points or territories which can be served through tacking. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio, or Washington, D.C.

No. MC 124025 (Sub-No. 3), filed February 2, 1973. Applicant: GLASS TRUCKING COMPANY, INC., 200 Chestnut, Newkirk, OK 74647. Applicant's representative: Marion F. Jones, 1600 Lincoln Center Building, 1660 Lincoln Street, Denver, CO 80203. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Baler wire, fencing, nails, fencepost, and reinforcing bar*, restricted against commodities which because of size or weight require the use of special equipment or special handling, from the plantsite of CF&I Steel Corp., Pueblo, Colo., to points in Oklahoma and Kansas, under contract with CF&I Steel Corp. NOTE: If a hearing is deemed necessary, applicant requests it be held at Denver, Colo.

No. MC 124174 (Sub-No. 95), filed February 1, 1973. Applicant: MOMSEN TRUCKING CO., a corporation, 2405 Hiway Boulevard, Spencer, IA 51301. Applicant's representative: Marshall D. Becker, 530 Univac Building, 7100 West Center Road, Omaha, NE 68106. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Ventilators, ventilator parts, ventilator equipment, ventilator systems and accessories* used in the installation thereof, and *materials, supplies and equipment* used in the manufacture and distribution of the aforementioned commodities, between Junction City, Ky., Keyser, W. Va., Tabor City, N.C., and Philadelphia, Pa., on the one hand, and, on the other, points in the United States on and east of a line beginning at the mouth of the Mississippi River, and extending along the Mississippi River to its junction with the western boundary of Itasca County, Minn., thence northward along the western boundaries of Itasca and Koochiching Counties, Minn., to the international boundary line between the United States and Canada. NOTE: Common control may be involved. Applicant states that the requested authority cannot or will not be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 124211 (Sub-No. 224), filed January 29, 1973. Applicant: HILT TRUCK LINE, INC., Post Office Box 988, Downtown Station, Omaha, NE 68101. Applicant's representative: Thomas L. Hilt (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Communication and entertainment products, equipment, materials and supplies, and parts and accessories*, between points in Johnston and Onslow Counties, N.C.; and Genessee and Seneca Counties, N.Y., on the one hand, and, on the other, points in the United States (except Alaska and Hawaii). NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 125129 (Sub-No. 2), filed January 26, 1973. Applicant: R. B. GREENE TRANSPORTATION, INC., Maple Street, Danielson, Conn. 06239. Applicant's representative: Thomas W. Murrett, 342 North Main Street, West Hartford, CT 06117. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Glass containers*, from Dayville (Killingly), Conn., to points in Massachusetts on and east of Interstate Highway 91, under a continuing contract with Glass Containers Corp., at Knox, Pa. NOTE: If a hearing is deemed necessary, applicant requests it be held at Hartford, Conn., or Providence, R.I.

No. MC 126539 (Sub-No. 12), filed January 31, 1973. Applicant: KATUIN BROS. INC., 102 Terminal Street, Dubuque, IA 52001. Applicant's representative: Carl E. Munson, 469 Fischer Building, Dubuque, Iowa 42001. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Liquid fertilizer, and liquid fertilizer ingredients*, from Dubuque, Iowa, to points in Illinois, Minnesota, and Wisconsin. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Des Moines, Iowa, or Chicago, Ill.

No. MC 127418 (Sub-No. 7), filed January 12, 1973. Applicant: TROP-ARCTIC REFRIGERATED SERVICE, INC., Post Office Box 1272, Gainesville, GA 30501. Applicant's representative: Archie B. Culbreth, Suite 246, 1252 West Peachtree Street NW., Atlanta, GA 30309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Carpets, carpeting, rugs, tufted textile products and yarn*, from points in Catoosa, Chattooga, Floyd, Gilmer, Gordon, Murray, Pickens, Walker, and Whitfield Counties, Ga., to points in Arizona, California, Colorado, Idaho, Kansas, Minnesota, Montana, Nebraska, Nevada, New Mexico, North Dakota, Oregon, South Dakota, Utah, Washington, and Wyoming, and (2) *jute and burlap*, from Los Angeles, Oakland, San Diego, and San Francisco, Calif., Portland, Oreg., and Seattle, Wash., to points in the Georgia counties named in (1) above. NOTE: If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga.

No. MC 127660 (Sub-No. 4), filed January 29, 1973. Applicant: KENNETH L. EBY, 10208 Southeast French Road, Vancouver, WA 98664. Applicant's representative: Jerry Woods, 620 Blue Cross Building, Portland, Oreg. 97201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Boats*, between points in Oregon and Washington on the one hand, and on the other, points in California. NOTE: Applicant states that the requested authority can be tacked with its existing authority but indicates that it has no intention to tack and therefore does not identify the points or territories which can be served through tacking. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. If a hearing is deemed necessary, applicant requests it be held at Portland, Oreg., or Seattle, Wash.

No. MC 128085 (Sub-No. 4), filed February 7, 1973. Applicant: JOHN NOVAK, an Individual, Route No. 1, Box 11, Laona, WI 54541. Applicant's representative: Nancy J. Johnson, 4506 Regent Street, Suite 100, Madison, WI 53705. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Lumber*, from points in Forest, Florence, Langlade, Oneida, Vilas, Oconto, and Menominee Counties, Wis., to points in Illinois, Michigan, Iowa, Indiana, Ohio, Minnesota, Mississippi, and Kentucky, and return shipments of *materials, equipment, and supplies*, under continuing contracts with Pine River Lumber Co., Ltd., at Long Lake, Wis., and Connor Forest Industry at Wausau, Wis. NOTE: If a hearing is deemed necessary, applicant requests it be held at Milwaukee or Madison, Wis., or Escanaba, Mich.

No. MC 128459 (Sub-No. 2), filed February 1, 1973. Applicant: ALBERT L. SMITH, 124 Kearsarge Street, Pittsburgh, PA 15211. Applicant's representative: Arthur J. Diskin, 806 Frick Building, Pittsburgh, Pa. 15219. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Business machines, copying and duplicating equipment and paper and supplies* used in the operation thereof, between the warehouse facility of A. B. Dick Co. in Columbus, Ohio, and points in Allegheny, Beaver, Butler, Fayette, Westmoreland, Washington, and Green Counties, Pa., under a continuing contract with A. B. Dick Co. NOTE: If a

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hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Pittsburgh, Pa.

No. MC 128878 (Sub-No. 27), filed January 29, 1973. Applicant: SERVICE TRUCK LINE, INC., Post Office Box 3904, Shreveport, LA 71103. Applicant's representative: Ewell Muse, Jr., 415 Perry-Brooks Building, Austin, Tex. 78701. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wood residuals* between Rilla, La., on the one hand, and, on the other, points in Alabama and Mississippi. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Shreveport or Baton Rouge, La., Jackson, Miss., or Houston, Tex.

No. MC 129660 (Sub-No. 4), filed January 21, 1973. Applicant: MALLETTE BROTHERS TRUCK LINE, INC., Route 2, Box 243, Gautier, Miss. 39553. Applicant's representative: Fred W. Johnson, Jr., 717 Deposit Guaranty Bank Building, Post Office Box 22628, Jackson, MS 39205. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber*, from points in Harrison County, Miss., to points in Mississippi, Alabama, Florida, Georgia, Tennessee, Arkansas, Louisiana, and Texas. NOTE: Applicant states that the requested authority can be tacked at Alabama and Tennessee, among others, with the authority it presently holds in No. MC 129660 (Sub-No. 2) to serve points or territories which applicant does not identify. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. If a hearing is deemed necessary, applicant requests it be held at Jackson, Miss.

No. MC 133221 (Sub-No. 17), filed January 11, 1973. Applicant: OVERLAND CO., INC., Route 1, Box 406A, Lawrenceville, GA 30245. Applicant's representative: D. D. Brunson, 419 Northwest Sixth Street, Oklahoma City, OK 73102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Carpet, carpet padding and yarn* from Bristow, Okla., to points in the United States (excluding Alaska and Hawaii). NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at either Oklahoma City, Okla.; Atlanta, Ga., or Washington, D.C.

No. MC 133570 (Sub-No. 2), filed February 15, 1973. Applicant: MELVIN A. ATKINS, JR., doing business as ATKIN'S TRUCKING, Box 27, Hamilton, IN 46742. Applicant's representative: Donald W. Smith, 900 Circle Tower, Indianapolis, Ind. 46204. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Signs*, from the plantsite of N.P.I. Division of Essex International, Inc., located at or near Lima, Ohio, to points in the United States (except Hawaii and Alaska) under contract with N.P.I. Division of Essex International, Inc. NOTE: If a hearing is deemed necessary, applicant requests it be held at Indianapolis, Ind., or Chicago, Ill.

No. MC 133630 (Sub-No. 5), filed January 22, 1973. Applicant: LEO KING, doing business as LEO KING TRUCKING SERVICE, Ashkum, Ill. 60911. Applicant's representative: Charles R. Young, 4 West Seminary Street, Danville, IL 61832. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry fertilizer*, in bag or bulk, from Ashkum, Ill. to points in Wisconsin. NOTE: Applicant states that the requested authority can be tacked with its existing authority at MC 133630 (Sub-No. 1) which authorizes transportation of dry fertilizer, from Ashkum, Ill., to points in that part of Indiana on and north of Indiana Highway 28. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. If a hearing is deemed necessary, applicant requests it be held at Springfield, Ill., or Chicago, Ill.

No. MC 133750 (Sub-No. 2), filed February 2, 1973. Applicant: WULFFS', INC., Salem, S. Dak. 57058. Applicant's representative: Patrick E. Quinn, 605 South 14th Street, Post Office Box 82028, Lincoln, NE 68501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Prefabricated concrete products*, (1) from Central City, Nebr., to points in Colorado, Kansas, Oklahoma, Iowa, Missouri, and South Dakota; (2) from Spencer, Iowa to points in Nebraska, Minnesota, and South Dakota; and (3) from Salem, S. Dak., to points in Wisconsin and the shipments in (1), (2), and (3) above restricted to traffic originating at the plant sites and storage facilities of F & W Concrete Products Co. and performed under a continuing contract, or contracts, with F & W Concrete Products Co. at Salem, S. Dak. NOTE: Applicant presently holds a motor common carrier certificate in No. MC-118589, and dual operations were authorized by the Commission in No. MC-FC-73024. If a hearing is deemed necessary, applicant requests it be held at Sioux City, Iowa, or Lincoln, Nebr.

No. MC 133775 (Sub-No. 12), filed January 15, 1973. Applicant: REEFER TRANSIT LINE, INC., 55 East Washington Street, Chicago, IL 60602. Applicant's representative: Charles W. Singer, 327 South La Salle Street, Suite 1000, Chicago, IL 60604. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs, meats, meat products, meat by-products* and *articles distributed by meat packinghouses* (except hides and commodities in bulk), from the plantsites and facilities utilized by Tony Downs Food, Inc., at Butterfield, St. James and Medelia, Minn., to points in Iowa, Nebraska, Kansas, Missouri, Ohio, Pennsylvania, New York, New Jersey, Maryland, Delaware, West Virginia, and the District of Columbia. NOTE: Common control may be involved. Applicant states that the requested authority cannot or will not be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 134365 (Sub-No. 3), filed January 29, 1973. Applicant: RUSSELL BARTLETT, doing business as RUSSELL BARTLETT TRUCKING, Post Office Box 342, LaCrosse, WA 99143. Applicant's representative: Daniel W. Baker, 405 Montgomery Street, San Francisco, CA 94104. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Prefabricated metal buildings, complete, knocked down, or in sections, prefabricated metal building parts and fixtures, and materials and supplies* used in the erection thereof, (a) from Turlock, Calif., to points in California, Nevada, Arizona, Utah, New Mexico, Texas, Colorado, Wyoming, Montana, North Dakota, South Dakota, Nebraska, Kansas, and Oklahoma, and (b) between the plants of Lear Siegler, Inc./Cuckler Division at Montecello, Iowa, and Turlock, Calif., and (2) *structural steel* from Geneva, Utah, and Pueblo, Colo., to the plant of Lear Siegler, Inc./Cuckler Division at Turlock, Calif., under contract with Lear Siegler, Inc./Cuckler Division, Turlock, Calif. NOTE: If a hearing is deemed necessary, applicant requests it be held at San Francisco, Calif.

No. MC 134405 (Sub-No. 10), filed January 29, 1973. Applicant: BACON TRANSPORT COMPANY, a corporation, Post Office Box 1134, Ardmore, OK 73401. Applicant's representative: Guy Bacon (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Roofing materials* (except composition roofing), from the plantsite of Trumbull Asphalt Co., located at or near Del City, Okla., to points in Arkansas and Missouri. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Oklahoma City, Okla.

No. MC 134599 (Sub-No. 69), filed January 29, 1973. Applicant: INTERSTATE CONTRACT CARRIER CORPORATION, Post Office Box 748, Salt Lake City, UT 84110. Applicant's representative: Richard A. Peterson, Post Office Box 80806, Lincoln, NE 68501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Crated office furniture and parts* thereof, and *related advertising sales and promotional materials*, from the plantsite and facilities of Steelcase Corp., located at or near Grand Rapids, Mich., to points in Tennessee, North Carolina, Georgia, South Carolina, Florida, Alabama, and Mississippi, under a continuing contract or contracts with Steelcase Corp. NOTE: If a hearing is deemed necessary, applicant requests it be held at Salt Lake City, Utah, or Lincoln, Nebr.

No. MC 134855 (Sub-No. 4), filed January 29, 1973. Applicant: GEORGE A. LABAGH, INC., 713 North Street, Middletown, NY 10940. Applicant's representative: Arthur J. Piken, 1 Lafrak City Plaza, Flushing, NY 11368. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Trailers, other than those designed to be drawn by passenger automobiles, containers, truck chassis, trailer chassis, trailer parts, and materials, and supplies* used in the manufacture of all of the above, in straight and mixed loads, between Berwick, Lehighton, Hughesville, and Fairless Hills, Pa., and North Bergen, N.J., on the one hand, and, on the other, points in Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Pennsylvania, Delaware, Florida, Alabama, Mississippi, Louisiana, Tennessee, Georgia, Maryland, Virginia, North Carolina, South Carolina, Kentucky, West Virginia, Ohio, Indiana, Illinois, Michigan, Wisconsin, Minnesota, Texas, Kansas, Missouri, and the District of Columbia, under a continuing contract, or contracts, with Strick Corp. of Fairless Hills, Pa. NOTE: If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 135533 (Sub-No. 3), filed January 26, 1973. Applicant: TRANSPORTES INTERNACIONALES DE BAJA CALIFORNIA, S. A., Apartado Postal 120, Mexicali, Baja California, Mexico. Applicant's representative: David P. Christianson, 825 City National Bank Building, 606 South Olive Street, Los Angeles, CA 90014. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Asphalt products*, from points in Los Angeles County, Calif., to ports of entry on the international boundary line between the United States and the Republic of Mexico at or near Calexico or San Ysidro, Calif., under a continuing contract, or contracts, with Petroleos Mexicanos at Mexico. NOTE: If a hearing is deemed necessary, applicant requests it be held at Los Angeles or San Francisco, Calif.

No. MC 135561 (Sub-No. 1), filed January 29, 1973. Applicant: N. E. FINCH CO., a corporation, 1120 West Camp Street, East Peoria, IL 61611. Applicant's representative: Robert T. Lawley, 300 Reisch Building, Springfield, Ill. 62701. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Newsprint and groundwood paper*, from Peoria, Ill., to points in Illinois, restricted to the transportation of traffic having a prior out-of-state movement by water or rail. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., St. Louis, Mo., or Springfield, Ill.

No. MC 135691 (Sub-No. 7), filed January 24, 1973. Applicant: DALLAS CARRIERS CORP., 7621 Inwood Road, Dallas, TX 75209. Applicant's representative: E. Stephen Heisley, 805 McLachlen Bank Building, 666 11th Street NW., Washington, DC 20001. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, dairy products, articles distributed by meat packinghouses, and such commodities* as are used by or dealt in by meat packers and food distributors in the conduct of their business (except commodities in bulk, in tank vehicles and hides), between points in New Mexico, Colorado, Texas, Oklahoma, Louisiana, Arkansas, Kentucky, Tennessee, Alabama, Mississippi, Florida, Georgia, North Carolina, South Carolina, Virginia, and West Virginia, on the one hand, and, on the other, points in California, Oregon, Colorado, Washington, Utah, Arizona, New Mexico, Wyoming, Montana, Nevada, and Idaho, under continuing contracts with Trinity Valley Foods, Inc., and U.S. Pet Food Supply Co., both at Dallas, Tex. NOTE: If a hearing is deemed necessary, applicant requests it be held at Dallas, Tex.

No. MC 135696 (Sub-No. 1), filed January 29, 1973. Applicant: LAKE PORT TRUCKING AND LEASING INC., Martin-Williston Road, Genoa, Ohio 43430. Applicant's representative: A. Charles Tell, 100 East Broad Street, Columbus, OH 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Feed and feed ingredients*, from North Baltimore, Ohio, to points in Michigan, Indiana, Kentucky, Pennsylvania, West Virginia, and New York. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio.

No. MC 136496 (Sub-No. 1), filed December 29, 1972. Applicant: ALLEN F. SEESHOLTZ, Rural Delivery No. 2, Berwick, Pa. 18603. Applicant's representative: John M. Musselman, Post Office Box 1146, 410 North Third Street, Harrisburg, PA 17108. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Fiberglass screening*, from points in Los Angeles County, Calif., to the plantsite of New York Wire Co. located at or near Chicago, Ill., and Elizabethville and York, Pa., under contract with Oxford Mills, Division of New York Wire Co. NOTE: If a hearing is deemed necessary, applicant requests it be held at Harrisburg, Pa., or Washington, D.C.

No. MC 136754 (Sub-No. 1), filed January 8, 1973. Applicant: CAL-EAST CARRIERS, INC., 2332 South Peck Road, Whittier, CA 90601. Applicant's representative: Ernest D. Salm, 8179 Havasu Circle, Buena Park, CA 90621. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Components and materials* used in the manufacture and production of motor vehicle parts, from ports of entry on the international boundary line between the United States and Canada located at points in New York and Macomb, Monroe, and Wayne Counties, Mich., to the plantsites and places of business of Watts Manufacturing Corp. at points in Los Angeles County, Calif., under a continuing contract, or contracts, with Watts Manufacturing Corp. at Lynwood, Calif. NOTE: If a hearing is deemed necessary, applicant requests it be held at Los Angeles, Calif.

No. MC 136903 (Sub-No. 4), filed February 5, 1973. Applicant: INTERMODAL TRANSPORT, INC., Post Office Box 19022, Louisville, KY 40219. Applicant's representative: W. F. Hart (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities, in bulk*, from points in Newton County, Ga., to points in Alabama, Arkansas, Florida, Georgia, Illinois, Indiana, Kentucky, Louisiana, Mississippi, Missouri, North Carolina, Ohio, South Carolina, Tennessee, Virginia, and West Virginia. NOTE: If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga., or Louisville, Ky.

No. MC 136903 (Sub-No. 5), filed February 12, 1973. Applicant: INTERMODAL TRANSPORT, INC., Post Office Box 19022, Louisville, KY 40219. Applicant's representative: W. F. Hart (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities, in bulk*, from the sites of Bulk Distribution Centers, Inc., located in Campbell and Kenton Counties, Ky., and Hamilton County, Ohio, to points in Illinois, Indiana, Kentucky, Michigan, North Carolina, Ohio, Pennsylvania, Tennessee, Virginia, and West Virginia. Restricted to shipments having a prior movement by rail. NOTE: If a hearing is deemed necessary, applicant requests it be held at Louisville, Ky., or Cincinnati, Ohio.

No. MC 136994 (Sub-No. 1), filed January 29, 1973. Applicant: EDWIN BOOTH, JR., Post Office Box 275, Eagles Mere, PA 17731. Applicant's representative: Kenneth R. Davis, 999 Union Street, Taylor, PA 18517. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Coal*, from points in Sullivan County, Pa., to points in New York. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Harrisburg, Pa.

No. MC 136944 (Sub-No. 4), filed February 2, 1973. Applicant: STANLEY E. MARSH, R.F.D. 3, Mount Vernon, Mo. 65712. Applicant's representative: Turner White, 805 Woodruff Building, Springfield, Mo. 65805. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transport-

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ing: *Alcoholic beverages*, except in bulk, from Allen Park, Mich., and Chicago, Ill., to Oklahoma City, Okla., under a continuing contract with Peter S. Caporal, doing business as C & C Wholesale Liquor Co. at Oklahoma City, Okla. NOTE: If a hearing is deemed necessary, applicant requests it be held at Oklahoma City or Tulsa, Okla.

No. MC 138083 (Sub-No. 1), filed February 4, 1973. Applicant: ABBOT MOVING & STORAGE, INC., 2136 Northwest 24th Avenue, Miami, FL 33152. Applicant's representative: Alan F. Wohlstetter, 1700 K Street NW., Washington, DC 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used household goods*, as defined by the Commission, restricted to the transportation of traffic having a prior or subsequent movement, in containers, and further restricted to the performance of pickup and delivery service in connection with packing, crating, and containerization or unpacking, uncrating, and decontainerization of such traffic, between points in Florida. NOTE: If a hearing is deemed necessary, applicant requests it be held at Miami, Fla.

No. MC 138107, filed October 2, 1972. Applicant: NEWS EXPRESS, INC., 417½ Northwest Sixth, Oklahoma City, OK 73102. Applicant's representative: D. D. Brunson, 419 Northwest Sixth, Oklahoma City, OK 73102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (A) *Malt beverages, premiums, prizes, displays, advertising matter and materials, and "exempt commodities"* in mixed shipments, (1) from points in Texas, to Wichita and Hutchinson, Kans., Springfield and Joplin, Mo., Bristow and Anadarko, Okla., and points in Nebraska; and (2) from points in Shelby County, Tenn., and Jefferson County, Ky., to points in Oklahoma, Texas, Kansas, Nebraska, Missouri, and Louisiana; and (B) *Paper, paper products, newsprint and groundwood products*, in rolls, *packages, premiums, prizes, displays, and advertising materials, and "exempt commodities"* in mixed shipments, (1) from points in Oklahoma, to points in Missouri, Texas, Kansas, Colorado, New Mexico, Arizona, and California; and (2) from Baton Rouge, La., to points in Louisiana and Texas. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Oklahoma City, Okla., Dallas, Tex., or Memphis, Tenn.

No. MC 138178 (Sub-No. 2), filed January 22, 1973. Applicant: HEFLIN INDUSTRIES, INC., 1111 West Maricopa Freeway, Phoenix, AR 85007. Applicant's representative: A. Michael Bernstein, 1327 United Bank Building, Phoenix, Ariz. 85012. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Perishable and semiperishable commodities*, from Medford, Oreg., to points in the United States (except Alaska and Hawaii). NOTE: If a hearing is deemed necessary, applicant requests it be held at Phoenix, Ariz., or Medford, Oreg.

No. MC 138311, filed December 7, 1972. Applicant: ROAP TRANSPORT, INC., 7009 Rivercrest Drive, Anderson, CA 96007. Applicant's representative: J. M. Wells, Jr., Post Office Box 1846, 1626 Court Street, Redding, CA 96001. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Corrugated pipe*, between points in Shasta County, Calif., and points in Oregon and Nevada; and (2) *lumber*, between points in Shasta County, Calif., and points in Oregon and Salt Lake and Weber Counties, Utah, under continuing contracts with (a) Redding Steel and Supply, (b) Wisconsin-California Forest Products, (c) McKean Lumber Co., (d) Redding Pine Industries, of Redding, Calif., and (e) Forest Products Sales of Murray, Utah. NOTE: If a hearing is deemed necessary, applicant requests it be held at Redding, Sacramento, or San Francisco, Calif.

No. MC 128355 (Sub-No. 2), filed January 29, 1973. Applicant: WILLIE F. THORNE, doing business as THORNE, Route No. 3, Box 312, Medicine Lodge, KS 67104. Applicant's representative: Clyde N. Christey, 641 Harrison Street, Topeka, KS 66603. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (a) *Livestock watering tanks*, from Grinnell, Iowa, to Kiowa, Kans., (b) *fencing materials*, from Kansas City, Mo., to Kiowa, Kans., (c) *fence posts*, from Tulsa, Okla., and Kansas City, Mo., to Kiowa, Kans., (d) *baler wire*, from Pueblo, Colo., and Kansas City, Mo., to Kiowa, Kans., (e) *high lift bumper jacks*, from Bloomfield, Ind., to Kiowa, Kans., (f) *steel wire mesh*, from Kansas City, Mo., to Kiowa, Kans., (g) *steel gates*, from Shenandoah, Iowa, to Kiowa, Kans., (h) *tires* from Oklahoma City, Okla., Cincinnati and Dayton, Ohio, to Kiowa, Kans., (i) *tractor duals*, from Goodfield, Ill., to Kiowa, Kans., (j) *tractor rims and wheels*, from Oklahoma City, Okla., to Kiowa, Kans., (k) *electric fence posts and accessories*, from Chicago, Ill., and Nebraska City, Nebr., to Kiowa, Kans., (l) *antifreeze*, from Kansas City, Mo., Omaha, Nebr., and Oklahoma City, Okla., to Kiowa, Kans., (m) *livestock watering tanks, fencing materials, fence posts, baler wire, high lift bumper jacks, steel wire mesh, steel gates, tires, tractor duals, tractor rims and wheels, electric fence posts and accessories and antifreeze*, from Kiowa, Kans., to points in Oklahoma, Colorado, Texas, Arkansas, Missouri, Nebraska, and New Mexico, (n) *steel plates and bars*, from Longview, Tex., to Kiowa, Kans., and (o) *road grader blades*, in stock lengths, from Pueblo, Colo., to Kiowa, Kans., under contract with The Tucker Co., and Tucker Manufacturing Co., Inc. NOTE: If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo.

No. MC 138362, filed January 2, 1973. Applicant: WARREN TRANSPORTATION, INC., Raymond Road, Chester, N.H. 03036. Applicant's representative: Kurt M. Swenson, 875 Elm Street, Manchester, NH 03101. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Milk, cream, milk byproducts* (including cheese, buttermilk, yogurt, sour cream, butter, and whipped cream), *margarine, bacon, orange juice, fruit drinks, eggs, bread, carbonated beverages*, and *soap powder*, between points in the Boston, Mass., commercial zone as defined by the Commission and Manchester and Portsmouth, N.H., under a continuing contract with H. P. Hood, Inc., at Charlestown, Mass. NOTE: If a hearing is deemed necessary, applicant requests it be held at Boston, Mass., or Manchester or Concord, N.H.

No. MC 138378, filed February 15, 1973. Applicant: DALE'S ENTERPRISES, INC., doing business as SOUTHWEST MOBILE HOMES, Highway 67W, Route 6, Box 29A, Texarkana, TX 75501. Applicant's representative: Austin L. Hatchell, 1102 Perry Brooks Building, Austin, TX 78701. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Mobile homes, and materials and supplies* incidental thereto, in secondary movements only, between points in Bowie, Cass, Morris, Camp, Titus, Franklin, and Red River Counties, Tex.; Bienville, Bossier, Caddo, De Soto, Lincoln, Natchitoches, Red River, Sabine, Webster, Winn, and Claiborne Parishes, La.; Atoka, Bryan, Carter, Choctaw, Coal, Johnson, Love, McCurtain, Marshall, Murray, and Pushmataha Counties, Okla.; and points in Miller, Lafayette, Hempstead, and Little River Counties, Ark., on the one hand, and, on the other points in Arkansas, Louisiana, Mississippi, Oklahoma, and Texas. NOTE: If a hearing is deemed necessary, applicant requests it be held at Texarkana, Tex., or Dallas, Tex.

No. MC 138400, filed January 22, 1973. Applicant: CLARENCE CLARK, 4038 Cabot, Detroit, MI 48210. Applicant's representative: William B. Elmer, 21635 East Nine Mile Road, St. Clair Shores, MI 48080. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Ferro alloys* including silicon carbide, ferro manganese, flourspar and ferro silicon from Dearborn, Mich., to points in Illinois, Indiana, Ohio, and that part of Pennsylvania located on and west of the following highways as described herein: beginning at the New York-Pennsylvania boundary line at or near Lawrenceville, thence southerly via U.S. Highway 15 to Williamsport, Pa., thence southerly and westerly via U.S. Highway 220 to the Pennsylvania-Maryland boundary line; and (2) *materials and supplies* used in the manufacture of the commodities described in (1) above, from the destination points named in (1) to Dearborn, Mich., under contract with Mercier Corp. of Dearborn, Mich. NOTE: If a hearing is deemed necessary, applicant requests it be held at Detroit or Lansing, Mich.

No. MC 138403, filed January 8, 1973. Applicant: CONSOLIDATED EXPRESS, INC., 1800 Surekote Road, Post Office Box 3086, New Orleans, LA 70117. Applicant's representative: Frank D. Hall, Suite 713, 3384 Peachtree Road NE., Atlanta, GA 30326. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Cleaning compounds, waxes, polishes, brushes, handles, gift items, cosmetics, and premiums* and (2) *merchandise, equipment, and supplies* sold, used, or distributed by a manufacturer of home products, from New Orleans, La., to points in Louisiana and points in Mississippi on and south of Interstate Highway 20 and U.S. Highway 80. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or New Orleans, La.

No. MC 138404, filed January 29, 1973. Applicant: DALE FOWLER AND MERLE THRAPP, a partnership doing business as D & M TRANSPORT, Sprague, Iowa 52074. Applicant's representative: Robert E. Konchar, 315 Commerce Exchange Building, Post Office Box 1943, Cedar Rapids, IA 52406. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Building material, buildings in sections, building panels, mechanical operated partitions and components, parts and material* utilized in assembling buildings, and sections, from Dyersville, Iowa, and New Castle, Ind., to points in the United States (except Alaska and Hawaii), under contract with Modernfold Industries, Coil-Wal Division. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No MC 138412, filed January 8, 1973. Applicant: MAR-CHELLE, INC., No. 6 Mintert Manor, St. Louis, Mo. 63135. Applicant's representative: B. W. LaTourette, Jr., 611 Olive Street, Suite 1850, St. Louis, MO 63101. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Furniture*, uncrated, *household appliances, kitchen equipment, electrical appliances, equipment and parts* as described in Descriptions in Motor Carrier Certificates, 61 MCC 209, between points in St. Louis and St. Louis County, Mo. and points in St. Clair, Monroe, Randolph, Washington, Clinton, Madison, Bond, Montgomery, Maconpin, Greene, Jersey, and Calhoun Counties, Ill., under contract with Rothman's Furniture, Independent Merchants, Phillips Furniture, M. C. Distributing Co. NOTE: If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo.; Springfield, Ill.; or Jefferson City, Mo.

No. MC 138419, filed February 7, 1973. Applicant: SELECT VAN AND STORAGE CO., INC., 2930 South 26th Street, Omaha, NE 68105. Applicant's representative: Paul F. Sullivan, 711 Washington Building, Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods as defined by the Commission*, restricted to the transportation of traffic having a prior or subsequent movement in containers beyond the points authorized, and further restricted to the performance of pick-up and delivery service in connection with packing, crating, and containerization or unpacking, uncrating, and decontainerization of such traffic, between points in Nebraska in and east of Webster, Adams, Hall, Merrick, Nance, Booone, Madison, Wayne, Thurston, and Dakota Counties, Nebr., and those points in Iowa in and west of Page, Montgomery, Cass, Shelby, Crawford, and Woodbury Counties, Iowa. NOTE: If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr., or Washington, D.C.

No. MC 138422 filed January 29, 1973. Applicant: MACY MOVERS, INC., 2865 Seventh Street, Berkeley, CA 94710. Applicant's representative: Daniel W. Baker, 405 Montgomery Street, San Francisco, CA 94104. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used household goods*, restricted to the transportation of traffic having a prior or subsequent movement, in containers, beyond the points authorized, and further restricted to the performance of pickup and delivery service in connection with packing, crating, and containerization or unpacking, uncrating, and decontainerization of such traffic, between points in Sacramento, Yolo, Solano, Napa, Sonoma, Stanislaus, San Joaquin, Contra Costa, Alameda, San Francisco, San Mateo, Santa Clara, Santa Cruz, Marin, and Merced Counties, Calif. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at San Francisco, Calif.

No. MC 138423 filed January 30, 1973. Applicant: MacDOUGALL & SON TRANSPORT LIMITED, Post Office Box 65, Erin, ON Canada. Applicant's representative: S. Harrison Kahn, Suite 733, Investment Building, Washington, D.C. 20005. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Hot-rolled wire rod, industrial wire, welded wire, reinforcing mesh, cold drawn bars, chain link fence, farm fence, and hot-rolled bars*, between ports of entry on the international boundary line between the United States and Canada located at points in Michigan and New York, on the one hand, and, on the other, points in New York, Pennsylvania, Ohio, Michigan, Indiana, and Illinois, restricted to foreign commerce originating at or destined to the plant, warehouse and facilities of Lundy Steel Ltd. and its Division, Erin Steel & Wire Co. at Erin and Dunville, Ontario, Canada, under continuing contracts with Lundy Steel Ltd. and Erin Steel & Wire Co. at Erin, Ontario, Canada. NOTE: If a hearing is deemed necessary, applicant requests it be held at Buffalo, N.Y.

No. MC 138427, filed February 5, 1973. Applicant: JACK WHITLOCK'S, INC., 1301 Little Avenue, Columbus, OH 43215. Applicant's representative: Ted L. Earl, 21 East State Street, Columbus, OH 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Disabled motor vehicles* between points in Franklin County, Ohio, on the one hand, and, on the other, points in Alabama, Connecticut, Delaware, District of Columbia, Florida, Georgia, Illinois, Indiana, Kentucky, Maine, Maryland, Massachusetts, Michigan, Mississippi, Missouri, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, West Virginia, and Wisconsin. NOTE: If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio.

MOTOR CARRIERS OF PASSENGER

No. MC 50862 (Sub-No. 6), filed February 5, 1973. Applicant: WHITE CIRCLE LINE, INCORPORATED, 26 Brainard Road, Enfield, CT 06030. Applicant's representative: David M. Marshall, 135 State Street, Suite 200, Springfield, MA 01103. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage* in charter and special operations, beginning and ending at Holyoke, Chicopee, and Westfield, Mass., and extending to points in the United States (including Alaska but excluding Hawaii). NOTE: This instant applicant is accompanied by a motion to dismiss. If a hearing is deemed necessary, applicant requests it be held at Hartford, Conn., or Boston, Mass.

No. MC 112422 (Sub-No. 6), filed February 5, 1973. Applicant: SAM VAN GALDER, INC., 74 Harmony Drive, Janesville, WI 53545. Applicant's representative: Nancy J. Johnson, 4506 Regent Street, Suite 100, Madison, WI 53705. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in round trip, charter operations, beginning and ending at points in Rock County, Wis., and extending to points in the United States (including Alaska, but excluding Hawaii). NOTE: If a hearing is deemed necessary, applicant requests it be held at Madison or Milwaukee, Wis.

No. MC 127669 (Sub-No. 5), filed February 2, 1973. Applicant: CHERRY HILL TRANSIT, a corporation, 109 Brick Road, Cherry Hill, NJ 08003. Applicant's representative: Raymond A. Thistle, Jr., Suite 1012, Four Penn Center Plaza, Philadelphia, PA 19103. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage in the same vehicle with passengers*, between Cherry Hill Mall, Cherry Hill,

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Moorestown Township, Mount Laurel Township, and points in Burlington and Camden Counties, N.J., on the one hand, and, on the other, New York, N.Y., serving all intermediate points between Cherry Hill Mall and Mount Laurel Township: (1) From Cherry Hill Mall over New Jersey Highway 38 to intersection Lenola Road, thence over Lenola Road to intersection New Jersey Highway 73, thence over New Jersey Highway 73 to Exit 4 of the New Jersey Turnpike, thence over the New Jersey Turnpike to Exit 16, thence over Interstate Highway 495 to the Lincoln Tunnel, thence through the Lincoln Tunnel to New York, N.Y., and return over the same route; and (2) *Alternate Route:* From Cherry Hill Mall over New Jersey Highway 38 to intersection New Jersey Highway 73, thence over New Jersey Highway 73 to Exit 4 of the New Jersey Turnpike, thence over the New Jersey Turnpike to Exit 16, thence over Interstate Highway 495 to the Lincoln Tunnel, thence through the Lincoln Tunnel to New York, N.Y., and return over the same route. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Philadelphia, Pa.

No. MC 138428, filed February 5, 1973. Applicant: BRONXVILLE TRANSIT CORP., 789 Nepperhan Avenue, Yonkers, NY 10703. Applicant's representative: Sidney J. Leshin, 501 Madison Avenue, New York, NY 10022. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and personnel attending Camp Hillard*, between points in New Jersey, on the one hand, and, on the other, Camp Hillard at Hartsdale, N.Y., between June 15th and September 5, and under a continuing contract with Camp Hillard, at Hartsdale, N.Y. NOTE: If a hearing is deemed necessary, applicant requests it be held at White Plains, or New York, N.Y.

WATER CARRIER APPLICATION

No. W-1189 (Sub-No. 28) (BULK FOOD CARRIERS, INC., extension wood chips), filed February 28, 1973. Applicant: BULK FOOD CARRIERS, INC., 425 California Street, San Francisco, CA 94104. Applicant's representative: J. Raymond Clark, Suite 6000, 1250 Connecticut Avenue NW., Washington, DC 20036. By application filed February 28, 1973, applicant seeks to operate as a *contract carrier* by water, in interstate or foreign commerce, by self-propelled vessels and non-self-propelled vessels with the use of a separate towing vessel, in the transportation of *wood chips*, in bulk, between Longview, Wash.; Sacramento, Eureka, and Samoa, Calif.; and Portland and Coos Bay, Oreg., on the one hand, and, on the other, Mobile, Ala.; Georgetown, S.C.; Panama City, Fla.; and Natchez and Vicksburg, Miss.

APPLICATIONS IN WHICH HANDLING WITHOUT ORAL HEARING HAS BEEN REQUESTED

No. MC 107515 (Sub-No. 836), filed February 7, 1973. Applicant: REFRIGERATED TRANSPORT CO., INC., Post Office Box 308, Forest Park, GA 30050. Applicant's representative: Paul M. Daniell, Post Office Box 872, Atlanta, GA 30301. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid plastics* and *liquid chemicals*, in containers, in vehicles, equipped with mechanical refrigeration, from the plantsite of Cook Paint & Varnish Co., located at or near North Kansas City, Mo., to points in Florida. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Common control and dual operations may be involved.

No. MC 136664 (Sub-No. 1), filed January 29, 1973. Applicant: NORTH AMERICA MOVERS OF N.C. INC., 16 Piney Park Road, Asheville, NC 28806. Applicant's representative: Howard E. Frazier (same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Telephone equipment, material and supplies, including tools used in the construction and maintenance of telephone systems and communications*, between Asheville, N.C., and points in Buncombe, Haywood, Henderson, Madison, Transylvania, Jackson, Cherokee, Clay, Macon, Graham, and Swain Counties, N.C., under contract with Western Electric Co., Inc.

No. MC 136800 (Sub-No. 1), filed February 5, 1973. Applicant JERRY O. CAPES, WINFORD EUGENE BATES, DR. JOHNNY L. CAPES, AND LARRY A. WAGNER, a partnership, doing business as ABC MOVING & STORAGE CO., 9163 Hazelbrand Road, Post Office Box 914, Covington, GA 30209. Applicant's representative: Jerry O. Capes (same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Telephone equipment, materials, and supplies* used in the installation, maintenance and repair of such equipment, between Covington, Ga., and points in Rockdale, Newton, Walton, Morgan, and Putnam Counties, Ga., under contract with Western Electric Co., Inc., Atlanta, Ga.

MOTOR CARRIERS OF PASSENGERS

No. MC 8500 (Sub-No. 12), filed January 31, 1973. Applicant: TENNESSEE TRAILWAYS, INC., 417 West Fifth Street, Charlotte, NC 28201. Applicant's representative: James E. Wilson, 1032 Pennsylvania Avenue and 13th Street NW., Washington, DC 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in special operations in round-trip sightseeing or pleasure tours, beginning and ending at points in Bartow, Catoosa, Gordon, Murray, Walker, and Whitfield Counties, Ga., and extending to points in the United States (including Alaska but excluding Hawaii). NOTE: Common control may be involved.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.73-4915 Filed 3-14-73;8:45 am]

[Rev. S.O. 994; ICC Order 70; Amdt. 4]

WELLSVILLE, ADDISON & GALETON RAILROAD CORP.

Rerouting or Diversion of Traffic

Upon further consideration of ICC Order No. 70 (Wellsville, Addison & Galeton Railroad Corp.) and good cause appearing therefor:

It is ordered, That:

ICC Order No. 70 be, and it is hereby, amended by substituting the following paragraph (g) for paragraph (g) thereof:

(g) *Expiration date.* This order shall expire at 11:59 p.m., May 15, 1973, unless otherwise modified, changed, or suspended.

It is further ordered, That this amendment shall become effective at 11:59 p.m., March 15, 1973, and that this amendment shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and car hire agreement under the terms of that agreement, and upon the American Short Line Railroad Association; and that it be filed with the Director, Office of the Federal Register.

Issued at Washington, D.C., March 8, 1973.

INTERSTATE COMMERCE COMMISSION,
[SEAL] R. D. PFAHLER, *Agent.*

[FR Doc.73-5044 Filed 3-14-73;8:45 am]

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federal register

THURSDAY, MARCH 15, 1973
WASHINGTON, D.C.
Volume 38 ■ Number 50

PART II

DEPARTMENT OF THE TREASURY

Fiscal Service, Bureau of the Public Debt

■

GENERAL REGULATIONS GOVERNING

UNITED STATES SECURITIES

Dept. Circular No. 300, 4th Rev.

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Title 31—Money and Finance: Treasury

CHAPTER II—FISCAL SERVICE, DEPARTMENT OF THE TREASURY

SUBCHAPTER B—BUREAU OF THE PUBLIC DEBT

PART 306—GENERAL REGULATIONS GOVERNING U.S. SECURITIES

The regulations in 31 CFR Part 306 have been revised and amended for the purpose of facilitating the functioning of transactions in marketable U.S. securities.

Notice and public procedures are unnecessary and are dispensed with as the revision is largely declaratory of the revisions and amendments heretofore published in the FEDERAL REGISTER and fiscal policy of the United States is involved. The changes were effected under authority of R.S. 3706; 40 Stat. 288, 502, 844, 1309; 42 Stat. 321; 46 Stat. 20; 48 Stat. 343; 49 Stat. 20; 50 Stat. 481; 52 Stat. 447; 53 Stat. 1359; 56 Stat. 189; 73 Stat. 622; and 85 Stat. 5, 74 (31 U.S.C. 738a, 739, 752, 752a, 753, 754, 754a, and 754b); 5 U.S.C. 301.

Dated: March 9, 1973.

[SEAL] JOHN K. CARLOCK,
Fiscal Assistant Secretary.

Department of the Treasury Circular No. 300, Third Revision, dated December 23, 1964 (31 CFR Part 306), as amended, is hereby further amended and issued as the Fourth Revision.

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AUTHORITY: R.S. 3706; 40 Stat. 288, 502, 844, 1309; 42 Stat. 321; 46 Stat. 20; 48 Stat. 343; 49 Stat. 20; 50 Stat. 481; 52 Stat. 477; 53 Stat. 1359; 56 Stat. 189; 73 Stat. 622; and 85 Stat. 5, 74 (31 U.S.C. 738a, 739, 752, 752a, 753, 754, 754a, and 754b); 5 U.S.C. 301.

Subpart A—General Information

§ 306.0 Applicability of regulations.

These regulations apply to all U.S. transferable and nontransferable securities,[1] other than U.S. Savings Bonds and U.S. Savings Notes, to the extent specified in these regulations, the offering circulars or special regulations governing such securities.

§ 306.1 Official agencies.

(a) *Subscriptions—tenders—bids.* Securities subject to these regulations are issued from time to time pursuant to public offerings by the Secretary of the Treasury, through the Federal Reserve banks, fiscal agents of the United States, and the Treasurer of the United States. Only the Federal Reserve banks and branches and the Department of the Treasury are authorized to act as official agencies, and subscriptions or tenders for Treasury securities, and bids, to the extent provided in the regulations governing the sale of Treasury securities through competitive bidding, may be made direct to them. However, tenders for Treasury bills are not received at the Department.

(b) *Transactions after issue.* The Bureau of the Public Debt of the Department of the Treasury is charged with matters relating to transactions in securities. Correspondence concerning transactions in securities and requests for appropriate forms may be addressed to (1) the Federal Reserve bank or branch of the district in which the correspondent is located, or (2) the Bureau of the Public Debt, Division of Securities Operations, Washington, D.C. 20226, or (3) the Office of the Treasurer of the United States, Securities Division, Washington, D.C. 20222, except where specific instructions are otherwise given in these regulations. The addresses of the Federal Reserve banks and branches are:

Federal Reserve Bank of Boston, Boston, Mass. 02106.
Federal Reserve Bank of New York, New York, N.Y. 10045.
  Buffalo Branch, Buffalo, N.Y. 14240.
Federal Reserve Bank of Philadelphia, Philadelphia, Pa. 19101.
Federal Reserve Bank of Cleveland, Cleveland, Ohio 44101.
  Cincinnati Branch, Cincinnati, Ohio 45201.
  Pittsburgh Branch, Pittsburgh, Pa. 15230.
Federal Reserve Bank of Richmond, Richmond, Va. 23261.
  Baltimore Branch, Baltimore, Md. 21203.
  Charlotte Branch, Charlotte, N.C. 28201.
Federal Reserve Bank of Atlanta, Atlanta, Ga. 30303.
  Birmingham Branch, Birmingham, Ala. 25202.
  Jacksonville Branch, Jacksonville, Fla. 32203.
  Nashville Branch, Nashville, Tenn. 37203.
  New Orleans Branch, New Orleans, La. 70160.
  Miami Office, Miami, Fla. 33152.
Federal Reserve Bank of Chicago, Chicago, Ill. 60609.
  Detroit Branch, Detroit, Mich. 48231.
Federal Reserve Bank of St. Louis, St. Louis, Mo. 63166.
  Little Rock Branch, Little Rock, Ark. 72203.
  Louisville Branch, Louisville, Ky. 40201.
  Memphis Branch, Memphis, Tenn. 38101.
Federal Reserve Bank of Minneapolis, Minneapolis, Minn. 55480.
  Helena Branch, Helena, Mont. 59601.
Federal Reserve Bank of Kansas City, Kansas City, Mo. 64198.
  Denver Branch, Denver, Colo. 80217.
  Oklahoma City Branch, Oklahoma City, Okla. 73125.
  Omaha Branch, Omaha, Nebr. 68102.
Federal Reserve Bank of Dallas, Dallas, Tex. 75222.
  El Paso Branch, El Paso, Tex. 79999.
  Houston Branch, Houston, Tex. 77001.
  San Antonio Branch, San Antonio, Tex. 78295.
Federal Reserve Bank of San Francisco, San Francisco, Calif. 94120.
  Los Angeles Branch, Los Angeles, Calif. 90051.
  Portland Branch, Portland, Oreg. 97208.
  Salt Lake City Branch, Salt Lake City, Utah 84110.
  Seattle Branch, Seattle, Wash. 98124.

§ 306.2 Definitions of words and terms as used in these regulations.

(a) "Advance refunding offer" is an offer to a holder of a security, usually a year or more in advance of its call or maturity date, to exchange it for another security.

(b) A "bearer" security is payable on its face at maturity or call for redemption before maturity in accordance with its terms to "bearer." The ownership is not recorded. Title to such a security may pass by delivery without endorsement and without notice. A "coupon" security is a bearer security with interest coupons attached.

(c) "Bureau" refers to the Bureau of the Public Debt, Division of Securities Operations, Washington, D.C. 20226.

(d) "Call date" or "date of call" is the date fixed in the official notice of call published in the FEDERAL REGISTER as the date on which the obligor will make payment of the security before maturity in accordance with its terms.

(e) "Court" means one which has jurisdiction over the parties and the subject matter.

(f) "Department" refers to the Department of the Treasury.

(g) "Face maturity date" is the payment date specified in the text of a security.

(h) "Incompetent" refers to a person under any legal disability except minority.

(i) "Joint owner" and "joint ownership" refer to any permitted form of ownership by two or more persons.

(j) "Nontransferable securities" are those issued only in registered form which according to their terms are payable only to the registered owners or recognized successors in title to the extent and in the manner provided in the offering circulars or special applicable regulations.

(k) "Payment" and "redemption," unless otherwise indicated by the context, are used interchangeably for payment at maturity or payment before maturity pursuant to a call for redemption in accordance with the terms of the securities.

(l) "Prerefunding offer" is an offer to a holder of a security, usually within the year preceding its call or maturity date, to exchange it for another security.

(m) "Redemption-exchange" is any authorized redemption of securities for the purpose of applying the proceeds in payment for other securities offered in exchange.

(n) A "registered" security refers to a security the ownership of which is registered on the books of the Department. It is payable at maturity or call for redemption before maturity in accordance with its terms to the person in whose name it is inscribed, or his assignee.

(o) "Securities assigned in blank" or "securities so assigned as to become in effect payable to bearer" refers to registered securities which are assigned by the owner or his authorized representative without designating the assignee. Registered securities assigned simply to "The Secretary of the Treasury" or in the case of Treasury Bonds, Investment Series B—1975–80, to "The Secretary of the Treasury for exchange for the current Series EA or EO Treasury notes" are considered to be so assigned as to become in effect payable to bearer.

(p) "Taxpayer identifying number" means the appropriate identifying number as required on tax returns and other documents submitted to the Internal Revenue Service, i.e., an individual's social security account number or an employer identification number. A social security account number is composed of nine digits separated by two hyphens, for example, 123-45-6789; an employer identification number is composed of nine digits separated by one hyphen, for example, 12-3456789. The hyphens are an essential part of the numbers and must be included.

(q) "Transferable securities," which may be in either registered or bearer form, refers to securities which may be sold on the market and transfer of title accomplished by assignment and delivery if in registered form, or by delivery only if in bearer form.

(r) "Treasurer's Office" refers to the Office of the Treasurer of the United States, Securities Division, Washington, D.C. 20222.

(s) "Treasury securities," "Treasury bonds," "Treasury notes," "Treasury certificates of indebtedness," and "Treasury bills," or simply "securities," "bonds," "notes," "certificates," and "bills," unless otherwise indicated by the context, refer only to transferable securities.

§ 306.3 Transportation charges and risks in the shipment of securities.

The following rules will govern transportation to, from, and between the Department and the Federal Reserve banks and branches of securities issued on or presented for authorized transactions:

(a) The securities may be presented or received by the owners or their agents in person.

(b) Securities issued on original issue, unless delivered in person, will be delivered by registered mail or by other means at the risk and expense of the United States.

(c) The United States will assume the risk and expense of any transportation of securities which may be necessary between the Federal Reserve banks and branches and the Treasury.

(d) Securities submitted for any transaction after original issue, if not presented in person, must be forwarded at the owner's risk and expense.

(e) Bearer securities issued on transactions other than original issue will be delivered by registered mail, covered by insurance, at the owner's risk and expense, unless called for in person by the owner or his agent. Registered securities issued on such transactions will be delivered by registered mail at the risk of, but without expense to, the registered owner. Should delivery by other means be desired, advance arrangements should be made with the official agency to which the original securities were presented.

Subpart B—Registration

§ 306.10 General.

The registration used must express the actual ownership of a security and may not include any restriction on the authority of the owner to dispose of it in any manner, except as otherwise specifically provided in these regulations. The Treasury Department reserves the right to treat the registration as conclusive of ownership. Requests for registration should be clear, accurate, and complete, conform with one of the forms set forth in this subpart, and include appropriate taxpayer identifying num-

[1] These regulations may also be applied to securities issued by certain agencies of the United States and certain Government and Government-sponsored corporations.

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bers.[2] The registration of all bonds owned by the same person, organization, or fiduciary should be uniform with respect to the name of the owner and, in the case of a fiduciary, the description of the fiduciary capacity. Individual owners should be designated by the names by which they are ordinarily known or under which they do business, preferably including at least one full given name. The name of an individual may be preceded by any applicable title, as, for example, "Mrs.," "Miss," "Ms.," "Dr.," or "Rev.," or followed by a designation such as "M.D.," "D.D.," "Sr." or "Jr." Any other similar suffix should be included when ordinarily used or when necessary to distinguish the owner from a member of his family. A married woman's own given name, not that of her husband, must be used, for example, "Mrs. Mary A. Jones," not "Mrs. Frank B. Jones." The address should include, where appropriate, the number and street, route, or any other local feature and the Zip Code.

§ 306.11 Forms of registration for transferable securities.

The forms of registration described below are authorized for transferable securities:

(a) *Natural persons in their own right.* In the names of natural persons who are not under any legal disability, in their own right, substantially as follows:

(1) *One person.* In the name of one individual. Examples:

John A. Doe (123–45–6789).
Mrs. Mary C. Doe (123–45–6789).
Miss Elizabeth Jane Doe (123–45–6789).

An individual who is sole proprietor of a business conducted under a trade name may include a reference to the trade name. Examples:

John A. Doe, doing business as Doe's Home Appliance Store (123–45–6789)
or
John A. Doe (123–45–6789), doing business as Doe's Home Appliance Store.

(2) *Two or more persons—general.* Securities will not be registered in the name of one person payable on death to another, or in any form which purports to authorize transfer by less than all the persons named in the registration (or all the survivors).[3] Securities will not be registered in the forms "John A. Doe and Mrs. Mary C. Doe, or either of them" or "William C. Doe or Henry J. Doe, or either of them" and securities so assigned will be treated as though the words "or either of them" do not appear in the assignments. The taxpayer identifying number of any of the joint owners may be shown on securities registered in joint ownership form.

(i) *With right of survivorship.* In the names of two or more individuals with right of survivorship. Examples:

John A. Doe (123–45–6789) or Mrs. Mary C. Doe or the survivor.
John A. Doe (123–45–6789) or Mrs. Mary C. Doe or Miss Mary Ann Doe or the survivors or survivor.
John A. Doe (123–45–6789) or Mrs. Mary C. Doe.
John A. Doe (123–45–6789) and Mrs. Mary C. Doe.
John A. Doe (123–45–6789) and Mrs. Mary C. Doe as joint tenants with right of survivorship and not as tenants in common.

Limited to husband and wife:

John A. Doe (123–45–6789) and Mrs Mary C. Doe, as tenants by the entireties.

(ii) *Without right of survivorship.* In the names of two or more individuals in such manner as to preclude the right of survivorship. Examples:

John A. Doe (123–45–6789) and William B. Doe as tenants in common.
John A. Jones as natural guardian of Henry B. Jones, a minor, and Robert C. Jones (123–45–6789), without right of survivorship.

Limited to husband and wife:

Charles H. Brown (123–45–6789) and Ann R. Brown, as partners in community.

(b) *Minors and incompetents*—(1) *Natural guardians of minors.* A security may be registered in the name of a natural guardian of a minor for whose estate no legal guardian or similar representative has legally qualified. Example:

John R. Jones as natural guardian of Henry M. Jones, a minor (123–45–6789).

Either parent with whom the minor resides, or if he does not reside with either parent, the person who furnishes his chief support, will be recognized as his natural guardian and will be considered a fiduciary. Registration in the name of a minor in his own right as owner or as joint owner is not authorized. Securities so registered, upon qualification of the natural guardian, will be treated as though registered in the name of the natural guardian in that capacity.

(2) *Custodian under statute authorizing gifts to minors.* A security may be purchased as a gift to a minor under a gifts to minors statute in effect in the State in which either the donor or the minor resides. The security should be registered as provided in the statute, with an identifying reference to the statute if the registration does not clearly identify it. Examples:

William C. Jones, as custodian for John A. Smith, a minor (123–45–6789), under the California Uniform Gifts to Minors Act.
Robert C. Smith, as custodian for Henry L. Brown, a minor (123–45–6789), under the laws of Georgia; Ch. 48–3, Code of Ga. Anno.

(3) *Incompetents not under guardianship.* Registration in the form "John A. Brown, an incompetent (123–45–6789), under voluntary guardianship," is permitted only on reissue after a voluntary guardian has qualified for the purpose of collecting interest. (See §§ 306.37(c)(2) and 306.57(c)(2).) Otherwise, registration in the name of an incompetent not under legal guardianship is not authorized.

(c) *Executors, administrators, guardians, and similar representatives or fiduciaries.* A security may be registered in the names of legally qualified executors, administrators, guardians, conservators, or similar representatives or fiduciaries of a single estate. The names and capacities of all the representatives or fiduciaries, as shown in their letters of appointment, must be included in the registration and must be followed by an adequate identifying reference to the estate. Examples:

John Smith, executor of will (or administrator of estate) of Henry J. Jones, deceased (12–3456789).
William C. Jones, guardian (or conservator, etc.) of estate of James D. Brown, a minor (or an incompetent) (123–45–6789).

(d) *Life tenant under will.* A security may be registered in the name of a life tenant followed by an adequate identifying reference to the will. Example:

Anne B. Smith, life tenant under the will of Adam A. Smith, deceased (12–3456789).

The life tenant will be considered a fiduciary.

(e) *Private trust estates.* A security may be registered in the name and title of the trustee or trustees of a single duly constituted private trust, followed by an adequate identifying reference to the authority governing the trust. Examples:

John Jones and Blank Trust Co., Albany, N.Y., trustees under will of Sarah Jones, deceased (12–3456789).
John Doe and Richard Roe, trustees under agreement with Henry Jones dated February 9, 1970 (12–3456789).

The names of all trustees, in the form used in the trust instrument, must be included in the registration, except as follows:

(1) If there are several trustees designated as a board or authorized to act as a unit, their names should be omitted and the words "Board of Trustees" substituted for the word "trustees." Example:

Board of Trustees of Blank Co. Retirement Fund, under collective bargaining agreement dated June 30, 1970 (12–3456789).

(2) If the trustees do not constitute a board or otherwise act as a unit, and are either too numerous to be designated in the inscription by names and title, or serve for limited terms, some or all of the names may be omitted. Examples:

John Smith, Henry Jones, et al., trustees under will of Henry J. Smith, deceased (12–3456789).
Trustees under will of Henry J. Smith, deceased (12–3456789).
Trustees of Retirement Fund of Industrial Manufacturing Co., under directors' resolution of June 30, 1950 (12–3456789).

(f) *Private organizations (corporations, unincorporated associations and partnerships).* A security may be registered in the name of any private corporation, unincorporated association, or partnership, including a nominee, which for purposes of these regulations is treated as the owner. The full legal name of the organization, as set forth in its charter, articles of incorporation, constitution, partnership agreement, or other authority from which its powers are derived, must be included in the registration and may be followed, if desired, by a reference to a particular account or fund, other than a trust fund, in accordance with the rules and examples given below:

(1) *A corporation.* The name of a business, fraternal, religious, or other private corporation must be followed by descriptive words indicating the corporate status unless the term "corporation" or the abbreviation "Inc." is part of the name or the name is that of a corporation or association organized under Federal law, such as a national bank or Federal savings and loan association. Examples:

Smith Manufacturing Co., a corporation (12–3456789).
The Standard Manufacturing Corp. (12–3456789).
Jones & Brown, Inc.—Depreciation Acct. (12–3456789).
First National Bank of Albemarle (12–3456789).
Abco & Co., Inc., a nominee corporation (12–3456789).

(2) *An unincorporated association.* The name of a lodge, club, labor union, veterans' organization, religious society, or similar self-governing organization which is not incorporated (whether or not it is chartered by or affiliated with a parent organization which is incorporated) must be followed by the words "an unincorporated association." Examples:

American Legion Post No. ——, Department of the D.C., an unincorporated association (12–3456789).
Local Union No. 100, Brotherhood of Locomotive Engineers, an unincorporated association (12–3456789).

Securities should not be registered in the name of an unincorporated association if the legal title to its property in general, or the legal title to the funds with which the securities are to be purchased, is held by trustees. In such a case the securities should be registered in the title of the trustees in accordance with paragraph (e) of this section. The term "unincorporated association" should not be used to describe a trust fund, a partnership or a business conducted under a trade name.

(3) *A partnership.* The name of a partnership must be followed by the words "a partnership." Examples:

Smith & Brown, a partnership (12–3456789).
Acme Novelty Co., a limited partnership (12–3456789).
Abco & Co., a nominee partnership (12–3456789).

(g) *States, public bodies, and corporations and public officers.* A security may be registered in the name of a State or county, city, town, village, school district, or other political entity, public body or corporation established by law (including a board, commission, administration, authority or agency) which is the owner or official custodian of public funds, other than trust funds, or in the full legal title of the public officer having custody. Examples:

State of Maine.
Town of Rye, N.Y.
Maryland State Highway Administration.
Treasurer, City of Springfield, Ill.
Treasurer of Rhode Island—State Forestry Fund.

(h) *States, public officers, corporations or bodies as trustees.* A security may be registered in the title of a public officer or in the name of a State or county or a public corporation or public body acting as trustee under express authority of law. An appropriate reference to the statute creating the trust may be included in the registration. Examples:

Insurance Commission of Pennsylvania, trustee for benefit of policyholders of Blank Insurance Co. (12–3456789), under Sec. ——, Pa. Stats.
Rhode Island Investment Commission, trustee of General Sinking Fund under Ch. 35, Gen. Laws of R.I.
State of Colorado in trust for Colorado Surplus Property Agency.

§ 306.12 Errors in registration.

If an erroneously inscribed security is received, it should not be altered in any respect, but the Bureau, a Federal Reserve bank or branch, or the Treasurer's Office should be furnished full particulars concerning the error and asked to furnish instructions.

§ 306.13 Nontransferable securities.

Upon authorized reissue, Treasury Bonds, Investment Series B—1975–80, may be registered in the forms set forth in § 306.11.

Subpart C—Transfers, Exchanges and Reissues

§ 306.15 Transfers and exchanges of securities—closed periods.

(a) *General.* The transfer of registered securities should be made by assignment in accordance with Subpart F of this part. Transferable registered securities are eligible for denominational exchange and exchange for bearer securities. Bearer securities are eligible for denominational exchange, and when so provided in the offering circular, are eligible for exchange for registered securities. Specific instructions for issuance and delivery of the new securities, signed by the owner or his authorized representative, must accompany the securities presented. (Form PD 3905 or PD 1827, as appropriate, may be used.) Denominational exchanges, exchanges of Treasury Bonds, Investment Series B—1975–80, for the current series of EA or EO 1½ percent 5-year Treasury notes, and optional redemption of bonds at par as provided in § 306.28 may be made at any time. Securities presented for transfer or for exchange for bearer securities of the same issue must be received by the Bureau not less than 1 full month before the date on which the securities mature or become redeemable pursuant to a call for redemption before maturity. Any security so presented which is received too late to comply with this provision will be accepted for payment only.

(b) *Closing of transfer books.* The transfer books are closed for 1 full month preceding interest payment dates and call or maturity dates. If the date set for closing of the transfer books falls on Saturday, Sunday, or a legal holiday, the books will be closed as of the close of business on the last business day preceding that date. The books are reopened on the first business day following the date on which interest falls due. Registered securities which have not matured or been called, submitted for transfer, reissue, or exchange for coupon securities, and coupon securities which have not matured or been called, submitted for exchange for registered securities, which are received during the period the books for that loan are closed, will be processed on or after the date such books are reopened. If registered securities are received for transfer or exchange for bearer securities, or coupon securities are received for exchange for registered securities, during the time the books are closed for payment of final interest at maturity or call, unless otherwise provided in the offering circular or notice of call, the following action will be taken:

(1) Payment of final interest will be made to the registered owner of record on the date the books were closed.

(2) Payment of principal will be made to (i) the assignee under a proper assignment of the securities, or (ii) if the securities have been assigned for exchange for bearer securities, to the registered owner of record on the date the books were closed.

§ 306.16 Exchanges of registered securities.

No assignments will be required for (a) authorized denominational exchanges of registered securities for like securities in the same names and forms of registration and (b) redemption-exchanges, or prerefundings, or advance refundings in the same names and forms as appear in the registration or assignments of the securities surrendered.

§ 306.17 Exchanges of registered securities for coupon securities.

Registered securities submitted for exchange for coupon securities should be assigned to "The Secretary of the Treasury for exchange for coupon securities to be delivered to (inserting the name and address of the person to whom delivery of the coupon securities is to be made)." Assignments to "The Secretary of the Treasury for exchange for coupon securities," or assignments in blank will also be accepted. The coupon securities issued upon exchange will have all unmatured coupons attached.

[2] Taxpayer identifying numbers are not required for foreign governments, nonresident aliens not engaged in trade or business within the United States, international organizations and foreign corporations not engaged in trade or business and not having an office or place of business or a financial or paying agent within the United States, and other persons or organizations as may be exempted from furnishing such numbers under regulations of the Internal Revenue Service.

[3] *Warning.* Difference Between Transferable Treasury Securities Registered in the Names of Two or More Persons and United States Savings Bonds in Coownership Form. The effect of registering Treasury securities to which these regulations apply in the names of two or more persons differs decidedly from registration of savings bonds in coownership form. Savings bonds are virtually redeemable on demand at the option of either coowner on his signature alone. Transferable Treasury securities are redeemable only at maturity or upon prior call by the Secretary of the Treasury.

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§ 306.18 Exchanges of coupon securities for registered securities.

Coupon securities presented for exchange for registered securities should have all matured interest coupons detached. All unmatured coupons should be attached, except that if presented when the transfer books are closed (in which case the exchange will be effected on or after the date on which the books are reopened), the next maturing coupons should be detached and held for collection in ordinary course when due. If any coupons which should be attached are missing, the securities must be accompanied by a remittance in an amount equal to the face amount of the missing coupons. The new registered securities will bear interest from the interest payment date next preceding the date on which the exchange is made.

§ 306.19 Denominational exchanges of coupon securities.

All matured interest coupons and all unmatured coupons likely to mature before an exchange can be completed should be detached from securities presented for denominational exchange. All unmatured coupons should be attached. If any are missing, the securities must be accompanied by a remittance in an amount equal to the face amount of the missing coupons. The new coupon securities will have all unmatured coupons attached.

§ 306.20 Reissue of registered transferable securities.

Assignments are not required for reissue of registered transferable securities in the name(s) of (a) the surviving joint owner(s) of securities registered in the names of or assigned to two or more persons, unless the registration or assignment includes words which preclude the right of survivorship, (b) a succeeding fiduciary or other lawful successor, (c) a remainderman, upon termination of a life estate, (d) an individual, corporation or unincorporated association whose name has been legally changed, (e) a corporation or unincorporated association which is the lawful successor to another corporation or unincorporated association, and (f) a successor in title to a public officer or body. Evidence of survivorship, succession, or change of name, as appropriate, must be furnished. The appropriate taxpayer identifying number also must be furnished if the registration of the securities submitted does not include such number for the person or organization to be named on the reissued securities.

§ 306.21 Reissue of nontransferable securities.

Treasury Bonds, Investment Series B–1975–80, may be reissued only in the names of (a) lawful successors in title, (b) the legal representatives or distributees of a deceased owner's estate, or the distributees of a trust estate, and (c) State supervisory authorities in pursuance of any pledge required of the owner under State law, or upon termination of the pledge in the names of the pledgors or their successors. Bonds presented for reissue must be accompanied by evidence of entitlement.

§ 306.22 Exchange of Treasury Bonds, Investment Series B–1975–80.

Bonds of this series presented for exchange for 1½ percent 5-year Treasury notes must bear duly executed assignments to "The Secretary of the Treasury for exchange for the current series of EA or EO Treasury notes to be delivered to (inserting the name and address of the person to whom the notes are to be delivered)." The notes will bear the April 1 or October 1 date next preceding the date the bonds, duly assigned with supporting evidence, if necessary, are received by the Bureau or a Federal Reserve Bank or Branch. Interest accrued at the rate of 2¾ percent on the bonds surrendered from the next preceding interest payment date to the date of exchange will be credited, and interest at the rate of 1½ percent on the notes for the same period will be charged and the difference will be paid to the owner.

Subpart D—Redemption or Payment

§ 306.25 Presentation and surrender.

(a) *General.* Securities, whether in registered or bearer form, are payable in regular course of business at maturity unless called for redemption before maturity in accordance with their terms, in which case they will be payable in regular course of business on the date of call. The Secretary of the Treasury may provide for the exchange of maturing or called securities, or in advance of call or maturity, may afford owners the opportunity of exchanging a security for another security pursuant to a prerefunding or an advance refunding offer. Registered securities should be presented and surrendered for redemption to the Bureau, a Federal Reserve bank or branch, or the Treasurer's Office, and bearer securities to a Federal Reserve bank or branch or the Treasurer's Office.[4] No assignments or evidence in support of assignments will be required by or on behalf of the registered owner or assignee for redemption for his or its account, or for redemption-exchange, or exchange pursuant to a prerefunding or an advance refunding offer, if the new securities are to be registered in exactly the same names and forms as appear in the registrations or assignments of the securities surrendered. To the extent appropriate, these rules also apply to securities registered in the titles of public officers who are official custodians of public funds.

(b) *"Overdue" securities.* If a bearer security or a registered security assigned in blank, or to bearer, or so assigned as to become in effect payable to bearer, is presented and surrendered for redemption after it has become overdue, the Secretary of the Treasury will ordinarily require satisfactory proof of ownership. (Form PD 1073 may be used.) A security shall be considered to be overdue after the lapse of the following periods of time from its face maturity:

(1) One month for securities issued for a term of 1 year or less.

(2) Three months for securities issued for a term of more than 1 year but not in excess of 7 years.

(3) Six months for securities issued for a term of more than 7 years.

§ 306.26 Redemption of registered securities at maturity, upon prior call, or for prerefunding or advance refunding.

Registered securities presented and surrendered for redemption at maturity or pursuant to a call for redemption before maturity need not be assigned, unless the owner desires that payment be made to some other person, in which case assignments should be made to "The Secretary of the Treasury for redemption for the account of (inserting name and address of person to whom payment is to be made)." Specific instructions for the issuance and delivery of the redemption check, signed by the owner or his authorized representative, must accompany the securities, unless included in the assignment. (Form PD 3905 may be used.) Payment of the principal will be made either (a) by check drawn on the Treasurer of the United States to the order of the person entitled and mailed in accordance with the instructions received, or (b) upon appropriate request, by crediting the amount in a member bank's account with the Federal Reserve Bank of its District. Securities presented for prerefunding or advance refunding should be assigned as provided in the prerefunding or advance refunding offer.

§ 306.27 Redemption of bearer securities at maturity, upon prior call, or for advance refunding or prerefunding.

All interest coupons due and payable on or before the date of maturity or date fixed in the call for redemption before maturity should be detached from coupon securities presented for redemption and should be collected separately in regular course. All coupons bearing dates subsequent to the date fixed in a call for redemption, or offer of prerefunding or advance refunding, should be left attached to the securities. If any such coupons are missing, the full face amount thereof will be deducted from the payment to be made upon redemption or the prerefunding or advance refunding adjustment unless satisfactory evidence of their destruction is submitted. Any amounts so deducted will be held in the Department to provide for adjustments or refunds in the event it should be determined that the missing coupons were subsequently presented or their destruction is later satisfactorily established. In the absence of other instructions, payment of bearer securities will be made by check drawn to the order of the person presenting and surrendering the securities and mailed to him at his address, as given in the advice accompanying the securities. (Form PD 3905 may be used.) A Federal Reserve bank, upon appropriate request, may make payment to a member bank from which bearer securities are received by crediting the amount of the proceeds of redemption to the member bank's account.

[4] See § 306.28 for presentation and surrender of bonds eligible for use in payment of Federal estate taxes.

§ 306.28 Optional redemption of Treasury bonds at par (before maturity or call redemption date) and application of the proceeds in payment of Federal estate taxes.

(a) *General.* Treasury bonds to be redeemed at par for the purpose of applying the entire amount of principal and accrued interest to payment of the Federal estate tax on a decedent's estate[5] must be presented and surrendered to a Federal Reserve bank or branch or to the Bureau. They should be accompanied by Form PD 1782, fully completed and duly executed in accordance with the instructions on the form, and evidence as described therein. Redemption will be made at par plus accrued interest from the last preceding interest payment date to the date of redemption, except that if registered bonds are received by a Federal Reserve bank or branch or the Bureau within 1 month preceding an interest payment date for redemption before that date, a deduction will be made for interest from the date of redemption to the interest payment date, and a check for the full 6 months' interest will be paid in due course. The proceeds of redemption will be deposited to the credit of the Internal Revenue Service Center designated in Form PD 1782, and the representative of the estate will be notified of the deposit. A formal receipt may be obtained upon request addressed to the Center.

(b) *Conditions.* The bonds presented for redemption under this section must have (1) been owned by the decedent at the time of his death and (2) thereupon constituted part of his estate, as determined by the following rules in the case of joint ownership, partnership, and trust holdings:

(i) *Joint ownerships.* Bonds held by the decedent at the time of his death in joint ownership with another person or persons will be deemed to have met the above conditions either (*a*) to the extent to which the bonds actually became the property of the decedent's estate, or (*b*) in an amount not to exceed the amount of the Federal estate tax which the surviving joint owner or owners is required to pay on account of such bonds and other jointly held property.[6]

(ii) *Partnerships.* Bonds held at the time of the decedent's death by a partnership in which he had an interest will be deemed to have met the above conditions to the extent of his fractional share of the bonds so held proportionate to his interest in the assets of the partnership.

(iii) *Trusts.* Bonds held in trust at the time of the decedent's death will be deemed to have met the above conditions in an amount not to exceed the amount of the Federal estate tax (*a*) if the trust actually terminated in favor of the decedent's estate, or (*b*) if the trustee is required to pay the decedent's Federal estate tax under the terms of the trust instrument or otherwise, or (*c*) to the extent the debts of the decedent's estate, including costs of administration, State inheritance and Federal estate taxes, exceed the assets of his estate without regard to the trust estate.

(c) *Transactions after owner's death.* No transactions involving changes of ownership may be conducted after an owner's death without affecting the eligibility of the bonds for redemption at par for application of the proceeds to payment of the Federal estate tax. Transactions involving no changes of ownership which may be conducted without affecting eligibility are (1) exchange of bonds for those of lower denominations where the bonds exceed the amount of the tax and are not in the lowest authorized denominations, (2) exchange of registered bonds for coupon bonds, (3) exchange of coupon bonds for bonds registered in the names of the representatives of the estate, (4) transfer of bonds from the owner or his nominee to the names of the representatives of the owner's estate, and (5) purchases by or for the account of an owner prior to his death, held in book-entry form, and thereafter converted to definitive bonds. However, any such transactions must be explained on Form PD 1782 or in a supplemental statement.

Subpart E—Interest

§ 306.35 Computation of interest.

The interest on Treasury securities accrues and is payable on a semiannual basis unless otherwise provided in the circular offering them for sale or exchange. If the period of accrual is an exact 6 months, the interest accrual is an exact one-half year's interest without regard to the number of days in the period. If the period of accrual is less than an exact 6 months, the accrued interest is computed by determining the daily rate of accrual on the basis of the exact number of days in the full interest period and multiplying the daily rate by the exact number of days in the fractional period for which interest has actually accrued. A full interest period does not include the day as of which the securities were issued or the day on which the last preceding interest became due, but does include the day on which the next succeeding interest payment is due. A fractional part of an interest period does not include the day as of which the securities were issued or the day on which the last preceding interest payment became due, but does include the day as of which the transaction terminating the accrual of interest is effected. The 29th of February in a leap year is included whenever it falls within either a full interest period or a fractional part thereof.[7]

§ 306.36 Termination of interest.

Securities will cease to bear interest on the date of their maturity unless they have been called for redemption before maturity in accordance with their terms, or are presented and surrendered for redemption-exchange or exchange pursuant to an advance refunding or prerefunding offer, in which case they will cease to bear interest on the date of call, or the exchange date, as the case may be.

§ 306.37 Interest on registered securities.

(a) *Method of payment.* The interest on registered securities is payable by checks drawn on the Treasurer of the United States to the order of the registered owners, except as otherwise provided herein. Interest checks are prepared by the Department in advance of the interest payment data and are ordinarily mailed in time to reach the addresses on that date. Interest on a registered security which has not matured or been called and which is presented for any transaction during the period the books for that loan are closed will be paid by check drawn to the order of the registered owner of record. Upon receipt of notice of the death or incompetency of an individual named as registered owner, a change in the name or in the status of a partnership, corporation, or unincorporated association, the removal, resignation, succession, or death of a fiduciary or trustee, delivery of interest checks will be withheld pending receipt and approval of evidence showing who is entitled to receive the interest checks. If the inscriptions on securities do not clearly identify the owners, delivery of interest checks will be withheld pending reissue of the securities in the correct registration. The final installment of interest, unless otherwise provided in the offering circular or notice of call, will be paid by check drawn to the order of the registered owner of record and mailed in advance of the interest payment date in time to reach the addressee on or about that date. Interest on securities presented for prerefunding or advance refunding will be adjusted as provided in the prerefunding or advance refunding offer.

[5] Certain issues of Treasury bonds are redeemable at par and accrued interest upon the death of the owner, at the option of the representative of, or if none, the persons entitled to, his estate, for the purpose of having the entire proceeds applied in payment of the Federal estate tax on the decedent's estate, in accordance with the terms of the offering circulars cited on the face of the bonds. A current list of eligible issues may be obtained from any Federal Reserve bank or branch, the Bureau of the Public Debt, or the Treasurer's Office.

[6] Substantially the same rule applies to community property except that upon the death of either spouse bonds which constitute part of the community estate are deemed to meet the required conditions to the extent of one-half of each loan and issue of bonds.

[7] The appendix to this subpart contains a complete explanation of the method of computing interest on a semiannual basis on Treasury bonds, notes, and certificates of indebtedness, and an outline of the method of computing the discount rates on Treasury bills. Also included are tables of computation of interest on semiannual and annual basis.

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(b) *Change of address.* To assure timely delivery of interest checks, owners should promptly notify the Bureau of any change of address. (Form PD 345 may be used.) The notification must be signed by the registered owner or a joint owner or an authorized representative, and should show the owner's taxpayer identifying number, the old and new addresses, the serial number and denomination of each security, the titles of the securities (for example: 4¼ percent Treasury Bonds of 1987–92, dated August 15, 1962), and the registration of each security. Notifications by attorneys in fact, trustees, or by the legal representatives of the estates of deceased, incompetent, or minor owners should be supported by proof of their authority, unless, in the case of trustees or legal representatives, they are named in the registration.

(c) *Collection of interest checks*—(1) *General.* Interest checks may be collected in accordance with the regulations governing the endorsement and payment of Government warrants and checks, which are contained in the current revision of Department Circular No. 21 (Part 360 of this chapter).

(2) *By voluntary guardians of incompetents.* Interest checks drawn to the order of a person who has become incompetent and for whose estate no legal guardian or similar representative has been appointed should be returned to the Bureau with a full explanation of the circumstances. For collection of interest, the Department will recognize the relative responsible for the incompetent's care and support or some other person as voluntary guardian for the incompetent. (Application may be made on Form PD 1461.)

(d) *Nonreceipt, loss, theft, or destruction of interest checks.* If an interest check is not received within a reasonable period after an interest payment date, the Bureau should be notified. Should a check be lost, stolen, or destroyed after receipt, the Office of the Treasurer of the United States, Check Claims Division, Washington, D.C. 20227, should be notified. Notification should include the name and address of the owner, his taxpayer identifying number, and the serial number, denomination, and title of the security upon which the interest was payable. If the check is subsequently received or recovered, the latter office should also be advised.

§ 306.38 Interest on bearer securities.

Unless the offering circular and notice of call provide otherwise, interest on coupon securities is payable in regular course of business upon presentation and surrender of the interest coupons as they mature. Such coupons are payable at any Federal Reserve bank or branch, or the Treasurer's Office.[5] Interest on Treasury bills, and any other bearer securities which may be sold and issued on a discount basis and which are payable at par at maturity, is represented by the difference between the purchase price and the par value, and no coupons are attached.

[5] Banking institutions will usually cash the coupons without charge as an accommodation to their customers.

Subpart F—Assignments of Registered Securities—General

§ 306.40 Execution of assignments or special endorsements.

(a) *Execution of assignments.* The assignment of a registered security should be executed by the owner or his authorized representative in the presence of an officer authorized to certify assignments. All assignments must be made on the backs of the securities, unless otherwise authorized by the Bureau, a Federal Reserve bank or branch, or the Treasurer of the United States. An assignment by mark (X) must be witnessed not only by a certifying officer but also by at least one other person, who should add an endorsement substantially as follows: "Witness to signature by mark," followed by his signature and address.

(b) *Special endorsement in lieu of assignments.* A security may be presented without assignment for any authorized transaction by a financial institution which is (1) a member of the Federal Reserve System, (2) a member of the Federal Home Loan Bank System, or (3) insured by the Federal Deposit Insurance Corporation, provided full instructions are furnished as to the transaction desired and the security bears the endorsement, under the official seal of the institution, as follows:

Presented in accordance with instructions of the owner(s).
Absence of assignment guaranteed.

_____
(Name of financial institution)

By _____
(Signature and title of officer)

_____
(Date)

This form of endorsement of a security will be an unconditional guarantee to the Department of the Treasury that the institution is acting as attorney in fact for the registered owner, or his assignee, under proper authorization and that the officer is duly authorized to act.

§ 306.41 Form of assignment.

Registered securities may be assigned in blank, to bearer, to a specified transferee, to the Secretary of the Treasury for exchange for coupon securities, or to the Secretary of the Treasury for redemption or for exchange for other securities offered at maturity, upon call or pursuant to an advance refunding or prerefunding offer. Assignments to "The Secretary of the Treasury," "The Secretary of the Treasury for transfer," or "The Secretary of the Treasury for exchange" will not be accepted unless supplemented by specific instructions by or in behalf of the owner.

§ 306.42 Alterations and erasures.

If an alteration or erasure has been made in an assignment, the assignor should appear before an authorized certifying officer and execute a new assignment to the same assignee. If the new assignment is to other than the assignee whose name has been altered or erased, a disclaimer from the first-named assignee should be obtained. Otherwise, an affidavit of explanation by the person responsible for the alteration or erasure should be submitted for consideration.

§ 306.43 Voidance of assignments.

An assignment of a security to or for the account of another person, not completed by delivery, may be voided by a disclaimer of interest from that person. This disclaimer should be executed in the presence of an officer authorized to certify assignments of securities. Unless otherwise authorized by the Bureau, a Federal Reserve bank or branch, or the Treasurer of the United States, the disclaimer must be written, typed, or stamped on the back of the security in substantially the following form:

The undersigned as assignee of this security hereby disclaims any interest herein.

_____
(Signature)

I certify that the above-named person as described, whose identity is well known or proved to me, personally appeared before me the _____ day of _____
(Month and year)
at _____ and
(Place)
signed the above disclaimer of interest.

(SEAL) _____
(Signature and official designation of certifying officer)

In the absence of a disclaimer, an affidavit or affidavits should be submitted for consideration explaining why a disclaimer cannot be obtained, reciting all other material facts and circumstances relating to the transaction, including whether or not the security was delivered to the person named as assignee and whether or not the affiants know of any basis for the assignee claiming any right, title, or interest in the security. After an assignment has been voided, in order to dispose of the security, an assignment by or on behalf of the owner will be required.

§ 306.44 Discrepancies in names.

The Department will ordinarily require an explanation of discrepancies in the names which appear in inscriptions, assignments, supporting evidence or in the signatures to any assignments. (Form PD 385 may be used for this purpose.) However, where the variations in the name of the registered owner, as inscribed on securities of the same or different issues, are such that both may properly represent the same person, for example, "J. T. Smith" and "John T. Smith," no proof of identity will be required if the assignments are signed exactly as the securities are inscribed and are duly certified by the same certifying officer.

§ 306.45 Officers authorized to certify assignments.

(a) *Officers authorized generally.* The following persons are authorized to act as certifying officers for the purpose of certifying assignments of, or forms with respect to, securities:

(1) Officers and employees of banks and trust companies incorporated in the United States, its territories or possessions, or the Commonwealth of Puerto Rico, Federal Savings and Loan Associations, or other organizations which are members of the Federal Home Loan Bank System, who have been authorized to: (i) Generally bind their respective institutions by their acts, (ii) unqualifiedly guarantee signatures to assignments of securities, or (iii) expressly certify assignments of securities.

(2) Officers of Federal Reserve banks and branches.

(3) Officers of Federal Land Banks, Federal Intermediate Credit Banks and Banks for Cooperatives, the Central Bank for Cooperatives, and Federal Home Loan Banks.

(4) U.S. Attorneys, Collectors of Customs, and Regional Commissioners, District Directors, and Service Center Directors, Internal Revenue Service.

(5) Judges and Clerks of U.S. Courts.

(b) *Authorized officers in foreign countries.* The following are authorized to certify assignments in foreign countries:

(1) U.S. diplomatic or consular representatives.

(2) Managers, assistant managers and other officers of foreign branches of banks or trust companies incorporated in the United States, its territories or possessions, or the Commonwealth of Puerto Rico.

(3) Notaries public and other officers authorized to administer oaths. The official position and authority of any such officer must be certified by a U.S. diplomatic or consular representative under seal of his office.

(c) *Officers having limited authority.* The following are authorized to certify assignments to the extent set forth in connection with each class of officers:

(1) Postmasters, acting postmasters, assistant postmasters, inspectors in charge, chief and assistant chief accountants, and superintendents of stations of any post office, notaries public and justices of the peace in the United States, its territories and possessions, the Commonwealth of Puerto Rico and the Canal Zone, but only for assignment of securities for redemption for the account of the assignor, or for redemption exchange, or pursuant to an advance refunding or prerefunding offer for other securities to be registered in his name, or in his name with a joint owner. The signature of any post office official, other than a postmaster, must be in the following form: "John A. Doe, Postmaster, by Richard B. Roe, Superintendent of Station."

(2) Commissioned officers and warrant officers of the Armed Forces of the United States for assignment of securities of any class for any authorized transaction, but only with respect to assignments executed by: (i) Armed Forces personnel and civilian field employees, and (ii) members of the families of such personnel or civilian employees.

(d) *Special provisions for certifying assignments.* The Commissioner of the Public Debt, the Chief of the Division of Securities Operations, any Federal Reserve bank or branch, or the Treasurer of the United States, is authorized to make special provisions for any case or class of cases.

§ 306.46 Duties and responsibilities of certifying officer.

A certifying officer must require execution of an assignment, or a form with respect to securities, in his presence after he has established the identity of the assignor and before he certifies the signature. He must then complete the certification. An employee who is not an officer should insert "Authorized signature" in the space provided for the title. However, an assignment of a security need not be executed in the presence of the certifying officer if he unqualifiedly guarantees the signature thereto, in which case he must place his endorsement on the security, following the signature, in the form "Signature guaranteed, First National Bank of Jonesville, Jonesville, N.H., by A. B. Doe, President," and add the date. The certifying officer and, if he is an officer or employee of an organization, the organization will be held responsible for any loss the United States may suffer as the result of his fault or negligence.

§ 306.47 Evidence of certifying officer's authority.

The authority of an individual to act as a certifying officer is established by affixing to a certification of an assignment, or a form with respect to securities, or an unqualified guarantee of a signature to an assignment, either: (a) The official seal of the organization, or (b) a legible imprint of the issuing agent's dating stamp, if the organization is an authorized issuing agent for U.S. Savings Bonds of Series E. Use of such stamp shall result in the same responsibility on the part of the organization as if its official seal were used. A certification which does not bear a seal or issuing agent's dating stamp will not be accepted. Any post office official must use the official stamp of his office. A commissioned or warrant officer of any of the Armed Forces of the United States should indicate his rank and state that the person executing the assignment is one of the class whose signature he is authorized to certify. A judge or clerk of court must use the seal of the court. Any other certifying officer must use his official seal or stamp, if any, but, if he has neither, his official position and a specimen of his signature must be certified by some other authorized officer under official seal or stamp or otherwise proved to the satisfaction of the Department.

§ 306.48 Interested persons not to act as certifying officer or witness.

Neither the assignor, the assignee, nor any person having an interest in a security may act as a certifying officer, or as a witness to an assignment by mark. However, a bank officer may certify an assignment to the bank, or an assignment executed by another officer in its behalf.

§ 306.49 Nontransferable securities.

The provisions of this subpart, so far as applicable, govern transactions in Treasury Bonds, Investment Series B–1975–80.

Subpart G—Assignments by or in Behalf of Individuals

§ 306.55 Signatures, minor errors and change of name.

The owner's signature to an assignment should be in the form in which the security is inscribed or assigned, unless such inscription or assignment is incorrect or the name has since been changed. In case of a change of name, the signature to the assignment should show both names and the manner in which the change was made, for example, "John Young, changed by order of court from Hans Jung." Evidence of the change will be required. However, no evidence is required to support an assignment if the change resulted from marriage and the signature, which must be duly certified by an authorized officer, is written to show that fact, for example, "Mrs. Mary J. Brown, changed by marriage from Miss Mary Jones."

§ 306.56 Assignment of securities registered in the names of or assigned to two or more persons.

(a) *Transfer or exchange.* Securities registered in the names of or assigned to two or more persons may be transferred or exchanged for coupon bonds during the lives of all the joint owners only upon assignments by all or on their behalf by authorized representatives. Upon proof of the death of one, the Department will accept an assignment by or in behalf of the survivor or survivors, unless the form of registration or assignment includes words which precludes the right of survivorship.[6] In the latter case, in addition to assignment by or in behalf of the survivor or survivors, an assignment in behalf of the decedent's estate will be required.

(b) *Advance refunding or prerefunding offers.* No assignments are required for exchange of securities registered in the names of or assigned to two or more persons if the securities to be received in the exchange are to be registered in the same names and form. If bearer securities or securities in a different form are to be issued, all persons named must assign, except that in case of death paragraph (a) of this section shall apply.

(c) *Redemption or redemption-exchange.* (1) *Alternative registration or assignment.* Securities registered in the names of or assigned to two or more persons in the alternative, for example, "John B. Smith or Mrs. Mary J. Smith" or "John B. Smith or Mrs. Mary J. Smith or the survivor," may be assigned by one of them at maturity or upon call, for redemption or redemption-exchange, for his own account or otherwise, whether

[6] See § 306.11(a)(2) for forms of registration expressing or precluding survivorship.

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or not the other joint owner or owners are deceased.

(2) *Joint registration or assignment.* Securities registered in the names of or assigned to two or more persons jointly, for example, "John B. Smith and Mrs. Mary J. Smith," or "John B. Smith and Mrs. Mary J. Smith as tenants in common," or "John B. Smith and Mary J. Smith as partners in community," may be assigned by one of them during the lives of all only for redemption at maturity or upon call, and then only for redemption for the account of all. No assignments are required for redemption-exchange for securities to be registered in the same names and forms as appear in the registration or assignment of the securities surrendered. Upon proof of the death of a joint owner, the survivor or survivors may assign securities so registered or assigned for redemption or redemption-exchange for any account, except that, if words which preclude the right of survivorship * appear in the registration or assignment, assignment in behalf of the decedent's estate also will be required.

§ 306.57 Minors and incompetents.

(a) *Assignments by natural guardian of securities registered in name of minor.* Securities registered in the name of a minor for whose estate no legal guardian or similar representative has qualified may be assigned by the natural guardian upon qualification. (Form PD 2481 may be used for this purpose.)

(b) *Assignments of securities registered in name of natural guardian of minor.* Securities registered in the name of a natural guardian of a minor may be assigned by the natural guardian for any authorized transaction except one for the apparent benefit of the natural guardian. If the natural guardian in whose name the securities are registered is deceased or is no longer qualified to act as natural guardian, the securities may be assigned by the person then acting as natural guardian. The assignment by the new natural guardian should be supported by proof of the death or disqualification of the former natural guardian and by evidence of his own status as natural guardian. (Form PD 2481 may be used for this purpose.) No assignment by a natural guardian will be accepted after receipt of notice of the minor's attainment of majority, removal of his disability of minority, disqualification of the natural guardian to act as such, qualification of a legal guardian or similar representaitve, or the death of the minor.

(c) *Assignments by voluntary guardians of incompetents.* Registered securities belonging to an incompetent for whose estate no legal guardian or similar representative is legally qualified may be assigned by the relative responsible for his care and support or some other person as voluntary guardian:

(1) For redemption or exchange for bearer securities, if the proceeds of the securities are needed to pay expenses already incurred, or to be incurred during any 90-day period, for the care and support of the incompetent or his legal dependents.

(2) For redemption-exchange, if the securities are matured or have been called, or pursuant to an advance refunding or prerefunding offer, for reinvestment in other securities to be registered in the form "A, an incompetent (123–45–6789) under voluntary guardianship."

An application on Form PD 1461 by the person seeking authority to act as voluntary guardian will be required.

(d) *Assignments by legal guardians of minors or incompetents.* Securities registered in the name and title of the legal guardian or similar representative of the estate of a minor or incompetent may be assigned by the representative for any authorized transaction without proof of his qualification. Assignments by a representative of any other securities belonging to a minor or incompetent must be supported by properly certified evidence of qualification. The evidence must be dated not more than 1 year before the date of the assignments and must contain a statement showing the appointment is in full force unless (1) it shows the appointment was made not more than 1 year before the date of the assignment, or (2) the representative or a corepresentative is a corporation. An assignment by the representative will not be accepted after receipt of notice of termination of the guardianship, except for transfer to the former ward.

§ 306.58 Nontransferable securities.

The provisions of this subpart, so far as applicable, govern transactions in Treasury Bonds, Investment Series B–1975–80.

Subpart H—Assignments in Behalf of Estates of Deceased Owners

§ 306.65 Special provisions applicable to small amounts of securities, interest checks or redemption checks.

Entitlement to, or the authority to dispose of, a small amount of securities and checks issued in payment thereof or in payment of interest thereon, belonging to the estate of a decedent, may be established through the use of certain short forms, according to the aggregate amount of securities and checks involved (excluding checks representing interest on the securities), as indicated by the following table:

Amount	Circumstances	Form	To be executed by—
$100	No administration.	PD 2216	Person who paid burial expenses.
500	Estate being administered.	PD 2488	Executor or administrator.
500	Estate settled.	PD 2488-1	Former executor or administrator, attorneys or other qualified person.

§ 306.66 Estates—administration.

(a) *Temporary or special administrators.* Temporary or special administrators may assign securities for any authorized transaction within the scope of their authority. The assignments must be supported by:

(1) *Temporary administrators.* A certificate, under court seal, showing the appointment in full force within thirty days preceding the date of receipt of the securities.

(2) *Special administrators.* A certificate, under court seal, showing the appointment in full force within 6 months preceding the date of receipt of the securities.

Authority for assignments for transactions not within the scope of appointment must be established by a duly certified copy of a special order of court.

(b) *In course of administration.* A security belonging to the estate of a decedent which is being administered by a duly qualified executor or general administrator will be accepted for any authorized transaction upon assignment by such representative. (See § 306.77.) Unless the security is registered in the name of and shows the capacity of the representative, the assignment must be supported by a certificate or a copy of the letters of appointment, certified under court seal. The certificate or certification, if required, must be dated not more than 6 months before the date of the assignment and must contain a statement that the appointment is in full force, unless (1) it shows the appointment was made not more than 1 year before the date of the assignment, or (2) the representative or a corepresentative is a corporation, or (3) redemption is being made for application of the proceeds in payment of Federal estate taxes as provided by § 306.28.

(c) *After settlement through court proceedings.* Securities belonging to the estate of a decedent which has been settled in court will be accepted for any authorized transaction upon assignments by the person or persons entitled, as determined by the court. The assignments should be supported by a copy, certified under court seal, of the decree of distribution, the representative's final account as approved by the court, or other pertinent court records.

§ 306.67 Estates not administered.

(a) *Special provisions under State laws.* If, under State law, a person has been recognized or appointed to receive or distribute the assets of a decedent's estate without regular administration, his assignment of securities belonging to the estate will be accepted provided he submits appropriate evidence of his authority.

(b) *Agreement of persons entitled.* When it appears that no legal representative of a decedent's estate has been or is to be appointed, securities belonging to the estate may be duly disposed of pursuant to an agreement and assignment by all persons entitled to share in the decedent's personal estate. (Form PD 1646 may be used.) However, all debts of the decedent and his estate must be paid or provided for and the interests of any minors or incompetents must be protected.

* See § 306.11(a)(2) for forms of registration expressing or precluding survivorship.

§ 306.68 Nontransferable securities.

The provisions of this subpart, so far as applicable, govern transactions in Treasury Bonds, Investment Series B–1975–80.

Subpart I—Assignments by or in Behalf of Trustees and Similar Fiduciaries

§ 306.75 Individual fiduciaries.

(a) *General.* Securities registered in, or assigned to, the names and titles of individual fiduciaries will be accepted for any authorized transaction upon assignment by the designated fiduciaries without proof of their qualification. If the fiduciaries in whose names the securities are registered, or to whom they have been assigned, have been succeeded by other fiduciaries, evidence of successorship must be furnished. If the appointment of a successor is not required under the terms of the trust instrument or otherwise and is not contemplated, assignments by the surviving or remaining fiduciary or fiduciaries must be supported by appropriate proof. This requires (1) proof of the death, resignation, removal or disqualification of the former fiduciary and (2) evidence that the surviving or remaining fiduciary or fiduciaries are fully qualified to administer the fiduciary estate, which may be in the form of a certificate by them showing the appointment of a successor has not been applied for, is not contemplated and is not necessary under the terms of the trust instrument or otherwise. Assignments of securities registered in the titles, without the names of the fiduciaries, for example, "Trustees of the George E. White Memorial Scholarship Fund under deed of trust dated 11/10/40, executed by John W. White," must be supported by proof that the assignors are the qualified and acting trustees of the designated trust estate, unless they are empowered to act as a unit in which case the provisions of § 306.76 shall apply. (Form PD 2446 may be used to furnish proof of incumbency of fiduciaries.) Assignments by fiduciaries of securities not registered or assigned in such manner as to show that they belong to the estate for which the assignors are acting must also be supported by evidence that the estate is entitled to the securities.

(b) *Life tenants.* Upon termination of a life estate by reason of the death of the life tenant in whose name a security is registered, or to whom it has been assigned, the security will be accepted for any authorized transaction upon assignment by the remainderman, supported by evidence of entitlement.

§ 306.76 Fiduciaries acting as a unit.

Securities registered in the name of or assigned to a board, committee or other body authorized to act as a unit for any public or private trust estate may be assigned for any authorized transaction by anyone authorized to act in behalf of such body. Except as otherwise provided in this section, the assignments must be supported by a copy of a resolution adopted by the body, properly certified under its seal, or, if none, sworn to by a member of the body having access to its records. (Form PD 2495 may be used.) If the person assigning is designated in the resolution by title only, his incumbency must be duly certified by another member of the body. (Form PD 2446 may be used.) If the fiduciaries of any trust estate are empowered to act as a unit, although not designated as a board, committee or other body, securities registered in their names or assigned to them as such, or in their titles without their names, may be assigned by anyone authorized by the group to act in its behalf. Such assignments may be supported by a sworn copy of a resolution adopted by the group in accordance with the terms of the trust instrument, and proof of their authority to act as a unit may be required. As an alternative, assignments by all the fiduciaries, supported by proof of their incumbency, if not named on the securities, will be accepted.

§ 306.77 Corepresentatives and fiduciaries.

If there are two or more executors, administrators, guardians or similar representatives, or trustees of an estate, all must unite in the assignment of any securities belonging to the estate. However, when a statute, a decree of court, or the instrument under which the representatives or fiduciaries are acting provides otherwise, assignments in accordance with their authority will be accepted. If the securities have matured or been called and are submitted for redemption for the account of all, or for redemption-exchange or pursuant to an advance refunding or prerefunding offer, and the securities offered in exchange are to be registered in the names of all, no assignment is required.

§ 306.78 Nontransferable securities.

The provisions of this subpart, so far as applicable, govern assignments of Treasury Bonds, Investment Series B–1975–80.

Subpart J—Assignments in Behalf of Private or Public Organizations

§ 306.85 Private corporations and unincorporated associations (including nominees).

Securities registered in the name of, or assigned to, an unincorporated association, or a private corporation in its own right or in a representative or fiduciary capacity, or as nominee, may be assigned in its behalf for any authorized transaction by any duly authorized officer or officers. Evidence, in the form of a resolution of the governing body, authorizing the assigning officer to assign, or to sell, or to otherwise dispose of the securities will ordinarily be required. Resolutions may relate to any or all registered securities owned by the organization or held by it in a representative or fiduciary capacity. (Form PD 1010, or any substantially similar form, may be used when the authority relates to specific securities; Form PD 1011, or any substantially similar form, may be used for securities generally.) If the officer derives his authority from a charter, constitution or bylaws, a copy, or a pertinent extract therefrom, properly certified, will be required in lieu of a resolution. If the resolution or other supporting document shows the title of an authorized officer, without his name, it must be supplemented by a certificate of incumbency. (Form PD 1014 may be used.)

§ 306.86 Change of name and succession of private organizations.

If a private corporation or unincorporated association changes its name or is lawfully succeeded by another corporation or unincorporated association, its securities may be assigned in behalf of the organization in its new name or that of its successor by an authorized officer in accordance with § 306.85. The assignment must be supported by evidence of the change of name or successorship.

§ 306.87 Partnerships (including nominee partnerships).

An assignment of a security registered in the name of or assigned to a partnership must be executed by a general partner. Upon dissolution of a partnership, assignment by all living partners and by the persons entitled to assign in behalf of any deceased partner's estate will be required unless the laws of the jurisdiction authorize a general partner to bind the partnership by any act appropriate for winding up partnership affairs. In those cases where assignments by or in behalf of all partners are required this fact must be shown in the assignment; otherwise, an affidavit by a former general partner must be furnished identifying all the persons who had been partners immediately prior to dissolution. Upon voluntary dissolution, for any jurisdiction where a general partner may not act in winding up partnership affairs, an assignment by a liquidating partner, as such, must be supported by a duly executed agreement among the partners appointing the liquidating partner.

§ 306.88 Political entities and public corporations.

Securities registered in the name of, or assigned to, a State, county, city, town, village, school district or other political entity, public body or corporation, may be assigned by a duly authorized officer, supported by evidence of his authority.

§ 306.89 Public officers.

Securities registered in the name of, or assigned to, a public officer designated by title may be assigned by such officer, supported by evidence of incumbency. Assignments for the officer's own apparent individual benefit will not be recognized.

§ 306.90 Nontransferable securities.

The provisions of this subpart apply to Treasury Bonds, Investment Series B–1975–80.

Subpart K—Attorneys in Fact

§ 306.95 Attorneys in fact.

(a) *General.* Assignments by an attorney in fact will be recognized if supported by an adequate power of attorney. Every power must be executed in the

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presence of an authorized certifying officer under the conditions set out in § 306.45 for certification of assignments. Powers need not be submitted to support redemption-exchanges or exchanges pursuant to advance refunding or prerefunding offers where the securities to be issued are to be registered in the same names and forms as appear in the inscriptions or assignments of the securities surrendered. In all other cases, the original power, or a photocopy showing the grantor's autograph signature, properly certified, must be submitted, together with the security assigned on the owner's behalf by the attorney in fact. An assignment by a substitute attorney in fact must be supported by an authorizing power of attorney and power of substitution. An assignment by an attorney in fact or a substitute attorney in fact for the apparent benefit of either will not be accepted unless expressly authorized. (Form PD 1001 or 1003, as appropriate, may be used to appoint an attorney in fact. An attorney in fact may use Form PD 1006 or 1008 to appoint a substitute. However, any form sufficient in substance may be used.) If there are two or more joint attorneys in fact or substitutes, all must unite in an assignment, unless the power authorizes less than all to act. A power of attorney or of substitution not coupled with an interest will be recognized until the Bureau receives proof of revocation or proof of the grantor's death or incompetency.

(b) *For legal representatives and fiduciaries.* Assignments by an attorney in fact or substitute attorney in fact for a legal representative or fiduciary, in addition to the power of attorney and of substitution, must be supported by evidence, if any, as required by §§ 306.57 (d), 306.66(b), 306.75, and 306.76. Powers must specifically designate the securities to be assigned.

(c) *For corporations or unincorporated associations.* Assignments by an attorney in fact or a substitute attorney in fact in behalf of a corporation or unincorporated association, in addition to the power of attorney and power of substitution, must be supported by one of the following documents certified under seal of the organization, or, if it has no seal, sworn to by an officer who has access to the records:

(1) A copy of the resolution of the governing body authorizing an officer to appoint an attorney in fact, with power of substitution, if pertinent, to assign, or to sell, or to otherwise dispose of, the securities, or

(2) A copy of the charter, constitution, or bylaws, or a pertinent extract therefrom, showing the authority of an officer to appoint an attorney in fact, or

(3) A copy of the resolution of the governing body directly appointing an attorney in fact.

If the resolution or other supporting document shows only the title of the authorized officer, without his name, a certificate of incumbency must also be furnished. (Form PD 1014 may be used.) The power may not be broader than the resolution or other authority.

(d) *For public corporations.* A general power of attorney in behalf of a public corporation will be recognized only if it is authorized by statute.

§ 306.96 Nontransferable securities.

The provisions of this subpart shall apply to nontransferable securities, subject only to the limitations imposed by the terms of the particular issues.

Subpart L—Transfer Through Judicial Proceedings

§ 306.100 Transferable securities.

The Department will recognize valid judicial proceedings affecting the ownership of or interest in transferable securities, upon presentation of the securities together with evidence of the proceedings. In the case of securities registered in the names of two or more persons, the extent of their respective interests in the securities must be determined by the court in proceedings to which they are parties or must otherwise be validly established.[10]

§ 306.101 Evidence required.

Copies of a final judgment, decree, or order of court and of any necessary supplementary proceedings must be submitted. Assignments by a trustee in bankruptcy or a receiver of an insolvent's estate must be supported by evidence of his qualification. Assignments by a receiver in equity or a similar court officer must be supported by a copy of an order authorizing him to assign, or to sell, or to otherwise dispose of, the securities. Where the documents are dated more than 6 months prior to presentation of the securities, there must also be submitted a certificate dated within 6 months of presentation of the securities, showing the judgment, decree, or order, or evidence of qualification, is in full force. Any such evidence must be certified under court seal.

§ 306.102 Nontransferable securities.

The provisions of this subpart shall apply to Treasury Bonds, Investment Series B–1975–80, except that prior to maturity any reference to assignments shall be deemed to refer to assignments of the bonds for exchange for the current series of 1½ percent 5-year EA or EO Treasury notes.

Subpart M—Requests for Suspension of Transactions

§ 306.105 Requests for suspension of transactions in registered securities.

(a) *Timely notice.* If prior to the time a registered security bearing an apparently valid assignment has been functioned, a claim is received from the owner or his authorized representative showing that (1) the security was lost, stolen, or destroyed and that it was unassigned, or not so assigned as to have become in effect payable to bearer, or (2) the assignment was affected by fraud, the transaction for which the security was received will be suspended. The interested parties will be given a reasonable period of time in which to effect settlement of their interests by agreement, or to institute judicial proceedings.

(b) *Late notice.* If, after a registered security has been transferred, exchanged, or redeemed in reliance on an apparently valid assignment, an owner notifies the Bureau that the assignment was affected by fraud or that the security had been lost or stolen, the Department will undertake only to furnish available information.

(c) *Forged assignments.* A claim that an assignment of a registered security is a forgery will be investigated. If it is established that the assignment was in fact forged and that the owner did not authorize or ratify it, or receive any benefit therefrom, the Department will recognize his ownership and grant appropriate relief.

§ 306.106 Requests for suspension of transactions in bearer securities.

(a) *Securities not overdue.* Neither the Department nor any of its agents will accept notice of any claim or of pending judicial proceedings by any person for the purpose of suspending transactions in bearer securities, or registered securities so assigned as to become in effect payable to bearer which are not overdue as defined in § 306.25.[11] However, if the securities are received and retired, the department will undertake to notify persons who appear to be entitled to any available information concerning the source from which the securities were received.

(b) *Overdue securities.* Reports that bearer securities, or registered securities so assigned as to become in effect payable to bearer, were lost, stolen, or possibly destroyed after they became overdue as defined in § 306.25 will be accepted by the Bureau for the purpose of sus-

[10] Title in a finder claiming ownership of a registered security will not be recognized. A finder claiming ownership of a bearer security or a registered security assigned in blank or so assigned as to become in effect payable to bearer must perfect his title in accordance with the provisions of State law. If there are no such provisions, the Department will not recognize his title to the security.

[11] It has been the longstanding policy of the Department to assume no responsibility for the protection of bearer securities not in the possession of persons claiming rights therein and to give no effect to any notice of such claims. This policy was formalized on April 27, 1867, when the Secretary of the Treasury issued the following statement:

"In consequence of the increasing trouble, wholly without practical benefit, arising from notices which are constantly received at the Department respecting the loss of coupon bonds, which are payable to bearer, and of Treasury notes issued and remaining in blank at the time of loss, it becomes necessary to give this public notice, that the Government cannot protect and will not undertake to protect the owners of such bonds and notes against the consequences of their own fault or misfortune.

"Hereafter all bonds, notes, and coupons, payable to bearer, and Treasury notes issued and remaining in blank, will be paid to the party presenting them in pursuance of the regulations of the Department, in the course of regular business; and no attention will be paid to caveats which may be filed for the purpose of preventing such payment."

pending redemption of the securities if the claimant establishes his interest. If the securities are presented, their redemption will be suspended and the presenter and the claimant will each be given an opportunity to establish ownership.

Subpart N—Relief for Loss, Theft, Destruction, Mutilation, or Defacement of Securities

§ 306.110 Statutory authority and requirements.

Relief is authorized, under certain conditions, for the loss, theft, destruction, mutilation or defacement of U.S. securities, whether before, at, or after maturity. A bond of indemnity, in such form and with such surety, sureties or security as may be required to protect the interests of the United States, is required as a condition of relief on account of any bearer security or any registered security assigned in blank or so assigned as to become in effect payable to bearer, and is ordinarily required in the case of unassigned registered securities.

§ 306.111 Procedure for applying for relief.

Prompt report of the loss, theft, destruction, mutilation or defacement of a security should be made to the Bureau. The report should include:

(a) The name and present address of the owner and his address at the time the security was issued, and, if the report is made by some other person, the capacity in which he represents the owner.

(b) The identity of the security by title of loan, issue date, interest rate, serial number and denomination, and in the case of a registered security, the exact form of inscription and a full description of any assignment, endorsement or other writing.

(c) A full statement of the circumstances.

All available portions of a mutilated, defaced or partially destroyed security must also be submitted.

§ 306.112 Type of relief granted.

(a) *Prior to call or maturity.* After a claim on account of the loss, theft, destruction, mutilation, or defacement of a security which has not matured or been called has been satisfactorily established and the conditions for granting relief have been met, a security of like description will be issued to replace the original security.

(b) *At or after call or maturity.* Payment will be made on account of the loss, theft, destruction, mutilation, or defacement of a called or matured security after the claim has been satisfactorily established and the conditions for granting relief have been met.

(c) *Interest coupons.* Where relief has been authorized on account of a destroyed, mutilated or defaced coupon security which has not matured or been called, the replacement security will have attached all unmatured interest coupons if it is established to the satisfaction of the Secretary of the Treasury that the coupons were attached to the original security at the time of its destruction, mutilation or defacement. In every other case only those unmatured interest coupons for which the Department has received payment will be attached. The price of the coupons will be their value as determined by the Department at the time relief is authorized using interest rate factors based on then current market yields on Treasury securities of comparable maturities.

§ 306.113 Cases not requiring bonds of indemnity.

A bond of indemnity will not be required as a condition of relief for the loss, theft, destruction, mutilation, or defacement of registered securities in any of the following classes of cases unless the Secretary of the Treasury deems it essential in the public interest:

(a) If the loss, theft, destruction, mutilation, or defacement, as the case may be, occurred while the security was in the custody or control of the United States, or a duly authorized agent thereof (not including the Postal Service when acting solely in its capacity as public carrier of the mails), or while in the course of shipment effected under regulations issued pursuant to the Government Losses in Shipment Act (Parts 260, 261, and 262 of this chapter).

(b) If substantially the entire security is presented and surrendered and the Secretary of the Treasury is satisfied as to the identity of the security and that any missing portions are not sufficient to form the basis of a valid claim against the United States.

(c) If the security is one which by the provisions of law or by the terms of its issue is nontransferable or is transferable only by operation of law.

(d) If the owner or holder is the United States, a Federal Reserve bank, a Federal Government corporation, a State, the District of Columbia, a territory or possession of the United States, a municipal corporation, or, if applicable, a political subdivision of any of the foregoing, or a foreign government.

Subpart O—Book-Entry Procedure

§ 306.115 Definition of terms.

In this subpart, unless the context otherwise requires or indicates:

(a) "Reserve Bank" means a Federal Reserve bank and its branches acting as Fiscal Agent of the United States and when indicated acting in its individual capacity.

(b) "Treasury security" means a Treasury bond, note, certificate of indebtedness, or bill issued under the Second Liberty Bond Act, as amended, in the form of a definitive Treasury security or a book-entry Treasury security.

(c) "Definitive Treasury security" means a Treasury bond, note, certificate of indebtedness, or bill issued under to Second Liberty Bond Act, as amended, in engraved or printed form.

(d) "Book-entry Treasury security" means a Treasury bond, note certificate of indebtedness, or bill issued under the Second Liberty Bond Act, as amended, in the form an entry made as prescribed in this subpart on the records of a Reserve Bank.

(e) "Pledge" includes a pledge of, or any other security interest in, Treasury securities as collateral for loans or advances or to secure deposits of public monies or the performance of an obligation.

(f) "Date of call" (see § 306.2) is "the date fixed in the official notice of call published in the FEDERAL REGISTER * * * on which the obligor will make payment of the security before maturity in accordance with its terms."

(g) "Member bank" means any national bank, State bank or bank or trust company which is member of a Reserve Bank.

§ 306.116 Authority of Reserve Banks.

Each Reserve Bank is hereby authorized, in accordance with the provisions of this subpart, to (a) issue book-entry Treasury securities by means of entries on its records which shall include the name of the depositor, the amount, the loan title (or series) and maturity date; (b) effect conversions between book-entry Treasury securities and definitive Treasury securities; (c) otherwise service and maintain book-entry Treasury securities; and (d) issue a confirmation of transaction in the form of a written advice (serially numbered or otherwise) which specifies the amount and description of any securities, that is, loan title (or series) and maturity date, sold or transferred and the date of the transaction.

§ 306.117 Scope and effect of book-entry procedure.

(a) A Reserve bank as fiscal agent of the United States may apply the book-entry procedure provided for in this subpart to any Treasury securities which have been or are hereafter deposited for any purpose in accounts with it in its individual capacity under terms and conditions which indicate that the Reserve bank will continue to maintain such deposit accounts in its individual capacity, notwithstanding application of the book-entry procedure to such securities. This paragraph is applicable, but not limited, to securities deposited: [12]

(1) As collateral pledged to a Reserve bank (in its individual capacity) for advances by it;

(2) By a member bank for its sole account;

(3) By a member bank held for the account of its customers;

(4) In connection with deposits in a member bank of funds of States, municipalities, or other political subdivisions; or

(5) In connection with the performance of an obligation or duty under Federal, State, municipal, or local law, or judgments or decrees of courts.

The application of the book-entry procedure under this paragraph shall not derogate from or adversely affect the

[12] The appendix to this subpart contains rules of identification of book-entry securities for Federal income tax purposes.

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relationships that would otherwise exist between a Reserve bank in its individual capacity and its depositors concerning any deposits under this paragraph. Whenever the book-entry procedure is applied to such Treasury securities, the Reserve bank is authorized to take all action necessary in respect of the book-entry procedure to enable such Reserve bank in its individual capacity to perform its obligations as depositary with respect to such Treasury securities.

(b) A Reserve bank, as fiscal agent of the United States, shall apply the book-entry procedure to Treasury securities deposited as collateral pledged to the United States under current revisions of Department of the Treasury Circulars Nos. 92 and 176 (Parts 203 and 202 of this chapter), and may apply the book-entry procedure, with the approval of the Secretary of the Treasury, to any other Treasury securities deposited with a Reserve bank, as fiscal agent of the United States.

(c) Any person having an interest in Treasury securities which are deposited with a Reserve bank (in either its individual capacity or as fiscal agent) for any purpose shall be deemed to have consented to their conversion to book-entry Treasury securities pursuant to the provisions of this subpart, and in the manner and under the procedures prescribed by the Reserve bank.

(d) No deposits shall be accepted under this section on or after the date of maturity or call of the securities.

§ 306.118 Transfer or pledge.

(a) A transfer or a pledge of book-entry Treasury securities to a Reserve bank (in its individual capacity or as fiscal agent of the United States), or to the United States, or to any transferee or pledgee eligible to maintain an appropriate book-entry account in its name with a Reserve bank under this subpart, is effected and perfected, notwithstanding any provision of law to the contrary, by a Reserve bank making an appropriate entry in its records of the securities transferred or pledged. The making of such an entry in the records of a Reserve bank shall (1) have the effect of a delivery in bearer form of definitive Treasury securities; (2) have the effect of a taking of delivery by the transferee or pledgee; (3) constitute the transferee or pledgee a holder; and (4) if a pledge, effect a perfected security interest therein in favor of the pledgee. A transfer or pledge of book-entry Treasury securities effected under this paragraph shall have priority over any transfer, pledge, or other interest, theretofore or thereafter effected or perfected under paragraph (b) of this section or in any other manner.

(b) A transfer or a pledge of transferable Treasury securities, or any interest therein, which is maintained by a Reserve bank (in its individual capacity or as fiscal agent of the United States) in a book-entry account under this subpart, including securities in book-entry form under § 306.117(a)(3), is effected, and a pledge is perfected, by any means that would be effective under applicable law to effect a transfer or to effect and perfect a pledge of the Treasury securities, or any interest therein, if the securities were maintained by the Reserve bank in bearer definitive form. For purposes of transfer or pledge hereunder, book-entry Treasury securities maintained by a Reserve bank shall, notwithstanding any provision of law to the contrary, be deemed to be maintained in bearer definitive form. A Reserve bank maintaining book-entry Treasury securities either in its individual capacity or as fiscal agent of the United States is not a bailee for purposes of notification of pledges of those securities under this subsection, or a third person in possession for purposes of acknowledgment of transfers thereof under this subsection. Where transferable Treasury securities are recorded on the books of a depositary (a bank, banking institution, financial firm, or similar party, which regularly accepts in the course of its business Treasury securities as a custodial service for customers, and maintains accounts in the names of such customers reflecting ownership of or interest in such securities) for account of the pledgor or transferor thereof and such securities are on deposit with a Reserve bank in a book-entry account hereunder, such depositary shall, for purposes of perfecting a pledge of such securities or effecting delivery of such securities to a purchaser under applicable provisions of law, be the bailee to which notification of the pledge of the securities may be given or the third person in possession from which acknowledgment of the holding of the securities for the purchaser may be obtained. A Reserve bank will not accept notice or advice of a transfer or pledge effected or perfected under this subsection, and any such notice or advice shall have no effect. A Reserve bank may continue to deal with its depositor in accordance with the provisions of this subpart, notwithstanding any transfer or pledge effected or perfected under this subsection.

(c) No filing or recording with a public recording office or officer shall be necessary or effective with respect to any transfer or pledge of book-entry Treasury securities or any interest therein.

(d) A Reserve bank shall, upon receipt of appropriate instructions, convert book-entry Treasury securities into definitive Treasury securities and deliver them in accordance with such instructions; no such conversion shall affect existing interests in such Treasury securities.

(e) A transfer of book-entry Treasury securities within a Reserve bank shall be made in accordance with procedures established by the bank not inconsistent with this subpart. The transfer of book-entry Treasury securities by a Reserve bank may be made through a telegraphic transfer procedure.

(f) All requests for transfer or withdrawal must be made prior to the maturity or date of call of the securities.

§ 306.119 Withdrawal of Treasury securities.

(a) A depositor of book-entry Treasury securities may withdraw them from a Reserve bank by requesting delivery of like definitive Treasury securities to itself or on its order to a transferee.

(b) Treasury securities which are actually to be delivered upon withdrawal may be issued either in registered or in bearer form, except that Treasury bills and EA and EO series of Treasury notes will be issued in bearer form only.

§ 306.120 Delivery of Treasury securities.

A Reserve bank which has received Treasury securities and effected pledges, made entries regarding them, or transferred or delivered them according to the instructions of its depositor is not liable for conversion or for participation in breach of fiduciary duty even though the depositor had no right to dispose of or take other action in respect of the securities. A Reserve bank shall be fully discharged of its obligations under this subpart by the delivery of Treasury securities in definitive form to its depositor or upon the order of such depositor. Customers of a member bank or other depositary (other than a Reserve bank) may obtain Treasury securities in definitive form only by causing the depositor of the Reserve bank to order the withdrawal thereof from the Reserve bank.

§ 306.121 Registered bonds and notes.

No formal assignment shall be required for the conversion to book-entry Treasury securities of registered Treasury securities held by a Reserve bank (in either its individual capacity or as fiscal agent) on the effective date of this subpart for any purpose specified in § 306.117(a). Registered Treasury securities deposited thereafter with a Reserve bank for any purpose specified in § 306.117 shall be assigned for conversion to book-entry Treasury securities. The assignment, which shall be executed in accordance with the provisions of Subpart F of this part, so far as applicable, shall be to "Federal Reserve Bank of _____, as fiscal agent of the United States, for conversion to book-entry Treasury securities."

§ 306.122 Servicing book-entry Treasury securities; payment of interest, payment at maturity or upon call.

Interest becoming due on book-entry Treasury securities shall be charged in the Treasurer's account on the interest-due date and remitted or credited in accordance with the depositor's instructions. Such securities shall be redeemed and charged in the Treasurer's account on the date of maturity or call, and the redemption proceeds, principal and interest, shall be disposed of in accordance with the depositor's instructions.

Subpart P—Miscellaneous Provisions

§ 306.125 Additional requirements.

In any case or any class of cases arising under these regulations the Secretary of the Treasury may require such additional evidence and a bond of indemnity, with or without surety, as may in his judgment be necessary for the protection of the interests of the United States.

§ 306.126 Waiver of regulations.

The Secretary of the Treasury reserves the right, in his discretion, to waive or modify any provision or provisions of these regulations in any particular case or class of cases for the convenience of the United States or in order to relieve any person or persons of unnecessary hardship, if such action is not inconsistent with law, does not impair any existing rights, and he is satisfied that such action would not subject the United States to any substantial expense or liability.

§ 306.127 Preservation of existing rights.

Nothing contained in these regulations shall limit or restrict existing rights which holders of securities heretofore issued may have acquired under the circulars offering such securities for sale or under the regulations in force at the time of acquisition.

§ 306.128 Supplements, amendments or revisions.

The Secretary of the Treasury may at any time, or from time to time, prescribe additional supplemental, amendatory or revised regulations with respect to U.S. securities.

APPENDIX TO SUBPART E—INTEREST—COMPUTATION OF INTEREST ON TREASURY BONDS, TREASURY NOTES, AND TREASURY CERTIFICATES OF INDEBTEDNESS, AND COMPUTATION OF DISCOUNT ON TREASURY BILLS—INTEREST TABLES

COMPUTATION OF INTEREST ON ANNUAL BASIS

One Day's Interest is 1/365 or 1/366 of 1-Year's Interest

Computation of interest on Treasury bonds, notes, and certificates of indebtedness will be made on an annual basis in all cases where interest is payable in one amount for the full term of the security, unless such term is an exact half-year (6 months), and it is provided that interest shall be computed on a semiannual basis.

If the term of the securities is exactly 1 year, the interest is computed for the full period at the specified rate regardless of the number of days in such period.

If the term of the securities is less than 1 full year, the annual interest period for purposes of computation is considered to be the full year from but not including the date of issue to and including the anniversary of such date.

If the term of the securities is less than 1 full year, the annual interest period for purposes of computation is considered to be the full year from but not including the date of issue to and including the anniversary of such date.

If the term of the securities is more than 1 full year, computation is made on the basis of one full annual interest period, ending with the maturity date, and a fractional part of the preceding full annual interest period.

The computation of interest for any fractional part of an annual interest period is made on the basis of 365 actual days in such period, or 366 days if Februray 29 falls within such annual period.

COMPUTATION OF INTEREST ON SEMIANNUAL BASIS

One Day's Interest is 1/181, 1/182, 1/183 or 1/184 or 1/2 Year's Interest

Computation of interest on Treasury bonds, notes, and certificates of indebtedness will be made on a semiannual basis in all cases where interest is payable for one or more full half-year (6 months) periods, or for one or more full half-year periods and a fractional part of a half-year period. A semiannual interest period is an exact half-year or 6 months, for computation purposes, and may comprise 181, 182, 183 or 184 actual days.

An exact half-year's interest at the specified rate is computed for each full period of exactly 6 months, irrespective of the actual number of days in the half-year.

FOR THE HALF-YEAR

Interest period	Beginning and ending days are 1st or 15th of months listed under interest period (number of days)		Beginning and ending days are last days of months listed under interest period (number of days)	
	Regular year	Leap year	Regular year	Leap year
January to July	181	182	181	182
February to August	181	182	184	184
March to September	184	184	183	183
April to October	183	183	184	184
May to November	184	184	183	183
June to December	183	183	184	184
July to January	184	184	184	184
August to February	184	184	181	182
September to March	181	182	182	183
October to April	182	183	181	182
November to May	181	182	182	183
December to June	182	183	181	182
1 year (any 2 consecutive half-years)	365	366	365	366

The following are dates for end-of-the-month interest computations.

When interest period ends on—	*Interest-computation period will be from but will not include—*
Jan. 31	July 31.
Feb. 28 in 365-day year.	Aug. 31.
Feb. 29	Do.
Mar. 30, 31	Sept. 30.
Apr. 30	Oct. 31.
May 30, 31	Nov. 30.
June 30	Dec. 31.
July 31	Jan. 31.
Aug. 29, 30 or 31	Feb. 28 in 365-day year. Feb. 29 in leap year.
Sept. 30	Mar. 31.
Oct. 30, 31	Apr. 30.
Nov. 30	May 31.
Dec. 30, 31	June 30.

USE OF INTEREST TABLES

In the appended tables decimals are set forth for use in computing interest for fractional parts of interest periods. The decimals cover interest on $1,000 for 1 day in each possible semiannual (Table I), and annual (Table II) interest period, at all rates of interest, in steps of ⅛ percent, from ⅛ to 9 percent. The amount of interest accruing on any date (for a fractional part of an interest period) on $1,000 face amount of any issue of Treasury bonds, Treasury notes, or Treasury certificates of indebtedness may be ascertained in the following way:

(1) The date of issue, the dates for the payment of interest, the basis (semiannual or annual) upon which interest is computed, and the rate of interest (percent per annum) may be determined from the text of the security, or from the official circular governing the issue.

(2) Determine the interest period of which the fraction is a part, and calculate the number of days in the full period to determine the proper column to be used in selecting the decimal for 1 day's interest.

If the initial interest covers a fractional part of a half-year, computation is made on the basis of the actual number of days in the half-year (exactly 6 months) ending on the day such initial interest becomes due. If the initial interest covers a period in excess of 6 months, computation is made on the basis of one full half-year period, ending with the interest due date, and a fractional part of the preceding full half-year period.

Interest for any fractional part of a full half-year period is computed on the basis of the exact number of days in the full period, including February 29 whenever it falls within such a period.

The number of days in any half-year period is shown in the following table:

(3) Calculate the actual number of days in the fractional period from but not including the date of issue or the day on which the last preceding interest payment was made, to and including the day on which the next succeeding interest payment is due or the day as of which the transaction which terminates the accrual of additional interest is effected.

(4) Multiply the appropriate decimal (1 day's interest on $1,000) by the number of days in the fractional part of the interest period. The appropriate decimal will be found in the appended table for interest payable semiannually or annually, as the case may be, opposite the rate borne by the security, and in the column showing the full interest period of which the fractional period is a part. (For interest on any other amount, multiply the amount of interest on $1,000 by the other amount expressed as a decimal of $1,000.)

TREASURY BILLS

The methods of computing discount rates on U.S. Treasury bills are given below:

Computation will be made on an annual basis in all cases. The annual period for bank discount is a year of 360 days, and all computations of such discount will be made on that basis. The annual period for true discount is 1 full year from but not including the date of issue to and including the anniversary of such date. Computation of true discount for a fractional part of a year will be made on the basis of 365 days in the year, or 366 days if February 29 falls within the year.

BANK DISCOUNT

The bank discount rate on a Treasury bill may be ascertained by (1) subtracting the sale price of the bill from its face value to obtain the amount of discount; (2) dividing the amount of discount by the number of days the bill is to run to obtain the amount of discount per day; (3) multiplying the amount of discount per day by 360 (the number of days in a commercial year of 12 months

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of 30 days each) to obtain the amount of discount per year; and (4) dividing the amount of discount per year by the face value of the bill to obtain the bank discount rate.

For example:
91-day bill:
Principal amount—maturity value $100.00
Price at issue—amount received 99.50

Amount of discount .... .50

$0.50 ÷ 91 × 360 ÷ $100 = .01978 or 1.978 percent

TRUE DISCOUNT

The true discount rate on a Treasury bill of not more than one-half year in length may be ascertained by (1 and 2) obtaining the amount of discount per day by following the first two steps described under "Bank Discount"; (3) multiplying the amount of discount per day by the actual number of days in the year from date of issue (365 ordinarily, but 366 if February 29 falls within the year from date of issue) to obtain the amount of discount per year; and (4) dividing the amount of discount per year by the sale price of the bill to obtain the true discount rate.

For example:
91-day bill:
Principal amount—maturity value $100.00
Price at issue—amount received 99.50

Amount of discount .... .50

$0.50 ÷ 91 × 365 ÷ $99.50 = .02016 or 2.016 percent

TABLE I—DECIMAL FOR 1 DAY'S INTEREST ON $1,000 AT VARIOUS RATES OF INTEREST, PAYABLE SEMIANNUALLY OR ON A SEMIANNUAL BASIS, IN REGULAR YEARS OF 365 DAYS AND IN LEAP YEARS OF 366 DAYS (TO DETERMINE APPLICABLE NUMBER OF DAYS, SEE "COMPUTATION OF INTEREST ON SEMIANNUAL BASIS")

Rate per annum (percent)	Half-year of 184 days	Half-year of 183 days	Half-year of 182 days	Half-year of 181 days
1/8	$0.003 396 739	$0.003 415 301	$0.003 434 066	$0.003 453 039
1/4	.006 793 478	.006 830 601	.006 868 132	.006 906 077
3/8	.010 190 217	.010 245 902	.010 302 198	.010 359 116
1/2	.013 586 957	.013 661 202	.013 736 264	.013 812 155
5/8	.016 983 696	.017 076 503	.017 170 330	.017 265 193
3/4	.020 380 435	.020 491 803	.020 604 396	.020 718 232
7/8	.023 777 174	.023 907 104	.024 038 462	.024 171 271
1	.027 173 913	.027 322 404	.027 472 527	.027 624 309
1 1/8	.030 570 652	.030 737 705	.030 906 593	.031 077 348
1 1/4	.033 967 391	.034 153 005	.034 340 659	.034 530 387
1 3/8	.037 364 130	.037 568 306	.037 774 725	.037 983 425
1 1/2	.040 760 870	.040 983 607	.041 208 791	.041 436 464
1 5/8	.044 157 609	.044 398 907	.044 642 857	.044 889 503
1 3/4	.047 554 348	.047 814 208	.048 076 923	.048 342 541
1 7/8	.050 951 087	.051 229 508	.051 510 989	.051 795 580
2	.054 347 826	.054 644 809	.054 945 055	.055 248 619
2 1/8	.057 744 565	.558 060 109	.058 379 121	.058 701 657
2 1/4	.061 141 304	.061 475 410	.061 813 187	.062 154 696
2 3/8	.064 538 043	.064 890 710	.065 247 253	.065 607 735
2 1/2	.067 934 783	.068 306 011	.068 681 319	.069 060 773
2 5/8	.071 331 522	.071 721 311	.072 115 385	.072 513 812
2 3/4	.074 728 261	.075 136 612	.075 549 451	.075 966 851
2 7/8	.078 125 000	.078 551 913	.078 983 516	.079 419 890
3	.081 521 739	.081 967 213	.082 417 582	.082 872 928
3 1/8	.084 918 478	.085 382 514	.085 851 648	.086 325 967
3 1/4	.088 315 217	.088 797 814	.089 285 714	.089 779 006
3 3/8	.091 711 957	.092 213 115	.092 719 780	.093 232 044
3 1/2	.095 108 696	.095 628 415	.096 153 846	.096 685 083
3 5/8	.098 505 435	.099 043 716	.099 021 978	.100 138 122
3 3/4	.101 902 174	.102 459 016	.103 021 978	.103 591 160
3 7/8	.105 298 913	.105 874 317	.106 456 044	.107 044 199
4	.108 695 652	.109 289 617	.109 800 110	.110 497 238
4 1/8	.112 092 391	.112 704 918	.113 324 176	.113 950 276
4 1/4	.115 489 130	.116 120 219	.116 758 242	.117 403 315
4 3/8	.118 885 870	.119 535 519	.120 192 308	.120 856 354
4 1/2	.122 282 609	.122 950 820	.123 626 374	.124 309 392
4 5/8	.125 679 348	.126 366 120	.127 060 440	.127 762 431
4 3/4	.129 076 087	.129 781 421	.130 494 505	.131 215 470
4 7/8	.132 472 826	.133 196 721	.133 928 571	.134 668 508
5	.135 869 565	.136 612 022	.137 362 637	.138 121 547
5 1/8	.139 266 304	.140 027 322	.140 796 703	.141 574 586
5 1/4	.142 663 043	.143 442 623	.144 230 769	.145 027 624
5 3/8	.146 059 783	.146 857 923	.147 664 835	.148 480 663
5 1/2	.149 456 522	.150 273 224	.151 098 901	.151 933 702
5 5/8	.152 853 261	.153 688 525	.154 532 967	.155 386 740
5 3/4	.156 250 000	.157 103 825	.157 967 033	.158 839 779
5 7/8	.159 646 739	.160 519 126	.161 401 099	.162 292 818
6	.163 043 478	.163 934 426	.164 835 165	.165 745 856

TABLE II—DECIMAL FOR 1 DAY'S INTEREST ON $1,000 AT VARIOUS RATES OF INTEREST, PAYABLE ANNUALLY OR ON AN ANNUAL BASIS, IN REGULAR YEARS OF 365 DAYS AND IN LEAP YEARS OF 366 DAYS

Rate per annum (percent)	Regular year, 365 days	Leap year, 366 days
1/8	$0.003 424 658	$0.003 415 301
1/4	.006 849 315	.006 830 601
3/8	.010 273 973	.010 245 902
1/2	.013 698 630	.013 661 202
5/8	.017 123 288	.017 076 503
3/4	.020 547 945	.020 491 803
7/8	.023 972 603	.023 907 104
1	.027 397 260	.027 322 404
1 1/8	.030 821 918	.030 737 705
1 1/4	.034 246 575	.034 153 005
1 3/8	.037 671 233	.037 568 306
1 1/2	.041 095 890	.040 983 607
1 5/8	.044 520 548	.044 398 907
1 3/4	.047 945 205	.047 814 208
1 7/8	.051 369 863	.051 229 508
2	.054 794 521	.054 644 809
2 1/8	.058 219 178	.058 060 109
2 1/4	.061 643 836	.061 475 410
2 3/8	.065 068 493	.064 890 710
2 1/2	.068 493 151	.068 306 011
2 5/8	.071 917 808	.071 721 311
2 3/4	.075 342 466	.075 136 612
2 7/8	.078 767 123	.078 551 913
3	.082 191 781	.081 967 213
3 1/8	.085 616 438	.085 382 514
3 1/4	.089 041 096	.088 797 814
3 3/8	.092 465 753	.092 213 115
3 1/2	.095 890 411	.095 628 415
3 5/8	.099 315 068	.099 043 716
3 3/4	.102 739 726	.102 459 016
3 7/8	.106 164 384	.105 874 317
4	.109 589 041	.109 289 617
4 1/8	.113 013 699	.112 704 918
4 1/4	.116 438 356	.116 120 219
4 3/8	.119 863 014	.119 535 519
4 1/2	.123 287 671	.122 950 820
4 5/8	.126 712 329	.126 366 120
4 3/4	.130 136 986	.129 781 421
4 7/8	.133 561 644	.133 196 721
5	.136 986 301	.136 612 022
5 1/8	.140 410 959	.140 027 322
5 1/4	.143 835 616	.143 442 623
5 3/8	.147 260 274	.146 857 923
5 1/2	.150 684 932	.150 273 224
5 5/8	.154 109 589	.153 688 525
5 3/4	.157 534 247	.157 103 825
5 7/8	.160 958 904	.160 519 126
6	.164 383 562	.163 934 426

APPENDIX TO SUBPART O—BOOK-ENTRY PROCEDURE

RECORDS FOR FEDERAL INCOME TAX PURPOSES

There are attached three documents in connection with the book-entry procedure which simplify recordkeeping for Federal income tax purposes. They apply to transferable Treasury bonds, notes, certificates of indebtedness, or bills issued under the Second Liberty Bond Act, as amended, and to "any other security of the United States." The quoted term is defined to include a bond, note, certificate of indebtedness, bill, debenture, or similar obligation which is subject to the provisions of 31 CFR Part 306, or other comparable Federal regulations and which is issued by any department or agency of the Government of the United States, or the Federal National Mortgage Association, the Federal Home Loan Banks, the Federal Land Banks, the Federal Intermediate Credit Banks, the Banks for Cooperatives, or the Tennessee Valley Authority.

The three documents are:

(1) The substance of Treasury Department Decision 7081, published in the FEDERAL REGISTER on December 31, 1970;[1]

(2) Revenue Ruling 71–21, published in Internal Revenue Bulletin 1971–3, dated January 18, 1971; and

(3) Revenue Ruling 71–15, published in Internal Revenue Bulletin 1971–3, dated January 18, 1971.

The first document modifies the tax identification rules regarding the determination of basis and holding period of securities held as investments. It applies to the sale or transfer of book-entry securities pursuant to a written instruction by a taxpayer. It permits the taxpayer in its written instruction to its bank or to the person through whom the taxpayer makes the sale or transfer to identify the securities being sold or transferred by specifying the unique lot number which he has assigned to the lot containing them.

The taxpayer may make the specification either—(a) in the written instruction, or (b) in the case of a taxpayer having a book-entry account at a Reserve bank, in a list of lot numbers with respect to all book-entry securities on the books of the Reserve bank sold or transferred by him on that date: *Provided*, The list is mailed to or received by the Reserve bank on or before the latter's next business day.

These provisions apply only if the taxpayer assigns lot numbers in numerical sequence to successive purchases of securities in the same loan title (series) and maturity date, except that securities of the same loan title (series) and maturity date which are purchased at the same price on the same date may be included within the same lot.

The written advice of transaction furnished to the taxpayer by the Reserve bank, or by his bank or any other person through whom the taxpayer makes the sale or transfer, which specifies the amount and the description of the securities sold or transferred and the date of the transaction is sufficient confirmation. The Reserve bank need not use or refer to the lot number.

The second document concerns an owner of securities who has assigned sequential numbers to his successive purchases. The owner retains full interest in the securities but transfers them to a bank which has a book-entry account with a Reserve bank, or

[1] Filed as part of the original document. See 26 CFR 1.1012–1(c)(7).

to another party which transfers them to a bank which has a book-entry account with a Reserve bank.

When at a later date the bank instructs the Reserve bank to sell or transfer securities held in book entry for its customer, the bank need not refer to the sequential number which had been assigned on the owner's books.

The tax identification requirements are satisfied if the owner's written instruction to his bank or to the person through whom the taxpayer makes the sale or transfer sufficiently identifies the securities to be sold or transferred and refers to the lot number assigned to them in the owner's books. The bank's instruction to the Reserve bank will not refer to lot numbers; the Reserve bank will confirm the sale to the bank in the manner it deems appropriate. The member bank will confirm the sale or transfer to its customer by furnishing a written advice of transaction specifying the amount and description of the securities sold and the date of sale. The confirmation need not refer to lot number.

This document also permits substantially the same kind of identification and confirmation procedures when securities are purchased through the book-entry account for the bank's customers.

The third document provides that a dealer, who properly holds securities in inventory in accordance with § 1.471–5 of the Income Tax Regulations and proposes to transfer them to a book-entry system in a Reserve bank, will continue to maintain his books and records for Federal income tax purposes with respect to such securities in accordance with § 1.471–5 of the regulations and not § 1.1012–1 of the regulations.

SECTION 1012—BASIS OF PROPERTY—COST

26 CFR 1.1012.1 *Basis of property. Rev. Rul. 71–21.*[1] A taxpayer owns as investments Treasury securities and certain other securities described in the new § 1.1012–1(c)(7)(iii)(*a*) of the Income Tax Regulations. The taxpayer owner will assign a lot number to the securities in his books. The numbers will be assigned in numerical sequence to successive purchases of the same loan title (series) and maturity date, except that securities of the same loan title (series) and maturity date which are purchased at the same price on the same date may be included in the same lot.

The owner proposes to retain full interest in the securities but he will transfer possession of them to a bank. That bank will not keep records of the securities by use of the above-described lot numbers. The bank will also take possession of like securities for other taxpayers.

The bank will transfer all of these securities to a book-entry system of a Federal Reserve bank. The securities will be entries in the book-entry account of the bank and, as such, the securities will no longer exist in definitive form. That account will not reflect the fact that the bank holds securities for several taxpayers.

When the owner wishes to sell certain securities, he will so instruct the bank in writing. The owner's instruction will sufficiently identify the securities to be sold, and will also refer to the lot number assigned in the books of the owner to the securities to be sold. The bank will then instruct, in writing, the Federal Reserve bank to transfer the securities. The latter instruction will not refer to the pertinent lot number. The Federal Reserve bank will confirm the sale to the bank in the manner it deems appropriate. The bank will confirm the sale to the owner by furnishing a written advice of transaction specifying the amount and description of the securities sold and the date of the sale. The confirmation will not refer to lot numbers.

When the owner desires to buy additional securities as investments of the kind described in the new § 1.1012–1(c)(7)(iii)(*a*) of the regulations, he will order the bank to purchase them. The bank will instruct the Federal Reserve bank to obtain the securities and to put them in the bank's book-entry account. The confirmation of the purchase from the Federal Reserve bank to the bank and from the bank to the owner will be of the nature used for the sale of securities. The owner will assign lot numbers in the manner described above to these purchased securities:

Held, the above procedure is consistent with the tax record requirements of new § 1.1012–1(c)(7) of the regulations. This procedure exemplifies the tax record requirements when securities are transferred by parties to a bank who has an account in the book-entry system of a Federal Reserve bank. The tax record requirements in the case of a bank who puts its own investment securities in the book-entry system are set forth in new § 1.1012–1(c)(7) of the regulations.

SECTION 471—GENERAL RULE FOR INVENTORIES

26 CFR 1.471–5 *Inventories by dealers in securities. Rev. Rul. 71–15*[1] *(Also section 1012; 1.1012–1.)* A dealer, as defined in section 1.471–5 of the Income Tax Regulations, holds Treasury securities and other securities of the United States. "Other securities of the United States" means a transferable bond, note, certificate of indebtedness, bill, debenture, or similar obligation which is subject to the provisions of 31 CFR Part 306 or other comparable Federal regulations and which is issued by (1) any department or agency of the Government of the United States, or (2) the Federal National Mortgage Association, the Federal Home Loan Bank, the Federal Land Banks, the Federal Intermediate Credit Banks, the Banks for Cooperatives, or the Tennessee Valley Authority.

The dealer properly holds such securities in inventory in accordance with § 1.471–5 of the Income Tax Regulations. He proposes to transfer those securities to a book-entry system maintained by a Federal Reserve bank. The dealer will continue to maintain his books and records for Federal income tax purposes with respect to such securities in accordance with § 1.471–5 of the regulations.

Held, the dealer is not subject to the provisions of § 1.1012–1 of the regulations relating to identification of property with respect to such securities. Such a dealer must, however, comply with the provisions of § 1.471–5 of the regulations relating to inventory by dealers in securities.

[FR Doc.73–4897 Filed 3–14–73;8:45 am]

[1] Also released as Technical Information Release 1063, dated Dec. 30, 1970.

[1] Also released as Technical Information Release 1064, dated Jan. 14, 1971.

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PART III

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

■

IN VITRO DIAGNOSTIC PRODUCTS FOR HUMAN USE

Labeling Requirements and Procedures for Development

No. 50—Pt. III——1

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Title 21—Food and Drugs

CHAPTER I—FOOD AND DRUG ADMINISTRATION, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

PART 1—REGULATIONS FOR THE ENFORCEMENT OF THE FEDERAL FOOD, DRUG, AND COSMETIC ACT AND THE FAIR PACKAGING AND LABELING ACT

PART 167—IN VITRO DIAGNOSTIC PRODUCTS FOR HUMAN USE

Labeling Requirements and Procedures for Development of Standards for In Vitro Diagnostic Products for Human Use

In the FEDERAL REGISTER on August 17, 1972 (37 FR 16613) a proposal was published to establish procedures to develop standards for in vitro diagnostic products. Interested persons were invited to submit comments on the proposal within 60 days. A total of 47 responses was received. These included comments from manufacturer associations, user associations, manufacturers of diagnostic systems, and comments from a consulting firm and an individual consumer. The Diagnostic Products Advisory Committee has met and has provided significant assistance to the agency in the development of this program. At their first meeting the committee considered broad scientific questions concerning the proposed approach and also commented on the question of priorities for the establishment of product class standards. These sources have provided useful information for the development of reasonable regulations governing the manufacture, labeling and performance of in vitro diagnostic products. The comments and conclusions of the Commissioner of Food and Drugs, based on his evaluation, are summarized as follows:

1. A number of comments state that the proposed order purports to be authorized by sections 201, 501, 502, 505, 508, 510, or 701 of the Federal Food, Drug, and Cosmetic Act, and none of these sections explicitly authorizes the promulgation of in vitro diagnostic product standards that constitute substantive rules. Comments were made that the act contains no provision conferring authority on the Food and Drug Administration to determine the new-drug/old-drug status of a product. It was also stated that the FDA does not have authority to make substantive determinations of adulteration or misbranding, and it was claimed that the fact that a product does not conform to an applicable standard does not cause the product to be misbranded or adulterated without regard to the adulteration or misbranding provisions in the act. The question of the authority of the FDA to promulgate regulations of this nature was previously raised and discussed in connection with establishing procedures for classification of over-the-counter drugs, published in the FEDERAL REGISTER of May 11, 1972 (37 FR 9464), and the conclusions reached there are equally applicable here. The standards to be established under these procedural regulations, if upheld by the courts, will prescribe the conditions which an in vitro diagnostic product must meet if it is not to be in violation of the misbranding and/or adulteration and/or new-drug provisions of the act.

2. In response to other comments, the definition of "product class" has been amended to permit the development of product class standards for products with common or related characteristics or those intended for common or related uses in addition to those for use for a particular determination or related group of determinations.

3. Several comments stated that the Federal Food, Drug, and Cosmetic Act does not provide authority for lot-by-lot certification. The Commissioner concludes that such certification is authorized only where it is necessary to assure compliance with the act, and the regulations have been revised to clarify this point. Such certification, where required, may be conducted by the FDA, by the Center for Disease Control, by independent laboratories, or by other organizations, as designated in the standard.

4. Some of the comments objected to the handling of in vitro diagnostic products as a class, without any attempt to classify them as drugs or devices. It is the position of the FDA that as a matter of law it has the authority administratively to determine whether products are drugs or devices; it has made clear its position that until new device legislation is enacted and where the authority inherent in section 505 of the Federal Food, Drug, and Cosmetic Act is necessary to protect the public health, products will be regarded and classified as drugs under the Act. The FDA believes it is not in the public interest to spend time determining which in vitro diagnostic products are drugs and which are devices for the purposes of this regulation. Such a determination will be made only when necessary to bring violative products into compliance.

5. Some comments stated that the FDA has no authority to impose the requirements of the Federal Hazardous Substances Act (FHSA) on in vitro diagnostic products, whether or not they are intended or packaged for use in the household. The regulations do not impose the requirements of the FHSA. The requirement of appropriate warnings is based upon section 502 of the Federal Food, Drug, and Cosmetic Act. The warnings prescribed in 21 CFR Part 191 are appropriate in many cases for in vitro diagnostic products and therefore are incorporated by reference.

6. The section of the proposal dealing with labeling drew the largest number of comments. Several substantive objections to the wording of this section have been accommodated, and several items have been restated for clarification. Many firms commented that specific items were not applicable to certain products; the regulation has been changed to allow flexibility and to permit omissions where certain items of information are inapplicable. The requirement for a fixed format and order for presentation of labeling information has been retained in the interest of uniformity.

7. There was objection to the requirement of a declaration of the quantity or proportion of each reactive, catalytic or inactive ingredient in the labeling accompanying each product. These objections were based primarily on the position that such declaration would disclose valuable trade secrets and proprietary information. The FDA concludes, based in part on its evaluation of these comments and in part on the advice of the Diagnostic Products Advisory Committee, that there is no demonstrated need, as a general requirement, for a declaration of the quantity or proportion of each catalytic or inactive ingredient in the labeling accompanying these products. Such requirements may be determined to be necessary for a particular product or class of products as part of specific product class standards in the future. Therefore, this subparagraph has been amended to require the declaration of the established name (common or usual name), if any, and the quantity or proportion only of each reactive ingredient, unless a standard requires otherwise. Except where such provision is contained in a standard, a general statement indicating the presence of, and characterizing, any catalytic or nonreactive ingredients will be sufficient.

8. A significant number of respondents objected to § 167.2(a)(3) (21 CFR 167.2) stating that information including the quantity or proportion of reactive ingredients is not necessary for the user of these products and that the quantitative description of the reactive ingredients on the label would constitute disclosure of trade secrets. It is the position of the FDA, after consultation with its Advisory Committee, that knowledge of this information is important as a part of adequate directions for use of these products. Therefore, no change has been made in this provision.

9. A large number of comments stated that the requirement that the label bear a statement that the product is intended for in vitro diagnostic use only is unduly restrictive since many of these products are legitimately used for other purposes. This section has been revised to eliminate the word "only". There is nothing in this language that would preclude the use of the product for other legitimate purposes.

10. Several comments indicated concern with the requirement of a statement of the declaration of net quantity or contents in metric terms. This provision has been revised to state a preference, instead of a requirement, for this terminology.

11. Several respondents perceived and stated that the requirement for a lot or control number on the label of products did not reflect an appreciation of the distinct problems associated with multiple-unit products or instruments. This provision as reworded provides for this distinction.

12. The provision relating to exceptions to requirements for certain information on immediate container labels was the subject of many comments. After discussion with the Diagnostic Products Advisory Committee, § 167.2(a)(10)(i) has been revised to allow the omission of the information on the intended use of the product, proportion of reactive ingredients, warnings, storage conditions, and net contents, required by § 167.2(a)(2), (3), (4), (5), and (7), from the immediate container label under certain specified conditions.

13. A large number of persons objected to the statement in § 167.2(b)(3) that if the product labeling refers to any other procedure, the appropriate literature citations shall be included, and the labeling shall explain the reason for and nature of any differences from the original and their effect on the results, on the basis that this represented comparative labeling. There is no requirement for comparison of one product with another in the regulation as proposed or as finalized. If a manufacturer does make such a comparison, however, it is incumbent upon him to justify it fully in his labeling. The requirement for an explanation of the reason for the change from an original procedure has been deleted, since little benefit would accrue to the intended user of these products from the possession of this information.

14. There were numerous comments received concerning the requirement under §§ 167.2(b)(7)(i) and 167.3(c)(12) (21 CFR 167.2 and 167.3) that any statement on "special preparation of the patient" involved an intrusion into the practice of medicine. The FDA does not believe that this provision represents an intrusion into the practice of medicine, but rather is required for adequate directions for use of the product. To further clarify the intent of these two subparagraphs they have been revised to indicate that such special preparation is needed as it bears on the validity of the test.

15. The same basic objection was raised with respect to the provisions in §§ 167.2(b)(10) and 167.3(c)(15) which requested a statement that additional tests may be required in certain instances. An example of the application of this provision would be to indicate the availability of a confirmatory procedure if the product in question is intended for use as a screening determination. This requirement has been retained since it appears necessary that the user be provided adequate information concerning limitations of the procedure.

16. Other comments requested exclusion of products intended for research and investigational use. The Advisory Committee also made recommendations concerning exceptions from the labeling requirements when diagnostic products are shipped for investigational purposes. The FDA recognizes that adequate information to fulfill the requirements of § 167.2 (a) and (b) may not be available at the time of the earliest testing. It is agreed that a provision to cover the labeling of products prior to commercial marketing is appropriate, and § 167.2(c) has been added to cover this matter. Notification prior to the time of commercial marketing will be required in order to assist the agency in planning its activities and anticipating the needs for the development of product class standards. The agency does not wish to place burdensome requirements upon researchers or other investigators. A simple form for providing such notification will be developed with the advice of the Advisory Committee and other interested persons and made available at a later date. An additional use for the information provided in this notification procedure is to inform field unit of the agency concerning the legitimacy of products shipped with less than full labeling and to minimize the possibility of the unnecessary initiation of compliance activities for products prior to marketing. When commercial marketing is begun, notification to this effect will be required as provided in the procedures for implementation of the Drug Listing Act.

17. Several comments were addressed to the problem of including general purpose laboratory reagents and other multiple-purpose materials in the requirement of 21 CFR Part 167. The Commissioner recognizes that there are hundreds of common laboratory reagents and equipment (e.g., hydrochloric acid and glass beakers), the use of which is generally known by persons trained in their use in laboratory procedures. The inclusion in their labeling of all of the information required by § 167.2 (a) and (b) is not feasible or necessary for the proper use of these general purpose laboratory articles. Therefore, the Commissioner has added a new § 167.2(d) to the regulations to identify the information which must be included in the labeling for those products. New § 167.2(d) is applicable to general purpose laboratory reagents and equipment which may also be used as part of an in vitro diagnostic procedure.

18. Many comments expressed a need for a time period within which to develop and effect the necessary labeling changes in order to avoid imposing an undue hardship on the affected industry. Considering that these regulations require labeling revisions for all products and the development of data in many cases, a period of 12 months from the date of publication of this document will be allowed for compliance with the general labeling requirements of § 167.2 (a) and (b) for all products. Since the problems of labeling for products subject to the requirements of § 167.2(c) are of a lesser magnitude, 6 months from the date of publication will be allowed for compliance.

19. A significant number of respondents objected to the requirement for the disclosure of the complete product formulation in the submission of data to establish a standard. This paralleled the objections to the disclosure of certain formula information in product labeling. The FDA requires information of this kind to establish standards. Quantitative formulae are recognized as valuable trade secrets and are protected from public disclosure by the FDA under the confidentiality statutes governing information obtained by the government.

20. Many respondents objected to the requirement of a specification of the degree of skill, education, and training needed by the "analyst". This section has been reworded. The intention of this requirement is to describe the minimum qualifications for the user of the product. This information is necessary for the agency to develop product class standards appropriate for the intended user.

21. The Diagnostic Products Advisory Committee noted that the provisions for the submission of information under § 167.3(c) might impose an unnecessary burden on an interested person who wished to provide comment more limited than that called for in § 167.3(c). The Commissioner agrees that a more informal submission should be acceptable and the regulation is revised accordingly.

22. In response to comments that the proposed usual period of 60 days for submission of information pertaining to a product standard requested under § 167.3(c) was inadequate, this requirement has been revised to allow a usual period of 90 days for these submissions. However, this will vary for individual product class standards. In view of the notice given in the August 17, 1972, proposal that the first request for information would be for those products used in the determination of glucose, the time for submission of this information will be 60 days.

23. Several comments objected to the provision that after a standard is promulgated or amended the FDA will make data available to the public within 30 days unless the submitter of the data can show that the data are confidential. The applicable statutes (18 U.S.C. 1905; 21 U.S.C. 331(j)) provide for the confidentiality of trade secrets obtained from a person. The FDA is bound by these statutes and will treat as confidential all information that has been demonstrated by the submitter as falling within the confidentiality provisions of one or more of those statutes. Information not exempt from disclosure under the Freedom of Information Act (5 U.S.C. 552 (b)) may not be withheld from public disclosure. Section 167.4 (21 CFR 167.4) of the regulation has been revised to clarify the position of the FDA with respect to the confidentiality of submitted information.

24. Among the product groups considered by the Diagnostic Products Advisory Committee to be of the highest priority for developing product class standards were microbiological antigens, antibodies, and adjuncts; transport and growth media; products for the measurement of immunoglobulins; calibration, reference, and quality control materials; laboratory water; clinical chemistry products used in the determination of glucose, calcium, bilirubin, enzymes, sodium, potassium, chloride, urea, uric acid, cholesterol, and triglycerides; and products used in the determination of hemoglobins. Further deliberation will be required in order to refine and designate or delineate product classes and to place them in appropriate order according to priorities for develop-

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ing and establishing product class standards.

25. These regulations do not preclude the imposition of additional requirements under the Act when the Commissioner concludes that such requirements are necessary to protect the public health.

26. Since the provisions of Part 167 apply to those products subject to the exemption from the labeling requirements of section 502(f)(1) of the Act in § 1.106(j), the Commissioner is revising § 1.106(j) to indicate that in vitro diagnostic products subject to that section which are in compliance with the provisions of Part 167 will be deemed to meet the labeling requirements of § 502(f)(1).

27. The provisions of these regulations, including both the requirements for labeling and development of standards, apply to all in vitro diagnostic products, including biologics. All questions concerning in vitro diagnostic products, except for biologicals subject to an existing license under section 351 of the Public Health Service Act, should be addressed to the Diagnostic Products Staff, Bureau of Drugs, BD–207.

Existing licenses for biological products issued under section 351 of the Public Health Service Act will remain in effect until applicable standards are promulgated pursuant to Part 167. For in vitro diagnostic products which are biologics but which have not previously been licensed, compliance with the requirements of Part 167 shall be deemed to constitute compliance with section 351. Such unlicensed products need obtain a license under section 351 only if the Commissioner determines and so informs the manufacturer or distributor pursuant to § 167.6 that a license under section 351 is required in order to protect the public health.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 201, 501, 502, 505, 508, 510, 701, 52 Stat. 1040–1042, as amended, 1049–1051, as amended, 1053, as amended, 1055, as amended, 1056, as amended; 21 U.S.C. 321, 351, 352, 355, 358, 360, 571) and the Public Health Service Act (sec. 351, 58 Stat. 702, as amended; 42 U.S.C. 262) and under authority delegated to the Commission (21 CFR 2.120), Chapter 1 is amended in Part 1 by revising § 1.106(j) and by adding a new Part 167, as follows:

1. In Part 1 by revising § 1.106(j) to read as follows:

§ 1.106 Drugs and devices; directions for use.

* * * * *

(j) *Exemption for in vitro diagnostic products.* A product intended for use in the diagnosis of disease and which is an in vitro diagnostic product as defined in § 167.1(a) of this chapter shall be deemed to be in compliance with the requirements of this section and section 502(f)(1) of the act if it meets the requirements of Part 167 of this chapter.

* * * * *

2. By adding a new Part 167, In Vitro Diagnostic Products For Human Use, to Subchapter C as follows:

Subpart A—Procedural Regulations

Sec.
167.1 Definitions.
167.2 Labeling for in vitro diagnostic products.
167.3 Procedure for establishing, amending or repealing standards.
167.4 Confidentiality of submitted information.
167.5 Court appeal.
167.6 Regulatory action.
167.7 General requirements for manufacturers and producers of in vitro diagnostic products.

AUTHORITY: Secs. 201, 501, 502, 505, 508, 510, 701, 52 Stat. 1040–1042, as amended, 1049–1051, as amended, 1053, as amended, 1055, as amended, 1056, as amended; 21 U.S.C. 321, 351, 352, 355, 358, 360, 371.

§ 167.1 Definitions.

(a) "In vitro diagnostic products" are those reagents, instruments and systems intended for use in the diagnosis of disease or in the determination of the state of health in order to cure, mitigate, treat, or prevent disease or its sequelae. Such products are intended for use in the collection, preparation and examination of specimens taken from the human body. These products are drugs or devices as defined in section 201(g) and 201(h), respectively, of the Federal Food, Drug, and Cosmetic Act (the act) or are a combination of drugs and devices, and may also be a biological product subject to section 351 of the Public Health Service Act.

(b) A "product class" is all those products intended for use for a particular determination or for a related group of determinations or products with common or related characteristics or those intended for common or related uses. A class may be further divided into subclasses when appropriate.

(c) A "product class standard" is a statement describing performance requirements necessary to assure accuracy and reliability of results, specific labeling requirements necessary for the proper use of a particular class, and procedures for testing the product to assure its satisfactory performance.

(d) "Act" means the Federal Food, Drug, and Cosmetic Act.

§ 167.2 Labeling for in vitro diagnostic products.

(a) The label for an in vitro diagnostic product shall state the following information, except where such information is not applicable, or as otherwise specified in a standard for a particular product class. Section 201(k) of the act provides that "a requirement made by or under authority of this act that any word, statement, or other information appear on the label shall not be considered to be complied with unless such word, statement, or other information also appears on the outside container or wrapper, if any there be, of the retail package of such article, or is easily legible through the outside container or wrapper."

(1) The proprietary name and established name (common or usual name), if any.

(2) The intended use or uses of the product.

(3) For a reagent, a declaration of the established name (common or usual name), if any, and quantity, proportion or concentration of each reactive ingredient; and for a reagent derived from biological material, the source and a measure of its activity. The quantity, proportion, concentration or activity shall be stated in the system generally used and recognized by the intended user (e.g., metric, international units, etc.).

(4) A statement of warnings or precautions for users as established in the regulations contained in Part 191 of this chapter and any other warnings appropriate to the hazard presented by the product; and a statement "For In Vitro Diagnostic Use" and any other limiting statements appropriate to the intended use of the product.

(5) For a reagent, appropriate storage instructions adequate to protect the stability of the product. When applicable, these instructions shall include such information as conditions of temperature, light, humidity, and other pertinent factors. For products requiring manipulation, such as reconstitution and/or mixing before use, appropriate storage instructions shall be provided for the reconstituted or mixed product which is to be stored in the original container. The basis for such instructions shall be determined by reliable, meaningful, and specific test methods such as those described in § 133.13 of this chapter.

(6) For a reagent, a means by which the user may be assured that the product meets appropriate standards of identity, strength, quality and purity at the time of use. This shall be provided, both for the product as provided and for any resultant reconstituted or mixed product, by including on the label one or more of the following:

(i) An expiration date based upon the stated storage instructions.

(ii) A statement of an observable indication of an alteration of the product (e.g., turbidity, color change, precipitate) beyond its appropriate standards.

(iii) Instructions for a simple method by which the user can reasonably determine that the product meets its appropriate standards.

(7) For a reagent, a declaration of the net quantity of contents, expressed in terms of weight or volume, numerical count, or any combination of these or other terms which accurately reflect the contents of the package. The use of metric designations is encouraged, wherever appropriate. If more than a single determination my be performed using the product, any statement of the number of tests shall be consistent with instructions for use and amount of material provided.

(8) Name and place of business of manufacturer, packer, or distributor.

(9) A lot or control number, identified as such, from which it is possible to determine the complete manufacturing history of the product.

(i) If it is a multiple unit product, the lot or control number shall permit tracing the identity of the individual units.

(ii) For an instrument, the lot or control number shall permit tracing the identity of all functional subassemblies.

(iii) For multiple unit products which require the use of included units together as a system, all units should bear the same lot or control number, if appropriate, or other suitable uniform identification should be used.

(10) Except that for items in paragraph (a)(1) through (9) of this section: (i) In the case of immediate containers too small or otherwise unable to accommodate a label with sufficient space to bear all such information and which are packaged within an outer container from which they are removed for use, the information required by paragraph (a)(2), (3), (4), (5), (6)(ii)(iii) and (7) of this section may appear in the outer container labeling only.

(ii) In any case in which the presence of this information on the immediate container will interfere with the test, the information may appear on the outside container or wrapper rather than on the immediate container label.

(b) Labeling accompanying each product (e.g., a package insert) shall state in one place the following information in the format and order specified below, except where such information is not applicable, or as specified in a standard for a particular product class. The labeling for a multiple-purpose instrument used for diagnostic purposes, and not committed to specific diagnostic procedures or systems, may bear only the information indicated in paragraph (b)(1), (2), (6), (14), and (15) of this section. The labeling for a reagent intended for use as a replacement in a diagnostic system may be limited to that information necessary to identify the reagent adequately and to describe its proper use in the system.

(1) The proprietary name and established name (common or usual name), if any.

(2) The intended use or uses of the product and the type of procedure (e.g., qualitative or quantitive).

(3) Summary and explanation of the test. Include a short history of the methodology, with pertinent references and a balanced statement of the special merits and limitations of this method or product. If the product labeling refers to any other procedure, appropriate literature citations shall be included and the labeling shall explain the nature of any differences from the original and their effect on the results.

(4) The chemical, physical, physiological, or biological principles of the procedure. Explain concisely, with chemical reactions and techniques involved, if applicable.

(5) Reagents. (i) A declaration of the established name (common or usual name), if any, and quantity, proportion or concentration or each reactive ingredient; and for biological material, the source and a measure of its activity. The quantity, proportion, concentration or activity shall be stated in the system generally used and recognized by the intended user (e.g., metric, international units, etc.). A statement indicating the presence of and characterizing any catalytic or nonreactive ingredients (e.g., buffers, preservatives, stabilizers).

(ii) A statement of warnings or precautions for users as established in the regulations contained in Part 191 of this chapter and any other warnings appropriate to the hazard presented by the product; and a statement "For In Vitro Diagnostic Use" and any other limiting statements appropriate to the intended use of the product.

(iii) Adequate instructions for reconstitution, mixing, dilution, etc.

(iv) Appropriate storage instructions adequate to protect the stability of the product. When applicable, these instructions shall include such information as conditions of temperature, light, humidity, and other pertinent factors. For products requiring manipulation, such as reconstitution and/or mixing before use, appropriate storage instructions shall be provided for the reconstituted or mixed product. The basis for such instructions shall be determined by reliable, meaningful, and specific test methods such as those described in § 133.13 of this chapter.

(v) A statement of any purification or treatment required for use.

(vi) Physical, biological, or chemical indications of instability or deterioration.

(6) Instruments: (i) Use or function.

(ii) Installation procedures and special requirements.

(iii) Principles of operation.

(iv) Performance characteristics and specifications.

(v) Operating instructions.

(vi) Calibration procedures including materials and/or equipment to be used.

(vii) Operational precautions and limitations.

(viii) Hazards.

(ix) Service and maintenance information.

(7) Specimen collection and preparation for analysis, including a description of: (i) Special precautions regarding specimen collection including special preparation of the patient as it bears on the validity of the test.

(ii) Additives, preservatives, etc., necessary to maintain the integrity of the specimen.

(iii) Known interfering substances.

(iv) Recommended storage, handling or shipping instructions for the protection and maintenance of stability of the specimen.

(8) Procedure: A step-by-step outline of recommended procedures from reception of the specimen to obtaining results. List any points that may be useful in improving precision and accuracy. (i) A list of all materials provided (e.g., reagents, instruments and equipment) with instructions for their use.

(ii) A list of all materials required but not provided: Include such details as sizes, numbers, types, and quality.

(iii) A description of the amounts of reagents necessary, times required for specific steps, proper temperatures, wavelengths, etc.

(iv) A statement describing the stability of the final reaction material to be measured and the time within which it shall be measured to assure accurate results.

(v) Details of calibration: Identify reference material. Describe preparation of reference sample(s), use of blanks, preparation of the standard curve, etc. The description of the range of calibration should include the highest and the lowest values measureable by the procedure.

(vi) Details of kinds of quality control procedures and materials required. If there is need for both positive and negative controls, this should be stated. State what are considered satisfactory limits of performance.

(9) Results: Explain the procedure for calculating the value of the unknown. Give an explanation for each component of the formula used for the calculation of the unknown. Include a sample calculation, step-by-step, explaining the answer. The values shall be expressed to the appropriate number of significant figures. If the test provides other than quantitative results, provide an adequate description of expected results.

(10) Limitation of the procedure: Include a statement of limitations of the procedure. State known extrinsic factors or interfering substances affecting results. If further testing, either more specific or more sensitive, is indicated in all cases where certain results are obtained, the need for the additional test shall be stated.

(11) Expected values: State the range(s) of expected values as obtained with the product from studies of various populations. Indicate how the range(s) was established and identify the population(s) on which it was established.

(12) Specific performance characteristics: Include, as appropriate, information describing such things as accuracy, precision, specificity, and sensitivity. These shall be related to a generally accepted method using biological specimens from normal and abnormal populations. Include a statement summarizing the data upon which the specific performance characteristics are based.

(13) Bibliography: Include pertinent references keyed to the test.

(14) Name and place of business of manufacturer, packer, or distributor.

(15) Date of issuance of the last revision of the labeling identified as such.

(c) A shipment or other delivery of an in vitro diagnostic product shall be exempt from the requirements of paragraphs (a) and (b) of this section and from a standard promulgated pursuant to this part provided the following conditions are met:

(1) For a product in the laboratory research phase of development, and not represented as an effective in vitro diagnostic product, all labeling bears the statement, prominently placed: "For Research Use Only. Not for use in diagnostic procedures."

(2) For a product being shipped or delivered for product testing prior to full commercial marketing (e.g., for use on

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specimens derived from humans to compare the usefulness of the product with other products or procedures which are in current use or recognized as useful), all labeling bears the statement, prominently placed: "For Investigational Use Only. The performance characteristics of this product have not been established."

(3) The person making a shipment or delivery under paragraph (c)(2) of this section shall submit to the FDA a notification that such shipments are being made.

(4) Within 30 days after the first commercial shipment of an in vitro diagnostic product, the person making such shipment shall submit the information required by the Drug Listing Act as provided in § 132.5 of this chapter.

(d) The labeling of general purpose laboratory reagents (e.g., hydrochloric acid) and equipment (e.g., test tubes and pipettes) whose uses are generally known by persons trained in their use need not bear the directions for use required by § 167.2 (a) and (b), if their labeling meets the requirements of this paragraph.

(1) The label of a reagent shall bear the following information:

(i) The proprietary name and established name (common or usual name), if any, of the reagent.

(ii) A declaration of the established name (common or usual name), if any, and quantity, proportion or concentration of the reagent ingredient (e.g., hydrochloric acid: Formula weight 36.46, assay 37.9 percent, specific gravity 1.192 at 60° F.); and for a reagent derived from biological material, the source and where applicable a measure of its activity. The quantity, proportion, concentration or activity shall be stated in the system generally used and recognized by the intended user (e.g., metric, international units, etc.).

(iii) A statement of the purity and quality of the reagent, including a quantitative declaration of any impurities present. The requirement for this information may be met by a statement of conformity with a generally recognized and generally available standard which contains the same information (e.g., those established by the American Chemical Society, U.S. Pharmacopeia, National Formulary, National Research Council).

(iv) A statement of warnings or precautions for users as established in the regulations contained in Part 191 of this chapter and any other warnings appropriate to the hazard presented by the product; and a statement "For Laboratory Use."

(v) Appropriate storage instructions adequate to protect the stability of the product. When applicable, these instructions shall include such information as conditions of temperature, light, humidity, and other pertinent factors. The basis for such information shall be determined by reliable, meaningful, and specific test methods such as those described in § 133.13 of this chapter.

(vi) A declaration of the net quantity of contents, expressed in terms of weight or volume, numerical count, or any combination of these or other terms which accurately reflect the contents of the package. The use of metric designations is encouraged, wherever appropriate.

(vii) Name and place of business of manufacturer, packer, or distributor.

(viii) A lot or control number, identified as such, from which it is possible to determine the complete manufacturing history of the product.

(ix) In the case of immediate containers too small or otherwise unable to accommodate a label with sufficient space to bear all such information, and which are packaged within an outer container from which they are removed for use, the information required by paragraphs (b)(2), (b)(3), (b)(4), (b)(5), and (b)(7) of this section may appear in the outer container labeling only.

(2) The label of general purpose laboratory equipment (e.g., a beaker or a pipette) shall bear a statement adequately describing the product, its composition, and physical characteristics if necessary for its proper use.

§ 167.3 Procedure for establishing, amending or repealing standards.

(a) *Basis for standards and available approaches to developing standards.* Whenever in the judgment of the Commissioner the establishment of a product class standard is necessary to reduce or eliminate unreasonable risk of illness or injury associated with exposure to or use of an in vitro diagnostic product and there are no other more practicable means to protect the public from such risk, he may propose such a standard. In proposing a product class standard he shall consider, and publish in the FEDERAL REGISTER findings on, the degree of risk or injury associated with the use of the product, the availability of information relating to the sciences upon which the products or their uses are based, the approximate number of products subject to the standard, the medical need for the products, and the probable effect of the standard upon the utility, cost, or availability of the product, and available means of achieving the objective of the standard with a minimal disruption of supply and of reasonable manufacturing and other commercial practices. Three procedures are available for developing product class standards and may be proposed on the initiative of the Commissioner or by petition of interested persons: (1) An existing standard may be utilized, (2) interested persons outside of the Food and Drug Administration may develop a proposed standard or (3) the Food and Drug Administration may develop the standard. If a petition is filed by an interested person, it shall be in the form prescribed in § 2.65 of this chapter with the number of copies specified therein.

(b) *Advisory committee.* An advisory committee of qualified experts shall be appointed to advise the Food and Drug Administration on the priorities for establishing product class standards, the scientific basis for in vitro diagnostic products, the selection of reference methodologies and reference materials, the adequacy and reasonableness of proposed standards and other related matters as determined by the Commissioner.

(c) *Request for information and comment.* Whenever a new standard is to be developed, the Commissioner will publish a notice in the FEDERAL REGISTER requesting the submission of all information, data, and views relevant to a specific product class for review and evaluation. Any interested person may submit comments and views on any matter relevant to the development of the standard, including the factors required by paragraph (a) of this section, to be considered by the Commissioner. The format for such submission may be determined by the nature of the information to be submitted. Any product performance information submitted shall relate to the performance of that product as marketed or intended for marketing. For information submitted by a manufacturer of a product which will be affected by the standard, the specific product information requested and the format for submission shall be as described below unless changed in the FEDERAL REGISTER notice. The time allotted for submission will ordinarily be 90 days. Four copies of the information and data on any product within the designated class shall be submitted, indexed, and bound.

(1) Name of product class and date of FEDERAL REGISTER statement.

(2) Proprietary name of product.

(3) Name of person responsible for submission.

(4) Intended use or uses of the product.

(5) A statement categorizing the procedure (e.g., qualitative or quantitative).

(6) Copies of label and all other labeling under which product is currently marketed or, for a proposed product, the label and all other labeling under which marketing is intended.

(7) Description of the product, as appropriate: For example, if the product is or includes a reagent, state the proprietary name and established name (common or usual name), if any, and quantity, proportion, or concentration of each reactive, catalytic, or inactive ingredient. If the product is a biological material, list the source and a measure of its activity. Include a statement of any purification or treatment required for use. If the product is or includes an instrument or equipment, describe as appropriate its use or functions, installation procedures and any special requirements, principle of operating instructions, calibration procedures including materials and/or equipment to be used, operation precautions and limitations, hazards, and service and maintenance instructions.

(8) Stability information: A description of, and data derived from, studies of the stability of the product. For any product that requires manipulation (e.g., reconstitution or mixing), stability data shall be described for the reconstituted or mixed product. Describe the means by which the information was developed. The data shall be for the product in the container in which it is marketed to assure, among other things, that the container is not reactive, additive, or absorptive to an extent that alters the product or its performance. Include any expiration period data which supports any expiration date which appears in the labeling of the product. Describe the storage conditions necessary for the product, such as temperature, light humidity.

(9) Hazards to user: A statement of the principal hazards associated with the product. Include the result of tests conducted to determine the applicability of hazard warnings or cautions, including those established in the regulations contained in Part 191 of this chapter.

(10) History of methodology: A brief history of the methodology, with pertinent references. All references to reports of adverse or unfavorable experience with the product or the procedure on which it is based shall be included. If the product procedure is the same as one which has been published, cite the reference. If the product is based on a modification of a published procedure, cite the reference, state the reason for and the nature of the modification and the effect such modification may have on the results of the procedure as compared to the original. Include data illustrating the comparison of the modified procedure to the original procedure.

(11) Principle of test: An explanation of the test procedure including the chemical, physical, physiological, or biological principle of the procedure with chemical reactions and techniques involved, if applicable.

(12) Specimen collection and preparation: A description of the specimen to be subjected to analysis: (i) Special precautions regarding specimen collections, including special preparation of the patient as it bears on the validity of the test.

(ii) Additives, preservatives, etc., necessary to maintain the integrity of the specimen.

(iii) Known interfering substances and their effect on the procedure and results.

(iv) Appropriate storage, handling or shipping instructions.

(13) Procedure: A detailed, step-by-step description of the test procedure from reception of the specimen to obtaining of results, including any points that may be useful in improving precision and accuracy. Give the exact details of calibration. Identify reference material. Describe preparation of reference sample, use of blanks, etc. Include a description of methods to be used in determining the standard curve.

(14) Results: Explain the procedure for calculating the value of the unknown. Give an explanation of each component of the formula used for the calculation of the unknown. Include a sample calculation, step-by-step, explaining the answer. Values should be expressed to the appropriate number of significant figures. Provide the basis for evaluation of nonquantitative test results.

(15) Limitation of the procedure: Include a statement of the limitations of the procedure and an explanation of extrinsic factors, if any, that may affect the results. Include statements regarding minimum training needed by the user, special precautions, interfering substances, likelihood of obtaining false positive or false negative results, etc. Positive data showing a lack of interference by commonly occurring substances shall be supplied. If a more specific or more sensitive laboratory test is indicated in certain instances, the indication for the additional test shall be stated and data submitted to support its value.

(16) Support of claims: Include all available data, published or unpublished, which supports or is critical of the product or its procedure. Include data for both normal and abnormal subjects and a description of the population or populations studies. State, for each claim: (i) Labeling claim.

(ii) Background documentation: Provide a bibliography and reprints of all pertinent references.

(iii) Procedure used for collecting evidence for claim.

(iv) Description of statistical protocol.

(v) Description of sampling procedure.

(vi) Summary of raw results in tabular form.

(vii) Analysis of results.

(viii) Statement of interpretation of results.

(17) Summary of scientific basis of procedure: A summary of the data and views setting forth the scientific rationale and purpose of the product, and the scientific basis for the conclusion that the product has or has not been proven accurate and reliable for its intended uses. If there is an absence of controlled studies in the material submitted, an explanation as to why such studies are not considered necessary shall be included.

(18) If the submission is by a manufacturer, a statement signed by the person responsible for such submission, that to the best of his knowledge it includes unfavorable information as well as any favorable information, known to him pertinent to an evaluation of the performance of the product. Thus, if any type of scientific data is submitted, a balanced submission of favorable and unfavorable data must be submitted. The same would be true of any other pertinent data or information submitted, such as consumer surveys or marketing results.

(d) *Review and evaluation.* Any existing standard or petition for a product class standard, together with any information and comments submitted pursuant to a published notice, will be reviewed and evaluated by the Food and Drug Administration in consultation with its advisory committee and the Center for Disease Control.

(e) *Proposed product class standard.* When the Commissioner has concluded that the criteria in paragraph (a) of this section are met and the information available has been reviewed and found to justify the establishment of a product class standard, he shall publish in the FEDERAL REGISTER a proposed product class standard establishing conditions under which the products in the class are safe and effective and not adulterated or misbranded. The standard shall include a statement of the performance requirements necessary to assure accuracy and reliability of results, specific labeling requirements for the proper use of the products in the class, and procedures for testing the products to assure satisfactory performance at the time of marketing. The standard may include, where necessary to assure the accuracy and reliability of results, individual lot testing by or at the direction of the Food and Drug Administration, in addition to that normally required of the manufacturer; except that the Commissioner shall exempt any particular product from such a requirement upon a showing that the manufacturer has demonstrated such consistency in the production of that product, in compliance with the regulations, as is adequate to insure the accuracy and reliability of results, and the Commissioner shall revoke the requirement of individual lot testing under the standard when it is no longer necessary to the accuracy and reliability of the results of the product class covered by the standard. Any interested person may, within 60 days after publication of the proposed standard in the FEDERAL REGISTER, file written comments on the proposal, in quintuplicate, with the Hearing Clerk, Department of Health, Education, and Welfare, Room 6-88, 5600 Fishers Lane, Rockville, MD 20852. Comments may be accompanied by a memorandum or brief in support thereof. All comments may be reviewed at the Office of the Hearing Clerk during regular working hours, Monday through Friday.

(f) *Referral to an independent advisory committee.* The Commissioner may, in his discretion, refer a proposal under paragraph (e) of this section to an independent advisory committee of experts qualified in the subject matter at issue, for a report and recommendations with respect to any matter involved in such proposal which involves the exercise of scientific judgment. The Commisioner shall designate the chairman of each panel. The independent advisory committee may consult any person in connection with the matter referred to it. Any interested person may request, in writing, an opportunity to present oral views to the committee. Any interested person may present written data and views which shall be considered by the committee. The full report(s) of the committee and summary minutes of its meetings shall be made available upon request after submission of the report(s) to the Commissioner.

(g) *Final product class standard.* After reviewing all comments received in response to the proposal and considering al available relevant information, the Food and Drug Administration, in consultation with its advisory committee and the Center for Disease Control, and after consideration of any report of an independent advisory committee if the

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matter involved has been so referred, will publish in the FEDERAL REGISTER a final order containing a product class standard. This order shall state the reasons for promulgating the product class standard and the date the standard will become effective.

(h) *Petition to amend or repeal standards.* The Commissioner may propose to amend or repeal any standard established pursuant to this procedure or any interested person may petition the Commissioner for such action. A petition shall set forth the action requested and a detailed statement in support of the action. After review of the petition, the Commissioner may deny the petition if he finds a lack of reasonable support or he may publish a proposed amendment of or proposed repeal of the established standard in the FEDERAL REGISTER if adequate support has been presented. The petition shall be in the form specified in § 2.65 of this chapter with the number of copies and other information as specified therein. A new drug application submitted for an in vitro diagnostic product which does not comply with an applicable effective product class standard will be considered as a petition to amend the standard. Petitions for repeal or amendment for which reasonable support has been furnished will be handled pursuant to the procedures established in paragraphs (e)-(g) of this section.

§ 167.4 Confidentiality of submitted information.

(a) Data and information submitted pursuant to the provisions of § 167.3 or § 167.2(c) and falling within the confidentiality provisions of 18 U.S.C. 1905 or 21 U.S.C. 331(j) shall be treated as confidential by the Food and Drug Administration and any consultant to whom it is referred. Confidentiality of information will be determined in accordance with the provisions of Part 4 of this chapter.

(b) Data and information submitted pursuant to § 167.3 in connection with the establishment, amendment or repeal of a product class standard will be made publicly available at the Office of the Hearing Clerk of the Food and Drug Administration 30 days after publication of a proposed product class standard, except for the identity of inactive ingredients, any quality control or other manufacturing data or information, or other data and information to the extent that the person submitting it has demonstrated that it falls wihin the confidentiality provisions of 18 U.S.C. 1905 or 21 U.S.C. 331(j).

§ 167.5 Court appeal.

The product class standard promulgated in the final order represents final agency action from which appeal lies to the courts. The Food and Drug Administration will request consolidation of all appeals in a single court. Upon court appeal, the Commissioner, at his discretion, may stay the effective date for part or all of the standard pending appeal and final court adjudication, and may establish a new effective date after final court adjudication.

§ 167.6 Regulatory action.

Any in vitro diagnostic product is subject to regulatory action if it fails to conform to an applicable product class standard or the general labeling requirements of § 167.2. If the product is a device, it is adulterated in violation of section 501 and it is misbranded in violation of section 502 of the act. If the product is a drug, it is in violation of section 505 as well as sections 501 and 502 of the act. If the product is a biological, it is in violation of sections 501, 502, and 505 of the Federal Food, Drug, and Cosmetic Act and section 351 of the Public Health Service Act. Deviations from an established standard may be justified only by an amendment to the standard. Compliance with this part shall be deemed to constitute compliance with the labeling and new drug requirements of the act and with the labeling and licensing requirements of section 351 of the Public Health Service Act, unless the Commissioner otherwise informs the manufacturer or distributor of an in vitro diagnostic product of additional requirements imposed pursuant to either statute in order to protect the public health.

§ 167.7 General requirements for manufacturers and producers of in vitro diagnostic products.

(a) *Registration and product listing.* Any person who owns or operates any establishment engaged in the manufacture, preparation, compounding, or processing of an in vitro diagnostic product should register such establishment and list such product(s) in accordance with the procedures established under Part 132 of this chapter. Any such establishment not currently registered should register within 30 days of the effective date of this regulation. Any such establishment currently registered as a drug establishment shall at the next period for reregistration use the appropriate registration form indicating that it is a producer of in vitro diagnostic products. Registration forms may be obtained from the Department of Health, Education, and Welfare, Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20852, or at any Food and Drug Administration district office. Registration and listing do not constitute an admission or agreement or determination that a product is a "drug" within the meaning of section 201(g) of the act.

(b) *Compliance with good manufacturing practices.* In vitro diagnostic products shall be manufactured in accordance with current good manufacturing practices. The principles established in Part 133 of this chapter, "Drugs; Current Good Manufacturing Practice in Manufacturing Processing, Packing, or Holding", should be followed as a guideline.

Effective date. This order shall be effective on March 15, 1973, except that § 167.2 (a), (b), and (d) shall be effective on March 15, 1974, and § 167.2(c) shall be effective on September 17, 1973.

(Secs. 201, 501, 502, 505, 508, 510, 701; 52 Stat. 1040-1042, as amended, 1049-1051, as amended, 1053, as amended, 1055, as amended, 1056, as amended; 21 U.S.C. 321, 351, 352, 355, 358, 360, 371)

Dated: March 12, 1973.

CHARLES C. EDWARDS,
Commissioner of Food and Drugs.

[FR Doc.73-5057 Filed 3-14-73;8:45 am]

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FRIDAY, MARCH 16, 1973

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Rules Going Into Effect March 18, 1973

LABOR—Labor-Management and Welfare-Pension Reports—Employee welfare or pension benefit plan. 4509; 1-15-73

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A cumulative guide is published separately at the end of each month. The guide lists the parts and sections affected by documents published since January 1, 1973, and specifies how they are affected.

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Title 3—The President

PROCLAMATION 4198

National Action for Foster Children Week, 1973

By the President of the United States of America

A Proclamation

In today's rapidly changing, highly mobile society, more children than ever find themselves temporarily, or even permanently, separated from their parents. Such children may carry lasting emotional scars unless they can be placed in a stable family environment where they can feel loved and secure.

In the past year alone, more than 300,000 American children were living in foster homes. It is gratifying that so many Americans are working to help foster children. They include not only professionals in the child welfare field but hundreds of volunteers—businessmen, church and community leaders, and members of civic groups—all dedicated to the principle that none of our children should be deprived or neglected.

In recognition of these efforts, I am asking the Nation to set aside a week during which we can assess the needs of foster children, encourage States and communities to plan activities which will help meet those needs, and renew our determination to assure foster children that we care about them and their well-being.

NOW, THEREFORE, I, RICHARD NIXON, President of the United States of America, do hereby designate the week of April 8 through April 14, 1973, as National Action for Foster Children Week, 1973.

I urge Governors and Mayors to join me in proclaiming this observance, and I earnestly call upon citizens everywhere to volunteer their talents, energies and compassion in behalf of foster children, so that they may enjoy the sound development that comes from a full and happy family life.

IN WITNESS WHEREOF, I have hereunto set my hand this 14th day of March, in the year of our Lord nineteen hundred seventy-three, and of the Independence of the United States of America the one hundred ninety-seventh.

Richard Nixon

[FR Doc.73-5215 Filed 3-14-73;3:04 pm]

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PROCLAMATION 4199

National Employ the Older Worker Week

By the President of the United States of America

A Proclamation

The employment of men and women who are 45 years of age and over is an important objective—not only for those directly involved, but for our entire country. For their energies, their talents, and their experience are a national resource of tremendous value which is not now being fully utilized.

There are many barriers hampering middle-aged and older Americans in continuing as productive and useful participants in the society and in the work force. This Administration is committed to overcoming these barriers.

In an expanding economy such as ours the single most effective response to the employment problems of older workers will come from the understanding and voluntary cooperation of employers in both the private and public sectors.

To encourage such cooperative efforts, the Congress, by House Joint Resolution 334, has requested the President to issue a proclamation designating the second full calendar week in March of 1973 as National Employ the Older Worker Week.

NOW, THEREFORE, I, RICHARD NIXON, President of the United States of America, do hereby designate the week beginning March 11, 1973, as National Employ the Older Worker Week. I am pleased to join with the Congress in urging all employers to consider the skills and qualifications of those men and women 45 years of age and older who are unemployed or underemployed and who are able and willing to work.

I am also asking the Secretary of Labor to see to it that those public officials at national, State, and local levels who provide job placement, counseling, training, and retraining services accelerate their efforts to help older workers to find suitable jobs and training opportunities. We must not only concentrate on these efforts during this week but sustain them at high level throughout the year.

IN WITNESS WHEREOF, I have hereunto set my hand this fifteenth day of March, in the year of our Lord nineteen hundred seventy-three, and of the Independence of the United States of America the one hundred ninety-seventh.

Richard Nixon

[FR Doc.73-5273 Filed 3-15-73;12:52 pm]

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Rules and Regulations

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.

The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

Title 9—Animals and Animal Products

CHAPTER I—ANIMAL AND PLANT HEALTH INSPECTION SERVICE, DEPARTMENT OF AGRICULTURE

SUBCHAPTER C—INTERSTATE TRANSPORTATION OF ANIMALS (INCLUDING POULTRY) AND ANIMAL PRODUCTS; EXTRAORDINARY EMERGENCY REGULATION OF INTRASTATE ACTIVITIES

PART 78—BRUCELLOSIS

Subpart D—Designation of Modified Certified Brucellosis Areas, Public Stockyards, Specifically Approved Stockyards, and Slaughtering Establishments

MODIFIED CERTIFIED BRUCELLOSIS AREAS

These amendments delete the following areas from the list of areas designated as Modified Certified Brucellosis Areas because it has been determined that such areas no longer come within the definition of § 78.1(l): Clarke County in Iowa, and Lubbock and McMullen Counties in Texas.

The following counties were deleted from the list of Modified Certified Brucellosis Areas on February 10, 1973: Humboldt, Jackson, and Linn Counties in Iowa; Bourbon and Chase Counties in Kansas; Creek County in Oklahoma; and Denton, Freestone, Harrison, Kaufman, Navarro, and Wood Counties in Texas. Since said date, it has been determined that these counties again come within the definition of § 78.1(l); and, therefore, they have been redesignated as Modified Certified Brucellosis Areas.

Therefore, pursuant to § 78.16 of the regulations in Part 78, as amended, Title 9, Code of Federal Regulations, containing restrictions on the interstate movement of animals because of brucellosis, under sections 4, 5, and 13 of the Act of May 29, 1884, as amended; sections 1 and 2 of the Act of February 2, 1903, as amended; and section 3 of the Act of March 3, 1905, as amended (21 U.S.C. 111–113, 114a–1, 120, 121, 125), § 78.13 of said regulations designating Modified Certified Brucellosis Areas is hereby amended to read as follows:

§ 78.13 Modified Certified Brucellosis Areas.

The following States, or specified portions thereof, are hereby designated as Modified Certified Brucellosis Areas:

Alabama. The entire State;
Alaska. The entire State;
Arizona. The entire State;
Arkansas. The entire State;
California. The entire State;
Colorado. The entire State;
Connecticut. The entire State;
Delaware. The entire State;
Florida. The entire State;
Georgia. The entire State;
Hawaii. The entire State;
Idaho. The entire State;
Illinois. The entire State;
Indiana. The entire State;
Iowa. Adair, Adams, Allamakee, Appanoose, Audubon, Benton, Blackhawk, Boone, Bremer, Buchanan, Buena Vista, Butler, Calhoun, Carroll, Cass, Cedar, Cerro Gordo, Cherokee, Chickasaw, Clay, Clayton, Clinton, Crawford, Dallas, Davis, Decatur, Delaware, Des Moines, Dickinson, Dubuque, Emmet, Fayette, Floyd, Franklin, Fremont, Greene, Grundy, Guthrie, Hamilton, Hancock, Hardin, Harrison, Henry, Howard, Humboldt, Ida, Iowa, Jackson, Jasper, Jefferson, Johnson, Jones, Keokuk, Kossuth, Lee, Linn, Louisa, Lucas, Lyon, Madison, Mahaska, Marion, Marshall, Mills, Mitchell, Monona, Monroe, Montgomery, Muscatine, O'Brien, Osceola, Page, Palo Alto, Plymouth, Pocahontas, Polk, Pottawattamie, Poweshiek, Ringgold, Sac, Scott, Shelby, Sioux, Story, Tama, Taylor, Union, Van Buren, Wapello, Warren, Washington, Wayne, Webster, Winnebago, Winneshiek, Woodbury, Worth, and Wright Counties;
Kansas. Allen, Anderson, Atchison, Barber, Barton, Bourbon, Brown, Butler, Chase, Chautauqua, Cherokee, Cheyenne, Clark, Clay, Cloud, Coffey, Comanche, Cowley, Crawford, Decatur, Dickinson, Doniphan, Douglas, Edwards, Elk, Ellis, Ellsworth, Finney, Ford, Franklin, Geary, Gove, Graham, Grant, Gray, Greeley, Greenwood, Hamilton, Harper, Harvey, Haskell, Hodgeman, Jackson, Jefferson, Jewell, Johnson, Kearny, Kingman, Kiowa, Labette, Lane, Leavenworth, Lincoln, Linn, Logan, Lyon, McPherson, Marion, Marshall, Meade, Miami, Mitchell, Montgomery, Morris, Morton, Nemaha, Neosho, Ness, Norton, Osage, Osborne, Ottawa, Pawnee, Phillips, Pottawatomie, Pratt, Rawlins, Reno, Republic, Rice, Riley, Rooks, Rush, Russell, Saline, Scott, Sedgwick, Seward, Shawnee, Sheridan, Sherman, Smith, Stafford, Stanton, Stevens, Sumner, Thomas, Trego, Wabaunsee, Wallace, Washington, Wichita, Wilson, Woodson, and Wyandotte Counties;
Kentucky. The entire State;
Louisiana. The entire State;
Maine. The entire State;
Maryland. The entire State;
Massachusetts. The entire State;
Michigan. The entire State;
Minnesota. The entire State;
Mississippi. The entire State;
Missouri. The entire State;
Montana. The entire State;
Nebraska. Adams, Antelope, Arthur, Banner, Blaine, Boone, Box Butte, Boyd, Brown, Buffalo, Burt, Butler, Cass, Cedar, Chase, Cherry, Cheyenne, Clay, Colfax, Cuming, Custer, Dakota, Dawes, Dawson, Deuel, Dixon, Dodge, Douglas, Dundy, Fillmore, Franklin, Frontier, Furnas, Gage, Garden, Garfield, Gosper, Grant, Greeley, Hall, Hamilton, Harlan, Hayes, Hitchcock, Hooker, Howard, Jefferson, Johnson, Kearney, Keith, Keya Paha, Kimball, Knox, Lancaster, Lincoln, Logan, Loup, Madison, McPherson, Merrick, Morrill, Nance, Nuckolls, Otoe, Pawnee, Perkins, Pierce, Platte, Polk, Red Willow, Richardson, Rock, Saline, Sarpy, Saunders, Scotts Bluff, Seward, Sheridan, Sherman, Sioux, Stanton, Thayer, Thomas, Thurston, Valley, Washington, Wayne, Webster, Wheeler, and York Counties;
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New Hampshire. The entire State;
New Jersey. The entire State;
New Mexico. The entire State;
New York. The entire State;
North Carolina. The entire State;
North Dakota. The entire State;
Ohio. The entire State;
Oklahoma. Adair, Alfalfa, Atoka, Beaver, Beckham, Blaine, Bryan, Caddo, Canadian, Carter, Cherokee, Choctaw, Cimarron, Cleveland, Coal, Comanche, Cotton, Craig, Creek, Custer, Delaware, Dewey, Ellis, Garfield, Garvin, Grady, Grant, Greer, Harmon, Harper, Haskell, Hughes, Jackson, Jefferson, Johnston, Kay, Kingfisher, Kiowa, Latimer, Le Flore, Lincoln, Logan, Love, Major, Marshall, Mayes, McClain, McCurtain, McIntosh, Murray, Muskogee, Noble, Nowata, Okfuskee, Oklahoma, Okmulgee, Osage, Ottawa, Pawnee, Payne, Pittsburg, Pontotoc, Pottawatomie, Pushmataha, Roger Mills, Rogers, Seminole, Sequoyah, Stephens, Texas, Tillman, Wagoner, Washington, Washita, Woods, and Woodward Counties;
Oregon. The entire State;
Pennsylvania. The entire State;
Rhode Island. The entire State;
South Carolina. The entire State;
South Dakota. The entire State;
Tennessee. The entire State;
Texas. Anderson, Andrews, Angelina, Aransas, Archer, Armstrong, Atascosa, Austin, Bailey, Bandera, Bastrop, Baylor, Bee, Bell, Bexar, Blanco, Borden, Bosque, Bowie, Brazoria, Brazos, Brewster, Briscoe, Brooks, Brown, Burleson, Burnet, Caldwell, Calhoun, Callahan, Cameron, Camp, Carson, Cass, Castro, Chambers, Cherokee, Childress, Clay, Cochran, Coke, Coleman, Collin, Collingsworth, Colorado, Comal, Comanche, Concho, Cooke, Coryell, Cottle, Crane, Crockett, Crosby, Culberson, Dallam, Dallas, Dawson, Deaf Smith, Delta, Denton, De Witt, Dickens, Dimmit, Donley, Duval, Eastland, Ector, Edwards, Ellis, El Paso, Erath, Falls, Fannin, Fayette, Fisher, Floyd, Foard, Fort Bend, Franklin, Freestone, Frio, Gaines, Galveston, Garza, Gillespie, Glasscock, Goliad, Gonzales, Gray, Grayson, Gregg, Grimes, Guadelupe, Hale, Hall, Hamilton, Hansford, Hardeman, Hardin, Harris, Harrison, Hartley, Haskell, Hays, Hemphill, Henderson, Hidalgo, Hill, Hockley, Hood, Hopkins, Houston, Howard, Hudspeth, Hunt, Hutchinson, Irion, Jack, Jackson, Jasper, Jeff Davis, Jefferson, Jim Hogg, Jim Wells, Johnson, Jones, Karnes, Kaufman, Kendall, Kenedy, Kent, Kerr, Kimble, King, Kinney, Kleberg, Knox, Lamar, Lamb, Lampasas, La Salle, Lavaca, Lee, Leon, Liberty, Limestone, Lipscomb, Live Oak, Llano, Loving, Lynn, Madison, Marion, Martin, Mason, Matagorda, Maverick, McCulloch, McLennan, Medina, Menard, Midland, Milam, Mills, Mitchell, Montague, Montgomery, More, Morris, Motley, Nacogdoches, Navarro, Newton, Nolan, Ochiltree, Oldham, Orange, Palo Pinto, Panola, Parker, Parmer, Pecos, Polk, Potter, Presidio, Rains, Randall, Reagan, Real, Red River, Reeves, Refugio, Roberts, Robertson, Rockwall, Runnels, Rusk,

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Sabine, San Augustine, San Jacinto, San Patricio, San Saba, Schleicher, Scurry, Shackelford, Shelby, Sherman, Smith, Somervell, Starr, Stephens, Sterling, Stonewall, Sutton, Swisher, Tarrant, Taylor, Terrell, Terry, Throckmorton, Titus, Tom Green, Travis, Trinity, Tyler, Upshur, Upton, Uvalde, Val Verde, Van Zandt, Victoria, Walker, Waller, Ward, Washington, Webb, Wharton, Wheeler, Wichita, Wilbarger, Willacy, Williamson, Wilson, Winkler, Wise, Wood, Yoakum, Young, Zapata, and Zavala Counties;

Utah. The entire State;
Vermont. The entire State;
Virginia. The entire State;
Washington. The entire State;
West Virginia. The entire State;
Wisconsin. The entire State;
Wyoming. The entire State;
Puerto Rico. The entire area; and
Virgin Islands of the United States. The entire area.

(Secs. 4, 5, 23 Stat. 32, as amended; secs. 1, 2, 32 Stat. 791–792, as amended; sec. 8, 33 Stat. 1265, as amended; sec. 2, 65 Stat. 693; 21 U.S.C. 111–113, 114a–1, 120, 121, 125; 37 FR 28464, 28477, 9 CFR 78.16(a))

Effective date. The foregoing amendments shall become effective March 16, 1973.

These amendments impose certain restrictions necessary to prevent the spread of brucellosis in cattle and relieve certain restrictions presently imposed. It should be made effective promptly in order to accomplish its purpose in the public interest and to be of maximum benefit to persons subject to the restrictions which are relieved. Accordingly, under the administrative procedure provisions of 5 U.S.C. 553, it is found upon good cause that notice and other public procedure with respect to these amendments are impracticable, unnecessary, and contrary to the public interest, and good cause is found for making these amendments effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 12th day of March 1973.

E. E. SAULMAN,
Deputy Administrator, Veterinary Services, Animal and Plant Health Inspection Service.

[FR Doc.73-5082 Filed 3-15-73;8:45 am]

Title 14—Aeronautics and Space

CHAPTER I—FEDERAL AVIATION ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Airspace Docket No. 73-SW-3]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Designation of Transition Area

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to designate the El Campo, Tex., transition area.

On January 24, 1973, a notice of proposed rule making was published in the FEDERAL REGISTER (38 FR 2335) stating the Federal Aviation Administration proposed to designate a transition area at El Campo, Tex.

Interested persons were afforded an opportunity to participate in the rule making through submission of comments. All comments received were favorable.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., May 24, 1973, as hereinafter set forth.

In § 71.181 (38 FR 435), the following transition area is added:

EL CAMPO, TEX.

That airspace extending upward from 700 feet above the surface within a 5-mile radius of the El Campo Airpark (latitude 29°16'00" N., longitude 96°19'30" W.).

(Sec. 307(a), Federal Aviation Act of 1958, 49 U.S.C. 1348; sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Fort Worth, Tex., on March 6, 1973.

R. V. REYNOLDS,
Acting Director, Southwest Region.

[FR Doc.73-5069 Filed 3-15-73;8:45 am]

Title 24—Housing and Urban Development

CHAPTER III—GOVERNMENT NATIONAL MORTGAGE ASSOCIATION, DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

SUBCHAPTER A—INTRODUCTION

[Docket No. R-73-210]

PART 300—GENERAL

List of Attorneys-in-Fact

Paragraph (c) of § 300.11 is amended to add additional names to the list of attorneys-in-fact authorized to act on behalf of the Association and to remove one name from the current list.

Notice and public procedure on this amendment are unnecessary and impracticable because of the large volume of legal documents that must be executed on behalf of the Association in connection with its recent auctions of mortgages.

1. Paragraph (c) of § 300.11 is amended by deleting the name of Sam Pampalone from the current list of attorneys-in-fact.

2. Paragraph (c) of § 300.11 is further amended by adding the following names in alphabetical sequence to the current list of attorneys-in-fact:

Name	*Region*
Robert E. Allen	Los Angeles.
Angelina C. Alleva	Philadelphia.
Irene S. Baggio	Do.
Donald N. Bailey	Chicago.
Thomas H. Barker	Los Angeles.
Inman L. Beavers	Atlanta.
Ida Behling	Chicago.
James D. Blank	Do.
Fred O. Carlton	Dallas.
Robert J. Clemmer	Do.
Stephen C. Crabb	Do.
John C. Diebel	Chicago.
Warren O. Dinkins	Dallas.
Richard E. Flesher	Do.
Gregory Gianpetro	Chicago.
Robert E. Haren	Do.
Ernestine S. Holland	Los Angeles.
David G. Hooper	Dallas.
Boyd A. Jakman	Los Angeles.
Dennis V. Johnson	Dallas.
William S. Jones	Atlanta.
Francine Karling	Chicago.
Arthurine C. Kent	Los Angeles.
Michael S. Koch	Chicago.
Michael Kornecki	Do.
Joan Lehning	Do.
Thomas F. Monico	Do.
Russell P. Morrison	Philadelphia.
Doris A. Morrow	Chicago.
Terry S. Nooner	Dallas.
N. A. Owens	Atlanta.
Virginia K. O'Rourke	Chicago.
Cletus C. Parker	Do.
Michael C. Parker	Dallas.
Robert G. Pike	Atlanta.
Vern Simmons	Los Angeles.
Robert L. Smith, Jr.	Do.
Florence Snukst	Chicago.
Jose Soto, Jr.	Dallas.
Ruth C. Turner	Los Angeles.
Audrey E. Tolliver	Do.
Fred B. Vanderwoude	Dallas.
Loretta A. Wing	Philadelphia.

Effective date. This amendment shall be effective on March 16, 1973.

WOODWARD KINGMAN,
President, Government National Mortgage Association.

[FR Doc.73-5079 Filed 3-15-73;8:45 am]

Title 29—Labor

CHAPTER V—WAGE AND HOUR DIVISION, DEPARTMENT OF LABOR

PART 516—RECORDS TO BE KEPT BY EMPLOYERS

Executive, Administrative, Professional and Outside Salesmen; Records To Be Kept

The Fair Labor Standards Act of 1938, as amended (29 U.S.C. 201 et seq.), in its section 13(a)(1) exempts from the minimum wage and overtime provisions persons employed in a bona fide executive, administrative or professional capacity (including employees employed in the capacity of academic administrative personnel or teachers in elementary or secondary schools), or in the capacity of outside salesmen. The Fair Labor Standards Act of 1938, as amended, was further amended by Public Law 92-318, Education Amendments of 1972, 86 Stat. 375, approved June 23, 1972 (effective July 1, 1972). Among other things, this legislation amended section 13(a)(1) by extending the application of the Act's equal pay provisions, prescribed in its section 6(d), to employees employed in a bona fide executive, administrative, or professional capacity, or in the capacity of outside salesmen, as defined in Part 541 of this chapter, even though such employees are otherwise exempt from the Act's minimum wage and overtime pay provisions.

Amendments are hereby made to 29 CFR Part 516 as set forth below in order to conform the recordkeeping requirements under the Act to the amended section 13(a)(1) and to require the making and preserving of the records which are appropriate for the enforcement of the equal pay provisions in the case of persons whose employment is within the purview of both sections 6(d) and 13(a)(1) of the Act.

Since these amendments implement amendments to the Act which are already in effect and are necessary in discharging the Department's responsibility for its enforcement, I find that notice and public procedure on these amendments as provided in 5 U.S.C. 553 would be contrary to the public interest. These amendments shall, therefore, be effective on April 2, 1973, and shall be applicable, to the extent consistent with law from such date. Interested persons shall, notwithstanding, be afforded opportunity until April 16, 1973, to present any written data, views, or arguments concerning these amendments to the Employment Standards Administration, U.S. Department of Labor, Washington, D.C. 20210, for consideration in the same manner as if such amendments were being proposed for adoption. If upon review of the comments so received it is concluded that any of them warrant changes in these amendments as adopted, the provisions of these amendments will be further amended accordingly. Meanwhile, these amendments shall remain in full force and effect until amended.

Therefore, pursuant to the Fair Labor Standards Act of 1938 (52 Stat. 1060, as amended, 29 U.S.C. 201 et seq.), Reorganization Plan No. 6 of 1950 (3 CFR 1949–53 Comp., p. 1004) and Secretary's Orders Nos. 13–71 and 15–71 (36 FR 8755, 8756), § 516.3 of Part 516 of Title 29, Code of Federal Regulations, is revised to read as follows:

§ 516.3 Bona fide executive, administrative, and professional employees (including academic administrative personnel and teachers in elementary or secondary schools), and outside sales employees as referred to in section 13(a)(1) of the Act—items required.

With respect to persons employed in a bona fide executive, administrative, or professional capacity (including employees employed in the capacity of academic administrative personnel or teachers in elementary or secondary schools), or in the capacity of outside salesman, as defined in Part 541 of this chapter (pertaining to so-called "white collar" employee exemptions), employers shall maintain and preserve records containing all the information and data required by § 516.2(a) except subparagraphs (6) through 10) thereof, and, in addition thereto the basis on which wages are paid in sufficient detail to permit calculation for each pay period of the employee's total remuneration for employment including fringe benefits and perquisites. (This may be shown as "$725 mo. * * * $165 wk. * * * $1,200 mo. plus 2 percent commission on gross sales * * * on fee basis per schedule No. 2" with appropriate addenda such as "plus hospitalization and insurance plan A," "benefit package B," "2 weeks' paid vacation," etc.)

Signed at Washington, D.C., this 9th day of March 1973.

BEN P. ROBERTSON,
Acting Administrator.

[FR Doc.73-5087 Filed 3-15-73;8:45 am]

Title 33—Navigation and Navigable Waters

CHAPTER I—COAST GUARD, DEPARTMENT OF TRANSPORTATION

[CGD 73-8R]

PART 117—DRAWBRIDGE OPERATION REGULATIONS

Escatawpa and Pascagoula Rivers, Miss.

This amendment changes the regulations for the Mississippi State Highway 63 bridge across the Escatawpa River and the U.S. 90 Highway bridge across the Pascagoula River to permit additional periods in which the draws of these bridges need not be opened for the passage of vessels. This amendment was circulated as a public notice dated January 22, 1973, by the Commandant, Eighth Coast Guard District and was published in the FEDERAL REGISTER as a notice of proposed rule making (CGD 73-8P) on January 15, 1973 (38 FR 1510). Two comments were received. One supported the proposal and one opposed it on the grounds that a high level bridge should be built to provide for vessel passages at all times. The Coast Guard feels that these amended regulations will provide for the reasonable needs of navigation. If additional data justifies further amendments, such action will be taken at that time.

Accordingly, Part 117 of Title 33 of the Code of Federal Regulations, be amended by:

1. Revising § 117.485 to read as follows:

§ 117.485 Escatawpa River, Miss.: Mississippi State Highway 63 Bridge; mile 1.0.

The draw need not be opened for the passage of vessels, from 6 a.m. to 6:45 a.m., 7 a.m. to 7:30 a.m., 3:25 p.m to 4 p.m., and 4:15 p.m. to 5 p.m., Monday through Friday, except on national holidays, when the draw shall open promptly on signal. At all other times the draw shall open promptly on signal.

2. Revising § 117.495 to read as follows:

§ 117.495 Pascagoula River at Pascagoula, Miss.; U.S. 90 Highway Bridge.

The draw need not be opened for the passage of vessels from 6:15 a.m. to 7:15 a.m., 7:25 a.m. to 8 a.m., 3:15 p.m. to 4:15 p.m., and 4:30 p.m. to 5:30 p.m., Monday through Friday, except on national holidays when the draw shall open promptly on signal. At all other times the draw shall open promptly on signal.

(Sec. 5, 28 Stat 362, as amended, sec. 6(g)(2), 80 Stat. 937; 33 U.S.C. 499, 49 U.S.C. 1655(g)(2); 49 CFR 1.46(c)(5), 33 CFR 1.05-1(c)(4))

Effective date. This revision shall become effective on April 23, 1973.

Dated: March 12, 1973.

W. M. BENKERT,
Rear Admiral, U.S. Coast Guard, Chief, Office of Marine Environment and Systems.

[FR Doc.73-5093 Filed 3-15-73;8:45 am]

Title 5—Administrative Personnel

CHAPTER I—CIVIL SERVICE COMMISSION

PART 550—PAY ADMINISTRATION (GENERAL)

Appendix A to Subpart I of Part 550 is amended by adding a new item (8), "Working on a drifting sea ice floe," under the duty "Exposure to Hazardous Weather or Terrain," to provide for paying a hazard differential for work performed out on sea ice.

The amendment, which is effective on the date shown in the schedule, reads as follows:

APPENDIX A

SCHEDULE OF PAY DIFFERENTIALS AUTHORIZED FOR IRREGULAR OR INTERMITTENT HAZARDOUS DUTY UNDER SUBPART I

Hazard Pay Differential, of Part 550 Pay Administration (General)

Irregular or intermittent duty	Rate of hazard pay differential	Effective date
Exposure to Hazardous Weather or Terrain:		
* * *	* * *	* * *
(8) *Working on a drifting sea ice floe.* When the job requires that the work be performed out on sea ice, e.g., installing scientific instruments and making observations for research purposes.	25%	First pay period beginning after March 16, 1973.

(5 U.S.C. 5595, E.O. 11257; 3 CFR 1964–65 Comp., p. 357)

[SEAL] UNITED STATES CIVIL SERVICE COMMISSION,
JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.73-5077 Filed 3-15-73;8:45 am]

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Title 41—Public Contracts and Property Management

CHAPTER 114—DEPARTMENT OF THE INTERIOR

PART 114–50—UNIFORM RELOCATION ASSISTANCE AND REAL PROPERTY ACQUISITION POLICIES

Miscellaneous Amendments

Pursuant to the authority of the Secretary of the Interior contained in 5 U.S.C. 301 and section 213 of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, Part 114–50, Title 41 of the Code of Federal Regulations (38 FR 3965, Feb. 9, 1973), is amended as set forth below.

Since these amendments simply correct minor discrepancies in the text, it is determined that the public rule making procedure is unnecessary and these amendments shall become effective on March 16, 1973.

RICHARD R. HITE,
Deputy Assistant Secretary of the Interior.

MARCH 9, 1973.

Subpart 114–50.1—General

1. Section 114–50.100 is revised to read as follows:

§ 114–50.100 Purpose.

These regulations prescribe policies and procedures to insure the fair, equitable, and uniform treatment of persons displaced by Federal and federally assisted programs. They implement the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, hereinafter referred to as the Act, and Office of Management and Budget Circular No. A–103. All references in these regulations to sections or subsections are references to sections or subsections of the Act.

2. Section 114–50.105(a) is revised to read as follows:

§ 114–50.105 Eligibility requirements.

• • • • • •

(a) The person must have moved (or moved his personal property) as a result of the receipt of a written notice to vacate which notice may have been given before or after initiation of negotiations for acquisition of the property; or

• • • • • •

Subpart 114–50.2—Definitions

3. Section 114–50.201(e)(5) is revised to read as follows:

§ 114–50.201 Definition of terms.

• • • • • •

(e) • • •

(5) *Occupancy standards.* Occupancy standards for replacement housing shall comply with Bureau or Office approved occupancy requirements or comply with local codes.

• • • • • •

Subpart 114–50.3—Uniform Real Property Acquisition Policy

4. Section 114–50.311(c) is revised to read as follows:

§ 113–50.311 Notice to occupants upon initiation of negotiations.

• • • • • •

(c) *Tenants of 90 days or more.* Within 15 days after the initiation of negotiations for the purchase or real property, each tenant of 90 days or more shall be personally contacted and furnished in writing:

• • • • • •

Subpart 114–50.4—Relocation Assistance Advisory Services

5. Section 114–50.407–3 is revised to read as follows:

§ 114–50.407–3 Relocation services—federally assisted programs.

State agencies receiving Federal financial assistance on a project may enter into agreements or contracts for the provision of relocation services in accordance with this Subpart 114–50.4. When a State agency elects to contract for these services, the Bureau or Office providing the Federal financial assistance shall take such action as is necessary to insure that the contract will facilitate a uniform and effective relocation program for the displaced persons. Any such contract shall include the following provisions, as a minimum:

6. Section 114–50.407–3(b) is revised to read as follows:

§ 114–50.407–3 Relocation services—federally assisted programs.

• • • • • •

(b) That records pertinent to the contract will be retained by the State agency for a period of at least 3 years and shall be available for examination by representatives of the Bureau or Office;

• • • • • •

Subpart 114–50.5—Assurance of Adequate Replacement Housing Prior to Displacement

7. Section 114–50.501 is revised to read as follows:

§ 114–50.501 Housing provided as last resort.

In any case where the survey and analysis of available replacement housing required by § 114–50.500 discloses that adequate replacement housing is not available and cannot otherwise be made available, the head of the Bureau or Office may take action or approve action by a State agency to develop replacement housing as authorized by section 206(a) of the Act. Bureaus and Offices taking or approving such action for replacement housing will be guided by the criteria and procedures issued by the Secretary of Housing and Urban Development in 24 CFR Subtitle A, Part 43, Subpart A. A State agency taking such action should comply with the requirements and procedures of the Bureau or Office which provides the Federal financial assistance.

Subpart 114–50.9—Replacement Housing Payments for Tenants and Certain Others

8. Section 114–50.906(b) is revised to read as follows:

§ 114–50.906 Disbursement of rental replacement housing differential payment.

• • • • • •

(b) Rental replacement housing payments of $500 or less shall be made in one lump sum at the beginning of occupancy of the replacement dwelling. Bureaus and Offices need not thereafter determine whether the displacee continues to occupy decent, safe, and sanitary housing.

[FR Doc.73–5115 Filed 3–15–73;8:45 am]

Title 45—Public Welfare

CHAPTER VIII—CIVIL SERVICE COMMISSION

PART 801—VOTING RIGHTS PROGRAM

Mississippi

Appendix A of Part 801 is amended to show that the Mississippi "Application to be Listed Under the Voting Rights Act of 1965" has been revised due to the fact that the Mississippi Legislature revised its election laws in certain respects.

Under the Forms of Application, the revised Mississippi application will read as follows:

Form approved
Budget Bureau No. 50–RO436

APPLICATION TO BE LISTED UNDER THE VOTING RIGHTS ACT OF 1965

State of Mississippi, County of _____

Instructions to the Applicant: Please fill out both sides of this form. If you need help in answering any question, the Examiner will help you.

1. Name _____
(*First*) (*Middle*) (*Last*)
2. Date of Birth _____
3. Social Security No. _____
4. Are you a citizen of the United States? _____ ☐ Yes ☐ No
5. What is your present residence address and each place you have resided during the past year, stating when you lived at each place?
   (a) Present address _____
   From _____ to date.
   (b) Previous address _____
   From _____ to _____
   (c) Previous address _____
   From _____ to _____
   (If you need additional space, use the back side of this form.)
6. What is your election district? _____
Beat _____ Precinct _____ City Ward _____
7. Are you now registered to vote in Mississippi? _____ ☐ Yes ☐ No
   (a) When: _____
   (b) What county: _____
   (c) Address at that time: _____
8. Have you ever been convicted of a crime of murder, rape, bribery, theft, arson, obtaining money or goods under false pretenses, perjury, forgery, embezzlement or bigamy? ☐ Yes ☐ No
   (a) Which crime? _____
   (b) When and where? _____
   Has the right to vote been restored? _____ ☐ Yes ☐ No
   If yes, when: _____
9. Have you ever been declared legally insane by a court? _____ ☐ Yes ☐ No
   If yes, when: _____
   Where: _____
   (a) When and where declared competent by a court: _____
10. (a) If you have a current driver's license, state its number and the address shown thereon: _____
    (b) If you own a motor vehicle, state license tag number and the county and State in which the vehicle is registered for ad valorem and road and bridge privilege tax purposes: _____
    (c) If you filed an income tax return for the year immediately past, state the address on your most recent income tax return: _____
    (d) If you own real property, state its location: _____
    (e) If you are receiving homestead exemption on any real property, state the location of all such property: _____
    (f) If you are currently employed, state the location of the place where you actually report for work: _____
    (g) State the location of any church affiliation or location of any other religious groups of which you are a member: _____
    (h) State the location of the greater amount of your personal possessions: _____
    (i) If you have a telephone, state its location and number: _____
11. Do you intend to make this precinct and county your fixed habitation, for a definite or indefinite length of time, to which you intend to return whenever absent? _____ ☐ Yes ☐ No

Any willful false statement on this application is a Federal crime punishable by fine or imprisonment.

STOP HERE. TAKE THE FORM TO THE EXAMINER

I do solemnly swear (or affirm) that I am at least eighteen (18) years old (or will be before the next election in this county), and that I am now in good faith a resident of this state and of _____ election precinct in this county and that I am not disqualified from voting by reason of having been convicted of any crime named in the Constitution of this state as a disqualification to be an elector; that I have truly answered all questions propounded to me in the foregoing application for registration; and that I will faithfully support the Constitution of the United States and of the State of Mississippi, and will bear true faith and allegiance to the same. So help me God.

Signature (or mark) of applicant _____
Sworn to (or affirmed) and subscribed before me this date _____
Examiner _____

United States Civil Service Commission
Certificate of Eligibility Issued—No. _____
Notice of Ineligibility Issued—No. _____
CSC Form 805–M
Revised February 1973

(Secs. 7, 9, 79 Stat. 440; 42 U.S.C. 1973e, 1973g)

Dated: March 5, 1973.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.73–5078 Filed 3–15–73;8:45 am]

CHAPTER X—OFFICE OF ECONOMIC OPPORTUNITY

PART 1069—COMMUNITY ACTION PROGRAM GRANTEE PERSONNEL MANAGEMENT

Subpart—Travel Regulations for CAP Grantees and Delegate Agencies (OEO Instruction 6910–1)

Notice is hereby given that the regulation set forth below is promulgated as an interim regulation by the Acting Director of the Office of Economic Opportunity. As a result of the prospective delegation of certain programs to other Federal departments, prospective funding changes, and changes in the management and administration of certain programs, the Office of Economic Opportunity has been required to institute emergency guidelines and instructions in advance of 30-day prior notice in the FEDERAL REGISTER. Accordingly, the regulation published below is effective on the date indicated therein. Moreover, in view of the nature of the problems which this regulation is designed to remedy, having been advised by counsel, I find that to publish them in the FEDERAL REGISTER 30 days prior to its effective date would be impracticable and contrary to the public interest.

The regulation below will remain in effect unless and until superseded by permanent regulations published in the FEDERAL REGISTER. Interested persons wishing to comment before permanent regulations are promulgated may submit written data, views, and comments by mailing them to the Acting Director, Policy Regulation, Office of Program Review, Office of Economic Opportunity, 1200 19th Street NW., Washington, DC 20506, in time to arrive on or before April 15, 1973.

After careful consideration is given to all relevant material submitted, and to such other information as may be available, the Acting Director of OEO may modify this interim regulation as he deems appropriate and publish it as a permanent regulation in the FEDERAL REGISTER.

Subpart 1069.3 of Chapter X of Title 45 of the Code of Federal Regulations is amended as follows:

1. Section 1069.3–5 is revised, as follows:

§ 1069.3–5 Restrictions on charging out-of-the-community travel costs to grant funds.

(a) Grantees may only use OEO grant funds to reimburse out-of-the-community travel costs incurred by the grantee and/or delegate agency employees, consultants, and members of governing or administering boards after receipt of prior written approval for such out-of-the-community travel from the Principal Assistant to the Director for Operational Activities or his designee.

(b) This restriction shall not apply to legal services attorneys who must travel out of the community to attend a court session or conduct necessary interviews of witnesses or take depositions of necessary witnesses in connection with a pending or proposed legal proceeding arising within the community. Travel by legal services attorneys for activities other than the above must have the prior written approval of the Director of Legal Services or his designee.

2. Section 1069.3–6 is revised, as follows:

§ 1069.3–6 Approval of travel outside the continental United States.

(a) All travel outside the limits of the 48 continental United States must be approved in advance, in writing, by the Principal Assistant Director for Operational Activities or his designee.

(b) Similar approval is required for travel within the continental United States by CAP grantees in Alaska, Hawaii, and the U.S. Territories.

Effective date. The sections of this subpart are effective on March 16, 1973.

HOWARD PHILLIPS,
Acting Director.

[FR Doc.73–5083 Filed 3–15–73;8:45 am]

Title 46—Shipping

CHAPTER II—MARITIME ADMINISTRATION, DEPARTMENT OF COMMERCE

SUBCHAPTER G—EMERGENCY OPERATIONS

[General Order 75, 2d Rev., Amdt. 30]

PART 308—WAR RISK INSURANCE

Interim Binders; Correction

In FR Doc. 72–16461, appearing in the FEDERAL REGISTER issue of September 26, 1972 (37 FR 20117) Part 308 was amended to reflect the following changes:

Amend §§ 308.6 *Period of interim binders and renewal procedure*, 308.106 *Standard form of war risk hull insurance interim binder and optional disbursements insurance endorsement*, 308.206 *Standard form of war risk protection and indemnity insurance interim binder*, and 308.305 *Standard form of Second Seamen's war risk insurance interim binder*, by changing the expiration dates contained therein to read "midnight April 7, 1973, G.m.t."

The same is hereby further amended by changing the expiration dates contained therein to read "midnight October 7, 1973, G.m.t."

(Sec. 204, 49 Stat. 1987, as amended; 46 U.S.C. 1114)

Dated: March 12, 1973.

By order of the Assistant Secretary of Commerce for Maritime Affairs.

JAMES S. DAWSON, Jr.,
Secretary.

[FR Doc.73–5126 Filed 3–15–73;8:45 am]

V38-51 MAR 16 73 XUM

Title 47—Telecommunication

CHAPTER I—FEDERAL COMMUNICATIONS COMMISSION

[FCC 73-250]

PART 0—COMMISSION ORGANIZATION

Delegation of Authority to Chief, Field Engineering Bureau

Order. In the matter of amendment of § 0.311 of the Commission's rules relating to authority delegated to Chief, Field Engineering Bureau.

1. Alien pilots and flight crewmembers continuously seek waivers of the citizenship requirements of section 303(1) of the Communications Act and the geographic restriction requirements of § 13.4 (c) of the rules in order to obtain restricted radiotelephone operator permits. Pursuant to § 13.11(c) such applications must be signed by individual applicants.

2. Foreign airlines have recently begun to submit applications on behalf of their pilots for whom waiver of the Rules are sought and restricted permits requested. In each instance the appropriate form and fee is submitted for each individual named and an assurance made that the named permittee will sign the permit individually immediately upon receipt. The permit in any event is not valid until so signed.

3. The Chief and Deputy Chief, Field Engineering Bureau, are delegated the authority to grant the waiver requests of section 303(1) of the Act and § 13.4(c) of the rules, pursuant to § 0.311(a) (9) and (11) of the rules.

4. The Commission believes that an extension of this delegated authority to permit the granting of waiver of the individual applicant's signature requirement of § 13.11(c) by the Chief and Deputy Chief, Field Engineering Bureau, would support the handling of the existing delegation and assist in the orderly and expeditious handling of the Commission business.

5. This amendment relates to the internal Commission organization, and hence, the prior notice, procedure, and effective date provisions of the Administrative Procedure Act are not applicable. Authority for the promulgation of these amendments is contained in section 4(i) and 5 (b) and (d) of the Communications Act of 1934, as amended.

6. *Accordingly, it is ordered,* Effective March 21, 1973, that § 0.311(a) of the rules is amended by deleting subparagraph (10) (presently reserved) and substituting the following new § 0.311 (a) (10):

§ 0.311 Authority delegated to the Chief and to the Deputy Chief of the Field Engineering Bureau.

(a) • • •

(10) To act on requests for waiver of the individual signature requirement in § 13.11(c) of this chapter on applications for commercial operator permits and licenses.

• • • • • •

(Secs. 4, 5, 303, 48 Stat., as amended, 1066, 1068, 1082; 47 U.S.C. 154, 155, 303)

Adopted: March 7, 1973.

Released: March 12, 1973.

FEDERAL COMMUNICATIONS COMMISSION,[a]

[SEAL] BEN F. WAPLE, *Secretary.*

[FR Doc.73-5096 Filed 3-15-73;8:45 am]

[Docket No. 19512; FCC 73-262]

PART 73—RADIO BROADCAST SERVICES

FM Broadcast Stations in Adrian, Mich. and West Lafayette, Ind.

Second report and order. In the matter of amendment of § 73.202, *Table of assignments,* FM broadcast stations (Adrian, Mich., and West Lafayette, Ind.), Docket No. 19512, RM-1820, RM-1822.

1. The Commission has before it for consideration the FM channel assignment proposal, RM-1822, West Lafayette, Ind., remaining for disposition in this proceeding, instituted by notice of proposed rule making, released on May 23, 1972 (FCC 72-430, 37 FR 10579). Previously, one proposal, RM-1791, Winchendon, Mass., was severed from this proceeding and consolidated into Docket No. 19540 by Order, released July 11, 1972 (FCC 72-604). The other proposal, RM-1820, Adrian, Mich., was disposed of by the First Report and Order, released herein on November 13, 1972 (FCC 72-997, 37 FCC 2d 1021).

2. *West Lafayette proposal.*[1] The petitioner, Thomas Jurek, proposes the assignment of FM Channel 280A to West Lafayette, Ind. (population, 19,157), for a first FM assignment for which he can apply. West Lafayette is located in west-central Illinois, adjoining the larger community of Lafayette, Ind. (population, 44,955), on the west, separated only by the Wabash River and connected by bridges. Both communities are in Tippecanoe County (population, 109,378), in the same standard metropolitan statistical area (coextensive with Tippecanoe County), and in the same urbanized area (population, 79,117). While without an FM assignment or outlet, West Lafayette has an AM broadcast outlet, an unlimited-time AM educational operation (WBAA), licensed to Purdue University. It is also served by the Lafayette AM and FM broadcast stations. These number two commercial AM stations, one of which is an unlimited-time operation (WASK) and the other (WAZY), a daytime-only operation; three commercial FM stations, two of which operate on class A channels (WAZY-FM and WXUS), and the other, on a class B channel (WASK-FM); and an educational FM station (WJJE), operating on an educational channel assignment (220A). Station WLFI-TV at Lafayette also serves West Lafayette.

3. Comments supporting his West Lafayette Channel 280A proposal were filed by Jurek. Comments opposing the proposal were filed by Lafayette Broadcasting, Inc. (Lafayette Broadcasting), licensee of Stations WASK-(AM) and WASK-FM; by Tiprad Broadcasting Co., Inc. (Tiprad), licensee of FM Station WXUS; and by WCVL, Inc., licensee of Station WCVL, an unlimited-time AM broadcast station, at Crawfordsville, Ind. Reply comments were filed by Jurek and the two opposing Lafayette licensees.[2]

4. *Crawfordsville, Ind., counterproposal.* The WCVL comments also included a counterproposal, proposing the assignment of Channel 280A to Crawfordsville, Ind., instead of to West Lafayette. Crawfordsville (population, 13,842) is located about 27 miles south of West Lafayette in Montgomery County (population, 33,930). In addition to WCVL's AM station (WCVL), Crawfordsville has one FM outlet, Station WNDY, which operates on Channel 292A, the only FM channel assigned to Crawfordsville and in Montgomery County. This station is licensed to Wabash College Radio, Inc., described by the licensee in its license file as an "Indiana not-for-profit corporation organized for the purpose of owning and operating a radio station as a facility which will provide training for college students." The opposing Lafayette licensees also support adoption of this alternative Channel 280A assignment proposal.

5. Channel 280A can be assigned to West Lafayette in conformance with all minimum mileage separation requirements without any change in other channel assignments and without adverse preclusionary effect on new adjacent channel assignments. As noted in the rule making notice on the proposal, however, a West Lafayette Channel 280A assignment would foreclose assignment of Channel 280A to Crawfordsville or to any one of three other communities in this area of Indiana (Logansport, Frankford

[a] Commissioner Reid absent.

[1] Population figures are from the 1970 U.S. Census reports unless otherwise specified.

[2] A letter opposing the use of Channel 280A at West Lafayette was also received from Charles L. Brown of West Lafayette. His opposition stems from probable interference from a West Lafayette Channel 280A station to reception in the West Lafayette area of Station WFIU, which operates on class B Channel 279 at Bloomington, Ind., located some 90 miles south of West Lafayette. Since the normal service contour of class B FM stations which the Commission's rules recognize in the assignment of channels extends no more than approximately 35 miles, this consideration would not be a basis for not making the proposed Channel 280A assignment at West Lafayette. (It is noted also that since Bloomington is located in the same general direction as Crawfordsville, and the signal from a Crawfordsville station would be much stronger than that of the Bloomington Station (WFIU), the alternatively proposed assignment of Channel 280A to Crawfordsville would also be likely to cause interference to reception of the Bloomington FM station in the West Lafayette area.)

or Delphi). Logansport (population, 19,255) has one AM broadcast station (WSAL) and two FM channels assigned (Channel 272A, occupied by Station WSAL-FM, and Channel 237A, occupied by Station WVTL at nearby Monticello). Frankford (population, 14,956) has one AM broadcast station (WILO) also and one FM channel (259) assigned, occupied by Station WILO-FM. Delphi (population, 2,582) is without an FM assignment or aural broadcast outlet. Other available FM channel assignment possibilities in this area appear nonexistent, and an opportunity was afforded in this proceeding for comparative consideration of any Channel 280A assignment proposals submitted for these communities with that for West Lafayette. Only one for Crawfordsville was submitted, and since this record evidences present demand and interest in assignment and use of Channel 280A only at West Lafayette or Crawfordsville, and there appear no public interest reasons for preferring the other three communities where Channel 280A could be assigned, considering their size and existing assignments and stations, we think it justifiable to narrow our consideration to West Lafayette or Crawfordsville for the requested Channel 280A assignment.

6. In support of his West Lafayette Channel 280A proposal, Jurek stresses in his comments, as he did in his prior showing, that West Lafayette, although contiguous to the larger community of Lafayette, is not a suburb of Lafayette but an independent "sister" city. To indicate that West Lafayette is an independent city of sufficient significance to warrant a first local FM outlet of its own, he points out that it has a completely separate and independent city government, its own police and fire department, schools, public library and 25 churches. He also points out that Purdue University, with 37,000 enrolled students, of which about 25,000 study at the West Lafayette campus, is situated in West Lafayette, as are a number of growing industries, such as Centralab Electronics, CTS Corp., Lafayette Pharmacal, Lafayette Pipe Co., and Warren Industrial Aggregates Corp. In addition he offers statistics to show that the per capita income in West Lafayette is higher than in Lafayette and that the population growth trend is greater in West Lafayette than in Lafayette. He bases this on the fact that between 1960 and 1970 West Lafayette increased from 12,680 to 19,157 in population (a 51-percent increase) whereas Lafayette increased from 42,330 to 44,955 (a 6-percent increase) in population.

7. Jurek affirms that if Channel 280A is assigned to West Lafayette, he will apply for the channel and, if authorized, build and operate on it. He urges that because of the importance of West Lafayette as a University Center, it is a "natural" place for an FM station and that an FM station there stands a much better chance for success than in some small rural community. He states that, if authorized to operate on Channel 280A at West Lafayette, he will install stereophonic transmission equipment and provide an entertainment service compatible with the "hi fi" equipment commonly used in the academic community without neglecting the public affairs, instructional, news, and other listening tastes of the community as a whole.

8. WCVL, in opposition to the Jurek West Lafayette Channel 280A proposal and in support of its alternative Crawfordsville Channel 280A proposal, contends that while West Lafayette is technically an independent community, the fact remains that it and Lafayette are part of the same urbanized area and the same standard metropolitan statistical area; form a single radio market, and, for all practical purposes, are a single metropolitan area whose two principal parts are connected by three bridges. Since there are two AM stations at Lafayette, and another AM station at West Lafayette, as well as three commercial FM stations at Lafayette (also an FM educational station), it urges that the needs of Crawfordsville for the channel are more compelling than those of West Lafayette since it has only two local stations (Station WCVL, its AM operation, and FM station WNDY, licensed to Wabash College Radio, Inc., which operates commercially on Channel 292A), neither of which, it asserts, is able at the present time to meet all of the needs of the residents of the Crawfordsville area.

9. In support of this position, WCVL avers that Station WNDY is not a full-time FM station fh any real sense and does not fully meet Crawfordsville's needs for local FM service since it normally is not in operation during the summer months. It notes that in 1972 Station WNDY suspended operation on April 30 and was not scheduled to resume operation until the opening of college in the fall.[3] WCVL also points out that its unlimited-time AM station at Crawfordsville, which operates with 250 watts power and is required to use a directional antenna at night, is severely restricted in coverage and cannot fully satisfy the needs of the area normally associated with Crawfordsville. The situation, it claims, is especially disturbing in the early morning when there is a public need for school information and up-to-the-minute information about severe weather conditions. Because of the restricted nighttime coverage of its AM station, it states that many of the station's daytime listeners are deprived of its nighttime sports and other program services. WCVL estimates that almost half of the more than 33,000 people in Crawfordsville's home county (Montgomery) are without adequate broadcast service, and it avers that, if Crawfordsville is assigned Channel 280A, it will promptly file an application for use of the channel to provide such service.

10. The Lafayette licensees, Lafayette Broadcasting and Tiprad, essentially oppose the West Lafayette Channel 280A proposal on grounds that Lafayette and West Lafayette are one market and should be so considered in making a fair, efficient, and a just assignment of FM frequencies pursuant to section 307(b) of the Communications Act; that both Lafayette and West Lafayette are more than adequately served by existing AM and FM commercial and educational stations in this market; that there is no need for another FM station in this market area to serve any unserved needs or interests of West Lafayette; and that the economic impact of an additional FM station in the market would adversely affect the existing FM stations serving the area. Tiprad claims that the petitioner's request is nothing more than an attempt to secure an additional channel for the Greater Lafayette Area without regard to its effect on the other local broadcast media, the needs or interests of West Lafayette, or the inability of West Lafayette to support a station. Lafayette Broadcasting urges that it is not efficient procedure to make an assignment to a small town in a metropolitan area, and then at the application stage to decide that the 307(b) mandate requires a showing on whether the small town has programing needs distinct and different from those of the larger city; whether the program needs of the small town are being met by the existing station, and whether there is financial support for the proposed station available in the small town. "Berwick Broadcasting Corporation," 20 F.C.C. 2d 393 (1969). It is submitted that before assigning an FM channel to West Lafayette, the Commission should consider whether better use might be made of the channel in another locality, especially in view of the scarcity of FM channels in this area of Indiana. In their reply comments, both of the Lafayette licensees support the WCVL counterproposal to assign Channel 280 to Crawfordsville instead of to West Lafayette since they feel that the Crawfordsville area is inadequately served at present by the local 250 watt AM station and the FM station (which normally operates only from September to April) at Crawfordsville and would benefit substantially from having a first "real" FM station.

11. To buttress their contention that Lafayette and West Lafayette are one market the Lafayette opponents of the proposed West Lafayette FM assignment state that, besides being adjacent communities in the same county and in the same urbanized and standard metropolitan statistical area, these cities are not considered separate cities by local residents and that the area of Lafayette and West Lafayette is known as Greater Lafayette; they also point out that these

[3] Our records show that Station WNDY requested permission to remain silent for that period, giving as reasons therefore, that, due to the fact that the station is operated by Wabash College students, there would be insufficient personnel available to maintain operation during that period; that the station's engineer would be leaving the area for the summer; and that the station could not afford to hire personnel over the summer. Permission to suspend operation of Station WNDY from Apr. 30, 1972, through summer vacation was granted on Apr. 12, 1972.

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cities are represented by a single Chamber of Commerce, known as the Greater Lafayette Chamber of Commerce; that there is one United Fund Service for both cities; that residents of each city shop and do business in both cities as distance is no factor, and that the banks, chainstores, and many other stores have branches and stores in both cities. Although Purdue University, the largest employer in the area, has its campus in West Lafayette, they inform that over half of the university's 6,000 employees live in Lafayette. Tiprad also observes that the proponent of the West Lafayette proposal in attempting to differentiate West Lafayette from Lafayette called attention to the number of growing industries in West Lafayette but that, of the five listed by Jurek, two are located in Lafayette (Lafayette Pipe Co. and Lafayette Pharmacal), and there is no listing in either city for a third (Warren Industrial Aggregate Corp.). Tiprad further notes that the proponent, in pointing to the growth of West Lafayette between 1960 and 1970, failed to mention that much of the growth was largely the result of annexation and that between 1968 and 1970 West Lafayette's population declined from 20,100 to 19,957.

12. In taking issue with Jurek's claim that West Lafayette needs a first local FM outlet, the Lafayette licensee opponents contend that he makes no showing that there is any dearth of service by existing stations to either West Lafayette or Lafayette or that his proposed West Lafayette FM assignment is needed to serve any unsatisfied local needs of the community. Tiprad notes that, based on plans revealed in a submitted excerpt in the Lafayette and West Lafayette Journal and Courier on May 23, 1972, and a submitted copy of an official county ordinance, it appears that Jurek intends to locate a studio and transmitter for its proposed West Lafayette FM operation southeast of Lafayette, thus placing the entire city of Lafayette between the station and West Lafayette and providing Lafayette with a better signal than West Lafayette, and to feature country and western music, old hit tunes, and news. It is submitted that such a program service could not possibly serve as a basis for adding an FM channel to an area which is already adequately served by existing media. To show that both communities are well served, examples of programs carried by the existing commercial and educational FM stations in the market are given. With its reply comments, Lafayette Broadcasting also submits letters from the mayors of Lafayette and West Lafayette and officials of the Greater Lafayette Chamber of Commerce which comment favorably on the local aural broadcast coverage given to news and special events in both cities.

13. As to the economic impact of an additional FM station in the Lafayette-West Lafayette market, Tiprad states that it is already a loss market for FM stations, pointing to the fact that FCC AM-FM Broadcast Financial Data for 1970 (Mimeo No. 78309, released January 6, 1972, Table 20) show that 1970 FM revenues were only $54,160, based on reports from all three Lafayette commercial FM stations. Although no profit and loss figures are published for Lafayette-West Lafayette, it submits that it is inconceivable that three FM stations could split such revenues profitably. As for its own independent FM station (WXUS), Tiprad states that it has operated at significant losses since its inception but that it now sees some prospect of reversing this pattern. The advent of a fourth FM competitor for existing advertising revenues in this market would, it believes, significantly lessen or extinguish that possibility. Further, it claims that, in the face of reduced revenues which a new station is likely to bring, it is very likely that it would have to curtail the operating hours of Station WXUS, which now operates on a 24-hour-a-day basis, or give up the wire service (UPI) which it uses in order to reduce costs. Where loss markets, such as Lafayette-West Lafayette for FM stations, are concerned, Tiprad urges that it is no service to the community to further dilute the existing economic base by adding an additional station which can only have an adverse impact upon the existing media. It further claims that the economic base in the Lafayette-West Lafayette market primarily lies in Lafayette and not West Lafayette where there are only seven manufacturing establishments,[4] six wholesale trade establishments,[5] and only 102 retail trade establishments as compared to nearly five times that number in Lafayette. Both Lafayette opponents also submit that there has been no showing by the West Lafayette proponent as to the ability of West Lafayette to support the proposed FM station.

14. In his reply comments, Jurek urges that it would be contrary to the mandate of section 307(b) to allocate frequencies in a fair, efficient, and equitable manner to prefer Crawfordsville over West Lafayette for the requested Channel 280A assignment since it is not only considerable smaller than West Lafayette but already has both an existing AM and FM station while West Lafayette has but one AM station. Moreover, he submits that the WCVL proposal for use of the channel has no potential to bring about greater diversification of the ownership of media of mass communication whereas his proposal for use of the channel has that potential.

15. We think it clear from this record that the assignment of Channel 280A to Crawfordsville for a second FM assignment is more in furtherance of the "307(b)" mandate and the public interest than would be the assignment of the channel to West Lafayette for a first such assignment. Taking into account only the size of each community and the number of local aural outlets each has, normally, we might conclude that West Lafayette warranted the proposed assignment over Crawfordsville. However, West Lafayette, albeit an independent community, is an integral part of the Lafayette-West Lafayette metropolitan area and, while it has only one local AM outlet actually located within its boundaries, it receives multiple local aural services also from the seven Lafayette stations (two AM, four FM, one of which is an educational station) which serve this metropolitan area. The West Lafayette proponent has made no showing which would demonstrate that West Lafayette has any local programing needs distinct from the rest of the Lafayette-West Lafayette metropolitan area or any which are not or cannot be satisfied by the eight existing aural commercial and educational stations in this market, and the showings of the Lafayette opponents tend to indicate that it is well served. We do not here assess the economic impact of another FM station in this market upon the existing local stations and overall program service to the public upon the showing made herein, or without an application with a specific proposal before us. Similarly, we make no finding concerning whether West Lafayette itself could provide the principal support for its own commercial FM outlet or could exist and thrive without looking to the larger community of Lafayette for support.

16. On the other hand, this record evidences that Crawfordsville and Montgomery County, due to the technical limitations restricting the coverage of the Crawfordsville AM outlet and the operating problems of the student-managed FM outlet there, is without even one local aural outlet which provides a county-wide, year-round broadcast service. Since Channel 280A is technically feasible for a Crawfordsville assignment, we think its assignment and use there to meet the need for a first year-round local aural service throughout all of Montgomery County represents a better use of the frequency and better serves the public interest than would its assignment and use at West Lafayette for an eighth aural outlet and service in the Lafayette-West Lafayette metropolitan area. We also are not deterred from making this assignment to Crawfordsville because of the claimed lack of potential of the WCVL proposal for implementing our important goals for greater diversification of broadcast ownership and programing sources. While this is a relevant consideration at the application stage, it cannot be realistically assessed in channel assignment proceedings such as this, for while WCVL, the licensee of the existing AM outlet at Crawfordsville, is the only one to indicate an interest in establishing a new FM outlet at Crawfordsville in this proceeding, it is by no means certain that it will be the only applicant or the successful applicant for Channel 280A once it is assigned. In any case, because of a number of overriding public interest considerations, our rules at the present time do not preclude common ownership of AM and FM stations in the same market when otherwise found to be warranted in the public interest.

17. In view of the foregoing, and pursuant to the authority contained in sections 4(i), 303 (g) and (r) and 307(b) of the Communications Act of 1934, as amended: *It is ordered*, That effective April 23, 1973, the FM *Table of assignments*, § 73.202(b) of the rules, is amended, insofar as the community named is concerned, to read as follows:

City	Channel No.
Crawfordsville, Ind	280A, 292A

Canadian concurrence has been obtained for this channel assignment to Crawfordsville which is within 250 miles of the United States-Canadian border.

18. *It is further ordered*, That the request (RM-1822) of Thomas Jurek to assign Channel 280A to West Lafayette, Ind., is denied.

(Secs. 4, 303, 307, 48 Stat., as amended, 1066, 1082, 1083; 47 U.S.C. 154, 303, 307)

19. *It is further ordered*, That this proceeding is terminated.

Adopted: March 7, 1973.

Released: March 13, 1973.

FEDERAL COMMUNICATIONS COMMISSION,[6]
[SEAL] BEN F. WAPLE,
Secretary.

[FR Doc.73-5095 Filed 3-15-73;8:45 am]

[4] Source given: 1967 Census of Manufacturers—Area Statistics, Indiana, 15-6, 15-7 (Pt. 1, Vol. III).

[5] Source given: 1967 Census of Business—Wholesale Trade, Indiana, Area Statistics, 16-11 (Vol. IV).

Title 49—Transportation

CHAPTER I—DEPARTMENT OF TRANSPORTATION

SUBCHAPTER B—OFFICE OF PIPELINE SAFETY

[Amdt. 195-6, Docket No. HM-6C]

PART 195—TRANSPORTATION OF LIQUIDS BY PIPELINE

Telephonic Accident Reports

The purpose of this amendment is to broaden the requirements of § 195.52 to provide for immediate notification of certain types of accidents not presently covered by that section.

On June 23, 1971, the Federal Railroad Administrator issued Notice 71-20 (36 FR 12175, June 26, 1971) proposing to amend the accident reporting requirements for operators of liquid pipelines. The public was given 60 days to comment and one commentator responded.

Subsequent to the issue of Notice 71-20, section 6(f)(3)(A) of the Department of Transportation Act (49 U.S.C. 1655(f)(3)(A)) was amended (Public Law 92-401, Aug. 22, 1972) to delete the authority of the Federal Railroad Administrator to carry out the liquid pipeline safety functions under 18 U.S.C. 831-835. On November 7, 1972, the Secretary delegated this authority to the Assistant Secretary for Safety and Consumer Affairs (37 FR 24674) and on the same day the Assistant Secretary redelegated it to the Director, Office of Pipeline Safety (37 FR 24901). The Office of Pipeline Safety (OPS) has reviewed this rule making action and has fully considered the comment received.

The commentator addressed several provisions of the proposed regulation. Overall, it was suggested that the proposed regulation was broader than § 195.50 and would require telephonic reporting of minor leaks for which no written report would be required. In this regard, it should be noted that § 195.50 prescribes the scope of Subpart B and therefore delimits the applicability of the other regulations therein. Consequently a leak or other failure would not have to be telephonically reported under new § 195.52 unless it also fell within the scope of the subpart as set forth in § 195.50. This has been clarified by referring to § 195.50 in § 195.52(a). In this connection, in order to be consistent with § 195.50, the amended § 195.52 employs the more comprehensive term "failure" rather than "leak."

The comment pointed out that the proposed paragraph (a)(2), which would have required telephonic reporting for taking a segment of pipeline out of service, was not appropriate for liquid pipelines. Such a requirement is necessary for gas pipelines, because of serious safety problems that can arise from taking a gas transmission pipeline out of service. In the case of liquid pipelines, however, they can be taken out of service at the discretion of the carrier without causing safety problems. The OPS agrees with this view and the proposed requirement has been deleted.

It was also suggested that the property damage and personal injury criteria are sufficient to assure immediate notification of all significant failures and that the requirement for reporting of fires and explosions could be deleted. However, the OPS believes that any failure resulting in an unintentional fire or explosion might be significant enough to warrant review by the Department even though there were no injuries and only limited property damage.

The commentator stated that the $5,000 property damage amount in proposed paragraph (a)(4) was unrealistically low and should be set at $20,000. Since damage to carrier-owned property is included and even minor repairs are very expensive, it was contended that the $5,000 figure would impose an undue burden on the Department and the carriers. However, based on a review of accident reports, the OPS believes that the $5,000 figure is a good indication of the potential significance of a failure, even if none of the other criteria are met. The requirement is, therefore, being retained as proposed.

The most significant disagreement was with the proposed requirement for immediate reporting of failures causing water pollution. The commentator objected strongly to this proposal on the basis that it duplicated existing requirements under 33 CFR 153.105 and could easily be replaced by a simple communications arrangement within the Department between the cognizant office and the Coast Guard. It must be noted, however, that the reports required by 33 CFR 153.105 can be made either to Coast Guard officials or officials of other Government agencies. Furthermore, even if the report were made to the Coast Guard, the officials involved would normally be located in field offices, thus requiring more than one communication within the Department to convey the necessary information to the OPS. The possibility for delay or loss of essential facts makes this an unacceptable alternative. Direct reporting by the operator involved is necessary to assure prompt, reliable submission of information. However, to the extent the comment is based on the lack of an identifiable standard for pollution, the OPS agrees with the objection to the proposal. Therefore, for consistency and to provide the necessary standard, the requirement (now § 195.52(a)(4)) is amended to state the same criteria for pollution as are used in 33 CFR 153.105.

In consideration of the foregoing, Part 195 of Title 49 of the Code of Federal Regulations is amended as follows, effective April 19, 1973.

1. The index of sections for Part 195, Subpart B, is amended by revising the section heading of § 195.52 to read: "Telephonic notice of certain accidents."

2. Section 195.52 is amended to read as follows:

§ 195.52 Telephonic notice of certain accidents.

(a) At the earliest practicable moment following discovery of a release of the commodity transported resulting in an event described in § 195.50, each carrier shall give notice, in accordance with paragraph (b) of this section, of any failure that—

(1) Caused a death or a personal injury requiring hospitalization;

(2) Resulted in either a fire or explosion not intentionally set by the carrier;

(3) Caused estimated damage to the property of the carrier or others, or both, of a total of $5,000 or more;

(4) Resulted in pollution of any stream, river, lake, reservoir, or other similar body of water that violated applicable water quality standards, caused a discoloration of the surface of the water or adjoining shoreline, or deposited a sludge or emulsion beneath the surface of the water or upon adjoining shorelines; or

(5) In the judgment of the carrier, was significant even though it did not meet the criteria of any other subparagraph of this paragraph.

(b) Reports made under paragraph (a) of this section are made by telephone to area code 202, 426-0700 and must include the following information:

(1) Name and address of the carrier.

(2) Name and telephone number of the reporter.

(3) The location of the failure.

(4) The time of the failure.

(5) The fatalities and personal injuries, if any.

[6] Commissioner Reid absent. See 37 FR 24353, Nov. 16, 1972.

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(6) All other significant facts known by the carrier that are relevant to the cause of the failure or extent of the damages.

This amendment is made under the authority of sections 831–835 of title 18, United States Code, section 6(e)(4) of the Department of Transportation Act (49 U.S.C. 1655(e)(4)), § 1.58(d) of the regulations of the Office of the Secretary of Transportation (49 CFR 1.58(d)), and the redelegation of authority to the Director, Office of Pipeline Safety, set forth in Appendix A to Part 1 of the regulations of the Office of the Secretary of Transportation (49 CFR Part 1).

Issued in Washington, D.C., on March 13, 1973.

JOSEPH C. CALDWELL,
Director,
Office of Pipeline Safety.

[FR Doc.73-5127 Filed 3-15-73;8:45 am]

Title 7—Agriculture

Subtitle A—Office of the Secretary of Agriculture

PART 6—IMPORT QUOTAS AND FEES

Subpart—Section 22 Import Quotas

IMPORT RESTRICTIONS

The subpart, section 22 Import Quotas, is amended to change the price, determined by the Secretary of Agriculture in accordance with headnote 3(a)(v) of part 3 of the Appendix to the Tariff Schedules of the United States, which is used as a basis for establishing import restrictions under section 22 on certain cheese. The change from 62 to 69 cents per pound is required since one of the factors used in determining such price (the Commodity Credit Corporation purchase price for Cheddar Cheese under the milk price support program) will be increased as of March 15, 1973.

The subpart, section 22 Import Quotas, of Part 6, Subtitle A of Title 7, is amended as follows:

1. Section 6.16, under the heading "Price Determination for Certain Quotas", is amended to read as follows:

§ 6.16 Price determination.

The price referred to in items 950.10B through 950.10E of part 3 of the Appendix to the Tariff Schedules, determined by the Secretary of Agriculture in accordance with headnote 3(a)(v) of said Part 3, is 69 cents per pound. This price shall continue in effect until changed by amendment of this section.

2. Group V of Appendix 1, under the heading "Licensing Regulations", is amended by changing the description appearing immediately below "Group V" to read as follows:

Cheese described below, if shipped otherwise than in pursuance to a purchase, or if having a purchase price[6] under 69 cents per pound.

The foregoing amendment shall be effective March 15, 1973. In accordance with headnote 3(a)(v) of part 3 of the Appendix to the Tariff Schedules of the United States, the change in price effected by this amendment will not make the import restrictions contained in items 950.10B through 950.10E of Part 3 of the Appendix to the Tariff Schedules of the United States applicable to cheese having a purchase price of 62 or more cents per pound if such cheese had been exported to the United States on a through bill of lading or had been placed in bonded warehouse on or before the date of publication in the FEDERAL REGISTER of this amendment. Since the action taken herewith involves foreign affairs functions of the United States, this amendment falls within the foreign affairs exception to the notice and effective date provisions of 5 U.S.C. 553.

(Sec. 3, 62 Stat. 1248, as amended, 7 U.S.C. 624; Part 3 of the Appendix to the Tariff Schedules of the United States, 19 U.S.C. 1202)

Issued at Washington, D.C., this 14th day of March 1973.

EARL L. BUTZ,
Secretary of Agriculture.

[FR Doc.73-5268 Filed 3-15-73;11:29 am]

CHAPTER IX—AGRICULTURAL MARKETING SERVICE (MARKETING AGREEMENTS AND ORDERS; FRUITS, VEGETABLES, NUTS), DEPARTMENT OF AGRICULTURE

[Lemon Reg. 577]

PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Limitation of Handling

This regulation fixes the quantity of California-Arizona lemons that may be shipped to fresh market during the weekly regulation period March 18–24, 1973. It is issued pursuant to the Agricultural Marketing Agreement Act, of 1937, as amended, and Marketing Order No. 910. The quantity of lemons so fixed was arrived at after consideration of the total available supply of lemons, the quantity of lemons currently available for market, the fresh market demand for lemons, lemon prices, and the relationship of season average returns to the parity price for lemons.

§ 910.877 Lemon Regulation 577.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 910, as amended (7 CFR Part 910), regulating the handling of lemons grown in California and Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such lemons, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) The need for this section to limit the quantity of lemons that may be marketed during the ensuing week stems from the production and marketing situation confronting the lemon industry.

(i) The committee has submitted its recommendation with respect to the quantity of lemons it deems advisable to be handled during the ensuing week. Such recommendation resulted from consideration of the factors enumerated in the order. The committee further reports the demand for lemons is steady this week, with desirable sizes commanding premium prices because they are in short supply. Average f.o.b. price was $5.69 per carton the week ended March 10, 1973 compared to $5.58 per carton the previous week. Track and rolling supplies at 126 cars were up 25 cars from last week.

(ii) Having considered the recommendation and information submitted by the committee, and other available information, the Secretary finds that the quantity of lemons which may be handled should be fixed as hereinafter set forth.

(3) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rulemaking procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for lemons and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation for regulation together with its supporting information has been submitted by the committee, however, the Secretary had modified the recommendation to provide for the shipment of a greater quantity of lemons, retaining the same effective date, and such information is being disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on March 13, 1973.

(b) *Order.* (1) The quantity of lemons grown in California and Arizona which may be handled during the period March 18, 1973, through March 24, 1973, is hereby fixed at 250,000 cartons.

(2) As used in this section, "handled", and "carton(s)" have the same meaning as when used in the said amended marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: March 15, 1973.

CHARLES R. BRADER,
Acting Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc.73-5274 Filed 3-15-73;12:56 pm]

CHAPTER XI—AGRICULTURAL MARKETING SERVICE (MARKETING AGREEMENTS AND ORDERS; MISCELLANEOUS COMMODITIES), DEPARTMENT OF AGRICULTURE

[Amdt. 1]

PART 1207—POTATO RESEARCH AND PROMOTION PLAN

Subpart—Rules and Regulations

This amendment adds a new section to the rules and regulations by establishing a revised date to begin the term of office for the National Potato Promotion Board so that newly appointed members may participate in the Board's annual meeting set for the first Monday in April. The Board was established pursuant to the Potato Research and Promotion Plan (7 CFR Part 1207). This plan is effective under the Potato Research and Promotion Act (title III of Public Law 91-670; 84 Stat. 2041).

Upon unanimous recommendation of the National Potato Promotion Board, the term of office for Board members is amended to begin on April 1 and to end of March 31, 3 years thereafter.

A new section, 1207.504, is hereby added to the rules and regulations to read as follows:

§ 1207.504 Term of office.

(a) Pursuant to § 1207.321 of the plan, the term of office of Board members is amended to begin April 1 and end on March 31. Such term shall be for 3 years except for initial members serving unexpired terms.

(b) Board members shall serve during the term of office for which they are selected and have qualified and until their successors are selected and have qualified.

Findings. It is hereby found that it is impracticable and contrary to the public interest to give preliminary notice or engage in public rule making procedure and that good cause exists for not postponing the effective date of this section until 30 days after its publication in the FEDERAL REGISTER (5 U.S.C. 553) in that (1) this amendment was unanimously recommended by the Board, (2) this amendment does not impose any added restrictions on handlers or producers and is favored by the Board members whose terms will be affected thereby and (3) prompt issuance is necessary so newly nominated Board members may begin their term prior to the Board's annual meeting the first Monday in April and thus participate in initial decisions for the ensuing marketing year.

(Title III, Public Law 91-670, 84 Stat. 2041; 7 U.S.C. 2611-2627)

Effective date: This amendment to become effective March 16.

Dated: March 12, 1973.

CHARLES R. BRADER,
Acting Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc.73-5081 Filed 3-15-73;8:45 am]

CHAPTER XVIII—FARMERS HOME ADMINISTRATION, DEPARTMENT OF AGRICULTURE

SUBCHAPTER B—LOANS AND GRANTS PRIMARILY FOR REAL ESTATE PURPOSES

[FHA Instruction 444.1]

PART 1822—RURAL HOUSING LOANS AND GRANTS

Loan Limitations

Section 1822.7(f) of Subpart A of Part 1822, Title 7, Code of Federal Regulations (35 FR 14901) is amended to permit loans up to the market value of the security to be made only on homes that are more than 1 year old or in the case of newly built homes, the construction inspections are made by the Farmers Home Administration, the Federal Housing Administration, or the Veterans Administration while the work is being done. Loans on homes that do not meet these requirements are limited to 90 percent of the market value of the security.

This amendment is being published without prior rulemaking, because to proceed with rulemaking would be impracticable since advance notice of the action being taken would enable home builders and developers to circumvent certain limitations which are included in the amendment for the protection of borrowers. The amendment will limit the amount of loan authorized on homes not inspected during construction unless the home is more than 1 year old. It will be applicable to all homes on which construction is started after March 14, 1973, and to any homes started before that date for which a rural housing loan application has not been filed, in good faith by an eligible applicant to buy the house, within 90 days after the date of this publication. This amendment will better protect the interest of the family buying the home and of the Government. As amended, the revised § 1822.7(f) will read as follows:

§ 1822.7 Special requirements.

* * * * *

(f) *Loan limitations.* (1) Subject to the conditions of paragraphs (f) (3) and (4) of this section no loan will be made that will exceed the amounts described in paragraph (f)(1)(i), (ii), or (iii) of this section.

(i) The market value of the security property less the unpaid principal balance plus past-due interest on any other liens against the security property unless the loan approval official determines that:

(A) The amount by which the market value is exceeded is all or part of a lien held by a public body, hospital, or welfare institution for advances made to or for the applicant family for hospital or medical bills or welfare payments, or State motor vehicle judgments, and

(B) The borrower is unable to settle or compromise such other lien sufficiently to avoid exceeding the market value, and

(C) The lien securing the excess amount will at all times be inferior to the FHA mortgage securing the initial loan and any subsequent loan or advances determined by the FHA to be reasonably necessary to carry out the purpose of the initial loan or to protect the Government's financial interest, and

(D) The existence of the excess lien will not adversely affect the security or servicing so as to preclude the making of a sound RH loan, and

(E) The borrower has the ability to meet any payments on the excess debt as they become due or are likely to become due.

(ii) In a note-only case, the market value of the applicant's equity in assets that would be acceptable as security for the loan as determined by the loan approval official.

(2) A loan docket will not be developed when a loan plus any other liens against the security would be significantly in excess of the market value of the security as recommended by the appraiser. In an unusual case, however, the amount of a loan needed for success plus any other liens that will be against the security is slightly above the recommended market value of the security and the County Supervisor believes that the loan should be made. In such a case, the completed loan docket will be submitted to the State Office for a determination as to whether it is justifiable to establish the market value of the security above the appraiser's recommended value. If the State Director determines that the market value is in excess of the appraiser's recommended value, the State Director will record his determination of the market value of the security on Form FHA 440-3, "Record of Actions." This authority will not be redelegated below the State Office level.

(3) For an RH loan to buy or build a dwelling, a loan up to the market value of the security may be made only for:

(i) A newly built dwelling for which:

(A) A conditional commitment was issued in accordance with Subpart H of this part, or

(B) The RH loan will be closed prior to the start of construction, or

(C) Construction is performed in accordance with § 1822.19, or

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(D) The required construction inspections were made by the Federal Housing Administration or the Veterans Administration and there is evidence that the dwelling has been completed in accordance with the approved plans and specifications. Evidence may consist of copies of the Federal Housing Administration or Veterans Administration final inspection report, documentation by the County Supervisor that he has seen a copy of such inspection report, or a letter from the Federal Housing Administration or Veterans Administration stating that the dwelling was built in accordance with approved plans and specifications,

(ii) An existing dwelling which is more than a year old.

(iii) Other dwellings on which construction was started prior to March 16, 1973, provided that a loan application is filed, in good faith by an eligible applicant to buy the dwelling, on or before June 14, 1973.

(4) The maximum amount of RH loan on any dwelling that does not meet the requirements of paragraph (f)(3)(i), (ii), or (iii) of this section is 90 percent of the market value of the security.

(Sec. 510, 63 Stat. 437, 42 U.S.C. 1480; Orders of Act. Sec. of Agr., 36 FR 21529, 37 FR 22008)

* * * * *

Effective date. This amendment shall become effective on March 14, 1973.

Dated: March 8, 1973.

DARREL A. DUNN,
Associate Administrator,
Farmers Home Administration.

[FR Doc.73-4936 Filed 3-15-73;8:45 am]

Proposed Rule Making

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF THE TREASURY

Bureau of Alcohol, Tobacco and Firearms

[26 CFR Parts 250, 275]

PUERTO RICO AND THE VIRGIN ISLANDS

Liquors and Other Articles; Importation of Cigars, Cigarettes, and Cigarette Papers and Tubes

Notice is hereby given that the regulations set forth in tentative form below are proposed to be prescribed by the Director, Bureau of Alcohol, Tobacco and Firearms, and the Commissioner of Customs, with the approval of the Secretary of the Treasury or his delegate. Prior to final adoption of such regulations, consideration will be given to any data, views, or arguments pertaining thereto which are submitted in writing, in duplicate, to the Director, Bureau of Alcohol, Tobacco and Firearms, Washington, D.C. 20226, on or before April 16, 1973. Any written comments or suggestions not specifically designated as confidential in accordance with 26 CFR 601.601(b) may be inspected by any person upon written request. Any person submitting written comments or suggestions who desires an opportunity to comment orally at a public hearing on these proposed regulations should submit his request, in writing, to the Director, within the 30-day period. In such a case, a public hearing will be held and notice of the time, place, and date will be published in a subsequent issue of the FEDERAL REGISTER, unless the person or persons who have requested a hearing withdraw their requests for a hearing before notice of the hearing has been filed with the Office of the Federal Register. The proposed regulations are to be issued under the authority contained in section 7805 of the Internal Revenue Code of 1954 (68A Stat. 917; 26 U.S.C. 7805).

REX D. DAVIS,
Director, Bureau of
Alcohol, Tobacco and Firearms.

[SEAL] EDWIN F. RAINS,
Acting Commissioner of Customs.

Approved: March 8, 1973.

EDWARD L. MORGAN,
Assistant Secretary of the
Treasury.

In order to (1) permit deferral, until the last day of the next succeeding return period, of the filing of tax returns and payment of taxes in Puerto Rico on alcoholic and tobacco products shipped from Puerto Rico to the United States, (2) require that applications for modification of Forms 52A, 52B, and 338 be submitted in triplicate, and (3) make certain definitional changes, the regulations in 26 CFR Parts 250 and 275 are amended as follows:

PARAGRAPH A. Title 26 CFR Part 250 is amended as follows:

1. Paragraph (e) of § 250.112 is amended to provide an extended deferral period and to permit delay in filing returns when the last day for filing comes on a Saturday, Sunday, or legal holiday in Puerto Rico or in the District of Columbia. As amended, paragraph (e) reads as follows:

§ 250.112 Taxes to be collected by returns for semimonthly periods.

* * * * *

(e) *Filing.* The original and two copies of returns on Forms 2901, 2927, and 2929, with remittance covering the full amount of the tax, shall be filed with the Officer in Charge not later than the 3d business day next succeeding the last day of the return period: *Provided,* That a proprietor who is qualified for extended deferral, as provided in § 250.112a, shall file returns, with remittances, for each return period, not later than the last day of the next succeeding return period. Where the return and remittance are delivered by U.S. mail to the office of the Officer in Charge, the date of the official postmark of the U.S. post office stamped on the cover in which the return and remittance were mailed shall be deemed to be the date of delivery. If the last day for filing a return under this paragraph falls on a Saturday, Sunday, or legal holiday in the District of Columbia or in the Commonwealth of Puerto Rico, the filing of such return and remittance shall be considered timely if accomplished on the next succeeding day which is not a Saturday, Sunday, or such legal holiday.

* * * * *

2. A new § 250.112a, covering qualification for extended deferral, is added immediately following § 250.112 and reads as follows:

§ 250.112a Qualification for extended deferral.

(a) *Proprietors with bonds executed before (effective date).* Proprietors with bonds on Forms 2896, 2897, or 2898 executed before (effective date), who desire to file returns under this subpart with benefit of the extended deferral permitted by § 250.112(e), shall file with the Officer in Charge a consent of surety on Form 1533 to extend the terms of the bond. Each consent on Form 1533 shall identify the particular bond to which it applies and shall contain a statement of purpose as follows:

To continue in effect said bond (including all extensions and limitations of terms and conditions previously consented to and approved), notwithstanding that the time for payment of the tax may be deferred by the extended deferral period permitted by regulations in 26 CFR 250.112(e).

If the bond on Form 2896, 2897, or 2898 is in a penal sum insufficient to cover an extended deferral period, according to the requirements of § 250.66, § 250.67, or § 250.68, as applicable, the proprietor must either file a new bond or file a strengthening bond to increase the total penal sum of the bonds then in force to a sufficient penal sum.

(b) *Proprietors with bonds executed after (effective date).* Proprietors operating under original or superseding bonds executed after (effective date) are automatically qualified for the extended deferral permitted by § 250.112(e) (unless found in default as provided in § 250.112(f)). Such bonds must be executed in a penal sum sufficient to cover an extended deferral period, according to the requirements of § 250.66, § 250.67, or § 250.68, as applicable.

(c) *Commencement of extended deferral.* Proprietors may file returns with benefit of extended deferral only after the applicable bonds and consents of surety required by this section have been filed with and approved by the Officer in Charge.

(68A Stat. 847, as amended, 907, as amended; 26 U.S.C. 7101, 7652(a))

3. Sections 250.165 and 250.274 are amended to specify the number of applications to be submitted. As amended, §§ 250.165 and 250.274 read as follows:

§ 250.165 Forms to be provided by users at own expense.

Forms 52A, 52B, and 338 shall be purchased by users from commercial printers and must be in the form prescribed: *Provided,* That upon written application, in triplicate, to the Director, Bureau of Alcohol, Tobacco and Firearms, approval may be granted to modify these forms for use in tabulating or other mechanical equipment.

(72 Stat. 1342, 1395; 26 U.S.C. 5114, 5555)

§ 250.274 Forms to be provided by users at own expense.

Forms 52A, 52B, and 338 shall be provided by users at their own expense and must be in the form prescribed: *Pro-*

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vided, That upon written application, in triplicate, to the Director, Bureau of Alcohol, Tobacco and Firearms, approval may be granted to modify these forms for use in tabulating or other mechanical equipment.

(72 Stat. 1342, 1395; 26 U.S.C. 5114, 5555)

PAR. B. Title 26 CFR Part 275 is amended as follows:

1. Section 275.11 is amended by revising the definitions of "Assistant regional commissioner" and "Director"; by adding, in alphabetical order, definitions of "Regional director" and "Business day"; and by eliminating the definitions of "Commissioner" and "Regional commissioner." As amended and added these definitions read as follows:

§ 275.11 Meaning of terms.

* * * * *

Assistant regional commissioner. Wherever used in this part shall mean a regional director as defined in this section.

* * * * *

Business day. Any day, other than a Saturday, Sunday, or a legal holiday. (The term legal holiday includes all holidays in the District of Columbia and, in the case of bonded manufacturers in Puerto Rico, all legal holidays in the Commonwealth of Puerto Rico.)

* * * * *

Director. The Director, Bureau of Alcohol, Tobacco and Firearms, the Department of the Treasury, Washington, D.C.

* * * * *

Regional director. A regional director who is responsible to, and functions under the direction and supervision of, the Director.

* * * * *

2. Section 275.114 is amended to provide an extended deferral period and to permit delay in filing returns when the last day for filing comes on a Saturday, Sunday, or legal holiday in Puerto Rico or in the District of Columbia. As amended, § 275.114 reads as follows:

§ 275.114 Time of filing.

Every semimonthly tax return under this subpart shall be filed by the bonded manufacturer not later than the third business day succeeding the last calendar day of the return period: *Provided,* That if a bonded manufacturer is qualified for extended deferral, as provided in § 275.114a, he shall file returns, with remittances, for each return period, not later than the last day of the next succeeding return period. If the return and remittance are delivered by U.S. mail to the office of the Officer in Charge, the date of the official postmark of the U.S. post office stamped on the cover in which the return and remittance were mailed shall be deemed to be the date of delivery. If the last day for filing a return under this section falls on a Saturday, Sunday, or legal holiday in the District of Columbia or in the Commonwealth of Puerto Rico, the filing of such return and remittance shall be considered timely if accomplished on the next succeeding day which is not a Saturday, Sunday, or such legal holiday. The Officer in Charge will transmit a receipted copy of the semimonthly tax return to the bonded manufacturer who filed the return and paid the tax, retain one copy, and forward one copy to the Regional Director, Bureau of Alcohol, Tobacco and Firearms, New York, N.Y.

3. A new § 275.114a, covering qualification for extended deferral, is added immediately following § 275.114 and reads as follows:

§ 275.114a Qualification for extended deferral.

(a) *Bonded manufacturers with bonds executed before (effective date).* Bonded manufacturers with bonds on Form 2986 executed before (effective date), who desire to file returns under this subpart with benefit of the extended deferral permitted by § 275.114, shall file with the Officer in Charge an extension of coverage of bond on Form 2105. Such extension of coverage shall identify the particular bond to which it applies and shall contain a statement of purpose as follows:

To continue in effect said bond (including all extensions or limitations of terms and conditions previously consented to and approved) notwithstanding that the time for payment of the tax may be deferred by the extended deferral period permitted by regulations in 26 CFR 275.114.

If the bond on Form 2986 is in a penal sum insufficient to cover an extended deferral period, according to the requirements of § 275.121, the bonded manufacturer must either file a new bond or file a strengthening bond to increase the total penal sum of the bonds then in force to a sufficient penal sum.

(b) *Bonded manufacturers with bonds executed after (effective date).* Bonded manufacturers operating under original or superseding bonds executed after (effective date) are automatically qualified for the extended deferral permitted by § 275.114 (unless found in default as provided in § 275.116). Such bonds must be executed in a penal sum sufficient to cover an extended deferral period, according to the requirements of § 275.121.

(c) *Commencement of extended deferral.* Bonded manufacturers may file returns with benefit of extended deferral only after the applicable bonds and extensions of coverage required by this section have been filed with and approved by the Officer in Charge.

(68A Stat. 847, as amended, 907, as amended; 26 U.S.C. 7101, 7652(a))

4. Section 275.124 is amended to refer to the requirements of § 275.114a regarding extensions of coverage of bonds. As amended, § 275.124 reads as follows:

§ 275.124 Extension of coverage of bond.

An extension of coverage of the bond of a bonded manufacturer shall be required (a) as provided in § 275.114a, and (b) in the case of any change in the location of the factory as set forth in the bond. Such extension of coverage of the bond shall be manifested on Form 2105 by the bonded manufacturer and by the surety on the bond with the same formality and proof of authority as required for the execution of the bond.

[FR Doc.73-5090 Filed 3-15-73;8:45 am]

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[50 CFR Part 28]

OPERATION OF VEHICLES ON NATIONAL WILDLIFE REFUGES

Notice of Time Extension for Comments

The time within which written comments on the proposed rulemaking to provide regulations to implement Executive Order 11644 (37 FR 2877), concerning use of off-road vehicles on public lands, which was published in the FEDERAL REGISTER, Volume 38, No. 30, February 14, 1973, is hereby extended from March 16, 1973, to April 16, 1973.

At the request of interested parties, the time period for submission of comments on these proposed regulations has been extended to give the general public an extended opportunity for review. Accordingly, interested parties may submit written comments, suggestions, or objections with respect to the proposed regulations to the Director, Bureau of Sport Fisheries and Wildlife, Department of the Interior, Washington, D.C. 20240, until April 16, 1973.

F. V. SCHMIDT,
Acting Director, Bureau of Sport Fisheries and Wildlife.

MARCH 13, 1973.

[FR Doc.73-5072 Filed 3-15-73;8:45 am]

National Park Service

[36 CFR Parts 2, 4, 7]

PUBLIC USE AND RECREATION'S VEHICLES AND TRAFFIC SAFETY OFF-ROAD USE OF VEHICLES

Notice of Time Extension for Comments

The time within which written comments on the proposed rulemaking to provide regulations to implement Executive Order 11644 (37 FR 2877), concerning use of off-road vehicles on public lands, which was published in the FEDERAL REGISTER, Volume 38, No. 30, February 14, 1973, is hereby extended from March 16, 1973, to April 16, 1973.

At the request of interested parties, the time period for submission of comments on these proposed regulations has been extended to give the general public an extended opportunity for review. Accordingly, interested parties may submit written comments, suggestions, or objections with respect to the proposed regulations to the Director, National Park Service, Department of the Interior, Washington, D.C. 20240, until April 16, 1973.

LAWRENCE C. HADLEY,
Assistant Director, National Park Service.

MARCH 8, 1973.

[FR Doc.73-5070 Filed 3-15-73;8:45 am]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 71]

[Airspace Docket No. 73-SW-17]

TRANSITION AREA

Proposed Designation

The Federal Aviation Administration is considering amending Part 71 of the Federal Aviation Regulations to designate a 700-foot transition area at Minden, La.

Interested persons may submit such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to Chief, Airspace and Procedures Branch, Air Traffic Division, Southwest Region, Federal Aviation Administration, Post Office Box 1689, Fort Worth, TX 76101. All communications received on or before April 16, 1973, will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Chief, Airspace and Procedures Branch. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official docket will be available for examination by interested persons at the Office of the Regional Counsel, Southwest Region, Federal Aviation Administration, Fort Worth, Tex. An informal docket will also be available for examination at the Office of the Chief, Airspace and Procedures Branch, Air Traffic Division.

It is proposed to amend Part 71 of the Federal Aviation Regulations as hereinafter set forth.

In § 71.181 (38 FR 435), the following transition area is added:

MINDEN, LA.

That airspace extending upward from 700 feet above the surface within a 5-mile radius of Minden-Webster Airport (latitude 32°39'-00'' N., longitude 93°18'00'' W.) and within 2.5 miles each side of Shreveport VORTAC 105° T. (098° M.) radial extending from the 5-mile-radius area to 25 miles east of the VORTAC.

The proposed transition area will provide controlled airspace for aircraft executing approach/departure procedures proposed at the Minden-Webster Airport, Minden, La.

(Sec. 307(a), Federal Aviation Act of 1958, 49 U.S.C. 1348; sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Fort Worth, Tex., on March 6, 1973.

R. V. REYNOLDS,
Acting Director, Southwest Region.

[FR Doc.73-5068 Filed 3-15-73;8:45 am]

Federal Highway Administration

[49 CFR Part 396]

[Docket No. MC-48; Notice No. 73-12]

INSPECTION AND MAINTENANCE OF COMMERCIAL MOTOR VEHICLES

Advance Notice of Proposed Rule Making

The Director of the Bureau of Motor Carrier Safety is considering the issuance of extensive amendments to Part 396 of the Motor Carrier Safety Regulations, which deals with inspection and maintenance of commercial motor vehicles which are used in interstate or foreign commerce.

Part 396 requires motor carriers who conduct operations in interstate or foreign commerce to inspect and maintain their equipment on a systematic basis. In particular, it provides that carriers must maintain prescribed records detailing the servicing, inspection, and repair that each piece of equipment has undergone (§ 396.2), and that drivers must make a daily written report to employing carriers setting forth any defects or deficiencies in their vehicles that the drivers have encountered during the day's work (§ 396.7). Part 396 also contains recommended maintenance practices and forms for use by motor carriers (§ 396.9).

Proper maintenance of commercial motor vehicles is obviously essential to safety of motor carrier operations, which the Bureau is charged by law with promoting. The basic technique used to monitor the quality of vehicle maintenance and condition is roadside inspections of commercial motor vehicles during the course of their operations. In 1971, the Bureau of Motor Carrier Safety's field staff inspected nearly 38,000 property-carrying vehicle units at roadside checkpoints in all sections of the country.

The results of these inspections do not inspire much confidence in the efficacy of current maintenance practices of some members of the motor carrier industry. Some 23.8 percent of the vehicles inspected in 1971 were found to be mechanically unsafe to the point where they were declared out of service by the inspector. These vehicles were not allowed to depart from the place of inspection until repairs to restore them to safe operating condition had been made. The proportion of inspected vehicles that has been found unserviceable has been on the increase in recent years, reaching a high point of 24.2 percent in the first half of 1971. In 1970, the out-of-service rate was 24.0 percent. In 1969 and 1968, the out-of-service rate was 23.1 percent and 22.3 percent, respectively. The historical trend, in terms of the percentage of vehicles inspected that were placed out of service, indicates that carriers' vehicle inspection and maintenance practices are becoming less and less effective as time goes on.

During calendar year 1970, the Bureau of Motor Carrier Safety received 2,333 accident reports from for-hire carriers which indicated that one or more mechanical defects or failures were causative factors in the accidents. These accidents resulted in 50 fatalities, 962 injuries, and $7,774,110 in property damage. Faulty brake systems were by far the largest single mechanical defect: over 24 percent of the accidents involving mechanical defects reported by property carriers were attributed, in whole or in part, to brake system defects, and over 54 percent of the mechanical defect bus accidents involved failures or defects of the vehicles' brake systems. Since brake system defects rarely arise suddenly after dispatch as the result of external causes, the Bureau has concluded that a large percentage of the motor carrier accidents which are caused by defects or mechanical failures could have been prevented or had their consequences mitigated by proper vehicle inspection and maintenance practices.

Complaints to the Bureau by truck and bus drivers who allege that their employers are following poor maintenance practices are becoming commonplace. The most disturbing feature of the complaints is the frequent allegation by drivers that the carriers exhibit indifference to drivers' reports of unsafe mechanical conditions. Even if one assumes that a number of unjustified reports of this nature are made, the fact remains that the driver is one of the best sources of information about the mechanical performance of vehicles operating on the highway, and simple prudence would seem to dictate that carriers should investigate these reports. Yet, the Bureau is receiving a steadily increasing volume of complaints that drivers have repeatedly called mechanical defects to the attention of the employing carriers, and the carriers have failed to take any action in response to the reports.

For these reasons, the Director is considering revision of Part 396 of the Motor Carrier Safety Regulations for the purpose of producing better vehicle inspection and maintenance practices.

One suggestion that will be considered was made by the Professional Drivers Safety and Health Organization (PROD) in a recent petition for rulemaking seeking an amendment to § 396.7 of the regulations. The PROD petition asks the Director to amend § 396.7, which deals with the drivers' daily vehicle condition reports, so that the drivers' vehicle condition reports for the preceding 3 weeks or a complete vehicle maintenance log, or both, would have to be located on each vehicle at all times while it is being operated in interstate or foreign commerce. The maintenance log would contain a description of any mechanical repairs or maintenance work performed on the vehicle, the date when the repairs or work was performed, and the name of the mechanic who performed the work or made the repairs. In support of the petition, PROD says that drivers are presently unable to detect most safety

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defects by visual inspection before they are dispatched from their terminals. Requiring carriers to maintain a maintenance log in a place where a driver can examine it prior to dispatch will, according to the petition, make it possible for a driver to learn the true condition of his equipment before it is too late to do something about an unsafe vehicle.

The Director invites interested persons to comment on the amendment sought by the petitioner. In addition, interested persons are invited to submit their comments on other ideas which may form the basis for rulemaking in this area. The Director particularly invites the submission of comments on the following questions: (1) Should written pre-trip and post-trip inspection reports be required? If so, who should perform the inspection? (2) Should carriers be required to locate on each vehicle a summary of maintenance and inspection records pertaining to that vehicle, including a record of pre- and post-trip inspections and a summary of general repair and maintenance services performed? (3) Should the regulations require carriers to have a general maintenance and inspection program based on length of time or miles traveled? (4) Should the regulations prescribe specific maintenance and inspection forms for periodic vehicle inspections? If so, what should be the content of those forms? (5) What, if any, maintenance requirements should be specified for nonowned vehicles, i.e., vehicles used under trip leases, leases for less than 30 days, and permanent leases? (6) Should the regulations require that, when a motor carrier acquires a used motor vehicle, he must also acquire all maintenance and inspection records pertaining to that vehicle? If so, should the regulations require motor carriers who sell used vehicles to transfer maintenance and inspection records to the buyers? (7) What procedures should be used to resolve driver-mechanic disputes concerning whether specific conditions constitute a safety defect? (8) What safeguards or sanctions should be employed against a driver or motor carrier for willful destruction, alteration, or obliteration of data on required inspection and maintenance records?

Comments on pertinent subjects, other than those specified above, would also be welcome. Although further action in this docket may include the issuance of a notice of proposed rule making, interested persons are urged to submit their comments, even if tentative, at as early a stage as possible.

All comments should refer to the docket number and the notice number appearing at the top of this document and should be submitted in three copies to the Director, Bureau of Motor Carrier Safety, Washington, D.C. 20590. All comments received before the close of business on August 1, 1973, will be considered before further action is taken. If, after review of the comments and other available information, the Bureau concludes that an amendment to the existing regulations may be appropriate, the Director will issue a notice of proposed rule making. All comments on this advance notice will be available for public inspection in the docket room of the Bureau of Motor Carrier Safety, Room 4136, 400 Seventh Street SW., Washington, DC, both before and after the closing date for comments.

This advance notice of proposed rule making is issued under the authority of section 204 of the Interstate Commerce Act, as amended, 49 U.S.C. 304, section 6 of the Department of Transportation Act, 49 U.S.C. 1655, and the delegations of authority by the Secretary of Transportation and the Federal Highway Administrator at 49 CFR 1.48 and 389.4, respectively.

Issued on March 8, 1973.

ROBERT A. KAYE,
Director,
Bureau of Motor Carrier Safety.

[FR Doc.73-5116 Filed 3-15-73;8:45 am]

Notices

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

GENERAL AVIATION AND AIR CARRIER DISTRICT OFFICES AT SEATTLE, WASH.

Notice of Consolidation

Notice is hereby given that on or about March 18, 1973, the General Aviation and Air Carrier District Offices at Seattle, Wash., will be consolidated into one Flight Standards District Office. Services provided by these offices will continue to be provided at the same locations until approximately August 1973, when the consolidated office will occupy space in the new Northwest Region Headquarters Building located on Boeing Field. This information will be reflected in the FAA Organization Statement the next time it is reissued.

(Sec. 313(a), 72 Stat. 752; 49 U.S.C. 1354)

Issued in Seattle, Wash., on March 5, 1973.

C. B. WALK, Jr.,
Director, Northwest Region.

[FR Doc.73-5067 Filed 3-15-73;8:45 am]

DEPARTMENT OF THE TREASURY

Bureau of Customs

[T.D. 73-74]

FOREIGN CURRENCIES

Certification of Rates

Rates of exchange certified to the Secretary of the Treasury by the Federal Reserve Bank of New York.

The appended table shows the rates of exchange certified to the Secretary of the Treasury by the Federal Reserve Bank of New York pursuant to section 522(c), Tariff Act of 1930, as amended (31 U.S.C. 372(c)), which are applicable to the currencies of the countries listed in § 16.4(d), Customs Regulations (19 CFR 16.4(d)), for the period from February 26 through March 2, 1973. This table is published for the information and use of Customs officers and others concerned to show the amount of variation in these exchange rates following the devaluation of the U.S. dollar which took effect on February 13, 1973.

[SEAL] R. N. MARRA,
Director, Appraisement and Collections Division.

Country	Currency	Feb. 26	Feb. 27	Feb. 28	Mar. 1	Mar. 2
Australia	Dollar	$1.4150	$1.4100	$1.4100	$1.4100	(*)
Austria	Schilling	.0481	.0481	.0482	.0487	(*)
Belgium	Franc	.025125	.025133	.25348	.025400	.025750
Canada	Dollar	Q	Q	Q	Q	Q
Ceylon	Rupee	.1580	.1580	.1580	.1580	(*)
Denmark	Krone	.1598	.1609	.1610	.1628	.1663
Finland	Markka	.2560	.2540	.2550	.2525	(*)
France	Franc	.2180	.2196	.2210	.2227	.2223
Germany	Deutsche mark	.3469	.34965	.3529	.3545	.3610
India	Rupee	.1325	.1330	.1330	.1325	(*)
Ireland	Pound	2.4650	2.4680	2.4900	2.5000	2.5000
Italy	Lira	Q	Q	Q	Q	.001808
Japan	Yen	.003765	.003760	.003764	.003765	.003815
Malaysia	Dollar	.3950	.3960	.3960	.3960	(*)
Mexico	Peso	Q	Q	Q	Q	Q
Netherlands	Guilder	.3469	.3492	.3507	.3520	.3580
New Zealand	Dollar	1.3265	1.3265	1.3268	1.3210	(*)
Norway	Krone	.1663	.1665	.1673	.1709	.1767
Portugal	Escudo	.0397	.0394	.0394	.0395	(*)
Republic of South Africa	Rand	1.4000	1.4000	1.4000	1.4000	(*)
Spain	Peseta	.017147	.017033	.017147	.017227	(*)
Sweden	Krona	.2243	.2243	.2245	.2253	.2340
Switzerland	Franc	.3071	.3125	.3165	.3185	.3185
United Kingdom	Pound	2.4650	2.4680	2.4900	2.5000	2.5000

Q—Use quarterly rate published in T.D. 73-16; daily rate did not vary by 5 percent or more.
*Rate certified as "Not Available"; use last preceding rate.

[FR Doc.73-5049 Filed 3-15-73;8:45 am]

Fiscal Service

[Dept. Circ. 570, 1972 Rev., Supp. No. 15]

NATIONAL BONDING AND ACCIDENT INSURANCE COMPANY

Surety Company Acceptable on Federal Bonds

A Certificate of Authority as an acceptable surety on Federal bonds has been issued by the Secretary of the Treasury to the following company under sections 6 to 13 of title 6 of the United States Code. An underwriting limitation of $121,000.00 has been established for the company.

Name of company, location of principal executive office, and State in which incorporated:

National Bonding and Accident
Insurance Company
St. Louis, Missouri
New York

Certificates of Authority expire on June 30 each year, unless sooner revoked, and new Certificates are issued on July 1 so long as the companies remain qualified (31 CFR Part 223). A list of qualified companies is published annually as of July 1 in Department Circular 570, with details as to underwriting limitations, areas in which licensed to transact fidelity and surety business and other information. Copies of the Circular, when issued, may be obtained from the Treasury Department, Bureau of Accounts, Audit Staff, Washington, D.C. 20226.

Dated: March 7, 1973.

[SEAL] JOHN K. CARLOCK,
Fiscal Assistant Secretary.

[FR Doc.73-5088 Filed 3-15-73;8:45 am]

[Dept. Circ. 570, 1972 Rev., Supp. No. 16]

NATIONAL SURETY CORPORATION—FIREMAN'S FUND INSURANCE COMPANY OF ILLINOIS

Surety Companies Acceptable on Federal Bonds; Termination and Change of Name

National Surety Corporation, a New York corporation, merged into Fireman's Fund Insurance Company of Illinois, an Illinois corporation, effective December 31, 1972. The latter company simultanously changed its name to National Surety Corporation and is the surviving corporation. Confirmation of this action has been received and filed in the Treasury. Both companies have offices in San Francisco, California, and hold Certificates of Authority as acceptable sureties on Federal bonds under sections 6 to 13 of title 6 of the United States Code. The companies were last listed at 37 FR 13598 and 13596, respectively, on July 11, 1972. Accordingly, the Certificates of Authority held by the companies are hereby terminated effective December 31, 1972.

The surviving corporation has acquired the assets and assumed the liabilities of the merged corporation and has been issued a Certificate of Authority as an acceptable surety on Federal bonds, effective January 1, 1973 with an underwriting limitation of $8,104,000 as follows:

Name of company, location of principal executive office, and State in which incorporated:

National Surety Corporation
San Francisco, California
Illinois

In view of the foregoing, no action need be taken by bond-approving officers by reason of the merger and change of name set forth above with respect to any bond or other obligation in favor of the United States or in which the United States has an interest direct or indirect issued prior to January 1, 1973, pursuant to the Cer-

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tificates of Authority issued to the companies by the Treasury.

Certificates of Authority expire on June 30 each year, unless sooner revoked and new Certificates are issued on July 1, so long as the companies remain qualified (31 CFR Part 223). A list of qualified companies is published annually as of July 1, in Department Circular 570, with details as to underwriting limitations, areas in which licensed to transact fidelity and surety business and other information. Copies of the Circular, when issued, may be obtained from the Treasury Department, Bureau of Accounts, Audit Staff, Washington, D.C. 20226.

Dated: March 7, 1973.

[SEAL] JOHN K. CARLOCK,
Fiscal Assistant Secretary.

[FR Doc.73-5089; Filed 3-15-73;8:45 am]

Office of the Secretary

PRIMARY LEAD METAL FROM CANADA

Antidumping Proceeding Notice

MARCH 13, 1973.

On February 16, 1973, information was received in proper form pursuant to §§ 153.26 and 153.27, Customs Regulations (19 CFR 153.26, 153.27), indicating a possibility that primary lead metal from Canada is being, or is likely to be, sold at less than fair value within the meaning of the Antidumping Act, 1921, as amended (19 U.S.C. 160 et seq.).

There is evidence on record concerning injury to or likelihood of injury to or prevention of establishment of an industry in the United States.

Having conducted a summary investigation as required by § 153.29 of the Customs Regulations (19 CFR 153.29) and having determined as a result thereof that there are grounds for so doing, the Bureau of Customs is instituting an inquiry to verify the information submitted and to obtain the facts necessary to enable the Secretary of the Treasury to reach a determination as to the fact or likelihood of sales at less than fair value.

A summary of information received from all sources is as follows:

The information received tends to indicate that prices of the merchandise sold for exportation to the United States are less than the prices for home consumption.

This notice is published to § 153.30 of the Customs Regulations (19 CFR 153.30).

[SEAL] EDWARD L. MORGAN,
Assistant Secretary of the Treasury.

[FR Doc.73-5232 Filed 3-15-73;9:53 am]

PRIMARY LEAD METAL FROM AUSTRALIA

Antidumping Proceeding Notice

MARCH 13, 1973.

On February 16, 1973, information was received in proper form pursuant to §§ 153.26 and 153.27, Customs Regulations (19 CFR 153.26, 153.27), indicating a possibility that primary lead metal from Australia is being, or is likely to be, sold at less than fair value within the meaning of the Antidumping Act, 1921, as amended (19 U.S.C. 160 et seq.).

There is evidence on record concerning injury to or likelihood of injury to or prevention of establishment of an industry in the United States.

Having conducted a summary investigation as required by §153.29 of the Customs Regulations (19 CFR 153.29) and having determined as a result thereof that there are grounds for so doing, the Bureau of Customs is instituting an inquiry to verify the information submitted and to obtain the facts necessary to enable the Secretary of the Treasury to reach a determination as to the fact or likelihood of sales at less than fair value.

A summary of information received from all sources is as follows:

The information received tends to indicate that prices of the merchandise sold for exportation to the United States are less than the prices for home consumption.

This notice is published pursuant to section 153.30 of the Customs Regulations (19 CFR 153.30).

[SEAL] EDWARD L. MORGAN,
Assistant Secretary of the Treasury.

[FR Doc.73-5233 Filed 3-15-73;9:53 am]

DEPARTMENT OF DEFENSE

Department of the Army

ARMY SCIENTIFIC ADVISORY PANEL

Notice of Public Meeting

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (P.L. 92-463), announcement is made of the following Committee meeting:

Name of committee: Army Scientific Advisory Panel.
Date: 19-20 March 1973.
Place: Walter Reed Army Institute of Research, Washington, D.C.
Time: 0800-1700 hours, 19 March; 0800-1200, 20 March.
Agenda: Attached.

This meeting is open to the public. Any interested person may attend, appear before, or file statements with the committee at the time and in the manner permitted by the committee.

Any additional information concerning the meeting may be obtained from Dr. Marvin E. Lasser, Chief Scientist, Department of the Army, Executive Director, Army Scientific Advisory Panel, Washington, D.C., 202—695-7487.

R. B. BELNAP,
Special Advisor to TAG.

MARCH 8, 1973.

AGENDA—U.S. ARMY SCIENTIFIC ADVISORY PANEL, MARCH 19-20, 1973

STERNBERG AUDITORIUM, WALTER REED ARMY INSTITUTE OF RESEARCH, WASHINGTON, D.C. 20012

MONDAY, MARCH 19

0800 Opening Remarks, Mr. Lawrence H. O'Neill, Chairman, ASAP.
0805 Welcome, Lt. Gen. Hal B. Jennings, Jr., The Surgeon General, DA.
0815 Why Medical R&D?, Dr. Chris J. D. Zarafonetis.
0835 Contributions of Military Medicine, Col. Robert J. T. Joy, Deputy Director, Walter Reed Army Institute of Research.
0905 Discussion.
0925 Future of Military Medicine (Resources, No Doctor Draft, H.R. 2, Regionalization, etc. Broader than R&D), Maj. Gen. Richard R. Taylor, Deputy Surgeon General.
0945 Discussion.
1000 Break.
1015 Army Medical R&D Program Overview, Brig. Gen. Robert Bernstein, Commanding General, U.S. Army Medical Research and Development Command.
1040 Discussion.
1100 Aviation Medicine, Lt. Col. N. Bruce Chase, Environmental Quality Research Directorate, U.S. Army Medical Research and Development Command.
1130 Discussion.
1200 Lunch-Walter Reed Officers' Open Mess.
1315 Drug and Alcohol Research Program, Col. Harry Holloway, Director, Division of Neuropsychiatry, Walter Reed Army Institute of Research.
1355 Drug Abuse Identification Research, Col. Charles R. Angel, Director, Division of Biochemistry, Walter Reed Army Institute of Research.
1415 Detoxification Research, Lt. Col. Norman W. Ream, Walter Reed Army Institute of Research.
1435 Discussion.
1445 Break.
1500 Environmental Hazards Research, Col. Leslie B. Altstatt, Director of Environmental Quality Research, U.S. Army Medical Research and Development Command.
1545 Dental Research, Lt. Col. Robert Johnson, Surgical Research Directorate, U.S. Army Medical Research and Development Command.
1615 Discussion.
1630 Skin Disease Research, Lt. Col. Alfred Allen, Division of Preventive Medicine, Walter Reed Army Institute of Research.
1650 Discussion.
1700 Social Hour-Walter Reed Officers' Open Mess.
1800 Banquet-Walter Reed Officers' Open Mess, General Alexander Haig, Vice Chief of Staff, USA, Guest Speaker.

TUESDAY, MARCH 20

0800 Infectious Disease Research, Col. Garrison Rapmund, Chief, Life Sciences Division, Office of the Chief of Research and Development, DA.
0820 Medical Defense Against Biological Agents, Col. Dan Crozier, Commanding Officer, U.S. Army Medical Research Institute of Infectious Diseases.
0840 Malaria Research, Col. Francis C. Cadigan, Jr., Director of Medical Research, U.S. Army Medical Research and Development Command.
0900 Discussion.
0930 Break.
0950 Burn Research, Col. Basil A. Pruitt, Jr., Commanding Officer, U.S. Army Institute of Surgical Research.
1010 Discussion.
1030 Panel for Questions, Brig. Gen. Bernstein and Research Subject Presentors.
1130 Summation, Dr. Anthony R. Curreri.
1200 Lunch.
1315 Business Meeting.

[FR Doc.73-5075 Filed 3-15-73;8:45 am]

DEPARTMENT OF DEFENSE

Office of the Secretary

CHARTER FOR THE DEFENSE INVESTIGATIVE SERVICE

Establishment

The Secretary of Defense approved the following:

REFERENCES

(a) DOD Directive 5200.26, "Defense Investigative Program," dated February 17, 1971.[1]
(b) Delimitations Agreement of February 23, 1949.[2]
(c) DOD Directive 5200.27, "Acquisition of Information Concerning Persons and Organizations not Affiliated with the DOD," dated March 1, 1971.[1]
(d) 10 U.S.C. 133.

I. *General.* Pursuant to the authority vested in the Secretary of Defense by reference (d), the Defense Investigative Service (DIS) (DOD Directive 5105.42, April 18, 1972, as amended March 12, 1972), is established as a separate operating agency of the Department of Defense (DOD) under the direction, authority and control of the Secretary of Defense.

II. *Organization.* DIS will consist of:

A. A Director, a Deputy Director, and a headquarters establishment.

B. Such subordinate units, field activities, and facilities as established by the Director, DIS, or are herein or hereafter assigned specifically to DIS by the Secretary of Defense. DIS will limit its investigations to the 50 States and the Commonwealth of Puerto Rico. The Military Departments will be requested to accomplish investigative requirements of the DIS in other areas.

III. *Mission and responsibilities.* A. The mission of DIS is to provide DOD components, and other U.S. Government activities when authorized by the Secretary of Defense, with a single centrally-directed personnel security investigative service operating in accordance with provisions of reference (c). (DOD components are defined for the purposes of this Directive as the Office of the Secretary of Defense, Organization of the Joint Chiefs of Staff, the Military Departments, Unified and Specified Commands and Defense Agencies.)

B. The Director, DIS, will be responsible for:

1. Conducting, directing and controlling all Personnel Security Investigations (PSI) for DOD components, including investigation of allegations of subversive affiliations, suitability information, or hostage situations that may be required to complete the PSI.

2. Operating a consolidated central PSI Control Center.

3. Operating the National Agency Check Center.

4. Operating the Defense Central Index of Investigations.

5. Programing, budgeting, funding, accounting, and reporting the activities of DIS in accordance with the policies and procedures established by the Secretary of Defense.

6. Providing advice and assistance to and participating as a nonvoting member on the Defense Investigative Review Council (DIRC).

7. Assuring that all investigators receive appropriate training and are fully qualified to conduct PSI's according to established standards.

IV. *Supervision.* Staff supervision of the DIS for the Secretary of Defense will be exercised by the Assistant Secretary of Defense (Comptroller).

V. *Functions.* Under its Director, and in accordance with the assignments of responsibility in section III, above, the DIS is authorized to perform the following functions:

A. Conduct all PSI's for DOD components and, when authorized by the Secretary of Defense, other U.S. Government agencies.

B. Provide DOD components and other U.S. Government agencies with the results of these investigations as appropriate.

C. When feasible and within available resources, provide investigative assistance, upon request, to supplement the investigative efforts of other DOD components.

D. When authorized, maintain liaison on matters of mutual interest with and, within limits of established policy, render appropriate assistance to investigative, law enforcement, intelligence, counterintelligence, and other United States and foreign government activities. Keep the Secretary of Defense informed on such activities, through the ASD(C).

E. Conduct surveys and prepare analyses, special studies, and estimates on investigative matters within the purview of DIS.

F. Obtain from requesting DOD components and other U.S. Government activities, for record and statistical purposes, information on actions taken and final disposition of matters investigated by DIS.

G. Refer all matters developed as a result of PSI's which have a significant counterintelligence or criminal aspect to the appropriate civilian or military investigative agency. Counterintelligence, as used herein, shall mean those investigative activities, both offensive and defensive, designed to detect, neutralize or destroy the effectiveness of foreign intelligence activities. The provisions of reference (b) will govern.

H. Establish standards and procedures for certification and accreditation of civilian and military personnel assigned to DIS investigative departments.

I. Such other special investigations as the Secretary of Defense may direct.

J. Review criminal records of police departments, law enforcement agencies, and state record repositories in carrying out its mission and responsibilities.

VI. *Authorities.* The Director, DIS, is specifically delegated authority to:

A. Exercise direction, authority, and control over DIS.

B. Exercise the administrative authorities contained in enclosure 1 of this Directive.

VII. *Relationships.* A. In the performance of his functions, the Director, DIS shall:

1. Maintain appropriate liaison with DOD components and other agencies for the exchange of information and programs in the field of assigned responsibilities.

2. Maintain a close working relationship with military department investigative agencies, commanders, and security and military policy program managers to insure responsiveness and integration of effort.

3. Make use of existing DOD facilities and services whenever practicable to achieve maximum efficiency and economy.

4. Enter into agreements with Heads of DOD components to provide for direct communications on investigative lead matters between the DIS investigative staff and all levels of the Military Department investigative agencies.

5. Provide personnel security investigative support to the Director, National Security Agency, through separate agreement with him to include investigation scope and reporting procedures.

B. DOD components shall cooperate and assist the DIS by providing access to information within their respective fields so that the Director, DIS, may carry out his assigned mission.

C. Military Departments shall insure that overseas investigative agencies provide prompt responses to DIS lead requests in order to expedite investigative matters within the mission of DIS. The Director, DIS, will provide programing and workload projection information to the Military Departments for their use in budgeting, and otherwise organizing for their operational support of the DIS.

VIII. *Administration.* A. The Director and Deputy Director, DIS, will be appointed by the Secretary of Defense. When the Director and Deputy Director are both military officers, they will normally be from different Military Departments.

B. The DIS will be authorized such personnel, facilities, funds, and other administrative support as the Secretary of Defense deems necessary.

C. Military personnel will be assigned to the DIS from the Military Departments in accordance with approved authorizations and procedures for assignment to joint duty.

IX. *Effective date and implementation.* This Directive is effective upon publication. In the event of conflict between this Directive and previous directives and instructions, the provisions of this Directive will govern. All DOD components will review their existing directives, instructions, and regulations for conformance with this Directive; advise the Secretary of Defense and the Chairman of the Joint Chiefs of Staff of the results of this review within 30 days and imple-

[1] Filed as part of original. Copies available from U.S. Naval Publications and Forms Center, 5801 Tabor Avenue, Philadelphia, PA 19120, Code 300.
[2] Classified document.

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ment any necessary changes within 90 days of the publication of this Directive.

MAURICE W. ROCHE,
Director, Correspondence and Directives Division, OASD (Comptroller).

DELEGATIONS OF AUTHORITY

Pursuant to the authority vested in the Secretary of Defense, the Director, DIS, or, in the absence of the Director, a person acting for him is hereby delegated, subject to the direction, authority, and control of the Secretary of Defense, and in accordance with DOD policies, directives, and instructions, and pertinent OSD regulations, authority as required in the administration and operation of DIS to:

1. Exercise the powers vested in the Secretary of Defense by section 204 of the National Security Act of 1947, as amended (10 U.S.C. 1580), and section 12 of the Administrative Expenses Act of 1946, as amended (5 U.S.C. 302), pertaining to the employment, direction, and general administration of DIS civilian personnel.

2. Fix rates of pay for wage board employees exempted from the Classification Act by 5 U.S.C. 5102(c)(7) on the basis of rates established under the Coordinated Federal Wage System. DIS, in fixing such rates, shall follow the wage schedules established by DOD Wage Fixing Authority.

3. Establish such advisory committees and employ such part-time advisers as approved by the Secretary of Defense for the performance of DIS functions pursuant to the provisions of 10 U.S.C. 173, 5 U.S.C. 3109(b), and the agreement between the DOD and the Civil Service Commission on employment of experts and consultants, dated July 22, 1959.

4. Administer oaths of office incident to entrance into the executive branch of the Federal Government or any other oath required by law in connection with employment therein, in accordance with the provisions of the Act of June 26, 1943, as amended, 5 U.S.C. 2903(b), and designate in writing, as may be necessary, officers and employees of DIS to perform this function.

5. Establish a DIS Incentive Awards Board and pay cash awards to and incur necessary expenses for the honorary recognition of civilian employees of the Government whose suggestions, inventions, superior accomplishment, or other personal efforts, including special acts or services, benefit or affect DIS or its subordinate activities in accordance with the provisions of the Act of September 1, 1954, as amended, 5 U.S.C. 4503, and Civil Service Regulations.

6. In accordance with the provisions of the Act of August 26, 1950, as amended (5 U.S.C. 7532); Executive Order 10450, dated April 27, 1953, as amended; and DOD Directive 5210.7,[1] dated September 2, 1966 (as revised):

a. Designate any position in DIS as a "sensitive" position;

b. Authorize, in case of an emergency, the tion in the agency for a limited period of appointment of a person to a sensitive positime for whom a full field investigation or other appropriate investigation, including the national security check, has not been completed; and

c. Authorize the suspension, but not to terminate the services of an employee in the interest of national security in positions within DIS.

7. Clear DIS personnel and such other individuals as may be appropriate for access to classified Defense material and information in accordance with the provisions of DOD Directive 5210.8,[1] dated February 15, 1962 (as revised), "Policy on Investigation and Clearance of Department of Defense Personnel for Access to Classified Defense Information," and of Executive Order 11652, dated March 8, 1972.

8. Act as agent for the collection and payment of employment taxes imposed by Chapter 21 of the Internal Revenue Code of 1954, and, as such agent, make all determinations and certifications required or provided for under section 3122 of the Internal Revenue Code of 1954, 26 U.S.C. 3122, and section 205(p) (1) and (2) of the Social Security Act, as amended, 42 U.S.C. 405(p) (1) and (2), with respect to DIS employees.

9. Authorize and approve overtime work for DIS civilian officers and employees in accordance with the provisions of section 550.111 of the Civil Service Regulations.

10. Authorize and approve:

a. Travel for DIS civilian officers and employees in accordance with Joint Travel Regulations, Volume 2, Department of Defense, Civilian Personnel, dated July 1, 1965, as amended.

b. Temporary duty travel only for military personnel assigned or detailed to DIS in accordance with Joint Travel Regulations, Volume I, for members of the Uniformed Services, dated November 1969, as amended.

c. Invitational travel to persons serving without compensation whose consultative, advisory, or highly specialized technical services are required in a capacity that is directly related to or in connection with DIS activities, pursuant to the provisions of section 5 of the Administrative Expenses Act of 1946, as amended (5 U.S.C. 5703).

11. Approve the expenditure of funds available for travel by military personnel assigned or detailed to DIS for expenses incident to attendance at meetings of technical, scientific, professional or other similar organizations in such instances where the approval of the Secretary of Defense or his designee is required by law (37 U.S.C. 412). This authority cannot be delegated.

12. Develop, establish, and maintain an active and continuing Records Management Program, pursuant to the provisions of section 506(b) of the Federal Records Act of 1950, 44 U.S.C. 3102.

13. Enter into and administer contracts, directly or through a military department, a DOD contract administration services component, or other Government department or agency, as appropriate, for supplies, equipment, and services required to accomplish the mission of the DIS. To the extent that any law or executive order specifically limits the exercise of such authority to persons at the secretarial level of a military department, such authority will be exercised by the Assistant Secretary of Defense (Installations and Logistics).

14. Establish and use Imprest Funds for making small purchases of material and services other than personal for DIS when it is determined more advantageous and consistent with the best interests of the Government, in accordance with the provisions of DOD Instruction 7280.1,[1] dated August 24, 1970, and the Joint Regulation of the General Services Administration—Treasury Department—General Accounting Office, entitled "For Small Purchases Utilizing Imprest Funds."

15. Authorize the publication of advertisements, notices, or proposals in public periodicals as required for the effective administation and operation of DIS (44 U.S.C. 3702).

16. a. Establish and maintain appropriate property accounts for DIS.

b. Appoint Boards of Survey, approve reports of survey, relieve personal liability, and drop accountability for DIS property contained in the authorized property accounts that has been lost, damaged, stolen, destroyed, or otherwise rendered unserviceable, in accordance with applicable laws and regulations.

17. Promulgate the necessary security regulations for the protection of property and activities under the jurisdiction of the Director, DIS, pursuant to subsections III.A. and V.B. of DOD Directive 5200.8,[1] dated August 20, 1954.

18. Establish and maintain, for the functions assigned, an appropriate publications system for the promulgation of regulations, instructions, and reference documents, and changes thereto, pursuant to the policies and procedures prescribed in DOD Directive 5025.1,[1] dated March 7, 1961.

19. Enter into support and service agreements with the Military Departments other DOD agencies, or other Government agencies as required for the effective performance of responsibilities and functions assigned to DIS.

20. Issue appropriate implementing documents and establish internal procedures to assure that the selection and acquisition of ADP resources are conducted within the policies contained in DOD Directive 4105.55,[1] dated May 19, 1972, the Federal Property Management Regulations and Armed Services Procurement Regulations.

The Director, DIS may redelegate these authorities, as appropriate, and in writing, except as otherwise specifically indicated above or as otherwise provided by law or regulation.

This delegation of authority is effective immediately.

[FR Doc 73-5124 Filed 3-15-73;8:45 am]

DEPARTMENT OF STATE

Office of the Secretary

[Public Notice CM-12]

STUDY GROUP 7 OF U.S. NATIONAL COMMITTEE FOR THE INTERNATIONAL RADIO CONSULTATIVE COMMITTEE

Notice of Meeting

Correction

In FR Doc. 73-4899 appearing on page 6910 in the issue for March 14, 1973, in the fifth line of the first paragraph the meeting date now reading "March 10, 1973" should read "March 30, 1973".

DEPARTMENT OF THE INTERIOR

Bureau of Reclamation

CONTROL OF OFF-ROAD VEHICLES ON RECLAMATION LANDS

Notice of Time Extension for Comments

Notice of proposed policy and criteria for the control of off-road vehicle use on Reclamation lands, as published in the FEDERAL REGISTER, Vol. 38, No. 30, February 14, 1973, at page 4421 provided for the receipt of written comments, suggestions, or objections on or before March 16, 1973.

At the request of interested parties, the time for such submissions relating to the proposed policy and criteria has been extended to afford the general public better opportunity for review. Accordingly, interested parties may submit written comments, suggestions, or objections with respect to the proposed policy and criteria to the Commissioner of Reclamation, 18th and C Streets NW., Washington, D.C. 20240, on or before April 16, 1973.

GILBERT G. STAMM,
Acting Commissioner of Reclamation.

MARCH 6, 1973.

[FR Doc.73-5071 Filed 3-15-73;8:45 am]

Office of Hearings and Appeals

[Docket No. M 73-25]

GATEWAY COAL CO.

Petition for Modification of Application of Mandatory Safety Standard

Notice is hereby given that Gateway Coal Co. (Petitioner) in accordance with the provisions of section 301(c) of the Federal Coal Mine Health and Safety Act of 1969, petitions for modification of the following mandatory safety standards as they apply to the main belt haulageway at the Gateway Mine.

I. Mandatory Safety Standard, Title 30—Mineral Resources, Part 75—Mandatory Safety Standards, Underground Coal Mines.

Section 75.1103—*Automatic fire warning devices.* On or before May 29, 1970, devices shall be installed on all such belts which will give a warning automatically when a fire occurs on or near such belt. The Secretary shall prescribe a schedule for installing fire suppression devices on belt haulageways.

Section 75.1103-1—*Automatic fire sensors.* A fire sensor system shall be installed on each underground belt conveyor. Sensors so installed shall be of a type which will (a) give warning automatically when a fire occurs on or near such belt; (b) provides both audible and visual signals that permit rapid location of the fire.

The following implementing regulation sections are also applicable and the company requests a variance from these implementing regulations describing the details required in automatic sensor equipment on belt haulageways which became effective on the date of publication in the FEDERAL REGISTER, namely, August 16, 1972, and were required to be installed 180 days from the date of publication:

Section 75.1103-2—*Automatic fire sensors and warning device systems, minimum requirement; general.*
Section 75.1103-4—*Automatic fire sensors and warning device systems; installation; minimum requirements.*
Section 75.1103-5—*Automatic fire warning devices, manual resetting.*
Section 75.1103-6—*Automatic fire sensor; actuation of fire suppression systems.*
Section 75.1103-7—*Electrical components; permissibility requirements.*
Section 75.1103-8—*Automatic fire sensors and warning device systems; inspection and test requirements.*
Section 75.1103-10—*Fire suppression systems; additional requirements.*

II. *Alternate method.* Petitioner requests a modification of the aforementioned mandatory safety standards and implementing regulations as they apply to the main belt haulageway at the Gateway Mine.

The Gateway Mine has installed and presently operates a closed-circuit TV system on its main belts which monitors conditions on the belt. This closed-circuit TV system is monitored constantly during every working shift and for 4 hours after a belt is shut down by a trained man located in a control room. Because of the airflow in the mine and the location of the TV cameras monitoring each belt transfer point on the main belt, smoke can readily be detected if it occurs anywhere along the main belt and the location of a fire can be quickly determined. The control room operator can stop any belt by merely opening a switch. Through the use of a dial telephone system, men anywhere in the mine can be alerted if a fire occurs. In addition, the TV cameras monitor control boxes which indicate conditions of the belt-drive equipment for all main and face belt drives. Petitioner indicates that in all probability, before a fire would start on the belt line, conditions would be detected. Further, the belt-drive equipment has special shutdown devices built in which will, in most instances, automatically shut down the belt before fire conditions occur.

III. *Measure of protection.* This alternate fire detection method, on the main belt haulageway, allegedly, will detect smoke by a monitored closed-circuit TV system. This TV system also monitors control panels indicating the conditions at the belt drives. Petitioner states that this, coupled with excellent means of communication in the mine, will at all times guarantee no less than the same measure of protection afforded the miners at Gateway Mine by the mandatory safety standard and implementing regulations requiring an automatic fire sensor and warning device system on a belt haulageway.

Parties interested in this petition shall file their answer or comments and, if they wish a hearing, their request for one, on or before April 16, 1973, with the Office of Hearings and Appeals, Hearings Division, U.S. Department of the Interior, Ballston Tower No. 3, 4015 Wilson Boulevard, Arlington, VA 22203. Copies of the petition are available for inspection at that address.

JAMES M. DAY,
Director, Office of Hearings and Appeals.

MARCH 7, 1973.

[FR Doc.73-5076 Filed 3-15-73;8:45 am]

Office of the Secretary

[INT DES 73-12]

PROPOSED WILDERNESS CLASSIFICATION FOR JOSHUA TREE NATIONAL MONUMENT, CALIFORNIA

Notice of Availability of Revised Draft Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act, the Department of the Interior has prepared a revised draft environmental statement for Proposed Wilderness Classification for Joshua Tree National Monument, California, and invites written comment on or before April 30, 1973. Written comment should be addressed to the Director, Western Region or to the Superintendent, Joshua Tree National Monument at the addresses given below.

The revised draft environmental statement considers the designation of 372,700 acres of Joshua Tree National Monument as wilderness, with a total of 66,800 acres proposed as potential wilderness addition.

Copies are available from or for inspection at the following locations:

Office of the Director, Western Region, National Park Service, 450 Golden Gate Avenue, Box 36063, San Francisco, CA 94102.
Office of the Superintendent, Joshua Tree National Monument, Post Office Box 875, Twentynine Palms, CA 92277.

Dated: March 12, 1973.

W. W. LYONS,
Deputy Assistant Secretary of the Interior.

[FR Doc.73-5114 Filed 3-15-73;8:45 am]

[INT DES 73-13]

PROPOSED WILDERNESS CLASSIFICATION FOR SAGUARO NATIONAL MONUMENT, ARIZONA

Notice of Availability of Draft Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act, the Department of the Interior has prepared a draft environmental statement for Proposed Wilderness Classification for Saguaro National Monument, Ariz., and invites written comment on or before April 30, 1973. Written comment should be addressed to the Director, Western Region or to the Superintendent, Saguaro National Monument at the addresses given below.

The draft environmental statement considers the designation of 42,000 acres of Saguaro National Monument as wilderness and a total of 27,100 acres proposed as potential wilderness addition.

Copies are available from or for inspection at the following locations:

Office of the Director, Western Region, National Park Service, 450 Golden Gate Avenue, Box 36063, San Francisco, CA 94102.
Office of the Superintendent, Saguaro National Monument, Post Office Box 17210, Tucson, AR 85710.

Dated: March 12, 1973.

W. W. LYONS,
Deputy Assistant Secretary of the Interior.

[FR Doc.73-5113 Filed 3-15-73;8:45 am]

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DEPARTMENT OF AGRICULTURE

Commodity Credit Corporation

DIRECTORS OF AGRICULTURAL STABILIZATION AND CONSERVATION SERVICE COMMODITY OFFICES ET AL.

Designation of Agents To Receive Service of Process

The Directors and Acting Directors of the ASCS Commodity Offices, the Directors and Acting Directors of the State ASCS Offices and the Chief and Acting Chief of the Kansas City ASCS Claims Field Office, are hereby designated as agents to receive service of process in any action to which Commodity Credit Corporation shall be a party, brought in the respective States in which the offices of such agents are located.

The name and address of the individual occupying any such position at the time suit is instituted may be obtained from the local County ASCS Office or from Commodity Credit Corporation, Washington, D.C. 20250.

This supersedes the designation of agents to receive service of process issued by the Acting Executive Vice President, Commodity Credit Corporation, dated March 22, 1962, 27 FR 2814.

(Sec. 4, 62 Stat. 1070, as amended, 15 U.S.C. 714b)

Effective date. This designation shall be effective on March 16, 1973.

Signed at Washington, D.C., on March 12, 1973.

KENNETH E. FRICK,
Executive Vice President, Commodity Credit Corporation.

[FR Doc.73-5125 Filed 3-15-73;8:45 am]

DEPARTMENT OF COMMERCE

Bureau of East-West Trade

SEMICONDUCTOR MANUFACTURING AND TEST EQUIPMENT TECHNICAL ADVISORY COMMITTEE

Notice of Meeting

The Semiconductor Manufacturing and Test Equipment Technical Advisory Committee of the U.S. Department of Commerce will meet Tuesday, March 27 at 9:30 a.m. in Room 6802 of the Main Commerce Building, 14th and Constitution Avenue NW., Washington, D.C.

Members advise the Office of Export Control, Bureau of East-West Trade, with respect to questions involving technical matters, worldwide availability and actual utilization of production and technology, and licensing procedures which may affect the level of export controls applicable to semiconductor manufacturing and test equipment, including technical data related thereto, and including those whose export is subject to multilateral (COCOM) controls.

Agenda items are as follows:

(1) Opening remarks by the Deputy Assistant Secretary for East-West Trade, Steven Lazarus.

(2) Overview of Export Control Program by the Director, Office of Export Control, Rauer H. Meyer.

(3) Election of chairman.

(4) Presentation of papers or comments by the public.

(5) Review of OEC official of current controls on semiconductor manufacturing and test equipment, including report on any decontrol actions effected since August 1972.

(6) Technical problems relating to export control coverage of semiconductor manufacturing and test equipment.

(7) Licensing procedures relating to semiconductor manufacturing and test equipment.

(8) Foreign availability of types of semiconductor manufacturing and test equipment currently under control, including extent of U.S. participation and use of U.S. technology.

(9) Executive session:

(a) Background of U.S. and COCOM control programs and strategic criteria.

(b) Technical problems:

(1) Use of semiconductor manufacturing and test equipment in production of semiconductors for military and civilian use.

(2) Significant parameters of such equipment from the strategic standpoint, including adequacy of present control definition or coverage.

(c) Foreign availability, including state of the art in U.S.S.R., Eastern Europe, and People's Republic of China.

(d) Licensing control over technology related to semiconductor manufacturing and test equipment.

(10) Adjournment.

This will be the first meeting of the Semiconductor Manufacturing and Test Equipment Technical Advisory Committee. It was established January 3, 1973, and consists of technical experts from a representative cross section of the semiconductor manufacturing and test equipment industry in the United States and officials representing various agencies of the U.S. Government. The industry members are appointed by the Assistant Secretary for Domestic and International Business to serve a 2-year term.

The public will be permitted to attend the discussion of agenda items 1–8, and a limited number of seats—approximately 25—will be available to the public for these agenda items. To the extent time permits members of the public may present oral statements to the committee. Interested persons are also invited to file written statements with the committee.

With respect to agenda item (9), "Executive Session," the Acting Assistant Secretary of Commerce for Administration on March 5, 1973, determined, pursuant to section 10(d) of Public Law 92–463 that this agenda item should be exempt from the provision of section 10(a)(1) and (a)(3), relating to open meetings and public participation therein, because the meeting will be concerned with matters listed in 5 U.S.C. 552(b)(1).

Further information may be obtained from Rauer H. Meyer, Director, Office of Export Control, Room 1886C, U.S. Department of Commerce, Washington, D.C. 20230 (A/C 202—967–4293).

Minutes of those portions of the meeting which are open to the public will be available 30 days from the date of the meeting upon written request addressed to: Central Reference and Records Inspection Facility, U.S. Department of Commerce, Washington, D.C. 20230.

Dated: March 13, 1973.

JOHN T. CONNOR, JR.,
Acting Director, Bureau of East-West Trade, Department of Commerce.

[FR Doc.73-5190 Filed 3-15-73;8:45 am]

SEMICONDUCTOR TECHNICAL ADVISORY COMMITTEE

Notice of Meeting

The Semiconductor Technical Advisory Committee of the U.S. Department of Commerce will meet Monday, March 26 at 9:30 a.m. in Room 6802 of the Main Commerce Building, 14th and Constitution Avenue NW., Washington, D.C.

Members advise the Office of Export Control, Bureau of East-West Trade, with respect to questions involving technical matters, worldwide availability and actual utilization of production and technology, and licensing procedures which may affect the level of export controls applicable to semiconductors, including technical data related thereto, and including those whose export is subject to multilateral (COCOM) controls.

Agenda items are as follows:

(1) Opening remarks by the Deputy Assistant Secretary for East-West Trade, Steven Lazarus.

(2) Overview of Export Control Program by the Director, Office of Export Control, Rauer H. Meyer.

(3) Election of chairman.

(4) Presentation of papers or comments by the public.

(5) Review of current controls on semiconductors, including report on any decontrol actions effected since August 29, 1972.

(6) Technical problems relating to export control coverage of semiconductors and related technology.

(7) Licensing procedures relating to semiconductors and technology.

(8) Foreign availability of semiconductors currently under licensing control, including extent of U.S. participation and use of U.S. technology.

(9) Executive session:

(a) Background of U.S. and COCOM control program and strategic criteria.

(b) Technical problems:

(1) Military and military support uses of semiconductors.

(2) Significant parameters from the strategic standpoint, including adequacy of present control definition or coverage.

(c) Foreign availability, including state of the art in the USSR, Eastern Europe, and People's Republic of China.

(d) Licensing control over technology related to semiconductors.

(10) Adjournment.

This will be the first meeting of the Semiconductor Technical Advisory Committee. It was established January 3, 1973, and consists of technical experts from a representative cross-section of the semiconductor industry in the United States and officials representing various agencies of the U.S. Government. The industry members are appointed by the Assistant Secretary for Domestic and International Business to serve a 2-year term.

The public will be permitted to attend the discussion of agenda items 1–8, and a limited number of seats—approximately 25—will be available to the public for these agenda items. To the extent time permits, members of the public may present oral statements to the committee. Interested persons are also invited to file written statements with the committee.

With respect to agenda item (9), "Executive Session," the Acting Assistant Secretary of Commerce for Administration, on March 5, 1973, determined, pursuant to section 10(d) of Public Law 92–463, that this agenda item should be exempt from the provision of sections 10(a)(1) and (a)(3), relating to open meetings and public participation therein, because the meeting will be concerned with matters listed in 5 U.S.C. 552(b)(1).

Further information may be obtained from Rauer H. Meyer, Director, Office of Export Control, Room 1886C, U.S. Department of Commerce, Washington, D.C. 20230 (A/C 202—967–4293).

Minutes of those portions of the meeting which are open to the public will be available 30 days from the date of the meeting upon written request addressed to: Central Reference and Records Inspection Facility, U.S. Department of Commerce, Washington, D.C. 20230.

Dated: March 13, 1973.

JOHN T. CONNOR, JR.,
Acting Director, Bureau of East-West Trade, Department of Commerce.

[FR Doc.73-5191 Filed 3-15-73;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Health Services and Mental Health Administration

MEDICAL LABORATORY SERVICES ADVISORY COMMITTEE

Notice of Meeting

The Acting Administrator, Health Services and Mental Health Administration, announces the meeting date and other required information for the following National Advisory body scheduled to assemble during the month of March, 1973:

Committee name	Date, time, place	Type of meeting and/or contact person
Medical Laboratory Services Advisory Committee.	Mar. 29-30, 9 a.m., Center for Disease Control, Conference Room B-SB-7, Atlanta, Ga.	Open, Contact Dr. R. Q. Robinson, Center for Disease Control, Atlanta, Ga., Code 404—633 3311, extension 3262.

Purpose: To review the operation of the Licensure and Proficiency Testing Program administered by the Center for Disease Control with major emphasis being placed upon program changes which will permit more effective application of laboratory standards.

Agenda: Agenda items will provide for a review of the objectives of the Licensure and Proficiency Testing Program and consideration of those proposed changes in the Clinical Laboratories Improvement Act, the regulations published thereunder, and in the procedures used to administer the Act, which will lead to more effective administration of the program.

Agenda items are subject to change as priorities dictate.

A roster of members and other relevant information regarding the open session may be obtained from the contact persons listed above.

Dated: March 12, 1973.

ANDREW J. CARDINAL,
Acting Associate Administrator for Management, Health Services and Mental Health Administration.

[FR Doc.73-5169 Filed 3-15-73;8:45 am]

Office of the Secretary

OFFICE OF CONSUMER AFFAIRS

Organization and Functions; Amendment

Part 1 of the Statement of Organization, Functions, and Delegations of Authority is amended to add a new Chapter 1A20, Office of Consumer Affairs. The Office includes the Office of Consumer Affairs transferred from the Executive Office of the President to Department of Health, Education, and Welfare by Executive Order 11702, approved January 25, 1973, and the Office for Consumer Services transferred from the Assistant Secretary (Community and Field Services) by this notice. The new chapter reads as follows:

SEC. 1A20.10 *Mission.* The Special Assistant to the President for Consumer Affairs advises the President and the President's Counselor for Human Resources on matters affecting the interests of consumers. She also acts as Director of the Office of Consumer Affairs and serves as the principal staff adviser to the Secretary of the Department of Health, Education, and Welfare on consumer-related policy and programs.

SEC. 1A20.20 *Organization.* The Director of the Office of Consumer Affairs reports directly to the Secretary and directs and coordinates the activities of the Office of Consumer Affairs.

SEC. 1A20.30 *Functions.* A. With respect to consumer interest in Federal policies and programs both throughout the Federal Government and within the Department, encourages and assists in development and implementation of consumer programs; coordinates and reviews policies and programs; seeks resolution of conflicts; advises and makes recommendations to Federal agencies with respect to policy matters, the effectiveness of their programs and operations, and the elimination of duplications;

B. Assures that the interests of consumers are presented and considered in a timely manner by the appropriate levels of the Federal Government in the formulation of policies and in the operation of programs that affect the consumer interest;

C. Conducts investigations, conferences, and surveys concerning the needs, interests, and problems of consumers, except that it shall, where feasible, avoid duplicating activities conducted by other Federal agencies;

D. Submits recommendations to the President and the Counselor for Human Resources on how Federal programs and activities affecting consumers can be improved;

E. Takes action with respect to consumer complaints;

F. Encourages and coordinates the development of information of interest to consumers by Federal agencies and the publication and distribution of materials which will inform consumers of matters of interest to them in language which is readily understandable by the layman;

G. Encourages and coordinates research conducted by Federal agencies leading to improved consumer products, services, and consumer information;

H. Encourages, initiates, coordinates, evaluates, and participates in consumer education programs and consumer counseling programs;

I. Encourages, cooperates with, and assists State and local governments in the promotion and protection of consumer interests;

J. Cooperates with and encourages private enterprise in the promotion and protection of consumer interest;

K. Reports periodically to the President and the Counselor for Human Resources on significant developments affecting the interests of consumers together with such recommendations as appropriate; and

L. Acts as consumers' advocate within the Department, maintaining a continuing dialog between consumers and HEW's operating agencies, coordinating the development and distribution of consumer information materials, providing technical assistance to agencies, organizations, and individuals outside the Department; and conducting field demonstration programs.

Dated: March 10, 1973.

CASPER W. WEINBERGER,
Secretary.

[FR Doc.73-5104 Filed 3-15-73;8:45 am]

ATOMIC ENERGY COMMISSION

REGULATORY GUIDES

Notice of Issuance and Availability

The Atomic Energy Commission has issued a guide in its Regulatory Guide series. This series has been developed to describe and make available to the public methods acceptable to the AEC Regulatory staff of implementing specific parts of the Commission's regulations and, in some cases, to delineate techniques used by the staff in evaluating specific problems or postulated accidents

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and to provide guidance to applicants concerning certain of the information needed by the staff in its review of applications for permits and licenses.

Regulatory Guide 1.35, "Inservice Surveillance of Ungrouted Tendons In Prestressed Concrete Containment Structures," is being issued in Division 1, "Power Reactor Guides." This guide describes an acceptable basis for developing an appropriate surveillance program for ungrouted tendons in prestressed concrete containment structures for light-water-cooled reactors.

Comments and suggestions in connection with improvements in the guides are encouraged and should be sent to the Secretary of the Commission, U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Chief, Public Proceedings Staff. Copies of issued guides may be obtained by request to the U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Director of Regulatory Standards.

Other Division 1 Regulatory Guides currently being developed include the following:

Operating Status Indication for Nuclear Power Plant Safety Systems.
Availability of Electric Power Sources.
Preoperational Testing of Redundant Onsite Electric Power Sources to Verify Proper Load Group Assignments.
Qualification Tests of Continuous-Duty Motors Installed Inside the Containment of Nuclear Power Plants.
Requirements for Instrumentation to Assess Nuclear Power Plant Conditions During and Following an Accident for Water-Cooled Reactors.
Shared Emergency and Shutdown Power Systems at Multi-Unit Sites.
Physical Independence of Safety Related Electric Systems.
Isolating Low Pressure Systems Connected to the Reactor Coolant Pressure Boundary.
Assumptions for Evaluating a Control Rod Ejection Accident for Pressurized Water Reactors.
Assumptions for Evaluating a Control Rod Ejection Accident for Boiling Water Reactors.
Quality Assurance Requirements for Cleaning of Fluid Systems and Associated Components of Nuclear Power Plants.
Quality Assurance Requirements for Packaging, Shipping, Receiving, Storage, and Handling of Items for Nuclear Power Plants.
Housekeeping Requirements for Nuclear Power Plants.
Requirements for Collection, Storage, and Maintenance of Quality Assurance Records for Nuclear Power Plants.
Requirements for Assessing Ability of Material Underneath Nuclear Power Plant Foundations to Withstand Safe Shutdown Earthquake.
Design Basis Floods for Nuclear Power Plants.
Design Phase Quality Assurance Requirements for Nuclear Power Plants.
Qualification Tests of Electric Valve Operators for Use in Nuclear Power Plants.
Fire Protection Criteria for Nuclear Power Plants.
Protective Coatings for Nuclear Reactor Containment Facilities.
Quality Assurance for Protective Coatings Applied to Nuclear Power Plants.
Application of the Single-Failure Criterion to Nuclear Power Generating Station Protective Systems.
Protection Against Pipe Whip Inside Containment.
Additional Material Requirements for Bolting.
Inservice Surveillance of Grouted Prestressing Tendons.
Stainless Steel Overlay Welding.
Design Loading Combinations for Fluid System Components.
Design Loading Combinations for Primary Metal Containment Systems.
Reactor Coolant Pressure Boundary Leak Detection System.
Requirements for Thermal Insulation Used with Stainless Steel.
Concrete Placement in Category I Structures.
Control of Sensitized Stainless Steel.
Design Spectra for Seismic Design of Nuclear Power Stations.
Seismic Input Motion to Uncoupled Structural Model.
Control of Preheat Temperature for Low Alloy Steel Welding.
Rules for Inservice Inspection of Class 2 and Class 3 Nuclear Power Plant Components.
Primary Reactor Containment (Concrete) Design and Analysis.
Preservice Testing of In-Situ Valve Systems.
Installation of Over-Pressure Devices.
Nondestructive Examination of Tubular Products.
Category I Structural Foundations.
Maintenance of Water Purity in BWRs.

(5 U.S.C. 552(a))

Dated at Bethesda, Md., this 9th day of March 1973.

For the Atomic Energy Commission.

LESTER ROGERS,
Director of Regulatory Standards.

[FR Doc.73-5074 Filed 3-15-73;8:45 am]

[Docket No. 50-334]

DUQUESNE LIGHT CO. ET AL.

Notice of Availability of AEC Draft Environmental Statement for the Beaver Valley Power Station, Unit 1

Pursuant to the National Environmental Policy Act of 1969 and the U.S. Atomic Energy Commission's regulations in Appendix D to 10 CFR Part 50, notice is hereby given that a draft environmental statement prepared by the Commission's Directorate of Licensing related to the proposed Beaver Valley Power Station, Unit 1, currently under contruction by Duquesne Light Co. et al. in Beaver County, Pa., is available for inspection by the public in the Commission's Public Document Room at 1717 H Street NW., Washington, DC, and in the Beaver Area Memorial Library, 100 College Avenue, Beaver, PA 15009. The draft statement is also being made available at the Office of Radiological Health, Department of Environmental Resources, Post Office Box 2063, Harrisburg, PA 17105. Copies of the Commission's draft environmental statement may be obtained by request addressed to the U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Deputy Director for Reactor Projects, Directorate of Licensing.

The applicant's environmental report, as supplemented, submitted by Duquesne Light Co. et al. is also available for public inspection at the above-designated locations. Notice of availability of the applicant's environmental report was published in the FEDERAL REGISTER on January 6, 1972 (37 FR 151).

Pursuant to 10 CFR Part 50, Appendix D, interested persons may, on or before April 30, 1973, submit comments on the applicant's environmental report, as supplemented, and the draft environmental statement for the Commission's consideration. Federal and State agencies are being provided with copies of the applicant's environmental report and the draft environmental statement (local agencies may obtain these documents upon request). When comments thereon by Federal, State, and local officials are received by the Commission, such comments will be made available for public inspection at the Commission's Public Document Room in Washington, D.C., and the Beaver Area Memorial Library, 100 College Avenue, Beaver, PA 15009. Comments on the draft environmental statement from interested members of the public should be addressed to the U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Deputy Director for Reactor Projects, Directorate of Licensing.

Dated at Bethesda, Md., this 14th day of March 1973.

For the Atomic Energy Commission.

WM. H. REGAN, Jr.,
Chief, Environmental Projects Branch No. 4, Directorate of Licensing.

[FR Doc.73-5217 Filed 3-15-73;8:45 am]

[Docket No. 50-301, Amdt. 3]

WISCONSIN ELECTRIC POWER CO. AND WISCONSIN-MICHIGAN POWER CO.

Notice of Issuance of Facility Operating License

Notice is hereby given that the Atomic Energy Commission (the Commission) has issued Amendment No. 3 to Facility Operating License No. DPR-27 to Wisconsin Electric Power Co. and Wisconsin-Michigan Power Co. (the licensees) which authorizes the licensees to operate the Point Beach Nuclear Plant Unit No. 2 (the facility), a pressurized water reactor, at power levels not to exceed 1,518 megawatts thermal. License No. DPR-27 prior to issuance of Amendment No. 3 only authorized operation at power levels not to exceed 300 megawatts thermal. The facility is located in the town of Two Creeks, Manitowoc County, Wis.

The Commission's Director of Regulation has made the findings set forth in the license, and has concluded for the purposes of operation at 1,518 megawatts thermal that the application for construction permit and facility operating license, as amended, complies with the Atomic Energy Act, as amended, and the Commission's regulations in 10 CFR Ch. 1, that the issuance of DPR-27, Amendment No. 3, will not be inimical to the common defense and security or to the health and safety of the public, and that in accordance with the requirements of Appendix D to 10 CFR Part 50, the operating license should be amended as indicated hereinabove. Issuance of Amendment No. 3 to DPR-27 is also authorized by and is pursuant to an initial decision and supplemental initial decision of the Atomic Safety and Licensing Board dated December 8, 1972, and February 28, 1973, respectively, and a memorandum and order by the Atomic Safety and Licensing Appeal Board dated March 7, 1973.

The license amendment is effective as of the date of issuance and shall expire July 25, 2008.

For further details, see (1) initial decision and supplemental decision by the Atomic Safety and Licensing Board dated December 8, 1972, and February 28, 1973, respectively, and memorandum and order by the Atomic Safety and Licensing Appeal Board dated March 7, 1973; (2) Amendment No. 3 to Facility Operating License DPR-27, with technical specifications (as amended); (3) the Safety Evaluation for the Point Beach Nuclear Plant Units 1 and 2, dated July 15, 1970, and Addenda 1, 2, 3, and 4 thereto; (4) the report of the Advisory Committee on Reactor Safeguards dated April 16, 1970; (5) the final environmental statement dated May 16, 1972, which are available for public inspection in the Commission's Public Document Room, 1717 H Street NW, Washington, DC 20545, and in the Manitowoc Public Library, 808 Hamilton Street, Manitowoc, WI 54220. Copies of items (2), (3), and (5) may be obtained upon request addressed to the U.S. Atomic Energy Commission, Washington, D.C. 20545. Attention: Deputy Director for Reactor Projects, Directorate of Licensing.

Dated at Bethesda, Md., this 8th day of March, 1973.

For the Atomic Energy Commission.

KARL KNIEL,
Chief, Pressurized Water Reactors, Branch No. 2, Directorate of Licensing.

[FR Doc.73-5073 Filed 3-15-73;8:45 am]

CIVIL AERONAUTICS BOARD

[Docket No. 22908; Order 73-3-30]

EASTERN AIR LINES, INC.

Order Regarding Engagement in Capacity Reduction Discussions in New York/Newark-San Juan Market

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 9th day of March 1973.

Eastern Air Lines has requested authority to engage in renewed capacity reduction discussions with American Airlines and Pan American World Airways, looking toward a continuation of the multilateral capacity agreement in effect in the New York/Newark-San Juan market. Eastern's request has been supported by American, Pan American, and the Commonwealth of Puerto Rico. It is opposed by Delta Air Lines, Northwest Airlines, the National Air Carrier Association and the Department of Justice.[1]

After consideration of Eastern's application and the comments received thereon, we have decided to allow the requested discussions. We will require, as in the past, that all discussions regarding an eventual agreement be conducted openly and that a full transcript be maintained.[2]

Since we will not permit the implementation of an agreement of this type prior to our approval, the position of the opposition parties appears to be adequately safeguarded at this time. Any agreement which may result shall be filable with the Board within 15 days of consummation, after which time we will consider the merits of any objections lodged in this docket, whether technically addressed to the discussions or the agreement. We would note, however, that this market is still an exceptionally low yield one, thus requiring well above average load factors for economically sound operations; that even the relatively short duration of the present agreement has demonstrated its efficacy in dampening excessive capacity; that excessive capacity may require higher fares; and that the continued maintenance of low fares in this market constitutes a serious transportation need.

Accordingly, it is ordered, That:

1. The application of Eastern Air Lines, Inc., for approval of discussions regarding capacity reductions in the New York/Newark-San Juan market be and it hereby is approved, subject to the following conditions:

(a) Discussions shall be held in Washington, D.C., the hour and date of such meetings to be determined by the discussing carriers. A notice of such meetings shall be served upon the Civil Aeronautics Board and the persons stated in the appendix at least 7 calendar days prior to such meetings;

(b) Participation in the discussions shall be limited to carriers certificated to provide single-plane scheduled service in the New York/Newark-San Juan market;

(c) Representatives of the Civil Aeronautics Board and may other local, State, or Federal Government agency; civic trade, or consumer association or group; any air carrier expressing an interest; and the press shall be permitted to attend and view the discussions as observers;

(d) A full transcript shall be maintained of all meetings, at the expense of the carriers, and a copy of this transcript shall be filed with the Board within 10 days after the conclusion of each day's meeting, and shall be available for purchase by any person;

(e) Any agreement reached as a result of the discussions authorized herein shall be filed with the Board for approval under section 412 of the Act within 15 days of consummation thereof, accompanied by an explanatory statement and a statement of justification, and shall be served on the persons listed in the appendix hereto within the same period; *Provided,* That no agreement shall be implemented without having been previously approved by the Board.

(f) Comments pertaining to any agreement filed pursuant to subparagraph (e) shall be filed within 20 days from the date of the filing of such agreement with the Board;

(g) Comments in reply to any previously filed document authorized to be filed in subparagraphs (e) and (f) shall be filed within 10 days of filing of such document;

(h) The relief granted herein shall expire within 60 days of the date of this order and may be revoked or amended at any time in the discretion of the Board; and

(i) This authorization does not extend to discussions of rates, fares, charges, or inflight or other services pertaining to air transportation.

2. Copies of this order shall be served on the persons named in the attached appendix below;

3. The motion of Eastern Air Lines, Inc., to file an otherwise unauthorized document is granted; and

4. Except to the extent granted or deferred herein the application and all other requests in this proceeding be and they hereby are denied.

This order shall be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] EDWIN Z. HOLLAND,[3]
Secretary.

APPENDIX

SERVICE LIST PERTAINING TO ORDERING PARAGRAPH 2

All U.S. Certificated Scheduled and Supplemental Carriers.
The Air Transport Association of America.
The National Air Carrier Association.
The Departments of Defense, Justice, and Transportation and the U. S. Postal Service.
The City of New York, N.Y.
The City of Newark, N.J.
The City of San Juan, P.R.
The Commonwealth of Puerto Rico.
Port of New York Authority.
San Juan Ports Authority.
The Airline Pilots Association, International.
The Aviation Consumer Action Project.
The City of New York Department of Marine and Aviation.

[FR Doc.73-5119 Filed 3-15-73;8:45 am]

CITIZEN'S ADVISORY COMMITTEE ON ENVIRONMENTAL QUALITY

NOTICE OF MEETING

The Citizens' Advisory Committee on Environmental Quality will meet on

[1] Eastern has also filed a reply to Delta's answer, accompanied by a motion to file an unauthorized and untimely document.

[2] The conditions imposed herein are similar to those contained in Order 72-9-13, dated Sept. 5, 1972.

[3] Minetti, Member, dissenting and filing dissenting statement as part of the original document.

V38-51 MAR 16 73 XUM

March 23, 1973, at 9:30 a.m. in Room 9104 of the New Executive Office Building, 17th and H Streets NW., Washington, D.C.

The Committee advises the President and the Council on Environmental Quality on matters pertaining to environmental quality. The purpose of the meeting is to review pending Committee business and to consider Committee activities for the coming year. Subjects discussed will include legislation, Committee publications, transportation, recreation, and other current environmental issues.

A limited number of seats—approximately 15—will be available to observers from the press and the public on a reserved, first-come basis. Requests to attend the meeting should be submitted in writing or by telephone no later than Tuesday, March 20, 1973, to Lawrence N. Stevens, Executive Director, Citizens' Advisory Committee on Environmental Quality, 1700 Pennsylvania Avenue NW., Washington, DC 20006, telephone (202) 223-3040. Oral statements or questioning of Committee members or other participants by observers in attendance at the meeting will not be permitted. Members of the public may file written statements with the Committee before or after the meeting.

Requests for information should be submitted to Lawrence N. Stevens (address given above).

LAWRENCE N. STEVENS,
Executive Director, Citizens' Advisory Committee on Environmental Quality.

[FR Doc.73-5117 Filed 3-15-73;8:45 am]

DELAWARE RIVER BASIN COMMISSION

COMPREHENSIVE PLAN RELATING TO THE TOCKS ISLAND AND DELAWARE WATER GAP NATIONAL RECREATION AREA

Notice of Public Hearing

Notice is hereby given that on Thursday, March 29, 1973, the Delaware River Basin Commission will hold a public hearing on two proposed amendments to its Comprehensive Plan relating to the Tocks Island and Delaware Water Gap National Recreation Area project. Texts of the proposed amendments are attached. The hearing will be held in the New Jersey Cultural Center Auditorium (adjacent to the State House) on West State Street in Trenton beginning at 2 p.m.

On September 13, 1972, the Governor of New Jersey proposed certain modifications to the Tocks Island and Delaware Water Gap National Recreation Area project designed to minimize the environmental impact on communities and public facilities in the surrounding area. The subject amendments respond to two of these proposals. Hearing item No. 1 would modify the regional liquid waste control system designed for Tocks Island area, as adopted by the Commission on March 29, 1972. Hearing item No. 2 would conform the Commission's Comprehensive Plan to the limitations established by existing congressional authorizations for recreation development at the project.

Persons wishing to testify are requested to register with the Secretary to the Commission not later than 5 p.m. on March 27.

W. BRINTON WHITALL,
Secretary.

MARCH 6, 1973.

HEARING ITEM NO. 1

A Resolution to amend the Comprehensive Plan in relation to the protection of water quality in the Tocks Island area.

Whereas, the Commission, on March 29, 1972, incorporated in its Comprehensive Plan a regional liquid waste collection and treatment system for the Tocks Island area based upon plan Alternative V of the "Tocks Island Region Environmental Study" (TIRES) prepared for the Commission by the consulting firm of Roy F. Weston, Inc.; and

Whereas, the State of New Jersey, on September 13, 1972, proposed certain modifications to the Comprehensive Plan so as to provide for a system of local collection and treatment facilities in Warren and Sussex Counties as generally described in the TIRES report, Alternative I; and

Whereas, Joint technical studies by Commission staff, in consultation with State and Federal water pollution control agencies, have developed a modified water quality management plan for the Tocks Island area that will afford adequate protection of the reservoir and the free-flowing streams within the Delaware Water Gap National Recreation Area; now therefore

Be it resolved by the Delaware River Basin Commission:

The Comprehensive Plan is hereby amended by deleting the plans and policies incorporated therein on March 29, 1972, by Resolution No. 72-2, and substituting therefor a new part to read as follows:

REGIONAL WATER QUALITY MANAGEMENT SYSTEM TOCKS ISLAND AND DELAWARE WATER GAP NATIONAL RECREATION AREA

1. An areawide waste treatment management plan, based upon the policy of protection of the Tocks Island Reservoir and free-flowing streams within and adjacent to the Delaware Water Gap National Recreation Area, is required and approved.

2. The area to be protected is that portion of the Delaware River Basin in Orange, Pike, Monroe, Northampton, Sussex and Warren Counties above the mouth of the Paulins Kill, including the watershed of Paulins Kill, as described in Appendix K of the TIRES report and shown on a map entitled "Tocks Island Region—Water Quality Management System," dated February 1973, which map is annexed hereto and made a part hereof.

3. The areawide waste treatment management plan is based upon (a) waste flows generated by development of recreation use areas inside the Delaware Water Gap National Recreation Area having a combined design capacity of 42,000 persons per day and an estimated annual visitation of 4 million visitor-days, and (b) waste flows generated outside the Delaware Water Gap National Recreation Area as projected in Appendix K of the TIRES report for the 1980-2000 period.

4. Except as otherwise provided in this part, the level of waste treatment required by the areawide waste treatment management plan will be as follows:

A. All existing or proposed discharges of wastewaters to surface waters shall be renovated prior to such discharge by advanced waste treatment which shall include not less than 95 percent removal of BOD and soluble phosphorus, not later than July 1, 1983.

B. Land disposal of treated wastewater, to the extent authorized by the areawide waste treatment management plan, will follow secondary treatment including disinfection before the wastewater is applied to the land.

C. The use and development of groundwaters, and the disposal of treated wastewaters into the ground, will be in accordance with Commission policy contained in Resolutions 64-8 and 72-14 dated September 23, 1964, and December 12, 1972, respectively.

5. The areawide waste treatment management plan, as delineated on the map referenced in paragraph 2 of this part, is as follows:

NEW JERSEY

A. Construction prior to closure of the Tocks Island dam of public waste treatment facilities in Montague and Sandyston Townships to serve population centers tributary to the reservoir.

B. Construction of public waste treatment facilities at the Sandyston and Vancampens recreation use areas inside the Delaware Water Gap National Recreation Area not later than the opening of each respective recreation use area.

C. Construction of on-site public sewerage facilities at authorized upland recreation use areas within the Delaware Water Gap National Area not later than the development of each area. Upland recreation use areas will be served by connection to subregional plants where feasible or, alternatively, by on-site facilities.

D. Staged development of waste collection and treatment facilities in the Paulins Kill watershed to meet specific needs and schedules as they develop. Subregional waste treatment plants will be located in the vicinity of Newton, Middleville, Blairstown and Columbia. The level of waste treatment within this subregion will meet not less than current standards until July 1, 1983; thereafter the level of waste treatment will be not less than the general requirements specified in paragraph 4 of this part.

PENNSYLVANIA

A. Construction prior to closure of the Tocks Island Dam of (a) interceptor sewers serving the region between Milford and Bushkill generally along the alinement of relocated Route 209, (b) public waste treatment facilities at Milford or, alternatively, Bushkill, and (c) public waste treatment facilities at Matamoras. These treatment facilities and the interceptor sewers will provide service on a sub-regional basis to adjacent population centers tributary to the reservoir.

B. Construction of public waste treatment facilities at the Poxono and Dingmans Creek recreation use areas inside the Delaware Water Gap National Recreation Area not later than the opening of the respective recreation use area.

C. Construction of on-site waste sewerage facilities at authorized upland recreation use areas within the Delaware Water Gap National Recreation Area not later than development of each area. Upland recreation use areas will be served by connection to subregional systems where feasible or, alternatively, by on-site facilities.

D. Staged development of waste collection and treatment facilities in the Brodhead Creek watershed on a regional basis. A waste treatment plant will be located near the confluence of Brodhead Creek and the Delaware River and will be available for service on a regional basis, both within and without the Brodhead Creek watershed, including the Delaware Water Gap National Recreation Area. The level of waste treatment within this subregion will be not less than current standards until July 1, 1983; thereafter the level of waste treatment will be not less than the general requirements specified in paragraph 4 of this part.

NEW YORK

A. Upgrading of the Port Jervis sewage treatment plant not later than closure of the Tocks Island Dam to the level provided for in the general requirements set forth in paragraph 4 of this part. At that time sewerage service by the Port Jervis system will be provided on an interim basis to immediately adjacent areas within the limits of existing facility's capacity, in accordance with section X, Article 4, of the Comprehensive Plan relating to regional requirements.

B. Prior to 1995, in areas of Orange County outside Port Jervis, phased development as needed of small-scale waste treatment plants or, alternatively, on-site disposal units. These facilities will be designed so as not to preclude possible future incorporation within subregional collection and treatment systems.

C. After about 1995, further phased extension of the Port Jervis waste treatment system into a subregional facility to serve adjacent areas in Orange County or, alternatively, construction of two new subregional waste treatment systems with a capacity of about 0.5 million gallons a day each in the Neversink subbasin and on the main Delaware River immediately upstream from Port Jervis.

6. The areawide waste treatment management plan outlined in paragraphs 4 and 5 of this part is subject to further change by the Commission in order to maximize the advantages of new technology, or adjust to changed rates and patterns of growth in the area, or conform to new water quality standards; provided, however, that any modification will meet the Commission's overall policy of providing protection to the Tocks Island Reservoir and free-flowing streams within and adjacent to the Delaware Water Gap National Recreation Area.

7. The siting of waste collection and treatment facilities, and the selection among alternative techniques, will be based upon engineering studies and environmental impact reviews required by statute and the Commission's regulations. Such determinations will be at the discretion of the Commission and will be based upon the policy of maximum feasible preservation of the natural physical environment and the application of sound watershed management standards.

8. Management of nonpoint sources of liquid waste in the area, and streams tributary thereto, will be in accordance with EPA policy dated January 14, 1972, and with applicable regulations, including without limitation thereto, erosion and sediment control, fertilizer application and land disposal of animal wastes.

9. Use of land application techniques to the extent provided for by paragraphs 4 and 5 of this part will not conflict with soil suitability data and criteria contained in a report entitled "Potential Use of Spray Irrigation in the Tocks Island Region" dated December 2, 1972, prepared for the Delaware River Basin Commission by William E. Sopper and Louis T. Kardos.

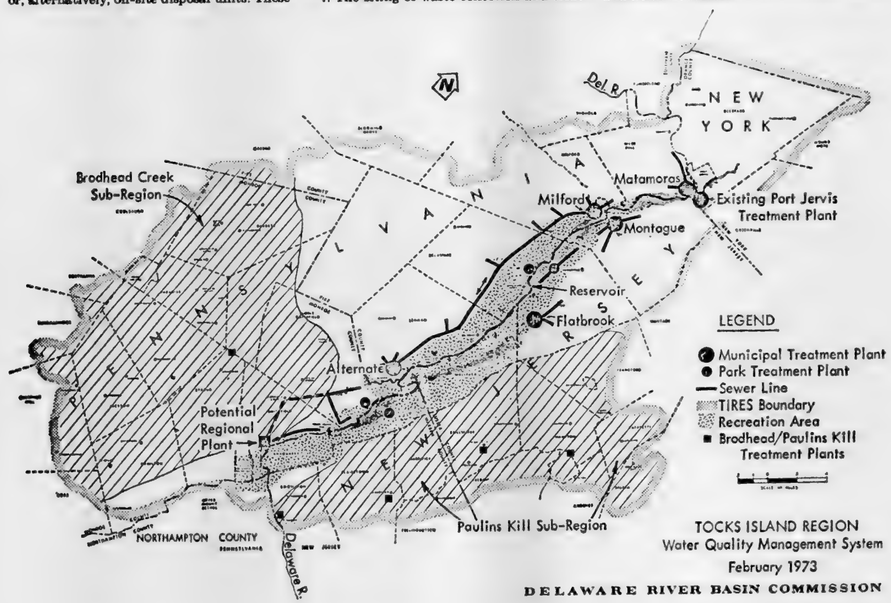

Figure 1

HEARING ITEM NO. 2

A Resolution amending the Comprehensive Plan with regard to recreation development at the proposed Tocks Island Reservoir and Delaware Water Gap National Recreation Area.

Whereas, the Tocks Island Reservoir and the Delaware Water Gap National Recreation Area were authorized by Congress in 1962 (Public Law 85-624), and 1965 (Public Law 89-158), respectively, and have been included as part of the Commission's Comprehensive Plan; and

Whereas, the Delaware River Basin Compact (75 Stat. 688) provides for the use of the Commission's Comprehensive Plan as a means of coordinating state and federal interests in projects having a substantial effect on the basin's water resources and this authority is recognized by Public Law 89-158; and

Whereas, the Commission desires that development of recreation at the Tocks Island and Delaware Water Gap National Recreation Area project shall proceed in closest consonance with Federal and State policies relating to the protection of the natural environment; and

Whereas, the National Park Service and the U.S. Army Corps of Engineers, in consultation with the Commission, have prepared a program designed to implement the master recreation plan for the area to the full extent

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of existing congressional authorizations, and to protect the natural environment of the area from adverse project impacts; now therefore

Be it resolved by the Delaware River Basin Commission:

Section VI, Part 5, Paragraph (4), of the Comprehensive Plan, relating to recreation development at the Tocks Island Reservoir and Delaware Water Gap National Recreation Area is amended and supplemented to read as follows:

(4) *Recreation.* The Tocks Island Reservoir area and Delaware Water Gap National Recreation Area together will provide recreation capacity to accommodate 4 million visitor-days annually under existing authorizations (1972). Studies by the National Park Service demonstrate that recreation benefits at the project will be of widespread regional and national significance. Accordingly, project lands are being developed under Public Law 89–158 as the Delaware Water Gap National Recreation Area. The lands being acquired for recreation will retain the shore area in public ownership and will provide space for development of significant recreation areas. The outstanding scenic and recreation resources of the project will thus be preserved in public trust. Various facilities will be provided for 1-day outings as well as camping. Operation of the project will consider the fishing requirements of the impoundments and the flow requirements for the stream fisheries downstream from the dam. Facilities will be provided for moving anadromous fish above the dam and consideration will be given to augmenting flows in the month of October for the purpose of moving young fish populations through the zone of low dissolved oxygen in the Delaware estuary. Hunting will be permitted during appropriate season and in accordance with reasonable regulation to assure public safety. A specific program for development of recreation use areas and facilities is delineated on a map entitled "Tocks Island Lake—Delaware Water Gap National Recreation Area" dated March 5, 1973, and on file in the offices of the Delaware River Basin Commission. This program will be scaled to a total design capacity of not more than 42,000 persons, which is calculated to result in the maximum annual visitor load of not more than 4 million person-days. Any additional development of recreation use areas and facilities shall not proceed without further amendment of the Comprehensive Plan and such action by the Congress as may be required.

[FR Doc.73–5024 Filed 3–15–73;8:45 am]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 15752, etc.; FCC 73–277]

CHARLES W. JOBBINS, ET AL.

Construction Permits; Modifying Oral Arguments

In regard applications of Charles W. Jobbins, Costa Mesa-Newport Beach, Calif., Docket No. 15752, File No. BP–16157; Goodson-Todman Broadcasting, Inc., Pasadena, Calif., Docket No. 15754, File No. BP–16159; Orange Radio, Inc., Fullerton, Calif., Docket No. 15755, File No. BP–16160; Pacific Fine Music, Inc., Whittier, Calif., Docket No. 15756, File No. BP–16161; C. D. Funk and George A. Baron, a partnership doing business as Topanga Malibu Broadcasting Co., Topanga, Calif., Docket No. 15758, File No. BP–16164; Robert S. Morton, Arthur Hanisch, Macdonald Carey, Ben F. Smith, Donald C. McBain, Robert Breckner, Louis R. Vincenti, Robert C. Mardian, James B. Boyle, Robert M. Vaillancourt and Edwin Earl, doing business as Crown City Broadcasting Co., Pasadena, Calif., Docket No. 15762, File No. BP–16168; Voice in Pasadena, Inc., Pasadena, Calif., Docket No. 15764, File No. BP–16172; Western Broadcasting Corp., Pasadena, Calif., Docket No. 15765, File No. BP–16173; Pasadena Broadcasting Co., Pasadena, Calif., Docket No. 15766, File No. BP–16174; for construction permits. (See 38 FR 4802.)

1. Before the Commission for consideration is a request filed on March 1, 1973 by Goodson-Todman Broadcasting, Inc., that the Commission's order scheduling oral argument in this case (FCC 73–164, released February 15, 1973) be modified to permit each of the parties to reserve a portion of its allotted time for rebuttal. Goodson-Todman asserts that the parties to this proceeding represent divergent views as to several points upon which argument will be presented; that parties scheduled to argue early in the proceeding will be at a distinct disadvantage because the parties who follow will be in a position to rebut points raised by those who precede them but those scheduled for earlier presentations will have no opportunity to reply.

2. We find that there is merit to Goodson-Todman's contention and that its request should be granted. Each of the parties who is authorized to present oral argument in this proceeding will therefore be permitted to reserve a maximum of fifteen (15) minutes of its allotted time for rebuttal. In view of this modification, however, we believe that all of the principal arguments of the parties should be presented on Monday, March 19, 1973, and all rebuttals on Tuesday, March 20, 1973.

3. *Accordingly, it is ordered,* That our order, FCC 73–164, released February 15, 1973, which schedules oral argument in this proceeding is modified in the following respects:

(a) The principal argument of each of the parties authorized to present an oral argument in this proceeding shall be made on Monday, March 19, 1973; and that the presentation of arguments shall commence at 9 a.m., in the order specified in our February 15, 1973, order, except that Donnelly C. Reeves (KPOP) shall argue after Pasadena Broadcasting Co.;

(b) Each of the said parties is authorized to reserve a maximum of fifteen (15) minutes of its allotted time for rebuttal; and

(c) Rebuttal arguments shall be made on Tuesday, March 20, 1973, commencing at 9 a.m., in the same order as that specified for the presentation of the parties' principal arguments.

Adopted: March 7, 1973.

Released: March 9, 1973.

FEDERAL COMMUNICATIONS COMMISSION,[1]

[SEAL] BEN F. WAPLE, *Secretary.*

[FR Doc.73–5098 Filed 3–15–73;8:45 am]

[1] Commissioner Reid absent.

[Dockets Nos. 19519, 19581; FCC 73R–100]

WESTERN COMMUNICATIONS, INC., AND LAS VEGAS VALLEY BROADCASTING, INC.

Memorandum Opinion and Order Enlarging Issues

In regard applications of Western Communications, Inc. (KORK–TV) Las Vegas, Nev. Docket No. 19519, File No. BRCT–327; for renewal of license; Las Vegas Valley Broadcasting Co., Las Vegas, Nev., for construction permit for new television broadcast station. Docket No. 19581, File No. BPCT–4465;

1. Western Communications, Inc.'s (Western) application for renewal of license for Television Station KORK–TV, Las Vegas, Nev. was designated for hearing by Commission Order FCC 72–503 (38 FR 1530), released June 12, 1972, 37 FR 12346, to determine whether it had engaged in certain fraudulent billing practices. There was also pending at that time a mutually exclusive application for a new television station, filed by Las Vegas Valley Broadcasting Co. (Valley). The Commission, by Order FCC 72–767, released September 1, 1972, 37 FR 19670, redesignated Western's application and Valley's application for consolidated hearing on the issues previously designated as to Western and on a standard comparative issue. Western has now filed a motion to enlarge the issues as follows: [1]

1. To determine whether a loan commitment from the Nevada State Bank has been withdrawn and, if so, whether Las Vegas Valley Broadcasting Co. (a) is financially qualified, (b) has misrepresented facts to the Commission concerning the existence of the loan commitment, and (c) failed to comply with § 1.65 of the Commission's rules by not reporting the withdrawal of the loan commitment;

2. To determine whether Las Vegas Valley Broadcasting Co., will be able to obtain, or has reasonable expectations of being able to obtain, an NBC network affiliation as proposed in its application, and, if not, whether Las Vegas Valley Broadcasting Co. (a) has misrepresented facts to the Commission concerning the existence of an affiliation agreement with the NBC Television Network, (b) can effectuate its program proposals, and (c) is financially qualified;

3. To determine the facts and circumstances surrounding the criminal convictions of Sam Cohen, a Director and subscriber to at least 10 percent of the stock of Las Vegas Valley Broadcasting Co., for violation of the Internal Revenue Code by filing a false wagering excise tax return (26 U.S.C. 7207) and for bookmaking, in violation of the California gambling laws, whether Las Vegas Valley Broadcasting Co., should have informed the Commission of such facts and circumstances, and whether Las Vegas Valley Broadcasting Co., is legally qualified to be a licensee;

4. To determine with respect to Las Vegas Valley Broadcasting Co.:

a. Whether, if the loan commitment it relies on from the Nevada State Bank has not been withdrawn, Las Vegas Valley Broadcasting Co., is able to meet the terms and conditions of the proposed loan;

b. Whether stock subscribers Harry E. Fightlin, Aaron S. Gold, Addeliar D. Guy, Eugene L. Kirshbaum, James B. and Marie E. McMillan, James E. Rogers, Elizabeth W. Scott, and Clark Henry Tester, are financially qualified to meet their respective stock subscription commitments;

c. To what extent Las Vegas Valley Broadcasting Co., proposes to rely on credit from RCA;

d. Whether the estimated revenues are reasonable in light of the absence of an NBC affiliation agreement and any reasonable expectation of such an affiliation;

e. Whether the estimated costs of construction and operation are reasonable, in view of the omission of substantial items of expense and the absence of an NBC affiliation and any reasonable expectation of such an affiliation.

f. Whether, in view of the evidence adduced pursuant to this issue and pursuant to issues 1, 2, 5, and 6, Las Vegas Valley Broadcasting Co. is financially qualified to construct, own, and operate the proposed television broadcast station;

5. To determine whether Las Vegas Valley Broadcasting Co. has proposed adequate studio and office facilities, and, if not, whether it can effectuate its proposal;

6. To determine with respect to the transmitter site proposed by Las Vegas Valley Broadcasting Co.:

a. Whether the necessary rights of access to the site can be obtained and, if so, on what terms and conditions;

b. Whether the site is suitable for use as proposed;

7. To determine whether the plans, if any, which Las Vegas Valley Broadcasting Co. has made to comply with the Commission's equal employment opportunity requirements are in fact adequate to comply with those requirements;

or, if the foregoing issue is not designated,

To determine on a comparative basis the significant differences between the applicants with respect to the plans made by each applicant to comply with the Commission's equal employment opportunity requirements;

8. To determine whether Las Vegas Broadcasting Co. has failed to maintain its local public file in compliance with § 1.526 of the Commission's rules;

9. To determine whether Las Vegas Valley Broadcasting Co. has violated § 1.513(b) of the Commission's rules in connection with an amendment to its application that was filed October 26, 1971;

10. To determine whether Las Vegas Valley Broadcasting Co. has demonstrated such ineptness and/or failures to comply with §§ 1.514 and 1.65 of the Commission's rules as to warrant disqualification of Las Vegas Valley Broadcasting Co. to be a licensee of the Commission;

11. To determine whether in light of the evidence adduced under the preceding issues, Las Vegas Valley Broadcasting Co. is qualified to be a licensee of the Commission;

12. To determine in the event that it is concluded that Las Vegas Valley Broadcasting Co. is not disqualified to be a licensee of the Commission, what impact, if any, the evidence adduced under the preceding issues would have upon its comparative evaluation.

[1] The motion was filed on Oct. 6, 1972. Las Vegas Valley Broadcasting Co., filed its opposition Nov. 27. The Broadcast Bureau filed comments on Nov. 24, 1972 and Western filed its reply Dec. 22, 1972. On Feb. 26, 1973, Las Vegas filed a motion for leave to file a response, which will be denied, infra, and a response to reply which will be dismissed.

ISSUES WITH RESPECT TO VALLEY'S LOAN COMMITMENT

2. Valley proposes to rely to a substantial extent on a $1 million loan from the Nevada State Bank. Western contends that this commitment has been withdrawn and that Valley has been so advised by the Bank. In support of this contention, Western submits an affidavit from Mr. Fred W. Smith, executive vice president of Don Rey, Inc.[2] In that affidavit Mr. Smith states that on September 5, 1972, Mr. Harley Harmon, president of the Nevada State Bank of Las Vegas stated to him that the Nevada State Bank had withdrawn its $1 million loan commitment to Las Vegas Valley Broadcasting Co. and that a letter advising Las Vegas Valley Broadcasting Co. of the withdrawal had been sent by the Bank. In a later telephone conversation, Smith continues, Harmon told Smith that he could not find the letter but that Las Vegas Valley Broadcasting Co. had been advised of the withdrawal verbally. Smith further states that he had requested Harmon to sign an affidavit concerning Nevada State Bank's withdrawal of its loan commitment to Las Vegas Valley Broadcasting but Harmon declined to sign such an affidavit until he had checked with his counsel; Mr. Harmon then left the city for an extended visit but instructed Smith to check with his counsel on the matter. Smith further asserts that he had made repeated requests of Mr. Harmon's counsel but he has not been provided with such an affidavit nor has Mr. Harmon or his counsel declined to provide one. Finally, Smith notes that a copy of his affidavit is being served on Harmon. Western contends that in view of this state of affairs, issues to determine whether or not the loan relied upon by Valley will be available to it and also issues to determine whether Valley has failed to report a substantial change of decisional significance as required by § 1.65 of the Commission's rules or whether it has deliberately misrepresented facts to the Commission must be added to this proceeding.

3. This showing by Western does not warrant the addition of the issues requested. Section 1.229 of the Commission's rules requires that allegations be supported by affidavits of persons with personal knowledge of the facts. Mr. Smith's affidavit is clearly hearsay. Moreover, Valley's opposition is supported by an affidavit of Mr. James E. Rogers, its president, who states that he is fully familiar with all aspects of the loan commitment from Nevada State Bank, that he personally arranged for the loan commitment, and that he has not been advised that the commitment has been withdrawn and has not had any contact with any officer of the bank concerning this matter. We cannot accept the Bureau's suggestion that even though the Smith affidavit does not comply with the requirements of the Commission's rules, Western has raised sufficient questions to warrant the inclusion of an issue to determine whether the loan will be available to Valley. Nor are we persuaded by Western's suggestion that Valley's failure to submit a current letter of commitment from the bank justifies a presumption that the bank has withdrawn its commitment.

[2] Don Rey, Inc., is the parent company of Western Communications, Inc.

THE NETWORK AFFILIATION ISSUE

4. Western points out that Valley has reported to the Commission that it will operate as an NBC affiliate. Yet, petitioner asserts, Valley has not discussed the possibility of affiliation with NBC or any of its officers or directors.[3] Moreover, Western contends that NBC would not even consider a request for a network affiliation before the applicant has a construction permit from the Commission. Western argues that, since there are four operating VHF broadcasting stations in Las Vegas, Valley has no real assurance that it will have any network affiliation whatsoever. Petitioner contends that, since Valley's entire programing proposal and a very substantial part of its financing proposal is dependent upon the acquisition of an NBC affiliation, an issue should be specified to determine (a) whether Las Vegas has misrepresented facts to the Commission concerning the existence of an affiliation agreement with NBC Television, or (b) whether it can effectuate its program proposal without a network affiliation and (c) whether it is financially qualified. Both Valley and the Broadcast Bureau oppose the addition of such an issue. They contend that Valley does not purport to have a network affiliation agreement but that the representation in its application is merely a proposal. Furthermore, they contend that in the circumstances of this case, i.e. where Valley seeks the facilities of an existing station which is now an NBC affiliate, Valley can reasonably expect to obtain such an affiliation.

5. It is clear from the documents filed by Valley that it does not now have a firm network affiliation agreement. Moreover, in the circumstances of this case, there is no real assurance that Valley will in fact be able to obtain a network agreement. Since there are four VHF stations in operation in Las Vegas, it is entirely possible that NBC could choose to affiliate with one of the other operating stations. Moreover, it is equally possible that the other networks might well choose to affiliate with the other operating stations, thus leaving Valley to operate an independent station. Such a change in circumstances may well have a very substantial effect on Valley's ability to meet its financial obligation and its ability to effectuate its proposed programing. In these circumstances, the Board will add an issue to determine whether Valley can reasonably expect to obtain a network affiliation and to ascertain, should such a station not be affiliated with a network, the effect on Valley's financial qualifications and its ability to effectuate its proposed programing. We do not believe, however, that a misrepresentation issue regarding this

[3] This assertion is supported by an affidavit of Donald J. Mercer, vice president for station relations of NBC.

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matter is warranted since Valley did not represent that it already had an affiliation agreement, and the good faith of its proposal to obtain such an agreement has not been challenged.

ISSUE CONCERNING THE CONVICTIONS OF SAM COHEN

6. Western alleges that in 1940, Sam Cohen, a principal of Valley, entered a plea of guilty to a charge of bookmaking, a violation of the California gambling laws, and was sentenced to 50 days in prison or a $1,000 fine, and that Cohen in fact paid the fine. Moreover, Western alleges that on September 25, 1964, Cohen entered a plea of nolo contendere to an alleged violation of the Internal Revenue Code for filing a false gambling Federal excise tax return, and that Cohen in fact paid a $1,000 fine for this offense. Neither of these criminal convictions were disclosed in Valley's application, petitioner points out. Western contends that Cohen should have reported this information pursuant to the requirements of FCC Form 301, section II, paragraph 10(d), which asks:

> Has the applicant or any party to this application been found guilty by any court of (1) any felony, (2) any crime, not a felony, involving moral turpitude, (3) the violation of any State, territorial or local law relating to unlawful lotteries, restraints and monopolies and combinations, contracts or agreements in restraint of trade, or (4) using unfair methods of competition?

Western contends that the California bookmaking offense falls within the scope of the Commission's request for information concerning violations of the State, territorial, or local law relating to unlawful lotteries and that, while the Federal conviction for filing a false gambling tax return does not constitute a felony, it must fall within the definition of a crime involving moral turpitude; thus it should have been reported.

7. In opposition, Valley contends that the information with respect to Cohen was not reported because neither crime was a felony, neither involved moral turpitude, and neither was a violation of unlawful lottery laws. Valley points out that at the time of Cohen's conviction for bookmaking, the State of California had a separate and distinct section of its code dealing with lotteries and that bookmaking does not fall within the definition of a lottery in the State of California. With respect to the filing of a false excise tax return, Valley contends that it was not a crime involving moral turpitude, that the Internal Revenue Service brought the action as a misdemeanor because the false return was the result of a clerical error rather than any deliberate attempt on the part of Cohen to evade the payment of tax, and that the nolo contendere plea indicates that all the parties involved agree that the allegations involved were not such that a full trial was necessary. For these reasons, Cohen did not report the violations concerned. The Bureau in its comments suggests that since Western has supported its allegations with appropriate documentation the issue should be added.

8. The requested issue will not be added by the Board. Valley has demonstrated that the 1940 California conviction is not a violation of the state's lottery laws. Moreover, the Board is satisfied by Valley's explanation of the circumstances surrounding Cohen's nolo contendre plea in the false gambling excise tax return case that Valley's failure to regard this conviction as a crime involving moral turpitude was not unreasonable and that an evidentiary inquiry into this matter would not be decisive as to Valley's qualifications.

THE GENERAL FINANCIAL QUALIFICATIONS ISSUE

THE ABILITY OF VALLEY TO COMPLY WITH TERMS OF THE BANK LETTER

9. Western contends that, as a condition precedent to the issuance of its loan, the principals of Valley must have paid in $200,000 of unencumbered capital. Further, Western notes that the Valley application does not show what collateral would be available to meet this requirement. Petitioner points out that, as of the date of its petition, $92,000 of the $200,000 proposed to be paid by the principals had already been paid in; that of this amount $45,000 has already been expended in organizational costs; and that Valley estimates that its legal costs will amount to $175,000. Thus, Western contends, the paid in capital cannot be used to meet the $200,000 collateral requirement. Moreover, Western contends that the equipment which Valley proposes to purchase for its station cannot serve as collateral because it is to be purchased on credit and will be encumbered to assure the payment of the balance due on the purchase price. In these circumstances, Western argues that even if the loan commitment has not been withdrawn, as it contends, Valley will not be able to produce the necessary $200,000 in unencumbered capital. Western also contends that, even if Valley is able to meet the collateral requirements, the loan may not be available because the commitment letter refers to a corresponding bank that would participate in the loan without identifying that bank or advancing any commitment from it to participate in the proposed loan.

10. In opposition, Valley argues that the Commission found it financially qualified and that Western has advanced no evidence that it is not so qualified or that the bank loan will not be available to it. Particularly, Valley argues that Western's concept of unencumbered collateral is not warranted by the terms of the commitment letter which does not specify the nature of the collateral which will be required at the time the loan is taken down. Nor is the absence of a specific commitment on the part of a particular corresponding bank necessary for the validity of the loan commitment, Valley urges. The Bureau notes that the bank loan is an essential part of Valley's proposed financing plan and agrees that Valley may not have the necessary $200,000 in unencumbered capital as collateral for the loan.

11. An issue inquiring into the availability of the bank loan will be added. It is not clear precisely what the bank will require by way of collateral nor is it apparent what unencumbered collateral Valley will have available. Since the loan is essential to Valley's financial qualifications, an issue to clarify the matter is appropriate.

ABILITY OF WESTERN'S STOCK SUBSCRIBERS TO MEET THEIR COMMITMENTS

12. Western also contends that the financial information submitted with respect to eight of Valley's stock subscribers indicates that they are not financially qualified to meet their stock subscriptions. Insofar as Western's allegations are directed to the qualifications of Aaron S. Gold, the matter has become moot since Valley amended its application prior to designation for hearing to delete Mr. Gold as a stock subscriber and the Commission denied Western's motion to strike prejudicial portions of an amendment by memorandum opinion and order, FCC 72-1155, released December 26, 1972, _____ FCC 2d _____, _____ RR 2d _____. Western contends that the balance sheets of Harry E. Fightlin, Addelair D. Guy, Elizabeth W. Scott, Eugene L. Kirshbaum, and James E. Rogers, indicate that they do not have sufficient liquid assets in excess of current liabilities to meet their stock subscriptions. Petitioner argues that stocks and bonds listed by these stock subscribers may not be regarded as liquid assets since they have not identified those securities, the markets upon which they are traded or their current market value. Moreover, Western argues, those stock subscribers who purport to rely upon bank loans to meet their subscription obligation have not submitted sufficient information concerning the terms of the proposed loans to enable a finding that they are qualified to meet their subscriptions.

13. Each of the above-named stock subscribers now purports to rely upon a commitment for a personal loan to meet their respective subscription obligations; and have submitted personal balance sheets which afford the Board an opportunity to determine that the bank commitments are not unreasonable. See Calajay Enterprises, Inc., 32 FCC 2d 690. Stock subscribers, as distinguished from applicants, are not required to show the terms of repayment or other details of the loan agreement. Thus, as to stock subscribers Fightlin, Guy, Scott, Kirshbaum, and Rogers, the Board finds no need to inquire further concerning their ability to meet their stock subscriptions.

14. As to stock subscribers James B. and Marie E. McMillan, Western contends that just 2 weeks after the date of their joint balance sheet showing net assets of almost one-half a million dollars, James B. McMillan was discharged in bankruptcy. The inherent inconsistency in the financial position represented by the bankruptcy proceeding as opposed to the current McMillan balance sheet warrants an issue, petitioner urges, to determine whether the McMillans have misrepresented their financial position to the Commission or whether the McMillans are able to meet their stock subscriptions. In opposition, Valley submits an affidavit from James B. McMillan which explains that in 1969, he filed a petition in bankruptcy and that he was subsequently discharged in bankruptcy. McMillan states further that the assets shown on the joint balance sheet of James B. and Marie E. McMillan were largely the personal assets of Marie McMillan before she married James and any additional assets were jointly acquired by James B. and Marie E. McMillan after the petition in bankruptcy had been filed. In these circumstances the Board is satisfied that the McMillans can meet their stock subscriptions. We are not persuaded by Western's argument that, because the assets shown on the joint balance sheets were principally the personal assets of Marie McMillan, James will not be able to meet his subscription obligation, since the assets shown on the balance were not subject to the bankruptcy. Thus, inquiry into the ability of the McMillans to meet their stock subscription is therefore not warranted. Moreover, the uncontradicted explanation proferred by McMillan clearly establishes that the balance sheet did not misrepresent the facts and accordingly no basis for a misrepresentation issue in this regard is present.

15. Western urges that, based on his balance sheet, Clark Henry Tester will not be able to meet his stock subscription. Tester will be program director of Valley's proposed station. He plans to rely upon loans from other stock subscribers to meet his $5,000 obligation. In his affidavit attached to Valley's opposition, Tester states that the repayment for this loan will be made out of current income. In light of these circumstances, an issue concerning Tester's ability to meet his stock subscription is not warranted. It is not unreasonable to assume that the entrepreneurs who are applying for a new television station are willing to lend their proposed program director the relatively small sum required to be paid by him for his stock. Nor is it improbable that Tester can meet his obligation to make repayment out of his current income. In light of the foregoing, the Board will add no issues concerning the ability of Valley stock subscribers to meet their obligations to the corporation.

ESTIMATED REVENUE ISSUE

16. Western notes that Valley's financial proposal encompasses only the costs of constructing its proposed station and operating it for 3 months. Western argues that since Valley cannot be assured of an NBC network affiliation, it cannot rely on proposed revenues to cover the remaining costs of operation during the first year. The Board agrees that, in the absence of an adequate showing that Valley can rely on an NBC network affiliation, its estimated income is too uncertain to be relied on. We do not agree with Valley's contention that the Commission precedent which requires an applicant preparing to replace existing facilities to show sufficient funds to construct and operate its station for 3 months, is applicable here. It is clear that in making determinations as to whether an applicant has sufficient funds to construct and operate its station, the Commission will take into consideration any factors which are peculiar to the given case, see Ultravision Broadcasting Co., 1 FCC 2d 544, 5 RR 2d 343 (1965). In this case Western has pointed out that there is a serious question as to whether Valley will be able to obtain a network affiliation, and, absent such an affiliation., there is no basis for according its estimate of revenues more weight than that ordinarily given to applicants for new facilities. In these circumstances, an appropriate issue will be added to this proceeding.

RCA CREDIT ISSUE

17. Western also argues that an examination of Valley's equipment proposal indicates that it will not require $1,470,000 worth of equipment from RCA and thus it cannot rely on $1,042,287 of deferred credit from RCA. The Board cannot accept this contention. There is no reason to assume that, should Valley require less equipment than that proposed, the deferred credit arrangement will not be available to it. Western's contention that some of the equipment proposed may be purchased elsewhere and thus not included in the RCA credit arrangement is not persuasive. Thus, in our view, Western has raised no question which warrants further inquiry into the proposed credit arrangement.

COST ESTIMATE ISSUES

18. Western has also contended that Valley has failed to take into account the cost of constructing and operating a microwave system to deliver its network programing to Las Vegas, Nev. Western further contends that it maintains an intercity mircowave system to deliver its programing to Las Vegas; that the cost of the equipment for this system in 1964 was approximately $83,700; that the same equipment today would cost $95,000; and that the cost of towers, building, and access roads would be an additional $95,000. Thus petitioner asserts, to construct an appropriate intercity microwave relay system, Valley will be required to invest at least $190,000 and to expend at least $48,690 per year in operational expenses. In opposition, Valley contends that it has included the cost of microwave service in its first year's operating expense and that it based its projected first year operating costs on the costs for microwave relay service of existing stations in the Las Vegas market as reported in the Commission's annual financial reports for the market. Valley relies upon a statement in the affidavit of Mr. Rogers, its president, to the effect that Valley intended to pay any costs for intercity microwave relay from its anticipated operating expenses. Valley's conclusory statement, with no explanations of the specific costs involved or how those services will be provided is not a satisfactory answer to the allegations advanced by Western. In the Board's view, questions concerning the probably costs to Valley of obtaining the necessary microwave relay service are sufficient to warrant inquiry into this aspect of Valley's proposal.

STUDIO COSTS

19. Western alleges that Valley's proposal to lease studio space at a cost of approximately $10,000 per annum will not provide sufficient suitable space in Las Vegas to operate a VHF television station. It is Western's contention that in order to successfully operate a television station certain special equipment is required, such as: Abnormally high ceilings, special wiring which would cost a minimum of $25,000, special heavy-duty air conditioning at a cost of $15,000 over the normal building air conditioning equipment and soundproofing which would cost approximately $2,500 over normal soundproofing. Furthermore, Western argues that, for such a studio to operate successfully, it must have a minimum of 10,000 square feet of space. In support of this, it points to the space utilized by Stations KORK–TV, KLAS–TV, and KSHO–TV, all operating TV stations in Las Vegas, Nev.[4] Western then alleges that on the current Las Vegas market, $10,000 per year can pay for no more than 6,000 square feet of refrigerated warehouse space, that this space would not be sufficient to meet Valley's requirement, nor is the space which could be acquired for this amount suitable for television studio purposes without the inclusion of special wiring, additional air conditioning and special soundproofing. In opposition, Valley submits a letter from its stock subscriber, George C. Brookman, who is also a general contractor in Las Vegas, offering to make available to Valley a building owned by him. According to Brookman the building contains approximately 7,000 square feet of open studio space which will be partitioned in any manner required by Valley at the expense of the owner, in addition, the building contains 4,000 feet of office space. Brookman states that he is offering a 10-year lease with an option to renew for an additional 10 years, and that the rental for the entire facility, including any partitioning and a transmitter house to be constructed by the owner, would be $10,000 for the first year and the balance of the term at a rental which will allow the owner a fair rate on all of the real property and improvements over the term of the lease. In its reply, Western submits photographs of the building which Brookman proposes to make available to Valley and contends that it is not properly equipped with refrigerated air conditioning and that the ceilings are probably no more than 12 feet high; thus, Western contends, the building will not be suitable for studio use. The Board, however, is satisfied that Valley can

[4] Western attaches affidavits of operating officials of each Las Vegas network station setting forth the space required by that station.

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effectuate its proposal, utilizing the space offered by its stockholder Brookman on the terms described in his letter. While the arrangements may be somewhat less than optimum, we are not persuaded that Valley will be unable to operate using those proposed facilities.

TRANSMITTER SITE COSTS

20. Western contends that Valley has failed to take into account certain cost items necessary to construct its proposed transmitter. Particularly, petitioner alleges that Valley's amended application requires 275 feet of transmission line as opposed to the 150 feet set forth in the original application. Western urges that the additional 125 feet will cost approximately $2,400. Moreover, Western notes that Valley has made no provision for a transmitter house at its antenna site and contends that there is not presently any suitable space which Valley could rent at the transmitter site. It is Western's opinion that such a building would cost a minimum of $25,000. Western also points out that the only access to Valley's proposed antenna site is via privately owned roads and alleges that the cost of the use of those roads would surely exceed $3,000. Thus, Western contends, an issue inquiring into these costs should be included in this proceeding. In opposition, Valley alleges that it will not be necessary for it to construct a transmitter building at its antenna site or to lease space at that site since Mr. Brookman has agreed to construct such a building on the property occupied by its proposed studio and to make it available as part of the package for studio and office space discussed in paragraph 19, supra. Moreover, Valley attaches as Exhibit 11 of its opposition a letter from the Bell Telephone Company of Nevada advising Valley that it is not the company's policy to deny others the use of its private access roads so long as certain conditions are met. Further Valley points to Mr. Roger's affidavit to the effect that he stands ready to negotiate with the Alta Corp.[5] for the use of its portion of the access road; in these circumstances, Valley contends, no issue with respect to its cost estimate in this regard is necessary. In our view, Western has raised some questions concerning costs which might be incurred by Valley obtaining access to its proposed antenna site which should be taken into account in this proceeding. Valley has not disclosed what conditions might be imposed as conditions precedent to its use of the telephone company's access road or what the cost might be. Nor does it know what terms might be required to use the Alta Corp. road from the telephone company site to the mountain top. Accordingly, an appropriate issue will be included.

PROGRAMING COSTS

21. Western also questions the validity of Valley's cost estimates in connection with its first year of operation. Essentially, Western bases its argument on its contention that Valley will not have an NBC network affiliation. In view of our prior determination that an issue concerning Valley's network affiliation must be included in this proceeding (see paragraph 5, supra), an inquiry into Valley's program costs should such an affiliation not be available is appropriate.

STUDIO AND OFFICE SPACE ISSUE

22. Western contends that the studio and office space proposed by Valley is not adequate for the operation of its television facilities and seeks an issue inquiring into this matter. Particularly, it contends that, based on the current real estate market in Las Vegas, Valley can not possibly procure the facilities that will be necessary to successfully operate its station. In view of our ruling with respect to the cost of Valley's proposed studio and office building (see paragraph 19, supra), this issue will not be added to the instant proceeding.

TRANSMITTER ACCESS AND SUITABILITY ISSUE

23. In support of this request, Western contends that Valley must obtain permission from the Department of Interior, Bureau of Land Management to use its proposed Black Mountain site and that in considering such requests the Bureau of Land Management applies the following standard:

> Applicants for communications sites on this mountain will be considered on equal grounds and right of way for use will be allowed if the applicant meets the necessary criteria as established in the Federal regulations.

Western points out that Valley has not given evidence on having requested a permit for the use of Black Mountain and contends that before the Bureau of Land Management will grant such a permit, Valley must show that it has made arrangements to use the access road owned by Bell Telephone Company of Nevada, and an access road from the Bell site to the top of the mountain which is owned by Alta Corp. Furthermore, Western points out that Alta constructed its road at a total cost of approximately $90,000, and urges that, if Valley is to use this road, it will be required to reimburse Western for its share of the cost of construction and to pay its pro rata share of the maintenance of said road. Moreover, Western contends, the mountain top site proposed by Valley is not suitable to support a guyed tower since there is not sufficient level area to provide appropriate sites for the guy anchors. In support of this contention, Western submits an affidavit from its consulting engineer to the effect that the only suitable installation that could be used on Valley's Black Mountain site would be a self-supporting tower. In opposition to these contentions, Valley argues that it already has a letter from Bell Telephone Company of Nevada, indicating that Valley will be authorized to use Bell's access road under certain terms and conditions and that it stands ready to negotiate with Alta for the right to utilize its access road to the mountain top. Valley also states, based upon an affidavit of Robert K. Packard, that should the erection of a guyed tower on its proposed site not prove feasible, it has sufficient leeway in the credit proposal advanced to it by RCA to permit the construction of a self-supporting tower. In these circumstances, the Board will not add an issue to ascertain in the feasibility or suitability of Valley's proposed antenna site.[6]

EQUAL EMPLOYMENT OPPORTUNITY ISSUE

24. Western contends that Valley's one page exhibit which purports to describe its equal employment program fails to set forth any specific practices which will be followed by that company to assure equal employment opportunity for minority group members. In the absence of a detailed program, Western contends that an issue should be added to determine what plans, if any, Valley has made with respect to an equal opportunity employment program. In opposition, Valley argues that the Commission has found it qualified in all respects other than those specified in the issues in the order designating the matter for hearing. However, Valley states, since Western has raised the question, Valley is submitting an affidavit of Mr. James E. Rogers, its president, as Exhibit 13, setting forth its equal employment opportunity program. That affidavit sets forth in considerable detail Valley's program to insure nondiscrimination in recruiting, nondiscriminatory practices with respect to placement and promotion and to insure nondiscrimination in all other areas of its employment practices. In view of these details supplied by Valley, an issue inquiring into Valley's program is not warranted.

PUBLIC INSPECTION FILE ISSUE

25. Western requests an issue to determine whether Valley has complied with § 1.526 of the Commission's rules, the local public inspection file rule. Petitioner does not question the fact that Valley maintained a public file in Las Vegas or that the file was made available to Western upon request. However, it contends that certain items which should have been in the file at the time of its inspection were not available. Those items petitioner states, consisted of certain letters and some exhibits and pages associated with amendments referred to in the file. In view of these omissions, Western contends, a § 1.526 issue should be added to this proceeding. In opposition, Valley states that its public inspection file has always been maintained in the office of its local attorney and upon any request this file has been made available. Further, Valley contends that after a careful examination of its file, it has determined that

[5] Alta Corp., owned jointly by Western and KLAS-TV, is the proprietor of a road which runs from the Bell site to the top of Black Mountain, where Valley proposes to erect its antenna.

[6] See paragraph 20 for our ruling concerning cost of obtaining access to the Black Mountain site.

Item 2 of Western's list, Exhibit 7 to the application with a three-page amendment, etc., does not exist; the amendment, in fact, deleted the material referred to. Valley also notes that an item described as Exhibit No. 3 by Western would not require new pages and thus was not missing. Valley submits the other documents referred to by Western as exhibits attached to its opposition. According to the affidavit of Thomas E. Lea, Las Vegas attorney for Valley and custodian of Valley's public inspection file, the file has always been maintained in his office and all of the documents referred to on page 24 of Western's motion to enlarge, were available in his office and would have been given to Westerns' representative had she requested those documents. However, Valley states, the September 27, 1971, letter to the Commission certifying that the public notice was published, a letter of transmittal to the Commission dated November 21 by Rourke of Welch and Morgan and a one-page letter from the Commission to Valley dated November 17, 1971, and a two-page letter to the Commission dated September 1, 1972, signed by Rourke, all were apparently mistakenly placed in a litigation file. Nevertheless, Valley contends it has made a bona fide good faith effort to maintain a complete public reference file. In view of these facts, the Board is satisfied that while the file may not have been entirely complete at the time it was provided to Western's representative, Valley has in fact made a good faith effort to maintain a complete file for public reference. Its failure to include the items described above in the file was obviously inadvertent and no useful purpose will be served by adding an issue concerning this matter.

SECTION 1.53(b) ISSUE

26. Western notes that § 1.53(b) of the Commission's rules states that:

> applications, amendments thereto, and related statements of fact required by the Commission may be signed by the applicant's attorney in case of the applicant's physical disability or, absence from the United States. The attorney shall in that event set forth the reason that the application is not signed by the applicant.

Western also notes that under date of October 26, 1971, Valley submitted an amendment which was signed James E. Rogers, by Gerald S. Rourke, attorney in fact; that there was no explanation that Rogers was either physically disabled, or that he was absent from the United States; on November 2, Valley submitted a new certificate page containing the signature of James E. Rogers dated October 26, 1971. This, Western contends, raises questions as to the validity of Rourke's signature on behalf of Rogers and constitutes a violation of § 1.53(b) of the Commission's rules which warrants inquiry at the hearing. In opposition, Valley submits the affidavit of James E. Rogers, who states that he is the president and a director of Valley, that Rourke, Washington, D.C., counsel for Valley, was in Las Vegas from Tuesday, October 19 to Friday, October 22 working with Rogers and other members of Valley to prepare an amendment to Valley's application; that all of the materials for the amendment were completed in draft form and were (re)viewed and approved by Rogers; that Rourke returned to Washington, D.C., on Friday, October 22; that the material was typed in final and ready for filing on October 26, 1972; that Rourke had on that date called Rogers to advise him that he had neglected to sign the certification page before Rourke left Las Vegas; and that Rogers and Rourke discussed possible alternatives and concluded that Rourke should sign the amendment as attorney in fact for Rogers so that it could be filed as a matter of right.[7] Rogers states that since he was fully familiar with all of the contents of the amendment, he signed a certification page which was forwarded to Rourke and in turn submitted to the Commission to replace Rourke's signature as attorney in fact. It is apparent that Valley has not literally complied with the requirements of § 1.53(b); however in view of its explanation set forth in Roger's affidavit, it is apparent that his omission was unintentional and that Rogers fully participated in the preparation of the amendment. Thus the nunc pro tunc filing of the certification page with Rogers' signature does not require an issue in this proceeding.

THE INEPTNESS AND SECTIONS 1.514 OR 1.65 ISSUE

27. Western contends that, assuming arguendo that Valley's representations as to the availability of the loan from the Bank of Nevada and the availability of its affiliation agreements with NBC and its failure to disclose information concerning Sam Cohen were not intentional and do not disqualify Valley on character grounds, there should nevertheless be an issue specified to determine whether these as well as other alleged errors and omissions cited throughout the petition to enlarge demonstrate that Valley has been so inept and careless that it lacks the qualifications to be a station licensee. Western also argues that several alleged instances of substantial changes in the qualifications of various stockholders which have not been reported warrant the inclusion of an issue to determine whether Valley has complied with § 1.65 of the Commission's rules. Furthermore, Western alleges that Valley's failure to give an accurate picture of McMillan's financial condition as compared with that set forth in his bankruptcy proceeding and its failure to set forth the principal occupations of Babero, Guy, Moore, and Tester raise questions as to whether Valley has complied with § 1.514 of the Commission's rules. In view of all of these circumstances, Western contends that most certainly the issues requested must be added to this proceeding. In view of our rulings on the issues previously discussed in this memorandum opinion and order, neither the ineptness issue, the § 1.65 issue or the § 1.514 issue appear to be warranted. Since Fightlin and Kirshbaum are relying on bank loans to meet their subscription agreements the changes incurred by their real estate transactions have no significant effect on their ability to meet their subscriptions. Guy is also relying upon a loan and it does not appear that his divorce and property settlement will affect his ability to secure the necessary loan. Nor is it likely that Valley's failure to set forth the principal business or occupation of four of its 18 stock subscribers is likely to be of decisional significance in this proceeding. Thus, no useful purpose would be served by further inquiry into this matter.

28. *Accordingly, it is ordered*, That the motion for leave to file a response, filed February 28, 1973, by Las Vegas Valley Broadcasting Co., is denied; the response to reply, filed February 28, 1973, by Las Vegas Valley Broadcasting Co., is dismissed; and the motion to enlarge issues, filed October 6, 1972 by Western Communications, Inc. is granted to the extent indicated below, and is denied in all other respects.

29. *It is further ordered*, That the issues in this proceeding are enlarged by the addition of the following issues:

To determine whether Las Vegas Valley Broadcasting Co. can reasonably expect to secure a network affiliation and, if not, the effect on Valley's financial qualifications and its ability to effectuate its program proposal.

To determine the terms and conditions of the proposed bank loan from Nevada State Bank relied upon by Valley, whether Valley can meet those terms and conditions, and whether, in light thereof, the proposed loan will in fact be available to it.

To determine all the facts concerning Valley's proposed microwave relay service and their effect on its financial qualifications.

To determine the cost, terms and conditions which must be met by Valley to obtain access to its proposed transmitter site and their effect on its financial qualifications.

To determine in view of the facts adduced pursuant to the foregoing issues, whether Valley is financially qualified to construct and operate its proposed station.

30. *It is further ordered*, That the burden of proceeding with the introduction of evidence and proof under the issues added herein shall be on Las Vegas Valley Broadcasting Co.

Adopted: March 6, 1973.

Released: March 9, 1973.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[FR Doc.73-5099 Filed 3-15-73;8:45 am]

[7] Amendments filed before a matter is designated for hearing are accepted as a matter of right. Sec. 1.522 of Commission rules.

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FEDERAL MARITIME COMMISSION

CERTIFICATES OF FINANCIAL RESPONSIBILITY (OIL POLLUTION)

Certificates Issued

Notice is hereby given that the following vessel owners and/or operators have established evidence of financial responsibility, with respect to the vessels indicated, as required by section 11(p)(1) of the Federal Water Pollution Control Act, as amended, and, accordingly, have been issued Federal Maritime Commission Certificates of Financial Responsibility (Oil Pollution) pursuant to 46 CFR Part 542.

Certificate No.	Owner/operator and vessels
01011---	Aktieselskabet Det Ostasiatiske Compagni: Jutlandia.
01103---	Poseidon Schiffahrt Gesselschaft Mit Beschrankter Haftung: Lohengrin.
01271---	Scheepvaart Maatschappij "Trans Oceaan" B.V.: Moerdyk. Gaasterdyk. Grebbedyk. Grotedyk. Gorredyk. Katsedyk. Atlantic Crown. Atlantic Star. Bilderdyk.
01334---	American President Lines, Ltd.: President Harrison.
01341---	John I. Jacobs & Co., Ltd.: Beechwood. Cherrywood. Rosewood.
01422---	The Booth Steamship Co. Ltd.: Bernard. Boniface.
01426---	Kuwait Shipping Co. (S.A.K.): Al Shidadiah.
01431---	The Bolton Steam Shipping Co. Ltd.: Rosetti.
01466---	Common Brothers (Management) Ltd.: Cheshire Venture.
01803---	Silver Line Ltd.: Silverpelerin. Sealnes. Bravenes.
02198---	The Peninsular and Oriental Steam Navigation Co.: Nurjehan. Gambhira.
02332---	Lykes Bros. Steamship Co., Inc.: Tillie Lykes.
02473---	Irish Shipping Ltd.: Irish Pine. Irish Maple.
02475---	Houston Barge Line, Inc.: HBL 3009. HBL 3010. HBL 3011. HBL 1601.
02501---	Standard Oil Company of California: Recoverer.
02876---	Kabushiki Kaisha Hokkaido Gyogyo Kosha: Ryugo Maru No. 2.
02935---	Cable and Wireless Ltd.: Mercury.
03446---	Kinsei Kisen K. K.: Kametoshi-Maru.
03459---	Meiji Kaiun K. K.: Marquis.
03460---	Mibae Shosen Kabushiki Kaisha: Sado Maru.
03474---	Nippon Suisan K. K.: Teshio Maru.
03479---	Okada Shosen Kabushiki Kaisha: Tashima Maru.
03484---	Sanko Kisen K. K.: World Progress. Hoko Maru.
03505---	Showa Yusen Kabushiki Kaisha: Sanuki Maru.
03509---	Taiyo Shosen K. K.: Ocean Orion.
03532---	Zuisei Kaiun Kabushiki Kaisha: Wako Maru.
03534---	Zapata Naess (Holland) B.V.: Stolt Dragon.
03557---	Olsen Daughter A/S: Morning Light.
03614---	A/S Kristian Jebsens Rederi: Fjordnes.
04019---	Nord-Transport, Strandheim & Stensaker: Leikvin.
04226---	National Marine Service, Inc.: N.M.S. No. 1404. N.M.S. No. 1405. N.M.S. No. 1406. N.M.S. No. 1407. N.M.S. No. 1402. N.M.S. No. 1403. N.M.S. No. 1350.
04250---	Westminster Co.: Alekos.
04625---	American Commercial Lines, Inc.: Charles Lehman.
04768---	Texaco Overseas Tankship Ltd.: Texaco Sweden.
04788---	Traverse Shipping Inc.: Perilefki.
05046---	Magnolia Marine Transport Co.: MM-9. M-14.
05235---	Gulfcoast Transit Co.: Marie Flood.
05577---	Far Eastern Shipping Co.: Yelena Stasova. Osip Pyatnitsky. Novorossiisk.
05580---	Kamchatka Shipping Co.: Snezhnogorsk.
05608---	Fekete & Co.: Lina Christensen. Bertha.
05848---	Navimex S.A.: Rio Balsas.
06248---	Commercial Corporation "Sovryb-flot": Kamenskoe.
06729---	Overseas Containers Ltd.: Osaka Bay.
06925---	Bibby Bulk Carriers Ltd.: Coventry City. Toronto City. Derbyshire. Worcestershire.
07154---	NV Veendam: Veendam.
07155---	NV Volendam: Volendam.
07291---	Butler Marine Equipment Co.: BU-45. T 150 SL. T 250 SL. W.P. Jackson. BU-40. BU-41. BU-42. BU-43. T100 SL. T 200 SL. M-1.
07335---	Freedom Shipping Co. Ltd.: George Tsounis.
07339---	Tsounis Shipping Ltd.: Ariadne.
07362---	Primorsk Shipping Co.: Internatsional. Zavety Ilicha.
07374---	Ocean Tramping Co., Ltd.: Gaoyu. Baima. Baipao. Baisiung. Mingiang. Mingchang. Mingwei. Mingyao. Shengli. Kaigo. Hungmien. Nanwu.
07419---	Naviera Mercurio S.A.: Crystal Gardenia.
07550---	Erato Shipping Inc.: Regent Botan. Regent Vanda.
07574---	Georgian Shipping Co.: Poti. Maikop. Iziaslav. Kirov. Klaipeda. Tbilisi. Buguima. Chkalov. Fridrikh Engles. Kremenchug. Aksai. Anapa. Alekseevka. Alagir. Aleksin. Aktash. Anakliya. Adygeni. Akhaltsikhe. Zugdidi. Gori. Borzhomi. Kutaisi. Pyatidesyati-Letie Sovetskoi Gruzii. Batumi. Kerch. Aktau.
07624---	Josef Roth—Rederei: Viktoria Roth. Anton Roth. Rudolf Kurz.
07633---	La Paloma Shipping Enterprises S.A., Panama: Barbadinos.

Certificate No.	Owner/operator and vessels
07640---	Exxon Co.: Exxon Barge No. 9. Exxon Barge No. 12. Exxon Barge No. 13. Exxon Barge No. 14. Exxon Barge No. 16. Exxon Barge No. 17. Exxon Barge No. 22. Exxon Barge No. 23. Exxon Barge No. 24. Exxon Barge No. 25. Exxon Barge No. 26. Exxon Barge No. 31. Exxon Barge No. 32. Exxon Barge No. 33. Exxon Barge No. 108. Exxon Barge No. 109. Exxon Barge No. 110. Exxon Barge No. 111. Exxon Barge No. 117. Exxon Barge No. 201. Exxon Barge No. 202. Exxon Barge No. 203. Exxon Barge No. 204. Exxon Barge No. 205. Exxon Barge No. 206. Exxon Barge No. 207. Exxon Barge No. 208. Exxon Barge No. 209. Exxon Barge No. 210. Exxon Barge No. 211. Exxon Barge No. 212. Exxon Barge No. 213. Exxon Barge No. 214. Exxon Barge No. 215. Exxon Barge No. 216. Exxon Barge No. 217. Exxon Barge No. 218. Exxon Barge No. 219. Exxon Barge No. 220. Exxon Barge No. 221. Exxon Barge No. 222. Exxon Barge No. 223. Exxon Barge No. 224. Exxon Barge No. 225. Exxon Barge No. 226. Exxon Barge No. 227. Exxon Barge No. 228. Exxon Barge No. 229. Exxon Barge No. 230. Exxon Barge No. 231. Exxon Barge No. 232. Exxon Barge No. 233. Exxon Barge No. 234. Exxon Barge No. 235. Exxon Barge No. 236. Exxon Barge No. 237. Exxon Barge No. 238. Exxon Barge No. 239. Exxon Barge No. 240. Exxon Barge No. 241. Exxon Barge No. 242. Exxon Barge No. 257. Exxon Barge No. 266. Exxon Barge No. 267. Exxon Kentucky. Exxon Pennsylvania. Exxon Tennessee. Exxon West Virginia. Exxon Baton Rouge. Exxon Philadelphia. Exxon San Francisco. Exxon Houston. Exxon New Orleans Exxon Boston. Exxon Baltimore. Exxon Lexington. Exxon Jamestown. Exxon Washington. Exxon Gettysburg. Exxon Seattle. Exxon Huntington. Exxon Florence. Exxon Newark. Exxon Bangor. Exxon Chester. Exxon Miami. Exxon Port Everglades. Exxon 5. Exxon 100. Exxon 268. Exxon Connecticut. Exxon 30. Exxon 29. Exxon 118. Exxon 119. Exxon TOW No. 1. Exxon ST-10. Exxon ST-12. Exxon 120. Exxon DB-1. Exxon 823. Exxon 839. Exxon 840. Exxon 841. Exxon 847. Exxon 866. Exxon 101. Exxon 831. Exxon 832. Exxon 833. Exxon 834. Exxon 835. Exxon 836. Exxon 837. Exxon 838.
01648---	Sudatlantica Armadora S.A.: European River.
07651---	Canaveral International Corp.: Star Trek. Lakeland. Canaveral.
07655---	Maria Shipping Co. Ltd.: Despina Pontikos.
07660---	Mavis Compania Naviera S.A.: Elly.
07667---	Nautical Tanker Corp.: Aurelia.
07668---	Aurora Shipping Corp.: Rebecca.
07670---	Northern Star Navigation Corp.: Sacha.
07672---	Daritenal Shipping Co. S.A.: Lady Ute.
07679---	Millstone Oil Carriers, S.A.: Thale.
07681---	Lidoriki Maritime Corporation Panama: Elias.
07684---	Seaboss Maritime Co., Ltd.: Elindia.
07687---	Neptune-Kawasaki Tankers (Private) Ltd.: Neptune Spica.
07689---	Transmarine Seaways Corp.: Ocean Voyager.
07692---	Pine Development Co., S. A. Panama: Pine Gold. Pine Silver.
07693---	Euboea Cia Nav. S.A.—Panama: Athena's Temple.
07695---	Partrederiet of 30.4.70: Merc Phoenecia.
07696---	Partrederiet of 29.4.70: Merc Asia.
07697---	Partrederiet Merc Caribia: Merc Caribia.
07698---	Partrederiet Merc Australia: Merc Australia.
07699---	Partrederiet Merc America: Merc America.
07700---	Partrederiet Merc Africa: Merc Africa.
07701---	Partrederiet Merc Scandinavia: Merc Scandinavia.
07702---	Partrederiet Merc Polaris: Merc Polaris.
07703---	K. S. Merc Scandia VI: Merc Maris.
07704---	K.S. Merc Scandia V: Merc Enterprise.
07705---	Tanda Kaiun Kabushiki Kaisha: Seiran Maru.
07708---	Remolino Naviera S.A.: Tauranga.
07709---	Elamar S.A.—Panama: San Francisco.
07710---	Laudania Seaways, Inc.: Liza F.
07711---	Ab Vasa Shipping Oy: Frances.
07714---	Costoula Shipping Co., Ltd.: Ravens.
07715---	Liberian Hornet Transports, Inc.: Eastern Hornet.
07716---	Boreas Shipping Corp.: Karaiskaki.
07718---	Tokyo Telon Senpaku K.K.: Ecuador-Maru. Wakagi-Maru.
07719---	Coast Navigation, Inc.: Jesterole.
07724---	Pure Bulk Carriers Corp.: Poukou.
07727---	Sea Bridge Marine, Inc.: Vespasian.
07729---	Estell S.A.: Usaramo.

By the Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.73-5123 Filed 3-15-73;8:45 am]

SAMEIET M/S "BOLERO" ET AL.

Notice of Issuance of Certificate [Performance]

Security for the protection of the public indemnification of passengers for nonperformance of transportation.

Notice is hereby given that the following have been issued a Certificate of Financial Responsibility for Indemnification of Passengers for Nonperformance of Transportation pursuant to the provisions of section 3, Public Law 89-777 (80 Stat. 1357, 1358) and Federal Maritime Commission General Order 20, as amended (46 CFR Part 540):

Sameiet M/S "Bolero" and Lion Ferry A/B, c/o Lion Ferry AB, 468 Commercial Street, Portland, ME.

and

Commodore Cruise Line, Ltd. and Pan Cruise, Inc., c/o Commodore Cruise Line, Ltd., 1015 North America Way, Miami, FL.

Dated: March 13, 1973.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.73-5121 Filed 3-15-73;8:45 am]

SAMEIET M/S "BOLERO" ET AL.

Notice of Issuance of Certificate [Casualty]

Security for the protection of the public financial responsibility to meet liability incurred for death on injury to passengers or other persons on voyages.

Notice is hereby given that the following have been issued a Certificate of Financial Responsibility to Meet Liability Incurred for Death or Injury to Passengers or Other Persons on Voyages pur-

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suant to the provisions of section 2, Public Law 89-777 (80 Stat. 1356, 1357) and Federal Maritime Commission General Order 20, as amended (46 CFR Part 540):

Sameiet M/S "Bolero" and Lion Ferry A/B, c/o Lion Ferry AB, 468 Commercial Street, Portland, ME.

and

Commodore Cruise Line, Ltd. and Pan Cruise, Inc., c/o Commodore Cruise Line, Ltd., 1015 North America Way, Miami, FL.

Dated: March 13, 1973.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.73-5122 Filed 3-15-73;8:45 am]

U.S. ATLANTIC/PERU SOUTHBOUND POOLING AGREEMENT

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1015; or may inspect the agreement at the field offices located at New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, on or before March 26, 1973. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed by:

Harold T. Quinn, Barrett Smith Schapiro & Simon, 26 Broadway, New York, NY 10004.

Agreement No. 10041, between Compania Peruana De Vapores (CPV) and Prudential-Grace Lines, Inc., provides for the establishment of a pooling, sailing and equal access to government-controlled cargo arrangement for the apportionment of freight revenues on all cargo, with certain specified exceptions, transported by the parties from U.S. Atlantic Coast ports, Maine to Key West, inclusive, to ports in Peru, including Peruvian cargo transshipped at non-Peruvian ports. The intent is that the lines will equally participate in the cargo revenues generated by both of them when operating within the scope of the agreement.

The parties will each maintain a minimum of 18 sailings per calendar year subject to conditions of force majeure. Sailings for a period of less than a calendar year will be on a pro rata basis.

Provisions with respect to adjustments in the event of sailing and space deficiencies, and pool accounting and settlement are set forth in the agreement. Prudential-Grace Lines, Inc., shall be accorded the status of a Peruvian flag line with respect to the carriage of southbound cargo in the foreign commerce of Peru. Prudential-Grace Lines, Inc., will support applications for waivers which shall place Peruvian flag vessels of Compania Peruana De Vapores on a basis of equal opportunity with Prudential-Grace Lines, Inc. vessels with respect to the carriage of government-controlled cargo.

Agreement No. 10041 will, upon approvel, cancel and supersede Agreement No. 9849, and shall remain in effect for 2 years unless earlier canceled as provided therein.

Dated: March 13, 1973.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.73-5120 Filed 3-15-73;8:45 am]

FEDERAL POWER COMMISSION

[Docket No. CI73-519]

DORCHESTER EXPLORATION, INC.

Notice of Amendment to Application

MARCH 12, 1973.

Take notice that on March 2, 1973, Dorchester Exploration, Inc. (Applicant), 1204 Vaughn Building, Midland, TX 79701, filed in Docket No. CI73-519 an amendment to its application pending in said docket pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale for resale and delivery of natural gas in interstate commerce to Northern Natural Gas Co. from acreage in Hemphill County, Tex., all as more fully set forth in the amendment which is on file with the Commission and open to public inspection.

Applicant proposes to continue for 1 year within the contemplation of § 2.70 of the Commission's general policy and interpretations (18 CFR 2.70) a sale of natural gas initiated within the contemplation of § 157.29 of the regulations under the Natural Gas Act (18 CFR 157.29). In its amendment to the application Applicant indicates that it proposes to sell gas at 40 cents per Mcf at 14.65 p.s.i.a. plus all existing and new taxes. Initial tax reimbursement is estimated at 3 cents per Mcf.

It appears reasonable and consistent with the public interest in this case to prescribe a period shorter than 15 days for the filing of protests and petitions to intervene. Therefore, any person desiring to be heard or to make any protest with reference to said application as amended should on or before March 26, 1973, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules. Persons who have heretofore filed protests or petitions to intervene need not file again.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-5029 Filed 3-15-73;8:45 am]

[Dockets Nos. RI73-228, etc.]

PROPOSED CHANGES IN RATES

Order Providing for Hearing on and Suspension, and Allowing Rate Changes To Become Effective Subject to Refund [1]

MARCH 9, 1973.

Respondents have filed proposed changes in rates and charges for jurisdictional sales of natural gas, as set forth in Appendix A below.

The proposed changed rates and charges may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds:

It is in the public interest and consistent with the Natural Gas Act that the Commission enter upon hearings regarding the lawfulness of the proposed changes, and that the supplements herein be suspended and their use be deferred as ordered below.

The Commission orders:

(A) Under the Natural Gas Act, particularly sections 4 and 15, the regulations pertaining thereto (18 CFR Ch. I), and the Commission's rules of practice and procedure, public hearings shall be held concerning the lawfulness of the proposed changes.

(B) Pending hearings and decisions thereon, the rate supplements herein are suspended and their use deferred until date shown in the "Date suspended until" column. Each of these supplements shall become effective, subject to refund, as of the expiration of the suspension period without any further action by the Respondent or by the Commission. Each Respondent shall comply with the refunding procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder.

(C) Unless otherwise ordered by the Commission, neither the suspended supplements, nor the rate schedules sought to be altered, shall be changed until disposition of these proceedings or expiration of the suspension period, whichever is earlier.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[1] Does not consolidate for hearing or dispose of the several matters herein.

APPENDIX A

Docket No.	Respondent	Rate sched. No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf* Rate in effect	Cents per Mcf* Proposed increased rate	Rate in effect subject to refund in dockets Nos.
RI73-228	Bayou Oil Co.	2	[1] 11	Phillips Petroleum Co. (Panhandle and Hugoton Fields, Sherman, Moore and Hartley Counties, Texas, RR. District No. 10).	$12,610	2-12-73		2-13-73	[2] 10.5731	[2] 13.2237	RI70-456.
	do			do	16,354	2-12-73		2-13-73	[3] 9.622	[3] 12.0347	RI70-456.
RI73-229	Pauley Petroleum Inc.	2	[2] 12	Phillips Petroleum Co. (Panhandle Field, Hutchinson County, Texas, RR. District No. 10).	15,905	[4] 2-8-73		2-9-73	10.5729	13.2237	RI70-455.

* Unless otherwise stated, the pressure base is 14.65 p.s.i.a.
[1] Sweet gas.
[2] Sour gas.
[3] Includes letter from Phillips dated July 6, 1972 (to Bayou), and July 5, 1972 (to Pauley) advising Bayou and Pauley that El Paso's resale rate increased on July 6, 1972.
[4] Filing completed February 9, 1973.

Bayou Oil Co. and Pauley Petroleum Inc. propose revenue sharing increases for wellhead sales to Phillips Petroleum Co. from the Hugoton and Panhandle Fields in Texas R.R. District No. 10. Phillips gathers and resells the residue gas to El Paso Natural Gas Co. under its Rate Schedule No. 32 at the area rate ceiling of 17 cents per Mcf. The proposed increases do not exceed the applicable area rate ceiling but the filings are based upon an increase in El Paso's average resale rate which became effective subject to refund in Docket No. RP71-13 on July 6, 1972. Inasmuch as the subject filings are based upon a rate which is effective subject to refund, the proposed rate increases are suspended for 1 day.

The rate increases granted in these cases have been reviewed in the light of and are consistent with the Economic Stabilization Act of 1970 as amended, Executive Order No. 11695, and the rules and regulations issued thereunder.

[FR Doc.73-5032 Filed 3-15-73;8:45 am]

[Docket No. CP73-229]

FLORIDA GAS TRANSMISSION CORP.

Notice of Application

MARCH 12, 1973.

Take notice that on March 5, 1973, Florida Gas Transmission Corp. (Applicant), Post Office Box 44, Winter Park, FL 32789, filed in Docket No. CP73-229 an application pursuant to section 7(c) of the Natural Gas Act, as implemented by § 157.7(b) of the regulations thereunder (18 CFR 157.7(b)), for a certificate of public convenience and necessity authorizing the construction during the 12-month period commencing July 1, 1973, and operation of facilities to enable Applicant to take into its certificated main pipeline system natural gas which will be purchased from producers thereof, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

The stated purpose of this budget-type application is to augument Applicant's ability to act with reasonable dispatch in contracting for and connecting to its pipeline system supplies of natural gas in areas generally coextensive with said system

The total cost of the proposed facilities will not exceed $7 million, and no single onshore or offshore project will exceed a cost of $1 million or $1,750,000, respectively. Applicant states that these costs will be financed with internally generated funds.

Any person desiring to be heard or to make any protest with reference to said application should on or before April 2, 1973, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-5062 Filed 3-15-73;8:45 am]

[Docket No. E-7876]

IOWA-ILLINOIS GAS & ELECTRIC CO.

Notice of Proposed Changes in Rates and Charges

MARCH 12, 1973.

Take notice that Iowa-Illinois Gas & Electric Co. (IIG&E), on August 23, 1972, tendered for filing proposed changes in its FPC Rate Schedule No. 22, Schedule A. This filing was further supplemented on November 21, 1972, with sales and revenue data as requested by the Commission. The August 23 filing was a fourth supplement to interchange agreement dated August 15, 1972, between IIG&E and Muscatine, Iowa, and purportedly reflects mutual accord concerning negotiated changes in the demand and energy charges for maintenance power, and the energy charges for requisitioned power and emergency energy. The proposed effective date was to be not later than 30 days from the filing.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 441 G Street NW., Washington, DC 20426, in accordance with sections 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before March 21, 1973. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-5063 Filed 3-15-73;8:45 am]

[Docket No. E-8053]

KENTUCKY UTILITIES CO.

Notice of Proposed Changes in Rates and Charges

MARCH 12, 1973.

Take notice that Kentucky Utilities Co. (Kentucky) tendered for filing on February 28, 1973, proposed changes in the Kentucky-Indiana Pool Planning and Operating Agreement, Service Schedule B dated as of July 9, 1971. The filing consists of a proposed change in the demand charge for unit power portion of the agreement by and between East Kentucky Rural Electric Cooperative Corp., Indianapolis Power & Light Co., Public Service Company of Indiana, Inc., and Kentucky. The proposed effective date is April 1, 1973.

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Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 441 G Street NW., Washington, DC 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before March 23, 1973. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-5061 Filed 3-15-73;8:45 am]

[Docket No. E-8059]

OKLAHOMA GAS & ELECTRIC CO.

Notice of Agreement for Electric Service

MARCH 12, 1973.

Take notice that on March 1, 1973, Oklahoma Gas & Electric Co. (OGE) tendered for filing two copies of an agreement for electric service, dated February 21, 1973, between the Oklahoma Gas & Electric Co. and KAMO Electric Cooperative, Inc.

OGE states that this agreement provides for wholesale electric service at a new point of delivery and is similar to the agreement on file with the Commission dated August 19, 1971, which provides for wholesale service at the Morrison Tap Substation point of delivery and is designated as FPC Rate Schedule No. 89.

The Company states that to provide service to this customer at this point of delivery, will add primary metering to an existing 12.5 kv. line. OGE says that the rate under which the usage at this location will be billed is the Company's PN-2 Rate Schedule, which is the standard schedule for service to Rural Electric Cooperatives. The rate schedule is designated as Exhibit A and is attached as part of the agreement. OGE also says that it is enclosing two copies of Attachment 1 which shows the estimated annual billing to the Cooperative at this new point of delivery.

The Company requests that the Commission accept the subject agreement for filing to become effective May 1, 1973, which is the estimated date for completion of the facilities necessary to provide service to the Cooperative at this location.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 441 G Street NW., Washington, DC 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before March 30, 1973. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-5065 Filed 3-15-73;8:45 am]

[Docket No. E-7795]

PHILADELPHIA ELECTRIC CO.

Notice of Extension of Time and Postponement of Hearing

MARCH 12, 1973.

On February 27, 1973, the Borough of Lansdale filed a motion for an indefinite postponement of the hearing scheduled by the order issued November 22, 1972 in the above matter pending a final decision by the Court of Appeals in "Borough of Lansdale v. FPC," C.A.D.C. No. 73-1031. In the event this request is denied the Borough of Lansdale requests that the present dates be postponed for 60 days.

On February 20, 1973, the Commission Staff filed an answer opposing the motion. On March 1, 1973 the Borough of Lansdale filed a reply to the Staff's answer.

Upon consideration, notice is hereby given that the procedural dates are modified as follows:

Service of Intervenor's evidence, March 28, 1973.
Service of Philadelphia Electric Co.'s rebuttal, April 13, 1973.
Cross examination, May 1, 1973 (10 a.m. e.d.t.).

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-5064 Filed 3-15-73;8:45 am]

[Dockets Nos. RP72-91, etc.]

SOUTHERN NATURAL GAS CO.

Notice of Proposed Changes in Rates and Charges

MARCH 13, 1973.

Take notice that Southern Natural Gas Co. (Southern) on March 1, 1973, tendered for filing certain revised tariff sheets to its FPC Gas Tariff, sixth revised volume No. 1 to become effective April 15, 1973. The revised tariff sheets contain proposed changes in rates and charges which would increase annual revenues for jurisdictional sales in the amount of $1,885,961, of which $1,114,035 is based upon advance payments to producers in excess of the amount of advance payments included in Southern's rate increase filing in Docket No. RP72-91 and $771,926 is for cost of transportation of gas purchased. The proposed revenue increases are over and above the rates and charges which became effective October 1, 1972, subject to refund in Dockets Nos. RP72-91 et al.

Southern states that the reasons for the proposed rate increases are: (1) Southern has included in its Docket No. RP72-91 advance payments in the amount of $54,902,572 in its rate base and has at the present time advance payments on its books in the amount of $63,848,146 of which $8,945,574 has not been reflected in increased rates, and (2) the cost of transportation of gas purchased by Southern directly from independent producers and transported through Sea Robin Pipeline Co.'s (Sea Robin's) pipeline system. All other items of cost included in this rate filing are identical to those in the rate filings in Dockets Nos. RP72-91, et al. No other tariff changes are proposed.

Copies of the increased rate filing have been served upon all jurisdictional customers and upon interested State commissions.

Any person desiring to be heard or to protest said application should file a protest, or if not previously granted intervention in Docket No. RP72-91 et al., file a petition to intervene with the Federal Power Commission, 441 G Street NW., Washington, DC 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before March 29, 1973. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-5128 Filed 3-15-73;8:45 am]

[Docket No. CI73-583]

TEXACO INC.

Notice of Application

MARCH 12, 1973.

Take notice that on March 5, 1973, Texaco Inc. (Applicant), Post Office Box 60252, New Orleans, LA 70160, filed in Docket No. CI73-583 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale for resale and delivery of natural gas in interstate commerce to United Gas Pipe Line Co., from the Iberia Field, Iberia Parish, La., all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that it commenced the sale of natural gas on February 24, 1973, within the contemplation of § 157.29 of the regulations under the Natural Gas Act (18 CFR 157.29) and that it proposes to continue said sale for 2 years from the end of the 60-day emergency period within the contemplation of § 2.70 of the Commission's general policy and interpretations (18 CFR 2.70). Applicant proposes to sell 2,000 Mcf of gas per day at 45 cents per Mcf at 15.025 p.s.i.a., subject to upward and downward B.t.u. adjustment. Initial upward B.t.u. adjustment is estimated at 4.5 cents per Mcf.

It appears reasonable and consistent with the public interest in this case to prescribe a period shorter than 15 days for the filing of protests and petitions to intervene. Therefore, any person desiring to be heard or to make any protest with reference to said application should on or before March 26, 1973, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-5030 Filed 3-15-73;8:45 am]

[Dockets Nos. RI73-230, etc.]

PROPOSED RATE CHANGES

Order Providing for Hearing on and Suspension and Allowing Rate Changes To Become Effective Subject to Refund [1]

MARCH 9, 1973.

Respondents have filed proposed changes in rates and charges for jurisdictional sales of natural gas, as set forth in Appendix A below.

The proposed changed rates and charges may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds:

It is in the public interest and consistent with the Natural Gas Act that the Commission enter upon hearings regarding the lawfulness of the proposed changes, and that the supplements herein be suspended and their use be deferred as ordered below.

The Commission orders:

(A) Under the Natural Gas Act, particularly sections 4 and 15, the regulations pertaining thereto (18 CFR Ch. I), and the Commission's rules of practice and procedure, public hearings shall be held concerning the lawfulness of the proposed changes.

(B) Pending hearings and decisions thereon, the rate supplements herein are suspended and their use deferred until date shown in the "Date suspended until" column. Each of these supplements shall become effective, subject to refund, as of the expiration of the suspension period without any further action by the Respondent or by the Commission. Each Respondent shall comply with the refunding procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder.

(C) Unless otherwise ordered by the Commission, neither the suspended supplements, nor the rate schedules sought to be altered, shall be changed until disposition of these proceedings or expiration of the suspension period, whichever is earlier.

By the Commission.

KENNETH F. PLUMB,
Secretary.

[1] Does not consolidate for hearing or dispose of the several matters herein.

APPENDIX A

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf* Rate in effect	Cents per Mcf* Proposed increased rate	Rate in effect subject to refund in docket Nos.
RI73-230	Warren Petroleum Co., a division of Gulf Oil Corp.	61	1	El Paso Natural Gas Co. (Tatum Gas Processing Plant, Lea County, N. Mex.) (Permian Basin).	$708	2-12-73		8-17-73	[1] 30.36	[1] 31.3720	RI73-72.
	do	62	3	El Paso Natural Gas Co. (Caliche Gas Processing Plant, Lea County, N. Mex.) (Permian Basin).	(2)	2-12-73		8-17-73	[1] 33.27	[1] 34.3790	RI73-72.
	do	63	3	El Paso Natural Gas Co. (Monument Gas Processing Plant, Lea County, N. Mex.) (Permian Basin).	(2)	2-12-73		8-17-73	[1] 30.51	[1] 31.5370	RI73-72.
	do	64	4	El Paso Natural Gas Co. (Saunders Gas Processing Plant, Lea County, N. Mex.) (Permian Basin).	2,491	2-12-73		8-17-73	31.14	32.1780	RI73-72.
	do	65	4	El Paso Natural Gas Co. (Eunice Gas Processing Plant, Lea County, N. Mex.) (Permian Basin).	2,031	2-12-73		8-17-73	[1] 31.74	[1] 32.7960	RI73-72.
	do	66	4	El Paso Natural Gas Co. (Waddel Gas Processing Plant, Crane County, Tex.) (Permian Basin).	9,765	2-12-73		8-17-73	[1] 32.5285	[1] 33.6135	RI73-72.
RI73-231	Shell Oil Co	168	10	West Texas Gathering Co. (Emperor Field, Winkler County, Tex.) (Permian Basin).		2-12-73	3-15-73	[4] Accepted			
	do		11		253,773	2-12-73		4-15-73	19.0713	21.0	RI73-116.
RI73-232	Skelly Oil Co	159	10	West Texas Gathering Co. (Emperor (Deep) Field, Winkler County, Tex.) (Permian Basin).	387,196	2-8-73		8-11-73	[1] 21.0	[4] 28.0	RI73-103.
RI73-233	Atlantic Richfield Co	329	2	Transwestern Pipeline Co. (Rock Tank Morrow Field, Eddy County, N. Mex.) (Permian Basin).	1,836	2-9-73		4-12-73	16.48	17.5	

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Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until	Cents per Mcf* Rate in effect	Cents per Mcf* Proposed increased rate	Rate in effect subject to refund in docket Nos.
RI73-234..	Walter K. Arbuckle.....	1	2	Colorado Interstate Gas Co. (Simpson Ridge Field, Carbon County, Wyo.).	1,828	2-9-73	4-12-73	4 15.0	4 16.0		
RI73-235..	Texaco, Inc.....	149	7	Colorado Interstate Gas Co. (Table Rock Field, Sweetwater County, Wyo.).	223,288	2-12-73	8-15-73	5 18.5531	5 23.8688	RI73-86.
RI73-236..	Signal Oil & Gas Co.....	8	6	Montana-Dakota Utilities Co. (Tioga Gasoline Plant, William County, N. Dak.).	36,936	2-13-73	8-16-73	22,929	4 24.15	RI72-154.

* Unless otherwise stated, the pressure base is 14.65 p.s.i.a.
1 Includes upward B.t.u. adjustment.
2 No current deliveries.
3 Amends pricing provisions.
4 Subject to B.t.u. adjustment.
5 Increase reflects increase in Bureau of Labor Statistics wholesale price index for all commodities.
6 Accepted for filing to be effective on the date shown in the "Effective date" column.
7 The pressure base is 15.025 p.s.i.a.

The proposed increases of Shell Oil Co., Atlantic Richfield Co. and Walter K. Arbuckle do not exceed the rate limit for a 1-day suspension and are suspended for 1 day.

The proposed increased rate of 24.15 cents per Mcf of Signal Oil and Gas Co. is for a sale of gas in North Dakota for which no formal increased rate ceiling has been established. Since the Commission has previously suspended lower rates in this area and the proposed rate exceeds the rate limit for a 1-day suspension period, Signal's proposed rate is suspended for 5 months.

All the remaining increases exceed the rate limit for a 1-day suspension, and are, therefore, suspended for 5 months.

The producers' proposed increased rates and charges exceed the applicable area price levels for increased rates as set forth in the Commission's Statement of General Policy No. 61-1, as amended (18 CFR 2.56).

The rate increases granted in these cases have been reviewed in the light of and are consistent with the Economic Stabilization Act of 1970 as amended, Executive Order No. 11695, and the rules and regulations issued thereunder.

[FR Doc.73-5033 Filed 3-15-73;8:45 am]

NATIONAL GAS SURVEY; DISTRIBUTION—TECHNICAL ADVISORY TASK FORCE—FINANCE

Agenda and Notice for Meeting

Meeting to be held in Conference Room 2043 of the Federal Power Commission, 441 G Street NW., Washington, DC, March 26, 1973, 9:30 a.m. Presiding: Mr. Charles A. Gallagher, FPC Survey Coordinating Representative and Secretary.

1. Call to Order and Introductory Remarks—Mr. Gallagher.

2. Objectives and Purposes of Meeting—

A. Review and Discussion of Preliminary Draft Report—

1. Mr. Charles G. Freund—Task Force Director: (a) Historical Data and Analysis. 2. Mr. Walter Boris—Task Force Deputy Director: (a) Future Projections and Analysis; (b) Methodology and Assumptions; (c) Revenue Requirements.

B. Discussion of Member Comments on Draft Report.

C. Other Comments.

D. Estimated Date for Completion of Final Report.

E. Next Meeting Date.

3. Adjournment—Mr. Gallagher.

This meeting is open to the public. Any interested person may attend, appear before, or file statements with the Task Force—which statements, if in written form, may be filed before or after the meeting, or if oral, at the time and in the manner permitted by the Task Force.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-5066 Filed 3-15-73;8:45 am]

[Docket No. E-8063]

EMPIRE DISTRICT ELECTRIC CO.

Notice of Filing of Letter of Agreement and Request for Waiver of Notice

MARCH 14, 1973.

Take notice that on March 2, 1973, the Empire District Electric Co. (Empire) filed with the Commission a letter of agreement between Empire and the Southwestern Power Administration (SPA), executed under the terms and provisions of a contract between Empire and SPA (FPC Rate Schedule No. 78, dated December 8, 1965).

The letter provides that SPA will furnish available hydroelectric energy in excess of its own requirements, and Empire will furnish an equivalent quantity at a later date to SPA, the quantity to be recorded in an "Energy Exchange Account" to be maintained by SPA. Empire will compensate SPA at the rate of $0.005 per kilowatt-hour, under SPA Rate Schedule IC, for energy not returned.

The effective term of the letter is from March 1, 1973, to June 30, 1974. In order that the terms of the agreement may be complied with, Empire requests that the Commission waive its minimum 30-day notice requirement and accept the letter for filing effective March 1, 1973.

Any person desiring to be heard or to make any protest with regard to said application should on or before March 21, 1973, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-5241 Filed 3-15-73;10:34 am]

[Docket No. RP73-8]

NORTH PENN GAS CO.

Notice of Proposed Changes in Rates and Charges

MARCH 14, 1973.

Take notice that North Penn Gas Co. (North Penn) on March 2, 1973, tendered for filing proposed changes in its FPC Gas Tariff, First Revised Volume No. 1. North Penn states that the revised tariff sheets reflect an increase of 0.312 cents per Mcf in the presently effective rates. North Penn further states that the cost increase is occasioned by a tracking increase of 0.11 cents per Mcf filed December 29, 1972, by Tennessee Gas Pipeline Co. (Tennessee) to become effective March 1, 1973, and a tracking increase of 1.40 cents per Mcf filed February 12, 1973, by Transcontinental Gas Pipe Line Corp. (Transco).

North Penn also submitted for filing alternative proposed changes in its FPC Gas Tariff, First Revised Volume No. 1, which reflects Transco's proposed alternative tracking increase of 1.70 cents per Mcf.

North Penn requests a waiver of the Commission's prior notice requirements to enable the tracking of Tennessee's increase to be effective as of March 1, 1973, and of Transco's increase to be effective as of April 1, 1973.

North Penn states that copies of this letter of transmittal and all enclosures are being mailed to each of North Penn's jurisdictional customers and interested State commissions.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 441 G Street NW., Washington, DC 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before March 22, 1973. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-5240 Filed 3-15-73;10:34 am]

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

VISUAL ARTS ADVISORY PANEL

Notice of Closed Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Public Law 92-463), notice is hereby given that a closed meeting of the Visual Arts Advisory Panel to the National Endowment for the Arts will be held at 10 a.m. on March 19, 1973 in Washington, D.C.

This meeting is for the purpose of Panel review, discussion, and evaluation of grant applications. It has been determined by the Chairman, in accordance with section 10(d) of the Act, that the meeting involves matters exempt from the requirements of public disclosure under the provisions of the Freedom of Information Act (5 U.S.C. 552(b)).

Further information with reference to this meeting can be obtained from Mrs. Eleanor A. Snyder, Advisory Committee Management Officer, National Endowment for the Arts, 806 15th Street NW., Washington, DC 20560, or call area code 202—382-2854.

P. P. BERMAN,
Director of Administration, National Foundation on the Arts and the Humanities.

[FR Doc.73-5158 Filed 3-15-73;8:45 am]

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice 73-21]

EARTH RESOURCES SURVEY TECHNOLOGY SATELLITE AND SKYLAB EARTH RESOURCES EXPERIMENT PACKAGE

Public Availability of Data

The results of experimental ERTS-1 and EREP investigations supported by NASA will be placed expeditiously in the public domain and will then be freely available for purchase by private and public parties, both foreign and domestic. This is intended to afford wide and impartial access to interim as well as final findings and thereby to accelerate the flow of program benefits to the public at large. At the same time, since these results may be preliminary and, in many cases, unproven, any social or economic implications suggested by the investigations must be viewed as tentative and not as official findings or positions of the U.S. Government.

To these ends, NASA will make available the interim and final results from its investigations to the National Technical Information Service and/or other Federal outlets, as appropriate, before other publication or use is made thereof. In making such results available through an established Federal outlet, NASA assumes no responsibility for validation of the reported findings but is acting in the public interest to provide broad and equitable access to the potential values of the NASA experimental results.

To make this position clear to all users of these results, each interim or final ERTS-1 and EREP investigation report placed in the public domain will bear the following legend: "Made available under NASA sponsorship in the interest of early and wide dissemination of Earth Resources Survey information and without liability for any use made thereof."

GEORGE M. LOW,
Deputy Administrator.

[FR Doc.73-5094 Filed 3-15-73;8:45 am]

SELECTIVE SERVICE SYSTEM

REGISTRANTS PROCESSING MANUAL

Temporary Instructions Regarding Registration and Random Selection Sequence

The Registrants Processing Manual is an internal manual of the Selective Service System. The following portions of that Manual are considered to be of sufficient interest to warrant publication in the FEDERAL REGISTER. Therefore these materials are set forth in full as follows:

[Temporary Instruction No. 613-4]

REGISTRATION PROCEDURES

FEBRUARY 27, 1973.

The following procedures are effective upon receipt of this Temporary Instruction:

1. Only the original of the Registration Card (SSS Form 1) (Revised Oct. 1972) will be prepared when a person is being registered. The carbon paper and duplicate will be discarded. The completed original will be filed in the alphabetical locator file.

2. A Registrant File Folder (SSS Form 101) will be prepared for each registrant, including those registered since the issuance of Temporary Instruction 613-3, for whom a file folder was not prepared. Any duplicate SSS Forms 1 prepared in accordance with the provisions of Temporary Instruction 613-3 will be destroyed and the special file of SSS Forms 1, filed by selective service number, will not be maintained.

3. The preparation and submission of the List of Registrants (SSS Form 3) will not be required after the submission of the February 1973 report. The RIB output report, List of Registrations (LOR), will replace the SSS Fotm 3.

4. Any provisions of Procedural Directives which conflict with this temporary instruction are suspended.

5. Temporary Instruction No. 613-3, Issued December 27, 1972, is rescinded.

6. This temporary instruction will terminate upon publication of revised Chapter 613, RPM, and revised Procedural Directives for SSS Forms 1, 3, and 101.

[Temporary Instruction No. 631-5]

FEBRUARY 27, 1973.

Rescission of Temporary Instructions Nos. 631-3 and 631-4 (Reference: § 1604.1(b), SSR)

1. Temporary Instruction No. 631-3, issued October 18, 1972, and Temporary Instruction No. 631-4, issued January 12, 1973, are rescinded because the instructions set forth in those two publications are no longer appropriate.

2. This temporary instruction will terminate upon implementation.

[Temporary Instruction Nos. 631-6, 621-1]

MARCH 6, 1973.

Assignment of Random Sequence Numbers and Establishment of Administrative Processing Number for Registrants Born in 1954 (Reference: §§ 1604.1(b), 1631.1, SSR)

1. The assignment of a Random Sequence Number (RSN) to each registrant will be accomplished by the Computer Service Center following the lottery drawing in Washington, D.C., on March 8, 1973. Following the drawing the Computer Service Center will furnish each local board a "Registrant RSN Report by SSN—Year of Birth 1954," which will be used to post the assigned RSN's to the Registrant File Folder (SSS Form 101) and Classification Record (SSS Form 102) for each registrant born in 1954. Verification and posting procedures will be in accordance with the RIB Report Guide for the "Registrant RSN Report by SSN." RSN's will not be posted to records until the RSN Report is received and verified.

2. RSN 095 is hereby established as the Administrative Processing Number (APN) for the 1954 year of birth group.

3. Local boards will limit the initial processing activities to those for registrants born in 1954 with RSN 020 or below. The highest RSN to be processed will be announced periodically by the Director.

This temporary instruction will be effective until it is amended or rescinded.

[Temporary Instruction Nos. 631-6, 621-1]

MARCH 6, 1973.

States of Colorado, Illinois, Pennsylvania, and New York City only

Since your State has been selected to test the proposed Registrant Processing Record (SSS Form 124) (Test), the following instructions are provided in conjunction with this test program:

1. Following competition of verification and posting procedures listed in paragraph 1 of Temporary Instruction 631-6—621-1, issued March 6, 1973, to which this is attached, no processing of registrants will commence until a supply of the SSS Form 124 (Test) and its procedural directive is received.

2. Upon receipt of labels for RSN 1-20, local boards will commence the test, utilizing the SSS Form 124 (Test) as the primary processing document in accordance with instructions contained in its procedural directive.

3. The Classification Record (SSS Form 102) will continue to be maintained in accordance with its procedural directive with respect to columns 1, 2, 3, and 5. No entries will be made on the SSS Form 102 in columns 4, 6, 7, or 8. Column 9 will be utilized only for the following entries:

a. Identification of medical specialist.
b. Transfer for classification.
c. Canceled registration.
d. Destruction of the Registrant File Folder (SSS Form 101).

[Temporary Instruction No. 631-7]

MARCH 8, 1973.

1974 Random Selection Sequence

(Reference: § 1631.1, SSR)

Attached to this Temporary Instruction are Tables Nos. 631-11 and 631-12, showing

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the results of the lottery drawing conducted in Washington, D.C., on March 8, 1973, to establish the 1974 Random Selection Sequence. Each RPM holder will insert these tables in his or her copy of the RPM, following Table No. 631-10 (Chapter 631).

This temporary instruction will terminate when the above action has been taken.

BYRON V. PEPITONE,
Acting Director.

MARCH 9, 1973.

1974 RANDOM SEQUENCE LOTTERY DRAWING CALENDAR

	Jan.	Feb.	Mar.	Apr.	May	June	July	Aug.	Sept.	Oct.	Nov.	Dec.	
1	198	233	067	209	361	187	144	062	068	052	165	044	1
2	250	054	347	065	211	297	359	235	077	325	057	039	2
3	120	133	193	261	017	063	293	062	038	105	284	025	3
4	093	150	174	005	278	095	207	286	252	146	037	118	4
5	327	283	024	145	201	319	022	002	349	121	111	332	5
6	041	199	217	363	155	127	015	012	113	147	346	080	6
7	230	047	269	210	143	159	242	237	168	175	123	008	7
8	034	291	196	266	089	179	090	035	257	148	107	088	8
9	176	105	289	114	139	194	212	020	094	245	356	362	9
10	248	305	075	069	290	130	171	357	307	308	026	011	10
11	202	219	255	106	348	345	073	006	288	241	279	156	11
12	272	190	125	229	355	137	247	188	271	267	142	108	12
13	185	031	274	246	131	312	072	181	110	109	300	128	13
14	302	224	275	029	091	256	324	112	200	045	143	301	14
15	182	097	180	100	295	287	227	326	268	157	222	040	15
16	158	186	281	221	163	334	042	350	352	066	276	304	16
17	296	270	129	322	070	342	061	161	320	051	348	360	17
18	117	060	192	351	223	333	344	050	099	119	304	092	18
19	315	339	197	153	005	087	336	101	055	365	027	364	19
20	280	213	330	122	104	262	285	298	141	294	056	292	20
21	136	178	013	096	311	231	138	282	135	167	313	249	21
22	225	329	173	331	132	232	116	048	240	126	063	317	22
23	263	102	018	115	253	340	084	169	234	076	341	258	23
24	299	091	236	170	184	214	016	208	216	309	218	191	24
25	023	064	260	162	014	220	096	358	306	004	074	328	25
26	086	335	203	244	265	033	316	079	088	009	058	049	26
27	205	149	124	215	337	001	195	086	166	239	134	254	27
28	323	151	010	177	318	071	152	298	354	189	060	336	28
29	007	.....	063	172	321	228	238	251	065	052	343	043	29
30	353	.....	021	264	243	059	154	310	314	053	160	226	30
31	259	.....	273	.....	019	.....	078	140	.....	277	.....	164	31

1974 RANDOM SELECTION BY DATE AND SEQUENCE NUMBER

001—June 27	049—Dec. 26	097—Feb. 15
002—Aug. 5	050—Aug. 18	098—Apr. 21
003—Mar. 29	051—Oct. 17	099—Sept. 18
004—Oct. 25	052—Oct. 29	100—Apr. 15
005—Apr. 4	053—Oct. 30	101—Aug. 19
006—Aug. 11	054—Feb. 2	102—Feb. 23
007—Jan. 29	055—Sept. 19	103—Feb. 9
008—Dec. 7	056—Nov. 20	104—May 20
009—Oct. 26	057—Nov. 2	105—Oct. 3
010—Mar. 28	058—Nov. 26	106—Apr. 11
011—Dec. 10	059—June 30	107—Nov. 8
012—Aug. 6	060—Nov. 28	108—Dec. 12
013—Mar. 21	061—July 17	109—Oct. 13
014—May 25	062—Aug. 1	110—Sept. 13
015—July 6	063—June 3	111—Nov. 5
016—July 24	064—Feb. 25	112—Aug. 14
017—May 3	065—Sept. 29	113—Sept. 6
018—Mar. 23	066—Oct. 16	114—Apr. 9
019—May 31	067—Mar. 1	115—Apr. 23
020—Aug. 9	068—Sept. 1	116—July 22
021—Mar. 30	069—Apr. 10	117—Jan. 18
022—July 5	070—May 17	118—Dec. 4
023—Jan. 25	071—June 28	119—Oct. 18
024—Mar. 5	072—July 13	120—Jan. 3
025—Dec. 3	073—July 11	121—Oct. 5
026—Nov. 10	074—Nov. 25	122—Apr. 20
027—Nov. 19	075—Mar. 10	123—Nov. 7
028—Sept. 3	076—Oct. 23	124—Mar. 27
029—Apr. 14	077—Sept. 2	125—Mar. 12
030—Dec. 6	078—July 31	126—Oct. 22
031—Feb. 13	079—Aug. 26	127—June 6
032—Oct. 1	080—Feb. 18	128—Dec. 13
033—June 26	081—May 14	129—Mar. 17
034—Jan. 8	082—Aug. 3	130—June 10
035—Aug. 8	083—Nov. 22	131—May 13
036—Jan. 26	084—July 23	132—May 22
037—Nov. 4	085—Apr. 2	133—Feb. 3
038—Dec. 8	086—Aug. 27	134—Nov. 27
039—Dec. 2	087—June 19	135—Sept. 21
040—Dec. 15	088—Sept. 26	136—Jan. 21
041—Jan. 6	089—May 8	137—June 12
042—July 16	090—July 8	138—July 21
043—Dec. 29	091—Feb. 24	139—May 9
044—Dec. 1	092—Dec. 18	140—Aug. 31
045—Oct. 14	093—Jan. 4	141—Sept. 20
046—May 19	094—Sept. 9	142—Nov. 12
047—Feb. 7	095—June 4	143—Nov. 14
048—Aug. 22	096—July 25	144—July 1

1974 RANDOM SELECTION BY DATE AND SEQUENCE NUMBER—Continued

145—Apr. 5	193—Mar. 3	241—Oct. 11
146—Oct. 4	194—June 9	242—July 7
147—Oct. 6	195—July 27	243—May 30
148—Oct. 8	196—Mar. 8	244—Apr. 26
149—Feb. 27	197—Mar. 19	245—Oct. 9
150—Feb. 4	198—Jan. 1	246—Apr. 13
151—Feb. 28	199—Feb. 6	247—July 12
152—July 28	200—Sept. 14	248—Jan. 10
153—Apr. 19	201—May 5	249—Dec. 21
154—July 30	202—Jan. 11	250—Jan. 2
155—May 6	203—Mar. 26	251—Aug. 29
156—Dec. 11	204—Dec. 16	252—Sept. 4
157—Oct. 15	205—Jan. 27	253—May 23
158—Jan. 16	206—Aug. 24	254—Dec. 27
159—June 7	207—July 4	255—Mar. 11
160—Nov. 30	208—Aug. 28	256—June 14
161—Aug. 17	209—Apr. 1	257—Sept. 8
162—Apr. 25	210—Apr. 7	258—Dec. 23
163—May 16	211—May 2	259—Jan. 31
164—Dec. 31	212—July 9	260—Mar. 25
165—Nov. 1	213—Feb. 20	261—Apr. 3
166—Sept. 27	214—June 24	262—June 20
167—Oct. 21	215—Apr. 27	263—Jan. 23
168—Sept. 7	216—Sept. 24	264—Apr. 30
169—Aug. 23	217—Mar. 6	265—May 26
170—Apr. 24	218—Nov. 24	266—Apr. 8
171—July 10	219—Feb. 11	267—Oct. 12
172—Apr. 29	220—June 25	268—Sept. 15
173—Mar. 22	221—Apr. 16	269—Mar. 7
174—Mar. 4	222—Nov. 15	270—Feb. 17
175—Oct. 7	223—May 18	271—Sept. 12
176—Jan. 9	224—Feb. 14	272—Jan. 12
177—Apr. 28	225—Jan. 22	273—Mar. 31
178—Feb. 21	226—Dec. 30	274—Mar. 13
179—June 8	227—July 15	275—Mar. 14
180—Mar. 15	228—June 29	276—Nov. 16
181—Aug. 13	229—Apr. 12	277—Oct. 31
182—Jan. 15	230—Jan. 7	278—May 4
183—May 7	231—June 21	279—Nov. 11
184—May 24	232—June 22	280—Jan. 20
185—Jan. 13	233—Feb. 1	281—Mar. 16
186—Feb. 16	234—Sept. 23	282—Aug. 21
187—June 1	235—Aug. 2	283—Feb. 5
188—Aug. 12	236—Mar. 24	284—Nov. 3
189—Oct. 28	237—Aug. 7	285—July 20
190—Feb. 12	238—July 29	286—Aug. 4
191—Dec. 24	239—Oct. 27	287—June 15
192—Mar. 18	240—Sept. 22	288—Sept. 11

1974 RANDOM SELECTION BY DATE AND SEQUENCE NUMBER—Continued

289—Mar. 9	315—Jan. 19	341—Nov. 23
290—May 10	316—July 26	342—June 17
291—Feb. 8	317—Dec. 22	343—Nov. 29
292—Dec. 20	318—May 28	344—July 18
293—July 3	319—June 5	345—June 11
294—Oct. 20	320—Sept. 17	346—Nov. 6
295—May 15	321—May 29	347—Mar. 2
296—Jan. 17	322—Apr. 17	348—May 11
297—June 2	323—Jan. 26	349—Sept. 5
298—Aug. 20	324—July 14	350—Aug. 16
299—Jan. 24	325—Oct. 2	351—Apr. 18
300—Nov. 13	326—Aug. 15	352—Sept. 16
301—Dec. 14	327—Jan. 5	353—Jan. 30
302—Jan. 14	328—Dec. 25	354—Sept. 28
303—Nov. 17	329—Feb. 22	355—May 12
304—Nov. 18	330—Mar. 20	356—Nov. 9
305—Feb. 10	331—Apr. 22	357—Aug. 10
306—Sept. 25	332—Dec. 5	358—Aug. 25
307—Sept. 10	333—June 18	359—July 2
308—Oct. 10	334—June 16	360—Dec. 17
309—Oct. 24	335—Feb. 26	361—May 1
310—Aug. 30	336—July 19	362—Dec. 9
311—May 21	337—May 27	363—Apr. 6
312—June 13	338—Dec. 28	
313—Nov. 21	339—Feb. 19	364—Dec. 19
314—Sept. 30	340—June 23	365—Oct. 19

Table No. 631-12

[FR Doc.73-5018 Filed 3-15-73;8:45 am]

TARIFF COMMISSION

[337-30]

CERTAIN WRITING INSTRUMENTS AND NIBS THEREFOR

Resumption of Hearing

Notice is hereby given that on April 9, 1973, the U.S. Tariff Commission will resume its public hearing in connection with Investigation No. 337-30, regarding alleged unfair methods of competition and unfair acts in the importation and sale of certain writing instruments which are embraced within the claims of U.S. Patent No. 3,338,216, and nibs for such writing instruments which contribute to the practice of the claims of said patent.

The complaint alleges that the effect or tendency of the unfair methods or acts is to destroy or substantially injure an industry, efficiently and economically operated, in the United States in violation of the provisions of section 337 of the Tariff Act of 1930 (19 U.S.C. 1337). Notice of institution of the investigation was published in the FEDERAL REGISTER of September 21, 1972 (37 FR 19675). A public hearing was held on March 6, 7, and 8, 1973 (notice of which was published in the FEDERAL REGISTER of January 9, 1973 (38 FR 1160)), and a recess was ordered.

The hearing will be resumed on April 9, 1973, at 10 a.m., e.s.t., in the Hearing Room of the Tariff Commission, Eighth and E Streets NW., Washington, DC. Requests for appearances at the hearing should be received by the Secretary of the Tariff Commission no later than Wednesday noon, April 4, 1973. Parties wishing to submit documentary evidence for the record, but not desiring to make an appearance, should send such evidence to the Secretary in time for inclusion in the record when the hearing resumes. Final briefs are due April 23, 1973.

Issued: March 13, 1973.

By order of the Commission.

[SEAL] KENNETH R. MASON,
Secretary.

[FR Doc.73-5103 Filed 3-15-73;8:45 am]

[AA1921-112]

COLLAPSIBLE BABY STROLLERS FROM JAPAN

Determination of No Injury or Likelihood Thereof

MARCH 12, 1973.

The Treasury Department advised the Tariff Commission on December 12, 1972, that collapsible baby strollers, designed as folding strollers to be carried on the arm when not in use, from Japan are being, or are likely to be sold at less than fair value within the meaning of the Antidumping Act, 1921, as amended. In accordance with the requirements of section 201(a) of the Antidumping Act (19 U.S.C. 160(a)), the Tariff Commission instituted Investigation No. AA1921-112 to determine whether an industry in the United States is being or is likely to be injured, or is prevented from being established, by reason of the importation of such merchandise into the United States.

Notice of the institution of the investigation and of a hearing to be held in connection therewith was published in the FEDERAL REGISTER of December 20, 1972 (37 FR 28096). Notice of the rescheduling of the hearing date was published in the FEDERAL REGISTER of February 12, 1973 (38 FR 4294). A public hearing was held on February 22, 1973.

In arriving at its determination, the Commission gave due consideration to all written submissions from interested parties, evidence adduced at the hearing, and all factual information obtained by the Commission's staff from questionnaires, personal interviews, and other sources.

On the basis of the investigation, the Commission has unanimously determined[1] that an industry in the United States is not being or is not likely to be injured, or is not prevented from being established, by reason of the importation of collapsible baby strollers, designed as folding strollers to be carried on the arm when not in use, from Japan, sold, or likely to be sold, at less than fair value within the meaning of the Antidumping Act, 1921, as amended.

STATEMENT OF REASONS

The Japanese collapsible baby stroller found by the Treasury Department as being, or likely to be, sold at less than fair value (LTFV) was of a novel construction; it was lightweight and was designed to fold in a manner that permitted it to be carried on the arm like an umbrella when not in use. It was manufactured in Japan under a patent owned by G. F. MacLaren of Barby, England. The importation of such strollers from Japan began in July 1970 and terminated in November 1972. No collapsible lightweight strollers of essentially the same design as the Japanese stroller sold at LTFV were made in the United States until March 1971, when Cross River Products, Inc.—the complainant in this investigation—began the manufacture of such strollers. Throughout its brief period of importation the Japanese LTFV stroller was sold in the United States at wholesale from $18 to $19 each, while Cross River's stroller sold from $12.75 to $13.75 each, or from 33 percent to 24 percent below the price of the LTFV stroller. Thus, in the instant case three relatively rare facts in a dumping investigation were evident: (1) The imports found to be sold at LTFV were in the U.S. market first, (2) there was no margin of underselling by LTFV imports, and (3) notwithstanding the lower price of the Cross River stroller and the competition experienced therefrom by the Japanese product, the price of the Japanese stroller was not reduced.

Other relevant facts bearing on the Commission's negative determination are the minimal penetration of the U.S. market by the LTFV imports, the success with which the complainant established itself in the market, and the termination of LTFV imports.

The Japanese strollers sold at LTFV consisted of a single model. During the brief period of their importation, from July 1970 to November 1972, they entered at the rate of a few thousand units a year. The estimated production of baby strollers of all types in the United States was 1.4 million units in 1970 and 1.6 million in 1972. In relation to those quantities, the imports were negligible. Moreover, the United States is a net exporter of baby strollers and was so in 1972, even of the particular type of stroller from Japan sold at LTFV.

Sales of the Cross River stroller from their start (March 1971) dwarfed those of the Japanese stroller. Moreover, unlike those of the Japanese stroller, such sales by Cross River multiplied. Compared with 20,000 to 30,000 units sold by Cross River in 1971, sales by the firm reached more than 120,000 units in 1972 and rapidly outdistanced sales of the Japanese stroller, even in the New York City area, to which sales of the latter were largely confined. The imports dwindled in 1972. They have now ceased, and license to the patent under which they were supplied has been reissued to a U.S. manufacturer of juvenile furnishings. Indeed, any future competition to Cross River's stroller business is likely to come from this U.S. manufacturer as well as from other domestic producers, one of which is currently marketing a lightweight folding stroller similar to that produced by Cross River.

In any case, it is clear that even if Cross River were considered to constitute an industry apart from the manufacturers of all types of strollers within the meaning of the Antidumping Act, it has not been prevented from being established or injured, nor is it likely to be injured. On the contrary, it has been singularly successful in the face of imports from Japan sold at LTFV, which it undersold and outsold by significant margins. The rapid emergence of the Cross River stroller was not achieved without cost. The cost, however, was that of gaining establishment and recognition and not that of confronting imports, which were trivial.

In summary, the small volume of imports at LTFV had no impact on the industry producing all types of baby strollers. Even if the sole U.S. producer of essentially the same kind of baby stroller were considered to constitute an industry, an affirmative determination would not be warranted, because (1) imports prior to Cross River's entry into the market clearly caused no injury, (2) Cross River's entry into the market proved quite successful (in fact, it undersold the imported article—whose price was not adjusted downward—by a significant margin), and (3) the performance of LTFV imports subsequent to Cross River's entry into the market, and their termination, makes the possibility of present or future injury from them an unlikely proposition.

By order of the Commission.

[SEAL] KENNETH R. MASON,
Secretary.

[FR Doc.73-5055 Filed 3-15-73;8:45 am]

[1] Commissioner Young did not participate in the decision.

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

[V-73-12]

BETHLEHEM STEEL CORP.

Notice of Application for Variance and Interim Order; Grant of Interim Order

I. *Notice of Application.* Notice is hereby given that Bethlehem Steel Corp., Sparrows Point Plant, Sparrows Point, Md. 21219, has made application pursuant to section 6(b)(6)(A) of the Williams-Steiger Occupational Safety and Health Act of 1970 (84 Stat. 1596; 29 U.S.C. 655) and 29 CFR 1905.10 for a temporary variance, and for an interim order pending a decision on the application for a temporary variance, from the requirements of 29 CFR 1910.23(a)(8)(i) and (ii).

The address of the place of employment affected by the application is Bethlehem Steel Corp., Sparrows Point Plant, Sparrows Point, Md. 21219.

The applicant certifies that the employees who would be affected by the variance have been notified of the application by sending a copy of the application to their union safety committee chairman and by posting copies at all places where notices to employees are normally posted. Employees have also been informed of their right to petition for a hearing.

Section 1910.23(a)(8)(i) and (ii), from which a temporary variance is sought, requires that every floor hole into which persons can accidentally walk shall be guarded by either a standard railing with

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standard toeboard on all exposed sides, or a floor hole cover of standard strength and construction that should be hinged in place. While the cover is not in place, the floor hole is required to be constantly attended by someone or protected by a removable standard railing.

The applicant contends that it is unable to comply with this standard at its No. 3 Rod Mill. There, heavy-duty steel wire is manufactured by a compress and tie mandrel in-line method which necessitates an opening in the floor, approximately 2½' x 6'. The applicant states that the required guardrails have not been installed at the floor opening because the coiled rods could become entangled upon them. Spring-loaded floor covers have been discussed, but due to the likelihood of coil tangles, broken straps, etc., the applicant argues, their use would not be practical.

The application sets forth the precautions taken to protect employees. Chain guardrails and a pipe rail and toeboards are used; unauthorized personnel are not permitted in the area; and extensive safety programs and inspections are in effect. Further, applicant contends that compliance with the standard will be achieved by the third quarter of 1973 by changing to an off-line compress and tie operation.

For further information, interested persons are referred to a copy of the application which will be made available for inspection and copying, upon request, at the Office of Standards, U.S. Department of Labor, Railway Labor Building, 400 First Street NW., Room 508, Washington, DC 20210, and at the following Regional and area office, Room 623 and suite 623 respectively at U.S. Department of Labor, Occupational Safety and Health Administration, Penn Square Building, 1317 Filbert Street, Philadelphia, PA 19107.

All interested persons, including employers and employees who believe they would be affected by the grant or denial of the application for a variance, are invited to submit written data, views, and arguments regarding the application no later than April 17, 1973. In addition, employers and employees who believe they would be affected by a grant or denial of the variance may request a hearing on the application for a variance no later than April 17, 1973, in conformity with the requirements of 29 CFR 1905.15. Submissions of written comments and requests for a hearing should be in quadruplicate, and shall be addressed to the Office of Standards at the above address.

II. *Interim Order.* From the application for a temporary variance and interim order and supporting data filed by Bethlehem Steel Corp., it appears probable that a temporary variance will be necessary to allow sufficient time for the applicant to effect its program for coming into compliance with the standard. Therefore, in order to avoid undue hardships pending the consideration of the application, it is ordered, pursuant to authority in section 6(b)(6)(A) of the Williams-Steiger Occupational Safety and Health Act of 1970, and 29 CFR 1905.10(c), that Bethlehem Steel Corp. be, and it is hereby, authorized to continue using the means and methods of guarding the floor opening described in the application at its No. 3 Rod Mill, Sparrows Point Plant, Sparrows Point, Md. 21219 in lieu of complying with 29 CFR 1910.23(a)(8) (i) and (ii). The applicant shall give notice to affected employees of the terms of this interim order by the same means required to inform them of its application for a temporary variance.

Effective date. This interim order shall be effective as of March 16, 1973, and shall remain in effect until a decision is rendered on the application for a temporary variance.

Signed at Washington, D.C., this 12th day of March 1973.

CHAIN ROBBINS,
Acting Assistant Secretary of Labor.

[FR Doc.73-5084 Filed 3-15-73;8:45 am]

[V-73-11]

CHEMICO METALS CORP.

Notice of Application for Variance and Interim Order; Grant of Interim Order

I. *Notice of Application.* Notice is hereby given that Chemico Metals Corp., Post Office Box 187, Alton, IL 62002, has made application pursuant to section 6(d) of the Williams-Steiger Occupational Safety and Health Act of 1970 (84 Stat. 1596; 29 U.S.C. 655) and 29 CFR 1905.11 for a variance, and for an interim order pending a decision on the application for a variance, from the requirement of 29 CFR 1910.23(c)(3), which states:

> Regardless of height, open-sided floors, walkways, platforms, or runways above or adjacent to dangerous equipment, pickling or galvanizing tanks, degreasing units, and similar hazards shall be guarded with a standard railing and toeboard.

The address of employment affected by this application is Chemico Metals Plant, Illinois Route 3, Oldenburg Road, Madison County, Ill. Applicant certifies that the employees who would be affected by the variance have been notified of the application by delivery of a copy to Robert F. Means, International Representative of the United Steelworkers of America, and by posting of summaries of the application on bulletin boards at the plant entrance, employees' locker room, and in the tankhouse. Employees have received notice, through the above means, of their right to petition for a hearing.

The applicant's operations involve the production of pure copper through the process of electrolytic refining. In the course of this process, employees normally stand and walk on anodes and cathodes suspended in concrete tanks (cells) containing an electrolytic solution. For a period of approximately 3 hours once every 28 days, a cell will be empty of anodes and cathodes, and would thus be subject to the requirements of 29 CFR 1910.23(c)(3). Rather than using the standard railings and toeboards as prescribed by these requirements, the applicant places red flags on standard safety cones around the areas where empty cells are located, so that they are visible from any point in the cell room. Additionally, tripod mounted signs reading "Danger—Open Cells" are placed in the only passageways leading to the cell room. The applicant points out that the tankhouse is isolated from the remainder of its facilities, that access to the cellroom can be gained only via two stairways marked "Authorized Personnel Only" and that only two to four employees work in the entire area where the cells are located. Applicant argues that these factors afford the employees a degree of safety equal to or greater than that which would be afforded with the required guardrails and toeboards.

For further information, interested persons are referred to copies of the application which will be made available for inspection and copying, upon request, at the following offices:

U.S. Department of Labor, Occupational Safety and Health Administration, Office of Standards, Room 500, 400 First Street NW., Washington, DC 20210; and
U.S. Department of Labor, Occupational Safety and Health Administration, 300 South Wacker Drive, Room 1200, Chicago, IL 60606.

All interested persons, including employers and employees who believe they would be affected by the grant or denial of the application for a variance, are invited to submit written data, views, and arguments regarding the application before April 14, 1973. In addition, employers and employees who believe they would be affected by the grant or denial of the variance may request a hearing on the application before April 14, 1973, in conformity with the requirements of 29 CFR 1905.15. Submissions of written comments and requests for a hearing should be in quadruplicate and shall be addressed to the Office of Standards, Room 500, 400 First Street NW., Washington, DC 20210.

II. *Interim order.* It appears from the application for a variance and interim order, and supporting data, filed by Chemico Metals Corp., that the open cell safeguards presently utilized in its tankhouse provide to the few employees affected employment and places of employment as safe as those which would prevail if the applicant were to make the changes necessary in order to comply with 29 CFR 1910.23(c)(3). It further appears that an interim order is necessary to prevent interruption of operations of the applicant and hardships to both the applicant and the affected employees.

Therefore, it is ordered, pursuant to authority in section 6(d) of the Williams-Steiger Occupational Safety and Health Act of 1970 and 29 CFR 1905.-11(c), that Chemico Metals Corp. be, and it is hereby, authorized to utilize the means of guarding open cells in its

tankhouse as described above, in lieu of complying with 29 CFR 1910.23(c)(3): *Provided,* That these methods be used only for periods of about 3 hours for about once every 28 days for any given cell.

Applicant shall give notice to affected employees of the terms of this interim order by the same means used to inform them of the application for a variance.

Effective date. This interim order shall be effective as of March 15, 1973, and shall remain in effect until a decision is rendered on the application for a variance.

Signed at Washington, D.C., this 12th day of March 1973.

CHAIN ROBBINS,
Acting Assistant Secretary of Labor.

[FR Doc.73-5085 Filed 3-15-73;8:45 am]

NEVADA DEVELOPMENTAL PLAN

State Occupational Safety and Health Standards and Their Enforcement; Notice of Submission of Plan and Availability for Public Comment

1. *Submission and Description of Plan.* Pursuant to section 18 of the Occupational Safety and Health Act of 1970 (29 U.S.C. 667) and § 1902.11 of Title 29, Code of Federal Regulations, notice is hereby given that a developmental occupational safety and health plan for the State of Nevada has been submitted to the Assistant Secretary of Labor for Occupational Safety and Health. The Assistant Secretary has preliminarily reviewed the plan and hereby gives notice that the question of its approval is now in issue before him.

The plan designates the Department of Industrial Safety, Nevada Industrial Commission, as the agency responsible for administering the plan throughout the State.

The plan includes proposed enabling legislation to be considered by the Nevada Legislature during its 1973 session to bring the plan into conformity with the requirements of Part 1902. Under the proposed legislation, the Department of Industrial Safety becomes the Department of Occupational Safety and Health. It will have the statutory authority to implement the State occupational safety and health plan. The Department shall have full power, jurisdiction and authority over all places of employment except for those that are subject to the jurisdiction of: (1) the Federal Coal Mine Health and Safety Act of 1969 (30 U.S.C. 801), and the Federal Metal and Nonmetallic Mine Safety Act (30 U.S.C. 271 et seq.); (2) the State Inspector of Mines under the provisions of chapter 518, Nevada Revised Statutes; (3) or any Federal Agency. Also excluded from the program will be (1) railroad employees whose safety and health are subject to protection under the Federal Safety Appliances Act (45 U.S.C. 1, et seq.) or the Federal Railroad Safety Act of 1970 (45 U.S.C. 421 et seq.); (2) motor vehicles operating on public highways of the State; and (3) certain casual and domestic employments.

There are provisions within the proposed legislation granting the State agency authority to inspect workplaces and to issue citations for violations and their abatement and there is included a prohibition against advance notice of any such inspection. The legislation is also intended to insure employer and employee representatives opportunity to accompany inspectors and to call attention to possible violations; notification of employees or their representatives when no compliance action is taken as a result of alleged violations; protection of employees who exercise rights under the program from discharge or discrimination in terms and conditions of employment; and adequate safeguards to protect trade secrets. There is provision made for the prompt restraint of imminent danger situations, and a system of penalties.

The proposed legislation is accompanied by a statement of the Governor's support for it and an opinion from the Attorney General that it will meet the requirements of the Occupational Safety and Health Act of 1970 and is consistent with the constitution and other laws of the State. There are set forth in the plan index, timetable projections for all developmental aspects of the plan. The plan contains comprehensive information on personnel to be employed directly; on agreements with other State agencies; and on the proposed budget and resources.

2. *Location of Plan for Inspection and Copying.* A copy of the plan may be inspected and copied during normal business hours at the following locations: Office of Federal and State Operations, Occupational Safety and Health Administration, Room 305, 400 First Street NW., Washington, DC 20210; Regional Administrator, Occupational Safety and Health Administration, Room 9470 Federal Building, 450 Golden Gate Avenue, Box 36017, San Francisco, CA 94102; and the Director, Department of Industrial Safety, Nevada Industrial Commission, 515 East Musser Street, Carson City, NV 89701.

3. *Public Participation.* Interested persons are hereby given until April 16, 1973, to submit to the Assistant Secretary written data, views, and arguments concerning the plan. The submissions are to be addressed to the Director, Office of Federal and State Operations, Room 305, 400 First Street NW., Washington, DC 20210. The written comments will be available for public inspection and copying at the above address.

Copies of pages from the plan or of written comments received with respect thereto will be provided in accordance with the general Department of Labor fee schedule (29 CFR 70.62(a)).

Any interested person may request a hearing concerning the proposed plan, or any part thereof by filing particularized written objections thereto within the time allowed for comments specified above. If the Assistant Secretary finds that substantial objections are filed, he shall hold a formal or informal hearing on the subjects and issues involved.

The Assistant Secretary for Occupational Safety and Health shall thereafter consider all relevant comments and arguments presented and issue a decision as to approval or disapproval of the plan.

Signed at Washington, D.C., this 12th day of March 1973.

CHAIN ROBBINS,
Acting Assistant Secretary of Labor.

[FR Doc.73-5086 Filed 3-15-73;8:45 am]

INTERSTATE COMMERCE COMMISSION

[Notice 199]

ASSIGNMENT OF HEARINGS

MARCH 13, 1973.

Cases assigned for hearing, postponement, cancellation, or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested. No amendments will be entertained after the date of this publication.

MC 113861 Sub 51, Wooten Transports, Inc., extension Memphis, Tenn., now assigned April 2, 1973, MC 20783 Sub 88, Tompkins Motor Lines, Inc., now assigned April 4, 1973, MC 3062 Sub 33, L. A. Tucker Truck Lines, Inc., now assigned April 9, 1973, will be held in the Tax Court Room 1027, Federal Building, 167 North Main Street, Memphis, TN.

MCC-7972, Deerfleet Lines, Inc.—Investigation and revocation of certificate—now assigned April 10, 1973, will be held on the Fifth Floor, 150 Causeway, Boston, MA.

MC 107912 Sub 17, Rebel Motor Freight, Inc., now assigned April 16, 1973, will be held in Room 508, U.S. Post Office and Court-House Building, Capitol and West Street, Jackson, Miss.

AB 5 Sub 108, George P. Baker, Richard C. Bond, Jervis Langdon, Jr., and William Wirtz, trustees of the property of Penn Central Transportation Co., debtor, abandonment Lykens Valley Junction Secondary Track between Millersburg and Elizabethville, Dauphin County, Pa., now assigned April 2, 1973, will be held in the Burrough Council Room, Community Building, Millersburg, Pa.

MC-123048 (Sub-No. 238), Diamond Transportation System, Inc., now assigned April 30, 1973, will be held in Room 918 Federal Building, 167 North Main Street, Memphis, TN.

MC-C-7912, Nashville Traffic Service, Inc., investigation of operations, now assigned May 3, 1973, will be held in Room 918 Federal Building, 167 North Main Street, Memphis, TN.

MC-128404 Sub 6, Blackwood Crane & Truck Service, Inc., now assigned May 1, 1973, will

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be held in Room 918 Federal Building, 167 North Main Street, Memphis, TN.

MC 136903, Intermodal Transport, Inc., now assigned April 5, 1973 at Atlanta, Ga., is canceled and the application is dismissed.

MC 111383 Sub 33, Braswell Motor Freight Lines, Inc., now assigned March 19, 1973, at Atlanta, Ga., is canceled and application dismissed.

AB-8 Sub 2, Denver & Rio Grande Western Railroad Co., abandonment between Montrose and Ridgeway, Montrose and Ouray Counties, Colo., now assigned March 26, 1973, at Montrose, Ohio, postponed indefinitely.

MC 96925 Sub 4, Jacksonville Transfer & Storage, Inc., now assigned March 26, 1973, at Tallahassee, Fla., is postponed indefinitely.

MC-F-11487, Auclair Transportation, Inc.—control and merger—Paul V. Adams Trucking, Inc., and MC 9429 Sub 6, Paul V. Adams Trucking, Inc., MC-F-11552, Auclair Transportation, Inc.—purchase (portion)—Bonded Trucking & Rigging, Inc., and FD 27182, Auclair Transportation, Inc., Notes, now assigned March 26, 1973, at Boston, Mass., postponed indefinitely.

MC 136499 Sub 1, Samuel D. Summers contract carrier application, now assigned April 3, 1973, at Charleston, W. Va., is canceled and reassigned to April 3, 1973, in Room 228, Federal Building and U.S. Courthouse, 85 Marconi Boulevard, Columbus, OH.

AB-11, Chicago & Eastern Illinois Railroad Co. abandonment between Joppa Junction and Fayville Junction, Johnson, Pulaski and Alexander Counties, Ill., AB-11 Sub-1, Chicago & Eastern Illinois Railroad Co. abandonment of operations between Fayville Junction and Thebes Junction, Alexander County, Ill., AB-11 Sub-2, Chicago & Eastern Illinois Railroad Co. abandonment of operations between Rockview and Chaffee, Scott County, Mo., now assigned April 26, 1973, will be held in Court Room County Courthouse, 20th and Washington Street, Cairo, Ill.

MC 71459 Sub 30, O. N. C. Freight Systems, now assigned April 10, 1973, at Salt Lake City, Utah, is postponed indefinitely.

MC 30032 Sub 3, Houdek Motor Service, Inc., now assigned April 2, 1973, at Chicago, Ill., will be held in Room 1922, Illinois State Building, 160 North La Salle Street.

MC-C-7924, Overland Motor Express, Inc., doing business as Boulder-Denver Truck Line et al. v. Englewood Transit Co., now assigned April 4, 1973, at Denver, Colo., will be held in Room 15036, Federal Building, 1961 Stout Street.

MC-F-11664, John L. Kerr and G. O. Kerr, Jr., doing business as Shippers Express, John L. Kerr and G. O. Kerr, Jr.—investigation of control—Mississippi Freight Lines, Inc., MC-F-11703, John L. Kerr and G. O. Kerr, Jr., doing business as Shippers Express, John L. Kerr and G. O. Kerr, Jr.—Investigation of control—Reese Truck Line, Inc., MC-F-11750, Mississippi Freight Lines, Inc., a Tennessee corporation—purchase—Mississippi Freight Lines, Inc., a Mississippi corporation, now assigned April 2, 1973, at Jackson, Miss., is postponed to April 23, 1973, at Jackson, Miss., in a hearing room to be later designated.

MC-F-11774, Merchants Truck Lines, Inc.—control—Mississippi Freight Lines, Inc., MC 121427 Sub 8, Mississippi Freight Lines, Inc., and MC 138416, Mississippi Freight Lines, Inc., now being assigned hearing April 23, 1973 (2 weeks), at Jackson, Miss., in a hearing room to be later designated.

MC 136069 Sub 1, Coin Devices Corp., contract carrier application, now being assigned hearing April 23, 1973 (2 days), at New York, N.Y., in a hearing room to be later designated.

MC-C-7284, B&H Transfer, Inc., revocation of certificate, now being assigned hearing April 25, 1973 (1 day), at New York, N.Y., in a hearing room to be later designated.

MC 130184, Splendid Tours Corp., now being assigned hearing April 26, 1973 (2 days), at New York, N.Y., in a hearing room to be later designated.

MC-F-11636, Briggs Transportation Co.—purchase (portion)—Hennis Freight Lines, Inc., of Nebraska, MC-F-11694, All-American Transport, Inc.—purchase (portion)—Hennis Freight Lines, Inc., of Nebraska, and MC-F-11702, Illinois California Express, Inc.—purchase (portion)—Hennis Freight Lines, Inc., of Nebraska, now assigned April 23, 1973, at Kansas City, Mo., will be held in Room 666, New Federal Building, 601 East 12th Street, on April 30, 1973, Room 304, Old Federal Building, 911 Walnut Street.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.73-5110 Filed 3-15-73;8:45 am]

FOURTH SECTION APPLICATION FOR RELIEF

MARCH 13, 1973.

An application, as summarized below, has been filed requesting relief from the requirements of section 4 of the Interstate Commerce Act to permit common carriers named or described in the application to maintain higher rates and charges at intermediate points than those sought to be established at more distant points.

Protests to the granting of an application must be prepared in accordance with Rule 1100.40 of the General Rules of Practice (49 CFR 1100.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

FSA No. 42642—*Carbolic acid (phenol) from Haverhill, Ohio.*

Filed by Southwestern Freight Bureau, agent (No. B-398), for interested rail carriers. Rates on acid, carbolic (phenol), in tank-car loads, as described in the application, from Haverhill, Ohio, to Bayport, East Baytown, and Houston, Tex.

Grounds for relief—water competition.

Tariff—Supplement 239 to Southwestern Freight Bureau, agent, tariff ICC 4847. Rates are published to become effective on April 9, 1973.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.73-5109 Filed 3-15-73;8:45 am]

[Notice 233]

MOTOR CARRIER BOARD TRANSFER PROCEEDINGS

Synopses of orders entered by the Motor Carrier Board of the Commission pursuant to sections 212(b), 206(a), 211, 312(b), and 410(g) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 1132), appear below:

Each application (except as otherwise specifically noted) filed after March 27, 1972, contains a statement by applicants that there will be no significant effect on the quality of the human environment resulting from approval of the application. As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings on or before April 4, 1973. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC-74112. By order entered February 23, 1973, the Motor Carrier Board approved the transfer to Gene Webber, doing business as AAA Movers, Norwood, Ohio, of that portion of the operating rights set forth in certificate No. MC-76429, issued by the Commission July 29, 1958, as corrected October 24, 1958, to William A. Stewart, doing business as Stewart Truck Line, Dry Ridge, Tenn., authorizing the transportation of household goods, between Bellevue, Bromley, Canton Hills, Covington, Dayton, Erlanger, Florence, Fort Mitchell, Independence, Ludlow, Newport, and Park Hills, Ky., on the one hand, and, on the other, points in Indiana, Ohio, Tennessee, and West Virginia. Rudy Yessin, Post Office Box B, Frankfort, KY 40601, attorney for applicant.

No. MC-FC-74213. By order of February 21, 1973, the Motor Carrier Board approved the transfer to Steve F. Bure, doing business as Iberia Express, Iberia, Mo., of a portion of the operating rights in certificate No. MC-124671 (Sub-No. 2) issued August 4, 1965, to John Kleffner, doing business as Iberia Transfer Co., Iberia, Mo., authorizing the transportation of general commodities, with certain exceptions, between Iberia, Mo., and Springfield, Mo. Herman W. Huber, 101 East High Street, Jefferson City, MO 65101, attorney for applicant.

No. MC-FC-74242. By order entered February 21, 1973, the Motor Carrier Board approved the transfer to Liberty Movers, Inc., Leicester, Mass., of the operating rights set forth in certificate of registration No. MC-85505 (Sub-No. 1), issued August 26, 1964, to Earl P. Fontaine, doing business as Liberty Movers, Leicester, Mass., evidencing a right to engage in operations in interstate or foreign commerce, in the transportation of meat products, groceries, beverages, empty bottles, paper cartons, beer barrels and kegs, coolers, packinghouse products, cases of automobile oil, shoes, rubbers and shoe findings, machinery, wire, wire goods, iron and steel articles, within a radius of 60 miles of City Hall in Worcester, Mass.; wool, wool waste, furniture, pianos, carnival property anywhere in the Commonwealth of Massachusetts; and general commodities within a 10-mile radius of City Hall, Worcester, Mass. Arthus A. Wentzell, Post Office Box 764, Worcester, MA 01613, attorney for applicants.

No. MC-FC-74245. By order entered February 21, 1973, the Motor Carrier Board approved the transfer to Arvin Chavis, Baltimore, Md., of the operating rights set forth in permit No. MC-88267, issued February 6, 1940, to Irving Dailey, Baltimore, Md., authorizing the transportation of such merchandise as is dealt in by wholesale, retail, and chain grocery and food business houses, and in connection therewith, equipment, materials, and supplies used in the conduct of such business between points in a described area in Delaware, Maryland, Pennsylvania, and Virginia. V. Baker Smith, 2107 The Fidelity Building, Philadelphia, Pa. 19109, attorney for applicants.

No. MC-FC-74255. By order of February 21, 1973, the Motor Carrier Board approved the transfer to S. W. Burns and Terrence W. Burns, a partnership, doing business as Burns and Son Trucking, Springfield, Ga., of the operating rights in certificate No. MC-26088 (Sub-No. 15) issued January 24, 1969 to The Sanders Truck Transportation Co., Inc., Augusta, Ga., authorizing the transportation of dry fertilizer from Clyo, Ga. to points in South Carolina. William Addams, 5299 Roswell Road NE., Atlanta, GA 30342, attorney for applicants.

No. MC-FC-74259. By order of February 23, 1973, the Motor Carrier Board approved the transfer to Pick's Pack Hauler, Inc., doing business as Pick's Pack Hauler, Hastings, Nebr., of permits Nos. MC-117639 (Subs Nos. 1, 3, and 4), issued February 8, 1965, August 10, 1966, May 6, 1970, respectively, to Jack S. Ochsner, doing business as Pick's Pack Hauler, Hastings, Nebr., authorizing the transportation of blocks, brick, tile, and clay products, from and to points in Kansas, Nebraska, Colorado, Iowa, Missouri, South Dakota, and Wyoming. Frederick J. Coffman, 521 South 14th Street, Lincoln, NE 68501, applicants' attorney.

No. MC-FC-74276. By order of February 26, 1973, the Motor Carrier Board approved the transfer to Holiday Bus, Inc., New York, N.Y., of certificate No. MC-877 issued to Long Island Bus Co., Inc., Farmingdale, N.Y., authorizing the transportation of: Passengers and their baggage in charter operations, between New York, N.Y., and points in Sullivan County, N.Y., to points in New Jersey, Pennsylvania, Connecticut, Maryland, Ohio, Michigan, Indiana, Illinois, Missouri, and the District of Columbia. Sidney J. Leshin, attorney, 501 Madison Avenue, New York, NY. Robert E. Goldstein, attorney, 8 West 40th Street, New York, NY.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.73-5111 Filed 3-15-73;8:45 am]

[Notice 234]

MOTOR CARRIER TRANSFER PROCEEDINGS

MARCH 13, 1973.

Application filed for temporary authority under section 210a(b) in connection with transfer application under section 212(b) and Transfer Rules, 49 CFR Part 1132:

No. MC-FC-74262. By application filed March 9, 1973, CHIZEK ELEVATOR & TRANSPORT, INC., Post Office Box 147, Cleveland, WI 53015, seeks temporary authority to lease the operating rights of KEN McCARVILLE DISTRIBUTING CO., INC., 436 Rainbow Road, Spring Green, WI 53588, under section 210a(b). The transfer to CHIZEK ELEVATOR & TRANSPORT, INC., of the operating rights of KEN McCARVILLE DISTRIBUTING CO., INC., is presently pending.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.73-5112 Filed 3-15-73;8:45 am]

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FRIDAY, MARCH 16, 1973
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PART II

DEPARTMENT OF LABOR

Employment Standards Administration

■

Minimum Wages for Federal and Federally Assisted Construction

Area Wage Determination Decisions, Modifications, and Supersedeas Decisions

No. 51—Pt. II——1

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DEPARTMENT OF LABOR

Employment Standards Administration

MINIMUM WAGES FOR FEDERAL AND FEDERALLY ASSISTED CONSTRUCTION

Area Wage Determination Decisions, Modification, and Supersedeas Decisions

Area Wage Determination Decisions of the Secretary of Labor specify, in accordance with applicable law and on the basis of information available to the Department of Labor from its study of local wage conditions and from other sources, the basic hourly wage rates and fringe benefit payments which are determined to be prevailing for the described classes of laborers and mechanics employed in construction activity of the character and in the localities specified therein.

The determinations in these decisions of such prevailing rates and fringe benefits have been made by authority of the Secretary of Labor pursuant to the provisions of the Davis-Bacon Act of March 3, 1931, as amended (46 Stat. 1494, as amended, 40 U.S.C. 276a), and of other Federal statutes referred to in 29 CFR 1.1 (including the statutes listed at 36 FR 306 following Secretary of Labor's Order No. 24–70) containing provisions for the payment of wages which are dependent upon determinations by the Secretary of Labor under the Davis-Bacon Act; and pursuant to the provisions of Part 1 of Subtitle A of Title 29 of Code of Federal Regulations, Procedure for Predetermination of Wage Rates (37 FR 21138), and of Secretary of Labor's Orders 12–71 and 15–71 (36 FR 8755, 8756). The prevailing rates and fringe benefits determined in these decisions shall, in accordance with the provisions of the foregoing statutes, constitute the minimum wages payable on Federal and federally assisted construction projects to laborers and mechanics of the specified classes engaged on contract work of the character and in the localities described therein.

Good cause is hereby found ftr not utilizing notice and public procedure thereon prior to the issuance of these determinations as prescribed in 5 U.S.C. 553 and not providing for delay in effective date as prescribed in that section, because the necessity to issue construction industry wage determinations frequently and in large volume causes procedures to be impractical and contrary to the public interest.

Area Wage Determination Decisions are effective from their date of publication in the FEDERAL REGISTER without limitation as to time and are to be used in accordance with the provisions of 29 CFR Parts 1 and 5. Accordingly, the applicable decision together with any modifications issued subsequent to its publication date shall be made a part of every contract for performance of the described work within the geographic area indicated as required by an applicable Federal prevailing wage law and 29 CFR Part 5. The wage rates contained therein shall be the minimum paid under such contract by contractors and subcontractors on the work.

MODIFICATIONS AND SUPERSEDEAS DECISIONS TO AREA WAGE DETERMINATION DECISIONS

Modifications and Supersedeas Decisions to Area Wage Determination Decisions are based upon information obtained concerning changes in prevailing hourly wage rates and fringe benefit payments since the decisions were issued.

The determinations of prevailing rates and fringe benefits made in the Modifications and Supersedeas Decisions have been made by authority of the Secretary of Labor pursuant to the provisions of the Davis-Bacon Act of March 3, 1931, as amended (46 Stat. 1494, as amended, 40 U.S.C. 276a) and of other Federal statutes referred to in 29 CFR 1.1 (including the statutes listed at 36 FR 306 following Secretary of Labor's Order No. 24–70) containing provisions for the payment of wages which are dependent upon determination by the Secretary of Labor under the Davis-Bacon Act; and pursuant to the provisions of Part 1 of Subtitle A of Title 29 of Code of Federal Regulations, Procedure for Predetermination of Wage Rates (37 FR 21138), and of Secretary of Labor's Orders 13–71 and 15–71 (36 FR 8755, 8756). The prevailing rates and fringe benefits determined in foregoing Area Wage Determination Decisions, as hereby modified, and/or superseded shall, in accordance with the provisions of the foregoing statutes, constitute the minimum wages payable on Federal and federally assisted construction projects to laborers and mechanics of the specified classes engaged in contract work of the character and in the localities described therein.

Modifications and Supersedeas Decisions are effective from their date of publication in the FEDERAL REGISTER without limitation as to time and are to be used in accordance with the provisions of 29 CFR Parts 1 and 5.

Any person, organization, or governmental agency having an interest in the wages determined as prevailing is encouraged to submit wage rate information for consideration by the Department. Further information and self-explanatory forms for the purpose of submitting this data may be obtained by writing to the U.S. Department of Labor, Employment Standards Administration, Office of Special Wage Standards, Division of Wage Determination, Washington, D.C. 20210. The cause for not utilizing the rule-making procedures prescribed in 5 U.S.C. 553 has been set forth in the original Area Wage Determination Decision.

SET FORTH BELOW IN THIS DOCUMENT ARE THE FOLLOWING

Modifications to Area Wage Determination Decisions for the following States (the numbers of the decisions being modified and their dates of publication in the FEDERAL REGISTER are listed with each State):

Florida:	
AP–121	Nov. 25, 1972.
AP–122	Oct. 6, 1972.
AP–123; AP–124; AP–127; AP–128.	Nov. 17, 1972.
AP–131; AP–142	Dec. 22, 1972.
Indiana:	
AP–17; AP–18; AP–19; AP–20; AP–21; AP–22.	Sept. 29, 1972.
AP–623; AP–624; AP–625; AP–626; AP–627; AP–628; AP–629; AP–630; AP–631; AP–632; AP–633; AP–634; AP–635; AP–636.	Feb. 9, 1973.
Mississippi:	
AP–158; AP–159	Feb. 16, 1973.
Montana:	
AP–237; AP–238; AP–239; AP–240; AP–241.	Sept. 22, 1972.
New Mexico:	
AP–700	Feb. 9, 1973.
North Carolina:	
AP–161	Mar. 2, 1973.
Oklahoma:	
AP–702	Feb. 9, 1973.
Pennsylvania:	
AP–422; AP–425	Sept. 29, 1972.
AP–454	Jan. 5, 1973.
AP–464; AP–465; AP–466; AP–467.	Jan. 26, 1973.
AP–479; AP–480	Mar. 2, 1973.
Texas:	
AP–390; AP–394	Jan. 26, 1973.

Supersedeas Decisions to Area Wage Determination Decisions for the following States (the numbers of the decisions being superseded and their dates of publication in the FEDERAL REGISTER are listed with each State; Supersedeas Decision numbers are in parentheses following the number of the decision being superseded):

Connecticut:			
AP–472(AP–446); (AP–447).	AP–473	Nov. 25, 1972.	
AP–474(AP–436)		Oct. 13, 1972.	
AP–475(AP–449); (AP–448).	AP–476	Nov. 25, 1972.	
Nevada:			
AP–260(AM–6,198)		Nov. 19, 1971.	
Rhode Island:			
AP–484(AP–428)		Sept. 29, 1972.	

Signed at Washington, D.C., this 9th day of March 1973.

WARREN D. LANDIS,
Assistant Administrator,
Wage and Hour Division.

MODIFICATIONS P. 2

	Basic Hourly Rates	Fringe Benefits Payments: H&W	Pensions	Vacation	App. Tr.	Other
DECISION #AP-124 (cont'd)						
Add:						
Boilermakers - Blacksmiths: Nonindustrial Construction:	7.13	.40	.70		.01	
Lineman & heavy equipment op.	7.07	3%	13%-.20		3%	
Cable splicers	7.32	3%	13%-.20		3%	
Groundmen	3.80	3%	13%-.20		3%	
Winch truck op.	5.62	3%	13%-.20		3%	
DECISION #AP-127 - Mod. #5 (37 FR 24537 - November 17, 1972) Dade County, Florida						
Change: Building Construction: Boilermakers	8.13	.40	.70		.01	
Sprinkler Fitters	8.41	.30	.50		.07	
DECISION #AP-128 - Mod. #2 (37 FR 24535 - November 17, 1972) Brevard & Volusia Counties, Kennedy Space Flight Center & Patrick Air Force Base Only)						
Change: Boilermakers, blacksmiths	7.13	.40	.70		.01	
Carpenters: Saw operators (radial)	6.55	.20	.25		.01	
Ironworkers: Structural, finishers, burners, screens, welders, riggers, machinery movers	6.80	.35	.25	.43	.01	
Sheeters	8.41	.30	.50	.43	.07	
Sprinkler fitters						
Omit: Elevator constructors	3.975					
Elevator constructors' helpers	2.78					
Elevator constructors' mechanic's helpers (prob) 50% of JR						
Glaziers	3.25					
Lathers	4.10					
Marble Helpers	1.80					
Marble Polishers	1.60					
Terrazzo grinders	1.90					
Terrazzo helpers	1.65					
Tile helpers	1.80					

MODIFICATIONS P. 1

	Basic Hourly Rates	Fringe Benefits Payments: H&W	Pensions	Vacation	App. Tr.	Other
DECISION #AP-121 - Mod. #1 (37 FR 25704 - November 25, 1972) Alachua County, Florida						
Change: Building Construction Boilermakers	$7.13	.40	.70		.01	
Sprinkler fitters	8.41	.30	.50		.07	
DECISION #AP-122 - Mod. #2 (37 FR 21240 - October 6, 1972) Bay County, Florida						
Change: Building Construction Boilermakers	7.13	.40	.70	o	.01	
Plumbers & pipefitters (Industrial)	7.35	.35	.40		.02	
Sprinkler fitters	8.41	.30	.50		.07	
DECISION #AP-123 - Mod. #1 (37 FR 20521 - November 17, 1972) Broward County, Florida						
Change: Building Construction Boilermakers	8.13	.40	.70		.01	
DECISION #AP-124 - Mod. #1 (37 FR 20521 - November 17, 1972) Monroe County, Florida						
Omit: Boilermakers - Blacksmiths (Key West)	7.25	.30	.50		.01	
Boilermakers-Blacksmiths						
Boilermakers - Blacksmiths (Remdr. of County):	6.85	.40	.60		.01	
Boilermakers-Blacksmiths						
Line Construction: Lineman & heavy equipment op.	6.80	.20				
Cable splicers	7.05	.20				
Groundmen	3.65	.20				
Linemen: winch truck op.	5.40	.20				
Add: Boilermakers - Blacksmiths: Key West	8.13	.40	.70		.01	

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MODIFICATIONS P. 3

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
DECISION #AP-131 - Mod. #3 (37 FR 28362 - December 22, 1972) Duval County, Florida						
Change: Building Construction: Boilermakers - Blacksmiths	7.13	.40	.70		.01	
DECISION #AP-142 - Mod. #2 (37 FR 28365 - December 22, 1972) Leon County, Florida						
Change: Building Construction Boilermakers Piledrivermen	7.13 5.20	.40	.70		.01	
DECISION #AP-161 - Mod. #1 (38 FR 5753 - March 2, 1973) Mecklenburg County, North Carolina						
Change: Electricians Elevator Constructors	5.80 5.705	.15 .195	1% .20	1%+ a&b	½ of 1% .005	
Add: Elevator Constructors' Helpers Elevator Constructors' Helpers'(Prob)	70%JR 50%JR	.195	.20	1%+ a&b	.005	

Footnotes:

a. Employer contributes 4% basic hourly rate for 5 years or more of service or 2% basic hourly rate for 6 months to 5 years of service as Vacation Pay Credit.

b. Holidays: A through F

Paid Holidays:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

MODIFICATIONS P. 4

DECISION #AP-17 - Mod. #3
(37 FR 20415 - September 29, 1972)
Adams, Allen, DeKalb, Elkhart, Huntington, Kosciusko, LaGrange, Marshall, Noble, Starke, Stueben, Wells, & Whitley Counties, Indiana

Change:
Laborers: Heavy Construction
See Modifications Page 5.

DECISION #AP-18 - Mod. #4
(37 FR 20420 - September 29, 1972)
Benton, Carroll, Cass, Clinton, Fulton, Howard, Jasper, Miami, Newton, Pulaski, Tippecanoe, Tipton, Wabash, Wabasha, & White Counties, Indiana

Change:
Laborers: Heavy Construction
See Modifications Page 5.

DECISION #AP-19 - Mod. #3
(37 FR 20424 - September 29, 1972)
Blackford, Delaware, Fayette, Grant, Hamilton, Hancock, Henry, Jay, Johnson, Madison, Marion, Randolph, Rush, Shelby, Union, & Wayne Counties, Indiana

Change:
Laborers: Heavy Construction
See Modifications Page 5.

DECISION #AP-20 - Mod. #2
(37 FR 20428 - September 29, 1972)
Fountain, Warren, Putnam, Sullivan, Vigo, Boone, Hendricks, Green, Morgan, Owen, Vermillion, Parke, Clay, Davies, & Knox Counties, Indiana

Change:
Laborers: Heavy Construction
See Modifications Page 5.

DECISION #AP-21 - Mod. #4
(37 FR 20433 - September 29, 1972)
Bartholomew, Brown, Clark, Dearborn, Decatur, Floyd, Franklin, Harrison, Jackson, Jefferson, Jennings, Lawrence, Martin, Monroe, Ohio, Orange, Ripley, Scott, Switzerland, & Washington Counties, Indiana

Change:
Laborers: Heavy Construction
See Modifications Page 5

DECISION #AP-22 - Mod. #4
(37 FR 20437 - September 29, 1972)
Crawford, DuBois, Gibson, Perry, Pike, Posey, Spencer, Vanderburgh, & Warrick Counties, Indiana

Change:
Laborers: Heavy Construction
See Modifications Page 5

MODIFICATIONS P. 5

DECISIONS #AP-17; #AP-18; #AP-19; #AP-20; #AP-21; #AP-22 (Cont'd)

Indiana-1-LAB-2-3- I

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
LABORERS: HEAVY CONST.					
Class I Dynamite and powdermen	$5.45	.18	.25		.07
Class II Asphalt lutemen, asphalt raker men, batch truck dumpers, cement handlers (bulk or bag cement), concrete puddlers, hand blade operator, power tools and power equipment side rail setters (for sidewalks, side ditches, radii and pavement), spreader box tenders, tile layers, transverse and longitudial hand bull float men, wagon drill operator, chain saws, concrete rubbers, concrete saws (manually operated)	5.25	.18	.25		.07
Class III Common laborers, unskilled	5.10	.18	.25		.07

MODIFICATIONS P. 6

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
DECISION #AP-623 - Mod. #1 (38 FR 4089 - February 9, 1973) Allen County, Indiana						
Change: Laborers-Heavy Construction: Dynamite & Powdermen Asphalt Lutemen, Asphalt Raker Men, Etc. Common Laborers, Unskilled	$5.45 5.25 5.10	.18 .18 .18	.25 .25 .25		.07 .07 .07	
DECISION #AP-624 - Mod. #1 (38 FR 4095 - February 9, 1973) Bartholomew County, Indiana						
Change: Laborers-Heavy Construction: Dynamite & Powdermen Asphalt Lutemen, Asphalt Raker Men, Etc. Common Laborers, Unskilled	$5.45 5.25 5.10	.18 .18 .18	.25 .25 .25		.07 .07 .07	
DECISION #AP-625 - Mod. #1 (38 FR 4101 - February 9, 1973) Benton & Tippecanoe Counties, Indiana						
Change: Laborers-Building Construction: Group A Group B Group C Group D Laborers-Heavy Construction: Dynamite & Powdermen Asphalt Lutemen, Asphalt Raker Men, Etc. Common Laborers, Unskilled	$5.45 5.65 5.75 6.05 5.45 5.25 5.10	.18 .18 .18 .18 .18 .18 .18	.25 .25 .25 .25 .25 .25 .25		.07 .07 .07 .07 .07 .07 .07	
DECISION #AP-626 - Mod. #1 (38 FR 4107 - February 9, 1973) Dearborn County, Indiana						
Change: Laborers-Heavy Construction Dynamite & Powdermen Asphalt Lutemen, Asphalt Raker Men, Etc. Common Laborers, Unskilled	$5.45 5.25 5.10	.18 .18 .18	.25 .25 .25		.07 .07 .07	

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MODIFICATIONS P. 7

	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Others
DECISION #AP-627 - Mod. #1 (38 FR 4111 - February 9, 1973) Delaware County, Indiana						
Change:						
Laborers-Heavy Construction:						
Dynamite & Powdermen	$5.45	.18	.25		.07	
Asphalt Lutemen, Asphalt Raker Men, Etc.	5.25	.18	.25		.07	
Common Laborers, Unskilled	5.10	.18	.25		.07	
DECISION #AP-628 - Mod. #1 (38 FR 4116 - February 9, 1973) Grant County, Indiana						
Change:						
Laborers-Building Construction:						
Group A	$5.45	.18	.25		.07	
Group B	5.65	.18	.25		.07	
Group C	5.75	.18	.25		.07	
Group D	6.05	.18	.25		.07	
Group E	6.45	.18	.25		.07	
Laborers-Heavy Construction:						
Dynamite & Powdermen	5.45	.18	.25		.07	
Asphalt Lutemen, Asphalt Raker Men, Etc.	5.25	.18	.25		.07	
Common Laborers, Unskilled	5.10	.18	.25		.07	
DECISION #AP-629 - Mod. #1 (38 FR 4121 - February 9, 1973) Lake County, Indiana						
Change:						
Laborers-Heavy & Highway Construction:						
Dynamite & Powdermen	$6.05	.18	.25		.07	
Asphalt Lutemen, Asphalt Raker Men, Etc.	5.85	.18	.25		.07	
Common Laborers, Unskilled	5.70	.18	.25		.07	
DECISION #AP-630 - Mod. #1 (38 FR 4126 - February 9, 1973) La Porte County, Indiana						
Change:						
Laborers-Building Construction:						
Group A	$6.35	.18	.30		.07	
Group B	6.55	.18	.30		.07	

MODIFICATIONS P. 8

	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Others
DECISION #AP-630 (Cont'd)						
Laborers-Bldg. Const. (Cont'd):						
Group C	6.65	.18	.30		.07	
Group D	6.95	.18	.30		.07	
Group E	7.35	.18	.30		.07	
Laborers-Heavy & Highway Construction:						
Dynamite & Powdermen	6.05	.18	.25		.07	
Asphalt Lutemen, Asphalt Raker Men, Etc.	5.85	.18	.25		.07	
Common Laborers, Unskilled	5.70	.18	.25		.07	
DECISION #AP-631 - Mod. #1 (38 FR 4131 - February 9, 1973) Marion County, Indiana						
Change:						
Laborers-Heavy Construction:						
Dynamite & Powdermen	$5.45	.18	.25		.07	
Asphalt Lutemen, Asphalt Raker Men, Etc.	5.25	.18	.25		.07	
Common Laborers, Unskilled	5.10	.18	.25		.07	
Laborers-Sewer & Tunnel Construction:						
Class 1	5.45	.18	.25		.07	
Class 2	5.65	.18	.25		.07	
Class 3	5.85	.18	.25		.07	
Class 4						
Free Air Tunnel Work:						
Miner or Header Man	6.25	.18	.25		.07	
Muckers & Tunnel Laborers	5.75	.18	.25		.07	
Bottom Men & Concrete	5.65	.18	.25		.07	
Top Men	5.55	.18	.25		.07	
DECISION #AP-632 - Mod. #1 (38 FR 4137 - February 9, 1973) Monroe County, Indiana						
Change:						
Laborers-Heavy Construction:						
Dynamite & Powdermen	$5.45	.18	.25		.07	
Asphalt Lutemen, Asphalt Raker Men, Etc.	5.25	.18	.25		.07	
Common Laborers, Unskilled	5.10	.18	.25		.07	

MODIFICATIONS P. 9

	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Others
DECISION #AP-633 - Mod. #1 (38 FR 4142 - February 9, 1973) Porter County, Indiana						
Change:						
Laborers-Heavy & Highway Construction:						
Dynamite & Powdermen	$6.05	.18	.25		.07	
Asphalt Lutemen, Asphalt Raker Men, Etc.	5.85	.18	.25		.07	
Common Laborers, Unskilled	5.70	.18	.25		.07	
DECISION #AP-634 - Mod. #1 (38 FR 4147 - February 9, 1973) St. Joseph County, Indiana						
Change:						
Laborers-Heavy & Highway Construction:						
Dynamite & Powdermen	$5.45	.18	.25		.07	
Asphalt Lutemen, Asphalt Raker Men, Etc.	5.25	.18	.25		.07	
Common Laborers, Unskilled	5.10	.18	.25		.07	
DECISION #AP-635 - Mod. #1 (38 FR 4151 - February 9, 1973) Vanderburgh County, Indiana						
Change:						
Laborers-Heavy Construction:						
Dynamite & Powdermen	$5.45	.18	.25		.07	
Asphalt Lutemen, Asphalt Raker Men, Etc.	5.25	.18	.25		.07	
Common Laborers, Unskilled	5.10	.18	.25		.07	
DECISION #AP-636 - Mod. #1 (38 FR 4156 - February 9, 1973) Vigo County, Indiana						
Change:						
Laborers-Heavy Construction:						
Dynamite & Powdermen	$5.45	.18	.25		.07	
Asphalt Lutemen, Asphalt Raker Men, Etc.	5.25	.18	.25		.07	
Common Laborers, Unskilled	5.10	.18	.25		.07	

MODIFICATIONS P. 10

	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Others
DECISION #AP-158 - Mod. #1 (38 FR 4636 - February 16, 1973) Hinds County, Mississippi						
Change:						
Boilermakers	$7.13	.40	.70		.01	
Lathers	6.10				.01	
Truck Drivers:						
1½ to 5 tons	3.75					
Over 5 tons	4.40					
DECISION #AP-159 - Mod. #1 (38 FR 4638 - February 16, 1973) Harrison, Pearl River Counties, Mississippi						
Change:						
Boilermakers	7.13	.40	.70		.01	
Carpenters:						
Carpenters	6.30					
Millwrights	6.62					
Sheetmetal workers	7.315	.25	.35	.25	.08	

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MODIFICATIONS P. 11

	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Others
DECISION #AP-237 - Mod. #2 (37 FR 19900 - September 22, 1972) Cascade County, Montana						
Change:						
Bricklayers; Stonemasons	$7.35	.25				
Cement Masons:						
Cement masons	6.55	.35				
Power machine ops.; Swing scaffold work	6.80	.35				
Laborers:						
General laborers; Concrete (wet or dry); Dumpman (spotter); Fence erectors & installers; Scalemen	5.22	.35	.20		.03	
Brick tenders; Dumpman (grade); Small concrete mixers	5.62	.35	.20		.03	
Air-trac; Asphalt raker & tampers; Barco tampers; Concrete nozzlemen; High scaler; Hod carriers; Plaster tenders	5.72	.35	.20		.03	
Car or truck mounted air operated drills & other air tools; Mechanical tampers; Jackhammers; Pavement breakers, wagon drillers; Pipelayers (non-metallic); Power driven wheelbarrow; Power saw (bucking & falling)	5.47	.35	.20		.03	
Painters:						
Brush	5.49	.25	.30			
Paperhanger	5.74	.25	.30			
Taper	5.84	.25	.30			
Brush on steel	5.99	.25	.30			
Spraying; Sandblasting	7.74	.25	.30			
Sprinkler Fitters	7.20	.30	.50		.05	
Add:						
Carpenters; Piledrivermen; Sawfilers; Sawmen; Millwrights					.01	
DECISION #AP-238 - Mod. #2 (37 FR 19904 - September 22, 1972 Silverbow County, Montana						
Change:						
Carpenters	$5.87	.30	.35	.50	.01	
Painters:						
Brush	5.56					
Tapers	5.81					
Spray	8.34					
Sheet Metal Workers	6.55	.27	.20			
Sprinkler Fitters	7.20	.30	.50		.05	

MODIFICATIONS P. 12

	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Others
DECISION #AP-239 - Mod. #4 (37 FR 19909 - September 22, 1972) Flathead and Missoula Counties, Montana						
Change:						
Bricklayers; Stonemasons	$6.65	.30	.25			
Cement Masons (Missoula County)	6.40	.35				
Laborers (Flathead County):						
General laborer	5.065	.35	.25			
Air tool op.; Jackhammer vibrator	5.30	.35	.25			
Mason tenders; Small concrete mixers; Pipelayers (non-metallic); Plaster tenders	5.365	.35	.25			
Plasterers (Missoula County)	6.65	.35				
Sheet Metal Workers	6.88	.22	.10		.01	
Sprinkler Fitters	7.20	.30	.50		.05	
Truck Drivers (Flathead County)	5.065					
Add:						
Marble Masons; Terrazzo Workers; Tile Setters	6.65	.30	.25			
DECISION #AP-240 - Mod. #3 (37 FR 19912 - September 22, 1972) Gallatin and Lewis & Clark Counties, Montana						
Change:						
Bricklayers; Stonemasons	$6.65					
Sheet Metal Workers (Gallatin Co.)	6.56	.27	.10		.02	
Sprinkler Fitters	7.20	.30	.50		.05	
DECISION #AP-241 - Mod. #3 (37 FR 19916 - September 22, 1972) Custer and Yellowstone Counties, Montana						
Change:						
Electricians (Yellowstone County)	$6.94	.20	1%		1/2%	
Soft Floor Layers	5.54	.25	.20			
Sprinkler Fitters	7.20	.30	.50		.05	

MODIFICATIONS P. 13

	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Others
DECISION #AP-700 - Mod. #2 (38 FR 1152 - February 9, 1973) Statewide, New Mexico						
Omit:						
Sheet Metal Workers: Bernalillo, Catron, Chaves, Colfax, Curry, DeBaca, Guadalupe, Harding, Lincoln, McKinley, Mora, Quay, Rio Arriba, Roosevelt, Sandoval, San Juan, San Miguel, Santa Fe, Socorro, Union and Valencia Counties	$6.43	.15	.15			
Add:						
SHEET METAL WORKERS: Bernalillo, Catron, Chaves, Colfax, Curry, DeBaca, Guadalupe, Harding, Lincoln, McKinley, Mora, Quay, Rio Arriba, Roosevelt, Sandoval, San Miguel, Santa Fe, Socorro, Taos, Torrence, Union and Valencia Counties	7.11	.31	.25		.02	
Kirtland Air Force Base, Sandia Base and Los Alamos County	8.11	.31	.25		.02	
San Juan County	9.71	.31	.25		.02	
Change:						
Line Construction - New Mexico B to read "Remainder of State"						
DECISION #AP-702 - Mod. #2 (38 FR 1173 - February 9, 1973) Oklahoma County, Oklahoma						
Change:						
ELECTRICIANS:						
Electricians:						
Zone (1) - 0 - 10 miles radius of Oklahoma City Main Post Office	$7.65	.30	1%+.20		1%	
Zone (2) - 10 - 30 miles radius of Oklahoma City Main Post Office	7.90	.30	1%+.20		1%	
Cable Splicers:						
Zone (1) - 0 - 10 miles radius of Oklahoma City Main Post Office	7.90	.30	1%+.20		1%	
Zone (2) - 10 - 30 miles radius of Oklahoma City Main Post Office	8.15	.30	1%+.20		1%	

MODIFICATIONS P. 14

	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Others
DECISION #AP-422 - Mod. #2 (37 FR 20454 - September 29, 1972) Erie County, Pennsylvania						
Change:						
Heavy and Highway:						
Carpenters	$7.11	6%	3%			
Cement masons	7.17	.43	1.08			
Piledrivermen	8.41	5%	6%			
Add:						
Heavy and Highway:						
Carpenter welder	7.36	6%	3%			
DECISION #AP-425 - Mod. #4 (37 FR 20464 - September 29, 1972) Lawrence County, Pennsylvania						
Change:						
Heavy and Highway:						
Cement Masons	7.17	.43	1.08			
Piledrivermen	8.41	5%	6%			
Add:						
Heavy and Highway:						
Carpenter welder	7.36	6%	3%			
DECISION #AP-454 - Mod. #2 (38 FR 963 - January 5, 1973) Armstrong, Blair, Crawford, Indiana, McKean, Venango and Warren Counties, Pennsylvania						
Change:						
Heavy and Highway:						
Cement masons	7.17	.43	1.08			
Piledrivermen	8.41	5%	6%			
Add:						
Heavy and Highway:						
Carpenter welder by Counties:						
Armstrong	7.36	6%	3%			
Blair, Crawford, Indiana, McKean, Venango and Warren	7.00	6%	3%			

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MODIFICATIONS P. 15

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
DECISION #AP-464 - Mod. #2 (38 FR 2609 - January 26, 1973) Butler, Cambria, Fayette and Somerset Counties, Pennsylvania						
Change:						
Cement masons	$7.17	.43	1.08			
Piledrivermen	8.41	5%	6%			
DECISION #AP-465 - Mod. #2 (38 FR 2612 - January 26, 1973) Bedford, Cameron, Clarion, Clinton, Elk, Forest, Fulton, Huntingdon, Mifflin and Potter Counties, Pennsylvania						
Change:						
Cement masons	7.17	.43	1.08			
Piledrivermen	8.41	5%	6%			
DECISION #AP-466 - Mod. #1 (38 FR 2615 - January 26, 1973) Centre, Clearfield, Jefferson and Greene Counties, Pennsylvania						
Change:						
Heavy and Highway:						
Cement masons	7.17	.43	1.08			
Piledrivermen	8.41	5%	6%			
Carpenters:						
Centre, Clearfield, Jefferson	6.76	6%	3%			
Greene	7.11	6%	3%			
Add:						
Heavy and Highway:						
Carpenter welder:						
Centre, Clearfield, Jefferson	7.00	6%	3%			
Greene	7.36	6%	3%			

MODIFICATIONS P. 16

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
DECISION #AP-467 - Mod. #1 (38 FR 2618 - January 26, 1973) Beaver County, Pennsylvania						
Change:						
Heavy and Highway:						
Cement masons	$7.17	.43	1.08			
Piledrivermen	8.41	5%	6%			
Add:						
Heavy and Highway:						
Carpenter welder	7.70	6%	3%			
DECISION #AP-479 - Mod. #1 (38 FR 5765 - March 2, 1973) Mercer County, Pennsylvania						
Change:						
Heavy and Highway:						
Cement masons	7.17	.43	1.08			
Piledrivermen	8.41	5%	6%			
DECISION #AP-480 - Mod. #1 (38 FR 5771 - March 2, 1973) Franklin County, Pennsylvania						
Change:						
Building Construction:						
Carpenters, soft floor layers	7.85	5%	10%			
Heavy and Highway:						
Cement masons	7.17	.43	1.08			
Piledrivermen	8.41	5%	6%			
Add:						
Heavy and Highway:						
Carpenter welder	7.00	6%	3%			

MODIFICATIONS P. 17

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
DECISION #AP-390 - Mod. #4 (38 FR 2628 - January 26, 1973) El Paso County, Texas						
Change:						
Building Construction:						
Bricklayers	$5.60	.26			.08	
Carpenters:						
Carpenters	5.50	.30			.02	
Millwrights	5.75	.30			.02	
Stationary radial arm power saw operator	5.625	.30			.02	
Floor layers	5.50	.30			.02	
Marble masons	5.60	.26			.06	
Terrazzo workers	5.60	.26			.08	
Tile setters	5.60	.26			.08	
DECISION #AP-394 - Mod. #4 (38 FR 2640 - January 26, 1973) Lubbock County, Texas						
Change:						
Building Construction:						
Carpenters	6.00	.25	.15		.01	
Laborers:						
Air tool operator (jackhammer, vibrator, tamper, brush hammer, chipping hammer, air or electric), power buggy man, pipelayer (concrete and clay and all non-metallic pipe); handling, laying and cleaning pumpcrete pipe	3.775	.225				
Mortar mixers, mason tenders, plasterer tenders, cement finisher tenders, lather tenders	3.775	.225				

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SUPERSEDEAS DECISION

STATE: Connecticut
COUNTY: Hartford
DECISION NO.: AP-472
DATE: Date of Publication
Supersedes Decision No. AP-446, dated November 25, 1972, in 37 FR 25134.
DESCRIPTION OF WORK: Building Construction, (excluding single family homes and garden type apartments up to and including 4-stories), heavy and highway construction.

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2-CONN-1-2-3-Q
1 of 3

BUILDING, HEAVY & HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Other
Asbestos workers:						
East Granby-Enfield-Granby-Hartland-Suffield-Windsor Locks	$7.60	.34	.15		.01	
Remainder of County	8.715	.42	.28			
Boilermakers	8.075	.50	10%		.01	
Bricklayers, Cement masons, Finishers, Marble setters, Plasterers, Stonemasons, Terrazzo workers, tile setters (Building only):						
Bristol-Plainville	8.60	.20	2%+.40			
Marion	8.91	.50	.25	j		
Berlin-Kensington-New Britain-Newington-Plantsville-Southington	8.50	.15	.40			
Remainder of County	9.00	.50	.25			
Bricklayers, Cement masons, Finishers and Stonemasons (Heavy and Highway)	7.70	.35	.15	h		
Carpenters and Piledrivermen (Heavy and Highway)	8.30	.35	.20	h	.03	
Carpenters, Soft Floor Layers, Pile-drivermen (Building only):						
Burlington	8.45	.45	.30	a	.04	
Bristol-Plainville-Canton-Berlin-E. Berlin-Kingston-Newington-New Britain-Hilldale-Marion-Plantsville-Bloomfield	8.12	.35	.20			
Southington	8.05	.40	.20	g	.02	
Remainder of County	8.48	.45	.30		.05	
Electricians:						
Berlin-Bristol-New Britain-Plainville-Southington-Newington	8.75	.35	1%+.30		½ of 1%	
Hartland	8.80	.25	1%+.20		1/8 of 1%	
Suffield Township-Thompsonville Village	6.80	.20	1%+.15		b	
Remainder of County	8.35	.40	1%+.20		⅛%	
Elevator constructors	8.21	.345	.23	2%+c+d	.015	
Elevator constructors' helpers	5.75	.345	.23	2%+c+d	.015	
Elevator constructors' helpers (Prob.)	4.105					
Glaziers; Outside	8.01	.47	.32			
Ironworkers:						
Structural, ornamental, reinforcing	9.30	.35	.44		.04	
Laborers (Building, Heavy and Highway):						
Laborers, Carpenter Tenders, Wrecking Laborers	6.60	.30	.30		.05	
Jackhammer Operator, Mason Tenders, Mortar Mixer, Pipelayers, Plasterer Tenders, Power Buggy Operator	6.85	.30	.30		.05	
Air Track Operators, Wagon Drill Operators and Sandblasters	7.10	.30	.30		.05	

AP-472 P. 2
2-CONN-1-2-3-Q
2 of 3

BUILDING, HEAVY & HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Other
Laborers (Building, Heavy and Highway Cont'd):						
Open Air Caisson, Cylindrical Work and Boring Crew:						
Bottom Man	$7.10	.30	.30		.05	
Top Man	6.60	.30	.30		.05	
Lathers:						
Bristol-Southington	8.75	.25	.15		.01	
Enfield-Suffield-Thompsonville-Windsor-Warehouse Pt. Broadbrook-Melrose-Hazardville	7.60	.45	.25			
Remainder of County	9.15	.25	.30		.01	
Lead burners	7.80	.30		e	.01	
Line Construction:						
Hartland Township:						
Linemen & dynamitemen	5.18	.15	1%	f	½ of 1%	
Groundman-truck driver	3.85	.15	1%	f	½ of 1%	
Groundman-experienced	3.41	.15	1%	f	½ of 1%	
Groundman-inexperienced	2.98	.15	1%	f	½ of 1%	
Equipment operator	4.37	.15	1%	f	½ of 1%	
Remainder of County:						
Linemen & dynamitemen	5.18	.10	1%	f		
Groundman-truck driver	3.85	.10	1%	f		
Groundman-experienced	3.41	.10	1%	f		
Groundman-inexperienced	2.98	.10	1%	f		
Equipment operator	4.37	.10	1%	f		
Marble & tile setters' & terrazzo workers' helpers	7.65	.35	.15+.25			
Millwrights:						
Bristol-Plainville-Canton	8.12	.35	.20			
Painters:						
Berlin-Bristol-Burlington-Hartland-New Britain-Newington-Plainville-Southington-Kensington-Forestville-E. Berlin-Millidale-Plantsville-Unionville:						
Brush	7.25	.50	.20			
Bridge	8.50	.50	.20			
Spray	10.875	.50	.20			
Remainder of County:						
Brush	7.50	.20	.20			
Spray	11.25	.20	.20			
Piledrivermen (Building only):						
Marlboro	8.12	.35	.20			
Plumbers:						
Southington	9.00	.55	.75	i		
Berlin-Bristol-New Britain-Plainville-E. Berlin-Kensington-Newington-Farmington	9.05	.30	.30			
Remainder of County	8.65	5%	5%		.15	

AP-472 P. 3
2-CONN-1-2-3-Q
3 of 3

BUILDING, HEAVY & HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Other
Roofers:						
Composition	$7.90	.425	.35	.30		
Composition Helper - Class A	7.325	.425	.35	.30		
Composition Helper - Class B	3.60	.425	.35	.30		
Slate, Tile, Precast Concrete	8.40	.425	.35	.30		
Sheet Metal Workers	8.70	.50	.51		.05	
Sprinkler fitters	8.00	.25	.40		.05	
Steamfitters:						
Southington	6.00	.15	.20			
Berlin-Bristol-New Britain-Plainville	9.05	.30	.30			
Remainder of County	8.82	.54	.54		.05	
Waterproofers	7.90	.425	.35	.30		
Welders - receive rate prescribed for craft performing operation to which welding is incidental.						

PAID HOLIDAYS: (Where Applicable)
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:

a. Paid holidays: C, D, and E.

b. $.15 per man per week.

c. Employer contributes 4% of basic hourly rate for 5 years or more of service or 2% of basic hourly rate for 6 months to 5 years of service as Vacation Pay Credit.

d. Holidays: A through F.

e. Holidays: A through F, Washington's Birthday and Good Friday, and Christmas Eve, provided the employee has worked at least 45 full days during the 120 calendar days prior to the holiday and the regular scheduled work days preceding & following the holiday.

f. Holidays: A through F, and Good Friday, provided the employee has been employed for at least 10 working days prior to the holiday and is available for work the day before and after the holiday.

g. Paid Holidays: B through F.

h. Paid Holidays: A through F and Good Friday.

i. Paid Holiday: D.

j. Paid Holidays C and D.

AP-472 P. 4
SW-CONN-1- Q

POWER EQUIPMENT OPERATORS BUILDING CONSTRUCTION:	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Oth
Derrick, hoist (2 drums or over), structural steel (hoisting and handling), stone setting, pile driver, lighter derrick, stiff leg and guy derrick	$ 8.32	.30	.25+a	b		
Tower crane, dragline, gradall, hoist, Kohering scooper loader and/or hoe, shovel, front end loader (7yds. or over) fork lift (over 4 ft. lift)	8.15	.30	.25+a	b		
Maintenance engineer	8.05	.30	.25+a	b		
Boiler (portable-high pressure), hammer (vibratory), front end load (3-7 yds.), Coleman loader and screening plant or similar equip., drill (joy-heavy weight champion or equivalent), mucking machine, pumpcrete, rock and earth boring machine, compressor (battery op.) post hole and well digger, conveyor, central mix operator, combination hoe and loader (over ½ yd.)	7.90	.30	.25+a	b		
Asphalt spreader	7.90	.30	.25+a	b		
Bulldozer	7.80	.30	.25+a	b		
Grader, scraperpan, carryall operator	7.70	.30	.25+a	b		
Combination hoe and loader	7.70	.30	.25+a	b		
Concrete mixer (5 bags or over), front end loader (under 3 yds), powerstone spreader	7.65	.30	.25+a	b		
Compressor, generator, pump & well point opr., welding machine, air steam valve oprs., mechanical heater oprs.	7.53	.30	.25+a	b		
Steam Jenny, fork lift (not over 4 ft.),	7.55	.30	.25+a	b		
Roller operators	7.50	.30	.25+a	b		
Dinky machine opr., firemen (high pressure), power pavement breaker	7.35	.30	.25+a	b		
Oiler	6.90	.30	.25+a	b		
Crane with boom, over 150 ft. Additional $.25 per hour						
Crane with boom, over 200 ft. Additional $.50 per hour						
Paid Holidays (Where applicable): A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day						

FOOTNOTE:

a. Employer contributes $.15 per hour to Supplemental Unemployment Fund.

b. Seven (7) paid holidays: A through F and Good Friday.

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AP-472 P. 5
3-TN-SH-CONN-1-2-3- F

BUILDING, HEAVY, & HIGHWAY CONSTRUCTION	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR	OTH
Truck Drivers:						
Two axle trucks	$5.50	a	b	c		
Three axle trucks	5.60	a	b	c		
Four axle trucks	5.70	a	b	c		
Two axle ready-mix	5.60	a	b	c		
Three axle ready-mix	5.65	a	b	c		
Four axle ready-mix	5.75	a	b	c		
Heavy duty trailer - to 40 tons	5.65	a	b	c		
Heavy duty trailer - over 40 tons	5.80	a	b	c		
Helpers	5.50	a	b	c		
Specialized earth moving equipment	5.75	a	b	c		

Paid Holidays (Where applicable):

A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas.

Footnotes:

a. $14.00 per week for employee employed over 16 hours and $.35 per hour for employed less than 16 hours during the week.

b. $20.00 per week for employees employed over 24 hours and $.50 per hour for employees employed less than 24 hours during the week.

c. Seven (7) holidays: A through F, and Good Friday provided the employee has 31 calendar days service and is available for work the day preceding and following the holiday.

AP-472 P. 6
SW-CONN-2-3-0

POWER EQUIPMENT OPERATORS HEAVY & HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.	Others
Erecting and handling structural steel, front end loader (7 yds. or over)	$8.25	.30	.25+a	b	.05	
Piledriver, crane shovel, dragline, gradall, trenching machine, lighter derrick, paver (concrete), derrick (stiff leg and guy), steel pile sheeting, kohering loader (skooper)	8.15	.30	.25+a	b	.05	
Drill (Joy Heavy weight champion or equivalent) side boom, loader (Euclid) mucking machine, pumpcrete, rock and earth boring machine post and well digger compressor (battery operated), hammer (vibratory), central mix operator, combination hoe & loader (over ½ yd.)	7.90	.30	.25+a	b	.05	
Asphalt spreader	7.75	.30	.25+a	b	.05	
Front end loader (3 yds. or over), grader power stone spreader, combination hoe & loader	7.65	.30	.25+a	b	.05	
Asphalt roller, bulldozer, carryall, maintenance engineer	7.50	.30	.25+a	b	.05	
Front end loader (under 3 yds.), roller power chipper fork lift, finishing machine, asphalt plant, power pavement breaker, dinky machine	7.35	.30	.25+a	b	.05	
Compressor, pump opr.	7.17	.30	.25+a	b	.05	
Firemen, high pressure	7.25	.30	.25+a	b	.05	
Well point system	7.33	.30	.25+a	b	.05	
Compressor battery operator	7.90	.30	.25+a	b	.05	
Oiler	6.90	.30	.25+a	b	.05	
Batch plant, bulk cement plant, oiler	6.90	.30	.25+a	b	.05	
Crane with 150 ft. boom - additional $.25 per hour						
Crane with 200 ft. boom - additional $.50 per hour						

Paid Holidays (Where Applicable):
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTE:

a. Employer contributes $.15 per hour to Supplemental Unemployment Fund.

b. Seven (7) paid holidays: A through F and Good Friday.

SUPERSEDEAS DECISION

STATE: Connecticut
COUNTY: Litchfield
DECISION NO.: AP-473
DATE: Date of Publication
Supersedes Decision No. AP-447, dated November 25, 1972, in 37 FR 25137.
DESCRIPTION OF WORK: Building Construction, (excluding single family homes and garden type apartments up to and including 4-stories), heavy and highway construction.

3-CONN-1-2-3-N (1-4)

BUILDING, HEAVY & HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.	Others
Asbestos Workers:						
Canaan, Colebrook, Norfolk, North Canaan and Salisbury	$7.60	.34	.15		.01	
Remainder of County	8.715	.42	.28			
Boilermakers	8.705	.50	10%		.01	
Bricklayers, cement masons-finishers, marble setters, plasterers, stone masons, terrazzo workers, tile setters (Building Only):						
Thomaston, Watertown, Woodbury,	8.91	.35+.15	.25	i		
Bridgewater, Kent, New Milford, Roxbury	8.35	.35+.15	.25			
Plymouth, Terryville	8.60	.20	2%+.40			
Remainder of County	8.75	.50	.25			
Marble setters' helpers, terrazzo workers' helpers, tile setters' helpers	7.65	.35	.15+.25			
Bricklayers, Cement Mason-Finishers, Stonemasons: (Heavy & Highway):						
West of Housatonic River	7.65	.40	.25	h		
East of Housatonic River	7.60	.40	.25	h		
Carpenters & Piledrivermen (Hvy & Hwy.):						
West of Housatonic River	8.30	.35	.20	h	.03	
East of Housatonic River	8.30	.35	.20	h	.03	
Carpenters, soft floor layers, pile-drivermen (Building Only):						
Bethlehem, Bridgewater, Kent, Woodbury, New Milford, Roxbury, Gaylordville	5.25	.15	.15			
Northfield. Thomaston, Watertown, Morris	8.058	.40	.20	g	.02	
Plymouth, Terryville, Harwinton	8.12	.35	.20			
Remainder of County	8.45	.45	.30	f	.04	
Electricians:						
Plymouth	8.75	.35	1%+.30		½ of 1%	
Bridgewater, New Milford	8.35	.33	1%+.30		½ of 1%	
Remainder of County	8.80	.25	1%+.30		5/8 of 1%	
Elevator Constructors	8.21	.345	.23	2%+a+b	.015	
Elevator Constructors' Helpers	5.75	.345	.23	2%+a+b	.015	
Elevator Constructors' Helpers (Prob.)	4.105					
Glaziers	5.30	.125	.125			
Ironworkers:						
Structural, ornamental & reinforcing	9.30	.35	.44		.04	

AP-473 P. 2
3-CONN-1-2-3-N (2-4)

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.	Others
Laborers(Building, Heavy & Highway):						
Laborers, carpenters tenders, wrecking laborers	$6.60	.30	.30		.05	
Jackhammer op., mason tenders, mortar mixer, pipelayers, plasterer renders & power buggy	6.85	.30	.30		.05	
Air track operators, wagon drill ops., and sandblasters	7.10	.30	.30		.05	
Open Air Caisson, Cylindrical Work and Boring Crew:						
Bottom Man	7.10	.30	.30		.05	
Top Man	6.60	.30	.30		.05	
Lathers:						
Berkhamstead, Colebrook, New Hartford, Norfolk, Winchester	9.15	.25	.30		.01	
Kent, Salisbury, Sharon	7.70	9%	.55		.01	
Remainder of County	8.75	.25	.15		.01	
Lead Burners	7.80	.30		c	.01	
Line Construction:						
Bridgewater, New Milford:						
Lineman, Cable Splicer, Welder, Pipe-layer, Dynamite Man	6.11	.15	1%	d		
Digger operator, equipment operator	5.21	.15	1%	d		
Groundman, truck driver	4.99	.15	1%	d		
Cable splicer helper	4.85	.15	1%	d		
Groundman, experienced	4.39	.15	1%	d		

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	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Others
Plymouth Townships:						
Linemen, dynamite man	$5.18	.10	1%	e		
Equipment operator	4.37	.10	1%	e		
Groundman, truck driver	3.85	.10	1%	e		
Groundman, experienced	3.41	.10	1%	e		
Groundman, inexperienced	2.98	.10	1%	e		
Remainder of County:						
Linemen, dynamite man	5.18	.15	1%	e	½ of 1%	
Equipment operator	4.37	.15	1%	e	½ of 1%	
Groundman, truck driver	3.85	.15	1%	e	½ of 1%	
Groundman, Inexperienced	2.98	.15	1%	e	½ of 1%	
Groundman, experienced	3.41	.15	1%	e	½ of 1%	
Painters:						
Brush:						
New Milford	6.20	.25				
Remainder of County	7.25	.50	.20			
Structural steel:						
New Milford	7.20	.25				
Remainder of County (Bridge)	8.50	.50	.20			
Spray:						
Remainder of County	10.875	.50	.20			
Plumbers:						
Bridgewater, New Milford	8.10	.30	.30			
Barkhamsted, New Hartford	8.65	5%	5%		.15	
Bethlehem, Roxbury, Washington, Woodbury, New Preston, Plymouth, Terryville, Thomaston and Watertown	8.32	.50+.08	.50		.08	
Remainder of County	7.79	.40	.30	j		
Roofers:						
Bethlehem, Bridgewater, Kent, New Milford, Roxbury, Washington, Woodbury, Warren:						
Composition, kettlemen	8.50	.60	.30			
Slate & tile	8.75	.60	.30			
Slate & tile helpers	7.75	.60	.30			
Precast slab	9.00	.60	.30			
Precast helper	8.25	.60	.30			
Remainder of County:						
Composition	7.90	.425	.35	.30		
Slate & tile	8.40	.425	.35	.30		
Helpers Class A	7.325	.425	.35	.30		
Helpers Class B	3.60	.425	.35	.30		
Sheet metal workers	5.42	.10	.20		.05	
Sprinkler fitters	8.00	.25	.40		.05	
Steamfitters:						
Barkhamsted, New Hartford	8.82	.54	.54		.05	
Waterproofers:						
Bethlehem, Bridgewater, Kent, New Milford, Roxbury, Washington, Woodbury, Warren	8.50	.60	.30			
Remainder of County	7.90	.425	.35	.30		
Welders - rate for craft.						

Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Others

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:

a. Employer contributes 4% of basic hourly rate for 5 years or more of service or 2% of basic hourly rate for 6 months to 5 years of service as Vacation Pay Credit.

b. Six (6) paid holidays: A through F.

c. Nine (9) paid holidays: A through F, Washington's Birthday, Good Friday and Christmas Eve, provided the employee has worked at least 45 full days during the 120 calendar days prior to the holiday, and the regular scheduled work days immediately preceding and following the holiday.

d. Five (5) paid holidays: A and D through F and Good Friday, provided the employee is available for work the days preceding and following the holiday.

e. Seven (7) paid holidays: A through F, and Good Friday, provided the employee has been employed at least 10 working days prior to the holiday and is available for work the day before and after the holiday.

f. Paid holidays: C and E.

g. Paid Holidays: B through E.

h. Paid Holidays: A through F plus Good Friday.

i. Paid Holidays: C and D.

j. Paid Holiday: D.

POWER EQUIPMENT OPERATORS BUILDING CONSTRUCTION:	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.
Derrick, hoist (2 drums or over), structural steel (hoisting and handling), stone setting, pile driver, lighter derrick, stiff leg and guy derrick	$ 8.32	.30	.25+a	b	
Tower crane, dragline, gradall, hoist, Kohering scooper loader and/or hoe, shovel, front end loader (7yds. or over) fork lift (over 4 ft. lift)	8.15	.30	.25+a	b	
Maintenance engineer	8.05	.30	.25+a	b	
Boiler (portable-high pressure), hammer (vibratory), front end load (3-7 yds.), Coleman loader and screening plant or similar equip., drill (joy-heavy weight champion or equivalent), mucking machine, pumpcrete, rock and earth boring machine, compressor (battery op.) post hole and well digger, conveyor, central mix operator, combination hoe and loader (over ¼ yd.)	7.90	.30	.25+a	b	
Asphalt spreader	7.90	.30	.25+a	b	
Bulldozer	7.80	.30	.25+a	b	
Grader, scraperpan, carryall operator	7.70	.30	.25+a	b	
Combination hoe and loader	7.70	.30	.25+a	b	
Concrete mixer (5 bags or over), front end loader (under 3 yds), powerstone spreader	7.65	.30	.25+a	b	
Compressor, generator, pump & well point opr., welding machine, air steam valve oprs., mechanical heater oprs.	7.53	.30	.25+a	b	
Steam Jenny, fork lift (not over 4 ft.),	7.55	.30	.25+a	b	
Roller operators	7.50	.30	.25+a	b	
Dinky machine opr., firemen (high pressure), power pavement breaker	7.35	.30	.25+a	b	
Oiler	6.90	.30	.25+a	b	
Crane with boom, over 150 ft. Additional $.25 per hour					
Crane with boom, over 200 ft. Additional $.50 per hour					
Paid Holidays (Where applicable): A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day					

FOOTNOTE:

a. Employer contributes $.15 per hour to Supplemental Unemployment Fund.

b. Seven (7) paid holidays: A through F and Good Friday.

POWER EQUIPMENT OPERATORS HEAVY & HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Others
Erecting and handling structural steel, front end loader (7 yds. or over)	$8.25	.30	.25+a	b	.05	
Piledriver, crane shovel, dragline, gradall, trenching machine, lighter derrick, paver (concrete), derrick (stiff leg and guy), steel pile sheeting, kohering loader (skooper)	8.15	.30	.25+a	b	.05	
Drill (Joy Heavy weight champion or equivalent) side boom, loader (Euclid) mucking machine, pumpcrete, rock and earth boring machine post and well digger compressor (battery operaced), hammer (vibratory), central mix operator, combination hoe & loader (over ¼ yd.)	7.90	.30	.25+a	b	.05	
Asphalt spreader	7.75	.30	.25+a	b	.05	
Front end loader (3 yds. or over), grader power stone spreader, combination hoe & loader	7.65	.30	.25+a	b	.05	
Asphalt roller, bulldozer, carryall, maintenance engineer	7.50	.30	.25+a	b	.05	
Front end loader (under 3 yds.), roller power chipper fork lift, finishing machine, asphalt plant, power pavement breaker, dinky machine	7.35	.30	.25+a	b	.05	
Compressor, pump opr.	7.17	.30	.25+a	b	.05	
Firemen, high pressure	7.25	.30	.25+a	b	.05	
Well point system	7.33	.30	.25+a	b	.05	
Compressor battery operator	7.90	.30	.25+a	b	.05	
Oiler	6.90	.30	.25+a	b	.05	
Batch plant, bulk cement plant, oiler	6.90	.30	.25+a	b	.05	
Crane with 150 ft. boom - additional $.25 per hour						
Crane with 200 ft. boom - additional $.50 per hour						
Paid Holidays (Where Applicable): A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.						

FOOTNOTE:

a. Employer contributes $.15 per hour to Supplemental Unemployment Fund.

b. Seven (7) paid holidays: A through F and Good Friday.

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BUILDING, HEAVY, & HIGHWAY CONSTRUCTION	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP TR	OT
Truck Drivers:						
Two axle trucks	$5.50	a	b	c		
Three axle trucks	5.60	a	b	c		
Four axle trucks	5.70	a	b	c		
Two axle ready-mix	5.60	a	b	c		
Three axle ready-mix	5.65	a	b	c		
Four axle ready-mix	5.75	a	b	c		
Heavy duty trailer - to 40 tons	5.65	a	b	c		
Heavy duty trailer - over 40 tons	5.80	a	b	c		
Helpers	5.50	a	b	c		
Specialized earth moving equipment	5.75	a	b	c		

Paid Holidays (Where applicable):

A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas.

Footnotes:

a. $14.00 per week for employee employed over 16 hours and $.35 per hour for employed less than 16 hours during the week.

b. $20.00 per week for employees employed over 24 hours and $.50 per hour for employees employed less than 24 hours during the week.

c. Seven (7) holidays: A through F, and Good Friday provided the employee has 31 calendar days service and is available for work the day preceding and following the holiday.

SUPERSEDEAS DECISION

STATE: Connecticut
COUNTY: Middlesex
DECISION NO.: AP-474
DATE: Date of Publication
Supersedes Decision No. AP-436, dated October 13, 1972, in 37 FR 21753.
DESCRIPTION OF WORK: Building Construction, (excluding single family homes and garden type apartments up to and including 4 stories), heavy and highway construction.

4-CONN-1-2-3-H (1-2)

BUILDING, HEAVY & HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.	Other
Asbestos Workers	$8.715	.42	.28			
Boilermakers	8.705	.50	10%		.01	
Bricklayers, Cement Masons-Finishers, Marble Setters, Plasterers, Stonemasons, Terrazzo Workers, Tile Setters (Building Only)	8.75	.20	.30			
Marble Setters' Helpers, Terrazzo Workers' Helpers, Tile Setters Helpers	7.65	.35	.15+.25			
Bricklayers, Cement Masons-Finishers. Stonemasons (Heavy & Highway Only)	7.60	.40	.25	f		
Carpenters & Piledrivermen (Hvy & Hwy)	8.30	.35	.20	f	.03	
Carpenters, Soft Floor Layers (Bldg. Only)	8.12	.35	.20			
Electricians:						
Cromwell, Middfield, Middletown, Portland	8.70	.65	1%+ .40		½%	
Remainder of County	8.40	.40	1%+ .20		½%	
Elevator Constructors	8.21	.345	.23	2%+b+c	.015	
Elevator Constructors' Helpers	5.75	.345	.23	2%+b+c	.01b	
Elevator Constructors' Helpers (Prob.)	4.105					
Glaziers (Outside)	8.01	.47	.32			
Ironworkers: Structural, Ornamental & Reinforcing	9.30	.45	.44		.04	
Laborers (Building, Hvy., Highway)						
Laborers, carpenters tenders, wrecking laborers	6.60	.30	.30		.05	
Jackhammer op., mason tenders, mortar mixer, pipelayers, plasterer tender & power buggy	6.85	.30	.30		.05	
Air track operators, wagon drill ops. and sand blasters	7.10	.30	.30		.05	
Open Air Caisson, Cylindrical Work and Boring Crew:						
Top Man	6.60	.30	.25		.05	
Bottom Man	7.10	.30	.25		.05	
Lathers:						
Cromwell, East Haddam, East Hampton, Middlefield, Middletown, Portland	9.15	.25	.30		.01	
Remainder of County	8.52	.25	.20		.01	
Lead Burners	7.80	.30		d	.01	
Line Construction:						
Lineman, Dynamite	5.18	.10	1%	e		
Equipment Operator	4.37	.10	1%	e		
Groundman, Truck Driver	3.85	.10	1%	e		
Groundman, Experienced	3.41	.10	1%	e		
Groundman, Inexperienced	2.98	.10	1%	e		
Painters:						
Brush	7.25	.50	.20			
Bridge	8.50	.50	.20			
Spray	10.87	.50	.20			
Piledrivermen (Building Only)	8.12	.35	.20			

4-CONN-1-2-3-H (2-2)

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.	Others
Plumbers and Steamfitters:						
Clinton, Westbrook, Killingworth	$8.30	.40	.30	g		
Essex, Old Saybrook, Ivoryton, Saybrook	8.75	.20	.20			
Remainder of County, Plumbers	8.65	5%	5%		.15	
Remainder of County, Steamfitters	8.82	.54	.54		.05	
Roofers;						
Composition	7.90	.425	.35	.30		
Composition, Helpers, class "A"	7.325	.425	.35	.30		
Composition, Helpers, class "B"	3.60	.425	.35	.30		
Slate, Tile, Precast Concrete	8.40	.425	.35	.30		
Waterproofers	7.90	.425	.35	.30		
Sheet Metal Workers	8.70	.50	.51		.05	
Sprinkler Fitters	8.00	.25	.40		.05	
Welders - Receive rate prescribed for craft performing operation to which welding is incidental.						

PAID HOLIDAYS (Where Applicable):
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:

b. Employer contributes 4% basic hourly rate for 5 years or more of service or 2% basic hourly rate for 6 months to 5 years of service as Vacation Pay Credit.

c. Paid Holidays: A thru F.

d. Nine (9) paid holidays: A through F, Washington's Birthday, Good Friday, and Christmas Eve, providing employee has worked at least 45 full days during the 120 calendar days prior to the holiday, and regular scheduled work days immediately preceding and following the holiday.

e. Seven (7) paid holidays; A thru F, and Good Friday, provided the employee has been employed for at least 10 working days prior to the holiday and is available for work the day before and after the holiday.

f. Paid Holidays: A through F plus Good Friday.

g. Paid Holiday: D.

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AP-474 P. 3 SW-CONN-2-3-U

POWER EQUIPMENT OPERATORS HEAVY & HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Other
Erecting and handling structural steel, front end loader (7 yds. or over)	$8.25	.30	.25+a	b	.05	
Piledriver, crane shovel, dragline, gradall, trenching machine, lighter derrick, paver (concrete), derrick (stiff leg and guy), steel pile sheeting, kohering loader (skooper)	8.15	.30	.25+a	b	.05	
Drill (Joy Heavy weight champion or equivalent) side boom, loader (Euclid) mucking machine, pumpcrete, rock and earth boring machine post and well digger compressor (battery operated), hammer (vibratory), central mix operator, combination hoe & loader (over ½ yd.)	7.90	.30	.25+a	b	.05	
Asphalt spreader	7.75	.30	.25+a	b	.05	
Front end loader (3 yds. or over), grader power stone spreader, combination hoe & loader	7.65	.30	.25+a	b	.05	
Asphalt roller, bulldozer, carryall, maintenance engineer	7.50	.30	.25+a	b	.05	
Front end loader (under 3 yds.), roller power chipper fork lift, finishing machine, asphalt plant, power pavement breaker, dinky machine	7.35	.30	.25+a	b	.05	
Compressor, pump opr.	7.17	.30	.25+a	b	.05	
Fireman, high pressure	7.25	.30	.25+a	b	.05	
Well point system	7.33	.30	.25+a	b	.05	
Compressor battery operator	7.90	.30	.25+a	b	.05	
Oiler	6.90	.30	.25+a	b	.05	
Batch plant, bulk cement plant, oiler	6.90	.30	.25+a	b	.05	
Crane with 150 ft. boom - additional $.25 per hour						
Crane with 200 ft. boom - additional $.50 per hour						

Paid Holidays (Where Applicable):
A-New Year's Day; B-Memorial Day;
C-Independence Day; D-Labor Day;
E-Thanksgiving Day; F-Christmas Day.

FOOTNOTE:
a. Employer contributes $.15 per hour to Supplemental Unemployment Fund.

b. Seven (7) paid holidays: A through F and Good Friday.

AP-474 P. 4 SW-CONN-1-Q

POWER EQUIPMENT OPERATORS BUILDING CONSTRUCTION:	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Oth
Derrick, hoist (2 drums or over), structural steel (hoisting and handling), stone setting, pile driver, lighter derrick, stiff leg and guy derrick	$ 8.32	.30	.25+a	b		
Tower crane, dragline, gradall, hoist, Kohering scooper loader and/or hoe, shovel, front end loader (7yds. or over) fork lift (over 4 ft. lift)	8.15	.30	.25+a	b		
Maintenance engineer	8.05	.30	.25+a	b		
Boiler (portable-high pressure), hammer (vibratory), front end load (3-7 yds.), Coleman loader and screening plant or similar equip., drill (joy-heavy weight champion or equivalent), mucking machine, pumpcrete, rock and earth boring machine, compressor (battery op.) post hole and well digger, conveyor, central mix operator, combination hoe and loader (over ½ yd.)	7.90	.30	.25+a	b		
Asphalt spreader	7.90	.30	.25+a	b		
Bulldozer	7.80	.30	.25+a	b		
Grader, scraperpan, carryall operator	7.70	.30	.25+a	b		
Combination hoe and loader	7.70	.30	.25+a	b		
Concrete mixer (5 bags or over), front end loader (under 3 yds), powerstone spreader	7.65	.30	.25+a	b		
Compressor, generator, pump & well point opr., welding machine, air steam valve oprs., mechanical heater oprs.	7.53	.30	.25+a	b		
Steam Jenny, fork lift (not over 4 ft.),	7.55	.30	.25+a	b		
Roller operators	7.50	.30	.25+a	b		
Dinky machine opr., firemen (high pressure), power pavement breaker	7.35	.30	.25+a	b		
Oiler	6.90	.30	.25+a	b		
Crane with boom, over 150 ft. Additional $.25 per hour						
Crane with boom, over 200 ft. Additional $.50 per hour						

Paid Holidays (Where applicable):
A-New Year's Day; B-Memorial Day;
C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day

FOOTNOTE:
a. Employer contributes $.15 per hour to Supplemental Unemployment Fund.

b. Seven (7) paid holidays: A through F and Good Friday.

AP-474 P. 5 1-TD-SW-CONN-1-2-3-F

BUILDING, HEAVY, & HIGHWAY CONSTRUCTION	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS: H & W	PENSIONS	VACATION	APP. TR.	OTH.
Truck Drivers:						
Two axle trucks	$5.50	a	b	c		
Three axle trucks	5.60	a	b	c		
Four axle trucks	5.70	a	b	c		
Two axle ready-mix	5.60	a	b	c		
Three axle ready-mix	5.65	a	b	c		
Four axle ready-mix	5.75	a	b	c		
Heavy duty trailer - to 40 tons	5.65	a	b	c		
Heavy duty trailer - over 40 tons	5.80	a	b	c		
Helpers	5.50	a	b	c		
Specialized earth moving equipment	5.75	a	b	c		

Paid Holidays (Where applicable):

A-New Year's Day; B-Memorial Day;
C-Independence Day; D-Labor Day;
E-Thanksgiving Day; F-Christmas.

Footnotes:
a. $14.00 per week for employee employed over 16 hours and $.35 per hour for employed less than 16 hours during the week.

b. $20.00 per week for employees employed over 24 hours and $.50 per hour for employees employed less than 24 hours during the week.

c. Seven (7) holidays: A through F, and Good Friday provided the employee has 31 calendar days service and is available for work the day preceding and following the holiday.

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SUPERSEDEAS DECISION

STATE: Connecticut COUNTY: New London
DECISION NO.: AP-475 DATE: Date of Publication
Supersedes Decision No. AP-449, dated November 25, 1972, in 37 FR 25144.
DESCRIPTION OF WORK: Building construction, (excluding single family homes and garden type apartments up to and including 4-stories), heavy and highway construction.

6-CONN-1-2-3-p (1 of 2)

BUILDING, HEAVY & HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Asbestos Workers:						
Griswold, Ledyard, Lisbon, North Stonington, Preston, Stonington, Voluntown	$8.70	.39	.35		.005	
Remainder of County	8.715	.42	.28			
Boilermakers	8.705	.50	10%		.01	
Bricklayers, cement mason-finishers, marble setters, plasterers, stone masons, terrazzo workers, tile setters (Building Only):						
Norwich	8.95	.20+.15	.25			
Remainder of County	8.90	.40	.25			
Marble setters' helpers, terrazzo workers' helpers, tile setters' helpers: (Building Only)	7.65	.35	.15+.25			
Bricklayers, cement masons-finishers, stone masons (Heavy & Highway Only)	7.60	.40	.25	f		
Carpenters & piledrivermen (heavy and highway only)	8.30	.35	.20	f	.03	
Carpenters, soft floor layers, piledrivermen (Building only)						
Township of Stonington	7.975	.25	.25			
Remainder of County	8.05	.50	.30	.25	.005	
Electricians:						
East Lyme, Groton, Lyme, New London, Old Lyme, Waterford	8.40	.40	1% +.20		.5%	
Remainder of County	8.35	.40	1% +.20		.5%	
Cable splicers:						
East Lyme, Groton, Lyme, New London, Old Lyme, Waterford	5.55	.15	1% +.20		.5%	
Elevator Constructors	8.21	.345	.23	2%+b+c	.015	
Elevator Constructors' Helpers	5.75	.345	.23	2%+b+c	.015	
Elevator Constructors' Helpers (Prob)	4.105					
Glaziers (Outside)	8.01	.47	.32			
Ironworkers: Str., Orn. & Reinf.	9.30	.35	.44		.04	
Laborers: (Bldg., Heavy & Highway)						
Laborers, carpenters' tenders, wrecking laborers	6.60	.30	.30		.05	
Jackhammer op. mason tenders, mortar mixer, pipe layers, plasterer tenders & power buggy	6.85	.30	.30		.05	
Air track operators, wagon drill ops., and sand blasters	7.10	.30	.30		.05	
Open Air Caisson, Cylindrical Work and Boring Crew:						
Bottom Man	7.10	.30	.30		.05	
Top Man	6.60	.30	.30		.05	
Lathers:						
Groton	7.40	.45	.50		.01	
Remainder of County	8.70	.20	.30		.01	
Lead Burners	7.80	.30		d	.01	

AP-475 P. 2

6-CONN-1-2-3-P (1 of 2)

BUILDING, HEAVY & HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Line Construction:						
Lineman, dynamite man	$5.18	.10	1%	e		
Equipment operators	4.37	.10	1%	e		
Groundman, truck driver	3.85	.10	1%	e		
Groundman, experienced	3.41	.10	1%	e		
Groundman, inexperienced	2.98	.10	1%	e		
Painters:						
Brush	6.70	.25	.40	.20		
Bridge	8.80	.25	.40	.20		
Sandblasters, steamcleaners	7.43	.25	.40	.20		
Plumbers. Steamfitters:						
Groton, Lyme, Merville, New London, Old Lyme, Salem, Stonington, Waterford, East Lyme, Essex, Saybrook, Ivoryton, Old Saybrook, Montville to Four Corners	7.75	.20	.20			
Remainder of County	8.48	.40	.20	g		
Roofers:						
Composition	7.90	.425	.35	.30		
Composition, helpers, class "A"	7.325	.425	.35	.30		
Composition, helpers, class "B"	3.60	.425	.35	.30		
Slate, tile, precast concrete	8.40	.425	.35	.30		
Sprinkler Fitters	8.00	.25	.40		.05	
Sheet Metal Workers	8.70	.50	.51		.05	
Waterproofers	7.90	.425	.35	.30		

Welders- receive rate prescribed for craft performing operation to which welding is incidental.

PAID HOLIDAYS (WHERE APPLICABLE):
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:
a. $.05 per man per week.
b. Employer contributes 4% basic hourly rate for 5 years or more service or 2% basic hourly rate for 6 months to 5 years as Vacation Pay Credit.
c. Six paid holidays: A thru F.
d. Nine (9) paid holidays: A thru F, Washington's Birthday, Good Friday, and Christmas Eve, provided the employee has worked at least 45 full days during the 120 calendar days prior to the holiday, and the regular scheduled work days immediately preceding and following the holiday.
e. Seven (7) paid holidays: A thru F, and Good Friday, provided the employee has been employed for al least 10 working days prior to the holiday and is available for work the day before and after the holiday.
f. Paid holidays: A thru F, plus Good Friday.
g. Paid holiday: D.

AP-475 P. 3

SW-CONN-1-Q

POWER EQUIPMENT OPERATORS BUILDING CONSTRUCTION:	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Derrick, hoist (2 drums or over), structural steel (hoisting and handling), stone setting, pile driver, lighter derrick, stiff leg and guy derrick	$8.32	.30	.25+a	b	
Tower crane, dragline, gradall, hoist, Kohering scooper loader and/or hoe, shovel, front end loader (7yds. or over) fork lift (over 4 ft. lift)	8.15	.30	.25+a	b	
Maintenance engineer	8.05	.30	.25+a	b	
Boiler (portable-high pressure), hammer (vibratory), front end load (3-7 yds.), Coleman loader and screening plant or similar equip., drill (joy-heavy weight champion or equivalent), mucking machine, pumpcrete, rock and earth boring machine, compressor (battery op.) post hole and well digger, conveyor, central mix operator, combination hoe and loader (over ¼ yd.)	7.90	.30	.25+a	b	
Asphalt spreader	7.90	.30	.25+a	b	
Bulldozer	7.80	.30	.25+a	b	
Grader, scraperpan, carryall operator	7.70	.30	.25+a	b	
Combination hoe and loader	7.70	.30	.25+a	b	
Concrete mixer (5 bags or over), front end loader (under 3 yds), powerstone spreader	7.65	.30	.25+a	b	
Compressor, generator, pump & well point opr., welding machine, air steam valve oprs., mechanical heater oprs.	7.53	.30	.25+a	b	
Steam Jenny, fork lift (not over 4 ft.),	7.55	.30	.25+a	b	
Roller operators	7.50	.30	.25+a	b	
Dinky machine opr., firemen (high pressure), power pavement breaker	7.35	.30	.25+a	b	
Oiler	6.90	.30	.25+a	b	
Crane with boom, over 150 ft. Additional $.25 per hour					
Crane with boom, over 200 ft. Additional $.50 per hour					

Paid Holidays (Where applicable):
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day

FOOTNOTE:
a. Employer contributes $.15 per hour to Supplemental Unemployment Fund.
b. Seven (7) paid holidays: A through F and Good Friday.

AP-475 P. 4

SW-CONN-2-3-U

POWER EQUIPMENT OPERATORS HEAVY & HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Erecting and handling structural steel, front end loader (7 yds. or over)	$8.25	.30	.25+a	b	.05	
Piledriver, crane shovel, dragline, gradall, trenching machine, lighter derrick, paver (concrete), derrick (stiff leg and guy), steel pile sheeting, kohering loader (skooper)	8.15	.30	.25+a	b	.05	
Drill (Joy Heavy weight champion or equivalent) side boom, loader (Euclid) mucking machine, pumpcrete, rock and earth boring machine post and well digger compressor (battery operated), hammer (vibratory), central mix operator, combination hoe & loader (over ¼ yd.)	7.90	.30	.25+a	b	.05	
Asphalt spreader	7.75	.30	.25+a	b	.05	
Front end loader (3 yds. or over), grader power stone spreader, combination hoe & loader	7.65	.30	.25+a	b	.05	
Asphalt roller, bulldozer, carryall, maintenance engineer	7.50	.30	.25+a	b	.05	
Front end loader (under 3 yds.), roller power chipper fork lift, finishing machine, asphalt plant, power pavement breaker, dinky machine	7.35	.30	.25+a	b	.05	
Compressor, pump opr.	7.17	.30	.25+a	b	.05	
Firemen, high pressure	7.25	.30	.25+a	b	.05	
Well point system	7.33	.30	.25+a	b	.05	
Compressor battery operator	7.90	.30	.25+a	b	.05	
Oiler	6.90	.30	.25+a	b	.05	
Batch plant, bulk cement plant, oiler	6.90	.30	.25+a	b	.05	
Crane with 150 ft. boom - additional $.25 per hour						
Crane with 200 ft. boom - additional $.50 per hour						

Paid Holidays (Where Applicable):
A-New Year's Day; B-Memorial Day;
C-Independence Day; D-Labor Day;
E-Thanksgiving Day; F-Christmas Day.

FOOTNOTE:
a. Employer contributes $.15 per hour to Supplemental Unemployment Fund.
b. Seven (7) paid holidays: A through F and Good Friday.

POWER EQUIPMENT OPERATORS HEAVY & HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.	Oth
Erecting and handling structural steel, front end loader (7 yds. or over)	$8.25	.30	.25+a	b	.05	
Piledriver, crane shovel, dragline, gradall, trenching machine, lighter derrick, paver (concrete), derrick (stiff leg and guy), steel pile sheeting, kohering loader (skooper)	8.15	.30	.25+a	b	.05	
Drill (Joy Heavy weight champion or equivalent) side boom, loader (Euclid) mucking machine, pumpcrete, rock and earth boring machine post and well digger compressor (battery operated), hammer (vibratory), central mix operator, combination hoe & loader (over ½ yd.)	7.90	.30	.25+a	b	.05	
Asphalt spreader	7.75	.30	.25+a	b	.05	
Front end loader (3 yds. or over), grader power stone spreader, combination hoe & loader	7.65	.30	.25+a	b	.05	
Asphalt roller, bulldozer, carryall, maintenance engineer	7.50	.30	.25+a	b	.05	
Front end loader (under 3 yds.), roller power chipper fork lift, finishing machine, asphalt plant, power pavement breaker, dinky machine	7.35	.30	.25+a	b	.05	
Compressor, pump opt.	7.17	.30	.25+a	b	.05	
Firemen, high pressure	7.25	.30	.25+a	b	.05	
Well point system	7.33	.30	.25+a	b	.05	
Compressor battery operator	7.90	.30	.25+a	b	.05	
Oiler	6.90	.30	.25+a	b	.05	
Batch plant, bulk cement plant, oiler	6.90	.30	.25+a	b	.05	
Crane with 150 ft. boom - additional $.25 per hour						
Crane with 200 ft. boom - additional $.50 per hour						

Paid Holidays (Where Applicable):
A-New Year's Day; B-Memorial Day;
C-Independence Day; D-Labor Day;
E-Thanksgiving Day; F-Christmas Day.

FOOTNOTE:
a. Employer contributes $.15 per hour to Supplemental Unemployment Fund.
b. Seven (7) paid holidays: A through F and Good Friday.

BUILDING, HEAVY, & HIGHWAY CONSTRUCTION	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OT
Truck Drivers:						
Two axle trucks	$5.50	a	b	c		
Three axle trucks	5.60	a	b	c		
Four axle trucks	5.70	a	b	c		
Two axle ready-mix	5.60	a	b	c		
Three axle ready-mix	5.65	a	b	c		
Four axle ready-mix	5.75	a	b	c		
Heavy duty trailer - to 40 tons	5.65	a	b	c		
Heavy duty trailer - over 40 tons	5.80	a	b	c		
Helpers	5.50	a	b	c		
Specialized earth moving equipment	5.75	a	b	c		

Paid Holidays (Where applicable):

A-New Year's Day; B-Memorial Day;
C-Independence Day; D-Labor Day;
E-Thanksgiving Day; F-Christmas.

Footnotes:
a. $14.00 per week for employee employed over 16 hours and $.35 per hour for employed less than 16 hours during the week.
b. $20.00 per week for employees employed over 24 hours and $.50 per hour for employees employed less than 24 hours during the week.
c. Seven (7) holidays: A through F, and Good Friday provided the employee has 31 calendar days service and is available for work the day preceding and following the holiday.

SUPERSEDEAS DECISION

STATE: Connecticut
COUNTY: New Haven
DECISION NO.: AP-476
DATE: Date of Publication
Supersedes DEcision No. AP-448, dated November 25, 1972, in 37 FR 25140.
DESCRIPTION OF WORK: Building construction, (excluding single family homes and garden type apartments up to and including 4-stories), heavy and highway construction.

BUILDING, HEAVY & HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.	Oth
Asbestos workers	$8.715	.42	.28			
Boilermakers	8.705	.50	10%		.01	
Bricklayers, cement masons-finishers marble setters, plasterers, stonemasons terrazzo workers, tile setters (Building only):						
Milford-Devon	8.47	.35+.15	.50			
Ansonia-Derby	8.35	.50	.25			
Meriden	8.50	.15	.40			
Beacon Falls-Middlebury-Mixville-Naugatuck-Prospect-Waterbury-Marion Wolcott-Thomaston, Woodbury	8.91	.35+.15	.25			
Remainder of County	8.52	.35+.15	.50			
Bricklayers, cement masons-finishers, stonemasons (Heavy & Highway only):						
Milford	7.65	.40	.25	j		
Remainder of County	7.60	.40	.25	j		
Carpenters, soft floor layers, piledrivermen (Building only):						
Ansonia-Seymour-Derby-Orange	7.75	.45	.20	k		
Milford	8.15	.25	.35	g		
Wallingford-Meriden	8.12	.35	.20			
Cheshire-Middlebury-Prospect-Southbury-Waterbury-Wolcott-Beacon Falls-Naugatuck	8.05	.40	.20	h	.01	
Remainder of County	8.00	.50	.30			
Carpenters, Piledrivermen (Heavy & Highway only)	8.30	.35	.20	j	.03	
Electricians:						
Beacon Falls-Middlebury-Naugatuck-Oxford-Prospect-Seymour-Southbury-Waterbury-Wolcott	8.80	.25	1%+.20		1/8 of 1%	
Milford	7.75	.23	1%+.20		½ of 1%	
Remainder of County	8.40	.40	1%+.20		.5%	
Elevator Constructors	8.21	.365	.23	2%+a+b	.015	
Elevator Constructors' helpers	5.75	.345	.23	2%+a+b	.015	
Elevator Constructors' helpers (Prob.)	4.105					
Glaziers	5.30	.125	.125			
Glaziers (Wallingford)	8.01	.47	.32			
Ironworkers:						
Structural, Ornamental & Reinforcing	9.30	.45	.44		.04	
Laborers (Building, Heavy & Highway):						
Laborers, Carpenter tenders, Wrecking laborers	6.60	.30	.30		.05	
Jackhammer operator, Mason tenders, Mortar mixer, Pipelayers, Plasterers' tenders, Power buggy operator	6.85	.30	.30		.05	

BUILDING, HEAVY & HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.	Other
Laborers (Building, Heavy & Highway Cont'd):						
Air track operators, Wagon drill operators and Sandblasters	$7.10	.30	.30		.05	
Open Air Caisson, Cylindrical Work and Boring Crew:						
Bottom man	7.10	.30	.30		.05	
Top man	6.60	.30	.30		.05	
Lathers:						
Beacon Falls-Bethany-Cheshire-Meriden-Middlebury-Naugatuck-Oxford-Prospect-Southbury-Waterbury-Wolcott	8.75	.25	.15		.01	
Remainder of County	8.52	.14	.20		.01	
Lead Burners	7.80	.30		c	.01	
Line Construction:						
Milford:						
Linemen, cable splicers, dynamitemen	6.11	.15	1%	d		
Digger, equipment operators	5.21	.15	1%	d		
Truck Drivers	4.99	.15	1%	d		
Cable splicers' helpers	4.85	.15	1%	d		
Groundmen	4.39	.15	1%	d		
Beacon Falls-Middlebury-Naugatuck-Oxford-Prospect-Seymour-Southbury-Waterbury-Wolcott:						
Linemen, dynamiteman	5.18	.15	1%	e	½ of 1%	
Equipment operator	4.37	.15	1%	e	½ of 1%	
Groundman, experienced	3.41	.15	1%	e	½ of 1%	
Groundman, inexperienced	2.98	.15	1%	e	½ of 1%	
Remainder of County:						
Linemen, dynamiteman	5.18	.10	1%	e		
Equipment operator	4.37	.10	1%	e		
Groundman, truckdriver	3.85	.10	1%	e		
Groundman, experienced	3.41	.10	1%	e		
Groundman, inexperienced	2.98	.10	1%	e		
Marble setters' helpers, terrazzo workers' helpers, tile setters' helpers	7.65	.35	.15+.25			
Painters:						
Brush:						
Ansonia-Beacon Falls-Derby-Oxford-Seymour	4.75	.12		f		
Milford (Remainder of Township)	7.00	.25	.25	f		
Cheshire-Guilford-Madison-Meriden-Wallingford	7.25	.50	.20			
Milford (Up to Gulf Street)	6.40	.25	.25			
Remainder of County	6.40	.25	.25			
Structural Steel:						
Ansonia-Beacon Falls-Derby-Oxford-Seymour	5.75	.12		f		
Milford	8.00	.25	.25	f		
Spray:						
Ansonia-Beacon Falls-Derby-Oxford-Seymour	5.75	.12		f		
Cheshire-Guilford-Madison-Meriden-Wallingford	10.875	.50	.20			

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BUILDING, HEAVY & HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.	Oth
Painters (Cont'd):						
Spray (Cont'd):						
Milford (Up to Gulf Street)	9.15	.25	.25			
Remainder of County	9.15	.25	.25			
Commercial & Industrial:						
Middlebury-Naugatuck-Prospect-Roxbury-Southbury-Waterbury-Wolcott	6.00	.25	.25			
Bridge:						
Cheshire-Guilford-Madison-Meriden-Wallingford	8.50	.50	.20			
Plumbers & Steamfitters:						
Milford	8.88	.30	.30	.36	.01	
Ansonia-Beacon Falls-Bethany-Naugatuck-Oxford-Prospect-Seymour	9.15	.35	.30	2%	.02	
Middlebury-Southbury-Waterbury-Wolcott-South Britain	8.32	.55+.08	.50		.08	
Cheshire-Meriden-Wallingford	9.00	.55	.75	1		
Remainder of County	8.30	.40	.30	m		
Roofers:						
Cheshire-Meriden-Prospect-Wallingford-Wolcott:						
Composition	7.90	.425	.35	.30		
Composition, Helpers, Class A	7.325	.425	.35	.30		
Composition, Helpers, Class B	3.60	.425	.35	.30		
Slate and Tile	8.40	.425	.35	.30		
Remainder of County:						
Composition, Kettlemen	8.50	.60	.30			
Slate and Tile	8.75	.60	.30			
Precast slab	9.00	.60	.30			
Precast slab helper	8.25	.60	.30			
Precast slate helpers	7.75	.60	.30			
Sheet metal workers	8.70	.50	.51		.05	
Sprinkler fitters	8.00	.25	.40		.05	
Waterproofers:						
Cheshire-Meriden-Prospect-Wallingford-Wolcott	7.90	.425	.35	.30		
Remainder of County	8.50	.60	.30			
Welders - Receive rate prescribed for craft performing operation to which welding is incidental.						

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:
a. Employer contributes 4% basic hourly rate for 5 years or more of service or 2% basic hourly rate for 6 months to 5 years of service as Vacation Pay Credit.

b. Paid Holidays: A through F.

FOOTNOTES (Cont'd):

c. Paid Holidays: A through F, Washington's Birthday, Good Friday and Christmas Eve, provided the employee has worked 45 full days during the 120 calendar days prior to the Holiday, and the regular scheduled days immediately preceding and following the Holiday.

d. Paid Holidays: A and D through F and Good Friday, provided the employee is available for work the days preceding and following the holiday.

e. Paid Holidays: A through F, and Good Friday, provided the employee has been employed for at least 10 working days prior to the holiday and is available for work the day before and after the holiday.

f. Paid Holidays: C and D; providing the employee works the day before and the day after the holiday.

g. Paid Holidays: B through D, plus Good Friday, provided the employee has been employed 14 consecutive days immediately prior to the holiday.

h. Paid Holidays: B through E.

j. Paid Holidays: A through F, plus Good Friday.

k. Paid Holidays: C, D and E.

l. Paid Holiday: Labor Day.

M. Paid Holiday: D

N. Paid Holidays C and D.

POWER EQUIPMENT OPERATORS BUILDING CONSTRUCTION:	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.	Oth
Derrick, hoist (2 drums or over), structural steel (hoisting and handling), stone setting, pile driver, lighter derrick, stiff leg and guy derrick	$ 8.32	.30	.25+a	b		
Tower crane, dragline, gradall, hoist, Kohering scooper loader and/or hoe, shovel, front end loader (7yds. or over) fork lift (over 4 ft. lift)	8.15	.30	.25+a	b		
Maintenance engineer	8.05	.30	.25+a	b		
Boiler (portable-high pressure), hammer (vibratory), front end load (3-7 yds.), Coleman loader and screening plant or similar equip., drill (joy-heavy weight champion or equivalent), mucking machine, pumpcrete, rock and earth boring machine, compressor (battery op.) post hole and well digger, conveyor, central mix operator, combination hoe and loader (over ¼ yd.)	7.90	.30	.25+a	b		
Asphalt spreader	7.90	.30	.25+a	b		
Bulldozer	7.80	.30	.25+a	b		
Grader, scraperpan, carryall operator	7.70	.30	.25+a	b		
Combination hoe and loader	7.70	.30	.25+a	b		
Concrete mixer (5 bags or over), front end loader (under 3 yds), powerstone spreader	7.65	.30	.25+a	b		
Compressor, generator, pump & well point opr., welding machine, air steam valve oprs., mechanical heator oprs.	7.53	.30	.25+a	b		
Steam Jenny, fork lift (not over 4 ft.),	7.55	.30	.25+a	b		
Roller operators	7.50	.30	.25+a	b		
Dinky machine opr., firemen (high pressure), power pavement breaker	7.35	.30	.25+a	b		
Oiler	6.90	.30	.25+a	b		
Crane with boom, over 150 ft. Additional $.25 per hour						
Crane with boom, over 200 ft. Additional $.50 per hour						
Paid Holidays (Where applicable): A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day						

FOOTNOTE:
a. Employer contributes $.15 per hour to Supplemental Unemployment Fund.

b. Seven (7) paid holidays: A through F and Good Friday.

POWER EQUIPMENT OPERATORS HEAVY & HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.	Other
Erecting and handling structural steel, front end loader (7 yds. or over)	$8.25	.30	.25+a	b	.05	
Piledriver, crane shovel, dragline, gradall, trenching machine, lighter derrick, paver (concrete), derrick (stiff leg and guy), steel pile sheeting, kohering loader (skooper)	8.15	.30	.25+a	b	.05	
Drill (Joy Heavy weight champion or equivalent) side boom, loader (Euclid) mucking machine, pumpcrete, rock and earth boring machine post and well digger compressor (battery operated), hammer (vibratory), central mix operator, combination hoe & loader (over ¼ yd.)	7.90	.30	.25+a	b	.05	
Asphalt spreader	7.75	.30	.25+a	b	.05	
Front end loader (3 yds. or over), grader power stone spreader, combination hoe & loader	7.65	.30	.25+a	b	.05	
Asphalt roller, bulldozer, carryall, maintenance engineer	7.50	.30	.25+a	b	.05	
Front end loader (under 3 yds.), roller power chipper fork lift, finishing machine, asphalt plant, power pavement breaker, dinky machine	7.35	.30	.25+a	b	.05	
Compressor, pump opr.	7.17	.30	.25+a	b	.05	
Firemen, high pressure	7.25	.30	.25+a	b	.05	
Well point system	7.33	.30	.25+a	b	.05	
Compressor battery operator	7.90	.30	.25+a	b	.05	
Oiler	6.90	.30	.25+a	b	.05	
Batch plant, bulk cement plant, oiler	6.90	.30	.25+a	b	.05	
Crane with 150 ft. boom - additional $.25 per hour						
Crane with 200 ft. boom - additional $.50 per hour						
Paid Holidays (Where Applicable): A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.						

FOOTNOTE:
a. Employer contributes $.15 per hour to Supplemental Unemployment Fund.

b. Seven (7) paid holidays: A through F and Good Friday.

MAR 16 1973 38 FR 7189

SUPERSEDEAS DECISION

STATE: Nevada
DECISION NO.: AP-269
Supersedeas Decision No. AM-6,198 dated November 19, 1971 in 36 FR 22112
Description of Work: Residential Construction consisting of single family homes and garden type apartments up to and including 4 stories.

COUNTY: Washoe
DATE: Date of Publication

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Other
ASBESTOS WORKERS	$8.87	.40	.35	.90	.04	
BOILERMAKERS	7.95	.60	1.00	.50	.02	
BRICKLAYERS; Stonemasons:						
ZONE A: Within 15 mi. radius of court house in Reno	8.45	.40			.01	
ZONE B: Within 15 to 35 mi. radius of court house in Reno	8.80	.40			.01	
ZONE C: Within 35 to 75 mi. radius of court house in Reno	9.20	.40			.01	
BRICK TENDERS:						
ZONE A: 0-15 mi. from court house in Reno	6.50	.40	.20			
ZONE B: 15-35 mi. from court house in Reno	6.85	.40	.20			
ZONE C: 35-75 mi. from court house in Reno	7.25	.40	.20			
CARPENTERS:						
Carpenters	6.25	.50	.70	.90	.03	
Millwrights	6.55	.50	.70	.90	.03	
CEMENT MASONS:						
Cement Masons	6.70	.50	.40	1.00	.01	
Magnesite Composition; Mastic Troweling Machine	6.95	.50	.40	1.00	.01	
ELECTRICIANS:						
Electricians	8.24	.53	1%+.25		.01	
Cable Splicers	9.04	.53	1%+.25		.01	
ELEVATOR CONSTRUCTORS	9.21	.345	.23	2%+a		
ELEVATOR CONSTRUCTORS' HELPERS	70%JR	.345	.23	2%+a		
ELEVATOR CONSTRUCTORS' HELPERS (PROB.)	50%JR					
GLAZIERS	7.605	.15	.25	8%		
IRONWORKERS:						
Reinforcing	8.34	.58	.625	.70	.02	
Fence Erectors	8.24	.58	.625	.70	.02	
Ornamental; Structural	8.38	.58	.625	.70	.02	
LATHERS	6.46	.20	.10		.01	
PAINTERS:						
Brush	6.85	.30	.20	.40		
Spray; Structural Steel	7.10	.30	.20	.40		
PLASTERERS	7.00	.45	.40			
PLASTERERS' TENDERS:						
Zone A: Less than 75 mi. from Reno	6.25	.40	.30			
Zone B: Over 75 mi. from Reno	6.375	.40	.30			
Working on Hardwall Gun (except light texture mixture):						
Zone A: Less than 75 mi. from Reno	6.50	.40	.30			
Zone B: Over 75 mi. from Reno	6.625	.40	.30			
PLUMBERS; Steamfitters	8.10	.30	.60	1.55	.05	

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	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
ROOFERS	$7.70	.25	.05		.02	
SHEET METAL WORKERS	7.90	.59	.90	10%	.02	
SOFT FLOOR LAYERS	8.35	.30	.20			
TILE SETTERS:						
ZONE A: Within 15 mi. radius of court house in Reno	7.60	.30			.01	
ZONE B: Within 15 to 35 mi. radius of court house in Reno	7.95	.30			.01	
ZONE C: Within 35 to 75 mi. radius of court house in Reno	8.35	.30			.01	

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTE:
a. Employer contributes 4% basic hourly rate for over 5 years' service and 2% basic hourly rate for 6 months to 5 years' service as Vacation Pay Credit. Six Paid Holidays: A through F.

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1 NEV-LAB-1-2-3-j (1-2)

LABORERS:	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
GROUP I Asphalt Workers (Ironers, Shoveler, Cutting machine); Buggymobile; Chainsaw, Faller, Logloader and Bucker; Compactor (all types); Concrete Mixer under 1/2 yds.; Concrete pan work (breadpan type), (handling, cleaning, stripping); Concrete Saw, Chipping, Grinding, Sanding, Vibrator; Cribbing, Shoring, Lagging, Trench jacking, Hand-guided lagging hammer; Curbing or Divider machine; Curb setter (precast or cut); Ditching Machine (Hand-guided); Drillers Helper, Chuck Tender; Form Raiser, Slip Forms; Grouting of Concrete Walls; Windows and Door Jams; Headerboardman; Jackhammer, Pavement Breaker, Air Spade; Mastic workers (wet or dry); Pipe wrapper, Kettleman, Potman, & men applying asphalt, creosote and similar type materials; All power tools (air, gas or electric) not listed in Group V; Pipejacking; Posthole Digger (air, gas, or electric) Post Driver; Riprap-Stonepaver and Rock Slinger, incl. placing of sack concrete wet or dry; Tototiller; Rigging and signaling in connection with laborers work; Sandblaster, potman, gunman or nozzleman; Vibrascreed; Skilled Wrecker (removing and salvaging of sash, windows, doors, plumbing and electrical fixtures)	$ 6.05	.40	.30			
GROUP II Choker Setter or Rigger (clearing work only) Pittsburg Chipper and similar type brush shredders; Concrete worker (wet or dry) all concrete work not listed in Group I; Crusher or Grizzly Tender; Guines Chaser (Stakeman); Panel Forms (wood or metal) handling, cleaning, and stripping of; Loading and unloading, Carrying and handling of all rods and material for use in reinforcing concrete; Railroad Trackmen (maintenance, repair or builders); Sloper; Semi-Skilled wreckers (salwaging of building materials other than those listed in Group I)	5.90	.40	.30			

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1-NEV-LAB-1-2-3-j (2-2)

LABORERS: (Cont'd)	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
GROUP III All cleanup work of debris, grounds, and buildings including windows & tile; Dumpman or Spotter (other than asphalt); General laborer; Gardeners and Landscape Laborers; Limber, Brush-loader and Filer	5.80	.40	.30			
GROUP IV Burning and Welding in connection with laborers' work	6.15	.40	.30			
GROUP V Joy Drill Model TWM-2A, Gardner Denver Model DN143 and similar type drills; Core Drillers, Wagon Drillers; Mechanical Drillers on Multiple Units; Blaster and Powderman, all work of loading, placing, and blasting of all powder and explosives of any type, regardless of method used for such loading and placing; High scalers; Concrete pump operator; Heavy duty Vibrator with Stinger 5" diameter or over; Pipelayer; Caulker and Bander; Pipelayer-Waterline, Severline, Gasline, Conduit; Asphalt Rakers	6.30	.40	.30			
GROUP VI Nozzleman, Rodman	6.60	.40	.30			
Gunman, Materialman	6.30	.40	.30			
Reboundman	5.95	.40	.30			

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AREA (1) That area within 25 mi radius of the Reno City Hall
AREA (2) Remaining area outside of the 25 mi radius of Reno City Hall

	AREA (2)	AREA (1)	1 and 3-NEV-TD 1-2-3			
			Fringe Benefits Payments			
	Basic Hourly Rates	Basic Hourly Rates	H & W	Pensions	Vacation	App. T
Truck Drivers:						
All Dump Trucks (single or multiple dump units incl. semi's & double & transfer units):						
Under 4 yds. (water level)	$ 6.15	5.40	.41	.25	.25	
4 yds. & under 8 yds. (water level)	6.35	5.60	.41	.25	.25	
8 yds. & under 18 yds. (water level)	6.55	5.80	.41	.25	.25	
18 yds. & under 35 yds. (water level)	6.70	5.95	.41	.25	.25	
35 yds. & under 60 yds. (water level)	6.95	6.20	.41	.25	.25	
60 yds. & over	7.10	6.35	.41	.25	.25	
Transit Mix:						
Under 8 yds.	6.55	5.80	.41	.25	.25	
8 yds. & incl. 12 yds.	6.65	5.90	.41	.25	.25	
Over 12 yds.	6.85	6.10	.41	.25	.25	
Transit Mix with Boom shall receive 12 - 1/2c per hour above the appropriate yardage classification rate of pay when such boom is used.						
Water Trucks:						
Up to 2,500 gals.	6.35	5.60	.41	.25	.25	
2,500 gals. & over	6.45	5.70	.41	.25	.25	
Semi Trailers	6.55	5.80	.41	.25	.25	
DW 20's and 21's and other similar Cat type, Terra Cobra, LeTourneau Pulls, Tournarocker, Euclid and similar type equipment when pulling Aqua/Pak, Water Tank Trailers and Fuel &/or Grease Tank Trailers, or other misc. trailers	6.70	5.95	.41	.25	.25	
Heavy Duty Transport (high bed), Heavy Duty Transport (gooseneck low bed), Tiltbed or Flatbed Pull Trailers	6.45	5.70	.41	.25	.25	
Bootman, combination Bootman and Road Oiler	6.60	5.85	.41	.25	.25	
Road Oil Truck or Bootman	6.30	5.55	.41	.25	.25	
Flat Rack (single unit) (2 axle unit)	6.20	5.45	.41	.25	.25	
Flat Rack (single unit) (3 axle unit)	6.30	5.55	.41	.25	.25	

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	AREA (2)	AREA (1)	1 and 3-NEV-TD 1-2-3			
			Fringe Benefits Payments			
TRUCK DRIVERS (Cont'd):	Basic Hourly Rates	Basic Hourly Rates	H & W	Pensions	Vacation	App.
Truck Drivers:						
Bus and Manhaul Drivers:						
Up to 18,000 lbs (single unit)	6.20	5.45	.41	.25	.25	
18,000 lbs & over (single unit)	6.30	5.55	.41	.25	.25	
Helicopter Pilot (when transporting men or materials)	7.10	6.35	.41	.25	.25	
Industrial Lift Truck - Use Appropriate Flat Rack Rate (mechanical tailgate)						
Lift Jitneys and Fork Lift	6.40	5.65	.41	.25	.25	
Winch Truck & "A" Frame Drivers:						
Under 18,000 lbs.	6.30	5.55	.41	.25	.25	
18,000 lbs. & over	6.40	5.65	.41	.25	.25	
Warehousemen Spotters Teamsters	6.10	5.35	.41	.25	.25	
Tire Repairman	6.40	5.65	.41	.25	.25	
Truck Repairman	6.85	6.10	.41	.25	.25	
Pick-up Truck & Pilot Cars (job site)	6.20	5.45	.41	.25	.25	
Truck Oiler & Greaser, Fuel Truck Driver, Fuel Man & Fuel Island Man	6.30	5.55	.41	.25	.25	

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1-NEV-PEO-1-2-3-e (1-5)

AREA 1*	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.	Others
POWER EQUIPMENT OPERATORS:						
GROUP I						
ASSISTANT TO ENGINEER, Including Brakeman, Deckhand, Fireman, Heavy Duty Repairman Helper, Oiler, Partsman (heavy duty repair shops parts room when needed), Switchman, Tar Pot Fireman	6.56	.55	1.00	.65	.31	
GROUP II						
COMPRESSOR (Electrically, diesel or gas powered, etc.) Material Loader and/or Conveyor (handling building materials); Oiler (Truck Crane); Pump; Tar Pot Fireman (power agitated)	6.87	.55	1.00	.65	.31	
GROUP III						
BOX OPERATOR (Bunker); Concrete Curing Machines (streets, highways, airports, canals); Conveyor Belt (Tunnel); Engineer Generating Plant (500 K.W.); Fireman Hot Plant; Hydraulic Monitor; Lubrication and Service Engineer (Mobile and Grease Rack); Mixer Box Operator (Concrete Plant); Motorman; Rodman or Chainman; Rotomist; Screedman (except asphaltic or concrete paving)	7.03	.55	1.00	.65	.31	
GROUP IV						
BALLAST JACK TAMPER; Ballast Regulator; Ballast Tamper Multi-Purpose; Boxman (asphalt plant); Concrete Mixer, Skip Type; Dinky (Assistant to Engineer required); Fork Lift (construction job site); Ross Carrier; Skip Loader (under 1 cu. yd.); Tie Spacer	7.45	.55	1.00	.65	.31	
GROUP V						
CONCRETE MIXER (over 1 cu. yd.); Concrete Pumps or Pumpcrete Guns; Elevator and Material Hoist (1 drum); Gradesetter, Grade checker; Screedman (Barber - Greene and similar) (asphaltic or concrete paving); Shuttle car; Signalman	7.62	.55	1.00	.65	.31	

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1-NEV-PEO-1-2-3-e (2-5)

POWER EQUIPMENT OPERATORS (Cont'd) GROUP VI	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
BOOM TRUCK OR DUAL PURPOSE "A" FRAME TRUCK; B.L.H. Lime Rock Factor or similar; Chip Box Spreader (Flaherty type or similar); Concrete Batch Plant (wet or dry); Concrete Saws (highways, streets, airports, canals); Highline Cableway Signalman; Locomotives (over 30 tons); Maginnis International Full Slab Vibrator (airports, highways, canals, warehouses); Mechanical Burn, Curb and/or Curb Gutter Machine (concrete or asphalt); Power Jumbo (setting slip forms, etc., in tunnels); Roller; Self-propelled Compactor (single engine); Slip Form Pump (power driven by hydraulic, electric, air gas, etc., Lifting device for concrete forms); Stationary Pipe Wrapping, Cleaning and Bending Machine; Pavement Breaker or Tamper (with or without compressor combination); Pavement Breaker, Truck Mounted, with Compressor Combination; Small Rubber-tired Tractors	7.71	.55	1.00	.65	.31	
GROUP VII						
COMPRESSOR (2 to 6) (electric, diesel or gas); Concrete Conveyor; Concrete Conveyor or Concrete Pump, Truck or equipment Mounted (Boom length to apply); Crusher Plant Engineer; Deck Engineer; Drilling and Boring machinery, Vertical & Horizontal (not to apply to waterliners, wagon drills or jackhammers); Instrument Man; Kolman Loader; Material Hoist (2 or more drums); Mechanical Finishers or Spreader Machine (asphalt, Barber - Greene and similar) (Screedman required); Mine or Shaft Hoist; Pipe Bending Machines (pipelines only); Pipe Cleaning Machines (Tractor propelled and supported); Pipe Wrapping Machines (Tractor propelled and supported); Portable Crushing and Screening Plants; Pumps (2 to 6); Refrigeration Plant; Self-propelled Boom Type Lifting Device; Slusher; Soil Tester						

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1-NEV-PEO-1-2-3-e (3-5)

AREA 1*

POWER EQUIPMENT OPERATORS (CONT'D):	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Others
GROUP VII (CONT'D) (certified); Surface Heater & Planer; Trenching Machine (maximum digging capacity 3 ft. depth) Truck Type Loader; Welding Machines (Gasoline or Diesel) (2 to 6)	7.86	.55	1.00	.65	.31	
GROUP VIII ASPHALT PLANT ENGINEER; CAR FASER; Cast-in-place Pipe Laying Machine; Combination Slusher & Motor; Dozer; Concrete Batch Plant - (Multiple Units); Elevating Grader; Heavy-Duty Repairman and/or Welder; Ken-Seal; Loader (up to and including 2 1/2 cu. yds.); Mechanical Trench Shield, Mixer-mobile; Push Cats; Road Oil Mixing Machine Wood-Mixer (and other similar Pugmill equipment); Rubber Tired Earthmoving Equipment (up to and including 35 cu. yds. "struck", M.R.C., Euclids, T-Pulls, DW's 10, 20, 21 and similar); Self-propelled Compactor with Dozer;Sheepfoot; Small Tractor (with boom); Soil Stabilizer (P & H or equal); Timber Skidder (rubber tire) or similar equipment; Tractor; Tractor Drawn Scraper; Tractor Mounted Compressor Drill Combination; Trenching Machine (over 3 ft. depth); Tri-Batch Paver; Tunnel Badger or Tunnel Boring Machine; Tunnel Mole Boring Machine;	8.16	.55	1.00	.65	.31	
GROUP IX CANAL FINGER DRAIN DIGGER; Chicago Boom Combination Backhoe and Loader (up to & including 3/8 yds.); Combination Mixer and Compressor (gunnite); Lull Hi-Lift (20 ft. or over); Mucking Machine; Tractor (with boom) (D6 or larger); Track Laying Type Earth Moving Machine (single engine with tandem scrapers; Sub-Grader (Gurries or other types);	8.34	.55	1.00	.65	.31	

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1-NEV-PEO-1-2-3-e (4-5)

AREA 1*

POWER EQUIPMENT OPERATORS (Cont'd) GROUP X	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Others
BOOM-TYPE BACKFILLING MACHINE; Back Hoe (up to and including 1 cu. yd. hydraulic); Back Hoe (up to and including 1 cu. yd.) (Cable); Bridge Crane; Cranes (not over 25 tons) (hammerhead and gantry); Cary-Lift or similar; Chemical Grouting Machine; Derricks (2 Group 10 Operators required when swing engine remote from hoist); Derrick Barges (Except excavation work) Euclid Loader similar types; Grade-alls (up to and including 1 cu. yd.); Heavy Duty Rotary Drill Rigs (including caisson foundation work and Kibbins type drills); Lift-Slab (Vagtborg and similar types); Loader (over 2 1/2 yds. up to and including 4 yds.); Locomotive (over 100 tons) (single or multiple units); Motor Patrol Op.; Multiple Engine Earth Moving Machines (Euclids, Dozers, etc.) (No tandem scraper); Power Shovels, Clamshells, Draglines, Cranes (up to and including 1 cu. yd.) Pre-Stress Wire Wrapping Machines; Self-propelled reservoir-debree equipment floating (200 h.p. and over); Shuttle Car (Reclaim Station); Single-Engine Scraper (over 35 cu. yds.) Vacuum Cooling Plant; Whirley Crane (up to and including 25 tons) Rubber tired Scraper (self-loading)	8.53	.55	1.00	.65	.31	
GROUP XI AUTOMATIC ASPHALT OR CONCRETE SLIP FORM PAVER; Automatic Railroad Car Dumper; Canal Finger Drain Backfiller; Canal Trimmer; Cranes (over 25 tons); Highline Cableway Operator; Loader (over 4 yds. up to and including 12 cu. yds.); Multi-Engine Earthmoving Equipment (up to and including 75 cu. yds. "struck" M.R.C.); Power Shovels, Clamshells, Draglines, Backhoes, Grade-alls (over 1 yd. and up to and including 7 cu. yds. M.R.C.); Self-propelled Compactor (with multiple propulsion power units); Single Engine Rubber Tired Earth-Moving Machine (with Tandem Scraper); Slip Form Paver (concrete or asphalt (1 Operator and 2 Screedmen); Tandem						

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1-NEV-PEO-1-2-3-e (5-5)

AREA 1*

POWER EQUIPMENT OPERATORS (Cont'd) GROUP XI (Cont'd)	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Others
Cats and Scrapers; Tower Crane Mobile Universal Liebher & Tower Cranes (and similar types); Wheel Excavator (up to and including 750 cu. yds. per hour); Whirley Cranes (over 25 tons)	8.76	.55	1.00	.65	.31	
GROUP XI-A BAND WAGONS (in conjunction with Wheel Excavators); Loader (over 12 cu. yds.); Multi-Engine Earth Moving Equipment (over 75 cu. yds. "struck" m.r.c.); Operator of Helicopter (when used in construction work); Power Shovels & Draglines (over 7 cu. yds. M.R.C.); Remote Controlled Earth Moving Equipment; Wheel Excavator (over 750 cu. yds. per hour)	9.63	.55	1.00	.65	.31	

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3-NEV-PEO-1-2-3-e (1-5)

AREA 2**

POWER EQUIPMENT OPERATORS: GROUP I	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Others
ASSISTANT TO ENGINEER, Including Brakeman, Deckhand, Fireman, Heavy Duty Repairman Helper, Oiler, Partsman (heavy duty repair shops parts room when needed), Switchman, Tar Pot Fireman	7.56	.55	1.00	.65	.31	
GROUP II COMPRESSOR (Electrically, diesel or gas powered, etc.) Material Loader and/or Conveyor (handling building materials); Oiler (Truck Crane); Pump; Tar Pot Fireman (power agitated)	7.87	.55	1.00	.65	.31	
GROUP III BOX OPERATOR (Bunker); Concrete Curing Machines (streets, highways, airports, canals); Conveyor Belt (Tunnel); Engineer Generating Plant (500 K.W.); Fireman Hot Plant; Hydraulic Monitor; Lubrication and Service Engineer (Mobile and Grease Rack); Mixer Box Operator (Concrete Plant); Motorman; Rodman or Chainman; Rotomist; Screedman (except asphaltic or concrete paving)	8.03	.55	1.00	.65	.31	
GROUP IV BALLAST JACK TAMPER; Ballast Regulator; Ballast Tamper Multi-Purpose; Boxman (asphalt plant); Concrete Mixer, Skip Type; Dinky (Assistant to Engineer required); Fork Lift (construction job site); Ross Carrier; Skip Loader (under 1 cu. yd.); Tie Spacer	8.45	.55	1.00	.65	.31	
GROUP V CONCRETE MIXER (over 1 cu. yd); Concrete Pumps or Pumpcrete Guns; Elevator and Material Hoist (1 drum); Gradesetter, Grade checker; Screedman (Barber - Greene and similar) (asphaltic or concrete paving); Shuttle car; Signalman	8.62	.55	1.00	.65	.31	
GROUP VI BOOM TRUCK OR DUAL PURPOSE "A" FRAME TRUCK; B.L.H. Lima Road Pactor or similar; Chip Box Spreader (Flaherty type or similar); Concrete Batch Plant (wet or dry); Concrete Saws (highways,						

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3-NEV-PEO-1-2-3-e (2-5)

AREA 2**

POWER EQUIPMENT OPERATORS (Cont'd): GROUP VI (Cont'd)	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.	Others
streets, airports, canals); Highline Cableway Signalman; Locomotives (over 30 tons); Maglonis International Full Slab Vibrator (airports, highways, canals, warehouses); Mechanical Burn, Curb and/or Curb Gutter Machine (concrete or asphalt); Power Jumbo (setting slip forms, etc., in tunnels); Roller;Self-propelled Compactor (single engine); Slip Form Pump (power driven by hydraulic, electric, air gas, etc., Lifting device for concrete forms); Stationary Pipe Wrapping, Cleaning and Bending Machine; Pavement Breaker or Tamper (With or without compressor combination); Pavement Breaker, Truck Mounted, with Compressor Combination: Small Rubber-tired Tractors	8.71	.55	1.00	.65	.31	
GROUP VII COMPRESSOR (2 to 6) (electric, diesel or gas); Concrete conveyor; Concrete Conveyor or Concrete Pump, Truck or equipment Mounted (Boom length to apply); Crusher Plant Engineer; Deck Engineer; Drilling and Boring Machinery, Vertical & Horizontal (not to apply to waterliners, wagon drills or jackhammers); Instrument Man; Kolman Loader; Material Hoist (2 or more drums); Mechanical Finishers or Spreader Machine (asphalt, Barber - Greene and similar) (Screedman required); Mine or Shaft Hoist; Pipe Bending Machines (pipelines only); Pipe Cleaning Machines (Tractor propelled and supported); Pipe Wrapping Machines (Tractor propelled and supported); Portable Crushing and Screening Plants; Pumps (2 to 6); Refrigeration Plant; Self-propelled Boom Type Lifting Device; Slusher; Soil Tester (certified); Surface Heater & Planer; Trenching Machine (maximum digging capacity 3 ft. depth) Truck Type Loader; Welding Machines (Gasoline or Diesel) (2 to 6)	8.86	.55	1.00	.65	.31	

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3-NEV-PEO-1-2-3-e (3-5)

AREA 2**

POWER EQUIPMENT OPERATORS (Cont'd)	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.	Others
GROUP VIII ASPHALT PLANT ENGINEER; CAR PASER: Cast-in-place Pipe Laying Machine; Combination Slusher & Motor; Dozer; Concrete Batch Plant - (Multiple Units); Elevating Grader; Heavy-Duty Repairman and/or Welder; Ken-Seal; Loader (up to and including 2 1/2 cu. yds.); Mechanical Trench Shield, Mixermobile; Push Cats; Road Oil Mixing Machine Wood-Mixer (and other similar Pugmill equipment); Rubber Tired Earthmoving Equipment (up to and including 35 cu. yds. "struck", M.R.C., Euclids, T-Pulls, DW's 10, 20, 21 and similar); Self-propelled Compactor with Dozer; Sheepfoot; Small Tractor (with boom); Soil Stabilizer (P & H or equal); Timber Skidder (rubber tire) or similar equipment; Tractor; Tractor Drawn Scraper; Tractor Mounted Compressor Drill Combination; Trenching Machine (over 3 ft. depth); Tri-Batch Paver; Tunnel Badger or Tunnel Boring Machine; Tunnel Mole Boring Machine;	9.16	.55	1.00	.65	.31	
GROUP IX CANAL FINGER DRAIN DIGGER; Chicago Boom Combination Backhoe and Loader (up to & including 3/8 yds.); Combination Mixer and Compressor (gunnite); Lull Hi-Lift (20 ft. or over); Mucking Machine; Tractor (with boom) (D6 or larger); Track Laying Type Earth Moving Machine (single engine with tandem scrapers; Sub-Grader (Gurries or other types);	9.34	.55	1.00	.65	.31	
GROUP X BOOM-TYPE BACKFILLING MACHINE; Back Hoe (up to and including 1 cu. yd. hydraulic); Back Hoe (up to and including 1 cu. yd.) (Cable); Bridge Crane; Cranes (not over 25 tons) (hammerhead and gantry); Cary-Lift or similar; Chemical Grouting Machine; Derricks (2 Group 10 Operators required when swing engine remote from hoist); Derrick Barges (Except excavation work) Euclid						

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3-NEV-PEO-1-2-3-e (4-5)

AREA 2**

POWER EQUIPMENT OPERATORS (Cont'd): GROUP X (Cont'd)	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.	Others
Loader similar types; Grade-alls (up to and including 1 cu. yd.); Heavy Duty Rotary Drill Rigs (including caisson foundation work and Ribbins type drills); Lift-Slab (Vagtborg and similar types); Loader (over 2 1/2 yds. up to and including 4 yds.); Locomotive (over 100 tons) single or multiple units); Motor Patrol Op.; Multiple Engine Earth Moving Machines (Euclids, Dozers, etc.) (no tandem scraper); Power Shovels, Clamshells, Draglines, Cranes (up to and including 1 cu. yd.) Pre-Stress Wire Wrapping Machines; Self-propelled reservoir-debree equipment floating (200 h.p. and over); Shuttle Car (Reclaim Station); Single-Engine Scraper (over 35 cu. yds.) Vacuum Cooling Plant; Whirley Crane (up to and including 25 tons) Rubber tired Scraper, Self Loading	9.53	.55	1.00	.65	.31	
GROUP XI AUTOMATIC ASPHALT OR CONCRETE SLIP FORM PAVER; Automatic Railroad Car Dumper; Canal Finger Drain Backfiller; Canal Trimmer; Cranes (over 25 tons); Highline Cableway Operator; Loader (over 4 yds. up to and including 12 cu. yds.); Multi-Engine Earthmoving Equipment (up to and including 75 cu. yds. "struck" M.R.C.); Power Shovels Clamshells, Draglines, Backhoes, Grade-alls (over 1 yd. and up to and including 7 cu. yds. M.R.C.); Self-propelled Compactor (with multiple propulsion power units); Single Engine Rubber Tired Earth-Moving Machine (with Tandem Scraper); Slip Form Paver (concrete or asphalt (1 Operator and 2 Screedmen); Tandem Cats and Scrapers; Tower Crane Mobile Universal Liebher & Tower Cranes (and similar types); Wheel Excavator (up to and including 750 cu. yds. per hour). Whirley Cranes (over 25 tons)	9.76	.55	1.00	.65	.31	

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3-NEV-PEO-1-2-3-e (5-5)

AREA 2**

POWER EQUIPMENT OPERATORS (Cont'd):	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.	Others
GROUP XI-A BAND WAGONS (in conjunction with Wheel Excavators); Loader (over 12 cu. yds.); Multi-Engine Earth Moving Equipment (over 75 cu. yds. "struck" m.r.c.); Operator of Helicopter (when used in construction work); Power Shovels & Draglines (over 7 cu. yds. M.R.C.); Remote Controlled Earth Moving Equipment; Wheel Excavator (over 750 cu. yds. per hour)	10.63	.55	1.00	.65	.31	

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** AREA 2: All areas not included within Area 1 as defined below.

* AREA 1: All of Northern Nevada within the following lines:

Commencing at the N.W. corner of township 22N, range 18E, Mount Diablo Baseline and Meridian at the California-Nevada border;

Thence Easterly to the N.E. corner of township 22N, range 22E;

Thence Southerly to the N.E. corner of township 20N, range 22E;

Thence Easterly to the N.W. corner of township 20N, range 26E;

Thence Northerly to the N.W. corner of township 22N, range 26E

Thence Easterly to the N.W. corner of township 22N, range 29E;

Thence Northerly to the N.W. corner of township 30N, range 29E;

Thence Easterly to the N.E. corner of township 30N, range 33E;

Thence Southerly to the S.E. corner of township 24N, range 33E;

Thence Westerly to the S.E. corner of township 24N, range 31E;

Thence Southerly to the S.E. corner of township 16N, range 31E;

Thence Westerly to the S.E. corner of township 16N, range 30E;

Thence Southerly to the S.E. corner of township 15N, range 30E;

Thence Westerly to the S.E. corner of township 15N, range 27E;

Thence Southerly to the S.E. corner of township 14N, range 27E;

Thence Westerly to the S.E. corner of township 14N, range 23E;

Thence Southerly to the S.E. corner of township 13N, range 23E;

Thence Westerly to the S.E. corner of township 13N, range 22E;

Thence Southerly to the N.E. corner of township 10N, range 22E;

Thence Easterly to the N.E. corner of township 10N, range 23E;

Thence Southerly along the Easterly line of range 23E to the intersection of the California-Nevada border;

Thence North-Westerly, then Northerly following the California-Nevada border to the point of beginning.

Area 1 also includes that portion of Northern Nevada included within the following line:

Commencing at the S.W. corner of township 37N, range 52E;

Thence Easterly to the S.E. corner of township 37N, range 52E;

Thence Northerly to the N.E. corner of township 37N, range 52E;

Thence Easterly to the N.W. corner of township 37N, range 53E;

Thence Southerly to the S.W. corner of township 37N, range 58E;

Thence Easterly to the S.E. corner of township 37N, range 58E;

Thence Southerly to the N.E. corner of township 31N, range 58E;

Thence Westerly to the N.W. corner of township 31N, range 58E;

Thence Southerly to the S.W. corner of township 31N, range 58E;

Thence Westerly to the S.E. corner of township 31N, range 52E;

Thence Northerly to the N.E. corner of township 31N, range 52E;

Thence Westerly to the S.E. corner of township 32N, range 51E;

Thence Northerly to the point of beginning.

SUPERSEDEAS DECISION

STATE: Rhode Island COUNTY: Newport
DECISION NO.: AP-484 DATE: Date of Publication
Supersedes Decision No. AP-428, dated September 29, 1972, in 37 FR 20480.
DESCRIPTION OF WORK: Building Construction, (excluding single family homes and garden type apartments up to and including 4 stories), heavy and highway construction and marine construction.

3-RI-1-G

BUILDING CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.	Other
Asbestos workers	$8.70	.39	.35		.005	
Boilermakers	8.705	.50	10%		.01	
Bricklayers, stonemasons	8.57	.25	.35		.01	
Carpenters:						
Little Compton, Tiverton:						
Carpenters & soft floor layers	7.40	.30	.30			
Millwrights	7.75	.30	.30			
Remainder of County:						
Carpenters and soft floor layers	8.15	.25	.25		.01	
Millwrights and Piledrivermen	8.75	.25	.25		.01	
Cement masons	7.95	.50	.35			
Electricians:						
Little Compton, Tiverton	7.20	4%	1%	4%	1%	
Remainder of County	8.15	.18	1%		.02	
Elevator constructors	6.87	.17	.185	1/2e+b	.005	
Elevator constructors' helpers	4.81	.17	.185	1/2e+b	.005	
Elevator constructors' helpers (Prob.)	3.435					
Glaziers	7.74	.42	.30	f	.01	
Ironworkers:						
Str., orn., & reinf.	7.70	.45	.80+.50		.02	
Laborers:						
Laborers, Building:						
Laborers, Carpenters tender, cement finisher tender, mason tender	6.50	.40	.40		.05	
Jackhammers, paving breaker, chain saw						
Pipelayers, mechanical grinder, all other pneumatic tools, barco type jumping tampers	6.75	.40	.40		.05	
Plasterer tenders	6.30	.25	.25		.05	
Powdermen Blasters	7.25	.40	.40		.05	
Laborers, Wrecking:						
Laborers, signalmen	6.50	.40	.40		.05	
Adsman, burner, jackhammer	6.75	.40	.40		.05	
Lathers	5.75	.25	.20			
Lead burners	7.80	.30		c	.01	
Line Construction:						
Little Compton, Tiverton:						
Linemen and cable splicers	5.45	.15	1%	.15+d		
Dynamite man, crane, tractor and digger op., welder	5.45	.15	1%	.15+d		
Pole truck driver and winch truck operator	4.85	.15	1%	.15+d		
Driver-groundman, Equipment op.	4.63	.15	1%	.15+d		
Groundman (experienced)	4.20	.15	1%	.15+d		
Groundman (inexperienced)	3.85	.15	1%	.15+d		

BUILDING CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.	Other
Line Construction (Cont'd):						
Remainder of County:						
Linemen	$7.14	.20	1%	e		
Groundmen	5.07	.20	1%	e		
Equipment operator	6.31	.20	1%	e		
Driver groundman	5.58	.20	1%	e		
Painters:						
Little Compton & Tiverton Twps.:						
Brush	5.35	.30	.20	.20		
Structural steel	7.70	.30	.20	.20		
Structural steel spray	7.70	.30	.20	.20		
Spray (other than steel)	6.35	.30	.20	.20		
Remainder of County:						
Brush	6.95	.25	.25			
Structural steel	7.20	.25	.25			
Spray	7.95	.25	.25			
Marble setters, terrazzo workers and tile setters	8.55	.25	.35			
Marble, tile and terrazzo helpers	7.23	.50				
Plasterers	8.50	.20				
Plumbers	8.55	.35	.35			
Roofers:						
Composition, waterproofers	7.85	.20	.25			
Slate, tile, precast concrete	8.05	.20	.25			
Helpers, Class "A"	7.00	.20	.25			
Helpers, Calss "B"	6.45	.20	.25			
Sheet metal workers	8.43	.36	.35		.02	
Sprinkler fitters	9.07	.30	.50		.01	
Steamfitters	8.82	.35	.80		.03	
Truck Drivers, Building:						
Dumps & 2-axle equipment	5.31	.30	.50			
Trailers & 3-axle equipment	5.39	.30	.50			
Low bed trailers (24 tons & over, I-Beam trailers, Special earth moving equipment (Euclid type)	5.64	.30	.50			
Euclid type equipment over 35 ton capacity	5.89	.30	.50			
Welders - receive rate prescribed for craft performing operation to which welding is incidental.						

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

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BUILDING CONSTRUCTION

FOOTNOTES:

a. Employer contributes 4% basic hourly rate for 5 years of more of service or 2% basic hourly rate for 6 months to 5 years of service as Vacation Pay Credit.

b. Holidays: A through F.

c. Holidays: A through F; Washington's Birthday, Good Friday and Christmas Eve, providing employee has worked 45 full days during the 120 calendar days prior to the holiday, and the regular scheduled work days immediately preceding and following the holiday.

d. Holidays: B, C, D and F providing employee works one day before and after the holiday.

e. Holidays: A through F; Bunker Hill Day provided employee has been employed 10 working days prior to the holiday and provided the employee works the scheduled work day immediately preceding and following the holiday.

f. Paid Holiday: "D".

HEAVY, HIGHWAY & MARINE CONSTRUCTION

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.	Other
Bricklayers, stone masons, catch basin, manhole builders	$8.02	.25	.35		.01	
Carpenters, dock builders, piledrivers:						
Little Compton, Tiverton	7.40	.30	.30			
Remainder of County	8.75	.25	.25		.01	
Cement masons	6.85	.35				
Electricians:						
Little Compton, Tiverton	7.20	4%	1%	4%	1%	
Remainder of County	7.70	.18	1%		.02	
Ironworkers:						
Structural, ornamental, reinforcing	7.70	.45	.85		.02	
Laborers:	6.10	.25	.25		.05	
Laborers						
Adzemen, asphalt rakers, barcotype jumping tampers, chain saw operators, concrete and power buggy operators, concrete saw operators, demolition burners, fence and guard rail erectors, highway stone spreaders, mechanical grinder operators, mortar mixers, pipelayers, pipe trench bracers, pneumatic tool operators, riprap and dry stonewall builders, setters of metal forms for roadways, stumper operators, tree toppers, tree trimmers, wagon drill operators, wood chipper operators	6.35	.25	.25		.05	
Air track drill op.	6.60	.25	.25		.05	
Blasters & powdermen	6.85	.25	.25		.05	
Pavers, tamners, curb setters	6.60	.25	.25		.05	
Line Construction:						
Little Compton, Tiverton Twps:						
Linemen and Cable splicers	5.45	.15	1%	.15+a		
Dynamite man, Crane, Tractor and Digger Op., Welder	5.45	.15	1%	.15+a		
Pole truck driver and Winch truck Op.	4.85	.15	1%	.15+a		
Driver - groundmen, Equipment Op.	4.63	.15	1%	.15+a		
Groundman (experienced)	4.20	.15	1%	.15+a		
Groundman (inexperienced)	3.85	.15	1%	.15+a		
Remainder of County:						
Linemen	7.14	.20	1%	b		
Groundman	5.07	.20	1%	b		
Equipment operator	6.31	.20	1%	b		
Driver groundman	5.58	.20	1%	b		
Painters:						
Little Compton & Tiverton Twps:						
Brush	4.15	.20	.20			
Structural steel	5.50	.20	.20			
Structural steel spray	6.45	.20	.20			
Spray (other than steel)	5.65	.20	.20			
Remainder of County:						
Brush	4.55	.20				
Spray, structural steel	5.05	.20				

HEAVY, HIGHWAY & MARINE CONSTRUCTION

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.	Other
Plumbers	7.20	.35	.35			
Waterproofers	7.85	.20	.25			

Welders- receive rate prescribed for craft performing operation to which welding is incidental.

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day;
C-Independence Day; D-Labor Day;
E-Thanksgiving Day; F-Christmas Day.

FOOTNOTE:

a. Holidays: B,C, and F providing employee works one day before & one day after the Holiday.

b. Holidays A through F, Bunker Hill Day provided the employee has been employed 10 working days prior to the holiday and provided the employee works the scheduled work day immediately preceding and following the holiday.

BUILDING CONSTRUCTION POWER EQUIPMENT OPERATORS

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.	Others
Digging Machines, cranes, pile drivers, lighters, locomotives, derricks, hoists, pavers, and front-end loaders 3 yds. and over	$9.35	.40	.40		.05	
Economobile type equipment	9.10	.40	.40		.05	
Fork lift	8.85	.40	.40		.05	
Firemen and Oilers	7.45	.40	.40		.05	
Bulldozers, graders, spreaders, tractors, scrapers, rollers and front-end loaders less than 3 yds.	8.00	.40	.40		.05	
Pippin type backhoes	8.30	.40	.40		.05	
Maintenance Engineers	7.90	.40	.40		.05	
Well-point Installation	8.05	.40	.40		.05	
Gas or electric driven pumps, heater, concrete mixers, stone crushers, air compressors, welding machines and generators for light plants	8.20	.40	.40		.05	

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BRIDGES, CAISSONS, DOCKS, MARINE, PIERS, SUBBASEMENTS, SUBTERRANEAN, TUNNELS, & HEAVY CONSTRUCTION POWER EQUIPMENT OPERATORS	Basic Hourly Rate	FRINGE BENEFITS PAYMENTS H & W	Pensions	Vacation	App. Tr.	Other
Digging Machines, cranes, pile drivers, lighters, locomotives, derricks, hoists, pavers and front end loaders 3 yds. and over	$10.05	.40	.40		.05	
Firemen and Oilers	8.05	.40	.40		.05	
Bulldozers, graders, spreaders, scrapers, rollers and front-end loaders less than 3 yds	8.65	.40	.40		.05	
Maintenance Engineers	8.35	.40	.40		.05	
Well-point Installation Crews	8.85	.40	.40		.05	
Gas or electric driven pumps, heaters, concrete mixers, stone crushers, air compressors, welding machines and generators for light plants	8.65	.40	.40		.05	
Boat and Tug Operators	10.05	.40	.40		.05	
Apprentices (Deckhands)	8.15	.40	.40		.05	

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R.I.-1-PEO-3-P

BRIDGE (Incidental to Highway) and HIGHWAY CONSTRUCTION POWER EQUIPMENT OPERATOR	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.	Other
Digging machines, cranes, piledrivers, lighters, locomotives, derricks, hoists, pavers and front-end loaders 3 to 4 yds. and economobile & ross carriers	$9.15	.40	.40			
Fork lifts	8.35	.40	.40			
Firemen	7.75	.40	.40			
Oilers and apprentices	6.90	.40	.40			
Bulldozers, spreaders, rollers and front-end loaders, less than 3 yds., tractors	7.65	.40	.40			
Scrapers and graders & dozer operators	7.775	.40	.40			
Pippin type backhoe operator	8.00	.40	.40			
Maintenance engineers	7.50	.40	.40			
Gas and electric driven heaters, pumps, concrete mixers, stone crushers, air compressors, light plants and welding machines and concrete pumps	7.775	.40	.40			
Test boring machine operators	6.625	.40	.40			
Well point installation crews	7.60	.40	.40			
Operators of truck cranes with booms of 130 to 150 feet	9.65	.40	.40			
over 150 feet	9.90	.40	.40			
Operators of cat cranes with booms of 150 to 180 feet	9.65	.40	.40			
over 180 feet	9.90	.40	.40			

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HEAVY & HIGHWAY CONSTRUCTION	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Truck Drivers:						
2 axle	$3.97	.24	.35	a+b		
3-axle, Ready Mix Equipment	4.02	.24	.35	a+b		
4-5 axle Dump	4.12	.24	.35	a+b		
Low bed trailer equipment-specialized earth moving equipment other than conventional type	4.22	.24	.35	a+b		
Helpers on low bed	3.97	.24	.35	a+b		

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:

a. Holidays: A through F, Columbus Day, Veteran's Day providing employee has worked at least two days in the calendar week in which the holiday falls.

b. Employee who has been on payroll for 1 year or more but less than 5 years and has worked 150 days during the last year of employment shall receive: 1 week's vacation; 5 years or more - 2 weeks vacation.

[FR Doc.73-4894 Filed 3-15-73;8:45 am]

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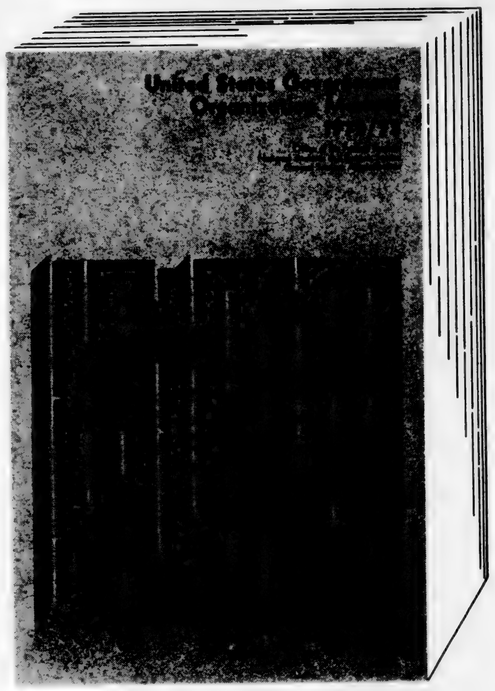

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MONDAY, MARCH 19, 1973

WASHINGTON, D.C.

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MEMORANDUM OF JANUARY 2, 1973

[Presidential Determination No. 73-10]

Eligibility for the Purchase of Defense Articles Under the Foreign Military Sales Act, As Amended

Memorandum for the Secretary of State

THE WHITE HOUSE,
Washington, January 2, 1973.

In accordance with the recommendations in your memorandum of December 4, I hereby find pursuant to Section 3(a)(1) of the Foreign Military Sales Act, as amended, that the sale of defense articles and defense services to: *FAR EAST:* Australia, Brunei, Burma, Cambodia, Republic of China, Indonesia, Japan, Republic of Korea, Laos, Malaysia, New Zealand, Philippines, Singapore, Thailand, Republic of South Vietnam; *EUROPE:* Austria, Belgium, Denmark, Finland, France, Federal Republic of Germany, Iceland, Ireland, Italy, Luxembourg, Malta, Netherlands, Norway, Portugal, Spain, Sweden, Switzerland, United Kingdom, Yugoslavia; *WESTERN HEMISPHERE:* Argentina, Bolivia, Brazil, Canada, Chile, Colombia, Costa Rica, Dominican Republic, Ecuador, El Salvador, Guatemala, Haiti, Honduras, Jamaica, Mexico, Nicaragua, Panama, Paraguay, Peru, Trinidad and Tobago, Uruguay, Venezuela; *AFRICA:* Cameroon, Dahomey, Ethiopia, Gabon, Ghana, Guinea, Ivory Coast, Liberia, Libya, Mali, Morocco, Niger, Nigeria, Senegal, Tunisia, Upper Volta, Republic of Zaire; *NEAR EAST AND SOUTH ASIA:* Afghanistan, Bahrain, Greece, India, Iran, Israel, Jordan, Kuwait, Lebanon, Nepal, Oman, Qatar, Pakistan, Saudi Arabia, Sri Lanka (Ceylon), Turkey, the United Arab Emirates, Yemen Arab Republic; *INTERNATIONAL ORGANIZATIONS:* NATO and its agencies, the United Nations and its agencies, and the Organization of American States, will strengthen the security of the United States and promote world peace.

In the implementation of Section 9 of Public Law 91-672, as amended, you are authorized on my behalf to determine whether the proposed transfer of a defense article by a foreign country or international organization to any foreign country or international organization

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not included in the foregoing enumeration will strengthen the security of the United States and promote world peace.

In order that the Congress may be informed of the implementation of the Foreign Military Sales Act, you are requested on my behalf to report this finding to the Speaker of the House of Representatives and to the Chairman of the Senate Foreign Relations Committee.

Richard Nixon

[FR Doc.73-5338 Filed 3-16-73;10:16 am]

Rules and Regulations

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.

The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

Title 18—Conservation of Power and Water Resources

CHAPTER I—FEDERAL POWER COMMISSION

[Docket No. R-449; Order 477]

ACCOUNTING FOR ACQUISITION ADJUSTMENTS AND REVOCATION AND AMENDMENT OF OUTDATED ACCOUNTING ORDERS

MARCH 12, 1973.

On August 8, 1972, the Commission issued a notice of proposed rule making in this proceeding (37 FR 16201, August 11, 1972) proposing to amend its Uniform Systems of Accounts to allow the disposition of electric and gas plant acquisition adjustments (debit amounts) over the remaining life of the related property acquired. Revision of Account 114, Plant Acquisition Adjustments, would permit debit acquisition adjustments, other than land, to be amortized to Account 425, Miscellaneous Amortization, over a period not longer than the remaining life of the relating properties unless Commission authority is granted to do so otherwise. Amounts related to land acquisition would be amortized to Account 425 over a period of not more than 15 years.

It was further proposed that certain sections of Part 120 of the Commission's regulations under the Federal Power Act and Part 221 of the regulations under the Natural Gas Act, Miscellaneous Accounting Orders, be revoked and certain sections retitled and relocated.

Comments were invited from interested parties to be submitted by September 22, 1972. In response to this notice, the Commission received comments from 22 respondents.[1]

The reaction to disposition of acquisition adjustments over the remaining life of the related utility plant was generally favorable. One respondent, however, commented that selection of remaining life as the period for disposition of acquisition adjustments would prove to be arbitrary and would result in only a partial matching of revenues and expenses because the projected incremental revenues to which acquisition adjustments relate extend well beyond the remaining life of the acquired assets. The respondent suggests that the disposition of acquisition adjustments be associated with the period over which the development of the revenue potential is expected and, if a franchise exists, that the term of the franchise be used as the period of disposition. However, the "expected" period of revenue potential is indefinite as may be the franchise life because of the likelihood that the franchise will be extended. We believe, as proposed in the notice of rule making, that the disposition of acquisition adjustments over the remaining life of the related utility plant would better serve to match revenues and expenses and should be adopted.

Several respondents disagreed with the amendment to Account 114 that would provide that acquisition adjustments are to be charged to Account 425 unless otherwise authorized by the Commission on the basis that the amendment presumes that acquisition adjustments are to be disposed of to nonutility income. There was also some disagreement with the proposed disposition of land acquisition adjustments in that several respondents do not believe that the amounts should be written off at all. However, whether the Commission's original cost concept should be modified is not within the purview of this rule making, and the present provisions in Account 425 require that the amounts in Account 114 shall be written off thereto when not authorized to be included in utility operating expenses by the Commission. There is no change in this policy under this proceeding. While disposition of acquisition adjustments related to land over a 15-year period does not rest on the same theoretical foundation as the disposition of utility plant acquisition adjustments, we believe that the proposed period is reasonable and should be adopted. However, we are adopting the suggestion submitted by one respondent that when land and utility plant are acquired together that the acquisition adjustment related to the land may be disposed of over a period not to exceed the remaining life of the plant. We are also adopting a suggestion that the period of disposition of the acquisition adjustment be over a period not to exceed the "estimated" remaining life of plant. With respect to the disposition of amounts utilities now have recorded in Account 114, we are providing that such amounts may be disposed of over a period not to exceed the estimated remaining life of the related facilities at the time this order becomes effective or over a period not to exceed the remainder of the 15-year period from the time of acquisition of land, as appropriate.

The respondents to the rule making either agreed to or did not comment on the proposed amendments to the regulations under the Natural Gas Act and regulations under the Federal Power Act. One respondent asked for clarification of proposed § 260.200, Original cost statement of utility property, in the regulations under the Natural Gas Act concerning the submission of original cost data. The requirement that original cost data be submitted pertains to pipeline companies that have never been subject to the jurisdiction of the Commission and not to properties that become jurisdictional as a result of their acquisition by a jurisdictional company. The properties, of course, must be recorded at original cost in either case.

The Commission finds:

(1) The notice and opportunity to participate in this rule making proceeding with respect to the matters presently before this Commission through the submission, in writing, of data, views, comments, and suggestions in the manner described above, are consistent and in accordance with the procedural requirements prescribed by section 553 of title 5 of the United States Code.

(2) The amendments to this Commission's Uniform Systems of Accounts for Public Utilities and Licensees, Regulations Under the Federal Power Act, Uniform Systems of Accounts for Natural Gas Companies, and regulations under the Natural Gas Act herein prescribed, are necessary and appropriate for administration of the Federal Power Act and the Natural Gas Act.

(3) Since the revisions prescribed herein, which were not included in the notice of the proceeding, are of a minor nature and consistent with the prime purpose of the proposed rule making, further compliance with the notice provision of 5 U.S.C. 553 is unnecessary.

(4) Good cause exists for making the revisions to the Uniform Systems of Accounts for Public Utility Companies and Natural Gas Companies ordered and adopted herein effective January 1, 1973.

The Commission, acting pursuant to the provisions of the Federal Power Act, as amended, particularly sections 3, 4, 208, 301, 304, 308, and 309 (41 Stat. 1063, 1065; 49 Stat. 853, 854, 855, 858; 16 U.S.C. 796, 797, 824g, 825c, 825g, 825h) and of

[1] Arthur Andersen & Co., American Electric Power Service Corp., Arizona Public Service Co., Cincinnati Gas & Electric Co., The Consumers Power Co., Cleveland Electric Illuminating Co., The Dayton Power & Light Co., The Detroit Edison Co., Duke Power Co., Northern States Power Co., Pennsylvania Power & Light Co., Potomac Electric Power Co., Public Service Indiana, Colorado Interstate Gas Co., Columbia Gas Transmission Corp., Consolidated Gas Supply Corp., Lone Star Gas Co., Northern Natural Gas Co., Transcontinental Gas Pipeline Co., United Gas Pipeline Co., Interstate Commerce Commission, and Independent Natural Gas Association of America.

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the Natural Gas, as amended, particularly sections 6, 8, 10, and 16 (52 Stat. 824, 825, 826, 830; 15 U.S.C. 717e, 717g, 717l, 717o) *orders:*

PART 101—UNIFORM SYSTEM OF ACCOUNTS PRESCRIBED FOR CLASS A AND CLASS B PUBLIC UTILITIES AND LICENSEES

A. The Commission's Uniform System of Accounts for Class A and Class B Public Utilities and Licensees prescribed by Part 101, Chapter I, Title 18, of the Code of Federal Regulations is amended as follows:

The text of the balance sheet accounts is amended by amending account "114, Electric Plant Acquisition Adjustments," by revising paragraph C. As so amended, account 114 reads:

114 Electric plant acquisition adjustments.

• • • • •

C. Debit amounts recorded in this account related to plant and land acquisition may be amortized to account 425, Miscellaneous Amortization, over a period not longer than the estimated remaining life of the properties to which such amounts relate. Amounts related to the acquisition of land only may be amortized to account 425 over a period of not more than 15 years. Should a utility wish to account for debit amounts in this account in any other manner, it shall petition the Commission for authority to do so. Credit amounts recorded in this account shall be accounted for as directed by the Commission.

PART 104—UNIFORM SYSTEM OF ACCOUNTS FOR CLASS C PUBLIC UTILITIES

B. The Commission's Uniform System of Accounts for Class C and Class D Public Utilities and Licensees prescribed by Part 104, Chapter I, Title 18, of the Code of Federal Regulations is amended as follows:

The text of the balance sheet accounts is amended by amending account "114, Electric Plant Acquisition Adjustments," by revising paragraph C. As so amended, account 114 reads:

114 Electric plant acquisition adjustments.

• • • • •

C. Debit amounts recorded in this account related to plant and land acquisition may be amortized to account 425, Miscellaneous Amortization, over a period not longer than the estimated remaining life of the properties to which such amounts relate. Amounts related to the acquisition of land only may be amortized to account 425 over a period of not more than 15 years. Should a utility wish to account for debit amounts in this account in any other manner, it shall petition the Commission for authority to do so. Credit amounts recorded in this account shall be accounted for as directed by the Commission.

PART 120 [REVOKED]

C. Part 120, Miscellaneous Accounting Orders of Chapter I, Title 18, of the Code of Federal Regulations is revoked.

PART 141—STATEMENTS AND REPORTS (SCHEDULES)

D. Part 141 of Chapter I, Title 18, of the Code of Federal Regulations is amended by adding a new § 141.200. As so amended, Part 141 reads:

§ 141.200 Original cost statement of utility property.

Any public utility or licensee becoming subject to the jurisdiction of the Commission shall file, insofar as applicable, the following statements properly sworn to by the officer in responsible charge of their compilation:

STATEMENT A

Statement A showing in outline the origin and development of the company including particularly a description (giving names of parties and dates) of each consolidation and merger to which the company, or a predecessor, was a party and each acquisition of an electric operating unit or system.

STATEMENT B

Statement B showing for each acquisition by the reporting company or any of its predecessors of an electric operating unit or system, the original cost, estimated, if not known, the cost of such company and the amount entered in the books in respect thereto as of the date of acquisition. If the depreciation, retirement, or amortization reserve was adjusted as of the date of acquisition and in connection therewith, a full disclosure of the pertinent facts should be made. The difference between the original cost and the amount entered in respect thereto of each acquisition of an electric operating unit or system, as of the date of acquisition, should be clearly stated, and a summary of all transactions affecting such difference through the end of the calendar year prior to the year in which the filing is made, and the resultant amount at the latter date, should be set forth. The amount to be included in account 114, Electric Plant Acquisition Adjustments, shall be subdivided so as to show the amounts applicable to (1) electric plant in service, (2) electric plant leased to others, and (3) electric plant held for future use. Whenever practical, such amount shall be classified according to nature, i.e., going value, structural value, etc.

Where estimates are used in arriving at original cost or the amount to be included in account 114, a full disclosure of the method and underlying facts should be given. The method of determining the original cost of the electric plant acquired as operating units or systems should be described in sufficient detail to permit a clear understanding of the nature of the investigations which were made for that purpose.

STATEMENT C

Statement C showing any amounts arrived at by appraisals in the electric plant accounts (and not eliminated) in lieu of cost to the reporting company. This statement should give the full journal entry at the time the appraisal was originally recorded and if the entry had the effect of appreciating or writing up the electric plant account, the amount of the appreciation of writeup should be traced, by proper description and explanation of changes, from the date recorded through the end of the calendar year prior to the year in which the filing is made.

STATEMENT D

Statement D showing electric plant as classified in the books of account immediately prior to reclassification in accordance with the Uniform System of Accounts, including, under a descriptive heading, any unclassified amounts applicable jointly to the electric department and other departments of the utility.

STATEMENT E

Statement E showing summary of adjustments necessary to state accounts 101, 103–107, 114, and 116, as prescribed in the Uniform System of Accounts.

STATEMENT F

Statement F showing electric plant classified according to the accounts prescribed in the Uniform System of Accounts, and showing also the amount includible in account 116, Other Electric Plant Adjustments.

STATEMENT G

Statement G giving a comparative balance sheet showing the accounts and amounts appearing in the books before the adjusting entries have been made and after such entries shall have been made.

STATEMENT H

Statement H giving a suggested plan for depreciating, amortizing, or otherwise disposing in whole or in part of the amounts includible in account 114, Electric Plant Acquisition Adjustments, and account 116, Other Electric Plant Adjustments.

STATEMENT I

Statement I giving the following statistical information relative to electric plant.

PRODUCTION PLANT

Steam production. Separately for each steam plant: Name of plant, date of construction, nameplate generating capacity (kw.) as originally constructed and as at present, also nameplate capacity and date of installation of each addition to generating capacity. The original cost, where available, by accounts 310 and 316, of each steam production plant.

Hydraulic production. Separately for each hydro plant: Name of plant, date of construction, capacity of reservoirs (acre-feet), nameplate generating capacity (kw.) as originally constructed and as at present, also nameplate capacity and date of installation of each addition to generating capacity. The original cost, where available, by accounts 330 and 336, of each hydraulic production plant.

Internal combustion engine production. For each internal combustion engine plant: Name of plant, date of construction, nameplate generating capacity (kw.) as originally constructed and as at present, also nameplate capacity and date of installation of each addition to generating capacity. The original cost, where available, by accounts 340 to 346, of each internal combustion engine production plant.

TRANSMISSION PLANT

Overhead transmission lines. For each overhead transmission line or for each group of transmission lines of the same voltage, same general type of construction, and same number of circuits per structure; the voltage, length in miles, type of construction, kind and size of conductor. The original cost, where available, by accounts 350, 352, 354, 355, 356, and 359, of each such line or group of lines.

Underground transmission lines. For each underground transmission line or for each group of transmission lines of the same voltage, same general type of construction and same number of circuits per structure: The voltage length in miles and type of construction. The original cost, where available, by accounts 350, 352, 357, 358, and 359, of each such line or group of lines.

Transmission substations. For each substation: Function, capacity (kva), high and low voltages of transformers, description and capacity of special items of equipment.

DISTRIBUTION PLANT

Overhead system.[1] Number of pole and circuit miles, number of active meters or services connected (if available), description and number of each type of pole or tower.

Underground system.[1] Number of circuit miles, number of active meters or services connected (if available), description of type of construction and general statement of any special construction problem.

Distribution substation. General description of number, capacity (kva) and high and low voltages of transformers.

Line transformers. Number and capacity.

Street lightining and signal systems. Description and number of each type of street lighting standard, number and wattage of lamps, and description of signal system.

GENERAL PLANT

Description of principal structures and improvements.

Number and type of transportation vehicles and appurtenant equipment.

Description of store, shop, and laboratory equipment.

Description of communication equipment.

Description of miscellaneous equipment.

PART 201—UNIFORM SYSTEM OF ACCOUNTS FOR NATURAL GAS COMPANIES

E. The Commission's Uniform System of Accounts for Class A and Class B Natural Gas Companies prescribed by Part 201, Chapter I, Title 18, of the Code of Federal Regulations is amended as follows:

The text of the balance sheet accounts is amended by amending account "114, Gas Plant Acquisition Adjustments," by revising paragraph C. As so amended account 114 reads:

114 Gas plant acquisition adjustments.

• • • • •

C. Debit amounts recorded in this account related to plant and land acquisition may be amortized to account 425, Miscellaneous Amortization, over a period not longer than the estimated remaining life of the properties to which such amounts relate. Amounts related to the acquisition of land only may be amortized to account 425 over a period of not more than 15 years. Should a utility wish to account for debit amounts in this account in any other manner, it shall petition the Commission for authority to do so. Credit amounts recorded in this account shall be accounted for as directed by the Commission.

[1] If number of active meters or services is not available separately for overhead and underground systems, report totals.

[2] To be shown on the original when tendered for filing with the Commission of every paper as specified in § 1.17(f) of this chapter.

PART 204—UNIFORM SYSTEM OF ACCOUNTS FOR CLASS C NATURAL GAS COMPANIES

F. The Commission's Uniform System of Accounts for Class C and Class D Natural Gas Companies prescribed by Part 204, Chapter I, Title 18, of the Code of Federal Regulations:

The text of the balance sheet accounts is amended by amending account "114, Gas Plant Acquisition Adjustments," by revising paragraph C. As so amended, account 114 reads:

114 Gas plant acquisition adjustments.

• • • • •

C. Debit amounts recorded in this account related to plant and land acquisition may be amortized to account 425, Miscellaneous Amortization, over a period not longer than the estimated remaining life of the properties to which such amounts relate. Amounts related to the acquisition of land only may be amortized to account 425 over a period of not more than 15 years. Should a utility wish to account for debit amounts in this account in any other manner, it shall petition the Commission for authority to do so. Credit amounts recorded in this account shall be accounted for as directed by the Commission.

PART 221 [REVOKED]

G. Part 221 of Chapter I, Title 18, of the Code of Federal Regulations is revoked.

PART 260—STATEMENTS AND REPORTS (SCHEDULES)

H. Part 260 of Chapter I, Title 18, of the Code of Federal Regulations is amended by adding a new § 260.200, reading as follows:

§ 260.200 Original cost statement of utility property.

Any natural gas company becoming subject to the jurisdiction of the Commission shall file, insofar as applicable, the following statements properly sworn to by the officer in responsible charge of their compilation:

STATEMENT A

Statement A showing the origin and development of the company, including, particularly, a description (giving names of parties and dates) of each consolidation and merger to which the company, or a predecessor, was a party and each aquisition of a gas operating unit or system. Any affiliation existing between the parties shall be stated.

STATEMENT B

Statement B showing for each acquisition of a gas operating unit or system by the reporting company or any of its predecessors: (1) The oroginal cost (estimated only if not determinable from existing records), (2) the cost of the acquiring company, (3) the amount entered in the books as of the date of acquisition, (4) the difference between the original cost and the amount entered in the books, (5) a summary of all transactions affecting such difference, including retirements, between the date of each acquisition and the end of the calendar year prior to the year in which the filing is made, and (6) the amount of such difference remaining at the latter date.

If the depreciation, retirement, or amortization reserve was adjusted as of the date of acquisition and in connection therewith, a full disclosure of the pertinent facts shall be made.

The amount to be included in account 114, Gas Plant Acquisition Adjustments, shall be subdivided so as to show the amounts applicable to (a) gas plant in service, (b) gas plant leased to others, and (c) gas plant held for future use.

The procedure followed in determining the original cost of the gas plant acquired as operating units or systems shall be described in sufficient detail so as to permit a clear understanding of the nature of the investigations and analyses which were made for that purpose.

Where estimates are used in arriving at original cost or the amount to be included in account 114, a full disclosure of the method and underlying facts shall be given. The proportion of the original cost of each acquisition which has been determined from actual recorded costs and the proportion estimated shall be shown for each functional class of plant. In addition there shall be furnished in respect to each predecessor or vendor company for which complete construction costs are not available, a description of such plant records as are available, including the years covered thereby.

STATEMENT C

Statement C showing any amounts arrived at by appraisals in the gas plant accounts (and not eliminated) in lieu of cost to the reporting company. This statement should describe the appraisal and give the complete journal entry at the time the appraisal was originally recorded. If the entry had the effect of appreciating or writing up the gas plant account, the amount of the appreciation or writeup should be traced, by proper description and explanation of changes, from the date recorded through the end of the calendar year prior to the year in which the filing is made.

STATEMENT D

Statement D showing in detail gas plant as classified in the books of account immediately prior to reclassification in accordance with the Uniform System of Accounts, including, under appropriate descriptive headings, any unclassified amounts applicable jointly to the gas department and other departments of the utility.

STATEMENT E

Statement E showing the adjustments necessary to state accounts 101, 103–107, 114, and 116, and amount of common utility plant includible in account 118, as prescribed in the Uniform System of Accounts.

STATEMENT F

Statement F showing gas plant classified according to the accounts prescribed in the Uniform System of Accounts, and showing also the amount includible in account 116, Other Gas Plant Adjustments, and the amount of common utility plant includible in account 118, Other Utility Plant.

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STATEMENT G

Statement G showing a comparative balance sheet reflecting the accounts and amounts appearing in the books before the adjusting entries have been made and after such entries shall have been made. The balance sheet shall be classified by the accounts set forth in the Uniform System of Accounts Prescribed for Natural Gas Companies.

STATEMENT H

Statement H giving a suggested plan for depreciating, amortizing, or otherwise disposing of, in whole or in part, the amounts includible in account 114, Gas Plant Acquisition Adjustments, and account 116, Other Gas Plant Adjustments.

STATEMENT I

Statement I furnishing the following statistical information relative to gas plant:

PRODUCTION PLANT

MANUFACTURED GAS

Show separately for each producing plant the name and location of plant, date of original construction, type of plant (whether coal gas, coke ovens, water gas, etc.), rated 24-hour capacity in Mcf of each unit and of the total plant, and date of installation of each unit installed after original construction. Show also the original cost according to the System of Accounts for each plant, by accounts 304 to 319, inclusive.

NATURAL GAS

For each "field" includible in account 101, Gas Plant in Service, furnish the number of acres each of gas producing lands owned, of gas producing lands leased by the company, and of land on which gas rights only are owned, as included in accounts 325.1, 325.2, 325.3, respectively. The same information, classified by subaccounts, shall be furnished for producing and nonproducing acreage includible in account 104, Gas Plant Leased to Others, and in account 105, Gas Plant Held for Future Use.

For each "field" state number of feet of each size pipe used in field gathering lines.

For each "field" state number of wells included in accounts 330 and 331 segregated to show the number of wells on each type of producing lands classified under accounts 325.1, 325.2, 325.3.

When pumping or compressing plants exist within the production plant, include the same information as that requested for compressor stations under transmission plant.

State type and character of purification equipment and residual refining equipment included in accounts 336 and 337, respectively.

Show the original cost according to the System of Accounts for natural gas production plant by each "field" and by accounts 325.1 to 340.

STORAGE PLANT

Show separately for each location the name of plant, date of construction, type and total capacity (Mcf) of each gas holder. State also the original cost according to the System of Accounts for each location, by accounts 350.1 to 351, inclusive.

If depleted gas fields are being repressured, the statements furnished shall reflect the number of acres involved and the original cost according to the System of Accounts (accounts 350.1 to 351, inclusive).

TRANSMISSION PLANT

State the number of feet of each size of main.

State separately for each compressor boosting station the name of plant, location, date of original construction, rated capacity, type and character of power unit, and rated capacity and type of compressor units. Also state the capacity, type, and date of installation of each additional power or compressor unit. Show for each station the original cost according to the System of Accounts by accounts 365.1, 365.2, 366, 368, and 369.

DISTRIBUTION PLANT

State number of feet of each size of main and the number of active meters, house regulators, and services. Give a general description of the district regulators and number, by sizes.

Where pumping or compressor stations exist within the distribution plant, include the same information requested for similar stations under transmission plant.

GENERAL PLANT

Describe the principal structures and improvements.

State the number and type of transportation vehicles and appurtenant equipment.

Give a description of store, shop, and laboratory equipment and miscellaneous equipment.

Furnish maps, drawn to scale, upon which indicate transmission mains, location of production plants (artificial and natural), producing and nonproducing leaseholds (indicating thereon producing wells, dry holes and depleted wells), gathering systems, booster and compressor stations, communities served (noting as to wholesale or retail), and large industrial consumers. Where gas is purchased from or sold to other gas utilities, indicate location of measuring stations or gates. If scale maps are not available, furnish sketch maps upon which should be indicated approximate distances between the locations above specified.

I. This order is effective January 1, 1973.

J. The Secretary shall cause prompt publication of this order to be made in the FEDERAL REGISTER.

By direction of the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.73-5140 Filed 3-16-73;8:45 am]

Title 5—Administrative Personnel

CHAPTER I—CIVIL SERVICE COMMISSION

PART 213—EXCEPTED SERVICE

Office of Economic Opportunity

Section 213.3373 is amended to show that the following positions are excepted under Schedule C: One Confidential Secretary to the General Counsel, one Confidential Secretary to the Associate Director for Legal Services, and one Confidential Secretary to the Associate Director for Public Affairs.

Effective March 19, 1973, paragraphs (a) (7), (e) (13), and (g) (2) are added to § 213.3373 as set out below.

§ 213.3373 Office of Economic Opportunity.

(a) *Office of the Director.*

• • • • • •

(7) One Confidential Secretary to the General Counsel.

• • • • • •

(e) *Office of the Assistant Director for Congressional and Public Affairs.*

• • • • • •

(13) One Confidential Secretary to the Associate Director for Public Affairs.

• • • • • •

(g) *Office of the Associate Director for Legal Services.*

• • • • • •

(2) One Confidential Secretary to the Associate Director.

(5 U.S.C. secs. 3301, 3302; E.O. 10577; 3 CFR 1954–58 Comp. p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.73-5221 Filed 3-16-73;8:45 am]

Title 7—Agriculture

CHAPTER III—ANIMAL AND PLANT HEALTH INSPECTION SERVICE, DEPARTMENT OF AGRICULTURE

PART 354—OVERTIME SERVICES RELATING TO IMPORTS AND EXPORTS

Commuted Traveltime Allowances; Correction

In FR Doc. 73-3665 appearing at page 5340 of the issue for Wednesday, February 28, 1973, the following changes should be made:

1. Immediately following the table appearing in the document, the following authority citation should be inserted, "(64 Stat. 561; 7 U.S.C. 2260)".

2. The effective date should be changed to read "February 28, 1973".

Done at Washington, D.C., this 14th day of March 1973.

LEO G. K. IVERSON,
Deputy Administrator, Plant Protection and Quarantine Programs.

[FR Doc.73-5171 Filed 3-16-73;8:45 am]

CHAPTER IX—AGRICULTURAL MARKETING SERVICE (MARKETING AGREEMENTS AND ORDERS; FRUITS, VEGETABLES, NUTS), DEPARTMENT OF AGRICULTURE

[Valencia Orange Reg. 420, Amdt. 1]

PART 908—VALENCIA ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Limitation of Handling

This regulation increases the quantity of California-Arizona Valencia oranges that may be shipped to fresh market during the weekly regulation period March 9–15, 1973. The quantity that may be shipped is increased due to improved market conditions for California-Arizona Valencia oranges. The regulation and this amendment are issued pursuant to the Agricultural Marketing Agreement Act of 1937, as amended, and Marketing Order No. 908.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 908, as amended (7 CFR Part 908), regulating the handling of Valencia oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendation and information submitted by the Valencia Orange Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such Valencia oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) The need for an increase in the quantity of oranges available for handling during the current week results from changes that have taken place in the marketing situation since the issuance of Valencia Orange Regulation 420 (38 FR 6288). The marketing picture now indicates that there is a greater demand for Valencia oranges than existed when the regulation was made effective. Therefore, in order to provide an opportunity for handlers to handle a sufficient volume of Valencia oranges to fill the current demand thereby making a greater quantity of Valencia oranges available to meet such increased demand, the regulation should be amended, as hereinafter set forth.

(3) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this amendment until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient, and this amendment relieves restriction on the handling of Valencia oranges grown in Arizona and designated part of California.

(b) *Order, as amended.* The provisions in paragraph (b) (1) (iii) of § 908.720 (Valencia Orange Regulation 420, 38 FR 6288) are hereby amended to read as follows:

§ 908.720 Valencia Orange Regulation 420.

• • • • • •

(b) *Order* (1) • • •

(iii) District 3: 225,000 cartons.

• • • • • •

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: March 14, 1973.

CHARLES R. BRADER,
Acting Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc.73-5184 Filed 3-16-73;8:45 am]

Title 12—Banks and Banking

CHAPTER VII—NATIONAL CREDIT UNION ADMINISTRATION

PART 701—ORGANIZATION AND OPERATION OF FEDERAL CREDIT UNIONS

Amendments to Publications Incorporated by Reference

On pages 6181–6182 of the March 25, 1972, edition of the FEDERAL REGISTER, certain publications of the National Credit Union Administration were incorporated by reference, with the approval of the Director, Office of the Federal Register, into the rules and regulations of the National Credit Union Administration, 12 CFR Chapter VII. These publications were incorporated by establishing § 701.2 (12 CFR 701.2) and are described in §§ 701.14 (12 CFR 701.14) and 701.15 (12 CFR 701.15).

The availability of these publications is set forth in § 701.2(b) (12 CFR 701.2(b)) and §§ 701.14 (12 CFR 701.14) and 701.15 (12 CFR 701.15). These publications, including recent amendments thereto, are currently available in the manner set forth in § 701.2(b) (12 CFR 701.2(b)).

This notice of amendment to several of these publications is published pursuant to the provisions of 1 CFR 51.8(c) and 12 CFR 701.2(e). Copies of the publications, as amended, are on file with the Director, Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408.

A brief summary of the amendments to the several publications is set forth below.

1. *Accounting manual for Federal credit unions.* A number of changes in the accounting procedures have been made. Some of the more significant changes deal with procedures relative to closing entries in the event of a loss from operations or as a result of the required transfer of gross earnings to regular reserve, recording appreciation for securities purchased below par, handling share accounts of nonmembers, using the supplemental reserve account and recording payroll deduction proceeds from governmental agencies prior to actual receipt of funds.

Also included are several new general ledger accounts, an optional method of offsetting losses on loans purchased from liquidating credit unions against gains on other loans purchased, procedures for collection of utility bills, procedures for the accounting of costs for buildings on Department of Defense installations, and a definition of direct and indirect costs.

2. *Supervisory committee manual for Federal credit unions.* This manual has been subdivided into two parts. Part 1 is the basic instructional manual for use by supervisory committees of limited experience or knowledge in bookkeeping and auditing. Part 2 is the comprehensive technical guide for the use of supervisory committees with considerable experience and knowledge in bookkeeping and auditing. There have been no major changes in the text of the manual; only in the manner of presentation. Essentially, all of Part 1 has been added while Part 2 is basically the same as the previous publication.

3. *Credit manual for Federal credit unions.* Discussion on the three "C" 's of credit (character, capacity, and collateral), Fair Credit Reporting Act, and mobile home loans have been added. Minor revisions in other sections were also made. Appendix A, Consumer Patterns, of the previous edition, has been deleted.

4. *Organizing a Federal credit union.* This revision contains certain changes in National Credit Union Administration chartering procedures and policies. Some of the more significant items are the requirement of a charter organization meeting to be held prior to submittal of the charter application and documents executed at such a meeting, and a revision of minimum potential membership guidelines. The manual also contains a revision of numerous individual policies for occupational, associational, and residential groups. Also included are the guidelines for standard amendments to Federal credit union charters and bylaws.

5. *Data processing guidelines for Federal credit unions.* No major changes in the text of this manual have been made. However, Appendix C, Explanation of Terms, has been added.

6. *Sale and redemption of U.S. savings bonds by Federal credit unions.* The recent revision updates the manual to provide current references to the Federal Credit Union Act. No major changes in the publication have been made.

7. *Accounting machine handbook for Federal credit unions.* Only minor revisions have been made. Format and style have been changed with the manual now divided into five chapters. An explanation of terms was added to increase reader comprehension and understanding.

HERMAN NICKERSON, JR.,
Administrator.

MARCH 12, 1973.

NOTE: These amendments to provisions incorporated by reference approved by the Director of the Federal Register on March 15, 1973.

[FR Doc.73-5192 Filed 3-16-73;8:45 am]

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PART 701—ORGANIZATION AND OPERATION OF FEDERAL CREDIT UNIONS

PART 747—RULES OF PRACTICE AND PROCEDURE

Miscellaneous Amendments to Chapter

Pursuant to the authority conferred by section 120, 73 Stat. 635, 12 U.S.C. 1766, certain portions of Chapter VII of Title 12 of the Code of Federal Regulations (12 CFR Ch. VII) are amended as set forth below. These amendments are technical in nature and involve no substantive change to the regulations affected hereby.

The changes are self-explanatory. The deletion of paragraph (d)(6) in § 701.2 (12 CFR 701.2) and of paragraph (f) in § 701.14 (12 CFR 701.14) are a result of the inclusion of the publication "Guide to Standard Amendments to the Federal Credit Union Charter and Bylaws" in the publication "Organizing a Federal Credit Union."

Effective date. These changes are effective April 16, 1973.

HERMAN NICKERSON, Jr.,
Administrator.

MARCH 12, 1973.

1. Wherever the words "1325 K Street NW." appear, they should be deleted. This change is applicable in Part 701, §§ 701.2(b), 701.2(c); and in Part 747, § 747.16.

2. In Part 701, § 701.2, delete paragraph (d)(6) and change paragraphs (d)(7) to (d)(6), (d)(8) to (d)(7), (d)(9) to (d)(8), (d)(10) to (d)(9), (d)(11) to (d)(10), (d)(12) to (d)(11), and (d)(13) to (d)(12).

3. In Part 701, § 701.14, delete paragraph (f) and change paragraphs (g) to (f), (h) to (g), (i) to (h).

4. In Part 701, § 701.14, newly designated paragraph (f), insert the following immediately after the first sentence: "This booklet contains the guidelines for standard amendments to a Federal credit union charter and bylaws."

5. Wherever the word "Bulletin" appears, it should be changed to "Quarterly." This change is applicable in Part 701, newly designated § 701.2(d)(9), § 701.14(a), newly designated §§ 701.14(g) and 701.14(h), and § 701.15(a).

[FR Doc.73-5160 Filed 3-16-73;8:45 am]

Title 14—Aeronautics and Space

CHAPTER I—FEDERAL AVIATION ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Airspace Docket No. 73-NW-4]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Control Zone

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to alter the description of the Idaho Falls, Idaho, control zone. A portion of the control zone that extends to the northeast is described by the use of a bearing from Skyline NDB (formerly Idaho Falls RBN), which is scheduled for decommissioning on March 29, 1973. Accordingly, the description of the control zone needs to be altered by substituting a radial of the Idaho Falls VOR for the bearing from Skyline NDB.

Since this amendment is minor in nature and no substantive change in the regulation is effected, notice and public procedure thereon are unnecessary and good cause exists for making this amendment effective on less than 30 days' notice.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended effective March 19, 1973 as set forth below.

In § 71.171 (38 FR 351), the description of the Idaho Falls, Idaho, control zone is amended as follows:

Beginning in line 3, delete all after: "* * * to 10.5 miles southwest of the VOR;" and substitute therefor:

"within 4 miles each side of the Idaho Falls VOR 030° radial, extending from the 5-mile-radius zone to 11 miles northeast of the VOR."

(Sec. 307(a), Federal Aviation Act of 1958, as amended, 49 U.S.C. 1348(a); sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Seattle, Wash., on March 8, 1973.

Director, Northwest Region,
C. B. WALK, Jr.,

[FR Doc 73 5165 Filed 3-16-73;8:45 am]

[Airspace Docket No. 72-SW-80]

PART 73—SPECIAL USE AIRSPACE

Designation of Temporary Restricted Area

On January 11, 1973, a notice of proposed rule making (NPRM) was published in the FEDERAL REGISTER (38 FR 1283) stating that the Federal Aviation Administration (FAA) was considering an amendment to Part 73 of the Federal Aviation Regulations that would designate a temporary joint-use restricted area near Killeen, Tex. The area would be utilized for a 9-day period beginning April 23, 1973, for the joint training exercise Gallant Hand 73.

Interested persons were afforded an opportunity to participate in the rule making through submission of comments. Due consideration was given to all relevant matter presented.

One party objected to the rule. He noted that both the number of areas and the number of days proposed for the exercise are more than were designated for a similar event conducted in 1972. He also stated that he did not think he should have to ask the military to fly off his own airstrip.

In response to the above objection, a comparison was made between the restricted airspace designated for the 1972 exercise and that proposed for Gallant Hand 73. It showed that although the 1973 exercise area is subdivided, it is but slightly larger than that used in 1972. When excluded portions are considered, the total volume of airspace restricted for 1973 is actually less than that used in 1972. Further, although Gallant Hand 73 is scheduled for 9 days, the area subdivisions and exclusions, which will allow flight through the subareas while exercises are being conducted elsewhere, together with better communications, should reduce the impact upon the aviation public. However, the exercise activities will create flight hazards within the activated restricted area, and controlled access to it is therefore necessary for flight safety. This is the basis for requiring nonparticipating pilots to obtain clearance from the using agency. A wide area telecommunications service number (800—792—9800) will be provided by the using agency so that nonparticipating pilots can obtain clearances on an individual basis without charge to themselves. The number will be published in Part 3A of the Airman's Information Manual (AIM). The Gallant Hand 73 restricted area will also be depicted in that publication.

The two other comments received interposed no additional objections; however, in one, the Air Transport Association of America (ATA) did express concern regarding problems that the restricted area may create for air carrier flights.

Release of subareas, flight path exclusions, and assistance from the communications and radar facilities provided by the using agency will enable flights to transit the area without difficulty. A new exclusion, developed after publication of the notice, was added to the restricted area description so that uninterrupted access would be provided into and out of Brownwood, Tex. This exclusion reduces the restriction by preventing exercise activity within defined portions of Subareas "A" and "B" from the surface to 5,000 feet MSL between 0600 c.s.t. and 2000 c.s.t. daily throughout the exercise.

In order to simplify describing the new exclusion noted above, the east boundary of Subarea "A" (west boundary of Subarea "B") has been modified somewhat from the description contained in the notice. Minor corrections for accuracy have also been made to some of the geographical coordinates used in the description. None of these alterations interpose any additional burden to the public.

In consideration of the foregoing, Part 73 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., March 29, 1973, as hereinafter set forth.

In § 73.63 (38 FR 669), the following temporary restricted area is added:

R 6314, KILLEEN, TEX.

SUBAREA A

Boundaries. Beginning at lat. 32°10'00" N., long. 98°52'00" W.; to lat. 32°10'00" N., long. 99°30'00" W.; to lat. 31°20'00" N., long. 99°55'00" W.; to lat. 31°02'00" N., long. 99°00'00" W.; to lat. 31°41'55" N., long. 99°00'00" W.; thence counterclockwise along the arc of a 6-nautical-mile-radius circle centered on the Brownwood, Tex., Municipal Airport (lat. 31°47'41" N., long. 98°57'24" W.) to lat. 31°51'50" N., long. 98°52'55" W.; to point of beginning, excluding that airspace within a 3-nautical-mile radius of lat. 31°11'00" N., long. 99°19'27" W. from the surface to 2,500 feet AGL, and excluding, effective 0600 c.s.t. to 2000 c.s.t. daily, that airspace, surface to and including 5,000 feet MSL, north of a line extending from lat. 31°31'05" N., long. 99°49'25" W. to lat. 31°41'55" N., long. 99°00'00" W.

Designated altitudes. 1,500 feet AGL to FL 280 sunrise to sunset. Surface to FL 280 sunset to sunrise.

Time of designation. Continuous 0001 c.s.t., April 23, 1973, to 2359 c.s.t., May 1, 1973.

Controlling agency. Federal Aviation Administration, Houston ARTC Center.

Using agency. USAF Tactical Air Command (TAC/US AFRED), Langley AFB, Va.

SUBAREA B

Boundaries. Beginning at lat. 32°00'00" N., long. 97°50'00" W.; to lat. 32°10'00" N., long. 98°32'00" W.; to lat. 32°10'00" N., long. 98°52'00" W.; to lat. 31°51'50" N., long. 98°52'55" W.; thence clockwise along the arc of a 6-nautical-mile-radius circle centered on the Brownwood, Tex., Municipal Airport (lat. 31°47'41" N., long. 98°57'24" W.) to lat. 31°41'55" N., long. 99°00'00" W.; to lat. 31°02'00" N., long. 99°00'00" W.; to lat. 30°47'00" N., long. 98°03'00" W.; to lat. 30°50'00" N., long. 97°44'00" W.; to lat. 31°06'06" N., long. 97°32'42" W.; to lat. 31°13'45" N., long. 97°32'35" W.; to lat. 31°19'37" N., long. 97°40'32" W.; to lat. 31°20'48" N., long. 97°40'32" W.; to lat. 31°22'33" N., long. 97°42'45" W.; to point of beginning, excluding that airspace east of a line from lat. 30°47'20" N., long. 98°00'00" W.; to lat. 31°05'00" N., long. 97°47'00" W.; to lat. 31°41'00" N., long. 97°46'15" W.; above FL 200, and excluding that airspace from lat. 31°00'00" N., long. 97°37'00" W.; to lat. 31°03'54" N., long. 97°42'05" W.; to lat. 31°09'03" N., long. 97°41'18" W.; to lat. 31°06'06" N., long. 97°32'42" W.; to point of beginning, from the surface to 4,000 feet MSL, and excluding, effective 0600 c.s.t. to 2000 c.s.t. daily, that airspace, surface to and including 5,000 feet MSL, northwest of a line extending from lat. 31°51'50" N., long. 98°52'55" W. to lat. 32°10'00" N., long. 98°32'00" W.

Designated altitudes. Surface to FL 280.

Time of designation. Continuous 0001 c.s.t., April 23, 1973, to 2359 c.s.t., May 1, 1973.

Controlling agency. Federal Aviation Administration, Houston ARTC Center.

Using agency. USAF Tactical Air Command/USAF Readiness Command (TAC/USAFRED), Langley AFB, Va.

SUBAREA C

Boundaries. Beginning at lat. 32°00'00" N., long. 97°35'00" W.; to lat. 31°32'00" N., long. 97°28'00" W.; to lat. 31°23'00" N., long. 97°35'00" W.; to lat. 31°13'45" N., long. 97°32'45" W.; to lat. 31°19'37" N., long. 97°40'32" W.; to lat. 31°20'48" N., long. 97°40'32" W.; to lat. 31°22'33" N., long 97°42'45" W.; to lat. 32°00'00" N., long. 97°50'00" W.; to point of beginning.

Designated altitudes. Surface to 10,000 feet MSL.

Time of designation. Continuous 0001 c.s.t., April 23, 1973, to 2359 c.s.t., May 1, 1973.

Controlling agency. Federal Aviation Administration, Houston ARTC Center.

Using agency. USAF Tactical Air Command/USAF Readiness Command (TAC/USAFRED), Langley AFB, Va.

(Sec. 307(a), Federal Aviation Act of 1958, 49 U.S.C. 1348(a); sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Washington, D.C., on March 12, 1973.

CHARLES H. NEWPOL,
Acting Chief, Airspace and Air Traffic Rules Division.

[FR Doc.73-5166 Filed 3-16-73;8:45 am]

CHAPTER II—CIVIL AERONAUTICS BOARD

SUBCHAPTER D—SPECIAL REGULATIONS

[Regulation SPR-67; Amdt. 6]

PART 378—INCLUSIVE TOUR BY SUPPLEMENTAL AIR CARRIERS, CERTAIN FOREIGN AIR CARRIERS, AND TOUR OPERATORS

Air/Sea Cruise Tours

Part 378 presently establishes a three-stop requirement for inclusive tour charters (ITC's).[1] By delegated authority, staff may grant waivers to permit, on air/sea inclusive tours, daytime stops by a cruise ship in lieu of overnight stops.[2]

By SPDR-26C, dated October 10, 1972, the Board proposed an amendment to Part 378 to provide that the requirement for overnight hotel accommodations at a minimum of three places may be satisfied, in the case of air/sea cruises, if shipboard accommodations in port or at sea are provided for at least three nights and the ship stops at a minimum of three ports no less than 50 air miles apart.[3]

Six comments have been filed with respect to SPDR-26C, all of which support the proposed rule.[4] However, two of them[5] request some modification, asserting that the rule as proposed would not literally apply to a common form of combined land and sea itinerary, such as, for example, an air/sea cruise which combines a land stop at Miami, Fla., with cruise stops at Freeport and Nassau, both in the Bahamas.

The requested modification has merit, and we are accordingly revising the text of the rule, so as to make it clear that sea and land accommodations may be combined in such tours.

Since the within amendments are of a technical nature and impose no burden on anyone, we have determined to make them effective immediately.

In consideration of the foregoing, the Civil Aeronautics Board hereby amends Part 378 of its Special Regulations (14 CFR Part 378), effective March 13, 1973, as follows:

1. Amend § 378.2(b)(2) to read as follows:

§ 378.2 Definitions.

As used in this part, unless the context otherwise requires—

• • • • • •

(b) "Inclusive tour" means • • •

• • • • • •

(2) The land portion of the tour must provide overnight hotel accommodations at a minimum of three places other than the point of origin, such places to be no less than 50 air miles from each other: *Provided,* That, in the case of an "air/sea tour," overnight accommodations provided aboard a ship, while in port or at sea, may be regarded as "hotel" accommodations; *And provided further,* That, for any night on which accommodations are provided aboard a ship at sea, either the first port at which the ship stops following such night, or the last port at which the ship stops preceding such night, may be regarded as the "place" at which the overnight accommodations were provided.

(Secs. 101(3), 101(33), 204(a), 401, 402, 407, and 416(a), Federal Aviation Act of 1958, as amended, 72 Stat. 737 (as amended by 75 Stat. 467, 76 Stat. 143, 82 Stat. 867, 84 Stat. 921), 743, 754, 757, 766, 771; 49 U.S.C. 1301, 1324, 1371, 1372, 1377, 1386)

By the Civil Aeronautics Board.

Adopted: March 13, 1973.

[SEAL] EDWIN Z. HOLLAND,
Secretary.

[FR Doc.73-5224 Filed 3-16-73;8:45 am]

SUBCHAPTER E—ORGANIZATION REGULATIONS

[Regulation OR-70; Amdt. 31]

PART 385—DELEGATIONS AND REVIEW OF ACTION UNDER DELEGATION; NONHEARING MATTERS

Deletion of Delegation of Authority to Director, Bureau of Operating Rights, To Grant Waivers Concerning Air/Sea Cruises Under Part 378

By SPR-67, issued contemporaneously herewith, the Board has amended Part 378 so as to provide for air/seacruises under prescribed conditions. This amendment to Part 378 removes the need for the Board's delegation of authority to the Director, Bureau of Operating Rights, to grant waivers of § 378.2(b)(2) so as to permit, on air/sea inclusive tours, daytime stops by a cruise ship in lieu of overnight stops where prescribed conditions are met. For this reason, this delegation of authority will be deleted.

Since the within regulation is a rule of agency organization, notice and public procedure thereon are not necessary

[1] 14 CFR § 378.2(b)(2) provides, inter alia: "The land portion of the tour must provide overnight hotel accommodations at a minimum of three places other than the point of origin • • •."

[2] 14 CFR § 385.13(v)(1) grants to the Director, Bureau of Operating Rights, authority to grant waivers of § 378.2(b)(2) to permit, on air/sea inclusive tours, daytime stop by a cruise ship in lieu of overnight stops where both of the following conditions prevail: (1) The daytime stop is of at least 12 hours' duration; and (2) the daytime stop is preceded or followed by a night at sea. By reason of the action taken herein, that staff delegation is no longer required and Part 385 is being amended contemporaneously herewith (OR-70) to delete such delegation of authority.

[3] SPDR-26C was substituted for a more restrictive proposal which had been included in SPDR-26, dated Oct. 26, 1971.

[4] Comments were filed by Overseas National Airways, Inc. (Overseas), Saturn Airways, Inc. (Saturn), Modern Air Transport, Inc. (Modern), 3 supplemental air carriers; and by Royal Caribbean Tours, Inc. (Royal Caribbean), Jetways, Inc. (Jetways), and AITS, tour operators.

[5] Modern and Jetways.

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and it may be made effective March 13, 1973, immediately.

Accordingly, the Civil Aeronautics Board hereby amends § 385.13(v) of its organization regulations (14 CFR Part 385), effective by deleting and reserving subparagraph (1).

As amended § 385.13(v) will read in part as follows:

§ 385.13 Delegation to the Director, Bureau of Operating Rights.

• • • • • •

(v) With respect to • • •

(1) [Reserved.]

• • • • • •

(Sec. 204(a) of the Federal Aviation Act of 1958, as amended, 72 Stat. 743; 49 U.S.C. 1324. Reorganization Plan No. 3 of 1961, 75 Stat. 837, 26 FR 5989; 49 U.S.C. 1324 (note))

By the Civil Aeronautics Board.

[SEAL] EDWIN Z. HOLLAND, *Secretary.*

[FR Doc.73-5225 Filed 3-16-73;8:45 am]

Title 17—Commodity and Security Exchanges

CHAPTER II—SECURITIES AND EXCHANGE COMMISSION

[Release No. 33-5359]

PART 231—INTERPRETATIVE RELEASES RELATING TO THE SECURITIES ACT OF 1933 AND GENERAL RULES AND REGULATIONS THEREUNDER

Use of "Sales Literature" in Investment Company Prospectuses

The Securities and Exchange Commission, both through its Advisory Committee on Investment Companies and Advisers, which submitted its report December 29, 1972, and independently through its staff is studying the substance, use of, and review procedures for investment company prospectuses.[1] In connection with this study, the Commission made clear that no objection will be raised if investment company issuers include in their prospectuses material which otherwise would be deemed "sales literature" as defined in the Commission's statement of policy, as amended November 5, 1957.

The Commission is continuously concerned with the "readability" and "understandability" of prospectuses, and in this regard has recognized that visual aids, as an example of one form of "sales literature," contribute to "readability" and also may make more meaningful the presentation of textual material.[2] Because prospectuses themselves constitute sales literature,[3] the Commission sees no reason why both the information required in the prospectus and the information in other sales literature cannot be presented in one document, thus insuring investors an opportunity to consider both forms of communication at one time.

In including "sales literature" in prospectuses, however, issuers should be aware of the following: (1) Sales literature should not be of such quantity as to overly lengthen the prospectus, and it should not be so placed as to obscure essential statutory disclosure; (2) sales literature included in prospectuses is subject to and must comply with the Commission's statement of policy; and (3) members of the National Association of Securities Dealers are not relieved, of course, of the filing and other requirements of the NASD with respect to investment company sales literature.

By the Commission.

[SEAL] RONALD F. HUNT, *Secretary.*

JANUARY 26, 1973.

[FR Doc.73-5162 Filed 3-16-73;8:45 am]

[1] See Securities Act Release No. 5305 (Sept. 21, 1972) (37 FR 20317).

[2] See Investment Company Act Release No. 150 (June 20, 1941) (37 FR 20317).

[3] See Securities Act Releases Nos. 5231 (Feb. 3, 1972) (37 FR 4327) and 5171 (July 20, 1971) (36 FR 13915).

[Releases Nos. 33-5362, 34-9984]

PART 231—INTERPRETATIVE RELEASES RELATING TO THE SECURITIES ACT OF 1933 AND GENERAL RULES AND REGULATIONS THEREUNDER

Disclosure of Projections of Future Economic Performance

On November 1, 1972, the Commission announced a public rule making proceeding relating to the use, both in filings with the Commission and otherwise, of estimates, forecasts, or projections of economic performance by issuers whose securities are publicly traded (Securities Exchange Act Release No. 9844, November 1, 1972) (37 FR 23850). These hearings were ordered by the Commission for the purpose of gathering information relevant to a reassessment of Commission policies relating to disclosure of projected sales and earnings (hereafter, "projections"). The Division of Corporation Finance, in conducting the public hearings from November 20 to December 12, 1972, received testimony from 53 witnesses, including representatives of publicly held corporations, the securities industry, the academic community, the self-regulatory organizations, and the accounting and legal professions. In addition, letters from over 200 interested persons were received and made part of the public record.

The Commission has never required a company to publicly disclose its projections and does not intend to do so now. It has been the Commission's long-standing policy generally not to permit projections to be included in prospectuses and reports filed with the Commission. However, on the basis of the information obtained through the hearings and on the basis of staff recommendations and its experience in administering the securities laws, the Commission has now determined that changes in its present policies with regard to use of projections would assist in the protection of investors and would be in the public interest. The Commission recognizes that projections are currently widespread in the securities markets and are relied upon in the investment process. Persons invest with the future in mind and the market value of a security reflects the judgments of investors about the future economic performance of the issuer. Thus projections are sought by all investors, whether institutional or individual. The Commission is concerned, however, that all investors do not have equal access to this material information. Because of widespread public interest in this area and because of its importance to investors, the Commission is releasing at this time its general conclusions regarding use of projections.

Information gathered at the hearings reinforced the Commission's own observation that management's assessment of a company's future performance is information of significant importance to the investor, that such assessment should be able to be understood in light of the assumptions made, and that such information should be available, if at all, on an equitable basis to all investors. The hearings also revealed widespread dissatisfaction with the fact that there are today no guidelines or standards that the issuer, the financial analyst, or the investor can rely on in issuing or interpreting projections. In addition, public comment indicated that there were many issuers who are opposed to being required to issue public projections.

The Commission plans to take the first steps toward integrating projections into the disclosure system, but it has determined not to require issuers to generate or disclose projections. The system that the Commission envisions would apply only to issuers who choose to disclose their projections. In this connection, the Commission proposes to permit issuers who meet certain standards to include projections in filings with the Commission under the Securities Act of 1933 and the Securities Exchange Act of 1934 (Exchange Act). The standards would include a requirement that the issuer had been a reporting company for a reasonable period of time and that it had a history of earnings and of internal budgeting. The specific standards would be included in any proposed rules when issued for comment. It is contemplated that there would be certain restrictions on the type of projection that could be filed, for example, that it relate at a minimum to sales and earnings, that it be expressed as an exact figure or within a reasonable range, that the underlying assumptions be set forth, and that it be for a reasonable period, such as a fiscal year.[1] The Commission believes that these limitations would help to assure that only projections that have a reasonable basis, are generally reliable, and are based on experience would be included in prospectuses and other filings.

[1] The Commission recognizes that tax shelter investments involve different considerations and that projections covering only 1 year would not be meaningful. Accordingly, a separate release will be issued covering such securities.

Further, the Commission contemplates that issuers who file projections with the Commission would be required to update those projections on a regular basis, as well as in the event of material changes in the projections. However, any issuer who had filed projection information in the past in registration statements or reports but who decides to omit such information in future filings, would be able to do so if it filed a statement of the reasons for that change of policy.

Although it is proposed that disclosure of projections in Commission documents would be voluntary, the Commission is also considering a requirement that all issuers who elect to disclose their projections to the public through the financial media, financial analysts, or otherwise, file such projections with the Commission on a new form that would be developed especially for the filing of projections. Statements by management confirming the projections of others would cause the projections to be imputed to management for these purposes.

The Commission has also concluded that, in order to provide adequate information for evaluating the projections made, any issuer subject to the reporting requirements of the Exchange Act who had made a public projection during any fiscal year, should be required to file in its annual report on Form 10-K (17 CFR 249.310) for that year a statement of the projection made, the circumstances under which it was made, and a comparison of the projection with actual results and an explanation of material variances, if any.

There was extensive testimony given at the hearings on the question of verification or certification of projection information by accountants or others. The Commission is concerned as to whether such verification would be meaningful since there are no generally accepted principles or policies at the present time that could be applied in the verification process. Thus, the Commission has determined not to allow any statement of certification or verification by any third party to be disclosed in filings with the Commission, at this time. Should such principles be developed, the Commission will reconsider its position.

The Commission is aware of the fact that one of the primary deterrents to a rational and open disclosure system for projections is the fear of liability for inaccurate projections. The Commission has decided that a rule, or rules, relating to the liability provisions of the securities laws and defining the circumstances under which a project would not be considered to be a misleading statement of a material fact, would be appropriate in connection with any changes in the Commission's policy on the use of projections. It is contemplated that such a rule would embody the concept that a projection is not a promise that it will be achieved nor per se misleading if not achieved. A projection would not be considered to be a misstatement of a material fact if it were reasonably based in fact, prepared with reasonable care and carefully reviewed.

In addition to the above changes, all of which would require amendments to existing forms and reports, or development of new rules and forms, the Commission plans to issue a release setting forth its more detailed views on the issuance of projections by management, financial analysts, and other members of the financial community. The release would be particularly concerned with the liabilities involved for issuers and others making projections without reasonable bases and would contain a statement of the Commission's strong reservations about the ability of issuers with limited resources or operational histories to make reasonably based projections. The release would also deal with the problem of selective disclosure of projections and the liabilities resulting therefrom.

The Commission believes that it is in the interest of investors and issuers to move gradually in this area. Action taken in the form of proposed rules would, of necessity, be in the nature of an experiment and would be carefully monitored by the Commission. The results of the hearings conducted by the staff have convinced the Commission that now is the appropriate time to take action in this area, to recognize the realities of the situation, and to take the lead in developing standards and guidelines that will enable all issuers to understand their responsibilities and all investors to have equal access to projection information.

In summary, the Commission has determined that:

1. Disclosure of projections in Commission filings should not be required except under the circumstances set forth in paragraphs 7 and 8, below.

2. Issuers who are reporting companies and who meet certain standards relating to their earnings histories and budgeting experience should be permitted to include projections in filings made with the Commission pursuant to the Securities Act and the Exchange Act.

3. Projections disclosed in Commission filings should meet certain standards, for example, the underlying assumptions should be set forth, the projection should be of sales and earnings and expressed as a reasonably definite figure, and the projections should be for a reasonable period of time.

4. Any issuer who files projection information should be required to update the filed projection on a regular basis and whenever the issuer materially changes its projection.

5. Any issuer who has previously filed projection information should be allowed to stop filing such information if it discloses its decision and the reasons therefor.

6. No statement of verification or certification of the projections by any third party should be permitted in any filing with the Commission at this time.

7. Any issuer who discloses projections outside of filings with the Commission, whether through financial media, financial analysts, or otherwise, should be required to file such projections with the Commission on a special projection form.

8. Any issuer subject to the reporting requirements of the Exchange Act who discloses a projection, whether in a Commission filing or not, should be required to include in its annual report on Form 10-K (17 CFR 249.310) for the fiscal year during which the projection was made, a statement of the projection made, the circumstances under which it was disclosed, and a comparison of the projection with actual results.

9. The Commission should adopt rules under the securities laws to define the circumstances under which a projection would not be considered to be a misleading statement of a material fact.

10. The Commission should issue a release setting forth certain standards for the preparation and dissemination of projections by management of public companies, financial analysts, and other members of the financial community. The release should highlight the Commission's reservations as to whether anyone who makes a projection with respect to an issuer having a limited history of operations can meet the standards necessary to avoid liability. In addition, the adverse consequences of selective disclosure of material information such as projections should be emphasized.

The Commission has directed its Division of Corporation Finance to prepare specific releases and rule and form changes necessary to implement the conclusions set forth above. The rule and form changes will be published for comment at a later date, at which time the general release described in paragraph 10 will be issued.

By the Commission.

[SEAL] RONALD F. HUNT, *Secretary.*

FEBRUARY 2, 1973.

[FR Doc.73-5161 Filed 3-16-73;8:45 am]

Title 20—Employees' Benefits

CHAPTER III—SOCIAL SECURITY ADMINISTRATION, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

[Regs. 1, 22, further amended]

PART 401—DISCLOSURE OF OFFICIAL RECORDS AND INFORMATION

PART 422—ORGANIZATION AND PROCEDURES

Disclosure of Certain Medicare Reports and Records

On September 2, 1972, there was published in the FEDERAL REGISTER (37 FR 17978) a notice of proposed rule making which set forth proposed amendments to authorize the Social Security Administration to disclose to the public: (1) At specified locations, prospective survey reports on Medicare providers of services and related material pertaining to compliance with conditions of participation; (2) prospective survey reports relating to performance of Medicare providers, with safeguards to protect the privacy of patients and others; (3) the latest review report pertaining to a particular intermediary or carrier, and in addition prospective contractor review reports; and (4) under specified conditions, the

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identification of providers of services, physicians, and other persons furnishing services to Medicare beneficiaries where disclosure is in the public interest. Interested persons were given the opportunity to submit within 30 days data, views, or arguments with regard to the proposed amendments.

On October 30, 1972, the President signed into law the Social Security Amendments of 1972—Public Law 92–603. Sections 299D and 249C of that law directed the Secretary to disclose certain information and reports on the administration of the Medicare program, most of which were covered by the notice of proposed rule making published in the FEDERAL REGISTER on September 2, 1972. On the basis of the comments received pursuant to such notice of proposed rule making and the directives in sections 299D and 249C of Public Law 92–603, a number of changes were made in the proposed amendments as announced under such notice. Accordingly, such amendments are hereby adopted with the following significant changes.

Section 401.3(v)(1) has been revised to specify that prospective statements of deficiencies based on survey reports prepared by State agencies on providers of services, and the survey reports, will be available or made available at certain district offices and regional offices and that the statements of deficiencies will also be available at local public assistance offices. A corresponding change has been made in § 422.430(b)(19). In addition, the maximum time period for withholding disclosure of the statement of deficiencies and the survey report has been changed from 60 days following the receipt of the report to 90 days following the completion of the survey to comply with section 299D of Public Law 92–603 with the added condiiton that such time period shall not exceed 30 days following the receipt of such report by the Administration.

The maximum time period for withholding disclosure of reports specified in § 401.3(v)(2) and (3) has been reduced from 60 days to 30 days.

In accordance with section 249C of Public Law 92–603, a provision has been added to § 401.3(v)(3) authorizing the disclosure of reports relating to the evaluation of the performance of State agencies under agreements entered into pursuant to section 1864 of the Social Security Act. In accordance with the same section of Public Law 92–603, subparagraphs (2) and (3) of § 401.3(v) have been modified to provide that in the case of reports and evaluations available thereunder, references to internal tolerance rules and practices, internal working papers or other informal memoranda will be excluded.

Section 401.3(v)(4)(ii) has been modified to reflect that a finding by a carrier or intermediary that a provider of services, a physician, or other person has been engaged in a pattern of furnishing services to beneficiaries which are substantially in excess of their medical needs, as a condition to disclosure of the name of such provider, physician, or other person, can be made only after consultation with a professional medical association functioning external to program administration or, if appropriate, the State medical society. This section has also been modified to reflect that the name of any such provider, physician, or other person shall not be disclosed unless such provider, physician, or other person has first been afforded a reasonable opportunity to offer evidence on his behalf.

An amendment has been made to § 422.428 merely to conform to the change in § 422.430(b)(19).

(Secs. 205, 1102, 1106, 1864, and 1871, 53 Stat. 1368, as amended, 49 Stat. 647, as amended, 53 Stat. 1398, as amended, 86 Stat. 1452, as amended, 79 Stat. 331; 42 U.S.C. 405, 1302, 1306, 1395aa, and 1395hh)

Effective date. These amendments shall be effective on March 19, 1973, except that § 401.3(v)(1) applies to reports prepared after January 31, 1973, subparagraphs (2) and (3) of § 401.3(v) apply to reports and evaluations completed after January 31, 1973, and § 401.3(v)(3) also applies to the contract performance review report specified therein prepared prior to February 1, 1973.

Dated: February 1, 1973.

ROBERT M. BALL,
Commissioner of Social Security.

Approved: March 8, 1973.

CASPAR W. WEINBERGER,
Secretary of Health, Education, and Welfare.

Regulation No. 1 and Regulation No. 22 of the Social Security Administration (20 CFR 401.1 et seq. and 422.1 et seq.) are further amended as set forth below.

1. Section 401.3 is amended by adding at the end thereof the following new paragraph (v) to read as follows:

§ 401.3 Information which may be disclosed and to whom.

Disclosure of any such file, record, report, or other paper, or information, is hereby authorized in the following cases and for the following purposes:

* * * * * *

(v) To the public:

(1) (i) Statements of deficiencies based upon official survey reports prepared after January 31, 1973, by a State agency pursuant to its agreement entered into under section 1864 of the Social Security Act and furnished to the Social Security Administration, which relate to such State agency's findings on the compliance of a health care institution or facility with the applicable provisions in section 1861 of such Act and with the regulations, promulgated pursuant to such provisions, dealing with health and safety of patients in such institutions and facilities, and (ii) such State agency survey reports. Such statement of deficiencies or report and any pertinent written statements furnished by such institution or facility on such statement of deficiencies shall be disclosed within 90 days following the completion of the survey by such State agency, but not to exceed 30 days following the receipt of such report by the Administration. (Such statements of deficiencies, reports, and pertinent written statements shall be available or made available only at the district office and the regional office of the Social Security Administration servicing the area in which such institution or facility is located, except that such statements of deficiencies and pertinent written statements shall also be available at the local public assistance offices servicing such area.)

(2) Upon request in writing, official reports and other formal evaluations (including followup reviews), excluding references to internal tolerance rules and practices contained therein, internal working papers or other informal memoranda, prepared by the Social Security Administration and completed after January 31, 1973, which relate to the performance of providers of services under title XVIII of the Social Security Act: *Provided*, That no information identifying individual patients, physicians, or other practitioners, or other individuals shall be disclosed under this subparagraph. Such reports and evaluations shall be disclosed within 30 days following the final preparation thereof by the Administration during which time such providers of services shall be afforded a reasonable opportunity to offer comments, and there shall be disclosed with such reports and evaluations any pertinent written statements furnished the Social Security Administration by such providers on such reports and evaluations.

(3) Upon request in writing, official contractor performance review reports and other formal evaluations (including followup reviews), excluding references to internal tolerance rules and practices contained therein, internal working papers or other informal memoranda, prepared by the Social Security Administration and completed after January 31, 1973, which relate to the evaluation of the performance of (i) intermediaries and carriers under their agreements entered into pursuant to sections 1816 and 1842 of the Social Security Act and (ii) State agencies under their agreements entered into pursuant to section 1864 of such Act (including comparative evaluations of the performance of such intermediaries, carriers, and State agencies). The latest Contract Performance Review Report pertaining to a particular intermediary or carrier, prepared prior to February 1, 1973, may also be disclosed to any person upon request in writing. Such reports and evaluations shall be disclosed within 30 days following the final preparation thereof by the Administration (or 30 days following the request therefor, in the case of the contract performance review report prepared prior to February 1, 1973), during which time such intermediaries, carriers, and State agencies, as the case may be, shall be afforded a reasonable opportunity to offer comments, and there shall be disclosed with such reports and evaluations any pertinent written statements furnished the Social Security Administration by such intermediaries, carriers, or State agencies on such reports and evaluations.

(4) The name of any provider of services, physician, or other person furnishing services to beneficiaries under title XVIII of the Act who—

(i) Has been found by a Federal court to have been guilty of submitting false claims in connection with title XVIII; or

(ii) Has been found by a carrier or intermediary, after consultation with a professional medical association functioning external to program administration or, if appropriate, the State medical authority, to have been engaged in a pattern of furnishing services to such beneficiaries which are substantially in excess of their medical needs; except that the name of any such provider of services, physician, or other person shall not be disclosed pursuant to a finding under this subdivision (ii), unless such provider, physician, or other person, as the case may be, has first been afforded a reasonable opportunity to offer evidence on his behalf.

2. Section 422.428 is amended by revising the sixth sentence as set forth below. As amended, § 422.428 reads as follows:

§ 422.428 Where requests for information or records may be made.

Requests for information, for copies of records, or to inspect or copy records may be made at any of the Social Security Administration district offices or branch offices. Similar requests relating to information or records available in the Bureau of Hearings and Appeals may be made at any of its field offices. For materials which are available or will be made available at district offices and branch offices, see § 422.430. Although all of the materials listed in § 422.430 are not maintained in all district offices and branch offices, any item listed will be obtained by an office and made available to the requester. For materials in the Bureau of Hearings and Appeals field offices, see § 422.432. The materials available at district offices and branch offices are also available at the Social Security Administration headquarters, 6401 Security Boulevard, Baltimore, MD 21235, and at the Washington Inquiries Section of the Office of Public Affairs, Social Security Administration, Department of Health, Education, and Welfare, North Building, Room 4146, 330 Independence Avenue SW., Washington, DC 20201, except as provided in § 422.430(b)(19). The materials available at the Bureau of Hearings and Appeals field offices are also available at the latter office. In addition, a request for information or a record may be submitted through any office of the Social Security Administration or to any employee of the Social Security Administration in the regular course of his conduct of official business.

3. Paragraph (b) of § 422.430 is amended by redesignating subparagraphs (19) and (20) as subparagraphs (20) and (21) and inserting a new subparagraph (19) to read as follows:

§ 422.430 Materials available at district offices and branch offices.

* * * * *

(b) *Materials available for inspection and copying.* The following materials are available or will be made available for inspection and copying at the district offices and branch offices, except as provided in subparagraph (19) of this paragraph:

* * * * *

(19) Statements of deficiencies based upon survey reports of health care institutions or facilities prepared after January 31, 1973, by a State agency, pursuant to its agreement entered into under section 1864 of the Social Security Act, and such reports (including pertinent written statements furnished by such institution or facility on such statements of deficiencies), as set forth in § 401.3(v)(1) of this chapter. Such statements of deficiencies, reports, and pertinent written statements shall be available or made available only at the district office and the regional office servicing the area in which the institution or facility is located, except that such statements of deficiencies and pertinent written statements shall also be available at the local public assistance offices servicing such area.

* * * * *

[FR Doc.73-5105 Filed 3-16-73;8:45 am]

[Reg. 5, further amended]

PART 405—FEDERAL HEALTH INSURANCE FOR THE AGED (1965–)

Subpart D—Principles of Reimbursement for Provider Costs and for Services by Hospital-Based Physicians; Appeals by Provider

Subpart F—Agreements, Elections, Contracts, Nominations, and Notices

PROVIDER RECORDKEEPING CAPABILITY

Correction

In FR Doc. 73-4585 appearing at page 6386 in the issue of Friday, March 9, 1973, after the eighth line from the bottom of § 405.406(e), insert "tion with respect to the provider's".

Title 28—Judicial Administration

CHAPTER I—DEPARTMENT OF JUSTICE

[Order No. 509-73]

PART 0—ORGANIZATION OF THE DEPARTMENT OF JUSTICE

Subpart 0—Administrative Division

AUTHORITY TO MAKE CERTAIN DETERMINATIONS UNDER FEDERAL INSURANCE CONTRIBUTIONS ACT

Section 3121(b) of the Federal Insurance Contributions Act (26 U.S.C. 3121(b)) defines the term "employment," for purposes of taxes under that Act, to exclude service performed in the employ of the United States but not if the service is not covered by a retirement system established by a law of the United States. Section 3122 of the Act authorizes an agency head or his designee to determine whether an individual has performed service which constitutes "employment" and to determine the amount of remuneration for such service which constitutes "wages," as defined by the Act. This order delegates to the Assistant Attorney General for Administration the authority to make the determinations under section 3122.

By virtue of the authority vested in me by 28 U.S.C. 509, 510, 5 U.S.C. 301, and section 3122 of the Federal Contributions Insurance Act (26 U.S.C. 3122), § 0.76(a) of Subpart 0 of Part 0 of Chapter I of Title 28, Code of Federal Regulations, is amended by adding the following new subparagraph (14) immediately after subparagraph (13):

§ 0.76 Specific functions and delegations of authority.

(a) * * *

(14) To make determinations respecting employment and wages under section 3122 of the Federal Insurance Contributions Act (26 U.S.C. 3122).

* * * * *

Dated: March 12, 1973.

RICHARD G. KLEINDIENST,
Attorney General.

[FR Doc.73-5179 Filed 3-16-73;8:45 am]

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Title 24—Housing and Urban Development

CHAPTER X—FEDERAL INSURANCE ADMINISTRATION, DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

SUBCHAPTER B—NATIONAL FLOOD INSURANCE PROGRAM

PART 1914—AREAS ELIGIBLE FOR THE SALE OF INSURANCE

Status of Participating Communities

Section 1914.4 of Part 1914 of Subchapter B of Chapter X of Title 24 of the Code of Federal Regulations is amended by adding in alphabetical sequence a new entry to the table. In this entry, a complete chronology of effective dates appears for each listed community. Each date appearing in the last column of the table is followed by a designation which indicates whether the date signifies the effective date of the authorization of the sale of flood insurance in the area under the emergency or the regular flood insurance program. The entry reads as follows:

§ 1914.4 Status of participating communities.

State	County	Location	Map No.	State map repository	Local map repository	Effective date of authorization of sale of flood insurance for area
• • •	• • •	• • •	• • •	• • •	• • •	• • •
Arkansas	Pulaski	Little Rock, City of.				Mar. 16, 1973, Emergency.
California	Kern	Taft, City of	I 06 029 3820 01 through I 06 029 3820 04	Department of Water Resources, Post Office Box 388, Sacramento, CA 95802. California Insurance Department, 107 South Broadway, Los Angeles, CA 90012, and 1407 Market St., San Francisco, CA 94103.	City Hall, City of Taft, 209 East Kern St., Taft, CA 93268.	Oct. 18, 1971, Emergency. Mar. 23, 1973, Regular.
Do	Yolo	Unincorporated areas.				Mar. 16, 1973, Emergency.
Delaware	Sussex	Fenwick Island, Town of.	I 10 005 0174 01	Division of Soil and Water Conservation, Department of Natural Resources and Environmental Control, Tatnall Bldg., Capital Complex, Dover, Del. 19901. Delaware Insurance Department, 21 The Green, Dover, DE 19901.	The Town Hall, Fenwick Island, Del. 19944.	Nov. 19, 1971, Emergency. Mar. 23, 1973, Regular.
Florida	Broward	Coral Springs, City of.				Mar. 16, 1973, Emergency.
Illinois	Whiteside	Unincorporated areas.				Do.
Indiana	La Porte	Long Beach, Town of.	I 18 091 2740 01 I 18 091 2740 02	Division of Water, Department of Natural Resources, 608 State Office Bldg., Indianapolis, Ind. 46204. Indiana Insurance Department, 509 State Office Bldg., Indianapolis, Ind. 46204.	Town Hall, Town of Long Beach, Long Beach, Ind. 46360.	Oct. 8, 1971, Emergency. Mar. 23, 1973, Regular.
Do	Porter	Beverly Shores, Town of.	I 18 127 0330 01 I 18 127 0330 02	do	Office of the Clerk-Treasurer, Town of Beverly Shores, Beverly Shores, Ind. 46301.	Oct. 1, 1971, Emergency. Mar. 23, 1973, Regular.
Maryland	Cecil	Port Deposit, Town of.				Mar. 16, 1973, Emergency.
Michigan	Berrien	Lincoln, Township of.				Do.
Do	Wayne	Brownstown, Township of.				Do.
Missouri	Jackson	Grandview, City of.				Do.
New York	Chemung	Wellsburg, Village of.				Do.
Do	Monroe	Chili, Town of.				Do.
Do	do	Irondequoit, Town of.				Do.
Do	Onondaga	Van Buren, Town of.				Do.
Do	Westchester	Bronxville, Village of.				Do.
North Carolina	Durham	Unincorporated areas.				Do.
Ohio	Ottawa	Catawba, Island, Township of.				Do.
Do	Lucas	Oregon, City of				Do.
Do	Trumbull	Unincorporated areas.				Do.
Pennsylvania	Allegheny	Wilkins, Township of.				Do.
Do	Clinton	Woodward, Township of.				Do.
Do	Dauphin	Dauphin, Borough of.				Do.
Do	do	Royalton, Borough of.				Do.
Do	Lebanon	Annville, Township of.				Do.
Do	do	North Cornwall, Township of.				Do.

State	County	Location	Map No.	State map repository	Local map repository	Effective date of authorization of sale of flood insurance for area
Do	do	Richland, Borough of.				Do.
Do	do	South Lebanon, Township of.				Do.
Do	Lehigh	Salisbury, Township of.				Do.
Do	do	Whitehall, Township of.				Do.
Do	Luzerne	Harveys Lake, Borough of.				Do.
Do	do	Jackson, Township of.				Do.
Do	Northumberland	Turbot, Township of.				Do.
Do	Tioga	Mansfield, Borough of.				Do.
Do	York	Glen Rock, Borough of.				Do.
Do	do	North York, Borough of.				Do.
Virginia	Rockbridge	Glasgow, Town of.	I 51 163 1080 01 I 51 163 1080 02	Division of Water Resources, Department of Conservation and Economic Development, 2d Floor, Davenport Bldg., 11 South 10 St., Richmond, VA 23219. Virginia Insurance Department, 700 Blanton Bldg., Post Office Box 1157, Richmond, VA 23209.	Town Hall, Town of Glasgow, Glasgow, Va. 24555.	Sept. 3, 1971, Emergency. Mar. 23, 1973, Regular.

(National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968), effective Jan. 28, 1969 (33 FR 17804, Nov. 28, 1968), as amended (secs. 408–410, Public Law 91–152, Dec. 24, 1969), 42 U.S.C. 4001–4127; and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, Feb. 27, 1969)

Issued: March 12, 1973.

GEORGE K. BERNSTEIN,
Federal Insurance Administrator.

[FR Doc.73–5101 Filed 3–16–73,8:45 am]

PART 1915—IDENTIFICATION OF SPECIAL HAZARD AREAS

List of Communities With Special Hazard Areas

Section 1915.3 is amended by adding in alphabetical sequence a new entry to the table, which entry reads as follows:

§ 1915.3 List of communities with special hazard areas.

State	County	Location	Map No.	State map repository	Local map repository	Effective date of identification of areas which have special flood hazards
• • •	• • •	• • •	• • •	• • •	• • •	• • •
California	Kern	Taft, City of.	H 06 029 3830 01 through H 06 029 3830 04	Department of Water Resources, Post Office Box 388, Sacramento, CA 95802. California Insurance Department, 107 South Broadway, Los Angeles, CA 90012, and 1407 Market St., San Francisco, CA 94103.	City Hall, City of Taft, 209 East Kern St., Taft, CA 93268.	Mar. 23, 1973.
Delaware	Sussex	Fenwick Island, Town of.	H 10 005 0174 01	Division of Soil and Water Conservation, Department of Natural Resources and Environmental Control, Tatnall Bldg., Capital Complex, Dover Del. 19901. Delaware Insurance Department, 21 The Green, Dover, DE 19901.	The Town Hall, Fenwick Island, Del. 19944.	Do.
Indiana	La Porte	Long Beach, Town of.	H 18 091 2740 01 through H 18 091 2740 02	Division of Water, Department of Natural Resources, 608 State Office Bldg., Indianapolis, Ind. 46204. Indiana Insurance Department, 509 State Office Bldg., Indianapolis, Ind. 46204.	Town Hall, Town of Long Beach, Long Beach, Ind. 46360.	Do.
Do	Porter	Beverly Shore, Town of.	H 18 127 0330 01 through H 18 127 0330 02	do	Office of the Clerk-Treasurer, Town of Beverly Shores, Beverly Shores, Ind. 46301.	Do.
New Jersey	Monmouth	Rumson, Borough of.	H 34 025 2920 01 through H 34 025 2920 04	Bureau of Water Control, Department of Environmental Protection, Post Office Box 1390, Trenton, NJ 08625. New Jersey Department of Insurance, State House Annex, Trenton, N.J. 08625.	Borough Clerk's Office, Borough Hall, Borough of Rumson, East River Rd., Rumson, N.J. 07760.	Do.
Pennsylvania	Dauphin	Highspire, Borough of.	H 42 043 3650 01	Department of Community Affairs, Commonwealth of Pennsylvania, Harrisburg, Pa. 17120. Pennsylvania Insurance Department, 108 Finance Bldg., Harrisburg, Pa. 17120.	Borough Hall, Borough of Highspire, 540 Eshleman St., Highspire, PA 17034.	Do.
Do	Luzerne	Edwardsville, Borough of.	H 42 079 2480 01	do	Edwardsville Borough Bldg., Main St., Edwardsville, Pa. 18704.	Do.
Do	do	West Pittston, Borough of.	H 42 079 9220 01	do	West Pittston Borough Bldg., Spring St., West Pittston, Pa. 18643.	Do.
Do	Lycoming	Duboistown, Borough of.	H 42 081 2080 01	do	Borough Hall, Borough of Duboistown, 140 Winter St., Duboistown, PA 17702.	Do.

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State	County	Location	Map No.	State map repository	Local map repository	Effective date of identification of areas which have special flood hazards
Do.	do.	Montgomery, Borough of.	H 42 091 5440 01	do.	Montgomery Borough Municipal Bldg., 24 Montgomery Street Montgomery, PA 17752.	Do.
Do.	Schuylkill	Fort Carbon, Borough of.	H 42 107 6720 01	do.	Borough Bldg., Fort Carbon Borough, Pike and Washington Streets Fort Carbon, Pa. 17968.	Do.
Virginia	Rockbridge	Glasgow, Town	H 51 163 1080 01, H 51 163 1080 02	Division of Water Resources, Department of Conservation and Economic Development, 2d Floor Davenport Bldg., 11 South 10 Street Richmond, VA 23219. Virginia Insurance Department, 700 Blanton Bldg., Post Office Box 1157, Richmond, VA 23209.	Town Hall, Town of Glasgow, Glasgow, Va. 24555.	Do.

(National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968), effective Jan. 28, 1969 (33 FR 17804, Nov. 28, 1968), as amended (secs. 408–410, Public Law 91–152, Dec. 24,1969), 42 U.S.C. 4001–4127; and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, Feb. 27, 1969)

Issued: March 12, 1973.

GEORGE K. BERNSTEIN,
Federal Insurance Administrator.

[FR Doc.73-5102 Filed 3-16-73;8:45 am]

Title 47—Telecommunication

CHAPTER I—FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 19385; FCC 73-278]

LICENSING AND USE OF EMERGENCY LOCATOR TRANSMITTERS (ELT's)

Report and order. In the matter of amendments of Parts 1, 2, and 87 of the rules to provide for the licensing and use of emergency locator transmitters (ELT's), Docket No. 19385.

1. On January 7, 1972, we released a notice of proposed rule making in this docket. The notice was published in the FEDERAL REGISTER on January 13, 1972 (37 FR 537). The notice provided for the filing of comments and reply comments by specified times that have now passed.

2. For reasons described in detail in the notice, we proposed to amend Parts 1, 2, and 87 of our rules essentially and briefly as follows:

a. To provide for licensing, testing and operation of an emergency locator transmitter (ELT) and to specify frequencies that may be assigned for ELT purposes; and

b. To include certain technical specifications for ELT's in the rules.

3. Eleven comments were received in response to the notice of proposed rule making. No reply comments were received. Listed below are the commentors, and a summary of their comments.

a. Aircraft Owners and Pilots Association, Washington, D.C., an association with 162,000 members: Supports the proposed rule changes and asserts it "will enhance safety."

b. National Pilots Association, Washington, D.C.: "Fully agrees" with the proposed rule changes.

c. Dillingham Corporation-Marine Services, (Dillingham), Honolulu, Hawaii, operator of vessels, primarily tugs and barges: States, in the interests of safety at sea, it is in favor of the proposed changes but suggests, for numerous detailed reasons, the changes be extended to include maritime services.

d. Marine Technology Division of Dayton Aircraft, Inc. (Mar Tech), Fort Lauderdale, Fla.: Asserts, for detailed technical reasons, that the reduced power output specified when testing an ELT with an internal test circuit cannot be met and suggests that field strength measurement in the test position be eliminated from the proposed specifications. Mar Tech states, that it conducted tests with various models of ELT's "utilizing an RF test and generating 75 mw on both frequencies with the antenna removed and the final RF amplifier output fed directly into a test light, 1 meter from the transmitter • • •" Under those conditions, Mar Tech reports that a radiated voltage was generated that ranged from 1,500 micro v/m on 121.5 MHz and 6,000 micro v/m on 243 MHz in the case of a small, personal, portable beacon, to 5,500 micro v/m on 121.5 MHz and 20,000 micro v/m on 243 MHz in the case of a large survival-type beacon. Mar Tech also asks for authority to operate ELT's with an A3 (voice) emission.

e. Robert S. Barnes, Ann Arbor, Mich., Civil Air Patrol Commander: Supports the proposed rule changes and states that failure to adopt the changes would have an adverse affect on search and rescue operations by removing certain aircraft from the limited types of aircraft that are available for such operations.

f. J. De Blick, Midland, Mich.: Recommends adoption of the proposed rule changes and believes a filing fee for an ELT "would be an unnecessary tax on safety."

g. Anthony M. Wojcicki, D.M.D., M. Sc. D., Nashua, N.H.: Is an aircraft owner and supports the rule change that would eliminate a license filing fee and the operator permit requirement in case of ELT operations.

h. The Aerospace and Flight Test Radio Coordination Council, (AFTRCC): Strongly supports the proposed rule changes except, for detailed reasons, believes the two frequencies proposed for use when testing ELT's will be inadequate and recommends instead that all the remaining aeronautical "utility ground control" frequencies (121.7, 121.75, 121.8, 121.85, and 121.9 MHz) also be made available for ELT testing and training. AFTRCC points out that there are too many locations where both the 121.6 and 121.65 MHz frequencies will be in simultaneous use and more flexibility is needed in order to select one of the several utility station frequencies that is relatively little used; AFTRCC believes that some provision should be made for operational testing of an ELT on the frequency 121.5 MHz since there will be many instances when FAA coordination is not practicable.

i. Experimental Aircraft Association, Hales Corners, Wis.: Supports the proposed elimination of the license filing fee and operator permit requirements for use of an ELT.

j. Donald A. Warfle, Xenia, Ohio: Supports the proposed elimination of the license filing fee and operator permit requirements for use of an ELT.

k. California Department of Aeronautics (CDA): Supports the elimination of filing fee and operator permit requirements for ELT's and does not object to the use of 121.6 and 121.65 MHz for development tests and training, but asserts that the operation of ELT's on 243 MHz should be expressly authorized and authority to test ELT's not equipped with internal test circuits, on 121.5 MHz, for brief "confidence checks" should be provided, and objects to use of A3 (voice) emissions on ELT's because of resultant rapid power depletion.

In addition to the foregoing comments from the public, we have been requested by the Federal Aviation Administration (FAA) to include in any new rules adopted a provision that would permit brief operation for testing an ELT on the emergency frequency 121.5 MHz under controlled conditions. The FAA has also advised us that it concurs in the AFTRCC recommendation that all frequencies used by aeronautical utility stations be made available for assignment to ELT testing stations without interference to voice communications on those frequencies, and under FAA coordination.

4. With respect to the Dillingham comment that provisions, comparable to those proposed in this proceeding for aviation, should be included in the Commission's rules for operation of locator devices in the maritime services, we agree and a study on that subject is now nearing completion. If a notice of proposed rule making is released that proposes the operation of locator devices in the maritime services, Dillingham's comments filed in this docket will be considered in that proceeding, without prejudice to its right to file additional comments as provided in any forthcoming notice of proposed rule making on the subject.

5. Concerning the Mar Tech assertion that the specified reduced power for testing an ELT with an internal test circuit cannot be met, we do not agree. We do not consider that the tests conducted by Mar Tech resolve this question because the tests were not conducted under the conditions specified in our proposed rule making; i.e., with the transmitter output switched to an internal test circuit (dummy load). We believe, however, that to specify a fixed limit on radiation level at this time may be unrealistic and undesirable in view of the various sizes and characteristics of ELT chassis and case configurations which ordinarily could be expected to technically influence the radiation emitted from an ELT. We are, therefore, amending the rule by omitting the proposed 15 microvolts per meter and providing in lieu thereof that radiation must be reduced to the minimum practicable level. If this test procedure for ELT's with internal test circuits proves to be inadequate and causes interference to other stations or creates false distress situations, we will consider further rule changes to cope with that matter. The Mar Tech request that provision for operation of an ELT with a 6A3 (voice) emission is not considered desirable and will not be adopted. It has long been our policy to not authorize the use of single channel transmitters in the aviation service. A single channel aircraft transmitter would most likely be equipped with the emergency frequency 121.5 MHz and we believe there would be a tendency for a pilot to use that frequency for routine operational voice communications, to the degradation of the frequency for emergency communications. It is our deliberate intention in this rulemaking proceeding not to depart substantively from this longstanding policy. As stated in our notice of proposed rule making, we proposed here, in the interests of safety and to aid in implementing new legislation requiring, in some aircraft, the locator beacons, to permt the licensing of a single channel transmitter designated an ELT, but only when it is operated with an A9 (and not a voice) emission. If a licensee desires to operate on the emergency frequency 121.5 MHz with an A3 (voice) emission, there is already adequate provisions in the rules to permit him to do so under the conditions specified in our rules. In such a case, however, an operator permit and an application filing fee are required.

6. We agree with the AFTRCC recommendation for the reasons furnished that all utility station frequencies be made available for assignment to test ELT's at the design and maintenance stages and we are expanding § 87.521(e) of the rules to include all these frequencies. No reply comments were received objecting to this recommendation and the FAA which primarily uses these frequencies in its aerodrome control activities, or is involved in the use of the frequencies by our licensees who operate aerodrome control stations, concurs in making all seven of the frequencies available for ELT test and training purposes: *Provided*, That coordination is established in each instance with the appropriate FAA Regional Frequency Management Office. Additionally, the matter has been reviewed by the Interdepartment Radio Advisory Committee which interposed no objections to this use of all the utility frequencies.

7. We also agree with the FAA, CDA, and AFTRCC, for the reasons they provide, that provision should be made for brief operational tests of ELT's on 121.5 MHz and we are modifying the rule to so provide.

8. In our definitions for ELT's in Parts 1 and 87 of the rules we will delete the word "ship" from that part of the definitions that describes an ELT as "• • • part of an aircraft, ship, or survival craft station • • •". At the time we released the ELT NPRM, we had under study a similar rulemaking proceeding for Part 83 (Stations on Shipboard in the Maritime Services) and we contemplated that the same definition would be suitable in both services for a piece of equipment that is essentially identical, except that in the maritime community it is generally identified as an EPIRB (emergency position indicating radio beacon). We intended, if possible, to avoid the confusion that could result from having two names and definitions in our rules for essentially the identical piece of equipment. It appears, however, that the maritime community may desire a slightly different definition for a similar transmitter when it is operated in the maritime services. We will, therefore, in this proceeding, orient our definition of an ELT toward operation in the aviation services, with the possibility that we may yet, in the Part 83 proceeding, arrive at a single definition that is acceptable to both the aviation and maritime communities. Additionally, in this proceeding, we are amending § 87.183(1) to permit the use of an ELT on 243 MHz with the new A9 emission specified in the new rule § 87.67.

9. In view of the foregoing: *It is ordered*, That, pursuant to the authority contained in sections 4(i), 303(r), and 318 to the Communications Act of 1934 as amended, Parts 1, 2, and 87 of the Commission's rules, are amended, effective April 23, 1973, as set forth below.

10. *It is further ordered*, That, the proceeding in this docket is terminated.

(Secs. 4, 303, 318, 48 Stat., as amended, 1066, 1082, 1089; 47 U.S.C. 154, 303, 318)

Adopted: March 7, 1973.

Released: March 13, 1973.

FEDERAL COMMUNICATIONS COMMISSION,[1]
[SEAL] BEN F. WAPLE,
Secretary.

PART 1—PRACTICE AND PROCEDURE

I. Part 1 of the rules is amended as follows:

Section 1.1115(c) of the rules is amended by adding a new subparagraph (9) as follows:

§ 1.1115 Schedule of fees for the safety and special radio services.

• • • • • •

(c) • • •

(9) Applications for license for an aircraft station to operate with only an emergency locator transmitter.

PART 2—FREQUENCY ALLOCATIONS AND RADIO TREATY MATTERS: GENERAL RULES AND REGULATIONS

II. Part 2 of the rules is amended as follows:

1. In § 2.1 new definitions, Emergency locator transmitter and Emergency locator transmitter test station are added in alphabetical order as follows:

§ 2.1 Definitions.

• • • • • •

Emergency locator transmitter. A transmitter intended to be manually or automatically activated and operated automatically as part of an aircraft or survival craft station with an A9 emission as a locating aid for survival purposes.

Emergency locator transmitter test station. A land station, operated with an A9 emission on the frequencies used for testing emergency locator transmitters, for testing equipment intended to be used as emergency locator transmitters, or for training in the use of emergency locator transmitters.

• • • • • •

2. In § 2.106, columns 10 and 11 for the frequency bands 117.975–132 MHz are amended by adding the following:

§ 2.106 Table of frequency allocation.

Band (MHz)	Frequency (MHz)	Nature of SERVICES of stations
1. . .	10. . .	11.
• • •	• • •	• • •
117.975–132	121.6	• • •
	121.9 (NG 34)	• • •
• • •	• • •	Aeronautical utility land; aeronautical utility mobile; and emergency locator transmitter test.
		• • •

PART 87—AVIATION SERVICES

III. Part 87 of the rules is amended as follows:

[1] Commissioner Reid absent.

V 38 52 MAR 19 73 XUM

1. In § 87.5 of the rules new definitions, Emergency locator transmitter and Emergency locator transmitter test station are added, in alphabetical order, to read as follows:

§ 87.5 **Definition of terms.**

* * * * *

Emergency locator transmitter. A transmitter intended to be actuated manually or automatically and operated automatically as part of an aircraft or a survival craft station, with an A9 emission, as a locating aid for survival purposes.

Emergency locator transmitter test station. A land station, operated with an A9 emission on the frequencies used for testing emergency locator transmitters, for testing equipment intended to be used as emergency locator transmitters, or for training in the use of emergency locator transmitters.

* * * * *

2. A footnote 6 indicator is added to the emission 13A9 in the emission designator column in § 87.67(b)(1) of the rules, and a new 3.2A9 emission with footnote 7, and a new footnote 7, is added as follows:

§ 87.67 **Types of emission.**

Class of emission	Emission designator	Authorized bandwidth: Below 50 MHz	Above 50 MHz	Frequency deviation
		kilohertz	kilohertz	kilohertz
* * *	* * *	* * *	* * *	* * *
A3J [7]	3A3J [7]	4.0		
A9	13A9 [6]		6.25	
A9	3.2A9 [7]		7.25	
F1	1.7F1	1.7		
* * *	* * *	* * *	* * *	* * *

* * * * *

[7] Applicable only to emergency locator transmitters, and emergency locator transmitter test stations, employing modulation in accordance with that specified in § 87.73(h) of the rules. The specified bandwidth and modulation requirements shall apply to emergency locator transmitters for which type acceptance is granted after April 23, 1973; to all such transmitters first installed after October 21, 1973; and to all such transmitters after December 30, 1976.

3. A new paragraph (h) is added in § 87.73 of the rules as follows:

§ 87.73 **Modulation requirements.**

* * * * *

(h) Emergency locator transmitters, and emergency locator transmitter test stations shall employ amplitude modulation of the carrier with an audio frequency sweeping downward over a range of not less than 700 Hz, within the range 1600 to 300 Hz, with a sweep rate between two and four times per second. The modulation applied to the carrier shall be in accordance with that specified in the Radio Technical Commission for Aeronautics (RTCA) Documents Nos. DO–145 or DO–146 (available from Radio Technical Commission for Aeronautics, Room 655, 1717 H Street, NW., Washington, DC 20006).

4. Section 87.93 is amended to read as follows:

§ 87.93 **Routine tests.**

(a) The licensees of all classes of stations in the aviation services are authorized to make such routine tests, other than emergency locator transmitter tests, as may be required for the proper maintenance of the stations provided that adequate precautions are taken to insure that there is no interference with the communications of any other station.

(b) An emergency locator transmitter (ELT) may be tested only under the conditions set forth below.

(1) An ELT fitted with an internal test circuit having a manually activated test switch and an output indicator may be tested provided that the switch, in the test position:

(i) Permits the operator to determine that the unit is operative;

(ii) Switches the transmitter output to a test circuit (dummy load), the impedance of which is equivalent to that of the antenna affixed to the ELT; and

(iii) Reduces radiation to the minimum level that is technically feasible.

(2) An ELT not fitted with an internal test circuit may be tested in coordination with, or under the control of, a Federal Aviation Administration representative to insure that testing is conducted under electronic shielding, or other conditions, sufficient to insure that no transmission of radiated energy occurs that could be received by a radio station and result in a false distress signal. If testing with FAA involvement as described above is not practicable or feasible, brief operational tests are authorized provided the tests are conducted within the first 5 minutes of any hour, are not longer than three audio sweeps, and, if the antenna is removable, a dummy load is substituted during the test.

5. Section 87.139(a)(2) of the rules is amended as follows:

§ 87.139 **Operator licenses not required for certain operations.**

(a) * * *

(2) Operation of an aircraft station using only an emergency locator transmitter, or a survival craft station while it is being used solely for survival purposes, or for testing of such stations.

* * * * *

6. In § 87.183, the introduction text in paragraph (f), and paragraph (1) are amended to read as follows:

§ 87.183 **Frequencies available.**

* * * * *

(f) 121.5 Megahertz: This is a universal simplex clear channel frequency for use by aircraft in distress or condition of emergency. Except for transmissions of signals by an aircraft station operated with only an emergency locator transmitter using an A9 emission, it will not be assigned to aircraft unless other frequencies are assigned and available for normal communications. The channel is available, as follows:

* * * * *

(1) 243 MHz: This is an emergency and distress frequency available for use by survival craft stations, emergency locator transmitters and equipment used for survival purposes which are also equipped to transmit on the frequency 121.5 MHz. Use of 243 MHz shall be limited to transmission of signals and communications for survival purposes. Types A2, A3, or A9 emissions may be employed, except in the case of emergency locator transmitters where only A9 is permitted.

* * * * *

7. The title of Subpart P of Part 87 of the rules is changed to read as follows:

Subpart P—Land Test Stations

8. In § 87.521 a new paragraph (e) is added as follows:

§ 87.521 **Frequencies available.**

* * * * *

(e) The frequencies 121.6, 121.65, 121.7, 121.75, 121.8, 121.85, and 121.9 MHz may be assigned to emergency locator transmitter test stations on the condition that (1) no harmful interference is caused to voice communications on these frequencies, and (2) coordination is established with the appropriate FAA Regional Frequency Management Office prior to activating the transmitter. Authority to operate on these frequencies does not include authority to operate on any harmonically related frequency; i.e. 243.2 MHz, etc.

9. In § 87.523 the existing paragraph is designated paragraph (a) and a new paragraph (b) is added as follows:

§ 87.523 **Scope of service.**

(a) Transmissions by radionavigation land test stations shall be limited to the necessities of the testing and calibration of aircraft navigational aids and associated equipment when such testing must be performed by means of radio transmissions.

(b) Transmissions by emergency locator transmitter test stations shall be limited to the necessities of testing emergency locator transmitters and to training operations in connection with the use of such transmitters.

10. In § 87.525 the existing paragraph is designated paragraph (a) and a new paragraph (b) is added as follows:

§ 87.525 **Eligibility.**

(a) Authorizations for radionavigation land test stations (MTF) will be granted only to applicants engaged in the development, manufacture or maintenance of aircraft radionavigation equipment. Authorizations for radionavigation land test stations (OTF) will be granted only to an applicant who agrees to establish the facility at an airport for the use of the public.

(b) Authorizations for emergency locator transmitter test stations will be granted only to persons having a need for training personnel in the operation and location of emergency locator transmitters, or for testing in connection with the manufacture or design of emergency locator transmitters.

[FR Doc.73-5097 Filed 3-16-73;8:45 am]

Title 49—Transportation

CHAPTER X—INTERSTATE COMMERCE COMMISSION

SUBCHAPTER A—GENERAL RULES AND REGULATIONS

PART 1000—THE COMMISSION

Identification Credentials for Commission Officials and Investigatory Personnel

MARCH 13, 1973.

To advise that new identification credentials are being issued to all Interstate Commerce Commission officials and personnel charged with investigatory responsibilities, Section 100.5 of 49 CFR is amended as follows:

§ 1000.5 **Credentials required by special agents, accountants, and examiners.**

(a) Carrier records and property subject to inspection and examination.

(1) Persons appointed as special agents, accountants, and examiners of the Commission are authorized to enter upon, to inspect and examine any and all lands, buildings, and equipment of carriers and other persons subject to the Interstate Commerce Act and related Acts, and to inspect and copy any and all accounts, books, records, memoranda, correspondence, and other documents of carriers, and other persons subject to the Act.

(2) Inspection or copying authority with respect to persons who furnish railroad cars or protective service against heat or cold to or on behalf of a carrier or an express company, shall be limited to accounts, books, records, memoranda, correspondence, and other documents which pertain or relate to cars or protective service.

(3) Carriers and other persons subject to the Act shall submit their accounts, books, records, memoranda, correspondence, and other documents for inspection and copying, and such carriers and other persons shall submit their lands, buildings, and equipment for examination and inspection, to any special agent, accountant, or examiner of the Commission upon demand and the display of a Commission credential identifying him as a special agent, accountant, or examiner.

(b) Definition of "other persons subject to the Act." The term "other persons subject to the Act," as used in this section, includes:

(1) Brokers subject to Part II of the Interstate Commerce Act, freight forwarders subject to Part IV of the Act, lessors of carrier operating rights, receivers, trustees, administrators, executors, and other persons having custody, possession, or control of carrier operations or the business of other persons subject to the Act;

(2) Persons who furnish railroad cars or protective service against heat or cold to or on behalf of railroads or express companies (but only with respect to records pertaining to the cars or protective services to be furnished);

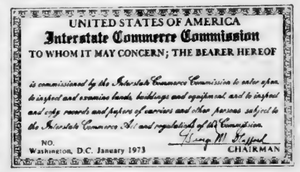
(3) Associations of carriers or brokers subject to the Act which perform any service or engage in any activities in connection with any traffic, transportation, or facilities subject to the Act;

(4) And, to the extent specified in orders of the Commission issued under section 5 of the Act, persons controlling two or more carriers.

(c) Definition of special agents, accountants, and examiners. The duties of the following described employees or positions, and such other employees of the Commission as the Chairman shall specify in writing, include those of special agent, accountant or examiner, and they are hereby authorized to inspect and copy records and to inspect and examine lands, buildings, and equipment in the same manner and to the same extent as special agents, accountants, and examiners:

Chairman.
Vice Chairman.
Commissioners.
Heads; Associate, Assistant and Deputy Heads; Assistants to Heads; Chiefs and Assistant Chiefs of Sections; and Branch Chiefs of all Headquarters Bureaus and Offices.
Public Information Officer and Assistant.
Chairmen of Employee Boards.
Chief of Rail Investigations (Operations).
Transportation Assistant (Operations).
Regional Managers.
Regional Auditors (Accounts).
Regional Counsels (Enforcement).
Assistant Regional Counsels (Enforcement).
Regional Directors (Operations).
Assistant Regional Directors (Operations).
Trial Attorneys—Field (Enforcement).
Auditors, Accountants and Financial Analysts (Accounts).
Transportation Specialists (Operations).
Transportation Consumer Specialists (Operations).
Transportation Rate and Tariff Specialists (Operations).
Railroad Service Agents (Operations).
District Supervisors (Operations).
Investigators (Operations).

(d) Facsimile of the Commission's credentials:


UNITED STATES OF AMERICA
Interstate Commerce Commission
TO WHOM IT MAY CONCERN; THE BEARER HEREOF
is commissioned by the Interstate Commerce Commission to enter upon, to inspect and examine lands, buildings and equipment, and to inspect and copy records and papers of carriers and other persons subject to the Interstate Commerce Act, and regulations of the Commission.
NO. Washington, D.C. January 1973
CHAIRMAN

(Sec. 6, 36 Stat. 915, as amended, secs. 12, 20, 24 Stat. 383, as amended, 386, as amended, sec. 25, 41 Stat. 498, as amended, sec. 220, 49 Stat. 563 as amended, sec. 313, 54 Stat. 944, as amended, sec. 412, 56 Stat. 294, as amended; 45 U.S.C. 29, 49 U.S.C. 12, 20, 26, 320, 913, 1012) (32 FR 20004, Dec. 20, 1967, as amended at 35 FR 16802, Oct. 30, 1970)

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.73-5108 Filed 3-16-73;8:45 am]

V38-52 MAR 19 73 XUM

Proposed Rule Making

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[26 CFR Part 31]

ELECTIVE SOCIAL SECURITY COVERAGE FOR VOW-OF-POVERTY MEMBERS OF RELIGIOUS ORDERS

Notice of Proposed Rule Making

Notice is hereby given that the regulations set forth in tentative form set forth below are proposed to be prescribed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury or his delegate. Prior to the final adoption of such regulations, consideration will be given to any comments or suggestions pertaining thereto which are submitted in writing (preferably six copies) to the Commissioner of Internal Revenue, Attention: CC:LR:T, Washington, D.C. 20224, by April 8, 1973. Any written comments or suggestions not specifically designated as confidential in accordance with 26 CFR 601.601(b) may be inspected by any person upon written request. Any person submitting comments or suggestions who desires an opportunity to comment orally at a public hearing on these proposed regulations should submit his request, in writing, to the Commissioner by April 8, 1973. In such case, a public hearing will be held, and notice of the time, place, and date will be published in a subsequent issue of the FEDERAL REGISTER unless the person or persons who have requested a hearing withdraw their requests for a hearing before notice of the hearing has been filed with the Office of the Federal Register. The proposed regulations are to be issued under the authority contained in section 7805 of the Internal Revenue Code of 1954 (68A Stat. 917; 26 U.S.C. 7805).

[SEAL] JOHNNIE M. WALTERS,
Commissioner of Internal Revenue.

This document contains proposed amendments to the Employment Tax Regulations (26 CFR Part 31) in order to conform such regulations to the provisions of section 123 of the Social Security Amendments of 1972 (86 Stat. 1354), relating to elective social security coverage for vow-of-poverty members of religious orders.

Under prior law, the services performed by a member of a religious order who is subject to a vow of poverty which were in the exercise of the duties required by the order were excluded from coverage under social security. Under section 123 such service will be covered under social security if the order (or an autonomous subdivision of the order) irrevocably elects coverage for its members subject to a vow of poverty, and if the order also makes an irrevocable election (or makes irrevocable a previous election) to cover its lay employees. The election may be made retroactive for up to 20 calendar quarters preceding the quarter in which the certificate of election is filed.

The "wages" of these members of religious orders for social security purposes include the fair market value of any board, lodging, clothing, and other perquisites furnished to the member, except that the amount included as such individual's remuneration shall not be less than $100 a month. The proposed regulations provide that where the fair market value of any board, lodging, clothing, and other perquisites furnished to all members of an electing religious order or subdivision (or to all in a group of members) does not vary significantly, such order or subdivision may treat all of its members (or all in such group of members) as having a uniform wage. Examples are provided illustrating principles to be applied in determining the amount of "wages."

A member of a religious order (i.e., an individual whose "wages" are subject to tax) is defined as any individual who is subject to a vow of poverty as a member of such order, who performs tasks usually required (and to the extent usually required) of an active member of such order, and who is not considered retired because of old age or total disability. The proposed regulations provide that, in determining whether it is reasonable to consider an individual to be retired because of old age, consideration is first to be given the nature of the services rendered by the individual to his religious order, the amount of time the individual devotes to the performance of services for his religious order, and the nature and extent of the services rendered by the individual before he "retired," as compared with the services performed thereafter. Where consideration of these factors does not establish whether an individual is or is not reasonably considered retired, all other factors are considered. Examples are given which provide guidelines for the factual determinations which must be made under this test.

Under the proposed rules, an electing religious order or subdivision which determines that a member has retired must submit with its employment tax return a summary of the facts upon which the determination has been made.

The proposed regulations also provide that a religious order or an autonomous subdivision of such an order desiring to make an election of coverage shall file a certificate of election on new Form SS-16, Certificate of Election of Coverage. However, in the case of an election made before the 30th day after these regulations are published as a Treasury decision, a document other than Form SS-16 may, under certain circumstances, constitute a certificate of election.

PROPOSED AMENDMENTS TO THE REGULATIONS

In order to conform the Employment Tax Regulations (26 CFR Part 31) under section 3121 of the Internal Revenue Code of 1954 to the provisions of section 123 of the Social Security Amendments of 1972 (86 Stat. 1354), such regulations are amended as follows:

PARAGRAPH 1. Paragraph (a)(5) of § 31.0-2 is amended by adding subdivision (viii) at the end thereof to read as follows:

§ 31.0-2 General definitions and use of terms.

(a) *In general.* As used in the regulations in this part, unless otherwise expressly indicated—

* * * * * * *

(5) * * *

(viii) The Social Security Amendments of 1972 means the act approved October 30, 1972 (86 Stat. 1329).

* * * * * * *

PAR. 2. Section 31.3121(b)(8) is amended by revising § 31.3121(b)(8)(A) and the historical note to read as follows:

§ 31.3121(b)(8) Statutory provisions; definitions; employment; services performed by a minister of a church or a member of a religious order; services in employ of religious, charitable, educational, or certain other organizations exempt from income tax.

SEC. 3121. *Definitions.* * * *

(b) *Employment.* For purposes of this chapter, the term "employment" means * * * any service, of whatever nature, performed after 1954 * * *; except that * * * such term shall not include—

* * * * * * *

(8) (A) Service performed by a duly ordained, commissioned, or licensed minister of a church in the exercise of his ministry or by a member of a religious order in the exercise of duties required by such order, except that this subparagraph shall not apply to service performed by a member of such an order in the exercise of such duties, if an election of coverage under subsection (r) is in effect with respect to such order, or with respect to the autonomous subdivision thereof to which such member belongs;

* * * * * * *

[Paragraph (9), sec. 3121(b) redesignated paragraph (8) by sec. 205(b), Social Security Amendments 1954; as amended by sec. 405 (b), Social Security Amendments 1958; sec. 123(a)(2), Social Security Amendments 1972]

PAR. 3. Section 31.3121(b)(8)-1 is amended by revising paragraph (a) thereof to read as follows:

§ 31.3121(b)(8)-1 Services performed by a minister of a church or a member of a religious order.

(a) *In general.* Services performed by a duly ordained, commissioned, or licensed minister of a church in the exercise of his ministry, or by a member of a religious order in the exercise of his duties required by such order, are excluded from employment, except that services performed by a member of such an order in the exercise of such duties are included in employment if an election of coverage under section 3121(r) and § 31.3121(r)-1 is in effect with respect to such order or with respect to the autonomous subdivision thereof to which such member belongs. For provisions relating to the election available to certain ministers and members of religious orders with respect to the extension of the Federal old-age, survivors, and disability insurance system established by title II of the Social Security Act to certain services performed by them, see Part 1 of this chapter (Income Tax Regulations).

* * * * * * *

PAR. 4. Section 31.3121(b)(8)-2 is amended by revising paragraph (a) thereof to read as follows:

§ 31.3121(b)(8)-2 Services in employ of religious, charitable, educational, or certain other organizations exempt from income tax.

(a) Services performed by an employee in the employ of a religious, charitable, educational, or other organization described in section 501(c)(3) which is exempt from income tax under section 501(a) are excepted from employment. However, this exception does not apply to services with respect to which a certificate, filed pursuant to section 3121 (k) or (r), or section 1426(l) of the Internal Revenue Code of 1939, is in effect. For provisions relating to the services with respect to which such a certificate is in effect, see §§ 31.3121(k)(-1 and 31.3121 (r)-1.

* * * * * * *

PAR. 5. Section 31.3121(i) is amended by adding a new paragraph (4) to the end thereof and by revising the historical note. These added and revised provisions read as follows:

§ 31.3121(i) Statutory provisions; definitions; computation of wages in certain cases.

SEC. 3121. *Definitions.* * * *

(i) *Computation of wages in certain cases.* * * *

(4) *Service performed by certain members of religious orders.* For purposes of this chapter, in any case where an individual is a member of a religious order (as defined in subsection (r)(2)) performing service in the exercise of duties required by such order, and an election of coverage under subsection (r) is in effect with respect to such order or with respect to the autonomous subdivision thereof to which such member belongs, the term "wages" shall, subject to the provisions of subsection (a)(1), include as such individual's remuneration for such service the fair market value of any board, lodging, clothing, and other perquisites furnished to such member by such order or subdivision thereof or by any other person or organization pursuant to an agreement with such order or subdivision, except that the amount included as such individual's remuneration under this paragraph shall not be less than $100 a month.

[Sec. 3121(i) as amended by sec. 410, Servicemen's and Veterans' Survivor Benefits Act (70 Stat. 878); sec. 202(a)(1), Peace Corps Act (75 Stat. 626); sec. 123(c)(2), Social Security Amendments 1972]

PAR. 6. There is inserted immediately after § 31.3121(i)-3 a new § 31.3121(i)-4 to read as follows:

§ 31.3121(i)-4 Computation of remuneration for service performed by certain members of religious orders.

In any case where an individual is a member of a religious order (as defined in section 3121(r)(2) and paragraph (b) of § 31.3121(r)(1) performing service in the exercise of duties required by such order, and an election of coverage under section 3121(r) and § 31.3121(r)-1 is in effect with respect to such order or its autonomous subdivision to which such member belongs, the term "wages" shall, subject to the provisions of section 3121 (a)(1) (relating to definition of wages), include as such individual's remuneration for such service the fair market value of any board, lodging, clothing, and other perquisites (including any cash) furnished to such member by such order or subdivision or by any other person or organization pursuant to an agreement (whether written or oral) with such order or subdivision. For this purpose, perquisites shall be considered to be furnished over the period during which the member receives the benefit of them. In no case shall the amount included as such individual's remuneration under this paragraph be less than $100 a month. All relevant facts and elements of value shall be considered in every case. Where the fair market value of any board, lodging, clothing, and other perquisites furnished to all members of an electing religious order or autonomous subdivision (or to all in a group of members) does not vary significantly, such order or subdivision may treat all of its members (or all in such group of members) as having a uniform wage. The provisions of this section may be illustrated by the following examples:

Example (1). M is a religious order which requires its members to take a vow of poverty and which has made an election under section 3121(r). Under section 3121(i)(4), M must include in the wages of its members the fair market value of the clothing it provides for its members. M and several other religious orders using essentially the same type of religious habit purchase clothing for their members from either of two suppliers in arms-length transactions. The fair market value of such clothing (i.e., the price at which such items would change hands between a willing buyer and a willing seller, neither being under any compulsion to buy or to sell) is determined by reference to the actual sales price of these suppliers to the religious orders.

Example (2). N is a religious order which requires its members to take a vow of poverty and which has made an election under section 3121(r). N operates a seminary adjacent to a university. Students at the university obtain lodging and board on campus from the university for its fair market value of $2,000 for the school year. Such lodging and board is essentially the same as that provided by N at its seminary to N's members subject to a vow of poverty. Accordingly, the amount to be included in the "wages" of such members with respect to lodging and board for the same period of time is $2,000.

Example (3). O is a religious order which requires its members to take a vow of poverty and to observe silence, and which has made an election under section 3121(r). O operates a monastery in a remote rural area. Under section 3121(i)(4), O must include in the wages of its members assigned to this monastery the fair market value of the board and lodging furnished to them. In making a determination of the fair market value of such board and lodging, the remoteness of the monastery, as well as the smallness of the rooms and the simplicity of their furnishings, affect this determination. However, the facts that the facility is used by a religious order as a monastery and that the order's members maintain silence do not affect the fair market value of such items.

Example (4). P is a religious order which is a corporation organized under the laws of Wisconsin, which requires its members to take a vow of poverty, and which has made an election under section 3121(r). P has convents in rural South America and in suburbs and central city areas of the United States. Characteristically, in the United States its suburban convents provide somewhat larger and newer rooms for its members than do its convents in city areas. Moreover, its suburban convents have more extensive grounds and somewhat more elaborate facilities than do its older convents in city areas. However, both types of convents limit resident members to a single, plainly furnished room and provide them meals which are comparable. P's members in South America live in extremely primitive dwellings and otherwise have extremely modest perquisites. Under section 3121(i)(4), P may report a uniform wage for its members who live in suburban convents and city convents in the United States, as the board, lodging, and perquisites furnished these members do not vary significantly from one convent to the other. P may report another uniform wage (but not less than $100 per month apiece) for its members who are citizens of the United States and who reside in South America based on the fair market value of the perquisites furnished these individuals, as the fair market value of the perquisites furnished these individuals, varies significantly from that of those furnished its members who live in its domestic convents but does not vary significantly among members in South America whose wages are subject to tax.

Example (5). Q is a religious order which requires its members to take a vow of poverty and which has made an election under section 3121(r). Several of Q's members are attending a university on a full-time basis. Q pays the university $1,000 at the beginning of each semester for the board and lodging of each such members. In addition, Q gives each such member a $400 cash advance to cover his miscellaneous expenses during the

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semester. Under section 3121(l)(4), Q must prorate the fair market value of such member's board and lodging, as well as the miscellaneous items, over the semester and include such value "as wages."

PAR. 7. Immediately after § 31.3121(q)–1 there are inserted the following new sections:

§ 31.3121(r) Statutory provisions; definitions; election of coverage by religious orders.

SEC. 3121. *Definitions.* • • •

(r) *Election of coverage by religious orders*—(1) *Certificate of election by order.* A religious order whose members are required to take a vow of poverty, or any autonomous subdivision of such order, may file a certificate (in such form and manner, and with such official, as may be prescribed by regulations under this chapter) electing to have the insurance system established by title II of the Social Security Act extended to services performed by its members in the exercise of duties required by such order or such subdivision thereof. Such certificate of election shall provide that—

(A) Such election of coverage by such order or subdivision shall be irrevocable;

(B) Such election shall apply to all current and future members of such order, or in the case of a subdivision thereof to all current and future members of such order who belong to such subdivision;

(C) All services performed by a member of such an order or subdivision in the exercise of duties required by such order or subdivision shall be deemed to have been performed by such member as an employee of such order or subdivision; and

(D) The wages of each member, upon which such order or subdivision shall pay the taxes imposed by sections 3101 and 3111, will be determined as provided in subsection (l)(4).

(2) *Definition of member.* For purposes of this subsection, a member of a religious order means any individual who is subject to a vow of poverty as a member of such order and who performs tasks usually required (and to the extent usually required) of an active member of such order and who is not considered retired because of old age or total disability.

(3) *Effective date for election.* (A) A certificate of election of coverage shall be in effect, for purposes of subsection (b)(8)(A) and for purposes of section 210(a)(8)(A) of the Social Security Act, for the period beginning with whichever of the following may be designated by the order or subdivision thereof:

(i) The first day of the calendar quarter in which the certificate is filed,

(ii) The first day of the calendar quarter succeeding such quarter, or

(iii) The first day of any calendar quarter preceding the calendar quarter in which the certificate is filed, except that such date may not be earlier than the first day of the twentieth calendar quarter preceding the quarter in which such certificate is filed.

Whenever a date is designated under clause (iii), the election shall apply to services performed before the quarter in which the certificate is filed only if the member performing such services was a member at the time such services were performed and is living on the first day of the quarter in which such certificate is filed.

(B) If a certificate of election filed pursuant to this subsection is effective for one or more calendar quarters prior to the quarter in which such certificate is filed, then—

(i) For the purposes of computing interest and for purposes of section 6651 (relating to addition to tax for failure to file tax return), the due date for the return and payment of the tax for such prior calendar quarters resulting from the filing of such certificate shall be the last day of the calendar month following the calendar quarter in which the certificate is filed; and

(ii) The statutory period for the assessment of such tax shall not expire before the expiration of 3 years from such due date.

(4) *Coordination with coverage of lay employees.* Notwithstanding the preceding provisions of this subsection, no certificate of election shall become effective with respect to an order or subdivision thereof, unless—

(A) If at the time the certificate of election is filed a certificate of waiver of exemption under subsection (k) is in effect with respect to such order or subdivision, such order or subdivision amends such certificate of waiver of exemption (in such form and manner as may be prescribed by regulations made under this chapter) to provide that it may not be revoked, or

(B) If at the time the certificate of election is filed a certificate of waiver of exemption under such subsection is not in effect with respect to such order or subdivision, such order or subdivision files such certificate of waiver of exemption under the provisions of such subsection except that such certificate of waiver of exemption cannot become effective at a later date than the certificate of election and such certificate of waiver of exemption must specify that such certificate of waiver of exemption may not be revoked. The certificate of waiver of exemption required under this subparagraph shall be filed notwithstanding the provisions of subsection (k)(3).

[Sec. 3121(r) as added by sec. 123(b), Social Security Amendments 1972]

§ 31.3121(r)–1 Election of coverage by religious orders.

(a) *In general.* A religious order whose members are required to take a vow of poverty, or any autonomous subdivision of such an order, may elect to have the Federal old-age, survivors, and disability insurance system established by title II of the Social Security Act extended to services performed by its members in the exercise of duties required by such order or subdivision. See section 3121(l)(4) and § 31.3121(l)–4 for provisions relating to the computation of the amount of remuneration of such members. For purposes of this section, a subdivision of a religious order is autonomous if it directs and governs its members, if its members have a vested right of franchise (e.g., the right to elect the superior in the subdivision who will govern them), and if it is responsible for its members' care and maintenance.

(b) *Definition of member*—(1) *In general.* For purposes of section 3121(r) and this section, a member of a religious order means any individual who is subject to a vow of poverty as a member of such order, who performs tasks usually required (and to the extent usually required) of an active member of such order, and who is not considered retired because of old age or total disability.

(2) *Retirement because of old age*—(i) *In general.* For purposes of section 3121(r)(2) and this paragraph, an individual is considered retired because of old age if (A) in view of all the services performed by the individual and the surrounding circumstances it is reasonable to consider him to be retired, and (B) his retirement occurred by reason of old age. Even though an individual performs some services in the exercise of duties required by the religious order, the first test (the retirement test) is met where it is reasonable to consider the individual to be retired.

(ii) *Factors to be considered.* In determining whether it is reasonable to consider an individual to be retired, consideration is first to be given to all of the following factors:

(A) *Nature of services.* Consideration is given to the nature of the services performed by the individual in the exercise of duties required by his religious order. The more highly skilled and valuable such services are, the more likely the individual rendering such services is not reasonably considered retired. Also, whether such services are of a type performed principally by retired members of the individual's religious order may be significant.

(B) *Amount of time.* Consideration is also given to the amount of time the individual devotes to the performance of services in the exercise of duties required by his religious order. This time includes all the time spent by him in any activity in connection with services which might appropriately be performed in the exercise of duties required of active members by the order. Normally, an individual who, solely by reason of his advanced age, performs services of less than 45 hours per month shall be considered retired. In no event shall an individual who, solely by reason of his advanced age, performs services of less than 15 hours per month not be considered retired.

(C) *Comparison of services rendered before and after retirement.* In addition, consideration is given to the nature and extent of the services rendered by the individual before he "retired," as compared with the services performed thereafter. A large reduction in the importance or amount of services performed by the individual in the exercise of duties required by his religious order tends to show that the individual is retired; absence of such reduction tends to show that the individual is not retired. Normally, an individual who reduces by at least 75 percent the amount of services performed shall be considered retired.

Where consideration of the factors described in paragraph (b)(2)(ii) of this section does not establish whether an individual is or is not reasonably considered retired, all other factors are considered.

(iii) *Examples.* The rules of this subparagraph may be illustrated by the following examples:

Example (1). A is a member of a religious order who is subject to a vow of poverty. A's religious order is principally engaged in providing nursing services, and A has been fully trained in the nursing profession. In accordance with the practices of her order, upon attaining the age of 65, A is relieved of her nursing duties by reason of her age, and is assigned to a mother house where she is required to perform only such duties as light housekeeping and ordinary gardening. A is reasonably considered retired since the services she is performing are simple in nature, are markedly less skilled than those professional services which she previously performed, are of a type performed principally by retired members of her order, and are performed at a location to which members frequently retire.

Example (2). Assume the same facts as in example (1) except that A is not reassigned to a mother house. Instead, she is reassigned to full-time duties in a hospital not utilizing her nursing skills. Whether A has met the retirement test requires consideration of the nature of her work. If A's new duties are almost entirely of a make-work nature primarily to occupy her body and mind, she is reasonably considered retired. However, if they are essential to the operation of the hospital, she is not reasonably considered retired.

Example (3). B is a member of a religious order who is subject to a vow of poverty. As such, he provides supportive services to his order, such as housekeeping, cooking, and gardening. By reason of having attained the age of 62, he reduces the number of hours spent per day in these services from 8 hours to 2 hours. B is reasonably considered retired in view of the large reduction in the amount of time he devotes to his duties.

Example (4). C is a member of a religious order who is subject to a vow of poverty. In his capacity as a member of the order, he performs duties as president of a university. Upon attaining the age of 65, C is relieved of his duties as president of the university and instead becomes a member of its faculty, teaching two courses whereas full-time members of the faculty normally teach four comparable courses. Although C's duties are no longer as demanding as those he previously performed, and although the amount of his time required for them is less than full time, he is nonetheless performing duties requiring a high degree of skill for a substantial amount of time. Accordingly, C is not reasonably considered retired.

Example (5). Assume the same facts as in example (4), except that C teaches only one course upon being relieved of his position as president by reason of age. C is reasonably considered retired.

Example (6). D is a member of a contemplative order who is subject to a vow of poverty. In accordance with the practices of his order, upon attaining the age of 70, D reduces by 50 percent the amount of time spent performing the normal duties of active members of his order. D is not reasonably considered retired.

Example (7). Assume the same facts as in example (6), except that because of his age D no longer participates in the more rigorous liturgical services of the order and that the amount of time which he spends in all duties which might appropriately be performed by active members of his order is reduced by 75 percent. D is reasonably considered retired in view of the large reduction in his participation in the usual devotional routine of his order.

(3) *Retirement because of total disability.* For purposes of section 3121(r)(2) and this paragraph, an individual is considered retired because of total disability (i) if he is unable, by reason of a medically determinable physical or mental impairment, to perform the tasks usually required of an active member of his order to the extent necessary to maintain his status as an active member, and (ii) if such impairment is reasonably expected to prevent his resumption of the performance of such tasks to such extent. A physical or mental impairment is an impairment that results from anatomical, physiological, or psychological abnormalities which are demonstrable by medically acceptable clinical and laboratory diagnostic techniques. Statements of the individual, including his own description of his impairment (symptoms), are, alone, insufficient to establish the presence of a physical or mental impairment.

(4) *Evidentiary requirements with respect to retirement.* There shall be attached to the return of taxes paid pursuant to an election under section 3121(r) a summary of the facts upon which any determination has been made by the religious order or autonomous subdivision that one or more of its members retired during the period covered by such return. Such order or subdivision shall maintain records of the details relating to each such "retirement" sufficient to show whether or not such member or members has in fact retired.

(c) *Certificates of election*—(1) *In general.* A religious order or an autonomous subdivision of such an order desiring to make an election of coverage pursuant to section 3121(r) and this section shall file a certificate of election on Form SS–16 in accordance with the instructions thereto. However, in the case of an election made before (30th day after the date of publication of this section in final regulations) a document other than Form SS–16 shall constitute a certificate of election if it purports to be a binding election of coverage and if it is filed with an appropriate official of the Internal Revenue Service. Such a document shall be given the effect it would have if it were a certificate of election containing the provisions required by subparagraph (2) of this paragraph. However, it should subsequently be supplemented by a Form SS–16.

(2) *Provisions of certificates.* Each certificate of election shall provide that—

(i) Such election of coverage by such order or subdivision shall be irrevocable,

(ii) Such election shall apply to all current and future members of such order, or in the case of a subdivision thereof to all current and future members of such order who belong to such subdivision,

(iii) All services performed by a member of such order or subdivision in the exercise of duties required by such order or subdivision shall be deemed to have been performed by such member as an employee of such order or subdivision, and

(iv) The wages of each member, upon which such order or subdivision shall pay the taxes imposed on employees and employers by sections 3101 and 3111, will be determined as provided in section 3121(l)(4).

(d) *Effective date of election*—(1) *In general.* Except as provided in paragraph (e) of this section, a certificate of election of coverage filed by a religious order or its subdivision pursuant to section 3121(r) and this section shall be in effect, for purposes of section 3121(b)(8)(A) and for purposes of section 210(a)(8)(A) of the Social Security Act, for the period beginning with whichever of the following may be designated by the electing religious order or subdivision:

(i) The first day of the calendar quarter in which the certificate is filed,

(ii) The first day of the calendar quarter immediately following the quarter in which the certificate is filed, or

(iii) The first day of any calendar quarter preceding the calendar quarter in which the certificate is filed, except that such date may not be earlier than the first day of the 20th calendar quarter preceding the quarter in which such certificate is filed.

(2) *Retroactive elections.* Whenever a date is designated as provided in paragraph (d)(1)(iii) of this section, the election shall apply to services performed before the quarter in which the certificate is filed only if the member performing such services was a member at the time such services were performed and is living on the first day of the quarter in which such certificate is filed. Thus, the election applies to an individual who is no longer a member of a religious order on the first day of such quarter if he performed services as a member at any time on or after the date so designated and is living on the first day of the quarter in which such certificate is filed. For purposes of computing interest and for purposes of section 6651 (relating to additions to tax for failure to file tax return or to pay tax), in any case in which such a date is designated the due date for the return and payment of the tax, for calendar quarters prior to the quarter in which the certificate is filed, resulting from the filing of such certificate shall be the last day of the calendar month following the calendar quarter in which the certificate is filed. The statutory period for the assessment of the tax for such prior calendar quarters shall not expire before the expiration of 3 years from such due date.

(e) *Coordination with coverage of lay employees.* If at the time the certificate of election of coverage is filed by a religious order or autonomous subdivision, a certificate of waiver of exemption under section 3121(k) (extending coverage to any lay employees) is not in effect, the certificate of election shall not become effective unless the order or subdivision files a Form SS–15, and a Form SS–15a to accompany the certificate on Form SS–15, as provided by section 3121(k) and §§ 31.3121(k)–1 through 31.3121(k)–3. The preceding sentence applies even though an order or subdivision has no lay employees at the time it files a certificate of election of coverage. The effective date of the certificate of waiver of exemption must be no later than the date on which the certificate of election becomes effective, and it must be specified on the certificate of waiver of exemption that such certificate is irrevocable. The certificate of waiver of exemption required under this paragraph shall be filed notwithstanding the provisions of section 3121(k)(3) (relating to no renewal of the waiver of exemption) which otherwise would prohibit the filing of a waiver of

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exemption if an earlier waiver of exemption had previously been terminated. If at the time the certificate of election of coverage is filed a certificate of waiver of exemption is in effect with respect to the electing religious order or autonomous subdivision, the filing of the certificate of election shall constitute an amendment of the certificate of waiver of exemption making the latter certificate irrevocable.

[FR Doc.73-5282 Filed 3-16-73;8:45 am]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 908]

HANDLING OF VALENCIA ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Expenses and Rate of Assessment and Carryover of Unexpended Funds

This proposal would fix the expenses that are reasonable and likely to be incurred by the Valencia Orange Administrative Committee, the local administrative agency established pursuant to Marketing Order No. 908, for the administration of the program during the 1972-73 fiscal period. The proposal would also fix the rate of assessment believed necessary to secure the income for the period. Under the proposal, unexpended assessment funds from the previous fiscal period would be placed into the reserve fund to be used for purposes specified in the order.

Consideration is being given to the following proposals submitted by the Valencia Orange Administrative Committee, established under the marketing agreement, as amended, and Order No. 908, as amended (7 CFR Part 908), regulating the handling of Valencia oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), as the agency to administer the terms and provisions thereof: (1) That the expenses which are reasonable and likely to be incurred by the Valencia Orange Administrative Committee during the period from November 1, 1972, through October 31, 1973, will amount to $249,700; (2) that there be fixed, at $0.013 per carton of oranges, the rate of assessment payable by each handler in accordance with § 908.41 of the aforesaid marketing agreement and order; and (3) that unexpended funds in excess of expenses incurred during the fiscal year ended October 31, 1972, in the amount of $10,000, be carried over as a reserve in accordance with § 908.42.

All persons who desire to submit written data, views, or arguments in connection with the aforesaid proposals should file same in quadruplicate with the Hearing Clerk, U.S. Department of Agriculture, Room 112, Administration Building, Washington, D.C. 20250, not later than March 26, 1973. All written submissions made pursuant to this notice will be made available for public inspection at the office of the hearing clerk during regular business hours (7 CFR 1.27(b)).

Dated: March 14, 1973.

CHARLES R. BRADER,
Acting Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc.73-5228 Filed 3-16-73;8:45 am]

[7 CFR Part 1073]

[Docket No. AO 173-A29]

MILK IN THE WICHITA, KANS., MARKETING AREA

Notice of Hearing on Proposed Amendments to Tentative Marketing Agreement and Order

Notice is hereby given of a public hearing to be held at the Canterbury Inn, 5801 West Kellogg, Wichita, KS, beginning at 9:30 a.m., on April 3, 1973, with respect to proposed amendments to the tentative marketing agreement and to the order, regulating the handling of milk in the Wichita, Kans., marketing area.

The hearing is called pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900).

The purpose of the hearing is to receive evidence with respect to the economic and marketing conditions which relate to the proposed amendments, hereinafter set forth, and any appropriate modifications thereof, to the tentative marketing agreement and to the order.

Evidence also will be taken to determine whether emergency marketing conditions exist that would warrant omission of a recommended decision under the rules of practice and procedure (7 CFR Part 900.12(d)) with respect to proposals Nos. 3, 4, and 5.

The proposed amendments, set forth below, have not received the approval of the Secretary of Agriculture.

PROPOSED BY ASSOCIATED MILK PRODUCERS, INC.

Proposal No. 1. Amend § 1073.12 to read as follows:

§ 1073.12 Pool plant.

"Pool plant" means any plant (other than a plant operated by a producer-handler or one exempt pursuant to § 1073.61) described in paragraph (a), (b), or (c) of this section;

(a) A distributing plant from which during the month:

(1) Fluid milk products (except filled milk) are disposed of on routes in an amount not less than 50 percent of the total quantity of fluid milk products (except filled milk) received at the plant or diverted to a nonpool plant by the plant operator under the limitations of § 1073.14; and

(2) Fluid milk products (except filled milk) are disposed of on routes in the marketing area in an amount not less than 15 percent of the total route disposition of the plant.

(b) A supply plant from which fluid milk products (except filled milk) are transferred during the month to a plant(s) described in paragraph (a) of this section in an amount not less than 50 percent of milk received at the supply plant from dairy farmers who would be eligible as producers under § 1073.7 if such plant qualifies pursuant to this paragraph and milk of such dairy farmers diverted from such plant by the plant operator. Any plant that qualifies under this paragraph during each of the months of September through December shall continue so qualified in each of the following months of January through August until any month of such period in which less than 20 percent of plant receipts and diverted milk specified previously herein is transferred to plants described in paragraph (a) of this section. A plant not meeting such 20-percent requirement in any month of such January-August period shall be qualified under this paragraph in any remaining month of the year only if transfers of fluid milk products (except filled milk) from the plant during the months to plant(s) described in paragraph (a) of this section are at least 50 percent of the plant receipts and diverted milk specified previously herein.

(c) A plant(s) operated by cooperative association and located within the marketing area at which milk is received from dairy farmers producing milk approved by duly constituted health authority for fluid consumption if the total of fluid milk products described in paragraph (c) (1) and (2) of this section received at plants described pursuant to paragraph (a) of this section is not less than 50 percent of total milk of member producers during the month:

(1) Fluid milk products (except filled milk) transferred from such cooperative association plant(s); and

(2) Milk of member producers received from such producers.

§ 1073.7 [Amended]

Proposal No. 2. Amend § 1073.7 by adding a new paragraph (c) to read as follows:

(c) This definition shall not include:

(1) Any person with respect to milk produced by him that is diverted to a pool plant from an other order plant if the other order designates such person as a producer under that order and the handler under the other order diverting such milk and the operator of the pool plant each request Class II classification of such milk in their reports of receipts and utilization filed with the market administrator; or

(2) Any person with respect to milk produced by him that is diverted to an other order plant if such person is designated as a producer under the other order with respect to such milk.

Proposal No. 3. Amend §1073.14 to read as follows:

§ 1073.14 Producer milk.

"Producer milk" means skim milk and butterfat in milk from producers that is:

(a) Received by the operator of a pool plant at such pool plant from producers;

(b) Diverted by the operator of a pool plant to a nonpool plant subject to the conditions of paragraph (e) of this section;

(c) Received from producers by a cooperative association handler pursuant to § 1073.8(d); or

(d) Diverted by cooperative association for its account from the pool plant of another handler to a nonpool plant subject to the conditions of paragraph (e) of this section.

(e) Milk diverted from a pool plant to a nonpool plant shall be subject to the following conditions:

(1) A cooperative association may divert from pool plants to nonpool plants for its account, subject to conditions of paragraph (e)(3) of this section, a total quantity of milk not in excess of the total milk of its member-producers received at all pool plants during the month. Diversions in excess of such quantity shall not be eligible under this section and the diverting cooperative shall specify the dairy farmers whose diverted milk is not so eligible. If the cooperative association fails to designate such persons, status under this section shall be forfeited with respect to all milk diverted by such cooperative association;

(2) The operator of a pool plant other than a cooperative association may divert from his pool plant to a nonpool plant for his account, subject to the conditions of paragraph (e)(3) of this section, milk of producers not members of a cooperative association received at such pool plant(s) during the month. Milk diverted in excess of such quantity shall not be eligible under this section and the diverting handler shall specify the dairy farmers whose diverted milk is not so eligible. If a handler fails to designate such persons, status under this section shall be forfeited with respect to all milk diverted by such handler;

(3) Milk of a producer shall not be eligible for diversion from a pool plant under this section if during the month less than 15 percent of the total milk of such person as a producer is received at a pool plant;

(4) Milk qualified as producer milk that is diverted by a handler to a nonpool plant pursuant to this section shall be accounted for as received by the diverting handler at the location of the nonpool plant.

§ 1073.53 [Amended]

Proposal No. 4. Amend § 1073.53 by deleting the word "pool" preceding the word "plant."

§ 1073.82 [Amended]

Proposal No. 5. Amend § 1073.82 by deleting the word "pool" preceding the word "plant."

PROPOSED BY THE DAIRY DIVISION, AGRICULTURAL MARKETING SERVICE

Proposal No. 6. In § 1073.8, paragraphs (c) and (d) are revised as follows:

§ 1073.8 Handler.

• • • • •

(c) Any cooperative association with respect to milk of producers which is diverted from a pool plant to a nonpool plant for the account of such association;

(d) A cooperative association with respect to milk of producers which is received from the farm for delivery to the pool plant of another handler in a tank truck owned and operated by, or under contract to, such cooperative association. Such milk shall be considered as having been received by the cooperative association at the location of the plant to which it was delivered; and

• • • • •

Proposal No. 7. In § 1073.71, paragraph (a) is revised as follows:

§ 1073.71 Computation of uniform prices.

• • • • •

(a) Combine into one total the values computed pursuant to § 1073.70 for all handles who filed the reports prescribed by § 1073.30 for the month and who made the payments pursuant to § 1073.84 for the preceding month;

• • • • •

Proposal No. 8. Make such changes as may be necessary to make the entire marketing agreement and the order conform with any amendments thereto that may result from this hearing.

Copies of this notice of hearing and the order may be procured from the Market Administrator, Post Office Box 1961, Main Office, Wichita, KS 67201, or from the Hearing Clerk, Room 112-A, Administration Building, U.S. Department of Agriculture, Washington, D.C. 20250, or may be there inspected.

Signed at Washington, D.C., on March 14, 1973.

JOHN C. BLUM,
Deputy Administrator, Regulatory Programs.

[FR Doc.73-5227 Filed 3-16-73;8:45 am]

Rural Electrification Administration

[7 CFR Part 1701]

CONSOLIDATED FARM AND RURAL DEVELOPMENT ACT

Proposed Loan Policy and Procedure

Notice is hereby given that, pursuant to the Consolidated Farm and Rural Development Act (7 U.S.C. 1921 et seq.), REA proposes to issue a supplement to REA Bulletin 20-14.

The Rural Electrification Administration (REA) has previously given notice of changes in its programs, including use of the Rural Development Act (RD Act) as a financing source (38 FR 3988-3989). It is, accordingly, necessary to determine the manner of applying to the revised electrification program the requirements for supplemental financing from non-REA sources heretofore established by Bulletin 20-14, "Supplemental Financing for Loans Considered Under Section Four of the Rural Electrification Act," and various "file with" amendments thereto. Among other things, this may involve the accommodation of the overall objective of the RD Act to promote rural community development, with the requirement of section 333(a) of the Act that the applicant be unable to "obtain sufficient credit elsewhere to finance his actual needs at reasonable rates and terms, taking into consideration prevailing private and cooperative rates and terms in the community in or near which the applicant resides for loans for similar purposes and periods of time."

In such an accommodation, pertinent factors requiring consideration include the following: (1) The relationship of continued availability of adequate and reliable electric service at reasonable rates to rural areas' economic and environmental development and well-being; (2) the importance to sound community development of financially strong and stable electric distribution cooperatives; (3) the need for opportunity of borrowers' own credit organizations to experience orderly growth and development; (4) the Government's financial interest in the continued viability of the borrowers' systems for which very large amounts of past Government loans remain outstanding; and (5) the importance of orderly and expeditious administration of the REA program.

The rules proposed in supplement to REA Bulletin 20-14 given below are designed to reflect the foregoing factors as they are currently evaluated. The rules stated in this supplement will be reconsidered from time to time, and it is anticipated that the requirements for obtaining credit from other sources will be increased as experience in operating under the RD Act indicates that such increases can be made in an orderly fashion without undue adverse effect.

Persons interested in the proposed supplement may submit written data, views, or comments to Administrator, Rural Electrification Administration, U.S. Department of Agriculture, Washington, D.C. 20250, not later than April 16, 1973.

To continue to meet the urgent requirements of REA electric borrowers, loans under the Rural Development Act may be made by REA on a case-by-case basis pending issuance of the proposed supplement to REA Bulletin 20-14.

The text of the proposed supplement to REA Bulletin 20-14 is as follows:

SUPPLEMENTAL LOANS UNDER THE CONSOLIDATED FARM AND RURAL DEVELOPMENT ACT (RD ACT)

PROPOSED SUPPLEMENT TO REA BULLETIN 20-14

The title of REA Bulletin 20-14, Supplemental Financing for Loans Considered Under section 4 of the Rural Electrification Act

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is changed to Supplemental Financing Required in Conjunction with REA Loans. All memorandums issued supplementary to the bulletin not in conflict with this "Supplement" remain in effect.

The Rural Electrification Administration (REA) has announced that loans to finance rural electrification would be made under the Consolidated Farm and Rural Development Act (RD Act). A major thrust of the Act is rural job creation and increasing of rural farm and nonfarm income and business activity. In order to be eligible for such loans, section 333(a) of that Act requires that an applicant be unable to "obtain sufficient credit elsewhere to finance his actual needs at reasonable rates and terms, taking into consideration prevailing private and cooperative rates and terms in the community in or near which the applicant resides for loans for similar purposes and periods of time."

In determining the extent to which it may be able to obtain credit from sources other than REA to finance its actual needs, the loan applicant may therefore take into consideration not only the rates and terms under which financing may be available but also the objective of operating the system in a manner consistent with the community development objectives of the RD Act.

In order to facilitate the administration of such lending, and to provide general guidance to the public, it is necessary to determine the circumstances under which RD Act funds will be available for rural electric distribution system purposes, and to enunciate requirements for participation by outside lenders in loans made under the Act.

Due to the diversity in their circumstances, criteria for financing for power supply borrowers will be determined on an individual basis.

REA has made the following general findings (using the definitions of TIER, DSC, and PRR set forth in REA Bulletin 20–14, as revised to July 1972):

Electric distribution system borrowers who do not have a TIER of 1.5 or a DSC ratio of 1.25 or more cannot be reasonably expected to maintain system operation on a basis consistent with RD Act objectives if required to repay new loans at a total interest rate in excess of 5 percent per annum.[1]

Borrowers who have a TIER of 1.5 or more, a DSC ratio of 1.25 or more, and PRR of 9.01 or more can be reasonably expected to repay prevailing rates of interest on 10 percent of the total amount of a new loan, provided they are obligated to repay the remaining 90 percent of the loan at interest not in excess of 5 percent per annum. Such borrowers cannot reasonably be expected to maintain system operation on a basis consistent with RD Act objectives if required to repay more than 10 percent of their new loan at prevailing outside rates of interest.[1]

Borrowers who have a TIER of 1.5 or more, a DSC ratio of 1.25 or more, and a PRR of 8.01 to 9.0 can be reasonably expected to repay prevailing rates of interest on 20 percent of the total amount of a new loan, provided they are obligated to repay the remaining 80 percent of the loan at interest not in excess of 5 percent per annum. Such borrowers cannot reasonably be expected to maintain system operation on a basis consistent with RD Act objectives if required to repay more than 20 percent of their new loan at prevailing outside rates of interest.[1]

Borrowers who have a TIER of 1.5 or more, a DSC ratio of 1.25 or more, and a PRR of 8.00 and below can be reasonably expected to repay prevailing rates of interest on 30 percent of the total amount of a new loan, provided they are obligated to repay the remaining 70 percent of the loan at interest not in excess of 5 percent per annum. Such borrowers cannot reasonably be expected to maintain system operation on a basis consistent with RD Act objectives if required to repay more than 30 percent of their new loan at prevailing outside rates of interest.[1]

These guides will be followed unless an applicant for an electric distribution system loan certifies, and REA determines, from information in REA's possession, that the applicant can, without impairment of continued system operation consistent with RD Act objectives, repay a loan bearing more than 5 percent interest on a greater part of the loan than is indicated by the above general rule.

The general findings with respect to the proportions of their loan that borrowers can reasonably be expected to repay at prevailing outside rates of interest without impairing continued system operation consistent with RD Act objectives will be reviewed from time to time, and will be revised as may be necessary to meet changed conditions.

The RD Act requires that the applicant for a loan must submit a certification concerning his inability to obtain sufficient credit elsewhere under specified terms and conditions that would permit him to attain the objectives of the program. A sample certification (Attachment C) is attached below.

The RD Act also requires the submission of all applications for financial assistance (loans) to multijurisdictional planning agencies and county and municipal governments having jurisdiction over the area(s). Attachment D below discusses these procedures. Further information is available from the appropriate area director. For your convenience a form of application to the appropriate planning group is attached (Attachment E) below.

A form of board resolution (Attachment F below) requesting a loan from REA under the RD Act section 306(a)(1) may also be used along with the application to planning groups (Attachment E below) to satisfy the requirements of the RD Act concerning submission of the application to such groups. Two certified copies of this resolution should be submitted to REA.

Dated: March 13, 1973.

DAVID A. HAMIL,
Administrator.

ATTACHMENT C—CERTIFICATE OF NONAVAILABILITY OF SUFFICIENT CREDIT ELSEWHERE

In support of the application of the _____ (system) for an REA loan under the Consolidated Farm and Rural Development Act, we hereby certify that the figures given below reflect the actual needs of the applicant and the maximum amount of credit that the applicant is able to obtain elsewhere in connection with these needs at reasonable rates and terms, taking into consideration prevailing private and cooperative rates and terms in the community in or near which the system operates, for loans for similar purposes and periods of time, considering also the objective of operating the system in a manner consistent with the community development objectives of the Rural Development Act, and in keeping with the rules in REA Bulletin 20–14 and Supplements thereto.

An application is accordingly being submitted in the total amount of $_____ for 35 years of which ____ percent is being requested from REA at 5 percent per annum and ____ percent is being requested from _____ (Name of supplemental lender) which is expected to be at ____ percent per annum.

_____ (Name of borrower) _____ (Date)

_____ (Manager) _____ (President)

ATTACHMENT D—REQUIREMENTS FOR NOTIFYING CLEARINGHOUSES, ETC., OF PLANS TO SUBMIT A LOAN APPLICATION TO REA

Prior to making application for an REA loan under the Consolidated Farm and Rural Development Act (or as soon as possible after receiving this instruction if the loan application has already been submitted), the applicant shall submit a copy of its application describing its plans to the appropriate State, metropolitan, and regional clearinghouses and the county or municipal governments which have jurisdiction over the area in which the proposed project or projects are to be located. REA will supply a list of the clearinghouses in the State at the request of the applicant. The application shall include a brief description of the construction anticipated by each county and municipality in which the construction will take place, and a statement whether or not an environmental statement will be required.

The clearinghouses and county or municipal governments shall be given 30 days in which to review and comment on the proposed project.

A sample format of information to be submitted to these bodies is attached.

The following information shall be submitted to REA. During the transition to the new procedures, this information may be submitted after the loan application is submitted to REA, but in any event must be received by REA before funds from a loan made under the Consolidated Farm and Rural Development Act can be released for advance.

1. Copy of the application, list of the clearinghouses and governmental bodies to which it was sent, date on which it was sent, and statement that the addresses included all the clearinghouses, county governments, and municipal governments having jurisdiction over areas in which construction from the proposed loan will take place.

2. Copies of all comments received and a list of addresses from whom no comments were received within 30 days, or up to the date on which the material is being sent to REA, whichever is later.

3. If any comments indicate that the applicant's construction plans may be inconsistent with any multijurisdictional planning and development district areawide plan of a reviewing agency, full information must be submitted, including copies of all additional correspondence with the questioning agency, in order to permit REA to make a determination as to whether such inconsistency does exist.

ATTACHMENT E—FORMAT OF INFORMATION TO BE SENT TO CLEARINGHOUSES, COUNTY AND MUNICIPAL GOVERNMENTS HAVING JURISDICTION OVER AREAS IN WHICH CONSTRUCTION WILL BE PERFORMED

Notice is hereby given that the Rural Electric Cooperative of Upstate, N.Y., intends to submit (or, if appropriate, "has submitted") the attached application requesting a loan in the approximate amount of $_____ from the Rural Electrification Administration (include a copy of the board resolution or other form of application to be submitted to REA).

The construction program of the cooperative is subject to revision to meet needs. However, it is anticipated that the funds from this loan, together with financing from other sources, will be used for construction as detailed below. Except when described differently below, the construction of distribution line consists primarily of service drops and extensions to existing lines of the cooperative to serve new consumers.

1. Madison County—Construction of approximately ____ miles of distribution line to serve approximately ____ consumers.

2. Washington County—Construction of approximately ____ miles of distribution line to serve ____ consumers. Alterations to the existing substation located at the intersection of County Roads 16 and 32 to increase its capacity.

3. Jefferson County—Construction of approximately ____ miles of distribution line to serve ____ consumers. Construction of a 69,000 volt transmission line approximately 10 miles long from the substation of the XYZ Power Co. located 2 miles east of Small Town, in a southerly direction to the existing cooperatively-owned three-phase line near the crossing of County Road 25 and the railway, and construction of a new substation at this point. This will give improved service to the rural consumers in this area.

4. Polk County. Construction of approximately ____ miles of distribution line to serve approximately ____ consumers. Conversion of the cooperative's existing 2.5 mile single phase line to three phase from U.S. Highway 1 to the ABC Community Development. This will involve adding two conductors and a crossarm to each pole, and changing some poles to a larger size. Construction of approximately ____ miles of distribution line to serve approximately ____ consumers within the ABC Community Development. (Include detail of each county and for each municipality in which construction is anticipated. The total for the detailed listings should agree with the proper total for the entire application.)

Due to the nature of the construction planned, we do not expect that REA will require an environmental statement. (Or, if appropriate, state, "It is anticipated that REA will issue an environmental statement covering * * *" and then describe the facilities to be covered by an environmental statement. The REA area office should be consulted before stating that an environmental statement will probably be issued.)

This application is submitted for review and comment within 30 days pursuant to requirements of the Consolidated Farm and Rural Development Act, under which the anticipated REA loan will be made. If there is any indication that the proposed construction by the cooperative might be inconsistent with any areawide goals and plans of your agency, please notify us as soon as possible so that such problems can be resolved. None of the funds requested by the cooperative in this loan will be released by the Rural Electrification Administration until at least 30 days after the date of this notification. If any further information is required concerning the proposed construction, it will be supplied upon request.

ATTACHMENT F—SAMPLE BOARD RESOLUTION REQUESTING CONCURRENT FINANCING

Whereas, It has been determined on the basis of the current 2-year construction work plan that financing is needed for electric facilities as shown on REA Form 740c, Cost Estimates and Loan Budget for Electric Borrowers, as follows:

Total estimated cost	$_____
Less available funds and materials:	
A. Funds available from prior loans	_____
B. Value of materials and special equipment on hand to be used for facilities	_____
C. General funds available or expected to become available for facilities	_____
Total funds and materials available	_____
New financing required for facilities	_____
REA loan requested for facilities	_____
Loan requested from supplemental lender	_____

And whereas, present lending by the Rural Electrification Administration is authorized under section 306(a)(1) of the Consolidated Farm and Rural Development Act (RD Act); and

Whereas, said section 306(a)(3)(iii) of the RD Act requires submission of such financing application to certain multijurisdictional planning and development agencies and any county or municipal governments having jurisdiction over the area in which the project is to be located; and

Whereas, this board has considered the requirements under section 333(a) of the RD Act concerning the "nonavailability of credit elsewhere," and the rules set forth in the supplement to Bulletin 20–14.

Now, therefore, be it resolved: That this resolution be considered an application to the Rural Electrification Administration for a loan in the approximate amount of $_____ at 5 percent per annum to be used to finance a portion of the above-mentioned facilities[2] and that an application be made to (name and address of supplemental source of funds) for a loan in the approximate amount of $_____, under terms and conditions satisfactory to the Administrator, to provide the balance of financing needed in connection with the above-mentioned facilities.

Be it further resolved:[3] That (name and address of applicant), in order to facilitate the obtaining of the supplemental financing required, hereby authorizes the Rural Electrification Administration to release the (name and address of supplemental source of funds) information relating to this application and to the financial and operating condition of (name of applicant), and such other information and data relating thereto as REA in its discretion determines necessary for said purpose.

Be it further resolved: That the manager and/or officers as may be indicated are directed to submit this application for a loan to the planning bodies mentioned in the RD Act along with supplementary information as illustrated on Attachment E of the supplement to Bulletin 20–14.

And be it further resolved: That the manager and president are authorized to sign a Certificate of Nonavailability of Sufficient Credit Elsewhere for submission to REA with this application in keeping with the rules in the supplement to Bulletin 20–14.

I, _____, Secretary of _____ do hereby certify that the above is a true and correct excerpt from the minutes of the meeting of the Board of Directors of the _____ held on the ____ day of _____, 19__, at which meeting a quorum was present.

_____
Signature

(Submit two certified copies to REA.)

[FR Doc 73-5172 Filed 3-16-73;8:45 am]

[1] For purposes of this bulletin, the TIER shall mean the average of the 2 largest such ratios with respect to each of the 3 calendar years last preceding the current year. For purposes of this bulletin, the DSC ratio shall mean the average of the 2 largest such ratios with respect to each of the 3 calendar years last preceding the current year.

[2] If the source of supplemental financing is not known, substitute the following: On condition that a loan in the approximate amount of $____ be obtained from a supplemental source or sources, under terms and conditions satisfactory to the Administrator, for the balance of the financing needed in connection with the above-mentioned facilities.

[3] If the source of supplemental financing is not known, this portion should be submitted later as a separate resolution.

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

[29 CFR Part 1953]

[Docket No. SP–1]

CHANGES TO STATE PLANS FOR THE DEVELOPMENT AND ENFORCEMENT OF STATE STANDARDS

Proposed Policy and Procedures

Notice is hereby given that under the authority of sections 8(g)(2) and 18 of the Williams-Steiger Occupational Safety and Health Act of 1970 (29 U.S.C. 657(g)(2) and 667), it is proposed to amend 29 CFR Ch. XVII by adding a new part thereto designated Part 1953.

The new Part 1953 contains policy and procedures for the review of changes to State plans approved under section 18 of the Act, in order to assure that the plans fulfill assurances upon which their approval under section 18(c) of the Act was based. Foremost among these assurances are those given by the State that the plan provides for the development of State standards and the enforcement of such standards which are or will be at least as effective in providing safe and healthful employment and places of employment as the standards promulgated by the Secretary of Labor under section 6 of the Act which relate to the same issues.

Under § 1902.2(b) of Chapter XVII, a State plan may be approved under section 18(c) although upon submission it does not fully meet the criteria set forth in § 1902.3, if it includes satisfactory assurances by the State that it will take the necessary steps to bring the plan into conformity with these criteria within the 3-year period immediately following commencement of the plan's operation. A State plan approved under section 18(c), therefore, in many cases,

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must develop both up to and along with the Federal program for the development and enforcement of safety and health standards.

Section 18(e) of the Act provides for a period of concurrent Federal and State jurisdiction until the Assistant Secretary determines, on the basis of actual operations, that the State is applying the criteria of section 18(c) of the Act and Part 1902. During this period of concurrent jurisdiction, as well as after a determination has been made under section 18(e), the State plan will be continually evaluated under section 18(f) of the Act as to the manner in which the provisions (including any assurances) are implemented. In conjunction with this evaluation of plan implementation, changes which have been made or are proposed to be made in the plan will be reviewed as provided under section 18(c) of the Act.

It is the purpose of Part 1953 to set out policies and procedures by which the Assistant Secretary for Occupational Safety and Health (hereinafter referred to as the Assistant Secretary) under a delegation of authority from the Secretary of Labor (Secretary's Order 12–71, 36 FR 8754, May 12, 1971) will review changes to a State plan approved in accordance with section 18(c) and Part 1902, and also provide for advisory opinions on proposed changes.

Interested persons are hereby given until April 18, 1973, to submit written comments, suggestions, or objections regarding the proposed Part 1953 to the Office of the Director, Federal and State Operations, Room 408, Docket No. SP–1, 400 First Street NW., Washington, DC 20210.

Comments received will be available for public inspection and copying during normal business hours at the above address. The proposed rule may be revised prior to final publication to reflect suggestions made by the comments.

PART 1953—CHANGES TO STATE PLANS; RELATED PROCEDURES

Sec.
1953.1 Purpose and scope.
1953.2 General policies.
1953.3 Filing of changes or supplements.
1953.4 Submission and consideration.
1953.5 Advisory opinions.

AUTHORITY: Sec. 8(g)(2), Pub. L. 91–596, 84 Stat. 1600 (29 U.S.C. 657(g)(2)); sec. 18, Pub. L. 91–596, 84 Stat. 1608 (29 U.S.C. 667).

§ 1953.1 Purpose and scope.

(a) This part applies to the provisions of section 18 of the Williams-Steiger Occupational Safety and Health Act of 1970 (hereinafter referred to as the Act) relating to State plans for the development and enforcement of State safety and health standards. The provisions of this part set forth the procedures by which the Assistant Secretary for Occupational Safety and Health (hereinafter referred to as the Assistant Secretary) under a delegation of authority from the Secretary of Labor (Secretary's Order 12–71, 36 FR 8754, May 12, 1971), will review changes in a State plan approved in accordance with section 18(c) of the Act and Part 1902 of this chapter, and also provide for advisory opinions on proposed changes to be made by a State in implementing its plan.

(b) States may submit plans covering any occupational safety and health issue with respect to which a Federal standard has been promulgated under section 6 of the Act. These plans must meet the criteria in section 18(c) of the Act and Part 1902 of this chapter either at the time of submission or in any event not later than the 3-year period immediately following commencement of the plant's operation, where the plan is developmental. The Act provides for discretionary concurrent Federal and State jurisdiction during this developmental period and until the Assistant Secretary determines on the basis of actual operations that the State is applying the criteria of section 18(c) of the Act. During the period of concurrent Federal and State jurisdiction as well as after a determination has been made under section 18(e) that the plan is meeting the criteria of the Act and Part 1902 of this chapter the State plan will be continually evaluated under section 18(f) of the Act as to the manner in which the provisions (including any assurances) are implemented. In conjunction with this evaluation of plan implementation, changes which have been made or are proposed to be made will be reviewed for approval as provided under section 18(c) of the Act.

(c) The Assistant Secretary shall withdraw approval of a plan in whole or in part whenever he determines, after notice and affording the State an opportunity for a hearing that in the administration of the plan there is a failure to comply substantially with any provision of the plan or assurances contained therein including changes required to be submitted in accordance with this part. Upon notice the State shall cease operation under any disapproved plan or part thereof except that it will be permitted to retain jurisdiction as to any case commenced before withdrawal of approval whenever the issues involved do not relate to the reason for withdrawal of approval of the plan.

§ 1953.2 General policies.

(a) Approval of a plan submitted under section 18(b) of the Act is based on a finding that there is a reasonable expectation that the State plan will meet the criteria in § 1902.3 of this chapter within a 3-year developmental period. As the State plan is implemented, supplements will be required to complete its development. Also the development of the Federal program and the on-going Federal evaluation of the State program will require that changes be made in the plan. It is therefore, necessary for the Assistant Secretary to have some procedure of reviewing any changes to the State plan both during the period leading up to a determination under section 18(e) of the Act, as well as after final approval has been given to a plan under section 18(e). These changes will be reviewed by the Assistant Secretary in conjunction with any records or reports required of the States under sections 18(c)(8) and 18(f) of the Act.

(b) Because of the States' need to continue an on-going program, the Assistant Secretary may also provide for furnishing advisory opinions to requesting States under this part. While not binding decisions, these opinions will be made available to the public along with the plans and they will provide the States with a basis for operation pending review of changes submitted under § 1953.4.

§ 1953.3 Filing of changes or supplements.

(a) A State must file a supplement to its plan within a reasonable time under the following circumstances:

(1) Whenever any change is made in a State plan as a result of changes in the Federal program such as changes in any relevant standards issued under section 6 of the Act, or whenever changes are made in the legislation, regulations, or policies of the Secretary of Labor, which would render the corresponding standards, legislation, regulations, or policies under a State plan less effective.

(2) Whenever any change is made in a State plan as a result of an evaluation by the Assistant Secretary which found parts of the State plan to be not as effective as the Federal program. Before any such supplements are filed, a State may be given an opportunity to show cause why such modifications need not be submitted.

(3) Whenever any other change is made by a State in its applicable laws, standards, regulations, budgetary resources, or policies.

(b) Any supplement to a plan shall indicate expressly whether it involves the completion of steps in the developmental schedule, any changes in the schedule, provisions, or assurances provided by the plan, any additional modifications of the plan made at the initiative of the State, or a change made in response to a Federal program change or as a result of an evaluation finding.

§ 1953.4 Submission and consideration.

(a) An authorized representative of the State agency or agencies designated under section 18(c)(1) to administer the plan shall submit the supplements with 10 copies to the appropriate Regional Administrator for the Occupational Safety and Health Administration, U.S. Department of Labor. Upon receipt of the State plan supplements, the Regional Administrator shall make a preliminary review of the changes. If his examination reveals any apparent defect in the supplement, the Regional Administrator shall offer assistance to the State agency and shall provide the agency an opportunity to cure such defect. After his preliminary review and after affording the State agency such informal opportunity to cure apparent defects, the Regional Administrator shall submit the changes to the Assistant Secretary.

(b) In determining the adequacy of any State supplement the Assistant Secretary may follow the procedures for

submission, approval or rejection of State plans prescribed in Subpart C of Part 1902 of this chapter or any other appropriate procedure. The Assistant Secretary may defer consideration of any supplement to the plan until the end of each full year of operation of the State plan.

(c) Copies of al supplements to a plan shal be available for inspection and copying at the expense of the person requesting the copy at the locations specified in the subpart of Part 1952 of this chapter relating to the State plan. The locations include the Office of the Director, Office of Federal and State Operations, Office of the Regional Administrator in whose region the State is located, and an office or offices of the State which have been designated by the State for this purpose. The most current copy of a State plan will be located in the State and regional offices pending submission of the supplements to the Assistant Secretary.

(d) During the period leading up to a determination under section 18(e) of the Act, as well as after final approval has been given to a State plan under section 18(e), notices will be published from time to time in the FEDERAL REGISTER providing an opportunity for public comments on charges submitted for review. However, the submission of supplements to the State plan will occur over a number of years. Therefore, in order to obtain public comments on the supplements to State plans, interested persons shall have the opportunity to submit in writing, data, views, and arguments on the supplements at any time, irrespective of whether a notice has been currently published in the FEDERAL REGISTER. Comments received under this section will be considered in conjunction with the next subsequent evaluation. The written comments received or copies thereof shall be available for public inspection and copying at the Office of the Director, Office of Federal and State Operations, Room 305, Railway Labor Building, 400 First Street NW., Washington, DC 20210; the Office of the Regional Administrator in whose region the State is located and an office or offices of the State which have been designated by the State for this purpose, as specified in the subpart of Part 1952 of this chapter relating to the State plan.

(e) At any time during the review period leading up to a determination under section 18(e) of the Act or after final approval has been given to a State plan under section 18(e), interested persons may petition for withdrawal of approval under section 18(f) of the Act on the grounds that as a result of a change in the plan there is a failure to comply substantially with any provision of a State plan or any assurances contained therein. In petitions filed prior to a determination under section 18(e) interested persons may also show that as a result of a change in the plan there is no longer a reasonable expectation to believe that a State plan will meet the criteria of § 1902.3 of this chapter within the 3 year developmental period leading up to the 18(e) determination. Consideration of such petitions shall commence not later than the evaluation of the State plan occurring at the end of each full year of operation of the plan provided that the petition is received at least 60 days prior to the end of the year of operation.

§ 1953.5 Advisory opinions.

(a) An authorized representative of a State agency or agencies designated under section 18(c) to administer a plan may request staff views from the Regional Administrator with respect to a course of action which the requesting party proposes to pursue. It is the Occupational Safety and Health Administration's policy to consider requests for such advice and, where practicable, to inform the requesting party of views at the staff level. A request ordinarily will be considered inappropriate for such advice: (1) Where the proposed course of action or its effects may be such that an informed decision thereon cannot be made or could be made only after extensive investigation, clinical study, testing, or collateral inquiry or (2) where the same or substantially the same course of action is under evaluation in another State or has been the subject of a current evaluation, approval, or disapproval proceeding by the Assistant Secretary.

(b) The request for advice should be submitted in writing to the Regional Administrator in whose region the State is located and should include full and complete information regarding the proposed course of action. Conferences with members of the regional and national office staffs may be held before or after submittal of the request. Submittals of additional information may be required.

(c) (1) On the basis of the facts submitted, as well as other information available to him, the Regional Administrator, after appropriate consultation with the Director, Office of Federal and State Operations and the Office of the Solicitor, will inform the requesting State of the staff views and may take such other action as may be appropriate.

(2) Any advice given is without prejudice to the right of the Assistant Secretary to reconsider the questions involved and, where the objectives of the Act and the public interest require, to rescind or revoke the advice. Notice of such rescission or revocation will be given to the requesting State so that it may discontinue the course of action taken. The Assistant Secretary will not proceed against the requesting State with respect to any action taken in good faith reliance upon the advice given under this section, where all relevant facts were fully, completely, and accurately presented and where such action was promptly discontinued upon notification by the Assistant Secretary.

(d) Within a reasonable time after the State has received the requested advice, the advisory opinions, and supplementing information including results of any meetings will be placed with the requesting State's plan at the locations specified in the subpart of Part 1952 of this chapter relating to the State plan.

Signed at Washington, D.C., this 13th day of March 1973.

CHAIN ROBBINS,
Acting Assistant Secretary of Labor.

[FR Doc.73–5185 Filed 3–16–73;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Social Security Administration

[20 CFR Part 401]

[Reg. 1]

MEDICAL INFORMATION

Proposed Disclosure

Notice is hereby given, pursuant to the Administrative Procedure Act (5 U.S.C. 552 et seq.), that the amendments to the regulation set forth in tentative form below are proposed by the Commissioner of Social Security, with the approval of the Secretary of Health, Education, and Welfare. The proposed amendments will permit the Social Security Administration to furnish medical information, obtained from a physician in connection with a claim for disability benefits, to the claimant if the doctor agrees, or to other persons than the claimant, with the consent of the claimant and the doctor. This change will permit the Social Security Administration to furnish such medical information to a State agency for use in connection with a claim for workmen's compensation benefits, to an employer or an insurance company in connection with a private pension or insurance program, or to a court if the claimant is involved in a court case involving a non-Social Security matter. The proposed amendments also provide when a charge will be made for the information furnished.

Prior to the final adoption of the proposed amendments to the regulation, consideration will be given to any data, views, or arguments pertaining thereto which are submitted in writing in triplicate to the Commissioner of Social Security, Department of Health, Education, and Welfare Building, Fourth and Independence Avenue SW., Washington, DC 20201, on or before April 18, 1973.

Copies of all comments received in response to this notice will be available for public inspection during regular business hours at the Washington Inquiries Section, Office of Public Affairs, Social Security Administration, Department of Health, Education, and Welfare, North Building, Room 4146, 330 Independence Avenue SW., Washington, DC 20201.

The proposed amendments are to be issued under the authority contained in sections 205, 1102, and 1106, 53 Stat. 1368, as amended, 49 Stat. 647, as

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amended, 53 Stat. 1398, as amended; 42 U.S.C. 405, 1302, and 1306.

Dated: February 8, 1973.

ROBERT M. BALL,
Commissioner of Social Security.

Approved: March 8, 1973.

CASPER W. WEINBERGER,
Secretary of Health, Education, and Welfare.

Regulation No. 1 of the Social Security Administration (20 CFR 401.1 et seq.) is further amended as set forth below.

1. Section 401.1 is revised to read as follows:

§ 401.1 Prohibition against disclosure.

No disclosure of (a) any return or portion of a return (including information returns or other written statements) filed with the Commissioner of Internal Revenue under title VIII of the Social Security Act, the Federal Insurance Contributions Act, or the Self-Employment Contributions Acts, or under regulations made under authority thereof, which has been transmitted to the Department of Health, Education, and Welfare by the Commissioner of Internal Revenue, or (b) any file, record, report, or other paper or any information obtained at any time by or from the Department or any officer or employee of the Department, or any person, agency, or organization with whom the Social Security Administration has entered into an agreement or contract to perform certain functions in the administration of title II or title XVIII of the Social Security Act, including the performance of medical examinations that are authorized under title II, which in any way relates to, or is necessary to, or is used in or in connection with, the administration of the retirement, survivors, disability, or health insurance programs conducted pursuant to titles II and XVIII of the Social Security Act, shall be made directly or indirectly except as hereinafter authorized by this part or as otherwise expressly authorized by the Commissioner of Social Security.

2. Section 401.3 is amended by revising paragraphs (a)(2), (b)(3), and (e) to read as follows:

§ 401.3 Information which may be disclosed and to whom.

Disclosure of any file, record, report, or other paper, or information, is hereby authorized in the following cases and for the following purposes:

(a)(1) * * *

(2) As to medical information directly concerning any claimant or prospective claimant for benefits or payments under title II of the Social Security Act;

(i) To such claimant or prospective claimant or his duly authorized representative, but only if disclosure of such medical information is reasonably necessary for a title II purpose,

(ii) To such claimant or prospective claimant or his duly authorized representative for other than a title II purpose, but only if (A) the source of such information, or if such source is not available, a physician in the employ of the Department, consents to such disclosure, and (B) such disclosure is consistent with the proper and efficient administration of the Act; or

(iii) To others, but only if (A) such claimant or prospective claimant or his duly authorized representative consents to the disclosure of such information, and (B) the source of such information, or if such source is not available, a physician in the employ of the Department, consents to such disclosure, and (C) such disclosure is consistent with the proper and efficient administration of the Act; or

* * * * *

(b) After the death of an individual;

* * * * *

(3) As to medical information relating to the individual and obtained in the administration of title II;

(i) To a surviving relative or legal representative of the estate of the individual, but only if disclosure of such medical information is reasonably necessary for a title II purpose;

(ii) To a surviving relative or legal representative of the estate of the individual for other than a title II purpose, but only if (A) the source of such information, or if such source is not available, a physician in the employ of the Department, consents to such disclosure, and (B) such disclosure is consistent with the proper and efficient administration of the Act; or

(iii) To others, but only if (A) a surviving relative or the legal representative of the estate of the individual consents to the disclosure of such information, (B) the source of such information, or if such source is not available, a physician in the employ of the Department, consents to such disclosure, and (C) such disclosure is consistent with the proper and efficient administration of the Act; or

* * * * *

(e) To any officer or employee of an agency of the Federal Government or a State government lawfully charged with the administration of a Federal or State unemployment compensation law or contributions or tax levied in connection therewith, for the purpose of such administration only; except that in the case of medical information relating to an individual, only medical information available under paragraphs (a)(2)(iii) and (b)(3)(iii) of this section can be disclosed under this paragraph.

* * * * *

3. Section 401.6 is amended by revising paragraph (e) to read as follows:

§ 401.6 Payment for information in specific cases.

In any case falling within any of the paragraphs of this section, the payment required as a prerequisite to preparation for disclosure or disclosure of information shall be as specified in such paragraph in lieu of the cost of disclosing such information. In any case in which the receipt of payment in advance, pursuant to this section or § 401.5 would interfere with efficient administration, the Department may permit such payment to be made at such time or times as it deems consistent with efficient administration.

* * * * *

(e) When the request is for medical information obtained under title II of the Social Security Act relating to an individual, or as to the existence or duration of a disability of an individual, pursuant to § 401.3(a), (b), (f), or (g), by a person or agency thereby authorized to receive such information, the information shall be furnished without charge; except that in the case of a request for information pursuant to paragraph (a)(2)(ii) or (iii) or paragraph (b)(3)(ii) or (iii) of § 401.3—

(1) For a purpose other than the care or treatment of the individual, or

(2) From a person other than an officer or employee of an agency of the Federal or a State Government lawfully charged with the administration of a benefit paying program,

The information shall be furnished only upon payment of the cost of furnishing such information.

[FR Doc.73-5107 Filed 3-16-73;8:45 am]

DEPARTMENT OF TRANSPORTATION

Coast Guard

[33 CFR Part 110]

[CGD 73-48P]

MILWAUKEE HARBOR, WIS.

Special Anchorage Areas

The Coast Guard is considering amending the anchorage regulations to enlarge the two existing special anchorage areas and to establish an additional special ancorage area in Milwaukee Harbor, Wis. The two existing areas are overcrowded and the enlargement of the two areas together with the establishment of an additional area would relieve the situation and enhance safety. The three special anchorage areas are adjacent to three parks: McKinley Park, South Shore Park, and Bay View Park. In special anchorage areas vessels under 65 feet in length are not required to carry or exhibit anchor lights.

Interested persons may participate in this proposed rule making by submitting written data, views, or arguments to the Commander, Ninth Coast Guard District, 1240 East Ninth Street, Cleveland, OH 44199. Each person submitting comments should include his name and address, identifying the notice (CGD 73-48P) and give any reasons for any recommended change in the proposal. Copies of all submissions received will be available for examination by interested persons at the office of the Commander, Ninth Coast Guard District.

The Commander, Ninth Coast Guard District, will forward any comments received before April 16, 1973, and his recommendations to the Chief, Office of Marine Environment and Systems, U.S. Coast Guard Headquarters, who will evaluate all communications received and take final action on this proposal. The proposed regulations may be changed in the light of comments received.

In consideration of the foregoing, it is proposed to amend Title 33 of the Code of Federal Regulations by revising § 110.80 to read as follows:

§ 110.80 Milwaukee Harbor, Milwaukee, Wis.

(a) *McKinley Park.* The water area east of McKinley Park enclosed by a line beginning at McKinley Park Jetty Light; thence 090°, 500 feet to a point on the breakwater; thence northerly and northwesterly following the breakwater, piers, jetty, and natural shoreline to the point of beginning.

(b) *South Shore Park.* The water area northeast of South Shore Park enclosed by a line beginning at the northeast corner of the jetty at latitude 43°00'07.5" N., longitude 87°53'08" W.; thence to latitude 43°00'05" N., longitude 87°-53'01" W.; thence to latitude 42°59'-55" N., longitude 87°52'53" W.; thence to latitude 42°59'40" N., longitude 87°-52'33.5" W.; thence to a point on the shoreline at latitude 42°59'34" N., longitude 87°52'43.5 W.; thence following the shoreline to the point of beginning.

(c) *Bay View Park.* The water area east of Bay View Park enclosed by a line beginning on the shoreline at latitude 42°59'28.5" N., longitude 87°52'35" W.; thence to latitude 42°59'35.5" N., longitude 87°52'27" W.; thence to latitude 42°59'08" N., longitude 87°51'37" W.; thence to a point on the shoreline at latitude 42°58'59" N., longitude 87°51'46" W.; thence following the shoreline to the point of beginning.

NOTE: An ordinance of the city of Milwaukee, Wis., requires the approval of the Milwaukee harbor master for the location and type of moorings placed in these special anchorage areas.

(Rule 9, 28 Stat. 647, as amended, 33 U.S.C. 258; sec. 6(g)(1)(C), 80 Stat. 937, 49 U.S.C. 1655(g)(1)(C); 49 CFR 1.46(c)(3))

Dated: March 12, 1973.

W. M. BENKERT,
Chief, Office of Marine Environment and Systems.

[FR Doc.73-5231 Filed 3-16-73;8:45 am]

Federal Aviation Administration

[14 CFR Part 71]

[Airspace Docket No. 72-EA-88]

ADDITIONAL CONTROL AREAS

Proposed Designation

The Federal Aviation Administration (FAA) is considering an amendment to Part 71 of the Federal Aviation Regulations that would designate three offshore additional control areas near Narragansett, R.I., Patchogue, N.Y., and Barnegat, N.J.

As part of this proposal relates to the navigable airspace outside the United States, this notice is submitted in consonance with the ICAO International Standards and Recommended Practices.

Applicability of International Standards and Recommended Practices, by the Air Traffic Service, FAA, in areas outside domestic airspace of the United States is governed by Article 12 and Annex 11 to the Convention on International Civil Aviation (ICAO), which pertain to the establishment of air navigation facilities and services necessary to promoting the safe, orderly and expeditious flow of civil air traffic. Their purpose is to insure that civil flying on international air routes is carried out under uniform conditions designed to improve the safety and efficiency of air operations.

The international Standards and Recommended Practices in Annex 11 apply in those parts of the airspace under the jurisdiction of a contracting State, derived from ICAO, wherein air traffic services are provided and also whenever a contracting State accepts the responsibility of providing air traffic services over high seas or in airspace of undetermined sovereignty. A contracting State accepting such responsibility may apply the International Standards and Recommended Practices to civil aircraft in a manner consistent with that adopted for airspace under its domestic jurisdiction.

In accordance with Article 3 of the Convention on International Civil Aviation, Chicago, 1944, State aircraft are exempt from the provisions of Annex 11 and its standards and recommended practices. As a contracting State, the United States agreed by Article 3(d) that its State aircraft will be operated in international airspace with due regard for the safety of civil aircraft.

Since this action involves, in part, the designation of navigable airspace outside the United states, the Administrator has consulted with the Secretary of State and the Secretary of Defense in accordance with the provisions of Executive Order 10854.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Eastern Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, Federal Building, John F. Kennedy International Airport, Jamaica, N.Y. 11430. All communications received on or before April 18, 1973, will be considered before action is taken on the proposed amendment. The proposal contained in this notice may be changed in the light of comments received.

An official docket will be available for examination by interested persons at the Federal Aviation Administration, Office of the General Counsel, Attention: Rules Docket, 800 Independence Avenue SW., Washington, DC 20591. An informal docket also will be available for examination at the office of the Regional Air Traffic Division Chief.

The FAA proposes the following airspace action:

NARRAGANSETT, R.I.

That airspace extending upward from 3,000 feet m.s.l. bounded on the north by the south boundary of Control 1169, on the east by the southwest boundary of Control 1145, on the south by the New York Oceanic CTA/FIR, on the southwest by the northeast boundary of Control 1147, on the west by longitude 72°30'00" W., excluding those portions within the Fire Island, N.Y., South Island, N.Y., and Nantucket, Mass., transition areas.

PATCHOGUE, N.Y.

That airspace extending upward from 3,000 feet m.s.l. bounded on the north by the south boundary of Control 1169, on the east by longitude 72°30'00" W., on the southwest by the northeast boundary of Control 1147, on the northwest by the east boundary of Victor Airway 139 excluding those portions within the Fire Island, N.Y., and South Island, N.Y., transition areas.

BARNEGAT, N.J.

That airspace extending upward from 2,000 feet m.s.l. bounded on the northeast by the southwest boundary of Control 1147, on the southeast by the New York Oceanic CTA/FIR, on the southwest by the northeast boundary of Control 1148, on the northwest by the east boundary of Victor Airway 139, on the north by latitude 39°44'00" N.

The proposed additional control areas would provide controlled airspace over water south of Rhode Island and Long Island, N.Y., and east of the southern part of New Jersey. This would give air traffic control added flexibility in traffic handling and enhance the movement of air traffic.

Related nonrule making action would also be taken to add controlling agency information for Warning Areas W-105, W-106, and W-107. Procedures for joint use of these areas would be required. Should the proposed actions be taken, concurrent action would also be taken to effect nonregulatory Jet Advisory Area service within these additional control areas.

This amendment is proposed under the authority of sections 307(a) and 1110 of the Federal Aviation Act of 1958 (49 U.S.C. 1348(a) and 1510) and Executive Order 10854 (24 FR 9565) and section 6 (c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Washington, D.C., on March 12, 1973.

CHARLES H. NEWPOL,
Acting Chief, Airspace and Air Traffic Rules Division.

[FR Doc.73-5167 Filed 3-16-73;8:45 am]

[14 CFR Part 71]

[Airspace Docket No. 72-EA-105]

ADDITIONAL CONTROL AREA

Proposed Designation

The Federal Aviation Administration (FAA) is considering an amendment to Part 71 of the Federal Aviation Regulations that would designate an additional control area adjacent to the east coast of the United States.

In conjunction with this proposal, nonrule making action would be required to

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after Warning Area W-108 as described herein. Procedures for joint use of W-108 by the using agency and the FAA would also be required.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Eastern Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, Federal Building, John F. Kennedy International Airport, Jamaica, N.Y. 11430. All communications received on or before May 3, 1973, will be considered before action is taken on the proposed amendment. The proposal contained in this notice may be changed in the light of comments received.

An official docket will be available for examination by interested persons at the Federal Aviation Administration, Office of the General Council, Attention: Rules Docket, 800 Independence Avenue SW., Washington, DC 20591. An informal docket also will be available for examination at the office of the Regional Air Traffic Division Chief.

As part of this proposal relates to the navigable airspace outside the United States, this notice is submitted in consonance with the ICAO International Standards and Recommended Practices.

Applicability of International Standards and Recommended Practices by the Air Traffic Service, FAA, in areas outside domestic airspace of the United States is governed by Article 12 of and Annex 11 to the Convention on International Civil Aviation, which pertain to the establishment of air navigation facilities and services necessary to promoting the safe, orderly, and expeditious flow of civil air traffic. Their purpose is to insure that civil flying on international air routes is carried out under uniform conditions designed to improve the safety and efficiency of air operations.

The International Standards and Recommended Practices in Annex 11 apply in those parts of the airspace under the jurisdiction of a contracting state, derived from ICAO, wherein air traffic services are provided and also whenever a contracting state accepts the responsibility of providing air traffic services over high seas or in airspace of undetermined sovereignty. A contracting state accepting such responsibility may apply the International Standards and Recommended Practices to civil aircraft in a manner consistent with that adopted for airspace under its domestic jurisdiction.

In accordance with Article 3 of the Convention on International Civil Aviation, Chicago, 1944, state aircraft are exempt from the provisions of Annex 11 and its standards and recommended practices. As a contracting state, the United States agreed by Article 3(d) that its state aircraft will be operated in international airspace with due regard for the safety of civil aircraft.

Since this action involves, in part, the designation of navigable airspace outside the United States, the Administrator has consulted with the Secretary of State and the Secretary of Defense in accordance with the provisions of Executive Order 10854.

The proposed amendment would designate an additional control area as follows:

BETHANY BEACH, DEL.

That airspace extending upward from 2,000 feet MSL bounded on the west by a line 3 nautical miles east of and parallel to the U.S. shoreline; on the northeast by the southwest boundary of Control 1148; and on the south by lat. 38°00'00" N.

Nonrule making action associated with the proposed amendment would alter Warning Area W-108 as follows:

a. Change time of use from "Monday through Saturday, Sunrise to Sunset." to "Intermittent."

b. Add "Controlling agency, Federal Aviation Administration, New York ARTC Center."

The proposal would permit more efficient use of the airspace within Warning Area W-108 when it is not being used by the using agency. The establishment of additional controlled airspace would provide more flexibility in routing oceanic air traffic.

This amendment is proposed under the authority of section 307(a) and 1110 of the Federal Aviation Act of 1958 (49 U.S.C. 1348(a) and 1510), Executive Order 10854 (24 FR 9565), and section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Washington, D.C., on March 12, 1973.

CHARLES H. NEWPOL,
Acting Chief, Airspace and Air Traffic Rules Division.

[FR Doc.73-5168 Filed 3-16-73;8:45 am]

Notices

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF STATE

Agency for International Development

ADVISORY COMMITTEE ON VOLUNTARY FOREIGN AID

Notice of Meeting

Pursuant to Executive Order 11686 and the provisions of section 10(a), Public Law 92-463, Federal Advisory Committee Act, notice is hereby given of the meeting of the Advisory Committee on Voluntary Foreign Aid which will be held from 9:30 a.m. to 4:30 p.m. on March 30 and from 9:30 a.m. to noon on March 31, 1973, at the State Department, New State Building, 21st and Virginia Avenue NW., Room 5951. The Committee will consider the following agenda:

1. Amendments to the Committee Charter.
2. Expanded Voluntary Agencies Registration.
3. Role of Voluntary Agencies in the 1970's.
4. Applications for Registration.

This meeting is open to the public. Any interested person may attend, appear before, or file statements with the Committee—which statements, if in written form, may be filed before or after the meeting, or, if oral, at the time and in the manner permitted by the Committee.

Dr. Jarold A. Kieffer is the AID representative at the meeting. Information concerning the meeting may be obtained from Mr. Howard A. Kresge, Telephone No. 63-27923. Persons desiring to attend the meeting should enter the New State Building through the 21st Street entrance.

Dated: March 14, 1973.

JAROLD A. KIEFFER,
Assistant Administrator for Population and Humanitarian Assistance.

[FR Doc.73-5174 Filed 3-16-73;8:45 am]

DEPARTMENT OF THE TREASURY

Bureau of Alcohol, Tobacco and Firearms

COMMERCE IN EXPLOSIVES

List

Pursuant to the provisions of section 841(d), title 18, United States Code, and § 181.23, Title 26, Code of Federal Regulations (26 CFR Part 181), the Director, Bureau of Alcohol, Tobacco, and Firearms, must publish and revise at least annually in the FEDERAL REGISTER a list of explosives determined to be within the coverage of 18 U.S.C., Chapter 40, Importation, Manufacture, Distribution and Storage of Explosives Materials.

The following is the 1973 Explosives List required to be so published, and supersedes the Explosives List dated March 16, 1972 (37 FR 5968).

[SEAL] REX D. DAVIS,
Director, Bureau of Alcohol, Tobacco and Firearms.

EXPLOSIVES LIST

A

Aluminum containing polymeric propellant.
Aluminum ophorite explosive.
Amatol.
Amitol.
Ammonal.
Ammonium nitrate-amino compound explosives.
Ammonium nitrate explosive mixtures (cap sensitive).
Ammonium nitrate-nitroglycerin mixture.
Ammonium nitrate-nitrolactose mixture.
Aromatic nitro-explosive mixture.
Ammonium perchlorate composite propellant.
Ammonium perchlorate explosive mixtures.
Ammonium picrate.
Ammonium salt lattice with isomorphously substituted inorganic salts.

B

BEAF (1,2-bis (2,2-difluoro-2-nitroacetoxyethane)).
Black powder.
Blasting agents, nitro-carbo-nitrates.
Blasting caps.
Blasting gelatin.
Blasting powder.
BTNEC (bis (trinitroethyl) carbonate).
BTNEN (bis (trinitroethyl) nitramine).

C

Calcium nitrate explosive mixture.
Carboxy-terminated propellant.
Cellulose hexanitrate explosive mixture.
Chlorate explosive mixtures.
Chlorate of potash explosive mixtures.
Chlorates with red phosphorus explosive mixture.
Chlorates with sulphur explosive mixture.
Copper acetylide explosive mixture.
Crystalline explosive (cap sensitive).
Crystalline picrate with lead azide explosive mixture.
Cyanuric triazide.
Cyclonite.
Cyclotetramethylenetetranitramine.
Cyclotetramethylenetrinitramine.
Cyclotrimethylenetrinitramine.

D

DATB (diaminotrinitrotetramethylene tetranitramine).
DDNP (diazodinitrophenol).
Delay powders.
Detonating cord.
Detonators.
Dimethylol dimethyl methane dinitrate composition.
Dinitroethyleneurea.
Dinitroglycerine.
Dinitrophenol.
Dinitrophenolates.
Dinitrophenyl hydrazine.
Dinitroresorcinol.
Dinitrotoluene-sodium nitrate explosive mixtures.
Dipicryl sulfone.
Dipicrylamine.
DNDP (dinitropentano nitrile).
DNPA (2,2-dinitropropyl acrylate).
Dynamite.

E

EDNP (ethyl 4,4-dinitropentanoate).
Erythritol tetranitrate explosives.
Ethylenedinitramine.
Ethyl-tetryl.
Explosive conitrates.
Explosive gelatins.
Explosive mixtures containing oxygen releasing inorganic salts and hydrocarbons.
Explosive mixtures containing oxygen releasing inorganic salts and nitro bodies.
Explosive mixtures containing oxygen releasing inorganic salts and water insoluble fuels.
Explosive mixtures containing oxygen releasing inorganic salts and water soluble fuels.
Explosive mixtures containing sensitized nitromethane.
Explosive nitro compounds of aromatic hydrocarbons.
Explosive organic nitrate mixtures.
Explosive powders.

F

FEFO (bis(2,2-dinitro-2-fluoroethyl)).
Fulminate of mercury.
Fulminating gold.

G

Gelatinized nitrocellulose.
Gem-dinitro aliphatic explosive mixtures.
Glyceryl trinitrate.
Guanyl nitrosamino guanyl tetrazene.
Guanyl nitrosamino guanylidene hydrazine.
Guncotton.

H

Heavy metal azides.
Hexanite.
Hexanitrodiphenylamine.
Hexogen.
Hexogene or octogene and a nitrated N-methylaniline.
Hexolites.
HMX (cyclo-1,3,5,7-tetramethylene-2,4,6,8-tetranitramine).
Hydrazine perchlorate explosive mixtures.
Hydrazinium nitrate/hydrazine/aluminum explosive system.
Hydrazoic acid.

I

Igniter cord.
Igniters.
Inorganic perchlorate explosive mixtures.
KDNBF (potassium dinitrobenzo-furoxane mannitol hexanitrate).

L

Lead azide.
Lead mannite.
Lead mononitroresorcinate.
Lead picrate.
Lead salts of explosives and explosive mixtures.
Lead styphnate.

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Lead trinitro resorcinate.
Liquid nitrated polyol and trimethylolethane.
Liquid oxygen with carbon black.
Liquid oxygen explosives.
Liquid oxygen with wood pulp.
Lithium perchlorate explosive mixtures.

M

Magnesium ophorite explosives.
MDNP (methyl 4,4-dinitropentanoate).
Mercuric fulminate.
Mercury oxalate.
Mercury tartrate.
Mononitrotoluene-nitroglycerin mixture.
Monopropellants.

N

Nitrate sensitized with gelled nitroparaffin.
Nitrated carbohydrate explosive.
Nitrated glucoside explosive.
Nitrated mixture explosives (ammonium and sodium).
Nitrated polyhydric alcohol emulsion explosive.
Nitrated propylene glycol explosive.
Nitrates of polyatomic alcohol and carbohydrate explosive mixtures.
Nitrates of soda explosive mixtures.
Nitric acid and a nitro aromatic compound explosive.
Nitric acid and carboxylic fuel explosive.
Nitric acid explosive mixtures.
Nitro aromatic explosive mixtures.
Nitro compounds of furane explosive mixtures.
Nitrocellulose explosive.
Nitroderivative of urea explosive mixture.
Nitrogelatine explosive.
Nitrogen resorcinate.
Nitrogen trichloride.
Nitrogen tri-iodide.
Nitroglycerin.
Nitroglycide.
Nitroglycol.
Nitroguanidine explosives.
Nitronium perchlorate propellant mixtures.
Nitropentaerythrite.
Nitropentaerythrite-nitroglycerin composition.
Nitrostarch.
Nitrourea.
N-nitrophenyl diazonium perchlorate.

O

Octogen.
Octol (75 percent HMX, 25 percent TNT).

P

Particulate explosives.
Pellet powder.
Pentaerythritol tetranitrate.
Pentaerythrite tetranitrate.
Penthrinite composition.
Pentolite.
Perchlorate mixture explosives.
Perchloric acid based explosive mixtures.
Peroxide based explosive mixtures.
PETN.
Picramic acid and its salts.
Picramide.
Picrate of ammonia.
Picrate of potassium explosive mixtures.
Picratol.
Picric acid.
Picryl chloride.
Picryl fluoride.
Polyolpolynitrate-nitrocellulose explosive gels.
Potassium chlorate and lead sulfocyanate explosive.
Potassium chlorate base explosive mixtures.
Potassium nitroaminotetrazole.
Pressure venting blasting devices.

R

RDX (cyclo - 1,3,5-trimethylene - 2,4,6-trinitramine).

S

Safety fuses.
Salts of organic amino suphonic acid explosive mixture.
Silver acetylide.
Silver azide.
Silver oxalate explosive mixtures.
Silver styphnate.
Silver tartrate explosive mixtures.
Silver tetrazene.
Slurried explosive mixtures of water, inorganic oxidizing salt, gelling agent, fuel and sensitizer.
Smokeless gun powder.
Sodatol.
Sodium amatol.
Sodium chlorate explosive mixture.
Sodium chlorate-sodium nitrate explosive mixtures.
Sodium dinitro-ortho-cresolate.
Sodium nitrate-potassium nitrate explosive mixture.
Sodium picramate.
Squibs.
Styphnate of lead.
Styphnic acid.

T

Tacot (tetranitro-2,3,5,6-dibenzo-1,3a,4,6a-tetrazapentalene).
Tetrazene (tetracene, tetrazine, 1(5-tetrazolyl)-4-guanyl tetrazene hydrate).
Tetranitroaniline.
Tetranitrocarbazole.
2-4-6 tetranitroaniline.
Tetra-nitro-aniline explosive mixture.
Tetranitromethane explosive mixtures.
Tetryl.
Tetrytol.
Thickened inorganic oxidizer salt slurried explosive mixture.
TNEF (trinitroethyl formal).
TNEOC (trinitroethylorthocarbonate).
TNEOF (trinitroethyl orthoformate).
TNT (Trinitrotoluene).
Torpex.
Tridite.
Trimethylenetrinitramine.
Trimethylol ethyl methane trinitrate composition.
Trimethylolthane trinitrate-nitrocellulose.
Trimonite.
Trinitroanisole.
Trinitrobenzene.
Trinitrobenzoic Acid.
Trinitrocresol.
Trinitroglycerin.
Trinitroglycerin mixture.
Trinitro-meta-cresol.
Trinitronaphthalene.
Trinitrophenetol.
Trinitrophenylethylnitramine explosive mixtures.
Trinitrophenylmethylnitramine explosive mixtures.
Trinitrophloroglucinol.
Trinitroresorcinol.
Trinitrotoluene explosive mixture.
Trinitrotoluol explosive mixtures.
Tritonal.

U

Urea nitrate.

W

Water bearing explosives having salts or oxidizing acids and nitrogen bases, sulfates, or sulfamates.

X

Xanthamonas hydrophilic colloid explosive mixture.

[FR Doc.73-5188 Filed 3-16-73;8:45 am]

DEPARTMENT OF JUSTICE

[A. G. Order 510-73]

FEDERAL LAW ENFORCEMENT OFFICERS

Authorization To Request the Issuance of Search Warrant

Rule 41(a), F.R. Crim. P., provides that a search warrant may be issued "upon request of a Federal law enforcement officer or an attorney for the government." Rule 41(h) defines "Federal law enforcement officer" as "any Government agent, other than an attorney for the Government as defined in rule 54(c), who is engaged in the enforcement of the criminal laws and is within any category of officers authorized by the Attorney General to request the issuance of a search warrant." Listing the categories of officers was intended to inform courts and magistrates of the personnel authorized to request search warrants. It should be noted that only in the very rare, emergent case is the law enforcement officer permitted to seek a search warrant without the concurrence of the appropriate U.S. Attorney's Office. The following list of categories is furnished pursuant to Rule 41(h), Federal Rules of Criminal Procedure.

1. Any person authorized to execute search warrants by a statute of the United States.

2. Any person who has been authorized to execute search warrants by the head of a department, bureau, or agency (or his delegate, if applicable) pursuant to any U.S. statute.

3. Any peace officer or customs officer of the Virgin Islands, Guam, or the Canal Zone.

4. Any officer of the Metropolitan Police Department, District of Columbia.

5. Any person authorized to execute search warrants by the President of the United States.

There follows a list of agencies with law enforcement personnel coming within these categories.

Dated: March 12, 1973.

RICHARD G. KLEINDIENST,
Attorney General

NATIONAL LAW ENFORCEMENT AGENCIES

Department of Agriculture:
National Forest Service.

Department of Health, Education, and Welfare:
Center for Disease Control.
Food and Drug Administration.

Department of the Interior:
Bureau of Indian Affairs.
Bureau of Sport Fisheries and Wildlife.
National Park Service.

Department of Justice:
Bureau of Narcotics and Dangerous Drugs.
Federal Bureau of Investigation.
Immigration and Naturalization Service.
U.S. Marshals Service.

Department of Transportation:
U.S. Coast Guard.

Department of the Treasury:
Bureau of Customs.
Executive Protective Service.
Internal Revenue Service:
Bureau of Alcohol, Tobacco, and Firearms.
Intelligence Division.
Inspection Division.
U.S. Secret Service.

U.S. Postal Service:
Inspection Service.

LOCAL LAW ENFORCEMENT AGENCIES

District of Columbia Metropolitan Police Department.
Law Enforcement Forces and Customs Agencies of Guam, the Virgin Islands, and the Canal Zone.

[FR Doc.73-5178 Filed 3-16-73;8:45 am]

Law Enforcement Assistance Administration

PRIVATE SECURITY ADVISORY COUNCIL

Notice of Public Meeting

Notice is hereby given that the Private Security Advisory Council to the Law Enforcement Assistance Administration will hold a meeting March 29, 1973, starting at 12 noon at the Decathlon Athletic Club, 7800 Cedar Avenue, South Bloomington, MN 55420. The purpose of the meeting is to discuss the initial advisory committee report.

The meeting will be open to the public. Any interested person may file a written statement with the council for its consideration.

Statements may be sent to or information requested from Robert Donlan, Executive Assistant to the Associate Administrator, Law Enforcement Assistance Administration, U.S. Department of Justice, 633 Indiana Avenue NW., Washington, DC 20530.

JERRIS LEONARD,
Administrator.

[FR Doc.73-5159 Filed 3-16-73;8:45 am]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

ROSEBURG DISTRICT ADVISORY BOARD

Notice of Meeting

Notice is hereby given that the Bureau of Land Management Roseburg District Advisory Board will meet at 9 a.m. on March 29, 1973, at the Roseburg District Office, 1928 NE Airport Road, Roseburg, OR.

The agenda will include discussions of fiscal year 1974 Timber Sale Plan, off-road vehicle uses on public lands, status of current programs, environmental analysis of program actions.

The meeting will be open to the public insofar as seating is available. Time will be available for brief statements from members of the public but those wishing to make an oral statement must inform the chairman in writing prior to the meeting. Interested persons may file a written statement with the board for its consideration. They should be sent to Chairman, District Advisory Board, c/o District Manager, Bureau of Land Management, Post Office Box 1045, Roseburg, OR 97470.

GEORGE C. FRANCIS,
District Manager.

MARCH 9, 1973.

[FR Doc.73-5173 Filed 3-16-73;8:45 am]

National Park Service

GEORGE WASHINGTON MEMORIAL PARKWAY

Notice of Intention To Issue Concession Permit

Pursuant to the provisions of section 5 of the Act of October 9, 1965 (79 Stat. 969; 16 U.S.C. 20), public notice is hereby given that on April 18, 1973, the Department of the Interior, through the Superintendent, George Washington Memorial Parkway, proposes to issue a concession permit to Belle Haven Marina, Inc., authorizing it to provide marine services for the public at Belle Haven Marina, for a period of 5 years, from January 1, 1973 through December 31, 1977.

The foregoing concessioner has performed its obligation under an existing permit to the satisfaction of the National Park Service, and therefore, pursuant to the Act cited above, is entitled to be given preference in the issuance of a new permit. However, under the Act cited above, the Secretary is also required to consider and evaluate all proposals received as a result of this notice. Any proposal to be considered and evaluated must be submitted on or before April 18, 1973.

Interested parties should contact the Superintendent, George Washington Memorial Parkway, Turkey Run Park, McLean, VA 22101, for information as to the requirements of the proposed permit.

DAVID A. RITCHIE,
Superintendent,

JANUARY 29, 1973.

[FR Doc.73-5175 Filed 3-16-73;8:45 am]

GEORGE WASHINGTON MEMORIAL PARKWAY

Notice of Intention To Issue Concession Permit

Pursuant to the provisions of section 5 of the Act of October 9, 1965 (79 Stat. 969; 16 U.S.C. 20), public notice is hereby given that on April 18, 1973, the Department of the Interior, through the Superintendent, George Washington Memorial Parkway, proposes to issue a concession permit to Frederick O. and Virginia M. Swain, authorizing them to provide rowboat and canoe rentals and the sale of drinks, packaged candies, cookies, etc., and fish bait, for the public at Swain's Lock, for a period of 5 years from January 1, 1973 through December 31, 1977.

The foregoing concessioner has performed its obligations under an existing permit to the satisfaction of the National Park Service, and therefore, pursuant to the Act cited above, is entitled to be given a preference in the issuance of a new permit. However, under the Act cited above, the Secretary is also required to consider and evaluate all proposals received as a result of this notice. Any proposal to be considered and evaluated must be submitted on or before April 18, 1973.

Interested parties should contact the Superintendent, George Washington Memorial Parkway, Turkey Run Park, McLean, VA 22101, for information as to the requirements of the proposed permit.

DAVID A. RITCHIE,
Superintendent.

JANUARY 29, 1973.

[FR Doc.73-5176 Filed 3-16-73;8:45 am]

HAINES POINT AND ROCK CREEK PARK

Notice of Intention To Issue Concession Permit

Pursuant to the provisions of section 5 of the Act of October 9, 1965 (79 Stat. 969; 16 U.S.C. 20), public notice is hereby given that on April 18, 1973, the Department of the Interior, through the Superintendent, National Capital Parks-West, proposes to issue a concession permit to Appliance Fix-It, Inc., authorizing it to provide bicycle rental services for the public at Haines Point and Rock Creek Park, in Washington, D.C., for a period of 5 years from January 1, 1973, through December 31, 1977.

The foregoing concessioner has performed its obligations under an existing permit to the satisfaction of the National Park Service, and therefore, pursuant to the Act cited above, is entitled to be given preference in the issuance of a new permit. However, under the Act cited above, the Secretary is also required to consider and evaluate all proposals received as a result of this notice. Any proposal to be considered and evaluated must be submitted on or before April 18, 1973.

Interested parties should contact the Superintendent, National Capital Parks-West, 1100 L Street NW., Washington, DC, for information as to the requirements of the proposed permit.

LUTHER C. BURNETT,
Superintendent.

JANUARY 29, 1973.

[FR Doc.73-5177 Filed 3-16-73;8:45 am]

Office of the Secretary

[INT DES 73-14]

PROPOSED BOUNDARY ADJUSTMENT MOORES CREEK NATIONAL MILITARY PARK, NORTH CAROLINA

Notice of Availability of Draft Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act, the Department of the Interior has prepared a draft environmental statement for proposed Boundary Adjustment for Moores Creek National Military Park, N.C., and invites written comment on or before May 3, 1973. Written comment should be

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addressed to the Director, Southeast Region or to the Superintendent, Moores Creek National Military Park at the addresses listed below.

The draft environmental statement considers boundary adjustments on the east, west, and north sides of the park in Pender County, N.C., and the relocation of State Highway 210.

Copies are available from or for inspection at the following locations:

Office of the Director Southeast Region, National Park Service, 3401 Whipple Avenue, Atlanta, GA 30344.
Office of the Superintendent, Moores Creek National Military Park, Currie, Pender County, NC 28435.

Dated: March 13, 1973.

W. W. LYONS,
Deputy Assistant Secretary of the Interior.

[FR Doc.73-5164 Filed 3-16-73;8:45 am]

[INT FES 73-11]

PROPOSED JOHN D. ROCKEFELLER, JR. NATIONAL MEMORIAL PARKWAY, WYOMING

Notice of Availability of Final Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Department of the Interior has prepared a final environmental statement for the proposed John D. Rockefeller, Jr. National Memorial Parkway, Wyo.

The environmental statement considers the designation of the 6.8 mile long corridor between Grand Teton and Yellowstone National Parks in Teton County, Wyoming, as John D. Rockefeller, Jr. National Memorial Parkway. The proposal involves transfer of 23,000 acres of Forest Service lands to the National Park Service, designation of the corridor and certain connecting roads as Rockefeller Memorial Parkway, and administration by the National Park Service under the policies of a National Recreation Area.

Copies are available from or for inspection at the following location:

Director, Midwest Regional Office, National Park Service, 1709 Jackson Street, Omaha, NE 68102.

Dated: March 12, 1973.

W. W. LYONS,
Deputy Assistant Secretary of the Interior.

[FR Doc.73-5163 Filed 3-16-73;8:45 am]

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

YOUTHS HIGHWAY SAFETY ADVISORY COMMITTEE

Notice of Public Meeting

On March 25, 1973, the Public Information and Education Subcommittee of the Youths Highway Safety Advisory Committee will hold an open meeting at the Marriott Hotel, St. Louis, Mo. The Youths Highway Safety Advisory Committee is composed of persons appointed by the Secretary of Transportation to advise and consult with the National Highway Traffic Safety Administrator concerning programs and activities to attract and sustain the participation of young people in the national effort to combat highway deaths and injuries. The Public Information and Education Subcommittee was formed to develop ways of increasing awareness on the problems of drinking and driving as they relate to youth.

The meeting will be in session from 9 a.m. to 3 p.m. on Sunday, March 25, 1973.

The agenda is as follows:

A. Discussion on Newsletter.
B. Discussion on Media Exposure.
C. Discussion on Speakers Bureau.

This notice is given pursuant to section 10(a)(2) of Public Law 92-463, January 5, 1973 (Federal Advisory Committee Act).

For further information, contact Executive Secretariat, Room 5215, 400 Seventh Street SW., Washington, DC, telephone 202—426-2872.

Issued on March 13, 1973.

CALVIN BURKHART,
Executive Secretary.

[FR Doc.73-5189 Filed 3-16-73;8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

VELSICOL CHEMICAL CORP. AND SHELL CHEMICAL CO.

Withdrawal of Petition for Food Additive

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409 (b), 72 Stat. 1786; 21 U.S.C. 348(b)), the following notice is issued:

In accordance with § 121.52 *Withdrawal of petitions without prejudice* of the procedural food additive regulations (21 CFR 121.52), Velsicol Chemical Corp., 1725 K Street NW., Washington DC 20006, and Shell Chemical Co., Suite 300, 1700 K Street NW., Washington, DC 20006, have withdrawn their petition (FAP 1H2614), notice of which was published in the FEDERAL REGISTER of February 10, 1971 (36 FR 2825), proposing establishment of a food additive tolerance of 0.5 part per million for residues of endrin in crude soybean oil resulting from carryover and concentration after application of the insecticide to growing soybeans.

Dated: March 9, 1973.

HENRY J. KORP,
Deputy Assistant Administrator for Pesticide Programs.

[FR Doc.73-5139 Filed 3-16-73;8:45 am]

FEDERAL HOME LOAN BANK BOARD

[H.C. 151]

CAMCO FINANCIAL CORP.

Notice of Receipt of Application for Permission To Acquire Control of the Marietta Savings & Loan Co.

MARCH 14, 1973.

Notice is hereby given that the Federal Savings and Loan Insurance Corporation has received an application from the Camco Financial Corp., Cambridge, Ohio, a unitary savings and loan holding company, for approval of acquisition of control of The Marietta Savings & Loan Co., Marietta, Ohio, and uninsured institution, under the provisions of section 408(e) of the National Housing Act, as amended (12 U.S.C. 1730a(e)), and § 584.4 of the regulations for savings and loan holding companies, said acquisition to be effected by an exchange of stock of Camco Financial Corp. for the stock of The Marietta Savings & Loan Co. Comments on the proposed acquisition should be submitted to the Director, Office of Examinations and Supervision, Federal Home Loan Bank Board, Washington, D.C. 20552, on or before April 18, 1973.

[SEAL] EUGENE M. HERRIN,
Assistant Secretary, Federal Home Loan Bank Board.

[FR Doc.73-5147 Filed 3-16-73;8:45 am]

TENNESSEE VALLEY AUTHORITY

BELLEFONTE NUCLEAR PLANT

Availability of Draft Environmental Statement

Notice is hereby given that, pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, a document entitled "Draft Environmental Statement, Bellefonte Nuclear Plant" has been prepared by the Tennessee Valley Authority. The draft statement was sent to the Council on Environmental Quality and made available to the public on March 6, 1973. Copies of the document have been placed for public examination in the Atomic Energy Commission's Public Document Room, 1717 H Street NW., Washington, DC 20545, at the Washington Office, Tennessee Valley Authority, 435 Woodward Building, 15th and H Streets, Washington, D.C. 20444, and in the office of the Director of Information, Tennessee Valley Authority, 508 Union Avenue, Knoxville, TN 37902.

Single copies of the draft statement will be furnished upon request addressed to the Director of Information at the above address.

Dated at Knoxville, Tenn., this the 12th day of March 1973, for the Tennessee Valley Authority.

LYNN SEEBER,
General Manager.

[FR Doc.73-5193 Filed 3-16-73;8:45 am]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

REVISED LIST OF WAREHOUSES AND WAREHOUSEMEN LICENSED UNDER U.S. WAREHOUSE ACT

Pursuant to section 26 of the United States Warehouse Act (7 U.S.C. 266), notice is hereby given as follows: As of December 31, 1972, the following warehouses and warehousemen were licensed and bonded under the United States Warehouse Act. This list of warehouses and warehousemen licensed and bonded under the United States Warehouse Act (7 U.S.C. 241 et seq.) supersedes the list published in the FEDERAL REGISTER of February 23, 1972 (37 FR 3846).

Cotton

A. For the storage of cotton:

ALABAMA

Town, Warehouse, and Warehouseman

Atmore; Farmers and Merchants Warehouse; Dan A. Currie, Jack A. Currie and J. Floyd Currie, copartners trading as Atmore Milling and Elevator Company.
Attalla; North Alabama Warehouse; North Alabama Warehouse Company.
Birmingham; Gulf Atlantic Warehouse; Gulf Atlantic Warehouse Co.
Centre; Floyd County Bonded Warehouse; Floyd County Bonded Warehouse, Inc.
Decatur; State Bonded Warehouse; State Bonded Warehouse & Storage Company.
Decatur: Union Compress Warehouse; Union Service Industries, Inc.
Geraldine; Geraldine Warehouse; Geraldine Warehouse and Storage Company, Inc.
Greenbrier; Elliott Bonded Warehouse; J. D. Elliott and George R. Elliott, copartners trading as J. D. Elliott and Son.
Guntersville; Guntersville Warehouse & Storage Co.; J. H. Alford, an individual, trading as Alford Cotton Company.
Haleyville; Haleyville Cotton Warehouse; Haleyville Mill and Gin Company.
Huntsville; Huntsville Warehouse; Huntsville Warehouse Company.
Huntsville; Madison Bonded Warehouse; Madison Bonded Warehouse, Inc.
Huntsville; Planters Warehouse; Planters Warehouse and Storage Company.
McCullough; McCullough Bonded Warehouse; Frank P. Currie.
Mobile; Alabama State Docks Bonded Warehouse; Alabama State Docks Department.
Montgomery; Gulf Atlantic Warehouse; Gulf Atlantic Warehouse Co.
Panola; Panola Bonded Warehouse; E. A. Parker, and Merle Walker Parker and W. O. Parker, Jr., Executrix and Executor of the Trust Estate of W. O. Parker, Deceased, trading as Panola Bonded Warehouse.
Scottsboro; Gladish Bonded Warehouse; W. L. Gladish, Jr.
Selma; Dallas Bonded Warehouse; Dallas Compress Company.
Selma; Selma Compress Warehouse; Selma Compress Company.
Sylacauga; Sylacauga Bonded Warehouse; Parker Fertilizer Company, Incorporated.

ARIZONA

Phoenix; Federal Compress Warehouse; Federal Compress & Warehouse Company.
Picacho; Federal Compress Warehouse; Federal Compress & Warehouse Company.
Yuma; Federal Compress Warehouse; Federal Compress & Warehouse Company.

ARKANSAS

Batesville; Batesville Compress Warehouse; Southern Warehouse Co.
Blytheville; Blytheville Compress Warehouse; Blytheville Compress Company.
Blytheville; Federal Compress Warehouse; Federal Compress & Warehouse Company.
Bradley; Bradley Bonded Warehouse; Bradley Warehouse, Inc.
Brinkley; Southern Compress Warehouse; Southern Compress Company.
Clarendon; Clarendon Warehouse; Southern Compress Company.
Cotton Plant; Cotton Plant Warehouse; Cotton Plant Warehouse Company.
Dardanelle; Dardanelle Compress Warehouse; Planters Compress Company.
Dell; Dell Compress Warehouse; Dell Compress Company of Dell, Arkansas.
Dumas; Federal Compress Warehouse; Federal Compress & Warehouse Company.
Earle; Federal Compress Warehouse; Federal Compress & Warehouse Company.
England; Federal Compress Warehouse; Federal Compress & Warehouse Company.
Eudora; Federal Compress Warehouse; Federal Compress & Warehouse Company.
Evadale (P.O. Wilson); Wilson Compress Warehouse; Memphis Compress & Storage Company.
Forrest City; Federal Compress Warehouse; Federal Compress & Warehouse Company.
Helena; Federal Compress Warehouse; Federal Compress & Warehouse Company.
Helena; Helena Compress Warehouse; Helena Compress Company.
Hughes; Federal Compress Warehouse; Federal Compress & Warehouse Company.
Jonesboro; Jonesboro Compress Company's Warehouse; B. C. Land Company.
Leachville; Arkansas Compress Warehouse; Arkansas Compress Company, Inc.
Lepanto; Federal Compress Warehouse; Federal Compress & Warehouse Company.
Lonoke; Lonoke Bonded Warehouse; Southern Compress Company.
Marianna; Federal Compress Warehouse; Federal Compress & Warehouse Company.
Marked Tree; Federal Compress Warehouse; Federal Compress & Warehouse Company.
Marked Tree; Rittco Cotton Warehouse; Rittco Cotton, A Division of E. Ritter & Company.
Marvell; Federal Compress Warehouse; Federal Compress & Warehouse Company.
McCrory; Federal Compress Warehouse; Federal Compress & Warehouse Company.
McGehee; Federal Compress Warehouse; Federal Compress & Warehouse Company.
Newport; Federal Compress Warehouse; Federal Compress & Warehouse Co.
North Little Rock; Federal Compress Warehouse; Federal Compress & Warehouse Company.
North Little Rock; Southern Compress Warehouse; Southern Warehouse Co.
Osceola; Federal Compress Warehouse; Federal Compress & Warehouse Company.
Pine Bluff; Federal Compress Warehouse; Federal Compress & Warehouse Company.
Portland; Federal Compress Warehouse; Federal Compress & Warehouse Company.
Sparkman; P. H. Taylor Cotton Warehouse; Benton Taylor.
Trumann; Federal Compress Warehouse; Federal Compress & Warehouse Company.
Walnut Ridge; Federal Compress Warehouse; Federal Compress & Warehouse Company.
West Memphis; Federal Compress Warehouse; Federal Compress & Warehouse Company.
West Memphis; Planters Compress Warehouse; Planters Compress Company, Inc.
Wynne; Federal Compress Warehouse; Federal Compress & Warehouse Company.

CALIFORNIA

Fresno; Allen Warehouse; Allen Warehouse Company of California.
Fresno; Fresno Warehouse; Bayside Warehouse Company (California Compress Division).

GEORGIA

Arlington; Ward's Bonded Warehouse; Mrs. Carol Clements Ward.
Atlanta; Gulf Atlantic Warehouse; Gulf Atlantic Warehouse Co.
Augusta; Georgia-Carolina Warehouse; Georgia-Carolina Warehouse & Compress Company.
Augusta; S. M. Whitney Warhouse; S. M. Whitney Company, Incorporated.
Bartow; Bryant's Bonded Warehouse; Bryant's Incorporated.
Blakely; Farmers Warehouse; The Maddox Corporation.
Camilla; Camilla Cotton Oil Company Bonded Warehouse; Camilla Cotton Oil Company.
Camilla; Walker Gin Bonded Warehouse; Walkers, Inc.
Carrollton; Martin Bonded Warehouse; J. E. Martin & Son, Inc.
Cochran; Cochran Bonded Warehouse; William Carlton Lawson.
Columbus; W. C. Bradley Co. Warehouse; W. C. Bradley Co.
Cordele; Harris and McCutchen Bonded Warehouse; Harris and McCutchen, Inc.
Cordele; McCay Bonded Warehouse; McCay Gin and Warehouse Company, Inc.
Cordele; Nesbitt Bonded Warehouse; Nesbitt Bonded Warehouse, Inc.
Cuthbert; Walker & Daniel Bonded Warehouse; N. M. Walker and G. W. Daniel, copartners, trading as Walker & Daniel.
Davisboro; Taylor Bonded Warehouse; Taylor Bonded Warehouse, Inc.
Dawson; Dawson Compress Bonded Warehouse; Dawson Compress and Storage Company.
Dawson; Terrell County Bonded Warehouse; Stevens Industries, Inc.
DeSoto; DeSoto Bonded Warehouse; DeSoto Gin and Peanut Co.
Doerun; Taylor's Bonded Cotton Warehouse; Floyd M. Taylor, Jr.; T. Elkin Taylor and Anna T. Brewer, copartners, trading as Taylor Gin and Warehouse.
Dublin; Lovett and Brinson Bonded Warehouse; Lovett and Brinson, Incorporated.
Dudley; Farmers Warehouse; Mrs. Effie B. Chappell, Roy James Chappell and, John Warthen Chappell, Executors of the Last Will and Testament of Warthen T. Chappell, deceased, and The First National Bank and Trust Company in Macon, and Gladys Combs Hogan, as Executors of the Last Will and Testament of Rubert L. Hogan deceased, partners, d/b/a Chappell & Hogan.
Fitzgerald; Ben Hill Bonded Warehouse; Fitzgerald Oil & Fertilizer Company.
Fitzgerald; Planters Warehouse and Loan Company's Warehouse; Planters Warehouse and Loan Company.
Gay; Gay Bonded Warehouse; Arthur G. Estes, Jr.
Hawkinsville; Hawkinsville Bonded Warehouse; L. H. Blount.
Kingston; Kingston Bonded Warehouse; J. W. Martin.
Leslie; Sumter-Lee Warehouse; Leslie Peanut & Gin Co., Inc.
Louisville; Planters Bonded Warehouse; Hardeman Seed Co., Inc.
Lyons; Stanley and Pughsley Bonded Warehouse; Stanley & Pughsley Gin and Warehouse Company Incorporated.
Madison; Godfrey Bonded Warehouse; Godfrey's Warehouse, Inc.
Madison; Mason Bonded Warehouse; Mason Gin and Fertilizer Company.

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Greenville; Greenville Compress Warehouse.
Wrightsville; Rowland's Bonded Warehouse.
Meigs; Meigs Bonded Warehouse; B & J Company, Inc.
Metter; Farmers Union Warehouse; Farmers Union Warehouse of Metter.
Midville; Midville Bonded Warehouse; Midville Cotton Warehouse Company.
Monroe; Launius Bonded Warehouse; J. William Dickinson and Dan M. Briscoe, copartners, trading as Launius Bonded Warehouse Co.
Moultrie; Taylor's Bonded Cotton Warehouse; Floyd M. Taylor, Jr., T. Elkin Taylor and Anna T. Brewer, copartners trading as Taylor Gin and Warehouse.
Ocilla; Murray Bonded Warehouse; Guy Murray.
Parrott; W. M. Dunn's Warehouse; W. G. Dunn.
Pitts; Shell's Bonded Warehouse; A. C. Shell, Jr.
Plains; Carter's Bonded Warehouse; James Earl Carter, Jr., William A. Carter, II and Lillian G. Carter, d./b/a Carter's Warehouse.
Portal; Planters Bonded Warehouse; Planters Cotton Warehouse Company.
Rome; Commercial Bonded Warehouse; Commercial Bonded Warehouse, Inc.
Rome; Georgia and Alabama Warehouse; Georgia and Alabama Warehouse Company.
Rome; Floyd County Bonded Warehouse; Floyd County Bonded Warehouse, Inc.
Rome; Rome Warehouse; Ledbetter Trucks, Inc.
Rutledge; Hollis Bonded Warehouse; J. W. Hollis.
Sandersville; Tarbutton Bonded Warehouse; Ben J. Tarbutton, Jr. and Hugh M. Tarbutton, trading as Tarbutton Bonded Warehouse.
Senoia; The Brick Bonded Warehouse; Paul B. McKnight, Sr. and Paul R. McKnight, Jr., copartners, trading as P. R. McKnight & Son.
Social Circle; Social Circle Bonded Warehouse; Duval and Co.
Social Circle; Malcom's Bonded Warehouse; B. A. Malcom.
Soperton; Fowler's Gin and Bonded Warehouse; Manning Mimbs d./b/a Fowler's Gin and Bonded Warehouse.
Soperton; Waller's Bonded Warehouse; J. Treutlen Waller.
Statesboro; Planters Cotton Warehouse; Renfrow Cotton Company, Inc.
Statesboro; Farmers Union Warehouse; Smith Trading Co.
Sylvania; Farmers Bonded Warehouse; David W. Reed d./b/a David W. Reed Company.
Sylvania; Sylvania Bonded Warehouse; Screven Oil Mill.
Sylvester; Houston Bonded Warehouse; Houston Gin & Warehouse Co.
Tennille; Planters Bonded Warehouse; W. B. Smith.
Tennille; Tennille Bonded Warehouse; Washington Ginning Company.
Twin City; Twin City Bonded Warehouse; Twin City Gin Company.
Vienna; J. A. Whitehead & Co. Bonded Warehouse; J. A. Whitehead.
Warrenton; Johnson Cotton Warehouse; W. D. Johnson, an individual, trading as Johnson Cotton Warehouse.
Waynesboro; Burke County Bonded Warehouse; Burke County Gin & Fertilizer Company.
Waynesboro; Neely Bonded Cotton Warehouse; Neely Bonded Cotton Warehouse, Inc.
Waynesboro; Planters Warehouse; Planters Warehouse Company of Waynesboro.
Winder; Smith Bonded Warehouse; Smith Bonded Warehouse, Inc.
Wrightsville; Lovett's Bonded Warehouse; Lovett & Company, Incorporated.
Greenville; Delta Cooperative Compress Warehouse; Delta Cooperative Compress.
house; Rowland's Gin and Bonded Warehouse of Wrightsville, Georgia, Inc.
Wrightsville; Union Warehouse; J. F. Jordan.
Youth; Byrd Bonded Warehouse; J. T. Byrd.

LOUISIANA

Alexandria; American Compress Warehouse; Frost-Whited Company, Inc.
Bernice; Lindsey Bonded Warehouse; James D. Lindsey, Mrs. Rosalind Lindsey Albritton, et al., copartners, trading as Lindsey Bonded Warehouse Company.
Delhi; Union Compress Warehouse; Union Service Industries, Inc.
Ferriday; Union Compress Warehouse; Union Service Industries, Inc.
Lake Providence; Federal Compress Warehouse; Federal Compress & Warehouse Company.
Lake Providence; H. & W. Warehouse; H. & W. Warehouse, Inc.
Lake Providence; Hollybrook Warehouse; Hollybrook Warehouse, Inc.
Mansfield; Mansfield Bonded Warehouse, Inc.; Mansfield Bonded Warehouse, Inc.
Mer Rouge; Louisiana Cotton Warehouses; Louisiana Cotton Warehouses Company, Inc.
Monroe; Federal Compress Warehouse; Federal Compress & Warehouse Company.
Natchitoches; American Compress Warehouse; Frost-Whited Company, Inc.
New Orleans; Shippers Compress Warehouse; Meta Davis Atkinson, Clifford Atkinson, Jr., and Eugene Atkinson, Jr., trading as Atkinson & Company.
Oak Grove; Union Compress Warehouse; Union Service Industries, Inc.
Opelousas; American Compress Warehouse; Frost-Whited Company, Inc.
Rayville; Union Compress Warehouse; Union Service Industries, Inc.
Shreveport; American Compress Warehouse; Frost-Whited Company, Inc.
Tallulah; Federal Compress Warehouse; Federal Compress & Warehouse Company.
Winnsboro; Union Compress Warehouse; Union Service Industries, Inc.

MISSISSIPPI

Aberdeen; Federal Compress Warehouse; Federal Compress & Warehouse Company.
Batesville; Federal Compress Warehouse; Federal Compress & Warehouse Company.
Belzoni; Federal Compress Warehouse; Federal Compress & Warehouse Company.
Booneville; Federal Compress Warehouse; Federal Compress & Warehouse Company.
Brookhaven; Brookhaven Compress Warehouse; MFC Services (A.A.L.).
Canton; Federal Compress Warehouse; Federal Compress & Warehouse Company.
Carthage; Federal Compress Warehouse; Federal Compress & Warehouse Company.
Clarksdale; Federal Compress Warehouse; Federal Compress & Warehouse Company.
Clarksdale; North Delta Compress Warehouse; North Delta Compress & Warehouse Co.
Cleveland; Federal Compress Warehouse; Federal Compress & Warehouse Company.
Columbia; Columbia Compress Warehouse; Hattiesburg Compress Company.
Como; Federal Compress Warehouse; Federal Compress & Warehouse Company.
Corinth; Federal Compress Warehouse; Federal Compress & Warehouse Company.
Dreu; Federal Compress Warehouse; Federal Compress & Warehouse Company.
Dreu; National Compress Warehouse; MFC Services (A.A.L.).
Flora (Kearney Park); Flora Compress Warehouse; Flora Compress and Warehouse Company, Inc.
McDonough; The Planters Warehouse; The Planters Warehouse and Lumber Company.
house; Greenville Compress Company.
Greenville; Paxton Bonded Warehouse; Paxton Bonded Warehouse, Inc.
Greenwood; Federal Compress Warehouse; Federal Compress & Warehouse Company.
Greenwood; Staplservice Compress Warehouse; Staple Cotton Services Association (A.A.L.).
Grenada; Federal Compress Warehouse; Federal Compress & Warehouse Company.
Gulfport; Mississippi Gulfport Warehouses; Mississippi-Gulfport Compress & Warehouses, Inc.
Hattiesburg; Hattiesburg Compress Warehouse; Hattiesburg Compress Company.
Hollandale; Deer Creek Compress Warehouse; Deer Creek Compress Company.
Holly Springs; Federal Compress Warehouse; Federal Compress & Warehouse Company.
Houston; Houston Compress Warehouse; Houston Compress Co., Inc.
Indianola; Planters Gin Co., Inc., Warehouse; Planters Gin Company, Incorporated of Indianola.
Indianola; Sunflower Compress Warehouse; The Sunflower Compress Company.
Inverness; Federal Compress Warehouse; Federal Compress & Warehouse Company.
Itta Bena; Itta Bena Cooperative Warehouse; Itta Bena Cooperative Compress Company.
Jackson; Federal Compress Warehouse; Federal Compress & Warehouse Company.
Kosciusko; United Warehouse; United Warehouses, Inc.
Leland; Leland Compress Warehouse; Leland Compress Company.
Macon; Federal Compress Warehouse; Federal Compress & Warehouse Company.
Magnolia; Magnolia Compress Warehouse; Hattiesburg Compress Company.
Marks; Federal Compress Warehouse; Federal Compress & Warehouse Company.
New Albany; Federal Compress Warehouse; Federal Compress & Warehouse Company.
Okolona; Federal Compress Warehouse; Federal Compress & Warehouse Company.
Philadelphia; The Philadelphia Compress Warehouse; Compress of Union.
Pontotoc; Pontotoc Compress Warehouse; Pontotoc Warehouse Company.
Prentiss; Prentiss Bonded Warehouse; MFC Services (A.A.L.).
Quitman; Quitman Bonded Warehouse; Daniel Marston Bonney.
Ripley; Federal Compress Warehouse; Federal Compress & Warehouse Company.
Rolling Fork; Rolling Fork Compress Warehouse; Deer Creek Compress Company.
Rosedale; Union Compress Warehouse; Union Service Industries, Inc.
Ruleville; Federal Compress Warehouse; Federal Compress & Warehouse Company.
Shaw; Federal Compress Warehouse; Federal Compress & Warehouse Company.
Shelby; Federal Compress Warehouse; Federal Compress & Warehouse Company.
Shuqualak; Shuqualak Bonded Warehouse; A. T. Evans, Executor of the Estate of Harrison Evans.
Sledge; Federal Compress Warehouse; Federal Compress & Warehouse Company.
Tunica; Federal Compress Warehouse; Federal Compress & Warehouse Company.
Tutwiler; Federal Compress Warehouse; Federal Compress & Warehouse Company.
Union; Union Bonded Warehouse; Compress of Union.
Vicksburg; Union Compress Warehouse; Union Service Industries, Inc.
Yazoo City; Federal Compress Warehouse; Federal Compress & Warehouse Company.

MISSOURI

Arbyrd; Arbyrd Compress Warehouse; John G. Hoyt, Jr.
Caruthersville; Federal Compress Warehouse; Federal Compress & Warehouse Company.
Charleston; National Compress Warehouse; National Compress & Warehouse Company.
Gideon; Gideon Compress Warehouse; Memphis Compress & Storage Company.
Hayti; Federal Compress Warehouse; Federal Compress & Warehouse Company.
Kennett; Dunklin County Compress Warehouse; Dunklin County Compress and Warehouse Company.
Lilbourn; Federal Compress Warehouse; Federal Compress & Warehouse Company.
Malden; Dunklin County Compress Warehouse; Dunklin County Compress and Warehouse Company.
Portageville; Federal Compress Warehouse; Federal Compress & Warehouse Company.
Sikeston; Federal Compress Warehouse; Federal Compress & Warehouse Company.

NEW MEXICO

Artesia; Artesia Compress Warehouse; Alma Sanders Francis, Leslie Paul Francis, William Kavanaugh Francis and Christine Francis Jones, copartners, trading as Artesia Compress Company.

NORTH CAROLINA

Battleboro; Braswell Bonded Warehouse; Warehouse Superintendent of the State of North Carolina.
Charlotte; Gulf Atlantic Warehouse; Gulf Atlantic Warehouse Co.
Charlotte; Merchants Bonded Warehouse; Merchants Bonded Warehouse Company.
Charlotte; Standard Bonded Warehouse; Standard Bonded Warehouse Company.
Cherryville; Gaston Bonded Warehouse; Mauney Cotton Company, Inc.
Conway; Conway Bonded Warehouse; Warehouse Superintendent of the State of North Carolina.
Dunn; General Utility Company's Warehouse; Warehouse Superintendent of the State of North Carolina.
Edenton; Edenton Bonded Warehouse; Warehouse Superintendent of the State of North Carolina.
Elizabeth City; Elizabeth City Bonded Warehouse; Robinson Manufacturing Company.
Enfield; Enfield Bonded Warehouse; Whitaker Warehouse, Incorporated.
Fayetteville; Cotton Growers Warehouse; Warehouse Superintendent of the State of North Carolina.
Gastonia; Avon Bonded Warehouse; Avon Bonded Warehouse, Incorporated.
Gastonia; Broad Street Bonded Warehouse; Broad Street Bonded Warehouse, Inc.
Gastonia; Central Bonded Warehouse Division of Bayside Warehouse Company; Bayside Warehouse Company.
Gastonia; Peoples Bonded Warehouse; Peoples Bonded Warehouse, Incorporated.
Jackson; Northampton Warehouse; Warehouse Superintendent of the State of North Carolina.
Laurinburg; Dickson Bonded Warehouse; Warehouse Superintendent of the State of North Carolina.
Laurinburg; Laurinburg Cotton Warehouse; Warehouse Superintendent of the State of North Carolina.
Lewiston; Lewiston Bonded Warehouse; Warehouse Superintendent of the State of North Carolina.
Lincolnton; Lincoln Bonded Warehouse; Warehouse Superintendent of the State of North Carolina.
Lumberton; Cotton Growers Warehouse; Warehouse Superintendent of the State of North Carolina.
Mooresville; Iredell Bonded Warehouse; Warehouse Superintendent of the State of North Carolina.
Morven; Cotton Growers Warehouse; Warehouse Superintendent of the State of North Carolina.
Murfreesboro; Revelle Bonded Warehouse; Warehouse Superintendent of the State of North Carolina.
Nashville; Cotton Growers Warehouse; Warehouse Superintendent of the State of North Carolina.
Parkton; Parkton Bonded Warehouse; Warehouse Superintendent of the State of North Carolina.
Pembroke; Pembroke Bonded Warehouse; Warehouse Superintendent of the State of North Carolina.
Raeford; Hoke Cotton Warehouse and Storage Company's Warehouse; Warehouse Superintendent of the State of North Carolina.
Rich Square; Rich Square Bonded Warehouse; Warehouse Superintendent of the State of North Carolina.
Roanoke Rapids; Farmers Warehouse of Roanoke Rapids; Warehouse Superintendent of the State of North Carolina.
Roanoke Rapids; Rosemary Bonded Warehouse; Warehouse Superintendent of the State of North Carolina.
Rowland; Barrow Warehouse; Warehouse Superintendent of the State of North Carolina.
Salisbury; Salisbury Bonded Warehouse; Warehouse Superintendent of the State of North Carolina.
Scotland Neck; Cotton Growers Warehouse; Warehouse Superintendent of the State of North Carolina.
Scotland Neck; Edwards Bonded Warehouse; Warehouse Superintendent of the State of North Carolina.
Seaboard; Seaboard Bonded Warehouse; Warehouse Superintendent of the State of North Carolina.
Shelby; Planters and Merchants Warehouse; Planters and Merchants Warehouse Company.
Shelby; Shelby Bonded Warehouse; Warehouse Superintendent of the State of North Carolina.
Smithfield; Cotton Growers Warehouse; Warehouse Superintendent of the State of North Carolina.
St. Pauls; McColl Cotton Warehouses; Warehouse Superintendent of the State of North Carolina.
Tarboro; Edgecombe Bonded Warehouse; Warehouse Superintendent of the State of North Carolina.
Wagram; Farmers Bonded Warehouse; Warehouse Superintendent of the State of North Carolina.
Wake Forest; Wake Bonded Warehouse; Warehouse Superintendent of the State of North Carolina.
Weldon; Cotton Growers Warehouse; Warehouse Superintendent of the State of North Carolina.
Williamston; Martin Bonded Warehouse; Warehouse Superintendent of the State of North Carolina.
Wilson; Wilson Bonded Warehouse; Warehouse Superintendent of the State of North Carolina.
Woodland; Woodland Cooperative Bonded Warehouse; Warehouse Superintendent of the State of North Carolina.

SOUTH CAROLINA

Anderson; Appleton Warehouse; The Black Hawk Corporation.
Anderson; The Standard Warehouse; Standard Corporation.
Bennettsville; Marlboro Warehouses; Marlboro Warehouse Company.
Bishopville; Cotton Growers Warehouses; Cotton Growers Warehouses, Inc.
Bishopville; Farmers Bonded Warehouse; Wiley B. King.
Bishopville; King and Jordan Bonded Warehouse; W. Brent King and B. P. Jordan, copartners trading as King and Jordan Bonded Warehouse.
Branchville; Judy-Moorer Bonded Warehouse; Judy-Moorer Warehouse, Inc.
Clio; Clio Bonded Warehouse; B. H. Martin.
Columbia; Palmetto Compress Warehouse; Palmetto Compress and Warehouse Company.
Columbia; The Standard Warehouse; Standard Corporation.
Denmark; Denmark Bonded Warehouse; J. W. Williamson, Jr., H. M. Williamson, J. A. Williamson and J. S. Williamson, copartners trading as J. W. Williamson Co.
Edgefield; Hart Bonded Warehouse; John Rainsford, Jr.
Greenville; Black Hawk Warehouse; The Black Hawk Corporation.
Greenville; Commodity Warehouse; Commodity Warehouse Company, Inc.
Greenville; Gulf Atlantic Warehouse; Gulf Atlantic Warehouse Co.
Greenville; Industrial Storage Corporation Warehouse; Industrial Storage Corporation.
Greenwood; Textile Bonded Storage; Textile Bonded Storage, Inc.
Manning; United Bonded Warehouse; United Bonded Warehouse, Inc.
Newberry; Farmers Bonded Warehouse; Evelyn M. Brooks, d/b/a Farmers Bonded Warehouse.
Newberry; The Standard Warehouse; Standard Corporation.
Norway; Norway Bonded Warehouse; J. W. Williamson, Jr., H. M. Williamson, J. A. Williamson and J. S. Williamson, copartners trading as J. W. Williamson Co.
Orangeburg; The Standard Warehouse; Standard Corporation.
Spartanburg; Spartanburg Bonded Warehouses; Spartanburg Bonded Warehouses, Incorporated.
St. Matthews; Buyck Cotton Warehouse; Buyck Cotton Company, Inc.
Summerton; Sumter Bonded Warehouse No. 2; Sumter Storage Company, Incorporated.
Sumter; Rowland Warehouse; Rowland Warehouse Company.
Turbeville; East Clarendon Bonded Warehouse; East Clarendon Storage Company.
Union; Union Bonded Warehouse; H. B. Richardson, Jr.

TENNESSEE

Brownsville; Federal Compress Warehouse; Federal Compress & Warehouse Company.
Covington; Federal Compress Warehouse; Federal Compress & Warehouse Company.
Dyersburg; Federal Compress Warehouse; Federal Compress & Warehouse Company.
Five Points; Hammond Bonded Warehouse; Laura Mae Hammond.
Henderson; Henderson Compress Warehouse; Henderson Compress Company, Inc.
Jackson; Federal Compress Warehouse; Federal Compress & Warehouse Company.
Kingsport; Borden Warehouse; The Black Hawk Corporation.
Lawrenceburg; Gladish Bonded Warehouse; Martha E. Gladish.
Memphis; Gulf Atlantic Warehouse (Tri-State Plant); Gulf Atlantic Warehouse Co.
Memphis; Memphis Compress Warehouse; Memphis Compress & Storage Company.
Memphis; Memphis Compress Warehouse (Dunavant Plant); Memphis Compress & Storage Company.

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Memphis; Federal Compress Warehouse (South Memphis Plant); Federal Compress & Warehouse Company.
Milan; Milan Compress Warehouse; Milan Compress Company.
Ripley; Federal Compress Warehouse; Federal Compress & Warehouse Company.
Tiptonville; Federal Compress Warehouse; Federal Compress & Warehouse Company.

TEXAS

Abilene; Abilene Cotton Warehouse; National-Western Compress & Warehouse Co.
Ballinger; Ballinger Compress Warehouse; National Diversified Co. T/A Ballinger Compress & Warehouse Co.
Brownsville; Gulfside Warehouse; Bayside Warehouse Company.
Bryan; Bryan Compress Warehouse; Hearne Cotton Compress Company, Inc.
Cameron; Cameron Compress Warehouse; Central Texas Compress Company.
Corsicana; Corsicana Compress Warehouse; Exporters & Traders Compress & Warehouse Company.
Ennis; Ennis Compress & Warehouse Co.'s Warehouse; Ennis Compress & Warehouse Co.
Fort Stockton; Comanche Warehouse; Comanche Warehouse, Inc.
Hamlin; Hamlin Compress Warehouse; Hamlin Farmers Compress Co.
Hearne; Hearne Cotton Warehouse; Hearne Cotton Compress Company, Inc.
Hillsboro; Exporters & Traders Compress & Warehouse Company's Warehouse; Exporters & Traders Compress & Warehouse Company.
Hubbard; Hubbard Compress Warehouse; Exporters & Traders Compress & Warehouse Company.
Knox City; Knox City Cotton Warehouse; Farmers Compress Company.
Marlin; Exporters & Traders Compress & Warehouse Company's Warehouse; Exporters & Traders Compress & Warehouse Company.
Mexia; Mexia Cotton Warehouse, Exporters & Traders Compress & Warehouse Company.
Rosebud; Rosebud Cotton Warehouse; Central Texas Compress Company.
Rule; Rule Compress Warehouse; Farmers Compress Company.
San Angelo; Angelo Compress Warehouse; National Diversified Co. T/A Ballinger Compress & Warehouse Co.
Snyder; Snyder Cotton Warehouse; National-Western Compress & Warehouse Company.
Sweetwater; Sweetwater Compress Warehouse; National-Western Compress & Warehouse Co.
Temple; Temple Compress Warehouse; Temple Compress Warehouse Co.
Texarkana; Federal Compress Warehouse; Federal Compress & Warehouse Company.
Waco; Exporters & Traders Compress & Warehouse Company's Warehouse; Exporters & Traders Compress & Warehouse Company.
Waxahachie; Waxahachie Compress Warehouse; Waxahachie Compress Warehouse Co.

VIRGINIA

Brodnax; Dugger and Dugger Cotton Storage; Richmond H. Dugger, Jr., trading as Dugger and Dugger Cotton Storage.

Grain

B. For the storage of grain:

ALABAMA

Town, Warehouse, and Warehouseman

Decatur; AFC Grain Elevator; AFC Marketing Service, Inc.
Guntersville; Cargill Guntersville Elevator; Cargill, Incorporated.
Guntersville; Guntersville Plant; Allied Mills, Inc.

ARKANSAS

Altheimer; Altheimer Grain Warehouse; The Arkansas Rice Growers Cooperative Association.
Augusta; Lockhart-Thompson Elevator; Murray L. Lockhart, d/b/a Murray L. Lockhart Warehouse Co.
Blytheville; Farmers Grain Elevator; Farmers Soybean Corporation.
Bradford; White County Grain Warehouse; Riceland Foods, Inc.
Brinkley; Brinkley Warehouse; Riviana Foods, Inc.
Carlisle; Carlisle Warehouse; Riviana Foods, Inc.
Corning; Corning Rice Warehouse; The Arkansas Rice Growers Cooperative Association.
Dardanelle; Keenan Grain Elevator; Robert Keenan, d/b/a Keenan Grain Elevator.
Delaplaine; Delaplaine Grain Warehouse; The Arkansas Rice Growers Cooperative Association.
Des Arc; Des Arc Rice Warehouse; The Arkansas Rice Growers Cooperative Association.
DeWitt; C & L Rice Mill Warehouse; C & L Rice Mill, Inc.
DeWitt; Farmers Coop. Elevator; The Farmers Co-operative Elevator Company.
DeWitt; Growers Elevator; Growers Elevators, Inc.
DeWitt; Pioneer DeWitt Elevator; Pioneer Food Industries, Inc.
DeWitt; Troy Mitchell Elevator; Troy Mitchell, d/b/a Troy Mitchell Elevator.
Dumas; Dumas Rice Warehouse; The Arkansas Rice Growers Cooperative Association.
Earle; Thomason Enterprises Warehouse; T. E. Thomason, Jr., trading as Thomason Enterprises.
Elaine; Elaine Grain Warehouse; The Arkansas Rice Growers Cooperative Association.
England; Federal Drier; Federal Drier and Storage Company.
Eudora; Eudora Grain Warehouse; The Arkansas Rice Growers Cooperative Association.
Eudora; Pioneer Eudora Elevator; Pioneer Food Industries, Inc.
Evadale (P.O. Wilson); Delta Products Warehouse; Delta Products Company.
Fair Oaks; Fair Oaks Rice Warehouse; The Arkansas Rice Growers Cooperative Association.
Gibson Switch (P.O. Jonesboro); Craighead Rice Milling Company's Warehouse; Crain Company.
Gillett; Gillett Grain Warehouse; The Arkansas Rice Growers Cooperative Association.
Hazen; Bogard Seed Company Elevator; Bogard Seed Company.
Hazen; Hazen Rice Warehouse; The Arkansas Rice Growers Cooperative Association.
Helena; Helena Cotton Oil Company's Warehouse; Helena Cotton Oil Company.
Helena; Helena Grain Warehouse; Riceland Foods, Inc.
Helena; Targca Rice Warehouse; The Arkansas Rice Growers Cooperative Association.
Hickory Ridge; Hickory Ridge Rice Warehouse; The Arkansas Rice Growers Cooperative Association.
Holly Grove; Holly Grove Grain Warehouse; The Arkansas Rice Growers Cooperative Association.
Indiana Switch (P.O. DeWitt); Dixie Dryer Elevator; Pioneer Food Industries, Inc.
Jonesboro; Jonesboro Rice Warehouse; The Arkansas Rice Growers Cooperative Association.
Jonesboro; Kiech Elevator; Earl C. Kiech Elevator Company.
Lonoke; Lonoke Rice Warehouse; The Arkansas Rice Growers Cooperative Association.
Marianna; Lee County Grain Warehouse; Riceland Foods, Inc.
Marked Tree; St. Francis Valley Grain Warehouse; St. Francis Valley Seed Company.
Marvell; Marvell Grain Warehouse; The Arkansas Rice Growers Cooperative Association.
McGehee; McGehee Rice Warehouse; The Arkansas Rice Growers Cooperative Association.
Mellwood; Mellwood Grain Warehouse; The Arkansas Rice Growers Cooperative Association.
Morrilton; Stallings Brothers Elevator; Joe H. Stallings and Alan E. Stallings, copartners trading as Stallings Brothers Feed Mills.
Needham (P.O. Jonesboro); Kiech-Crofton Elevator; Kiech-Crofton Elevator Company.
North Little Rock; Bogard Seed Company Elevator; Bogard Seed Company.
Osceola; Osceola Products Warehouse; Osceola Products Company.
Parkin; East Arkansas Rice Warehouse; The Arkansas Rice Growers Cooperative Association.
Patterson; MAC Warehouse Company; G. L. Morris, trading as MAC Warehouse Company.
Penjur (P.O. Hughes); Hughes Granary Elevator; Hughes Grain Corporation.
Pine Bluff; Pioneer Pine Bluff Elevator; Pioneer Food Industries, Inc.
Proctor; Craft Elevator; Robert Craft & Son, Inc.
Rector; Graves-Parmenter Elevator; Graves-Parmenter, Inc.
Stuttgart; Acme Warehouse; Riviana Foods, Inc.
Stuttgart; Bogard Elevator; Bogard Grain and Seed Company, Inc.
Stuttgart; Hartz Elevators; Jacob Hartz Seed Co., Inc.
Stuttgart; Producers Warehouse; Producers Rice Mill, Inc.
Stuttgart; Stuttgart Grain Warehouse, Riceland Foods, Inc.
Stuttgart; Stuttgart Rice Warehouse; The Arkansas Rice Growers Cooperative Association.
Tichnor; Tichnor Drier; Tichnor Drier and Storage, Inc.
Tuckerman; Tuckerman Rice Warehouse; The Arkansas Rice Growers Cooperative Association.
Van Buren; Van Buren Soybean Processing Plant; Farmland Industries, Inc.
Waldenburg; Waldenburg Warehouse; Riviana Foods, Inc.
Weiner; Weiner Rice Warehouse; The Arkansas Rice Growers Cooperative Association.
Wheatley; Wheatley Rice Warehouse; The Arkansas Rice Growers Cooperative Association.
Wilmot; Pioneer Wilmot Elevator; Pioneer Food Industries, Inc.
Wynne; Gibbs & Harris Rice Drier; Gibbs & Harris Rice Drier, Inc.

CALIFORNIA

Berenda; Valley Grain Drier Warehouse; Valley Grain Drier, Inc.
Colton; Producers Elevator; Producers Grain Corporation.
East Los Angeles; Pillsbury-Globe Elevator; The Pillsbury Company.
French Camp; Continental Elevator; Continental Grain Company.
Lemoore; Continental Elevator; Continental Grain Company.
Long Beach; Koppel Bulk Terminal; Koppel Bulk Terminal.
Saco Siding (P.O. Bakersfield); Continental Elevator; Continental Grain Company.
San Diego; San Diego Bulk Terminal; San Diego Bulk Terminal, a copartnership under the laws of California, copartners are Gary C. Aden, Charles Edward Boyd II, Charles H. Chayney, James O. Hewitt, Garland M. Lasater, Jr., Richard E. Martin, Vincent Moore, S. Frederick Price, James P. Vernetti and James H. West.
San Francisco; Port of San Francisco Grain Terminal; Stockton Elevators.
Stockton; Stockton Elevators; Stockton Elevators.
West Sacramento; Port of West Sacramento Grain Terminal; Cargill of California, Inc.
Williams; De Fue Warehouse; De Fue Warehouse Company.
Willows; Willows Rice Drier & Storage Company Warehouse; Pacific International Rice Mills, Inc.
Woodland; Sunset Rice Dryer Warehouse; Pacific International Rice Mills, Inc.

COLORADO

Akron; Farmers Elevator; The Yuma Farmers Milling-Mercantile Co-operative Company of Yuma, Colorado.
Amherst; Farmers Elevator; Amherst Co-operative Elevator, Inc.
Bristol; Bristol Elevator; South Eastern Colorado Coop.
Burlington; Equity Elevator; Equity Co-operative Exchange.
Burlington; Mueller Grain Co.; Iron Mueller, Inc.
Byers; Farmers Marketing Elevator; Farmers Marketing Association.
Campo; Stafford Elevator; Van Stafford.
Denver; Cargill Denver Elevator; Cargill, Incorporated.
Denver; Far-Mar-Co Denver Elevator; Far-Mar-Co, Inc.
Dove Creek; Dove Creek Bean & Elevator Co. Warehouse; Dove Creek Bean & Elevator Co.
Dove Creek; Romer Warehouse; David L. Corlett and Jean R. Corlett, copartners trading as Romer Mercantile and Grain Co.
Flagler; Flagler Equity Elevator; The Flagler Equity Co-Operative Company.
Holly; Southeastern Colorado Co-op Elevator; South Eastern Colorado Coop.
Holyoke; Holyoke Cooperative Elevator; Holyoke Cooperative Association.
Hyde (P.O. Otis); Farmers Elevator; The Yuma Farmers Milling-Mercantile Co-Operative Co. of Yuma, Colorado.
Lamar; Southeastern Colorado Co-op Elevator; South Eastern Colorado Coop.
Otis; Washington County Grain Company, Division Elevator; Rickel, Inc.
Peetz; Farmers Co-op. Elevators; The Peetz Farmers Co-operative Company.
Roggen; Roggen Farmer's Elevator; Roggen Farmer's Elevator Association.
Seibert; Co-op Elevator; The Seibert Equity Cooperative Association.
Stratton; Co-op Elevator; The Stratton Equity Cooperative Company.
Vilas; Vilas Elevator; Vilas Grain Company.
Watkins; Watkins Elevator; Watkins Elevator, Inc.
Wray; Farmers Union Elevator; The Farmers Union Cooperative Elevator Company.
Yuma; Farmers Elevator; The Yuma Farmers Milling-Mercantile Co-Operative Company of Yuma, Colorado.

FLORIDA

Live Oak; Gold Kist Grain Elevator; Gold Kist, Inc.

GEORGIA

Gainesville; Cargill Gainesville Elevator; Cargill, Incorporated.

IDAHO

American Falls; Power County Grain Growers Warehouse; Power County Grain Growers, Inc.
Bancroft; Grain Growers Warehouse; Bancroft Grain Growers, Inc.
Cottonwood; Lewiston Grain Growers Warehouse; Lewiston Grain Growers, Inc.
Craigmont; Lewiston Grain Growers Warehouse; Lewiston Grain Growers, Inc.
Downey; Grain Growers Warehouse; Farmers Grain Cooperative.
Drummond; Grain Growers Warehouse; Farmers Grain Cooperative.
Fairfield; Grain Growers Warehouse; Camas Prairie Grain Growers, Inc.
Grace; Grain Growers Warehouse; Farmers Grain Cooperative.
Grangeville; Union Warehouse & Supply Company's Warehouse; Union Warehouse & Supply Co.
Greer; Nezperce Rochdale Warehouse; Nezperce Rochdale Company.
Jerome; Marshall Warehouse; Marshall Warehouses, Inc.
Kendrick; Lewiston Grain Growers Warehouse; Lewiston Grain Growers, Inc.
Kennedy Ford; Latah County Grain Growers Warehouse; Latah County Grain Growers, Inc.
Lamont; Grain Growers Warehouse; Farmers Grain Cooperative.
Lewiston; Lewiston Grain Growers Warehouse; Lewiston Grain Growers, Inc.
McCammon; Grain Growers Warehouse; Farmers Grain Cooperative.
Malad; Grain Growers Warehouse; Oneida County Grain Growers, Inc.
Michaud; Power County Grain Growers Warehouse; Power County Grain Growers, Inc.
Moreland; Shields of Blackfoot Warehouse; Shields of Blackfoot, Inc.
Moscow; Dumas Seed Company Warehouse; Dumas Seed Company.
Moscow; Latah County Grain Growers Warehouse; Latah County Grain Growers, Inc.
Nezperce; Nezperce Rochdale Warehouse; Nezperce Rochdale Company.
Nezperce; Nezperce Storage Co.; Nezperce Storage Co.
Ririe; Grain Growers Warehouse; Ririe Grain and Feed Cooperative, Inc.
Soda Springs; Grain Growers Warehouse; Farmers Grain Cooperative.
Soda Springs; Soda Springs Elevator; Soda Springs Elevator, Inc.
Talmage; Grain Growers Warehouse; Farmers Grain Cooperative.
Tetonia; Grain Growers Warehouse; Farmers Grain Cooperative.
Weston; Grain Growers Warehouse; Farmers Grain Cooperative.
Worley; Rockford Grain Growers Warehouse; Rockford Grain Growers, Inc.

ILLINOIS

Adrian; Adrian Elevator; Hancock Grain Company.
Albany; Bunge Corporation Albany Grain Terminal; Bunge Corporation.
Alhambra; Alhambra & Marine Elevators; Madison Service Company.
Alton; Terminal Operations; Peavey Company.
Alvin; Alvin Elevator; Jack Conard, trading as Conard Grain Company.
Amboy; Amboy Elevators; Lee FS Inc.
Anchor; Anchor Elevator; Anchor Grain Company.
Andres (P.O. Peotone); Andres Elevator; Andres & Wilton Farmers Grain & Supply Co.
Armington; Hittle Elevator; Atkinson Grain & Fertilizer, Inc.
Ashland; Ashland Elevator; Ashland Farmers Elevator Co.
Ashton; M. L. Ewing Grain Co.; M. L. Ewing, trading as M. L. Ewing Grain Co.
Assumption; Assumption Elevators; Assumption Cooperative Grain Company.
Atkinson; Atkinson Elevator; Atkinson Grain & Fertilizer, Inc.
Atlanta; Atlanta Elevator; F. L. Douglas & Co.
Atwood; Atwood Elevator; Atwood Grain and Supply Co.
Auburn; W. E. Shutt Elevator; Girard Elevator, Inc.
Barr Station (P.O. Athens); Amac Barr Elevator; Amac, Inc.
Bartonville; Allied Mills Peoria Elevator; Allied Mills, Inc.
Beardstown; Farmers Terminal Elevator; Farmers Terminal Grain Co.
Bellflower; Bellflower Elevator; Foceland Grain Co.
Bement; Farmers Elevator; Bement Grain Company.
Bethany; The Bethany Grain Company Elevator; The Bethany Grain Company.
Bismarck; Bismarck Grain Co. Elevator; Bismarck Grain Co., Inc.
Blandinsville; King Feed Company Elevator; King Feed Company.
Bloomington; Hasenwinkle Elevator; Hasenwinkle Grain Co.
Bourbon; Ulirich Grain Co. Elevator; Harvey C. Ulirich, trading as Ulirich Grain Co.
Bradford; Bradford & Lombardville Elevators; Bradford Bonded Grain Company.
Brocton; Brocton Elevator; Agre Grain Company.
Broughton; L. S. Harper Grain Co. Elevator; B. C. Christopher & Company, a limited partnership with Hearne Christopher, John H. Collett, Edward G. Mader, Lawrence P. Hogan, Lowell H. Listrom, Norman Supper, Ludwell G. Gaines III, Robert F. Wilson, Philipp Kuhn, William L. Evans, Jr., Donald F. George and Edward A. Connelly.
Bushnell; Bushnell O.K. Elevator; O.K. Grain Company.
Cadwell (P.O. Arthur); Cadwell Elevator; Moultrie Grain Association.
Cairo; Mikco Grain Co. Elevator; Bunge Corporation trading as Mikco Grain Co.
Camargo; Villa Grove Farmers Elevator; Villa Grove Farmers Elevator Company.
Campus; Hamilton Elevator; Hamilton Elevator Company.
Cayuga (R.R. No. 3, Pontiac); Cayuga Elevator; Jacobson Grain Co.
Centerville Township; Cargill East St. Louis Elevator "R"; Cargill Incorporated.
Chebanse; Hansen Bros. Grain Elevator; Arthur L. Hansen, Orval Hansen, Louie V. Hansen, Vincent Hansen, Laverne Hansen, and Virgil Hansen, Copartners, trading as Clifton Grain Co. at Clifton, Illinois, and Hansen Bros. Grain Elevator at Chebanse, Illinois.
Chestnut; Chestnut Elevator; The Farmers Grain Company of Chestnut.
Chicago; Belt Elevator; Carey Grain Corporation.
Chicago; Calumet Elevators; Dixie Portland Flour Mills, Inc.
Chicago; The Cargill Elevator; Cargill, Incorporated.
Chicago; Continental Elevator C; Continental Grain Company.
Chicago; Continental Elevators; Continental Grain Company.
Chicago; Garvey Rock Island Elevator; Garvey Grain, Inc.
Chicago; Gateway Elevator; Indiana Farm Bureau Cooperative Association, Inc.
Chicago; Sante Fe Elevator; Garvey Grain, Inc.
Chrisman; B. C. Christopher & Co. Elevator; B. C. Christopher & Company, a limited partnership with Hearne Christopher, John H. Collett, Edward G. Mader, Lawrence P. Hogan, Lowell H. Listrom, Norman Supper, Ludwell G. Gaines III, Robert F. Wilson, Philipp Kuhn, William L. Evans, Jr., Donald F. George and Edward A. Connelly.
Cisco; Cisco Grain Elevator; Cisco Cooperative Grain Co.
Clarence (P.O. Rankin); Carson Grain Co. Elevator; J. Kemp Carson and John M. Carson, copartners, trading as Carson Grain Co.
Clifton; Clifton Grain Elevator; Arthur L. Hansen, Orval Hansen, Louie V. Hansen, Vincent Hansen, Laverne Hansen, and Virgil Hansen, copartners, trading as Clifton Grain Co. at Clifton, Illinois, and Hansen Bros. Grain Elevator at Chebanse, Illinois.

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Compton; Torri Grain Company Elevator; A. J. Torri, Joseph A. Torri, and Q. J. Torri, copartners, trading as Torri Grain Company.

Creve Coeur; Illinois Grain Corporation, Creve Coeur Elevator; Illinois Grain Corporation.

Cruger (R.R. 1, Eureka); Farmers Elevators; Farmers Grain Cooperative of Eureka.

Culver Station (P.O. Athens); Culver Elevator; Culver-Fancy Prairie Cooperative Co.

Dalton City; Farmers Co-op Grain Co. Elevator; Farmers Co-operative Grain Company of Dalton City.

Danville; Lauhoff Elevator; Lauhoff Grain Company.

Darrow (P.O. Sheldon); Darrow Elevator; Woodland-Darrow Farmers Co-operative, Inc.

Deer Grove; Cady Elevator; Cady Grain Co., Inc.

Deer Grove (R.R. No. 1); Hahnaman Station Elevator; Hahnaman Elevator, Inc.

DeLand; DeLand Farmer's Elevators; DeLand Farmer's Cooperative Grain Company.

Delavan; Delavan Elevator; Delavan Cooperative Elevator Co.

De Soto; B. C. Christopher & Co. Elevator; B. C. Christopher & Company, a limited partnership with Hearne Christopher, John H. Collett, Edward G. Mader, Lawrence P. Hogan, Lowell H. Listrom, Norman Supper, Ludwell G. Gaines III, Robert F. Wilson, Philipp Kuhn, William L. Evans, Jr., Donald F. George and Edward A. Connelly.

Dorans (P.O. Mattoon); Dorans Elevator; Farmers Grain Company of Dorans.

Downs; Hasenwinkle Elevator; Hasenwinkle Grain Co.

Dwight; Jacobson Elevator; John E. Jacobson, trading as John Jacobson Grain.

Dwight Township (P.O. Dwight); Jacobson Terminal; Jacobson Seaway Grain Terminal Company.

Earlville; Earlville Farmers' Co-operative Elevator; Earlville Farmers' Co-operative Elevator Company.

East Hannibal (P.O. Hannibal, Missouri); Bunge Corporation East Hannibal Grain Terminal; Bunge Corporation.

East Peoria; East Peoria Elevator, Tabor & Co.; Tabor & Co.

East St. Louis; Continental Elevator; Continental Grain Company.

East St. Louis; National Oats Elevator; National Oats Company, Inc.

Edinburg; Rink & Scheib Elevator; Rink & Scheib, Inc.

Edwardsville; Dippold Elevator; H. B. Stubbs, trading as Dippold Bros.

Edwardsville; Edwardsville Elevator; Madison Service Company.

Effingham; Effingham Equity Elevator; Effingham Equity.

Eldorado; W. J. Meyer Elevator—Eldorado; B. C. Christopher & Company, A Limited Partnership. General partners are Hearne Christopher, John H. Collett, Edward G. Mader, Lawrence P. Hogan, Lowell H. Listrom, Norman Supper, Ludwell G. Gaines III, Robert F. Wilson, Philipp Kuhn, William L. Evans, Jr., Donald F. George and Edward A. Connelly.

Elliott; Elliott Farmers Grain Company Elevator; Elliott Farmers Grain Company.

El Paso; El Paso Elevator; El Paso Grain & Equipment Inc.

Elburn; Elburn Co-op; Elburn Cooperative Company.

Emery (P.O. Maroa); B. C. Christopher & Co.—Dewein Elevator; B. C. Christopher & Company, a limited partnership with Hearne Christopher, John H. Collett, Edward G. Mader, Lawrence P. Hogan, Lowell H. Listrom, Norman Supper, Ludwell G. Gaines III, Robert F. Wilson, Philipp Kuhn, William L. Evans, Jr., Donald F. George and Edward A. Connelly.

Enright (R.R. 1, El Paso); Enright Elevator; El Paso Grain & Equipment Inc.

Erie; Erie Elevator; Whiteside FS, Inc.

Esmond; Esmond Elevator; Farmers' Grain Company of Esmond.

Fairbury; Farmers Grain Elevator; Farmers Grain Co. of Fairbury.

Fancy Prairie; Fancy Prairie Elevator; Culver-Fancy Prairie Cooperative Co.

Farmer City; Mitsul Elevator; Pacific Grain Co.

Fisher; Fisher Elevator; Fisher Farmers Grain and Coal Company.

Fithian; Fithian Elevator; Kenneth W. Stotler, Howard A. Stotler and Ronald B. Izard, Copartners trading as Fithian Grain Company.

Foosland; Foosland Elevator; Foosland Grain Co.

Forreston (RR1); Vet-Way Feeds; Turner-Hollewell Corporation.

Franklin Grove; Herbst Grain Co. Elevator; Herbst Grain Company.

Galesburg; Consumers; W. J. Krupps, John M. Sutor and George M. Sutor, Copartners, trading as Consumers' Grain and Supply Company.

Galva; Galva Elevator; Galva Co-operative Grain and Supply Company.

Georgetown; B. C. Christopher & Co. Elevator; B. C. Christopher & Company, a limited partnership with Hearne Christopher, John H. Collett, Edward G. Mader, Lawrence P. Hogan, Lowell H. Listrom, Norman Supper, Ludwell G. Gaines III, Robert F. Wilson, Philipp Kuhn, William L. Evans, Jr., Donald F. George and Edward A. Connelly.

Gibson City; Farmers Elevator; The Farmers Grain Co. of Gibson City.

Gilman; Continental Elevator; Continental Grain Company.

Girard; Girard Elevator; Girard Elevator, Inc.

Gladstone; Gulfport River Terminal & Gladstone Warehouses; Gladstone Grain Co.

Goodwine; Goodwine Co-operative Grain Co. Elevator; Goodwine Co-operative Grain Company.

Grant Park; Grant Park Elevator; Grant Park Co-operative Grain Co.

Gridley; Gridley Elevator; Garvey Grain, Inc.

Hampshire; Hampshire Elevator; Gerstenberg and Tucker, Inc.

Hardin; Hardin Elevator; Jersey County Grain Company.

Harmon; Albrecht Elevator; Albrecht Grain Company.

Harpster (P.O. Foosland); Harpster Elevator; Harpster Grain Co.

Harris (P.O. Farmers City); Tabor & Co. Harris Station; Tabor & Co.

Henkel (P.O. Mendota); Henkel Grain Co.; Henkel Grain Co., Inc.

Heyworth; Hasenwinkle Elevator; Hasenwinkle Grain Co.

Homer; Homer Elevators; Homer Grain Company.

Honegger (P.O. Fairbury); Fairbury Elevator; Honeggers' & Co., Inc.

Hudson; Hudson Elevator; Hudson Grain Company.

Hull; M.F.A. Elevator; Missouri Farmers Association, Inc.

Illiopolis; Illiopolis Grain Co. Elevator; Illiopolis Grain Co.

Iroquois; Iroquois Farmers Elevator; Iroquois Farmers Elevator.

Ivesdale; Ivesdale Elevator; Ivesdale Co-op Grain Company.

Jamaica (R.R. 1, Fairmount); Farmers Elevator; Farmers' Elevator Company of Jamaica, Illinois.

Jerseyville; Jerseyville Elevators; Jersey County Grain Company.

Kane; Kane Elevator; Jersey County Grain Company.

Kaneville; Kaneville Elevator; Kaneville Grain and Supply Company.

Kankakee; Kankakee Elevator; A. L. Book, trading as A. L. Book & Co.

Kenney; Kenney Elevator; F. L. Douglas & Co.

Kerrick (R.F.D. 1 Normal); Kerrick Elevator; Kerrick Grain, Inc.

Ladd; Ladd Elevator; The Ladd Elevator Company.

Lee; Schaefer Elevator; H. R. Schaefer Grain Co., Inc.

Leroy; Hasenwinkle Elevator; Hasenwinkle Grain Co.

Lexington; Kemp Elevator; Kemp Grain Co.

Lisbon Center (P.O. Newark); Lisbon Center Elevator; Farmers Cooperative Grain & Supply Co. of Lisbon Center.

Loami; Loami Elevator; Loami Grain Company, Inc.

Lostant; Tabor Elevator; Tabor & Co.

Lovington; Lovington Elevator; Moultrie Grain Association.

Ludlow; Ludlow Elevators; Ludlow Cooperative Elevator Company.

Macon; Macon Elevator; Macon Grain Company.

Mahomet; James F. Parker Co. Elevator; James F. Parker Co.

Mansfield; Mansfield Grain Co.; Chester Kirk, trading as Mansfield Grain Co.

Manteno; Farmers Elevator; Farmers Elevator Company of Manteno.

Marengo; Central Grain Co. Elevator; Central Commodities, Ltd.

Maroa; Maroa Farmers Coop. Elevator; Maroa Farmers Cooperative Elevator Company.

Mason City; Tabor & Co. Mason City Elevator; Tabor & Co.

McNabb; McNabb Elevator; McNabb Grain Company.

Meadows; Meadows Elevator; Meadows Co-operative Company.

Mechanicsburg; Mechanicaburg Elevator; Mechanicaburg Farmers Grain Co.

Mendota; Fasco Elevator; Fasco Mills Company.

Meriden (P.O. Mendota); Meriden Elevator; Henkel Grain Co., Inc.

Metcalf; Metcalf Elevator; Agre Grain Company.

Milmine; Milmine Farmers Elevator; Milmine Grain Company.

Minier; Minier Cooperative Elevator; Minier Cooperative Grain Company.

Minooka; Minooka Elevator; The Minooka Grain, Lumber and Supply Company.

Monticello; Monticello Elevator; Monticello Grain Company.

Morrisonville; Morrisonville-Harvel Farmers Elevator; The Morrisonville Farmers Co-operative Co.

Mulkeytown; Southern Grain Co.; B. C. Christopher & Company, a limited partnership with Hearne Christopher, John H. Collett, Edward G. Mader, Lawrence P. Hogan, Lowell H. Listrom, Norman Supper, Ludwell G. Gaines III, Robert F. Wilson, Philipp Kuhn, William L. Evans, Jr., Donald F. George and Edward A. Connelly.

Murphysboro; B. C. Christopher & Co. Elevator; B. C. Christopher & Company, a limited partnership with Hearne Christopher, John H. Collett, Edward G. Mader, Lawrence P. Hogan, Lowell H. Listrom, Norman Supper, Ludwell G. Gaines III, Robert F. Wilson, Philipp Kuhn, William L. Evans, Jr., Donald F. George and Edward A. Connelly.

Myra Station (R.R. 3 Urbana); B. C. Christopher & Co. Elevator; B. C. Christopher & Company, a limited partnership with Hearne Christopher, John H. Collett, Edward G. Mader, Lawrence P. Hogan, Lowell H. Listrom, Norman Supper, Ludwell G. Gaines III, Robert F. Wilson, Philipp Kuhn, William L. Evans, Jr., Donald F. George and Edward A. Connelly.

Mt. Auburn; Tabor & Co.; Mt. Auburn Elevator; Tabor & Co.

Mt. Carroll; Johnston Feed Service; Johnston Feed Service, Inc.

Newman; Miller Grain Co. Elevator; Miller Grain Co.

Niantic; Niantic Farmers Elevators; Niantic Farmers Grain Company.

Oakland; Miller Grain Co. Elevator; Miller Grain Co.

Ogden; Ogden Grain Co. Elevator; E. Z. Spread Fertilizer Company, trading as Ogden Grain Company.

Old Shawneetown (R.R. 1, Shawneetown); Bunge Corporation Shawneetown Grain Terminal; Bunge Corporation.

Olive Branch; B. C. Christopher & Company Elevator; B. C. Christopher & Company, a limited partnership with Hearne Christopher, John H. Collett, Edward G. Mader, Lawrence P. Hogan, Lowell H. Listrom, Norman Supper, Ludwell G. Gaines III, Robert F. Wilson, Philipp Kuhn, William L. Evans, Jr., Donald F. George and Edward A. Connelly.

Orleans (R.R. 1, Alexander); Orleans Farmers Elevators; Farmers Terminal Grain Co.

Paris; Adams Elevator; Agre Grain Company.

Paris; Paris Elevator; Illinois Cereal Mills, Inc.

Parnell (R.R. 2, Farmer City); Walsh Grain Elevator; Walsh Grain Elevator, Inc.

Peoria; Riverside Elevator; Riverside Elevator Co.

Perdueville (P.O. Paxton); Perdueville Elevator; Ludlow Cooperative Elevator Company.

Pesotum; Pesotum Elevator; Janet Horton Boyer, Fred G. Boyer and Mary Martha Messmore Copartners trading as Pesotum Grain Company.

Petersburg; Amac Petersburg Elevator; Amac, Inc.

Pittsfield; King Elevator; M. D. King Milling Company.

Pittwood (R.R. No. 4 Watseka); Gillespie Grain Co.; Clyde W. Gillespie, trading as Gillespie Grain Co.

Polo; Olsen Elevator; Axel Olsen, Jr. and Edward Olsen, copartners, trading as Olsen's Elevator and Feeds.

Pontiac; Pontiac Elevator; Jacobson Grain Co.

Poplar Grove; McLay Elevator; McLay Grain Company.

Redmon; English Elevator; Edward English, trading as English Grain Company.

Ridge Farm; B. C. Christopher & Co. Elevator; B. C. Christopher & Company, a limited partnership with Hearne Christopher, John H. Collett, Edward G. Mader, Lawrence P. Hogan, Lowell H. Listrom, Norman Supper, Ludwell G. Gaines III, Robert F. Wilson, Philipp Kuhn, William L. Evans, Jr., Donald F. George and Edward A. Connelly.

Roberts; Hicks Grain Terminals; Hicks Grain Terminals, Inc.

Rochelle (R.R. 1); Maplehurst Farms Elevator; L. D. Carmichael, trading as Maplehurst Farms.

Rowe (R.R. No. 3, Pontiac); Rowe-Cornell Elevators; Jacobson Grain Co.

Sadorus; Sadorus Co-op Elevators; Sadorus Co-operative Elevator Co.

St. Jacob; St. Jacob Elevator; Toberman Grain Company.

Secor; Secor Elevator; The Secor Elevator Company.

Serena; Serena Elevator; La Salle County Farm Supply Company.

Shawneetown; T. Y. Williams Grain & Seed Co. Elevator; B. C. Christopher & Company, a limited partnership with Hearne Chrisopher, John H. Collett, Edward G. Mader, Lawrence P. Hogan, Lowell H. Listrom, Norman Supper, Ludwell G. Gaines III, Robert F. Wilson, Philipp Kuhn, William L. Evans, Jr., Donald F. George and Edward A. Connelly.

Sheldon; Sheldon Elevator; The Early and Daniel Company.

Shipman; Shipman Elevator; Shipman Elevator Company.

Sibley; Sibley Grain Company Elevator; The Sibley Grain Company.

Sibley; Sibley Complete Feed & Grain Service Elevator; The Sibley Farms Service Corporation.

Sidell; B. C. Christopher & Co. Elevator; B. C. Christopher & Company, a limited partnership with Hearne Christopher, John H. Collett, Edward G. Mader, Lawrence P. Hogan, Lowell H. Listrom, Norman Supper, Ludwell G. Gaines III, Robert F. Wilson, Philipp Kuhn, William L. Evans, Jr., Donald F. George and Edward A. Connelly.

Smithshire; Twomey Company; Twomey Company.

South Beloit; Elevator B; Beloit Grain Company.

State Line;[1] State Line Elevator; State Line Elevator, Inc.

Sterling; Sterling-Galt Elevators; Whiteside FS, Inc.

Steward; Steward Elevators; Lee FS Inc.

Stillman Valley; Griffith Lumber Co. Stillman Valley Elevator; Stanwood C. Griffith, trading as Griffith Lumber Co.

Stockland; Stockland Elevator; Stockland Grain Company, Inc.

Stonington; Stonington Cooperative Grain Company Elevator; Stonington Cooperative Grain Company.

Strawn; Strawn Warehouses; Honeggers' & Co. Inc.

Sullivan; Sullivan Elevator; Sullivan Grain Company.

Symerton (P.O. Wilmington); Symerton Elevator; Will-DuPage Service Company.

Tallula; Tabor & Co.; Tallula Elevator; Tabor & Co.

Taylorville; Allied Mills Taylorville Elevator; Allied Mills, Inc.

Taylorville; Wayne Feed Supply Co. Elevator; Allied Mills, Inc.

Thomasboro; Thomasboro Grain Co. Elevator; Thomasboro Grain Co.

Thomasville (P.O. Farmersville); Thomasville Elevator; Girard Elevator, Inc.

Tolono, R.R. 2; Apex Terminal Warehouses; Apex Terminal Warehouses Inc.

Tolono; Tolono Elevator; Savoy Grain Company.

Tomlinson (P.O. Rantoul); B. C. Christopher & Co. Elevator; B. C. Christopher & Company, a limited partnership with Hearne Christopher, John H. Collett, Edward C. Mader, Lawrence P. Hogan, Lowell H. Listrom, Norman Supper, Ludwell G. Gaines III, Robert F. Wilson, Philipp Kuhn, William L. Evans, Jr., Donald F. George and Edward A. Connelly.

Trenton; Trenton Farmers Elevator; Trenton Cooperative Equity Exchange.

Union (P.O. Emden); Union Elevator; F. L. Douglas & Co.

Ursa; Ursa Elevator; Ursa Farmers Co-operative Company.

Villa Grove; Villa Grove Farmers Elevators; Villa Grove Farmers Elevator Company.

Waggoner; Waggoner Elevator; Girard Elevator, Inc.

Walton (R.R. 2, Dixon); Walton Elevator; Walton Elevator Company.

Wapella; Hasenwinkle Elevator; Hasenwinkle Grain Co.

Warsaw; Warsaw Elevator; Hancock Grain Company.

Watkins (P.O. Farmer City); Watkins Elevator; Weedman Grain and Coal Company.

Weedman (R.R. 1, Farmer City); Weedman Elevator; Weedman Grain and Coal Company.

Weldon; Weldon Grain Co. Elevator; Weldon Co-operative Grain Company.

Wenona; Tabor & Co.—Wenona; Tabor & Co.

West Brooklyn; West Brooklyn Elevator; West Brooklyn Farmers Co-operative Co.

[1] In Illinois and Indiana.

Wilton (P.O. Manhattan); Wilton Elevator; Andres & Wilton Farmers Grain & Supply Co.

Windsor; Neal-Cooper Grain Co. Elevator; Neal-Cooper Grain Co.

Winnebago; W. T. Berg Elevator; Beloit Grain Company.

Woodford (P.O. Minouk); Woodford Elevator; Garvey Grain, Inc.

Wyanet; Wyanet Elevator; Carl Lavern Barker, trading as Barker Milling and Grain Co.

Yuton (R.R. 4, Bloomington); McLean County Service Co., Elevator; McLean County Service Company.

INDIANA

Amboy; Amboy Elevator; Amboy Grain Co., Inc.

Brookston; Brookston Elevators; Donald G. Brouillette, trading as Brookston Grain Co.

Burlington; Star Elevator; Star Roller Mills Corporation.

Burnettsville; Burnettsville Elevator; Allison, Steinhart & Zook, Inc.

Camden; Camden Elevator; Allison, Steinhart & Zook, Inc.

Camden (R.R. No. 1); Triangle Feeds, Inc. Elevator; Triangle Feeds, Inc.

Carlisle; Sprinkle Elevator; Ralph Sprinkle trading as Sprinkle Elevator.

Dunn (R.R. No. 2 Fowler); Dunn Grain Elevator; Dunn Grain Elevators, Inc.

Earl Park; York-Richland Grain Elevator; York-Richland Grain Elevators, Inc.

East Chicago (Indiana Harbor); The New York Central Elevator; Farmers Grain Dealers Association of Iowa (Cooperative).

Edinburg (R.R. No. 1); Durham Road Elevator; Community Grain, Inc.

Emporia (R.R. 1, Markleville); Emporia Elevator; Edwin O. Pasko and Elmer G. Pasko, copartners trading as Emporia Elevator Company.

Falmouth; Falmouth Elevator; Falmouth Farm Supply, Inc.

Flora; Flora Elevator; Allison, Steinhart & Zook, Inc.

Fowler (R.R. 1); Lochiel Elevator; Lochiel Elevator Co., Inc.

Franklin; R.R. 2; Norton Grain Elevator; Crystal Springs Grain Corporation.

Free (R.R. 2, Fowler); Free Grain Elevator; Watland Farms, Inc., trading as Free Grain Company.

Graham Siding (R.D. No. 1, Washington); Graham Elevator; Graham Brothers, Inc.

Hedrick; Hedrick Elevator; Jack Conard, trading as Conard Grain Company.

Indianapolis; Acme-Evans Elevator; General Grain, Inc.

Indianapolis; Beech Grove Elevator; The Early and Daniel Company.

Kirklin; Moore-Costlow Elevator; Moore-Costlow, Inc.

Kokomo; Kokomo Elevator; Kokomo Grain and Feed Co. Inc.

Ligonier; Lyon and Greenleaf Elevator; Lyon and Greenleaf Company, Incorporated

Lyons; Sprinkle Elevator; Ralph Sprinkle, trading as Sprinkle Elevator.

Manilla; Manilla Grain Co. Elevator; Manilla Grain Co., Inc.

Marshfield; Marshfield Elevator; Jack Conard, trading as Conard Grain Company.

Morristown; Morristown Elevator; Morristown Elevator Co., Inc.

Mount Ayr; Grow Elevator; Grow Farms Grain Corporation.

New Haven; Allen County Grain & Storage; Central States Grain Co., Inc.

New Market; Layne & Myers Elevator; Priscilla Opal Layne, Leland Eugene Layne, David L. Myers, and Lorinda Jane Myers, copartners, trading as Layne & Myers Grain Co.

Noblesville; Noblesville Elevator; Hamilton County Farm Bureau Co-Operative Association, Inc.

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Peru; Canal Elevator; Allison, Steinhart & Zook, Inc.
Pinola (R.R. #1 La Porte); Pinola Elevator; Pinola Elevator Co., Inc.
Portland; Haynes Soy Elevator; Haynes Milling Co., Inc.
Raub; Raub Elevator; Raub Grain, Inc.
Reynolds; Pillsbury Reynolds Elevator; The Pillsbury Company.
Schneider; Indiana Grain Exporters; Mid-West Land and Cattle Corporation.
Shideler (R.R. 1, Eaton); Shideler Grain Co. Elevator; Fritz G. Schnepf, Jr., trading as Shideler Grain Co.
State Line;[1] State Line Elevator; State Line Elevators, Inc.
Sullivan; Johnson Mill & Elevator; Sherell W. Johnson, Sr. and Sherell W. Johnson, Jr., copartners, trading as Johnson Feed & Supply Company.
Thorntown; Sugar Creek Elevator; Allison, Steinhart & Zook, Inc.
Vincennes; Baltic Mills, Inc. Elevator; Baltic Mills, Inc.

Iowa

Adair; Adair Elevator; Adair Feed and Grain Co.
Albert City; Farmers Elevators; Farmers Cooperative Elevator Company.
Albion; Albion Elevator; Haverhill Elevator, Inc.
Algona; Cargill Algona Elevator; Cargill, Incorporated.
Alta; Alta Cooperative Elevator; Alta Cooperative Elevator.
Alta; Cargill Alta Elevator; Cargill, Incorporated.
Alton; Farmers Cooperative Elevator; Farmers Mutual Cooperative Company.
Altoona; Farmers Elevator; Farmers Elevator Company.
Anita; Anita Elevator; Anita Feed Service, Inc.
Aurelia; Farmers Elevator; Farmers Cooperative Company.
Barnum; Barnum Elevator; Wieston Grain Company, Incorporated.
Beaver; Cargill Beaver Elevator; Cargill, Incorporated.
Blanchard; Farmers Coop Elevator; Farmers Cooperative Elevator Company.
Blencoe; Farmers Elevators; Blencoe Cooperative Company.
Blockton; MFA Exchange Elevator; Missouri Farmers Association, Inc.
Bondurant; Farmers Elevator "B"; Farmers Elevator Company.
Booneville; Booneville Coop.; Booneville Cooperative Elevator Co.
Boyden; Farmers Elevator; Farmers Cooperative Association.
Burlington; Burlington & Mississippi Elevator; ADM Grain Co.
California Junction (P.O. Missouri Valley); Loveland Elevator; B. C. Christopher & Company, a limited partnership with Hearne Christopher, John H. Collett, Edward G. Mader, Lawrence P. Hogan, Lowell H. Listrom, Norman Supper, Ludwell G. Gaines III, Robert F. Wilson, Philipp Kuhn, William L. Evans, Jr., Donald F. George and Edward A. Connelly.
Carnes; Farmers Cooperative Elevator; Farmers Mutual Cooperative Company.
Carpenter; Northwood Co-op Elevator; Northwood Cooperative Elevator.
Cedar Rapids; Cargill Cedar Rapids Elevator; Cargill, Incorporated.
Cedar Rapids; Cargill Cedar Rapids East Elevator; Cargill, Incorporated.
Chariton; Chariton Feed and Grain Elevator; Chariton Feed and Grain, Inc.
Chariton; Farmers Elevator; Farmers Cooperative Association.
Cherokee; Farmers Elevator; Farmers Cooperative Company, of Cleghorn, Iowa.

[1] In Illinois and Indiana.

Clarion; Farmers Elevators; Clarion Farmers Elevator Cooperative.
Clearfield; MFA Exchange Elevator; Missouri Farmers Association, Inc.
Cleghorn; Farmers Elevators; Farmers Cooperative Company, of Cleghorn, Iowa.
Coburg; Johnson Bros. Elevator, Johnson Bros. Mills, Inc.
Conroy; Farmers Coop Elevator; Farmers Cooperative Grain and Lumber Company.
Cooper; Milligan Elevators; Milligan Bros. Grain Co.
Council Bluffs; Scoular-Welsh Council Bluffs Elevator; Scoular-Welsh Grain Co.
Council Bluffs; Bartlett Elevator; Bartlett and Company Grain.
Council Bluffs; Cargill Council Bluffs Elevator; Cargill, Incorporated.
Council Bluffs; Omaha Elevator A; Hawkeye Elevator Company.
Council Bluffs; Pillsbury Company Elevator; The Pillsbury Company.
Creston; Farmers Coop Elevator; Farmers Cooperative Company.
Cushing; Crawford Elevator; Crawford Elevator Co.
Dedham; Farmers Elevators; Dedham Cooperative Association.
Des Moines; F-G-D-A Des Moines Terminals; Farmers Grain Dealers Association of Iowa (Cooperative).
Des Moines; Cargill Des Moines Elevator; Cargill, Incorporated.
Dike; Farmers Cooperative Elevator; Farmers Cooperative Company.
Essex; Essex Elevator; Essex Elevator, Inc.
Everly; Farmers Elevator; Farmers Co-Operative Elevator Company of Everly, Iowa.
Farragut; Farmers Coop Elevator; Farmers Cooperative Company.
Farragut; Farragut Elevator; Farragut Elevator Co.
Fontanelle; Farmers Coop Co. Elevator; Farmers Cooperative Company.
Fort Dodge; Big 4 Elevator; Land O'Lakes, Inc.
Fort Dodge; Fort Dodge Elevator; Wieston Grain Company, Incorporated.
Gilman; Farmers Coop Warehouse; Farmers Cooperative.
Glidden; Farmers Elevator; Farmers Cooperative Company.
Granville; Granville Farmers Elevators; Farmers Cooperative Company.
Greenfield; Farmers Elevator; Farmers Cooperative Company.
Greenfield; Feeders Service Warehouse; Feeders Service, Inc.
Greenville; Farmers Elevator; Farmers Cooperative Elevator Company.
Grinnell; Farmers Exchange Elevator; Farmers Exchange Co.
Grinnell; Grinnell Feed & Grain Elevator; Farmers Exchange Co.
Hamburg; Reid Elevator; Reid Grain Co., Inc.
Harlan; Squealer Grain Elevator; Squealer Grain Company.
Hartley; Farmers Elevator; Farmers Co-Operative Elevator Company of Everly, Iowa.
Haverhill; Haverhill Elevator; Haverhill Elevator, Inc.
Havarden; Scroggs Elevator; Scroggs Feed and Grain Co.
Hillsboro; Hillsboro Elevator; Hillsboro Elevator, Inc.
Hinton; Farmers Elevators; Farmers Cooperative Company.
Hospers; Van Iperen Elevator; Van Iperen Feed & Grain Co.
Houghton; Houghton Elevator; Houghton Elevator, Inc.
Ireton; Farmers Elevator; Farmers Cooperative Society.
Jefferson; Milligan Elevators; Milligan Bros. Grain Co.
Jefferson; Farmers Elevator; Farmers Cooperative Association.
Kingsley; Farmers Elevators; The Farmers Elevator Company.
Lamoni; Farmers Co-op Grain & Seed Elevator; Farmers Cooperative Grain & Seed Company.
Lanesboro; Farmers Elevator; Farmers Cooperative Company.
Langdon; Farmers Elevator; Farmers Cooperative Elevator Company.
Larrabee; Farmers Cooperative Elevator; Farmers Cooperative Elevator Company of Larrabee.
Laurel; Farmers Coop Warehouse; Farmers Cooperative.
Le Mars; Good Morning Elevators; Meis Seed & Feed Co.
Le Mars; Le Mars Elevator; Le Mars Hatchery and Feed, Incorporated.
Le Mars; West Le Mars Elevator; West Le Mars Feed and Grain, Inc.
Lenox; Country Boys Elevator; Robert L. Bentley and Andrew J. Ettleman, Copartners, trading as Country Boys Lumber and Concrete at Bedford and Mount Ayr, Iowa, and Country Boys Elevator and Lumber Co. at Lenox, Iowa.
Lidderdale; Farmers Elevator; Farmers Cooperative Company.
Lidderdale; Wenck Warehouse; Oliver L. Wenck, trading as Wenck Feeds.
Lynnville; Tice Feed & Grain; Roger L. Tice, trading as Tice Feed & Grain.
Lytton; Lytton Elevator; Lytton Cooperative Elevator Company.
Malcolm; Malcolm Farmers Cooperative Elevator; Malcolm Farmers Cooperative Elevator.
Manson; Farmers Co-Op Elevator; Farmers Cooperative Company.
Manson; Manson Elevator; Wieston Grain Company, Incorporated.
Marcus; Farmers Elevators; Farmers Cooperative Elevator.
Massena; Massena Elevator; Massena Cooperative Company.
Matlock; Farmers Elevator; Farmers Cooperative Elevator Association of Sheldon, Iowa.
McGregor; Mississippi River Terminal No. 2; Farmers Grain Dealers Association of Iowa (Cooperative).
McPaul (P. O. Thurman); Lincoln Grain Elevator; Lincoln Grain, Inc.
Meekers Landing (Rt. 2, Burlington); Mississippi River Terminal; Farmers Grain Dealers Association of Iowa (Cooperative).
Missouri Valley; Loveland Elevator; B. C. Christopher & Company, a limited partnership with Hearne Christopher, John H. Collett, Edward G. Mader, Lawrence P. Hogan, Lowell H. Listrom, Norman Supper, Ludwell G. Gaines III, Robert F. Wilson, Philipp Kuhn, William L. Evans, Jr.; Donald F. George and Edward A. Connelly.
Modale; Farmers Elevators; Modale Cooperative Association.
Modale; Loveland Elevator; B. C. Christopher & Company, a limited partnership with Hearne Christopher, John H. Collett, Edward G. Mader, Lawrence P. Hogan, Lowell H. Listrom, Norman Supper, Ludwell G. Gaines III, Robert F. Wilson, Philipp Kuhn, William L. Evans, Jr., Donald F. George and Edward A. Connelly.
Mondamin; Farmers Elevators; Farmers Co-operative Co.
Montezuma; Montezuma Feed and Grain; Montezuma Feed and Grain, Inc.
Moorhead; Moorhead Elevator; Moorhead Cooperative.
Morrison; Morrison Elevator; Morrison Cooperative Association.
Mount Union; Mount Union Coop.; Mount Union Cooperative Elevator Co.
Muscatine; Mississippi River Terminal No. 3; Farmers Grain Dealers Association of Iowa (Cooperative).

Newburg; Farmers Coop Warehouse; Farmers Cooperative.
New Hartford; Farmers Cooperative Elevator; Farmers Cooperative Company.
New London; Farmers Coop Elevator; New London Farmers Cooperative.
Nodaway; Nodaway Elevator; Gail L. Hample, trading as Nodaway Elevator Co.
Nora Springs; Nora Springs Elevator; Nora Springs Cooperative Company.
Northwood; Northwood Co-Op Elevator; Northwood Cooperative Elevator.
Oakville; Oakville Elevator; Oakville Feed & Grain, Inc.
Ocheyedan; Ocheyedan Elevator; Cooperative Elevator Association.
Odebolt; Odebolt Cooperative Elevator; Odebolt Cooperative Elevator Company.
Onawa; Farmers Coop Elevator; Farmers Cooperative Elevator Company.
Pacific Junction; Lincoln Grain Elevator; Lincoln Grain, Inc.
Palmer; Farmers Elevator; Farmers Cooperative Company.
Paullina; Paullina Farmers Elevators; Farmers Cooperative Company.
Pella; Farmers Co-operative Exchange Elevator; Farmers' Co-operative Exchange.
Percival; Percival Grain Elevators; Percival Grain, Inc.
Peterson; Peterson Elevator; Peterson Co-operative Elevator Company.
Pierson; Farmers Elevators; Farmers Co-operative Elevator Company.
Polk City; Polk City Elevator; Polk City Grain Co.
Portsmouth; G & R Elevator; G & R Feed and Grain Co., Inc.
Primghar; Nicholson & Edwards Elevator; R. S. Nicholson, William A. Edwards, and Eloise I. Edwards, Executors of the estate of Clay Edwards, deceased, and William A. Edwards, individually, copartners, trading as, Nicholson & Edwards Grain Company.
Radcliffe; Farmers Cooperative Elevator; Farmers Cooperative Elevator Company.
Ralston; Farmers Elevators; Farmers Co-operative Association.
Redfield; Cargill Redfield Elevator; Cargill, Incorporated.
Red Oak; Farmers Mercantile Elevator; Farmers Mercantile Company, A Cooperative.
Reinbeck; Reinbeck Elevator; Morrison Co-operative Association.
Remsen; Farmers Cooperative Elevator; Farmers Cooperative Company.
Remsen; Remsen Roller Mill; Remsen Roller Mill, Inc.
Riceville; Riceville Elevator; R. A. Nauman, Carl H. Smith and Keith K. Eastman, copartners, trading as Farmers Feed & Grain Company.
River Sioux; Farmers Elevator; Farmers Co-operative Co.
Rudd; Rudd Coop. Elev.; Farmers Cooperative Company.
Salem; Salem Elevator; Salem Elevator, Inc.
Sexton; Cargill Sexton Elevator; Cargill, Incorporated.
Shelby; Shelby Elevator; Farmers Elevator.
Sheldon; Big 4 Elevator; Land O'Lakes, Inc.
Sheldon; Farmers Elevators; Farmers Co-operative Elevator Association of Sheldon, Iowa.
Shenandoah; Farmers Elevators; Farmers' Cooperative Exchange.
Shenandoah; Johnson Bros. Elevators; Johnson Bros. Mills, Inc.
Shenandoah; Van Buskirk Elevator; The Nishna Valley Grain Company.
Sherman (P.O. Hubbard); Farmers Co-operative Elevator; Farmers Cooperative Elevator Company.
Sherwood (P.O. Rockwell City); Sherwood Elevator; George Reke, trading as Sherwood Grain.
Sibley; Farmers Elevator; Farmers Co-Op Elevator Co.
Sidney; Fremont Grain Elevator; Fremont Grain & Feed Co.
Sioux City; Bartlett Elevator: Bartlett and Company Grain.
Sioux City; Cargill Sioux City Elevator "A"; Cargill, Incorporated.
Sioux City; Elevator "B"; Harley G. Hall, trading as Hall Grain Company.
Sioux Center; Farmers Elevator; Farmers Cooperative Society.
Sioux City; Farmers Union Elevator; Farmers Union Grain Terminal Association.
Sioux City; Terminal Grain Corporation Elevator; Terminal Grain Corporation.
Sloan; Farmers Elevator; Farmers Cereal Company (Cooperative).
Spencer; Farmers Elevator; Farmers Co-operative Elevator Company.
Stuart; Stuart Elevator; Stuart Feed & Grain, Inc.
Superior; Superior Cooperative Elevator; Superior Cooperative Elevator Company.
Sutherland; Sutherland Elevator; Sutherland Farmers Cooperative Company.
Tabor; Tabor Feed Plant; Tabor Feed Plant, Inc.
Tama; Werner Grain & Feed Elevator; Werner's Inc.
Templeton; Farmers Elevator; Farmers Co-operative Company.
Ute; Ute Elevator; Occidental Petroleum Corporation.
Villisca; Villisca Elevator; Villisca Elevator, Inc.
Walnut; Continental Elevator; Continental Grain Company.
Washington; Cargill Washington Elevator; Cargill, Incorporated.
Westfield; Westfield Feed and Grain Co.; Westfield Feed and Grain Co.
Wieston (P.O. Manson); Wieston Elevator; Wieston Grain Company, Incorporated.
Wightman (P.O. Lohrville); Wightman Elevator; Joseph B. Kavanaugh, trading as Wightman Feed and Grain.
Williams; Farmers Cooperative Elevator; Farmers Cooperative Elevator Company.
Winfield; Farmers Coop Elevator; Farmers Cooperative Company.

Kansas

Abbyville; Abbyville Coop Elevator; The Farmers Cooperative Grain Company.
Abilene; ADM Elevator; ADM Milling Co.
Alamota; Alamota Farmers Elevator; The Farmers Cooperative Elevator and Mercantile Association.
Albert; Pawnee Elevator; The Pawnee County Cooperative Association.
Amy; Amy Farmers Elevator; The Farmers Cooperative Elevator and Mercantile Association.
Andale; Farmers Elevator; The Andale Farmers Cooperative Company.
Anthony; Farmers Cooperative Elevator; Anthony Farmer's Cooperative Elevator Co.
Argonia; Danville Coop Elevator; Danville Cooperative Association.
Arkansas City; Ark City Elevator; Dixie Portland Flour Mills, Inc.
Arkansas City; New Era Mill; The New Era Milling Company.
Atchison; Lincoln Grain, Inc. Elevator; Lincoln Grain, Inc.
Atlanta; Atlanta Co-op Elevator; The Atlanta Cooperative Association.
Atwood; Equity Elevator; The Atwood Equity Co-Operative Exchange.
Baileyville; Coop Elevator; The Nemaha County Co-operative Association.
Bavaria; Farmers Elevator; The Farmers Elevator Cooperative Company.
Bazine; Co-op Elevator; The Co-operative Grain & Supply Company.
Beaver; Beaver Grain Elevator; Beaver Grain Corporation, Inc.
Beeler; Beeler Coop; The Beeler Cooperative Exchange.
Bosse Siding (P.O. Jetmore); Bosse Elevator; Bosse Grains, Inc.
Brenham (P.O. Haviland); Farmers Grain and Supply Elevator; The Farmers Grain and Supply Co. of Kiowa Co., Kans.
Brewster; Reid Elevator; Reid Grain of Brewster, Inc.
Brewster; Co-op Elevator; Farmers Co-operative Association.
Bucklin; The Bucklin Co-op Exchange Elevator; The Bucklin Cooperative Exchange.
Bucklin; Bucklin Grain Co.; Wright-Lorenz Grain Co., Inc.
Bunker Hill; Bunker Hill Elevator; Agco, Inc.
Cambridge; Holt Grain Company Elevator; E. H. Holt, d/b/a Holt Grain Company.
Carlton; Carlton Elevator; Farm Co-op Association.
Castleton; Farmers Grain Co. Castleton Elevator; The Farmers Cooperative Grain Company.
Charleston (P.O. Ingalls); Farmers Elevators; The Garden City Co-Operative Equity Exchange.
Chase; Chase Co-operative Elevator; The Chase Co-operative Elevator, Mill and Mercantile Union.
Cheney; Cheney Co-op Elevator; The Cheney Co-operative Elevator Ass'n.
Cimarron; The Cimarron Co-operative Elevators; The Cimarron Co-operative Equity Exchange.
Cimarron; Irsik and Doll Elevator; Irsik & Doll Feed Services, Inc.
Claflin; Coop Elevator; The Claflin Cooperative Association.
Claudell; Kensington Coop Elevators; The Kensington Cooperative Association.
Clearwater; Clearwater Coop Elevator; Clearwater Cooperative Association.
Coffeyville; Coop Elevator; Farmland Industries, Inc.
Colby; Cooper Terminal; Cooper Grain, Inc.
Colby; Hi-Plains Co-op Elevator; The Hi-Plains Co-operative Association.
Colwich; Farmers Elevator; The Andale Farmers Cooperative Company.
Conway Springs; Conway Springs Elevator; Charles P. Garretson, trading as Garretson Grain Company.
Conway Springs; The Farmers Cooperative Grain Association Elevator; The Farmers Co-operative Grain Association.
Coolidge; Coolidge Co-op. Elevator; South Eastern Colorado Coop.
Coolidge; Sullivan, Inc. Elevator; Sullivan, Inc.
Corning; Coop Elevator; The Nemaha County Co-operative Association.
Corwin; Farmers Co-operative Elevators; The Farmers Co-operative Business Association.
Cullison (P.O. Pratt); Farmers Grain Elevator; The Farmers Grain and Merchantile Company.
Danville; Danville Coop Elevator; Danville Cooperative Association.
Deerfield; Farmers Elevators; The Garden City Co-operative Equity Exchange.
Delphos; Delphos Coop Elevator; The Delphos Cooperative Association.
Dighton; Farmers Elevator; The Farmers Cooperative Elevator and Merchantile Association.
Dillon (P.O. Hope); Dillon Elevator; Farm Co-op Association.
Dillwyn (P.O. Macksville); Coop Elevator; The Dillwyn Grain and Supply Company.
Dodge City; Grain Products Terminal Elevator; Grain Products, Inc.
Dorrance; Dorrance Elevator; Agco, Inc.
Douglass; Douglass Grain Co. Elevator; James L. Taylor, trading as Douglass Grain Company.
Edgerton; Coop Elevator in Edgerton; The Farmers Cooperative Association.

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El Dorado; Taylor Elevators; James L. Taylor and Robert D. Hasga, copartners, trading as Taylor Grain Company.
Ellsworth; Salina Terminal Elevators; The Salina Terminal Elevator Company.
Emporia; Kansas Soya Products Division; Ross Industries, Inc.
Feterita (P.O. Hugoton); Feterita Co-op Elevator; The Farmers Co-Operative Grain and Supply Company.
Florence; Coop Elevator; The Burns Farmers Co-operative Union.
Flower; Fowler Equity Elevator "B"; The Fowler Equity Exchange.
Fredonia; ADM Elevator; Archer-Daniels-Midland Company.
Galva; Galva Grain Elevator; Western Grain, Inc.
Garden City; Farmers Elevators: The Garden City Co-operative Equity Exchange.
Garden City; Lawrence Warehouse No. 8; Lawrence Systems, Inc.
Garden Plain; Farmers Cooperative Elevator; The Farmers Cooperative Elevator Company.
Garfield; Garfield Co-operative Elevator; The Garfield Co-operative Company.
Garnett; Garnett Elevator; Western Grain, Inc.
Goodland; Monfort Elevator; Monfort Feed Lots, Inc.
Goodland; Reid Elevator; Reid Grain of Goodland, Inc.
Grainfield; Farmers Elevator; The Gove County Cooperative Association.
Great Bend; Great Bend Elevators; The Great Bend Cooperative Association.
Green; Lippert Elevator; Maxine Friederich, trading as Lippert Grain Co.
Greensburg; Farmers Grain and Supply Elevator; The Farmers Grain and Supply Co. of Kiowa Co., Kans.
Gypsum; Moore Elevator; Kenneth Moore and Lorene Moore, copartners, trading as Moore Grain and Feed Co.
Hamlin; Lincoln Grain, Inc., Elevator; Lincoln Grain, Inc.
Harper; Farmers Cooperative Elevator; Anthony Farmer's Cooperative Elevator Co.
Haven; Farmers Grain Co.; The Farmers Co-operative Grain Company.
Hazelton; Farmers Co-operative Elevators; The Farmers Co-operative Business Association.
Herington; Western Grain Elevator; Western Grain, Inc.
Hickok (P.O. Ulysses); Co-op Elevator; The Ulysses Co-operative Oil and Supply Company.
Hickok (P.O. Ulysses); Sullivan, Inc., Elevator; Sullivan, Inc.
Hozie; Cooper Terminal; Cooper Grain Inc.
Hugoton; Hugoton Co-op Elevator; The Farmers Co-operative Grain and Supply Company.
Hugoton; Parker Elevator; Earl Bryan, trading as Parker Grain Co.
Hutchinson; Kelly Elevator; The William Kelly Milling Company.
Hutchinson; Continental Elevator; Continental Grain Company.
Hutchinson; Grain Belt Elevator; The Salina Terminal Elevator Company.
Ingalls; Ingalls Grain Elevator; Ingalls Cooperative.
Inman; Chase Elevator; The Chase Grain Co., Inc.
Iuka; Iuka Coop; Iuka Cooperative Exchange.
Joy; Farmers Grain and Supply Elevator; The Farmers Grain and Supply Co. of Kiowa Co., Kans.
Junction City; Mid-Continent Elevator; Western Grain, Inc.
Kalvesta; Bosse Elevator; Bosse Grains, Inc.
Kanorado; Kanorado Co-op Elevator; The Kanorado Co-operative Association.
Kanorado; Reid Elevator; Reid Grain of Kanorado, Inc.
Kansas City; Bunge Elevator; Bunge Corporation.
Kansas City; Far-Mar-Co Fairfax Elevator; Far-Mar-Co., Inc.
Kansas City; River-Rail Elevator; Bartlett and Company Grain.
Kansas City; Turnpike Elevator; Seaboard Allied Milling Corporation.
Kellogg (Route 2, Winfield); Kellogg Coop Elevator; Kellogg Farmers Union Cooperative Association.
Kensington; Kensington Coop Elevators; The Kensington Cooperative Association.
Kiowa; O. K. Elevators; The O. K. Cooperative Grain & Merchantile Company.
Kismet; Equity Elevator; The Plains Equity Exchange and Co-operative Union.
LaCygne; Farmers Coop Elevator; The Linn County Farmers Cooperative Association.
Larned; Pawnee Elevators; The Pawnee County Cooperative Association.
Lawrence; Farmers Coop Elevator; The Farmers Cooperative Association.
Liberal; Perryton Equity Elevator; Perryton Equity Exchange.
Lowe (P.O. Holcomb); Farmers Elevators, The Garden City Co-operative Equity Exchange.
Lyons; Central Kansas Elevator; The Salina Terminal Elevator Company.
Lyons; Lyons Co-op Elevator; Lyons Cooperative Association.
Macksville; English Bros. Elevator; Robert H. English and William T. English, copartners, trading as English Grain Company.
Maize; Maize Mills Elevator; Maize Mills, Inc.
Marienthal; West Plains Elevator; West Plains Grain, Inc.
Mayfield; Farmers' Co-op Elevator; Farmers' Cooperative Grain Association of Wellington, Kansas.
McPherson; Chase Elevator; The Chase Grain Co., Inc.
Meade; The Co-operative Elevators; The Co-Operative Elevator and Supply Company.
Milepost (P.O. Ulysses); Co-Op Elevator; The Ulysses Co-Operative Oil and Supply Company.
Morrowville; Continental Elevator; Continental Grain Company.
Moscow; Thurow Elevator; Carl M. Thurow, trading as Carl G. Thurow & Sons.
Moscow; Broilier's C & D Elevator; C & D Grain, Inc.
Moscow; Moscow Elevator; Moscow Elevator Company; E. L. Gaskill, Inc.
Moscow; Moscow Co-op Elevator; The Farmers Co-operative Grain and Supply Company.
Multinville; Equity Exchange Elevator; The Equity Grain and General Merchandise Exchange.
Mulvane; Mulvane Co-op Elevator; The Mulvane Cooperative Union.
Nashville; Farmers Co-op Elevator; The Zenda Grain and Supply Company.
Neodesha; Neodesha Co-op Elevator; The Neodesha Cooperative Association.
Ness City; Co-op Elevator; The Right Cooperative Association.
Newton; Ross Elevator; Ross Industries, Inc.
Oberlin; Decatur Co-op Elevator; The Decatur Cooperative Association.
Ottawa; Ottawa Co-op Elevator; The Ottawa Cooperative Association.
Overbrook; Overbrook Farmers Co-op Elevator; The Overbrook Farmer's Union Co-Operative Association.
Orford; Farmers' Co-op Elevator; Farmers' Cooperative Association of Wellington, Kansas.
Park; Farmers Elevator; The Gove County Cooperative Association.
Pierceville; Christensen Elevator; Christensen Grain, Inc.
Pierceville; Farmers Elevators; The Garden City Co-Operative Equity Exchange.
Plains; Equity Elevator; The Plains Equity Exchange and Co-operative Union.
Preston; Farmers Elevator; The Preston Cooperative Grain & Mercantile Company.
Protection; Farmers Elevator; The Protection Cooperative Supply Company.
Putnam (P.O. Sedgwick); Galmeister Elevators; Frank Galmeister, trading as Galmeister Grain & Elevator.
Reserve; Reserve Elevator; The White Cloud Grain Company, Inc.
Rock; Rock Elevator; Quentin F. Waples, d.b.a. The Rock Grain Co.
Rome (P.O. Wellington); Rome Elevator; McDaniel-Waples, Inc.
Roxbury; Moore Elevator; Kenneth Moore and Lorene Moore, copartners, trading as Moore Grain and Feed Co.
Russell; Russell Elevator; Agco, Inc.
Salina; C-G-F Salina Elevator; C-G-F Grain Company, Inc.
Salina; International Elevator; International Multifoods Corporation.
Satanta; Satanta Coop Elevator; The Satanta Cooperative Grain Company.
Scott City; Co-op Elevator; The Scott Cooperative Association.
Scott City; Scott City Elevator; The Scott City Grain Company, Inc.
Sedgwick; Farmers Elevator; The Andale Farmers Cooperative Company.
Sedgwick; The Sedgwick Alfalfa Mills; Sedgwick Alfalfa Mills, Inc.
Selkirk; Farmco Selkirk Elevator; Farmco, Inc.
Sharon; Farmers Co-operative Elevators; The Farmers Co-operative Business Association.
Shields; Shields Farmers Elevator; The Farmers Cooperative Elevator and Mercantile Association.
Shook (P.O. Anthony); Farmers Cooperative Elevator; Anthony Farmer's Cooperative Elevator Co.
South Haven; The Howell Elevator; Ray E. Howell, d/b/a Howell Grain & Insurance.
St. Francis; Equity Elevator; The St. Francis Mercantile Equity Exchange.
St. John; Co-op Elevator; The Dillwyn Grain and Supply Company.
Stafford; Stafford Coop; Stafford Coop.
Sterling; Farmers Elevator; The Farmers Cooperative Union.
Sublette; Haskell County Elevator; Haskell County Grain Company, Inc.
Sublette; Sublette Coop Elevator; The Cooperative Grain Dealers Union.
Syracuse; Jackson Elevator; Jackson Grain Co., Inc.
Tennis (P.O. Friend); Farmers Elevators; The Garden City Co-Operative Equity Exchange.
Timken; Timken Coop Elevator; The Timken Cooperative Association.
Topeka; Far-Mar-Co Topeka Elevator; Far-Mar-Co., Inc.
Tribune; Farmco Tribune Elevator; Farmco, Inc.
Turon; Farmers Elevator; The Preston Cooperative Grain & Mercantile Company.
Ulysses; Co-Op Elevator; The Ulysses Co-Operative Oil and Supply Company.
Ulysses; Sullivan Inc. Elevator; Sullivan, Inc.
Valley Center; Valley Center Farmers Elevator, Inc.; Valley Center Farmers Elevator, Inc.
Wellington; Farmers' Co-op Elevator; Farmers' Cooperative Grain Association of Wellington, Kansas.
Wellington; Hunter Elevators; Ross Industries, Inc.
White City; Mor-Kan Elevator; Western Grain, Inc.
White Cloud; White Cloud Elevator; The White Cloud Grain Company, Inc.

Whitewater; Whitewater Elevator; The Whitewater Flour Mills Company.
Wichita; Public Terminal Elevator; Sam P. Wallingford, Inc.
Wichita; Western Grain Elevator; Western Grain, Inc.
Wilroads; Co-op Elevator; The Right Cooperative Association.
Wilson; Kyner Elevator; Kyner Elevators, Inc.
Wilson; Soukup Elevator; Arthur C. Soukup, trading as Soukup Grain Company.
Wolf (P.O. Deerfield); Farmers Elevators; The Garden City Co-Operative Equity Exchange.
Wright; Co-op Elevators; The Right Cooperative Association.
Zenda; Farmers Co-op Elevator; The Zenda Grain and Supply Company.
Zenith; Farmers Elevator; Zenith Cooperative Grain Company.

KENTUCKY

Fulton;[1] Browder Milling Company; Browder Milling Company, Incorporated.
Hickman; Fulton County Grain Company Elevator; B. C. Christopher & Company, a limited partnership with Hearne Christopher, John H. Collett, Edward G. Mader, Lawrence P. Hogan, Lowell H. Listrom, Norman Supper, Ludwell G. Gaines III, Robert F. Wilson, Philipp Kuhn, William L. Evans, Jr., Donald F. George and Edward A. Connelly.
Livermore; Bunge Corporation Livermore Grain Terminal; Bunge Corporation.
Louisville; Kentucky Public Elevator; The Early and Daniel Company.
Louisville; Distillers' Grain Company Elevator; Distillers' Grain Company, Inc.
Mayfield; Mayfield Milling Co. Elevator; B. C. Christopher & Company, a limited partnership with Hearne Christopher, John H. Collett, Edward G. Mader, Lawrence P. Hogan, Lowell H. Listrom, Norman Supper, Ludwell G. Gaines III, Robert F. Wilson, Philipp Kuhn, William L. Evans, Jr., Donald F. George and Edward A. Connelly.

LOUISIANA

Abbeville; Planters Warehouse; Riviana Foods Inc.
Ama; Farmers Export Elevator; Farmers Export Co.
Book (P.O. Jonesville); Louisiana Delta Elevator; Louisiana Delta Plantation, a joint venture of Morrison-Quirk Grain Corporation, a Nebraska corporation, and Morrison Grain Company, Inc., a Kansas corporation.
Crowley; Acadia Warehouse; Riviana Foods Inc.
Crowley; Farmers' Warehouse; MFC Services, (A.A.L.).
Delhi; Terrick Elevator; Lake Providence Port Elevator, Inc.
Destrehan; Bunge Corporation Elevator; Bunge Corporation.
Destrehan; St. Charles Grain Elevator; Archer-Daniels-Midland Company, a corporation, and Garnac Grain Co., Inc., a joint venture, trading and doing business under the firm name and style of The St. Charles Grain Elevator Company.
Egan; Egan Warehouse; Riviana Foods Inc.
Gueydan; Gueydan Warehouse; Riviana Foods Inc.
Jennings; Northern Warehouse; Riviana Foods Inc.
Kaplan; Agnes Warehouse; Riviana Foods Inc.
Lake Charles; Lake Charles Warehouse; Riviana Foods Inc.
Lake Providence; Lake Providence Port Elevator; Lake Providence Port Elevator, Inc.

[1] In Kentucky and Tennessee.

Myrtle Grove (P.O. Belle Chasse); Mississippi River Grain Elevator; Mississippi River Grain Elevator, Inc.
New Orleans; Public Grain Elevator of New Orleans; Public Grain Elevator of New Orleans, Inc.
Port Allen; Port of Baton Rouge Grain Elevator; Cargill, Incorporated.
Rayne; Rayne Warehouse; Riviana Foods Inc.
Reserve; Bayside Elevator Co., a division of Bayside Warehouse Company; Bayside Warehouse Company.
St. Joseph; Tensas Port Elevator; Tensas Port Elevator Company, Inc.
Tallulah; Madison Grain Company; Russell G. Petersen, trading as Madison Grain Company.
Tallulah; Tallulah Port Elevator; Lake Providence Port Elevator, Inc.
Westwego; Continental Grain Elevator, Port of New Orleans; Continental Grain Company.

MARYLAND

Williamsburg; Whiteley Elevator; W. O. Whiteley & Son, Inc.

MICHIGAN

Adrian; Adrian Elevator; Adrian Grain Company.
Augusta; Knappen Elevator; Knappen Milling Company.
Hillsdale; Stock Elevator; DCA Food Industries Inc.
Lowell; King Milling Company Elevator; King Milling Company.

MINNESOTA

Breckenridge; Cargill Elevator; Cargill, Incorporated.
Columbia Heights; Cargill Minneapolis Flax Plant; Cargill, Incorporated.
Crookston; Cargill Elevator; Cargill, Incorporated.
Duluth; Cargill Duluth Elevator; Cargill, Incorporated.
Duluth; Elevator A; General Mills, Inc.
Duluth; Capitol Elevator; International Multifoods Corporation.
Marshall; Cargill Elevator; Cargill, Incorporated.
Minneapolis; Calumet Elevator; North Star Barge & Warehouse Corporation.
Minneapolis; Checkerboard Elevator; Ralston Purina Company trading as Checkerboard Grain Company.
Minneapolis; Consolidated A; North Star Barge & Warehouse Corporation.
Minneapolis; The Continental Elevator; Continental Grain Company.
Minneapolis; Electric Steel Elevator; Peavey Company.
Minneapolis; Elevator K; ADM Grain Co.
Minneapolis; Elevator "R"; Victoria Elevator Company of Minneapolis.
Minneapolis; Great Northern Elevator; Farmers Union Grain Terminal Association.
Minneapolis; Pillsbury "A" Elevator; The Pillsbury Company.
Minneapolis; Pioneer Steel Elevator; Peavey Company.
Minneapolis; Republic Elevator; Victoria Elevator Company of Minneapolis.
Minneapolis; Searle Elevator; Searle Grain Company.
Minneapolis; Shoreham Elevator; The McMillan Company.
Minneapolis; Soo Elevator; ADM Grain Co.
Minneapolis; St. Anthony Elevator; Peavey Company.
Minneapolis; Washburn Elevator; General Mills, Inc.
New Ulm; Burdick Elevator; Burdick Grain Company.
Port Cargill (P.O. Savage); Port Cargill Elevator C; Cargill, Incorporated.
Red Wing; Central Elevator; Central Soya of Minnesota, Inc.
Savage; Port Bunge: Bunge Corporation.
Savage; Port Cargill Elevator "A"; Cargill, Incorporated.
Savage; Port Continental Elevator; Continental Grain Company.
Shakopee; Peavey River Concrete Terminal; Peavey Company.
Sleepy Eye; Cargill Elevator; Cargill, Incorporated.
St. Louis Park; Belco Elevator; Burdick Grain Company.
St. Paul; Capital B Elevator; International Multifoods Corporation.
St. Paul; Farmers Union Elevator; Farmers Union Grain Terminal Association.
St. Paul; Walsh River Terminal; Walsh River Terminal Corporation.
St. Paul; Elevator D; ADM Grain Co.
Thief River Falls; The McMillan Elevator at Thief River Falls; The McMillan Company.
Wesota (P.O. Gluek); Cargill Elevator; Cargill, Incorporated.

MISSISSIPPI

Clarksdale; Delta Rice Warehouse; The Arkansas Rice Growers Cooperative Association.
Cleveland; Mississippi Delta Rice Warehouse; Mississippi Delta Rice, Inc.
Greenville; Farmers Grain Warehouse; Farmers Grain Marketing Terminal (A.A.L.).
Greenville; Greenville Warehouse; Riviana Foods Inc.
Hollandale; Stapleservice Hollandale Elevator; Staple Cotton Services Association (A.A.L.).
Indianola; Grain Storage Company, Division of Archer-Daniels-Midland Company; Archer-Daniels-Midland Company.
Inverness; Stapleservice Inverness Elevator; Staple Cotton Services Association (A.A.L.).
Marks; Riverside Industries Warehouse; Riverside Industries, Inc.
Natchez; Cargill Natchez Elevator; Cargill, Incorporated.
Pascagoula; Jackson County Terminal Elevator; Louis Dreyfus Corporation.
Webb; Stapleservice Webb Elevator; Staple Cotton Services Association (A.A.L.).

MISSOURI

Advance; MFA Exchange Elevator; Missouri Farmers Association, Inc.
Albany; MFA Exchange Elevator; Missouri Farmers Association, Inc.
Armstrong; Coop Elevator; Mid-Missouri Farmers Cooperative.
Bernie; MFA Exchange Elevator, Missouri Farmers Association, Inc.
Bethany; MFA Exchange Elevator; Missouri Farmers Association, Inc.
Boonville; MFA Exchange Elevator; Missouri Farmers Association, Inc.
Brookfield; MFA Exchange Elevator; Missouri Farmers Association, Inc.
Brunswick; MFA Exchange Elevator; Missouri Farmers Association, Inc.
Butler; MFA Exchange Elevator; Missouri Farmers Association, Inc.
Callao; MFA Exchange Elevator; Missouri Farmers Association, Inc.
Carrollton; Ray-Carroll Elevator; Ray-Carroll County Grain Growers, Inc.
Caruthersville; MFA Elevator; Missouri Farmers Association, Inc.
Centralia; MFA Exchange Elevator; Missouri Farmers Association, Inc.
Charleston; S&S Grain and Storage, Division of Cook Industries, Inc.; Cook Industries, Inc.
Chillicothe; MFA Exchange Elevator; Missouri Farmers Association, Inc.
Chillicothe; Reed Elevator; Reeds Seeds, Inc.
Clinton; Larabee Elevator; Archer-Daniels-Midland Company.
Columbia; MFA Exchange Elevator; Missouri Farmers Association, Inc.

Coleridge; Holmquist Elevator; The Holm-

Lincoln; ADM Elevator; Archer-Daniels-Midland Company.

Venango; Farmers' Elevators; Farmers Union Cooperative Grain Company of Ve-

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Conception Junction; M.F.A. Elevator; Missouri Farmers Association, Inc.
Corning; Corning Elevator; Rickel, Inc.
Craig; Community Elevator; Rickel, Inc.
Dalton; Dalton Elevator; B. C. Christopher & Company, a limited partnership with Hearne Christopher, John H. Collett, Edward G. Mader, Lawrence P. Hogan, Lowell H. Listrom, Norman Supper, Ludwell G. Gaines III, Robert F. Wilson, Philipp Kuhn, William L. Evans, Jr., Donald F. George and Edward A. Connelly.
Dearborn; Halferty Bros. Elevator; Halferty Bros., Inc.
Dudley; Dudley Grain Warehouse; The Arkansas Rice Growers Cooperative Association, trading as The Arkansas Rice Growers Cooperative Association, Inc., in the State of Missouri.
Elmo; M.F.A. Elevator; Missouri Farmers Association, Inc.
Elsberry; MFA Exchange Elevator; Missouri Farmers Association, Inc.
Essex; Farmers Storage Warehouse; Farmers Storage, Inc.
Fayette; Coop Elevator; Mid-Missouri Farmers Cooperative.
Forest City; Cargill Elevator; Cargill, Incorporated.
Fortescue; Fortescue Elevator; The White Cloud Grain Company, Inc.
Gallatin; Froman Elevator; K. C. Froman, trading as Farmers Grain and Fertilizer.
Gallatin, MFA Exchange Elevator; Missouri Farmers Association, Inc.
Grant City; MFA Exchange Elevator; Missouri Farmers Association, Inc.
Gregory Landing (P.O. Canton); Gregory Elevator; Gabe Logsdon & Sons, Inc.
Hamilton; MFA Exchange Elevator; Missouri Farmers Association, Inc.
Hannibal; Hannibal Terminal Elevator; Hannibal Grain Terminal, Inc.
Hardin; Ray-Carroll Elevator; Ray-Carroll County Grain Growers, Inc.
Hayti; MFA Elevator; Missouri Farmers Association, Inc.
Henrietta; MFA Exchange Elevator; Missouri Farmers Association, Inc.
Higginsville; M.F.A. Cooperative Elevator; Missouri Farmers Association, Inc.
Kansas City; Cargill Milwaukee Elevator; Cargill, Incorporated.
Kansas City; General Mills Elevator; General Mills, Inc.
Kansas City; Chouteau Elevator; Simonds-Shields-Theis Grain Co.
Kansas City; Boulevard Elevator; Seaboard Allied Milling Corporation.
Kansas City; K.C.T. Elevator; Kansas City Terminal Elevator Company.
Kansas City; Missouri Pacific Elevator "B"; Bartlett and Company Grain.
Kansas City; Purina Soybean Elevator; Ralston Purina Company.
Kennett; Kennett Soybean Elevator; E. M. Regenold doing business as Kennett Soybean Co.
La Belle; MFA Exchange Elevator; Missouri Farmers Association, Inc.
Laddonia; MFA Exchange Elevator; Missouri Farmers Association, Inc.
Laddonia; Slater & Fowles Laddonia Elevator; Slater and Fowles, Incorporated.
Lamar; M.F.A. Cooperative Elevator; Missouri Farmers Association, Inc.
Langdon; Langdon Elevator; Mildred D. Bentley, trading as Bentley Grain Company.
Lexington; MFA Exchange Elevator; Missouri Farmers Association, Inc.
Linneus; MFA Exchange Elevator; Missouri Farmers Association, Inc.
Louisiana; M.F.A. Cooperative Elevator; Missouri Farmers Association, Inc.
Macon; MFA Exchange Elevator; Missouri Farmers Association, Inc.
Maitland; Rother Grain and Feed Co. Elevator; Irvin Rother and Helen Bammer, copartners, trading as Rother Grain and Feed Co.
Malta Bend; Fletcher Elevator; Fletcher Grain Company, Inc.
Marshall; Fletcher Elevator; Fletcher Grain Company, Inc.
Marshall; MFA Exchange Elevator; Missouri Farmers Association, Inc.
Marston; E. B. Gee Cotton & Grain Co. Warehouse; E. B. Gee Cotton & Grain Co., Inc.
Marthasville; MFA Exchange Elevator; Missouri Farmers Association, Inc.
Martinsburg; Slater & Fowles Martinsburg Elevator; Slater and Fowles, Incorporated.
Maryville; M.F.A. Cooperative Elevator; Missouri Farmers Association, Inc.
Mexico; M.F.A. Cooperative Elevator; Missouri Farmers Association, Inc.
Mexico; M-F-A Exchange Elevator; Missouri Farmers Association, Inc.
Moberly; MFA Exchange Elevator; Missouri Farmers Association, Inc.
Napton; MFA Exchange Elevator; Missouri Farmers Association, Inc.
Nelson; Nelson Elevator; Nelson Elevator, Inc.
New Franklin; MFA Exchange Elevator; Missouri Farmers Association, Inc.
Nishnabotna (P.O. Langdon); Nishna Valley Elevator; Nishna Valley Supply Company.
Norborne; MFA Exchange Elevator; Missouri Farmers Association, Inc.
Norborne; Ray-Carroll Elevator; Ray-Carroll County Grain Growers, Inc.
North Kansas City; Monarch Elevator; ADM Milling Co.
North Kansas City; Checkerboard Elevator; Ralston Purina Company, trading as Checkerboard Grain Company.
North Kansas City; International Elevator; International Multifoods Corporation.
North Kansas City; NCM Elevator; ConAgra, Inc.
Odessa; MFA Exchange Elevator; Missouri Farmers Association, Inc.
Orrick; Arnold Bros. Produce Warehouse; Paul Arnold and Wilbur Arnold, copartners, trading as Arnold Bros. Produce.
Orrick; Orrick Farm Service Elevator; Orrick Farm Service, Inc.
Palmyra; Farmers Coop Elevator; Farmers Cooperative Services, Inc. of Palmyra, Missouri.
Pattonsburg; MFA Exchange Elevator; Missouri Farmers Association, Inc.
Perry; MFA Exchange Elevator; Missouri Farmers Association, Inc.
Phelps City (P.O. Rock Port); Stanton Elevator; Stanton Grain Co.
Poplar Bluff; Butler County Grain Warehouse; The Arkansas Rice Growers Cooperative Association, trading as The Arkansas Rice Growers Cooperative Association, Inc., in the State of Missouri.
Ravenwood; MFA Exchange Elevator; Missouri Farmers Association, Inc.
Rea; Rea Elevator; Rea Grain & Feed Co.
Richmond; Ray-Carroll Elevator; Ray-Carroll County Grain Growers, Inc.
Ristine (P.O. New Madrid); Checkerboard Elevator; Ralston Purina Company, trading as Checkerboard Grain Company.
Salisbury; MFA Exchange Elevator; Missouri Farmers Association, Inc.
Sedalia; MFA Exchange Elevator; Missouri Farmers Association, Inc.
Senath; Senath Grain Elevator; B. C. Christopher & Company, a limited partnership with Hearne Christopher, John H. Collett, Edward G. Mader, Lawrence P. Hogan, Lowell H. Listrom, Norman Supper, Ludwell G. Gaines III, Robert F. Wilson, Philipp Kuhn, William L. Evans, Jr., Donald F. George and Edward A. Connelly.
Shelbina; MFA Exchange Elevator; Missouri Farmers Association, Inc.
Sheridan; MFA Exchange Elevator; Missouri Farmers Association, Inc.
St. Joseph; Far-Mar-Co. St. Joseph Elevator; Far-Mar-Co., Inc.
St. Joseph; Bartlett Elevator; Bartlett and Company Grain.
St. Joseph; Krause St. Joseph Elevator; Krause Milling Company.
St. Joseph; Mo-Kan Elevator; Mo-Kan Grain, Inc.
St. Joseph; Burlington Elevator; The Pillsbury Company.
St. Joseph; B & E Elevator; The B & E Grain Company.
St. Louis; Missouri Pacific Elevator; Jerry W. Fowles, trading as Fowles Grain Company.
St. Louis; Pillsbury St. Louis Elevator; The Pillsbury Company.
St. Louis; St. Louis Grain Corporation Elevator; St. Louis Grain Corporation.
St. Marys; MFA Exchange Elevator; Missouri Farmers Association, Inc.
Stanberry; Alldredge Grain & Storage Elevator; Alldredge Grain & Storage, Inc.
Sumner; Ray-Carroll Elevator; Ray-Carroll County Grain Growers, Inc.
Tebbetts; Rootes Elevator; W. A. Rootes and Company.
Trenton; Hoffman & Reed Elevator; Hoffman and Reed, Inc.
Trenton; MFA Exchange Elevator; Missouri Farmers Association, Inc.
Triplett; Ray-Carroll Elevator; Ray-Carroll County Grain Growers, Inc.
Truesdail; MFA Exchange Elevator; Missouri Farmers Association, Inc.
Vandalia; MFA Exchange Elevator; Missouri Farmers Association, Inc.
Wakenda; Ray-Carroll Elevator; Ray-Carroll County Grain Growers, Inc.
Walker; Producers Grain Co.; Producers Grain Company.
Watson; Stanton Elevator; Stanton Grain Co.
Wayland; Logsdon's Elevator; Gabe Logsdon & Sons, Inc.

NEBRASKA

Ashland; Kuhl-Reece Company's Elevator; Kuhl-Reece Company.
Aurora; Dowd Elevator; Dowd Grain Company, Inc.
Bancroft; Holmquist Elevator; The Holmquist Grain and Lumber Company.
Beatrice; Farmers Cooperative Elevator; Farmers Cooperative Elevator Company.
Beaver Crossing; Farmers Elevators; Farmers Cooperative Company.
Bellwood; Farmers Elevator; Farmers Cooperative Grain Company.
Benedict; Farmers Grain Association Elevator; Farmers Co-Operative Grain Association of Benedict, Nebraska.
Benkelman; Benkelman Elevators; Independent Elevators, Inc.
Berea (P.O. Alliance); Deaver Elevator; Deaver Grain Co., Inc.
Bertrand; Bertrand Elevator; B. C. Christopher & Company, a limited partnership with Hearne Christopher, John H. Collett, Edward G. Mader, Lawrence P. Hogan, Lowell H. Listrom, Norman Supper, Ludwell G. Gaines III, Robert F. Wilson, Philipp Kuhn, William L. Evans, Jr., Donald F. George and Edward A. Connelly.
Bixby; Bixby Cooperative Elevator; Bixby Cooperative Company.
Blair; Holmquist Elevator; The Holmquist Grain and Lumber Company.
Bloomfield; Holmquist Elevator; The Holmquist Grain and Lumber Company.
Brownville; Continental Elevator; Continental Grain Company.
Cambridge; Urling Elevator; Miller Grain Company, Inc.
Central City; Cargill Central City Elevator; Cargill, Incorporated.
Chappell; Farmers Elevators; Farmers Elevator Company, A co-operative.

Coleridge; Holmquist Elevator; The Holmquist Grain and Lumber Company.
Columbus; Farmers Grain Terminal; Foreman-Gammel Grain Co., Inc.
Cornlea; Continental Elevator; Continental Grain Company.
Craig; Farmers Union Elevator; Farmers Union Co-Operative Association.
Crete; Crete Mills Division Elevator; Lauhoff Grain Company.
Curtis; Garvey Elevators; Garvey Elevators, Inc.
Doane; Doane Elevators; Independent Elevators, Inc.
Dorchester; Farmers' Elevators; The Dorchester Farmers Co-operative Grain and Livestock Company.
Durant (P.O. Stromsburg); Richters Elevator; John W. Lamoreaux and Marc Lamoreaux, copartners trading as Durant Grain Company.
Elmwood; Farmers Elevator; Farmers Co-operative Association of Elmwood, Nebraska.
Elsie; Kellogg Elevator; O. M. Kellogg Grain Company.
Ender; Farmers Elevator; Farmers Co-operative Exchange.
Fairbury; Farmers Union Co-op Elevator; Farmers Union Co-operative Association of Fairbury, Nebraska.
Farwell; Loup Valley Elevators; Scoular-Bishop Grain Company.
Fremont; Fremont Cake & Meal Elevator; Archer-Daniels-Midland Company.
Fremont; Conagra Elevator; Conagra, Inc.
Fremont; Far-Mar-Co., Fremont Elevator; Far-Mar-Co., Inc.
Friend; Friend Elevator; B. C. Christopher & Company, a limited partnership with Hearne Christopher, John H. Collett, Edward G. Mader, Lawrence P. Hogan, Lowell H. Listrom, Norman Supper, Ludwell G. Gaines III, Robert F. Wilson, Philipp Kuhn, William L. Evans, Jr., Donald F. George and Edward A. Connelly.
Geneva; Koehler Elevator; A. Koehler Company.
Gibbon; Fox Elevator; Scoular-Bishop Grain Company.
Grand Island; Conagra Elevator; Conagra, Inc.
Grand Island; Grand Island Grain Division Elevator; Eisenman Chemical Co.
Grant; Co-Operative Elevator; The Grant Co-Operative Exchange.
Grant; Perkins County Elevator; Scoular-Bishop Grain Company.
Hansen (P.O. Grand Island); Ecco Grain Elevator; Eisenman Chemical Co.
Hartington; Holmquist Elevator; The Holmquist Grain and Lumber Company.
Hartington; Hartington Elevator; Hartington Elevator Company.
Harvard; Farmers Elevators; The Farmers Union Cooperative Elevator Company.
Hastings; Garvey Elevator; Garvey Elevators, Inc.
Hemingford; Farmers Co-Operative Elevator; Farmers Co-operative Elevator Company.
Herman; Holmquist Elevator, The Holmquist Grain and Lumber Company.
Imperial; Farmers Elevator; Frenchman Valley Farmers Cooperative, Inc.
Indianola; Urling Elevator; Miller Grain Company, Inc.
Jacinto (P.O. Dix); The Wright-Lorenz Grain Co. Elevator; The Wright-Lorenz Grain Co., Inc.
Laurel; Holmquist Elevator; The Holmquist Grain and Lumber Company.
Lebanon; Garvey Elevators; Garvey Elevators, Inc.
Lincoln; Lincoln Grain, Inc. Elevator; Lincoln Grain, Inc.
Lincoln; Far-Mar-Co Lincoln Elevator; Far-Mar-Co., Inc.
Lincoln; Gooch Mill Elevators; ADM Milling Co.
Lincoln; ADM Elevator; Archer-Daniels-Midland Company.
Lyons; Holmquist Elevator; The Holmquist Grain and Lumber Company.
Max; Max Elevators; Independent Elevators, Inc.
Maywood; Farmers Elevators; Maywood Cooperative Association.
Motala Siding (P.O. Minden); Continental Elevator; Continental Grain Company.
Nebraska City; Bartlett Elevator; Bartlett and Company Grain.
North Bend; North Bend Elevator; North Bend Grain Company, Inc.
Oakland; Holmquist Elevator; The Holmquist Grain and Lumber Company.
Ogallala; Farmers Coop Elevator; Farmers Cooperative Association.
Omaha; Allied Mills Elevator; Allied Mills, Inc.
Omaha; Conagra Elevators; Conagra, Inc.
Omaha; Far-Mar-Co Omaha Elevator; Far-Mar-Co., Inc.
Omaha; Illinois Central Elevator; ADM Grain Co.
Omaha; The Pillsbury Company Elevator "B"; The Pillsbury Company.
Omaha; Scoular-Welsh Omaha Elevator; Scoular-Welsh Grain Co.
O'Neill; Dowd Elevator; Dowd Grain Company, Inc.
Osceola; Farmers Grain Elevator; Farmers Co-operative Grain Co.
Osceola; Smith Elevator; Smith Grain Company.
Parks; Parks Elevator; Independent Elevators, Inc.
Potter; The Wright-Lorenz Grain Co. Elevator; The Wright-Lorenz Grain Co., Inc.
Potter; Farmers Elevators; Potter Cooperative Grain Company.
Ranch Spur (P.O. Herman); Ranch Spur Elevator; H. C. Fankhouser and V. R. Fankhouser, copartners trading as Fankhouser Bros.
Red Willow (P.O. McCook); Urling Elevator; Miller Grain Company, Inc.
Rock Bluff (P.O. Plattsmouth); Far-Mar-Co Rock Bluff Elevator; Far-Mar-Co., Inc.
Rogers; Golden West Grain Company's Rogers Elevator; Golden West Grain Company.
Rosalie; Holmquist Elevator; The Holmquist Grain and Lumber Company.
Roscoe; Roscoe Elevator; John L. Gordon and Jeanette D. Gordon, copartners d/b/a Roscoe Grain Company.
Schuyler; Golden West Grain Company's Elevator; Golden West Grain Company.
Scribner; Farmers Elevator; Farmers Co-operative Mercantile Company, Non-Stock.
Scribner; Scribner Elevator; Scribner Grain & Lumber Company.
Silver Creek; Farmers Grain Elevators; Farmers Co-operative Grain Company.
St. Paul; Loup Valley Elevators; Scoular-Bishop Grain Company.
Stella; Stella Elevator; C-G-F Grain Company, Inc.
Strang; Strang Grain Elevator; Strang Lumber and Grain Company.
Stromburg; Farmers Elevators; Farmers Cooperative Grain Association of Stromsburg.
Superior; Scoular-Bishop Elevator; Scoular-Bishop Grain Company.
Tekamah; Farmers Elevator; Farmers Non-Stock Cooperative Grain Association.
Tekamah; Holmquist Elevator; The Holmquist Grain and Lumber Co.
Thurston; Merry Elevator; Darrel Merry, trading as Merry Grain & Lumber Co.
Ulysses; Farmers Cooperative Elevators; Farmers Cooperative Grain & Supply Co.
Utica; Utica Co-operative Grain Company's Elevators; Utica Co-operative Grain Company.
Venango; Dudden Elevator; Dudden Elevator, Inc.
Venango; Farmers' Elevators; Farmers Union Cooperative Grain Company of Venango, Nebraska.
Verdel; Allied Mills Elevator; Allied Mills, Inc.
Wallace; Kellogg Elevator; O. M. Kellogg Grain Company.
Walthill; Holmquist Elevator; The Holmquist Grain and Lumber Company.
Wauneta; Farmers Elevator; Farmers Co-operative Exchange.
Wausa; Allied Mills Elevator; Allied Mills, Inc.
Wilsonville; Garvey Elevators; Garvey Elevators, Inc.
Winnebago; Holmquist Elevator; The Holmquist Grain and Lumber Company.
Winslow; Farmers Elevator; Farmers Co-operative Mercantile Company, Non-stock.

NEW MEXICO

Clovis; El Rancho Elevator; El Rancho Milling Co. (no stockholders' liability).
Clovis; Farmers Cooperative Elevators; Farmers Cooperative Elevators, Inc.
Clovis; New Mexico Mill Elevator; New Mexico Mill & Elevator Co. (no stockholders' liability).
Clovis; Worley Mills Elevator; Worley Mills, Inc. (no stockholder's liability).
Grier; Farmers Cooperative Elevators; Farmers Cooperative Elevators, Inc.
Melrose; Farmers Cooperative Elevators; Farmers Cooperative Elevators, Inc.
Melrose; Melrose Elevator; Melrose Grain & Elevator Co., Inc.
Portales; Worley Mills Elevator; Worley Mills, Inc. (no stockholder's liability).
Texico; New Mexico Mill Elevator; New Mexico Mill & Elevator Co. (no stockholder's liability).
Texico; Sherley-Anderson Texico Elevator; Sherley-Anderson-Pitman, Inc.
Tucumcari; Worley Mills Elevator; Worley Mills, Inc. (no stockholder's liability).

NEW YORK

Albany; Port of Albany Elevator No. 1; Cargill, Incorporated.
Buffalo; Continental Concrete Central Elevator; Continental Grain Company.
Buffalo; Standard Elevator; Standard Milling Company, d/b/a Standard Milling Company, Inc., in New York State.

NORTH CAROLINA

Battleboro; E-B Grain Co., Inc.; E-B Grain Company, Inc.
Camden; Wood Bonded Warehouse; F. P. Wood and Son, Inc.
Fayetteville; Cargill Fayetteville Elevator; Cargill, Incorporated.
Greenville; Fred Webb Elevator; James Fred Webb.
Monroe; Producers Cooperative Feed Mill Warehouse; Producers Cooperative Feed Mill Inc.
Mooresville; Mooresville Grain Elevator; Mooresville Flour Mills, Incorporated.
Selma; Gurley's Inc. Elevator; Gurley's Inc.
Washington; Cargill Washington, N.C. Elevator; Cargill, Incorporated.
Wilson; Cargill Elevator; Cargill, Incorporated.

NORTH DAKOTA

Grand Forks; Garvey Elevator; Garvey Elevators, Inc.
Jamestown; Garvey Elevator; Garvey Elevators, Inc.

OHIO

Arcanum; Allied Mills Arcanum Elevator; Allied Mills, Inc.
Chillicothe; Standard Elevator; The Standard Elevator and Supply Company.
Cincinnati; Fairmount and Riverside Elevators; The Early and Daniel Company.

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Columbus; Landmark Grain Terminal; Landmark, Inc.
Columbus; Continental Elevator; Continental Grain Company.
Columbus; Eshelman Grain Company Elevator; International Multifoods Corporation.
Coshocton; Coshocton Elevator; Coshocton Grain Co.
Dayton; Cargill Dayton Elevator; Cargill, Incorporated.
Elgin; Elgin Elevator; Elgin Grain Company.
Fletcher; Fletcher Elevator; Shepard Grain Company, Inc.
Fostoria; Fostoria Elevator; The Ohio Farmers' Grain Corporation.
Fostoria; Mennel Elevator; The Mennel Milling Company.
Glandorf; Glandorf Elevator; Glandorf Feed Company.
Green Camp; Green Camp Co-operative Elevator; The Green Camp Co-operative Elevator Company.
Harrison (Route 4); J. A. Cornelius Grain Elevator; J. A. Cornelius.
Hume (R.R. No. 4, Lima); Hume Elevator; The Welker Grain Company.
Kileville (P.O. R.R. No. 3, Plain City); Kileville Elevator; The Ohio Grain Company.
Lima; Cargill Lima Elevator; Cargill, Incorporated.
Mansfield; Mansfield Elevator; The Early and Daniel Company.
Marysville; Marysville Elevator; The Ohio Grain Company.
Maumee; Cargill Toledo Elevator; Cargill, Incorporated.
Mechanicsburg; Mechanicsburg Elevator; The Ohio Grain Company.
Pitsburg; Pitsburg Grain Elevator; Pitsburg Feed and Grain, Inc.
Shelby; Shelby Equity Elevator; The Shelby Equity Exchange Company.
Spencerville; Farmers Union Company Elevator; The Spencerville Farmers Union Company.
Thackery; Thackery Elevator; Shepard Grain Company, Inc.
Toledo; Cargill East Side Elevator; Cargill, Incorporated.
Troy; Troy Elevator; The Early and Daniel Company.
Van Wert; Welker Elevator; The Welker Grain Company.

OKLAHOMA

Afton; Afton Co-op Elevator; Afton Co-operative Association.
Apache; Apache Farmers Co-operative; Apache Farmers Co-operative.
Bearser; Perryton Equity Elevator; Perryton Equity Exchange.
Bison; Farmers Elevator; Bison Cooperative Association.
Blackwell; Blackwell Co-op Elevator; Blackwell Co-operative Elevator Association.
Boise City; Consumers Elevator; Boise City Farmers Cooperative.
Broken Arrow; Farmers Co-op Elevator; Farmers Cooperative.
Buffalo; Buffalo Farmers Elevator; The Buffalo Farmers' Co-operative Elevator Company.
Cashion; Farmers Exchange Elevator; Farmers Exchange of Cashion.
Cherokee; Farmers Elevator; Farmers Co-operative Elevator Association.
Clinton; Farmers Elevator; Farmers Co-operative Association
Clyde; Clyde Elevator; Clyde Co-operative Association.
Cordell; Farmers Elevator; Farmers Co-operative Association.
Crescent; Crescent Cooperative Elevator; Crescent Cooperative Association.
Custer City; Farmers Elevator; Custer City Farmers Cooperative Exchange.
Deer Creek; Deer Creek Elevator; Clyde Co-operative Association.
Douglas; Farmers Elevators; Farmers Co-Operative Elevator Company of Douglas.
Enid; Continental Elevator; Continental Grain Company.
Enid; Union Equity Co-operative Exchange Elevator; Union Equity Co-operative Exchange.
Enid; Enid Terminal Elevators; Interstate Grain Corporation.
Fairview; Sooner Co-op Elevator; Sooner Cooperative, Incorporated.
Fargo; Farmers Elevator; Farmers Co-operative Association.
Garber; Cooperative Elevator; Garber Co-operative Association.
Goodwell; Farmers Elevator; Farmers Elevator of Goodwell, Oklahoma, Inc.
Grandfield; Union Equity Elevator; Union Equity Co-operative Exchange.
Guymon; Knutson Elevator; Knutson Elevators, Inc.
Hardesty; Perryton Equity Elevator; Perryton Equity Exchange.
Helena; Farmers Elevator; Farmers Cooperative Association.
Hennessey; Farmers Co-operative Elevator; Farmers Elevator and Co-operative Association.
Hooker; Equity Exchange Elevator; The Hooker Equity Exchange.
Hough (P.O. Guymon); Hough Elevator; Knutson Elevator, Inc.
Hunter; Hunter Farmers Elevator; Farmers Grain Company.
Hydro; Farmers Elevator; Hydro Cooperative Association.
Imo; Imo Farmers Elevators; Farmers Co-operative Elevator Company.
Keyes; Perryton Equity Elevator; Perryton Equity Exchange.
Kingfisher; Kingfisher Cooperative Elevator; Kingfisher Cooperative Elevator Association.
Knowles; Perryton Equity Elevator; Perryton Equity Exchange.
Kremlin; Farmers Elevator; Farmers Grain Company.
Lamont; Lamont Elevator; Clyde Co-operative Association.
Lawton; Cooperative Elevator A; Coop Services, Inc.
Marshall; United Co-op Elevator; United Cooperative, Inc.
May; May Elevator; Woodward Cooperative Elevator Association.
Medford; Medford Elevator; Clyde Co-operative Association.
Miami; Miami Co-op Elevator; The Miami Cooperative Association.
Midway (P.O. Hooker); Midway Elevator; Knutson Elevators, Inc.
Mooreland; Farmers Co-Op Elevator; Farmers Co-operative Trading Company.
Nardin; Cooperative Elevator; Clyde Co-operative Association.
Okeene; Sooner Co-op Elevator; Sooner Cooperative, Incorporated.
Oklahoma City; Garrison Elevator; Garrison Milling Company, Inc.
Perry; Farmers Cooperative Elevator; Farmers Cooperative Exchange.
Pond Creek; Farmers Elevator; Farmers Grain Company.
Ranch Drive (P.O. Ponca City); Ranch Drive Elevator; Farmers Cooperative Association.
Red Rock; Farmers Co-Op. Elevator; Red Rock Farmers Co-Operative.
Renfrow; Renfrow Elevator; Clyde Cooperative Association.
Saltfork (P.O. Hunter); Saltfork Elevator; Clyde Co-operative Association.
Selman; Selman Farmers Elevator; The Buffalo Farmers' Co-operative Elevator Company.
Shawnee; Shawnee Elevator; Shawnee Milling Company.
Tonkawa; Tonkawa Elevator; Farmers Co-operative Association.
Tuttle; MFC Elevator; Mid-Continent Farmers Co-op.
Tyrone; Compton Elevator; Knutson Elevators, Inc.
Vici; Farmer's Co-op. Ass'n Elevator; Farmers Cooperative Association of Vici.
Wakita; Farmers Co-operative Elevators; Farmers Co-operative Elevator Company of Wakita.
Weatherford; Co-Op. Elevator; Farmers Co-operative Exchange.
Woodward; Woodward Elevator; Woodward Cooperative Elevator Association.
Yukon; MFC Elevator; Mid-Continent Farmers Co-op.

OREGON

Athena; Pendleton Grain Growers Warehouse; Pendleton Grain Growers, Inc.
Biggs (P.O. Wasco); Sherman Co-operative Grain Growers Warehouse; Sherman Co-operative Grain Growers.
Biggs; Moro Grain Growers Warehouse; Moro Grain Growers Association.
Condon; Condon Grain Growers Warehouse; Condon Grain Growers, Inc.
Dufur; Dufur Elevator; Dufur Elevator Company.
Eakin's Siding; Eakin Elevator; Eakin Co-operative Grain Growers.
Echo; Pendleton Grain Growers Warehouse; Pendleton Grain Growers, Inc.
Elgin; The Elgin Flouring Mill Warehouse; The Elgin Flouring Mill Co.
Enterprise; Wallowa County Grain Growers Warehouse; Wallowa County Grain Growers.
Grass Valley; Grass Valley Grain Growers Warehouse; Grass Valley Grain Growers, Inc.
Haines; Haines Elevator; Haines Grain and Feed Company, Inc.
Helix; Farmers Mutual Warehouse Co-op; Farmers Mutual Warehouse Cooperative.
Heppner; Morrow County Grain Growers Warehouse; Morrow County Grain Growers, Inc.
Holdman; Pendleton Grain Growers Warehouse; Pendleton Grain Growers, Inc.
Imbler; Grande Ronde Grain Warehouse; Grande Ronde Grain Co.
Ione; Morrow County Grain Growers Warehouse; Morrow County Grain Growers, Inc.
Island City; Pioneer Flouring Mill Warehouse; Pioneer Flouring Mill Co.
Jordan; Jordan Elevator Company's Warehouse; Jordan Elevator Company.
LaGrande; LaGrande Milling Warehouse; LaGrande Milling Company.
Lakeview; Lakeview Ag Center Elevator; Lakeview Ag Center, Inc.
Lexington; Morrow County Grain Growers Warehouse; Morrow County Grain Growers, Inc.
Maupin; Maupin Elevator Co., Maupin Elevator Co.
Milton-Freewater; Pendleton Grain Growers Warehouse; Pendleton Grain Growers, Inc.
Morgan; Morgan Elevator; John Eubanks.
Moro; Moro Grain Growers Warehouse; Moro Grain Growers Association.
North Powder; North Powder Milling and Mercantile Company's Warehouse; North Powder Milling and Mercantile Company.
Pendleton; Pendleton Grain Growers Warehouse No. 2; Pendleton Grain Growers, Inc.
Portland; Blue Line Exchange Warehouse; Blue Line Exchange.
Umatilla; Pendleton Grain Growers Warehouse; Pendleton Grain Growers, Inc.
Union; The Union Flouring Mill Warehouse; The Union Flouring Mill Company.

PENNSYLVANIA

Erie; Continental Erie Elevator; Continental Grain Company.
High Spire; Highspire Flour Mills Elevator; Standard Milling Company.
Philadelphia; Girard Point Elevator; Tidewater Grain Company.
Pittsburgh; Expanded Grain Products, Inc., Pittsburgh Grain Elevator; Expanded Grain Products, Inc.

SOUTH DAKOTA

Aberdeen; Cargill Elevator; Cargill Incorporated.
Beardsley; Terminal Grain Elevator; Terminal Grain Corporation.
Centerville; Centerville Grain Elevator; McMaster Grain Company.
Colome; Colome Elevator—Dallas Branch; Farmers Co-operative Association of Dallas, South Dakota.
Dallas; Farmers Elevators; Farmers Co-operative Association of Dallas, South Dakota.
Marion; Terminal Grain Elevator; Terminal Grain Corporation.
Milbank; Cargill Elevator; Cargill, Incorporated.
Monroe; Terminal Grain Elevator; Terminal Grain Corporation.
Onida; Oahe Elevator; Oahe Grain Corporation.
Parker; Terminal Grain Elevator; Terminal Grain Corporation.
Roscoe; Roscoe Grain and Feed Company Elevator; Roscoe Grain and Feed Company, Inc.
Trent; Cargill Elevator; Cargill Incorporated.
Vermillion; Terminal Farm Service Elevator; Terminal Grain Corporation.
Wagner; Terminal Grain Elevator; Terminal Grain Corporation.
Winner; Deaver-Meyer Elevator; Deaver-Meyer Grain Company.

TENNESSEE

Chattanooga; Cargill Chattanooga Elevator; Cargill, Incorporated.
Memphis; ADM Elevator; ADM Grain Co.
Memphis; Riverside Elevator No. 1; Cook Industries, Inc.
Memphis; Port of Memphis Grain Elevator; Cargill, Incorporated.
Memphis; Cargill President Island Oil Plant; Cargill, Incorporated.
Memphis; Continental Memphis Elevator; Continental Grain Company.
South Fulton;[1] Browder Milling Company; Browder Milling Company, Incorporated.
Trenton; Boyd Price Grain Co., Warehouse; Boyd Price, trading as Boyd Price Grain Co.
Union City; Farmers Grain Elevator; Farmers Grain & Fertilizer Company, Inc.
Union City; Warterfield Elevator; Warterfield Grain Company.

TEXAS

Adrian; Wheat Growers Elevator; Adrian Wheat Growers, Inc.
Amarillo; Garvey Elevators, Inc. Elevator; Garvey Elevators, Inc.
Amarillo; Interstate Grain Co. Warehouse; The Kearns Grain & Seed Co., Inc.
Amarillo; Producers Elevator; Producers Grain Corporation.
Anna; Sherley Elevator; Norman E. Jones, trading as N. E. Jones Grain.
Beaumont; Beaumont Elevator; Continental Grain Company.
Black; Black Grain Co. Elevator; Friona Feed Yard, Inc.
Black; Tri-County Elevator; Tri-County Elevator Company, Inc.
Booker; Booker Equity Elevator; Booker Equity Union Exchange.
Bovina; Wheat Growers Elevator; Bovina Wheat Growers Inc.
Bovina; Sherley Elevator; Sherley Grain Company.
Brownfield; Goodpasture, Inc.-Brownfield Elevator; Goodpasture, Inc.
Canadian; Co-op Elevator; Canadian Grain Co-op.
Capps Switch (P.O. Sunray); Continental Elevator; Continental Grain Company.
Channelview; Cargill Houston Elevator; Cargill, Incorporated.
Conlen; Conlen Grain & Mercantile Warehouse; Conlen Grain & Mercantile Co.
Comyn (P.O. Dublin); Harvest Queen Elevators; L. R. Stringer.
Conway; Coop Elevator; Conway Wheat Growers Inc.
Dalhart; Consumers Elevator; Dalhart Consumers Fuel Association, Inc.
Dalhart; Welch Elevator; T. I. Welch and Thompson Irwin Welch, copartners, trading as Welch Grain Company.
Darrouzett; Farmers Elevators; Darrouzett Co-operative Association.
Dawn; Dawn Co-op Elevator; Dawn Co-op.
Deer Park; Union Equity Export Elevator; Union Equity Co-operative Exchange.
Dimmitt; Farmers Elevator; Dimmitt Agri-Industries, Inc.
Dumas; Co-op Elevator; Dumas Co-op.
Etter (P.O. Dumas); Continental Elevator; Continental Grain Company.
Etter (P.O. Dumas); Etter Grain Company Elevator; Etter Grain Company, Inc.
Farnsworth; Batman Elevator; Batman Grain, Inc.
Farnsworth; Perryton Equity Elevator; Perryton Equity Exchange.
Farwell; Sherley-Anderson-Pitman Elevator; Sherley-Anderson-Pitman, Inc.
Farwell; Worley Mills Elevator; Worley Mills, Inc. (No Stockholder's Liability).
Follett; Farmers Grain & Supply Co. Elevator; Farmers Grain and Supply Company of Follett.
Fort Worth; Katy Elevator; Bunge Corporation.
Fort Worth; Producers Elevator Section B; Producers Grain Corporation.
Friona; Farmers Cooperative Elevator; Friona Wheat Growners, Inc.
Friona; Goodpasture, Inc.-Friona Elevator; Goodpasture, Inc.
Galena Park; Goodpasture Elevator; Goodpasture, Inc.
Galveston; Galveston "B" Elevator; Bunge Corporation.
Groom; Wheat Growers Elevator; Groom Wheat Growers, Inc.
Groom; Wheeler-Evans Elevator; Wheeler-Evans Elevator Company.
Gruver; Continental Elevator; Continental Grain Company.
Hamlin; Moore Elevator; Moore Elevator Inc.
Hart; Farmers Grain Elevators; The Farmers Grain Company of Hart, Texas.
Hartley; Farmers Supply Company Elevators; Farmers Supply Company of Hartley, Texas.
Hereford; Farmers Co-op Elevator; Hereford Grain Corp.
Hereford; Hereford Elevator; Continental Grain Company.
Higgins; Wheat Growers Elevator; Higgins Wheat Growers, Inc.
Holden Spur (P.O. Merkel); Harvest Queen Elevators; L. R. Stringer.
Huntoon; Perryton Equity Elevator; Perryton Equity Exchange.
Kress; Hipp Elevator; Lawrence Systems, Inc.
Kress; Kress Farmers Elevator; Kress Farmers Elevator Co. of Kress, Texas.
Lariat; Sherley-Anderson Elevator; Sherley-Anderson Grain Company.
Lockney; Patterson Elevator; Patterson Grain Company, Inc.
Lockney; Lockney Co-op Elevator; Lockney Cooperative Gin.
Lubbock; Goodpasture, Inc.-Lubbock Elevator; Goodpasture, Inc.
Lubbock; Producers Elevator; Producers Grain Corporation.
Mathis; Mathis Elevator; Mathis Grain & Elevator Corp.
McKibben (P.O. Spearman); Perryton Equity Elevator; Perryton Equity Exchange.
Morse; Perryton Equity Elevator; Perryton Equity Exchange.
Muleshoe; Farmers Cooperative Elevator; Farmers Cooperative Elevator of Muleshoe, Texas.
Muleshoe; Muleshoe Elevator; The Kearns Grain & Seed Co. Inc.
O'Donnell; Farmers Co-op Elevator; Farmers Co-operative Association of O'Donnell, Texas.
Pampa; Wheeler-Evans Elevator; Wheeler-Evans Elevator Company.
Perryton; Perryton Equity Elevators; Perryton Equity Exchange.
Plainview; Harvest Queen Elevator; L. R. Stringer.
Plainview; Plainsman Elevator; Plainsman Elevators, Inc.
Plainview; Producers Elevator; Producers Grain Corporation.
Plainview; Southwestern Grain Elevator; Southwestern Grain, Inc.
Port Arthur; Cargill Port Arthur Elevator; Cargill, Incorporated.
Pringle; Perryton Equity Elevator; Perryton Equity Exchange.
Saginaw; Continental Elevator; Continental Grain Company.
Saginaw; Garvey Elevators, Inc. Elevator; Garvey Elevators, Inc.
Saginaw; Union Equity Ft. Worth Elevator; Union Equity Co-operative Exchange.
Silverton; Silverton Elevator; Silverton Elevators, Inc.
Spearman; Perryton Equity Elevator; Perryton Equity Exchange.
Sudan; Feeders Elevator; Feeders Grain, Inc.
Suman Switch (P.O. Hearne); Harvest Queen Elevators; L. R. Stringer.
Sunray; Sunray Co-Op Elevator; Sunray Co-Op.
Sunray; Continental Elevator; Continental Grain Company.
Texarkana; Pioneer of Texarkana Elevator; Pioneer Food Industries, Inc.
Texhoma; Wheat Growers Elevator; Texhoma Wheat Growers, Inc.
Texline; Texline Elevator; The Kearns Grain & Seed Co., Inc.
Tulia; Wheat Growers Elevator; Tulia Wheat Growers, Inc.
Tulia; Prairie Elevator; Prairie Cattle and Grain Co.
Tulia; Star Grain Co. Elevator; The Star Grain Company of Tulia, Texas.
Twitchell; Perryton Equity Elevator; Perryton Equity Exchange.
Vega; Wheat Growers Elevator; Vega Wheat Growers, Inc.
Waka; Perryton Equity Elevator; Perryton Equity Exchange.
White Deer; Wheeler-Evans Elevator; Wheeler-Evans Elevator Company.
Whichita Falls; Berend Bros. Elevator; Berend Brothers Feed Stores, Incorporated.
Wildorado; Wildorado Producers Elevator; Wildorado Producers Ass'n.

UTAH

Cache Junction; West Cache Growers Warehouse; West Cache Growers, Inc.
Murray; Brookfield Elevator; Brookfield Products, Inc.
Richmond; Gilt Edge Flour Mills Warehouse; Gilt Edge Flour Mills, Inc.

[1] In Kentucky and Tennessee.

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VIRGINIA

Chesapeake; Cargill Norfolk Elevator; Cargill, Incorporated.
Norfolk; N. & W. Grain Elevator; Continental Grain Company.
Roanoke; City Mills Elevator; Roanoke City Mills, Incorporated.

WASHINGTON

Asotin; Lewiston Grain Growers Warehouse; Lewiston Grain Growers, Inc.
Centerville; Grain Growers Warehouse; Klickitat Valley Grain Growers, Inc.
Connell; Connell Grain Growers Warehouse; Connell Grain Growers, Inc.
Dayton; Columbia County Grain Growers Warehouse; Columbia County Grain Growers, Inc.
Endicott; Wheat Growers of Endicott Warehouse; Wheat Growers of Endicott, Inc.
Goldendale; Grain Growers Warehouse; Klickitat Valley Grain Growers, Inc.
Huntsville; Columbia County Grain Growers Warehouse; Columbia County Grain Growers, Inc.
Johnson (P.O. Star Route, Pullman); Johnson Union Warehouse; Johnson Union Warehouse Company.
Kahlotus; Kahlotus Cooperative Elevator; Kahlotus Cooperative Elevator Company.
McKay; The Touchet Valley Grain Growers Warehouse; The Touchet Valley Grain Growers, Inc.
Oakesdale; Oakesdale Grain Growers Warehouse; Oakesdale Grain Growers, Inc.
Pomeroy; Pomeroy Grain Growers Warehouse; Pomeroy Grain Growers, Inc.
Prescott; The Touchet Valley Grain Growers Warehouse; The Touchet Valley Grain Growers, Inc.
Pullman; Dumas Seed Company Warehouse; Dumas Seed Company.
Rockford; Rockford Grain Growers Warehouse; Rockford Grain Growers, Inc.
Roosevelt; Farmers Warehouse & Commission Co.; Farmers Warehouse and Commission Company.
Starbuck; Columbia County Grain Growers Warehouse; Columbia County Grain Growers, Inc.
Uniontown; Uniontown Co-Operative Warehouse; Uniontown Co-Operative Association.
Waitsburg; The Touchet Valley Grain Growers Warehouse; The Touchet Valley Grain Growers, Inc.

WISCONSIN

Green Bay; Strid Grain Company Elevator; T. A. Strid and Roland G. Strid, copartners trading as Strid Grain Company.
La Crosse; Cargill La Crosse Elevator; Cargill, Incorporated.
Superior; Great Northern Elevators S–X; ADM Grain Co.
Superior; Continental Elevator, Superior; Continental Grain Company.
Superior; Farmers Union Elevator; Farmers Union Grain Terminal Association.
Superior; M & O Elevators; M & O Elevators, Inc.

Beans

C. For the storage of beans:

COLORADO

Town, Warehouse, and Warehouseman

Dove Creek; Dove Creek Bean & Elevator Co. Warehouse; Dove Creek Bean & Elevator Co.
Dove Creek; Romer Warehouse; David L. Corlett and Jean R. Corlett, copartners, trading as Romer Mercantile and Grain Co.
Eaton; Co-Op Bean Warehouse; Agland Incorporated.
Fowler; Fowler Warehouse; Fowler Cooperative Association.
Olathe; Co-op Warehouse; The Olathe Potato Growers' Cooperative Association.
Roggen; Roggen Farmers Bean Warehouse; Roggen Farmer's Elevator Association.
Stratton; Co-op Elevator; The Stratton Equity Cooperative Company.

IDAHO

Filer; Idaho Bean and Elevator Warehouse; Idaho Bean & Elevator Co. of Twin Falls.
Hansen; L. W. Moore Warehouse; L. W. Moore.
Jerome; Marshall Warehouse; Marshall Warehouses, Inc.
Kendrick; Lewiston Grain Growers Warehouse; Lewiston Grain Growers, Inc.
Twin Falls; Idaho Bean and Elevator Warehouse; Idaho Bean & Elevator Co. of Twin Falls.

KANSAS

Leoti; Western Seed & Supply Warehouse; Charles R. Whitham, trading as Western Seed & Supply.
Marienthal; Webster Warehouse; Webster Seed and Supply Inc.
Ruleton (P.O. Goodland); Western Seed & Supply Warehouse; Charles R. Whitham, trading as Western Seed & Supply.

TEXAS

Texline; Texline Elevator; The Kearns Grain & Seed Co., Inc.

Sirup

D. For the storage of sirup:

CALIFORNIA

Town, Warehouse, and Warehouseman

Anaheim; Anaheim Warehouse; Sioux Honey Association, Cooperative.
Stockton; Valley Honey Warehouse; Valley Honey Cooperative.

FLORIDA

Umatilla; Umatilla Warehouse; Sioux Honey Association, Cooperative.

GEORGIA

Waycross; Waycross Warehouse; Sioux Honey Association, Cooperative.

IDAHO

Wendell; Sioux Honey Association Warehouse; Sioux Honey Association, Cooperative.

IOWA

Sioux City; Sioux Honey Association Warehouse; Sioux Honey Association, Cooperative.

TEXAS

Temple; Temple Honey Warehouse; Sioux Honey Association, Cooperative.

Wool

E. For the storage of wool:

Town, Warehouse, and Warehouseman

MISSOURI

North Kansas City; Midwest Wool Warehouse; Midwest Wool Marketing Cooperative.

OHIO

Columbus; Ohio Wool Warehouse; The Ohio Wool Growers Cooperative Association;

SOUTH CAROLINA

Greenville; Black Hawk Warehouse; The Black Hawk Corporation.

UTAH

Salt Lake City; Utah Wool Marketing Association Warehouse; Utah Wool Marketing Association.

Cottonseed

F. For the storage of cottonseed:

Town, Warehouse, and Warehouseman

ARKANSAS

Evadale (P.O. Wilson); Delta Products Warehouse; Delta Products Company.
Forrest City; Forrest City Cotton Oil Mill Warehouse; Forrest City Cotton Oil Mill, Inc.
Helena; Helena Cotton Oil Company's Warehouse; Helena Cotton Oil Company, Inc.
Osceola; Osceola Products Warehouse; Osceola Products Company.

LOUISIANA

Bossier City; Riverland Oil Mill Warehouse; Riverland Oil Mill, Inc.
West Monroe; Union Oil Mill Warehouse; The Union Oil Mill, Inc.

MISSISSIPPI

Crenshaw; Riverside Industries Warehouse; Riverside Industries, Inc.
Marks; Riverside Industries Warehouse; Riverside Industries, Inc.

Nuts

G. For the storage of nuts:

NORTH CAROLINA

Town, Warehouse, and Warehouseman

Lewiston; Lewiston Bonded Warehouse; Warehouse Superintendent of the State of North Carolina.
Murfreesboro; Revelle Bonded Warehouse; Warehouse Superintendent of the State of North Carolina.
Tarboro; Edgecombe Bonded Warehouse; Warehouse Superintendent of the State of North Carolina.
Williamston; Martin Bonded Warehouse; Warehouse Superintendent of the State of North Carolina.

LIST OF WAREHOUSES CANCELED OR TERMINATED SINCE DECEMBER 31, 1971

Cotton

A. For the storage of cotton:

ARKANSAS

Arkadelphia; Golden Cotton Warehouse; Benton Taylor. Request of warehouseman.
Fort Smith; Federal Compress Warehouse; Federal Compress & Warehouse Company. Request of warehouseman.
Hope; Union Compress Warehouse; Union Service Industries, Inc. Request of warehouseman.

CALIFORNIA

Bakersfield; San Joaquin Compress and Warehouse Company; Arizona Compress and Warehouse Company d/b/a San Joaquin Compress and Warehouse Company. Request of warehouseman.

GEORGIA

Albany; Albany Warehouse; Albany Warehouse Company. Warehouseman elected not to furnish bond.
Brooklet; Farmers' Bonded Warehouse; Farmers Bonded Warehouse, Inc. Request of warehouseman.
Madison; Farmers Trading Company Bonded Warehouse; Farmers Trading Company, Madison, Georgia. Request of warehouseman.
Millen; Millen Warehouse; The Millen Warehouse Company, Inc. Request of warehouseman.
Senoia; Daniel's Bonded Warehouse; Arthur G. Estes, Jr. Warehouseman elected not to furnish bond.

LOUISIANA

Haynesville; Haynesville Cotton Warehouse; Haynesville Cotton Warehouse Company, Incorporated. Warehouseman elected not to furnish bond.
Mansfield; Mansfield Bonded Warehouse; Aileen D. Morgan. Request of warehouseman.

MISSISSIPPI

Columbus; Columbus Compress Warehouse; Columbus Compress & Warehouse Company. Request of warehouseman.
Summit; Federal Champion Cotton Warehouse; Federal Champion Cotton Warehouse, Incorporated. Warehouseman elected not to furnish bond.
Tupelo; Federal Compress Warehouse; Federal Compress & Warehouse Company. Request of warehouseman.

MISSOURI

Gideon; Gideon Compress Warehouse; Regenold & Earls Company. Warehouseman elected not to furnish bond.

NORTH CAROLINA

Charlotte; Charlotte Bonded Warehouse; Charlotte Bonded Warehouse Company. Warehouseman elected not to furnish bond.
Charlotte; Standard Warehouse; Standard Warehouse, Inc. Warehouseman elected not to furnish bond.
Cherryville; Gaston Bonded Warehouse; Warehouse Superintendent of the State of North Carolina. Request of warehouseman.
Clinton; Sampson Cotton Storage Warehouse; Warehouse Superintendent of the State of North Carolina. Request of warehouseman.
Durham; Central Carolina Bonded Warehouse; Warehouse Superintendent of the State of North Carolina. Request of warehouseman.
Enfield; Enfield Bonded Warehouse; Warehouse Superintendent of the State of North Carolina. Request of warehouseman.
Gibson; Gibson Bonded Warehouse; Warehouse Superintendent of the State of North Carolina. Request of warehouseman.
Henderson; Greenway Bonded Warehouse; Warehouse Superintendent of the State of North Carolina. Request of warehouseman.
Newton; Newton Bonded Warehouse; Warehouse Superintendent of the State of North Carolina. Request of warehouseman.
Statesville; Statesville Bonded Warehouse; Warehouse Superintendent of the State of North Carolina. Request of warehouseman.
Washington; Beaufort County Warehouse; Warehouse Superintendent of the State of North Carolina. Request of warehouseman.

TENNESSEE

Chattanooga; The Cotton Warehouse; Alford Warehouse & Storage Co., Inc. Request of warehouseman.
Lawrenceburg; Augustin Bonded Warehouse; J. B. Augustin. Request of warehouseman.
Memphis; Federal Compress Warehouse (Bodley Avenue Plant); Federal Compress & Warehouse Company. Request of warehouseman.
Memphis; Federal Compress Warehouse (Riverside Plant); Federal Compress & Warehouse Company. Request of warehouseman.

TEXAS

Ballinger; Ballinger Compress Warehouse; Ballinger Compress & Warehouse Co. Request of warehouseman.
Brownwood; Brownwood Compress Warehouse; Brownwood Compress & Warehouse Co. Request of warehouseman.
Houston; Ship Channel Compress Warehouse; Petty Terminal Corporation. Request of warehouseman.
San Angelo; Angelo Compress Warehouse; Ballinger Compress & Warehouse Co. Request of warehouseman.

Grain

B. For the Storage of Grain:

ALABAMA

Decatur; ConAgra Elevator; ConAgra, Inc. Failure to furnish bond.

ARKANSAS

Needham (P.O. Jonesboro); Kiech-Crafton Elevator; Kiech-Crafton Elevator Company. Merger of corporations.
Rector; Graves Elevator; Graves Enterprises, Inc. Warehouse sold.

COLORADO

Greeley; Eisenman Grain Elevator; Eisenman Chemical Co. Warehouseman's request.
Schramm (P.O. Yuma); Farmers Elevator; The Yuma Farmers Milling-Mercantile Co-Operative Company of Yuma, Colorado. Destroyed by fire.

DELAWARE

Seaford; Cargill Seaford Elevator; Cargill, Incorporated. Warehouseman's request.

ILLINOIS

Bondville; B. C. Christopher & Co. Elevator; B. C. Christopher & Company, a limited partnership. Lease not renewed.
Bradford; Bradford and Lombardville Elevators; Elmer D. Baer, trading as Bradford Bonded Grain Warehouse Co. Relicensed as part of Bradford Bonded Grain Company, Bradford, Illinois.
Carthage; Hancock Pellets Elevator; Hancock Pellets, Inc. Warehouse sold.
Chicago; Garvey Elevator; Garvey Grain, Inc. Failed to furnish bond.
Chicago; Rialto Elevator; General Mills, Inc. Failed to furnish bond.
Dewey; Dewey Elevator; Fisher Farmers Grain and Coal Company. Relicensed as part of Fisher Farmers Grain and Coal Company of Fisher, Illinois.
Emery (P.O. Maroa); Emery Elevator; Dewein Grain Company. Leased out warehouse.
Emington; Emington O. K. Elevator; O. K. Grain Company. Leases not renewed.
Griggsville; Pike King Elevator; Pike King Feed Company. Leased out warehouse.
Hammond; B. C. Christopher & Co. Elevator; B. C. Christopher & Company, a limited partnership. Lease not renewed.
Illiopolis; Mansfield-Ford Illiopolis Elevator; Mansfield-Ford Grain Company. Failed to furnish bond.
Lanesville (R.R. 1 Buffalo); Mansfield-Ford Lanesville Elevator; Mansfield-Ford Grain Company. Failed to furnish bond.
Leverett (R.R. 4, Champaign); Leverett Elevator; Lewis P. Burtis, Kenneth W. Stoler, each individually, and Sue Stoler and Kenneth W. Stoler as trustees of the Estate of Howard A. Stoler, copartners trading as Leverett Grain Company. Warehouse sold.
Mt. Vernon; B. C. Christopher & Co. Elevator; B. C. Christopher & Company, a limited partnership. Lease not renewed.
Marengo; Central Grain Co. Elevator; Central Grain Co. Failed to furnish bond.
Newman; B. C. Christopher & Co. Elevator; B. C. Christopher & Company, a limited partnership. Lease not renewed.
Omaha; W. J. Meyer Elevator—Omaha; B. C. Christopher & Company, a limited partnership. Lease not renewed.
Saunemin; Saunemin O. K. Elevator; O. K. Grain Company. Lease not renewed.
Voorhies (R.R. No. 1, Bement); Voorhies Elevator; Voorhies Cooperative Grain Company. Relicensed as part of Bement Grain Company, Bement, Illinois.
White Heath; B. C. Christopher & Co. Elevator; B. C. Christopher & Company, a limited partnership. Lease not renewed.

INDIANA

Kempton; Kempton Elevator; Kempton Grain & Supply Corp. Failed to furnish bond.

IOWA

Cushing; Continental Elevator; Continental Grain Company. Warehouse sold.
Gray; Conklin Elevator; Edith Conklin, trading as Conklin Grain Co. Warehouseman's request.
Jordan (P.O. Boone); Peavey Producer Service Elevator; Peavey Company. Warehouse sold.
Loveland; Loveland Elevator; B. C. Christopher & Company, a limited partnership. Lease not renewed.
Primghar; Nicholson & Edwards Elevator, R. S. Nicholson, Clay Edwards and Wm. A. Edwards, copartners, trading as Nicholson & Edwards Grain Co. Death of partner.

KANSAS

Akron (P.O. Rock); Akron Elevator; Quentin F. Waples, d/b/a The Rock Grain Co. Relicensed as part of The Rock Grain Co., Rock, Kansas.
Bucklin; Bucklin Grain Co.; Bucklin Grain Co., Inc. Relicensed as part of the Wright-Lorenz Grain Co., Inc., Bucklin, Kansas.
Culver; Culver Coop Elevator; Cooperative Sales and Services, Incorporated. Warehouse Sold.
Dodge City; Dodge City Terminal Elevator; The Dodge City Terminal Elevator Company. Failed to furnish bond.
Emporia; Kansas Soya Products Co. Elevator; Archer-Daniels-Midland Company. Warehouse sold.
Oxford; Parity Elevator; Parity Mills, Inc. Warehouse sold.
Peabody; Peabody Co-op Elevator; The Peabody Cooperative Equity Exchange. Warehouse sold.

KENTUCKY

Louisville; Cargill Louisville Elevator; Cargill, Incorporated. Warehouseman's request.

MICHIGAN

Dowagiac; Dowagiac Milling Company Elevator; The Dowagiac Milling Company. Failed to furnish bond.

MINNESOTA

Minneapolis; Union Elevator; Farmers Union Grain Terminal Association. Ceased to be operated as a public warehouse.
Winona; Elevator F; Victoria Elevator Company of Minneapolis. Warehouse destroyed by fire.

MISSISSIPPI

Cleveland; Central Delta Warehousing Corporation Warehouse; Central Delta Warehousing Corporation. Failed to furnish bond.

MISSOURI

Bethany; Bethany Elevator; Bethany Mill and Implement Company. Warehouse sold.
Gower; G. F. S. Elevator, Frederick L. Schuster, trading as Gower Feeders Supply. Failed to furnish bond.
Center; Slater & Fowles Center Elevator; Slater and Fowles, Incorporated. Relicensed as part of Slater and Fowles, Incorporated, Laddonia, Missouri.
Essex; MFA Exchange Elevator; Missouri Farmers Association, Inc. Warehouse sold.
Norborne; B. F. Knipschild & Brothers Elevator; B. F. Knipschild, A. L. Knipschild, E. O. Knipschild and J. T. Knipschild, copartners, trading as B. F. Knipschild and Brothers. Death of partner.

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Vandalia; Wasson Grain Elevator; Jack Wasson Grain, Incorporated. Leased out warehouse.

NEBRASKA

Central City; Levitt Elevator; Merrick County Grain Co. Warehouse sold.

Ogallala; Cogil Elevators; Ogallala Grain, Inc. Warehouse sold.

Seward; Allied Mills Elevator; Allied Mills, Inc. Warehouse sold.

Shelton; Continental Elevator; Continental Grain Company. Warehouse sold.

Winnebago; Merry Grain Company Elevator; Holmquist Elevator Company. Warehouse sold.

NORTH CAROLINA

Monroe; Producers Feed Mill Warehouse; Producers Feed Mill, Inc. Warehouse sold.

Newton Grove; House Grain Elevators; Milton Sherrill Williams. Warehouseman's request.

OHIO

Mansfield; General Grain Elevator; General Grain, Inc. Warehouse sold.

OKLAHOMA

Braman; Braman Co-op Elevator; Blackwell Co-operative Elevator Association. Relicensed as part of Blackwell Co-operative Elevator Association, Blackwell, Oklahoma.

OREGON

Hogue-Warner; Morrow County Grain Growers Warehouse; Morrow County Grain Growers, Inc. Relicensed as part of Morrow County Grain Growers, Inc., Lexington, Oregon.

McNab; Morrow County Grain Growers Warehouse; Morrow County Grain Growers, Inc. Relicensed as part of Morrow County Grain Growers, Inc., Ione, Oregon.

North Lexington; Morrow County Grain Growers Warehouse; Morrow County Grain Growers, Inc. Relicensed as part of Morrow County Grain Growers, Inc., Lexington, Oregon.

Ruggs; Morrow County Grain Growers Warehouse; Morrow County Grain Growers, Inc. Relicensed as part of Morrow County Grain Growers, Inc., Lexington, Oregon.

SOUTH DAKOTA

Cresbard; Eichinger Elevator; Cresbard Grain Company. Warehouse sold.

TEXAS

Galveston; Galveston "B" Elevator; Galveston Elevator Company, Inc. Merger of corporations.

Happy; Wheat Growers Elevator; Happy Wheat Growers Inc. Warehouseman's request.

Hereford; Pitman-Easley Elevator; Pitman-Easley Industries Inc. Warehouseman's request.

Kress; Hipp Elevator; George D. Hipp, Joe F. Hipp, Harold D. Hipp, James F. Hipp, Hipp Brothers Grain Company, Incorporated and The Star Grain Company of Tulia, Texas, copartners, trading as Hipp Grain Company. Failed to furnish bond.

WASHINGTON

Albion; Pullman Grain Growers Warehouse; Pullman Grain Growers, Inc. Merger of corporations.

Colfax; Colfax Grain Growers Warehouse; Colfax Grain Growers, Inc. Merger of corporations.

Fallon; Pullman Grain Growers Warehouse; Pullman Grain Growers, Inc. Merger of corporations.

Mockonema; Colfax Grain Growers Warehouse; Colfax Grain Growers, Inc. Merger of corporations.

Pullman; Pullman Grain Growers Warehouse; Pullman Grain Growers, Inc. Merger of corporations.

Thornton; Colfax Grain Growers Warehouse; Colfax Grain Growers, Inc. Merger of corporations.

WYOMING

Egbert; Point of Rocks Elevator; Point of Rocks Elevators, Inc. Warehouse sold.

Cottonseed

C. For the storage of cottonseed:

Town, Warehouse, and Warehouseman

ALABAMA

Decatur; Tennessee Valley Cotton Oil Mills; Tennessee Valley Cotton Oil Mill. Failed to furnish bond.

Done at Washington, D.C. on March 14, 1973.

JOHN C. BLUM,
Deputy Administrator,
Regulatory Programs.

[FR Doc.73-5229 Filed 3-16-73;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[DESI 11255; Docket No. FDC-D-566; NDA 6-547, etc.]

CERTAIN COMBINATION DRUGS CONTAINING ANTACIDS WITH ANTICHOLINERGICS

Notice of Withdrawal of Approval of New Drug Applications

On November 29, 1972, there was published in the FEDERAL REGISTER (37 FR 25247) a notice of opportunity for hearing (DESI 11255) in which the Commissioner of Food and Drugs proposed to issue an order under section 505(e) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(e)) withdrawing approval of the new drug applications for the subject drugs in the absence of substantial evidence that these fixed combination drugs will have the effects that they purport or are represented to have under the conditions of use prescribed, recommended, or suggested in the labeling. The notice further stated that drugs containing an anticholinergic with an antacid are not appropriate for administration as fixed-dose combinations within the guidelines set forth in the statement of general policy or interpretation, § 3.86 Fixed-combination prescription drugs for humans, published in the FEDERAL REGISTER of October 15, 1971 (36 FR 20037).

On December 20, 1972, the Caldwell & Bloor Co., 80 West Third Street, Mansfield, OH 44902, manufacturers of Martab No. 2 Tablets containing calcium carbonate, magnesium oxide, phenobarbital, and atropine sulfate; and Martab No. 3 Tablets containing calcium carbonate, phenobarbital and atropine sulfate, formulated for Dr. Edward A. Marshall, elected to avail for itself and for Dr. Marshall the opportunity for a hearing. On December 26, 1972 Riker Laboratories, holder of NDA 12-830 for Estomul Tablets and Liquid, also has elected to avail itself of the opportunity for a hearing. These requests are under review and will be the subject of a future publication in the FEDERAL REGISTER.

Neither the holders of the following new drug applications nor any other interested person have filed a written appearance of election as provided by said notice. The failure to file such an appearance constitutes an election by such persons not to avail themselves of the opportunity for a hearing:

1. NDA 11-255; Modutrol Tablets containing pipethanate hydrochloride, scopolamine methylnitrate aluminum hydroxide, and magnesium hydroxide; Reed & Carnrick, 30 Boright Avenue, Kenilworth, NJ 07033.

2. NDA 6-547; Alzinox Compound Tablets and Magma containing dihydroxyaluminum aminoacetate, phenobarbital and homatropine methylbromide; Smith, Miller & Patch, Inc., 401 Joyce Kilmer Avenue, New Brunswick, NJ 08902.

All identical, related, or similar products, not the subject of an approved new drug application, are covered by the new drug applications reviewed and are subject to this notice. See 21 CFR 130.40 (37 FR 23185, Oct. 31, 1972). Any person who wishes to determine whether a specific product is covered by this notice should write to the Food and Drug Administration, Bureau of Drugs, Office of Compliance (BD-300), 5600 Fishers Lane, Rockville, Md. 20852.

The Commissioner of Food and Drugs, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 505, 52 Stat. 1053, as amended; 21 U.S.C. 355), and the Administrative Procedure Act (5 U.S.C. 554), and under authority delegated to him (21 CFR 2.120), finds on the basis of new information before him with respect to the drugs, evaluated together with the evidence available to him when the applications were approved, there is a lack of substantial evidence that the drugs will have the effects they purport or are represented to have under the conditions of use prescribed, recommended, or suggested in the labeling thereof. The Commissioner further concludes that these drugs are not appropriate for administration as fixed dose combinations within the guidelines set forth in the statement of general policy or interpretation, § 3.86 Fixed-combination prescription drugs for humans, published in the FEDERAL REGISTER of October 15, 1971 (36 FR 20037).

Therefore, pursuant to the foregoing findings, approval of the above new drug applications and all amendments and supplements applying thereto is withdrawn effective on March 19, 1973. Shipment in interstate commerce of the above-listed drug products or of any identical, related, or similar product, not th subject of an approved new drug application, is henceforth unlawful.

Dated: March 12, 1973.

SAM D. FINE,
Associate Commissioner
for Compliance.

[FR Doc.73-5155 Filed 3-16-73;8:45 am]

[DESI 6303; Docket No. FDC-D-601; NDA 6-303, etc.]

CERTAIN ORAL ANTIHISTAMINES

Drugs for Human Use; Drug Efficacy Study Implementation; Amendment

In a notice (DESI 6303) published in the FEDERAL REGISTER of May 22, 1971 (36 FR 9339), the Commissioner of Food and Drugs announced his conclusions pursuant to the evaluation of reports received from the National Academy of Sciences-National Research Council, Drug Efficacy Study Group, on the following drugs:

1. Actidil Tablets containing triprolidine hydrochloride; Burroughs Wellcome and Co., 3030 Cornwallis Road, Research Triangle Park, NC 27709 (NDA 11-110).

2. Dimetane Elixir containing brompheniramine maleate; A. H. Robins Co., 1407 Cummings Drive, Richmond, VA 23220 (NDA 11-097).

3. Methapyriline Hydrochloride Tablets; The Blue Line Chemical Co., 302 South Broadway, St. Louis, MO 63102 (NDA 6-824).

4. Dimetane Tablets containing brompheniramine maleate; A. H. Robins Co. (NDA 10-799).

5. Actidil Syrup containing triprolidine hydrochloride; Burroughs Wellcome and Co. (NDA 11-496).

6. Forhistal Syrup containing dimethindene maleate; Ciba Pharmaceutical Co., Division of Ciba-Geigy Corp., 556 Morris Avenue, Summit, NJ 07901 (NDA 12-337).

7. Histadyl Pulvules and Syrup containing methapyrilene hydrochloride; Eli Lilly & Co., Post Office Box 618, Indianapolis, IN 46206 (NDA 6-340).

8. Forhistal Tablets containing dimethindene maleate; Ciba Pharmaceutical Co. (NDA 12-335).

9. Forhistal Pediatric Oral Drops containing dimethindene maleate; Ciba Pharmaceutical Co. (NDA 12-338).

10. Decapryn Tablets containing doxylamine succinate; Merrell-National Laboratories, Division of Richardson-Merrell, Inc., Cincinnati, Ohio 45215 (NDA 6-412).

11. Disomer Tablets and Syrup containing dexbrompheniramine maleate; Schering Corp., 60 Orange Street, Bloomfield, NJ 07003 (NDA 11-814).

12. Clistin Elixir containing carbinoxamine maleate; McNeil Laboratories, Inc., Camp Hill Road, Fort Washington, PA 19034 (NDA 8-955).

13. Thephorin Tartrate Syrup containing phenindamine tartrate; Roche Laboratories, Division of Hoffman-La Roche, Inc., Nutley, NJ 07110 (NDA 6-332).

14. Clistin Tablets containing carbinoxamine maleate; McNeil Laboratories, Inc. (NDA 8-915).

15. Thephorin Tablets containing phenindamine tartrate; Roche Laboratories (NDA 6-303).

The following drug was also included in the notice of May 22, 1971: Semikon Hydrochloride Tablets containing methapyrilene hydrochloride; The S. E. Massengill Co., 527 Fifth Street, Bristol, TN 37620 (NDA 6-614). Approval of that application has been withdrawn (37 FR 25, Feb. 8, 1972) on the grounds that reports required under section 505(j) of the Act and §§ 130.13 and 130.35 (e) and (f) of the new drug regulations (21 CFR 130.13 and 130.35) had not been submitted. That drug is regarded as a related drug.

The notice stated that these drugs were regarded as probably effective, possibly effective and lacking substantial evidence of effectiveness for their labeled indications. The possibly effective indications have been reclassified as lacking substantial evidence of effectiveness in that no new evidence of effectiveness has been received pursuant to the notice of May 22, 1971. Based upon evaluation of available information, the indications previously considered as probably effective are now regarded as effective as restated in the "Labeling conditions" below. In addition, two other effective indications are described.

In addition to the drugs described above, the following products, all in sustained release, long acting, or repeat action form, were included in the notice of May 22, 1971.

1. Dimetane Extentabs (sustained release tables) containing brompheniramine maleate; A. H. Robins Co., 1407 Cummings Drive, Richmond, VA 23220 (NDA 10-799).

2. Forhistal Lontabs (long acting tablets) containing demethindene maleate; Ciba Pharmaceutical Co., Division of Ciba-Geigy Corp., 556 Morris Avenue, Summit, NJ 07901 (NDA 12-336).

3. Disomer Chronotabs (repeat action tablets containing dexbrompheniramine maleate; Schering Corp., 60 Orange Street, Bloomfield, NJ 07003 (NDA 11-905).

4. Clistin R-A (repeat action tablets) containing carbinoxamine maleate; McNeil Laboratories, Inc., Camp Hill Road, Fort Washington, PA 19034 (NDA 8-915).

5. Hispril spansules (sustained release capsules) containing diphenylpyraline hydrochloride; Smith Kline & French Laboratories, 1500 Spring Garden Street, Philadelphia, PA 19101 (NDA 11-945).

The notice of May 22, 1971, stated that the above sustained release, long acting, or repeat action products were probably effective, possibly effective, or lacking substantial evidence of effectiveness for their various labeled indications. The possibly effective indications have been reclassified as lacking substantial evidence of effectiveness in that such evidence has not been received. Any such product on the market for human use with labeling bearing indications lacking substantial evidence of effectiveness will be subject to regulatory proceedings. The probably effective indications for these products will be the subject of a future notice in the FEDERAL REGISTER.

Accordingly, with respect to the above-listed products which are not in sustained release, long acting, or repeat action form, the revised effectiveness classification and marketing status are as follows:

A. *Effectiveness classification.* The Food and Drug Administration has considered the Academy's reports, as well as other available evidence, and concludes that these drugs are effective for the indications listed in the labeling conditions below and lack substantial evidence of effectiveness for all of their other labeled indications.

B. *Conditions for approval and marketing.* The Food and Drug Administration is prepared to approve abbreviated new drug applications and abbreviated supplements to previously approved new drug applications under conditions described herein.

1. *Form of drug.* These preparations are in tablet, capsule, or liquid form, as indicated above, suitable for oral administration.

2. *Labeling conditions.* a. The labels bear the statement, "Caution: Federal law prohibits dispensing without prescription."

b. The drugs are labeled to comply with all requirements of the Act and regulations, and the labeling bears adequate information for safe and effective use of the drug(s). The "Indications" are as follows: (Labeling guidelines for these drugs are available from the Administration on request.)

INDICATIONS

For the symptomatic treatment of:

Seasonal and perennial allergic rhinitis.
Vasomotor rhinitis.
Allergic conjunctivitis due to inhalant allergens and foods.

Mild, uncomplicated allergic skin manifestations of urticaria and angioedema.

For the amelioration of the severity of allergic reactions to blood or plasma in patients with a known history of such reactions.

Dermographism.

As therapy for anaphylactic reactions adjunctive to epinephrine and other standard measures after the acute manifestations have been controlled.

3. *Marketing status.* Marketing of such drugs may be continued under the conditions described in the notice entitled "Conditions for Marketing New Drugs Evaluated in Drug Efficacy Study," published in the FEDERAL REGISTER July 14, 1970 (35 FR 11273), as follows:

a. For holders of "deemed approved" new drug applications (i.e., an application which became effective on the basis of safety prior to October 10, 1962), the submission of a supplement for revised labeling and an abbreviated supplement for updating information as described in paragraphs (a)(1) (i) and (iii) of the notice of July 14, 1970.

b. For any person who does not hold an approved or effective new drug application, the submission of an abbreviated new drug application as described in paragraph (a)(3)(i) of that notice.

c. For any distributor of the drug, the use of labeling in accord with this announcement for any such drug shipped within the jurisdiction of the Act as described in paragraph (b) of that notice.

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C. *Notice of opportunity for a hearing.* Notice is given to the holder(s) of the new drug application(s) and to any other interested person that the Commissioner proposes to issue an order under section 505(e) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(e)) withdrawing approval of the listed new drug application(s) or pertinent parts thereof and all amendments and supplements thereto providing for indications lacking substantial evidence of effectiveness referred to in paragraph A of this notice on the grounds that new information before him with respect to the drug(s), evaluated together with the evidence available to him at the time of approval of the application(s), shows there is a lack of substantial evidence that the drug(s) will have all the effects purported or represented to have under the conditions of use prescribed, recommended, or suggested in the labeling. An order withdrawing approval will not issue with respect to any application(s) supplemented, in accord with this notice, to delete the claim(s) lacking substantial evidence of effectiveness.

Any manufacturer or distributor of such an identical, related, or similar product is an interested person who may in response to this notice submit data and information, request that the new drug application(s) not be withdrawn, request a hearing, and participate as a party in any hearing.

In accordance with the provisions of section 505 of the Act (21 U.S.C. 355) and the regulations promulgated thereunder (21 CFR Part 130), the Commissioner hereby gives the applicant(s) and any other interested person an opportunity for a hearing to show why approval of the new drug application(s) providing for the claim(s) involved should not be withdrawn.

On or before April 18, 1973, the applicant(s) and any other interested person may file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 6-88, 5600 Fishers Lane, Rockville, MD 20852, a written appearance electing whether or not to avail himself of the opportunity for a hearing. Failure of an applicant or any other interested person to file a written appearance of election on or before April 18, 1973, will constitute an election by him not to avail himself of the opportunity for a hearing.

If no person elects to avail himself of the opportunity for a hearing, the Commissioner without further notice will enter a final order withdrawing approval of the application(s) which have not been supplemented to delete the indication(s) lacking substantial evidence of effectiveness.

If an applicant or any other interested person elects to avail himself of the opportunity for a hearing, he must file, on or before April 18, 1973, a written appearance requesting the hearing, giving the reasons why approval of the new drug application(s) should not be withdrawn, together with a well-organized and full-factual analysis of the clinical and other investigational data he is prepared to prove in support of his opposition. A request for a hearing may not rest upon mere allegations or denials, but must set forth specific facts showing that a genuine and substantial issue of fact requires a hearing (21 CFR 130.14(b)).

If review of the data submitted by an applicant or any other interested person warrants the conclusion that there exists substantial evidence demonstrating the effectiveness of the product(s) for the labeling claim(s) involved, the Commissioner will rescind this notice of opportunity for hearing.

If review of the data in the application(s) and data submitted by the applicant(s) or any other interested person in a request for a hearing, together with the reasoning and factual analysis in a request for a hearing, warrants the conclusion that no genuine and substantial issue of fact precludes the withdrawal of approval of the application(s), the Commissioner will enter an order making findings and conclusions on such data and withdrawing approval of application(s) or pertinent parts thereof not supplemented to delete the claim(s) involved.

If, upon the request of the new drug applicant(s) or any other interested person, a hearing is justified, the issues will be defined, a hearing examiner will be named, and he shall issue, as soon as practicable after the expiration of April 18, 1973, a written notice of the time and place at which the hearing will commence. All persons interested in identical, related, or similar products covered by the new drug application(s) will be afforded an opportunity to appear at the hearing, file briefs, present evidence, cross-examine witnesses, submit suggested findings of fact, and otherwise participate as a party. The hearing contemplated by this notice will be open to the public except that any portion of the hearing that concerns a method or process the Commissioner finds entitled to protection as a trade secret will not be open to the public, unless the respondent specifies otherwise in his appearance.

All identical, related, or similar products, not the subject of an approved new drug application, are covered by the new drug applications reviewed and are subject to this notice. See 21 CFR 130.40 (37 FR 23185, October 31, 1972). Any person who wishes to determine whether a specific product is covered by this notice should write to the Food and Drug Administration, Bureau of Drugs, Office of Compliance (BD-300), 5600 Fishers Lane, Rockville, MD 20852.

Communications forwarded in response to this announcement should be identified with the reference number DESI 6303, directed to the attention of the appropriate office listed below, and addressed to the Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20852:

Supplements (identify with NDA number): Office of Scientific Evaluation (BD-100), Bureau of Drugs.

Original abbreviated new drug applications (identify as such): Drug Efficacy Study Implementation Project Office (BD-60), Bureau of Drugs.

Requests for the Academy's report: Drug Efficacy Study Information Control (BD-67), Bureau of Drugs.

Request for Hearing (identify with Docket Number): Hearing Clerk (CC-20), Office of General Counsel, Room 6-88, Parklawn Building.

All other communications regarding this announcement: Drug Efficacy Study Implementation Project Office (BD-60), Bureau of Drugs.

Received requests for a hearing may be seen in the Office of the Hearing Clerk (address given above) during regular business hours, Monday through Friday.

This notice is issued pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 502, 505, 52 Stat. 1050-53, as amended; 21 U.S.C. 352, 355) and the Administrative Procedure Act (5 U.S.C. 554), and under the authority delegated to the Commissioner of Food and Drugs (21 CFR 2.120).

Dated: March 5, 1973.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.73-5148 Filed 3-16-73;8:45 am]

[DESI 12024; Docket No. FDC-D-608; NDA 12-024 etc.]

CLEMIZOLE HYDROCHLORIDE

Drugs for Human Use; Drug Efficacy Study Implementation; Followup Notice

In a notice (DESI 12024) published in the FEDERAL REGISTER of March 9, 1971 (36 FR 4560), the Commissioner of Food and Drugs announced his conclusions pursuant to the evaluation of reports received from the National Academy of Sciences-National Research Council, Drug Efficacy Study Group, on the following drugs containing clemizole hydrochloride:

1. Reactrol tablets; the Purdue Frederick Co., 99-101 Saw Mill River Road, Yonkers, NY 10701 (NDA 12-779).

2. Allercur tablets; J. B. Roerig and Co., Division of Pfizer, Inc., 235 East 42d Street, New York, NY 10017 (NDA 12-024).

All identical, related, or similar products, not the subject of an approved new drug application, are covered by the new drug application(s) reviewed and are subject to this notice. See 21 CFR 130.40 (37 FR 23185, Oct. 31, 1972). Any person who wishes to determine whether a specific product is covered by this notice should write to the Food and Drug Administration, Bureau of Drugs, Office of Compliance (BD-300), 5600 Fishers Lane, Rockville, MD 20852.

The notice of March 9, 1971 stated that these drugs were regarded as probably effective and possibly effective for their labeled indications. The possibly effective indications have been reclassified as lacking substantial evidence of effectiveness in that no new evidence of effectiveness has been received pursuant to the notice of March 9, 1971.

Based upon evaluation of available information, the indications previously considered as probably effective are now

regarded as effective as restated in the "Labeling conditions" below. In addition, three other effective indications are added. Accordingly, the revised effectiveness classification and marketing status are as follows:

A. *Effectiveness classification.* The Food and Drug Administration has considered the Academy's reports, as well as other available evidence, and concludes that:

1. Clemizole hydrochloride is effective for the indications included in the labeling conditions herein.

2. It lacks substantial evidence of effectiveness for all other labeled indications.

B. *Conditions for approval and marketing.* The Food and Drug Administration is prepared to approve abbreviated new drug applications and abbreviated supplements to previously approved new drug applications under conditions described herein.

1. *Form of drug.* These preparations are in tablet form suitable for oral administration.

2. *Labeling conditions.* a. The labels bear the statement, "Caution: Federal law prohibits dispensing without prescription."

b. The drugs are labeled to comply with all requirements of the Act and regulations, and the labeling bears adequate information for safe and effective use of the drugs. The indications for the drugs are as follows. (Labeling guidelines for the drug are available from the Administration on request.)

INDICATIONS

For the symptomatic treatment of:
Seasonal and perennial allergic rhinitis.
Vasomotor rhinitis.
Allergic conjunctivitis due to inhalant allergens and foods.
Mild, uncomplicated allergic skin manifestations of urticaria and angioedema.
For the amelioration of the severity of allergic reactions to blood or plasma in patients with a known history of such reactions.
Dermographism.
As therapy for anaphylactic reactions adjunctive to epinephrine and other standard measures after the acute manifestations have been controlled.

3. *Marketing status.* Marketing of such drugs may be continued under the conditions described in the notice entitled "Conditions for Marketing New Drugs Evaluated in Drug Efficacy Study", published in the FEDERAL REGISTER July 14, 1970 (35 FR 11273), as follows:

a. For holders of "deemed approved" new drug applications (i.e., an application which became effective on the basis of safety prior to Oct. 10, 1962), the submission of a supplement for revised labeling and an abbreviated supplement for updating information as described in paragraphs (a)(1)(i) and (iii) of the notice of July 14, 1970.

b. For any person who does not hold an approved or effective new drug application, the submission of an abbreviated new drug application as described in paragraph (a)(3)(i) of that notice.

c. For any distributor of the drug, the use of labeling in accord with this announcement for any such drug shipped within the jurisdiction of the Act as described in paragraph (b) of that notice.

C. *Notice of opportunity for a hearing.* Notice is given to the holder(s) of the new drug application(s) and to any other interested person that the Commissioners proposes to issue an order under section 505(e) of the Federal, Food, Drug, and Cosmetic Act (21 U.S.C. 355(e)) withdrawing approval of the listed new drug application(s) and all amendments and supplements thereto providing for indications lacking substantial evidence of effectiveness referred to in paragraph A.2 of this notice on the grounds that new information before him with respect to the drug(s), evaluated together with the evidence available to him at the time of approval of the application(s), shows there is a lack of substantial evidence that the drug(s) will have all the effects purported or represented to have under the conditions of use prescribed, recommended, or suggested in the labeling. An order withdrawing approval will not issue with respect to any application(s) supplemented, in accord with this notice, to delete the claim(s) lacking substantial evidence of effectiveness.

Any manufacturer or distributor of such an identical, related, or similar product is an interested person who may in response to this notice submit data and information, request that the new drug application(s) not be withdrawn, request a hearing, and participate as a party in any hearing.

In accordance with the provisions of section 505 of the Act (21 U.S.C. 355) and the regulations promulgated thereunder (21 CFR Part 130), the Commissioner hereby gives the applicant(s) and any other interested person an opportunity for a hearing to show why approval of the new drug application(s) providing for the claim(s) involved should not be withdrawn.

On or before April 18, 1973, the applicant(s) and any other interested person may file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 6-88, 5600 Fishers Lane, Rockville, MD 20852, a written appearance electing whether or not to avail himself of the opportunity for a hearing. Failure of an applicant or any other interested person to file a written appearance of election on or before April 18, 1973, will constitute an election by him not to avail himself of the opportunity for a hearing.

If no person elects to avail himself of the opportunity for a hearing, the Commissioner without further notice will enter a final order withdrawing approval of the application(s) which have not been supplemented to delete the indication(s) lacking substantial evidence of effectiveness.

If an applicant or any other interested person elects to avail himself of the opportunity for a hearing, he must file, on or before April 18, 1973, a written appearance requesting the hearing, giving the reasons why approval of the new drug application(s) should not be withdrawn, together with a well-organized and full-factual analysis of the clinical and other investigational data he is prepared to prove in support of his opposition. A request for a hearing may not rest upon mere allegations or denials, but must set forth specific facts showing that a genuine and substantial issue of fact requires a hearing (21 CFR 130.14(b)).

If review of the data submitted by an applicant or any other interested person warrants the conclusion that there exists substantial evidence demonstrating the effectiveness of the product(s) for the labeling claim(s) involved, the Commissioner will rescind this notice of opportunity for hearing.

If review of the data in the application(s) and data submitted by the applicant(s) or any other interested person in a request for a hearing, together with the reasoning and factual analysis in a request for a hearing, warrants the conclusion that no genuine and substantial issue of fact precludes the withdrawal of approval of the application(s), the Commissioner will enter an order making findings and conclusions on such data and withdrawing approval of application(s) not supplemented to delete the claim(s) involved.

If, upon the request of the new drug applicant(s) or any other interested person, a hearing is justified, the issues will be defined, a hearing examiner will be named, and he shall issue, as soon as practicable after April 18, 1973, a written notice of the time and place at which the hearing will commence. All persons interested in identical, related, or similar products covered by the new drug application(s) will be afforded an opportunity to appear at the hearing, file briefs, present evidence, cross-examine witnesses, submit suggested findings of fact, and otherwise participate as a party. The hearing contemplated by this notice will be open to the public except that any portion of the hearing that concerns a method or process the Commissioner finds entitled to protection as a trade secret will not be open to the public, unless the respondent specifies otherwise in his appearance.

Communications forwarded in response to this notice should be identified with the reference number DESI 12024, directed to the attention of the appropriate office listed below, and addressed to the Food and Drug Administration, 5600 Fishers Lane, Rockville, Md. 20852:

Supplements (identify with NDA number): Office of Scientific Evaluation (BD-100), Bureau of Drugs.

Original abbreviated new drug applications (identify as such): Drug Efficacy Study Implementation Project Office (BD-60), Bureau of Drugs.

Requests for the Academy's report: Drug Efficacy Study Information Control (BD-66), Bureau of Drugs.

Request for Hearing (identify with docket number): Hearing Clerk, (CC-20), Room 6-88, Parklawn Building.

All other communications regarding this announcement;

Drug Efficacy Study Implementation Project Office (BD-60), Bureau of Drugs.

Received requests for a hearing may be seen in the office of the Hearing Clerk

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(address given above) during regular business hours, Monday through Friday.

This notice is issued pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 502, 505, 52 Stat. 1050–53, as amended; 21 U.S.C. 352, 355) and the Administrative Procedure Act (5 U.S.C. 554), and under the authority delegated to the Commissioner of Food and Drugs (21 CFR 2.120).

Dated: March 5, 1973.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.73-5150 Filed 3-16-73;8:45 am]

[DESI 8867; Docket No. FDC-D-580; NDA 10-796]

DESERPIDINE

Drugs for Human Use; Drug Efficacy Study Implementation; Followup Notice

In a notice (DESI 8867) published in the FEDERAL REGISTER of April 28, 1971 (36 FR 7984), the Commissioner of Food and Drugs announced his conclusions pursuant to evaluation of a report received from the National Academy of Sciences-National Research Council, Drug Efficacy Study Group on Harmonyl Tablets containing deserpidine; Abbott Laboratories, 14th and Sheridan Road, North Chicago, Ill. 60064 (NDA 10–796).

All identical, related, or similar products are covered by the new drug application reviewed and are subject to this notice. See 21 CFR 130.40 (37 FR 23185, Oct. 31, 1972). Any person who wishes to determine whether a specific product is covered by this notice should write to the Food and Drug Administration, Bureau of Drugs, Office of Compliance (BD–300), 5600 Fishers Lane, Rockville, Md. 20852.

The notice stated that the drug was regarded as probably effective for treatment of mild essential hypertension and for use with benzothiadiazines (thiazides) for treating hypertension; and possibly effective as a tranquilizer in some patients with mild anxiety states.

The possibly effective indication has been reclassified to lacking substantial evidence of effectivenss in that such evidence has not been received pursuant to the notice.

Based upon further review, the Commissioner concludes that the drug is effective for the previously probably effective indications as reworded in the "Labeling conditions" set forth below.

Accordingly, the previous notice is amended to read as follows, insofar as it pertains to deserpidine tablets.

A. *Effectiveness classification.* The Food and Drug Administration has considered the Academy's report, as well as other available evidence, and concludes that:

1. Oral deserpidine is effective in the treatment of mild essential hypertension; as adjunctive therapy with other antihypertensive agents in the more severe forms of hypertension; for the relief of symptoms in agitated psychotic states, e.g., schizophrenia—primarily in those individuals unable to tolerate phenothiazine derivatives or those who also require antihypertensive medication.

2. The drug lacks substantial evidence of effectiveness for other indications.

B. *Conditions for approval and marketing.* The Food and Drug Administration is prepared to approve abbreviated new drug applications and abbreviated supplements to previously approved new drug applications under conditions described herein.

1. *Form of drug.* Deserpidine preparations are in tablet form suitable for oral administration.

2. *Labeling conditions.* a. The label bears the statement, "Caution: Federal law prohibits dispensing without prescription."

b. The drug is labeled to comply with all requirements of the Act and regulations and the labeling bears adequate information for safe and effective use of the drug. The indications are:

> For the treatment of mild essential hypertension. It is also useful as adjunctive therapy with other antihypertensive agents in the more severe forms of hypertension.
>
> For the relief of symptoms in agitated psychotic states, e.g., schizophrenia—primarily in those individuals unable to tolerate phenothiazine derivatives or those who also require antihypertensive medication.

Other parts of the labeling are as set forth for oral reserpine published in the notice of April 28, 1971.

3. *Marketing status.* Marketing of such drugs may be continued under the conditions described in the notice entitled "Conditions for Marketing New Drugs Evaluated in Drug Efficacy Study," published in the FEDERAL REGISTER July 14, 1970 (35 FR 11273), as follows:

a. For holders of "deemed approved" new drug applications (i.e., an application which became effective on the basis of safety prior to October 10, 1962), the submission of a supplement for revised labeling and an abbreviated supplement for updating information as described in paragraphs (a)(1)(i) and (iii) of the notice of July 14, 1970.

b. For any person who does not hold an approved or effective new drug application, the submission of an abbreviated new drug application as described in paragraph (a)(3)(i) of that notice.

c. For any distributor of the drug, the use of labeling in accord with this announcement for any such drug shipped within the jurisdiction of the Act as described in paragraph (b) of that notice.

C. *Notice of opportunity for a hearing.* Notice is given to the holder(s) of the new drug application(s) and to any other interested person that the Commissioner proposes to issue an order under section 505(e) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(e)) withdrawing approval of the listed new drug application(s) and all amendments and supplements thereto providing for indications lacking substantial evidence of effectiveness referred to in paragraph A of this notice on the grounds that new information before him with respect to the drug(s), evaluated together with the evidence available to him at the time of approval of the application(s), shows there is a lack of substantial evidence that the drug(s) will have all the effects purported or represented to have under the conditions of use prescribed, recommended, or suggested in the labeling. An order withdrawing approval will not issue with respect to any application(s) supplemented, in accord with this notice, to delete the claim(s) lacking substantial evidence of effectiveness.

Any manufacturer or distributor of such an identical, related or similar product is an interested person who may in response to this notice submit data and information, request that the new drug application(s) not be withdrawn, request a hearing, and participate as a party in any hearing.

In accordance with the provisions of section 505 of the Act (21 U.S.C. 355) and the regulations promulgated thereunder (21 CFR Part 130), the Commissioner hereby gives the applicant(s) and any other interested person an opportunity for a hearing to show why approval of the new drug application(s) providing for the claim(s) involved should not be withdrawn.

On or before April 18, 1973, the applicant(s) and any other interested person may file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 6–88, 5600 Fishers Lane, Rockville, Md 20852, a written appearance electing whether or not to avail himself of the opportunity for a hearing. Failure of an applicant or any other interested person to file a written appearance of election on or before April 18, 1973, will constitute an election by him not to avail himself of the opportunity for a hearing.

If no person elects to avail himself of the opportunity for a hearing, the Commissioner without further notice will enter a final order withdrawing approval of the application(s) which have not been supplemented to delete the indication(s) lacking substantial evidence of effectiveness.

If an applicant or any other interested person elects to avail himself of the opportunity for a hearing, he must file, on or before April 18, 1973, a written appearance requesting the hearing, giving the reasons why approval of the new drug application(s) should not be withdrawn, together with a well-organized and full-factual analysis of the clinical and other investigational data he is prepared to prove in support of his opposition. A request for a hearing may not rest upon mere allegations or denials, but must set forth specific facts showing that a genuine and substantial issue of fact requires a hearing (21 CFR 130.14(b)).

If review of the data submitted by an applicant or any other interested person warrants the conclusion that there exists substantial evidence demonstrating the effectiveness of the product(s) for the labeling claim(s) involved, the Commissioner will rescind this notice of opportunity for hearing.

If review of the data in the application(s) and data submitted by the applicant(s) or any other interested person in a request for a hearing, together with the reasoning and factual analysis in a request for a hearing, warrants the conclusion that no genuine and substantial issue of fact precludes the withdrawal of approval of the application(s), the Commissioner will enter an order making findings and conclusions on such data and withdrawing approval of application(s) not supplemented to delete the claim(s) involved.

If, upon the request of the new drug applicant(s) or any other interested person, a hearing is justified, the issues will be defined, a hearing examiner will be named, and he shall issue, as soon as practicable after April 18, 1973, a written notice of the time and place at which the hearing will commence. All persons interested in identical, related, or similar products covered by the new drug application(s) will be afforded an opportunity to appear at the hearing, file briefs, present evidence, cross-examine witnesses, submit suggested findings of fact, and otherwise participate as a party. The hearing contemplated by this notice will be open to the public except that any portion of the hearing that concerns a method or process the Commissioner finds entitled to protection as a trade secret will not be open to the public, unless the respondent specifies otherwise in his appearance.

Communications forwarded in response to this notice should be identified with the reference number DESI 8867, directed to the attention of the appropriate office listed below, and addressed to the Food and Drug Administration, 5600 Fishers Lane, Rockville, Md. 20852.

Supplements (identify with NDA number): Office of Scientific Evaluation (BD–100), Bureau of Drugs.
Original abbreviated new drug applications (identify as such): Drug Efficacy Study Implementation Project Office (BD–60), Bureau of Drugs.
Request for Hearing (identify with Docket number): Hearing Clerk (CC–20), Room 6–88, Parklawn Building.
Requests for Academy's report: Drug Efficacy Study Information Control (BD–66), Bureau of Drugs.
All other communications regarding this announcement: Drug Efficacy Study Implementation Project Office (BD–60), Bureau of Drugs.
Received requests for a hearing may be seen in the Office of the Hearing Clerk (address given above) during regular business hours, Monday through Friday.

This notice is issued pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 502, 505, 52 Stat. 1050–53, as amended; 21 U.S.C. 352, 355), and the Administrative Procedure Act (5 U.S.C. 554), and under the authority delegated to the Commissioner of Food and Drugs (21 CFR 2.120).

Dated: March 5, 1973.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.73-5151 Filed 3-16-73;8:45 am]

[Docket No. FDC-D-615]

HOFFMANN-LA ROCHE, INC.

Certain Antibiotic-Containing Premixes; Notice of Drugs Deemed Adulterated

In an announcement in the FEDERAL REGISTER of July 9, 1970 (35 FR 11070, DESI 0173NV), the Commissioner of Food and Drugs announced the conclusions of the Food and Drug Administration following evaluation of reports received from the National Academy of Sciences—National Research Council, Drug Efficacy Study Group, on Golden Oak Swine Concentrate Medicated and Golden Oak Swine Vitamin Premix Medicated; marketed by Hoffman-La Roche, Inc., Nutley, N.J. 07110.

Said announcement provided the manufacturer and all interested parties a 6 month period in which to submit new animal drug applications. Hoffman-La Roche, Inc., did not submit a new animal drug application for said products. They responded to said announcement by advising the Commissioner that these premixes have been discontinued.

Therefore, based on the information before him, the Commissioner concludes that the above-named premixes are adulterated within the meaning of section 501(a)(5) or (6) of the Federal Food, Drug, and Cosmetic Act, in that they are not the subject of approved new animal drug applications pursuant to section 512 of the act. Notice is given to Hoffmann-La Roche, Inc. and all interested persons that all stocks of the above named drugs for use in animal feed and all feed bearing or containing these products within the jurisdiction of the Federal Food, Drug, and Cosmetic Act are deemed adulterated within the meaning of the act and are subject to appropriate regulatory action.

This notice is issued pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 501(a)(5), (6), 512, 52 Stat. 1049, as amended, 82 Stat. 343–351; 21 U.S.C. 351(a)(5) and (6), 360b) and under authority delegated to the Commissioner (21 CFR 2.120).

Dated: March 12, 1973.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.73-5152 Filed 3-16-73;8:45 am]

[DESI 6566; Docket No. FDC-D-557; NDA 10-723]

MERCK SHARP & DOHME

Benactyzine Hydrochloride; Notice of Withdrawal of Approval of New Drug Application

A notice was published in the FEDERAL REGISTER of December 23, 1972 (37 FR 28437), extending to Merck Sharp & Dohme, Division Merck & Co., Inc., West Point, Pa. 19486 and to any interested person, an opportunity for hearing on the proposal of the Commissioner of Food and Drugs to issue an order under section 505(e) of the Federal Food, Drug, and Cosmetic Act withdrawing approval of NDA 10–723 for Suavitil Tablets (benactyzine hydrochloride). The basis of the proposed action was the lack of substantial evidence that the drug is effective for its labeled indications.

All identical, related, or similar products, not the subject of an approved new drug application, are covered by the new drug application reviewed and are subject to this notice. See 21 CFR 130.40 (37 FR 23185, October 31, 1972). Any person who wishes to determine whether a specific product is covered by this notice should write to the Food and Drug Administration, Bureau of Drugs, Office of Compliance (BD–300), 5600 Fishers Lane, Rockville, Md. 20852.

Neither the holder of the application nor any other person filed a written appearance of election within the 30 days provided by said notice. The failure to file such an appearance constitutes election by such persons not to avail themselves of an opportunity for hearing.

The Commissioner of Food and Drugs pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 505, 52 Stat. 1053, as amended; 21 U.S.C. 355) and the Administrative Procedure Act (5 U.S.C. 554), and under the authority delegated to him (21 CFR 2.120), finds that on the basis of new information before him with regard to the drug, evaluated together with the evidence available to him when the application was approved, there is a lack of substantial evidence that the drug will have the effect it purports or is represented to have under the conditions of use prescribed, recommended, or suggested in the labeling thereof.

Therefore, pursuant to the foregoing finding, approval of new drug application No. 10–723 and all amendments and supplements thereto is withdrawn effective on March 19, 1973.

Shipment in interstate commerce of the above-listed drug product or of any identical, related, or similar product, not the subject of an approved new drug application, is henceforth unlawful.

Dated: March 12, 1973.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.73-5154 Filed 3-16-73;8:45 am]

[DESI 13334; Docket No. FDC-D-569; NDA 13-334]

MERCK SHARP & DOHME

Dexamethasone Sodium Phosphate and Lidocaine Hydrochloride Injection, Dilute; Notice of Withdrawal of Approval of New Drug Application

On December 9, 1972 there was published in the FEDERAL REGISTER (37 FR 26357) a notice of opportunity for hearing (DESI 13334) in which the Commissioner of Food and Drugs proposed to issue an order under section 505(e) of the Federal Food, Drug, and Cosmetic

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Act (21 U.S.C. 355(e)) withdrawing approval of that part of NDA 13-334 pertaining to Decadron Phosphate with Xylocaine Injection, Dilute containing dexamethasone sodium phosphate 1 mg./ml. and lidocaine hydrochloride 5 mg./ml.; Merck Sharp & Dohme, Division of Merck & Co., Inc., West Point, Pa. 19486.

The basis of the proposed withdrawal of approval was the lack of substantial evidence that this fixed combination drug will have the effect that it purports or is represented to have under the conditions of use prescribed, recommended, or suggested in the labeling.

Neither Merck nor any other interested person has filed a written appearance of election as provided by said notice. The failure to file such an appearance constitutes an election by such persons not to avail themselves of the opportunity for a hearing.

All identical, related, or similar products, not the subject of an approved new drug application, are covered by the new drug application reviewed and are subject to this notice. See 21 CFR 130.40 (37 FR 23185, October 31, 1972). Any person who wishes to determine whether a specific product is covered by this notice should write to the Food and Drug Administration, Bureau of Drugs, Office of Compliance (BD-300), 5600 Fishers Lane, Rockville, Md. 20852.

The Commissioner of Food and Drugs, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 505, 52 Stat. 1053, as amended; 21 U.S.C. 355), and the Administrative Procedure Act (5 U.S.C. 554), and under authority delegated to him (21 CFR 2.120), finds that on the basis of new information before him with respect to the drug, evaluated together with the evidence available to him when the application was approved, there is a lack of substantial evidence that the drug will have the effect it purports or is represented to have under the conditions of use prescribed, recommended, or suggested in the labeling thereof.

Therefore, pursuant to the foregoing findings, approval of that portion of new drug application 13-334 pertaining to the subject drug and all amendments and supplements applying thereto is withdrawn effective on March 19, 1973.

Shipment in interstate commerce of the above-listed drug product or of any identical, related, or similar product, not the subject of an approved new drug application, is henceforth unlawful.

Dated: March 12, 1973.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.73-5153 Filed 3-16-73;8:45 am]

[DESI 9760]

NIACIN AND SITOSTEROLS

Certain Antilipemic Drugs; Amendment

The Food and Drug Administration published an announcement in the FEDERAL REGISTER of August 12, 1972 (37 FR 16121) (DESI 12180) regarding the efficacy of aluminum nicotinate.

The notice stated that the drug was effective as an antilipemic agent and required the following statement to follow the "Indications" section either enclosed in a block or in italics:

Notice: It has not been established whether drug-induced lowering of serum cholesterol or other lipid levels has a detrimental, a beneficial or no effect on the morbidity due to atherosclerosis or coronary heart disease. Several years will be required before current investigations can yield an answer to this question.

In the FEDERAL REGISTER of April 15, 1972 (37 FR 7535) (DESI 9760) the Food and Drug Administration published an announcement, stating the conditions under which niacin and sitosterols were effective antilipemic agents. This notice did not contain the above listed qualifying statement.

The Commissioner of Food and Drugs finds it appropriate to amend the announcement of April 15, 1972 by:

1. Changing the "Indications" section to read the same as published in the FEDERAL REGISTER of August 12, 1972 (37 F.R. 16121) for aluminum nicotinate, i.e.,

INDICATIONS

As adjunctive therapy in addition to diet and other measures in the treatment of hypercholesterolemia and hyperbetalipoproteinemia.

2. Requiring the following statement to follow the "Indications" section either enclosed in a block or in italics:

Notice: It has not been established whether drug-induced lowering of serum cholesterol or other lipid levels has a detrimental, a beneficial or no effect on the morbidity due to atherosclerosis or coronary heart disease. Several years will be required before current investigations can yield an answer to this question.

Holders of applications approved for niacin or sitosterols intended as antilipemic agents should submit, on or before May 18, 1973, supplements to their new drug applications to provide for revised labeling in accord with the indications and qualifying statement described above. Such supplements should be submitted under the provisions of § 130.9 (d) and (e) of the new drug regulations (21 CFR 130.9 (d) or (e)) which permit certain changes to be put into effect at the earliest possible time.

All identical, related, or similar products, not the subject of an approved new drug application, are covered by the new drug applications reviewed and are subject to this notice. See 21 CFR 130.40 (37 FR 23185, Oct. 31, 1972). Any person who wishes to determine whether a specific product is covered by this notice should write to the Food and Drug Administration, Bureau of Drugs, Office of Compliance (BD-300), 5600 Fishers Lane, Rockville, Md. 20852.

This notice is issued pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 502, 505, 52 Stat. 1050-53, as amended; 21 U.S.C. 352, 355), and the Administrative Procedure Act (5 U.S.C. 554), and under authority delegated to the Commissioner of Food and Drugs (21 CFR 2.120).

Dated: March 5, 1973.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.73-5149 Filed 3-16-73;8:45 am]

[DESI 6333; Docket No. FDC-D-612; NDA 6-333]

THEOPHYLLINE SODIUM GLYCINATE FOR INTRAVENOUS USE

Drugs for Human Use; Drug Efficacy Study Implementation Followup

In a notice (DESI 6333) published in the FEDERAL REGISTER of May 22, 1971 (36 FR 9340), the Commissioner of Food and Drugs announced his conclusions pursuant to the evaluation of a report received from the National Academy of Sciences-National Research Council, Drug Efficacy Study Group, on the following drug:

Synophylate injection containing theophylline sodium glycinate; the Central Pharmacal Co., 116-128 East Third Street, Seymour, IN 47274 (NDA 6-333).

All identical, related, or similar products, not the subject of an approved new drug application, are covered by the new drug application reviewed and are subject to this notice. See 21 CFR 130.40 (37 FR 23185, Oct. 31, 1972). Any person who wishes to determine whether a specific product is covered by this notice should write to the Food and Drug Administration, Bureau of Drugs, Office of Compliance (BD-300), 5600 Fishers Lane, Rockville, MD 20852.

No new clinical data were received pursuant to the notice. However, based upon reevaluation of available information, the drug is regarded as effective for certain indications as described herein. Accordingly, the effectiveness classification and marketing status are as follows:

A. *Effectiveness classification.* The Food and Drug Administration has considered the Academy's report, as well as other available evidence, and concludes that:

1. Theophylline sodium glycinate injection is effective for emergency use in acute attacks of bronchial asthma and other bronchospastic conditions.

2. The drug lacks substantial evidence of effectiveness for its other labeled indications.

B. *Conditions for approval and marketing.* The Food and Drug Administration is prepared to approve abbreviated new drug applications and abbreviated supplements to previously approved new drug applications under conditions described herein.

1. *Form of drug.* Theophylline sodium glycinate preparations are in sterile aqueous solution form suitable for intravenous administration.

2. *Labeling conditions.* a. The label bears the statement, "Caution: Federal law prohibits dispensing without prescription."

b. The drug is labeled to comply with all requirements of the Act and regulations, and the labeling bears adequate information for safe and effective use of the drug. The indications are: For emergency use in acute attacks of bronchial asthma and other bronchospastic conditions.

3. *Marketing status.* Marketing of such drugs may be continued under the conditions described in the notice entitled Conditions for Marketing New Drugs Evaluated in Drug Efficacy Study, published in the FEDERAL REGISTER July 14, 1970 (35 FR 11273), as follows:

a. For holders of "deemed approved" new drug applications (i.e., an application which became effective on the basis of safety prior to Oct. 10, 1962), the submission of a supplement for revised labeling and an abbreviated supplement for updating information as described in paragraphs (a)(1), (i), and (iii) of the notice of July 14, 1970.

b. For any person who does not hold an approved or effective new drug application, the submission of an abbreviated new drug application as described in paragraph (a)(3)(i) of that notice.

c. For any distributor of the drug, the use of labeling in accord with this notice for any such drug shipped within the jurisdiction of the Act as described in paragraph (b) of that notice.

C. Notice of opportunity for a hearing. Notice is given to the holder(s) of the new drug application(s) and to any other interested person that the Commissioner proposes to issue an order under section 505(e) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(e)) withdrawing approval of pertinent parts of the listed new drug application(s) and all amendments and supplements thereto providing for indications lacking substantial evidence of effectiveness referred to in paragraph A.2. of this notice on the grounds that new information before him with respect to the drug(s), evaluated together with the evidence available to him at the time of approval of the application(s), shows there is a lack of substantial evidence that the drug(s) will have all the effects purported or represented to have under the conditions of use prescribed, recommended, or suggested in the labeling. An order withdrawing approval will not issue with respect to any application(s) supplemented, in accord with this notice, to delete the claim(s) lacking substantial evidence of effectiveness.

Any manufacturer or distributor of such an identical, related, or similar product is an interested person who may in response to this notice submit data and information, request that the new drug application(s) not be withdrawn, request a hearing, and participate as a party in any hearing.

In accordance with the provisions of section 505 of the Act (21 U.S.C. 355) and the regulations promulgated thereunder (21 CFR Part 130), the Commissioner hereby gives the applicant(s) and any other interested person an opportunity for a hearing to show why approval of the new drug application(s) providing for the claim(s) involved should not be withdrawn.

On or before April 18, 1973, the applicant(s) and any other interested person may file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 6-88, 5600 Fishers Lane, Rockville, MD 20852, a written appearance electing whether or not to avail himself of the opportunity for a hearing. Failure of an applicant or any other interested person to file a written appearance of election on or before April 18, 1973, will constitute an election by him not to avail himself of the opportunity for a hearing.

If no person elects to avail himself of the opportunity for a hearing, the Commissioner without further notice will enter a final order withdrawing approval of pertinent parts of the application(s) which have not been supplemented to delete the indication(s) lacking substantial evidence of effectiveness.

If an applicant or any other interested person elects to avail himself of the opportunity for a hearing, he must file, on or before April 18, 1973, a written appearance requesting the hearing, giving the reasons why approval of the new drug application(s) should not be withdrawn, together with a well-organized and full factual analysis of the clinical and other investigational data he is prepared to prove in support of his opposition. A request for a hearing may not rest upon mere allegations or denials, but must set forth specific facts showing that a genuine and substantial issue of fact requires a hearing (21 CFR 130.14 (b)).

If review of the data submitted by an applicant or any other interested person warrants the conclusion that there exists substantial evidence demonstrating the effectiveness of the product(s) for the labeling claim(s) involved, the Commissioner will rescind this notice of opportunity for hearing.

If review of the data in the application(s) and data submitted by the applicant(s) or any other interested person in a request for a hearing, together with the reasoning and factual analysis in a request for a hearing, warrants the conclusion that no genuine and substantial issue of fact precludes the withdrawal of approval of the application(s), the Commissioner will enter an order making findings and conclusions on such data and withdrawing approval of pertinent parts of the application(s) not supplemented to delete the claim(s) involved.

If, upon the request of the new drug applicant(s) or any other interested person, a hearing is justified, the issues will be defined, a hearing examiner will be named, and he shall issue, as soon as practicable after the expiration of such 30 days, a written notice of the time and place at which the hearing will commence. All persons interested in identical, related, or similar products covered by the new drug application(s) will be afforded an opportunity to appear at the hearing, file briefs, present evidence, cross-examine witnesses, submit suggested findings of fact, and otherwise participate as a party. The hearing contemplated by this notice will be open to the public except that any portion of the hearing that concerns a method or process the Commissioner finds entitled to protection as a trade secret will not be open to the public, unless the respondent specifies otherwise in his appearance.

Communications forwarded in response to this notice should be identified with the reference number DESI 6333, directed to the attention of the appropriate office listed below, and addressed to the Food and Drug Administration, 5600 Fishers Lane, Rockville, Md. 20034.

Supplements (identify with NDA number): Office of Scientific Evaluation (BD-100), Bureau of Drugs.

Original abbreviated new drug applications (identify as such): Drug Efficacy Study Implementation Project Office (BD-60), Bureau of Drugs.

Request for Hearing (identify with docket number): Hearing Clerk (CC-20), Office of General Counsel, Room 6-88, Parklawn Building.

Requests for Academy's report: Drug Efficacy Study Information Control (BD-66), Bureau of Drugs.

All other communications regarding this notice: Drug Efficacy Study Implementation Project Office (BD-60), Bureau of Drugs.

Received requests for a hearing may be seen in the office of the hearing clerk (address given above) during regular business hours, Monday through Friday.

This notice is issued pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 502, 505, 52 Stat. 1050-53, as amended; 21 U.S.C. 352, 355), and the Administrative Procedure Act (5 U.S.C. 554), and under the authority delegated to the Commissioner of Food and Drugs (21 CFR 2.120).

Dated: March 12, 1973.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.73-5156 Filed 3-16-73;8:45 am]

Office of the Secretary

OFFICE OF THE ASSISTANT SECRETARY FOR HEALTH

Statement of Organization, Functions, and Delegations of Authority

In the statement of organization, functions, and delegations of authority of the Department, chapter 2-110, entitled Office of Assistant Secretary for Health (37 FR 24377) should be deleted and the following statement added:

SECTION IN.00 *Mission.*—The Assistant Secretary for Health is the principal advisor and assistant to the Secretary on health policy and all health-related activities in the Department. He is responsible for the direction of the health agencies of the Department, for providing leadership and policy guidance for health-related activities throughout the Department and for maintaining relationships with other governmental and private agencies concerned with health.

SEC. IN.00 *Organization.*—Under the supervision of the Assistant Secretary, the Office of the Assistant Secretary for

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Health consists of the following principal operating components:

1. *General functions:*
Deputy Assistant Secretary for Program Operations.
Deputy Assistant Secretary for Policy Development.
Deputy Assistant Secretary for Medical and Scientific Affairs.
Deputy Assistant Secretary for Administration and Management.
Executive Assistant.
Special Assistant for Public Affairs.
2. *Special functions:*
Deputy Assistant Secretary for Population Affairs.
Director, Office of Nursing Home Affairs.
Director, Office of International Health.
Director, Office of Professional Standards Review Organizations.
Special Assistant for Drug Abuse Prevention.

SEC. IN-20 *Functions.*

A. The Assistant Secretary for Health: (1) directs the activities of the Public Health Service, which is composed of the Health Services and Mental Health Administration, the National Institutes of Health and the Food and Drug Administration; and (2) as the Secretary's principal advisor on health, provides leadership and guidance on all other health and health-related activities, including research and development, education and training, the organization, financing and delivery of health care services, and problems of public and environmental health. In addition, he is responsible for the direction of nursing home affairs throughout the Department, directing coordination of drug abuse activities throughout the Department, and providing the principal point of contact within the Department with the Special Action Office for Drug Abuse Prevention, and exercises specialized responsibilities in the areas of population affairs, international health and in the transportation and disposition of certain hazardous materials. He coordinates the health and health-related functions of the Department with those of other Federal agencies and provides advice and assistance on health matters to such agencies as requested.

B. The principal components of the Office of the Assistant Secretary for Health, operating under the general direction and supervision of the Assistant Secretary, have the following functions and responsibilities:

1. *General functions. Deputy Assistant Secretary for Program Operations.* Resolves, and advises on, day-to-day operating problems, reviews and coordinates program activities and the presentation thereof to Congress, insures that established health policy and objectives are effectively carried out through program operations and through the budget and legislative processes, and makes recommendations for organizational changes designed to improve program coordination.

Deputy Assistant Secretary for Policy Development. Advises on and conducts policy analysis and development and health policy planning and provides guidance for such activities within the health agencies and with respect to health and health-related issues throughout the Department.

Deputy Assistant Secretary for Medical and Scientific Affairs. Advises, assists, and provides leadership and guidance on professional medical and substantive scientific and technical matters and represents the Assistant Secretary for Health at meetings of medical and scientific organizations.

Deputy Assistant Secretary for Administration and Management. Advises and assists on budget and other management problems and policies, provides leadership and guidance to the health agencies on management policy, and directs supporting and staff services in budget management, personnel management analysis and administrative services.

Executive Assistant. Provides personal assistance to the Assistant Secretary in managing his immediate office and his appointments and speaking engagements, advises, and represents him, on relationships with outside organizations, is responsible for the activities of the Executive Secretariat and for committee management, and performs a variety of ad hoc assignments.

Special Assistant for Public Affairs. Advises and assists on communications with the various publics served by the Public Health Service and coordinates the public affairs activities of the three health agencies with policy directives of the Assistant Secretary for Health.

2. *Special functions. Deputy Assistant Secretary for Population Affairs.* Advises on programs of national importance in the fields of population dynamics, fertility, sterility, and family planning and directs population and family planning activities within the three health agencies of the Department.

Director, Office of Nursing Home Affairs. Serves as the department focal point for managing nursing home affairs and directs and coordinates nursing home activities in both the health and nonhealth agencies.

Director, Office of International Health. Provides assistance and guidance on, and coordinates, the international health activities of the Department; prepares analyses of selected international health policies and programs for the Department of State, maintains liaison with international institutions and organizations and other departments and agencies on international health matters and arranges international technical assistance in the health field at the request of other departments and agencies.

Director, Office of Professional Standards Review Organizations. Serves as the Department's focal point for managing professional standards review organization (PSRO) activities and directs and coordinates PSRO activities in both the health and nonhealth agencies.

Special Assistant for Drug Abuse Prevention. Serves as the principal departmental contact with the Special Action Office for Drug Abuse Prevention, receiving, referring and following up on all major SAODAP requests, coordinates all intra-DHEW staff work on major drug abuse issues and, with the Assistant Secretary for Health, brings directly to the attention of the Secretary major issues requiring Secretarial decision.

Dated: March 2, 1973.

FRANK C. CARLUCCI,
Acting Secretary.

[FR Doc.73-5157 Filed 3-16-73;8:45 am]

ATOMIC ENERGY COMMISSION

[Docket No. 50-382A]

LOUISIANA POWER AND LIGHT CO.

Notice and Order for First Prehearing Conference

In the matter of Louisiana Power and Light Co., Waterford Steam Electric Generating Station, Unit 3.

Take notice, that pursuant to the Atomic Energy Commission's notice of February 23, 1973, published in FEDERAL REGISTER (38 FR 5502) March 1, 1973, and in accordance with the said Commission's rules of practice, a First Prehearing Conference will be held in the subject proceedings on March 27, 1973, at 10 a.m. at the Veterans Administration Building, 811 Vermont Avenue NW., Room 111, Washington DC 20420.

The attorneys for applicant are ordered to:

(1) Be prepared at the said Conference to explain and clarify the meaning and scope of the Attorney General's proposed license conditions; and

(2) Supply to this Board, not later than the date of the said Conference three copies of any and all documents in Applicant's possession (a) which purport to explain or clarify the meaning of the said conditions or (b) which comment upon or propose or describe modus operandi for complying with the said conditions.

The Attorneys for the Antitrust Division of the Department of Justice are requested to appear and be prepared to explain and clarify the meaning and scope of the said proposed license conditions as understood by the Department of Justice.

The Attorneys for the Intervenors and for each of the Petitioners for leave to intervene are ordered to be prepared at the said Conference to concisely and specifically:

(1) Define the alleged situation inconsistent with the antitrust laws or the policies clearly underlying these laws which allegedly will be created or maintained by activities under the proposed license. (Please note that the Board desires a definition of the situation and not a recital of activities creating or maintaining the situation);

(2) State wherein Intervenors' and Petitioner's interest may be affected by the alleged situation;

(3) Point out the nexus of the "situation" to "activities under the proposed license";

(4) State the relief desired and the relationship between said relief and the activities under the license proposed for Waterford Unit 3;

(5) Point out wherein the said relief is not obtainable under the aforesaid "conditions".

The First Prehearing Conference will be concerned with the following matters:

I. Explanation and clarification of the meaning and scope of the Attorney General's proposed license conditions;

II. As to the Intervenors and each Petitioner for leave to intervene, the ascertaining, in concise and specific terms, of:

(a) Intervenors' and Petitioner's contentions as to the situation alleged to be inconsistent with the antitrust laws or the policies clearly underlying these laws which allegedly will be created or maintained by activities under the proposed license;

(b) Wherein the Intervenors' and Petitioner's interest may be affected by the alleged situation;

(c) Relief desired by the Intervenors and Petitioner;

(d) The relationship between the specific relief sought and the activities under the license proposed for Waterford Unit 3; and

(e) The extent to which the said license conditions will not afford such relief.

III. The possibility of developing interim relief which would permit construction of Waterford Unit 3 pending final disposition of all relevant antitrust matters.

IV. Such other matters as may be deemed desirable as contributing to an early initial decision by this Board. This will include a discussion of scheduling of further activities in these proceedings.

Issued at Washington, D.C., this 14th day of March 1973.

By order of the Atomic Safety and Licensing Board.

HUGH K. CLARK,
Chairman.

[FR Doc.73-5216 Filed 3-16-73;8:45 am]

[Docket No. 50-333]

POWER AUTHORITY OF STATE OF NEW YORK AND NIAGARA MOHAWK POWER CORP.

Availability of Final Environmental Statement

Pursuant to the National Environmental Policy Act of 1969 and the Atomic Energy Commission's regulations in Appendix D to 10 CFR Part 50, notice is hereby given that a Final Environmental Statement prepared by the Commission's Directorate of Licensing, related to the continuation, modification, or termination of Construction Permit No. CPPR-71 and the proposed issuance of an operating license to the Power Authority of the State of New York for the James A. FitzPatrick nuclear powerplant in Oswego County, N.Y., is available for inspection by the public in the Commission's Public Document Room at 1717 H Street NW., Washington, DC, and in the Oswego City Library, 120 East Second Street, Oswego, NY 13126. The Final Environmental Statement is also being made available at the New York State Office of Planning Services, 488 Broadway, Albany, NY 12207, and at the Central New York Regional Planning and Development Board, 321 East Water Street, Syracuse, NY 13202.

The notice of availability of the Draft Environmental Statement for the James A. FitzPatrick nuclear power plant, and requests for comments from interested persons was published in the FEDERAL REGISTER on November 16, 1972 (37 FR 24378). The comments received from Federal, State, and local officials and interested members of the public have been included as appendices to the final environmental statement.

Single copies of the final environmental statement may be obtained by writing the U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Deputy Director for Reactor Projects, Directorate of Licensing.

Dated at Bethesda, Md., this 14th day of March 1973.

For the Atomic Energy Commission.

W. H. REGAN,
Chief, Reactor Projects, Branch 4, Directorate of Licensing.

[FR Doc.73-5218 Filed 3-16-73;8:45 am]

[Docket Nos. 50-315, 50-316]

INDIANA AND MICHIGAN ELECTRIC CO., AND INDIANA AND MICHIGAN POWER CO.

Notice of Opportunity for Hearing on Application for an Extension of Construction Permit Completion Dates

On March 25, 1969, the Atomic Energy Commission (the Commission) issued two provisional construction permits to the Indiana and Michigan Electric Co. and the Indiana and Michigan Power Co. (Companies) for construction of Units 1 and 2 of the Donald C. Cook Nuclear Plant. In accordance with section 185 of the Atomic Energy Act, 42 U.S.C. section 2235, the construction permits for the two units stated the earliest and latest dates for the completion of construction (Unit 1: November 1, 1971 and November 1, 1972, respectively. Unit 2: January 1, 1973 and January 1, 1974, respectively). On October 10, 1972, the Companies requested an extension of the latest permit completion date on both permits, citing bad weather, unexpected labor troubles and delay due to the redesign of certain reactor containment components. The Commission granted the Companies' request by Order dated October 26, 1972 (37 FR 23373), extending the latest completion dates for Units 1 and 2 to November 1, 1974 and December 1, 1975, respectively. On review of this order, however, the Court of Appeals for the District of Columbia Circuit directed the Commission on March 8, 1973:

Promptly to afford the petitioners, and any other interested persons, an opportunity for hearing on the question of whether the Companies have shown "good cause" for extension of the permit completion dates. ("Brooks, et al. v. Atomic Energy Commission," No. 72-1277)

Notice is hereby given that any person whose interest may be affected by the Commission's determination of the Companies' application may file a petition for leave to intervene and request for a hearing on the extension application by April 18, 1973. If a timely request for a hearing, accompanied by a petition for leave to intervene, is filed by an interested person, a hearing will be conducted at a time and place to be announced by the Atomic Safety and Licensing Board (Board) specified below.

The issue to be decided by any hearing on this application is whether the Companies have shown "good cause" for extension of the construction permit completion dates. The specific matters to be considered within the confines of this issue will be determined by the Board on the basis of the petitions submitted. Following a hearing, the Licensing Board shall render a de novo decision. The burden of proof shall be on the Companies.

Papers required to be filed in the proceeding may be filed by mail or telegram addressed to the Secretary of the Commission, U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Chief, Public Proceeding Branch, or may be filed by delivery to the Commission's Public Document Room, 1717 H Street NW., Washington, DC. Pending further order of the Board, persons are required to file, pursuant to the provisions of 10 CFR 2.708 of the Commission's "Rules of Practice," an original and 20 conformed copies of each such paper with the Commission.

A copy of the Companies' application and other documents relevant to the Cook facility are available for inspection by members of the public in the Commission's Public Document Room, 1717 H Street NW., Washington, DC.

In accordance with the Court's decision in the "Brooks" case, supra, construction of the Cook plant will continue pending the outcome of this hearing. Against this background, and the Court's further statement that this hearing is in addition to the hearings presently scheduled for this summer on the continuation, modification, termination, or conditioning of the construction permits and the issuance of operating licenses for the plant (see 37 FR 20996), the Commission has directed that the "good cause" proceeding be concluded with utmost expedition. Final decision on the "good cause" question shall be reached by June 4, 1973. For these purposes the proceeding shall be conducted under the following requirements:

1. The hearing will be held before an Atomic Safety and Licensing Board (Licensing Board) composed of the following members: Jerome Garfinkel, Esq., (Chairman), Mr. Gustave A. Linenberger, and Dr. Ernest O. Salo. Dr. Gerard A. Rohlich has been designated as a technically qualified alternate, and Thomas W. Reilly, Esq., has been designated as an alternate qualified in the conduct of administrative proceedings.

2. The Licensing Board shall render its initial decision by May 18, 1973. In order

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to meet this schedule, the Licensing Board shall conduct the hearing as soon as possible.

3. The Licensing Board's initial decision shall constitute the final decision of the Commission unless exceptions are filed within 5 days after its date. If exceptions are filed, the decision shall not be final until Appeal Board review is concluded.

Insofar as this notice and these requirements reflect shortening of time periods otherwise prescribed in 10 CFR Part 2, the Commission finds good cause for such action under 10 CFR § 2.711, for the reasons stated above. We further note that the authority of 10 CFR § 2.711 also extends to the Licensing Board.

Dated at Germantown, Md., this 15th day of March 1973.

By the Commission.

PAUL C. BENDER,
Secretary of the Commission.

[FR Doc.73-5336 Filed 3-16-73;11:59 am]

ADVISORY COMMITTEE ON REACTOR SAFEGUARDS

Subcommittee on Electrical Systems, Control, and Instrumentation; Notice of Meeting

MARCH 14, 1973.

In accordance with the purposes of sections 29 and 182 b. of the Atomic Energy Act (42 U.S.C. 2039, 2232 b.), the Advisory Committee on Reactor Safeguards' Subcommittee on Electrical Systems, Control, and Instrumentation will hold a meeting on March 23, 1973, in Room 1062, at 1717 H Street NW., Washington, DC. The subject scheduled for discussion is the proposed Regulatory Guide: "Availability of Electric Power Sources".

This meeting will be closed to the public, under the authority of section 10(d) of Public Law 92-463 (the Federal Advisory Committee Act).

JOHN V. VINCIGUERRA,
Advisory Committee Management Officer.

[FR Doc.73-5337 Filed 3-16-73;11:59 am]

CIVIL AERONAUTICS BOARD

[Docket No. 21350; Order 73-3-40]

DELTA AIR LINES, INC.

Extension of Temporary Suspension of Service

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 13th day of March, 1973.

By Order 70-3-62, March 13, 1970, the Board authorized Northeast Airlines, Inc. (subsequently merged with Delta Air Lines, Inc.), to suspend its services at Augusta/Waterville and Lewiston/Auburn, Maine, for a period of 3 years.[1] The Board provided for immediate termination of the suspension authority if an air taxi operator should reduce the levels of, or cease to provide, the prescribed minimum amount of service.[2]

On January 19, 1973, Delta filed the subject application in which it requests the Board (1) to extend its suspension authority at Augusta/Waterville and Lewiston/Auburn until 90 days after final decision in the "New England Service Investigation", Docket 22973, and (2) to reduce the required level of replacement service in the Lewiston/Auburn-Boston market from five to three daily round-trip flights. Responsive pleadings were filed by a number of parties.[3]

Since the subject matter of Delta's application can be divided into two distinct areas, we will discuss the positions of the parties and our disposition of the application under two separate headings, as follows:

I. *Renewal of Suspension.* In support of its application for extension of its suspension authority, Delta alleges, inter alia, that the circumstances and conditions which originally justified the suspensions in 1970 continue to exist; that Delta would suffer an estimated annual operating loss of $718,796 if it were required to resume service even assuming that it supplied a minimum pattern with FH-227 aircraft; that neither Delta nor Northeast, its predecessor, has received complaints from the communities or the traveling public with respect to the incumbent replacement service; and that there is no reason for the Board to alter the status quo in advance of its final decision in the "New England Service Investigation."

No party answering Delta's application for renewal of the suspension authority has objected in principle to the extension of that authorization. However, the Lewiston/Auburn Area Chamber of Commerce urges that Delta be required, as a condition to continued suspension, to institute an "Allegheny Commuter" type service in the Lewiston/Auburn-Boston market. The Chamber recognizes that the Board might wish to defer decision on the "Allegheny Commuter" issue, "in view of the progress of the New England Service Investigation."[4]

Upon consideration of the pleadings and all the relevant facts, we have decided to authorize Delta to extend its suspension of service at Augusta/Waterville and Lewiston/Auburn until 90 days after final decision in the "New England Service Investigation." Less than 3 months ago we concluded that Delta's suspension at the points in question, subject to conditions, was consistent with the public interest. Since, with the exception of the contingent objections of the State of Maine already discussed, no party has objected to an extension of the suspension, we reaffirm the findings and conclusions contained in Orders 72-9-39, September 12, 1972 and 73-1-3, January 2, 1973. Accordingly, we conclude that extension of Delta's suspension authority until 90 days after final decision in the "Service Investigation" is in the public interest.[5]

II. Reduction in Frequencies at Lewiston/Auburn. In support of its request for reduction of the replacement service frequencies in the Lewiston/Auburn-Boston market from five to three daily round trips, Delta alleges that Executive has already reduced its service without incurring adverse reaction from the communities and the traveling public; that the replacement service in the market has been sufficient to insure adequate capacity at all times; and that the future of service in the Lewiston/Auburn-Boston market will be fully considered in the "New England Service Investigation."

Executive Airlines, stressing its own recent financial problems, the lack of community complaint concerning the level of service at Lewiston/Auburn, and the pendency of the "Service Investigation", alleges in support of Delta's application that no more than three daily round trip flights are needed at Lewiston/Auburn and that grant of Delta's application will strengthen Executive while assuring the public of "all the service which it requires."

The Lewiston/Auburn parties argue that reduced traffic did not mandate a reduction of service but rather that the deterioration of service resulted in less demand; that Delta is financially able to resume service; and that the burden is on Delta to assure continued compliance with Orders 70-3-62 and 73-1-3. In addition, they contend that their acquiescence in Executive's service reduction in 1971, just prior to the commencement of its reorganization proceedings, resulted from a desire to assist that carrier through its financial difficulties and should not be construed as acceptance of the situation. The State of Maine asserts that Delta is presently in violation of the terms of Order 73-1-3 and, therefore, that the Board should refuse to process the application with respect to Lewiston/Auburn until Delta fulfills its existing obligations. Moreover, the State argues that, since the Board has previously indicated a desire to maintain the status quo during the pendency of the "New England Service Investigation", it should not now amend the minimum service requirements at a point in issue in that proceeding. The Waterville Parties contend that Executive should be required to reinstitute the prescribed frequency of service and that Delta should subsidize the carrier's service if necessary.

In these circumstances, there can be no wholly satisfactory solution. Through an oversight, the unauthorized reduction in the level of replacement service actually operated at Lewiston/Auburn has escaped attention for a period of approximately 18 months, notwithstanding our reimposition as recently as January of this year of the original five round-trip requirement.[6] Thus, the reduced pattern of service has become the status quo.[7] Grant of Delta's application at this time will result in no change in the service actually provided; denial of Delta's application, on the other hand, would require the carrier either to reinstitute service with its own aircraft (a course of action seriously advocated by no party) or, apparently, to subsidize the services of Executive. While the latter course of action is a valid possibility, we are reluctant to require such steps on an interim basis when the whole matter will soon be before us on a complete record in the "Service Investigation." This is particularly so since, on the basis of the facts before us, it appears that the level of service operated by Executive is sufficient to meet the demands of the market.[8] Accordingly, we conclude that grant of Delta's request for a reduction in the frequency of replacement service required as a condition to its suspension at Lewiston/Auburn is in the public interest.

Accordingly, it is ordered, That:

1. Delta Air Lines, Inc., be and it hereby is authorized to suspend service at Augusta/Waterville and Lewiston/Auburn, Maine, conditioned upon compliance by Delta with the Railway Labor Act;

2. The authority granted herein shall be subject to the condition that such suspension shall immediately terminate if, at any time during the period set forth in paragraph 4, below, the air taxi service to Augusta/Waterville and/or Lewiston/Auburn should, for any reason, cease or fall below the levels of service described below:

(a) Eight daily round-trip flights, Monday through Friday, in the Boston/Augusta/Waterville market for the period May 1 through October 31;

(b) Six daily round-trip flights, Monday through Friday, in the Boston/Augusta/Waterville market for the period November 1 through April 30;

(c) Four daily round-trip flights Saturday and Sunday in the Boston/Augusta/Waterville market for the period May 1 through October 31;

(d) Three daily round-trip flights, Saturday and Sunday in the Boston/Augusta/Waterville market for the period November 1 through April 30;

(e) Three daily round-trip flights in the Boston-Lewiston-Auburn market;

3. Executive Airlines shall keep on deposit with the Board a signed counterpart of Agreement C.A.B. 18900, an agreement relating to liability limitations of the Warsaw Convention and the Hague Protocol approved by Board Order E-23680, dated May 13, 1966, and a signed counterpart of any amendment which may be approved by the Board and to which the holder becomes a party;

4. The authority in paragraphs 1 and 2 above, should expire 90 days after the effective date of the final order in the "New England Service Investigation," Docket 22973;

5. The motion of the Waterville Parties for leave to file an otherwise unauthorized document, be and it hereby is granted; and

6. The motion of Delta Air Lines, Inc., for leave to file a late-filed reply, be and it hereby is granted.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] EDWIN Z. HOLLAND,
Secretary.

[FR Doc.73-5223 Filed 3-16-73;8:45 am]

[Docket No. 23944]

SUPPLEMENTAL RENEWAL PROCEEDING

Notice of Hearing

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that a public hearing in the above-entitled proceeding is assigned to be held on May 1, 1973, at 10 a.m. (local time) in Room 726, Universal Building, 1825 Connecticut Avenue NW., Washington, DC, before the undersigned.

For information concerning the issues involved and other details of this proceeding, interested persons are referred to the various documents which are in the docket of this case on file in the Docket Section of the Civil Aeronautics Board.

Dated at Washington, D.C., March 14, 1973.

[SEAL] JAMES S. KEITH,
Administrative Law Judge.

[FR Doc.73-5222 Filed 3-16-73;8:45 am]

COUNCIL ON ENVIRONMENTAL QUALITY

ENVIRONMENTAL IMPACT STATEMENTS

Environmental impact statements received by the council from March 5 through March 9, 1973.

NOTE: At the head of the listing of statements received from each agency is the name of an individual who can answer questions regarding those statements.

DEPARTMENT OF AGRICULTURE

Contact: Dr. T. C. Byerly, Office of the Secretary, Washington, D.C. 20250, 202-447-7803.

FOREST SERVICE

Draft, March 7

Proposed Off-Road Vehicle Regulations. The statement refers to the proposed regulations on the use of off-road vehicles on National Forest system lands, which have been formulated in accordance with Executive Order 11644. The regulations would provide that recreational off-road vehicles use on National Forest lands be conducted to minimize the impact on the environment. Off-road vehicles used in mineral activities are excepted from the regulations. (19 pages). (ELR Order No. 00390) (NTIS Order No. EIS 73 0390-D)

[1] This order was reconsidered on remand from the U.C. Court of Appeals for the District of Columbia Circuit in Air Line Pilots Ass'n, International v. C.A.B., 458 F.2d 846 (D.C. Cir. 1972) and reaffirmed by the Board in Orders 72-9-39, September 12, 1972, and 73-1-3, January 2, 1973.

[2] The minimum amount of service is as follows:

(a) Eight round-trip flights on weekdays and four round-trip flights on weekends between Augusta and Boston from May 1 to November 1;

(b) Six round-trip flights on weekdays and three round-trip flights on weekends between Augusta and Boston from November 1 to May 1.

(c) Five daily round-trip flights between Lewiston and Boston.

[3] Answers have been filed by the Cities of Lewiston and Auburn and the Lewiston/Auburn Airport Committee, the Lewiston/Auburn Area Chamber of Commerce, Auburn Aircraft Service, the State of Maine, and Executive Airlines, Inc. Delta filed a consolidated reply to the answers.

In addition, the City of Waterville, the Waterville Area Chamber of Commerce and the Waterville Airport Board (the Waterville Parties) filed a reply to Executive's answer together with a motion for leave to file (the otherwise unauthorized document). Delta filed a reply to the Waterville Parties also accompanied by a motion for leave to file. Both motions will be granted.

[4] In addition, the State of Maine, contingently "renews all of the objections filed in response to Order 72-9-39" if the Board grants Delta's application for a reduction in the frequency-of-service requirements in the Lewiston/Auburn-Boston market. Since we are granting Delta's application in that respect, the State's objections are technically before us for consideration. We have previously found those objections insufficient to warrant denial of Delta's continued suspension at the points in question (Order 73-1-3), however, and we reaffirm that conclusion here.

[5] We will deny the request of the Lewiston/Auburn Area Chamber of Commerce that Delta be required to provide an "Allegheny Commuter" type of service. We have denied similar requests by the State of Maine and find in the instant pleadings no reason for departure from our earlier conclusions. See Orders 72-6-63, June 15, 1972 and 73-1-3, January 2, 1973.

[6] The communities affected apparently preferred to acquiesce in the reduction of service in order to assist reorganization efforts rather than bring the matter affirmatively to the Board's attention.

[7] We do not condone any violation of the Board's orders which may have taken place. On the facts as they now appear, as of the date on which the replacement carrier ceased to provide five daily round trips in this market, the suspension authority of Northeast and Delta terminated by operation of law and, consequently, the carriers were in violation of Orders 70-3-62 and 73-1-3, section 404(a) of the Act and their certificate obligations. Our conclusion herein is not intended to preclude any enforcement proceedings which may be taken as a result of those apparent violations.

[8] Uncontroverted data submitted by Delta indicate that during 1972, the service generated on average fewer than nine passengers per day in each direction, or scarcely three per flight. Indeed, the peak month, August, produced only 12 passengers per day each way. Even during the 1970-71 period in which five round trips were operated, traffic never exceeded the 20 passengers per day in each direction (roughly four per flight) attained in the summer of 1970. The three round trips operated by Executive provide a basic pattern of service which exceeds the two round-trip standard under which the local service carriers operate and is far in excess of the service which Delta would provide. There are, in fact, no allegations that Executive's service is inadequate; rather, the communities simply desire additional service. While it is doubtless true that more service would generate some increase in traffic, we cannot conclude that the present service is insufficient for the demonstrated needs of the communities.

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Draft, March 5
Timber Management Plan, Santa Fe National Forest, N. Mex. County: Several. The proposal is a Timber Management Plan for the Santa Fe National Forest. The Plan is developed around an annual programed harvest of 42.6 million board feet; the calculated potential yield is 49.4 million board feet yearly. Included is the construction of roads, with 300 miles of new roadway needed to complete the planned system, and 1,200 miles of existing roadway requiring improvement. There will be adverse impact to air, water, soils, natural beauty, and fire control. Wildlife habitat and outdoor recreation will be adversely affected. (95 pages). (ELR Order No. 00364) (NTIS Order No. EIS 73 0364–D)

Draft, March 5
South Holston Unit, Cherokee National Forest, Tenn. Virginia. The proposed action is the initiation of a 10-year management plan for the 37,714-acre Unit of the National Forest. The plan allows for an annual timber harvest of 3.2 million board-feet. Approximately 38 miles of access road will be constructed, along with 10 miles of cycle trails and 11 miles of flat loop trails. There will be improvement of some wildlife habitat, and restrictions placed upon the use of off-road vehicles. Adverse effects of the plan include soil movement and visual impact from logging and motorized vehicles, and dispersed litter from recreationists. (71 pages). (ELR Order No. 00389) (NTIS Order No. EIS 73 0389–D)

Final, March 1
Big Game Habitat Improvement, Idaho. The statement considers the prescribed burning of brushfield and coniferous trees in northern Idaho during (fiscal) 1973–1975, for the purpose of providing forage for Rocky Mountain elk and mule deer. The project area includes the drainages of the Spokane, St. Joe, Clearwater, and Salmon Rivers. Adverse impact will result to air, water, soil, and esthetic qualities. (84 pages). Comments made by: EPA DOI. (ELR Order No. 00356) (NTIS Order No. EIS 73 0356–F)

SOIL CONSERVATION SERVICE

Draft, March 1
Baker Lake Watershed, Mont. County: Falcon. The proposal is for a watershed protection project on the 4,128 acre Baker Lake Watershed. Project measures include one floodwater retarding structure and land treatment. One hundred and twenty-two acres of rangeland and 6 acres of wetland will be permanently inundated; 82 acres will be periodically inundated. Because of active oil and gas exploration in the area, the possibility of oil waste pollution in the floodwater retarding basin will be increased by the project. (30 pages). (ELR Order No. 00354) (NTIS Order No. EIS 73 0354–D)

Final, March 1
Stevens-Rugg Watershed, Vt. County: Franklin. The statement considers the implementation of land treatment measures on 10,175 acres and the construction of a collection basin and channel works, for the purpose of flood protection. Ten acres will be committed to the project; construction activity will disturb wildlife habitat. (33 pages) Comments made by: COE, EPA, HEW, HUD and DOI. (ELR Order No. 00350) (NTIS Order No. EIS 73 0350–F)

DEPARTMENT OF DEFENSE ARMY CORPS

Contact: Mr. Francis X. Kelly, Director, Office of Public Affairs, Attention: DAEN-PAP, Office of the Chief of Engineers, U.S. Army Corps of Engineers, 1000 Independence Avenue SW., Washington, D.C. 20314. 202—693–7168.

Draft, March 1
Red River Waterway. The proposed project is a 294-mile-long navigation project on the Red River, from the Mississippi River to Shreveport, La. States affected are Louisiana, Texas, Arkansas, and Oklahoma. Project measures include the 9-foot deep, 200-foot wide channel; five locks and dams; and related bank stabilization, along with channel realignment. Wildlife, fishery, and forest resources will be adversely affected. (118 pages) (ELR Order No. 00344) (NTIS Order No. EIS 73 0344–D)

Bull Shoals Lake, Ark.: Missouri. The statement refers to the continued operation and maintenance of Bull Shoals Lake, for the purposes of hydroelectric power generation, flood control, recreational uses, and land and water resource management. Power generation and flood control regulation result in lake fluctuations that adversely affect shoreline vegetation. (40 pages) (ELR Order No. 00351) (NTIS Order No. EIS 73 0349–D)

Draft, March 7
Housatonic River Estuary, Conn. The proposed project is the maintenance dredging of major shoal areas in the Housatonic River estuary at Straford-Milford, Conn. Approximately 185,000 cubic yards of material will be removed and spoiled at a spoil site. Adverse effects will include the destruction of oysters and other benthic forms, and a degradation in water quality, (37 pages). (ELR Order No. 00388) (NTIS Order No. ELS 73 0388–D)

Draft, March 1
Norfolk Lake, Mo., Arkansas. The statement refers to the continued operation and maintenance of Norfolk Lake, for the purposes of hydroelectric power generation, flood control, recreational uses, and land and water resource management. Power generation and flood control regulation result in lake fluctuations that adversely affect shoreline vegetation. (46 pages). (ELR Order No. 00349) (NTIS Order No. EIS 73 0349–D)

Final, March 1
Alum Creek Lake, Ohio. County: Delaware. Proposed construction of a dam and appurtenant facilities on Alum Creek, for purposes of flood control, recreation, water supply, and conservation. Approximately 8,810 acres will be committed to the project; 18.7 miles of stream will be inundated. (87 pages). Comments made by: USDA, DOC, EPA, HUD, DOI, and DOT. (ELR Order No. 00343) (NTIS Order No. EIS 73 0343–F)

Cowanesque Lake, Pa. County: Tioga. The proposed project involves the construction of a 3,100-foot-long earthfill dam, along with dikes, recreation facilities, and appurtenances, in order to provide flood control and recreation opportunities. The reservoir will permanently inundate 410 acres of land and 4.2 miles of stream; an additional 3,690 acres will be periodically inundated. Much of the land which will be affected is forest. Approximately 600 persons will be displaced by the action. (120 pages). Comments made by: EPA and DOI, agencies of Pennsylvania and New York. (ELR Order No. 00345) (NTIS Order No. EIS 73 0345–F)

ENVIRONMENTAL PROTECTION AGENCY

Contact: Mr. Sheldon Meyers, Director, Office of Federal Activities, Room 3630 Waterside Mall, Washington, DC 20460. 202—755–0940.

Draft, March 1
Water Quality Management, Huron River, Mich. Counties: Wayne, Washtenaw, Oakland. The statement refers to the Huron River Basin portion of the Interim Water Quality Management Plan for the Southeast Michigan Metropolitan-Regional Area. The proposed action includes the construction of a major new secondary wastewater treatment plant with 90-percent phosphorus removal, at the Huron River discharging to Lake Erie. Also included is an interceptor system that would serve portions of Wayne, Washtenaw, and Oakland Counties. Under the plan existing treatment plants on the Huron River within the 1990 service area would be abandoned. Decreased flows in the Lower Huron, and the discharge of increased amounts of treated wastewater to Lake Erie will result. (199 pages). (ELR Order No. 00357) (NTIS Order No. EIS 73 0357–D)

FEDERAL POWER COMMISSION

Contact: Dr. Richard F. Hill, Acting Advisor on Environmental Quality, 441 G Street NW., Washington, DC 20426. 202—386–6084.

Draft, March 1
Wells Project No. 2149, Washington. Counties: Chelan, Douglas. The proposed action arises from a proceeding presently before the Commission, involving Public Utility District No. 1 of Douglas County and the Washington State Department of Game, regarding a determination of the extent of wildlife losses directly attributable to the Wells Project No. 2149, and mitigation measures as required by the license. Three alternative plans are proposed, including such measures as intensive habitat improvement, the raising and release of pheasants, and continued wildlife studies. The Wells Project is located on the Columbia River. (62 pages). (ELR Order No. 00348) (NTIS Order No. EIS 73 0348–D)

DEPARTMENT OF HEW

Contact: Mr. Paul Cromwell, Office of the Assistant Secretary for Health and Scientific Affairs, Room 3718 HEWN, 3000 Independence Avenue SW., Washington, DC 20202. 202—963–4456.

Final, March 1
NIH Rocky Mountain Laboratory, Mont. The statement refers to the proposed construction of a new incinerator at the laboratory (in Hamilton). In order to meet new Federal and State air pollution standards and to provide for future growth capacity. (25 pages.) Comments made by: USDA and EPA. (ELR Order No. 00347) (NTIS Order No. EIS 73 0347–F)

DEPARTMENT OF HUD

Contact: Mr. Richard H. Broun, Director, Environmental and Land Use, Planning Division, Washington, D.C. 20410. 202—755–6186.

Draft, March 7
Randolph Urban Renewal Area, Va. The Randolph Urban Renewal Project, which consists of 380 acres of urbanized low-and moderate-income residential area in Richmond, is proposed to be a redevelopment and conservation area. Of the 2,173 residential buildings in the area, 1,117 structures (containing 1,613 dwelling units) will be cleared, along with 58 of the 117 nonresidential buildings. Rehabilitation will consist of the construction of 1,053 residential buildings. The relocation of residents within the redevelopment area, and increased air and noise pollution, are adverse impacts of the project. The Downtown Expressway will produce a high concentration of air and noise pollution. (71 pages.) (ELR Order No. 00385) (NTIS Order No. EIS 73 0385–D)

Final, March 1
Minimum Property Standards. The statement refers to HUD's Minimum Property Standards (MPS) for the design and construction of housing. The standards would involve a comprehensive new system of revised physical standards to serve new and existing construction for HUD housing programs. Three mandatory MPS and a guidance Manual of Acceptable Practices compose the system. (Statement, 81 pages; manual, several hundred pages). Comments made by: AHP, AEC, USDA, DOC, COE, DOD, EPA, FPC, GSA, DOI, DOT. (ELR Order No. 00353) (NTIS Order No. EIS 73 0353–F)

Final, March 6
Lakeland Urban Renewal Project, Maryland. County: Prince Georges. The statement refers to an Urban Renewal Project on 105 acres at Lakeland, in College Park. The project will involve residential rehabilitation of 70 units, the clearance of 80 structures, redevelopment for new residential and commercial use, and necessary flood protection measures on Paint Branch and Indian Creeks. Completion of the project could lead to severe downstream flooding and siltation damage to existing or future development. (280 pages). Comments made by: COE, EPA, HEW, and DOI. (ELR Order No. 00381) (NTIS Order No. EIS 73 0381–F)

Coldspring New Town, Md. County: Baltimore. The statement refers to the proposed creation of a new town on a 535 acre site in northwest Baltimore. The site, which is predominantly vacant land, will be acquired, prepared, and sold for private development, using the Neighborhood Development Program. The plan calls for 3,780 dwelling units to house 12,000 people. The average income of residents is expected to be $12,900. (108 pages). Comments made by: EPA, HEW, and DOT. (ELR Order No. 00382) (NTIS Order No. EIS 73 0382–F)

DEPARTMENT OF INTERIOR

Contact: Mr. Bruce Blanchard, Director, Environmental Project Review, Room 7260, Department of the Interior, Washington, D.C. 20240. 202—343–3891.

BUREAU OF RECLAMATION

Final, March 1
San Juan Generating Station, N. Mex. County: San Juan. The statement considers the construction of the first (345 mw.) unit of a coal-burning thermal-electric generating station 12 miles northwest of Farmington; a 345 kV transmission line 400 miles to Tucson, Ariz.; a 160-mile, 345-kV. line to Espanola, N. Mex.; two 9-mile segments of line; and stripmining at Fruitland Field. Ultimate capacity of the station will be 1290 Mw. by 1982. Approximately 44 acres per year will be stripmined for each 345-Mw. unit; SO2 and NOx will be emitted, along with particulates at 99.5 percent control; archeologic and historic sites may be adversely affected. (approximately 600 pages) Comments made by: USDA, EPA, AEC, HEW, HUD, DOC, COE, and TVA. (ELR Order No. 00342) (NTIS Order No. EIS 73 0342–F)

DEPARTMENT OF TRANSPORTATION

Contact: Mr. Martin Convisser, Director, Office of Environmental Quality, 400 Seventh Street SW., Washington, DC 20590. 202—466–4357.

FEDERAL AVIATION ADMINISTRATION

Draft, March 1
Litchfield Municipal Airport, Ill. County: Montgomery. The proposed project contemplates acquiring land to construct, light and mark a 600-foot x 75-foot extension to the E/W runway. The action also includes installation of VASI, overlaying the existing taxiway, and constructing T-hangars, taxiway, and apron. There will be temporary increases in air pollution during construction and an increase in the noise level for residences east of the project. (46 pages). (ELR Order No. 00352) (NTIS Order No. EIS 73 0352–D)

FEDERAL HIGHWAY ADMINISTRATION

Highway 82 Bypass, El Dorado, Ark. County: Union. The statement refers to the proposed construction of 5.9 miles of four-lane, divided highway. The project will bypass the City of El Dorado, beginning on the western edge of El Dorado and terminating east of U.S. 167 on the east edge of the city. Ten families will be displaced. An unspecified amount of industrial land will be acquired for right of way. Disruption to traffic and increases in ambient noise and air pollution levels for certain areas will occur. (14 pages). (ELR Order No. 00346) (NTIS Order No. EIS 73 0346–D)

State Routes 106 and 30, California. County: San Bernardino. The statement refers to the proposed construction of 6.6 miles of six-lane freeway to form a connecting link between Interstate Route 10 and existing State Route 30. The facility will provide a continuous freeway system around the major portion of the City of San Bernardino and provide an all-weather crossing of the Santa Ana River. Seventy-seven single family residences, 11 apartments, a 60-space mobile home park and four commercial units will be displaced. Sound levels may be a problem in 11 areas. (50 pages). (ELR Order No. 00359) (NTIS Order No. EIS 73 0359–D)

Draft, March 2
U.S. Route 101, California. County: Humboldt. The proposed project consists of reconstructing a 1.7-mile segment of an existing four-lane facility to an initial four-lane divided freeway with provisions for two additional lanes. The project will displace 167 families, 17 businesses and two churches; 53 acres of land will be acquired for right of way. A section 4(f) statement was filed to obtain Vinum Park. Adverse effects will include increased air and noise pollution. (66 pages). (ELR Order No. 00360) (NTIS Order No. EIS 73 0360–D)

Draft, March 6
Mission Road Grade Separation, California. County: Los Angeles. The proposed project provides for a separation of grade between the Southern Pacific Co.'s El Paso Line Tracks and two City of Los Angeles streets—Mission Road and Griffin Avenue. The separation will be accomplished by lowering the railroad track and raising the street grade on two vehicular bridges. Approximately 48 families will be displaced and 20 businesses affected by the project. Construction disruption, tree removal, and encroachment on section 4(f) land from Lincoln Park are adverse effects of the action. (78 pages). (ELR Order No. 00380) (NTIS Order No. EIS 73 0380–D)

Draft, March 7
Boulder Bypass (SR 157), Colorado. County: Boulder. The statement considers seven alternate locations for the design and construction of State highway 157 from State highway 119 north of the City of Boulder to either State highway 93 or U.S. 366 south of the city. Construction of any of the proposed alignments will affect local and regional traffic movement, noise and air quality, and land use in the Boulder Valley. (257 pages). (ELR Order No. 00384) (NTIS Order No. EIS 73 0384–D)

Draft, March 6
Interstate 75, Florida. Counties: Broward, Dade. The proposed project involves the construction of a 22-mile segment of I–75. The corridor will displace 5 to 26 families and 12 to 16 businesses; an unspecified amount of acreage will be acquired for right of way. An increase in noise pollution levels will occur. (204 pages). (ELR Order No. 00379) (NTIS Order No. EIS 73 0379–D)

Draft, March 5
New Cut Road—Louisville, Ky. County: Jefferson. The proposed project is the improvement of 1.7 miles of New Cut Road. Three dwelling units and one business will be acquired for right of way. A section 4(f) statement will be filed to obtain 3 acres from the Iroquois Park. Adverse impacts will include loss of timber, and increased air and noise pollution levels. (68 pages). (ELR Order No. 00362) (NTIS Order No. EIS 73 0362–D).

Draft, March 1
Relocated U.S. Route 140 (Northwest Expressway), Maryland. County: Baltimore. The proposed project consists of the construction of a six-lane divided highway on new location for both Relocated U.S. 140 (Northwest Expressway) and Relocated Maryland Route 30 (Reisterstown Bypass). Also included is a two-track rapid rail transit line in the median of the highway from the Baltimore City line to Pontiac Mill Road, a distance of 5.5 miles. Total project length is 14.4 miles. The displacement of residents, conflict with the potential Stream Valley Park along Gwynn Falls, and increases in noise levels are adverse effects of the action. (245 pages). (ELR Order No. 00341) (NTIS Order No. EIS 73 0341–D)

Missouri Route 63, Missouri. County: Boone. The statement refers to the proposed relocation of a 6.9-mile segment of route 63 with half the project located in the city limits of Columbia. The action consists of an ultimate four-lane divided highway including four interchanges and four grade separation structures, with full control of access. Approximately 300 acres will be acquired for right of way. Ten families and one business will be displaced. Adverse effects include loss of tax base and loss of wildlife habitat. (14 pages). (ELR Order No. 00355) (NTIS Order No. EIS 73 0355–D)

Draft, March 2
Southern Tier Expressway (Route 415), New York. County: Steuben. The proposed project is the construction of a portion of the Southern Tier Expressway. Depending upon the alternate chosen, the facility will vary from 8 to 14 miles in length and displace 35 to 80 families and zero to 30 businesses. The facility will traverse the Chemung River requiring riverbank relocations and crossing, thus causing erosion and siltation. Adverse effects will include loss and disruption of fish and wildlife habitat, and increased air and noise pollution. Flood control programs will be affected. (150 pages). (ELR Order No. 00361) (NTIS Order No. EIS 73 0361–D).

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Draft, March 7

Relocation of WVA 2, West Virginia. County: Cabell. The statement refers to the proposed construction of approximately 4 miles of West Virginia route 2 beginning north of an intersection with Cabell County route 3 and extending beyond the Cabell-Mason County line. A 700-foot bridge over the Baltimore and Ohio Railroad and a 200-foot bridge over Guyan Creek will be constructed. Adverse effects include displacement of 10 residences, disturbance of the Guyan Creek bottom, and temporary increases in noise and air pollution. (58 pages). (ELR Order No. 00387) (NTIS order No. EIS 73 0387-D)

Park Freeway and Spur, Wisconsin. County: Milwaukee. The statement refers to the proposed construction of the Park Freeway and Spur, a 2.7 mile portion of the Milwaukee County Expressway System. The multilane facility is designed to connect with the recommended Stadium Freeway (north) on the west and with the North-South Freeway (U.S. 41) on the east, in the City of Milwaukee. Relocation and land acquisition impacts are 99 percent complete. Adverse effects of the project include the concentration of air and sound pollution in the freeway corridor. (108 pages). (ELR Order No. 00383) (NTIS Order No. EIS 73 0383-D)

Final, March 6

State Route 20, Alabama. County: Lauderdale. The proposed project is the relocation of 7.08 miles of route 20 from the Alabama-Tennessee State line to the Natchez Trace Parkway. Approximately 200 acres of rural land will be acquired for right-of-way. Four families and one business will be displaced. Opportunities for hunting and small game habitat will be affected. (49 pages). Comments made by: EPA, DOC, DOI, HUD, HEW, DOT, TVA, and USDA. (ELR Order No. 00371) (NTIS Order No. EIS 73 0371-F)

Mount Horeb Bypass, Wisconsin. County: Dane The statement refers to the corridor location of the bypass, which would begin at highway 78 and proceed easterly to the junction of highways 18 and 151. Two streams would be crossed by the four-lane facility, and approximately 200 acres would be taken for right-of-way. (32 pages). Comments made by: USDA, EPA, DOI, and DOT. (ELR Order No. 00369) (NTIS Order No. EIS 73 0369-F)

Mount Horeb Bypass, Wisconsin. County: Dane. The statement refers to the corridor location of the bypass, which would begin at highway 78 and proceed easterly to the junction of highways 18 and 151. Two streams would be crossed by the four-lane facility, and approximately 200 acres would be taken for right-of-way. (32 pages). Comments made by: USDA, EPA, DOI, and DOT. (ELR Order No. 00369) (NTIS Order No. EIS 73 0369-F)

TIMOTHY ATKESON,
General Counsel.

[FR Doc.73-5220 Filed 3-16-73;8:45 am]

FEDERAL COMMUNICATIONS COMMISSION

[Report 639]

COMMON CARRIER SERVICES INFORMATION [1]

Domestic Public Radio Services Applications Accepted for Filing [2]

MARCH 12, 1973.

Pursuant to §§ 1.227(b)(3) and 21.30 (b) of the Commission's rules, an application, in order to be considered with any domestic public radio services application appearing on the list below, must be substantially complete and tendered for filing by whichever date is earlier: (a) The close of business 1 business day preceding the day on which the Commission takes action on the previously filed application; or (b) within 60 days after the date of the public notice listing the first prior filed application (with which subsequent applications are in conflict) as having been accepted for filing. An application which is subsequently amended by a major change will be considered to be a newly filed application. It is to be noted that the cutoff dates are set forth in the alternative—applications will be entitled to consideration with those listed below if filed by the end of the 60-day period, only if the Commission has not acted upon the application by that time pursuant to the first alternative earlier date. The mutual exclusivity rights of a new application are governed by the earliest action with respect to any one of the earlier filed conflicting applications.

The attention of any party in interest desiring to file pleadings pursuant to section 309 of the Communications Act of 1934, as amended, concerning any domestic public radio services application accepted for filing, is directed to § 21.27 of the Commission's rules for provisions governing the time for filing and other requirements relating to such pleadings.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[1] All applications listed below are subject to further consideration and review and may be returned and/or dismissed if not found to be in accordance with the Commission's rules, regulations, and other requirements.

[2] The above alternative cutoff rules apply to those applications listed below as having been accepted in Domestic Public Land Mobile Radio, Rural Radio, Point-to-Point Microwave Radio and Local Television Transmission Services (Part 21 of the rules).

APPENDIX

APPLICATIONS ACCEPTED FOR FILING

DOMESTIC PUBLIC LAND MOBILE RADIO SERVICE

6386-C2-P-73—Springfield Radio Communications, Inc. (New), C.P. for a new two-way station to operate on 454.025 MHz at Buck Mountain, Springfield, Oreg.

6376-C2-P-73—Mobilphone-Paging Radio Corp. (KRS653), C.P. to replace transmitter, operating on 152.24 MHz near Ashby Street, Johnston, R.I.

6387-C2-P-73—Tel-Illinois, Inc. (New), C.P. for a new one-way paging station to operate on 152.24 MHz at 3 miles north of Centralia city center, Illinois.

6388-C2-P-(2)-73—Airsignal of California, Inc. (KMA287), C.P. to change antenna system, frequency, and replace transmitter to operate on 2121.60 MHz control at 238 North Fresno Street, Fresno, CA, and on 2,171.60 MHz repeater at KFTV Tower, Bald Mountain, Meadow Lakes, Calif.

6377-C2-AP-73—Page-Two, Inc. (KUO556), consent to assignment of permit from Page-Two, Inc., assignor to Tel-Illinois, Inc., assignee. Station: KUO556, Galesburg, Ill.

6389-C2-P/ML-73—New York Telephone Co. (KC5161), C.P. and license to add five mobile units to operate on 35.42, 35.50, 35.66, 43.42, 54.50, 152.51, 152.54, 152.57, 152.60, 152.63, 152.66, 152.69, 152.72, 152.75, 152.78, 152.81, 152.84, 158.10, 157.77, 157.80, 157.83, 157.86, 157.92, 157.95, 157.98, 158.01, 158.04, 158.07, 454.375, 454.400, 454.425, 454.450. 454.475, 454.500, 454.525, 454.550, 454.575, 454.600, 454.625, 454.650, 454.675, 454.700, 454.750, 454.800, 454.850, 454.900, 454.950, 459.375, 459.400, 459.425, 459.450, 459.475, 459.500, 459.525, 459.550, 459.575, 459.600, 459.625, 459.650, 459.700, 459.750, 459.800, 459.850, 459.900, and 459.950 MHz within the territory of the grantee (developmental).

6461-C2-AL-73—Collins Communications Co. (KLF605), consent to assignment of license from Collins Communications Co., assignor to Telepage, Inc., assignee. Station: KLF605, Cultus Mountain, Wash.

6462-C2-AL-(2)-73—Lafayette Radiofone (KLF621, KKO352), consent to assignment of license from Lafayette Radiofone, assignor to Gulf Central Communications & Electronics, Inc, assignee. Stations: KLF621 and KKO352, Lafayette, La.

6463-C2-P-(4)-73—Hawaiian Telephone Co. (KUA216), C.P. to change antenna system, operating on 152.51, 152.63, 152.69, and 152.81 MHz at Mount Tantalus, 2.9 miles northeast of Honolulu, Hawaii.

6464-C2-P-(4)-73—Radiofone of Georgia, Inc. (KIR202), C.P. to replace transmitter and change power. To operate on 152.03 MHz at Dewey Street and Wilson Avenue, Albany, Ga.

6465-C2-P-73—General Communications Service, Inc. (KSV965), C.P. to change antenna location, to operate on frequency: 35.22 MHz at 2 Peachtree Street NW., Atlanta, GA.

6466-C2-P-73—Tel-Page, Inc. (KMB305), C.P. to replace transmitter, change emission and delete standby transmitter. Operating on 43.58 MHz on San Bruno Mountain, 2.5 miles from South San Francisco, Calif.

6467-C2-P-73—Radiofone, James D. and Lawrence D. Garvey doing business as (New), C.P. for a new one-way signaling station to operate on 158.70 MHz at 0.5 mile north-northeast, Houma, La.

6468-C2-MP-73—Jacksonville Radio Dispatch Service (KTS254), C.P. to change antenna location, control point location, change antenna system, and to replace transmitter, operating on 454.100 MHz at 373 Dobbs Road, St. Augustine, FL.

6469-C2-TC-(2)-73—Anserfone, Inc., consent to transfer of control from Lamar B. Hill and Elizabeth O. Boiling, transferor to A. Herbert Turpin and Douglas G. Gentry, transferee. Station: KIR205 and KSV932, Macon, Ga.

6470-C2-MP-73—Bennett Answering Service (KOP326), C.P. to replace transmitter, operating on 152.06 MHz at Hurley Hospital, Begole and Sixth Avenue, Flint, MI.

6471-C2-P-73—New England Telephone & Telegraph Co. (KCA669), C.P. to add a new antenna site at 15 Chestnut Street, Worcester, MA, and operating on 454.575 MHz (location No. 2).

DOMESTIC PUBLIC LAND MOBILE RADIO SERVICE—continued

6472-C2-P-73—Radiofone Corporation of New Jersey, Inc. (KGI778), C.P. to add an antenna location (No. 2) to operate on 454.275 MHz at the General Motors Building, 767 Fifth Avenue, New York, NY.

6473-C2-P-73—Radiofone Corporation of New Jersey, Inc. (KQZ777), C.P. to add an antenna location (No. 2) to operate on 454.050 MHz at the General Motors Building, 767 Fifth Avenue, New York, NY.

6474-C2-P-73—Cascade Utilities, Inc. (KOP324), C.P. for additional facilities, operating on 454.500 MHz at Top Day Hill Road, 2 miles south of Estacada, Oreg.

6475-C2-P-73—Morris Communications, Inc. (KSV933), C.P. to change antenna location at 50 View Point Drive, Greenville, SC, operating on 158.70 MHz (one-way).

6476-C2-P-73—Morris Communications, Inc. (KFL880), C.P. to change antenna location and to replace transmitter at 50 View Point Drive, Greenville, SC, and operating on 35.22 MHz (one-way signaling).

6482-C2-P-73—Peacock Radio Service (KLF662), C.P. to change antenna system, antenna location, control point location, and to replace transmitter, operating on 152.24 MHz at 1100 Cleveland Street, Clearwater, FL (one-way paging).

6483-C2-P-(2)-73—Peacock Radio Service (KIJ357), C.P. to change antenna system, antenna location, control point location, and to replace transmitter, operating on 152.03 and 152.15 MHz at 1100 Cleveland Street, Clearwater, FL.

Major Amendments

2685-C2-P-73—(New), Charles P. Oden doing business as Oden Communications Co., O'Neill, Nebr. Amend to change base frequency from 152.18 MHz to 152.12 MHz. All other particulars of operation remain as reported in Public Notice No. 620, dated October 30, 1972.

1097-C2-P-(3)-73—(KQZ734), Frank L. Yates, Jr. doing business as Gulf Mobilphone, Gulfport, Miss. Amend to change the base station antenna system, the orientation of the base station antenna and the effective radiated power. All other particulars of operation remain as reported in Public Notice No. 611, dated August 28, 1972.

Correction

Major amendment: 1765-C2-P-73—Industrial Communications, Inc. (KSV926), correct Public Notice No. to read 615 instead of 165. All particulars to remain the same as reported in Public Notice No. 638, dated March 5, 1973.

RURAL RADIO SERVICE

6462-C1-AL-73—Lafayette Radiofone (KLU50), consent to assignment of license from Lafayette Radiofone, assignor to Gulf Central Communications & Electronics, Inc., assignee. Station: KLU50 Temporary-fixed.

POINT-TO-POINT MICROWAVE RADIO SERVICE

6346-C1-P-73—The Bell Telephone Company of Pennsylvania (KYS58), Ramsey Hill, 2.6 miles southwest of Lewisberry, Pa. Latitude 40°06'12'' N., longitude 76°53'23'' W. C.P. to add power amplifier and change power on frequency 10,875V MHz toward Mount Newman, Pa.

6347-C1-P-73—The Western Union Telegraph Co. (KNG60), 1.2 miles north of Aukum, Calif. Latitude 38°34'26'' N., longitude 120°43'32'' W. C.P. to add frequency 6123.1V MHz toward Thornton, Calif.

6348-C1-P-73—Same (New), 4.4 miles north of Thornton, Calif. Latitude 38°17'00'' N., longitude 121°25'10'' W. C.P. for a new station on frequency 6375.2V MHz toward Cordelia, Calif.; frequency 6286.2V MHz toward Mount Aukum, Calif.

6349-C1-P-73—Same (New), 4.4 miles northwest of Cordelia, Calif. Latitude 38°14'51'' N., longitude 122°12'09'' W. C.P. for a new station on frequency 6123.1V MHz toward San Francisco, Calif.; frequency 6034.2V MHz toward Thornton, Calif.

6350-C1-P-73—Same (New), 50 California Street, San Francisco No. 2, CA. Latitude 37°-47'39'' N., longitude 122°23'46'' W. C.P. for a new station on frequency 6286.2V MHz toward Cordelia, Calif.

6351-C1-MP-73—CPI Microwave, Inc. (WPE49), Doble Center corner of 21st Avenue, and Whitis Street, Austin, Tex. Latitude 30°16'59'' N., longitude 97°44'28'' W. Modified C.P. to add frequency 6167.6V MHz toward Driftwood, Tex.; frequency 11,445.0V MHz toward KHFI-TV, Tex.

POINT-TO-POINT MICROWAVE RADIO SERVICE—continued

6352-C1-P-73—Same (WPE49), Doble Center, 21st Avenue at Whitis Street, Austin, Tex. Latitude 30°16'59'' N., longitude 97°44'28'' W. Modified C.P. to add frequencies 5989.7H, 6049.0H, and 6078.6V MHz toward Bastrop, Tex.

6353-C1-MP-73—Same (WPE59), One Shell Plaza, Houston, TX. Latitude 29°45'32'' N., longitude 95°22'02'' W. Modified C.P. to add frequency 6049.0H MHz toward Crosby, Tex.; frequency 11,605.0H MHz toward KTRK-TV, Texas; frequency 11,525.0H MHz toward KHOU-TV, Texas.

6391-C1-P-73—Video Microwave, Inc. (New), Empire State Building, Fifth Avenue at 34th Street, New York, N.Y. Latitude 40°44'54'' N., longitude 73°59'10'' W. C.P. for a new station on frequency 5945.2H MHz toward Booth Hill, Conn.

6392-C1-P-73—Same (New), 2.3 miles northeast of Long Hill, Booth Hill, Trumbull, Conn. Latitude 41°16'46'' N., longitude 73°11'09'' W. C.P. for a new station on frequency 6197.2H MHz toward Prospect, Conn.

6393-C1-P-73—Same (New), 1.9 miles south of Prospect, Conn. Latitude 41°28'18'' N., longitude 72°58'21'' W. C.P. for a new station on frequency 5945.2H MHz toward Talcott Mountain, Conn. (*Informative:* VMI proposes to provide closed circuit programing between New York City and CATV systems serving Berlin, Bristol, Farmington, New Britain, and Plainville, Conn. A waiver of section 21.701(i) of the FCC rules is requested by VMI.)

6394-C1-P-73—Eastern Microwave, Inc. (KCK71), Beech Hill, 7 miles east of Marlboro, N.H. Latitude 42°54'41'' N., longitude 72°04'11'' W. C.P. to add frequencies 6241.7H and 6301.0H MHz toward new point of communication at station KCK70, Mount Greylock No. 1 (latitude 42°38'14'' N., longitude 73°09'56'' W.), Mass., on azimuth 251°37'.

6395-C1-P-73—Same (KCL72), Mount Greylock No. 2, 2 miles northwest of Adams, Mass. Latitude 42°38'11'' N., longitude 73°10'04'' W. C.P. to add frequencies 5945.2V and 6063.8V MHz toward new point of communication at Helderberg Mountain (KEM58), N.Y. on azimuth 270°18'.

6396-C1-P-73—Same (KEM58), Helderberg Mountain, 1.75 miles northwest of New Salem, N.Y. Latitude 42°38'12'' N., longitude 73°59'45'' W. C.P. to add frequencies 11,305V and 11,625V MHz toward new point of communication at Troy (latitude 42°43'43'' N., longitude 73°41'40'' W.), N.Y. on azimuth 67°26'. (*Informative:* Eastern proposes to provide the signals of WSBK-TV and WSBK-TV, Boston, Mass., to CATV system in Troy, N.Y. A waiver of section 21.701(i) of the FCC rules is requested by Eastern.)

6397-C1-P-73—United Video, Inc. (New), incorporated limits of Benton, Mo. Latitude 34°-33'40'' N., longitude 92°35'00'' W. C.P. for a new station on frequencies 5945.2H and 6004.5H MHz toward Hot Springs, Ark., on azimuth 277°30'. (*Informative:* United proposes to provide the television signals of KTVT and KDTV, Dallas/Fort Worth, Tex., to CATV system in Hot Springs, Ark. A waiver of section 21.701(i) of the FCC rules is requested by United.)

6398-C1-P-73—Pacific Telatronics, Inc. (KPN74), King Mountain, 8 miles east of Wolk Creek, Oreg. Latitude 42°41'49'' N., longitude 123°13'39'' W. C.P. to add frequency 6382.6H MHz, via power split, toward new point of communication at Myrtle Creek (Latitude 43°02'59'' N., longitude 123°17'52'' W.), Oreg. on azimuth 351°47'. (*Informative:* PTI proposes to deliver the television signal of KPTV, Portland, Oreg., to CATV system in Myrtle Creek, Oreg.

6424-C1-P-73—Mogollon Mountains Telephone Co. (New), approximately 1 mile west of Pinos Altos, N. Mex. Latitude 32°50'47'' N., longitude 108°14'18'' W. C.P. for a new station on frequency 2118.4H MHz toward Brushy Mountain, N. Mex.

6425-C1-P-73—Same (New), approximately 9 miles south of Mule Creek, Brushy Mountain, N. Mex. Latitude 32°59'20'' N., longitude 108°57'37'' W. C.P. for a new station on frequency 2168.4H MHz toward Pinos Altos, N. Mex.

6426-C1-P-73—The Pacific Telephone & Telegraph Co. (KME46), 3848 Seventh Avenue, San Diego, CA. Latitude 32°44'52'' N., longitude 117°09'29'' W. C.P. to add frequency 4130H MHz toward Julian, Calif.

6427-C1-P-73—The Pacific Telephone & Telegraph Co. (KPP95), 5.6 miles north of Julian, Calif. Latitude 33°09'33'' N., longitude 116°36'53'' W. C.P. to add frequency 4170H MHz toward San Diego, Calif.

POINT-TO-POINT MICROWAVE RADIO SERVICE—continued

6447-C1-P-73—Same (New), 80 West Angus Street, Buffalo, Wyo. Latitude 44°20'43" N., longitude 106°41'57" W. C.P. for a new station on frequencies 11,245V and 11,485H MHz toward Fort McKinney, Wyo., via Passive Reflector.

6448-C1-P-73—Northwestern Bell Telephone Co. (New), Highway 150, 0.25 mile north of city limits, Oelwein, Iowa. Latitude 42°41'35" N., longitude 91°54'54" W. C.P. for a new station on frequency 3770V MHz toward Waterloo, Iowa.

6449-C1-P-73—Northwestern Bell Telephone Co. (KBD58), 403 Sycamore Street, Waterloo, Iowa. Latitude 42°29'59" N., longitude 92°20'14" W. C.P. to add frequency 4130V MHz toward Oelwein, Iowa.

6450-C1-P-73—KHC Microwave Corp. (New), 4.5 miles southwest of Lafayette, La. Latitude 30°09'51" N., longitude 92°05'16" W. C.P. for a new station on frequency 6945.2V MHz toward Opelousas, La.

6451-C1-P-73—Midwestern Relay Co. (WLJ46), 1 mile northwest of Rubicon, Wis. Latitude 43°20'53" N., longitude 88°28'15" W. C.P. to delete frequency 6375.2V MHz and add frequency 6226.9H MHz toward Graham Corner, Wis.

6452-C1-MP-73—Nevada Consolidated Communication Corp. (WOH85), 4 miles northwest of Troy, Mont. Latitude 48°47'35" N., longitude 115°53'41" W. Modification of C.P. to change system, azimuth and polarization on frequency 6226.9H MHz toward Libby, Mont.; frequency 6226.9H MHz toward Falls City, Nebr.

6453-C1-MP-73—Same (New), 3.1 miles northeast of Rubicon, Wis. Latitude 43°21'31" N., longitude 88°28'16" W. C.P. to delete frequency 6375.2V MHz and add frequency 6226.9H MHz toward Graham Corner, Wis.

6454-C1-MP-73—Same (WOH87), Twenty-third Street and Stark Avenue, Kansas City, Mo. Latitude 39°04'57" N., longitude 94°28'46" W. Modification of C.P. to change antenna system and location, change azimuth on frequency 6226.9V MHz toward Hildale, Kans.; frequency 6226.9V MHz toward Dearborn, Mo.

6455-C1-MP-73—Same (WOH88), 3 miles east of Hildale, Kans. Latitude 38°40'17" N., longitude 94°47'35" W. Modification of C.P. to change antenna system and location, change azimuth on frequency 5974.8H MHz toward Plessanton, Kans.; frequency 5974.8H MHz toward Kansas City, Mo.

6456-C1-P-73—Eastern Microwave, Inc. (KZA85), 5 miles east of Brockport, Boone Mountain, Pa. Latitude 41°14'56" N., longitude 78°38'33" W., C.P. to add frequency 5986.7H, 6049.0H, and 6106.3H MHz toward Punxsutawney, Pa. via power-split. (Informative: Eastern proposes to deliver the signals of WFIX-TV, WOR-TV, and WNEW-TV of New York City to CATV system in Punxsutawney, Pa. serving as new point of communication.)

6457-C1-P-73—Same (KCK71), approximately 7 miles east of Marlboro, Beech Hill, N.H. Latitude 42°54'41" N., longitude 72°04'11" W. C.P. to add frequencies 11,425.0V and 11,585.0V MHz via power split toward new point of communication at Gardener, Mass., on azimuth 167°28'.

6458-C1-P-73—American Microwave, Inc. (New), Gardner, Mass. Latitude 42°33'33" N., longitude 71°57'50" W. C.P. for a new station on frequencies 10,975.0H and 10,815.0H MHz toward Fitchburg (latitude 42°33'43" N., longitude 71°50'02" W.), Mass., on azimuth 88°19'. (Informative: Eastern proposes to deliver the signals of WFIX-TV and WOR-TV of New York City to CATV systems in Gardener and Fitchburg, Mass.)

6459-C1-P-73—Same (KYZ75), High Knob, 1.5 miles west of Pecks Pond, Pa. Latitude 41°18'00" N., longitude 75°07'31" W. C.P. to add frequencies 5960.0V, 6019.3V, and 6078.6V MHz toward new point of communication at Ransom, Pa. on azimuth 285°19'.

6460-C1-P-73—Same (New), Ransom, 1.86 miles west of Scranton, Pa. Latitude 41°25'36" N., longitude 75°44'52" W. C.P. for a new station on frequencies 11,385.0V, 11,625.0V, and 11,305.0V MHz toward Scranton (latitude 41°24'21" N., longitude 75°39'40" W.), Pa. on azimuth 108°10'. (Informative: Eastern proposes to deliver the signals of WFIX-TV, WOR-TV, and WNEW-TV of New York City to CATV system in Scranton, Pa.)

6461-C1-MP-73—CPI Microwave, Inc. (WFE35), modification of C.P. to change station location to Main and Field, Dallas, Tex. Latitude 32°46'49" N., longitude 96°48'07" W. Change polarization of frequency 6049.0 MHz and frequency change azimuth toward television Midlothian to horizontal and 6019.3V MHz respectively. 203°54' and 334°18', respectively.

6462-C1-P-73—The Mountain States Telephone & Telegraph Co. (WJM57), 7.3 miles south of Buffalo, Wyo. Latitude 44°14'06" N., longitude 106°41'57" W. C.P. to add frequencies 10,715H and 10,955V MHz toward Buffalo, Wyo., via Passive Reflector.

6463-C1-MP-73—Same (KFS67), change polarization of frequency 6301.0 MHz from vertical to horizontal toward Getz Peak, Ariz. (Previously listed in public notice dated September 25, 1972. Report No. 618.)

[FR Doc.73-5100 Filed 3-16-73;8:45 am]

Major Amendments—Continued

POINT-TO-POINT MICROWAVE RADIO SERVICE—continued

6500-C1-P-70—Same (WPE53), change station location to 0.5 mile south of Rose Hill, Tex. Latitude 30°08'47" N., longitude 95°45'28" W. Change azimuth to Hempstead to be 270°59'. Delete frequencies 6260.0V, 6360.3H, and 6404.3V to Spring, Tex. Add frequencies 6212.0V, 6390.0V, and 6241.7H to Spring, Tex., azimuth 75°21'.

6501-C1-P-70—Same (WPE54), change station location to 3 miles north of Spring, Tex. Latitude 30°07'19" N., longitude 95°25'34" W. Change azimuth to Rose Hill, Tex., to be 256°29'. Delete frequency 6106.3V and add frequency 6019.3V to Crosby, Tex., azimuth 119°35'.

6502-C1-P-70—Same (WPE55), change station location to 2 miles north-northeast of Crosby, Tex. Latitude 29°56'26" N., longitude 95°03'30" W. Change polarization of frequency 6271.4V to Ames, Tex., azimuth 74°05'. Change polarization of frequency and add 6241.7 and 6301.0 to Ames to horizontal. Delete frequencies 11,445.0, 11,485.0, and 11,525.0 and all information relating to those paths. Change azimuth to Spring, Tex., to be 299°45'. Add frequencies 6271.4H, 6301.0V, and 6360.3V to Houston, Tex., azimuth 285°56' with transmit power of 5 watts.

6503-C1-P-70—Same (WPE56), change station location to 2.3 miles south of Ames, Tex. Latitude 30°01'12" N., longitude 94°44'06" W. Change azimuth to Crosby, Tex. to be 254°15'. Delete frequency 6137.9H and add frequency 6106.3V to Sour Lake, Tex., on azimuth 60°34'. Change transmitter power on frequencies 5960.0H, 6078.6H, and 6106.3V to be 0.3 watts.

6504-C1-P-70—Same (WPE57), change station location to 3 miles west-northwest of Sour Lake, Tex., latitude 30°09'14" N., longitude 94°27'36" W. Change azimuth to Ames, Tex., to be 240°42'. Delete frequency 6276.2V and add frequency 6212.0H to Beaumont, Tex., azimuth 102°51'. Change polarization of frequency 6182.4 to Beaumont, Tex., to horizontal.

6505-C1-P-70—Same (WPE58), change station location to San Jacinto Building, Orleans and Fannin Streets, Beaumont, Tex., latitude 30°04'55" N., longitude 94°06'53" W. Change azimuth to Sour Lake to be 283°02'. Change azimuth to Television Station KFDM-TV to be 292°53'. Change azimuth to Television Station KBMT-TV to be 283°10'. Delete frequency 5960.0V and add frequency 6106.3H to Sour Lake, Tex.

1797-C1-P-73—Citizens Utilities Rural Co., Inc. (KPS66), change polarization of frequency 6049.0 MHz for vertical to horizontal toward Wikieup, Ariz.

1798-C1-P-73—Same (KENS-TV), San Antonio, to 6212.0H MHz from vertical to horizontal toward Midway to 6212.0V MHz and change azimuth toward Dallas to 24°10'.

1973. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed by:

H. P. Blok, Secretary, Agreement No. 9981, 417 Montgomery Street, San Francisco, CA 94104.

FEDERAL MARITIME COMMISSION

FAR EAST DISCUSSION AGREEMENT

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street, NW., Room 1015; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, on or before April 9, 1973.

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Agreement No. 9981-1, entered into by 27 common carriers by water comprising member lines of the Far East Discussion Agreement is an application for an extension of the authority conferred under the terms and conditions of said agreement for a period of 1 year beyond the present expiration date of June 20, 1973.

Dated: March 13, 1973.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.73-5195 Filed 3-16-73;8:45 am]

[Independent Ocean Freight Forwarder License 1366]

JUAN GALLEGO MOVING & STORAGE CORP.

Order of Revocation

By letter dated January 16, 1973, Juan Gallego Moving & Storage Corp., 118 Hudson Street, New York, NY 10013, was advised by the Federal Maritime Commission that Independent Ocean Freight Forwarder License No. 1366 would be automatically revoked or suspended unless a valid surety bond was filed with the Commission on or before February 15, 1973.

Section 44(c), Shipping Act, 1916, provides that no independent ocean freight forwarder license shall remain in force unless a valid bond is in effect and on file with the Commission. Rule 510.9 of Federal Maritime Commission General Order 4, further provides that a license will be automatically revoked or suspended for failure of a licensee to maintain a valid bond on file.

Juan Gallego Moving & Storage Corp. has failed to furnish a valid surety bond.

By virtue of authority vested in me by the Federal Maritime Commission as set forth in Manual of Orders, Commission Order No. 1 (revised) § 7.04(g) (dated 5-1-72);

It is ordered, That Independent Ocean Freight Forwarder License No. 1366 of Juan Gallego Moving & Storage Corp. be returned to the Commission for cancellation.

It is further ordered, That Independent Ocean Freight Forwarder License No. 1366 of Juan Gallego Moving & Storage Corp. be and is hereby revoked effective February 15, 1973.

It is further ordered, That a copy of this order be published in the FEDERAL REGISTER and served upon Juan Gallego Moving & Storage Corp.

AARON W. REESE,
Managing Director.

[FR Doc.73-5230 Filed 3-16-73;8:45 am]

FEDERAL POWER COMMISSION

NATIONAL GAS SURVEY, SUPPLY-TECHNICAL ADVISORY TASK FORCE-NATURAL GAS SUPPLY

Notice of Meeting and Agenda

Agenda, Supply-Technical Advisory Task Force-Natural Gas Supply, to be held in Conference Room 2043 of the Federal Power Commission, 441 G Street NW., Washington, DC, March 28, 1973—9 a.m.

Presiding: Dr. Paul J. Root, TF FPC Survey Coordinating Representative and Secretary.

1. Call to order and introductory remarks—Dr. Root.
2. Objectives and purposes of meeting:
A. Discussion of the activities and progress of the Task Force—Mr. Ralph W. Garrett, Director, Supply-Technical Advisory Task Force-Natural Gas Supply.
B. Discussion of the draft portions of the report—Mr. Garrett.
C. Discussion of the environmental aspects concerning the work of the Task Force—Mr. Garrett.
D. Status of assigned work and estimated date for completion—Mr. Garrett.
E. Time of the next meeting.
F. Other business.
3. Adjournment—Dr. Root.

This meeting is open to the public. Any interested person may attend, appear before, or file statements with the Task Force—which statements, if in written form, may be filed before or after the meeting, or if oral, at the time and in the manner permitted by the Task Force.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-5145 Filed 3-16-73;8:45 am]

[Docket No. CP72-208]

ALABAMA GAS CORP. AND SOUTHERN NATURAL GAS CO.

Order Granting Intervention and Denying Application of Alabama Gas Corporation

MARCH 13, 1973.

On February 22, 1972, Alabama Gas Corp. (Alabama) filed in Docket No. CP72-208 an application pursuant to section 7(a) of the Natural Gas Act, requesting the Commission to issue an order requiring Southern Natural Gas Co. (Southern) to establish three additional delivery points to enable Alabama to sell natural gas on an interruptible basis to three of Southern's existing direct customers, American Can Co., Gulf States Paper Corp. and MacMillian Bloedel, Inc. Alabama would supply the interruptible requirements from valley gas generated by the grouping of contracts demands as permitted by Southern's Tariff.

As a present customer of Southern, Alabama is served under Rate Schedule OCD-2 pursuant to an effective service agreement. It presently purchases its total contract demand from Southern at an annual load factor of about 61 percent. Therefore, Alabama proposes to make the proposed sales by increasing its purchases of commodity gas from Southern, thus utilizing more of its contract demand on an annual basis.

In its answer, Southern claims, among other things, that the application by Alabama does not meet the public interest requirements as set forth in section 7(a) of the Natural Gas Act. In support of its claim, Southern states that granting the request would result in increased annual sales to Alabama which would thereby require Southern to reduce deliveries to its present resale and direct customers.

Timely petitioners to intervene in Docket No. CP72-208 were filed by Marengo Corp. on March 13, 1972, and by Carolina Pipeline Co. on March 16, 1972. A late petition to intervene was filed by the City of Linden, Ala. (Linden), on April 14, 1972.

Applicant's request, if granted, would result in a shifting of direct interruptible industrial customers to a distributor. Since Alabama's proposed gas supply is its existing valley gas under Southern's firm rate schedule, its proposal would transfer Southern's existing direct interruptible service for direct customers to added demand on the firm delivery quantities of Alabama.

It was past Commission policy to favor service to industrial customers through local distributors. (Panhandle Eastern Pipe Line Company, 13 FPC 301 (1954); Southern Natural Gas Company, 25 FPC 925 (1961); Northern Natural Gas Company, 33 FPC 501 (1965); Panhandle Eastern Pipe Line Company, 36 FPC 1107 (1966), aff'd sub nom "Panhandle Eastern Pipe Line Company v. Federal Power Commission, 386 F. 2d 607 (3d Cir. 1967)). However, the shifting of interruptible loads from a pipeline to a distributor is not an absolute rigid policy. As we said in Panhandle: "The policy of this Commission which protects the right of the local distributor to render sales to industrial customers within its area of service is conditional—it does not apply if economic considerations preclude it." (36 FPC at 1112.)

Economic considerations include the impact of the shifting of an interruptible industrial customer from a pipeline to a distributor because it effects both the ability of the pipeline company to manage its gas supply and the pipeline's load balancing operations.

Also, the end result of granting this type application would not be in the public interest during periods of curtailment because a transfer from a direct to a resale load, as is contemplated here, would have the effect of enabling a distributor to allocate the gas as it sees fit, thereby allowing the distributor to continue service to interruptible industrials during the curtailment period, while reducing full service to higher priority customers. As we have stated in Missouri Edison Company, Opinion No. 614, 47 FPC ——— (1972) "* * * it would be unwise for this Commission to encourage direct interruptible industrial customers to migrate to distributors since this may result in their avoiding the effect of curtailment plans which are now necessary on many pipeline systems. Such migration could result in increased use of natural gas for industrial purposes and would undermine the essential need of the pipeline companies to maintain a high degree of flexibility during periods of gas supply shortage."

Therefore, it is our conclusion that this application is not in the public interest and should, therefore, be denied.

The Commission finds:

(1) The participation of Marengo Corp., Carolina Pipeline Co., and City of Linden, Ala., in this proceeding may be in the public interest.

(2) Good cause exists to deny Alabama's application for an order under section 7(a) of the Natural Gas Act.

The Commission orders:

(A) Each of the above-named petitioners is permitted to intervene in this proceeding subject to the Rules and Regulations of the Commission: *Provided however*, That the participation of said interveners shall be limited to matters affecting asserted rights and interests specifically set forth in the petitions to intervene; and *Provided further*, That the admission of such interveners shall not be construed as recognition by the Commission that they or any of them might be aggrieved by any order or orders entered in this proceeding.

(B) For the reasons hereinbefore stated, Alabama's application is denied.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.73-5196 Filed 3-16-73;8:45 am]

[Docket No. G-7214]

CALIFORNIA CO.

Notice of Petition To Amend

MARCH 13, 1973.

Take notice that on March 5, 1973, The California Co., a division of Chevron Oil Co. (Petitioner), 1111 Tulane Avenue, New Orleans, LA 70112, filed in Docket No. G-7214 a petition to amend the order issuing a certificate of public convenience and necessity in said docket pursuant to section 7(c) of the Natural Gas Act by authorizing the sale of natural gas from additional acreage to Texas Eastern Transmission Corp. (Texas Eastern) from the Gist Field, Newton, and Jasper Counties, Tex., and by authorizing the sale of previously dedicated gas to Texas Eastern at an increased price, all as more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.

Petitioner states that it is presently authorized to sell natural gas to Texas Eastern at 19 cents per Mcf at 14.65 p.s.i.a. pursuant to a contract on file as Petitioner's FPC Gas Rate Schedule No. 54, that said contract has expired, and that Petitioner proposes to sell gas from previously dedicated and additional acreage at 24 cents per Mcf at 14.65 p.s.i.a. subject to upward and downward B.t.u. adjustment. Petitioner has filed a superseding contract for the sale of gas from all of the acreage.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before April 2, 1973, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-5197 Filed 3-16-73;8:45 am]

[Project No. 2530]

Notice of Application for a Change in Land Rights

MARCH 13, 1973.

Public notice is hereby given pursuant to section 4(e) of the Federal Power Act (16 U.S.C. 791a-825r) that an application for a change in land rights was filed on December 21, 1972, by Central Maine Power Co. (correspondence to: Mr. Seward B. Brewster, Secretary, Central Maine Power Co., 9 Green Street, Augusta, ME 04330) licensee for Project No. 2530, known as the Hiram Project, located on the Saco River in the towns of Hiram, Baldwin, Brownfield, and Denmark, in the counties of Cumberland and Oxford, Maine.

Applicant proposes to lease for 1 year and thereafter from year to year approximately 1.5 acres of project lands to the town of Hiram to provide recreational facilities for its residents and others. The land to be leased is situated north of 1,600 feet long and varies in width from 20 to 125 feet, and is bordered by the road leading from Hiram to Cornish and the Saco River.

The town proposes to erect two open wood frame picnic shelters with picnic tables and plans to develop a small boat and canoe landing to allow public access to the Saco River from the Hiram-Cornish Road.

Any person desiring to be heard or to make protest with reference to said application should on or before April 16, 1973, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to a proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and is available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-5198 Filed 3-16-73;8:45 am]

[Docket No. E-7825]

CENTRAL MAINE POWER CO.

Notice of Initial Rate Schedule Filing

MARCH 15, 1973.

Take notice that Central Maine Power Co. (Maine) on November 13, 1972, tendered for filing an initial rate schedule. The filing consist of a composite purchase contract between Maine, Bangor Hydro-Electric Co., and Maine Public Service Co. (Sellers) and Eastern Maine Electric Cooperative, Inc., and Houlton Water Co. (Purchasers).

Sellers comprise 3 of the 11 sponsoring companies of Maine Yankee Atomic Power Co. (Maine Yankee, licensed to construct, own, and operate a nuclear generating unit in the town of Wiscasset, Maine, which will have an initial gross capability of 830 megawatts electric. Maine states that commercial operation of the unit and delivery of electricity are expected to commence about December 1, 1972. Maine has therefore proposed an effective date of December 1, 1972.

Maine has mailed copies of this filing to the Purchasers. Maine also states that the service furnished at the proposed rates is limited to wholesale sale of electricity.

Maine avers that because the unit has been licensed by the AEC to operate at less than its initial design level for less than the usual 40-year period, estimates required by § 35.12(b) cannot be made with relative accuracy. Maine estimates that in the first year at 75 percent of capacity and 80 percent station factor, 3,969,000 megawatt hours will be produced, and total costs to be allocated will be $47,700,000.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 441 G Street NW., Washington, DC 20426, in accordance with sections 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before March 29, 1973. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-5343 Filed 3-16-73;11:16 am]

[Docket No. CI73-588]

COLUMBIA GAS DEVELOPMENT CORP.

Notice of Application

MARCH 13, 1973.

Take notice that on March 5, 1973, Columbia Gas Development Corp. (Applicant), 20 Montchanin Road, Wilmington, DE 19807, filed in Docket No. CI73-588 an application pursuant to section 7(c) of the Natural Gas Act and § 2.75 of the Commission's general policy and interpretations (18 CFR 2.70) for a certificate of public convenience and necessity authorizing the sale for resale and delivery of natural gas in interstate commerce to Columbia Gas Transmission Corp. (Columbia Transmission) from Blocks 268 and 267, Block 255 Field, Vermilion Area, offshore Louisiana, all as more fully set forth in the application

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which is on file with the Commission and open to public inspection.

Applicant proposes under the optional gas pricing procedure to sell natural gas to Columbia Transmission at an initial rate of 45 cents per Mcf at 15.025 p.s.i.a., subject to upward and downward B.t.u. adjustment. The basic contract for the subject sale dated February 20, 1973, provides for price escalations of 1 cent per Mcf every year, for reimbursement to the seller for all of any additional or increased taxes and for a term of 20 years. Estimated monthly sales volumes are 450,000 Mcf of gas.

Applicant asserts that for the gas reserves dedicated to the subject contract a minimum of 45 cents per Mcf must be obtained. Applicant states that the gas industry is having a great difficulty in raising adequate outside funds to meet the increasing costs of lease acquisition and exploratory programs and that higher prices like the present one will help overcome this reluctance of investors to commit funds toward offshore Louisiana projects. Applicant believes that the proposed price will help provide a cash flow and develop earnings that will attract necessary capital to its gas exploration program. Applicant further asserts that its overall program to obtain additional gas supplies has in the past operated at a deficit, mainly attributable to the fact that it has not been permitted prices for its gas which fully recognize the investments made and the costs incurred. Applicant, which is affiliated with the purchaser, indicates that the 45 cent price is the same as the contract price under Columbia Transmission's contracts with certain other nonaffiliated independent producers.

Any person desiring to be heard or to make any protest with reference to said application should on or before April 6, 1973, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-5199 Filed 3-16-73;8:45 am]

[Docket No. RP72-102]

COUNTY OF RUTHERFORD, TENNESSEE ET AL.

Notice of Filing of Stipulation and Agreement

MARCH 12, 1973.

Take notice that on March 5, 1973, the County of Rutherford, Town of Smyrna, Tennessee Gas Pipe Line Co. and United Cities Gas Co. jointly filed a Motion requesting approval of a proposed stipulation and agreement to terminate the proceedings in Docket No. RP72-102. The parties state the submitted Agreement is a result of discussions among parties and that it provides for a complete settlement of all issues herein to be effected by the transfer of 1600 Mcf natural gas maximum daily quantity from United Cities Contract with Texas Eastern Transmission Corp. to the contract of the Town of Smyrna and a purchase by the Town of Smyrna for the sum of $30,000 of certain transmission facilities owned by Tennessee Gas Pipe Line Co. all as set forth fully in the agreement.

Copies of the stipulation and agreement were served on all parties to this proceeding.

Any person desiring to be heard or to make any protest with reference to this filing should on or before March 27, 1973, file with the Federal Power Commission, 441 G Street NW., Washington, DC 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to participate as parties in any hearing therein must file petitions to intervene in accordance with the Commission's rules.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-5141 Filed 3-16-73;8:45 am]

[Docket No. CP73-228]

EAST TENNESSEE NATURAL GAS CO.

Notice of Application

MARCH 13, 1973.

Take notice that on March 5, 1973, East Tennessee Natural Gas Co. (Applicant), Post Office Box 1024, Knoxville, TN 37919, filed in Docket No. CP73-228 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of certain natural gas facilities, all as more fully set forth in the application which is in file with the Commission and open to public inspection.

Applicant requests authorization to construct and operate one additional 1,100-h.p. gas turbine compressor at its existing Compressor Station No. 3110 near Wartburg, Tenn. Applicant asserts that the proposed compressor will provide the maximum recovery of deliverability when any engine on its system is out of service, off-peak operating flexibility, and a more functional maintenance schedule. Applicant states that the proposed facilities will not provide added capacity or new sales.

Applicant estimates the cost of the proposed compressor facilities at $385,900, which it proposes to finance from general funds or from affiliated company advances or a combination of both.

Any person desiring to be heard or to make any protest with reference to said application should on or before April 6, 1973, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-5200 Filed 3-16-73;8:45 am]

[Docket No. CP73-33]

FLORIDA GAS TRANSMISSION CO. AND TEXAS GAS TRANSMISSION CORP.

Notice of Amendment to Application

MARCH 12, 1973.

Take notice that on February 27, 1973, Florida Gas Transmission Co. (Florida Gas), Post Office Box 44, Winter Park, FL 32789, and Texas Gas Transmission Corp. (Texas Gas), Post Office Box 1160, Owensboro, KY 42301, filed in Docket No. CP73-33 an amendment to their application in said docket for a certificate of public convenience and necessity authorizing the exchange of natural gas between the two companies, all as more fully set forth in the amendment which is on file with the Commission and open to public inspection.

On August 3, 1972, Florida Gas and Texas Gas filed in Docket No. CP73-33 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the exchange of natural gas pursuant to an agreement between the two companies, dated July 10, 1972. Applicants state that it was contemplated that Texas Gas would deliver approximately 15,000 m.c.f. of gas per day, and occasionally up to 50,000 m.c.f. per day, to Florida Gas during the period July 10, 1972, through March 1, 1973, and that Florida Gas would thereafter return the gas at a rate of approximately 5,000 m.c.f. per day until Texas Gas received full repayment of the gas delivered to Florida Gas. Deliveries by Texas Gas were commenced on July 10, 1972, within the contemplation of Section 157.22 of the Regulations under the Natural Gas Act (18 CFR 157.22). Deliveries continued until November 21, 1972, when, Texas Gas states, it had to discontinue them because of unanticipated developments in respect to its own supply. Applicants state that by the time deliveries were terminated, Texas Gas had delivered a total of 3,208,521 m.c.f. (15.025 p.s.i.a.) to Florida Gas. Applicants further state that no more deliveries to Florida Gas will be made under the subject exchange agreement.

Accordingly, Applicants now amend their application herein to request authority for Florida Gas to return the exchange gas to Texas Gas under the terms of the agreeemnt of July 10, 1972. They contemplate that redeliveries will begin on April 1, 1973, and continue until Texas Gas has received a total volume equivalent to that previously delivered by Texas Gas to Florida Gas. The amendment indicates that redeliveries will be made at the rate of approximately 4,400 Mcf of gas per day for so long as it is necessary to complete the pay-back.

Any person desiring to be heard or to make any protest with reference to said amendment should on or before April 2, 1973, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-5142 Filed 3-16-73;8:45 am]

[Docket No. E-7548]

GEORGIA POWER CO.

Notice of Filing of Tariff Changes

MARCH 13, 1973.

Take notice that on February 5, 1973, Georgia Power Co. filed in Docket No. E-7548 revised pages 3-A, 3-B, 3-D, and 3-O to its FPC Electric Tariff, Volume No. 1. The company states that the revised tariff pages reflect changes at four existing delivery points which become subject to the tariff between January 1, 1973, and March 31, 1973. Georgia Power also submitted (1) supplemental sheets showing pertinent data for the delivery points involved and (2) copies of a new contract covering the first rate change under the new tariff for the City of Quitman, Ga. The purchasers affected, delivery points, and proposed effective dates are shown below.

Purchaser	Delivery point	Effective date
Central Georgia EMC.	No. 11 Bolingbroke..	Jan. 22, 1973
Colquitt County Rural Electric Co.	No. 19 Ros Hill....	Jan. 18, 1973
Jackson EMC.....	No. 16 Gillsville....	Mar. 5, 1973
City of Quitman, Ga.	No. 1.....	Mar. 20, 1973

Any person desiring to be heard with respect to the subject filing by Georgia Power Company should file a petition to intervene or protest with the Federal Power Commission, 441 G Street, NW., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before March 29, 1973. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-5201 Filed 3-16-73;8:45 am]

[Docket No. E-8055]

IDAHO POWER CO.

Notice of Proposed Increase in Rates and Charges

MARCH 13, 1973.

Take notice that on February 28, 1973, Idaho Power Co. filed in this docket a proposed increase in rates for sales of electric power to California-Pacific Utilities Co. Idaho Power states that the present rates have been in effect since November 1, 1957, for the Van-Unity-Burns delivery points and since August 1, 1961, for the Baker-La Grande delivery points. Idaho Power further states that since these dates the company has been required to make substantial investments to serve these loads, and the cost of labor, materials and supplies, taxes, purchased power, interest and preferred dividends have increased materially.

The proposed increase in rates totals $564,237 annually based on costs and revenues for test year 1971. The company requests that the proposed increase in rates be made effective 60 days after the date of filing, which would be April 29, 1973.

Copies of the present filing were mailed by the Company to California-Pacific Utilities Co. and the regulatory agencies of Oregon and Idaho.

Any person wishing to be heard with reference to Idaho Power Co.'s rate increase application in this docket should file a petition to intervene or protest with the Federal Power Commission, 441 G Street NW., Washington, DC 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before April 2, 1973. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-5202 Filed 3-16-73;8:45 am]

[Docket No. CI73-590]

LINCOLN ROCK CORP.

Notice of Application

MARCH 13, 1973.

Take notice that on March 6, 1973, Lincoln Rock Corp. (Applicant), Post Office Box 418, Northfield, IL 60093, filed in Docket No. CI73-590 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale for resale and delivery of natural gas in interstate commerce to Cimarron Transmission Company from acreage in Love County, Oklahoma, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to sell approximately 30,000 Mcf of gas per month for 11 months at 35 cents per Mcf at 14.65 p.s.i.a. within the contemplation of § 2.70 of the Commission's General Policy and Interpretations (18 CFR 2.70). The application states that the purchaser's sole customer is Natural Gas Pipeline Company of America.

It appears reasonable and consistent with the public interest in this case to prescribe a period shorter than 15 days for the filing of protests and petitions

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to intervene. Therefore, any person desiring to be heard or to make any protest with reference to said application should on or before March 29, 1973, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-5130 Filed 3-16-73;8:45 am]

[Docket No. RP72-132]

NATURAL GAS PIPELINE COMPANY OF AMERICA

Notice Deferring Procedural Dates

MARCH 12, 1973.

On February 28, 1973, Natural Gas Pipeline Company of America filed a motion to extend the procedural dates as established by the order issued June 30, 1972, in the above designated matter as amended by notices issued October 10, 1972, October 27, 1972, November 28, 1972, January 4, 1973, and February 1, 1973, pending disposition of the proposed stipulation and agreement.

Upon consideration, notice is hereby given that the procedural dates are deferred pending further order of the Commission.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-5146 Filed 3-16-73;8:45 am]

[Docket No. CP73-227]

NORTHERN NATURAL GAS CO.

Notice of Application

MARCH 13, 1973.

Take notice that on March 5, 1973, Northern Natural Gas Co. (Applicant), 2223 Dodge Street, Omaha, NE 68102, filed in Docket No. CP73-227 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of certain interconnecting facilities with the pipeline system of Midwestern Gas Transmission Co. (Midwestern) and the transportation and delivery to Midwestern of up to 12,000 Mcf of gas per day for the account of Northern States Power Co. (Northern States), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

The application indicates that Northern States purchases gas from Midwestern for resale distribution service in and around the communities of Fargo and Grand Forks, N. Dak. Northern States has advised Applicant that it is currently experiencing a shortage of gas supply to meet the anticipated load growth of its residential and small volume commercial and industrial customers in these communities. Applicant states that in order to assure maintenance of adequate service to these customers, Northern States has contracted with Midwestern and Applicant for the delivery of gas by Midwestern to Northern States in the Fargo and Grand Forks areas in exchange for gas volumes to be concurrently redelivered by Applicant to Midwestern in Chisago and Isanti Counties, Minn., for the account of Northern States.

Applicant and Northern States have entered into a contract, dated January 12, 1973, providing for Applicant to render the proposed transportation service beginning November 27, 1973, and continuing through March 26, 1974, and thereafter during each successive November 27 through March 26. Applicant will render the proposed service at a rate of 5.25 cents per Mcf of gas transported. The volumes of gas to be transported from St. Paul, Minn., to Chisago and Isanti Counties will be equivalent to the amount of peak shaving gas produced that same day by Northern States specifically for this purpose in its plants near St. Paul. Applicant states that on each day that it transports gas for Northern States, Applicant's obligation to render firm gas service to Northern States at the St. Paul delivery point shall be reduced by the volume of gas delivered by Applicant to Midwestern for Northern States' account.

Deliveries to Midwestern will be made by means of an existing interconnection between the systems of Applicant and Midwestern in Chisago County and by a proposed interconnection between the two companies' systems in Isanti County. Applicant states that the estimated cost of the proposed interconnection is $126,500 and that Northern States has agreed to reimburse Applicant for all costs.

Any person desiring to be heard or to make any protest with reference to said application should on or before April 2, 1973, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 73-5203 Filed 3-16-73;8:45 am]

[Docket No. RP71-107 (Phase I)]

NORTHERN NATURAL GAS CO.

Notice of Extension of Time and Postponement of Hearing

MARCH 13, 1973.

On March 5, 1973, Producers Gas Equities, Inc. (Producers) filed a motion for an extension of time for the filing of its prepared testimony as required by the order issued February 26, 1973, in the above designated matter. On March 8, 1973, Producers advised that no party to the proceeding had any objection to the request.

Upon consideration, notice is hereby given that the procedural dates are modified as follows:

Service of Producers' testimony and exhibits, April 12, 1973.
Service of testimony and exhibits by all parties including staff, April 19, 1973.
Service of Rebuttal testimony by Producers, April 26, 1973.
Hearing, May 2, 1973 (10 a.m., e.d.t.).

KENNETH F. PLUMB,
Secretary.

[FR Doc 73-5204 Filed 3-16-73;8:45 am]

[Docket No. E-7739]

ROCKLAND ELECTRIC CO.

Notice of Filing of Motion for Approval Proposed Settlement Agreement

MARCH 13, 1973.

Take notice that Rockland Electric Co. (Rockland) filed on March 1, 1973, a motion for approval of proposed settlement of the above-described proceeding.

Rockland states that the principal settlement provisions are:

Rates—Effective January 1, 1973.

The settlement rates included in the settlement tariff will yield $99,970 to Rockland Electric in annual revenues based on the 1971 test year.

Rockland Electric will not include in the tariff a purchased power adjustment clause.

The ratchet will be increased from 50 percent to 80 percent.

The demand charge will be lowered from $3, in the proposed tariff, to $2.72.

The proposed increase indicates a rate of return of 5.8 percent on a 1971 rate base dedicated to the service of Park Ridge (see Statement N). Rockland Electric's present cost of long-term debt based on test year 1971 is 7.01 percent.

Rockland Electric agrees that it will not apply to this Commission for any further increase in its rates that would be effective prior to January 1, 1974.

Copies of this filing are on file with the Commission and are available for public inspection. Any person desiring to comment upon the offer of settlement should file such comments with the Federal Power Commission, 441 G Street NW., Washington, DC 20426, on or before March 23, 1973.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-5205 Filed 3-16-73;8:45 am]

[Docket No. RP73-49

SOUTH GEORGIA NATURAL GAS CO.

Notice of Proposed Changes in Rates and Charges

MARCH 13, 1973.

Take notice that South Georgia Natural Gas Co. (South Georgia) on March 1, 1973, tendered for filing revised tariff sheets to its FPC Gas Tariff, Original Volume No. 1 to become effective April 16, 1973. South Georgia proposes to increase its rates effective April 16, 1973, for the purpose of tracking two rate increase filings by Southern Natural Gas Co. (Southern). South Georgia proposes to increase its rates effective April 16, 1973, for the purpose of tracking two rate increase filings by Southern Natural Gas Co. (Southern).

South Georgia states that First Revised Sheet No. 3A included in the filing reflects a rate increase that provides $319,969 of additional revenues due to the increase in purchased gas cost from Southern. South Georgia further states that copies of this filing and of this letter of transmittal are being made available in South Georgia's office in Thomasville, Ga., and are being mailed to the purchasers. State Commissions, and interested parties named on the attached list.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 441 G Street NW., Washington, DC 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before March 29, 1973. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-5206 Filed 3-16-73;8:45 am]

[Docket No. CI73-585]

TEXAS INTERNATIONAL PETROLEUM CORP.

Notice of Application

MARCH 13, 1973.

Take notice that on March 5, 1973, Texas International Petroleum Corp. (Applicant), 770 National Foundation Center, 3545 Northwest 58th Street, Oklahoma City, OK 73112, filed in Docket No. CI73-585 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale for resale and delivery of natural gas in interstate commerce to Southern Natural Gas Co. from the Section 28 Field, St. Martin Parish, La., all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to sell the lesser of 1,600 Mcf of gas per day or 80 percent of deliverability for 1 year commencing April 16, 1973, at 30 cents per Mcf at 15.025, subject to upward and downward B.t.u. adjustment, within the contemplation of § 2.70 of the Commission's general policy and interpretations (18 CFR 2.70).

It appears reasonable and consistent with the public interest in this case to prescribe a period shorter than 15 days for the filing of protests and petitions to intervene. Therefore, any person desiring to be heard or to make any protest with reference to said application should on or before March 29, 1973, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-5131 Filed 3-16-73;8:45 am]

[Docket No. E-8041]

UNION ELECTRIC CO.

Notice of Application

MARCH 12, 1973.

Take notice that on October 16, 1972, Union Electric Co. filed with the Commission an operation and maintenance agreement, between Union Electric Co. and Associated Electric Cooperative, Inc., dated September 27, 1972, which provides that Union Electric Co. will construct, operate and maintain the 345 kv. Lutesville Substation; and that Associated Electric Cooperative, Inc., will pay for the installation, maintenance and carrying charges. The agreement provides Associated Electric Cooperative, Inc., with the most economical outlet for generation from the New Madrid Plant and in addition, gives Associated a source of emergency power during those times when the New Madrid Plant is out of service.

Any person desiring to be heard or to make any protest with reference to said application, should on or before March 23, 1973, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and

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procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to the proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-5143 Filed 3-16-73;8:45 am]

[Project 2486]

WISCONSIN MICHIGAN POWER CO.

Notice of Application for Approval of Exhibit R

MARCH 12, 1973.

Public notice is hereby given pursuant to section 4(e) of the Federal Power Act (16 U.S.C. 791a–825r) that an application for approval of an Exhibit R (Recreational Use Plan) was filed on January 14, 1971, by Wisconsin Michigan Power Co. (Correspondence to: Mr. J. K. Babbit, Vice-President, 807 South Orfeida Street, Appleton, WI 53911) Licensee for Project No. 2486, known as the Pine Plant Hydroelectric Project, located on the Pine River in Florence County, in the vicinity of Florence, Wis.

The Exhibit was filed pursuant to Article 34 of the license issued to Wisconsin Michigan Power Co. by the Commission on September 26, 1967.

The plan for the Pine Project includes two developed recreation areas and a canoe portage which have been provided by the Licensee at the project. The two developed recreation areas, one on the north side and one on the south side of the reservoir consist of a boat landing, picnic table, refuse barrel, and a toilet facility at each area. The plan also reserves approximately 10 acres of land at each area for future expansion.

All lands within the project boundary owned by the Licensee, except those immediately surrounding the plant where hazards exist, are open to the public for recreation. Lands so designed are utilized for wilderness camping, berry-picking, hiking, and hunting.

Pine River was designated as a "wild river" by the Wisconsin Legislature by statute of November 18, 1965. According to the application, the applicant and the Wisconsin Department of Natural Resources have agreed that primary consideration should be given toward preservation of the natural environment of the river. The State of Wisconsin has notified the Commission that it has no objection to the proposed recreational plan.

Any person desiring to be heard or to make protest with reference to said application should on or before April 16, 1973, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to a proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's Rules. The application is on file with the Commission and is available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-5144 Filed 3-16-73;8:45 am]

[Docket No. CI73-584]

UNION TEXAS PETROLEUM

Notice of Application

MARCH 12, 1973.

Take notice that on March 5, 1973, Union Texas Petroleum, a division of Allied Chemical Corp. (Applicant), Post Office Box 2120, Houston, TX 77002, filed in Docket No. CI73-584 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale for resale and delivery of natural gas in interstate commerce to El Paso Natural Gas Co. from the Crosby Deep Field, Lea County, N. Mex., all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to sell approximately 60,000 Mcf of gas per month for 18 months at 35 cents per Mcf at 14.65 p.s.i.a., subject to upward and downward B.t.u. adjustment, within the contemplation of § 2.70 of the Commission's general policy and interpretations (18 CFR 2.70).

It appears reasonable and consistent with the public interest in this case to prescribe a period shorter than 15 days for the filing of protests and petitions to intervene. Therefore, any person desiring to be heard or to make any protest with reference to said application should on or before March 29, 1973, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-5031 Filed 3-16-73;8:45 am]

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice 73-22]

RESEARCH AND TECHNOLOGY ADVISORY COUNCIL

Notice of Meeting

The NASA Research and Technology Advisory Council will meet on March 22 and 23, 1973, at Headquarters, National Aeronautics and Space Administration. The meeting will be held in Room 625, Federal Office Building 10B, on March 22, and in Room 7002, Federal Office Building 6, on March 23. The meeting is open to the public with the exception of the closed sessions: (1) March 22, 8:30–10:30 a.m., (2) March 23, 1–3 p.m. The seating capacity of the rooms is about 40 persons, including Council members and other participants.

The NASA Research and Technology Advisory Council was established to advise NASA's senior management in the area of aeronautics and space research and technology. The Council studies issues, pinpoints critical problems, determines gaps in needed technology, points out desirable goals and objectives; summarizes the state-of-the-art, assesses on-going work, and makes recommendations to help NASA plan and carry out a program of greatest benefit to the Nation. The current Chairman is Mr. Richard E. Horner. There are 15 members on the Council itself and additional members on eight committees which report to the Council.

The following list sets forth the approved agenda and schedule for the meeting. For further information, please contact the Executive Secretary, Mr. Fred W. Bowen, Jr.: Area Code 202—755–2494.

March 22, 1973, Room 625, Federal Office Building 10B, 600 Independence Avenue SW., Washington, DC.

Time	*Topic*
8:30 a.m.----	Progress Report on Office of Aeronautics and Space Technology Activities. (Closed session)—To brief the Council on the technical and funding status of programs and disciplines within the Office of Aeronautics and Space Technology and joint programs with the military. This will include classified discussions of military programs and NASA program considerations for future years with funding requirements for these possible future programs.
10:30 a.m.---	Advanced Supersonic Technology Update—Council will be briefed in detail on the technical aspects of the current supersonic technology program for use in assessing the technical accomplishments of NASA's programs.
11:30 a.m.---	Civil Aviation Research and Development (CARD) Study Implementation—To inform the Council of the status and implementation plans of the CARD Study which has been completed and bears on aeronautics activities which fall within the Council's interests.
1:00 p.m.----	Joint DOT/NASA (Department of Transportation and National Aeronautics and Space Administration) Office of Noise Abatement: Airport Analysis Program—To inform the Council of the effects that various aircraft noise reduction techniques have on a number of real airports in the country to aid the Council in its recommendations on technology for aircraft noise abatement.
2:00 p.m.----	Committee Reports—Reports will be made by Committee Chairmen of the Aeronautics Committee; Aeronautical Operating Systems Committee; Space Vehicles Committee; and Guidance, Control, and Information Systems Committee for Council's use in guiding Committee activities and topics of study. This will include major accomplishments, problems, and recommendations to the Council.

March 23, 1973, Room 7002, Federal Office Building 6, 400 Maryland Avenue SW., Washington DC.

Time	*Topic*
8:30 a.m.----	Committee Reports (continued)—Reports will be made by the Committee Chairmen of the Space Propulsion and Power Committee; Materials and Structures Committee; Aeronautical Propulsion Committee; and Research Committee. Reports by Chairmen of the Joint Ad Hoc Panel on Aerospace Vehicle Dynamics and Control and the Ad Hoc Panel on Noise Abatement by Operational Flight Procedures will be made. These will include major accomplishments, problems, and recommendations to the Council.
11:30 a.m.---	Discussion of Space Program Advisory Council Comments on Space Thrusts for the 1980's—To inform the Research and Technology Advisory Council of the comments by the Space Program Advisory Council on space thrusts for the 1980's to allow the former to more accurately make recommendations in the area of space technology.
1:00 p.m.----	Executive Session (Closed to the Public)—To discuss Council recommendations with the NASA Administrator and Deputy Administrator in light of present and future NASA programs and planned funding levels. This will include both classified and unclassified subjects as pertains to joint military programs.
3:00 p.m.----	Adjourn.

HOMER E. NEWELL,
Associate Administrator, National Aeronautics and Space Administration.

MARCH 13, 1973.

[FR Doc.73-5219 Filed 3-16-73;8:45 am]

NATIONAL LABOR RELATIONS BOARD

SYMPHONY ORCHESTRAS

Notice of Issuance of Jurisdictional Standards

On March 7, 1973 at page 6176 of the FEDERAL REGISTER, there was published a notice of issuance of rule by the National Labor Relations Board with respect to the jurisdictional standard applicable to symphony orchestras. The following notice should have been published in the notices section of that FEDERAL REGISTER and is hereby published for that purpose.

Dated, Washington, D.C., March 12, 1973.

By direction of the Board.

[SEAL] JOHN C. TRUESDALE,
Executive Secretary.

On August 19, 1972, the Board published in the FEDERAL REGISTER, a notice of proposed rule making which united interested parties to submit to it (1) data relevant to defining the extent to which symphony orchestras are in commerce, as defined in section 2(6) of the National Labor Relations Act, and to assessing the effect upon commerce of a labor dispute in those enterprises, (2) statements of views or arguments as to the desirability of the Board exercising jurisdiction, and (3) data and views concerning the appropriate jurisdictional standards which should be established in the event the Board decides to promulgate a rule exercising jurisdiction over those enterprises. The Board received 26 responses to the notice. After careful consideration of all the responses, the Board has concluded that it will best effectuate the purposes of the Act to assert jurisdiction over symphony orchestras and apply a $1 million annual gross revenue standard, in addition to statutory jurisdiction. A rule establishing that standard has been issued concurrently with the publication of this notice.

It is well settled that the National Labor Relations Act gives to the Board a jurisdictional authority coextensive with the full reach of the commerce clause.[1] It is equally well settled that the Board in its discretion may set boundaries on the exercise of that authority.[2] In exercising that discretion, the Board has consistently taken the position that it would better effectuate the purposes of the Act, and promote the prompt handling of major cases, not to exercise its jurisdiction to the fullest extent possible under the authority delegated to it by Congress, but to limit that exercise to enterprises whose operations have, or at which labor disputes would have, a pronounced impact upon the flow of interstate commerce.[3] The standard announced above, in our opinion, accommodates this position.

The Board, in arriving at a $1 million gross figure,[4] has considered, inter alia, the impact of symphony orchestras on commerce and the aspects of orchestra operations as criteria for the exercise of jurisdiction. Symphony orchestras in the United States are classified in four categories: college, community, metropolitan, and major.[5] Community orchestras constitute the largest group with over 1,000 in number and, for the most part, are composed of amateur players. The metropolitan orchestras are almost exclusively professional and it is estimated that there are between 75 and 80 orchestras classified as metropolitan. The annual budget for this category ranges approximately from $250,000 to $1 million. The major orchestras are the largest and usually the oldest established musical organizations. All of them are completely professional, and a substantial number operates on a year-round basis. For this category the minimum annual budget is approximately $1 million. Presently, there are approximately 28 major symphony orchestras in the United States. Thus, statistical projections based on data submitted by responding parties, as well as data compiled by the Board, disclose that adoption of such a standard would bring approximately 2 percent of all symphony orchestras, except college, or approximately 28 percent of the professional metropolitan and major orchestras, within reach of the Act. The Board is satisfied that symphony

[1] See N.L.R.B. v. Fainblatt, 306 U.S. 601.

[2] Office Employees International Union, Local No. 11 [Oregon Teamsters] v. N.L.R.B., 353 U.S. 313; sec. 14(c)(1) of the Act.

[3] Siemons Mailing Service, 122 NLRB 81; Hollow Tree Lumber Company, 91 NLRB 635, 635. See also, e.g., Floridan Hotel of Tampa, Inc., 124 NLRB 261, 264; Butte Medical Properties, doing business as Medical Center Hospital, 168 NLRB 266, 268.

[4] As reflected in the rule, this figure includes revenues from all sources, excepting only contributions which, because of limitations placed thereon by the grantor, are not available for operating expenses. These contributions encompassing, for example, contributions to an endowment fund or building fund, are excluded because of their generally nonrecurring nature. (Cf. Magic Mountain, Inc., 123 NLRB 1170.) Income derived from investment of such funds will, however, be counted in determining whether the standard has been satisfied.

[5] The latter three categories are defined by the American Symphony Orchestra League principally on the basis of their annual budgets.

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orchestras with gross revenues of $1 million have a substantial impact on commerce and that the figure selected will not result in an unmanageable increase on the Board's workload. The adoption of a $1 million standard, however, does not foreclose the Board from reevaluating and revising that standard should future circumstances deem it appropriate.

In view of the foregoing, the Board is satisfied that the $1 million annual gross revenue standard announced today will result in attaining uniform and effective regulation of labor disputes involving employees in the symphony orchestra industry whose operations have a substantial impact on interstate commerce.

[FR Doc.73-5194 Filed 3-16-73;8:45 am]

SMALL BUSINESS ADMINISTRATION

[Delegation of Authority No. 30—Region IV, Amdt. 3]

CHIEF AND ASSISTANT CHIEF, REGIONAL FINANCING DIVISION ET AL.

Delegation of Authority To Conduct Program Activities in the Field Offices

Delegation of Authority No. 30 (Region IV) (37 FR 17603), as amended (38 FR 1159) (38 FR 3553), is hereby further amended to include approval and certain other authority for strategic arms limitation economic injury loans. Parts I and II are revised to read as follows:

PART I—FINANCING PROGRAM

SECTION A. *Loan approval authority.*

* * * * *

3. (a) Displaced business and other economic injury loans. To decline displaced business loans, coal mine health and safety loans, consumer protection loans (meat, egg, poultry), occupational safety and health loans, strategic arms limitation economic injury loans, and economic injury disaster loans in connection with declarations made by the Secretary of Agriculture for natural disasters in any amount and to approve such loans up to the following amounts (SBA share):

(1) Chief and Assistant Chief, Regional Financing Division, $350,000.

(b) To approve or decline displaced business loans, coal mine health and safety loans, consumer protection loans (meat, egg, poultry), occupational safety and health loans, strategic arms limitation economic injury loans and economic injury disaster loans in connection with declarations made by the Secretary of Agriculture for natural disasters in any amount and to approve such loan up to the following amounts (SBA share):

(1) Supervisory Loan Officer—Regional Financing Division, $350,000.

(2) District Director, $350,000.

(3) Chief, District Financing Division, $350,000.

(4) Branch Manager, Gulfport, Miss., Branch Office, $350,000.

SEC. B.

1. (a) To enter into business, economic opportunity, disaster, displaced business, consumer protection (meat, egg, poultry), occupational safety and health, and coal mine health and safety, and strategic arms limitation economic injury loan participation agreements with banks:

(1) Chief and Assistant Chief, Regional Financing Division.

(2) Supervisory Loan Officer, Regional Financing Division.

(3) District Director.

(4) Chief, District Financing Division.

(5) Branch Manager, Gulfport, Miss., Branch Office.

* * * * *

3. To cancel, reinstate, modify, and amend authorizations:

(a) For business, economic opportunity, disaster, displaced business, consumer protection (meat, egg, poultry), occupational safety and health, and coal mine health and safety, and strategic arms limitation economic injury loans:

(1) Chief and Assistant Chief, Regional Financing Division.

(2) Supervisory Loan Officer, Regional Financing Division.

(3) District Director.

(4) Chief, District Financing Division.

(5) Branch Manager, Gulfport, Miss., Branch Office.

(b) For "fully undisbursed" or "partially disbursed" business, economic opportunity, disaster, displaced business consumer protection (meat, egg, poultry), occupational safety and health, and coal mine health and safety, and strategic arms limitation economic injury loans: None.

3. (c) For business, economic opportunity, disaster, displaced business, consumer protection (meat, egg, poultry), coal mine health and safety and occupational safety and health, and strategic arms limitation economic injury loans personally approved under delegated authority: None.

* * * * *

PART II—DISASTER PROGRAM

SECTION A. *Disaster loan approval authority.* 1. To decline * * * (excluding displaced business loans, coal mine health and safety, occupational safety and health, and strategic arms limitation economic injury loans, and economic injury disaster loans in connection with declarations made by the Secretary of Agriculture for natural disasters) except to the extent of refinancing of a previous SBA disaster loan:

(a) Chief and Assistant Chief, Regional Financing Division.

(b) District Director.

(c) Chief, District Financing Division.

(d) Branch Manager, Gulfport, Miss., Branch Office.

(e) Disaster Branch Manager, as assigned.

2. To decline direct disaster and immediate participation disaster loans (excluding displaced business loans, coal mine health and safety, occupational safety and health, strategic arms limitation economic injury loans, and economic injury disaster loans in connection with declarations made by the Secretary of Agriculture for natural disasters) in any amount and to approve such loans up to the total SBA funds of $50,000: None.

* * * * *

Effective date: September 28, 1972.

WILEY S. MESSICK,
Regional Director, Region IV.

[FR Doc.73-5182 Filed 3-16-73;8:45 am]

[Delegation of Authority No. 30-VI, Amdt. 2]

DEPUTY REGIONAL DIRECTOR ET AL.

Delegation of Authority To Conduct Program Activities in the Field Offices

Delegation of Authority No. 30-VI (37 FR 17612), as amended (37 FR 20288), is hereby further amended by revising Part I, section A, 3a, and 3b; section B, 1a, 1b, 3a, 3b, and 3c; and Parts II and VIII in their entirety. This amendment more clearly defines certain authorities; eliminates references to Class B disasters; and includes authority to contract for local credit bureau services and loss verification services.

Parts I, II, and VIII are revised to read as follows:

PART I—FINANCING PROGRAM

SECTION A. *Loan approval authority.*

* * * * *

3. *Displaced Business and Other Economic Injury Loans.* a. To decline displaced business loans, coal mine health and safety loans, consumer protection loans (meat, egg, poultry), occupational safety and health loans, strategic arms limitation economic injury loans, and economic injury disaster loans in connection with declarations made by the Secretary of Agriculture for natural disasters in any amount and to approve such loans up to the following amounts (SBA share):

(1) Deputy Regional Director	$1,000,000
(2) Chief and Assistant Chief Regional Financing Division	350,000

b. To approve or decline displaced business loans, coal mine health and safety loans, consumer protection loans (meat, egg, poultry), occupational safety and health, strategic arms limitation economic injury, and economic injury disaster loans in connection with declarations made by the Secretary of Agriculture for natural disasters up to the following amounts (SBA share):

(1) Deputy Regional Director	$1,000,000
(2) Chief and Assistant Chief Regional Financing Division	350,000
(3) Regional Supervisory Loan Officer	50,000
(4) District Director	350,000
(5) Chief District Financing Division	350,000
(6) Branch Manager	50,000

SEC. B. *Other financing authority.* 1. a. To enter into business, economic opportunity, disaster, displaced business, consumer protection (meat, egg, poultry), occupational safety and health, and coal mine health and safety, and strategic arms limitation economic injury loan participation agreements with banks:

(1) Deputy Regional Director.

(2) Chief and Assistant Chief Regional Financing Division.

(3) Regional Supervisory Loan Officer.

(4) District Director.

(5) Chief District Financing division.

(6) Branch Manager.

b. To enter into blanket loan guarantee agreements with banks:

(1) Branch manger.

* * * * *

3. To cancel, reinstate, modify, and amend authorizations:

a. For business, economic opportunity, disaster, displaced business, consumer protection (meat, egg, poultry), occupational health and safety, coal mine health and safety, and strategic arms limitation economic injury loans:

(1) Deputy Regional Director.

(2) District Director.

(3) Branch Manager.

b. For fully undisbursed or partially disbursed business, economic opportunity, disaster, displaced business, consumer protection (meat, egg, poultry), occupational health and safety, coal mine health and safety, and strategic arms limitation economic injury loans:

(1) Chief and Assistant Chief Regional Financing Division.

(2) Regional Supervisory Loan Officer.

(3) Chief District Financing Division.

(4) Branch Manager.

c. For business, economic opportunity, disaster, displaced business, consumer protection (meat, egg, poultry), coal mine health and safety, and occupational safety and health, and strategic arms limitation economic injury loans personally approved under delegated authority:

(1) Branch Manager.

* * * * *

PART II—DISASTER PROGRAM

SECTION A. *Disaster loan authority.* 1. To decline direct disaster and immediate participation disaster loans in any amount and to approve such loans up to the total SBA funds of (1) $50,000 per household for repairs or replacement of the home and/or not to exceed an additional $10,000 allowable for household goods and personal items, but in no event may the money loaned for physical loss or damage exceed $55,000 for a single disaster on home loans, except for funds to refinance prior liens or mortgages, which may be approved in addition to the foregoing limits for amounts up to $50,000; and (2) $500,000 on disaster business loans (excluding displaced business loans, coal mine health and safety, occupational safety and health, strategic arms limitation economic injury loans, and economic injury disaster loans in connection with declarations made by the Secretary of Agriculture for natural disasters) except to the extent of refinancing of a previous SBA disaster loan:

a. Deputy Regional Director.

b. Chief and Assistant Chief Regional Financing Division.

c. Regional Supervisory Loan Officer.

d. District Director.

e. Chief, District Financing Division.

f. Branch Manager.

g. Disaster Branch Manager if Assigned.

2. To decline direct disaster and immediate participation disaster loans (excluding displaced business loans, coal mine health and safety, occupational safety and health, strategic arms limitation economic injury loans, and economic injury disaster loans in connection with declarations made by the Secretary of Agriculture for natural disasters) in any amount and to approve such loans up to the total SBA funds of $50,000:

a. Deputy Regional Director.

b. Chief and Assistant Chief Regional Financing Division.

c. Regional Supervisory Loan Officer.

d. District Director.

e. Chief, District Financing Division.

f. Branch Manager.

g. Disaster Branch Manager if Assigned.

3. To decline disaster guaranteed loans in any amount and to approve such loans up to an SBA guarantee of the following amounts:

a. Deputy Regional Director	$1,000,000
b. Chief and Assistant Chief Regional Financing Division	500,000
c. Regional Supervisory Loan Officer	500,000
d. District Director	500,000
e. Chief District Financing Division	500,000
f. Branch Manager	500,000
g. Disaster Branch Manager if Assigned	500,000

4. To appoint as a processing representative any bank in the disaster area:

a. Deputy Regional Director.

b. Chief and Assistant Chief Regional Financing Division.

c. District Director.

d. Branch Manager.

e. Disaster Branch Manager as Assigned.

5. To approve or reject the request of an applicant to file for a disaster loan after the period for acceptance under the original disaster declaration, or extension thereof, has expired:

a. Deputy Regional Director.

b. Chief and Assistant Chief Regional Financing Division.

c. District Director.

d. Disaster Branch Manager as Assigned.

SEC. B. *Administrative authority.* 1. Establishment of Disaster Field Offices.

a. To establish field offices upon receipt of advice of the designation of a disaster area; and to close disaster field offices when no longer advisable to maintain such offices.

(1) Deputy Regional Director.

(2) Chief and Assistant Chief Regional Financing Division.

(3) District Director.

(4) Disaster Branch Manager as Assigned.

b. To obligate the Small Business Administration to reimburse the General Services Administration for the rental of temporary office space:

(1) Regional Chief Administrative Division.

2. Purchase and Contract Authority.

a. To contract for local credit bureau services and loss verification services pursuant to Chapter 4 of title 41, United States Code, as amended, subject to the limitations contained in sections 257 (a) and (b) of that chapter.

(1) Regional Chief Administrative Division.

(2) District Director.

(3) Disaster Branch Manager as Assigned.

b. Other Administrative Authority: See Part VIII.

PART VIII—ADMINISTRATIVE

SECTION A. *Authority to purchase, rent, or contract for equipment, services, and supplies.* 1. To purchase reproductions of loan documents, chargeable to the revolving fund, requested by U.S. attorneys in foreclosure cases:

a. Deputy Regional Director.

b. Chief, Regional Administrative Division.

c. District Director.

d. Chief, District Administrative Division or Administrative Assistant.

e. Branch Manager.

2. To purchase office supplies and equipment, including office machines and rent regular office equipment and furnishings; contract for repair and maintenance of equipment and furnishings; contract for printing (Government sources only); contract for services in setting up and dismantling and moving SBA exhibits; and issue Government bills of lading pursuant to Chapter 4 of title 41, United States Code, as amended, subject to the limitations contained in sections 257 (a) and (b) of that chapter:

a. Deputy Regional Director.

b. Chief, Regional Administrative Division.

c. Regional Office Services Manager or Office Services Assistant.

d. District Director.

e. Chief, District Administrative Division or Administrative Assistant.

f. District Office Services Manager or Office Services Assistant.

g. Branch Manager.

h. Branch Office Services Assistant.

i. Disaster Branch Managers as assigned.

3. To rent motor vehicles and garage space for the storage of such vehicles when not furnished by this Administration:

a. Deputy Regional Director.

b. Chief, Regional Administrative Division.

c. Regional Office Services Manager or Office Services Assistant.

d. District Director.

e. Chief, District Administrative Division or Administrative Assistant.

f. District Office Services Manager or Office Services Assistant.

g. Branch Manager.

h. Branch Office Services Assistant.

i. Disaster Branch Manager as Assigned.

4. To rent temporarily SBA conference space located within the geographical jurisdiction:

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a. Chief, Regional Administrative Division.
b. Regional Office Services Specialist.
c. District Director.
d. Chief, District Administrative Division or Administrative Assistant.
e. Branch Manager.

Effective date: Part I, section A, 3a, 3b; section B, 1a, 1b, 3a, 3b, and 3c, September 28, 1972. Parts II and VIII, July 1, 1972.

FRED S. NEUMANN,
Regional Director, Region VI.

FEBRUARY 27, 1973.

[FR Doc 73-5181 Filed 3-16-73;8:45 am]

[Delegation of Authority No. 30-II; Rev. I]

DEPUTY REGIONAL DIRECTOR ET AL.

Delegation of Authority To Conduct Program Activities in the Field Offices

Delegation of Authority No. 30–II (37 FR 17594) is hereby revised to read as follows:

PART I—FINANCING PROGRAM

SECTION A. *Loan approval authority*—1. *Small Business Act section 7(a) loans.* To approve or decline business loans not exceeding the following amounts (SBA share):

(1) Deputy Regional Director	$350,000
(2) Chief, Regional Financial Services Division	350,000
(3) Chief, Regional Financing Branch	350,000
(4) Regional Supervisory Loan Officers	100,000
(5) District Directors	350,000
(6) Chiefs, District Financial Services Division	350,000
(7) Branch Manager, Buffalo, N.Y., Branch Office	100,000

2. *Economic opportunity (EO) loans.* To approve or decline economic opportunity loans not exceeding $50,000 (SBA share).
(1) Deputy Regional Director.
(2) Chief, Regional Financial Services Division.
(3) Chief, Regional Financing Branch.
(4) Regional Supervisory Loan Officers.
(5) District Directors.
(6) Chiefs, District Financial Services Division.
(7) Branch Manager, Buffalo, N.Y., Branch Office.

3. *Displaced business and other economic injury loans.* a. To decline displaced business loans, coal mine health and safety loans, consumer protection loans (meat, egg, poultry), occupational safety and health, strategic arms limitation economic injury loans, and economic injury disaster loans in connection with declarations made by the Secretary of Agriculture for natural disasters in any amount and to approve such loans up to the following amounts (SBA share):

(1) Deputy Regional Director	$1,000,000
(2) Chief, Regional Financial Services Division	1,000,000
(3) Chief, Regional Financing Branch	500,000
(4) Regional Supervisory Loan Officers	50,000
(5) District Directors	500,000
(6) Chiefs, District Financial Services Division	350,000
(7) Branch Manager, Buffalo, N.Y., Branch Office	350,000

b. To approve or decline displaced business loans, coal mine health and safety loans, consumer protection loans (meat, egg, poultry), occupational safety and health, strategic arms limitation economic injury loans, and economic injury disaster loans in connection with declarations made by the Secretary of Agriculture for natural disasters up to the following amounts (SBA share):
None.

SEC. B. *Other financing authority.* 1. (a) To enter into business, economic opportunity, disaster, displaced business, consumer protection (meat, egg, poultry), occupational safety and health, strategic arms limitation economic injury, and coal mine health and safety loan participation agreement with banks:
(1) Deputy Regional Director.
(2) Chief, Regional Financial Services Division.
(3) Chief, Regional Financing Branch.
(4) Regional Supervisory Loan Officers.
(5) District Directors.
(6) Chiefs, District Financial Services Division.
(7) District Supervisory Loan Officers.
(8) Branch Manager, Buffalo, N.Y., Branch Office.
(b) To enter into blanket loan guarantee agreements with banks:
(1) Deputy Regional Director.
(2) District Directors.

2. (a) To execute loan authorizations for loans approved by higher authority and for loans personally approved under delegated authority:
(1) Deputy Regional Director.
(2) Chief, Regional Financial Services Division.
(3) Chief, Regional Financing Branch.
(4) Regional Supervisory Loan Officers.
(5) District Directors.
(6) Chiefs, District Financial Services Division.
(7) District Supervisory Loan Officers.
(8) Branch Manager, Buffalo, N.Y., branch office.

3. To cancel, reinstate, modify and amend authorizations:
(a) For business, economic opportunity, disaster, displaced business, consumer protection (meat, egg, poultry), occupational safety and health, strategic arms limitation economic injury and coal mine health and safety loans:
(1) Deputy Regional Director.
(2) Chief, Regional Financial Services Division.
(3) District Directors.
(4) Branch Manager, Buffalo, N.Y., branch office.
(b) For fully undisbursed or partially disbursed business, economic opportunity, disaster, displaced business, consumer protection (meat, egg, poultry), occupational safety and health, coal mine health and safety and strategic arms limitation economic injury loans:
(1) Chief, Regional Financing Branch.
(2) Regional Supervisory Loan Officers.
(3) Chiefs, District Financial Services Division.
(4) District Supervisory Loan Officers.
c. For business economic opportunity, disaster, displaced business, consumer protection (meat, egg, poultry), coal mine health and safety, occupational safety and health, and strategic arms limitation economic injury loans personally approved under delegated authority:
None.

4. To approve minor modifications in fully undisbursed loan authorization:
(1) Regional Loan Officers.
(2) District Loan Officers.
(3) Branch Loan Officers.
(4) Disaster Branch Managers.

5. (a) To extend the disbursement period on all loan authorizations:
(1) Deputy Regional Director.
(2) Chief, Regional Financial Services Division.
(3) District Directors.
(4) Branch Manager, Buffalo, N.Y., branch office.
(b) To extend the disbursement period on all loan authorizations on loans fully undisbursed:
(1) Chief, Regional Financing Branch.
(2) Regional Supervisory Loan Officers.
(3) Regional Loan Officers.
(4) Chiefs, District Financial Services Division.
(5) District Supervisory Loan Officers.
(6) District Loan Officers.

6. To approve service charges by participating banks not to exceed 2 percent per annum on the outstanding principal balance of construction loans and loans involving accounts receivable and inventory financing:
(1) Deputy Regional Director.
(2) Chief, Regional Financial Services Division.
(3) Chief, Regional Financing Branch.
(4) Regional Supervisory Loan Officers.
(5) District Directors.
(6) Chiefs, District Financial Services Division.
(7) Branch Manager, Buffalo, N.Y., branch office.

PART II—DISASTER PROGRAM

SECTION A. *Disaster loan authority.* 1. To decline direct disaster and immediate participation disaster loans in any amount and to approve such loans up to the total SBA funds of (1) $50,000 per household for repairs or replacement of the home and/or not to exceed an additional $10,000 allowable for household 0goods and personal items, but in no event may the money loaned for physical loss or damage exceed $55,000 for a single disaster on home loans, except for funds to refinance prior liens or mortgages, which may be approved in addition to the foregoing limits for amounts up to $50,000 and (2) $500,000 on disaster business loans (excluding displaced business loans, coal mine health and safety, occupational safety and health, strategic arms limitation economic injury and economic injury disaster loans in connection with declarations made by the Secretary of Agriculture for natural disasters), except to the extent of refinancing of a previous SBA disaster loan:
(1) Deputy Regional Director.
(2) Chief, Regional Financial Services Division.
(3) Chief, Regional Financing Branch.
(4) District Directors.
(5) Chiefs, District Financial Services Division.
(6) Disaster Branch Managers (as assigned).

2. To decline direct disaster and immediate participation disaster loans (excluding displaced business loans, coal mine health and safety, occupational safety and health, strategic arms limitation economic injury and economic injury disaster loans in connection with declarations made by the Secretary of Agriculture for natural disasters) in any amount and to approve such loans up to the total SBA funds of $50,000:
(1) Regional Supervisory Loan Officers.
(2) District Supervisory Loan Officers.
(3) Disaster Branch Managers (as assigned).

3. To decline disaster guaranteed loans in any amount and to approve such loans up to an SBA guarantee of the following amounts:

(1) Deputy Regional Director	$1,000,000
(2) Chief, Regional Financial Services Division	1,000,000
(3) Chief, Regional Financing Branch	500,000
(4) Regional Supervisory Loan Officers	50,000
(5) District Directors	500,000
(6) Chiefs, District Financial Services Division	350,000
(7) Disaster Branch Managers, as assigned	350,000

4. To appoint as a processing representative any bank in the disaster area:
(1) Disaster Branch Managers, as assigned.

SEC. B. *Administrative authority*—1. *Establishment of disaster field offices.* (a) To establish field offices upon receipt of advice of the designation of a disaster area and to close disaster field offices when no longer advisable to maintain such offices; and (b) to obligate the Small Business Administration to reimburse the General Services Administration for the rental of temporary office space.
(1) Deputy Regional Director.
(2) Chief, Regional Financial Services Division.
(3) District Directors.

2. *Purchase and contract authority.* (a) To contract for local credit bureau services and loss verification services pursuant to chapter 4 of title 41, United States Code, as amended, subject to the limitations contained in section 257 (a) and (b) of that chapter.
(1) Chief, Regional Administrative Services Division.
(2) Disaster Branch Managers, as assigned.
(b) To purchase office supplies and equipment, including office machines and rent regular office equipment and furnishings; Contract for repair and maintenance of equipment and furnishings; contract for printing (Government sources only); contract for services required in setting up and dismantling and moving SBA exhibits; and issue Government bills of lading pursuant to chapter 4 of title 41, United States Code, as amended, subject to the limitations contained in section 257 (a) and (b) of that chapter.
(1) Chief, Regional Administrative Services Division.
(2) Disaster Branch Managers, as assigned.

PART III—COMMUNITY ECONOMIC DEVELOPMENT (CED) PROGRAM

SECTION A. *Section 501 and 502 loan approval authority.* 1. To approve or decline Section 501, State Development Company Loans:
(a) Without dollar limitation:
(1) Deputy Regional Director.
(2) Chief, Regional Financial Services Division.
(b) Up to the following amounts (SBA share), provided the official concurs in at least one prior recommendation:
(1) Chief, Regional CED Branch.. $350,000

2. To approve or decline Section 502, Local Development Company Loans:
(a) Up to the following (SBA share):

(1) Deputy Regional Director	$350,000
(2) Chief, Regional Financial Services Division	350,000

(b) Up to the following amount (SBA share) when project cost does not exceed $1,000,000, provided the official concurs in at least one prior recommendation:

(1) Chief, Regional CED Branch	$350,000
(2) District Directors	350,000

(c) Up to the following amount (SBA share) when project cost does not exceed $700,000 provided the official concurs in at least one prior recommendation:
None.

Section B. Other 501 and 502 authority. 1. (a) To extend the disbursement period on sections 501 and 502 loan authorizations:
(1) Deputy Regional Director.
(2) Chief, Regional Financial Services Division.
(3) Chief, Regional CED Branch.
(4) District Directors.
(5) Branch Manager, Buffalo, N.Y., branch office.
(b) To extend the disbursement period on fully undisbursed sections 501 and 502 loans:
None.

2. (a) To execute sections 501 and 502 loan authorizations for loans approved by higher authority and for loans personally approved under delegated authority:
(1) Deputy Regional Director.
(2) Chief, Regional Financial Services Division.
(3) Chief, Regional CED Branch.
(4) District Directors.

3. (a) To cancel, reinstate, modify and amend authorizations for sections 501 and 502 loans:
(1) Deputy Regional Director.
(2) Chief, Regional Financial Services Division.
(3) Chief, Regional CED Branch.
(4) District Directors.
(5) Branch Manager, Buffalo, N.Y., branch office.
(b) To cancel, reinstate, modify and amend authorizations for fully undisbursed or partially disbursed sections 501 and 502 loans:
None.

4. To enter into section 502 loan participation agreements with banks:
(1) Deputy Regional Director.
(2) Chief, Regional Financial Services Division.
(3) Chief, Regional CED Branch.
(4) District Directors.
(5) Branch Manager, Buffalo, N.Y., branch office.

SEC. C. *Lease guarantee approval authority.* 1. To approve or decline applications for the direct guarantee of payment of rent not to exceed the following amounts:

(1) Deputy Regional Director, Region II, NY	$1,000,000
(2) Chief, Regional Financial Services Division	1,000,000
(3) Chief, Regional CED Branch	500,000
(4) District Directors	500,000

2. To guarantee sureties of small business against portions of losses resulting from the breach of bid, payment, or performance bonds or contracts not to exceed $500,000:
(1) Deputy Regional Director.
(2) Chief, Regional Financial Services Division.
(3) Chief, Regional CED Branch.

SEC. D. *Other lease guarantee authority.* 1. (a) To issue and modify commitment letters:
(1) Deputy Regional Director.
(2) Chief, Regional Financial Services Division.
(3) Chief, Regional CED Branch.
(4) District Directors.

SEC. E. *EDA loan disbursement authority.* 1. (a) To disburse approved EDA loans, as authorized:
None.

PART IV—LOAN ADMINISTRATION (LA) PROGRAM

SECTION A. *Loan administration, servicing, collection and liquidation authority.* 1. To take all necessary actions in connection with the administration, servicing, collection, and liquidation of all loans, exclusive of matters in litigation, and to do and perform and to assent to the doing and performance of all and every act and thing requisite and proper to effectuate the granted powers, including without limiting the generality of the foregoing, the assignment, endorsement, transfer and delivery (but in all cases without representation, recourse, or warranty) of notes, claims, bonds, debentures, mortgages, deeds of trust, contracts, patents and applications therefor,

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licenses, certificates of stock and of deposit, and any other liens, powers, rights, charges on and interest in or to property of any kind, legal and equitable, now or hereafter held by the Small Business Administration or its Administrator; the execution and delivery of contracts of sale or of lease or sublease, quitclaim, bargain and sale of special warranty deeds, bills of sale, leases, subleases, assignments, subordinations, releases (in whole or part) of liens, satisfaction pieces, affidavits, and such other instruments in writing as may be appropriate and necessary to effectuate the foregoing; the approval of bank applications for use of liquidity privilege under the loan guaranty plan; and to advertise regarding the public sale of collateral in connection with the liquidation of loans and acquired property:

(a) *Except.* To compromise or sell any primary obligation or other evidence of indebtedness owed to the Agency for a sum less than the total amount due thereon; and to deny liability of the Small Business Administration under the terms of a participation or guaranty agreement, or the assertion of a claim for recovery from a participating bank under any alleged violation of participation or guaranty agreement:

(1) Deputy Regional Director.

(2) Chief Regional Financial Services Division.

(3) Chief, Regional Borrowers Services Branch.

(4) Supervisory Loan Officer, Regional Borrowers Services Branch.

(5) District Directors.

(6) Chiefs, District Borrowers Services Branch.

(b) *Except.* To compromise or sell any primary obligation or other evidence of indebtedness owed to the Agency for a sum less than the total amount due thereon; to deny liability of the Small Business Administration under the terms of a participation or guaranty agreement, or the assertion of a claim for recovery from a participating bank under any alleged violation of participation or guaranty agreement; to authorize the liquidation of a loan; and the cancellation of authority to liquidate:

None.

(1) Supervisory Loan Officers District Borrowers Services Branch.

(2) Branch Managers, Buffalo and Elmira, N.Y., branch offices.

(c) *Except.* To compromise or sell any primary obligation or other evidence or indebtednes owed to the Agency for a sum less than the total amount due thereon; to deny liability of the Small Business Administration under the terms of a participation or guaranty agreement, or the assertion of a claim for recovery from a participating bank under any alleged violation of a participation or guaranty agreement; to authorize the liquidation of a loan other than a disaster home loan and the cancellation of authority to liquidate any loan other than a disaster home loan: None.

2. To contract for the services of fee appraisers, engineering, marketing and feasibility studies, and other required services, in conjunction with loan processing, servicing, and loan liquidation:

(1) Deputy Regional Director.

(2) Chief, Regional Financial Services Division.

(3) Chief, Regional Borrowers Services Branch.

(4) Chief, Regional Financing Branch.

(5) Chief, Regional Community Economic Development Branch.

(6) District Directors.

3. To take all necessary action in liquidating Economic Development Administration (EDA) loans, exclusive of matters in litigation and acquired collateral, when and as authorized by EDA:

(1) Deputy Regional Director.

(2) Chief, Regional Financial Services Division.

(3) Chief, Regional Borrowers Services.

(4) Supervisory Loan Officers, Regional Borrowers Service Branch.

(5) District Directors.

(6) Chiefs, District Borrowers Services Branch.

SEC. B. *Loan administration, servicing and collection authority.*

1. To take all necessary actions in connection with the administration, servicing, and collection of all loans, other than those accounts classified as "In liquidation" and to do and perform and to assent to the doing and performance of all and every act and thing requisite and proper to effectuate the granted powers, including without limiting the generality of the foregoing, the assignment, endorsement, transfer, and delivery (but in all cases without representation, recourse, or warranty) of notes, claims, bonds, debentures, mortgages, deeds of trust, contracts, patents and applications therefor, licenses, certificates of stock and of deposit and any other liens, powers, rights, charges on and interest in or to property of any kind, legal and equitable, now or hereafter held by the Small Business Administration or its Administrator; the execution and delivery of contracts of sale or of lease or sublease, quitclaim, bargain and sale of special warranty deeds, bills of sale, leases, subleases, assignments, subordinations, releases (in whole or part) of liens, satisfaction pieces, affidavits and such other instruments in writing as may be appropriate and necessary to effectuate the foregoing; and the approval of bank applications for use of liquidity privilege under the loan guaranty plan:

(a) *Except.* To compromise or sell any primary obligation or other evidence of indebtedness owed to the Agency for a sum less than the total amount due thereon; and to deny liability of the Small Business Administration under the terms of a participation or guaranty agreement, or the assertion of a claim for recovery from a participating bank under any alleged violation of a participation or guaranty agreement; to authorize the liquidation of a loan; and the cancellation of authority to liquidate.

(1) Branch Managers, Buffalo and Elmira, N.Y., Branch Offices.

2. To approve the following actions:

(a) Use of such portions of the cash surrender value of assigned life insurance as are required to pay premiums due on the policy.

(b) Release of dividends on assigned life insurance or consent to application of dividends against premiums due or to become due.

(c) Minor modifications in the authorizations.

(d) Extension of disbursement period on loans partially undisbursed.

(e) Extension of initial principal payments.

(f) Adjustment of interest payment dates.

(g) Release of hazard insurance checks not in excess of $500 and endorsement of such checks on behalf of the Agency where SBA is named as joint loss payee.

(h) Release of equipment with or without consideration where the value of equipment being released does not exceed $500.

(i) Concerning all current direct and participation loans and First Mortgage Plan 502 loans:

(i) Loan Officers, Regional Borrowers Services Branch.

(ii) Loan Officers, District Borrowers Services Branch.

(2) Concerning all direct and participation loans: None.

SEC. C. *Lease guarantee administration and servicing authority.* 1. (a) To service claims arising under all lease insurance policies issued in the region, approving the payment, or recommending denial of such claims:

(1) Deputy Regional Director.

(2) Chief, Regional Financial Services Division.

(3) Chief, Regional Borrowers Services Branch.

(4) Supervisory Loan Officers, Regional Borrowers Services Branch.

(b) To service claims arising under all lease insurance policies issued in the district, approving the payment, or recommending denial of such claims:

(1) District Directors.

(2) Chiefs, District Borrowers Services Branch.

(c) To service claims arising under all lease insurance policies issued in the branch office area, approving the payment or recommending denial of such claims:

(1) Branch Manager, Buffalo, N.Y., Branch Office.

2. To take all actions, necessary to mitigate losses from lease guarantees:

(1) Deputy Regional Director.

(2) Chief, Regional Financial Services Division.

(3) Chief, Regional Borrowers Services.

(4) Supervisory Loan Officers, Regional Borrowers Services Branch.

(5) District Directors.

(6) Chiefs, District Borrowers Services Branch.

SEC. D. *Section 406 contract management authority.* 1. To take all necessary

actions in connection with the administration and management of contracts, executed by the Associate Administrator for Financial Assistance under the authority granted in section 406 of the Economic Opportunity Act of 1964, as amended, except changes, amendments, modifications, or termination of the original contract:

(1) Deputy Regional Director.

(2) Chief, Regional Financial Services Division.

(3) Chief, Regional Borrowers Services Branch.

PART V—PROCUREMENT AND MANAGEMENT ASSISTANCE

SECTION A. *Certificate of competency approval authority.* 1. With the exception of re-referred cases, to approve applications for certificates of competency up to but not exceeding $250,000 bid value received from small business concerns located within the geographical jurisdiction of the following:

(1) Deputy Regional Director, Region II, New York.

2. To deny an application for a certificate of competency when an adverse determination as to capacity or credit is concurred in:

(1) Deputy Regional Director, Region II, New York.

SEC. B. *Section 8(a) contracting authority.* 1. To enter into contracts, not exceeding the following amounts, on behalf of the Small Business Administration with the U.S. Government and any department, agency, or officer thereof having procurement powers, obligating the Small Business Administration to furnish articles, equipment, supplies, or materials to the Government and agreeing as to the terms and conditions of such contracts:

(1) Deputy Regional Director	Unlimited
(2) Chief, PMA Division	$350,000

2. To arrange for the performance of such contracts by negotiating or otherwise letting subcontracts to small business concerns or others for the manufacture, supply, or assembly of such articles, equipment, supplies, or materials, or parts thereof, or servicing or processing in connection therewith, or such management services as may be necessary to enable the Small Business Administration to perform such contracts:

(1) Deputy Regional Director	Unlimited
(2) Chief, PMA Division	$350,000

3. To certify to any officer of the Government having procurement powers that the Small Business Administration is competent to perform any specific Government procurement contract, not exceeding the following amounts, to be let by any such officer:

(1) Deputy Regional Director	Unlimited
(2) Chief, PMA Division	$350,000

PART VI—LEGAL SERVICES

SECTION A. *Authority to conduct litigation activities.* 1. To conduct all litigation activities, including SBIC matters, as assigned, and to take all action necessary in connection with matters in litigation; and to do and perform and to assent to the doing and performance of, all and every act and thing requisite and proper to effectuate the granted powers, including without limiting the generality of the foregoing:

(a) The assignment, endorsement, transfer, and delivery (but in all cases without representation, recourse, or warranty) of notes, claims, bonds, debentures, mortgages, deeds of trust, contracts, patents and applications therefor, licenses, certificates of stock and of deposit, and any other liens, powers, rights, charges on and interest in or to property of any kind, legal and equitable, now or hereafter held by the Small Business Administration or its Administrator, as to all matters in litigation.

(b) The execution and delivery of contracts of sale or of lease or sublease, quitclaim, bargain and sale of special warranty deeds, bills of sale, leases, subleases, assignments, subordinations, releases (in whole or part) of liens, satisfaction pieces, affidavits, proofs of claim in bankruptcy or other estates, and such other instruments in writing as may be appropriate and necessary to effectuate the foregoing, as to all matters in litigation:

None.

1. *Except.* To compromise or sell any primary obligation or other evidence of indebtedness owed to the Agency for a sum less than the total amount due thereon; and to deny liability of the Small Business Administration under the terms of a participation or guaranty agreement, or the assertion of a claim for recovery from a participating bank under any alleged violation of a participation or guaranty agreement:

(1) Regional Counsel.

(2) Regional Attorney.

(3) District Counsel.

(4) District Attorney.

(5) Branch Counsel, Elmira, N.Y., Branch Office.

2. *Except.* To compromise or sell any primary obligation or other evidence of indebtedness owed to the Agency for a sum less than the total amount due thereon; to deny liability of the Small Business Administration under the terms of a participation or guaranty agreement, or the assertion of a claim for recovery from a participating bank under any alleged violation of a participation or guaranty agreement; to authorize the liquidation of a loan; and the cancellation of authority to liquidate: None.

2. To conduct all litigation activities, including SBIC matters, as assigned, and to take all action necessary in connection with matters in litigation; and to do and perform and to assent to the doing and performance of, all and every act and thing requisite and proper to effectuate the granted powers, with the exception of the following, which are reserved to regional and district counsel:

(a) The assignment, endorsement, transfer, and delivery of notes, claims, bonds, debentures, mortgages, deeds of trust, contracts, patents and applications therefor, licenses, certificates of stock and of deposit, and any other liens, powers, rights, charges on and interest in or to property of any kind, legal and equitable, now or hereafter held by the Small Business Administration or its Administrator, as to all matters in litigation.

(b) The execution and delivery of contracts of sale or of lease or sublease, quitclaim, bargain and sale of special warranty deeds, bills or sale, leases, subleases, assignments, subordinations, releases (in whole or part) of liens, satisfaction pieces, affidavits, proofs of claim in bankruptcy or other estates, and such other instruments in writing as may be appropriate and necessary to effectuate the foregoing, as to all matters in litigation:

None.

3. To take all necessary action in liquidating Economic Development Administration (EDA) loans having litigative aspects, when and as authorized by EDA:

(1) Regional Counsel.

(2) Regional Attorney.

(3) District Counsel.

(4) District Attorneys.

(5) Branch Counsel, Elmira, N.Y., Branch Office.

SEC. B. *Loan closing authority.* 1. To close and disburse approved SBA loans and rehabilitation loans for Department of Housing and Urban Development:

(1) Regional Counsel.

(2) Regional Attorney.

(3) District Counsel.

(4) District Attorney.

(5) Branch Counsel, Elmira, N.Y., Branch Office.

2. To close and disburse approved SBA loans:

(1) Branch Manager, Buffalo, N.Y., Branch Office.

3. To close approved EDA loans, as authorized:

(1) Regional Counsel.

(2) Regional Attorneys.

(3) District Counsel.

(4) District Attorneys.

(5) Branch Counsel, Elmira, N.Y., Branch Office.

4. To approve, when requested, in advance of disbursements, conformed copies of notes and other closing documents; and certify to the participating bank that such documents are in compliance with the participation authorization:

(1) Regional Counsel.

(2) Regional Attorneys.

(3) District Counsel.

(4) District Attorney.

(5) Branch Counsel, Elmira, N.Y., Branch Office.

(6) Branch Manager, Buffalo, N.Y., Branch Office.

PART VII—ELIGIBILITY AND SIZE DETERMINATIONS

SECTION A. *Eligibility determinations.* 1. (a) In accordance with Small Business Administration standards and policies, to determine eligibility of applicants for assistance under any program of the Agency,

(1) *Except.* The SBIC program:

(i) Deputy Regional Director.

(ii) Chief, Regional Financial Services Division.

(iii) District Directors.

(2) *Except.* The SBIC and community economic development programs:

(i) Chief, Regional Financing Branch.

(ii) Chief, District Financing Branch.

V38-52 MAR 19 73 XUM

(iii) Branch Manager, Buffalo, N.Y., Branch Office.

(b) In accordance with Small Business Administration standards and policies, to determine eligibility of applicants for assistance under the sections 501 and 502 program of the Agency:

(1) Chief, Regional CED Branch.

SEC. B. *Size determinations.* 1. (a) To make initial size determinations in all cases within the meaning of the Small Business Size Standards Regulations, as amended, and further, to make product classification decisions for financial assistance purposes only:

(1) Deputy Regional Director.

(2) Chief, Regional Financial Services Division.

(3) Chief, Regional Financing Branch.

(4) District Directors.

(5) Branch Manager, Buffalo, N.Y., Branch Office.

(b) To make initial size determinations in all cases within the meaning of the Small Business Size Standards Regulations, as amended, and further, to make product classification decisions for financing purposes only:

None.

(c) To make initial size determinations in all cases within the meaning of the Small Business Size Standards Regulations, as amended, except sections 501 and 502 loans, and further, to make product classification decisions for financing purposes only:

None.

(d) To make initial size determinations in all sections 501 and 502 loans within the meaning of the Small Business Size Standards Regulations, as amended, and further, to make product classification decisions for sections 501 and 502 only:

(1) Chief, Regional CED Branch.

(e) Product classification decisions for procurement purposes are made by contracting officers.

PART VIII—ADMINISTRATIVE

SECTION A. *Authority to purchase, rent, or contract for equipment, services, and supplies.* 1. To purchase reproductions of loan documents, chargeable to the revolving fund, requested by U.S. attorneys in foreclosure cases:

(1) Deputy Regional Director.

(2) Chief, Regional Administrative Division.

(3) Chiefs, District Administrative Divisions.

(4) Branch Manager, Buffalo, N.Y., Branch Office.

2. To purchase office supplies and equipment, including office machines and rent regular office equipment and furnishings; contract for repair and maintenance of equipment and furnishings; contract for printing (Government sources only); contract for services required in setting up and dismantling and moving SBA exhibits; and issue Government bills of lading pursuant to chapter 4 of title 41, United States Code, as amended, subject to the limitations contained in section 257 (a) and (b) of that chapter:

(1) Deputy Regional Director, Region II, New York.

(2) Chief, Regional Administrative Division.

(3) District Directors.

(4) Chiefs, District Administrative Divisions.

(5) Branch Manager, Buffalo, N.Y., Branch Office.

(6) Branch Manager, Elmira, N.Y., Branch Office.

3. To rent motor vehicles and garage space for the storage of such vehicles when not furnished by this Administration:

(1) Deputy Regional Director.

(2) Chief, Regional Administrative Division, Region II, New York.

(3) District Directors.

(4) Chiefs, District Administrative Divisions.

(5) Branch Manager, Buffalo, N.Y., Branch Office.

(6) Branch Manager, Elmira, N.Y., Branch Office.

PART IX—EXERCISE OF AUTHORITY BY OFFICE IN AN ACTING CAPACITY AND REDELEGATION

The authority delegated herein to a specific position may not be redelegated; however, such authority may be exercised by an SBA employee designated as acting in that position.

PART X—RESCISSION OF AUTHORITY

All authority previously delegated by the Regional Director to specific positions in Region II, New York, is hereby rescinded without prejudice to actions taken under all such delegations of authority prior to effective date hereof.

Effective Date. July 1, 1972, except Part I, section A, paragraphs 3a and 3b, section B, paragraph 1a, paragraphs 3a, 3b, and 3c which are effective September 28, 1972.

WINDLE B. PRIEM,
Acting Regional Director,
Region II, New York.

[FR Doc.73-5180 Filed 3-16-73;8:45 am]

DEPARTMENT OF LABOR

Office of the Secretary

CHRYSLER CORP.

Notice of Certification of Eligibility of Workers To Apply for Adjustment Assistance

Under date of February 9, 1973, the U.S. Tariff Commission made a report of the results of its investigation (TEA-W-165) under section 301(c)(2) of the Trade Expansion Act of 1962 (76 Stat. 884) in response to a petition for determination of eligibility to apply for adjustment assistance submitted on behalf of the workers formerly employed by the Commerce, Calif., assembly plant of Chrysler Corp. In this report the Commission found that articles like new passenger automobiles produced by the Chrysler Corp. are, as a result in major part of concessions granted under trade agreements, being imported into the United States in such increased quantities as to cause or threaten to cause unemployment or underemployment of a significant number or proportion of the workers of such firm or appropriate subdivision thereof.

Upon receipt of the Tariff Commission's affirmative finding, the Department, through the Director of the Office of Foreign Economic Policy, Bureau of International Labor Affairs, instituted an investigation.

Following this, the Director made a recommendation to me relating to the matter of certification (Notice of Delegation of Authority and Notice of Investigation, 34 FR 18342; 37 FR 2472; 38 FR 5019, 29 CFR Part 90). In the recommendation she noted that imports of automobiles produced at the company's Canadian assembly plant in Windsor, Ontario, had increased substantially, and that production at the Canadian plant had shifted from full-size cars to intermediate and compact cars similar to those produced at the Commerce assembly plant. As a result, the daily production rate at the Commerce plant was reduced in model year 1971 (August 1970–July 1971) and employment levels declined. The plant ceased all production at the end of the model year in July 1971. Chrysler's Canadian imports constituted a major threat to employment at the Commerce assembly plant beginning in model year 1970 (August 1969–July 1970). Actual layoffs attributable in major part to increased imports occurred in December of model year 1971. After due consideration I make the following certification.

All hourly and salaried workers of the Chrysler Corp. assembly plant in Commerce, Calif., who became unemployed or underemployed after November 29, 1970, are eligible to apply for adjustment assistance under title III, chapter 3, of the Trade Expansion Act of 1962.

Signed at Washington, D.C., this 12th day of March 1973.

JOEL SEGALL,
Deputy Under Secretary,
International Affairs.

[FR Doc.73-5186 Filed 3-16-73;8:45 am]

Wage and Hour Division

LEARNERS

Certificates Authorizing Employment at Special Minimum Wages

Notice is hereby given that pursuant to section 14 of the Fair Labor Standards Act of 1938 (52 Stat. 1060, as amended, 29 U.S.C. 201 et seq.) and Administrative Order No. 621 (36 FR 12819), the firms listed in this notice have been issued special certificates authorizing the employment of learners at hourly wage rates lower than the minimum wage rates otherwise applicable under section 6 of the act. For each certificate, the effective and expiration dates, number or proportion of learners and the principal product manufactured by the establishment are as indicated. Conditions on occupations, wage rates, and learning periods which are provided in certificates issued under the supplemental industry regulations cited in the captions below are as established in those regulations; such conditions in certificates not issued under the supplemental industry regulations are as listed.

Apparel Industry Learner Regulations (29 CFR 522.1 to 522.9, as amended, and 29 CFR 522.20 to 522.25, as amended).

The following normal labor turnover certificates authorize 10 percent of the total number of factory production workers except as otherwise indicated.

C & J Manufacturing Co., Eastman, Ga.; 1-24-73 to 1-23-74 (boys' shirts).

Chester Manufacturing Co., Henderson, Tenn.; 1-31-73 to 1-30-74 (children's pants).

Clarkrange Industries, Inc., Clarkrange, Tenn.; 2-4-73 to 2-3-74 (ladies' and girls' pants).

Colshire Manufacturing Co., Inc., Morgantown, W. Va.; 2-12-73 to 2-11-74; 10 learners (men's pajamas).

Connellsville Sportswear Co., Connellsville, Pa.; 1-15-73 to 1-14-74 (men's and boys' pants).

Corbin, Ltd., Huntington, W. Va.; 1-22-73 to 1-21-74 (men's pants and shorts).

Don Juan Manufacturing Corp., Hertford, N.C.; 2-7-73 to 2-6-74 (men's and boys' shirts).

Donlin Sportswear, Inc., New Tazewell, Tenn.; 1-27-73 to 1-26-74 (men's sport shirts).

East Salem Manufacturing Co., Mifflintown, Pa.; 12-28-72 to 12-27-73 (men's and boys' shirts and ladies' blouses).

Eastwill Sportswear Co., Inc., Greenwood, S.C.; 2-2-73 to 2-1-74 (men's and boys' shirts).

Edric Manufacturing Corp., Columbia, Tenn.; 12-30-72 to 12-29-73 (men's shirts).

Elder Manufacturing Co., McLeansboro, Ill.; 2-7-73 to 2-6-74 (men's and boys' shirts).

Flushing Shirt Manufacturing Co., Inc., Grantsville, Md.; 1-18-73 to 1-17-74 (men's shirts).

The Jay Garment Co., Brookville, Ind.; 2-3-73 to 2-2-74 (boys' and men's pants).

The Jay Garment Co., Portland, Ind.; 2-5-73 to 2-4-74 (men's work shirts and pants).

Johnsonville Manufacturing Co., Johnsonville, S.C.; 1-21-73 to 1-20-74 (ladies' jeans, shorts, and jamaicas).

Jonbil Manufacturing Co., Inc., Danville, Va.; 2-11-73 to 2-10-74 (men's and boys' pants).

L & H Shirt Co., Cochran, Ga.; 1-21-73 to 1-20-74 (boys' shirts).

Levi Strauss & Co., Warsaw, Va.; 1-30-73 to 1-29-74 (men's pants).

Marcus Manufacturing Co., Nowata, Okla.; 1-18-73 to 1-17-74; 10 learners (men's pants).

Princess Kent, Inc., Fort Kent, Maine; 1-15-73 to 1-14-74; 10 learners (girls' and boys' pajamas).

Publix Tenn Corp., Huntingdon, Tenn.; 1-12-73 to 1-11-74 (men's and boys' shirts).

Punxy Sportswear Co., Inc., Punxsutawney, Pa.; 12-22-72 to 12-21-73 (misses' and ladies' slacks and blouses).

Quality Frocks Corp., New Bedford, Mass.; 1-15-73 to 1-14-74; 10 learners (ladies' dresses).

R. B. I. Corp., New Smyrna Beach, Fla.; 1-29-73 to 1-28-74; 10 learners (children's dresses).

Richfield Manufacturing Co., Richfield, Pa.; 12-28-72 to 12-27-73 (men's and boys' dress and sport shirts).

Ridgely Manufacturing Co., Inc., Ridgely, Tenn.; 2-6-73 to 2-5-74 (men's and boys' car coats).

Rosebud Manufacturing Co., Vidalia, Ga.; 2-1-73 to 1-31-74 (women's lingerie).

Salant & Salant, Lawrenceburg, Tenn.; 1-20-73 to 1-19-74 (men's and boys' shirts and pants).

Salant & Salant, Loretto, Tenn.; 1-20-73 to 1-19-74 (men's and boys' pants).

Salant & Salant, Parsons, Tenn.; 1-16-73 to 1-15-74 (men's pants).

Soperton Manufacturing Co., Soperton, Ga.; 2-9-73 to 2-8-74 (men's shirts).

Sparta Garment Co., Sparta, Ga.; 2-1-73 to 1-31-74 (men's and boys' pants).

W. E. Stephens Manufacturing Co., Inc., Pulaski, Tenn.; 1-5-73 to 1-4-74; 10 learners (men's and boys' pants).

W. E. Stephens Manufacturing Co., Inc., Watertown, Tenn.; 1-14-73 to 1-13-74; to learners (men's and boys' jeans, men's workshirts, ladies' and girls' shorts, pedal pushers, slacks).

Stein-Way Clothing Co., Inc., Johnson City, Tenn.; 1-4-73 to 1-3-74 (men's and boys' pants and shorts).

Stitchcraft, Inc., Athens, Ga.; 1-29-73 to 1-28-74; 10 learners (women's dresses).

Tennessee Overall Co., Inc., Tullahoma, Tenn.; 1-29-73 to 1-28-74 (men's pants).

Vernon, Manufacturing Co., Inc., Vernon, Tenn.; 12-31-72 to 12-30-73 (men's and boys' trousers and shorts).

Warner's, Marianna, Fla.; 1-8-73 to 1-7-74 (women's corsets and brassieres).

Warner's, Moultrie, Ga.; 1-5-73 to 1-4-74 (women's corsets and brassieres).

The following plant expansion certificates were issued authorizing the number of learners indicated.

Big River Manufacturing Co., Kittanning, Pa.; 2-12-73 to 8-11-73; 50 learners (boys' shirts).

Clark Hill Manufacturing Co., McCormick, S.C.; 1-31-73 to 7-30-73; 10 learners (ladies' pantsuits and blouses).

Connellsville Sportswear Co., Connellsville, Pa.; 1-15-73 to 7-14-73; 20 learners (men's and boys' pants).

Lamber Alabama, Inc., Frisco City, Ala.; 1-4-73 to 7-3-73; 22 learners (men's pants).

Stein-Way Clothing Co., Inc., Johnson City, Tenn.; 1-4-73 to 7-3-73; 30 learners (men's and boys' pants and shorts).

Stitchcraft, Inc., Athens, Ga.; 1-29-73 to 7-28-73; 10 learners (women's dresses).

Cigar Industry Learner Regulations (29 CFR 522.1 to 522.9, as amended, and 29 CFR 522.80 to 522.85, as amended).

Jno. H. Swisher & Son, Inc., Cullman, Ala.; 2-1-73 to 1-31-74; 10 percent of the total number of factory production workers for normal labor turnover purposes (cigars).

Jno. H. Swisher & Son, Inc., Jacksonville, Fla.; 2-1-73 to 1-31-74; 10 percent of the total number of factory production workers for normal labor turnover purposes (cigars).

Jno. H. Swisher & Son, Inc., Waycross, Ga.; 2-1-73 to 1-31-74; 10 percent of the total number of factory production workers for normal labor turnover purposes (cigars).

Glove Industry Learner Regulations (29 CFR 522.1 to 522.9, as amended, and 29 CFR 522.60 to 522.65, as amended).

Lambert Manufacturing Co., Inc., Kirksville, Mo.; 12-28-72 to 12-27-73; 10 learners for normal labor turnover purposes (work gloves).

Monte Glove Co., Pheba, Miss.; 1-14-73 to 1-13-74; 10 learners for normal labor turnover purposes (work gloves).

Each learner certificate has been issued upon the representations of the employer which, among other things, were that employment of learners at special minimum rates is necessary in order to prevent curtailment of opportunities for employment, and that experienced workers for the learner occupations are not available. Any person aggrieved by the issuance of any of these certificates may seek a review or reconsideration thereof within 15 days after publication of this notice in the FEDERAL REGISTER pursuant to the provisions of 29 CFR 522.9. The certificates may be annulled or withdrawn, as indicated therein, in the manner provided in 29 CFR, Part 528.

Signed at Washington, D.C., this 12th day of March 1973.

ROBERT G. GRONEWALD,
Authorized Representative
of the Administrator.

[FR Doc.73-5187 Filed 3-16-73;8:45 am]

INTERSTATE COMMERCE COMMISSION

[Notice No. 200]

ASSIGNMENT OF HEARINGS

MARCH 14, 1973.

Cases assigned for hearing, postponement, cancellation or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested. No amendments will be entertained after the date of this publication.

AB 5 Sub 112, George P. Baker, Richard C Bond, Jervis Langdon, Jr., and Willard Wirtz, trustees of the property of Penn Central Transportation Co., Debtor, abandonment portion northern branch between Ackerson Lake, Mich., and Bryan, Ohio, in Jackson, Lenawee, and Hillsdale Counties, Mich., and Williams County, Ohio, AB 5 Sub 113, George P. Baker, Richard C. Bond, Jervis Langdon, Jr., and Willard Wirtz, trustees of the property of Penn Central Transportation Co., Debtor, abandonment portion northern branch between Bryan and North Pauilding, in Williams, Defiance, and Paulding Counties, Ohio, now assigned April 30, 1973, will be held in the Grand Jury Room, Third Floor, Williams County Courthouse, Bryan, Ohio.

AB 10 Sub 2, Norfolk and Western Railway Co. abandonment between Waterville and Delphos, in Lucas, Wood, Henry, and Putnam Counties, Ohio, now assigned May 3, 1973, will be held at the Henry County Bank, 122 East Washington Street, Napoleon, OH.

MC-F-11232, Navajo Freight Lines, Inc.—Purchase—Ulrich Freight Lines, now assigned May 7, 1973, will be held in Room 1086A, Everett McKinley Dirksen Building, 219 South Dearborn Street, Chicago, IL.

I&S-M-26509, General Increases, January 1973, Pacific Northwest Territory, now assigned March 19, 1973, at Seattle, Wash., is canceled.

FD 26583, Detroit and Toledo Shore Line Railroad petition for joint use of terminal facilities at Trenton, Mich., now assigned March 22, 1973, at Toledo, Ohio, is canceled.

MC-133316 (Sub-No. 7) Frank R. Givigliano, doing business as, Givigliano Transport, now being assigned hearing May 7, 1973 (1 week), at Denver, Colo., in a hearing room to be later designated.

V38-52-MAR 1973 XUM

FF-C-49, Clipper Carloading Co. v. Universal Carloading & Distributing Co., Inc. et al., now being assigned April 24, 1973, at the Offices of the Interstate Commerce Commission, Washington, D.C.

I & S No. 8777, I & S No. 8787, freight all kinds, between Illinois and New Jersey, No. 35719, No. 35719 Sub 1, TOFC freight all kinds, in trainloads, between Chicago and Kearny, No. 35719 Sub 2, freight all kinds in multiple trailer, between Chicago and New Jersey, No. 35719 Sub 3, freight all kinds, in multiple trailer, between Chicago and Massachusetts, No. 35719 Sub 4, freight all kinds, in multiple trailer, between Chicago and Maryland and New Jersey, No. 35719 Sub 5, freight all kinds, in multiple trailer, from Port Reading to Chicago, No. 35719 Sub 6, freight all kinds, in multiple trailer, between Chicago and East, No. 35719 Sub 7, freight all kinds, in multiple trailer, between Illinois and eastern points, No. 35719 Sub 8, freight all kinds, in multiple trailer, between Chicago and Massachusetts, No. 35719 Sub 9, freight all kinds, in multiple trailer, between Chicago and New Jersey, No. 35719 Sub 10, freight all kinds, in multiple trailer, between Illinois and New Jersey, No. 35719 Sub 11, freight all kinds, in multiple trailer, between Chicago and Norfolk, No. 35719 Sub 12, freight all kinds, in multiple trailer, between Chicago and Massachusetts and New Hampshire, No. 35719 Sub 13, freight all kinds, in multiple trailer, between Illinois and Newark, N.J., continued to May 1, 1973, at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC 138168, Load & Go Truck Line, now being assigned hearing May 7, 1973 (1 week), at Phoenix, Ariz., in a hearing room to be later designated.

MC 100666 Sub 220, Melton Truck Lines, Inc., now being assigned hearing May 17, 1973 (2 days), at San Francisco, Calif., in a hearing room to be later designated.

MC 110098 Sub 126, Zero Refrigerated Lines, now being assigned hearing May 16, 1973 (1 day), at San Francisco, Calif., in a hearing room to be later designated.

MC 112822 Sub 242, Bray Lines, Inc., now assigned April 23, 1973, MC 115841 Sub 439, Colonial Refrigerated Transportation, Inc., now assigned April 26, 1973, MC 124266 Sub 1, Nelson Gwillim, now assigned April 27, 1973, MC 105566 Sub 70, Sam Tanksley Trucking, Inc., now assigned April 30, 1973, MC 105566 Sub 73, Sam Tanksley Trucking Inc., now assigned May 1, 1973, MC-C-7722, Truck Transport, Incorporated—Investigation and revocation of certificates—now assigned May 2, 1973, MC 127042 Sub 102, Hagen, Inc., now assigned May 3, 1973, will be held in Room 1620, New Federal Building, 1520 Market Street, St. Louis, Mo.

MC 44605 Sub 39, Milne Truck Lines, Inc., now being assigned continued hearing June 4, 1973, at the Holiday Hotel, Mill and Center Streets, Reno, Nev.

MC 116538 Sub 9, Deforest L. Reed, now assigned April 18, 1973, at New York, N.Y., will be held in Room 206, Tax Court, 26 Federal Plaza.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc 73-5209 Filed 3-16-73;8:45 am]

FOURTH SECTION APPLICATION FOR RELIEF

MARCH 14, 1973.

An application, as summarized below, has been filed requesting relief from the requirements of section 4 of the Interstate Commerce Act to permit common carriers named or described in the application to maintain higher rates and charges at intermediate points than those sought to be established at more distant points.

Protests to the granting of an application must be prepared in accordance with rule 1100.40 of the general rules of practice (49 CFR 1100.40) and filed on or before April 3, 1973.

FSA No. 42643—*Sheet steel to North Jefferson, Mo.* Filed by Traffic Executive Association-Eastern Railroads, Agent, (E.R. No. 3032), for interested rail carriers. Rates on sheet steel, in coils, in carloads, as described in the application, from specified points in Pennsylvania, Ohio, and West Virginia, to North Jefferson, Mo.

Grounds for relief—Barge-truck and market competition.

Tariff—Supplement 85 to Traffic Executive Association-Eastern Railroads, Agent, tariff ICC C-455. Rates are published to become effective on April 14, 1973.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc 73-5208 Filed 3-16-73;8:45 am]

[Administrative ruling 122; secs. 219,

HOUSEHOLD GOODS REGULATIONS

Agents Performing Own Operations; Administrative Application and Interpretation

20(11), 20(12)]

JANUARY 22, 1973.

The following is an administrative ruling of the Bureau of Operations made in response to questions propounded by the public, indicating what is deemed by the Bureau to be the correct application and interpretation of the Act and/or regulations and is made in the absence of an authoritative decision on the subject by the Commission.

Question:

Where an agent of a household goods carrier is to move a shipment under his own operating authority, must the estimate of charges, order for service, bills of lading, and other related documents be prepared and issued by the agent in his own name rather than in the name of his principal?

Answer:

Yes.

The provisions of the household goods regulations, including those which require that all estimates be in writing and that orders for service and bills of lading be issued, apply fully to agents when they conduct operations under their own operating authority. The wrongful issuance of any such documents in the name of the principal household goods carrier may subject the agent to penalties for violating the law and the regulations, and also may impose liability on the principal.

In Ex Parte No. MC-19 (Sub-No. 9), Practices of Motor Common Carriers of Household Goods (Agency Relationships), 115 M.C.C. 628, 649, the Commission imposed requirements on the principal by virtue of § 1056.20(c) of the household goods regulations (49 CFR 1056.20(c)) to use due diligence and to exercise reasonable care in selecting and maintaining agents. It put responsibility on the principal for all acts or omissions of the agent relating to the performance of interstate transportation held out in the name of the principal or where the shipper is misled to believe the transportation would be performed by the principal.

In view of the foregoing, it is the position of this Bureau that where an agent for a principal household goods carrier books a shipment for transportation under his authority, that agent must prepare and issue the estimate of charges, order for service, bill of lading, and other related documents in his own name and on his own forms, and not in the name of or on the forms of the principal household goods carrier.

The issuance of this ruling is meant to emphasize the intent and purpose of full disclosure of relevant facts, as expressed in recent procedings. It was deemed necessary because of recurrent problems in this area and the determined action being taken by the Commission with respect to those problems.

[SEAL] R. D. PFAHLER, *Director.*

[FR Doc.73-5207 Filed 3-16-73;8:45 am]

[Notice No. 31]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

MARCH 7, 1973.

The following are notices of filing of applications[1] for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC-67 (49 CFR 1131), published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protests must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protests must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 10321 (Sub-No. 6 TA), filed February 26, 1973. Applicant: J. A. CARMAN TRUCKING COMPANY, Post Office Box 156, Prattsville, NY 12468. Applicant's representative: Julius Braun, Room 21, Albany Port Administration Building, Albany, N.Y. 12202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Charcoal*, in bulk, from Bradford, Pa. to Stamford, N.Y., for 180 days. Supporting shipper: Husky Industries, Inc., 62 Perimeter Center East, Atlanta, Ga. 30346. Send protests to: Joseph M. Barnini, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 518 New Federal Building, Albany, N.Y. 12207.

No. MC 47693 (Sub-No. 12), filed February 27, 1973. Applicant: JOHN R. CALLAHAN, doing business as CALLAHAN TRANSPORTATION, 857 Dounton Way, N.S., Pittsburgh, PA 15233. Applicant's representative: John R. Callahan (same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages*, from Cleveland, Ohio to points in Pennsylvania on and west of a line formed by the eastern boundaries of McKean, Cameron, Clearfield, Huntingdon, and Fulton Counties, Pa., for 90 days. Supporting shippers: (1) Brandywine Distributing Co., 220 Sixth Street, Braddock, PA 15104; (2) Duquesne Sales, 210 Ash Street, Johnstown, PA 15902; and (3) Nastase Distributing Co., Cedar Street, Beaverdale, Pa. 15921. Send protests to: John J. England, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 2111 Federal Building, 1000 Liberty Avenue, Pittsburgh, PA 15222.

No. MC 50493 (Sub-No. 53 TA), filed February 14, 1973. Applicant: P.C.M. TRUCKING, INC., 1063 Main Street, Orefield, PA 18069. Applicant's representative: Paul B. Kemmerer, 1620 North 19th Street, Allentown, PA 18104. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dehydrated alfalfa pellets*, in bulk, not in bags, from Blissfield, Mich., to Wassaic, N.Y., for 180 days. Supporting shipper: Aaron Klebanow, Maxon Mills, Inc., Wassaic, N.Y. 12592. Send protests to: F. W. Doyle, District Supervisor, Interstate Commerce Commission, Bureau Operations, 1518 Walnut Street, Room 1600, Philadelphia, PA 19102.

No. MC 113908 (Sub-No. 250 TA) (Correction), filed November 22, 1972, published in the FEDERAL REGISTER as Sub-No. 247 TA on December 12, 1972 and February 28, 1973, and republished as corrected this issue. Applicant: ERICKSON TRANSPORT CORPORATION, Post Office Box 3108, Glenstone Station, 2105 East Dale Street, Springfield, MO 65804. Applicant's representative: B. B. Whitehead (Same address as above). NOTE: The purpose of this republication is to show that the subnumbers involved should have been followed by TA. The rest of the notice remains as previously published.

No. MC 114632 (Sub-No. 54 TA), filed February 26, 1973. Applicant: APPLE LINES, INC., Post Office Box 507, 225 South Van Epps, Madison, SD 57042. Applicant's representative: Robert A. Appelwick (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bentonite clay*, in bags, from the plantsite and warehouse facilities of American Colloid Co. near Belle Fourche, S. Dak. to points in Michigan, for 180 days. Supporting shipper: American Colloid Co., 5100 Suffield Court, Skokie, IL 60076, Robert N. Garity, ATM-Rates. Send protests to: J. L. Hammond, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Room 369, Federal Building, Pierre, S. Dak. 57501.

No. MC 124373 (Sub-No. 14 TA), filed February 22, 1973. Applicant: NELMAR TRUCKING CO., 1179½ Roosevelt Avenue, Carteret, NJ 07008. Applicant's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City, NJ 07306. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Beverages*, except malt, for the account of Joyce Associates, Inc., from College Point and New Rochelle, N.Y., to Philadelphia, Scranton, Sunbury, Forty Fort, and Wilkes Barre, Pa., Albany, N.Y., Baltimore, Md., for 180 days. Supporting shipper: Joyce Associates, Inc., Box 96, New Rochelle, NY, Post Office Box 7, Joliet, IL. Send protests to: District Supervisor Robert E. Johnston, Bureau of Operations, Interstate Commerce Commission, 970 Broad Street, Newark, NJ 07102.

No. MC 127274 (Sub-No. 38 TA), filed February 26, 1973. Applicant: SHERWOOD TRUCKING, INC., Post Office Box 2189, 1517 Hoyt Avenue, Muncie, IN 47302. Applicant's representative: Donald W. Smith, 900 Circle Tower Building, Indianapolis, Ind. 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Glass containers and closures therefor*, from the plantsite of Midland Glass Co., Inc., at Terre Haute, Ind., to the plantsite of Schlitz Brewing Co., Inc., at Memphis, Tenn., for 180 days. Supporting shipper: Midland Glass Co., Inc., Cliffwood, N.J. Send protests to: District Supervisor J. H. Gray, Bureau of Operations, Interstate Commerce Commission, 345 West Wayne Street, Room 204, Fort Wayne, IN 46802.

No. MC 128256 (Sub-No. 18 TA), (Amendment), filed January 26, 1973, published in the FEDERAL REGISTER on February 14, 1973, as MC 138357 TA and republished as amended this issue. Applicant: O. W. BLOSSER doing business as BLOSSER TRUCKING, 215 North Main Street, Middlebury, IN 46540. Applicant's representative: Alki E. Scopelitis, 615 Merchants Bank Building, Indianapolis, IN 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Siding, roofing, and related component parts and accessories*, from Bristol, Ind., to Bloomsburg, Pa., Reidsville, N.C., Peachtree City, Ga., Ocala, Fla., Mansfield, Tex., Tulsa, Okla., McPherson, Kans., and Dayton, Ohio, for 180 days. Supporting shipper: Amac Aluminum Mill Products Co., Inc., State Route No. 18, Bristol, Ind. 46507. Send protests to: J. H. Gray, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 234 West Wayne Street, Room 204, Fort Wayne, IN 46802. NOTE: The purpose of this republication is to show that applicant now seeks to operate as a *common carrier*, in lieu of contract carrier, shown in error in the previous publication.

No. MC 128375 (Sub-No. 91 TA), filed February 26, 1973. Applicant: CRETE CARRIER CORPORATION, Post Office Box 249, 1444 Main, Crete, NE 68333. Applicant's representative: Ken Adams (same address as above). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Motor vehicle parts and accessories, and materials, equipment, and supplies* used in the manufacture and production of motor vehicle parts, accessories, and facilities (except in bulk) under continuing contract with the Maremont Corp., between Ripley, Tenn., and its commercial zone on the one hand, and, on the other, points in Alabama, Illinois, Iowa, Indiana, Michigan, Missouri, Ohio, New York, New Jersey, Pennsylvania, South Carolina, Wisconsin, and points in the commercial zones of Kansas City, Kans.; Louisville, Ky.; and Omaha, Nebr., for 180 days. Restriction: Restricted to traffic moving to or from Maremont Corp., plant near Ripley, Tenn. Supporting shipper: Edward A. Coxhead, Maremont Corp., 168 North Michigan Avenue, Chicago, IL 60601. Send protests to: Max H. Johnston, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 320 Federal Building and Court House, Lincoln, NE 68508.

No. MC 129032 (Sub-No. 10 TA), filed February 26, 1973. Applicant: TOM INMAN TRUCKING, INC., 6015 South 49th West Avenue, Post Office Box 7608, Tulsa, OK 74105. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquors, wines, and spirits* (except beer and malt beverages) from Lawrenceburg, Ind.; Cincinnati, Ohio; Chicago, Pekin, Plainfield, Lemont, and Peoria, Ill.; Detroit, Mich.; St. Louis, Mo.; and Lynchburg, Tenn. to Tulsa and Oklahoma City, Okla., for 180 days. Supporting shippers: Saffa Beverage Co. (Owen Towry), Post Office Box 3165, Tulsa, OK 74101; Jarboe Sales Co., 6924 East Reading Place, Tulsa, OK (Mark Carson); and Central Liquor Co. (Franklin K. Naifeh), 911 Southwest Fourth, Oklahoma City, OK 73125. Send protests to: C. L. Phillips, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Room 240, Old Post Office Building, 215 Northwest Third, Oklahoma City, OK 73102.

No. MC 129645 (Sub-No. 43 TA), filed February 28, 1973. Applicant: BASIL J. SMEESTER AND JOSEPH G. SMEESTER doing business as SMEESTER BROTHERS TRUCKING, 1330 South

[1] Except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application.

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Jackson Street, Iron Mountain, MI 49801. Applicant's representative: Basil Smeester (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plywood panels*, plain or finished with decorative or protective materials, furniture stock panels, wooden (except lumber rough or finished) from the plant and warehouse facilities of the Iron Wood Products Corp. at Bessemer, Mich., to points in Alabama, Arkansas, Colorado, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Montana, Nebraska, New Hampshire, New Jersey, New Mexico, New York, North Carolina, North Dakota, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Vermont, Virginia, West Virginia, Wisconsin, and Wyoming, for 180 days. Supporting shipper: James Wendell, Traffic Manager, the Iron Wood Products Corp., Post Office Box 26, Bessemer, MI 49911. Send protests to: C. R. Flemming, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 225 Federal Building, Lansing, MI 48933.

No. MC 135833 (Sub-No. 11 TA), filed February 23, 1973. Applicant: B & C SPECIALIZED CARRIERS, INC., 6524 Brookville Road, Indianapolis, IN 46219. Applicant's representative: Alki E. Scopelitis, 815 Merchants Bank Building, Indianapolis, IN 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Precast and prestressed concrete*, from Kalamazoo, Mich. to Indianapolis, Ind. and Chicago, Ill., for 180 days. Supporting shipper: Precast/Schokbeton, Inc., 3102 East Cork Street, Kalamazoo, MI. Send protests to: District Supervisor James W. Habermehl, Interstate Commerce Commission, Bureau of Operations, 802 Century Building, 36 South Penn Street, Indianapolis, IN 46204.

No. MC 136220 (Sub-No. 5 TA), filed February 26, 1973. Applicant: ROY SULLIVAN doing business as SULLIVAN TRUCKING CO., 1705 Northeast Woodland, Ponca City, OK 74601. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum coke*, in bulk, in dump trailers, from the refining and storage facilities of Continental Oil Co., Ponca City, Okla. to the facilities of the Char-Lite Briquetts Divisions of Pine O'Pine, Inc., Lewisville, Ark. and Jacksonville, Tex., for 180 days. Supporting shipper: Charles R. Holcomb, Analyst, Traffic Department, Western Hemisphere Petroleum Division, Continental Oil Co., Post Office Box 2179, Houston, TX 77001. Send protests to: C. L. Phillips, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 240, Old Post Office Building, 215 Northwest Third Street, Oklahoma City, OK 73102.

No. MC 138443 TA, filed February 27, 1973. Applicant: RED BIRD DEVELOPMENT, INC., 256 Wilkins Street, Rochester, NY 14620. Applicant's representative: Herbert M. Canter, 315 Seitz Building, 201 East Jefferson Street, Syracuse, NY 13202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Scrap automobiles, parts and components thereof*, compressed flat or in bales on flatbed or dump body semi-trailers, from points in New York on and east of U.S. Highway 15 to the International Boundary line between the United States and Canada along the Niagara River, for 180 days. Restriction: Restricted to traffic moving to Hamilton, Ontario, Canada. Supporting shipper: International Iron & Metal Co., Division of Intermetco Limited, Post Office Box 70, Hamilton, 20, ON Canada. Send protests to: Morris H. Gross, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 104, 301 Erie Boulevard, West Syracuse, NY 13202.

No. MC 138444 TA, filed February 27, 1973. Applicant: KEYSTONE LIME CO., INC., Springs, Pa. 15512. Applicant's representative: D. L. Bennett, 129 Edgington Lane, Wheeling, WV 26003. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Crushed limestone and bituminous road materials*, in dump equipment, from Somerset County, Pa. to Garrett County, Md., for 180 days. Supporting shippers: Trumbull Corp., Post Office Box 10896, Pittsburgh, PA 15236 and Phoenix Construction Corp., 222 Washington Street, Cumberland, MD 21502. Send protests to: James C. Donaldson, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 2111 Federal Building, 1000 Liberty Avenue, Pittsburgh, PA 15222.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.73-5211 Filed 3-16-73;8:45 am]

[Notice No. 32]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

MARCH 9, 1973.

The following are notices of filing of applications[1] for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC-67 (49 CFR 1131) published in the FEDERAL REGISTER issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protests must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protests must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 491 (Sub-No. 1 TA), filed March 1, 1973. Applicant: MARSH EXPRESS, INC., Post Office Box 447, Glassboro, NJ 08028. Applicant's representative: Jacob P. Billig, 1108 16th Street NW., Washington, DC 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Toys and parts thereof, and containers and equipment, materials and supplies*, used or dealt in by Tyco Industries, between Philadelphia, Pa., and its commercial zone, on the one hand, and, on the other, the plantsites and facilities of Tyco Industries at West Deptford Township, N.J., for 180 days. Supporting shipper: Tyco Industries, Inc., Rose Hill, Woodbury Heights, N.J. 08097. Send protests to: Richard M. Regan, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 428 East State Street, Room 204, Trenton, NJ 08608.

No. MC 2202 (Sub-No. 438 TA), filed March 1, 1973. Applicant: ROADWAY EXPRESS, INC., 1077 Gorge Boulevard, Post Office Box 471, Akron, OH 44309. Applicant's representative: James W. Conner (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special pensburg, Shady Grove, Red Lion, and equipment), serving Lewisburg, Shipwindsor, Pa., as off-route points, for 180 days. NOTE: Applicant will tack with lead certificate MC 2202 and all subs thereto, and will affect interchange at all points served. Supporting shippers: Moore Business Forms, Inc., Lewisburg, Pa. 17837; ITT Domestic Pump, Post Office Box 250, Shippensburg, PA 17257; Bendix Home Systems, Inc., Post Office Box 369, Shippensburg, PA 17257; Grove Manufacturing Co., Shady Grove, Pa. 17256; T. E. Brooks & Co., Red Lion, Pa. 17356; Flinchbaugh Products, Post Office Box 127, Red Lion, PA 17356; Quality Cigar Co., Post Office Box 147, Red Lion, PA 17366; and House of Windsor Inc., Windsor, Pa. 17366. Send protests to: Franklin D. Bail, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 181 Federal Office Building, 1240 East Ninth Street, Cleveland, OH 44199.

No. MC 16903 (Sub-No. 33 TA), filed February 28, 1973. Applicant: MOON FREIGHT LINES, INC., Post Office Box

[1] Except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application.

12751, 120 West Grimes Lane, Bloomington, IN 47401. Applicant's representative: Walter Jones, 601 Chamber of Commerce Building, Indianapolis, Ind. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Marble chips, lawn and garden limestone and white marble play sands*, from plantsite of the Ground Products Division of Vermont Marble Co. at Pittsford, Vt., to points in New Hampshire, Maine, Massachusetts, Connecticut, Rhode Island, New York, New Jersey, Delaware, and the District of Columbia and to points in the Commonwealth of Pennsylvania east of U.S. Route 15, for 180 days. Supporting shipper: Vermarco Ground Products, Proctor, Vt. 05765. Send protests to: District Supervisor James W. Habermehl, Bureau of Operations, Interstate Commerce Commission, 802 Century Building, 36 South Pennsylvania Street, Indianapolis, IN 46204.

No. MC 52579 (Sub-No. 136 TA), filed February 26, 1973. Applicant: GILBERT CARRIER CORP., 1 Gilbert Drive, Secaucus, NJ 07094. Applicant's representative: W. Abel (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wearing apparel*, on hangers, from Tupelo, Miss., to New York, N.Y. Commercial Zone, for 180 days. Supporting shipper: The Foster Co., Hancock and Westmoreland Streets, Philadelphia, Pa. 19140. Send protests to: District Supervisor Robert E. Johnston, Bureau of Operations, Interstate Commerce Commission, 970 Broad Street, Newark, NJ 07120.

No. MC 52627 (Sub-No. 700 TA), filed March 1, 1973. Applicant: ARCO AUTO CARRIERS, INC., 2140 West 79th Street, Chicago, IL 60620. Applicant's representative: S. J. Zangri (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Trailers and trailer chassis* (except those designed to be drawn by passenger automobiles), *and trailer converter dollies*, in initial movements, in truckaway service, from Enterprise, Ala., to Wayne, Mich., and Chicago, Ill.; (2) *motor vehicle bodies hoists including freight gates, lift gates, tail gates, winches; packers and containers*, and; (3) *materials and supplies and parts* (except commodities in bulk) used in the manufacture, assembly, or servicing of such commodities, when moving in mixed shipments and on the same load with such commodities, from Enterprise, Ala., to Wayne, Mich., and Chicago, Ill., for 180 days. Supporting shipper: Attention Gary Kingston, Traffic Manager, Sargent Industries, Gar Wood Division, 32500 Van Born Road, Wayne, MI 48184. Send protests to: Robert G. Anderson, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Everett McKinley Dirksen Building, 219 South Dearborn Street, Room 1086, Chicago, IL 60604.

No. MC 59856 (Sub-No. 50 TA), filed February 26, 1973. Applicant: SALT CREEK FREIGHTWAYS, Post Office Box 39, Casper, WY 82601, and office address: 3333 Wilkllowstone Highway. Applicant's representative: John R. Davidson, Room 805, Midland Bank Building, Billings, Mont. 59101. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except commodities in bulk, household goods as defined by the Commission, commodities which because of size or weight require special equipment and articles of unusual value), between Newcastle, Wyo. and Rapid City, S. Dak., for 180 days. Applicant requests waiver of restrictions (1) and (2) against tacking and interline as both tacking and interlining service are required to meet shipper's needs. NOTE: Applicant will tack at Newcastle, Wyo. and interline at Rapid City, S. Dak. Supporting shippers: There are approximately 33 statements of support attached to the application, which may be examined here at the Interstate Commerce Commission in Washington, D.C., or copies thereof which may be examined at the field office named below. Send protests to: Paul A. Naughton, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 1006 Federal Building and Post Office, 100 East B Street, Casper, WY 82601.

No. MC 82841 (Sub-No. 108 TA), filed March 1, 1973. Applicant: HUNT TRANSPORTATION, INC., 10770 I Street, Omaha, NE 68127. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel electrical conduit pipe*, from New Kensington, Pa., to points in Idaho, Nevada, and Utah, for 180 days. Supporting shipper: Jones & Laughlin Steel Corp., 700 Constitution Boulevard, New Kensington, PA 15068. Send protests to: Carroll Russell, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 711 Federal Office Building, Omaha, Nebr. 61102.

No. MC 107295 (Sub-No. 638 TA), filed February 28, 1973. Applicant: PRE-FAB TRANSIT CO., 100 South Main Street, Post Office Box 146, Farmer City, IL 61842. Applicant's representative: Bruce J. Kinnee (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plywood*, finished and unfinished, from the plantsite and warehouse facilities of Plywood Panels, Inc., at New Orleans, La., to points in Alabama, Florida, Georgia, and Mississippi, for 180 days. Supporting shipper: Walter G. Smith, Shipping Supervisor, Plywood Panels, Inc., Napoleon Avenue at the River, Building 17, New Orleans, La. 70115. Send protests to: Harold C. Jolliff, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 518 Leland Office Building, 527 East Capitol Avenue, Springfield, IL 62701.

No. MC 111729 (Sub-No. 375 TA), filed March 2, 1973. Applicant: PUROLATOR COURIER CORP., 2 Nevada Drive, Lake Success, NY 11040. Applicant's representative: John M. Delany (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Ophthalmic goods, small machinery and tools relative thereto, and business papers and records, moving therewith*, between Fort Wayne, Ind., on the one hand, and, on the other, points in Michigan and Ohio, for 90 days. Supporting shipper: Longe Optical, 3409 North Anthony Boulevard, Fort Wayne, IN 46805. Send protests to: Anthony D. Giaimo, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 26 Federal Plaza, New York, NY 10007.

No. MC 112963 (Sub-No. 36 TA), filed March 2, 1973. Applicant: ROY BROS. INC., 764 Boston Road, Pinehurst, MA 01866. Applicant's representative: Leonard E. Murphy (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Alcohols and solvents*, in bulk, in tank vehicles, from Everett, Mass., to Brattleboro, Vt., for 180 days. Supporting shipper: Union Carbide Corp., River Road, Bound Brook, N.J. 08805. Send protests to: Darrell W. Hammons, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 150 Causeway Street, Fifth Floor, Boston, MA 02114.

No. MC 115669 (Sub-No. 137 TA), filed March 1, 1973. Applicant: HOWARD N. DAHLSTEN, doing business as DAHLSTEN TRUCK LINE, Box 95, Clay Center, NE 68933. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chelates, fertilizer, fertilizer materials, and ingredients thereof* (except liquids in bulk, in tank vehicles), from Hastings, Nebr., to points in Colorado, Iowa, Kansas, South Dakota, and Wyoming, for 180 days. Supporting shipper: R. W. Schaefer, Bonewitz Laboratories and Supply Co., F & M Bank Building, Box 608, Burlington, IA 52601. Send protests to: Max H. Johnston, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 320 Federal Building and Courthouse, Lincoln, Nebr. 68508.

No. MC 116763 (Sub-No. 240 TA), filed February 26, 1973. Applicant: CARL SUBLER TRUCKING, INC., North West Street, Versailles, Ohio 45330. Applicant's representative: H. M. Richters (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned or preserved foodstuffs* (except in bulk), from Iowa City, Iowa, to points in Louisiana and Mississippi, for 180 days. Restriction: Restricted to traffic originating at and destined to the named territory. Supporting shipper: Heinz, U.S.A., Division of H. J. Heinz Co., Post Office Box 57, Pittsburgh, PA 15230. Send protests to: Paul J. Lowry, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 5514-B Federal Building, 550 Main Street, Cincinnati, OH 45202.

No. MC 117765 (Sub-No. 156 TA), filed March 1, 1973. Applicant: HAHN TRUCK LINE, INC., 5315 Northwest Fifth

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Street, Post Office Box 75267, Oklahoma City, OK 73107. Applicant's representative: R. E. Hagan (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Charcoal, charcoal products, chemicals, wood chips, and charcoal starter*, in containers, from Jacksonville, Tex., to points in Alabama, Arkansas, Louisiana, Mississippi, New Mexico, Oklahoma, and Tennessee, for 180 days. Supporting shipper: A. M. Cook Char-Lite Briquets, Inc., 523 West 22d Street, Houston, TX 77008. Send protests to: C. L. Phillips, District Supervisor, Bureau of Operations Interstate Commerce Commission, Room 240, Old Post Office Building, 215 Northwest Third, Oklahoma City, OK 73102.

No. MC 118739 (Sub-No. 8 TA), filed March 1, 1973. Applicant: FRITZ TRUCKING, INC., Clara City, Minn. 56222. Applicant's representative: F. H. Kroeger, 2288 University Avenue, St. Paul, MN 55114. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Such merchandise*, as is dealt in by wholesale and retail dry goods and variey store business houses, from Clara City, Minn., to points in Michigan and Missouri; and (2) *returned shipments of such merchandise*, from points in Michigan and Missouri to Clara City, Minn., for 180 days. Supporting shipper: VSC, Inc., Clara City, Minn. 56222. Send protests to: A. N. Spath, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 448 Federal Building and U.S. Courthouse, 110 South Fourth Street, Minneapolis, MN 55401.

No. MC 118989 (Sub-No. 92 TA), filed March 2, 1973. Applicant: CONTAINER TRANSIT, INC., 5223 South Ninth Street, Milwaukee, WI 53221. Applicant's representative: R. G. Blazewick (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Drums and pails and related parts*, from the plantsite of Inland Steel Container Co., division of Inland Steel Co., in Greenville, Ohio, to Muscatine, Iowa; Milwaukee and Racine, Wis.; and St. Paul-Minneapolis, Minn., for 180 days. Supporting shipper: Inland Steel Container, Division of Inland Steel Co., 4300 West 130th Street, Chicago, IL (H. H. Tauss, Traffic Manager). Send protests to: District Supervisor John E. Ryden, Interstate Commerce Commission, Bureau of Operations, 135 West Wells Street, Room 807, Milwaukee, WI 53203.

No. MC 123294 (Sub-No. 29 TA), filed March 1, 1973. Applicant: WARSAW TRUCKING CO., INC., Post Office Box 784, 1102 West Winona Avenue, Warsaw, IN 46580. Applicant's representative: Martin J. Leavitt, 1800 Buhl Building, Detroit, Mich. 48226. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Dry animal and poultry feeds, dry animal and poultry mineral mixtures, animal and poultry tonics, animal and poultry medicines, and animal and poultry insecticides*; (2) *livestock ad poultry feeders and equipment*; and (3) *advertising matter related to such products*, from Alpha, Ill. to points in Pennsylvania, North Carolina, South Carolina, Michigan, Ohio, and Indiana, for 180 days. Supporting shipper: Moorman Manufacturing Co., 1000 North 30th Street, Quincy, IL 62301. Send protests to: District Supervisor J. H. Gray, Bureau of Operations, Interstate Commerce Commission, 345 West Wayne Street, Room 204, Fort Wayne, IN 46802.

No. MC 123392 (Sub-No. 50 TA), filed March 1, 1973. Applicant: JACK B. KELLEY, INC., U.S. 66 West at Kelley Drive (Route 1, Box 444), Amarillo, TX 79106. Applicant's representative: Weldon M. Teague (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquefied nitrogen*, in bulk, from Scott City, Ulysses, and Otis, Kans.; Odessa, Tex.; and Denver, Colo. to Navajo, Ariz., for 180 days. Supporting shipper: John R. Stiff, Vice President Operations, Western Helium Corp., 422 Pierce Street, Bethlehem, PA 18015. Send protests to: Haskell E. Ballard, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Box H-4395, Herring Plaza, Amarillo, TX 79101.

No. MC 123872 (Sub-No. 5 TA), filed March 2, 1973. Applicant: W & L MOTOR LINES, INC., 75 10th Street SE., Post Office Box 1226, Hickory, NC 28201. Applicant's representative: A. E. Bowman (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New furniture and furniture parts*, from the plantsite of Elkin Furniture Co., Elkin, N.C., to points in California, Colorado, Iowa, Kansas, Minnesota, Nebraska, New Mexico, Oklahoma, Texas, and Wisconsin, for 180 days. Supporting shipper: Elkin Furniture Co., Elkin, N.C. Send protests to: Frank H. Wait, Jr., District Supervisor, Interstate Commerce Commission, Bureau of Operations, 800 Briar Creek Road, Room CC516, Charlotte, NC 28202.

No. MC 128951 (Sub-No. 5 TA), filed March 1, 1973. Applicant: ROBERT H. DITTRICH, doing business as BOB DITTRICH TRUCKING, 312 North Garden Street, New Ulm, MN 56073. Applicant's representative: Charles E. Nieman, 1160 Northwestern Bank Building, Minneapolis, Minn. 55402. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Refrigerator door gaskets*, from New Ulm, Minn., to Galesburg, Ill., for 180 days. Supporting shipper: B. F. Goodrich Co., 500 South Main Street, Akron, OH 44318. Send protests to: A. N. Spath, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 448 Federal Building and U.S. Courthouse, 110 South Fourth Street, Minneapolis, MN 55401.

No. MC 129051 (Sub-No. 2 TA), filed March 1, 1973. Applicant: ACTIVE MOVING & STORAGE, INC., Post Office Box 550, 710 East Avenue E, Killeen, TX 76541. Applicant's representative: Billy R. Reid, 6108 Sharon Road, Fort Worth, TX 76116. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used household goods*, between Fort Worth, Tex., on the one hand, and, on the other, points in Cooke, Grayson, Fannin, Lamar, Delta, Hopkins, Hunt, and Collin Counties, Tex. Restriction: Operations are restricted to the transportation of traffic having a prior or subsequent movement, in containers, beyond the points authorized. Operations are restricted to the performance of pickup and delivery service in connection with packing, crating, and containerization or unpacking, uncrating, and decontainerization of such traffic, for 180 days. Supporting shipper: James L. Kent, Lieutenant Colonel USAF, Chief, Procurement Division, Department of the Air Force, Headquarters 7th Combat Support Group (SAC), Carswell Air Force Base, Tex. 76127. Send protests to: H. C. Morrison, Sr., District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 9A27, Federal Building, 819 Taylor Street, Fort Worth, TX 76102.

No. MC 133095 (Sub-No. 40 TA), filed March 1, 1973. Applicant: TEXAS CONTINENTAL EXPRESS, INC., Post Office Box 434, 2603 West Euless Boulevard, Euless, TX 76039. Applicant's representative: Rocky Moore (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Alcohol and alcoholic beverages*, requiring refrigeration in transit, from the plantsite and warehouse facilities of Monsieur Henri Wines, Ltd., at Poughkeepsie and Brooklyn, N.Y., to New Orleans, Shreveport, and Baton Rouge, La., and Nashville, Knoxville, and Chattanooga, Tenn., for 180 days. Supporting shipper: Armond Bozetti, Southwest Regional Manager, Monsieur Henri Wines, Ltd., 131 Morgan Avenue, Brooklyn, N.Y. Send protests to: H. C. Morrison, Sr., District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 9A27, Federal Building, 819 Taylor Street, Fort Worth, TX 76102.

No. MC 133419 (Sub-No. 6 TA), filed March 2, 1973. Applicant: WILLIAM PFOHL TRUCKING CORP., 83 Pfohl Road, Cheektowaga, NY 14225. Applicant's representative: Edward B. Murphy, 1103 Liberty Bank Building, Buffalo, N.Y. 14202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Salt*, from Port of Buffalo, Erie County, N.Y., to Foster Township; city of Bradford; and Bradford Township, all located in McKean County, Pa., and to points in said county, for 180 days. Supporting shipper: Domtar Chemical, Inc., Sifto Division, 9950 West Lawrence Avenue, Schiller Park, IL. Send protests to: George M. Parker, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 612 Federal Building, 111 West Huron Street, Buffalo, NY 14202.

No. MC 136318 (Sub-No. 4 TA), filed March 1, 1973. Applicant: COYOTE TRUCK LINE, INC., 395½ B West

Fleming Drive, Morganton, NC 28655. Applicant's representative: William C. Snelson (same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *New furniture*, from Lenoir, Pleasant Garden, Thomasville, and Winston-Salem, N.C., to points in California and Texas, for 190 days. Supporting shipper: Thomasville Furniture Industries, Inc., Thomasville, N.C. Send protests to: Frank H. Wait, Jr., District Supervisor, Interstate Commerce Commission, Bureau of Operations, 800 Briar Creek Road, Room CC516, Charlotte, NC 28202.

No. MC 138321 (Sub-No. 1 TA), filed March 2, 1973. Applicant: HOLLOWAY BROS., TRUCKING CO., 1723 North Tryon Street, Charlotte, NC 28206. Applicant's representative: Jeanette Jacobs (same addresses as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Ground ore lithium waste*, from Bessemer City, N.C., to Pacolet, S.C., for 180 days. Supporting shipper: Spartan Minerals Co., Pacolet, S.C. 29372. Send protests to: Frank H. Wait, Jr., Bureau of Operations, Interstate Commerce Commission, 800 Briar Creek Road, Room CC-516, Charlotte, NC 28205.

No. MC 138323 (Sub-No. 1 TA), filed March 2, 1973. Applicant: BROWN TRUCKING COMPANY, INC., Post Office Box 16219, Charlotte, NC 28216. Applicant's representative: E. B. Brown (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Ground lithium ore waste*, from Bessemer City, N.C., to Pacolet, S.C., for 180 days. Supporting shipper: Spartan Minerals Co., Pacolet, S.C. 29372. Send protests to: Frank H. Wait, Jr., District Supervisor, Interstate Commerce Commission, Bureau of Operations, 800 Briar Creek Road, Room CC-516, Charlotte, NC 28205.

No. MC 138371 (Sub-No. 8 TA), filed March 2, 1973. Applicant: CONCORD TRUCKING CO., INC., 30 Pulaski Street, Bayonne, NJ 07002. Applicant's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City, NJ 07306. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities* as are dealt in or used by discount or department stores, for the account of Lady Rose Division, between the facilities of Lady Rose Division, located in Westbury, N.Y., on the one hand, and, on the other, Canton, Akron, Kent, Cuyahoga Falls, Youngstown, Cleveland, Elyria, Bedford, and Euclid, Ohio; Norristown, Pa.; and Atlantic City and Vineland, N.J., for 180 days. Supporting shipper: Lady Rose Division, 725 Summa Avenue, Westbury, NY 11590. Send protests to: District Supervisor Robert E. Johnston, Bureau of Operations, Interstate Commerce Commission, 970 Broad Street, Newark, NJ 07102.

No. MC 138393 (Sub-No. 1 TA), filed February 28, 1973. Applicant: CUSTOM SAND & GRAVEL HAULING, INC., Route 1, Box 716, Rapid City, SD 57701. Applicant's representative: James W. Olson, 506 West Boulevard, Rapid City, SD 57701. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sand, gravel*, and *aggregate*, from Fall River County, S. Dak., to points in Sioux, Dawes, Box Butte, and Sheridan Counties, Nebr., for 180 days. Supporting shipper: Birdsall Sand & Gravel Co., 411 North Seventh, Rapid City, SD 57701, Jerrold Brown, Vice President. Send protests to: J. L. Hammond, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Room 369, Federal Building, Pierre, S. Dak. 57501.

No. MC 138433 (Sub-No. 1 TA), filed March 2, 1973. Applicant: ROBERT HUBBARD, doing business as HUBBARD TRANSFER, Post Office Box 151, Mount Vernon, KY 40456. Applicant's representative: George M. Catlett, Suite 703-706 McClure Building, Frankfort, Ky. 40601. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except classes A and B explosives, articles of unusual value, commodities in bulk and those which because of size or weight require the use of special equipment), from Kennedy Space Center near Cocoa Beach, Fla., from Patrick Air Force Base near Cocoa Beach, Fla., and from Washington, D.C., to Frankfort, Ky., and from Memphis, Tenn., to points in Kentucky, restricted to those declared surplus commodities by an agency of the U.S. Government, for 180 days. Supporting shipper: E. L. Palmer, Director, Division of Surplus Property, Department of Education, Commonwealth of Kentucky, Frankfort, Ky. 40601. Send protests to: R. W. Schneiter, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 222 Bakhaus Building, 1500 West Main Street, Lexington, KY 40505.

No. MC 138450 TA, filed February 23, 1973. Applicant: GEORGE WILKINSON, doing business as WILKINSON TRUCKING CO., Route 1, Box 565, Mulino, OR 97042. Applicant's representative: Ben R. Swinford, 3076 East Burnside Street, Portland, OR 97214. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (A) *Lamb*, in carcasses and packages, to Chicago, Ill.; Detroit, Mich., and points in California, Washington, New York, New Jersey, Connecticut, Maryland, and Massachusetts; (B) *Hides*, from Sherwood, Oreg., to points in Los Angeles County, Calif.; and (C) *Salt*, from San Francisco, Calif., to Sherwood, Oreg., for 180 days. Supporting shipper: Lamb Specialties, Inc., 21100 Southwest 120th Avenue, Sherwood, OR 97140. Send protests to: A. E. Odoms, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 450 Multnomah Building, 319 Southwest Pine Street, Portland, OR 97204.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary*.

[FR Doc.73-5212 Filed 3-16-73;8:45 am]

[Notice 33]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

MARCH 12, 1973.

The following are notices of filing of applications[1] for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC-67 (49 CFR 1131), published in the FEDERAL REGISTER issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protests must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protests must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 26396 (Sub-No. 72 TA), filed February 28, 1973. Applicant: POPELKA TRUCKING CO., doing business as THE WAGGONERS, Post Office Box 990, 201 West Park, Livingston, MT 59047. Applicant's representative: Wayne Waggoner (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Forest products, lumber and wood products*, from points in Montana to points in Texas, Kansas, and Oklahoma, for 180 days. Supporting shipper: Slaughter Bros., Inc., Northwest Office, Post Office Box 624, Kalispell, MT 59901. Send protests to: Paul J. Labane, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 222, U.S. Post Office Building, Billings, Mont. 59101.

No. MC 106398 (Sub-No. 638 TA), filed February 27, 1973. Applicant: NATIONAL TRAILER CONVOY, INC., 1925 National Plaza, Box 51096, Dawson Station, Tulsa, OK 74151. Applicant's representative: Irvin Tull (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over

[1] Except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application.

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irregular routes, transporting: *Pipe or duct* used for air handling purposes, from the plantsite of United Sheet Metal of Westerville, Ohio, to points in Arkansas, for 180 days. Supporting shipper: Gordon H. Wiemann, Assistant Traffic Manager, United Sheet Metal, 200 East Broadway, Westerville, OH 43081. Send protests to: C. L. Phillips, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 240, Old Post Office Building, Oklahoma City, Okla. 73102.

No. MC 107743 (Sub-No. 21 TA), filed February 28, 1973. Applicant: SYSTEM TRANSPORT, INC., 6523 East Broadway, Spokane, WA 99206. Applicants' representative: S. J. Cully, Jr., Post Office Box 3456TA, Spokane, WA 99220. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Prefabricated iron and steel and prefabricated iron and steel parts*, from Portland, Oreg. to Mattoon, Ill., for 180 days. Supporting shipper: Tube-Lok Products, Division of Portland, Wire & Iron Works, 4644 Southeast 17th Avenue, Portland, OR 97202. Send protests to: L. D. Boone, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 6049 Federal Office Building, Seattle, Wash. 98104.

No. MC 107983 (Sub-No. 16 TA), filed February 28, 1973. Applicant: COLD-WAY EXPRESS, INC., Post Office Box 26, Morton, IL 61550. Applicant's representative George S. Mullins, 4704 West Irving Park Road, Chicago, IL 60641. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Gravity flow boxes, running gear and related parts;* for the account of Edko Manufacturing, Inc., from Des Moines, Iowa, on the one hand, and, to points in Alabama, Arkansas, Georgia, Illinois, Indiana, Kansas, Kentucky, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New York, North Dakota, Ohio, Oklahoma, Pennsylvania, South Dakota, Tennessee, Texas, and Wisconsin, for 180 days. Supporting shipper: (E. C. Seyphol), Edko Manufacturing, Inc., 2725 Second Avenue, Des Moines, IA 50313. Send protests to: Richard K. Shullaw, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 219 South Dearborn Street, Room 1086, Everett McKinley Dirksen Building, Chicago, IL 60604.

No. MC 114799 (Sub-No. 1 TA), filed March 2, 1973. Applicant: C. ARTHUR FOSSE, doing business as FOSSE TRANSPORT, Post Office Box 187, Rothsay, MN 56579. Applicant's representative: Richard M. Bosard, 1160 Northwestern Bank Building, Minneapolis, Minn. 55402. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (A) *Fertilizers and fertilizer ingredients*, liquid and dry, in bulk and in bags, and (B) *urea*, dry, in bulk and in bags, from Duluth, Minn. to points in Wisconsin, Minnesota (except Duluth, Minn.), North Dakota and South Dakota, for 180 days. Supporting shipper: Martex, Inc., Klein Bros. Building, Chaska, Minn. 55318. Send protests to: J. H. Ambs, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Post Office Box 2340, Fargo, ND 58102.

No. MC 124692 (Sub-No. 102 TA), filed March 2, 1973. Applicant: SAMMONS TRUCKING, Post Office Box 1447, Missoula, MT 59801. Applicant's representative: Gene P. Johnson, 425 Gate City Building, Fargo, N. Dak. 58102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Particleboard*, from Missoula, Mont., to points in Minnesota, Iowa, Wisconsin, Illinois, Michigan, and Indiana, for 180 days. Supporting shipper: Evans Products Co., 1121 Southwest Salmon Street, Portland, OR 97208. Send protests to: Paul J. Labane, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 222 U.S. Post Office Building, Billings, Mont. 59101.

No. MC 128862 (Sub-No. 15 TA), filed February 28, 1973. Applicant: B. J. CECIL TRUCKING, INC., Post Office Box C, Claypool, AZ 85532. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Tin scrap*, in bulk, from Deming, N. Mex., to Phoenix, Ariz., for 180 days. Supporting shipper: National Metals Co., 320 South 19th Avenue, Phoenix, AZ 85009. Send protests to: Andrew V. Baylor, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 3427 Federal Building, 230 North First Avenue, Phoenix, AZ 85025.

No. MC 133350 (Sub-No. 2 TA), filed February 27, 1973. Applicant: AQUAL GULF CORPORATION, 84 Bloomfield Avenue, Staten Island, NY 10314. Applicant's representative: John L. Alfano, 2 West 45th Street, New York, NY 10036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* in containers, or in or on trailers (except new motor vehicles, and commodities in bulk, in tank vehicles), between the facilities of Transamerican Trailer Transport, Inc., at Staten Island, N.Y. and Baltimore, Md., for 180 days. Restriction: Restricted to traffic having a prior or subsequent movement by water. Supporting shipper: Transamerican Trailer Transport, Inc., 358 St. Marks Place, Staten Island, NY 10301. Send protests to: Marvin Kampel, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 26 Federal Plaza, New York, NY 10007.

No. MC 135213 (Sub-No. 3 TA), filed March 1, 1973. Applicant: JOE GOOD, doing business as GOOD TRANSPORTATION, 830 Shoshone Street, Lovell, WY 82431. Applicant's representative: Robert S. Stauffer, 3539 Boston Road, Cheyenne, WY 82001. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Clay products and accessories*, from Lovell, Wyo. and Billings, Mont. to points in Colorado, Idaho, Montana, Nebraska, New Mexico, North Dakota, South Dakota, Utah, and Wyoming, for 180 days. Supporting shipper: The Lovell Clay Products Co., Post Office Box 247, Lovell, WY 82431. Send protests to: District Supervisor Paul A. Naughton, Interstate Commerce Commission, Bureau of Operations, Room 1006 Federal Building and Post Office, 100 East B Street, Casper, WY 82601.

No. MC 135653 (Sub-No. 3 TA), filed March 1, 1973. Applicant: GLENN TRIPP, doing business as SPECIAL SERVICE, 760 Lindenwood Lane, Medina, OH 44256. Applicant's representative: Paul F. Beery, 88 East Broad Street, Columbus, OH 43215. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Salt and salt products*, other than in bulk, from the plantsite of Diamond Crystal Salt Co. located at Akron, Ohio, to points in that part of New York east of the line beginning at Oswego, N.Y., thence along New York Highway 57 to Syracuse, thence along Interstate Highway 81 to Binghamton, thence along New York Highway 17 to Waverly, thence along U.S. Highway 220 to the New York-Pennsylvania State line and to points in Pennsylvania other than in the counties of Allegheny, Beaver, Fayette, Greene, Washington, and Westmoreland, for 180 days. Supporting Shipper: Diamond Crystal Salt Co., St. Clair, Mich. Send protests to: Franklin D. Bail, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 181 Federal Office Building, 1240 East Ninth Street, Cleveland, OH 44199.

No. MC 138259 (Sub-No. 1 TA), filed February 27, 1973. Applicant: NORTHWEST EXPRESS, INC., 3318 Third Avenue North, Billings, MT 59101. Applicant's representative: J. F. Meglen, Post Office Box 1581, Billings, MT 59103. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber, lumber products, wood products, and forest products*, from points in Flathead, Lake, Missoula, Beaverhead, and Granite Counties, Mont., to points in Colorado, Illinois, Iowa, Minnesota, Nebraska, North Dakota, South Dakota, Wisconsin, and Wyoming, for 180 days. Supporting shippers: Superior Buildings Co., Box D, Columbia Falls, MT 59912; F. H. Stoltze Land & Lumber Co., Columbia Falls, Mont. 59912; Kalispell Pole & Timber Co., Post Office Box 1039, Kalispell, MT 59901; Douglas Plywood Sales Co., Route 1, Sunset Drive, Kalispell, Mont. 59901; Burns Kneeland Lumber Co., Aitkin, Minn. 56431; Forest Products Co., Post Office Box 1039, Kalispell, MT 59901; Brownson Lumber Sales, Post Office Box 97, Aurora, IL; Plum Creek Lumber Co., Columbia Falls, Mont. 59912; and Ferguson Lumber Sales, 210 North Higgins, Missoula, MT 59801. Send protests to: Paul J. Labane, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 222, U.S. Post Office Building, Billings, MT 59101.

No. MC 138426 (Sub-No. 1 TA), filed March 2, 1973. Applicant: CENTRAL CARRIER CORP., 313 Central Street, Leominster, MA 01453. Applicant's representative: Arthur A. Wentzell, Post Office Box 764, Worcester, MA 01613. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commercial papers, documents, and written instruments* (except currency and negotiable securities) as used in the conduct and operations of banks and banking institutions, from Windsor Locks, Conn., to points in Berkshire, Hampshire, Hampden, Franklin, and Worcester Counties, Mass., and Windham County, Vt., return from Berkshire, Hampshire, Hampden, Franklin, and Worcester Counties, Mass., to Windsor Locks, Conn., for 180 days. Supporting shippers: Federal Reserve Bank of Boston, Boston, Mass. 02106; the Park National Bank of Holyoke, Holyoke, Mass. 01040; First Agricultural National Bank of Berkshire County, Pittsfield, Mass. 01201; the Valley Bank & Trust Co., Springfield, Mass. 01103. Send protests to: District Supervisor Joseph W. Balin, Bureau of Operations, Interstate Commerce Commission, 338 Federal Building and U.S. Courthouse, 436 Dwight Street, Springfield, MA 01103.

No. MC 138451 TA, filed March 2, 1973. Applicant: LA GRANGE TRANSPORTERS, INC., 9124 West Ogden Avenue, Brookfield, IL 60153. Applicant's representative: B. M. Fisher (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Asphalt and asphalt products*, from Hazelwood, Mo., Lockland, Ohio, and Whiting, Ind., to the plantsite of Celotex Corp. in Wilmington, Ill., for 180 days. Supporting shipper: H. B. Cleveland, Vice President, Purchasing and Traffic, Celotex Corp., Post Office Box 22602, Tampa, FL 33622. Send protests to: District Supervisor Robert G. Anderson, Interstate Commerce Commission, Bureau of Operations, Everett McKinley Dirksen Building, 219 South Dearborn Street, Room 1086, Chicago, IL 60604.

No. MC 138452 TA, filed March 1, 1973. Applicant: JOSEPH KRAUS, Route 2, Box 262 H, Sherwood, OR 97140. Applicant's representative: Philip G. Skofstad, 3076 East Burnside Street, Portland, OR 97214. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Plastic tanks, plastic molding, plastic film, aluminum molding and fittings, hinges, screws, linoleum, adhesive, roof coating and sealer, carpets, propane tanks, particle board furniture and particle board countertops*, from points in Orange, San Bernardino, Los Angeles, Alameda, Contra Costra, and San Francisco Counties, Calif., to Caldwell and Nampa, Idaho, and Portland, Oreg., between Caldwell and Nampa, Idaho, and Portland, Oreg., for 180 days. Supporting shipper: V.S.C. Wholesale Warehouse Co., Post Office Box 382, 618 Main Street, Caldwell, ID 83605. Send protests to: District Supervisor A. E. Odoms, Bureau of Operations, Interstate Commerce Commission, 450 Multnomah Building, 319 Southwest Pine Street, Portland, OR 97204.

No. MC 138453 TA, filed March 2, 1973. Applicant: WINZELER TRUCKING, INC., Rural Route 1, Tremont, Ill. 61568. Applicant's representatives: Melvin N. Routman and Robert T. Lawley, 300 Reisch Building, Springfield, Ill. 62701. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry fertilizer*, in bulk, from the warehouse facilities of Cargo Carriers, Inc., near Pekin, Ill., to points in Indiana, for 180 days. Supporting shipper: D. E. Orendorf, Branch Traffic Manager, Cargill Commodity Marketing Division, Suite 300, Board of Trade Building, Peoria, Ill. 61602. Send protests to: District Supervisor Richard K. Shullaw, Interstate Commerce Commission, Bureau of Operations, Everett McKinley Dirksen Building, 219 South Dearborn Street, Room 1086, Chicago, IL 60604.

MOTOR CARRIERS OF PASSENGERS

No. MC 136430 (Sub-No. 1 TA), filed February 28, 1973. Applicant: WESTERN ADVENTURES, INC., Meadowview Avenue, Hewlett, N.Y. 11557. Applicant's representative: Bert Collins, 140 Cedar Street, New York, NY 10006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage and outdoor equipment* in personally conducted all expense camping tours, special round-trip operations, in vehicles limited to 14 passengers, not including the driver and escort, beginning and ending at New York, N.Y., and extending to points in California, Nevada, Idaho, Utah, Arizona, Wyoming, Colorado, New Mexico, Kansas, South Dakota, Iowa, Missouri, Arkansas, Tennessee, Illinois, Indiana, Ohio, North Carolina, Virginia, Maryland, Delaware, Pennsylvania, New Jersey, and New York, for 90 days. Supported by: There are approximately 18 statements of support attached to the application, which may be examined here at the Interstate Commerce Commission in Washington, D.C., or copies thereof which may be examined at the field office named below. Send protests to: Anthony D. Giaimo, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 26 Federal Plaza, New York, N.Y. 10007.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.73-5213 Filed 3-16-73;8:45 am]

[Notice 235]

MOTOR CARRIER BOARD TRANSFER PROCEEDINGS

Synopses of orders entered by the Motor Carrier Board of the Commission pursuant to sections 212(b), 206(a), 211, 312(b), and 410(g) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 1132), appear below:

Each application (except as otherwise specifically noted) filed after March 27, 1972, contains a statement by applicants that there will be no significant effect on the quality of the human environment resulting from approval of the application. As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings on or before April 9, 1973. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC-73987. By order of February 26, 1973, the Motor Carrier Board approved the transfer to Miami Valley Bus Lines, Inc., Trotwood, Ohio, of certificate No. MC-128779 issued July 18, 1967, to Megacity Transit Lines, Inc., Dayton, Ohio, authorizing the transportation of: Passengers and their baggage, express, and newspapers in the same vehicle with passengers, between Greenville, Ohio, and Dayton, Ohio, serving all intermediate points. James M. Burtch, 100 East Broad Street, Columbus, OH 43215, applicants' attorney.

No. MC-FC-74281. By order entered February 26, 1973, the Motor Carrier Board approved the transfer to Rosendo Diaz, doing business as Jensen Movers and Kelley Movers, Philadelphia, Pa., of the operating rights set forth in certificate No. MC-41657, issued August 15, 1968, to Rosendo Diaz and Jose Garcia de los Salmones, doing business as Jensen Movers, Philadelphia, Pa., authorizing the transportation of household goods, as defined by the Commission, between Philadelphia, Pa., on the one hand, and, on the other, points in New Jersey, Delaware, Maryland, and that part of New York south of a line extending from Hancock, N.Y., through Saugerties, N.Y., to the intersection of the New York-Massachusetts-Connecticut State lines, including points on Long Island. Edwin L. Scherlis, 1209 Lewis Tower Building, Philadelphia, Pa. 19102, attorney for applicants.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.73-5210 Filed 3-16-73;8:45 am]

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PROCLAMATION 4200

National Wildlife Week

By the President of the United States of America

A Proclamation

Americans carved a nation out of the wilderness. Now we must preserve the wilderness for the Nation.

The theme of this year's National Wildlife Week is: "Discover Wildlife—It's Too Good To Miss." In a greater sense, Americans are rediscovering the natural animal world around them. Our concern for the fate of wild animals has increased. We have come to realize that the development of the human habitat has occurred at great cost to another kind of habitat. And we are seeking more effective ways to prevent and enhance our wilderness areas.

All men need refuges for their spirit. The wilderness invokes contemplation and provides recreation, and the animal wildlife of America provides a fascinating dimension to our natural heritage which we know must be preserved for future generations to enjoy.

NOW, THEREFORE, I, RICHARD NIXON, President of the United States of America, do hereby designate the week beginning March 18, 1973, as National Wildlife Week.

I ask all citizens to renew their efforts to preserve and enhance our natural environment, especially those areas now inhabited by our natural wildlife. Because the need is still great for better tools with which to do the job, I also urge the Congress once again to act promptly on my proposal to strengthen protection for hundreds of endangered species.

IN WITNESS WHEREOF, I have hereunto set my hand this sixteenth day of March, in the year of our Lord nineteen hundred seventy-three, and of the Independence of the United States of America the one hundred ninety-seventh.

Richard Nixon

[FR Doc.73-5360 Filed 3-16-73;1:05 pm]

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Rules and Regulations

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.

The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

Title 6—Economic Stabilization

CHAPTER I—COST OF LIVING COUNCIL

PART 130—COST OF LIVING COUNCIL PHASE III REGULATIONS

Special Rules Applicable to Food Industry

Part 130 is amended in Subpart F to amplify the rules applicable during Phase III to price adjustments for sales of food by manufacturers, service organizations, wholesalers, and retailers.

Section 130.56, prescribing price rules applicable to wholesalers and retailers in the food industry, is amended in paragraph (b) to provide that a customary initial percentage markup, based on any level other than item control, is the customary initial percentage markup in effect, at the option of the wholesaler or retailer, during its last fiscal year ending before August 15, 1971, or during its last four fiscal quarters ending before January 1, 1972. A customary initial percentage markup based on item control is determined in accordance with the regulations of the Price Commission in effect on January 10, 1973.

Section 130.57a is amended in its entirety to prescribe rules for persons, part of whose sales are subject to the special rules applicable to the food industry (Subpart F), relating to the computation of profit margin and the determination of base period for purposes of the general price standard of § 130.13 of the Phase III regulations. The rewritten section provides that a person, part of whose sales are subject to Subpar F, may choose one of two alternate profit margin and base period combinations for purposes of § 130.13: (1) The profit margin of the firm, including in the computation sales subject to Subpart F, and the same base period used for purposes of the profit margin limitation of Subpart F; or (2) the profit margin of the firm, excluding from the computation sales subject to Subpart F, and any base period authorized by § 130.110. A person who chooses the first option is not permitted to utilize the alternate general price standard provided in § 130.13 (price increases of no more than a weighted annual average of 1.5 percent over prices authorized or lawfully in effect on January 10, 1973, to reflect increased costs, without limitation as to profit margin).

Section 130.57b is amended to make it clear that, although nonfood sales are subject to the mandatory rules of Subpart F to the extent they are included in determining profit margin, the prenotification requirements prescribed for wholesalers and retailers in the food industry are not applicable with respect to the nonfood sales.

Section 130.57c is rewritten to clarify and amplify the rules governing the measurement of profit margin by manufacturers and service organizations in the food industry. The section requires that profit margin on food sales be separately computed if it customarily has been separately computed by the manufacturer or service organization. If profit margin on food sales has not customarily been separately computed, the profit margin on food sales has not customarily been separately computed, the profit margin, for purposes of Subpart F, is the profit margin customarily computed at the next highest level of aggregation that includes all food sales. In the event that neither of the foregoing practices customarily has been followed by the manufacturer or service organization, profit margin, at its option, will be computed on total firm sales or on food sales only. The rewritten section repeats the existing rule that, to the extent nonfood sales are included in determining profit margin, such nonfood sales are subject to the rules of Subpart F, except those relating to prenotification.

Because the purpose of this amendment is to provide immediate guidance as to Cost of Living Council policy, I find that publication in accordance with normal rule making procedure is impracticable and that good cause exists for making these regulations effective in less than 30 days. Interested persons may submit comments regarding these regulations. Communications should be addressed to the Office of General Counsel, Cost of Living Council, Washington, D.C. 20508.

(Economic Stabilization Act of 1970, title II of Public Law 92-210, 85 Stat. 743, and Executive Order 11695, 38 FR 1473)

In consideration of the foregoing, Part 130 of Title 6 of the Code of Federal Regulations is amended as set forth herein, effective January 11, 1973.

Issued in Washington, D.C., on March 15, 1973.

JAMES W. MCLANE,
Deputy Director,
Cost of Living Council.

1. Section 130.56(b) is amended to read as follows:

§ 130.56 Wholesalers and retailers—price rules.

• • • • • •

(b) Customary initial percentage markup may be applied and reported on the basis of total sales by the wholesaler or retailer or any other level of item or category control. For purposes of this paragraph, a customary initial percentage markup based on other than item control shall be, at the option of the wholesaler or retailer, the customary initial percentage markup in effect during—

(1) Its last fiscal year ending before August 15, 1971; or

(2) Its last four fiscal quarters ending before January 1, 1972.

• • • • • •

2. Section 130.57a is revised to read as follows:

§ 130.57a Profit margin measurement—general price standard.

For purposes of § 130.13, the profit margin and base period of a person, part of whose sales are subject to the limitations of this subpart, shall be, at the option of the person—

(a) The profit margin of the firm, including in the computation sales subject to this subpart, and the same base period utilized by the person for purposes of the profit margin limitation of this subpart; or

(b) The profit margin of the firm, excluding from the computation sales subject to this subpart, and any base period authorized by § 130.110.

A person who chooses the option in paragraph (a) of this section may not utilize the alternate general price standard of the second sentence of § 130.13.

3. The final sentence of § 130.57b is amended to read as follows:

§ 130.57b Profit margin measurement—wholesalers and retailers.

• • • To the extent that nonfood sales are included in determining profit margin, such nonfood sales are subject to the mandatory rules of this subpart, except that the prenotification requirements prescribed for wholesalers and retailers in the food industry are not applicable with respect to the nonfood sales.

4. Section 130.57c is revised to read as follows:

§ 130.57c Profit margin measurement—manufacturers and service organizations.

The profit margin with respect to the food sales of a manufacturer or service organization must be separately computed if it customarily has been separately computed. If the profit margin on food sales has not customarily been computed, the profit margin for purposes of this subpart shall be the profit margin

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customarily computed at the next highest level of aggregation that includes all food sales. If a profit margin has not customarily been so computed, the profit margin for purposes of this subpart, at the option of the manufacturer or service organization, shall be computed on total firm sales or on food sales only. To the extent that nonfood sales are included in determining profit margin, such nonfood sales are subject to the mandatory rules of this subpart, except that such nonfood sales are not subject to the requirement of prenotification.

[FR Doc.73-5275 Filed 3-15-73;2:41 pm]

Title 7—Agriculture

CHAPTER I—AGRICULTURAL MARKETING SERVICE (STANDARDS, INSPECTIONS, MARKETING PRACTICES), DEPARTMENT OF AGRICULTURE

PART 68—REGULATIONS AND STANDARDS FOR INSPECTION AND CERTIFICATION OF CERTAIN AGRICULTURAL COMMODITIES AND PRODUCTS THEREOF

Fees and Charges for Certain Federal Inspection Services

Correction

In FR Doc. 73-4186 appearing at page 6284 of the issue for Thursday, March 8, 1973, in § 68.42a the following changes should be made in the list of fees:

1. The phrase "Appeal inspection", which begins the table, should appear immediately below the heading *"Service"*.

2. In the column labeled *"Fee or charge"*, the first price, now reading "$1.15", should read "$7.15".

CHAPTER X—AGRICULTURAL MARKETING SERVICE (MARKETING AGREEMENTS AND ORDERS; MILK), DEPARTMENT OF AGRICULTURE

[Milk Order No. 65]

PART 1065—MILK IN THE NEBRASKA-WESTERN IOWA MARKETING AREA

Deferral of Effective Date of Certain Provisions

This order defers until further notice the effective date of the Class I base plan provisions §§ 1065.90 through 1065.98 contained in the order amending the order regulating the handling of milk in the Nebraska-Western Iowa marketing area issued December 15, 1972 (37 FR 28126).

Statement of consideration. Associated Milk Producers, Inc., Central Region, a cooperative association whose membership comprises a substantial number of the producers on the market, has requested that the Class I base plan, scheduled to become effective April 1, 1973, be held in abeyance until certain provisions of the plan have been considered on the basis of a public hearing. The cooperative association alleges that certain provisions contained in the plan would be inequitable to its member producers and that implementation of the plan may have other adverse results.

Inasmuch as uncertainties exist as to whether the Class I base plan as issued can operate without inequities or other possible adverse effects, it is necessary that effectuation of the plan be deferred pending a public hearing and related procedures.

A notice of public hearing, providing for reconsideration of all provisions of the Class I base plan, is issued concurrently with this deferral order.

It is therefore ordered, That the effective date with respect to the aforesaid order provisions is deferred until further notice.

(Secs. 1-19, 48 Stat., 31 as amended, 7 U.S.C. 601-674)

Signed at Washington, D.C., on March 15, 1973.

CLAYTON YEUTTER,
Assistant Secretary.

[FR Doc.73-5226 Filed 3-19-73;8:45 am]

Title 9—Animals and Animal Products

CHAPTER I—ANIMAL AND PLANT HEALTH INSPECTION SERVICE, DEPARTMENT OF AGRICULTURE

[Docket No. 73-516]

SUBCHAPTER C—INTERSTATE TRANSPORTATION OF ANIMALS (INCLUDING POULTRY) AND ANIMAL PRODUCTS

PART 76—HOG CHOLERA AND OTHER COMMUNICABLE SWINE DISEASES

Release of Areas Quarantined

This amendment excludes Southampton County and portions of Isle of Wight and Nansemond Counties in Virginia from the areas quarantined because of hog cholera. Therefore, the restrictions pertaining to the interstate movement of swine and swine products from or through quarantined areas contained in 9 CFR Part 76, as amended, do not apply to the excluded areas, but will continue to apply to the quarantined areas described in § 76.2(e). Further, the restrictions pertaining to the interstate movement of swine and swine products from nonquarantined areas contained in said Part 76 apply to the excluded areas. No areas in Virginia remain under quarantine.

Pursuant to provisions of the Act of May 29, 1884, as amended, the Act of February 2, 1903, as amended, the Act of March 3, 1905, as amended, the Act of September 6, 1961, and the Act of July 2, 1962 (21 U.S.C. 111-113, 114g, 115, 117, 120, 121, 123-126, 134b, 134f), Part 76, Title 9, Code of Federal Regulations, restricting the interstate movement of swine and certain products because of hog cholera and other communicable swine diseases, is hereby amended in the following respects:

In § 76.2, paragraph (e)(5) relating to Virginia is deleted.

(Secs. 4-7, 23 Stat 32, as amended; secs. 1 and 2, 32 Stat. 791-792, as amended; secs. 1-4, 33 Stat. 1264, 1265, as amended; sec. 1, 75 Stat. 481; secs. 3 and 11, 76 Stat. 130, 132; 21 U.S.C. 111-113, 114g, 115, 117, 120, 121, 123-126, 134b, 134f; 37 FR 28464, 28477)

Effective date. The foregoing amendment shall become effective March 15, 1973.

The amendment relieves restrictions presently imposed but no longer deemed necessary to prevent the spread of hog cholera and must be made effective promptly in order to be of maximum benefit to affected persons. It does not appear that public participation in this rule making proceeding would make additional relevant information available to the Department.

Accordingly, under the administrative procedure provisions in 5 U.S.C. 553, it is found upon good cause that notice and other public procedure with respect to the amendment are impracticable and unnecessary, and good cause is found for making it effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 15th day of March 1973.

G. H. WISE,
Acting Administrator, Animal and Plant Health Inspection Service.

[FR Doc.73-5318 Filed 3-19-73;8:45 am]

Title 10—Atomic Energy

CHAPTER I—ATOMIC ENERGY COMMISSION

PART 81—STANDARD SPECIFICATIONS FOR THE GRANT OF PATENT LICENSES

AEC-Owned Inventions

This revision of 10 CFR Part 81 of the Atomic Energy Commission regulations sets forth the standard specifications for the issuance of licenses on inventions owned by the AEC, and is issued pursuant to sections 156 and 161g. of the Atomic Energy Act of 1954, as amended, and the Presidential Patent Policy Statement of August 23, 1971. It is promulgated to implement the General Services Administration regulations, 41 CFR Part 101-4, published February 5, 1973, which provide for the licensing of Government-owned inventions for the purpose of enhancing their utilization.

Part 81 is revised to read as follows:

GENERAL PROVISIONS

Sec.
81.1 Purpose.
81.2 Definitions.
81.3 Communications.
81.4 Interpretations.

AEC-OWNED INVENTIONS—PATENTS AND APPLICATIONS

81.10 Authority.
81.11 Policy.
81.13 Publication of AEC inventions available for licensing.
81.20 Nonexclusive licenses.
81.30 Limited exclusive licenses.
81.31 Selection of an exclusive licensee.
81.32 Terms of exclusive license grant.
81.35 Notices to public of exclusive licenses.
81.40 Contents of a license application.
81.50 Additional licenses.
81.51 Appeals.
81.52 Appeals board.
81.53 Review by the board.

PATENTS DECLARED TO BE AFFECTED WITH THE PUBLIC INTEREST

81.70 Contents of application.
81.71 Basis for issuance.
81.72 Contents of the license.

OTHER PATENTS USEFUL IN THE PRODUCTION OR UTILIZATION OF SPECIAL NUCLEAR MATERIAL OR ATOMIC ENERGY

Sec.
81.80 Scope.
81.81 Contents of application.
81.82 Basis for issuance.
81.83 Conditions of the license.

AUTHORITY: Secs. 156 and 161g., 68 Stat. 919, 42 U.S.C. 2186, 2201g.

GENERAL PROVISIONS

§ 81.1 Purpose.

The regulations of this part establish the standard specifications for the issuance of licenses to rights in inventions covered by (a) patents or patent applications vested in the United States of America, as represented by or in the custody of the Commission and other patents in which the Commission has the right to accord or require the grant of licenses, (b) patents declared to be affected with the public interest pursuant to section 153(a) of the Act, and (c) other patents useful in the production or utilization of special nuclear material or atomic energy licensed pursuant to section 153(c) of said Act.

§ 81.2 Definitions.

As used in this part:

(a) "Act" means the Atomic Energy Act of 1954 (68 Stat. 619), including any amendments thereto;

(b) "Commission" means the Atomic Energy Commission as established by the Act, or its duly authorized designee. The Assistant General Counsel for Patents is the designee of the Commission under this subpart;

(c) "AEC invention" means an invention covered by a U.S. patent or patent application that is vested in the Government of the United States, as represented by or in the custody of the Commission, or in which the Government of the United States of America, as represented by the Commission, has the right to accord or require the grant of licenses where such invention is designated by the Commission as appropriate for the grant of a nonexclusive or exclusive license; and

(d) "To the point of practical application" means to manufacture in the case of composition, machine or product, to practice in the case of a process, or to operate in the case of a machine, under such conditions as to establish that the invention is being worked and that its benefits are reasonably accessible to the public.

§ 81.3 Communications.

All communications concerning the regulations in this part, including applications for licenses, should be addressed to the U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Assistant General Counsel for Patents. Communications and reports may be delivered in person at the Commission's Office at 1717 H Street NW., Washington, DC, or its office at Germantown, Md.

§ 81.4 Interpretations.

Except as specifically authorized by the Commission in writing and by § 81.53, no interpretation of the meaning of the regulations in this part by an officer or employee of the Commission other than a written interpretation by the General Counsel will be recognized to be binding upon the Commission.

AEC-OWNED INVENTIONS—PATENTS AND APPLICATIONS

§ 81.10 Authority.

The regulations of this subpart governing the licensing or rights in AEC inventions are issued pursuant to the authority of the Commission under 42 U.S.C. 2186 (sec. 156 of the Act), 42 U.S.C. 2201g (sec. 161g. of the Act), and according to regulations issued by the Administrator of General Services pursuant to the Memorandum and Statement of Government Patent Policy issued by President Nixon on August 23, 1971 (36 FR 16887).

§ 81.11 Policy.

(a) The inventions covered by the U.S. patents and patent applications vested in the Government of the United States of America, as represented by or in the custody of the Commission, normally will best serve the public interest when they are developed to the point of practical application and made available to the public in the shortest time possible.

(b) The Commission generally prefers to make these inventions available to all interested parties through the granting of nonexclusive licenses. However, the Commission recognizes that to obtain commercial utilization of an invention, it may be necessary to grant an exclusive license for a limited period of time as an incentive for the investment of risk capital to achieve practical application of an invention.

(c) Whenever the Commission deems it appropriate to grant an exclusive license, the license will be negotiated on terms and conditions most favorable to the interests of the public and the Government. In considering the accord of such a license, due weight will be given to assisting small business and minority business enterprises, as well as economically depressed, low income and labor surplus areas within the United States.

(d) All licenses shall be by express written instruments. No license shall be granted or implied in an AEC invention except as provided for in these regulations or in patent rights articles under Commission procurement regulations, pursuant to the Act, or pursuant to any existing or future treaty or agreement between the United States and any foreign government or intergovernmental organization.

(e) No grant of a license under this subpart shall be construed to confer upon any licensee any immunity from the antitrust laws or from liability for patent misuse, and the acquisition and use of rights pursuant to this subpart shall not be immunized from the operation of State or Federal law by reason of the source of the grant.

(f) No grant of a license under this subpart shall be construed to confer any authorization under Chapters 4, 5, 6, 7, 8, 10, or any other chapter or section of the Act (42 U.S.C., sec. 2011-2296) for which separate application for a license must be made in accordance with the Act or other Commission regulations.

§ 81.13 Publication of AEC inventions available for licensing.

(a) The Commission will have published periodically a list of the AEC inventions available for licensing under this subpart in the FEDERAL REGISTER, the U.S. Patent Office Official Gazette, and in one other publication which it is determined will best serve the public interest and, where advisable, in other publications.

(b) Interested persons may obtain copies of such lists by communicating with the Commission, Washington, D.C. 20545, Attention: Assistant General Counsel for Patents, USAEC. Copies of U.S. patents may be obtained from the U.S. Patent Office. Copies of U.S. patent application specifications, or microfiche reproductions thereof, may be secured at reasonable cost from the National Technical Information Service (NTIS) or from the U.S. Patent Office with Commission approval.

§ 81.20 Nonexclusive licenses.

(a) AEC inventions will normally be made available for the grant of nonexclusive licenses to responsible applicants who will practice the invention and make its benefits reasonably accessible to the public.

(1) The nonexclusive license will be revocable, at the option of the Commission, if the licensee does not comply with all the terms and conditions of the license agreement.

(2) The duration of the license shall be for a specified period and/or such additional period as may be provided for in the license agreement.

(3) The license shall require the licensee to bring the invention to the point of practical application within a period specified in the license agreement, or as the period may be extended by the Commission, and then to continue to make the benefits of the invention reasonably accessible to the public.

(4) The license shall be granted for all of the fields of use of the invention, or only such fields of use as may be specified in the license agreement, and throughout the United States of America, its territories and possessions, Puerto Rico, and the District of Columbia or in any lesser geographic portion thereof as may be specified in the license agreement.

(5) The licensee shall be required to submit periodic reports on his efforts to bring the invention to a point of practical application and the extent to which he continues to make the benefits of the invention reasonably accessible to the public. Unless otherwise specified in the license, such periodic reports will be required annually prior to the anniversary

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date of the grant of the license. The reports shall contain information within the licensee's knowledge, or which the licensee may acquire under normal business practices, pertaining to the commercial use being made of the invention, and other information which the Commission may determine to be pertinent to the licensing activity of the Commission and specified in the license agreement.

(6) Normally a royalty shall not be charged U.S. citizens and U.S. corporations for nonexclusive licenses on AEC inventions.

(7) The license may extend to wholly-owned subsidiaries of the licensee but shall be nonassignable, or otherwise nontransferable, without approval of the Commission.

(8) The Commission may revoke the license (i) for failure of the licensee to bring the invention to the point of practical application or to continue to make the benefits of the invention reasonably accessible to the public, (ii) if the licensee defaults in making any periodic report required by the license, or (iii) if the licensee commits any breach of any covenant or agreement therein contained, or (iv) if the licensee willfully makes, or has made, a false statement of a material fact or omitted a material fact in the license application submitted pursuant to § 81.40(a) or in any report required by the license agreement.

(9) The Commission may restrict the licensee to the particular fields of use and or geographical areas in which the licensee has brought the invention to the point of practical application and continue to make the benefits of the invention reasonably accessible to the public.

(10) Before revoking or restricting any license granted pursuant to this subpart, the Commission shall mail to the licensee and any sublicensee of record, at the last address filed with the Commission, a written notice of the Commission's intention to revoke or restrict the license, and the licensee and any sublicensee shall be allowed thirty (30) days after the mailing of such notice, or within such period as may be granted by the Commission, to remedy any breach of any covenant or agreement as referred to in paragraph (a)(8)(iii) of this section, or to show cause why the license should not be revoked or restricted.

(11) Subject to the rights reserved to the Government in this section, the licensee shall be granted the nonexclusive rights to make, use, and/or sell the invention in accordanc with the terms and conditions specified in the license agreement.

(12) The license may be subject to such other terms and conditions as the Commission may deem in the public interest.

§ 81.30 Limited exclusive licenses.

(a) An AEC invention may be made available for the grant of a limited exclusive license provided that:

(1) The invention has been published as available for licensing pursuant to § 81.13 for a period of at least six (6) months.

(2) The Commission has determined that (i) the invention may be brought to the point of practical application in certain fields of use or in certain geographical locations by exclusive licensing, (ii) the desired practical application has not been achieved under any nonexclusive license granted on the invention, and (iii) the desired practical application is not likely to be achieved expeditiously in the public interest under a nonexclusive license or as a result of further Government-funded research or development.

(3) Notice of the selection of a prospective licensee to be granted a limited exclusive license of a specified duration and scope shall have been transmitted to the Attorney General of the United States and shall have been published for at least sixty (60) days in the FEDERAL REGISTER with a statement advising of the rights of license applicants or third parties to apply for nonexclusive licenses or bring information to the attention of the Commission under the next paragraph; and

(4) After expiration of the period in paragraph (a)(3) of this section, the Commission has determined (i) that no applicant for a nonexclusive license has brought or will bring the invention to the point of practical application as specified in the prospective exclusive license within a reasonable period under a nonexclusive license, and (ii) that the granting of the license would be in the public interest and not be inconsistent with the Act after consideration of all the facts and any written evidence and argument which third parties may present to the Commission within sixty (60) days of the publication of the notices of the selection of the licensee under paragraph (a)(3) of this section.

(5) The Commission shall record and make available for public inspection, upon request, all decisions and the basis thereof under this section.

§ 81.31 Selection of an exclusive licensee.

An exclusive licensee will be selected by the Commission on bases consistent with the policy set forth in § 81.11 of this subpart in accordance with the procedures herein, based upon the information supplied to the Commission in a license application under § 81.40. Consideration will be given to (a) the capabilities of the applicant to further the technical and market development of the invention to bring the same to the point of practical application, (b) the applicant's plan to undertake development of the invention, (c) the projected impact on competition, (d) the benefit to the Government and the public, as well as (e) assistance to small business and minority business enterprises and economically depressed, low income and labor surplus areas, and (f) whether the applicant is a U.S. citizen or corporation.

§ 81.32 Terms of exclusive license grant.

(a) AEC inventions may be made available for the grant of limited exclusive licenses to responsible applicants who will bring the invention to the point of practical application and make its benefits reasonably accessible to the public.

(1) The license may be granted for all or less than all fields of use of the invention, and throughout the United States of America, its territories and possessions, Puerto Rico, and the District of Columbia, or any lesser geographical portion thereof.

(2) The duration of the license will be negotiated and shall include (i) a period of exclusivity specified in the license, which shall be related to the period necessary to provide a reasonable incentive for the licensee to invest the necessary risk capital to bring the invention to the point of practical application and which shall not exceed 5 years or be extended unless the Commission determines on the basis of a written submission supported by a factual showing that a longer period is reasonably necessary to permit the licensee to enter the market and recoup his investment in bringing the invention to the point of practical application; and (ii) a terminal portion, sufficient to make the invention reasonably available for the granting of nonexclusive licenses under § 81.20, during which the licensee may have a nonexclusive license if the licensee continues to make the invention reasonably accessible to the public.

(3) The license shall require the licensee to bring the invention to the point of practical application within a period specified in the license agreement, or, subject to the approval of the Commission, within a longer period, and then to continue to make the benefits of the invention reasonably accessible to the public.

(4) The license shall require the licensee to expand a specified minimum sum of money and/or to take other specified action, within indicated periods as specified in the license, in an effort to bring the invention to the point of practical application. Reasonable royalties shall be charged by the Commission, as specified in the license agreement, unless the Commission determines that it would not be in the public interest to charge royalties.

(5) The license shall be subject to an irrevocable, royalty-free right of the Government of the United States to practice and have practiced the invention by or on behalf of the Government of the United States and on behalf of any foreign Government or intergovernmental organization pursuant to any existing or future treaty or agreement with the United States.

(6) The license shall reserve to the Commission the right to require the licensee to grant sublicenses to responsible applicants to practice the invention on terms that are reasonable under the circumstances, (i) to the extent that the invention is required for public use by

governmental regulations, or (ii) as may be necessary to fulfill health or safety needs, or (iii) if the invention is useful in the production or utilization of special nuclear material or atomic energy and the licensing of such invention is of importance to effectuate the policies and purposes of the Act, (iv) for other public purposes as stipulated in the license agreement. In the event that the licensee and the Commission cannot agree upon reasonable terms for such sublicenses, the terms, including a reasonable royalty, may be fixed pursuant to the procedure set forth in section 157(c) of the Act.

(7) Subject to the right reserved to the Government in paragraph (a)(5) and (6) of this section, the licensee shall be granted the exclusive right to make, use, and/or sell the invention in accordance with the terms and conditions specified in the license agreement.

(8) The license may extend to wholly owned subsidiaries of the licensee but shall be nonassignable and otherwise nontransferable without approval of the Commission, except assignment may be made, upon notice to the Commission, to successors of that part of the licensee's business to which the invention pertains.

(9) An exclusive licensee may grant sublicenses under his license only with the approval of the Commission. Any sublicense or assignment granted by an exclusive licensee shall be subject to the terms and conditions of the exclusive license, including the rights retained by the Government thereunder, and a copy of each such sublicense or assignment shall be furnished to the Commission.

(10) The license shall require the licensee to submit periodic reports on his efforts to achieve practical application of the invention and the extent to which he continues to make the benefits of the invention reasonably accessible to the public. Unless otherwise specified in the license, such reports will be required annually on the anniversary date of the grant of the license. The report shall contain information within the licensee's knowledge, or which the licensee may acquire under normal business practices, pertaining to the commercial use being made of the invention, and other information which the Commission may determine to be pertinent to the licensing activity of the Commission as is specified in the license agreement.

(11) The Commission may modify or revoke the license (i) for failure of the licensee to bring the invention to the point of practical application within the period specified in the license agreement or to continue to make the benefits of the invention reasonably accessible to the public; (ii) if the licensee fails to expend the minimum sum of money or to take any other action specified in the license agreement within the periods specified in the license agreement in an effort to bring the invention to the point of practical application; (iii) if the licensee defaults in making any payments or periodic reports required by the license; or (iv) if the licensee commits any breach of any covenant or agreement therein contained; or (v) if the licensee willfully makes, or has made, a false statement of a material fact or willfully omitted a material fact in the license application submitted pursuant to § 81.40 or in any report required by the license agreement.

(12) Before modifying or revoking any license granted pursuant to this subpart for any cause, the Commission shall mail to the licensee and any sublicensee of record at the last address filed with the Commission a written notice of the Commission's intention to modify or revoke the license, and the licensee and any sublicensee shall be allowed thirty (30) days after the mailing of such notice, or within such period as may be granted by the Commission, to remedy any breach of any covenant or agreement referred to in paragraph (a)(11)(iv) of this section or to show cause why the license should not be modified or revoked.

(13) An exclusive licensee shall be granted the right to sue at his own expense any party who infringes the rights set forth in his license and covered by the licensed patent. The licensee may join the Government of the United States, upon consent of the Attorney General, as a party complainant in such suit, but without expense to the Government and the licensee shall pay costs and any final judgment or decree that may be rendered against the Government in such suit. The Government shall have an absolute right to intervene in any such suit at its own expense. The licensee shall be obligated to furnish promptly to the Government, upon request, copies of all pleadings and other papers filed in any such suit and of evidence adduced in proceedings relating to the licensed patent, including, but not limited to, negotiations or settlements and agreements settling claims by a licensee based on the licensed patent, and all other books, documents, papers, and records pertaining to such suit. If, as a result of any such litigation, the patent shall be declared invalid, the licensee shall have the right to surrender his license and be relieved from any further obligation thereunder.

(14) A licensee may surrender his license at any time prior to termination of the license upon notice thereof to the Commission, and upon approval of the Commission, but the licensee shall not be relieved of the obligations thereunder without specific approval of the Commission.

(15) The license may be subject to such other terms and conditions as the Commission may deem in the public interest.

§ 81.35 Notices to public of exclusive licenses.

The Commission will have published in the FEDERAL REGISTER notices of the granting, revocation, or modification in duration and/or scope, of limited exclusive licenses under these regulations. Such notices shall identify the invention and shall include, directly, or by reference to previous notice(s) in the FEDERAL REGISTER pursuant to § 81.13 or § 81.30(a)(3) the following:

(a) Identification of the licensee.

(b) Duration and scope of the exclusive license.

(c) That such a license is being granted or revoked, or the nature of the modification of the license.

(d) The effective date of the grant, modification, or revocation.

§ 81.40 Contents of a license application.

(a) *Nonexclusive license application.* An application for a nonexclusive license under an AEC invention should be accompanied by a fee of ten dollars ($10) for processing the application and must include the following information:

(1) Identification of the invention for which the license is desired, including the patent application serial number or the patent number, title, and date, if known, and any other identification of the invention;

(2) Name and address of the person, company, or organization applying for a license and the citizenship or State of incorporation thereof;

(3) Name and address of a representative of applicant to whom correspondence should be sent and any notices served;

(4) Nature and type of applicant's business;

(5) Identification of the source of applicant's information concerning the availability of a license on the invention;

(6) Purpose for which the license is desired, and a brief description of applicant's plan to achieve that purpose;

(7) A statement of the field and the field(s) of use in which applicant intends to practice the invention; and

(8) A statement of the geographical area(s) in which the applicant will practice the invention.

(b) *Exclusive license application.* An application for a limited exclusive license should include, in addition to the information indicated above for a nonexclusive license application, the following information:

(1) Applicant's status, if any, in any one or more of the following categories:

(i) Small business firm;

(ii) Minority business enterprise;

(iii) Location in a surplus labor area;

(iv) Location in a low income area; and

(v) Location in an economically depressed area.

(2) A statement describing the time, expenditure, and other acts which the applicant considers necessary to bring the invention to a point of practical application, and the applicant's offer to invest that time and sum, and to perform such acts, if the license is granted.

(3) A statement of applicant's capability to undertake the development and/or marketing required to bring the invention to the point of practical application.

(4) A statement that contains applicant's best knowledge of the extent to which the invention is being practiced by

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private industry and the Government; and

(5) Any other facts which the applicant believes to show it to be in the public interest for the Commission to grant an exclusive license rather than a nonexclusive license and that such exclusive license should be granted to the applicant.

§ 81.50 Additional licenses.

Subject to any outstanding licenses, nothing in this subpart shall preclude the Commission from granting additional nonexclusive and limited exclusive licenses for inventions covered by this subpart when the Commission determines that to do so would provide for an equitable exchange of patent rights. The following exemplify circumstances wherein such licenses may be granted:

(a) In consideration of the settlement of interferences;

(b) In consideration of a release of any claims;

(c) In exchange for or as part of the consideration for a license under adversely held patent(s); or

(d) In consideration for the settlement or resolution of any proceeding under the Act or other statute.

§ 81.51 Appeals.

An applicant for a license, a licensee, or a third party who has participated under § 81.30(a)(3) shall have the right to appeal in accordance with the appeal procedures of this subpart any decision of the Commission concerning the grant, denial, interpretation, modification, or revocation of a license under this subpart, by filing a notice of appeal with the Commission within thirty (30) days from the date of the mailing of a notice by the Commission of the decision or, if no such notice to the person desiring to appeal, then thirty (30) days from publication in the FEDERAL REGISTER of the facts which show such a decision. The notice of appeal shall specify the portion of the decision from which the appeal is taken, and the reasons why the decision is erroneous. A statement of fact and argument in the form of a brief in support of the appeal may be submitted with the notice of appeal or, if the appellant prefers, may be filed with the Commission within fifteen (15) days after the filing of the notice of appeal. If a statement of fact and argument in the form of a brief in support of the appeal is not submitted with the notice, the appellant shall state in the notice whether such a statement of fact and argument in the form of a brief in support of the appeal will be filed.

§ 81.52 Appeals Board.

(a) *AEC Invention Licensing Appeal Board.* Upon notice of an appeal in accordance with § 81.51, the General Manager of the Atomic Energy Commission will designate within thirty (30) days an Invention Licensing Appeal Board (hereinafter, Board) to decide such an appeal.

(b) *Composition of the Board.* The Invention Licensing Appeal Board shall consist of three members having equal voting power, one of whom will be designated as Chairman.

(c) *Notice of designation of the Board.* The General Manager of the Atomic Energy Commission will advise the appellant of the designation of the Board, its composition, and Chairman.

§ 81.53 Review by the Board.

(a) The Board shall determine the propriety of any decision concerning the grant, denial, interpretation, modification, or revocation of a license according to the policy and criteria of these regulations, including § 81.11, on the record and evidence submitted by an appellant and the Commission to the Board.

(b) A hearing may be requested by the Commission or an appellant within fifteen (15) days after the notice set forth under § 81.52(c). An appellant and the Commission shall be given a minimum of fifteen (15) days' notice of the time and place of a hearing. The Commission and the appellant shall have an opportunity to make oral arguments before the Board.

(c) The Board shall make findings of fact and reach a conclusion with respect to the propriety of the decision of the Commission, which conclusion shall constitute the final action of the commission.

PATENTS DECLARED TO BE AFFECTED WITH THE PUBLIC INTEREST

§ 81.70 Contents of application.

Each application shall contain the following information:

(a) The name and address of the applicant;

(b) The State of incorporation, if the application is a corporation;

(c) The activities in the production or utilization of special nuclear material or atomic energy to which applicant proposes to apply the license;

(d) The relationship of the invention or discovery to the activities to which it is to be applied, including an estimate of the effect on such activities stemming from the grant or denial of the license;

(e) The nature and purpose of the use which the applicant intends to make of the patent license;

(f) Efforts made by applicant to obtain a patent license from the owner of the patent; and

(g) Terms, if any, on which the owner of the patent proposed to grant applicant a patent license.

§ 81.71 Basis for issuance.

The Commission will issue a patent license for patents declared by the Commission to be affected with the public interest pursuant to section 153 of the Act upon a finding that:

(a) The activities to which the patent license is proposed to be applied by the applicant are of primary importance to the conduct of an activity by such applicant authorized under the Act.

(b) The applicant cannot otherwise obtain a patent license from the owner of the patent on terms which are reasonable for the intended use to be made of the patent by the applicant.

§ 81.72 Conditions of the license.

Each license shall contain and be subject to the following conditions:

(a) The license shall be nonexclusive and revocable.

(b) Neither the license nor any right under the license shall be assigned or otherwise transferred.

(c) The licensee shall pay a reasonable royalty fee. Such royalty fee may be agreed upon between the owner and such patent licensee, or in the absence of such agreement shall be determined for each patent license by the Commission pursuant to section 157 of the Act.

(d) The licensee shall be subject to and the licensee shall observe all applicable rules, regulations, and orders of the Commission.

OTHER PATENTS USEFUL IN THE PRODUCTION OR UTILIZATION OF SPECIAL NUCLEAR MATERIAL OR ATOMIC ENERGY

§ 81.80 Scope.

Any person:

(a) Who has made application to the Commission for a license under sections 53, 62, 63, 81, 103, or 104, or a permit or lease under section 67;

(b) To whom such license, permit, or lease has been issued by the Commission;

(c) Who is authorized to conduct such activities as such applicant is conducting or proposes to conduct under a general license issued by the Commission under section 62 or 81; or

(d) Whose activities or proposed activities are authorized under section 31, may at any time make application to the Commission for a patent license for the use of an invention or discovery useful in the production or utilization of special nuclear material or atomic energy covered by a patent.

§ 81.81 Contents of application.

Each application shall contain the following information:

(a) The name and address of the applicant;

(b) The State of incorporation, if the applicant is a corporation;

(c) The activities in the production or utilization of special nuclear material or atomic energy to which applicant proposes to apply the license;

(d) The relationship of the invention or discovery to the activities to which it is to be applied, including an estimate of the effect of such activities stemming from the grant or denial of the license;

(e) The nature and purpose of the use which the applicant intends to make of the patent license;

(f) Efforts made by applicant to obtain a patent license from the owner of the patent; and

(g) Terms, if any, on which the owner of the patent proposed to grant applicant a patent license.

§ 81.82 Basis for issuance.

The Commission will issue the patent license upon a finding that:

(a) The invention or discovery covered by the patent is of primary importance in the production or utilization of special nuclear material or atomic energy;

(b) The licensing of such invention or discovery is of primary importance to the conduct of the activities of the applicant;

(c) The activities to which the patent license is proposed to be applied by such applicant are of primary importance to the furtherance of policies and purposes of the Act; and

(d) Such applicant cannot otherwise obtain a patent license from the owner of the patent on terms which the Commission deems to be reasonable for the intended use of the patent to be made by such applicant.

§ 81.83 Conditions of the license.

Each license shall obtain and be subject to the following conditions:

(a) The license shall be nonexclusive and revocable;

(b) Neither the license nor any right under the license shall be assigned or otherwise transferred;

(c) The license shall be limited to the purpose for which it is issued,

(d) The licensee shall pay a reasonable royalty fee. Such royalty fee may be agreed upon between the owner and such patent licensee, or in the absence of such agreement shall be determined for each patent license by the Commission pursuant to section 157 of the Act;

(e) The licensee shall be subject to and the licensee shall observe all applicable rules, regulations, and orders of the Commission.

This part is effective March 20, 1973. However, comments will be received and considered until May 21, 1973.

Dated at Washington, D.C., this 14th day of March 1973.

For the Atomic Energy Commission.

PAUL C. BENDER,
Secretary of the Commission.

[FR Doc.73-5214 Filed 3-19-73;8:45 am]

Title 17—Commodity and Securities Exchanges

CHAPTER II—SECURITIES AND EXCHANGE COMMISSION

[Release Nos. 33-5373, 34-10006, 35-17882, 40-7673, AS-141]

PART 210—FORM AND CONTENT OF FINANCIAL STATEMENTS, SECURITIES ACT OF 1933, SECURITIES EXCHANGE ACT OF 1934, PUBLIC UTILITY HOLDING COMPANY ACT OF 1935, AND INVESTMENT COMPANY ACT OF 1940

Interpretations and Minor Amendments Applicable to Certain Revisions of Regulation S-X; Correction

Certain errors appeared inadvertently in Releases Nos. 33-5373, 34-10006, 35-17882, 40-7673, and AS-141 which were published in the FEDERAL REGISTER for March 6, 1973, at 38 FR 6064, and should be corrected to read as indicated below.

I. The amendment in § 210.1-02 to paragraph (q)(2) thereof is correct and the previous reference to paragraph (g) was erroneous.

II. In the amendment to § 210.12-16 the word "and" in the caption should be deleted so that the section caption will read:

§ 210.12-16 Supplementary income statement information.[1]

III. In § 210.12-43 the word now reading "baleoon" in the second line of footnote 5 thereof should read "balloon" so that footnote 5 thereunder reads as follows:

* * * * *

[1] State whether principal and interest is payable at level amount over life to maturity or at varying amounts over life to maturity. State amount of balloon payment at maturity, if any. Also state prepayment penalty terms, if any.

* * * * *

§ 210.12-43 Mortgage loans on real estate.[1]

For the Commission.

[SEAL] RONALD F. HUNT,
Secretary.

MARCH 13, 1973.

[FR Doc.73-5295 Filed 3-19-73;8:45 am]

Title 12—Banks and Banking

CHAPTER V—FEDERAL HOME LOAN BANK BOARD

SUBCHAPTER A—GENERAL REGULATIONS OF THE FEDERAL HOME LOAN BANK BOARD

[No. 73-302]

PART 505—AVAILABILITY AND CHARACTER OF RECORDS

Access to Board Records

Correction

In FR Doc. 73-4601 appearing on page 6376 in the issue of Friday, March 9, 1973, transpose the 18th line of § 505.4 (d) to appear immediately under the 10th line.

Title 40—Protection of Environment

CHAPTER I—ENVIRONMENTAL PROTECTION AGENCY

SUBCHAPTER C—AIR PROGRAMS

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

Submission of Transportation and/or Land Use Controls

On April 30, 1971, pursuant to section 109 of the Clean Air Act, as amended, the Administrator promulgated national primary and secondary ambient air quality standards for six pollutants. The Act requires that the primary standards protect the public health with an adequate margin of safety, and that the secondary standards protect the public welfare from from any known or anticipated adverse effect. Under section 110 of the Act, States are required to prepare and submit to the Administrator plans for implementing the national ambient air standards in each air quality control region in the State. The Administrator published on May 31, 1972, his initial approvals and disapprovals of State implementation plans developed and submitted under these provisions of Federal law.

Since the presence in the ambient air of three of the pollutants for which control strategies were required to be submitted by States—carbon monoxide, hydrocarbons, and photochemical oxidants—is largely attributable to motor vehicles, many States were unable to submit adequate control strategies utilizing only limitations on emissions from stationary sources. However, as the Administrator noted in the preamble to his May 31 approval/disapproval of implementation plans, neither the States nor EPA had any practical experience that would permit the development of meaningful transportation control schemes and predict their impact on air quality. States were advised that adoption of transportation control schemes could be deferred beyond the statutory deadline for submittal of implementation plans but the State plans would have to define the degree of emission reduction to be achieved through transportation control measures and identify the measures being considered. States were required to submit adopted transportation control strategies no later than February 15, 1973.

In addition, many States requested 2-year extensions pursuant to section 110(e) of the Act for the attainment of the primary standards for these pollutants based on the unavailability of transportation control measures. It was the Administrator's determination that transportation control measures would not be available soon enough to permit attainment of the primary standards within the 3-year time period prescribed by the Act. Therefore, 2-year extensions were granted at the request of the States where the State determined that transportation control measures would be necessary. In some cases, this meant that States were required to submit on February 15, 1973, transportation and/or land-use control measures that would achieve the standards by 1977. In other cases, the 2-year extension meant that certain States would not have to submit transportation control measures because the effects of the Federal Motor Vehicle Control Program would be adequate to achieve the standards by 1977 without the application of any other transportation and/or land-use measures.

On January 31, 1973, the U.S. Court of Appeals for the District of Columbia Circuit decided the case of "Natural Resources Defense Council, et al. v. Environmental Protection Agency" (Civil Action No. 72-1522) and seven other related cases. It issued an order which held that the Clean Air Act does not permit the delay in States' submission of transportation control portions of implementation plans until February 15, 1973, or permit the granting of extensions to mid-1977 for attainment of the national primary air standards where plans had not yet been submitted. The order required the Administrator to formally rescind through notice to the States and publication in the FEDERAL REGISTER the extension of time granted to submit transportation and/or land use control

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portions of implementation plans. It also required the Administrator to formally rescind in the same manner the extension granted to several States to delay implementation of their plans or portions thereof until May 31, 1977. The court ordered the Administrator to inform the States concerned that "all States that have not yet submitted an implementation plan fully complying with the requirements of the Clean Air Act of 1970 must submit such a plan by April 15, 1973. That plan must satisfy each and every requirement of section 110(a)(2)(A)–(H) if it is to be approved by the Administrator. In particular, it must provide for the attainment of the primary standards as expeditiously as practicable but in no case later than May 31, 1975. * * *"

In accordance with this order, 22 States were notified by telegram on February 5, 1973, that any extensions granted because of the unavailability of transportation and/or land use controls were canceled and that plans for the attainment and maintenance of the standards for these three pollutants would be required by April 15, 1973. This FEDERAL REGISTER notice is to complete the requirements of that court order by specifically amending the provisions of this part with regard to each of the States concerned.

These amendments provide that every State which was granted an extension to achieve those primary standards and/or permitted to defer submittal of the transportation and/or land use control strategies until February 15, 1973, will now all be required to submit no later than April 15, 1973, transportation and/or land use controls which will show achievement of the standards by 1975. In addition to those States which were required to submit transportation and/or land use control strategies on February 15, a number of other States which had regions that would not achieve the standard by 1975 but were not required to submit transportation control strategies in order to permit the Federal motor vehicle control program to achieve the standards by 1977 will now also be required to submit transportation control strategies on April 15. States must adopt strategies which provide for attainment and maintenance of these standards by May 31, 1975. At the time of submission of these plans on April 15, the Governors of the States may request an extension of time of up to 2 years for compliance with the provisions of these plans by certain sources. The Administrator will grant such extensions only if the specific requirements of section 110(e) are satisfied by the State plan.

The action taken herein to require submittal of transportation and/or land use control strategies is not intended to and should not be construed as affecting the validity of prior approvals or promulgations of other portions of State plans by the Administrator. These other provisions of approved or promulgated plans remain in effect and are enforceable by the State and/or Federal Government in accordance with the provisions of the Clean Air Act.

Nor do these provisions prevent a State from adopting and submitting a control strategy utilizing controls on stationary sources in connection with transportation and/or land use controls or relying solely on stationary source controls if such a control strategy is adequate to attain and maintain the standards.

The amendments set forth below are effective from the date of publication in the FEDERAL REGISTER since the amendments are made pursuant to a court order which requires the Agency to formally rescind prior actions and require States to submit portions of implementation plans by April 15, 1973.

(42 U.S.C. 1857c-5)

Dated: March 13, 1973.

WILLIAM D. RUCKELSHAUS,
Administrator,
Environmental Protection Agency.

Part 52 of Chapter I, Title 40, of the Code of Federal Regulations is amended as follows:

Subpart B—Alabama

§ 52.52 [Revoked]

1. Section 52.52 is revoked.

§ 52.54 [Amended]

2. In § 52.54, the attainment date table is revised by replacing the letter "b", which designates the date for attainment of the national standards for carbon monoxide in the Metropolitan Birmingham Intrastate Region and the national standard for photochemical oxidants (hydrocarbons) in the Metropolitan Birmingham Intrastate and Mobile (Alabama)-Pensacola-Panama City (Florida)-Southern Mississippi Interstate Regions, with the date "May 31, 1975, e", and by adding a new footnote "e" as follows:

e. Transportation and/or land use control strategy to be submitted no later than April 15, 1973.

3. Subpart B is amended by adding § 52.55 as follows:

§ 52.55 Transportation and land use controls.

(a) To complete the requirements of §§ 51.11(b) and 51.14 of this chapter, the Governor of Alabama must submit to the Administrator:

(1) No later than April 15, 1973, transportation and/or land use control strategies and a demonstration that said strategies, along with Alabama's presently adopted stationary source emission limitations for hydrocarbons and carbon monoxide and the Federal Motor Vehicle Control Program, will attain and maintain the national standards for carbon monoxide and photochemical oxidants (hydrocarbons) in the Metropolitan Birmingham Intrastate Region and the national standard for photochemical oxidants (hydrocarbons) in the Mobile-Pensacola-Panama City-Southern Mississippi Interstate Region by May 31, 1975. By such date (April 15, 1973), the State also must submit a detailed timetable for implementing the legislative authority, regulations, and administrative policies required for carrying out the transportation and/or land use control strategies by May 31, 1975.

(2) No later than July 30, 1973, the legislative authority that is needed for carrying out such control strategies.

(3) No later than December 30, 1973, the necessary adopted regulations and administrative policies needed to implement such control strategies.

Subpart C—Alaska

§ 52.81 [Amended]

4. In § 52.81, the attainment date table is revised by replacing the "July 1975, e" date for attainment of the national standards for carbon monoxide in the Northern Alaska Intrastate Region with the date "May 31, 1975, e", and by revising footnote "e" to read as follows:

e. Transportation and/or land use control strategy to be submitted no later than April 15, 1973.

5. Section 52.83 is revised to read as follows:

§ 52.83 Transportation and land use controls.

(a) To complete the requirements of §§ 51.11(b) and 51.14 of this chapter, the Governor of Alaska must submit to the Administrator:

(1) No later than April 15, 1973, a transportation and/or land use control strategy and a demonstration that said strategy, along with the Federal Motor Vehicle Control Program, will attain and maintain the national standards for carbon monoxide in the Northern Alaska Intrastate Region by May 31, 1975. By such date (April 15, 1973), the State also must submit a detailed timetable for implementing the legislative authority, regulations, and administrative policies required for carrying out the transportation and/or land use control strategy by May 31, 1975, and a description of the specific responsibilities delegated to the local agencies.

(2) No later than July 30, 1973, the legislative authority that is needed for carrying out such control strategy.

(3) No later than December 30, 1973, the necessary adopted regulations and administrative policies needed to implement such control strategy.

Subpart D—Arizona

6. In § 52.122, paragraph (a) is revised to read as follows:

§ 52.122 Extensions.

(a) The Administrator hereby extends for 2 years the attainment date for the national primary standards for sulfur oxides in the Phoenix-Tucson Intrastate Region and in the Arizona portions of the Arizona-New Mexico Southern Border and Four Corners Interstate Regions.

§ 52.131 [Amended]

7. In § 52.131, the attainment date table is revised by replacing the dates "July 1977, d" and "July 1975, d" for attainment of the national standards for carbon monoxide and photochemical oxidants (hydrocarbons) in the Phoenix-Tucson Intrastate Region with the date "May 31, 1975, d", and by revising footnotes "d" and "e" as follows:

d. Transportation and/or land use control strategy to be submitted no later than April 15, 1973.

e. Transportation and/or land use control strategy will be proposed by the Administrator.

8. Section 52.132 is revised to read as follows:

§ 52.132 Transportation and land use controls.

(a) To complete the requirements of §§ 51.11(b) and 51.14 of this chapter, the Governor of Arizona must submit to the Administrator:

(1) No later than April 15, 1973, transportation and/or land use control strategies and a demonstration that said strategies, along with Arizona's presently adopted stationary source emission limitations for carbon monoxide and hydrocarbons and the Federal Motor Vehicle Control Program, will attain and maintain the national standards for carbon monoxide and photochemical oxidants (hydrocarbons) in the Phoenix-Tucson Intrastate Region by May 31, 1975. By such date (April 15, 1973), the State also must submit a detailed timetable for implementing the legislative authority, regulations, and administrative policies required for carrying out the transportation and/or land use control strategies by May 31, 1975.

(2) No later than July 30, 1973, the legislative authority that is needed for carrying out such strategies.

(3) No later than December 30, 1973, the necessary adopted regulations and administrative policies needed to implement such strategies.

Subpart F—California

§ 52.222 [Amended]

9. In § 52.222, paragraph (b) is revoked.

10. In § 52.238, the table is revised to read as follows:

Air quality control region	Pollutant						
	Particulate matter		Sulfur oxides		Nitrogen dioxide	Carbon monoxide	Photochemical oxidants (hydrocarbons)
	Primary	Secondary	Primary	Secondary			
North Coast • Intrastate	(•)	(•)	(•)	(•)	(•)	(•)	(•)
San Francisco Bay Intrastate	(d)	(•)	(•)	(•)	*May 31, 1975 f*	*May 31, 1975 f*	*May 31, 1975 f*
North Central Coast Intrastate	(d)	(•)	(•)	(•)	(•)	(•)	(•)
South Central Coast Intrastate	(d)	(•)	(•)	(•)	(•)	(•)	(•)
Metropolitan Los Angeles Intrastate	*July 1975 f*	(•)	(d)	(•)	(•)	*May 31, 1975 f*	*May 31, 1975 f •*
San Diego Intrastate	(•)	(•)	(•)	(•)	(•)	*May 31, 1975 f*	*May 31, 1975 f*
Northeast Plateau Intrastate	(•)	(•)	(•)	(•)	(•)	(•)	(•)
Sacramento Valley Intrastate	(d)	(•)	(•)	(•)	(•)	*May 31, 1975 f*	*May 31, 1975 f*
San Joaquin Valley Intrastate	*July 1975 •*	*July 1975 •*	(•)	(•)	(•)	*May 31, 1975 f*	*May 31, 1975 f*
Great Basin Valley Intrastate	(•)	(•)	(•)	(•)	(•)	(•)	(•)
Southeast Desert Intrastate	(•)	(•)	(•)	(•)	(•)	(•)	*May 31, 1975 f*

NOTE: Dates or references which are italicized are prescribed by the Administrator because the plan did not provide a specific date or the date provided was not acceptable.
• 3 years from plan approval.
• 5 years from plan approval.
• 18-month extension granted.
d Air quality levels presently below primary standards.
• Air quality levels presently below secondary standards.
f Transportation and/or land-use control strategies to be submitted no later than Apr. 15, 1973.
• Transportation and/or land-use control strategies will be proposed by the Administrator.

11. Section 52.239 is revised to read as follows:

§ 52.239 Transportation and land use controls.

(a) To complete the requirements of §§ 51.11(b) and 51.14 of this chapter, the Governor of California must submit to the Administrator:

(1) No later than April 15, 1973, transportation and/or land use control strategies and a demonstration that said strategies, along with California's presently adopted stationary source emission limitations for carbon monoxide and hydrocarbons and the Federal Motor Vehicle Control Program, will attain and maintain the national standards for carbon monoxide and photochemical oxidants (hydrocarbons) in the San Francisco Bay Area, Metropolitan Los Angeles, San Diego, Sacramento Valley, and San Joaquin Valley Intrastate Regions, the national standard for photochemical oxidants (hydrocarbons) in the Southeast Desert Intrastate Region, and the national standards for nitrogen dioxide in the San Francisco Bay Area Intrastate Region by May 31, 1975. By such date (April 15, 1973), the State also must submit a detailed timetable for implementing the legislative authority, regulations, and administrative policies required for carrying out the transportation and/or land use control strategies by May 31, 1975.

(2) No later than July 30, 1973, the legislative authority that is needed for carrying out such strategies.

(3) No later than December 30, 1973, the necessary adopted regulations and administrative policies needed to implement such strategies.

Subpart G—Colorado

§ 52.322 [Amended]

12. In § 52.322, paragraph (b) is revoked.

§ 52.325 [Amended]

13. In § 52.325, the attainment date table is revised by replacing the date "July 1977, e" for attainment of the national standards for carbon monoxide and photochemical oxidants (hydrocarbons) in the Metropolitan Denver Intrastate Region with the date "May 31, 1975, e", and by revising footnote "e" as follows:

e. Transportation and/or land use control strategy to be submitted no later than April 15, 1973.

14. Section 52.326 is revised to read as follows:

§ 52.326 Transportation and land use controls.

(a) To complete the requirements of §§ 51.11(b) and 51.14 of this chapter, the Governor of Colorado must submit to the Administrator:

(1) No later than April 15, 1973, transportation and land use control strategies and a demonstration that said control strategies, along with the Federal Motor Vehicle Control Program, will attain and maintain the national standards for carbon monoxide and photochemical oxidants (hydrocarbons) in the Metropolitan Denver Intrastate Region by May 31, 1975. By such date (April 15, 1973), the State also must submit a detailed timetable for implementing the legislative authority, regulations, and administrative policies required for carrying out the transportation and/or land use control strategies by May 31, 1975.

(2) No later than July 30, 1973, the legislative authority necessary for carrying out such control strategies.

(3) No later than December 30, 1973, the adopted regulations and administrative policies necessary for carrying out such control strategies.

Subpart J—District of Columbia

15. In § 52.481, the table is revised to read as follows:

§ 52.481 Attainment dates for national standards.

• • • • • •

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Air quality control region	Pollutant						
	Particulate matter		Sulfur oxides		Nitrogen dioxide	Carbon monoxide	Photochemical oxidants (hydrocarbons)
	Primary	Secondary	Primary	Secondary			
National Capital Interstate.....	(*)	(*)	(*)	(*)	July 1975..	May 31, 1975 [b]	May 31, 1975 [b]

NOTE: Dates or references which are italicized are prescribed by the Administrator because the plan did not provide a specific date or the date provided was not acceptable.

* 3 years from plan approval or promulgation.
[b] Transportation and/or land-use control strategy to be submitted no later than Apr. 15, 1973.

16. In § 52.482, paragraph (a) is revised to read as follows:

§ 52.482 Transportation and land use controls.

* * * * *

(a) No later than April 15, 1973, transportation and/or land use control strategies and a demonstration that said strategies, along with the District of Columbia's presently adopted stationary source emission limitations for hydrocarbons and carbon monoxide and the Federal Motor Vehicle Control Program, will attain and maintain the national standards for carbon monoxide and photochemical oxidants (hydrocarbons) in the District of Columbia portion of the National Capital Interstate Region by May 31, 1975. By such date (April 15, 1973), the District of Columbia also must submit a detailed timetable for implementing the legislative authority, regulations, and administrative policies required for carrying out the transportation and/or land use control strategies by May 31, 1975.

Subpart O—Illinois

§ 52.727 [Amended]

17. In § 52.727, the attainment date table is revised by replacing the date "July 1975, c" for attainment of the national standards for carbon monoxide in the Metropolitan Chicago Interstate Region with the date "May 31, 1975, c", and by revising footnote "c" to read as follows:

c. Transportation and/or land use control strategy to be submitted no later than April 15, 1973.

18. Section 52.728 is revised to read as follows:

§ 52.728 Transportation and land use controls.

(a) To complete the requirements of §§ 51.11(b) and 51.14 of this chapter, the Governor of Illinois must submit to the Administrator:

(1) No later than April 15, 1973, a transportation and/or land use control strategy and a demonstration that said strategy, along with Illinois' presently adopted stationary source emission limitations for carbon monoxide and the Federal Motor Vehicle Control Program, will attain and maintain the national standards for carbon monoxide in the Illinois portion of the Metropolitan Chicago Interstate Region by May 31, 1975. By such date (April 15, 1973), the State also must submit a detailed timetable for implementing the legislative authority, regulations, and administrative policies required for carrying out the transportation and/or land use control strategy by May 31, 1975.

(2) No later than July 30, 1973, the legislative authority that is needed for carrying out such strategy.

(3) No later than December 30, 1973, the necessary adopted regulations and administrative policies needed to implement such strategy.

Subpart P—Indiana

§ 52.772 [Amended]

19. In § 52.772, paragraph (b) is revoked.

§ 52.783 [Amended]

20. In § 52.783, the attainment date table is revised by replacing the letter "b", which designates the attainment date for the national standards for carbon monoxide and photochemical oxidants (hydrocarbons) in the Metropolitan Indianapolis Intrastate Region, with the date "May 31, 1975, g", and by adding footnote "g" as follows:

g. Transportation and/or land use control strategy to be submitted no later than April 15, 1973.

21. Subpart P is amended by adding § 52.784 as follows:

§ 52.784 Transportation and land use controls.

(a) To complete the requirements of §§ 51.11(b) and 51.14 of this chapter, the Governor of Indiana must submit to the Administrator:

(1) No later than April 15, 1973, transportation and/or land use control strategies and a demonstration that said strategies, along with Indiana's presently adopted stationary source emission limitations for carbon monoxide and hydrocarbons and the Federal Motor Vehicle Control Program, will attain and maintain the national standards for carbon monoxide and photochemical oxidants (hydrocarbons) in the Metropolitan Indianapolis Intrastate Region by May 31, 1975. By such date (April 15, 1973), the State also must submit a detailed timetable for implementing the legislative authority, regulations, and administrative policies required for carrying out the transportation and/or land use control strategies by May 31, 1975.

(2) No later than July 30, 1973, the legislative authority that is needed for carrying out such strategy.

(3) No later than December 30, 1973, the necessary adopted regulations and administrative policies needed to implement such strategy.

Subpart R—Kansas

§ 52.872 [Revoked]

22. Section 52.872 is revoked.

§ 52.879 [Amended]

23. In § 52.879, the attainment date table is revised by replacing the letter "b", which designates the attainment date for the national standards for carbon monoxide in the Metropolitan Kansas City Interstate Region, with the date "May 31, 1975, d", and by adding footnote "d" as follows:

d. Transportation and/or land use control strategy to be submitted no later than April 15,1973.

24. Subpart R is amended by adding § 52.880 as follows:

§ 52.880 Transportation and land use controls.

(a) To complete the requirements of §§ 51.11(b) and 51.14 of this chapter, the Governor of Kansas must submit to the Administrator:

(1) No later than April 15, 1973, a transportation and/or land use control strategy and a demonstration that said strategy, along with Kansas' presently adopted stationary source emission limitations for carbon monoxide and the Federal Motor Vehicle Control Program, will attain and maintain the national standards for carbon monoxide in the Kansas portion of the Metropolitan Kansas City Interstate Region by May 31, 1975. By such date (April 15, 1973), the State also must submit a detailed timetable for implementing the legislative authority, regulations, and administrative policies required for carrying out the transportation and/or land use control strategy by May 31, 1975.

(2) No later than July 30, 1973, the legislative authority that is needed for carrying out such strategy.

(3) No later than December 30, 1973, the necessary adopted regulations and administrative policies needed to implement such strategies.

Subpart T—Louisiana

§ 52.979 [Amended]

25. In § 52.979, the attainment date table is revised by replacing the date "July 1977" for the attainment of the national standard for photochemical oxidants (hydrocarbons) in the Southern Louisiana-Southeast Texas Interstate Region with the date "May 31, 1975, c", and by adding footnote "c" as follows:

c. Transportation and/or land use control strategy to be submitted no later than April 15, 1973.

§ 52.981 [Revoked]

Section 52.981 is revoked.

26. Subpart T is amended by adding § 52.982 as follows:

§ 52.982 Transportation and land use controls.

(a) To complete the requirements of §§ 51.11(b) and 51.14 of this chapter, the Governor of Louisiana must submit to the Administrator:

(1) No later than April 15, 1973, a transportation and/or land use control strategy and a demonstration that said strategy, along with Louisiana's presently adopted stationary source emission limitation for hydrocarbons and the Federal Motor Vehicle Control Program, will attain and maintain the national standard for photochemical oxidants (hydrocarbons) in the Southern Louisiana-Southeast Texas Interstate Region by May 31, 1975. By such date (April 15, 1973), the State also must submit a detailed timetable for implementing the legislative authority, regulations, and administrative policies required for carrying out the transportation and/or land use control strategy by May 31, 1975.

(2) No later than July 30, 1973, the legislative authority that is needed for carrying out such strategy.

(3) No later than December 30, 1973, the necessary adopted regulations and administrative policies needed to implement such strategies.

Subpart V—Maryland

§ 52.1072 [Amended]

27. In § 52.1072, paragraph (b) is revoked.

§ 52.1078 [Amended]

28. In § 52.1078, the attainment date table is revised by replacing the date "July 1977, e" for attainment of the national standards for carbon monoxide in the Metropolitan Baltimore Intrastate Region and for attainment of the national standards for carbon monoxide and photochemical oxidants (hydrocarbons) in the National Capital Interstate Region with the date "May 31, 1975, e", and by revising footnote "e" to read as follows:

e. Transportation and/or land use control strategy to be submitted no later than April 15, 1973.

29. Section 52.1079 is revised to read as follows:

§ 52.1079 Transportation and land use controls.

(a) To complete the requirements of §§ 51.11(b) and 51.14 of this chapter, the Governor of Maryland must submit to the Administrator:

(1) No later than April 15, 1973, transportation and/or land use control strategies and a demonstration that said strategies, along with Maryland's presently adopted stationary source emission limitations for carbon monoxide and hydrocarbons and the Federal Motor Vehicle Control Program, will attain and maintain the national standards for carbon monoxide in the Metropolitan Baltimore Intrastate Region and in the Maryland portion of the National Capital Interstate Region and for photochemical oxidants in the Maryland portion of the National Capital Interstate Region by May 31, 1975. By such date (April 15, 1973), the State also must submit a detailed timetable for implementing the legislative authority, regulations, and administrative policies required for carrying out the transportation and/or land use control strategies by May 31, 1975.

(2) No later than July 30, 1973, the legislative authority that is needed for carrying out such strategies.

(3) No later than December 30, 1973, the necessary adopted regulations and administrative policies needed to implement such strategies.

Subpart W—Massachusetts

§ 52.1122 [Amended]

30. In § 52.1122, paragraph (b) is revoked.

§ 52.1127 [Amended]

31. In § 52.1127, the attainment date table is revised by replacing the date "July 1977, f" for attainment of the national standards for carbon monoxide and photochemical oxidants (hydrocarbons) in the Metropolitan Boston Intrastate Region and the letter "b", which designates the date for attainment of the national standards for carbon monoxide in the Hartford-New Haven-Springfield Interstate Region, with the date "May 31, 1975, f", and by revising footnote "f" to read as follows:

f. Transportation and/or land use control strategy to be submitted no later than April 15, 1973.

32. Section 52.1128 is revised to read as follows:

§ 52.1128 Transportation and land use controls.

(a) To complete the requirements of §§ 51.11(b) and 51.14 of this chapter, the Governor of Massachusetts must submit to the Administrator:

(1) No later than April 15, 1973, transportation and/or land use control strategies and a demonstration that said strategies, along with Massachusetts' presently adopted stationary source emission limitations for hydrocarbons and the Federal Motor Vehicle Control Program, will attain and maintain the national standards for photochemical oxidants and carbon monoxide in the Metropolitan Boston Intrastate Region and the national standards for carbon monoxide in the Hartford-New Haven-Springfield Interstate Region by May 31, 1975. By such date (April 15, 1973), the State also must submit a detailed timetable for implementing the legislative authority, regulations, and administrative policies required for carrying out the transportation and/or land use control strategies by May 31, 1975.

(2) No later than July 30, 1973, the legislative authority that is needed for carrying out such strategies.

(3) No later than December 30, 1973, the necessary adopted regulations and administrative policies needed to implement such strategies.

Subpart Y—Minnesota

§ 52.1222 [Revoked]

33. Section 52.1222 is revoked.

§ 52.1226 [Amended]

34. In § 52.1226, the attainment date table is revised by replacing the date "July 1977, e" for attainment of the national standards for carbon monoxide in the Minneapolis-St. Paul Intrastate Region with the date "May 31, 1975, e", and by revising footnote "e" to read as follows:

e. Transportation and/or land use control strategy to be submitted no later than April 15, 1973.

35. Section 52.1227 is revised to read as follows:

§ 52.1227 Transportation and land use controls.

(a) To complete the requirements of §§ 51.11(b) and 51.14 of this chapter, the Governor of Minnesota must submit to the Administrator:

(1) No later than April 15, 1973, a transportation and/or land use control strategy and a demonstration that said strategy, along with the Federal Motor Vehicle Control Program, will attain and maintain the national standards for carbon monoxide in the Minneapolis-St. Paul Intrastate Region by May 31, 1975. By such date (April 15, 1973), the State also must submit a detailed timetable for implementing the legislative authority, regulations, and administrative policies required for carrying out the transportation and/or land use control strategy by May 31, 1975.

(2) No later than July 30, 1973, the legislative authority that is needed for carrying out such strategy.

(3) No later than December 30, 1973, the necessary adopted regulations and administrative policies needed to implement such strategy.

Subpart AA—Missouri

§ 52.1322 [Revoked]

36. Section 52.1322 is revoked.

§ 52.1332 [Amended]

37. In § 52.1332, the attainment date table is revised by replacing the letter "b", which designates the date for attainment of the national standards for carbon monoxide in the Metropolitan Kansas City Interstate Region, with the date "May 31, 1975, b", and by revising footnote "b" to read as follows:

b. Transportation and/or land use control strategy to be submitted no later than April 15, 1973.

38. Subpart AA is amended by adding § 52.1333 as follows:

§ 52.1333 Transportation and land use controls.

(a) To complete the requirements of §§ 51.11(b) and 51.14 of this chapter, the Governor of Missouri must submit to the Administrator:

(1) No later than April 15, 1973, a transportation and/or land use control

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strategy and a demonstration that said strategy, along with the Federal Motor Vehicle Control Program, will attain and maintain the national standards for carbon monoxide in the Metropolitan Kansas City Interstate Region by May 31, 1975. By such date (April 15, 1973), the State also must submit a detailed timetable for implementing the legislative authority, regulations, and administrative policies required for carrying out the transportation and/or land use control strategy by May 31, 1975.

(2) No later than July 30, 1973, the legislative authority that is needed for carrying out such strategy.

(3) No later than December 30, 1973, the necessary adopted regulations and administrative policies needed to implement such strategy.

Subpart FF—New Jersey

§ 52.1572 [Amended]

39. In § 52.1572, paragraph (b) is revoked.

§ 52.1580 [Amended]

40. In § 52.1580, the attainment date table is revised by replacing the letter "b", which designates the date for attainment of the national standards for carbon monoxide and photochemical oxidants (hydrocarbons) in the New Jersey-New York-Connecticut and Metropolitan Philadelphia Interstate Regions, with the date "May 31, 1975, e", and by adding footnote "e" as follows:

e. Transportation and/or land use control strategy to be submitted no later than April 15, 1973.

41. Subpart FF is amended by adding § 52.1581 as follows:

§ 52.1581 Transportation and land use controls.

(a) To complete the requirements of §§ 51.11(b) and 51.14 of this chapter, the Governor of New Jersey must submit to the Administrator:

(1) No later than April 15, 1973, transportation and/or land use control strategies and a demonstration that said strategies, along with New Jersey's presently adopted stationary source emission limitations for carbon monoxide and the Federal Motor Vehicle Control Program, will attain and maintain the national standards for carbon monoxide and photochemical oxidants (hydrocarbons) in the New Jersey-New York-Connecticut and Metropolitan Philadelphia Interstate Regions by May 31, 1975. By such date (April 15, 1973), the State also must submit a detailed timetable for implementing the legislative authority, regulations, and administrative policies required for carrying out the transportation and/or land use control strategies by May 31, 1975.

(2) No later than July 30, 1973, the legislative authority that is needed for carrying out such strategies.

(3) No later than December 30, 1973, the necessary adopted regulations and administrative policies needed to implement such strategies.

Subpart HH—New York

§ 52.1672 [Amended]

42. In § 52.1672, paragraphs (b)(3) and (b)(4) are revoked.

43. In § 52.1682, the table is revised to read as follows:

§ 52.1682 Attainment dates for national standards.

* * * * *

Air quality control region	Pollutant						
	Particulate matter		Sulfur oxides		Nitrogen dioxide	Carbon monoxide	Photochemical oxidants (hydrocarbons)
	Primary	Secondary	Primary	Secondary			
Niagara Frontier Intrastate	July 1977	(a)	July 1977	(a)	*July 1975*	(a)	(a)
Champlain Valley Interstate	(a)	(a)	(a)	(a)	(a)	(a)	(a)
Central New York Intrastate	*July 1975*	(a)	(a)	(a)	(a)	May 31, 1975 [f]	(a)
Genesee-Finger Lakes Intrastate	(a)	(a)	(a)	*July 1975*	*July 1975*	(a)	May 31, 1975 [f]
Hudson Valley Intrastate	(a)	(a)	*July 1975*	*July 1975*	(a)	(a)	(a)
Southern Tier East Intrastate	(a)	(a)	(a)	(a)	(a)	(a)	(a)
Southern Tier West Intrastate	(a)	(a)	(a)	*July 1975*	(a)	(a)	(a)
New Jersey-New York-Connecticut Interstate	July 1977	(a)	(a)	(a)	*July 1975*	May 31, 1975 [f]	May 31, 1975 [f]

NOTE: Dates or references which are italicized are proposed by the Administrator because the plan did not provide a specific date or the date provided was not acceptable.

[a] 3 years from plan approval.
[b] 5 years from plan approval.
[c] 18-month extension granted.
[d] Air quality levels presently below primary standards.
[e] Air quality levels presently below secondary standards.
[f] Transportation and/or land-use control strategy to be submitted no later than Apr. 15, 1973.

44. Section 52.1683 is revised to read as follows:

§ 52.1683 Transportation and land use controls.

(a) To complete the requirements of §§ 51.11(b) and 51.14 of this chapter, the Governor of New York must submit to the Administrator:

(1) No later than April 15, 1973, transportation and/or land use control strategies and a demonstration that said strategies, along with New York's presently adopted stationary source emission limitations for hydrocarbons and the Federal Motor Vehicle Control Program, will attain and maintain the national standards for carbon monoxide and photochemical oxidants (hydrocarbons) in the New York portion of the New Jersey-New York-Connecticut Interstate Region, the national standard for photochemical oxidants (hydrocarbons) in the Genesee-Finger Lakes Intrastate Region, and the national standards for carbon monoxide in the Central New York Interstate Region by May 31, 1975. By such date (April 15, 1973), the State also must submit a detailed timetable for implementing the legislative authority, regulations, and administrative policies required for carrying out the transportation and/or land-use control strategies by May 31, 1975.

(2) No later than July 30, 1973, the legislative authority that is needed for carrying out such strategies.

(3) No later than December 30, 1973, the necessary adopted regulations and administrative policies needed to implement such strategies.

Subpart KK—Ohio

§ 52.1872 [Amended]

45. In § 52.1872, paragraph (b) is revoked.

§ 52.1875 [Amended]

46. In § 52.1875, the attainment date table is revised by replacing the letter "b", which designates the date for attainment of the national standards for photochemical oxidants (hydrocarbons) in the Metropolitan Cincinnati and Metropolitan Toledo Interstate Regions, and the date "July 1977, f" for attainment of the national standard for photochemical oxidants (hydrocarbons) in the Metropolitan Dayton Intrastate Region with the date "May 31, 1975, f", and by revising footnote "f" as follows:

f. Transportation and/or land use control strategy to be submitted no later than April 15, 1973.

47. Section 52.1876 is revised to read as follows:

§ 52.1876 Transportation and land use controls.

(a) To complete the requirements of §§ 51.11(b) and 51.14 of this chapter, the Governor of Ohio must submit to the Administrator:

(1) No later than April 15, 1973, transportation and/or land use control strategies and a demonstration that said strategies, along with Ohio's presently adopted stationary source emission limitations for hydrocarbons and the Federal Motor Vehicle Control Program, will attain and maintain the national standard for photochemical oxidants (hydrocarbons) in the Metropolitan Cincinnati Interstate, Metropolitan Dayton Intrastate, and Metropolitan Toledo Interstate Regions by May 31, 1975. By such date (April 15, 1973), the State also must submit a detailed timetable for implementing the legislative authority, regulations, and administrative polices required for carrying out the transportation and/or land use control strategies by May 31, 1975.

(2) No later than July 30, 1973, the legislative authority that is needed for carrying out such strategies.

(3) No later than December 30, 1973, the necessary adopted regulations and administrative policies needed to implement such strategies.

Subpart MM—Oregon

48. In § 52.1973, footnote "c" to the table is revised to read as follows:

§ 52.1973 Attainment dates for national standards.

* * * * *

c. Transportation and/or land use control strategy to be submitted no later than April 15, 1973.

49. Section 52.1974 is revised to read as follows:

§ 52.1974 Transportation and land use controls.

(a) To complete the requirements of §§ 51.11(b) and 51.14 of this chapter, the Governor of Oregon must submit to the Administrator:

(1) No later than April 15, 1973, transportation and/or land use control strategies and a demonstration that said strategies, along with Oregon's presently adopted stationary source emission limitations for hydrocarbons and the Federal Motor Vehicle Control Program, will attain and maintain the national standards for carbon monoxide and photochemical oxidants (hydrocarbons) in the Oregon portion of the Portland Interstate Region by May 31, 1975. By such date (April 15, 1973), the State also must submit a detailed timetable for implementing the legislative authority, regulations and administrative policies required for carrying out the transportation and/or land use control strategies by May 31, 1975.

(2) No later than July 30, 1973, the legislative authority that is needed for carrying out such strategies.

(3) No later than December 30, 1973, the necessary adopted regulations and administrative policies needed to implement such strategies.

Subpart NN—Pennsylvania

§ 52.2022 [Amended]

50. In § 52.2022, paragraph (b) is revoked.

§ 52.2034 [Amended]

51. In § 52.2034, the attainment date table is revised by replacing the letter "b", which designates the date for attainment of the national standard for photochemical oxidants (hydrocarbons) in the Southwest Pennsylvania Intrastate Region, and the date "July 1977, f" for the attainment of the national standards for carbon monoxide in the Metropolitan Philadelphia Interstate and Southwest Pennsylvania Intrastate Regions with the date "May 31, 1975, f", and by revising footnote "f" as follows:

f. Transportation and/or land use control strategy to be submitted no later than April 15, 1973.

52. Section 52.2035 is revised to read as follows:

§ 52.2035 Transportation and land use controls.

(a) To complete the requirements of §§ 51.11(b) and 51.14 of this chapter, the Governor of Pennsylvania must submit to the Administrator:

(1) No later than April 15, 1973, transportation and/or land use control strategies and a demonstration that said strategies, along with Pennsylvania's presently adopted stationary source emission limitations for hydrocarbons and the Federal Motor Vehicle Control Program, will attain and maintain the national standards for carbon monoxide in the Southwest Pennsylvania Intrastate Region and Pennsylvania's portion of the Metropolitan Philadelphia Interstate Region, and the national standard for photochemical oxidants (hydrocarbons) in the Southwest Pennsylvania Intrastate Region by May 31, 1975. By such date (April 15, 1973), the State also must submit a detailed timetable for implementing the legislative authority, regulations, and administrative policies required for carrying out the transportation and/or land use control strategies by May 31, 1975.

(2) No later than July 30, 1973, the legislative authority that is needed for carrying out such strategies.

(3) No later than December 30, 1973, the necessary adopted regulations and administrative policies needed to implement such strategies.

Subpart SS—Texas

§ 52.2272 [Revoked]

53. Section 52.2272 is revoked.

§ 52.2279 [Amended]

54. In § 52.2279, the attainment date table is revised by replacing the date "July 1975, c" for attainment of the national standard for photochemical oxidants (hydrocarbons) in the Austin-Waco, Metropolitan Dallas-Fort Worth, and Metropolitan San Antonio Intrastate Regions and the El Paso-Las Cruces-Alamogordo Interstate Region and the date "July 1977, c" for attainment of the national standard for photochemical oxidants (hydrocarbons) in the Corpus Christi-Victoria and Metropolitan Houston-Galveston Intrastate Regions with the date "May 31, 1975, c" and by revising footnote "c" as follows:

c. Transportation and/or land use control strategies to be submitted no later than April 15, 1973.

55. Section 52.2280 is revised to read as follows:

§ 52.2280 Transportation and land use controls.

(a) To complete the requirement of §§ 51.11(b) and 51.14 of this chapter, the Governor of Texas must submit to the Administrator:

(1) No later than April 15, 1973, transportation and/or land use control strategies and a demonstration that said strategies, along with Texas' presently adopted stationary source emission limitations for hydrocarbons and the Federal Motor Vehicle Control Program, will attain and maintain the national standard for photochemical oxidants (hydrocarbons) in the El Paso-Las Cruces-Alamogordo Interstate and Austin-Waco, Corpus Christi-Victoria, Metropolitan Houston-Galveston, Metropolitan Dallas-Fort Worth, and Metropolitan San Antonio Intrastate Regions by May 31, 1975. By such date (April 15, 1973), the State also must submit a detailed timetable for implementing the legislative authority, regulations, and administrative policies required for carrying out the transportation and/or land use control strategies by May 31, 1975.

(2) No later than July 30, 1973, the legislative authority that is needed for carrying out such strategies.

(3) No later than December 30, 1973, the necessary adopted regulations and administrative policies needed to implement such strategy.

Subpart TT—Utah

§ 52.2322 [Amended]

56. In § 52.2322, paragraph (a) is revoked.

§ 52.2331 [Amended]

57. In § 52.2331, the attainment date table is revised by replacing the date "July 1977, d" for attainment of the national standard for carbon monoxide in the Wasatch Front Intrastate Region with the date "May 31, 1975, d", and by revising footnote "d" as follows:

d. Transportation and/or land use control strategy to be submitted no later than April 15, 1973.

58. Section 52.2332 is revised to read as follows:

§ 52.2332 Transportation and land use controls.

(a) To complete the requirements of §§ 51.11(b) and 51.14 of this chapter, the Governor of Utah must submit to the Administrator:

(1) No later than April 15, 1973, a transportation and/or land use control strategy and a demonstration that said strategy, along with the Federal Motor Vehicle Control Program, will attain and maintain the national standards for carbon monoxide in the Wasatch Front Intrastate Region by May 31, 1975. By such date (April 15, 1973), the State also must submit a detailed timetable for implementing the legislative authority, regulations, and administrative policies required for carrying out the transportation and/or land use control strategy by May 31, 1975.

(2) No later than July 30, 1973, the legislative authority that is needed for carrying out such strategy.

(3) No later than December 30, 1973, the necessary adopted regulations and administrative policies needed to implement such strategy.

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Subpart WW—Washington

§ 52.2472 [Revoked]

59. Section 52.2472 is revoked.

§ 52.2478 [Amended]

60. In § 52.2478, the attainment date table is revised by replacing the date "June 1977" for attainment of the national standards for carbon monoxide in the Eastern Washington-Northern Idaho Interstate and Puget Sound Intrastate Regions and for the national standard for photochemical oxidants (hydrocarbons) in the Puget Sound Intrastate Region with the date "May 31, 1975, c", and by revising footnote "c" as follows:

c. Transportation and/or land use control strategy to be submitted no later than April 15, 1973.

61. Section 52.2479 is revised to read as follows:

§ 52.2479 Transportation and land use controls.

(a) To complete the requirements of §§ 52.11(b) and 51.14 of this chapter, the Governor of Washington must submit to the Administrator:

(1) No later than April 15, 1973, transportation and/or land use control strategies and a demonstration that said strategies, along with the Federal Motor Vehicle Control Program, will attain and maintain the national standards for carbon monoxide in the Eastern Washington-Northern Idaho Interstate and Puget Sound Intrastate Regions and the national standard for photochemical oxidants (hydrocarbons) in the Puget Sound Intrastate Region by May 31, 1975. By such date (April 15, 1973), the State also must submit a detailed timetable for implementing the legislative authority, regulations, and administrative policies required for carrying out the transportation and/or land use control strategies by May 31, 1975.

(2) No later than July 30, 1973, the legislative authority that is needed for carrying out such strategies.

(3) No later than December 30, 1973, the necessary adopted regulations and administrative policies needed to implement such strategies.

[FR Doc.73-5135 Filed 3-19-73;8:45 am]

SUBCHAPTER E—PESTICIDE PROGRAMS

PART 180—TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

2-Ethylamino-4-Isopropylamino-6-Methylthio-s-Triazine

A petition (PP 3F1299) was filed by CIBA-GEIGY Corp., Ardsley, N.Y. 10502, in accordance with provisions of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 346a), proposing establishment of tolerances for negligible residues of the herbicide 2-ethylamino-4-isopropylamino-6-methylthio-s-triazine in or on the raw agricultural commodities grapefruit and oranges at 0.25 part per million.

Subsequently, the petitioner amended the petition by reducing the proposed tolerances of 0.25 part per million to 0.1 part per million (negligible residue).

Based on consideration given the data submitted in the petition and other relevant material, it is concluded that:

1. The herbicide is useful for the purposes for which the tolerances are being established.

2. There is no reasonable expectation of residues in eggs, meat, milk, or poultry, and § 180.6(a)(3) applies.

3. The tolerances established by this order will protect the public health.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(2), 68 Stat. 512; 21 U.S.C. 346a(d)(2)), the authority transferred to the Administrator of the Environmental Protection Agency (35 FR 15623), and the authority delegated by the Administrator to the Deputy Assistant Administrator for Pesticide Programs (36 FR 9038), § 180.258 is amended by adding a new paragraph "0.1 part per million * * *", as follows:

§ 180.258 2-Ethylamino-4-isopropylamino-6-methylthio-s-triazine; tolerances for residues.

* * * * *

0.1 part per million (negligible residue) in or on grapefruit and oranges.

Any person who will be adversely affected by the foregoing order may at any time on or before April 19, 1973, file with the Hearing Clerk, Environmental Protection Agency, Room 3902A, Fourth and M Streets SW., Waterside Mall, Washington, DC 20460, written objections thereto in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof.

Effective date. This order shall become effective on March 20, 1973.

(Sec. 408(d)(2), 68 Stat. 512; 21 U.S.C. 346a(d)(2))

Dated: March 9, 1973.

HENRY J. KORP,
Deputy Assistant Administrator for Pesticide Programs.

[FR Doc.73-5136 Filed 3-19-73;8:45 am]

PART 180—TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

N,N-Diallyl Dichloroacetamide

A petition (PP 2F1273) was filed by Stauffer Chemical Co., 1200 South 47th Street, Richmond, CA 94804, in accordance with provisions of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 346a), proposing establishment of an exemption from the requirement of a tolerance for residues of *N,N*-diallyl dichloroacetamide when used as an inert ingredient in pesticide formulations applied to growing crops only.

Subsequently, the petitioner amended the petition by proposing establishment of an exemption from the requirement of a tolerance for residues of *N,N*-diallyl dichloroacetamide when used as an inert ingredient in formulations of the herbicides *S*-ethyl dipropylthiocarbamate, *S*-ethyl diisobutylthiocarbamate, and *S*-propyl dipropylthiocarbamate applied to cornfields before the corn plants emerge from the soil.

Based on consideration given the data submitted in the petition and other relevant material, it is concluded that:

1. The pesticide chemical is useful for the purpose for which the exemption is being established.

2. The exemption established by this order will protect the public health.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(2), 68 Stat. 512; 21 U.S.C. 346a(d)(2)), the authority transferred to the Administrator of the Environmental Protection Agency (35 FR 15623), and the authority delegated by the Administrator to the Deputy Assistant Administrator for Pesticide Programs (36 FR 9038), Part 180 is amended by adding the following new section to Subpart D:

PART 180—TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

Dinoseb

In keeping with the practice of listing pesticide chemicals in the Code of Federal Regulations by their common name, it is concluded that the common chemical name dinoseb should be included in § 180.281 where appropriate.

Therefore, § 180.281 is amended by revising the section heading and introductory paragraph to read as follows:

§ 180.281 Dinoseb; tolerances for residues.

Tolerances are established for residues of the herbicide dinoseb (2-*sec*-butyl-4,6-dinitrophenol) from application of its alkanolamine salts (of the ethanol and isopropanol series) in or on raw agricultural commodities as follows:

* * * * *

Since this order merely provides for a minor technical change which is noncontroversial, notice, public procedure, and delayed effective date are not prerequisites to this promulgation.

Effective date. This order shall become effective on March 20, 1973.

Dated: March 9, 1973.

HENRY J. KORP,
Deputy Assistant Administrator for Pesticide Programs.

[FR Doc.73-5137 Filed 3-19-73;8:45 am]

§ 180.1026 *N,N*-Diallyl dichloroacetamide; exemption from the requirement of a tolerance.

N,N-Diallyl dichloroacetamide is exempted from the requirement of a tolerance when used as an inert ingredient in formulations of the herbicides *S*-ethyl diisobutylthiocarbamate, *S*-ethyl dipropylthiocarbamate, and *S*-propyl dipropylthiocarbamate applied to cornfields before the corn plants emerge from the soil.

Any person who will be adversely affected by the foregoing order may at any time on or before April 19, 1973, file with the Hearing Clerk, Environmental Protection Agency, Room 3902A, Fourth and M Streets SW., Waterside Mall, Washington, DC 20460, written objections thereto in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof.

Effective date. This order shall become effective on March 20, 1973.

(Sec. 408(d)(2), 68 Stat. 512; 21 U.S.C. 346a(d)(2))

Dated: March 9, 1973.

HENRY J. KORP,
Deputy Assistant Administrator for Pesticides Programs.

[FR Doc.73-5138 Filed 3-19-73;8:45 am]

Title 41—Public Contracts and Property Management

CHAPTER 5A—FEDERAL SUPPLY SERVICE PROCUREMENT ACTIVITIES

Miscellaneous Amendments

The following is to (i) provide a definition of "head of the procuring activity" in the Federal Supply Service, (ii) add a requirement that the determination to delay an award because of a protest, where stock items are involved, must be coordinated with National Inventory Control Center Branch, (iii) revise contract approval requirements in line with current delegations of authority, (iv) amend instructions on the distribution of contractual information, and (v) add a requirement for showing contractors' FTS telephone numbers in contractual documents.

PART 5A-1—GENERAL

Part 5A-1 is amended by the addition of new Subpart 5A-1.2 as follows:

Subpart 5A-1.2—Definition of Terms

Sec.
5A-1.206 Head of the procuring activity.

Subpart 5A-1.2—Definition of Terms

§ 5A-1.206 Head of the procuring activity.

"Head of the procuring activity" in the Federal Supply Service includes: (a) In the Central Office, the Assistant Commissioner for Procurement and the Director, National Buying Center Division (FPN); and (b) in the regional offices, the Regional Commissioner, FSS, and the Regional Director, Procurement Division.

PART 5A-2—PROCUREMENT BY FORMAL ADVERTISING

Subpart 5A-2.4—Opening of Bids and Award of Contract

Section 5A-2.407-8 is amended as follows:

§ 5A-2.407-8 Protests against award.

(a) Reports to the General Accounting Office (GAO) on FSS cases involving protests received through GAO are prepared by the Procurement Division, Office of General Counsel (LP), and are submitted for concurrence to the Assistant Commissioner for Procurement (FP). Before concurring, the Assistant Commissioner shall review the decision to delay or to proceed with an award, reflected in the statement to be furnished in accordance with (c), below.

(b) When preparing supporting information on protests for submission to the Procurement Division, Office of the General Counsel (LP), contracting officers shall ascertain the extent to which delay in award may result in significant supply difficulties. On pending awards for stock items, the contracting officer shall consult with the National Inventory Control Center Branch (FXIN).

(c) A statement dealing with the urgency of need, prepared by the contracting officer and signed by the Regional Commissioner, FSS, or Director, National Buying Center Division (FPN), as appropriate, shall be included with the information submitted to LP.

* * * * *

PART 5A-3—PROCUREMENT BY NEGOTIATION

Subpart 5A-3.8—Price Negotiation Policies and Techniques

Section 5A-3.870 is revised as follows:

§ 5A-3.870 Contracts requiring Central Office approval.

Requirements for Central Office approval of regional contracts are set forth in the GSA Delegations of Authority Manual, 7-67f (ADM P 5450.39). Additionally, the following type contracts shall also be submitted for Central Office approval:

(a) Contracts involving advance payment by the Government; and

(b) All cost, cost-plus-a-fixed-fee, or incentive-type contracts.

* * * * *

PART 5A-72—REGULAR PURCHASE PROGRAMS OTHER THAN FEDERAL SUPPLY SCHEDULE

Subpart 5A-72.1—Procurement of Stock Items

Section 5A-72.105-23 is amended as follows by revising paragraphs (a) (3) and (6), and paragraph (b) is reserved.

§ 5A-72.105-23 Preparation and distribution of contractual information.

(a) * * *

(3) To provide advance information, one copy of each solicitation for offers involving national or zonal indefinite-delivery-type contracts for stock items shall be forwarded to the Director, Inventory Management Division, Attention: FXIN, at the time distribution is made to prospective bidders.

* * * * *

(6) When it is apparent that award of contract will be delayed, a notification shall be furnished to FXIN at least 20 days before the contract expiration date. The notification should indicate the approximate date contract award data will be furnished and what action should be taken with respect to purchasing interim requirements. (See § 5A-72.105-29.) Subsequently, when such awards are made, the contracting activity shall, in addition to normal distribution of award information, promptly notify (by TWX, if appropriate) all ordering activities and FXIN that contract award has been made.

* * * * *

(b) [Reserved].

PART 5A-73—FEDERAL SUPPLY SCHEDULE PROGRAM

Subpart 5A-73.1—Production and Maintenance

Section 5A-73.124-8 is amended as follows:

§ 5A-73.124-8 List of contractors.

(a) Following the list of supplies or services shall be a tabulation entitled "List of Contractors," consisting generally of the following columnar subheadings, as applicable: Contract Number; Contractor's Name, Address, and Complete Telephone Number (both commercial and Federal Telecommunications System (FTS)) (if payment address is different from address to which orders are to be mailed, the former shall also be shown in this column); Discounts for Prompt Payments; Plant Location (for inspection at origin); Region Responsible for Inspection (by number designation, except that when origin inspection does not apply insert "N/A" (not applicable)); and other entries as required.

* * * * *

(Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c); 41 CFR 5-1.101(c))

Effective date. These regulations are effective on the date shown below.

Dated: March 6, 1973.

M. S. MEEKER,
Commissioner, Federal Supply Service.

[FR Doc.73-5259 Filed 3-19-73;8:45 am]

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Title 49—Transportation

CHAPTER X—INTERSTATE COMMERCE COMMISSION

SUBCHAPTER A—GENERAL RULES AND REGULATIONS

[S.O. 1112; Amdt. 3]

PART 1033—CAR SERVICE

Railroad Operating Regulations for Freight Car Movement

At a session of the Interstate Commerce Commission, Railroad Service Board, held in Washington, D.C., on the 13th day of March 1973.

Upon further consideration of Service Order No. 1112 (37 FR 21153, 23728, and 23840), and good cause appearing therefor:

It is ordered, That:

§ 1033.1112 *Service Order No. 1112 (Railroad operating regulations for freight car movement)* be, and it is hereby, amended by substituting the following paragraph (d) for paragraph (d) thereof:

(d) *Expiration date.* The provisions of this order shall expire at 11:59 p.m., October 31, 1973, unless otherwise modified, changed, or suspended by order of this Commission.

Effective date. This amendment shall become effective at 11:59 p.m., March 31, 1973.

(Secs. 1, 12, 15, and 17(2), 24 Stat. 379, 383, 384, as amended; 49 U.S.C. 1, 12, 15, and 17(2). Interprets or applies secs. 1(10–17), 15(4), and 17(2), 40 Stat. 101, as amended, 54 Stat. 911; 49 U.S.C. 1(10–17), 15(4), and 17(2).)

It is further ordered, That a copy of this amendment shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and car hire agreement under the terms of that agreement, and upon the American Short Line Railroad Association; and that notice of this amendment be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and by filing it with the Director, Office of the Federal Register.

By the Commission, Railroad Service Board.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.73-5308 Filed 3-19-73;8:45 am]

[2d Rev. S.O. 1117]

PART 1033—CAR SERVICE

Substitution of Hopper Cars for Covered Hopper Cars or Boxcars

At a session of the Interstate Commerce Commission, Railroad Service Board, held in Washington, D.C., on the 13th day of March 1973.

It appearing,[1] that an acute shortage of covered hopper cars and boxcars for transporting shipments of grain, grain screening, soybeans, or grain products exists in certain sections of the country; that some carriers have adequate supplies of open hopper cars; that use of these cars for transporting grain, grain screenings, soybeans, or grain products is precluded by certain tariff provisions requiring the use of covered hopper cars or boxcars, thus curtailing shipments of grain, grain screenings, soybeans, or grain products and creating great economic loss; that present regulations and practices with respect to the use, supply, control, movement, and distribution of covered hopper cars and boxcars are ineffective. It is the opinion of the Commission that an emergency exists requiring immediate action to promote car service in the interest of the public and the commerce of the people. Accordingly, the Commission finds that notice and public procedure are impracticable and contrary to the public interest, and that good cause exists for making this order effective upon less than 30 days' notice.

It is ordered, That:

§ 1033.1117 Second Revised Service Order No. 1117.

(a) *Substitution of hopper cars for covered hopper cars or boxcars.* Each common carrier by railroad subject to the Interstate Commerce Act shall observe, enforce, and obey the following rules, regulations, and practices with respect to its car service:

(1) Substitution of cars: Subject to the concurrence of the shipper, the carrier may substitute open hopper cars for shipments of grain, grain screenings, soybeans, or grain products, whether from the point of origin or from an intermediate in-transit point, regardless of tariff provisions requiring the use of covered hoppers or boxcars.

(2) Minimum weights: [1] The minimum weights per shipment of grain, grain screenings, soybeans, or grain products transported in open hopper cars substituted for covered hopper cars or boxcars shall be the minimum weights specified in the tariffs for shipments made in covered hopper cars or boxcars regardless of the number of open hopper cars required to be used to secure the minimum weight.

(3)[1] In shipping grain, grain screenings, soybeans, or grain products in open hopper cars in lieu of covered hopper cars or boxcars as provided herein, the shipper shall be deemed to have acknowledged the terms and conditions of the contract of carriage embodied in the bill of lading that the carrier shall not be liable for injury, loss, or damage to the lading resulting from a defect or vice in such property.

(4) Bills of lading covering movements authorized by this order shall contain a notation that shipment is moving under authority of Service Order No. 1117.

(5) The term "open hopper cars" means all cars listed in the Official Railway Equipment Register, ICC R.E.R. No. 386, issued by W. J. Trezie, or successive issues thereof, as having mechanical designations "HD," "HE," "HF," "HFA," "HFD," "HK," "HM," "HMA," "HT," or "HTB."

(6) The term "covered hopper cars" means all cars listed in the Official Railway Equipment Register, ICC No. 386, issued by W. J. Trezise, or successive issues thereof, as having mechanical designation "LO."

(7)[1] The term "boxcars" means all cars listed in the Official Railway Equipment Register, ICC No. 386, issued by W. J. Trezise, or successive issues thereof, as having mechanical designations "XL," "XLI," "XM," or "XMI."

(b) *Rules and regulations suspended.* The operation of tariffs or other rules and regulations, insofar as they conflict with the provisions of this order, is hereby suspended.

(c) *Application.* The provisions of this order shall apply to intrastate, interstate, and foreign commerce.

(d) *Effective date.* This order shall become effective at 12:01 a.m., March 16, 1973.

(e) *Expiration date.* The provisions of this order shall expire at 11:59 p.m., July 31, 1973, unless otherwise modified, changed, or suspended by order of this Commission.

(Secs. 1, 12, 15, and 17(2), 24 Stat. 379, 383, 384, as amended; 49 U.S.C. 1, 12, 15, and 17(2). Interprets or applies secs. 1(10–17), 15(4), and 17(2), 40 Stat. 101, as amended, 54 Stat. 911; 49 U.S.C. 1(10–17), 15(4), and 17(2).)

It is further ordered, That a copy of this order and direction shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and car hire agreement under the terms of that agreement, and upon the American Short Line Railroad Association; and that notice of this order be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and by filing it with the Director, Office of the Federal Register.

By the Commission, Railroad Service Board.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.73-5309 Filed 3-19-73;8:45 am]

[1] Grain screenings and grain products added to list of commodities affected. Boxcars added to types of cars affected.

Title 50—Wildlife and Fisheries

CHAPTER I—BUREAU OF SPORT FISHERIES AND WILDLIFE, FISH AND WILDLIFE SERVICE, DEPARTMENT OF THE INTERIOR

PART 33—SPORT FISHING

Arrowwood National Wildlife Refuge, N. Dak.

The following special regulation is issued and is effective on March 20, 1973.

§ 33.5 Special regulations; sport fishing; for individual wildlife refuge areas.

NORTH DAKOTA

ARROWWOOD NATIONAL WILDLIFE REFUGE

Sport fishing on the Arrowwood National Wildlife Refuge, N. Dak., is permitted only on the areas designated by signs as open to fishing. These open areas comprising 1,550 acres are delineated on maps available at the refuge headquarters located 8 miles east of Edmunds, N. Dak. 58434. Sport fishing shall be in accordance with all applicable regulations subject to the following special conditions.

(1) The open season for sport fishing on the refuge shall extend from May 5, 1973, to September 15, 1973, daylight hours only.

(2) The use of boats with motors is prohibited.

The provisions of these special regulations supplement the regulations which govern fishing on wildlife refuge areas generally which are set forth in Title 50, Part 33, and are effective through September 15, 1973.

JIM MATTHEWS, *Refuge Manager, Arrowwood National Wildlife Refuge, Edmunds, N. Dak.*

MARCH 12, 1973.

[FR Doc.73-5270 Filed 3-19-73;8:45 am]

PART 33—SPORT FISHING

Bear Lake National Wildlife Refuge, Idaho

The following special regulation is issued and is effective on March 20, 1973.

§ 33.5 Special regulations; sport fishing; for individual wildlife refuge areas.

Sport fishing shall be in accordance with applicable State regulations except for special condition listed.

Portions of the refuge which are open to sport fishing are designated by signs and delineated on maps available at refuge headquarters, Post Office Box 837, Soda Springs, ID 83276, or 802 Washington Street, Montpelier, ID 83254, and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, Post Office Box 3737, Portland, OR 97208.

Special condition: The use of boats on the refuge is not permitted except during the migratory waterfowl hunting season.

The provisions of these special regulations supplement the regulations which govern fishing on wildlife refuge areas generally and which are set forth in Title 50, Code of Federal Regulations, Part 33, and are effective through December 31, 1973.

L. EDWARD PERRY, *Acting Regional Director, Bureau of Sport Fisheries and Wildlife.*

MARCH 13, 1973.

[FR Doc.73-5243 Filed 3-19-73;8:45 am]

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Proposed Rule Making

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

[25 CFR Part 252]

TRADERS ON NAVAJO, ZUNI, AND HOPI RESERVATIONS

Trade With Government Employees

Notice is hereby given that it is proposed to revise § 252.4 of Part 252, Subchapter W, Chapter I, of Title 25 of the Code of Federal Regulations. This revision is proposed pursuant to the authority contained in the Act of June 30, 1834 (4 Stat. 738, 25 U.S.C. 68), as amended by the Act of June 19, 1939 (53 Stat. 840, 25 U.S.C. 68a).

Section 252.4 currently restricts U.S. Government employees, including Indian employees, from trading with Indians on the Navajo, Zuni, and Hopi Reservations in the States of Arizona, New Mexico, and Utah. However, U.S. Government employees are allowed to trade, in certain cases, with Indians on other Indian reservations under 25 CFR 251.5. Therefore, § 252.4 is being revised to correct this inequity and allow U.S. Government employees to trade with Indians on the Navajo, Zuni, and Hopi Reservations in the same cases as on other reservations.

It is the policy of the Department of the Interior, whenever practicable, to afford the public an opportunity to participate in the rulemaking process. Accordingly, interested persons may submit written comments, suggestions, or objections with respect to the proposed revision to the Director of Economic Development, Bureau of Indian Affairs, Washington, D.C. 20245, no later than April 19, 1973.

Section 252.4 of Chapter I, Title 25, of the Code of Federal Regulations is revised to read as follows:

§ 252.4 Government employees not to trade with Indians except in certain cases.

Save as authorized by the Act of June 19, 1939 (53 Stat. 840; 25 U.S.C. 68a, 87a, 441), no person employed in Indian affairs shall have any interest or concern in any trade with the Indians except for and on account of the United States; and any person offending herein shall be liable to a penalty of $5,000 and shall be removed from his office. Employees of the U.S. Government, including those in the Bureau of Indian Affairs, may be permitted to trade with Indians or Indian organizations under the conditions specified below:

(a) Employees of the U.S. Government, including those in the Bureau of Indian Affairs, may, with the approval of the Secretary of the Interior, in each case where the amount involved exceeds $100, or with the approval of the superintendent or other officer in charge, where the amount involved does not exceed $100, be permitted to purchase from any Indian or Indian organization any arts and crafts or any other product, service, or commodity produced, rendered, owned, controlled, or furnished by any Indian or Indian organization: *Provided*, That no employee of the U.S. Government shall be permitted to make any such purchases for the purpose of engaging directly or indirectly in the commercial selling, reselling, trading, or bartering of said purchases by the said employee.

(b) *U.S. employees, Indian blood.* Indian employees of the U.S. Government, of whatever degree of Indian blood, may be members in the same manner as other Indian members of the tribe not so employed and receive benefits by reason of their membership in such tribes, corporations, or cooperative associations, organized by and operated for Indians. Such Indian Government employees may engage in all lawful transactions with Indians, Indian tribes, and such corporations or cooperative associations. None of the transactions authorized herein may be entered into by such employees for the purpose of engaging directly or indirectly in the selling, reselling, trading, bartering, or passing on in any other way for profit the objects, rights, services, or property thus acquired. Nothing in this section shall prevent in proper cases the disposition of any such property when such transaction cannot be considered as actually engaging in any of the businesses prohibited in this section. All transactions authorized herein to be valid must be approved by the Secretary of the Interior.

(c) *Leases or sales of restricted Indian land.* Leases or sales of trust or restricted Indian land to or from Indian employees of the U.S. Government must be made on sealed bids unless the Commissioner of Indian Affairs waives this requirement on the basis of a full report showing (1) the need for the transaction, (2) the benefits accruing to both parties, and (3) that the consideration for the proposed transaction shall be not less than the appraised value of the land or leasehold interest unless the Indian employee qualifies and is intending a transaction in accordance with § 121.18 (b) and (c) of this chapter or § 131.55(b) (1), (2), and (3) of this chapter. An affidavit as follows shall accompany each proposed land transaction:

I ----------, (Name)
----------, swear (or affirm) (Title)
that I have not exercised any undue influence nor used any special knowledge received by reason of my office in obtaining the (grantor's, purchaser's, vendor's) consent to the instant transaction.

(53 Stat. 840; 25 U.S.C. 68a, 87a, 441)

WILLIAM L. ROGERS,
Deputy Assistant Secretary of the Interior.

MARCH 14, 1973.

[FR Doc.73-5269 Filed 3-19-73;8:45 am]

Fish and Wildlife Service

[50 CFR Part 80]

RESTORATION OF GAME BIRDS, FISH AND MAMMALS

Proposed Revision of Administrative Procedures

Notice is hereby given that pursuant to the authority vested in the Secretary of the Interior by section 10 of the Federal Aid in Wildlife Restoration Act as amended (50 Stat. 919 ; 16 U.S.C. 669i) and by section 10 of the Federal Aid in Fish Restoration Act, as amended (64 Stat. 434; 16 U.S.C. 777i), it is proposed to revise Part 80 of Title 50, Code of Federal Regulations, as set forth below. The proposed changes will improve administrative procedures, and will incorporate the provisions of recent legislative changes and Office of Management and Budget directives.

1. Section 80.1 is revised to add American Samoa under the definition for "State." Removes reference to the Secretary of Agriculture of Puerto Rico and the Governor of Guam and the Virgin Islands from the definition of a State fish and game department. The definitions of State and State fish and game department provided are adequate to cover the responsible authorities for the Commonwealth of Puerto Rico and the territorial areas .The definition of "project" was revised to delete "sound" and "general" as ambiguous and unnecessary. A definition for "maintenance" was deleted since no special meaning is ascribed to the term outside of its generally accepted meanings. Provides a definition for "technical assistance" which was previously covered under a separate section. The definition

for a hunter safety program was expanded to more adequately define the program and to make the definition conform to the Act of October 25, 1972 (Public Law 92-558). Provides a definition for a "comprehensive plan" which was previously covered under a separate section. Provides a definition for "administration" previously covered under a separate section.

2. Section 80.3 is amended to allow States to notify the Secretary of their desire to participate in the benefits of each Act by submitting an application for Federal assistance during the required 60-day period for each of the Acts.

3. Section 80.6 is revised to eliminate the requirements pursuant to the planning-programing-budgeting system.

4. Section 80.7 is amended by adding guidelines in determining licenses eligible for inclusion in the count of paid license holders. This is not a new policy, but has not previously been included in the regulations. The date for submission of information concerning the number of paid license holders was changed from December 15 to March 1 of each year. This will allow States with licensing systems on a calendar year to report on the most recent year.

5. Section 80.10 is amended to exempt the Commonwealth of Puerto Rico, the Virgin Islands, Guam, and American Samoa from the requirement for minimum Federal aid participation. This is not a new policy, but has not previously been stated in the regulations.

6. Section 80.11 is changed from "project statement" to application for Federal assistance. This makes the terminology consistent with uniform administrative requirements for grants-in-aid to State and local governments promulgated by OMB Circular A-102.

7. Section 80.12 "Personnel" previously numbered § 80.25 is renumbered § 80.12. This section is expanded to emphasize selection and conduct of personnel assigned to Federal aid projects.

8. Section 80.13 "Safety and Accident Prevention" previously under § 80.22, is renumbered § 80.13 with unnecessary verbiage deleted.

9. Section 80.14 is modified to incorporate terminology consistent with OMB Circular A-102.

10. Section 80.16 "Assurances" is added to incorporate, by reference, all applicable Federal laws, regulations, and requirements previously included in part in separate sections of the regulations. These assurances are now specified on the standard application for Federal assistance.

11. Section 80.20 "Prosecution of Work" is renumbered from § 80.24. Minor changes of language were made to conform to terminology used in other parts and in OMB Circular A-102.

12. Section 80.21 is revised by the addition of a statement on responsible authority regarding settlement of contractural issues.

13. Section 80.22 "Management and Maintenance of Completed Projects" renumbered from § 80.26.

14. Section 80.23 "Production of Income" is renumbered from § 80.27. Examples of prohibited income-producing activities are eliminated. The treatment of income incidental to Federal aid activities is adequately covered in the Federal Aid Manual.

15. Section 80.25 "Federal aid payments" is renumbered from § 80.30. Language was also added to provide for payments through letter of credit under the comprehensive fish and game plan option. Coverage was also provided on the limitation of indirect costs for State central services. This is included in the amendments to the Federal Aid Acts (Public Law 91-503).

16. Section 80.27 "Records and Reporting" is renumbered from § 80.32. Specifying the types of activities for which cost records must be kept, i.e. research, acquisition, development, and coordination were eliminated since these activities are not all inclusive and are subject to change through administrative determination.

17. Section 80.31 "Purchase of Equipment" is renumbered from § 80.36. The dollar limit on items of equipment requiring advanced approval is raised to $2,500 from the previous $500.

18. Section 80.34 is added to reflect requirements of the National Environmental Policy Act of 1969. These requirements were previously included in the Federal Aid Manual but were not included in the regulations.

19. Section 80.35 "Comprehensive Plan Alternative" is renumbered from § 80.43. Language was revised to clarify the requirements of a comprehensive fish and wildlife management plan.

20. In addition to the specific comments above, the following sections and subjects previously included in the regulations were omitted for the reasons stated:

Section 80.12 *Financial plan*—the purpose of the financial plan is adequately served by requirements contained in the standard application for Federal assistance.

Section 80.13 *Plans, specifications and estimates*—project documentation is adequately covered in other sections of the regulations and the Federal Aid Manual.

Section 80.16 *Equal Employment Opportunity*—included by reference in the revised § 80.16 *Assurances.*

Section 80.20 *Samples of materials to be submitted*—eliminated, since the States are responsible and can be relied upon to assure suitability of materials for construction projects.

Section 80.23 *Statements and payrolls*—included by reference in the revised § 80.16 *Assurances.*

Section 80.29 *Civil rights*—included by reference in the revised § 80.16 *Assurances.*

Section 80.38 *Fish and wildlife planning*—superseded by revised § 80.35.

Section 80.39 *Estuaries*—the States are now cognizant of the value of estuaries and the need for their protection.

Section 80.42 *Uniform relocation assistance and land acquisition policies*—included by reference in the revised § 80.16 *Assurances.*

Sec.
80.1 Definitions.
80.2 Apportionment and certification.
80.3 Notice of desire to participate.
80.4 Period of availability of funds.
80.5 Diversion of funds.
80.6 General information for the Secretary.
80.7 Hunting and fishing license information.
80.8 Activities prohibited.
80.9 Uses other than for fish and wildlife.
80.10 Minimum Federal participation.
80.11 Application for Federal assistance.
80.12 Personnel.
80.13 Safety and accident prevention.
80.14 Project agreement.
80.15 Officials not to benefit.
80.16 Assurances.
80.17 Submission of documents.
80.18 Divergent opinions over project merits.
80.19 Land Control.
80.20 Prosecution of work.
80.21 Contracts.
80.22 Management and maintenance of completed projects.
80.23 Production of income.
80.24 Inspection.
80.25 Federal aid payments.
80.26 Form of vouchers.
80.27 Records and reporting.
80.28 Records retention period.
80.29 Convict labor.
80.30 Water pollution control.
80.31 Purchase of equipment.
80.32 Patents and inventions.
80.33 Utilization of excess Federal personal property.
80.34 Environmental impact statements.
85.35 Comprehensive plan alternative.

AUTHORITY: Sec. 10 of the Federal Aid in Wildlife Restoration Act as amended (50 Stat. 919; 16 U.S.C. 669i) and sec. 10 of the Federal Aid in Fish Restoration Act, as amended (64 Stat. 434; 16 U.S.C. 777i).

§ 80.1 Definitions.

As used in this part, terms shall have the meaning ascribed in this section.

(a) *Federal Aid Act(s).* (1) The Act of Congress, approved September 2, 1937, entitled "An Act to provide that the United States shall aid the States in wildlife restoration projects, and for other purposes" (50 Stat. 917, as amended; 16 U.S.C., sec. 669-669i), commonly referred to as the Pittman-Robertson Act; and (2) the Act of Congress, approved August 9, 1950, entitled "An Act to provide that the United States shall aid the States in fish restoration and management projects, and for other purposes" (64 Stat. 430, as amended; 16 U.S.C., sec. 777-777k), commonly referred to as the Dingell-Johnson Act.

(b) *State.* Any State of the United States, the territorial areas of Guam, American Samoa, the Virgin Islands, and the Commonwealth of Puerto Rico.

(c) *State fish and game department.* Any department or division, or commission, or official of a State empowered under its laws to exercise the functions ordinarily exercised by a State fish and game department.

(d) *Administration.* As used in section 1 of each of the Federal Aid Acts, relating to diversion of license fees, in this part,

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administration of a fish and game department includes all of the normal operations and functions of such an organization.

(e) *Fish and wildlife.* (1) The term "fish" is limited to aquatic, gill breathing, vertebrate animals bearing paired fins; and (2) the term "wildlife" is limited to wild birds and wild mammals.

(f) *Project.* A substantial undertaking with the objective of (1) restoring or managing fish and wildlife populations now and for the future and for preserving and improving sport fishing, hunting, and related uses of these resources, or (2) providing facilities and services for conducting a hunter safety program.

(g) *Project substantiality.* A substantial project is one which will provide benefits to hunters and fishermen commensurate with cost, and which is designed in accordance with accepted fish and wildlife conservation and management practices and sound engineering principles.

(h) *Project segment.* An essential part or division of a project, usually separated as a period of time, occasionally as a unit of work.

(i) *Land acquisition.* The acquisition of lands, waters, or interests therein, by purchase, condemnation, lease, or gift.

(j) *Development.* Improving areas of land or water through the construction of works and facilities, improvement of soil and water conditions, establishing or controlling vegetation and animal populations and including operation and protection of the areas.

(k) *Research and surveys.* Investigations into problems of fish and wildlife management necessary for the efficient administration of these resources, including:

(1) Research—studies designed to supply new information about fish and wildlife, their environment, or the development of new methods for management of these resources.

(2) Surveys—routine collection of data on the abundance and utilization of fish and wildlife, or the condition of their environment, through the application of established methodology.

(l) *Coordination.* The selection, planning, direction, supervision, and coordination of projects within a State's Federal aid program, including the coordination of this program with other related activities of the fish and game department.

(m) *Technical assistance.* Technical assistance provided to individuals, groups, and State, local, or municipal governments by State fish and game departments for matters relating to fish and wildlife management, land use planning, or improvements in environmental quality substantially beneficial to fish and wildlife is approvable under the Federal Aid in Fish and Wildlife Restoration programs.

(n) *Hunter safety program.* A program to provide:

(1) Instruction and practice in safe use of firearms and archery equipment and the avoidance of all types of accidents and hazards associated with hunting. Training may include survival techniques, first aid, sporting ethics, and the basic principles of wildlife management.

(2) Target ranges which are public facilities that may be constructed, operated, and maintained to provide for training on practice in the safe use of shotguns, rifles, pistols, and archery equipment.

(o) *Comprehensive plan.* A documentation of the processes whereby program decisions and implementation strategies are evaluated and synthesized into 5-year schedules of definite actions for accomplishing the objectives of the fish and game department. The plan is comprehensive in that it considers all fish and wildlife activities in particular and all activities which impact on natural resources in general.

§ 80.2 Apportionment and certification.

The Secretary shall apportion funds in the manner prescribed in the Acts, as soon as possible after receiving notification of the amounts which have become available for the purposes of the Acts. He shall promptly certify to the Secretary of the Treasury and to each State fish and game department the respective sums which he has deducted for administering and executing the Acts and the respective sums which he has apportioned to each State for the ensuing fiscal year.

§ 80.3 Notice of desire to participate.

Any State fish and game department desiring to avail itself of the benefits of the Acts, shall notify the Secretary within 60 days after it has received from him a certificate of apportionment of funds available to the State. Such notification may be accomplished by the submission of a properly executed project application under each of the Acts within the 60-day period.

§ 80.4 Period of availability of funds.

Funds are available to a State for expenditure or obligation during the fiscal year for which they are apportioned and until the close of the succeeding fiscal year. For the purpose of this section, obligation of apportioned funds occurs when a project agreement or amendment thereto is signed by the Secretary or his authorized representative.

§ 80.5 Diversion of funds.

(a) Conditions for participation in the benefits of these Acts are that a State's hunting and fishing license revenues must be used only for administration of its fish and game department and Federal Aid funds granted under the Acts must be used for the purposes of approved projects. A diversion of license fees occurs when a State fish and game department, through legislative action, or otherwise, loses control of the expenditure of any portion of its hunting license or sport fishing license revenues, or expends such revenues for any purpose other than the administration of the State fish and game department. A diversion of Federal Aid funds occurs whenever they are applied by a State to activities or purposes which are not a part of an approved project, or when real property acquired or constructed with Federal Aid funds under these Acts passes from the control of the State fish and game department or is used for unapproved purposes in a manner or to an extent which interferes with the accomplishment of project purposes as they were approved by the Secretary, or as they may be amended with the approval of the Secretary.

(b) When a diversion of funds occurs, a State thereby becomes ineligible to receive Federal Aid funds under the pertinent Act from the date the diversion occurs until (1) action is taken to return the administration of hunting and sport fishing license fees to the State fish and game department; (2) hunting and sport fishing license fees used for purposes other than the programs of the State fish and game department are replaced; (3) Federal Aid funds used for purposes or activities which are not a part of an approved project are replaced; (4) Federal Aid financed real property which has passed from the control of the State fish and game department is restored to that control, or a property of equal value at current market prices and with commensurate benefits to fish and wildlife is acquired with non-Federal funds to replace it; or (5) uses of Federal Aid financed real property, which interfere with the accomplishment of approved project objectives are ceased: *Provided, however,* That, where any projects were approved in compliance with the terms of the pertinent Act prior to diversion, and Federal Aid funds were obligated to carry out such projects, such funds shall remain available therefore, until expended, without regard for the intervening period of the State's ineligibility under the Federal Aid Acts: *Provided, further,* That, when the State shall find, and the Secretary agree, that a property is no longer useful for the purposes for which it was acquired or constructed, and that it is not practical to convert the property to other fish or wildlife restoration, development, or management purposes, the State may sell the property and apply the proceeds of sale as the State fish and game department and the Secretary may then agree: *Provided, further,* That, when required by this section to acquire a property with non-Federal funds, a State shall be given a reasonable time, up to 3 years, to accomplish this, before becoming ineligible to receive Federal Aid funds.

§ 80.6 General information for the Secretary.

Before any Federal funds may be obligated for any project to be undertaken in a State, there shall be furnished to the Secretary upon his request, information regarding the laws affecting fish or wildlife conservation and the authority of the State fish and game department and of local officials with respect to the establishment and maintenance of projects, and the existing provisions of the State constitution of laws relating to

revenues for the protection, restoration, and management of fish or wildlife.

(a) *Document signature.* The Secretary of State of each State or any authorized official of the State shall certify as to the duly appointed official(s) authorized in accordance with State law to commit the State to participation under the provisions of the Acts and to sign Federal Aid project documents. The Secretary shall be advised promptly of any change made in such authorizations to sign Federal Aid documents.

(b) *Program information.* The Secretary may, from time to time, request and the State fish and game department shall furnish information relating to the administration and maintenance of any project established under the Acts.

§ 80.7 Hunting and fishing license information.

(a) Information concerning the number of paid hunting license holders and the number of persons holding paid licenses to fish for sport or recreation in the State in the preceding year shall be furnished the Secretary by the fish and game department of each State on or before March 1 of each year in form specified by the Secretary.

(b) This information shall be certified as accurate by the director of State fish and game department. He shall furnish, when requested by the Secretary, evidence used in determining accuracy of the certification.

(c) License holders shall be counted over a period of 12 months; the calendar year, fiscal year, or other licensing period may be used provided it is consistent from year to year in each State. In determining licenses which are eligible for inclusion, the following guidelines shall be observed:

(1) Trapping licenses, commercial licenses, and other licenses which are not for the express purpose of permitting the holder to hunt or fish for sport or recreation may not be included.

(2) Free licenses or those for which only a token charge is made may not be counted. Do not count licenses sold for a fee which does not produce significant net revenue for the State.

(3) Holders of licenses which are valid for an indeterminate number of years, the cost of which is not sufficient to contribute significantly to the administration of the fish and game department over the expected license period, may be counted only in the year in which they purchase the license. On the other hand, resident holders of licenses which are valid for a specific number of years, the cost of which is commensurate with the period for which hunting or fishing privileges are granted, may be counted in each of the years covered by the license. States issuing such licenses should employ sampling techniques to determine the number of such license holders who remain resident in the State after the year in which the license was purchased. Those who no longer live in the State should not be counted.

(4) Combination fishing and hunting licenses (a single license which permits the holder to both hunt and fish) should be included in the determination of both the number of paid hunting license holders and the number of persons holding paid licenses to fish for sport or recreation.

(5) Some licensing systems require or permit an individual to hold more than one license to hunt or more than one license to fish in a State. Care must be taken that such an individual is not counted more than once as a hunting license holder, or more than once as the holder of a license to fish for sport or recreation. The fish and game director, or other official certifying license information to the Secretary is responsible for seeing that no such duplication or multiple counting of single individuals is present in the figures which they certify. Sampling and other statistical techniques may be utilized by the certifying officer for this purpose.

§ 80.8 Activities prohibited.

Law enforcement and public relation activities which are not functions of an approved Federal Aid project may not be financed under the programs.

§ 80.9 Uses other than for fish and wildlife.

With respect to projects which are designed to include uses other than for fish or wildlife, reimbursement of costs from funds under the Federal Aid Acts shall be limited to the extent of the benefits to fish and wildlife resulting from such projects. Participation in maintenance of completed projects shall be similarly limited. Also, the costs of maintenance shall be appropriately shared according to the use of the area and facilities; Federal Aid funds shall not be applied to maintenance required by use other than for approved project purposes.

§ 80.10 Minimum Federal participation.

Except for the territories of the Virgin Islands, Guam, American Samoa, and the Commonwealth of Puerto Rico, a minimum Federal Aid participation of 10 percent in the cost of each project is required as a condition of approval.

§ 80.11 Application for Federal assistance.

Application for Federal assistance shall be submitted for each proposed project which shall contain such fundamental information as the Secretary may require, in order that he may determine if a project meets the requirement of being substantial in character and design in acordance with standards set forth in the Federal Aid in Fish and Wildlife Restoration Manual.

§ 80.12 Personnel.

The State shall maintain an adequate and competent force of employees to initiate and carry cooperative agreements to satisfactory completion. Personnel employed on projects shall be selected on the basis of their competence to perform the services required and shall conduct their duties in a manner acceptable to the Secretary.

§ 80.13 Safety and accident prevention.

In the performance of each project, the State shall comply with all applicable Federal, State, and local laws governing safety, health, and sanitation.

§ 80.14 Project agreement.

(a) Following approval of the Application for Federal Assistance by the Secretary, the mutual obligations by the cooperating agencies will be shown by an agreement to be executed between the State and the Secretary. An agreement shall cover the financing proposed in one project segment and the work items described in the documents supporting it.

(b) Where the comprehensive plan alternative has been selected, the project agreement will be used to obligate funds for those elements within the operating plan to be accomplished with Federal Aid participation.

§ 80.15 Officials not to benefit.

No member of or delegate to Congress, or resident commissioner, shall be admitted to any share or any part of any agreement, made under the Federal Aid Acts, or to any benefit that may arise therefrom.

§ 80.16 Assurances.

The State must assure and certify that it will comply with all applicable Federal laws, regulations, and requirements as they relate to the application, acceptance, and use of Federal funds for projects under the Acts.

§ 80.17 Submission of documents.

Papers and documents required by the Acts or by the regulations in this part shall be deemed submitted to the Secretary from the date of receipt by the Director of the Bureau of Sport Fisheries and Wildlife, or by the appropriate Regional Director of the Bureau.

§ 80.18 Divergent opinions over project merits.

Any difference of opinion about the substantiality of a proposed project, nature of development required, or appraised value of land to be acquired, are considered by qualified representatives of the Bureau of Sport Fisheries and Wildlife and the State. Final determination in the event of continued disagreement rests with the Secretary.

§ 80.19 Land control.

The State must control lands or waters on which improvements are made. Control may be exercised through fee title, lease, easement, or agreement. Control must be adequate for protection, maintenance, and use of the improvement throughout its useful life.

§ 80.20 Prosecution of work.

(a) The State shall carry projects through to a state of completion acceptable to the Secretary with reasonable promptness. Failure to render satisfactory progress reports or failure to complete the project to the satisfaction of the Secretary shall be cause for the Secretary to suspend the project until

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the project provisions are satisfactorily met. Projects may be terminated upon determination by the Secretary that satisfactory progress has not been maintained. The Secretary shall have the right to inspect and review work being done at any time.

(b) Research and/or development work shall be continuously coordinated by the State with studies conducted by others to avoid unnecessary duplication.

(c) All work shall be performed in accordance with applicable State laws, except when in conflict with Federal laws or regulations, in which case Federal laws or regulations shall prevail.

§ 80.21 Contracts.

The State may use their own regulations in obtaining services provided that they adhere to applicable Federal laws, regulations, policies, guidelines, and requirements. The State is the responsible authority, without recourse to the Federal agency regarding the settlement of contractual issues.

§ 80.22 Management and maintenance of completed projects.

The State shall exercise all reasonable means to insure permanent and proper management and maintenance of each completed acquisition or development of lands or waters.

§ 80.23 Production of income.

Federal Aid funds shall not be spent for the purpose of producing income. However, income produced as a result of federally aided activities which is incidental to the project activities is allowable. Such income shall be credited to the project as directed by the Secretary.

§ 80.24 Inspection.

Supervision of each project by the State shall include adequate and continuous inspection. The project will be subject at all times to Federal inspection.

§ 80.25 Federal aid payments.

Federal Aid payments to States are made either through a letter of credit under the comprehensive fish and wildlife plan option or by Treasury check under the traditional project option. Payments under the Federal Aid Acts, including such preliminary costs and expenses as may be incurred in and about such projects, shall not be made unless all documents that may be necessary or required in the administration of these Acts, shall have first been submitted to and approved by the Secretary. Payments shall be made for expenditures reported and certified by the State fish and game departments. Payments shall be made only to the State office or official designated by the State and authorized under the laws of the State to receive public funds of the State.

(a) Federal Aid payments shall not exceed 75 percent of the cost of a project or the amount specified in the agreement, whichever is less: *Provided*, That Federal Aid payments to the territorial areas of Guam, the Virgin Islands, American Samoa, and the Commonwealth of Puerto Rico shall not exceed the amount specified in the agreement and in no event shall they be required to pay an amount which will exceed 25 percent of the cost of any project.

(b) Federal Aid payments on projects terminated prior to completion shall be limited to the cost of benefits produced as of the date of the termination and in conformance with the Project Agreement.

(c) Payments for acquired real property, including all associated acquisition and relocation expenses, shall not exceed 75 percent of the fair and reasonable cost of acquiring property in accordance with the Uniform Relocation and Land Acquisitions Policy Act (84 Stat. 1894) and the regulations and procedures promulgated thereunder by the Secretary.

(d) Preliminary costs which are clearly tied to an approved project may be reimbursed provided the claims are supported by accurate records.

(e) Payments for administrative costs in the form of overhead or indirect costs for State central services outside of the State fish and game department must be in accord with an approved cost allocation plan and shall not exceed in any one fiscal year 3 percent of the annual apportionment.

§ 80.26 Form of vouchers.

Vouchers on forms provided by the Secretary and certified as therein prescribed, showing amounts expended and the amount of Federal Aid funds claimed to be due on account thereof, shall be submitted to the Secretary by the State fish and game department.

§ 80.27 Records and reporting.

Reports shall be furnished as requested by the Secretary. Cost records shall be maintained separately for each project. In projects containing multiple activities, costs by activity shall be segregated. The accounts and records maintained by the State, together with all supporting documents, shall be open at all times to the inspection of authorized representatives of the United States, and copies thereof shall be furnished when requested.

§ 80.28 Records retention period.

The records, accounts, and supporting documents required to be maintained under the regulations in this part for each project shall be retained by the State fish and game department until the expiration of 3 years after final payment of reimbursement to the State on the project.

§ 80.29 Convict labor.

The State shall not employ any persons undergoing sentence of imprisonment at hard labor to perform work on projects approved under the Federal Aid Acts.

§ 80.30 Water pollution control.

In the performance of each project, the State shall take necessary action to avoid pollution of water as a direct or indirect result of project activity. Water quality must be maintained at a level consistent with applicable water quality standards.

§ 80.31 Purchase of equipment.

Advance approval by the Secretary is required for the purchase with Federal Aid participation of items of equipment costing in excess of $2,500.

§ 80.32 Patents and inventions.

Determination of the patent rights in any inventions or discoveries resulting from work under cooperative agreements entered into pursuant to the Act shall be governed by the Statement of Government Patent Policy promulgated by the President in his memorandum of October 10, 1963 (3 CFR 1963, Supp. p. 238, 28 FR 10943).

§ 80.33 Utilization of excess Federal personal property.

In the interest of achieving program objectives at minimum cost, expanding abilities, and enhancing program accomplishments, States are encouraged to consider fulfilling personal property requirements through utilization of excess Federal property. Such utilization will be applied to needs documented in approved projects according to law and related policy.

§ 80.34 Environmental impact statements.

The National Environmental Policy Act of 1969 (Public Law 91-190, 83 Stat. 852, January 1, 1970) requires environmental impact statements on Federal or federally assisted programs that significantly affect the quality of human environment. Statements covering major Federal Aid in Fish and Wildlife Restoration activities will be on file with the Council on Environmental Quality in the Executive Office of the President. Environmental impact statements will be required for proposed Federal Aid activities which will have a significant effect on human environment and which are not adequately described in the impact statements on file.

§ 80.35 Comprehensive plan alternative.

As an alternative to submission of individual project application, a State may present to the Secretary a comprehensive fish and wildlife resource plan as program documentation. A comprehensive fish and wildlife management plan is comprised of: A strategic plan which identifies program goals and objectives and is based on 15-year projections of resource availability and demands; and a 5-year operation plan of definite actions for accomplishing such program goals and objectives. It also incorporates a system of frequent or continuous evaluation and updating. The plan shall be presented over the signature of the State fish and game director with evidence that it has been reviewed by the Governor of the State or his designee. Standards for the scope and quality of a plan which will be acceptable to the Secretary are published in the Federal Aid in Fish and Wildlife Restoration Manual.

It is the policy of the Department of the Interior whenever practicable to afford the public an opportunity to participate in the rulemaking process. Accordingly, interested persons may submit written comments, suggestions, or objections to the Director, Bureau of Sport Fisheries and Wildlife, Washington, D.C. 20240, on or before May 4, 1973.

SPENCER SMITH,
Director, Bureau of Sport Fisheries and Wildlife.

[FR Doc.73-5280 Filed 3-19-73;8:45 am]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 1065]

[Docket No. AO-86-A29]

MILK IN NEBRASKA-WESTERN IOWA MARKETING AREA

Notice of Hearing on Proposed Amendments to Tentative Marketing Agreement and Order

Notice is hereby given of a public hearing to be held at the New Tower Hotel Courts, 7764 Dodge Street, Omaha, NE, beginning at 10 a.m., local time, Tuesday, April 17, 1973, with respect to proposed amendments to the tentative marketing agreement and to the order, regulating the handling of milk in the Nebraska-Western Iowa marketing area.

The hearing is called pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900).

The purpose of the hearing is to receive evidence with respect to the economic and marketing conditions which relate to the proposed amendments, hereinafter set forth, and any appropriate modifications thereof, to the tentative marketing agreement and to the order.

Based on the record of a hearing held March 21 and 22, 1972, at Omaha, Nebr., pursuant to notice published March 2, 1972 (37 FR 4352), a class I base plan was adopted to be effective February 1, 1973. By orders issued by the Assistant Secretary on January 24, 1973, and February 26, 1973 (38 FR 2960 and 38 FR 5255), the effective date of the plan was deferred successively to March 1, 1973, and then to April 1, 1973.

The first deferral was to provide additional time to obtain production history data and the second deferral was at the request of Mid-America Dairymen, Inc., a cooperative association in the market.

Associated Milk Producers, Inc., Central Region, has requested that provisions of the plan be considered for revision in a public hearing prior to effectuation of the plan, alleging that the certain provisions are inequitable to its member producers and that implementation of the plan as contained in the amended order may have other adverse effects for its member producers.

All provisions of the class I base plan are open for review and possible amendment at this hearing. This is necessary because revision of any part of the plan could substantially change the effect of other provisions of the plan. Further, because of the time elapsing while consideration is given to the plan, producers will have additional production history that may need to be taken into account in case of effectuation of a plan at a later date.

The effective date of the class I base plan has been deferred until further notice by an order issued by the Assistant Secretary.

The proposed amendments, set forth below, have not received the approval of the Secretary of Agriculture.

PROPOSED BY ASSOCIATED MILK PRODUCERS, INC., CENTRAL REGION

PROPOSAL NO. 1

Reconsider the terms and provisions of the class I base plan, §§ 1065.90 through 1065.98, to determine whether they achieve equitable treatment of all producers.

PROPOSED BY THE DAIRY DIVISION, AGRICULTURAL MARKETING SERVICE

PROPOSAL NO. 2

Make such changes as may be necessary to make the entire marketing agreement and the order conform with any amendments thereto that may result from this hearing.

Copies of this notice of hearing and the order may be procured from the Market Administrator, U. Grant Grayson, Post Office Box 14340, West Omaha Station, Omaha, NE 68114, or from the Hearing Clerk, Room 112-A, Administration Building, U.S. Department of Agriculture, Washington, D.C. 20250 or may be there inspected.

Signed at Washington, D.C., on March 15, 1973.

JOHN C. BLUM,
Deputy Administrator, Regulatory Programs.

[FR Doc.73-5267 Filed 3-19-73;8:45 am]

Agricultural Stabilization and Conservation Service

[7 CFR Part 814]

1973 SUGAR QUOTA FOR THE MAINLAND CANE SUGAR AREA

Notice of Hearing on Proposed Allotment

Pursuant to the authority contained in the Sugar Act of 1948, as amended (61 Stat. 922, as amended) and in accordance with the applicable rules of practice and procedure (7 CFR 801.1 et seq.) and on the basis of information available to me, I do hereby find that the allotment of the 1973 sugar quota for the Mainland Cane Sugar Area is necessary to prevent disorderly marketing and to afford all interested persons an equitable opportunity to market sugar, and hereby give notice that a public hearing will be held in Atlanta, Ga., on April 13, 1973, in the Federal Building, Room 556, Peachtree and Baker Streets, beginning at 10 a.m. local time.

The purpose of this hearing is to receive evidence to enable the Secretary of Agriculture to make a fair, efficient, and equitable distribution of such quota for the calendar year 1973 among persons who process and market sugar produced from sugarcane grown in the Mainland Cane Sugar Area. The preliminary finding made above is based upon the best information now available. It will be appropriate at the hearing to present evidence on the basis of which the Secretary may affirm, modify, or revoke such finding and make or withhold allotment of any such quota in accordance therewith.

In addition, the subjects and issues of this hearing include (1) the manner in which consideration should be given to the statutory factors as provided in section 205(a) of the Act, and (2) the manner in which marketings within allotments shall be restricted.

This notice of hearing also constitutes notice that at such hearing it will be appropriate to present evidence on the basis of which the allotment of the quota or proration thereof may be revised or amended by the Secretary for the purposes of (1) allotting any increase, or decrease, in the quota and (2) prorating any deficit in the allotment for any allottee.

Signed at Washington, D.C., on March 16, 1973.

KENNETH E. FRICK,
Administrator, Agricultural Stabilization and Conservation Service.

[FR Doc.73-5378 Filed 3-16-73;3:13 pm]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 71]

[Airspace Docket No. 72-WA-57]

ADDITIONAL CONTROL AREAS

Proposed Designation

Correction

In FR Doc. 73-4183 appearing at page 6075 in the issue of Tuesday, March 6, 1973, the following changes should be made:

1. In the third column under the description for "A.W-72A BOUNDARIES", in the third from the last line, "MAS" should read "NAS".

2. Under the description for "B.W-72B BOUNDARIES", in the third column, in the third from last line, insert "NAS", immediately after "ANT".

National Highway Traffic Safety Administration

[49 CFR Part 571]

[Docket No. 73-6; Notice 1]

WINDSHIELD DEFROSTING AND DEFOGGING SYSTEMS

Proposed Motor Vehicle Safety Standard

This notice proposes an amendment of Motor Vehicle Safety Standard No. 103,

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Windshield Defrosting and Defogging Systems, that would modify the method by which test temperatures are measured. The proposed effective date of the amendment is the final rule publication date.

Safety Standard No. 103, through its incorporation of SAE Recommended Practice J902, *Passenger Car Windshield Defrosting Systems*, March 1967, specifies that the ambient air temperature of the defrosting test chamber and the test air velocity at the windshield be measured at a point that is located on the centerline of the vehicle, 1 foot ahead of the base of the windshield, at a level half way between the top and the bottom of the windshield. The cold chamber temperature is 0±5° F. but an increase to no more than 10° F. attributable to engine heat is permissible at the location of the thermocouple. Jaguar Cars Division of British Leyland UK Limited has petitioned for an amendment of Standard No. 103 that would allow, as an alternative, measurement 3 feet ahead of the windshield base, provided that the test chamber air temperature be maintained throughout the test. Petitioner is experiencing difficulty remaining with the 10° F. maximum at the prescribed location as certain of its vehicles are designed to direct engine heat to the windshield as a defrosting aid.

The NHTSA has determined that the petition merits initiation of rule making, and is issuing this notice in response thereto. It is proposed that the temperature be measured at the same height as the middle of the windshield, but at a location such that it is not significantly affected by heat from the vehicle under test. This location could be 3 feet forward of the windshield base as Jaguar suggests, or to the side or rear of the vehicle. Because of the stratification effect of temperature, the height of the thermocouple is considered important for the defrosting/defogging test, and therefore would still be prescribed.

In addition the NHTSA is taking the opportunity to propose the clarification of an ambiguity concerning the wind test condition. Paragraph S4.3(g) of Standard No. 103 states that "The wind velocity may not exceed 5 m.p.h." This creates a potential enforcement problem, in that a manufacturer who tests at a wind velocity of 3 m.p.h. would have arguably demonstrated compliance with the standard, even if the NHTSA tests at 4 m.p.h. and discovers a failure. In actuality, most manufacturers test at a wind velocity of 2 m.p.h. or less. It is proposed that the wind velocity be at any speed up to 2 m.p.h. As explained in § 571.4, this means that the vehicle must be capable of meeting Standard No. 103 with the wind velocity at any level within that range.

In consideration of the foregoing it is proposed that paragraph S4.3 of 49 CFR 571.103, Motor Vehicle Safety Standard No. 103, be amended as follows:

1. Paragraph (g) would be revised to read: "The wind velocity is at any level from 0 to 2 m.p.h."

2. A new paragraph (h) would be added to read: "Test chamber temperature is measured at the same height as the middle of the windshield at a location such that it is not significantly affected by heat from the vehicle under test."

Interested persons are invited to submit data, views, and arguments on this proposal. Comments should refer to the docket number and be submitted to: Docket section, National Highway Traffic Safety Administration, Room 5219, 400 Seventh Street SW., Washington, DC 20590. It is requested, but not required, that 10 copies be submitted. All comments received before the close of business on the comment closing date indicated below will be considered and will be available in the docket at the above address for examination both before and after the closing date. To the extent possible, comments filed after the closing date will also be considered. However, the rule making action may proceed at any time after that date, and comments received after the closing date and too late for consideration in regard to the action will be treated as suggestions for future rule making. The NHTSA will continue to file relevant material, as it becomes available, in the docket after the closing date, and it is recommended that interested persons continue to examine the docket for new materials.

Comment closing date: May 21, 1973.

Proposed effective date: Date that amendments are published in the FEDERAL REGISTER.

(Secs. 103, 119, Public Law 89–563, 80 Stat. 718, 15 U.S.C. 1392, 1407; 49 CFR 501.8, 1.51)

Issued on March 13, 1973.

ROBERT L. CARTER,
Associate Administrator,
Motor Vehicle Programs.

[FR Doc.73-5272 Filed 3-19-73;8:45 am]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Parts 2, 18, 21, 73, 74, 89, 91, 93]

[Docket No. 18262; FCC 73-284]

LAND MOBILE SERVICE IN CERTAIN FREQUENCIES

Order for Oral Presentation

In the matter of an inquiry relative to the future use of the frequency band 806–960 MHz; and amendment of Parts 2, 18, 21, 73, 74, 89, 91, and 93 of the rules relative to operations in the land mobile service between 800 and 960 MHz, Docket No. 18262.

1. On May 20, 1970, the Commission adopted its First Report and Order and Second Notice of Inquiry in the above-entitled proceeding by which it reallocated a total of 115 MHz of spectrum space between 806 and 947 MHz to the land mobile radio service. In that decision, the Commission also adopted its original proposals and allocated 75 MHz (806–881 MHz) for wireline common carriers and 40 MHz (881–902, and 928–947 MHz) for private land mobile radio users. Petitions for reconsideration, generally directed to the suballocation of the 115 MHz, were disposed of in our Second Memorandum Opinion and Order, released on August 2, 1971 (FCC 71–779). Based on the information available to us then, we affirmed our original division of the spectrum between the common carrier and private service, but we modified our initial decision by removing the exclusive wireline designation from the 75 MHz common carrier allocation.

2. In suballocating 75 MHz to the common carrier and 40 MHz to the private radio services, the Commission envisioned the development of a nationwide, broadband common carrier land mobile communications system along the lines proposed by the American Telephone and Telegraph Co., utilizing for this purpose an allocation of 75 MHz nationwide. The 40 MHz allocation to the private radio services was intended to supplement the Commission's action in Docket 18261 (providing for limited sharing of UHF television frequencies) by making available sufficient frequency space for the long-term development of private land mobile communication systems. We kept the proceeding open, however, and requested interested parties to conduct "a comprehensive study of market potentials, optimum systems configurations and equipment design" for broadband common carrier systems, and also to submit innovative proposals for the most effective use of the remaining 40 MHz in meeting the needs of the private mobile radio users.

3. In response to that request, many parties have submitted extensive information covering, among other things, innovative cellular and other "common user" systems designed for operation in the 806–947 MHz band, projected future requirements for land mobile communications, as well as the results of tests on the propagation characteristics of the frequencies at this region of the spectrum for land mobile purposes. Based in part on the information developed for this phase of the proceeding, a number of the parties have presented arguments and raised a number of significant policy questions which they urged us to consider in connection with the next step in the proceeding. Serious concern has been expressed over the 75 MHz allocated for the common carrier broadband system. Questions have been raised as to the desirability of relying on a broadband, high capacity system such as originally contemplated, to meet future land mobile requirements; the degree to which A.T. and T. and other carriers should be permitted to participate in the development of the land mobile communications services; the specific licensing policies to be followed; the range of communications system designs to be authorized, basic technical standards, and other related matters.

4. We have reviewed the comments submitted by interested parties in support of their respective positions; and, based upon their presentations, as well as on our own study of the matter, we

believe it would be appropriate to afford all concerned a further opportunity to address themselves to the important issues they have raised. This is particularly so in light of the data and information developed by them since the release of our original decision in this proceeding. We recognize that we have previously passed on some of the matters being questioned; however, as we have said, new information has been developed and the matters before us are of such significance, that we feel further exploration of issues involved is warranted. Accordingly, we have decided to afford interested parties an opportunity to present their views orally before the Commission in the manner prescribed below.

5. Although we do not wish to restrict participants unduly, presentations directed to the following issues will be most helpful to the Commission:

(a) Whether the objective of a nationwide, compatible radiotelephone service remains sound and desirable as a matter of public policy; and if so, whether this service should be provided by a single integrated system, by interconnected one-to-a-market systems, or by interconnected competitive systems?

(b) Which elements of 806–947 MHz mobile communications operation (e.g., hardware manufacture, base/mobile communication, network control and interconnection, etc.) are amenable to competition within a given area, and which are best performed by a single organization?

(c) Whether the role of wireline common carriers in the ownership and operation of 806–947 MHz mobile communication systems should be restricted in any way? If so, whether these limitations should take the form of market (e.g., radio-telephone vs. dispatch), operational (e.g., wireline vs. base/mobile), or geographic divisions?; institutional structure (e.g., corporate subsidiaries)?; accounting procedures (e.g., anti-cross-subsidization)?; or some combined approach?

(d) Whether the role of any other parties (e.g., hardware manufacturers, radio common carriers, user associations, user cooperatives, etc.) should be restricted in any way, and if so why?

(e) Whether the original division of this 115 MHz (i.e., 75 MHz for common carriers and 40 MHz for private users) should be retained? If not, whether there should be a different yet fixed division, or should more flexible procedures be adopted with the objective of having allocations follow market growth? In each case, what specific provisions are suggested taking into account, among other factors, the foreseeable future potential for radiotelephone, private dispatch, and other services?

(f) What technical standards (such as channel spacing, transmit/receive frequency separation, power, stability, FM deviation, cochannel, adjacent channel and intermodulation assignment standards, service area, etc.) should be adopted for various systems in the 806–947 MHz region.

(g) What standards of spectrum efficiency and service quality should be applied to mobile telephone and dispatch systems to insure satisfaction of future growth and should such standards depend on population, market projections, or other characteristics of proposed service areas.

6. The Commission will hear oral argument by interested parties on May 7 and May 8, 1973. Following these formal presentations, the Commission may at its discretion convene a panel or panels of representative spokesmen to discuss particular issues in informal question-and-answer sessions, or adopt such other proceedings as it deems necessary and appropriate.

7. The Commission invites participation by interested parties, particularly those who have submitted reports and comments in this phase of the proceedings. In order to make most effective use of the limited time available, interested parties are urged to coordinate their presentations and, to the extent possible, designate joint spokesmen for parties wishing to present substantially similar views.

8. *Accordingly, it is ordered,* That oral argument is scheduled to begin before the Commission en banc, at 9:30 a.m., May 7, 1973, at the Commission's offices in Washington, D.C. Parties desiring to present oral argument shall file a written notice of intention to appear and participate within 7 days after release of this order. Such notice shall specify the party or parties represented and the issues to which the presentation would be directed. After submission of such written notices, the Commission will issue an order allotting time to the parties who will present argument, and may allot time jointly to parties representing the same or similar interests.

Adopted: March 13, 1973.

Released: March 15, 1973.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[FR Doc.73-5307 Filed 3-19-73;8:45 am]

[47 CFR Part 73]

[Docket No. 19703; 73-263]

TELEVISION BROADCAST STATIONS, FRESNO, CALIF.

Proposed Table of Assignments

In the matter of amendment of § 73.606(b), table of assignments, Television Broadcast Stations (Fresno, Calif.), Docket No. 19703, RM–1964.

1. The Commission has before it a petition for rule making filed by Capital Cities Broadcasting Corporation (Capital Cities) seeking the substitution of television Channel 34 for Channel 30 at Fresno, Calif. As licensee of Station KFSN–TV operating on Channel 30, Capital Cities seeks modification of its license to specify Channel 34.

2. Even though the current Channel 30 assignment meets all applicable criteria, Capital Cities insists that reception of its signal has been much affected by interference caused by Station KBAK–TV operating on adjacent Channel 29 at Bakersfield, Calif. In order to show the areas in which this interference occurs and the degree to which it affects reception, Capital Cities conducted field tests and submitted the results along with its petition. While the Capital Cities system of rating the degree of interference may not be ideal,[1] the photographs it submitted show that the quality of the picture on the screen has been degraded to some extent. The quality of the reproduction of the photographs in its engineering showing is not high enough to properly convey the extent of the degradation of picture quality. For this reason submission of clear photographic prints is necessary to clarify this point.

3. Capital Cities traces this interference to the unusual propagation characteristics in the San Joaquin Valley and to the high powers and antenna heights utilized by both stations operating on mountain tops along the east side of the valley. While no definitive judgment can be reached at this point, it does appear that the interference effects occur much closer to Fresno (in some cases within its Grade A contour) than would ordinarily be expected when the stations are 122 miles apart. This figure is more than double the required 55-mile separation.

4. In adopting the television table of assignments we balanced the competing needs for greater choice of signals and for adequate protection to the signal of a particular station. This balancing is expressed in the spacing requirements on which the table is based. Thus, it has not been our usual practice to consider problems traceable to adjacent channel interference so long as the stations in question meet the applicable spacing requirement. To do so would preclude many assignments, and in so doing upset the balance expressed in the table. Considering the apparently ample spacing here, that view would customarily be expressed all the more firmly in this instance. However, Capital Cities has provided data to suggest that this situation is anomalous and in need of specialized treatment. We express no final view on this point, although we do believe that the subject does warrant further consideration.

5. Aside from the question of making a substitution in a case such as this, the use of Channel 34 at Fresno, as proposed, would meet all applicable criteria. Capital Cities has provided information on the preclusionary impact of both channels and Channel 34 appears to have a smaller total preclusionary effect, and does not seem to affect currently unaffected areas where assignments might be in particular need. Thus, our principal concern is with the concept of substitution rather than with the channel

[1] The standard grading system for picture quality is not applicable to instances such as this one and Capital Cities has used its own four-level grading system: No interference, very little interference, bad interference and horrible interference.

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Capital Cities seeks to substitute. Nevertheless, there is one point to consider in connection with Channel 34. If the valley propagation situation is unusual, what impact might be expected by the presence of a cochannel operation for Los Angeles 211 miles away? Although this is more than the 175-mile required separation, the margin is a smaller one than now exists as to Bakersfield and is cochannel rather than adjacent channel. Thus, before we would be willing to implement this proposal, we need sufficient information to allay our concern on this score.

6. We seek comments on this proposal from interested parties. Capital Cities should address itself to the matters discussed above, and it and any other party is invited to comment on any other aspect of the proposal. Capital Cities has specifically waived its right under section 316 of the Act and thus there is no need to issue an order to Capital Cities to show cause why its license should not be modified to specify operation on Channel 34.

7. In accordance with the provisions of sections 4(i), 303 (g) and (r), and 307(b) of the Communications Act of 1934, as amended, it is proposed to amend the television table of assignments, § 73.606 (b) of the Commission's rules, insofar as the community listed, to read as follows:

City	Channel No.	
	Present	Proposed
Fresno, Calif.	*18, 24, 30, 47, 53	*18, 24, 34, 47, 53

8. Pursuant to applicable procedures set out in § 1.415 of the Commission's rules and regulations, interested parties may file comments on or before April 23, 1973, and reply comments on or before May 3, 1973. All submissions by parties to this proceeding, or persons acting on behalf of such parties, must be made in written comments, reply comments, or other appropriate pleadings.

9. In accordance with the provisions of § 1.419 of the Commission's rules and regulations, an original and 14 copies of all written comments, reply comments, pleadings, briefs, or other documents shall be furnished the Commission. Responses filed in this proceeding will be available for public inspection during regular business hours in the Commission's public reference room at its headquarters in Washington, D.C. (1919 M Street NW.).

Adopted: March 7, 1973.

Released: March 12, 1973.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[FR Doc.73-5306 Filed 3-19-73;8:45 am]

[47 CFR Part 81]

[Docket No. 19700; FCC 73-254]

MARITIME MOBILE REPEATER STATIONS

Proposal for Use in State of Alaska

In the matter of amendment of Part 81 of the Commission's rules to provide for the use of maritime mobile repeater stations in the State of Alaska, Docket No. 19700.

1. Notice of proposed rule making in the above entitled matter is hereby given.

2. The Commission convened a series of public meetings in southeastern Alaska during June 1972, to obtain local information in regard to the use of very high frequencies (VHF) in the maritime mobile service. In the course of these meetings it was recommended that the Commission make available one of the duplex pairs of VHF public correspondence frequencies for the automatic relay (unattended repeater) of ship-to-shore and shore-to-ship communications.

3. In support of that recommendation it was pointed out, taking into account the topography of and population distribution in this area, that repeater stations of this type can substantially increase the usable communication range of VHF which, in turn, would provide encouragement to vessel operators in Alaska to install and use VHF. Further, that the use of one pair of these frequencies for repeater purposes could be continued on an interim basis until a need develops for the use of such frequency pair for VHF public correspondence. Lastly, since the use of these repeater facilities would be limited to the maritime services, the use of this frequency pair could be effected without penalty to other radio services or to the maritime services.

4. In the view of the Commission, the consequential encouragement to use of VHF in Alaska will depend, in large part, upon the number of repeater stations installed; upon the availability of primary power, switching, and radio frequency equipment having the required reliability at a cost which is within the budgetary limits of the persons concerned; and upon the accessibility and availability of elevated sites at which to install the repeater facilities.

5. Nonetheless, the arguments are persuasive that provision should be included in the rules for the interim use of one pair of the VHF public correspondence frequencies by repeater stations in Alaska. Accordingly, the Commission is proposing to amend Part 81 of the rules as set forth below.

6. The proposed amendments to the rules, as set forth in this notice below, are issued pursuant to authority contained in sections 4(i) and 303 (b), (c), (g), and (r) of the Communications Act of 1934, as amended.

7. Pursuant to applicable procedures set forth in § 1.415 of the Commission's rules, interested persons may file comments on or before April 23, 1973, and reply comments on or before May 3, 1973. All relevant and timely comments and reply comments will be considered by the Commission before final action is taken in this proceeding. In reaching the decision in this proceeding, the Commission may take into account other relevant information before it, in addition to the specific comments invited by this notice.

8. In accordance with the provisions of § 1.419 of the Commission's rules, an original and 14 copies of all statements, briefs, or comments filed shall be furnished the Commission. Responses will be available for public inspection during regular business hours in the Commission's public reference room at its headquarters in Washington, D.C.

Adopted: March 7, 1973.

Released: March 12, 1973.

FEDERAL COMMUNICATIONS COMMISSION,[1]
[SEAL] BEN F. WAPLE,
Secretary.

Part 81 of Chapter I of Title 47 of the Code of Federal Regulations is amended as follows:

1. In § 81.3, a new paragraph (t) is added to read as follows:

§ 81.3 Maritime mobile service.

* * * * * *

(t) *Maritime mobile repeater station.* A land station at a fixed location established for the automatic retransmission of signals emanating from maritime coast and mobile stations in order to extend the range of communication of both ship and coast stations.

2. A new § 81.330 is added to Subpart I to read as follows:

§ 81.330 Maritime mobile repeater stations in Alaska.

(a) Maritime mobile repeater stations will be licensed only in connection with Public Coast III–B stations (VHF) to extend the range of communication between the public coast station located in Alaska and ship stations.

(b) An authorization for a maritime mobile repeater station may be granted only to a licensee of Class III–B public coast station in Alaska and only during the interim period prior to the development of an adequate VHF public coast station service in any particular area of Alaska. The existence of a maritime mobile repeater station in an area shall not preclude consideration of the establishment of a VHF public coast station in that area.

(c) Each application for a maritime mobile repeater station shall include a full and complete statement showing why the operational fixed frequencies set forth in Subpart P of this part cannot be employed.

(d) The standard technical requirements set forth in Subpart E and section 81.303 of this part, applicable of Class III–B public coast stations, shall be also applicable to a maritime mobile repeater station.

(e) The following frequencies may be authorized for use by a maritime mobile repeater station in Alaska:

Receive 157.275 MHz; transmit 161.875 MHz.

(f) The rules applicable to Public Coast III–B stations requiring capability to transmit and to receive on 156.800 MHz, [81.104(b)(2) 81.104(c)(2) and 81.191(c)(2)] are not applicable to the maritime mobile repeater stations in Alaska.

(g) A public coast station, the licensee of which has been authorized to use a maritime mobile repeater station, may be authorized to transmit on the frequency 157.275 MHz and to receive on 161.875 MHz. In an area where a maritime mobile repeater station is authorized, the frequencies 157.275 MHz and 161.875 MHz (Channel 85) are not available for assignment to Class III–B public coast stations.

(h) Each maritime mobile repeater station shall be so designated and installed that:

(1) The transmitter is deactivated automatically within 5 seconds after the signals controlling the station cease; and

(2) During periods when it is not controlled from a manned fixed control point, it shall be provided with an automatic time delay or clock device that will deactivate the station not more than 20 minutes after its activation by a mobile unit.

[FR Doc.73-5305 Filed 3-19-73;8:45 am]

[1] Commissioner Reid absent.

THE RENEGOTIATION BOARD

[32 CFR Parts 14664, 1470, 1471, 1499]

SIMPLIFICATION OF RENEGOTIATION REGULATIONS

Notice of Proposed Rule Making

The Renegotiation Board proposes to promulgate a comprehensive revision of its regulations pertaining to consolidated renegotiation, effective with respect to fiscal years ending after June 30, 1973. At the same time, the Board proposes to eliminate the procedure known as "concurrent renegotiation."

A. *Consolidated renegotiation.* The regulations on this subject are contained in Part 1464 and § 1470.3(h) of the Board's regulations. The proposed amendments are designed to simplify the rules governing consolidated renegotiation, to conform them more closely to the consolidation procedure under the Internal Revenue Code, and to eliminate unnecessary differences between the requirements applicable to affiliated groups and those applicable to related groups. The principal changes proposed are the following:

1. Once consolidated for renegotiation, a group of contractors would remain consolidated for all subsequent fiscal years unless otherwise authorized or directed by the Board.

2. A previously consolidated group would not be required to file a new request for consolidation when it loses or adds a member, but any new member would have to adopt and join in the request previously filed.

3. If either an affiliated group or a related group desired renegotiation on a consolidated basis, all members of the group having renegotiable business in the fiscal year under review would have to be included in the consolidation.

4. In the case of a related group, consolidation would be allowed only if all members of the group had a fiscal year ending on the same date.

5. By agreement with the Board, membership in a group, or the lack of it, for less than 30 days would be disregarded in assembling a group of contractors and their data for consolidation, unless the application of the statutory minimum or "floor" would be affected thereby.

B. *Concurrent renegotiation.* In concurrent renegotiation, losses or low profits of a member of an unconsolidated group of contractors are offset against profits of another member or members of such group. The act does not require or provide for concurrent renegotiation, nor does there appear to be any greater need for it in renegotiation than there is for its equivalent in the field of income taxation, where it is unknown. The Board's experience with this procedure for a number of years has shown that it tends to produce delay and other administrative problems. Also, related contractors who rely on concurrent renegotiation instead of consolidating can find themselves at a disadvantage in the Court of Claims. For in the court a contractor is unable to benefit from the loss or low profits of a concurrently renegotiated contractor who was cleared by the Board and thus is not before the court. Thus, the Board believes it unnecessary and inadvisable to continue the practice of concurrent renegotiation.

It is not intended by the proposed amendment to affect the obligation of any contractor controlling, controlled by, or under common control with any other contractor or contractors to file the Standard Form of Contractor's Report for any fiscal year in which the aggregate renegotiable receipts or accruals of the group exceed the minimum amount provided in section 105(f) of the act, without regard to whether the members of such group request renegotiation on an individual basis or on a consolidated basis for such year.

To avoid inequity in pending cases, or with respect to fiscal years already completed, the Board proposes to continue the present procedure of concurrent renegotiation with respect to fiscal years ending on or before June 30, 1973. Also, with respect to any fiscal year ending after that date, but not later than May 31, 1974, the Board proposes to accept and give consideration to a request for consolidated or concurrent renegotiation under the existing regulations, upon a showing that the application of the amended regulations to such fiscal year would cause prejudice or undue hardship to the contractor. Except for its discretionary use in such unusual circumstances, the precodure of concurrent renegotiation would not be available with respect to fiscal years ending after June 30, 1973.

The Board proposes to issue the proposed amendments not earlier than May 14, 1973. Interested persons are hereby notified that any changes, to be considered, must be presented, in writing to the Renegotiation Board, 2000 M Street NW., Washington, DC 20446, not later than May 7, 1973.

Written material or suggestions submitted will be available for public inspection during regular business hours in the library at the principal office of the Board, 2000 M Street NW., Washington, DC.

Dated: March 15, 1973.

RICHARD T. BURRESS,
Chairman.

PART 1464 CONSOLIDATED RENEGOTIATION OF AFFILIATED GROUPS AND RELATED GROUPS

This part is amended in the following respects:

1. The heading "Subpart A—Fiscal years ending on or before June 30, 1973" is inserted before § 1464.1.

2. Sections 1464.90 and 1461.91 are renumbered § 1464.18 and 1464.19.

3. Subpart B, consisting of new §§ 1464.21 to 1464.90, is added to read as follows:

Subpart B—Fiscal Years Ending After June 30, 1973

Sec.
1464.21 Affiliated group.
1464.22 Related group.
1464.23 Consolidated renegotiation; when granted.
1464.24 Consolidated group.
1464.25 Partial fiscal years.
1464.26 Effect of consolidation.
1464.27 Request for consolidation; designation of agent; commencement of proceeding.
1464.28 Allocation of excessive profits.
1464.29 Liability of members of a consolidated group.
1464.30 Separate renegotiation of partial fiscal years.
1464.31 Renegotiation losses of consolidated contractors.

FORMS

1464.90 Letter form of request for renegotiation on consolidated basis.

AUTHORITY: Sec. 109, 65 Stat. 22; 50 U.S.C.A., App. sec. 1219.

§ 1464.21 Affiliated group.

(a) *Statutory provisions.*—

Section 105(a) of the act provides in part as follows:

* * * Renegotiation shall be conducted on a consolidated basis with a parent and its subsidiary corporations which constitute an affiliated group under section 141(d) of the

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Internal Revenue Code if all of the corporations included in such affiliated group request renegotiation on such basis and consent to such regulations as the Board shall prescribe with respect to (1) the determination and elimination of excessive profits of such affiliated group, and (2) the determination of the amount of the excessive profits of such affiliated group allocated, for the purposes of section 3806 of the Internal Revenue Code, to each corporation included in such affiliated group.

(b) *Definition of "affiliated group."* (1) The term "affiliated group" as used in this part means a group of corporations which qualify as such under the Internal Revenue Code.

(2) Section 1504(a) of the Internal Revenue Code of 1954 (corresponding with section 141(d) of the Internal Revenue Code of 1939 and incorporated in the act by the provisions of section 7852(b) of the Internal Revenue Code of 1954) provides as follows:

(a) Definition of "affiliated group." As used in this chapter, the term "affiliated group" means one or more chains of includible corporations connected through stock ownership with a common parent corporation which is an includible corporation if—

(1) Stock possessing at least 80 percent of the voting power of all classes of stock and at least 80 percent of each class of the nonvoting stock of each of the includible corporations (except the common parent corporation) is owned directly by one or more of the other includible corporations; and

(2) The common parent corporation owns directly stock possessing at least 80 percent of the voting power of all classes of stock and at least 80 percent of each class of the nonvoting stock of at least one of the other includible corporations.

As used in this subsection, the term "stock" does not include nonvoting stock which is limited and preferred as to dividends.

§ 1464.22 Related group.

(a) *Statutory provision.* Section 105 (a) of the act provides in part as follows:

• • • By agreement with any contractor or subcontractor, and pursuant to regulations promulgated by it, the Board may in its discretion conduct renegotiation on a consolidated basis in order properly to reflect excessive profits of two or more related contractors or subcontractors.

(b) *Definition of "related group."* The term "related group" as used in this part means a group of persons (including corporations, partnerships, joint ventures, associations and sole proprietorships, and any combination of some or all of these) in which stock possessing at least 80 percent of the voting power of all classes of stock and at least 80 percent of each class of nonvoting stock of each corporate member of the group (except the common parent, if any), and the right to at least 80 percent of the profits of each unincorporated member of the group (except the common parent, if any), are owned directly or indirectly by one or more of the other members of the group, or by the same person or persons other than a member or members of the group.

§ 1464.23 Consolidated renegotiation; when granted.

(a) *Affiliated group.* Any two or more persons who are members of an affiliated group will be consolidated for purposes of renegotiation for a fiscal year upon the filing of a request therefor at the time and in the form prescribed in this part, if such persons include (1) the common parent corporation and (2) all members of the group who had renegotiable sales or costs in such fiscal year; and if each such member, for the first fiscal year for which such member is to be included in the proposed consolidation, had a fiscal year conforming with that of the common parent corporation.

(b) *Related group.* Any two or more persons who are members of a related group will be consolidated for purposes of renegotiation for a fiscal year upon the filing of a request therefor at the time and in form prescribed in this part, if such persons include all members of the group who had renegotiable sales or costs in such fiscal year, and if each such person, for the first fiscal year for which such person is to be included in the proposed consolidation, had a fiscal year conforming with that of the member designated as agent of the group pursuant to § 1464.27(c).

(c) *Limitation.* A member of an affiliated or related group requesting consolidated renegotiation for a fiscal year, who had no renegotiable sales or costs in such fiscal year, shall be entitled, but is not required, to join in such request. To facilitate renegotiation, the group is urged to limit such request, to the extent practicable, to members that had renegotiable sales or costs in such fiscal year.

§ 1464.24 Consolidated group.

(a) *Definition.* As used in this part, the term "consolidated group" means those members of an affiliated or related group who have requested and have been granted renegotiation on a consolidated basis pursuant to the regulations in this part.

(b) *Fiscal year.* For the purpose of consolidated renegotiation, the fiscal year of a consolidated group shall be the fiscal year of the member of such group designated as agent in accordance with § 1464.27(c).

§ 1464.25 Partial fiscal years.

(a) *In general.* Except as provided in paragraph (b) of this section, in any consolidated renegotiation conducted pursuant to this part, amounts received or accrued by any person who was a member of an affiliated or related group during only a portion of the fiscal year of such member shall be included only to the extent that such amounts were received or accrued during such portion of its fiscal year.

(b) *Periods not exceeding 30 days.* If a member of an affiliated or related group is entitled to be included in a consolidated renegotiation, but for only a portion of its fiscal year, and the period during which it was or was not a member of the group did not exceed 30 days, amounts received or accrued by such member during such period may, by agreement with the Board, be excluded from or, as the case may be, included in the consolidated renegotiation of the group. The preceding sentence shall not apply if the exclusion or inclusion of such amounts would be significant in determining, pursuant to section 105(f) of the act, whether any amounts received or accrued by and person may be renegotiated under this act.

(c) *Other receipts or accruals.* Amounts received or accrued by a member of a consolidated group during the fiscal year of such member, but not included in the consolidated renegotiation of such group under paragraphs (a) and (b) of this section, shall be reported and renegotiated separately in accordance with the provisions of § 1464.30.

§ 1464.26 Effect of consolidation.

(a) *In general.* Once the Board has granted a request for renegotiation on a consolidated basis for a fiscal year, then, except as otherwise provided in this section and in § 1467.55(b) of this chapter, the group shall remain consolidated for all purposes under the act for such fiscal year and all fiscal years thereafter, without regard to whether a clearance is issued or excessive profits are determined by agreement or order for any such year or whether the renegotiable receipts or accruals of the group for any such year are less than the applicable minimum amount prescribed in section 105(f) of the act.

(b) *Procedure for subsequent fiscal years.* (1) Except as otherwise provided in this section, the members of a consolidated group shall be entitled, without further request on their part, and unless otherwise authorized by the Board shall be required, to file a consolidated Standard Form of Contractor's Report (see § 1470.3(h) of this chapter) and be renegotiated on a consolidated basis for each fiscal year thereafter with respect to which the aggregate receipts or accruals of the group exceed the applicable minimum amount prescribed in section 105(f) of the act.

(2) If a member of a consolidated group ceases to qualify under this part in a subsequent fiscal year for consolidation with the other members of the group, it shall not be necessary for such other members to file a new request for consolidation for such fiscal year.

(3) If for a subsequent fiscal year it is desired to add a new member to a previously consolidated group, it shall not be necessary for the new group to file a request for consolidation for such fiscal year, but the consolidated financial statement of the new group (see § 1470.3(h) of this chapter) shall include a statement subscribed by such new member joining in and adopting, with respect to such fiscal year and all fiscal years thereafter, the request for consolidation theretofore filed by the previously consolidated group.

(4) A consolidated financial statement filed on behalf of a previously consolidated group shall include a statement describing any changes in the composition of the group since the close of the last fiscal year for which a consolidated filing was made.

(c) *Discontinuance.* On request of any member of a consolidated group, the Board at any time, in its discretion, may dissolve the consolidated group; or the Board may so act at any time on its own motion if satisfied that the consolidation was not properly effected pursuant to the regulations in this part. In any such event, if a renegotiation proceeding shall theretofore have been commenced with the consolidated group for any fiscal year, but not concluded, the Board may discontinue such proceeding and convert it to separate renegotiation proceedings or may permit consolidation of a different group.

§ 1464.27 Request for consolidation; designation of agent; commencement of proceeding.

(a) *Form of request.* A request for consolidated renegotiation shall be made in the form prescribed by § 1464.90. The request shall be executed by each member of the group. The request shall constitute a consent by each member of the consolidated group to the regulations governing consolidated renegotiation.

(b) *Time for filing request.* A request for consolidation shall be filed with the Board on or before the first date on which any member of the group files its Standard Form of Contractor's Report for the fiscal year involved. The Board may, in its discretion, grant a request filed after that date for good cause shown (see § 1472.6(e)(4) of this chapter).

(c) *Designation of agent of group.* A request for consolidation shall designate one member to act as agent of the consolidated group for purposes of renegotiation. In the case of an affiliated group, the common parent corporation shall be designed as agent. The agent so designated shall be authorized to act in its own name for all members of the group for all purposes in connection with renegotiation under these regulations, including commencement of renegotiation, notices, meetings, submission of data, administrative review, and the making and execution of renegotiation agreements. Such designation and authorization shall be irrevocable and not subject to change, except by permission of the Board, as long as the group remains consolidated pursuant to this part.

(d) *Commencement of consolidated renegotiation.* The Board will commence renegotiation on a consolidated basis by sending a registered letter to the member of the consolidated group designated as agent pursuant to paragraph (c) of this section, and the mailing of such letter will constitute the commencement of renegotiation with each member of such group, jointly and severally. Such mailing also will constitute the granting by the Board of a request for renegotiation on a consolidated basis, unless the Board has previously granted such request. The issuance of a Notice of Clearance Without Assignment (see § 1498.6(b) of this chapter) to the agent of a group that has requested consolidated renegotiation will constitute the granting of such request, unless the Board has previously granted such request.

§ 1464.28 Allocation of excessive profits.

Excessive profits, whether determined by agreement or by order, will be allocated by the Board among the members of a consolidated group in an equitable manner, and the agreement or order will set forth the allocation.

§ 1464.29 Liability of members of a consolidated group.

Although excessive profits to be eliminated for a fiscal year will be allocated to members of a consolidated group, each member of the group in such fiscal year shall be jointly and severally liable for the total amount of excessive profits, if any, to be eliminated as determined in the consolidated proceeding.

§ 1464.30 Separate renegotiation of partial fiscal years.

When amounts received or accrued during a portion of a contractor's fiscal year are included in a consolidated renegotiation, such contractor shall file a Standard Form of Contractor's Report for its entire fiscal year (see § 1470.3(h) of this chapter). The Standard Form of Contractor's Report shall reflect separately the receipts or accruals that are, and those that are not, included in the consolidation. The receipts or accruals that are not included in the consolidation will be renegotiated separately.

§ 1464.31 Renegotiation losses of consolidated contractors.

(a) *Scope and effect of section.* This section explains how a renegotiation loss sustained by a contractor in a fiscal year prior to the fiscal year under review will be treated pursuant to section 103(m) of the act when such contractor: (1) Was a member of a consolidated group in the loss year, or (2) is a member of a consolidated group in the fiscal year under review. For regulations pertaining to the carryforward of a renegotiation loss sustained by a single contractor, see § 1457.9 of this chapter.

(b) *Definitions.* As used in this section.

(1) The term "consolidated renegotiation loss" means the amount by which the aggregate costs paid or incurred by the members of a consolidated group with respect to renegotiable receipts or accruals in a fiscal year exceed the aggregate renegotiable receipts or accruals of such group in such fiscal year.

(2) The term "loss member" means a contractor which sustains a renegotiation loss for a fiscal year in which it is a member of a group that sustains a consolidated renegotiation loss.

(c) *Carryforward for loss member of a consolidated group.* If a contractor who was the sole loss member of a consolidated group in a loss year ceases to be a member of the group at any time within the 5 fiscal years following the loss year, the amount of the consolidated renegotiation loss sustained by the group, after reduction for any part thereof already absorbed by renegotiable profits of the group in any of such 5 fiscal years, shall be a renegotiation loss carryforward for such contractor, subject to the provisions of this section and § 1457.9 of this chapter. If the group included more than one loss member, the consolidated renegotiation loss, reduced as aforesaid, will be allocated among the loss members in proportion to the amount of loss sustained by each, and the share so allocated to each loss member shall be a renegotiation loss carryforward for such contractor, subject to the provisions of this section and § 1457.9 of this chapter.

Example. In Year 1, A, B, and C were members of a consolidated group. A realized renegotiable profits of $240,000; B sustained a renegotiation loss of $300,000; and C sustained a renegotiation loss of $100,000. The consolidated renegotiation loss of the group was $160,000. In Year 2, the group realizes consolidated renegotiable profits of $60,000, which absorb $60,000 of the Year 1 loss. At the end of Year 2, B and C are sold and the group is dissolved, with $100,000 still available as a carryforward. In Year 3, in which the members are all renegotiated separately, $75,000 will be allowed as a cost to B and $25,000 to C. No amount of a consolidated renegotiation loss will be allowed as a carryforward (1) if such loss resulted from gross inefficiency; and (2) unless it is shown that any loss member of such group has reasonably pursued available remedies for obtaining relief from such loss.

(d) *Carryforward to consolidated group.* (1) *When group was identical in loss year.* If a group consolidated in the fiscal year under review sustained a consolidated renegotiation loss as a group of identical membership in a prior fiscal year, the amount of such loss shall be a renegotiation loss carryforward for the group to each of the 5 fiscal years following the loss year, and shall be carried forward in the manner provided in this section and § 1457.9 of this chapter. For the purposes of this paragraph, the Board will disregard: (i) Any differences in the membership of the group occasioned by the incorporation or dissolution of a member between the beginning of the loss year and the close of the fiscal year under review, or (ii) the fact that a member, although in existence in both such years, did not have any renegotiable sales or costs in one of such years.

(2) *When members were separate in loss year.* If the members of a group consolidated in the fiscal year under review were renegotiated separately in a prior fiscal year in which one or more of such contractors sustained renegotiation losses, such losses shall be carried forward as provided in this section and § 1457.9 of this chapter. Such losses will be allowed as carryforwards to the consolidated group in the fiscal year under review; but no such amount will be so allowed unless the members of such group would all have qualified for consolidation as a group in the loss year, and the aggregate amount so allowed will be limited to the amount, if any, which would have been the consolidated renegotiation loss of such group in the loss

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year. In computing such amount, if any member of the consolidated group was not a renegotiable contractor in the loss year, but succeeded thereafter to the business of a renegotiable contractor and was owned during the fiscal year under review by the same person or substantially the same persons who owned such predecessor in the loss year, the receipts or accruals and costs of such predecessor will be included in the computation. The following example illustrates how the limitation in this subparagraph is computed and applied:

Example. In Year 1, A, B, and C, a partnership, would have qualified for consolidated renegotiation, but were not consolidated. A realized renegotiable profits of $340,000 and made a renegotiation refund of $100,000, retaining $240,000 after renegotiation; B sustained a renegotiation loss of $200,000; and C sustain a renegotiation loss of $100,000. If A, B, and C were renegotiated separately in Year 2, $200,000 would be allowed as a cost to B and $100,000 to C. However, A, B, and C are a consolidated group in Year 2, with renegotiable profits of $40,000. Had they been consolidated in Year 1, the consolidated renegotiation loss of the group would have been only $60,000. It is this amount of $60,000, and not the aggregate of $300,000 of renegotiation losses sustained by B and C, which is allowed as a cost to the consolidated group in Year 2. At the end of Year 2, the partners dissolve C and form a corporation D, which continues the partnership business. The $20,000 of loss remaining is carried forward to Year 3 and is allowed as a cost to the consolidated group of A, B, and D in that year.

(e) *Carryforward upon acquisition of business.* The provisions of § 1457.9(e) of this chapter shall apply to the carryforward of losses under this section.

FORMS

§ 1464.90 Letter form of request for renegotiation on consolidated basis.

The following letter is prescribed for requesting consolidated renegotiation:

THE RENEGOTIATION BOARD,
Washington, D.C.

GENTLEMEN: 1. Pursuant to the provisions of section 105(a) of the Renegotiation Act of 1951 and Subpart B of Part 1464 of the Renegotiation Board Regulations (RBR) the undersigned hereby request renegotiation on a consolidated basis for the fiscal year ended _____ (hereinafter referred to as "the first consolidated fiscal year").

2. The undersigned represent that they are members of (an "affiliated group" as that term is defined in RBR 1464.21(b)) (a "related group" as that term is defined in RBR 1464.22(b)) (delete inapplicable language), and that each of the undersigned had a fiscal year conforming with the first consolidated fiscal year. (For the purpose of the preceding sentence, disregard any differences resulting solely from the organization or dissolution of a member during the first consolidated fiscal year, but attach a statement reporting such differences.)

3. Each of the undersigned hereby consents, for the first consolidated fiscal year and all fiscal years thereafter, to the Renegotiation Board Regulations with respect to (a) the determination and elimination of excessive profits of the group, and (b) the determination of the amount of the excessive profits of the group allocable, for the purposes of section 1481 of the Internal Revenue Code, to each of the undersigned.

4. The undersigned understand and agree that if this request is granted, the undersigned shall remain a consolidated group for all purposes under the Act for the first consolidated fiscal year and all fiscal years thereafter, except as otherwise provided in the Renegotiation Board Regulations.

5. _____ (one of the undersigned) is hereby designated as agent of the group and is hereby authorized to represent all members of the group for all purposes in connection with renegotiation under the Renegotiation Board Regulations for the first consolidated fiscal year and all fiscal years thereafter, except as otherwise provided in such regulations. It is understood that this designation and authorization shall be irrevocable and not subject to change, except by permission of the Board, as long as the group remains consolidated pursuant to such regulations.

NOTE. An affiliated group must designate the common parent corporation as agent. In the case of a related group, any member may be designated as agent.

6. The undersigned agree that the addition of a new member to the group for a subsequent fiscal year shall not impair or otherwise affect any of the obligations, commitments or liabilities of any of the undersigned under this request or the Renegotiation Board Regulations, and that all such obligations, commitments, and liabilities shall continue in full force and effect with respect to renegotiation proceedings for such subsequent fiscal year and all fiscal years thereafter with the group as so enlarged.

7. The undersigned represent that the first consolidated fiscal year is the taxable year, under the Internal Revenue Code, of the agent designated in paragraph 5 hereof.

8. The person signing this request on behalf of each of the undersigned declares, under the criminal penalties provided in section 105(e)(1) of the Renegotiation Act of 1951, that such undersigned has authorized him to sign this request on its behalf.

In witness whereof, the undersigned have executed this request as of the _____ day of _____, 19____, in their proper persons or by their duly authorized representatives.

Attest:

_____ (Contractor)

_____ (Secretary) By _____ (Authorized representative)

_____ (Title of authorized representative)

Attest:

_____ (Contractor)

_____ (Secretary) By _____ (Authorized representative)

_____ (Title of authorized representative)

PART 1470—INFORMATION REQUIRED BY CONTRACTORS

This Part 1470 is amended by deleting § 1470.3(h) Filing on a consolidated basis in its entirety and inserting in lieu thereof the following:

§ 1470.3 Filing on a consolidated basis.

* * * * *

(h) *Filing on a consolidated basis.* (1) Contractors desiring to be consolidated for purposes of renegotiation under the act shall file, together with their request for consolidated renegotiation (see §§ 1464.27(a) and 1464.90 of this chapter), a consolidated Standard Form of Contractor's Report for the fiscal year for which consolidation is initially requested, and each such contractor having renegotiable business shall file a separate and complete Standard Form of Contractor's Report for its own fiscal year included in whole or in part in such consolidation.

(2) Unless otherwise authorized by the Board (see § 1464.26(b)(1) of this chapter), contractors constituting a consolidated group for a fiscal year shall file a consolidated Standard Form of Contractor's Report for each fiscal year of the consolidated group thereafter with respect to which the aggregate renegotiable receipts or accruals of the group exceed the minimum amount prescribed in section 105(f) of the act; and each such contractor having renegotiable business shall file a separate and complete Standard Form of Contractor's Report for its own fiscal year included in whole or in part in such consolidation.

(3) A consolidated Standard Form of Contractor's Report shall include (i) a statement of the consolidated financial information of the consolidated group, made in the same manner as if such group were a single contractor; and (ii) a consolidating income account showing separately the renegotiable and nonrenegotiable business of each member of the consolidated group in the detail specified in the Standard Form of Contractor's Report, except that for all members having no renegotiable sales or costs such detail may be shown on an aggregate basis.

(4) No member of a previously consolidated group (see § 1464.24(a) of this chapter) shall file a Statement of Non-Applicability; but if each member of a previously consolidated group would otherwise be entitled to file such a statement, such group shall be entitled to file a consolidated Statement of Non-Applicability, executed by the member designated as agent of the group pursuant to § 1464.27(c) of this chapter. A group not consolidated for a prior fiscal year shall not be entitled to file a consolidated Statement of Non-Applicability, and any such statement so filed will be rejected and returned.

(5) A consolidated Standard Form of Contractor's Report or Statement of Non-Applicability filed by a group, some of whose members were previously consolidated for renegotiation, shall include a statement describing any changes in the composition of the group since the close of the last fiscal year for which a consolidated filing was made and, if a new member has been added, shall include a statement subscribed by such new member joining in and adopting, with respect to the fiscal year under review and all fiscal years thereafter, the request for consolidation theretofore filed by the previously consolidated group (see § 1464.26(b)(3) and (4) of this chapter).

PART 1471—ASSIGNMENT OF CONTRACTORS FOR RENEGOTIATION

§ 1471.2 [Amended]

This Part 1471 is amended by deleting in its entirety paragraph (e) of § 1471.2 "How Assignment is Made," and redesignating paragraph (f) as paragraph (e).

PART 1499—RENEGOTIATION RULINGS AND BULLETINS

This part is amended by inserting in § 1499.2–18 Renegotiation Bulletin No. 18: Concurrent renegotiation, immediately after the heading, the following: (*Limited to fiscal years ending on or before June 30, 1973.*)

(Sec. 109, 65 Stat. 22; 50 U.S.C.A., App, sec. 1219)

[FR Doc.73–5283 Filed 3–19–73;8:45 am]

SELECTIVE SERVICE SYSTEM

[32 CFR Part 1611]

DUTY AND RESPONSIBILITY TO REGISTER

Persons Required To Be Registered

Pursuant to the Military Selective Service Act, as amended (50 U.S. Code App., sections 451 et seq.), and Executive Order No. 11623 dated October 12, 1971, the Director of Selective Service hereby gives public notice that consideration is being given to the following proposed amendment to the Selective Service Regulations constituting a portion of Chapter XVI of the Code of Federal Regulations. These Regulations implement the Military Selective Service Act, as amended (50 U.S. Code App., sections 451 et seq.).

The proposed amendment to Selective Service Regulations, if adopted, would permit the Director of Selective Service to authorize the registration of persons without their appearing before local boards or other registration officials.

All persons who desire to submit views to the Director on the proposal should prepare them in writing and forward them to the General Counsel, National Headquarters, Selective Service System, 1724 F Street NW., Washington, DC 20435. Comments received on or before April 19, 1973 will be considered.

The proposed amendment follows:

Section 1611.1(d) is added to read as follows:

§ 1611.1 Persons required to be registered.

* * * * *

(d) The Director may authorize the registration of persons without their appearing before the officials specified in paragraph (b) of this section. Procedures authorized under this paragraph shall be uniform throughout the State(s) in which they apply.

BYRON V. PEPITONE,
Acting Director.

MARCH 15, 1973.

[FR Doc.73–5285 Filed 3–19–73;8:45 am]

[32 CFR Parts 1622, 1680]

IDENTIFICATION OF REGISTRANTS

Classification and Induction Procedures

Pursuant to the Military Selective Service Act, as amended (50 U.S. Code App., sections 451 et seq.), and Executive Order No. 11623 dated October 12, 1971, the Director of Selective Service hereby gives public notice that consideration is being given to the following proposed amendments to the Selective Service Regulations constituting a portion of Chapter XVI of the Code of Federal Regulations. These Regulations implement the Military Selective Service Act, as amended (50 U.S. Code App., sections 451 et seq.).

The proposed amendments, if adopted, would provide for the identification of registrants in Classes 1–A–O, 1–O, and 2–M and prescribe the time for the ordering for induction of a medical specialist in Class 1–A–O.

All persons who desire to submit views to the Director on the proposals should prepare them in writing and forward them to the General Counsel, National Headquarters, Selective Service System, 1724 F Street NW., Washington, DC 20435. Comments received on or before April 19, 1973.

The proposed amendments follow:

PART 1622—CLASSIFICATION RULES AND PRINCIPLES

Section 1622.11(b) is added to read as follows:

§ 1622.11 Class 1–A–O: Conscientious objector available for noncombatant military service only.

* * * * *

(b) A registrant who would be classified in Class 1–AM were he not classified in Class 1–A–O shall be identified as follows: Class 1–A–OMM for doctor of medicine; Class 1–A–OMD for dentist; Class 1–A–OME for doctor of optometry; Class 1–A–OMO for doctor of osteopathy; Class 1–A–OMP for doctor of podiatry; Class 1–A–OMV for veterinarian; and Class 1–A–OMN for registered nurse.

Section 1622.14(b) is added to read as follows:

§ 1622.14 Class 1–O: Conscientious objector available for alternate service.

* * * * *

(b) A registrant who would be classified Class 1–AM were he not classified in Class 1–O shall be identified as follows: Class 1–OMM for doctor of medicine; Class 1–OMD for dentist; Class 1–OME for doctor of optometry; Class 1–OMO for doctor of osteopathy; Class 1–OMP for doctor of podiatry; Class 1–OMV veterinarian; and Class 1–OMN for registered nurse.

Section 1622.26(b) is added to read as follows:

§ 1622.26 Class II–S: Registrant deferred because of activity in graduate study.

* * * * *

(b) A registrant who is classified in Class 2–M shall be identified as follows: Class 2–MM for student in medicine; Class 2–MD for student in dentistry; Class 2–ME for student in optometry; Class 2–MO for student in osteopathy; Class 2–MP for student in podiatry; Class 2–MV for student in veterinary science; and Class 2–MN for student in nursing.

PART 1680—MEDICAL, DENTAL, OR ALLIED SPECIALIST CATEGORIES (CLASS 1–AM)

Section 1680.11 is added to read as follows:

§ 1680.11 Noncombatant Military Service.

A registrant classified in Class 1–A–O who would be eligible for Class 1–AM were he not in Class 1–A–O will be ordered for induction at the time that he would be ordered for induction if he were in Class 1–AM.

BYRON V. PEPITONE,
Acting Director.

MARCH 15, 1973.

[FR Doc.73–5286 Filed 3–19–73;8:45 am]

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Notices

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF STATE

[Public Notice 381]

CULTURALLY SIGNIFICANT OBJECTS OF ART

Temporary Exhibition Within United States

Pursuant to the authority vested in me by the Act of October 19, 1965 (79 Stat. 985), Executive Order 11312 of October 14, 1966 (31 FR 13415, October 18, 1966) and Delegation of Authority No. 113 of December 23, 1966 (32 FR 58, January 5, 1967), Public Notice No. 380, published in the FEDERAL REGISTER on February 16, 1973 (38 FR 4583), is amended by striking "Young Man" (26 by 29½ inches) "Hermitage," from the listing under Paul Gauguin, and inserting "Tahitian Nativity" (1896) (26 by 29½ inches) "Hermitage."

Notice of the amendment of this determination is ordered to be published in the FEDERAL REGISTER.

Dated: March 9, 1973.

JOHN RICHARDSON, Jr.,
Assistant Secretary for Educational and Cultural Affairs.

[FR Doc.73-5264 Filed 3-16-73;4:21 pm]

[Public Notice CM-17]

GOVERNMENT ADVISORY COMMITTEE ON INTERNATIONAL BOOK AND LIBRARY PROGRAMS

Notice of Meeting

The Government Advisory Committee on International Book and Library Programs will meet in open session in Room 634, 1717 H Street NW., Washington, DC, from 9:30 a.m. to 4:30 p.m., on April 12, 1973, and from 9 a.m. to 1 p.m., on April 13, 1973.

The Committee will discuss the Florence and Beirut Agreements, UNISIST, role of publishers in curriculum development, increasing global interest in school libraries, and emergency measures being taken to provide information services to earthquake-stricken Nicaragua.

Dated: March 14, 1973.

CAROL M. OWENS,
Executive Secretary.

[FR Doc.73-5238 Filed 3-19-73;8:45 am]

[Public Notice CM-16]

NATIONAL REVIEW BOARD FOR THE CENTER FOR CULTURAL AND TECHNICAL INTERCHANGE BETWEEN EAST AND WEST

Notice of Meeting

The Executive Committee of the National Review Board for the Center for Cultural and Technical Interchange Between East and West (East-West Center) will meet in open session in Room 1410, Department of State, 2201 C Street NW., Washington, DC, on April 9, 1973 from 9:30 a.m. to 4:30 p.m.

The Committee will discuss the Center's budget and proposed building plans.

Members of the public who wish to attend the meeting must advise the Executive Secretary of the National Review Board by telephone (632-2841) in advance of the meeting. This notification is necessary to fulfill the building security requirements of the Department of State.

Dated: March 14, 1973.

CAROL M. OWENS,
Executive Secretary.

[FR Doc.73-5237 Filed 3-19-73;8:45 am]

[Public Notice CM-C2]

SECRETARY OF STATE'S ADVISORY COMMITTEE ON PRIVATE INTERNATIONAL LAW

Notice of Cancellation of Meeting

The meeting of the Secretary of State's Advisory Committee on Private International Law previously announced as scheduled to be held on Saturday, March 24, 1973, has been canceled.

Dated: March 14, 1973.

ROBERT E. DALTON,
Executive Director.

[FR Doc.73-5235 Filed 3-19-73;8:45 am]

[Public Notice CM-15]

U.S. ADVISORY COMMISSION ON INTERNATIONAL EDUCATIONAL AND CULTURAL AFFAIRS

Notice of Meeting

The U.S. Advisory Commission on International Educational and Cultural Affairs will meet on Thursday, April 5 and Friday, April 6, 1973 at the Department of State.

On Friday, April 6, the Advisory Commission will meet in open session, 9 a.m. to 11 a.m., in Conference Room 1408 at the Department of State. The agenda for the open session will include continuing discussions of the Commission's annual report and a review of two alternate proposals for the Commission's study of its organization. For purposes of fulfilling building security requirements, anyone wishing to attend the open session must advise the Staff Director by telephone in advance of the meeting, telephone: 632-2764.

On Thursday, April 5, 6 p.m. to 10 p.m., the Advisory Commission will meet in closed session as provided for by the Advisory Committee Act in accordance with 5 U.S.C. 552(b).

Dated: March 13, 1973.

MARGARET G. TWYMAN,
Staff Director, Commission Secretariat.

[FR Doc.73-5236 Filed 3-19-73;8:45 am]

[Public Notice CM-14]

U.S. NATIONAL COMMITTEE FOR INTERNATIONAL RADIO CONSULTATIVE COMMITTEE (CCIR)

Notice of Meeting

The Department of State announces that Study Groups 10 and 11 of the U.S. National Committee for the International Radio Consultative Committee (CCIR) will meet jointly on March 29, 1973, under the chairmanship of Mr. A. Prose Walker of the Federal Communications Commission. The meeting will convene at 10 a.m., in Room 847, at the Federal Communications Commission, 1919 M Street NW., Washington, DC. Study Group 10 deals with questions relating to sound broadcasting; Study Group 11 deals with questions relating to television broadcasting. The agenda for the meeting will include a review of the conclusions of the international meetings of the Study Groups in 1972, and the initiation of work programs for the development of U.S. contributions to the international meetings in 1974. Members of the general public who desire to attend the meeting on March 29 will be admitted up to the limits of the capacity of the meeting room.

Dated: March 12, 1973.

GORDON L. HUFFCUTT,
Chairman.

[FR Doc.73-5263 Filed 3-19-73;8:45 am]

DEPARTMENT OF DEFENSE

Department of the Air Force

AIR UNIVERSITY BOARD OF VISITORS

Notice of Meeting

MARCH 14, 1973.

The Air University Board of Visitors will hold a closed meeting on March 22, 1973, at 10:30 a.m., in the Air University Headquarters Conference Room (Building 800), Maxwell Air Force Base, Ala.

The purpose of the meeting is to give the Board an opportunity to present to the Commander, Air University, a report of findings and recommendations concerning Air University educational programs.

For further information on this meeting contact Lt. Col. W. R. Schrank, Chief, Instructions and Resources Division, Air University, telephone (205) 293-5163 or 293-7423.

JOHN W. FAHRNEY,
Colonel, USAF, Chief, Legislative Division, Office of The Judge Advocate General.

[FR Doc.73-5260 Filed 3-19-73;8:45 am]

PACIFIC CRATERING EXPERIMENTS AND UJELANG ATOLL, TRUST TERRITORY OF THE PACIFIC ISLANDS

Notice of Public Hearings

MARCH 13, 1973.

Hearings will be held to receive public comment on the Pacific Cratering Experiments (PACE) draft environmental impact statement on March 26, 27, and 28, 1973, on Ujelang Atoll, Trust Territory of the Pacific Islands, and from 7 p.m. until 11 p.m., on April 4 and 5, 1973, at the Service Club, Fort De Russy, Honolulu, Hawaii.

All interested and affected individuals, groups, and agencies may express views and furnish specific data orally, in writing, or both, on all aspects of the draft environmental statement, including technical, economic, social, ecological, and environmental matters. Factual information in support of statements is solicited.

To insure participation by all interested parties, scheduled presentations should not be more than 1 hour each. Unscheduled presentations will be limited to 15 minutes. The U.S. Air Force will provide any necessary interpreter for the hearings at Ujelang.

The hearing officer is Maj. Donald M. Holdaway, Hq PACAF/JA, Hickam Air Force Base, Honolulu, Hawaii 96824, telephone 808—449-9843. Any party desiring to speak at a hearing should notify the hearing officer in advance.

Copies of the PACE draft environmental impact statement, or further information, may be obtained from the hearing officer or from the Trust Territory Government in Saipan.

JOHN W. FAHRNEY,
Colonel, USAF, Chief, Legislative Division, Office of The Judge Advocate General.

[FR Doc.73-5261 Filed 3-19-73;8:45 am]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Colorado 17528]

COLORADO

Notice of Proposed Withdrawal and Reservation of Lands

Correction

In FR Doc. 73-4803 appearing on page 6697 of the issue for Monday, March 12, 1973, the second line of the second paragraph, now reading "as a site for phase one of its Project Rio", should read "as a site for its Rio".

Office of Hearings and Appeals

[Docket No. M73-32]

HILLSDALE MINING CO., INC.

Petition for Modification of Application of Mandatory Safety Standard

Notice is hereby given that in accordance with the provisions of section 301(c) of the Federal Coal Mine Health and Safety Act of 1969, 30 U.S.C. section 861(c) (1970), Hillsdale Mining Co., Inc., has filed a petition to modify the application of section 311(f) of the Act and 30 CFR 75.1101-1 through 75.1101-22 of the departmental regulations to its Mine No. 1 in Cambria County, Pa.

Section 311(f) reads as follows:

Deluge-type water sprays or foam generators automatically actuated by rise in temperature, or other no less effective means approved by the Secretary of controlling fire, shall be installed at main and secondary belt-conveyor drives. Where sprays or foam generators are used they shall supply a sufficient quantity of water or foam to control fires.

Regulations 30 CFR 75.1101-1 through 75.1101-22 detail specific requirements for deluge-type water sprays, foam generator systems, water sprinkler systems and equivalent dry pipe systems.

Petitioner requests that the standard be modified for the No. 1 belt conveyor drive, located outside at the outcrop, and the No. 2 and No. 3 belt conveyors located just inside the mine at a distance of 1,000 feet and 2,000 feet from the portal, respectively. Petitioner states that mining operations are conducted a relatively short distance from the outcrop and because of relatively severe winter conditions at the mine's elevation and location, storage and availability of quantities of water for fire suppression in the areas of the Nos. 1, 2, and 3 belt conveyor drives is not reliable in winter months.

Petitioner requests approval of the following alternate methods of controlling fires at the Nos. 1, 2, and 3 main belt conveyor drives or elsewhere on the Nos. 1, 2, and 3 belts:

(A) The No. 1 conveyor belt drive will be located outside the portal. The No. 2 and No. 3 conveyor belt drives will be located on a separate split of air, with separate intake and return airways from those of the split which supplies air to where the miners work. The ventilation current in which the mining operation takes place, and where the underground mining crew normally works, will be a completely separate split of air from the surface.

(B) The conveyor belts used will be of approved flame-resistant belting.

(C) The conveyor belt drives will be protected by slippage-control and sequence switches.

(D) The entire belt conveyor haulage system will be provided with a fire detection system that will warn all miners in the mine in the event of a fire.

(E) All working sections will contain telephones that are tied in to the outside commercial Bell Telephone system.

(F) Fire extinguishers of not less than 20-pound capacity (or two of 10-pound capacity each) will be located at each conveyor belt drive on the intake ventilation side of the conveyor drive.

(G) A 240-pound supply of rock dust will be located on the intake side of each conveyor drive and at 500-foot intervals along the belt.

(H) A systematic program for cleanup along the conveyor belts will be in effect.

Petitioner further states that there will be conscientious application of the requirement of section 303(d)(1) that all belts shall be examined after the beginning of each coal producing shift.

Petitioner avers that the alernate method will at all times guarantee no less than the same measure of protection afforded the miners by the mandatory standard. This protection will be afforded through regular on-shift examinations of all belts so that overheating may be observed and by use of flame-resistant belting material, and use of slippage control and sequence switches on the belt drives. Petitioner further avers that this is a small capacity mine with relatively little strain on the belts and belt conveyor drives.

Petitioner contends that the belt drives for which modification is requested are located on a completely separate split of air so that miners engaged in active mining on the working section receive their own separate air supply from the outside. Therefore the contaminating products of combustion in the event of a belt fire would not be carried to the area where the men are working, but would be carried directly to the fan and outside the mine. Petitioner also contends that the combination of a fire detection system and commercial telephone system assures that the miners will be immediately aware of any fire which occurs anywhere on the belt. Petitioner states that the fire extinguishers and rock dust provide a protective and effective means for controlling a fire along the main belt.

Persons interested in this petition may request a hearing on the petition or furnish comments on or before April 19, 1973. Such request or comments must be filed with the Office of Hearings and Appeals, Hearings Division, U.S. Department of the Interior, 4015 Wilson Boulevard, Arlington, VA 22203. Copies of the

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petition are available for inspection at that address.

JAMES M. DAY,
Director,
Office of Hearings and Appeals.

MARCH 12, 1973.

[FR Doc.73-5262 Filed 3-19-73;8:45 am]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

INSPECTION AGENCY AT MUSCATINE, IOWA

Change in Name

Notice is hereby given that the Muscatine Grain Inspection Service, which is designated under section 3(m) of the U.S. Grain Standards Act (sec. 3, 39 Stat. 482, as amended, 82 Stat. 762; 7 U.S.C. 75(m)) to operate the official inspection agency at Muscatine, Iowa, has changed its name to Eastern Iowa Grain Inspection Service, Inc. The name change does not involve a change in management or ownership.

Done in Washington, D.C., on March 14, 1973.

JOHN C. BLUM,
Acting Administrator.

[FR Doc.73-5317 Filed 3-19-73;8:45 am]

Agricultural Stabilization and Conservation Service

[Docket No. SH-313]

MAINLAND CANE SUGAR AREA

Notice of Hearing on Proportionate Shares for 1974-Crop Sugarcane

Notice is hereby given that the Secretary of Agriculture, acting pursuant to the Sugar Act of 1948, as amended, will conduct a hearing to receive the views and recommendations of interested persons on the need for establishing proportionate shares (farm acreage allotments) for the 1974 crop of sugarcane in the Mainland Cane Sugar Area. Also, for use by the Secretary if he determines that proportionate shares are needed, views and recommendations are desired on all phases of the proportionate share program. The hearing will be conducted at Atlanta, Georgia, on April 13, 1973, in the Federal Building, Room 556, Peach Tree and Baker Streets, beginning at 11 a.m. local time.

In accordance with the provisions of paragraph (1), subsection (b) of section 302 of the Sugar Act of 1948, as amended (7 U.S.C. 1132(b)), the Secretary must determine for each crop year whether the production of sugar from any crop of sugarcane in the area will, in the absence of proportionate shares, be greater than the quantity needed to enable the area to meet its quota and provide a normal carryover inventory, as estimated by the Secretary for such area for the calendar year during which the larger part of the sugar from such crop normally would be marketed. Such determination may be made only after due notice and opportunity for an informal public hearing.

Views and recommendations on the need for establishing proportionate shares and the details of the program may be presented orally at the hearing, preferably supported in writing by an original and three copies of the oral statement. Statements may also be submitted in writing (original and two copies) at the hearing without an oral presentation, or they may be mailed to the Director, Sugar Division, Agricultural Stabilization and Conservation Service, U.S. Department of Agriculture, Washington, D.C. 20250, postmarked not later than May 4, 1973.

All written submissions made pursuant to this notice will be made available for public inspection in the Office of the Hearing Clerk, Room 12-A, Administration Building, U.S. Department of Agriculture, Washington, D.C.

Signed at Washington, D.C. on March 15, 1973.

KENNETH E. FRICK,
Administrator, Agricultural Stabilization and Conservation Service.

[FR Doc.73-5379 Filed 3-16-73;3:13 pm]

Forest Service

SALMON NATIONAL FOREST LIVESTOCK ADVISORY BOARD

Notice of Meeting

The Salmon National Forest Livestock Advisory Board will meet March 20 at 8 p.m. in the Conference Room of the Forest Supervisor's Office at Salmon, Idaho.

This is the regular annual meeting of the Board. Matters relating to forest management practices and policies will be discussed. The Board may also discuss its own function.

The meeting is open to the public. Persons who wish to attend should notify John L. Emerson, Forest Supervisor at 208—756-2215.

Dated: March 12, 1973.

JOHN L. EMERSON,
Forest Supervisor.

[FR Doc.73-5356 Filed 3-19-73;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of Education

DESEGREGATION OF PUBLIC EDUCATION

Notice of Acceptance of Applications

The Commissioner of Education hereby gives notice that pursuant to title IV of the Civil Rights Act of 1964 (78 Stat. 241, 20 U.S.C. 2000c—2000c-3), applications are being accepted from State educational agencies, public or nonprofit private organizations, institutions of higher education, and school districts for grants under sections 403, 404, and 405 of the Act for the purpose of technical assistance, training institutes, and employment of advisory specialists in connection with plans or programs for the desegregation of public elementary and secondary schools.

Grants are to be awarded under section 403 of the Act to State educational agencies and public or nonprofit private organizations (including institutions of higher education) for the purpose of rendering technical assistance to desegregating or desegregated school districts. Institutions of higher education may apply for grants under section 404 of the Act for the purpose of conducting institutes designed to improve the ability of public school personnel to deal effectively with educational problems incident to desegregation. Grants are also to be awarded under section 405 of the Act to school districts for the purpose of employing specialists to advise on problems incident to desegregation and (in certain limited instances) to conduct inservice training for public school personnel.

Applications for assistance as described above must be submitted to the appropriate Regional Office of Education no later than April 15, 1973, in order to be considered for grant awards scheduled to be announced on May 15, 1973.

Funds will be available pursuant to this notice for authorized activities commencing no earlier than July 1, 1973, and terminating no later than June 30, 1974.

Assistance under sections 403, 404, and 405 of the Act will be subject to the regulation in 45 CFR Part 180, as such part is or may be amended prior to the award of such assistance.

Dated: March 14, 1973.

JOHN OTTINA,
Acting Commissioner of Education.

[FR Doc.73-5234 Filed 3-19-73;8:45 am]

Office of the Secretary

TUSKEGEE SYPHILIS STUDY AD HOC ADVISORY PANEL

Notice of Cancellation of Meeting

The meeting of the Subcommittee of the Tuskegee Syphilis Study Ad Hoc Advisory Panel which was to be held on March 22, 1973, in Conference Room 3835C at 26 Federal Plaza, New York, as previously announced in the FEDERAL REGISTER on March 14, has been canceled.

Dated: March 15, 1973.

R. C. BACKUS, PH. D.,
Executive Secretary, Tuskegee Syphilis Study Ad Hoc Advisory Panel.

[FR Doc.73.5407 Filed 3-19-73;10:54 am]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

U.S. ADVISORY COMMITTEE ON VISUAL AIDS TO APPROACH AND LANDING

Notice of Meeting

Pursuant to section 10(a)(2) of Public Law 92-463, notice is hereby given that the U.S. Advisory Committee on Visual Aids to Approach and Landing will hold a meeting at 10 a.m., e.s.t., April 4, 1973, in Room 6B, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC. The following agenda items are scheduled for this meeting:

1. *Discussion.* Preparation of Working Papers on the following agenda items for the International Civil Aviation Organization (ICAO) Eighth Air Navigation Conference:
   a. Taxiway Centerline Guidance on Curves.
   b. Apron Parking Guidance Systems.
   c. Lighting of Precision Approach Category III Runways.
2. *Briefing.* Status report on the Work Programs of the ICAO Visual Aids Panel.
3. *Discussion.* Draft material for ICAO Aerodrome Manual, Part 4, Visual.

Ground aids. Lighting maintenance.

All those interested in attending the meeting should contact Mr. J. Stuart Jamison, Chief, International Liaison Staff, Airports Service, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591, telephone 202—426-3055. The meeting will be open to the public.

Issued in Washington, D.C., on March 14, 1973.

J. STUART JAMISON,
Secretariat, U.S. Advisory Committee on Visual Aids to Approach and Landing.

[FR Doc.73-5239 Filed 3-19-73;8:45 am]

ATOMIC ENERGY COMMISSION

STANDING COMMITTEE ON CONTROLLED THERMONUCLEAR RESEARCH

Notice of Open Meeting

MARCH 5, 1973.

A meeting of the Atomic Energy Commission's Standing Committee on Controlled Thermonuclear Research will be held April 26 and 27, 1973, in Room 150, Building 9, at the Massachusetts Institute of Technology, Cambridge, Mass. The sessions will begin 8.30 a.m., and end at approximately 5:30 p.m., each day. The meeting will be open to the public.

The meeting will be devoted to a review of the research program in the Commission's Division of Controlled Thermonuclear Research. The review will be thematic, with the program divided into the following categories:

(1) Plasma properties: Equilibrium, stability, and transport.
(2) Plasma production and heating.
(3) Plasma measurement and instrumentation.
(4) Computer applications to CTR.
(5) Exploratory concepts in CTR.
(6) Atomic, molecular, and nuclear physics in CTR.

Each category will be reviewed by one or more speakers, who will survey the activities within that category and discuss the needs and balance of that area of research.

An ad hoc study group, chaired by E. A. Frieman of the Plasma Physics Laboratory, Princeton University, will report to the Committee on its findings with respect to:

(1) Contributions of the research program to the goals of the CTR program.
(2) Possible future directions for and balance within the research program.
(3) The kinds of training people should have to meet the future needs of the CTR program.

Such written material as may be available prior to the meeting will be placed in the Commission's Public Document Room at 1717 H Street NW., Washington, DC, and in the document room of the Research Laboratory for Electronics, Room 327, Building 26, at the Massachusetts Institute of Technology. Written statements concerning the agenda items will be accepted and incorporated in the proceedings of the meeting. The proceedings will be made available for public inspection in the Commission's Public Document Room subsequent to the meeting.

A brief period will be provided during the meeting for comments by interested members of the public. Such persons desiring to submit written statements concerning agenda items, to speak during the meeting, or desiring further information should communicate in writing with Dr. Robert L. Hirsch, Director, Division of Controled Thermonuclear Research, U.S. Atomic Energy Commission, Washington, D.C. 20545, 301—973-3347.

JOHN V. VINCIGUERRA,
Advisory Committee Management Officer.

[FR Doc.73-5257 Filed 3-19-73;8:45 am]

[Docket No. 50-336]

CONNECTICUT LIGHT & POWER CO. ET AL.

Notice of Hearing on Facility Operating License

Pursuant to the Atomic Energy Act of 1954, as amended (the Act), the National Environmental Policy Act of 1969 (NEPA), and the regulations in Title 10, Code of Federal Regulations, Part 50, "Licensing of Production and Utilization Facilities," and Part 2, rules of practice, notice is hereby given that a hearing will be held, at a time and place to be established in the future by an atomic safety and licensing board, commencing in the vicinity of Waterford, Conn., to consider the application for a license to operate the pressurized water reactor identified as the Millstone Nuclear Power Station Unit No. 2 (the facility) of the applicants Connecticut Light & Power Co., Hartford Electric Light Co., Western Massachusetts Electric Co., and Millstone Point Co., located at the Millstone Nuclear Power Station in the town of Waterford, Conn.

The facility is subject to the provisions of section B of Appendix D to 10 CFR Part 50, which sets forth procedures applicable to review of environmental considerations for production and utilization facilities for which construction permits or operating licenses were issued in the period from January 1, 1970, to September 9, 1971. Construction of the facility was authorized by Construction Permit No. CPPR-76 issued by the Atomic Energy Commission on December 11, 1970.

The hearing will be conducted by an atomic safety and licensing board (licensing board) designated by the Chairman of the Atomic Safety and Licensing Board Panel, consisting of Dr. A. Dixon Callihan, Dr. Fred P. Cowan, and Sidney G. Kingsley, chairman. Dr. John A. Manley has been designated as a technically qualified alternate, and Thomas W. Reilly as an alternate qualified in the conduct of administrative proceedings.

A prehearing conference or conferences will be held by the licensing board, at a date and place to be set by it, to consider pertinent matters in accordance with the Commission's rules of practice. The date and place of the hearing will be set by the board at or after the prehearing conference. Notices as to the dates and places of prehearing conferences and the hearing will be published in the FEDERAL REGISTER.

Since this proceeding is not a contested proceeding as defined by 10 CFR 2.4(n) of the Commission's rules of practice, the licensing board will, without conducting a de novo evaluation of the application, determine whether the environmental review conducted by the Commission's regulatory staff pursuant to appendix D of 10 CFR Part 50 has been adequate.

The licensing board will also, in accordance with section A.11 of appendix D to 10 CFR Part 50(a) determine whether the requirements of section 102(2)(c) and (D) of NEPA and appendix D to 10 CFR Part 50 of the Commission's regulations have been complied with in this proceeding; (b) independently consider the final balance among conflicting factors contained in the record of the proceeding with a view toward determining the appropriate action to be taken; and (c) determine, after weighing the environmental, economic, technical, and other benefits against environmental costs and considering available alternatives, whether the construction permit should be continued, modified, terminated, or appropriately conditioned to protect environmental values.

A full-term operating license would be issued only after appropriate findings are made by the Director of Regulation on the matters set forth below (and upon compliance with the applicable provisions of appendix D of 10 CFR Part 50):

1. Whether construction of the facility has been substantially completed in conformity with the construction permit and the application, as amended, the provisions of the Act, and the rules and regulations of the Commission.

2. Whether the facility will operate in conformity with the application, as amended, the provisions of the Act, and the rules and regulations of the Commission.

3. Whether there is reasonable assurance: (i) That the activities authorized by the operating license can be conducted without endangering the health and safety of the public, and (ii) that such activities will be conducted in compliance with the regulations of the Commission.

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4. Whether the applicant is technically and financially qualified to engage in the activities authorized by the operating license in accordance with the regulations of the Commission.

5. Whether the applicable provisions of 10 CFR Part 140, "Financial Protection Requirements and Indemnity Agreements," of the Commission's regulations have been satisfied.

6. Whether the issuance of the license will be inimical to the common defense and security or to the health and safety of the public.

For further details pertinent to the matters under consideration, see the application for the facility operating license dated August 10, 1972, as amended, and the Applicant's Environmental Report dated November 15, 1971, which are available for inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, DC, and at the Waterford Public Library, Rope Ferry Road, Route 156, Waterford, CT 06385. As they become available, the following documents also will be available at the above locations: (1) The report of the Advisory Committee on Reactor Safeguards on the application for facility operating license; (2) the Commission's draft, detailed statement on environmental considerations pursuant to 10 CFR Part 50, appendix D; (3) the Commission's final detailed statement on environmental considerations; (4) the safety evaluation prepared by the Directorate of Licensing; (5) the proposed facility operating license; and (6) the proposed technical specifications, which will be attached to the proposed facility operating license. Copies of items (3), (4), and (5) may be obtained by request to the Deputy Director for Reactor Projects, Directorate of Licensing, U.S. Atomic Energy Commission, Washington, D.C. 20545.

Any person who wishes to make an oral or written statement in this proceeding may request permission to make a limited appearance pursuant to the provisions of 10 CFR 2.715 of the Commission's rules of practice. Limited appearances will be permitted at the time of the hearing at the discretion of the licensing board, within such limits and under such conditions as may be fixed by it. Persons desiring to make limited appearances are requested to inform the Secretary of the Commission, U.S. Atomic Energy Commission, Washington, D.C. 20545, not later than April 19, 1973. A person permitted to make a limited appearance does not become a party, but may state his position and raise questions which he would like to have answered to the extent the questions are within the scope of the hearing.

An answer to this notice, pursuant to the provisions of 10 CFR 2.705 of the Commission's rules of practice, must be filed by the parties to this proceeding (other than the regulatory staff) not later than April 9, 1973.

Papers required to be filed in this proceeding may be filed by mail or telegram addressed to the Secretary of the Commission, U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Chief, Public Proceedings Staff, or may be filed by delivery to the Commission's Public Document Room, 1717 H Street NW., Washington, DC.

Pending further order of the licensing board, parties are required to file, pursuant to the provisions of 10 CFR 2.708 of the Commission's rules of practice, an original and 20 conformed copies of each such paper with the Commission.

It is so ordered.

Issued at Washington, D.C., this 14th day of March 1973.

The Atomic Safety and Licensing Board designated to rule on petitions for leave to intervene.

SIDNEY G. KINGSLEY,
Chairman.

[FR Doc.73-5266 Filed 3-19-73;8:45 am]

[Dockets Nos. 50-334; 50-412]

DUQUESNE LIGHT CO. ET AL.

Assignment of Members of Atomic Safety and Licensing Appeal Board

Notice is hereby given that, in accordance with the authority in 10 CFR 2.787(a), the Chairman of the Atomic Safety and Licensing Appeal Panel has assigned the following panel members to serve as the Atomic Safety and Licensing Appeal Board for these proceedings:

Alan S. Rosenthal, Chairman.
Dr. John H. Buck, member.
Michael C. Farrar, member.

Dated: March 14, 1973.

MARGARET E. DUFLO,
Secretary to the Appeal Board.

[FR Doc.73-5265 Filed 3-19-73;8:45 am]

CIVIL AERONAUTICS BOARD

[Docket No. 25315; Order 73-3-46]

ALLEGHENY AIRLINES, INC. ET AL.

Order of Investigation and Suspension Regarding Airport Security Charges

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 14th day of March 1973.

By tariff revisions[1] marked to become effective on various dates between March 15, 1973, and April 5, 1973, most scheduled domestic air carriers propose to establish a charge to be assessed each passenger to cover the cost of passenger screening and inspection in connection with the federally directed security program. Allegheny Airlines, Inc. (Allegheny), Braniff Airways, Inc. (Braniff), and Continental Air Lines, Inc. (Continental) also propose an additional charge to cover the cost of providing armed guards.

Most of the carriers propose that the charge be applied to each flight coupon. These per-coupon charges vary from a low of 28 cents for Western Air Lines, Inc. (Western), to a high of 93 cents for Wien Consolidated Airlines, Inc. (Wien). Allegheny and United Air Lines, Inc. (United) propose a charge per one-way fare of 32 cents and 46 cents, respectively. The third method of assessing a charge is advanced by Hughes Air Corp. doing business as Air West (Air West) and Trans World Airlines, Inc. (TWA), who propose a charge per ticket of 46 cents and 69 cents, respectively.

Those carriers proposing to impose the charge per fare or per ticket argue that the coupon basis is inappropriate since the number of coupons will frequently exceed the number of required security checks. United alleges that any method of ticketing, collecting, or recording which deviates from printed or displaced tax and total amounts requires extra manual and computer time which will rapidly escalate the cost, resulting in the need for a still higher charge to cover cost. It believes that a surcharge per fare will provide a greater total dollar amount at less cost and confusion than would a surcharge per coupon.

In arriving at the unit charge proposed the carriers, for the most part, began by calculating the total added cost of their respective programs per passenger or passenger enplanement estimated for 1973. In many cases, this unit cost figure is then increased so that the total is a multiple of 5 cents when the transportation tax is included. The carriers' charges were also adjusted to reflect the dilution due to payment of travel agents' commissions. In a few instances, downward adjustments were made to reflect an elasticity of demand factor resulting from an increase in cost to the passenger.

Delta Air Lines, Inc. (Delta) and Eastern Air Lines, Inc. (Eastern) base their proposed 37-cent per-coupon charge on an estimated industry average cost rather than on their own respective cost figures. Frontier Airlines, Inc. (Frontier) proposes a dual level charge—42 cents at hub airports and $1.14 at nonhub airports. This approach is alleged to compensate for the fact that its per-passenger security costs at nonhub airports are 2.6 times greater than they are at its hub airports.

Certain Members of Congress (MOC) have filed a complaint alleging that some of the costs set forth by the carriers are not known added costs, but rather costs of a conjectural nature, and that there is no way in which the Board can find on the basis of known costs that the filings are just and reasonable. Answers to the complaint have been filed by American, Braniff, Eastern, Wien, and the Department of Transportation.

Upon consideration of the tariff proposals, the complaint and answers thereto, and all relevant matters, the Board finds that the proposed charges relating to passenger screening and inspection and the provision of armed guards filed by all carriers may be unjust, unreasonable, unjustly discriminatory, unduly preferential, unduly prejudicial, or otherwise unlawful, and should be investigated. The Board has also concluded to suspend all proposed charges except those proposed by Braniff and Western to cover

[1] Revisions to Airline Tariff Publishers, Inc., Agent Tariff CAB No. 142.

the cost of the screening and inspection procedures.

It is clear that at this stage an accurate determination of the actual costs to be incurred in implementing the security program is not possible. Security procedures are continuing to be refined as the carriers gain experience, and there is some controversy as to the most equitable and efficient method of assessing a charge to cover the cost. For these reasons, we have decided to institute an investigation of the security-charge filings. The foregoing notwithstanding, there is no question that the carriers are today incurring significant costs in carrying out federally directed security measures, and we believe it most important to arrive at some reasonably adequate interim solution which can be promptly implemented, pending the investigation.

It is our view at this time that a single industry charge, assessed on a flight-coupon basis, is the better approach. A single charge should minimize confusion, and from the passenger's standpoint will provide a uniform charge for a uniform procedure. It is argued by some carriers that charging a passenger on the basis of each coupon is inappropriate since the number of coupons will frequently exceed the number of required security checks. For example, Allegheny states that it is administering the program in such a way that very few on-line connecting passengers will be subjected to a second screening since they will be connecting through sterile areas.

We do not dispute that such circumstances do exist at some airports and for some carriers. However, we believe the more realistic assumption at this time to be that for the majority of travel, each change of plane would involve the screening procedure. In those cases where it does not, there is nothing to preclude a carrier from amending its tariff to reflect particular circumstances.

Delta and Eastern are the only carriers to base their proposal on an alleged industry average unit cost. We conclude, however, that the 37-cent charge they propose may be unreasonably high. For one thing, we question the use by many carriers of an equipment depreciation write-off period of less than 5 years. In addition, some carrier estimates contain items of a conjectural nature such as expense for baggage damage which allegedly would result from the fact that more baggage would be checked to circumvent inspection at the gate. Finally, we note that certain carriers have significantly reduced their added-cost estimates in their most recent submissions.

The Board has compiled and analyzed industry costs from the data submitted by the trunkline and local service carriers, as well as the Alaskan and Hawaiian carriers. The reported costs were adjusted to eliminate not only advertising and publicity costs, and flight-delay costs, but also costs of a conjectural nature such as increased baggage damage expense. In addition, depreciation expense associated with new equipment was adjusted when the write-off was less than 5 years. American's atypically high costs were reduced to the levels of United. Certain other minor adjustments were made as noted in Appendix D.

These total adjusted costs were then divided by the latest reported enplanements (12 months ended December 31, 1972) to yield an industry average cost per enplanement of 34 cents.

From the foregoing, it appears that the industry figure of 37 cents proposed by Delta and Eastern may be unreasonably high. It seems clear also that the carriers are not sure at this time as to the level of annual expenditure which they will actually incur. This is evidenced by the revisions, mostly downward, in the cost estimates accompanying their tariff filings, as compared with those submitted earlier. Therefore, we find that surcharges in amounts greater than the noted industry average cost per enplanement should not be permitted pending investigation of the matter.

The charges to cover the cost of screening and inspection procedures proposed by Braniff and Western are not unreasonably high in relation to the average unit cost for the industry and they will be permitted to become effective.[6]

So that the Board will have the necessary data before it to aid in future determinations regarding the security program we are herein issuing accounting instructions (Appendix C)[7] dealing with the reporting of security charge receipts and costs. Data submitted should cover periods from January 5, 1973, forward.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204(a), 403, 404, and 1002 thereof,

It is ordered, That:

1. An investigation be instituted to determine whether the charges and provisions described in Appendixes A and B hereto,[7] and rules, regulations, and practices affecting such charges and provisions, are or will be unjust, unreasonable, unjustly discriminatory, unduly preferential, unduly prejudicial, or otherwise unlawful, and if found to be unlawful, to determine and prescribe the lawful charges and provisions, and rules, regulations, or practices affecting such charges and provisions;

2. Pending hearing and decision by the Board, the charges and provisions described in Appendix A hereto[7] are suspended and their use deferred to and including June 12, 1973, unless otherwise ordered by the Board, and that no changes be made therein during the period of suspension except by order or special permission of the Board;

3. All scheduled certificated domestic air carriers shall report their security charge revenues and related incremental expenses to the Board as described in Appendix C;[7]

4. Except to the extent granted herein, the complaint in Docket 25268 is dismissed;

5. The investigation ordered herein be assigned for hearing before an Administrative Law Judge of the Board at a time and place hereafter to be designated; and

6. Copies of this order be served on Alaska Airlines, Inc., Allegheny Airlines, Inc., Aloha Airlines, Inc., American Airlines, Inc., Braniff Airways, Inc., Continental Air Lines, Inc., Delta Air Lines, Inc., Eastern Air Lines, Inc., Frontier Airlines, Inc., Hawaiian Airlines, Inc., Hughes Air Corp., National Airlines, Inc., North Central Airlines, Inc., Northwest Airlines, Inc., Ozark Air Lines, Inc., Pan American World Airways, Inc., Piedmont Aviation, Inc., Southern Airways, Inc., Texas International Airlines, Inc., Trans World Airlines, Inc., United Air Lines, Inc., Western Air Lines, Inc., Wien Consolidated Airlines, Inc., Hon. John E. Moss et al., Members of Congress, and the Department of Transportation which are made parties to this proceeding.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] EDWIN Z. HOLLAND,
Secretary.

[FR Doc.73-5316 Filed 3-19-73;8:45 am]

[Docket No. 23333; Order 73-3-37]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Order Regarding Specific Commodity Rates

Issued under delegated authority March 13, 1973.

An agreement has been filed with the Board pursuant to section 412(a) of the Federal Aviation Act of 1958 (the Act) and Part 261 of the Board's Economic Regulations between various air carriers, foreign air carriers, and other carriers embodied in the resolutions of the traffic conferences of the International Air Transport Association (IATA), and adopted pursuant to the provisions of Resolution 590 dealing with specific commodity rates.

The agreement increases, by one cent, an effective specific commodity rate as set forth below: and was adopted pursuant to unprotested notices to the carriers and promulgated in an IATA letter dated February 28, 1973.

Specific Commodity Item No.	*Description and rate*
3991----	Metals (excluding gold, silver, platinum, and platinum metals) in the following forms—cable, mesh, rivets, sheets, wire, N.E.S. 114 cents per kg., minimum weight 100 kgs. From Stockholm to New York.

[6] In Order 73-2-41, we expressed the tentative view that recognition of the anticipated cost of providing armed guards would be inappropriate at this time. We continue to be of this opinion. It is our understanding that the staffing requirement for armed guards is currently being modified at some airports, and we also note that legislation is pending in the Congress which would provide Federal funds for this aspect of the security program. Like the screening and inspection process, we believe the charge related to the provision of armed guards should be dealt with on an industry basis, and should be established on the basis of known costs. For these reasons, we are herein suspending the charges proposed by Braniff, Continental, and Allegheny relating to this activity.

[7] Appendixes A, B, and C filed as part of the original document.

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Pursuant to authority duly delegated by the Board in the Board's regulations, 14 CFR 385.14, it is not found that the subject agreement is adverse to the public interest or in violation of the Act: *Provided*, That approval is subject to the condition hereinafter ordered.

Accordingly, it is ordered, That:

Agreement CAB 23562 be and hereby is approved, provided that approval shall not constitute approval of the specific commodity description contained therein for purposes of tariff publication: *Provided, further*, That tariff filings shall be marked to become effective on not less than 30 days' notice from the date of filing.

Persons entitled to petition the Board for review of this order, pursuant to the Board's regulations, 14 CFR 385.50, may file such petitions within 10 days after the date of service of this order.

This order shall be effective and become the action of the Civil Aeronautics Board upon expiration of the above period, unless within such period a petition for review thereof is filed or the Board gives notice that it will review this order on its own motion.

This order will be published in the FEDERAL REGISTER.

[SEAL] EDWIN Z. HOLLAND,
Secretary.

[FR Doc.73-5315 Filed 3-19-73;8:45 am]

[Docket No. 24412]

SERVICE TO RICHMOND CASE

Notice of Change in Hearing Room

Notice is hereby given that the hearing in the above-entitled proceeding assigned to be held on April 10, 1973, at 10 am. (local time), Universal Building, 1825 Connecticut Avenue NW., Washington, DC, will convene in Room 726 at the foregoing location instead of in Room 503 as previously scheduled (38 FR 6424, March 9, 1973).

Dated at Washington, D.C., March 15, 1973.

[SEAL] FRANK M. WHITING,
Administrative Law Judge.

[FR Doc.73-5314 Filed 3-19-73;8:45 am]

COST OF LIVING COUNCIL

[Cost of Living Council Order No. 22]

ADMINISTRATOR FOR THE OFFICE OF WAGE STABILIZATION

Delegation of Authority

Pursuant to the authority vested in the Director of the Cost of Living Council by Cost of Living Council Order No. 14, it is hereby ordered as follows:

1. There is hereby delegated to the Administrator for the Office of Wage Stabilization (hereinafter referred to as the (Administrator), subject to the general policy guidance of and in coordination with the Director of the Cost of Living Council, or his delegate, authority to process, consider, decide, and issue decisions and orders with respect to individual cases involving pay adjustments presented to the Cost of Living Council under the policies, rulings, and regulations of the Council.

2. The Administrator shall have the authority to rule on requests for review or reconsideration of initial decisions made pursuant to this order.

3. The authority delegated in this order shall not include any authority which has been delegated to the Construction Industry Stabilization Committee pursuant to Cost of Living Council Orders Nos. 16 and 20 or to the Administrator for pay board matters pursuant to Cost of Living Council Order No. 21.

4. Actions pursuant to this delegation shall be taken in the name of the Administrator.

5. In the consideration of any pay adjustment under paragraph 1 or 2 of this order, the administrator shall take action only after consulting with and receiving recommendations as to disposition from the appropriate tripartite industry wage and salary committee as heretofore or hereafter may be established by the Council. In addition, in the exercise of authority pursuant to this order, the Administrator may solicit and receive the advice and recommendations of any other appropriate individual, group, panel, or committee.

6. The Administrator shall have the authority to request information and to conduct formal or informal hearings.

7. Decisions made pursuant to this delegation of authority shall be made on the basis of the standards and criteria set forth in applicable regulations of the Cost of Living Council.

8. The Administrator shall have such further authority as may be necessary to carry out the functions set forth herein.

9. This order shall be effective March 1, 1973.

JAMES W. MCLANE,
Deputy Director,
Cost of Living Council.

[FR Doc.73-5276 Filed 3-15-73;2:41 pm]

[Cost of Living Council Order No. 21]

ADMINISTRATOR FOR PAY BOARD MATTERS

Delegation of Interim Authority

Pursuant to the authority vested in the Director of the Cost of Living Council by Cost of Living Council Order No. 14, and for the purpose of completing an orderly transition from Phase II to Phase III of the Economic Stabilization Program by concluding matters presented to the Pay Board, it is hereby on an interim basis, subject to change, ordered as follows:

1. There is hereby delegated to the Administrator for Pay Board Matters (hereinafter referred to as the Administrator), subject to the general policy guidance of and in coordination with the Director of the Cost of Living Council, or his delegate, authority to process, consider, decide and issue decisions and orders with respect to actions pending before the Pay Board on February 28, 1973, including exception requests, pay challenges, executive compensation submissions, appeals from Internal Revenue Service adverse actions, and related matters, which were filed with the Pay Board or its delegate on or before January 10, 1973, and which involve pay adjustments, or other matters appropriate for Pay Board action, to be effective on or before January 10, 1973.

2. The Administrator shall have authority to rule on any request for review or reconsideration of a decision issued by the Pay Board prior to January 11, 1973, or pursuant to the interim authority delegated to the Chairman of the Pay Board by Cost of Living Council Order No. 17.

3. The authority delegated in this order shall not include any authority which has been delegated to the Construction Industry Stabilization Committee pursuant to Cost of Living Council Orders Nos. 16 and 20.

4. The actions referred to in paragraph 1 above shall be processed, acted on, and decided in accordance with Pay Board procedures, policies, rulings, and regulations in effect on January 10, 1973. Actions pursuant to this delegation shall be taken in the name of the Administrator and shall be reviewable only by the Administrator under the procedures provided by Pay Board regulations in effect on January 10, 1973, with respect to actions taken in the name of the Chairman of the Pay Board.

5. In the exercise of authority pursuant to this order, the Administrator may solicit and receive the advice and recommendations of any appropriate individual, group, panel, or committee.

6. There is hereby delegated to the Administrator such further authority as may be necessary to carry out the functions set forth above.

7. This order shall be effective March 1, 1973.

JAMES W. MCLANE,
Deputy Director,
Cost of Living Council.

[FR Doc.73-5277 Filed 3-15-73;2:41 pm]

FOOD INDUSTRY WAGE AND SALARY COMMITTEE

Notice of Meeting

Pursuant to the provisions of the Federal Advisory Committee Act (Public Law 92-463, 86 Stat. 770) notice is hereby given that the Food Industry Wage and Salary Committee, established under the authority of section 212(f) of the Economic Stabilization Act, as amended, section 4(a)(iv) of Executive Order 11695 and Cost of Living Council Order No. 14, will meet at 10 a.m., Wednesday, March 21, 1973, in the main Conference Room of the Cost of Living Council, Seventh Floor, 2000 M Street NW., Washington, DC.

The purpose of the meeting is to provide advice to the Cost of Living Council and the Labor-Management Advisory Committee relative to wage stabilization policies which are necessary to meet the special problems of the food industry (and its various branches) within the general framework of wage stabilization policies.

The Director of the Cost of Living Council has determined that the meeting will consist of exchanges of opinions, that the discussions, if written, would fall within exemption (5) of U.S.C. 522 (b) and that it is essential to close the meeting to protect the free exchange of internal views and to avoid interference with the operation of the committee.

Issued in Washington, D.C., on March 16, 1973.

JAMES W. MCLANE,
Deputy Director,
Cost of Living Council.

[FR Doc.73-5400 Filed 3-16-73;5:27 pm]

FEDERAL COMMUNICATIONS COMMISSION

NATIONAL INDUSTRY ADVISORY COMMITTEE; BROADCAST SERVICES SUBCOMMITTEE

Notice of Meeting

Pursuant to the provisions of Public Law 92-463, announcement is made of a public meeting of Working Group II, Broadcast Services Subcommittee, National Industry Advisory Committee, to be held Wednesday, March 21, 1973. The Working Group will meet in the Board Room (ground floor), National Association of Broadcasters at 1771 N Street NW., Washington, DC at 10 a.m.

Purpose. To prepare and submit recommendations to the Federal Communications Commission concerning voluntary organized industry participation in Scheduled closed circuit tests of the Emergency Broadcast System (EBS).

Agenda. The agenda for the meeting is, as follows:

ITEM

1. Scheduled Closed Circuit Tests of national-level interconnecting systems and facilities of the Emergency Broadcast System (EBS). (Section 73.962, FCC Rules)
2. Evaluation procedures for each Scheduled Closed Circuit Test of national-level interconnecting systems and facilities of the Emergency Broadcast System (EBS).
3. Review and revision of Annexes VIII and IX of the basic EBS Plan.
4. Review of FCC rules (Part 73—Subpart G) pertaining to national-level origination points and test evaluations.

It is suggested that those desiring more specific information about the meeting telephone the Emergency Communications Division 202—632-7232.

FEDERAL COMMUNICATIONS COMMISSION,

[SEAL] BEN F. WAPLE,
Secretary.

[FR Doc.73-5299 Filed 3-19-73;8:45 am]

PANEL 3 OF TECHNICAL ADVISORY COMMITTEE

Meeting Scheduled

MARCH 12, 1973.

Panel 3 (Receivers) of the Cable Television Technical Advisory Committee will hold an open meeting on Thursday, March 22, 1973, at 10 a.m. The meeting will be held at the Corporation of Public Broadcasting, 888 16th Street NW., Washington, DC in the lower level Conference Room.

The agenda for the meeting will be a discussion of Panel 3's intended charge, a report of liaison with: (a) EIA-R4.2 and (b) EIA-CTSC, update the reports regarding local oscillation measurement techniques and adjacent channel rejection measurements, and make plans for efforts during next period.

FEDERAL COMMUNICATIONS COMMISSION,

[SEAL] BEN F. WAPLE,
Secretary.

[FR Doc.73-5296 Filed 3-19-73;8:45 am]

NONVOICE TASK GROUP OF THE PBX STANDARDS ADVISORY COMMITTEE

Notice of Meeting

MARCH 13, 1973.

In accordance with Public Law 92-463, announcement is made of a public meeting of the Nonvoice Task Group of the FCC PBX Standards Advisory Committee to be held March 30, 1973. The Task Group will meet at 1919 M Street NW., Room 847 at 9 a.m.

1. *Purposes.* The purpose of the PBX Standards Advisory Committee is to prepare recommended standards to permit the interconnection of customer provided and maintained PBX equipment to the public switched network. The purpose of this Task Group is to prepare recommendations to the PBX Standards Advisory Committee regarding the most practicable means by which a noncertified data terminal may be used with a barrier PBX in lieu, or in addition to, a conventional telephone instrument.

2. *Activities.* Members and observers review existing interface criteria in some detail with the aim of identifying any additional harm which might accrue from nonvoice (noncarbon transmitter) devices. Any new criteria or need for modifications to the existing documents are highlighted.

3. *Agenda.* The agenda for the March 30, 1973 meeting will be as follows:

a. Review of report from last meeting.
b. Review of homework assignments.
c. Review of Equipment Test Standard Document.
d. Homework assignments.

It is suggested that those desiring more specific information, contact the Domestic Rates Division on 202—632-6457.

FEDERAL COMMUNICATIONS COMMISSION,

[SEAL] BEN F. WAPLE,
Secretary.

[FR Doc.73-5298 Filed 3-19-73;8:45 am]

PBX TECHNICAL STANDARDS SUBCOMMITTEE

Notice of Meeting

MARCH 13, 1973.

In accordance with Public Law 92-463, announcement is made of a public meeting of the Technical Standards Subcommittee of the PBX Standards Advisory Committee to be held March 27 and 28 in room 847, 1919 M Street NW., Washington, DC, and on the sixth floor at 2025 M Street NW., Washington, DC, March 29. The meeting will commence at 10 a.m.

1. *Purpose.* The purpose of this Subcommittee is to prepare recommended standards and procedures to permit the interconnection of customer provided and maintained PBX equipment to the public switched network without the need for carrier provided connecting arrangements.

2. *Activities.* As at prior meetings, Subcommittee members and observers present their suggestions and recommendations regarding the various technical criteria and standards that should be considered with respect to the interconnection of PBX equipment to the public telephone network.

3. *Agenda.* The agenda for the March 27-29 meeting will be as follows:

a. Presentation of Task Force reports.

b. Review of Task Force reports on interface criteria, equipment standards for nonbarrier PBX, equipment on-site inspection standards, and follow-up program for manufacturing.

c. Review of priorities and schedule plan for the next meeting.

It is suggested that those desiring more specific information about the meeting call the Domestic Rates Division on 202—632-6457.

FEDERAL COMMUNICATIONS COMMISSION,

[SEAL] BEN F. WAPLE,
Secretary.

[FR Doc.73-5297 Filed 3-19-73;8:45 am]

AMERICAN TELEPHONE AND TELEGRAPH CO.

[Docket No. 19129; FCC 73-255]

Memorandum Opinion and Order Amending Issues

In the matter of American Telephone and Telegraph Co. and the Associated Bell System Companies; Charges for Interstate Telephone Service, Transmittal Nos. 10989, 11027, and 11657.

1. On January 12, 1973, we released our Memorandum Opinion and Order[1] in this proceeding which gave permission to the American Telephone and Telegraph Co. (AT&T) to file increased rates for Message Toll Service (MTS) and Wide Area Telephone Service (WATS) which it had proposed on December 1, 1972.[2] We permitted the MTS increases to be filed on not less than 10 days notice since the same or greater increases were first filed in November 1970, but had not become effective. The WATS increases, however, were not previously filed and were therefore required to be filed on not less than 60 days notice in accordance with the normal requirements of Part 61 of our rules.

[1] FCC 73-44.

[2] See our Decision and Order of November 22, 1972, in Phase I (rate of return) of this proceeding, 38 FCC 2d 213, 251 (37 FR 20041).

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We also stated in that order that we expected to order suspension of the WATS increases for the full 3 months provided for in section 204 of the Communications Act.

2. By Transmittal No. 11657, dated January 12, 1973, AT&T filed revised tariff pages to increase the rates for MTS service effective January 22, 1973 and for WATS service effective March 13, 1973. Accompanying the transmittal was supporting material intended to comply with § 61.38 of our rules in regard to the WATS rates.

3. As has been previously indicated in this proceeding,[4] the rate increases which have been filed for MTS and WATS are to be interim in nature, subject to our decision in Phase II of this proceeding and to our decision in Docket No. 18128. Since the WATS rates have not been put expressly in issue herein, this order will serve to amend formally the issues in this regard, and to enter a suspension and accounting order with respect to the WATS rates.[4]

4. When we stated in our order permitting the filing of the increased rates that we expected to suspend the WATS increases for the full 3-month period, we are mindful of the then effective Price Commission regulations which prohibited interim rate increases from becoming effective if they had not been suspended for the maximum period authorized by law.[5] We had previously decided that the MTS rates would not be required to be suspended so long as they did not exceed those filed in November 1970, since they had already been suspended within the meaning of the Price Commission regulations.[6] It now appears that there is no longer any requirement to suspend an interim increase for the maximum period since the Price Commission regulation was superseded effective January 11, 1973, by the Cost of Living Council Phase III Regulations.[7] The Phase III regulations contain no requirement for suspension of interim rate increases. Our November 22, 1972 Decision in Phase I of this proceeding concluded that a return for A.T. & T. of 8.5 percent on its interstate and foreign operations was the minimum required to enable it to attract capital at a reasonable cost, to maintain its credit, assure continued, adequate and safe interstate and foreign communications service to the public and to provide for necessary expansion to meet future requirements.[8] We further found that achievement of that rate of return would require rate increases which produce $145 million in additional net income before Federal income tax.[9] Inasmuch as the only reason for deferring the effectiveness of the WATS portion of the $145 million increase was the now superseded Price Commission regulation, we shall suspend the WATS increase for 1 day only, in order that the accounting and refund provisions of section 204 of the Act may be revoked.

5. *Accordingly, it is ordered,* That the effectiveness of the revisions in A.T. & T's Tariff FCC No. 259 filed under Transmittal No. 11657 is suspended until March 14, 1973;

6. *It is further ordered,* That the lawfulness of the rate changes in A.T. & T. Tariff FCC No. 259 proposed by Transmittal No. 11657 shall be at issue in this proceeding, and that the inquiry therein shall include, but not be limited to, consideration of:

a. The amount of operating revenues that are or may reasonably be expected in the forseeable future from interstate communication services rendered by use of the plant and facilities of the Bell System as a consequence of the particular WATS rate levels suspended herein, with particular reference to the projected gross revenues to be derived therefrom, the changes in traffic level and usage patterns anticipated as a result of the rate change, and the associated changes in expense level;

b. The cost justification, demand factors and other pertinent consideration in respect to the structure and differing rate levels herein suspended for all categories of WATS service;

c. In light of determination as to the foregoing, whether the instant increases in WATS rates are just and reasonable within the meaning of section 201(b) of the Communications Act of 1934, as amended;

d. Whether the specific charges for WATS service herein suspended will subject any person or class of persons to unjust or unreasonable discrimination, or give any undue preference or advantage to any person, class of persons, or locality, or subject any person, class of persons, or locality to any undue or unreasonable prejudice or disadvantage within the meaning of section 202(a) of the Communications Act of 1934, as amended;

e. Whether the Commission should prescribe just and reasonable charges or maximum or minimum or maximum and minimum charges to be hereafter followed with respect to WATS service and, if so, what charges should be prescribed;

7. *It is further ordered,* That pending the determination of this proceeding, or until further order of the Commission, the carriers collecting amounts under the above-mentioned tariff schedules shall keep accurate account of such amounts, specifying by whom and on whose behalf such amounts were paid;

8. *It is further ordered,* That, AT&T shall make no changes in the schedules herein suspended during the pendency of this proceeding without prior approval of the Commission.

Adopted: March 7, 1973.

Released: March 13, 1973.

FEDERAL COMMUNICATIONS COMMISSION,[10]

[SEAL] BEN F. WAPLE,
Secretary.

[FR Doc.73-5303 Filed 3-19-73;8:45 am]

[Docket No. 19704; FCC 73-271]

GREEN VALLEY RADIO LICENSEE OF STATION KWDR

Order and Notice of Apparent Liability Designating Application for Hearing on Stated Issues

In regard application of Don Renault trading as Green Valley Radio Licensee of Station KWDR, Del Rio, Tex., for renewal of license. Docket No. 19704, File No. BR-4720.

1. Now under consideration are: (a) The captioned application for renewal of license of Station KWDR; and (b) our inquiry into the operation of Station KWDR.

2. Information contained in the renewal application, obtained during our inquiry and in prior proceedings before the Commission raises serious questions as to whether the applicant possesses the qualifications to be or to remain a licensee of the Commission. In view of these questions, we are unable to find that a grant of the renewal application would serve the public interest, convenience and necessity, and must, therefore, designate the application for hearing.

3. *Accordingly, it is ordered,* That pursuant to section 309(e) of the Communications Act of 1934, as amended, the captioned application is designated for hearing at a time and place to be specified in a subsequent Order, upon the following issues:

(1) To determine whether the applicant, while under oath, falsely testified in Docket No. 18,528 as to his educational background;

(2) To determine whether the applicant violated § 1.23 of the Commission's rules, and the circumstances surrounding the injunction issued against him by a Texas court forbidding him from holding himself out as an attorney;

(3) To determine whether the applicant violated § 1.65 of the Commission's rules in connection with the proceeding of Docket No. 18,528 and in connection with the captioned renewal application;

(4) To determine the circumstances surrounding the applicant's representations that he was a qualified engineer, and the injunction issued against him by a Texas court forbidding him from holding himself out as a qualified engineer;

(5) To determine whether the applicant substantially carried out or sought to carry out the representations in his prior renewal application for Station KWDR concerning the amount of news and public affairs programing, and whether the applicant made misrepresentations or was lacking in candor in his prior renewal application;

(6) To determine whether the applicant is financially qualified to be a licensee of the Commission;

(7) To determine whether the applicant violated §§ 1.539(a) and 1.611 of the Commission's rules by filing the captioned application late and by filing a late and incomplete Annual Financial Report for 1970;

(8) To determine whether the applicant violated §§ 1.611, 1.613(a) and 1.615 of the Commission's rules by failing to file an Annual Financial Report for 1971, its affiliation contract with ABC dated January 21, 1970, and a signed Ownership Report;

(9) To determine whether the applicant misrepresented its authorized power in material provided to Standard Rate and Data Services, in advertising, and on its rate cards, business cards and stationery;

(10) To determine whether the applicant made misrepsentations to the Commission or was lacking in candor as to his being a qualified attorney or engineer, as to statements made concerning Station KWDR's authorized power, as to his name, and as to the information in the balance sheet included in the renewal application;

(11) To determine whether the applicant made unauthorized rebroadcasts in violation of section 325 of the Communications Act and § 73.121 (now § 73.1207) of the Commission's rules;

(12) To determine whether the applicant properly maintained a public inspection file in accordance with the requirements of § 1.526 of the Commission's rules;

(13) To determine whether the applicant inaccurately logged the duration of commercial announcements in violation of § 73.112(a)(2)(ii) of the Commission's rules;

(14) To determine whether the applicant has violated the Commission's rules, as alleged in the Official Notices of Violation issued July 23, 1968, November 24, 1969, and November 20, 1972, and, if so, the nature and the extent of those violations and, in light of the evidence adduced pursuant to that determination, whether the applicant has exercised the degree of responsibility required of a licensee of a broadcast station; and

(15) To determine, in light of the evidence adduced under the preceding issues, whether the licensee has the requisite qualifications to be or to remain a licensee of the Commission, and whether a grant of the application would serve the public interest, convenience and necessity.

4. *It is further ordered,* That if it is determined that the hearing record does not warrant an order denying the captioned application for renewal of license of Station KWDR, it shall also be determined whether the applicant has repeatedly or willfully violated the terms of the authorizations for Station KWDR, section 325 of the Communications Act of 1934, as amended, or the following sections of the Commission's rules: Sections 1.23; 1.65; 1.526; 1.539; 1.611; 1.615; 17.52; 73.39(d)(2); 73.39(d)(4); 73.39(i); 73.40(a); 73.40(b)(3)(iv); 73.46(a); 73.47(b); 73.52(a); 73.56(a); 73.60(a); 73.71(b); 73.92(a); 73.92(b); 73.93(c); 73.111(a); 73.111(b); 73.111(c); 73.112(a)(2)(ii); 73.112(d)(1); 73.113(a)(3)(i); 73.113(a)(3)(ii); 73.113(a)(3)(iii); 73.114(a)(1)(i); 73.114(b); 73.116(c); 73.121 (now 73.1207); and 73.933(a).[1] If so, it shall also be determined whether an Order of Forfeiture pursuant to section 503(b) of the Communications Act of 1934, as amended, in the amount of $10,000 or less should be issued for violations which occurred within 1 year of the issuance of the Bill of Particulars in this matter.

5. *It is further ordered,* That this document constitutes a Notice of Apparent Liability for a forfeiture for violations of those sections of the Communications Act and of the Commission's Rules set out in the preceding paragraph, and of the terms of the station's authorizations. The Commission has determined that, in every case designated for hearing involving revocation or denial of a license renewal application for alleged violations which also come within the purview of section 503(b) of the Act, it shall, as a matter of course, include this forfeiture notice so as to maintain the fullest possible flexibility of action. Since the procedure is thus a routine or standard one, we stress that inclusion of this Notice is not to be taken as in any way indicating what the initial or final disposition of the case should be; that judgment is, of course, to be made on the facts of each case.

6. *It is further ordered,* That the Chief of the Broadcast Bureau shall serve upon the captioned applicant, within 30 days of the release of this document, a Bill of Particulars with respect to issues (1) through (14), inclusive.

7. *It is further ordered,* That the Broadcast Bureau proceed with the initial presentation of the evidence with respect to issues (1) through (14), inclusive, and that the applicant then proceed with its evidence and have the burden of establishing that it possesses the requisite qualifications to be and to remain a licensee of the Commission and that a grant of its applications would serve the public interest, convenience and necessity.

8. *It is further ordered,* That the applicant shall file a written appearance stating an intention to appear and present evidence on the specified issues, within the time and in the manner required by § 1.221(c) of the Commission's rules.

9. *It is further ordered,* That the applicant shall give notice of the hearing within the time and in the manner specified in § 1.594 of the rules, and shall seasonably file the statement required by § 1.594(g).

10. *It is further ordered,* That the Secretary of the Commission shall send a copy of this Order by Certified Mail—Return Receipt Requested to Don Renault, trading as Green Valley Radio.

Adopted: March 7, 1973.

Released: March 15, 1973.

FEDERAL COMMUNICATIONS COMMISSION,[4]

[SEAL] BEN F. WAPLE,
Secretary.

[FR Doc.73-5300 Filed 3-19-73;8:45 am]

[Dockets Nos. 19701, 19702; FCC 73-260]

LAKE RADIO, INC. AND GOLDEN TRIANGLE BROADCASTING CO.

Memorandum Opinion and Order Designating Applications for Consolidated Hearing on Stated Issues

In regard applications of Lake Radio, Inc., Mount Dora, Fla., Requests: 1580 kHz, 5 kw., day, Docket No. 19701, File No. BP-19169. Golden Triangle Broadcasting Co., Mount Dora, Fla., Requests: 1580 kHz, 5 kw., day, Docket No. 19702, File No. BP-19244; for construction permits.

1. The Commission has before it the above-captioned applications, each requesting authority to operate the facilities of former station WYYD, Mount Dora, Fla.[2] The applications are mutually exclusive, and a choice between the two must be determined on the basis of a comparative hearing.

2. Lake Radio, Inc. (Lake Radio), projects first-year construction and operating costs of $45,000,[3] to be funded with $2,000 in cash and a $45,000 bank loan. The bank's letter of January 31, 1972, specifies that the loan will be secured by the personal guarantee of the principals. However, Lake Radio has failed to furnish statements evidencing their willingness to extend such a guarantee. Accordingly, an issue will be specified to give the applicant an opportunity to make this showing.

3. According to our estimates, Golden Triangle Broadcasting Co. (Golden Triangle) will need $76,250 to construct and operate its station for 1 year.[3] The applicant proposes to fund that requirement with $76,000, $45,000 from a mortgage company loan, and $24,000 in first-year

[4] Commissioner Reid absent.

[1] The license of WYYD was cancelled by Commission action of January 5, 1972, after the station's request for an extension of authority to remain silent was denied. Cherry Hill Broadcasters, Inc., 23 RR 2d 509.

[2] Cost estimates are itemized as: lease payments on equipment, $4,000; miscellaneous, $7,000; and working capital, $34,000.

[3] The breakdown is as follows: $6,345, down payment on equipment; $6,725, first-year payment on equipment with interest; $10,000, building; $3,600, miscellaneous; and $43,280 for working capital. Of the total $76,250, $6,300 is for other construction costs.

[5] See Memorandum Opinion and Order referred to in paragraph 1 above.

[6] The MTS rates which became effective January 22, 1973 were made subject to accounting and refund by Paragraph 124 of our Decision and Order in Phase I of this proceeding, 38 FCC 2d 213, 251 (1972); 27 FCC 2d 149, 150 (1971).

[7] 6 CFR 300.307, 37 FR 18895.

[8] 37 FCC 2d 754, 756 (1972).

[9] 6 CFR 130.1, 130.80-81; 38 FR 1479.

[10] 38 FCC 2d 213, 245 (1972).

[11] 38 FCC 2d 213, 251 (1972).

[12] Commissioners Johnson and H. Rex Lee dissenting; Commissioner Reid absent.

[1] See the Bill of Particulars for specific dates and details of each alleged violation.

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broadcast revenues.[4] However, this showing is questionable because the loan rests on a commitment from the Colonial Mortgage Co. of Florida, Inc., and there is no information establishing the firm's purpose and viability as a lending institution.[5] As far as the $24,000 in prospective broadcast revenue is concerned, since WYYD went off the air more than 2 years ago, we cannot now assume, in the absence of written advertising commitments, that Golden Triangle will generate similar revenue. Finally, Robert G. Murrell has not provided us with a statement evidencing willingness to allow his real property to be encumbered with a mortgage as security for Colonial Mortgage Co.'s loan. It is clear that the applicant has failed to meet the Ultravision test of an equivalence between first-year costs and assets. "Ultravision Broadcasting Co." 1 FCC 2d 544, 5 RR 2d 343 (1965).

4. Golden Triangle's ascertainment of community problems remains fundamentally deficient and the appropriate issue will be specified. First, it has not properly described the composition of Mount Dora. Without a showing of this nature, we are unable to conclude that an applicant has adequately familiarized himself with the facets of his community; and without that familiarity, a survey may not be geared for an even sampling of the community. Second, the applicant has failed to indicate which leaders, if any, were representative of Mount Dora's racial minority. Its description of contacts with the general public is a vague generalization, while its response to the problems reported is spotty at best. We also note that its survey fails to particularize any efforts made to consult leaders or citizens of nearby towns within the proposed service areas.

5. Finally, a substantial question exists as to the availability of the old WYYD main studio-transmitter site which Golden Triangle specified in its application. Lake Radio has furnished us with a document indicating that it has an exclusive lease option on the buildings and land. It also included a newspaper clipping wherein Brantley P. Slaughter is reported as saying that they are "looking for a new location for the transmitter and studios * * *." Our letter request for clarification of this matter has gone unanswered. Accordingly, an issue is designated to allow a determination as to the availability of the WYYD site for Golden Triangle.

6. Except as indicated by the issues specified below, the applicants are qualified to construct and operate as proposed. However, since the proposals are mutually exclusive, they must be designated for hearing in a consolidated proceeding on the issues specified below.

7. *Accordingly, it is ordered*, That, pursuant to section 309(e) of the Communications Act of 1934, as amended, the applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent Order, upon the following issues:

1. To determine with respect to the applicant, Lake Radio, Inc.:

(a) Whether the applicant's principals are willing to personally guarantee the pertinent bank loan; and

(b) In light of the evidence adduced pursuant to the above, whether Lake Radio, Inc., is financially qualified.

2. To determine with respect to the applicant, Golden Triangle Broadcasting Co.:

(a) Whether Colonial Mortgage Co. of Florida, Inc., has sufficient net liquid and current assets to meet its loan commitment;

(b) Whether Robert G. Murrell is willing to mortgage certain of his real property as security for the Colonial Mortgage Co. of Florida, Inc., loan;

(c) The source of additional funds as may be required; and

(d) In light of the evidence adduced pursuant to the above, whether Golden Triangle Broadcasting Co., is financially qualified.

3. To determine the efforts made by Golden Triangle Broadcasting Co., to ascertain the community problems of the area to be served and the means by which the applicant proposes to meet those problems.

4. To determine whether there is reasonable assurance of the availability of Golden Triangle Broadcasting Co.'s transmitter site.

5. To determine which of the proposals would better serve the public interest.

6. To determine, in light of the evidence adduced pursuant to the foregoing issues, which, if either, of the applications should be granted.

8. *It is further ordered*, That, to avail themselves of the opportunity to be heard, the applicants herein, pursuant to § 1.221(c) of the Commission's rules, in person or by attorney, shall, within 20 days of the mailing of this order, file with the Commission in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this order.

9. *It is further ordered*, That the applicants herein shall, pursuant to section 311(a)(2) of the Communications Act of 1934, as amended, and § 1.594 of the Commission's rules, give notice of the hearing, either individually or, if feasible and consistent with the rules, jointly, within the time and in the manner prescribed in such rule, and shall advise the Commission of the publication of such notice as required by § 1.594(g) of the rules.

Adopted: March 7, 1973.

Released: March 15, 1973.

FEDERAL COMMUNICATIONS COMMISSION,[6]
[SEAL] BEN F. WAPLE,
Secretary.

[FR Doc.73-5302 Filed 3-19-73;8:45 am]

[Docket No. 19558]

OVERSEAS DATAPHONE SERVICE

Future Authorization Policy; Extension of Time

1. By telegram dated March 9, 1973, Western Union International, Inc. (WUI) requests an extension of time until March 28, 1973, in which to file reply comments in the above-captioned Inquiry.[1] WUI alleges that the requested extension of time is needed because of the press of other regulatory business and the need to analyze and evaluate certain technical information contained in the prior filings. WUI represents that the following parties to the inquiry have no objection to the requested extension: ITT World Communications Inc., RCA Global Communications, Inc., TRT Telecommunications Corp., Western Union Telegraph Co., Hawaiian Telephone Co. and U.S. Independent Telephone Association.

2. We find that WUI has shown good cause for the requested extension of time. However, in view of the numerous, previous extensions of time granted in this proceeding, the Commission hereinafter will not entertain any further request for an extension of time in which to file reply comments in the subject Docket.

3. *Accordingly, it is ordered*, pursuant to § 0.303(c) of the Commission's rules pertaining to Delegations of Authority that the request of Western Union International, Inc., is granted; and the time in which to file reply comments in Docket No. 19558 is extended until March 28, 1973.

Adopted: March 13, 1973.

Released: March 14, 1973.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BERNARD STRASSBURG,
Chief, Common Carrier Bureau.

[FR Doc.73-5304 Filed 3-19-73;8:45 am]

[Docket No. 19434 etc.; FCC 73R-111]

SALEM BROADCASTING CO., INC., ET AL.

Memorandum Opinion and Order Enlarging Issues

In regard applications of Salem Broadcasting Co., Inc., Salem, N.H., Docket No. 19434, File No. BP-18325. New Hampshire Broadcasting Corp., Salem, N.H., Docket No. 19435, File No. BP-18479. Spacetown Broadcasting Corp., Derry, N.H., Docket No. 19436, File No. BP-18492, for construction permits.

1. Before the Review Board is a motion to enlarge issues, filed October 17, 1972, by Spacetown Broadcasting Corp. (Spacetown), seeking the addition of a site availability and zoning issue against New Hampshire Broadcasting Corp. (New Hampshire) (37 FR 25778).[1]

2. Petitioner argues that an issue should be added to this proceeding to determine the availability of New Hampshire's proposed antenna tower site in view of the actions taken by the Salem, N.H., Board of Adjustment. The facts, as alleged, are not in dispute. On July 27, 1972, the Salem Board of Adjustment denied the applicant's resubmitted petition for a zoning variance to erect four radio towers and a cement block house for a transmitter at New Hampshire's proposed site. The Board again denied New Hampshire's request on September 21, 1972. Having thus exhausted its remedies before the Board, petitioner alleges that New Hampshire would have to seek relief in the courts or find an alternative site. Therefore, Spacetown contends that the designation of a zoning and site availability issue is clearly warranted. The Broadcast Bureau agrees with Spacetown that a serious question has been raised as to whether New Hampshire has the authority to construct its towers on its proposed site and would support the addition of an appropriate issue, absent a showing by New Hampshire to the contrary.

3. In response, New Hampshire states that it has filed an appeal of the Board of Adjustment's decision in the Rockingham County Superior Court and expresses confidence in the likelihood of its success.[2] As evidence of its optimism, New Hampshire alleges that it intends to purchase the property proposed for its site.[3] Therefore, New Hampshire submits, the addition of the requested issue would serve no purpose at this time unless the Commission believes that it, rather than the Rockingham County Superior Court, is a more appropriate forum to resolve the merits of New Hampshire's appeal.

4. In reply, Spacetown maintains that New Hampshire has made no showing of reasonable assurance of the availability of its site. Petitioner contends that New Hampshire's allegations are not supported by an affidavit of a party having knowledge thereof, as required by § 1.229 of the Commission's rules. Furthermore, even assuming compliance with § 1.229, petitioner asserts that the allegations do nothing to lessen the need for designating the requested issue. According to petitioner, the fact that New Hampshire has decided to purchase the property is irrelevant to the question of whether it will be permitted to build its transmitter site on the property. Moreover, even if ownership were relevant, Spacetown claims, the option to purchase has already expired. In addition, petitioner submits the letter of an attorney whose professional opinion is that the appeal will not be successful.[4]

5. Spacetown's request for the addition of a site availability issue will be granted. Although the Commission and Review Board have traditionally been reluctant to specify issues inquiring into local zoning matters, since they are ordinarily within the province of local authorities, an applicant is required to have some reasonable ground for believing that his transmitter site will be available for the use specified. See William R. Gaston, 35 FCC 2d 615, 24 RR 2d 741 (1972); Marvin C. Hanz, 21 FCC 2d 420, 18 RR 2d 310 (1970). Here, in light of the fact that New Hampshire's efforts to secure a zoning variance have been twice denied, we are of the view that it has failed to establish that it has a reasonable expectancy of obtaining approval of its plans from the local authorities. See Edina Corp., 4 FCC 2d 36, 7 RR 2d 767 (1966). New Hampshire's unexplained optimism in the likelihood of the success of its appeal and its intention to purchase the property proposed for its site will simply not suffice. Under the circumstances as presented in the pleading before us, we think that there is sufficient doubt as to whether the site may be used for the purpose proposed to warrant enlargement of the issues as requested by petitioner. "El Camino Broadcasting Corp.", 14 FCC 2d 361, 13 RR 2d 1260 (1968).

6. *Accordingly, it is ordered*, That the request for leave to file attached pleading, filed November 15, 1972, by New Hampshire Broadcasting Corp., is denied; and

7. *It is further ordered*, That the petition to enlarge issues, filed October 17, 1972, by Spacetown Broadcasting Corp. is granted; and

8. *It is further ordered*, That the issues in this proceeding are enlarged to include the following issue:

To determine whether New Hampshire Broadcasting Corp. has a reasonable expectancy of obtaining permission to construct its proposed towers at the site specified in its application.

9. *It is further ordered*, That the burden of proceeding with the introduction of the evidence and the burden of proof under the issue added herein shall be on New Hampshire Broadcasting Corp.

Adopted: March 13, 1973.

Released: March 15, 1973.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[FR Doc.73-5301 Filed 3-19-73;8:45 am]

FEDERAL POWER COMMISSION

[Docket No. CI73-598]

AMOCO PRODUCTION CO.

Notice of Application

MARCH 13, 1973.

Take notice that on March 8, 1973, Amoco Production Co. (Applicant), Post Office Box 3092, Houston, TX 77001, filed in docket No. CI73-598 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale for resale and delivery of natural gas in interstate commerce to Texas Eastern Transmission Corp. at Champlin Petroleum Co.'s processing plant in the Carthage Field, Panola County, Tex., all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that it intends to sell approximately 1,500 Mcf of gas per day within the contemplation of § 157.29 of the regulations under the Natural Gas Act (18 CFR 157.29) and proposes to continue said sale for 1 year from the end of the 60-day emergency period or until 2,000,000 Mcf of gas are delivered, whichever occurs first, within the contemplation of § 2.70 of the Commission's general policy and interpretations (18 CFR 2.70). Applicant proposes to sell, under the authorization requested herein, up to 2,000 Mcf of gas per day, plus any gas which Applicant may have available and the purchaser may be able to receive, at 45 cents per Mcf subject to upward and downward B.t.u. adjustment. The upward price adjustment will not exceed 1,100 B.t.u. Gas sold during the 60-day emergency period will not be included in the 2,000,000-Mcf total sale.

It appears reasonable and consistent with the public interest in this case to prescribe a period shorter than 15 days for the filing of protests and petitions to intervene. Therefore, any person desiring to be heard or to make any protest with reference to said application should on or before March 30, 1973, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants

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[4] Golden Triangle's assets also include $500 in existing capital and $6,500 in subscribed funds.

[5] Robert G. Murrell is identified as president of the Colonial Mortgage Co. (presumably the same firm) in section II of Golden Triangle's application. In the same place, Colonial Mortgage Co. is described as merely a firm of "Mortgage Brokers."

[6] Commissioner Reid absent.

[1] Notice of inquiry regarding future authorization (FCC 72-873) was published at 37 FR 16042 (Aug. 9, 1972); previous extensions of time appeared at 38 FR 4690 (Feb. 20, 1973) and 38 FR 5937 (Mar. 5, 1973).

[1] Also before the Board for consideration are: (a) Broadcast Bureau's comments, filed October 30, 1972; (b) response, filed November 1, 1972, by New Hampshire; (c) errata to (b), filed November 2, 1972, by New Hampshire; (d) reply, filed November 13, 1972, by Spacetown; (e) request for leave to file attached pleading, filed November 15, 1972, by New Hampshire; and (f) response to (e), filed November 22, 1972, by Spacetown.

[2] The appeal was filed on Oct. 17, 1972.

[3] New Hampshire attaches to its opposition pleading a copy of a letter sent to the Commission on October 27, 1972, advising it of its intention to purchase the property proposed for its site and that a timely appeal had been filed in the Rockingham County Superior Court.

[4] New Hampshire's request for leave to file attached pleading, filed November 15, 1972, will be denied. New Hampshire has not satisfactorily explained why it did not include the material contained therein in its opposition. See the Board's Public Notice on the Filing of Supplemental Pleadings before the Review Board No. 90836, released October 11, 1972.

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parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the precedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-5133 Filed 3-19-73;8:45 am]

[Docket No. G-10354]

ATLANTIC RICHFIELD CO.

Notice of Further Extension of Time

MARCH 14, 1973.

On March 13, 1973, Atlantic Richfield Co., filed a motion for a further extension of the procedural dates established by order issued January 12, 1973, and amended by notice issued January 29, 1973. The motion states that Texas Eastern Transmission Corp., and Associated Gas Distributors have no objection to the motion.

Upon consideration, notice is hereby given that the procedural dates are further modified as follows:

Service of direct case of applicant, April 9, 1973.
Service of rebuttal testimony, April 23, 1973.
Hearing, April 30, 1973, 10 a.m., e.d.t.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-5246 Filed 3-19-73;8:45 am]

[Docket No. E-8050]

BLACK HILLS POWER AND LIGHT CO.

Notice of Application

MARCH 14, 1973.

Take notice that on January 22, 1973, Black Hills Power and Light Co. (Applicant) filed an application pursuant to section 204 of the Federal Power Act, seeking authority to issue a long-term note in the principal amount of $374,000 payable to the Small Business Administration, to mature 15 years from the date of the note.

The note will bear interest at the rate of 1 percent per annum and interest payments will be made semiannually beginning 6 months from the date of the note. Principal payments in the amount of $24,600 will be made annually, beginning 12 months from the date of the note.

The proposed loan is the result of damage to Applicant's property caused by flooding. The flooding was a result of torrential rains in Rapid City and other surrounding areas on June 9, 1972. The flooding caused damage or destroyed property in the area estimated in excess of $100 million. The Small Business Administration has approved over $57 million in disaster loans to affected businesses and individuals, in addition, the U.S. Department of Housing and Urban Development has approved over $52 million for rebuilding and redevelopment in the flooded areas.

Any person desiring to be heard or to make any protest with reference to the application should on or before March 22, 1973, file with the Federal Power Commission, Washington, D.C. 20426, petitions or protests in accordance with the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the participants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-5401 Filed 3-19-73;10:07 am]

[Docket No. RP71-106]

CITIES SERVICE GAS CO.

Notice of Extension of Time and Postponement of Hearing

MARCH 14, 1973.

On March 7, 1973, Cities Service Gas Co. requested an extension of the procedural dates as established by order issued February 22, 1973 in the above matter. The request states that the following parties have no objection to the request: Staff, Midwest Industrial and Commercial Gas Users Association and Armco Steel Corp., the City Group Defense Association, the State Corporation Commission of the State of Kansas, the Kansas Municipal Intervenors Group, the Gas Service Co., Missouri Public Service Co., and Union Gas System, Inc.

Upon consideration, notice is hereby given that the procedural dates in the above matter are modified as follows:

Service of Cities' testimony and exhibits, April 30, 1973.
Prehearing conference, May 10, 1973.
Service of Staff's testimony and exhibits, May 21, 1973.
Service of intervenor's testimony and exhibits, June 4, 1973.
Service of Cities' rebuttal evidence, June 18, 1973.
Hearing for cross-examination, June 27, 1973, 10 a.m., e.d.t.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-5247 Filed 3-19-73;8:45 am]

[Docket No. RP71-18 et al.]

COLUMBIA GAS TRANSMISSION CORP.

Notice of Extension of Time

MARCH 14, 1973.

On March 12, 1973, Columbia Gas Transmission Corp. filed a request for an extension of the procedural dates set forth in the order issued February 9, 1973, in the above matter. The request states that neither the New York Public Service Commission nor the Commission staff objects to the request.

Upon consideration, notice is hereby given that the procedural dates set by the order issued February 9, 1973, are modified as follows:

Service of testimony and exhibits by Columbia, March 30, 1973.
Service of testimony and exhibits by staff, April 17, 1973.
Service of testimony and exhibits by intervenors, May 1, 1973.
Service of rebuttal evidence by Columbia, May 15, 1973.
Prehearing conference, cross examination, May 31, 1973, 10 a.m., e.d.t.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-5248 Filed 3-19-73;8:45 am]

[Docket No. E-7679]

FLORIDA POWER CORP.

Notice of Certification of Proposed Settlement Agreement

MARCH 14, 1973.

Take notice that on March 2, 1973, Presiding Administrative Law Judge Ernest O. Eisenberg certified to the Commission a proposed settlement agreement in the above captioned docket number. Filed with the Judge on February 8, 1973, the proposed agreement purports to be settlement between Florida Power Corp. (Florida Power) and nine rural electric cooperative customers—Central Florida Electric Cooperative, Inc., Clay Electric Cooperative, Inc., Clades Electric Cooperative, Inc., Peace River Electric Cooperative, Inc., Sumter Electric Cooperative, Inc., Suwannee Valley Electric Cooperative, Inc., Talquin Electric Cooperative, Inc., Tri-County Electric Cooperative, Inc., and Withlacoochee River Electric Cooperative, Inc. (Coops). The intervening municipalities in this docket did not participate in the formation of this agreement and did not sign it.

The proposed agreement states that Florida Power agrees to file new rates for service to the Coops based upon the cost of service, with certain adjustments, presented by staff witnesses. The agreement provides that, based on 1970 test year, Florida Power's cost of service to the Coops is $6,710,640, leaving a revenue deficiency of $869,594 under the rates to the Coops in effect prior to June 12, 1972. The proposed settlement states that the revised rates, on the basis of sales in 1970, would produce revenues essentially equal to the cost of service agreed upon. In addition, the proposed settlement states that the overall rate of return be 7.78 percent of the rate base.

Any person desiring to make comments on said proposed settlement agreement should file written comments with the Federal Power Commission, 441 G Street, NW., Washington, DC 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (1.8 CFR 1.8, 1.10). All such comments should be filed on or before April 2, 1973.

Copies of the proposed settlement agreement are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-5250 Filed 3-19-73;8:45 am]

[Docket No. CI73-594]

IBEX, INC.

Notice of Application

MARCH 13, 1973.

Take notice that on March 5, 1973, Ibex, Inc. (Applicant), Post Office Box 911, Breckenridge, TX 76024, filed in Docket No. CI73-594 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale for resale and delivery of natural gas in interstate commerce to El Paso Natural Gas Co. from the East Panhandle Field, Collingsworth County, Tex., all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that it commenced the sale of natural gas on March 1, 1973, within the contemplation of § 157.29 of the regulations under the Natural Gas Act (18 CFR 157.29) and that it proposes to continue said sale for 22 months from the end of the 60-day emergency period within the contemplation of § 2.70 of the Commission's general policy and interpretations (18 CFR 2.70). Applicant proposes to sell approximately 45,000 Mcf of gas per month at 35.0 cents per Mcf at 14.65 p.s.i.a., subject to upward and downward B.t.u. adjustment.

It appears reasonable and consistent with the public interest in this case to prescribe a period shorter than 15 days for the filing of protests and petitions to intervene. Therefore, any person desiring to be heard or to make any protest with reference to said application should on or before March 30, 1973, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-5132 Filed 3-19-73;8:45 am]

[Docket No. RP73-82]

PACIFIC GAS TRANSMISSION CO.

Notice of Proposed Changes in Rates and Charges

MARCH 14, 1973.

Take notice that Pacific Gas Transmission Co. (PGT), on January 22, 1973, tendered for filing proposed changes in its FPC Gas Tariff, Original Volume No. 1. The proposed changes would revise PGT's Rate Schedule PL-1 to add Advance Payments in the description of working capital allowance and would amend the Availability Section PL-1 of PGT's tariff by eliminating the specification that gas delivered to Buyer be gas purchased by Seller from Canadian sources. The proposed effective date is February 22, 1973.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 441 G Street NW., Washington, DC 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before March 30, 1973. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-5244 Filed 3-19-73;8:45 am]

[Project 309]

PENNSYLVANIA ELECTRIC CO.

Notice of Application for New License

MARCH 14, 1973.

Public notice is hereby given that application was filed March 2, 1970, and supplemented October 26, 1970, December 21, 1970, and October 11, 1972, under section 15 of the Federal Power Act by Pennsylvania Electric Co. (Correspondence to: Mr. W. R. Thomas, secretary and treasurer, Pennsylvania Electric Co., 1001 Broad Street, Johnstown, PA 15907 and copy to J. B. Liberman, Esq., Berlack, Israels, Liberman, 26 Broadway, New York, NY 10004) for a new license for constructed Project No. 309, known as Piney Project, located on the Clarion River in Clarion County, Pa.

The Piney Project has an installed capacity of 28,800 kw. and consists of: (1) An arched concrete gravity dam about 125 feet high and 700 feet long with a tainter gate spillway section; (2) a reservoir about 12 miles long with an area of about 675 acres at elevation 1,093 feet and a usable storage capacity of 2,070 acre-feet in 3 feet of drawdown; (3) three steel penstocks each 14 feet in diameter and approximately 300 feet long; (4) a powerhouse containing three equally rated generators with an aggregate capacity of 28,800 kw.; (5) three transmission lines 225 feet long between the substation and the switchyard; and (6) all other facilities and interests appurtenant to the operation of the project.

Applicant estimates its net investment at $3,132,976, minus the amortization reserves, which is less than its estimate of fair market value. In the event the project is taken over, applicant estimates its severance damages at $361,000. Applicant estimates that it pays about $57,900 annually in State and local taxes.

The power generated by the Piney Project is used to supply part of the peak daily requirements of the General Public Utilities Integrated System of which the applicant is a member.

The original license expired on October 12, 1972, and the project is currently under annual license.

Recreation resources at the project include fishing, boating, and picnicking. Near the dam there is a picnic area with 80 sites, sanitary facilities, a water supply system, an interpretive display of the project, recreation equipment and a playground. The applicant plans additional playground equipment in the future.

Boat slips and a ramp are located along the reservoir on project land. A concession building is located on private land. These facilities are operated by the Clarion Volunteer Fire Department. The applicant plans to cooperate with the volunteer fire department in the development of a launching and marina facility on project land at this location.

At the upper end of the reservoir at Mill Creek there are picnic facilities, a boat launching ramp, and floating

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docks. This area is leased for operation to the Pennsylvania Fish Commission. At the upper reaches of the project there is an area of about 900 acres that is undeveloped and open to the public for recreational use.

Any person desiring to be heard or to make protest with reference to said application should on or before May 15, 1973, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to a proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and is available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-5245 Filed 3-19-73;8:45 am]

[Docket No. RP73-64]

SOUTHERN NATURAL GAS CO.

Notice of Purchased Gas Cost Adjustment to Rates and Charges

MARCH 14, 1973.

Take notice that Southern Natural Gas Co. (Southern), on March 1, 1973, tendered for filing a revised tariff sheet to its FPC Gas Tariff, Sixth Revised Volume No. 1 to become effective April 16, 1973. Pursuant to the Purchased Gas Adjustment Clause (PGA Clause) provision contained in its tariff, Southern proposes to increase its rates effective April 16, 1973, to reflect a purchased gas cost increase from one of its pipeline suppliers.

Second Revised Sheet No. 4A included in the filing reflects a rate increase that provides $9,892,126 of additional revenues due to the increase in purchased gas cost from Sea Robin Pipeline Co. (Sea Robin). Such rate change has been calculated in accordance with Southern's PGA Clause contained in proposed tariff changes tendered on January 17, 1973, now pending Commission action.

Copies of the filing have been mailed to each of the company's jurisdictional customers and interested State commissions.

Any person desiring to comment upon or to protest said filing may file such comment or protest with the Federal Power Commission, 441 G Street NW., Washington, DC 20426, on or before March 29, 1973. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-5242 Filed 3-19-73;8:45 am]

[Docket No. E-8062]

VERMONT ELECTRIC POWER CO., INC.

Notice of Proposed Changes in Rates and Charges

MARCH 14, 1973.

Take notice that the Vermont Electric Power Co., Inc. (Velco), on December 18, 1972, tendered for filing supplemental rate schedule changes to its initial Rate Schedule FPC No. 154 filed September 14, 1972. Velco states that certain of the Vermont distribution systems have expressed agreement to purchase power from it under the terms and conditions of the initial rate schedule. Velco also states that certain of the Vermont distribution systems have agreed to pay for the transmission of such power under the terms of the initial rate schedule. Velco contends that the above agreements are being transmitted because, similar to the purchase agreements, these agreements may be considered contracts which relate to rates, charges, classifications and services but that they do not, however, in themselves constitute a rate, charge, classification or service.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 441 G Street NW., Washington, DC 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before March 30, 1973. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-5249 Filed 3-19-73;8:45 am]

RENEWAL OF NATIONAL GAS SURVEY ADVISORY COMMITTEE

Notice of Determination and Certification

The Chairman of the Federal Power Commission has determined that renewal of the terms of the National Gas Survey Coordinating Committee, for the term from and after May 10, 1973, to a date not later than December 31, 1973, is necessary in the public interest in connection with the performance of duties imposed on the Commission by law.

This notice is published pursuant to Commission General Order No. 464, issued December 19, 1972, paragraph 4(e) and authorities therein referred to, 38 FR 1083, 1086. See also Office of Management and Budget, Advisory Committee Management, Proposed Administrative Guidelines and Management Controls, 38 FR 2306, 2309.

The advisory committee to be renewed was established by order of the Federal Power Commission issued May 10, 1971: Order establishing National Gas Survey Coordinating Committee and designating its membership and chairmanship, 36 FR 8910. That order refers to an earlier order of the Commission issued February 23, 1971, order authorizing the establishment of National Gas Survey Advisory Committees and Prescribing Procedures, 36 FR 3851. The foregoing orders have been amended by subsequent orders of the Commisison: Order of April 25, 1972, 37 FR 8578, amending National Gas Survey orders issued February 23, 1971 and April 6, 1971; order of June 27, 1972, 37 FR 13306, amending National Gas Survey orders; and order of December 19, 1972, 37 FR 28658, amending National Gas Survey orders. By order issued February 23, 1973, 38 FR 5940, the Commission restated its order of February 23, 1971, as amended.

The nature and purposes of the National Gas Survey advisory committee to be renewed are set forth in detail in the Commission's prior orders. As renewed, the subject committee would function as set forth in those orders for the additional period as set forth above—from and after May 10, 1973, to a date not later than December 31, 1973. The Commission contemplates that the work of all advisory committees participating in the National Gas Survey will be completed within the calendar year 1973. Hence, there will be no need or purpose of these committees beyond December 31, 1973. This extension of the Coordinating Committee is needed for orderly conclusion of the Federal Power Commission's National Gas Survey. The Office of Management and Budget, Committee Management Secretariat, has ascertained that renewal of the subject committee as set forth above, is in accord with the requirements of the Federal Advisory Committee Act, 86 Stat. 770.

Renewal of the Coordinating Committee will be as reflected in an appropriate Commission order to be issued March 30, 1973.

JOHN N. NASSIKAS,
Chairman.

[FR Doc.73-5118 Filed 3-19-73;8:45 am]

FEDERAL RESERVE SYSTEM

BRISCOE RANCH, INC.

Acquisition of Bank

Briscoe Ranch, Inc., Uvalde, Tex., has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 20,616 of the voting shares of Highland Park State Bank, San Antonio, Tex. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Dallas. Any person wishing to comment on the application should submit his views in writing to the Reserve Bank to be received not later than April 4, 1973.

Board of Governors of the Federal Reserve System, March 12, 1973.

[SEAL] CHESTER B. FELDBERG,
Assistant Secretary of the Board.

[FR Doc.73-5254 Filed 3-19-73;8:45 am]

CHICAGO CITY BANCORPORATION, INC.

Determination Regarding "Grandfather" Privileges

Section 4 of the Bank Holding Company Act (12 U.S.C. 1843) provides certain privileges ("grandfather" privileges) with respect to nonbanking activities of a company that, by virtue of the 1970 Amendments to the Bank Holding Company Act, became subject to the Bank Holding Company Act. Pursuant to section 4(a)(2) of the Act, a company covered in 1970, may continue to engage, either directly or through a subsidiary, in nonbanking activities that such company was lawfully engaged in on June 30, 1968 (or on a date subsequent to June 30, 1968, in the case of activities carried on as a result of the acquisition by such company or subsidiary, pursuant to a binding written contract entered into on or before June 30, 1968, of another company engaged in such activities at the time of the acquisition), and has been continuously engaged in since June 30, 1968 (or such subsequent date).

Section 4(a)(2) of the Act provides, inter alia, that the Board of Governors of the Federal Reserve System may terminate such grandfather privileges if, having due regard to the purposes of the Act, the Board determines that such action is necessary to prevent an undue concentration of resources, decreased or unfair competition, conflicts of interest, or unsound banking practices. With respect to a company that controls a bank with assets in excess of $60 million on or after December 31, 1970, the Board is required to make such a determination within a 2-year period.

Notice of the Board's proposed review of the grandfather privileges of Chicago City Bancorporation, Inc., Chicago, Ill., and an opportunity for interested persons to submit comments and views or request a hearing, has been given (37 FR 22414). The time for filing comments, views, and requests has expired, and all those received have been considered by the Board in light of the factors set forth in section 4(a)(2) of the Act.

On the evidence before it, the Board makes the following findings. Chicago City Bancorporation, Inc. (Registrant), Chicago, Ill., became a bank holding company on December 31, 1970, as a result of the 1970 Amendments to the Act, by virtue of Registrant's ownership of approximately 80 percent of the voting shares of Chicago City Bank & Trust Co. (Bank), Chicago, Ill. (assets of approximately $128 million, as of December 31, 1970). Bank, control of which was acquired by Registrant in January 1968, had total deposits of $117 million as of June 30, 1972, representing less than one-half of 1 percent of the aggregate deposits held by the 263 banking organizations located in the Chicago banking market (approximated by Cook and DuPage Counties). On the basis of deposits, Bank ranks 27th among the banking organizations located in the Chicago market.

While the present financial condition and prospects of Bank appear satisfactory, the Board is concerned about Registrant's financial condition and certain actions taken by Registrant's management that have the potential for impairing Bank's financial condition. Of particular concern is Registrant's relationship with Mayflower Investors, Inc. (Mayflower), Chicago, Ill. Mayflower became a bank holding company on December 31, 1970, by virtue of its 100 percent ownership of Registrant. Mayflower, whose primary activity is the development and sale of land in Florida, has indicated its intent to cease to be a bank holding company prior to December 31, 1980, and states that it does not now own directly any shares of Registrant. Before said divestiture by Mayflower of ownership of shares in Registrant, Mayflower caused Registrant to declare (1) a cash dividend that appears to have been financed by Registrant borrowing the necessary funds and (2) a noncash dividend consisting of a 10-year interest bearing note. These dividends increased considerably the indebtedness of Registrant. Since Registrant's principal source of income is Bank, the debt servicing requirements of Registrant could result in an undesirably high level of payout of Bank's earnings. The Board views with concern any continued relationship between Registrant and Mayflower and urges the elimination of any existing tie between said two organizations; and the Board intends to explore further Mayflower's dealings in stock of Registrant and whether Mayflower has effectively terminated its control of Registrant.

Registrant, which was organized in 1967 (assets of approximately $133 million, as of December 31, 1971), does not engage directly in any activity other than holding the stock of Bank and 100 percent of the shares of Chicago City Investment Co. (Chicago City), Chicago, Ill. Chicago City (assets of $364,000 as of December 31, 1971), which became a subsidiary of Registrant in January 1968, engages in insurance agency activities and also owns less than 5 percent of the outstanding voting shares of each of a number of companies; and apparently has engaged in such activities continuously since before June 30, 1968. Ownership of less than 5 percent of the outstanding voting shares of a company is exempt, under section 4(c)(6)[1] of the Act, from the general prohibition in section 4 of the Act relating to the nonbanking activities of a bank holding company; and, on that basis, no grandfather privileges are needed to enable Registrant to continue such holdings and investments. Chicago City received insurance commissions of approximately $141,000 during 1971 as a result of its insurance activities, which appear to be limited to the type of insurance activities on the Board's list of activities closely related to banking (12 CFR 225.4(a)(9)). Registrant states that almost all of the insurance sold is related to Bank's transactions. The facts before the Board show that the bulk of insurance commission income is attributable to physical damage insurance on automobiles—36 percent of commissions; homeowner and fire insurance—20 percent of commissions; mortage life and accident and health insurance—23 percent of commissions; and credit life insurance—13 percent of commissions.

On the basis of the foregoing and all the facts before the Board, it appears that the volume, scope and nature of activities of Registrant and its grandfathered subsidiary (Chicago City) do not demonstrate an undue concentration of resources, decreased or unfair competition, conflicts of interest, nor unsound banking practices.

There appears to be no reason to require Registrant to determine its grandfather interests. It is the Board's judgment that, at this time, termination of the grandfather privileges of Registrant is not necessary in order to prevent an undue concentration of resources, decreased or unfair competition, conflicts of interest, or unsound banking practices. However, this determination is not authority to enter into any activity that was not engaged in on June 30, 1968, and continuously thereafter, nor any activity that is not the subject of this determination; nor is this determination authority for Registrant to engage in any additional type of insurance agency activity or to acquire additional shares in any company if the Registrant's holdings in such company will exceed 5 percent of the outstanding shares of such company.

A significant alteration in the nature or extension of Registrant's activities or a change in location thereof (significantly different from any described in this determination) will be cause for a reevaluation by the Board of Registrant's activities under the provisions of § 4(a)(2) of the Act, that is, whenever the alteration or change is such that the Board finds that a termination of the grandfather privileges is necessary to prevent an undue concentration of resources or any of the other evils at which the Act is directed. No merger, consolidation, acquisition of assets other than in the ordinary course of business, nor acquisition of any interest in a going concern, to which the Registrant or any nonbank subsidiary thereof is a party, may be consummated without prior approval of the Board. Further, the provision of any credit, property, or service by the Registrant or any subsidiary thereof shall not

[1] Sec. 4(c)(6) of the Act permits a bank holding company (without the prior approval of the Board) to acquire and hold "shares of any company which do not include more than 5 per centum of the outstanding voting shares of such company;".

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be subject to any condition which, if imposed by a bank, would constitute an unlawful tie-in arrangement under section 106 of the Bank Holding Company Act Amendments of 1970.

The determination herein does not preclude a later review by the Board of Registrant's nonbank activities and a future determination by the Board in favor of termination of grandfather benefits of Registrant. The determination herein is subject to the Board's authority to require modification or termination of the activities of Registrant or of its nonbanking subsidiary as the Board finds necessary to assure compliance with the provisions and purposes of the Act and the Board's regulations and orders issued thereunder, or to prevent evasions thereof.

By determination of the Board of Governors,[3] effective March 13, 1973.

[SEAL] TYNAN SMITH,
Secretary of the Board.

[FR Doc.73-5255 Filed 3-19-73;8:45 am]

FINANCIAL GENERAL BANKSHARES, INC.

Acquisition of Bank

Financial General Bankshares, Inc., Washington, D.C., has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 50 percent plus one share or more of the voting shares of Second National Bank of Richmond, Richmond, Va. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Richmond. Any person wishing to comment on the application should submit his views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than April 9, 1973.

Board of Governors of the Federal Reserve System, March 13, 1973.

[SEAL] CHESTER B. FELDBERG,
Assistant Secretary of the Board.

[FR Doc.73-5252 Filed 3-19-73;8:45 am]

NCNB CORP.

Order Conditionally Approving Proposal To Operate a Trust Company in South Carolina

NCNB Corp., Charlotte, N.C., a bank holding company within the meaning of the Bank Holding Company Act, has proposed under section 4(c)(8) of the Act and § 225.4(b)(1) of the Board's Regulation Y, to engage indirectly de novo in the performance of certain activities that may be performed by a trust company, including acting as executor, administrator, receiver, assignee, trustee and in any other fiduciary capacity acting as an investment and financial adviser, manager, and counselor, investing, re-investing and generally managing the funds entrusted to it in its fiduciary or advisory capacity, and other incidental activities necessary to conduct a general trust company business. These activities would be performed by the American Trust Co., Inc., Camden, S.C., a wholly owned subsidiary of NCNB Corp.

Notice of the proposal, affording opportunity for interested persons to express or submit comments and views on the proposal, has been published (October 8, 1971, The Camden Chronicle) in accordance with § 225.4(b)(1) of the Board's Regulation Y. The time for filing comments and views has expired, and those received, including testimony and exhibits received in an oral presentation conducted on February 17, 1972, at the Charlotte Branch of the Federal Reserve Bank of Richmond, have been considered in light of the factors set forth in section 4(c)(8) of the Act (12 U.S.C. 1843(c)(8)).

Based upon the record and for the reasons set forth in the Board's Statement[1] of this date, the proposal of NCNB Corp., to operate a trust company in South Carolina is hereby approved to the extent permitted by South Carolina law, provided that the transaction shall not be consummated later than 1 year after the effective date of this order, unless such period is extended for good cause by the Board. In the event South Carolina law is hereafter modified by statute or court decision in such a manner as to remove the presently existing prohibitions against the performance of certain activities by out-of-State bank holding companies, Applicant may not commence the performance of such activities in that State without compliance with the appropriate procedures relating to nonbank acquisitions by bank holding companies. This determination is also subject to the conditions set forth in § 225.4(c) of Regulation Y and to the Board's authority to require such modification or termination of the activities of a holding company or any of its subsidiaries as the Board may find necessary to ensure compliance with the provisions and purposes of the Act, and the Board's regulations and orders issued thereunder, or to prevent evasion thereof.

By order of the Board of Governors,[2] effective March 9, 1973.

[SEAL] TYNAN SMITH,
Secretary of the Board.

[FR Doc.73-5253 Filed 3-19-73;8:45 am]

ROCK COUNTY BANCORP AND JACKMAN MANAGEMENT

Order Approving Formation of Bank Holding Company and Acquisition of Banks

Rock County BanCorp (BanCorp), Janesville, Wis., has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company through acquisition of at least 80 percent of the voting shares of (1) The Rock County National Bank of Janesville (National Bank), and (2) Rock County Savings & Trust Co. (State Bank), both located in Janesville, Wis. At the same time, Jackman Management (Jackman), Janesville, Wis., a partnership that is a registered bank holding company, has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire indirect control of National Bank by exchange of Jackman's 52.73 percent interest in that bank for 26.36 percent or more of the voting shares of BanCorp; and to acquire indirect control of State Bank by exchange of Jackman's 51.87 percent interest in that bank for 25.93 percent or more of the voting shares of BanCorp.

Notice of the applications, affording opportunity for interested persons to submit comments and views, has been given in accordance with section 3(b) of the Act. The time for filing comments and views has expired, and the Board has considered the applications and all comments received in light of the factors set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

BanCorp, a recently organized company, with no operations or subsidiaries, was formed for the purpose of acquiring shares of National Bank ($12.4 million in deposits) and of State Bank ($16.3 million in deposits) from Jackman.[1] At the present time, Banks are under common control, share the same president, and are located in the same building with a common lobby. Banks complement each other's services; individually, neither is a full service bank. State Bank was formed in 1912 by the management of National Bank (established in 1855). Both banks have been controlled by the Jackman family for four generations.

BanCorp would control the third and fifth largest among the six banks in Janesville; and the sixth and eighth largest among the 18 banks in Rock County, the relevant banking market. In combination, Banks, with 22 percent of deposits, represent the smallest of the three banking organizations in Janesville; within Rock County, BanCorp would control 9.4 percent of deposits and would be the fifth largest of 15 banking organizations competing in that market. It appears that the purpose of the proposed transaction is to effect a transfer from a partnership form of ownership of Banks to corporate ownership by BanCorp, and that the transaction is a reorganization with no significant competitive consequences. Approval of the transaction probably will facilitate a proposed move of one of Banks (probably State Bank)[2] to the rapidly developing northeast part of Janesville, with the result that an additional full service banking institution would be serving the relevant market. In view of the long-term and present noncompetitive relationship between Banks, it appears that consummation of the proposed transaction will not increase concentration nor eliminate any existing competition between Banks. In view of the unlikelihood that Banks' present ties will be severed in the near future, the prospect of potential competition developing between Banks seems remote. Establishment of an independent bank close to the location to which BanCorp proposes to move (State) Bank has been proposed; the chances of State approval of the proposed new charter may be impaired by the relocation of one of Banks. On this basis, relocation may have some adverse effects on potential competition. However, the Board concludes, based on the facts of record, that consummation of the proposed acquisition would not significantly affect competition adversely in any relevant area.

Upon consummation the partnership which presently controls Banks will continue to control Banks through control of BanCorp. The financial condition, managerial resources, and prospects of BanCorp will be dependent upon its banking subsidiaries. Banks' financial condition and managerial resources are regarded as satisfactory. Additionally, BanCorp has agreed to provide additional capital for State Bank after relocation if such capital is deemed necessary. Considerations relating to the convenience and needs of the community to be served weigh in favor of approval as approval probably would be followed by the relocation of one of Banks to the rapidly developing northeast area of Janesville, and result in there being two full service banks to serve the market in lieu of the one combined operation. Approval would enable management to effect a relocation without the risk that the holders of minority interests of one bank might be favored over the minority shareholders of the other (non-relocated bank); and enable management to operate Banks in the common interest of all shareholders. It is the Board's judgment that the proposed acquisition would be in the public interest and that the applications should be approved.

On the basis of the record, the applications are approved for the reasons summarized above. The transaction shall not be consummated (a) before April 12, 1973 or (b) later than June 13, 1973, unless such period is extended for good cause by the Board, or by the Federal Reserve Bank of Chicago pursuant to delegated authority.

By order of the Board of Governors,[3] effective March 13, 1973.

[SEAL] TYNAN SMITH,
Secretary of the Board.

[FR Doc.73-5256 Filed 3-19-73;8:45 am]

[1] Filed as part of the original document. Copies available upon request to the Board of Governors of the Federal Reserve System, Washington, D.C. 20551, or to the Federal Reserve Bank of Richmond.

[2] Voting for this action: Vice Chairman Robertson and Governors Mitchell, Brimmer, and Sheehan. Absent and not voting: Chairman Burns and Governors Daane and Bucher.

[3] Voting for this action: Vice Chairman Robertson, Mitchell, Daane, Brimmer, and Sheehan. Absent and not voting: Chairman Burns and Governor Bucher.

[1] All banking data are as of June 30, 1972, and reflect bank holding company formations and acquisitions approved by the Board through Jan. 31, 1973.

[2] Approval by State authorities for the move has been requested. If such approval is denied, BanCorp advises that the Comptroller will be requested to approve relocation for National Bank.

GENERAL SERVICES ADMINISTRATION

ARCHIVES ADVISORY COUNCIL

Notice of Meeting

Notice is hereby given that the Region 2 Archives Advisory Council will meet at the time and place indicated. Anyone who is interested in attending, or wants additional information should contact the person shown below.

REGIONAL ARCHIVES ADVISORY COUNCIL

REGION 2

Meeting date: April 3, 1973.
Time: 9:30 a.m. to 3:30 p.m.
Place: Franklin D. Roosevelt Library, Hyde Park, N.Y. 12538.
Agenda: Discussion and tour of the Roosevelt Library; reports of the committees of the Region 2 Archives Advisory Council; and discussion of plans for a symposium on the Bicentennial of the American Revolution.

For further information contact:

Lawrence A. Carnevale, NARS Regional Commissioner, 26 Federal Plaza, New York, NY 10007, 212—264-3514.

Issued in Washington, D.C., on March 12, 1973.

JAMES B. RHOADS,
Archivist of the United States.

[FR Doc.73-5258 Filed 3-19-73;8:45 am]

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice (73-24)]

NASA COMETS AND ASTEROIDS SCIENCE ADVISORY COMMITTEE

Notice of Date and Place of Meeting

The NASA Comets and Asteroids Science Advisory Committee will meet on March 29–30, 1973, at the Headquarters of the National Aeronautics and Space Administration. The meeting on March 29 will be held in room 6104 of Federal Office Building 6, 400 Maryland Avenue SW., Washington, DC 20546; and on March 30 will be held in room 6004 of Federal Office Building 6. Members of the public will be admitted to the meeting beginning at 8:30 a.m., on both days, the agenda for which is noted below, on a first come, first served basis up to the seating capacity of the room, which can accommodate about 50 persons.

The NASA Comets and Asteroids Science Advisory Committee serves in an advisory capacity only. It serves to advise NASA in planning unmanned missions to comets and asteroids to investigate the origin and evolution of the solar system. The Committee is chaired by Dr. Frederick Whipple. Currently, there are nine members, plus a recording secretary, Dr. Roger Bourke, who can be contacted for further information at (213) 354-6161.

MARCH 29, 1973

Time	*Topic*
9:30 a.m.	Opening Remarks—(Action: To preview the agenda, define the objectives for this Committee meeting, review the NASA fiscal year 1974 budget submission to Congress and the general plans for future years, and summarize results of parallel meetings that have taken place since November).
9:45 a.m.	Explorer Grigg-Skjellerup 1977 Update—(Action: To update events that have occurred in the past 3 months pertaining to the explorer Grigg-Skjellerup mission proposal in order to obtain the Committee's advice on its relevance to the Comet and Asteroids Exploration Program).
10:30 a.m.	Helios C Discussion—(Action: To inform the Committee of the NASA and Federal Republic of Germany plans for a Helios C mission in the late 1970's and to get the Committee's opinion on the possibility of this spacecraft going to the Comet Enke).
10:45 a.m.	Overview of Mariner Spacecraft Capabilities—(Action: To brief the Committee on past, current, and planned future studies of Mariner spacecraft, and its applications to comets and asteroids missions, and to obtain the Committee's advice on direction of future studies).
12:45 p.m.	Pioneer G—(Action: To discuss with the Committee the plans for the Pioneer G flight to be launched in April and its possible utility for Comet and Asteroids Exploration).
1 p.m.	Comet and Asteroids Exploration Program—(Action: To review and update the recommendations with regard to a Comet and Asteroids Exploration Program for submission to NASA for consideration).
2:30 p.m.	Potential UV Experiment on Scout—(Action: The Committee will be given a briefing on the possibilities of flying a French UV Spectrometer Experiment with the Scout Launch Vehicle in order to obtain the Committee's advice on its relevance to the Comet and Asteroids Exploration Program.

[3] Voting for this action: Vice Chairman Robertson and Governors Mitchell, Brimmer, and Bucher. Absent and not voting: Chairman Burns and Governors Daane and Sheehan.

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Time	Topic
2:45 p.m.	Ground Based Observation of Comets and Asteroids—(Action: To review the current ground-based observation program in order to advise the Agency as to this program's future potential).
3:30 p.m.	Multiple Asteroids Missions—(Action: To brief the Committee on recent developments and mission analyses that include flybys of several asteroids with single spacecraft with emphasis on Apollo and Amor asteroids, so that the Committee can evaluate a multiple-mode mission for its scientific worth and cost effectiveness).

MARCH 30, 1973

Time	Topic
9:00 a.m.	Shuttle Interface—(Action: To brief the Committee on plans for the shuttle and interface considerations for experiments to be flown thereon in order to give appropriate background so that the Committee may advise NASA on Comets and Asteroid shuttle experiments).
10:00 a.m.	Shuttle-Launched Snowball—(Action: To review and comment on a proposed experiment to launch an artificial comet nucleus with the shuttle).
10:45 a.m.	Mass Spectrometer Development—(Action: The Committee will be presented information on the development of mass spectrometers and their application ability so that the Committee can advise on the feasibility of using these instruments on comet flyby missions).
12:30 p.m.	Experiment for Asteroids—(Action: To preview and discuss a series of experiments that may be applicable to asteroid flyby, rendezvous and docking missions so that the Committee may ultimately develop an integrated program which will assist NASA in its planning for future comets and asteroids missions).

HOMER E. NEWELL,
Associate Administrator, National Aeronautics and Space Administration.

MARCH 15, 1973.

[FR Doc.73-5278 Filed 3-19-73;8:45 am]

[Notice 73-23]

NASA OUTER PLANETS SCIENCE ADVISORY COMMITTEE

Notice of Date and Place of Meeting

The NASA Outer Planets Science Advisory Committee will meet at the Headquarters of the National Aeronautics and Space Administration on March 27 and 28, 1973. The meeting will be held in Room 5026 of Federal Office Building 6, located at 400 Maryland Avenue SW., Washington, DC 20546. The meeting is open to members of the public on both days, to within the 60-seat capacity of the room.

The NASA Outer Planets Science Advisory Committee serves in a consultative capacity to the National Aeronautics and Space Administration to review and advise on the NASA Outer Planet Programs, science objectives, and science rationale and priorities for outer planet studies. The Committee has 16 members including the Chairman, Dr. James VanAllen. For further information regarding the meeting, please contact Mr. James Long at 213—354-5428. The agenda for the meeting is as follows:

MARCH 27, 1973

Time	Topic
9:00 a.m.	Opening Remarks—(Action: The chairman will review the subjects to be covered at the meeting and will report on his activities with respect to action items generated earlier).
9:30 a.m.	Highlights of DPS Meeting—(Action: Advisory committee members who were present will give a brief review of relevant material presented at the meeting of the Division of Planetary Sciences of the American Astronomical Society on March 20-23, 1973. Their interpretations will assist the other committee members to better understand the present status of knowledge about the outer planets and its implication for future missions).
10:30 a.m.	Pioneer H Utilization—(Action: The committee members will examine the possible utilization of an available spacecraft either as a backup to an approved mission or to obtain new science by the method of a Jupiter swing-by, out-of-the-ecliptic mission. The priority and timing of such a mission will be examined with respect to the present program plans).
12:00	Lunch.
1:00 p.m.	Uranus as an Important Subject for Space Missions—(Action: A short review will be given of the presently known scientific questions which apply to the Uranus system. Based upon this review the committee will examine the scientific return that would result from space missions to Uranus and its satellites).
2:00 p.m.	Titan as an Important Subject for Space Missions—(Action: Presentation and discussion of the unique aspects of Titan (one of Saturn's moons) as deduced from terrestrial observations and theoretical studies. The implications that these data may have for understanding the evolution and history of the solar system will be considered.
3:00 p.m.	Discussion Period—(Action: The members of the committee will examine the relative merits of the previously described mission sets. The scientific return, sequencing of the possible missions and their relationship to an overall outer planets exploration program will be examined and discussed in order to make recommendations).
5:00 p.m.	Adjourn.

MARCH 28, 1973

Time	Topic
9:00 a.m.	Presentation: Shuttle Mission Planning—(Action: A discussion of the Baseline Shuttle characteristics and potential upper stage capabilities will be given as they apply to planetary missions. There will be a status review of the present efforts and results of payload definition and mission planning, with particular emphasis on planetary missions in the framework of the future Shuttle Transportation System).
11:00 a.m.	Presentation: Mariner Jupiter/Uranus Missions—(Action: The committee members will be shown the possible mission opportunities in the next decade and the possible application of the Mariner Jupiter/Saturn spacecraft to such missions. Included in the presentation will be a review of the performance-cost-risk tradeoffs).
12:00	Lunch.
1:00 p.m.	Presentation: Pioneer Outer Planet Probe Missions—(Action: The committee will have a presentation on the use of Pioneer class spacecraft as probe carriers to effect probe entries into the atmospheres of the outer planets. The discussion will examine the scientific return from such missions).
2:00 p.m.	Critique of the Outer Planet Science Advisory Committee Mission Planning Strategy—(Action: The entire committee will examine its strategy for the exploration of the outer planets).
4:00 p.m.	Adjourn.

HOMER E. NEWELL,
Associate Administrator, National Aeronautics and Space Administration.

MARCH 15, 1973.

[FR Doc.73-5279 Filed 3-19-73;8:45 am]

POSTAL RATE COMMISSION

[Docket No. MC73-1]

MAIL CLASSIFICATION SCHEDULE, 1973

Notice of Prehearing Conference

MARCH 15, 1973.

Notice is hereby given that the Chief Administrative Law Judge, pursuant to the Commission's Order issued March 15, 1973, in the above designated proceeding, has called a Prehearing Conference to convene on Monday, April 30, 1973, at 10 a.m., at the Commission's Hearing Room, Suite 500, 2000 L Street NW., Washington, DC 20268, to consider further proceedings and procedures concerning the proposed Mail Classification Schedule.

JOSEPH A. FISHER,
Secretary.

[FR Doc.73-5284 Filed 3-19-73;8:45 am]

SECURITIES AND EXCHANGE COMMISSION

[File No. 500-1]

BENEFICIAL LABORATORIES, INC.

Order Suspending Trading

MARCH 14, 1973.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, warrants, units, and all other securities of Beneficial Laboratories, Inc. being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors.

It is ordered, Pursuant to section 15 (c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period from March 15, 1973, through March 24, 1973.

By the Commission.

[SEAL] RONALD F. HUNT,
Secretary.

[FR Doc.73-5289 Filed 3-19-73;8:45 am]

[54-248, 70-5275]

NEW ENGLAND ELECTRIC SYSTEM AND MASSACHUSETTS GAS SYSTEM

Notice of Filing of Plan To Effectuate Disposition of Utility Assets in Compliance

Notice is hereby given that New England Electric System (NEES), a registered holding company, and its subsidiary holding company, Massachusetts Gas System (Mass Gas), 20 Turnpike Road, Westborough, MA 01581, have filed an application-declaration and an amendment thereto with this Commission pursuant to the Public Utility Holding Company Act of 1935 (Act) and a plan pursuant to section 11(e) of the Act (Plan) for the purpose of effectuating compliance with the Commission's order under section 11(b)(1) of the Act, requiring NEES to divest itself of its gas utility subsidiaries. NEES and Mass Gas have designated sections 9, 10, 11, and 12 of the Act and Rules 43, 44, and 46 promulgated thereunder as applicable to the proposed transactions. All interested persons are referred to the amended application-declaration and to the Plan, which are summarized below, for a complete statement of the proposed transactions.

In 1964, the Commission issued an order under section 11(b)(1) of the Act requiring NEES to dispose of all its interests, direct or indirect, in its eight gas utility subsidiary companies (Holding Company Act Release No. 15035, Mar. 19, 1964). The Supreme Court on March 5, 1968, directed the Court of Appeals for the First Circuit to enter an order affirming the Commission's original divestment order. By orders of the Commission dated July 11, 1969 (Holding Company Act Release No. 16424), and February 24, 1970 (Holding Company Act Release No. 16618), NEES was granted extensions to comply with the Commission's divestment order.

As a step in the divestment of its eight gas utility subsidiary companies, NEES formed a new holding company, Mass Gas, which issued and sold its common shares to NEES in exchange for the securities held by NEES in these subsidiary companies (Holding Company Act Release No. 16583, Jan. 19, 1970). On December 30, 1971, the Commission approved a plan filed by NEES and Mass Gas providing for the divestment by sale of the capital stock of the four smaller subsidiary companies (Holding Company Act Release No. 17419), which were disposed of under an exception from the competitive bidding requirements of Rule 50 (Holding Company Act Release No. 17066, Mar. 25, 1971). A similar exception from competitive bidding was granted for the disposition of the remaining subsidiary companies. (Holding Company Act Release No. 17371, Nov. 23, 1971.)

The Plan filed by NEES and Mass Gas deals with the disposition of the common stock of Lawrence Gas Company (Lawrence), a gas utility subsidiary company. Mass Gas presently holds 170,002 shares of common stock of Lawrence, or 90.42 percent of its outstanding capital stock. The remaining 9.58 percent, or 17,998 shares of common stock, is owned by the public ("minority shareholders").

The Plan provides for:

1. The dissolution of Mass Gas and the distribution of its assets, including the Lawrence stock, to the parent company NEES;

2. The immediate sale by NEES of the Lawrence stock to Springfield Gas Light Co. (Springfield); an exempt holding company under the Act; and

3. The retirement of the Lawrence stock not held by NEES by a cash payment to the minority shareholders.

The price agreed upon for the NEES-owned shares of Lawrence being sold to Springfield is $6,638,000, as of December 31, 1971. This price is to be adjusted by the amount of any increase or decrease in the underlying book value of the shares to be sold between December 31, 1971, and at the end of the calendar month immediately preceeding the closing date. At December 31, 1971, the underlying book value of the shares to be sold was $3,252,705.

Springfield has also agreed that, on the date of closing, it will have arranged for refinancing or continuation of the short-term notes of Lawrence then outstanding. NEES will use the proceeds of the sale for investment in one or more of its electric utility subsidiary companies, or to pay its own short-term bank loans.

The contract price of $6,638,000 is 204 percent of the $3,252,705 underlying book value of the shares to be sold by NEES. The same 204 percent factor has been applied by the parties to the December 31, 1971, book value of the remaining equity of Lawrence attributable to the minority shareholder interests to fix the value of said equity for purposes of computing the amount of the proposed cash distribution to the minority shareholders.

The cash distribution to be made to the minority shareholders would have been, if the sale had been effected December 31, 1971, an amount per share of $39.05 pro forma price, compared to $19.13 for the underlying book value per share. This amount is also subject to the adjustment for changes in underlying book values subsequent to December 31, 1971.

It is contemplated that upon acquisition of the Lawrence stock from NEES, Springfield will cause Lawrence to join in a three party merger between Springfield, Northhampton Gas Light Co., a subsidiary gas company of Springfield, and Lawrence. Springfield represents that it has procured the necessary consents from the holders of its long-term debt obligations as required before it can effect the proposed merger.

The application-declaration represents that no fees or commissions will be paid by NEES or Mass Gas in connection with the proposed transactions. Any finder's fee or commission incidental to the sale of Lawrence from NEES to Eastern will be paid by the purchaser. Estimated expenses in connection with this proposed transaction and a concurrent divestiture are $12,000 for NEES and $4,000 for Mass Gas. It is represented that the Massachusetts Department of Public Utilities has jurisdiction over the acquisition of the Lawrence shares from NEES and the minority shareholders, and that it has jurisdiction over the proposed merger of Lawrence, Springfield and Northhampton Gas Light Co. No other State commission and no Federal commission, other than this Commission, has jurisdiction over the proposed transactions.

Notice is further given that any interested person may, not later than April 9, 1973, request in writing that a hearing be held in respect of such matters, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by the Plan which he desires to controvert; or he may request that he be notified should the Commission order a hearing in respect thereof. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon NEES at the above-stated address, and proof

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of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the Plan, as amended or as it may be further amended, may be approved as provided in Rule 23 of the general rules and regulations, promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof, or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

It is ordered, That NEES mail a copy of this notice to all holders of record of the common stock of Lawrence at least 20 days prior to the date herein fixed as the final date on which a hearing may be requested in this matter.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL] RONALD F. HUNT, *Secretary.*

[FR Doc.73-5291 Filed 3-19-73;8:45 am]

[File No. 500-1]

PROOF LOCK INTERNATIONAL CORP.

Order Suspending Trading

MARCH 14, 1973.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, $0.01 par value, and all other securities of Proof Lock International Corp., being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors:

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period from March 15, 1973, through March 24, 1973.

By the Commission.

[SEAL] RONALD F. HUNT, *Secretary.*

[FR Doc.73-5288 Filed 3-19-73;8:45 am]

[File No. 500-1]

TOPPER CORP.

Order Suspending Trading

MARCH 14, 1973.

The common stock, $1 par value of Topper Corp. being traded on the American Stock Exchange, pursuant to provisions of the Securities Exchange Act of 1934 and all other securities of Topper Corp. being traded otherwise than on a national securities exchange; and

It appearing to the Securities and Exchange Commission that the summary suspension of trading in such securities on such exchanges and otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to sections 19(a)(4) and 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities on the above-mentioned exchange and otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period from March 15, 1973, through March 24, 1973.

By the Commission.

[SEAL] RONALD F. HUNT, *Secretary.*

[FR Doc.73-5293 Filed 3-19-73;8:45 am]

[File No. 500-1]

TRIEX INTERNATIONAL CORP.

Order Suspending Trading

MARCH 14, 1973.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, $0.01 par value, of Triex International Corp. being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors.

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period from March 15, 1973, through March 24, 1973.

By the Commission.

[SEAL] RONALD F. HUNT, *Secretary.*

[FR Doc.73-5292 Filed 3-19-73;8:45 am]

[File No. 500-1]

U.S. FINANCIAL INC.

Order Suspending Trading

MARCH 14, 1973.

The common stock, $2.50 par value, of U.S. Financial Inc., being traded on the New York Stock Exchange, pursuant to provisions of the Securities Exchange Act of 1934 and all other securities of U.S. Financial Inc. being traded otherwise than on a national securities exchange; and

It appearing to the Securities and Exchange Commission that the summary suspension of trading in such securities on such exchange and otherwise than on a national securities exchange is required in the public interest and for the protection of investors:

It is ordered, Pursuant to sections 15(c)(5) and 19(a)(4) of the Securities Exchange Act of 1934, that trading in such securities on the above-mentioned exchange and otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period from March 15, 1973, through March 24, 1973.

By the Commission.

[SEAL] RONALD F. HUNT, *Secretary.*

[FR Doc.73-5294 Filed 3-19-73;8:45 am]

[812-3240]

VALUE LINE DEVELOPMENT CAPITAL CORP. ET AL.

Notice of Application for Order

Notice is hereby given that The Value Line Development Capital Corp., a New York corporation (Value Line), 5 East 44th Street, New York, NY 10017, registered under the Investment Company Act of 1940 (Act) as a closed-end management investment company, Coaxial Communications, Inc., a Delaware corporation (Old Coaxial), and Coaxial Holdings, Inc., a Delaware corporation (New Coaxial), 5111 Ocean Boulevard, Sarasota, FL 33581, have filed an application pursuant to section 17(d) of the Act and Rule 17d-1 thereunder for an order of the Commission permitting the joint participation of Value Line, affiliated persons of Value Line, and affiliated persons of such persons in a proposed reorganization of Old Coaxial. All interested persons are referred to the application of file with the Commission for a statement of the representations made therein, which are summarized below.

Old Coaxial has been engaged, through subsidiary corporations, in the business of constructing, owning, and operating cable television systems pursuant to franchises issued by numerous communities. The activities of Old Coaxial have been financed, in part, by the sale of $1,700,000 principal amount of bonds pursuant to a First Mortgage and Collateral Trust Indenture dated as of January 1, 1970 (the Indenture). The bonds are owned by Continental Assurance Co. (Assurance) and Continental Casualty Co. (Casualty). In addition, Assurance and Casualty each own 22 shares of the 1,144 issued and outstanding shares of Common Stock and Old Coaxial and other Old Coaxial notes and agreed to provide additional financing for Old Coaxial.

The Indenture contains restrictions on any additional financing for Old Coaxial through debt or equity programs. The development of new cable television system franchises obtained by certain of Old Coaxial's subsidiary corporations depends, however, upon freeing such subsidiary companies from these restrictions. The shareholders of Old Coaxial have, therefore, agreed to a reorganization of Old Coaxial pursuant to which the stock of certain subsidiary corporations of Old Coaxial would be transferred to New Coaxial, which was created for the purpose of holding such stock, for stock of New Coaxial which would be issued pro rata to the shareholders of Old Coaxial. This agreement is embodied in a letter agreement dated July 13, 1971 (the Agreement), which has been signed by all of the shareholders of Old Coaxial except Value Line.

Value Line owns 90 shares (7.8 percent) of the outstanding common stock of Old Coaxial. Neither Value Line, any affiliated person of Value Line, nor any affiliated person of any affiliated person of Value Line, other than affiliated persons of Old Coaxial or New Coaxial, owns any other securities of Old Coaxial or rights, warrants or options to purchase

securities in New Coaxial. Neither Value Line nor any affiliated person of Value Line is affiliated with any affiliated person of Old Coaxial or New Coaxial other than through Value Line's above-descibed ownership interest.

The Agreement also provides for the substitution of New Coaxial for Old Coaxial on one of the Old Coaxial notes held by Continental and Assurance and for the guarantee by New Coaxial of the other Old Coaxial notes held by Continental and Assurance. Where these notes are convertible into shares of stock of Old Coaxial they would, instead, become convertible into shares of Common Stock of New Coaxial on the same basis.

Pursuant to the Agreement, the shareholders of Old Coaxial would, by their signature, give their consent to three separate agreements among Old Coaxial, New Coaxial, and certain corporations owned by Barry Silverstein and Lorenzo B. St. Jacques, who are, respectively, the owners of 542 shares (47 percent) and 15 shares (1 percent) of the 1,144 issued and outstanding shares of Old Coaxial. Silverstein was the Chairman of the Board of Directors of Old Coaxial from February 19, 1969 to September 1, 1971, and St. Jacques was a director of Old Coaxial from February 24, 1969 to September 1, 1971, was a president of Old Coaxial at one time, and as of the date of the Agreement was a vice president of both Old Coaxial and New Coaxial.

The Agreement was negotiated between management of Old Coaxial (on behalf of all parties thereto other than Assurance, Continental and Value Line) and officers and employees of Continental and Assurance. It was subsequently executed by all parties to the Agreement other than Value Line.

Under one of the separate agreements, Micanopy Cable TV Inc., subsidiary of Old Coaxial, would sell to Coaxial Construction Corporation (Construction), a company wholly owned by Silverstein and St. Jacques, certain construction equipment and other property used for the construction and installation (as distinguished from the maintenance and repair) of community antenna television systems or cable television system. The property would be sold at book value, less depreciation, for items acquired prior to December 13, 1970, and at cost for items purchased after December 31, 1970.

Under another of such agreements among Construction, New Coaxial, and Cablenet International Corporation (Delaware), a company wholly owned by Silverstein, (i) Construction would provide design and cable TV construction services to New Coaxial and Cablenet on a nondiscriminatory basis and give priority to those corporations before all third parties; (ii) Cablenet would not own any communication antenna equipment or furnish any antenna equipment during a term ending December 31, 1981, without New Coaxial's consent; and (iii) New Coaxial would not provide programing services to any third parties without Cablenet's consent during such term.

The third of such agreements would be among Coaxial Scientific Corp. (a wholly owned subsidiary of Old Coaxial and one of the companies whose shares are to be transferred to New Coaxial), New Coaxial, Construction, and Cablenet. Pursuant to this agreement Coaxial Scientific would provide services, inventions, formulas, processes, knowledge and "know-how" on a nondiscriminatory basis to each of New Coaxial and Construction during a term ending on December 31, 1981, subject to certain expense provisions governing compensation to be paid by Construction and/or Cablenet to Coaxial Scientific.

Under section 2(a)(3) of the Act, "affiliated person" of another person means, in part, any person owning 5 percent or more of the outstanding voting securities of such other person, any person 5 percent or more of whose outstanding securities are owned by such other person, and any officer or director of such other person. Since Value Line owns 7.8 percent of the outstanding common stock of Old Coaxial, each is an affiliated person of the other, and each officer or director of Old Coaxial is an affiliated person of an affiliated person of Value Line subject to the prohibitions of section 17(d) and Rule 17d-1.

Insofar as it is applicable here, section 17(d) of the Act and Rule 17d-1 thereunder prohibit an affiliated person of a registered investment company, or an affiliated person of such affiliated person, from effecting any transactions in connection with any joint enterprise or other joint arrangement in which such registered investment company is a participant unless permitted by the Commission after the Commission has considered whether the participation of the registered investment company in the joint enterprise or joint arrangement on the basis proposed is consistent with the provisions, policies, and purposes of the Act and the extent to which such participation is on a basis different from, or less advantageous than, that of other participants. Since the proposed reorganization will be a transaction effected jointly by Value Line, affiliated persons of Value Line, and affiliated persons of such persons, an application for a Commission order pursuant to section 17(d) and Rule 17d-1 is required.

Notice is further given that any interested person may, not later than April 6, 1973 at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request, and the issues, if any, of fact or law proposed to be controverted, or he may request he be notified if the Commission should order a hearing thereon. Any such communication should be addressed: Secretary Securities and Exchange Commission, 500 North Capitol Street, Washington, DC 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon applicants at the addresses stated above. Proof of such service (by affidavit, or in case of an attorney at law, by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management Regulation, pursuant to delegated authority.

[SEAL] RONALD F. HUNT, *Secretary.*

[FR Doc.73-5290 Filed 3-19-73;8:45 am]

TARIFF COMMISSION

[337-L-57]

ELECTRONIC FLASH DEVICES

Extension of Time for Filing Written Views

On February 20, 1973, the U.S. Tariff Commission published notice of the receipt of a complaint under section 337 of the Tariff Act of 1930, filed by Honeywell, Inc., of Minneapolis, Minn., alleging unfair methods of competition and unfair acts in the importation and sale of certain electronic flash devices (37 FR 5211). Interested parties were given until March 20, 1973, to file written views pertinent to the subject matter of a preliminary inquiry into the allegations of the complaint. The Commission has extended the time for filing written views until the close of business on April 9, 1973.

Issued: March 15, 1973.

By order of the Commission.

[SEAL] KENNETH R. MASON, *Secretary.*

[FR Doc.73-5320 Filed 3-19-73;8:45 am]

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

VIRGIN ISLANDS DEVELOPMENTAL PLAN

Submission of Plan and Availability for Public Comment

1. *Submission and description of plan.* Pursuant to section 18 of the Occupational Safety and Health Act of 1970 (29 U.S.C. 667) and 29 CFR 1902.11 setting forth the method whereby States as defined in the Act (29 U.S.C. 652(7)) may assume responsibility for the development and enforcement therein of occupational safety and health standards, notice is hereby given that a developmental occupational safety and health plan has been submitted by the Virgin Islands and that on the basis of a preliminary review of the plan the issue of

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its approval is now under consideration.

The plan involves the enactment and implementation of legislation in the Virgin Islands during 1973 which will effectuate a program in that territory which will in most respects be patterned after the one administered by the Occupational Safety and Health Administration of the U.S. Department of Labor in accordance with the above-mentioned act. The new program will be administered by the Virgin Islands Department of Labor. The principal distinctions between the Federal and the territorial program appear to be that:

(1) Administrative review of proposed penalties in the Virgin Islands will not be by an independent commission;

(2) In addition to employers, owners, lessors, agents, and managers who control premises used as places of employment in the Virgin Islands will also be subject to the penalties provided under their program; and

(3) The Virgin Islands program will be limited in its application to health hazards because of lack of qualified personnel.

2. *Location of plan for inspection and copying.* A copy of the plan may be inspected and copied during normal business hours at the following locations: U.S. Department of Labor, Office of Federal and State Operations, Occupational Safety and Health Administration, Room 305, 400 First Street NW., Washington, DC 20210; U.S. Department of Labor, Regional Office, Occupational Safety and Health Administration, Room 3445, 1515 Broadway, New York, NY 10036; Department of Labor, Government of the Virgin Islands, Dronigan's Gade, Charlotte Amalie, St. Thomas, V.I. 00801; and Department of Labor, Government of the Virgin Islands, Hospital Street, Christiansted, St. Croix, V.I. 00820.

3. *Public participation.* Interested persons are hereby given until April 19, 1973, in which to submit written data, views, and arguments concerning the plan. Such requests or submissions are to be addressed to the Director of Federal and State Operations, Room 305, 400 First Street NW., Washington, DC 20210. The written comments will be available for public inspection and copying at this address.

Copies of pages from the plan or of written comments received with respect thereto will be provided in accordance with the general Department of Labor fee schedule (29 CFR 70.62(a)).

Any interested person may request a hearing concerning the proposed plan, or any part thereof, whenever particularized written objections thereto are filed within the time allowed for comments. If it is found that substantial objections are filed, a formal or informal hearing on the subjects and issues involved shall be held.

After consideration has been given to all material submitted a final decision as to the approval or disapproval of the plan will be issued.

Signed at Washington, D.C., this 14th day of March 1973.

CHAIN ROBBINS,
Acting
Assistant Secretary of Labor.

[FR Doc.73-5271 Filed 3-19-73;8:45 am]

INTERSTATE COMMERCE COMMISSION

[Notice 201]

ASSIGNMENT OF HEARINGS

MARCH 15, 1973.

Cases assigned for hearing, postponement, cancellation or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested. No amendments will be entertained after the date of this publication.

MC 124083 Sub 44, Skinner Motor Express, Inc., now being assigned hearing May 15, 1973 (3 days), at Indianapolis, Ind., in a hearing room to be later designated.

MC 52022 Sub 6, Santini Brothers, Inc., now assigned April 10, 1973, will be held in the U.S. Court Room, 2d floor, Federal Building, and U.S. Post Office, Tallahassee, Fla.

MCC-7878, Transcon Lines—Investigation and revocation of certificates, now assigned April 27, 1973, at Los Angeles, Calif., is postponed indefinitely.

MC 121281 Sub 5, Big Mac Trucking Co., now being assigned hearing May 7, 1973 (2 days), at Dallas, Tex., in a hearing room to be later designated.

MC 15897 Sub 8, O.K. Transfer and Storage Co., now being assigned hearing May 9, 1973 (3 days), at Dallas, Tex., in a hearing room to be later designated.

MC 31462 Sub 18, Paramount Movers, Inc., now being assigned hearing May 14, 1973 (1 week), at Dallas, Tex., in a hearing room to be later designated.

AB 5 Sub 52, Cleveland, Cincinnati, Chicago, & St. Louis Railway Co. and George P. Baker, Richard C. Bond, Jervis Langdon, Jr., and Willard Wirtz, trustees of the property of Penn Central Transportation Co., debtor, abandonment between Hillsboro and Litchfield, Montgomery County, Ill., now assigned April 9, 1973, will be held at the City Hall Council Chambers, 100 East Ryder Street, Litchfield, IL.

MC 109014 Sub 9, Great Southern Coaches, Inc., now assigned April 11, 1973, will be held in Room 507, 1114 Market Street, St. Louis, MO.

MC 29120 Sub 131, All-American Transport, Inc., now assigned April 16, 1973, will be held in Room 1612, 1520 Market Street, St. Louis, MO.

MC-F-11563, Ross Truck Lines, Inc.—Purchase (Portion)—Robert Foltz, now being assigned hearing May 10, 1973 (2 days), at Kansas City, Mo., in a hearing room to be later designated.

MC-C-7937, Arne R. Hansen, doing business as Arne R. Hansen Van & Storage, John F. Ivory Storage Co., Inc., Pan American Van Lines, Inc., and Burnham Van Service, Inc.—Investigation of operations, and MC-C-7965, Audrey J. Hansen, doing business as Safeway Moving & Storage Co., Von Der Ahe Van Lines, Inc., Pyramid Van Lines, Inc., and Trans-World Movers, Inc.—Investigation of operations, now being assigned hearing May 17, 1973 (2 days), at Kansas City, Mo., in a hearing room to be later designated.

MC 126489 Sub 16, Gaston Feed Transports, Inc., now being assigned hearing May 14, 1973 (3 days), at Kansas City, Mo., in a hearing room to be later designated.

MC 66886 Sub 30, Belger Cartage Service, Inc., now being assigned hearing May 7, 1973 (3 days), at Kansas City, Mo., in a hearing room to be later designated.

MC 117574 Sub 220, Daily Express, Inc., now being assigned hearing May 7, 1973 (2 weeks), at Chicago, Ill., in a hearing room to be later designated.

MC 113678 Sub 442, Curtis, Inc., MC 113843 Subs 184 and 185, Refrigerated Food Express, Inc., MC 114019 Sub 244, Midwest Emery Freight System, Inc., MC 115841 Sub 412, Colonial Refrigerated Transportation, MC 117883 Sub 158, Subler Transfer, Inc., now being assigned May 14, 1973 (2 weeks), at Boston, Mass., in a hearing room to be later designated.

MC-C-7979, Danlgarno Transportation, Inc.—Investigation and revocation of certificates—now being assigned hearing May 7, 1973 (2 days), at Denver, Colo., in a hearing room to be later designated.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.73-5313 Filed 3-19-73;8:45 am]

FOURTH SECTION APPLICATIONS FOR RELIEF

MARCH 15, 1973.

An application, as summarized below, has been filed requesting relief from the requirements of section 4 of the Interstate Commerce Act to permit common carriers named or described in the application to maintain higher rates and charges at intermediate points than those sought to be established at more distant points.

Protests to the granting of an application must be prepared in accordance with Rule 1100.40 of the general rules of practice (49 CFR 1100.40) and filed on or before April 4, 1973.

FSA No. 42644—*Fertilizers between points in California, Idaho, Oregon, and Washington.* Filed by Pacific Southcoast Freight Bureau, Agent (No. 267), for interested rail carriers. Rates on fertilizers and related articles, dry, in carloads, as described in the application, between points in California and points in Idaho, Oregon, and Washington.

Grounds for relief—Rate relationship.

Tariff—Pacific Southcoast Freight Bureau, Agent, tariff 1-S, ICC 1352. Rates are published to become effective on April 16, 1973.

FSA No. 42645—*Bituminous coal from points in West Virginia.* Filed by the Baltimore & Ohio Railroad Co. (No. 118), for interested rail carriers. Rates on bituminous coal, in carloads, as described in the application, from specified points in West Virginia, to points in eastern territory.

Grounds for relief—Rate relationship.

Tariffs—Baltimore & Ohio Railroad Co. tariff ICC 3429, supplement 11 to Baltimore & Ohio Railroad Co. tariff ICC 3405, and supplement 86 to Trunk Line-Central Railroads tariff ICC G-113. Rates are published to become effective on April 20, 1973.

FSA No. 42646—*Lumber and related articles from Montoya, Tex.* Filed by Southwestern Freight Bureau, Agent (No. B-390), for interested rail carriers. Rates on lumber and related articles, in carloads, as described in the application, from Montoya, Tex., to points in southern territory.

Grounds for relief—Market competition.

Tariff—Supplement 109 to Southwestern Freight Bureau, Agent, tariff ICC 4607. Rates are published to become effective on April 23, 1973.

FSA No. 42647—*Boards or sheets from points in southwestern and western trunkline territories.* Filed by Southwestern Freight Bureau, Agent (No. B-392), for interested rail carriers. Rates on boards or sheets, in carloads, as described in the application, from points in southwestern and western trunkline territories, to points in official territory.

Grounds for relief—Rate relationship.

Tariff—Supplement 119 to Southwestern Freight Bureau, Agent, tariff ICC 4590. Rates are published to become effective on April 23, 1973.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.73-5312 Filed 3-19-73;8:45 am]

[No. MC-119639 (Sub-No. 5)]

INCO EXPRESS, INC.

Extension of Authorization as Common Carrier of Coated Cloth

Order. At a session of the Interstate Commerce Commission, Division 1, acting as an Appellate Division, held at its office in Washington, D.C., on the 2d day of March 1973.

Upon consideration of the record in the above-entitled proceeding, and of petition of applicant, filed November 6, 1972, for reconsideration; and

It appearing, that by application filed November 24, 1971, Inco Express, Inc., of Seattle, Wash., seeks a certificate of public convenience and necessity authorizing operation, in interstate or foreign commerce, as a common carrier by motor vehicle, over irregular routes, of cloth or fabric coated with plastic and/or liquid plastic, from and to the points substantially as indicated below, restricted to traffic requiring refrigeration;

It further appearing, that by report and order of September 22, 1972, in the above-entitled proceeding, the Commission, Review Board No. 3 concluded that the present and future public convenience and necessity require operation by applicant, in interstate or foreign commerce, as a common carrier by motor vehicle, over irregular routes, of plastic coated fabric, in vehicles equipped with mechanical refrigeration, between points in King and Snohomish Counties, Wash., on the one hand, and, on the other, points in Alameda, Contra Costa, Los Angeles, and Orange Counties, Calif., and that the application in all other respects should be denied;

It further appearing, that on November 6, 1972, applicant filed a petition for reconsideration, stating that it seeks authority for, and that shippers have a need covering, the transportation of the two separate commodities, (1) plastic coated fabric and (2) liquid plastic, and that the grant of authority herein should be modified so as to include liquid plastic;

It further appearing, that the evidence of record indicates that shipper's products include both plastic coated fabric and liquid plastic; and that applicant is best able to meet shipper's demands for service; and that modification of the said report and order of September 22, 1972, as set forth below, is warranted.

It further appearing, that there exists some ambiguity in the commodity description employed in the application as filed and published since it is possible that other parties who have relied upon the notice in the FEDERAL REGISTER of the application as originally published may have an interest in and would be prejudiced by the lack of proper notice that the authority sought includes the separate commodities of plastic coated cloth and liquid plastic, a notice of the authority actually granted will be published in the FEDERAL REGISTER and issuance of the certificate in this proceeding will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file an appropriate petition for leave to intervene in the proceeding setting forth in detail the precise manner in which it has been prejudiced; and good cause appearing therefor:

It is ordered, That the report and order of September 22, 1972, in this proceeding, be, and it is hereby, modified by inserting the phrase "and liquid plastic" following the phrase "of plastic coated fabric" where it appears in the findings paragraph on page 5 thereof.

It is further ordered, That notice of the authority granted herein be published in the FEDERAL REGISTER.

It is further ordered, That, unless compliance is made by applicant with the requirements of sections 215, 217, and 221 (c) of the Interstate Commerce Act, within 90 days after the date of service of this order, or within such additional time as may be authorized by the Commission, the grant of authority shall be considered as null and void, and the application shall stand denied in its entirety effective upon the expiration of the said compliance time.

By the Commission, Division 1, acting as an Appellate Division.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.73-5311 Filed 3-19-73;8:45 am]

[Notice 236]

MOTOR CARRIER BOARD TRANSFER PROCEEDINGS

Synopses of orders entered by the Motor Carrier Board of the Commission pursuant to sections 212(b), 206(a), 211, 312(b), and 410(g) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 1132), appear below:

Each application (except as otherwise specifically noted) filed after March 27, 1972, contains a statement by applicants that there will be no significant effect on the quality of the human environment resulting from approval of the application. As provided in the Commission's Special Rules of Practice any interested person may file a petition seeking reconsideration of the following numbered proceedings on or before April 9, 1973. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC-74188. By order of February 27, 1973, the Motor Carrier Board approved the transfer to Napoleon J. Eno and Paul Eno, a partnership, East Hartford, Conn., of a portion of the operating rights in Certificate No. MC-61796, issued June 17, 1958, to Barnes Moving and Storage, Inc., Mystic, Conn., authorizing the transportation of powerboats and sailboats and equipment between Mystic and West Mystic, Conn., on the one hand, and, on the other, New York, N.Y., points in Rhode Island, and points in a described area of Mass. Thomas W. Murrett, 342 North Main Street, West Hartford, CT 06117; attorney for applicants.

No. MC-FC-74232. By order of February 28, 1973, the Motor Carrier Board approved the transfer to Standard Container Transport Corp., Elizabeth, N.J., of the operating rights in Certificate No. MC-45666 issued September 28, 1949, to Victor Mazza and Rosanna Mazza, a partnership, doing business as Dandignac Trucking Service, Staten Island, N.Y., authorizing the transportation of pipe and pipe fittings, from Phillipsburg, Burlington, and Florence, N.J., to New York, N.Y., and points in Nassau and Suffolk Counties, N.Y.; cotton softeners and bleach and muriates and chorates of potassium, from New York, N.Y., to Perth Amboy, N.J., and points in Essex, Bergen, Hudson, Passaic, and Union Counties, N.J.; ingredients used in the manufacture of brewery products, from points on

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Staten Island, N.Y., to Newark, Paterson, Elizabeth, and Trenton, N.J., Wilkes-Barre, Easton, Norristown, and Philadelphia, Pa., and Bridgeport and New Haven, Conn.; heavy machinery and structural steel used in connection therewith, between New York, N.Y., and points in Philadelphia, Delaware, Montgomery, and Bucks Counties, Pa., those in New Jersey, and those in Dutchess, Nassau, Orange, Putnam, Rockland, Suffolk, Sullivan, Ulster, and Westchester Counties, N.Y., and storage tanks, between New York, N.Y., and points in Fairfield County, Conn., and specified points in New York, Pennsylvania, and New Jersey. Morton E. Kiel, 140 Cedar Street, New York, NY 10006, registered practitioner for applicants.

No. MC-FC-74238. By order of February 28, the Motor Carrier Board approved the transfer to John A. Kester, Elkhart, Kans., of the Certificate of Registration in No. MC-57563 (Sub-No. 1) issued October 17, 1963, to Hubert Nelson, Russell, Kans., evidencing a right of the holder to engage in transportation in interstate or foreign commerce corresponding in scope to the grant of authority in Route No. 1260, Docket 20,369-M issued by the Corporation Commission of Kansas. Clyde N. Christey, 641 Harrison, Topeka, KS 66603, attorney for applicants.

No. MC-FC-74256. By order February 27, 1973, the Motor Carrier Board approved the transfer to FWS Development Co., Inc., doing business as FWS Trucking, Yuma, Ariz., of Permit No. MC-135215 issued April 7, 1971, to Vincent Ganduglia Trucking, Fresno, Calif., authorizing the transportation of chemical fertilizers, in bulk, except liquid fertilizers, from and to specified points in California and Arizona and chemical fertilizers, from and to specified points in California and Arizona. Gerold von Pahlen-Fedoroff, 9401 Wilshire Boulevard, 10th Floor, Beverly Hills, CA 90212, applicants' attorney.

No. MC-FC-74272. By order of February 27, 1973, the Motor Carrier Board approved the transfer to D & L Express, Inc., Topeka, Kans., of the operating rights in Certificates Nos. MC-2212, MC-2212 (Sub-No. 2), MC-2212 (Sub-No. 3), and MC-2212 (Sub-No. 4), issued September 11, 1950, June 28, 1949, December 14, 1950, and June 26, 1950, respectively, to Melvin Barry, doing business as Barry Truck Line, Manhattan, Kans., authorizing the transportation of various commodities from, to, and between specified points and areas in Kansas, Missouri, and Nebraska. Arthur L. Claussen, 900 Merchants National Bank Building, Topeka, Kans. 66612, attorney for applicants.

No. MC-FC-74286. By order of March 6, 1973, the Motor Carrier Board approved the transfer to the Dayton Automobile Club, Dayton, Ohio, of License No. MC-130132, issued December 28, 1971 to James P. Kelvington, doing business as Eagle Tours, Enon, Ohio, authorizing him to engage in operations as a broker of passengers and their baggage, in round-trip charter and special operations beginning and ending at points in Clark, Champaign, Greene, Miami, and Montgomery Counties, Ohio, and extending to points in the United States, including Alaska and Hawaii. Gerald P. Wadkowski, 85 East Gay Street, Columbus, OH 43215, attorney for applicants.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.73-5310 Filed 3-19-73;8:45 am]

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TUESDAY, MARCH 20, 1973
WASHINGTON, D.C.

Volume 38 ■ Number 53

PART II

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

■

CERTAIN STOCKYARDS AND LIVESTOCK MARKETS

Notice of Approval and of Withdrawal of Approval

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DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

CERTAIN STOCKYARDS AND LIVESTOCK MARKETS

Notice of Approval and of Withdrawal of Approval

This notice lists certain additional livestock markets to the list of those heretofore approved under the regulations in 9 CFR Part 76. It has been determined that the inspection and handling of swine at such livestock markets are adequate to effectuate the purposes of the regulations. Certain livestock markets have been removed from the list of those heretofore approved under said regulations, because it has been determined that such livestock markets no longer qualify for approval under the regulations.

Pursuant to § 76.18 of the regulations in Part 76, as amended, Title 9, Code of Federal Regulations, containing restrictions on the movement of swine because of hog cholera, under the Act of May 29, 1884, as amended, the Act of March 3, 1905, as amended, the Act of September 6, 1961, and the Act of July 2, 1962 (21 U.S.C. 111–113, 114g, 115, 117, 120, 121, 123–126, 134f), notice is hereby given that the following livestock markets are approved under said regulations as indicated below:

LIVESTOCK MARKETS APPROVED UNDER § 76.18(b), TITLE 9, CODE OF FEDERAL REGULATIONS, TO HANDLE INTERSTATE SHIPMENTS OF ANY CLASS OF SWINE

ALABAMA

Atmore Truckers Association, Inc., Atmore.
Central Alabama Feeder Pig Association, Clanton.
Conecuh Stockyard, Evergreen.
Coosa Valley Feeder Pig Association, Anniston.
Geneva Stockyards, Geneva.
Headland Stockyards, Inc., Headland.
Henry County Livestock Association, Inc., Abbeville.
Limestone County Feeder Pig Association, Inc., Athens.
Northeast Alabama Feeder Pig Association, Section.
Northwest Alabama Feeder Pig Association, Inc., Russellville.
Perry-Dallas Feeder Pig Sale, Suttle.
Robertsdale Livestock Auction, Inc., Robertsdale.
Sand Mountain Feeder Pig Association, Guntersville.
South Alabama Feeder Pig Producers Association, Greenville.
Southeast Alabama Feeder Pig Association, Inc., Dothan.
Tennessee Valley Feeder Pig Association, Huntsville.
Upper Coastal Feeder Pig Association, Inc. Fayette.

ARKANSAS

Arkansas National Stockyards, Little Rock.
Ash Flat Livestock, Ash Flat.
J G Auction Co., Beebe.
Bentonville Livestock Auction, Bentonville.
Carroll County Livestock Auction, Berryville.
Clark County Livestock Auction, Inc., Arkadelphia.
Corning Livestock Auction, Corning.
Davis Livestock Auction, Batesville.
Farmers Livestock Auction, Springdale.
Glover Livestock Commission Co., Pine Bluff.
Gorden Livestock Auction, Bob, Mena.
H. G. Feeder Pig Buying Market, Arkadelphia.
Harrison Stockyards, Harrison.
Hill Livestock Auction, Nuel, Batesville.
Jonesboro Stockyards, Jonesboro.
Lewis, Major, Livestock Auction, Conway.
Loftin Pig Farm, West Fork.
MFA Livestock Association, Imboden.
Magnolia Livestock Auction, Magnolia.
Montgomery Auction, Searcy.
Mountain Home Livestock Auction, Mt. Home.
Nettleton Stockyards, Jonesboro.
Oaklawn Farms, Pine Bluff.
Randolph County Livestock Auction, Pocahontas.
Scott County Livestock Auction, Waldron.
Searcy County Livestock Auction, Marshall.
Shantz & Rodman Commission Company, North Little Rock.
Washington County Sale, Fayetteville.

COLORADO

Burlington Producers Livestock Marketing Assn., Burlington.
A. A. Blakley Livestock Commission Company, Denver.
Producers Livestock Marketing Assn., Greeley.
Union Stockyards, Denver.

DELAWARE

Carroll's Sales Co., Felton.
C. Stanley Short, Sr., Inc., Cowgills Corner.

FLORIDA

Bonifay State Livestock Market, Bonifay.
Chipley Livestock Market, Chipley.
Columbia Livestock Market, Lake City.
Gadsden County Livestock Auction Market, Quincy.
Gainesville Livestock Market, Inc., Gainesville.
Jay Livestock Auction Market, Jay.
Madison Stockyards, Madison.
Mills Auction Market, Ocala.
Suwannee Valley Livestock Market, Live Oak.
Tindel Livestock Market, Graceville.

GEORGIA

Appling Stockmen's Association, Baxley.
Bleckley County Feeder Pig Sale, Cochran.
Bulloch Stockyard, Statesboro.
CSRA Feeder Pig Association, Warrenton.
Dodge County Stock Barn, Eastman.
Four County Farm Bureau Market Association, Twin City.
Metter Livestock Market, Metter.
Milan Livestock Market, Milan.
Moultrie Livestock Co., Moultrie.
Parker's Stockyard, Statesboro.
Sumter Livestock Association, Americus.
Sutton Livestock Company, Sylvester.
Turner Company Stockyards, Ashburn.
Upper Hiawassee Feeder Pig Co-Op, Blue Ridge.
Wayne County Stockyard, Jesup.

IDAHO

Blackfoot Livestock Commission Company, Blackfoot.
Bonners Ferry Livestock, Inc., Bonners Ferry.
Cache Valley Livestock Auction, Inc., Preston.
Coeur d'Alene Livestock, Inc., Coeur d'Alene.
Idaho Livestock Auction, Inc., Idaho Falls.
Nampa Livestock Market, Inc., Nampa.
Spencer Livestock Commission Company, Lewiston.
Treasure Valley Livestock Auction, Caldwell.
Twin City Salesyard, Lewiston.
Twin Falls Livestock Commission Company, Twin Falls.
Valley Livestock Commission Co., Rupert.
Weiser Livestosk Commission Co., Weiser.

ILLINOIS

Barnard's Livestock Auction Market, Wayne City.
Benton Livestock Association, Benton.
Breed's Livestock Sale, Elizabeth.
Carthage Community Sale, Co., Carthage.
Cherry, Nellis (Bros.), Shannon.
Cochran, Theodore, Good Hope.
Dameron Livestock Auction, Vienna.
Danville Livestock Commission Co., Danville.
Decker's Livestock, Inc., Milford.
DeWane's Livestock Exchange, Belvidere.
Galesburg Livestock Sale, Galesburg.
Greenville Livestock Auction Co., Greenville.
Illinois Auction Commission Co., Paris.
Interstate Producers LS Association, Danville.
Interstate Producers LS Association, Dongola.
Interstate Producers LS Association, Fairfield.
Interstate Producers LS Association, Golconda.
Interstate Producers Livestock Ass'n., Harrisburg.
Interstate Producers LS Association, Pinckneyville.
Interstate Producers LS Association, Quincy.
Interstate Producers LS Association, Salem.
Jennings Sales Co., Macomb.
Kewanee Sale Barn, Kewanee.
Knoxville Sale Co., Inc., Knoxville.
Kuntz, Clyde, Gridley.
Mehler Stock Yards, West York.
Mercer Co., Livestock Auction, Viola.
Oak Valley Feeder Pig Sales, Kampsville.
Olney Livestock Commission Co., Olney.
Paris Livestock Sales Co., Paris.
Peterson Livestock Auction, Wyoming.
Rock Island Auction Sales, Inc., Rock Island.
Rohn, Donald R., Livestock Market, Dallas City.
Savanna Livestock Sales, Savanna.
Schrader, Harry, Consignment, Dakota.
Southeastern Livestock Association, Inc., Albion.
Walnut Auction Co., Walnut.
Warren County Livestock Auction, Monmouth.
Winslow Marketing Center, Inc., Winslow.
Wood, Marvin T., Morrison.

INDIANA

Boswell Livestock Comm., Boswell.
Raymond Boyce Livestock Co., Monon.
Brookville Sale Barn, Brookville.
Don Clark Feeder Pig, Brook.
Claypool Sale Inc., Silver Lake.
Delta Livestock Auction, Fort Wayne.
Robert Elliott, Westport.
Fountain County Livestock Comm., Veedersburg.
Evansville Union Stockyards, Evansville.
Geneva Berne Livestock Sale, Berne.
Goshen Community Auct., Goshen.
Henry County Livestock Auction, New Castle.
Hill Top Auction, Hanover.
Indianapolis Stockyards Corp., Indianapolis.
Gordon Jones, Ridgeville.
Lowell Livestock Auction, Lowell.
Loy's Sale Barn, Portland.
Marvin Luellen, Moorland.
Jack Milhollin, Parker.
Montgomery Co., Sale Pav., Crawfordsville.
Muscatatuck Valley Feeder Pig Assn., North Vernon.
Ohio Valley Producers, Evansville.
Parke County Sale, Rockville.
Producers Livestock Assn., Bath.
Producers Livestock Assn., Vincennes.
Producers Marketing Assn., Centerville.
Producers Marketing Assn., Clayton.
Producers Marketing Assn., Mentone.
Producers Marketing Assn., Montgomery.
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Reynolds Sale Barn, Reynolds.
Rochester Sale Barn, Rochester.
Royal Center Sale Barn, Royal Center.
Russellville Feeder Pig Co., Russellville.
Scottsburg Sale Barn, Scottsburg.

Shipshewana Sale Barn, Shipshewana.
Smyser Sale Barn, Huntington.
Southeastern Indiana Feeder Auc., Assn., Osgood.
Southern Indiana Livestock Exchange, Scottsburg.
Springville Feeder Auc., Assn., Inc., Springville.
Topeka Livestock Auction Co., Topeka.
Valparaiso Sale Barn, Valparaiso.
Waitt Feeder Pig, Sheridan.
White River Valley Feeder Auc., Assn., Worthington.
Ralph Yarling, Elwood.
Yeager & Sullivan, Inc., Camden.

IOWA

Applegate Hog Yard, Leon.
B & H Cattle Company, Ida Grove.
Bedford Sale Company, Bedford.
Bingley Sales Company, Inc., Knoxville.
Boone Sales Company, Boone.
C & R Feeder Pigs, Albert City.
Cascade Salebarn, Cascade.
Centerville Sales Company, Centerville.
Clarinda Auction Company, Clarinda.
Philip W. Clark & Sons, Knoxville.
Council Bluffs Livestock Exchange, Inc., Council Bluffs.
Davis County Sale Company, Bloomfield.
DeVries Auction Company, Buffalo Center.
Diagonal Livestock Auction, Diagonal.
Donnellson Livestock Sale, Inc., Donnellson.
Dunlap Livestock Auction, Dunlap.
Edgewood Sale Barn, Inc., Edgewood.
Elkader Sale Barn, Elkader.
Forest City Cow Palace, Jennings Brothers, Inc., Forest City.
Ray Fritz Stockyards, Washington.
Gaffney Storm Lake Auction, Storm Lake.
Galva Pig Market, Galva.
Garner Livestock Sales, Inc., Garner.
Grassland Company, Odebolt.
Haupert Livestock Company, Inc., Fairfield.
Herbold Livestock Auction, Kingsley.
Hilltop Feeder Pig Company, Aplington.
Hubbard Feeder Pig Company, Hubbard.
Interstate Producers Livestock Association, Waukon.
Kalona Sale Barn, Inc., Kalona.
Keoco Auction Company, Sigourney.
Keosauqua Sale Company, Inc., Keosauqua.
Lamoni Livestock Sales Company, Inc., Lamoni.
Leon Sale, Leon.
Livestock Specialist, Inc., Webster City.
Manning Livestock Auction, Manning.
Mapleton Livestock Sales, Mapleton.
Maquoketa Sale Company, Maquoketa.
Marshall County Feeder Pig Association, Marshalltown.
Middletown Auction Sales, Inc., Middletown.
Mid-States Livestock, Inc., Eldora.
Moorhead Auction Company, Moorhead.
Mt. Ayr Livestock Market, Mt. Ayr.
Keith E. Myers, Grundy Center.
Northside Sales Company, Sibley.
Pella Sales Company, Pella.
Perry Sales Pavilion, Perry.
Producers Livestock Marketing Agency, Feeder Pig Division, Creston.
Riceville Sales Pavilion, Riceville.
Norb Roecker Feeder Pigs, Denison.
Sales Company of Hawarden, Hawarden.
Sheldon Approved Hog Mart, Sheldon.
Sheldon Livestock Company, Sheldon.
Shenandoah Livestock Auction, Shenandoah.
Sioux City Stockyards Co., Sioux City.
Smith Feeder Pig Company, Sheldon.
Smylie-Haupert Livestock, Inc., Columbus Junction.
Spencer Livestock Sales, Inc., Spencer.
Spirit Lake State-Federal Approved Feeder Pig Market, Spirit Lake.
Thompson's Livestock Commission Company, Davis City.
Tri-State Livestock Auction Company, Inc., Sioux Center.
Wallace Livestock Market, Riceville.
Wapello Livestock Sales, Inc., Wapello.
Wayland Sales Co., Inc., Wayland.
James Webb Market, Mallard.
West Grove Stockyard, West Grove.
Wiechman Pig Company, Inc., Des Moines.
Winneshiek Coop Sales Commission, Decorah.

KANSAS

Atchison County Auction Co., Inc., Atchison.
Atwood Sale Barn, Inc., Atwood.
Belleville Livestock Comm. Co., Belleville.
Caldwell Community Sale, Caldwell.
Coffeyville Livestock Sales, Coffeyville.
Colby Livestock Auction, Colby.
Concordia Sales Co., Concordia.
Dodge City Livestock Comm. Co., Dodge City.
Fort Scott Livestock Auction, Fort Scott.
Goodland Livestock Comm. Co., Goodland.
Hansens Livestock Auction, Concordia.
Hiawatha Auction Co., Hiawatha.
Hoxie Livestock Sale, Hoxie.
Liberal Sales Co., Liberal.
Mankato Livestock Comm. Co., Mankato.
Marysville Livestock & Comm. Co., Marysville.
Medicine Lodge Sale Co., Inc., Medicine Lodge.
Miami County Livestock Sale Co., Inc., Paloa.
Mid Kansas Swine Improvement Assoc., Hutchinson.
Norton Livestock Auction, Inc., Norton.
Norton Livestock Comm. Co., Norton.
Oberlin Livestock Comm. Co., Inc., Oberlin.
Parsons Livestock Auction Inc., Parsons.
Parsons Stockyard Co., Parsons.
Phillipsburg Sales Co., Phillipsburg.
Sabetha Livestock Auction, Sabetha.
St. Francis Livestock Sale, St. Francis.
South Central Kansas Feeder Pig Assn., Medicine Lodge.
South East Kansas Feeder Pig Assoc., Fredonia.
Syracuse Sale Co., Syracuse.
Washington Sale Co., Washington.
Wichita Union Stockyards, Wichita.

KENTUCKY

Albany Stockyard, Albany.
Bickett & Miller Co., Inc., Russellville.
Blue Grass Stockyard, Lexington.
Bourbon Livestock Center, Bowling Green.
Bourbon Stockyard Company, Louisville.
Bowling Green Livestock Market, Bowling Green.
Boyle County Stockyard, Danville.
Bullitt County Stockyard, Shepherdsville.
Case & Lail Inc., Cynthiana.
Catlettsburg Livestock Market, Catlettsburg.
Christian County Livestock Mkt. Inc., Hopkinsville.
Cynthiana Stockyard, Cynthiana.
Dinwiddie Feeder Pig, Leitchfield.
Farmers Commission Company, Inc., Tompkinsville.
Farmers Livestock Market, Glasgow.
Farmers Livestock Market, London.
Farmers Stockyard, Flemingsburg.
Farmers Stockyard, Mount Sterling.
Florence, Peak, & Fryman, Cynthiana.
Garfield Auction Barn, Garfield.
Garrard County Stockyard, Lancaster.
Glasgow Livestock Market, Glasgow.
Grayson County Stockyard, Leitchfield.
Greenville Livestock Market, Greensville.
Harper, Tom Feeder Pig Market, Clinton.
Hart County Livestock Market, Munfordville.
Jollys Feeder Pig, Albany.
Jones Livestock Market, Glasgow.
Kentucky-Tennessee Livestock Market, Guthrie.
Kentuckiana Livestock Market, Owensboro.
King Livestock Company, Inc., Hopkinsville.
Laurel Sales Company, London.
Lebanon Stockyard, Inc., Lebanon.
Madison Sales Company, Richmond.
Mammoth Cave Marketing Corp., Smiths Grove.
Mayfield Feeder Pig Sale, Mayfield.
Maysville Livestock Sales Inc., Maysville.
Murray Livestock Company, Murray.
New Walton Stockyards, Inc., South Walton.
NPO Stockyards, Cynthiana.
O.K. Stockyards, Maysville.
Owen County Stockyard, Owenton.
Owsley County Stockyards, Booneville.
Paintsville Livestock Market, Paintsville.
Paris Stockyard, Paris.
Ratliff Stockyards, Mount Sterling.
Rockcastle Feeder Pig Sales, Brodhead.
Russell County Stockyard, Russell Springs.
Somerset & Pulaski Co. Livestock Market, Inc., Somerset.
Taylor County Stockyards, Campbellsville.
Valley Stockyard, Inc., Princeton.
Washington Co. Stockyards, Springfield.
Wayne County Feeder Pig Auction, Monticello.
West Kentucky Land & Cattle Co., Inc., Marion.
Wigwam Hog & Feeder Pig Market, Inc., Horse Cave.
Williamstown Stockyard, Williamstown.
Winchester Stockyards, Winchester.

LOUISIANA

Avoyelles Swine Association, Marksville.
Bastrop Livestock Auction, Bastrop.
Central Louisiana Swine Producer's Association, Jena.
DeQuincy Livestock Commission Co., DeQuincy.
DeRidder Livestock Market, DeRidder.
Florida Parishes Feeder Pig Association, Amite.
Franklinton Stockyards, Inc., Franklinton.
Macon Ridge Swine Producers Association, Winnsboro.
Michelle's Commission Yard, Inc., Lake Charles.
Northwest Louisiana Swine Growers Association, Minden.
Southwest Louisiana Swine Producers Association, Basile.
West Monroe Livestock Auction, West Monroe.

MARYLAND

Aberdeen Sales Company, Aberdeen.
Baltimore Livestock Exchange, Inc., West Friendship.
Caroline Sales Company, Denton.
Cumberland Stockyards, Inc., Cumberland.
Dukes Brothers Stockyards, Inc., Eden.
Farmers Livestock Exchange, Inc., Boonsboro.
Farmers Market & Auction, Charlotte Hall.
Four States Livestock Sales, Inc., Hagerstown.
Frederick Livestock Auction, Inc., Hagerstown.
Friend's Stockyards, Inc., Accident.
Grantsville Community Sales, Inc., Grantsville.
Rudnick & Sons, Inc., Harry, Galena.
West Nottingham Auction, Rising Sun.
Western Maryland Stock Yards, Inc., Westminister.
Woodsboro Livestock Sales, Inc., Woodsboro.

MINNESOTA

Arends Sale Yard, Inc., Blue Earth.
Central Livestock Ass'n., Inc., The Newport.
Cottonwood Veterinary Clinic, Windom.
Dillavou Feeder Pig, Rose Creek.
Farmers Feeder Pig Association, Worthington.
G. & L. Feeder Pigs, Ellsworth.
Hollerich Feeder Pig Market, Good Thunder.
Kasson Livestock Exchange, Kasson.
L & L Livestock, Dunnell.
Lamberton Feeder Pig Market, Lamberton.
Long Prairie Livestock Auction Market, Long Prairie.
Luverne Livestock Auction, Luverne.
Midwest Livestock Producers Co-op., Mora.
Pipestone Livestock Auction Market, Pipestone.
Rice Feeder Pig Center, Rice.
Rush City Livestock Sales, Inc., Rush City.

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Rushford Feeder Pig Tel-O Auction, Rushford.
St. Paul Union Stockyards, So. St. Paul.
Sawyer Livestock Co., Inc., Little Falls.
Tenney Feeder Pig Co., St. James.
Top Livestock Auction, Edgerton.
Windom Sale Co., Inc., Windom.
Wisconsin Feeder Pig Marketing Co-op, Sauk Centre.
Worthington Livestock Sales Co., Worthington.

MISSISSIPPI

Alcorn County Stockyards, Corinth.
Amory Area Feeder Pig Sale, Amory.
Baker Commission Co., Batesville.
Booneville Area Feeder Pig Association Sale, Booneville.
Booneville Commission Company, Booneville.
H. T. Branning Livestock Company, French Camp.
Bruce Area Feeder Pig Sale, Bruce.
Central Mississippi Livestock Commission Company, Carthage.
Chickasaw Commission Company, Houston.
Corinth Livestock Commission Co., Corinth.
Dixie Stockyards, Inc., Meridian.
Graves Livestock Company, Winona.
Grenada Livestock Exchange, Grenada.
Knight Stockyard, Carthage.
Lexington Sales Company, Lexington.
Lucedale Area Feeder Pig Association Sale, Lucedale.
Lum Commission Company, Vicksburg.
McComb Area Feeder Pig Sale, McComb.
Meridian Area Feeder Pig Sale, Meridian.
Natchez Stockyards, Natchez.
New Albany Area Feeder Pig Sale, New Albany.
Peeler's Livestock Sales, Kosciusko.
Port Gibson Area Feeder Pig Assn., Port Gibson.
Southeast Mississippi Area Feeder Pig Association Sale, Laurel.
Southeast Mississippi Livestock Farmers Association, Hattiesburg.
Southwest Livestock, Inc., Lorman.
Walnut Sales Company, Walnut.
Wayne Area Pork Producers Association, Waynesboro.
Waynesboro Livestock Yards, Inc., Waynesboro.

MISSOURI

Alton Sale Company, Alton.
Armour & Company—Pig Station, Amity.
Ava Sales Company, Ava.
Beck & McCord Auction Co., Sikeston.
Benton County Producers Association, Warsaw.
Bollinger County Livestock Producers Assoc., Marble Hill.
Browning & Crowe Order Buyers, Monroe City.
Bryant & Kirkman, Summersville.
Butler Community Sale, Butler.
Cassville Livestock Market, Inc., Cassville.
Cabool Livestock Market, Cabool.
Carrollton Livestock Market, Carrollton.
Cantrell & Son, Archie.
Central Missouri Livestock Auction, Inc., Mexico.
Central Ozark Auction, West Plains.
Charleston Auction Company, Charleston.
Chillicothe Livestock Auction, Chillicothe.
Circle "S" Livestock Auction Co., Stanberry.
Clark County Sale Company, Kahoka.
Clinton Community Sale, Clinton.
Columbia Livestock Auction Market, Columbia.
Concordia Livestock Auction, Concordia.
Dent County Livestock Improvement Assoc., Salem.
Doniphan Auction Sales Company, Doniphan.
Downing Stockyards, Downing.
Edina Auction Company, Edina.
Farmers & Traders Commission Co., Palmyra.
Farmington Auction Market, Farmington.
Four-Square Markets, Inc., Marshall.
Fredericktown Auction Co., Fredericktown.
Fruitland Livestock Auction, Inc., Jackson.
Goodman Auction Market, Goodman.
Grant City Livestock Market, Inc., Grant City.
Green City Auction Market, Inc., Green City.
Hannibal Sale Company, Inc., Hannibal.
Hinds Sale Company, Memphis.
Interstate Producers Livestock Assoc., Albany.
Interstate Producers Livestock Assoc., Caledonia.
Interstate Producers Livestock Assoc., Cuba.
Interstate Producers Livestock Assoc., Fredericktown.
Interstate Producers Livestock Assoc., Hamilton.
Interstate Producers Livestock Assoc., Jackson.
Interstate Producers Livestock Assoc., Perryville.
Johnson County Livestock Market, Inc., Warrensburg.
Joplin Stockyards, Joplin.
Kahoka Sale Company, Inc., Kahoka.
Kansas City Stockyards, Kansas City.
Kennett Sales Company, Inc., Kennett.
LaClede County Livestock Producers Assoc., Lebanon.
Lamar Sales, Lamar.
Lewis County Auction, Lewiston.
Lexington Livestock Auction, Lexington.
Licking Livestock Sale, Licking.
Lindsay Livestock Auction, Lebanon.
Linn County Beef Producers, Inc., Brookfield.
Lockwood Community Sales, Inc., Lockwood.
Maryville Auction Company, Maryville.
Means Auction Company, Boonville.
Mercer County Producers Association, Princeton.
Mercer County Auction, Princeton.
MFA Feeder Pig Assembly Point, Ellington.
MFA Feeder Pig Tele Auction, Doniphan.
MFA Feeder Pig Market, Sedalia.
MFA Feeder Pig Yards, Buying Station, Rolla.
MFA Feeder Pig Yards, Stockton.
MFA Feeder Pig Yards, Taneyville.
MFA Feeder Pig Yards, Westphalia.
MFA Livestock Association, Alton.
MFA Livetock Association, Cabool.
MFA Livestock Market Assoc., Casville.
MFA Livestock Association, Mansfield.
Mo-Ark Livestock Market, Harviell.
Moberly Auction Company, Moberly.
Monett Sales Company, Monett.
Monticello Livestock Order Buyers, Monticello.
National Feeder Pig Company, Buffalo.
National Feeder Pig Company, Mountain Grove.
Nevada Livestock Auction, Inc., Nevada.
Odessa Community Sale, Odessa.
Oregon Livetock Sales Company, Oregon.
Osage County Livestock Producers Association, Linn.
Palmyra Livestock Auction, Palmyra.
Pasley Auction Company, Osceola.
Platte County Sale Company, Platte City.
Poplar Bluff Sales Company, Poplar Bluff.
Potosi Auction Company, Potosi.
Puxico Stockyards and Auction Company, Puxico.
Rockport Sales Pavilion, Inc., Rockport.
Rolla Auction Company, Edgar Springs.
St. Clair Auction Co., St. Clair.
St. Clair Livestock Auction, Lonedale.
St. James Auction Company, St. James.
St. Joseph Stockyards, So. St. Joseph.
Salem Auction Company, Salem.
Savannah Sale Company, Savannah.
Schuyler County Sale Company, Lancaster.
Sedgewickville Auction, Sedgewickville.
Seneca Community Sale, Seneca.
Shelbina Auction Company, Shelbina.
Sho-Me-Feeder Pig, Inc., Ava.
Shoe-Me-Feeder Pigs, Inc., Thayer.
Sivils Sale Company, Butler.
Southwest Missouri Livestock Association, Sarcoxie.
Summersville Auction, Summersville.
Union Stockyards, Springfield.
Unionville Sale Company, Unionville.
Van Meter Auction Company, Kingsville.
Warsaw Sales Company, Warsaw.
Wheaton Livestock Auction, Wheaton.
West Plains Livestock Auction, Pomona.

MONTANA

Baker Livestock Auction Inc., Baker.
Public Auction Yards, Billings.
Sidney Livestock Market Center, Sidney.

NEBRASKA

Alma Sale Barn, Alma.
Armour Feeder Pig Station, West Point.
Beatrice Sales Pavilion, Beatrice.
Beatrice 77 Livestock Sales Company, Beatrice.
Butte Livestock Market, Butte.
Chappell Livestock Auction, Inc., Chappell.
Falls City Auction Company, Falls City.
Farmers Livestock Sales Company, Benkelman.
Hebron Livestock Commission Company, Inc., Hebron.
Imperial Auction Market, Inc., Imperial.
Kimball Livestock Auction, Kimball.
Morris Livestock Auction, Plattsmouth.
Morrison's Twin City Livestock Auction Company, Gering.
Nebraska City Salebarn, Inc., Nebraska City.
Norfolk Livestock Market, Inc., Norfolk.
Ogallala Livestock Commission Company, Ogallala.
Pawnee Livestock Company, Pawnee City.
Platte Valley Livestock Auction, Gering.
Red Cloud Livestock Commission Company, Red Cloud.
Republican Valley Livestock Auction, Franklin.
Sheridan Livestock Commission Company, Rushville.
Superior Livestock Commission Company, Superior.
Tri-State Livestock Commission Company, McCook.
Union Stockyards Co., Omaha.
Weichman Pig Company, Inc., Fremont.
Western Plains Auction Company, Sidney.

NEW JERSEY

Livestock Cooperative Auction Market Association of North Jersey, Inc., Hackettstown.

NEW MEXICO

Clovis Hog Company, Inc., Clovis.
Five States Livestock Auction, Inc., Clayton.
Portales Livestock Commission Company, Portales.

NEW YORK

Buffalo Stockyards Inc., Buffalo.
Empire Livestock Marketing Cooperative, Inc., Caledonia.

NORTH CAROLINA

Benthall's Graded Feeder Pig Sale, Rich Square.
Cape Fear Livestock, Inc., Fayetteville.
Carolina Stockyard Co., Siler City.
Carolina-Virginia Stockyard, Windsor.
Central Carolina Farmers Livestock Market, Hillsborough.
Chadbourn Graded Feeder Pig Auction, Chadbourn.
Greensboro Graded Feeder Pig Sale, Greensboro.
Iredell Livestock Co., Turnersburg.
Kinston Stockyard, Inc., Kinston.
Gus Z. Lancaster Quality Feeder Pig Sale, Dunn.
Gus Z. Lancaster Quality Feeder Pig Sale, Rocky Mount.
Norwood Graded Quality Feeder Pig Sale, Norwood.
Oxford Livestock Market, Inc., Oxford.
Pates Stockyard, Inc., Pembroke.
Powell Livestock Co., Smithfield.

Union County Livestock Auction, Inc., Mineral Springs.
Wells Livestock Market Graded Feeder Pig Sale, Wallace.
Western Carolina Feeder Pig Sale, Asheville.

NORTH DAKOTA

Ashley Livestock Sales Co., Ashley.
Carrington Livestock Sales, Inc., Carrington.
Dakota Pork, Inc., Feeder Pig Division, Jamestown.
Edgeley Livestock Sales, Inc., Edgeley.
Ellendale Livestock Sales Co., Ellendale.
Harvey Livestock Auction, Harvey.
Hettinger Auction Market, Inc., Hettinger.
Home Base Auction Market, Inc., Bowman.
Jamestown Livestock Sales Co., Jamestown.
Kist Livestock Auction Co., Mandan.
Lake Region Auction and Livestock Market Inc., Devils Lake.
Linton Livestock Sales, Inc., Linton.
Lorenz Livestock Sale, Hazen.
Minot Livestock Auction, Minot.
Missouri Slope Livestock Auction, Inc., Bismarck.
Napoleon Livestock Auction, Napoleon.
Oakes Livestock Terminal, Inc., Oakes.
Park River Auction Market, Park River.
Ranchers & Farmers Livestock Sales, Inc., Minot.
Rugby Livestock Auction, Inc., Rugby.
Schnell's Beulah Livestock Auction Market, Beulah.
Schnell's Livestock Auction Market, Dickinson.
Sitting Bull Auction, Williston.
Turtle Lake Livestock Sales, Inc., Turtle Lake.
Union Stockyards of Fargo, West Fargo.
Western Livestock, Inc., Dickinson.
Wikenheiser Livestock, Strasburg.
Wisconsin Feeder Pig Market Co-Op, Oakes.
Wishek Livestock Sales Co., Wishek.

OHIO

Bloomfield Livestock Auction, North Bloomfield.
Carrollton Livestock Auction, Carrollton.
Cincinnati Union Stockyards, Cincinnati.
Damascus Livestock Auction, Damascus.
Delta Livestock Auction, Delta.
Dicke Stockyard, New Bremen.
Findlay Producers Livestock Association, Findlay.
Geauga Livestock Commission, Middlefield
Interstate Farmers Livestock Company, Oxford.
Kleinhenz Bros. Stockyard, St. Henry.
Krughi Stockyard, Wren.
Virgil Lampert Stockyard, New Bremen.
Lugbill Brothers, Archbold.
Middendorf Stockyards, Botkins.
Middendorf Stockyards, Celina.
Middendorf Stockyards, Fort Laramie.
Ohio Valley Livestock Company, Gallipolis.
Producers Livestock Association, Cadiz.
Producers Livestock Association, Eaton.
Producers Livestock Association, Wapakoneta.
Wilson Bros., d/b/a Peoples Livestock Exchange, Greenville.
Zeigler Livestock Feeders, Inc., Delta.

OKLAHOMA

Adair County Livestock Auction, Inc., Stilwell.
Antlers Livestock Auction, Antlers.
Benefield, Joe, Jay.
Joe Brewster Pig Parlor, Pryor.
Davis Feeder Pig Market, Midwest City.
Durant Stockyards Co., Inc., Durant.
Farmers and Ranchers Livestock Auction, Vinita.
Forrest (R.C.) Pig Market, Tahlequah.
Ft. Smith Stockyards, Ft. Smith.
Grove Sale Company, Grove.
Hugo Sales Commission, Inc., Hugo.
LeFlore County Livestock Auction, Wister.
Lost City Coop Marketing Assoc., Inc., Hulbert.
Maxson Sales Co., Inc., So. Coffeyville.
Maxson Sales Co., Inc., Welch.
Muskogee Stockyards & Livestock Auction, Inc., Muskogee.
Newkirk Sales Co., Newkirk.
Panhandle Livestock Commission Company, Guymon.
Tahlequah Sale Barn, Tahlequah.
Tulsa Stockyards, Tulsa.

OREGON

Hermiston Livestock Auction, Inc., Hermiston.
Northwestern Livestock Commission Co., Hermiston.
Ontario Livestock Commission Company, Ontario.
Portland Union Stockyards, N. Portland.
The Dalles Auction Yard, The Dalles.
Vale Livestock Auction, Vale.

PENNSYLVANIA

Belknap Livestock Market Auction, Inc., Dayton.
Belleville Livestock Market, Belleville.
Carlisle Livestock Market, Inc., Carlisle.
Chambersburg Livestock Sales, Chambersburg.
Chesley's Sales, Inc., North East.
Cowanesque Valley Livestock Market, Knoxville.
Dewart Livestock Market, Dewart.
Eighty Four Auction Sales, Inc., Eighty Four.
Emery, T. Kenneth, Glenmoore.
Enon Valley Community Sale, Enon Valley.
Farmer's Tri-County Livestock Auction, Inc., Scenery Hill.
Fayette Stockyards Co., Uniontown.
Greencastle Livestock Market, Greencastle.
Hickory Auction Sales, Inc., Hickory.
Hulshart, C. A., Stewartstown.
Indiana Livestock Auction, Inc., Homer City.
Jersey Shore Livestock, Inc., Jersey Shore.
Labanon Valley Livestock Market, Fredericksburg.
Leesport Market & Auction, Leesport.
Meadville Livestock Auction, Saegertown.
Mercer Livestock Auction, Mercer.
Montague Livestock Market, Union City.
Montour Farmers Livestock Market, Inc., Danville.
Morrisons Cove Livestock Market, Martinsburg.
New Wilmington Livestock Auction, Inc., New Wilmington.
Nicholson Sales Company, Nicholson.
Penns Valley Livestock Auction, Inc., Centre Hall.
Pennsylvania Livestock Auction, Inc., Waynesburg.
Perkiomenville Sales Stables, Inc., Perkiomenville.
Quakertown Livestock Sale, Quakertown.
Sechrist Sales Company, Inc., Fawn Grove.
Showalter's Livestock Exchange, Duncansville.
Silver Springs Livestock Market, Mechanicsburg.
Troy Sales Cooperative, Troy.
Valley Stockyards, Inc., Athens.
Wayne County Livestock Exchange, Honesdale.
Western Pennsylvania Swine Producers Association, Inc., Brookville.
Wyalusing Livestock Market, Wyalusing.
York Livestock Market, Inc., York.

SOUTH CAROLINA

Central Carolina Livestock Market, Lugoff.
Clarendon Auction Sales, Manning.
Darlington Auction Market, Darlington.
Farmers County Line Stockyard, Andrews.
Farmers Market, Estill.
Hemingway Livestock Market, Hemingway.
Herndon's Stockyard, Ehrhardt.
Hutto Stockyard, Inc., Holly Hill.
Orangeburg Stockyards, Inc., Orangeburg.
Saluda County Stockyard, Saluda.
Springfield Stockyard, Springfield.
Walterboro Stockyard Company, Inc., Walterboro.

SOUTH DAKOTA

Aberdeen Livestock Sales Company, Inc., Aberdeen.
Belle Fourche Livestock Exchange, Inc., Belle Fourche.
Burke Livestock Auction, Burke.
Canton Livestock Sales Company, Canton.
Chamberlain Livestock Sales, Inc., Chamberlain.
Corsica Livestock Sales Co., Corsica.
Edgemont Livestock Commission Company, Edgemont.
Eureka Livestock Commission Company, Eureka.
Faith Livestock Commission Company, Inc., Faith.
Gregory Livestock Auction Co., Gregory.
Herreid Livestock Commission Company, Herreid.
Hub City Livestock Sales, Aberdeen.
Kramer's Livestock Auction Company, Inc., Sioux Falls.
Lemmon Livestock Market, Inc., Lemmon.
Loken's Watertown Sale Pavilion, Watertown.
McLaughlin Commission Company, Inc., McLaughlin.
Madden's Livestock Auction Market, Inc., St. Onge.
Magness-Huron Livestock Exchange, Inc., Huron.
Marshall Livestock Auction Company, Britton.
Martin Auction Company, Inc., Martin.
Mobridge Livestock Auction Sales, Inc., Mobridge.
Philip Livestock Auction, Philip.
Rapid City Livestock Commission Company, Rapid City.
Sioux Falls Public Stockyards, Sioux Falls.
Sisseton Livestock Auction, Inc., Sisseton.
South Dakota Livestock Sales Company, Watertown.
Stockmen's Livestock Auction Company, Yankton.
Sturgis Livestock Exchange, Inc., Sturgis.
Timber Lake Livestock Auction, Timber Lake.
Wall Livestock Auction, Wall.
Webster Livestock Exchange, Webster.
Willow Lake Livestock Auction, Willow Lake.
Winner Livestock Auction Company, Winner.
Yankton Livestock Auction Market, Yankton.

TENNESSEE

Bedford County Feeder Pig Sale, Unionville.
Bogle, Harry Feeder Pig Barn, Murfreesboro.
Boyce Livestock Company, Unionville.
Boyce, Johnny Feeder Pig Barn, Unionville.
Brownsville Feeder Sales Assn., Brownsville.
Carroll County Feeder Pig Assn., Huntingdon.
Castellaw Stock Barn, Alamo.
Chickasaw Feeder Pig Association, Selmer.
Covington Feeder Pig Sale, Covington.
Cumberland Feeder Pig Sale, Cookeville.
Derryberry Pig Barn, Chesterfield.
Dickson County Feeder Pig Sale, White Bluff.
Dixie National Stockyards, Memphis.
Garrett Feeder Pigs, College Grove.
Gibson County Livestock Exchange, Trenton.
Giles County Feeder Pig Sales, Pulaski.
Goff Feeder Pig Association, Quebeck.
Hardin County Livestock Assn., Savannah.
Herren, J. T. Feeder Pig Market, Baxter.
Hickman County Area Feeder Pig Sale, Centerville.
Higgins (Brady and Jimmy) Pig Barn, Woodbury.
Higgins, Grady Pig Barn, Woodbury.
Hughes Feeder Pigs, Guys.
Feeder Pig Division of Humphreys County Livestock Association, Waverly.

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Feeder Pig Division of Lawrence County Livestock Association, Lawrenceburg.
Feeder Pig Division of Marshall County Livestock Association, Lewisburg.
Jamestown Feeder Pig Market, Jamestown.
Johns Brothers Feeder Pigs, Chapel Hill.
Jolley Brothers, Doyle.
McMinnville Area Feeder Pig Sale, McMinnville.
Maury County Feeder Pig Sale, Columbia.
Mid-South Feeder Pig Center, Lebanon.
Mid-State Producers Feeder Pig Sale, Woodbury.
J. H. Hudson d/b/a Montgomery County Feeder Pig Sales, Clarksville.
Mullins & Martin Feeder Pig Barn, Byrdstown.
Nashville Area Feeder Pig Sale, Nashville.
Nashville Union Stockyards, Nashville.
Northwest Tennessee Feeder Pig Assn., Dyersburg.
Northwest Tennessee Feeder Pig. Assn., Trenton.
Odem, J. V. Pig Barn, St. Joseph.
Robinson, Jimmie & Son, Franklin.
Sullivan, d. b/a S & R Feeder Pig Company, Spencer.
Sells, Lonnie, Winchester.
Sevier County Livestock Association, Sevierville.
Smith County Pig Association, Carthage.
Smotherman, E. H., Murfreesboro.
Sudberry Feeder Pig Sales, Chapel Hill.
Sweetwater Valley Feeder Pig Assn., Sweetwater.
Taylor Brothers Feeder Pigs, College Grove.
Thompson Brothers Feeder Pig Barn, Sparta.
Tri-County Feeder Pig Sale, Trenton.
Vassar's Pig Barn, Readyville.
Volunteer Feeder Pig Sale, Lexington.
Walker, Dallas Livestock, Rutherford.
Weakley County Feeder Pig Sale, Dresden.
D. L. Simpson, d/b/a White County Feeder Pig Association, Sparta.
Wisdom, J. S. Pig Barn, Shelbyville.

TEXAS

Dalhart Auction Company, Inc., Dalhart.
Fort Worth Stockyards, Fort Worth.
Gainesville Livestock Auction, Gainesville.
J & J Livestock Commission Company, Texarkana.
Texarkana Stockyards, Texarkana.

UTAH

North Salt Lake Stockyards, Salt Lake City.
Producers Livestock Marketing Assoc., North Salt Lake.

VIRGINIA

Farmers Livestock Exchange, Inc., Winchester.
Farmville Livestock Market, Farmville.
Halifax Livestock Market, Halifax.
Nokesville Livestock Market, Nokesville.
Orange Livestock Market, Inc., Orange.
Richmond Union Stockyards, Richmond.
Rockingham Livestock Sales, Inc., Harrisonburg.
Shenandoah Valley Livestock Sales, Inc., Harrisonburg.
Southside Stockyards, Inc., Petersburg.
Staunton Livestock Market, Inc., Staunton.
Staunton Union Stockyards, Staunton.
Tappahannock Livestock Market, Inc., Tappahannock.
Tidewater Livestock Sales Co., Courtland.
Virginia-Carolina Livestock and Agricultural Market, Inc., Danville.
Walker Brothers Livestock Pavilion, Seven Miles Ford.
Woodstock Livestock Market, Inc., Woodstock.

WASHINGTON

Auburn Livestock, Inc., Auburn.
Prosser Commission Company, Inc., Prosser.
Stockland Union Stockyards, Spokane.
Walla Walla Livestock and Feedlot, Walla Walla.

WEST VIRGINIA

Bluegrass Market, Inc., North Caldwell, Lewisburg.
Blue Ridge Livestock Sales, Inc., Charles Town.
Moundsville Livestock Auction, Moundsville.
Ohio County Livestock Auction, Inc., West Alexander, Pennsylvania.
Point Pleasant Livestock Co., Point Pleasant.
Terra Alta Stockyards, Inc., Terra Alta.

WISCONSIN

Acker, Clarence, Middleton.
Belmont Livestock Market, Belmont.
Dittner Feeder Pigs, Marshfield.
Drees Livestock Company, Peshtigo.
Eilers, Donald, Marshfield.
Equity Co-op Livestock Sales, Johnson Creek.
Equity Co-op Livestock Sales, Ripon.
Grassland Feeder Pigs, Nelliaville.
Midwest Livestock Producers Co-op., Darlington.
Midwest Livestock Producers, Inc., Fennimore.
Midwest Livestock Producers, Inc., Francis Creek.
Midwest Livestock Producers, Inc., Lomira.
Midwest Livestock Producers, Inc., New Richmond.
Iowa County Livestock Market, Dodgeville.
Orr, Daniel, Waupaca.
Peterson, Gordon, Waupaca.
Pufahl, Charles, Waupaca.
Richter, L. & Son, Rice Lake.
Schwebs, Donald, DeForest.
Waupaca Feeder Pigs, Scandinavia.
Welsh's Feeder Pig Market, Fennimore.
Wisconsin Feeder Pig Co-op., Boltonville.
Wisconsin Feeder Pig Co-op., Francis Creek.
Wisconsin Feeder Pig Co-op., Galesville.
Wisconsin Feeder Pig Co-op., Lancaster.
Wisconsin Feeder Pig Co-op, Waupaca.
Wolosek, Ray, Wisconsin Rapids.
3-H Association Pig Growers, Waupun.
Monticello Livestock Sales, Monticello.

WYOMING

Douglas Livestock Exchange Company, Douglas.
Gillette Livestock Exchange, Gillette.
Greybull Livestock Auction, Greybull.
Powell Auction Market, Powell.
Riverton Auction and Livestock Company, Riverton.
Sheridan Livestock Exchange, Inc., Sheridan.
Stockgrowers Livestock Auction, Worland.
Wyoming Cow Palace Auction, Torrington.
Torrington Livestock Commission Company, Torrington.

LIVESTOCK MARKETS APPROVED UNDER § 76.18 (b), TITLE 9, CODE OF FEDERAL REGULATIONS, TO HANDLE INTERSTATE SHIPMENTS OF SLAUGHTER SWINE ONLY.

ALABAMA

Agricultural Marketing Association of Alabama, Inc., Andalusia.
Beard Livestock Market, Scottsboro.
Cherokee County Stockyard, Centre.
Evergreen Livestock Company, Inc., Evergreen.
Florence Trading Post, Florence.
Fort Payne Livestock Commission Company, Fort Payne.
Frosty Morn Buying Station, Elba.
H. E. Fulford, Hartford.
Hodges Stockyards of Alabama, Selma.
Kennamer Livestock, Inc., Guntersville.
McArthur Brothers Livestock Company, Ashford.
Pickens County Livestock Commission Company, Aliceville.
Carl Register Stockyard, Slocomb.
Stokes and Brogden Stockyard, Andalusia.
Valleydale Packers, Inc., Valleydale Stockyard, Section.
David West Livestock Company, Cottonwood.

ARKANSAS

Cleburne County Livestock Auction, Heber Springs.
Decatur Livestock Auction, Decatur.
Drew County Auction, Monticello.
Eudora Livestock Auction, Eudora.
Gravette Community Sales, Gravette.
Hope Livestock Auction, Hope.
Huntsville Livestock Auction, Huntsville.
North Arkansas Livestock Auction, Green Forest.
Ouachita Commission Co., Warren.
Siloam Springs Sale Barn, Siloam Springs.

DELAWARE

Goldinger Bros., Inc., Smyrna.
Charles Poore Livestock Market, Smyrna.
Floyd E. West Livestock, Frankfort.

FLORIDA

Jacksonville Livestock Auction Co., Whitehouse.
Monticello Livestock Market, Inc., Monticello.
Paxton Livestock Co-op, Florala, Alabama.
West Florida Livestock Auction Market, Marianna.

GEORGIA

Bacon County Stockyard, Alma.
Bartow Livestock Conn. Co., Cartersville.
Carroll Co. L/S Sale Barn, Inc., Carrollton.
Chatham L/S Co., Savannah.
Citizens Stockyard, Arlington.
Columbus-Muscogee Livestock, Columbus.
Cordele L/S Comm. Co., Cordele.
County Stockbarn, Sandersville.
Dublin L/S & Comm. Co., Dublin.
Effingham County Stockyard, Springfield.
Farmers Livestock Market, Douglas.
Farmers Stockyard, Sylvania.
Farmers Stockyard of McRae, Inc., McRae.
Fitzgerald Farmers Auction, Inc., Fitzgerald.
Franklin Co. Livestock, Inc., Carnesville.
Gainesville L/S Market, Gainesville.
Georgia Farmers Livestock, Inc., Cumming.
Georgia Farm Prods. Sales Corp., Thomaston.
Gwaltney's Daily Hog Market, Glennville.
Hagan Livestock Market, Inc., Hagan.
Hazelhurst Livestock Market, Hazelhurst.
Irwin County Livestock Co., Ocilla.
Jepeway-Craig Comm. Co., Dublin.
Livestock Marketers, Inc., Douglas.
McClure-Burnett Comm. Co., Rome.
Miles Stockyard, Baxley.
Millen Livestock Market, Millen.
John Mosely & Holman Auc. Co., Blakely.
North Georgia Livestock Auc., Inc., Athens.
Pearson Livestock Market, Pearson.
Peoples Stockyard, Cuthbert.
Pierce County Stockyards, Blackshear.
Pulaski Stockyard, Hawkinsville.
Seminole Livestock, Inc., Donaldsonville.
Sam Simmons Gordon County Livestock Commission Company, Calhoun.
Smith Bros. Stockyard, Barlow.
Soperton Stockyards, Soperton.
Stephens County L/S Auction, Eastanolle.
Swainsboro Stockyards, Swainsboro.
Sylvania Stockyard, Sylvania.
Tattnall & Long NFO Collection Pt., Glennville.
Thomas County Stockyard, Thomasville.
Thomson Stockyard, Inc., Thomson.
Tifton Stockyards, Tifton.
Toccoa L/S Auc. & Speedway, Inc., Toccoa.
Toombs County Stockyard, Lyons.
Tri-County Livestock Co., Covington.
Union Stockyards, Albany.
Valdosta Livestock Co., Inc., Valdosta.
Vidalia L/S Auction, Inc., Vidalia.
Waycross Livestock Market, Waycross.
Wilkes County Stockyard, Washington.

IDAHO

Burley Livestock Commission Company, Burley.
Cache Valley Livestock Auction, Co., Preston.
Cottonwood Sales Yard, Cottonwood.

Gooding Livestock Commission Co., Gooding.
Producer's Jerome Livestock Marketing, Assn., Jerome.
Rexburg Livestock Auction, Inc., Rexburg.
Salmon River Livestock Commission Company, Salmon.
Shoshone Sale Yard, Shoshone.

ILLINOIS

Albion Livestock, Albion.
Armour-Klarer & Company, Marshall.
Carthage Order Buyers, Carthage.
Chicago Stockyards—Atkinson Market, Inc., Atkinson.
Cudahy, Patrick, Orangeville.
Doonan, Emery L., Taylor Ridge.
Edgar Co. Marketing Ass'n., Paris.
Emge Stock Yards, Palestine.
Farmers Hog Market of Ursa, Ursa.
Galesburg Order Buyers, Milledgeville.
Heinold Hog Market, Brookport.
Heinold Hog Market, Girard.
Heinold Hog Market, Leland.
Heinold Hog Market, Marengo.
Hesselbacher Bros., Scales Mound.
Interstate Producers LS Association, Apple River.
Interstate Producers LS Association, Elvaston.
Interstate Producers LS Association, Erie.
Interstate Producers LS Association, Payson.
Jamison Livestock Market, Tuscola.
K-M Livestock Center, Robinson.
Knowles Stock Yards, Marshall.
Krey Stockyards, Pleasant Hill.
LaHarpe Order Buyers, La Harpe.
McPhillips, George, Transfer, Lena.
Mayer, Oscar & Co., Barry.
Mayer, Oscar & Co., Davis.
Mayer, Oscar & Co., Esmond.
Mayer, Oscar & Co., German Valley.
Mayer, Oscar & Co., McConnell.
Mayer, Oscar & Co., Milledgeville.
Mayer, Oscar & Co., Pearl City.
Mayer, Oscar & Co., Pittsfield.
Mayer, Oscar & Co., Polo.
Mayer, Oscar & Co., Quincy.
Mayer, Oscar & Co., Shannon.
Mayer, Oscar & Co., Warren.
Mendon Order Buyers, Mendon.
Paris Union Stockyards, Paris.
Peoria Union Stockyards Co., Peoria.
St. Louis, Natl. Stockyards, Natl. Stockyards.
Staton Stock Yard, Lena.
Winslow Stockyards, Winslow.

INDIANA

D. M. Archer, Princeton.
Joe Ault, R. 1, Claypool.
Bauman Stockyards, Columbia City.
Bauman Stockyards, So. Whitley.
Mike Brady Stockyards, Lagrange.
Mike Brady Stockyards, Waterloo.
Camden Hog Mkt., Camden.
Deckers Livestock Inc., Hillsboro.
Delta Livestock Yards, Ft. Wayne.
I. Duffey & Son, Largo.
I. Duffey & Son, Peru.
Emge Pkg. Co., Anderson.
Emge Pkg. Co., Fairmont.
Emge Pkg. Co., Fort Branch.
Emge Pkg. Co., Montpelier.
Greencastle Livestock Mkt., Greencastle.
J. L. Hawkins Co., Logansport.
Heinold Hog Mkt., Bluffton.
Heinold Hog Mkt., Burlington.
Heinold Hog Mkt., Cambridge City.
Heinold Hog Mkt., Crawfordsville.
Heinold Hog Mkt., Goodland.
Heinold Hog Mkt., Jasper.
Heinold Hog Mkt., Kendallville.
Heinold Hog Mkt., Kouts.
Heinold Hog Mkt., Liberty.
Heinold Hog Mkt., Portland.
Heinold Mog Mkt., Rensselaer.
Heinold Hog Mkt., Rushville.
Heinold Hog Mkt., Tipton.
Heinold Hog Mkt., Wheatland.
Hoosier Stockyards Inc., Frankfort.
Hoosier Stockyards Inc., Knightstown.
Hoosier Stockyards Inc., Ladoga.
Hoosier Stockyards Inc., Roann.
Logansport Livestock Yards, Inc., Logansport.
Logansport Livestock, Winamac.
Marhoefer Pkg. Co., Inc., Muncie.
Mentone Stockyards, Mentone.
M & R Livestock Co., Culver.
M & R Livestock Co., Huntington.
M & R Livestock Co., Loogootee.
M & R Livestock Co., Spencer.
Muncie Livestock Co., Muncie.
New Castle Stockyards, New Castle.
Ohio Valley Livestock Corp., Williamsburg.
Pavy Stockyards, Greensburg.
Producers Livestock Assn., Vincennes.
Producers Marketing Assn., Amboy.
Producer Marketing Assn., Centerville.
Producers Marketing Assn., Clayton.
Producers Marketing Assn., Frankfort.
Producers Marketing Assn., Greensburg.
Producers Marketing Assn., Rensselaer.
Producers Marketing Assn., Rockville.
Producers Marketing Assn., Terre Haute.
Producers Marketing Assn., Uniondale.
Producers Marketing Assn., W. Lafayette.
Producers Marketing Assn., Winchester.
Producers Marketing Assn., Worthington.
Porkland, Crawfordsville.
Reynolds Stockyards, Reynolds.
P. B. Stewart Co., Berne.
P. B. Stewart Co., Decatur.
P. B. Stewart, Fulton.
P. B. Stewart Co., Shipshewana.
P. B. Stewart Co., So. Whitley.
P. B. Stewart Co., Plymouth.
Stoney Pike Sale Barn, Logansport.
Sullivan Co. Livestock Mkt., Sullivan.
Topeka Livestock Auct. Inc., Wakarusa.
Valleydale Stockyard, Burlington.
Wabash Valley Order Buyers Inc., Arcadia.
Wabash Valley Order Buyers Inc., Bippus.
Wabash Valley Order Buyers Inc., Clarks Hill.
Wabash Valley Order Buyers Inc., Monon.
Wabash Valley Order Buyers Inc., Rossville.
Wabash Valley Order Buyers Inc., Valparaiso.
Wabash Valley Order Buyers Inc., Warsaw.
Wabash Valley Order Buyers Inc., Wolcott.
Whiting & Decker, Vincennes.
Winner Order Buyers, Converse.
Winner Order Buyers, Warren.
Zechiel Stockyards, Knox.

IOWA

Albertson Feed & Livestock, Lime Springs.
Allerton Sale Company, Allerton.
Armour & Company, Mt. Ayr.
Armour & Company, Shenandoah.
W. J. Armstrong, Chester.
Banks Hog Yards, Seymour.
Brighton Stockyards, Brighton.
Brookhiser (W. H.) & Sons, Wever.
Delbert Bullard, West Point.
Burton's Relay, Clio.
Decker Livestock, Chariton.
J. G. Foecke & Company, Hillsboro.
J. G. Foecke & Company, Pilot Grove.
Hygrade Food Products Corporation, Clarinda.
Lucas Hog Yard, Bedford.
McCreary Hog Market, Centerville.
Milton Hog Company, Milton.
Miskimins Hog Yard, Seymour.
Moore Hog Yards, Braddyville.
Ralph Mullenbach, Stacyville.
Myers Livestock, Creston.
New Albin Stockyard, New Albin.
Verle Perkins Hog Market, Centerville.
Petefish Scale Yards, Bloomfield.
Simmons Hog Buyer, Farmington.
Steeples Hog Market, Bonsparte.
Weerheim Livestock, Rock Rapids.

KANSAS

Altoona Stockyards, Altoona.
Chandler Livestock Auction, Inc., Smith Center.
Clougherty Packing Co., Marysville.
Kansas Hog Co., Morland.
Lowe & Sons Finished Hog Buyers, Girard.
Lowe & Sons Finished Hog Buyers, Mound City.
Luckeroth Hog Market, Seneca.
McKinley-Winter Livestock Comm. Co., Dodge City.
Mauer-Neuer Packing Co. Buying Sta., Independence.
NFO Hog Buying Station, Marysville.
Palmer Feedlot, Independence.
Wilson Buying Station, Independence.

KENTUCKY

Adair County Stockyards, Columbia.
Berry, R. B. & Son, Clinton.
Breckinridge Lvstk. Center, Irvington.
Brown & Whayne Livestock Co., Clinton.
Burkesville Stockyards, Burkesville.
Carnes, Billy Stockyards, Leitchfield.
Clinton Lvstk. Reload Collection Point, Clinton.
Edmonton Livestock Market, Edmonton.
Faire Stockyards, Bardwell.
Farmers Livestock Market, Mayfield.
Field Packing Co. Stockyard, Owensboro.
Franklin Livestock Market, Franklin.
Green County Stockyards, Greensburg.
Heinhold Hog Markets, Inc., Fancy Farm.
Heinhold Hog Markets, Marion.
Heinhold Hog Markets, Inc., Morganfield.
Horse Cave Lvstk. Market, Horse Cave.
Louisa Stockyards, Louisa.
Mantle Stockyard, Bardwell.
Mayfield Livestock Company, Mayfield.
Morganfield Stockyards, Morganfield.
Nichols Stockyard, Milburn.
Ohio Valley Producers, Corydon.
Ohio Valley Producers Lvstk. Assn., Inc., Clinton.
Olive Hill Stockyards, Olive Hill.
Paducah Livestock Company, Ledbetter.
Smith Livestock Co., Symsonia.
Square Deal Slaughter Swine Stkyd., Nancy.
Walton Sales Barn, Walton.
Wayne County L/S Market, Monticello.

LOUISIANA

Homer Livestock Commission Co., Homer.

MARYLAND

Adkins Livestock, Inc., Parsonburg.
Esskay Buying Station, Baltimore.
Esskay Buying Station, Wye Mills.

MASSACHUSETTS

Farmers Live Animal Market Exchange, Inc., Littleton.
Northampton Cooperative Livestock Auction, Whately.

MICHIGAN

Adams Sale Barn, Andy, Hillsdale.
Bordner, Clare, Burr Oak.
Camden Stockyards, Camden.
Coldwater Livestock Auction, Coldwater.
Dundee Livestock Sales, Inc., Dundee.
Heinold Hog Markets, Inc., Burlington.
Heinold Hog Markets, Inc., Jones.
Linsmeier Livestock Auction, Menominee.
Lugbill Bros., Morenci.
Michigan Live Stock Exchange, Battle Creek.
Michigan Livestock Exchange, Cassopolis.
Michigan Livestock Exchange, Manchester.
Napoleon Lvst. Commission Co., Napoleon.
Tecumseh N.F.O. Collection Point, Britton.
Westfall Stockyards, Hillsdale.

MINNESOTA

Breckenridge Livestock, Breckenridge.
Johnson Livestock Market, Windom.
Lakefield N.F.O. Collection Point, Lakefield.
Rosen Livestock, Fairmont.

MISSISSIPPI

Max Alman's Assembly Point, Pelahatchie.
S. K. Askew Assembly Point, Edwards.
Billingsley's Auction Sale, Inc., Senatobia.
R. C. Bryan Farms, West Point.

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Central Livestock Company, Brandon.
Clarksdale Livestock Sales Company, Clarksdale.
Decatur Stockyards, Inc., Decatur.
Donald & Vines Assembly Point, Morton.
East Mississippi Farmer's Livestock Company, Philadelphia.
Fairchild Livestock Commission, Co., Hazlehurst.
Felder's Livestock Sales Company, Summit.
George County Stockyards, Inc., Lucedale.
Harrell's Stockyard, Morton.
Bill Ivey's Stockyard Inc., Liberty.
Laurel Stockyards, Laurel.
Lincoln, County Livestock Commission Company, Brookhaven.
Lipscomb Commission Company, Como.
Livestock Producers Association, Tylertown.
A. D. Lum Assembly Point, Vicksburg.
Meridian Stockyards, Inc., Meridian.
Mississippi Farmer's Livestock Co., Philadelphia.
Moore & Woods Commission Company, Inc., Macon.
Edward McCaughn Assembly Point, Morton.
D & O McCrory Assembly Point, Morton.
New Albany Sales Co., New Albany.
Oxford Livestock Commission Company, Oxford.
Pontotoc Livestock Commission Company, Pontotoc.
Ripley Sale Company, Ripley.
Riverside Stockyards, Inc., Monticello.
S & A Livestock, Inc., Tupelo.
Smith Brothers Stockyard, Poplarville.
T. Smith Livestock (Order buyer), Hattiesburg.
Spicer Brothers, Tupelo.
Starkville Livestock Auction, Starkville.
Stockyards, Inc., Tupelo.
Stringer Sale Barn, Columbia.
Tadlock Stockyards, Forest.
Jack Theobald (Order buyer), Oxford.
Tri-State Stockyards, Inc., Greenville.
West Point Stockyards, Inc., West Point.
Winston County Community Sale, Louisville.

MISSOURI

Anesi (L. P.) Buying Station, Kirksville.
Armour Hog Market, Corder.
Browning & Crowe Order Buyers, Monroe City.
Browning & Crowe Order Buyers, Paris.
Burrus & Troutman Lvstk. Market, Brashear.
Burrus & Troutman Livestock, Memphis.
Callao Sale Barn, Callao.
Central Hog Market, Rich Fountain.
Clinton Hog Market, Clinton.
Constable Stockyards, Princeton.
Direct Lvstk. Buyers, Inc., Marshall.
Eldon Hog Market, Eldon.
Ferguson Hog Market, Sedalia.
Four Rivers Collection Point, Labadie.
Harkins Livestock Company, Trenton.
Heinold Hog Buyers, Inc., Bowling Green.
Heinold Hog Market, Hawk Point.
Heinold Hog Market, King City.
Heinold Hog Market, LaBelle.
Heinold Hog Market, Maryville.
Heinold Hog Market, Monroe City.
Heinold Hog Market, Inc., Tarkio.
Heinold Hog Market, Inc., Wellsville.
Holton Hog Market, Browning.
Interstate Producers Livestock Association, Albany.
Interstate Producers Livestock Association, Callao.
Interstate Producers Livestock Association, Cape Girardeau.
Krey Stockyards, Eolia.
Lamonte Livestock Collection Point, Lamonte.
Lewis & Son Hog Buyers, Glasgow.
Lockwood NFO Collection Point, Lockwood.
Maryville NFO Collection Point, Maryville.
Mayer (Oscar) Stockyards, Brookfield.
Mayer (Oscar) Stockyards, Macon.
Mayer (Oscar) Stockyards, Palmyra.
Mayer (Oscar) Stockyards, Shelbina.
MFA Hog Market, Boonville.
MFA Hog Market, Carrollton.
MFA Hog Market, Centerview.
MFA Hog Market, Chillicothe.
MFA Hog Market, Marshall.
MFA Hog Market, Salisbury.
MFA Hog Market, Sedalia.
MFA Livestock Association, Gallatin.
MFA Livestock Association, Moberly.
MFA Livestock Association, Lexington.
MFA Livestock Association-Buying Station, Stanberry.
MFA Livestock Association, Tipton.
McCallister Hog Buying Station, Marshall.
Miskimins Hog Yards, Princeton.
Monticello Livestock Order Buyers, Monticello.
NFO Cameron Collection Point, Cameron.
Oregon Swine Buying Station, Oregon.
Osage County Hog Buying Station, Linn.
Palmyra Livestock Auction, Palmyra.
Penn Packing Company—Hog Buying Station, Unionville.
Rains Livestock, Poplar Bluff.
Reeds Livestock Company, Dexter.
Reed Livestock Market, Mountain Grove.
Rhodes Hog Buying Station, Milan.
Shell Feed & Supply Company, Fredericktown.
Shell Feed & Supply Company, Jackson.
Shell Feed & Supply Company, Lutesville.
Shell Feed & Supply Company, Perryville.
Southeast Missouri Stockyards Company, Oran.
Tarkio Hog Yards, Tarkio.
Thomas (A. C.) & Son, Syracuse.
Warnock, Carroll Stockyards, Lineville.
Warnock Stockyards, Trenton.
West Plains City Scales, West Plains.
Wilson Certified Foods, Inc., Marshall.
Wilson Hog Buying Station, Greenfield.

MONTANA

Glendive Livestock Sales Co., Glendive.

NEW JERSEY

Flemington Agricultural Marketing Co-op. Association, Inc., Flemington.
Jaeger's Livestock Market, Sussex.

NEW YORK

Empire Livestock Marketing Cooperative, Inc., Waterloo.
Luther's Livestock Comm. Market, Wassaic.

NORTH CAROLINA

M. D. Baker Hog Market, Tyner.
Brite-Tatum Livestock Auction, Elizabeth City.
Chadbourn Livestock Market, Chadbourn.
Creech Livestock Market, Inc., Norlina.
Greenville Livestock Sales, Greenville.
Greenville Stock Yard, Greenville.
Gwaltney-Hertford Livestock Market, Hertford.
J & R Hog Market, Lumberton.
George P. Kittrell & Sons, Inc., Market, Corapeake.
Gus Z. Lancaster Stockyards, Inc., Rocky Mount.
Laurinburg Livestock Market, Laurinburg.
Miller and Humphlett, Winfall.
Murphy L/S Auction Co., Murphy.
Smithfield Packing Co. Hog Buying Station, Murfreesboro.
Valleydale Packers, Inc., Hog Buying Station, Henderson.
R. G. Whitley and Son, Inc. Hog Buying Station, Como.

NORTH DAKOTA

Armour & Co., Wahpeton.
C. M. Cook Hog Yard, Hettinger.
Dakota Meats Inc., Minot.
Dakota Pork, Inc., Jamestown.
Larsen Bros., Carl & Howard Larsen, Kenmare.
NFO Collection Point, Beach.
Wahpeton L/S Co., Inc., Wahpeton.

OHIO

Bauman Stockyard, Inc., Napoleon.
Merle A. Bussert Livestock, Amanda.
Chickasaw Stockyard, Chickasaw.
Gamboe Stockyard, Pioneer.
Harvey L/S Inc., Coldwater.
Harpster Stockyard, Ashland.
Heinold Hog Market, Gettysburg.
Interstate Farmers Livestock Company, Oxford.
Kleinhenz Brothers Stockyard, Celina.
Kleinhenz Brothers Stockyard, Ft. Recovery.
Kleinhenz, Inc., St. Marys.
Kloeppel Livestock, Sidney.
Cleveland Livestock Market, Inc., Cleveland.
Paul D. Krill Market, Edgerton.
Lugbill Brothers, Fayette.
Lugbill Brothers, Wauseon.
Middleton Stockyards, Inc., New Madison.
Ohio Valley L/S Corp., d/b/a Lewisberg, Livestock Yard, Lewisberg.
Producers Livestock Association, Greenville.
Philothea Stockyards, Coldwater.
Don H. Smith Stockyard, Port Recovery.
L. B. Stemen Stockyard, Middle Point.
P. B. Stewart, Edon.
Tuente Stockyards, Saint Sebastian.
Tuente Stockyards, Yorkshire.
Ward Livestock, Stryker.
Werling & Sons, Inc., d/b/a Burkettsville Stockyard, Burkettsville.
Jerome Winner Stockyard, New Weston.
Robert Winner Sons, Inc., Osgood.

OKLAHOMA

Kelly (Arthur) Stockyards, Muskogee.
Mauer-Neuer Hog Buying Station, Alva.
Mauer-Neuer, Inc., Enid.
Small Hog Co., Tacoma.
Woodward Hog Buying Station, Woodward.
Oklahoma City National Stockyards, Oklahoma City.

PENNSYLVANIA

Black, Edgar K., Skippack.
Border, K. M. Livestock, Dover.
Craig, Wayne F. & Son, Shippensburg.
New Holland Sales Stable, Inc., New Holland.
Sellers, W. R., Greencastle.
Vintage Sales Stable, Inc., Paradise.
Lancaster Stockyards, Inc., Lancaster.

SOUTH CAROLINA

P. L. Bruce Stockyard, Greenville.
Chesnee Livestock Company, Chesnee.
Dorchester Marketing Association, St. George.
S. C. Farm Bureau Market Association, Orangeburg.
Farmers Livestock Market, Leesville.
Greenwood Stockyard, Inc., Greenwood.
Herndon Stockyard, Inc., Yemassee.
Loris Livestock Market, Loris.
M & R Livestock Company, Nichols.
M & R Livestock Company, Ruffin.
Spartanburg Livestock Market, Spartanburg.
S & S Milling Company, Hemingway.
John C. Taylor Stockyard, Anderson.
York County Stockyards, York.

TENNESSEE

Athens Livestock Auction Company, Athens.
Bryan, R. D., Morrison.
Buford, John, Buying Station, Celina.
C & M Livestock Market, Jamestown.
Caldwell Livestock, Inc., Jackson.
Chattanooga Union Stockyard, Chattanooga.
Clarksville Livestock Company, Clarksville.
Clarksville Livestock Market, Clarksville.
Cleveland Livestock Auction Co., Inc., Cleveland.
Clinton Livestock Auction Co., Inc., Clinton.
Coffee County Livestock Market, Manchester.
Collierville Livestock Auction Co., Collierville.

Cookeville Livestock Company, Inc., Cookeville.
Covington Sales Company, Covington.
Crockett County Sales Company, Maury City.
Cumberland City Stockyard, Cumberland City.
DeKalb County Livestock Company, Alexandria.
Dickson Livestock Center, Dickson.
East Tennessee Livestock Center, Inc., Sweetwater.
Farmers Auction Company, Fayetteville.
Farmers Commission Company, Carthage.
Farmers Livestock Exchange, Union City.
Farmers Livestock Market, Greeneville.
Gamaliel Livestock Market, Inc., Gamaliel.
Giles County Stockyard, Pulaski.
Greeneville Livestock Company, Inc., Greeneville.
Hardin County Stockyards, Savannah.
Hartsville Livestock Market, Hartsville.
Henderson Sales Company, Henderson.
Jackson County Commission Company, Gainesboro.
Johnson City Livestock Market, Johnson City.
Jonesboro Livestock Yard Inc., Telford.
Kingsport Livestock Market, Kingsport.
Lawnce County Stockyards, Lawrenceburg.
Lewis County Stockyard, Hohenwald.
Lexington Sales Company, Lexington.
Logan Livestock Company, Union City.
McNairy County Livestock & Auction Corp., Selmer.
Macon County Livestock Market, Lafayette.
Mid-South Livestock Commission Company, Columbia.
Middleton Sales Company, Middleton.
Morristown Stockyards, Inc., Morristown.
Murfreesboro Livestock Market Company, Murfreesboro.
New Tazewell Livestock Market, New Tazewell.
Newbern Livestock Company, Newbern.
David Via d/b/a Newbern Sales Company, Inc., Newbern.
Newbern Sales Company, Inc., Newbern.
Newport Livestock Auction Company, Newport.
Nichols & Moore Sales Barn, Thompson Station.
Oliver Livestock Company, Union City.
Paris Livestock Commission Company, Paris.
Peoples Stockyard, Fayetteville.
Peoples Livestock Market, Cookeville.
Plateau Livestock Exchange, Crossville.
Pulaski Stockyard, Pulaski.
Ramsey, Bob, Viola.
Rhea County Livestock Auction Co., Inc., Dayton.
Rogersville Livestock Market, Rogersville.
Sampson Livestok Auction, Lewisburg.
Scotts Hill Auction Company, Inc., Scotts Hill.
Sevier County Livestock Auction, Co., Seymour.
Shelbyville Livestock Market, Shelbyville.
Smith County Commission Company, Inc., Carthage.
Smithville Livestock Market, Smithville.
Southern Livestock Auction Company, Columbia.
Southwestern Sales Company, Inc., Huntingdon.
Tennessee Livestock Producers, Inc., Fayetteville.
Tennessee Livestock Producers, Inc., Woodbury.
Thompson Livestock Company, Obion.
Trenton Livestock Sales, Trenton.
Tri-County Stockyards, McKenzie.
Charles B. Davis & W. B. Lackery d/b/a Tri-State Lvstk. Comm. Co., Inc., Chattanooga.
South Memphis Stockyards, Memphis.
Trousdale County Livestock Market, Hartsville.
Union Livestock Yards, Inc., Knoxville.
Unionville Livestock Market, Unionville.
Ward, William Livestock, South Fulton.
Warren County Livestock Company, McMinnville.
West Tennessee Auction Company, Martin.
White County Livestock Market, Sparta.
Wilson County Livestock Market, Lebanon.
Wilson Livestock Market, Newport.

TEXAS

Breckenridge Stockyards, Breckenridge.
Clifton Livestock Commission Company, Clifton.
Meridian Livestock Auction, Meridian.
Moore's Livestock Commission Company, Inc., McKinney.
Muenster Livestock Auction, Muenster.
Port City Stockyards Company, Sealy.

UTAH

Unitah Sales Barn, Inc., Roosevelt.

VIRGINIA

Abingdon Livestock Market, Inc., Abingdon.
Albemarle Livestock Market, Inc., Charlottesville.
Bedford Livestock Market, Inc., Bedford.
Caret Livestock Collection Point, Caret.
Christiansburg Livestock Market, Inc., Christiansburg.
Creech Livestock Market, Inc., South Hill.
Eddins Livestock Market, Standardsville.
Emporia Hog Market, Emporia.
Farmers Livestock Market, Inc., Ewing.
Fauquier Livestock Exchange, Inc., Marshall.
Fredericksburg Stockyards, Inc., Fredericksburg.
Front Royal Livestock Market, Front Royal.
Galax Livestock Market, Inc., Galax.
Leonard Harrell Livestock, Chesapeake.
Lee Farmers Livestock Market, Inc., Jonesville.
Leesburg Livestock Market, Leesburg.
Lottsburg Buying Station, Lottsburg.
Lynchburg Livestock Market, Lynchburg.
McComb & Block, Inc. (Buying Station), Lawrenceville Hog Market, Lawrenceville.
Madison Livestock Market, Inc., Madison Mills.
Monterey Livestock Sales, Inc., Monterey.
Narrows Livestock Market, Inc., Narrows.
Old Dominion Livestock, Inc., Culpeper.
Pearce's Livestock Market, Holland.
Phenix Livestock Market, Phenix.
Pulaski County Livestock Market, Dublin.
Roanoke Livestock Market, Roanoke.
Roanoke-Hollins Livestock Market, Hollins.
J. L. Rose Buying Stations, Courtland.
J. L. Rose Buying Stations, Wakefield.
Saluda Buying Station, Glennis.
Scott County Livestock Market, Gates City.
Shen-Valley Buying Station, Dillwyn.
Shen-Valley Buying Station, Madison Mills.
Smithfield Packing Company Buying Station, Courtland.
Smithfield Livestock Market, Inc., Smithfield.
South Boston Livestock Market, South Boston.
Southside Stockyards, Inc., Blackstone.
Tazewell Livestock Market, Inc., Tazewell.
Tri-State Livestock Market, Inc., Abingdon.
Victoria Livestock Market, South Hill.
B. C. Umbargers Assembly Yard, Wytheville.
Wytheville Livestock Market, Inc., Wytheville.

WEST VIRGINIA

Alderson Livestock Market, Alderson.
Bridgeport Stockyards, Inc., Bridgeport.
Buckhannon Stockyards, Buckhannon.
Elkins Stockyards, Inc., Elkins.
Mannington Livestock Sales, Inc., Mannington.
New River Livestock Market, Beckley.
Pocahontas Producers Co-op Asan., Marlinton.
South Branch Stockyard, Inc., Moorefield.
Weston Livestock Sales Co., Weston.

WISCONSIN

Berning, Al, Cuba City.
Condon, M. J. & Son, Broadhead.
Condon, M. J. & Son, Juda.
Darlington NFO Stockyards, Darlington.
Dubuque Packing Company Stockyards, Browntown.
Dubuque Stockyards, Gratiot.
Dubuque Stockyards (Kuhl's), Hazel Green.
Ellsworth NFO Collection Point, Ellsworth.
Grant County Livestock Exchange, Hazel Green.
Mayer, Oscar & Company, Avalon.
Mayer, Oscar & Company, Cuba City.
Mayer, Oscar & Company, Darlington.
Mayer, Oscar & Company, Monroe.
Mayer, Oscar & Company, Prairie du Chien.
Mayer, Oscar & Company, Shullsburg.
Milwaukee Stockyards, Milwaukee.
Mondovi NFO Collection Point, Mondovi.
Rock County Reload Market, Hanover.
Treuthart, Emil, Juda.

The following livestock markets are deleted from the specifically approved lists:

ALABAMA

J. H. Witherington, Evergreen.

ARKANSAS

Beebe Auction Company, Beebe.
North Arkansas Feeder Pig Association, Batesville.
Rector Auction, Rector.
Southeast Arkansas Feeder Pig Association, Warren.
Stone County Auction, Arkadelphia.

COLORADO

Grand Junction Livestock Center, Grand Junction.

DELAWARE

Mar-Del Farms, Marydel.

ILLINOIS

Harry Elliott, Lyndon.
Heinold Hog Market, Sheldon.
Hempen Stockyards, Warsaw.
LaSalle County Livestock Market, Ottawa.
Souders Stockyards, Brookport.

IOWA

Baxter Sale Company, Baxter.
Leo Happe, Spirit Lake.
Mac's Feeder Supply, Belmond.
Pella Feeder Pig Market, Pella.
Waco Livestock Market, Olds.
W. & W. Livestock Enterprises, Inc., La Porte City.

KANSAS

Frankfort Community Sale, Frankfort.
Moline Auction Company, Moline.
Wilson Certified Foods, Inc., Hog Buying Station, Walnut.

KENTUCKY

Allen County Livestock Market Commission, Scottsville.
Barnes Feeder Pig, Columbia.
Berryman Feeder Pig Barn, Winchester.
Burton's Feed & Supply, Willailla.
Butler & Wilson, Harned.
Clay-Wachs Stockyard, Lexington.
Evans, John Feeder Pig Farms, Corydon.
Glenn May Feeder Pig Barn, Lancaster.
Green Rivers Livestock Center, Beaver Dam.
Green Valley Pig Market, Glasgow.
Ivel Livestock Market, Ivel.
Knox County Stockyard, Barbourville.
McFelia, E. B., Feeder Pig Barn, Munfordville.
Melvin Jones Feeder Pig, Maysville.
Middlesboro Livestock Market, Middlesboro.
Murphy & Jeffries Sale Barn, Mount Eden.
Ohio Valley Producers, Sturgis.

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Russell County Feeder Pig Association, Russell Springs.
Russellville Livestock Market, Russellville.
Shoemaker & Atkins, Murray.
Smithfield Receiving Point, Smithland.
Wright Feeder Pig, Bedford.

LOUISIANA

Delhi Livestock Auction, Delhi.

MARYLAND

Barcus Livestock Sales, Centreville.

MASSACHUSETTES

Richard Madfis, Somerville.
Michelson's Livestock Commission Auction, Inc., South Easton.

MICHIGAN

Alexander Livestock Sale, Three Rivers.
Feyler & Sons, Maurice, Montgomery.
Groholski Brothers, Burlington.

MINNESOTA

Full's Feeder Pig Market, Taunton.
Midwest Livestock Producers Co-operative, Princeton.
Minnesota Feeder Pig Tel-A-Market, Long Prairie.
Minnesota Pig Tel-A-Market, Motley.
Princeton Livestock Market, Princeton.
Rice County Livestock, Fairbault.

MISSISSIPPI

Batesville Livestock Commission Co., Batesville.
Benton County Pork Producers, Ashland.
Central Mississippi Area Feeder Pig Sale, Kosciusko.
Columbus Stockyards, Inc., Columbus.
Fayette Stockyards, Inc., Fayette.
Forrest County Livestock Market, Hattiesburg.
Gulfport Livestock Yards, Gulfport.
J. C. Harrel Assembly Point, Morton.
Highway 84 Stockyard, Laurel.
Magee Area Feeder Pig Sale, Magee.
Mississippi Livestock Producers Association (North Yard), Jackson.
Poplarville Area Feeder Pig Sale, Poplarville.
Philadelphia Stockyards, Inc., Philadelphia.
Southwest Stockyards, Inc., Port Gibson.
Stephens, R. H. (Order Buyer), Hattiesburg.

MISSOURI

Armour & Company, Mercer.
Buffalo Sale Barn, Buffalo.
Bull Shippers, Inc., Nevada.
Esther & Vernon, Inc., Lebanon.
Farmers Auction Company, Mountain Grove.
Gainesville Sale Barn, Gainesville.
Gibson Livestock Auction, Bloomfield.
Interstate Producers Livestock Association, Richmond.
K & K Livestock Buyers, Mexico.
Keen Livestock, Seneca.
Mansfield Livestock Auction, Mansfield.
Millemon Concentration Yards, Bethany.
Mountain Grove Auction Company, Mountain Grove.
Rochland Livestock Exchange, Richland.
Schleni Livestock Company, Salisbury.
Thayer Sale Company, Thayer.
Urbana Sale Barn, Urbana.
West Plains Livestock Auction, West Plains.

NEBRASKA

Chadron Sales Company, Inc., Chadron.
Crawford Livestock Auction Market, Inc., Crawford.
Fairbury Livestock Company, Fairbury.
Gordon Livestock Auction Company, Inc., Gordon.
Producers Livestock Marketing Association, McCook.
Valentine Livestock Auction, Inc., Valentine.

NEW JERSEY

Cowtown Auctioneers, Woodstown.

NORTH CAROLINA

Fayetteville Regional Graded Feeder Pig Sale, Fayetteville.
W. R. Ralph Auction Market, Elizabeth City.
Stallings Hog Market, Hobbsville.
Whiteville Livestock Auction, Inc., Whiteville.

NORTH DAKOTA

Harrington Bros. Livestock, Inc., Minot.
Kamrath Auction Market, Mott.
Valley City Livestock Auction, Valley City.

OHIO

Athens Livestock Sales, Co., Inc., Athens.
Ray Busse, New Bremen.
Canfield Livestock Auction, Canfield.
The M & R Livestock, Lewisburg.
National Farmers Organization, d/b/a Ohio Indiana Buying Station, Lewisburg.
Producers Livestock Association, Irwin.
Producers Livestock Association, Lancaster.

OKLAHOMA

Blackwell Livestock Auction, Blackwell.
Dewey Livestock Sale Company, Dewey.
Elk City Livestock Auction, Elk City.
Salina Pig Sales, Salina.
Triangle Livestock Company, Alva.
Warner Sale and Livestock Auction, Warner.

SOUTH CAROLINA

The J. W. Conder Company, Columbia.
Homewood Livestock Auction, Conway.
Nichols Auction Market, Nichols.
Pickens Auction Market, Pickens.
S & T Stockyard, Bennettsville.

SOUTH DAKOTA

Centerville Livestock Auction, Inc., Centerville.

TEXAS

Cleburne Livestock Sale, Cleburne.
Corsicana Livestock Market, Inc., Corsicana.
Ennis Auction Company, Inc., Ennis.
Farmers and Ranchers Livestock Commission Co., Paris.
Groesbeck Commission Company, Groesbeck.
McKinney Stockyards, Inc., McKinney.
Waxahachie Livestock Commission, Inc., Red Oak.

WASHINGTON

Mings & Mings, Walla Walla.

WEST VIRGINIA

Jackson County Livestock Market, Ripley.
Spencer Livestock Exchange, Spencer.
Union Livestock Sales Company, Parkersburg.

WISCONSIN

Martin Acker Livestock Market, De Forest.
Ernest Dittner Livestock Market, Spencer.
Equity Co-op Livestock Market, Bonduel.
Equity Co-op Livestock Market, Richland Center.
Equity Co-op Livestock Market, Sparta.
Kuehne Livestock Auction Market, Seymour.
Stanley Stevens, Loyal.
Cyril Weber Livestock Market, Menomonie.

Effective date. The foregoing notice shall become effective March 20, 1973.

This action imposes certain restrictions necessary to prevent the spread of hog cholera and relieves certain restrictions presently imposed. It should become effective promptly in order to accomplish its purpose in the public interest and to be of maximum benefit to persons subject to the restrictions which are relieved. Accordingly, under the administrative procedure provisions of 5 U.S.C. 553, it is found upon good cause that notice and other public procedure with respect to this action are impracticable and contrary to the public interest, and good cause is found for making this notice effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 15th day of March 1973.

J. M. HEJL,
Acting Deputy Administrator, Veterinary Services, Animal and Plant Health Inspection Service.

[FR Doc.73-5319 Filed 3-19-73;8:45 am]

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WEDNESDAY, MARCH 21, 1973

WASHINGTON, D.C.

Volume 38 ■ Number 54

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FAA—Control zone, proposed alteration 5350; 2–28–73

—Limited IFR air taxi operators. 2989; 1–31–73

FMC—Foreign discrimination affecting U.S. ships; regulations to adjust or meet conditions unfavorable to shipping in the foreign trade 6191; 3–7–73

First published at 27638; 12–19–72

FPC—Utilization and conservation of natural gas 5194; 2–26–73

First published at 1519; 1–8–73

FTC—Endorsements and testimonials in advertising; guides concerning use. 6191; 3–7–73

First published at 25548; 12–1–72

SEC—Broker-dealers effecting transactions in options standards of suitability..... 4994; 2–23–73

—Certain writings and endorsements of put or call options; exemptions. 4993; 2–23–73

—Investing company advertising and statement required in prospectus. 4417; 2–14–73

—Mutual fund shares; quantity discounts for certain group purchases..... 1284; 1–11–73

Weekly List of Public Laws

This is a listing of public bills enacted by Congress and approved by the President, together with the law number, the date of approval, and the U.S. Statutes citation. Subsequent lists will appear every Wednesday in the FEDERAL REGISTER, and copies of the laws may be obtained from the U.S. Government Printing Office.

H.J. Res. 334..... Pub. L. 93–10
National Employ the Older Worker Week (Mar. 15, 1973; 87 Stat. 8)

H.R. 3694..... Pub. L. 93–11
American Revolution Bicentennial Commission, appropriation (Mar. 15, 1973; 87 Stat. 9)

Rules and Regulations

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.

The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

Title 5—Administrative Personnel

CHAPTER I—CIVIL SERVICE COMMISSION

PART 213—EXCEPTED SERVICE

Department of Labor

Section 213.3315 is amended to show that five positions of Security Aid to the Secretary are excepted under Schedule C.

Effective on March 21, 1973, § 213.3315 (a) (30) is added as set out below.

§ 213.3315 Department of Labor.

(a) *Office of the Secretary.* • • •

(30) Five Security Aids to the Secretary.

• • • • • •

(5 U.S.C. secs. 3301, 3302, E.O. 10577; 3 CFR 1954–58 Comp. p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.73–5344 Filed 3–20–73;8:45 am]

Title 7—Agriculture

CHAPTER VII—AGRICULTURAL STABILIZATION AND CONSERVATION SERVICE (AGRICULTURAL ADJUSTMENT), DEPARTMENT OF AGRICULTURE

SUBCHAPTER B—FARM MARKETING QUOTAS AND ACREAGE ALLOTMENTS

PART 722—COTTON

Subpart—1973 Crop of Upland Cotton; Base Acreage Allotments

COUNTY RESERVES

Correction

In FR Doc. 73–2469 appearing at page 3951 in the issue for Friday, February 9, 1973, in the portion of the table for Louisiana appearing in the third column on page 3952, the 11th entry in the "Parish" portion of the right-hand column, now reading "West" should be transferred to appear with the last entry, which should thus read "West Winn".

Title 14—Aeronautics and Space

CHAPTER I—FEDERAL AVIATION ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Airspace Docket No. 73–NW–5]

PART 71—DESCRIPTION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE AND REPORTING POINTS

Alteration of Control Zone

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to alter the description of the North Bend, Oreg., control zone.

The city of North Bend, owner and operator of the Barview NDB, has advised the Federal Aviation Administration that they intend to cease operations of the Barview NDB on or about May 15, 1973. As part of the North Bend control zone is described by reference to a bearing from the Barview NDB, action is taken herein to reflect this change.

Since this change is minor in nature and imposes no additional burden on any person, notice and public procedure hereon is unnecessary.

In consideration of the foregoing, § 71.171 (38 FR 351) as amended in Airspace Docket No. 72–NW–2 (38 FR 5341) is further amended, as follows:

After the phrase, "• • • North Bend VORTAC 111° radial extending from the 5 mile radius zone to 4.5 miles east of the VORTAC," delete "within 3 miles each side of the 337° bearing from the Barview RBN, extending from the 5-mile radius zone to 7 miles northwest of the RBN;" the remainder of the description remains as published.

Effective date. This amendment will be effective 0901 G.m.t. May 24, 1973.

(Sec. 307(a), Federal Aviation Act of 1958, as amended, 49 U.S.C. 1348(a); sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Seattle, Wash., on March 9, 1973.

C. B. WALK, Jr.,
Director, Northwest Region.

[FR Doc.73–5341 Filed 3–20–73;8:45 am]

[Airspace Docket No. 72–SW–77]

PART 73—SPECIAL USE AIRSPACE

Designation of Restricted Area

On January 15, 1973, a notice of proposed rule making (NPRM) was published in the FEDERAL REGISTER (38 FR 1511) stating that the Federal Aviation Administration (FAA) was considering an amendment to Part 73 of the Federal Aviation Regulations that would designate a new Restricted Area, R–5601D in the vicinity of Fort Sill, Okla.

Interested persons were afforded an opportunity to participate in the proposed rule making through the submission of comments. Only one comment was received and it was favorable.

In consideration of the foregoing, Part 73 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., May 24, 1973, as hereinafter set forth.

In § 73.56 (38 FR 666) the following restricted area is added:

R–5601D FORT SILL, OKLA.

BOUNDARIES

Beginning at latitude 34°38'15" N., longitude 98°38'00" W.; to latitude 34°36'00" N., longitude 98°46'45" W.; to latitude 34°42'15" N., longitude 98°50'00" W.; to latitude 34°45'00" N., longitude 98°40'30" W.; to latitude 34°43'30" N., longitude 98°35'39" W.; to latitude 34°41'58" N., longitude 98°39'43" W.; to latitude 34°41'58" N., longitude 98°45'20" W.; to latitude 34°38'15" N., longitude 98°45'20" W.; to point of beginning excluding the airspace above 6,000 feet MSL south of a line from latitude 34°38'15" N., longitude 98°38'00" W.; to latitude 34°38'15" N., longitude 98°48'00" W.

Designated altitude. Surface to 16,500 feet MSL.

Time of designation. Sunrise to sunset.

Controlling agency. Federal Aviation Administration, Fort Worth ARTC Center.

Using agency. Commanding General, Fort Sill, Okla.

(Sec. 307(a), Federal Aviation Act of 1958, 49 U.S.C. 1348(a); sec. 6(c), Department of Transportation Act 49 U.S.C. 1655(c))

Issued in Washington, D.C., on March 14, 1973.

CHARLES H. NEWPOL,
Acting Chief, Airspace and Air Traffic Rules Division.

[FR Doc.73–5340 Filed 3–20–73;8:45 am]

[Airspace Docket No. 72–EA–113]

PART 75—ESTABLISHMENT OF JET ROUTES AND AREA HIGH ROUTES

Alteration of Jet Route Segments

On December 8, 1972, a notice of proposed rule making (NPRM) was published in the FEDERAL REGISTER (37 FR 26126) stating that the Federal Aviation Administration (FAA) was considering an amendment to Part 75 of the Federal Aviation Regulations that would realign Jet Route No. 48 between Westminster, Md., and Boston, Mass., and would revoke Jet Route No. 575 from its southern terminus at Jet Route No. 64 to Boston, Mass.

Interested persons were afforded an opportunity to participate in the proposed rule making through the submission of comments. All comments received were favorable.

In consideration of the foregoing, Part 75 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., May 24, 1973, as hereinafter set forth.

Section 75.100 (38 FR 681) is amended as follows:

1. In Jet Route No. 48 "Sparta, N.J.; Putnam, Conn.; to Boston, Mass." is deleted and "INT Westminster 043° and Kennedy, N.Y., 252° radials; Kennedy;

V38-54 MAR 21 73 XUM

INT Kennedy 042° and Boston, Mass., 252° radials; to Boston." is substituted therefor.

2. In Jet Route No. 575 Caption, "Yardley, Pa.", is deleted and "Boston, Mass.", is substituted therefor.

In the text "From INT Kennedy, N.Y., 247° and Robbinsville, N.J., 280° radials; via Kennedy; INT Kennedy 042° and Putnam, Conn., 247° radials; Putnam; Boston, Mass."; is deleted and "From Boston, Mass."; is substituted therefor.

(Sec. 307(a), Federal Aviation Act of 1958, 49 U.S.C. 1348(a); sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Washington, D.C., on March 14, 1973.

CHARLES H. NEWPOL,
Acting Chief, Airspace and Air Traffic Rules Division.

[FR Doc.73-5339 Filed 3-20-73;8:45 am]

Title 38—Pensions, Bonuses, and Veterans' Relief

CHAPTER I—VETERANS ADMINISTRATION

PART 21—VOCATIONAL REHABILITATION AND EDUCATION

Combination Correspondence-Residence Programs

On page 2337 of the FEDERAL REGISTER of January 24, 1973, there was published a notice of proposed rule making to add § 21.4279 to make explicit the definition of full-time training for combined correspondence-residence programs. Interested persons were given 30 days in which to submit comments, suggestions, or objections regarding the proposed regulation.

Pursuant to such notice, written comments were received from two interested parties. These comments were directed to changing the law and also referred to programs of education other than by correspondence. The proposed regulation is hereby adopted without change and is set forth below.

Effective date. This VA Regulation is effective March 15, 1973.

Approved: March 15, 1973.

By direction of the Administrator.

[SEAL] FRED B. RHODES,
Deputy Administrator.

Subpart D of 38 CFR Part 21 is amended by adding a new § 21.4279 to read as follows:

§ 21.4279 Combination correspondence-residence program.

(a) A program of education may be pursued partly in residence and partly by correspondence for the attainment of a predetermined and identified objective under the following conditions:

(1) The correspondence and residence portions are pursued sequentially; that is, not concurrently.

(2) It is the practice of the institution to permit a student to pursue a part of his course by correspondence in partial fulfillment of the requirements for the attainment of the specified objective.

(3) The total credit established by correspondence does not exceed the maximum for which the institution will grant credit toward the specified objective.

(b) The rate of educational assistance allowance payable shall be computed as set forth in §§ 21.4270 and 21.4136(a).

(1) The charges for that portion of the program pursued exclusively by correspondence will be in accordance with § 21.4136(a) with 1 month of entitlement charged for each $220 of cost reimbursed.

(2) The charges for the residence portion of the program must be separate from those for the correspondence portion.

[FR Doc.73-5364 Filed 3-20-73;8:45 am]

Proposed Rule Making

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF AGRICULTURE

Agricultural Stabilization and Conservation Service

[7 CFR Part 726]

BURLEY TOBACCO

Determination To Be Made With Respect to Marketing Quota Regulations, 1971–72 and Subsequent Marketing Years

Pursuant to and in accordance with the Agricultural Adjustment Act of 1938, as amended (7 U.S.C. 1281 et seq.), the Department is preparing to amend the Burley tobacco marketing quota regulations pertaining to identification of kinds of tobacco.

The purpose of this document is to give notice of the proposed change in the regulation.

Section 726.80 would be amended to provide that any tobacco produced in the Burley area that is to be marketed in an area where quotas are not in effect, will be considered as Burley unless it is classified by a USDA inspector as another type of tobacco prior to its removal from the Burley area.

Section 726.80 is amended to read as follows:

§ 726.80 Identification of kinds of tobacco.

Any tobacco that has the same characteristics and corresponding qualities, colors, and lengths of Burley tobacco shall be considered Burley tobacco without regard to any factors of historical or geographical nature which cannot be determined by examination of the tobacco. The term "tobacco" with respect to any farm located in an area in which Burley tobacco as classified in Service and Regulatory Announcement No. 118 (Part 30 of this title) of the former Bureau of Agricultural Economics of the U.S. Department of Agriculture, is normally produced shall include all tobacco, excluding other kinds subject to marketing quotas, produced on a farm unless the county committee with the approval of the State committee determines from satisfactory proof furnished by the operator of the farm that a part or all of such tobacco is certified by the Agricultural Marketing Service, U.S. Department of Agriculture, under the Tobacco Inspection Act (7 U.S.C. 511), and regulations issued pursuant thereto, as a kind of tobacco not subject to marketing quotas. Any tobacco produced in the Burley area that is to be marketed in an area where quotas are not in effect, will be considered as Burley unless it is classified by a USDA inspector as another type of tobacco prior to its removal from the Burley area.

Prior to the issuance of the proposed change in the regulation, data, views or recommendation pertaining thereto which are submitted to the Director, Commodity Stabilization Division, Agricultural Stabilization and Conservation Service, U.S. Department of Agriculture, Washington, D.C. 20250, will be given consideration. To be sure of consideration, such submission should be postmarked not later than April 2, 1973. All written submissions made pursuant to this notice will be made available for public inspection from 8:15 a.m. to 4:45 p.m. Monday through Friday, in Room 3629, South Building, 14th and Independence Avenue, SW., Washington, D.C.

Signed at Washington, D.C. on March 15, 1973.

KENNETH E. FRICK,
Administrator, Agricultural Stabilization and Conservation Service.

[FR Doc.73-5396 Filed 3-20-73;8:45 am]

Agricultural Marketing Service

[7 CFR Part 27]

PRICE QUOTATIONS AND DIFFERENCES

Proposed Change in Base Quality

Notice is hereby given, in accordance with administrative procedure provisions in 5 U.S.C. 553, that the Agricultural Marketing Service is considering amendment of §§ 27.96 and 27.97 of the Regulations for Cotton Classification Under Cotton Futures Legislation (7 CFR Part 27, subpart A) to change the base quality from Middling 1 inch to Strict Low Middling $1\frac{1}{16}$ inches, pursuant to authority contained in the cotton futures provisions in sections 4862 and 4863 of the Internal Revenue Code of 1954 (68A Stat. 581, 582; 26 U.S.C. 4862, 4863).

Statement of considerations. Over the years it has been necessary from time to time to change the base quality used in cotton price quotations because of changes in the qualities of cotton produced and marketed. In 1939 the base quality was changed from Middling seven-eighths inch to Middling fifteen-sixteenths inch and in 1956 to the present Middling 1 inch.

In cotton quotations work the price or quotation for the base quality is determined first and stated in cents per pound. Differences are then determined for other qualities and are stated in points per pound (100 points equals 1 cent) as premiums and discounts on or off the base price. To facilitate the establishment of a more accurate base price and provide more meaningful premiums and discounts the base quality should be a quality for which price information is readily obtainable. Production of the current base quality, Middling 1 inch, has amounted to less than 1 percent of annual U.S. production since 1961. In 7 of the last 10 years the predominant quality has been Strict Low Middling 1 inches.

Under the proposal, § 27.96 and paragraph (a) of § 27.97 would be amended by changing "Middling 1 inch" wherever it appears to read "Strict Low Middling $1\frac{1}{16}$ inches."

It is proposed that these amendments would be made effective August 1, 1973, to coincide with the beginning of the 1973 cotton marketing year.

Any person who wishes to submit written data, views, or arguments concerning the proposed amendments may do so by filing them in duplicate with the Office of the Hearing Clerk, U.S. Department of Agriculture, Washington, D.C. 20250, not later than April 6, 1973. All written submissions made pursuant to this notice of rule making shall be made available for public inspection in said office during regular business hours in a manner convenient to the public business (7 CFR 1.27).

Dated: March 16, 1973.

JOHN C. BLUM,
Acting Administrator.

[FR Doc.73-5348 Filed 3-20-73;8:45 am]

[7 CFR Part 981]

ALMONDS GROWN IN CALIFORNIA

Notice of Additional Time for Filing of Written Data, Views, or Arguments

Pursuant to the provisions of the marketing agreement, as amended, and Order No. 981, as amended (7 CFR Part 981), regulating the handling of almonds grown in California, a notice of proposed rule making was published in the March 9, 1973, issue of the FEDERAL REGISTER (38 FR 6395), regarding a proposal to permit crediting handlers' assessment obligations for advertising almond products. The notice afforded interested persons opportunity to file written data, views, or arguments with respect thereto by March 15, 1973. Request for additional time for filing comments has been made. It is necessary that this request be granted so as to afford interested persons an opportunity to further consider the proposal and to file written comment thereon.

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Notice is hereby given that additional time is granted to file written data, views, or arguments on the proposal with the Hearing Clerk, U.S. Department of Agriculture, Room 112, Administration Building, Washington, D.C. 20250. Such comments must be received by the Hearing Clerk by 5 p.m., e.s.t., April 2, 1973.

All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular hours (7 CFR 1.27(b)).

Dated: March 15, 1973.

CHARLES R. BRADER,
Acting Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc.73-5350 Filed 3-20-73;8:45 am]

[7 CFR Part 1099]

[Docket No. AO 183-A28]

MILK IN THE PADUCAH, KY., MARKETING AREA

Decision on Proposed Amendments to Marketing Agreement and To Order

A public hearing was held upon proposed amendments to the marketing agreement and the order regulating the handling of milk in the Paducah, Ky., marketing area. The hearing was held, pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice (7 CFR Part 900), at Paducah, Ky., on December 12, 1972, pursuant to notice thereof issued on November 15, 1972 (37 FR 24760).

Upon the basis of the evidence introduced at the hearing and the record thereof, the Deputy Administrator, Regulatory Programs, on February 13, 1973 (38 FR 4671), filed with the Hearing Clerk, U.S. Department of Agriculture, his recommended decision containing notice of the opportunity to file written exceptions thereto.

The material issue, findings and conclusions, ruling, and general findings of the recommended decision are hereby approved and adopted and are set forth in full herein.

The material issue on the record of the hearing relates to the Class I price.

FINDINGS AND CONCLUSIONS

The following findings and conclusions on the material issue are based on evidence presented at the hearing and the record thereof:

The Class I price should be the basic formula price (Minnesota-Wisconsin manufacturing milk price) for the second preceding month plus $1.70.

This formula will effect a 15-cent reduction in the Paducah Class I price, which is now determined by adding 25 cents to the St. Louis-Ozarks order Class I price for the same month. Under the St. Louis-Ozarks order, the Class I price is the basic formula price for the second preceding month plus $1.60. Thus, in effect, the current Paducah Class I price is the basic formula price for the second preceding month plus $1.85.

The 15-cent Class I price reduction was proposed by a major handler in the market whose plant is located at Paducah, Ky. He contended that the present Class I price ($7.17 per hundredweight in January 1973) is improperly aligned with Class I prices paid by handlers in surrounding Federal order markets and that the resulting price relationships place him at a disadvantage in competing for fluid sales with such handlers.

Proponent competes for Class I sales both within and outside the Paducah marketing area with handlers regulated under the St. Louis-Ozarks, Central Arkansas, Southern Illinois, Memphis, Louisville-Lexington-Evansville, Nashville, and Paducah orders. Handlers from each of these markets currently have route disposition in the Paducah marketing area. In each of the first 10 months of 1972, the number of other order plants having regular route disposition in the Paducah marketing area never fell below 12.

Paducah handlers compete with these same plants outside the marketing area. To the immediate north, in southern Illinois, Paducah handlers compete with handlers out of St. Louis where the price is 25 cents less than the Paducah f.o.b. market price and with Indiana plants regulated under the Louisville-Lexington-Evansville order with a 36-cent lesser price. They also compete with a Southern Illinois regulated plant located at Harrisburg, Ill. The Class I price at the Harrisburg plant is also 25 cents less than the Paducah Class I price.

Similarly, to the west of the marketing area in southeastern Missouri, proponent competes with St. Louis-based handlers. Proponent also competes with a St. Louis regulated handler whose plant is located at Cape Girardeau, Mo. At the present time, the price at Cape Girardeau is 10 cents less than the Paducah Class I price. However, official notice is taken that the Assistant Secretary has determined in a decision issued February 8, 1973, that the St. Louis-Ozarks Class I price applicable at Cape Girardeau be reduced 8 cents. This would result in the Cape Girardeau plant having an 18-cent lesser price than Paducah handlers.

To the east of the Paducah marketing area, Paducah handlers compete with handlers regulated under the Louisville-Lexington-Evansville and Nashville orders where lower prices likewise apply.

The Paducah marketing area is located in a predominantly agricultural region. Milk production in and around the market substantially exceeds the market's fluid requirements. Neighboring fluid milk markets also draw milk from the same region. The plants of Paducah regulated handlers are scattered through the milkshed in close proximity to the farm supply. Farm to plant hauling costs are generally less, when milk is delivered to Paducah regulated plants, than when delivered to plants in surrounding markets. Hence, it is clear that a price substantially higher than in surrounding markets is not necessary to maintain an adequate supply for the Paducah market.

Price alignment among regulated markets where intermarket handler competition occurs can be an important factor affecting market stability for producers supplying a given market. Handlers regulated under an order providing for a Class I price greatly exceeding the minimum prices required of competing handlers under other orders are in less favorable position to retain or expand Class I sales. Producers supplying the former therefore could, as a result of an order price requirement, face a possible loss of Class I market and disorderly marketing conditions. The potential for such disruptive conditions in this area has increased in recent years as handlers under milk orders in the region have begun servicing large volume accounts for various types of retail outlets, including supermarket and convenience store chains, with less home delivery of milk. Many of these accounts are serviced on a contract basis and may shift from one handler to another, or from one market to another, on the expiration of a contract.

It is quite possible under today's conditions that the shift of a single such contract from a handler regulated under one order to a handler regulated under a different order may leave producers supplying the former handler with a considerable amount of milk for which there is no fluid outlet. This could have serious adverse impact on producer prices, particularly in a market such as Paducah. A closer alignment of prices in this location will provide a reasonable basis for intermarket competition for Class I sales insofar as producer prices affect such competition, and consequent allocation of Class I sales among dairy farmers in the region serving Paducah and competing markets.

That Paducah handlers have had some difficulty competing for fluid sales is evident from the fact that Class I sales in the Paducah marketing area from plants regulated under surrounding orders have increased significantly over the past 3 years. These sales increased by approximately 12 percent between 1969 and 1970 and by an additional 10.5 percent between 1970 and 1971. This trend continued through 1972. In 9 of the first 10 months of 1972, sales in the Paducah marketing area from plants located under other orders exceeded those of the corresponding month of 1971. Conversely, in both 1970 and 1971, the volume, as well as the percentage, of producer milk under the Paducah order utilized in Class I declined from the previous year.

Although the number of producers for the Paducah market decreased significantly in the latter part of 1972, this decrease does not indicate necessarily any inadequacy of supplies for the market. Virtually all milk supplied to the Paducah market is marketed through a regional cooperative association that also carries on similar operations in neighboring markets. It can adjust supplies on the Paducah market by shifting producers under its regional marketing program to other markets that maintain manufacturing facilities and can handle supplies not required by Paducah handlers.

There were no opposing briefs filed by producers for the Paducah market or by Paducah regulated handlers.

A proprietary handler operating a plant at Paragould, Ark., and regulated under the Central Arkansas order opposed the Class I price reduction in a brief filed subsequent to the hearing. The handler contended that a price reduction of this magnitude would affect adversely his ability to compete for fluid milk sales. He proposed that any Class I price decrease made as a result of this proceeding should not exceed 7 cents.

Although the Class I price reduction adopted herein will not have the same effect in each competitive situation, the competitive circumstances described above warrant such a reduction. There is no indication from the evidence presented at the hearing that Paducah handlers, as a result of this action, will have any significant competitive advantage over handlers regulated by surrounding orders.

In a brief filed on behalf of a cooperative association with member producers in several of the order markets surrounding the Paducah market, it was argued that a misalignment of price in this several-market region should not be corrected by reducing the Class I price, but rather by increasing the Class I price in other order markets. The cooperative consequently opposed any change in the Paducah Class I price at this time.

There is insufficient evidence in the record that increases in the Class I price levels for the surrounding markets relative to Paducah are needed at this time. The evidence does indicate, however, that the Paducah Class I price exceeds the level needed to maintain an adequate supply and to insure orderly marketing for producers in view of competitive conditions in and around the Paducah market.

It is concluded therefore that a reduction in the Paducah Class I price is appropriate to improve the relationship of the Class I prices in this region for the reasons stated above and thereby will promote orderly marketing in the Paducah market.

RULINGS ON PROPOSED FINDINGS AND CONCLUSIONS

Briefs and proposed findings and conclusions were filed on behalf of certain interested parties. These briefs, proposed findings and conclusions and the evidence in the record were considered in making the findings and conclusions set forth above. To the extent that the suggested findings and conclusions filed by interested parties are inconsistent with the findings and conclusions set forth herein, the requests to make such findings or reach such conclusions are denied for the reasons previously stated in this decision.

GENERAL FINDINGS

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) The tentative marketing agreement and the order, as hereby proposed to be amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(b) The parity prices of milk as determined pursuant to section 2 of the Act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the marketing area, and the minimum prices specified in the tentative marketing agreement and the order, as hereby proposed to be amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(c) The tentative marketing agreement and the order, as hereby proposed to be amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity specified in, a marketing agreement upon which a hearing has been held.

RULINGS ON EXCEPTIONS

No exceptions were filed. A document supporting the recommended decision was filed by proponent.

MARKETING AGREEMENT AND ORDER

Annexed hereto and made a part hereof are two documents, a Marketing Agreement regulating the handling of milk, and an Order amending the order regulating the handling of milk in the Paducah, Ky., marketing area which have been decided upon as the detailed and appropriate means of effectuating the foregoing conclusions.

It is hereby ordered, That this entire decision, except the attached marketing agreement, be published in the FEDERAL REGISTER. The regulatory provisions of the marketing agreement are identical with those contained in the order as hereby proposed to be amended by the attached order which is published with this decision.

DETERMINATION OF PRODUCER APPROVAL AND REPRESENTATIVE PERIOD

January 1973 is hereby determined to be the representative period for the purpose of ascertaining whether the issuance of the order, as amended and as hereby proposed to be amended, regulating the handling of milk in the Paducah, Ky., marketing area is approved or favored by producers, as defined under the terms of the order (as amended and as hereby proposed to be amended), who during such representative period were engaged in the production of milk for sale within the aforesaid marketing area.

Signed at Washington, D.C., on March 15, 1973.

CLAYTON YEUTTER,
Assistant Secretary.

ORDER[1] AMENDING THE ORDER, REGULATING THE HANDLING OF MILK IN THE PADUCAH, KY., MARKETING AREA.

FINDINGS AND DETERMINATIONS

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings.* A public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Paducah, Ky., marketing area. The hearing was held pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure (7 CFR Part 900).

Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) The parity prices of milk, as determined pursuant to section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(3) The said order as hereby amended regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held.

Order relative to handling. It is therefore ordered that on and after the effective date hereof the handling of milk in the Paducah, Ky., marketing area shall be in conformity to and in compliance with the terms and conditions of the order, as amended, and as hereby amended, as follows:

---

[1] This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders have been met.

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The provisions of the proposed marketing agreement and order amending the order contained in the recommended decision issued by the Deputy Administrator, Regulatory Programs, on February 13, 1973, and published in the FEDERAL REGISTER on February 20, 1973 (38 FR 4671), shall be and are the terms and provisions of this order, amending the order, and are set forth in full herein:

In § 1099.51, paragraph (a) is revised as follows:

§ 1099.51 Class prices.

* * * * *

(a) *Class I price.* The Class I price shall be the basic formula price for the second preceding month plus $1.70.

* * * * *

[FR Doc.73-5349 Filed 3-20-73;8:45 am]

[7 CFR Part 1125]

[Docket No. AO 226-A25]

MILK IN THE PUGET SOUND, WASH., MARKETING AREA

Extension of Time for Filing Exceptions to Recommended Decision on Proposed Amendments to Marketing Agreement and Order

Notice is hereby given that the time for filing exceptions to the recommended decision with respect to the proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Puget Sound, Wash., marketing area, which was issued February 26, 1973 (38 FR 5882), is hereby extended to April 2, 1973.

This notice is issued pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937 as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900).

Signed at Washington, D.C., on March 15, 1973.

JOHN C. BLUM,
Deputy Administrator,
Regulatory Programs.

[FR Doc.73-5395 Filed 3-20-73;8:45 am]

Animal and Plant Health Inspection Service

[9 CFR Parts 317, 381]

PROHIBITIONS AND REQUIREMENTS FOR LABELS AND CONTAINERS

Open Dating

Pursuant to the authority conferred by the Federal Meat Inspection Act (34 Stat. 1260, as amended; 21 U.S.C. 601 et seq.) and by the Poultry Products Inspection Act (71 Stat. 441, as amended; 21 U.S.C. 451 et seq.) and delegated in 37 FR 28464 and 28477, notice is hereby given in accordance with the administrative procedures provisions in 5 U.S.C. 553 that the Animal and Plant Health Inspection Service is considering amending Part 317 of the meat inspection regulations and Part 381—subpart N of the poultry products inspection regulations (9 CFR Parts 317 and 381) to require an explanation of the meaning of any date shown on the labeling of a meat or poultry product.

Statement of considerations. For many years meat and poultry processors have been using closed date codes on their products to advise retailers of the time they felt products would remain in a condition suitable for sale. The Department offered no objection to the practice provided the date shown on the labeling was a closed code.

Lately some processors have been placing open dates on the labeling of meat and poultry products without prior approval by the Department. These firms have classified products into several categories and assigned an open date to be shown on the package. Generally, these open dates identify the date of packaging, the last date the product should be consumed, or the date to remove the product from sale. Showing a date, without a clear explanation with respect to its meaning, may render the labeling to be false or misleading to the consumer. This would be in conflict with the misbranding provision of both the Federal Meat Inspection Act and the Poultry Products Inspection Act. Both Acts apply the term "misbranded" to any such article if, among other things, its labeling is false or misleading in any particular.

Consumer representatives have been advocating open dating of foods. They all agree that the open dating is in the interest of consumers. However, they are not in full agreement with respect to whether the date should represent the packaging date, or the last date the product should be consumed or removed from sale.

In proposing the following amendment the Department wishes to determine the consumers' reaction to such labeling and what he or she would normally expect such dating to mean.

Therefore, it is proposed to amend § 317.8(b) of the meat inspection regulations (9 CFR Part 317) by adding a following new subparagraph (32).

§ 317.8 False or misleading labeling or practices generally; specific prohibitions and requirements for labels and containers.

* * * * *

(b) * * *

(32) When a calendar date is shown on the labeling it shall be further qualified by a statement explaining the meaning of the date immediately adjacent to the open date. Any qualifying statement used in conjunction with the open date shall be approved by the Administrator as prescribed in § 317.4. If the date refers to the continued wholesomeness of the product within the time period of the open date, the manufacturer shall furnish adequate test data and control of the product under normal marketing conditions to justify the date and statement.

Further, it is proposed to amend § 381.129 of the poultry products inspection regulations (9 CFR Part 381, Subpart N) by adding a following new paragraph (c).

§ 381.129 False or misleading labeling or containers.

* * * * *

(c) When a calendar date is shown on the labeling it shall be further qualified by a statement explaining the meaning of the date immediately adjacent to the open date. Any qualifying statement used in conjunction with the open date shall be approved by the Administrator as prescribed in § 381.132 of this part. If the date refers to the continued wholesomeness of the product within the time period of the open date, the processor shall furnish adequate test data and control of the product under normal marketing conditions to justify the date and statement.

Any person who wishes to submit written data, views, or arguments concerning the proposed amendments may do so by filing them, in duplicate, with the Hearing Clerk, U.S. Department of Agriculture, Washington, D.C. 20250, before May 22, 1973.

Persons desiring opportunity for oral presentation of views should address such requests to the Labels and Packaging Staff, Scientific and Technical Services, Meat and Poultry Inspection Service, U.S. Department of Agriculture, Washington, D.C. 20250, so that arrangements may be made for such oral presentations not later than the date specified in the preceding paragraph. A record will be made of all views orally presented.

All written submissions and records of oral views made pursuant to this notice will be made available for public inspection unless the person makes the submission to the Staff identified in the preceding paragraph and requests that it be held confidential. A determination will be made whether a proper showing in support of the request has been made on the grounds that its disclosure could adversely affect such person by disclosing information in the nature of trade secrets or commercial or financial information obtained from any person and privileged or confidential. If it is determined that a proper showing has been made in support of the request, the material will be held confidential; otherwise, notice will be given of denial of such a request and an opportunity afforded for withdrawal of the submission. Requests for confidential treatment will be held confidential (7 CFR 1.27(c)).

Comments on the proposal should bear a reference to the date and page number of this issue of the FEDERAL REGISTER.

Done at Washington, D.C., on March 15, 1973.

F. J. MULHERN,
Administrator, Animal and
Plant Health Inspection Service.

[FR Doc.73-5351 Filed 3-20-73;8:45 am]

Farmers Home Administration

[7 CFR Parts 1806, 1863]

[FHA Instructions 425.1, 426.1]

REAL PROPERTY INSURANCE AND REAL ESTATE TAX SERVICING

Insurance and Tax Requirements

Notice is hereby given that the Farmers Home Administration (FHA) has under consideration a proposal to amend the insurance and tax requirements on real property securing the interest of FHA in connection with Farm Ownership (FO), Rural Housing (RH), Labor Housing (LH), Rural Rental Housing (RRH), Other Real Estate (ORE), Soil and Water (SW), Domestic Water (D), Waste Disposal (W), Grazing Association (G), Site Development (SD), Recreation (R), Emergency (EM), Operating (OL), Timber Development (TD), and Resource Conservation and Development (RCD) loans secured by real estate mortgages. The proposal to amend the insurance requirements involves §§ 1806.2(f), 1806.4(a)(2); and 1806.6 in its entirety; the proposal to amend the tax requirements involves only § 1863.4.

As proposed, the major policy changes involving insurance and tax requirements on real property securing the interest of FHA loans secured by real estate mortgages are summarized as follows:

1. Require all new or renewal insurance policies to contain an automatic renewal clause with provisions substantially as follows: "This policy will be automatically extended for successive terms at expiration of the original term and of each extension thereof, upon payment of renewal premium. It is a condition of this policy that if the policy expires or is canceled for nonpayment of premium, or for any other reason, it will remain in effect for 30 days after the mortgagee is notified by registered mail."

2. Contract with one insurance company to provide a 1-year insurance policy, upon notification by FHA, for any mortgagor who fails to secure and/or pay for acceptable coverage. The cost of such insurance plus a service fee will be charged to the mortgagor's account.

3. Contract for a delinquent tax reporting service which provides for the contractor to notify FHA when taxes are delinquent on any real property securing the interest of FHA. Upon notification of a tax delinquency, FHA will contact the mortgagor to arrange for payment. If the mortgagor is unable to pay the tax, FHA will pay the tax and charge the amount paid plus a service fee to the mortgagor's account.

Interested persons are invited to submit written comments, suggestions, or objections regarding the proposed amendment to the Deputy Administrator Comptroller, Farmers Home Administration, U.S. Department of Agriculture, Room 5007, South Building, Washington, D.C. 20250, on or before April 20, 1973. All written submissions made pursuant to this notice will be made available for public inspection at the Office of the Deputy Administrator Comptroller during regular business hours (8:15 a.m. to 4:45 p.m.).

(Sec. 339, 75 Stat. 318, 7 U.S.C. 1989; sec. 510, 63 Stat. 437, 42 U.S.C. 1480; sec. 4, 64 Stat. 100, 40 U.S.C. 442; sec. 301, 80 Stat. 379, 5 U.S.C. 301; Orders of Acting Secretary of Agriculture, 36 FR 21529, 37 FR 22008; and Order of Assistant Secretary of Agriculture for Rural Development and Conservation, 36 FR 21529.)

Dated: March 14, 1973.

DARREL A. DUNN,
Associate Administrator,
Farmers Home Administration.

[FR Doc.73-5354 Filed 3-20-73;8:45 am]

[7 CFR Part 1823]

[FHA Instruction 442.11]

LOANS TO INDIAN TRIBES AND TRIBAL CORPORATIONS

Notice of Proposed Rule Making

Notice is hereby given that the Farmers Home Administration has under consideration a proposed amendment to Subchapter B, Loans and Grants Primarily for Real Estate Purposes by adding a new Subpart N to Part 1823, Association Loans and Grants—Community Facilities, Development, Conservation, Utilization. This new Subpart N, Loans to Indian Tribes and Tribal Corporations, provides regulations for making loans to Indian tribes or tribal corporations for land acquisition.

Interested persons are invited to submit written comments, suggestions, or objections regarding the proposed amendment to the Deputy Administrator Comptroller, Farmers Home Administration, U.S. Department of Agriculture, Room 5007, South Building, Washington, D.C. 20250, on or before April 20, 1973. All written submissions made pursuant to this notice will be made available for public inspection at the Office of the Deputy Administrator Comptroller during regular business hours (8:15 a.m.-4:45 p.m.).

As proposed, the new Subpart N will read as follows:

Subpart N—Loans to Indian Tribes and Tribal Corporations

Sec.
1823.401 General.
1823.402 Supplementing regulations.
1823.403 Eligibility.
1823.404 Loan purposes.
1823.405 Loan limitations.
1823.406 Land rights.
1823.407 Title clearance.
1823.408 Special conditions.
1823.409 Security.
1823.410 Loan approval authority.
1823.411 Purchase price.
1823.412 Appraisals.
1823.413 Civil rights.
1823.414 Review by National Office.
1823.415 Docket forms.
1823.416 State requirements.
1823.417 Check request and loan closing.
1823.418 Loan supervision and servicing.

AUTHORITY: Sec. 339, 75 Stat. 318, 7 U.S.C. 1989; sec. 301, 80 Stat. 379, 5 U.S.C. 301; orders of the Acting Secretary of Agriculture, 36 FR 21529, 37 FR 22008

Subpart N—Loans to Indian Tribes and Tribal Corporations

§ 1823.401 General.

This subpart provides policies and procedures applicable to the making of initial and subsequent insured loans to Indian tribes or tribal corporations for the acquisition of land (including interests therein) within the reservation or community. Whether lands lie within a tribal reservation or community under this subpart will be determined by the Secretary of the Interior or his authorized representative. Indian tribes or tribal corporations are not tax-exempt public bodies as defined in § 1823.252(a)(7).

§ 1823.402 Supplementing regulations.

Except for provisions inconsistent with this subpart, Subpart I applies to loans under this subpart, including in particular the provisions regarding repayment terms and deferred payments and professional services.

§ 1823.403 Eligibility.

(a) Eligibility for such a loan is limited to any Indian tribe recognized by the Secretary of the Interior or tribal corporation established pursuant to the Indian Reorganization Act (hereinafter referred to as the tribe or the applicant) which does not have adequate uncommitted funds to acquire land or an interest therein in an area, as determined by the Secretary of the Interior located within:

(1) The tribe's reservation.

(2) A community in Alaska incorporated by the Secretary of the Interior pursuant to the Indian Reorganization Act (hereinafter also referred to as the reservation).

(b) The applicant must be unable to obtain sufficient credit elsewhere at reasonable rates and terms to finance the proposed land acquisition.

(c) The proposed land acquisition must show reasonable prospects of success in the form of:

(1) A feasible plan for the use of the land acquired.

(2) Satisfactory evidence of financial ability to develop and operate the land.

(3) A satisfactory management plan.

§ 1823.404 Loan purposes.

Loan funds may be used by the applicant:

(a) To acquire lands or interest therein within the reservation for use of the applicant or its members, such as for:

(1) Lease to tribal members or others for dwelling, farming, grazing, or other purposes so long as the lease is for the benefit of the tribe or tribal members.

(2) Lease to cooperative grazing units.

(3) Recreational purposes.

(4) Rounding out grazing units.

(5) Elimination of fractional heirships.

(6) Other purposes approved in advance by the National Office.

(b) To pay costs incident to land acquisition including but not necessarily limited to appraisals, title, legal, surveys, and loan closing.

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§ 1823.405 Loan limitations.

No loan funds can be used for:
(a) Development.
(b) Equipment.
(c) Operating costs.

§ 1823.406 Land rights.

Title to land acquired may, with the approval of the Secretary of the Interior, be in the name of the United States in trust for the applicant.

§ 1823.407 Title clearance.

Section 1823.268 is applicable regarding title clearance if the recorded title to the land to be acquired has ever been held by anyone other than the United States of America in trust or restricted status, it will not be necessary to secure title insurance, an abstract of title, or the usual title opinion. In such cases, the condition of the title and the necessity for taking curative steps will be disclosed on the Title Status Report prepared by the Bureau of Indian Affairs.

§ 1823.408 Special conditions.

Loans made under this subpart are subject to the following conditions:

(a) The proposed plan for use of the land must have the approval of the tribal council or other authorized governing body. If the plan involves land development, it should be in accordance with the recommendations of the appropriate Bureau of Indian Affairs (BIA) official after consulation with soil conservation specialists of BIA.

(b) The plan should be consistent with the land use pattern in the area. Any variations must be justified.

(c) The plan should make maximum use of cost sharing and technical assistance of Federal and State government programs, such as the Great Plains program.

(d) The loan dockets will be developed by the Farmers Home Administration (FHA) with the assistance of the BIA as requested.

§ 1823.409 Security.

All loans will be secured in a manner which will adequately protect the interest of the FHA and unless otherwise authorized by the Administrator, will consist of:

(a) *Assignment of income.* (1) An assignment of income from proven sources, verified from BIA records, will be taken in an amount sufficient to cover the annual FHA repayment plus a 25-percent margin.

(2) Collection of all income assigned to FHA will be handled as follows:

(i) A properly bonded official of the tribe or of the tribal land acquisition enterprise will receive the monies and issue receipts; therefore,

(ii) This bonded official will deposit such funds in a countersignature account in a commercial bank. The account would require signature of appropriate tribal and FHA officials for withdrawal. In lieu of establishing a countersignature account, such funds may be deposited in a reserve fund as shown in paragraph (b) of this section.

(b) *Reserve fund.* (1) Prior to loan closing, the tribe will be required to establish a reserve fund equal to a full annual installment on its FHA debt. This reserve fund can be put in interest-bearing savings or investments, but no portion of the principal deposited or invested can be withdrawn for any purpose, except a payment on the FHA debt, without the written consent of FHA.

(2) The reserve fund will be drawn upon only in case of default on the annual payment, and any such withdrawals will be replaced out of the first income received by the tribe after the withdrawal.

(c) *Real estate security.* (1) A first lien may be taken on the land acquired with loan funds and, if additional security is needed, a lien will be taken on additional real estate, except that a mortgage will not be required on any portion of a tract where fractional interests being purchased plus any interests that may be already owned by the tribe will give the tribe less than 100-percent ownership; or it is determined that, except for the Indian tribe or tribal corporation, there does not now exist and will not exist within the foreseeable future a market for the resale of the property. In making such determination, the State Director will consider the size of the tract and whether any part of it is adjacent to land owned by non-Indians, in addition to all other factors normally considered in determining the value and marketability of real estate.

(2) If a real estate mortgage is not taken, an agreement executed by the borrower will be recorded in the public records office serving the county in which the real estate is located. A copy of the agreement will be provided the BIA office serving the borrower tribe, provided that:

(i) The borrower will not at any future time mortgage any part of its land acquired at the time of the agreement or later acquired to anyone else without prior written permission of FHA.

(ii) The borrower will not modify its agreement involving income pledged to FHA with the tribal land acquisition enterprise or any other subsidiary without FHA's written consent.

(iii) The borrower will not assign any of the income from sources from which FHA is to receive its payments to any other creditor without FHA's written consent.

(iv) If the borrower should default in its annual payment to FHA, then FHA shall be authorized to take over and manage the lands from which income is assigned until sufficient income is received to cover FHA's costs of managing the lands and the amount due on the loan. The authorization to manage the lands shall include the authority to lease and collect rentals from the lands being managed and to contract with a person who will manage the property.

(d) *Waiver of immunity.* (1) The appropriate tribal official will execute on behalf of the tribe a waiver of immunity from suit in connection with the FHA loan.

(2) The waiver will be approved by the Secretary of Interior or his authorized representative.

§ 1823.410 Loan approval authority.

All loans must be authorized by the National Office before approval.

§ 1823.411 Purchase price.

The purchase price of land and rights and interest in land (such as easements, leases, permits, rights-of-way, water rights, and existing facilities for example) will not exceed their present market value, or, in condemnation cases the price established by the court.

§ 1823.412 Appraisals.

Present market value will be determined only after review of an appraisal report prepared in accordance with Subpart I of this part. Exceptions to the requirements of Subpart I of this part will be made in the case of loans to Indian tribes to the extent of permitting appraisal by approved BIA appraisers or qualified private appraisers approved jointly by the BIA and FHA representatives. In all cases, the BIA agency superintendent and the FHA State Director will concur on the appraised present market value.

§ 1823.413 Civil rights.

Indian tribes and tribal corporations as applicant-borrower-beneficiaries under this subpart, are not subject to Title VI of the Civil Rights Act of 1964 so long as the expected use of the land acquired does not include operation of a facility which would be open to the public and therefore, such applicant, subject to this condition, is not subject to Part 1816 of this chapter.

§ 1823.414 Review by National Office.

The complete docket including the proposed letter of conditions and the comments of the regional attorney on the attorney-in-charge will be submitted for review by the National Office prior to loan approval. The memorandum of transmittal must include the State Director's recommendations regarding approval.

§ 1823.415 Docket information.

(a) Material provided by applicant.
(b) Material provided by appropriate FHA personnel.
(1) Form FHA 442–1, "Appraisal Report (Farm Tract)."
(2) Form FHA 442–49, "Project Summary—Loans to Indian Tribes and Tribal Corporations."
(3) Form FHA 440–1, "Payment Authorization."
(4) Form FHA 440–3, "Record of Actions."
(5) Form FHA 440–14, "Association Project Fund Analysis."
(6) Letter of Conditions.
(7) Form FHA 440–2, "County Committee Certification or Recommendation."
(8) Form FHA 442–46, "Letter of Intent to Meet Conditions."

§ 1823.416 State requirements.

Each State Director will, with the assistance of the Office of the General Counsel, supplement this subpart with State requirements, forms, worksheets, sample documents, and such other guidance as necessary to successfully carry out the program.

§ 1823.417 Check request and loan closing.

Checks will be requested and loans will be closed in accordance with §§ 1823.271 and 1823.272. Before any loan can be closed, the District Supervisor must notify the State Director in writing that all loan closing conditions have been met.

§ 1823.418 Loan supervision and servicing.

Loans will be supervised in accordance with Subpart G of Part 1802 of this chapter and serviced in accordance with Subpart F of Part 1861 of this chapter. The cooperation, assistance, and advice of appropriate BIA officials will be sought at all times.

DARREL A. DUNN,
Associate Administrator,
Farmers Home Administration.

MARCH 13, 1973.

[FR Doc.73–5353 Filed 3–20–73;8:45 am]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 71]

[Airspace Docket No. 73–SW–18]

TRANSITION AREA

Proposed Alteration

The Federal Aviation Administration is considering amending Part 71 of the Federal Aviation Regulations to alter controlled airspace in the Lufkin, Tex., terminal area.

Interested persons may submit such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to Chief, Airspace and Procedures Branch, Air Traffic Division, Southwest Region, Federal Aviation Administration, Post Office Box 1689, Fort Worth, TX 76101. All communications received on or before April 20, 1973, will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Chief, Airspace and Procedures Branch. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official docket will be available for examination by interested persons at the Office of the Regional Counsel, Southwest Region, Federal Aviation Administration, Fort Worth, Tex. An informal docket will also be available for examination at the Office of the Chief, Airspace and Procedures Branch, Air Traffic Division.

It is proposed to amend Part 71 of the Federal Aviation Regulations as hereinafter set forth.

In § 71.181 (38 FR 435), the Lufkin, Tex., transition area is amended to read:

LUFKIN, TEX.

That airspace extending upward from 700 feet above the surface within 8 miles east and 5 miles west of the Lufkin VOR 157° radial, extending from the VOR to 12 miles southeast; within 5 miles each side of the Lufkin VOR 337° radial extending from the VOR to 11 miles northwest and within 2 miles each side of the 254° bearing from the Angelina County Airport (latitude 31°14'05" N., longitude 94°45'00" W.) extending to 6 miles west of the airport.

Amendments to controlled airspace will provide the necessary additional airspace for aircraft executing the proposed RNAV RWY 15 (original) and RNAV RWY 17 (original) instrument approach procedures.

(Sec. 307(a), Federal Aviation Act of 1958, 49 U.S.C. 1348; sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Fort Worth, Tex., on March 12, 1973.

R. V. REYNOLDS,
Acting Director, Southwest Region.

[FR Doc.73–5334 Filed 3–20–73;8:45 am]

[14 CFR Part 171]

[Docket No. 12649; Notice No. 73–9]

NON-FEDERAL NAVIGATION FACILITIES

Notice of Proposed Rule Making

The Federal Aviation Administration is considering amending Part 171 of the Federal Aviation Regulations to require that certain non-Federal navigation aids conform to revised standards for facility performance. The FAA has determined that future requirements for air navigation aids in the National Airspace System cannot be met with the number of frequencies now available for assignment. Examination of alternative solutions to this problem indicates that reduction of radio channel spacing from the present 100 kHz spacing to 50 kHz spacing is the most economical and practicable method of increasing the number of assignable frequencies. Concurrent with implementation of 50 kHz channel spacing, suppression of certain harmonic radiation and increased stabilization of radio frequencies will be essential to satisfactory operation of adjacent-channel facilities with 50 kHz channel spacing.

The Federal Communications Commission by regulation (47 CFR Parts 2 and 87) assigns frequencies in the aeronautical radio navigation band 108–117.975 MHz for non-Federal instrument landing systems (ILS), simplified directional facilities (SDF), and very high frequency omnidirectional radio ranges (VOR). The present provision in the FCC regulations for 100 kHz channel spacing results in the availability of 20 ILS channels and 80 VOR channels. The FCC by notice adopted on September 20, 1972 (Docket No. 19590, RM 1888; 37 FR 20872, Oct. 4, 1972), and at the request of the FAA, has proposed amendment of Parts 2 and 87 of the FCC regulations to provide for 50 kHz channel spacing in this frequency band. Adoption of the proposed amendments would double the availability of assignable channels for VOR and ILS.

The rapid expansion of aviation services has resulted in the need for additional terminal and en-route navigation aids. The limited number of assignable frequencies now available makes it impossible to provide for proposed and required navigation aids. This shortage of frequencies is most acute in the Boston-New York-Washington, Chicago-Detroit, and the San Francisco-Los Angeles areas, and effects both Federal and non-Federal installation programs. Installation of additional ILS and VOR facilities in these congested areas and elsewhere in the National Airspace System can only be accomplished with additional frequencies.

The FAA announced at the FAA Planning Review Conference in April 1970 that split channeling for the VOR, ILS, and TACAN/DME ("Y" channel) bands would be a necessity. FAA Advisory Circular AC 170–12 issued in October 1970 indicated that implementation of 50 kHz channel spacing was proposed to begin January 1, 1973, and that the new frequencies would be used initially only where necessary to accommodate new facilities in congested areas.

Advisory Circular 170–12 was also intended to serve as advance notice to aircraft operators that aircraft receiving equipment not designed for split channel operation would have limited service life expectancy in an expanding 50 kHz frequency environment.

Implementation of 50 kHz channel spacing will require an increase of frequency stability for the glide slope, localizer, SDF, and VOR ground transmitters. In order to provide for satisfactory adjacent-channel operation, the frequency tolerances of these transmitters must necessarily be reduced from the present 0.005 percent to 0.002 percent, and 9960-Hz subcarrier harmonics must be suppressed to the levels specified for 50-kHz frequency environment in Annex 10 to the Convention on International Aviation (ICAO).

With respect to VOR and ILS facilities operated by the United States (Department of Defense and FAA), stabilization of frequencies is expected to be accomplished by July 1, 1973, and in those areas where 50-kHz channel spacing is to be implemented and a requirement exists for suppression of harmonics, 9960-Hz subcarrier harmonics will be reduced to the levels specified in ICAO Annex 10. Additionally, it is expected that 50-kHz/Y channel assignments for new facilities to be operated by the United States will be made by the Office of Telecommunications Policy in areas where frequency saturation makes assignment of 100-kHz-spaced channels impossible. These channel assignments are to be made in

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such a manner as will avoid adjacent-channel interference for as long a period as is possible, and to enable aircraft equipped with avionics designed for 100-kHz channel spacing to continue to utilize all tunable frequencies in the area. It is anticipated that with the additional options available as a result of 50-kHz spacing, the requirement for suppression of harmonics at non-Federal facilities can be avoided until 1975.

Accordingly, while it is proposed that these amendments to Part 171 of the Federal Aviation Regulations be made effective on July 1, 1973, the requirement for suppression of harmonics would arise only with assignment of a nearby adjacent channel. In such a case, the operator of the non-Federal navigation facility would be given advance notice by the Administrator that 50-kHz channel spacing is to be implemented in the area and that a requirement for suppression of harmonics existed. Suppression of 9960-Hz subcarrier harmonics to the levels specified in Annex 10 to the Convention on International Aviation within 180 days would then be required by the proposed rule.

The FAA is informed that stabilization of the radio frequency in most non-Federal ILS, VOR, or SDF installations can be accomplished at a cost for materials of less than $75. The cost of suppressing harmonics will vary depending on the equipment installed. It is suggested that facility operators consult with the manufacturer of the equipment installed to ascertain the cost and feasibility of harmonics suppression.

In consideration of the foregoing, it is proposed to amend Part 171 of the Federal Aviation Regulations as follows:

1. By amending paragraph (a) of § 171.7 and by adding a new paragraph (e) to § 171.7 to read as follows:

§ 171.7 Performance requirements.

(a) The VOR must perform in accordance with the "International Standards and Recommended Practices, Aeronautical Telecommunications," Part I, paragraph 3.3 (Annex 10 to the Convention on International Civil Aviation), except that part of paragraph 3.3.2.1 specifying a radio frequency tolerance of 0.005 percent, and that part of paragraph 3.3.7 requiring removal of only the bearing information. In place thereof, the frequency tolerance of the radio frequency carrier must not exceed plus or minus 0.002 percent, and all radiation must be removed during the specified deviations from established conditions and during periods of monitor failure.

• • • • • •

(e) Within 180 days after receipt of notice from the Administrator that 50-kHz channel spacing is to be implemented in the area and that a requirement exists for suppression of 9960-Hz subcarrier harmonics, the owner of the VOR shall modify the facility to perform in accordance with paragraph 3.3.5.7 of Annex 10 to the Convention on International Civil Aviation.

2. By adding a new paragraph (a) (4) to § 171.47 to read as follows:

§ 171.47 Performance requirements.

(a) • • •

(4) The frequency tolerance of the radio frequency carrier must not exceed plus or minus 0.002 percent.

• • • • • •

3. By amending paragraph (a) (4) of § 171.109 to read as follows:

§ 171.109 Performance requirements.

(a) • • •

(4) The SDF must operate on odd tenths or odd tenths plus a twentieth MHz within the frequency band 108.1 MHz to 111.95 MHz. The frequency tolerance of the radio frequency carrier must not exceed plus or minus 0.002 percent.

• • • • • •

4. By amending paragraph (a) (1) of § 171.111 to read as follows:

§ 171.111 Ground standards and tolerances.

(a) • • •

(1) The SDF must operate on odd tenths or odd tenths plus a twentieth MHz within the frequency band 108.1 MHz to 111.95 MHz. The frequency tolerance of the radio frequency carrier must not exceed plus or minus 0.002 percent.

• • • • • •

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the regulatory docket or notice number and be submitted in duplicate to: Federal Aviation Administration, Office of the General Counsel, Attention: Rules Docket, AGC-24, 800 Independence Avenue SW., Washington, DC 20591. All communications received on or before April 20, 1973, will be considered by the Administrator before taking action on the proposed rule. The proposals contained in this notice may be changed in the light of comments received. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

These amendments are proposed under the authority of sections 305, 307, 313(a), 601, and 606 of the Federal Aviation Act of 1958 (49 U.S.C. 1346, 1348, 1354(a), 1421, and 1426), and section 6(c) of the Department of Transportation Act. (49 U.S.C. 1655(c)).

Issued in Washington, D.C., on March 14, 1973.

J. W. COCHRAN,
Director,
Airways Facilities Service.

[FR Doc.73-5333 Filed 3-20-73;8:45 am]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 87]

[Docket No. 19699, FCC 73-253]

AVIATION SERVICES

Notification Procedures of Aircraft Operating Under Fleet License

In the matter of amendment to Part 87 of the rules to provide for procedures to notify the Commission of the aircraft operating under a fleet license, Docket No. 19699.

1. The Commission has encountered difficulty in determining the owner or operator of aircraft radio stations operating in violation of the rules. Thus, in some cases it is not possible to notify the responsible person when a correction is needed in the operation of a station. In many cases it is particularly difficult to determine the owner or operator of aircraft containing radio equipment which was originally authorized under a fleet license. Such licenses are available to qualified applicants with two or more aircraft under their control. Changes to the complement of the aircraft fleets frequently occur during the term of a fleet license and usually the aircraft radio equipment is retained aboard the aircraft delivered to the new owner or operator.

2. Because of the transfer of aircraft from the control of one entity to another, the operation of contained aircraft radio transmitters also shifts from the originally authorized licensee to a new operator who may or may not be authorized to operate an aircraft radio station. The important point, however, is that transmissions from many aircraft are identified not by the usual radio call sign but by reference to the aircraft identification number. Thus, a transfer of aircraft to a new owner or operator requires a tracing procedure to determine and locate the current entity who has control over the aircraft and the contained radio. This imposes an impracticable and sometimes impossible burden on the Commission personnel concerned with the monitoring of aircraft radio transmissions in their efforts to locate the party responsible for operation of a station.

3. At one of the FCC field offices, it has lately been found that several aircraft transmitters were operating as much as 20 kHz off of their assigned frequencies, a dangerous condition which they were not able to bring to the attention of the owners. That particular office has a file of 97 aircraft numbers which it has not been able to trace to the owners or operators. This situation creates a hazard to the system which is, in many cases, quite unintentional on the part of the operators who would correct the out of tolerance condition if notified of the problem.

4. The Commission's rules provide for a fleet licensee to operate a number of radio equipped aircraft without specifically identifying the radio transmitters by serial number. Transfer of a radio transmitter from one aircraft owner to another as part of an aircraft sales transaction does not transfer authorization to use the transmitter. The license is, of course, not transferable from one owner or operator to another. Each new owner or operator of the aircraft must get his own license from the FCC unless he already holds a valid authorization. The previous owner or operator of the aircraft must notify the Commission that the aircraft is no longer covered by his fleet license.

5. Accordingly, it is proposed to establish notification procedures as set forth below. In preparing the proposed rules below, the Commission recognized that many aircraft stations are identified by radio telephone identifiers in accordance with § 87.115(e) of the Commissions' rules. Nothing would be gained by notification of the aircraft that are identified in that manner, and they are exempt for the proposed procedure.

6. The proposed amendment, as set forth below, is issued pursuant to authority contained in section 4(i), and 303(b)(f) and (r) of the Communications Act of 1934, as amended.

7. Pursuant to procedures set forth in § 1.415 of the Commission's rules, interested parties may file comments on or before April 23, 1973, and reply comments on or before May 3, 1973. All relative and timely comments and reply comments will be considered by the Commission before final action is taken in this proceeding. In reaching its decision in this proceeding the Commission may also take into account other relevant information before it in addition to the specific comments invited by this notice. Responses will be available for public inspection during regular business hours in the Commission's Broadcast and Docket Reference Room at its headquarters in Washington, D.C.

8. In accordance with the provisions of § 1.419 of the Commission's rules, an original and 14 copies of all statements, briefs, or comments filed shall be furnished the Commission.

Adopted: March 7, 1973.

Released: March 12, 1973.

FEDERAL COMMUNICATIONS COMMISSION,[1]
[SEAL] BEN F. WAPLE,
Secretary.

1. Amend Part 87, § 87.29(a)(2) to read as follows:

§ 87.29 Application for aircraft radio station license.

• • • • • •

(a) • • •

(2) An applicant, in applying for aircraft radio station license may specify on a single FCC Form 404, the total number of aircraft stations in his fleet. Under these circumstances, a single instrument of authorization (fleet license) may be issued for operation of all radio stations aboard the aircraft of the fleet. The Commission shall be advised of the specific aircraft included in the fleet in accordance with § 87.140.

• • • • • •

2. Amend Part 87 by adding new § 87.140 as follows:

§ 87.140 Notification of aircraft in fleet.

(a) Except as provided in paragraph (b) of this section, each applicant for a fleet license shall include, with the application for a fleet aircraft radio station license, the composition of the fleet. Each such application shall contain the aircraft registration number for each aircraft in the fleet. Additionally, each holder of a fleet license shall provide the Commission with notification of changes in the composition of the fleet immediately following the transfer of aircraft from the license holder to another owner or operator. Each change notice shall include for each aircraft the following:

(1) Aircraft registration number.

(2) New registered aircraft owners' name and address.

(3) Fleet license holder.

(4) FCC control number of the fleet license.

For change notification purposes, FCC Form—is available at the Commission's Washington office and at each of its field offices. Change notices shall be sent to the Commission's office in Washington, D.C. 20554.

(b) The notification procedure set forth in paragraph (a) of this section does not apply to any aircraft station which will be identified solely by a radiotelephone designation in accordance with § 87.115(e).

[FR Doc.73-5377 Filed 3-20-73;8:45 am]

[1] Commissioner Reid absent.

VETERANS ADMINISTRATION

[38 CFR Part 21]

EDUCATIONAL ASSISTANCE ALLOWANCE

Eligibility and Computation

The following proposed regulatory change to § 21.3021(a) provides that a child and wife of a serviceman who has a total disability evaluated as total and permanent in nature resulting from a service-connected disability are eligible for educational assistance benefits. The change to § 21.4272(d) also clarifies the present regulation concerning use of the measurement equivalency formula for computation of the educational assistance allowance when the veteran or eligible person pursues a program on other than the standard semester or quarter.

Interested persons are invited to submit written comments, suggestions, or objections regarding the proposal to the Administrator of Veterans' Affairs (232H), Veterans Administration, 810 Vermont Avenue NW., Washington, DC 20420. All relevant material received before April 20, 1973, will be considered. All written comments received will be available for public inspection at the above address only between the hours of 8 a.m. and 4:30 p.m. Monday through Friday (except holidays), during the mentioned 30-day period and for 10 days thereafter. Any person visiting Central Office for the purpose of inspecting any such comments will be received by the Central Office Veterans Assistance Unit in Room 132. Such visitors to any VA field station will be informed that the records are available for inspection only in Central Office and furnished the address and the above room number.

Notice is also given that it is proposed to make any regulations that are adopted effective the date of approval.

It is proposed to amend Part 21, Title 38, Code of Federal Regulations to read as follows:

1. In § 21.3021(a), paragraphs (1)(iii) and (3)(i) are amended to read as follows:

§ 21.3021 Definitions.

(a) "Eligible person" means:

(1) A child of a:

• • • • • •

(iii) Veteran or serviceman who has a total disability permanent in nature resulting from a service-connected disability.

• • • • • •

(3) The wife of a:

(i) Veteran or serviceman who has a total disability permanent in nature resulting from a service-connected disability.

• • • • • •

2. In § 21.4272, paragraph (d) is amended to read as follows:

§ 21.4272 Collegiate undergraduate; credit-hour basis.

• • • • • •

(d) *Courses; measurement equivalency.* Where a term is not a standard semester or quarter as defined in § 21.4200(b), the equivalent for full-time training will be measured by multiplying the credits to be earned in the session by 18 if credit is granted in semester hours, or by 12 if credit is granted in quarters, and dividing the product by the number of whole weeks in the session. The resulting quotient will be the semester hours on which educational assistance allowance will be computed using the criteria of § 21.4270 proper or the criteria of footnote 3 to that section, whichever is appropriate. In determining whole weeks for this formula, 3 days or less will be disregarded and 4 days or more will be considered a full week.

• • • • • •

Approved: March 15, 1973.

By direction of the Administrator.

[SEAL] FRED B. RHODES,
Deputy Administrator.

[FR Doc.73-5365 Filed 3-20-73;8:45 am]

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Notices

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF THE TREASURY

Office of the Secretary

PERMANENT MAGNETS OF ALNICO OR CERAMIC MATERIAL FROM JAPAN

Determination of Sales at Not Less Than Fair Value

MARCH 15, 1973.

On December 16, 1972, there was published in the FEDERAL REGISTER a "Notice of Tentative Negative Determination" (37 FR 26841) that permanent magnets of alnico or ceramic material from Japan are not being, nor are likely to be, sold at less than fair value within the meaning of section 201(a) of the Antidumping Act, 1921, as amended (19 U.S.C. 160(a)) (referred to in this notice as "the Act").

The statement of reasons for the tentative determination was published in the above-mentioned notice and interested parties were afforded an opportunity to make written submissions and to present oral views in connection with the tentative determination.

After consideration of all views and arguments, I hereby determine that, for the reasons stated in the tentative determination, permanent magnets of alnico or ceramic material from Japan are not being, nor are likely to be, sold at less than fair value (section 201(a) of the Act; 19 U.S.C. 160(a)).

This determination is published pursuant to section 201(c) of the Act (19 U.S.C. 160(c)) and § 153.33(b), Customs regulations (19 CFR 153.33(b)).

[SEAL] EDWARD L. MORGAN,
Assistant Secretary of the Treasury.

[FR Doc.73-5389 Filed 3-20-73;8:45 am]

DEPARTMENT OF DEFENSE

Department of the Air Force

AERONAUTICAL SYSTEMS DIVISION ADVISORY GROUP F-4E COMMITTEE

Notice of Meeting

MARCH 14, 1973.

The Aeronautical Systems Division Advisory Group F-4E Committee will hold a closed meeting on March 21 and 22, 1973, from 8 a.m. until 5 p.m., at the McDonnell-Douglas Corp., St. Louis, Mo.

The committee will receive classified briefings on the F-4E structural modification program.

For additional information on this meeting, telephone 202—697-4648.

JOHN W. FAHRNEY,
Colonel, USAF, Chief, Legislative Division, Office of The Judge Advocate General.

[FR Doc.73-5328 Filed 3-20-73;8:45 am]

Corps of Engineers, Department of the Army

ADVISORY COMMITTEE FOR NATIONAL DREDGING STUDY

Notice of Meeting

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Public Law 92-463) announcement is made that a meeting of the Advisory Committee for National Dredging Study is to be held on March 28, 29, and 30, 1973. The Committee was established by the Director of Civil Works, Corps of Engineers to provide advice on the requirements for the general outline of the National Dredging Study to be conducted by a management consultant firm. The study was recommended by the General Accounting Office in its report to Congress of March 23, 1972, titled, "Observation on Dredging Activities and Problems." In the reports of the House and Senate Appropriations Subcommittees on Public Works on the FY 1973 Budget Request specific reference was made to the GAO report and direction given to the Corps with respect to the GAO recommendation. The directives of the House and Senate Subcommittees are essentially requests to review in depth the Corps dredging policies and practices to determine how its dredging requirements can be accomplished in the most efficient, economical and timely manner; and further that due consideration should be given to those factors which directly affect reasonable bid prices from the dredging industry and possible unfair competition between Government-owned plant and contractor-owned plant. This is the first meeting of the Advisory Committee and the agenda provides for:

(1) The establishment of the internal committee organization and rules of procedure.

(2) The development of the scope and general outline of the study.

(3) The development of the contractual requirements for the request for proposals for consultant services to accomplish the study. Within the facilities available (about 25 persons) the meeting will be open to observers. Observers may not participate in the proceedings of the meeting. Any member of the public who wishes to do so will be permitted to file a written statement with the Committee before or after the meeting.

The meeting will begin at 9:30 a.m. in Room 6-A-092, Forrestal Building, 1000 Independence Avenue SW., Washington, DC. A roster of Advisory Committee members may be obtained from Mr. Eugene B. Conner, DAEN-CWO-M, Office Chief of Engineers, U.S. Army, Washington, D.C. 20314.

Dated: March 19, 1973.

JAMES L. KELLY,
Brigadier, General, USA, Deputy Director of Civil Works.

[FR Doc.73-5522 Filed 3-20-73;8:45 am]

DEPARTMENT OF JUSTICE

Law Enforcement Assistance Administration

AUDIT ADVISORY COMMITTEE

Establishment

The Law Enforcement Assistance Administration hereby determines that the establishment of the Audit Advisory Committee, as identified hereinafter, is in the public interest and necessary and appropriate for the purposes of the Omnibus Crime Control and Safe Streets Act of 1968, Public Law 90-351, and the Administration establishes this committee in accordance with the provisions of the Federal Advisory Committee Standards Act, Public Law 92-463, and LEAA Notice N1300.2.

1. *Designation.* Audit Advisory Committee.

2. *Purposes.* To advise the LEAA Office of Audit of ways and means to more effectively and expeditiously carry out its assigned mission of ensuring that LEAA grant programs and contracts are properly administered, that funds are properly expended, and that statutory requirements are met, and to review and evaluate the objectives, policies, and practices of the Office of Audit.

3. *Establishment date and termination date.* The Committee is established effective April 20, 1973, and will terminate within 2 years.

4. *Meetings.* Quarterly or more frequently as required.

5. *Membership.* The membership shall include LEAA employees, officers and employees of Federal agencies and State and local governments who are involved in audit functions, and officials and members of organizations which represent governors, mayors, States, cities, and units of general local government and professional auditors.

6. *Standards.* The Committee will operate pursuant to the provisions of the Federal Advisory Committee Standards Act, Public Law 92-463, LEAA Notice N1300.2, OMB Circular No. A-63 and any additional orders and directives issued in implementation of the Act.

JERRIS LEONARD,
Administrator.

[FR Doc.73-5375 Filed 3-20-73;8:45 am]

PRIVATE SECURITY ADVISORY COUNCIL

Charter

In order to further public protection, improve and strengthen law enforcement, and reduce crime in public and private places by reviewing the relationship between private security systems and public law enforcement agencies and by developing programs and policies regarding private protection services that are appropriate and consistent with the goals of public law enforcement and the public interest, the Private Security Advisory Council is hereby granted the following charter.

I. *Designation.* The committee shall be known as the "Private Security Advisory Council."

II. *Authority and scope.* The Council will operate pursuant to the provisions of the Federal Advisory Committee Standards Act, Public Law 92-463, LEAA Notice N1300.2, OMB Circular No. A-63, and any additional orders and directives issued in implementation of the Act. The Council is established under the authority of section 517 of the Omnibus Crime Control and Safe Streets Act of 1968, Public Law 90-351, as amended by Public Law 91-644. The scope of its functions is limited to the duties specified in this charter.

III. *Duration and termination.* The period of time necessary for the committee to carry out its functions is 2 years and its termination date is March 15, 1975.

IV. *Responsible and supporting agency.* The Council will report to and receive support from the Law Enforcement Assistance Administration, U.S. Department of Justice, 633 Indiana Avenue NW., Washington, DC 20530.

V. *Duties.* The responsibilities of the Council will be advisory in nature. Its duties are to advise LEAA on the development of effective programs and policies relating to private protection services and improving cooperation between public law enforcement agencies and private security services and to make recommendation for State and local government in the implementation of private security laws.

VI. *Operating costs.* This estimated annual operating cost is $10,000 and one (1) man year.

VII. *Membership.* The membership shall include LEAA employees, officers, and employees of public law enforcement agencies and officers of organizations representing law enforcement personnel, officers and employees of private security businesses, manufacturers engaged in private security activities and users of private security services and equipment.

VIII. *Meetings.* The Council will hold meetings quarterly or more frequently as required to carry out its purposes and fulfill its duties.

I hereby grant this charter this 15th day of March 1973.

JERRIS LEONARD,
Administrator.

[FR Doc.73-5374 Filed 3-20-73;8:45 am]

Bureau of Narcotics and Dangerous Drugs

[Docket No. 73-5]

THOMAS E. WOODSON

Revocation of Registration; Hearing

Notice is hereby given that on February 1, 1973, the Bureau of Narcotics and Dangerous Drugs, Department of Justice, issued to Thomas E. Woodson, D.O., three orders to show cause as to why the Bureau of Narcotics and Dangerous Drugs Registration Nos. AW4452532, AW-4452544, and AW4452366 issued to him pursuant to section 303 of the Controlled Substances Act (21 U.S.C. 823) should not be revoked.

Thirty days having elapsed since the said orders to show cause were received by Dr. Woodson, and written request for a hearing having been filed with the Director of the Bureau of Narcotics and Dangerous Drugs, notice is hereby given that a hearing on this matter will be held commencing at 10 a.m., on April 16, 1973, in Room 1211 of the Bureau of Narcotics and Dangerous Drugs, 1405 I Street NW., Washington, DC 20537.

Dated: March 16, 1973.

JOHN E. INGERSOLL,
Director, Bureau of Narcotics and Dangerous Drugs.

[FR Doc.73-5398 Filed 3-20-73;8:45 am]

DEPARTMENT OF THE INTERIOR

National Park Service

[INT FES 73-12]

BANDELIER POLLUTION ABATEMENT PROJECT, NEW MEXICO

Notice of Availability of Final Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Department of the Interior has prepared a final environmental statement for a proposed Bandelier Pollution Abatement Project, Bandelier National Monument, N. Mex.

The environmental statement considers rehabilitation of the existing sewage disposal system at Bandelier National Monument, counties of Sandoval and Los Alamos, N. Mex., to eliminate contamination of the Rio Grande River and to include a lift station, 5,200 feet of force main, and 2 sealed sewage lagoons totaling 0.9 acre.

Copies of the final environmental statement are available from or for inspection at the following locations:

Southwest Regional Office, National Park Service, Old Santa Fe Trail, Post Office Box 728, Santa Fe, NM 87501.
Superintendent, Bandelier National Monument, Los Alamos, N. Mex. 87544.

Dated: March 14, 1973.

W. W. LYONS,
Deputy Assistant Secretary of the Interior.

[FR Doc.73-5324 Filed 3-20-73;8:45 am]

INDIANA DUNES NATIONAL LAKESHORE ADVISORY COMMISSION

Notice of Open Meeting

Notice is hereby given in accordance with the Federal Advisory Committee Act that a meeting of the Indiana Dunes National Lakeshore Advisory Commission will be held at 10 a.m., e.s.t., on Friday, April 6, 1973, at the Indiana Dunes National Lakeshore building, Chesterton, Ind.

The purpose of the Indiana Dunes National Lakeshore Advisory Commission is to meet and consult with the Secretary of the Interior on general policies and specific matters relating to the administration and development of the Indiana Dunes National Lakeshore.

The members of the Commission are as follows:

Mr. William L. Lieber (Chairman), Indianapolis, Ind.
Mr. Harry W. Frey, Michigan City, Ind.
Mrs. Ione F. Harrington, Chesterton, Ind.
Mr. John A. Hillenbrand II, Batesville, Ind.
Mr. Ed Masiulis, Beverely Shores, Ind.
Mr. Harold G. Rudd, Portage (Ogden Dunes), Ind.
Mr. John R. Schnurlein, Kouts, Ind.

The matters to be discussed at this meeting include:

1. Superintendent's report on matters relevant to Indiana Dunes National Lakeshore since the last meeting.

2. Land Acquisition Officer's report on matters relevant to Indiana Dunes National Lakeshore since the last meeting.

3. Discussion of the Beach Erosion report.

4. Discussion of West Beach development.

5. Discussion of Horseback Riding Trails in Indiana Dunes National Lakeshore.

The meeting will be open to the public. Any member of the public may file with the Commission a written statement concerning the matters to be discussed.

Persons wishing further information concerning this meeting, or who wish to submit written statements, may contact James R. Whitehouse, Superintendent, Indiana Dunes National Lakeshore, at 219—926-7561. Minutes of the meeting will be available for public inspection 3 weeks after the meeting at the Superintendent's Office of the Indiana Dunes National Lakeshore located at the intersection of State Park Road and U.S. Highway 12, Chesterton, Ind.

Dated: March 9, 1973.

STANLEY W. HULETT,
Associate Director, National Park Service.

[FR Doc.73-5357 Filed 3-20-73;845 am]

LYNDON B. JOHNSON NATIONAL HISTORIC SITE, TEX.

[Order No. 1]

Administrative Officer; Delegation of Authority Regarding Purchasing Authority

SEC. 1. *Administrative Officer.* The Administrative Officer may issue purchase orders not in excess of $500 for supplies, equipment or services in conformity

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with applicable regulations and statutory authority and subject to the availability of appropriated funds.

(National Park Service Order No. 66, FR 21218, as amended, 37 FR 4001, dated February 25, 1972; Southwest Region Order No. 5, 37 FR 7722)

Dated: February 6, 1973.

F. A. GOULD,
Superintendent, Lyndon B. Johnson National Historic Site.

[FR Doc.73-5358 Filed 3-20-73;8:45 am]

Office of the Secretary

[INT DES 73-15]

AUTHORIZED GRANITE REEF AQUEDUCT

Notice of Availability of Draft Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Department of the Interior has prepared a draft environmental statement for the Granite Reef Aqueduct feature of the Central Arizona Project, Arizona-New Mexico.

The environmental statement concerns delivery of Colorado River water to the central service area of the project for municipal, industrial, and irrigation uses in the water-deficient areas of Arizona. Written comments may be submitted to the Regional Director (address below) on or before May 7, 1973.

Copies are available for inspection at the following locations:

Assistant to the Commissioner—Ecology, Room 7622, Bureau of Reclamation, Department of the Interior, Washington, D.C. 20240, telephone 202—343-4991.
Division of Engineering Support, Technical Services Branch, E&R Center, Denver Federal Center, Denver, Colo. 80225, telephone 303—234-3007.
Office of the Regional Director, Administration Building, Bureau of Reclamation, Boulder City, Nev. 89005, telephone 702-293-8527.
Arizona Projects Office, Bureau of Reclamation, 135 North Second Avenue, Phoenix, AZ 85003, telephone 602-261-3577.

Single copies of the draft statement may be obtained on request to the Commissioner of Reclamation or the Regional Director. In addition, copies may be purchased from the National Technical Information Service, Department of Commerce, Springfield, Va. 22151. Please refer to the statement number above.

Dated: March 14, 1973.

W. W. LYONS,
Deputy Assistant Secretary of the Interior.

[FR Doc.73-5325 Filed 3-20-73;8:45 am]

POTTER VALLEY RANCHERIA, CALIF., AND INDIVIDUAL MEMBERS

Notice of Termination of Federal Supervision Over Property

Notice is hereby given of the deletion of the name of the following as a dependent member of the immediate family of a distributee from those persons listed in the July 26, 1961, approved Notice of Termination of Federal Supervision over property and individual members of the Potter Valley Rancheria in California.

Deletion of dependent family member	Date of birth	Address	Relationship to distributee	Distributee
Paul Anderson	5-11-34	Potter Valley, California	Grandson	Mack Williams.

Paul Anderson was an adult person and was not a resident on the Potter Valley Rancheria when the Notice of July 26, 1961, was given. This notice, with respect to Paul Anderson who is listed as a dependent family member of the distributee Mach Williams, rescinds, pro tanto, and as of July 26, 1961, the Notice of Termination of Federal Supervision which was published August 1, 1961, in the FEDERAL REGISTER, Volume 26, page 6875. This notice becomes effective as of March 21, 1973.

RICHARD R. HITE,
Deputy Assistant Secretary of the Interior.

MARCH 16, 1973.

[FR Doc.73-5399 Filed 3-20-73;8:45 am]

ROBERT W. THOMAS, JR.

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past 6 months:

(1) None.
(2) None.
(3) None.
(4) None.

This statement is made as of March 28, 1973.

Dated: March 7, 1973.

ROBERT W. THOMAS, Jr.

[FR Doc.73-5323 Filed 3-20-73;8:45 am]

DEPARTMENT OF AGRICULTURE

Rural Electrification Administration

COLORADO-UTE ELECTRIC ASSOCIATION, INC.

Final Environmental Statement

Notice is hereby given that the Rural Electrification Administration has prepared a final environmental statement in accordance with section 102(2)(C) of the National Environmental Policy Act of 1969, in connection with a loan to Colorado-Ute Electric Association, Inc., Box 1149, Montrose, CO 81401. This loan includes financing for approximately thirty-three (33) miles of 115 kv. transmission line between Blue Mesa and Lake City, both in Colorado, an addition to the Blue Mesa terminal of the Bureau of Reclamation and a new substation at Lake City.

Additional information may be secured on request, submitted to the Assistant Administrator-Electric, Rural Electrification Administration, U.S. Department of Agriculture, Washington, D.C. 20250. The Final Environmental Statement may be examined during regular business hours at the offices of REA in the South Agriculture Building, 12th Street and Independence Avenue SW., Washington, D.C., Room 4310, or at the borrower address indicated above.

Final REA action with respect to this matter (including any release of funds) may be taken after thirty (30) days, but only after REA has reached satisfactory conclusions with respect to its environmental effects and after procedural requirements set forth in the National Environmental Policy Act of 1969 have been met.

Dated at Washington, D.C., this 14th day of March 1973.

E. C. WEITZELL,
Acting Administrator, Rural Electrification Administration.

[FR Doc.73-5352 Filed 3-20-73;8:45 am]

Soil Conservation Service

PATTERSON WATERSHED PROJECT, CALIF.

Availability of Final Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Soil Conservation Service, U.S. Department of Agriculture, has prepared a final environmental statement for the Patterson Watershed Project, Stanislaus County, Calif., USDA-SCS-ES-WS-(ADM)-73-7(F).

The environmental statement concerns a plan for watershed protection and drainage. The planned works of improvement include conservation land treatment measures supplemented by (1) 10.9 miles of open-joint concrete drain tile, (2) 4.5 miles of closed-joint concrete pipe, and (3) cleaning and minor deepening of 1.6 miles of existing open drains.

The final statement was transmitted to the Council on Environmental Quality on March 13, 1973.

Copies are available for inspection during regular working hours at the following locations:

Soil Conservation Service, USDA, South Agriculture Building, Room 5227, 14th and Independence Avenue SW., Washington, DC 20250.
Soil Conservation Service, USDA, 2020 Milvia Street, Berkeley, CA 94704.

Copies are also available from the National Technical Information Service, U.S. Department of Commerce, Springfield, Va. 22151. Please order by name and number of statement. The estimated cost is $4.25.

Copies of the environmental statement have been sent to various Federal, State, and local agencies as outlined in the Council on Environmental Quality Guidelines.

Dated: March 14, 1973.

WILLIAM B. DAVEY,
Deputy Administrator for Watersheds, Soil Conservation Service.

[FR Doc.73-5397: Filed 3-20-73;8:45 am]

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

FREDRICK J. WOELKERS, III AND RAY C. RANDALL

Notice of Public Hearing Regarding Application for Economic Hardship Exemption

Notice is hereby given pursuant to the provisions of the Marine Mammal Protection Act of 1972 (Public Law 92-522) and the regulations issued (37 FR 28177) in connection therewith, that a hearing will be held at 9 a.m., local time, April 11, 1973, at the Kodiak Electric Association, 515 Marine Way, Kodiak, AK. The purpose of the hearing is to consider applications for economic hardship exemptions from Fredrick J. Woelkers, III, of Seward, Alaska, to take no more than 3,100 adult and pup seals and sea lions and Ray C. Randall, of Port Williams, Alaska, to take 2,500 sea lion pups, for the commercial sale of the hides, meat, and fat.

Individuals and organizations may express their views by appearing at this hearing or may submit written comments for inclusion in the official record to the Regional Director, National Marine Fisheries Service, Post Office Box 1668, Juneau, AK 99801, telephone 907—586-7221.

Any inquiries with respect to this hearing should be directed to the above Regional Director.

Issued at Washington, D.C., and dated March 13, 1973.

PHILIP M. ROEDEL,
Director, National Marine Fisheries Service.

[FR Doc.73-5327 Filed 3-20-73;8:45 am]

National Technical Information Service

GOVERNMENT-OWNED INVENTIONS

Notice of Availability for Licensing

The inventions listed below are owned by the U.S. Government and are available for licensing in accordance with the GSA Patent Licensing Regulations.

Copies of patent applications, either paper copy (PC) or microfiche (MF), can be purchased from the National Technical Information Service (NTIS), Springfield, Va. 22151, at the prices cited. Requests for copies of patent applications must include the PAT-APPL number and the title. Inquiries and requests for licensing information should be directed to the address cited on the first page of each copy of the patent application.

Paper copies of patents cannot be purchased from NTIS but are available from the Commissioner of Patents, Washington, D.C. 20231, at $0.50 each. Inquiries and requests for licensing information should be directed to the Assignee as indicated on the copy of the patent.

DOUGLAS J. CAMPION,
Patent Program Coordinator.

U.S. DEPARTMENT OF THE INTERIOR

Patent 3,679,973. Electrogasdynamic Dust Monitor. Filed October 20, 1970, patented July 25, 1972. Not available NTIS.

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

Patent application 302,720. Active Air Cushion Control System Minimizing Vertical Cushion. Response. Filed November 1, 1972. PC $3/MF $0.95.
Patent application 298,157. Image Tube. Filed October 16, 1972. PC $3/MF $0.95.
Patent application 313,381. Mossbauer Spectrometer Radiation Detector. Filed December 8, 1972. PC $3/MF $0.95.
Patent application 310,616. Automatic Quadrature Control and Measuring System. Filed November 29, 1972. PC $3/MF $0.95.
Patent application 305,012. Temperature Compensated Digital Inertial Sensor. Filed November 9, 1972. PC $3.50/MF $0.95.
Patents application 305,638. Light Shield and Cooling Apparatus. Filed November 10, 1972. PC $3/MF $0.95.
Patent application 313,390. Emergency Master Control Valve. Filed December 8, 1972. PC $3/MF $0.95.
Patent application 313,390. Emergency Master Control Valve. Filed December 8, 1972. PC $3/MF $0.95.
Patent application 294,738. Control for Nuclear Thermionic Power Source. Filed October 3, 1972. PC $3/MF $0.95.
Patent application 310,611. Structural Panel. Filed November 29, 1972. PC $3/MF $0.95.

TENNESSEE VALLEY AUTHORITY

Patent 3,711,268. Stabilization of Polyphosphate Fertilizer Solutions. Filed May 7, 1971, patented January 16, 1973. Not available NTIS.

[FR Doc.73-5251 Filed 3-20-73;8:45 am]

Office of Import Programs

UNIVERSITY OF CALIFORNIA

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (37 FR 3892 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C.

Docket No. 73-00233-00-46040. Applicant: The Regents of the University of California, 405 Hilgard Avenue, Los Angeles, CA 90024. Article: Anticontamination device with accessories. Manufacturer: Siemens AG, West Germany. Intended use of article: The article is an accessory to an existing electron microscope being used for studies of the retina and other tissues in the vertebrate eye as part of the ongoing research program of the Jules Stein Eye Institute.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States.

Reasons: The application relates to an accessory for an instrument that had been previously imported for the use of the applicant institution. The article is being furnished by the manufacturer which produced the instrument with which the article is intended to be used and is pertinent to the applicant's purposes.

The Department of Commerce knows of no similar accessory being manufactured in the United States, which is interchangeable with or can be readily adapted to the instrument with which the foreign article is intended to be used.

B. BLANKENHEIMER,
Acting Director, Office of Import Programs.

[FR Doc.73-5346 Filed 3-20-73;8:45 am]

UNIVERSITY OF CALIFORNIA, ET AL.

Notice of Applications for Duty-Free Entry of Scientific Articles

The following are notices of the receipt of applications for duty-free entry of scientific articles pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651; 80 Stat. 897). Interested persons may present their views with respect to the question of whether an instrument or apparatus of equivalent scientific value for the purposes for which the article is intended to be used is being manufactured in the United States. Such comments must be filed in triplicate with the Director, Special Import Programs Divison, Office of Import Programs, Washington, D.C. 20230, on or before April 10, 1973.

Amended regulations issued under cited Act, as published in the February 24, 1972 issue of the FEDERAL REGISTER, prescribe the requirements applicable to comments.

A copy of each application is on file, and may be examined during ordinary Commerce Department business hours at the Special Import Programs Division, Department of Commerce, Washington, D.C.

Docket No. 73-00341-65-46040. Applicant: University of California, Lawrence Berkeley Laboratory, East End of Hearst Avenue, Berkeley, Calif. 94720. Article: Electron Microscope, Model EM 301, and accessories. Manufacturer: Philips Electronic Instruments, NVD., The Netherlands. Intended use of article: The article is intended to be used for basic research on the relation between microstructure and properties of materials. Specimens of various alloys, ceramics and biological materials will be studied directly in the microscope. The objectives

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of this research are to characterize structure so the Laboratory can understand behavior of materials. Application received by Commissioner of Customs: January 30, 1973.

Docket No. 73–00385–33–46040. Applicant: University of Minnesota, School of Medicine, Duluth, 2205 East Fifth Street, Duluth, MN 55812. Article: Electron Microscope, Model EM 201. Manufacturer: Philips Electronic Instruments, NVD, The Netherlands. Intended use of article: The article is intended to be used for experimentation with the carbohydrate-rich substances (glycoproteins, mucopolysaccharides or glycosaminoglycans) located intra- or extra-cellularly in a variety of tissues including: Human sweat and salivary glands from normal individuals and those afflicted with cystic fibrosis, rabbit and human oviducal tissues obtained under a variety of hormonal states, and cat and human small intestinal tissues obtained under a variety of nutritional states. The bulk of the morphochemical experiments will involve the ultrastructural localization of extra- or intracellular glycoproteins and glycosaminoglycans in a variety of normal and abnormal epithelial and connective tissues by means of cytochemistry and/or autoradiography. In addition the article will be used in the following courses open to undergraduate science majors, undergraduate medical students, postdoctoral fellows, graduate students, and local physicians who have an expressed interest in high voltage microscopy and associated techniques:

Introduction to Ultrastructure;
Introduction to Electron Microscopy;
Advanced Methodology in Microscopy;
Ultrastructural Cytochemistry;
Problems Course in Electron Microscopy.

Application received by Commissioner of Customs: February 6, 1973.

Docket No. 73–00386–33–40700. Applicant: Georgia Institute of Technology, School of Biology, 225 North Avenue NW., Atlanta, GA 30332. Article: Research Irradiator, Model Gammabeam 100C and accessories. Manufacturer: Atomic Energy of Canada Ltd., Canada. Intended use of article: The article is intended to be used to facilitate investigation of the mutagenic effects of low level radiation on mammalian systems as well as varied studies of the effects of low to moderate radiation doses on the genetic and physiological systems of living organism, or of non-living materials. The article will also be used in biology courses in attempts to develop an understanding of radiation, particularly ionizing radiation, and its effect upon biological systems. Application received by Commissioner of Customs: February 21, 1973.

Docket No. 73–00387–00–46040. Applicant: University of California, Los Angeles, 405 Hilgard Avenue, Los Angeles, CA 90024. Article: Decontamination Device for Elmiskop I Electron Microscope. Manufacturer: Siemens AG, West Germany. Intended use of article: The article is an accessory to an existing electron microscope to be used in investigations which will involve serial section ultrastructural study of the innervation of the kidney, the development of the inner ear of the tadpole, lateral line organs and electron microscopic examination of subcellular fractions of kidney tissue. The article will also be used in the course, Biology 596—Individual Graduate Studies for training purposes in the use of the electron microscope. Application received by Commissioner of Customs: December 19, 1972.

Docket No. 73–00388–33–46040. Applicant: University of Rochester, Medical Center, 260 Crittenden Boulevard, Rochester, NY 14642. Article: Electron Microscope, Model EM 201. Manufacturer: Philips Electronic Instruments, NVD, The Netherlands. Intended use of article: The article is intended to be used for the examination by electron microscopy of the fine structural features of brain tumor cells in culture with particular attention given to a search for viral particles, and for cellular features which correlate with tumor malignancy and invasiveness. In addition, morphologic characteristics will be correlated with metabolic properties determined by physiological and biochemical methods. An important aspect of these studies will be an assessment of the influence of chemical substances (or physical conditions such as irradiation) which might therefore, have applicability in the treatment of patients with brain tumors. Application received by Commissioner of Customs: February 13, 1973.

Docket No. 73–00389–33–46040. Applicant: University of Washington, Department of Biological Structure, Seattle, Wash. 98195. Article: Electron Microscope, Model EM 201 and accessories. Manufacturer: Philips Electronic Instruments, NVD, The Netherlands. Intended use of article: The article is intended to be used in a broadly directed research program which is intended to acquire a better understanding of the fine structure of tissues in terms of their constituent cells organelles and, whenever possible, to relate their structure to physiological or mechanical function. The specific research programs include the following:

(a) Tracing of nuage material in the germ cells of juvenile and adult rat testes as well as the germ cells of fetuses and embryos, both male and female to investigate the time sequence of formation or turnover of the nuage material.

(b) Investigation of the intracellular organelles known as microbodies, particularly their occurrence in the intestinal epithelial cells of the chicken.

(c) Examination of the sperm ultrastructure of Asiatic water buffalo for selective lysis of membranes and intracellular structural element.

(d) Studies on the structure of capillaries and the endothelium of large blood vessels, using the dye ruthenium red to trace the extent and organization of the extraneous cell coat material which, on the luminal surface of endothelial cells, is known as the endocapillary layer.

(e) Tracing the morphology of various organelles in the female germ cells as they mature into oogonia.

(f) Assessment of the response of pituitary somatotroph cells in the rat pars distalis when incubated with growth hormone-releasing and inhibiting factors. Application received by Commissioner of Customs: February 11, 1973.

Docket No. 73–00390–33–46040. Applicant: Virginia Commonwealth University, Medical College of Virginia, 12th and Broad Streets, Box 262, Richmond, VA 23298. Article: Electron Microscope, Model HS–8. Manufacturer: Hitachi Ltd., Japan. Intended use of article: The article is intended to be used primarily by ophthalmic trainees who have decided on a future academic career, by Ph. D. candidates interested in vision and by special post-graduate fellows to obtain knowledge and skill in transmission electron microscopy. The article will also be used for studies of materials related to ocular tissue, normal and pathological, derived from human and animal eyes and their adnexa, and cells grown in cell culture. Experiments to be conducted include the following:

(a) Study of fine structural morphological changes of corneal epithelium from glaucomatous human and animal eyes to explain clinically observable pathologic manifestations in this disease.

(b) To relate anterior chamber angle deformities observable by electron microscope studies to clinical malfunction in congenital glaucoma and to trace such possible morphological changes back to the embryonic development of the eye in experimental bupthalmic rabbit strains. Application received by Commissioner of Customs: February 8, 1973.

Docket No. 73–00391–33–46040. Applicant: Children's Hospital of Pittsburgh, 125 DeSoto Street, Pittsburgh, PA 15213. Article: Electron Microscope, Model EM 201. Manufacturer: Philips Electronic Instruments, NVD, The Netherlands. Intended use of article: The article is intended to be used in the study of pediatric tumors (lymphomas, round cell tumors, soft tissue sarcomas, etc.). These tumors are examined electron microscopically for specific ultrastructural changes that help identify them and provide knowledge about tumor formation. They are also simultaneously checked for the presence of viral particles, which may trigger tumor production. Additional studies involve:

(a) Concentrated studies of specific viruses,

(b) Proper fixation of the nucleus using a mouse liver model, and

(c) Determination of the ultrastructural changes that result from the disease process in various organs.

The article will also be used in the Introductory Course to Electron Microscopy designed to provide a basic knowledge of electron microscopic techniques to residents and interns rotating through the Pathology Department of the hospital on a short-term basis (3–6 months). Application received by Commissioner of Customs: February 15, 1973.

Docket No. 73–00392–33–46040. Applicant: University of Hawaii Pacific Biomedical Research Center, 1960 East-West Road, Honolulu, HI 96822. Article: Electron Microscope, Model EM 201. Manufacturer: Philips Electronic Instruments NVD, The Netherlands. Intended use of article: The article is intended to be used to investigate the structure of the cells and subcellular organelles of a variety of invertebrate animals in the course of investigations of (1) the mechanism of motility of cilia and flagella and of chromosome movement in the mitotic apparatus; (2) the fibrillar structures involved in the furrowing of cells during division; (3) the breakdown of the cortical granules and the formation of the hyaline layer at fertilization; and (4) the structure of the egg cortex and its role in embryonic determination. The article will also be used in training graduate students in electron microscopy as part of the doctoral program in the areas of biological research as described above. Application received by Commissioner of Customs: February 12, 1973.

Docket No. 73–00393–33–46500. Applicant: Princeton University, Biology Department, Guyot Hall, Washington Road, Princeton, N.J. 08540. Article: Ultramicrotome, Model LKB 8800A. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The article is intended to be used to cut ultrathin sections of biological materials which include plant and animal tissues and several types of bacterial cells and viruses. These sections will be used in performing various experiments in the projects listed below:

1. Aggregation and Differentiation of Cellular Slime Molds.
2. Sense Receptors in Blowflies.
3. Neurobiology of the Slug.
4. Polar Regeneration and Cell Differentiation in Apical Growth Regions of Plants.
5. Fine Structure of Organelles in Luminescent Bacteria and Aquatic Animals.
6. Developmental Neurophysiology and Anatomy of the Auditory Pathways in Buds.
7. Structure of Viruses and Their Nucleic Acids.
8. Structural Aspects of Reproductive Physiology in Rodents.
9. Plant Teratomas, Chloroplast Development, Directed Changes in Tumor Heredity.
10. Developmental Changes in *Caulobacter crescentus*.
11. Effects of Cyclic AMP on Microtubules and Fibrilles in CHo Cells Cultured *in vitro*.
12. Electron Microscopy and Ultrastructure of Plant and Animal Cells.
13. Spermiogenesis in *D. melanogaster*, Anatomical Analysis Genetic Defects.
14. The Roll of Cell Surface and Adhesiveness in Developmental Processes.
15. Developmental Studies on the Nervous System of Xenopus.

Application received by Commissioner of Customs: February 23, 1973.

Docket No. 73–00394–33–46500. Applicant: University of Western Florida, Biology Department, Pensacola, Fla. 32504. Article: Ultramicrotome, Model LKB 4800–NM. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The article is intended to be used to section biological specimens including marine plants and animals. The experiments to be conducted include: (1) Studies on the effects of pesticides on the subcellular structure of marine algae; (2) a comparative study of the renal pericardial complex in gastropods; (3) descriptive studies of subcellular structure in algae belonging to the phyla Chrysophyta and Pyrrophyta; (4) an ultrastructural study of the Siphonophores (jelly fish) Agalma and Physalia. The article will also be used in teaching a course in Cell Biology. Application received by Commissioner of Customs: February 23, 1973.

Docket No. 73–00295–98–90000. Applicant: Georgia Institute of Technology, Atlanta, Ga. 30332. Article: Lithium-Drifted silicon x-ray and electron detector. Manufacturer: SIMTEC Industries, Inc., Canada. Intended use of article: The foreign article will be used in several basic academic research programs including some to be undertaken as Ph. D. thesis work. These programs will investigate inner shell transitions involving $M_{1,2}$ subshell electrons, L_1 subshell fluorescence and Coster-Kronig yields and mean L-shell fluorescence yields. Application received by Commissioner of Customs: December 13, 1972.

B. BLANKENHEIMER,
Acting Director,
Office of Import Programs.

[FR Doc.73–5345 Filed 3–20–73;8:45 am]

Social and Economic Statistics Administration

NUMBER OF EMPLOYEES, TAXABLE WAGES, GEOGRAPHIC LOCATION, AND KIND OF BUSINESS FOR ESTABLISHMENTS OF MULTIUNIT COMPANIES

Notice of Determination for Surveys

In conformity with title 13, United States Code, sections 181, 224, and 225, and due notice of consideration having been published on February 12, 1973 (38 FR 4279), I have determined that a first quarter 1973 survey of selected multiunit companies is needed to collect information for the 1973 County Business Patterns Report. The survey is similar to those conducted for previous County Business Patterns Reports and is designed to collect information on number of employees, taxable wages, geographic location, and kind of business for establishments of selected multiunit companies. The data will have significant application to the needs of the public and to governmental agencies and are not publicly available from nongovernmental or governmental sources.

Report forms will be furnished to firms included in the survey and additional copies of the forms are available on request to the Director, Bureau of the Census, Washington, D.C. 20233.

I have, therefore, directed that a survey be conducted for the purpose of collecting these data.

Dated: March 15, 1973.

JOSEPH R. WRIGHT, Jr.,
Acting Administrator, Social and Economic Statistics Administration.

[FR Doc.73–5355 Filed 3–20–73;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

ADVISORY COMMITTEES

Notice of Meetings

Pursuant to the Federal Advisory Committee Act of October 6, 1972 (Public Law 92–463, 86 Stat. 770–776), the Food and Drug Administration announces the following public advisory committee meetings and other required information in accordance with provisions set forth in section 10(a) (1) and (2) of the Act:

Committee name	Date, time, place	Type of meeting and/or contact person
1. Panel on Review of Cold, Cough, Allergy, Bronchodilator, and Antiasthmatic Agents.	Apr. 5 and 6, 9 a.m., Room 1409, 200 C Street SW., Washington, DC.	Open Apr. 5, 9 a.m. to 10 a.m., closed Apr. 5 after 10 a.m., closed Apr. 6, Thomas Dee Ellis, Room 10B 09, 5600 Fishers Lane, Rockville, MD 20852, 301—443 4960.

Purpose. Reviews and evaluates available information concerning safety and effectiveness of active ingredients in currently marketed nonprescription drugs containing cold, cough, allergy, bronchodilator, and antiasthmatic agents.

Agenda. Continuing review of over-the-counter drug products under investigation.

Committee name	Date, time, place	Type of meeting and/or contact person
2. National Advisory Drug Committee.	Apr. 5 and 6, 9 a.m., Conference Room G, Parklawn Bldg., 5600 Fishers Lane, Rockville, MD.	Open—Lloyd B. Tepper, M.D., Room 14 57, 5600 Fishers Lane, Rockville, MD 20852, 301—443 3216.

Purpose. Advises the Commissioner of Food and Drugs on policy matters of national significance relating to safety and effectiveness of drugs, and serves as a forum for exchange of views and recommendations.

Agenda. Proposal for expanding use of advisory committees to aid FDA decision making, OTC drugs efficacy review, OTC drug labeling, drug experience reporting systems, and risk-benefit deliberations.

Committee name	Date, time, place	Type of meeting and/or contact person
3. Panel on Review of Topical Analgesics.	Apr. 10 and 11, 9 a.m., Conference Room M, Parklawn Bldg., 5600 Fishers Lane, Rockville, MD.	Open Apr. 10, 9 a.m. to 10 a.m., closed Apr. 10 after 10 a.m., closed Apr. 11, Lee Geisman, Room 10B–05, 5600 Fishers Lane, Rockville, MD 20852, 301—443-4960.

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Purpose. Reviews and evaluates available data concerning safety and effectiveness of active ingredients of currently-marketed nonprescription drug products containing topical analgesics.

Agenda. Continuing review of over-the-counter topical analgesic drug products under investigation.

Committee name	Date, time, place	Type of meeting and/or contact person
4. Panel on Review of Internal Analgesics.	Apr. 12 and 13, 9 a.m., Conference Room K, Parklawn Bldg., 5600 Fishers Lane Rockville, MD.	Open Apr. 12, 9 a.m. to 10 a.m., closed Apr. 12 after 10 a.m., closed Apr. 13. Lee Geismar, Room 10B-05, 5600 Fishers Lane, Rockville, MD 20852, 301—443-4060.

Purpose. Reviews and evaluates available data concerning safety and effectiveness of active ingredients of currently-marketed nonprescription drug products containing internal analgesics.

Agenda. Continuing review of over-the-counter internal analgesic drug products under investigation.

Committee name	Date, time, place	Type of meeting and/or contact person
5. Cardiovascular and Renal Advisory Committee.	Apr. 13, 9 a.m., Conference Room A, Parklawn Bldg., 5600 Fishers Lane, Rockville, MD.	Open 9 a.m. to 3 p.m., closed after 3 p.m. John B. MacGregor, M.D., Room 16B-20, 5600 Fishers Lane, Rockville, MD 20852, 301—443-4730.

Purpose. Advises the Commissioner of Food and Drugs regarding safety and efficacy of drugs employed in the treatment of cardiovascular and renal disorders.

Agenda. Propranolol—reappraisal of safety and efficacy in angina pectoris. Opening remarks, company remarks, additional remarks (requests to make presentation must be submitted in writing 1 week prior to meeting and should include reprints and/or documentation—time limit is 10 minutes per presentation), and review of literature by committee.

Committee name	Date, time, place	Type of meeting and/or contact person
6. Radiological Health Research and Training Grants Review Committee.	Apr. 13 and 14, 9 a.m., Room 400 12720 Twinbrook Pkwy., Rockville, MD.	Open Apr. 13, 9 a.m. to 10 a.m., closed Apr. 13 after 10 a.m., closed Apr. 14. Norman Tellez, M.D., Room 7-67, 5600 Fishers Lane, Rockville, MD 20852, 301—433-4463.

Purpose. Provides scientific and technical review of all research and training grant applications in the areas of individual and public health hazards associated with radiation. Makes recommendations concerning scientific merit of grant applications.

Agenda. Review of research and training grant applications.

Committee name	Date, time, place	Type of meeting and/or contact person
7. Panel on Review of Dental Devices.	Apr. 16, 9:30 a.m., Room 6021, 200 C St. SW., Washington, DC.	Open 9:30 a.m. to 10:30 a.m., closed after 10:30 a.m. David M. Link, Room 212B, 1901 Chapman Ave., Rockville, MD 20852, 301—443-1743.

Purpose. Reviews and evaluates available information concerning safety, effectiveness, and reliability of dental devices currently in use.

Agenda. Review of endodontic, operative, and orthodontic materials and devices which come in physical contact with the patient.

Committee name	Date, time, place	Type of meeting and/or contact person
8. Panel on Review of Sedative, Tranquilizer, and Sleep Aid Drugs.	Apr. 19 and 20, 9 a.m., Conference Room C, Parklawn Bldg., 5600 Fishers Lane, Rockville, MD.	Open Apr. 19, 9 a.m. to 10 a.m., closed Apr. 19 after 10 a.m., closed Apr. 20. Michael Kennedy, Room 10B-05, 5600 Fishers Lane, Rockville, MD 20852, 301—443-4060.

Purpose. Reviews and evaluates available information concerning safety and effectiveness of active ingredients of currently-marketed nonprescription drugs containing sedative, tranquilizer, and sleep aid agents.

Agenda. Continuing review of over-the-counter drug products under investigation.

Committee name	Date, time, place	Type of meeting and contact person
9. Neuropharmacology Advisory Committee.	Apr. 23, 9 a.m., Conference Room M, Parklawn Bldg., 5600 Fishers Lane, Rockville, MD.	Open 9 a.m. to 10 a.m., closed after 10 a.m. Barrett Scoville, M.D., Room 10B-40, 5600 Fishers Lane, Rockville, MD 20852, 301—443-4020.

Purpose. Advises the Commissioner of Food and Drugs regarding safety and efficacy of drugs employed in neuropharmacology.

Agenda. Cylert (pemoline magnesium) studies.

Committee name	Date, time, place	Type of meeting and/or contact person
10. Panel on Review of Antimicrobial Agents.	Apr. 25-27, 9 a.m., Conference Room A, 5600 Fishers Lane, Rockville, MD.	Open Apr. 25, 9 a.m. to 10 a.m., closed Apr. 25 after 10 a.m., closed Apr. 26 and 27. Michael Kennedy, Room 10B-05, 5600 Fishers Lane, Rockville, MD 20852, 301—443-4060.

Purpose. Reviews and evaluates available information concerning safety and effectiveness of currently-marketed nonprescription drugs containing antimicrobial agents.

Agenda. Continuing review of over-the-counter antimicrobial agents under investigation.

Agenda items are subject to change as priorities dictate.

During the open sessions shown above, interested persons may present relevant information or views orally to any committee for its consideration. Information or views submitted to any committee in writing before or during a meeting shall also be considered by the committee.

A list of committee members and summary minutes of meetings may be obtained from the contact person for the committee both for meetings open to the public and those meetings closed to the public in accordance with section 10(d) of the Federal Advisory Committee Act.

Most Food and Drug Administration advisory committee are created to advise the Commissioner of Food and Drugs on pending regulatory matters. Recommendations made by the committees on these matters are intended to result in action under the Federal Food, Drug, and Cosmetic Act, and these committees thus necessarily participate with the Commissioner in exercising his law enforcement responsibilities.

The Freedom of Information Act recognized that the premature disclosure of regulatory plans, or indeed internal discussions of alternative regulatory approaches to a specific problem, could have adverse effects upon both public and private interests. Congress recognized that such plans, even when finalized, may not be made fully available in advance of the effective date without damage to such interests, and therefore provided that this type of discussion would remain confidential. Thus, law enforcement activities have long been recognized as a legitimate subject for confidential consideration.

These committees often must consider trade secrets and other confidential information submitted by particular manufacturers which the Food and Drug Administration by law may not disclose, and which Congress has included within the exemptions from the Freedom of Information Act. Such information includes safety and effectiveness information, product formulation, and manufacturing methods and procedures, all of which are of substantial competitive importance.

In addition, to operate most effectively, the evaluation of specific drug or device products requires that members of committees considering such regulatory matters be free to engage in full and frank discussion. Members of committees have frequently agreed to serve and to provide their most candid advice on the understanding that the discussion would be private in nature. Many experts would be unwilling to engage in candid public discussion advocating regulatory action against a specific product. If the committees were not to engage in the deliberative portions of their work on a confidential basis, the consequent loss of

frank and full discussion among committee members would severely hamper the value of these committees.

The Food and Drug Administration is relying heavily on the use of outside experts to assist in regulatory decisions. The Agency's regulatory actions uniquely affect the health and safety of every citizen, and it is imperative that the best advice be made available to it on a continuing basis in order that it may most effectively carry out its mission.

A determination to close part of an advisory committee meeting does not mean that the public should not have ready access to these advisory committees considering regulatory issues. A determination to close the meeting is subject to the following conditions: First, any interested person may submit written data or information to any committee, for its consideration. This information will be accepted and will be considered by the committee. Second, a portion of every committee meeting will be open to the public, so that interested persons may present any relevant information or views orally to the committee. The period for open discussion will be designated in any announcement of a committee meeting. Third, only the deliberative portion of a committee meeting, and the portion dealing with trade secret and confidential information, will be closed to the public. The portion of any meeting during which nonconfidential information is made available to the committee will be open for public participation. Fourth, after the committee makes its recommendations and the Commissioner either accepts or rejects them, the public and the individuals affected by the regulatory decision involved will have an opportunity to express their views on the decision. If the decision results in promulgation of a regulation, for example, the proposed regulation will be published for public comment. Closing a committee meeting for deliberations on regulatory matters regulation will be published for public access to the committee itself or full public comment with respect to the decisions made based upon the committee's recommendation.

The Commissioner has been delegated the authority under section 10(d) of the Federal Advisory Committee Act to issue a determination in writing, containing the reasons therefor, that any advisory committee meeting is concerned with matters listed in 5 U.S.C. 552(b), which contains the exemptions from the public disclosure requirements of the Freedom of Information Act. Pursuant to this authority, the Commissioner hereby determines, for the reasons set out above, that the portions of the advisory committee meetings designated in this notice as closed to the public involve discussion of existing documents falling within one of the exemptions set forth in 5 U.S.C. 552(b), or matters that, if in writing, would fall within 5 U.S.C. 552(b), and that it is essential to close such portions of such meeting to protect the free exchange of internal views and to avoid undue interference with Agency and committee operations. This determination shall apply only to the designated portions of such meetings which relate to trade secrets and confidential information or to committee deliberations.

Dated: March 15, 1973.

SHERWIN GARDNER,
Acting Commissioner of Food and Drugs.

[FR Doc.73-5359 Filed 3-20-73;8:45 am]

Health Services and Mental Health Administration

NATIONAL ADVISORY COMMITTEES

Notice of Meetings

The Acting Administrator, Health Services and Mental Health Administration, announces the meeting dates and other required information for the following National Advisory bodies scheduled to assemble during the month of April 1973:

Committee name	Date, time, place	Type of meeting and/or contact person
Clinical program—Projects Research Review Committee.	Apr. 1-2, 12 noon, District Room, Hotel Washington, 15th and Pennsylvania Avenue NW., Washington, DC.	Open 12 noon to 1 p.m. on Apr. 1; closed remainder of meeting. Contact J. J. Lasky, Room 10C-23, 5600 Fishers Lane, Rockville, MD, code 301-443-4708.

Purpose: The committee is charged with the initial review of grant applications for Federal assistance in the program areas administered by the Clinical Research Branch, National Institute of Mental Health, and makes recommendations to the National Advisory Council in that program for final review.

Agenda: From 12 noon to 1 p.m., on April 1, the committee will be open for reports and announcements of administrative and program developments. From 1 p.m. through the end of the meeting, the committee will be performing initial review of grant applications for Federal assistance and will not be open to the public, in accordance with the determination by the Acting Administrator, Health Services and Mental Health Administration, pursuant to Public Law 92-463, section 10(d).

Committee name	Date, time, place	Type of meeting and/or contact person
Metropolitan Mental Health Problems Review Committee.	Apr. 2-3, 9 a.m., Sheraton-Silver Spring, 8727 Colesville Road, Silver Spring, MD.	Closed. Contact A. Robert Polcari, Room 12C-16, Parklawn Building, 5600 Fishers Lane, Rockville, MD.

Purpose: The committee is charged with the initial review of grant applications for Federal assistance in the program areas administered by the National Institute of Mental Health, Division of Special Mental Health Programs, Center for Studies of Metropolitan Problems. It makes recommendations to the National Advisory Mental Health Council for final review.

Agenda: The committee will be performing initial review of grant applications for Federal assistance and will not be open to the public in accordance with the determination by the Acting Administrator, Health Services and Mental Health Administration, pursuant to the provisions of Public Law 92-463, section 10(d).

Committee name	Date, time, place	Type of meeting and/or contact person
Mental Health Small Grant Committee.	Apr. 4-6, 2 p.m. District Room, Rooms 334 and 441, The Hotel Washington, 15th and Pennsylvania Avenue NW., Washington, DC.	Open 4 p.m. to 5 p.m. Apr. 4, closed remainder of meeting. Contact Stephanie B. Stoltz, Room 10C-14, Parklawn Building, 5600 Fishers Lane, Rockville, MD, code 301—443-1337.

Purpose: The committee is charged with the initial review of small grant applications for Federal assistance in the program areas administered by the National Institute of Mental Health.

Agenda: From 4 p.m. to 5 p.m., on April 4, the meeting will be open for discussion of administrative announcements and legislative developments. Otherwise, the committee will be performing initial review of grant applications for Federal assistance and will not be open to the public, in accordance with the determination by the Acting Administrator, Health Services and Mental Health Administration, pursuant to the provisions of Public Law 92-463, section 10(d).

Committee name	Date, time, place	Type of meeting and/or contact person
Narcotic addiction and Drug Abuse Review Committee.	Apr. 4-6, 9 a.m., Conference Room K, Parklawn Building, 5600 Fishers Lane, Rockville, MD.	Open 9 a.m. to 10 a.m., on Apr. 4, closed remainder of meeting. Contact Dorothea de Zafra, Room 13-33, Parklawn Building, 5600 Fishers Lane, Rockville, MD, code 301—443-1556.

Purpose: The committee is charged with the initial review of grant applications for Federal assistance in program areas administered by the Center for Studies of Narcotic and Drug Abuse, National Institute of Mental Health relating to research activities, and makes recommendations to the National Advisory Mental Health Council for final review.

Agenda: Announcements and reports on recent administrative, legislative, and program developments, etc., will be presented to the committee members between 9 and 10 a.m., April 4. After 10 a.m. the committee will be performing initial review of grant applications for Federal assistance and will not be open to the public, in accordance with the determination by the Acting Administrator, Health Services and Mental Health Administration, pursuant to the provisions of Public Law 92-463, section 10(d).

Committee name	Date, time, place	Type of meeting and/or contact person
Clinical Projects Research Review Committee.	Apr. 5-7, 9 a.m. District Room, Hotel Washington, 15th and Pennsylvania Avenue NW., Washington, DC.	Open 9 a.m. to 10 a.m. on Apr. 5, closed remainder of meeting. Contact J. J. Lasky, Room 10C-23, Parklawn Building, 5600 Fishers Lane, Rockville, MD, code 301—443-4708.

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Purpose: The committee is charged with the initial review of grant applications for Federal assistance in the program areas administered by the Clinical Research Branch, National Institute of Mental Health, and makes recommendations to the National Advisory Council in that program for final review.

Agenda: From 9 a.m. to 10 a.m., April 5, the committee will be open for reports and announcements of administrative and program developments. From 10 a.m., April 5, through the end of the meeting, the committee will be performing initial review of grant applications for Federal assistance and will not be open to the public, in accordance with the determination by the Acting Administrator, Health Services and Mental Health Administration, pursuant to the provisions of Public Law 92–463, section 10(d).

Committee name	Date, time, place	Type of meeting and/or contact person
Neuropsychology Research Review Committee.	Apr. 5–7, 9 a.m. Woodmont West Room, Holiday Inn, 8120 Wisconsin Avenue, Bethesda, MD.	Open 9 a.m. to 10 a.m. on Apr. 5, closed remainder of meeting. Contact Dr. Leonard Lash, Room 10–95, Parklawn Building, 5600 Fishers Lane, Rockville, MD, code 301—443–3686.

Purpose: The committee is charged with the initial review of grant applications for Federal assistance in the program areas administered by the National Institute of Mental Health relating to research activities and makes recommendations to the National Advisory Council in that program for final review.

Agenda: The committee will be performing initial review of grant applications for Federal assistance and will not be open to the public, in accordance with the determination by the Acting Administrator, Health Services and Mental Health Administration, pursuant to the provisions of Public Law 92–463, section 10(d). The meeting will be open, however, from 9 to 10 a.m. on April 5.

Committee name	Date, time, place	Type of meeting and/or contact person
Experimental Psychology Research Review Committee.	Apr. 6–8, 9 a.m. Dupont Plaza Hotel, Dupont Circle, Washington, D.C.	Open 9 a.m. to 10 a.m. on Apr. 6, closed remainder of meeting. Contact John Hammack, Room 10–95, Parklawn Building, 5600 Fishers Lane, Rockville, MD, code 301—443–3706.

Purpose: The committee is charged with the initial review of grant applications for Federal assistance in the program areas administered by the National Institute of Mental Health relating to research activities and makes recommendations to the National Advisory Council in that program for final review.

Agenda: The committee will be performing initial review of grant applications for Federal assistance and will not be open to the public, in accordance with the determination by the Acting Administrator, Health Services and Mental Health Administration, pursuant to the provisions of Public Law 92–463, section 10(d). The meeting will be open, however, from 9 to 10 a.m. on April 6.

Committee name	Date, time, place	Type of meeting and/or contact person
Personality and Cognition Research Review Committee.	Apr. 6–8, 9 a.m. Spring Room, Holiday Inn, 8777 Georgia Avenue, Silver Spring, MD.	Closed. Contact E. Wayne Herron, Room 10C–05, Parklawn Building, 5600 Fishers Lane, Rockville, MD, Code 301—443–3942.

Purpose: The committee is charged with the initial review of grant applications for Federal assistance in the program areas administered by the National Institute of Mental Health relating to research activities and makes recommendations to the National Advisory Council in that program for final review.

Agenda: The committee will be performing initial review of grant applications for Federal assistance and will not be open to the public, in accordance with the determination by the Acting Administrator, Health Services and Mental Health Administration, pursuant to the provisions of Public Law 92–463, section 10(d).

Committee name	Date, time, place	Type of meeting and/or contact person
Social Problems Research Review Committee.	Apr. 8–9, 9 a.m., Sheraton Inn Hotel, 2500 Calvert Street NW., Washington, DC.	Closed. Contact Marguerite Young, Room 9C–14, Parklawn Building, 5600 Fishers Lane, Rockville, MD, code 301—443–1843.

Purpose: The committee is charged with the initial review of grant applications for Federal assistance in the program areas administered by the Division of Extramural Research Programs, National Institute of Mental Health, relating to the field of social problems and makes recommendations to the National Advisory Mental Health Council for final review.

Agenda: The committee will be performing initial review of grant applications for Federal assistance and will not be open to the public, in accordance with the determination by the Acting Administrator, Health Services and Mental Health Administration, pursuant to the provisions of Public Law 92–463, section 10(d).

Committee name	Date, time, place	Type of meeting and/or contact person
Mental Health Services Research Review Committee.	Apr. 9–11, 9 a.m., Board Room, Shoreham Hotel, 2500 Calvert Street NW., Washington, DC.	Open—9 a.m. to 10 a.m., on Apr. 9, closed remainder of meeting. Contact Mr. James Cumiskey, Room 11–105, Parklawn Building, 5600 Fishers Lane, Rockville, MD, code 301—443–3627.

Purpose: The committee is charged with the initial review of grant applications for Federal assistance in the program areas administered by the Mental Health Services Development Branch, Division of Mental Health Service Programs, National Institute of Mental Health, relating to research and training activities, and makes recommendations to the National Advisory Mental Health Council for final review.

Agenda: From 9 to 10 a.m., on April 9, the committee will be open for reports and announcements of administration and program developments. From 10 a.m., April 9 through April 11, the committee will be performing initial review of grant applications for Federal assistance and will not be open to the public, in accordance with the determination by the Acting Administrator, Health Services and Mental Health Administration, pursuant to the provisions of Public Law 92–463, section 10(d).

Committee name	Date, time, place	Type of meeting and/or contact person
Crime and Delinquency Review Committee.	Apr. 11–13, 9 a.m. Fairfax Hotel, 2100 Massachusetts Avenue NW., Washington, DC.	Open 9 a.m. to 10 a.m., on Apr. 11, closed remainder of meeting. Contact Carol Beall, Room 12C–04, Parklawn Building, 5600 Fishers Lane, Rockville, MD, code 301—443–3728.

Purpose: The committee is charged with the initial review of grant applications for Federal assistance in the program areas administered by the National Institute of Mental Health relating to research and training activities in crime and delinquency, law and mental health, individual violent behavior, and social deviance, and makes its recommendations in that program to the Division of Special Mental Health Programs, the Director, National Institute of Mental Health, and to the National Advisory Mental Health Council for final review.

Agenda: From 9 to 10 a.m., April 11, the committee will be open for reports and announcements of administration and program developments. From 10 a.m., April 11 through April 13, the committee will be performing initial review of grant applications for Federal assistance and will not be open to the public, in accordance with the determination by the Acting Administrator, Health Services and Mental Health Administration, pursuant to the provisions of Public Law 92–463, section 10(d).

Committee name	Date, time, place	Type of meeting and/or contact person
Health Services Research Study Section.	Apr. 11–13, 9 a.m., Conference Room G, Parklawn Building, 5600 Fishers Lane, Rockville, MD.	Open 9 a.m. to 10 a.m., on Apr. 11, closed remainder of meeting. Contact Dr. Alan E. Mayers, Room 15–19, Parklawn Building, 5600 Fishers Lane, Rockville, MD, code 301—443–2920.

Purpose: The committee is charged with the initial review of grant applications for Federal assistance in the program areas administered by the National Center for Health Services Research and Development, and makes recommendations to the National Advisory Councils for final review.

Agenda: The first hour on April 11 will be a business and general meeting and will be open to the public. The remainder of the meeting will consist of initial review of grant applications for Federal assistance and will not be open to the public, in accordance with the determination by the Acting Administrator, Health Services and Mental Health Administration, pursuant to the provisions of Public Law 92–463, section 10(d).

Committee name	Date, time, place	Type of meeting and/or contact person
Epidemiologic Studies Review Committee.	Apr. 12–13, 9 a.m., Cosmos Club, Board Room, 2121 Massachusetts Avenue NW., Washington, DC.	Open 9 a.m. to 10 a.m., on Apr. 12, closed remainder of meeting. Contact Joyce Lazar, Room 10C–09, Parklawn Building, 5600 Fishers Lane, Rockville, MD, code 301—443–3774.

Purpose: The committee is charged with the initial review of grant applications for Federal assistance in the program areas administered by the Center for Epidemiologic Studies, Division of Extramural Research Programs, National Institute of Mental Health, relating to research and training activities, and makes recommendations to the National Advisory Mental Health Council for final review.

Agenda: From 9 to 10 a.m., on April 12 the Committee will be open for reports and announcements of administration and program developments. From 10 a.m., April 12 through April 13, the Committee will be performing initial review of grant applications for Federal assistance, and will not be open to the public, in accordance with the determination by the Acting Administration, Health Services and Mental Health Administration, pursuant to the provisions of Public Law 92–463, section 10(d).

Committee name	Date, time, place	Type of meeting and/or contact person
Preclinical Psychopharmacology Research Review Committee.	Apr. 12–13, 9 a.m., Conference Room C, Parklawn Building, 5600 Fishers Lane, Rockville, MD.	Closed. Contact Marion M. Miller, Room 9–97, Parklawn Building, 5600 Fishers Lane, Rockville, MD, code 301—443–3454.

Purpose: The committee is charged with the initial review of grant applications for Federal assistance in the program areas administered by the National Institute of Mental Health relating to preclinical psychopharmacology research, and makes recommendations in that program to the National Advisory Mental Health Council for final review.

Agenda: The committee will be performing initial review of grant applications for Federal assistance and will not be open to the public, in accordance with the determination by the Acting Administrator, Health Services and Mental Health Administration, pursuant to the provisions of Public Law 92–463, section 10(d).

Committee name	Date, time, place	Type of meeting and/or contact person
Juvenile Problems Research Review Committee.	Apr. 12–13, 9 a.m., Sheraton Park Hotel, 2660 Woodley Road NW., Washington, DC.	Closed. Contact Joseph Marchex, Ph. D., Room 10–99, Parklawn Building, 5600 Fishers Lane, Rockville, MD, code 301—443–3566.

Purpose: The committee is charged with the initial review of grant applications for Federal assistance in the program areas administered by the Division of Extramural Research Programs, National Institute of Mental Health, relating to the developmental growth of juveniles and makes recommendations to the National Advisory Mental Health Council for final review.

Agenda: The committee will be performing initial review of grant applications for Federal assistance and will not be open to the public, in accordance with the determination by the Acting Administrator, Health Services and Mental Health Administration, pursuant to the provisions of Public Law 92–463, section 10(d).

Committee name	Date, time, place	Type of meeting and/or contact person
Social Sciences Research Review Committee.	Apr. 12–14, 9 a.m., Holiday Inn, 8530 Wisconsin Avenue, Chevy Chase, MD.	Closed. Contact Rae Carlson, Room 10–95, Parklawn Building, 5600 Fishers Lane, Rockville, MD, code 301—443–3686.

Purpose: The committee is charged with the initial review of grant applications for Federal assistance in the program areas administered by the National Institute of Mental Health relating to research activities and makes recommendations to the National Advisory Council in that program for final review.

Agenda: The committee will be performing initial review of grant applications for Federal assistance and will not be open to the public, in accordance with the determination by the Acting Administrator, Health Services and Mental Health Administration, pursuant to the provisions of Public Law 92–463, section 10(d).

Committee name	Date, time, place	Type of meeting and/or contact person
Health Care Technology Study Section.	Apr. 16–17, 9 a.m., Dupont Plaza Hotel, Dupont Circle, Washington, D.C.	Open 9 a.m. to 11:30 a.m., on Apr. 16, closed remainder of meeting. Contact John R. Hall, Room 15–19, Parklawn Building, 5600 Fishers Lane, Rockville, MD., code 301—443–2920.

Purpose: The committee is charged with the initial review of grant applications for Federal assistance in the program areas administered by the National Center for Health Services Research and Development which relate to the use of systems anaylsis, operations research and computer sciences in the broad fields of community health services, hospital medicine, and patient care. It makes recommendations to the National Advisory Councils on the scientific merits of such applications.

Agenda: During the open session the study section will conduct necessary administrative and informational business. During the closed sessions the study section will review grant applications for Federal assistance, and will not be open to the public, in accordance with the determination by the Acting Administrator, Health Services and Mental Health Administration, pursuant to the provisions of Public Law 92–463, section 10(d).

Committee name	Date, time, place	Type of meeting and/or contact person
Clinical Psychopharmacology Research Review Committee.	Apr. 19–20, 9 a.m., Conference Room G, Parklawn Building, 5600 Fishers Lane, Rockville, MD.	Closed. Contact Dr. Ronald S. Lipman, Room 9–105, Parklawn Building, 5600 Fishers Lane, Rockville, MD, code 301—443–4407.

Purpose: The committee is charged with the initial review of grant applications for Federal assistance in the program areas administered by the National Institute of Mental Health relating to research activities and makes recommendations to the National Advisory Council in that program for final review.

Agenda: The committee will be performing initial review of grant applications for Federal assistance and will not be open to the public, in accordance with the determination by the Acting Administrator, Health Services and Mental Health Administration, pursuant to the provisions of Public Law 92–463, section 10(d).

Committee name	Date, time, place	Type of meeting and/or contact person
Alcohol Training Review Committee.	Apr. 26–28, 9 a.m., Conference Room F, Parklawn Building, 5600 Fishers Lane, Rockville, MD.	Open 9 a.m. to 10 a.m., on Apr. 26, closed remainder of meeting. Contact Melvin Davidoff, Room 13–99, Parklawn Building, 5600 Fishers Lane, Rockville, MD, code 301—443–1056.

Purpose: The committee is charged with the initial review of grant applications for Federal assistance in the program areas administered by the National Institute on Alcohol Abuse and Alcoholism, National Institute of Mental Health, relating to training activities and makes recommendations to the National Advisory Council in that program for final review.

Agenda: From 9 a.m. to 10 a.m., April 26, the committee will be open for reports and announcements of administrative and program developments. From 10 a.m., April 26 through April 28, the committee will be performing initial review of grant applications for Federal assistance and will not be open to the public, in accordance with the determination by the Acting Administrator, Health Services and Mental Health Administration, pursuant to the provisions of Public Law 92–463, section 10(d).

Agenda items are subject to change as priorities dictate.

A roster of members and other relevant information regarding open sessions may be obtained from the contact persons listed above.

Dated: March 14, 1973.

ANDREW J. CARDINAL,
Acting Associate Administrator for Management, Health Services and Mental Health Administration.

[FR Doc.73–5363 Filed 3–20–73;8:45 am]

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National Institutes of Health

NATIONAL CANCER ADVISORY BOARD ADVISORY COMMITTEE

Notice of Meeting

Pursuant to Public Law 92–463, notice is hereby given of the meeting of the National Cancer Advisory Board ad hoc Advisory Committee for the Frederick Cancer Research Center (FCRC), March 25, 1973, 7 to 9 p.m., Holiday Inn, 8120 Wisconsin Avenue, Bethesda, MD, Woodmont East room. This meeting will be open to the public from 7 to 7:30 p.m., March 25, 1973, to discuss general matters relating to tasks being performed under Contract NIH–NCI–E–72–3294, and closed to the public from 7:30 to 9 p.m., March 25, 1973, in accordance with the provisions set forth in section 552(b)4 of Title 5 United States Code, and section 10(d) of Public Law 92–463. Attendance by the public will be limited to space available.

Mr. Frank Karel, Associate Director for Public Affairs, NCI, Building 31, Room 10A31, National Institutes of Health, Bethesda, Md. 20014, 301—496–1911, will furnish summaries of the open/closed meeting and roster of committee members.

Dr. William W. Payne, Executive Secretary, Building 560, Room 11–82, Frederick Cancer Research Center, Fort Detrick, Frederick, Md. 21701, 301—663–7305, will provide substantive program information.

Dated: March 12, 1973.

JOHN P. SHERMAN,
Deputy Director,
National Institutes of Health.

[FR Doc.73–5326 Filed 3–20–73;8:45 am]

Social and Rehabilitation Service, Rehabilitation Services Administration

NATIONAL ADVISORY COUNCIL ON VOCATIONAL REHABILITATION

Notice of Meeting

This Council advises on research and demonstration strategy and programs administered under the Vocational Rehabilitation Act.

This Council will meet on April 12–13, 1973 at 9:30 a.m. in Room 5026, Mary E. Switzer Building, Department of Health, Education, and Welfare, 330 C Street SW., Washington, DC. Agenda items include: Reports by individual Council members on visits with State Vocational Rehabilitation Directors, legislation, new approaches to the training of rehabilitation personnel, research and demonstration activities, and research utilization. Meeting open to public observation.

WILLMAN A. MASSIE,
Executive Secretary.

MARCH 15, 1973.

[FR Doc.73–5322 Filed 3–20–73;8:45 am]

MEDICAL RESEARCH STUDY SECTION

Notice of Meeting

The Medical Research Study Section will hold a regular meeting to review rehabilitation research and demonstration grant applications on March 22–23, 1973, 9 a.m. to 4 p.m., Room 3065, Department of Health, Education, and Welfare, Mary E. Switzer Memorial Building, 330 C Street SW., Washington, DC.

The meeting will be devoted to the review of grant applications for Model Regional Systems of Spinal Cord Injury Rehabilitation. The meeting is open to public observation.

A summary of the meeting and roster of study section members may be obtained from Mr. J. Paul Thomas, Executive Secretary, Medical Research Study Section, DHEW, SRS, Room 5320, 330 C Street SW., Washington, DC.

J. PAUL THOMAS,
Executive Secretary.

MARCH 13, 1973.

[FR Doc.73–5499 Filed 3–20–73;8:45 am]

Social Security Administration

PHYSICIANS' REIMBURSEMENT METHODS STUDY COMMITTEE

Notice of Public Meeting

Notice is hereby given, pursuant to Public Law 92–463, that the Physicians' Reimbursement Methods Study Committee of the Health Insurance Benefits Advisory Council, which is studying the methods of reimbursement for physicians' services under the medicare program, will meet on Thursday, March 22, 1973, at 2 p.m. in Room 3173 of the Department of Health, Education, and Welfare's North Building, Third and C Streets NW., Washington, D.C. The meeting is open to the public. The Committee will consider matters relating to the study.

Further information on the Council may be obtained from Mr. Max Perlman, Executive Secretary, Health Insurance Benefits Advisory Council, Room 585, East Building, Social Security Administration, 6401 Security Boulevard, Baltimore, MD 21235, telephone 301—594–9134. Members of the public planning to attend should send written notice of intent to the Executive Secretary.

Dated: March 15, 1973.

MAX PERLMAN,
Executive Secretary, Health Insurance Benefits Advisory Council.

[FR Doc.73–5394 Filed 3–20–73;8:45 am]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. D–73–224]

DEPUTY REGIONAL ADMINISTRATOR, ET AL.

Designation To Serve as Acting Regional Administrator

The officers appointed to the following listed positions in Region IX (San Francisco) are hereby designated to serve as Acting Regional Administrator, Region IX (San Francisco), during the absence of the Regional Administrator with all the powers, functions, and duties redelegated or assigned to the Regional Administrator: *Provided*, That no officer is authorized to serve as Acting Regional Administrator unless all other officers whose titles precede his in this designation are unable to act by reason of absence:

1. Deputy Regional Administrator.
2. Assistant Regional Administrator for Equal Opportunity.
3. Assistant Regional Administrator for Administration.
4. Assistant Regional Administrator for Housing Management.
5. Regional Counsel.
6. Assistant Regional Administrator for Community Development.
7. Assistant Regional Administrator for Housing Production and Mortgage Credit.
8. Assistant Regional Administrator for Community Planning and Management.

(Delegation effective May 4, 1962, 27 FR 4319; Interim Order II, 31 FR 815, January 21, 1966.)

This designation supersedes the designation effective as of July 17, 1972 (37 F.R. 18408, September 9, 1972).

Effective as of the 8th day of January 1973.

ROBERT H. BAIDA,
Regional Administrator,
Region IX (San Francisco).

[FR Doc.73–5347 Filed 3–20–73;8:45 am]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

REDUCED CHANNEL SPACING FOR ILS, VOR, AND TACAN(DME)

Notice of Invitation for Comment

This notice requests comments and suggestions in accordance with Federal Aviation Administration policy of regular consultation with aviation users, the aviation industry, State and local governments, other Federal agencies, and the general public, concerning planning for development and improvement of the National Airspace System.

The FAA has determined that increased requirements for air navigation facilities in the National Airspace System (NAS) cannot be met with the number of frequencies now available for assignment for very high frequency omnidirectional radio ranges (VOR), instrument landing systems (ILS), simplified directional facilities (SDF), and tactical navigation distance measuring (TACAN(DME)) facilities.

The rapid expansion of aviation services in the NAS has resulted in the need for additional terminal and en route navigation facilities. The limited number of assignable frequencies now available makes it impossible to provide for proposed and required navigation aids. This shortage of frequencies is most acute in the Boston-New York-Washington; Chicago-Detroit; and the San Francisco-Los Angeles areas. Future requirements for installation of additional navigation aids in these congested areas and elsewhere in the NAS cannot be satisfied without increasing the number of radio frequency channels available for assignment.

Examination of alternative solutions to this problem indicates that reduction of radio channel spacing of these facilities from the present 100 kHz spacing to 50 kHz spacing is the most economical and practicable method of increasing the number of assignable frequencies. This action would double the availability of assignable channels for VOR, ILS, and SDF.

Concurrent with implementation of 50 kHz channel spacing, suppression of certain harmonic radiation and increased stabilization of radio frequencies for VOR and ILS facilities will be essential to compatible operation of adjacent-channel facilities with 50 kHz channel spacing.

The FAA announced at the FAA Planning Review Conference in April 1970, that split channeling for the VOR, ILS, and TACAN(DME) bands would be a necessity.

FAA Advisory Circular AC 170–12, issued in October 1970, indicated that implementation of 50 kHz channel spacing was proposed to begin January 1, 1973, and that the new frequencies would be used initially only where necessary to accommodate new facilities in congested areas. Advisory Circular AC 170–12 was also intended to serve as advance notice to aircraft operators that certain aircraft receiving equipment not designed for "split channel" operation might have limited service life in the new frequency environment.

The Federal Communications Commission by regulation (47 CFR Parts 2 and 87) assigns frequencies in the aeronautical radio navigation band 108–117.975 MHz for non-Federal ILS and VOR facilities. The present FCC regulations provide for 100 kHz channel spacing and result in the availability of 20 ILS channels and 80 VOR channels for assignment. The FCC by notice adopted on September 20, 1972 (Docket No. 19590, RM 1888; 37 FR 20872, October 4, 1972), and at the request of the FAA, has proposed amendment of Parts 2 and 87 of the FCC regulations to provide for 50 kHz channel spacing in this frequency band.

The Office of Telecommunications Policy assigns frequencies in the aeronautical radio navigation band for facilities operated by the United States.

Implementation of 50 kHz/Y channel spacing will commence early in calendar year 1973 by assignment of these new channels for facilities in areas where frequency saturation makes 100 kHz/X channel assignments impossible and by modifying all FAA VOR and ILS facilities to stabilize radio frequencies within 0.002 percent (in lieu of the present 0.005 percent tolerance). In areas where 50 kHz channel spacing is implemented, adjacent-channel VOR facilities will be modified to suppress undesired subcarrier harmonics, to insure compatible adjacent-channel operation of VOR and ILS facilities.

The Department of Defense has indicated that VOR and ILS facilities operated by the Army, Navy, and Air Force will be similarly modified by July 1, 1973.

The FAA is issuing a notice of proposed rule making (Docket No. 12649; Notice No. 73–9) proposing amendment of Part 171 of the Federal Aviation Regulations (14 CFR Part 171), Non-Federal Navigation Facilities, to require that all non-Federal VOR, SDF, and ILS facilities perform with a frequency tolerance not exceeding 0.002 percent, and to require that after notice from the Administrator that 50 kHz channel spacing is to be implemented in the area, and that a requirement exists for suppression of 9,960 Hz subcarrier harmonics, the facility be modified to perform in accordance with paragraph 3.3.5.7 of Annex 10 to the Convention on International Aviation.

The FAA recognizes that certain airborne receiving equipment now in use is not designed for split channel operation and may have limited service life in the new frequency environment. Many modern air carrier VOR–ILS receivers are understood to be capable of split-channel operation now, or with minor modification. Associated DME equipment is understood to have the capability of operating with Y channel TACAN(DME) facilities.

Many receivers in use by general aviation, however, have no provision for 50 kHz VOR–ILS or Y channel DME tuning. In addition, the receiver bandpass characteristics of many of these units will not permit their use in the new frequency environment. These receivers may receive disruptive interference from nearby adjacent-channel facilities, when 50 kHz has been widely implemented. It is understood that while some receivers may be economically modified for use with 50 kHz channel spacing, some others do not lend themselves to such modifications.

It is anticipated that the problem of adjacent-channel interference can be avoided at least until 1975 by application of interim facility separation criteria which provides for greater geographic spacing. Thereafter, if demands and requirements for additional facilities in the NAS compel compromise of this interim facility separation criteria, adjacent-channel interference may become an operational problem.

Equipment requirements for IFR flight now specified in § 91.33(d) (2) of the Federal Aviation Regulations include navigational equipment appropriate to the ground facilities to be used. As 50 kHz/Y channel implementation progresses an increasing number of en route and terminal facilities (50 kHz/Y channel facilities and 100 kHz/Y channel with adjacent-channel interference) would be unavailable for use with aircraft not equipped with avionics designed or modified for use with 50 kHz/Y channel facilities. IFR flight, with inappropriate equipment, attempting to utilize 50 kHz/Y channel facilities or 100 kHz/X channel facilities with adjacent-channel interference would be hazardous and in violation of the requirements of § 91.33 (d)(2).

For flight planning purposes 50 kHz facilities will be identifiable by the operating frequency assigned. Locations where adjacent-channel interference would be encountered will be identified in Flight Information Publications. Additionally, 6-month advance notice of 50 kHz assignments for existing facilities, now operating with 100 kHz assignments, is planned to be given in Flight Information Publications.

A number of equipment manufacturers advise that modification kits and techniques have been developed for many units now in operational use. Owners and operators of airborne equipments are encouraged to investigate the feasibility of modifying present equipment and to ascertain the capabilities of new equipments prior to purchase.

Interested persons are invited to submit such written data and comments as they may desire on the program described herein. Comments should be submitted to: Director, Office of Aviation Policy and Plans, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591, on or before April 20, 1973.

All comments submitted will be available for inspection in Room 935, Federal Office Building 10A, 800 Independence Avenue SW., Washington, DC 20591.

Issued in Washington, D.C., on March 13, 1973.

ROBERT F. BACON,
Director, Office of Aviation Policy and Plans.

[FR Doc.73–5335 Filed 3–20–73;8:45 am]

COMMISSION ON CIVIL RIGHTS

DISTRICT OF COLUMBIA ADVISORY COMMITTEE

Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights, that a meeting of the District of Columbia Advisory Committee will convene at 6:30 p.m. on March 22, 1973, in the Conference Room (No. 512) at 1121 Vermont Avenue NW., Washington DC 20425.

Persons wishing to attend this meeting should contact the Committee Chairman, or the Mid-Atlantic Regional Office of the Commission at 2120 L Street NW., Washington, DC 20425.

The purpose of this meeting shall be to hear and discuss any revisions of the first draft of the Committee's Report on Discrimination of Black Businessmen by Financial Institutions in the District of Columbia.

This meeting will be conducted pursuant to the rules and regulations of the Commission.

Dated at Washington, D.C., March 14, 1973.

ISAIAH T. CRESWELL, JR.,
Advisory Committee Management Officer.

[FR Doc.73–5537 Filed 3–20–73;8:45 am]

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NEW JERSEY STATE ADVISORY COMMITTEE

Notice of Open Meeting

Notice is hereby given, pursuant to the provision of the rules and regulations of the U.S. Commission on Civil Rights, that a meeting of the New Jersey State Advisory Committee will convene at 7:30 p.m. on March 22, 1973, in Room 730, Federal Building, 970 Broad Street, Newark, NJ 07102. Persons wishing to attend this meeting should contact the Committee Chairman, or the Mid-Atlantic Regional Office of the Commission at 2120 L Street NW., Room 510, Washington, DC 20425.

The purpose of this meeting shall be to review all field operations between March 12 and March 16, in connection with the New Jersey Committee's prison project.

This meeting will be conducted pursuant to rules and regulations of the Commission.

Dated at Washington, D.C., March 13, 1973.

ISAIAH T. CRESWELL, Jr.,
Advisory Committee Management Officer.

[FR Doc.73-5536 Filed 3-20-73;8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

BENZOYL CHLORIDE (2,4,6-TRICHLOROPHENYL) HYDRAZONE

Reextension of Temporary Tolerance

Correction

In FR Doc. 73-4923 appearing on page 6917 of the issue for Wednesday, March 14, 1973, in the eighth line from the end of the first paragraph the word "as" should read "at".

ENVIRONMENTAL IMPACT STATEMENTS

Availability of Agency Comments

Pursuant to the requirements of section 102(2)(C) of the National Environmental Policy Act of 1969 and section 309 of the Clean Air Act, as amended, the Environmental Protection Agency (EPA) has reviewed and commented in writing on Federal agency actions impacting the environment contained in the following appendices during the period from February 1, 1973, to February 15, 1973.

Appendix I contains a listing of draft environmental impact statements reviewed and commented upon in writing during this reviewing period. The list includes the Federal agency responsible for the statement, the number and title of the statement, the classification of the nature of EPA's comments as defined in Appendix II, and the EPA source for copies of the comments as set forth in Appendix V.

Appendix II contains the definitions of the classifications of EPA's comments on the draft environmental impact statements as set forth in Appendix I.

Appendix III contains a listing of final environmental impact statements reviewed and commented upon in writing during this reviewing period. The listing will include the Federal agency responsible for the statement, the number and title of the statement, a summary of the nature of EPA's comments, and the EPA source for copies of the comments as set forth in Appendix V.

Appendix IV contains a listing of proposed Federal agency regulations, legislation proposed by Federal agencies, and any other proposed actions reviewed and commented upon in writing pursuant to section 309(a) of the Clean Air Act, as amended, during the referenced reviewing period. The listing includes the Federal agency responsible for the proposed action, the title of the action, a summary of the nature of EPA's comments, and the EPA source for copies of the comments as set forth in Appendix V.

Appendix V contains a listing of the names and addresses of the sources for copies of EPA comments listed in Appendices I, III, and IV.

Copies of the EPA Order 1640.1, setting forth the policies and procedures for EPA's review of agency actions, may be obtained by writing the Public Inquiries Branch, Office of Public Affairs, Environmental Protection Agency, Washington, D.C. 20460. Copies of the draft and final environmental impact statements referenced herein are available from the originating Federal department or agency or from the National Technical Information Service, U.S. Department of Commerce, Springfield, Va. 22151.

Dated: March 8, 1973.

SHELDON MEYERS,
Director, Office of Federal Activities.

APPENDIX I

DRAFT ENVIRONMENTAL IMPACT STATEMENTS FOR WHICH COMMENTS WERE ISSUED BETWEEN FEBRUARY 1, 1973, AND FEBRUARY 15, 1973

Responsible Federal agency	Title and identifying number	General nature of comments	Source for copies of comments
Atomic Energy Commission	D-AEC-00079-PA: Limerick Generating Station, Units 1 and 2, Pa.	ER-2	D
Do	D-AEC-00087-TN: Test and Research Reactor Fuel Element, Oak Ridge, Tenn.	LO-2	E
Do	D-AEC-00029-CA: Diablo Canyon Reactor Units 1 and 2, Calif.	3	J
Do	D-AEC-00074-NY: James A. Fitzpatrick Nuclear Power Plant, N.Y.	ER-2	C
U.S. Coast Guard	D-CGD-50110-SC: Charleston County (Wadmalaw Island, Highway Bridge and approaches across Church Creek (S.C. Route 700), S.C.	LO-1	E
Corps of Engineers (Civil Works)	D-COE-30048-GU: Agana Small Boat Harbor, Guam	LO-2	J
Do	D-COE-30061-AS: OFU Boat Harbor, Manua Islands, American Samoa.	LO-1	J
Do	D-COE-30055-HI: Prevention and Mitigation of Shore Damage, Maui, Hawaii.	LO-1	J
Do	D-COE-32460-LA: Bayou Lafourche and Lafourche-Jump Waterway, La.	ER-2	G
Do	D-COE-32463-LA: Red River Waterway, Louisiana, Texas, Arkansas, and Oklahoma, and related projects.	ER-2	G
Do	D-COE-34060-NY: Oswego Steam Station Unit No. 6, N.Y.	ER-2	C
Do	D-COE-35052-CT: Housatonic River Maintenance Dredging, Stratford and Milford Counties, Conn.	ER-2	B
Do	D-COE-35053-NY: Maintenance Dredging of Little Neck Bay, N.Y.	LO-1	C
Do	D-COE-35054-NY: Maintenance Dredging of Peconic River, N.Y.	LO-1	C
Do	D-COE-36189-CA: Sweetwater River Channel, San Diego County, Calif.	3	J
Do	D-COE-36194-MA: Charles River Locks and Dam Project, Boston, Mass.	ER-2	B
Department of Agriculture	D-DOA-24047-MD: Research-Demonstration Study Waste Composting, Beltsville, Md.	LO-1	D
Do	D-DOA-86160-ND: Starkweather Watershed Project, N. Dak.	EU-2	I
Do	D-DOA-89113-ND: Proposed Commitment of New Sugar Bean Producing Area, Wahpeton, N. Dak.	LO-2	I
Do	D-DOA-99012-ND: Proposed Commitment of New Sugar Bean Producing Area, Hillsboro, N. Dak.	LO-2	I
Department of the Interior	D-DOI-61104-AK: Proposed Semidi Wilderness Area, Alaska.	LO-1	K
Do	D-DOI-61115-AK: Proposed Unimak Island Wilderness, Alaska.	LO-1	K
Do	D-DOI-32306-CO: Twin Lakes Dam and Reservoir Enlargement and Mount Elbert Forebay: Fryingpan-Arkansas Project, Colo.	LO-2	I
Department of Transportation	D-DOT-41615-NY: Long Island Sound Crossing and Approach Highways, N.Y.	ER-2	C
Do	D-DOT-41644-UT: Clear Creek Canyon I-70, Utah	LO-2	J
Do	D-DOT-41652-NH: U.S. Route 302, Carroll, N.H.	LO-2	B
Do	D-DOT-41656-CA: Slope Protection, Santiago Canyon Road Route 1279, Calif.	LO-1	J
Do	D-DOT-41668-DE: Reconstruction of Delaware Route 3/7, New Castle, Del.	ER-2	D
Do	D-DOT-50114-TX: Second Span of Laredo International Bridge, Tex.	LO-1	G
Do	D-DOT-51214-PA: Greater Pittsburgh International Airport, Pittsburgh, Pa.	ER-2	D
Federal Aviation Administration	D-FAA-51224-CA: Los Angeles International Airport Land Acquisition, Calif.	LO-1	J
Federal Highway Administration	D-FHW-41601-SD: Project No. SA 0124, Yankton County, S. Dak.	LO-1	I
Do	D-FHW-50117-MT: Project No. RS 68 (6) Bridge Site Study northwest of Winifred, Mont.	LO-2	I
Do	D-FHW-41649-OR: Lewis and Clark Highway, Clark County, Portland, Oreg.	ER-1	K
Do	D-FHW-41631-MD: U.S. Route 15, Putman Road to Kelly's Store Road, Frederick County, Md.	LO-1	D
Do	D-FHW-41667-VA: Route 58, Mecklenburg County, Va.	LO-2	D
Do	D-FHW-41672-NB: Project RS-66-6(10)112, Highway 66 Improvement, Butler and Saunders Counties, Nebr.	LO-2	H

Responsible Federal agency	Title and identifying number	General nature of comments	Source for copies of comments
Do	D-FHW-41693-PA: Kelly's Store Road to Pennsylvania State line, Pa.	LO-1	D
Do	D-FHW-41653-MA: Route 52, Volume I, Worcester-Sterling, Volume II, Sterling-Leominster, Mass.	ER-2	B
Do	D-FHW-41660-KY: Laurel County, Kentucky KY-312-1-75, Connector BF-63-406-36; 2-152(2), Ky.	LO-2	E
Do	D-FHW-41661-NC: Graham County, North Carolina and Monroe County, Tenn., Public Lands Highway, Tellico Plains, Robbinsville Highway, N.C.	LO-2	E
Do	D-FHW-41663-NC: Gilford County, N.C., U.S. 421 (West Market Street), Greensboro, N.C.	LO-2	E
Federal Power Commission	D-FPC-05424-WV: Racine Project Ohio/West Virginia.	LO-2	D
Do	D-FPC-50116-SC: Saluda Project No. 516, Saluda River and tributaries, S.C.	LO-2	E
General Services Administration	D-GSA-81116-PA: Social Security Administration Payment Center, Philadelphia, Pa.	ER-1	D
Interstate Commerce Commission	D-ICC-53016-WA: Proposed Burlington Northern, Inc., King County, Wash.	LO-2	K

APPENDIX II—DEFINITION OF CODES FOR THE GENERAL NATURE OF EPA COMMENTS

ENVIRONMENTAL IMPACT OF THE ACTION

LO—Lack of Objections.

EPA has no objections to the proposed action as described in the draft impact statement; or suggests only minor changes in the proposed action.

ER—Environmental Reservations.

EPA has reservations concerning the environmental effects of certain aspects of the proposed action. EPA believes that further study of suggested alternatives or modifications is required and has asked the originating Federal agency to reassess these aspects.

EU—Environmentally Unsatisfactory.

EPA believes that the proposed action is unsatisfactory because of its potentially harmful effect on the environment. Furthermore, the Agency believes that the potential safeguards which might be utilized may not adequately protect the environment from hazards arising from this action. The Agency recommends that alternatives to the action be analyzed further (including the possibility of no action at all).

ADEQUACY OF THE IMPACT STATEMENT

Category 1—Adequate.

The draft impact statement adequately sets forth the environmental impact of the proposed project or action as well as alternatives reasonably available to the project or action.

Category 2—Insufficient Information.

EPA believes that the draft impact statement does not contain sufficient information to assess fully the environmental impact of the proposed project or action. However, from the information submitted, the Agency is able to make a preliminary determination of the impact on the environment. EPA has requested that the originator provide the information that was not included in the draft statement.

Category 3—Inadequate.

EPA believes that the draft impact statement does not adequately assess the environmental impact of the proposed project or action, or that the statement inadequately analyzes reasonably available alternatives. The Agency has requested more information and analysis concerning the potential environmental hazards and has asked that substantial revision be made to the impact statement.

If a draft impact statement is assigned a Category 3, no rating will be made of the project or action, since a basis does not generally exist on which to make such a determination.

APPENDIX III

FINAL ENVIRONMENTAL IMPACT STATEMENTS FOR WHICH COMMENTS WERE ISSUED BETWEEN FEBRUARY 1, 1973, AND FEBRUARY 15, 1973

Identifying number	Title	General nature of comments	Source for copies of comments
None			

APPENDIX IV

REGULATIONS, LEGISLATION AND OTHER FEDERAL AGENCY ACTIONS FOR WHICH COMMENTS WERE ISSUED BETWEEN FEBRUARY 1, 1973, AND FEBRUARY 15, 1973

Agency	Title	General nature of comments	Source for copies of comments
None			

APPENDIX V—SOURCES FOR COPIES OF EPA COMMENTS

A. Director, Office of Public Affairs, Environmental Protection Agency, 401 M Street SW., Washington, DC 20460.

B. Director of Public Affairs, Region I, Environmental Protection Agency, Room 2303, John F. Kennedy Federal Building, Boston, Mass. 02203.

C. Director of Public Affairs, Region II, Environmental Protection Agency, Room 847, 26 Federal Plaza, New York, NY 10007.

D. Director of Public Affairs, Region III, Environmental Protection Agency, Curtis Building, Sixth and Walnut Streets, Philadelphia, PA 19106.

E. Director of Public Affairs, Region IV, Environmental Protection Agency, Suite 300, 1421 Peachtree Street NE., Atlanta, GA 30309.

F. Director of Public Affairs, Region V, Environmental Protection Agency, 1 North Wacker Drive, Chicago, IL 60606.

G. Director of Public Affairs, Region VI, Environmental Protection Agency, 1600 Patterson Street, Dallas, TX 75201.

H. Director of Public Affairs, Region VII, Environmental Protection Agency, 1735 Baltimore Street, Kansas City, MO 64108.

I. Director of Public Affairs, Region VIII, Environmental Protection Agency, Lincoln Tower, Room 916, 1860 Lincoln Street, Denver, CO 80203.

J. Director of Public Affairs, Region IX, Environmental Protection Agency, 100 California Street, San Francisco, CA 94102.

K. Director of Public Affairs, Region X, Environmental Protection Agency, 1200 Sixth Avenue, Seattle, WA 98101.

[FR Doc.73-5287 Filed 3-20-73;8:45 am]

FEDERAL MARITIME COMMISSION

CITY OF MILWAUKEE AND OPTICS FOR INDUSTRY

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1015; or may inspect the agreement at the field offices located at New York, NY, New Orleans, La., and San Francisco, Calif. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, on or before April 10, 1973. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed by:

Mr. J. A. Seefeldt,
Municipal Port Director,
City of Milwaukee,
Room 606 City Hall,
Milwaukee, Wis. 53202.

Agreement No. T-2756, between the City of Milwaukee (City) and Optics for Industry (Optics), is a lease of property on the South Harbor Tract in the City of Milwaukee, Wis., containing approximately nine acres. Optics will use the premises for operating and maintaining storage tanks, heating and pumping equipment, and other facilities in connection with the receipt, preparation, processing, handling and/or shipping of liquid and other cargo and carrying on those activities related to the fabrication of materials, servicing, supplying and repairing of vessels, and all other services related to waterfront activities. Optics shall hold the above premises for the current proposed term

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which will expire on December 31, 1977. Optics shall have two 5-year option periods subject to rental adjustment. Optics will pay to the City as rent $16,800 per annum for each of the first 2 years of the term. For each of the last 3 years of the term, Optics will pay $17,300. As additional rent, Optics will pay wharfage, pipeline delivery charges, and track rental as more specifically provided in the agreement. Subject to secondary use by the City, Optics will have the exclusive use of certain spur tracks serving the facility. Other tracks as designated may be utilized by Optics on a joint basis with other harbor tenants. Optics will also have a preferential but nonexclusive right to berth vessels on the north side or Municipal South Pier No. 5 (tanker pier). Supplemental berthing privileges will be granted at other locations. Whenever this occurs, Optics will pay to the City wharfage charges at the same rate and in the same manner as would be paid for the preferentially assigned facilities.

Dated: March 16, 1973.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.73-5391 Filed 3-20-73;8:45 am]

MATSON NAVIGATION CO. AND HILO TRANSPORTATION & TERMINAL CO.

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1015; or may inspect the agreement at the field offices located at New York, NY, New Orleans, La., and San Francisco, Calif. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, on or before April 2, 1973. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed by:

Peter P. Wilson, Counsel, Matson Navigation Co., 100 Mission Street, San Francisco, CA 94105.

Agreement No. T-2740, between Matson Navigation Co. (Matson) and Hilo Transportation & Terminal Co. (Hilo), is a cargo services agreement whereby Hilo is to provide Matson comprehensive terminal, stevedoring, container yard, container freight station, and other incidental services for Matson vessels calling at the Port of Hilo, Hawaii. As compensation, Hilo is to receive rates as agreed to by the parties and filed with the Federal Maritime Commission.

Dated: March 15, 1973.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.73-5392 Filed 3-20-73;8:45 am]

SCANDINAVIAN EAST AFRICA LINE AND SOUTH SHIPPING LINES-IRAN LINE

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1015; or may inspect the agreement at the field offices located at New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, on or before April 10, 1973. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed by:

J. J. Soleto, Inbound Manager, Jan C. Uiterwyk Co., Inc., General Agents, South Shipping Lines-Iran Line, 715 East Bird Street, Tampa, FL 33604.

Agreement No. 10042 is a transshipment agreement between the Scandinavian East Africa Line and the South Shipping Lines-Iran Line applying to the transportation of general cargo moving under through bills of lading from ports of Madagascar served by Scandinavian East Africa Line to U.S. Atlantic and Gulf ports served by South Shipping Lines-Iran Line with transshipment at Tamatave or any other Malagasy port.

Dated: March 16, 1973.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.73-5393 Filed 3-20-73;8:45 am]

[Docket No. 73-12]

SEA-LAND SERVICE, INC. ET AL.

Order of Investigation and Suspension Regarding Proposed ILA Surcharges in U.S. Atlantic and Gulf/Puerto Rico Trade

On March 17, 1973, and March 18, 1973,[1] Sea-Land Service, Inc. (Sea-Land), Seatrain Lines Inc. (Seatrain), and Transamerican Trailer Transport Inc. (TTT) propose to put into effect surcharges in the trade between U.S. Atlantic ports and Puerto Rico[2] amounting to 15.2 percent to allegedly offset increased labor costs resulting from their current contract with the International Longshoremen's Association (ILA). The surcharges were filed pursuant to special permissions authorizing that form of publication. In accordance with Amendment 1 to General Order No. 11 (46 CFR 512.3(d)(1)), each carrier has filed financial and other data in support of the increases.

The three carriers have used common methodology in arriving at the amount of surcharge requested. Basically they have computed the costs to them of each segment of the new ILA contract (October 1, 1971 to September 30, 1974) as compared with their costs under the contract ending September 30, 1971. The segments include:

(a) Wages and fringe benefits at all ports;

(b) Container royalties at all ports for containers loaded or stripped by non-ILA labor; and

(c) Assessments by the New York Shipping Association.

The resulting dollar amounts, in the form of net increases in costs, were then applied to forecasted revenues from March 15, 1973, to September 30, 1974, to determine what percentage those revenues would have to be increased in order to recover the increased costs. In order to remain competitive, two carriers then lowered the amount of the proposed surcharges to the level of the third.

Twenty-five protests to these surcharges have thus far been received by the Commission raising various legal and factual issues. The Commission's staff has also reviewed the material filed in

[1] TTT's surcharge was filed 1 day later than those of Sea-Land and Seatrain.

[2] Although the Sea-Land and Seatrain tariffs to which the surcharges apply include ports in the Gulf of Mexico as well as ports in the Atlantic, those two carriers have presented no data in support of application of the surcharges thereto.

support of the increases and raises additional questions. Among the various issues are:

(1) Whether costs incurred in the past may be recovered by a prospective rate increase.

(2) Whether costs which are based upon cargo carried in the past but which have become payable only at present can be used to justify a prospective rate increase.

(3) Whether costs which can be specifically identified with one port only (New York) should be recovered by a rate increase applicable to all ports in the trade.

(4) Whether costs which are assessed on a tonnage basis should be recovered on a revenue basis, thus giving preference to heavier and lower rated cargo.

(5) Whether the new ILA contract provides for productivity gains which would reduce the need for the proposed surcharges.

The rates upon which the surcharges are sought to be imposed are rates which are currently under investigation in Dockets Nos. 71-30, 71-42, and 71-43. In arriving at their projected 1972 rates of return in those proceedings, two of the carriers projected certain increases in ILA costs which are partially duplicative of the increases submitted in support of these surcharges.[3]

Upon consideration of the carriers' data and of the facts stated above, the Commission is of the opinion that the proposed surcharges should be made the subject of a public investigation and hearing to determine whether they are unjust, unreasonable, or otherwise unlawful under sections 16 First and 18(a) of the Shipping Act, 1916, and sections 3 and 4 of the Intercoastal Shipping Act, 1933.

Under the circumstances, however, the Commission is of the opinion that the full exercise of its suspension authority would not be warranted. There are obviously cost increases under the new ILA contract, the full impact of which was unknown during the proceedings in Dockets Nos. 71-30, 71-42, and 71-43. By using Sea-Land's figures because of its position as the dominant carrier, and by eliminating costs which: (1) Have been admittedly incurred and paid in the past; (2) have not been adequately supported by sufficient data; and/or (3) which relate solely to expenses limited to the port of New York; the Commission has arrived at the conclusion that as an interim measure, that portion of the surcharge not exceeding 5.2 percent applicable to all U.S. Atlantic ports would not require suspension, although the entire surcharge will be subject to investigation herein.

The Commission is of the further opinion that the use of costs attributable to cargo carried in the past to justify prospective rate increases may be violative of the standards set forth in section 18(a) of the Shipping Act, 1916, and sections 3 and 4 of the Intercoastal Shipping Act, 1933.

Good cause appearing, therefore:

It is ordered, That pursuant to the authority of section 22 of the Shipping Act, 1916, and sections 3 and 4 of the Intercoastal Shipping Act, 1933, an investigation is hereby instituted into the lawfulness of the tariff pages and supplements listed in Appendix A hereto[4] for the purpose of making such findings and orders as the facts and circumstances warrant. In the event the tariff matters hereby placed under investigation are further changed, amended, or reissued, such changes are hereby ordered to be made a part of this investigation;

It is further ordered, That pursuant to section 3, Intercoastal Shipping Act, 1933, the aforementioned tariff pages and supplements are hereby suspended and the use thereof deferred to and including July 16, 1973, unless otherwise ordered by the Commission;

It is further ordered, That there shall be filed immediately by Sea-Land Service, Inc., Seatrain Lines, Inc., and Transamerican Trailer Transport, Inc., consecutively numbered supplements to the tariffs listed in Appendix A, which supplements shall bear no effective date, shall reproduce the portion of this order wherein the suspended matters are described, and shall state that the matters are suspended and may not be used until July 17, 1973, unless otherwise authorized by the Commission and that the suspended matters may not be changed, except as ordered herein, until this proceeding has been disposed of, or until the period of suspension has expired, whichever comes first, unless otherwise ordered by the Commission;

It is further ordered, That there may be filed by Sea-Land Service, Inc., Seatrain Lines, Inc., and Transamerican Trailer Transport, Inc., the tariff matter necessary to effectuate a surcharge of 5.2 percent on all rates between U.S. Atlantic ports and ports in Puerto Rico, such tariff matter to become effective on not less than 1 day's notice and to expire on July 16, 1973, unless otherwise ordered by the Commission;

It is further ordered, That pursuant to section 16 First of the Shipping Act, 1916, a determination shall be made as to whether these proposed increases, which attempt to recover costs based partially upon a tonnage assessment by a surcharge upon a rate (or revenue) basis, result in an undue or unreasonable preference or advantage to heavier and lower rated cargo, and/or subject lighter and higher rated cargo to any undue or unreasonable prejudice or disadvantage;

It is further ordered, That pursuant to section 16 First of the Shipping Act, 1916, a determination shall be made as to whether the proposed application of the surcharge to all ports in the Trade gives undue or unreasonable preference or advantage to the port of New York or subjects the other ports to any undue or unreasonable prejudice or disadvantage;

It is further ordered, That as part of this investigation, a determination shall be made as to whether the proposed surcharges listed in Appendix A are violative of section 18(a) of the Shipping Act, 1916;

It is further ordered, That copies of this order shall be filed with the appropriate tariff schedules in the Bureau of Compliance of the Federal Maritime Commission;

It is further ordered, That Sea-Land Service, Inc., Seatrain Lines, Inc., and Transamerican Trailer Transport, Inc., be named as respondents in this proceeding;

It is further ordered, That the following named parties be designated as petitioners in accordance with the Commission's rules of practice and procedure:

American Home Products Corp.
The National Small Shipments Traffic Conference, Inc.
Drug and Toilet Preparation Traffic Conference.
Armour and Co.
Armour-Dial, Inc.
Asociacion De Comerciantes En Materiales De Construccion.
Bayuk Cigars, Inc.
Beatrice Foods Co.
Chamber of Commerce of Puerto Rico.
Cigar Manufacturers Association of America, Inc.
The Commonwealth of Puerto Rico.
Consolidated Cigar Corp.
General Cigar Co., Inc.
Gerber International Corp.
Glamorgan Pipe & Foundary Company, Inc.
Glen Alden Corp.
International Playtex Corp.
The B.V.D. Corp., Inc.
Schenley Distillers, Inc.
Griffin Pipe Products Co.
Geo. A. Hormel & Co.
Oscar Mayer & Co.
John Morrell & Co.
Import & Export Council of Puerto Rico.
Lobo-Kane, Inc.
Parodi Cigar Corp.
Puerto Rico Manufacturers Association.
The Puritan Sportswear Corp., Ralston Purina Co., Star Kist Caribe, Inc.

It is further ordered, That this proceeding be assigned for public hearing before an administrative law judge of this Commission's Office of Administrative Law Judges and that the hearing be held at a date and place to be determined by the presiding administrative law judge;

It is further ordered, That, (I) a copy of this order be forthwith served upon the respondents and petitioners herein and upon this Commission's Bureau of Hearing Counsel, and published in the FEDERAL REGISTER; and (II) the respondents, petitioners and Hearing Counsel be duly served with notice of time and place of the hearing.

All persons (including individuals, corporations, associations, firms, partnerships, and public bodies) having an interest in this proceeding and desiring to

[3] In the case of Sea-Land the duplication totals approximately $3,173,000 out of a claimed increase of $17,300,000 and for TTT, approximately $251,000 out of $8,631,000.

[4] Filed as part of the original document.

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intervene therein, should notify the Secretary of the Commission promptly and file petitions for leave to intervene in accordance with Rule 5(1) of the Commission's rules of practice and procedure (46 CFR 502.72) with a copy to all parties to this proceeding.

By the Commission.

[SEAL] JOSEPH C. POLKING,
Assistant Secretary.

[FR Doc.73-5390 Filed 3-20-73;8:45 am]

FEDERAL POWER COMMISSION

NATIONAL POWER SURVEY—TECHNICAL ADVISORY COMMITTEE ON RESEARCH AND DEVELOPMENT—TASK FORCE ON ENERGY SOURCES RESEARCH

Agenda of Third Meeting

Meeting to be held at the Federal Power Commission Offices, 1425 K Street NW., Washington, DC at 9:30 a.m. on March 28, 1973, Room 785.

1. Meeting called to order by FPC Coordinating Representative.
2. Objectives and purposes of meeting.
A. Evaluation of the reports on current research and research not being done and suggested funding with regard to:
1. Nuclear fuels.
2. Fossil fuels.
3. Geothermal.
4. Solar.
5. Liquid and solid waste as fuels.
6. Renewable sources.
B. Other business.
C. Schedule of future meetings.
3. Adjournment.

This meeting is open to the public. Any interested person may attend, appear before, or file statements with the committee—which statements, if in written form, may be filed before or after the meeting, or, if oral, at the time and in the manner permitted by the committee.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-5553 Filed 3-20-73;10:26 am]

FEDERAL RESERVE SYSTEM

BARNETT BANKS OF FLORIDA, INC.

Order Denying Acquisition of Bank

Barnett Banks of Florida, Inc., Jacksonville, Fla., a bank holding company within the meaning of the Bank Holding Company Act, has applied for the Board's approval under section 3(a)(3) of the Act (12 U.S.C. 1842(a)(3)) to acquire 90 percent or more of the voting shares of Peninsula State Bank, Tampa, Fla. (Peninsula Bank).

Notice of the application, affording opportunity for interested persons to submit comments and views, has been given in accordance with section 3(b) of the Act. The time for filing comments and views has expired and the Board has considered the application and all comments received in light of the factors set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Applicant controls 37 banks with aggregate deposits of $1.1 billion, representing 6.6 percent of the deposits of commercial banks in Florida and is the second largest banking organization in the State. (All banking data are as of June 30, 1972, and reflect bank holding company formations and acquisitions approved through January 31, 1973.) The acquisition of Peninsula Bank, which has total deposits of $38.2 million, would increase Applicant's control of State deposits by 0.2 percentage points, and its rank among State banking organizations would not change.

Peninsula Bank controls 3.4 percent of the commercial deposits in the Tampa banking market as the second largest of the 10 remaining independent banks. The acquisition of Peninsula Bank would represent Applicant's third entry into this market. Applicant's larger market subsidiary, Barnett Bank of Tampa, Tampa, Fla. (Tampa Bank), located 4 miles northeast of Peninsula Bank, controls deposits of $16.6 million, representing 1.5 percent of total market deposits. Applicant's other market bank, Barnett Bank of Brandon, N.A., opened in October 1972 and is located 16 miles to the east in Brandon, Fla. Applicant also has two subsidiaries located approximately 20 miles from Tampa in Clearwater and St. Petersburg. The record indicates that approximately 75 percent of the deposits and 22 percent of the loans of Peninsula Bank are derived from the service area of Tampa Bank, and that approximately 14 percent of the deposits and 22 percent of the loans of Tampa Bank are derived from Peninsula Bank's service area. The Board concludes that substantial existing competition would be eliminated by consummation of this proposal.

The Tampa banking market encompasses the city of Tampa and its suburbs in Hillsborough County where 25 banks presently compete and eight of the State's 25 multibank holding companies are represented. The market is highly concentrated; the three largest holding companies control 69 percent of market deposits. Applicant's acquisition of subject bank would remove one of the remaining independent banks, located close to the downtown Tampa area, which could serve as a possible means of entry by a banking organization not presently represented in the market. It is the Board's judgment, based on this record, that area competition would be adversely affected by consummation of the proposed acquisition. Not only would substantial existing competition be eliminated and potential competition foreclosed, but a medium for deconcentrating the Tampa market would also be eliminated. Pursuant to the Act, the Board is required to deny this application based on its adverse competitive findings unless there are benefits accruing to the public which would prevail over and outweigh the adverse features cited above.

The financial condition of Applicant and its subsidiary banks appears to be generally satisfactory, especially in view of Applicant's commitment to improve the capital position of its subsidiaries. Management for Applicant's group is also generally satisfactory and prospects for Applicant and its system of banks appear favorable. The financial condition and managerial resources of Peninsula Bank are considered to be generally satisfactory and its prospects also appear favorable. Banking factors are consistent with approval of the application.

The banking needs of the Tampa area are satisfactorily served by existing financial institutions. Although Applicant proposes to assist Peninsula Bank in establishing trust services, in expanding data processing services, and in modernizing the bank's premises, it appears that none of these additions or improvements is of such import or benefit to the public that they would override the adverse effects this proposal would have on competition in the Tampa area. It is the Board's judgment that consummation of the proposed acquisition would not be in the public interest and the application should be denied.

On the basis of the record, the application is denied for the reasons summarized above.

By order of the Board of Governors,[1] effective March 13, 1973.

[SEAL] TYNAN SMITH,
Secretary of the Board.

[FR Doc.73-5368 Filed 3-20-73;8:45 am]

COUNTY NATIONAL BANCORPORATION

Order Approving Acquisition of General Mortgage Company of St. Louis

County National Bancorporation, Clayton, Mo. (Applicant), a bank holding company within the meaning of the Bank Holding Company Act, has applied for the Board's approval, under section 4(c)(8) of the Act and § 225.4(b)(2) of the Board's Regulation Y, to acquire all of the voting shares of General Mortgage Company of St. Louis (Company), St. Ann, Mo., a company that engages in the origination and servicing of real estate mortgage loans for its own account and others and acts as broker or agent with respect to credit life, credit disability, mortgage redemption, and homeowner's insurance in connection with extensions of credit. Such activities have been determined by the Board to be closely related to banking (12 CFR 225.(a)(1), (3), and (9)).

Notice of the application, affording opportunity for interested persons to submit comments and views on the public interest factors, has been duly published (37 FR 24852). Subsequently, Applicant requested separate Board consideration of the mortgage banking and insurance agency activities of Company and only the mortgage banking activities of Company are dealt with herein. The time for filing comments and views has expired and none relating to the mortgage banking activities of Company has been received.

[1] Voting for this action: Vice Chairman Robertson, and Governors Mitchell, Brimmer, and Bucher. Absent and not voting: Chairman Burns, and Governors Daane and Sheehan.

Applicant controls one bank[1] with deposits of approximately $198.2 million, representing 4.7 percent of the commercial bank deposits in the St. Louis market.[2] Although Applicant's banking subsidiary originates and services mortgage loans for its own portfolio, its share of total mortgage loans in that market is less than 1 percent.

Company operates from a single office in St. Ann, Mo., where it is engaged in originating and servicing mortgage loans in the St. Louis market. In 1971, Company originated $10.9 million in mortgage loans for sale to investors and $2.3 million in construction loans for its own account. The combined share of total mortgage originations in the St. Louis market by Applicant and Company is substantially less than 2 percent of the total mortgage recordings in that market. With a mortgage servicing volume of $127.5 million, Company is the fourth largest mortgage company headquartered in St. Louis and is the 10th largest of the at least 25 mortgage banking companies with offices in the St. Louis market. In view of the relatively large number of other mortgage lenders in the market, elimination of this small amount of local competition would, in the Board's opinion, have no significantly adverse effect on mortgage lending in the area.

Approval of the proposed acquisition will make available to Company the financial and managerial resources of Applicant and permit Company to compete more effectively with the numerous mortgage departments of large banks and savings and loan associations in the area. Applicant also proposes to furnish additional funds to Company in order to increase the quantity of loans that Company can make for its own account. On balance, the Board concludes that these public benefits outweigh any possible adverse effect on competition.

Based upon the foregoing and other considerations reflected in the record, the Board has determined that the balance of the public interest factors the Board is required to consider under section 4(c)(8) is favorable. Accordingly, the application to acquire solely the Company's mortgage banking business is hereby approved. This determination is subject to the conditions set forth in § 225.4(c) of Regulation Y and to the Board's authority to require such modification or termination of the activities of a holding company or any of its subsidiaries as the Board finds necessary to assure compliance with the provisions and purposes of the Act, and the Board's regulations and orders issued thereunder, or to prevent evasion thereof.

By order of the Board of Governors,[3] effective March 13, 1973.

[SEAL] TYNAN SMITH,
Secretary of the Board.

[FR Doc.73-5369 Filed 3-20-73;8:45 am]

FEDERATED TEXAS BANCORPORATION, INC.

Order Approving Formation of Bank Holding Company

Federated Texas Bancorporation, Inc., San Antonio, Tex., has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company through acquisition of 100 percent of the voting shares (less directors' qualifying shares) of (1) State National Bank of Corpus Christi, Tex., successor by merger to Corpus Christi State National Bank, Corpus Christi, Tex. (Corpus Christi Bank), (2) The American National Bank of Austin, Austin, Tex. (Austin Bank), and (3) The Alamo National Bank of San Antonio, San Antonio, Tex. (San Antonio Bank). The latter acquisitions are to be made through the acquisition of all of the shares of American First Corp., Austin, Tex., and Alamo Bancshares, Inc., San Antonio, Tex., both registered one-bank holding companies which own, respectively, all of the voting shares of Austin Bank and San Antonio Bank. The bank into which Corpus Christi Bank is to be merged has no significance except as a means to facilitate the acquisition of the voting shares of Bank. Accordingly, the proposed acquisition of shares of the successor organization is treated herein as the proposed acquisition of the shares of Bank.

Notice of the application, affording opportunity for interested persons to submit comments and views, has been given in accordance with section 3(b) of the Act. The time for filing comments and views has expired, and none have been timely received. The Board has considered the application in light of the factors set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Applicant is a newly-formed organization and has no operating history. Upon formation, Applicant would become the ninth largest banking organization and seventh largest bank holding company in Texas, and would control $537 million in deposits, representing 1.8 percent of Statewide deposits.[1]

Corpus Christi Bank ($179.2 million in deposits) is the largest of 26 banks located in the Corpus Christi SMSA, the relevant banking market, and controls 31.8 percent of deposits in that market. The second largest bank holding company in Texas—First City Bancorporation, Inc., Houston—has applied to acquire the second largest bank in Corpus Christi, with 20 percent of market deposits. The closest other proposed subsidiary bank is San Antonio Bank, located 145 miles northwest of Corpus Christi. Austin Bank ($177.2 million in deposits) is the third largest of 13 banks in the Austin SMSA banking market, controlling 17.6 percent of area deposits. The two larger banks control 28 and 23.8 percent of market deposits. Austin Bank is 80 miles northeast of San Antonio, where the closest proposed subsidiary bank would be located. San Antonio Bank ($180.6 million in deposits), the third largest of 35 banking organizations in the San Antonio banking market, defined as the San Antonio SMSA and Comal County, controls 9.7 percent of area deposits. The two larger banks in that banking market control 24.2 and 14.8 percent of market deposits.

It appears that consummation of the proposal would not have an adverse effect on existing competition inasmuch as each proposed banking subsidiary is located in a separate banking market, the closest of which are 80 miles apart. Deposit concentration in the markets would not be altered, and Statewide concentration would increase by only 1.8 percent. Approval of the application would not impede the future entry of outside bank holding companies nor inhibit the creation of additional bank holding companies in the markets involved. Approval would create a banking organization of sufficient size to compete effectively in the respective markets for the wholesale banking business which has been going to the larger banking organizations headquartered outside the markets. Competitive considerations are consistent with approval of the application.

Considerations relating to the financial and managerial resources and prospects as they relate to Applicant and the three proposed subsidiary banks are consistent with approval, in view of Applicant's commitment to inject additional capital into Austin Bank within 6 months after consummation. The major banking needs of the respective markets appear to be adequately served at the present time. However, the demand for more sophisticated banking services has grown as the southeastern part of Texas, in which Banks are located, has developed. However, it has been not the local banking organizations but rather the larger banking institutions headquartered in Dallas and Houston that have been providing such services. Approval would enable Applicant to better meet the need for the new and expanding services and allow it to better compete in the communities in which it operates, and these considerations lend weight toward approval. It is the Board's judgment that

[1] By Order dated March 9, 1972 (1972 Federal Reserve Bulletin 405), the Board approved Applicant's application to acquire shares of a second bank, Big Bend bank, Webster Groves, Mo. (deposits of $2.6 million). Approval, however, has been stayed under section 11(b) of the Act (12 U.S.C. 1849(b)) as a result of an action by the Attorney General brought under the antitrust laws and arising out of the proposed acquisition.

[2] All banking data are as of Dec. 31, 1971.

[3] Voting for this action: Vice Chairman Robertson and Governors Mitchell, Brimmer, and Bucher. Absent and not voting: Chairman Burns and Governors Daane and Sheehan.

[1] All banking data are as of June 30, 1972, and reflect bank holding company formations and acquistions approved by the Board through Jan. 31, 1973.

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the proposed acquisition would be in the public interest and that the application should be approved.

On the basis of the record, the application is approved for the reasons summarized above. The transaction shall not be consummated (a) before April 12, 1973, or (b) later than June 13, 1973, unless such period is extended for good cause by the Board or by the Federal Reserve Bank of Dallas pursuant to delegated authority.

By order of the Board of Governors,[2] effective March 13, 1973.

[SEAL] TYNAN SMITH, *Secretary of the Board.*

[FR Doc.73-5370 Filed 3-20-73;8:45 am]

FIRST BANCORP., INC.

Order Granting Approval of Acquisition of Bank

First Bancorp., Inc., Corsicana, Tex., a bank holding company within the meaning of the Bank Holding Company Act, has applied for the Board's approval under section 3(a)(3) of the Act (12 U.S.C. 1842(a)(3)), to acquire the successor by merger to Citizens National Bank in Ennis, Ennis, Tex. (Bank). The successor bank to Bank has no significance except as a means to facilitate the acquisition of voting shares of Bank. Accordingly, the proposed acquisition is treated herein as a proposed acquisition of the shares of Bank.

Notice of the application, affording opportunity for interested persons to submit comments and views, has been given in accordance with section 3(b) of the Act. The time for filing comments and views has expired, and none have been timely received. The Board has considered the application in light of the factors set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Applicant owns 24.7 percent of Bank and, in addition, controls one bank, First National Bank of Corsicana, with deposits of $41.7 million, representing less than one-half of 1 percent of all deposits of commercial banks in Texas.[1] Acquisition of Bank (deposits of $16.8 million) would not significantly increase the concentration of banking resources in Texas.

There is little substantial existing competition between Applicant's banking subsidiary and Bank since they are located in different though adjacent banking markets and due to the fact of Applicant's substantial ownership interest in Bank. This latter factor also militates against the probability of future substantial competition developing between Applicant and Bank. The Board concludes that competitive considerations are consistent with approval of the application.

The financial condition, managerial resources, and future prospects of Applicant, its subsidiary bank, and Bank appear satisfactory, particularly in view of the fact that approval of this application will result in increased capital for Bank. These factors lend support for approval of the application. Considerations relating to the convenience and needs of the communities to be served lend some weight for support of approval of the application, since Applicant plans to provide greater management depth and certain specialized financial services, such as factoring and personal property leasing, which Bank does not presently offer. It is the Board's judgment that consummation of the proposed acquisition would be in the public interest and that the application should be approved.

On the basis of the record, the application is approved for the reasons summarized above. The transaction shall not be consummated (a) before April 12, 1973, or (b) later than June 13, 1973, unless such period is extended for good cause by the Board or by the Federal Reserve Bank of Dallas, pursuant to delegated authority.

By order of the Board of Governors,[2] effective March 13, 1973.

[SEAL] TYNAN SMITH, *Secretary of the Board.*

[FR Doc.73-5371 Filed 3-20-73;8:45 am]

FIRST INTERNATIONAL BANCSHARES, INC.

Aquisition of Bank

Correction

In FR Doc. 72-4173 appearing on page 6103 in the issue for Tuesday, March 6, 1973, the following changes should be made:

1. The first line, reading "J 84-000, Folio 6675, 31-10", should be deleted.

2. In the last paragraph the date reading "January 27, 1973" should read "February 27, 1973".

FIRST TENNESSEE NATIONAL CORP.

Acquisition of Bank

First Tennessee National Corp., Memphis, Tenn., has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 100 percent of the voting shares of the successor by merger to the Fountain City Bank, Knoxville, Tenn. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

First Tennessee National Corp's subsidiaries are also engaged in the following nonbank activities: Acting as reinsurer for underwriters of credit life insurance; and acting as a mortgage broker which manages real estate for others and develops real estate. In addition to the factors considered under section 3 of the Act (banking factors), the Board will consider the proposal in the light of the company's nonbanking activities and the provisions and prohibitions in section 4 of the Act (12 U.S.C. 1843).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of St. Louis. Any person wishing to comment on the application should submit his views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than April 10, 1973.

Board of Governors of the Federal Reserve System, March 14, 1973.

[SEAL] MICHAEL A. GREENSPAN, *Assistant Secretary of the Board.*

[FR Doc.73-5372 Filed 3-20-73;8:45 am]

FLORIDA BANKSHARES, INC.

Formation of Bank Holding Company

Correction

In FR Doc. 73-4171 appearing at page 6103 in the issue for Tuesday, March 6, 1973, the date in the last paragraph, now reading "January 27, 1973", should read "February 27, 1973".

NORTH MOORE STREET BANK

Order Approving Merger of Banks

North Moore Street Bank, Arlington, Va., a nonoperating proposed State member bank of the Federal Reserve System, has applied pursuant to the Bank Merger Act (12 U.S.C. 1828(c)) for the Board's prior approval to merge with The Bank of Arlington, Arlington, Va. (Bank), under the name of Bank and charter of Applicant, as a means to facilitate the acquisition of the voting shares of Bank by Northern Virginia Bancshares, Inc., Arlington, Va. Bank had deposits of $5.8 million as of December 31, 1972.

As required by the Act, notice of the proposed merger and application for approval of the merger has been published and the Board has requested reports on competitive factors from the Attorney General, the Comptroller of the Currency, and the Federal Deposit Insurance Corporation. The Board has considered all relevant material contained in the record in the light of the factors set forth in the Act.

On the basis of the record, the application is approved for the reasons summarized in the Board's order of October 5, 1971, approving the application of Northern Virginia Bancshares, Inc., to acquire 41.96 percent or more of the voting shares of Bank (57 Federal Reserve Bulletin 859). The transaction shall not be consummated (a) before April 12, 1973, or (b) later than June 13, 1973, unless such period is extended for good cause by the Board or by the Federal Reserve Bank of Richmond, pursuant to delegated authority.

[1] All banking data are as of June 30, 1972.

[2] Voting for this action: Vice Chairman Robertson and Governors Mitchell, Brimmer and Bucher. Absent and not voting: Chairman Burns and Governors Daane and Sheehan.

By order of the Board of Governors,[1] effective March 13, 1973.

[SEAL] TYNAN SMITH, *Secretary of the Board.*

[FR Doc.73-5373 Filed 3-20-73;8:45 am]

HISTORIC PRESERVATION ADVISORY COUNCIL

INTERNATIONAL CENTRE COMMITTEE

Notice of Public Meeting

Pursuant to Public Law 92-463, notice is hereby given of the regular meeting of the International Centre Committee of the Advisory Council on Historic Preservation, on March 27, 1973, at 10 a.m., in Room 2010, New Executive Office Building, 726 Jackson Place NW., Washington, DC. This meeting is open to the public. Information regarding the agenda of the meeting and committee membership is available from the Executive Secretary, Advisory Council on Historic Preservation, Suite 430, 1522 K Street NW., Washington, DC 20005. (202-254-3974)

Dated: March 13, 1973.

ROBERT R. GARVEY, JR., *Executive Secretary.*

[FR Doc.73-5367 Filed 3-20-73;8:45 am]

INTERIM COMPLIANCE PANEL (COAL MINE HEALTH AND SAFETY)

EASTERN ASSOCIATED COAL CORP.

Applications for Renewal Permits; Notice of Opportunity for Public Hearing

Applications for Renewal Permits for Noncompliance with the Interim Mandatory Dust Standard (2.0 mg/m³) have been received as follows:

(1) ICP Docket No. 20536, Eastern Associated Coal Corp.,
Harris No. 1 Mine, USBM ID NO. 46 01271 0,
Bald Knob, W. Va.,
Section ID No. 014 (1 West Headings),
Section ID No. 012 (5 Right 1 West),
Section ID No. 010 (3 Right 2 West),
Section ID No. 008 (4 Left 2 West),
Section ID No. 013 (4 Butt Left North Mains).

(2) ICP Docket No. 20537, Eastern Associated Coal Corp.,
Harris No. 2 Mine, USBM ID NO. 46 01270 0,
Bald Knob, W. Va.,
Section ID No. 012 (7 Right North Mains),
Section ID No. 013 (8 Right North Mains),
Section ID No. 011 (East Mains),
Section ID No. 003 (North Mains Headings).

In accordance with the provisions of section 202(b)(4) (30 U.S.C. 842(b)(4)) of the Federal Coal Mine Health and Safety Act of 1969 (83 Stat. 742 et seq., Public Law 91-173), notice is hereby given that requests for public hearing as to an application for renewal may be filed on or before April 5, 1973. Requests for public hearing must be filed in accordance with 30 CFR Part 505 (35 FR 11296, July 15, 1970), as amended, copies of which may be obtained from the panel on request.

A copy of the application is available for inspection and requests for public hearing may be filed in the office of the Correspondence Control Officer, Interim Compliance Panel, Room 800, 1730 K Street NW., Washington, DC 20006.

GEORGE A. HORNBECK, *Chairman, Interim Compliance Panel.*

MARCH 15, 1973.

[FR Doc.73-5332 Filed 3-20-73;8:45 am]

[1] Voting for this action: Vice Chairman Robertson and Governors Mitchell, Brimmer and Bucher. Absent and not voting: Chairman Burns and Governors Daane and Sheehan.

WEBSTER COUNTY COAL CORP.

Application for Renewal Permit; Notice of Opportunity for Public Hearing

Application for Renewal Permit for Noncompliance with the Interim Mandatory Dust Standard (2.0 mg/m³) has been received as follows:

ICP Docket No. 20111, Webster County Coal Corp., Dotiki Mine, USBM ID No. 15 02132 0, Clay, Ky.,
Section ID No. 011 (Main West),
Section ID No. 015 (3rd North off Main West),
Section ID No. 016 (Main East Parallel),
Section ID No. 017 (4th North off Main West).

In accordance with the provisions of section 202(b)(4) (30 U.S.C. 842(b)(4)) of the Federal Coal Mine Health and Safety Act of 1969 (83 Stat. 742, et seq., Public Law 91-173), notice is hereby given that requests for public hearing as to an application for renewal may be filed on or before April 5, 1973. Requests for public hearing must be filed in accordance with 30 CFR Part 505 (35 FR 11296, July 15, 1970), as amended, copies of which may be obtained from the panel on request.

A copy of the application is available for inspection and requests for public hearing may be filed in the office of the Correspondence Control Officer, Interim Compliance Panel, Room 800, 1730 K Street NW., Washington, DC 20006.

GEORGE A. HORNBECK, *Chairman, Interim Compliance Panel.*

MARCH 15, 1973.

[FR Doc.73-5331 Filed 3-20-73;8:45 am]

NATIONAL COMMISSION ON MATERIALS POLICY

PREPARATION OF FINAL REPORT TO CONGRESS AND THE PRESIDENT

Notice of Closed Meeting

MARCH 14, 1973.

Pursuant to the requirements of the Federal Advisory Committee Act, notice is hereby given that there will be a meeting of the National Commission on Materials Policy on Monday, March 26, 1973, at 10 a.m. The meeting will be held in the Commission's offices, Room 3002, 2025 M St. NW., Washington, DC. The meeting will be held for the purpose of reviewing reports prepared for the Commission by staff members and by various persons and groups outside the Government, and for the purpose of preparing the Commission's final report to the Congress and the President. The meeting will not be open to the public.

JAMES BOYD, *Executive Director.*

[FR Doc.73-5416 Filed 3-20-73;8:45 am]

OFFICE OF EMERGENCY PREPAREDNESS

TEXAS

Notice of Major Disaster and Related Determinations

Pursuant to the authority vested in me by the President under Executive Order 11575 of December 31, 1970; and by virtue of the Act of December 31, 1970, entitled "Disaster Relief Act of 1970" (84 Stat. 1744), notice is hereby given that on March 12, 1973, the President declared a major disaster as follows:

I have determined that the damage in certain areas of the State of Texas resulting from tornadoes, high winds, and flooding beginning on or about March 10, 1973, are of sufficient severity and magnitude to warrant a major disaster declaration under Public Law 91-606. I therefore declare that such a major disaster exists in the State of Texas. You are to determine the specific areas within the State eligible for Federal assistance under this declaration.

Notice is hereby given that pursuant to the authority vested in me by the President under Executive Order 11575 to administer the Disaster Relief Act of 1970 (Public Law 91-606), I hereby appoint Mr. George E. Hastings, Regional Director, OEP Region 6, to act as the Federal Coordinating Officer to perform the duties specified by section 201 of that Act for this disaster.

I do hereby determine the following areas in the State of Texas to have been adversely affected by this declared major disaster.

The counties of:
Burnet. Hill.

Dated: March 15, 1973.

DARRELL M. TRENT, *Acting Director, Office of Emergency Preparedness.*

[FR Doc.73-5321 Filed 3-20-73;8:45 am]

SECURITIES AND EXCHANGE COMMISSION

BROKER-DEALER MODEL COMPLIANCE PROGRAM ADVISORY COMMITTEE

Notice of Public Meetings

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act, Public Law 92-463, 86 Stat. 770, the Securities and Exchange Commission announces the following public advisory committee meetings.

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The Commission's Advisory Committee on a Model Compliance Program for Broker-Dealers, established on October 25, 1972 (Securities Exchange Act Release No. 9835), will hold meetings on March 27–28, 1973, at the offices of the National Association of Securities Dealers, Inc., 1735 K Street NW., Washington, DC. The meeting on March 27 will commence at 10 a.m., e.s.t., and the meeting on March 28 will commence at 9 a.m., e.s.t.

This Advisory Committee was formed to assist the Commission in developing a model compliance program to serve as an industry guide for the broker-dealer community. Assisted by this Committee's work the Commission plans to publish a guide to broker-dealer compliance under the securities acts in order to advise broker-dealers of the standards to which they should adhere if investor confidence in the fairness of the marketplace is to be warranted and sustained. The Committee's recommendations are not intended to result in the expansion of Commission rules governing broker-dealers, but to inform broker-dealers as to the existing requirements and how they may comply with them.

The Committee's scheduled meetings will be for the purpose of reviewing drafts and proposals concerning the Committee's proposed report to the Commission on these compliance guidelines for broker-dealers.

These meetings are open to the public. Any interested person may attend and appear before or file statements with the Advisory Committee—which statements, if in written form, may be filed before or after the meeting or, if oral, at the time and in the manner and extent permitted by the Advisory Committee.

[SEAL] RONALD F. HUNT,
Secretary.

MARCH 13, 1973.

[FR Doc.73-5329 Filed 3-20-73;8:45 am]

COST OF LIVING COUNCIL

FOOD INDUSTRY WAGE AND SALARY COMMITTEE

Certification

Pursuant to the provisions of the Federal Advisory Committee Act (Public Law 92–463, 86 Stat. 770), I certify that the creation of the Food Industry Wage and Salary Committee is in the public interest. The Food Industry Wage and Salary Committee is established under the authority of section 212(f) of the Economic Stabilization Act, as amended, section 4(a)(iv) of Executive Order No. 11695, and Cost of Living Council Order No. 14. It will be made up of labor, management, and public members and will perform five basic functions:

1. Review all remaining food industry wage and salary cases filed before January 11, 1973, and advise on the disposition of these cases under Phase II regulations.

2. Review all new food industry wage and salary cases filed since January 11, 1973, and advise on the disposition of these cases under existing regulations.

3. Advise the Cost of Living Council and the Labor Management Advisory Committee relative to any wage stabilization policies which are necessary to meet the special problems of the food industry (and its various branches) within the general framework of wage stabilization policies.

4. Cooperate with labor and management organizations in the food industry which operate under collective bargaining agreements and with appropriate government agencies to facilitate the settlement of disputes in 1973 within stabilization policies and to encourage longer run dispute settlement machinery and procedures.

5. Work with labor and management organizations in the food industry under collective bargaining agreements to improve the structure and performance of collective bargaining in the industry.

Issued in Washington, D.C. on March 19, 1973.

JAMES MCLANE,
Deputy Director,
Cost of Living Council.

[FR Doc.73-5577 Filed 3-20-73;11:29 am]

ATOMIC ENERGY COMMISSION

ADVISORY COMMITTEE ON REACTOR SAFEGUARDS; REACTOR FUEL SUBCOMMITTEE

Notice of Meeting

MARCH 16, 1973.

In accordance with the purposes of sections 29 and 182b of the Atomic Energy Act (42 U.S.C. 2039, 2232b), the Advisory Committee on Reactor Safeguards Subcommittee on Reactor Fuel will hold a meeting on March 29, 1973, at the Rodeway Inn, 154 West Sixth South Street, Salt Lake City, UT. The subject scheduled for discussion is reactor fuel performance.

This meeting will be closed to the public, under the authority of section 10(d) of Public Law 92–463 (the Federal Advisory Committee Act).

JOHN V. VINCIGUERRA,
Advisory Committee
Management Officer.

[FR Doc.73-5572 Filed 3-20-73;11:29 am]

ADVISORY COMMITTEE ON REACTOR SAFEGUARDS; PRAIRIE ISLAND NUCLEAR GENERATING PLANT SUBCOMMITTEE

Notice of Meeting

MARCH 19, 1973.

In accordance with the purposes of sections 29 and 182b of the Atomic Energy Act (42 U.S.C. 2039, 2232b), the Advisory Committee on Reactor Safeguards' Subcommittee on the Prairie Island Nuclear Generating Plant Units 1 and 2 will hold a meeting on March 31, 1973, at 8:30 a.m., Room 1046, 1717 H Street NW., Washington, DC. The purpose of this meeting will be to develop additional information for consideration by the ACRS in its review of the application of the Northern States Power Co. for operating licenses for this nuclear powerplant.

The following constitutes that portion of the committee's agenda for the above meeting which will be open to the public:

Saturday, March 31, 9:30 a.m.–3:30 p.m.—Review of Application for Operating Licenses—Prairie Island Nuclear Generating Plant Units 1 and 2. (Presentations by the Regulatory Staff and Applicant and discussions with these groups.)

In addition to the above agenda item, the subcommittee will hold executive sessions at the beginning and at the end of the meeting to consider the above application which will not be open to the public.

These executive sessions will involve discussion of the individual opinions of the subcommittee members present and internal deliberations and formulation of recommendations. I have determined, under the authority of section 10(d) of Public Law 92–463 (the Federal Advisory Committee Act) that the discussion at these executive sessions, if written, would fall within exemption (5) of 5 U.S.C. 552(b); and that it is essential to close such portions of the meeting to protect the free interchange of internal views and to avoid undue interference with agency or committee operation.

Practical considerations may dictate alterations in the above agenda or schedule.

The chairman of the subcommittee is empowered to conduct the meeting in a manner that in his judgment will facilitate the orderly conduct of business.

With respect to public participation in the open portion of the meeting, the following requirements shall apply:

(a) Persons wishing to submit written statements regarding the agenda item may do so by mailing 25 copies thereof, postmarked no later than March 27, 1973, to the Executive Secretary, Advisory Committee on Reactor Safeguards, U.S. Atomic Energy Commission, Washington, D.C. 20545. Such comments shall be based on the application for an operating license and related documents on file and available for public inspection at the Atomic Energy Commission's Public Document Room, 1717 H Street NW., Washington, DC 20545 and the Environmental Library of Minnesota, 1222 Fourth Street, SE., Minneapolis, MN 55414.

(b) Those persons submitting a written statement in accordance with paragraph (a) above may request an opportunity to make oral statements concerning the written statement. Such requests shall accompany the written statement and shall set forth reasons justifying the need for such oral statements during a period of not more than 30 minutes at an appropriate time, chosen by the chairman of the subcommittee, between the hours of 1:30 p.m. and 3 p.m. on the day of the meeting.

(c) Requests for the opportunity to make oral statements shall be ruled on by the chairman of the subcommittee, who is empowered to apportion the time available among those selected by him to make oral statements.

(d) Information as to whether the meeting has been canceled or rescheduled and the chairman's ruling on requests for the opportunity to present oral statements, and the time allotted, can be obtained by a prepaid telephone call on March 29, 1973, to the Office of the Executive Secretary of the Committee (telephone: 301—973–5651) between 8:30 a.m. and 5:15 p.m. eastern time.

(e) Questions may be propounded only by members of the subcommittee and its consultants.

(f) Seating for the public will be available on a first-come, first-served basis.

(g) Copies of minutes of public sessions will be made available for inspection on or after May 15, 1973, at the Atomic Energy Commission's Public Document Room, 1717 H Street NW., Washington, DC. Copies may be obtained upon payment of appropriate charges.

JOHN V. VINCIGUERRA,
Advisory Committee
Management Officer.

[FR Doc.73-5573 Filed 3-20-73;11:29 am]

ADVISORY COMMITTEE ON REACTOR SAFEGUARDS; COOPER NUCLEAR STATION SUBCOMMITTEE

Notice of Meeting

MARCH 19, 1973.

In accordance with the purposes of sections 29 and 182b. of the Atomic Energy Act (42 U.S.C. 2039, 2232b.), the Advisory Committee on Reactor Safeguards' Subcommittee on the Cooper Nuclear Station will hold a meeting on March 29, 1973, at 1 p.m. in the Circuit Court Room of the Nemaha County Courthouse, 1400 19th Street, Auburn, NE., and a continuation of this meeting on April 4, 1973, at Room 1046, 1717 H Street NW., Washington, DC.

The purpose of this meeting will be to develop additional information for consideration by the ACRS in its review of the application of the Nebraska Public Power District for an operating license for this nuclear powerplant.

The following constitutes that portion of the committee's agenda for the above meeting which will be open to the public:

Thursday, March 29, 1 p.m.–4 p.m.—Review of application for operating license—Cooper Nuclear Station. (Presentations by the Regulatory Staff and Applicant and discussions with these groups.)

Wednesday, April 4—Continuation of review of application for operating license—Cooper Nuclear Station. This may be required if the subcommittee is unable to complete its review at the March 29 meeting. Information concerning the time of the meeting or its cancellation may be obtained by a prepaid telephone call on or after April 2, 1973, to the Office of the Executive Secretary of the committee at the telephone number listed in paragraph (d) below.

In addition to the above agenda items, the subcommittee will hold an executive session at the end of each of the meeting days to consider the above application, which will involve a discussion of the preliminary views regarding various aspects of the plant design for Cooper Nuclear Station consisting of an exchange of opinions of the subcommittee members present and internal deliberations and formulation of recommendations.

I have determined, in accordance with subsection 10(d) of Public Law 92–463, that the executive sessions to be held at the end of each day consist of an exchange of opinions, the discussion of which if written would fall within exemption (5) of 5 U.S.C. 552(b). It is essential to close such portion of the meeting to protect the free interchange of internal views and to avoid undue interference with agency or committee operation.

Practical considerations may dictate alterations in the above agenda or schedule.

The chairman of the subcommittee is empowered to conduct the meeting in a manner in his judgment will facilitate the orderly conduct of business.

With respect to public participation in the open portion of the meeting, the following requirements shall apply:

(a) Persons wishing to submit written statements regarding the agenda items may do so by mailing 25 copies thereof, postmarked no later than March 26, 1973, to the Executive Secretary, Advisory Committee on Reactor Safeguards, U.S. Atomic Energy Commission, Washington, D.C. 20545. Such comments shall be based upon the application for an operating license and related documents on file and available for public inspection at the Atomic Energy Commission's Public Document Room, 1717 H Street NW., Washington, DC 20545, and the Auburn Public Library, 1118 15th Street, Auburn, NE 68305.

(b) Those persons submitting a written statement in accordance with paragraph (a) above may request an opportunity to make oral statements concerning the written statement. Such requests shall accompany the written statement and shall set forth reasons justifying the need for such oral statement and its usefulness to the subcommittee. To the extent that the time available for the meeting permits, the subcommittee will receive oral statements during a period of not more than 30 minutes at an appropriate time, chosen by the chairman of the subcommittee, between the hours of 2 p.m. and 3:30 p.m.

(c) Requests for the opportunity to make oral statements shall be ruled on by the chairman of the subcommittee, who is empowered to apportion the time available among those selected by him to make oral statements.

(d) Information as to the chairman's ruling on requests for the opportunity to present oral statements, and the time allotted, can be obtained by a prepaid telephone call on March 27, 1973, to the Office of the Executive Secretary of the Committee (telephone: 301–973–5651), between 8:30 a.m. and 5:15 p.m. e.s.t.

(e) Questions may only be propounded by members of the subcommittee and its consultants.

(f) Seating for the public will be available on a first-come, first-served basis.

(g) Copies of minutes of public sessions will be made available for inspection on or after May 15, 1973, at the Atomic Energy Commission's Public Document Room, 1717 H Street NW., Washington, DC. Copies may be obtained upon payment of appropriate charges.

JOHN V. VINCIGUERRA,
Advisory Committee
Management Officer.

[FR Doc.73-5574 Filed 3-20-73;11:29 am]

INTERSTATE COMMERCE COMMISSION

[Notice 202]

ASSIGNMENT OF HEARINGS

MARCH 16, 1973.

Cases assigned for hearing, postponement, cancellation or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested. No amendments will be entertained after the date of this publication.

MC 98701 Sub 3, Cleveland Express, Inc., now assigned April 2, 1973, at Knoxville, Tenn., is postponed indefinitely.

MC 71459 Sub 33, O.N.C. Freight Systems, now being assigned hearing May 14, 1973 (2 weeks), at Denver, Colo., in a hearing room to be later designated.

MC 113678 Subs 469, 470, and 471, Curtis, Inc., now being assigned hearing May 9, 1973 (3 days), at Denver, Colo., in a hearing room to be later designated.

MC 136069 Sub 1, Coin Devices Corp., Contract Carrier Application, now assigned April 23, 1973, MC–C–7284, B & H Transfer, Inc., revocation of certificate, now assigned April 25, 1973, and MC 130184, Splendid Tours Corp., now assigned April 26, 1973, at New York, N.Y., will be held in Courtroom 238, Court of Claims, 26 Federal Plaza.

MC 83539 Sub 345, C & H Transportation Co., Inc., now being assigned May 29, 1973 (1 day), at Dallas, Tex., in a hearing room to be later designated.

MC 108207 Sub 340, Frozen Food Express, Inc., now being assigned May 30, 1973 (3 days), at Dallas, Tex., in a hearing room to be later designated.

MC 115841 Sub 434, Colonial Refrigerated Transportation, Inc., now being assigned June 4, 1973 (2 days), at Dallas, Tex., in a hearing room to be later designated.

MC 110098 Sub 124, Zero Refrigerated Lines, now being assigned June 6, 1973 (3 days), at Dallas, Tex., in a hearing room to be later designated.

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MC-C-7759, Central Motor Express, Inc. et al. v. Renner's Express, Inc., now assigned April 23, 1973, MC-C-7786, Eck Miller Transportation Corp.—Investigation and revocation of certificates, now assigned April 26, 1973, MC 105045 Sub 34, R. L. Jeffries Trucking Co., Inc., now assigned April 24, 1973, MC 113267 Sub 289, Central & Southern Truck Lines, Inc., now assigned April 25, 1973, MC 115654 Sub 19, Tennessee Cartage Co., Inc., now assigned April 30, 1973, at Louisville, Ky., will be held in Room 829, Federal Building, 600 Federal Place.

MC-F-11664, John L. Kerr and G. O. Kerr, Jr., doing business as Shippers Express, John L. Kerr and G. O. Kerr, Jr.—Investigation of Control—Mississippi Freight Lines, Inc., MC-F-11703, John L. Kerr and G. O. Kerr, Jr., doing business as Shipper Express, John L. Kerr and G. O. Kerr, Jr.—Investigation of Control—Reese Truck Lines, Inc., MC-F-11750, Mississippi Freight Lines, Inc., a Tennessee corporation—Purchase—Mississippi Freight Lines, Inc., a Mississippi corporation, MC 138146, Mississippi Freight Lines, Inc., MC-F-11774, Merchants Truck Lines, Inc.—Control—Mississippi Freight Lines, Inc., MC 121427 Sub 8, Mississippi Freight Lines, Inc., now assigned April 23, 1973, at Jackson, Miss., will be held in Room 409, U.S. Courthouse and Post Office, Capital and West Streets.

MC-PC-73661, Bianchi Transportation Co., Inc., Old Bridge, N.J., Transferee and Bianchi Truck Line, Inc., Klemmer Kaltelssen, trustee, Old Bridge, N.J., Transferor, and MC 114132, Bianchi Truck Line, Inc., now assigned April 30, 1973, MC-C-7865, Mayflower Coach Corp. v. Bronx Bus Corp., now assigned May 1, 1973, MC 135955, Bakker Service Station, Inc., now assigned May 2, 1973, at New York, N.Y., will be held in Room F-2220, 26 Federal Plaza.

MC-F-11501, Aubrey Freight Lines, Inc.—Purchase—Whitehall Transport, Inc., MC 135732 Sub 1, Aubrey Freight Lines, Inc., now assigned April 2, 1973, at New York, N.Y., in Courtroom 4, Customs Court, 1 Federal Plaza.

MC-F-10339, Hennis Freight Lines, Inc.—Control—Red Ball Express Co., now being assigned April 23, 1973 (2 weeks), at Kansas City, Mo., in Room 666, New Federal Building, 601 East 12th Street.

MC 136702 Sub 2, All Area Delivery and Messenger Service, Inc., now assigned April 23, 1973, MC 136839, Josephine Koffman and Nancy J. Nimmo, doing business as Berger Limousine Rental Service, now assigned April 25, 1973, at New York, N.Y., will be held in Room F-2220, 26 Federal Plaza.

AB-5 Sub 75, George P. Baker, Richard C. Bond, Jervis Langdon, Jr., and Willard Wirtz, Trustees of the Property of Penn Central Transportation Co., debtor, abandonment between Williamson and Union Hill, Wayne County, N.Y., now assigned April 30, 1973, at Rochester, N.Y., will be held at the U.S. Courthouse and Federal Building, 100 State Street.

MC 133937 Sub 7, Carolina Cartage Co., Inc., Extension-Airports, now assigned March 26, 1973, at Columbia, S.C., is canceled and the application dismissed.

MC 133276 Sub 7, Berry Transport, Inc., now assigned March 26, 1973, at Olympia, Wash., is postponed indefinitely.

MC-C-7966, Citrusales, Inc., and Southern Gold Citrus Products, Inc., investigation of operations, now assigned April 17, 1973, at Jacksonville, Fla., is postponed indefinitely.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.73-5383 Filed 3-20-73;8:45 am]

NOTICES

[S.O. 1124]

DEMURRAGE AND FREE TIME ON FREIGHT CARS

Order. At a session of the Interstate Commerce Commission, Division 3, acting as an appellate division, held at its office in Washington, D.C., on the 14th day of March 1973.

Upon consideration of the petition filed by the Allied Chemical Corp., filed March 13, 1973, requesting postponement of Service Order No. 1124.

It appearing, that Service Order No. 1124 was issued by Division 3 in accordance with applicable law and upon its determination that an emergency exists because of an acute shortage of freight cars in all sections of the country; that the petitioner has had ample opportunity to review its operations to avoid the excessive detention of freight cars; that numerous cars are held idle for excessive periods awaiting loading or unloading; and that the petition states no errors of fact or law warranting the relief sought, and for good cause appearing;

It is ordered, That the petition be, and it is hereby, denied.

By the Commission, Division 3, acting as an appellate division.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.73-5382 Filed 3-20-73;8:45 am]

[Notice 6]

MOTOR CARRIER ALTERNATE ROUTE DEVIATION NOTICES

MARCH 16, 1973.

The following letter-notices of proposals (except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application), to operate over deviation routes for operating convenience only have been filed with the Interstate Commerce Commission under the Commission's Revised Deviation Rules-Motor Carriers of Passengers, 1969 (49 CFR 1042.2(c)(9)) and notice thereof to all interested persons is hereby given as provided in such rules (49 CFR 1042.2(c)(9)).

Protests against the use of any proposed deviation route herein described may be filed with the Interstate Commerce Commission in the manner and form provided in such rules (49 CFR 1042.2(c)(9)) at any time, but will not operate to stay commencement of the proposed operations unless filed within 30 days from the date of publication.

Successively filed letter-notices of the same carrier under the Commission's Revised Deviation Rules-Motor Carriers of Property, 1969, will be numbered consecutively for convenience in identification and protests, if any, should refer to such letter-notices by number.

MOTOR CARRIERS OF PASSENGERS

No. MC-1515 (Deviation No. 640), GREYHOUND LINES, INC. (Western Division), 371 Market Street, San Francisco, CA 94106, filed February 28, 1973. Carrier's representative: S. B. Ringwood, same address as applicant. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *passengers and their baggage, and express and newspapers* in the same vehicle with passengers, over a deviation route as follows: From East Los Angeles, Calif., over Atlantic Boulevard to junction Interstate Highway 10 (South Alhambra Junction, Calif.), and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport passengers and the same property, over pertinent service routes as follows: (1) from Los Angeles, Calif., over California Highway 72 to junction Interstate Highway 5 (Miraflores), thence over Interstate Highway 5 to junction unnumbered highway (South Carlsbad Junction), thence over unnumbered highway to San Diego, Calif., (2) From Anaheim, Calif., over unnumbered highway to junction California Highway 55 (Olive Junction), thence over California Highway 55 to junction California Highway 91 (Peralta Hills Junction), thence over California Highway 91 to Riverside, Calif., and (3) from Los Angeles, Calif., over Interstate Highway 10 to West Pomona, thence over U.S. Highway 60 to junction Interstate Highway 10 (West Beaumont Junction), thence over Interstate Highway 10 to Banning, thence over U.S. Highway 60 to junction unnumbered highway (West Cabazon Interchange), thence over unnumbered highway to junction U.S. Highway 60 (East Cabazon Junction), thence over U.S. Highway 60 to the point it intersects the California-Arizona State line. (Connects with Arizona Route 2.)

No. MC 1515 (Deviation No. 641) (Cancels Deviation No. 453), GREYHOUND LINES, INC. (Eastern Division), 1400 West Third Street, Cleveland, OH 44113, filed March 8, 1973. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *passengers and their baggage, and express and newspapers* in the same vehicle with passengers, over a deviation route as follows: From New Orleans, La., over Interstate Highway 10 to junction Interstate Highway 59 near Slidell, La., thence over Interstate Highway 59 to junction Alabama Highway 28, thence over Alabama Highway 28 to junction U.S. Highway 11 approximately one mile north of Livingston, Ala., with the following access roads: (1) From Enterprise, Miss., over Mississippi Highway 513 to junction Interstate Highway 59, (2) from Heidelberg, Miss., over Mississippi Highway 528 to junction Interstate Highway 59, (3) from Hattiesburg, Miss., over U.S. Highway 49 to junction Interstate Highway 59, (4) from Hattiesburg, Miss. over U.S. Highway 98 to junction Interstate Highway 59, (5) from Purvis, Miss., over unnumbered highway to junction Interstate Highway 59, (6) from Lumberton, Miss., over Mississippi Highway 13 to junction Interstate Highway 59, (7) from Poplarville, Miss., over Mississippi Highway 26 to junction Interstate Highway 59, (8) from Poplarville, Miss., over Mississippi Highway 53 to junction Interstate Highway 59, (9) from Picayune, Miss., over Mississippi Highway 43 to junction Interstate Highway 59, (10) from Slidell, La., over U.S. Highway 190 to junction Interstate Highway 10, and (11) from Slidell, La., over Louisiana Highway 433 to junction Interstate Highway 10, and return over the same routes, for operating convenience only. The notice indicates that the carrier is presently authorized to transport passengers and the same property, over a pertinent service route as follows: From New Orleans, La., over U.S. Highway 11 via Hattiesburg and Meridian, Miss., to junction Alabama Highway 28, approximately 1 mile north of Livingston, Ala., and return over the same route.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.73-5385 Filed 3-20-73;8:45 am]

[Notice 10]

MOTOR CARRIER ALTERNATE ROUTE DEVIATION NOTICES

MARCH 16, 1973.

The following letter-notices of proposals (except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application), to operate over deviation routes for operating convenience only have been filed with the Interstate Commerce Commission under the Commission's Revised Deviation Rules-Motor Carriers of Property, 1969 (49 CFR 1042.4(c)(11)) and notice thereof to all interested persons is hereby given as provided in such rules (49 CFR 1042.4(c)(11)).

Protests against the use of any proposed deviation route herein described may be filed with the Interstate Commerce Commission in the manner and form provided in such rules (49 CFR 1042.4(c)(12)) at any time, but will not operate to stay commencement of the proposed operations unless filed on or before April 20, 1973.

Successively filed letter-notices of the same carrier under the Commission's Revised Deviation Rules-Motor Carriers of Property, 1969, will be numbered consecutively for convenience in identification and protests, if any, should refer to such letter-notices by number.

MOTOR CARRIERS OF PROPERTY

No. MC-200 (Deviation No. 27), RISS INTERNATIONAL CORPORATION, Post Office Box 2809, Kansas City, MO 64142, filed March 5, 1973. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From St. Louis, Mo., over Interstate Highway 70 to Effingham, Ill., thence over Interstate Highway 57 to Chicago, Ill., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over a pertinent service route as follows: between St. Louis, Mo., and Chicago, Ill., over U.S. Highway 66.

No. MC-95540 (Deviation No. 1), WATKINS MOTOR LINES, INC., 1120 West Griffin Road, Lakeland, Fla. 33801, filed March 1, 1973. Carrier's representative: Bruce E. Mitchell, Suite 1600, First Federal Building, Atlanta, Ga. 30303. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over deviation routes as follows: (1) from Columbus, Ga., over U.S. Highway 80 (Interstate Highway 20) to junction Interstate Highway 10 at or near Van Horn, Tex., thence over Interstate Highway 10 to Phoenix, Ariz., thence over U.S. Highway 60 (Interstate Highway 10) to Los Angeles, Calif., (2) from Columbus, Ga., over U.S. Highway 80 (Interstate Highway 20) to junction Interstate Highway 10 at or near Van Horn, Tex., thence over Interstate Highway 10 to junction Arizona Highway 84 at or near Casa Grande, Ariz., thence over Arizona Highway 84 (Interstate Highway 8) to Gila Bend, Ariz., thence over Interstate Highway 8 (U.S. Highway 80) to San Diego, Calif., thence over Interstate Highway 15 to junction Interstate Highway 5, thence over Interstate Highway 5 to Los Angeles, Calif.

(4) From Tallahassee, Fla., over U.S. Highway 90 (Interstate Highway 10) to Cottondale, Fla., thence over U.S. Highway 231 to junction U.S. Highway 80 at or near Montgomery, Ala., thence over U.S. Highway 80 (Interstate Highway 20) to junction Interstate Highway 10 at or near Van Horn, Tex., thence over Interstate Highway 10 to Phoenix, Ariz., thence over U.S. Highway 60 (Interstate Highway 10) to Blythe, Calif., (5) from Tallahassee, Fla., over U.S. Highway 90 (Interstate Highway 10) to junction U.S. Highway 190 (Interstate Highway 12) at or near Slidell, La., thence over U.S. Highway 190 (Interstate Highway 12) to junction Interstate Highway 10 at or near Baton Rouge, La., thence over Interstate Highway 10 to Phoenix, Ariz., thence over U.S. Highway 60 (Interstate Highway 10) to Blythe, Calif., and (6) from Tallahassee, Fla., over U.S. Highway 90 (Interstate Highway 10) to junction U.S. Highway 190 (Interstate Highway 12) at or near Slidell, La., thence over U.S. Highway 190 (Interstate Highway 12) to junction Interstate Highway 10 at or near Baton Rouge, La., thence over Interstate Highway 10 to junction Arizona Highway 84 at or near Casa Grande, Ariz., thence over Arizona Highway 84 (Interstate Highway 8) to Gila Bend, Ariz., thence over Interstate Highway 8 (U.S. Highway 80) to San Diego, Calif., thence over Interstate Highway 15 to junction Interstate Highway 5, thence over Interstate Highway 5 to Los Angeles, Calif., and return over the same routes, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over pertinent service routes as follows: (1) From Savannah, Ga., over U.S. Highway 80 to San Diego, Calif., (2) from Jacksonville, Fla., over U.S. Highway 90 to Van Horn, Tex., thence over U.S. Highway 80 to Las Cruces, N. Mex., thence over U.S. Highway 70 to Globe, Ariz., thence over U.S. Highway 60 to Los Angeles, Calif., and (3) from Jacksonville, Fla., over Interstate Highway 10 to Los Angeles, Calif., and return over the same routes.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.73-5386 Filed 3-20-73;8:45 am]

[Notice 21]

MOTOR CARRIER APPLICATIONS AND CERTAIN OTHER PROCEEDINGS

MARCH 16, 1973.

The following publications are governed by the new Special Rule 1.247 of the Commission's rules of practice, published in the FEDERAL REGISTER, issue of December 3, 1963, which became effective January 1, 1964.

The publications hereinafter set forth reflect the scope of the applications as filed by applicant, and may include descriptions, restrictions, or limitations which are not in a form acceptable to the Commission. Authority which ultimately may be granted as a result of the applications here noticed will not necessarily reflect the phraseology set forth in the application as filed, but also will eliminate any restrictions which are not acceptable to the Commission.

APPLICATIONS ASSIGNED FOR ORAL HEARING

MOTOR CARRIERS OF PROPERTY

No. MC 22182 (Sub-No. 21) (Republication), filed November 24, 1971, published in the FEDERAL REGISTER issue of January 6, 1972, and republished this issue. Applicant: NU-CAR CARRIERS, INC., 950 Haverford Road, Post Office Box 172, Bryn Mawr, PA 19010. Applicant's representative: Gerald K. Gimmel, 705 McLachlen Bank Building, 666 Eleventh Street NW., Washington, DC 20001. An Order of the Commission, Division 1, Acting as an Appellate Division, dated January 31, 1973, and served February 14, 1973, finds that a previous Order of the Commission, Review Board No. 1, dated September 5, 1972, and served September 12, 1972, should be modified

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to find that the present and future public convenience and necessity require operation by applicant, in interstate or foreign commerce, as a *common carrier* by motor vehicle, over irregular routes, of *motor buses*, in secondary movements, in truckaway service, (1) from Baltimore, Md., and points in that portion of the New York, N.Y., commercial zone as defined by the Commission in the Fifth Supplemental Report in Commercial Zones and Terminal Areas, 53 M.C.C. 451, within which local operations may be conducted under the exemption provided by section 203(b)(8) of the Interstate Commerce Act (the "exempt" zone), to points in the United States (except Alaska and Hawaii), and (2) between points in New York, New Jersey, Connecticut, Rhode Island, Massachusetts, New Hampshire, Vermont, Maine, Pennsylvania, Maryland, Delaware, District of Columbia, Virginia, West Virginia, Ohio, North Carolina, South Carolina, Georgia, and Florida, restricted in (1) and (2) above against the transportation of shipments destined to the plantsites of General Motors Corp., GMC Truck and Coach Division, at Pontiac, Mich.; that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. Because it is possible that other parties who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described above, issuance of a certificate in this proceeding will be withheld for a period of 30 days from the date of this publication of the authority actually granted, during which period any proper party in interest may file an appropriate petition for intervention or other relief in this proceeding setting forth in detail the precise manner in which it has been so prejudiced.

No. MC 103993 (Sub-No. 432) (Republication), filed June 25, 1969, published in the FEDERAL REGISTER issue of July 17, 1969, republished on June 30, 1971, and presented in third publication this issue. Applicant: MORGAN DRIVE-AWAY, INC., 2800 West Lexington Avenue, Elkhart, IN 46514. Applicant's representative: Paul D. Borghesani (same address as applicant). A report and order of the Commission, Division 1, acting as an Appellate Division, dated February 22, 1973, and served March 7, 1973, finds that the present and future public convenience and necessity require operation by applicant, in interstate or foreign commerce, as a *common carrier* by motor vehicles, over irregular routes, of *conveyors and bins*, mounted on trailer chassis, and used in the production and distribution of asphalt, from Kansas City, Mo., to points in the United States (except Alaska and Hawaii); that applicant is fit, willing and able properly to perform such services and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. Because it is possible that other parties who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described above, issuance of a certificate in this proceeding will be withheld for a period of 30 days from the date of this publication of the authority actually granted, during which period any proper party in interest may file an appropriate petition for intervention or other relief in this proceeding setting forth in detail the precise manner in which it has been so prejudiced.

No. MC 117574 (Sub-No. 193) (Republication), filed October 20, 1970, published in the FEDERAL REGISTER issue of November 13, 1970, and republished this issue. Applicant: DAILY EXPRESS, INC., Post Office Box 39, Carlisle, PA 17013. Applicant's representative: James W. Hagar, 100 Pine Street, Post Office Box 1166, Harrisburg, PA 17108. A report and order of the Commission, Division 1, dated February 23, 1973, and served March 7, 1973, finds that the present and future public convenience and necessity require operation by applicant, in interstate or foreign commerce, as a *common carrier* by motor vehicle, over irregular routes, of *air-conditioning and ventilating machinery, equipment, parts, and components*, from Harrisonburg, Va., and the facilities utilized by Westinghouse Electric Corp. at or near Staunton and Verona, Va., to points in the United States (except Alaska and Hawaii), restricted to the transportation of traffic originating at the named origin points; that applicant is fit, willing, and able properly to perform such services and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. Because it is possible that other parties who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described above, issuance of a certificate in this proceeding will be withheld for a period of 30 days from the date of this publication of the authority actually granted, during which period any proper party in interest may file an appropriate petition for intervention or other relief in this proceeding setting forth in detail the precise manner in which it has been so prejudiced.

NOTICE OF FILING PETITIONS

No. MC 46281 (Notice of Filing of Petition for Modification of Certificate by Territorial Expansion of an Origin Point), filed February 26, 1973. Petitioner: H.M.E. MOTOR EXPRESS CO., INC., 2122 Tonnelle Avenue, N. Bergen, NJ 07047. Petitioner's representative: Morton E. Kiel, 140 Cedar Street, New York, NY 10006. Petitioner presently holds a motor *contract carrier* permit in No. MC 46281, issued January 21, 1953, authorizing operations, over irregular routes, of *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), (1) between points in New Jersey within 50 miles of Paterson, N.J., including Paterson, and (2) between New York, N.Y., and points in Westchester County, N.Y., on the one hand, and, on the other, points in Orange and Rockland Counties, N.Y., those in Bergen, Essex, Hudson, Mercer, Middlesex, Monmouth, Morris, Passaic, Somerset, Sussex, and Union counties, N.J., and those in that part of Hunterdon and Warren Counties, N.J., east of a line beginning at the Hunterdon-Mercer County line near Woodsville and extending northward along New Jersey Highway 69 (formerly New Jersey Highway 30) to junction U.S. Highway 46, and thence along U.S. Highway 46 to the Delaware River, including points on the indicated portions of the highways specified. By the instant petition, petitioner seeks to expand its origin point in (2) above to provide service from "New York, N.Y. and points in New Jersey within 5 miles thereof" in lieu of its present authority to serve "New York, N.Y." Any interested person or persons desiring to participate may file an original and six copies of his written representations, views or arguments in support of or against the petition on or before April 20, 1973.

No. MC 86247 (Sub-No. 3) (Notice of Filing of Petition for Modification of Certificate), filed February 26, 1973. Petitioner: INTERNATIONAL CARTAGE LIMITED, a corporation, 1333 College Avenue, Windsor, ON. Petitioner's representative: Martin J. Leavitt, 1800 Buhl Building, Detroit, Mich. 48226. Petitioner presently holds a motor *common carrier* certificate in No. MC-86247 (Sub-No. 3), issued January 22, 1973, authorizing operations, over irregular routes, or *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment, between the port of entry on the United States-Canada boundary line at Port Huron, Mich., on the one hand, and, on the other, Detroit, Mich., restricted against the transportation of traffic originating at, destined to, or interlined at Sarnia, Ontario, Canada or Port Huron, Mich. By the instant petition, petitioner seeks to modify its commodity description by removing the restriction so that the commodity description would read, "*General commodities* including *household goods* as defined by the Commission." Any interested person or persons desiring to participate may file an original and six copies of his written representations, views or arguments in support of or against the petition on or before April 20, 1973.

No. MC 113545 (Sub-No. 7) (Notice of Filing of Petition for Modification of Permit by Adding a Shipper), filed March 1, 1973. Petitioner: CORMETT FORWARDING CO., INC., 19th Street and Park Avenue, Post Office Box 3057, Weehawken Branch, Union City, NJ 07087. Petitioner's representative: Morton E. Kiel, 140 Cedar Street, New York, NY 10006. Petitioner presently holds a motor *contract carrier* permit in No. MC-113545 (Sub-No. 7), issued January 15, 1968, and affixed to expire January 15, 1978, authorizing transportation, over irregular routes, of *radiopharmaceuticals, and medical isotopes*, from Newark Airport in Newark, N.J., and La Guardia and Kennedy Airports in New York, N.Y., to points in Bergen, Passaic, Sussex, Warren, Morris, Essex, Hudson, Union, Middlesex, Somerset, Hunterdon, Mercer, Monmouth, and Ocean Counties, N.J., New York, N.Y., and points in Nassau, Suffolk, Westchester, Rockland, Orange, Ulster, Sullivan, Putnam, and Dutchess Counties, N.Y., and Fairfield County, Conn., with no transportation for compensation on return except as otherwise authorized, restricted to the transportation of traffic having an immediately prior movement by air, and further restricted against the transportation of packages or articles weighing in the aggregate more than 10 pounds from one consignor to one consignee on any 1 day, under a continuing contract, or contracts, with Abbott Laboratories, of North Chicago, Ill. By the instant petition, petitioner seeks to add New England Nuclear Corp., of North Billerica, Mass., as an additional contracting shipper. Any interested person or persons desiring to participate may file an original and six copies of his written representations, views, or arguments in support of or against the petition on or before April 30, 1973.

No. MC-128217 (Sub-No. 3) (Notice of Filing of Petition for Modification of Permit), filed February 23, 1973. Petitioner: REINHART MAYER, doing business as MAYER TRUCK LINE, 1203 South Riverside, Jamestown, ND 58401. Petitioner's representative: Johnson & Hovland, 425 Gate City Building, Fargo, N. Dak., 58102. Petitioner holds authority in Permit No. MC-128217 (Sub-No. 3), issued August 28, 1972, authorizing, as here pertinent, motor carrier operations, as a contract carrier, in the transportation, over irregular routes, of: *Lumber, chipboard, shingles, and treated poles*, from the port of entry on the United States-Canada boundary line, located at or near East Port, Idaho, to points in North Dakota, South Dakota, Montana, Wyoming, Nebraska, Kansas, Oklahoma, Texas, Minnesota, Nevada, Utah, and Colorado; and *treated poles*, from the port of entry on the international boundary line between the United States and Canada at or near East Port, Idaho, to points in Iowa, Wisconsin, and Illinois, restricted in each instance to the transportation of shipments moving foreign commerce and restricted to transportation services performed under a continuing contract or contracts with Le Fevre Sales, Inc., of Jamestown, N. Dak. By the instant petition, petitioner seeks to modify the said permit by additionally authorizing operations, as a contract carrier by motor vehicle, in interstate or foreign commerce, transporting: *Treated poles*, from Columbia Falls, Mont., to points in North Dakota and South Dakota, under a continuing contract with the same shipper. The purpose of the modification is to reflect a change in source of supply of treated poles purchased by the contracting shipper. Any interested persons desiring to participate and to be heard in the matter may file an original and six copies of his written representations, views or argument in support of or against the petition on or before April 20, 1973.

No. MC 128375 (Sub-No. 47) (Notice of Filing of Petition for Modification of Permit), filed January 15, 1973. Petitioner: CRETE CARRIER CORPORATION, 1444 Main, Crete, NE 68333. Petitioner's representative: William P. Sullivan, 1819 H Street NW., Washington, DC 20006. Petitioner presently holds a motor *contract carrier* permit in No. MC-128375 (Sub-No. 47), issued September 15, 1971, authorizing operations over irregular routes, of *paper and paper products*, from Mobile, Ala., to points in Montana, Idaho, Nevada, Utah, Wyoming, North Dakota, South Dakota, Nebraska, Kansas, Oklahoma, Minnesota, Iowa, Missouri, Arkansas, Colorado, and New Mexico, with no transportation for compensation on return except as otherwise authorized, under a continuing contract, or contracts, with Western Paper Co., a subsidiary or division of Hammermill Paper Co., Inc. By the instant petition, petitioner seeks to delete "Western Paper Co., a subsidiary or division of Hammermill Paper Co., Inc." and substitute in lieu thereof "Hammermill Paper Co., of Erie, Pa." to reflect a planned change in the name of one of petitioner's contracting parties. Any interested person or persons desiring to participate may file an original and six copies of his written representations, views or arguments in support of or against the petition on or before April 20, 1973.

No. MC 129863 (Sub-No. 5) (Notice of Filing of Petition for Modification of Permit by Expanding the Commodity Description), filed February 21, 1973. Petitioner: FREDERICK L. BULTMAN, INC., 11144 West Silver Spring Drive, Milwaukee, WI 53225. Petitioner's representative: William C. Dineen, 710 North Plankinton Avenue, Milwaukee, WI 53203. Petitioner presently holds a motor *contract carrier* permit in No. MC-12963 (Sub-No. 5), issued June 29, 1970, authorizing operations, over irregular routes, of *Carpets, carpet cushions and unfinished carpet and industrial textile products*, between Milwaukee, Wis., on the one hand, and, on the other, the sites of the plant and warehouse facilities of the Ozite Corp. at Libertyville, Ill., under a continuing contract, or contracts, with Ozite Corp. By the instant petition, petitioner seeks to modify its commodity description above by adding "and *materials used in the manufacture of carpets and carpet cushions*" to its presently authorized commodities. Any interested person or persons desiring to participate may file an original and six copies of his written representations, views, or arguments in support of or against the petition on or before April 20, 1973.

No. MC 129991 (Sub-No. 1) (Notice of Filing of Petition for Modification of Permit by Adding Origins), filed February 26, 1973. Petitioner: JENSEN TRUCKING CO., INC., 1800 Southwest Temple, Post Office Box 1620, Salt Lake City, UT 84110. Petitioner's representative: Irene Warr, 430 Judge Building, Salt Lake City, Utah 84111. Petitioner presently holds a motor *contract carrier* permit in No. MC-129991 (Sub-No. 1), issued May 5, 1969, authorizing, as pertinent, operations, over irregular routes, of (1) *baler and binder twine*, from Portland, Oreg., and Los Angeles, Calif., to Preston, Idaho, and points in Utah, with no transportation for compensation on return except as otherwise authorized and (2) *tires*, from Buena Park, Calif., to Preston, Idaho, and points in Utah, with no transportation for compensation on return except as otherwise authorized, under a continuing contract, or contracts, in (1) and (2) above with Intermountain Farmers Association. By the instant petition, petitioner seeks to add the origins of (a) Dallas and El Paso, Tex., to its authority in (1) above, and (b) Bowling Green, Ky., and Akron, Ohio, to its authority in (2) above. Any person or persons desiring to participate may file an original and six copies of his written representations, views or arguments in support of or against the petition on or before April 20, 1973.

No. MC 130103 (Notice of Filing of Petition for Modification of License), filed February 15, 1973. Petitioner: MUSIKER STUDENT TOURS INC., 101 The Intervale, Roslyn Estates, Long Island, NY 11576. Petitioner's representative: Robert E. Goldstein, 8 West 40th Street, New York, NY 10018. Petitioner presently holds a *brokerage* license (BMC 5) in No. MC-130103, issued May 17, 1972, to engage in arranging transportation by motor vehicle, in interstate or foreign commerce as a broker at Roslyn Estates, Nassau County, Long Island, N.Y., of *students, accompanied by tour directors, supervisors, and chaperones, and their baggage*, in special and charter operations, beginning and ending at Denver, Colo., Los Angeles and San Francisco, Calif., Seattle, Wash., Phoenix, Ariz., and New Orleans, La., and extending to points in the United States (except Alaska and Hawaii), restricted to students having an immediately prior movement by air arranged by petitioner at Roslyn Estates, N.Y. By the instant petition, petitioner seeks to amend its license to allow the arrangement of transportation as a broker at "points in the United States" in lieu of "Roslyn Estates, Nassau County, Long Island, N.Y." Any interested person or persons desiring to participate may file an original and six copies of his written representations, views, or arguments in support of or against the petition on or before April 20, 1973.

No. MC 134806 (Sub-No. 1) (Notice of filing of petition for modification of permit by adding an origin and destination), filed February 28, 1973. Petitioner: B-D-R TRANSPORT, INC., Post Office

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Box 813, Brattleboro, VT 05301. Petitioner's representative: Francis J. Ortman, 1100 17th Street NW., Suite 613, Washington, DC 20036. Petitioner presently holds a motor *contract carrier* permit in No. MC–134806 (Sub-No. 1), issued May 17, 1971, authorizing, as pertinent, operations, over irregular routes of: (A) *Footwear*, from Brunswick and North Berwick, Maine, and from Manchester, Nashua, and Rollinsford, N.H., to Brattleboro, Vt., with no transportation for compensation on return except as otherwise authorized, under a continuing contract, or contracts, with Dunham Brothers Co.; and (B) *Tanned leather*, from Milwaukee and Fond du Lac, Wis., and Chicago, Ill., to Wilton, Maine, with no transportation for compensation on return except as otherwise authorized, under a continuing contract, or contracts, with G. H. Bass & Co. By an order and supplemental order of the Commission, Operating Rights Board, both dated December 21, 1972, and both served January 18, 1973, the above-described authority was modified as follows: (1) Waukegan, Ill., was authorized as an additional origin point in (B) above; and (2) Denver, Colo. was authorized as a destination point in lieu of Cheyenne, Wyo. in the transportation of footwear from Wilton, Maine, and Brattleboro, Vt. (not mentioned above with respect to this request). By the instant petition, petitioner seeks to add: (a) The origin of Lebanon, Pa., to its authority in (A) above; and (b) the destination of Portland, Maine, to its authority in (B) above. Any interested person or persons desiring to participate may file an original and six copies of his written representations, views or arguments in support of or against the petition on or before April 20, 1973.

No. MC 135379 (Sub-No. 2) (Notice of Filing of Petition for Modification of Permit by Adding Shippers), filed February 16, 1973. Petitioner: EASTERN TRANSPORT, INC., 320 Stiles Street, Linden, NJ 07036. Petitioner's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City, NJ 07306. Petitioner presently holds a motor *contract carrier* permit in No. MC–135379 (Sub-No. 2), issued January 18, 1973, authorizing operations, over irregular routes, of *such merchandise* as is dealt in by wholesale, retail, chain, grocery, department stores, and food business houses (except glass containers and commodities in bulk), and in connection therewith, *equipment, materials, and supplies* used in the conduct of such business (except glass containers and commodities in bulk), between points in Connecticut, Delaware, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Virginia, and the District of Columbia, under a continuing contract, or contracts, with Food Fair Stores, Inc. By the instant petition, petitioner seeks to add Ideal Shoe Co. and Merchants Green Trading Stamp Co. as contracting shippers to its authority described above. Any interested person or persons desiring to participate may file an original and six copies of his written representations, views or arguments in support of or against the petition on or before April 20, 1973.

No. MC 135113 (Notice of Filing of Petition for Modification of Permit), filed February 20, 1973. Petitioner: DORIN, INC., Madison, Ga. 30650. Petitioner's representative: Archie B. Culbreth, Suite 246, 1252 West Peachtree Street NW., Atlanta, GA 30309. Petitioner presently holds a motor *contract carrier* permit in No. MC–135113 issued February 29, 1972, authorizing operations between numerous points in the United States under contracts with Wellington Synthetic Fibres, Inc., Wellington Puritan Mills, Inc., Wellington Georgia Mills, Inc., Wellington Forest Products, Inc., Wellington Book Co., Inc., and Wellington Films and Foils, Inc. (subsidiaries of Wellington Technical Industries, Inc.). By the instant petition, petitioner seeks authority to transport *books, flat printed sheets and printing paper, and materials, equipment, and supplies* used in the manufacture and distribution of books, between points in the United States on and east of a line beginning at the mouth of the Mississippi River, and extending along the Mississippi River to its junction with the western boundary of Itasca County, Minn., thence northward along the western boundaries of Itasca and Koochiching Counties, Minn., to the international boundary line between the United States and Canada, under a continuing contract, or contracts, with Wellington Publication Press, Inc., at Baltimore, Md. (a subsidiary of Wellington Technical Industries, Inc.). Any interested person or persons desiring to participate may file an original and six copies of his written representations, views or arguments in support of or against the petition on or before April 20, 1973.

APPLICATIONS FOR CERTIFICATES OR PERMITS WHICH ARE TO BE PROCESSED CONCURRENTLY WITH APPLICATION UNDER SECTION 5 GOVERNED BY SPECIAL RULE 240 TO THE EXTENT APPLICABLE

No. MC 30280 (Sub-No. 64), filed March 5, 1973. Applicant: WATKINS-CAROLINA EXPRESS, INC., Post Office Box 10188, Federal Station, Greenville, SC 29603. Applicant's representative: Paul M. Daniell, Post Office Box 872, Atlanta, GA 30301. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading) between points within the territory bounded as follows: On the east, from the North Carlina-Virginia State line over U.S. Highway 1 to its intersection with U.S. Highway 158, thence over U.S. Highway 158 to Warrenton, thence over North Carolina State Highway 58 to Wilson, thence over U.S. Highway 301 to its intersection with U.S. Highway 117, thence over U.S. Highway 117 to Wilmington, thence over U.S. Highway 421 to Fort Fisher; and the west, from the North Carolina-Tennessee State line over U.S. Highway 25 to the North Carolina-South Carolina State line. NOTE: Common control may be involved. Applicant states that the requested authority can be jointed with its existing authority at North Carolina, South Carolina, and Georgia, Alabama, Tennessee, and Virginia. This is a matter directly related to MC–F 11811 published in the FEDERAL REGISTER issue of March 14, 1973. If a hearing is deemed necessary, applicant requests it be held at Charlotte, N.C.

No. MC 121427 (Sub-No. 8) (Correction), filed January 16, 1973, of February 14, 1973, and republished as corrected this issue. Applicant: MISSISSIPPI FREIGHT LINES, INC., 210 Beatty Street, Jackson, MS 39204. Applicant's representative: Harold D. Miller, Jr., Post Office Box 22567, Jackson, MS 39205. NOTE: The purpose of this republication is to show that applicant also intends to serve the U.S. Navy Jet Base located near Lauderdale, Miss., as an off-route point in connection with route number (1) between Forest and Jackson, Miss., which was inadvertently omitted from the previous publication February 14, 1973. The rest of the notice remains as previously published. This application is a matter directly related to MC–F 11774, published in the FEDERAL REGISTER issue of January 19, 1973.

APPLICATIONS UNDER SECTIONS 5 AND 210a(b)

The following applications are governed by the Interstate Commerce Commission's special rules governing notice of filing of applications by motor carriers of property or passengers under sections 5(a) and 210a(b) of the Interstate Commerce Act and certain other proceedings with respect thereto. (49 CFR 1.240).

MOTOR CARRIERS OF PROPERTY

No. MC–F–11782. KREVDA BROS., EXPRESS, INC.—Purchase (Portion)—LEE MOTOR LINES, INC.), published in the February 14, 1973, issue of the FEDERAL REGISTER on page 4448. Application filed March 8, 1973, for temporary authority under section 210a(b).

No. MC–F–11791. (C. A. PETERSEN, doing business as PETERSEN TANK LINES—Control—(A) S. F. DOUGLAS TRUCK LINE, INC., and (B) S. F. DOUGLAS, doing business as S. F. DOUGLAS TRUCK LINE), published in the February 14, 1973, issue of the FEDERAL REGISTER on page 4450. Prior notice should be modified to read: PETERSEN TANK LINES, INC.—Control—(A) S. F. DOUGLAS TRUCK LINE, INC., and (B) S. F. DOUGLAS, doing business as S. F. DOUGLAS TRUCK LINE.

No. MC–F–11805. (QUICK AIR FREIGHT, INC.—Control—VANDALIA AIR FREIGHT, INC.), published in the March 7, 1973, issue of the FEDERAL REGISTER on page 6248. Application filed March 14, 1973, for temporary authority under section 210a(b).

No. MC–F–11815. Authority sought for purchase by ANDERSON TRUCKING SERVICE, INC., 203 Cooper Avenue North, St. Cloud, MN 56301, of a portion of the operating rights of RATLIFF & RATLIFF, INC., Route No. 9, Lexington, N.C. 27292, and for acquisition by HAROLD ANDERSON, also of St. Cloud, Minn. 56301, of control of such rights through the purchase. Applicants' attorney: Donald A. Morken, 1000 First National Bank Building, Minneapolis, Minn. 55402. Operating rights sought to be transferred: *Stone*, as a *common carrier* over irregular routes, from Columbia, Rion, Rockton, and Winnsboro, S.C., and Charlotte, Granite Quarry, and Greensboro, N.C., to points and places in North Carolina, South Carolina, Virginia, Maryland, Delaware, New Jersey, Pennsylvania, New York, and the District of Columbia, from points in Fairfield and Richland Counties, S.C., to points in Wisconsin, Iowa, Illinois, Missouri, Oklahoma, Kansas, Nebraska, Colorado, Texas, Ohio, Louisiana, Massachusetts, Arkansas, Mississippi, Indiana, Kentucky, Tennessee, Alabama, Georgia, West Virginia, Michigan, and Florida, from points in Fairfield County, S.C., to points in Connecticut, Rhode Island, Vermont, New Hampshire, Maine, and Minnesota, from points in Richland County, S.C. (except Columbia, S.C.), Fairfield County, S.C. (except Rion, Rockton and Winnsboro, S.C.), Kershaw County, S.C., and Rowan County, N.C. (except Granite Quarry, N.C.), to points in North Carolina, South Carolina, Virginia, Maryland, Delaware, New Jersey, Pennsylvania, New York, and the District of Columbia, from points in Richland County, S.C., to points in Connecticut, Rhode Island, Vermont, New Hampshire, Maine, and Minnesota, from points in Kershaw County, S.C., and Rowan County, N.C., to points in Wisconsin, Iowa, Illinois, Kansas, Missouri, Oklahoma, Nebraska, Colorado, Texas, Ohio, Louisiana, Massachusetts, Arkansas, Mississippi, Indiana, Kentucky, Tennessee, Alabama, Georgia, West Virginia, Michigan, Florida, Connecticut, Rhode Island, Vermont, New Hampshire, Maine, and Minnesota, with restriction. Vendee is authorized to operate as a *common carrier* in all of the States in the United States (except Alaska and Hawaii). Application has not been filed for temporary authority under section 210a(b).

No. MC–F–11817. Authority sought for control by M. R. & R. TRUCKING COMPANY, 715 North Ferdon Boulevard, Crestview, FL 32536, of PERKINS FREIGHT LINES, INC., 140 Milton Avenue SE., Atlanta, GA 30315, and for acquisition by W. GUY McKENZIE, Post Office Box 1200, Tallahassee, FL 32302, of control of PERKINS FREIGHT LINES, INC., through the acquisition by M. R. & R. TRUCKING COMPANY. Applicants' attorney: W. Guy McKenzie, Jr., Post Office Box 1200, Tallahassee, FL 32302. Operating rights sought to be controlled: *General commodities*, with exceptions, as a *common carrier* over regular routes, between Atlanta, and Thomaston, Ga., between Griffin, and Thomaston, Ga., serving the site of Tucker-Stone Mountain Industrial District and Stone Mountain Memorial Park, De Kalb County, Ga., the site of the Panola Industrial District near Lithonia, De Kalb County, Ga., and Yatesville, Ga., as off-route points in connection with carriers presently authorized regular route operations between Atlanta and Thomaston, Ga.; *telephone equipment, materials and supplies*, over irregular routes, between Griffin, Ga., on the one hand, and, on the other, points in Lamar, Pike, Spalding, Henry, Butts, Clayton, Fayette, and Coweta Counties, Ga. M. R. & R. TRUCKING COMPANY, is authorized to operate as a *common carrier* in Alabama, Florida, and Georgia. Application has been filed for temporary authority under section 210a(b).

No. MC–F–11818. Authority sought for purchase by EAGLE TRANSPORT CORPORATION, Post Office Box 4508, Rocky Mount, NC 27801, of the operating rights of RHEMAN TRANSPORT OF VIRGINIA, INC., Post Office Box 338, Durham, NC 27702, and for acquisition by A. DONALD STALLINGS, 1204 Nottingham Road, Rocky Mount, NC 27801, and HUGH G. SHEARIN, 3313 Hawthorne Road, Rocky Mount, NC 27801, of control of such rights through the purchase. Applicants' attorney: Ralph McDonald, Post Office Box 2246, Raleigh, NC 27602. Operating rights sought to be transferred: *Petroleum products*, in bulk, in tank vehicles, as a *common carrier* over irregular routes, between Portsmouth, Va., and points within 10 miles thereof, on the one hand, and, on the other, points in North Carolina. Vendee is authorized to operate as a *common carrier* in Delaware, Georgia, Maryland, New Jersey, North Carolina, Pennsylvania, South Carolina, Virginia, and West Virginia. Application has been filed for temporary authority under section 210a(b).

No. MC–F–11819. Authority sought for purchase by LOPEZ TRUCKING, INC., 131 Linden Street, Waltham, MA 02154, of the operating rights of LIPPA TRANSPORTATION CO., INC., Hardy Street, Peabody, MA 01960, and Abraham Ankeles, Trustee of Hardy Realty Trust (Holder of foreclosed mortgage on franchise), 29 Lowell Street, Peabody, MA, LOPEZ, also of Waltham, Mass. 02154, of and for acquisition by VINCENT A. control of such rights through the purchase. Applicants' attorney: Kenneth B. Williams, 111 State Street, Boston, MA 02109. Operating rights sought to be transferred: *General commodities*, with exceptions, as a *common carrier* over irregular routes, between Boston, Mass., on the one hand, and, on the other, points and places in Massachusetts within 30 miles of Boston, between New York, N.Y., on the one hand, and, on the other, points in New Jersey within 25 miles of New York, N.Y.; *alcoholic beverages*, from Boston, Mass., to Providence and Pawtucket, R.I., New York, N.Y., Concord, N.H., and Augusta, Maine; *malt beverages*, from New Haven and Waterbury, Conn., New York, N.Y., and Newark, N.J., to Boston, Mass.; *syrup and nonalcoholic beverages*, from New York, N.Y., to Boston, Mass.; *witch hazel*, from Essex, Conn., to New York, N.Y., and Boston and Framingham, Mass.; *sizing*, from Boston, Mass., to New York, N.Y.; *furnaces*, from Boston, Mass., to points and places in that part of New Hampshire on and south of a line beginning at Portsmouth, N.H., and extending along U.S. Highway 4 to Dover Point, N.H., thence along New Hampshire Highway 16 to Rochester, N.H., and thence along U.S. Highway 202 to the New Hampshire-Massachusetts State line; *carpets*, from Boston, Mass., to Providence, R.I.; and from Thompsonville, Conn., to Boston, Mass.; *insulation materials*, from Boston, Mass., to Manchester, N.H., Montpelier and Bennington, Vt., and Portland, Maine; *roofing materials*, from Boston, Mass., to Providence, R.I.; *cardboard containers*, from Boston, Mass., to New York, N.Y.; *building materials*, between Boston, Mass., on the one hand, and, on the other, Claremont, Hanover, Keene, Nashua, and Manchester, N.H., Burlington and Montpelier, Vt., Portland and Bangor, Maine, Providence and Pawtucket, R.I., Hartford and Meriden, Conn., and Brooklyn and New York, N.Y.; *paint, lead, and zinc*, between Boston, Mass., on the one hand, and, on the other, Lancaster, Dover, Keene, and Claremont, N.H., Portland and Winthrop, Maine, Bennington, Vt., Providence and Pawtucket, R.I., and Newark, N.J.; *paper and paper products, gelatin and gelatin stock, solid fuel, and machinery, materials, supplies and equipment* used in tanneries and shoe factories, between Peabody, Mass., and points and places in Massachusetts within 25 miles of Peabody on the one hand, and, on the other, New York, N.Y., and points and places in Connecticut and Rhode Island and those in that part of New Hampshire east and south of a line beginning at the New Hampshire-Massachusetts State line and extending along U.S. Highway 3 to junction U.S. Highway 202, and thence along U.S. Highway 202 to the New Hampshire-Maine State line, including points and places on the indicated portions of the highways specified; *paints, lead, zinc, and building materials* as defined in Appendix VI to the report in Descriptions in Motor Carrier Certificates, 61 M.C.C. 209, except commodities in bulk, from New York, N.Y., and points within a described area of New Jersey and New Hampshire, from the above described origin points, to points in a described area of Maine. Vendee is authorized to operate as a *common carrier* in all of the States in the United States, except Alaska and Hawaii. Application has been filed for temporary authority under section 210a(b).

MOTOR CARRIER PASSENGER

No. MC–F–11816. Authority sought for purchase by CAPITOL BUS COMPANY, 1061 South Cameron Street, Harrisburg, PA 17104, of the operating rights of KEYSTONE CHARTER SERVICE, INC.,

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Cameron and Forster Streets, Harrisburg, PA 17101, and for acquisition by RICHARD J. MAGUIRE, EVELYN Z. MAGUIRE, MARY ANN MAGUIRE, and M. D. VAN ATTA, all of Harrisburg, Pa. 17104, of control of such rights through the purchase. Applicants' attorneys: S. Berne Smith, and Robert H. Griswold, Post Office Box 1166, 100 Pine Street, Harrisburg, PA 17108, and L. C. Major, Jr., Suite 301, Tavern Square, 421 King Street, Alexandria, VA 22314. Operating rights sought to be transferred: Passengers and their baggage, in round trip charter operations, with no pickup or discharge of passengers on route, as a common carrier over irregular routes, beginning and ending at Harrisburg, Pa., and points within 10 miles thereof east of the Susquehanna River and extending to points in Ohio, New Jersey, New York, Maryland, Delaware, Virginia, and the District of Columbia. Vendee is authorized to operate as a common carrier in Pennsylvania, Maryland, District of Columbia, New York, New Jersey, Connecticut, Delaware, and Virginia. Application has not been filed for temporary authority under section 210a(b).

PENN CENTRAL TRANSPORTATION CO.

George P. Baker, Richard C. Bond, and Jervis Langdon, Jr., Trustees of the Property of Penn Central Transportation Co., Debtor, 6 Penn Center Plaza, Philadelphia, PA 19104, represented by Mr. Wallace D. Stewart, 925 Penn Central Station, Pittsburgh, PA 15222. Applicant hereby gives notice that on the 26th day of February 1973, it filed with the Interstate Commerce Commission at Washington, D.C., an application for approval of the acquisition of trackage rights over a line of railroad of the Pittsburgh and Lake Erie Railroad Co. between New Castle, Lawrence County, Pa., and Struthers, Mahoning County, Ohio, a distance of approximately 12.66 miles. This application has been assigned Finance Docket No. 27231. Applicant is of the opinion that the granting of this authority will have no adverse affect on the human environment. The proceeding will be handled without public hearings unless protests are received which contain information indicating a need for such hearings. Any protests submitted shall be filed with the Commission no later than 30 days from the date of first publication in the FEDERAL REGISTER.

George P. Baker, Richard C. Bond, and Jervis Langdon, Jr., Trustees of the Property of Penn Central Transportation Co., Debtor.

THE MONONGAHELA RAILWAY CO.

NOTICE

The Monongahela Railway Co., represented by Mr. Wallace D. Stewart, 925 Penn Central Station, Pittsburgh, PA 15222, hereby give notice that on the 6th day of November, 1972, it filed with the Interstate Commerce Commission at Washington, D.C., an application, assigned Finance Docket No. 27236, for approval of the acquisition of trackage rights over the line of railroad of George P. Baker, Richard C. Bond, and Jervis Langdon, Jr., Trustees of the property of Penn Central Transportation Co., Debtor, between Millsboro and Besco, Washington County, Pa., a distance of approximately 1.78 miles. In the opinion of the applicant, the approval requested in its application will not alter the effect of its operation on the human environment in any discernible way. The proceeding will be handled without public hearings unless protests are received which contain information indicating a need for such hearings. Any protests submitted shall be filed with the Commission no later than 30 days from the first date of publication in the FEDERAL REGISTER.

PENN CENTRAL TRANSPORTATION CO.

George P. Baker, Richard C. Bond, and Jervis Langdon, Jr., Trustees of the Property of Penn Central Transportation, Co., Debtor, 6 Penn Center Plaza, Philadelphia, PA 19104, represented by Mr. Robert H. Bierma, Penn Central Transportation Co., Room 532 Union Station, 516 West Jackson Boulevard, Chicago, IL 60606. Applicant hereby gives notice that on the 19th day of December, 1972, it filed with the Interstate Commerce Commission at Washington, D.C., an application under section 5(2) of the Interstate Commerce Act for authority to operate over the lines of the Norfolk and Western Railway Co. between Cambridge City and Beesons, Ind., pursuant to a contract granting such trackage rights which will be limited to bridge movement only. The operations sought to be performed will be the bridge movement of applicant's trains over the lines of the Norfolk and Western Railway Co. between Cambridge City and Beesons, Ind., in Wayne County, a distance of 6.6 miles. This application has been assigned Finance Docket No. 27269. In the opinion of the Applicant, the relief sought by this application is not a major Federal action significantly affecting the quality of the human environment. The proceeding will be handled without public hearings unless protests are received which contain information indicating a need for such hearings. Any protests submitted shall be filed with the Commission no later than 30 days from the date of first publication in the FEDERAL REGISTER.

George P. Baker, Richard C. Bond, and Jervis Langdon, Jr., Trustees of the Property of Penn Central Transportation Co., Debtor.

CHICAGO, ROCK ISLAND & PACIFIC RAILROAD CO.

Chicago, Rock Island & Pacific Railroad Co., represented by Mr. James H. Sykes, 139 West Van Buren Street, Chicago, IL 60605, hereby give notice that on the 5th day of February 1973, it filed with the Interstate Commerce Commission at Washington, D.C., an application under section 5(2) of the Interstate Commerce Act to acquire trackage rights over approximately 4.37 miles of main line of the Peoria & Pekin Union Railway Co. in Peoria, Ill. This application has been assigned Finance Docket No. 27303. The purpose of the trackage rights application is to enable the Applicant to continue a direct interchange with the Toledo, Peoria & Western Railroad Co. in Peoria, Ill. In the opinion of the Applicant the relief sought by this application is not a major Federal action significantly affecting the quality of the human environment. In accordance with the Commission's regulations (49 CFR 1100.250) in Ex Parte No. 55 (Sub-No. 4), Implementation-National Environmental Policy Act, 1969, 340 ICC 431 (1972), any protests may include a statement indicating the presence or absence of any effect of the requested Commission action on the quality of the human environment.

If any such effect is alleged to be present, the statement shall include information relating to the relevant factors set forth in Ex Parte No. 55 (Sub-No. 4), supra, Part (B) (1)-(5), 340 ICC 431, 461. The proceeding will be handled without public hearings unless protests are received which contain information indicating a need for such hearings. Any protests submitted shall be filed with the Commission no later than 30 days from the date of first publication in the FEDERAL REGISTER.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.73-5387 Filed 3-20-73;8:45 am]

FILING OF MOTOR CARRIER INTRASTATE APPLICATIONS

MARCH 16, 1973.

The following applications for motor common carrier authority to operate in intrastate commerce seek concurrent motor carrier authorization in interstate or foreign commerce within the limits of the intrastate authority sought, pursuant to section 206(a)(6) of the Interstate Commerce Act, as amended October 15, 1962. These applications are governed by Special Rule 1.245 of the Commission's rules of practice, published in the FEDERAL REGISTER, issue of April 11, 1963, page 3533, which provides, among other things, that protests and requests for information concerning the time and place of State Commission hearings or other proceedings, any subsequent changes therein, any other related matters shall be directed to the State Commission with which the application is filed and shall not be addressed to or filed with the Interstate Commerce Commission.

Kentucky Docket No. 5365, filed March 1, 1973. Applicant: LOUISVILLE-SHELBYVILLE EXPRESS, INC., 1055 East Kentucky Street, Louisville, KY 40204. Applicant's representative: Rudy Yessin, 314 Wilkinson Street, Frankfort, KY 40601. Certificate of public convenience and necessity sought to operate a freight service as follows: Transportation of *property*, (1) between Louisville and Grafenburg, Ky., via U.S. Highway 60 serving all intermediate points and off route points within 3 miles of said route, and (2) between Louisville and the Franklin-Shelby County line via Interstate Highway 64 serving all intermediate points and off route points within 3 miles of said route. Both intrastate and interstate authority sought.

HEARING: April 19, 1973, at the hearing firoom of the Department of Motor Transportation, Ground Level, Capital Plaza Tower, Frankfort, Ky., at 10 a.m. Requests for procedural information should be addressed to the Department of Motor Transportation, Capital Plaza, Frankfort, Ky., 40601, and should not be directed to the Interstate Commerce Commission.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.73-5381 Filed 3-20-73;8:45 am]

[Rev. S.O. 994; Rev. ICC Order 79; Amdt. 1]

ST. JOHNSBURY AND LAMOILLE COUNTY RAILROAD

Rerouting or Diversion of Traffic

Upon further consideration of Revised ICC Order No. 79 (St. Johnsbury & Lamoille County Railroad) and good cause appearing therefor:

It is ordered, That:

Revised ICC Order No. 79 be, and it is hereby, amended by substituting the following paragraph (g) for paragraph (g) thereof:

(g) *Expiration date.* This order shall expire at 11:59 p.m., April 15, 1973, unless otherwise modified, changed, or suspended.

It is further ordered, That this amendment shall become effective at 11:59 p.m., March 15, 1973, and that this amendment shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and car hire agreement under the terms of that agreement, and upon the American Short Line Railroad Association; and that it be filed with the Director, Office of the Federal Register.

Issued at Washington, D.C., March 13, 1973.

INTERSTATE COMMERCE COMMISSION,

[SEAL] R. D. PFAHLER, *Agent.*

[FR Doc.73-5384 Filed 3-20-73;8:45 am]

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WEDNESDAY, MARCH 21, 1973
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Volume 38 ■ Number 54

PART II

HEALTH, EDUCATION, AND WELFARE DEPARTMENT

Office of Education

■

EDUCATIONALLY DEPRIVED CHILDREN; FINANCIAL ASSISTANCE TO MEET SPECIAL EDUCATIONAL NEEDS

Comparability of Services; Proposed Rule Making

No. 54—Pt. II——1

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PROPOSED RULE MAKING 7439

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of Education

[45 CFR Part 116]

FINANCIAL ASSISTANCE TO MEET SPECIAL EDUCATIONAL NEEDS OF EDUCATIONALLY DEPRIVED CHILDREN

Comparability of Services

Pursuant to the authority contained in section 141(a)(3) of the Elementary and Secondary Education Act, section 109, 84 Stat. 124, 20 U.S.C. 241e(a)(3), the Commissioner of Education, with the approval of the Secretary of Health, Education, and Welfare, proposes to revise § 116.26 of Part 116 of Title 45 of the Code of Federal Regulations as set forth below.

The proposed revision would effect the following changes in the regulations implementing the comparability requirement in title I of the Elementary and Secondary Education Act:

(a) The three staff ratios (§ 116.26(c)(1), (2), and (3) of the present regulations) would be superseded by a single ratio of the number of enrolled children to the total number of instructional staff members. The three separate ratios by which comparability is currently determined tend to restrict local educational agencies to conventional staffing patterns which are not necessarily the most effective for schools serving children from low-income areas.

(b) The requirement to collect and report data on the expenditure per pupil for other instructional costs (textbooks, materials, etc., § 116.26(c)(5) of the present regulations), would be deleted from the criteria for determining comparability, except for those local educational agencies which fail to meet one or more of the other indicators of comparability. However, all applicants would be required to provide an assurance that such materials are being distributed on a comparable basis.

(c) Under the proposed regulation, school districts would be required to collect data for comparability determinations as of a particular date (to be specified annually by the Commissioner) in the fall of each school year and to report that data to the State educational agency by mid-year. The use of such data on an annual basis would eliminate the necessity of using obsolete data from the second preceding fiscal year.

(d) The term "corresponding grade levels" has been defined.

(e) Provision has been made for the separate comparison of schools enrolling 100 students or less.

(f) Local educational agencies would be required to maintain and have readily available the records from which the required comparability data were obtained.

Additional comparability regulations affecting school districts serving substantial numbers of migratory children of migratory agricultural workers will be proposed in the near future as part of a comprehensive set of regulations for the program for migratory children under section 141(c) of the Act.

Interested persons who wish to submit comments, suggestions, or objections pertaining to this proposal may present their views in writing to the U.S. Commissioner of Education, Department of Health, Education, and Welfare, 400 Maryland Avenue SW., Washington, DC 20202, on or before April 20, 1973. Comments may be inspected in Room 3642, Seventh and D Streets SW., Washington, D.C., between 8 a.m. to 4:30 p.m. Monday through Friday.

Dated: February 20, 1973.

JOHN OTTINA,
Acting U.S. Commissioner of Education.

Approved: March 13, 1973.

CASPAR W. WEINBERGER,
Secretary of Health, Education, and Welfare.

Section 116.26 is revised to read as follows:

§ 116.26 Comparability of services.

(a) A State educational agency shall not approve an application of a local educational agency for a grant under section 141(a) of the Act, or make payments of title I funds under a previously approved application of such agency, unless that local educational agency has demonstrated, in accordance with paragraph (c) of this section, that services provided with State and local funds in title I project areas are at least comparable to the services being provided with State and local funds in schools serving attendance areas not designated as title I project areas. Such approval shall not be given unless the local educational agency also provides the assurance and the additional information required by paragraph (d) of this section with respect to the maintenance of comparability. For the purpose of this section, State and local funds include those funds used in the determination of fiscal effort in accordance with § 116.45.

(b) The State educational agency shall require each local educational agency, except as provided in paragraph (g) of this section, to submit a report in such form as the Commissioner will prescribe, containing the information required by the State educational agency to make the determinations specified in paragraph (c) of this section. Such report shall include the following data for each public school serving a project area and, on a combined basis, for all other schools of corresponding grade levels (as grouped in accordance with paragraph (e) of this section):

(1) The number of children enrolled,

(2) The full-time equivalent number of certified and noncertified instructional staff members who are paid with State or local funds, assigned to such public school or schools,

(3) The total portion of salaries for such instructional staff members which is based on length of service (longevity),

(4) The total amount of State and local funds being expended on an annual basis for salaries for such instructional staff members less the amount of such salaries based on length of service (longevity),

(5) The number of enrolled children as reported under subparagraph (1) of this paragraph per instructional staff member as reported under subparagraph (2) of this paragraph,

(6) The amount expended per enrolled child for salaries for instructional staff as reported under paragraph (b)(4) of this section.

The data required by this paragraph shall be current data as of a date specified annually by the Commissioner. Such date will be no later than April 15 for fiscal year 1973 and no later than November 1 of each succeeding fiscal year. Such reports shall be filed with the State educational agency not later than May 15 of fiscal year 1973 and not later than December 1 of each succeeding fiscal year. All data reported to the State educational agency in accordance with this paragraph shall be as of the same date. The term "instructional staff members" as used in this section means staff members who render direct and personal services which are in the nature of teaching or the improvement of the teaching-learning situation. The term includes teachers, principals, consultants, or supervisors of instruction, librarians, and guidance and psychological personnel; it also includes aides or other paraprofessional personnel employed to assist such instructional staff members in providing such services.

(c) The services being provided by the local educational agency with State and local funds in a title I project area shall be deemed to be comparable to the services being provided with such funds in areas not being served under said title I upon the determination by the State educational agency that for schools serving corresponding grade levels;

(1) The number of children enrolled per instructional staff member reported in accordance with paragraph (b)(5) of this section for each public school serving a title I project area is not more than 105 percent of the average number of children per instructional member in all other public schools in the applicant's district;

(2) The annual expenditure per child determined in accordance with paragraph (b)(6) of this section in each public school serving a title I project area is not less than 95 percent of such expenditure per child in all other public schools in the applicant's district;

(3) Such local educational agency has provided an assurance that the expenditure per child for textbooks, library resources, instructional equipment, supplies, and other instructional materials actually available for use in each school serving a title I project area, for the fiscal year for which the report specified in paragraph (b) of this section is filed, will be at least comparable to such expenditure per child during such fiscal year in all other public schools in the applicant's district. In addition, a local educational agency which fails to meet the requirements of either paragraph (c)(1) or (2) of this section shall include in the report required by paragraph (b) of this section a seventh category, which shall be the amount expended per enrolled child (in the most recent school year for which such data are available) for textbooks, library resources, instructional equipment, supplies, and other instructional materials.

If any school serving a title I project area is deemed not to be comparable under this paragraph, no further payments of title I funds shall be made to the local educational agency until that agency has demonstrated that it has taken sufficient action to overcome such lack of comparability.

(d) On or before July 1, 1973, and July 1 of each succeeding year each local educational agency shall file with the State educational agency:

(1) An assurance that the comparability of services previously demonstrated with respect to title I project areas in accordance with paragraph (c) of this section will be maintained in all such areas including areas serving migratory children of migratory agricultural workers, that will be designated as title I project areas for the fiscal year beginning that July 1, and

(2) Data on schools serving attendance areas, if any, that will be designated for title I projects for the fiscal year beginning that July 1 but were not designated for such projects in the preceding fiscal year. Such data shall show either that such schools would have been comparable during the preceding fiscal year if those areas had been designated for projects or will, as the result of specific action by the local educational agency, be comparable during the fiscal year beginning that July 1.

(e) For purposes of this section a local educational agency shall group its schools by corresponding grade levels not to exceed three such groups (generally designated as elementary, intermediate or junior high school, and high school or secondary) for all the schools in the agency's district. A school serving grades in two or three such groups shall be included in that group with which it has the greatest number of grades in common. Where the number of grades in common are equal between two or more groups, the school shall be included in the lower grade division. For example, a local educational agency might have the following grade span organization: K–6 (elementary), 7–9 (junior high), and 10–12 (senior high). In addition, the local educational agency might have an intermediate school serving grades 5–8. Since this intermediate school has two grades in common with the elementary division (grades 5 and 6) and two grades in common with the junior high division (grades 7 and 8), it would be included in the lower grade division (elementary) for determining comparability.

(f) A school with an enrollment of 100 children or less (as of the date or dates the data required by paragraph (b) of this section are collected) shall not be included for purposes of this section unless the local educational agency operates schools of such size with corresponding grade levels both for areas to be served and areas not to be served under title I of the Act, in which event such schools shall be considered as a separate group.

(g) The requirements of this section are not applicable to a local educational agency which is operating only one school serving children at the grade levels at which services under said title I are to be provided or which has designated the whole of the school district as a project area in accordance with § 116.17(d).

(h) Local educational agencies required to report under this section shall maintain, by individual schools (1) appropriate resource records, including records of children's enrollment, the total expenditure for salary and the amount thereof based solely on longevity for each full-time instructional staff member and the prorated total salary less the amount thereof based solely on longevity for each part-time instructional staff member; (2) worksheets showing the total number of full-time instructional staff members, and the total amount of State and local funds being expended for salaries for such full-time and part-time staff members less the total amount of such salaries based solely on longevity; and (3) appropriate records documenting the amount expended per pupil during the year for textbooks, library resources, instructional equipment, supplies, and other instructional materials. Such records and worksheets, demonstrating the maintenance of comparability for the entire school year, shall be filed, indexed, and maintained in such a manner that they may be readily reviewed by appropriate local, State, and Federal authorities and shall be retained in accordance with applicable record retention requirements.

(i) By January 1 of each year the State educational agency shall submit to the Commissioner in such form as he will prescribe a copy of the comparability report for each local educational agency in the State which he has determined to be in a national sample of such agencies for that year. The State educational agency shall also submit to the Commissioner by January 1 of each year a report identifying each local educational agency that failed to meet the comparability requirement of paragraph (c) of this section on the date specified by paragraph (b) of this section and indicating for each such agency either (a) that such local educational agency has allocated or reallocated sufficient additional resources to title I project areas so as to come into compliance with such requirements and has filed a revised comparability report reflecting such compliance or (b) that the State educational agency is withholding the payment of title I funds to the noncomplying local educational agency. A copy of each revised comparability report in such form as the Commissioner will prescribe shall be included with the State educational agency's report to be submitted by January 1. Not later than March 31, the State educational agency shall report to the Commissioner whether any noncomplying local educational agencies have come into compliance, and if so, the State educational agency shall include revised comparability reports for such local educational agencies reflecting such compliance. If local educational agencies remain out of compliance as of that date, the entitlements of such agencies shall be made available for reallocation to complying local educational agencies in the State in accordance with the procedures set forth in § 116.9.

(20 U.S.C. 241e(a)(3))

[FR Doc.73-6106 Filed 3-20-73;8:45 am]

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WASHINGTON, D.C.

Volume 38 ■ Number 55

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The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

Title 4—Accounts

CHAPTER III—COST ACCOUNTING STANDARDS BOARD

PART 403—ALLOCATION OF HOME OFFICE EXPENSES TO SEGMENTS

Effective Date

On December 14, 1972, a Cost Accounting Standard entitled Allocation of Home Office Expenses to Segments was published in the FEDERAL REGISTER (37 FR 26680 et seq.).

The effective date of the standard, which was reserved in the December 14 publication, is July 1, 1973, and § 403.80 is therefore supplemented as follows:

§ 403.80 Effective date.

This standard shall be followed by each contractor as of the beginning of his next fiscal year after September 30, 1973. The effective date of this standard is July 1, 1973.

(84 Stat. 796, sec. 103; 50 U.S.C. App. 2168)

ARTHUR SCHOENHAUT,
Executive Secretary.

[FR Doc.73-5415 Filed 3-21-73;8:45 am]

Title 5—Administrative Personnel

CHAPTER I—CIVIL SERVICE COMMISSION

PART 213—EXCEPTED SERVICE

Treasury Department

Section 213.3305 is amended to reflect the following title change: From Staff Assistant to the Deputy Secretary to Special Assistant to the Deputy Secretary.

Effective on March 22, 1973, § 213.3305 (a) (9) is amended as set out below.

§ 213.3305 Treasury Department.

(a) *Office of the Secretary.* • • •

(9) One Special Assistant to the Deputy Secretary.

• • • • • • •

(5 U.S.C. secs. 3301, 3302, E.O. 10577; 3 CFR 1954–58 Comp. p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.73-5530 Filed 3-21-73;8:45 am]

PART 213—EXCEPTED SERVICE

Treasury Department; Correction

In the FEDERAL REGISTER of March 14, 1973, FR Doc. 73-4873, appearing on page 6879, the position added in § 213.3305(a) (40) was erroneously stated as "One Executive Assistant to the Secretary". It should read "One Executive Assistant to the Deputy Secretary."

(5 U.S.C. secs. 3301, 3302, E.O. 10577; 3 CFR 1954–58 Comp. p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.73-5528 Filed 3-21-73;8:45 am]

PART 213—EXCEPTED SERVICE

Department of Housing and Urban Development

Section 213.3384 is amended to reflect the following title change: From Private Secretary to the Administrative Assistant to the Secretary to Administrative Aide to the Administrative Assistant to the Secretary.

Effective on March 22, 1973, § 213.3384 (a) (33) is amended as set out below.

§ 213.3384 Department of Housing and Urban Development.

(a) *Office of the Secretary.* • • •

(33) One Administrative Aide to the Administrative Assistant to the Secretary.

• • • • • • •

(5 U.S.C. secs. 3301, 3302, E.O. 10577; 3 CFR 1954–58 Comp. p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.73-5531 Filed 3-21-73;8:45 am]

PART 213—EXCEPTED SERVICE

Department of Transportation

Section 213.3394 is amended to show that one position of Special Assistant to the Director, Office of Public Affairs, is excepted under Schedule C.

Effective on March 22, 1973, § 213.3394 (a) (35) is added as set out below.

§ 213.3394 Department of Transportation.

(a) *Office of the Secretary.* • • •

(35) One Special Assistant to the Director, Office of Public Affairs.

• • • • • • •

(5 U.S.C. secs. 3001, 3302, E.O. 10577; 3 CFR 1954–58 Comp. p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.73-5529 Filed 3-21-73;8:45 am]

Title 7—Agriculture

CHAPTER I—AGRICULTURAL MARKETING SERVICE (STANDARDS, INSPECTIONS, MARKETING PRACTICES), DEPARTMENT OF AGRICULTURE

PART 51—FRESH FRUITS, VEGETABLES AND OTHER PRODUCTS (INSPECTION, CERTIFICATION AND STANDARDS)

Subpart—Regulations [1]

REQUIREMENTS FOR PACKER IDENTIFICATION

On page 798 and 799 of the FEDERAL REGISTER of January 4, 1973, there was published a notice of proposed rule making to amend the Regulations Governing Inspection, Certification and Standards for Fresh Fruits, Vegetables and other Products [2] (7 CFR 51.1–51.61) by providing requirements for packer identification, an example of such identification and concise instructions for approval of each packer's or distributor's labels or other container markings bearing official identification marks under continuous inspection.

These regulations are issued under authority of the Agricultural Marketing Act of 1946 (secs. 203, 205, 60 Stat. 1087, as amended, 1090 as amended 7 U.S.C. 1622–1624), which provides the authority for official inspection and certification of fresh fruits and vegetables and other products.[2] Such inspection and certification is voluntary and is made available only upon request of financially interested parties and upon payment of a fee to cover the cost of the service.

Statement of considerations leading to the amendment of the regulations. Following publication of the proposed amendment in the FEDERAL REGISTER, copies of the proposal were distributed to packers, distributors, and others interested in continuous inspection. The proposed amendment of the regulations provided for changes in §§ 51.49 and 51.59 needed to guard against improper use of approved U.S. grade designations, approved grade marks and inspection legends on containers packed under continuous inspection.

Section 51.49 of the proposed amendment provided requirements for packer identification and an example of such identification. In addition, subparagraph

[1] Packing of the product in conformity with the requirements of these standards shall not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act or with applicable State laws and regulations.

[2] Among such other products are the following: Raw nuts; Christmas trees and evergreens; flowers and flowerbulbs; and onion sets.

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(8) of paragraph (e) of § 51.59 was reworded to provide that drawings or printer's proofs of each packer's or distributor's labels, or other container markings, bearing official USDA identification marks be submitted for approval by the Chief, Fresh Products Standardization and Inspection Branch, Fruit and Vegetable Division, Agricultural Marketing Service, prior to printing.

Interested persons were given until March 1, 1973, to submit written data, views or arguments regarding the proposal. No comments have been received and the proposed amendments are hereby adopted without change and are set forth below.

These amendments shall become effective on May 15, 1973.

Dated: March 16, 1973.

JOHN C. BLUM,
Acting Administrator.

§ 51.49 Approved identifications.

* * * * *

(d) *Packer identification* The packer's name and address or assigned code number or other mark identifying the packer as may be approved by the Administrator, shall appear on any container bearing grade marks or inspection legends approved under paragraph (a), (b), or (c) of this section, as illustrated by the example in figure 6.

PACKER NO. 01
PACKED UNDER CONTINUOUS
FEDERAL - STATE INSPECTION

FIGURE 6.

(e) *Other identification marks.* Products may be inspected on a lot inspection basis as provided in this part and identified by an official inspection mark similar in form and design to figure 7 of this paragraph. The use of this mark or other comparable identification marks may be required by the Administrator whenever he determines that such identification is necessary in order to maintain the identity of lots which have been inspected and certified.

U S DEPT OF AGRICULTURE
INSPECTED
DEC 18 1972
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FIGURE 7

§ 51.59 Operations and operating procedures.

* * * * *

(e) * * *

(8) Submit to the Chief of the Fresh Products Standardization and Inspection Branch, Fruit and Vegetable Division, Agricultural Marketing Service, for approval prior to printing, drawings or printers' proofs of each packer's or distributor's label bearing or referring in any manner to official inspection legends or grade marks.

* * * * *

(Secs. 203, 205, 60 Stat. 1087, as amended, 1090 as amended; 7 U.S.C. 1622, 1624)

[FR Doc 73-5539 Filed 3-21-73;8:45 am]

CHAPTER VII—AGRICULTURAL STABILIZATION AND CONSERVATION SERVICE (AGRICULTURAL ADJUSTMENT), DEPARTMENT OF AGRICULTURE

SUBCHAPTER B—FARM MARKETING QUOTAS AND ACREAGE ALLOTMENTS

[Amdt. 4]

PART 711—MARKETING QUOTA REVIEW REGULATIONS

Certain Areas of Venue

On pages 3986 to 3987 of the FEDERAL REGISTER of February 9, 1973 (38 FR 3986), was published a notice of proposed rule making to issue an amendment to the Marketing Quota Review Regulations.

Interested persons were given until March 9, 1973, after the publication of the notice of proposed rule making on February 9, 1973, to submit written data, views, or recommendations with respect to the proposed amendment. No data, views, or recommendations were received. Accordingly, the amendment as proposed is adopted with the following additions:

1. The basis and purpose title is added to the introductory paragraphs.

2. An authority clause is added.

3. An effective date provision is added immediately following the authority clause.

Since there is a possibility of it being necessary to schedule applications for review of one or more farm marketing quotas in areas of venue where changes are being made by this amendment, it is important that this amendment be issued and made effective as soon as possible. Accordingly, it is hereby found that compliance with the 30-day effective date requirements of 5 U.S.C. 553 is unnecessary and contrary to the public interest, and this amendment shall become effective on March 22, 1973.

Signed at Washington, D.C., on March 15, 1973.

KENNETH E. FRICK,
Administrator, Agricultural Stabilization and Conservation Service.

Basis and purpose. The purpose of this amendment is to revise the marketing quota review committee areas of venue in several States. States in which there are farms producing certain crops subject to marketing quotas are divided into one or more areas of venue. An area of venue consists of one or more counties (parishes in Louisiana). A panel of six or more eligible farmers appointed by the Secretary serve as members of a review committee panel for each area of venue. The review committee which is composed of three members selected from the panel meets when necessary, to hear appeals of farmers who are dissatisfied with their farm quota for extra long staple cotton, peanuts, rice, and certain kinds of tobacco.

The present areas of venue in a number of States were established at a time when more crops and farms were subject to marketing quotas than are at present. Accordingly, fewer areas of venue and review committeemen are currently necessary.

Section 711.29 of the Marketing Quota Review Regulations (35 FR 15355, 16235, 36 FR 1463, 37 FR 10656, 11465, 38 FR 967) is amended for certain named States to read as follows:

ARKANSAS

Counties of:
Area I—Arkansas, Baxter, Boone, Carroll, Clay, Conway, Craighead, Crittenden, Cross, Faulkner, Franklin, Greene, Independence, Jackson, Lawrence, Lee, Lonoke, Mississippi, Monroe, Phillips, Poinsett, Prairie, Randolph, St. Francis, White, Woodruff.
Area II—Ashley, Calhoun, Chicot, Clark, Dallas, Desha, Drew, Hempstead, Hot Spring, Howard, Jefferson, Lafayette, Lincoln, Little River, Miller, Perry, Pulaski, Saline, Yell.

CALIFORNIA

Counties of:
Area I—Butte, Colusa, El Dorado, Glenn, Placer, Sacramento, Solano, Sutter, Yolo, Yuba.
Area II—Madera, Merced, San Joaquin, Stanislaus.

Area III—Fresno, Kern, Kings, Tulare.
Area IV—Imperial, Riverside.

INDIANA

Counties of:
Area I—Bartholomew, Brown, Decatur, Fayette, Fountain, Franklin, Greene, Hendricks, Henry, Jackson, Johnson, Lawrence, Morgan, Monroe, Owen, Parke, Putnam, Rush, Shelby, Sullivan, Union.
Area II—Clark, Crawford, Dearborn, Dubois, Floyd, Harrison, Jefferson, Jennings, Ohio, Orange, Perry, Ripley, Scott, Spencer, Switzerland, Warrick, Washington.

IOWA

County of:
Area I—Worth.

KANSAS

Counties of:
Area I—Atchison, Doniphan, Linn, Leavenworth.

LOUISIANA

Counties of: (parishes of)
Area I—Bienville, Bossier, Caddo, Caldwell, Catahoula, Concordia, East Carroll, Franklin, Lincoln, Madison, Morehouse, Richland, Tensas, West Carroll, Ouachita, Union.
Area II—Acadia, Allen, Beauregard, Calcasieu, Cameron, Evangeline, Iberia, Jefferson Davis, Lafayette, St. Landry, St. Martin, St. Mary, Vermilion.
Area III—Ascension, Avoyelles, Iberville, Pointe Coupee, Rapides, St. James, St. John, Washington, West Baton Rouge, West Feliciana.

MISSISSIPPI

Counties of:
Area I—Bolivar, Coahoma, De Soto, Panola, Quitman, Tallahatchie, Tate, Tunica.
Area II—Holmes, Humphreys, Issaquena, Leflore, Sharkey, Sunflower, Washington, Yazoo.
Area III—Alcorn, Benton, Calhoun, Grenada, Itawamba, Lowndes, Montgomery, Pontotoc, Prentiss, Webster, Yalobusha.
Area IV—Attala, Forrest, Greene, Hancock, Jefferson, Jones, Kemper, Lauderdale, Madison, Marion, Neshoba, Rankin.

MISSOURI

Counties of:
Area I—Andrew, Atchison, Bates, Bollinger, Boone, Buchanan, Butler, Caldwell, Callaway, Cape Girardeau, Carroll, Charlton, Clay, Clinton, Cole, Cooper, Dekalb, Dunklin, Hickory, Howard, Howell, Knox, Lafayette, Lewis, Lincoln, Marion, Miller, Mississippi, Moniteau, New Madrid, Pamiscot, Platte, Randolph, Ray, Ripley, St. Charles, St. Clair, St. Francois, Saline, Scott, Shelby, Stoddard, Stone, Taney, Texas, Vernon.

NEW MEXICO

Counties of:
Area I—Chaves, Curry, Dona Ana, Eddy, Hidalgo, Lea, Luna, Otero, Quay, Roosevelt, Sierra.

NORTH CAROLINA

Counties of:
Area I—No change.
Area II—Alexander, Anson, Burke, Cabarrus, Caldwell, Catawba, Cleveland, Gaston, Iredell, Lincoln, Polk, Rutherford.
Area III—No change.
Area IV—No change.
Area V—No change.
Area VI—No change.
Area VII—No change.

OHIO

Counties of:
Area I—Butler, Clinton, Darke, Greene, Hamilton, Miami, Montgomery, Preble, Shelby, Warren.
Area II—Adams, Athens, Brown, Clermont, Delaware, Fayette, Gallia, Highland, Jackson, Lawrence, Licking, Meigs, Monroe, Morgan, Noble, Pickaway, Pike, Ross, Scioto, Union, Vinton.

OKLAHOMA

Counties of:
Area I—All counties.

SOUTH CAROLINA

Counties of:
Area I—Abberville, Cherokee, Greenville, Lancaster, Spartanburg, York.
Area II—Chesterfield, Darlington, Kershaw, Lee, Marlboro, Richland, Sumter.
Area III—Clarendon, Dillon, Florence, Georgetown, Horry, Marion, Williamsburg.
Area IV—Aiken, Bamberg, Barnwell, Calhoun, Lexington, Orangeburg.
Area V—Allendale, Berkeley, Charleston, Colleton, Dorchester, Hampton, Jasper.

TENNESSEE

Counties of:
Area I—Carter, Cocke, Greene, Hamblen, Hancock, Hawkins, Jefferson, Johnson, Sullivan, Unicoi, Washington.
Area II—Anderson, Blount, Campbell, Claiborne, Grainger, Knox, Loudon, Roane, Selver, Union.
Area III—Clay, Cumberland, Fentress, Jackson, Macon, Morgan, Overton, Pickett, Putnam, Scott.
Area IV—Bledsoe, Bradley, Grundy, Hamilton, McMinn, Marion, Meigs, Monroe, Polk, Rhea.
Area V—Bedford, Cannon, Coffee, DeKalb, Franklin, Rutherford, Smith, Trousdale, Van Buren, Warren, White, Wilson.
Area VI—Davidson, Giles, Lawrence, Lewis, Lincoln, Marshall, Maury, Moore, Williamson.
Area VII—Cheatham, Dickson, Hickman, Houston, Humphreys, Montgomery, Perry, Roberston, Stewart, Sumner.
Area VIII—Benton, Carroll, Dyer, Gibson, Henry, Lauderdale, Obion, Weakley.
Area IX—Decatur, Hardeman, Hardin, Shelby, Tipton.

VIRGINIA

Counties of:
Area I—Brunswick, Chesapeake, Chesterfield, Dinwiddie, Greensville, Isle of Wight, James City, Mathews, Nansemond, New Kent, Northampton, Prince George, Southampton, Surry, Sussex.
Area II—Albemarle, Amelia, Amherst, Appomattox, Bedford, Buckingham, Campbell, Caroline, Charlotte, Cumberland, Essex, Fluvanna, Franklin, Goochland, Halifax, Hanover, Henry, King and Queen, King William, Louisa, Lunenburg, Madison, Mecklenburg, Nelson, Nottoway, Patrick, Pittsylvania, Powhatan, Prince Edward, Rockbridge, Spotsylvania.
Area III—Bland, Buchanan, Carroll, Dickenson, Floyd, Giles, Grayson, Lee, Montgomery, Pulaski, Russell, Scott, Smyth, Tazewell, Washington, Wise, Wythe.

WEST VIRGINIA

Counties of:
Area I—Boone, Cabell, Greenbrier, Jackson, Kanawha, Lincoln, Logan, McDowell, Mason, Mingo, Mercer, Monroe, Putnam, Raleigh, Roane, Summers, Wayne, Wirt, Wood, Wyoming.

WISCONSIN

Counties of:
Area I—Columbia, Dane, Dodge, Green, Jefferson, Rock.
Area II—Barron, Crawford, Dunn, Grant, Jackson, Juneau, La Crosse, Monroe, Richland, Trempealeau, Vernon.

(Sec. 301, 363-368, 375, 52 Stat. 38, as amended, 63, 64, as amended, 66, as amended; 7 U.S.C. 1301, 1363-1368, 1375)

Effective date: March 22, 1973.

[FR Doc.73-5540 Filed 3-21-73;8:45 am]

CHAPTER IX—AGRICULTURAL MARKETING SERVICE (MARKETING AGREEMENTS AND ORDERS; FRUITS, VEGETABLES, NUTS), DEPARTMENT OF AGRICULTURE

[Navel Orange Reg. 293]

PART 907—NAVEL ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Limitation of Handling

This regulation fixes the quantity of California-Arizona Navel oranges that may be shipped to fresh market during the weekly regulation period March 23-March 29, 1973. It is issued pursuant to the Agricultural Marketing Agreement Act of 1937, as amended, and Marketing Order No. 907. The quantity of Navel oranges so fixed was arrived at after consideartion of the total available supply of Navel oranges, the quantity currently available for market, the fresh market demand for Navel oranges, Navel orange prices, and the relationship of season average returns to the parity price for Navel oranges.

§ 907.593 Navel Orange Regulations 293.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 907, as amended (7 CFR Part 907), regulating the handling of Navel oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), and upon the basis of the recommendations and information submitted by the Navel Orange Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such Navel oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) The need for this regulation to limit the respective quantities of Navel oranges that may be marketed from District 1, District 2, and District 3 during the ensuing week stems from the production and marketing situation confronting the Navel orange industry.

(i) The committee has submitted its recommendation with respect to the quantities of Navel oranges that should be marketed during the next succeeding week. Such recommendation, designed to provide equity of marketing opportunity to handlers in all districts, resulted from consideration of the factors enumerated in the order. The committee further reports that the fresh market demand for Navel oranges remained active this week, with prices significantly higher than a

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week ago. Prices f.o.b. averaged $3.75 a carton on a reported sales volume of 836 carlots last week, compared with an averaged f.o.b. price for $3.67 per carton and sales of 1,030 carlots a week earlier. Track and rolling supplies at 235 cars were down 20 cars from last week.

(ii) Having considered the recommendation and information submitted by the committee, and other available information, the Secretary finds that the respective quantities of Navel oranges which may be handled should be fixed as hereinafter set forth.

(3) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this section is based became available and the time this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for Navel oranges and the need for regulations; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such Navel oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on March 20, 1973.

(b) *Order.* (1) The respective quantities of Navel oranges grown in Arizona and designated part of California which may be handled during the period March 23, 1973, through March 29, 1973, are hereby fixed as follows:

(i) District 1: 855,108 cartons;

(ii) District 2: 375,000 cartons;

(iii) District 3: Unlimited movement.

(2) As used in this section, "handled," "District 1," "District 2," "District 3," and "carton" have the same meaning as when used in said amended marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: March 21, 1973.

CHARLES R. BRADER,
Acting Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc.73-5699 Filed 3-21-73;12:30 pm]

[Valencia Orange Reg. 422]

PART 908—VALENCIA ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Limitation of Handling

This regulation fixes the quantity of California-Arizona Valencia oranges that may be shipped to fresh market during the weekly regulation period March 23–March 29, 1973. It is issued pursuant to the Agricultural Marketing Agreement Act of 1937, as amended, and Marketing Order No. 908. The quantity of Valencia oranges so fixed was arrived at after consideration of the total available supply of Valencia oranges, the quantity of Valencia oranges currently available for market, the fresh market demand for Valencia oranges, Valencia orange prices, and the relationship of season average returns to the parity price for Valencia oranges.

§ 908.722 Valencia Orange Regulation 422.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 908, as amended (7 CFR Part 908), regulating the handling of Valencia oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Valencia Orange Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such Valencia oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) The need for this regulation to limit the respective quantities of Valencia oranges that may be marketed from District 1, District 2, and District 3 during the ensuing week stems from the production and marketing situation confronting the Valencia orange industry.

(i) The committee has submitted its recommendation with respect to the quantities of Valencia oranges that should be marketed during the next succeeding week. Such recommendation, designed to provide equity of marketing opportunity to handlers in all districts, resulted from consideration of the factors enumerated in the order. The committee reports that during the week ended March 15, 1973, the average f.o.b. price for California-Arizona Valencia oranges was $3.17 per carton on a sales volume of 136 cars compared to $3.20 per carton on a sales volume of 101 cars for the previous week.

(ii) Having considered the recommendation and information submitted by the committee, and other available information, the Secretary finds that the respective quantities of Valencia oranges which may be handled should be fixed as hereinafter set forth.

(3) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for Valencia oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such Valencia oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this regulation will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on March 20, 1973.

(b) *Order.* (1) The respective quantities of Valencia oranges grown in Arizona and designated part of California which may be handled during the period March 23, 1973, through March 29, 1973, are hereby fixed as follows:

(i) District 1: Unlimited;

(ii) District 2: Unlimited;

(iii) District 3: 250,000 cartons.

(2) As used in this section, "handled", "District 1", "District 2", "District 3", and "carton" have the same meaning as when used in said amended marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: March 21, 1973.

CHARLES R. BRADER,
Acting Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc.73-5670 Filed 3-21-73;12:30 pm]

CHAPTER XIV—COMMODITY CREDIT CORPORATION, DEPARTMENT OF AGRICULTURE

SUBCHAPTER C—EXPORT PROGRAMS

[Amdt. 1]

PART 1490—PAYMENT ON EXPORTS OF CERTAIN KINDS OF TOBACCO

Subpart—Tobacco Export Program

CONTRACTS TO EXPORT TOBACCO

The Tobacco Export Program regulations issued by Commodity Credit Corporation and published in 34 FR 13464 and 13920 are hereby amended principally to limit the tobacco which may be included in any contract which an exporter may enter into with CCC under § 1490.6 to tobacco which the exporter or his subsidiary had purchased or contracted to purchase prior to entering into the contract with CCC. The regulations now afford exporters protection against reduced payment rates or termination of the program not only on tobacco which exporters have already purchased, but also on tobacco purchased after entering into the contract with CCC. This amendment would retain the protection on tobacco which exporters have purchased with the expectation of receiving an export payment at the rates in effect at the time of such contract. For administrative convenience, the manner in which CCC may enter into such contracts is also changed. Instead of an acceptance of an exporter's offer being by letter, as the regulations now provide, acceptance would be in the form of a copy of the exporter's offer returned to the exporter with appropriate endorsement and a contract acceptance number shown thereon.

It is generally known by exporters that notice of termination of the Tobacco Export Program is to be published prior to April 1, 1973. On the basis of that general knowledge, trade organizations representing a preponderant portion of the exporters have requested the limitation set forth in this amendment with respect to tobacco which may be included in contracts with CCC under § 1490.6. Since such limitation is desired by both the trade organizations and by CCC and since it could not be effected after notice of termination, it is essential that the amendment become effective immediately. Accordingly, it is hereby found and determined that compliance with the notice, public procedure and 30-day effective date provisions of 5 U.S.C. 553 is impracticable and contrary to the public interest.

Accordingly, paragraphs (a) and (c) of § 1490.6 are amended to read as follows:

§ 1490.6 Contracts to export tobacco.

(a) An exporter, who desires to obtain an export payment rate which will not be subject to reduction under paragraph (c) of § 1490.3, may submit an offer, in an original and one copy, during a 90-day period beginning with the date of publication of the rate reduction in the FEDERAL REGISTER, to export eligible tobacco of the then current or prior crops which the exporter or a subsidiary of the exporter has either purchased or contracted to purchase at the time the offer is submitted. A crop shall be identified by the calendar year in which the marketing year (July 1 for flue-cured tobacco and October 1 for other kinds of tobacco) for such crop began. If such an offer is accepted by CCC, an exporter, who otherwise complies with this program, shall receive an export payment at the rate in effect on the date the offer is submitted. The exporter's offer shall state:

(1) That the offer is subject to the terms and conditions of this program in effect at the time the offer was submitted;

(2) The kind and type of tobacco of the then current or prior crops or both which the exporter agrees to export;

(3) The unstemmed-leaf packed-weight or the unstemmed-leaf packed weight equivalent of the tobacco the exporter agrees to export;

(4) That the tobacco will be exported within 48 months following the month of acceptance of the exporter's offer by CCC; and

(5) That the exporter or a subsidiary of the exporter has already purchased or contracted to purchase the tobacco which the exporter agrees to export.

* * * * *

(c) Any offer containing terms and conditions other than those authorized in this program shall not be accepted. An acceptance by CCC of an exporter's offer shall be made by endorsement of a copy of the exporter's offer, giving a contract acceptance number, and mailing such endorsed copy to the exporter. The contract resulting from such acceptance shall consist of the exporter's offer, CCC's endorsement of the copy of the offer, and the terms and conditions of this program in effect on the date of submission of the offer. The date of the CCC endorsement of the copy of the exporter's offer shall be the date of the contract.

* * * * *

Effective date. This amendment shall become effective March 22, 1973.

(Secs. 4, 5, 62 Stat. 1070, as amended, 15 U.S.C. 714(b))

Signed at Washington, D.C., on March 19, 1973.

KENNETH E. FRICK,
Executive Vice President, Commodity Credit Corporation.

[FR Doc.73-5575 Filed 3-21-73;8:45 am]

Title 14—Aeronautics and Space

CHAPTER I—FEDERAL AVIATION ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Docket No. 70-CE-20-AD, Amdt. 39-1609]

PART 39—AIRWORTHINESS DIRECTIVES

Beech Models Airplanes

Amendment 39-1120 (35 FR 18451, 18452), as amended by Amendment 39-1331 (36 FR 21668, 21669, 21670), AD 70-25-1, applicable to Beech Models 65, 65-80, 65-A80, and 65-B80 airplanes, is an airworthiness directive (AD) which requires repetitive inspection of specific wing components to detect fatigue cracks.

After issuing Amendment 39-1331, the agency determined that certain Beech Model 65-A80 aircraft were eligible for increased gross weight on the installation of Beech Modification Kit Nos. 80-4004-1 or 80-4004-3. At the higher gross weight these aircraft now require the same AD inspection criteria as Beech Model 65-B80 aircraft. In addition, paragraph A of the AD is erroneously lettered paragraph F. Accordingly, the applicability statement and paragraphs A, B, C(3), and F of AD 70-25-1 must be modified to reflect these changes.

Since this amendment in part corrects an error and is in the interest of safety, notice and public procedure hereon are impracticable and good cause exists for making the amendment effective in less than 30 days.

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator 14 CFR 11.89 (31 FR 13697), § 39.13 of Part 39 of the Federal Aviation Regulations, Amendment 39-1331, AD 70-25-1, is being amended as follows:

(1) Amend the applicability statement by inserting the phrase ", 65-A80 (Serial Nos. LD-245 through LD-269) when Beech Modification Kit Nos. 8-4004-1 or 8-4004-3 is installed" after the phrase "Serial Nos. L-1, L-2, L-6, LF-7 through LF-76 and LC-1 through LC-180".

(2) a. Change the designation of the first lettered paragraph from "(F)" to "(A)".

b. Amend paragraph A by inserting the phrase ", 65-A80 (Serials Nos. LD-245 through LD-269) when Beech Modification Kit No. 80-4004-1 or 80-4004-3 is installed" after the phrase "Serial Nos. L-1, L-2, L-6, LF-7 through LF-76 and LC-1 through LC-180".

(3) Amend paragraph B by inserting the phrase ", 65-A80 (Serial Nos. LD-245 through LD-269) when Beech Modification Kit No. 80-4004-1 or 80-4004-3 is installed" after the phrase "Serial Nos. L-1, L-2, L-6, LF-7 through LF-76 and LC-1 through LC-180".

(4) Amend paragraph C(3) by inserting the phrase ", 65-A80 (Serial Nos. LD-245 through LD-269) when Beech Modification Kit No. 80-4004-1 or 80-4004-3 is installed" prior to the phrase "65-B80 (Serial Nos. LD-270 and up)".

(5) Amend paragraph F by inserting the phrase ", 65-A80 (Serial Nos. LD-245 through LD-269) when Beech Modification Kit No. 80-4004-1 or 80-4004-3 is installed" prior to the phrase "65-B80 (Serial Nos. LD-270 and up)".

This amendment becomes effective March 28, 1973.

(Secs. 313(a), 601, 603, Federal Aviation Act of 1958, 49 U.S.C. 1354(a), 1421, 1423; 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Kansas City, Mo., on March 14, 1973.

JOHN M. CYROCKI,
Director, Central Region.

[FR Doc.73-5497 Filed 3-21-73;8:45 am]

[Airspace Docket No. 72-GL-70]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Transition Area

On page 28764 of the FEDERAL REGISTER dated December 29, 1972, the Federal Aviation Administration published a notice of proposed rule making which

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would amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to alter the transition area at Millersburg, Ohio.

Interested persons were given 30 days to submit written comments, suggestions, or objections regarding the proposed amendment.

No objections have been received and the proposed amendment is hereby adopted without change and is set forth below.

This amendment shall be effective 0901 G.m.t., May 24, 1973.

(Sec. 307(c), Federal Aviation Act of 1958, 49 U.S.C. 1348; sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Des Plaines, Ill., on February 26, 1973.

H. W. POGGEMEYER,
Acting Director,
Great Lakes Region.

In § 71.181 (37 FR 2143), the following transition area is amended to read:

MILLERSBURG, OHIO

That airspace extending upward from 700 feet above the surface within a 6-mile radius of the Holmes County Airport (latitude 40°32'20" N., longitude 81°57'05" W.) and within 3 miles each side of the 085° bearing from the airport extending from the 6-mile radius area to 12 miles east, and within 2 miles each side of the Tiverton, Ohio VOR 059° radial extending from the 6-mile radius area to the VOR.

[FR Doc.73-5527 Filed 3-21-73;8:45 am]

[Airspace Docket No. 73-SW-4]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Transition Area

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to alter the Fort Smith, Ark., transition area.

On February 2, 1973, a notice of proposed rule making was published in the FEDERAL REGISTER (38 FR 3200) stating the Federal Aviation Administration proposed to alter the Fort Smith, Ark., transition area.

Interested persons were afforded an opportunity to participate in the rule making through submission of comments. All comments received were favorable.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., May 24, 1973, as hereinafter set forth.

In § 71.181 (38 FR 435), the Fort Smith, Ark., transition area is amended in part by adding after "20 miles southwest of the VORTAC." "within 3.5 miles each side of the VORTAC 119° radial extending from the VORTAC to 11.5 miles southeast of the VORTAC."

Since publication of the notice of proposed rule making on February 2, 1973, a minor change has been made to the final approach course on the proposed instrument approach procedure to the Twin City Airport, Van Buren, Ark., from 116° to 119°. This change will have no significant airspace effects on the public, and additional notice and public procedures are not considered necessary.

(Sec. 307(a), Federal Aviation Act of 1958, 49 U.S.C. 1348; sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Fort Worth, Tex., on March 14, 1973.

R. V. REYNOLDS,
Acting Director, Southwest Region.

[FR Doc.73-5500 Filed 3-21-73;8:45 am]

[Airspace Docket No. 73-SW-5]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Designation of Transition Area

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to designate the Henryetta, Okla., transition area.

On February 2, 1973, a notice of proposed rule making was published in the FEDERAL REGISTER (38 FR 3201) stating the Federal Aviation Administration proposed to designate a transition area at Henryetta, Okla.

Interested persons were afforded an opportunity to participate in the rule making through submission of comments. All comments received were favorable.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., May 24, 1973, as hereinafter set forth.

In § 71.181 (38 FR 435), the following transition area is added:

HENRYETTA, OKLA.

That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Henryetta Municipal Airport (latitude 35°24'40" N., longitude 96°00'50" W.), and within 3.5 miles each side of the 186° bearing from the Henryetta RBN extending from the 5-mile radius area to 8.5 miles south of the RBN.

(Sec. 307(a), Federal Aviation Act of 1958, 49 U.S.C. 1348; sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Forth Worth, Tex., on March 14, 1973.

R. V. REYNOLDS,
Acting Director, Southwest Region.

[FR Doc.73-5501 Filed 3-21-73;8:45 am]

[Airspace Docket No. 72-GL-75]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Transition Area

On page 1939 of the FEDERAL REGISTER dated January 19, 1973, the Federal Aviation Administration published a notice of proposed rule making which would amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to alter the transition area at Fremont, Mich.

Interested persons were given 30 days to submit written comments, suggestions, or objections regarding the proposed amendment.

No objections have been received and the proposed amendment is hereby adopted without change and are set forth below.

This amendment shall be effective 0901 G.m.t., May 24, 1973.

(Sec. 307(a), Federal Aviation Act of 1958, 49 U.S.C. 1348; sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Des Plaines, Ill., on March 7, 1973.

LYLE K. BROWN,
Director, Great Lakes Region.

In § 71.181 (38 FR 435), the following transition area is amended to read:

FREMONT, MICH.

That airspace extending upward from 700 feet above the surface within an 8-mile radius of Fremont Municipal Airport, Fremont, Mich. (latitude 43°26'31" N.; longitude 85°59'29" W.).

[FR Doc.73-5504 Filed 3-21-73;8:45 am]

[Docket No. 12648; Amdt. 856]

PART 97—STANDARD INSTRUMENT APPROACH PROCEDURES

Miscellaneous Amendments

This amendment to Part 97 of the Federal Aviation Regulations incorporates by reference therein changes and additions to the Standard Instrument Approach Procedures (SIAP's) that were recently adopted by the Administrator to promote safety at the airports concerned.

The complete SIAP's for the changes and additions covered by this amendment are described in FAA Forms 3139, 8260-3, 8260-4, or 8260-5 and made a part of the public rule making dockets of the FAA in accordance with the procedures set forth in Amendment No. 97-696 (35 FR 5609).

SIAP's are available for examination at the rules docket and at the National Flight Data Center, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591. Copies of SIAP's adopted in a particular region are also available for examination at the headquarters of that region. Individual copies of SIAP's may be purchased from the FAA Public Document Inspection Facility, HQ-405, 800 Independence Avenue SW., Washington, DC 20591 or from the applicable FAA regional office in accordance with the fee schedule prescribed in 49 CFR 7.85. This fee is payable in advance and may be paid by check, draft or postal money order payable to the Treasurer of the United States. A weekly transmittal of all SIAP changes and additions may be obtained by subscription at an annual rate of $150 per annum from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402. Additional copies mailed to the same address may be ordered for $30 each.

Since a situation exists that requires immediate adoption of this amendment,

I find that further notice and public procedure hereon is impracticable and good cause exists for making it effective in less than 30 days.

In consideration of the foregoing, Part 97 of the Federal Aviation Regulations is amended as follows, effective on the dates specified:

1. Section 97.23 is amended by originating, amending, or canceling the following VOR-VOR/DME SIAP's, effective May 3, 1973.

Ashtabula, Ohio—Ashtabula County Airport, VOR/DME Runway 26, Original.
Battle Creek, Mich.—W. K. Kellogg Regional Airfield, VOR Runway 4 (TAC), Amdt. 10.
Battle Creek, Mich.—W. K. Kellogg Regional Airfield, VOR Runway 22 (TAC), Amdt. 8.
Battle Creek, Mich.—W. K. Kellogg Regional Airfield, VOR Runway 31 (TAC), Amdt. 6.
Eunice, La.—Eunice Airport, VORTAC-A, Amdt. 2.
Fort Yukon, Alaska—Fort Yukon Municipal Airport, VORTAC Runway 3, Amdt. 1.
Fort Yukon, Alaska—Fort Yukon Municipal Airport, VORTAC Runway 21, Amdt. 1.
Gustavus, Alaska—Gustavus Airport, VOR/DME-A, Original.
Helena, Mont.—Helena Airport, VOR-A, Amdt. 8.
Helena, Mont.—Helena Airport, VOR/DME-B, Original.
Madisonville, Ky.—Madisonville Municipal Airport, VOR Runway 23, Amdt. 4.
Mattoon-Charleston, Ill.—Coles County Memorial Airport, VOR Runway 6, Amdt. 5.
Middletown, Del.—Summit Airpark, VOR-A, Amdt. 2.
Mohall, N. Dak.—Mohall Municipal Airport, VOR/DME Runway 31, Original.
Newburgh, N.Y.—Stewart Airport, VOR Runway 16, Amdt. 1.
Olympia, Wash.—Olympia Airport, VOR Runway 17, Amdt. 5.
Olympia, Wash.—Olympia Airport, VOR/DME Runway 35, Amdt. 8.
Orlando, Fla.—McCoy AFB, VOR Runways 18L and 18R, Original.
Orlando, Fla.—McCoy AFB, VOR/DME Runway 36R, Original.
Port Sulphur, La.—Port Sulphur Seaplane, VORTAC-A, Amdt. 1.
Port Sulphur, La.—Port Sulphur Seaplane, VORTAC-B, Amdt. 1.
Rockford, Ill.—Greater Rockford Airport, VOR Runway 12, Amdt. 11.
Tiffin, Ohio—Seneca County Airport, VOR Runway 5, Amdt. 2.

• • • effective April 5, 1973:

Kahului, Hawaii—Kahului Airport, VOR-B, Amdt. 2.
Pago Pago, Tutuila Island, American Samoa—Pago Pago International Airport, VOR-D, Amdt. 1.

• • • effective March 29, 1973:

Idaho Falls, Idaho—Fanning Field, VOR Runway 3, Amdt. 1.
Idaho Falls, Idaho—Fanning Field, VOR Runway 21, Amdt. 1.
Modesto, Calif.—Modesto City-County Airport, VOR Runway 10L, Amdt. 1.
Modesto, Calif.—Modesto City-County Airport, VOR Runway 28R, Amdt. 1.

• • • effective March 14, 1973:

Fremont, Mich.—Fremont Municipal Airport, VOR-A, Amdt. 4.

2. Section 97.25 is amended by originating, amending, or canceling the following SDF-LOC-LDA SIAP's, effective May 3, 1973:

Oklahoma City, Okla.—Will Rogers World Airport, LOC(BC) Runway 17L, Amdt. 5.
Oklahoma City, Okla.—Will Rogers World Airport, LOC(BC) Runway 35L, Amdt. 1.
Springfield, Ill.—Capital Airport, LOC(BC) Runway 22, Amdt. 7.

• • • effective April 5, 1973:

Valdosta, Ga.—Valdosta Municipal Airport, LOC Runway 35, Original.

• • • effective March 29, 1973:

Pierre, S. Dak.—Pierre Municipal Airport, LOC(BC) Runway 13, Original.

3. Section 97.27 is amended by originating, amending, or canceling the following NDB/ADF SIAP's, effective May 3, 1973.

Atlantic, Iowa—Atlantic Municipal Airport, NDB Runway 12, Amdt. 3.
Fort Yukon, Alaska—Fort Yukon Municipal Airport, NDB Runway 21, Amdt. 4.
Gaithersburg, Md.—Montgomery County Airpark, NDB-A, Amdt. 3, Canceled.
Gaithersburg, Md.—Montgomery County Airpark, NDB Runway 14, Original.
Greer, S.C.—Greenville-Spartanburg Airport, NDB Runway 3, Amdt. 6.
Hazleton, Pa.—Hazleton Municipal Airport, NDB Runway 28, Amdt. 11.
McRae, Ga.—Telfair-Wheeler Airport, NDB Runway 20, Amdt. 1.
Miami, Fla.—Dade-Collier Training and Transition Airport, NDB Runway 9, Amdt. 6.
Middletown, Del.—Summit Airpark, NDB-A, Amdt. 1.
Pittsburgh, Pa.—Greater Pittsburgh Airport, NDB(ADF) Runway 28L/R, Original, Canceled.
Pittsburgh, Pa.—Greater Pittsburgh Airport, NDB Runway 28L, Original.
Pittsburgh, Pa.—Greater Pittsburgh Airport, NDB Runway 28R, Original.
Seymour, Ind.—Freeman Municipal Airport, NDB Runway 22, Amdt. 1.
Seymour, Ind.—Freeman Municipal Airport, NDB Runway 31, Amdt. 2.
Springfield, Ill.—Capital Airport, NDB Runway 4, Amdt. 11.

• • • effective April 26, 1973:

Franklin, Pa.—Chess-Lamberton Airport, NDB Runway 29, Amdt. 6, Canceled.
Melbourne, Fla.—Cape Kennedy Regional Airport, NDB Runway 9, Amdt. 5.

• • • effective April 5, 1973:

Pago Pago, Tutuila Island, American Samoa—Pago Pago International Airport, NDB-C, Amdt. 1.

• • • effective March 29, 1973:

Idaho Falls, Idaho—Fanning Field, NDB Runway 21, Admt. 1.

4. Section 97.29 is amended by originating, amending, or canceling the following ILS SIAP's, effective May 3, 1973:

Alexandria, La.—Esler Field, ILS Runway 26, Amdt. 3.
Greer, S.C.—Greenville-Spartanburg Airport, ILS Runway 3, Amdt. 9.
Hot Springs, Ark.—Memorial Field, ILS Runway 5, Amdt. 3.
Lynchburg, Va.—Lynchburg Municipal/Preston Glenn Field, ILS Runway 3, Amdt. 7.
Miami, Fla.—Dade-Collier Training and Transition Airport, ILS Runway 9, Amdt. 6.
Olympia, Wash.—Olympia Airport, ILS Runway 17, Amdt. 1.
Orlando, Fla.—McCoy AFB, ILS Runway 36L, Original.
Santa Barbara, Calif.—Santa Barbara Municipal Airport, ILS Runway 7, Amdt. 17.
Santa Barbara, Calif.—Santa Barbara Municipal Airport, ILS/DME Runway 7, Amdt. 2.
Seattle, Wash.—Boeing Field International/King County Airport, ILS Runway 13R, Amdt. 16.
Springfield, Ill.—Capital Airport, ILS Runway 4, Amdt. 16.
Stockton, Calif.—Stockton Metropolitan Airport, ILS Runway 29R, Amdt. 13.

• • • effective March 29, 1973:

Idaho Falls, Idaho—Fanning Field, ILS Runway 21, Original.
Modesto, Calif.—Modesto City-County Airport, ILS Runway 28R, Original.
Pierre, S. Dak.—Pierre Municipal Airport, ILS Runway 31, Original.

• • • effective March 13, 1973:

Pittsburgh, Pa.—Greater Pittsburgh Airport, ILS Runway 10L, Amdt. 14.

5. Section 97.31 is amended by originating, amending, or canceling the following Radar SIAP's, effective May 3, 1973:

Dothan, Ala.—Dothan Airport, Radar-1, Original, Canceled.
Orlando, Fla.—McCoy AFB, Radar-1, Original.
Pittsburgh, Pa.—Greater Pittsburgh Airport, Radar-1, Amdt. 15.

6. Section 97.33 is amended by originating, amending, or canceling the following RNAV SIAP's, effective May 3, 1973.

Gaithersburg, Md.—Montgomery County Airpark, RNAV Runway 14, Original.
Toledo, Ohio—Toledo Express Airport, RNAV Runway 16, Original.

(Secs. 307, 313, 601, 1110, Federal Aviation Act of 1958, 49 U.S.C. 1438, 1354, 1421, 1510; sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c), 5 U.S.C. 552(a)(1))

Issued in Washington, D.C., on March 15, 1973.

JAMES F. RUDOLPH,
Director,
Flight Standards Service.

NOTE: Incorporation by reference provisions in §§ 97.10 and 97.20 (35 F.R. 5610), approved by the Director of the Federal Register on May 12, 1969.

[FR Doc.73-5496 Filed 3-21-73;8:45 am]

Title 16—Commercial Practices

CHAPTER I—FEDERAL TRADE COMMISSION

[Docket No. C-2351]

PART 13—PROHIBITED TRADE PRACTICES

Joe Marks, Trading as Home Improvement Center

Subpart—Advertising falsely or misleadingly: § 13.73 *Formal regulatory and statutory requirements;* 13.73-92 Truth in Lending Act; § 13.155 *Prices;* 13.155-95 Terms and Conditions; 13.155-95(a) Truth in Lending Act. Subpart—Misrepresenting oneself and goods—Goods: § 13.1623 *Formal regulatory and statutory requirements;* 13.1623-95 Truth in Lending Act; —Prices: § 13.1823 *Terms and conditions:* 13.1823-20 Truth in Lending Act. Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1852 *Formal regulatory and statutory requirements:* 13.1852-75 Truth in Lending Act; § 13.1905 *Terms*

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and conditions; 13.1905–60 Truth in Lending Act.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended, 67 Stat. 146, 147; 15 U.S.C. 45, 1601–1605) [Cease and desist order, Joe Marks, trading as Home Improvement Center, Akron, Ohio, Docket No. C-2351, Feb. 7, 1973]

In the Matter of Joe Marks, an Individual, Trading and Doing Business as Home Improvement Center

Consent order requiring an Akron, Ohio, seller and distributor of residential aluminum siding products, among other things to cease violating the Truth in Lending Act by failing to disclose to consumers, in connection with the extension of consumer credit, such information as required by Regulation Z of the said Act.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondent Joe Marks, an individual trading and doing business as Home Improvement Center, or any other name or names, his successors and assigns, and respondent's agents, representatives, and employees, directly or through any corporate or other device, in connection with any extension or offer to extend or arrange for the extension of consumer credit, as "consumer credit" is defined in Regulation Z (12 CFR 226) of the Truth In Lending Act (Public Law 90–321, 15 U.S.C., 1601 et seq.), do forthwith cease and desist from:

(1) Failing to disclose the "unpaid balance of cash price" to describe the difference between the cash price and the total downpayment, as prescribed by § 226.8(c)(3) of Regulation Z.

(2) Failing to disclose the "amount financed" to describe the amount of credit extended, as prescribed by § 226.8(c)(7) of Regulation Z.

(3) Failing to disclose the "finance charge" to describe the sum of all charges required by § 226.4 of Regulation Z to be included therein, as prescribed by § 226.8(c)(8)(ii) of Regulation Z.

(4) Failing to disclose the sum of the cash price, all charges which are included in the amount financed but which are not part of the finance charge, and the finance charge, and to describe that sum as the "deferred payment price", as prescribed by § 226.8(c)(8)(ii) of Regulation Z.

(5) Failing to disclose the annual percentage rate, computed in accordance with § 226.5 of Regulation Z, as prescribed by § 226.8(b)(2) of Regulation Z.

(6) Failing to disclose the number, amount, and due dates or periods of payments scheduled to repay the indebtedness, as prescribed by § 226.8(b)(3) of Regulation Z.

(7) Failing to describe the type of any security interest held or to be retained or acquired by the creditor in connection with the extension of credit, as prescribed by § 226.8(b)(5) of Regulation Z.

(8) Failing, in any consumer credit transaction or advertisement, to make all disclosures determined in accordance with § 226.4 and § 226.5 of Regulation Z, in the manner, form, and amount required by § 226.6, § 226.7, § 226.8, § 226.9, and § 226.10 of Regulation Z.

It is further ordered, That respondent deliver a copy of this order to cease and desist to all present and future personnel of respondent engaged in the consummation of any extension of consumer credit or in any aspect of preparation, creation, or placing of advertising, and that respondent secure a signed statement acknowledging receipt of said order from each such person.

It is further ordered, That the individual respondent named herein promptly notify the Commission of the discontinuance of his present business or employment and of his affiliation with a new business or employment. Such notice shall include respondent's current business or employment in which he is engaged, as well as a description of his duties and responsibilities.

It is further ordered, That respondent notify the Commission at least thirty (30) days prior to any proposed change in the respondent's business organization such as incorporation, partnership, or sale, resultant in the emergence of a new business organization, or any other change in the business organization which may affect compliance obligations arising out of the order.

It is further ordered, That respondent shall, within sixty (60) days after service upon him of this order, file with the Commission a report in writing setting forth, in detail, the manner and form in which he has complied with the order to cease and desist contained herein.

Issued: February 7, 1973.

By the Commission.

[SEAL] CHARLES A. TOBIN, *Secretary.*

[FR Doc.73-5427 Filed 3-21-73;8:45 am]

[Docket No. C-2353]

PART 13—PROHIBITED TRADE PRACTICES

Marcus Bros. Co. and Alan Marcus

Subpart—Importing, manufacturing, selling or transporting flammable wear: § 13.1060 *Importing, manufacturing, selling or transporting flammable wear.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended, 67 Stat. 111, as amended; 15 U.S.C. 45, 1191) [Cease and desist order, Marcus Bros. Co., Hialeah, Fla., Docket No. C-2353, Feb. 13, 1973]

In the Matter of Marcus Bros. Co., a Corporation, and Alan Marcus, Individually and as an Officer of Said Corporation

Consent order requiring a Hialeah, Fla., importer and wholesaler, among other things to cease manufacturing for sale, selling, importing, or distributing any product, fabric, or related material which fails to conform to an applicable standard of flammability or regulation issued under the provisions of the Flammable Fabrics Act, as amended.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows.

It is ordered, That respondents Marcus Bros. Co., a corporation, its successors and assigns, and its officers, and Alan Marcus, individually and as an officer of said corporation, and respondents' agents, representatives and employees, directly or through any corporation, subsidiary, division or other device, do forthwith cease and desist from manufacturing for sale, selling, offering for sale, in commerce, or importing into the United States, or introducing, delivering for introduction, transporting or causing to be transported in commerce, or selling or delivering after sale or shipment in commerce any product, fabric or related material, or manufacturing for sale, selling or offering for sale any product made of fabric or related material which has been shipped or received in commerce, as "commerce," "product," "fabric" and "related material" are defined in the Flammable Fabrics Act, as amended, which product, fabric or related material fails to conform to an applicable standard or regulation continued in effect, issued or amended under the provisions of the aforesaid Act.

It is further ordered, That the respondents notify all of their customers who have purchased or to whom have been delivered the products which gave rise to the complaint, of the flammable nature of said products and effect the recall of said products from such customers.

It is further ordered, That the respondents herein either process the products that gave rise to the complaint so as to bring them into conformance with the applicable standard of flammability under the Flammable Fabrics Act, as amended, or destroy said products.

It is further ordered, That the respondents herein shall within ten (10) days after service upon them of this order, file with the Commission a special report in writing setting forth the respondents' intentions as to compliance with this order. This special report shall also advise the Commission fully and specifically concerning (1) the identity of the products which gave rise to the complaint, (2) the number of said products in inventory, (3) any action taken and any further actions proposed to be taken to notify customers of the flammability of said products and effect the recall of said products from customers, and of the results thereof, (4) any disposition of said products since June 23, 1971, and (5) any action taken or proposed to be taken to bring said products into conformance with the applicable standard of flammability under the Flammable Fabrics Act, as amended, or destroy said products, and the results of such action. Such report shall further inform the Commission as to whether or not respondents have in inventory any product, fabric, or related material having a plain surface and made of paper, silk, rayon and acetate, nylon and acetate, rayon, cotton or any other material or combinations thereof in a weight of 2 ounces or less per square yard, or any product, fabric, or related material having raised fiber surface. Respondents shall submit samples of not less than 1 square yard in size of any such product, fabric or related material with this report.

It is further ordered, That respondents notify the Commission at least 30 days prior to any proposed change in the corporate respondent such as dissolution, assignment or sale resulting in the emergence of a successor corporation, the creation or dissolution of subsidiaries or any other change in the corporation which may affect compliance obligations arising out of the order.

It is further ordered, That the individual respondent named herein promptly notify the Commission of the discontinuance of his present business or employment and of his affiliation with a new business or employment. Such notice shall include respondent's current business or employment in which he is engaged as well as a description of his duties and responsibilities.

It is further ordered, That the respondent corporation shall forthwith distribute a copy of this order to each of its operating divisions.

It is further ordered, That the respondents herein shall within sixty (60) days after service upon them of this order, file with the Commisison a report, in writing, setting forth in detail the manner and form in which they have complied with this order.

Issued: February 13, 1973.

By the Commission.

[SEAL] CHARLES A. TOBIN, *Secretary.*

[FR Doc.73-5428 Filed 3-21-73;8:45 am]

[Docket No. C-2352]

PART 13—PROHIBITED TRADE PRACTICES

Robert Burns, Inc., and Tyrus R. Lovelace

Subpart—Importing, manufacturing, selling or transporting flammable wear: § 13.1060 *Importing, manufacturing, selling or transporting flammable wear.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended, 67 Stat. 111, as amended; 15 U.S.C. 45, 1191) [Cease and desist order, Robert Burns, Inc., et al., Bellingham, Wash., Docket No. C-2352, Feb. 13, 1973]

In the Matter of Robert Burns, Inc., a Corporation, and Tyrus R. Lovelace, Individually and as an Officer of Said Corporation.

Consent order requiring a Bellingham, Wash., importer and seller of scarves and other textile fiber products, among other things to cease manufacturing for sale, selling, importing, or distributing any product, fabric, or related material which fails to conform to an applicable standard of flammability or regulation issued under the provisions of the Flammable Fabrics Act, as amended.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondents Robert Burns, Inc., a corporation, its successors and assigns, and its officers, and Tyrus R. Lovelace, individually and as an officer of said corporation, and respondents' representatives, agents and employees, directly or through any corporation, subsidiary, division, or other device, do forthwith cease and desist from manufacturing for sale, selling or offering for sale, in commerce, or importing into the United States, or introducing, delivering for introduction, transporting or causing to be transported, in commerce, or selling or delivering after sale or shipment in commerce, any product, fabric, or related material; or manufacturing for sale, selling or offering for sale any product made of fabric or related material which has been shipped or received in commerce, as "commerce," "product," "fabric" or "related material" are defined in the Flammable Fabrics Act, as amended, which product, fabric, or related material fails to conform to any applicable standard or regulation continued in effect, issued or amended under the provisions of the aforesaid Act.

It is further ordered, That respondents notify all of their customers who have purchased or to whom have been delivered the products which gave rise to this complaint of the flammable nature of said products, and effect recall of said products from such customers.

It is further ordered, That the respondents herein either process the products which gave rise to the complaints so as to bring them into conformance with the applicable standard of flammability under the Flammable Fabrics Act, as amended, or destroy said products.

It is further ordered, That the respondents herein shall, within ten (10) days after service upon them of this order, file with the Commission a special report in writing setting forth the respondents' intentions as to compliance with this order. This special report shall also advise the Commission fully and specifically concerning (1) the identity of the products which gave rise to the complaint, (2) the number of said products in inventory, (3) any action taken and any further actions proposed to be taken to notify customers of the flammability of said products and effect the recall of said products from customers, and of the results thereof, (4) any disposition of said products since October 29, 1970, and (5) any action taken or proposed to be taken to bring said products into conformance with the applicable standard of flammability under the Flammable Fabrics Act, as amended, or destroy said products, and the results of said action. Such report shall further inform the Commission as to whether or not respondents have in inventory any product, fabric, or related material having a plain surface and made of paper, silk, rayon and acetate, nylon and acetate, rayon, cotton or any other material or combinations thereof in a weight of 2 ounces or less per square yard, or any product, fabric or related material having a raised fiber surface. Respondents shall submit samples of not less than 1 square yard in size of any such product, fabric, or related material with this report.

It is further ordered, That respondents notify the Commission at least thirty (30) days prior to any proposed change in the corporate respondent, such as dissolution, assignment or sale resulting in the emergence of a successor corporation, the creation or dissolution of subsidiaries or any other change in the corporation which may affect compliance obligations arising out of the order.

It is further ordered, That the individual respondent named herein promptly notify the Commission of the discontinuance of his present business or employment and of his affiliation with a new business or employment. Such notice shall include respondent's current business address and a statement as to the nature of the business or employment in which he is engaged as well as a description of his duties and responsibilities.

It is further ordered, That the respondent corporation shall forthwith distribute a copy of this order to each of its operating divisions.

It is further ordered, That the respondents herein shall, within sixty (60) days after service upon them of this order file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

Issued: February 13, 1973.

By the Commission.

[SEAL] CHARLES A. TOBIN, *Secretary.*

[FR Doc.73-5429 Filed 3-21-73;8:45 am]

Title 18—Conservation of Power and Water Resources

CHAPTER I—FEDERAL POWER COMMISSION

SUBCHAPTER A—GENERAL RULES

[Docket No. R-362; Order No. 383-3]

PART 2—GENERAL POLICY AND INTERPRETATIONS

Reliability and Adequacy of Electric Service—Reporting of Data—Participation of Regulatory Personnel in Regional Councils

MARCH 15, 1973.

This order revises the information which is requested in the annual reports of all electric systems participating in the program of adequacy and reliability established by prior orders of the Commission pursuant to section 202 (a) of the Federal Power Act, 16 U.S.C. 824a(a).[1] The revision is accomplished by substituting Appendix A-1, issued herewith, for Appendix A as the latter

[1] See Commission Order Nos. 383, 383-1 and 383-2, issued June 25, 1969, 41 FPC 846 (34 FR 11200), issued Jan. 13, 1970, 43 FPC 37 (35 FR 3240), issued Apr. 10, 1970, 43 FPC 515 (35 FR 6121), respectively.

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is set forth in § 2.11(c), Informational Reporting, (d), Part 2, General Policy and Interpretations, Chapter I, Title 18 of the Code of Federal Regulations.

By notice of Proposed Change In Docket No. R–362, Statement of Policy Informational Reporting (Appendix A), the Commission sought public comments with respect to changes in the information to be reported annually by the Nation's electric utilities. The notice issued November 10, 1972, 37 FR 24447, stated in part:

> • • • The changes would expand the reported load and capacity data from a forward projection of 10 years to a period of 20 years into the future. Similarly, the transmission network projections would extend 20 years • • •. The changes would also provide for the submission of increased annual energy requirements data; information relative to alternate fuel use capability • • • scheduled maintenance • • • relation to summer and winter peaks • • • transmission transfer capability within regions and among regions, operating reserve policies and interregional coordination in scheduled maintenance • • •.

The comments of responding parties include[1] a number of suggested technical clarifying changes in the proposed appendix, as noticed. They are discussed, infra, and those changes are reflected in the revised form of Appendix A–1 issued herewith.

The comments also provide a useful discussion of the nature of utility planning and distinguish between planning projections of a definitive nature and planning projections of a conceptual nature; the former being essentially those within the first 10-year period and the latter being those within the second 10-year period. Planning of both types is essential to electric utility operations upon an interconnected basis and is generally carried out by all major electric systems throughout the Nation. The responding parties articulate a number of the inherent difficulties and uncertainties which attend any program of future projections. Collectively, the comments discuss uncertainties 5, 10, 15, and 20 years into the future, regarding national population and demographic trends, electric generation and transmission technology, fuel availability of the required types, quantities and chemical content, fuel technology to meet environmental standards, the definitive nature of those standards as they may be promulgated from time-to-time, as well as the manner in which general public control mechanisms governing air, land, and water environments may affect or constrain utility, industrial, commercial, residential, or recreational uses of fuels and the environment. They note that numerous planning assumptions must be made to complete any planning projections and that, as the range of time increases to 20 years, the impact of intervening circumstances which are unforeseen or beyond the control of the planning entity, may alter projections or completely preclude the execution thereof.

We agree that appropriate uses of definitive and conceptual planning projections differ. Beneficial uses of publicly reported data 10 to 20 years forward must recognize the underlying variables and the consequences thereof. Plans reported at any one time can change and, in many instances, will change.

A number of comments expressed concern lest unwarranted certainty be accorded plans which are publicly reported. We recognize the possibility that such inferences could be drawn. Our remarks are directed to that matter.

We do not accept propositions expressed in some comments that 10- to 20-year projections should not be disclosed because of the variables discussed above, or because of possible misinterpretation of data which is to be reported. In our judgment, what is required is a full and complete understanding by all who use reliability council data as to inherent limitations of the utility planning processes, the necessary qualifications relative to data projections, and the need for continuing revisions of publicly reported information. Just as there is a legitimate public interest in advance disclosure of electric utility operations and planning activities, there is a legitimate interest of the utility that its plans and projections be fully understood and not misinterpreted.

The public reporting procedures as reflected in Appendix A–1, issued herewith, will serve the interests of the public and the interests of the reporting utilities. They will serve the purposes of the Commission's adequacy and reliability program. Long-range planning is an indispensable element to the accomplishment of the objectives of section 202(a) of the Federal Power Act "• • • assuring an abundant supply of electric energy throughout the United States with the greatest possible economy and with regard to the proper utilization and conservation of natural resources • • •." It is essential to area and regional coordination. It is necessary for the timely construction of necessary bulk power supply facilities, all with due regard to equipment delivery, fuel availability, governmental requirements governing air, land, and water environments, licensing or certification procedures and construction lead times. In short, long-range utility planning, adequately disclosed, is required for all beneficial public and private purposes.

Some of the commenting parties proposed a split reporting procedure whereby data for the period 1 to 10 years (Appendix A–1, Items 1–9), would be reported in physically separate documents and at different dates from the reporting of data for the period 11 to 20 years (Items 10, 11); the former to be reported in Docket No. R–362 and the latter to be reported as a part of other Commission activities such as the Commission's National Power Survey. The underlying reasons for this proposed division are those which prompted some respondents to oppose public disclosure of planning during the second 10-year period, as we have discussed in regard to definitive and conceptual planning. We believe that our discussion of that problem in this order eliminates any need for physical separation of data. Moreover, if that result did obtain, there would be additional administrative processing expenditures and use of Commission funds which need not be expended. The purposes of the Commission's adequacy and reliability program, pursuant to section 202(a) of the Federal Power Act, are continuing. They include long-range planning. Specific studies, such as the Commission's National Power Survey, however recurrent, do not have the special focus of the Commission, State regulatory agencies and the participant utilities, as required in Docket No. R–362 reporting.

Technical clarifying changes in various portions of Items 1–11 of the appendix (A–1, as noticed), are discussed seriatim.

Item 1, as noticed, specifies the reporting of monthly energy requirements for the first 2 years of the 10-year projection and annual energy requirements for the succeeding 8 years. The term energy was not defined, e.g., "gross energy", gross generator output, or "net energy", energy supplied to loads after station and utility uses and losses. Clarity of meaning and uniformity of reporting will be achieved by specifying the reporting of gross energy and net energy for the entire 10-year projection; the first 2 years on a monthly basis and succeeding 8 years on an annual basis. The comments disclosed the need for this change.

Item 2, as noticed, specifies the reporting of individual generating station primary fuel, alternate fuel capability, handling and storage facilities. The length of time alternate fuel burn capability could be sustained was not specified. Physical factors and operating conditions in many types of combustion equipment make the length of time alternate fuels can be burned a factor highly important to adequacy and reliability. Various of the comments make this point. Accordingly, length of alternate fuel use is specified in the revision adopted in this order.

Item 3, as noticed, specifies the reporting of estimated capacity which will be scheduled for maintenance during the immediately succeeding 5 years, both at summer and winter peak periods. The change adopted herein adds "other known causes" to the condition of scheduled maintenance, when capacity may be out-of-service at peak periods and is, therefore, to be reported. A number of the comments pointed out the difficulty of scheduling maintenance in advance and opposed the additional reporting of data 5 years ahead. We believe that generalized reporting of maintenance scheduling will assist the regional and interregional coordination of bulk power supply facilities and should be adopted. The need for the word change to include "other known causes" is prompted by the comments.

[1] A total of 34 comments were received from the following: Investor owned, Federal, State or municipal electric utilities, 24; power pool, 1; national and regional electric reliability council organizations, 6; Federal departments, 1; State Governors' conference, 1; and professional engineering society, 1.

Item 6,[2] as noticed, specifies the reporting of transmission transfer capability between adjacent regions and between subdivisions of a region, with an identification of limiting factors, i.e., operating conditions or facilities. Comments received show that the change, as noticed, is not susceptible to uniform interpretation. Clarity of meaning and uniformity of reporting will be achieved by specification of the change as follows: "a tabulation based upon calculated operating limits specifying the transmission capability between the region and adjacent regions and between subdivisions of the region."

Item 7, as noticed, specifies the annual reporting of information relative to communication and control equipment. Previously, that information was reported initially and updated only with "significant changes." The yearly reporting of such information is adopted, as noticed. It will serve a useful administrative or convenience purpose in the processing of R–362 reports and be a convenience to members of the public which use these reports. A number of the comments generally opposed annual reporting.

Item 9, as noticed, specifies the annual reporting of a series of data relative to coordinated operational practices and programs under normal and emergency conditions. Included within the items to be reported, and not previously expressly specified, are "h. operating reserve policy" and "i. maintenance planning including interregional coordination of maintenance outages." Comments received show that annual reporting of sub-item "h." data must be general and of a broad narrative description to be meaningful, due, principally, to the myriad combinations of electrical operating conditions which may occur within interconnected networks. Also, it should be noted that reserve data reported pursuant to item 3 relates essentially to installed reserves. Accordingly, item 9h requests for operating reserve policies do not, as some comments suggest, duplicate item 3 data. This type of response will meet the purposes of the Commission. Additionally, the comments show that sub-item "i." data would substantially duplicate maintenance scheduling data to be reported pursuant to sub-item "f." of item 9. Therefore, "i." is eliminated. As in the case of item 7 data, item 9 data were previously reported initially and updated only with "significant changes." The change adopted herein specifies the reporting of all data annually. The Commission's reasons are those as set forth in respect to the annual reporting of item 7 data.

Item 10, as noticed, specifies the annual reporting during the second 10-year projection (11–20 years) of estimated loads and generating capacity, categorized by type of prime mover, size of unit, and whether intended for base load or peaking operation. The comments received show that conceptual planning and projections which are used in the second 10-year period of utility planning do not provide that type of specificity. The underlying reasons are the variable factors discussed supra. Generally, qualitative data are employed in this area of the utility planning process, in contrast to quantitative materials as indicated in the descriptive wording set forth in the Commission's notice. It was the Commission's intent to secure only such data as may be available and for which a beneficial use may be made through rational application thereof. Item 10 is revised as follows:

> For each year in the period of 11–20 years in the future show projected load and generating capability which will be necessary to serve this load. Include a statement as to the percentages of the projected capacity to be installed in the 11–20-year period which will be hydro, nuclear, and fossil fueled, respectively.

Item 11, as noticed, specifies the reporting of transmission configurations giving consideration to subregional and interregional factors with indicated voltage levels, transfer limits, and maps of these projected networks at the 10th and 20th years. For reasons similar to those discussed under item 10, supra, and raised in the comments, as well as duplication with item 6 data, it is apparent that requested data pursuant to item 11 should be revised as follows:

> For the 10th year, include a map which shows the general configuration of the transmission network both within the region and the ties to adjacent regions. In addition, state voltage levels of possible transmission overlays being considered and approximate timing of the system overlay during the period 11–20 years in the future. Diagram possible patterns of transmission as of the 20th year.

The time of reporting annual data pursuant to appendix A procedures is April 1 of each calendar year. Submitting the reports due on or before April 1, 1973, may necessitate the furnishing of supplemental reports by various of the electric reliability councils incorporating data requested in the changes to appendix A–1. We ask that the reports to be filed on or before April 1, 1973, be as complete as possible and that, where necessary, supplemental reports be submitted by September 1, 1973. We request that complete reports be submitted annually thereafter, on or before April 1, in accordance with appendix A–1.

The Commission further finds:

(1) The effective date provisions of section 553 of subchapter II of chapter 5, title 5 of the United States Code, do not apply with respect to the amendment here adopted.

(2) It is appropriate and in the public interest in administering part II of the Federal Power Act to promulgate Commission policy on the collection of data relating to reliability and adequacy of electric service, all in the manner hereinafter provided.

(3) The basic authority of the Commission to take these actions is as set forth in the Federal Power Act, 16 U.S.C. 791(a) et seq., particularly 16 U.S.C. 824a(a), 825h (49 Stat. 848, 858) and the Administrative Procedure Act, 5 U.S.C. 553.

• • • • •

The Commission orders:

(A) Sections 2.11(c), Informational Reporting, (d), Part 2, General Policy and Interpretations, Chapter I, Title 18 of the Code of Federal Regulations, are amended by substituting appendix A–1 for appendix A as heretofore promulgated by Commission Order No. 383–2; and by revising § 2.11(d) to read as follows:

§ 2.11 Reliability and adequacy of electric service.

(d) The information requested for inclusion in the annual reports is set forth in appendix A–1 to this section. Initial reporting is to be for the period 1973–92, inclusive. The annual report and four conformed copies are to be filed with the Federal Power Commission. Two conformed copies are to be filed with the commission of each State which is wholly or partly within the geographic boundaries of the reporting council. Reports are to be filed not later than April 1 of each year, except that for reports due April 1, 1973, the reporting date is extended to September 1, 1973, for the submission of supplemental reports as may be necessary.

APPENDIX A–1

INFORMATION TO BE REPORTED BY REGIONAL COUNCILS ON COORDINATED REGIONAL BULK POWER SUPPLY PROGRAMS

Information to be reported annually should include:

1. Estimates of monthly peak loads for the first 2 years of the projection; estimates of summer and winter peak loads for the following 8 years; and monthly gross and net energy requirements for the first 2 years and annual gross and net energy requirements the following 8.

2. Itemization of all existing capacity resources in the region and new capacity resources (or retirements) as committed or projected for each year, 10 years into the future; including, where known, inservice dates, locations, ownership, types of future generating units, primary fuel and capability for use of alternate fuels including length of time alternate fuel can be used, handling and storage capacity, and capacity exchanges with others at the time of summer and winter peak demands.

3. For each year of the 10-year projection, show the indicated capacity margins for reserves at the time of summer and winter peak loads, based on items (1) and (2) above, with an assessment of adequacy of reserves for the first 5 years of the projection. Include a statement of the criteria now being used in determining reserve requirements by the Council or its appropriate subdivisions; also include an estimate of the magnitude of the capacity which will be unavailable for service due to scheduled maintenance or other known reasons at the time of the summer and winter peaks for the next 5 years.

4. For each steam generating unit of 300 MW or more, and for which construction has begun; or is scheduled to begin within 2 years from the date of reporting, a status report on the proposed plan of cooling, and for fossil-fired plants, the fuels proposed and the plan for controlling stack emissions; also, the status of principal studies or model tests and the status of consultations with

[2] Items 4, 5, and 8 of Appendix A, as propounded in Order No. 383–2, were not changed by the notice of Nov. 10, 1972.

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appropriate local, State, or Federal authorities concerned.

5. A plan of the bulk power transmission network of the region in service at the time of the report (including interties with adjoining regions) and the general routing of facilities committed or tentatively projected for service within 6 years including identification of principal substations, operating voltages and projected inservice dates. In addition, show the transmission facilities projected for the balance of the 10-year period based upon the best information available.

6. A plotting and a description of the base case for load flow studies of the bulk power network of the region (or principal subdivisions) as it exists substantially at the time of reporting and as projected four to six years in the future; and a tabulation based upon calculated operating limits specifying the transmission capability between the region and adjacent regions and between subdivisions of the region; and a tabulation and brief statements on the results of a representative number of contingency cases studied; and similarly, information on stability analyses of the network, and including the criteria adopted by the regional council relating to network stability.

7. A description of the principal communication and control systems operating or planned within the region and listing of functions performed by such facilities.

8. For each transmission segment designed to operate at 230 kv. (nominal) or higher for which construction has begun or is scheduled to begin within 2 years from the date of the report, information on the status of consultations with affected local communities and groups and status of aplications to State or regional authorities, as appropriate.

9. Information on the following coordinated regional practices:

a. Load shedding programs, including estimated steps of load reduction at various steps in declining frequency.

b. Emergency power and shutdown facilities to prevent damage to equipment if station loses system power.

c. Power facilities available for unit startup in the event of total loss of system power.

d. Availability of continuous power independent of system sources for communication and control facilities.

e. Provisions for sustaining the operation of generating units on local loads.

f. Programs for scheduling maintenance outages of generation and transmission facilities.

g. Programs for the selection, setting and maintenance of relays that affect the overall reliability of the interconnected network.

h. Operating reserve policy.

10. For each year in the period of 11–20 years in the future show projected load and generating capability which will be necessary to serve this load. Include a statement as to the percentages of the projected capacity to be installed in the 11–20 year period which will be hydro, nuclear and fossil-fueled, respectively.

11. For the tenth year, include a map which shows the general configuration of the transmission network both within the region and the ties to adjacent regions. In addition, state voltage levels of possible transmission overlays being considered and approximate timing of the system overlay during the period 11–20 years in the future. Diagram possible patterns of transmission as of the 20th year.

(B) The amendments prescribed herein shall be effective upon the issuance of this order.

(C) The Secretary of the Commission shall cause prompt publication of this order to be made in the FEDERAL REGISTER.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

[FR Doc.73-5514 Filed 3-21-73;8:45 am]

Title 20—Employees' Benefits

CHAPTER III—SOCIAL SECURITY ADMINISTRATION, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

[Reg. 5, further amended]

PART 405—FEDERAL HEALTH INSURANCE FOR THE AGED (1965)

Subpart D—Principles of Reimbursement for Provider Costs and for Services by Hospital-Based Physicians; Appeals by Provider

PROVIDER RECORDKEEPING CAPABILITY

Corrections

In FR Doc. 73-4585 appearing at page 6386 of the issue for Friday, March 9, 1973, the following changes should be made in § 405.406(e):

1. In the 13th line of that paragraph, the reference "§ 405.317(a)" should read "§ 405.371(a)".

2. Immediately after the 16th line, reading "basis for the intermediary's determina-", the following inadvertently omitted line should be inserted: "tion with respect to the provider's".

Title 26—Internal Revenue

CHAPTER I—INTERNAL REVENUE SERVICE, DEPARTMENT OF THE TREASURY

SUBCHAPTER H—INTERNAL REVENUE PRACTICE

PART 601—STATEMENT OF PROCEDURAL RULES

Micellaneous Amendments

Corrections

In FR Doc. 73-3340, appearing at page 4954 for the issue for Friday, February 23, 1973, the following changes should be made:

1. The last word in line seven of § 601.105(c) should read "advice".

2. In the amendatory language of Par. 7, item 10 should read as follows: "Revising paragraph (1) (1), (3), (4), (5), (6), and (7), and adding a new paragraph (1) (11)."

3. The word in the first sentence of § 601.304 now reading "respece" should read "respect".

4. Immediately above § 601.602 the following should be inserted: "PAR. 22a. Section 601.602 is revised to read as follows:"

Title 40—Protection of Environment

CHAPTER I—ENVIRONMENTAL PROTECTION AGENCY

SUBCHAPTER C—AIR PROGRAMS

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

Approval of Plan Revisions

On May 31, 1972 (37 FR 10842), the Administrator approved certain portions of the implementation plan submitted by the State of Pennsylvania for attainment and maintenance of national ambient air quality standards in accordance with the Clean Air Act, as amended (42 U.S.C. 1857 et seq.). At the same time, Pennsylvania was granted an 18-month extension for submission of a plan to attain secondary standards for particulates and sulfur oxides in the Southwest Pennsylvania Intrastate Region (including Allegheny County) and in Pennsylvania's portion of the Metropolitan Philadelphia Interstate Region.

Subsequent to the submission and approval of the original plan, a more extensive review of the requirements of the plan, as applied to certain U.S. Steel facilities, led the State to change these requirements, tailoring them more closely to the specific steps required to control emissions from these facilities. On December 14, 1972, after due notice and public hearing, the Governor of Pennsylvania submitted these changes as proposed revisions to the Pennsylvania implementation plan. The proposed revisions related to the coke-making operations at the U.S. Steel Clairton Works, Allegheny County, and to the industrial boilers of the U.S. Steel Corp. in Allegheny County. The submission included a revision to the control strategy for particulates, a revision to the control strategy for sulfur oxides, and compliance schedules relating to coke ovens, coke-oven gas combustion, industrial boilers and coke quenching.

The control strategy revisions continue to satisfy the requirement of 40 CFR §§ 51.13 and 51.14 in demonstrating that the primary national ambient air quality standards will be achieved by the approved attainment date of July 31, 1975. Accordingly, the proposed revisions are approved.

The compliance schedules relating to coke ovens, coke quenching, and all industrial boilers except Clairton Boiler No. 1 and Irving Boiler No. 7 meet all requirements of 40 CFR 51.15 and are approved. The compliance schedules relating to coke-oven gas combustion and industrial boilers Clairton Boiler No. 1 and Irving Boiler No. 7 are approved with respect to their final compliance date of February 1, 1975. Such schedules are still being reviewed in accordance with 40 CFR 51.15(a)(2) to determine whether they satisfy the requirement of 40 CFR 51.15(c) with respect to the inclusion of increments of progress toward compliance. Approval or disapproval of these compliance schedules as meeting this requirement is required by section 110 of the Clean Air Act and 40 CFR Part 51 by no later than June 15, 1973. If the schedules are disapproved on the basis of failure to include adequate increments of progress, incremental steps will be proposed by the Administrator in accordance with section 110(c) of the Act.

Copies of the Pennsylvania implementation plan, as revised, are available for public inspection at the Office of Public Affairs, Environmental Protection Agency, 401 M Street SW., Washington, DC, at the agency's regional office, Curtis Building, Sixth and Walnut Streets, Philadelphia, PA 19106, and at the Pennsylvania Department of Environmental Resources, Bureau of Air Quality and Noise Control, 505 Pittsburgh State Office Building, 300 Liberty Avenue, Pittsburgh, PA 15222.

This regulation is effective on March 22, 1973. The Agency finds that good cause exists for not publishing the regulation as a notice of proposed rulemaking and for making it effective immediately upon publication, for the following reasons:

1. The implementation plan revision was adopted in accordance with procedural requirements of State and Federal law, which provided for adequate public participation through notice and public hearings, and consequently further public participation is unnecessary.

2. Immediate effectiveness of the approval enables the source involved to proceed with certainty in conducting its affairs, and persons wishing to seek judicial review of the approval may do so without delay.

(40 U.S.C. 1857c-5)

Dated: March 15, 1973.

ROBERT W. FRI, *Acting Administrator.*

Part 52 of Chapter I, Title 40 of the Code of Federal Regulations is amended as follows:

Subpart NN—Pennsylvania

1. In § 52.2020, paragraph (c) is revised to read as follows:

§ 52.2020 Identification of plan.

• • • • •

(c) Supplemental information was submitted on: (1) March 17, March 27, and May 4, 1972, by the Bureau of Air Quality and Noise Control, Pennsylvania Department of Environmental Resources, (2) May 5, 1972, and (3) December 14, 1972.

2. Section 52.2026 is amended by adding paragraph (c) as follows:

§ 52.2026 Control strategy and regulations: Particulates.

• • • • •

(c) The revision to the control strategy resulting from the modification to the emission limitation applicable to the sources listed below or the change in the compliance date for such sources with the present emission limitation is hereby approved. All regulations cited are air pollution control regulations of the State, unless otherwise noted. (See § 52.2036 for compliance schedule approvals and disapprovals pertaining to one or more of the sources listed below.)

Source	Location	Regulation involved	Date of submittal
Clairton Coke and Coal Works (U.S. Steel).	Allegheny County.	§ 1909 (Article XVIII).	Dec. 14, 1972

2. A new § 52.2033 is added as follows:

§ 52.2033 Control strategy: Sulfur oxides.

(a) The revision to the control strategy resulting from the modification to the emission limitation applicable to the sources listed below or the change in the compliance date for such sources with the present emission limitation is hereby approved. All regulations cited are air pollution control regulations of the State, unless otherwise noted. (See § 52.2036 for compliance schedule approvals and disapprovals pertaining to one or more of the sources listed below.)

Source	Location	Regulation involved	Date issued by State or local agency
Clairton Coke and Coal Works (U.S Steel)	Allegheny County	Section 1909 (Article XVIII).	
Coke ovens (Schedule A)			Sept. 25, 1972
Coke quenching (Schedule D)			Oct. 20, 1972
Coke-oven gas combustion (Schedule B), as to the final compliance date only.			Oct. 20, 1972
Industrial Boilers (U.S. Steel)	Allegheny County	Section 1909 (Article XVIII).	Oct. 20, 1972

Schedule C, except that such approval for Clairton Boiler No. 1 and Irvin Boiler No. 7 relates to the final compliance date only.

[FR Doc.73-5342 Filed 3-21-73;8:45 am]

CHAPTER I—ENVIRONMENTAL PROTECTION AGENCY

SUBCHAPTER E—PESTICIDE PROGRAMS

PART 180—TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

N-(Mercaptomethyl)phthalimide S-(O,O-Dimethyl Phosphorodithioate)

In response to a petition (PP 3E1328) submitted by Dr. C. C. Compton, Coordinator, Interregional Research Project No. 4, State Agricultural Experiment Station, Rutgers University, New Brunswick, N.J. 08903, on behalf of the IR-4 Technical Committee and the Agricultural Experiment Stations of Florida, Louisiana, and North Carolina, a notice was published by the Environmental Protection Agency in the FEDERAL REGISTER of February 12, 1973 (38 FR 4275), proposing establishment of a tolerance for residues of the insecticide *N*-(mercaptomethyl)phthalimide *S*-(*O,O*-dimethyl phosphorodithioate) and its oxygen analog *N*-(mercaptomethyl)-phthalimide *S*-(*O,O*-dimethyl phosphorothioate) in or on the raw agricultural commodity sweetpotatoes at 10 parts per million from postharvest application. No comments or requests for referral to an advisory committee were received.

It is concluded that the proposal should be adopted.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(e), 68 Stat. 514; 21 U.S.C. 346a(e)), the authority transferred to the Administrator of the Environmental Protection Agency (35 FR 15623), and the authority delegated by the Administrator to the Deputy Assistant Administrator for Pesticide Programs (36 FR 9038), § 180.261 is amended by revising the paragraph "10 parts per million * * *", as follows:

§ 180.261 *N*-(Mercaptomethyl)phthalimide *S*-(*O,O*-dimethyl phosphorodithioate) and its oxygen analog; tolerances for residues.

• • • • •

Ten parts per million in or on apples, cherries, grapes, peaches, pears, and sweetpotatoes (from postharvest application).

• • • • •

Any person who will be adversely affected by the foregoing order may at any time on or before April 23, 1973, file with the Hearing Clerk, Environmental Protection Agency, Room 3902A, Fourth and M Streets SW., Waterside Mall, Washington, DC 20460, written objections thereto in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing

Source	Location	Regulation involved	Date of submittal
Clairton Coke and Coal Works (U.S. Steel).	Allegheny County.	§ 1909 (Article XVIII).	Dec. 14, 1972
Industrial Boilers (U.S. Steel).	...do.....	...do.....	Dec. 14, 1972

4. A new § 52.2036 is added as follows:

§ 52.2036 Compliance schedules.

(a) The compliance schedules for the sources identified below are approved as meeting the requirements of § 51.15 of this chapter. All regulations cited are air pollution control regulations of the State, unless otherwise noted. (See §§ 52.2026, 52.2027, and 52.2033 for control strategy revision approvals and disapprovals pertaining to one or more of the sources listed below.)

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is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof.

Effective date. This order shall become effective on March 22, 1973.

(Sec. 408(d)(2), 68 Stat. 512; 21 U.S.C. 346a (d)(2))

Dated: March 15, 1973.

HENRY J. KORP,
Deputy Assistant Administrator for Pesticides Programs.

[FR Doc.73-5418 Filed 3-21-73;8:45 am]

Title 41—Public Contracts and Property Management

CHAPTER 114—DEPARTMENT OF THE INTERIOR

PART 114–52—ESTABLISHMENT OF QUARTERS RENTAL RATES

Pursuant to the authority of the Secretary of the Interior contained in 5 U.S.C. 301, a new Part 114–52 is added to Chapter 114, Title 41, of the Code of Federal Regulations as set forth below.

These regulations set forth the Department's policies concerning the establishment of rates charged employees for rental quarters and utilities furnished by the Government. They codify into the Code of Federal Regulations policies currently promulgated in Part 424 of the Departmental Manual.

Since these regulations merely codify existing policies it is determined that the public rule making procedure is unnecessary and these regulations shall become effective on March 22, 1973.

RICHARD R. HITE,
Deputy Assistant Secretary of the Interior.

MARCH 16, 1973.

Subpart 114–52.1—General

Sec.
114–52.101 Scope of subpart.
114–52.102 Statutory authority.
114–52.103 Regulatory authority.
114–52.104 Statutory restriction.
114–52.105 Definitions.
114–52.106 Rental rate principle.
114–52.107 Application of modified principle of comparability.
114–52.108 Quarters in the territories and possessions.
114–52.109 Employees in leave status.
114–52.110 Workroom used as quarters.
114–52.111 Limitation.

Subpart 114–52.2—Surveys and Appraisals

114–52.201 Basic rent principle.
114–52.202 Determination of survey community.
114–52.203 Establishment of basic rental rates.
114–52.204 Intradepartmental coordination.
114–52.205 Interagency coordination.
114–52.206 Establishment of charges for utilities.
114–52.207 Records.
114–52.208 Review of rental rate schedules.
114–52.209 Resurvey of existing rates.

Subpart 114–52.3—Adjustments to Basic Rental Rates

114–52.301 General.
114–52.302 Isolation deduction.
114–52.303 Adjustment for differences in amenities.
114–52.304 Invasion of privacy.
114–52.305 Excessive size or quality.
114–52.306 Inadequate size.
114–52.307 Lack of all-weather construction.
114–52.308 Documentation.

Subpart 114–52.4—Implementation of New and Revised Rates

114–52.401 Effective date of new rates.
114–52.402 Effective date of revised rates.
114–52.403 Notice to employees.
114–52.404 Rental period.

Subpart 114–52.5—Employee Participation and Appeals

114–52.501 Employee participation in rate-fixing processes.
114–52.502 Appeals.

AUTHORITY: 5 U.S.C. 301.

Subpart 114–52.1—General

§ 114–52.101 Scope of subpart.

The regulations in this Part 114–52 apply to all Government-owned or leased personnel quarters rented in support of Federal programs, whether rented to employees of the holding Bureau, to employees of another Interior Bureau or other Federal agency, or to nonfederally employed tenants who are housed in order to facilitate the accomplishment of a Federal program. They apply to rental quarters in the 50 States, the District of Columbia, the territories and possessions, and Puerto Rico. These regulations do not apply to:

(a) Government-owned or leased quarters, custody of which has been transferred to a non-Federal entity pursuant to a written lease or contract authorized by law.

(b) Quarters, which under proper authority, are rented to the public for revenue pending future official use or disposal.

(c) Quarters provided employees on vessels.

§ 114–52.102 Statutory authority.

Public Law 88–459, approved August 20, 1964, 5 U.S.C. 5911, provides that quarters rental rates shall be based upon the reasonable value of the quarters to the employee in the circumstances under which provided, occupied, or made available.

§ 114–52.103 Regulatory authority.

Office of Management and Budget Circular No. A–45, Revised, dated October 31, 1964, establishes basic regulations governing the setting of quarters rental rates and charges for utilities.

§ 114–52.104 Statutory restrictions.

Rental rates for quarters and charges for utilities may not be set so as to provide an inducement (a) in the recruitment or retention of employees or (b) to encourage the occupancy of available rental quarters. (See 5 U.S.C. 5536.)

§ 114–52.105 Definitions.

The terms used in this Part 114–52 are defined as follows:

(a) *Rental quarters.* All quarters owned by or leased to the Government which are supplied as an incidental service in support of Interior programs whether rented to Government employees, to contractors and contractors' employees, or to other persons provided housing incidental to the performance of the Department's programs.

(b) *Comparable housing.* Housing which is generally equivalent in size with the rental quarters, with the same number of bedrooms, and with generally equivalent amenities and facilities, including garage.

(c) *Private housing.* Housing rented on a "landlord" basis, with the rental rates reflecting the fair market value of the accommodations to the tenant. This is distinguished from housing rented on an "employer-employee" basis, for which other considerations may have influenced rental rates. Examples of housing which is not "private housing" within the meaning of these regulations and, which should not be used in rental rate surveys, are other federally owned housing, housing owned by States or their subdivisions, housing provided by private firms for their employees, parsonages, and caretakers' homes or apartments.

(d) *Established community.* A population center offering the following minimal community services on a year-round basis, or, alternatively, on approximately the same seasonal basis as the occupancy of the rental quarters under consideration, regardless of population size or other criteria:

(1) *Medical.* One physician and one dentist.

(2) *Educational.* Public elementary and high school (unless transportation is provided without charge to a county or district school). Public library, school library available to the public, or scheduled mobile library.

(3) *Shopping.* Grocery, drugs, clothing, hardware, and general household needs.

(4) *Religious.* Congregations of two faiths or denominations.

(5) *Public transportation.* Connection with at least one major town or city by common carrier.

(6) Minimal social, cultural, or entertainment facilities.

(e) *Nearby representative private community.* The nearest community to the rental quarters which offers sufficient private housing to form the basis of an adequate rental rate survey, together with the minimal community services set forth in IPMR 114–52.105(d). It must be a community which is not unreasonably affected by conditions of seasonal agriculture or tourism, population explosion, severe economic depression, or other conditions which may have created an inequitable rent structure in that community not shared by the general region in which the rental quarters are located.

(f) *Amenities.* Amenities include:

(1) Paved streets.

(2) Street lighting at least at intersections.

(3) Sidewalks.

(4) Lawns, trees, and landscaping.

(5) General attractiveness of the neighborhood.

(6) Community sanitation services.

(7) Reliability and adequacy of water safe for household use.

(8) Reliability and adequacy of electrical service.

(9) Reliability and adequacy of telephone service.

(10) Reliability and adequacy of fuel for heating, hot water, and cooking.

(11) Police protection.

(12) Fire protection.

(13) Unusual design features of the dwelling.

(14) Absence of disturbing noises or offensive odors.

(15) Standards of maintenance.

(g) *Basic rental rate.* The basic rental rate is the monthly rental value of the quarters determined in accordance with subpart 114–52.2 of this part, before applying any deduction or additions. (Line 1, app. 2, subpart 114–52.2 of this part.)

§ 114–52.106 Rental rate principle.

Basic rental rates and charges for utilities will be set at the rates prevailing for comparable private housing in the same general area in which the rental quarters are located. (See subpart 114–52.2 of this part.)

§ 114–52.107 Application of modified principle of comparability.

The principle of comparability with private rental practice may be modified in the following circumstances:

(a) Where employees must occupy space for use as quarters which is generally unsuitable for that purpose, or where they must reside in quarters which are suitable only for particular types of occupancy, such as, rooming houses, bunkhouses, bachelor quarters, residence hotel-type structures, barracks-type structures, or guard and lookout cabins. In these circumstances, where no comparable rental data are obtainable or professional appraisals are not made, rental rates will be determined by the square footage occupied, at a rate equivalent to one-half the basic rental rate per square foot charged for the nearest adequate rental quarters of the same or any other Federal agency. Rates established in this manner apply only to the shelter rental, with a separate charge for any other facilities and services provided (such as water, heat, light, and furniture) at rates comparable to those in the area.

(b) Where quarters are occupied on a temporary or transient basis—normally for 60 days or less. Quarters so occupied will be charged for at rates equivalent to private transient quarters of comparable type and quality when available. Rates may be set on a nightly or weekly basis, or both. Where comparable private transient quarters are not available in the area, rates may be established by determining the reasonable monthly rental rate for the quarters and adding thereto an additonal charge of 20 percent. The sum of these will be divided by 30 to determine the nightly rate, or by 4½ to determine the weekly rate.

§ 114–52.108 Quarters in the territories and possessions.

The general policies outlined in this part 114–52 apply to quarters located in the territories and possessions. However, the method to be used in determining rates in each area requires the advance approval of the Office of Management and Budget. Where two or more Interior bureaus administer rental quarters in the same area, a coordinated method of determining rates shall be developed for Office of Management and Budget consideration.

(a) Proposals must demonstrate that the method to be used will be impartial and consistent for all rental quarters in the same area, and that rents and other charges will be set at the reasonable value of the quarters and other facilities.

(b) Original proposals outlining the method to be used in setting rates, or proposed revisions to existing methods, shall be submitted to the Assistant Secretary—Management, for consideration and transmittal to the Office of Management and Budget.

§ 114–52.109 Employees in leave status.

Employees on leave, with or without pay, for 30 calendar days or less will continue to be charged for quarters. Employees on leave for more than 30 days may be permitted to vacate quarters and make them available for reassignment. Where the employee is to be separated at the end of a leave period, however, no charge should be made once the quarters are made available for reassignment.

§ 114–52.110 Workroom used as quarters.

An employee who alone, or with his family, utilizes his workroom for quarters, shall not be charged a rental rate for such facilities. Examples of facilities which might be used in this manner are lookout towers, cabins, observatories, et cetera.

§ 114–52.111 Limitation.

No employee shall be charged a rental rate, excluding utilities, in excess of 20 percent of his gross salary—pay and allowances. (See IPMR 114–52.305):

(a) The limitation specified in this section applies to the monthly shelter rental rate—line 4, appendix 2, subpart 114–52.2 of this part.

(b) The monthly net rental rate charged an employee (line 9, app. 2, subpart 114–52.2 of this part), which includes charges for utilities, may exceed 20 percent of his gross salary without limitation.

Subpart 114–52.2—Surveys and Appraisals

§ 114–52.201 Basic rent principle.

As provided in subpart 114–52.1 of this part, rental quarters shall be rented at shelter rates and utilities and services charged for at rates prevailing for comparable private housing and services in the same general area as where the rental quarters are located. Rates lower than those prevailing in the area may not be charged for comparable housing, since this would be a form of employee subsidization specifically forbidden by statute, Comptroller General's decisions, and Office of Management and Budget regulations. Conversely, rates higher than those prevailing in the area should not be charged as the Department's purpose in providing rental quarters is not to profit as a landlord, but to advance its programs by having its employees adequately housed.

§ 114–52.202 Determination of survey community.

The determination as to which community shall be used for rental rate survery purposes shall be made in accordance with the following:

(a) Where rental quarters are situated within an established community, as defined in IPMR 114–52.105(d), or not more than 5 miles from the boundary of such a community, basic rental rates shall be set at rates prevailing for comparable private housing in that community, *Provided,* That a sufficient number of private housing units exist in the community to form the basis for an adequate survey. It is sufficient that an adequate number of private housing units exist and it is not necessary that there be numerous vacancies.

(b) Where rental quarters are not situated as in paragraph (a) of this section, basic rental rates may be set by comparison with:

(1) Rental rates charged for comparable private housing in the nearby representative private community, as defined in IPMR 114–52.105(e), or,

(2) The average of rental rates for comparable private housing in an economically homogeneous area in which the rental quarters are located. The area selected should be large enough to permit an adequate sampling of comparable quarters, but small enough to maintain economic homogeneity. The area may comprise several communities and it must be clearly defined and reflected in the survey report.

§ 114–52.203 Establishment of basic rental rates.

Bureaus and Offices are authorized to establish basic rental rates based on impartial recommendations arrived at by any of the methods set forth below. Regardless of the method used, conformance with the basic principles set forth in Office of Management and Budget circular A–45, revised, and this part 114–52 is required.

(a) *Outside professional appraisers.* Use of outside appraisers is encouraged. This method will be found particularly advantageous at locations where it is not possible to form a quarters evaluation board composed of Government employees who do not reside in rental quarters. Care should be taken both in the selection of local professional appraisers and in the evaluation of their findings and recommendations to avoid any conflict of interest:

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(1) Professional appraisers are authorized to employ the so-called real estate concept of "rental value" only in those rare instances when no private rental housing is available for comparison purposes in the established community, the nearby representative private community, or in the homogeneous area in which the Government quarters are located.

(2) The fact that a professional appraiser may be called upon to recommend rental rates does not relieve the bureau or office administering the rental quarters of the responsibility for insuring that prescribed rental rate principles are adhered to in arriving at such rates. On the contrary, it is incumbent on the bureau or office to insure that the survey is properly performed and to cause the entire rental rate process to be repeated if it is not.

(b) *FHA appraisers.* Rental rate appraisals made by Federal Housing Administration appraisers permit the use of generally accepted real estate concepts. Should any bureau or office desire to use this method to establish rates, it should submit its proposal to the Director of Management Operations for consideration and referral to the Washington, D.C., headquarters office of the Federal Housing Administration.

(c) *Professional staff appraisers.* Professional staff appraisers may be used to recommend, to the appropriate approving official, rates to be charged for quarters, utilities, services, and furnishings. A staff appraiser occupying rental quarters may not be used to recommend rates at the location where his own quarters are situated.

(d) *Quarters evaluation boards.* Quarters evaluation boards, appointed in accordance with Bureau regulations, shall recommend to the appropriate approving official the rates proposed to be charged for rental quarters, utilities, services, and furnishings. Each board shall be composed of Government employees. As a general rule, membership on each board should be limited to three employees, except where joint boards are concerned, a larger number may be expedient. Employees occupying rental quarters at a given location or subordinates of such occupants, may not serve on the Quarters Evaluation Board appointed to recommend rental rates at that location.

§ 114–52.204 Intradepartmental coordination.

Where two or more bureaus of the Department of the Interior administer rental quarters at the same location or in the same general geographical area, the following criteria shall be observed:

(a) A single rental rate survey shall be made in all cases where two or more bureaus administer rental quarters at the same site.

(b) Rental rate processes shall be coordinated with all Interior bureaus administering rental quarters within a 25-mile area. The only exception to this requirement is where different "established communities" properly apply to the separate housing sites. In each instance where a determination is made to proceed independently, the basis for the determination shall be appropriately documented and made a part of the records.

(c) It is incumbent upon each bureau to take the initiative in contacting the other bureau(s) having quarters within 25 miles of its quarters. The initial contact shall be made:

(1) With respect to existing quarters—at the time the next triennial resurvey of rates becomes due, if not made sooner.

(2) With respect to newly constructed quarters—at the time rates are to be set for such quarters.

(d) Coordination with other Interior bureaus should result in an agreement either to:

(1) Use the rates established by the bureau having the preponderance of housing in the area involved, provided the size and quality of the quarters are reasonably the same or,

(2) Undertake an immediate joint resurvey without regard to the due dates for the next triennial resurveys of any of the bureaus involved.

(e) In any case where agreement cannot be reached by the bureaus involved as to the method to be followed in setting rates, full particulars describing the specific points or areas of disagreement shall be transmitted to the Assistant Secretary—Management through appropriate bureau channels for consideration.

§ 114–52.205 Interagency coordination.

(a) Where another Federal agency administers rental quarters in the same area as where Interior housing is located, an effort shall be made to coordinate rental rate processes with such other agency or agencies.

(b) Bureaus and offices are authorized to deviate from established departmental criteria (such as the isolation scale in Subpart 114–52.3 of this part) where deviation is necessary to accomplish interagency coordination, provided that any such deviation shall not violate any of the principles and standards set out in Office of Management and Budget Circular No. A–45, Revised.

§ 114–52.206 Establishment of charges for utilities.

(a) Charges to occupants of rental quarters for utilities such as heat, electricity, gas, and water, will be established as follows:

(1) When furnished by the Government and measured through a meter, by application of the domestic rates for similar services in the community or locality used for comparison of rental rates.

(2) When utilities are not metered or otherwise measured, charges will be arrived at by comparison with the cost of such services to tenants of comparable private rental housing.

(b) Charges for utilities shall be clearly identified and distinguished from charges for rent. (See Appendix 2 of this Subpart 114–52.2.) In establishing rental rates for nonhousekeeping rooms however, the room rent may combine shelter rent and utilities without distinction.

§ 114–52.207 Records.

A complete record shall be maintained at the approving office level showing all actions taken in the rate making process, including:

(a) A description of both the rental quarters being evaluated and the private housing used for comparison purposes. This record should be maintained on a form similar to that illustrated in Appendix 1 of this Subpart 114–52.2.

(b) The findings and recommendations of the Quarters Evaluation Board or professional appraiser, and

(c) Rental rate schedules, including charges for utilities, services, and furnishings. This record should be maintained on a form similar to that illustrated in Appendix 2 of this Subpart 114–52.2.

§ 114–52.208 Review of rental rate schedules.

A copy of each rental rate schedule shall be reviewed by and maintained at the headquarters office level of the Bureau. These schedules will provide a means whereby management will be informed as to the status of the administration of the requirements of this Part 114–52.

§ 114–52.209 Resurvey of existing rates.

Rates for quarters, utilities, services, and furnishings shall be reviewed at least once each 3 years to insure that adjustments, upwards or downwards, are made to reflect changes in the private market. This resurvey will include the entire ratemaking process, including a resurvey of comparable private rental housing. Adjustments in authorized deductions from, and additional charges to, the basic rental rate may be made from time to time during the 3-year period as necessary, but frequent changes in rates should be avoided.

Subpart 114–52.3—Adjustments to Basic Rental Rates

§ 114–52.301 General.

In those cases where direct application of the principle of comparability with private rents results in either higher or lower rental rates than the "reasonable value of the quarters" to the employee, deductions from or additions to the basic shelter rental rate shall be made within the limits and to the extent authorized in this Subpart 114–52.3. The total of all deductions for all reasons must not be so great that it results in a rental rate that is less than the reasonable value of the quarters, since this would constitute a supplementation of salary specifically forbidden by statute.

§ 114–52.302 Isolation deduction.

An isolation deduction will be granted in those situations where the rental quarters are located at some distance from a community where minimal community services are available.

(a) The nearest community to the housing location which qualifies as an "established community," as defined in § 114–52.105(d) must always be used for purposes of computing the isolation deduction even though a more distant community may have been used for rental rate survey purposes.

(b) A more distant community may be used for computing the isolation deduction only when the nearest community is deficient in two or more of the services listed in § 114–52.105(d) of this part.

(c) The isolation deduction is intended to offset only the unusual transportation costs incurred by the employees in obtaining necessary community services. Thus, an isolation deduction of less than the maximum will be appropriate and should be granted in certain situations such as, where part of the community services are available at: (1) The quarters location, or (2) a location nearer to the quarters site than the nearest shopping district of the established community. In any case, the deduction shall be consistent for all quarters at the location in accordance with the scale contained in Appendix 1 to this Subpart 114–50.3.

(d) Where travel to and from the rental quarters location is fully dependent upon Government operated or public transportation and personally owned vehicles cannot be used, the deduction may be computed on the basis of scheduled elapsed time of a round trip in lieu of the foregoing scale. For details concerning this method of computing the deduction, see paragraph 6.c.(1) of Office of Management and Budget Circular A–45, Revised.

(e) In those instances where the monthly transportation deduction established in accordance with the scale shown in Appendix 1, of this Subpart 114–52.3, is $45 a month or less, the maximum allowable adjustment for all reasons shall not exceed 50 percent of the basic shelter rental rate—Line 1 of the evaluation schedule illustrated in Appendix 2, Subpart 114–52.2 of this part. Where the transportation deduction exceeds $45 a month, the maximum adjustment for all reasons may not exceed 67 percent of the basic shelter rental rate.

§ 114–52.303 Adjustment for differences in amenities.

An adjustment in the basic rental rates shall be made to reflect differences in amenities (higher or lower) which may exist for rental quarters in relation to those of the private housing used for comparison.

(a) When the rates are recommended by a Quarters Evaluation Board, each of the amenities listed in § 114–52.105(f) will be assigned the value of two percentage points. The difference in total points between those assigned the rental quarters and those assigned to the private housing will determine the deduction from or addition to the basic rental rate. For example: The amenities listed are all present in much the same degree for both the rental quarters and the private housing, except that police and fire protection at the rental quarters location is inferior to that in the survey community. In this example, the total points related to the rental quarters would be four points lower and the rental would be reduced in an amount equal to 4 percent of the basic rental rate.

(b) The two percentage point formula referred to in paragraph (a) of this section need not be used to determine the adjustment for differences in amenities where appraisals are made by a professional appraiser. He may arrive at the recommended adjustment by means other than the two percentage point formula. However, in determining this adjustment, a professional appraisal may not take into consideration any amenities not listed in § 114–52.105(f) of this part. The record supporting his recommendations should show the extent to which amenities are reflected in the recommended rate.

§ 114–52.304 Invasion of privacy.

A deduction from the basic rental rate will be granted whenever a portion of the rental quarters are used for the purpose of accommodating official visitors, for official office space, or for the general convenience of the public. The frequency of the official demands and the extent to which the employee's private use of the family area is restricted should be taken into consideration in computing the deduction.

(a) Where the imposition is virtually a daily occurrence and the private use of the family area is seriously affected, a deduction of 10 percent of the basic rental rate is allowable.

(b) Deductions of less than 10 percent of the basic rental rate will be granted in proportion to situations of either lesser frequency or lesser seriousness in their impact upon privacy.

§ 114–52.305 Excessive size or quality.

At some locations, due to lack of available alternate housing, an employee may be required to occupy rental quarters larger or of better quality than he would select in a private community. In these circumstances, the rent charged the employee shall not exceed 20 percent of his gross salary (pay and allowance).

(a) Employees will not be charged for unused rooms in quarters in those instances where he is required to accept quarters larger than needed due to lack of available alternate housing. In these instances, the basic rental rate for the particular rental quarters will be determined by comparison with private housing having the same number of rooms as are used by the occupant of the rental quarters. For example: Where an employee is required to occupy a three-bedroom house and one bedroom is closed off and not used because it is clearly in excess of his family's needs, the basic rental rate for the quarters will be arrived at by comparison with a two-bedroom private house.

(b) This adjustment for unused rooms will not continue beyond 1 month subsequent to the availability of:

(1) Any private housing more suitable to the employee's needs, or,

(2) Rental quarters more suitable to the employee's needs, unless it is determined in each instance that reassignment to other rental quarters will not serve to benefit the Government.

§ 114–52.306 Inadequate size.

Where an employee, because of lack of available private housing or rental quarters, is required to accept quarters which are clearly inadequate in size for the needs of his family, a deduction of not to exceed 10 percent of the basic rental rate is allowable. This deduction will not continue beyond 1 month subsequent to the availability of adequate alternate quarters as provided in § 114–52.305(b) (1) and (2).

§ 114–52.307 Lack of all-weather construction.

Where, because of poor design or lack of all-weather construction, a particular rental quarters require expenses to the occupant in excess of $50 per heating season over the average heating costs for comparable private housing as determined by a suitable survey, 90 percent of such excessive costs (those in excess of $50 over the average) may be deducted from the annual rental rate. The total deduction will be applied to the months of the heating season.

§ 114–52.308 Documentation.

The records required by § 114–52.207 shall clearly reflect the facts and circumstances which support any adjustments (deductions or additions) allowed in accordance with the provisions of this Subpart 114–52.3.

Subpart 114–52.4—Implementation of New and Revised Rates

§ 114–52.401 Effective date of new rates.

Rates for newly constructed or acquired rental quarters, and utilities, furnishings, and services should be established before the quarters are to be occupied or the services furnished. In any case where this cannot be done, the rates proposed by the Quarters Evaluation Board or appraiser shall be used pending date of official establishment. Final rates shall be established at the earliest practicable time and shall not be applied retroactively.

§ 114–52.402 Effective date of revised rates.

Once rates have been established initially, subsequent revisions shall become effective on the first day of a biweekly pay period beginning not less than 30 and not more than 90 days after approval thereof.

§ 114–52.403 Notice to employees.

Whenever new or revised rental rates for quarters, utilities, furnishings, and services are to be established, the employee affected shall be notified of this fact, in writing, at least 30 days in advance of the effective date thereof.

§ 114–52.404 Rental period.

Rates shall be set on a biweekly basis for quarters, utilities, and services, except that rates for dormitory rooms and

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similar accommodations may be set on a daily basis. Biweekly rates shall be converted to annual rates by multiplying by 26, and daily rates by 364. Daily rate of accommodations shall be one-fourteenth of biweekly rates.

Subpart 114–52.5—Employee Participation and Appeals

§ 114–52.501 Employee participation in rate fixing processes.

Employees occupying Government-furnished quarters should be furnished the criteria and procedures to be followed in establishing the rental rates to be charged for such quarters, and utilities, furnishings, and services. They should also be afforded an opportunity, both as individuals or through employee organizations, to have their views and representations considered by the Quarters Evaluation Board during the rent fixing process.

§ 114–52.502 Appeals.

Employees should be notified of their right to appeal to the official approving the rental rate schedule for a reconsideration of an existing or proposed rate. It is desirable that such appeals be made through the usual channels.

[FR Doc.73–5475 Filed 3–21–73;8:45 am]

Title 49—Transportation

CHAPTER III—FEDERAL HIGHWAY ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

SUBCHAPTER B—MOTOR CARRIER SAFETY REGULATIONS

[Docket No. MC–43; Notice No. 73–13]

PART 393—PARTS AND ACCESSORIES NECESSARY FOR SAFE OPERATION

Discharge Location of Bus Exhausts

The Director of the Bureau of Motor Carrier Safety is amending § 393.83(b) of the Motor Carrier Safety Regulations to permit greater design freedom in locating the point at which the exhaust systems of other than gasoline-powered buses discharge to the atmosphere.

This amendment stems from a petition for rule making filed by General Motors Corp., which sought removal of some of the current restrictions on the location of the discharge point in order to accommodate an "Environmental Improvement Package" it had developed. The purpose of the Environmental Improvement Package is to reduce noxious exhaust emissions from diesel buses. A notice of proposed rule making, inviting interested persons to comment on an amendment to the rule, was issued on October 30, 1972 (37 FR 23579). The proposal would have changed the existing rule, which requires the exhaust system of every diesel-powered bus to discharge to the atmosphere at or within 15 inches forward of the rearmost part of the bus, with a rule providing two options: (a) Discharge at or within 15 inches forward of the rearmost part of the bus; or (b) discharge above and to the rear of any door or window designed to be opened for ventilation or passenger egress.

The comments of two bus manufacturers pointed out that the second option would not permit the use of new exhaust systems, such as the one developed by General Motors, in buses that have rear windows that open as emergency exits in conformity with Federal Motor Vehicle Safety Standard No. 217. One manufacturer also said that the proposed rule did not take into consideration buses designed so that a side door extends up into the roof section of the bus.

The Director has concluded that these comments have validity, and the rule now being issued has been drafted with a view to accommodating the design problems they raised. In addition, the Bureau has reconsidered the purpose of the rule and has decided that it should be written in a manner that is much less design restrictive. In the case of other than gasoline-powered buses, the primary safety hazard which may arise owing to improper location of the exhaust discharge point is fumes seeping into the passenger compartment through doors and windows during the vehicle's operation. If the discharge point is not located forward of those doors and windows, or if it is close to the rear of the vehicle, there appears to be little or no safety risk. Hence, the amended rule requires the discharge point to be located rearward of all doors or windows except windows designed to be opened solely as emergency exits or located at or within 15 inches forward of the rearmost part of the bus.

One bus manufacturer who filed comments asked the Director to amend the rule to permit the exhaust system to extend rearward of the rear of the vehicle. This comment raises issues quite different from those considered in the context of this proceeding—there is, for example, the matter of structural integrity of the exhaust system. The Director has decided not to deal with the request at this time. If the manufacturer believes that rulemaking proceedings to consider permitting exhaust systems to extend rearward of the vehicle's body should be undertaken, he may file a petition for rulemaking supported by appropriate data.

In consideration of the foregoing, paragraph (b) of § 393.83 of the Motor Carrier Safety Regulations (Subchapter B in Chapter III of title 49, CFR) is revised to read as follows:

§ 393.83 Exhaust system location.

• • • • •

(b) The exhaust system of a bus powered by a gasoline engine shall discharge to the atmosphere at or within 6 inches forward of the rearmost part of the bus. The exhaust system of a bus powered by other than a gasoline engine shall discharge to the atmosphere either:

(1) At or within 15 inches forward of the rearmost part of the vehicle; or

(2) To the rear of all doors or windows designed to be open, except windows designed to be opened solely as emergency exits.

• • • • •

Effective date. This amendment is effective on April 1, 1973. Since this amendment relieves a restriction and imposes no additional burden on any person, it is effective less than 30 days after the date of publication.

(Sec. 204, Interstate Commerce Act, as amended, 49 U.S.C. 304; sec. 6, Department of Transportation Act, 49 U.S.C. 1655; delegations of authority at 49 CFR 1.48 and 389.4)

Issued on March 15, 1973.

ROBERT A. KAYE,
Director,
Bureau of Motor Carrier Safety.

[FR Doc.73–5506 Filed 3–21–73;8:45 am]

Title 50—Wildlife and Fisheries

CHAPTER I—BUREAU OF SPORT FISHERIES AND WILDLIFE, FISH AND WILDLIFE SERVICE, DEPARTMENT OF THE INTERIOR

PART 33—SPORT FISHING

Ouray National Wildlife Refuge, Utah

The following special regulation is issued and is effective March 22, 1973.

§ 33.5 Special regulations; sport fishing; for individual wildlife refuge areas.

UTAH

OURAY NATIONAL WILDLIFE REFUGE

The Green River channel within Ouray National Wildlife Refuge, Uintah County, Utah, shall be open to sport fishing by rod, reel, and pole from April 1, 1973, through December 31, 1973. Vehicle access is limited to existing routes delineated on maps available at refuge headquarters and from the Area Manager, Federal Building, Room 2215, 125 South State Street, Salt Lake City, UT 84111. Sport fishing shall be in accordance with all applicable State regulations.

The provisions of this special regulation supplement the regulations which govern fishing on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 33, and are effective through December 31, 1973.

H. J. JOHNSON,
Refuge Manager, Ouray National Wildlife Refuge, Vernal, Utah.

FEBRUARY 8, 1973.

[FR Doc.73–5468 Filed 3–21–73;8:45 am]

Proposed Rule Making

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

[25 CFR Part 41]

MDEWAKANTON AND WAHPAKOOTA TRIBE OF SIOUX INDIANS AND SISSETON AND WAHPETON MISSISSIPPI SIOUX TRIBE

Qualifications for Enrollment and Deadline for Filing Applications

Notice is hereby given that it is proposed to amend § 41.3, Part 41, Subchapter F, Chapter I, Title 25 of the Code of Federal Regulations by adding two new paragraphs designated (q) and (r). The new paragraphs would establish requirements for enrollment and a deadline for filing applications for enrollment with the Mdewakanton and Wahpakoota Tribe of Sioux Indians pursuant to title I, section 101(b) of the Act of October 25, 1972 (86 Stat. 1168), and the Sisseton and Wahpeton Mississippi Sioux Tribe pursuant to title II, section 201(b) of the Act.

The purpose of the amendment is to carry out the provisions of the Act of October 25, 1972 (86 Stat. 1168), which require that the Secretary prepare rolls to distribute the money in accordance with title I, section 102 and title II, section 202 of the Act. The proposed amendment establishes a deadline for filing applications and outlines the requirements for enrollment to share in the funds.

It is the policy of the Department of the Interior, whenever practicable, to afford the public an opportunity to participate in the rulemaking process. Accordingly, interested persons may submit written comments, suggestions, or objections regarding the proposed revision to the Director of Community Services, Bureau of Indian Affairs, 1951 Constitution Avenue NW., Washington, DC 20245, on or before April 23, 1973.

It is proposed to amend § 41.3 of Part 41, Subchapter F, Chapter I, Title 25 of the Code of Federal Regulations to read as follows:

§ 41.3 Qualifications for enrollment and the deadline for filing applications.

• • • • •

(q) *Mdewakanton and Wahpokoota Tribe of Sioux Indians.* (1) All lineal descendants of the Mdewakanton and Wahpakoota Tribe of Sioux Indians who were born on or prior to and were living on October 25, 1972, whose names or the name of a lineal ancestor appears on any available records and rolls acceptable to the Secretary of the Interior and who are not members of the Flandreau Santee Sioux Tribe of South Dakota, the Santee Sioux Tribe of Nebraska, the Lower Sioux Indian Community at Morton, Minn., the Prairie Island Indian Community at Welch, Minn., or the Shakopee Mdewakanton Sioux Community of Minnesota shall be entitled to be enrolled under title I, section 101(b) of the Act of October 25, 1972 (86 Stat. 1168), to share in the distribution of funds derived from a judgment awarded the Mississippi Sioux Indians.

(2) Applications for enrollment must be filed with the Area Director, Aberdeen Area Office, Bureau of Indian Affairs, 820 South Main Street, Aberdeen, SD 57401, and must be received no later than November 1, 1973. Applications received after that date will be denied for failure to file in time regardless of whether the applicant otherwise meets the requirements for enrollment.

(3) Each application for enrollment with any of the tribes named in paragraph (q)(1) of this section which may be rejected by the tribes shall be reviewed by the Director to determine whether the applicant meets the requirements for enrollment as a descendant of the Mdewakanton and Wahpakoota Tribe of Sioux Indians under paragraph (q)(1) of this section. Each rejection notice issued by the tribes shall contain a statement to the effect that the application is being given such review.

(r) *Sisseton and Wahpeton Mississippi Sioux Tribe.* (1) All lineal descendants of the Sisseton and Wahpeton Mississippi Sioux Tribe who were born on or prior to and were living on October 25, 1972, whose names or the name of a lineal ancestor appears on any available records and rolls acceptable to the Secretary of the Interior and who are not members of the Devils Lake Sioux Tribe of North Dakota, the Sisseton and the Wahpeton Sioux Tribe of South Dakota, or the Assiniboine and Sioux Tribes of the Fort Peck Reservation shall be entitled to be enrolled under title II, section 201(b) of the Act of October 25, 1972 (86 Stat. 1168), to share in the distribution of certain funds derived from a judgment awarded the Mississippi Sioux Indians.

(2) Applications for enrollment must be filed with the Area Director, Aberdeen Area Office, Bureau of Indian Affairs, 820 South Main Street, Aberdeen, SD 57401, and must be received no later than November 1, 1973. Applications received after that date will be denied for failure to file in time regardless of whether the applicant otherwise meets the requirements for enrollment.

(3) Each application for enrollment with any of the tribes named in paragraph (r)(1) of this section which may be rejected by the tribes shall be reviewed by the Director to determine whether the applicant meets the requirements for enrollment as a descendant of the Sisseton and Wahpeton Mississippi Sioux Tribe under paragraph (r)(1) of this section. Each rejection notice issued by the tribes shall contain a statement to the effect that the application is being given such review.

No further changes are proposed to be made in the text of Part 41.

W. L. ROGERS,
Deputy Assistant Secretary of the Interior.

MARCH 16, 1973.

[FR Doc.73–5472 Filed 3–21–73;8:45 am]

Bureau of Mines

[30 CFR Part 75]

UNDERGROUND COAL MINES

Proposed Mandatory Safety Standards; Notice of Public Hearing

Pursuant to the authority contained in section 101(a) of the Federal Coal Mine Health and Safety Act of 1969 (83 Stat. 745; 30 U.S.C. 811(a)), there was published, as proposed rule making, in the FEDERAL REGISTER for December 12, 1972 (37 FR 26422), §§ 75.524, 75.1001–1, 75.1003–2, 75.1101–23, 75.1600–1, 75.1600–2, and 75.1704–2 of Part 75, subchapter O, chapter I, title 30, Code of Federal Regulations, setting forth mandatory standards which would: (1) Establish a requirement that electric current permitted to exist between frames of electric face equipment be limited to not more than 1 ampere; (2) provides for frequent testing and calibration of devices for overcurrent protection; (3) specify requirements for movement of off-track mining equipment in areas where energized trolley wires or trolley feeder wires are present; (4) provide for instruction in the location and use of fire fighting equipment, escapeways, exits, routes of travel and for fire drills; (5) improve two-way communication between working sections and the surface; and (6) require improved escapeways and periodic drills in their use.

Interested persons were afforded a period of 45 days following publication within which to submit to the Director, Bureau of Mines, written comments, suggestions, or objections to these proposed mandatory safety standards, stating the

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grounds therefor, and to request a public hearing on such objections.

Written objections were timely filed with the Director Bureau of Mines, stating the grounds for objections and requesting a public hearing on proposed §§ 75.524, 75.1001–1, 75.1003–2, 75.1101–23, 75.1600–1, 75.1600–2, and 75.1704–2 of part 75. In accordance with section 101 (f) of the Act, a Notice of Ojections Filed and Hearing Requested was published in the FEDERAL REGISTER for March 14, 1973 (38 FR 6900).

Pursuant to section 101(g) of the Act, notice is hereby given that a public hearing will be held on April 10, 1973, beginning at 9 a.m., e.s.t., in Room 102, Law Building, University of Kentucky, South Limestone Street, Lexington, KY 40506, for the purpose of receiving relevant evidence on the following issues:

(1) That technology is not presently available to permit compliance with the requirement in proposed 30 CFR 75.524 that electric current permitted to exist between frames of electric face equipment be limited to not more than 1 ampere;

(2) That the Bureau of Mines should establish ways and means to enable coal mine operators to comply with the requirements of proposed 30 CFR 75.524;

(3) That the requirements of proposed 30 CFR 75.524 should not become effective until 1 year after promulgation;

(4) That automatic circuit interrupting devices described in proposed 30 CFR 75.1001–1 should be tested and calibrated at intervals not to exceed 12 months, rather than 6 months as specified in paragraph (b) of proposed § 75.1000–1;

(5) That a certified person need not be physically present at all times during the movement of off-track mining equipment in areas where energized trolley wires or trolley feeder wires are present as prescribed in paragraph (c) of proposed 30 CFR 75.1003–2, but rather only when the height of the coal seam does not permit 12 inches of vertical clearance between the farthest projection of the equipment being moved and the energized trolley or trolley feeder wires;

(6) That in mines which utilize direct current such current should be permitted to supply the trolley wire system from inby the unit of equipment being moved rather than be restricted to being supplied from outby such equipment as specified in proposed CFR 75.1003–2(f)(1);

(7) That lower current rated fuses be permitted as an alternative to the use of circuit breakers under the conditions described in proposed paragraph (f) of § 75.1003–2;

(8) That in mines which utilize direct current supplied to the trolley wire system from inby the equipment being moved, a miner should be stationed at the control switch inby the equipment in addition to a miner stationed outby as described in proposed § 75.1003–2(f)(3), provided that the inby miner has adequate personal protective equipment;

(9) That the exclusion for equipment being transported in mine cars specified in paragraph (g) of proposed § 75.1003–2 should be extended to equipment being transported on skids if no part of the equipment extends closer to the trolley circuit than the closest projection of track-mounted equipment normally used on the haulage road;

(10) That the training required in proposed 30 CFR 75.1101–23 should be verified during the course of coal mine inspections rather than requiring the operator to submit a training program to the District Manager for approval as specified in paragraph (a) of § 75.1101–23;

(11) That communication facilities located on the surface should be installed only near those main portals through which miners normally enter the mine rather than near all main portals as prescribed in proposed § 75.1600–1;

(12) That communication facilities located on the surface should be installed only near those main portals through which miners normally enter the mine rather than near all main portals as prescribed in propsed § 75.1600–1;

(13) That the responsible person described in proposed § 75.1600–1 should only be on duty during production or maintenance shifts rather than being on duty whenever men are underground;

(14) That communication facilities located on the surface should be capable of being heard or observed by the responsible person described in proposed § 75.1600–1 rather than restricted to only being heard by such person;

(15) That communication facilities provided at working sections should be located not more than 500 feet outby the last open crosscut and not more than 800 feet from the farthest point of penetration of the working places on the working section rather than the 300 feet and 700 feet distances specified in proposed 30 CFR 75.1600–2.

(16) That designated escapeways should follow the safest routes as directly asp ractical to the nearest mine opening suitable for safe evacuation rather than the most direct route of travel to the nearest mine opening as specified in paragraphs (a) and (b) of proposed 30 CFR 75.1704–2;

(17) That all escapeways should not be examined weekly by a certified person as prescribed in § 75.1704–2(e)(1);

(18) That a map showing only the main escape system should be posted for the information of all miners, and that maps showing the designated escapeways from each working section to the main escape system should be posted in such working section rather than the map requirements described in proposed § 75.1704–2(d);

(19) That the escapeway drills prescribed by proposed § 75.1704(e) should be conducted with the same frequency as the fire drills prescribed by proposed § 75.1101–23(c);

(20) That escapeway drills should require each miner only to enter the section escapeway at its junctions with the working section and the main escapeway rather than requiring travel throughout the escapeway as specified in proposed § 75.1704–2(e); and

(21) That at least two miners, including the section foreman, on each producing section should travel the designated escapeways from the working section to the main escape system once every 3 months, and to the nearest mine opening suitable for safe evacuation from the working section once every 6 months rather than traveling through the main escapeways up to the portal at least once every 5 weeks as prescribed in proposed § 75.1704–2(e).

Donald P. Schlick, Deputy Director—Health and Safety, is designated Chairman of the hearing.

The hearing shall be conducted in an informal manner and a verbatim transcript will be maintained. All written statements, charts and other data will be received in the record. Within 60 days after completion of the hearing, findings of fact concerning the issues presented at the hearing shall be made and such findings shall be made public.

Persons who desire to testify at the hearing should notify the Director, Bureau of Mines, Department of the Interior, Washington, D.C. 20240, not later than April 6, 1973. Copies of comments, suggestions, and objections filed may be examined at, or obtained from, the office of the Deputy Director—Health and Safety, Bureau of Mines, Department of the Interior, Washington, D.C. 20240, telephone (202) 343–4041.

JOHN B. RIGG,
Deputy Assistant Secretary of the Interior.

MARCH 19, 1973.

[FR Doc.73-5510 Filed 3-21-73;8:45 am]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 206]

PURCHASES OF PROCESSED FRUITS AND VEGETABLES, OLIVE OIL, HONEY, NUTS, AND NUT PRODUCTS

Proposed Plant Sanitation Requirements

Notice is hereby given that the U.S. Department of Agriculture is considering revision of plant sanitation requirements relating to its purchases of processed fruits and vegetables, olive oil, honey, nuts, and nut products by revoking those prescribed in 7 CFR 205, adopting the Good Manufacturing Practices regulations (21 CFR Part 128) issued under the Federal Food, Drug, and Cosmetic Act, and adding requirements for prebid survey and predelivery approval of plant sanitation conditions. It is anticipated that the effective date of this proposed regulation will be June 1, 1973.

All persons who wish to submit data, views, or arguments with respect to this proposal should file the same with the Hearing Clerk, Room 112, U.S. Department of Agriculture, Washington, D.C. 20250, not later than April 21, 1973 in order to be sure of consideration. Written submissions received pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

The proposal would revoke 7 CFR Part 205 and replace it with the following:

Sec.
206.1 Purpose and scope.
206.2 Plant sanitation regulation.
206.3 Submission of bids.
206.4 Sanitation surveys.
206.5 Time to request sanitation surveys.
206.6 Cost of sanitation surveys.
206.7 Other rules and regulations.

AUTHORITY: 5 U.S.C. 301; sec. 32, 49 Stat. 774, as amended, 7 U.S.C. 612c; and sec. 6, 60 Stat. 281, as amended, 42 U.S.C. 1755.

§ 206.1 Purpose and scope.

This part prescribes plant sanitation requirements for plants which process canned, dried, dehydrated or frozen fruits and vegetables or their products, olive oil, honey, nuts, or nut products for delivery under purchase contracts with the U.S. Department of Agriculture (hereinafter referred to as "USDDA"), acting through the Fruit and Vegetable Division, Agricultural Marketing Service, (hereinafter referred to as "FV Division").

§ 206.2 Plant sanitation regulation.

Any of the products specified in § 206.1 to be delivered to USDA shall be packed in conformity with the requirements of the regulations issued under the Federal Food, Drug, and Cosmetic Act by the Federal Food and Drug Administration, U.S. Department of Health, Education, and Welfare, entitled "Human Foods; Current Good Manufacturing Practice (Sanitation) in Manufacture, Processing, Packing, or Holding" (21 CFR Part 128), and any amendments or modifications thereof.

§ 206.3 Submission of bids.

In submitting bids for the products specified in § 206.1, bidders, including brokers and distributors, shall specify that the product to be delivered to USDA will have been processed in a plant which falls within at least one of the following categories:

(a) A plant which, at the time of processing such product, operated under continuous in-plant inspection of the Processed Products Standardization and Inspection Branch of the FV Division (hereinafter referred to as PPSI Branch); or

(b) A plant which, at the time of processing such product, operated under pack-certification-in-plant inspection of the PPSI Branch; or

(c) A plant which, at the time of processing such product, was surveyed and approved by the PPSI Branch in accordance with the provisions of § 206.4.

§ 206.4 Sanitation surveys.

(a) In instances in which bids for a product specified in § 206.1 are due prior to the packing season, bids will be considered from plants which are not within the categories specified in paragraphs (a) or (b) of § 206.3 only if such plants have been surveyed by the PPSI Branch for compliance with the requirements of § 206.2. Surveys relating to facilities shall be made prior to bidding. Surveys relating to sanitation practices shall be made during packing of such product.

(b) In instances in which bids for a product specified in § 206.1 are due during or after the packing season from plants which are not within the categories specified in paragraphs (a) or (b) of § 206.3, the same survey requirements as in paragraph (a) of this section shall apply, except that both facility and practices surveys for the product offered shall have been made prior to bidding and that facility and sanitation practices surveys may be conducted simultaneously.

§ 206.5 Time to request sanitation surveys.

The responsibility of obtaining USDA sanitation approval is that of the bidder making an offer. Bidders who will not operate under continuous in-plant inspection or pack-certification-in-plant inspection and who contemplate sale of any of the products specified in § 206.1 to USDA at any time during the marketing year should request sanitation surveys required under § 206.4 prior to packing. Bidders shall arrange for any such survey from the nearest PPSI Branch office at least ten (10) days prior to the time when the bidder desires such survey. The FV Division cannot guarantee to provide a survey within a shorter time. Upon receipt of the request, a sanitation survey will be arranged at a time acceptable to the applicant and the FV Division.

§ 206.6 Cost of sanitation surveys.

Applicants will be charged by the hour for the time required to perform each sanitation survey, plus travel expenses; but in no case shall the total cost exceed $100 for each survey of each plant.

§ 206.7 Other rules and regulations.

Compliance with the requirements of this part does not excuse failure to comply with any other applicable Federal, State or local sanitary rules and regulations.

Dated: March 16, 1973.

JOHN C. BLUM,
Acting Administrator, Agricultural Marketing Service.

[FR Doc.73-5417 Filed 3-21-73;8:45 am]

Agricultural Stabilization and Conservation Service

[7 CFR Part 717]

HOLDING OF REFERENDA

Canvassing by County Committee

Notice is hereby given that pursuant to the authority contained in applicable provisions of the Agricultural Adjustment Act of 1938, as amended, the Department proposes to amend the regulations governing the holding of referenda.

The purpose of this amendment is to provide the State committee with authority to designate the county executive director and a county or State ASCS office employee in lieu of two members of the county ASC committee as presently required to canvass and report ballots in a marketing quota referendum. This authority is to be exercised only when the number of eligible voters for the commodity for which the referendum is being conducted is so limited that the requirement for having two members of the county committee present to carry out this function is impractical.

Prior to the issuance of this amendment, any data, views, or recommendations pertaining thereto which are submitted in writing to the Director, Commodity Stabilization Division, Agricultural Stabilization and Conservation Service, U.S. Department of Agriculture, Washington, D.C. 20250, will be given consideration provided such submissions are postmarked on or before April 23, 1973.

All written submissions made pursuant to this notice will be made available for public inspection at such times and places and in a manner convenient to the public business (7 CFR 1.27(b)).

It is proposed that § 717.21(b), canvassing by county committee of Part 717—Holding of Referenda (33 FR 18345), be amended to read as follows:

§ 717.21 Canvassing voted ballots.

* * * * *

(b) *Canvassing by county committee.* The canvassing shall be in the presence of at least two members of the county committee and open to the public: *Provided,* That if two or more counties have been combined and are served by one county office, the canvassing of ballots shall be conducted by at least one member of the county committee from each county served by the county office: *Provided further,* That the State committee may designate the county executive director and a county or State ASCS office employee to canvass the ballots and report the results, as provided in paragraph (c) and § 717.22, instead of two members of the county committee, when the State committee has determined that the number of eligible voters for the commodity for which the referendum is being conducted is so limited that having two members of the county committee present for this function is impractical.

* * * * *

Signed at Washington, D.C., on March 15, 1973.

KENNETH E. FRICK,
Administrator, Agricultural Stabilization and Conservation Service.

[FR Doc.73-5541 Filed 3-21-73;8:45 am]

Animal and Plant Health Inspection Service

[9 CFR Parts 108, 117]

VIRUSES, SERUMS, TOXINS, AND ANALOGOUS PRODUCTS

Notice of Proposed Rule Making

Notice is hereby given in accordance with the provision contained in section 553(b) of title 5, United States Code

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(1966), that it is proposed to amend certain of the regulations relating to viruses, serums, toxins, and analogous products in Part 108 and Part 117 of title 9, Code of Federal Regulations, issued pursuant to the provisions of the Virus-Serum-Toxin Act of March 4, 1913 (21 U.S.C. 151–158).

The regulations in § 108.3 have been incorporated into the revised Part 117.

This proposed revision of Part 117 would, in part, revoke obsolete regulations written to control the spread of diseases from hog cholera antiserum production facilities. These facilities are no longer used for this purpose and the need for these regulations no longer exists.

Regulations for the admittance, maintenance, and disposition of animals used for test purposes or for production of biological products are included in this proposal.

PART 108—SANITATION AT LICENSED ESTABLISHMENTS

1. Section 108.3 is amended to read:

§ 108.3 [Reserved]

PART 117—ANIMALS

2. Part 117 is amended to read:

Sec.
117.1 Applicability.
117.2 Animal facilities.
117.3 Admittance of animals.
117.4 Test animals.
117.5 Segregation of animals.
117.6 Removal of animals.

AUTHORITY: 37 Stat. 832–833, 21 U.S.C. 151–158.

§ 117.1 Applicability.

(a) All animals used in licensed establishments in the preparation or testing of biological products shall meet the regulations in this subchapter and special requirements as may be prescribed by the Deputy Administrator to prevent the preparation, sale, and distribution of worthless, contaminated, dangerous, or harmful biological products.

(b) Unless otherwise authorized or directed by the Deputy Administrator, animals used in the preparation or testing of biological products shall be admitted to and maintained at the licensed establishment and ultimately disposed of in accordance with the regulations in this part, and with the Act of August 24, 1966 (Public Law 89–544) as amended by the Animal Welfare Act of 1970 (Public Law 91–579) and the regulations in Parts 1, 2, and 3 of this chapter. Personnel who supervise the care and welfare of such animals shall be qualified by education, training, and experience to carry out the regulations in this part.

§ 117.2 Animal facilities.

Animal facilities shall be maintained in a clean and sanitary condition as provided in Part 108 of this chapter.

§ 117.3 Admittance of animals.

(a) No animal which shows clinical signs or other evidence of disease shall be admitted to the premises of licensed establishments, except as provided in paragraphs (d) and (e) of this section. The health status of all animals offered for admission shall be determined by a veterinarian prior to admission. If the determination cannot be made prior to admission, the animals shall be kept separate from animals already on the premises and in a quarantine area to be provided by the licensee for this purpose until the animal's health status is determined.

(b) If special test requirements for admittance of the animals are specified in the outline of production for the product to be produced, the animals shall remain in the quarantine area until such tests have been performed and the results obtained. Animals which do not meet the requirements shall not be admitted to the production area or allowed to contact production animals.

(c) All animals admitted to the premises of a licensed establishment shall be permanently identified by the licensee with tags, marks, or other means acceptable to the Deputy Administrator.

(d) When an animal which has a disease is to be used to prepare a biological product for control of such disease, the animal shall be admitted directly to the processing facilities in which the product is to be prepared but shall not be permitted contact with other animals on the premises.

(e) The Deputy Administrator may authorize the maintenance of diagnostic facilities at the licensed establishment and diseased animals may be admitted to such facilities provided admission is through an entrance separate from that used for traffic of other animals in the establishment and the sick animals do not contact such other animals.

§ 117.4 Test animals.

(a) All test animals shall be examined for clinical signs of illness, injury, or abnormal behavior prior to the start of a test and throughout the observation period specified in the test protocol.

(b) All animals used for test purposes shall be identified either collectively or individually in a manner conducive to an accurate interpretation of the results of the test.

(c) No test animal shall be given a biological product during the preconditioning period which would affect its eligibility according to the test requirements. No treatment, with a biological product or otherwise, shall be administered to a test animal during a test period which could interfere with a true evaluation of the biological product being tested.

§ 117.5 Segregation of animals.

Animals which have been infected with or exposed to a dangerous, infectious, contagious, or communicable disease shall be kept effectively segregated in a quarantine area at a licensed establishment until such time as they are humanely destroyed or successfully treated and removed as healthy animals.

§ 117.6 Removal of animals.

Production animals or ex-test animals which are no longer useful at the licensed establishment may be removed from the premises of the licensed establishment; provided, such removal is accomplished in a manner as shall preclude the dissemination of disease and in accordance with the following conditions:

(a) Animals which received a biological product containing inactivated micro-organisms and adjuvants within 21 days shall not be removed; or

(b) Animals which received viable micro-organisms within 30 days shall not be removed; or

(c) Only animals that are in a healthy condition as determined by a veterinarian shall be removed, except as provided in paragraph (d) of this section..

(d) Other animals that are injured or otherwise unhealthy, except when affected with a communicable disease, may be removed for immediate slaughter to an abattoir operated in accordance with the Federal Meat Inspection Act of March 4, 1907, 34 Stat. 1260, as amended by the Wholesome Meat Act of 1967, 81 Stat. 585 (21 U.S.C. sec. 601 et seq.): *Provided*, That such animals shall be properly marked for identification and the inspector in charge of slaughter operations is given due notice in advance.

(e) All animals on the premises shall be disposed of in accordance with the provisions of the regulations in this part and where specific provision is not made therefor shall be disposed of as required by the Deputy Administrator.

Interested persons are invited to submit written data, views, or arguments regarding the proposed regulations to Deputy Administrator, Veterinary Services, USDA, Washington, D.C. All comments received before May 21, 1973, will be considered.

All written submissions made pursuant to this notice will be made available for public inspection at such times and places and in a manner convenient to the public business (7 CFR 1.27 (b)).

Done at Washington, D.C., this 16th day of March 1973.

G. H. WISE,
Acting Administrator, Animal and Plant Health Inspection Service.

[FR Doc.73-5542 Filed 3-21-73;8:45 am]

DEPARTMENT OF TRANSPORTATION

Coast Guard

[46 CFR Part 146]

[CGD 73-42 PH]

SHIPMENT OF DEPARTMENT OF DEFENSE MATERIAL SOLD TO SHIPPER

Notice of Proposed Rule Making

The Coast Guard is considering amending the dangerous cargo regulations to permit shipment of hazardous materials sold by the Department of Defense in packaging of equal or greater strength and efficiency than those specified for hazardous materials in 46 CFR Part 146.

Interested persons may participate in this proposed rule making by submitting written data, views, or arguments to the U.S. Coast Guard (GCMC), 400 Seventh Street SW., Washington, DC 20590. Each person submitting comments should include his name and address, identify the notice (CGD 73–42 PH), and give reasons for any recommendations. Comments received will be available for examination by interested persons in Room 8234, Department of Transportation, Nassif Building, 400 Seventh Street SW., Washington, DC.

The Coast Guard will hold a hearing on April 17, 1973, at 9:30 a.m. in Conference Room 8332, Department of Transportation, Nassif Building, 400 Seventh Street SW., Washington, DC. Interested persons are invited to attend the hearing and present oral or written statements on this proposal. It is requested that anyone desiring to attend the hearing notify the U.S. Coast Guard (GCMC), 400 Seventh Street SW., Washington, DC 20590.

All communications received before April 24, 1973, will be evaluated before final action is taken on this proposal. The proposed regulations may be changed in the light of comments received.

This proposal is intended to remove the need for a special permit to transport materials purchased from the Department of Defense but packaged in packages that meet or exceed Department of Transportation specifications (49 CFR parts 173 and 178). However, these packages are marked only in conformance with military specifications that correspond to the Department of Transportation specifications. The Department of Defense will be permitted to execute certificates to indicate that packagings meet or exceed corresponding specifications of the Department of Transportation.

In consideration of the foregoing, it is proposed to amend part 146 of title 46 of the Code of Federal Regulations by revising paragraph (a) of § 146.02–8 to read as follows:

§ 146.02–8 U.S. Government shipments.

(a) Shipments of hazardous materials offered by or consigned to the Department of Defense (DOD) of the U.S. Government must be packaged, including limitations of weight, in accordance with the regulations in this subchapter or in containers of equal or greater strength and efficiency as required by DOD regulations.

(1) Hazardous materials sold by DOD in packagings that are not marked in accordance with the requirements of title 49 CFR 170 to 179 may be shipped from DOD installations if the DOD certifies in writing that the packagings are equal to or greater in strength and efficiency than the packaging prescribed in this subchapter and title 49 CFR parts 170 to 179. The shipper shall obtain such a certification in duplicate for each shipment. He shall give one copy to the originating carrier and retain the other for no less than 1 year.

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(R.S. 4472, as amended; R.S. 4417a, as amended; sec. 1, 19 stat. 252, 49 stat. 1889, sec 6(b)(1), 80 stat. 937; 46 U.S.C. 170, 391a, 49 U.S.C. 1655(b)(1); 49 CFR 1.46(b))

Dated: March 16, 1973.

G. H. READ,
Captain, U.S. Coast Guard, Acting Chief, Office of Merchant Marine Safety.

[FR Doc.73-5494 Filed 3-21-73;8:45 am]

Federal Aviation Administration

[14 CFR Part 71]

[Airspace Docket No. 72-NW-28]

TRANSITION AREA

Withdrawal of Proposed Alteration; Correction

FR Doc. 73–3959 withdrew a proposed alteration of the description of the Twin Falls, Idaho transition area. In the text of the document, it was stated that airspace docket No. 71–NW–14 is canceled. The airspace docket number given is incorrect. Action is taken herein to correct this error.

Since this correction is editorial in nature and no change in the regulation is effected, notice and public procedure thereon is unnecessary.

In consideration of the foregoing, effective on March 23, 1973, FR Doc. 73–3959 (38 FR 5658) is amended as hereinafter set forth.

In the text "airspace docket No. 71–NW–14" is deleted and "airspace docket No. 72–NW–28" is substituted therefor.

Issued in Seattle, Wash., on March 14, 1973.

J. H. TANNER,
Acting Director, Northwest Region.

[FR Doc.73-5502 Filed 3-21-73;8:45 am]

[14 CFR Part 71]

[Airspace Docket No. 73-AL-4]

CONTROL ZONE AND TRANSITION AREA

Proposed Alteration; Correction

On March 2, 1973, FR Doc. 73–3962 published in the FEDERAL REGISTER (38 FR 5657) described the proposed alteration of the Iliamna, Alaska, control zone and transition area. Airspace docket No. 72–AL–4 was inadvertently assigned to this proposed rule making action in lieu of No. 73–AL–4. Additionally, two typographical errors were noted in the printing.

Since this action effects no substantive change to the proposed rule, the comment period closing date may remain unchanged.

In consideration of the foregoing FR Doc. 73–3962 (38 FR 5657) is corrected as hereinafter set forth:

In the heading delete "(airspace docket No. 72–AL–4)" and substitute "(airspace docket No. 73–AL–4)" therefor.

In numbered paragraph 1. of the text, delete "§ 1.171" and substitute "§ 71.171" therefor.

In numbered paragraph 2. of the text, delete "§ 71.171" and substitute "§ 71.181" therefor.

This amendment is made under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348 (a)) and section 6(c) of the Department of Transportation Act (49 U.S.C. 1655 (c)).

Issued in Anchorage, Alaska, on March 14, 1973.

QUENTIN S. TAYLOR,
Acting Director, Alaskan Region.

[FR Doc.73-5498 Filed 3-21-73;8:45 am]

[14 CFR Part 71]

[Airspace Docket No. 73-SO-16]

TRANSITION AREA

Proposed Designation

The Federal Aviation Administration is considering an amendment to part 71 of the Federal Aviation Regulations that would designate the Cookeville, Tenn., transition area.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Federal Aviation Administration, Southern Region, Air Traffic Division, Post Office Box 20636, Atlanta, GA 30320. All communications received on or before April 23, 1973, will be considered before action is taken on the proposed amendment. No hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Chief, Airspace and Procedures Branch. Any data, views or arguments presented during such conference must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in light of comments received.

The official docket will be available for examination by interested persons at the Federal Aviation Administration, Southern Region, Room 724, 3400 Whipple Street, East Point, GA.

The Cookeville transition area would be designated as:

That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of Putnam County Airport (Lat. 36°11'-45" N, Long. 85°29'15" W); within 3 miles each side of the 331° bearing from Cookeville RBN (Lat. 36°11'34" N, Long. 85°29'04" W), extending from the 6.5-mile radius area to 8.5 miles northwest of the RBN.

The proposed designation is required to provide controlled airspace protection for IFR operations at Putnam County Airport. A prescribed instrument approach procedure to this airport, utilizing the Cookeville (Private) Nondirectional Radio Beacon, is proposed in conjunction with the designation of this transition area.

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348 (a)) and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

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Issued in East Point, Ga., on March 12, 1973.

DUANE W. FREER,
Acting Director, Southern Region.

[FR Doc.73-5503 Filed 3-21-73;8:45 am]

Hazardous Materials Regulations Board

[49 CFR Parts 172, 173, 174, 178, 179]

[Docket No. HM-106; Notice No. 73-2]

TRANSPORTATION OF HAZARDOUS MATERIALS

Notice of Proposed Rule Making

The Hazardous Materials Regulations Board is considering amendments to several unrelated sections of the Department of Transportation Hazardous Materials Regulations. Commenters need only identify the particular proposal on which they wish to comment when responding. The proposals covered in this document are:

A—Iodine pentafluoride and other fluoride materials.
B—DOT specification 51 portable tanks.
C—Flammable liquids, n.o.s., in tank motor vehicles.
D—Mercaptans in DOT specification 51 portable tanks.
E—Sodium hydrosulfite in DOT specification 56 portable tanks.
F—Lithium metal wire and certain alkali materials.
G—Wet zirconium metal powder in DOT 37M/2S packaging.
H—Bromine in MC 310 and MC 312 cargo tanks.
I—Fluorosulfonic acid in cargo tanks.
J—Liquefied petroleum gas in DOT specification 2P and 2Q containers.
K—Audible fire alarm systems and fire extinguishers.
L—Hydrogen sulfide in multiunit tank car tanks.
M—Deletion of obsolete specifications.

PROPOSAL A—IODINE PENTAFLUORIDE AND OTHER FLUORIDE MATERIALS

The Hazardous Materials Regulations Board is considering an amendment to §§ 172.5, 173.246, 173.283, 173.284, and 173.285 of the Department's Hazardous Materials Regulations to identify iodine pentafluoride by name as a hazardous material and to authorize the shipment of iodine pentafluoride in Specification 3A, 3AA, 3BN, 3E, and 4BA cylinders and in Specification 106A and 110AW multiunit tank car tanks. In addition, the Board proposes to make certain editorial changes which will group a number of the fluoride materials presently covered in different sections into one section, to delete the authorization for 10 pounds or less of these materials to be shipped in cylinders approved by the Bureau of Explosives, and to further delete unnecessary references to DOT-106A500 tanks.

Iodine pentafluoride is not presently listed by name in the regulations. However, it is shipped as a corrosive liquid, not otherwise specified, and is subject to the packagings prescribed in § 173.245. Because of the similar characteristics between iodine pentafluoride and other fluoride materials (i.e., antimony pentafluoride, bromine pentafluoride, chlorine trifluoride, et al.) which are listed by name in § 172.5, the Board proposes to incorporate iodine pentafluoride in the list of hazardous materials in roman type so that it may be used as a proper shipping name to be shown on outside packagings.

For packagings, the Board proposes that iodine pentafluoride be authorized to be shipped in the specific cylinders and multiunit tank car tanks previously described. The proposed authorization to use these packagings is based on 7 years of satisfactory shipping experience reported to the Board and on the experience obtained with these packagings now in use for the transportation of other fluoride materials. This regulation change would give shippers an alternate method of packaging without detriment to the safe transportation of this commodity.

A review of the present regulations reveals that antimony pentafluoride, bromine pentafluoride, bromine trifluoride, and chlorine trifluoride are found under different sections even though basically the packagings prescribed for each material are similar. To simplify the regulations the Board proposes to combine the fluoride materials presently listed with the proposed iodine pentafluoride entry into a single § 173.246.

Each fluoride section except § 173.246 covering antimony pentafluoride authorizes 10 pounds or less of material to be shipped in cylinders approved by the Bureau of Explosives. The Board believes that this packaging authorization is no longer used because it appears that it was established many years ago for specific needs at the time. Therefore, the authorization based on Bureau of Explosives approval is proposed to be canceled. Any person who may be using such cylinders or may know of their use is requested to notify the Board.

On January 28, 1970, in Docket No. HM-14; Amendment 173-18 (35 FR 1108) the hazardous materials regulations were amended to remove the specification designation 106A500 from sections affected since the "grandfather" authorization for the use of this specification is provided for in § 173.31(a)(2). Section 173.285 was overlooked in making this editorial change. The Board proposes to delete the unnecessary reference to DOT-106A500 tanks in § 173.285. However, since the provisions of §173.285 are proposed to be combined into § 173.246 the reference to 106A500 tanks in this latter section is also proposed to be omitted.

In consideration of the foregoing, it is proposed to amend 49 CFR Parts 172 and 173 as follows:

I. Part 172—List of Hazardous Materials Containing the Shipping Name or Description of all Materials Subject to Parts 170-189 of this subchapter.

In § 172.5, paragraph (a), the list of hazardous materials would be amended as follows:

§ 172.5 List of hazardous materials.

(a) • • •

Article	Classed as—	Exemption and packing (see sec.)	Label required if not exempt	Maximum quantity in 1 outside container by rail express
(Add)				
Iodine pentafluoride	Cor.	No exemption, 173.246	Corrosive	100 pounds.
(Change)				
Antimony pentafluoride	Cor.	No exemption, 173.246	Corrosive	25 pounds.
Bromine pentafluoride	Cor.	No exemption, 173.246	Corrosive	100 pounds.
Bromine trifluoride	Cor.	No exemption, 173.246	Corrosive	100 pounds.
Chlorine trifluoride	Cor.	No exemption, 173.246	Corrosive	100 pounds.

II. Part 173—Shippers:

(A) In Part 173—Table of contents, § 173.246 would be amended; §§ 173.283, 173.284, and 173.285 would be canceled as follows:

Sec.
173.246 Antimony pentafluoride, bromine pentafluoride, iodine pentafluoride, bromine trifluoride, and chlorine trifluoride.
173.283 [Canceled]
173.284 [Canceled]
173.285 [Canceled]

(B) In § 173.246, the heading, paragraph (a), and paragraph (a)(1) would be added to read as follows:

§ 173.246 Antimony pentafluoride, bromine pentafluoride, iodine pentafluoride, bromine trifluoride, and chlorine trifluoride.

(a) Antimony pentafluoride must be commercially anhydrous. Materials cited in the heading of this section must be packed in specification packagings as follows:

(1) Specification 3A150, 3AA150, 3B240, 3BN150, 4B240, 4BA240, 4BW240, or 3E1800 (§§ 178.36, 178.37, 178.38, 178.39, 178.50, 178.51, 178.61, 178.42 of this subchapter). Cylinders. Each valve outlet must be sealed by a threaded cap or a threaded plug. Cylinder valves must be protected as specified for corrosive gases in § 173.301(g). No cylinder may be equipped with any safety relief device. Specification 3E1800 cylinders must be packaged in accordance with the requirements of § 173.301(k).

(2) Specification 106A500X or 110A 500W (§§ 179.300, 179.301 of this subchapter). Tanks. Authorized for iodine pentafluoride and chlorine trifluoride only. Each tank must be equipped with a valve protection cover and with solid steel plugs in place of fusible plug safety devices. No tank may be equipped with any safety relief device.

§§ 173.283, 173.284 and 173.285 [Canceled]

(C) Section 173.283 would be canceled.
(D) Section 173.284 would be canceled.

(E) Section 173.285 would be canceled.

PROPOSAL B—DOT SPECIFICATION 51 PORTABLE TANKS

The Hazardous Materials Regulations Board is considering an amendment to §§ 173.32, 173.206, and 178.245 of the Department's hazardous materials regulations to limit the requirement for a reflective exterior surface finish on DOT Specification 51 portable tanks to only those tanks containing compressed gas, and to eliminate this requirement for other substances, such as flammable liquids. The Board is also proposing to refine the language that provides for this requirement.

The present requirements in § 178.245-1(c) specify that every uninsulated or nonjacketed DOT Specification 51 portable tank must be painted a white, aluminum, or similar reflecting color. This requirement applies to all DOT Specification 51 portable tanks containing hazardous materials, except when otherwise provided in the regulations.

This proposal is based primarily on a petition submitted by the Manufacturing Chemists Association, Inc.

The petitioner states that sunlight and its reflection on a DOT Specification 51 portable tank is a significant concern only for tanks containing liquid products having relatively high vapor pressures such as liquefied compressed gases.

The Board considers that the petitioner's comments with regard to the effect of sunlight on these tanks have merit and proposes to require that only those uninsulated DOT Specification 51 portable tanks used to transport compressed gases have a reflective exterior surface.

Section 173.206(c)(4) presently exempts DOT Specification 51 portable tanks from the painting requirements of § 178.245-1(c) when these tanks are used exclusively to transport metallic sodium. Confining the application of the light reflecting exterior surface requirement only to DOT specification 51 portable tanks containing compressed gases makes this exemption redundant for metallic sodium. Therefore, the Board proposes to amend § 173.206(c)(4) by removing the redundant sentence.

In consideration of the foregoing, it is proposed to amend 49 CFR Parts 173 and 178 as follows:

I. Part 173—Shippers:

(A) In § 173.32, paragraph (a)(3) would be added to read as follows:

§ 173.32 Qualification, testing, maintenance, and use of portable tanks.

(a) • • •

(3) Each uninsulated portable tank used for the transportation of compressed gases, as defined in § 173.300, must have an exterior surface finish complying with § 178.245-1(c) of this subchapter.

• • • • •

(B) In § 173.206, paragraph (c)(4) would be amended as follows:

§ 173.206 Sodium or potassium, metallic, sodium amide, sodium potassium alloys, sodium aluminum hydride, lithium metal, lithium silicon, lithium ferro silicon, lithium hydride, and lithium aluminum hydride.

• • • • •

(c) • • •

(4) Specification 51 (§ 178.245 of this subchapter). Portable tank. Each tank must have a minimum design pressure of 150 p.s.i.g. Each tank must be equipped with safety valves having a start-to-discharge pressure of 150 p.s.i.g. If a tank has exterior heating coils these coils must be welded to the tank and must be stress relieved. The material must be in molten condition when loaded and the tank must be held for sufficient time to allow the material to be completely solidified before being offered for transportation. Outage must be five percent or more at sodium fusion temperature of 208° F.

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II. Part 178—Shipping Container Specifications.

In § 178.245-1, paragraph (c) would be amended as follows:

§ 178.245 Specification 51; steel portable tanks.

§ 178.245-1 Requirements for design and construction.

• • • • •

(c) Each uninsulated tank used for the transportation of compressed gas, as defined in § 173.300 of this subchapter, must have an exterior surface finish that is significantly reflective such as a light reflecting color if painted, or a bright reflective metal or other material if unpainted.

PROPOSAL C—FLAMMABLE LIQUIDS, N.O.S. IN TANK MOTOR VEHICLES

The Hazardous Materials Regulations Board is considering an amendment to § 173.119(e)(3) of the Department's Hazardous Materials Regulations to prohibit the transportation of flammable liquids, having a Reid vapor pressure between 16 p.s.i.a. and 27 p.s.i.a. at 100° F., in certain tank motor vehicles.

The Manufacturing Chemists Association, Inc. (MCA) submitted a petition to the Board which proposed to prohibit the use of certain tank motor vehicles for products having vapor pressures in excess of 18 p.s.i.a. except under certain conditions. MCA stated that many products which fall within § 173.119(e)(3) can generate up to 12 p.s.i.g. The Board is aware that with such pressures, intermittent or continuous venting of flammable vapors will occur if the tank motor vehicle is equipped with safety relief devices of 3 p.s.i.g. or less.

The Board does not agree completely with the MCA petition because it does not provide for safety relief valves of a proper design and setting for the flammable materials involved. Also, some of these tanks do not have adequate design pressures to prevent the venting of vapors under normal conditions of transportation.

Therefore, the Board proposes to amend § 173.119(e)(3) to prohibit use of certain lower design pressure cargo tanks in order to more adequately preclude venting of flammable vapors during transportation of these products.

In consideration of the foregoing, it is proposed to amend 49 CFR Part 173 as follows:

In § 173.119, paragraph (e)(3) would be amended to read as follows:

§ 173.119 Flammable liquids not specifically provided for.

• • • • • •

(e) • • •

(3) Specification MC 304, MC 307, MC 330, or MC 331 (§§ 178.340, 178.342, 178.337 of this subchapter). Tank motor vehicles. Necessary interior cleaning of the tanks must be performed between changes in lading. Each safety relief device must have a start-to-discharge pressure of not less than 25 p.s.i.g. Each tank must meet the following requirements as applicable:

(i) Bottom outlets on each specification MC 304 cargo tank must be equipped with valves conforming to the requirements of § 178.342-5(a) of this subchapter; and

(ii) Bottom outlets on each specification MC 330 and MC 331 cargo tank must be equipped with valves conforming to the requirements of § 178.337-11(c) of this subchapter. Safety relief devices on these tanks must be in accordance with specification MC 331 (§ 178.337 of this subchapter) requirements.

PROPOSAL D—MERCAPTANS IN DOT SPECIFICATION 51 PORTABLE TANKS

The Hazardous Materials Regulations Board is considering an amendment to § 173.141 of the Department's Hazardous Materials Regulations to authorize shipment of amyl mercaptan, butyl mercaptan, ethyl mercaptan, isopropyl mercaptan, propyl mercaptan, and aliphatic mercaptan mixtures in specification 51 steel portable tanks.

This proposal is based on a petition from a special permit holder who has reported to the Board that he has had satisfactory shipping experience with DOT Specification 51 portable tanks in transporting the previously mentioned materials.

The proposed amendment would require the use of a safety-relief valve with the specification 51 tank. In the case of extremely dangerous poisons, the likelihood of leakage of a valve must be weighed against the probability of the tank being involved in a fire. Probabilities may sometimes indicate that a valve would be more hazardous under overall continual exposure in transportation. Mercaptans do not pose this type of toxic hazard. Therefore, the Board proposes to require safety relief valves.

In consideration of the foregoing, it is proposed to amend 49 CFR Part 173 as follows:

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In § 173.141, paragraph (a) (10) would be added to read as follows:

§ 173.141 Amyl mercaptan, butyl mercaptan, ethyl mercaptan, isopropyl mercaptan, propyl mercaptan, and aliphatic mercaptan mixtures.

(a) • • •

(10) Specification 51 (§ 178.245 of this subchapter). Portable tank. Each tank must be equipped with safety relief valves which must be in compliance with all requirements of § 173.315(1) except for paragraphs (1)(9), (10), and (11). A tank must not be liquid full at 130° F.

• • • • • •

PROPOSAL E—SODIUM HYDROSULFITE IN DOT SPECIFICATION 56 PORTABLE TANKS

The Hazardous Materials Regulations Board is considering an amendment to section 173.204 to authorize the shipment of sodium hydrosulfite in DOT Specification 56 portable tanks.

This proposal is based on a petition by a special permit holder who has submitted reports indicating satisfactory shipping experience for over 3 years with the packaging authorized under the special permit.

To insure safety in transportation with sodium hydrosulfite in DOT Specification 56 portable tanks, the proposal requires that each tank be shipped in closed transportation equipment to protect against moisture contact. For trailer-on-flat-car and container-on-flat-car service each tank must be secured in accordance with Bureau of Explosives' Pamphlet 6C to prevent damages under normal conditions of transportation.

In consideration of the foregoing, it is proposed to amend 49 CFR Parts 173 and 174 as follows:

I. Part 173—Shippers:

In § 173.204, paragraph (a)(8) would be added to read as follows:

§ 173.204 Sodium hydrosulfite.

(a) • • •

(8) Specification 56 (§§ 178.251, 178.252 of this subchapter). Portable tank. Authorized only for shipment in a closed transport vehicle. For rail transportation see § 174.534 of this subchapter. Not authorized for transportation by water.

II. Part 174—Carriers by Rail Freight:

In § 174.534, paragraph (b) would be added to read as follows:

§ 174.534 Portable containers or tanks.

• • • • • •

(b) Specifications 52, 53, 56, and 57 (§§ 178.251, 178.252, 178.253 of this subchapter) portable tanks must be shipped only in a rail car that provides specific facilities for bracing and tie down of these tanks. If TOFC or COFC service is utilized, tanks must be secured in trailer bodies in compliance with Bureau of Explosives' Pamphlet 6C.

PROPOSAL F—LITHIUM METAL WIRE AND CERTAIN ALKALI MATERIALS

The Hazardous Materials Regulations Board is considering an amendment to § 173.206 of the Department's Hazardous Materials Regulations to authorize the shipment of lithium metal wire in a Specification 12B fiberboard box with inside air-tight nonsparking metal packagings, and to authorize the shipment of certain alkali metal and alkali metal compounds in either a Specification 19A or 19B wooden box with inside air-tight metal packagings.

The lithium metal wire proposal is based on a petition by a special permit holder who has submitted reports indicating satisfactory shipping experience for over 7 years with the packaging authorized under the special permit.

The proposal to amend § 173.206(a)(1) is based on a petition by a special permit holder, that proposes use of the packaging authorized by the special permit. The petitioner contends that the integrity of Specifications 19A and 19B outer packagings is equal to or exceeds that of other wooden boxes authorized by the Hazardous Materials Regulations in section 173.206.

In consideration of the foregoing, it is proposed to amend 49 CFR Part 173 as follows:

In § 173.206, paragraph (a)(1) would be amended and (a)(11) would be added to read as follows:

§ 173.206 Sodium or potassium, metallic, sodium amide, sodium potassium alloys, sodium aluminum hydride, lithium metal, lithium silicon, lithium ferro silicon, lithium hydride, and lithium aluminum hydride.

(a) • • •

(1) Specification 15A, 15B, 19A, or 19B (§§ 178.168, 178.169, 178.190, 178.191 of this subchapter). Wooden boxes must have inside air-tight metal packagings. Each inside air-tight metal packaging must have a closing device securely fastened by positive means (not friction). For shipments of lithium aluminum hydride, each inside metal packaging must not exceed 1 gallon capacity and must be securely closed, positive means not required. Each inside metal packaging containing lithium aluminum hydride must be cushioned in outside packagings with sufficient incombustible packaging material.

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(11) Specification 12B (§ 178.205 of this subchapter). Fiberboard box. Authorized only for lithium metal in wire form. Fiberboard box must have inside nonsparking metal packaging. Each inside nonsparking metal packaging must be tin coated and sealed by rolled-on lids. The contents of each inside packaging must be coated with heavy mineral oil or petroleum and wound on a 3-inch by 3-inch nonsparking metal spool. The net weight of the contents in each inside packaging must not exceed one-fourth pound.

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PROPOSAL G—WET ZIRCONIUM METAL POWDER IN DOT 37M/2S PACKAGING

The Hazardous Materials Regulations Board is considering an amendment to § 173.214(c) of the Department's Hazardous Materials Regulations to authorize the shipment of wet zirconium metal powder in a DOT specification 37M nonreusable cylindrical steel overpack with an inside DOT specification 2S polyethylene container. The overpack would be required to be constructed of 24-gage steel throughout and the packaging would be restricted to a maximum capacity of 5 gallons.

Under the present regulations wet zirconium metal powder may be shipped in a 5 gallon capacity 24-gage nonreusable steel drum (DOT–37P) with an inside polyethylene container having a minimum thickness of 0.010 inch. Also, this material has been shipped under special permit for over 5 years without any loss of product in a 5 gallon capacity, 24-gage steel drum (DOT–6D) with an inside polyethylene container (DOT–2S) having a minimum thickness of 0.0625 inch. The permit prohibited reuse of the packaging. The proposed packaging would allow use of a 5 gallon capacity, 24-gage nonreusable steel drum (DOT–37M) with an inside polyethylene container (DOT–2S) having a minimum thickness of 0.0625 inch.

The Board considered a petition requesting an amendment to the regulations which would have provided for the use of nonreusable DOT–6D/2S packagings with wet zirconium metal power based on the satisfactory shipping data that was reported under special permit. However, in the regulations, the DOT–6D outside packaging is reusable. The Board believes that a change to make this reusable packaging nonreusable for shipment of one hazardous material could be confusing and increase the possibility of reuse of the packaging which could detrimentally affect the safe transportation of this material. Therefore, the Board proposes that wet zirconium metal powder be authorized for shipment in a nonreusable DOT specification 37M, made of 24 gage throughout and restricted to 5 gallons capacity, with an inside DOT specification 2S polyethylene container.

The fact that a DOT–37M nonreusable packaging is required to be constructed similar to the DOT–6D reusable packaging except for gage requirements lends support to the Board's proposal. By requiring the DOT–37M to be constructed of 24 gage, it is the Board's opinion that the proposed packaging is equivalent to the DOT–6D packaging currently authorized under special permit and is better than the DOT–37P packaging presently authorized. This regulation change would give shippers an alternate method of packaging without detriment to the safe transportation of this material.

In consideration of the foregoing, it is proposed to amend 49 CFR Part 173 as follows:

In § 173.214, paragraph (c)(4) would be added to read as follows:

§ 173.214 Hafnium metal or zirconium metal, wet, minimum 25 percent water by weight, mechanically produced, finer than 270 mesh particle size; hafnium metal or zirconium metal, dry, in an atmosphere of inert gas, mechanically produced, finer than 270 mesh particle size; hafnium metal or zirconium metal, wet, minimum 25 percent water by weight, chemically produced (see Note 1), finer than 20 mesh particle size; hafnium metal or zirconium metal, dry, in an atmosphere of inert gas, chemically produced (see Note 1), finer than 20 mesh particle size.

• • • • • •

(c) • • •

(4) Specification 37M (§ 178.134 of this subchapter). Cylindrical steel overpack with inside specification 2S (§ 178.35 of this subchapter) polyethylene container. Each overpack must be constructed of at least 24-gage steel. Each packaging may not exceed a capacity of 5 gallons. Net weight of contents may not exceed 50 pounds of dry material.

• • • • • •

PROPOSAL H—BROMINE IN MC 310 AND MC 312 CARGO TANKS

The Hazardous Materials Regulations Board is considering an amendment to § 173.252 of the Department's Hazardous Materials Regulations to change the quantity requirements for bromine authorized in MC 310 and MC 312 cargo tanks, to change the cladding and lining requirements for these cargo tanks, and to make editorial changes in Specification 105A300W tank car requirements.

This proposal is based, in part, on a petition from a holder of a special permit to amend the regulations applying to the amount of bromine which may be transported in MC 310 and MC 312 cargo tanks. The petitioner has proposed that the reference to product weight be deleted from the regulations and that the filling of bromine shipped in cargo tanks be controlled by a percentage of the water weight capacity of the tank. The regulations now permit up to 30,000 pounds of bromine to be transported in these tanks. Data reported to the Board in connection with a special permit allowing the transportation of 45,000 pounds of bromine in these cargo tanks indicates satisfactory shipping experience.

The quantity of bromine loaded into these tanks is controlled by the design of the cargo tank. Therefore, the Board is of the opinion that the quantity of bromine shipped in MC 310 and MC 312 cargo tanks need not be restricted by product weight and it is proper to restrict filling by a stated percentage of the water weight capacity of the tank. Accordingly, the Board proposes that § 173.252(a)(4) be amended so that the maximum quantity of bromine loaded into a tank must not exceed 300 percent of the water weight capacity of the tank.

Section 173.252(a)(3) requires a Specification 105A300W tank car used for bromine to be lined with lead at least $\frac{3}{16}$-inch thick. Section 173.252(a)(4) currently requires Specification MC 310 and MC 312 cargo tanks used for bromine to be lined with lead at least $\frac{3}{8}$-inch thick. The $\frac{3}{4}$-inch lead lining appears overly restrictive in relation to the $\frac{3}{16}$-inch requirement for rail tank cars. Therefore, the Board proposes to amend the present regulations applicable to Specification MC 310 and MC 312 cargo tanks in bromine service to authorize a minimum $\frac{3}{16}$-inch lead lining which is similar to the rail tank car requirement in § 173.252(a)(3).

Section 173.252(a)(3) provides an alternative (either cladding or lead lining) on all authorized tank cars. Section 173.252(a)(4) provides only a lead lining for certain Specification MC 310 and MC 312 cargo tanks, and § 173.252(a)(5) provides only for cladding of Specification MC 310 and MC 312 cargo tanks. The Board proposes to include in one paragraph all the alternatives for Specification MC 310 and MC 312 cargo tanks in bromine service.

The Board also proposes minor editorial and format changes in § 173.252(a)(3) for Specification 105A300W tank cars.

In consideration of the foregoing, it is proposed to amend 49 CFR Part 173 as follows:

In § 173.252, paragraphs (a)(3) and (a)(4) would be amended; and paragraph (a)(5) would be canceled as follows:

§ 173.252 Bromine.

(a) • • •

(3) Spec. 105A300W (§§ 179.100, 179.101 of this subchapter). Tank car. Each tank must have a nickel cladding material on the inside surface comprising at least 20 percent of the total thickness, or be lined with lead no less than $\frac{3}{16}$-inch thick. Openings in tank heads to facilitate application of lead lining are authorized and must be closed in an approved manner. All closures and appurtenances which are in contact with the lading must be lead lined or must be made of metal not subject to rapid deterioration by contact with the lading. All interior welds in nickel clad tanks must be protected by pure nickel butt straps. Except as otherwise provided herein, the water weight capacity of the tank must not be more than 20,400 pounds, and the maximum quantity of liquid bromine loaded into the tank must not be more than 60,000 pounds or 300 percent of the water weight capacity of the tank, whichever quantity is less. The total quantity loaded must not be less than 98 percent of the quantity the tank is authorized to carry.

(i) A tank constructed and maintained in full compliance with the requirements of a Specification DOT–105A500W is authorized for larger capacities of bromine. However, this tank may be marked DOT–105A300W and may be equipped with manway cover plates, safety valves, venting valves, loading valves, and unloading valves that are in compliance with the requirements of a Specification DOT–105A300W tank. The water weight capacity of this tank must not be more than 37,400 pounds, and the maximum quanity of liquid bromine loaded into the tank must not be more than 110,000 pounds or 300 percent of the water weight capacity of the tank, whichever quantity is less.

(4) Specification MC 310 or MC 312 (§ 178.343 of this subchapter). Tank motor vehicles. Each tank must have a shell and head thickness of at least three-eighths inch. Each tank must have a nickel cladding material on the inside surface comprising at least 20 percent of the total thickness or be lined with lead at least 3/16-inch thick. The cladding material must conform to requirements of ASTM Specification B–162–69. The composite plate must conform to requirements of ASTM Specification A–265–69. The maximum quantity of liquid bromine loaded into the tank must not exceed 300 percent of the water weight capacity of the tank. The total quantity loaded must not be less than 98 percent of the quantity the tank is authorized to carry.

(5) [Canceled]

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PROPOSAL I—FLUOSULFONIC ACID IN CARGO TANKS

The Hazardous Materials Regulations Board is considering an amendment to § 173.274 of the Department's Hazardous Materials Regulations to authorize the shipment of fluosulfonic acid in DOT specifications MC 310, MC 311, and MC 312 cargo tanks.

This proposal is based on several years of satisfactory shipping experience reported to the Board under special permit. These changes would provide alternate methods of packagings without affecting the safe transportation of this commodity.

On the basis of the satisfactory shipping experience the Board is proposing to incorporate the provisions of the special permit into the regulations.

In consideration of the foregoing, it is proposed to amend 49 CFR Part 173 as follows:

In § 173.274, paragraph (a)(4) would be added to read as follows:

§ 173.274 Fluosulfonic acid.

(a) • • •

(4) Specification MC 310, MC 311, or MC 312 (§ 178.343 of this subchapter). Tank motor vehicles.

PROPOSAL J—LIQUIFIED PETROLEUM GAS IN DOT SPECIFICATION 2P AND 2Q CONTAINERS

The Hazardous Materials Regulations Board is considering an amendment to § 173.804(d)(3)(ii) of the Departments hazardous materials regulations to provide for the transportation of liquefied petroleum gas in specification 2P and 2Q containers, without safety relief devices, with slightly increased charging pressures. Also, specification 2Q containers with safety relief devices are proposed as alternate shipping containers for the shipment of liquefied petroleum gas.

This proposal is based on a petition from the Chemical Specialties Manufacturers Association, Inc., and several special permit holders. Five years of satisfactory experience reported under special permits issued by the Department supports the position of the petitioners that liquefied petroleum gas may be shipped

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safely in specification 2P and 2Q containers, without safety relief devices, with maximum charging pressures of 35 p.s.i.g. at 70° F. and 100 p.s.i.g. at 130° F. The maximum charging pressures now authorized at 26 p.s.i.g. at 70° F. and 84 p.s.i.g. at 130° F.

In consideration of the foregoing, it is proposed to amend 49 CFR Part 173 as follows:

In § 173.304 paragraph (d)(3)(ii), the table would be amended to read as follows:

§ 173.304 Charging of cylinders with liquefied compressed gas.

• • • • • •

(d) • • •

(3) • • •

(ii) • • •

Type of container	Maximum capacity		Maximum charging pressure—p.s.i.g.
	Cubic inches	Gallons	
DOT-2P or DOT-2Q (see Note 1)	31.83		45 p.s.i.g. at 70° F. and 105 p.s.i.g. at 130° F. (see Note 2).
DOT-2P or DOT-2Q (see Note 1)	31.83		35 p.s.i.g. at 70° F. and 100 p.s.i.g. at 130° F.
DOT-3C or DOT-4C	3,881	16+5% tolerance	145 p.s.i.g. at 130° F.

Notes 1 and 2 remain the same.

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PROPOSAL K—AUDIBLE FIRE ALARM SYSTEMS AND FIRE EXTINGUISHERS

The Hazardous Materials Regulations Board is considering amendments to § 173.306 of the Department's hazardous materials regulations to change the requirements for exemption from specification packaging, marking, and labeling for the shipment of audible fire alarm systems and fire extinguishers. The present exemption requirements for audible fire alarm systems and fire extinguishers are found in §§ 173.306(b)(6) and 173.306(c), respectively.

The part of this proposal which deals with changing the exemption requirements for audible fire alarm systems is based on a petition from a holder of a special permit. The special permit exempts audible fire alarm systems from specification packaging, marking, and labeling requirements when the alarm system complies with all of the requirements of § 173.306(b)(6) except the system must have a minimum burst pressure of 850 p.s.i.g. The reported experience under special permit which has been in effect for over 2 years without any incidents appears to justify a change in the regulations. However, the petitioner requested that the present regulations requiring a 1,000 p.s.i.g. burst pressure be amended to require the system to withstand a burst pressure of four times the charged pressure at 130° F. In essence, the petitioner is requesting that the burst pressure of the system be reduced from its present 1,000 p.s.i.g. requirement to 720 p.s.i.g. This request is a further reduction of requirements of the special permit which requires a minimum burst pressure of 850 p.s.i.g. After careful consideration of all the facts and a review of the cylinder used under the involved special permit, the Board has determined that the requirements for exempting cylinders used in audible fire alarm systems must include a burst pressure of not less than five times its charged pressure at 130° F. This requirement would preserve the integrity of the system at a level more similar to that presently maintained by the provisions of the special permit.

The portion of this proposal which changes the exemption requirements for fire extinguishers was developed by the Hazardous Materials Regulations Board on the basis of a need, as explained below, to improve the regulations covering cylinders used as fire extinguishers by making these requirements performance oriented.

It is proposed to amend § 173.306(c), which provides the requirements for exemption for fire extinguishers to permit an increase in the maximum charging pressure of the cylinder, to require that the cylinder be designed and fabricated to a burst pressure at 70° F., and to require the cylinder to be marked with a statement that it complies with the requirements of this section.

The proposed increase in the maximum charging pressure has been justified by the satisfactory experience reports received by the Board on these cylinders shipped under special permit.

The proposed requirement that the cylinder must have a burst pressure of six times its charged pressure at 70° F. is based on the premise that the prescribed test pressure of three times the service pressure may cause unsafe stressing of the fire extinguisher if the burst pressure is not specified. Therefore, a minimum ratio of burst pressure to service pressure at 70° F. is necessary. In keeping with well established design concepts, a ratio of six times the pressure at 70° F. is considered safe for all materials.

The proposed requirement that each cylinder be marked with a compliance statement is considered necessary by the Board to verify after the initial shipment that the nonspecification cylinder complies with the exemption requirements of § 173.306(c).

The Board believes that its regulations should be as compatible as possible with the regulations of other Federal agencies. In past rule making activities such as Docket No. HM-57 (37 FR 5946) and Docket No. HM-96 (37 FR 20554), the Board has adopted references to other Federal agency regulations. Likewise, in this proposed notice of rule making, the Board has referenced the Department of Labor's Occupational Safety and Health Administration regulations with respect to retesting requirements for fire extinguishers to reduce the number of duplications and to avoid nonessential variations in specifications between agencies.

In consideration of the foregoing, it is proposed to amend 49 CFR Part 173 as follows:

In § 173.306, paragraph (b)(6) and paragraph (c) would be amended to read as follows:

§ 173.306 Exemptions from compliance with regulations for shipping compressed gas.

• • • • • •

(b) • • •

(6) Audible fire alarm systems powered by a compressed gas contained in an inside metal container when shipped under the following conditions:

(i) Each inside container must have contents which are not flammable, poisonous, or corrosive as defined under this part;

(ii) Each inside container may not have a capacity exceeding 35 cubic inches (19.3 fluid ounces);

(iii) Each inside container may not have a pressure exceeding 70 p.s.i.g. at 70° F. and the liquid portion of the gas may not completely fill the inside container at 130° F., and

(iv) Each inside container must be designed and fabricated with a burst pressure of not less than five times its charged pressure at 130° F.

(c) *Fire extinguishers.* Fire extinguishers charged with a compressed gas to not more than 240 p.s.i.g. at 70° F. are exempt from specification packaging, marking, and labeling requirements when shipped under the following conditions, except that marketing name of contents on outside packaging is required for shipments via carriers by water. In addition to the above exemptions, shipments via highway carriers are exempt from Part 177 of this subchapter, except § 177.817.

(1) Each fire extinguisher must be shipped as an inside packaging;

(2) Each fire extinguisher must have contents which are not flammable, poisonous, or corrosive as defined under this part.

(3) Each fire extinguisher under stored pressure may not have an internal volume exceeding 1,100 cubic inches. For fire extinguishers not exceeding 35 cubic inches capacity, the liquid portion of the gas plus any additional liquid or solid must not completely fill the container at 130° F. Fire extinguishers exceeding 35 cubic inches capacity may not contain any liquified compressed gas;

(4) Each fire extinguisher must be designed and fabricated with a burst pressure of not less than six times its charged pressure at 70° F. when shipped;

(5) Each fire extinguisher must be tested, without evidence of failure or damage, to at least three times its charged pressure at 70° F. but not less than 120 p.s.i.g., before intial shipment. For any subsequent shipment, each fire extinguisher must be in compliance with the retest requirements of the Occupational Safety and Health Administration regulations of the Department of Labor, 29 CFR 1910.157(d), and

(6) Each fire extinguisher manufactured after (*effective date of amendment*) and filled and shipped under this paragraph must be legibly and durably marked "This extinguisher meets all requirements of 49 CFR 173.306(c)."

(7) When Specification 2P or 2Q packagings are used, subparagraphs (4) through (6) of this paragraph are not applicable provided each packaging meets the requirements of paragraph (a) of this section.

• • • • • •

PROPOSAL L—HYDROGEN SULFIDE IN MULTI-UNIT TANK CAR TANKS

The Hazardous Materials Regulations Board is considering an amendment to §§ 173.314 and 179.302 of the Department's Hazardous Materials Regulations to require use of safety relief devices on multiunit tank car tanks transporting hydrogen sulfide.

This proposal is based on a petition by the Compressed Gas Association, Inc., to amend the regulations as described above. The present regulations prohibit the use of safety relief devices on multiunit tank car tanks containing hydrogen sulfide but they are required on cylinders transporting this same material. Also, tank cars and tank trucks transporting hydrogen sulfide are required to have safety relief devices. The petitioner stated that the regulations are inconsistent in their requirements concerning the transportation of hydrogen sulfide.

It must be noted that the safety relief device prohibition on multiunit tank car tanks was based on the belief that an important hazard for packaging considerations was the high toxicity of hydrogen sulfide even though this material has always been classed as a flammable gas. The Board's proposal continues to recognize this property but seeks to provide against any violent rupture in a fire. The overriding concern is considered to be a violent rupture in a fire because of a gas container having no relief devices. The Board is of the opinion that the adoption of this proposal would make the transportation of hydrogen sulfide in multiunit tank car tanks safer. The present regulation, although prohibiting use of a safety relief device, does require the multiunit tank car tanks to be equipped with solid steel plugs in the safety relief device openings. If a tank were subjected to a fire environment, the high temperature created by the fire would cause an increase in pressure within the tank which could result in its violent rupture. However, if the tank were equipped with adequate fusible plug type safety relief devices instead of the required solid steel plugs, in the same fire environment, the safety relief devices should permit controlled release of the material and prevent a rupture of the tank.

When reviewing this proposal it will be necessary to review Docket No. HM-97, Notice No. 72-1 (37 FR 4295) Proposal H for a complete understanding of these proposed changes.

In consideration of the foregoing, it is proposed to amend 49 CFR Parts 173 and 179 as follows:

I. Part 173—Shippers:

In § 173.314, paragraph (c), Table, Note 8 would be amended to read as follows:

§ 173.314 Requirements for compressed gases in tank cars.

• • • • • •

(c) • • •

NOTE 8: Each tank must be equipped with adequate safety relief devices of the fusible plug type having a yield temperature not over 170° F., nor less than 157° F. Each device must be resistant to extrusion of the fusible alloy and leak tight at 130° F.

Commodity	Safety relief device	Valve protective housing	Miscellaneous
(*Change*)			
Hydrogen sulfide	Fusible plugs required[7].	Required[8].	(5)

[7] Safety relief devices for hydrogen sulfide must be of the fusible plug type utilizing a fusible alloy with yield temperature not over 170° F., nor less than 157° F. Each device must be resistant to extrusion of the fusible alloy and leak tight at 130° F.

PROPOSAL M—DELETION OF OBSOLETE SPECIFICATIONS

The Hazardous Materials Regulations Board is considering amendments to Parts 173 and 178 of the Department's hazardous materials regulations affecting those sections that authorize use and construction of wooden barrels and kegs made under Specifications 10A, 10B, 10C, 11A, and 11B (§§ 178.155, 178.156, 178.157, 178.160, 178.161). The Board proposes to cancel these specifications and the many authorizations for their use.

The reasons for this proposal are:

1. The Board believes these specifications are no longer used for shipment of hazardous materials, or if so, for very limited purposes;

2. The testing requirements (if any) specified for these packages are considered incomplete and inconsistent with testing requirements currently prescribed; and

3. The Board wishes to continue its effect to remove obsolete specifications from the hazardous materials regulations.

Any person using one of the above-listed specification barrels or kegs who desires that it be continued in the regulations for either construction or use should provide the Board with information concerning its use, including the number being used and the type of use. Also, any commenter may supply the Board with information concerning performance criteria for these containers including criteria pertaining to their capability of withstanding a 4-foot drop test such as is specified in § 178.116-12.

In consideration of the foregoing, the above specifications and references thereto would be deleted from the following sections:

I. PART 173—SHIPPERS

173.60	173.73	173.91
173.64	173.74	173.93
173.65	173.75	173.108
173.70	173.76	173.119
173.71	173.77	173.121
173.72	173.78	173.125
173.127	173.216	173.292
173.128	173.219	173.294
173.129	173.229	173.295
173.131	173.234	173.299a
173.132	173.235	173.346
173.144	173.239a	173.348
173.147	173.245	173.349
173.154	173.247	173.351
173.155	173.249	173.360
173.163	173.250	173.361
173.168	173.254	173.362a
173.178	173.257	173.365
173.184	173.262	173.366
173.187	173.263	173.367
173.188	173.265	173.368
173.191	173.266	173.369
173.194	173.268	173.370
173.195	173.270	173.371
173.201	173.271	173.372
173.204	173.287	173.373
173.205	173.289	173.374
173.214	173.291	173.376

II. PART 178—SHIPPING CONTAINER SPECIFICATIONS

178.155	178.157	178.161
178.156	178.160	

Interested persons are invited to give their views on these proposals. Communications should identify the docket number and the proposal and be submitted in duplicate to the Secretary, Hazardous Materials Board, Department of Transportation, 400 Sixth Street SW., Washington, DC 20590. Communications received on or before April 24, 1973, will be considered before final action is taken on these proposals. All comments received will be available for examination by interested persons at the Office of the Secretary, Hazardous Materials Regulations Board, both before and after the closing date for comments.

(Secs. 831–835, title 18, United States Code, sec. 9, Department of Transportation Act, 49 U.S.C. 1657, title VI; sec. 902(h), Federal Aviation Act of 1958, 49 U.S.C. 1421–1472(h), 1655(c))

Issued in Washington, D.C., on March 15, 1973.

W. J. BURNS,
Director,
Office of Hazardous Materials.

[FR Doc.73-5281 Filed 3-21-73;8:45 am]

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ATOMIC ENERGY COMMISSION

[10 CFR Part 50]

[Docket No. RM 50-4]

LICENSING OF PRODUCTION AND UTILIZATION FACILITIES

Further Notice of Hearing Regarding Environmental Effects of Transportation of Fuel and Waste From Nuclear Power Reactors

On March 13, 1973, the Hearing Board designated by the Commission in the above-entitled proceeding, held a Procedure Planning Session in Washington, D.C., pursuant to telegraphic invitations which were extended to all participants who had filed appearances and/or statements in the matter. The purpose of the Planning Session, among other things, was to inform the participants of the procedures which were to govern the hearings on April 2, 1973, to set up schedules for appearances by participants, and to assign dates and time to be allowed for oral presentations by each group and participant who had filed notices and requests for opportunity to make an oral presentation.

Pursuant to the information and requests received by the Board at the Planning Session, together with the understandings and agreements expressed by the participants, the Board has determined upon a schedule of appearances for participants who are to make oral presentations in addition to the submission of written statements.

Accordingly, the following schedule will govern the conduct of the hearings to be held commencing 10 a.m., April 2, 1973, in Room 2Q08, New Executive Office Building, 17th and H Streets NW., Washington, D.C., and the following list will indicate the participants and the dates and time allowed for oral presentation:

MONDAY, APRIL 2, 1973

MORNING SESSION—10 A.M.

1. Regulatory Staff, U.S. Atomic Energy Commission (Lester Rogers and James P. Murray, Esq.), 60 minutes.

2. U.S. Environmental Protection Agency (W. D. Rowe, Deputy Assistant Administrator for Radiation Programs), 30 minutes.

3. Richard H. Sandler (Energy Consultant to Ralph Nader Organization), 30 minutes.

AFTERNOON SESSION—2 P.M.

4. Baltimore Gas & Electric Co. and other named utility companies appearing jointly (George C. Freeman, Jr., Esq.), 60 minutes.

5. Atomic Industrial Forum, Inc. (Edwin A. Wiggin, executive vice president and George L. Gleason, Esq.), 60 minutes.

As the participants have been advised, the Commission's notice of rule making herein, published in the FEDERAL REGISTER on February 5, 1973, provided that written comments or suggestions on the proposed amendments to Appendix D, Part 50 of the rules, or on the Environmental Survey of Transportation of Radioactive Materials issued by the Staff in December 1972, are to be filed with the Secretary of the Commission by March 22, 1973.

Further, the participants appearing at the Oral Hearings commencing April 2d are requested, in accordance with the understandings reached at the Planning Session, to furnish the individual members of the Board, at least 48 hours in advance, with copies of any additional written submissions proposed to be presented on April 2d and with brief outlines of the major areas to be presented orally; and, at the same time, to file 10 additional copies of such additional written submissions in the Office of the Secretary of the Commission at 1717 H Street NW., Washington, DC 20545. Further, it is likewise requested, in accordance with the aforesaid understandings, that the participants appearing at the April 2d hearing provide the other participants in the proceedings, named in the attached list, with copies of such additional written submissions and with other documents filed in this proceeding.

Issued at Washington, D.C., this 15th day of March 1973.

The Fuel and Waste Transportation Rule Making Hearing Board.

MAX D. PAGLIN,
Chairman.

FUEL AND WASTE TRANSPORTATION PROCEEDING

[Docket 50-4]

HEARING BOARD

Max D. Paglin, Esq., Chairman, Atomic Safety and Licensing Board, U.S. Atomic Energy Commission, Washington, D.C. 20545.

Dr. William E. Martin, Member, Atomic Safety and Licensing Board, Senior Ecologist, Battelle Memorial Institute, Columbus, Ohio 43201.

Dr. David B. Hall, Member, Atomic Safety and Licensing Board, Los Alamos Scientific Laboratory, Post Oce Box 1663, Los Alamos, NM 87544.

REGULATORY STAFF COUNSEL

James P. Murray, Esq., U.S. Atomic Energy Commission, Washington, D.C. 20545.

Mr. W. D. Rowe, Deputy Assistant Administrator for Radiation Programs, U.S. Environmental Protection Agency, Washington, D.C. 20460.

Hon. Benjamin O. Davis, Jr., Assistant Secretary for Environment, Safety and Consumer Affairs, U.S. Department of Transportion, Washington, D.C. 20590.

Mr. J. Bruce MacDonald, Deputy Commissioner and Counsel, New York State Department of Commerce, 112 State St. Albany, NY 12207.

Mr. Heyward G. Shealy, Director, Division of Radiological Health, South Carolina State Board of Health, J. Marion Sims Building, Columbia, S.C. 29201.

George C. Freeman, Jr., Esq., Hunton, Williams, Gay & Gibson, 700 East Main St., Post Office Box 1535, Richmond, VA 23212.

Mr. Edwin A. Wiggin, Executive Vice President, Atomic Industrial Forum, Inc., 475 Park Avenue South, New York, NY 10016.

Mr. C. Wesley Smith, Manager, Licensing and Transportation, Nuclear Fuel Department, General Electric Co., 175 Curtner Ave., San Jose, CA 95114.

Mr. Richard H. Sandler, Energy Consultant to Ralph Nader Organization, 2000 P St. NW., Room 700, Washington, DC 20036.

Mr. Joseph R. Ross, President, Ross Aviation, Inc., Route 5, Riverside Airport, Tulsa, OK 74107.

[FR Doc.73-5406 Filed 3-21-73;8:45 am]

Notices

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF THE TREASURY

Bureau of Customs

[T.D. 73-76]

FOREIGN CURRENCIES

Certification of Rates

MARCH 12, 1973.

The appended table shows the rates of exchange certified to the Secretary of the Treasury by the Federal Reserve Bank of New York pursuant to section 522(c), Tariff Act of 1930, as amended (31 U.S.C. 372(c)), which are applicable to the currencies of the countries listed in § 16.4 (d), Customs regulations (19 CFR 16.4 (d)), for the period from March 5 through March 9, 1973. This table is published for the information and use of Customs officers and others concerned to show the amount of variation in these exchange rates following the devaluation of the United States dollar which took effect on February 13, 1973.

[SEAL] R. N. MARRA,
Director, Appraisement and Collections Division.

Country	Currency	March 5	6	7	8	9
Australia	Dollar	$1.4120	$1.4200	$1.4200	$1.4100	$1.4120
Austria	Schilling	.0491	.0494	.0496	.0494	.0495
Belgium	Franc	.025445	.025500	.025445	.025575	.025650
Canada	Dollar	Q	Q	Q	Q	Q
Ceylon	Rupee	(*)	.1600	.1570	.1600	.1600
Denmark	Krone	.1660	.1650	.1636	.1637	.1635
Finland	Markka	(*)	.2550	.2560	.2560	.2560
France	Franc	.2213	.2233	.2224	.2228	.2221
Germany	Deutsche mark	.3557	.3564	.3585	.3607	.3600
India	Rupee	(*)	.1360	.1390	.1380	.1325
Ireland	Pound	Q	Q	2.4720	2.4730	2.4705
Italy	Lira	Q	Q	Q	Q	Q
Japan	Yen	.003860	.003820	.003818	.003825	.003840
Malaysia	Dollar	(*)	(*)	(*)	(*)	.4000
Mexico	Peso	Q	Q	Q	Q	Q
Netherlands	Guilder	.3512	.3532	.3549	.3568	.3547
New Zealand	Dollar	(*)	1.3300	1.3300	1.3215	1.3100
Norway	Krone	.1710	.1705	.1695	.1703	.1690
Portugal	Escudo	.0396	.0410	.0416	.0416	.0412
Republic of South Africa	Rand	(*)	1.4175	(*)	(*)	1.4200
Spain	Peseta	.017241	.017241	.017241	.017241	.017241
Sweden	Krona	.2290	.2280	.2295	.2320	.2305
Switzerland	Franc	.3114	.3132	.3145	.3152	.3142
United Kingdom	Pound	Q	Q	2.4720	2.4730	2.4705

Q—Use quarterly rate published in T.D. 73-16; daily rate did not vary by 5 percent or more.
* Rate certified as "Not Available"; use last preceding rate.

[FR Doc.73-5388 Filed 3-21-73;8:45 am]

Office of the Secretary

MANDELIC ACID FROM JAPAN

Antidumping Proceeding Notice

On February 14, 1973, information was received in proper form pursuant to §§ 153.26 and 153.27, Customs regulations (19 CFR 153.26, 153.27), indicating a possibility that mandelic acid from Japan is being, or is likely to be, sold at less than fair value within the meaning of the Antidumping Act, 1921, as amended (19 U.S.C. 160 et seq.).

There is evidence on record concerning injury to or likelihood of injury to or prevention of establishment of an industry in the United States.

Having conducted a summary investigation as required by § 153.29 of the Customs regulations (19 CFR 153.29) and having determined as a result thereof that there are grounds for so doing, the Bureau of Customs is instituting an inquiry to verify the information submitted and to obtain the facts necessary to enable the Secretary of the Treasury to reach a determination as to the fact or likelihood of sales at less than fair value.

A summary of information received from all sources is as follows:

The information received tends to indicate that the prices of the merchandise sold or offered for sale for exportation to the United States are less than the estimated home market price.

This notice is published pursuant to § 153.30 of the Customs regulations (19 CFR 153.30).

[SEAL] EDWARD L. MORGAN,
Assistant Secretary of the Treasury.

MARCH 16, 1973.

[FR Doc.73-5466 Filed 3-21-73;8:45 am]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Serial No. A 7010; Classification Arizona 3478]

ARIZONA

Modification To Permit Grant of Right-of-Way

By published notice (35 FR 11192, July 11, 1970) the public lands described herein were classified for multiple use management. Publication of the notice had the effect of segregating the land from all appropriation and entry under the public land laws except the Act of June 14, 1926 (43 U.S.C. 869), and the Act of September 19, 1964 (43 U.S.C. 1421-1427).

Pursuant to the authority delegated by BLM Order No. 701 dated July 23, 1964 (29 FR 10526), as amended, the Notice of Classification of July 11, 1970 is hereby modified to the extent necessary to permit the location of a right-of-way under section 2477, U.S. Revised Statutes, 43 U.S.C. 932, by Pima County over the following described lands as delineated on a map entitled "West Irvington Road and Westover Road," on file with the Bureau of Land Management in Arizona 7010, for construction of a public road:

GILA AND SALT RIVER MERIDIAN, ARIZONA

T. 15 S., R. 13 E.,
Sec. 4, the west 90 feet of lots 24 and 25 except the north 150 feet of lot 25.

The areas described aggregate approximately one acre in Pima County.

JOE T. FALLINI,
State Director.

MARCH 16, 1973.

[FR Doc.73-5469 Filed 3-21-73;8:45 am]

[A 7066]

ARIZONA

Proposed Withdrawal and Reservation of Lands

The Forest Service, U.S. Department of Agriculture, has filed an application, Serial No. A 7066, for the withdrawal of lands from location and entry under the general mining laws, but not the mineral leasing laws, subject to valid existing rights.

The applicant desires the lands described below as an addition to the existing Santa Rita Experimental Range and will be used in ecological studies that involve the measurement of vegetation or other changes over a period of time. It

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will also afford opportunities to study the effects of extensive grazing over both short and long terms on semi-desert ecosystems. The proposed addition of land is representative of southwestern range dominated by creosote bush and whitethorn acacia. The present Experimental Range does not include comparable land, and such an addition will broaden research opportunities. The lands are situated in the eastern portion of Pima County approximately 18 miles south of Tucson near the community of Continental. The subject lands are presently under the administrative jurisdiction of the Bureau of Land Management.

All persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may, on or before April 23, 1973, present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, 3022 Federal Building, Phoenix Ariz. 85025.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the application are:

GILA AND SALT RIVER MERIDIAN

SANTA RITA EXPERIMENTAL RANGE ADDITION

T. 18 S., R. 14 E.,
Sec. 7, lot 4 and E½SE¼;
Sec. 18, lots 1, 2, 3, and 4, NE¼NE¼, S½NE¼, SE¼SW¼, and SE¼;
Sec. 19, lots 1, 2, and 3, E½W½, and E½;
Sec. 20, all.

The area described aggregates approximately 1,797.54 acres of public lands in Pima County.

This proposed withdrawal, if consummated, will vest management responsibility of the subject lands with the Forest Service, U.S. Department of Agriculture.

Dated: March 13, 1973.

JOE T. FALLINI,
State Director.

[FR Doc.73-5470 Filed 3-21-73;8:45 am]

[Wyoming 39073]

WYOMING

Order Providing for Opening of Public Lands

MARCH 16, 1973.

1. In exchanges of lands made under the provisions of section 8 of the Act of June 28, 1934, as amended; 43 U.S.C. 315g (1970), the following described lands have been reconveyed to the United States:

SIXTH PRINCIPAL MERIDIAN

T. 47 N., R. 89 W.,
Sec. 16, all.
T. 42 N., R. 92 W.,
Sec. 5, S½SE¼;
Sec. 8, NE¼, E½SE¼, SW¼SE¼, and SE¼SW¼;
Sec. 9, W½SW¼ and SW¼NW¼;
Sec. 17, NE¼ and NE¼NW¼.
T. 43 N., R. 92 W.,
Sec. 7, SW¼SE¼, E½SW¼, and SE¼NW¼;
Sec. 18, lot 5, SE¼SE¼, W½E½, and E½W½.
T. 45 N., R. 92 W.,
Sec. 20, E½SE¼;
Sec. 21, W½SW¼;
Sec. 28, NW¼, N½SW¼, SE¼SW¼, and SW¼SE¼;
Sec. 33, W½NE¼ and E½NW¼.
T. 42 N., R. 93 W.,
Sec. 1, lot 2 and SW¼NE¼.
T. 43 N., R. 93 W.,
Sec. 13, S½SE¼.
T. 19 N., R. 105 W.,
Sec. 22, lots 10, 15, 20, and 24.

The areas described aggregate 2,824.71 acres.

2. The lands are located in Hot Springs, Sweetwater, and Washakie Counties. They have values for watershed, grazing, wildlife, and recreation.

3. The mineral rights in the lands were not exchanged. Therefore, the mineral status of the lands is not affected by this order.

4. Subject to valid existing rights, the provisions of existing withdrawals, and the requirements of applicable law, the above-described lands will at 10 a.m. on April 18, 1973, be open to application, petition, and selection under the public land laws. All valid applications received at or prior to 10 a.m. on April 18, 1973, shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in the order of filing.

5. Inquiries concerning the lands should be addressed to the Bureau of Land Management, Post Office Box 1828, Cheyenne, WY 82001.

DANIEL P. BAKER,
State Director.

[FR Doc.73-5471 Filed 3-21-73;8:45 am]

National Park Service

[Order 77]

DIRECTORS OF NATIONAL PARK SERVICE REGIONS

Delegation, Redelegation, and Revocation of Authority

SECTION 1. *Delegation.* The Directors of National Park Service Regions in the administration, operation, and development of areas and offices under their supervision, are authorized to exercise all the authority now or hereafter vested in the Director, National Park Service, except with respect to the following:

(1) Authority to approve changes in policies and to establish new policies.

(2) Authority for final approval of Servicewide or regionwide program and financial plans for construction, professional services, land acquisition, park operations, and other programs.

(3) Authority for final approval of the location of new roads.

(4) Authority to perform the responsibilities set forth in title I and section 205(a) of title II of the Historic Preservation Act of October 15, 1966 (80 Stat. 915), as amended, except that the responsibilities of the Director under section 106 of title I as head of an undertaking agency are hereby delegated.

(5) Authority to initiate investigations of areas suggested or proposed for inclusion in the National Park System and sites under consideration for National Landmark status.

(6) Authority vested in the Secretary of the Interior by the Federal Property and Administrative Services Act of 1949, as amended (40 U.S.C. 484) relating to evaluation of the historical significance of surplus Federal property proposed for demolition or transfer and relating to the plans for restoration, rehabilitation, maintenance, operation, and use of transferred historic monuments.

(7) Authority to execute, amend, assign, and terminate concessions contracts and permits in excess of 5 years duration or when anticipated annual gross receipts will amount to $100,000 or more.

(8) Authority to issue general travel authorizations as defined in 347 DM 2.2C.

(9) Authority to approve the payment of actual subsistence expenses for travel.

(10) Authority to approve attendance at meetings of societies and associations.

(11) Authority to approve acceptance of payment of travel, subsistence and other expenses incident to attendance at meetings by an organization which is tax exempt.

(12) Authority with respect to making and enforcing rules and regulations for the Government, conduct, and discipline of the U.S. Park Police, under the Act of October 11, 1962 (76 Stat. 907).

(13) Authority to make certifications required in connection with reports made to the Secretary on each appropriation or fund under National Park Service control.

(14) Authority to approve Standard Form 1151, Nonexpenditure Transfer Authorization, in connection with internal transfer of funds.

(15) Authority to approve the use of a Government-owned or leased motor vehicle between domicile and place of employment.

(16) Authority to approve payment of dues for library memberships in societies or associations.

(17) Authority to approve rates for quarters and related services.

(18) Authority over those matters for which specific authority is delegated in internal management directives and unpublished delegations of authority arising in the Washington office.

SEC. 2. *Redelegation.* Subject to the following exceptions; the Directors of the Regions may, in writing, redelegate to their officers and employees, the authority delegated in this order and may authorize written redelegations of such authority:

(1) Master Plan approval authority may not be redelegated.

(2) In the regional offices, procurement and contracting authority in excess of $2,000 may only be redelegated to the Chief, Division of Property Management and General Services and the Chief, Office of Finance and Control. Authority to contract for supplies, equipment and services, including construction, may be redelegated by the Directors to Superintendents as follows: Superintendents, Grade GS–12 and below not to exceed $2,000; Superintendents, Grade GS–13 not to exceed $50,000; Superintendents, Grade GS–14 not to exceed $100,000; Superintendents, Grade GS–15 not to exceed $200,000. Authority to contract for supplies, equipment and services, including construction, may be redelegated by the Director, Northeast Region to District Director, New York Office not to exceed $200,000. The limitations in this subsection (2) of section 2 apply only to open market or nonmandatory sources of supply. Employees and officers who are otherwise authorized may continue to issue orders to GSA Centers and sources under established Federal Supply Schedules of Contracts in amounts exceeding $2,000.

(3) Authority to approve land acquisition priorities may not be redelegated. Authority to execute the land acquisition program, including contracting for acquisition of lands and related property, and options and offers to sell related thereto, may be redelegated only to the chief land acquisition officer in the Regional Office and field land acquisition officers.

(4) Authority to conduct archeological investigations and salvage activities may not be redelegated.

Each redelegation shall be published in the FEDERAL REGISTER.

SEC. 3. *Revocation.* This order revokes National Park Service Order 66 (36 FR 21218), Amendment No. 1 (37 FR 4001), Amendment No. 2 (37 FR 12854), and National Park Service Order 63 (36 FR 5629). However, redelegations based thereon are continued in effect to the extent that they are not inconsistent with this Order No. 77.

(205 DM, as amended; 245 DM, as amended; sec. 2 of Reorganization Plan No. 3 of 1950)

Dated: February 27, 1973.

RONALD H. WALKER,
Director, National Park Service.

[FR Doc.73-5474 Filed 3-21-73;8:45 am]

HISTORIC AMERICAN ENGINEERING RECORD ADVISORY COMMITTEE

Notice of Meeting

Notice is hereby given in accordance with the Federal Advisory Committee Act that a meeting of the Historic American Engineering Record Advisory Committee will be held on March 29–30 at 1100 L Street NW., Washington, DC, between the hours of 9 a.m. and 4 p.m. on each day.

The purpose of the Historic American Engineering Record Advisory Committee is to render advice on matters relating to the task of recording the historic engineering and industrial monuments of the country.

The members of the Advisory Committee are as follows:

Professor John W. Briscoe (Chairman), University of Illinois, Urbana, Ill.
Mr. Eugene S. Ferguson, University of Delaware, Newark, Del.
Mr. Waldo G. Bowman, New York, N.Y.
Dr. Gail A. Hathaway, Hyattsville, Md.
Dr. Lynn T. White, Jr., University of California, Los Angeles, Calif.
M. Neal FitzSimons, American Society of Civil Engineers, Washington, D.C.
Dr. L. Quincy Mumford, Librarian of Congress, Washington, D.C.
Mr. Robert M. Utley, National Park Service, Washington, D.C.

The matters to be discussed include the following:

HAER Editorial Projects and Publications Program, Inventory Forms and Classification System, Computerization of HABS/HAER Collections, 1973 Projects, Followup on 1972 Projects, Discussion of Current Problems.

The meeting is open to the public, but facilities and space are limited. Any member of the public may file with the committee a written statement concerning the matters to be discussed.

Persons wanting further information concerning this meeting, or who wish to file written statements, may contact the Division of Historic Architecture, National Park Service, 1100 L Street NW., Washington, DC 20005 (Area Code 202—386–4131). Minutes of the meeting will be made available for public inspection 5 weeks after the meeting at the office of the Historic American Engineering Record, 1100 L Street NW., Washington, DC.

Dated: March 13, 1973.

STANLEY W. HULETT,
Associate Director, National Park Service.

[FR Doc.73-5473 Filed 3-21-73;8:45 am]

DEPARTMENT OF COMMERCE

Maritime Administration

[Docket No. S–334]

CHAS. KURZ & CO., INC.

Notice of Application for Operating-Differential Subsidy Contract

Notice is hereby given that Chas. Kurz & Co., Inc., has filed Supplement No. 2, dated February 28, 1973, to its application of October 24, 1972, with respect to the modification of its Operating-Differential Subsidy Contract No. MA/MSB–188 to carry bulk cargoes to expire on June 30, 1973 (unless extended only for a subsidized voyage in progress on that date). The additional bulk cargo carrying vessels proposed to be subsidized, and the trade in which they propose to engage is presented below:

Applicant's name and address	Types of ships	Names of ships
Chas. Kurz & Co., Inc., 313 Chestnut St., Philadelphia, Pa. 19106.	Tanker	SS Fort Fetterman.
	do	SS Gaines Mill.
	do	SS Mill Spring.
	do	SS Northfield.

The application may be inspected in the Office of the Secretary, Maritime Subsidy Board, Maritime Administration, U.S. Department of Commerce, Washington, D.C. during regular working hours.

The vessels are to engage in the carriage of export bulk raw and processed agricultural commodities in the foreign commerce of the United States (U.S.) from ports in the United States to ports in the Union of Soviet Socialist Republics (U.S.S.R.), or other permissible ports of discharge. Liquid and dry bulk cargoes may be carried from U.S.S.R. and other foreign ports inbound to U.S. ports during voyages subsidized for carriage of export bulk raw and processed agricultural commodities to the U.S.S.R.

Full details concerning the U.S.-U.S.SR. export bulk raw and processed agricultural commodities subsidy program, including terms, conditions, and restrictions upon both the subsidized operators and vessels, appear in the regulations published in the FEDERAL REGISTER on November 16, 1972 (37 FR 24349).

For purposes of section 605(c), Merchant Marine Act, 1936, as amended (Act), it should be assumed that the above-listed ships will engage in the trades described on a full-time basis through June 30, 1973 (with extension to termination of any approved subsidized voyage in progress on that date). Each voyage must be approved for subsidy before commencement of the voyage. The Maritime Subsidy Board (Board) will act on each request for a subsidized voyage as an administrative matter under the terms of the operating-differential subsidy contract for which there is no requirement for further notices under section 605(c) of the Act.

Any person having an interest in the granting of such application and who would contest a finding of the Board that the service now provided by vessels of U.S. registry for the carriage of cargoes as previously specified is inadequate, must, on or before March 30, 1973, notify the Board's Secretary, in writing, of his interest and of his position, and file a petition for leave to intervene in accordance with the Board's rules of practice and procedure (46 CFR Part 201). Each such statement of interest and petition to intervene shall state whether a hearing is requested under section 605(c) of the Act and with as much specificity as possible the facts that the intervenor would undertake to prove at such hearing.

In the event a hearing under section 605(c) of the Act is ordered to be held with respect to the application, the purpose of such hearing will be to receive evidence relevant to: (1) Whether the application hereinabove described is one with respect to the vessels to be operated in an essential service, served by citizens of the United States which would be in addition to the existing service, or services, and if so, whether the service already provided by vessels of U.S. registry is inadequate, and (2) whether in the accomplishment of the purposes and policy

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of the Act additional vessels should be operated thereon.

If no request for hearing and petition for leave to intervene is received within the specified time, or if the Board determines that petitions for leave to intervene filed within the specified time do not demonstrate sufficient interest to warrant a hearing, the Board will take such action as may be deemed appropriate.

Dated: March 19, 1973.

By order of the Maritime Subsidy Board.

JAMES S. DAWSON, Jr.,
Secretary.

[FR Doc.73-5544 Filed 3-21-73;8:45 am]

[Docket No. S-333]

ECOLOGICAL SHIPPING CORP. AND MONTICELLO TANKER CO.

Notice of Multiple Applications for Operating-Differential Subsidy Contract

Notice is hereby given that the following corporations have filed application for an operating-differential subsidy contract to carry bulk cargoes to expire on June 30, 1973 (unless extended only for subsidized voyages in progress on that date). The bulk cargo carrying vessels proposed to be subsidized and the trades in which each proposes to engage are presented also.

Applicant's name and address	Types of ships	Name of ships
Ecological Shipping Corp., 551 5th Ave., New York, N.Y. 10017	Tanker	SS Notre Dame Victory
Monticello Tanker Co., 551 5th Ave., New York, N.Y. 10017	do	SS Monticello Victory.

The foregoing applications may be inspected in the Office of the Secretary, Maritime Subsidy Board, Maritime Administration, U.S. Department of Commerce, Washington, D.C., during regular working hours.

These vessels are to engage in the carriage of export bulk raw and processed agricultural commodities in the foreign commerce of the United States (U.S.) from ports in the U.S. to ports in the Union of Soviet Socialist Republics (U.S.S.R.), or other permissible ports of discharge. Liquid and dry bulk cargoes may be carried from U.S.S.R. and other foreign ports inbound to U.S. ports during voyages subsidized for carriage of export bulk raw and processed agricultural commodities to the U.S.S.R.

Full details concerning the U.S.-U.S.S.R. export bulk raw and processed agricultural commodities subsidy program, including terms, conditions and restrictions upon both the subsidized operators and vessels, appear in the regulations published in the FEDERAL REGISTER on November 16, 1972 (37 FR 24349).

For purposes of section 605(c), Merchant Marine Act, 1936, as amended (Act), it should be assumed that each vessel named will engage in the trades described on a full-time basis through June 30, 1973 (with extension to termination of approved subsidized voyages in progress on that date). Each voyage must be approved for subsidy before commencement of the voyage. The Maritime Subsidy Board (Board) will act on each request for a subsidized voyage as an administrative matter under the terms of the individual operating-differential subsidy contract for which there is no requirement for further notices under section 605(c) of the Act.

Any person having an interest in the granting of one or any of such applications and who would contest a finding of the Board that the service now provided by vessels of U.S. registry for the carriage of cargoes as previously specified is inadequate, must, on or before March 30, 1973, notify the Board's Secretary, in writing, of his interest and of his position, and file a petition for leave to intervene in accordance with the Board's rules of practice and procedure (46 CFR Part 201). Each such statement of interest and petition to intervene shall state whether a hearing is requested under section 605(c) of the Act and with as much specificity as possible the facts that the intervenor would undertake to prove at such hearing. Further, each such statement shall identify the applicant or applicants against which the intervention is lodged.

In the event a hearing under section 605(c) of the Act is ordered to be held with respect to any application(s), the purpose of such hearing will be to receive evidence relevant to (1) whether the application(s) hereinabove described is one with respect to vessels to be operated in an essential service, served by citizens of the U.S. which would be in addition to the existing service, or services, and if so, whether the service already provided by vessels of U.S. registry is inadequate and (2) whether in the accomplishment of the purposes and policy of the Act additional vessels should be operated thereon.

If no request for hearing and petition for leave to intervene is received within the specified time, or if the Board determines that petitions for leave to intervene filed within the specified time do not demonstrate sufficient interest to warrant a hearing, the Board will take such action as may be deemed appropriate.

Dated: March 19, 1973.

By order of the Maritime Subsidy Board.

JAMES S. DAWSON, Jr.,
Secretary.

[FR Doc.73-5543 Filed 3-21-73;8:45 am]

[Docket No. S-335]

MONTICELLO TANKER CO.

Notice of Application for Operating-Differential Subsidy Contract

Notice is hereby given that application has been filed under the Merchant Marine Act of 1936, as amended, for operating-differential subsidy with respect to bulk cargo carrying service in the U.S. foreign trade, principally between the United States and the Union of Soviet Socialist Republics, to expire on June 30, 1973 (unless extended only for subsidized voyages in progress on that date). Inasmuch as the below listed applicant, and/or related persons, or firms, employ ships in the domestic intercoastal or coastwise service, written permission of the Maritime Administration under section 805 (a) of the Merchant Marine Act, 1936, as amended, will be required for each such applicant if its application for operating-differential subsidy is granted.

The following applicant has requested permission involving the domestic intercoastal or coastwise services described below:

Name of applicant. Monticello Tanker Co. (Monticello).

Description of domestic service and vessels. The applicant, Monticello, a subsidiary of Victory Carriers, Inc., owns the *Monticello Victory* and has requested written permission to, directly or indirectly, own, operate, or charter one or more vessels in the domestic intercoastal or coastwise service, and to own a pecuniary interest, directly or indirectly, in any person or concern that owns, charters or operates any vessels in the domestic intercoastal or coastwise service. The applicant is also affiliated with Mount Vernon Tanker Co., Mount Washington Tanker Co., and Montpelier Tanker Co.

Written permission is now required by the applicant, Monticello, notwithstanding that a voyage in the proposed service for which subsidy is sought would not be eligible for subsidy if the vessel carried domestic commerce of the United States on that voyage.

Interested parties may inspect this application in the Office of The Secretary, Maritime Administration, Department of Commerce Building, 14th and E Streets NW., Washington, D.C. 20235.

Any person, firm, or corporation having any interest (within the meaning of section 805(a)) in any application and desiring to be heard on issues pertinent to section 805(a) or desiring to submit comments or views concerning the application must, by close of business on March 30, 1973, file same with the Maritime Administration, in writing, in triplicate, together with petition for leave to intervene which shall state clearly and concisely the grounds of interest, and the alleged facts relied on for relief.

If no petitions for leave to intervene are received within the specified time or if it is determined that petitions filed do not demonstrate sufficient interest to warrant a hearing, the Maritime Administration will take such action as may be deemed appropriate.

In the event petitions regarding the relevant section 805(a) issues are received from parties with standing to be heard, a hearing has been tentatively scheduled for 10 a.m., April 2, 1973, in Room 4896, Department of Commerce Building, 14th and E Streets NW., Washington, D.C. 20235. The purpose of the hearing will be to receive evidence under section 805(a) relative to whether the proposed operation (a) could result in unfair competition to any person, firm or corporation operating exclusively in the coastwise or intercoastal services, or (b) would be prejudicial to the objects and policy of the Act.

By order of the Maritime Administration.

Dated: March 19, 1973.

JAMES S. DAWSON, Jr.,
Secretary.

[FR Doc.73-5545 Filed 3-21-73;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[DESI 10996]

PROPOXYPHENE HYDROCHLORIDE; PROPOXYPHENE HYDROCHLORIDE WITH ASPIRIN; PROPOXYPHENE HYDROCHLORIDE WITH ASPIRIN, PHENACETIN, AND CAFFEINE

Drugs for Human Use; Drug Efficacy Study Implementation

Correction

In FR Doc. 72-22100 appearing at page 28526 of the issue for Wednesday, December 27, 1972, on page 28527 in the middle column in the fifth line from the bottom the word "anticonsulsant" should read "anticonvulsant".

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[Docket No. FDC-D-617; NADA No. 9-442V]

SYNTEX LABORATORIES, INC.

Synovex-L; Notice of Withdrawal of Approval of New Animal Drug Application

In the FEDERAL REGISTER of February 21, 1969 (34 FR 2517), the Commissioner of Food and Drugs announced the conclusions of the Food and Drug Administration following evaluation of a report received from the National Academy of Sciences-National Research Council, Drug Efficacy Study Group, on Synovex-L, new animal drug application (NADA) No. 9-442V; by Syntex Laboratories, Inc., Stanford Industrial Park, Palo Alto, Calif. 94304.

Syntex Laboratories, Inc., has requested that the Commissioner withdraw approval of NADA No. 9-442V.

Based on the grounds set forth in said announcement and the firm's request, the Commissioner concludes that approval of said new animal drug application should be withdrawn. Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 512, 82 Stat. 343-351; 21 U.S.C. 360b) and under authority delegated to the Commissioner (21 CFR 2.120), approval of NADA No. 9-442V, including all amendments and supplements thereto, is hereby withdrawn effective on the date of this publication of this document.

Dated: March 15, 1973.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.73-5493 Filed 3-21-73;8:45 am]

National Institutes of Health

ARTIFICIAL HEART ASSESSMENT PANEL

Notice of Meeting

Pursuant to Public Law 92-463, notice is hereby given of the meeting of the Artificial Heart Assessment Panel, April 11 and 12, 1973, 9 a.m., National Institutes of Health, Building 31, Conference Room 2. This meeting will be open to the public from 9 a.m. to 5 p.m. on April 11 and 12, to discuss reports on the social, legal, and economic implications of an artificial heart. Attendance by the public will be limited to space available.

Mr. Hugh Jackson, Information Officer, NHLI, NIH Landow Building, Room C918, phone 496-4236, will furnish summaries of the meeting and rosters of the panel members. Substantive information may be obtained from Constance Foshay Row, NHLI, NIH Building 31, Room 5A31, phone 496-6331.

Dated: March 13, 1973.

JOHN F. SHERMAN,
Deputy Director,
National Institutes of Health.

[FR Doc.73-5443 Filed 3-21-73;8:45 am]

BIOHAZARD CONTROL AND CONTAINMENT WORKING GROUP

Notice of Meeting

Pursuant to Public Law 92-463, notice is hereby given of the meeting of the Biohazard Control and Containment Working Group, April 9, 1973, 9 a.m., c.s.t., Southwest Foundation for Research and Education, San Antonio, Tex. This meeting will be open to the public from 9 to 9:30 a.m., to discuss the past year's progress in Biohazard Control, and closed to the public from 9:30 a.m. to adjournment in accordance with the provisions set forth in section 552(b) 4 of title 5 United States Code and 10(d) of Public Law 92-463. Attendance by the public will be limited to space available.

Mr. Frank Karel, Associate Director for Public Affairs, NCI, Building 31, Room 10A31, National Institutes of Health, Bethesda, Md. 20014 (301—496-1911) will furnish summaries of the open/closed meeting and roster of committee members.

Dr. Garrett Keefer, Executive Secretary, Building 41, Room A115, National Institutes of Health, Bethesda, Md. 20014 (301-496-6981) will provide substantive program information.

Dated: March 13, 1973.

JOHN F. SHERMAN,
Deputy Director,
National Institutes of Health.

[FR Doc.73-5454 Filed 3-21-73;8:45 am]

BREAST CANCER EXPERIMENTAL BIOLOGY COMMITTTEE

Notice of Meeting

Pursuant to Public Law 92-463, notice is hereby given of the meeting of the Breast Cancer Experimental Biology Committee, April 2-3, 1973, at 9 a.m., National Institutes of Health, Building 31, Conference Rooms 4 and 5. This meeting will be open to the public from 9 a.m., April 2, to discuss Committee program plans and closed to the public from 10 a.m., April 2, in accordance with the provisions set forth in section 10(d) of Public Law 92-463 and 552(b)4 of title 5, United States Code. Attendance by the public will be limited to space available.

Mr. Frank Karel, Associate Director for Public Affairs, NCI, Building 31, Room 10A31, National Institutes of Health, Bethesda, Md. 20014 (301—496-1911), will furnish summaries of the open/closed meetings and roster of Committee members.

D. Jane Taylor, Ph. D., Executive Secretary, Landow Building, Room A404, National Institutes of Health, Bethesda, Md. 20014 (301—496-6718), will provide substantive program information.

Dated: March 13, 1973.

JOHN F. SHERMAN,
Deputy Director,
National Institutes of Health.

[FR Doc.73-5453 Filed 3-21-73;8:45 am]

BREAST CANCER TREATMENT COMMITTEE

Notice of Meeting

Pursuant to Public Law 92-463, notice is hereby given of the meeting of the Breast Cancer Treatment Committee, April 2-3, 1973, at 8 p.m., Sea Lodge, La Jolla, Calif. This meeting will be open to the public from 8-9 p.m., April 2, to discuss general progress of the program and closed to the public from 9-11 p.m., April 2, and 8-11 a.m., April 3, in accordance with the provisions set forth in sections 10(d) of Public Law 92-463, and 552(b)(4) of title 5, United States Code. Attendance by the public will be limited to space available.

Mr. Frank Karel, Associate Director for Public Affairs, NCI, Building 31, Room 10A31, National Institutes of Health, Bethesda, Md. 20014 (301—496-1911), will furnish summaries of the open/closed meeting and roster of committee members.

Dr. Erwin P. Vollmer, Executive Secretary, Landow Building, Room A422A, National Institutes of Health, Bethesda, Md. 20014 (301—496-6718), will provide substantive program information.

Dated: March 13, 1973.

JOHN F. SHERMAN,
Deputy Director,
National Institutes of Health.

[FR Doc.73-5455 Filed 3-21-73;8:45 am]

DENTAL HEALTH RESEARCH AND EDUCATION ADVISORY COMMITTEE

Notice of Meeting

Pursuant to Public Law 92-463, notice is hereby given of the meeting of the Dental Health Research and Education Advisory Committee, April 4-6, 1973, commencing at 3:30 p.m. at the Rodeway Inn, 101 East Jefferson Street, Louisville,

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KY. This meeting will be open to the public from 3:30 p.m. to 6 p.m., April 4, 1973, and from 9 a.m. to 9:30 a.m., April 5, 1973, to discuss program activities and goals of the Division of Dental Health and closed to the public from 9:30 a.m., April 5, 1973, in accordance with the provisions set forth in section 552(b)4 of title 5, United States Code, and 10(d) of Public Law 92–463 in order to review, discuss, evaluate and rank grant applications. Attendance by the public will be limited to space available.

1. Summaries of the meetings and rosters of committee members will be furnished by Ms. Mary Gailbreath, Division Information Officer, Room 304B Federal Building, Bethesda, Md. Phone 496–1106.

2. Substantive program information may be obtained from Mr. Solomon Levy, Executive Secretary to the Committee, Room 308A Federal Building, Bethesda, Md. Phone 496–4535.

Dated: March 13, 1973.

JOHN F. SHERMAN,
Deputy Director,
National Institutes of Health.

[FR Doc.73–5434 Filed 3–21–73;8:45 am]

EPIDEMIOLOGY AND BIOMETRY ADVISORY COMMITTEE

Notice of Meeting

Pursuant to Public Law 92–463, notice is hereby given of the meeting of the Epidemiology and Biometry Advisory Committee, April 3, 1973, 9 a.m., National Institutes of Health, Building 31, Conference Room 8. This meeting will be open to the public from 9 to 10 a.m., April 3, for review of program and discussion of future plans; the remaining session will be closed to the public in accordance with the provisions set forth in section 552(b)4 of title 5, United States Code, and 10(d) of Public Law 92–463. Attendance by the public will be limited to space available.

Dr. Jerome G. Green, Director, Division of Extramural Affairs, NHLI, NIH Westwood Building, Room 5A18, 496–7416, will furnish summaries of the meeting and rosters of the committee members. Substantive program information may be obtained from Dr. Manning Feinleib, Chief, Epidemiology Branch, Division of Heart and Vascular Diseases, NHLI, NIH Landow Building, Room C–825, phone 496–2327.

Dated: March 13, 1973.

JOHN F. SHERMAN,
Deputy Director,
National Institutes of Health.

[FR Doc.73–5445 Filed 3–21–73;8:45 am]

EPILEPSY ADVISORY COMMITTEE

Notice of Meeting

Pursuant to Public Law 92–463, notice is hereby given of the meeting of the Epilepsy Advisory Committee, April 3, 1973, 9 a.m., National Institutes of Health, Building 31, Conference Room 4. This meeting will be open to the public from 9 a.m. to 5 p.m., April 3, to discuss the decline in basic research in epilepsy, comprehensive epilepsy centers, progress in the development of antiepileptic drugs and studies in genetic and biochemical aspects of the epidemiology of epilepsy. Attendance by the public will be limited to space available.

A summary of the meeting and a roster of committee members may be obtained from:

Mrs. Ruth Dudley, Information Officer, NINDS, National Institutes of Health (Building 31, Room 8A–03B), Bethesda, Md. 20014, telephone: 301–496–5751.

Substantive program information may be obtained from the Executive Secretary:

J. Kiffin Penry, M.D., Chief, Applied Neurologic Research Branch, Collaborative and Field Research, NINDS, National Institutes of Health (Building 36, Room 5D–10), Bethesda, Md. 20014, telephone: 301–496–6691.

Dated: March 13, 1973.

JOHN F. SHERMAN,
Deputy Director,
National Institutes of Health.

[FR Doc.73–5447 Filed 3–21–73;8:45 am]

HEALTH MANPOWER OPPORTUNITY ADVISORY COMMITTEE

Notice of Meeting

Pursuant to Public Law 92–463, notice is hereby given of the meeting of the Health Manpower Opportunity Advisory Committee, April 4 to 6, 1973, 9 a.m., National Institutes of Health, Building 31, Conference Room No. 8. This meeting will be open to the public from 9 a.m., April 4, to discuss the programmatic impact of recent administration directives and closed to the public from 10:45 a.m., April 4 through adjournment on April 6, 1973, in accordance with the provisions set forth in section 552(b)(4) of title 5, United States Code and 10(d) of Public Law 92–463. Attendance by the public will be limited to space available. The name, address, room number, and phone number of the Executive Secretary from whom summaries of the meeting, rosters of committee members, and substantive program information may be obtained is Mr. Albert L. Barringer, Room 3C–02, Building 31, National Institutes of Health, 9000 Rockville Pike, Bethesda, MD 20014, telephone 496–3666.

Dated: March 13, 1973.

JOHN F. SHERMAN,
Deputy Director,
National Institutes of Health.

[FR Doc.73–5440 Filed 3–21–73;8:45 am]

INTERNATIONAL FELLOWSHIP REVIEW COMMITTEE

Notice of Meeting

Pursuant to Public Law 92–463, notice is hereby given of the meeting of the International Fellowship Review Committee, April 6 and 7, 1973, 9 a.m., National Institutes of Health, Building 31, Conference Room 3. This meeting will be open to the public from 9 a.m., April 6, 1973, to discuss various aspects of the International Research Fellowship Program and closed to the public from 10:30 a.m., April 6, 1973, to discuss and review approximately 90 fellowships in the fields of biomedical science in accordance with the provisions set forth in section 552(b)4 of title 5 United States Code and 10(d) of Public Law 92–463.

Summary of the meeting and roster of committee members may be obtained from:

Mrs. Lois Meng, Information Officer, Fogarty International Center, NIH, Room 2C12, Building 31, 496–4625.

Program information may be obtained from:

Dr. Robert R. Omata, Executive Secretary, International Fellowship Review Committee, Fogarty International Center, NIH, Room 2B58, Building 31, 496–6111.

Dated: March 15, 1973.

JOHN F. SHERMAN,
Deputy Director,
National Institutes of Health.

[FR Doc.73–5462 Filed 3–21–73;8:45 am]

LIPID METABOLISM ADVISORY COMMITTEE

Notice of Meeting

Pursuant to Public Law 92–463, notice is hereby given of the meeting of the Lipid Metabolism Advisory Committee, April 5 and 6, 1973, 9:15 a.m., National Institutes of Health, Building 31, Conference Room 5. This meeting will be open to the public from 9:15 a.m. to 12 noon, April 5, to discuss Lipid Metabolism Branch status regarding various projects which the Branch is conducting; the remaining sessions will be closed to the public in accordance with the provisions set forth in section 552(b)4 of title 5 United States Code and 10(d) of Public Law 92–463. Attendance by the public will be limited to space available.

Dr. Jerome G. Green, Director, Division of Extramural Affairs, NHLI, NIH Westwood Building, Room 5A18, phone 496–7416, will furnish summaries of the meeting and rosters of the committee members. Substantive program information may be obtained from Dr. Basil Rifkind, Deputy Chief, Lipid Metabolism Branch, NHLI, NIH Building 31, Room 4A19, phone 496–1681.

Dated: March 13, 1973.

JOHN F. SHERMAN,
Deputy Director,
National Institutes of Health.

[FR Doc.73–5446 Filed 3–21–73;8:45 am]

LUNG CANCER SEGMENT ADVISORY GROUP, CARCINOGENESIS

Notice of Meeting

Pursuant to Public Law 92–463, notice is hereby given of the meeting of the Lung Cancer Segment Advisory Group, Carcinogenesis, April 4, 1973, at 1 to 5 p.m., and April 5, 1973, at 9 a.m. to 4 p.m., National Institutes of Health, Building 37, Conference Room 3A15. This meeting will be open to the public from 1 to 5 p.m., April 4, 1973, to discuss the program of the Segment and closed to the public from 9 a.m. to 4 p.m., April 5, 1973, in accordance with the provisions set forth in section 10(d) of Public Law 92–463 and 552(b)4 title 5, United States Code. Attendance by the public will be limited to space available.

Mr. Frank Karel, Associate Director for Public Affairs, NCI, Building 31, Room 10A31, National Institutes of Health, Bethesda, Md. 20014 (301–496–1911) will furnish summaries of the open/closed meeting and roster of committee members.

Dr. Carl E. Smith, Executive Secretary, Landow Building, Room A310, National Institutes of Health, Bethesda, Md. 20014 (301—496–5471) will provide substantive program information.

Dated: March 13, 1973.

JOHN F. SHERMAN,
Deputy Director,
National Institutes of Health.

[FR Doc.73–5451 Filed 3–21–73;8:45 am]

NATIONAL ADVISORY COUNCIL ON HEALTH PROFESSIONS EDUCATION

Notice of Meeting

Pursuant to Public Law 92–463, notice is hereby given of the meeting of the National Advisory Council on Health Professions Education, April 9, 1973, at 8:30 a.m., National Institutes of Health, Bethesda, Md., Building 31, Conference Room 6. This meeting will be only for the purpose of reviewing grant applications and will be closed to the public in accordance with the provisions set forth in section 552(b) of title 5 United States Code and section 10(d) of Public Law 92–463. The Executive Secretary who will furnish summaries of the meeting, rosters of Council members, and substantive program information is:

Ms. Lynn Stevens, Division of Physician and Health Profession, Education, National Institutes of Health, Building 31, Room 4C–08, Bethesda, Md. 20014, telephone 496–5354.

Dated: March 13, 1973.

JOHN F. SHERMAN,
Deputy Director,
National Institutes of Health.

[FR Doc.73–5431 Filed 3–21–73;8:45 am]

NATIONAL BLOOD RESOURCE PROGRAM ADVISORY COMMITTEE

Notice of Meeting

Pursuant to Public Law 92–463, notice is hereby given of the meeting of the National Blood Resource Program Advisory Committee, April 9–10, 1973, 9 a.m., National Institutes of Health, Building 31, Conference Room 9. This meeting will be open to the public from 4 to 5 p.m., April 9, 1973, to discuss administrative details relating to committee business; all other sessions will be closed to the public in accordance with the provisions set forth in section 552(b) 4 of title 5, United States Code, and 10(d) of Public Law 92–463. Attendance by the public will be limited to space available.

Dr. Jerome G. Green, Director, Division of Extramural Affairs, NHLI, NIH Westwood Building, Room 5A18, phone 496–7416, will furnish summaries of the meeting and rosters of the committee members. Substantive program information may be obtained from the Executive Secretary, Dr. James M. Stengle, NHLI, NIH Building 31, Room 4A03, phone 496–5911.

Dated: March 13, 1973.

JOHN F. SHERMAN,
Deputy Director,
National Institutes of Health.

[FR Doc.73–5444 Filed 3–21–73;8:45 am]

NURSING RESEARCH AND EDUCATION ADVISORY COMMITTEE

Notice of Meeting

Pursuant to Public Law 92–463, notice is hereby given of the meeting of the Nursing Research and Education Advisory Committee, April 9–10, 1973, from 8:30 a.m. to 5 p.m., National Institutes of Health, Building 31, Conference Room 2. This meeting will be open to the public from 8:30 a.m. to 9:30 a.m., April 9, 1973, to discuss the report of the Director, Division of Nursing, the Administrative Report from the Acting Chief of the Nursing Research Branch, and the Executive Secretary's report, and closed to the public from 9:30 a.m., April 9, in accordance with the provisions set forth in section 552(b) 4 of title 5, U.S. Code, and 10(d) of Public Law 92–463. Attendance by the public will be limited to space available.

1. Mrs. Norma Golumbic, Information Officer, Room 508, Federal Building, Bethesda, Md., telephone number 496–1143, will furnish summaries of the meetings and rosters of committee members.

2. Substantive program information may be obtained from Dr. Doris Bloch, Executive Secretary of the Nursing Research and Education Advisory Committee, Room 6A–10 Federal Building, telephone number 496–6955.

Dated: March 13, 1973.

JOHN F. SHERMAN,
Deputy Director,
National Institute of Health.

[FR Doc.73–5448 Filed 3–21–73;8:45 am]

NURSE TRAINING ACT PROJECT GRANTS REVIEW COMMITTEE

Notice of Meeting

Pursuant to Public Law 92–463, notice is hereby given of the meeting of the Nurse Training Act Project Grants Review Committee, April 9–13, 1973, from 9 a.m. to 5 p.m., National Institutes of Health, Building 31, Conference Room 4. This meeting will be open to the public from 9 a.m. to 10 a.m., April 9, to discuss the current status of the Nurse Training Act of 1971 and the activities of the Special Project Grant Program and closed to the public from 10 a.m. to 5 p.m., April 9, and 9 a.m. to 5 p.m., April 10–13, 1973, in accordance with the provisions set forth in section 552(b)4 of title 5, United States Code, and 10(d) of Public Law 92–463. Attendance by the public will be limited to space available.

1. Mrs. Norma Golumbic, Information Officer, Room 508, Federal Building, telephone number 496–1143, will furnish summaries of the meeting and rosters of committee members.

2. Substantive program information may be obtained from Hazel M. Aslakson, Ed. D., Executive Secretary of the Nurse Training Act Project Grants Review Committee, Room 616, Federal Building, telephone number 496–4977.

Dated: March 13, 1973.

JOHN F. SHERMAN,
Deputy Director.

[FR Doc.73–5437 Filed 3–21–73;8:45 am]

PREVENTIVE MEDICINE AND DENTISTRY REVIEW COMMITTEE

Notice of Meeting

Pursuant to Public Law 92–463, notice is hereby given of the meeting of the Preventive Medicine and Dentistry Review Committee, April 2–4, 1973, 9 a.m., National Institutes of Health, Building 31, Conference Room 7. This meeting will be open to the public from 9 a.m., April 2, to discuss appropriate announcements, review of previous meeting minutes, determination of future meeting dates, the Executive Secretary's report, and clarification of review criteria prior to grant application review, and closed to the public from 10 a.m. to 5 p.m., April 2, and from 9 a.m. to 5 p.m., April 3–4, in accordance with the provisions set forth in section 552(b)4 of title, 5 United States Code, and 10(d) of Public Law 92–463. Attendance by the public will be limited to space available.

The Executive Secretary of the Preventive Medicine and Dentistry Review Committee will furnish summaries of the meetings, rosters of Committee members, and substantive program information. He is:

Mr. William J. Holland, Program Officer, Public Health Professions Branch, Division of Allied Health Manpower, Bureau of Health Manpower Education, National Institutes of Health, PHS, Room 3C–09, Federal Building, 9000 Rockville Pike, Bethesda, MD 20014, Telephone: 496–6945.

Dated: March 13, 1973.

JOHN F. SHERMAN,
Deputy Director,
National Institutes of Health.

[FR Doc.73–5435 Filed 3–21–73;8:45 am]

V38-55 MAR 22 73 XUM

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of the Secretary

AD HOC INTERAGENCY COMMITTEE ON THIRD PARTY PREPAID PRESCRIPTION DRUG PROGRAMS

Notice of Meeting

Name: Ad Hoc Interagency Committee on Third Party Prepaid Prescription Drug Programs.

Purpose: The Committee will advise the Secretary concerning third party prepaid prescription drug programs and problems that arise in the areas of administration, reimbursement and antitrust. Problems as they now exist will be defined, and alternative solutions will be presented.

Date: March 29, April 24, April 25, 1973.

Time: 9:30 a.m. to 4 p.m.

Place: Room 1409, FOB8 (Food and Drug), Third and C Streets SW., Washington, D.C.

Agenda: Meetings will deal with the quality of pharmaceutical services rendered patients under third party drug insurance programs, with administrative problems, and with the relationships between pharmacists and nursing home operations. These meetings will be open for public observation.

Date: March 14, 1973.

VINCENT R. GARDNER,
Staff Director,
Ad Hoc Interagency Committee.

[FR Doc.73-5524 Filed 3-21-73;8:45 am]

SECRETARY'S ADVISORY COMMITTEE ON POPULATION AFFAIRS

Notice of Open Meeting

The Advisory Committee on Population Affairs, established to advise the Secretary regarding all significant aspects of family planning and population research activities coming under the purview of the Department of Health, Education, and Welfare, is scheduled to hold a meeting on March 27, 1973. The meeting will be held in the Department's north building located at 330 Independence Avenue SW., Washington, DC, Room 5131. The meeting is scheduled to convene at 9 a.m. and adjourn at 5 p.m.

The Committee will discuss issues related to their first annual report to the Secretary on family planning and population research activities under the purview of the Department of Health, Education, and Welfare.

The meeting is open for public observation.

Dated: March 16, 1973.

LOUIS M. HELLMAN,
Chairman and Executive Secretary.

[FR Doc.73-5523 Filed 3-21-73;8:45 am]

DEPARTMENT OF TRANSPORTATION

Coast Guard

[CGD 73-45]

EXXON CORP. AND EXXON TRANSPORTATION CO.

Notice of Registration of House Flag and Funnel Mark

MARCH 16, 1973.

1. The Commandant, U.S. Coast Guard, in accordance with the provisions of 46 CFR 67.87-5, issued under the authority of the Act of May 28, 1908, as amended (46 U.S.C. 49), has registered the house flag and funnel mark of the Exxon Corp. and Exxon Transportation Co. as described below.

(a) House Flag—The house flag is of white background and is rectangular in shape. The hoist is 3 feet 3 inches and the fly 6 feet. Superimposed and centered on the white field is the word "Exxon" (with interlocked X's), in red letters, across the top and a blue bar directly below. Proportionate dimensions (the hoist of 3 feet 3 inches being equal in proportion to the figure 1.0) are: fly (left holding line to right holding line), 1.9; width of holding line (top, bottom, left, right), .0052; white field above letters E, O, and N, .1458; height of letters E, O, and N, .3594; height of interlocked X's: stroke which descends from left to right, .5250; left stroke which descends from right to left, .4245; right stroke which descends from right to left, .4740; white field from bottom of letters E, O, and N to blue bar, .2031; height of blue bar, .2500; white field from bottom of blue bar to holding line, .0313; width of white field to left and right of the word Exxon, .1042; width of the word Exxon, 1.6812; width of white field to left and right of blue bar, .0313; and width of blue bar, 1.8270.

(b) Funnel Mark—The funnel is black. Around the funnel is a white band on which there is centered both vertically and horizontally, the Exxon emblem, rectangular in shape with rounded corners. The proportionate dimension (the diameter of the funnel being equal to the figure 1.0) are: Height of funnel, 2.3810; width of white band, .7619; distance from top of funnel to top of band, .5238; distance from bottom of funnel to bottom of band, 1.0952; height of emblem, .5000; distance from top of emblem to top of white band, .1309; distance from bottom of emblem to bottom of white band, .1309; height of letters E, O, and N, .1797; and height of blue bar, .1250.

2. A colored scale replica drawing of the house flag and funnel mark is on file with the office of the Federal Register, National Archives and Records Service.

3. The house flag and funnel mark originally registered on September 24, 1937, in the name of the Standard Oil Co. of New Jersey, a Delaware corporation; reregistered on September 30, 1947, in the names of the Standard Oil Co., a New Jersey corporation, and the Esso Standard Oil Co., a Delaware corporation; and reregistered on February 9, 1950, in the names of Standard Oil Co., a New Jersey corporation, the Esso Standard Oil Co., a Delaware corporation, and the Esso Shipping Co., a Delaware corporation, is hereby cancelled.

Dated: March 16, 1973.

C. R. BENDER,
Admiral, U.S. Coast Guard,
Commandant.

[FR Doc.73-5495 Filed 3-21-73;8:45 am]

National Highway Traffic Safety Administration

NATIONAL MOTOR VEHICLE SAFETY ADVISORY COUNCIL

Notice of Public Meeting

On April 11, 1973, the National Motor Vehicle Safety Advisory Council will hold an open technical meeting on passenger car visibility in the Department of Transportation Headquarters Building, 400 Seventh Street SW., Washington, DC. The Advisory Council is composed of 22 members, a majority of whom are representatives of the general public, including representatives of State and local governments, with the remainder composed of representatives of motor vehicle manufacturers, motor vehicle equipment manufacturers and motor vehicle dealers. The Secretary of Transportation consults with the Advisory Council on motor vehicle safety standards promulgated under the National Traffic and Motor Vehicle Safety Act of 1966 (15 U.S.C. 1381 et seq.).

The April 11 technical meeting on "Visibility Requirements of Passenger Cars" is being sponsored by the Advisory Council in order to inform the Council on the issues involved in this subject and to provide a forum for the discussion of passenger car visibility requirements, research, technology, and benefits. The proceedings of the meeting may be used in the development and implementation of future motor vehicle visibility standards, and representatives of the automotive industry, the general public, consumer groups and the National Highway Traffic Safety Administration have been invited to make presentations.

The meeting will be held in room 2230 of the DOT Headquarters Building from 8:30 a.m. to 6 p.m. with the following agenda:

The Importance of Good Driver Visibility in Highway Safety.
Research Presentations on Indirect Visibility.
Research Presentations on Direct Visibility.
A Consumer's View of Passenger Car Visibility.
Questions and Answers.
Visibility Proposals—Ford Motor Co.
Visibility Proposals—General Motors Corp.
Practical Considerations for Driver Visibility—Chrysler Corp.
Visibility Requirements—Volkswagen.
Visibility Requirements—Mercedes-Benz.
Questions and Answers.
Summary.

The meeting is independent of any rule making activities conducted by the Department of Transportation and is not a substitute for meetings held at the request of the Department, nor is it a substitute for comments submitted to any rule making docket. The Department does not consider itself responsible for representations made or positions taken at the meeting.

This notice is given pursuant to section 10(a)(2) of Public Law 92-463, Federal Advisory Committee Act (FACA), effective January 5, 1973.

For further information, contact the NHTSA Executive Secretary, Room 5215, 400 Seventh Street SW., Washington, DC., telephone 202—426-2872.

Issued on March 16, 1973.

CALVIN BURKHART,
Executive Secretary.

[FR Doc.73-5525 Filed 3-21-73;8:45 am]

ATOMIC ENERGY COMMISSION

[Docket No. 50-247]

CONSOLIDATED EDISON COMPANY OF NEW YORK, INC.

Notice of Order Providing for Additional Evidentiary Hearing and Designating Location of Hearing

In the matter of Consolidated Edison Company of New York, Inc. (Indian Point Station Unit No. 2), Docket No. 50-247.

On March 8, 1973, at a session of evidentiary hearings in this proceeding, an order was entered and recorded in the transcript for a further session of such hearings to convene at 9 a.m. on Monday, April 9, 1973, at a location later to be designated within Washington, D.C.

Notice is hereby given, in accordance with the requirements of the Atomic Energy Act, as amended, and the rules of practice of the Commission, that a further and possibly final session of evidentiary hearings in this proceeding shall convene at 9 a.m. on Monday, April 9, 1973, in Courtroom No. 24, U.S. District Court, Third and Constitution Avenue NW., Washington, D.C. 20001.

Issued: March 15, 1973, Germantown, Md.

ATOMIC SAFETY AND LICENSING BOARD,
SAMUEL W. JENSCH,
Chairman.

[FR Doc.73-5412 Filed 3-21-73;8:45 am]

[Docket No. 40-8102]

EXXON CO., U.S.A.

Notice of Availability of Final Statement on Environmental Considerations

Pursuant to the National Environmental Policy Act of 1969 and the regulations of the Atomic Energy Commission in 10 CFR Part 50, Appendix D, notice is hereby given that a document entitled, "Final Statement on Environmental Considerations Related to the Operation of the Highland Uranium Mill by Exxon Company, U.S.A. (formerly Humble Oil & Refining Company)," has been made available for public inspection in the Commission's Public Document Room at 1717 H Street NW., Washington, DC, and in the Converse County Library, Douglas, Wyo. The statement is also being made available to the public at the Wyoming State Clearinghouse, State Planning Coordinator, Office of the Governor, Capitol Building, Cheyenne, Wyo.

The notice of availability of the draft detailed statement for the Highland Uranium Mill and request for comments from interested persons was published in the FEDERAL REGISTER on April 25, 1972 (37 FR 8125). The comments received from Federal agencies, State and local officials, and interested members of the public have been included as appendixes to the final statement.

Single copies of the statement may be obtained by writing to the U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Deputy Director for Fuels and Materials, Directorate of Licensing.

Dated at Bethesda, Md., this 15th day of March 1973.

For the Atomic Energy Commission.

R. B. CHITWOOD,
Chief, Technical Support Branch, Directorate of Licensing.

[FR Doc.73-5408 Filed 3-21-73;8:45 am]

[Docket No. 50-331]

IOWA ELECTRIC LIGHT & POWER CO. ET AL.

Notice of Prehearing Conference

In the matter of Iowa Electric Light & Power Co., Central Iowa Power Cooperative, and Corn Belt Power Cooperative (Duane Arnold Energy Center), Docket No. 50-331.

Take notice, pursuant to a "Notice of Hearing Pursuant to 10 CFR 50, Appendix D, section B; * * *" in the above matter appeared on September 30, 1972, in the FEDERAL REGISTER (37 FR 20584), a prehearing conference will be held at the Postal Rate Commission Hearing Room, Suite 500, 2000 L Street NW., Washington, DC, commencing at 10 am, local time, on March 27, 1973.

At that time, consideration will be given to the following:

(1) Simplification, clarification, and specification of the issues;

(2) The necessity or desirability of amending the pleadings;

(3) The obtaining of stipulations and admissions of fact and of the contents and authenticity of documents to avoid unnecessary proof;

(4) Identification of witnesses and the limitation of the number of expert witnesses, and other steps to expedite the presentation of evidence;

(5) The setting of a hearing schedule; and

(6) Such other matters as may aid in the orderly disposition of the proceeding.

The public is invited to attend this proceeding.

Issued at Washington, D.C., this 16th day of March 1973.

ATOMIC SAFETY AND LICENSING BOARD,
ELIZABETH S. BOWERS,
Chairman.

[FR Doc.73-5410 Filed 3-21-73;8:45 am]

[Docket No. 50-363]

JERSEY CENTRAL POWER & LIGHT CO.

Notice of Evidentiary Hearing

In the matter of Jersey Central Power & Light Co. (Forked River Nuclear Generating Station, Unit 1), Docket No. 50-363.

Take notice, that pursuant to the Atomic Energy Commission's "Notice of Hearing on Application for Construction Permit" dated August 16, 1972, the evidentiary hearing on environmental issues will be held at the Township Meeting Room, Ocean Township Municipal Building, Corner of Railroad Avenue and Corliss Street, Waretown, N.J., on Tuesday, April 17, 1973, commencing at 1 p.m., local time.

All members of the public are invited to attend.

Issued at Washington, D.C., this 15th day of March 1973.

It is so ordered.

ATOMIC SAFETY AND LICENSING BOARD,
ELIZABETH S. BOWERS,
Chairman.

[FR Doc.73-5414 Filed 3-21-73;8:45 am]

[Docket No. 50-382]

LOUISIANA POWER AND LIGHT CO.

Availability of Final Environmental Statement

Pursuant to the National Environmental Policy Act of 1969 and the U.S. Atomic Energy Commission's regulations in Appendix D to 10 CFR Part 50, notice is hereby given that the Final Environmental Statement prepared by the Commission's Directorate of Licensing, related to the proposed construction of the Waterford Steam Electric Generating Station Unit No. 3 by the Louisiana Power and Light Co. near the town of Taft in St. Charles Parish, about 20 miles west of New Orleans, La., is available for inspection by the public in the Commission's Public Document Room at 1717 H Street NW., Washington, DC, and in the St. Charles Parish Library, Hahnville, La. 70057. The Final Environmental Statement is also being made available at the Commission on Intergovernmental Relations, Post Office Box 44316, Baton Rouge, LA 70804, and at the Secretary of the Teche District Clearinghouse, County Agent, Convent Courthouse, Convent, LA 70723.

V38-55 MAR 22 73 XUM

The notice of availability of the Draft Environmental Statement for the Waterford Steam Electric Generating Station Unit No. 3, and requests for comments from interested persons was published in the FEDERAL REGISTER on October 31, 1972 (37 FR 23198). The comments received from Federal, State, local and interested members of the public have been included as appendices to the Final Environmental Statement.

Single copies of the Final Environmental Statement may be obtained by writing the U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Deputy Director for Reactor Projects, Directorate of Licensing.

Dated at Bethesda, Md., this 16th day of March 1973.

For the Atomic Energy Commission.

GORDON K. DICKER,
Chief, Environmental Projects Branch No. 2, Directorate of Licensing.

[FR Doc.73-5376 Filed 3-21-73;8:45 am]

[Docket No. 50-382A]

LOUISIANA POWER & LIGHT CO.

Notice Changing Time and Place for First Prehearing Conference

In the matter of Louisiana Power & Light Co., Waterford Steam Electric Generating Station, Unit 3, Docket No. 50-382A.

By agreement of all participants, the time and place of the first prehearing conference heretofore scheduled for March 27, 1973, is changed to March 26, 1973, at U.S. District Court, Courtroom 23, Third Street and Constitution Avenue NW., Washington, D.C. 20001, at 10 a.m.

Issued at Washington, D.C., this 20th day of March 1973.

It is so ordered.

The Atomic Safety and Licensing Board.

HUGH K. CLARK,
Chairman.

[FR Doc.73-5609 Filed 3-21-73;8:45 am]

[Docket No. 50-323]

PACIFIC GAS & ELECTRIC CO.

Notice of Prehearing Conference

In the matter of Pacific Gas & Electric Co. (Diablo Canyon Nuclear Power Plant Unit 2), Docket No. 50-323.

Take notice, pursuant to a "Notice of Hearing Pursuant to 10 CFR 50, Appendix D, section B" in the above matter appeared on December 27, 1972, in the FEDERAL REGISTER (37 FR 28542), a prehearing conference will be held at the Board of Supervisors Chambers, Courthouse Annex, Palm Street, San Luis Obispo, Calif., commencing at 10 a.m., local time, on April 11, 1973.

At that time, consideration will be given to the following:

(1) Simplification, clarification, and specification of the issues;

(2) The necessity or desirability of amending the pleadings;

(3) The obtaining of stipulations and admissions of fact and of the contents and authenticity of documents to avoid unnecessary proof;

(4) Identification of witnesses and the limitation of the number of expert witnesses, and other steps to expedite the presentation of evidence;

(5) The setting of a hearing schedule; and

(6) Such other matters as may aid in the orderly disposition of the proceeding.

The public is invited to attend this proceeding.

Issued at Washington, D.C., this 16th day of March 1973.

ATOMIC SAFETY AND LICENSING BOARD,
ELIZABETH S. BOWERS,
Chairman.

[FR Doc.73-5411 Filed 3-21-73;8:45 am]

REGULATORY GUIDES

Notice of Issuance and Availability

The Atomic Energy Commission has issued a guide in its regulatory guide series. This series has been developed to describe and make available to the public methods acceptable to the AEC regulatory staff of implementing specific parts of the Commission's regulations and, in some cases, to delineate techniques used by the staff in evaluating specific problems or postulated accidents and to provide guidance to applicants concerning certain of the information needed by the staff in its review of applications for permits and licenses.

Regulatory Guide 1.36, "Non-Metallic Thermal Insulation for Austenitic Stainless Steel," is being issued in Division 1, "Power Reactor Guides." This guide describes an acceptable method for the selection and use of nonmetallic thermal insulation for stainless steel portions of the reactor coolant pressure boundary and other systems important to safety in light water cooled reactors.

Comments and suggestions in connection with improvements in the guides are encouraged and should be sent to the Secretary of the Commission, U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Chief, Public Proceedings Staff. Copies of issued guides may be obtained by request to the U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Director of Regulatory Standards.

Other Division 1 regulatory guides currently being developed include the following:

Operating Status Indication for Nuclear Power Plant Safety Systems.
Availability of Electric Power Sources.
Preoperational Testing of Redundant Onsite Electric Power Sources to Verify Proper Load Group Assignments.
Qualification Tests of Continuous-Duty Motors Installed Inside the Containment of Nuclear Power Plants.
Requirements for Instrumentation To Assess Nuclear Power Plant Conditions During and Following an Accident for Water-Cooled Reactors.
Shared Emergency and Shutdown Power Systems at Multi-Unit Sites.
Physical Independence of Safety Related Electric Systems.
Isolating Low Pressure Systems Connected to the Reactor Coolant Pressure Boundary.
Assumptions for Evaluating a Control Rod Ejection Accident for Pressurized Water Reactors.
Assumptions for Evaluating a Control Rod Drop Accident for Boiling Water Reactors.
Quality Assurance Requirements for Cleaning of Fluid Systems and Associated Components of Nuclear Power Plants.
Quality Assurance Requirements for Packaging, Shipping, Receiving, Storage, and Handling of Items for Nuclear Power Plants.
Housekeeping Requirements for Nuclear Power Plants.
Requirements for Collection, Storage, and Maintenance of Quality Assurance Records for Nuclear Power Plants.
Requirements for Assessing Ability of Material Underneath Nuclear Power Plant Foundations To Withstand Safe Shutdown Earthquake.
Design Basis Floods for Nuclear Power Plants.
Design Phase Quality Assurance Requirements for Nuclear Power Plants.
Qualification Tests of Electric Valve Operators for Use in Nuclear Power Plants.
Fire Protection Criteria for Nuclear Power Plants.
Protective Coatings for Nuclear Reactor Containment Facilities.
Quality Assurance for Protective Coatings Applied to Nuclear Power Plants.
Application of the Single-Failure Criterion to Nuclear Power Generating Station Protective Systems.
Protection Against Pipe Whip Inside Containment.
Additional Material Requirements for Bolting.
Inservice Surveillance of Grouted Prestressing Tendons.
Stainless Steel Overlay Welding.
Design Loading Combinations for Fluid System Components.
Design Loading Combinations for Primary Metal Containment Systems.
Reactor Coolant Pressure Boundary Leak Detection System.
Concrete Placement in Category I Structures.
Control of Sensitized Stainless Steel.
Design Spectra for Seismic Design of Nuclear Power Stations.
Seismic Input Motion to Uncoupled Structural Model.
Control of Preheat Temperature for Low Alloy Steel Welding.
Rules for Inservice Inspection of Class 2 and Class 3 Nuclear Power Plant Components.
Primary Reactor Containment (Concrete) Design and Analysis.
Preservice Testing of In-Situ Valve Systems.
Installation of Over-Pressure Devices.
Nondestructive Examination of Tubular Products.
Category I Structural Foundations.
Maintenance of Water Purity in BWRs.

(5 U.S.C. 552(a))

Dated at Bethesda, Md., this 15th day of March 1973.

For the Atomic Energy Commission.

LESTER ROGERS,
Director of Regulatory Standards.

[FR Doc.73-5409 Filed 3-21-73;8:45 am]

REGULATORY GUIDES

Notice of Issuance and Availability

The Atomic Energy Commission has issued a new guide, Regulatory Guide 3.5, entitled "Guide to the Contents of Applications for Uranium Milling Licenses." The guide provides specific guidance on the contents of an application for an AEC Source Material License authorizing uranium milling activities. The new guide is in Division 3, "Fuels and Materials Facilities Guides," of the Regulatory Guide series developed to describe and make available to the public methods acceptable to the AEC Regulatory staff of implementing specific parts of the Commission's regulations and, in some cases, to delineate techniques used by the staff in evaluating specific problems or postulated accidents and to provide guidance to applicants concerning certain of the information needed by the staff in its review of applications for permits and licenses.

Comments and suggestions in connection with improvements in the guides are encouraged and should be sent to the Secretary of the Commission, U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Chief, Public Proceedings Staff. Copies of issued guides may be obtained by writing to the U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Director of Regulatory Standards.

Other Division 3 Regulatory Guides currently being developed include the following:

Contents of Technical Specifications for Fuel Reprocessing Plants.
Preparation of Environmental Reports for Uranium Mills.
Seismic Design Classification for Plutonium Processing and Fuel Fabrication Plants.
Monitoring of Combustible Gases and Vapors in Plutonium Processing and Fuel Fabrication Plants.
Design of Embankment Retention Systems for Uranium Mills.
Stabilization, Maintenance and Long Term Control of Uranium Mill Tailings Retention Systems.
Ventilation Systems Criteria for Plutonium Processing and Fuel Fabrication Plants. (5 U.S.C. 552 (a))

Dated at Bethesda, Md., this 13th day of March 1973.

For the Atomic Energy Commission.

LESTER ROGERS,
Director of Regulatory Standards.

[FR Doc.73-5413 Filed 3-21-73;8:45 am]

COMMISSION ON CIVIL RIGHTS

WASHINGTON STATE ADVISORY COMMITTEE

Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights, that a meeting of the Washington State Advisory Committee will convene at 9 a.m. on March 30 and at 9 a.m. on March 31, 1973, at the Seattle Public Library, Main Library Building, Fourth and Madison Streets, Seattle, Wash. 98401. This meeting shall be open to the public and the press.

The purposes of this meeting shall be to collect information concerning legal developments constituting a denial of the equal protection of the laws under the Constitution because of race, color, religion, sex, or national origin which affect Indians residing in the State of Washington with special emphasis in the areas of the administration of justice, health services, Indian treaty rights, and education; to appraise denials of equal protection of the laws under the Constitution because of race, color, religion, sex, or national origin as these pertain to Indians in the State of Washington with special emphasis in the areas of the administration of justice, health services, Indian Treaty Rights, and education; and to disseminate information with respect to denials of the equal protection of the laws because of race, color, religion, sex, or national origin with respect to Indians in the State of Washington with special emphasis in the areas of the administration of justice, health services, Indian treaty rights, and education; and related subjects.

This meeting will be conducted pursuant to the rules and regulations of the Commission.

Dated at Washington, D.C., March 13, 1973.

ISAIAH T. CRESWELL, JR.,
Advisory Committee Management Officer.

[FR Doc.73-5509 Filed 3-21-73;8:45 am]

COMMITTEE FOR PURCHASE OF PRODUCTS AND SERVICES OF THE BLIND AND OTHER SEVERELY HANDICAPPED

PROCUREMENT LIST 1973

Corrections

Notice is hereby given of the following corrections to Procurement list 1973, March 12, 1973 (38 FR 6742). Corrections are in *italic*.

COMMODITIES

	Each	
Class 7210:	*East*	*West*
Bedspring (IB) 7210-582-0984	$23.30	$24.09
Class 7920:		
Mop, Wet (*IB*)		

SERVICES

Furniture Rehabilitation, Lackland Air Force Base and Randolph Air Force Base, San Antonio, Tex. (GI).	Price list available from PMDS, GSA Region 7.

MILITARY RESALE COMMODITIES

Class 7210:	*Package*
Cloth, All Purpose, *Package of 2* (IB) 7210-B510-981	$0.38
Cloth, Dish, *Package of 2* (IB) 7210-B510-942	0.33
Cloth, Polishing and Dusting, *Package of 2* (IB) 7210-B510-982	0.37
Cloth, Wash, *Package of 2* (IB) 7210-B510-984	0.40
Towel, Kitchen, *Package of 2* (IB) 7210-B510-945	0.72
Class 7220:	*Each*
Mat, Floor (IB) 7220-B510-992	$1.79
Class 7330:	
Delete: Can Opener, Liquipour (IB)	
Substitute:	*Set*
Opener, Pour and Store, Set (IB) 7330-B510-988	$1.29
Mitt, Oven (IB) 7330-B510-949	$0.38
Potholder (IB) 7330-B510-946	$0.20
Class 7920:	
Bag, Laundry (IB) 7920-B510-967	$1.79
Broom, Whisk (IB) 7920-B510-909	$0.67
Mop, Block Sponge (IB) 7920-B510-924	$1.88
Class 8450:	*Package*
Bib, Terrycloth, *Package of 2* (IB) 8450-B510-985	$0.51

By the Committee.

CHARLES W. FLETCHER,
Executive Director.

[FR Doc.73-5551 Filed 3-21-73;8:45 am]

COST OF LIVING COUNCIL

[Cost of Living Council Order No. 15B]

COMMISSIONER OF INTERNAL REVENUE

Delegation of Authority

Pursuant to the authority delegated to the Director by Cost of Living Council Order No. 14 (38 FR 1489, January 12, 1973) it is hereby ordered as follows:

1. There is hereby delegated to the Commissioner of Internal Revenue (the Commissioner), subject to the policy guidance and direction of the Director of the Cost of Living Council, the authority to sign and issue subpoenas for the attendance and testimony of witnesses and the production of relevant books, papers, and other documents, and to administer oaths, all in accordance with section 206 of the Economic Stabilization Act of 1970, as amended, for the purpose of exercising any authority delegated to the Commissioner by Cost of Living Council Order No. 15, paragraph 1(d) (38 FR 1489, January 12, 1973).

2. The Commissioner may redelegate to any official of the Internal Revenue Service any authority under this order.

3. The authority hereby delegated is in addition to the authority delegated to the Commissioner by Council Orders No. 15 and 15A.

V38-55 MAR 22 73 XUM

Issued in Washington, D.C., on March 16, 1973.

JAMES W. MCLANE,
Deputy Director,
Cost of Living Council.

[FR Doc.73-5465 Filed 3-21-73;8:45 am]

[Cost of Living Council Order No. 23]

GENERAL COUNSEL

Delegation of Authority

Pursuant to the authority vested in the Director of the Cost of Living Council by Cost of Living Council Order No. 14, it is hereby ordered as follows:

1. There is hereby delegated to the General Counsel, subject to the general policy guidance of and in coordination with the Director of the Cost of Living Council, or his delegate, authority to—

(a) Represent the Cost of Living Council and make recommendations to the Department of Justice with respect to litigation in which the Cost of Living Council is a party;

(b) Make recommendations to the Department of Justice as to the prosecution of violations and the handling of all other court proceedings relating to the regulations and orders of the Cost of Living Council;

(c) Compromise and collect civil penalties for violations of the regulations and orders of the Cost of Living Council;

(d) Issue legal opinions and interpretations of the regulations, decisions, and orders of the Cost of Living Council and on the laws relating thereto; and

(e) Consider and decide all appeals from adverse determinations of Economic Stabilization matters by the Internal Revenue Service.

2. This order shall be effective March 16, 1973.

JAMES W. MCLANE,
Deputy Director.

[FR Doc.73-5464 Filed 3-21-73;8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

NOR-AM AGRICULTURAL PRODUCTS, INC.

Notice of Filing of Pesticide and Food Additive Petitions

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 408(d)(1), 409(b)(5), 68 Stat. 512, 72 Stat. 1786; 21 U.S.C. 346a(d)(1), 348(b)(5)), notice is given that a pesticide petition (PP 3F1351) has been filed by NOR-AM Agricultural Products, Inc., 11710 Lake Avenue, Woodstock, IL 60098, proposing establishment of tolerances (40 CFR Part 180) for residues of the insecticide formetanate hydrochloride (*m*-[[(dimethylamino/methylene]amino]phenyl methylcarbamate hydrochloride) and its metabolites containing the *m*-aminophenol moiety (calculated as formetanate hydrochloride) in or on grapes at 5 parts per million; liver and kidney of cattle, goats, hogs, horses, poultry, and sheep at 0.1 part per million; meat, fat, and meat byproducts (excluding liver and kidney) of cattle, goats, hogs, horses, poultry, and sheep; milk; and eggs at 0.05 part per million.

Notice is also given that the same firm has filed a related food additive petition (FAP 3H5025) proposing establishment of food additive tolerances (21 CFR Part 121) for residues of formetanate hydrochloride and its metabolites containing the *m*-aminophenol moiety in or on dried grape pomace and raisin waste at 45 parts per million and raisins at 20 parts per million resulting from application of the insecticide to growing grapes.

The analytical methods proposed in the pesticide petition for determining residues of the insecticide are procedures in which residues are (a) hydrolyzed to 3-aminophenol, which is brominated to 2,4,6-tribromo-3-aminophenol and determined using a gas chromatograph equipped with an electron-capture detector or (b) hydrolyzed to 3-aminophenol and then analyzed colorimetrically by diazotization and coupling with *N*-1-naphthylenediamine dihydrochloride.

Dated: March 13, 1973.

EDWIN L. JOHNSON,
Acting Deputy Assistant Administrator for Pesticide Programs.

[FR Doc.73-5419 Filed 3-21-73;8:45 am]

VELSICOL CHEMICAL CORP.

Notice of Filing of Petition for Food Additive

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition (FAP 3H5026) has been filed by Velsicol Chemical Corp., 341 East Ohio Street, Chicago, IL 60611, proposing establishment of a food additive tolerance (21 CFR Part 121) for residues of the insecticide chlordane (1,2,4,5,6,7,8,8-octachloro-2,3,3a,4,-7,7a-hexahydro-4,7-methanoindene containing not more than 1 percent of the intermediate compound hexachlorocyclopentadiene) expressed as the sum of *cis*- and *trans*-chlordane, heptachlor epoxide, and nonachlor in or on cotton seed hulls at 0.4 part per million resulting from application of the insecticide to growing cotton.

Dated: March 14, 1973.

HENRY J. KORP,
Deputy Assistant Administrator for Pesticide Programs.

[FR Doc.73-5421 Filed 3-21-73;8:45 am]

VELSICOL CHEMICAL CORP.

Notice of Withdrawal of Petition for Food Additive

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b), 72 Stat. 1786; 21 U.S.C. 348(b)), the following notice is issued:

In accordance with § 121.52 Withdrawal of petitions without prejudice of the procedural food additive regulations (21 CFR 121.52), Velsicol Chemical Corp., 341 East Ohio Street, Chicago, IL 60611, has withdrawn its petition (FAP 1H2600), notice of which was published in the FEDERAL REGISTER of November 6, 1970 (35 FR 17138), proposing establishment of a food additive tolerance (21 CFR Part 121) of 0.5 part per million in crude soybean oil for residues of the insecticide chlordane (1,2,4,5,6,7,8,8-octachloro - 2,3,3a,4,7,7a - hexahydro - 4,7 - methanoindene containing not more than 1 percent of the intermediate compound hexachlorocylopentadiene) resulting from application of the insecticide to growing soybeans.

Dated: March 13, 1973.

EDWIN L. JOHNSON,
Acting Deputy Assistant Administrator for Pesticide Programs.

[FR Doc.73-5420 Filed 3-21-73;8:45 am]

FEDERAL COMMUNICATIONS COMMISSION

[Mexican List 269]

MEXICAN STANDARD BROADCAST STATIONS

Notification List

Correction

In FR Doc. 73-4606 appearing on page 6719 of the issue for Monday, March 12, 1973, the following changes should be made in the table:

1. The first entry in the second column, Location, now reading "San Cristobal, las Casas, Chis.", should read "San Cristobal las Casas, Chis.".

2. The second entry in the third column, Power watts, under *830 kHz*, now reading "1000", should read "10,000".

NATIONAL INDUSTRY ADVISORY COMMITTEE, BROADCAST SERVICES SUBCOMMITTEE

Notice of Meeting

Pursuant to the provisions of Public Law 92-463, announcement is made of a public meeting of Working Group III, Broadcast Services Subcommittee, National Industry Advisory Committee, to be held Thursday, April 5, 1973. The working group will meet at 1229 20th Street NW., Washington, DC, Room A-110 at 10 a.m.

Purpose. To prepare and submit recommendations to the Federal Communications Commission concerning voluntary organized industry participation in the Emergency Broadcast System.

Agenda. The agenda for the meeting is, as follows:

Item

1. Review of provisions of Standing Operating Procedure (SOP) No. 1.
2. Review of provisions of Standing Operating Procedure (SOP) No. 3.
3. Review of provisions of the Non-Government Activation and Termination Procedures for the Emergency Broadcast System.

4. Review of interconnection arrangements for National Public Radio (NPR) and Public Broadcasting Service (PBS).
5. Review of FCC rules (Part 73—Subpart G) pertaining to Standing Operating Procedures (SOP's) and National-Level interconnection arrangements.

It is suggested that those desiring more specific information about the meeting telephone the Emergency Communications Division 202-632-7232.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[FR Doc.73-5547 Filed 3-21-73;8:45 am]

PBX TECHNICAL STANDARDS SUBCOMMITTEE

Notice of Public Meeting

MARCH 13, 1973.

In accordance with Public Law 92-463, announcement is made of a public meeting of the Technical Standards Subcommittee of the PBX Standards advisory Committee to be held March 27 and 28 in room 847, 1919 M Street NW., Washing. DC, and on the sixth floor at 2025 M Street NW., Washington, DC. March 29. The meeting will commence at 10 a.m.

1. *Purpose.* The purpose of this Subcommittee is to prepare recommended standards and procedures to permit the interconnection of customer provided and maintained PBX equipment to the public switched network without the need for carrier provided connecting arrangements.

2. *Activities.* As at prior meetings, Subcommittee members and observers present their suggestions and recommendations regarding the various technical criteria and standards that should be considered with respect to the interconnection of PBX equipment to the public telephone network.

3. *Agenda.* The agenda for the March 27-29 meeting will be as follows:

a. Presentation of Task Force reports.

b. Review of Task Force reports on interface criteria, equipment standards for nonbarrier PBX, equipment on-site inspection standards, and followup program for manufacturing.

c. Review of priorities and schedule plan for the next meeting.

It is suggested that those desiring more specific information about the meeting call the Domestic Rates Division on 202-632-6457.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[FR Doc.73-5549 Filed 3-21-73;8:45 am]

TECHNICAL ADVISORY COMMITTEE; PANEL 4, CLASS II CHANNELS

Notice of Open Meeting

MARCH 8, 1973.

Panel 4 (Class II Channels) of the Cable Television Technical Advisory Committee will hold an open meeting on Friday, March 23, 1973, at 10 a.m. The meeting will be held in Room 847S of the FCC building, 1919 M Street NW., Washington, DC.

The agenda will include discussions of activities to date, reports of other industry committees, areas of overlap and coordination with other C-TAC panels, tasks to be accomplished, and assignment of panel members to work on specific tasks.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[FR Doc.73-5548 Filed 3-21-73;8:45 am]

FEDERAL POWER COMMISSION

[Docket No. E-8011]

CAROLINA POWER & LIGHT CO.

Proposed Changes in Rates and Charges

MARCH 15, 1973.

Take notice that Carolina Power & Light Co. (Carolina), on January 31, 1973, tendered for filing supplements to Carolina's contracts with customers. The rate schedule numbers for such contracts are FPC Nos. 47, 48, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67. The supplements amend the contracts with various cooperatives to allow the cooperatives to receive power from another source upon reasonable written notification to the company and agreement by the parties on such measures or conditions, if any, as may be required for the protection and liability of both systems.

The proposed effective date of the supplements contained in the filing is 30 days after filing.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 441 G Street NW, Washington, DC 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before April 3, 1973. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-5516 Filed 3-21-73;8:45 am]

[Docket No. RP71-18 etc.]

COLUMBIA GAS TRANSMISSION CORP.

Proposed Changes in Rates and Charges

MARCH 15, 1973.

Take notice that Columbia Gas Corp. (Columbia) on February 26, 1973, tendered for filing two sets of proposed changes in its FPC Gas Tariff, Original Volume No. 1. Both sets of tariff sheets are submitted in response to the Commission's order issued February 9, 1973, in Docket No. RP71-18 et al., and contain proposed increased rates and charges tracking advance payments pursuant to Article V of Columbia's stipulation and agreement approved by the Commission in order issued October 19, 1972, in Docket No. RP71-18 et al. Together, the two filings would increase jurisdictional rates in the amount of $1.9 million annually, based upon sales for the 12-month period ended October 31, 1972, and reflect a $15.2 million increase in advance payments to producers as permitted by Article V.

The first set of tariff sheets reflects that portion of the $1.9 million rate increase which was approved by the Commission's order of February 9, and are proposed by Columbia to become effective as of February 10, 1973, as permitted by the order. The second set of tariff sheets reflects the remaining portion of the proposed $1.9 million rate increase which was made subject to hearing and suspended for 1 day by the Commission's order. In addition, Columbia filed a motion pursuant to section 4(e) of the Natural Gas Act to make the second set of tariff sheets effective as of February 11, 1973, at the end of the 1-day suspension period, in accordance with the provisions of the February 9 order. Columbia requests waiver of the requirements of § 154.67(a) of the Commission's regulations under the Natural Gas Act so as to permit the second set of tariff sheets to become effective as of February 11, 1973.

Comments or protests relating to the proposed changes in rates and charges may be filed with the Federal Power Commission, 441 G Street NW., Washington, DC 20426, on or before March 30, 1973.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-5517 Filed 3-21-73;8:45 am]

[Rate Schedule No. 3, etc.]

CONTINENTAL OIL CO. ET AL.

Notice of Rate Change

MARCH 20, 1973.

Take notice that the producers listed in the appendix attached hereto have filed proposed increased rates to the applicable area new gas ceiling based on the interpretation of vintaging concepts set forth by the Commission in its Opinion No. 639, issued December 12, 1972.

The information relevant to each of these sales is listed in the appendix.

Any person desiring to be heard or to make any protest with reference to said filing should on or before April 5, 1973, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in

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determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any party wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

KENNETH F. PLUMB,
Secretary.

APPENDIX

Filing date	Producer	Rate schedule No.	Buyer	Area
Mar. 9, 1973	Continental Oil Co	3	Tennessee Gas Pipeline Co.	Carthage Field, Panola County, Tex. R.R. No. 6, Other southwest area.
Mar. 9, 1973	Phillips Petroleum Co	17	Natural Gas Pipeline Company of America.	Texas GC.
Mar. 15, 1973	Getty Oil Co	45	Lone Star Gas Co.	Sholem Alechem Field, Carter County, Okla. Other southwest area.

[FR Doc.73-5622 Filed 3-21-73;8:45 am]

[Docket No. RP72-150 etc.]

EL PASO NATURAL GAS CO.

Postponement of Procedural Dates

MARCH 14, 1973.

On March 2, 1973, El Paso Natural Gas Co. (El Paso), filed a motion requesting an indefinite postponement of the procedural dates in the above-designated matter (Dockets Nos. RP72-150, RP72-151, RP72-155). On March 9, 1973, Commission Staff Counsel filed an answer opposing a postponement of more than 3 weeks and stating that it would be ready to serve its evidence on March 16, 1973. Answers in support of El Paso's motion were filed by Southwest Gas Corp., San Diego Gas & Electric Co., and Pacific Gas and Electric Co. On March 12, 1973, El Paso filed a telegram amending its motion to provide that Commission staff's evidence be filed on March 16, 1973, and that the remaining procedural dates be postponed consistent with its motion. On March 13, 1973, El Paso filed a letter suggesting, in view of Commission staff's readiness to serve its evidence on March 16, that the remaining procedural dates be postponed 3 weeks.

Upon consideration, notice is hereby given that the procedural dates are modified as follows:

Service of staff's evidence, March 16, 1973 (no change in date).
Service of interveners' evidence, April 27, 1973.
Service of El Paso's rebuttal evidence, May 11, 1973.
Hearing and commencement of cross-examination, May 22, 1973 (10 a.m., e.d.t.).

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-5402 Filed 3-21-73;8:45 am]

[Docket No. E-8067]

KANSAS POWER & LIGHT CO.

Notice of Initial Rate Schedules

MARCH 14, 1973.

Take notice that the Kansas Power & Light Co. (KPL) on March 5, 1973, tendered for filing initial rate schedules, to be filed as a supplemental rate schedule to KPL Rate Schedule FPC No. 123. The proposed effective date of the rates contained in the filing is June 1, 1973. KPL alleges that the rate schedule provides participation power service capacity in the amount of twenty-seven (27) megawatts to be made available to Central Kansas Power Co., Inc., (CKP) from KPL Lawrence Unit No. 5 of the period June 1, 1973, through May 31, 1974. KPL states that due to unknown requirements, an estimate of revenues from energy sales cannot be made at this time and the capacity charge for 27,000 kw. will be $33,750 per month. KPL further states that copies of the proposed rate schedule have been furnished to the president of CKP and the Kansas State Corporation Commission.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 441 G Street NW., Washington, DC 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before March 29, 1973. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-5403 Filed 3-21-73;8:45 am]

[Docket No. CP72-26]

MICHIGAN WISCONSIN PIPE LINE CO.

Application to Amend

MARCH 14, 1973.

Take notice that on March 7, 1973, Michigan Wisconsin Pipe Line Co. (Michigan Wisconsin), One Woodward Avenue, Detroit, MI 48226, filed in Docket No. CP72-26, pursuant to section 7(c) of the Natural Gas Act, an application to amend further the Commission's order issued November 4, 1971, in said docket (46 FPC 1138), as amended May 19, 1972 (47 FPC —), by authorizing an increase in the daily and annual storage service rendered to Central Indiana Gas Co., Inc. (Central Indiana), all as more fully set forth in the application to amend further which is on file with the Commission and open to public inspection.

The order of November 4, 1971, as amended, authorized an annual storage volume for Central Indiana of 1,500,000 Mcf with a redelivery rate of up to 15,000 Mcf daily during the period from November 1 through the next succeeding February 28. Michigan Wisconsin states that it has entered into second amendatory agreement, dated February 21, 1973, with Central Indiana providing for an increase in annual storage volume from 1,500,000 Mcf to 2,900,000 Mcf and an increase in the daily redelivery rate from 15,000 Mcf to 29,000 Mcf. During the period March 1 through October 31, Central Indiana will supply Michigan Wisconsin with the additional gas for storage injection from Central Indiana's present annual entitlement from its supplier, Panhandle Eastern Pipeline Co.

The application indicates that Central Indiana's firm gas requirements continue to grow and that Central Indiana has been informed that it must expect significant curtailments of deliveries from Panhandle which will further affect Central Indiana's ability to meet its firm requirements. Consequently, Michigan Wisconsin states that Central Indiana has requested the increased storage service.

Any person desiring to be heard or to make any protest with reference to said application to amend should on or before April 9, 1973, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-5404 Filed 3-21-73;8:45 am]

[Docket No. CI73-603]

PHILLIPS PETROLEUM CO.

Notice of Application

MARCH 19, 1973.

Take notice that on March 9, 1973, Phillips Petroleum Co. (Applicant), Bartlesville, Okla. 74004, filed in Docket No. CI73-603 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale for resale and delivery of natural gas to Northern Natural Gas Co. from Applicant's Benedum and Spraberry Plants in Upton and Midland Counties, Tex., respectively, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that it commenced a sale of natural gas from the Benedum Plant on February 16, 1973, within the contemplation of § 157.29 of the regulations under the Natural Gas Act (18 CFR 157.29) and that it intends to make an emergency sale from the Spraberry Plant within the contemplation of said regulation. Applicant proposes to continue each sale for 10 months from the end of the 60-day emergency period within the contemplation of § 2.70 of the Commission's general policy and interpretations (18 CFR 2.70). Applicant would sell approximately 9,000 Mcf of gas per month at $0.40 per Mcf at 14.65 p.s.i.a., subject to upward and downward B.t.u. adjustment.

It appears reasonable and consistent with the public interest in this case to prescribe a period shorter than 15 days for the filing of protests and petitions to intervene. Therefore, any person desiring to be heard or to make any protest with reference to said application should on or before April 3, 1973, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before April 4, 1973. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-5519 Filed 3-21-73;8:45 am]

TENNESSEE GAS PIPELINE CO.

Notice of Proposed Changes in Rates and Charges

MARCH 20, 1973.

Take notice that on March 2, 1973, Tennessee Gas Pipeline Co. (Tennessee) tendered for filing a gas sales contract dated December 1, 1972, between Tennessee as seller, and Consolidated Gas Supply Corp., as buyer. Tennessee requested that the gas sales contract become effective 30 days after filing. Tennessee states that this contract is being filed to reflect (a) Tennessee's conversion from a pressure base of 15.025 p.s.i.a. to a pressure base of 14.73 p.s.i.a., as authorized by the Commission at Tennessee's Docket No. RP71-6, (b) a corrected description of Tennessee's Rate Schedule CD-4 delivery point to Consolidated Gas at No. (2) to Main Line Valve 313A-202 from Main Line Valve 3136-102, and (c) the inclusion of the Marillo delivery point as authorized by the Commission by its order of November 3, 1970 at Docket No. CP71-46.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 441 G Street NW., Washington, DC 20426, in accordance with sections 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before April 4, 1973. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-5623 Filed 3-21-73;8:45 am]

[Docket No. CI73-604]

TEXACO INC.

Notice of Application

MARCH 19, 1973.

Take notice that on March 12, 1973, Texaco Inc. (Applicant), Post Office Box 52332, Houston, TX 77052, filed in Docket No. CI73-604 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale for resale and delivery of natural gas in interstate commerce to Texas Eastern Transmission Corporation from the Long Mott Field, Calhoun County, Tex., all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that it commenced the sale of natural gas on March 6, 1973, within the contemplation of § 157.29 of the regulations under the Natural Gas Act (18 CFR 157.29) and that it proposes to continue said sale for 1 year within the contemplation of § 2.70 of the Commission's general policy and interpretations (18 CFR 2.70). Applicant proposes to sell approximately 45,000 Mcf of gas per month at $0.40 per Mcf at 14.65 p.s.i.a., subject to upward and downward B.t.u. adjustment. Estimated initial upward B.t.u. adjustment is $0.01 per Mcf.

It appears reasonable and consistent with the public interest in this case to prescribe a period shorter than 15 days for the filing of protests and petitions to intervene. Therefore, any person desiring to be heard or to make any protest with reference to said application should on or before April 3, 1973, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-5521 Filed 3-21-73;8:45 am]

[Docket No. CP69-199]

TRANSCONTINENTAL GAS PIPE LINE CORP.

Proposed Changes in Rates and Charges

MARCH 14, 1973.

Take notice that on February 26, 1973, Transcontinental Gas Pipe Line Co. (Transco) tendered for filing as part of its FPC Gas Tariff, Original Volume No. 2, First Revised Sheet No. 351 of said tariff. Transco states that a transportation agreement between Transco and Southern Natural Gas Co. (Southern) dated December 11, 1968, was amended on October 4, 1972, by changing its term and by increasing the rate to be charged for such transportation. Transco alleges that Southern will pay Transco a transportation charge of $0.08 per Mcf.

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Transco states that the amendment was authorized by the Commission by order issued January 29, 1973, in that docket. This sheet has a proposed effective date of January 29, 1973, and the Commission is requested to waive such provisions of its rules and regulations and grant whatever special permissions as may be required to permit this filing to become effective on such date.

Transco further states a copy of this filing is being mailed to Southern this date.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 441 G Street NW., Washington, DC 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before March 30, 1973. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-5405 Filed 3-21-73;8:45 am]

[Docket No. E-8025]

UPPER PENINSULA GENERATING CO.

Notice of Application

MARCH 15, 1973.

Take notice that on February 7, 1973, Upper Peninsula Generating Co. (Applicant), filed an application with the Federal Power Commission seeking authority pursuant to section 204 of the Federal Power Act to issue unsecured promissory notes not to exceed $15 million face value at any one time outstanding.

The Applicant is incorporated under the laws of the State of Michigan with its principal business office at Houghton, Mich. and is engaged in the generation of electric energy for sale only to Upper Peninsula Power Co. and the Cliffs Electric Service Co.

The Applicant proposes to issue unsecured promissory notes, payable to such bank or banks from which the Applicant may borrow for periods not exceeding 12 months from the date of original issue or renewal thereof, as the case may be, such notes, issued either originally or upon renewal from time to time, to have maturity dates not later than July 1, 1975.

The interest rate on the notes to be issued to commercial banks not for resale to the public will be at a rate not exceeding one-half of 1 percent over the floating prime rate in effect from time to time, meaning by "prime rate" the lowest rate at which the banks to whom the notes are payable are then making short term commercial loans to depositors.

The proceeds from the sale of the notes will be used, pending permanent financing, to finance the buildup of its coal stock to last through the nonnavigation months and to finance a portion of the Applicant's construction program for the years 1973 through 1975 having an estimated cost of $41,981,200.

Any person desiring to be heard or to make any protest with reference to said application should on or before March 28, 1973, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-5520 Filed 3-21-73;8:45 am]

FEDERAL RESERVE SYSTEM

ALABAMA BANK OF GUIN

Order Approving Application for Merger of Banks

Alabama Bank of Guin, Guin, Ala., a proposed State member bank of the Federal Reserve System, has applied for the Board's approval pursuant to the Bank Merger Act (12 U.S.C. 1828(c)) of the merger of that bank with Marion County Banking Co., Guin, Ala., under the name of Marion County Banking Co.

As required by the Act, notice of the proposed merger, in form approved by the Board, has been published, and the Board has requested reports on competitive factors from the Attorney General, the Comptroller of the Currency, and the Federal Deposit Insurance Corporation. The Board has considered the application in light of the factors set forth in the Act.

On the basis of the record, the application is approved for the reasons summarized in the Board's order of this date relating to the application of The Alabama Financial Group, Inc., to acquire the successor by merger to Marion County Banking Co., provided that said merger shall not be consummated: (a) Before the 30th calendar day following the date of this order or (b) later than 3 months after the date of this order, unless such period is extended for good cause by the Board or by the Federal Reserve Bank of Atlanta pursuant to delegated authority.

By order of the Board of Governors,[1] effective March 13, 1973.

[SEAL] TYNAN SMITH,
Secretary of the Board.

[FR Doc.73-5505 Filed 3-21-73;8:45 am]

ALABAMA FINANCIAL GROUP, INC.

Order Approving Acquisition of Bank

The Alabama Financial Group, Birmingham, Ala., a bank holding company within the meaning of the Bank Holding Company Act, has applied for the Board's approval under section 3(a)(3) of the Act (12 U.S.C. 1842(a)(3)) to acquire 80 percent or more of the voting shares of the successor by merger to Marion County Banking Company, Guin, Ala. (Bank). The bank into which Bank is to be merged has no significance except as a means to facilitate the acquisition of the voting shares of Bank. Accordingly, the proposed acquisition of shares of the successor organization is treated herein as the proposed acquisition of the shares of Bank.

Notice of the application, affording opportunity for interested persons to submit comments and views, has been given in accordance with section 3(b) of the Act. The time for filing comments and views has expired, and none has been timely received. The Board has considered the application in light of the factors set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Applicant, the fourth largest banking organization in Alabama, controls four banks[1] with deposits totaling approximately $514.5 million, representing 8.4 percent of the commercial banking deposits in the State. (All banking data are as of June 30, 1972, and reflect holding company formations and acquisitions approved by the Board through December 31, 1972.)

Bank ($14.8 million in deposits), the largest of five banks in Marion County (which approximates the relevant banking market), controls 45.3 percent of the county deposits. Applicant's closest subsidiary to Bank is located 85 miles away. There is no meaningful competition between any of applicant's subsidiary banks and Bank, nor does it appear likely that such competition will develop in the future in the light of the distances separating Bank from applicant's subsidiaries, the number of intervening banks, and the fact that the market is not attractive for de novo entry. This proposal represents the initial entry of a holding company into the market. Despite the size of Bank's market share, it has not been an aggressive competitor in the past. Bank does not appear to be dominant in the market and four other vehicles remain for entry. Consummation of the proposal would not appear to have an adverse effect on any competing bank and the Board concludes that competitive considerations are consistent with approval.

The financial and managerial resources of Bank and of applicant are regarded as satisfactory and future prospects of both appear favorable. Accordingly, considerations relating to the banking factors are consistent with approval. Applicant proposes to assist Bank in arranging loan participation which should enable Bank to undertake loans in excess of its current lending limit thereby increasing the capacity of Bank to fulfill the capital needs of the area's new and expanding industry and to make the expertise of its staff available to Bank. Considerations relating to the convenience and needs of the community to be served lend weight toward approval. It is the Board's judgment that the proposed acquisition would be in the public interest and that the application should be approved.

On the basis of the record, the application is approved for the reasons summarized above. The transaction shall not be consummated: (a) Before the 30th calendar day following the effective date of this order or (b) later than 3 months after the effective date of this order, unless such period is extended for good cause by the Board or by the Federal Reserve Bank of Atlanta pursuant to delegated authority.

By order of the Board of Governors,[2] effective March 13, 1973.

[SEAL] TYNAN SMITH,
Secretary of the Board.

[FR Doc.73-5422 Filed 3-21-73;8:45 am]

[1] Voting for this action: Vice Chairman Robertson and Governors Mitchell, Brimmer, and Bucher. Absent and not voting: Chairman Burns and Governors Daane and Sheehan.

[1] Applicant also has a pending application to acquire the successor by merger to First National Bank of Anniston, Anniston, Ala. (deposits of $61.7 million).

[2] Voting for this action: Vice Chairman Robertson and Governors Mitchell, Brimmer, and Bucher. Absent and not voting: Chairman Burns and Governors Daane and Sheehan.

DOMINION BANKSHARES CORP.

Acquisition of Bank

Dominion Bankshares Corp., Roanoke, Va., has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 100 percent of the voting shares (less directors' qualifying shares) of the First National Exchange Bank of Washington County (Bank), Bristol, Va., a proposed new bank. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

In a related matter, Applicant intends to present to the Comptroller of the Currency an application authorizing Bank to purchase certain of the assets and assume certain of the liabilities of the Bristol branch offices of Applicant's largest banking subsidiary. The First National Exchange Bank of Virginia, Roanoke, Va. However, the proposed acquisition of shares of Bank is not contingent upon the Comptroller's approval of the purchase of any of the assets of or the assumption of the liabilities of the Bristol branch offices of The First National Exchange Bank of Virginia.

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Richmond. Any person wishing to comment on the application should submit his views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than April 11, 1973.

Board of Governors of the Federal Reserve System, March 15, 1973.

[SEAL] CHESTER B. FELDBERG,
Assistant Secretary of the Board.

[FR Doc.73-5423 Filed 3-21-73;8:45 am]

FIRESTONE BANCORP, INC.

Formation of One-Bank Holding Company

Firestone Bancorp, Inc., Akron, Ohio, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company through acquisition of 100 percent of the voting shares (less directors' qualifying shares) of the successor by merger to the Firestone Bank, Akron, Ohio. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Cleveland. Any person wishing to comment on the application should submit his views in writing to the Reserve Bank to be received not later than April 4, 1973.

Board of Governors of the Federal Reserve System, March 14, 1973.

[SEAL] MICHAEL A. GREENSPAN,
Assistant Secretary of the Board.

[FR Doc.73-5424 Filed 3-21-73;8:45 am]

MERCANTILE BANKSHARES CORP.

Acquisition of Bank

Mercantile Bankshares Corp., Baltimore, Md., has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 80 percent or more of the voting shares of the Citizens National Bank, Laurel, Md. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Richmond. Any person wishing to comment on the application should submit his views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than April 9, 1973.

Board of Governors of the Federal Reserve System, March 13, 1973.

[SEAL] CHESTER B. FELDBERG,
Assistant Secretary of the Board.

[FR Doc.73-5425 Filed 3-21-73;8:45 am]

REPUBLIC OF TEXAS CORP.

Formation of Bank Holding Company

Republic of Texas Corp., Dallas, Tex., has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company through acquisition of 100 percent of the voting shares (less directors' qualifying shares) of the successor by merger to Republic National Bank of Dallas, Dallas, Tex. In addition, Applicant will become the indirect owner of 29.99 percent of the voting shares of Oak Cliff Bank and Trust Co., Dallas, Tex., and 6 percent of the voting shares of First National Bank, Wills Point, Tex., as well as between 9.99 percent and 25 percent of the following commercial banks: First Security Bank and Trust Co., Carrollton; Bank of Dallas, Dallas; Fair Park National Bank of Dallas, Dallas; Greenville Avenue State Bank, Dallas; Hillcrest State Bank of University Park, Dallas; Lakewood Bank and Trust Co., Dallas; North Central Bank, Dallas; Northwest National Bank of Dallas, Dallas; Preston State Bank, Dallas; Royal National Bank of Dallas, Dallas; Village Bank, National Association, Dallas; First National Bank of Duncanville, Duncanville; First National Bank in Garland, Garland; Midway National Bank of Grand Prairie, Grand Prairie; Citizens National Bank of Greenville, Greenville; First National Bank of Irving, Irving; Bank of Lancaster, Lancaster; First National Bank in Mineral Wells, Mineral Wells; First National Bank of Plano, Plano; and the Citizens State Bank, Richardson, all in Texas. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Dallas. Any person wishing to comment on the application should submit his views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than April 9, 1973.

Board of Governors of the Federal Reserve System, March 13, 1973.

CHESTER B. FELDBERG,
Assistant Secretary of the Board.

[FR Doc.73-5426 Filed 3-21-73;8:45 am]

GENERAL SERVICES ADMINISTRATION

[Federal Property Management Regs.; Temporary Reg. F-172]

SECRETARY OF DEFENSE

Delegation of Authority

1. *Purpose.* This regulation delegates authority to the Secretary of Defense to

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represent the consumer interests of the executive agencies of the Federal Government in a telecommunications services rate proceeding.

2. *Effective date.* This regulation is effective immediately.

3. *Delegation.* a. Pursuant to the authority vested in me by the Federal Property and Administrative Services Act of 1949, 63 Stat. 377, as amended, particularly sections 201(a)(4) and 205(d) (40 U.S.C. 481(a)(4) and 486(d)), authority is delegated to the Secretary of Defense to represent the consumer interests of the executive agencies of the Federal Government before the Michigan Public Service Commission in a proceeding involving the application of Michigan Bell Telephone & Telegraph Co. for a telecommunications rate increase.

b. The Secretary of Defense may redelegate this authority to any officer, official, or employee of the Department of Defense.

c. This authority shall be exercised in accordance with the policies, procedures, and controls prescribed by the General Services Administration, and, further, shall be exercised in cooperation with the responsible officers, officials, and employees thereof.

ARTHUR F. SAMPSON,
Acting Administrator of General Services.

MARCH 15, 1973.

[FR Doc.73-5467 Filed 3-21-73;8:45 am]

OFFICE OF EMERGENCY PREPAREDNESS

CALIFORNIA

Amendment to Major Disaster Notice

Notice of Major Disaster for the State of California, dated February 13, 1973, and published February 20, 1973 (38 FR 4694) is hereby amended to include the following county among those counties determined to have been adversely affected by the catastrophe declared a major disaster by the President in his declaration of February 8, 1973:

The county of:

Ventura

Dated: March 16, 1973.

DARRELL M. TRENT,
Acting Director, Office of Emergency Preparedness.

[FR Doc.73-5476 Filed 3-21-73;8:45 am]

SECURITIES AND EXCHANGE COMMISSION

[File No. 500-1]

ACCURATE CALCULATOR CORP.

Order Suspending Trading

MARCH 15, 1973.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, $0.01 par value, and all other securities of Accurate Calculator Corp., being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period from March 16, 1973, through March 25, 1973.

By the Commission.

[SEAL] RONALD F. HUNT,
Secretary.

[FR Doc.73-5477 Filed 3-21-73;8:45 am]

[File No. 500-1]

CLINTON OIL CO.

Order Suspending Trading

MARCH 16, 1973.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, $0.03⅓ par value, and all other securities of Clinton Oil Co., being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period from March 18, 1973, through March 27, 1973.

By the Commission.

[SEAL] RONALD F. HUNT,
Secretary.

[FR Doc.73-5478 Filed 3-21-73;8:45 am]

[File No. 500-1]

DCS FINANCIAL CORP.

Order Suspending Trading

MARCH 16, 1973.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, $0.10 par value, and all other securities of DCS Financial Corp. being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period from March 19, 1973 through March 28, 1973.

By the Commission.

[SEAL] RONALD F. HUNT,
Secretary.

[FR Doc.73-5480 Filed 3-21-73;8:45 am]

[70-5314]

EASTERN UTILITIES ASSOCIATES

Proposed Amendment of Declaration of Trust and Order Authorizing Solicitation of Proxies

MARCH 15, 1973.

Notice is hereby given that Eastern Utilities Associates (EUA), Post Office Box 2333, Boston, MA 02107, a registered holding company, has filed a declaration with this Commission pursuant to the Public Utility Holding Company Act of 1935 (Act), designating sections 6(a), 7, and 12(e) of the Act and Rule 62 promulgated, thereunder as applicable to the proposals. All interested persons are referred to the declaration, which is summarized below, for a complete statement of the proposed transactions.

EUA proposes to amend its Declaration of Trust in order to broaden the indemnification of its trustees and officers against liabilities and expenses, including counsel fees, imposed or reasonably incurred in connection with litigation or threatened litigation in which a trustee or officer may be involved by reason of his position. It would also provide for similar indemnification of persons who serve at EUA's request as directors, officers or trustees of another organization in which EUA has an interest. Under the proposed provisions, indemnification would be withheld as to any matter as to which the trustee or officer is adjudicated "not to have acted in good faith in the reasonable belief that his action was in the best interests of the association." It is stated that the proposal conforms to the express statutory standard which a business corporation organized under the laws of Massachusetts is permitted to establish for indemnification of its directors and officers and that the proposed provisions are consistent with the Massachusetts law on this subject.

EUA intends to submit the proposed amendment of its Declaration of Trust to its shareholders for their approval at its annual meeting of shareholders to be held on April 23, 1973. In connection therewith, EUA proposes to solicit proxies from the holders of its common stock through the use of solicitation material which sets forth the proposed amendment in detail. The declaration states that the favorable vote of the holders of two-thirds of the common shares of EUA outstanding and entitled to vote will be required for the proposed amendment and that EUA now has outstanding 2,784,945 common shares.

The fees and expenses incurred and to be incurred in connection with the proposed transactions are to be filed by amendment. The declaration states that no State commission and no Federal commission, other than this Commission, has jurisdiction over the proposed transactions.

EUA has requested that the effectiveness of its declaration with respect to the solicitation of proxies from the preferred stockholders be accelerated as provided in Rule 62.

Notice is further given that any interested person may, not later than April 13, 1973, request in writing that a hearing be held with respect to the proposed amendment of the Declaration of Trust, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon the declarant at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the declaration, as filed or as it may be amended, may be permitted to become effective as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

It apearing to the Commission that EUA's declaration regarding the proposed solicitation of proxies should be permitted to become effective forthwith pursuant to Rule 62 and that jurisdiction should be reserved with respect to the fees and expenses thereof:

It is ordered, That the declaration regarding the proposed solicitation of proxies be, and hereby is, permitted to become effective forthwith pursuant to Rule 62 and that jurisdiction be, and hereby is, reserved with respect to the fees and expenses thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL] RONALD F. HUNT,
Secretary.

[FR Doc.73-5481 Filed 3-21-73;8:45 am]

[File No. 500-1]

FIRST WORLD CORP.

Order Suspending Trading

MARCH 15, 1973.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the class A and class B common stocks, $0.15 par value, and all other securities of First World Corporation being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period from March 16, 1973 through March 25, 1973.

By the Commission.

[SEAL] RONALD F. HUNT,
Secretary.

[FR Doc.73-5482 Filed 3-21-73;8:45 am]

[File No. 500-1]

GOODWAY, INC.

Order Suspending Trading

MARCH 16, 1973.

The common stock, $0.10 par value of Goodway, Inc., being traded on the American Stock Exchange, pursuant to provisions of the Securities Exchange Act of 1934 and all other securities of Goodway, Inc., being traded otherwise than on a national securities exchange; and

It appearing to the Securities and Exchange Commission that the summary suspension of trading in such securities on such exchanges and otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to sections 19(a)(4) and 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities on the above-mentioned exchange and otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period from March 19, 1973, through March 28, 1973.

By the Commission.

[SEAL] RONALD F. HUNT,
Secretary.

[FR Doc.73-5483 Filed 3-21-73;8:45 am]

[File No. 500-1]

FIRST LEISURE CORP.

Order Suspending Trading

MARCH 16, 1973.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, $0.10 par value and all other securities of First Leisure Corp., being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period from March 17, 1973 through March 26, 1973.

By the Commission.

[SEAL] RONALD F. HUNT,
Secretary.

[FR Doc.73-5481 Filed 3-21-73;8:45 am]

[File No. 500-1]

FIRST WORLD CORP.

Order Suspending Trading

MARCH 15, 1973.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the class A and class B common stocks, $0.15 par value, and all other securities of First World Corporation being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period from March 16, 1973 through March 25, 1973.

By the Commission.

[SEAL] RONALD F. HUNT,
Secretary.

[FR Doc.73-5482 Filed 3-21-73;8:45 am]

[File No. 500-1]

GOODWAY, INC.

Order Suspending Trading

MARCH 16, 1973.

The common stock, $0.10 par value of Goodway, Inc., being traded on the American Stock Exchange, pursuant to provisions of the Securities Exchange Act of 1934 and all other securities of Goodway, Inc., being traded otherwise than on a national securities exchange; and

It appearing to the Securities and Exchange Commission that the summary suspension of trading in such securities on such exchanges and otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to sections 19(a)(4) and 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities on the above-mentioned exchange and otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period from March 19, 1973, through March 28, 1973.

By the Commission.

[SEAL] RONALD F. HUNT,
Secretary.

[FR Doc.73-5483 Filed 3-21-73;8:45 am]

[812-3376]

LIFE INSURANCE CO. OF NORTH AMERICA AND LIFE INSURANCE CO. OF NORTH AMERICA SEPARATE ACCOUNT A

Notice of Application

MARCH 16, 1973.

Notice is hereby given that Life Insurance Co. of North America (LINA), a stock life insurance company organized under the laws of the State of Pennsylvania, and Life Insurance Co. of North America Separate Account A (Separate Account), 1600 Arch Street, Philadelphia, PA 19101, a unit investment trust registered under the Investment Company Act of 1940 (Act), (hereinafter called "Applicants"), have filed an application pursuant to section 6(c) of the Act for an order of the Commission exempting Applicants from certain provisions of sections 22(d), 26(a) and 27(c)(2) of the Act, and for approval of an offer of exchange under sections 11(a) and 11(c), as described below. All interested persons are referred to the application on file with the Commission for a statement of the representations therein which are summarized below.

LINA established Separate Account on June 18, 1968, pursuant to the laws of Pennsylvania, as a facility through which it sets aside and invests assets attributable to variable annuity contracts (Contracts) issued by LINA to certain persons who qualify for tax deferred benefits under sections 401, 403(a) and 403(b) of the Internal Revenue Code of 1954, as amended (Code). Applicants also offer variable annuity contracts to persons who may not qualify for similar tax treatment. Under Pennsylvania law, the income, gains, and losses of Separate Account are credited to or charged against the amounts allocated to it in accordance with the Contracts, without regard to any other income, gains, or losses of LINA or arising out of any other business LINA may conduct.

Net purchase payments under Contracts issued by LINA are allocated to one of five divisions of the Separate Account and are invested in shares of Decatur Income Fund, Inc., National Investors Corp., Oppenheimer Fund, Inc., Trustees' Equity Fund, or Dreyfus Third Century Fund (collectively called "Fund" or "Funds"), which are open-end diversified management investment companies registered under the Act. Purchasers of Contracts may also allocate a portion of their net purchase payments to the LINA fixed accumulation account to provide for a fixed annuity.

In the event the shares of any Fund become unavailable or if in the opinion of LINA the investment policies or other policies of such Fund are no longer compatible with the objectives of the Contracts offered by Applicants, LINA may, with the prior approval by a majority of the votes cast by persons having a voting interest in the affected Fund and the prior approval of the Securities and

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Exchange Commission, substitute such Fund with another.

SECTION 11(a)

Section 11(a) of the Act provides that it shall be unlawful for any registered open-end company or any principal underwriter for such a company to make or cause to be made an offer to the holder of a security of such company or of any other open-end investment company to exchange his security for a security in the same or another such company on any basis other than the relative net asset values of the respective securities to be exchanged, unless the terms of the offer have first been submitted to and approved by the Commission. Section 11(c) provides that, irrespective of the basis of exchange, the provisions of subsection (a) shall be applicable to any type of offer of exchange of the securities of registered unit investment trusts for the securities of any other investment company.

Applicants request an order under sections 11(a) and 11(c) to permit, under the Group Variable Annuity Contract, the Single Premium Deferred Variable Annuity Contract, the Installment Premium Variable Annuity Contract and the Flexible Premium Variable Annuity Contract, the transfer of the total value of a Separate Account Division to another Separate Account Division prior to the annuity starting date, provided that no transfer may be made within 1 year of a previous transfer or within a year from date of issue of the contract, except that a final transfer may be made 1 month prior to the date annuity payments commence without regard to the 1-year limitation. This substitution of shares of one underlying Fund for the shares of another participating Fund will be on the basis of relative net asset value of the Funds without an additional sales charge or administrative charge.

Applicants represent that the right to substitute the shares of one underlying Fund for another will permit the contract owner or participant to choose a Fund having different investment objectives from those of the Fund which was previously selected, such objectives being more suitable to the participant's retirement needs than the other.

Applicants request exemptions from the following provisions of the Act to the extent set forth below:

SECTION 22(d)

Section 22(d) of the Act provides, in pertinent part, that no registered investment company shall sell any redeemable security issued by it to any person except at a current public offering price described in the prospectus.

1. Applicants wish to permit, with the exception of the Single Premium Immediate Variable Annuity Contract, transfer of the total or partial value of the fixed accumulation account to a specified Separate Account Division prior to the annuity starting date, provided that no transfer may be made within 1 year of a previous transfer or within 1 year from the date of issue of the contract and no partial transfer may be made if the value of the account from which amounts are transferred is less than $250 after such transfer. Any such transfer would be made without the imposition of any additional sales and administrative charge. Applicants request an exemption from section 22(d) to the extent necessary to permit such transfer without the imposition of a sales and administrative charge.

Applicants represent that the imposition of an additional sales and administrative charge would be inequitable, because a sales and administrative charge has already been paid with respect to the amounts being transferred. Imposition of an additional charge would subject some participants to higher charges than others who had paid the exact same amount of dollars under an identical contract.

2. Applicants wish to permit, in the case of single premium immediate and deferred variable annuity contracts, transfer to said contracts of amounts payable under contracts of Life Insurance Company of North America, INA Life Insurance Company of New York and INA Life Insurance Co. or any other life insurance company affiliated with Life Insurance Company of North America, at a reduced charge of 1 percent for sales and administrative expense. Life Insurance Company of North America and INA Life Insurance Co. are wholly owned subsidiaries of Insurance Company of North America and INA Life Insurance Company of New York is a wholly owned subsidiary of Life Insurance Company of North America. Applicants request an exemption from section 22(d) to the extent necessary to permit such transfers at the reduced sales and administrative charge.

Applicants' single premium immediate and deferred variable annuity contracts provide for deductions of 8.5 percent of the first $20,000 of payment; 6 percent of the next $30,000 of payment; and 4 percent of the amount of payment in excess of $50,000. Of the applicable deduction, 6 percent, and 4 percent respectively are for sales expenses, and the balance of 2.5 percent with respect to the first $20,000 of payment is for administrative expenses. With respect to payments made under single premium immediate and deferred variable annuity contracts of Life Insurance Company of North America and other life insurance companies listed above, a deduction of 1 percent of the payment would be charged with 0.5 percent representing sales charge and 0.5 percent representing administrative expenses.

Applicants represent that reduction of the sales and administrative expense charge in the instant case would be consistent with the policies of the Act and would result in no unfair discrimination among participants.

SECTIONS 26(a) AND 27(c)(2)

Sections 26(a) and 27(c)(2) provide, in pertinent part, that periodic payment plan certificates of a unit investment trust may not be sold unless the proceeds of all payments, other than sales loads, are deposited with a qualified bank as trustee or custodian and are held under an agreement of custodianship. Under the Act, such agreement must provide, in pertinent part, that (i) the custodian bank shall have possession of all property of the unit investment trust and shall segregate and hold the same in trust; (ii) that the custodian bank shall not resign until either the unit investment trust has been liquidated or a successor custodian has been appointed; (iii) that the custodian may collect fees from the income and, if necessary, from the corpus of the unit investment trust for services performed and reimbursement of expenses incurred; and (iv) that no payment to the depositor or principal underwriter shall be allowed the custodian bank as an expense except a fee, not exceeding such reasonable amount as the Commission may prescribe, as compensation for performing bookkeeping and other administrative services normally performed by the custodian.

All assets of Life Insurance Company of North America Separate Account A are held by National Boulevard Bank of Chicago, Chicago, Ill., in custody for safekeeping pursuant to the terms of a written agreement. An exemption is requested from sections 26(a) and 27(c)(2) of the Act to the extent necessary to permit assets of Separate Account A to be held in custody for safekeeping by the Separate Account. Applicants represent that all provisions of the Act will be complied with in terminating the current custodian agreement, transfer of assets and implementation of safekeeping procedures.

Under provisions of the Pennsylvania Insurance Laws, funds allocated by Life Insurance Company of North America to the Separate Account may not be held by the Company as trustee. Net purchase payments under variable annuity contracts allocated to the Separate Account will be invested in one of several mutual funds available as underlying investment mediums for the Separate Account. The shares of these funds are issued under an open account arrangement without the use of stock certificates and ownership of mutual fund shares will be shown only on the books and records of the Separate Account and each mutual fund; ownership will not be represented by securities which would require a custodianship for safekeeping purposes.

Applicants consent that the order granting the requested exemption may be subject to the conditions that: (1) Any charges under the Contracts for administrative services shall not exceed such reasonable amounts as the Commission shall prescribe, and the Commission shall reserve jurisdiction for such purpose, and (2) the payment of sums and charges out of the assets of the Separate Account shall not be deemed to be exempted from regulation by the Commission by reason of the order, provided that consent to this condition shall not be deemed to be a concession to the Commission of authority to regulate the payment of sums and charges out of such assets, other than charges for administrative services, and LINA and Separate Account reserve the right in any proceeding before the Commission or in any suit or action in any court, to assert that the Commission has no authority to regulate the payment of such other sums and charges.

SECTION 6(c)

Section 6(c) provides that the Commission, by order upon application, may conditionally or unconditionally exempt any person, security, or transaction or any class or classes of persons, securities, or transactions from any provision or provisions of the Act and the Rules promulgated thereunder if and to the extent such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Notice is further given that any interested person may, not later than April 11, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues, if any, of fact or law proposed to be controverted or he may request he be notified if the Commission should order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon Applicants at the address stated above. Proof of such service (by affidavit or in case of an attorney at law by certificate) shall be filed contemporaneously with the request. At any time later than said date as provided by Rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management Regulation, pursuant to delegated authority.

[SEAL] RONALD F. HUNT, *Secretary.*

[FR Doc.73-5489 Filed 3-21-73;8:45 am]

[File No. 500-1]

LILAC TIME, INC.

Order Suspending Trading

MARCH 15, 1973.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, $0.05 par value, and all other securities of Lilac Time, Inc., being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period from March 16, 1973, through March 25, 1973.

By the Commission.

[SEAL] RONALD F. HUNT, *Secretary.*

[FR Doc.73-5484 Filed 3-21-73;8:45 am]

[File No. 500-1]

LOGOS DEVELOPMENT CORP.

Order Suspending Trading

MARCH 15, 1973.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, $0.01 par value, and all other securities of Logos Development Corp., being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period from March 16, 1973, through March 25, 1973.

By the Commission.

[SEAL] RONALD F. HUNT, *Secretary.*

[FR Doc.73-5485 Filed 3-21-73;8:45 am]

[File No. 500-1]

MANAGEMENT DYNAMICS, INC.

Order Suspending Trading

MARCH 15, 1973.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, $0.01 par value, and all other securities of Management Dynamics, Inc., being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period from March 18, 1973, through March 21, 1973.

By the Commission.

[SEAL] RONALD F. HUNT, *Secretary.*

[FR Doc.73-5486 Filed 3-21-73;8:45 am]

[File No. 500-1]

PELOREX CORP.

Order Suspending Trading

MARCH 16, 1973.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, $0.10 par value, and all other securities of Pelorex Corporation, being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period from March 17, 1973, through March 26, 1973.

By the Commission.

[SEAL] RONALD F. HUNT, *Secretary.*

[FR Doc.73-5479 Filed 3-21-73;8:45 am]

[812-3412]

RICO ARGENTINE MINING CO., ET AL.

Notice of Filing of Application for Orders Exempting Transaction and Authorizing Participation in Transaction

Notice is hereby given that Rico Argentine Mining Co. (Rico), Consolidated Eureka Mining Co. (Conseureka), Bonneville-On-The-Hill Co. (Bonneville), George H. Hogle, James E. Hogle, James E. Hogle, Jr., Sherman B. Hinckley, R. Gordon Bader, Donald M. Hogle, and Hugh Hogle (hereinafter referred to collectively as "Participants") have filed an application pursuant to section 17(d) of the Investment Company Act of 1940 (the "Act") and Rule 17d-1 thereunder for an order permitting their participation in the proposed acquisition by American Metal Climax, Inc. (Amax) of Banner Mining Co. (Banner), 220 Kearns Building, Salt Lake City, Utah 84101, by means of the merger of Banner with Amax Copper Mines, Inc. (AMC), a Delaware corporation and a wholly owned subsidiary of Amax. Banner, Rico, and Conseureka have also applied for an order under section 17(d) of the Act exempting the proposed transaction from section 17(a) of the Act to the extent that such transaction may involve a purchase and sale of securities between Rico and Banner or between Conseureka and Banner. All interested persons are referred to the application on file with the Commission for a statement of the representations therein, which are summarized below.

THE PARTIES AND HOLDINGS OF BANNER STOCK

By orders dated December 9, 1970, and December 15, 1970, respectively (Investment Company Act Releases Nos. 6282 and 6290), the Commission granted to Rico and Conseureka a temporary exemption from the provisions of section

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7 of the Act until such time as the Commission should act on each of the irrespective applications for orders of the Commission pursuant to section 3(b)(2) of the Act declaring that Rico and Consereka each is primarily engaged in a business or businesses other than that of investing, reinvesting, owning, holding or trading in securities through controlled companies conducting similar types of businesses. These orders had the effect, among others, of treating Rico and Consereka each as an investment company within the meaning of section 3(a)(3) of the Act and subjecting Rico and Consereka and other persons in their relations and transactions with each, with certain specified exceptions, to all provisions of the Act (including sections 17(a), 17(b), and 17(d) of the Act and the rules and regulations thereunder) as though Rico and Consereka were each a registered investment company.

Banner, a Nevada corporation, has been primarily engaged in holding, exploring for and developing mineral properties, and its income has been primarily derived from advanced production royalties, payments under a mining and milling contract, and sales of mineral properties under contracts of sale and lease option agreements. Banner's principal assets are its mineral properties located in Pima County, Ariz. These properties are leased to the Anaconda Co. (Anaconda) under a long-term lease agreement, and payments under that lease have been Banner's principal source of revenue since 1968. Banner has outstanding 6,960,360 shares of common stock with a par value of $0.0833 a share, of which 731,532 shares (approximately 10.51 percent) are owned by Rico. By reason of such holdings Banner is an affiliated person of Rico as defined in section 2(a)(3) of the Act. The common stock of Banner is listed on the Intermountain Stock Exchange, Salt Lake City, Utah.

Amax, a New York corporation, is engaged in the exploration for and mining of ores and minerals and smelting, refining and other treatment of minerals and metals. Its principal products are molybdenum, aluminum, iron ore, coal, copper, lead, zinc, and potash. Amax does not mine copper in the United States. Amax also fabricates and markets various aluminum products. In addition, Amax has substantial foreign operations and investments in other mining companies. At December 31, 1972, Amax had outstanding 786,868 shares of Series A Convertible Preferred Stock, par value $1 per share, and 23,692,011 shares of common stock, par value $1 per share. The Amax Series A Convertible Preferred Stock and Amax common stock are listed on the New York Stock Exchange.

Bonneville owns 15.26 percent of the common stock of Rico, which, in turn, owns 13.68 percent of the outstanding common stock of Conseureka. George H. Hogle owns 106,315 shares (10.96 percent) of the outstanding common stock of Rico and 492,833 shares (12.6 percent) of the outstanding common stock of Conseureka; James E. Hogle owns 78,072 shares (8.05 percent) of the outstanding common stock of Rico, and is the president and a director of Conseureka; James E. Hogle, Jr. is vice president and a director of Rico; Sherman B. Hinckley is a director of both Rico and Conseureka, the president of Rico and vice president of Conseureka; R. Gordon Bader, Donald M. Hogle, and Hugh Hogle each serve Bonneville as a director. As a result of their described relationships, Rico and Conseureka, each treated as a registered investment company, are each an affiliated person of the other, as defined in section 3(a)(3); Bonneville is an affiliated person of Rico; George H. Hogle, James E. Hogle, and Sherman B. Hinckley are each an affiliated person of Rico and Conseureka; James E. Hogle, Jr. is an affiliated person of Rico; and R. Gordon Bader, Donald M. Hogle, and Hugh Hogle are each an affiliated person of an affiliated person (Bonneville) of Rico.

The shareholdings of the Participants in Banner and the percentage interest represented thereby as shown in the application are set forth in the following table:

Participant	Number of Banner shares owned[1]	Percent of 3,960,360 shares of Banner stock outstanding
Rico	731,532	10.51
Conseureka	59,224	.85
Bonneville	339,120	4.87
G. H. Hogle	13,080	.19
J. E. Hogle[2]	23,150	.33
J. E. Hogle, Jr.	19,440	.28
S. B. Hinckley	10,800	.16
R. G. Bader	500	.01
D. M. Hogle	21,090	.30
H. Hogle	17,740	.25
Total	1,235,676	17.75

[1] Includes shares owned by wives and minor children.
[2] J. E. Hogle disclaims beneficial ownership of these shares.

The Proposed Merger

As a result of the proposed merger, Banner will become a wholly owned subsidiary of Amax under the name Amax Copper Mines, Inc.

In general the proposed merger involves the following steps:

1. Amax owns all of the outstanding capital stock of ACM consisting of one share of common stock, par value $1,000 per share. The authorized capital stock of ACM consists of 10,000 shares of such common stock.

2. ACM will merge into Banner, which shall be the surviving company with the name Amax Copper Mines, Inc. Upon the effectiveness of the merger each outstanding share of common stock of Banner will be converted into 0.137553 of a share of Amax Series A Convertible Preferred Stock (0.139479 of a share if the Banner merger occurs after May 10, 1973); and the issued and outstanding share of capital stock of ACM owned by Amax will be converted into 300,000 shares of common stock, par value $0.8⅓ per share of the surviving corporation, Banner.

Each share of Amax Series A Convertible Preferred Stock is entitled to one vote on all matters submitted to Amax shareholders, is convertible into 2.43351 shares of Amax common stock, and is entitled to a preferred cumulative annual dividend of $5.25. The Series A Convertible Preferred Stock is not redeemable by Amax prior to September 1, 1976 but is redeemable at $105 commencing on that date; the redemption price will then be reduced by $1.25 biennially until September 1, 1984, at which date it will become and remain at $100.

3. The stockholders of Banner will be notified promptly of the effective date of the merger after it has been consummated, and will be advised as to the procedure for surrender and exchange of their certificates representing Banner common stock for share certificates representing Amax Series A Convertible Preferred Stock. No dividends or other distribution payable to holders of Series A Convertible Preferred Stock will be paid to the holders of certificates formerly representing shares of Banner common stock until they surrender their certificates to the Exchange Agent, at which time they will receive any such dividends and other distributions to which they are entitled, without interest. No fractional shares of Amax Series A Convertible Preferred Stock will be issued. Instead, a holder of Banner Stock entitled to a fractional interest in Series A Convertible Preferred Stock shall for a period not exceeding 60 days following the effective date of the merger have the election at the time of the surrender of his certificate, through the Exchange Agent, to: (1) Sell such interest, or (2) purchase any additional fractional interest necessary to make up a full share of Amax Series A Convertible Preferred Stock. After the expiration of such period the Exchange Agent will, as agent for the holders of the then unsurrendered Banner common stock certificates who are entitled to fractional interests, sell shares of Series A Convertible Preferred Stock equivalent to the total number of such shares represented by such fractional share interests. Thereafter and until the expiration of 3 years after the effective date of the merger the Exchange Agent will pay to such holders on surrender of their Banner certificates, their pro rata share of the net proceeds of such sale and any dividend payments in respect of the shares so sold, but without interest. After such 3-year period any such funds remaining in the hands of the Exchange Agent shall be transferred to and become the property of Amax.

The merger agreement, which has been approved by the boards of directors of Banner, Amax, and ACM, is to be submitted for approval by the stockholders of Banner at a special meeting of Banner's stockholders. The affirmative vote of the holders of a majority of the outstanding common stock of Banner is required to authorize the proposed merger.

Under Nevada law, stockholders of Banner do not have appraisal or similar rights in the event they dissent from the proposed merger. Certain of Banner's employees are expected to remain with Banner following the merger. However, Amax is not entering into employment contracts in connection with the merger.

If the Banner merger is consummated, Amax and Anaconda intend to contribute their respective interests in the aforesaid lease (of Banner's Pima County properties to Anaconda) to a partnership formed by them. Banner's Pima County mining properties, including its Twin Buttes mine, will, therefore, no longer be subject to the lease but rather will be developed in accordance with the new partnership arrangements. Amax and Anaconda intend to develop and expand the Twin Buttes mining operations following the merger, and such development and expansion is expected to involve expenditures in excess of $200 million over the next 3 years.

Amax also proposes to acquire Tintic Standard Mining Co., a Utah corporation (Tintic), following the Banner merger. Tintic holds 11.33 percent of the outstanding common stock of Banner, and Tintic, U-Tex Oil Co., an affiliated company of Tintic, and Tintic's directors and their families own in the aggregate approximately 30 percent of the outstanding common stock of Banner. Amax's acquisition of Tintic is not a condition of the Banner merger, although Amax will not acquire Tintic unless the Banner merger occurs. The terms of the Tintic merger call for each share of Tintic common stock to be converted into 0.108671 of a share of Amax Series A Convertible Preferred Stock, representing: (1) The per-share portion of the Amax Series A Convertible Preferred Stock which Tintic will receive in respect of its Banner shares as a result of the Banner merger (i.e., 0.095161 of a share of Amax Series A Convertible Preferred Stock for each share of Tintic common stock), and (2) an additional 0.013510 of a share of Amax Series A Convertible Preferred Stock attributable to Tintic's other assets. For purposes of determining the number of shares of Amax Series A Convertible Preferred Stock issuable for such other assets, those assets were valued at their book value as of December 31, 1971 and, for this purpose, the Amax Series A Convertible Preferred Stock was taken into the calculation at $95 per share.

Section 17(d) of the Act and Rule 17d-1 thereunder, taken together, provide, as here pertinent, that it shall be unlawful for an affiliated person of a registered investment company or an affiliated person of such a person, acting as principal, to participate in or effect any transaction in connection with any joint enterprise or arrangement in which any such registered investment company is a participant unless an application regarding such enterprise or arrangement has been filed with the Commission and granted by an order of the Commission; and that in passing upon such application the Commission shall consider whether the participation of such registered investment company is consistent with the provisions, policies and purposes of the Act and the extent to which such participation is on a basis different from or less advantageous than that of other participants. The Participants intend to participate in the Banner merger, including the probable voting of their shares in favor of the merger, and they would upon the merger receive Amax Series A Convertible Preferred Stock in exchange for their shares of Banner. Thus, the Participants, including Rico and Conseureka, will be carrying out a joint arrangement within the meaning of section 17(d) and Rule 17d-1 to dispose of Banner stock and to acquire Amax Series A Convertible Preferred Stock. Section 17(d) and the rule are therefore applicable and require that an application regarding the proposed joint arrangement be filed with and granted by the Commission prior to the taking of any action.

Section 17(a) of the Act, in pertinent part, makes it unlawful for an affiliated person of a registered investment company to purchase securities from or sell securities to such registered company or a company controlled by such registered company. Section 17(b) provides for the granting of an exemption from such prohibition if evidence establishes that the terms of the proposed transaction, including the consideration to be paid or received, are reasonable and fair and do not involve overreaching on the part of any person concerned and are consistent with the investment policies of such registered investment company and the general purposes of the Act. To the extent that the proposed Banner merger may involve the purchase and sale of securities as between either Rico or Conseureka and Banner, it must meet the requirements of section 17(b).

In support of the request for an order pursuant to section 17(d) of the Act and Rule 17d-1 thereunder, the applicant states that none of the Banner shareholders will participate in the proposed Banner merger on a basis different from or less advantageous than that of any other Banner shareholder, including Rico and Conseureka; and that there is nothing in the terms, conditions, or circumstances of the proposed Banner merger which would make participation of Rico, Canseureka, Banner, or of the Participants inconsistent in any way with the provisions, policies, and purposes of the Act.

With respect to the request for an order pursuant to section 17(b) of the Act, the application states that the proposed transaction was negotiated at arms-length; that there is no affiliation between Amax or any of its subsidiaries on the one hand and Banner or any of Banner's affiliates on the other; and that the proposed transaction is fair to all Bannershareholders.

Notice is further given that any interested person may, not later than April 6, 1973, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter, accompanied by a statement as to the nature of his interest, the reasons for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon applicants at the address stated above. Proof of such service (by affidavit or in case of an attorney-at-law by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in said application unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management Regulation, Pursuant to delegated authority.

Secretary.

[SEAL] RONALD F. HUNT,

[FR Doc.73-5330 Filed 3-21-73;8:45 am]

SMALL BUSINESS ADMINISTRATION

[License No. 03/03-5114]

MODEDCO INVESTMENT CO.

Notice of Issuance of License to Operate as a Small Business Investment Company

On October 12, 1972, a notice was published in the FEDERAL REGISTER (37 FR 21567) stating that MODEDCO Investment Co., 1325 Massachusetts Avenue NW., Suite 110, Washington, DC 20005, had filed an application with the Small Business Administration, pursuant to § 107.102 of the SBA rules and regulations governing Small Business Investment Companies (13 CFR 107.701 (1972)) for a license to operate as a small business investment company.

Interested parties were given to the close of business October 27, 1972, to submit their written comments to SBA.

Notice is hereby given that, having considered the application and all other pertinent information, SBA has issued License No. 03/03-5114 to MODEDCO Investment Co., pursuant to section 301(d) of the Small Business Investment Act of 1958, as amended.

Dated: March 14, 1973.

DAVID A. WOLLARD,
Associate Administrator for Finance and Investment.

[FR Doc.73-5490 Filed 3-21-73;8:45 am]

TARIFF COMMISSION

[TEA-F-50]

GOLD STAR HAT & CAP CO., INC.

Petition for Determination; Investigation

On the basis of a petition filed under section 301(a)(2) of the Trade Expansion Act of 1962 on behalf of the Gold

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Star Hat & Cap Co., Inc., New York, N.Y., the U.S. Tariff Commission, on March 16, 1973, instituted an investigation under section 301(c)(1) of the said Act to determine whether, as a result in major part of concessions granted under trade agreements, articles like or directly competitive with nonknit cotton headwear (of the type provided for in item 702.10 of the Tariff Schedules of the United States) produced by the aforementioned firm, are being imported into the United States in such increased quantities as to cause, or threaten to cause, serious injury to such firm.

The optional public hearing afforded by law has not been requested by the petitioners. Any other party showing a proper interest in the subject matter of the investigation may request a hearing, provided such request is filed on or before April 2, 1973.

The petition filed in this case is available for inspection at the Office of the Secretary, U.S. Tariff Commission, Eighth and E Streets NW., Washington, D.C., and at the New York City office of the Tariff Commission located in Room 437 of the Customhouse.

Issued: March 19, 1973.

By order of the Commission.

[SEAL] KENNETH R. MASON, *Secretary.*

[FR Doc.73-5492 Filed 3-21-73;8:45 am]

[TEA-W-189]

H. H. SCOTT, INC.

Workers' Petition for Determination; Investigation

On the basis of a petition filed under section 301(a)(2) of the Trade Expansion Act of 1962, on behalf of the workers and former workers of H. H. Scott, Inc., Maynard, Mass., the U.S. Tariff Commission, on March 16, 1973, instituted an investigation under section 301(c)(2) of the Act to determine whether, as a result in major part of concessions granted under trade agreements, articles like or directly competitive with loudspeakers and amplifiers, solid-state radio receivers, and radio-phonograph combinations (of the types provided for in Items 684.70, 685.23, and 685.30 of the Tariff Schedules of the United States) produced by said firm are being imported into the United States in such increased quantities as to cause, or threaten to cause, the unemployment or underemployment of a significant number or proportion of the workers of such firm or an appropriate subdivision thereof.

The optional public hearing afforded by law has not been requested by the petitioners. Any other party showing a proper interest in the subject matter of the investigation may request a hearing, provided such request is filed on or before April 2, 1973.

The petition filed in this case is available for inspection at the Office of the Secretary, U.S. Tariff Commission, Eighth and E Streets NW., Washington, D.C., and at the New York City office of the Tariff Commission located in Room 437 of the Customhouse.

Issued March 19, 1973.

By order of the Commission.

[SEAL] KENNETH R. MASON, *Secretary.*

[FR Doc.73-5491 Filed 3-21-73;8:45 am]

INTERSTATE COMMERCE COMMISSION

[Notice 203]

ASSIGNMENT OF HEARINGS

MARCH 19, 1973.

Cases assigned for hearing, postponement, cancellation, or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the official docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested. No amendments will be entertained after the date of this publication.

MC-C-7935, Samuel D. Summers, doing business as S. D. Summers Lumber Co., and the Valley Camp Coal Co., a corporation—Investigation of Operations—now assigned March 21, 1973, at Charleston, W. Va., is canceled.

MC-F-11607, Long Island Motor Haulage Corp.—Control—C & L Transportation, Inc., and MC 98785 Sub 2, C & L Transportation, now assigned April 4, 1973, at New York, N.Y., is postponed indefinitely.

MC-F-11699, Old Dominion Freight Line—Control—Star Transport Co., Inc., now assigned April 11, 1973, at Washington, D.C., is postponed to May 15, 1973, at the Offices of the Interstate Commerce Commission, Washington, D.C.

AB-5 Sub 66, George P. Baker, Richard C. Bond, and Jervis Langdon, Jr., trustees of the property of Penn Central Transportation Co., debtor, abandonment between Westdale and East Bridgewater, Plymouth County, Mass., now assigned April 16, 1973, at Brockton, Mass., postponed to April 17, 1973, at the Superior Court, 72 Belmont Street, Brockton, MA.

MC 135109 Sub 3, Seco, Inc., now being assigned hearing April 25, 1973, at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC 118803 Sub 7, Atlantic Truck Lines, Inc., now being assigned hearing April 30, 1973, at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC 124839 Sub 16, Builders Transport, Inc., now being assigned hearing May 2, 1973, at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC-133316 Sub 7, Frank R. Givigliano, doing business as Givigliano Transport, now being assigned hearing May 7, 1973 (1 week), at Denver, Colo., in a hearing room to be later designated.

MC 138121, A. Q. Maxwell, doing business as Uneeda Transfer Co., application dismissed.

AB 5 Sub 79, George P. Baker, Richard C. Bond, and Jervis Langdon, Jr., trustees of the property of Penn Central Transportation Co., debtor, abandonment between Brocton and Mayville, Chautauqua County, N.Y., now assigned May 3, 1973, at Dunkirk, N.Y., is cancelled and reassigned May 3, 1973, at the Supreme Court Room, 2d Floor, Chautauqua County Courthouse, Main Street, Mayville, New York.

MC 138020, E & S Trucking, Inc., application dismissed.

No. 35791, General Increase, February 1973, Bulk Carrier Conference now being assigned hearing July 23, 1973, at the Offices of Interstate Commerce Commission, Washington, D.C.

MC 117943 Sub 1, Joseph M. Booth, doing business as J. M. Booth Trucking, now assigned March 27, 1973, at Washington, D.C., is postponed to April 10, 1973, at the Offices of the Interstate Commerce Commission, Washington, D.C.

No. 35779, Potomac Passengers Association v. Baltimore and Ohio Railroad Co., now being assigned hearing May 1, 1973, at the Offices of the Interstate Commerce Commission, Washington, D.C.

I&S-M-26629, Classification Ratings On Colapsible Metal Tubes, Nationwide, now being assigned hearing May 15, 1973, at the Offices of the Interstate Commerce Commission, Washington, D.C.

I&S-8829, Grain, Northwestern Transcontinental Territory, now being assigned hearing May 8, 1973, at The Offices of the Interstate Commerce Commission, Washington,D.C.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.73-5532 Filed 3-21-73;8:45 am]

[Notice 239]

MOTOR CARRIER BOARD TRANSFER PROCEEDINGS

Synopses of orders entered by the Motor Carrier Board of the Commission pursuant to sections 212(b), 206(a), 211, 312(b), and 410(g) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 1132), appear below:

Each application (except as otherwise specifically noted) filed after March 27, 1972, contains a statement by applicants that there will be no significant effect on the quality of the human environment resulting from approval of the application. As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings on or before April 11, 1973. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC-74203. By order of March 7, 1973, the Motor Carrier Board approved the transfer to Max H. Kofman, Freda Kofman Gaines, Benjamin Kofman, and Joseph Kofman, doing business as Kofman's, Bellefonte, Pa., of certificates Nos. MC-1103 and subs thereunder, issued to Edward Kofman, Ida S. Kofman, Executrix, Max H. Kofman, Freda Kofman Gaines, Benjamin, and Joseph Kofman, doing business as Kofman's, Bellefonte, Pa., authorizing the transportation of: Various metal products, i.e., brass, aluminum, copper, pigs, bars, ingots, etc., and household goods, between specified points and areas in Pennsylvania, Michigan, Ohio, Indiana, Illinois, Connecticut, New Jersey, West Virginia, New York, Rhode Island, Tennessee, New Hampshire, Delaware, North Carolina, Wisconsin, Massachusetts, Kentucky, Maryland, Virginia, and the District of Columbia. Max Kofman (Partner) 130 Dunlop Street, Bellefonte, PA 16823.

No. MC-FC-74243. By order entered March 7, 1973, the Motor Carrier Board approved the transfer to Del-Penn Coachways, Inc., Chester, Pa., of the operating rights set forth in certificates Nos. MC-135848 and MC-135848 (Sub-No. 1), issued November 29, 1971, and December 29, 1972, respectively, authorizing the transportation of passengers and their baggage, and express and newspapers, in the same vehicle with passengers, with no seasonal restrictions, between Philadelphia, Pa., and Rehoboth Beach, Del., over specified routes, serving all intermediate points, and between specified points in Pennsylvania and specified points in Delaware. Wm. H. Powelson, 115 East Fifth Street, Chester, PA 19013, representative for applicants.

No. MC-FC-74290. By order entered March 7, 1973, the Motor Carrier Board approved the transfer to Al Johnson, Inc., Minneapolis, Minn., of the operating rights set forth in certificates Nos. MC-128235 (Sub-No. 1), MC-128235 (Sub-No. 3), MC-128235 (Sub-No. 5), MC-128235 (Sub-No. 7), MC-128235 (Sub-No. 10), and MC-128235 (Sub-No. 11), issued by the Commission April 11, 1967, March 5, 1968, September 18, 1970, September 14, 1972, August 16, 1972, and December 7, 1972, respectively, in the name of Alvin Johnson, Minneapolis, Minn., authorizing the transportation of malt beverages, in containers, from Minneapolis, Minn., to Amery, and Marshfield, Wis.; from Sheboygan and La Crosse, Wis., to Rush City, Minn.; from St. Louis, Mo., to Rush City and Virginia, Minn.; and malt beverages, from Minneapolis, Minn., to Barron, Wis. Earl Hacking, 503 11th Avenue South, Minneapolis, MN 55415, attorney for applicants.

No. MC-FC-74291. By order entered March 7, 1973, the Motor Carrier Board approved the transfer to Metro Express, Inc., New Castle, Del., of that portion of the operating rights set forth in certificate No. MC-134221, issued July 23, 1970, to C.B.L. Trucking & Leasing, Inc., Pennsauken, N.J., authorizing the transportation of general commodities, with the usual exceptions, between New York, N.Y., and points in Essex, Union, Hudson, Bergen, Passaic, Morris, and Middlesex Counties, N.J., on the one hand, and, on the other, Wilmington, Del. Francis P. Desmond, 115 East Fifth Street, Chester, PA 19013, attorney for applicants.

No. MC-FC-74292. By order entered March 7, 1973, the Motor Carrier Board approved the transfer to Kitchell Truck Line, Inc., Ipswich, S. Dak., of the operating rights set forth in certificate No. MC-1065, issued April 22, 1949, to Oscar Pederson, Fulda, Minn., authorizing the transportation of livestock, agricultural commodities, building materials, farm machinery, farm implements, and parts thereof, and feed, between Fulda, Minn., and points within 15 miles thereof, on the one hand, and, on the other, points in Iowa west of U.S. Highway 63; brick, tile, livestock, from Fulda, Minn., and points and implements, feed, tankage, hog tonic, and household goods, between points in Nobles County, Minn., on the one hand, and, on the other, points in that part of Iowa on and west of U.S. Highway 63; livestock, from Fulda, Minn., and points within 13 miles thereof, to Sioux Falls, S. Dak.; and from points in South Dakota east of the Missouri River to Fulda, Minn., and points within 50 miles thereof. F. H. Kroeger, 2288 University Avenue, St. Paul, MN 55114, practitioner for applicants.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.73-5533 Filed 3-21-73;8:45 am]

[Notice 22]

MOTOR CARRIER, BROKER, WATER CARRIER AND FREIGHT FORWARDER APPLICATIONS

MARCH 16, 1973.

The following applications (except as otherwise specifically noted, each applicant (on applications filed after March 27, 1972) states that there will be no significant effect on the quality of the human environment resulting from approval of its application), are governed by Special Rule 1100.247[1] of the Commission's general rules of practice (49 CFR, as amended), published in the FEDERAL REGISTER issue of April 20, 1966, effective May 20, 1966. These rules provide, among other things, that a protest to the granting of an application must be filed with the Commission within 30 days after date of notice of filing of the application is published in the FEDERAL REGISTER. Failure seasonably to file a protest will be construed as a waiver of opposition and participation in the proceeding. A protest under these rules should comply with section 247(d)(3) of the rules of practice which requires that it set forth specifically the grounds upon which it is made, contain a detailed statement of protestant's interest in the proceeding (including a copy of the specific portions of its authority which protestant believes to be in conflict with that sought in the application, and describing in detail the method—whether by joinder, interline, or other means—by which protestant would use such authority to provide all or part of the service proposed), and shall specify with particularity the facts, matters, and things relied upon, but shall not include issues or allegations phrased generally. Protests not in reasonable compliance with the requirements of the rules may be rejected. The original and one copy of the protest shall be filed with the Commission, and a copy shall be served concurrently upon applicant's representative, or applicant if no representative is named. If the protest includes a request for oral hearing, such requests shall meet the requirements of section 247(d)(4) of the special rules, and shall include the certification required therein.

Section 247(f) of the Commission's rules of practice further provides that each applicant shall, if protests to its application have been filed, and within 60 days of the date of this publication, notify the Commission in writing: (1) that it is ready to proceed and prosecute the application, or (2) that it wishes to withdraw the application, failure in which the application will be dismissed by the Commission.

Further processing steps (whether modified procedure, oral hearing, or other procedures) will be determined generally in accordance with the Commission's general policy statement concerning motor carrier licensing procedures, published in the FEDERAL REGISTER issue of May 3, 1966. This assignment will be by Commission order which will be served on each party of record. *Broadening amendments will not be accepted after the date of this publication except for good cause shown, and restrictive amendments will not be entertained following publication in the* FEDERAL REGISTER *of a notice that the proceeding has been assigned for oral hearing.*

No. MC 263 (Sub-No. 206), filed February 9, 1973. Applicant: GARRETT FREIGHTLINES, INC., 2055 Garrett Way, Pocatello, ID 83201. Applicant's representative: Wayne S. Green (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, household goods as defined by the Commission, commodities in bulk and those requiring special equipment), serving the plantsite and storage facilities of Russell Stover Candies, Inc., at Montrose, Colo., as off-route point in connection with carriers authorized regular route operations. NOTE: If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo., or Pocatello, Idaho.

No. MC 531 (Sub-No. 285), filed February 9, 1973. Applicant: YOUNGER BROTHERS, INC., 4904 Griggs Road, Post Office Box 14048, Houston, TX 77021. Applicant's representative: Wray E. Hughes (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular

[1] Copies of Special Rule 247 (as amended) can be obtained by writing to the Secretary, Interstate Commerce Commission, Washington, D.C. 20423.

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routes, transporting: *Hydrofluosilicic acid*, in bulk, in tank vehicles, from Uncle Sam, La., to points in Oklahoma and Texas. NOTE: Common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Houston, Tex.

No. MC 1222 (Sub-No. 43), filed February 8, 1973. Applicant: THE REINHARDT TRANSFER COMPANY, a corporation, 1410 10th Street, Portsmouth, OH 45662. Applicant's representative: Robert H. Kinker, 711 McClure Building, Frankfort, Ky. 40601. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel and iron and steel articles*, (1) from Portsmouth, Ohio, to points in North Carolina and South Carolina, and (2) from Ashland, Ky., to points in Georiga. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio, or Washington, D.C.

No. MC 1824 (Sub-No. 60), filed February 5, 1973. Applicant: PRESTON TRUCKING COMPANY, INC., 151 Easton Boulevard, Preston, MD 21655. Applicant's representative: William J. Little, 10 East Baltimore Street, Suite 1110, Baltimore, MD 21202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodites* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk and those requiring special equipment), between points in that part of Florida on and east of a line beginning at the Georgia-Florida State line, thence along U.S. Highway 19 to New Port Richey, thence along the Gulf of Mexico to Naples, and points on and north of a line beginning at Naples and U.S. Highway 41, thence along U.S. Highway 41 to the Atlantic Ocean, restricted to the transportation of traffic having an immediately prior movement by rail from Alexandria or Richmond, Va., to the above-described area in Florida. NOTE: Applicant states that the requested authority can be tacked with its existing authority at Alexandria or Richmond, Va., to provide a through service from points in Connecticut, Massachusetts, Rhode Island, New York, New Jersey, Pennsylvania, Ohio, Maryland, Delaware, the District of Columbia, and Virginia to points in Florida. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., and various other eastern cities.

No. MC 4405 (Sub-No. 502), filed February 8, 1973. Applicant: DEALERS TRANSIT, INC., 2200 East 170th Street, Post Office Box 361, Lansing, IL 60438. Applicant's representative: Robert E. Joyner, 2008 Clark Tower, 5100 Poplar Avenue, Memphis, TN 38137. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *trailers and trailer chassis* (other than those designed to be drawn by passenger automobiles) in initial truckaway and driveaway service, from Milan, Mich., to points in the United States (including Alaska but excluding Hawaii); (2) *motor vehicle bodies; containers; trailer converter dollies; and materials and supplies* used in the manufacture or assembly or servicing of trailers or trailer chassis; between Milan, Mich., on the one hand, and, on the other, points in the United States (including Alaska but excluding Hawaii); (3) *tractors*, only when drawing commodities named in (1) above, from Milan, Mich., to points in Alaska, Arizona, Nevada, Oregon, and Vermont. NOTE: Common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Detroit, Mich.

No. MC 7640 (sub-No. 33), filed February 16, 1973. Applicant: BARNES TRUCK LINE, INC., 506 Mayo Street, Wilson, NC 27893. Applicant's representative: Harry J. Jordan, 1000 16th Street NW., Washington, DC 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles*, from Ambridge, Pa., to points in Virginia, North Carolina, and South Carolina. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Pittsburgh, Pa.

No. MC 8028 (Sub-No. 2), filed February 2, 1973. Applicant: BARRIEAU EXPRESS, INCORPORATED, 301 Murphy Road, Hartford, CT 06114. Applicant's representative: Robert J. Gallagher, 1776 Broadway, New York, NY 10019. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods as defined by the Commission*, (1) Between points in Maine, New Hampshire, Vermont, Massachusetts, Connecticut, Rhode Island, New York, Pennsylvania, New Jersey, Maryland, Delaware, Virginia, North Carolina, South Carolina, Georgia, Florida, Alabama, Louisiana, Texas, Oklahoma, Tennessee, Kentucky, Missouri, Illinois, Indiana, Ohio, Michigan, Wisconsin, Minnesota, Iowa, and the District of Columbia; and (2) between those points named in (1) above, on the one hand, and, on the other, points in West Virginia, Mississippi, Arkansas, New Mexico, Kansas, Colorado, Nebraska, Utah, Arizona, Nevada, and California. NOTE: Common control may be involved. Applicant states that the requested authority cannot or will not be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Hartford, Conn.

No. MC 8600 (Sub-No. 28), filed January 22, 1973. Applicant: WERNER CONTINENTAL, INC., 2500 West County Road C, St. Paul, MN 55113. Applicant's representative: A. C. Weese (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, livestock, classes A and B explosives, commodities in bulk, those requiring special equipment and household goods as defined in practices of Motor Common Carrier of Household Goods (17 M.C.C. 467), serving Chanhassen (Carver County), Minn., as an off-route operations to and from St. Paul-Minneapolis, Minn. NOTE: If a hearing is deemed necessary, applicant requests it be held at St. Paul or Minneapolis, Minn.

No. MC 8600 (Sub-No. 29), filed February 6, 1973. Applicant: WERNER CONTINENTAL, INC., 2500 West County Road C, St. Paul, MN 55113. Applicant's representative: A. D. Weese (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except commodities of unusual value, livestock, classes A and B explosives, commodities in bulk, commodities requiring special equipment, and household goods) as defined in practices of Motor Common Carrier of Household Goods (17 M.C.C. 467), serving the Jonathan Industrial Center, Carver County, Minn., as off-route operations to and from Minneapolis, St. Paul, Minn. NOTE: If a hearing is deemed necessary, applicant requests it be held at St. Paul or Minneapolis, Minn.

No. MC 19778 (Sub-No. 82), filed January 29, 1973. Applicant: THE MILWAUKEE MOTOR TRANSPORTATION COMPANY, a corporation, Suite 508, 516 West Jackson Boulevard, Chicago, IL 60606. Applicant's representative: Robert F. Munsell (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except articles of unusual value, classes A and B explosives and commodities injurious or contaminating to other lading, in containers and/or van), between points in Silver Bow County, Mont., on the one hand, and, on the other, points in Montana. NOTE: Applicant states that the requested authority cannot be tacked with its exsting authority. If a hearing is deemed necessary, applicant requests it be held at Helena, Mont., or Chicago, Ill.

No. MC 21866 (Sub-No. 77), filed February 15, 1973. Applicant: WEST MOTOR FREIGHT, INC., 740 South Reading Avenue, Boyertown, PA 19512. Applicant's representative: Alan Kahn, 1920 Two Penn Center Plaza, Philadelphia, PA 19102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Electric storage batteries and alternators*, from points in Berks County, Pa., to points in the United States (except Alaska and Hawaii), and (2) *Junk batteries and alternators and materials*, used in the manufacture of batteries and alternators, from points in the United States (except Alaska and Hawaii), to points in Berks County, Pa. NOTE: Applicant states that the requested authority

is tackable at common points with its existing authority in MC 21866 and subs thereunder, but it has no present intention to tack. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. If a hearing is deemed necessary, applicant requests it be held at Philadelphia, Pa., or Washington, D.C.

No. MC 22229 (Sub-No. 74), filed February 8, 1973. Applicant: TERMINAL TRANSPORT COMPANY, INC., 248 Chester Avenue SE., Atlanta, GA 30316. Applicant's representative: Harold H. Clokey, 414 The Equitable Building, Atlanta, Ga. 30303. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving the plantsite of Evans Products Co. located approximately 3.5 miles southwest of Tifton, Ga., as an off-route point in connection with carrier's regular-route operations between Baldwin, Fla., and Atlanta, Ga., serving all intermediate points: From Baldwin, Fla., over U.S. Highway 90 to Lake City, Fla., and thence over U.S. Highway 41 to Atlanta, Ga., and return over the same route. NOTE: If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga., Florida, or Washington, D.C.

No. MC 24136 (Sub-No. 14), filed February 9, 1973. Applicant: HARRISON-SHIELDS TRANSPORTATION LINES, INC., Post Office Box 445, Meadow Lands, PA 15347. Applicant's representative: Maxwell A. Howell, 1100 Investment Building, 1511 K Street NW., Washington, DC 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such merchandise* as is dealt in by mail order houses and department stores, the business of which is the sale of general commodities, between Chartiers Township, Pa., on the one hand, and, on the other, points in that part of Maryland on and west of U.S. Highway 11. NOTE: Applicant states it intends to tack with all existing authority wherever possible particularly with its Subs 10, 11, 12, and 13. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 25798 (Sub-No. 236), filed February 8, 1973. Applicant: CLAY HYDER TRUCKING LINES, INC., 502 East Bridgers Avenue, Auburndale, FL 33823. Applicant's representative: Tony G. Russell (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from the plantsite and storage facilities utilized by Michigan Lloyd J. Harris Pie Co., at or near Saugatuck and Holland, Mich., to points in Alabama, Arkansas, Florida, Georgia, Kentucky, Louisiana, Mississippi, Tennessee, Virginia, and West Virginia. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Common control may be involved. Applicant further states no duplicating authority sought. If a hearing is deemed necessary, applicant requests it be held at Detroit, Mich., or Tampa, Fla.

No. MC 29537 (Sub-No. 5), filed February 12, 1973. Applicant: R. H. CRAWFORD, INC., 425 Poplar Street, Hanover, PA 17331. Applicant's representative: John M. Musselman, 410 North Third Street, Harrisburg, PA 17108. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such merchandise* as is dealt in by wholesale, retail, chain grocery and food business houses (except in bulk), from Hanover, Pa., to points in Connecticut, Delaware, Maryland, Massachusetts, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Virginia, and the District of Columbia, and *returned shipments* of such merchandise as is dealt in by wholesale, retail, chain grocery and food business houses (except in bulk), from points in Connecticut, Delaware, Maryland, Massachusetts, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Virginia, and the District of Columbia. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Harrisburg, Pa., or Washington, D.C.

No. MC 29821 (Sub-No. 5), filed February 5, 1973. Applicant: NEWBERG AUTO FREIGHT, INC., 408 West First Street, Newberg, OR 97132. Applicant's representative: Lawrence V. Smart, Jr., 419 Northwest 23d Avenue, Portland, OR 97210. Authority sought to operate as a *common carrier*, by motor vericle, over irregular routes, transporting: *Paper mill machine parts*, between the facilities of Publishers Paper Co., at or near Newberg, Oreg., on the one hand, and, on the other, points in King and Cowlitz Counties, Wash. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Portland, Oreg.

No. MC 30844 (Sub-No. 451), filed January 19, 1973. Applicant: KROBLIN REFRIGERATED XPRESS, INC., 2125 Commercial Street, Post Office Box 5000, Waterloo, IA 50702. Applicant's representative: Truman A. Stockton, The 1650 Grant Street Building, Denver, Colo. 80210. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such articles* as are dealt in by retail and discount department stores (except foodstuffs and commodities in bulk) from Boston, Mass., and its commercial zone to the below named points and their respective commercial zones: Colorado Springs, Denver and Fort Collins, Colo.; Moline, Ill.; Ames, Bettendorf, Cedar Rapids, Clinton, Des Moines, Fort Dodge, Mason City, and Ottumwa, Iowa; Duluth and Minneapolis-St. Paul, Minn.; St. Louis, Mo.; Oklahoma City and Tulsa, Okla.; Dallas and Houston, Tex.; and Milwaukee, Wis. NOTE: Common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn. or Washington, D. C.

No. MC 30887 (Sub-No. 188), filed February 14, 1973. Applicant: SHIPLEY TRANSFER, INC., 49 Main Street, Post Office Box 55, Reistertown, MD 21136. Applicant's representative: Theodore Ployduff, 1250 Connecticut Avenue NW., Washington, DC 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Molten liquid polypropylene*, in bulk, in tank vehicles, from Neal, W. Va., to points in the United States (except Hawaii). NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 34918 (Sub-No. 2), filed January 30, 1973. Applicant: R. F. POST, INC., Bridge Street and Schuylkill Road, Spring City, Pa. 19475. Applicant's representative: Roland Rice, Suite 618 Perpetual Building, 1111 E Street NW., Washington, DC 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment and those injurious or contaminating to other lading), between Scranton, and Harrisburg, Pa., (a) from Scranton, Pa., over U.S. Highway 11 to junction U.S. Highway 15, thence over U.S. Highway 15 to Williamsport, Pa., thence over U.S. Highway 220 to Lock Haven, Pa., thence over Pennsylvania Highway 120 to junction Interstate Highway 80, thence over Interstate Highway 80 to junction U.S. Highway 15, thence over U.S. Highway 15 to U.S. Highway 22, thence over U.S. Highway 22 to Harrisburg; and (b) from Scranton over Interstate Highway 81 to junction Pennsylvania Highway 61, thence over Pennsylvania Highway 61 to junction U.S. Highway 22, thence over U.S. Highway 22 to Harrisburg, Pa., and return over the same routes, serving all intermediate points and off route points in Pennsylvania within 100 miles of Scranton, Pa. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 35628 (Sub-No. 343) (Clarification), filed January 15, 1973, published in the FEDERAL REGISTER issue of March 1, 1973, and clarified by annotation this issue. Applicant: INTERSTATE

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MOTOR FREIGHT SYSTEM, a corporation, 134 Grandville SW., Grand Rapids, MI 49502. Applicant's representative: Leonard D. Verdier, Jr., 900 Old Kent Building, Grand Rapids, Mich. 49502. NOTE: Applicant states that the requested regular route authority will not be tacked with its irregular route authority on sheet 8 of MC–35628 (Sub-No. 302), authorizing operations between points in part C of Sub-No. 302, on the one hand, and, on the other, points in Iowa, Illinois, Arkansas, Oklahoma, and Kansas. The rest of the application and the request for authority remains as previously published.

No. MC 35807 (Sub-No. 31), filed February 8, 1973. Applicant: WELLS FARGO ARMORED SERVICE CORPORATION, 210 Baker Street NW., Atlanta, GA 30313. Applicant's representative: Harry J. Jordan, 1000 16th Street NW., Washington, DC 20036. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Coin, currency, negotiable and non-negotiable securities and other valuables*, in armored cars accompanied by armed guards, between Denver, Colo., on the one hand, and, on the other, points in Cheyenne, Kimball, Scotts Bluff, Deuel, and Banner Counties, Nebr., and Goshen and Platte Counties, Wyo., under contract with Federal Reserve Bank of Kansas City, Denver branch. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Denver, Colo.

No. MC 44639 (Sub-No. 66), filed January 31, 1973. Applicant: L. & M. EXPRESS CO., INC., 220 Ridge Road, Lyndhurst, NJ 07071. Applicant's representative: Herman B. J. Weckstein, 60 Park Place, Newark, NJ 07102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wearing apparel and materials and supplies* used in the manufacture of wearing apparel, between Ashland and Goochland, Va., on the one hand, and, on the other, Carlstadt, N.J. and the New York, N.Y. commercial zone. NOTE: Applicant desires to tack with all operations at New York, N.Y., as authorized in its lead docket MC 44639. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 45134 (Sub-No. 11), filed February 15, 1973. Applicant: COLLINS TRUCK LINE, INC., 3705 Marshall Street NE., Minneapolis, MN 55451. Applicant's representative: Louis I. Dailey, Suite 2205, Sterick Building, Memphis, Tenn. 38103. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Building, roofing and insulation materials* (except iron and steel articles and commodities in bulk) and *materials* used in the manufacture, installation and distribution thereof, between the plantsites and warehouse facilities of Certain-teed Products Corp., located in Scott County, Minn., on the one hand, and, on the other, points in Colorado, Illinois, Indiana, Iowa, Kansas, Kentucky, Michigan, Missouri, Montana, Nebraska, North Dakota, Ohio, South Dakota, Wisconsin, and Wyoming, restricted to traffic originating at or destined to the plantsites and warehouse facilities of Certain-teed Products Corp., located in Scott County, Minn. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Applicant further states it seeks no duplicating authority. If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn., or Chicago, Ill.

No. MC 51004 (Sub-No. 5), filed February 5, 1973. Applicant: PAUL H. LISKEY, R.F.D. No. 1, Kearneysville, WV 25430. Applicant's representative: Charles E. Creager, Suite 523, 816 Easley Street, Silver Spring, MD 20910. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer and agricultural chemicals*, between points in Jefferson County, W. Va., on the one hand, and, on the other, points in Virginia, Pennsylvania, Maryland, and the District of Columbia. NOTE: Applicant states that the requested authority cannot be tacked with its presently held regular route authority on general commodities between St. Louis and Chicago in MC 52110. This authority can be tacked at Chicago to serve selected points in Indiana and Michigan (Sub-No. 84), and selected points in Pennsylvania, New York, Massachusetts, Virginia, New Jersey, and the District of Columbia (Sub-No. 120); but indicates it has no present intention of tacking. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 51146 (Sub-No. 312), filed February 8, 1973. Applicant: SCHNEIDER TRANSPORT, INC., 2661 South Broadway, Post Office Box 2298, Green Bay, WI 54304. Applicant's representative: D. F. Martin (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Such merchandise* as is dealt in by department stores (except foodstuffs, furniture, and commodities in bulk); and (2) *foodstuffs and furniture* (except in bulk) moving in mixed loads with the commodities described in (1) above, from points in California to the facilities maintained or utilized by the J. L. Hudson Co., located at Grand Rapids, Ann Arbor, Flint, Pontiac, and Detroit, Mich., and Toledo, Ohio. Restriction: Restricted to traffic originating at the origins sought and destined to the above-named facilities. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at San Francisco, Calif.

No. MC 52110 (Sub-No. 135), filed February 15, 1973. Applicant: BRADY MOTORFRATE, INC., 2150 Grand Avenue, Des Moines, IA 50312. Applicant's representative: Cecil L. Goettsch, 11th Floor, Des Moines Building, Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, bullion, household goods as defined by the commission, commodities in bulk, and those requiring special equipment), serving Hicksville, Ohio, as an off-route point in connection with carrier's regular routes to and from Fort Wayne, Ind. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Washington, D.C.

No. MC 52110 (Sub-No. 132), filed January 8, 1973. Applicant: BRADY MOTORFRATE, INC., 2150 Grand Avenue, Des Moines, IA 50312. Applicant's representative: Cecil L. Goettsch, 11th Floor, Des Moines Building, Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, and articles distributed by meat packinghouses*, as described in sections A and C of Appendix 1 to the report in Descriptions in Motor Carrier Certificates, 61 M.C.C. 209 and 766, from plantsite of Krey Packing Co., at St. Louis, Mo., to points in Connecticut, Delaware, Illinois, Indiana, Kentucky, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia, and the District of Columbia. NOTE: Common control may be involved. Applicant states that the requested authority can be tacked with its presently held regular route authority on general commodities between St. Louis and Chicago in MC 52110. This authority can be tacked at Chicago to serve selected points in Indiana and Michigan (Sub-No. 84), and selected points in Pennsylvania, New York, Massachusetts, Virginia, New Jersey, and the District of Columbia (Sub-No. 120); but indicates it has no present intention of tacking. If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo., or Washington, D.C.

No. MC 52657 (Sub-No. 701), filed February 12, 1973. Applicant: ARCO AUTO CARRIERS, INC., 2140 West 79th Street, Chicago, IL 60620. Applicant's representative: A. J. Bieberstein, 121 West Doty Street, Madison, WI 53703. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Trailers, trailer chassis* (except those designed to be drawn by passenger automobiles), *trailer converter dollies*, in initial truckaway and driveaway service, from Milan, Mich., to points in the United States, including Alaska (but excluding Hawaii); (2) *trailers, trailer chassis* (except those designed to be drawn by passenger automobiles), and *trailer converter dollies*, in secondary truckaway and driveaway service, between Milan, Mich., on the one hand, and, on the other, points in the United States, including Alaska (but excluding Hawaii); (3) *tractors*, in secondary movements, in driveaway service, only when drawing trailers and trailer chassis (except those designed to be drawn by passenger automobiles), in initial or secondary movements, between Milan, Mich., on the one hand, and, on the other, points in Alabama, Alaska, Arizona, Arkansas, California, Colorado, Georgia, Idaho, Kansas, Louisiana, Maine, Mississippi, Montana, Nevada, New Hampshire, New Mexico, North Dakota, Oklahoma, Oregon, South

Carolina, Tennessee, Texas, Utah, Vermont, Washington, Wyoming, and the District of Columbia; (4) *motor vehicle bodies and containers*, between Milan, Mich., on the one hand, and, on the other, points in the United States, including Alaska (but excluding Hawaii); and (5) *materials, supplies, and parts* (except commodities in bulk) used in the manufacture, assembly, or servicing of the commodities described in (1), (2), and (4) above, when moving in mixed loads with such commodities, between Milan, Mich., on the one hand, and, on the other, points in the United States, including Alaska (but excluding Hawaii). NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Detroit, Mich.

No. MC 59856 (Sub-No. 49), filed February 8, 1973. Applicant: SALT CREEK FREIGHTWAYS, a corporation, 3333 West Yellowstone, Casper, WY 82601. Applicant's representative: John R. Davidson, 805 Midland Bank Building, Billings, Mont. 59101. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except commodities in bulk, household goods as defined by the Commission, commodities which because of size or weight require special equipment and articles of unusual value), between Billings, Mont., and Great Falls, Mont., over U.S. Highway 87 and return over the same route, serving all intermediate points. NOTE: Common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Billings, Mont.

No. MC 59856 (Sub-No. 51), filed February 26, 1973. Applicant: SALT CREEK FREIGHTWAYS, 3333 West Yellowstone, Casper, WY 82601. Applicant's representative: John R. Davidson, Room 805, Midland Bank Building, Billings, Mont. 59101. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except commodities in bulk, household goods as defined by the Commission, commodities because of size or weight require special equipment and articles of unusual value), between Billings, Mont., and Missoula, Mont., over Interstate Highway 40 and U.S. Highway 10, and return over the same route, serving all intermediate points, and the Port of Butte located at or near Butte, Mont. NOTE: If a hearing is deemed necessary, applicant requests it be held at Billings, Mont.

No. MC 61396 (Sub-No. 240), filed February 5, 1973. Applicant: HERMAN BROS. INC., 2501 North 11th Street, Omaha, NE 68101. Applicant's representative: Dale G. Herman (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid asphalt, road oils, and residual fuel oils*, in bulk, in tank vehicles, from the Sioux City, Iowa-South Sioux City, Nebr., commercial zone, including Bridgeport Industrial Park to points in Iowa, Minnesota, Nebraska, and South Dakota. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr., or Des Moines, Iowa.

No. MC 61395 (Sub-No. 241), filed February 12, 1973. Applicant: HERMAN BROS., INC., 2501 North 11th Street, Omaha, NE 68101. Applicant's representative: Dale G. Herman (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Nitrogen fertilizer solution*, in bulk, in tank vehicles, from Burlington, Iowa, to points in Illinois, Missouri, and Wisconsin. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr., or Des Moines, Iowa.

No. MC 61396 (Sub-No. 242), filed February 12, 1973. Applicant: HERMAN BROS. INC., 2501 North 11th Street, Omaha, NE 68101. Applicant's representative: Dale G. Herman (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid asphalt, road oils, and residual fuel oils*, in bulk, in tank vehicles, from the Sioux City, Iowa-South Sioux City, Nebr., commercial zone, including Bridgeport Industrial Park to points in Iowa, Minnesota, Nebraska, and South Dakota. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr., or Des Moines, Iowa.

No. MC 63417 (Sub-No. 48), filed February 8, 1973. Applicant: BLUE RIDGE TRANSFER COMPANY, INCORPORATED, 1814 Hollins Road NE., Post Office Box 2888, Roanoke, VA 24001. Applicant's representative: Nancy Pyeatt, 420 Executive Building, 1030 15th Street NW., Washington, DC 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fiberglass insulation and fiberglass insulation products, from* Indianapolis and Shelbyville, Ind., to points in Alabama, Delaware, Georgia, Kentucky, Maryland, Ohio, North Carolina, South Carolina, Virginia, West Virginia, and the District of Columbia. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Pittsburgh, Pa., or Washington, D.C.

No. MC 66121 (Sub-No. 27), filed February 16, 1973. Applicant: INDIAN BOW TRUCK LINES, LTD., a corporation, 225 Marcus Boulevard, Deer Park, NY 11729. Applicant's representative: Morton E. Kiel, 140 Cedar Street, New York, NY 10006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Conduit and pipe* (other than iron and steel) and *accessories, parts, fittings and attachments therefor*, from Rootstown Township, Portage County, Ohio, to points in Connecticut, Florida, Maine, Massachusetts, Rhode Island, New Hampshire, New Jersey, New York, Pennsylvania, and Vermont. NOTE: Applicant states that the requested authority can be tacked with its existing authority but indicates that it has no present intention to tack and therefore does not identify the points or territories which can be served through tacking. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. If a hearing is deemed necessary, applicant requests it be held at Columbus or Cleveland, Ohio.

No. MC 74321 (Sub-No. 69), filed January 2, 1973. Applicant: B. F. WALKER, INC., 650 17th Street, Denver, CO 80202. Applicant's representative: Richard P. Kissinger (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Asphalt heating and storage units*, from points in Bernalillo County, N. Mex., to points in Alabama, Arizona, Arkansas, California, Colorado, Idaho, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, Montana, Nebraska, Nevada, New Mexico, North Dakota, Oklahoma, Oregon, South Dakota, Tennessee, Texas, Utah, Washington, Wisconsin, and Wyoming. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Applicant further states no duplicating authority sought. If a hearing is deemed necessary, applicant requests it be held at Albuquerque, N. Mex., or Denver, Colo.

No. MC 83539 (Sub-No. 363), filed February 6, 1973. Applicant: C & H TRANSPORTATION CO., INC., 1936–2010 West Commerce Street, Post Office Box 5976, Dallas, TX 75222. Applicant's representative: Thomas E. James (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Signs, sign parts, attachments, accessories, and equipment* used in connection with or installation thereof, between the plantsites of Federal Sign and Signal Corp., at Los Angeles, Calif., Oakland, Calif., Knoxville, Tenn., Portland, Oreg., Louisville, Ky., Burr Ridge, Ill., and Arlington, Tex., on the one hand, and, on the other, points in the United States (except Alaska and Hawaii). NOTE: Common control may be involved. Applicant states that the requested authority can be tacked with its existing authority but indicates that it has no intention to tack and therefore does not identify the points or territories which can be served through tacking. Persons interested in the tacking possibilities aer cautioned that failure to oppose the application may result in an unrestricted grant of

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authority. If a hearing is deemed necessary, applicant requests it be held at Los Angeles, Calif.

No. MC 86913 (Sub-No. 38), filed February 8, 1973. Applicant: EASTERN MOTOR LINES, INC., U.S. No. 401 North, Post Office Box 649, Warrenton, NC 27589. Applicant's representative: C. M. Bullock, Post Office Box 649, Warrenton, NC 27589. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular route, transporting: *Conduit and pipe* (other than iron and steel) and *accessories, parts, fittings and attachments therefor*, from Roots Township, Portage County, Ohio, to points in Connecticut, Maine, Massachusetts, New Hampshire, New Jersey, New York, Rhode Island, Vermont, Virginia, and West Virginia. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Columbus or Cleveland, Ohio.

No. MC 86913 (Sub-No. 39), filed February 8, 1973. Applicant: EASTERN MOTOR LINES, INC., U.S. No. 401 North, Warrenton, N.C. 27589. Applicant's representative: C. M. Bullock (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber* (except plywood and veneer), between points in Pennsylvania on and east of U.S. Highway 15, on the one hand, and, on the other, points in Minnesota. NOTE: Applicant states that the requested authority can be tacked with its Sub 20 from Pennsylvania to Maine, New Hampshire, Vermont, Massachusetts, Connecticut, and New York, and Pennsylvania to Illinois, Indiana, Ohio, Michigan, and New York. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 104896 (Sub-No. 43), filed February 5, 1973. Applicant: WOMELDORF, INC., Post Office Box 495, Jefferson Avenue Extension, Washington, PA 15301. Applicant's representative: James W. Patterson, 2107 The Fidelity Building, Philadelphia, Pa. 19109. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs and materials, supplies and equipment* used or useful in the production, distribution, or sale of foodstuffs (except in bulk) between the facilities of Nabisco, Inc., located at or near Pittsburgh, Pa., and in Allegheny County, Pa., on the one hand, and on the other, the facilities of Nabisco, Inc., located at or near Endicott, Latham, Montgomery, Olean, and Pleasantville, N.Y. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Pittsburgh, Pa., or Washington, D.C.

No. MC 106074 (Sub-No. 17), filed January 11, 1973. Applicant: B AND P MOTOR LINES, INC., Post Office Box 5118, Biltmore Station, Asheville, NC 28803. Applicant's representative: James N. Golding, 4 South Pack Square, Asheville, N.C. 28807. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products*, in containers, from points in Hancock County, W. Va., to Asheville and Sylva, N.C., and Bristol, Va., and points in Tennessee on and east of U.S. Highway 127. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Asheville or Charlotte, N.C., or Atlanta, Ga.

No. MC 106400 (Sub-No. 92) (Amendment), filed September 28, 1972, published in the FEDERAL REGISTER of October 27 and December 21, 1972, and republished as amended this issue. Applicant: KAW TRANSPORT COMPANY, a corporation, Post Office Box 12628, North Kansas City, MO 64116. Applicant's representative: Robert L. Hawkins, Jr., Post Office Box 456, Jefferson City, MO 65101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals, paints, lacquer, varnish, solvents, laundry supplies, and products of chemical processes*, in tank or hopper type vehicles, from points in the Kansas City, Kans.–Kansas City, Mo., commercial zone, to points in Alabama, Arkansas, Colorado, Georgia, Illinois, Indiana, Iowa, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Montana, Nebraska, New Mexico, North Carolina, North Dakota, Ohio, Oklahoma, South Carolina, South Dakota, Tennessee, Texas, Wisconsin, and Wyoming. NOTE: Common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. The purpose of this republication is to add chemicals to the commodities to be transported and to show that a from and to movement is proposed. If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo.

No. MC 107515 (Sub-No. 837), filed February 8, 1973. Applicant: REFRIGERATED TRANSPORT CO., INC., Post Office Box 308, Forest Park, GA 30050. Applicant's representative: Paul M. Daniell, Post Office Box 872, Atlanta, GA 30301. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs* (except in bulk), from Hallwood, Va., to points in California, Montana, Oregon, Washington, Illinois, Indiana, Iowa, Kansas, Michigan, Minnesota, Missouri, Nebraska, North Dakota, South Dakota, and Wisconsin, restricted to traffic originating at Hallwood, Va. NOTE: Common control and dual operations may be involved. Applicant states that the requested authority can be tacked with its existing authority but indicates that it has no present intention to tack and therefore does not identify the points or territories which can be served through tacking. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga.

No. MC 109540 (Sub-No. 27), filed February 5, 1973. Applicant: YEARY TRANSFER COMPANY, INC., 2171 Christian Road, Lexington, KY 40505. Applicant's representative: George M. Catlett, 703–706 McClure Building, Frankfort, Ky. 40601. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Steel*, between the plantsite of the Square D Co. at Oxford, Ohio, on the one hand, and, on the other, the sites of the plant and warehouse facilities of the Square D Co. at Lexington, Ky. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Lexington, Ky., Cincinnati, Ohio, or Louisville, Ky.

No. MC 107012 (Sub-No. 173), filed February 5, 1973. Applicant: NORTH AMERICAN VAN LINES, INC., Post Office Box 988, Lincoln Highway East and Meyer Road, Fort Wayne, Ind. 46801. Applicant's representative: Donald C. Lewis (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New furniture*, (1) from points in Jefferson County, Ala., to points in the United States (except Alaska and Hawaii); and (2) from Pulaski, Dublin, and Martinsville, Va., to points in California, Oregon, Washington, Nevada, Utah, Idaho, Montana, Wyoming, South Dakota, North Dakota, Minnesota, and Iowa. NOTE: Applicant states that the requested authority can be tacked with its existing authority to transport new furniture, from the plantsite and storage facilities of Hon Industries, Inc., at Cedartown, Ga., to points in the United States via Jefferson County, Ala. If a hearing is deemed necessary, applicant requests it to be held at Washington, D.C.

No. MC 107295 (Sub-No. 636), filed January 22, 1973. Applicant: PRE-FAB TRANSIT CO., a corporation, 100 South Main Street, Farmer City, IL 61842. Applicant's representative: Mack Stephenson, Post Office Box 146, Farmer City, IL 61842. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Conduit including pipe; duct; raceways; tubing; and fittings, connections and accessories therefor*, from the plantsite of Jones & Laughlin Steel Co. at New Kensington, Pa., to points in Idaho, Utah, Nevada, Arizona, and Texas. NOTE: Applicant states that the requested authority cannot or will not be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Pittsburgh, Pa. or Washington, D.C.

No. MC 107295 (Sub-No. 637), filed February 15, 1973. Applicant: PRE-FAB TRANSIT CO., a corporation, 100 South

Main Street, Farmer City, IL 61842. Applicant's representative: Mack Stephenson (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Insulation materials, and tools, materials and supplies* used in the installation of insulation materials, from Cleveland, Ohio to points in Pennsylvania, New Jersey, New York, West Virginia, Maryland, Kentucky, Illinois, Indiana, Michigan, North Carolina, and South Carolina. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio, or Washington, D.C.

No. MC 107515 (Sub-No. 838), filed February 16, 1973. Applicant: REFRIGERATED TRANSPORT CO., INC., Post Office Box 308, Forest Park, GA 30050. Applicant's representative: Paul M. Daniell, Post Office Box 872, Atlanta, GA 30301. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat by-products* (except in bulk and hides) from the plantsite of Country Fresh Foods Division of Oak Foods, Inc., located in Hall County, Ga., to points in the United States on and east of U.S. Highway 85. Restriction: Restricted to traffic originating at the named plantsite. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga.

No. MC 109533 (Sub-No. 50), filed February 21, 1973. Applicant: OVERNITE TRANSPORTATION COMPANY, a corporation, 1100 Commerce Road, Richmond, VA 23224. Applicant's representative: C. H. Swanson (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving the plantsite of the Southwestern Co. at or near Brentwood, Tenn., as an off-route point in connection with applicant's presently authorized regular-route operations in No. MC–109533 and MC–109533 (Sub-No. 28). NOTE: If a hearing is deemed necessary, applicant requests it be held at Nashville, Tenn.

No. MC 108053 (Sub-No. 119), filed February 6, 1973. Applicant: LITTLE AUDREY'S TRANSPORTATION COMPANY, INC., Post Office Box 129, Fremont, NE 68025. Applicant's representative: Arnold L. Burke, 127 North Dearborn Street, Chicago, IL 60602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen Foods*, from Appleton, Wis., to points in California, Washington, Oregon, Arizona, and Salt Lake City, Utah. NOTE: Common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Washington, D.C.

No. MC 108460 (Sub-No. 46), filed January 22, 1973. Applicant: PETROLEUM CARRIERS COMPANY, a corporation, 5104 West 14th Street, Post Office Box 762, Sioux Falls, SD 57101. Applicant's representative: Stanley W. Mundhenke (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Asphalts, road oils and residual fuel oils*, in bulk, in tank vehicles, from the Sioux City, Iowa commercial zone, including the Bridgeport Industrial Park to points in Iowa, Nebraska, Minnesota, and South Dakota. NOTE: Common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Sioux City, Iowa, or Sioux Falls, S. Dak.

No. MC 110563 (Sub-No. 103), filed February 21, 1973. Applicant: COLDWAY FOOD EXPRESS, INC., Ohio Building, Sidney, Ohio 45365. Applicant's representative: Joseph M. Scanlan, 111 West Washington, Post Office Box 747, Chicago, IL 60602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat by-products and articles distributed by meat packinghouses* (except hides and commodities in bulk), as described in sections A and C of Appendix I to the report in Descriptions in Motor Carrier Certificates, 61 MCC 209 and 766 from York, Nebr., to points in New York, Connecticut, Delaware, New Jersey, Ohio, Pennsylvania, District of Columbia, Maine, Maryland, Massachusetts, New Hampshire, Vermont, Rhode Island, Kentucky, Tennessee, Virginia, Illinois, Kansas, Missouri, Colorado, Maine, and Florida, restricted to traffic originating at York, Nebr. NOTE: Applicant states that the requested authority can be tacked at Chicago, Ill., and Cleveland, Ohio, however, it does not intend to tack. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Omaha, Nebr.

No. MC 110420 (Sub-No. 675), filed February 26, 1973. Applicant: QUALITY CARRIERS, INC., Post Office Box 186, Pleasant Prairie, WI 53158. Applicant's representative: Fred H. Figge (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Animal feeds and animal feed supplements*, liquid, in bulk, in tank vehicles, from De Kalb, Ill., to points in Indiana, Michigan, and Wisconsin, (2) *coloring syrup* (caramel) in bulk, in tank vehicles, from Louisville, Ky., to points in Alabama, Arkansas, Florida, Georgia, Illinois, Indiana, Kentucky, Louisiana, Michigan, Mississippi, Missouri, North Carolina, Ohio, Pennsylvania, South Carolina, Tennessee, Virginia, West Virginia, and Wisconsin, and (3) (a) *animal feed ingredients*, liquid, in bulk, in tank vehicles, from Madison, Wis., to Albert Lea, Minn., and (b) *animal fats, blends and products thereof*, from Madison, Wis., to points in Illinois. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Common control may be involved. Applicant further states it seeks no duplicating authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Milwaukee, Wis.

No. MC 113267 (Sub-No. 296), filed January 26, 1973. Applicant: CENTRAL & SOUTHERN TRUCK LINES, INC., Suite 115, 3385 Airways Boulevard, Memphis, TN 38116. Applicant's representative: Lawrence A. Fischer, 312 West Morris Street, Caseyville, IL 62232. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Paper and paper articles* as described in Appendix XI to the report in Description in Motor Carrier Certificates, 61 M.C.C. 209, from Asheville, N.C., to points in Illinois, Missouri, and Tennessee. NOTE: Common control may be involved. Applicant states that the requested authority can be tacked with its existing authority but indicates that it has no present intention to tack and therefore does not identify the points or territories which can be served through tacking. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or St. Louis, Mo.

No. MC 113267 (Sub-No. 298), filed February 20, 1973. Applicant: CENTRAL & SOUTHERN TRUCK LINES, INC., Suite 115, 3385 Airways Boulevard, Memphis, TN 38116. Applicant's representative: Lawrence A. Fischer, 312 West Morris Street, Caseyville, IL 62232. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bags and wrapping paper*, from Crossett, Ark., to points in Illinois and Wisconsin. NOTE: Common control was approved by the Commission in No. MC–F–7260. Applicant states that the requested authority cannot or will not be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or St. Louis, Mo.

No. MC 113855 (Sub-No. 270), filed February 9, 1973. Applicant: INTERNATIONAL TRANSPORT, INC., 2450 Marion Road SE., Rochester, MN 55901. Applicant's representative: Alan Foss, 502 First National Bank Building, Fargo, N. Dak. 58102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Tractors, tractor attachments, and parts for tractors and tractor attachments*,

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from Romeo, Mich., to points in Montana, Idaho, Washington, Oregon, California, Nevada, Utah, and Arizona, and ports of entry on the international boundary line between the United States and Canada in North Dakota, Minnesota, Montana, Idaho, and Washington, restricted to traffic originating at the plant and warehouse sites of Ford Motor Co. at Romeo, Mich., and destined to the named destination States, except for that traffic moving in foreign commerce. NOTE: Applicant states that the requested authority can be tacked with its existing authority but indicates that it has no intention to tack and therefore does not identify the points or territories which can be served through tacking. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Detroit, Mich.

No. MC 113855 (Sub-No. 271), filed February 9, 1973. Applicant: INTERNATIONAL TRANSPORT, INC., 2450 Marion Road SE., Rochester, MN 55901. Applicant's representative: Alan Foss, 502 First National Bank Building, Fargo, N. Dak. 58102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Building, roofing and insulation materials* (except iron and steel and commodities in bulk) *and materials used in the manufacture, installation and distribution thereof*, between the plantsites and warehouse facilities of Certain-teed Products Corp., located in Scott County, Minn., on the one hand, and, on the other, points in Illinois, Indiana, Iowa, Kentucky, Michigan, Montana, Nebraska, North Dakota, Ohio, South Dakota, Wisconsin, and Wyoming, restricted to traffic originating at or destined to the plantsites and warehouse facilities of Certain-teed Products Corp. in Scott County, Minn. NOTE: Applicant states that the requested authority can be tacked with its existing authority but indicates that it has no intention to tack and therefore does not identify the points or territories which can be served through tacking. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn.

No. MC 113855 (Sub-No. 272), filed February 12, 1973. Applicant: INTERNATIONAL TRANSPORT, INC., 2450 Marion Road SE., Rochester, MN 55901. Applicant's representative: Alan Foss, 502 First National Bank Building, Fargo, N. Dak. 58102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting:: *Iron and steel articles, and aluminum and aluminium products*, from points in Pierce County, Wash., to points in the United States including Alaska (but excluding Hawaii). NOTE: Applicant states that the requested authority can be tacked with its existing authority but indicates that it has no intention to tack and therefore does not identify the points or territories which can be served through tacking. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. If a hearing is deemed necessary, applicant requests it be held at Seattle or Spokane, Wash., or Portland, Oreg.

No. MC 114273 (Sub-No. 131), filed February 8, 1973. Applicant: CEDAR RAPIDS STEEL TRANSPORTATION, INC., Post Office Box 68, Cedar Rapids, IA 52406. Applicant's representative: Robert E. Konchar, Post Office Box 1943, 2720 First Avenue NE., Cedar Rapids, IA 52406. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving the warehouse site of Western Electric located at or near Underwood, Iowa, as an off-route point in connection with applicant's presently held authority between Omaha, Nebr., and Chicago, Ill. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 114273 (Sub-No. 132), filed February 9, 1973. Applicant: CEDAR RAPIDS STEEL TRANSPORTATION, INC., Post Office Box 68, Cedar Rapids, IA 52406. Applicant's representative: Robert E. Konchar, 2720 First Avenue NE., Post Office Box 1943, Cedar Rapids, IA 52406. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Laminated plastics*, from Kenneth Square, Pa., to Newton, Iowa; and (2) *plastic materials*, from Natrium, W. Va., to Newton, Iowa. NOTE: Common control may be involved. Applicant states that the requested authority cannot or will not be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 114273 (Sub-No. 133), filed February 21, 1973. Applicant: CEDAR RAPIDS STEEL TRANSPORTATION, INC., Post Office Box 68, Cedar Rapids, IA 52406. Applicant's representative: Robert E. Konchar, Suite 315 Commerce Exchange Building, 2720 First Avenue NE., Post Office Box 1943, Cedar Rapids, IA 52406. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles and structural steel products*, from points in La Salle County, Ill., to points in Minnesota, Iowa, Nebraska, Missouri, Indiana, Ohio, Michigan, and Wisconsin. NOTE: Common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 114457 (Sub-No. 138), filed February 5, 1973. Applicant: DART TRANSIT COMPANY, 780 North Prior Avenue, St. Paul, MN 55104. Applicant's representative: Michael P. Zell (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Livonia, Mich., to St. Paul and Minneapolis, Minn.; Des Moines, Iowa; Omaha, Nebr.; and St. Louis, Mo. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at St. Paul, Minn.

No. MC 114632 (Sub-No. 55), filed February 6, 1973. Applicant: APPLE LINES, INC., Post Office Box 507, Madison, SD 57042. Applicant's representative: Andrew Clark, 1000 First National Bank Building, Minneapolis, Minn. 55402. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bentonite clay, foundry moulding sand treating compounds*, in bags, and *boards*, water impedance, from the plantsite of American Colloid Co. at or near Belle Fourche, S. Dak., and Upton, Wyo., to points in Illinois, Indiana, Iowa, Michigan, Minnesota, Missouri, and Wisconsin. NOTE: Applicant also holds contract carrier authority under MC 129706, therefore dual operations may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, appplicant requests it be held at Chicago, Ill.

No. MC 115162 (Sub-No. 263), filed February 12, 1973. Applicant: POOLE TRUCK LINE, INC., Post Office Drawer 500, Evergreen, AL 36401. Applicant's representative: Robert E. Tate (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pipe and conduit* (other than iron and steel) and *accessories, parts, fittings and attachments* therefor, from Rootstown Township, Portage County, Ohio, to points in Arkansas, Alabama, Florida, Georgia, Iowa, Louisiana, Mississippi, Missouri, North Carolina, Oklahoma, South Carolina, Tennessee, and Texas. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Columbus or Cleveland, Ohio.

No. MC 115162 (Sub-No. 264), filed February 16, 1973. Applicant: POOLE TRUCK LINE, INC., Post Office Drawer 500, Evergreen, AL 36401. Applicant's representative: Robert E. Tate (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Doors, laminated flooring planks, blocks, and tile, laminated stair treads and risers, with adhesives and accessories* necessary for the installation thereof, from Center, Tex., to points in Alabama, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kentucky, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, New

Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, West Virginia, Wisconsin, and the District of Columbia. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Memphis, Tenn.

No. MC 115840 (Sub-No. 86), filed February 6, 1973. Applicant: COLONIAL FAST FREIGHT LINES, INC., 1215 Bankhead Highway West, Birmingham, AL 35204. Applicant's representative: Roger M. Shaner, Post Office Box 10327, Birmingham, AL 35202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (a) *Valves, hydrants, parts, attachments, and accessories* and (b) *materials, equipments and supplies* used in the manufacture thereof (except commodities in bulk), between points in Jefferson County, Tex., on the one hand, and, on the other, points in the United States (except Alaska and Hawaii). NOTE: Common control may be involved. Applicant states that tacking the requested authority with its existing authority is possible, but not intended, due to the scope of the application. Applicant further states that no duplicating authority is sought. If a hearing is deemed necessary, applicant requests it be held at Houston, Tex., Birmingham, Ala., or Washington, D.C.

No. MC 115840 (Sub-No. 87), filed February 6, 1973. Applicant: COLONIAL FAST FREIGHT LINES, INC., 1215 Bankhead Highway West, Birmingham, AL 35204. Applicant's representative: Roger M. Shaner, Post Office Box 10327, Birmingham, AL 35202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cast iron pressure pipe, cast iron and brass valves and components, cast iron fittings, and cast iron fire hydrants* (except pipe and pipe fittings as described in Mercer Oil Field Extension 74 MCC 459), from Birmingham, Ala., to points in Colorado, Kansas, Louisiana, Missouri, Nebraska, New Mexico, North Dakota, South Dakota, and Texas, restricted to traffic originating at the facilities of, or used by, American Cast Iron Pipe Co., located at or near the named origin point. NOTE: Common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. Applicant further states no duplicating authority sought. If a hearing is deemed necessary, applicant requests it be held at Birmingham, Ala., Dallas, Tex., or New Orleans, La.

No. MC 115841 (Sub-No. 450), filed January 22, 1973. Applicant: COLONIAL REFRIGERATED TRANSPORTATION, INC., 1215 Bankhead Highway West, Birmingham, AL 35204. Applicant's representative: Roger M. Shaner, Post Office Box 168, Concord, TN 37720. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products meat byproducts, and article distributed by meat packinghouses*, from Amarillo, Tex., to points in California and Arizona. NOTE: Applicant states tacking possible with various subs at Amarillo, Tex., which generally allow for transportation originating at points in the Southeastern, Atlantic seaboard, and Northeastern States, however no such tacking is anticipated or intended at this time. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at (1) Amarillo, Tex., (2) Phoenix, Ariz., or (3) Washington, D.C.

No. MC 115841 (Sub-No. 451), filed February 6, 1973. Applicant: COLONIAL REFRIGERATED TRANSPORTATION, INC., 1215 Bankhead Highway West, Birmingham, AL 35204. Applicant's representative: Roger M. Shaner, Post Office Box 10327, Birmingham, AL 35202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Materials, equipment, and supplies, used in, or useful in, the manufacture of mattresses and bedding, and mattress and bedding covers*, from Burlington, Greensboro, Jamestown, and Mount Holly, N.C., and Batesburg, Spartanburg, Sumter, and Walhalla, S.C., to Lake Wales, Fla. NOTE: Common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. Applicant further states no duplicating authority sought. If a hearing is deemed necessary, applicant requests it be held at Tampa, Fla., Spartanburg, S.C., or Washington, D.C.

No. MC 116119 (Sub-No. 24), filed February 1, 1973. Applicant: JOHN F. HARRIS, doing business as HOGAN'S TRANSFER & STORAGE CO., 1122 South Davis Avenue, Elkins, WV. Applicant's representative: Steven L. Weiman, Suite 501, 1730 M Street NW., Washington, DC 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New furniture and finished wood panels*, from Elkins, W. Va., to points in New Jersey and New York and *materials and supplies* used in the manufacture and distribution thereof from points in New Jersey and New York to Elkins, W. Va., under contract with Elkins Industries, Inc., NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 117568 (Sub-No. 9), filed January 29, 1973. Applicant: KEMPT TRUCK LINES, INC., West 20th Street, Post Office Box 1047, Joplin, MO 64801. Applicant's representative: Turner White, 805 Woodruff Building, Springfield, Mo. 65805. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Commodities* used in the manufacture of products by food, drug, and agricultural industries, from the plantsites of Hoffman-Taff, Inc., at Springfield and Verona, Mo.; West Alexandria, Ohio; Chattanooga, Tenn.; and the warehouses of Hoffman-Taff, Inc. at Dallas, Tex.; Roselle, N.J.; Des Moines, Iowa; Minneapolis, Minn., and Gainesville, Ga., to points in the United States west of the western boundaries of North Dakota, South Dakota, Nebraska, Colorado, Oklahoma, and Texas, and (2) *packaging supplies, and equipment, and ingredients* used in the manufacture of the commodities described in (1) above, from the destination points in (1) to the plantsites and warehouses of Hoffman-Taff, Inc., at Springfield and Verona, Mo.; West Alexandria, Ohio; Chattanooga, Tenn.; Dallas, Tex.; Roselle, N.J.; Des Moines, Iowa; Minneapolis, Minn., and Gainesville, Ga., under contract with Hoffman-Taff, Inc. NOTE: If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo., or Kansas City, Mo.

No. MC 117574 (Sub-No. 222), filed December 18, 1972. Applicant: DAILY EXPRESS, INC., Post Office Box 39, Carlisle, PA 17013. Applicant's representative: James W. Hagar, 100 Pine Street, Post Office Box 1166, Harrisburg, PA 17108. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Power cranes*; (2) *tractors, with or without attachments* (except truck tractors); (3) *self-propelled cranes, backhoes, and shovels*; (4) *machinery*; (5) *attachments and parts* for the items in (1), (2), (3), and (4) above, (a) between Chesapeake, Hampton, Newport News, Norfolk, Portsmouth, Suffolk, Virginia Beach, Va., and points in the Isle of Wight, Nansemond, Surry, and York Counties, Va.; and (b) between Chesapeake, Hampton, Newport News, Norfolk, Portsmouth, Suffolk, Virginia Beach, points in the Isle of Wight, Nansemond, Surry, and York Counties, Va., on the one hand, and, on the other, points in and east of North Dakota, South Dakota, Nebraska, Kansas, Oklahoma, and Texas. NOTE: Common control may be involved. Applicant states that the requested authority can be tacked with its existing authority but indicates that it has no present intention to tack and therefore does not identify the points or territories which can be served through tacking. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 117574 (Sub-No. 225), filed February 8, 1973. Applicant: DAILY EXPRESS, INC., Post Office Box 39, Carlisle, PA 17013. Applicant's representative: James W. Hagar, 100 Pine Street, Post Office Box 1166, Harrisburg, PA 17108. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Refractory products*, from West Manchester Township (Chester County), York, Pa., to points in Illinois, Indiana, Iowa, Kentucky, Michigan, Minnesota, Missouri, Ohio, Tennessee, and Wisconsin. NOTE: Common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

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No. MC 118535 (Sub-No. 55), filed February 8, 1973. Applicant: JIM TIONA, JR., 111 South Prospect, Butler, MO 64730. Applicant's representative: Wilburn L. Williamson, 280 National Foundation Life Building, 3535 Northwest 58th, Oklahoma City, OK 73112. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Salt and salt products, and materials and supplies used in the agricultural, water treatment, food processing, wholesale grocery, and institutional supply industries*, when shipped in mixed loads with salt and salt products, (1) from Hutchinson, Kans., to points in Missouri and Texas, and (2) from Kanopolis, Kans., to points in Texas and New Mexico. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo.

No. MC 118535 (Sub-No. 56), filed February 8, 1973. Applicant: JIM TIONA, JR., 111 South Prospect, Butler, MO 64730. Applicant's representative: Wilburn L. Williamson, 280 National Foundation Life Building, 3535 Northwest 58th, Oklahoma City, OK 73112. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Salt and salt products, and materials and supplies used in the agricultural water treatment, food processing, wholesale grocery, and institutional supply industries*, when shipped in mixed loads with salt and salt products, from Grand Saline, Tex., to points in Arkansas, Iowa, Kansas, Missouri, Nebraska, Oklahoma, and South Dakota. NOTE: Applicant states that the requested authority can be tacked with its existing authority under MC 118535 (Sub-No. 42) at Hutchinson, Kans., or Kanapolis, Kans., and serve points in Minnesota, North Dakota, and Wyoming. If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo., or Washington, D.C.

No. MC 118989 (Sub-No. 93), filed February 21, 1973. Applicant: CONTAINER TRANSIT, INC., 5223 South Ninth Street, Milwaukee, WI 53221. Applicant's representative: Albert A. Andrin, 29 South La Salle Street, Chicago, IL 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Drums and pails and related parts*, from the plantsite of Inland Steel Container Co., Division of Inland Steel Co., in Greenville, Ohio, to points in Iowa, Indiana, Illinois, Kentucky, Missouri, Minnesota, Michigan, Wisconsin, Pennsylvania, and New York. NOTE: Applicant states that the requested authority cannot or will not be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 119322 (Sub-No. 53), filed February 8, 1973. Applicant: Ee-JAY MOTOR TRANSPORTS, INC., 15th and Lincoln Streets, East St. Louis, Ill. 62204. Applicant's representative: Ernest A. Brooks, II, 1301 Ambassador Building, St. Louis, Mo. 63101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastics and resins*, in bulk, from Belleville, Ill., to points in Missouri, Kansas, Colorado, Arkansas, Oklahoma, Texas, Louisiana, Mississippi, Alabama, Tennessee, Kentucky, Illinois, Indiana, Ohio, Michigan, Wisconsin, Minnesota, Iowa, and Nebraska. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo., or Washington, D.C.

No. MC 119441 (Sub-No. 33), filed February 2, 1973. Applicant: BAKER HI-WAY EXPRESS, INC., Box 484, Dover, OH 44622. Applicant's representative: Richard H. Brandon, 79 East State Street, Columbus, OH 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Brick and clay products* (except commodities in bulk), from points in Tuscarawas County, Ohio, to points in Alabama, Florida, Georgia, Mississippi, North Carolina, South Carolina, Tennessee, and Virginia, and (2) *materials and supplies* (except commodities in bulk) from the above-named destination States to points in Tuscarawas County, Ohio. Restricted as to Virginia against traffic originating at the plantsite of Belden Brick Co. near Port Washington, Ohio. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio.

No. MC 119441 (Sub-No. 34), filed February 26, 1973. Applicant: BAKER HI-WAY EXPRESS, INC., Box 484, Dover, OH 44622. Applicant's representative: Richard H. Brandon, 79 East State Street, Columbus, OH 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (A) *Clay products*, from the plantsites of the Glen Gery Corp. at East Canton and Nelsonville, Ohio; Stark Ceramics, Inc., at Easton Canton, Ohio; Corudite Refractories, Inc., at Massillon, Ohio; the Whitacre-Greer Fireproofing Co. at Waynesburg and Magnolia, Ohio; Kopp Clay Co. at Mineral City, Ohio; and Malvern Flue Linint, Inc., at Malvern, Ohio, to points in Alabama, Florida, Tennessee, Georgia, Mississippi, North Carolina, and South Carolina, and (B) *materials* used in the manufacture of clay products, other than in bulk, from points in the above-named destination States to the plantsite locations named above. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio.

No. MC 119522 (Sub-No. 19), filed February 2, 1973. Applicant: MCLAIN TRUCKING, INC., 2425 Walton Street, Anderson, IN 46011. Applicant's representative: Donald W. Smith, 900 Circle Tower, Indianapolis, Ind. 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Glass containers and closures* therefor, from Lapel, Ind., to Chicago and Plainfield, Ill., and points in the Southern Peninsula of Michigan; and (2) *return shipments of glass containers* from Chicago and Plainfield, Ill., and points in the Southern Peninsula of Michigan to Lapel, Ind. NOTE: Applicant holds contract carrier authority under MC 34865 and subs thereto, therefore dual operations may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Indianapolis, Ind.

No. MC 119789 (Sub-No. 150), filed February 12, 1973. Applicant: CARAVAN REFRIGERATED CARGO, INC., Post Office Box 6188, 1612 East Irving Boulevard, Dallas, TX 75222. Applicant's representative: James K. Newbold, Jr. (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned and bottled foodstuffs*, from Lafayette and New Iberia, La., to points in Kentucky, New Jersey, New York, and Pennsylvania. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Lafayette, La., or Dallas, Tex.

No. MC 119789 (Sub-No. 151), filed February 16, 1973. Applicant: CARAVAN REFRIGERATED CARGO, INC., Post Office Box 6188, 1612 East Irving Boulevard, Dallas, TX 75060. Applicant's representative: James K. Newbold, Jr. (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat byproducts, and articles distributed by meat packinghouses*, as described in sections A and C of Appendix I to the report in Descriptions in Motor Carrier Certificates, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from Liberal, Kans., to points in Illinois, Indiana, Kentucky, Michigan, and Ohio. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Liberal, Kans., or Dallas, Tex.

No. MC 119789 (Sub-No. 152), filed February 21, 1973. Applicant: CARAVAN REFRIGERATED CARGO, INC., Post Office Box 6188, 1612 East Irving Boulevard, Dallas, TX 75222. Applicant's representative: James K. Newbold, Jr., Post Office Box 6188, Dallas, TX 75222. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, from Los Angeles, Calif., to points in Alabama, Arkansas, Connecticut, Delaware, District of Columbia, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Hampshire, New Jersey, New York, North Carolina, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, Vermont, Virginia, West Virginia, and Wisconsin. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Los Angeles, Calif., or Dallas, Tex.

No. MC 119789 (Sub-No. 153), filed February 21, 1973. Applicant: CARAVAN REFRIGERATED CARGO, INC., Post Office Box 6188, 1612 East Irving Boulevard, Dallas, TX 75222. Applicant's representative: James K. Newbold, Jr., Post Office Box 6188, Dallas, TX 75222. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned tuna, petfood, knocked down cartons*, from Los Angeles, and Los Angeles Harbor, Calif., to points in Alabama, Arkansas, Connecticut, Delaware, District of Columbia, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Hampshire, New Jersey, New York, North Carolina, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, Vermont, Virgina, West Virginia, and Wisconsin. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Los Angeles, Calif., or Dallas, Tex.

No. MC 119988 (Sub-No. 57), filed February 9, 1973. Applicant: GREAT WESTERN TRUCKING CO., INC., Highway 103 East, Post Office Box 1384, Lufkin, TX 75901. Applicant's representative: Hugh T. Matthews, 630 Fidelity Union Tower, Dallas, Tex. 75201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Charcoal briquettes*, from Winn Parish, La., to points in Texas, Arkansas, Mississippi, Oklahoma, Kansas, Missouri, Alabama, Illinois, Tennessee, and Florida, and *empty wooden skids*, on return. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Dallas, Tex.

No. MC 119988 (Sub-No. 58), filed February 22, 1973. Applicant: GREAT WESTERN TRUCKING CO., INC., Highway 103 East, Post Office Box 1384, Lufkin, TX 75901. Applicant's representative: Hugh T. Matthews, 630 Fidelity Union Tower, Dallas, Tex. 75201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Paper and paper products* (except in bulk), from plantsite and warehouse facilities of International Paper Co., Inc., at or near Pine Bluff, Ark., to points in the United States, including Alaska and Hawaii. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Dallas, Tex.

No. MC 120181 (Sub-No. 5), filed March 6, 1973. Applicant: MAIN LINE HAULING CO., INC., Post Office Box C, St. Clair, MO 63077. Applicant's representative: Ira G. Megdal, 1730 M Street NW., Washington, DC 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between points in Washington County, Mo., and the mining sites of Meramec Mining Co. in the vicinity of Pea Ridge, Mo., on the one hand, and, on the other, points in Missouri. NOTE: Applicant states that the requested authority can be tacked with its existing authority but indicates that it has no present intention to tack and therefore does not identify the points or territories which can be served through tacking. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or St. Louis, Mo.

No. MC 120981 (Sub-No. 15), filed February 12, 1973. Applicant: BESTWAY EXPRESS, INC., 415 Fifth Avenue South, Nashville, TN 37202. Applicant's representative: George M. Catlett, 703–706 McClure Building, Frankfort, KY 40601. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment): (1) Between Pikeville, Ky., and Huntington, W. Va.; from Pikeville over U.S. Highway 119 to Williamson, W. Va., thence over U.S. Highway 52 to Huntington, W. Va., and return over the same routes, serving all intermediate points; (2) between Prestonsburg, Ky., and Ashland, Ky.; from Prestonsburg over U.S. Highway 23 to Ashland, and return over the same route, serving all intermediate points; (3) between Salyersville, Ky., and the junction of U.S. Highway 60 and U.S. Highway 23 near Paintsville, Ky.; from Salyersville over U.S. Highway 460 to the junction of U.S. Highway 23 near Paintsville, and return over the same route, serving all intermediate points; (4) between Lexington, Ky., and Salyersville, Ky.; from Lexington over U.S. Highway 60 to Winchester, Ky., thence over Kentucky Highway 15 to Clay City, Ky., thence over Mountain Parkway to Salyersville, and return over the same route, serving no intermediate points.

(5) Between Lexington, Ky., and Charleston, W. Va.; from Lexington over U.S. Highway 60 to Charleston, and return over the same route, serving all intermediate points east of Owingsville, Ky., and its commercial zone; (6) between Lexington, Ky., and Clay City, Ky.; from Lexington over Interstate Highway 64 to junction of Mountain Parkway to Clay City, and return over the same route, serving no intermediate points and serving Clay City, Ky., for joinder only, as an alternate route for operating convenience only; (7) between Lexington, Ky., and Charleston, W. Va.; from Lexington over Interstate Highway 64 to Charleston, and return over the same route, serving the junctions of Kentucky Highway 5, 32, 2, and 1 for joinder only, as an alternate route for operating convenience only; (8) between the junction of Interstate Highway 64 and Kentucky Highway 32 and Morehead, Ky.; from the junction of Interstate Highway 64 and Kentucky Highway 32 over Kentucky Highway 32 to Morehead, Ky., and return over the same route, serving all intermediate points; (9) between the junction of Interstate Highway 64 and Kentucky Highway 2, and Olive Hill, Ky.; from the junction of Interstate Highway 64 and Kentucky Highway 2 over Kentucky Highway 2 to Olive Hill, Ky., and return over the same route, serving all intermediate points; (10) between the junction of Interstate Highway 64 and Kentucky Highway 1 and Grayson, Ky., over Kentucky Highway 1 and return over the same route, serving all intermediate points; and (11) between Salyersville, Ky., and Pikeville, Ky.; from Salyersville over Kentucky Highway 114 to Prestonsburg, thence over U.S. Highway 460 to Pikeville, Ky., and return over the same route, serving all intermediate points. NOTE: If a hearing is deemed necessary, applicant requests it be held at Nashville, Tenn., Lexington, Ky., Charleston, W. Va., and Pikeville, Ky.

No. MC 121273 (Sub-No. 3), filed December 29, 1972. Applicant: McCORMACK TRANSPORTATION COMPANY, INCORPORATED, 121 North Story, Rock Rapids, IA 51246. Applicant's representative: M. L. Schubert (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value and dangerous explosives, household goods as defined in Practices of Motor Carriers of Household Goods, 17 M.C.C. 467, commodities in bulk or commodities requiring special equipment) (1) Between Sioux Falls, S. Dak., and Spirit Lake, Iowa, over South Dakota/Iowa State Highway 9 serving on and off-route points of Larchwood, Lester, Inwood, Alvord, Doon, George, Little Rock, Rock Rapids, Sibley, Allendorf, Matlock, Ritter, Ashton, Cloverdale, Melvin, Harris, Ocheyedan, Montgomery, Milford, Lake Park, Fostoria, Arnolds Park, Okobojl, and Spirit Lake, Iowa; and (2) Between Sioux City, Iowa, and its commercial zone over Interstate Highway 9 to Larchwood, Iowa, and Spirit Lake, Iowa, serving all the off-route points named in (1) above. NOTE: If a hearing is deemed necessary, applicant requests it be held at Sioux Falls, S. Dak.

No. MC 123048 (Sub-No. 245), filed February 8, 1973. Applicant: DIAMOND TRANSPORTATION SYSTEM, INC.,

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1919 Hamilton Avenue, Racine, WI 53401. Applicant's representative: Paul C. Gartzke, 121 West Doty Street, Madison, WI 53703. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Tractors* (except truck tractors), *tractor parts and attachments* thereof, from Romeo, Mich., to points in Arizona, California, Idaho, Montana, Nevada, Oregon, Utah, Washington, and ports of entry on the international boundary line between the United States and Canada in North Dakota, Minnesota, Montana, Idaho, and Washington, restricted to the plant and warehouse sites of Ford Motor Co., at Romeo, Mich., and destined to points in the above named destination States or points in foreign countries. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Washington, D.C.

No. MC 123255 (Sub-No. 34), filed February 12, 1973. Applicant: B & L MOTOR FREIGHT, INC., 140 Everett Avenue, Newark, OH 43055. Applicant's representative: N. E. Milford (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fiberglass and fiberglass products*, from Shelbyville and Indianapolis, Ind., to points in Alabama, Arkansas, Connecticut, Delaware, Florida, Georgia, Illinois, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, New Hampshire, New Jersey, New York, North Carolina, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, Vermont, Virginia, West Virginia, Wisconsin, and the District of Columbia. NOTE: Common control was approved by the Commission in No. MC-F-9523. Applicant holds a motor contract carrier permit in No. MC-81968 and subs thereunder, therefore dual operations may be involved. Applicant states that the requested authority can be tacked with its existing authority but does not identify the points or territories which can be served through tacking. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio.

No. MC 123670 (Sub-No. 12), filed February 8, 1973. Applicant: CROWEL TRUCKING, INC., 4671 North Van Dyke, Almont, MI 48003. Applicant's representative: Eugene C. Ewald, Suite 1700, One Woodward Avenue, Detroit, MI 48226. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Unfrozen pickled vegetables*, in containers, from Bridgeport, Imlay City, and Memphis, Mich., to points in Wisconsin, Minnesota, North Dakota, South Dakota, Iowa, Nebraska, Kansas, Kentucky, Tennessee, Oklahoma, Arkansas, Georgia, Alabama, Mississippi, and Louisiana, Texas, and Florida; (2) *supplies and materials* used in the processing and manufacture of pickled products, from points in Pennsylvania, Illinois, West Virginia, Ohio, Indiana, Wisconsin, Minnesota, North Dakota, South Dakota, Iowa, Nebraska, Kansas, Kentucky, Tennessee, Oklahoma, Arkansas, Georgia, Alabama, Mississippi, Louisiana, Texas, Florida, and Missouri, to Bridgeport, Imlay City, and Memphis, Mich.; (3) *unfrozen pickled vegetables*, in containers, from Millsboro, Del., to points in the United States on and east and a line beginning at the mouth of the Mississippi River, and extending along the Mississippi River to its junction with the western boundary of Itasca County, Minn., thence northward along the western boundaries of Itasca and Koochiching Counties, Minn., to the international boundary line between the United States and Canada; (4) *salt stocks*, in brine, in tote boxes, from Bridgeport, Imlay City, and Memphis, Mich., to Millsboro, Del.; and (5) *salt stock*, in brine, in tote boxes, from Millsboro, Del., to Bridgeport, Imlay City, and Memphis, Mich., under a continuing contract, or contracts with Vlasic Foods, Inc., of Lathrup Village, Mich. NOTE: If a hearing is deemed necessary, applicant requests it be held at Detroit, Mich., Lansing, Mich., or Washington, D.C.

No. MC 124236 (Sub-No. 48), filed February 15, 1973. Applicant: CHEMICAL EXPRESS CARRIERS, INC., 1200 Simons Building, Dallas, Tex. 75201. Applicant's representative: Leroy Hallman, 4555 First National Bank Building, Dallas, Tex. 75202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lime*, from the plantsites of St. Clair Lime Co., at or near Sallisaw, Okla., and at or near (about 3 miles north of) Marble City, Okla., to points in Louisiana. NOTE: Common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Dallas, Tex., or Oklahoma City, Okla.

No. MC 124236 (Sub-No. 49), filed February 15, 1973. Applicant: CHEMICAL EXPRESS CARRIERS, INC., 1200 Simons Building, Dallas, Tex. 75201. Applicant's representative: Leroy Hallman, 4555 First National Bank Building, Dallas, Tex. 75202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Limestone*, in bulk, in pneumatic tank trailers, from the plantsites of St. Clair Lime Co., at or near Sallisaw, Okla., and at or near (about 3 miles north of) Marble City, Okla., to points in Arkansas and Louisiana. NOTE: Common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Dallas, Tex., or Oklahoma City, Okla.

No. MC 124327 (Sub-No. 10), filed February 8, 1973. Applicant: COASTAL CONTRACT CARRIER CORPORATION, Box 261, Selmer, TN 38375. Applicant's representative: R. Connor Wiggins, Jr., 909 100 North Main Building, Memphis, Tenn. 38103. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Fabric and such merchandise* as is sold by fabric stores and *materials, supplies and equipment* utilized in the installation and operation of retail fabric stores, between the retail and distribution facilities of House of Fabrics of South Carolina, Inc., located at points in the United States (except Alaska and Hawaii), under a continuing contract, or contracts, with House of Fabrics of South Carolina, Inc. NOTE: If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga.

No. MC 124796 (Sub-No. 104), filed February 22, 1973. Applicant: CONTINENTAL CONTRACT CARRIER CORP., 15045 East Salt Lake Avenue, Post Office Box 1257, City of Industry, CA 91749. Applicant's representative: J. Max Harding, Post Office Box 82028, Lincoln, NE 68501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Air conditioning equipment, furnaces, and component parts and accessories therefor*, between Memphis, Tenn., on the one hand, and, on the other, points in the United States (except Alaska and Hawaii), restricted against the transportation of commodities which because of size or weight require the use of special equipment, and limited to a transportation service to be performed under a continuing contract, or contracts, with Carrier Corp., of La Puente, Calif. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Los Angeles, Calif.

No. MC 124854 (Sub-No. 12), filed February 8, 1973. Applicant: GRIM BROS. TRUCKING CO., 997 Loucks Mill Road, York, PA 17402. Applicant's representative: Chester A. Zyblut, 1522 K Street NW., Washington, DC 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Concrete, cinder, and slag products*, in vehicles equipped with mechanical unloaders, from Baltimore, Md., to points in Maine, New Hampshire, Vermont, Massachusetts, Connecticut, and Rhode Island, and (2) *brick and clay products*, in vehicles equipped with mechanical unloaders, from Fairmount Heights, Md., to points in New York, Massachusetts, Connecticut, Rhode Island, Maine, New Hampshire, and Vermont. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 125474 (Sub-No. 37), filed February 5, 1973. Applicant: BULK HAULERS, INC., Post Office Box 3601, Wilmington, NC 28401. Applicant's representative: Richard R. Sigmon and John C. Bradley, 618 Perpetual Building, 1111 E Street NW., Washington, DC 20004.

Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid caustic soda*, in bulk, in tank vehicles, from Acme and Wilmington, N.C., to points in Virginia. NOTE: Common control was previously approved by the Commission in No. MC-F-10829. Applicant has pending in No. MC-125474 (Sub-No. 29), an application seeking authority to transport chemicals between Wilmington, N.C. and points in Virginia, therefore duplicating authority may be involved. Applicant states that the requested authority cannot or will not be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 126305 (Sub-No. 50) (Correction), filed December 14, 1972, published in the FEDERAL REGISTER issue of February 15, 1973, and republished in part, as corrected, this issue. Applicant: BOYD BROTHERS TRANSPORTATION CO., INC., Rural Delivery No. 1, Clayton, Ala. 36016. Applicant's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City, NJ 07306. NOTE: The sole purpose of this republication is to correctly reflect applicant's name as shown above, deleting A. Tracy Parks III, as trustee. The rest of the application remains as previously published.

No. MC 126539 (Sub-No. 13), filed February 6, 1973. Applicant: KATUIN BROS. INC., 102 Terminal Street, Dubuque, IA 52001. Applicant's representative: Carl E. Munson, 469 Fischer Building, Dubuque, Iowa 52001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Nitrogen fertilizer solutions*, from Burlington, Iowa, to points in Illinois, Missouri, and Wisconsin. NOTE: Applicant also holds contract carrier authority under MC 120135 and (Sub-No. 2), therefore dual operations may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Des Moines, Iowa, or Chicago, Ill.

No. MC 126514 (Sub-No. 41), filed February 6, 1973. Applicant: SCHAEFFER TRUCKING, INC., 5200 West Bethany Home Road, Glendale, AZ 85301. Applicant's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City, NJ 07306. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cosmetics, toilet preparations, perfume, and soap* (except in bulk), and *materials and supplies* used in the distribution and sale thereof, from Mountaintop, Pa., to Denver, Colo. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or New York, N.Y.

No. MC 127042 (Sub-No. 110), filed February 8, 1973. Applicant: HAGEN, INC., 4120 Floyd Boulevard, Post Office Box 98, Leeds Station, Sioux City, IA 51108. Applicant's representative: Joseph W. Harvey (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cleaning, washing, and scouring compounds, toilet preparations, shampoo, proprietary drugs, insecticides, cosmetics, liquid lubricants, and supplies and advertising related materials* (except commodities in bulk), from Chicago, Ill., to points in Iowa. NOTE: Applicant states that the requested authority can be tacked with its existing authority under MC 127042 (Sub-No. 64), which authorizes service from Eldora, Iowa, to points beyond, however, tacking is not intended. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 127042 (Sub-No. 111), filed February 8, 1973. Applicant: HAGEN, INC., 4120 Floyd Boulevard, Post Office Box 98, Leeds Station, Sioux City, IA 51108. Applicant's representative: Joseph W. Harvey (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Toilet preparations, paint and paint materials and supplies, proprietary antifreeze, aerosol products, and advertising materials and supplies, shampoo, cleaning and polishing compounds, deodorants and disinfectants, insecticides, hand tools and water absorption or anti-icing compounds* (except commodities in bulk, in tank vehicles), from Coal City and Chicago, Ill., to points in Arizona, California, Colorado, Idaho, Iowa, Kansas, Minnesota, Missouri, Montana, Nebraska, Nevada, New Mexico, North Dakota, Oregon, South Dakota, Utah, Washington, Wisconsin, and Wyoming. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 127834 (Sub-No. 84), filed February 2, 1973. Applicant: CHEROKEE HAULING & RIGGING, INC., 540-42 Merritt Avenue, Nashville, TN 37203. Applicant's representative: M. Bryan Stanley (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles*, between points in Tishomingo County, Miss., and Hardin County, Tenn., on the one hand, and, on the other, points in the United States in and east of North Dakota, South Dakota, Nebraska, Kansas, Oklahoma, and Texas. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Nashville, Tenn.

No. MC 128256 (Sub-No. 16), filed February 8, 1973. Applicant: O. W. BLOSSER, doing business as BLOSSER TRUCKING, 215 North Main Street, Middlebury, IN 46540. Applicant's representative: Alki E. Scopelitis, 815 Merchants Bank Building, Indianapolis, Ind. 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Siding, roofing, and related and component parts and accessories*, from Bristol, Ind., to Bloomsburg, Pa., Reidsville, N.C., Peachtree City, Ga., Ocala, Fla., Mansfield, Tex., Tulsa, Okla., McPherson, Kans., and points in Ohio, Illinois, Wisconsin, Kentucky, and Tennessee. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Indianapolis, Ind.

No. MC 128256 (Sub-No. 17), filed February 8, 1973. Applicant: O. W. BLOSSER, doing business as BLOSSER TRUCKING, 215 North Main Street, Middlebury, IN 46540. Applicant's representative: Alki E. Scopelitis, 815 Merchants Bank Building, Indianapolis, IN 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Composition board and materials, supplies and accessories* used in the installation thereof, from the plantsite and warehouse facilities of the Abitibi Corp. near Roaring River, N.C., to Louisville, Ky., St. Louis, Mo., and points in Illinois, Indiana, Ohio, Michigan, and Pennsylvania; and (2) *materials, supplies, equipment and accessories* used in the manufacture and installation of composition board, from the destination points in (1) above, to the plantsite and warehouse facilities of Abitibi Corp. near Roaring River, N.C., restricted against the transportation of commodities in bulk. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Indianapolis, Ind.

No. MC 128273 (Sub-No. 136), filed February 5, 1973. Applicant: MIDWESTERN EXPRESS, INC., Box 189, Fort Scott, KS 66701. Applicant's representative: Harry Ross (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Manganese and manganese oxide*, from Covington, Tenn., to points in Wisconsin, Illinois, Ohio, Pennsylvania, New Jersey, and Louisiana. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Memphis, Tenn.

No. MC 128527 (Sub-No. 35), filed February 7, 1973. Applicant: MAY TRUCKING CO., a corporation, Post Office Box 398, Payette, ID 83661. Applicant's representative: John K. Gatchel, Post Office Box 195, Payette, ID 83661. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Acids, antifreeze preparation and compounds, chemicals, steel cylinders and drums, compressed gases, animal and poultry feed, glassware, hardware, insecticides and fungicides, laundry materials and supplies, paint, paint materials and putty, paper and paper products, petroleum products and rope and twine* in mixed shipments, between the facilities of Van Waters &

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Robers, Inc., at Portland, Oreg., and Boise, Idaho. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Boise, Idaho.

No. MC 128375 (Sub-No. 90), filed February 15, 1973. Applicant: CRETE CARRIER CORPORATION, Box 249, Crete, NE 68333. Applicant's representative: Duane W. Acklie (same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Those articles produced and distributed by home product distributors*, from Santa Ana, Calif., to points in Nevada, Utah, Arizona, Washington, Oregon, Idaho, Montana, and Wyoming, under contract with Amway Corp. NOTE: If a hearing is deemed necessary, applicant requests it be held at Lincoln, Nebr., or Chicago, Ill.

No. MC 128504 (Sub-No. 4), filed February 2, 1973. Applicant: JAMES M. BARNETT AND MRS. JAMES M. BARNETT, doing business as BARNETT'S MOVING & STORAGE, Route 4, Post Office Box 726, Kosciusko, MS 39090. Applicant's representative: Alton Massey (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Used household goods as defined by the Commission*, between Kosciusko, Miss., on the one hand, and, on the other, points in Carroll, Holmes, Leake, Choctaw, Winston, Neshoba, Madison, Montgomery, Oktibbeha, Noxubee, Webster, Scott, Kemper, Yazoo, Newton, Grenada, Hinds, Leflore, Humphreys, Rankin, Lee, Lowndes, Pontotoc, Chickasaw, Calhoun, Yalobusha, Tallahatchie, Sunflower, Bolivar, Washington, Monroe, and Itawamba Counties, Miss., restricted to the transportation of traffic having a prior or subsequent out-of-State movement in container, beyond the pickup and delivery services, in connection with packing, crating, and containerization and/or unpacking, uncrating, and decontainerization; and (2) *used household goods as defined by the Commission*, between points in Mississippi. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Jackson, Miss.

No. MC 129171 (Sub-No. 10), filed February 6, 1973. Applicant: ARTHUR SHELLEY, INC., Rural Delivery No. 2, Dallas, Pa. 18708. Applicant's representative: Kenneth R. Davis, 999 Union Street, Taylor, PA 18517. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Candy and confectionery*, from Union, N.J., and the port of entry on the international boundary line between the United States and Canada at Niagara Falls, N.Y., to Portland, Oreg., Los Angeles, Calif., Seattle, Wash., and Salt Lake City, Utah. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Applicant holds contract carrier authority under MC 126381 and subs thereunder, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Newark, N.J.

No. MC 129171 (Sub-No. 11), filed February 12, 1973. Applicant: ARTHUR SHELLEY, INC., Rural Delivery No. 2, Dallas, Pa. 18708. Applicant's representative: Kenneth R. Davis, 999 Union Street, Taylor, PA 18517. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Groceries*, between points in California, Oregon, Washington, Idaho, Arizona, and New Mexico on the one hand, and, on the other, Pennsylvania, New York, New Jersey, Connecticut, Rhode Island, Massachusetts, Vermont, New Hampshire, Maine, Maryland, Virginia, Delaware, and the District of Columbia. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Applicant holds contract carrier authority under MC 126381 and subs thereunder, therefore dual operations may be involved. If a hearing is deemed necessary, applicant did not specify a location.

No. MC 129413 (Sub-No. 10), filed February 19, 1973. Applicant: C. B. TRANSPORTATION, INC., 1400 Grand Avenue, Post Office Box 3072, Sioux City, IA 51102. Applicant's representative: Patrick E. Quinn, 605 South 14th Street, Post Office Box 82028, Lincoln, NE 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (A) *Dry animal and poultry feeds, dry animal and poultry feed ingredients and animal and poultry health aids;* (1) from the plantsites of Corn Belt Supply Co., Inc., Murphy Products Co., Inc. and Cargill Inc., Nutrena Feed Division, located at Sioux City, Iowa to points in Nebraska, South Dakota, North Dakota, Minnesota, Kansas, Missouri, Illinois, Colorado, Wyoming, and Wisconsin; (2) between the plantsites and warehouse facilities of Murphy Products Co., Inc. located at Montevideo, Minnesota, Burlington, Wisconsin, and Sioux City, Iowa; and (3) between the plantsites and warehouse facilities of Cargill Inc., Nutrena Feed Division, located at Sioux City, Iowa on the one hand and, on the other, Omaha and Grand Island, Nebr.; and (B) *Dry animal and poultry feed ingredients* from points in the destination states named in (A)(1) above to the plantsites and warehouse facilities of Corn Belt Supply Co., Inc., Murphy Products Co., Inc., and Cargill Inc., Nutrena Feed Division, located at Sioux City, Iowa. NOTE: Applicant states that the requested authority cannot or will not be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Sioux City, Iowa.

No. MC 133095 (Sub-No. 38), filed February 8, 1973. Applicant: TEXAS CONTINENTAL EXPRESS, INC., Post Office Box 434, Euless, TX 76039. Applicant's representative: Rocky Moore (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products and meat by-products* (except commodities in bulk and except hides) from the plantsite and warehouse facilities of National Beef Packing Co., located at Liberal, Kans., to points in Ohio, Illinois, Indiana, Kentucky, Michigan, and Tennessee. Restriction: Restricted to traffic originating at the plantsite and warehouse facilities of National Beef Packing Co. and destined to the named destinations. NOTE: Applicant holds pending contract carrier authority under MC 136032, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at either Dallas, Tex., Kansas City, Mo., or Washington, D.C.

No. MC 133095 (Sub-No. 39), filed February 14, 1973. Applicant: TEXAS CONTINENTAL EXPRESS, INC., Post Office Box 443, Euless, TX 76039. Applicant's representative: Hugh T. Matthews, 630 Fidelity Union Tower, Dallas, Tex. 75201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such merchandise* as is ordinarily dealt in by retail discount store from points in Maine, Vermont, New Hampshire, Massachusetts, Connecticut, Rhode Island, New York, Pennsylvania, and New Jersey to points in Arkansas, Oklahoma, and Texas. NOTE: Applicant holds pending contract carrier authority under MC 136032, therefore dual operations may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Dallas, Tex.

No. MC 133119 (Sub-No. 16), filed February 6, 1973. Applicant: HEYL TRUCK LINES, 235 Mill Street, Akron, OH 51001. Applicant's repersentative: A. J. Swanson, Post Office Box 80806, 521 South 14th Street, Lincoln, NE 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Frozen foodstuffs*, from Tulsa, Okla., to ports of entry on the international boundary line between the United States and Canada, located in Montana, North Dakota, and Minnesota, restricted to traffic moving in foreign commerce; and (2) *meats, meat products, meat by-products, and articles distributed by meat packinghouses*, as defined by the Commission, from Omaha, Nebr., Cherokee, Iowa, Wichita, Kans., and Worthington, Minn., to ports of entry on the international boundary line between the United States and Canada, located in New York and Michigan, restricted to traffic moving in foreign commerce. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary applicant requests it be held at Omaha, Nebr., or Sioux City, Iowa.

No. MC 133220 (Sub-No. 7) (Correction), filed January 23, 1973 published in the FEDERAL REGISTER issue of March 8, 1973, and republished in part, as corrected this issue. Applicant: RECORD TRUCK LINE, INC., Post Office Box 11, Henderson, TN 38340. Applicant's representative: R. Connor Wiggins, Jr., 909

100 North Main Building, Memphis, Tenn. 38103. NOTE: The sole purpose of this partial republication is to correct the destination point of Clito, Ga., in lieu of, Cleito, Ga. as previously published. The rest of the application remains the same.

No. MC 133528 (Sub-No. 4), filed December 12, 1972. Applicant: UPTON FUEL & CONSTRUCTION CO., INC., Maple Avenue, West Upton, Mass. 01587. Applicant's representative: Arthur A. Wentzell, Post Office Box 764, Worcester, MA 01613. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Salt and salt products* in bulk or in bags, from points in Massachusetts, to points in Connecticut, Maine, Massachusetts, New Hampshire, and Rhode Island, on traffic having a prior out-of-state movement by rail to points in Massachusetts. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Boston or Worcester, Mass.

No. MC 133757 (Sub-No. 1), filed February 9, 1973. Applicant: CAROLINA EAST FURNITURE TRANSPORT, INC., Post Office Box 906, Irving, TX 75060. Applicant's representative: T. M. Brown, 600 Leininger Building, Oklahoma City, Okla. 73112. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New furniture*, between points in Graham County, N.C., and Monroe County, Tenn., and points in North Carolina and South Carolina. NOTE: Applicant states that tacking is possible with lead certificate at Sumter, Bennettsville, Fairfax, Florence, and Mullins, S.C., for service to points in Mississippi, Arkansas, Louisiana, Oklahoma, and Texas. If a hearing is deemed necessary, applicant requests it be held at Raleigh, N.C., or Columbia, S.C.

No. MC 134097 (Sub-No. 3), filed February 6, 1973. Applicant: HAHN TRANSPORTATION, INC., New Market, Md. 21774. Applicant's representative: Francis J. Ortman, 1100 17th Street NW., Suite 613, Washington, DC 20036. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Prestressed and precast structural concrete products*, from the plantsite of Formigli Corp. at or near Buckeystown, Md., to points in Connecticut, Delaware, Maryland, North Carolina, New Jersey, New York, Ohio, Pennsylvania, Virginia, West Virginia, and the Distirct of Columbia, under a continuing contract, or contracts, with Formigli Corp. NOTE: Applicant holds common carrier authority under MC 56388 and subs thereunder, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 134182 (Sub-No. 11), filed February 8, 1973. Applicant: MILK PRODUCERS MARKETING COMPANY, doing business as ALL-STAR TRANSPORTATION, a corporation, Second and West Turnpike Road, Lawrence, Kans. 66044. Applicant's representative: Warren H. Sapp, Suite 910, Fairfax Building, 101 West 11th Street, Kansas City, MO 64105. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular route, transporting: *Frozen foods*, from the storage facilities of Banquet Foods, Inc., located at or near Wellston, Ohio, to points in Connecticut, Delaware, Illinois, Indiana, Iowa, Maine, Maryland, Massachusetts, Michigan, Minnesota, Missouri, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia, Wisconsin, the District of Columbia, and Leavenworth and Wyandotte Counties, Kans. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant does not specify a location.

No. MC 134349 (Sub-No. 6), filed January 29, 1973. Applicant: B. L. T. CORPORATION, 405 Third Avenue, Brooklyn, NY 11215. Applicant's representative: William D. Traub, 10 East 40th Street, New York, NY 10016. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities* as are dealt in by women's and children's ready-to-wear retail stores, and in connection therewith, *equipment and supplies* used in the conduct of such businesses, between New York, N.Y., and Secaucus, N.J., on the one hand, and, on the other, points in Arkansas, Indiana, Iowa, Kentucky, Maryland, New Jersey, South Carolina, Tennessee, Virginia, and West Virginia, under contract with Gaylords National Corp. NOTE: If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 134387 (Sub-No. 19), filed February 12, 1973. Applicant: BLACKBURN TRUCK LINES, INC., 4998 Branyon Avenue, South Gate, CA 90280. Applicant's representative: David P. Christianson, 925 City National Bank Building, 606 South Olive Street, Los Angeles, CA 90014. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Empty cans and can ends*, from points in Washington, to points in California. NOTE: Applicant states that the requested authority cannot or will not be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Los Angeles or San Francisco, Calif.

No. MC 134922 (Sub-No. 40), filed January 22, 1973. Applicant: B. J. McADAMS, INC., Route 6, Box 15, North Little Rock, AR 72118. Applicant's representative: Craig B. Sherman, 29 South La Salle Street, Chicago, IL 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Food, food products, drugs*, and *plastic and rubber articles*, from Sturgis, Mich., to points in Texas, Arizona, New Mexico, Oklahoma, California, Colorado, Utah, Nevada, Oregon, Washington, and Montana. NOTE: Applicant states that the requested authority cannot or will not be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 134922 (Sub-No. 41), filed February 13, 1973. Applicant: B. J. McADAMS, INC., Route 6, Box 15, North Little Rock, AR 72118. Applicant's representative: L. C. Cypert (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, (1) between points in Arkansas, Louisiana, Mississippi, Tennessee, and Texas, and (2) from points in Delaware, Florida, Georgia, Illinois, Iowa, Kansas, Maryland, Minnesota, Missouri, New York, Pennsylvania, and Wisconsin, to points in Arkansas, Louisiana, Mississippi, Oklahoma, Tennessee, and Texas. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Little Rock, Ark., or Dallas, Tex.

No. MC 134922 (Sub-No. 42), filed February 13, 1973. Applicant: B. J. McADAMS, INC., Route 6, Box 15, North Little Rock, AR 72118. Applicant's representative: L. C. Cypert (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, (except in bulk), from points in California, Idaho, Oregon, and Washington to points in Arkansas, Louisiana, Mississippi, Oklahoma, Tennessee, and Texas. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Little Rock, Ark., or Dallas, Tex.

No. MC 135235 (Sub-No. 1), filed January 29, 1973. Applicant: LOMA CARTAGE, INC., 11359 Franklin Avenue, Franklin Park, IL 60131. Applicant's representative: Frank J. Belline, McDonald's Plaza, Oak Brook, Ill. 60521. Authority sought to operate as as *common carrier*, by motor vehicle, over irregular routes, transporting: *Floor coverings and materials and supplies* used in the installation of floor coverings, except commodities in bulk, from points in the Counties of Du Page and Lake, Ill., to points in Racine, Kenosha, Milwaukee, and Waukesha County, Wis., and to Mequon, Wis., and from points in Milwaukee County and Mequon, Wis., to points in Cook, Du Page, and Lake Counties, Ill. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 136343 (Sub-No. 7), filed February 6, 1973. Applicant: MILTON TRANSPORTATION, INC., Post Office Box 207, Milton, PA 17847. Applicant's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City, NJ 07306. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Containers and component parts*, from the facilities of

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Penland Container, Inc., at Hanover, Pa., to points in New York, New Jersey, Connecticut, Massachusetts, Rhode Island, Vermont, Georgia, Minnesota, Florida, North Carolina, South Carolina, West Virginia, Ohio, Indiana, Illinois, Michigan, Kentucky, Tennessee, Maryland, Virginia, and the District of Columbia. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Applicant holds contract carrier authority under MC 96098 and subs thereunder, therefore common control and dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at New York, N.Y., or Washington, D.C.

No. MC 136343 (Sub-No. 8), filed February 6, 1973. Applicant: MILTON TRANSPORTATION, INC., Post Office Box 207, Milton, PA 17847. Applicant's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City, NJ 07306. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber, lumber products and related articles*, from the facilities of St. Regis Paper Co., at or near Milford, Maine, to points in Ohio, Pennsylvania, New York, New Jersey, Delaware, Maryland, Virginia, West Virginia, Massachusetts, Connecticut, Rhode Island, North Carolina, South Carolina, Michigan, Vermont, New Hampshire, Georgia, Florida, and the District of Columbia. NOTE: Common control may be involved. Applicant holds contract carrier authority under MC-96098 and subs thereunder, therefore, dual operations may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at New York, N.Y., or Washington, D.C.

No. MC 136551 (Sub-No. 1), filed January 8, 1973. Applicant: DONALD M. ELMORE, doing business as M.O.R.T. ENTERPRISES, Post Office Box 616, Hoquiam, WA 98550. Applicant's representative: James J. Solan, 322 West Heron Street, Aberdeen, WA 98520. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Shakes, shingles, hip and ridge boards, and associated products*, between points in Washington, Oregon, California, and Colorado. NOTE: If a hearing is deemed necessary, applicant requests it be held at either (1) Hoquiam; (2) Aberdeen; or (3) Cosmopolis, Wash.

No. MC 136829 (Sub-No. 2), filed January 26, 1973. Applicant: C. JAMES, doing business as C. JAMES TRUCKING, 415 North Jarrett, Portland, OR 97217. Applicant's representative: Nick I. Goyak, 610 Southwest Alder, Portland, OR 97205. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel*, and *iron and steel articles* as described in Appendix V to the report in Descriptions in Motor Carrier Certificates, 61 MCC 209, between points in Oregon, Washington, California, Nevada, Arizona, Idaho, Utah, Montana, Colorado, Wyoming, and New Mexico. NOTE: Applicant states that the requested authority cannot or will not be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Portland, Oreg., Seattle, Wash., or San Francisco, Calif.

No. MC 136830 (Sub-No. 1), filed January 21, 1973. Applicant: DARRELL E. SORENSON, doing business as DARRELL SORENSON TRANSPORTATION CO., Post Office Box 311, Centralia, WA 98531. Applicant's representative: Philip G. Skofstad, 4410 Northeast Fremont, Portland, OR 97213. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Wine, beer, and malt beverages*, from Modesto and San Jose, Calif., to Vancouver and Longview, Wash., under contract with Grimms Distributing Co., Vancouver, Wash., C & R Distributing Co., Longview, Wash., and Longview Ice & Cold Storage Co., Longview, Wash. NOTE: If a hearing is deemed necessary, applicant requests it be held at Portland, Oreg.

No. MC 136950 (Sub-No. 2), filed February 8, 1973. Applicant: FROSTY TRANSPORTATION, INC., Box 184, Douglassville, PA 19518. Applicant's representative: Christian V. Graf, 407 North Front Street, Harrisburg, PA 17101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen fruits and berries*, from points in Michigan to Pottstown, Morgantown, York, and Philadelphia, Pa., Portsmouth, Va., and Silver Spring, Md., restricted to traffic originating at points in Michigan and destined to the above-named points. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Harrisburg, Pa.

No. MC 138000 (Sub-No. 4), filed February 5, 1973. Applicant: ARTHUR H. FULTON, Stephens City, Va. 22655. Applicant's representative: Charles E. Creager, Suite 523, 816 Easley Street, Silver Spring, MD 20910. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Veneer*, (1) between Martinsburg, W. Va., on the one hand, and, on the other, points in Indiana, Kentucky, North Carolina, South Carolina, and Pennsylvania and (2) from Martinsburg, W. Va., to points in Vermont. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Applicant holds contract carrier authority under MC 129613 Sub 2 and other subs, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington D.C.

No. MC 138000 (Sub-No. 5), filed February 5, 1973. Applicant: ARTHUR H. FULTON, R.F.D., Stephens City, Va. 22655. Applicant's representative: Charles E. Creager, Suite 523, 816 Easley Street, Silver Spring, MD 20910. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages*, from Newark, N.J., Winston Salem, N.C., Cumberland, Md., Cleveland, Ohio, Philadelphia and Norristown, Pa., to points in Morgan, Berkeley, and Jefferson Counties, W. Va. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Applicant holds contract carrier under MC 129613 Sub 2 and other subs, therefore dual operations may be involved. Applicant further states it seeks no duplicating authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 138000 (Sub-No. 6), filed February 5, 1973. Applicant: ARTHUR H. FULTON, R.F.D., Stephens City, Va. 22655. Applicant's representative: Charles E. Creager, Suite 523, 816 Easley Street, Silver Spring, MD 20910. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Mulch, sawdust, woodchips, waste, veneer, and lumber*, from Martinsburg, W. Va., to Louisville, Ky., New Albany, Ind., and points in New York, Pennsylvania, Maryland, Virginia, North Carolina, and South Carolina, (2) *Veneer*, from Martinsburg, W. Va., to Louisville, Ky., New Albany, Ind., and points in Maryland, Virginia, North Carolina, and South Carolina, (3) *Malt beverages*, (a) from Columbus, Ohio, Detroit, Mich., and St. Louis, Mo., to Martinsburg and Romney, W. Va., (b) from Pittsburgh, Pa., to Martinsburg, W. Va., (c) from Newark, N.J., to Winchester, and Harrisonburg, Va., and (d) from Newport, Ky., and La Trobe, Pa., to Harrisonburg, Va. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Applicant holds contract carrier authority under MC 129613 Sub 2 and other subs, therefore dual operations may be involved. If a hearing is deemed necessary, applicant reqests it be held at Washington, D.C.

No. MC 138022 (Sub-No. 1), filed February 21, 1973. Applicant: CARDINAL MOVING & STORAGE, INC., 1721 Del Monte Boulevard, Seaside, CA 93955. Applicant's representative: Alan F. Wohlstetter, 1700 K Street NW., Washington, DC 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used household goods*, as defined by the Commission, between points in Monterey, Santa Cruz, San Benito, San Luis Obispo, Santa Clara, San Mateo, San Francisco, and Alameda Counties, Calif., restricted to the transportation of traffic having a prior or subsequent movement beyond said points in containers, and further restricted to the performance of pickup and delivery service in connection with packing, crating, and containerization or unpacking, uncrating, and decontainerization of such traffic. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed

necessary, applicant requests it be held at San Francisco, Calif.

No. MC 138072 (Sub-No. 1), filed January 29, 1973. Applicant: MAY TRUCKING COMPANY, INC., Allen, Ky. 41635. Applicant's representative: Francis P. Desmond, 115 East Fifth Street, Chester, PA 19013. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Nitro carbo nitrate* (except in bulk), from Allen, Ky., to points in Mingo and McDowell Counties, W. Va., and Buchanan, Dickenson, Russell, and Wise Counties, Va., under contract with E. I. Dupont de Nemours and Co. NOTE: If a hearing is deemed necessary, applicant requests it be held at Lexington, Ky.

No. MC 138079 (Sub-No. 1), filed February 9, 1973. Applicant: BARNUM AIR FREIGHT, INC., 1885 Lowell Avenue, Lima, OH 45805. Applicant's representative: Paul F. Beery, 88 East Broad Street, Columbus, OH 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, class A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment), between the Cox Municipal Airport located near Dayton, Ohio, on the one hand, and, on the other, points in Ohio within the following described area, beginning at the intersection of the Ohio-Indiana State line and Ohio Highway 613, thence east along Ohio Highway 613 to the junction of Interstate Highway 75, thence south along Interstate Highway 75 to Findlay, Ohio, thence south along U.S. Highway 68 to the junction of U.S. Highway 68 and Ohio Highway 47, thence west along Ohio Highway 47 to the Ohio-Indiana State line, thence north along the Ohio-Indiana State line to the place of beginning, restricted to traffic having an immediately prior or subsequent movement by air. NOTE: If a hearing is deemed necessary, applicant requests it be held at Columbus or Sidney, Ohio.

No. MC 138272 (Sub-No. 2), filed February 19, 1973. Applicant: ALBERT ANDERSON AND ALBERT B. ANDERSON, a partnership, doing business as ANDERSON TRUCKING, 310 South Grove Street, Lexington, IL 61753. Applicant's representative: Robert T. Lawley, 300 Reisch Building, Springfield, Ill. 62701. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Animal and poultry feed and feed ingredients*, in bag and bulk, between Lincoln, Ill., and points in Kentucky and Missouri. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo., or Chicago, Ill.

No. MC 138295 (Sub-No. 1), filed February 8, 1973. Applicant: CYCLONE TRANSPORT, INC., 104 Black Hawk street, Post Office Box A, Reinbeck, IA 50669. Applicant's representative: Larry D. Knox, Ninth Floor, Hubbell Building, Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except commodities in bulk and household goods as defined by the Commission), from Sioux City, Nev., and Grundy Center, Iowa, to points in the United States (except Alaska and Hawaii), restricted to traffic originating at the plantsite and/or storage facilities of Mid-Equipment, Inc. NOTE: If a hearing is deemed necessary, applicant requests it be held at Des Moines, Iowa, or Chicago, Ill.

No. MC 138378 (Amendment), filed February 15, 1973, published in the FEDERAL REGISTER issue of March 15, 1973, and republished in part, as amended, this issue. Applicant: DALE'S ENTERPRISES, INC., doing business as SOUTHWEST MOBILE HOMES, Highway 67W, Route 6, Box 29A, Texarkana, TX 75501. Applicant's representative: Austin L. Hatchell, 1102 Perry Brooks Building, Austin, Tex. 78701. NOTE: The purpose of this partial republication is to add points in Columbia, Sevier, and Pike Counties, Ark., to the territorial description which were inadvertently omitted in previous publication. The rest of the application remains the same.

No. MC 138386 (sub-No. 1), filed February 5, 1973. Applicant: KEPHART TRUCKING CO., Box 386, Bigler, PA 16825. Applicant's representative: Christian V. Graf, 407 North Front Street, Harrisburg, PA 17101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Coal and sawdust*, in bulk, from the plantsites of Bradford Coal Co. in the townships of Bradford and Pike, Clearfield County, Pa., to points in New York, New Jersey, and Maryland. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Harrisburg, Pa.

No. MC 138404, filed January 29, 1973 (Amendment), published in the FEDERAL REGISTER issue of March 15, 1973, and republished as amended, this issue. Applicant: DALE FOWLER AND MERLE THRAPP, a partnership, doing business as D & M TRANSPORT, Spraqueville, Iowa 52074. Applicant's representative: Robert E. Konchar, 315 Commerce Exchange Building, Post Office Box 1943, Cedar Rapids, IA 52406. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Building material, buildings in sections, building panels, mechanical operated partitions and components, parts and material* utilized in assembling buildings and sections, from Dyersville, Iowa, and New Castle, Ind., to points in the United States (except Alaska and Hawaii). NOTE: The purpose of this republication is to reflect the service sought as common carrier authority, in lieu of contract carrier authority, as previously published. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 138424, filed January 29, 1973. Applicant: J. W. "RED" SMITH, doing business as RED SMITH'S AUTO TRANSPORTS, 209 South Gallatin Street, Jackson, MS 39201. Applicant's representative: Donald B. Morrison, 717 Deposit Guaranty Bank Building, Post Office 22628, Jackson, MS 39205. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used cars and used pickup trucks*, in truckaway service, between points in Mississippi, Tennessee, Louisiana, and Alabama. NOTE: If a hearing is deemed necessary, applicant requests it be held at Jackson, Miss.

No. MC 138425, filed February 5, 1973. Applicant: H. ALFRED KING SR., doing business as HELMRICH TOWING SERVICE, 4450 Marlton Pike, Pennsuaken, NJ 08110. Applicant's representative: Alan Kahn, 1920 Two Penn Center Plaza, Philadelphia, PA 19102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wrecked, disabled, inoperative, stolen, abandoned, and repossessed motor vehicles, and cargo trailers*, with or without cargo, and *replacement motor vehicles and cargo trailers*, with or without cargo, in truckaway, towaway and/or driveaway service, between points in Connecticut, Delaware, Maryland, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Virginia, West Virginia, and the District of Columbia. NOTE: If a hearing is deemed necessary, applicant requests it be held at Philadelphia, Pa. or Washington, D.C.

No. MC 138445, filed February 6, 1973. Applicant: LEE SCHOFIELD AND RONALD SCHOFIELD, doing business as SCHOFIELD WRECKER SERVICE, 1300 South Sylvania, Fort Worth, TX 76111. Applicant's representative: Clayte Binion, 1108 Continental Bank Building, Fort Worth, Tex. 76102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Wrecked and disabled motor vehicles and trailers;* and (2) *replacement vehicles* for those described in (1), between points in Texas on the one hand, and, on the other points in Louisiana, Mississippi, Oklahoma, Arkansas, Tennessee, Illinois, Missouri, Kansas, and New Mexico. NOTE: If a hearing is deemed necessary, applicant requests it be held at Dallas or Fort Worth, Tex.

No. MC 138446, filed February 15, 1973. Applicant: MURRAY'S TRANSFER & STORAGE, INC., 1011 Floral Dane, Davenport, IA 52802. Applicant's representative: Larry D. Knox, Ninth Floor, Hubbell Building, Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs* (except in bulk), from Davenport, Iowa, to points in Dubuque, Jackson, Jones, Clinton, Linn, Scott, Cedar, Iowa, Poweshiek, Johnson, Washington, Mahaska, Keokuk, Louisa, Des Moines, Henry, Jefferson, Wapello, Davis, Van Buren, Lee and Mauscatine Counties, Iowa, and Jo Daviess, Stephenson, Carroll, Whiteside, Lee, Henry, Rock Island, Bureau, Mercer, Knox, Henderson, Warren, Hancock, and Putman Counties, Ill. NOTE: If a hearing

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deemed necessary, applicant requests it

address as applicant). Authority sought to operate as a *common carrier*, by motor

plantsite of Festival Homes of Alabama, Inc., in Pickens County, Ala., to points

Cruz, Solano, Sonoma, and Stanislaus Counties, Calif., under a continuing con-

is deemed necessary, applicant requests it be held at Des Moines, Iowa, or Omaha, Nebr.

No. MC 138448, filed February 8, 1973. Applicant: GARY CERNY, doing business as CERNY WRECKER SERVICE, 1261 34th Avenue, Columbus, NE 68601. Applicant's representative: A. J. Swanson, Post Office Box 80806, 521 South 14th Street, Lincoln, NE 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wrecked and disabled vehicles*, from points in the United States (except Alaska and Hawaii), to points in Nebraska and Iowa. NOTE: If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr.

No. MC 138449, filed February 14, 1973. Applicant: STEVENS VAN LINES, INC., 121 South Niagara, Saginaw, MI 48602. Applicant's representative: Martin J. Leavitt, 1800 Buhl Building, Detroit, Mich. 48226. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Merchandise and supplies*, from the warehouse facilities of Stevens Van Lines, Inc., to retail facilities of the S. S. Kresge Co. or its subsidiaries in Oakland County, Mich., under a continuing contract with the S. S. Kresge Co. and/or its subsidiaries. NOTE: Applicant holds common carrier authority under MC 74681, therefore common control and dual operations may be involved. Applicant further states it seeks no duplicating authority. If a hearing is deemed necessary, applicant requests it be held at Detroit, Mich., or Chicago, Ill.

MOTOR CARRIERS OF PASSENGERS

No. MC 125726 (Sub-No. 3), filed December 5, 1972. Applicant: STEWART DOYLE, INC., doing business as DOYLE TRANSIT COMPANY, 63 North Fifth Street, Fargo, ND 58102. Applicant's representative: Gene P. Johnson, 425 Gate City Building, Fargo, N. Dak. 58102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers*, between points in the Fargo, N. Dak., commercial zone. NOTE: If a hearing is deemed necessary, applicant requests it be held at Fargo, N. Dak.

No. MC 138254 (Sub-No. 2), filed February 6, 1973. Applicant: MT. SNOW SHUTTLE SERVICE, INC., Post Office Box 656, Wilmington, VT 05363. Applicant's representative: William D. Traub, 10 East 40th Street, New York, NY 10016. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage* in the same vehicle with passengers, in a door-to-door service, in 12-passenger limousines, including the driver, in special operations, between the Boston, Mass., and New York, N.Y., commercial zones, as defined by the Commission, on the one hand, and, on the other, communities of Dover, East and West Dover, Wilmington, Jacksonville, Wardsboro, West Wardsboro, South Newfane, Marlboro, Williamsville, and Searsburg, Vt. NOTE: If a hearing is deemed necessary, applicant requests it be held at New York, N.Y., Boston, Mass., and Brattleboro, Vt.

No. MC 138307, filed December 18, 1972. Applicant: ORLANDO BODDIE, SR., 2813 Parish Avenue, Newport News, VA 23607. Applicant's representative: Blair P. Wakefield, First and Merchants Bank Building, Suite 1001, Norfolk, Va. 23510. Authority sought to operate as a *common carrier*, by motor vehicle, over regular/irregular routes, transporting: regular routes: *Passengers*, between Murfreesboro, N.C., and Newport News, Va. (Newport News Shipbuilding & Drydock Co.); from Murfreesboro, N.C., over U.S. Highway 258 to junction Virginia Highway 189, thence over Virginia Highway 189 to Holland, Va., thence over Virginia Highway 189 to junction U.S. Highway 58, thence over U.S. Highway 58 to Suffolk, Va., and junction Virginia Highway 32, thence over Virginia Highway 32/U.S. Highways 17/258 to Newport News, Va., and return over the same route. Irregular routes: *Passengers and their baggage*, in special or charter operations beginning and ending at Murfreesboro, N.C., and extending to points in Delaware, Georgia, Kentucky, Maryland, North Carolina, Pennsylvania, South Carolina, Tennessee, Virginia, and West Virginia. NOTE: If a hearing is deemed necessary, applicant requests it be held at Newport News, Va., or Norfolk, Va.

WATER CARRIER APPLICATIONS

No. W-1266 (Marine Exploration Co., Inc., contract carrier application), filed February 23, 1973. Applicant: MARINE EXPLORATION COMPANY, INCORPORATED, 2995 Northwest South River Drive, Miami, FL 33125. Applicant's representative: Reginald M. Hayden, Jr., Suite 304, Shaw Maritime Building, Miami, Fla. 33132. Application of Marine Exploration Co., Inc., filed February 23, 1973, for a permit to institute a new operation as a *contract carrier* by water, in interstate or foreign commerce in the transportation of *general commodities*, from Gulf and East Coast ports on an indefinite and unscheduled basis, to foreign ports.

APPLICATIONS IN WHICH HANDLING WITHOUT ORAL HEARING HAS BEEN REQUESTED

No. MC 129656 (Sub-No. 8), filed January 11, 1973. Applicant: TRI DELTA BUILDING MATERIALS CO., INC., 2245 East Jackson Street, Phoenix, AZ 85034. Applicant's representative: Richard E. Apple (same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Gypsum lath, gypsum wallboard, gypsum plaster and retarder*, from Blue Diamond, Nev., to points in Arizona. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority.

No. MC 129656 (Sub-No. 9), filed January 11, 1973. Applicant: TRI DELTA BUILDING MATERIALS CO., INC., 2245 East Jackson Street, Phoenix, AZ 85034. Applicant's representative: Richard E. Apple (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Gypsum lath, gypsum wallboard, gypsum plaster and retarder*, from Blue Diamond, Nev., to points in Ventura, Orange, Los Angeles, San Bernardino, Riverside, and San Diego Counties, Calif. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.73-5380 Filed 3-21-73;8:45 am]

[Notice No. 34]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

MARCH 15, 1973.

The following are notices of filing of applications[1] for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC-67 (49 CFR Part 1131) published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protests must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protests must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 50069 (Sub-No. 459 TA) (Correction), filed February 6, 1973, published in the FEDERAL REGISTER issue of February 28, 1973, and republished as corrected this issue. Applicant: REFINERS TRANSPORT & TERMINAL CORPORATION, 445 Earlwood Avenue, Oregon, OH 43616. Applicant's representative: John A. Gollan (same address as above). NOTE: The purpose of partial republication is to correct the sub number to No. MC 50069 (Sub-No. 459 TA), in lieu of No. MC 50069 (Sub-No. 50069 TA) which was published in error. The rest of the application remains the same.

No. MC 78092 (Sub-No. 3 TA), filed March 5, 1973. Applicant: TAYLOR FREIGHT SYSTEMS, INC., 1615 North Delaware, Philadelphia, PA 19124. Applicant's representative: John Steel (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Tires, tubes and related products*, between Exton and Frazer, Pa., and Philadelphia, Pa., with prior or subsequent rail movement, for 180 days. Supporting shippers: Lee Tire & Rubber Co., Conshohocken, Pa. 19428 and Advanced Shippers Association, Inc., 1615 North Delaware Avenue, Philadelphia, PA 19125. Send protests to: Ross A. Davis, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 1518 Walnut Street, Room 1600, Philadelphia, PA 19102.

[1] Except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application.

No. MC 94201 (Sub-No. 112 TA), filed March 6, 1973. Applicant: BOWMAN TRANSPORTATION, INC., Post Office Box 17744, 1500 Cedar Grove Road, Atlanta, GA 30316. Applicant's representative: Archie B. Culbreth, Suite 246, 1252 West Peachtree Street NW., Atlanta, GA 30309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Rough iron casting* (tractor and agricultural implement parts) from the plantsite and warehouse facilities of Central Foundry Co. at or near Holt, Ala., to the plantsite and warehouse facilities of John Deere Tractor Co., at or near East Moline, Ill., for 180 days. Supporting shipper: Central Foundry Co., Post Office Box 188, Holt, AL 35401. Send protests to: William L. Scroggs, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 309, 1252 West Peachtree Street NW., Atlanta, GA 30309.

No. MC 107515 (Sub-No. 839 TA), filed February 16, 1973. Applicant: REFRIGERATED TRANSPORT CO., INC., Post Office Box 308, 3901 Jonesboro Road SE., Forest Park, GA 30050. Applicant's representative: Paul M. Daniell, Suite 1600, First Federal Building, Atlanta, Ga. 30303. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, in vehicles equipped with mechanical refrigeration (except commodities in bulk) from the plantsite of Broughton Foods Co. at Charleston, W. Va., to points in Alabama, Georgia, Florida, Tennessee, and Wisconsin, for 180 days. NOTE: Applicant does intend to tack the authority. Supporting shipper: Broughton Foods Co., 210 North Seventh Street, Marietta, OH 45750. Send protests to: William L. Scroggs, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 1252 West Peachtree Street NW., Room 309, Atlanta, GA 30309.

No. MC 111545 (Sub-No. 179 TA), filed March 6, 1973. Applicant: HOME TRANSPORTATION COMPANY, INC., 1425 Franklin Road SE., Post Office Box 6426, Station A, Marietta, GA 30060. Applicant's representative: Robert E. Born (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers* designed to be drawn by passenger automobiles in initial movements and buildings in sections moving on undercarriages, from the plantsite of Festival Homes of Alabama, Inc., in Pickens County, Ala., to points in Mississippi, Louisiana, Arkansas, Tennessee, Georgia, and Florida, for 180 days. Supporting shipper: Festival Homes of Alabama, Inc., Post Office Box 628, 100 Fleetwood Drive, Reform, AL 35481. Send protests to: William L. Scroggs, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 309, 1252 West Peachtree Street NW., Atlanta, GA 30309.

No. MC 111545 (Sub-No. 180 TA), filed March 6, 1973. Applicant: HOME TRANSPORTATION COMPANY, INC., 1425 Franklin Road SE., Post Office Box 6426, Station A, Marietta, GA 30060. Applicant's representative: Robert E. Born (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers* designed to be drawn by passenger automobiles in initial movements and buildings in sections moving on undercarriages, from the plantsite of Broadmore Homes of North Carolina, Inc., in Rockingham County, N.C., to points in Kentucky, Tennessee, South Carolina, Virginia, and West Virginia, for 180 days. Supporting shipper: Broadmore Homes of North Carolina, Inc., Reidsville, N.C. Send protests to: William L. Scroggs, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 1252 West Peachtree Street NW., Room 309, Atlanta, GA 30309.

No. MC 114552 (Sub-No. 74 TA), filed March 5, 1973. Applicant: SENN TRUCKING COMPANY, a corporation, Post Office Box 333, Newberry, SC 29108. Applicant's representative: William P. Jackson, Jr., 919 18th Street NW., Washington, DC 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plywood, composition board and accessories therefor*, from the facilities of American Wood Finishing Systems, Inc., at Camden, N.J., to points in Virginia, North Carolina, South Carolina, and Georgia, for 180 days. Supporting shipper: American Wood Finishing Systems, Inc., 11 Hancock Street, Trenton, NJ 08604. Send protests to: E. E. Strotheid, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 300 Columbia Building, 1200 Main Street, Columbia, SC 29201.

No. MC 116474 (Sub-No. 25 TA), filed March 6, 1973. Applicant: LEAVITTS FREIGHT SERVICE, INC., a corporation, 3855 Marcola Road, Springfield, OR 97477. Applicant's representative: David C. White, Portland, Oreg. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Treated poles and piling*, (1) from Arlington, Wash. to points in Oregon, Nevada, and points in California in and north of Monterey, Fresno, and Mono Counties and (2) from Eugene, Oreg. to points in Alameda, Contra Costa, Marin, Mendocino, Merced, Monterey, Napa, Sacramento, San Francisco, San Joaquin, San Mateo, Santa Clara, Santa Cruz, Solano, Sonoma, and Stanislaus Counties, Calif., under a continuing contract with J. H. Baxter & Co., for 180 days. Supporting shipper: J. H. Baxter & Co., 1700 South El Camino Real, San Mateo, CA 94402. Send protests to: A. E. Odoms, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 319 Southwest Pine Street, 450 Multnomah Building, Portland, OR 97204.

No. MC 119384 (Sub-No. 24 TA), filed March 5, 1973. Applicant: MORTON TRUCK LINES, INC., a corporation, 101 West Willis Avenue, Post Office Box 496, Perry, IA 50220. Applicant's representative: R. F. Kosek (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen prepared foods*, from Quincy, Ill., to Solon, Ohio, for 180 days. Supporting shipper: Stouffer Foods, Division of Litton Industries, Inc., 5750 Harper Road, Solon, OH 44139. Send protests to: Herbert W. Allen, Transportation Specialist, Interstate Commerce Commission, Bureau of Operations, 875 Federal Building, Des Moines, Iowa 50309.

No. MC 119489 (Sub-No. 30 TA), filed March 6, 1973. Applicant: PAUL ABLER, doing business as CENTRAL TRANSPORT COMPANY, Post Office Box 249, Norfolk, NE 68701. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid fertilizer solutions*, in bulk, in tank vehicles, from Doniphan, Nebr., to points in Kansas, for 180 days. Supporting shipper: Agrico Chemical Co., National Bank of Tulsa Building, Post Office Box 3166, Tulsa, OK 74101. Send protests to: Carroll Russell, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 711 Federal Office Building, Omaha, Nebr. 68102.

No. MC 124174 (Sub-No. 96 TA), filed March 6, 1973. Applicant: MOMSEN TRUCKING CO., a corporation, 2405 Hiway Boulevard, Spencer, IA 51301. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles*, from the plantsite of Bethlehem Steel Corp., Lackawanna, N.Y., to Fort Smith and Little Rock, Ark.; Beatrice, Grand Island, and Omaha, Nebr.; and points in Illinois, Indiana, Iowa, Minnesota, Missouri, and Wisconsin, for 180 days. Supporting shipper: Bethlehem Steel Corp., Bethlehem, Pa. 18016. Send protests to: Carroll Russell, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 711 Federal Office Building, Omaha, Nebr. 68102.

No. MC 124236 (Sub-No. 50 TA), filed March 6, 1973. Applicant: CHEMICAL EXPRESS CARRIERS, INC., a corporation, 1200 Simons Building, Dallas, Tex. 75201. Applicant's representative: Leroy Hallman, 4555 First National Bank Building, Dallas, Tex. 75202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Hydrated lime*,

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from the plantsite of St. Clair Lime Co. at or near Sallisaw, Okla., to Shreveport, La., for 180 days. NOTE: Carriers does not intend to tack authority. Supporting shipper: St. Clair Lime Co., Post Office Box 893, Oklahoma City, OK. Send protests to: District Supervisor E. K. Willis, Jr., Interstate Commerce Commission, Bureau of Operations, 1100 Commerce Street, Room 13C12, Dallas, TX 75202.

No. MC 128879 (Sub-No. 22 TA), filed March 6, 1973. Applicant: C-B TRUCK LINES, INC., a corporation, 1401 East Brady, Post Office Box 1774, Clovis, NM 88101. Applicant's representative: Edwin E. Piper, Jr., 1116 Simms Building, Albuquerque, N. Mex. 87101. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment), (1) between Roswell, N. Mex., and Clovis, N. Mex.: From Roswell, N. Mex., over U.S. Highway 70 to Clovis, N. Mex., and return over the same route; (2) between Roswell, N. Mex., and El Paso, Tex.: From Roswell, N. Mex., over U.S. Highway 285 and also alternate U.S. Highway 285 to their junction north of Artesia, N. Mex., thence over U.S. Highway 285 to Carlsbad, N. Mex., thence over U.S. Highways 62 and 180 to El Paso, Tex., and return over the same route, serving the intermediate points on alternate U.S. Highway 285, and serving the intermediate point of Artesia, N. Mex.; and (3) between Roswell, N. Mex., and Lubbock, Tex.: From Roswell, N. Mex., over U.S. Highway 380 to Plains, Tex., thence over U.S. Highways 82 and 380 to Brownfield, Tex., thence over U.S. Highways 62 and 82 to Lubbock, Tex., and return over the same route, for 180 days. NOTE: Applicant intends to tack the routes herein applied for at Roswell, N. Mex., and to tack said routes with existing authority (MC–128879), Sub-No. 10 TA and Sub-No. 17 TA). Applicant further intends to interline at all service points on the routes applied for. Supporting shippers: There are approximately 72 statements of support attached to the application, which may be examined here at the Interstate Commerce Commission in Washington, D.C., or copies thereof which may be examined at the field office named below. Send protests to: William R. Murdoch, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 1106 Federal Office Building, 517 Gold SW, Albuquerque, NM 87101.

No. MC 129086 (Sub-No. 19 TA), filed March 5, 1973. Applicant: SPENCER TRUCKING CORPORATION, Box 254–A, Route 2, Keyser, WV 26726. Applicant's representative: Charles E. Creager, 816 Easley Street, Silver Spring, MD 20910. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Silica sand*, in pneumatic vehicles, from points in Frederick County, Va., to points in Maryland, West Virginia, and Pennsylvania, for 180 days. Supporting shipper: Unisil Corp., 345 Park Avenue, New York, NY 10022. Send protests to: Joseph A. Niggemyer, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 416 Old Post Office Building, Wheeling, W. Va. 26003.

No. MC 129510 (Sub-No. 6 TA), filed March 6, 1973. Applicant: CHESTER W. ENGLUND, doing business as C. W. ENGLUND CO., 740 Old Stage Road, Salinas, CA 93401. Applicant's representative: John Paul Fischer, 140 Montgomery Street, San Francisco, CA 94104. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Acid*, from Port Newark, N.J., to Ashtabula, Ohio, and Lafayette, Ind.; (2) *Coal tar dyes*, from Coventry, R.I.; Elizabethport, Port Newark, Bayonne, and Murray Hill, N.J., to Akron, Ohio; Elk Grove Village and Chicago, Ill.; St. Louis, Mo.; Texas City and Kennedy, Tex., and North Hollywood, Calif.; (3) *Dye intermediates*, (a) from Port Newark, Bayonne, Murray Hill, and Elizabethport, N.J., to North Hollywood, Calif., and (b) from Murray Hill and Port Newark, N.J., to Elk Grove Village and Chicago, Ill.; (4) *Chemicals*, (a) from Coventry, R.I.; Port Newark, Bayonne, Murray Hill, N.J., and Delaware City, Del., to Chicago and Elk Grove Village, Ill.; Texas City and Kennedy, Tex.; North Hollywood, Los Angeles, and San Leandro, Calif., and (b) from North Hollywood, Calif., to Denver, Colo.; Elk Grove Village, Ill.; Bayonne and Port Newark, N.J.; (5) *Plastics, plastic film or sheeting*, (a) from Coventry, R.I.; Port Newark, Bayonne, and Murray Hill, N.J., and Delaware City, Del., to Menasha and New London, Wis.; Des Moines, Iowa; Rockford and Chicago, Ill.; Elk Grove Village, Ill.; North Hollywood, Los Angeles, Visalia, and San Leandro, Calif., and (b) from North Hollywood, Calif., to Delaware City, Del.; (6) *Wax*, from Bridgeport, Pa., and Gulfport, Miss., to Bridgeport, Pa.; Chicago and Elk Grove Village, Ill.; Oklahoma City, Okla.; McPherson, Kans.; San Francisco, North Hollywood, and Los Angeles, Calif.; (7) *Printing plates*, from Coventry, R.I.; Port Newark, Bayonne, and Murray Hill, N.J., and Delaware City, Del., to Chicago and Elk Grove Village, Ill.; North Hollywood, Los Angeles, and San Leandro, Calif.; (8) *Cornstarch*, from Decatur, Ill., to Somerville, N.J.; (9) *Food preservatives*, from Coventry, R.I.; Port Newark, Bayonne, Murray Hill, and Elizabethport, N.J., to North Hollywood, Calif.; and (10) *Reproduction paper*, (a) from Murray Hill and Port Newark, N.J., to Elk Grove Village and Chicago, Ill., and (b) from Murray Hill, N.J., and Delaware City, Del., to Los Angeles and San Leandro, Calif., for 180 days. Restrictions: Service shall be rendered for the account of American Hoechst Corp., and its affiliates. Supporting shipper: American Hoechst Corp., Route 202–206 North, Somerville, N.J. 08876. Send protests to: District Supervisor, Claud W. Reeves, Bureau of Operations, Interstate Commerce Commission, 450 Golden Gate Avenue, Box 36004, San Francisco, CA 94102.

No. MC 134264 (Sub-No. 14 TA), filed March 6, 1973. Applicant: OCKENFEL'S TRANSFER, INC., 1301 Sheridan Avenue, Iowa City, IA 52240. Applicant's representative: Kenneth F. Dudley, P.O. Box 279, Ottumwa, IA 52501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Collapsible tubes, caps and necks, and materials, equipment, and supplies* used in the manufacture, processing, sale, and distribution of collapsible tubes, caps and necks, between Iowa City, Iowa, on the one hand, and, on the other, points in Pennsylvania and Virginia, for 180 days. Supporting shipper: Victor Metals Products Corp., Iowa City, Iowa 52240. Send protests to: Herbert W. Allen, Transportation Specialist, Bureau of Operations, Interstate Commerce Commission, 875 Federal Building, Des Moines, IA 50309.

No. MC 135359 (Sub-No. 6 TA) (Correction), filed February 5, 1973, published in the FEDERAL REGISTER issue, of February 28, 1973, as Sub-No. 5 TA, in error, and republished as corrected, this issue. Applicant: BERNARD BAILEY, Bushwood, Md. 20618. Applicant's representative: Charles E. Creager, Suite 523, 815 Easley Street, Silver Spring, MD 20910. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer*, from Chesapeake, Va., to points in Calvert, Charles, Prince Georges and St. Mary's Counties, Md., for 180 days. Supporting Shipper: Royster Co., P.O. Drawer 1940, Norfolk, VA 23501. Send protests to: Robert D. Caldwell, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 12th Street and Constitution Avenue NW., Washington, DC 20423. NOTE: The purpose of this republication is to show the correct Sub number assigned thereto, Sub-No. 6 TA, in lieu of Sub-No. 5 TA, which was assigned to another proceeding which was published in the FEDERAL REGISTER issue of February 22, 1973.

No. MC 136485 (Sub-No. 2 TA), filed March 7, 1973. Applicant: WALDORF TRANSPORTATION CO., INC., Route 4, Box 108, Waldorf, MD 20601. Applicant's representative: Daniel B. Johnson, 716 Perpetual Building, 1111 E Street NW., Washington, DC 20004. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Electrical equipment, electrical supplies and materials, supplies and equipment* used in the installation of electrical equipment, and electrical supplies (except commodities which because of size or weight require the use of special equipment, and except commodities in bulk), from points in Pennsylvania, Ohio, New York, and Maryland, to points in Anne Arundel, Baltimore, Howard, Washington, Montgomery, Calvert, and Prince Georges Counties, and Baltimore City, Md.; Stafford, Faquier, Loudoun, Fairfax, Arlington, and Prince William Counties, Va.; and Washington, D.C., for 180 days. Restricted to a service to be performed under a continuing contract or contracts with Ellen-Breslin Associates, Inc., 1525 North Gay Street, Baltimore, MD 21213. Supporting shipper: Ellen-Breslin Associates, Inc., 1525 North Gay Street, Baltimore, MD 21213. Send protests to: Robert D. Caldwell, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 12th Street and Constitution Avenue NW., Washington, DC 20423.

No. MC 136927 (Sub-No. 1 TA), filed December 20, 1972. Applicant: PETERSEN NORTHWEST CORPORATION, Post Office Box 3156, Midway, WA 98031 and Office address below, 21841 Pacific Highway South, Seattle, WA 98188. Applicant's representative: George Kargianis, 2120 Pacific Building, Seattle, WA 98104. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Modular or factory constructed buildings or substantial sections thereof*, in truckaway service, and/or towaway service, from points in Washington to points in Oregon, Idaho, and Montana and within said States, for 180 days. Supporting shipper: Modular Pacific Corp., 9407 East Marginal Way South, Seattle, WA 98108. Send protests to: L. D. Boone, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 6049 Federal Office Building, Seattle, WA 98104.

No. MC 138115 (Sub-No. 1 TA), filed March 5, 1973. Applicant: FRANK D. CORBIN, 1308 Ambrose Drive, Bloomery Star Route, Box 32, Winchester, VA 22601. Applicant's representative: Charles E. Creager, Suite 523, 816 Easley Street, Silver Spring, MD 20910. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Business forms, lottery tickets and off track betting tickets*, from Hagerstown, Md., and its commercial zone, to points in New York, New Jersey, Pennsylvania, Virginia, and the District of Columbia, for 180 days. Supporting shipper: Arnold Graphic Industries, Inc., Middleburg Pike, U.S. Route 11, Post Office Box 2036, Hagerstown, MD 21740. Send protests to: Robert D. Caldwell, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 12th Street and Constitution Avenue NW., Washington, DC 20423.

No. MC 138328 (Sub-No. 1 TA) (Correction), filed February 13, 1973, published in the FEDERAL REGISTER issue of March 5, 1973, and republished as corrected this issue. Applicant: WERNER ENTERPRISES, 805 32d Avenue, Post Office Box 831, Council Bluffs, IA 51501. Applicant's representative: Charles J. Kimball, 2310 Colorado State Bank Building, 1600 Broadway, Denver, CO 80202. NOTE: The purpose of this partial republication is to remove the restriction "under contract with Charles Schneider and Co., Inc.". The rest of the notice remains as previously published.

No. MC 138353 (Sub-No. 1 TA), filed March 5, 1973. Applicant: JAMES D. HOELZEMAN, doing business as SCRAP HAULERS, 13840 South Halsted, Chicago, IL 60627. Applicant's representative: Samuel Ruff, 2109 Broadway, East Chicago, IN. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Scrap materials* having no commercial value except for remelting purposes, between Muskegon, Mich., and points in Ohio, Illinois, Michigan, Indiana, Kentucky, Wisconsin, Iowa, and Tennessee, for 150 days. Supporting shippers: Attention Richard J. Kelly, Ashland Iron & Steel Co., Inc., 1533 West 119th Street, Chicago, IL 60643; Attention William Fisher, Fisher Iron & Supply Co., Muskegon, Mich.; Leo Weiskopf, Empire Iron & Supply Co., Inc. 1515 West 122d Street, Chicago, IL 60643; and Attention Larry Prescott, Price Iron & Steel Co., Inc., 185 North Wabash Avenue, Chicago, IL. Send protests to: Robert G. Anderson, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Everett McKinley Dirksen Building, 219 South Dearborn Street, Room 1086, Chicago, IL 60604.

No. MC 138459 TA, filed March 5, 1973. Applicant: GEORGES ED. CHOQUETTE, 355 rue St. Paul, St. Pie de Bagot, PQ, Canada. Applicant's representative: J. P. Vermette, 250 Napoleon-Provost Street, Repentigny, PQ, Canada. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Soya bean meal*, in bulk, in dump vehicles, (1) from Rouses Point, N.Y., to the international boundary line between the United States and Canada located at or near Rouses Point, N.Y., and (2) from Swanton, Vt., to the international boundary line between the United States and Canada located at or near Highgate Springs, Vt., for 180 days. Restriction: Restricted to traffic in foreign commerce destined to points in the Province of Quebec, Canada. Supporting shippers: Antoine Guertin Limitee, St. Pie de Bagot, Quebec, Canada, and Pillsbury Canada Limited, Post Office Box 488, Lacolle, PQ, Canada. Send protests to: District Supervisor Martin P. Monaghan, Jr., Interstate Commerce Commission, Bureau of Operations, 52 State Street, Room 5, Montpelier, VT 05602.

No. MC138460 TA, filed March 6, 1973. Applicant: PARK CITIES VAN LINES, INC., 11282 Indian Trail, Dallas, TX 75229. Applicant's representative: Billy R. Reid, 6108 Sharon Road, Fort Worth, TX 76116. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used household goods*, between Dallas, Tex., and Grand Prairie, Tex., on the one hand, and, on the other, points in Anderson, Collin, Cooke, Dallas, Denton, Delta, Cherokee, Ellis, Fannin, Freestone, Henderson, Grayson, Hunt, Kaufman, Johnson, Lamar, Navarro, Rockwall, Rains, Smith, Tarrant, Van Zandt, Wise, and Wood Counties, Tex., for 180 days. Restrictions: Operations are restricted to the transportation of traffic having a prior or subsequent movement, in containers, beyond the points authorized. Operations are also restricted to the performance of pickup and delivery service in connection with packing, crating, and containerization or unpacking, uncrating and decontainerization of such traffic. NOTE: Carrier does not intend to tack authority. Supporting shippers: Small Business Administration, 1100 Commerce Street, Dallas, TX 75202; Karevan, Inc., Post Office Box 9240, Queen Anne Station, Seattle, WA 98109; and Jet Forwarding, Inc., 200 West Central Avenue, Santa Ana, CA 92707. Send protests to: District Supervisor E. K. Willis, Jr., Interstate Commerce Commission, Bureau of Operations, 1100 Commerce Street, Room 13C12, Dallas, TX 75202.

No. MC 138461 TA, filed February 26, 1973. Applicant: YUCCA MOVING & STORAGE CO., 720 West Organ Street, Las Cruces, NM 88001. Applicant's representative: Alan F. Wohlstetter, 1700 K Street NW., Washington, DC 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used household goods*, as defined by the Commission, between points in the counties of Hidalgo, Grant, Luna, Sierra, Dona Ana, Otero, N. Mex., restricted to the transportation of traffic having a prior or subsequent movement beyond said points in containers, and further restricted to the performance of pickup and delivery service in connection with packing, crating and containerization or unpacking, uncrating, or decontainerization of such traffic, for 180 days. Supporting shippers: Davidson Forwarding Co., Towson Plaza, 698 Fairmount Avenue, Baltimore, MD 21204 and Smyth Worldwide Movers, Inc., 11616 Aurora Avenue North, Seattle, WA 98133. Send protests to: District Supervisor William R. Murdoch, Interstate Commerce Commission, Bureau of Operations, 1106 Federal Office Building, 517 Gold Avenue SW., Albuquerque, NM 87101.

No. MC 138462 TA, filed March 6, 1973. Applicant: GRACO CARTAGE CO., INC., 437 North Preston Street, Louisville, KY 40202. Applicant's representative: Herbert D. Liebman, 403 West Main Street, Frankfort, KY 40601. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel and iron and steel articles*, from the warehouses and other facilities of Port of Louisville, Inc., in Jefferson County, Ky., to points in Oldham, Henry, Shelby, Franklin, Woodford, Fayette, Clark, Montgomery, Bullitt, Hardin, Carroll, Trimble, Bourbon, Scott, Owen, Meade, Spencer, Washington, Anderson, Nelson, and Larue Counties, Ky., for 180 days. Supporting shipper: Mr. C. A. Hawkins, Jr., Manager—Sales, Port of Louisville Terminal, Inc., 333 River Road (P.O. Box 1020), Louisville, KY 40201. Send protests to: Wayne L. Merilatt, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 426 Post Office Building, Louisville, Ky. 40202.

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No. MC 138463 TA, filed March 6, 1973. Applicant: LANDS TRANSPORTATION, INC., Post Office Box 1300, 500 Industrial Road, Bristow, OK 74010. Applicant's representative: J. C. Spitler, Jr. (same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Carpet, carpet padding, items* used in and dealt by carpet manufacturers, from Bristow, Okla., to Houston and Dallas, Tex.; Salt Lake City, Utah; Albuquerque, N. Mex.; Spokane and Yakima, Wash.; Mobile and Birmingham, Ala.; Memphis, Tenn.; Tampa, Miami, Jacksonville, Orlando, Fla.; San Francisco and Los Angeles, Calif.; Wichita and Kansas City, Kans.; Kansas City, Mo.; Minneapolis, Minn.; Lawrenceburg, Ky.; and Denver, Colo., for 180 days. Supporting shipper: Sikes Carpet Co., Inc., Sanford D. Lee, 500 Industrial Road, Bristow, OK 74010. Send protests to: C. L. Phillips, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 240, Old Post Office Building, 215 Northwest Third, Oklahoma City, OK 73102.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary*.

[FR Doc.73-5534 Filed 3-21-73;8:45 am]

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PART II

POSTAL RATE COMMISSION

■

RULES OF PRACTICE AND PROCEDURE

EVIDENTIARY AND FILING REQUIREMENTS IN RATE AND CLASSIFICATION CASES

No. 55—Pt. II——1

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Title 39—Postal Service

CHAPTER III—POSTAL RATE COMMISSION

[Docket RM73-1]

PART 3001—RULES OF PRACTICE AND PROCEDURE

Evidentiary and Filing Requirements in Rate and Classification Cases

By notice published in the FEDERAL REGISTER on July 18 and 28, 1972, the Commission initiated this proceeding for the purpose of revising its requirements for the filing of data in postal rate and mail classification proceedings (37 FR 14243 and 15437). The notices included a staff task force proposal for amending our rules of practice (39 CFR Part 3001) in this respect. In response to the staff proposal and our notices, 23 parties filed comments and counter proposals; 10 also filed reply comments (see Appendix A). After studying the comments, the Commission has decided that there is a need to modify the July staff proposal but, as modified, the proposal should be adopted.

I. THE NEED FOR REVISED RULES

The central goal of this proceeding is to improve the quality of information presented in Commission proceedings. Although the U.S. Postal Service (Postal Service or the Service) contends that rulemaking action is now "premature" and should be deferred until after "at least several (litigated) cases," we cannot agree.

Experience convinces us that the parties must be encouraged to present more and better evidence in Commission proceedings. In the first rate case, Docket R71-1, the Commission recognized that there were many areas in which more complete data would have been desirable. Among other things, the Commission pointed out the need to refine techniques for apportionment and to present data representing the Service's functionalized operations. The Commission cannot defer its obligation to secure the best possible evidence in future proceedings.

Moreover, prompt adoption of new rules will assist the Commission in conducting its proceedings "with utmost expedition consistent with procedural fairness to the parties." (See 39 U.S.C. 3624 (b).) As the Commission noted in the July 18 notice, the first rate case showed that inadequate data submissions led to significant delay. Delays in future proceedings cannot be avoided unless we can reduce the time needed to conclude the discovery phase of Commission proceedings. One way to shorten Commission proceedings is to devise some means whereby parties seeking relevant information from the Service will have it available to them when the Service files a rate or mail classification request. Prompt establishment of procedures accomplishing that end is in the interest of the Commission, the mailers, and the Service.

Nonetheless, the Service has made a persuasive case for modifying the July staff proposal. Some of the staff's July proposals, and those presented by certain mailers, are very comprehensive and do not appear capable of being achieved at this stage of postal regulation. In reaching this conclusion we have taken account of the Service's statement that it "is now engaged in a major revision of its accounting, budget, and reporting systems." We expect that such revisions will not eliminate data compilations which the Service has agreed to retain in its offices. We do not, however, wish to hinder this program and unnecessarily lengthen the transitional period.

In sum, while we are acutely aware that it is impossible to perfect a filing or reporting system at this stage of postal regulation, we are satisfied that a beginning must be made. The rules which we adopt here represent a general approach to the problem of filing requirements which will alert the Service to the types of evidence it should file. At the same time, the rules avoid onerous requirements which could disrupt current efforts to establish meaningful data systems. Although the rules do not encompass all of the parties' suggestions, this proceeding must be viewed as the first of its genre. Future proceedings will refine our filing requirements. The rules adopted at this time, however, will provide a sound foundation for future modifications.

II. THE SERVICE'S FILINGS IN RATE PROCEEDINGS

As contemplated by the July staff proposal, our revised rules (39 CFR Part 3001, Subpart B) increase the evidence which the Postal Service must file with its formal requests for rate changes. These rules are designed to enable the Commission staff and interested parties to analyze the scope of each filing, fully understand its contents, and thereby avoid protracted discovery procedures.

General requirements. The July staff proposal contemplated that the Service would file all the specified evidence with every rate request. The Service contends that such a requirement would be enormously expensive. We are convinced that means are available to obtain satisfactory regulatory information, albeit not perfect, without the incurrence of inordinate burdens.

With this in mind, we have revised our present rule (39 CFR 3001.54(a)) so that it requires that the specified evidentiary data (set out in the new paragraphs (b) through (o) of 39 CFR 3001.54) need be provided only "to the extent information is available or can be made available without undue burden." This will avoid burdening the Postal Service by mandatory reports of data not truly available to it.

As a concomitant provision, the rules also direct the Service to supply detailed explanations when it asserts that data are unavailable. Interested parties will thus be informed why such information is not available, what action would be needed to make it available, whether the Postal Service contemplates making it available, and, if so, when.

The rule also states that it is "not in derogation" of the Commission's normal discovery procedures. Upon request, the presiding officer can direct the Service to file any relevant and material information which was omitted from the filing.

Rates and standards information. The July staff proposal asked the Service to identify the existing and proposed new rates, and the related services rendered by the Postal Service. It thus called for a succinct specification of all mail services and the related rules, regulations, and practices which establish the conditions of mailability and standards of service.

The Service takes the position that this information need not be specified because much of it is already available in the Code of Federal Regulations and in the Postal Service Manual. These documents, however, contain "regulations • • • for both public and internal use" and do not readily reflect a separate catalog of all the necessary information. As we see it, the Service has an obligation to identify the services which it renders in exchange for the users' payment of a prescribed rate.

The Commission, however, will change the July proposal in several respects. As revised, the rule (39 CFR 3001.54(b)) allows the postal regulations to be set forth in summary fashion and tariff-like form. In addition, at the Service's suggestion, we have modified the rule's provision asking the Service to state the degree of substitutability between the various mail classes and subclasses. It is now clear that the rule is aimed at "economic" substitutability.[1]

Mail characteristics. The rules (39 CFR 3001.54(c)) will retain the staff's proposal that the Service identify the characteristics of the mailer and recipient—and describe the items being mailed. The Service has indicated a willingness to provide this information to the extent it is available. As noted earlier, the rules contain a general provision exempting information which is unavailable.

Physical attributes of mail. The July staff proposal sought information on the "physical attributes of mail." Although the Postal Service stated that it cannot achieve substantial compliance with this rule in the immediate future, the rule is of fundamental importance and will be retained as a goal (39 CFR 3001.54(d)). The Service states that it has accumulated certain data relating to physical shapes in connection with its own studies. Moreover, as we understand the Service's response to staff's proposed PRC Form C-1, certain additional data will become available in the future. Such information can constitute a beginning in this important area.

Special service arrangements. Another feature of the July staff proposal was a request that the characteristics of the postal service rendered be identified. As revised (39 CFR 3001.54(e)), the rule asks the Service to supply a "summary statement" describing any "special service arrangements."

[1] The revised rule also incorporates the third-class mailers' suggestion that the rate schedules filed by the Service identify, where applicable, the phased rates and the adjusted rates proposed by the Service under 39 U.S.C. §§ 3626 and 3627, respectively. This requirement is applicable, however, only to the "circumstances known at the time of filing."

The new rule reflects the salutary principle that there should be no undue service discrimination among mail users within a given class. In other utility industries, arrangements have existed whereby a utility company has incurred additional costs for a small segment of users within a given service class without all such users obtaining proportionate benefits. These arrangements may signal the need for rate adjustments. The rule will enable the Commission to know about and to evaluate any such arrangements for mailers.

Total functionalized costs. The July staff proposal sought to obtain information regarding the Postal Service's total costs for the most recent past year and as projected for the future. Such cost information, which must be keyed to the different postal functions, is important for effective rate regulation. Our final rule (39 CFR 3001.54(f)) will endorse the staff's concept, with several changes of detail.

In this and other related rules, the Commission has uniformly incorporated the Service's suggestion that the reported data be presented solely on a fiscal-year basis. In addition, the Commission has expanded this rule so as to require estimated costs for the fiscal year in which the filing is made. This latter change will ensure that the Commission has comprehensive current data before it.[2]

Like other rules drafted by the staff task force last July, this rule incorporated certain proposed reporting forms. After studying the parties' comments on the forms, we have decided to delete the forms at this time. The Service has available much of the summary data sought in some forms and can present those data in evidentiary proceedings. Other forms need substantial refinement or request data which are not available at this time or cannot be made readily available. Given the expected changes in the Service's data collection and accounting systems, we are of the view that the reporting forms are now premature. Further action on the report forms should await future developments.[3]

[3] Similarly, in 39 CFR 3001.54(j) (1)-(5), related revenues and volumes are required.

[2] Meanwhile, we shall direct the staff to continue its work on these forms and, further, urge the Postal Service to carefully consider the data collection requests contained therein, as well as the intervenors' suggested changes—particularly the extensive and detailed report form submitted by Foster Associates. Also see the initial comments of American Business Press pp. 3–6 (mail delivery costs, peaking patterns, zone rate information); Association of American Publishers pp. 2–3 (handling costs for special fourth class mail); Council of Public Utility Mailers pp. 5–7 (functional costs of subclasses comprising first class mail, costs of local mail and peaking patterns); Magazine Publishers of America pp. 7–11, 25–27 (capacity requirements, peaking patterns, mailer preparation, level of service, and various specific cost related data); Mail Advertising Corporation of America pp. 3–6 (mail forwarding costs, certain revenue and cost data for specified types of mail service, and peaking patterns); Readers Digest pp. 7–10 (functionalized unit costs, larger mailer volumes); United Parcel Service pp. 2–4 (periodic reports).

The revised rule also incorporates a proposal submitted by certain third-class mailers. Thus, the estimated costs are to be shown on two bases: (i) At the prefiling rates, and (ii) at the suggested rates. This information is designed to show potential interclass shifts of volume or loss of volume due to changed rates.

Under the new rule, the Service will be required—when it assigns and distributes costs by account to functional categories—to include the related mail volumes. We recognize that this might initially entail considerable effort on the part of the Service. Nonetheless, we believe that substantial functionalization of costs and related volumes, if achieved, will aid in the development of functionalized unit costs.[4]

Another modification proposed by the Postal Service relates to reporting these data only "in final, complete form" for the fiscal year just ended. That is, if data for the most recently concluded fiscal year have not been audited in complete form, the Postal Service wants to present the data for the fiscal year preceding it. We have not adopted this suggested modification. Instead we have modified the rule to require "preliminary or pro forma" fiscal year data for the most recently concluded fiscal year if the accounting data for that year have not been completed in final form. A final complete statement is to be substituted for the preliminary data when it becomes available. This requirement is necessary to avoid the use of "stale" data and to expedite rate cases.

Costs of prior years. The July staff proposal required the Service to show its total costs for each year since its last request for a change in rates. Under the staff rule, this historic data had to be in a form "consistent" with the cost information provided for the most recent year. The Service fears that the rule's phraseology might preclude the reporting of costs reflecting "newly-developed reporting concepts • • • (which) may • • • provide more detailed information than was available in previous years." The rule as revised (39 CFR 3001.54(g)) now recognizes that departures from consistent reporting could occur in the future and requests the Service to provide an explanation of their effect.

Separation of costs. Perhaps the most controversial staff proposal was a draft rule which contemplated the allocation of costs to the mail classes. Primarily because the draft rule was tied to certain reporting forms, the Service and others construe it as requiring the Service to present a "fully distributed cost" study. Not only has the Commission decided to postpone consideration of the contested forms, but it has also substantially rewritten this rule.

[4] In this connection, see our discussion in Docket R71-1 concerning the need for unit cost evidence relating to the "various postal processing operations" (Vol. I, 1-284). References to the record in the Docket R71-1 proceeding are to the four volumes published in eight parts by the Government Printing Office under 39 U.S.C. 3625(e).

As revised, the rule (39 CFR 3001.54 (h)) tracks the provisions of 39 U.S.C. 3622(b)(3). Although some parties urge the Commission to rule on the use of "fully distributed costs" in Commission proceedings, we still consider the final disposition of this question to be premature and adhere to our views expressed in this matter in the first mail rate proceeding in Docket R71-1, see Volume I, 1-279 to 280. Thus, this rule states that "[t]he Commission neither requires nor approves any particular methodology." Similarly, we do not wish to foreclose the submission of data by any other participant related to any particular costing methodology.

Also, the Service cautions that it will not be able to quantify various factors which the rule lists as a part of the costing analysis. For example, it will not be able to measure the effect of peaking patterns until some future time. Apparently, for the present, a quantification "simply [is] not available." To a large degree, the rules we are adopting at this time have been written in anticipation of foreseeable future developments and it is not unreasonable to seek some measurement of these factors listed in the rule, subject to the availability clause of 39 CFR 3001.54(a). For this reason, the rule continues to list those factors which bear importantly upon utility costing.

In view of the Service's statement of its difficulties in providing the information already requested, the requests of the third-class mailers and American Business Press for additional data will not be granted at this time.

Criteria for rate schedule. In its July proposal, the staff task force requested, among other things, a statement of the criteria used by the Postal Service to distribute costs which are not directly "associated" with any class or subclass of mail. In this connection, the staff draft called for the submission of "studies, information and data relevant to the criteria established by section 3622 of the Act with appropriate explanations" which will assist the Commission in establishing an appropriate rate schedule. The Commission will adopt the rule with several changes (39 CFR 3001.54(i)).

One change stems from the Service's objection to the proposal that it be required to state the "relative importance of each criterion." According to the Service, this requirement unrealistically implies comparability among the criteria and more precision than is normally achieved in the ratemaking process. The objection appears sound, and this phrase is deleted from the adopted rules.

In response to the third-class mailers' suggestion, the rule will also be modified to speak in terms of costs "attributed to" mail classes, rather than "associated with" them.

Revenues and volumes. On this subject, the July staff proposal is not questioned insofar as it asked for fundamental information about revenues and

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volume, by mail classes. These provisions are therefore adopted without further discussion (39 CFR 3001.54(j)(1)–(5)).[8]

In connection with the estimate of revenue, the July draft rule also required the submittal of a demand analysis for each subclass of service, with the analysis addressed to a number of economic factors—variables in customer demand, price elasticity and cross-elasticity of demand for each class of mail, the relationship of mail volume to various elements (population, income, etc.), and peaking patterns. The Postal Service's comments relate almost entirely to problems flowing from the quantifications implicit in this demand analysis.

Thus, the Service objects to the requirement that a forecast of future mail volume and related estimates of future revenues identify the relationship of total mail volume to "population, income, substitutable services, business activity, and any other nonprice variables affecting volume." (See 39 CFR 3001.54(j)(6).) Although the Postal Service states that it cannot currently comply with the rule as phrased, it nevertheless has "begun a program to increase its ability to furnish the required information." The "availability" rule in 39 CFR 3001.54(a) would appear to allay the Service's concern. This "availability" proviso should also obviate the Service's concern that the rule requires a quantitative identification of (1) the price elasticity of demand for each class and subclass of mail and service as well as (2) the cross-elasticities for such classes and subclasses and (3) peaking patterns of postal usage. Considering the complexity and the current status of the Service's data systems, we are aware that quantitative measurements of these factors must "await a prolonged period of development," as stated by the Service. However, the Service itself recognized in the first rate request proceeding the importance of elasticity concepts for the purpose of estimating demand for postal services. While we agree that the implementation of these concepts and the development of refined and reliable measurements may present analytical problems, we nonetheless think that further exploration of these techniques could produce information valuable to the setting of postal rates.

Financial statements. Included in the July staff draft was a rule introducing the report forms which the Service was to have utilized in its rate filings for the reporting of various information. We have modified the rule (39 CFR 3001.54(k)) by eliminating all references to those forms. Instead, the rule now requires, in general terms, five categories of information which track the staff's forms but eliminate the reporting rigidity inherent in the forms. Thus, for the time being, the Service is free to report the data in its own format.

[8] One minor change is noted, see footnote 2, supra.

Performance goals. The staff's July draft of the rules required the Service to submit every quarterly issue of the National Service Index, not previously filed with the Commission, as part of its formal rate requests. We have totally eliminated this evidentiary requirement from the new rule (39 CFR 3001.54(l)), as suggested by the Postal Service. The Service correctly notes that this document is publicly available upon request and that its inclusion in rate filings is unnecessary. In lieu of staff's rule we have required the Service to identify the performance goals it has established for the various mail classes and achieved levels of service where such goals have been set.

Workpapers. The staff task force proposed in its July draft that the Service be required to submit workpapers at the time it files a rate request with the Commission. With certain changes, the proposed rule will be adopted (39 CFR 3001.54(m)).

The staff's draft of this rule required that the workpapers meet certain uniformity requirements of the evidentiary rules, and the Service properly objects that such requirements are foreign to the nature of workpapers. We agree and have modified the rule to eliminate such requirements.

The Service also objects to the requirement that eight sets of workpapers be submitted. We have reduced this number to seven. Five sets of workpapers will be needed by Commission staff members who analyze the Service's filings. The remaining two will be available at the Commission's offices so that the public may inspect and copy them. The purpose of this rule is to reduce the amount of time needed to analyze the filing after it is lodged with the Commission. However, we agree with the Service's observation that certain elements of workpapers such as computer tapes and related programs cannot be duplicated and submitted as a part of a filing. Such items must be the object of special requests.

Certifications. The Commission has decided to adopt rules requiring that certain filed information be certified by postal officials and an independent public accountant (39 CFR 3001.54(n) and (o)). The final rules have been modified to incorporate the substance of suggestions submitted by the Service in its comments upon the staff's proposed rules.

Minor rate cases. The staff's July proposal made no provision for the waiver of certain filing requirements where the Service files a rate request involving minor changes. The rules (39 CFR 3001.54(p)) now include appropriate provision for such action.

Failure to comply. The Service expresses considerable consternation over the staff's July proposal governing instances where the Service fails to comply with the evidentiary filing requirements. The staff's draft rule authorized the Commission to reject the Service's filing or to accept it provisionally. We have eliminated the staff's proposal from the revised rules and in place thereof have substituted the rule expressed in 39 CFR 3001.56. We agree with the staff that the Commission should have procedural controls to insure expeditious regulatory treatment of rate and mail classification filings. The July draft rule, however, would foster potential procedural difficulties, particularly with respect to the establishment of temporary postal rates. These problems can be avoided and the Commission can still fulfill its responsibilities by adopting a rule providing for a stay of proceedings where the Commission makes an express finding that the Service's failure to supply information interferes with the Commission's ability to expedite a rate request.

III. The Service's Filing in Classification Cases

Threshold questions. Before dealing with the classification rules themselves, the Commission must decide whether it is premature to adopt any such rules at this time and, if not, when those rules should become effective. The Service, Association of American Publishers and certain third-class mailers believe that no classification rules should be adopted now. We disagree. If the parties to the present classification case, Docket MC73–1, have the rules before them, they will be far more likely to become aware of which rules need additional refinement. To promulgate the rules now will help both the Commission and the parties.

At the same time, the Commission recognizes that it would be impractical to make the new rules mandatory for the present classification case. The Postal Service has been preparing that filing for some time and cannot now be expected to acquire all the newly required data. Consequently, the new rules (including those related to intervenors' evidence will not apply to Docket MC73–1. This, of course, does not preclude the presiding officer from requiring the production of any relevant and material evidence.

Filings affecting rates. The July staff proposal contained a special rule for classification filings which change rates or establish new postal services. In such cases, the staff proposal directed the Service to supply supporting cost (and other) information. The Service does not object to the rule's basic thrust, and we will adopt the rule (39 CFR 3001.64(h)) with modifications.

The Service voices several objections to the applicability provisions of this rule. First, it characterizes the rule as being too broad in that it would require the Service to submit excessively burdensome filings for "relatively minor changes in rates or classifications." As a curative we have added a paragraph to the rule which enables the Service to ask for a waiver of "certain * * * (rate request) requirements if in the Commission's judgment * * * the proposed change in the classification schedule does not significantly change the rates and fees or the cost-revenue relationships * * *."

Secondly, the Postal Service asserts that the rule should be restricted to those services over which the Commission has jurisdiction. At this early stage of postal regulation, the Service should

not attempt to make unilateral interpretations as to the extent of the Commission's jurisdiction. If the Service believes that a given service falls outside the Commission's jurisdiction, it is always free to request the Commission to disclaim jurisdiction. As now drafted, the rule allows these questions to be resolved in the context of actual controversies presented to the Commission or in proceedings initiated by the Commission.

Other classification rules. The remaining classification rules are parallel or related to the rate case rules discussed in Part II of this preamble. Since the parties' comments on these two sets of rules are similar, the Commission has made essentially the same changes in the classification rules which it explained in connection with the rate case rules.[9]

IV. Intervenors' Filings

In the July draft, the staff proposed entirely new rules soliciting information from intervenors. If this information is provided as part of the intervenors' original evidentiary filing, the Service and the Commission staff can study it promptly and thus expedite the hearings. After careful study of the mailers' thoughtful comments, the Commission will adopt the proposed rules in modified form.[10] (39 CFR 3001.91–3001.92.)

Voluntary submissions. Although many mailers object to the rules, much of their opposition is predicated upon the misconception that the proposed rules are mandatory. To clarify this, the rules now specify that the intervenors are "invited" to submit the information, as part of their direct cases, "on a voluntary basis."

Although intervenors are thus not required to file the specified information with their direct cases, in appropriate instances they may properly be asked to supply relevant data in response to discovery requests. Insofar as the Commission needs data in order to evaluate the mailers' claims, the rules specify that they are not in derogation of the agency's authority to compel discovery.

This approach is, we believe, preferable to the Service's suggestion that provision of all the specified information be made mandatory, unless a special "waiver" is granted. At this stage of regulation, the Service's suggestion would impose an overly rigid presumption favoring discovery. In our view, the existing discovery procedures are better suited for adjudicating contentions that information is privileged or that the expense of furnishing it outweighs its probative value. The Service's suggested "waiver" system would hamper the presiding officer's ability to appraise the facts of each situation and to balance the conflicting considerations.

Description of intervenors' operations. The July staff proposal called for intervenors to describe their businesses, their use of postal services, and their mailing operations. We will modify the rule in several respects.

First, in response to some trade associations' requests, such associations will be allowed to limit their response to a "general" description of their members' businesses (39 CFR 3001.92(a)). Next, data regarding postal costs may be supplied on an "estimated" basis (39 CFR 3001.92(b)). Finally, as suggested by the Service, the rules ask for a functional breakdown of intervenors' mailing operations (39 CFR 3001.92(c)). This is a potentially burdensome requirement, but given the voluntary nature of the rule we have incorporated it because of the obvious value of such information.

A few intervenors state that some information regarding their mailing operations is not generally available. So far as the intervenors' direct evidentiary filings are concerned, however, compliance with the rule is voluntary. The presiding officer will be able to assess claims of unavailability if such information is requested through interrogatories.

Postage costs. In the July draft, the staff task force asked for a statement of the relationship between the intervenors' postage costs and their other expenses. Although some mailers believe that this information is difficult to obtain, other intervenors will find it feasible to present such information. In this connection we have expanded the rule, as suggested by American Business Press and the Service, so as to obtain an itemization of postage costs by mail class and as related to total operating expenses (39 CFR 3001.92(d)).

Financial impact. The July staff proposal requested each intervenor to estimate the financial impact on itself of proposed rate and classification changes. As requested by Magazine Publishers Association and Parcel Post Association, the rule will be revised so that trade associations can present this information on an aggregate basis for their members (39 CFR 3001.92(e)). The Commission reserves the right to require this information to be provided by subgroups of companies.

Absorption of rate changes and demand for postal service. Another staff proposal sought information bearing upon the extent to which intervenors can absorb or avoid rate changes. Although mailers question this rule, the Commission finds that no modifications are required, particularly in light of the 39 CFR 3001.91 applicability section (39 CFR 3001.92(f)). For the same reason, no change to 39 CFR 3001.92(g)—requesting information on the demand for postal service—is indicated.

Information from competitors and suppliers. One of the most important July proposals concerned information on competitive operations between the Postal Service and its competitors, like United Parcel Service. We have expanded this rule (39 CFR 3001.92(h)) to request an intervenor's costs relating to competitive services, as requested by the Postal Service. No opposition was voiced to this additional request.[9] Similarly, no reply comments were opposed to the Service's proposed expansion of another rule (39 CFR 3001.92(i)) to obtain supporting statistical or accounting data from an intervenor who is a manufacturer or supplier for users of the Postal Service.

"Impact" data. In order to analyze claims that mailers are financially injured by Service proposals, the July staff draft sought a statement of intervenors' revenues, volumes, costs, and profits. The rule originally sought such data for a 10-year period. In the final rule, this period has now been changed to 5 years (39 CFR 3001.92(j)), Association of American Publishers' suggestion that a 2-year period be used is rejected because these data are subject to radical fluctuations over such a short period. Thus, a data time-series of less than 5 years would probably detract substantially from the data's value.[9]

User studies. Another July proposal, which solicited user studies of the Postal Service, is unchallenged and will be adopted (39 CFR 3001.92(k)).

Representative data. In requesting the information discussed above, the July draft did not require intervenors to specify whether their evidence is representative of a significant category of mailers. At the suggestion of the third-class mailers, we will correct this omission (39 CFR 3001.92). As revised, the rule will aid in establishing the materiality of much of the intervenors' evidence. This will not preclude individual presentations but, if they are not representative, the revised rule will aid in establishing that fact.

Workpapers. The staff task force provided in its July draft that intervenors, like the Postal Service, should accompany their filings with copies of workpapers. After reviewing Commission needs, we have reduced the total number of workpaper sets to be filed to seven (39 CFR 3001.92(l)). Otherwise, we

[9] In addition, one classification rule (39 CFR 3001.64(e)) differs from the July staff proposal in that it seeks information for the period "before and after" a mail service is transferred from one class to another.

[10] As noted in Part III of this preamble, these rules (and those governing Service filings in classification cases) will not apply to the pending proceeding in Docket MC73–1.

[9] The rule originally required information on a competitor's operations covering a 10-year span. We have concluded that a 5-year period will provide satisfactory data and the rule is changed accordingly.

[9] Our recent order in Docket RM73–2 dealt fully with the Service's additional suggestion that every trade association should be required to produce the requested information with respect to each member of the association (38 FR 4750–4753, Feb. 22, 1973, correcting 38 FR 4324–4325, Feb. 13, 1973). There the Commission also emphasized that trade association intervenors should not be permitted to funnel the rate impact complaints of constituent members—and then become a shield for such members when the Commission or the Postal Service seeks to obtain data supporting the impact claims. And, finally, the Commission also answered a proposal (also made here) that parties should be "encouraged" to seek protective orders preserving confidential data.

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think the rule is workable and we make no other revisions to staff's proposed rule except (1) to provide for the transmittal of two sets of workpapers to counsel for the Postal Service, and (2) to delete the reference to 39 CFR 3001.31, as requested by the Postal Service.

Conclusions on intervenors' filings. The Commission is sympathetic to the mailers' concern that overly stringent rules in this area might discourage mailer participation in Commission proceedings. That is why the Commission designed these rules to encourage voluntary compliance (39 CFR 3001.91). It is also the reason that we have denied certain Service requests to make the rules mandatory and more stringent.

Our efforts to keep Commission proceedings open to all mailers do not stop there, however. On February 6, 1973, the Commission issued a new rule allowing persons (who choose not to be full parties) to participate in Commission proceedings on a limited basis. Under the new rules, "limited participators" may be heard without making themselves subject to interrogatories and other discovery procedures (38 FR 3510).

In the final analysis, however, mailers must recognize that rules soliciting complete information are in their own best interests. Unless mailers provide adequate information, the Commission may be unable to appraise their contentions that Service proposals will injure them financially. It is too early to say, in the abstract, whether a participant's refusal to produce data should lead to a "negative inference." However, the rules give plain warning that, when the Commission determines how much weight should be accorded to a participant's contentions, it will take account of any failure to provide relevant and material information.

V. General Evidentiary Rules

The staff's July proposal also included a general rule covering the introduction of studies in Commission proceedings. The purpose of the rule was to enable the Commission to analyze and evaluate the validity of studies presented in evidentiary proceedings. Only the Postal Service suggests changes to this rule and we have adopted all of them as useful revisions (39 CFR 3001.31(k)). Thus, the Service suggests that the requirement, in paragraph (1), for "a statement of the relative weights given to the various factors in arriving at each conclusion" in a study plan be eliminated. We agree.

We have also changed the language in paragraph (2) so that statistical studies will not be automatically presented, but only "[u]pon proper request," as suggested by the Postal Service. Further, it is appropriate that the confidence limits requested in this paragraph be restricted to "major estimates" where sample surveys are employed. We find that these changes are proper in order to avoid placing an undue burden on either the Postal Service or other participants. However we do not intend thereby to preclude an examination of an appropriate witness on these subjects during a proceeding.

VI. Conclusion

As noted earlier, the rules promulgated now must be regarded as the beginning—not the end—of an evolutionary process. Experience in pending and future proceedings may point the way for improvements and changes. Until that experience is gained, however, we doubt that either additional written comments[10] or on-the-record conferences are likely to be of much help in this proceeding. After due time, the Commission will review the rules and any rulemaking proposals submitted by the parties.

Accordingly, in light of the foregoing findings, and pursuant to sections 3603, 3622, 3623, and 3624 of the Postal Reorganization Act, 39 U.S.C. 3603, 3622, 3623, and 3624, the Commission hereby amends Part 3001 of its regulations (39 CFR Part 3001) as set forth below. It is further ordered that the amendments shall become effective on March 22 1973, but that they shall not be applicable to the pending proceeding in Docket MC73–1.

1. Amend the Table of Contents by adding new §§ 3001.56 and 3001.66 and a new Subpart F as follows:

Subpart B—Rules Applicable to Requests for Changes in Rates and Fees

Sec.

3001.56 Failure to comply.

Subpart C—Rules Applicable to Requests for Establishing or Changing the Mail Classification Schedule

3001.66 Failure to comply.

Subpart F—Rules Applicable to the Filing of Testimony by Intervenors

3001.91 Applicability.

3001.92 Submissions by intervenors.

2. Section 3001.31 is amended by adding a new paragraph (k) reading as follows:

§ 3001.31 Evidence.

* * * * *

(k) *Introduction of studies and analyses.* (1) In the case of all studies and analyses offered in evidence in hearing proceedings, other than the kinds described in subparagraph (2) of this paragraph, there shall be a clear statement of the study plan, all relevant assumptions and a description of the techniques of data collection, estimation and/or testing. In addition, there shall be a clear statement of the facts and judgments upon which conclusions are based, together with an indication of the alternative courses of action considered. Tabulations of input data shall be made available upon request at the offices of the Commission.

(2) Upon proper request all statistical studies offered in evidence in hearing proceedings shall be described in a summary statement with supplementary details added in appendices so as to give a comprehensive delineation of the assumptions made, the study plan utilized and the procedures undertaken. For example, for each of the following types of statistical studies, the indicated information should be furnished:

(i) *Sample surveys.* (*a*) A clear description of the survey design, including the definition of the universe under study, the sampling frame and units, and the validity and confidence limits that can be placed on major estimates; and

(*b*) An explanation of the method of selecting the sample and the characteristics measured or counted.

(ii) *Econometric investigations.* (*a*) A complete description of the econometric model and the reasons for each assumption and statistical specification;

(*b*) A clear statement as to the effects on the final result of changes in the assumptions; and

(*c*) Upon request, make available alternative studies which may have been made, which employed alternative models and variables.

(iii) *Experimental analyses.* (*a*) A complete description of the experimental design, including a specification of the controlled conditions and how the controls were realized; and

(*b*) A complete description of the methods of making observations and the adjustments, if any, to observed data.

(iv) *All studies involving statistical methodology.* (*a*) The formula used for statistical estimates;

(*b*) The standard errors of each component estimated;

(*c*) Test statistics and the description of statistical tests and all related computations, computer programs and final results; and

(*d*) Summary descriptions of input data, and upon request the actual input data shall be made available at the offices of the Commission.

3. Section 3001.54 is revised to read as follows:

§ 3001.54 Contents of formal requests.

(a) *General requirements.* (1) Each formal request filed under this subpart shall include such information and data and such statements of reasons and bases as are necessary and appropriate fully to inform the Commission and the parties of the nature, scope, significance and impact of the proposed changes or adjustments in rates or fees and to show that the changes or adjustments in rates or fees are in the public interest and in accordance with the policies of the Act and the applicable criteria of the Act. To the extent information is available or can be made available without undue burden, each formal request shall include the information specified in paragraphs (b)–(o) of this section. If the required information is set forth in the Postal Service's prepared direct evidence, it shall be deemed to be part of the formal request without restatement.

(2) If any information required by paragraphs (b)–(o) of this section is not available and cannot be made available without undue burden, the request shall provide where reference is made to this paragraph, in lieu of such information, a statement explaining with particularity:

(i) The information which is not available or cannot be made available without undue burden;

(ii) The reason or reasons that each such item of information is not available and cannot be made available without undue burden;

(iii) The steps or actions which would be needed to make each such item of information available, together with an estimate of the time and expense required therefor;

(iv) Whether it is contemplated that each such item of information will be supplied in the future and, if so, at what time; and

(v) Whether reliable estimates are available where such information cannot be furnished and, if so, the specifics of such estimates.

(3) The provisions of subparagraph (2) of this paragraph for the Postal Service to include in its formal request certain alternative information in lieu of that specified by paragraphs (b)–(o) of this section are not in derogation of the Commission's and the presiding officer's authority, pursuant to §§ 3001.23–3001.28, respecting the provision of information at a time following receipt of the formal request.

(4) The Commission may request information in addition to that required by paragraphs (b)–(o) of this section.

(b) *Rates and standards information.* (1) Every formal request shall include schedules of the then effective rate or rates of postage and fee or fees for all postal services and the rate or rates of postage and fee or fees for all postal services as proposed to be changed or adjusted by the Postal Service. The schedules shall show the full rate and where applicable the phased rate under section 3626 of the Act and any proposed adjustment to such phased rates under section 3627 of the Act indicated by circumstances known at the time of filing.

(2) The schedules required by subparagraph (1) of this paragraph shall, for all classes and subclasses of mail and service, be in summary fashion and tariff-like form. (E.g., there shall be a specification of those rules, regulations and practices which establish the conditions of mailability and the standards of service.) As a part thereof, the schedules shall specifically be addressed to such functions as mail pickup and delivery, processing and other similar functions.

(3) Subject to paragraph (a)(2) of this section, the schedules required by subparagraph (1) of this paragraph shall also contain a statement identifying the degree of economic substitutability between the various classes and subclasses, e.g., a description of cross-elasticity of demand as between various classes of mail.

(4) Subject to paragraph (a)(2) of this section, the schedules required by subparagraph (1) of this paragraph shall be accompanied by an identification of all nonpostal services.

(c) *Mail characteristics.* Subject to paragraph (a)(2) of this section, every formal request shall include an identification of the characteristics of the mailer and recipient, and a description of the contents of items mailed within the various classes and subclasses of mail and service.

(d) *Physical attributes of mail.* Subject to paragraph (a)(2) of this section, every formal request shall include an identification of the physical attributes of the items mailed by class and subclass, including shape, weight, and distance.

(e) *Special service arrangements.* Subject to paragraph (a)(2) of this section, every formal request shall contain, to the extent the following information is not expressly included under paragraph (b)(2) of this section, a summary statement describing special service arrangements provided to, or requested or required of, mailers by the Postal Service which bear upon the cost of service or the value of the mail service to both the sender and the recipient, e.g., services relating to mailer preparations in excess of requirements specified by the Postal Service Manual, pick-up and delivery, expedited or deferred processing, and other similar activities performed.

(f) *Total functionalized accrued costs.* (1) Subject to paragraph (a)(2) of this section, every formal request shall set forth the total actual accrued costs during the most recent fiscal year for which they are reasonably available. In the event final total actual accrued costs are not yet available for the fiscal year immediately preceding the fiscal year in which the filing is made, a preliminary or pro forma statement of such actual accrued costs shall be furnished. Any preliminary statement shall use, as appropriate, quarterly or accounting period reports for the preceding fiscal year. A final complete statement shall be substituted for any preliminary statement when the former becomes available.

(2) Subject to paragraph (a)(2) of this section, every formal request shall also set forth (i) the estimated total accrued costs of the Postal Service for the fiscal year in which the filing is made and (ii) the estimated total accrued costs of the Postal Service as specified in section 3621 of the Act which form the basis for proposed change in rates or fees. Estimated accrued costs referred to in subdivision (ii) of this subparagraph shall be for a fiscal year beginning not more than 12 months subsequent to the filing date of the formal request. These two estimates of accrued costs shall be calculated on two bases: First, assuming the prefiling rates and fees and, second, assuming the suggested rates and fees. Estimated accrued costs shall be accompanied by an explanation of the methods and procedures used for cost projections. The analyses of estimated costs shall include, but need not be limited to:

(*a*) An explanation of the projection of total volumes;

(*b*) An explanation of the effect of the projected volume levels on estimated total costs;

(*c*) The specification of the cost savings which will be realized from gains and improvements in total productivity, indicating such factors as operational and technological advances and innovations; and

(*d*) The identification of abnormal costs which are expected to be incurred in the forecasted test period.

(3) Each cost presentation required by subparagraphs (1) and (2) of this paragraph shall, subject to paragraph (a)(2) of this section:

(i) Show operating costs in sufficient detail as to the accounting and functional classifications and with such reasonable explanation so that the actual or estimated amount for each item of expense may be readily understood;

(ii) State and fully explain the amounts included for:

(*a*) Depreciation on capital facilities and equipment;

(*b*) Debt service;

(*c*) Contingencies; and

(*d*) Extraordinary or nonrecurring expenses;

(iii) Assign and distribute costs to each of the functions comprising the mail process. Such presentations shall include:

(*a*) An itemization of costs by the major accounts as reflected by the Service's books of accounts for all cost segments, such as postmasters, supervisors, etc.;

(*b*) An itemization of costs by functions such as collection, acceptance, general overheads, etc.;

(*c*) An assignment and distribution of the costs by account, as set forth in (*a*) of this subdivision, together with related mail volumes, to the functions set forth in (*b*) of this subdivision;

(*d*) An assignment and distribution of the costs by account, together with related mail volumes, to such subfunctions within each category for which information is available or can be developed; and

(*e*) An explanation of the method by which the costs by accounts are assigned and distributed to functions.

(g) *Costs of prior fiscal years.* Subject to paragraph (a)(2) of this section, every formal request shall present the total actual accrued costs for each fiscal year since the last filing pursuant to this section. Such submission should be in a form as nearly consistent as possible with the filing under paragraph (f) of this section, together with explanations of any departures from such form and the effect of such departures.

(h) *Separation, attribution, and assignment of certain costs.* (1) Every formal request shall separate the Service's actual and estimated total costs,

[10] "The requirement of submission of a proposed rule for comment does not automatically generate a new opportunity for comment merely because the rule promulgated by the agency differs from the rule it proposed, partly at least in response to submissions." See International Harvester Co. v. EPA,— F. 2d — (D.C. Cir. No. 72–1517, Feb. 10, 1973) (slip op. page 24, footnote omitted).

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for the fiscal years specified in paragraph (f) of this section, as between postal services (including international mail) and nonpostal services. The presentation shall show the methodology for separating postal costs as between postal services and nonpostal services, and shall be in sufficient detail to allow a determination that no nonpostal costs have been assigned or allocated to postal services.

(2) Subject to paragraph (a)(2) of this section, the costs for postal services, as set forth by functions pursuant to paragraph (f), shall be separated as between:

(i) Those direct costs which can be attributed to each class of mail or type of mail service;

(ii) Those indirect costs which can be attributed to each class of mail or type of mail service;

(iii) Any other costs of the Service which can be reasonably assigned to each class of mail or type of mail service; and

(iv) Any costs which cannot be attributed or reasonably assigned.*

(3) The methodology used to derive the costs requested in subdivisions (i) through (iv) of subparagraph (2) of this paragraph shall be set forth in detail.

(4) The direct costs, indirect costs and other costs reasonably assignable as provided in subdivisions (i) through (iii) of subparagraph (2) of this paragraph shall separately be attributed or assigned to mail classes and subclasses and type of mail service. The Commission neither requires nor approves any particular methodology. The submission shall identify the methodology used to attribute or assign each type of such costs and, subject to paragraph (a)(2) of this section, shall also include an analysis of the effect on costs of:

(i) Volume;
(ii) Peaking patterns;
(iii) Priority of handling;
(iv) Mailer preparations;
(v) Quality of service;
(vi) The physical nature of the item mailed;
(vii) Expected gains in total productivity, indicating such factors as operational and technological advances and innovations; and
(viii) Any other factor affecting costs.

(5) Any nonattributed or unassigned costs specified in subdivision (iv) of subparagraph (2) of this paragraph shall be clearly and separately identified. An explanation shall be furnished as to why such costs cannot be attributed or assigned. To the extent possible, the presentation shall identify all such costs which benefit more than one class of mail or type of service (but not all classes or types), together with the mail classes or types of services so benefited.

(6) The Service shall furnish the data relevant to its analysis of the effect on costs of the factors specified in subdivisions (i) through (viii) of subparagraph (4) of this paragraph.

(i) *Criteria for rate schedule.* There shall be included in every formal request a statement of the criteria employed in constructing the proposed rate schedule. The submission shall include:

(1) The identification of the relationship between the revenues derived from the rates and fees for a particular class and subclass of mail or service and the costs attributed or assigned to that class and subclass or service;

(2) The identification of the procedures and methods used to apportion (to postal services) that part of the total revenue requirement, if any, which is in excess of costs attributed or assigned.*

(3) Such other studies, information and data relevant to the criteria established by section 3622 of the Act with appropriate explanations as will assist the Commission in determining whether or not the proposed rates or fees are in accordance with such criteria.

(j) *Revenues and volumes.* (1) Subject to paragraph (a)(2) of this section, every formal request shall set forth the actual and estimated revenues of the Postal Service from the then effective postal rates and fees for the fiscal years selected for the presentation of cost information submitted pursuant to paragraphs (f) and (g) of this section.

(2) Subject to paragraph (a)(2) of this section, every formal request shall set forth the estimated revenues based on the suggested rates and fees for the fiscal years selected for the presentation of cost information submitted pursuant to subparagraph (2) of paragraph (f) of this section.

(3) Subject to paragraph (a)(2) of this section, the actual and estimated revenues referred to in subparagraphs (1) and (2) of this paragraph shall be shown in total and separately for each class and subclass of mail and postal service and for all other sources from which Postal Service collects revenues.

(4) Each revenue presentation required by subparagraphs (1), (2), and (3) of this paragraph shall, subject to paragraph (a)(2) of this section, be supported by an identification of the methods and procedures employed.

(5) Subject to paragraph (a)(2) of this section, there shall be furnished in every formal request:

(i) The actual volume of mail at the prefiled rates for the most recent past fiscal year;

(ii) The estimated volume of mail at the prefiled rates for the fiscal year in which the filing is made;

(iii) The estimated volume of mail for the fiscal year in which the filing is made assuming the effectiveness of the suggested rates;

(iv) The estimated volume of mail for the future fiscal year, assuming the retention of the prefiled rates; and

(v) The estimated volume of mail for the future fiscal year assuming the effectiveness of the suggested rates.

(6) Subject to paragraph (a)(2) of this section, a demand analysis shall be presented in every formal request, for each class and subclass of mail and service. The analysis shall include such items as the following:

(i) The identification of the variables relevant to customer demand;

(ii) The identification of the price elasticity of demand for each class and subclass of mail and service;

(iii) The identification of the cross-elasticity of demand for the various classes and subclasses of mail and services;

(iv) The identification of the relationship of total mail volume to: Population, income, substitutable services, business activity, and any other nonprice variable affecting volume; and

(v) The identification of peaking patterns.

(k) *Financial statements and related information.* (1) Subject to subparagraph (3) of this paragraph, every formal request shall include, for the 2 fiscal years immediately preceding the fiscal year in which the date of formal filing occurs, the Balance Sheet, the Statement of Income and Expense, basic statistical information and the Statement of Income and Expense by budget categories of the Postal Service. This information shall include data with respect to:

(i) Balance Sheet and a supporting schedule for each item appearing thereon;

(ii) Statement of Income and Expense and a supporting schedule for each item appearing thereon;

(iii) As appropriate, statistical data with respect to revenue, pieces (by physical attributes, showing separately amounts of mail identified as stamped, metered, and imprinted, or other); weight, distance, "billing determinants," postal employees (number, total payroll, productivity, etc.), postal space, post offices (number, classes, etc.), summary reports (accounting period 13 or annual) of the workload recording system for the latest 2 fiscal years and any other pertinent factors which have been utilized in the development of the suggested rate schedule;

(iv) Statement of Income and Expense by budget categories; and

(v) Reconciliation of costs, by budget categories, with costs by accounting classification.

(2) A reconciliation of the budgetary information with actual accrued costs shall be provided for the most recent fiscal year.

(3) If the fiscal information for the immediately preceding fiscal year is not fully available on the date of filing, a preliminary or pro forma submittal shall be made and upon final completion an updated report shall be filed in substitution therefor.

(l) *Performance goals.* (1) Every formal request shall identify any performance goals which have been established for the classes and subclasses of mail.

(2) Subject to paragraph (a)(2) of this section, the request shall identify the achieved levels of service for those classes and subclasses of mail and mail services for which performance goals have been set. This information may be provided by reference to published documents or otherwise.

(m) *Workpapers.* (1) Whenever the Service files a formal request it shall accompany the request with seven sets of workpapers, five for use by the Commission staff and two which shall be available for use by the public at the Commission's offices.

(2) Workpapers shall contain:

(i) Detailed information underlying the data and submissions for paragraphs (b)–(l) of this section in such fashion and content so as to permit independent analysis of each cost component and an independent attribution or assignment of costs to classes and subclasses and the assignment of nonattributed or unassigned costs to classes and subclasses;

(ii) A description of the methods used in collecting, summarizing and expanding the data used in the various submissions;

(iii) Summaries of sample data, allocation factors and other data used for the various submissions;

(iv) The expansion ratios used (where applicable); and

(v) The results of any special studies used to modify, expand, project, or audit routinely collected data.

(3) Workpapers shall be neat and legible and shall indicate how they relate to the data and submissions supplied in response to paragraphs (b)–(l) of this section.

(4) When workpapers do not contain all the supporting data, the omitted data shall be indicated in a manner allowing the data to be retrieved upon request.

(n) *Certification by officials.* (1) Every formal request shall include one or more certifications stating that the cost statements and supporting data submitted as a part of the formal request, as well as the accompanying workpapers, which purport to reflect the books of the Postal Service, accurately set forth the results shown by such books.

(2) The certificates required by subparagraph (1) of this paragraph shall be signed by one or more representatives of the Postal Service authorized to make such certification. The signature of the official signing the document constitutes a representation that the official has read the document and that, to the best of his knowledge, information and belief, every statement contained in the instrument is proper.

(o) *Opinion of independent public accountant.* Every formal request shall include an opinion from an independent public accountant to the extent and as required by 39 U.S.C. section 2008(e).

(p) *Special waiver provision for minor rate cases.* The Commission may, upon the filing of a proper motion by the Postal Service, together with a showing of good cause therefor, waive certain of the filing requirements of paragraphs (b)–(o) of this section if in the Commission's judgment it has been demonstrated that the proposed change in a rate or rates of postage and a fee or fees for postal service does not significantly change the then effective rates and fees or alter the cost-revenue relationships of the various classes and types of postal services.

4. Subpart B is amended by adding a new § 3001.56 reading as follows:

§ 3001.56 Failure to comply.

If the Postal Service fails to provide any information specified by this subpart, or otherwise required by the presiding officer or the Commission, the Commission, upon its own motion, or upon motion of any participant to the proceeding, may stay the proceeding until satisfactory compliance is achieved. The Commission will stay proceedings only if it finds that failure to supply adequate information interferes with the Commission's ability promptly to consider the request and to conduct its proceedings with expedition in accordance with the Act.

5. Section 3001.64 is revised to read as follows:

§ 3001.64 Contents of formal requests.

(a) *General requirements.* (1) Each formal request filed under this subpart shall include such information and data and such statements of reasons and bases as are necessary and appropriate fully to inform the Commission and the parties of the nature, scope, significance, and impact of the proposed new mail classification schedule or the proposed changes therein and to show that the mail classification schedule as proposed to be established or changed is in accordance with the policies and the applicable criteria of the Act. To the extent the information is available or can be made available without undue burden, each formal request shall include the information specified in paragraphs (b)–(h) of this section. If the required information is set forth in the Postal Service's prepared direct evidence, it shall be deemed to be part of the formal request without restatement.

(2) If any information required by paragraphs (b)–(h) of this section is not available and cannot be made available without undue burden, the request shall provide where reference is made to this paragraph, in lieu of such information, a statement explaining with particularity:

(i) The information which is not available or cannot be made available without undue burden;

(ii) The reason or reasons that each such item of information is not available and cannot be made available without undue burden;

(iii) The steps or actions which would be needed to make each such item of information available, together with an estimate of the time and expense required therefor;

(iv) Whether it is contemplated that each such item of information will be supplied in the future and, if so, at what time; and

(v) Whether reliable estimates are available where such information cannot be furnished and, if so, the specifics of such estimates.

(3) The provisions of subparagraph (2) of this paragraph for the Postal Service to include in its formal request certain alternative information in lieu of that specified by paragraphs (b)–(h) of this section are not in derogation of the Commission's and the presiding officer's authority, pursuant to §§ 3001.23–3001.28, respecting the provision of information at a time following receipt of the formal request.

(4) The Commission may request information in addition to that required by paragraphs (b)–(h) of this section.

(b) *Classification and standards information.* (1) Every formal request shall include copies of the then effective mail classification schedule and the proposed changes in the then effective classification schedule.

(2) The schedules required by subparagraph (1) of this paragraph shall, for all classes and subclasses of mail and service, be in summary fashion and tariff-like form. (E.g., there shall be a specification of those rules, regulations, and practices which establish the conditions of mailability and the standards of service.) As a part thereof, the schedules shall specifically be addressed to such functions as mail pick-up and delivery, processing, and other similar functions.

(3) The schedules required by subparagraph (1) of this paragraph shall also contain a statement identifying the degree of economic substitutability between the various classes and subclasses, e.g., a description of cross-elasticity of demand as between various classes of mail.

(4) The schedules required by subparagraph (1) of this paragraph shall be accompanied by an identification of all nonpostal services.

(c) *Mail characteristics.* Every formal request shall include such studies, information and data on the characteristics of the users of the Postal Service, the nature of the items mailed and the nature of the methods of mailing, which will assist the Commission in determining whether or not the proposed mail classification schedule or the proposed changes therein are in accordance with the policies and the applicable criteria of the Act. Included, subject to paragraph (a)(2) of this section, shall be:

(1) An identification of the characteristics of the mailer and recipient, and a description of the contents of items mailed within the various classes and subclasses of mail and service.

(2) An identification of the physical attributes of the items mailed by class and subclass, including shape, weight, and distance.

(3) To the extent the following information is not expressly included

* In his initial decision in Docket R71-1 the presiding officer noted two possible interpretations of 39 U.S.C. 3622(b)(3)—first, that all costs are either "attributable" or "reasonably assignable" and, second, that there are some "remaining costs which cannot be attributed or reasonably assigned to classes of mail". See Docket R71-1, Vol. I, 1-9. If the first interpretation is deemed to be correct, no costs would be reported in the category denominated by § 3001.54(h)(2)(iv). The Commission was cognizant in writing the rules of the presiding officer's belief that it was not necessary to adopt either reading as exclusive.

* See footnote a, supra.

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under paragraph (b)(2) of this section, a summary statement describing special service arrangements provided to, or requested or required of, mailers by the Postal Service which bear upon the cost of service or the value of the mail service to both the sender and the recipient, e.g., services relating to mailer preparations in excess of requirements specified by the Postal Service Manual, pick-up and delivery, expedited or deferred processing, and other similar activities performed.

(d) *Effects of proposed changes.* Subject to paragraph (a)(2) of this section, every formal request shall include a statement showing the effects of the proposed changes in the then effective classification schedule upon:

(i) The costs attributed and assigned to each class and subclass of mail or service as developed pursuant to § 3001.54(h);

(ii) The total accrued costs of the Postal Service developed pursuant to § 3001.54(f); and

(iii) The total revenues of the Postal Service and the revenues of each class and subclass of mail or service developed pursuant to § 3001.54(j).

(e) *Interclass changes.* Subject to paragraph (a)(2) of this section, whenever it is proposed that a portion of one existing class or subclass of mail or service be reassigned to another existing class or subclass of mail or service, every formal request shall include a comparison of the before and after costs and revenues associated with handling the relevant classes or subclasses of mail or service, and the before and after costs and revenues of the portion which is to be reassigned.

(f) *Statement of reasons.* Every formal request shall include a complete statement of the reasons and bases for the Postal Service's proposed mail classification schedule or proposed changes therein.

(g) *Workpapers.* (1) Whenever the Service files a formal request it shall accompany the request with seven sets of workpapers, five for use by the Commission staff and two which shall be available for use by the public at the Commission's offices.

(2) Workpapers shall contain:

(i) Detailed information underlying the data and submissions for paragraphs (b)–(f) of this section;

(ii) A description of the methods used in collecting, summarizing and expanding the data used in the various submissions;

(iii) Summaries of sample data, allocation factors and other data used for the various submissions;

(iv) The expansion ratios used (where applicable); and

(v) The results of any special studies used to modify, expand, project, or audit routinely collected data.

(3) Workpapers shall be neat and legible and shall indicate how they relate to the data and submissions supplied in response to paragraphs (b)–(f) of this section.

(4) When workpapers do not contain all the supporting data, the omitted data shall be indicated in a manner allowing the data to be retrieved upon request.

(h) *Matters affecting rates and fees.* (1) This paragraph applies to any proposed change in the then effective classification schedule which would result:

(i) In a change in the rates or fees for any existing class or subclass of mail and service, or

(ii) In the establishment of a new class or subclass of mail or service for which rates or fees are to be established, or

(iii) In a change in the relationship of the costs attributed or assigned to any class or subclass of mail or service to the revenues of that class or subclass of mail or service, or

(iv) In a change in the relationship of the total costs of the Postal Service to the total revenues.

(2) In the case of any proposed change in the then effective classification schedule covered by subparagraph (1) of this paragraph, every formal request shall include, subject to paragraph (a)(2) of this section:

(i) The information required by paragraphs (b)–(h) and (j)–(m) of § 3001.54, together with the statement and opinion required by paragraphs (n) and (o) of § 3001.54; and

(ii) A statement explaining to what extent the Postal Service has considered the criteria of section 3622 of the Act as justifying the rate consequences of the proposed classifications. The submission shall also include the identification of the relationship between the rates and fees for a particular class and subclass or service, the identification of the procedures and methods used to relate the residual costs which have not been attributed to any class and subclass of mail or service or groups thereof, and such other studies, information, and data relevant to the criteria established by section 3622 of the Act with appropriate explanations.

(3) The Commission may, upon the filing of a proper motion by the Postal Service, together with a showing of good cause therefor, waive certain of the above requirements if in the Commission's judgment it has been demonstrated that the proposed change in the classification schedule does not significantly change the rates and fees or the cost-revenue relationships referred to in subdivisions (iii) through (iv) of subparagraph (1) of this paragraph.

6. Subpart C is amended by adding a new § 3001.66 reading as follows:

§ 3001.66 Failure to comply.

If the Postal Service fails to provide any information specified by this subpart, or otherwise required by the presiding officer or the Commission, the Commission, upon its own motion, or upon motion of any participant to the proceeding, may stay the proceeding until satisfactory compliance is achieved. The Commission will stay proceedings only if it finds that failure to supply adequate information interferes with the Commission's ability promptly to consider the request and to conduct its proceedings with expedition in accordance with the Act.

7. Add a new Subpart F reading as follows:

Subpart F—Rules Applicable to the Filing of Testimony by Intervenors

§ 3001.91 Applicability and general policy.

(a) The rules in this Subpart identify those areas in which intervenors in rate and classification proceedings could assist the Commission. Intervenors are free to file any relevant and material evidence which is not unduly repetitious or cumulative.

(b) Intervenors are invited to submit the information specified in § 3001.92 (a)–(1) on a voluntary basis as part of their own direct cases. The Commission's request that intervenors voluntarily file such information is not in derogation of the Commission's and the presiding officer's authority, pursuant to §§ 3001.23–3001.28, respecting the provision of such or other information. Intervenors, particularly those making contentions under section 3622(b)(4) of the Act, shall be aware that their failure to provide relevant and material information will be taken into account in determining the weight which the Commission accords to their arguments and evidence.

(c) All evidence shall be filed in accordance with § 3001.31. The rules of general applicability of Subpart A of this part are also applicable to filings subject to this Subpart.

§ 3001.92 Submissions by intervenors.

In addition to any other direct testimony submitted by an intervenor in a rate or classification proceeding, and in addition to further requests for information by the Commission, the Commission requests that the following information be submitted where applicable and where it is within the ability of the intervenor to produce it. If it is alleged that such information is representative of a significant segment of a rate-category of mail or of the users thereof it should be accompanied by a demonstration to that effect.

(a) *Description of intervenor.* A statement as to the nature of the business and operations of the intervenor. If the intervenor is an association, the names of the members of the association and a general description of their business and operations.

(b) *Usage of postal services.* An identification of the extent to and method by which the postal services are used, including an estimated itemization of the postage cost by class and rate.

(c) *Intervenor's mailing operations.* A description of the mailing and handling operations of the intervenor for items which are to pass through the Postal Service. Descriptions of premailing operations should include the details as to any special arrangements with the Postal Service. Also, a statement as to the total mail handling costs exclusive of Postal Service payments including a breakdown of such costs by, and identification of, the functions for which the costs are incurred.

(d) *Intervenor's postage costs.* A statement of the relative importance of postage costs to other expenses. An estimated itemization of postage costs by class of mail as related to total operating expenses. If more than one major product is affected by postage costs, data should be presented for each, e.g., each periodical of a firm in the publishing business.

(e) *Financial impact of rate or classification changes.* An estimate of the financial impact of the proposed rate or classification changes on the intervenor, or aggregate data for members of mail user associations, together with details of the basis of estimates and supporting data.

(f) *Absorption/avoidance of rate changes.* An analysis as to the ability or inability of the intervenor to absorb, avoid, or pass on postal rate changes, to customer groups (or advertisers or sponsoring organizations, if any). The analysis should include an analysis of the intervenor's customers' demand for the product of the intervenor's industry.

(g) *Demand for postal services.* An indication of the demand of the intervenor's industry for postal services including an estimate of the elasticity of such demand.

(h) *Competitor operations.* If the intervenor is a competitor of the Postal Service, a definition of the areas of competition between the intervenor and the Postal Service and a demonstration of the intervenor's ability or inability to meet postal competition. Include a brief historical description of the company's operations during the past 5 years, showing growth in each major segment of the company's business and a statement of the current rates and all conditions of service applicable to the portion of the intervenor's operations which is affected by comparable service of the Postal Service. The statement should include data on the costs of the services which the intervenor contends are competitive with services of the Postal Service. The statement of costs should identify by character and amount those attributed to the competitive service and the intervenor's rationale (i.e., cost and pricing hypothesis) for such attribution.

(i) *Impact of rate changes on users' suppliers.* If the intervenor is a manufacturer or supplier of goods or services provided to users of the Postal Service, a statement of the impact on expenses and revenues resulting from postage changes, together with statistical or other accounting data and the reasons supporting such statement.

(j) *Statement of revenues, volumes, costs, and profits.* For all intervenors, a certified statement of the total revenues, costs, and profits for each of the last 5 years together with an estimate of the impact of the proposed postal changes on total revenues, costs, and profits. Also the intervenor's volume of mail passing through the Postal Service (by class and subclass) and the comparable volume of traffic moving by competitive services (or the volume of services performed in competition with the Postal Service, or the volume of materials manufactured for or supplied to the Postal Service or users of the Postal Service). Volume data should be presented for each of the 5 years for which total revenues, costs, and profits are reported. An estimate of the impact on volume resulting from the proposed postal increases should be included.

(k) *User studies of Postal Service.* Any studies of the Postal Service's costs, revenues, or operations which would be of help to the Commission in evaluating the merits of the Postal Service's request.

(l) *Workpapers.* (1) Whenever an intervenor presents evidence it shall accompany such evidence with seven sets of workpapers, five for use by the Commission staff and two which shall be available for use by the public at the Commission offices. Two additional sets shall be delivered to counsel for the U.S. Postal Service.

(2) Workpapers shall contain the data and analyses underlying the submissions, including:

(i) A description of the methods used in collecting, summarizing and expanding the data and a clear indication of how the workpapers relate to the various submissions;

(ii) Summaries of sample data and other data used; and

(iii) Any special studies made.

(3) Workpapers shall be neat and legible.

(4) When supporting data are not supplied, a clear indication shall be made of the source of the data so that they might be retrieved easily upon request.

(Sections 3603, 3622–3624 of the Postal Reorganization Act; 84 Stat. 759, 760–761; 39 U.S.C. §§ 3603, 3622–3624; 5 U.S.C. §§ 552, 553; 80 Stat. 383–384.)

By the Commission.

[SEAL] JOSEPH A. FISHER, *Secretary.*

APPENDIX A

Comments were filed by the following:
United States Postal Service.
The American Bankers Association.
American Business Press, Inc.
American Retail Federation.
Associated Third Class Mail Users.[1]
Association of American Publishers, Inc.
Catholic Press Association, et al.
Council of Public Utility Mailers.
Direct Mail Advertising Association, Inc.[1]
Fairchild Publications, Inc.
Magazine Publishers Association, Inc.
Mail Advertising Corp. of America.
Mail Advertising Service Association, International, Inc.[1]
National Industrial Traffic League.
National Newspaper Association.
Parcel Post Association.
J. C. Penney Co., Inc.
The Reader's Digest Association, Inc.
The Recording Industry Association of America, Inc.
Second Class Mail Publications, Inc.[2]
Time Incorporated.
United Parcel Service.
Dr. G. M. Wattles.

[FR Doc.73-5535 Filed 3-21-73;8:45 am]

[1] These parties filed joint comments.
[2] The comments of Second Class Mail Publications were considered in Docket RM73-2.

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FRIDAY, MARCH 23, 1973

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(Part III begins on page 7687)

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Title 16—Commercial Practices

CHAPTER I—FEDERAL TRADE COMMISSION

[Docket No. C-2355]

PART 13—PROHIBITED TRADE PRACTICES

Henry Franco, Trading as Cameo Carpet Mills

Subpart—Importing, manufacturing, selling, or transporting flammable wear. § 13.1060 *Importing, manufacturing, selling, or transporting flammable wear:*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended, 67 Stat. 111, as amended; 15 U.S.C. 45, 1191) [Cease and desist order, Henry Franco, trading as Cameo Carpet Mills, Union City, Calif., Docket No. C-2355, Feb. 22, 1973]

In the Matter of Henry Franco, an Individual, Trading as Cameo Carpet Mills

Consent order requiring a Union City, Calif., manufacturer and seller of carpets and rugs, among other things to cease manufacturing for sale, selling, importing, or distributing any product, fabric, or related material which fails to conform to an applicable standard of flammability or regulation issued under the provisions of the Flammable Fabrics Act, as amended.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondent Henry Franco, individually and trading as Cameo Carpet Mills, or any other name or names, his successors and assigns, and respondent's agents, representatives, and employees directly or through any corporation, subsidiary, division, or other device, do forthwith cease and desist from manufacturing for sale, selling, offering for sale in commerce, or importing into the United States, or introducing, delivering for introduction, transporting or causing to be transported in commerce or selling or delivering after sale or shipment in commerce, any product, fabric, or related material; or manufacturing for sale, selling, or offering for sale, any product made of fabric or related material which has been shipped or received in commerce, as "commerce," "product," "fabric," and "related material" are defined in the Flammable Fabrics Act, as amended, which product, fabric, or related material fails to conform to an applicable standard or regulation continued in effect, issued, or amended under the provisions of the aforesaid Act.

It is further ordered, That respondent notify all of his customers who have purchased or to whom have been delivered the products which gave rise to this complaint, of the flammable nature of said products and effect the recall of said products from such customers.

It is further ordered, That the respondent herein either process the products which gave rise to the complaint so as to bring them into conformance with the applicable standard of flammability under the Flammable Fabrics Act, as amended, or destroy said products.

It is further ordered, That the respondent herein shall, within ten (10) days after service upon him of this order, file with the Commission a special report in writing setting forth the respondent's intentions as to compliance with this order. This special report shall also advise the Commission fully and specifically concerning (1) the identity of the products which gave rise to the complaint, (2) the identity of the purchasers of said products, (3) the amount of said products on hand and in the channels of commerce, (4) any action taken and any further actions proposed to be taken to notify customers of the flammability of said products and effect the recall of said products from customers, and the results thereof, (5) any disposition of said products since January 27, 1972, and (6) any action taken or proposed to be taken to bring said products into conformance with the applicable standard of flammability under the Flammable Fabrics Act, as amended, or to destroy said products, and the results of such action. Respondent will submit with his report, a complete description of each style of carpet or rug currently in inventory or production. Upon request, respondent will forward to the Commission for testing a sample of any such carpet or rug.

It is further ordered, That the individual respondent named herein promptly notify the Commission of the discontinuance of his present business or employment and of his affiliation with a new business or employment. Such notice shall include respondent's current business or employment in which he is engaged as well as a description of his duties and responsibilities.

It is further ordered, That the respondent herein shall, within sixty (60) days after service upon him of this order, file with the Commission a report in writing setting forth in detail the manner and form in which he has complied with this order.

Issued: February 22, 1973.

By the Commission.

[SEAL] CHARLES A. TOBIN, *Secretary.*

[FR Doc.73-5593 Filed 3-22-73;8:45 am]

[Docket No. 8821o]

PART 13—PROHIBITED TRADE PRACTICES

Universal Credit Acceptance Corp. et al.

Subpart—Advertising falsely or misleadingly: § 13.15 *Business status, advantages or connections:* 13.15–25 Concealed subsidiary, fictitious collection agency, etc.; 13.15–150 Endorsement; 13.15–180 Location; 13.15–225 Personnel or staff; 13.15–255 Reputation, success or standing; § 13.60 *Earnings and profits;* § 13.70 *Fictitious or misleading guarantees;* § 13.155 *Prices;* 13.155–20 Cost, expense reimbursing, or advertising; 13.155–95 Terms and conditions. Subpart—Furnishing means and instrumentalities of misrepresentation or deception: § 13.1055 *Furnishing means and instrumentalities of misrepresentation or deception:* Subpart—Misrepresenting oneself and goods—Business Status, Advantages or Connections: § 13.1390 *Concealed subsidiary, fictitious collection agency, etc.;* § 13.1395 *Connections and arrangements with others;* § 13.1430 *Government endorsement, sanction or sponsorship;* § 13.1475 *Location;* § 13.1520 *Personnel or staff;* § 13.1540 *Reputation, success or standing;* § 13.1553 *Services;* —Goods: § 13.1615 *Earnings and profits:* § 13.1647 *Guarantees;* § 13.1760 *Terms and conditions;* —Prices: § 13.1823 *Terms and conditions:* — Services: § 13.1835 *Cost.* Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1889 *Risk of loss;* § 13.1892 *Sales contract, right-to-cancel provision;* § 13.1895 *Scientific or other relevant facts.* Subpart—Offering unfair, improper and deceptive inducements to purchase or deal: § 13.1935 *Earnings and profits;* § 13.2015 *Opportunities in product or service;* § 13.2040 *Returns and reimbursements;* § 13.2063 *Scientific or other relevant facts.*

Subpart—Securing agents or representatives by misrepresentation: § 13.2125 *Demand or business opportunities;* § 13.2130 *Earnings;* § 13.1332 *Exclusive territory;* § 13.2148 *Scientific or other relevant facts;* § 13.2160 *Success, history or standing.*

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(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15

manner, the longevity or tenure of past or existing franchisees unless in fact the

sales presentation is made, reasonably prior to the execution of any application,

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, Universal Credit Acceptance Corporation et al., Burlingame, Calif., Docket No. 8821, Feb. 16, 1973]

In the Matter of Universal Credit Acceptance Corp., a Corporation, and Continental Credit Card Corp., a Corporation, and International Credit Card Corp., a Corporation, also trading as National Credit Service, and John Clifford Heater, Individually and as an Officer of Universal Credit Acceptance Corp. and International Credit Card Corp., and Howard P. Gingold, Individually and as an Officer of Continental Credit Card Corp.

Order requiring three California corporations engaged in the advertising and sale of franchises which authorize franchisees to sell memberships in a credit card program, among other things to cease deceptions and misrepresentations with respect to the "Honor All Credit Card" program. Respondents are further required to offer a 7-day cooling-off period for cancellation of future contracts with full refund rights. An individual respondent is further required to refund all payments for franchise fees and membership dues or fees within 90 days to everyone who became members or franchisees during the last 7 years.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondents Universal Credit Acceptance Corp., Continental Credit Card Corp., International Credit Card Corp., also trading as National Credit Service, corporations, and their officers, and John Clifford Heater, individually and as an officer of Universal Credit Acceptance Corp. and International Credit Card Corp., and Howard P. Gingold, individually and as an officer of Continental Credit Card Corp., and respondents' franchisees, agents, representatives, employees, successors and assigns, directly or through any corporate or other device, in connection with the advertising, offering for sale or sale of franchises or credit card services, or any other products or services, or in the operation of any credit card service or other business in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from directly or by implication:

1. (A) Representing that franchisees will earn or can reasonably expect to earn or receive any stated or gross or net amount of earnings or profits; or representing, in any manner, the past earnings of franchisees unless in fact the past earnings represented are those of a substantial number of franchisees in the geographical area about which such representations are made and accurately reflect the average earnings of said franchisees under circumstances similar to those of the person to whom the representation is made.

(B) Representing that franchisees can expect to remain active franchisees for many years; or representing, in any manner, the longevity or tenure of past or existing franchisees unless in fact the periods of time represented are those for which a substantial number of franchisees actively pursued membership sales efforts.

(C) Selling, or offering franchises for sale, in any manner, without disclosing clearly and conspicuously in writing at or before the time of the first oral sales presentation, or in the event no oral sales presentation is made, reasonably prior to the execution of a franchise application, agreement or contract:

(i) The median and mean gross earnings from the sale of memberships in respondents' program by franchisees in the most recent calendar year (who were active for the entire year) preceding the year in which such sale or offer is made;

(ii) The total number of franchisees in the most recent calendar year preceding the year in which the sale or offer is made;

(iii) The total number of franchisees in subparagraph (ii) above who had earnings from the sale of memberships during the designated year in the following dollar amounts:

a. $1,000 or less.
b. Over $1,000 but not over $5,000.
c. Over $5,000 but not over $10,000.
d. Over $10,000 but not over $20,000.
e. Over $20,000.

(iv) The number of franchisees referred to in subparagraph (ii) above who sold memberships for the following periods of time:

a. 1 year or less.
b. Over 1 year but not over 2 years.
c. Over 2 years but not over 3 years.
d. Over 3 years but not over 4 years.
e. Over 4 years.

(v) The total number of members submitting credit charges in respondents' program during the most recent calendar year preceding the year in which the sale or offer is made;

(vi) The number of members referred to in subparagraph (v) above who submitted credit charges under respondents' program for the following periods of time:

a. 1 year or less.
b. Over 1 year but not over 2 years.
c. Over 2 years but not over 3 years.
d. Over 3 years but not over 4 years.
e. Over 4 years.

(vii) The percentage of credit charges recoursed to members during the most recent calendar year and the full number and nature of reasons for which respondents may recourse charges;

(viii) The name and current address of each of respondents' franchisees in the most recent calendar year preceding the year in which such sale or offer is made;

(ix) A financial statement reflecting respondents' assets and liabilities (stating separately fixed assets and liquid assets) for the most recent calendar year;

(D) Selling, or offering memberships for sale, in any manner, without disclosing clearly and conspicuously in writing at or before the time of the first oral sales presentation, or in the event no oral sales presentation is made, reasonably prior to the execution of any application, agreement or contract:

(i) The percentage of credit charges recoursed to members during the most recent calendar year preceding the year in which the sale or offer is made and the full number and nature of reasons for which respondents may recourse charges;

(ii) The total number of members submitting credit charges in respondents' program during the most recent calendar year preceding the year in which the sale or offer is made;

(iii) The number of members referred to in subparagraph (ii) above who participated for the following periods of time:

a. One year or less.
b. Over 1 year but not over 2 years.
c. Over 2 years but not over 3 years.
d. Over 3 years but not over 4 years.
e. Over 4 years.

(iv) A financial statement reflecting respondents' assets and liabilities (stating separately fixed assets and liquid assets) for the most recent calendar year:

Provided, however, That in the event respondents operated or used any corporate or trade name for a period of less than 5 years, the disclosures called for in this paragraph shall reflect the operations of the last preceding business entity used by respondents to sell and administer franchises and memberships.

2. Selling, or offering franchises for sale, in any mannner, without furnishing to each prospective purchaser reasonably prior to the execution of a franchise application or agreement, a copy of the Federal Trade Commission Consumer Bulletin No. 4, "Advice for Persons Who Are Considering an Investment in a Franchise Business."

3. (A) Representing that persons do not risk any loss of money in coming to respondents' offices, or any other place, for a franchise interview, or that respondents authorize the reimbursement of air fare expenses for such interviews, without disclosing clearly and conspicuously in writing prior to the expenditure of any funds by such persons, all conditions which must be met to receive reimbursement, including the exact amount of any deposit or downpayment required.

(B) Failing to reimburse travel expenses to any person respondents have promised such reimbursement.

4. Representing that persons do not risk losing the deposits or downpayments submitted with applications for franchises; or that such deposits or downpayments are refundable when such deposits or downpayments may be forfeited if the applicants withdraw or fail to pay the balance due after acceptance of their applications by respondents, or for any other reason; *Provided, however*, That respondents may make such representations if they do in fact refund such deposits.

5. Misrepresenting that any geographical area offered as a franchise has not been previously franchised by respondents or misrepresenting that such area has been franchised before by respondents and was profitable for the prior franchise holder.

6. Misrepresenting that respondents have a franchise committee which actually checks the qualifications of prospective franchisees, or misrepresenting, in any manner, that respondents check, or have checked the qualifications of a prospective franchisee.

7. Misrepresenting that respondents have a regional manager who will interview, or has interviewed, prospective franchisees for a particular geographical area; or that respondents have applications pending for a particular area; or that any person must act immediately to be considered for a franchise; or misrepresenting, in any manner, the nature and extent of interest of others in any particular franchise, or franchises in general.

8. Representing that franchise holders receive substantial benefits from renewals of memberships or from annual bonuses based on a percentage of net credit charges submitted by members; or representing, in any manner, benefits to franchisees which are dependent upon the actions of members, unless the benefits represented are those received by a substantial number of franchise holders.

9. (A) Representing that persons risk losing little or nothing in investing in a franchise; or that respondents will repurchase any franchise.

(B) Representing that respondents will aid or assist in the resale of franchises without contemporaneously, clearly, and conspicuously disclosing the nature of such assistance and the amount of the resale purchase price which respondents will retain.

(C) Representing that respondents' franchises are vested property rights which may be sold, assigned, transferred or testated, without contemporaneously, clearly and conspicuously disclosing that franchises are subject to termination by respondents if a franchise holder does not produce a prescribed sales quota.

10. Representing, in any manner, that respondents' program has received national acceptance, or that respondents' program can be sold with ease; or misrepresenting in any manner, the salability or degree of acceptance or approval of respondents' program.

11. (A) Representing that credit charges submitted under respondents' program are guaranteed payable or are payable without recourse; or that respondents assume the risk of nonpayment by members' customers in any manner including, but not limited to, using the terms "we honor all approved major credit cards," "honor all credit cards," "non-recourse," "without recourse" or any other terms or words of similar import or meaning.

(B) Representing that all members can expect to be successful or satisfied with the performance of respondents' program; or that members usually continue using respondents' program for 2 years and renew their contracts thereafter.

12. Using or disseminating any article written or prepared by respondents and published substantially verbatim in any newspaper, magazine, or other publication.

13. Using any letter, payment check, or other materials which purport to represent the satisfaction or success of any franchisee or member unless,

(A) Such franchisee or member is actively selling or using respondents' program or service at the time such letter, payment check, or other materials are used;

(B) The full name and current address of the franchisee or member and the existence of any remuneration are disclosed clearly and conspicuously in conjunction with the use of such letter, payment check or other materials:

Provided, however, That respondents shall not obtain or use any such letter, payment check, or other material relating to any franchisee or member who has not sold or participated in respondents' program or service for at least six (6) months.

14. Representing that respondents' program costs members little or nothing at all; or that the program costs members half as much as trading stamps; or misrepresenting, in any manner, the cost of respondents' program to members.

15. Representing that members complete just one simple form for all credit charges; or misrepresenting, in any manner, the procedures necessary to process credit charges and receive payment therefor; or failing to disclose contemporaneously, clearly, and conspicuously any and all reasons which will preclude receipt of full payment of credit charges submitted by members.

16. Representing that members receive payment for each credit charge submitted to respondents in 30 days; or misrepresenting, in any manner, the period of time in which members will receive payment for credit charges submitted to respondents.

17. Failing to disclose clearly and conspicuously that respondents' program or service is not approved or endorsed by the individual issuers of the credit cards approved by respondents.

18. Representing that members are assured or can achieve a minimum 10 percent or any other percentage or amount of increase in business using respondents' program, without disclosing the number of members who have actually received said increase and offering to identify such members on request, and without maintaining verified statements from said members that they have received said increases.

19. (A) Using the name Fair Trade Bureau or any other name which represents that respondents' operations and activities have been endorsed by any independent or governmental organization.

(B) Writing, preparing, or disseminating any Better Business Bureau reports concerning respondents' business.

20. (A) Representing that every credit charge submitted by members is subject to the most intensive collection procedure in the credit industry; or misrepresenting, in any manner, the intensity or nature of respondents' collection activities.

(B) Using the name North American Collections or any other trade name or collection agency similarly related to respondents without disclosing contemporaneously, clearly, and conspicuously that such name or agency is owned, operated, or controlled by respondents.

21. Representing that respondents will institute legal action against inactive members whose accounts respondents claim are in arrears, unless respondents do intend to pursue such remedies and have in practice pursued such remedies against substantial number of members.

22. Furnishing, or otherwise placing in the hands of others, the means or instrumentalities by or through which the public may be misled or deceived in the manner or as to the things prohibited by this order.

It is further ordered, That respondents incident to selling their franchises and credit card services:

a. Inform orally all persons to whom solicitations are made and provide in writing in all applications and contracts in at least 10-point bold type that the application or contract may be canceled for any reason by notification to respondents in writing within 7 days from the date of execution.

b. Refund immediately all moneys to: (1) All persons who have requested cancellation of the application or contract within 7 days from the execution thereof, and (2) all persons who paid any moneys for franchise fees, deposits or downpayments on franchises, air fare or other expenses for a home office interview, and for membership fees, membership dues and discount fees, who show that any of respondents' solicitations, applications, contracts, or performance were attended by or involved any violation of any of the provisions of this order.

It is further ordered, That respondent John Clifford Heater shall:

a. Within thirty (30) days from the effective date of this order, compile a list which shall name each franchisee and member from whom respondents obtained any moneys during the period from and including January 1, 1967, to the effective date of this order, state the last known address of each such member or franchisee, note the length of time each remained as such member or franchisee and specify all franchisee fees and all membership fees, dues and members' discount fees paid by each such member or franchisee to any of the respondents named in the complaint.

b. Within 90 days of the effective date of this order, refund by certified check or money order to each franchisee and member listed in accordance with subsection (a) of this order provision all franchise fees and all membership fees and dues and members' discount fees paid by each such member or franchisee to any of the respondents named in the complaint. Refunds shall be made via registered mail with return receipt requested and shall be accompanied by a

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brief statement substantially similar to that shown in Appendix A which shall inform the persons receiving refunds of the basis of the payment.

c. Hold any undelivered refund payments for a period of 180 days from the date of the first registered letter mailing and if the payment cannot be made to such addressee after due diligence within such period the obligation to refund shall expire.

Provided, however:

d. If respondent Heater claims not to have adequate funds to comply with this order provision, he may within 60 days of the effective date of this order petition the Commission to reopen the proceedings to consider his claim. The petition shall set forth the list of members and franchisees to whom refunds are due under this order and the sum of money each such member or franchisee is to receive in accordance with this order, a notarized statement of his assets and liabilities together with the assets and liabilities of all corporations in which he is an officer or stockholder.

Upon receipt of this petition and any response thereto which complaint counsel wishes to make, the Commission will assign an Administrative Law Judge for the purpose of making findings and recommendations with respect to the claim. The Administrative Law Judge shall furnish petitioner with the Commission's Statement of Financial Status (F.T.C. Operating Manual Chapter 6, Illustration 20, paragraph 6.19), shall require its prompt execution and may conduct such interrogations of the petitioner or require the production of such documents as he deems necessary in order to make findings and recommendations as to any modification of this order which may be warranted on the issues raised by petitioner's claim. The findings and recommendations will be repotred to the Commission for a final determination.

e. If any dispute arises as to the compliance of respondent Heater with the refund provision of this order which cannot be satisfactorily resolved by the parties, notice shall be given to respondent Heater of the extent to which he is regarded not to be in compliance and the facts respecting such alleged noncompliance. Within 30 days after the receipt of such notice of noncompliance, respondent Heater may petition the Commission for a hearing on such noncompliance or for a modification of the order provision giving rise to the disputed compliance or for such other relief as he believes is warranted and the Commission may set the matter down for hearing before itself or before an Administrative Law Judge or shall either grant or deny such petition by order formally entered in the same manner and form as if it were an original order of this Commission.

It is further ordered, That respondent Heater shall maintain adequate records, to be furnished upon request by the Federal Trade Commission, which disclose the manner and dates members and franchisees entitled to refunds under this order have received refunds or the reasons such members or franchisees have not received refunds.

It is further ordered, That the respondents shall forthwith deliver a copy of this order to cease and desist to all present and future salesmen and franchisees or other persons engaged in the sale of respondents' franchises and services, and secure from each such salesman, franchisee, or person a signed statement acknowledging receipt of said order.

It is further ordered, That the respondent corporations shall forthwith distribute a copy of this order to each of their operating divisions.

It is further ordered, That the respondents notify the Commission at least thirty (30) days prior to any proposed change in the corporate respondents such as dissolution, assignment, or sale resulting in the emergence of a successor corporation, the creation or dissolution of subsidiaries or any other change in the corporation which may affect compliance obligations arising out of the order.

It is further ordered, That each of the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report, in writing, setting forth in detail the manner and form in which they have complied with all of the provisions of this order. The report which respondent Heater shall file within sixty (60) days after service upon him of this order shall include the list he is to compile in accordance with subsection (a) of the provision of this order requiring him to refund certain monies to named members and franchisees.

Thereafter, respondent Heater shall, within two hundred and ten (210) days after service upon him of this order, file with the Commission a second report in writing, setting forth in detail the manner and form in which he has complied with this refund order.

By direction of the Commission.[1]

Issued: February 16, 1973.

[SEAL] CHARLES A. TOBIN, *Secretary.*

[FR Doc.73-5595 Filed 3-22-73;8:45 am]

[Docket No. C-2354]

PART 13—PROHIBITED TRADE PRACTICES

Western Apparel and Equipment Manufacturers Association et al.

Subpart—Coercing and intimidating: § 13.345 *Competitors;* § 13.350 *Distributors;* § 13.370 *Suppliers and sellers.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, Western Apparel and Equipment Manufacturers Association et al., Albuquerque, N. Mex., docket No. C-2354, Feb. 13, 1973]

In the Matter of Western Apparel and Equipment Manufacturers Association, a Corporation, and John Sullivan, Individually and as an Officer of Said Corporation, and Sid M. Vinyard, Individually

Consent order requiring an Albuquerque, N. Mex., western apparel and equipment trade association, among other things to cease enforcing contractual provisions restricting association members from participating in non-WAEMA trade shows; coercing, intimidating, or inducing members from participating in trade shows sponsored by other trade associations or to participate in WAEMA-sponsored trade shows.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondents Western Apparel and Equipment Manufacturers Association, a corporation, its successors and assigns, and its officers and directors, and John Sullivan, individually, and as an officer of said corporation, and Sid M. Vinyard, individually, and respondents' agents, representatives, and employees, directly or through any corporate or other device, in connection with the purchase or sale of western apparel and equipment and other products in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Enforcing, directly or indirectly, any contractual provision restricting any member of WAEMA from participating in any non-WAEMA trade show, exhibition, or display.

2. Requiring, directly or indirectly, through contract or other device, any member of WAEMA or any other exhibitor as a condition of membership or participation in any WAEMA trade show, exhibition, or display, to refrain from participating in any non-WAEMA trade show, exhibition, or display.

3. Requiring, directly or indirectly, through contract or other device, any member of WAEMA or any other exhibitor as a condition of participating in any WAEMA trade show, exhibition, or display, to purchase advertising, or any other product or service.

4. Coercing, intimidating, or inducing, in any manner or by any means, including boycott or threat of boycott, any manufacturer, wholesaler, distributor, salesman, or competitor to refrain from participating in any trade show, exhibition, or display sponsored by any other trade association, corporation, or other business entity, *Provided, however,* That nothing contained herein shall prohibit any individual respondent from advising or instructing any employee of his own company to refrain from participating in any trade show, exhibition, or display.

5. Coercing, intimidating, or inducing, in any manner or by any means, including boycott or threat of boycott, any manufacturer, wholesaler, distributor, salesman, or competitor to participate in any WAEMA trade show, exhibition, or display, *Provided, however,* That nothing contained herein shall prohibit any individual respondent from advising or instructing any employee of his own company to participate in any WAEMA trade show, exhibition, or display.

It is further ordered, That respondent WAEMA shall:

1. Within thirty (30) days after this order becomes final, serve by mail or otherwise cause to be served on all its members (a) a copy of this consent order and (b) a copy of the letter attached hereto as Appendix A,[1] signed by the president of WAEMA.

2. Provide each applicant for membership in WAEMA within one (1) year after this order becomes final with (a) a copy of this consent order and (b) a copy of the letter attached hereto as appendix A,[1] signed by the president of WAEMA.

3. Within thirty (30) days after this order becomes final, or sooner, request each WAEMA member to serve on its respective salesmen, sales representatives, and sales agents a copy of the letter attached hereto as appendix B.[1]

4. Within thirty (30) days after this order becomes final, or sooner, serve on all persons, corporations, and other business entities engaged in the retail sale and distribution of western apparel and equipment that registered for the 1972 Western and Dress Apparel Show held at the Denver Merchandise Mart, Denver, Colo., a copy of the letter attached hereto as appendix C,[1] signed by the president of WAEMA.

It is further ordered, That respondent WAEMA shall, within thirty (30) days after this order becomes final, or sooner, place for publication the advertisement measuring 4¾" x 4¾", attached hereto as appendix D[1] in the following trade publications: "Western Wear and Equipment Magazine, Tack-'N-Togs, and Western Outfitter."

It is further ordered, That the respondent corporation shall forthwith distribute a copy of this order to each of its operating divisions.

It is further ordered, That respondents notify the Commission at least 30 days prior to any proposed change in the corporate respondent such as dissolution, assignment, or sale resulting in the emergence of a successor corporation, the creation or dissolution of subsidiaries, or any other change in the corporation which may affect compliance obligations arising out of the order.

It is further ordered, That the respondents herein shall within sixty (60) days after service upon them of this order, file with the Commission a report, in writing, setting forth in detail the manner and form in which they have complied with this order.

Issued: February 13, 1973.

By the Commission.

[SEAL] CHARLES A. TOBIN, *Secretary.*

[FR Doc.73-5594 Filed 3-22-73;8:45 am]

[1] Chairman Kirkpatrick not participating. Commissioner MacIntyre concurred in the result, including the restitution provision since fraud is found to have been involved here.

[1] Appendixes A, B, C, and D filed as part of the original document.

Title 26—Internal Revenue

CHAPTER I—INTERNAL REVENUE SERVICE, DEPARTMENT OF THE TREASURY

SUBCHAPTER D—MISCELLANEOUS EXCISE TAXES

[T.D. 7250]

PART 53—FOUNDATION EXCISE TAXES

Taxes on Investment Income; Correction

In FR Doc. 72-22464 appearing at page 870 of the issue of Friday, January 5, 1973, the following change should be made:

The year "1972" appearing in the last line of paragraph (iv) of § 53.4940-1 should be "1971".

JAMES F. DRING, *Director, Legislation and Regulations Division.*

[FR Doc.73-5681 Filed 3-22-73;8:45 am]

Title 29—Labor

CHAPTER V—WAGE AND HOUR DIVISION, DEPARTMENT OF LABOR

PART 779—THE FAIR LABOR STANDARDS ACT AS APPLIED TO RETAILERS OF GOODS OR SERVICES

Clarification of Exempt and Nonexempt Work Performed by Mechanics on Mobile Homes

Part 779 of Title 29 of the Code of Federal Regulations is hereby amended in order to adapt it to the circuit court decision in Shultz v. Louisiana Trailer Sales, Inc., 428 F.2d 61 (C.A. 5). This decision sustained the position of the Administrator previously approved in D. W. Snell v. Quality Mobile Home Brokers, Inc., doing business as A to Z Mobile Homes, 424 F. 2d 233 (C.A. 4), that the mechanical work performed on trailers, including mobile homes, exempted from payment of overtime under section 13(b)(10) of the Fair Labor Standards Act is limited to that performed by other mechanics on automobiles, trucks, farm implements, or aircraft. Work performed in converting mobile homes into permanent residences and servicing them after such conversions is not exempt.

The administrative provisions of 5 U.S.C. 533 which require notice of proposed rule making, opportunity for public participation, and delay in effective date are not applicable because these are interpretative rules. I do not believe such procedures will serve a useful purpose here.

Effective date. This amendment revising Part 779 shall become effective on March 23, 1973.

Paragraph (c)(3) of § 779.372 is amended to read as follows:

§ 779.372 Nonmanufacturing establishments with certain exempt employees under section 13(b)(10).

* * * * * * *

(c) * * *

(3) As used in section 13(b)(10), a mechanic is any employee primarily engaged in doing mechanical work (such as get ready mechanics, automotive, truck, farm implement, or aircraft mechanics, used car reconditioning mechanics, and wrecker mechanics) in the servicing of an automobile, trailer, truck, farm implement, or aircraft for its use and operation as such. This includes mechanical work required for safe operation, as a vehicle, farm implement, or aircraft. The term does not include employees primarily performing such nonmechanical work as washing, cleaning, painting, polishing, tire changing, installing seat covers, dispatching, lubricating, or other nonmechanical work. Wrecker mechanic means a service department mechanic who goes out on a tow or wrecking truck to perform mechanical servicing or repairing of a customer's vehicle away from the shop, or to bring the vehicle back to the shop for repair service. A tow or wrecker truck driver or helper who performs nonmechanical repair work is not exempt. When employed by an establishment qualifying under section 13(b)(10) which sells and services trailers, mechanics primarily engaged in servicing the trailers for their use and operation as such may qualify for the exemption. "Trailers" include a wide variety of nonpowered vehicles used for industrial, commercial, or personal transport or travel on the highways by attaching the vehicle to the rear of a separate powered vehicle. Mechanics servicing mobile homes for operation and use as a trailer, if and to the extent that they are operated as such on their own suspension systems, would appear to be performing work within the purview of the exemption provided for mechanics in section 13(b)(10) to the same extent as mechanics servicing automobiles, ordinary travel, boat, or camping trailers, trucks, and truck or tractor trailers. On the other hand, there is no indication in the statutory language or the legislative history of any intent to provide exemption for mechanics whose work is directed to the habitability as a residence of a dwelling to be used as such on a fixed site in a particular locality, merely because the home is so designed that it may be moved to another location over the highways more readily than the traditional types of residential structures. Accordingly, servicemen checking, servicing, or repairing the plumbing, electrical, heating, air conditioning, or butane gas systems, the doors, windows, and other structural features of mobile homes to make them habitable or more habitable as residences are, while so engaged, not deemed to qualify as "mechanic(s) * * * servicing * * * trailers" within the meaning of section 13(b)(10). (Snell v. Quality Mobile Home Brokers, 424 F. 2d 233 (C.A. 4); Schultz v. Louisiana Trailer Sales, Inc. 428 F. 2d 61 (C.A. 5) certiorari denied, 400 U.S. 902.)

* * * * * *

(Sec. 13, 52 Stat. 1067, as amended; 29 U.S.C. 213)

Signed at Washington, D.C., this 19th day of March 1973.

BEN P. ROBERTSON, *Acting Administrator, Wage and Hour Division, United States Department of Labor.*

[FR Doc.73-5625 Filed 3-22-73;8:45 am]

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Title 24—Housing and Urban Development

SUBTITLE A—OFFICE OF THE SECRETARY, DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. R-72-186]

PART 42—RELOCATION PAYMENTS AND ASSISTANCE AND REAL PROPERTY ACQUISITION UNDER THE UNIFORM RELOCATION ASSISTANCE AND REAL PROPERTY ACQUISITION POLICIES ACT OF 1970

Establishment of Grievance Procedures

Correction

In FR Doc. 73-3538 appearing at page 5168 in the issue of Monday, February 26, 1973, the following changes should be made:

1. In the last complete paragraph in the third column on page 5168, in the third from the last line, the word "leabe" should read "leave".

2. In the first complete paragraph in the first column on page 5169:

a. The last word in the fifth line now reading "appellae" should read "appellate".

b. Directly after "for" in the third from the last line, insert, "review and reconsideration (see § 42.225) could include a mechanism for".

3. In the first column on page 5169 in the second complete paragraph, in the second from the last line, the word "claimans'", should read "claimants'".

CHAPTER X—FEDERAL INSURANCE ADMINISTRATION, DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

SUBCHAPTER B—NATIONAL FLOOD INSURANCE PROGRAM

PART 1914—AREAS ELIGIBLE FOR THE SALE OF INSURANCE

Status of Participating Communities

Section 1914.4 of Part 1914 of Subchapter B of Chapter X of Title 24 of the Code of Federal Regulations is amended by adding in alphabetical sequence a new entry to the table. In this entry, a complete chronology of effective dates appears for each listed community. Each date appearing in the last column of the table is followed by a designation which indicates whether the date signifies the effective date of the authorization of the sale of flood insurance in the area under the emergency or the regular flood insurance program. The entry reads as follows:

§ 1914.4 Status of participating communities.

State	County	Location	Map No.	State map repository	Local map repository	Effective date of authorization of sale of flood insurance for area
• • •	• • •	• • •	• • •	• • •	• • •	• • •
Alabama	Jefferson	Homewood, City of.	I 01 073 1710 01 through I 01 073 1710 08	Alabama Development Office, Office of State Planning, State Office Bldg., 501 Dexter Ave., Montgomery, Ala. 36104. Alabama Insurance Department, Room 453, Administrative Bldg., Montgomery, Ala. 36104.	Homewood City Hall, 1903 29th Ave., South, Homewood, AL 35209.	July 9, 1971 Emergency. Mar. 30, 1973. Regular.
Delaware	Sussex	Rehoboth Beach, City of.	I 10 005 0410 01	Division of Soil and Water Conservation, Department of Natural Resources and Environmental Control, Tatnall Bldg., Capital Complex, Dover, Del. 19901. Delaware Insurance Department 21 The Green, Dover, DE 19901.	Office of the City Manager, City of Rehoboth Beach, Post Office Box C, Rehoboth Beach, DE 19971.	Feb. 11, 1972. Emergency. Mr. 30, 1973. Regular.
Do.	do.	Lewes, City of				Mar. 23, 1973. Emergency.
Florida	Lee	Cape Coral	I 12 071 0457 01 through I 12 071 0457 09	Department of Community Affairs, 309 Office Plaza, Tallahassee, Fla. 32301. State of Florida Insurance Department, Treasurer's Office, The Capitol, Tallahassee, Fla. 32304.	Office of the City Clerk, City of Cape Coral, Post Office Box 900, Cape Coral, FL 33904.	July 2, 1971. Emergency. Mar. 30, 1973. Regular.
Kentucky	Perry	Unincorporated areas.	I 21 193 0000 01 through I 21 193 0000 06.	Division of Water, Kentucky Department of Natural Resources, Capitol Plaza Office Tower, Frankfort, Ky. 40601. Kentucky Insurance Department, Old Capitol Annex, Frankfort, Ky. 40601.	Perry County Court Clerk Office, Courthouse, Hazard, Ky. 41701.	Dec. 17, 1971. Emergency. Mar. 30, 1973. Regular.
Louisiana	St. Mary Parish	Morgan City, City of.				Mar. 23, 1973. Emergency.
Michigan	St. Clair	Fort Gratiot, Township of.				Do.
Do.	Wayne	Allen Park, City of.				Do.
Minnesota	Hennepin	Minneapolis, City of.				Do.
Do.	Le Sueur	Unincorporated areas.				Do.
Do.	Lyon	Marshall, City of.				Do.
Do.	Stearns	Unincorporated areas.				Do.

State	County	Location	Map No.	State map repository	Local map repository	Effective date of authorization of sale of flood insurance for area
New York	Chemung	Big Flats, Town of.				Mar. 23, 1973. Emergency
Do.	Monroe	Henrietta, Town of.				Do.
Do.	do.	Penfield, Town of.				Do.
Do.	Steuben	Corning, Town of.				Do.
Do.	do.	Erwin, Town of.				Do.
Do.	Wayne	Williamson, Town of.				Do.
Ohio	Lucas	Washington, Township of.				Do.
Do.	Trumbull	Newton Falls, City of.				Do.
Pennsylvania	Lebanon	West Cornwall, Borough of.				Do.
Do.	Luzerne	Larksville, Borough of.				Do.
Do.	Montgomery	Rockledge, Borough of.				Do.
Tennessee	Williamson	Brentwood, City of.				Do.

(National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968), effective Jan. 28, 1969 (33 FR 17804, Nov. 28, 1968), as amended (secs. 408-410, Public Law 91-152, Dec. 24, 1969), 42 U.S.C. 4001-4127; and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, Feb. 27, 1969)

Issued: March 16, 1973.

GEORGE K. BERNSTEIN,
Federal Insurance Administrator.

[FR Doc.73-5507 Filed 3-22-73;8:45 am]

PART 1915—IDENTIFICATION OF SPECIAL HAZARD AREAS

List of Communities With Special Hazard Areas

Section 1915.3 is amended by adding in alphabetical sequence a new entry to the table, which entry reads as follows:

§ 1915.3 List of communities with special hazard areas.

State	County	Location	Map No.	State map repository	Local map repository	Effective date of identification of areas which have special flood hazards
• • •	• • •	• • •	• • •	• • •	• • •	• • •
Alabama	Jefferson	Homewood, City of.	H 01 073 1710 01 through H 01 073 1710 08	Alabama Development Office, Office of State Planning, State Office Bldg., 501 Dexter Ave., Montgomery, AL 36104. Alabama Insurance Department, Room 453, Administrative Bldg., Montgomery, Ala. 36104.	Homewood City Hall, 1903 29th Ave., South, Homewood, AL 35209.	Mar. 30, 1973.
Delaware	Sussex	Rehoboth Beach, City of.	H 10 005 0410 01	Division of Soil and Water Conservation, Department of Natural Resources and Environmental Control, Tatnall Bldg., Capital Complex, Dover, Del. 19901. Delaware Insurance Department, 21 The Green, Dover, DE 19901.	Office of the City Manager, City of Rehoboth Beach, Post Office Box C, Rehoboth Beach, DE 19971.	Do.
Florida	Franklin	Apalachicola, City of.	H 12 037 0060 01	Department of Community Affairs, 309 Office Plaza, Tallahassee, Fla. 32301. State of Florida Insurance Department, Treasurer's Office, The Capitol, Tallahassee, Fla. 32304.	City Office, City of Apalachicola, County Courthouse, Apalachicola, Fla. 32320.	Do.
Do.	Lee	Cape Coral, City of.	H 12 071 0457 01 through H 12 071 0457 09	do.	Office of the City Clerk, City of Cape Coral, Post Office Box 900, Cape Coral, FL 33904.	Do.
Kentucky	Perry	Unincorporated areas.	H 21 193 0000 01 through H 21 193 0000 06	Division of Water, Kentucky Department of Natural Resources, Capitol Plaza Office Tower, Frankfort, Ky. 40601. Kentucky Insurance Department, Old Capitol Annex, Frankfort, Ky. 40601.	Perry County Court Clerk Office, Courthouse, Hazard, Ky. 41701.	Do.
Missouri	Randolph	Moberly, City of	H 29 175 5270 01 through H 29 175 5270 06	Water Resources Board, Post Office Box 271, Jefferson City, MO 65101. Division of Insurance, Post Office Box 690, Jefferson City, MO 65101.	Municipal Bldg., City of Moberly, 109 North Clark St., Moberly, MO 65270.	Do.
Pennsylvania	Delaware	Chester Heights, Borough of.	H 42 045 1280 01 H 42 045 1280 02	Department of Community Affairs, Commonwealth of Pennsylvania, Harrisburg, Pa. 17120. Pennsylvania Insurance Department, 108 Finance Bldg., Harrisburg, Pa. 17120.	Secretary's Office, Chester Heights Borough, Valley Brook Road, Chester Heights, Pa. 19017.	Do.
Do.	do.	Parkside, Borough of.	H 42 045 6390 01	do.	Borough Secretary's Office, 2700 Edgemont Ave., Parkside, PA 19013.	Do.
Do.	Elk	Ridgway, Borough of.	H 42 047 7010 01 through H 42 047 7010 04	do.	Ridgway Municipal Bldg., Main St., Ridgway, Pa. 15853.	Do.

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State	County	Location	Map No.	State map repository	Local map repository	Effective date of authorization of sale of flood insurance for area
Pennsylvania	Lebanon	Jonestown, Borough of.	H 42 075 4020 01	do	Lebanon Municipal Bldg., 400 South Eighth St., Lebanon, PA 17038.	Mar. 30, 1973
Do.	Luzerne	Forty Fort, Borough of.	H 42 079 2960 01	do	Forty Fort Municipal Bldg., Corner Wyoming Ave. and River St., Forty Fort, Pa. 18704.	Do.
Do.	do.	Plymouth, Borough of.	H 42 079 6660 01 through H 42 079 6660 08	do	Plymouth Borough Bldg., 162 West Shawnee Ave., Plymouth, PA 18651.	Do.
Do.	do.	Shickshinny, Borough of.	H 42 079 7630 01	do	Borough of Shickshinny, 5 McClintock St., Shickshinny, PA 18655.	Do.

(National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968), effective Jan. 28, 1969 (33 FR 17804, Nov. 28, 1968), as amended (secs. 408–410, Public Law 91–152, Dec. 24, 1969), 42 U.S.C. 4001–4127; and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, Feb. 27, 1969)

Issued: March 16, 1973.

GEORGE K. BERNSTEIN,
Federal Insurance Administrator.

[FR Doc.73-5508 Filed 3-22-73;8:45 am]

Title 36—Parks, Forests, and Memorials

CHAPTER III—CORPS ENGINEERS, DEPARTMENT OF THE ARMY

PART 311—PUBLIC USE OF CERTAIN LAKES AND RESERVOIR AREAS

PART 326—PUBLIC USE OF CERTAIN NAVIGABLE LAKES AND RESERVOIR AREAS

PART 327—RULES AND REGULATIONS GOVERNING PUBLIC USE OF WATER RESOURCE DEVELOPMENT PROJECTS ADMINISTERED BY THE CHIEF OF ENGINEERS

Rules and Regulations Governing Public Use of Water Resource Development Projects Administered by the Chief of Engineers set forth in Part 327 below supersede Parts 311 and 326. Increased public use at these projects, changing patterns of recreation activity, and increased public interest made it necessary to amend the rules and regulations as set forth below in the interest of more effective recreation-resource management of the lake and reservoir projects.

Sec.

327.0 Applicability.
327.1 Policy.
327.2 Motor vehicles.
327.3 Vessels.
327.4 Aircraft.
327.5 Swimming.
327.6 Picnicking.
327.7 Camping.
327.8 Hunting, fishing and trapping.
327.9 Sanitation.
327.10 Fires.
327.11 Control of horses, dogs, cats, and pets.
327.12 Restrictions.
327.13 Explosives, firearms, other weapons, and fireworks.
327.14 Public property.
327.15 Abandonment of personal property.
327.16 Lost and found articles.
327.17 Advertisement.
327.18 Commercial activities.
327.19 Permits.
327.20 Unauthorized structures.
327.21 Special events.
327.22 Unauthorized occupation of lands.
327.23 Outgranted lands.
327.24 Indian lands.
327.25 Special recreation use fees. [Reserved]
327.26 Interference with Government employees.
327.27 Violation of rules and regulations.

AUTHORITY: Sec. 4, Act of December 22, 1944, 54 Stat. 899, as amended, 16 U.S.C. 460d; Public Law 90–483, 82 Stat. 746; and Public Law 92–347, 86 Stat. 459.

§ 327.0 Applicability.

The regulations covered in this Part 327 shall be applicable to all water resource development projects administered by the Chief of Engineers. All other Federal, State, and local laws and regulations remain in full force and effect where applicable to those water resource development projects. These regulations do not apply to those water resource development projects regulated jointly with other Federal agencies to which Parts 313 and 322, Chapter III, Title 36, Code of Federal Regulations apply.

§ 327.1 Policy.

(a) It is the policy of the Secretary of the Army acting through the Chief of Engineers to provide the public with safe and healthful recreational opportunities within all water resource development projects administered by the Chief of Engineers.

(b) Unless otherwise indicated herein, the term "District Engineer" shall include the authorized representatives of the District Engineer.

(c) All water resource development projects open for recreational use shall be available to the public without regard to sex, race, creed, color, or national origin. No lessee, licensee, or concessionaire providing a service to the public shall discriminate against any person or persons because of sex, race, creed, color, or national origin in the conduct of his operations under the lease, license, or concession contract.

§ 327.2 Motor vehicles.

(a) The operation and parking of motor vehicles, including off-road vehicles as set forth in paragraph (b) of this section, is prohibited on roadways of water resource development projects at those locations and at times designated by the District Engineer and marked by the posting of appropriate signs.

(b) The operation of off-road vehicles including but not limited to motorcycles, minibikes, trail bikes, snowmobiles, dune buggies, all terrain vehicles, and other motor vehicles designed for or capable of cross-country travel on natural terrain, when operated off the roadways of water resource development projects is prohibited except at locations and at times designated by the District Engineers and marked by the posting of appropriate signs.

(c) No person shall operate any motor vehicle including off-road vehicles in a careless, negligent, or reckless manner so as to endanger any person or property.

§ 327.3 Vessels.

(a) It shall be a violation of these regulations to operate any vessel for a fee or profit upon the waters of water resource development projects unless such operation is authorized by lease, license or concession contract with the Department of the Army. This paragraph shall not apply to the operation of vessels upon navigable waters of the United States.

(b) No vessel shall be operated in prohibited areas of a lake, reservoir, or other body of water. Such areas shall be designated by the District Engineer and marked by the posting of appropriate signs.

(c) No person shall operate any vessel or manipulate any water skis or other similar device in a careless, negligent, or reckless manner so as to endanger any person or property.

(d) The construction of floating or stationary mooring facilities or any other structure of any kind in the lake, reservoir, or other body of water is prohibited unless a permit therefor has been issued by the District Engineer. No habitation of such facilities will be permitted.

(e) All vessels when not in actual use shall be removed from the lake, reservoir, or other body of water unless securely moored at mooring facilities permitted by the District Engineer.

§ 327.4 Aircraft.

(a) The operation of aircraft on lands or waters other than at the landing areas designated by the District Engineer is prohibited. Such designated areas shall be marked by the posting of appropriate signs.

(b) Except in extreme emergencies involving the safety of human life or threat of serious property loss, the air delivery of any person or thing by parachute, helicopter, or other means without written permission of the District Engineer is prohibited.

(c) The provisions of this section shall not be applicable to aircraft engaged on official business of the Federal Government or used in emergency rescue in accordance with the directions of the District Engineer or forced to land due to circumstances beyond the control of the operator.

§ 327.5 Swimming.

Swimming, snorkling, or scuba diving is permitted, except in those areas of the lake, reservoir, or other body of water designated by the District Engineer and marked by the posting of appropriate signs.

§ 327.6 Picnicking.

Picnicking is permitted, except in those areas designated by the District Engineer and marked by the posting of appropriate signs.

§ 327.7 Camping.

(a) Camping is prohibited except in areas designated by the District Engineer. Such designated areas shall be marked by the posting of appropriate signs.

(b) Camping at a fee site without payment of designated fees as set forth in § 327.25 is prohibited.

(c) The length of stay at all campgrounds shall be limited to 14 consecutive days. Occupancy of any campsite for a period greater than 14 consecutive days is prohibited without written permission of the District Engineer.

(d) Camping equipment or other property left unattended at a campsite for the purpose of holding the site for future occupancy is prohibited.

(e) The digging or leveling of any ground or the construction of any facility without written permission of the District Engineer is prohibited.

(f) Camping equipment shall be completely removed and the sites cleaned before the departure of the campers.

§ 327.8 Hunting, fishing, and trapping.

(a) Hunting, fishing, and trapping are prohibited in areas designated by the District Engineer. Such restricted areas shall be marked by the posting of appropriate signs.

§ 327.9 Sanitation.

(a) Dumping or disposal in any manner of refuse, garbage, rubbish, trash, debris, or litter of any kind into the waters of or onto any land federally owned and administered by the Chief of Engineers is prohibited except at locations and in receptacles provided for such purposes.

(b) It shall be a violation to bring onto any water resource development project any refuse, garbage, rubbish, trash, debris, or litter of any kind for dumping or in any other manner disposing of such refuse, garbage, rubbish, trash, debris, or litter of any kind into the waters of or onto any land federally owned and administered by the Chief of Engineers.

§ 327.10 Fires.

(a) Gasoline and other fuels, except that which is contained in storage tanks of vehicles, vessels, camping equipment, or hand portable containers shall not be stored within the water resource development project areas without written permission of the District Engineer.

(b) Fires shall be confined to fireplaces, grills, or other facilities designed for this purpose and shall in addition be confined to those areas designated by the District Engineer.

(c) The gathering of wood for use as fuel at campsites or picnic areas is prohibited except for the gathering of dead material on the ground.

§ 327.11 Control of horses, dogs, cats, and pets.

(a) No person shall bring or have horses in camping, picnic, swimming, beach, or other similar areas, or developed recreation areas.

(b) No person shall bring dogs, cats, or other pets into developed recreation areas unless penned, caged, on a leash no longer than 6 feet in length, or otherwise under physical restrictive controls at all times.

§ 327.12 Restrictions.

(a) The District Engineer may establish a reasonable schedule of visiting hours for all or portions of a project area and close or restrict the public use of all or any portion of a project by the posting of appropriate signs indicating the extent and scope of closure. All persons shall observe such posted restrictions.

(b) Quiet shall be maintained in all public use areas between the hours of 10 p.m. and 6 a.m. Excessive noise during such times which unreasonably disturbs persons is prohibited.

(c) The operation or use of any audio or other noise producing device including but not limited to communications media and motorized equipment or vehicles in such a manner as to unreasonably annoy or endanger persons is prohibited.

§ 327.13 Explosives, firearms, other weapons, and fireworks.

(a) The possession of loaded firearms, ammunition, projectile firing devices, bows and arrows, cross bows, and explosives of any kind is prohibited unless: (1) In the possession of a law enforcement officer or Government employee on official duty; (2) used for hunting or fishing during the hunting or fishing season as permitted under § 327.8, or (3) unless written permission has been received from the District Engineer.

(b) The possession or use of fireworks is prohibited unless written permission has been received from the District Engineer.

§ 327.14 Public property.

Destruction, injury, defacement, or removal of public property including natural formations, historical and archeological features, and vegetative growth is prohibited without written permission of the District Engineer.

§ 327.15 Abandonment of personal property.

(a) Abandonment of personal property is prohibited. Personal property shall not be left unattended upon the lands or waters of the project except in accordance with these regulations. After a period of 24 hours, abandoned or unattended personal property shall be impounded and stored at a storage point designated by the District Engineer. The District Engineer shall assess a reasonable impoundment fee, which shall be paid before the impounded property is returned to its owners.

(b) The District Engineer shall by public or private sale or otherwise, dispose of all lost, abandoned, or unclaimed personal property that comes into his custody or control. However, property may not be disposed of until diligent effort has been made to find the owner, his heirs or next of kin, or his legal representative. If the owner, his heirs or next of kin, or his legal representative is determined but not found, the property may not be disposed of until the expiration of 120 days after the date when notice, giving the time and place of the intended sale or other disposition, has been sent by certified or registered mail to that person at his last known address. When diligent effort to determine the owner, his heirs or next of kin, or his legal representatives is unsuccessful, the property may be disposed of without delay, except that if it has a fair market value of $25 or more the property may not be disposed of until 3 months after the date it is received at the storage point designated by the District Engineer. The net proceeds from the sale of property shall be covered into the Treasury of the United States as miscellaneous receipts.

§ 327.16 Lost and found articles.

All lost articles shall be deposited by the finder at the Resource Manager's Office or with a ranger. The finder shall leave his name, address and phone number. All lost articles shall be disposed of in accordance with the procedures set forth in § 327.17.

§ 327.17 Advertisement.

Advertising by the use of billboards, signs, markers, audio devices, or any other means whatever is prohibited unless written permission has been received from the District Engineer.

§ 327.18 Commercial activities.

The engaging in or solicitation of business without the express written agreement of the District Engineer is prohibited.

§ 327.19 Permits.

(a) It shall be a violation of these regulations to refuse to comply with the

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terms or conditions of any permit issued under the provisions of this regulation by the District Engineer.

(b) (1) Permits for floating structures of any kind in waters of water resources development projects whether or not such waters are deemed navigable waters of the United States but where such waters are under the management of a Corps of Engineers lake Resources Manager shall be issued under the authority of this regulation. District Engineers will delineate those portions of the navigable waters of the United States where this provision is applicable and post notices of this designation, in the vicinity of the lake Resource Managers Office.

(2) Permits for nonfloating structures of any kind constructed, placed in, or affecting waters of water resource development projects where such waters are deemed navigable waters of the United States shall be issued under the provisions of section 10 of the Act approved March 3, 1899, and § 209.120 of Title 33, Code of Federal Regulations.

(3) Permits for nonfloating structures of any kind in waters of water resources development projects where such waters are under the management of a Corps of Engineers lake Resources Manager and where such waters are not deemed navigable waters of the United States shall be issued as set forth in subparagraph (1) of this paragraph.

§ 327.20 Unauthorized structures.

The construction or placing of any structure of any kind under, upon, or over the project lands or waters is prohibited unless a permit therefor has been issued by the District Engineer. Structures not under permit are subject to summary removal by the District Engineer.

§ 327.21 Special events.

Special events such as water carnivals, boat regattas, music festivals, dramatic presentations, or other special recreation programs are prohibited unless a permit therefor has been issued by the District Engineer. The public shall not be charged any fee by the sponsor of such event unless the District Engineer has approved in writing the proposed schedule of fees.

§ 327.22 Unauthorized occupation of lands.

(a) Occupying any lands, buildings, or other facilities within water resource development projects for the purpose of maintaining same as a residence without the written authorization of the District Engineer is prohibited. The provisions of this section shall not apply to the occupation of lands for the purpose of camping in accordance with the provisions of § 327.7.

(b) The ranging, grazing, or watering of livestock on lands of water resource development projects administered by the Corps of Engineers is prohibited except when authorized by lease, license, or other agreement with the District Engineer.

(c) Unless otherwise authorized by law, use of project lands or waters for agricultural purposes is prohibited except when authorized by lease, license, or other agreement by the District Engineer.

§ 327.23 Outgranted lands.

Applicable laws and regulations of State and local governments shall be deemed to apply on project lands or waters which are outgranted by the District Engineer by lease, license, or other written agreement to State and local governments; *Provided, however*, That the regulations in this Part 327 are deemed to apply to such outgranted project lands and waters as a minimum regulatory requirement.

§ 327.24 Indian lands.

The regulations in this Part 327 shall be deemed to apply to those lands and waters which are subject to treaties and Federal laws and regulations concerning the rights of Indian Nations and which lands and waters are incorporated, in whole or in part, within water resource development projects administered by the Chief of Engineers to the extent that the regulations in this Part 327 are not inconsistent with such treaties and Federal laws and regulations.

§ 327.25 Special recreation use fees. [Reserved]

§ 327.26 Interference with Government employees.

Interference with any Government employee in the conduct of his official duties pertaining to the administration of these regulations is prohibited.

§ 327.27 Violation of rules and regulations.

Except for violations coming within the scope of § 327.25 in accordance with section 234 of the River and Harbor Act of 1970 (84 Stat. 1818, 16 U.S.C. 460d, as amended), violations of the provisions of this regulation shall subject the violator to a fine of not more than $500 or imprisonment for not more than 6 months, or both. Any person charged with such violation may be tried and sentenced in accordance with the provisions of section 3401 of title 18, United States Code. All persons designated by the Chief of Engineers for that purpose shall have the authority to issue a citation for violation of these regulations, requiring the appearance of any person charged with violation to appear before the U.S. magistrate within whose jurisdiction the water resource development project is located for trial.

(Sec. 4, 58 Stat. 889, as amended; 16 U.S.C. 460d)

ROBERT F. FROEHLKE,
Secretary of the Army.

MARCH 16, 1973.

[FR Doc.73-5608 Filed 3-22-73;8:45 am]

Title 40—Protection of Environment

CHAPTER I—ENVIRONMENTAL PROTECTION AGENCY

SUBCHAPTER C—AIR PROGRAMS

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

Sulfur Dioxide Emissions in Arizona, New Mexico, and Utah

On May 31, 1972 (37 FR 10842), pursuant to section 110 of the Clean Air Act and 40 CFR Part 51, the Administrator approved, with specific exceptions, plans for implementation of the national ambient air quality standards submitted by Arizona, New Mexico, and Utah. On July 27, 1972 (37 FR 15094), the Administrator proposed regulations to correct deficiencies in the regulatory provisions of the plans for these States. This publication sets forth final regulations limiting sulfur dioxide emissions and providing for compliance with such limitations with respect to four large electric powerplants in the three States. Particulate emission limitations also are being promulgated for the powerplant in Utah. Other deficiencies remaining in the plans for these three States will be corrected by regulations to be promulgated in the near future.

Three of the affected powerplants are not yet operating, but are presently under construction and, therefore, are not subject to the new source review procedures required by 40 CFR 51.18. Naturally, there are no measured air quality data which reflect the impact of the sources under construction. Limited air quality data are available around the powerplant presently in operation, but sampling sites have not been located in areas which diffusion calculations indicate will receive the maximum impact of the powerplant emissions.

In the absence of adequate measured air quality data, diffusion models were used to make estimates of the impact of the powerplant emissions on air quality. It is recognized that available diffusion models, when used to make such estimates for rugged terrain situations such as exist around these four plants, may be subject to error in their ability to predict ground level concentrations. There is a substantial difference in the predictions obtained from different models. It is the Administrator's judgment, however, that the diffusion model employed by the National Oceanic and Atmospheric Administration (NOAA) for purposes of the Southwest Energy Study is based on reasonable assumptions regarding meterological and topographical factors and on valid computational techniques. Therefore, while predictions obtained from unvalidated models are not regarded as a sufficient basis for determining the exact degree of emissions control necessary for attainment and maintenance of national ambient air quality standards in an area of rough terrain, it is the Administrator's judgment that the NOAA model has sufficiently sound technical basis to justify the conclusion that its predictions are

generally correct, i.e., that substantial control of emissions will be necessary for attainment and maintenance of the national standards in the Four Corners area. The plans submitted by the three affected States did not provide for such substantial control of sulfur oxides; in addition, the Utah plan failed to provide for such control of particulate emissions.

The regulations promulgated herein provide for 70 percent control of sulfur oxides emissions. To comply with this limitation, the affected powerplants, in all likelihood, will have to be equipped with alkaline scrubbers or equivalent emission control apparatus. Experience from demonstration testing, pilot studies, and technical consultations indicates that alkaline scrubbers are capable of providing at least 70 percent control of sulfur oxides emissions from these powerplants, which use or will use low-sulfur fuel, and probably could, if necessary, be upgraded to provide even higher efficiencies. For particulate emissions from the powerplant in Utah, an emission limitation of 0.075 pounds per million B.t.u. heat input is promulgated below. Given the uncertainty surrounding the use of diffusion modeling in this case and the flexibility of alkaline scrubbers, insofar as emission control efficiency is concerned, it is the Administrator's judgment that the regulations promulgated herein will provide for attainment and maintenance of the national ambient air quality standards for particulate matter and sulfur oxides. The Administrator recognizes that while there is reasonable assurance that the degree of emissions control now being required will meet the primary standards, there is somewhat less assurance with respect to the secondary standards. If, at any time, attainment or maintenance of the standards for either pollutant is found to require a greater degree of emissions control than is expressly required herein, these regulations will be revised. When and if additional control is found necessary just to meet the secondary standards, the prescribed attainment date for secondary standards can be reconsidered.

At public hearings held by the Environmental Protection Agency after the publication of these regulations as proposed rule-making, several utility companies presented testimony taking issue with the diffusion model used by EPA (i.e., the NOAA model) to estimate the impact of the powerplant emissions. Their objections centered on the behavior of plumes in complicated terrain situations, the wind regime at stack elevation, and the frequency and duration of the meteorological conditions producing high estimated short-term concentrations. The Administrator has reviewed the calculations and the assumptions used in the diffusion model and has determined that the conclusion discussed above regarding the need for substantial control, on which the proposal was based, is still valid. The estimated frequency of occurrence of the predicted high short-term concentrations is relatively low; however, in the Administrator's judgment, such concentrations would occur in the absence of the controls required herein, thus causing a violation of the national standards.

The utility companies also expressed reservations about their ability to comply with the emission limitations and still maintain the high reliability expected of the electric power industry. It is recognized that there may be unavoidable malfunctions of emission control systems, which would result in emission violations. It is anticipated that procedures for dealing with such conditions will be promulgated at a later date. Such procedures have been proposed in Part 60 of this chapter (37 FR 17215) for applicability to sources subject to new source performance standards, and EPA currently is evaluating comments submitted pursuant to this proposal.

In order to verify the adequacy of the control strategy and compliance with the emission limitations, the Administrator intends to utilize his authority under section 114 of the Act to require the power companies to install and operate stack gas monitoring devices and to perform ambient air quality monitoring. These requirements will provide means of making a continuing assessment of the adequacy of these regulations for attainment and maintenance of the national standards.

Section 110(a)(2)(A) of the Act has the effect of requiring attainment of the national primary ambient air quality standards by July 31, 1975, unless an extension is granted pursuant to section 110(e). On July 27, 1972 (37 FR 15080), the Administrator extended for 2 years, the deadline for attainment of the national primary standards for sulfur oxides in the Arizona, New Mexico, and Utah portions of the Four Corners air quality control region. Based on the considerations outlined below, the Administrator has now determined that an extension of 2 years is not justified at this time.

Of the 11 electric generating units affected by these regulations, the five units comprising the Four Corners plant are already in operation; the remainder are scheduled to begin operations at various times through 1976. The Four Corners plant is not now equipped to comply with these regulations. Insofar as can be determined, no steps have been taken, to design, build, or install sulfur oxides emission control equipment at the Four Corners plant or any of the plants now under construction, with the exception of the Navaho plant. Whether the equipment being designed for the Navaho plant will comply with these regulations has not been determined.

A study conducted by EPA in cooperation with other Federal agencies (Draft Report: Sulfur Oxides Control Technology Assessment Panel on Projected Utilization of Stack-Gas Cleaning Systems by Steam-Electric Plants, November 16, 1972) indicated that the design, fabrication, and installation of alkaline scrubbing systems, under circumstances such as those existing in the Four Corners area, can be expected to take approximately 30 months from the time an order is placed. Thus, even if orders were to be placed immediately, compliance prior to mid-September 1975 is unlikely. Given the nature of the economic and technological commitments involved, it is not reasonable to expect the affected plant owners and operators to place orders for emission control equipment until they are assured that the compliance schedules which they must submit are acceptable to EPA.

Notwithstanding the prescribed date for attainment of the applicable national ambient air quality standards, these compliance schedules will have to provide for compliance with the applicable emission control regulations as expeditiously as practicable. Moreover, these compliance schedules will be subject to public hearings before they can be approved. Since the plant owners and operators must abide by such compliance schedules once they are approved by EPA, and since such schedules therefore must reflect an owner's or operator's judgment as to the time required for each step in the design, fabrication, and installation of emission control equipment compatible with each electric generating unit, the Administrator has determined that 120 days is a reasonable allowance of time for submittal of compliance schedules.

Taking into account all of the above considerations, the Administrator has determined that an extension terminating no later than 36 months from the date of promulgation of these regulations is justified and therefore is granting such an extension. It is emphasized, however, that compliance schedules to be submitted by the plant owners and operators still will be required to provide for compliance with these emission control regulations as expeditiously as practicable. If, based on these compliance schedules, it appears that attainment of the national standards in less time than 36 months from the date of promulgation of these regulations is feasible, the extension will be modified.

Pursuant to section 110(e) of the Clean Air Act, the Administrator has considered alternative means of attaining the national standards by mid-1975, e.g., requiring the affected plants to burn virtually sulfur-free fuel. The only types of virtually sulfur-free fuel which might reasonably be available in the Four Corners area are natural gas and synthetic gas derived from coal. The use of natural gas in the affected plants would divert significant amounts of natural gas away from urban areas where its use (particularly by relatively small fuel users for which stack-gas cleaning is impractical) is a significant factor in meeting air quality standards. As to synthetic gas, it is unlikely that it will be available to the affected plants in appreciable quantities by mid-1975, since no synthetic gas production facilities capable of providing such quantities currently exist or are even being planned at this time.

Under section 110(e)(2), as applied to this situation, the Administrator may

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grant an extension only if he determines that the emission control regulations needed for attainment of the primary standards will be applied to sources located in the Four Corners region other than the sources unable to comply with these regulations by mid-1975. In this regard, there are no other sulfur oxides sources which affect attainment of the primary standards in the area affected by emissions from the sources covered by these regulations.

Under section 110(e), the Administrator also must require the affected sources to take such interim measures of control as he determines to be reasonable under the circumstances. The regulations promulgated herein provide that any compliance schedule which extends beyond July 31, 1975, "shall apply any reasonably available interim measures of control to reduce the impact of emissions" on public health. As indicated by the Administrator on July 27, 1972 (37 FR 15094), intermittent process curtailment may be considered a reasonable interim control measure where an extension of the time for attainment of national standards is necessary.

Certain modifications have been made to the proposed regulations, as follows:

1. An upper emission limit of 0.90 lb./106 B.t.u., based on 70 percent control of the maximum sulfur content of the local coals, has been added. Because of the large supplies of low sulfur coal in close proximity to the affected sources, it is unlikely that high-sulfur coal, which would have to be transported from other areas, will be used; nevertheless, if high-sulfur coal is used, this upper emission limit still must be met, even though it might require greater than 70 percent removal.

2. A minimum emission requirement of 0.16 lb./106 B.t.u., based on 70 percent control of the lowest sulfur content of local coals, is also specified. Thus, the affected sources would not be required to achieve 70 percent removal of sulfur oxides when burning fuel such as natural gas, which has a negligible sulfur content.

3. The regulations promulgated herein also require the affected powerplants to submit schedules for compliance with the emission limitations promulgated herein. The date for submission of compliance schedules to EPA has been changed from December 31, 1972, to "120 days from the effective date of the compliance schedule regulation" because of the delay which occurred in promulgating these regulations.

The regulations promulgated herein are effective on March 23, 1973. The Agency finds that good cause exists for making such regulations effective upon publication, since they impose no immediate requirements and since section 110(c) of the Clean Air Act calls for prompt promulgation of such regulations by the Administrator, and the prescribed date for such promulgation has passed.

(42 U.S.C. 1857c-5)

Dated: March 15, 1973.

WILLIAM D. RUCKELSHAUS,
Administrator.

In 40 CFR Part 52, Subparts D, GG, and TT are amended to read as follows:

A. In 40 CFR Part 52, Subpart D, Arizona, is amended as follows:

1. In § 52.122, paragraph (a) is revised and paragraph (c) is added. As amended, § 52.122 reads as follows:

§ 52.122 Extensions.

(a) The Administrator hereby extends for 2 years the attainment date for the national primary standards for sulfur oxides in the Phoenix-Tucson Intrastate Region and the Arizona portion of the Arizona-New Mexico Southern Border Interstate Region.

* * * * *

(c) The Administrator hereby extends to March 15, 1976, the attainment date for the national primary standards for sulfur oxides in the Arizona portion of the Four Corners Interstate Region.

2. Section 52.125 is amended by adding paragraph (c) as follows:

§ 52.125 Control strategy and regulations: Sulfur oxides.

* * * * *

(c) *Replacement regulation for Regulation 7-1-4(c) (Fossil fuel-fired steam generators in the Four Corners Interstate Region).* (1) This paragraph is applicable to the fossil fuel-fired steam generating equipment designated as Units 1, 2, and 3 at the Navajo Power Plant in the Arizona portion of the Four Corners Interstate Region (§ 81.121 of this chapter).

(2) No owner or operator of the fossil fuel-fired steam generating equipment to which this paragraph is applicable shall discharge or cause the discharge of sulfur oxides into the atmosphere in excess of the amount prescribed by the following equations:

$$E=\frac{5.7\times10^3S}{H}\text{ or }e=\frac{5.7\times10^3S}{h}$$

where: E = Allowable sulfur oxides emissions (lb./10^6 B.t.u.).
e = Allowable sulfur oxides emissions (gm./10^6 gm.-cal.).
S = Sulfur content, in percent by weight, of fuel being burned.
H = Heat content of fuel (B.t.u./lb.).
h = Heat content of fuel (gm.-cal./gm.).

(3) For the purposes of this paragraph:

(i) E shall not exceed 0.90 lb. $SO_2/10^6$ B.t.u. (1.6 gm. $SO_2/10^6$ gm.-cal.).

(ii) If emissions are less than 0.16 lb. $SO_2/10^6$ B.t.u. (0.29 gm. $SO_2/10^6$ gm.-cal.), the requirements of paragraph (c) (2) of this section shall not apply.

(4) Compliance with this paragraph shall be in accordance with the provisions of § 52.134(a).

(5) The test methods and procedures used to determine compliance with this paragraph shall be those prescribed in § 60.46 (c), (d), and (e) of this chapter.

§ 52.131 [Amended]

3. In § 52.131, the attainment date table is revised by replacing the letter "b", which designates the date for attainment of the primary and secondary standards for sulfur oxides in the Four Corners Interstate Region, with the date "March 1976."

4. In Subpart D, § 52.134 is added as follows:

§ 52.134 Compliance schedules.

(a) *Federal compliance schedule.* (1) The owner or operator of the source subject to § 52.125(c) shall comply with such regulation at initial start-up of such source unless a compliance schedule has been approved by the Administrator pursuant to paragraph (a)(2) of this section. The owner or operator who achieves compliance with § 52.125(c) after the effective date of this regulation shall certify such compliance to the Administrator within 5 days of the date compliance is achieved.

(2) Any owner or operator of the stationary source subject to paragraph (a)(1) of this section may, no later than July 23, 1973, submit to the Administrator for approval a proposed compliance schedule that demonstrates compliance with § 52.125(c) as expeditiously as practicable but not later than March 15, 1976.

(i) The compliance schedule shall provide for periodic increments of progress toward compliance. The dates for achievement of such increments shall be specified. Increments of progress shall include, but not be limited to: Submittal of final control plan to the Administrator; letting of necessary contracts for construction or process change, or issuance of orders for the purchase of component parts to accomplish emission control or process modification; initiation of on-site construction or installation of emission control equipment or process modification; completion of on-site construction or installation of emission control equipment or process modification; and final compliance.

(ii) Any compliance schedule for the stationary source subject to § 52.125(c) which extends beyond July 31, 1975, shall apply any reasonably available interim measures of control to reduce the impact of such source on public health.

(3) Any owner or operator who submits a compliance schedule pursuant to this paragraph (a) shall, within 5 days after the deadline for each increment of progress, certify to the Administrator whether or not the required increment of the approved compliance schedule has been met.

B. In 40 CFR Part 52, Subpart GG, New Mexico, is amended as follows:

1. Section 52.1624 is amended by adding paragraph (c) as follows:

§ 52.1624 Control strategy and regulations: Sulfur oxides.

* * * * *

(c) *Replacement regulation for Regulation 602.B (Fossil fuel-fired steam generators in the Four Corners Interstate Region).* (1) This paragraph is applicable to the fossil fuel-fired steam generating equipment designated as Units 1, 2, 3, 4, and 5 at the Four Corners powerplant and Units 1 and 2 at the San Juan powerplant in the New Mexico portion of the Four Corners Interstate Region (§ 82.121 of this chapter).

(2) No owner or operator of the fossil fuel-fired steam generating equipment to which this paragraph is applicable shall discharge or cause the discharge of sulfur oxides into the atmosphere in excess of the amount prescribed by the following equations:

$$E=\frac{5.7\times10^3S}{H}\text{ or }e=\frac{5.7\times10^3S}{h}$$

where:
E = Allowable sulfur oxides emissions (lb./10^6 B.t.u.).
e = Allowable sulfur oxides emissions (gm./10^6 gm.-cal.).
S = Sulfur content, in percent by weight, of fuel being burned.
H = Heat content of fuel (B.t.u./lb.).
h = Heat content of fuel (gm.-cal./gm.).

(3) For the purposes of this paragraph:

(i) E shall not exceed 0.90 lb. $SO_2/10^6$ B.t.u. (1.6 gm. $SO_2/10^6$ gm.-cal.).

(ii) If emissions are less than 0.16 lb. $SO_2/10^6$ B.t.u. (0.29 gm. $SO_2/10^6$ gm.-cal.), the requirements of paragraph (c) (2) of this section shall not apply.

(4) Compliance with this paragraph shall be in accordance with the provisions of § 52.1626(c).

(5) The test methods and procedures used to determine compliance with this paragraph shall be those prescribed in § 60.46 (c), (d), and (e) of this chapter.

2. Section 52.1626 is amended by adding paragraph (c) as follows:

§ 52.1626 Compliance schedules.

* * * * *

(c) *Federal compliance schedules.* (1) Except as provided in paragraph (c)(3) of this section, the owner or operator of a source subject to § 52.1624(c) which has commenced operation as of March 23, 1973, shall comply with such regulation on or before January 31, 1974.

(2) The owner or operator of a source subject to § 52.1624(c) which has not commenced operation as of March 23, 1973, shall comply with such regulation at initial startup of such source, unless a compliance schedule has been approved by the Administrator pursuant to paragraph (c)(3) of this section.

(3) The owner or operator of the stationary source subject to paragraph (c)(1) or (2) of this section may, no later than July 23, 1973, submit to the Administrator for approval a proposed compliance schedule that demonstrates compliance with § 52.1624(c) as expeditiously as practicable but no later than March 15, 1976.

(i) The compliance schedule shall provide for periodic increments of progress toward compliance. The dates for achievement of such increments shall be specified. Increments of progress shall include, but not be limited to: Submittal of necessary contracts for construction or process change, or issuance of orders for the purchase of component parts to accomplish emission control or process modification; initiation of onsite construction or installation of emission control equipment or process modification; completion of onsite construction or installation of emission control equipment or process modification; and final compliance.

(ii) Any compliance schedule for the stationary source subject to § 52.1624(c) which extends beyond July 31, 1975, shall apply to any reasonably available interim measures of control to reduce the impact of emissions from such source on public health.

(4) Any owner or operator who submits a compliance schedule pursuant to this paragraph (c) shall, within 5 days after the deadline for each increment of progress, certify to the Administrator whether or not the required increment of the approved compliance schedule has been met.

(5) Any owner or operator who achieves compliance with § 52.1624(c) after March 23, 1973, shall certify such compliance to the Administrator within 5 days of the date compliance is achieved.

§ 52.1630 [Amended]

3. In § 52.1630, the attainment date table is revised by replacing the letter "f", which designates the date for attainment of the primary and secondary standards for sulfur oxides in the Four Corners Interstate Region, with the date "March, 1976."

4. In § 52.1631, paragraph (a) is revised to read as follows:

§ 52.1631 Extensions.

(a) The Administrator hereby extends to March 15, 1976, the attainment date for the primary standards for sulfur oxides in New Mexico's portion of the Four Corners Interstate Region.

* * * * *

c. In 40 CFR Part 52, Subpart TT, Utah, is amended as follows:

1. In § 52.2322, paragraph (b) is revised and paragraph (d) is added. As amended, § 52.2322 reads as follows:

§ 52.2322 Extensions.

* * * * *

(b) The Administrator hereby extends for 2 years the attainment date for the primary standards for sulfur oxides in the Wasatch Front Intrastate Region.

* * * * *

(d) The Administrator hereby extends to March 15, 1976, the attainment date for the primary standards for sulfur oxides in the Utah portion of the Four Corners Interstate Region.

2. Section 52.2325 is amended by adding paragraph (c) as follows:

§ 52.2325 Control strategy: Sulfur oxides.

* * * * *

(c) *Regulation for control of sulfur oxides emissions (fossil fuel-fired steam generators in the Four Corners Interstate Region).* (1) This paragraph is applicable to the fossil fuel-fired steam generating equipment designated as Unit 2 at the Huntington Canyon powerplant in the Utah portion of the Four Corners Interstate Region (§ 81.121 of this chapter).

(2) No owner or operator of the fossil fuel-fired steam generating equipment to which this paragraph is applicable shall discharge or cause the discharge of sulfur oxides into the atmosphere in excess of the amount prescribed by the following equations:

$$E=\frac{5.7\times10^3S}{H}\text{ or }e=\frac{5.7\times10^3S}{h}$$

where:
E = Allowable sulfur oxides emissions (lb./10^6 B.t.u.).
e = Allowable sulfur oxides emissions (gm./10^6 gm.-cal.).
S = Sulfur content, in percent by weight, of fuel being burned.
H = Heat content of fuel (B.t.u./lb.).
h = Heat content of fuel (gm.-cal./gm.).

(3) For the purposes of this paragraph:

(i) E shall not exceed 0.90 lb. $SO_2/10^6$ B.t.u. (1.6 gm. $SO_2/10^6$ gm.-cal.).

(ii) If emissions are less than 0.16 lb. $SO_2/10^6$ B.t.u. (0.29 gm. $SO_2/10^6$ gm.-cal.), the requirements of paragraph (c)(2) of this section shall not apply.

(4) Compliance with this paragraph shall be in accordance with the provisions of § 52.2327(b).

(5) The test methods and procedures used to determine compliance with this paragraph shall be those prescribed in § 60.46 (c), (d), and (e) of this chapter.

3. Section 52.2327 is amended by adding paragraph (b) as follows:

§ 52.2327 Compliance schedules.

* * * * *

(b) *Federal compliance schedule.* (1) The owner or operator of the source subject to § 52.2325(c) or § 52.2330(b) shall comply with such regulation at initial startup of such source, unless a compliance schedule has been approved by the Administrator pursuant to paragraph (c)(2) of this section. The owner or operator who achieves compliance with § 52.2325(c) or § 52.2330(b) after the effective date of this regulation shall certify such compliance to the Administrator within 5 days of the date compliance is achieved.

(2) Any owner or operator of the stationary source subject to paragraph (b)(1) of this paragraph may, no later than July 23, 1973, submit to the Administrator for approval a proposed compliance schedule that demonstrates compliance with § 52.2330(b) as expeditiously as practicable but no later than July 31, 1975, or with § 52.2325(c) as expeditiously as practicable but no later than March 15, 1976.

(i) The compliance schedule shall provide for periodic increments of progress toward compliance. The dates for achievement of such increments shall be specified. Increments of progress shall include, but not be limited to: Submittal of the final control plan to the Administrator; letting of necessary contracts for construction or process change, or issuance of orders for the purchase of component parts to accomplish emission control or process modification; initiation of

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on-site construction or installation of emission control equipment or process modification; completion of on-site construction or installation of emission control equipment or process modification, and final compliance.

(ii) Any compliance schedule for the stationary source subject to § 52.2325(c) which extends beyond July 31, 1975, shall apply any available interim measures of control to reduce the impact of emissions from such source on public health.

(3) Any owner or operator who submits a compliance schedule pursuant to this paragraph (b) shall, within 5 days after the deadline for each increment of progress, certify to the Administrator whether or not the required increment of the approved compliance schedule has been met.

4. Section 52.2330 is amended by adding paragraph (b) as follows:

§ 52.2330 Rules and regulations: Particulate matter.

* * * * *

(b) *Replacement for section 3.5 (Four Corners Interstate Region).* (1) The owner or operator of the fossil fuel-fired steam generating equipment designated as Unit 2 at the Huntington Canyon powerplant in the Utah portion of the Four Corners Interstate Region (§ 81.121 of this chapter) shall not discharge or cause the discharge of particulate matter into the atmosphere in excess of 0.075 lbs. per 10^6 B.t.u. (0.135 g. per million cal.) heat input.

(2) Compliance with this paragraph (b) shall be in accordance with provision of § 52.2327(b).

(3) The test methods and procedures used to determine compliance with this paragraph (b) shall be those prescribed for particulate matter in § 60.46 of this chapter.

§ 52.2331 [Amended]

5. In § 52.2331, the attainment date table is revised by replacing the letter "b", which designates the date for attainment of the primary and secondary standards for sulfur oxides in the Four Corners Interstate Region, with the date "March 1976."

[FR Doc.73-5550 Filed 3-22-73;8:45 am]

Title 43—Public Lands: Interior

CHAPTER II—BUREAU OF LAND MANAGEMENT, DEPARTMENT OF THE INTERIOR

APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 5332]

[Wyoming 36478]

WYOMING

Revocation of Reclamation Project Withdrawal

By virtue of the authority contained in section 10 of the Act of October 14, 1940, 16 U.S.C. 590y, 590z-11 (1970), it is ordered as follows:

1. The Secretarial Order of August 22, 1941, withdrawing lands for the Paintrock Project Investigations in connection with the Missouri River Basin Project, is hereby revoked:

BIG HORN NATIONAL FOREST

SIXTH PRINICIPAL MERIDIAN

T. 51 N., R. 86 W.,
Sec. 29, SW¼;
Sec. 30, lots 3 and 4, E½SW¼; SE¼;
Sec. 31, lots 1 and 2, E½NW¼, NE¼;
Sec. 32, NW¼.
T. 51 N., R. 87 W.,
Sec. 36, NE¼.

The areas described aggregate 1,096.51 acres in Big Horn County.

2. At 10 a.m. on April 21, 1973, the lands described above shall be open to such forms of disposition as may by law be made of national forest lands, except that the lands described as the SW¼ NE¼NE¼, SE¼NW¼NE¼, NE¼SW¼ NE¼, and NW¼SE¼NE¼, sec. 31, T. 51 N., R. 86 W., and the N½NW¼NE¼, sec. 36, T. 51 N., R. 87 W., which are withdrawn by Public Land Order No. 3250 of October 10, 1963, in connection with the Upper and Lower Lake Solitude Back Area Camps, will not be open to location and entry under the U.S. mining laws.

JACK O. HORTON,
Assistant Secretary of the Interior.

MARCH 16, 1973.

[FR Doc.73-5596 Filed 3-22-73;8:45 am]

[Public Land Order 5333]

[Colorado 13131]

COLORADO

Partial Revocation of Reclamation Project Withdrawals

By virtue of the authority contained in section 3 of the Act of June 17, 1902, as amended and supplemented, 43 U.S.C. sec. 416 (1970), it is ordered as follows:

1. The Secretary's Orders dated October 17, 1904, July 9, 1921, May 6, 1942, and July 13, 1943, and any other order or orders withdrawing lands for the Echo Park Unit, Colorado River Storage Project, and allied projects, are hereby revoked so far as they affect the following described lands identified as Groups A, B, and C:

SIXTH PRINCIPAL MERIDIAN

GROUP A

T. 6 N., R. 100 W.,
Secs. 16 through 20.
T. 6 N., R. 101 W.,
Secs. 5 through 11;
Secs. 13 through 15;
Secs. 17 and 24.
T. 7 N., R. 101 W.,
Sec. 32.
T. 6 N., R. 102 W.,
Secs. 1 and 2;
Secs. 4 through 15;
Sec. 16, N½, SW¼, N½SE¼, SW¼SE¼;
Sec. 17;
Sec. 18, lots 5, 6, 7, 8, N½NE¼, E½SW¼, SE¼;
Secs. 19 and 20;
Sec. 21, lots 2, 4, S½NE¼, W½, SE¼;
Sec. 22, lots 1, 4, NE¼, S½NW¼, S½;
Secs. 23, 29 and 30.
T. 7 N., R. 102 W.,
Secs. 30 and 31.
T. 8 N., R. 102 W.,
Secs. 6 and 7.
T. 9 N., R. 102 W.,
Sec. 16, lots 5, 6, 7, 8, 13, 14, 15, 17, 19, W½ NW¼, NW¼SW¼;
Sec. 17, lots 1, 3, 5, N½, N½S½, SW¼ SW¼;
Sec. 18, E½;
Sec. 19, E½;
Sec. 20, lots 2, 4, 6, NW¼NW¼, S½N½, S½;
Sec. 21, lots 5, 6, 9, S½NW¼, SW¼;
Sec. 28, W½;
Secs. 29 through 32.
T. 6 N., R. 103 W.,
Secs. 1 through 3;
Sec. 4, lot 5, S½SE¼;
Sec. 5, SE¼NW¼, NE¼SW¼, S½SW¼;
Sec. 6, lots 9, 10, 11, 12, 13, 14, SE¼NW¼, SE¼SW¼, S½SE¼;
Secs. 7 through 14;
Sec. 15, NW¼NE¼, W½, NE¼SE¼.
T. 7 N., R. 103 W.,
Secs. 3 through 5;
Secs. 8 through 10;
Secs. 15 and 16;
Sec. 17, E½, E½NW¼, SW¼NW¼, SW¼;
Secs. 19 through 31;
Sec. 32, lot 4, S½NE¼, W½NW¼, SE¼ NW¼, N½SW¼, SE¼;
Secs. 33 through 36.
T. 8 N., R. 103 W.,
Sec. 1;
Sec. 11, E½;
Secs. 12 through 14;
Secs. 22 and 23;
Sec. 24, N½, SW¼, N½SE¼, SE¼SE¼;
Secs. 26 and 27;
Sec. 32, E½NE¼, S½NW¼, S½;
Secs. 33 through 35.
T. 6 N., R. 104 W.,
Secs. 1 and 12.
T. 7 N., R. 104 W.,
Sec. 23, lots 7, 8, 9, 10, and 11;
Secs. 24 and 25;
Sec. 26, lots 7, 8, 9, and 10.

All of the lands described in Group A are within the exterior boundaries of the Dinosaur National Monument established by Presidential Proclamation No. 2290 of July 14, 1938, as revised by the Act of September 8, 1960, 74 Stat. 857, and are withdrawn from all forms of appropriation under the public land laws, including the mining laws, 30 U.S.C. Ch. 2, and from leasing under the mineral leasing laws. Portions of the lands described in Group A are also withdrawn in Powersite Reserves No. 5 of July 2, 1910, and No. 721 of July 11, 1919, and Powersite Classification No. 93 of April 16, 1925, and Powersite Classification No. 87 of February 14, 1925.

GROUP B

T. 9 N., R. 102 W.,
Sec. 5, lots 6, 8, 22, 23, 26, 42, 43, and 44;
Sec. 6, lots 8, 9, 10, 11, 22, 27, 29, 30, SE¼NW¼, E½SW¼, SW¼SE¼;
Sec. 7, lot 10, W½NE¼, SE¼NE¼, SE¼;
Sec. 8, lots 1, 2, 3, 4, 11, 12, 16, 17, 20, 22, SE¼NE¼, S½SW¼, SW¼SE¼, E½SE¼.
T. 10 N., R. 102 W.,
Sec. 19, lots 7, 14, 22, 23, 25, N½SE¼;
Sec. 30, lots 9, 25, 27, 28, 40, 42, NE¼SE¼;
Sec. 31, lots 9, 43, and 45;
Sec. 32, lots 5, 11, 13, 15, 18, 20, 22, 28, 30, 31, SE¼SE¼.
T. 10 N., R. 103 W.,
Sec. 6, lots 10, 11, 12, 13, 14, 18, 25, and 26;
Sec. 7, lots 6, 7, 8, 9, 14, 15, S½NE¼, SE¼ SW¼, SE¼;
Sec. 8, lots 1, 4, 5, 7, 10, SW¼NE¼, S½ NW¼, SW¼;
Sec. 9, lots 1, 4, 6, 8, 14, 17, 19, SE¼NE¼, E½SE¼;
Sec. 14, lots 1 and 3;
Sec. 15, lots 1, 3, 7, 9, 11, 13, 22, 24, 27, N½NE¼, SE¼NE¼;
Sec. 16, lots 1, 3, 5, 7, 14, 15, W½W½;
Sec. 17, lots 1, 4, 5, 7, 9, 12, SE¼NE¼, W½NW¼, S½;

Sec. 18, lots 5, 6, 7, E½, E½NW¼, NE¼ SW¼;
Sec. 21, lots 3, 5, 6, SW¼NE¼, N½SE¼;
Sec. 22, lots 5, 7, 13, 28, 30, 31, 34, 36, SW¼ SW¼;
Sec. 23, lots 1, 9, 10, 12, and 14;
Sec. 24, lots 1, 4, 6, and 9;
Sec. 25, lots 25, and 26;
Sec. 26, lots 10, 11, 14, 17, 19, 22, N½SW¼, NW¼SE¼, SE¼SE¼;
Sec. 27, lot 2, W½NE¼, SE¼NE¼.
T. 10 N., R. 104 W.,
Sec. 1, lots 5, 13, 20, 21, 22, 23, 24, 26, 28, and 31;
Sec. 12, lots 1, 2, 4, 8, 10, 12, 15, 22, 23, 28, 29, 31, 34, NE¼NW¼;
Sec. 13, lots 1, 2, 5, 12, 16, 18, and 20.

All of the lands described in Group B are withdrawn by Public Land Order No. 4973 of December 11, 1970, from all forms of appropriation under the public land laws, including the mining laws, 30 U.S.C. Ch. 2, and reserved as a noninviolate refuge as part of the Browns Park National Wildlife Refuge. Portions of the lands described in Group B are also withdrawn in Powersite Classification No. 93 of April 16, 1925.

GROUP C

T. 9 N., R. 102 W.,
Sec. 2, lots 5, 6, 7, 8, 16, 17, 20, 22, W½ SW¼, SE¼SW¼;
Sec. 3, lots 5, 6, 7, 8, 14, 17, 18, 21, S½;
Sec. 4, lots 5, 6, 7, 8, S½N½, S½;
Sec. 5, lots 5, 24, 25, 26, and 27;
Sec. 6, lots 12, 13, 14, and 15;
Sec. 7, lots 5, 6, 7, 8, E½W½;
Secs. 9 through 11;
Sec. 15;
Sec. 16, lots 1, 2, 3, 4, 9, 10, 11, 12, 20, and 21;
Sec. 18, lots 5, 6, 7, 8, E½W½;
Sec. 19, lots 5, 6, 7, 8, E½W½;
Sec. 21, lots 1, 2, 3, 4, S½NE¼, SE¼;
Secs. 22 and 23;
Secs. 26 and 27;
Sec. 28, E½.
T. 10 N., R. 102 W.,
Sec. 17, lots 1, 3, 5, 7, 10, N½, NW¼SW¼, E½SE¼;
Sec 18, lots 5, 6, 7, 8, 9, NE¼, E½W½, N½ SE¼, SW¼SE¼;
Sec. 19, lots 5, 6, 10, 12, NE¼NW¼, W½ NE¼, SE¼NE¼;
Sec. 20, lots 1, 4, 6, NE¼NE¼, S½N½, S½;
Sec. 21, lots 1, 2, 3, 4, S½N½, S½, and that part of tract 37 in the N½N½;
Secs. 28 and 29;
Sec. 32, lots 1 and 3, NW¼NE¼;
Sec. 33, lots 1, 4, 5, 7, 9, NE¼, E½NW¼, NE¼SW¼, S½SW¼, W½SE¼;
Sec. 34, lots 1, 4, 5, 10, NE¼, NE¼SW¼, N½SE¼;
Sec. 35, lots 1, 2, N½, N½S½, SW¼SW¼, SE¼SE¼.
T. 8 N., R. 103 W.,
Sec. 11, W½.
T. 9 N., R. 103 W.,
Sec. 1, lots 5, 6, 7, 8, S½N½, S½, and that portion of school section in the N½N½.
T. 10 N., R. 103 W.,
Secs. 4 and 5;
Sec. 6, lots 8, 9, 21, 22, SE¼NE¼, NE¼ SE¼, S½SE¼;
Sec. 7, N½NE¼;
Sec. 8, N½N½;
Sec. 9, N½N½;
Secs. 10 and 13;
Sec. 14, N½, N½SW¼, SE¼;
Sec. 15, lots 2, 4, 5, 6, 17, 18, 19, and 20;
Sec. 16, lots 2, 4, 6, 8, 9, 10, 11, 12, 13, 16, 17, and 18;
Sec. 18, lot 8, SE¼SW¼;
Secs. 19 and 20;
Sec. 21, lots 1, 4, 6, and 7, W½NW¼, SE¼ NW¼, SW¼, S½SE¼;
Sec. 22, lots 9 and 10;
Sec. 23, NE¼;
Sec. 24, N½;
Sec. 26, S½SW¼, SW¼SE¼;
Sec. 27, W½, SE¼;
Secs. 28 and 35;
Sec. 36, lots 2, 4, 6, and 8 through 24.
T. 10 N., R. 104 W.,
Sec. 1, lots 9, 10, 11, and 14 through 19, E½SW¼;
Sec. 13, lots 3, and 4, E½SW¼, SE¼;
Sec. 24.

The lands described in Group C, most of which are public lands, lie adjacent to and outside of the boundaries of the Dinosaur National Monument and the Browns Park National Wildlife Refuge. Of the lands described in Group C, the following lands are privately owned:

T. 9 N., R. 103 W.,
Sec. 1, that portion of School Section in the N½N½.
T. 10 N., R. 103 W.,
Sec. 15, lots 2, 4, 5, 6, 17, 18, 19, and 20;
Sec. 16, lots 2, 4, 6, 8, 9, 10, 11, 12, 13, 16, 17, and 18;
Sec. 21 lots 1 4 and 6;
Sec. 22, lots 9 and 10;
Sec. 36, lots 2, 4, 6, 8, 11, 12, 13, 14, 15, 16, 17 18, 21, 22, 23, and 24.

Of the public lands described in Group C, the following described lands are included in the withdrawal for Powersite Classification No. 93 of April 16, 1925:

T. 9 N., R. 102 W.,
Sec. 2, lots 7, 16, 17, W½SW¼, SE¼SW¼;
Sec. 3, lots 5, 6, 7, 8, 14, 17, 18, 21, S½;
Sec. 4, lots 5, 6, 7, 8, S½N½, N½S½, SW¼ SW¼;
Sec. 5, lots 5, 24, 25, 26, 27;
Sec. 6, lots 12, 13, 14, 15;
Sec. 7, E½W½;
Sec. 9, W½W½;
Sec. 10, E½NE¼;
Sec. 11, NW¼;
Sec. 21, lots 2, 4, S½NE¼, SE¼;
Sec. 22, lots 1, 4, SW¼NE¼, SE¼NW¼, NW¼SE¼, N½SW¼;
Sec. 28, NE¼.
T. 10 N., R. 102 W.,
Sec. 17, lots 5 and 7;
Sec. 18, lots 6, 7, 8, 9, SE¼NW¼, SW¼ NE¼, E½SW¼, N½SE¼, SW¼SE¼;
Sec. 19, lots 5, 6, 10, 12, NE¼NW¼, W½ NE¼, SE¼NE¼;
Sec. 20, lots 1, 4, 6, NE¼NE¼, S½N½, S½;
Sec. 28, S½NW¼, SW¼;
Sec. 29;
Sec. 32, lots 1, 3, NW¼NE¼;
Sec. 33, lots 1, 4, 5, 7, 9, NE¼, E½NW¼, NE¼SW¼, S½SW¼, W½SE¼;
Sec. 34, lots 1, 4, 5, 10, NE¼, NE¼SW¼, N½SE¼.
T. 9 N., R. 103 W.,
Sec. 1, NE¼NE¼, unsurveyed (now lot 5, and that portion of School Section in the NE¼NE¼).
T. 10 N., R. 103 W.,
Sec. 8, N½NE¼, NE¼NW¼;
Sec. 10;
Sec. 13, S½N½, S½;
Sec. 14, N½, N½SW¼, SE¼;
Sec. 18, lot 8, SE¼SW¼;
Sec. 19, NE¼NE¼;
Sec. 20, NE¼, N½NW¼;
Sec. 21, lot 7, W½NW¼, SE¼NW¼, SW¼, S½SE¼;
Sec. 23, NE¼;
Sec. 24, N½;
Sec. 26, S½SW¼, SW¼SE¼;
Sec. 27, NW¼, N½S½, SE¼SE¼;
Sec. 28, N½N½;
Sec. 35, N½NE¼;
Sec. 36, lots 9, 10, 19.
T. 10 N., R. 104 W.,
Sec. 13, E½SW¼, SE¼.

The areas described in Groups A, B, and C above aggregate approximately 103,661.50 acres in Moffat County.

2. At 10 a.m. on April 21, 1973, the public lands described in Group C shall be open to operation of the public land laws generally, including location and entry under the U.S. mining laws, subject to valid existing rights, the provisions of existing withdrawals, and the requirements of applicable law, except that the lands embraced in Powersite Classification No. 93 of April 16, 1925, will be open only to location and entry under the mining laws subject to the provisions of the Act of August 11, 1955, 30 U.S.C. section 621 (1970), and to leasing under the mineral leasing laws. All valid applications received at or prior to 10 a.m. on April 21, 1973, shall be considered in the order of filing.

All of the public lands described in Groups B and C above, including those described as being within Powersite Classification No. 93, have been and continue to be open to the filing of applications and offers under the mineral leasing laws.

Inquiries concerning the lands should be addressed to the State Director, Bureau of Land Management, 700 Colorado State Bank Building, 1600 Broadway, Denver, CO 80202.

JACK O. HORTON,
Assistant Secretary of the Interior.

MARCH 16, 1973.

[FR Doc.73-5597 Filed 3-22-73;8:45 am]

[Public Land Order 5334]

[Sacramento 4827]

CALIFORNIA

Addition to National Forest

By virtue of the authority vested in the President by section 24 of the Act of March 3, 1891, 16 U.S.C. 471 (1970), and the Act of February 20, 1925, 43 Stat. 952, and pursuant to Executive Order No. 10355 of May 26, 1952 (17 FR 4831), it is ordered as follows:

Subject to valid existing rights, the following described land is hereby added to and made a part of the Eldorado National Forest, and hereafter shall be subject to all laws and regulations applicable thereto:

MOUNT DIABLO MERIDIAN

T. 10 N., R. 13 E.,
Sec. 26, Exchange Survey 338, within the NW¼NW¼.

The area described aggregates 2.64 acres in El Dorado County.

JACK O. HORTON,
Assistant Secretary of the Interior.

MARCH 16, 1973.

[FR Doc.73-5598 Filed 3-22-73;8:45 am]

V 38-56 MAR 23 73 XUM

[Public Land Order 5335]

[Oregon 8511]

OREGON

Partial Revocation of Reclamation Project Withdrawal

By virtue of the authority contained in section 3 of the Act of June 17, 1902, as amended and supplemented, 43 U.S.C. 416 (1970), it is ordered as follows:

1. The departmental orders of February 25, 1903, and August 16, 1906, withdrawing lands for the Umatilla Project, are hereby revoked so far as they affect the following described land:

WILLAMETTE MERIDIAN

T. 4 N., R. 26 E.,
Sec. 8, S½NE¼, N½SW¼.

The area described aggregates 160 acres in Morrow County.

2. At 10 a.m. on April 21, 1973, the land shall be open to operation of the public land laws generally, including the U.S. mining laws, subject to valid existing rights, the provisions of existing withdrawals, and the requirements of applicable laws. All applications received at or prior to 10 a.m. on April 21, 1973, shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in the order of filing.

The land has been and will continue to be open to the filing of applications and offers under the mineral leasing laws.

Inquiries concerning the land should be addressed to the Chief, Branch of Lands and Minerals Operations, Bureau of Land Management, Portland, Oreg. 97208.

JACK O. HORTON,
Assistant Secretary of the Interior.

MARCH 16, 1973.

[FR Doc.73-5599 Filed 3-22-73;8:45 am]

[Public Land Order 5336]

[Idaho 5048]

IDAHO

Exclusion of Lands From Salmon National Forest

By virtue of the authority vested in the President by section 1 of the Act of June 4, 1897, 16 U.S.C. 473 (1970), and pursuant to Executive Order No. 10355 of May 26, 1952 (17 FR 4831), it is ordered as follows:

1. The following described lands are hereby excluded from the Salmon National Forest, and the boundaries of said national forest are modified accordingly:

BOISE MERIDIAN

T. 19 N., R. 24 E.,
Sec. 15, S½NW¼.

The area described aggregates 80 acres in Lemhi County.

2. At 10 a.m. on April 21, 1973, the land shall be open to operation of the public land laws generally, subject to valid existing rights, the provisions of existing withdrawals, and the requirements of applicable law. All valid applications received at or prior to 10 a.m. on April 21, 1973, shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in the order of filing.

The land has been and will continue to be open to applications and offers under the mineral leasing laws, and to location under the U.S. mining laws.

Inquiries concerning the land should be addressed to the State Director, Bureau of Land Management, Boise, Idaho 83702.

JACK O. HORTON,
Assistant Secretary of the Interior.

MARCH 16, 1973.

[FR Doc.73-5600 Filed 3-22-73;8:45 am]

[Public Land Order 5337]

[Montana 18414]

MONTANA

Partial Revocation of Executive Order No. 1929

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952 (17 FR 4831), it is ordered as follows:

1. The Executive Order No. 1929 of May 4, 1914, withdrawing public domain lands for use by the Forest Service, Department of Agriculture, as a ranger station, is hereby revoked so far as it affects the following described land:

PRINCIPAL MERIDIAN

BONITA ADMINISTRATIVE SITE

T. 11 N., R. 16 W.,
Sec. 7. A tract of land described by metes and bounds as:

Beginning at the northeast corner of sec. 7, thence south 0°24' E. a distance of 720.09 feet to a point on the boundary of Shriner Placer, MS 3387, between Corner No. 4 and Corner No. 5; thence south 88°23' W. a distance of 434.19 feet to the Corner No. 5 of MS 3387; thence south 43°43' W. a distance of 649.59 feet to a point on the boundary of MS 3387 between Corner No. 5 and Corner No. 6, which is the true point of beginning; thence south 43°43' W. a distance of 53.41 feet to Corner No. 6 of MS 3387; thence south 07°47' E. a distance of 461.39 feet to a point on the boundary of MS 3387 between Corner No. 6 and Corner No. 7; thence north 88°48' W. a distance of 517.14 feet to a point; thence due north a distance of 495.21 feet to a point; thence south 88°48' E. a distance of 491.53 feet to the point of beginning.

The area described contains 5.51 acres in Missoula County.

2. At 10 a.m. on April 21, 1973, the land shall be open to operation of the public land laws generally, and to location under the U.S. mining laws for nonmetalliferous minerals. All valid applications received at or prior to 10 a.m. on April 21, 1973, shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in the order of filing.

The land has been and continues to be open to applications and offers under the mineral leasing laws, and to location and entry under the U.S. mining laws for metalliferous minerals.

Inquiries concerning the land should be addressed to the Bureau of Land Management, Billings, Mont. 59101.

JACK O. HORTON,
Assistant Secretary of the Interior.

MARCH 16, 1973.

[FR Doc.73-5601 Filed 3-22-73;8:45 am]

[Public Land Order 5338]

[Idaho 5211]

IDAHO

Partial Revocation of National Forest Withdrawal

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952 (17 FR 4831), it is ordered as follows:

1. Public Land Order No. 3151 of July 30, 1963, withdrawing national forest lands for use as administrative sites, public service sites, and recreation sites, is hereby revoked so far as it affects the following described lands:

CLEARWATER NATIONAL FOREST

BOISE MERIDIAN

Elk Summit Work Center and Pasture

T. 34 N., R. 14 E.,
Unsurveyed, but when surveyed will likely be: Sec. 1, N½NW¼NE¼.
T. 35 N., R. 14 E.,
Unsurveyed but when surveyed will likely be: Sec. 36, W½SE¼SE¼, E½SW¼SE¼.

The areas described aggregate 60 acres in Idaho County.

2. At 10 a.m. on April 21, 1973, the lands shall be open to such forms of disposition as may by law be made of national forest lands.

JACK O. HORTON,
Assistant Secretary of the Interior.

MARCH 16, 1973.

[FR Doc.73-5602 Filed 3-22-73;8:45 am]

[Public Land Order 5339]

[New Mexico 12780]

NEW MEXICO

Withdrawal for National Forest Recreation Area

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952 (17 FR 4831), it is ordered as follows:

1. Subject to valid existing rights, the following described national forest land is hereby withdrawn from appropriation under the mining laws, 30 U.S.C. Ch. 2, but not from leasing under the mineral leasing laws, in aid of programs of the Department of Agriculture:

LINCOLN NATIONAL FOREST

NEW MEXICO PRINCIPAL MERIDIAN

Oak Grove Picnic Ground Addition

T. 10 S., R. 12 E.,
Sec. 36, what will probably be when surveyed the NE¼NE¼SE¼, S½NE¼SE¼, SE¼NW¼NE¼SE¼, SE¼SE¼NW¼SE¼, E½NE¼SW¼SE¼, N½SE¼SE¼, NE¼SW¼SE¼SE¼, and NW¼SE¼SE¼SE¼.

The area described aggregates 65 acres in Lincoln County.

2. The withdrawal made by this order does not alter the applicability of those public land laws governing the use of the national forest lands under lease, license, or permits, or governing the disposal of their mineral or vegetative resources other than under the mining laws.

JACK O. HORTON,
Assistant Secretary of the Interior.

MARCH 16, 1973.

[FR Doc.73-5603 Filed 3-22-73;8:45 am]

[Public Land Order 5340]

[Idaho 5503]

IDAHO

Revocation of National Forest Administrative Site Withdrawal

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952 (17 FR 4831), it is ordered as follows:

1. The Secretary's Order of June 6, 1908, withdrawing the following described national forest land for use as an administrative site is hereby revoked:

NEZPERCE NATIONAL FOREST

BOISE MERIDIAN

Fish Creek Administrative Site

T. 29 N., R. 3 E.,
Sec. 22, SW¼NW¼, NW¼SW¼.

The area described aggregates 80 acres in Idaho County.

2. At 10 a.m. on April 21, 1973, the land shall be open to such forms of disposition as may by law be made of national forest lands.

JACK O. HORTON,
Assistant Secretary of the Interior.

MARCH 16, 1973.

[FR Doc.73-5604 Filed 3-22-73;8:45 am]

[Public Land Order 5341]

[Riverside 06454]

CALIFORNIA

Transferring Lands From National Aeronautics and Space Administration to Department of Navy (San Diego Missile Test Site)

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952 (17 FR 4831), it is ordered as follows:

1. The following described lands withdrawn by Executive Orders Nos. 8790 and 8791 of June 14, 1941, for use of the Department of the Navy, which were transferred to the jurisdiction of the Department of the Air Force by Public Land Order No. 2748 of August 8, 1962, and further transferred to the jurisdiction of the National Aeronautics and Space Administration by Public Land Order No. 3749 of July 26, 1965, are hereby transferred to the jurisdiction of the Department of the Navy:

SAN BERNARDINO MERIDIAN

T. 14 S., R. 1 W.,
Sec. 31, N½NE¼;
Sec. 32, NW¼NW¼, N½SW¼, SE¼SW¼, S½SE¼;
Sec. 33, W½W½.
T. 15 S., R. 1 W.,
Sec. 4, lots 4, 5, and 10;
Sec. 5, lots 1, 2, 3, 5, S½NE¼, SE¼NW¼, E½SW¼, SW¼SE¼, N½SE¼;
Sec. 6, lots 1, 6, 7, E½SW¼, W½SE¼;
Sec. 7, lot 1, NW¼NE¼, SE¼NE¼.
T. 15 S., R. 2 W.,
Sec. 11, lot 1;
Sec. 12, N½NE¼, NE¼NW¼.

The areas described aggregate 1,674.86 acres in San Diego County.

2. The withdrawal made by this order does not alter the applicability of the public land laws governing the use of the lands under lease, license, or governing the disposal of their mineral or vegetative resources other than under the mining laws.

JACK O. HORTON,
Assistant Secretary of the Interior.

MARCH 16, 1973.

[FR Doc.73-5605 Filed 3-22-73;8:45 am]

Title 49—Transportation

CHAPTER I—DEPARTMENT OF TRANSPORTATION

SUBCHAPTER A—HAZARDOUS MATERIALS REGULATIONS BOARD

[Docket No. HM-107; Amdts. 173-71, 177-25]

PART 173—SHIPPERS

PART 177—SHIPMENTS MADE BY WAY OF COMMON, CONTRACT, OR PRIVATE CARRIERS BY PUBLIC HIGHWAY

Department of Defense Material Sold to a Shipper

The purpose of this amendment to the Hazardous Materials Regulations of the Department of Transportation is to permit shipment of hazardous materials sold by the Department of Defense in packagings of equal or greater strength and efficiency than those specified for hazardous materials in 49 CFR Parts 170–189.

At the present time, the Hazardous Materials Regulations Board is receiving a substantial number of requests for special permits to allow shipment of materials bought from the Department of Defense that would be other than "* * * offered by or consigned to the Departments of the Army, Navy, and Air Force of the United States Government." It has been recently substantiated that many of these materials are in packagings that meet or exceed the requirements of Parts 173 and 178. However, the packagings are marked only in conformance with military specifications that correspond to Department of Transportation specifications.

This amendment permits the Department of Defense to execute certificates to indicate that packagings meet or exceed corresponding specifications of this Department. Since this amendment imposes no added burden on any person and no discernible change is being made in the level of safety requirements for shipments to which it pertains, notice and public procedure are unnecessary.

In consideration of the foregoing, 49 CFR Parts 173 and 177 are amended as follows:

I. Part 173, Shippers, is amended as follows:

(A) In Part 173 table of contents, § 173.7 is amended to read as follows:

§ 173.7 U.S. Government material.

(B) In § 173.7, the heading and paragraph (a) are amended to read as follows:

§ 173.7 U.S. Government material.

(a) Shipments of hazardous materials offered by or consigned to the Department of Defense (DOD) of the U.S. Government must be packaged, including limitations of weight, in accordance with the regulations in this subchapter or in containers of equal or greater strength and efficiency as required by DOD regulations.

(1) Hazardous materials sold by the DOD in packagings that are not marked in accordance with the requirements of this subchapter may be shipped from DOD installations if the DOD certifies in writing that the packagings are equal to or greater in strength and efficiency than the packaging prescribed in this subchapter. The shipper shall obtain such a certification in duplicate for each shipment. He shall give one copy to the originating carrier and retain the other for no less than 1 year.

* * * * * *

II. Part 177, Shipments made by way of common, contract, or private carriers by public highway, is amended as follows:

(A) In Part 177 table of contents, § 177.806 is amended to read as follows:

Sec.
177.806 U.S. Government material.

(B) In § 177.806, the heading and paragraph (a) are amended to read as follows:

§ 177.806 U.S. Government material.

(a) Shipments of hazardous materials offered by or consigned to the Department of Defense (DOD) of the U.S. Government must be packaged, including limitations of weight, in accordance with the regulations in this subchapter or in containers of equal or greater strength and efficiency as required by DOD regulations.

(1) Hazardous materials sold by the DOD in packagings that are not marked in accordance with the requirements of this subchapter may be shipped from DOD installations if the DOD certifies in writing that the packagings are equal to or greater in strength and efficiency than the packaging prescribed in this subchapter. The shipper shall obtain such a certification in duplicate for each shipment. He shall give one copy to the originating carrier and retain the other for no less than 1 year.

* * * * * *

V 38-56 MAR 23 73 XUM

This amendment is effective June 30, 1973. However, compliance with the regulations, as amended herein, is authorized immediately.

(Secs. 831–835, title 18, United States Code; sec. 9, Department of Transportation Act, 49 U.S.C. 1657; title VI sec. 902(h), Federal Aviation Act of 1958, 49 U.S.C. 1421–1430, 1472(h), 1655(c))

Issued in Washington, D.C., on March 16, 1973.

C. R. MELUGIN, Jr.,
Acting Board Member for the Federal Aviation Administration.

KENNETH L. PIERSON,
Alternate Board Member for the Federal Highway Administration.

MAC E. ROGERS,
Board Member for the Federal Railroad Administration.

[FR Doc.73-5578 Filed 3-22-73;8:45 am]

PART 173—SHIPPERS

CFR Correction

In 49 CFR Parts 100–199, revised as of October 1, 1972, page 162, in Note 1 preceding § 173.240, line 7, the date "June 30, 1972" should read "June 30, 1973".

CHAPTER V—NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Docket No. 2–10; Notice 5]

PART 571—FEDERAL MOTOR VEHICLE SAFETY STANDARDS

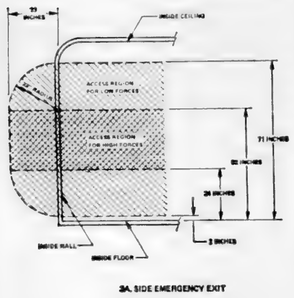
Bus Window Retention and Release; Correction

In FR Doc. 73–4257, published March 6, 1973 (38 FR 6070), the captions for Figures 3A and 3B were inadvertently transposed. The figures with their correct captions are set forth below.

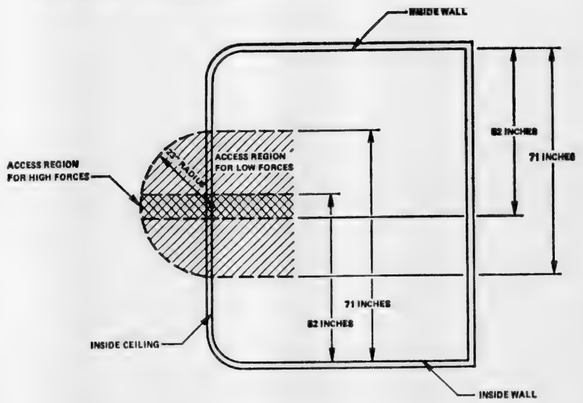
(Secs. 103, 113, 119, Public Law 89–563, 80 Stat. 718, 15 U.S.C. 1392, 1401, 1407; delegations of authority at 49 CFR 1.51)

Issued on March 16, 1973.

JAMES E. WILSON,
Acting Administrator.



3A. SIDE EMERGENCY EXIT



3B. ROOF EMERGENCY EXIT

[FR Doc.73-5526 Filed 3-22-73;8:45 am]

[Docket No. 2–15; Notice 9]

PART 571—FEDERAL MOTOR VEHICLE SAFETY STANDARDS

Child Seating Systems

This notice makes certain amendments to Motor Vehicle Safety Standard No. 213 *Child seating systems*, 49 CFR 571.213. Standard No. 213 was published March 26, 1970 (35 FR 5120), and amended September 23, 1970 (35 FR 14778), April 10, 1971 (36 FR 6895), and June 29, 1971 (36 FR 12224). This notice is based in part on notices of proposed rule making published September 23, 1970 (36 FR 14786) (Notice 5), and April 10, 1971 (36 FR 6903) (Notice 7).

The definition of "child seating system" is amended by this notice to eliminate the qualification that the device be designed to restrain children. This modification was proposed in the notice of September 23, 1970, and is adopted in the form proposed. The proposal was based on petitions which suggested the change as a means of eliminating a possible loophole in the standard, which allowed the marketing of devices which could be advertised for transporting children in motor vehicles, but which made no provision for protecting them in crashes. As a result of the amendment, all devices designed to seat children in motor vehicles must conform to the standard. One comment to the notice suggested that the language of the definition be further modified to make it clear that the vehicle seat is not included within the definition. This suggestion is not accepted. The NHTSA does not agree that the language of the definition includes or will be construed to include vehicle seats taken separately. Moreover, the vehicle seat may be an integral part of devices which would fall under the standard, and a specific exclusion of vehicle seats in the definition might create the erroneous impression that the extent that the vehicle seat is utilized determines whether such a device is subject to the standard.

The standard is hereby clarified to make explicit the prohibition against recommending seating systems for use in other than designated seating positions. The NHTSA is of the opinion that Standard No. 213 at least implicitly prohibits manufacturers from doing this. The labeling requirements of paragraph S4.1 (e) specify that the label affixed to each child seating system must specify "both the types of motor vehicles and the designated seating positions * * * in which the system is either recommended or not recommended for use." Paragraph S4.4 requires each child seating system to be designed and constructed so that when it is installed in accordance with the manufacturer's instructions it shall be restrained against movement by either a Type 1 or Type 2 seat belt assembly. These seat belt assemblies are required to be installed at designated seating positions, pursuant to Motor Vehicle Safety Standard No. 208 *Occupant crash protection* (49 CFR 571.208).

The proposal of September 23, 1970, would have amended paragraph S4.3, to require only child seats having adjustable restraint systems (as distinguished from those using stationary impact shields) to be adjustable to fit all children for which they are recommended. An NHTSA opinion to this effect was published in the preamble to the amendment published April 10, 1971. The NHTSA has decided that the proposed language is too broad. As written, it does not require even belt restraint systems to be adjustable. The NHTSA intended only that nonadjustable restraint designs, such as impact pads, need not be made adjustable. Consequently, this amendment modifies S4.3 to make it clear that belt restraint systems must be adjustable. In response to a comment, the NHTSA has modified the proposed requirement that the restraint system fit snugly to apply only to belt systems.

The notice of September 23, 1970, proposed more extensive head restraint requirements and test procedures than the standard presently specifies. The NHTSA has made public its plans to institute a dynamic test as the method for testing child seating system performance. These requirements are presently under development, and appropriate notice will be issued once NHTSA efforts have been completed. The NHTSA has decided to defer modification of head restraint requirements, because such requirements would require extensive redevelopment, until they can be incorporated into the dynamic performance requirements. The NHTSA has, however, modified the method for measuring head restraint height. The revised method utilizes the intersection of the longitudinal centerline of the seating surface with a plane through the torso block reference point as the base from which the head restraint measurement is to be made. The NHTSA agrees with the comments that this method is more precise than the existing procedure, as it is not based on the angle of the seat or the attitude of the child seating surface.

Requirements proposed in the notice of September 23, 1970, regarding energy absorbing material are also not adopted, because of the impending dynamic test procedures. Two minor amendments, however, are adopted. The first changes "energy-absorbing material" to "force-distributing material." Certain comments have indicated, and the NHTSA agrees, that the latter term is a more accurate description of these materials. The second amendment, based on certain comments, increases the number of components that need not be covered with these materials and need not meet minimum radius requirements, to include belt adjustment hardware attached only to webbing. The padding requirements of S4.10.1 are not practical for this belt adjustment hardware. Moreover, by exempting these components from the requirements, manufacturers are free to utilize smaller belt adjustment hardware, which is less hazardous in impact conditions than the larger belt adjustment components which would otherwise be necessary.

Paragraph S4.10 is further amended, as proposed in the notice of September 23, 1970, to eliminate the exemption to the padding requirements for components contactable by the head. The NHTSA has concluded that this exemption, for components of at least 24 square inches, is inappropriate for components contactable by the head, as the size of a component is not necessarily related to its ability to cushion head as compared to torso impacts.

The notice of April 10, 1971, proposed that the requirements of paragraph S4.9 for belt mechanism release be made part of child system test procedures, and to delete the existing test incorporated from Standard No. 209. No objections were received, and that proposal is adopted.

In light of the above, Motor Vehicle Safety Standard No. 213 *Child seating systems* appearing at 49 CFR § 571.213, is amended as follows:

1. Paragraph S3, *Definitions*, is revised to read:

S3. *Definitions.* "Child seating system" means an item of motor vehicle equipment for seating a child being transported in a motor vehicle.

2. Paragraph S4.1(e) is revised to read:

S4.1 *Labeling.*

* * * * *

(e) A statement describing in general terms both the types of motor vehicles and the designated seating positions in those vehicles in which the system is either recommended or not recommended for use. A child seating system may not be recommended for use in other than a designated seating position. The following, either stated separately or in combination, are examples of acceptable statements:

* * * * *

3. Paragraph S4.3, *Adjustment*, is revised to read:

S4.3 *Adjustment.* Each adjustable child seating system component and each belt system designed to restrain the child directly shall be sufficiently adjustable to fit a child of any size for which the seat is recommended pursuant to paragraph S4.1(h) and who is positioned in the system in accordance with the instructions required by S4.2. A belt system used to restrain the child directly shall be sufficiently adjustable to fit snugly any such child.

4. Paragraph S4.6.1 is revised to read:

S4.6.1 Except as provided in S4.6.2, each forward-facing child seating system shall have a head restraint that limits rearward angular displacement of the child's head relative to the child's torso line. The height of the head restraint, measured as the straight line distance between the highest point at the lateral center of the head restraint and the point on the longitudinal centerline of the seating surface at the intersection of a plane parallel to the rear surface of the torso block through the torso block reference specified in S5.1, when the torso block is positioned in the child seating system in accordance with the instructions required by S4.2, shall be as follows:

* * * * *

5. Paragraph S4.9 is revised to read:

S4.9 *Release mechanism.* The mechanism for releasing components of a child seating system that directly restrain the child shall release when a force of not more than 20 pounds is applied in accordance with S5.3.

6. Paragraph S4.10 is revised to read:

S4.10 *Impact protection.*

S4.10.1 *Head and torso.* Except as provided in S4.10.2, any rigid component of a child seating system (except restraint buckles, and belt adjustment hardware attached only to webbing) that, during forward, right side, left side, or rearward impact, may contact the head or torso of a child within the height and weight range recommended in accordance with S4.1(h) shall:

(a) Have no corner or edge with a radius of less than one-quarter inch; and

(b) Except as provided in S4.10.2, be covered with deformable force-distributing material having a thickness of at least one-half inch.

S4.10.2 *Exception.* S4.10.1(b) does not apply to the area of a rigid back or side of a child seating system that is contactable only by the child's torso, if the contactable area of the back or side is at least 24 square inches.

Effective date: November 1, 1973.

(Secs. 103, 112, 114, and 119, Public Law 89–563, 80 Stat. 718, 15 U.S.C. 1392, 1401, 1403, 1407; delegation of authority at 49 CFR 1.51)

Issued on March 16, 1973.

JAMES E. WILSON,
Acting Administrator.

[FR Doc.73-5579 Filed 3-22-73;8:45 am]

CHAPTER X—INTERSTATE COMMERCE COMMISSION

SUBCHAPTER B—PRACTICE AND PROCEDURE

PART 1100—GENERAL RULES OF PRACTICE

Prohibition of Private Recording of Proceedings

At a general session of the Interstate Commerce Commission, held at its office in Washington, D.C., on the 14th day of March 1973.

There being under consideration § 1100.70 of the Commission's general rules of practice, and good cause appearing therefor:

It is ordered, That § 1100.70(b) is amended as follows:

§ 1100.70 Authority of officers. (Rule 70)

* * * * *

(b) At any oral hearing conducted before the Commission, or before an Administrative Law Judge of the Commission, at which an official record of the proceeding is made, the recording of the hearing by means of live or delayed television, radio, or the use of a tape recorder or other electronic or photographic equipment by any person other than the official reporter will not be permitted without special permission of the Chairman of the Commission.

It is further ordered, That this order shall become effective on April 20, 1973.

And it is further ordered, That notice of this order shall be given to the general public by depositing a copy of this notice in the Office of the Secretary of the Commission at Washington, D.C., for public inspection and by filing a copy thereof with the Director, Office of the Federal Register.

(Secs. 12, 17, 24 Stat. 383, as amended, 385, as amended; secs. 204, 205, 49 Stat. 546, as

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amended, 548, as amended; sec. 304, 54 Stat. 933; sec. 403, 56 Stat. 285; 49 U.S.C. 12, 17, 304, 305, 904, 1003)

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.73-5614 Filed 3-22-73;8:45 am]

Title 50—Wildlife and Fisheries

CHAPTER I—BUREAU OF SPORT FISHERIES AND WILDLIFE, FISH AND WILDLIFE SERVICE, DEPARTMENT OF THE INTERIOR

PART 28—PUBLIC ACCESS, USE AND RECREATION

Dismal Swamp National Wildlife Refuge, Va.

The following special regulation is issued and is effective through the period March 12, 1973, to December 31, 1973.

§ 28.28 Special regulations; public access, use, and recreation; for the individual wildlife refuge area.

VIRGINIA

DISMAL SWAMP NATIONAL WILDLIFE REFUGE

Access to the refuge is permitted from sunrise to sunset for the purposes of nature study, photography, hiking, and sightseeing subject to the following restriction. Travel by motor vehicle, bicycle, or on foot is permitted on designated routes. Pets are permitted if on a leash not over 10 feet in length.

Information about the refuge area, comprising approximately 49,097 acres, located in the cities of Nansemond and Chesapeake, Va., is available from the Regional Director, Bureau of Sport Fisheries and Wildlife, John W. McCormack Post Office and Courthouse, Boston, Mass. 02109.

The provisions of this special regulation supplement the regulations which govern recreation on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 28, and are effective through December 31, 1973.

RICHARD E. GRIFFITH,
Regional Director,
Bureau of Sport Fisheries and Wildlife.

MARCH 12, 1973.

[FR Doc.73-5564 Filed 3-22-73;8:45 am]

TITLE 7—AGRICULTURE

CHAPTER VII—AGRICULTURAL STABILIZATION AND CONSERVATION SERVICE (AGRICULTURAL ADJUSTMENT), DEPARTMENT OF AGRICULTURE

SUBCHAPTER B—FARM MARKETING QUOTAS AND ACREAGE ALLOTMENTS

[Amdt. 3]

PART 719—RECONSTITUTION OF FARMS, ALLOTMENTS, AND BASES

Eligibility for Payment and Price-Support Loans on Federally Owned Land

This amendment is for the purpose of (1) adopting the proposals published in the FEDERAL REGISTER of February 14, 1973, and (2) announcing the Secretary's determination of price-supported commodities in surplus supply for the guidance of Federal agencies leasing agricultural lands to producers.

(1) There was published on February 14, 1973, in the FEDERAL REGISTER a notice of proposed rule making (38 FR 4407) regarding changes in the conditions under which producers leasing federally owned land would be eligible for participation in the payment and price-support programs administered by the Department of Agriculture. The period for receiving comments ended on March 1, 1973. No comments were received.

The proposed changes are being adopted and will, effective with the 1973 crop year, prohibit participation of federally owned land in the payment and price-support programs for upland cotton, feed grains, wheat, and other commodities. However, the prohibition against making payments and extending price support with respect to commodities produced on such land shall not apply during the current term of any lease to the extent that the lease permits the production of the commodities, but shall apply to any renewal of an existing lease or a new lease executed after the effective date of this amendment. Likewise, the prohibition shall not apply to land acquired by an agency having the right of eminent domain and leased back to the former owner with uninterrupted possession.

The adoption of this amendment, therefore, effectuates the changes proposed in the notice of proposed rule making. Other parts in this chapter and in Chapter XIV of this Title will be amended to conform with the changes.

(2) The Secretary of Agriculture is required by the Presidential memorandum of May 21, 1956, to determine from time to time and to publish a listing of price-supported commodities in surplus supply. In accordance with the Presidential memorandum, Federal agencies leasing agricultural lands to producers are required to restrict the production of price-supported commodities in surplus supply.

The Secretary, having considered supply and demand and other factors for the various commodities, has determined that price-supported commodities in surplus supply are peanuts and the kinds of tobacco for which marketing quotas are in effect.

Part 719 is amended as follows:

1. Section 719.3 is amended by revising paragraph (b)(3) and adding a new paragraph (d)(6) to read as follows:

§ 719.3 Farm constitution.

* * * * * * *

(b) *Farms constituted for the first time or reconstituted hereafter.* * * *

(3) Federally owned land except (i) land operated under a lease which does not restrict the production of price-supported commodities in surplus supply and executed prior to March 22, 1973, and (ii) land acquired by an agency having the right of eminent domain and leased back to the former owner with uninterrupted possession under terms which do not restrict the production of price-supported crops in surplus supply.

* * * * * * *

(d) *Required reconstitutions.* * * *

(6) A lease of federally owned land which does not restrict the production of price-supported crops in surplus supply is renewed unless the land was acquired by an agency having the right of eminent domain and is being leased to the former owner of the land who has enjoyed uninterrupted possession of the land.

Section 719.15 is amended to read as follows:

§ 719.15 Federally owned land.

(a) *Price-supported commodities in surplus supply.* It is the policy of the United States to prohibit the cultivation of crops of price-supported commodities in surplus supply on farmland leased from the United States. For the purposes of this paragraph, it has been determined that the following price-supported commodities are in surplus supply: Peanuts, and the kinds of tobacco for which marketing quotas are in effect.

(b) *Program participation.* Effective with the 1973 crop year, federally owned land shall be ineligible for participation in the payment programs for feed grains, upland cotton, wheat, and other commodities, and no price-support loans or purchases shall be made available with respect to feed grains, upland cotton, wheat, or any other commodity produced on federally owned land. The prohibition against the making of payments and the extension of price support shall not apply (1) to the former owner of federally owned land who has enjoyed uninterrupted possession of the land or (2) during the current term of any lease executed prior to March 22, 1973, to the extent that the lease permits the production of the commodities but shall apply to any renewal of an existing lease or a new lease executed after March 22, 1973. Federally owned land which has been leased subject to restrictions prohibiting the production of specified commodities shall not be eligible for payments under programs for such commodities administered by the Department of Agriculture, and federally owned land which has been leased subject to restrictions prohibiting the receipt of Federal payments for diversion or set aside of such acreage shall not be eligible for payments under programs administered by the Department of Agriculture. Commodities produced in violation of restrictive leases on federally owned land shall not be eligible for price support.

Effective date. Since Federal agencies are now making leases to producers and producers with leases are planning their 1973 farming operations, it is essential that this amendment be made effective as soon as possible. It is hereby found that compliance with the 30-day effective date provision of 5 U.S.C. 553 is impracticable and contrary to the public interest. Accordingly, this amendment shall become effective on March 23, 1973.

Signed at Washington, D.C., on March 21, 1973.

KENNETH E. FRICK,
Administrator, Agricultural Stabilizaton and Conservation Service.

[FR Doc.73-5733 Filed 3-22-73;10:41 am]

CHAPTER IX—AGRICULTURAL MARKETING SERVICE (MARKETING AGREEMENTS AND ORDERS; FRUITS, VEGETABLES, NUTS), DEPARTMENT OF AGRICULTURE

[Orange Reg. 71, Amdt. 7]

PART 905—ORANGES, GRAPEFRUIT, TANGERINES, AND TANGELOS GROWN IN FLORIDA

Limitation of Shipments

This amendment extends current grade and size limitations for the period March 26, 1973, through September 30, 1973, applicable to oranges, including Navel, Temple, and Murcott Honey oranges, handled between the production area in Florida and any point outside thereof in the continental United States, Canada, or Mexico. Domestic shipments of Florida oranges are currently regulated through March 25, 1973, pursuant to Orange Regulation 71. The proposal to extend the period of regulation of Florida oranges was published in the FEDERAL REGISTER on February 23, 1973, and appears without change in the regulation as hereinafter set forth.

Notice was published in the FEDERAL REGISTER on February 23, 1973 (38 FR 4979), that consideration was being given to a proposal relative to limitation of shipments of oranges, including Navel, Temple, and Murcott Honey oranges, handled between the production area and any point outside thereof in the continental United States, Canada, or Mexico, recommended by the Growers Administrative Committee, established under the marketing agreement, as amended, and Order No. 905, as amended (7 CFR Part 905), regulating the handling of oranges, grapefruit, tangerines, and tangelos grown in Florida. This program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674).

The notice provided that all written data, views, or arguments in connection with the proposed amendment be submited by March 15, 1973. None were received.

The proposed regulation is based upon an appraisal of the Florida orange crop and the current and prospective market conditions. The Florida orange crop is estimated at 168 million boxes, 23 percent above last season. Hence, more than ample supplies of fruit of the better grades and more desirable sizes are available to fill the needs of consumers. Equivalent fresh on-tree returns for Florida oranges averaged $1.96 per box for the season through February 1973, or 52 percent of the equivalent parity price. The regulation herein specified is necessary to permit shipment of ample supplies of fruit of the better grades and more desirable sizes in the interest of both growers and consumers. The action is necessary to maintain orderly marketing conditions by preventing the demoralizing effect on the market and on grower returns caused by shipment of lower quality and smaller size fruit when more than ample supplies of the more desirable grades and sizes are available to serve consumer's needs. The regulation therefore is consistent with the objective of the act of promoting orderly marketing, maintaining grower returns, and protecting the interest of consumers.

After consideration of all relevant matter presented, including the proposal set forth in the aforesaid notice and other available information, it is hereby found that the limitation of shipments of oranges, including Navel, Temple, and Murcott Honey oranges, as hereinafter set forth, is in accordance with said amended marketing agreement and order and will tend to effectuate the declared policy of the act.

It is hereby further found that good cause exists for making the aforesaid amendment effective at the time hereinafter set forth and for not postponing the effective date hereof until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553) in that (1) notice of proposed rule making concerning this amendment, with an effective date of March 26, 1973, was published in the FEDERAL REGISTER on February 23, 1973 (38 FR 4979), and no objection to this amendment or such effective date was received; (2) the recommendation and supporting information for regulation of oranges, including Navel, Temple, and Murcott Honey oranges, during the period specified herein were submitted to the Department after an open meeting of the committee on January 30, 1973, which was held to consider recommendations for regulation, after giving due notice of such meeting, and interested persons were afforded an opportunity to submit their views at this meeting; (3) the provisions of this amendment, including the effective time hereof, are identical with the aforesaid recommendation of the committee; (4) information concerning such provisions and effective time has been disseminated among handlers of such oranges, and (5) compliance with the regulation will not require any special preparation on the part of the persons subject thereto which cannot be completed by the effective time hereof.

Order. In § 905.545 (Orange Reg. 71, 37 FR 21799, 24432, 25036, 27619, 28606; 38 FR 3396, 4569) the provisions of paragraph (a) preceding subparagraph (1) thereof are amended to read as follows:

§ 905.545 Orange Regulation 71.

(a) During the period March 26, 1973, through September 30, 1973, no handler shall ship between the production area and any point outside thereof in the continental United States, Canada, or Mexico:

* * * * * * *

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: March 21, 1973, to become effective March 26, 1973.

CHARLES R. BRADER,
Acting Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc.73-5726 Filed 3-22-73;8:45 am]

[Lemon Reg. 578]

PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Limitation of Handling

This regulation fixes the quantity of California-Arizona lemons that may be shipped to fresh market during the weekly regulation period March 25–31, 1973. It is issued pursuant to the Agricultural Marketing Agreement Act of 1937, as amended, and Marketing Order No. 910. The quantity of lemons so fixed was arrived at after consideration of the total available supply of lemons, the quantity of lemons currently available for market, the fresh market demand for lemons, lemon prices, and the relationship of season average returns to the parity price for lemons.

§ 910.878 Lemon Regulation 578.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 910, as amended (7 CFR Part 910), regulating the handling of lemons grown in California and Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such lemons, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) The need for this section to limit the quantity of lemons that may be marketed during the ensuing week stems from the production and marketing situation confronting the lemon industry.

(i) The committee has submitted its recommendation with respect to the quantity of lemons it deems advisable to be handled during the ensuing week. Such recommendation resulted from consideration of the factors enumerated in the order. The committee further reports the demand for lemons is good on sizes 165 and larger, steady on size 200's and easier on sizes 235 and smaller. Average f.o.b. price was $5.65 per carton the week ended March 17, 1973, compared to $5.69 per carton the previous week. Track and rolling supplies at 153 cars were down 27 cars from last week.

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(ii) Having considered the recommendation and information submitted by the committee, and other available information, the Secretary finds that the quantity of lemons which may be handled should be fixed as hereinafter set forth.

(3) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this regulation until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this regulation is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for lemons and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on March 20, 1973.

(b) *Order.* (1) The quantity of lemons grown in California and Arizona which may be handled during the period March 25, 1973, through March 31, 1973, is hereby fixed at 250,000 cartons.

(2) As used in this section, "handled", and "carton(s)" have the same meaning as when used in the said amended marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: March 22, 1973.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc.73-5761 Filed 3-22-73;12:45 pm]

Title 19—Customs Duties

CHAPTER I—BUREAU OF CUSTOMS

[T.D. 73-84]

PART 153—ANTIDUMPING

Canned Bartlett Pears From Australia

Section 201(a) of the Antidumping Act, 1921, as amended (19 U.S.C. 160(a)), gives the Secretary of the Treasury responsibility for determination of sales at less than fair value. Pursuant to this authority the Secretary of the Treasury has determined that canned bartlett pears from Australia are being, or are likely to be, sold at less than fair value within the meaning of section 201(a) of the Antidumping Act, 1921, as amended (19 U.S.C. 160(a)). (Published in the FEDERAL REGISTER of December 5, 1972 (37 FR 25859, FR Doc. 72-20806).)

Section 201(a) of the Antidumping Act, 1921, as amended (19 U.S.C. 160(a)), gives the U.S. Tariff Commission responsibility for determination of injury or likelihood of injury. The U.S. Tariff Commission has determined, and on March 1, 1973, it notified the Secretary of the Treasury that an industry in the United States is likely to be injured by reason of the importation of canned bartlett pears from Australia sold at less than fair value within the meaning of the Antidumping Act, 1921, as amended. (Published in the FEDERAL REGISTER of March 7, 1973 (38 FR 6239, FR Doc. 73-4400).)

On behalf of the Secretary of the Treasury, I hereby make public these determinations, which constitute a finding of dumping with respect to canned bartlett pears from Australia.

Section 154.43 of the Customs Regulations is amended by adding the following to the list of findings of dumping currently in effect:

Merchandise	*Country and T.D.*
Canned bartlett pears	Australia, 73-83

(Secs. 201, 407, 42 Stat. 11, as amended, 18; 19 U.S.C. 160, 173)

[SEAL] MATTHEW J. MARKS,
Acting Assistant Secretary of the Treasury.

MARCH 21, 1973.

[FR Doc.73-5729 Filed 3-22-73;9:34 am]

Proposed Rule Making

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[26 CFR Parts 1, 301]

INCOME TAX

Declaration of Estimated Tax by Individuals and Waiver of Penalty for Underpayment by Individuals of 1971 Estimated Income Tax

Notice is hereby given that the regulations set forth in tentative form in the attached appendix are proposed to be prescribed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury or his delegate. Prior to the final adoption of such regulations, consideration will be given to any comments or suggestions pertaining thereto which are submitted in writing (preferably six copies) to the Commissioner of Internal Revenue, Attention: CC:LR:T, Washington, D.C. 20224, by April 23, 1973. Any written comments or suggestions not specifically designated as confidential in accordance with 26 CFR 601.601(b) may be inspected by any person upon written request. Any person submitting comments or suggestions who desires an opportunity to comment orally at a public hearing on these proposed regulations should submit his request, in writing, to the Commisioner by April 23, 1973. In such case, a public hearing will be held, and notice of the time, place, and date will be published in a subsequent issue of the FEDERAL REGISTER unless the person or persons who have requested a hearing withdraw their requests for a hearing before notice of the hearing has been filed with the Office of the Federal Register. The proposed regulations are to be issued under the authority contained in section 7805 of the Internal Revenue Code of 1954 (68A Stat. 917; 26 U.S.C. 7805).

[SEAL] JOHNNIE M. WALTERS,
Commissioner of Internal Revenue.

This document contains proposed amendments to the Income Tax Regulations (26 CFR Part 1) and the Regulations on Procedure and Administration (26 CFR Part 301) in order to conform such regulations to the provisions of sections 207 (relating to waiver of the penalty for underpayment of 1971 estimated income tax) and 209 (relating to declaration of estimated tax) of the Revenue Act of 1971 (85 Stat. 512, 517).

The proposed regulations conform to the changes made in section 6015(a) of the Code by section 209 of the Revenue Act of 1971. Under paragraph (a) of the proposed revision to § 1.6015(a)–1, the income level at which a declaration of estimated tax must be filed is increased over that under prior law to amounts in excess of $20,000 for a single person, a head of household, a surviving spouse, or a married individual whose spouse does not receive wages and amounts in excess of $10,000 for a married individual where both spouses receive wages. The income level remains at amounts in excess of $5,000 for a married individual if either spouse is a nonresident alien, if they are separated under a decree of divorce or of separate maintenance, or if they have different taxable years. A declaration is also required if gross income is expected to include more than $500 of income from sources other than wages. However, no declaration is required if the estimated tax can reasonably be expected to be less than $100. These amounts were increased over those under prior law. All of these changes are effective for taxable years beginning after December 31, 1971.

Section 1.6654–4 of the proposed regulations provides, pursuant to section 207 of the Revenue Act of 1971, that, in the case of individuals, the penalty prescribed by section 6654(a) and § 1.6654–1 for underpayment of estimated tax shall not apply in certain cases to taxable years beginning after December 31, 1970, and ending before January 1, 1972. Generally, those taxpayers for whom the penalty is waived are single persons (or married persons not entitled to file a joint return) whose gross income does not exceed $10,000, heads of households and surviving spouses if their gross income does not exceed $20,000, and married individuals entitled to file a joint return whose aggregate gross income does not exceed $20,000. However, the waiver does not apply if the taxpayer had more than $200 ($400 in the case of married taxpayers entitled to file a joint return) in income from sources other than wages.

PROPOSED AMENDMENTS TO THE REGULATIONS

In order to conform the Income Tax Regulations (26 CFR Part 1) and the Regulations on Procedure and Administration (26 CFR Part 301) to the provisions of sections 207 and 209 of the Revenue Act of 1971 (85 Stat. 512, 517), such regulations are amended as follows:

PARAGRAPH 1. Section 1.6015 is amended by revising section 6015(a) and by adding to the historical note. These revised and added provisions read as follows:

§ 1.6015(a) Statutory provisions; declaration of estimated income tax by individuals.

Sec. 6015. *Declaration of estimated income tax by individuals*—(a) *Requirement of declaration.* Except as otherwise provided in this section, every individual shall make a declaration of his estimated tax for the taxable year if—

(1) The gross income for the taxable year can reasonably be expected to exceed—

(A) $20,000, in the case of—

(i) A single individual, including a head of a household (as defined in section 2(b)) or a surviving spouse (as defined in section 2(a)); or

(ii) A married individual entitled under subsection (b) to file a joint declaration with his spouse, but only if his spouse has not received wages (as defined in section 3401(a)) for the taxable year; or

(B) $10,000, in the case of a married individual entitled under subsection (b) to file a joint declaration with his spouse, but only if both he and his spouse have received wages (as defined in section 3401(a)) for the taxable year; or

(C) $5,000, in the case of a married individual not entitled under subsection (b) to file a joint declaration with his spouse; or

(2) The gross income can reasonably be expected to include more than $500 from sources other than wages (as defined in section 3401(a)).

Notwithstanding the provisions of this subsection, no declaration is required if the estimated tax (as defined in subsection (c)) can reasonably be expected to be less than $100.

[Sec. 6015(a) as amended by sec. 5, Act of Sept. 14, 1960 (Pub. Law 86-779, 74 Stat. 1000); sec. 103(j)(1), Foreign Investors Tax Act 1966 (80 Stat. 1554); sec. 803(d)(7), Tax Reform Act 1969 (83 Stat. 684); sec. 209, Rev. Act 1971 (85 Stat. 517)]

PAR. 2. Section 1.6015(a)–1 is amended by revising the caption of paragraph (a)(1) and so much of such paragraph as precedes subdivision (i) thereof, by redesignating such revised paragraph (a)(1) and (2) as subparagraphs (a)(2) and (a)(3) respectively, by inserting immediately before such redesignated paragraph (a)(2) a new paragraph (a)(1), and by revising paragraphs (c) and (e). These revised, redesignated, and added provisions read as follows:

§ 1.6015(a)–1 Declaration of estimated income tax by individuals.

(a) *Requirement*—(1) *Taxable years beginning after December 31, 1971.* With respect to taxable years beginning after December 31, 1971, a declaration of estimated income tax by an individual is not required if the estimated tax (as defined in section 6015(c)) can reasonably

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be expected to be less than $100. In all other cases a declaration of estimated income tax shall be made by every individual if the following conditions are met and if such individual is not a nonresident alien individual who is excepted under section 6015(i) and § 1.6015(i)-1 from the requirements of making a declaration:

(i) The gross income for the taxable year can reasonably be expected to exceed—

(a) $20,000, in the case of—

(1) A single individual including a head of a household (as defined in section 2(b)) or a surviving spouse (as defined in section 2(a)); or

(2) A married individual entitled under section 6015(b) to file a joint declaration with his spouse, if his spouse has not received wages (as defined in section 3401(a)) for the taxable year; or

(b) $10,000, in the case of a married individual entitled under section 6015(b) to file a joint declaration with his spouse, if both he and his spouse have received wages (as defined in section 3401(a)) for the taxable year; or

(c) $5,000, in the case of a married individual not entitled under section 6015(b) to file a joint declaration with his spouse; or

(ii) The gross income can reasonably be expected to include more than $500 from sources other than wages (as defined in section 3401(a)).

(2) *Taxable years beginning after December 31, 1966, and before January 1, 1972.* With respect to taxable years beginning after December 31, 1966, and before January 1, 1972, a declaration of estimated income tax by an individual is not required if the estimated tax (as defined in section 6015(c)) can reasonably be expected to be less than $40. In all other cases a declaration of estimated income tax shall be made by every individual if the following conditions are met and if such individual is not a nonresident alien individual who is excepted under section 6015(i) and § 1.6015(i)-1 from the requirement of making a declaration:

(i) The gross income for the taxable year can reasonably be expected to exceed—

(a) $5,000, in the case of—

(1) A single individual other than a head of a household (as defined in section 1(b)(2)) for taxable years ending before January 1, 1971, or as defined in section 2(b) of the Code as amended by the Tax Reform Act of 1969 for taxable years beginning after December 31, 1970) or a surviving spouse (as defined in section 2(b) for taxable years ending before January 1, 1971, or as defined in section 2(a) of the Code as amended by the Tax Reform Act of 1969 for taxable years beginning after December 31, 1970);

(2) A married individual not entitled under section 6015(b) to file a joint declaration with his spouse; or

(3) A married individual entitled under section 6015(b) to file a joint declaration with his spouse, but only if the aggregate gross income of such individual and his spouse for the taxable year can reasonably be expected to exceed $10,000; or

(b) $10,000, in the case of—

(1) A head of household (as defined in section 1(b)(2)) for taxable years ending before January 1, 1971, or as defined in section 2(b) of the Code as amended by the Tax Reform Act of 1969 for taxable years beginning after December 31, 1970); or

(2) A surviving spouse (as defined in section 2(b) for taxable years ending before January 1, 1971, or as defined in section 2(a) of the Code as amended by the Tax Reform Act of 1969 for taxable years beginning after December 31, 1970); or

(ii) The gross income can reasonably be expected to include more than $200 from sources other than wages (as defined in section 3401(a)).

(3) *Taxable years beginning before January 1, 1967.* With respect to taxable years beginning before January 1, 1967, and after December 31, 1960, a declaration of estimated income tax by an individual is not required if the estimated tax (as defined in section 6015(c)) can reasonably be expected to be less than $40. In all other cases a declaration shall be made by every citizen of the United States, whether residing at home or abroad, every individual residing in the United States though not a citizen thereof, every nonresident alien who is a resident of Canada, Mexico, or Puerto Rico and who has wages subject to withholding at the source under section 3402, and every nonresident alien who has been, or expects to be, a resident of Puerto Rico during the entire taxable year, if—

(i) The gross income for the taxable year can reasonably be expected to exceed—

(a) $5,000, in the case of—

(1) A single individual other than a head of a household (as defined in section 1(b)(2)); or

(2) A married individual not entitled under section 6015(b) to file a joint declaration with his spouse; or

(3) A married individual entitled under section 6015(b) to file a joint declaration with his spouse, but only if the aggregate gross income of such individual and his spouse for the taxable year can reasonably be expected to exceed $10,000; or

(b) $10,000, in the case of—

(1) A head of household (as defined in section 1(b)(2)); or

(2) A surviving spouse (as defined in section 2(b)); or

(ii) The gross income can reasonably be expected to include more than $200 from sources other than wages (as defined in section 3401(a)).

• • • • •

(c) *Exemption of spouse.* For the purpose of determining whether a declaration of estimated tax is required under the provisions of paragraph (a)(3) of this section, a married person filing a separate declaration may not take into account the exemption of his spouse, if his spouse has, or is reasonably expected to have, gross income, or is reasonably expected to be the dependent of another taxpayer for the taxable year.

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(e) *Examples.* The application of the provisions of this section may be illustrated by the following examples:

Example (1). H maintains as his home a household which is the principal place of abode of himself and his two dependent children. H's wife died in 1970 and he has not remarried. H and his wife filed a joint return for 1970. H's salary from January 1 to June 30, 1972, is at the annual rate of $18,000. However, effective July 1, 1972, his annual salary is increased to $24,000, and under the facts then existing it is reasonable to assume that his salary for the remaining portion of 1972 will remain unchanged and that his total salary for the year will, therefore, be $21,000. Since H is a surviving spouse (as defined in section 2(a)) and his gross income can reasonably be expected to exceed $20,000, he is required to file a declaration of estimated tax for 1972. Since it was not reasonable to assume that H's gross income for 1972 would exceed $20,000 until July 1972 (after June 1 and before September 2), H is not required to file a declaration until September 15, 1972. However, if H's estimated tax (as defined in section 6015(c)) can reasonably be expected to be less than $100, he is not required to file a declaration of estimated tax. See section 6073 and §§ 1.6073-1 to 1.6073-4, inclusive, for rules as to when a declaration must be filed.

Example (2). H, a taxpayer making his return on the calendar year basis, has an annual salary of $12,000 in 1972. W, H's wife, received wages (as defined in section 3401(a)) in December 1972. W did not receive wages prior to December. Assuming that H and W are entitled to file a joint declaration of estimated tax under section 6015(b), H would not be required to file a declaration for 1972 until January 15, 1973, since prior to December 1972 W had not received wages. Since W received wages after September 1, 1972, H must file a declaration on or before January 15, 1973, because, under the rule contained in paragraph (a)(1)(i)(b) of this section, H's gross income could reasonably be expected to exceed $10,000 for 1972. However, no declaration would be required if H's estimated tax (as defined in section 6015(c)) could reasonably be expected to be less than $100. No declaration is required prior to January 15, 1973, because, under the rule contained in paragraph (a)(1)(i)(a)(2) of this section, H's gross income for 1972 could not reasonably be expected to exceed $20,000.

Example (3). P is a taxpayer making his return on the calendar year basis. P is engaged in the practice of his profession on his own account and has gross income of $2,000 from such profession for the 2 months of January and February 1972. He reasonably expects that his gross income from his profession will continue to average $1,000 each month throughout the year and that he will have no income from any other source during 1972. Since P has gross income which does not constitute wages subject to withholding, he is required to file a declaration of estimated tax for that year since he has income of more than $500 from sources other than wages, unless he reasonably expects his estimated tax to be less than $100.

Example (4). S, a married taxpayer, has been regularly employed for many years. As of January 1, 1972, his weekly wages are $305. For many years, S has also owned stock in a corporation which has regularly paid him annual dividends ranging from $575 to $600. Because his gross income can reasonably be expected to include more than $500

from sources other than wages, S is required to make a declaration of estimated tax for 1972, unless he reasonably expects his estimated tax to be less than $100.

• • • • • •

PAR. 3. Immediately after the historical note of § 1.6654 is inserted the following:

Sec. 207. [Revenue Act of 1971] *Waiver of penalty for underpayment of 1971 estimated income tax*—(a) *Waiver of penalty.* Notwithstanding any other provision of law, section 6654(a) of the Internal Revenue Code of 1954) relating to addition to tax for failure by individual to pay estimated income tax) shall not apply to any taxable year beginning after December 31, 1970, and ending before January 1, 1972—

(1) If gross income for the taxable year does not exceed $10,000 in the case of—

(A) A single individual other than a head of a household (as defined in section 2(b) of such Code) or a surviving spouse (as defined in section 2(a) of such Code); or

(B) A married individual not entitled under section 6013 of such Code to file a joint return for the taxable year; or

(2) If gross income for the taxable year does not exceed $20,000 in the case of—

(A) A head of a household (as defined in section 2(b) of such Code); or

(B) A surviving spouse (as defined in section 2(a) of such Code); or

(3) In the case of a married individual entitled under section 6013 of such Code to file a joint return for the taxable year, if the aggregate gross income of such individual and his spouse for the taxable year does not exceed $20,000.

(b) *Limitation.* Subsection (a) shall not apply if the taxpayer has income from sources other than wages (as defined in section 3401(a)) in excess of $200 for the taxable year ($400 in the case of a husband and wife entitled to file a joint return under section 6013 of such Code for the taxable year).

[Sec. 207, Rev. Act 1971 (85 Stat. 512)]

PAR. 4. Section 1.6654-2 is amended by revising so much of paragraph (a) as follows subparagraph (4) to read as follows:

§ 1.6654-2 Exceptions to imposition of the addition to the tax in the case of individuals.

(a) *In general.* • • •

In the case of a taxpayer whose taxable year consists of 52 or 53 weeks in accordance with section 441(f), the rules prescribed by paragraph (b) of § 1.441-2 shall be applicable in determining, for purposes of subparagraph (1) of this paragraph, whether a taxable year was a year of 12 months and, for purposes of paragraph (a) (3) and (4) of this section, the number of calendar months in a taxable year preceding the date prescribed for payment of an installment of estimated tax. For the rule to be applied in determining taxable income for any period described in paragraph (a) (3) and (4) of this section in the case of a taxpayer who employs accounting periods (e.g., 13 4-week periods or four 13-week periods) none of which terminates with the end of the applicable period described in paragraph (a) (3) or (4) of this section, see paragraph (a)(5) of § 1.6655-2. See § 1.6654-4 for certain cases where the imposition of the addition to the tax prescribed by section 6654(a) shall not apply with respect to taxable years beginning after December 31, 1970, and ending before January 1, 1972.

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§ 1.6654-5 [Redesignated]

PAR. 5. Section 1.6654-4 is redesignated as § 1.6654-5.

PAR. 6. The following section is inserted immediately following § 1.6654-3:

§ 1.6654-4 Waiver of penalty for underpayment of 1971 estimated tax by an individual.

(a) *In general.* Section 207 of the Revenue Act of 1971 provides that, in the case of individuals, the penalty prescribed by section 6654(a) and § 1.6654-1 for underpayment of estimated tax shall not apply in certain cases to taxable years beginning after December 31, 1970, and ending before January 1, 1972. The penalty shall be waived only if the taxpayer meets one of the gross income requirements contained in paragraph (b) of this section and if the limitation contained in paragraph (c) of this section is not applicable.

(b) *Gross income requirement.* Except as provided in paragraph (c) of this section, the waiver provided in paragraph (a) of this section shall be applicable only—

(1) If the gross income for the taxable year does not exceed $10,000 in the case of—

(i) A single individual who is neither a head of a household (as defined in section 2(b)) nor a surviving spouse (as defined in section 2(a)), or

(ii) A married individual not entitled under section 6013 to file a joint return for the taxable year, or

(2) If the gross income for the taxable year does not exceed $20,000 in the case of—

(i) A head of a household (as defined in section 2(b), or

(ii) A surviving spouse (as defined in section 2(a)), or

(3) If the aggregate gross income for the taxable year does not exceed $20,000 in the case of a married individual (entitled under section 6013 to file a joint return for the taxable year) and his spouse.

(c) *Limitation.* Notwithstanding any other provision of this section, the waiver provided in paragraph (a) of this section shall not be applicable, if in the taxable year, the taxpayer has income from sources other than wages (as defined in section 3401(a)) in excess of $200 ($400 in the case of a husband and wife entitled to file a joint return for the taxable year under section 6013). Thus, for example, even if the aggregate gross income of a husband and wife (entitled under section 6013 to file a joint return for the taxable year) does not exceed $20,000, the waiver of the penalty for underpayment of estimated tax shall not apply if the husband and wife have, in the aggregate, income from sources other than wages in excess of $400.

PAR. 7. Section 301.6015 is amended by revising section 6015(a) and by adding to the historical note. These revised and added provisions read as follows:

§ 301.6015 Statutory provisions; declaration of estimated income tax by individuals.

Sec. 6015. *Declaration of estimated income tax by individuals*—(a) *Requirement of declaration.* Except as otherwise provided in this section, every individual shall make a declaration of his estimated tax for the taxable year if—

(1) The gross income for the taxable year can reasonably be expected to exceed—

(A) $20,000, in the case of—

(i) A single individual, including a head of a household (as defined in section (2)(b)) or a surviving spouse (as defined in section 2(a)); or

(ii) A married individual entitled under subsection (b) to file a joint declaration with his spouse, but only if his spouse has not received wages (as defined in section 3401(a)) for the taxable year; or

(B) $10,000, in the case of a married individual entitled under subsection (b) to file a joint declaration with his spouse, but only if both he and his spouse have received wages (as defined in section 3401(a)) for the taxable year; or

(C) $5,000, in the case of a married individual not entitled under subsection (b) to file a joint declaration with his spouse; or

(2) The gross income can reasonably be expected to include more than $500 from sources other than wages (as defined in section 3401(a)). Notwithstanding the provisions of this subsection, no declaration is required if the estimated tax (as defined in subsection (c)) can reasonably be expected to be less than $100.

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[Sec. 6015 as amended by sec. 74, Technical Amendments Act 1958 (72 Stat. 1660); sec. 5(a), Act of Sept. 14, 1960 (Public Law 86-779, 74 Stat. 1000); sec. 1(a)(1), Act of Sept. 25, 1962 (Public Law 87-682, 76 Stat. 575); sec. 102 (a) and (d), Tax Adjustment Act 1966 (80 Stat. 38); sec. 301(j), Foreign Investors Tax Act 1966 (80 Stat. 1554); sec. 301(b)(12), 803(d)(7), and 944, Tax Reform Act 1969 (83 Stat. 586, 684, 729); sec. 209, Rev. Act 1971 (85 Stat. 517)]

PAR. 8. Immediately after the historical note of § 301.6654 is inserted the following:

Sec. 207. [Revenue Act of 1971] *Waiver of penalty for underpayment of 1971 estimated income tax*—(a) *Waiver of penalty.* Notwithstanding any other provision of law, section 6654(a) of the Internal Revenue Code of 1954 (relating to addition to tax for failure by individual to pay estimated income tax) shall not apply to any taxable year beginning after December 31, 1970, and ending before January 1, 1972—

(1) If gross income for the taxable year does not exceed $10,000 in the case of—

(A) A single individual other than a head of a household (as defined in section 2(b) of such Code) or a surviving spouse (as defined in section 2(a) of such Code); or

(B) A married individual not entitled under section 6013 of such Code to file a joint return for the taxable year; or

(2) If gross income for the taxable year does not exceed $20,000 in the case of—

(A) A head of a household (as defined in section 2(b) of such Code); or

(B) A surviving spouse (as defined in section 2(a) of such Code); or

(3) In the case of a married individual entitled under section 6013 of such Code to file a joint return for the taxable year, if

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the aggregate gross income of such individual and his spouse for the taxable year does not exceed $20,000.

(b) *Limitation.* Subsection (a) shall not apply if the taxpayer has income from sources other than wages (as defined in section 3401 (a) of such Code) in excess of $200 for the taxable year ($400 in the case of a husband and wife entitled to file a joint return under section 6013 of such Code for the taxable year).

[Sec. 207, Rev. Act 1971 (85 Stat. 512)]

PAR. 9. Section 301.6654–1 is amended to read as follows:

§ 301.6654–1 Failure by individual to pay estimated income tax.

For regulations under section 6654, see §§ 1.6654–1 to 1.6654–5, inclusive, of this chapter (Income Tax Regulations).

[FR Doc.73–5607 Filed 3–22–73;8:45 am]

[26 CFR Part 31]

ELECTIVE SOCIAL SECURITY COVERAGE FOR VOW-OF-POVERTY MEMBERS OF RELIGIOUS ORDERS

Notice of Proposed Rule Making; Correction

On Monday, March 19, 1973, notice of proposed rule making was published in the FEDERAL REGISTER (38 FR 7230).

The following corrections are to be made: In lines 13 and 24 in paragraph 1 of column 1, "April 8" should read "April 18".

JAMES F. DRING,
Director, Legislation and Regulations Division.

[FR Doc.73–5682 Filed 3–22–73;8:45 am]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 930]

HANDLING OF CHERRIES GROWN IN CERTAIN STATES

Sale of Reserve Pool Cherries

This proposal, if accepted, would establish the conditions and procedures for the release of reserve pool cherries to eligible handlers under the order by the Cherry Administrative Board.

Notice is hereby given that the Department is considering a proposed amendment, as hereinafter set forth, to the rules and regulations (Subpart—Rules and Regulations, 7 CFR Part 930.-101–930.161; 37 FR 273, 13789, 16169), currently in effect pursuant to the applicable provisions of Marketing Order No. 930 (7 CFR Part 930), regulating the handling of cherries grown in Michigan, New York, Wisconsin, Pennsylvania, Ohio, Virginia, West Virginia, and Maryland hereinafter referred to as the order. This is a regulatory program effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674).

This amendment of said rules and regulations was proposed by the Cherry Administrative Board, established under said order, as the agency to administer the terms and provisions thereof. The amendment would establish the conditions and procedures for the release and sale of reserve pool cherries to eligible handlers.

All persons who desire to submit written data, views, or arguments for consideration in connection with the proposed amendment shall file the same, in quadruplicate, with the Hearing Clerk, U.S. Department of Agriculture, Room 112, Administration Building, Washington, D.C. 20250, not later than April 15, 1973.

All written submissions made pursuant to this notice will be made available for public inspection at the office of the hearing clerk during regular business hours (7 CFR 1.27(b)).

As proposed a new § 930.591 *Conditions governing the sale of reserve pool cherries* would read as follows:

§ 930.591 Conditions governing the sale of reserve pool cherries.

(a) The Cherry Administrative Board, prior to any 10 day reserve pool release period, shall notify each handler of record by telephone, which notification shall be confirmed by registered letter of the: Time and date of the release period; quantity of said handler's share of the reserve pool release which may be purchased; and specific prices of such cherries. This shall be designated as the first offering.

(b) Each handler wishing to purchase first offering reserve pool cherries shall notify the Cherry Administrative Board, in person or by telephone, of the number of 30-pound containers or the percentage of his portion of reserve pool cherries, he desires to purchase. He shall confirm this offer in writing at the Board's office or at such other location as may be designated by the Board. The confirmation shall be accompanied by a deposit equal to $1 for each 30 pounds of cherries he offers to purchase. Both the confirmation and the deposit must be received at the office of the Board or at other locations within the production area as designated by the Board, within the first 72 hours of the release period. The total amount of the purchase price of such cherries shall be due within 30 days after the date of the invoice. No cherries shall be released by the Board until after it has received payment of the full amount due for such cherries. If the full amount is not paid within the aforesaid 30-day period, the $1 deposit for each 30 pounds of cherries shall be forfeited to the Board for the reserve pool account and the cherries shall remain in the reserve pool.

(c) In the event there remains for sale a portion of first offering cherries, the Board shall, during the second 72-hour period within the 10-day release period, notify each handler who purchased his portion of first offering reserve pool cherries, by telephone or telegram, of the quantity, the price, and grade composition of cherries remaining for purchase. This shall be designated as second offering.

(d) Each such handler who desires to purchase second offering cherries may do so within the remaining 96 hours of the 10-day release period. Such offer shall be made in the same manner as his offer to purchase first offering cherries and the $1 deposit shall also apply to the offer to purchase second offering. If the full amount is not paid within the aforesaid 30-day period, the $1 deposit for each 30 pounds of cherries shall be forfeited to the Board for the reserve pool account and the cherries shall remain in the reserve pool. In the event offers to purchase exceed the quantity of cherries offered, the quantity each handler may purchase shall be prorated in accordance with the handler's participation in the reserve pool as compared with the total participation in the reserve pool by all handlers who have made an offer to purchase second offering cherries: *Provided*, That if the proportion of any handler exceeds the quantity he desires to purchase, such excess shall be apportioned on the foregoing basis among the remaining handlers who have expressed a desire to purchase second offering cherries.

Dated: March 20, 1973.

FLOYD F. HEDLUND,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc.73–5636 Filed 3–22–73;8:45 am]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of the Secretary

[24 CFR Part 42]

[Docket No. R–73–227]

RELOCATION SERVICES AND REPLACEMENT HOUSING

Establishment of Grievance Procedures

Pursuant to the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (84 Stat. 1894; 42 U.S.C. 4601) the Department proposes to amend Title 24, Part 42 of the Code of Federal Regulations to include a new Subpart G entitled "Grievance Procedures Relating to Adequacy of Relocation Services and Replacement Housing". This proposed Subpart is intended to prescribe the Department's procedures for the implementation of section 213 (b)(1) and (c) of the Act, which provides generally that the head of each Federal agency is authorized to establish such regulations and procedures as may be necessary to assure that payments and assistance shall be administered in a fair and equitable manner. The grievance procedures relating to payment claims were published for comment in the FEDERAL REGISTER on May 20, 1972, and will soon be republished in final form. Principal provisions of the proposed Subpart are set forth below:

Section 42.305 states the basic right of administrative review available to a person who believes himself aggrieved by a failure of a State agency to offer him adequate relocation services and adequate replacement housing. A right to review head of a State agency, followed by furis available by the head of a State agency, followed by further review by HUD.

Section 42.310 details the procedures necessary to obtain State agency review.

Section 42.315 sets forth the elements which must be considered by a State agency in accomplishing this review, and the time limits for the issuance of a statement of findings upon review by the State agency.

Section 42.320 indicates that recommendations may be accepted from a third party.

Section 42.325 details the procedures for obtaining HUD review.

Section 42.330 sets forth the elements which must be considered by the HUD Area Office in accomplishing this review, and the time limit for the issuance of a statement of findings by the HUD Area Office.

Section 42.335 provides for a stay of displacement pending administrative review.

Section 42.365 provides that this Subpart is not intended to preclude review by the courts after completion of the administrative review.

Interested persons are invited to participate in the making of the proposed rule by submitting written data, views, or statements. Communications should be filed in triplicate with the Rules Docket Clerk, Office of General Counsel, Room 10256, Department of Housing and Urban Development, 451 Seventh Street SW., Washington DC 20410. All relevant material received on or before April 24, 1973 will be considered before adoption of final rules. Copies of comments submitted will be available for examination during business hours at the above address.

In 24 CFR Part 42 a new Subpart G is added to read as follows:

Subpart G—Grievance Procedures Relating to Adequacy of Relocation Services and Replacement Housing

Sec.
42.300 Purpose.
42.305 Right of appeal.
42.310 Request for State agency review.
42.315 State agency review.
42.320 Recommendations by third party.
42.325 Request for HUD review.
42.330 HUD review.
42.335 Stay of displacement pending review.
42.340 Remedies for persons displaced.
42.345 Extension of time limits.
42.350 Construction of rules and regulations.
42.355 Right to counsel.
42.360 Effect of determination on other complaints.
42.365 Right to judicial review.

AUTHORITY: Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, 84 Stat. 1894; 42 U.S.C. 4601.

§ 42.300 Purpose.

The purpose of this Subpart is to set forth guidelines for processing complaints from persons who believe themselves aggrieved by the failure of the State agency to provide them with adequate relocation services and adequate replacement housing as provided by Subpart C of this part.

§ 42.305 Right of appeal.

(a) *General.* A complainant, meaning a person who believes himself aggrieved by a failure of a State agency to offer him adequate relocation services or adequate replacement housing as provided by Subpart C of this part, may file a complaint with the head of the State agency or his authorized designee. Advice on the right to file a complaint under these procedures shall be a part of the information statement required by § 42.165. Where such person is not satisfied with the results of the State agency's determination, he is entitled to have his complaint reviewed by HUD.

(b) *Joint claimants; class actions.* Two or more complainants may join in filing a single written request for review with the State agency provided that each is aggrieved by the failure of the State agency to offer him adequate relocation services or adequate replacement housing as provided in § 42.300. A written request for review may be filed on behalf of a class where one or more complainants are fairly representative of a class of persons who have allegedly not been offered adequate relocation services or replacement housing by the State agency. The State agency may refuse to review the complaint as a class action if it determines that there does not exist a class with a community of interest in the issues raised or if it determines that the complainants do not fairly represent the class.

§ 42.310 Request for State agency review.

(a) *Informal presentation.* Upon request of the complainant, the State agency shall, within 15 days of the request, afford him an opportunity to make an oral presentation prior to filing a written request for review pursuant to paragraph (c) of this section. This oral presentation shall enable the complainant in the company of an advisor, attorney or other representative, if he so wishes, to discuss his complaint with the head of the State agency or a designee. Such designee shall be someone other than the person who has been providing relocation services.

(b) *Time limits for requesting informal presentation.* This right to an oral presentation shall be available to a complainant at any time prior to the date of displacement and no later than six months after displacement, unless closeout of the project occurs prior to that time, in which case the oral presentation must be requested prior to project closeout or within 90 days following displacement, whichever is later. If the State agency rejects the complainant's contentions in whole or in part, it must notify the complainant, with a copy to HUD, that he has a right to file a written request for State agency review. The State agency shall make a summary of the matters discussed in the oral presentation and it should be included as part of its file.

(c) *The written request for review.* The complainant may file a written request for review within the time limits prescribed by paragraph (d) of this section and such written request may include any statement of fact within complainant's knowledge or belief, or other material which he feels has a bearing on his appeal. If the complainant requests more time to gather and prepare additional information for consideration or review and demonstrates a reasonable basis therefor, he may be granted additional time. If the complainant feels he is unable to prepare the written complaint, the State agency shall offer to provide assistance to the complainant and further notify the complainant of other available sources of assistance. The State agency, however, shall consider every complaint regardless of form. The making of an oral presentation pursuant to paragraph (a) of this section shall not be deemed a condition precedent to the filing of a written request for review.

(d) *Time limits for filing written request for review.* A complainant may file a written request for review with the State agency at any time prior to the date of displacement. Such request for review may also be filed with the State agency no later than 6 months after displacement, unless final closeout of the project occurs prior to that time, in which case the written request must be made prior to project closeout or within 90 days following displacement, whichever date is later: *Provided*, That in any case in which an oral presentation is requested after displacement pursuant to paragraph (a) of this section, the time period specified in this paragraph shall be extended if necessary so that a complainant shall have no less than 30 days from the date he is advised of the determination on the oral presentation.

§ 42.315 State agency review.

(a) *General.* The State agency shall review the written request for review and shall make a determination as to whether adequate relocation services or adequate replacement housing has been provided to a complainant as provided by Subpart C of this part. The State agency shall issue to the complainant a copy of the determination and shall notify the complainant of his right to seek HUD review. A copy of the determination shall also be sent to HUD. The review shall not be made by the official who provides the relocation services and housing, nor anyone subordinate to that official.

(b) *Scope of review.* In making its determination, the State agency shall consider the following:

(1) All material upon which the State agency based its original determination, including all applicable rules and regulations;

(2) The reasons given by the complainant in support of his complaint;

(3) Whatever additional written material has been submitted by the complainant for the purpose of this review; and

(4) Any further information the State agency may, in its discretion, obtain by

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request, investigation or research to insure a fair and full review of the complaint.

(c) *Determination on review.* The written determination on review shall include, but is not limited to:

(1) The agency's decision upon review of the complaint;

(2) The factual and legal basis upon which this decision is based, including any pertinent explanation or rationale for the decision;

(3) The relief to which the complainant is entitled, and a brief statement on how this will be achieved; and

(4) A statement of complainant's right to seek further review by HUD and an explanation of what steps the complainant must take to obtain this review.

(d) *State agency determinations not based on merits.* A State agency's refusal to provide an oral presentation after one has been requested or review a written complaint on the merits (e.g., because of complainant's failure to request an oral presentation or file for written review within the required time or because the matter is not deemed ripe for determination) shall upon complainant's request, be reviewed by HUD in the manner described in §§ 42.325 and 42.330. However, in any case where a State agency refuses to provide an oral presentation or review a written complaint, prior to displacement, because the matter is not ripe for determination, the complainant shall also be notified that he may request an oral presentation or file a written complaint at a later time if services or adequate housing are not provided.

(e) *Time limits.* (1) The State agency shall issue its determination of review within 30 days from receipt of the last material submitted for consideration by the complainant in accordance with § 42.310.

(2) In the case of requests for oral presentations or written complaints dismissed for untimeliness or because the matter is not ripe for review or for any other reason not based on the merits, the State agency shall issue a statement to the complainant as to why the request for an oral presentation or written complaint was dismissed. The statement, with a copy to HUD, should be sent within 10 days of receipt of the last material submitted by the complainant or within 10 days of the complainant's request for an oral presentation.

§ 42.320 Recommendations by third party.

Upon agreement between the complainant and the State agency, a mutually acceptable third party or parties may review the complaint and make advisory recommendations thereon to the head of the State agency for his determination. The agreement between the complainant and the State agency may provide for an extension of the time limit for State agency review prescribed in § 42.315(e). In reviewing the complaint and making recommendations to the State agency, the third party or parties should be guided by the provisions of § 42.315(b) and of § 42.315(c) (1) through (3). The requirements of these sections and of § 42.315(c)(4) remain fully applicable to the State agency.

§ 42.325 Request for HUD review.

(a) *General.* A complainant who believes himself aggrieved as a result of the final determination of his written request for review by the State agency may request HUD to make a redetermination on his complaint. The request for HUD review shall be submitted in writing to the Director of the appropriate HUD Area Office or, where there is no HUD Area Office, to the Regional Administrator of the appropriate HUD Regional Office. (Unless the context indicates otherwise, "Area Director" shall be used in this Subpart to refer to the Regional Administrator where there is no Area Office.)

(b) *Submissions by complainant.* The complainant may include in the request for review by the Area Director any statement of facts within his knowledge or belief or other material which he feels will have a direct bearing on the complaint. The complainant need not, however, repeat arguments nor submit material previously provided to the State agency for its review: *Provided*, That where the complainant submits material to HUD which was not submitted to the State agency for review, HUD will provide the State agency with an opportunity to review such new material and to submit any comments which it wishes to make.

(c) *Submission of State agency's file.* Upon receipt of a request for review by HUD, the Area Director shall forward a copy of such request by certified mail, return receipt requested to the State agency which made the initial determination, and shall direct the State agency to submit a copy of the complete file of the complainant's case, including materials upon which the State agency based its decision. The State agency shall forward this material to the Area Director within 10 days of the receipt by the State agency of the notice from the Area Director.

(d) *Time limit.* The complainant shall file a written request for review of his complaint with the Area Director within 30 days from the date of receipt of the determination on review issued by the State agency.

§ 42.330 HUD review.

(a) *General.* The Area Director shall review the complaint as submitted by the complainant together with the material submitted to him by the State agency and shall issue to the complainant a copy of the determination within 30 days from the receipt of the complete file of complainant's case from the State agency.

(b) *Scope of review.* In making his determination, the Area Director shall consider the following:

(1) All the material upon which the State agency based its determination, including all applicable rules and regulations;

(2) The reasons given by the complainant for requesting reconsideration and review of his complaint;

(3) Whatever written material has been submitted by the complainant for the purposes of this review; and

(4) Any further information which HUD may, in its discretion, obtain by request, investigation or research to insure a fair and full review of the complaint.

(c) *Determination on review by HUD.* The written determination by HUD shall include, but need not be limited to:

(1) The Area Director's decision on reconsideration of the complaint;

(2) The factual and legal findings upon which the decision is based, including any pertinent explanation or rationale for the decision;

(3) The relief, if any, to which the complainant is entitled, and directions to the State agency on how this shall be achieved;

(4) Notification to the complainant of his right to seek further HUD assistance if the relief specified in paragraph (c) (3) of this section is not provided;

(5) Notification to the complainant of his right to seek judicial review in the event the determination is adverse.

(d) *Review of State agency determinations not based on the merits.* If the Area Director finds that the State agency's refusal to review the complaint on its merits was unreasonable, the complaint shall be remanded to the State agency for review on its merits within 30 days of the State agency's receipt of the remanded complaint. If the State agency's refusal to hear the complaint is not found to have been unreasonable, the Area Director shall so notify the complainant and inform him that he may have a right to judicial review: *Provided*, That in the case of complaints dismissed by a State agency as not ripe for determination and upheld by the Area Director, the claimant should again be notified that he may request an oral presentation or file a written complaint at a stage which would warrant an oral presentation or review.

§ 42.335 Stay of displacement pending review.

If the written request is filed before displacement, the State agency shall not require the complainant to move until at least 30 days after it has made a determination and the complainant has had an opportunity to seek HUD review. If the complainant seeks HUD review, no displacement shall occur pending HUD's determination. If the HUD determination is adverse to the complainant, he may not be displaced until at least 30 days after receipt of notice of the HUD determination. In all cases, the State agency must notify the complainant in writing 30 days prior to the proposed new date of displacement, and in no case may a complainant be displaced unless he is offered comparable replacement housing as provided in Subpart C of these regulations.

§ 42.340 Remedies for persons displaced.

Whenever it is determined by the State agency or by HUD that a complainant has been moved to replacement housing which fails to meet the criteria provided

in Subpart C of these regulations, the State agency shall take immediate steps to offer to the complainant replacement housing pursuant to Subpart C. The State agency will pay for the reasonable costs of the move to such replacement housing, either by arranging for the move and paying the mover directly, or by reimbursing the complainant for the reasonable costs of the move. Such expenditures are deemed eligible costs in connection with the administration of relocation.

§ 42.345 Extension of time limits.

The time limits specified in §§ 42.310 and 42.325 may be extended for good cause by the State agency or by the Area Director, respectively.

§ 42.350 Construction of rules and regulations.

This Subpart, and all applicable rules and regulations on which State agency and HUD determinations are based, shall be so construed as to fulfill the statutory purpose as declared in section 201 of the Act of "fair and equitable treatment" in order that displaced persons "not suffer disproportionate injuries as a result of programs designed for the benefit of the public as a whole."

§ 42.355 Right to counsel.

Any aggrieved party has a right to representation by legal or other counsel at his own expense at any and all stages of the proceedings set forth in this Subpart.

§ 42.360 Effect of determination on other complaints.

The principles established in all determinations by a State agency (unless modified upon review by HUD) or by HUD shall be applied to all similar cases.

§ 42.365 Right to judicial review.

Nothing in this Subpart shall in any way preclude or limit a complainant from seeking judicial review of his complaint on the merits upon exhaustion of such administrative remedies as are available to him under this Subpart.

(42 U.S.C. 4601; section 7(d) of the Department of Housing and Urban Development Act, 42 U.S.C. 3535(d))

Issued at Washington, D.C. on March 16, 1973.

JAMES T. LYNN,
Secretary of Housing and Urban Development.

[FR Doc.73-5571 Filed 3-22-73;8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

[40 CFR Part 2]

EXEMPTION FROM MANDATORY DISCLOSURE OF TRADE SECRETS AND OTHER INFORMATION

Notice of Proposed Rule Making

Notice is hereby given that the Environmental Protection Agency proposes to amend § 2.107a of Title 40, CFR, dealing with trade secrets and other information exempt from mandatory disclosure by virtue of 5 U.S.C. 552(b)(4).

The proposed amendment deals with four issues, as follows:

1. Section 10 of the Federal Environmental Pesticide Control Act (FEPCA), prohibits the disclosure, not only of trade secrets, but of "commercial or financial information obtained from a person and privileged or confidential," if such information is required to be submitted pursuant to FEPCA. Thus, section 10 constitutes a new prohibition on disclosure of a category of information exempt under the Freedom of Information Act, 5 U.S.C. 552, but which has not been withheld by EPA in all cases as a matter of policy. In order to harmonize EPA regulations under the Freedom of Information Act with the new requirement of FEPCA, it will be necessary to amend 40 CFR 2.107a to make it clear that the rules contained therein for disclosure of certain nontrade secret information, the submission of which is required do not apply to the disclosure of such information if EPA receives it pursuant to FEPCA.

2. Section 10 also provides a procedure for dealing with disputes between an applicant or registrant and EPA as to whether particular information falls within the scope of the protection of section 10(a). If the Administrator proposes to disclose such information to the public, section 10(c) requires him to give 30 days' notice of his intention to the applicant or registrant, so that the applicant or registrant may seek a declaratory judgment concerning the applicability of the prohibition in section 10(a). The 30-day period is measured from the date the applicant receives the Administrator's notice of intent. Meanwhile, 40 CFR 2.107a(a), dealing with trade secrecy, also provides, in subparagraph (2), that EPA will give 30 days notice to a person who has submitted information to EPA, whenever it is determined that such information does not constitute trade secrets. The 30 days, however, is measured from the date of mailing, rather than the date of receipt. To insure uniform procedures, therefore, the proposed amendment would change the day, from that of mailing to that of receipt, which begins the 30-day notice period under § 2.107a(a)(2). In addition, the amendment would require that the 30-day notice be sent by certified mail (return receipt requested) so that EPA will be able to ascertain when the 30-day period ends.

3. Section 2.107a(a)(4) now provides that the Office of General Counsel may issue written determinations concerning trade secrecy of information contained in EPA records, if such a determination is requested by an "interested party." At present, EPA has no authority to initiate the procedure called for by Part 2 with respect to determinations of trade secrecy. In many instances, however, it is foreseeable that certain information submitted by industry will almost surely be the subject of a request from a member of the public under the Freedom of Information Act. In addition, there might be situations in which EPA wishes to make certain information available to the public as a matter of course, without receiving a specific request under the Freedom of Information Act. The proposed amendment would give EPA this latitude by permitting it, in effect, to require a showing of trade secrecy by the person who submitted the information in question.

4. Section 207a(b)(2)(i) limits the scope of the phrase "privileged or confidential information," appearing in 5 U.S.C. 552(b)(4), to information received pursuant to a pledge of confidentiality. In its present form, § 2.107a(b)(2)(i) generally requires that such a pledge of confidentiality be "contained in any EPA form, or obtained in writing from EPA." This language is subject to differing interpretations with respect to information which is submitted as part of a proposal, solicited or unsolicited, for an EPA grant or contract. To the extent that EPA grants and procurement regulations, or requests for proposals, extend confidential treatment to such information, it should be unnecessary for a separate written undertaking to be made with respect to each proposal. Accordingly, the amendments would make it clear that the pledge of confidentiality from EPA may be contained in the grants and procurement regulations or in a request for proposals.

For the foregoing reasons, the following amendments to § 2.107a are hereby proposed:

1. The last two sentences of 40 CFR 2.107a(a)(2) are proposed to be amended to read as set forth below.

§ 2.107a Trade secrets and privileged or confidential information.

* * * * *

(a) * * *

2. The first sentence of 40 CFR 2.107a(a)(4) is proposed to be deleted, and the two sentences set forth below are proposed to be inserted in its place.

3. Section 2.107a(b)(2) is proposed to be amended to read as set forth below.

(2) * * * If the General Counsel determines that the records requested do not contain trade secrets, notice of such determination will be served by certified mail (return receipt requested) by the Office of General Counsel upon the person making the claim. No sooner than 30 days following the receipt of such notice, the requested records will be disclosed in accordance with this part.

* * * * *

(4) Whether or not a request for information has been made under this part, the General Counsel may issue written determinations as to whether information contained in EPA records does or does not constitute trade secrets. Prior to making any such determination, however, the Office of General Counsel shall give notice of his intent to make such a determination, to any person who would have received notice under § 2.105 (b) if a request for the information in question had been made under this part,

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and shall follow the procedures of paragraph (a)(2) of this section as appropriate. * * *

(b) *Privileged or confidential information.* * * * (2) * * * For purposes of this paragraph, "privileged or confidential information" means:

(i) Commercial or financial information obtained from a person pursuant to the Federal Environmental Pesticide Control Act, and privileged or confidential within the meaning of section 10(b) thereof; and

(ii) Information which an agency is authorized (but not required) by law to withhold from the public when it has been:

(A) Submitted to EPA pursuant to, and in reliance on, a pledge of confidentiality contained in any EPA form, or obtained in writing from EPA, or extended by grants and procurement regulations under this title or Title 41, Code of Federal Regulations, or in any request for proposals issued by EPA; or

(B) Received from a State or Federal agency which in turn has received the information pursuant to, and in reliance on, a pledge of confidentiality, and which continues to consider itself bound by such pledge (unless EPA is entitled by law to demand such information from the original private source).

(iii) No pledges will be made by EPA under subdivision (ii)(A) of this paragraph in connection with information which EPA is entitled by law to demand (such as emission data under section 114 of the Clean Air Act, 42 U.S.C. 1857c-9) or which is submitted to EPA to fulfill a requirement imposed by statute or regulation in connection with a regulatory scheme of general applicability (such as information contained in application for registrations, permits, certifications, and the like). Nothing herein is intended to affect the status of information which is required by law to be treated as confidential.

Interested persons are invited to submit written comments on the amendments proposed herewith, by submitting them to the Office of General Counsel, Environmental Protection Agency, Waterside Mall, 401 M Street SW., Washington, DC 20460. Written comments will be assured of consideration if received on or before April 23, 1973. Comments received pursuant to this notice will be available for inspection in Room 511, Waterside Mall, during normal working hours.

Dated: March 20, 1973.

WILLIAM D. RUCKELSHAUS,
Administrator.

[FR Doc.73-5585 Filed 3-22-73;8:45 am]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 73]

[Docket No. 19708; FCC 73-300]

FM BROADCAST STATIONS

Proposed Table of Assignments, Certain Cities in Minnesota and North Dakota

In the matter of amendment of § 73.202 (b), Table of assignments, FM Broadcast Stations (Park Rapids, Minn.; Albany, Minn.; Sauk Rapids-St. Cloud, Minn.; Jamestown, N. Dak.), Docket No. 19708, RM-1832, RM-2025, RM-2092.

1. Notice of proposed rule making is hereby given concerning the amendment of § 73.202(b) of the Commission's Rules, the Table of FM Assignments. The rule making is instituted on the basis of the following petitions.

(a) *RM-1832.* Proposal by De La Hunt Broadcasting Corp., licensee of Station KPRM-FM, for substitution of Channel 248 for Channel 279 at Park Rapids, Minn., to solve a second harmonic interference problem to Channel 12 television service.

(b) *RM-2025.* Proposal by Stearns County Broadcasting Co., licensee of standard broadcast Station KASM, Albany, Minn., for assignment of Channel 249A as a first FM channel to the community.

(c) *RM-2092.* Proposal by Herbert M. Hoppe doing business as Tri-County Broadcasting Co., licensee of standard broadcast Station WVAL, Sauk Rapids-St. Cloud, Minn., for assignment of Channel 251 as a third FM assignment to the area. (Two FM channels are presently assigned to St. Cloud. None is assigned to Sauk Rapids.)

2. These proposals are considered together because of conflicts that arise from the requests for FM channel assignments which are on adjacent channels, and the relative locations of the communities involved. Each of the proposals, which will be discussed below, appears to have sufficient merit to warrant inviting comments on the possible making of these assignments. This should not be construed as the expression of a view, even tentatively, that any or all of these assignments should be made as proposed. Additional information is required from the proponents; the nature of which is discussed below. Further, it appears that there are alternative approaches which, if followed, would permit the making of such assignments as might be warranted without regard to conflicts which otherwise would exist with other of these pending proposals. As it will be indicated below, we invite comments on each of the proposals individually and jointly, and on the possible alternative approaches discussed herein. Commenting parties are invited to suggest other possible alternative approaches.

3. *RM-1832 Park Rapids, Minn.* De La Hunt Broadcasting Co., licensee of Station KPRM-FM, Park Rapids, Minn. (De La Hunt), petitions for substitution of Channel 248 for Channel 279. It appears that the second harmonic frequency of Channel 279 falls in the television band for Channel 12 and has resulted in interference to the reception of Station KNMT-TV (Channel 12), operating at Walker, Minn., in the Park Rapids area. De La Hunt contends that additional harmonic filters have been added to the KPRM-FM transmitter to suppress the radiation of the second harmonic signal, that measurements indicate that the harmonic attenuation requirement of the Rule (73.317) is surpassed, and that it believes that much of the harmonic interference is generated in the preamplifiers used on many of the television receiver antenna installations or in the television sets. The petitioner asserts that its engineering department has found that the interference in most cases can be eliminated by the installation of an FM trap in front of the television booster, but that in severe cases, nothing can be done short of replacing the television set which has a very deficient front end.

4. With reference to the substitution of Channel 248 for Channel 279, De La Hunt asserts that, although the second harmonic frequency of Channel 248 falls within the Channel 10 television band, the operation of Channel 248 at Park Rapids would not cause a second harmonic interference to any Channel 10 television operation under the present television table of assignments. De La Hunt further states that it has no suggestions as to where Channel 279 should be assigned in lieu of Park Rapids, and that it would seem that if the channel were assigned to other cities in that area, stations using the channel in those cities would also subject the Channel 12 station in Walker, Minn., to the same second harmonic interference as has the Park Rapids station.

5. In urging the change in the assignment at Park Rapids, De La Hunt contends that it has on different occasions been forced to sign off during special events that are of high interest in this area such as football games and other related activities. It asserts that it can hardly be expected that the viewers of television in this area should be forced to stand the expense of trap devices or television set replacement when a simple change of frequency will eliminate the problem.

6. *RM-2025 Albany, Minn.* Stearns County Broadcasting Company, licensee of standard broadcast Station KASM, seeks assignment of Channel 249A to Albany, Minn. The channel could be assigned to Albany without requiring any changes in the present assignments and would be Albany's first FM assignment. However, the proposal conflicts with the request for a change in the assignment from Channel 279 to Channel 248 at Park Rapids, Minn., some 90 miles distant; the required separation is 105 miles. It also conflicts with a proposal for Sauk Rapids-St. Cloud, Minn., discussed below.

7. Albany, with a population of 1,599, is located in Stearns County (pop. 95,400). Albany has one daytime-only standard broadcast station, licensed to the petitioner. The other broadcast stations (2 AM's; 2 FM's) in Stearns County are located at St. Cloud, the county seat, some 20 miles southeast of Albany.

8. The petitioner contends that an FM station is needed to provide service, especially at night, to Albany and the surrounding rural area with information as to road and weather conditions, and school closings, and to provide coverage of public, governmental, and school board meetings, elections, and athletic events. The petitioner states that it will file an application for the use of the channel if it is assigned to the community.

9. *RM-2092 Sauk Rapids-St. Cloud, Minn.* Herbert M. Hoppe doing business as Tri-County Broadcasting Co., licensee of standard broadcast Station WVAL (Tri-County), requests assignment of Channel 251 to Sauk Rapids-St. Cloud, Minn., asserting that the assignment could be made without affecting any of the presently assigned channels. However, the station would have to be sited at least 13 miles almost due north of the city to meet the minimum separation requirements as provided by § 73.207(a) of the Rules. This proposal conflicts with the request for an assignment of Channel 249A at Albany, Minn., some 20 miles northwest; the required spacing is 65 miles.

10. Sauk Rapids is located northeast of and is contiguous to St. Cloud, Minn. Sauk Rapids has a population of 5,051 and is located in Benton County (pop. 20,841). Most of St. Cloud (pop. 39,691) lies in Stearns County (pop. 95,400). The remaining part of St. Cloud extends into Benton and Sherburne Counties. St. Cloud is the seat of Stearns County. The petitioner contends that its daytime-only AM Station WVAL is identified as a Sauk Rapids-St. Cloud station and requests the assignment of Channel 251 to the two communities. In addition, St. Cloud has two fulltime Class IV AM stations, two commercial FM stations, and one educational FM station.

11. Tri-County asserts that the St. Cloud-Sauk Rapids metropolitan area serves as the urban center and the focal points of a large nineteen-county area containing almost 350,000 residents; that St. Cloud's economy is healthy and rapidly expanding with increases in nonagricultural employment and in retail sales; that along with the increase in enrollment at St. Cloud's State College, the population of St. Cloud has been steadily increasing with the expansion of industry. It contends that, with the substantial growth projections for the St. Cloud area, there is also a strong interest and need in the county for an additional FM service. Tri-County alleges that the two FM stations in St. Cloud are operated in conjunction with the standard broadcast stations, and that there is significant duplication of AM programing.

12. The preclusion study shows that the proposed assignment of Channel 251 to Sauk Rapids-St. Cloud would preclude future assignments on Channels 248, 249, 251, and 252A. The preclusion on Channel 251 is limited to a number of small areas; the largest area is located north of St. Cloud. The preclusion on the other channels occurs over large areas. The petitioner contends that there is no community within these area with population greater than 10,000, and that there are a number of FM stations within or near these precluded areas which would provide FM services. The petitioner states that if Channel 251 is assigned to Sauk Rapids-St. Cloud, Minn., it will immediately apply for that channel and will promptly complete construction if granted a construction permit.

DISCUSSION

13. Of the three proposals under consideration here, the pivotal request is that for Albany, Minn. If Channel 249A were not to be assigned to Albany, the substitution of an assignment at Park Rapids and an assignment to Sauk Rapids-St. Cloud would be possible. On the other hand, assignment of Channel 249A to Albany would foreclose the requests for the other assignments as submitted by the petitioners. However, if Channel 227 instead of Channel 248 were to be substituted for Channel 279 at Park Rapids, then it would be possible to make an assignment to either Albany or Sauk Rapids-St. Cloud. The assignment of Channel 227 to Park Rapids would require the station there to be located at least 7 miles east of Park Rapids—the location of Station KPRM-FM would have to be moved approximately 4.5 miles east of its present site—to comply with the minimum mileage separation requirements as to Channel 227 at Jamestown, N. Dak. An alternative to the change in site would be a change in the assignment at Jamestown, N. Dak., from Channel 227 to Channel 223. This would require reimbursement by the station licensee at Park Rapids and the permittee at Albany for the reasonable cost that would be involved in the change of frequency of Station KSJM, operating on Channel 227 at Jamestown. As between Albany and Sauk Rapids-St. Cloud, a choice would have to be made as to which community has greater need for an assignment. It is noted that a change in assignment at Park Rapids would not allow the use of Channel 279 at Sauk Rapids-St. Cloud because of an assignment at Mankato, Minn. Another possible alternative would be to assign Channel 288A to Albany. Such an assignment would then permit substitution of Channel 248 for Channel 279 at Park Rapids and an assignment of Channel 251 to Sauk Rapids-St. Cloud. However, there is a question as to the feasibility of assigning Channel 288A to Albany because the transmitter site at Albany would have to be located at least 7 miles southeast of the community to meet the spacing requirement (65 miles) to Channel 290 at Wadena, Minn., presently assigned to Station KKWS. Due to lack of information as to terrain features in the area, it is not known whether a suitable site could be found from which a station would be able to operate in conformance with § 73.315 (a) and (b) of the rules. Parties are requested to submit information concerning this matter.

14. Although the possible substitution of a channel at Park Rapids to solve the second harmonic interference problem has been discussed above, the interference problem does not appear to be insurmountable. De La Hunt appears to have succeeded in eliminating the problem by installing harmonic filters into its transmitter and FM traps in front of the television boosters. The only exception appears to be the television receivers with deficient front ends. De La Hunt argues that the viewers of television should not be forced to stand the expense of trap devices or television set replacement when a simple change of frequency will eliminate the problem. In a public notice setting forth the policy to govern the change of FM channels to avoid interference to television reception (6 RR 2d 672, 31 FR 2567 (1966)), we noted that FM channel changes were not a satisfactory solution to the television interference problem because the deletion of the FM channel, which was harmonically related to the TV channel receiving the interference, and not assigning it to another community, which might have the same potential problem made for an inefficient allocation plan and reduced the assignments available to the FM service. The notice stated that, often, moving an offending assignment or making changes in assignment shifted the interference to another area or to another high band VHF TV station. It went on to say that petitions for FM changes would not receive favorable consideration unless, where actual interference to television reception is being caused, engineering showings are included which (a) give evidence of the interference claimed and indicate the efforts that have been made to eliminate the problem, and (b) show that no FM channels are deleted, no Class A channels are substituted for Class B or C channels, and the proposed reassignment will not result in a potential second harmonic problem being shifted to another city or television station. In this respect, although De La Hunt has shown the efforts made to eliminate the interference problem, it has not shown whether or not the second harmonic problem would be shifted to another city or another television station. A showing as to this should be made as well as to its willingness to reimburse Station KSJM at Jamestown, N. Dak., if, in the public interest, it is required to change its operating frequency.

15. *Showings required.* Comments are invited as to the proposals and the alternative solution outlined above as well as any further alternatives not discussed. The proponents will be expected to file comments demonstrating a continuing interest in the matter and a readiness to apply for the channel, if assigned, and if authorized, to promptly build the stations. Failure to make such a filing or to respond to questions which have been raised may result in denial of the petition.

16. *Cutoff procedure.* As in other FM rule making proceedings, the following procedures will govern:

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in initial comments, so that parties may comment on them in reply comments.

(b) With respect to petitions for rule making which conflict with the proposals in this notice, they will be considered as comments in the proceeding, and public notice to this effect will be given, as long

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as they are filed before the date for filing initial comments herein. If filed later than that, they will not be considered in connection with the decision herein.

17. In view of the foregoing, subject to the conditions and reservations set forth hereinabove in certain respects [1] and pursuant to authority found in sections 4 (i), 303 (g) and (r), and 307(b) of the Communications Act of 1934, as amended, it is proposed to amend § 73.202 (b) of the Commission's rules, the table of FM assignments, as follows:

City	Add	Delete
Albany, Minn.	249A or 288A	
Park Rapids, Minn.	227 or 249	279
Sauk Rapids-St. Cloud, Minn.	251	
Jamestown, N. Dak.	223	227

[1] *E.g.*, the fact that a possible change of transmitter site for Station KPRM–FM is involved; the fact that a possible change of channel for Station KSJM is involved; the fact that Channel 288A may only be assigned if the transmitter site is located 7 miles southeast of Albany; and the fact that not all of the proposed assignments below can be made, i.e., the assignments would only be made in certain combinations (thus, if Channel 248 were assigned to Park Rapids and Channel 251 were assigned to Sauk Rapids-St. Cloud, we would not assign Channel 249A to Albany or change channels at Jamestown but Channel 288A might be assigned to Albany).

Call letters	Location	Licensee	Present channel	Proposed channel
KPRM–FM	Park Rapids, Minn.	De La Hunt Broadcasting Corp.	279	223
KSJM	Jamestown, N. Dak.	Triple R, Inc.	227	227

20. *It is further ordered*, That pursuant to section 316 of the Communications Act of 1934, as amended, De La Hunt Broadcasting Corp., the licensee of Station KPRM–FM, Park Rapids, Minn., shall show cause why, if it is found to be in the public interest to assign Channel 227 to Park Rapids, to assign Channel 249A to Albany, and not to assign Channel 223 to Jamestown, and Channels 227 and 249A are assigned to Park Rapids and Albany, respectively, the license of Station KPRM–FM should not be modified to specify a transmitter location at least 7 miles east of Park Rapids, and operation on Channel 227 in lieu of Channel 279.

21. De La Hunt Broadcasting Corp. has requested modification of its license to specify operation on Channel 248. We view the request as consent to modification, and therefore find it unnecessary to issue an order to show why its license should not be modified to specify operation on Channel 248 if that channel is substituted for Channel 279 at Park Rapids, Minn.

22. Pursuant to applicable procedures set out in § 1.415 of the Commission's rules, interested parties may file comments on or before April 27, 1973, and reply comments on or before May 10, 1973. All submissions by parties to this proceeding, or persons acting in behalf of such parties, must be made in written comments, reply comments, or other appropriate pleadings.

23. In accordance with the provisions of § 1.419 of the rules, an original and 14 copies of all comments, replies, pleadings, briefs, and other documents shall be furnished the Commission. Responses will be available for public inspection during regular business hours in the Commission's Public Reference Room at its headquarters, 1919 M Street, NW., Washington, DC.

Adopted: March 13, 1973.

Released: March 19, 1973.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[FR Doc.73-5620 Filed 3-22-73;8:45 am]

[47 CFR Part 73]

[Docket No. 19707; FCC 73-299]

FM BROADCAST STATIONS

Proposed Table of Assignments, Sault Ste. Marie, Mich.

In the matter of amendment of § 73.202(b), *table of assignments*, FM Broadcast Stations (Sault Ste. Marie, Mich.), Docket No. 19707, RM–1916, RM–2125.

1. On January 31, 1972, Patterson Communications, Inc. (Patterson), licensee of standard broadcast Station WSOO at Sault Ste. Marie, Mich., filed a petition with this Commission requesting the assignment of FM Channel 267 to Sault Ste. Marie, Mich. On December 14, 1972, Miami County Broadcasting Co., Inc. (Miami), filed an independent petition requesting the assignment of FM Channel 258 to Sault Ste. Marie, Mich.[1] No other revisions, in our Table of Assignments, were proposed by either petitioner. No comments were received concerning either petition.

2. Sault Ste. Marie (population 15,136) [2] is the county seat of Chippewa County, Mich. (population 32,412). There is one FM assignment at Sault Ste. Marie, Channel 224A (WSMM), which was licensed to Mr. Leon B. VanDam doing business as Lock City Broadcasting Co. on July 14, 1972. There is only one standard broadcast station in the community, WSOO, licensed to Patterson.

3. The pleadings before us note that Sault Ste. Marie is located on the Michigan Peninsula approximately 200 miles north of Bay City, Mich. (population 49,449), which is the nearest substantial community. Patterson furnishes the following information about Sault Ste. Marie:

> The economy of Sault Ste. Marie is dependent upon: (1) Government installations, in particular the Soo Locks in the waterway between the ore mines along Lake Superior and the steel mills on the banks of the Detroit River and Lake Erie, and Kincheloe Air Force Base (one of the key bases of the Strategic Air Command), and (2) recreation and tourism. Lake Superior State College, the newest of Michigan's 12-State-supported collegiate institutions, overlooks the Soo Locks and the upper St. Marys River from a senic [sic] hilltop campus in Sault Ste. Marie. An enrollment of 3,000 by 1975 is expected. The rural areas support farming and forestry.

4. Our attention is invited to the fact of the community's isolation and the entire area's need for a wide coverage radio voice. Chippewa County is geographically the second largest county in Michigan and one of the largest in the United States (area, 1,562 square miles). The most distant points of the county lie 55 miles from Sault Ste. Marie. While noting that the only broadcast facilities in Chippewa County are at Sault Ste. Marie, WSOO (a Class IV standard broadcast operation) and WSMM (a Class A FM operation),[3] we are advised that rapid mass communications are particularly essential there in view of the extreme weather conditions. The mean snowfall in the area is 97.8 inches. The pleadings point out that the exceptionally heavy snows from December through April indicate that broadcasts of road conditions and school closings are far more important than in most areas of the country. It is also suggested that an interference-free (FM) radio voice providing entertainment and information could make the area more attractive to residents thereby possibly retarding the exodus of young persons and ultimately strengthening the area's economy.

5. We believe that a threshold showing of the need of Chippewa County for a wide coverage Class C channel has been made. However, to make such an assignment at Sault Ste. Marie and leave the present Class A channel assigned there could result in a possible undesirable competitive situation between FM stations that would be contrary to the public interest. Although under some circumstances we have intermixed Class A with Class B or C channels in the same community, here, where an abundance of FM channels appears to be available for assignment, we think it is in the public interest to explore the possibility of amending our table to provide for two Class A channels or two Class C channels at Sault Ste. Marie. Therefore, we present alternative proposals for accomplishing the goal of better service to the Michigan Peninsula. Our first alternative would add Channel 237A to the existing channel assignment in the community, 224A. Our second alternative would substitute Class C Channel 258 for Channel 224A and assign a second Class C channel, 267, to the community. This alternative would involve possible modification of the license of Lock City Broadcasting Co. to specify operation on one of the two Class C channels. Each of these alternatives would permit the existing FM station and a new FM entity to operate with equal facilities. A third alternative is to retain Channel 224A at Sault Ste. Marie and add one Class C channel—258 or 267. This alternative would have the possible disadvantage described above.

6. As mentioned above, the alternative of assigning two Class C channels to Sault Ste. Marie involves modification of the license of the existing FM station, WSMM, to specify operation on a Class C channel instead of on Channel 224A. We are accordingly directing an appropriate order to show cause to the WSMM licensee in the event that alternative II below is adopted. In so doing, we are aware of the not insubstantial expense of converting from a Class A to a Class C operation and of the harmful effect that this could have on a new station that has been operating for little more than half a year. We therefore stress that if the licensee of WSMM opposes such a modification its views will weigh heavily in our considerations.

7. In view of the foregoing, we propose, for consideration, the following revisions in our FM Table of Assignments (§ 73.202(b) of our rules) with respect to the city listed below:

City, Sault Ste. Marie, Mich.:	Channel No.
Present assignment	224A
Proposed Alternative I.	224A, 237A
Proposed Alternative II.	258, 267
Proposed Alternative III.	224A, 258 (or 267)

In view of the fact that Sault Ste. Marie is within 250 miles of the United States-Canadian border the proposed assignments are subject to Canadian concurrence.

8. Authority for the actions proposed herein is contained in Sections 4(i), 303, 307(b) and 316 of the Communications Act of 1934, as amended.

9. *It is ordered*, That, pursuant to Section 316 of the Communications Act of 1934, as amended, Lock City Broadcasting Co. shall show cause why its license for Station WSMM should not be modified to specify operation on Channel 258 or Channel 267 in lieu of Channel 224A if Alternative II is adopted.

10. *Showings required.* Comments are invited on the alternative proposals discussed and set forth above. Proponents of any particular assignment are expected to file statements which indicate the public interest factors supporting their proposals. Comments may include, but are not limited to, discussions of the economic, sociological and governmental activity in and about the Sault Ste. Marie, Chippewa County area of Michigan. Proponents should also state their intentions to apply for a channel if it is assigned and, if authorized, to build the station promptly. Failure to file may lead to denial of a request.

11. *Cutoff procedures.* The following procedures will govern the consideration of filings in this proceeding:

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered, if advanced in reply comments.

(b) With respect to petitions for rule making which conflict with the proposals in this notice, they will be considered as comments in the proceeding, and Public Notice to this effect will be given, as long as they are filed before the date for filing initial comments herein. If filed later than that, they will not be considered in connection with the decision in this docket.

12. Pursuant to applicable procedures set out in § 1.415 of the Commission's rules and regulations, interested parties may file comments on or before April 27, 1973, and reply comments on or before May 10, 1973. All submissions by parties to this proceeding or persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings.

13. In accordance with the provisions of § 1.419 of the Commission's rules and regulations, an original and 14 copies of all comments, reply comments, pleadings, briefs, or other documents shall be furnished the Commission.

14. All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Public Reference Room at its headquarters in Washington, D.C. (1919 M Street NW.).

Adopted: March 13, 1973.

Released: March 19, 1973.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[FR Doc.73-5619 Filed 3-22-73;8:45 am]

[1] On Nov. 14, 1972, the Commission accepted for filing an application assignment of license of WSOO from Patterson to Miami (BAL–7732). That application is presently pending. From the information contained in the application, it does not appear that Patterson continues an interest in developing an FM facility at Sault Ste. Marie.

[2] All population figures cited are from the 1970 U.S. census.

[3] Patterson states that except for stations in Canada the nearest extra-county aural broadcast services are located at Newberry, Mich., 55 miles to the west, and Cheboygan, Mich., some 60 miles to the south.

SMALL BUSINESS ADMINISTRATION

[13 CFR Part 107]

SMALL BUSINESS INVESTMENT COMPANIES

Financing of Disadvantaged Small Concerns; Extension of Time for Comments

Notice is hereby given that the Small Business Administration has extended the period for comment on the proposed regulations captioned as above from March 19, 1973, to April 8, 1973. Written comments should be submitted in triplicate to the Office of the Associate Administrator for Finance and Investment, Small Business Administration, Washington, D.C. 20416, on or before April 9, 1973. The rule making proposal was published in the FEDERAL REGISTER for February 15, 1973, 38 FR 4519.

Dated: March 20, 1973.

THOMAS S. KLEPPE,
Administrator.

[FR Doc.73-5683 Filed 3-22-73;8:45 am]

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Notices

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[GRASP 3G0017]

OLIN CORP.

Notice of Filing of Petition for Affirmation of Gras Status

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 201(s), 409, 701(a), 52 Stat. 1055, 72 Stat. 1784–1786; 21 U.S.C. 321(s), 348, 371(a)), and the regulations for affirmation of GRAS status (21 CFR 121.40), published in the FEDERAL REGISTER of December 2, 1972 (37 FR 25705), notice is given that a petition (GRASP 3G0017) has been filed by Olin Corp., 120 Long Ridge Road, Stamford, CT 06904, and placed on public display at the office of the Hearing Clerk, Food and Drug Administration, proposing affirmation that calcium hypochlorite is generally recognized as safe (GRAS) for use in potable water.

Interested persons may, on or before May 22, 1973, review the petition and/or file comments (preferably in quintuplicate) with the Hearing Clerk, Department of Health, Education, and Welfare, Food and Drug Administration, Room 6–88, 5600 Fishers Lane, Rockville, MD 20852. Comments should include any available information that would be helpful in determining whether the substance is, or is not, generally recognized as safe. A copy of the petition and received comments may be seen in the office of the Hearing Clerk, address given above, during working hours, Monday through Friday.

Dated: March 15, 1973.

VIRGIL O. WODICKA,
Director, Bureau of Foods.

[FR Doc.73-5569 Filed 3-22-73;8:45 am]

[GRASP 3G0019]

OLIN CORP.

Notice of Filing of Petition for Affirmation of GRAS Status

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 201(s), 409, 701(a), 52 Stat. 1055, 72 Stat. 1784–1786; 21 U.S.C. 321(s), 348, 371(a)), and the regulations for affirmation of GRAS status (21 CFR 121.40), published in the FEDERAL REGISTER of December 2, 1972 (37 FR 25705), notice is given that a petition (GRASP 3G0019) has been filed by Olin Corp., 120 Long Ridge Road, Stamford, CT 06904, and placed on public display at the office of the Hearing Clerk, Food and Drug Administration, proposing affirmation that calcium hypochlorite is generally recognized as safe (GRAS) for use in sanitizing barley.

Interested persons may, on or before May 22, 1973, review the petition and/or file comments (preferably in quintuplicate) with the Hearing Clerk, Department of Health, Education, and Welfare, Food and Drug Administration, Room 6–88, 5600 Fishers Lane, Rockville, MD 20852. Comments should include any available information that would be helpful in determining whether the substance is, or is not, generally recognized as safe. A copy of the petition and received comments may be seen in the office of the Hearing Clerk, address given above, during working hours, Monday through Friday.

Dated: March 15, 1973.

VIRGIL O. WODICKA,
Director, Bureau of Foods.

[FR Doc.73-5570 Filed 3-22-73;8:45 am]

[GRASP 3G0020]

OLIN CORP.

Notice of Filing of Petition for Affirmation of Gras Status

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 201(s), 409, 701(a), 52 Stat. 1055, 72 Stat. 1784–1786; 21 U.S.C. 321(s), 348, 371(a)), and the regulations for affirmation of GRAS status (21 CFR 121.40), published in the FEDERAL REGISTER of December 2, 1972 (37 FR 25705), notice is given that a petition (GRASP 3G0020) has been filed by Olin Corp., 120 Long Ridge Road, Stamford, CT 06904, and placed on public display at the office of the Hearing Clerk, Food and Drug Administration, proposing affirmation that chlorine dioxide is generally recognized as safe (GRAS) for use in the treatment of potable water and the washing of fruits and vegetables.

Interested persons may, on or before May 23, 1973, review the petition and/or file comments (preferably in quintuplicate) with the Hearing Clerk, Department of Health, Education, and Welfare, Food and Drug Administration, Room 6–88, 5600 Fishers Lane, Rockville, MD 20852. Comments should include any available information that would be helpful in determining whether the substance is, or is not, generally recognized as safe. A copy of the petition and received comments may be seen in the office of the Hearing Clerk, address given above, during working hours, Monday through Friday.

Dated: March 15, 1973.

VIRGIL O. WODICKA,
Director, Bureau of Foods.

[FR Doc.73-5568 Filed 3-22-73;8:45 am]

National Institutes of Health

BIOMETRY AND EPIDEMIOLOGY CONTRACT REVIEW COMMITTEE

Notice of Meeting

Pursuant to Public Law 92–463, notice is hereby given of the meeting of the Biometry and Epidemiology Contract Review Committee, April 11, 1973, 9:30 a.m. National Institutes of Health, Landow Building, Conference Room A–313. This meeting will be open to the public from 9:30 a.m. to 10 a.m., April 11, 1973, to discuss the fields of biometry and epidemiology, and closed to the public from 10 a.m. until adjournment, April 11, 1973, and closed to the public from 10 a.m. until adjournment, April 11, 1973, in accordance with the provisions set forth in section 552(b)4 of title 5, United States Code, and section 10(d) of Public Law 92–463. Attendance by the public will be limited to space available.

Mr. Frank Karel, Associate Director for Public Affairs, NCI, Building 31, Room 10A31, National Institutes of Health, Bethesda, Md. 20014 (301—496–1911), will furnish summaries of the open/closed meeting and roster of committee members.

Mr. Harvey Geller, Executive Secretary, Landow Building, Room B506A, National Institutes of Health, Bethesda, Md. 20014 (301—496–5251), will provide substantive program information.

Dated: March 13, 1973.

JOHN F. SHERMAN,
Deputy Director,
National Institutes of Health.

[FR Doc.73-5456 Filed 3-22-73;8:45 am]

BOARD OF SCIENTIFIC COUNSELORS

Notice of Meeting

Pursuant to Public Law 92–463, notice is hereby given of the meeting of the Board of Scientific Counselors, April 24–25, 1973, at 9 a.m., National Institutes of Health, Building 5, Room 216, on April 24 and Building 31, Conference Room 7A24 on April 25. This meeting will be closed to the public from 9 a.m. to 5 p.m. on both days, April 24 and April 25, 1973, in accordance with the provisions set forth in section 552(b)6 of title 5, United States Code, and 10(d) of Public Law 92–463.

1. Mr. Robert L. Schreiber, Information Officer, NIAID, NIH, Building 31, Room 7A32, Bethesda, Md. 20014, will furnish summaries of the meeting and rosters of the committee members.

2. Dr. John R. Seal, Executive Secretary, NIAID, NIH, Building 31, Room 7A03, Bethesda, Md. 20014, 496–6721, will furnish substantive program information.

Dated: March 13, 1973.

JOHN F. SHERMAN,
Deputy Director,
National Institutes of Health.

[FR Doc.73-5449 Filed 3-22-73;8:45 am]

BREAST CANCER DIAGNOSIS COMMITTEE

Notice of Meeting

Pursuant to Public Law 92–463, notice is hereby given of the meeting of the Breast Cancer Diagnosis Committee, Breast Cancer Task Force, April 18, 1973, 9 a.m., National Institutes of Health, Building 31, Conference Room 4. This meeting will be open to the public from 9 a.m., April 18, 1973, to discuss the status of Breast Cancer Detection Demonstration Program, and closed to the public from 10:30 a.m., April 18, 1973, in accordance with the provisions set forth in section 552(b)4 of title 5, United States Code, and section 10(d) of Public Law 92–463. Attendance by the public will be limited to space available.

Mr. Frank Karel, Associate Director for Public Affairs, NCI, Building 31, Room 10A31, National Institutes of Health, Bethesda, Md. 20014 (301—496–1911), will furnish summaries of the open meeting and roster of committee members.

Ihor J. Masnyk, Ph. D., Executive Secretary, Landow Building, Room B–404, National Institutes of Health, Bethesda, Md. 20014 (301—496–6773), will provide substantive program information.

Dated: March 13, 1973.

JOHN F. SHERMAN,
Deputy Director,
National Institutes of Health.

[FR Doc.73-5458 Filed 3-22-73;8:45 am]

CANCER CLINICAL INVESTIGATION REVIEW COMMITTEE

Notice of Meeting

Pursuant to Public Law 92–463, notice is hereby given of the meeting of the Cancer Clinical Investigation Review Committee April 25–27, 1973, at 8:30 a.m. at the Key Bridge Marriott Motel, Roslyn, Va. This meeting will be open to the public from 8:30 a.m. until 12:30 p.m. April 25 and 26. On April 25 there will be a discussion on the scientific and programmatic aspects of the Cooperative Clinical Group Program and on the 26th there will be a mini-symposium on Brain Tumors. The meeting will be closed to the public from 12:30 p.m. April 25 and 26, and all day April 27 in accordance with the provisions set forth in section 522(b)4 of title 5, United States Code, and section 10(d) of Public Law 92–463. Attendance by the public will be limited to space available.

Mr. Frank Karel, Associate Director for Public Affairs, NCI, Building 31, Room 10A31, National Institutes of Health, Bethesda, Md. 20014 (301—496–1911), will furnish summaries of the open meeting and roster of committee members.

William G. Hammond, M.D., Executive Secretary, Westwood Building, Room 10A03, National Institutes of Health, Bethesda, Md. 20014 (301—496–7058), will provide substantive program information.

Dated: March 13, 1973.

JOHN F. SHERMAN,
Deputy Director,
National Institutes of Health.

[FR Doc.73-5460 Filed 3-22-73;8:45 am]

COMMITTEE ON IMMUNODIAGNOSIS OF CANCER

Notice of Meeting

Pursuant to Public Law 92–463, notice is hereby given of the meeting of the Committee on Immunodiagnosis of Cancer, April 25, 1973, at 9 a.m., at Versailles No. 2 Conference Room, Holiday Inn, Bethesda, Md. This meeting will be open to the public from 9 to 9:30 a.m., and closed to the public from 9:30 a.m., in accordance with the provisions set forth in section 10(d) of Public Law 92–463 and 552(b)4 of title 5, United States Code. Attendance by the public will be limited to space available.

Mr. Frank Karel, Associate Director for Public Information, NCI, Building 31, Room 10A31, National Institutes of Health, Bethesda, Md. 20014 (301—496–1911), will furnish summaries of the open/closed meeting and roster of committee members.

Dorothy B. Windhorst, M.D., Executive Secretary, Building 10, Room 4B–11, National Institutes of Health, Bethesda, Md. 20014 (301—496–3639), will provide substantive program information.

Dated: March 13, 1973.

JOHN F. SHERMAN,
Deputy Director,
National Institutes of Health.

[FR Doc.73-5450 Filed 3-22-73;8:45 am]

COMMITTEE ON IMMUNOTHERAPY OF CANCER

Notice of Meeting

Pursuant to Public Law 92–463, notice is hereby given of the meeting of the Committee on Immunotherapy of Cancer, April 16, 1973, at 1 p.m., National Institutes of Health, Building 10, Conference Room 4B14. This meeting will be open to the public from 1 p.m. to 1:30 p.m., April 16, 1973, for general business and discussion of review procedures for contract proposals, and closed to the public from 1:30 p.m. to adjournment, in accordance with the provisions set forth in section 10(d) of Public Law 92–463 and 552(b)4 of title 5, United States Code. Attendance by the public will be limited to space available.

Mr. Frank Karel, Associate Director for Public Affairs, NCI, Building 31, Room 10A31, National Institutes of Health, Bethesda, Md. 20014 (301—496–1911), will furnish summaries of the open/closed meeting and roster of committee members.

Dorothy B. Windhorst, M.D., Executive Secretary, Building 10, Room 4B–11, National Institutes of Health, Bethesda, Md. 20014 (301—496–3639), will provide substantive program information.

Dated: March 13, 1973.

JOHN F. SHERMAN,
Deputy Director,
National Institutes of Health.

[FR Doc.73-5457 Filed 3-22-73;8:45 am]

COMMITTEE ON IMMUNOTHERAPY OF CANCER

Notice of Meeting

Pursuant to Public Law 92–463, notice is hereby given of the meeting of the Committee on Immunotherapy of Cancer, April 27, 1973, at 1 p.m., National Institutes of Health, Building 10, Conference Room 4B–14. This meeting will be open to the public from 1 p.m. to 1:15 p.m., April 27, 1973, for general business and closed to the public from 1:15 p.m. to adjournment, April 27, 1973, in accordance with the provisions set forth in section 10(d) of Public Law 92–463 and 552(b)4 of title 5, United States Code. Attendance by the public will be limited to space available.

Mr. Frank Karel, Associate Director for Public Affairs, NCI, Building 31, Room 10A–31, National Institutes of Health, Bethesda, Md. 20014 (301–496–1911) will furnish summaries of the open/closed meeting and roster of committee members.

Dorothy B. Windhorst, M.D., Executive Secretary, Building 10, Room 4B–11, National Institutes of Health, Bethesda, Md. 20014 (301–496–3639), will provide substantive program information.

Dated: March 13, 1973.

JOHN F. SHERMAN,
Deputy Director,
National Institutes of Health.

[FR Doc.73-5461 Filed 3-22-73;8:45 am]

COMMUNICATIVE DISORDERS REVIEW COMMITTEE

Notice of Meeting

Pursuant to Public Law 92–463, notice is hereby given of the meeting of the Communicative Disorders Review Committee, National Institute of Neurological Diseases and Stroke, National Institutes of Health, April 14, 1973, at 9 a.m., in Room 413, Statler-Hilton Hotel, Boston, Mass. This meeting will be open to the public from 9 a.m. until 10:30 a.m. to discuss program planning and program accomplishments and closed to the public from 10:30 a.m. until the conclusion of the meeting, to review, discuss, and evaluate and/or rank program project grant applications in accordance with the provisions set forth in section 552(b)4 of title 5 United States Code and section 10(d) of Public Law 92–463. Attendance by the public will be limited to space available.

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1. The Institute Information Officer who will furnish summaries of the meeting and rosters of committee members is: Mrs. Ruth Dudley, Information Officer, NINDS, Building 31, Room 8A03, Bethesda, Md., telephone 496–5751.

2. The Executive Secretary from whom substantive program information may be obtained is: Dr. J. Buckminster Ranney, Room 7A16A, Westwood Building, Bethesda, Md., telephone 496–7725.

Dated: March 15, 1973.

JOHN F. SHERMAN,
Deputy Director,
National Institutes of Health.

[FR Doc.73–5463 Filed 3–22–73;8:45 am]

CONSTRUCTION OF NURSE TRAINING FACILITIES REVIEW COMMITTEE

Notice of Meeting

Pursuant to Public Law 92–463, notice is hereby given of the meeting of the Construction of Nurse Training Facilities Review Committee, April 30 to May 1, 1973, at 9:30 a.m., National Institutes of Health, Building 31, Conference Room 8. This meeting will be open to the public from 9:30 a.m. to 10:30 a.m. on April 30 to discuss the Construction of Nurse Training Facilities Program and other division of nursing programs and closed to the public from 10:30 a.m., April 30, in accordance with the provisions set forth in section 552(b)4 of title 5 United States Code and 10(d) of Public Law 92–463. Attendance by the public will be limited to space available.

1. Mrs. Norma Golumbic, Information Officer, Room 508, Federal Building, Bethesda, Md., telephone number 496–1143, will furnish summaries of the meetings and rosters of committee members.

2. Substantive program information may be obtained from Miss Anastasia Petras, Executive Secretary of the Construction of Nurse Training Facilities Review Committee, Room 6C–10, Federal Building, Bethesda, Md., telephone number 496–6924.

Dated: March 13, 1973.

JOHN F. SHERMAN,
Deputy Director,
National Institutes of Health.

[FR Doc.73–5439 Filed 3–22–73;8:45 am]

DENTAL EDUCATION REVIEW COMMITTEE

Notice of Meeting

Pursuant to Public Law 92–463, notice is hereby given of the meeting of the Dental Education Review Committee, April 19, 1973, at 8:30 a.m., National Institutes of Health, Bethesda, Md., Building 31, Conference Room 5, A Wing. This meeting will be open to the public from 8:30 a.m. to 9:30 a.m., April 19, 1973, to discuss current status of dental special project grants, start-up assistance grants, capitation waiver requests and post construction site visit assessments. The meeting will be closed to the public at 9:30 a.m., in accordance with the provisions set forth in section 552(b)4 of title 5 United States Code and 10(d) of Public Law 92–463. Attendance by the public will be limited to space available.

The Executive Secretary who will furnish summaries of the closed meeting, rosters of committee members, and substantive program information is:

Leonard P. Wheat, National Institutes of Health, Building 31, Room 4B44, Bethesda, Md. 20014, phone: 496–6641.

Dated: March 13, 1973.

JOHN F. SHERMAN,
Deputy Director,
National Institutes of Health.

[FR Doc.73–5438 Filed 3–22–73;8:45 am]

DIAGNOSTIC RESEARCH ADVISORY GROUP

Notice of Meeting

Pursuant to Public Law 92–463, notice is hereby given of the meeting of the Diagnostic Research Advisory Group, April 19, 1973, 9 a.m., National Institutes of Health, Building 31, Conference Room 2. This meeting will be open to the public from 9 a.m. to 9:30 a.m., to discuss general program considerations of the Lung Cancer and Breast Cancer Demonstration Projects and closed to the public from 9:30 a.m. to 5 p.m., April 19, 1973, in accordance with the provisions set forth in section 552(b)4 of title 5 United States Code, and section 10(d) of Public Law 92–463. Attendance by the public will be limited to space available.

Mr. Frank Karel, Associate Director for Public Affairs, NCI, Building 31, Room 10A31, National Institutes of Health, Bethesda, Md. 20014 301–496–1911 will furnish summaries of the open meeting and roster of committee members.

Dr. Kenneth B. Olson, Executive Secretary, Building 31, Room 3A06, National Institutes of Health, Bethesda, Md. 20014 301–496–1591 will provide substantive program information.

Dated: March 13, 1973.

JOHN F. SHERMAN,
Deputy Director,
National Institutes of Health.

[FR Doc.73–5452 Filed 3–22–73;8:45 am]

HYPERTENSION INFORMATION AND EDUCATION ADVISORY COMMITTEE

Notice of Meeting

Pursuant to Public Law 92–463, notice is hereby given of the meeting of the Hypertension Information and Education Advisory Committee, April 19, 1973, 9 a.m., Holiday Inn, 8120 Wisconsin Avenue, Bethesda, MD. This meeting will be open to the public from 9 a.m. to 4:30 p.m., April 19, to discuss recommendations for therapeutic guidelines and final recommendations for screening and referral procedures for hypertensives. Also discussed will be the status of the professional educational program, the community program, and the progress of the regional hearings. Attendance by the public will be limited to space available.

Mr. Hugh Jackson, Information Officer, NHLI, NIH Landow Building, Room C918, phone 496–4236, will furnish summaries of the meeting and rosters of the committee members. Substantive information may also be obtained from the Executive Secretary, Dr. John B. Stokes III, NHLI, NIH Building 31, Room 5A27, phone 496–6331.

Dated: March 13, 1973.

JOHN F. SHERMAN,
Deputy Director,
National Institutes of Health.

[FR Doc.73–5441 Filed 3–22–73;8:45 am]

HYPERTENSION RESEARCH CENTERS ADVISORY COMMITTEE

Notice of Meeting

Pursuant to Public Law 92–463, notice is hereby given of the meeting of the Hypertension Research Centers Advisory Committee, April 20, 1973, 8:30 a.m., Landow Building, 7910 Woodmont Avenue, Bethesda, MD, in the eighth floor conference room. This meeting will be open to the public from 8:30 a.m. to 5 p.m., April 20, for a general discussion of the Hypertension Specialized Centers of Research and of future Commitee plans. Attendance by the public will be limited to space available.

Dr. Jerome G. Green, Director, Division of Extramural Affairs, NHLI, NIH Westwood Building, Room 5A18B, phone 496–7416, will furnish summaries of the meeting and rosters of the committee members. Substantive program information may be obtained from the Executive Secretary, Dr. W. Glen Moss, NHLI, NIH Landow Building, Room C816A, phone 496–1857.

Dated: March 13, 1973.

JOHN F. SHERMAN,
Deputy Director,
National Institutes of Health.

[FR Doc.73–5459 Filed 3–22–73;8:45 am]

MEDICAL EDUCATION REVIEW COMMITTEE

Notice of Meeting

Pursuant to Public Law 92–463, notice is hereby given of the meeting of the Medical Education Review Committee, April 17–19, 1973, 8:30 a.m. to 5 p.m., National Institutes of Health, Bethesda, Md., Building 31, Conference Room 9. This meeting will be closed to the public from 8:30 a.m. on April 17 to 5 p.m., on April 19, in accordance with the provisions set forth in section 552(b)4 of title 5, United States Code, and 10(d) of Public Law 92–463.

The Acting Executive Secretary who will furnish summaries of the meeting, rosters of committee members, and substantive program information is Dr. Robert F. Hendrickson, National Institutes of Health, Bethesda, Md., Building 31, Room 4C15, Area Code 301—496–6801.

Dated: March 13, 1973.

JOHN F. SHERMAN,
Deputy Director,
National Institutes of Health.

[FR Doc.73–5432 Filed 3–22–73;8:45 am]

NATIONAL ADVISORY ALLIED HEALTH PROFESSIONS COUNCIL

Notice of Meeting

Pursuant to Public Law 92–463, notice is hereby given of the meeting of the National Advisory Allied Health Professions Council, April 26, 1973, 9 a.m., National Institutes of Health, Building 31, Conference Room 7. This meeting will be open to the public from 9 a.m., April 26, to discuss status of current legislation and budget, a progress report on the study of clinical training in allied health professions, a feasibility study of a national system of certification of allied health manpower and closed to the public from 1 p.m. to adjournment, April 26, in accordance with the provisions set forth in section 552(b) 4 of title 5, United States Code, and 10(d) of Public Law 92–463. Attendance by the public will be limited to space available.

The Executive Secretary of the National Advisory Allied Health Professions Council will furnish summaries of the meetings, rosters of Council members, and substantive program information. He is:

Mr. Thomas D. Hatch, Director, Division of Allied Health Manpower, Bureau of Health Manpower Education, National Institutes of Health, PHS, Room 416, Federal Building, 9000 Rockville Pike, Bethesda, MD 20014, Telephone: 496–6975.

Dated: March 13, 1973.

JOHN F. SHERMAN,
Deputy Director,
National Institutes of Health.

[FR Doc.73–5433 Filed 3–22–73;8:45 am]

PUBLIC HEALTH REVIEW COMMITTEE

Notice of Meeting

Pursuant to Public Law 92–463, notice is hereby given of the meeting of the Public Health Review Committee, April 25–27, 1973, 9 a.m., National Institutes of Health, Building 31, Conference Room 9. This meeting will be open to the public from 9 a.m., April 25, to discuss appropriate announcements, review of previous meeting minutes, determination of future meeting dates, the Executive Secretary's report, and clarification of review criteria prior to grant application review, and closed to the public from 10 a.m. to 5 p.m., April 25 and from 9 a.m. to 5 p.m., April 26–27, in accordance with the provisions set forth in section 552(b) 4 of Title 5, United States Code, and 10(d) of Public Law 92–463. Attendance by the public will be limited to space available.

The Executive Secretary of the Public Health Review Committee will furnish summaries of the meetings, rosters of Committee members, and substantive program information. He is:

Mr. William J. Holland, Program Officer, Public Health Professions Branch, Division of Allied Health Manpower, Bureau of Health Manpower Education, National Institutes of Health, PHS, Room 3C–09, Federal Building, 9000 Rockville Pike, Bethesda, MD 20014, Telephone: 496–6945.

Dated: March 13, 1973.

JOHN F. SHERMAN,
Deputy Director,
National Institutes of Health.

[FR Doc.73–5436 Filed 3–22–73;8:45 am]

STUDY SECTIONS/COMMITTEES

Notice of Meetings

Pursuant to Public Law 92–463, notice is hereby given of meetings of the following study sections/committees and the individuals from whom summaries of meetings and rosters of committee members may be obtained.

The Information Officer of the Division of Research Grants, Mr. Richard Turlington, will furnish summaries of the closed meetings and rosters of committee members. Substantive information may be obtained from each Executive Secretary whose name, room number and telephone extension are listed below his Study Section. Mr. Turlington and the Executive Secretaries are all located in the Westwood Building, National Institutes of Health, Bethesda, MD 20014. Mr. Turlington's room number is 433, telephone 496–7441.

These meetings will be open to the public to discuss administrative details relating to Study Section business for approximately 1 hour at the beginning of the first session of the first day of the meeting and closed thereafter in accordance with section 10(d) of Public Law 92–463 in order to review, discuss, and evaluate and/or rank grant applications. Attendance by the public will be limited to space available.

Study section/committee	Date	Time	Location of meeting
Allergy and Immunology, Dr. Mischa Friedman, Room 337, telephone 496–7390.	April 13–15	8:45 a.m.	Chalfonte-Haddon Hall, Atlantic City, N.J.
Applied Physiology and Bioengineering, Mrs. Ileen Stewart, Room A–22, telephone 496–7581.	April 14–15	8:30 a.m.	Bellevue Stratford Hotel, Philadelphia, Pa.
Bacteriology and Mycology, Dr. Milton Gordon, Room A–27, telephone 496–7340.	April 12–14	8:30 a.m.	Holiday Inn, Chevy Chase, Md.
Biochemistry, Dr. William Sansione, Room 350, telephone 496–7516.	April 27–29	9 a.m.	Room 9, Bldg. 31, C-Wing, Bethesda, Md.
Biomedical Communications, Mrs. Ileen Stewart, Room A–22, telephone 496–7581.	April 26–27	9 a.m.	Holiday Inn, Chevy Chase, Md.
Biophysics and Biophysical Chemistry A, Dr. Irvin Fuhr, Room 237, telephone 496–7060.	April 27–28	9 a.m.	Shoreham Hotel, Washington, D.C.
Biophysics and Biophysical Chemistry B, Dr. John Wolff, Room 233, Telephone 496–7070.	April 27–28	8:30 a.m.	Room 2, Bldg. 31, Bethesda, Md.
Cardiovascular and Pulmonary, Research A, Dr. Wendell Kyle, Room 339, Telephone 496–7901.	April 26–28	9 a.m.	Benjamin Franklin Hotel, Philadelphia, Pa.
Cardiovascular and Pulmonary, Research B, Dr. Floyd Atchley, Room 339, Telephone 496–7901.	April 26–28	8:30 a.m.	Holiday Inn, Bethesda, Md.
Cell Biology, Dr. Evelyn Horenstein, Room 238, Telephone 496–7020.	April 13–15	9 a.m.	Four Seasons Motor Lodge, Gatlinburg, Tenn.
Communicative Sciences, Mr. Frederick Gutter, Room A–13, Telephone 496–7550.	April 14–16	2 p.m.	Room 10, Bldg. 31, C-Wing, Bethesda, Md.
Computer and Biomathematical Sciences, Dr. Bernice Lipkin, Room 357, Telephone 496–7568.	April 24–27	9 a.m.	Linden Hill Hotel, Bethesda, Md.
Dental, Dr. Ethel Jackson, Room 234, Telephone 496–7818.	April 24–26	9 a.m.	Statler Hilton Hotel, Washington, D.C.
Developmental Behavioral Sciences, Dr. Bertie Woolf, Room 236, Telephone 496–7471.	April 26–28	8:30 a.m.	Ramada Inn, Bethesda, Md.
Endocrinology, Mr. Morris Graff, Room 333, Telephone 496–7346.	April 11–14	9 a.m.	Sheraton Motor Inn of Silver Spring.
Epidemiology and Disease Control, Mr. Glenn Lamson, Room 236, Telephone 496–7471.	April 17–19	8:30 a.m.	Shoreham Hotel, Washington, D.C
Experimental Psychology, Dr. Keith Murray, Room 220, Telephone 496–7094.	April 24–27	9:30 a.m.	Dupont Plaza Hotel, Washington, D.C.
[1] Experimental Therapeutics, Dr. Anne Bourke, Room A–23, Telephone 496–7839.	April 13–15	1 p.m.	Chalfonte-Haddon Hall, Atlantic City, N.J.
General Medicine A, Dr. S. S. Schiaffino, Acting Executive Secretary, Room 203, Telephone 496–7071.	April 23–25	9 a.m.	Room 6, Bldg. 31, C-Wing, Bethesda, Md.
General Medicine B, Dr. William Davis, Room 322, Telephone 496–7730.	April 12–14	2 p.m.	Statler Hilton Hotel, Washington, D.C.
Genetics, Dr. Katherine Wilson, Room 340, Telephone 496–7271.	April 26–28	9 a.m.	Room 4, Bldg. 31, Bethesda, Md.
Hematology, Dr. Joseph Hayes, Room 355, Telephone 496–7508.	April 25–27	9 a.m.	Holiday Inn, Chevy Chase, Md.
History of the Life Sciences, Mrs. Ileen Stewart, Room A–22, Telephone 496–7581.	April 20	9 a.m.	Room 2, Bldg. 31, Bethesda, Md.
Human Embryology and Development, Dr. Samuel Moss, Room 221, Telephone 496–7597.	April 26–28	9 a.m.	Room 10, Bldg. 31, C-Wing, Bethesda, Md.
Immunobiology, Dr. James Turner, Room A–25, Telephone 496–7780.	April 26–28	8:30 a.m.	Conference Room C, Westwood Bldg., Bethesda Md.
Medicinal Chemistry A, Dr. Asher Hyatt, Room 222, Telephone 496–7286.	April 13–15	7:30 p.m.	Holiday Inn, Bethesda, Md.
Medicinal Chemistry B, Mr. Richard Brazzel, Room 222, Telephone 496–7286.	April 12–14	9 a.m.	Holiday Inn, Bethesda, Md.
Metabolism, Dr. Robert Leonard, Room 218, Telephone 496–7091.	April 12–14	8:30 a.m.	Room 6, Bldg. 31, C-Wing, Bethesda, Md.
Microbial Chemistry, Dr. Gustave Silber, Room A–26, Telephone 496–7130.	April 12–14	8:30 a.m.	Gatlinburg Inn, Gatlinburg, Tenn.
Molecular Biology, Dr. George Eaves, Room 328, Telephone 496–7830.	April 19–21	9 a.m.	Room 7, Bldg. 31, C-Wing, Bethesda, Md.

[1] Name changed from Pharmacology B.

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Study section/committee	Date	Time	Location of meeting
Neurology A, Dr. William Morris, Room 326, Telephone 496-7095.	April 19-21	9 a.m.	Room 4, Bldg. 31, Bethesda, Md.
Neurology B, Dr. Louise Thomson, Room 2A-10, Telephone 496-7422.	April 12-14	8:30 a.m.	Kenwood Country Club, Bethesda, Md.
Nutrition, Dr. John Schubert, Room 206, Telephone 496-7318.	April 12-14	9 a.m.	Room 9, Bldg. 31, C-Wing, Bethesda Md.
Pathology A, Dr. William Savchuck, Room A-19, Telephone 496-7305.	April 13-15	9 a.m.	Holiday Inn, Chevy Chase, Md.
Pathology B, Dr. James MacNamee, Room 352, Telephone 496-7344.	April 25-27	8:30 a.m.	Holiday Inn, Chevy Chase, Md.
Pharmacology, Dr. Lawrence Petrucelli, Room 331, Telephone 496-7408.	April 3-5	9 a.m.	Room 6, Bldg. 31, C-Wing, Bethesda, Md.
Physiological Chemistry, Dr. Robert Ingram, Room 338, Telephone 496-7837.	April 12-14	9 a.m.	Bethesdan Motor Inn, Bethesda, Md.
Physiology, Dr. Clara Hamilton, Room 219, Telephone 496-7878.	April 26-28	7:30 p.m.	Sheraton Motor Inn, Silver Spring, Md.
Population Research, Miss Carol Campbell, Room 210, Telephone 496-7140.	April 23-25	8:30 a.m.	Monteleone Hotel, New Orleans, La.
Radiation, Dr. Robert Straube, Room 348, Telephone 496-7510.	April 26-28	9 a.m.	Linden Hill Hotel, Bethesda, Md.
Reproductive Biology, Dr. Robert Hill, Room 206, Telephone 496-7318.	April 25-27	9 a.m.	Room 8, Bldg. 31, C-Wing, Bethesda, Md.
Surgery A, Dr. Raymond Helvig, Room 336, Telephone 496-7771.	April 20-21	8:30 a.m.	Sheraton-Silver Spring Motor Hotel, Silver Spring, Md.
Surgery B, Dr. Joe Atkinson, Room 348, Telephone 496-7506.	April 20-21	8:30 a.m.	Sheraton-Silver Spring Motor Hotel, Silver Spring, Md.
Toxicology, Dr. Rob McCutcheon, Room 328, Telephone 496-7370.	April 12-14	8:30 a.m.	Ben Franklin Hotel, Philadelphia, Pa.
Tropical Medicine and Parasitology, Dr. George Luttermoser, Room A-18, Telephone 496-7494.	April 26-28	9 a.m.	Conference Room D, Westwood Bldg., Bethesda, Md.
Virology, Dr. Claire H. Winestock, Room 340, Telephone 496-7128.	April 19-21	9 a.m.	Room 10, Bldg. 31, C-Wing, Bethesda, Md.
Visual Sciences A, Mr. Irving Gerring, Room 2A-05, Telephone 496-7064.	April 25-27	9 a.m.	Ramada Inn, Bethesda, Md.
Visual Sciences B, Dr. Marie A. Jakus, Room 353, Telephone 496-7251.	April 12-14	9 a.m.	Room 8, Bldg. 31, C-Wing, Bethesda, Md.
Arthritis and Metabolic Diseases, Program Project Committee, Dr. Harold Davidson, Room 2A-16, Telephone 496-7055.	April 27-28	9 a.m.	Room 432, Westwood Bldg., Bethesda, Md.

Dated: March 13, 1973.

JOHN F. SHERMAN,
Acting Director,
National Institutes of Health.

[FR Doc.73-5430 Filed 3-22-73;8:45 am]

THERAPEUTIC EVALUATIONS COMMITTEE

Notice of Meeting

Pursuant to Public Law 92-463, notice is hereby given of the meeting of the Therapeutic Evaluations Committee, April 23 and 24, 1973, at 1:30 p.m., National Institutes of Health, Building 31, Conference Room 8. This meeting will be open to the public from 1:30 to 2:30 p.m., April 23, to discuss administrative reports and details relating to committee business; all other sessions will be closed to the public in accordance with the provisions set forth in section 552(b)4 of title 5 United States Code, and 10(d) of Public Law 92-463. Attendance by the public will be limited to space available.

Dr. Jerome G. Green, Director, Division of Extramural Affairs, NHLI, NIH Westwood Building, Room 5A18, phone 496-7416, will furnish summaries of the meeting and rosters of the committee members. Substantive program information may be obtained from the Executive Secretary, Dr. Eleanor M. K. Darby, NHLI, NIH Westwood Building, Room 657, phone 496-7445.

Dated: March 13, 1973.

JOHN F. SHERMAN,
Deputy Director,
National Institutes of Health.

[FR Doc.73-5442 Filed 3-22-73;8:45 am]

Office of Education

ADVISORY COMMITTEE ON ACCREDITATION AND INSTITUTIONAL ELIGIBILITY

Notice of Public Meeting

Notice is hereby given, pursuant to Public Law 92-463, that the next meeting of the Advisory Committee on Accreditation and Institutional Eligibility will be held on March 28-30, 1973, at 9 a.m., local time, in Room 129, the Brookings Institution, 1775 Massachusetts Avenue NW., Washington, DC.

The Advisory Committee on Accreditation and Institutional Eligibility is established pursuant to section 253 of the Veterans' Readjustment Assistance Act (chapter 33, title 38, United States Code). The Committee is established to advise the Commissioner of Education in fulfilling his statutory obligations to publish a list of nationally recognized accrediting agencies and associations which he determines to be reliable authority as to the quality of training offered by educational institutions and programs.

The meeting of the Committee shall be open to the public on Wednesday, March 28, 1973. The proposed agenda includes presentations by representatives of accrediting agencies and associations which have petitions for recognition pending before the Committee, presentations in opposition to the recognition of certain agencies, and a review of the second draft of the proposed criteria for Recognition of State Agencies Which Are Reliable Authorities as to the Quality of Public Postsecondary Vocational Education. Under the authority of section 10(d) of the Federal Advisory Committee Act (Public Law 92-463) and section 552(b) of title 5 of the United States Code, the meeting will be closed to the public on March 29-30. Records shall be kept of all Committee proceedings.

Signed at Washington, D.C., on March 20, 1973.

JOHN R. PROFFITT,
Director, Accreditation and Institutional Eligibility Staff,
Office of Education.

[FR Doc.73-5668 Filed 3-22-73;8:45 am]

NATIONAL ADVISORY COUNCIL ON EDUCATION PROFESSIONS DEVELOPMENT

Notice of Public Meeting

Notice is hereby given, pursuant to section 10(a)(2), Public Law 92-463, that the next meeting of the National Advisory Council on Education Professions Development will be held on March 29, 1973, 10 a.m. to 6 p.m., and March 30, 1973, 10 a.m. to 1 p.m., local time, at the Statler Hilton Hotel, 16th Street between K and L NW., Washington, D.C.

The National Advisory Council on Education Professions Development is established under section 502 of the Education Professions Development Act (Public Law 90-35). The Council is charged with the review of the Education Professions Development Act and of all other Federal programs for the training and development of educational personnel.

The meeting of the Council shall be open to the public. The proposed agenda includes discussion of Federal policies on evaluation, personnel training for bilingual and early childhood education, and appropriations for education professions development. Records shall be kept of all Council proceedings and shall be available for public inspection at the Council office, located at 1111 20th Street NW., Room 308, Washington, DC 20036.

Signed at Washington, D.C., on March 19, 1973.

JOSEPH YOUNG,
Executive Director.

[FR Doc.73-5606 Filed 3-22-73;8:45 am]

Social and Rehabilitation Service

GENERAL RESEARCH STUDY SECTION

Notice of Meeting

The General Research Study Section will hold a regular meeting to review research and demonstration grant applications on March 27, 1973, 9 a.m. to 4 p.m., Room 1319, Department of Health, Education, and Welfare, Mary E. Switzer Memorial Building, 330 C Street SW., Washington, DC. The agenda includes introduction of new members, selection of a chairman and review of applications.

It is anticipated that the portion of the meeting devoted to the actual review of applications will be closed to the public as authorized under 5 U.S.C. 552(b)(4) and in accordance with section 10(d) of Public Law 92-463.

A summary of the meeting and roster of study section members may be obtained from Mr. William E. Flanigan, Executive Secretary, General Research Study Section, DHEW, SRS, Room 5330-A, 330 C Street SW., Washington, DC 20201.

WILLIAM E. FLANIGAN,
Executive Secretary.

MARCH 9, 1973.

[FR Doc.73-5586 Filed 3-22-73;8:45 am]

FEDERAL POWER COMMISSION

[Docket No. RI73-237 etc.]

RATE CHANGES

Order Providing for Hearing and Suspension and Effective Dates Subject to Refund [1]

MARCH 15, 1973.

Respondents have filed proposed changes in rates and charges for jurisdictional sales of natural gas, as set forth in Appendix A below.

The proposed changed rates and charges may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is in the public interest and consistent with the Natural Gas Act that the Commission enter upon hearings regarding the lawfulness of the proposed changes, and that the supplements herein be suspended and their use be deferred as ordered below.

The Commission orders: (A) Under the Natural Gas Act, particularly sections 4 and 15, the regulations pertaining thereto [18 CFR, Chapter I], and the Commission's rules of practice and procedure, public hearings shall be held concerning the lawful of the proposed changes.

(B) Pending hearings and decisions thereon, the rate supplements herein are suspended and their use deferred until date shown in the "Date Suspended Until" column. Each of these supplements shall become effective, subject to refund, as of the expiration of the suspension period without any further action by the respondent or by the Commission. Each respondent shall comply with the refunding procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder.

(C) Unless otherwise ordered by the Commission, neither the suspended supplements, nor the rate schedules sought to be altered, shall be changed until disposition of these proceedings or expiration of the suspension period, whichever is earlier.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[1] Does not consolidate for hearing or dispose of the several matters herein.

APPENDIX A

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf* Rate in effect	Cents per Mcf* Proposed increased rate	Rate in effect subject to refund in dockets Nos.
RI73-237	Champlin Petroleum Co.	111	[1] 9	Colorado Interstate Gas Co. (Table Rock Unit Area, Sweetwater County, Wyo.)	----------	2-16-73	3-19-73	[6] Accepted	----------	----------	
	do		10	do	$227,705	2-16-73		8-19-73	17.085	23.276	RI68-326.
	do	112	[1] 7	Colorado Interstate Gas Co. (Patrick Draw Area, Sweetwater County, Wyo.).	----------	2-16-73	3-19-73	[6] Accepted	----------	----------	
	do		8	do	44,142	2-16-73		8-19-73	17.2550	[3] 23.5074	RI68-326.
	do	118	[1] 7	Colorado Interstate Gas Co. (Table Rock Field, Sweetwater County, Wyo.).	----------	2-16-73	3-19-73	[6] Accepted	----------	----------	
	do		8	do	22,783	2-16-73		8-19-73	17.085	23.276	RI68-326.
RI73-238	Gulf Oil Corp.	223	[1] 9	Colorado Interstate Gas Co. (Patrick Draw Field, Sweetwater County, Wyo.).	----------	2-20-73	3-23-73	[6] Accepted	----------	----------	
	do		10	do	(3)	2-20-73		8-23-73	17.0	23.3337	RI71-196.
RI73-239	Getty Oil Co.	79	[4] 8	West Texas Gathering Co. (Emperor (Ellenburger) Field, Winkler County, Tex., Permian Basin).	----------	2-20-73	3-23-73	[6] Accepted	----------	----------	
	do		9	do	73,957	2-20-73		8-23-73	19.0713	28.0	RI73-135.
	do	195	2	El Paso Natural Gas Co. (La Rica (Morrow) Field, Lea County, N. Mex.) (Permian Basin).	1,276	2-14-73		8-31-73	[4] 30.6	[5] 31.01	
RI73-240	Sun Oil Co.	493	7	El Paso Natural Gas Co. (Sprayberry Field, Reagan County, Tex., Permian Basin).	2,423	2-16-73		4-19-73	14.5	19.071	
RI73-241	Atlantic Richfield Co.	508	9	El Paso Natural Gas Co. (Vinegarone Field, Val Verde County, Tex., Texas RR. District No. 1).	19,282	2-16-73		8-19-73	21.0	24.09	RI73-187.

FOOTNOTES:
* Unless otherwise stated, the pressure base is 14.65 p.s.i.a.
[1] Agreement providing for the increased rate.
[2] Includes a double amount of contractually due tax reimbursement to recover taxes on past sales of gas.
[3] No sales at present time.
[4] Amends pricing provisions.
[5] Includes upward B.t.u. adjustment.
[6] Accepted to be effective on the date shown in the "Effective Date" column.

The proposed redetermined increase filed by Champlin reflects, interalia, reimbursement of the Wyoming severance tax for both past and future production. After tax reimbursement applicable to past production has been recovered, Champlin shall reduce its proposed rate so as to provide for tax reimbursement for future production only. Since the proposed rate exceeds the ceiling for a 1-day suspension period, Champlin's proposed rate is suspended for 5 months.

The proposed increase of Sun Oil Co. does not exceed the rate limit for a 1-day suspension and therefore it is suspended for 1 day from the expiration of the 60-day notice period.

The remaining proposed increases exceed the rate limit for 1-day suspensions and are therefore suspended for 5 months.

The producers' proposed increased rates and charges exceed the applicable area price levels for increased rates as set forth in the Commission's Statement of General Policy No. 61-1, as amended (18 CFR 2.56).

The rate increases granted in these cases have been reviewed in the light of and are consistent with the Economic Stabilization Act of 1970 as amended, Executive Order No. 11695, and the rules and regulations issued thereunder.

[FR Doc.73-5515 Filed 3-22-73;8:45 am]

NOTICE OF APPLICATIONS

MARCH 15, 1973.

Take notice that each of the applicants listed herein has filed an application pursuant to section 205 of the Federal Power Act and Part 35 of the regulations issued thereunder.

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Any person desiring to be heard or to make any protest with reference to said applications should on or before April 16, 1973, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The applications are on file with the Commission and available for public inspection.

Dockets Nos.	Date filed	Name of applicant	Action
E-8022	10-30-72	Middle South Services, Inc.	Company files Notice of Cancellation of Service Schedule E, Short Term Power, Supp. No. 13 to Rate Schedule No. 38 for Mississippi Power & Light Co. (Supp. No. 13 to FPC No. 15, Southern Services, Inc.; Supp. No. 10 to FPC No. 11 for Alabama Power Co.; Supp. No. 10 to FPC No. 225 for Georgia Power Co.; Supp. No. 10 to FPC No. 14 for Gulf Power Co.; and Supp. No. 10 to FPC No. 47 for Mississippi Power Co.).
E-8064	3-2-73	Otter Tail Power Co.	Company filed additional material submitted in connection with the annual review of payment to be made by Cooperative Power Association under the Scheduling and Dispatching Agreement, dated Dec. 31, 1970, between Otter Tail Power Co. and Cooperative Power Association. The Company requests that billing under this revised determination of costs be permitted to become effective for the fiscal year beginning Apr. 1, 1973.
E-8012	10-25-72	Public Service Company of Oklahoma.	Company files Notice of Cancellation of subject Supp. No. 9 to Rate Schedule FPC No. 181. This agreement between the Empire District Electric Co. and Public Service Company of Oklahoma will expire by its own terms on Nov. 30, 1972.
E-8066	3-5-73	Union Electric Co.	Company files Participation Power Transaction No. 1 under the Interchange Agreement dated July 17, 1967, between Iowa Power & Light Co. and Union Electric Co., designated Union Electric Co. Rate Schedule FPC No. 74.
E-8060	2-28-73	Northern Indiana Public Service Co.	Company files Notice of Cancellation effective Oct. 16, 1972, of a service agreement dated Aug. 2, 1950, with Siler Light & Water Plant covering wholesale electric service for resale, which was filed with the Commission on June 15, 1954, and a service agreement dated Aug. 9, 1972, Siler Light & Water Plant, covering wholesale electric service for resale, which was filed with the Commission on Sept. 21, 1972.
E-8034	6-1-72	Arkansas-Missouri Power Co.	The Company filed with respect to its rate schedule FPC No. 31 a letter agreement dated May 26, 1972, between Arkansas-Missouri Power Co. (Ark-Mo) and Arkansas Electric Cooperative (Arkco). The Company states that the agreement provides for the sale by Ark-Mo of short-term firm power for the period between June 1, 1972, and May 31, 1973. The Company estimates that the revenue from the sale will be about $236 for the 12-month period. The Company requests waiver of the Commission's notice requirements so that the agreement may become effective June 1, 1972.
E-8039	2-20-73	Wisconsin Electric Power Co.	Company filed a letter agreement dated Feb. 7, 1973, between Wisconsin Electric Power Co. (WEPCO) and Wisconsin Public Service Corp. (WPSC). The Company states that the agreement in respect to WPSC purchasing specified amounts of power from WEPCO for a 3-week period beginning Feb. 5, 1973, and ending Feb. 25, 1973, under the terms of the letter agreement. The Company requests that the Commission waive the 30-day-notice requirement and allow the agreement to become effective Feb. 5, 1973.
E-8043	2-23-73	Commonwealth Edison Co. (Edison).	Company filed a letter agreement, dated Feb. 16, 1963, supplementing the interconnection agreement between Edison and Wisconsin Electric Power Co. (Wisconsin Electric) dated Feb. 9, 1961, and effective Apr. 1, 1961, wherein the interconnection agreement is designated as Edison Rate Schedule FPC No. 3. This letter agreement provides for an additional purchase by Wisconsin Electric of 200,00 kw. of power from Edison for the 2-week period Feb. 23, 1973, to Mar. 8, 1973, on the terms listed in the letter agreement between the companies dated Mar. 16, 1972, which is designated as Supp. No. 6 to Edison's rate schedule FPC No. 3. Edison requests that the Commission grant waiver of its notice requirements to permit the letter agreement to become effective Feb. 23, 1973.

Dockets Nos.	Date filed	Name of applicant	Action
E-8042	2-23-73	Fall River Electric Light Co.	Company filed supplement to its rate schedule FPC No. 4 between the company and Newport Electric Corp. (Newport). In addition, Newport filed a transmittal letter dated Feb. 15, 1973, and a certificate of concurrence of that date.
E-8060	2-28-73	Northern Indiana Public Service Co.	Company gives notice of cancellation of the following service agreements (1) Service agreement dated Aug. 2, 1950, with Siler Light & Water Plant covering wholesale electric service for resale. This agreement was filed with the Commission on June 15, 1964. (2) Service agreement dated Aug. 9, 1972, with Carl M. Siler, doing business as Siler Light & Water Plant covering wholesale electric service for resale. This service agreement was filed with the Commission on Sept. 21, 1972. The Company states that the reason for cancellation is that on Oct. 16, 1972, the Company acquired the properties of Siler Light & Water Plant. Pursuant to an order of the Public Service Commission of Indiana in case No. 33047 issued Sept. 28, 1972. The Company requests waiver of the Commission's notice requirements so that cancellation be made effective on the date of acquisition of the property.
E-8061	3-1-73	Iowa-Illinois Gas & Electric Co.	Company filed participation power agreement dated Feb. 1, 1973, with Northern States Power Co. (NIMN). Company states that under this agreement it would sell 100,000 kw. of participation power commencing May 1, 1973, through Oct. 31, 1973. The Company requests the proposed effective date of May 1, 1973. The Company states that the rates provided for in the agreement are negotiated rates with a demand charge of $150,000 per month for 10,000 kw. of capacity. Energy charge will be 4.5 mills per kilowatt hour.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-5518 Filed 3-22-73;8:45 am]

[Docket No. CI73-597]

GULF OIL CORP. ET AL.

Notice of Application

MARCH 16, 1973.

Take notice that on March 8, 1973, Gulf Oil Corp. (Operator), et al. (Applicant), Post Office Box 1589, Tulsa, OK 74102, filed in Docket No. CI73-597 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale for resale and delivery of natural gas in interstate commerce to Cities Service Gas Co. from the North Waterloo Field, Logan County, Okla., all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that it intends to commence the sale of natural gas within the contemplation of § 157.29 of the regulations under the Natural Gas Act (18 CFR 157.29) and proposes to continue said sale for 2 years from the end of the 60-day emergency period within the contemplation of § 2.70 of the Commission's general policy and interpretations (18 CFR 2.70). Applicant proposes to sell up to 2,000 Mcf of gas per day, plus additional gas which may be available and which the purchaser may be able to receive, at $0.35 per Mcf at 14.65 p.s.i.a. subject to upward and downward B.t.u. adjustment. Estimated initial upward B.t.u. adjustment is $0.056 per Mcf.

It appears reasonable and consistent with the public interest in this case to prescribe a period shorter than 15 days for the filing of protests and petitions to intervene. Therefore, any person desiring to be heard or to make any protest with reference to said application should on or before April 2, 1973, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein

must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-5511 Filed 2-22-73;8:45 am]

[Docket No. CI73-596]

GULF OIL CORP.

Notice of Application

MARCH 16, 1973.

Take notice that on March 8, 1973, Gulf Oil Corp. (Applicant), Post Office Box 1589, Tulsa, OK 74102, filed in Docket No. CI73-596 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale for resale and delivery of natural gas in interstate commerce to Texas Eastern Transmission Corp. at Applicant's Houston Central Processing Plant in Colorado County, Tex., all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that it commenced the sale of natural gas on March 1, 1973, within the contemplation of § 157.29 of the regulations under the Natural Gas Act (18 CFR 157.29) and that it proposes to continue said sale for 1 year from the end of the 60-day emergency period within the contemplation of § 2.70 of the Commission's general policy and interpretations (18 CFR 2.70). Applicant proposes to sell approximately 2,000 Mcf of gas per day at $0.45 per Mcf at 14.65 p.s.i.a., subject to upward and downward B.t.u. adjustment.

It appears reasonable and consistent with the public interest in this case to prescribe a period shorter than 15 days for the filing of protests and petitions to intervene. Therefore, any person desiring to be heard or to make any protest with reference to said application should on or before April 2, 1973, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-5512 Filed 3-22-73;8:45 am]

[Docket No. CI73-595]

TIDEWAY OIL CO., INC.

Notice of Application

MARCH 16, 1973.

Take notice that on March 5, 1973, Tideway Oil Co., Inc. (Applicant), Post Office Box 92, Jackson, MS 39205, filed in Docket No. CI73-595 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale for resale and delivery of natural gas in interstate commerce to Texas Gas Transmission Corp. from the East Dykesville Field, Webster Parish, La., all as more fully set forth in the application which is on file with the commission and open to public inspection.

Applicant proposes to sell up to 3,500 Mcf of gas per day for 1 year at $0.50 per Mcf at 15.025 p.s.i.a., subject to downward B.t.u. adjustment, within the contemplation of § 2.70 of the Commission's general policy and interpretations (18 CFR 2.70).

It appears reasonable and consistent with the public interest in this case to prescribe a period shorter than 15 days for the filing of protests and petitions to intervene. Therefore, any person desiring to be heard or to make any protest with reference to said application should on or before April 2, 1973, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-5513 Filed 3-22-73;8:45 am]

[Dockets Nos. RP72-151, RP72-154]

EL PASO NATURAL GAS CO.

Proposed Changes in Rates and Charges

MARCH 16, 1973.

Take notice that El Paso Natural Gas Co. (El Paso), on February 14, 1973, tendered for filing a notice of change in rates under its FPC Gas Tariff, First Revised Volume No. 3, applicable to service rendered to its Northwest Division System customers. Such change in rates is proposed to become effective as of April 1, 1973. The proposed rate change is submitted for the purpose of compensating El Paso for increases in its cost of purchased gas for the period July 1, 1972, through March 31, 1973, and is filed in accordance with the provisions of El Paso's Purchased Gas Adjustment Clause (PGAC) in effect in El Paso's said tariff.

El Paso states that annual increase in El Paso's Northwest Division System domestic purchased gas costs aggregates $2,926,953 based upon adjusted Northwest Division System domestic purchased gas volumes for the twelve (12) month period ending December 31, 1972. Additional increased purchased gas costs, aggregating $1,068,760, have occurred as a result of changes in the United States-Canadian currency rate and in the cost of gas purchased from El Paso's Canadian supplier, Westcoast Transmission Co., Ltd. When applied to El Paso's Northwest Division System total sales volumes for the same period, the aggregate of the increased domestic and imported purchased gas cost equates to $0.91 per Mcf ($0.087 per therm).

In addition, El Paso states that it has accrued in Account 191, Unrecovered

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Purchased Gas Cost, $3,287,815 applicable to increases in its Northwest Division System purchased gas costs, both domestic and imported, which have occurred monthly during the period July 1, 1972, through December 31, 1972. Such costs, when applied to El Paso's Northwest Division System jurisdictional sales volumes for the same period, produce an additional increase in rates of 1.55 cents per Mcf (0.149 cent per therm) to be applied as a surcharge to all rate schedules identified in the subject filing.

Copies of the filing have been served upon all parties of record at Dockets Nos. RP72-151 and RP72-154, and, otherwise, upon all Northwest Division System customers and interested State regulatory commissions.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 441 G Street NW., Washington, DC 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before March 28, 1973. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. El Paso's proposed tariff sheet and rate filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-5559 Filed 3-22-73;8:45 am]

[Docket No. CP73-232]

FLORIDA GAS TRANSMISSION CORP. AND UNITED GAS PIPE LINE CO.

Notice of Application

MARCH 16, 1973.

Take notice that on March 12, 1973, Florida Gas Transmission Corp. (Florida), Post Office Box 44, Winter Park, FL 32789, and United Gas Pipe Line Co. (United), 1525 Fairfield Avenue, Shreveport, LA 71101, filed in Docket No. CP73-232 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of facilities to interconnect their natural gas pipeline systems and the exchange of natural gas by means of said facilities, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicants propose to construct and operate taps and metering and regulating facilities at the intersection of United's north-south 30-inch pipeline and Florida's 22-inch East White Lake lateral pipeline at Arnaudville, St. Landry Parish, La.; at the intersection of United's 20-inch Baxterville main pipeline and Florida's 24-inch and 30-inch transmission pipelines in Perry County, Miss.; and at the intersection of United's 24-inch main transmission pipeline and Florida's 20-inch main transmission pipeline in Refugio County, Tex. These facilities are estimated to cost $194,000, which would be financed with cash from current operations.

Applicants propose to use the subject facilities for deliveries of natural gas when either company is confronted with a situation on its system which can be alleviated by deliveries of natural gas by the other. The gas would be returned in quantities equal to that received and imbalances would be corrected as soon as possible. There would be no payment for the exchange of gas.

Any person desiring to be heard or to make any protest with reference to said application should on or before April 9, 1973, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-5560 Filed 3-22-73;8:45 am]

[Docket No. CI73-593]

GETTY OIL CO.

Notice of Application

MARCH 16, 1973.

Take notice that on March 6, 1973 Getty Oil Co. (Applicant), Post Office Box 1404, Houston, TX 77001, filed in docket No. CI73-593 an application pursuant to section 7(c) of the Natural Gas Act and § 2.75 of the Commission's general policy and interpretations (18 CFR 2.75) for a certificate of public convenience and necessity authorizing the sale for resale and delivery of natural gas in interstate commerce to Cities Service Gas Co. (Cities) from the Locke (Brown Dolomite) Field, Roberts County, Tex., all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes under the optional gas pricing procedure to sell gas to Cities at an initial rate of 40 cents per Mcf at 14.65 p.s.i.a. subject to upward and downward B.t.u. adjustment. The basic contract for the subject sale dated February 20, 1973, provides for price escalations of 1 cent per Mcf each year, for 87½-percent reimbursement to Applicant of any new or increased taxes after the date of first deliveries, for a term of 20 years and for a 1.5 cents per Mcf price reduction if Getty elects not to compress the gas. Applicant estimates monthly deliveries at 8,380 Mcf.

Applicant asserts that the contract prices are consistent with the objectives enunciated by Commission Order No. 455 and are just and reasonable for this sale particularly in light of the fact that the Nation is confronted with an increasingly critical shortage of natural gas as recognized by the Commission on numerous occasions.

Any person desiring to be heard or to make any protest with reference to said application should on or before April 9, 1973, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-5561 Filed 3-22-73;8:45 am]

[Docket No. CP73-127]

MANCHESTER GAS CO.

Order Denying Rehearing

MARCH 16, 1973.

By order issued January 16, 1973, in Docket No. CP73-74, we authorized New England LNG Co. to sell to Manchester Gas Co. (Manchester) up to 8,250 Mcf of liquefied natural gas (LNG). The same order, in Docket No. CP73-127, authorized Manchester to transport the LNG in interstate commerce. Our order, and Manchester's application, indicate that the LNG will be carried by 11,000 gallon cryogenic semitrailer. The order does not specify who will haul the trailer loads, nor did Manchester request that any specific carrier be authorized or designated by us to perform any of the LNG transportation services proposed.

On February 14, 1973, Chemical Leaman Tank Lines, Inc. (Leaman), applied in Docket No. CP73-74 for rehearing of our January 16, 1973, order. Leaman contends that, by authorizing Manchester to transport LNG in interstate commerce, we have exceeded our statutory authority, and violated that of the Interstate Commerce Commission (ICC), which has jurisdiction over the use of motor carrier in interstate commerce. Leaman contends that our January 16, 1973, order should have specifically disclaimed any intention to limit Manchester's choice of motor carrier, and that, absent such disclaimer, the order should be declared null and void.

Leaman raises secondary "statements of error," contending that we failed to consider the facts, the law, or the evidence in arriving at our January 16, 1973, decision; that we erred in denying Leaman a hearing; and that, by naming the rulemaking in Docket No. R-377 as the proper forum for Leaman's arguments, we denied Leaman the due process of law.

Leaman's contention that we usurped the functions of ICC by authorizing the transportation of LNG in interstate commerce is without merit. The Natural Gas Act (Act) clearly gives us jurisdiction over the transportation of natural gas in interstate commerce. Whether that jurisdiction extends to transportation by means other than by a pipeline is a question reserved for our disposition in Docket No. R-377. (See finding (3) of our order of January 16, 1973.) We have concluded in earlier cases that LNG is natural gas for purposes of the Act.[1]

In the present case, because Manchester has chosen to transport LNG by motor carrier, it, or the carrier involved, may be required to seek ICC approval for such carriage. Any such ICC approval is required in addition to that issued by us, and our January 16, 1973, order does not relieve Manchester from complying with all applicable ICC requirements. Moreover, because our order reflects no intention to limit or control Manchester's dealings with motor carriers or the ICC, it required no specific language disclaiming such intention.

Leaman's arguments that it was improperly denied formal hearing are without merit. According to Leaman's petition to intervene, the only factual issue on which it would have presented evidence pertained to its willingness, ability, and authority to render the transportation services required by Manchester. No party has taken issue with Leaman's allegations.

Leaman's additional statements of error, cited above, are not supported by credible argument and require no further discussion here.

The Commission finds:

Our order issued January 16, 1973, in these proceedings does not by language or intention encroach upon the jurisdiction of the Interstate Commerce Commission. The arguments of Chemical Leaman Tank Lines, Inc., to the contrary, and the secondary arguments contained in its application for rehearing are without merit.

The Commission orders:

The application of Chemical Leaman Tank Lines, Inc., for rehearing is denied.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.73-5562 Filed 3-22-73;8:45 am]

[1] See, for example, our Opinion No. 613, issued Mar. 9, 1972, in Distrigas Corp., Docket No. CP70-196, et al.

NATIONAL POWER SURVEY TECHNICAL ADVISORY COMMITTEES AND TASK FORCES

Order Designating Additional Members

MARCH 19, 1973.

The Federal Power Commission, by orders issued September 28, 1972, and December 7, 1972, established certain technical advisory committees and task forces.

2. *Membership.* Additional members to technical advisory committees and task forces, as selected by the Chairman of the Commission, with the approval of the Commission, are as follows:

TECHNICAL ADVISORY COMMITTEE ON CONSERVATION OF ENERGY

Dr. Richard H. Briceland, Member, Chief Scientific Adviser to the Assistant Administrator, Air and Water Programs, Environmental Protection Agency.

Dr. Edwin Royce, Member, Chief, Ecological Studies and Technology, Environmental Protection Agency.

TECHNICAL ADVISORY COMMITTEE ON CONSERVATION OF ENERGY TASK FORCE—ENVIRONMENTAL ASPECTS

Dr. Stephen Rattien, Member, Program Development Staff, Council on Environmental Quality.

TECHNICAL ADVISORY COMMITTEE ON CONSERVATION OF ENERGY TASK FORCE—PRACTICES AND STANDARDS

Dr. Harry L. Brown, Member, Director, Energy Sources and Systems Institute, Drexel Institute of Technology.

Mr. G. F. Moore, Member, Consultant Manager, Power, Engineering Department, E. I. du Pont de Nemours & Co., Inc.

Dr. Herman G. Roseman, Member, National Economic Research Associates.

Dr. Charles Olsen, Member, Department of Business Administration, University of Maryland.

Mr. Walter Meisen, Member, Assistant Commissioner for Construction Management, General Services Administration.

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TECHNICAL ADVISORY COMMITTEE ON CONSERVATION OF ENERGY TASK FORCE—TECHNICAL ASPECTS

Dr. Harold Horowitz, Member, Program Manager, Division of Advanced Technology, National Science Foundation.

Dr. William Jackson, Member, Professor of Electrical Engineering, University of Tennessee Space Institute.

TECHNICAL ADVISORY COMMITTEE ON FINANCE TASK FORCE—FUTURE FINANCIAL REQUIREMENTS

Mr. John G. Winger, Member, Vice President, Energy Economics Division, The Chase Manhattan Bank.

TECHNICAL ADVISORY COMMITTEE ON FUELS TASK FORCE—ENVIRONMENTAL CONSIDERATIONS AND CONSTRAINTS

Mr. Glen Kendall, Member, Director, Policy Planning Division, Environmental Protection Agency.

TECHNICAL ADVISORY COMMITTEE ON RESEARCH AND DEVELOPMENT

Dr. Leland D. Attaway, Member, Deputy Assistant Administrator for Research, Environmental Protection Agency.

TECHNICAL ADVISORY COMMITTEE ON RESEARCH AND DEVELOPMENT TASK FORCE—ENVIRONMENTAL RESEARCH

Mr. Harold Falkenberry, Member, Chief, Power Research Staff, Tennessee Valley Authority.

Mr. L. J. Simpkin, Member, Director, Engineering Research Department, The Detroit Edison Co.

Dr. Ronald D. Doctor, Member, Engineering Sciences Department, The Rand Corp.

TECHNICAL ADVISORY COMMITTEE ON RESEARCH AND DEVELOPMENT TASK FORCE—ENERGY DISTRIBUTION RESEARCH

Mr. H. H. Brooksieker, Member, Manager, Transmission and Distribution Engineering, The Cleveland Electric Illuminating Co.

Mr. Clifford C. Diemond, Member, Assistant Chief, Engineer, Bonneville Power Administration.

By direction of the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

[FR Doc.73-5559 Filed 3-22-73;8:45 am]

NATIONAL POWER SURVEY TECHNICAL ADVISORY COMMITTEE ON POWER SUPPLY AND THE POWER SUPPLY TASK FORCE—FORECAST REVIEW

Order Designating Additional Member

MARCH 19, 1973.

The Federal Power Commission, by orders issued September 28, 1972, and December 19, 1972, established the Technical Advisory Committee on Power Supply and the Technical Advisory Committee on Power Supply Task Force—Forecast Review.

2. *Membership.* An additional member to the aforementioned Technical Advisory Committee and the Task Force, as selected by the Chairman of the Commission, with the approval of the Commission, is as follows:

Mr. William L. Porter, member, General Superintendent, electric system, Springfield Water Light & Power, Springfield, Ill.

By direction of the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

[FR Doc.73-5555 Filed 3-22-73;8:45 am]

NATIONAL GAS SURVEY TRANSMISSION-TECHNICAL ADVISORY TASK FORCE—ECONOMICS

Order Designating Member

MARCH 19, 1973.

The Federal Power Commission by order issued December 21, 1971, established the Technical Advisory and Coordinating Commitee Task Forces of the National Gas Survey.

1. *Membership.* A new member to the Transmission-Technical Advisory Task Force—Economics, as selected by the Chairman of the Commission with the approval of the Commission is as follows:

Roy N. Gamse, Chief, Special Projects Planning and Evaluation Division, Environmental Protection Agency.

Mr. Gamse is to fill the position vacated by the resignation of Mr. Robert D. Berkowitz who is leaving the Federal service.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

[FR Doc.73-5556 Filed 3-22-73;8:45 am]

[Docket No. E-7777]

PACIFIC GAS & ELECTRIC CO.

Application for Issuance of Subpena and Production of Documentary Evidence

MARCH 16, 1973.

On March 1, 1973, the Intervenor Cities of Alameda, Healdsburg, Lodi, Lompoc, Santa Clara, and Ukiah, Calif. (Cities) filed an application to the Commission for an issuance of a subpena to S. L. Sibley, Chairman and Chief Executive Officer of Pacific Gas & Electric Co. (PG&E) for data requested by Cities in "Cities Request Nos. 2 and 3" which PG&E has declined to provide. Cities allege that such data is necessary to support their claim of anticompetitive behavior on the part of PG&E in this proceeding.

Any person desiring to comment upon Cities' application should file such comments with the Federal Power Commission, 441 G Street NW., Washington, DC 20426 on or before March 29, 1973. Copies of Cities' application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB, *Secretary.*

[FR Doc.73-5563 Filed 3-22-73;8:45 am]

TECHNICAL ADVISORY COMMITTEE ON FUELS AND THE FUELS TASK FORCE—UTILITY FUELS REQUIREMENTS

Order Designating Additional Member

MARCH 19, 1973.

The Federal Power Commission, by orders issued September 28, 1972, and December 7, 1972, established the Technical Advisory Committee on Fuels and the Technical Advisory Committee on Fuels Task Force—Utility Fuels Requirements.

2. *Membership.* An additional member to the aforementioned Technical Advisory Committee and the Task Force, as selected by the Chairman of the Commission, with the approval of the Commission, is as follows:

Mr. Earl F. Brush, member, Assistant Manager, Lansing Board of Water and Light, Lansing, Mich.

By direction of the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

[FR Doc.73-5557 Filed 3-22-73;8:45 am]

DEPARTMENT OF STATE

[Public Notice 382]

TRAVEL INTO OR THROUGH CUBA

Restriction on Use of U.S. Passports

Pursuant to the authority of Executive Order 11295 and in accordance with 22 CFR 51.72(c), use of U.S. passports for travel into or through Cuba remains restricted. To permit unrestricted travel would be incompatible with the resolutions adopted at the Ninth Meeting of Consultation of Ministers of Foreign Affairs of the Organization of American States, of which the United States is a member. At this meeting, held in Washington from July 21 to 26, 1964, it was resolved that the governments of the American States not maintain diplomatic, consular, trade, or shipping relations with Cuba under its present government. This resolution was reaffirmed in the Twelfth Meeting of Ministers of Foreign Affairs of the OAS held in September 1967, which adopted resolutions calling upon Member States to apply strictly the recommendations pertaining to the movement of funds and arms from Cuba to other American nations. Among other things, this policy of isolating Cuba was intended to minimize the capability of the Castro government to carry out its openly proclaimed programs of subversive activities in the Hemisphere.

U.S. passports shall not be valid for travel into or through Cuba unless specifically validated for such travel under the authority of the Secretary of State.

This public notice shall expire on June 25, 1973, unless extended or sooner revoked by public notice.

Effective date. This notice becomes effective on March 23, 1973.

Dated: March 20, 1973.

[SEAL] WILLIAM P. ROGERS, *Secretary of State.*

[FR Doc.73-5642 Filed 3-22-73;8:45 am]

[Public Notice 383]

TRAVEL INTO OR THROUGH NORTH KOREA

Restriction on Use of U.S. Passports

Pursuant to the authority of Executive Order 11295 and in accordance with 22 CFR 51.72(c), use of U.S. passports for travel into or through North Korea remains restricted. In view of the continued hostility of the North Korean regime toward the United States, the unsettled situation along the Military Demarcation Line, and the special position of the Government of the Republic of Korea which is recognized by the U.S. as well as by U.N. resolution as the only lawful government in Korea, the Department of State believes that wholly unrestricted travel by American citizens to North Korea would seriously impair the conduct of U.S. foreign affairs.

U.S. passports shall not be valid for travel into or through North Korea unless specifically validated for such travel under the authority of the Secretary of State.

This public notice shall expire on June 25, 1973, unless extended or sooner revoked by public notice.

Effective date. This Notice becomes effective on March 23, 1973.

Dated: March 20, 1973.

[SEAL] WILLIAM P. ROGERS, *Secretary of State.*

[FR Doc.73-5644 Filed 3-22-73;8:45 am]

DEPARTMENT OF DEFENSE

Department of the Air Force

SCIENTIFIC ADVISORY BOARD AEROMEDICAL-BIOSCIENCES PANEL STUDY

Notice of Meeting

MARCH 16, 1973.

The USAF Scientific Advisory Board Aeromedical-Biosciences Panel Study of the USAF Overall Health Plan will hold a closed meeting on March 28, 1973, from 9 a.m. until 5 p.m., at the Forrestal Building in Washington, D.C. 20314.

The Panel will receive classified briefings concerning medical problems in Air Force operations, and sensitive procurement requirements to support implementation of the proposed Health Care Program.

For additional information on this meeting, telephone 202—697-4648.

JOHN W. FAHRNEY, *Colonel, USAF, Chief, Legislative Division, Office of The Judge Advocate General.*

[FR Doc.73-5587 Filed 3-22-73;8:45 am]

Department of the Army

WINTER NAVIGATION BOARD

Notice of Meeting

1. Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Public Law 92-463), notice is hereby given of a meeting of the Winter Navigation Board at Massena, N.Y., on March 28 and 29, 1973. The Board members will assemble on March 28, 1973, at 1:30 p.m. to observe ice conditions at the locks and canal in the international section of the St. Lawrence Seaway and at the facilities of the Power Authority, State of New York, as they affect the opening of the navigation season. A business meeting will be held at the Sheraton Hotel on March 29, commencing at 8:30 a.m.

2. The Winter Navigation Board is a multiagency organization which includes representatives of Federal agencies and non-Federal public and private interests. It was established to direct the Great Lakes and St. Lawrence Seaway Navigation Season Extension Demonstration Program being conducted pursuant to Public Law 91-611. The meeting will be open to the public. The purpose is to review completed demonstration activities and to consider plans for future demonstration activities.

3. Inquiries may be addressed to M. L. Dixon; U.S. Army Engineer Division, North Central, 536 South Clark Street, Chicago, IL 60605, telephone: 312—353-6395.

For the Adjutant General.

R. B. BELNAP, *Special Adviser to TAG.*

MARCH 12, 1973.

[FR Doc.73-5567 Filed 3-22-73;8:45 am]

Office of the Secretary

DEFENSE ADVISORY COMMITTEE ON WOMEN IN THE SERVICES

Notification of Meeting

Pursuant to Public Law 92-463, notice is hereby given that a meeting of the Defense Advisory Committee on Women in the Services (DACOWITS) will be held April 8-12, 1973, at the Pentagon and the Crystal City Marriott Hotel, Arlington, Virginia.

The agenda for this semiannual meeting will include briefings by Department of Defense officials on matters affecting servicewomen and working sessions for the preparation of written recommendations to the Secretary of Defense on the subjects of recruitment, living conditions, legislative matters, and community relations.

The Department of Defense briefings scheduled for 8 a.m. to 11:30 a.m. on Monday, April 9, 1973, in the Pentagon will be open to the public. Inasmuch as the Pentagon is closed to the general public, it is necessary for persons desiring to attend the briefings to contact the DACOWITS Secretariat (202) OXford 7-6385, no later than April 4, 1973, so that proper escorts to and from the meeting can be arranged.

The remainder of the Committee's meeting time will be devoted to working sessions which will be closed to the public.

MAURICE W. ROCHE, *Director, Correspondence and Directives Division, Office of the Assistant Secretary of Defense (Comptroller).*

[FR Doc.73-5580 Filed 3-22-73;8:45 am]

DEPARTMENT OF THE INTERIOR

Bureau of Reclamation

AUTHORIZED GRANITE REEF AQUEDECT, CENTRAL ARIZONA PROJECT, ARIZONA-NEW MEXICO

Notice of Public Hearing on Draft Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Department of the Interior has prepared a draft environmental statement for the Granite Reef Aqueduct, authorized as a part of the Central Arizona Project by Public Law 90-537, 82 Stat. 885, 43 U.S.C. 1501 et seq., on September 30, 1968. This statement (INT DES 73-15 dated March 14, 1973) filed with the Council on Environmental Quality on March 14, 1973, is available to the public, as specified in the notice of availability.

The draft environmental statement supplements the general information for

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the Granite Reef Aqueduct system as covered in the final environmental statement for the overall Central Arizona Project which was filed with the Council on Environmental Quality on September 26, 1972 (FES 72–35). The purpose of the aqueduct is to convey Colorado River water from the Havasu diversion facilities covered in final environmental statement (FES 73–2) at Lake Havasu: (1) To water users along the aqueduct primarily in the Phoenix metropolitan area; (2) to the Salt-Gila Aqueduct for distribution elsewhere in the Central Arizona service area; and (3) to Orme Reservoir northeast of Phoenix for temporary storage as needed. The Granite Reef Aqueduct will raise the water 388 feet from the outlet portal of the Buckskin Mountains Tunnel while conveying it approximately 182 miles southeast through open concrete-lined canals, siphons, and tunnels to the aqueduct's terminus northeast of Phoenix.

A public hearing will be held in Scottsdale, Ariz., in the Drama Room, Scottsdale Community College, Pima Road and Chaparral Road, on May 2 and 3, 1973, to receive comments relating to the draft environmental statement. All hearings will commence at 8:30 a.m. and continue until 4 p.m.

Oral statements at the hearing will be limited to a period of 15 minutes. Speakers will not trade their time to obtain a longer oral presentation; however, the person authorized to conduct the hearing may allow any speaker to provide additional oral comment after all persons wishing to make comment have been heard. Speakers will be scheduled according to the time preference mentioned in their letter or telephone request, whenever possible. Any scheduled speaker not present when called will lose his or her privilege in the scheduled order and his name will be recalled at the end of the scheduled speakers. Request for scheduled presentation will be accepted up to 4 p.m., April 27, 1973, and any subsequent request will be handled on a first-come-first-serve basis following the scheduled presentations.

Organizations or individuals desiring to present their oral statements at the hearing should contact E. A. Lundberg, Regional Director, Bureau of Reclamation, Post Office Box 427, Boulder City, NV 89005, telephone 702—293–2161, and announce their intention to participate. Written comments from those unable to attend, and from those wishing to supplement their oral presentation at the hearing should be sent on or before May 11, 1973, to Mr. Lundberg so that they can be included in the hearing record.

Dated: March 20, 1973.

G. G. STAMM,
Acting Commissioner,
Bureau of Reclamation.

[FR Doc.73–5613 Filed 3–22–73;8:45 am]

DEPARTMENT OF AGRICULTURE

Forest Service

MANTI DIVISION G–10 ADVISORY BOARD

Notice of Open Meeting

The Manti Division G–10 Advisory Board (Region 4—Manti-LaSal National Forest) will meet at 1:30 p.m., April 12, 1973, in Room 211, Main Building, College of Eastern Utah, Price, Utah.

The purpose of this meeting is to discuss Off-Road Vehicle and Roadless Area Use and such other topics brought up that are within the objectives and scope of the board.

The meeting will be open to the public. To the extent time permits, persons may be permitted to comment on topics brought before the board at any time during the discussion.

Dated: March 14, 1973.

GEORGE F. MCLAUGHLIN,
Forest Supervisor.

[FR Doc.73–5565 Filed 3–22–73;8:45 am]

DEPARTMENT OF COMMERCE

Maritime Administration

[Docket No. S–336]

WATERMAN STEAMSHIP CORP.

Notice of Application

Notice is hereby given that Waterman Steamship Corp., a New York corporation, has filed an application for a long-term operating-differential subsidy agreement under title VI (46 U.S.C. 1171–1183) of the Merchant Marine Act, 1936, as amended (herein called the Act) for operating-differential subsidy on Trade Route No. 22, U.S. Gulf/Far East. This company's current operating-differential subsidy agreement, Contract No. MA/MSB–138, covering operations on Trade Route No. 22 is scheduled to expire not later than June 23, 1975. In said application Waterman Steamship Corp. is requesting operating-differential subsidy on up to a maximum of 30 sailings per annum with such sailings to be performed initially with six war-built vessels and two Mariner vessels, with the six war-built vessels to be replaced in 1975 with four Mariner vessels, and with three Mariner vessels to be replaced about 1977/1978 with two LASH-type vessels, and the remaining three Mariners to be replaced about 1985/1986 with 2 LASH-type vessels.

Interested parties may inspect this application in the office of the Secretary of the Maritime Subsidy Board, Room 3099–B, Department of Commerce Building, 14th and E Streets NW., Washington, DC 20235.

Any person, firm, or corporation having any interest in such application and desiring a hearing on issues pertinent to section 605(c) of the Act, 46 U.S.C. 1175, should by the close of business on April 6, 1973, notify the Secretary, Maritime Subsidy Board, in writing in triplicate, and file petition for leave to intervene in accordance with the rules of practice and procedure of the Maritime Subsidy Board (46 CFR Part 201). Each such statement of interest and petition to intervene should indicate with as much specificity as possible those portions of the application with which the intervenor is concerned with consideration being given particularly to the time period(s) and fleet consist(s) proposed by the applicant.

In the event that a section 605(c) hearing is ordered to be held the purpose thereof will be to receive evidence relevant to (1) whether the application is one with respect to a vessel or vessels to be operated on an essential service served by citizens of the United States which would be in addition to the existing service or services, and if so, whether the service already provided by vessels of U.S. registry on such essential service is inadequate, (2) whether in the accomplishment of the purposes and policy of the Act additional vessels should be operated thereon, (3) whether the application is one with respect to a vessel or vessels operated or to be operated on an essential service served by two or more citizens of the United States with vessels of U.S. registry, and if so, whether the effect of the requested contract would be to give undue advantage or be unduly prejudicial, as between citizens of the United States, in the operation of vessels in such essential service, and (4) whether it is necessary to enter into such contract in order to provide adequate service by vessels of U.S. registry.

If no request for hearing and petition for leave to intervene is received within the specified time, or if the Maritime Subsidy Board determines that petitions for leave to intervene filed within the specified time do not demonstrate sufficient interest to warrant a hearing, the Maritime Subsidy Board will take such action as may be deemed appropriate.

Dated: March 20, 1973.

By Order of the Maritime Subsidy Board.

JAMES S. DAWSON, Jr.,
Secretary.

[FR Doc.73–5637 Filed 3–22–73;8:45 am]

Office of Import Programs

BATES COLLEGE AND COLORADO SCHOOL OF MINES

Notice of Consolidated Decisions on Application for Duty-Free Entry of Michelson Interferometers

The following is a consolidated decision on applications for duty-free entry of interferometers pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89–651, 80 Stat. 897), and the regulations issued thereunder as amended (37 FR 3892 et seq.). (See especially § 701.11(e).)

A copy of the record pertaining to each of the applications in this consolidated decision is available for public review during ordinary business hours of the Department of Commerce, at the Special Import Programs Division, Office of Import Programs, Department of Commerce, Washington, D.C.

Docket No. 72–00372–99–40500. Applicant: Bates College, Lewiston, Maine 04240. Article: Michelson Interferometer. Manufacturer: SOPRA, France. Intended use of article: The article is intended to be used for the instruction of students in its theory and operation in two physics courses. It will also be used in Physics 458 in which students do individual projects leading to the writing of senior thesis. Application received by Commissioner of Customs: February 4, 1972. Advice submitted by Department of Health, Education, and Welfare on: March 5, 1973.

Docket No. 73–00154–01–40500. Applicant: Colorado School of Mines, Department of Physics, Golden, Colo. 80401. Article: SOPRA "Michelson" Interferometer. Manufacturer: Societe de Production et de Recherches appliquees, France. Intended use of article: The article is intended to be used partly for student research in general Fourier spectroscopy. In particular it will be valuable in work on near infrared spectra of gases, liquids, and solids of relevance to mineral studies. The article will also be used in the course Optics PH 332, which includes theory and laboratory work in geometrical and physical optics at the intermediate level. Application received by Commissioner of Customs: August 24, 1972. Advice submitted by Department of Health, Education, and Welfare on: March 5, 1973.

Comments: No comments have been received with respect to any of the foregoing applications. Decision: Applications approved. No instrument or apparatus of equivalent scientific value to the foreign articles, for such purposes as these articles are intended to be used, is being manufactured in the United States. Reasons: Each foreign article can be utilized for general purpose interferometry. In addition each foreign article incorporates a continuous scanning feature which permits Fourier-transform spectroscopy. The National Bureau of Standards (NBS) advised in its respectively cited memoranda that the characteristics described above are pertinent to the purposes for which each of the foreign articles described above are intended to be used. NBS also advised that it knows of no domestically manufactured instrument which is scientifically equivalent to any of the articles to which the foregoing applications relate for such purposes as these articles are intended to be used.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to any of the foreign articles to which the foregoing applications relate, for such purposes as these articles are intended to be used.

B. BLANKENHEIMER,
Acting Director,
Office of Import Programs.

[FR Doc.73–5582 Filed 3–22–73;8:45 am]

HARVARD UNIVERSITY, ET AL.

Notice of Applications for Duty-Free Entry of Scientific Articles

The following are notices of the receipt of applications for duty-free entry of scientific articles pursuant to section 6 (c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89–651; 80 Stat. 897). Interested persons may present their views with respect to the question of whether an instrument or apparatus of equivalent scientific value for the purposes for which the article is intended to be used is being manufactured in the United States. Such comments must be filed in triplicate with the Director, Special Import Programs Division, Office of Import Programs, Washington, D.C. 20230 by April 12, 1973.

Amended regulations issued under cited Act, as published in the February 24, 1972 issue of the FEDERAL REGISTER, prescribe the requirements applicable to comments.

A copy of each application is on file, and may be examined during ordinary Commerce Department business hours at the Special Import Programs Division, Department of Commerce, Washington, D.C.

Docket No. 73–00384–33–43400. Applicant: Harvard University, Purchasing Department, 75 Mount Auburn Street, Cambridge, MA 02138. Article: Automatic stepping micromanipulator with electronic control unit. Manufacturer: AB Transvertex, Sweden. Intended use of article: The article is intended to be used to hold the microelectrode and advance it into the brain during experiments on the central nevrous system of the cat. The aim of these experiments is to investigate the anatomical and physiological properties of single nerve cells in the visual cortex. Application received by Commisioner of Customs: February 12, 1973.

Docket No. 73–00395–01–86500. Applicant: University of Akron, Akron, Ohio 44325. Article: Rheogoniometer, R–18. Manufacturer: Sangamo Control, Ltd., United Kingdom. Intended use of article: The article is intended to be used for a current research project involving viscoelastic effects on blood flow. Experiments must be conducted to measure normal stress effects in a number of low viscosity solutions (1–4 cps.) including blood. In these experiments, aqueous media (including blood) are to be altered by addition of 40–80 p.p.m. of soluble drag reducing polymers. Application received by Commissioner of Customes: February 21, 1973.

Docket No. 73–00396–01–11000. Applicant: Medical University of South Carolina, 80 Barre Street, Charleston, SC 29401. Article: Gas Chromatograph-Mass Spectrometer, LKB 9000S. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The article is intended to be used for the following research objectives:

(1) Determination of the chemical structure of microgram and nanogram quantities of drugs and drug metabolites isolated from biological materials, e.g. blood, urine spinal fluid, etc.;

(2) Determination of the metabolic fate of beta-blocking drugs, e.g. oxprenolol and propranolol;

(3) Development of a quantitative GC–MS measurement technique using the mass spectrometer as the detector and molecules labelled with stable isotopes as internal standards;

(4) Development of techniques for the determination of peptide sequence by GC–MS; and

(5) Studies of glucuronide conjugates of drugs and drug metabolites.

Application received by Commissioner of Customs: February 26, 1973.

Docket No. 73–00397–33–46040. Applicant: The Johns Hopkins University, Charles and 34th Street, Baltimore, MD 21218. Article: Electron Microscope, Model JEM 100B. Manufacturer: JEOL Ltd., Japan. Intended use of article: The article is intended to be used in carrying out several research projects.

These research projects include the following:

(1) Formation of tropocollagen molecules from their constituent gelatin chains.

(2) Investigation of morphological abnormalities found in some histidine regulatory mutants of *Salmonella typhimurium* and a study of flagellar mutants in this same organism by electron microscopy to properly characterize such mutants.

(3) Localization at the electron microscope level of Drosophila alcohol dehydrogenase activity in cells of the fat body.

(4) Appearance of alcohol dehydrogenase activity in the cells of the developing imaginal discs.

(5) Localization by appropriate electron microscope biochemistry of beta-hydroxybutyrate dehydrogenase activity in the fat body.

(6) Investigation of the precise mechanism of sugar transport across membranes, and very possibly the structure of permeases in bacterial membranes.

Application received by Commissioner of Customs: February 2, 1973.

Docket No. 73–00398–90–46070. Applicant: University of Wyoming, Department of Geology, University Station, Box 3006, Laramie, WY 82070. Article: Scanning Electron Microscope, Model JSM–U3. Manufacturer: JEOL Ltd., Japan. Intended use of article: The article is intended to be used for a wide range of research projects in the department of geology, botany, zoology, and plant science. Some of these projects will include:

A. Examination of the test porosities of species of recent planktonic foraminifera;

B. Study of chemical reactions in sediments from cores taken by the Deep Sea Drilling Project;

C. Study of the surface textures of sand grains;

D. Study of the seeds and pollen of western North American taxa of *Chenopodium*.

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E. Survey of the surface and stomatal structural features of the cuticles of the coniferous species: *Pinus contorta, Pinus flexilis, Abies lasiocarpa,* and *Piecea engelmanii.*

F. Studies of grass systematics, cell interaction and surfaces with cyclic adenosine monophosphate.

G. Mycological research and identification of immature insects.

Application received by Commissioner of Customs: January 30, 1973.

B. BLANKENHEIMER,
Acting Director,
Office of Import Programs.

[FR Doc.73-5581 Filed 3-22-73;8:45 am]

UNIVERSITY OF ROCHESTER ET AL.

Notice of Consolidated Decision on Applications for Duty-Free Entry of Ultramicrotomes

The following is a consolidated decision on applications for duty-free entry of ultramicrotomes pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (37 FR 3892 et seq.). (See especially § 701.11(e).)

A copy of the record pertaining to each of the applications in this consolidated decision is available for public review during ordinary business hours of the Department of Commerce, at the Special Import Programs Division, Office of Import Programs, Department of Commerce, Washington, D.C.

Docket No. 73-00218-33-46500. Applicant: University of Rochester School of Medicine and Dentistry, 260 Crittenden Boulevard, Rochester, NY 14642. Article: Ultramicrotome, Model OM U3. Manufacturer: C. Reichert Optische Werke, Austria. Intended use of article: The article is intended to be used in conjunction with a transmission electron microscope for studies of: (i) The ultrastructure of normal and pathologic spleen and bone marrow from animals and humans.

(ii) The three-dimensional structure of normal and pathologic blood cells both in suspension and within the hemopoletic tissues, and

(iii) The ultrastructural fine detail of blood cell membranes at high resolution.

In addition, the article will be used for research training for hematology trainees to teach the students the techniques of electron microscopy including those involved in specimen preparation.

Application received by Commissioner of Customs: November 6, 1972. Advice submitted by Department of Health, Education, and Welfare on: March 6, 1973.

Docket No. 73-00224-33-46500. Applicant: Veterans Administration Hospital, Archer Road, Gainesville, Fla. 32601. Article: Ultramicrotome, Model LKB 8800A. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The article is intended to be used for ultrathin sectioning of resin embedded specimens of normal and diseased tissues from humans as well as experimental animals. These specimens will be examined with an electron microscope during experiments centered primarily around human diseases and their experimental counterparts in laboratory animals, in order to study the ultrastructure of the disease process itself. The article will also be used in a course in electron microscopy, both at the technical and professional level, for instruction in the techniques of electron microscopy and interpretation of the ultrastructural features of disease states.

Application received by Commissioner of Customs: November 7, 1972. Advice submitted by Department of Health, Education, and Welfare on: March 6, 1973.

Docket No. 73-00226-33-46500. Applicant: Scripps Clinic and Research Foundation, 476 Prospect Street, La Jolla, CA 92037. Article: Ultramicrotome, Model LKB 8800A. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The article is intended to be used for investigation of biological materials, mainly mammalian tissues derived from experimental animals, to reveal at the ultrastructural level the structural bases of transport of macromolecules into and across cells under physiological and pathologic conditions; the position of tumor specific antigens, viral antigens, and histocompatibility antigens on lymphocyte and macrophage surfaces; and the synthesis of immunoglobulin molecules in lymphocytes.

Application received by Commissioner of Customs: November 14, 1972. Advice submitted by Department of Health, Education, and Welfare on: March 6, 1973.

Docket No. 73-00227-33-46500. Applicant: University of Virginia, School of Medicine, Anatomy Department, Jordan Building R. 3-35, 1300 Jefferson Park Avenue, Charlottesville, VA 22901. Article: Ultramicrotome, Model LKB 8800A. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The article is intended to be used for preparing ultrathin sections of biological tissues derived from normal and experimental animals for use in experiments which will include electron microscopic studies of nerve cells and their processes.

Application received by Commissioner of Customs: November 14, 1972. Advice submitted by Department of Health, Education, and Welfare on: March 6, 1973.

Docket No. 73-00228-33-46500. Applicant: Brooklyn College of C.U.N.Y., Biology Department, Bedford Avenue and Avenue H., Brooklyn, N.Y. 11210. Article: Ultramicrotome, Model LKB 8800A. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The article is intended to be used for experiments on the normal physiological behavior of endocrine structures with special emphasis placed on study of osmoregulations, segmentation, and pituitary and gonad function. The article will also be used for educational purposes in the courses Animal Histology and Micro Technique, and Endocrinology. Application received by Commissioner of Customs: November 14, 1972. Advice submitted by Department of Health, Education, and Welfare on: March 6, 1973.

Docket No. 73-00230-58-46500. Applicant: University of Maryland, Department of Microbiology, College Park, Md. 20742. Article: Ultramicrotome, Model LKB 8800. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The article is intended to be used to examine preparations of deep ocean and estuarine particulate matter, bacteria, and viruses. The experiments to be conducted are designed to determine cellular structure of bacteria under hydrostatic pressure. Also, cellular effects during uptake of mercury and during hydrocarbon degradation will be studied. The article will also be used in graduate research work for students pursuing the M.S. and Ph. D. degrees in marine microbiology and microbial ecology. Application received by Commissioner of Customs: November 14, 1972. Advice submitted by Department of Health, Education, and Welfare on: March 6, 1973.

Docket No. 73-00236-33-46500. Applicant: Eunice Kennedy Shriver Center, 200 Trapelo Road, Waltham, MA 02154. Article: Ultramicrotome, Model LKB 8800. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The article is intended to be used for studies of biological materials consisting of muscle, peripheral nerve, and central nervous system tissue from fetal, newborn, young, and adult experimental animals and from humans in a program aimed at defining the causes and mechanisms of mental retardation and related disorders, to relate structural phenomena to disturbed mental and neurological functions, and ultimately to prevent, ameliorate, or cure such disturbances in man. The article will also be used to demonstrate the uses of electron microscopy in research clinical neuropathology in a short course in the application of electron microscopy to the nervous system for neurology residents at Massachusetts General Hospital. Application received by Commissioner of Customs: November 14, 1972. Advice submitted by Department of Health, Education, and Welfare on: March 6, 1973.

Docket No. 73-00248-33-46500. Applicant: Veterans' Administration Hospital, Chief, Supply Service, 508 Fulton Street, Durham, NC 27705. Article: Ultramicrotome, Model OMU3. Manufacturer: C. Reichert Optische Werke, Austria. Intended use of article: The article is intended to be used to prepare sections of tissues obtained from operating rooms or by other surgical procedures to be studied by electron microscopy after embedding in various plastics, especially epoxy resins. The article will also be used in connection with the teaching of interns and residents in pathology who wish to work with electron microscopic techniques. Application received by Commissioner of Customs: November 22, 1972. Advice submitted by Department of Health, Education, and Welfare on: March 6, 1973.

Comments: No comments have been received with respect to any of the foregoing applications. Decision: Applications approved. No instrument or apparatus of equivalent scientific value to the foreign articles, for such purposes as these articles are intended to be used, is being manufactured in the United States. Reasons: Each of the foreign articles provides a range of cutting speeds from equal to or less than 0.5 millimeters/second (mm./sec.) to equal to or greater than 10 mm./sec. The most closely comparable domestic instrument is the Model MT-2B ultramicrotome which is manufactured by Ivan Sorvall, Inc. (Sorvall). The Model MT-2B has a range of cutting speeds from 0.09 to 3.2 mm./sec. The conditions for obtaining high-quality sections that are uniform in thickness depend to a large extent on the hardness, consistency, toughness, and other properties of the specimen materials, the properties of the embedding materials, and the geometry of the block. In connection with a prior application (Docket No. 69-00118-33-46500) which relates to the duty-free entry of an article in the category of instruments to which the foregoing applications relate, the Department of Health, Education, and Welfare (HEW) advised that "Smooth cuts are obtained when the speed of cutting (among such [other] obvious factors as knife edge condition and angle), is adjusted to the characteristics of the material being sectioned."

In connection with another prior case (Docket No. 69-00665-33-46500) relating to the duty-free entry of an article in the same category as those described above, HEW advised that "The range of cutting speeds and a capability for the higher cutting speeds is * * * a pertinent characteristic of the ultramicrotome to be used for sectioning materials that experience has shown difficult to section." In connection with still another prior case (Docket No. 70-00077-33-46500) relating to the duty-free entry of an article similar to those described above, HEW advised that "ultrathin sectioning of a variety of tissues having a wide range in density, hardness, etc." requires a maximum range in cutting speed and, further, that "The production of ultrathin serial sections of specimens that have great variation in physical properties is very difficult." Accordingly, HEW advises in its respectively cited memoranda, that cutting speeds in excess of 4 mm./sec. are pertinent to the satisfactory sectioning of the specimen materials and the relevant embedding materials that will be used by the applicants in their respective experiments.

For these reasons, we find that the Sorvall Model MT-2B ultramicrotome is not of equivalent scientific value to the foreign articles to which the foregoing applications relate, for such purposes as these articles are intended to be used.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to any of the foreign articles to which the foregoing applications relate, for such purposes as these articles are intended to be used, which is being manufactured in the United States.

B. BLANKENHEIMER,
Acting Director,
Office of Import Programs.

[FR Doc.73-5584 Filed 3-22-73;8:45 am]

VETERANS ADMINISTRATION HOSPITAL, NORTHPORT, N.Y., ET AL.

Notice of Consolidated Decision on Applications for Duty-Free Entry of Electron Microscopes

The following is a consolidated decision on applications for duty-free entry of electron microscopes pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (37 FR 3892 et seq.). (See especially § 701.11(e).)

A copy of the record pertaining to each of the applications in this consolidated decision is available for public review during ordinary business hours of the Department of Commerce, at the Special Import Programs Division, Office of Import Programs, Department of Commerce, Washington, D.C.

Docket No. 73-00139-33-46040. Applicant: Veterans Administration Hospital, Middleville Road, Northport, N.Y. 11768. Article: Electron microscope, Model HU-12. Manufacturer: Hitachi, Ltd., Japan. Intended use of article: The article is intended to be used in pathology and medicine-related biology to study the following materials by electron microscopy in conjunction with immunohistologic and histochemical studies:

(1) Biopsy and necropsy specimens of human tissue.

(2) Specimens of experimentally induced lesions in animals, chromosomes, and tissue fractionation products, and

(3) Purified preparations of macromolecular isolates.

The objective of these studies is to identify the disease process, to uncover the mechanisms through which it develops, to seek a rationale for therapy and to evaluate the progress of the disease and the prognosis.

The article will also be used in teaching "Electron Microscopy in Diagnostic and Experimental Pathology" and "Electron Microscopy in Chemical and Physical Studies in Human Biology" for Ph.D. and M.D. degree holders associated with the State University of New York at Stony Brook and a rotation for pathologists-in-training in standard diagnostic applications of electron microscopy. Application received by Commissioner of Customs: September 1, 1972. Advice submitted by Department of Health, Education, and Welfare on: January 24, 1973.

Docket No. 73-00234-33-46040. Applicant: Johns Hopkins University School of Medicine, Department of Microbiology, 725 North Wolfe Street, Baltimore, MD 21205. Article: Electron microscope, Model JEM-100B. Manufacturer: JEOL Ltd., Japan. Intended use of article: The article is intended to be used for electron microscopic studies of virus particles and their nucleic acids (DNA), as well as virus-infected cells and cancer cells. The article will also be used for research training of scientists in the fields of cancer and molecular genetics. Application received by Commissioner of Customs: November 7, 1972. Advice submitted by Department of Health, Education, and Welfare on: March 6, 1973.

Docket No. 73-00235-33-46040. Applicant: Long Island Jewish-Hillside Medical Center, 270-05 76 Avenue, New Hyde Park, NY 11040. Article: Electron microscope, Model JEM 100B. Manufacturer: JEOL Ltd., Japan. Intended use of article: The article is intended to be used to study the fine structural localization of various cytoplasmic enzymes in normal and malignant cells of both animal and human tissues. The organelles under study will be plasma membranes, endoplasmic reticulum, Golgi apparatus, and lysosomes. Special attention will be given to the nature of cytoplasmic microtubules, various forms of microfibrils, unit membranes and identification of macromolecular structures such as ferritin and other experimentally injected materials. Application received by Commissioner of Customs: November 13, 1972. Advice submitted by Department of Health, Education, and Welfare on: March 6, 1973.

Docket No. 73-00249-33-46040. Applicant: Auburn University, Pathology and Parasitology Department, Auburn, Ala. 36830. Article: Electron microscope, Model EM 301. Manufacturer: Philips Electronic Instruments, NVD, The Netherlands. Intended use of article: The article is intended to be used for investigations of the ultrastructural alterations of cellular organelles and membranes occurring in renal disease and neoplasia of food producing and pet animals. Other research will include high resolution studies of animal viruses and viral components and the investigation of the effects of specific immunoglobulins on virus morphology; investigation of antibody—complement, interaction with the cell wall of gram negative bacteria; determination of liver cell mitochondrial damage by aflatoxins and determination of the effects of aging on cellular and membranous structures of the blood-retinal barrier of swine and dog eyes. The article will also be used in departmental veterinary student teaching programs for the preparation of electron micrographs of both normal and diseased cells and tissues as instructional aids for the supplementation of course material in anatomy, histology, embryology, pathology, and microbiology. Application received by Commissioner of Customs: November 22, 1972. Advice submitted by Department of Health, Education, and Welfare on: March 6, 1973.

Comments: No comments have been received in regard to any of the foregoing applications. Decision: Applications approved. No instrument or apparatus of equivalent scientific value to the foreign articles, for the purposes for which the articles are intended to be used, is being manufactured in the

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United States. Reasons: Each foreign article has a specified resolving capability of 3 angstroms. The most closely comparable domestic instrument is the Model EMU–4C electron microscope which is manufactured by the Forgflo Corp. (Forgflo). The Model EMU–4C has a specified resolving capability of 5 angstroms. (Resolving capability bears an inverse relationship to its numerical rating in angstrom units, i.e., the lower the rating, the better the resolving capability.) We are advised by the Department of Health, Education, and Welfare in the respectively cited memoranda, that the additional resolving capability of the foreign articles is pertinent to the purposes for which each of the foreign articles to which the foregoing applications relate is intended to be used. We, therefore, find that the Forgflo Model EMU–4C is not of equivalent scientific value to any of the articles to which the foregoing applications relate, for such purposes as these articles are intended to be used, which is being manufactured in the United States.

B. BLANKENHEIMER,
Acting Director,
Office of Import Programs.

[FR Doc.73–5583 Filed 3–22–73;8:45 am]

ATOMIC ENERGY COMMISSION

HIGH ENERGY PHYSICS ADVISORY PANEL

Notice of Meeting

MARCH 13, 1973.

On April 2–3, 1973, there will be a meeting of the High Energy Physics Advisory Panel at the Lawrence Berkeley Laboratory in Berkeley, Calif.

Below is that portion of the panel's meeting agenda which will be open to the public; practical considerations may dictate changes in this schedule.

(1) *Monday, April 2, 1973*
10 a.m. to 5 p.m., LBL Program Review and other topics, Building 50, Auditorium.[1]
8 p.m., General Discussion of Status of High Energy Physics, Building 50, Auditorium.

(2) *Tuesday, April 3, 1973*
9:30 a.m. to 12 noon, Review of other aspects of High Energy Physics Program, 50–B Conference Room.

In addition to the above agenda items, on Monday morning (prior to the open meeting) and on Tuesday afternoon, the panel will hold executive sessions. These sessions will be closed to the public under authority of section 10(d) of Public Law 92–463 (the Federal Advisory Committee Act).

Written statements relating to the agenda items, above, may be filed with the executive secretary before the meeting.

Most of the Monday evening session will be devoted to a discussion of current problems facing high energy physics. Questions and remarks by interested members of the public will be limited to this evening session.

The chairman of the panel is empowered to conduct the meeting in a manner that, in his judgment, will facilitate the orderly conduct of business.

Questions on details of the agenda or matters pertaining to public participation should, by March 27, be referred to:

Dr. Walter D. Wales, Executive Secretary, High Energy Physics Advisory Panel, Division of Physical Research, U.S. Atomic Energy Commission, Washington, D.C. 20545, Telephone: 301—973–3367.

JOHN V. VINCIGUERRA,
Advisory Committee Management Officer.

[FR Doc.73–5588 Filed 3–22–73;8:45 am]

[Docket No. 50–335]

FLORIDA POWER AND LIGHT CO.

Notice of Receipt of Application for Facility Operating License; Issuance of Facility License and Opportunity for Hearing

Notice is hereby given that the Atomic Energy Commission (the Commission) has received an application for facility operating license from Florida Power and Light Co. (the applicant) to possess, use, and operate the St. Lucie Plant, Unit 1, a pressurized water nuclear reactor (the facility), located on the applicant's site in St. Lucie County, Fla., about halfway between the cities of Fort Pierce and Stuart on the east coast of Florida, at steady-State power levels not to exceed 2,560 megawatts thermal.

The Commission will consider the issuance of a facility operating license to Florida Power and Light Co., which would authorize the applicant to possess, use, and operate the St. Lucie Plant, Unit 1, in accordance with the provisions of the license and the technical specifications appended thereto, upon the completion of a favorable safety evaluation on the application by the Commission's Directorate of Licensing, the completion of the environmental review required by the Commission's regulations in 10 CFR Part 50, Appendix D, the receipt of a report on the applicant's application for a facility operating license by the Advisory Committee on Reactor Safeguards, and a finding by the Commission that the application for the facility license, as amended, complies with the requirements of the Atomic Energy Act of 1954, as amended (Act), and the Commission's regulations in 10 CFR Chapter 1. Construction of the facility was authorized by Construction Permit No. CPPR–74, issued by the Commission on July 1, 1970.

Prior to issuance of any operating license, the Commission will inspect the facility to determine whether it has been constructed in accordance with the application, as amended, and the provisions of Construction Permit No. CPPR–74. In addition, the license will not be issued until the Commission has made the findings, reflecting its review of the application under the Act which will be set forth in the proposed license, and has concluded that the issuance of the license will not be inimical to the common defense and security or to the health and safety of the public. Upon issuance of the license, the applicant will be required to execute an indemnity agreement as required by section 170 of the Act and 10 CFR Part 140 of the Commission's regulations.

The facility is subject to the provisions in 10 CFR Part 50, Appendix D, for notice of opportunity for filing petitions for leave to intervene and requests for a hearing on environmental considerations related to issuance of the facility operating license.

On or before April 23, 1973, the applicant may file a request for a hearing, with respect to issuance of the facility operating license and any person whose interest may be affected by this proceeding may file a petition for leave to intervene. Requests for a hearing and petitions for leave to intervene shall be filed in accordance with the Commission's "Rules of Practice" in 10 CFR Part 2. If a request for a hearing or petition for leave to intervene is filed within the time prescribed in this notice, the Commission or an atomic safety and licensing board designated by the Commission or by the Chairman of the Atomic Safety and Licensing Board Panel will rule on the request and/or petition and the Secretary or the designated atomic safety and licensing board will issue a notice of hearing or an appropriate order.

A petition for leave to intervene must be filed under oath or affirmation in accordance with the provisions of 10 CFR 2.714. As required in 10 CFR 2.714, a petition for leave to intervene shall set forth the interest of the petitioner in the proceeding, how that interest may be affected by the results of the proceeding, and any other contentions of the petitioner including the facts and reasons why he should be permitted to intervene, with particular reference to the following factors: (1) The nature of the petitioner's right under the Act to be made a party to the proceeding; (2) the nature and extent of the petitioner's property, financial, or other interest in the proceeding; and (3) the possible effect of any order which may be entered in the proceeding on the petitioner's interest. Any such petition shall be accompanied by a supporting affidavit identifying the specific aspect or aspects of the subject matter of the proceeding as to which the petitioner wishes to intervene and setting forth with particularity both the facts pertaining to his interest and the basis for his contentions with regard to each aspect on which he desires to intervene. A petition that sets forth contentions relating only to matters outside the jurisdiction of the Commission will be denied.

A request for a hearing or a petition for leave to intervene must be filed with the Office of the Secretary of the Commission, U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Chief, Public Proceedings Staff, or may be delivered to the Commission's Public Document Room, 1717 H Street NW., Washington, DC, not later than April 23, 1973. A copy of the petition and/or request should also be sent to the Chief Hearing Counsel, Office of the General Counsel, U.S. Atomic Energy Commission, Washington, D.C. 20545, and to Jack Newman, Esquire, Newman, Reis and Axelrad, 1100 Connecticut Avenue, Washington, DC 20006, attorney for the applicant.

A petition for leave to intervene which is not timely will not be granted unless the Commission, the presiding officer, or the atomic safety and licensing board designated to rule on the petition and/or request determines that the petitioner has made a substantial showing of good cause for failure to file on time and after considering those factors specified in 10 CFR 2.714(a)(1)–(4) and 2.714(d).

For further details pertinent to the matters under consideration, see the application for the facility operating license, dated February 28, 1973, which was docketed on March 5, 1973, and the Applicant's Environmental Report, dated May 20, 1971, as supplemented, and the Commission's Draft Environmental Statement pursuant to 10 CFR Part 50, Appendix D; which are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, DC, and at the Indian River Junior College Library, 3209 Virginia Avenue, Ft. Pierce, FL. As they become available, the following documents may be inspected at the above locations: (1) The safety evaluation prepared by the Directorate of Licensing; (2) the Commission's Final Environmental Statement; (3) the report of the Advisory Committee on Reactor Safeguards on the application for facility operating license; (4) the proposed facility operating license; and (5) the technical specifications, which will be attached to the proposed facility operating license.

Copies of items (1), (2), (3), and (4), when available, may be obtained by request to the Deputy Director for Reactor Projects, Directorate of Licensing, U.S. Atomic Energy Commission, Washington, D.C. 20545.

Dated at Bethesda, Md., this 20th day of March 1973.

For the Atomic Energy Commission.

A. GIAMBUSSO,
Deputy Director for Reactor Projects, Directorate of Licensing.

[FR Doc.73–5611 Filed 3–22–73;8:45 am]

[Docket No. 50–423]

MILLSTONE POINT CO., ET AL.

Receipt of Application for Construction Permit and Facility License and Availability of Applicants' Environmental Report; Time for Submission of Views on Antitrust Matters

The Millstone Point Co.; the Connecticut Light and Power Co.; the Hartford Electric Light Co.; Western Massachusetts Electric Co.; New England Power Co.; the United Illuminating Co.; Public Service Company of New Hampshire; Central Vermont Public Service Corp.; Vermont Electric Power Corp.; city of Burlington, Vt., Green Mountain Power Corp.; Montaup Electric Co.; Fitchburg Gas and Electric Light Co., Chicopee; Massachusetts Municipal Lighting Plant; town of South Hadley Electric Light Department, Westfield; Massachusetts Gas and Electric Light Department, Peabody; Massachusetts Municipal Light Plant, North Attleborough; Massachusetts Electric Department, Boylston; Massachusetts Municipal Lighting Plant, West Boylston; Massachusetts Municipal Lighting Plant, Wakefield; Massachusetts Municipal Light Department, Shrewsbury; Massachusetts Light Plant, Paxton; Massachusetts Municipal Light Department, Middleton; Massachusetts Municipal Light Department, Ashburnham; Massachusetts Municipal Lighting Plant, Templeton; Massachusetts Municipal Lighting Plant, and Marblehead; Massachusetts Municipal Light Department (the applicants), pursuant to section 103 of the Atomic Energy Act of 1954, as amended, have filed an application, which was docketed February 10, 1972, for authorization to construct and operate a pressurized water nuclear reactor at its site, located in the town of Waterford, New London County, Conn. The site consists of 500 acres of land, and is located on the north shore of Long Island Sound approximately 3 miles from New London, Conn., and 40 miles southeast of Hartford, Conn.

The proposed nuclear facility, designated by the applicants as Millstone Nuclear Power Station, Unit 3, is designed for initial operation at approximately 3,425 megawatts (thermal) with a net electrical output of approximately 1,156 megawatts.

Any person who wishes to have his views on the antitrust aspects of the application presented to the Attorney General for consideration shall submit such views to the Commission by May 22, 1973.

A copy of the application is available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, DC 20545, and at the Waterford Public Library, Rope Ferry Road, Route 156, Waterford, Conn. 06385.

The applicants have also filed, pursuant to the National Environmental Policy Act of 1969 and the regulations of the Commission in Appendix D to 10 CFR Part 50, a report entitled, "Environmental Report—Construction Permit Stage," dated February 7, 1973. The report has been made available for public inspection at the aforementioned locations. The report, which discusses environmental considerations related to the proposed construction of the Millstone Nuclear Power Station, Unit 3, is also being made available at the Office of State Planning, Department of Finance and Control, 340 Capitol Avenue, Hartford, CT 06115, and at the Southeastern Connecticut Regional Planning Agency, 139 Boswell Avenue, Norwich, CT 06360.

After the report has been analyzed by the Commission's Director of Regulation or his designee, a draft environmental statement related to the proposed action will be prepared by the Commission. Upon preparation of the draft environmental statement, the Commission will, among other things, cause to be published in the FEDERAL REGISTER a summary notice of availability of the draft statement. The summary notice will request comments from interested persons on the proposed action and on the draft statement. The summary notice will also contain a statement to the effect that comments of Federal agencies and State and local officials thereon will be made available when received.

Dated at Bethesda, Md., this 15th day of March 1973.

For the Atomic Energy Commission.

D. B. VASSALLO,
Chief, Pressurized Water Reactors Branch No. 1 Directorate of Licensing.

[FR Doc.73–5659 Filed 3–22–73;8:45 am]

[Docket No. 50–423]

MILLSTONE POINT CO., ET AL.

Notice of Hearing on Application for Construction Permit

Pursuant to the Atomic Energy Act of 1954, as amended (the Act), and the regulations in Title 10, Code of Federal Regulations, Part 50, "Licensing of Production and Utilization Facilities," and Part 2, "Rules of Practice," notice is hereby given that a hearing will be held, at a time and place to be set in the future by an Atomic Safety and Licensing Board (Board), to consider the application filed under the Act by the Millstone Point Co.; the Connecticut Light and Power Co.; the Hartford Electric Light Co.; Western Massachusetts Electric Co.; New England Power Co.; the United Illuminating Co.; Public Service Company of New Hampshire; Central Vermont Public Service Corp.; Vermont Electric Power Corp., city of Burlington, Vt.; Green Mountain Power Corp.; Montaup Electric Co.; Fitchburg Gas and Electric Light Co., Chicopee; Massachusetts Municipal Lighting Plant; Town of South Hadley Electric Light Department, Westfield; Massachusetts Gas and Electric Light Department, Peabody; Massachusetts Municipal Light Plant, North Attleborough; Massachusetts Electric Department, Boylston; Massachusetts Municipal Lighting Plant, West Boylston; Massachusetts Municipal Lighting Plant, Wakefield; Massachusetts Municipal Light Department, Shrewsbury; Massachusetts Light Plant, Paxton; Massachusetts Municipal Light Department, Middleton; Massachusetts Municipal Light Department, Ashburnham; Massachusetts Municipal Lighting Plant, Templeton; Massachusetts Municipal Lighting Plant, and Marblehead; Massachusetts Municipal Light Department (the applicants), for a construction permit for a pressurized water nuclear

[1] Part of the Monday afternoon session may be held in one of the conference rooms in Bldg. 50, in which case the limited space available will be on a first-come-first served basis.

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reactor designated as the Millstone Nuclear Power Station, Unit No. 3 (the facility), which is designed for initial operation at approximately 3,425 thermal megawatts with a net electrical output of approximately 1,156 megawatts. The proposed facility is to be located on the north shore of Long Island Sound, in the town of Waterford, New London County, Conn. The hearing will be scheduled to begin in the vicinity of the site of the proposed facility.

The Board will be designated by the Atomic Energy Commission (Commission) or the Chairman of the Atomic Safety and Licensing Board Panel. Notice as to its membership will be published in the FEDERAL REGISTER.

Upon completion by the Commission's regulatory staff of a favorable safety evaluation of the application and an environmental review, and upon receipt of a report by the Advisory Committee on Reactor Safeguards, the Director of Regulation will consider making affirmative findings on Items 1–3, a negative finding on Item 4, and an affirmative finding on Item 5 specified below as a basis for the issuance of a construction permit to the applicants:

ISSUES PURSUANT TO THE ATOMIC ENERGY ACT OF 1954, AS AMENDED

1. Whether in accordance with the provisions of 10 CFR 50.35(a):

(a) The applicants have described the proposed design of the facility including, but not limited to, the principal architectural and engineering criteria for the design, and have identified the major features or components incorporated therein for the protection of the health and safety of the public;

(b) Such further technical or design information as may be required to complete the safety analysis and which can reasonably be left for later consideration, will be supplied in the final safety analysis report;

(c) Safety features or components, if any, which require research and development have been described by the applicants and the applicants have identified, and there will be conducted a research and development program reasonably designed to resolve any safety questions associated with such features or components; and

(d) On the basis of the foregoing, there is reasonable assurance that (i) such safety questions will be satisfactorily resolved at or before the latest date stated in the application for completion of construction of the proposed facility, and (ii) taking into consideration the site criteria contained in 10 CFR Part 100, the proposed facility can be constructed and operated at the proposed location without undue risk to the health and safety of the public.

2. Whether the applicants are technically qualified to design and construct the proposed facility;

3. Whether the applicants are financially qualified to design and construct the proposed facility; and

4. Whether the issuance of the permit for construction of the facility will be inimical to the common defense and security or to the health and safety of the public.

ISSUE PURSUANT TO NATIONAL ENVIRONMENTAL POLICY ACT OF 1969 (NEPA)

5. Whether, in accordance with the requirements of Appendix D of 10 CFR Part 50, the construction permit should be issued as proposed.

In the event that this proceeding is not a contested proceeding, as defined by 10 CFR 2.4(n), the Board will determine (1) without conducting a de novo evaluation of the application, whether the application and the record of the proceeding contain sufficient information, and the review of the application by the Commission's regulatory staff has been adequate, to support the findings proposed to be made by the Director of Regulation on Items 1–4 above, and to support, insofar as the Commission's licensing requirements under the Act are concerned, the issuance of the construction permit proposed by the Director of Regulation; and (2) determine whether the review conducted by the Commission pursuant to NEPA has been adequate. In the event that this proceeding is not contested, the Board will convene a prehearing conference of the parties within sixty (60) days after this notice of hearing or such time as may be appropriate, at a time and place to be set by the Board. It will also set the schedule for the evidentiary hearing. Notice of the prehearing conference and the hearing will be published in the FEDERAL REGISTER.

In the event that this proceeding becomes a contested proceeding, the Board will consider and initially decide, as issues in this proceeding, Items 1–5 above as a basis for determining whether the construction permit should be issued to the applicants.

The Board will convene a special prehearing conference of the parties to the proceeding and persons who have filed petitions for leave to intervene, or their counsel, to be held by May 22, 1973, or within such other time as may be appropriate, at a place to be set by the Board for the purpose of dealing with the matters specified in 10 CFR 2.751a.

The Board will convene a prehearing conference of the parties, or their counsel, to be held subsequent to any special prehearing conference and within sixty (60) days after discovery has been completed, or within such other time as may be appropriate, at a place to be set by the Board for the purpose of dealing with the matters specified in 10 CFR 2.752.

Notices of the dates and places of the special prehearing conference, the prehearing conference, and the hearing will be published in the FEDERAL REGISTER.

With respect to the Commission's responsibilities under NEPA, and regardless of whether the proceeding is contested or uncontested, the Board will, in accordance with section A.11 of Appendix D of 10 CFR Part 50, (1) determine whether the requirements of section 102(2) (C) and (D) of NEPA and Appendix D of 10 CFR Part 50 have been complied with in this proceeding; (2) independently consider the final balance among conflicting factors contained in the record of the proceeding with a view to determining the appropriate action to be taken; and (3) determine whether the construction permit should be issued, denied, or appropriately conditioned to protect environmental values.

For further details, see the application for construction permit dated February 7, 1973, and amendments thereto, and the applicants' environmental report dated February 7, 1973, which were docketed on February 10, 1973, and are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, DC, between the hours of 8:30 a.m. and 5 p.m. on weekdays. Copies of those documents will also be made available at the Waterford Public Library, Rope Ferry Road, Route 156, Waterford, Conn. 06385, for inspection by members of the public between the hours of 8:30 a.m. and 5 p.m. on weekdays. As they become available, a copy of the safety evaluation by the Commission's Directorate of Licensing, the Commission's draft and final detailed statements on environmental considerations, the report of the Advisory Committee on Reactor Safeguards (ACRS), the proposed construction permit, other relavant documents, and the transcripts of the prehearing conferences and of the hearing will also be available at the above locations. Copies of the Directorate of Licensing's safety evaluation and the Commission's final detailed statement on environmental considerations, the proposed construction permit, and the ACRS report may be obtained, when available, by request to the Deputy Director of Reactor Projects, Directorate of Licensing, U.S. Atomic Energy Commission, Washington, D.C. 20545.

Any person who does not wish to, or is not qualified to become a party to this proceeding may request permission to make a limited appearance pursuant to the provisions of 10 CFR 2.715. A person making a limited appearance may only make an oral or written statement on the record, and may not participate in the proceeding in any other way. Limited appearances will be permitted at the time of the hearing in the discretion of the Board, within such limits and on such conditions as may be fixed by the Board. Persons desiring to make a limited appearance are requested to inform the Secretary of the Commission, U.S. Atomic Energy Commission, Washington, D.C. 20545, not later than April 23, 1973.

A person permitted to make a limited appearance does not become a party, but may state his position and raise questions which he would like to have answered to the extent that the questions are within the scope of the hearing as specified in the issues set out above.

Any person whose interest may be affected by the proceeding, who does not wish to make a limited appearance and who wishes to participate as a party in the proceeding must file a written petition under oath or affirmation for leave to intervene in accordance with the provisions of 10 CFR 2.714.

A petition for leave to intervene shall set forth the interest of the petitioner in the proceeding, how that interest may be affected by the results of the proceeding, and any other contentions of the petitioner including the facts and reasons why he should be permitted to intervene, with particular reference to the following factors: (1) The nature of the petitioner's right under the Act to be made a party to the proceeding; (2) the nature and extent of the petitioner's property, financial, or other interest in the proceeding; and (3) the possible effect of any order which may be entered in the proceeding on the petitioner's interest. Any such petition shall be accompanied by a supporting affidavit identifying the specific aspect or aspects of the subject matter of the proceeding as to which the petitioner wishes to intervene and setting forth with particularity both the facts pertaining to his interest and the basis for his contentions with regard to each aspect on which he desires to intervene. A petition that sets forth contentions relating only to matters outside the jurisdiction of the Commission will be denied.

A petition for leave to intervene must be filed with the office of the Secretary of the Commission, U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Chief, Public Proceedings Staff, or may be delivered to the Commission's Public Document Room, 1717 H Street NW., Washington, DC, not later than April 23, 1973. A petition for leave to intervene which is not timely will not be granted unless the Board determines that the petitioner has made a substantial showing of good cause for failure to file on time and after the Board has considered those factors specified in 10 CFR 2.714(a)(1)–(4) and 2.714(d).

Those permitted to intervene become parties to the proceeding, subject to any limitations in the order granting leave to intervene, and have all the rights of the applicants to participate fully in the conduct of the hearing, such as the examination and cross-examination of witnesses, with respect to their contentions related to the matters at issue in the proceeding.

An answer to this notice, pursuant to the provisions of 10 CFR 2.705, must be filed by the applicants not later than April 12, 1973.

Papers required to be filed in this proceeding may be filed by mail or telegram addressed to the Secretary of the Commission, U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Chief, Public Proceedings Staff, or may be filed by delivery to the Commission's Public Document Room, 1717 H Street NW., Washington, DC. A copy of the petition or request for limited appearance should also be sent to the Chief Hearing Counsel, Office of the General Counsel, U.S. Atomic Energy Commission, Washington, D.C. 20545, and to C. Duane Blinn, Esq., Day, Berry, and Howard, 1 Constitution Plaza, Hartford, CT 06103, attorney for the applicants.

Pending further order of the Board, parties are required to file, pursuant to the provisions of 10 CFR 2.708, an original and twenty (20) conformed copies of each such paper with the Commission.

With respect to this proceeding, pursuant to 10 CFR 2.785, an Atomic Safety and Licensing Appeal Board will exercise the authority and the review function which would otherwise be exercised and performed by the Commission. Notice as to the membership of the Appeal Board will be published in the FEDERAL REGISTER.

Dated at Washington, D.C., this 20th day of March 1973.

UNITED STATES ATOMIC ENERGY COMMISSION,
PAUL C. BENDER,
Secretary of the Commission.

[FR Doc.73-5658 Filed 3-22-73;8:45 am]

[Dockets Nos. 50-361, 50-362]

SOUTHERN CALIFORNIA EDISON CO., AND SAN DIEGO GAS AND ELECTRIC CO.

Notice of Availability of Final Environmental Statement

Pursuant to the National Environmental Policy Act of 1969 and the U.S. Atomic Energy Commission's regulations in Appendix D to 10 CFR Part 50, notice is hereby given that the Final Environmental Statement prepared by the Commission's Directorate of Licensing, related to the proposed San Onofre Nuclear Generating Station Units 2 and 3, to be constructed in San Diego County, Calif., is available for inspection by the public in the Commission's Public Document Room at 1717 H Street NW., Washington, DC, and in the San Clemente Public Library, 233 Granada Street, San Clemente, CA 92672. The Final Environmental Statement is also being made available at the Office of the Lieutenant Governor, Office of Intergovernmental Management, 1400 10th Street, Room 108, Sacramento, CA 95814, and at the San Diego County Comprehensive Planning Organization, County Administration Center, 1600 Pacific Highway, San Diego, CA 92101.

The notice of availability of the Draft Environmnetal Statement for the San Onofre Nuclear Generating Station Units 2 and 3, and the requests for comments from interested persons was published in the FEDERAL REGISTER on November 21, 1972 (37 FR 24778). The comments received from Federal, State, and local officials and interested members of the public have been included as appendices to the Final Environmental Statement.

Single copies of the Final Environmental Statement may be obtained by writing the U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Deputy Director for Reactor Projects, Directorate of Licensing.

Dated at Bethesda, Md., this 19th day of March 1973.

For the Atomic Energy Commission.

B. J. YOUNGBLOOD,
Chief, Environmental Projects Branch 3, Directorate of Licensing.

[FR Doc.73-5610 Filed 3-22-73;8:45 am]

ADVISORY COMMITTEE ON REACTOR SAFEGUARDS

Notice of Meeting

MARCH 21, 1973.

The FEDERAL REGISTER notice, published at 38 FR 7425 (March 21, 1973), relating to the ACRS Subcommittee Meeting on the Cooper Nuclear Station, March 29, 1973, and April 4, 1973, is revised to include two additional topics for discussion, which may be included in the closed portion of these meetings, as follows:

(a) Matters relating to the design and manufacturing processes of the reactor fuel, which matters are proprietary information; and

(b) Physical plant security, which is proprietary information.

Because these topics involve proprietary information, I have determined, in accordance with subsection 10(d) of Public Law 92-463, that these topics fall within exemption (4) of 5 U.S.C. 552(b) and may properly be included in the closed portions of the meetings for March 29, 1973, and April 4, 1973.

JOHN V. VINCIGUERRA,
Advisory Committee Management Officer.

[FR Doc.73-5742 Filed 3-22-73;11:00 am]

CIVIL AERONAUTICS BOARD

[Docket No. 25235; Order 73-3-64]

AIR AFRIQUE

Order of Investigation and Suspension Regarding Transatlantic Fare Structure

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the eighth day of March 1973.

By tariffs filed January 12, 1973, for effect from April 1, 1973, Air Afrique proposes to revise the existing fare structure over the North Atlantic between the United States and Africa. As in the case of our recent disposition of the U.S.-carrier transatlantic fare proposals (Order 73-1-76), this order will be concerned with Air Afrique's proposal as it relates to the period from April 1, 1973, through October 1, 1973.

Air Afrique proposes to retain first-class and normal economy fares at status quo, and to consolidate the promotional fare structure into three new fares—a 13–45-day excursion fare, a 13–21-day individual inclusive tour fare and an advance-purchase excursion fare (APEX). Its structure would, therefore, closely parallel that proposed by the U.S. carriers. However, Air Afrique would permit one free stopover in each direction for travel on the 13–45-day excursion and the 13–21-day individual inclusive

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tour fares, and one additional stopover in each direction at a charge of $15. Stopovers would be prohibited in connection with APEX-fare travel. Air Afrique does not propose a surcharge for weekend travel on any of its fares.

A complaint requesting suspension of Air Afrique's proposal has been filed by Pan American World Airways, Inc. (Pan American). Pan American's primary concern is that Air Afrique would permit free stopovers in connection with the excursion and individual inclusive tour fare, whereas Pan American would not. Pan American also expresses concern with Air Afrique's failure to impose a weekend surcharge on all promotional fares. Pan American estimates that, if these elements of the fare structure were to become applicable throughout the transatlantic market, it would sustain a revenue loss in excess of $6 million, as compared to the result it anticipates under its proposal.

By Order 73-1-76, the Board indicated that it was not disposed to suspend the fare package proposed by the U.S. carriers. This decision was based on the understanding that the structure was not advanced as a definitive one for the future, but rather as an acceptable one for the travel season immediately ahead. Indeed the carriers did not support their proposal as one that would adequately compensate for the cost of providing scheduled service, but rather as a reasonable competitive response to changing market conditions which is anticipated to produce moderately improved yields and increased revenues.

The basic structure proposed by Air Afrique reflects a simplification and increased emphasis on individual travel comparable to that contemplated by the U.S. carriers. As such, it represents a distinct improvement in the pattern of transatlantic fares and a desirable trend for the longer term. However, in our opinion, the economic validity of the 13-45-day excursion and 13-21-day IIT fares is brought into considerable question as a result of the proposed continuation of free stopover privileges. The circuitous routings involved in multistop travel create an unnecessary downward pressure on yield which should be compensated for by an appropriate charge for the service. Stated differently, the absence of such a charge ultimately results in a higher point-to-point fare than would otherwise be the case. By the same token, we believe that an appropriate weekend surcharge is an important element of the transatlantic fare structure which contributes to the economic soundness of these services by distributing demand more evenly throughout the week. We support these two charges, both of which are incorporated into the U.S. carriers' proposal, as affirmative steps toward a more rational pricing scheme for scheduled services. For this reason, the Board is unable to accept Air Afrique's proposal.

Accordingly, for the reasons stated the Board finds that the 13-45-day excursion fares, the 13-21-day individual inclusive tour fares and the advance purchase excursion fares proposed by Air Afrique may be unjust, unreasonable, unjustly discriminatory, unduly preferential, or unduly prejudicial and should be suspended pending investigation.

Accordingly, pursuant to the Federal Aviation Act of 1958, as amended, and particularly sections 204(a), 403, 404, 801, and 1002, thereof,

It is ordered, That:

1. An investigation is instituted to determine whether the fares and provisions set forth in the appendix hereof, and rules, regulations, or practices affecting such fares and provisions, and subsequent revisions and reissues thereof, are or will be unjust or unreasonable, or unjustly discriminatory, or unduly preferential, or unduly prejudicial, and if found to be unlawful, to take appropriate action to prevent the use of such fares and provisions or rules, regulations, or practices;

2. Pending hearing and decision by the Board, the fares and provisions set forth in the appendix hereof [1] are suspended and their use deferred from April 1, 1973, to and including March 31, 1974, unless otherwise ordered by the Board, and that no changes be made therein during the period of suspension except by order or special permission of the Board;

3. This order shall be submitted to the President [2] and shall become effective on April 1, 1973;

4. Except to the extent granted herein, the complaint filed in Docket 25168 is hereby dismissed; and

5. Copies of this order be filed in the aforesaid tariffs and be served upon Air Afrique and Pan American World Airways, Inc., who are hereby made parties to the investigation.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HARRY J. ZINK,
Secretary.

[FR Doc.73-5628 Filed 3-22-73;8:45 am]

[Docket No. 23333; Order 73-3-52]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Order Regarding Specific Commodity Rates

Issued under delegated authority March 16, 1973.

Two agreements have been filed with the Board pursuant to section 412(a) of the Federal Aviation Act of 1958 (the Act) and Part 261 of the Board's economic regulations, between various air carriers, foreign air carriers, and other carriers embodied in the resolutions of the International Air Transport Association (IATA), and adopted pursuant to the provisions of Resolution 590 dealing with specific commodity rates.

The agreements, adopted pursuant to unprotested notices to the carriers and promulgated in IATA letters dated February 28, 1973 (Agreement CAB 23563, R-2) and March 2, 1973 (Agreement CAB 23569, R-1 and R-2) name two additional specific commodity rates, and the cancellation of an existing rate, as set forth in the attachment hereto.[1]

Pursuant to authority duly delegated by the Board in the Board's regulations, 14 CFR 385.14, it is not found that the subject agreements are adverse to the public interest or in violation of the Act, provided that approval is subject to the condition hereinafter ordered.

Accordingly, it is ordered, That:

Agreement CAB 23569, R-1 and R-2, and Agreement CAB 23563, R-2, be and hereby are approved, provided that approval shall not constitute approval of the specific commodity descriptions contained therein for purpose of tariff publications, provided further that tariff filings shall be marked to become effective on not less than 30 days' notice from the date of filing.

Persons entitled to petition the Board for review of this order, pursuant to the Board's regulations, 14 CFR 385.50, may file such petitions within 10 days after the date of service of this order.

This order shall be effective and become the action of the Civil Aeronautics Board upon expiration of the above period, unless within such period a petition for review thereof is filed or the Board gives notice that it will review this order on its own motion.

This order will be published in the FEDERAL REGISTER.

[SEAL] EDWIN Z. HOLLAND,
Secretary.

[FR Doc.73-5633 Filed 3-22-73;8:45 am]

[Docket No. 24941].

PANDAIR FREIGHT LTD. (U.K.) AND HEMISPHERE AIR FREIGHT INC.

Notice of Prehearing Conference

Pandair Freight Ltd. (U.K.) and Hemisphere Air Freight, Inc. (application for approval or exemption of certain transactions under section 408 of the Act).

Notice is hereby given that a prehearing conference in the above-entitled matter is assigned to be held on April 18, 1973, at 10 a.m. (local time), in Room 503, Universal Building, 1825 Connecticut Avenue NW., Washington, DC, before Administrative Law Judge Hyman Goldberg.

In order to facilitate the conduct of the conference parties are instructed to submit one copy to each party and four copies to the judge of: (1) Proposed statements of issues; (2) proposed stipulations; (3) requests for information; (4) statement of positions of parties; and (5) proposed procedural dates. The Bureau of Operating Rights will circulate its material on or before April 5, 1973, and the other parties on or before April 12, 1973. The submissions of the other parties shall be limited to points

[1] Appendix filed as part of the original document.

[2] This order was submitted to the President on March 9, 1973.

[1] Attachment filed as part of the original document.

on which they differ with the Bureau of Operating Rights, and shall follow the numbering and lettering used by the Bureau to facilitate cross-referencing.

Dated at Washington, D.C., March 16, 1973.

[SEAL] RALPH L. WISER,
Chief Administrative Law Judge.

[FR Doc.73-5634 Filed 3-22-73;8:45 am]

[Docket No. 25264]

STANLEY G. WILLIAMS/SOUTHERN AIR TRANSPORT, INC.

Notice of Prehearing Conference Regarding Acquisition of Control

Notice is hereby given that a prehearing conference in the above-entitled matter is assigned to be held on April 12, 1973, at 10 a.m. (local time), in Room 726, Universal Building, 1825 Connecticut Avenue NW., Washington, DC, before Administrative Law Judge Milton H. Shapiro.

In order to facilitate the conduct of the conference parties are instructed to submit one copy to each party and four copies to the Judge of: (1) Proposed statements of issues; (2) proposed stipulations; (3) requests for information; (4) statement of positions of parties; and (5) proposed procedural dates. The Bureau of Operating Rights will circulate its material on or before April 3, 1973, and the other parties on or before April 10, 1973. The submissions of the other parties shall be limited to points on which they differ with the Bureau of Operating Rights, and shall follow the numbering and lettering used by the Bureau to facilitate cross-referencing.

Dated at Washington, D.C., March 16, 1973.

[SEAL] RALPH L. WISER,
Chief Administrative Law Judge.

[FR Doc.73-5635 Filed 3-22-73;8:45 am]

COMMISSION ON THE BANKRUPTCY LAWS OF THE UNITED STATES

AMENDMENTS TO THE BANKRUPTCY ACT

Notice of Meetings

MARCH 20, 1973.

The Commission on the Bankruptcy Laws of the United States will meet on April 12, 13, and 14, 1973, in Room 4110 of the New Senate Office Building between the hours of 10 o'clock in the morning and 5 o'clock in the afternoon to consider amendments to the reorganization sections of the Bankruptcy Act.

FRANK R. KENNEDY,
Executive Director.

[FR Doc.73-5639 Filed 3-22-73;8:45 am]

COST OF LIVING COUNCIL

UNIFORM RATES OF CERTAIN INSTITUTIONAL PROVIDERS OF HEALTH SERVICES

Certificates of Compliance for State Agencies

Section 300.18(i) of the Phase II regulations of the Price Commission, 6 CFR 300.18, provides for the issuance of certificates of compliance to State agencies whose rules for implementing the Economic Stabilization Program, with respect to rates of skilled nursing homes, extended care facilities or intermediate care facilities, have been approved by the Price Commission.

Under § 130.61 of the Phase III regulations of the Cost of Living Council, § 300.18 has continued effectiveness with respect to institutional providers of health services. During Phase III, therefore, certificates of compliance will be issued by the Council to State agencies which qualify under § 300.18(i).

To provide information and guidance to all interested parties, it is the Cost of Living Council's intention to publish in the FEDERAL REGISTER, on a periodic basis, a list of State agencies that have been certified.

As of March 20, 1973, certificates of compliance have been issued to the following agencies:

Human Relations Agency, State of California.
Hospital Cost Commission, State of Connecticut.
Department of Health and Welfare, State of Maine.
Department of Public Welfare, State of Oklahoma.
Department of Social Services, State of Utah.
Department of Social and Rehabilitative Services, State of Arkansas.

Issued in Washington, D.C., on March 20, 1973.

JAMES W. MCLANE,
Deputy Director,
Cost of Living Council.

[FR Doc.73-5640 Filed 3-22-73;8:45 am]

FEDERAL COMMUNICATIONS COMMISSION

NATIONAL INDUSTRY ADVISORY COMMITTEE, BROADCAST SERVICES SUBCOMMITTEE

Notice of Public Meeting

Pursuant to the provisions of Public Law 92-463, announcement is made of a public meeting of Working Group V, Broadcast Services Subcommittee, National Industry Advisory Committee, to be held Wednesday, April 4, 1973. The Working Group will meet at 1229 20th Street NW., Washington, DC, Room A-110 at 10 a.m.

Purpose: To prepare and submit recommendations to the Federal Communications Commission concerning voluntary organized industry participation in the Emergency Broadcast System (EBS).

Agenda: The agenda for the meeting is, as follows:

Item

1. Emergency Operations.
2. Interconnection Arrangements.
3. Review of Provisions of FCC Rules.
4. Appointment of a Drafting Group for Working Group V.

It is suggested that those desiring more specific information about the meeting telephone the Emergency Communications Division 202—632-7232.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[FR Doc.73-5621 Filed 3-22-73;8:45 am]

FEDERAL MARITIME COMMISSION

AMERICAN EXPORT LINE ET AL.

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1015; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, on or before April 2, 1973. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this had been done.

American Export Line, Atlantic Gulf Service AB, Combi Line, Dart Containerline Co., Ltd., Sea-Land Service, Inc., Seatrain Lines, Inc., United States Lines, Inc.

MODIFICATION OF AGREEMENT

Notice of Agreement filed by:

Howard A. Levy, Esq., Suite 631, 17 Battery Place, New York, NY 10004.

Agreement No. 9984-1, among the above-named lines, adds rate making to the various activities upon which they can consult and agree, subject to the right of independent action upon 48 hours advance notice.

Dated: March 19, 1973.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.73-5591 Filed 3-22-73;8:45 am]

CITY OF OAKLAND AND MARINE TERMINALS CORP.

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the

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Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1015; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, on or before April 12, 1973. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed by:

J. Kerwin Rooney, Port Attorney, Port of Oakland, 66 Jack London Square, Post Office Box 2064, Oakland, CA 94607.

Agreement No. T-2762, between the city of Oakland (City) and Marine Terminals Corp. (MTC), is an arrangement whereby MTC, as agent for the City, will perform marine terminal management services as well as provide terminal operating and cargo solicitation services at Areas "B" and "C" at the City's Middle Harbor Terminal. The agreement provides that MTC's services shall be made available to all users of Areas "B" and "C" on a nonexclusive basis, as well as to secondary users of the adjacent Area "A," which is preferentially assigned to United States Lines under Agreement No. T-2758. All tariff revenues earned upon the premises will be collected by MTC and remitted in full to the City, subject to a yearly minimum of $257,000 for both Areas "B" and "C." Fifty percent of terminal tariff revenues (exclusive of crane rental charges) accruing to the City from secondary users of Area "A" for whom MTC provides terminal services will apply to the above minimum. In any event, MTC will not receive any portion of tariff revenues accruing from the facility. Its sole compensation for the services provided under the agreement will be through the assessment of a service charge against users of the facility plus charges assessed for the use of equipment, facilities, and utilities furnished by MTC which are not included in the City's marine terminal tariff.

Dated: March 19, 1973.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.73-5589 Filed 3-22-73;8:45 am]

CONTINENTAL-U.S. GULF FREIGHT ASSOCIATION

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1015; or may inspect the agreement at the field offices located at New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, on or before April 12, 1973. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and and the statement should indicate that this has been done.

MODIFICATION OF AGREEMENT

Notice of agreement filed by:

Y. von Wulffen, Current Chairman, Continental-U.S. Gulf Freight Association, c/o Hapag-Lloyd AG, Ballindamm 25, 2 Hamburg 1, West Germany.

Agreement No. 9988-2, among the member lines of the above-named rate agreement, adds inland points or places in Europe from which cargo moves through ports in the Bordeaux-Hamburg range to the scope of the basic agreement. The above extension covers LASH/SEABEE barge movement along inland waterways and through intermodal service via connecting land carrier.

Dated: March 16, 1973.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.73-5590 Filed 3-22-73;8:45 am]

GENERAL SERVICES ADMINISTRATION

[Temp. Reg. F-173]

SECRETARY OF DEFENSE

Delegation of Authority

1. *Purpose.* This regulation delegates authority to the Secretary of Defense to represent the consumer interests of the Federal Government in an electric service rate proceeding.

2. *Effective date.* This regulation is effective immediately.

3. *Delegation.* a. Pursuant to the authority vested in me by the Federal Property and Administrative Services Act of 1949, 63 Stat. 377, as amended, particularly sections 201(a)(4) and 205(d) (40 U.S.C. 481(a)(4) and 486(d)), authority is delegated to the Secretary of Defense to represent the consumer interests of the executive agencies of the Federal Government before the Federal Power Commission in a proceeding (Docket No. 7777) involving electric service rates provided by the Pacific Gas & Electric Co.

b. The Secretary of Defense may redelegate this authority to any officer, official, or employee of the Department of Defense.

c. This authority shall be exercised in accordance with the policies, procedures, and controls prescribed by the General Services Administration, and, further, shall be exercised in cooperation with the responsible officers, officials, and employees thereof.

ARTHUR F. SAMPSON,
Acting Administrator of General Services.

MARCH 19, 1973.

[FR Doc.73-5612 Filed 3-22-73;8:45 am]

INTERIM COMPLIANCE PANEL (COAL MINE HEALTH AND SAFETY)

EASTERN COAL CORP. ET AL.

Applications for Renewal Permits; Notice of Opportunity for Public Hearing

Applications for Renewal Permits for Noncompliance with the Interim Mandatory Dust Standard (2.0 mg./m.³) have been received as follows:

(1) ICP Docket No. 20016, Eastern Coal Corp., Stone No. 8 Mine, USBM ID No. 15 04316 0, Stone, Ky., Section ID No. 009 (section No. 31).

(2) ICP Docket No. 20017, Eastern Coal Corp., Stone No. 4 Mine, USBM ID No. 15 02096 0, Stone, Ky., Section ID No. 003 (No. 17 section).

(3) ICP Docket No. 20018, Eastern Coal Corp., F-1 Mine, USBM ID No. 15 03793 0, Stone, Ky., Section ID No. 001 (Mains).

(4) ICP Docket No. 20214, Clinchfield Coal Co., Moss No. 3 Portal "C", USBM ID No. 44 01643 0, Dante, Va., Section ID No. 007 ("C" Mains), Section ID No. 008 (2 Left), Section ID No. 009 (1½ Right).

(5) ICP Docket No. 20217 Clinchfield Coal Co., Hurricane Creek, USBM ID No. 44 01773 0, Clinchfield, Va., Section ID No. 003 (1 North), Section ID N. 004 (West Main).

(6) ICP Docket No. 20219, Clinchfield Coal Co., Birchfield No. 1 Mine, USBM ID No. 44 01884 0, Dante, Va., Section ID No. 003 (Unit No. 1), Section ID No. 002 (Unit No. 2).

(7) ICP Docket No. 20222, Clinchfield Coal Co., Birchfield No. 2 Mine, USBM ID No. 44 02236 0, Wise, Va., Section ID No. 007 (Unit No. 1), Section ID No. 002 (Unit No. 2).

(8) ICP Docket No. 20227, Clinchfield Coal Co., Chaney Creek Mine, USBM ID No. 44 00279 0, Clinchfield, Va., Section ID No. 001 (1 left), Section ID No. 002 (West Mains), Section ID No. 003 (8 Right), Section ID No. 004 (9 Right).

(9) ICP Docket No. 20472, Potter Mining Co., Mine No. 3-C, USBM ID No. 15 02609 0, Fedscreek, Ky., Section ID No. 001.

(10) ICP Docket No. 20564, The Nacco Mining Co., Powhatan No. 6 Mine, USBM ID No. 33 01159 0, Powhatan Point, Ohio, Section ID No. 002-0 (Main Return), Section ID No. 003-0 (Main North), Section ID No. 004-0 (Main South), Section ID No. 005-0 (Main West), Section ID No. 007-0 (1 Right, 1st Main East), Section ID No. 009-0 (1 Left, 1st Main East), Section ID No. 010-0 (2d Main East), Section ID No. 011-0 (2d Main East), Section ID No. 012-0 (2d Main South).

In accordance with the provisions of section 202(b)(4) (30 U.S.C. 842(b)(4)) of the Federal Coal Mine Health and Safety Act of 1969 (83 Stat. 742, et seq., Public Law 91-173), notice is hereby given that requests for public hearing as to an application for renewal may be filed within 15 days after publication of this notice. Requests for public hearing must be filed in accordance with 30 CFR Part 505 (35 FR 11296, July 15, 1970), as amended, copies of which may be obtained from the Panel on request.

A copy of the application is available for inspection and requests for public hearing may be filed in the office of the Correspondence Control Officer, Interim Compliance Panel, Room 800, 1730 K Street NW., Washington, DC 20006.

GEORGE A. HORNBECK,
Chairman, Interim Compliance Panel.

MARCH 20, 1973.

[FR Doc.73-5566 Filed 3-22-73;8:45 am]

SECURITIES AND EXCHANGE COMMISSION

[Release 367]

INVESTMENT ADVISERS

Intension To Cancel Registrations

MARCH 19, 1973.

Notice is hereby given that the Division of Investment Management Regulation has requested the Securities and Exchange Commission to issue an order pursuant to section 203(i) of the Investment Advisers Act of 1940 (Act) canceling the registrations of those investment advisers whose names appear in the attached appendix.

Section 203(i) provides, as here pertinent, that if the Commisison finds that any person registered under section 203, or who has pending an application for registration filed under section 203, is no longer in existence or is not engaged in business as an investment adviser, the Commission shall by order cancel the registration of such person.

All of the registered investment advisers listed in part I of the Appendix, or representatives thereof, have indicated in recent correspondence to the Commission that these registrants are no longer in existence or are not engaged in business as investment advisers.

The registrants named in Part II of the appendix have not paid the annual assessment for registered investment advisers for 1971 or 1972 imposed by Rule 203-3(b) under the Act. Rule 203-3(b) provides, in pertinent part, that every registered investment adviser shall pay a $100 assessment annually to the Commission while its registration is effective. Such assessment, for the year 1971, was payable not later than April 1, 1972, and, for the year 1972, not later than January 31, 1973. Notice of the adoption of Rule 203-3(b) was published in the FEDERAL REGISTER on January 29, 1972 (37 FR 1471), and a letter was sent on May 22, 1972 by certified mail, return receipt requested, to each registrant who had failed to pay the assessment for the year 1971 as of that date. The letter informed each registrant that he was delinquent in the payment of the fee and that, if he failed to respond to the letter with payment of the assessment, the registrant would be presumed to be no longer engaged in business as an investment adviser. The letters sent to the investment advisers named in Part II were returned to the Commission unopened and all attempts to correspond with these persons at the addresses designated in their Form ADV applications for registration have been unsuccessful.

Rule 204-1(b) under the Act provides that if the information contained in any application for registration as an investment adviser, or in any amendment thereto, becomes inaccurate for any reason, the investment adviser shall promptly file an amendment on Form ADV correcting such information.

Since the registrants named in Part II of the appendix have not paid the annual assessment for 1971 or 1972 as required by Rule 203-3(b), and have failed to notify the Commission of any change in address as required by Rule 204-1(b), the staff of the Division of Investment Management Regulation believes that reasonable grounds exist to support a finding that these registrants are no longer in existence or are not engaged in business as investment advisers.

The investment advisers whose names appear in Part III of the appendix have also failed to pay the annual assessment for 1971 or 1972. The letter of May 22, 1972, sent by certified mail, return receipt requested, was received by these registrants, but neither their response thereto nor their payment of the assessment has been received by the Commission. As indicated above, the letter informed these registrants that if they failed to respond to the letter or to pay the assessment, they would be presumed to be no longer engaged in business as investment advisers and that such failure could result in the cancellation of their investment adviser registrations. In light of the fact that these registrants have not paid the annual assessment for 1971 or 1972 and that they received sufficient notice of the possible consequences resulting from nonpayment, the staff of the Division of Investment Management Regulation believes that reasonable grounds exist to support a finding that these registrants are no longer in existence or are not engaged in business as investment advisers.

Notice is further given that any interested person may, not later than April 18, 1973, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request, and the issues, if any, of fact or law proposed to be controverted. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. At any time after said date, the Commission may issue an order cancelling any or all of these registrations upon the basis of the information stated herein unless an order for hearing on said cancellation shall be issued upon request. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

By the Commission.

[SEAL] RONALD F. HUNT,
Secretary.

PART I

ATLANTA REGION

Lawrence Ellis Brown, 801-7986.
Callen Modern Investment Plans, 801-7040.
William L. Deam, 801-3020.
Walter Dix, 801-3257.
Douglas Duke, 801-5783.
Gentry Investment Corp., 801-6845.
Louis Thomas Masterson, 801-5718.
Samstein Inc., 801-7346.
Leo Higdon, 801-6046.

BOSTON REGION

Boston Economic Forum, 801-6750.
Robert E. Broad, Jr., 801-5742.
Johnson & Co., 801-7485.
Stefan T. Mulawka, 801-7173.
Newtonian Research Co., 801-6789.
Charles Theodore Sloan, 801-8062.
WLJ Low Cost Speculatives, 801-5269.

CHICAGO REGION

Alcamo Investment Advisory Service, 801-4862.
James Blean Associates, Inc., 801-7797.
General Commodities Corp., 801-7531.
Godfrey & Co., Inc., 801-7837.
William C. Martin Assoc. 801-4678.
Terrence J. McDonnell Economic & Financial Services, 801-7268.
Robertson Davies, 801-4836.
William Rothberg Investment Adviser & Securities Analyst, 801-5904.
Sans Souci Service, 801-6234.
Security Research Service, 801-6549.
Storrs Market Letter, 801-3032.
Thomas Evan Swanstrom, 801-5602.

DENVER REGION

Action Investment Management, 801-5906.
H. L. Cox, Consultant, 801-4627.
J. N. Neilson Co., 801-3694.

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John Arvo Symonds, 801-3937.
Technical Stock Watch, 801-4517.

LOS ANGELES REGION

Apollo Financial Corp., 801-5562.
The Beverly Hills Trader, 801-4640.
Christopher Albert Clark, III, 801-6041.
Allen Vincent Dowling, 801-7811.
Forrest Jones Easley, Jr., 801-6629.
R. H. Greene & Co., 801-5887.
Robert Riley Hensler, Jr., 801-6581.
Jess Ira Marcum, 801-5214.
Market Profiles, Inc., 801-6414.
McGaughey & Associates, 801-3128.
Professional Trading, 801-5601.
Joseph William Schultz, 801-5089.
Security Trading Service, 801-4274.
Victor Troendale, 801-5677.
White Hall Investment Advisory Service, 801-5629.

NEW YORK REGION

Associated Research Consultants, 801-4489.
Auerback, Pollack & Richardson, Inc., 801-5163.
Blair & Co., 801-3354.
Capital Advisors, Inc., 801-2786.
John Wesley Crist, 801-7280.
Davis & Hall, 801-4809.
Alan Delgado, 801-4700.
Diamond & Co., 801-2481.
Frederic S. Farah, 801-4704.
Stanley Edward Ferman, 801-6061.
Fleisner & Co., 801-5771.
Jay Edwin Freeman, 801-6337.
James Edgar Gallagher, 801-6157.
Graphic Stocks, 801-3317.
Growth Stocks, 801-4555.
Stanley Hendricks, 801-5352.
Icetex Co., 801-4899.
Inflation Hedge Investments Corp., 801-5885.
Investment Strategy, 801-4666.
Investors Cycle Timing, 801-2363.
Investors Research Report, 801-7206.
Luciano John Iorizzo, 801-5655.
Leonard John Kaisner, 801-5784.
Stanley Klein, 801-4775.
Rudolf Paul Gustav Klitscher, 801-6707.
Gerald Nicholas Labelle, 801-5593.
Hyman Laskow, 801-1724.
Barry Andrew Levine, 801-5724.
David Lewin, 801-5195.
James Liccardo, 801-7515.
Loving Management Corp., 801-6504.
Dennis Scott Mair, 801-6974.
James William McCarney, 801-7997.
Mitchell Research & Advisory Service, 801-4576.
Murray Lind & Co. Inc., 801-6085.
Irene Perdoncin, 801-3946.
Pivnick, Jack, 801-4388.
Robertson & Associates, Inc., 801-4878.
Bernard Rodetsky, 801-7442.
Seaford Research Corp., 801-5357.
Ben David Shiriak, 801-5588.
Bruce Milton Spence, 801-5774.
Irvin B. Starr, 801-2046.
Stocks for Profit, 801-6115.
Richard James Stricof, 801-6849.
Carla Lynn Sugarman, 801-7233.
Saul Travin, 801-5427.
Allen Harold Vogel, 801-7022.
Weslac Inc., 801-6455.
S. Weinstein & Co., 801-6908.
Winslow, Cohu & Stetson of New York, Inc., 801-4993.
August J. Wiscarz, 801-6700.
Edward Joseph Wright, Sr., 801-6870.
Morris M. Zingman, 801-4522.
Alvie Glenn Spencer, Jr., 801-7635.
William R. Thacher, 801-2611.

FOREIGN

Morton Abramson, 801-4534.

SEATTLE

Atlantic Warrant Advisement Service, 801-6790.

WASHINGTON, D.C.

Frederick Amling & Associates, 801-3402.
Mark Eisenberg, 801-3102.
James Loye Harwitt, 801-7922.
The Andrew Heiskell Co., 801-6092.
Investment Consultants, 801-5614.
Donald Joseph May, 801-5641.
Albert Leonard Meyers, 801-3661.
New Issues Information Services Inc., 801-6363.
Falles Markowitz & Co., Inc., 801-3290.
Scott Townsend, 801-1522.

PART II

ATLANTA REGION

Irving Berger, 801-5142.
Cameron Stuart Investment Advisor, 801-4435.
Carolina Research Co., 801-5736.
Confederate Advisory Service, 801-5302.
Nicholas Cubitt Association, 801-7712.
E-Z Read Resistance Area, 801-6125.
Financial Data Systems, 801-5692.
Investing Concepts, 801-7496.
O. L. Kempf, 801-4444.
John Berne Lane, 801-3948.
Modern Investments, 801-7148.
Phillips Edward J. Edwards Newsletter, 801-4753.
Scott Medi Service Money Management, 801-4180.
Howard Sloman, 801-5657.
W. J. Stuart, 801-4951.
Technical Research & Analysis, 801-4631.
Trend Research Bureau, 801-6411.
Individual Stock Charts, 801-4934.
James Melton King, 801-5365.

BOSTON REGION

Boston Investment Management Associates, Inc., 801-5065.
Clipper City Management Co., 801-7528.
Davis Management Corp., 801-5770.
Investment Creativity, Inc., 801-5557.
Market Reporter, 801-6555.
Thomas Greer McClellan, 801-4360.
J. Paul Poll, 801-2557.
Small Enterprises, 801-6153.
Technical Trends, 801-3125.
University Investment Services, Inc., 801-4913.
Univest Research Associates, 801-5952.

CHICAGO REGION

American Guide Industries, 801-6406.
Bain & Associates, Inc., 801-6196.
Glenn A. Beaumont, 801-3710.
Bryant Stock Advisory Service, 801-4785.
Larry Nathan Burns, 801-4150.
Patricia Kelly Callard, 801-5696.
Curries Reports, 801-4328.
William John Goldsborough, 801-4262.
I T Technical Analysis, 801-5381.
Investment News Service, Inc., 801-3016.
Investment Research, 801-4908.
E. H. Landreth Investment Adviser, 801-1140.
Larson Reports, 801-2389.
William C. Lewis, 801-3767.
Ralph Charles Mellcah, 801-5870.
Northern Enterprises Ltd., 801-4827.
Performance Research, Inc., 801-6809.
Truman Lynn Reinking, 801-7177.
M. W. Sales & Co., 801-3984.
Small Investors Issue, 801-6470.
Stair Investors Research Service, 801-2479.
STGA, 801-5345.
Stock Study Service, 801-3945.
Technalysis Stock Advisory Service, 801-7044.
United Stock Indicator, 801-4257.
Equity Analysts, 801-5169.

DENVER REGION

Kenneth Austin Cox, 801-4784.
Hartland Management, Inc., 801-5889.
Traders Service Co., 801-3141.

FORT WORTH REGION

Caymancapital Management, 801-7858.
Allen Wayne Goodwin, 801-5640.
Monroe W. Smith, 801-5792.
Michael William Winner, 801-7101.

LOS ANGELES REGION

George Alama, Jr., 801-3987.
Allan Bernard Abel, 801-2976.
Arthur C. Alvarez, 801-0451.
Arrow Investment Analysis, 801-6266.
Eliot Steven Barrett, 801-4252.
C. A. Beebe, 801-2508.
Stuart Irwin Berton, 801-2639.
R. C. Boaz & Co., 801-4336.
Born & Co., 801-3371.
Stephen L. Brown, 801-2715.
California International Co., 801-4048.
Capitol Advisors, Inc., 801-7064.
George Burton Carter, 801-6773.
Computer Stock Evaluation, 801-4712.
Computerized Security Analysis, 801-4271.
The Consultant, 801-6400.
Frank Dudley Ladd Covelyiv, 801-6056.
John Rogers Dunlop, 801-5929.
Dynamic Securities, Inc., 801-5085.
Electronics Investment Management Corp., 801-673.
Encino Management Corp., 801-4629.
Essig Advisory Service, 801-5086.
Faith Stock Advisory Service, 801-3640.
Family Investment Service, 801-3860.
Financial Laboratories, Inc., 801-6297.
Fund Search Enterprises, 801-7029.
Fundamentalist Securities of Basic Promise, 801-3293.
Future Growth Securities Guide, 801-5358.
R. M. Green Consultant Investment Adviser & Manager, 801-4355.
Growth, 801-3724.
The Harbinger Letters, 801-4111.
Evelyn M. Hayden, 801-715.
Henricks Investment Letter, 801-4930.
Investment Advisers, 801-2583.
Investment Research, 801-5215.
Investors Advisory, 801-5330.
Investors Tech Pointers, 801-2708.
IRM Corporation, 801-4093.
Clarence Klein, 801-2810.
Koenig Hawkins & Titus, Inc., 801-313.
J. O. Lefurgey, Inc., 801-3452.
Legrand & Co., 801-3739.
Curtis Wayne Lint, 801-4527.
Johnny Wayne Masters, 801-6931.
Matrix Research Corp., 801-6762.
The Melville Co., 801-6366.
MHR Investor, 801-7526.
Roger Buchanan Mills, 801-7497.
Horace Leroy Neate, 801-5370.
Dee Nelson, 801-6933.
The Norco American Market Letter, 801-6389.
Ocean Investment Service, 801-5746.
Portfolio Analysis & Research Co., 801-4325.
Quinn & Bennett Associates, 801-4725.
The Ricchart, 801-4320.
Horace K. Rubinfier, 801-2757.
Security Analysis Limited, Inc., 801-5485.
Security Investment Advisory Service, 801-2870.
John Wheeler Somerville, 801-7375.
Cullen A. Stinnett, 801-4889.
Stock Market Institute, 801-4645.
Robert Ross Talley, 801-4856.
Technical Jury Advisory Service, 801-2843.
Traders Advisory Service, 801-3154.
Marshall Earl Turley, 801-4768.
Twenty First Century Advisory Service, 801-4938.
Wall Street Hot Line, 801-4524.
King Industries, 801-3304.
General Investment Service, 801-4157.

NEW YORK REGION

Aggressive Growth Management Service, 801-7350.
Alexander Dean, Inc., 801-5868.

American Research Council, Inc., 801-1258.
The Analyzer, 801-7271.
Aquarius Investment Advisory, 801-5592.
Bruce Barton Bailey, 801-5110.
Norman Irving Bazell, C.L.U., 801-5884.
Beehive Market Letter, 801-4007.
The BioMedical Investment Advisory, 801-6911.
Broad Street Associates, 801-5759.
Business and Stock Market Letter, 801-3240.
Francis X. Callahan, 801-4584.
Capital Marketing Co., 801-6131.
Capital Investment Service, 801-4931.
Reginald R. Chitty, 801-5135.
Connaught Research Corp., 801-5814.
Robert Dollar Covington, 801-5615.
Donald R. Cruver, 801-4642.
Cunnison Brothers, 801-6398.
The Eastern Trader, 801-6249.
Emerging Securities Advisory, 801-5339.
Fernwood Publishing Co., 801-3752.
Financial Planning Services, 801-4511.
Elliot Allan Ginsberg, 801-5863.
Elton L. Golden, 801-7487.
Haight Wilson & Wallower, Inc., 801-4161.
Hamilton Investor Service, 801-6905.
Informed Investors, Inc., 801-5752.
The Institute for Advanced Charting, Inc., 801-5459.
Samuel B. Kuckley, 801-6334.
Levitt & Bergman, Inc., 801-5327.
W. J. MacDonalds Stock Market Advisory Service, 801-295.
John A. Mayhook, 801-4477.
Mid Continent Investment Service, 801-2149.
Muscetra Amerigo Rocco, 801-5138.
Mutual Fund Buyers Guide, Inc., 801-5328.
The O D Stock Market Selections for the Active Trader, 801-7269.
The Option Letter, 801-8212.
Overseas Investment Advisory Service, 801-4024.
The P M Market Letter, 801-4456.
Physicians Market News Letter, 801-6464.
Planned Futures, Inc., 801-5719.
Portfolio Sciences, Inc., 801-6180.
Professional Economic Review, Inc., 801-6780.
The Professional Trader, 801-5761.
Martin Steward Rice, 801-5393.
Roslyn Advisory Service Ltd., 801-4793.
Irwin M. Scarana Investment Adviser, 801-4250.
The Scheinman Divergence Analysis Report Corp., 801-4405.
Ernest Schulman, 801-5766.
Scientific Portfolio Management, 801-6302.
SHS Associates, 801-4874.
Simmons Investment Services Co., 801-7169.
Karl N. Smith, 801-1125.
John P. Sullivan, 801-3172.
Technical Timing Stock Service, 801-5207.
Traders Report, 801-4502.
Urban & Environmental Investment Service, 801-7326.
Wall Street Bulletin, 801-4194.
Wolff Report, Inc., 801-4137.
Woman's Perception, 801-7985.
Market Alerts, 801-5967.
Securities Appraisement, 801-3746.

WASHINGTON, D.C.

Automated Investment Sciences, 801-5118.
Capitol Investment Advisory Service, 801-4396.
Chapman Investment Co., 801-4497.
Chubik Investment Bulletin, 801-2897.
Clarke Management Corp., 801-6126.
Decision Guidance Company, 801-4078.
Dynamic Stock Service, 801-3258.
Evas Co., 801-5539.
First Diversified Investment Services Corp., 801-5695.
Marvin Francis Green, 801-4540.
Halorr, Inc., 801-3867.
Harold A. Holm & Co., 801-4450.
Investment Planner, 801-4113.
Investor Service Co., 801-4828.
J. G. Johnston Co., 801-2884.
Kirk Andrews & Gordon, Inc., 801-6507.
Charles Russell Klarich, 801-4566.
Monitor Services, 801-1489.
National Securities Research, Inc., 801-5075.
Richard Gerson Nemerov, 801-3670.
G. L. Olson, Inc., 801-4062.
Performance Fund Selector Report, 801-6570.
Plymouth Management, Inc., 801-7470.
Professional Perspective, 801-6226.
Melvin Rubin, 801-3267.
Robert Thomas Sweet, 801-3522.
Time Investment Plans, 801-2403.
Trend Investors Management, Inc., 801-4941.
Albert B. Tyson, 801-1528.
The Wall Street Adviser, 801-4866.
Weekly Stock Trader, 801-3318.
Wharton Associates, 801-2106.
Wise Investment Survey, 801-503.
Young Investor, 801-2812.
Economic Survey, 801-1011.

SEATTLE REGION

Mike James Malone, 801-5333.
John Parker Melvin, 801-4998.

FOREIGN

Canadian American Securities Service Ltd., 801-1826.
The Forecaster, 801-4647.
Angelo A. Henderson, 801-6106.
Mexican Financial Advisory Service, S.A., 801-5939.
Trumor Securities Ltd., 801-1509.
Roger L. Pillotin, 801-2913.
Mitchell of Canada, Ltd., 801-2027.

PART III

ATLANTA REGION

D. S. Alcott & Co., 801-4589.
Avisotron Investment Service, 801-7239.
Frank C. Bennett, 801-4786.
Christopher Reports, 801-4255.
Data Trends, Inc., 801-6815
Deavers & Associates, 801-4431
Karl M. Freidman & Co., 801-3631.
Funtech Systems, 801-6011.
Mack William Gwinn, 801-5545.
Jons Speculative, 801-3953.
William R. Kent & Co., 801-3238.
Keaton Corp., 801-6231.
The Lowrey Market Letter, 801-5672.
Money Matters, Inc., 801-6349.
Josiah Pierce, 801-3397.
Portfolio Management, Inc., 801-5876.
Practical Market Opinions, Inc., 801-3253.
Research Publishing Corp., 801-1819.
Myron Rubey & Associates, Inc., 801-6692.
Carl A. Samuelson, Jr., 801-7708.
Morton S. Sellner, 801-4729.
Murray Shanfeld, 801-7302.
Stock Market Advisors of Florida, 801-6078.
Harry Talv, 801-6505.
David E. Taub, 801-2563.
Charles Albert Taylor, 801-5646.
Telstat, Inc., 801-6195.
Urbana Corp., 801-7168.
David Andrew Ward, 801-4885.
James Edward Weedy, 801-7828.
Herbert Lewis Weston, 801-6711.
George Thomas White, 801-6904.
Florence Witus, 801-6635.
William Claire Wolf III, 801-4987.
The John M. Wood Stock Warrant Survey, 801-4760.
Jack Wooten, 801-4021.

BOSTON REGION

Account Management Corp., 801-3548.
Advanced Technology Consultants Corporation, 801-6317.
Aetna Investment Management, Inc., 801-8187.
Amberkar Suresh Dattaram, 801-7611.
American Institute Counselors, Inc., 801-3245.
Analysts Co., 801-4674.
E. T. Andrews & Co., 801-374.
Annual Rate, 801-6037.
APTCO, 801-6671.
George Peter Assad, Jr., 801-6632.
AVB Advisory Service, 801-6573.
William H. Biesel, 801-2902.
Carsten F. Boe, 801-4092.
Boston Financial Reports, Inc., 801-3400.
Burley Harkins & Funk Securities Corp., 801-6339.
Chase Investment Services, Inc., 801-3728.
Donald George Crawford, 801-7852.
Norman David Dahl, 801-6915.
Delta Securities Management Corp., 801-5347.
Jack Douglas Edick, 801-5580.
Esposito Investment Advisory, 801-6862.
Falk Associates, Inc., 801-7024.
Forrestt Alexander Co., 801-1656.
Ted Conrad Forziati, 801-5548.
Gerald S. Gilligan & Associates, 801-7183.
William C. Godbey II, 801-4341.
Edward Xonaphus Greene, 801-4901.
William Preston Helms, 801-614.
The House of Metcalf, 801-5832.
Investment Sciences, Inc., 801-5786.
Investor Consulting Service, 801-2758.
Investors Management & Research Corp., 801-5294.
Keystone Investment Management Co., Inc., 801-5924.
Mel H. Ligums Investment Adviser, 801-5105.
John Joseph Maloney, 801-5172.
The Market Monitor, 801-5425.
Merit Management, Inc., 801-5536.
Milo Associates, 801-3778.
Pendulum Investment Management Corp., 801-5033.
Professional Services, Inc., 801-6030.
John Robert Risdall, 801-7509.
Theodore John Robertson, Jr., 801-6631.
Stock Informer, 801-4920.
Stock Market Index, Inc., 801-3122.
Trust Management Associates, 801-7959.
Urban Equities Management Corp., 801-7960.
Vector Management Co., Inc., 801-5925.
Wagner Management of Boston, Inc., 801-7283.
Joel Wolfson, 801-2578.
Economic and Investment Research, 801-7387.
John Owens Investment Counsel, 801-908.

CHICAGO REGION

Advanced Technology Stock Investigator, 801-5538.
American Corporate Research, 801-5226.
American Gain Services, 801-8081.
Anchor Trading Co., 801-2572.
W. C. Anker Financial Planning & Research, 801-7882.
B.T.S. Equities, Inc., 801-5558.
Badger Independent Financial, 801-4202.
Jerry Lee Bainbridge, 801-5027.
Bennett Edwin Moore, 801-6365.
Jacob Bernstein, 801-6575.
Raymond Steward Bieber & Associates, 801-2764.
The Brokers Letter, 801-4338.
Century Capital, 801-6760.
Counsel for Investors, 801-5453.
John C. Cross, 801-1573.
James Leon Daigle, III, 801-3018.
Dow Theory Third Phase, 801-1972.
Marvin J. Egleston, 801-6517.
Robert Francis Ehrers, 801-6674.
Larry Bernard Fiedler, 801-5928.
C. L. Fuller, 801-4315.
Futures Unlimited Investment Advisory Service, 801-6076.
Labein Howard Gilford, 801-5168.
Gray & Co., 801-4883.
The Hershey Corp., 801-99.
Inductive Security Analysts, 801-3841.
Investment Research Services, 801-7607.
JHL, Inc., 801-5990.
William Kazel, 801-5344.
Roger A. Kennedy, 801-3582.
Joseph F. Kobus, Jr., 801-4917.
Herbert Karl Kubach, 801-7565.

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Godfrey H. Kurtz & Associates, 801-5106.
George C. Lane, 801-2823.
Orville B. Lefko Financial Consultant, 801-3558.
Little Rosco Trends, 801-4595.
Edwin Mallinson, 801-5843.
Market Maker News, 801-6526.
Market Timing & Direction Forecasting Service, 801-6286.
Martin Trigona Real Estate & Investments, 801-5201.
J. L. Mead & Co., Inc., 801-7253.
Mercury Investors Management Co., 801-6201.
Merl Miller Investment Service, 801-4154.
Robert James Miller, 801-4928.
Carol B. Moore, 801-7473.
Forrest Murphy, 801-4952.
Mutrusco Management Corp., 801-4671.
The National Investment Management Co., 801-5030.
National Investment Service, Inc., 801-6687.
Frederick Joseph Noelke, 801-5338.
Steven Phillips, 801-6374.
Charles Virgil Prevratil, 801-5437.
Prophet Index, 801-7137.
Reuben A. Reeder, 801-2094.
Raymond Roth, 801-6554.
Rothschild Securities Corp., 801-7395.
Sama Securities Investment, 801-4016.
Leon Schochet & Associates, Ltd., 801-7730.
Stephen Allan Scott, 801-6836.
Selected Growth Investment Services, 801-4892.
Donald Steinbacher, 801-5663.
Karl Michael Syring, 801-6787.
Technical Timing, 801-5932.
Tek Way, 801-5271.
Albert William Thomas, 801-3759.
University Stock Market Service, 801-6476.

DENVER REGION

Blast Market Service, 801-6721.
Bull & the Bear, 801-6170.
Finanswer America, Inc., 801-6936.
Investment Analysis Control Associated, 801-7120.
Investment Research Corp., 801-6431.
David Kimbell Jones, 801-5744.
Jesse Levin, 801-4331.
R. J. Modern Registered Investment Adviser, 801-6590.
Prairie Agencies, Inc., 801-7112.
Warrens Small Stock Selector, 801-4237.
Paul F. White, 801-5076.

FORT WORTH REGION

Aids of Texas, Inc., 801-7585.
William Davis Cortland, 801-5476.
Institute of Absolute Strength, 801-6901.
International Economic & Market Research, Corp., 801-3468.
Kyner Investment Advisory Co., 801-4531.
Prairie States Investment Corp., Inc., 801-5396.

LOS ANGELES REGION

Aggressive Stock Management Investment Adviser, 801-6596.
Aloha Newport, Inc., 801-5977.
Arizona Securities Research Association, 801-6399.
Herman Aurich, 801-6307.
Baskerville Robby, Inc., 801-4367.
William Neal Bryant, 801-4109.
Buttonwood Securities, Inc., 801-6663.
Capital Management Company, 801-5162.
Century Associates, 801-6215.
Citron Engineering Investment Counsel, 801-4244.
Clark Index, 801-2925.
Command Group, Inc., 801-6191.
Computer Research Bureau, 801-4378.
Davis Skaggs & Company, 801-249.
Walter Joseph Deptula, Jr., 801-4074.
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[FR Doc.73-5487 Filed 3-22-73;8:45 am]

[File No. 500-1]

STAR-GLO INDUSTRIES INC.

Order Suspending Trading

MARCH 19, 1973.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, $0.10 par value, and all other securities of Star-Glo Industries Inc. being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors:

It is ordered, pursuant to section 15 (c) (5) of the Securities Exchange Act of 1934, That trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period from March 20, 1973, through March 29, 1973.

By the Commission.

[SEAL] RONALD F. HUNT, *Secretary.*

[FR Doc.73-5592 Filed 3-2273;8:45 am]

INTERSTATE COMMERCE COMMISSION

[Notice 204]

ASSIGNMENT OF HEARINGS

MARCH 20, 1973.

Cases assigned for hearing, postponement, cancellation, or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested. No amendments will be entertained after the date of this publication.

MC-F-11664, John L. Kerr and G. O. Kerr, Jr., doing business as Shippers Express, John L. Kerr and G. O. Kerr, Jr.—investigation of control—Mississippi Freight Lines, Inc., MC-F-11703, John L. Kerr and G. O. Kerr, Jr., doing business as Shippers Express, John L. Kerr and G. O. Kerr, Jr.—investigation of control—Reese Truck Line, Inc., MC-F-11750, Mississippi Freight Lines, Inc., a Tennessee corporation—purchase—Mississippi Freight Lines, Inc., a Mississippi corporation, MC 138416, Mississippi Freight Lines, Inc., MC-F-11774, Merchants Truck Lines, Inc.—control—Mississippi Freight Lines, Inc., and MC 121427 Sub 8, Mississippi Freight Lines, Inc., now assigned April 23, 1973, at Jackson, Miss., postponed to April 25, 1973 (2 weeks), in Room 409, U.S. Courthouse and Post Office, Capital and West Streets, Jackson, Miss.

MC-C-7979, Danlgarno Transportation, Inc., investigation and revocation of certificates, now assigned May 7, 1973, MC 113678 Subs 469, 470 and 471, Curtis, Inc., now assigned May 9, 1973, MC 71459 Sub 33, O. N. C. Freight Systems, now assigned May 14, 1973, will be held in the U.S. Tax Courtroom, Fifth Floor, 19th and Stout Street, Denver, Colo.

No. 35720, American Petrofina Company of Texas, et al. v. Williams Bros. Pipe Line Co., et al., now assigned March 20, 1973, is postponed to April 30, 1973, at the offices of the Interstate Commerce Commission, Washington, D.C.

MC 115841 Sub 438, Colonial Refrigerated Transportation, Inc., now assigned April 2, 1973, at New York, N.Y., will be held at the Warwick Hotel, 54th and Avenue of the Americas.

MC 136224, Southern Transport, Inc., continued to April 10, 1973, at the Rice Hotel, Silver Room, 929 Texas Avenue, Houston, TX.

MC 136499 Sub 1, Samuel D. Summers, contract carrier application, now assigned April 3, 1973, at Columbus, Ohio, is canceled and application dismissed.

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I & S 8829 Sub 1, Grain, Northwestern Transcontinental Territory, now being assigned hearing May 8, 1973, at the offices of the Interstate Commerce Commission, Washington, D.C.

MC 97357 Sub 45, Allyn Transportation Co., extension—fuel oil, now being assigned hearing May 22, 1973, at Phoenix, Ariz. (2 days), in a hearing room to be later designated.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.73-5616 Filed 3-22-73;8:45 am]

[Ex Parte 241; Rule 19, 10th Rev. Exemption]

ATLANTIC AND WESTERN RAILWAY CO. ET AL.

Exemption From Mandatory Car Service Rules

It appearing, that the railroads named herein own numerous plain boxcars; that under present conditions, there is virtually no demand for these cars on the lines of the carowners; that return of these cars to the carowners would result in their being stored idle on these lines; that such cars can be used by other carriers for transporting traffic offered for shipments to points remote from the carowners; and that compliance with Car Service Rules 1 and 2 prevents such use of plain boxcars owned by the railroads listed herein, resulting in unnecessary loss of utilization of such cars.

It is ordered: That pursuant to the authority vested in me by Car Service Rule 19, plain boxcars described in the Official Railway Equipment Register, ICC R.E.R. No. 386, issued by W. J. Trezise, or successive issues thereof, as having mechanical designation XM, and bearing reporting marks assigned to the railroads named below, shall be exempt from the provisions of Car Service Rules 1(a), 2(a), and 2(b).[1]

Atlantic and Western Railway Co., reporting marks: ATW.

Chicago & Illinois Midland Railway Co., reporting marks: CIM.

The La Salle and Bureau County Railroad Co., reporting marks: LSBC.

Richmond, Fredericksburg and Potomac Railroad Co., reporting marks: RFP.

Vermont Railway, Inc., reporting marks: Rut or VTR.

Wellsville, Addison & Galeton Railroad Corp., reporting marks: WAG.

Effective March 15, 1973, and continuing in effect until further order of this Commission.

Issued at Washington, D.C., March 15, 1973.

INTERSTATE COMMERCE COMMISSION,

[SEAL] R. D. PFAHLER, *Agent.*

[FR Doc.73-5617 Filed 3-22-73;8:47 am]

[1] Toledo, Peoria & Western Railroad Co. eliminated.

FOURTH SECTION APPLICATION FOR RELIEF

MARCH 20, 1973.

An application, as summarized below, has been filed requesting relief from the requirements of section 4 of the Interstate Commerce Act to permit common carriers named or described in the application to maintain higher rates and charges at intermediate points than those sought to be established at more distant points.

Protests to the granting of an application must be prepared in accordance with Rule 1100.40 of the general rules of practice (49 CFR 1100.40) and filed on or before April 9, 1973.

FSA No. 42648—*Liquefied petroleum gas from Cut Bank, Mont.* Filed by Trans-Continental Freight Bureau, agent (No. 480), for interested rail carriers. Rates on gas, liquefied petroleum, in tank-car loads, as described in the application, from Cut Bank, Mont., to points in western trunkline and southwestern territories.

Grounds for relief—market competition, modified short-line distance formula, and grouping.

Tariff—Supplement 223 to Trans-Continental Freight Bureau, agent, tariff ICC 1785. Rates are published to become effective on April 19, 1973.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.73-5615 Filed 3-22-73;8:45 am]

[S.O. 1124]

DEMURRAGE AND FREE TIME ON FREIGHT CARS

Order. At a session of the Interstate Commerce Commission, Division 3, acting as an appellate division, held at its office in Washington, D.C., on the 19th day of March 1973.

Upon consideration of the petition filed by the National Industrial Traffic League on March 15, 1973, requesting revocation of Service Order No. 1124.

It appearing, that Service Order No. 1124 was issued by Division 3 in accordance with applicable law and upon its determination that an emergency exists because of an acute shortage of freight cars in all sections of the country; that the League's members have had ample opportunity to review their operations to avoid the excessive detention of freight cars; that numerous cars are held idle for excessive periods awaiting loading or unloading; and that the petition states no errors of fact or law warranting the relief sought, and for good cause appearing;

It is ordered, That the petition be, and it is hereby, denied.

By the Commission, Division 3, acting as an appellate division.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.73-5618 Filed 3-22-73;8:45 am]

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DEPARTMENT OF TRANSPORTATION

Coast Guard

■

GREAT LAKES LOAD LINES

Notice of Proposed Rule Making

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DEPARTMENT OF TRANSPORTATION

Coast Guard

[46 CFR Parts 42, 45]

[CGD 73-49P]

GREAT LAKES LOAD LINES

Notice of Proposed Rule Making

The Coast Guard is considering amending the Great Lakes Load Line regulations to adopt new provisions for the calculations of freeboards and additional conditions of assignment of freeboards and loadlines.

Written comments. Interested persons are invited to participate in this rule making by submitting written data, views or arguments to the Executive Secretary, Marine Safety Council (GCMC/82), 400 Seventh Street SW., Washington, DC 20590 (phone 202—426-1477). Written comments should include the docket number of this notice, the name and address of the person submitting the comments, and the specific section of the proposal to which each comment is addressed.

Closing date for comments. All communications received on or before April 15, 1973, will be fully considered before final action is taken on this proposal. This proposal may be changed in the light of comments received. Copies of comments received will be available for examination in Room 8234. Copies of comments will be furnished interested persons upon request to U.S. Coast Guard (GCMC/82) and payment of the fees prescribed in 49 CFR 7.81.

Drafts of Great Lakes vessels were allowed to be increased during World War II and also during the Korean emergency. After each emergency, the drafts reverted to the standard drafts allocated by the original 1935 Load Line Regulations. The experience gained by these drafts during the two short periods provoked interest in revising the 1935 Load Line Regulations. However, there were a number of questions left unsolved in the minds of the Administrations of Canada and the United States.

Accordingly, committees were formed under the auspices of the Society of Naval Architects to maintain research on Great Lakes waves and weather conditions and to monitor stresses on one of the large Great Lakes bulk carriers. The results of both the wave research and the ship strength research were reported in a combined symposium of the Society of Naval Architects held in Ottawa in July 1971.

While this research experience was still underway during the mid-1960's, Coast Guard and the Board of Steamship Inspection in Canada formed the Canada/United States Joint Technical Committee, composed of ship owners, ship builders, classification societies' representatives and Government representatives from both the United States and Canada, which undertook to make recommendations for changes in the regulations.

The first regulatory accomplishment of this Joint Technical Committee came in 1969 with the adoption of a new freeboard table extending the tabular freeboard limits to 1,000 feet, for the construction of longer vessels, which was made possible by the new 1,000-foot lock at Sault Ste. Marie, Mich.

Later the winter freeboard correction was changed for vessels for superior construction. In the meantime, the Committee, working toward new regulations, continued its initial approach of attempting to use the 1966 International Load Line Conventions as a reference and foundation for modifying the old Great Lakes Load Line rules.

It was recognized early in the deliberations of the Joint Technical Committee that the matter of strength was important at all drafts and that the idea of greater stressing of a ship is not necessarily coupled with deeper loading. Excessive stress may occur in a loading condition other than maximum draft and therefore all loading conditions must be carefully considered.

The working papers of the 1966 Convention provided an excellent foundation. In particular one proposal by the Netherlands to examine vessels at different speeds in seaways of several different heights to determine the necessary "deck height" for a uniform percentage of water on deck was found to be an excellent starting point for the work of the Great Lakes Technical Committee. Accordingly, the research on Great Lakes waves in the mid-1960's was used to examine the Great Lakes type vessels with high block coefficients. The proposed freeboard requirements are based partially on this examination. It was found that the requirements of the old rule for freeboards of vessels up to about 550 feet in length were quite adequate and should not be reduced without increasing the deck-fitting weather tightness. However, the calculations indicate that longer vessels can achieve similar levels of deck safety with smaller freeboards.

The block coefficient correction was a major concern to the drafters of these proposed regulations since the previous regulations merely copied the block coefficient correction of the old International Convention. Most Great Lakes vessels carried a rather large penalty because they were full bodied vessels. It was the consensus at the 1966 International Convention that the full body form actually does not need the same sheer height as a finer ship which pitches more.

The results of the seakeeping study also aided the evaluation of the Joint Technical Committee in regard to the sheer correction. This was the other major penalty which most existing Great Lakes vessels carry because they are constructed as straight deck vessels and, therefore, have a large penalty because of lack of sheer. As indicated above, both the wave research and the calculations have shown that the present sheer is necessary for shorter vessels, but it is not necessary for sheer values to continually expand upwards between 600 feet and 1,000 feet in length. Thus the proposed regulation significantly modifies this major penalty for longer vessels.

The proposed regulations increase the degree of effectiveness of the conditions of assignment and protection of the crew, which are mainly embodied in the requirements for weathertightness of superstructures, hatch coamings, and the upper hull fittings. This notice also proposes that all vessels expecting to sail at the new freeboards must have complete loading information for the master of the vessel, which is a step toward greater safety.

The proposed bow height regulations are based on the International Convention but significantly modified in that the bow height requirement is maximum at 550 feet, and lower than maximum on vessels longer than 550 feet, in accordance with the results of the research and seakeeping projections.

The actual calculation of the freeboards under the proposed regulations is expected to be greatly simplified since the new table of freeboards now includes the correction for block coefficients. Secondly, the length-to-depth correction is also included in the evaluation in the basic freeboard table. The only corrections that must be made to the basic calculation of tabular freeboard under this proposal are the superstructure correction (when it is desired) and the modified sheer correction, and the bow height correction. All other geometric calculations have been dropped or included in the calculation.

The existing seasonal freeboards regulations have very large differences among the summer, intermediate, and winter seasons on the Great Lakes. The investigations of the past few years have determined that while it is still desirable to maintain increased freeboard in the rough weather occurring in the fall of the year, the correction can be significantly modified. Accordingly, those vessels which qualify under these proposed regulations would have somewhat increased draft during the fall and winter seasons.

These regulations have been anticipated for well over 10 years. They have been developed after years of expensive and painstaking research, not only on the ships but also on the water and wave conditions, and after considerable laboratory effort in evaluation of the research. It is believed by the Joint Technical Committee of the United States and Canada that these proposed regulations represent a significant forward step in ship evaluation and ship design.

In this proposal vessels are not formally categorized into "new" and "existing" vessels as in International Load Lines Convention of 1966 because there would be two categories of "existing." Instead the new regulations categorize vessels by date of regulations in form. Thus any vessel which can meet the new regulations can receive a Load Line certificate under the new regulations. Vessels meeting older versions of the regulations will be load lined according to the calculations of the older regulations.

The proposed seasonal dates would apply to all vessels on the Great Lakes including vessels which have been issued

International Load Lines Convention, 1966, certificates.

In addition to the development of this proposal by a joint United States of America/Canada Technical Committee, the final proposal has been subject to administrative and legal review by the Board of Steamship Inspection and the Coast Guard. Both agencies have prepared regulations and have compared them for similar intent.

While the Canadian and U.S. regulations differ in official format, both are alike in all fundamentals. Accordingly, both agencies are preparing to publish these regulations and place them in effect simultaneously so that the U.S. and Canadian vessels that can meet the proposed safety requirements may use these regulations during the 1973 shipping season.

The following amendments to Part 42 would be made to implement the proposed new Part 45:

1. Section 42.03–1 would be amended to clarify the applicability of this section to vessels navigating the Great Lakes.

2. Section 42.03–5(3) and 42.07–1(b) would be amended to change the reference to § 45.9 of proposed Part 45, which would contain the seasonal equivalents for vessels not operating solely on the Great Lakes.

3. Section 42.03–5(c) would be amended to exclude vessels less than 79 feet. The committee recommended establishment of load-line requirements for vessels 79 feet or more in length in the interests of maintaining uniformity within the International Load Line Convention.

4. Section 42.03–30(b)(2) (e) and (f) would be amended to implement the exemption provision proposed in new § 45.15.

5. Section 42.05–40(c) would be amended to designate the dividing line between fresh and salt water at the Victoria Bridge, Montreal.

6. Section 42.07–45(d) and 42.09–15 (e)(1) would be amended to provide a shorter period for an extension endorsement on the Great Lakes load line certificate from 5 to 2 months because of the higher frequency and shorter length of Great Lakes voyages.

7. Section 42.07–45(e) and (f) would be amended to reference proposed § 45.–101, which prescribes the form of the Great Lakes certificates.

In addition to the amendments to Part 42, the Coast Guard proposes to amend Subchapter E of Title 46 of the Code of Federal Regulations by revising Part 45 to read as follows:

PART 45—GREAT LAKES LOAD LINES

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45.159 Special conditions of assignment for type A vessels.

Appendix A Load line certificate form.

AUTHORITY: The provisions of this Part 45 issued under sec. 2, 49 Stat. 888, as amended, sec. 6(b)(1), 80 Stat. 937; 46 U.S.C. 88a, 49 U.S.C. 1655(b)(1); 49 CFR 1.46(b)

Subpart A—General

§ 45.1 Purpose.

This part prescribes requirements for assignment of freeboards, issuance of loadline certificates and marking of loadlines to meet the requirements of the Coastwise Load Line Act, 1935 (46 U.S.C. §§ 88–88g) insofar as it applies to the Great Lakes of North America.

§ 45.3 Definitions.

As used in this part:

(a) "Length (L)" means 96 percent of the total length on a waterline at 85 percent of the least moulded depth measured from the top of the keel, or the length from the foreside of the stem to the axis of the rudder stock on that waterline, if that is greater. In ships designed with a rake of keel the waterline on which this length is measured must be parallel to the designed waterline.

(b) "Perpendiculars" means the forward and after perpendiculars at the forward and after ends of the length (L). The forward perpendicular coincides with the foreside of the stem on the waterline on which the length is measured.

(c) "Amidships" means the middle of the length (L).

(d) "Breadth" unless expressly provided otherwise, means the maximum breadth of the ship, measured amidships to the moulded line of the frame in a ship with a metal shell and to the outer surface of the hull in a ship with a shell of any other material.

(e) "Moulded Depth" means the vertical distance measured from the top of the keel to the top of the freeboard deck beam at side except that—

(1) In vessels of other than metal construction, the distance is measured from the lower edge of the keel rabbet;

(2) Where the form at the lower part of the midship section is of a hollow character, or where thick garboards are fitted, the distance is measured from the point where the line of the flat of the bottom continued inwards cuts the side of the keel;

(3) In ships having rounded gunwales, this distance is measured to the point of intersection of the moulded lines of the deck and side, the lines extending as though the gunwale were of angular design; and

(4) Where the freeboard deck is stepped and the raised part of the deck extends over the point at which the moulded depth is to be determined, the distance is measured to a line of reference extending from the lower part of the deck along a line parallel with the raised part.

(f) "Depth for Freeboard (D)" means—

(1) Molded depth measured to the upper surface of the deck or stringer plate with no allowance for sheathing; and

(2) In a vessel having a rounded gunwale with a radius greater than 4 percent of the breadth (B) or having topsides of unusual form, the depth for freeboard (D) of a vessel having a midship section with vertical topsides and with the same round of beam and area of topside section equal to that provided by the actual midship section.

(g) "Freeboard" means the distance measured vertically downwards amidships from the upper edge of the deck line to the upper edge of the related load line.

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(h) "Freeboard Deck" means, normally, the uppermost complete deck exposed to weather and sea that has permanent means of closing all openings in the weather part thereof and below which all openings in the sides of the ship are fitted with permanent means of watertight closings except that—

(1) In a ship having a discontinuous freeboard deck, the lowest line of the exposed deck and the continuation of that line parallel to the upper part of the deck is the freeboard deck.

(2) At the option of the owner and subject to the approval of the Commandant a lower deck may be designated as the freeboard deck, if it is a complete and permanent deck continuous in a fore and aft direction at least between the machinery space and peak bulkheads and continuous athwartships;

(3) When this lower deck is stepped the lowest line of the deck and the continuation of that line parallel to the upper part of the deck is taken as the freeboard deck.

(i) "Superstructure" means a deck structure on the freeboard deck, extending from side to side of the ship or with the side plating not being inboard of the shell plating more than 4 percent of the breadth (B). A raised quarterdeck is a superstructure.

(j) "Enclosed superstructure" means a superstructure with enclosing bulkheads.

(k) "Height" of a superstructure means the least vertical height measured at side from the top of the superstructure deck beams of the top of the freeboard deck beams.

(l) "Length of a superstructure (S)" means the mean length of the part of the superstructure that lies within the length (L).

(m) "Flush Deck Ship" means a ship that has no superstructure on the freeboard deck.

(n) "Weathertight" means that in any sea conditions water will not penetrate into the ship except under a static head of water.

(o) "Watertight" means designed to withstand a static head of water.

(p) "Exposed positions" means—

(1) Exposed to weather and sea; or

(2) Within a structure so exposed other than an enclosed superstructure.

(q) "Intact bulkhead" with respect to superstructure means a bulkhead with no openings.

(r) "Steel" means steel and materials with which structures can be made equivalent to steel with respect to yield strength, total deflection, flexural life, and resistance to environmental or stress corrosion.

§ 45.5 Seasonal application of loadlines.

For the purposes of the law and regulations prohibiting submergence of load lines (46 U.S.C. 88c; 46 CFR 42.07–10), the fresh water and salt water loadlines marked under this part apply during the following seasons:

(a) Summer loadlines apply April 16 through April 30; and September 16 through September 30.

(b) Midsummer loadlines apply May 1 through September 15.

(c) Intermediate loadlines apply October 1 through October 31; and April 1 through April 15.

(d) Winter loadlines apply November 1 through March 15.

§ 45.9 Seasonal application of loadlines for vessels not marked under this part.

(a) For the purposes of the law and regulations prohibiting submergence of loadlines (46 U.S.C. 88c; 46 CFR 42.07–10) the marks assigned to vessels holding international loadline certificates apply during the following seasons:

(1) Vessels assigned freeboards as "new" vessels under the International Loadline Convention, 1966—

(i) Winter — November 1 through March 31;

(ii) Summer—April 1 through April 30; and October 1 through October 31;

(iii) Tropical—May 1 through September 30;

(2) Vessels assigned freeboards as "existing" vessels under the International Loadline Convention, 1966—

(i) Winter — November 1 through March 31;

(ii) Summer—April 1 through April 30; and October 1 through October 31;

(iii) Tropical—September 16 through September 30;

(iv) Tropical Fresh—May 1 through September 15.

(b) No allowances for lesser freeboards apply under any circumstances.

§ 45.11 Issue of load line certificate.

(a) Any vessel that meets the requirements in Subparts C and D of this part and the survey requirements in §§ 42.09–15 through 42.09–50 of Part 42 of this chapter is entitled to assignment of freeboards and issue of a load line certificate under this part by the Commandant or his authorized representative.

(b) A vessel the keel of which was laid or was at a similar stage of construction before (effective date) that meets the requirements of this part that were in effect before (effective date) and the survey requirements in §§ 42.09–15 through 42.09–50 of Part 42 of this chapter is entitled to the assignment of freeboards calculated under the provisions of this part in effect before (effective date) and to a load line certificate issued under this part by the Commandant or his authorized representative.

§ 45.13 Form of certificate.

The form of a load line certificate issued under this part is specified in Appendix A.

§ 45.15 Exemptions.

(a) The Commandant may exempt a ship from any of the requirements in this part if the Chairman of the Board of Steamship Inspections, Department of Transport, Canada, and the Commandant agree that the sheltered nature or the conditions of that voyage make it unreasonable or impracticable to apply requirements of this part.

(b) The Commandant may exempt a vessel that embodies features of a novel kind from any of the requirements of this part if those requirements might seriously impede research into the development of such features and their incorporation in ships. Any such vessel must comply with the safety requirements that, in the opinion of the Commandant, are adequate for the service for which the vessel is intended and will ensure the overall safety of the vessel. If the Commandant grants an exemption pursuant to this paragraph he communicates the details of the exemption and the reasons therefor.

(c) A vessel that is not normally engaged on voyages to which this part applies but that, in exceptional circumstances, is required to undertake a single such voyage between two specific ports may be exempted by the Commandant from any of the requirements of this part, if the ship complies with safety requirements that, in the opinion of the Commandant, are adequate for the voyage that is to be undertaken by the vessel.

Subpart B—Loadline Marks

§ 45.31 Deck line.

(a) Each vessel must be marked with a deck line on the outer surface of the shell on each side of the vessel with the upper edge of the line passing through the point where the upper surface of the freeboard deck intersects the outer surface of the shell or if the summer freeboard is correspondingly adjusted under § 45.57, the deck line may be placed above or below the freeboard deck. Figure 1 illustrates the deck line marking.

(b) Each deck line must be 12 inches long and 1 inch wide.

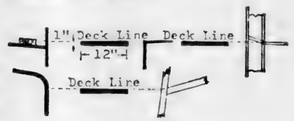

FIGURE 1

§ 45.33 Diamond.

(a) Each vessel must be marked with the diamond mark described in Figure 2 amidships below the deck line on each side with the center of the loadline mark at a distance below the deck line equal to the summer freeboard assigned under this part.

(b) The width of each line in the load line mark must be 1 inch.

§ 45.35 Seasonal loadlines.

Each vessel must have the summer (S), mid-summer (MS), intermediate (I), and winter (W) loadlines for fresh water freeboards calculated under § 45.71 through 75 of this part marked in accordance was § 45.39.

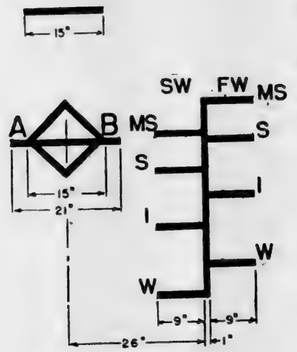

FIGURE 2

§ 45.37 Salt water loadlines.

Each vessel that operates in the salt water of the St. Lawrence River must:

(a) Be marked with the summer (S), mid-summer (MS), intermediate (I) and winter (W) load line marks under § 45.77 of this part for salt water; and

(b) Be marked with the letters "FW" above the fresh water marks and the letters "SW" above the salt water marks as described in Figure 2.

§ 45.39 Marking.

(a) The diamond, lines, and letters must be painted in white or yellow on a dark ground or in black on a light ground and permanently marked on the sides of the vessel.

(b) The upper edge of the line that passes through the center of the diamond must indicate summer freeboard assigned under § 45.53.

(c) Unless otherwise authorized the seasonal load lines must be horizontal lines extending forward of, and at right angles to, a vertical line marked at a distance 26 inches forward of the vertical centerline of the diamond as described in Figure 2.

(d) The salt water loadlines must be horizontal lines extending abaft the vertical line required by paragraph (b) of this section as described in Figure 2.

(e) The upper edge of each seasonal and salt water loadline mark must indicate the minimum freeboard for that mark.

(f) When two freeboards assigned under this part differ by 2 inches or less, the line for the lesser freeboard must be omitted and the line for the greater freeboard must be identified with the seasonal letters for both freeboards.

(g) Seasonal freeboards that are limited by a summer freeboard assigned under § 45.53(c) must not be marked but the identifying letter must be marked adjacent to the summer mark.

(h) The identity of the Authority that assigns the freeboard must be indicated alongside the loadline diamond above the horizontal line that passes through the center of the diamond with two initials approximately 4½ inches high and 3 inches wide.

Subpart C—Freeboards

§ 45.51 Types of ships.

(a) For the purposes of this subpart, a Type A vessel has:

(1) No cargo ports or similar sideshell openings below the freeboard deck;

(2) Only small main deck openings fitted with watertight gasketed hatch covers of steel;

(3) No dimension of a main deck cargo opening greater than 6 feet and the total area not exceeding 18 square feet; and

(4) No more than two main deck cargo openings to a single cargo space.

(b) For the purposes of this subpart a Type B vessel is a vessel that does not meet the requirements in paragraph (a) of this section.

§ 45.53 Summer freeboard.

(a) Except as required in paragraph (c) of this section, the minimum freeboard in summer for a Type A vessel is F in the following formula modified by the corrections in this subpart:

$$F = 10.2 \times P_1 \times D \text{ inches}$$

where P_1 is defined by § 45.55 and D is the depth for freeboard.

(b) Except as required in paragraph (c) of this section, the minimum freeboard in summer for a Type B vessel is F in the formula modified by the corrections in this subpart:

$$F = 12 \times P_1 \times D \text{ inches}$$

where P_1 is defined by § 45.55 and D is the depth for freeboard.

(c) If a minimum freeboard is required for a vessel under this title because of scantling or subdivision requirements greater than the summer freeboard, the summer freeboard and the seasonal freeboards assigned under this subpart must be no less than that minimum freeboard. Seasonal freeboards assigned under § 45.71 through § 45.75 must be calculated on the basis of the summer freeboard calculated under paragraph (a) or (b) of this section.

(d) If a minimum freeboard is requested by the applicant for the load line certificate, that minimum freeboard may be assigned as the summer freeboard and:

(1) The intermediate and winter seasonal freeboards assigned must be calculated under paragraph (a) and (b) of this section; and

(2) The mid-summer seasonal freeboard must be calculated on the basis of the summer freeboard assigned under this paragraph.

§ 45.55 Freeboard coefficient.

(a) For ships 350 feet or more in length (L), the freeboard coefficient is P, in the formula—

$$P = P_1$$

where P is a factor, which is a function of length from Table 1.

(b) For ships less than 350 feet in length (L), the freeboard coefficient is P_1 in the formula—

$$P_1 = P + A(L/D - L/Ds)$$

where P is a factor which is a function of the length from Table 1.

(c) A is a coefficient, which is a function of length (L), from Table 2; L/D is the ratio of the length (L) to the depth for freeboard (D); L/Ds is the ratio of the length (L) to a standard depth (Ds) from Table 3.

TABLE (1)

TABLES OF P VALUES

Length of Ship (feet)	Value of P	Length of Ship (feet)	Value of P
80	0.1100	550	0.2751
90	0.1136	560	0.2762
100	0.1172	570	0.2772
110	0.1208	580	0.2779
120	0.1244	590	0.2785
130	0.1281	600	0.2788
140	0.1318	610	0.2790
150	0.1355	620	0.2790
160	0.1393	630	0.2789
170	0.1430	640	0.2785
180	0.1468	650	0.2779
190	0.1506	660	0.2772
200	0.1545	670	0.2768
210	0.1583	680	0.2760
220	0.1622	690	0.2751
230	0.1661	700	0.2740
240	0.1700	710	0.2728
250	0.1740	720	0.2715
260	0.1780	730	0.2700
270	0.1820	740	0.2684
280	0.1860	750	0.2667
290	0.1900	760	0.2648
300	0.1941	770	0.2628
310	0.1982	780	0.2607
320	0.2023	790	0.2584
330	0.2065	800	0.2560
340	0.2106	810	0.2532
350	0.2148	820	0.2504
360	0.2190	830	0.2476
370	0.2233	840	0.2448
380	0.2275	850	0.2420
390	0.2318	860	0.2392
400	0.2361	870	0.2364
410	0.2400	880	0.2336
420	0.2437	890	0.2308
430	0.2472	900	0.2280
440	0.2506	910	0.2252
450	0.2537	920	0.2224
460	0.2567	930	0.2196
470	0.2595	940	0.2168
480	0.2621	950	0.2140
490	0.2645	960	0.2112
500	0.2667	970	0.2084
510	0.2688	980	0.2056
520	0.2706	990	0.2028
530	0.2723	1000	0.2000
540	0.2738		

TABLE (2)

VALUES OF "A" FOR USE IN THE EXPRESSION

$$P_1 = P + "A" (L/D - L/Ds)$$

Length of Ship (feet)	Value of "A"	Length of Ship (feet)	Value of "A"
80	0.00864	220	0.00234
90	0.00806	230	0.00204
100	0.00750	240	0.00176
110	0.00696	250	0.00150
120	0.00644	260	0.00126
130	0.00594	270	0.00104
140	0.00546	280	0.00084
150	0.00500	290	0.00066
160	0.00456	300	0.00050
170	0.00414	310	0.00036
180	0.00374	320	0.00024
190	0.00336	330	0.00014
200	0.00300	340	0.00006
210	0.00266	350	0.00000

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TABLE (3)

VALUES OF L/Ds

Length of Ship (feet)	Value of L/Ds	Length of Ship (feet)	Value of L/Ds
80	6.50000	220	10.21875
90	6.76563	230	10.48438
100	7.03125	240	10.75000
110	7.29688	250	11.01563
120	7.56250	260	11.28125
130	7.82813	270	11.54688
140	8.09375	280	11.81250
150	8.35938	290	12.07813
160	8.62500	300	12.34375
170	8.89063	310	12.60938
180	9.19625	320	12.87500
190	9.42188	330	13.14063
200	9.68750	340	13.40625
210	9.95313	350	13.67188

§ 45.57 Correction: Position of deck line.

(a) Where the depth to the upper edge of the deck line is greater or less than D, the difference between the depths must be added to or deducted from the freeboard.

(b) When the Commandant approves a location for the deck line that is above or below the freeboard deck, the minimum summer freeboard must be corrected by—

(1) Adding the difference between the depth and D if the depth is greater than D; and

(2) Subtracting the difference between the depth and D, if the depth is less than D.

§ 45.58 Correction: Short superstructure.

The minimum freeboard in summer for a Type B vessel that is 79 feet or more but less than 500 feet in length and has enclosed superstructures with an effective length of 25 percent or less of the length of the vessel must be increased by:

$$0.03\,(500-L)\,(0.25-E/L) \text{ inches}$$

where (L)=length of vessel in feet;
(E)=effective length of superstructure in feet as defined in § 45.59.

§ 45.59 Definitions for superstructure corrections.

For the purpose of §§ 45.58 through 45.61—

(a) The standard height of a superstructure (H_s) other than a raised quarter deck and the standard height of a trunk (H_t) is determined by the formula:

$$Hs=(6.0+L/300) \text{ feet}$$

(b) The length of superstructure (S) is the length of those parts of the superstructure that lie within the length (L).

(c) The effective length (E) of a trunk is its length in the ratio of its mean breadth to B.

d) The effective length (E) of an enclosed superstrutcure of standard height or greater is its actual length.

(e) Where the height of an enclosed superstructure or trunk is less than the standard height (H_s), the effective length (E) is its length reduced in the ratio of its height to Hs.

(f) The effective length (E) of a raised quarter deck of two-thirds Hs or greater that has no openings in the front bulkhead is its length up to a maximum of 0.6 L.

(g) The effective length (E) of a raised quarter deck of less than two-thirds Hs or that does not have an intact front bulkhead is its length reduced by the ratio of its height to Hs.

(h) Superstructures which are not enclosed have no effective length.

(i) When a lower deck is designated as the freeboard deck, that part of the hull which extends above the freeboard deck is treated as a superstructure so far as concerns the application of the conditions of assignment and the calculation of freeboard.

(j) A bridge or poop is not enclosed unless access is provided whereby the crew may reach accommodations, machinery, or other working spaces inside the superstructure by alternative means that are available at all times when bulkhead openings are closed.

§ 45.61 Correction for superstructures and trunks.

(a) Where the effective length (E) of superstructures and trunks that meet the requirements of Subpart D is 1.0 L, the minimum summer freeboard may be corrected by subtracting one-half H_s.

(b) Where the effective length of superstructures and trunks is less than 1.0 L the minimum summer freeboard may be corrected by subtracting a percentage of one-half of the standard superstructure height (H_s) determined by the formula—

$$\text{Percentage}=E/2L\times(1+E/L)\times 100$$

(c) To be eligible for the correction a trunk must:

(1) Be at least as strong and as stiff as a superstructure;

(2) Have no opening in the freeboard deck in way of the trunk, except small access openings;

(3) Have hatchway coamings and covers that meet § 45.143 through § 45.147;

(4) Provide a permanent working platform fore and aft with guard rails;

(5) Provide fore and aft access between detached trunks and superstructures by permanent gangways;

(6) Be at least 60 percent of the breadth of the ship in way of the trunk; and

(7) Be at least 0.6 L in length, if no superstructure is provided.

§ 45.63 Correction for sheer.

(a) The minimum summer freeboard must be increased by the deficiency, or may be decreased by the excess as limited by § 45.65, of sheer calculated from Table 4, multiplied by—

$$0.75-S/2L$$

where S is the total length of enclosed superstructures. Trunks are not included.

SHEER CALCULATION—TABLE 4

Station	Actual ordinate	S. M.	Product
After Half:			
AP	1	1	
L/6 AP		3	
L/3 AP		3	
Midship		1	
Sum of Aft Products			
After Standard Sheer .2665L+26.65[1]			+ Excess/−Deficiency
Difference: Sum−STD			Excess/Deficiency
AFT Sheer: Diff−8			

Station	Actual ordinate	S. M.	Product
Fwd Half:			
FP		1	
L/6 FP		3	
L/3 FP		3	
Midships		1	
Sum of Fwd Products			
Fwd Standard Sheer .5330L+53.30[1]			+ Excess/−Deficiency
Difference: Sum−STD			Excess/Deficiency
FWD Sheer: Diff−8			

[1] L in Standard Sheer=L or 500 whichever is less.

Sheer Summation

Aft Sheer +/−
Fwd Sheer +/−
Net Sheer +/−
Mean: Net÷2 — Excess/Deficiency

§ 45.65 Excess sheer limitations.

The decrease in freeboard allowed in § 45.63 is limited as follows:

(a) In vessels having no enclosed superstructure from 0.1 L abaft amidships to 0.1 L forward of amidships, no decrease is allowed.

(b) In vessels having enclosed superstructures amidships less than 0.1 L before and abaft amidships, the decrease must be reduced by linear interpolation.

(c) If excess sheer exists in the forward half, and the after half is at least 75 percent of standard sheer, the full decrease is allowed. If the after sheer is between 50 percent and 75 percent of standard sheer an intermediate decrease, determined by linear interpolation, is allowed for the excess sheer forward. If the after sheer is 50 percent or less than standard, no decrease is allowed for the excess sheer forward.

(d) Where the actual height of a poop or forecastle at the end ordinate exceeds the standard and a decrease in freeboard for excess sheer is desired, the following formula must be used:

$$s=yL'/8L$$

where s=sheer credit, to be deducted from the deficiency or added to the excess of sheer.
Y=difference between actual and standard height of superstructure at the end ordinate.
L=means enclosed length of poop or forecastle up to a maximum length of 0.5 L.

This formula provides a curve in the form of a parabola tangent to the actual sheer curve at the freeboard deck and intersecting the end ordinate at a point below the superstructure. The superstructure deck must not be less than standard height above this curve at any point. This curve must be used in determining the sheer profile for forward and after halves of the vessel.

(e) The maximum decrease for excess sheer must be no more than 1½ inches per 100 feet of length.

(f) Where the deck of an enclosed superstructure has at least the same sheer as the exposed freeboard deck, the sheer of the enclosed portion of the freeboard deck cannot be taken into account.

§ 45.67 Sheer measurement.

(a) The sheer is measured from the freeboard deck at side to a line of reference drawn parallel to the keel through the sheer line at amidships;

(b) In ships designed with a rake of keel or designed to trim by the stern, the sheer must be measured in reference to a line drawn through the sheer line at amidships parallel to the design load waterline.

(c) In flush-deck ships and in ships with detached superstructures, the sheer must be measured at the freeboard deck.

(d) In ships with a step or break in the topsides, the sheer must be measured from the equivalent depth amidships.

(e) In ships with a superstructure of standard height that extends over the whole length of the freeboard deck, the sheer must be measured on the superstructure deck. Where the height of superstructure exceeds the standard, the least difference (Z) between the actual and standard heights must be added to each end ordinate. Similarly, the intermediate ordinates at distances of one-sixth L and one-third L from each perpendicular must be increased by 0.444 Z and 0.111 Z, respectively.

§ 45.69 Correction for bow height.

(a) The minimum summer freeboard must be increased by the same amount in inches as any deficiency which may be shown by the following formulas:

(1) For vessels having a length of not less than 79 feet and not greater than 550 feet,

$$0.593\,L\,(1.0-L/1{,}640) \text{ inches} - \text{actual bow height}$$

(2) For vessels having a length greater than 550 feet,

$$(341.6-0.227\,L) \text{ inches} - \text{actual bow height}$$

(b) Where the bow height is obtained by sheer, the sheer must extend for at least 15 percent of the length of the vessel measured from the forward perpendicular.

(c) Where the bow height is obtained by a superstructure, the superstructure must be enclosed and extend from the stem to a point at least 0.06 L abaft the forward perpendicular.

(d) Vessels which, to suit exceptional operational requirements, cannot meet the requirements of paragraph (c) may be given special consideration by the Commandant.

(e) The bow height is defined as the vertical distance at the forward perpendicular between the waterline corresponding to the assigned summer freeboard at the designed trim and the top of the exposed deck at side.

§ 45.71 Mid-summer freeboard.

The minimum mid-summer freeboard (fms) is obtained by the formula:

$$fms=f(s)=0.3Ts,$$

where f(s)=summer freeboard,
Ts=distance between top of keel and the summer loadline.

§ 45.73 Winter freeboard.

The minimum winter freeboard (fw) is obtained by the formula:

$$fw=f(s)+Ts\,(200)/L$$

where L=length L but not more than 400 feet.

§ 45.75 Intermediate freeboard.

The minimum intermediate freeboard (fI) is obtained by the formula:

$$fI=f(s)+Ts\,(100)/L$$

where L=length of vessel in feet but not more than 400 feet.

§ 45.77 Salt water freeboard.

The salt water addition to freeboard applicable to each fresh water mark is obtained by the formula:

$$\text{Addition}=\Delta/41T$$

where A=displacement in fresh water, in tons of 2,240 lbs., at the summer load waterline.
T=tons per inch immersion, of 2,240 lbs., in fresh water at the summer load waterline.

Subpart D—Conditions of Assignment

§ 45.101 Purpose.

This subpart prescribes conditions that a vessel must meet to be eligible for assignment of a load line under this part.

§ 45.103 Structural stress and stability.

(a) The nature and stowage of the cargo, ballast, and other variable weights must be such as to make the vessel stable and avoid excessive structural stress.

(b) The vessel must meet all applicable stability and subdivision requirements of this chapter.

§ 45.105 Information supplied to the master.

Unless otherwise authorized by the Commandant, the vessel must have on board, in a form approved by the Commandant, sufficient information:

(a) To enable the master to load and ballast the vessel in a manner that avoids excessive stresses in the vessel's structure; and

(b) To guide the master as to the stability of the ship under varying conditions of service.

§ 45.107 Strength of hull.

The general structural strength of the hull must be sufficient for the draught corresponding to the freeboard assigned and must be approved by the Commandant. Ships built and maintained in conformity with the requirements of a classification society may be recognized by the Commandant as possessing adequate strength.

§ 45.109 Strength of superstructures and deckhouses.

Each superstructure or deckhouse used for accommodations of the crew must be approved by the Commandant with regard to general strength and weather tightness. The Commandant may use the requirements of the Assigning Authority as a guide.

§ 45.111 Strength of bulkheads at ends of superstructures.

Bulkheads at ends of enclosed superstructures must have sufficient strength to withstand impact of boarding seas.

§ 45.113 Access openings in bulkheads at ends of enclosed superstructures.

(a) Access openings in bulkheads at ends of enclosed superstructures must have doors of steel or material as strong as steel that are permanently attached to the bulkhead and framed, stiffened, and fitted so that the bulkhead and door are as strong as the bulkhead and weathertight when closed.

(b) The means for securing the doors weathertight must be permanently attached to the doors or bulkheads and arranged so that the doors can be secured weathertight from both sides of the bulkhead.

(c) Access openings in bulkheads at ends of enclosed superstructures must have sills that are at least 12 inches above the deck.

§ 45.115 Bulwarks and guardrails.

(a) The exposed parts of freeboard and superstructure decks must have guardrails or bulwarks that are at least 36 inches high above the decks.

(b) Guardrails must have at least three courses with no more than a 9-inch opening below the lowest course and no more than 15 inches between other courses. If the sheer strake projection is at least 8 inches above the deck, a guardrail may have two courses with no more than 15 inches between courses.

(c) In way of trunks open rails shall be fitted for at least half the length of the trunk on the weather parts of the freeboard deck.

§ 45.117 Freeing port area: General.

(a) Where bulwarks on the weather portions of freeboard or superstructure decks form wells, the bulwarks must have the area prescribed in this section and sections 119 and 121 for rapidly freeing and draining the decks of water.

(b) Except as required in sections 119 and 121 the minimum freeing port area in square feet on each side of the ship for each well on the freeboard deck and on the raised quarter deck must be at least as great as A in the following formulas:

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(1) Where the length of bulwark (l) in the well is 66 feet or less,

$$A=7.6+0.115l.$$

(2) Where (l) exceeds 66 feet

$$A=0.23$$

but need in no case be taken as greater than 0.7 L.

(c) In ships having erections on deck that are open at either or both ends, provision for freeing the space within such erections must be approved by the Commandant.

(d) The lower edges of the freeing ports must be as near the deck as practicable. Two-thirds of the freeing port area required must be provided in the half of the well nearest the lowest point of the sheer curve.

(e) All freeing port openings in the bulwarks must be protected by rails or bars spaced approximately 9 inches. If shutters are fitted to freeing ports, ample clearance must be provided to prevent jamming. Hinges must have pins or bearings of noncorrodible material. If shutters are fitted with securing appliances, these appliances must be of approved construction.

(f) The minimum freeing port area for each well on superstructure decks must be one-half of the area required by paragraph (b) of this section.

§ 45.119 Freeing port area: Changes from standard sheer.

The freeing port area required by § 45.117(b) must be multiplied by the factor in the following Table 5 if the sheer differs from the standard sheer obtained by the formulas in Table 4.

TABLE 5

Freeing port area: sheer correction.

Ratio of sums of actual sheer ord./std. sheer ord.	Multiplier for area required by § 45.117(b)
Greater than:	
1.0	1.00
0.9	1.05
0.8	1.10
0.7	1.15
0.6	1.20
0.5	1.25
0.4	1.30
0.3	1.35
0.2	1.40
0.1	1.45
No sheer	1.50

§ 45.121 Freeing port area: Changes for trunks and side coamings.

If a vessel has a trunk and does not meet the requirements of § 45.61 or has continuous or substantially continuous hatchway side coamings between detached superstructures, the minimum area of the freeing port openings must be obtained from the following table:

Breadth of hatchway or trunk in relation to the breadth of ship	Area of freeing ports in relation to the total area of the bulwarks (percent)
40 percent or less	20
75 percent or more	10

The area of freeing ports at intermediate breadths must be obtained by linear interpolation.

§ 45.123 Freeing port area: Changes for bulwark height.

(a) For the purposes of freeing port area only, bulwark height is considered standard at 24 inches for ships 240 feet in length and less; and 48 inches for ships 480 feet in length or greater. The standard bulwark height for ships of intermediate length is obtained by direct interpolation.

(b) If the bulwark is more than standard height, the area required by § 45.117 must be increased by 0.04 square feet per foot of length of well for each foot difference in height.

(c) For ships greater than 480 feet in length that have an average bulwark height less than 3 feet, the area required by § 45.117 may be decreased by 0.04 square foot per foot of length for each foot difference in height.

§ 45.125 Crew passageways.

The vessel must have means for protection of the crew from boarding seas such as lifelines, gangways, and underdeck passages to facilitate passing between their quarters and machinery spaces and other spaces essential to the operation of the ship.

§ 45.127 Position of structures, openings, and fittings.

For the purposes of this port:

(a) "Position 1" means in an exposed position on—

(1) The freeboard deck or a raised quarter deck;

(2) A superstructure deck or a trunk deck and forward of a point one-fourth L from the forward perpendicular; or

(3) A trunk deck whose height is other than a raised quarterdeck, exists; or less than Hs, where the trunk deck is other than a raised quarterdeck.

(b) "Position 2" means—

(1) On a superstructure deck aft of a point one-fourth L abaft the forward perpendicular; or

(2) On a superstructure and trunk combination, that is Hs in height, aft of a point one-fourth L abaft the forward perpendicular.

§ 45.129 Hull fittings: General.

Hull fittings must be securely mounted in the hull so as to avoid increases in hull stresses and must be protected from local damage caused by movement of equipment or cargo.

§ 45.131 Ventilators.

(a) Ventilators passing through superstructures other than enclosed superstructures must have coamings of steel or equivalent material at the freeboard deck.

(b) Ventilators in position 1 must have coamings at least 30 inches above the deck and ventilators in position 2 must have coamings at least 24 inches above the deck. In other exposed positions, the Commandant may also require coamings.

(c) Ventilators in position 1 or 2 of spaces below freeboard decks or decks of enclosed superstructures or trunks must have coamings of steel permanently connected to the deck and any ventilator coaming that is more than 36 inches high must be specially supported.

(d) Except as provided in paragraph (e) of this section ventilator openings must have weathertight closing appliances that are permanently attached or, where approved by the Commandant, conveniently stowed near the ventilators to which they are to be fitted.

(e) Ventilators in position 1, the coamings of which extend to more than 12.5 feet above the deck, and in position 2, the coamings of which extend to more than 6 feet above the deck, need not have closing appliances unless specifically required by the Commandant.

§ 45.133 Air pipes.

(a) Where an air pipe to any tank extends above the freeboard or superstructure deck:

(1) The exposed part of the air pipe must be made of steel, property installed, and of sufficient thickness to avoid breaking from corrosion or fatigue;

(2) The air pipe must have a permanently attached means of closing its opening; and

(3) The height from the deck to any point where water may enter the air pipe must be at least 30 inches above the freeboard deck, 24 inches above raised quarter decks, and 12 inches above other superstructure decks.

(b) If the height required in paragraph (a) interferes with working the ship, the Commandant may approve a lower height after considering the closing arrangements.

§ 45.135 Hull openings at or below freeboard deck.

Closures for hull openings at or below the freeboard deck must be as strong as the structure to which they are attached and must be watertight.

§ 45.137 Cargo ports.

(a) Unless otherwise authorized by the Commandant, the lower edge of any opening for cargo, personnel, machinery access or similar opening in the side of a ship must be above a line that is drawn parallel to the freeboard deck at side and has as its lowest point the upper edge of the uppermost load line.

(b) The number of cargo ports in the sides of a ship must be:

(1) No more than the minimum necessary for working the ship; and

(2) Approved by the Commandant.

§ 45.139 Side scuttles.

The sill of each side scuttle must be above a line that is drawn parallel to the freeboard deck at side having its lowest point 2.5 percent of the breadth or 20 inches above the summer load waterline, whichever is higher.

§ 45.141 Manholes and flush scuttles.

Manholes and flush scuttles in position 1 or 2 or within any superstructure other than an enclosed superstructure must have permanently attached covers, unless the cover is secured by closely spaced bolts around its entire perimeter.

§ 45.143 Hull openings above freeboard deck.

Closures for openings above the freeboard deck must be as strong as the structure to which they are attached and must be weathertight.

§ 45.145 Hatchway covers.

(a) Hatchways in position 1 and 2 must have weathertight hatch covers with gaskets and clamping devices.

(b) The maximum ultimate strength of the hatchway cover material must be at least 4.25 times the maximum stress of the material calculated with the following assumed loads:

(1) For ships 350 feet or more in length, at least 250 pounds per square foot in position 1 and 200 pounds per square foot in position 2.

(2) For ships less than 350 feet in length, at least AL in the following formula:

(i) Position 1:

$$AL=150+C$$

where $C=50\ (L-79)/271$

(ii) Position 2:

$$AL=200+C$$

(c) Hatchway covers must be so designed as to limit the deflection to not more than 0.0028 times the span under the loads described in paragraph (b) and the thickness of mild steel plating forming the tops of covers must be at least 1 percent of the spacing of stiffeners or 0.24 inches, whichever is greater.

§ 45.147 Hatchway coamings.

(a) Except where the Commandant determines that the safety of the vessel will not be impaired in any sea condition, each hatchway must have a coaming that is at least—

(1) 18 inches in position 1; and

(2) 12 inches in position 2.

(b) Each hatchway coaming required by this section must be made of steel.

§ 45.149 Machinery space openings.

(a) Machinery space opening in position 1 or 2 must be framed and enclosed by steel casings, and where the casings are not protected by other structures that meet the requirements of § 45.109, their strength must be approved by the Commandant.

(b) Access openings in casings required by paragraph (a) must have doors complying with the requirements of § 45.113. Other openings in such casings shall be fitted with equivalent covers, permanently attached.

(c) Except as provided in paragraph (d), coamings of any funnel or machinery space ventilator that must be kept open for the essential operations of the ship must—

(1) In position 1, extend at least 12.5 feet above the deck; and

(2) In position 2, extend at least 6 feet above the deck.

(d) The Commandant may approve a lesser height for protected coamings.

(e) Coamings of any fiddley or skylight over a machinery space opening in the freeboard or superstructure deck must have covers of steel permanently attached and capable of being secured weathertight.

§ 45.151 Other openings.

Each opening other than hatchways, machinery space openings, manholes, or flush scuttles:

(a) In freeboard decks, must be protected by an enclosed superstructure or by a deckhouse or companionway that is equal in strength and weathertightness to an enclosed superstructure; or

(b) In exposed superstructure decks or in the top of a deckhouse on freeboard decks that give access to a space below the freeboard deck or a space within an enclosed superstructure, must be protected by a deckhouse or companionway.

§ 45.153 Through-hull piping: General.

(a) All through-hull pipes required by this subpart must be made of steel or material equivalent in strength and fatigue resistance approved by the Commandant.

(b) All valves used as shell fittings and all shell fittings on which such valves are mounted must be made of steel, or bronze or other ductile material approved by the Commandant.

§ 45.155 Inlets and discharge piping: Valves.

(a) Except as provided in paragraph (d) and (e), each pipe that discharges overboard through the hull of the ship must have—

(1) An automatic nonreturn valve with a positive means for closing; or

(2) Two automatic nonreturn valves with the inboard valve accessible for examination in service.

(b) The means for operating a valve described by paragraph (a)(1) must be readily accessible and have indicators that show when the valve is not closed.

(c) If the pipe discharges from a space that is not manned or does not have continuous bilge water monitoring, a valve described in paragraph (a)(1) must be operable above the freeboard deck.

(d) Each pipe that discharges from a space within an enclosed superstructure or deckhouse may have at least one accessible automatic nonreturn valve if the space is regularly visited by the crew.

(e) Through-hull piping systems in machinery spaces may have valves with positive means for closing at the shell if the controls are readily accessible and have indicators showing when the valves are not closed (nonreturn valves are not required).

§ 45.157 Scuppers and gravity drains.

Scuppers and gravity deck drains from spaces above the freeboard deck that penetrate the shell below a line 24 inches (or 0.05 B) above the summer load line must have an automatic nonreturn valve, unless the piping is properly installed steel pipe of sufficient thickness to avoid breaking from corrosion or fatigue.

§ 45.159 Special conditions of assignment for type A vessels.

The lower freeboards allowed for type A vessels allow water on deck for greater percentages of time. Therefore the following additional requirements must be met to qualify for type A freeboards:

(a) Machinery casings must be protected by an enclosed superstructure or deckhouse unless intact bulkheads are used on all sides on the freeboard deck.

(b) Exposed machinery casings may be fitted with weathertight doors providing they lead to a space or passageway as strong as an enclosed superstructure from which a second interior weathertight door is provided for access to the engine room.

(c) Hatchways on the exposed freeboard or forecastle decks must be provided with watertight covers of steel.

(d) Unless a separate fore and aft access is provided below the freeboard deck, a permanent fore and aft gangway must be fitted at the superstructure deck level between poop and all other deckhouses used in the essential operation of the vessel.

(e) Type A vessels must be fitted with open rails for at least half the length of the exposed parts of the weather deck. Where superstructures are connected by trunks, open rails must be fitted for the whole length of the exposed parts of the freeboard deck.

Appendix A—Load line certificate form.

GREAT LAKES LOAD LINE CERTIFICATE

No. _____

Issued under the authority of the Commandant, U.S. Coast Guard, United States of America, under the provisions of the Act of August 27, 1935, as amended to establish load lines on the Great Lakes of North America and the Load Line regulations in force on _____, 19__. By _____, duly authorized by the Commandant to assign said load line certificate.

Ship _____ Length (LBP) _____
Certificate No. _____ Gross tonnage _____
Official No. _____ Port of registry _____
Type of Ship: TYPE "A"
TYPE "B"
TYPE "B" with increased freeboard

FREEBOARD FROM DECK LINE

Midsummer	MS
Summer	S
Intermediate	I
Winter	W

LOAD LINE

_____ above S

Upper edge of line through center of diamond.

_____ below S
_____ below S

Increase for salt water for all freeboards ____ inches.

The upper edge of the deck line from which these freeboards are measured is ____ inches above the top of the _____ deck at side.

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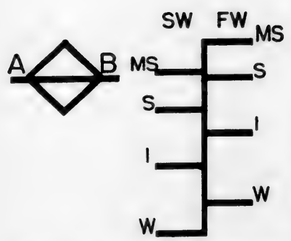

The upper edge of the deck line from which these freeboards are measured is ____ inches above the top of the _____ deck at side.

This is to certify that this ship has been surveyed and the freeboards and load lines shown above have been found to be correctly marked upon the vessel in manner and location as provided by the load line regulations of the Commandant, U.S. Coast Guard, applicable to the Great Lakes.

This certificate[1] remains in force until _____. Issued at _____ on the ____ day of _____ 19__. (Here follows the signature, seal, if any, and the name of the authority issuing the certificate.)

NOTES

(1) In accordance with the Great Lakes Load Line regulations the diamond and lines must be permanently marked by center punch marks or cutting. The "MS" load line shall be assigned only to those particular vessels that qualify under the regulations.

(2) The "SW" marks need only be assigned to Great Lakes vessels loading in salt water of the St. Lawrence River west of a straight line from Cap de Rosiers to West Point Anticosti Island, and west of a line along longitude 63 degrees west from Anticosti Island to the north shore of the St. Lawrence River. In such cases these limits shall be indicated on the certificate.

(3) The load line assignment given by this certificate necessarily assumes that the nature and stowage of cargo, ballast, etc., are such as to secure sufficient stability for the vessel. Accordingly, it is the owner's responsibility to furnish the Master of the vessel with stability information and instructions when this is necessary to maintenance of sufficient stability.

(On the reverse side of the load line certificate, or on a separate sheet attached and forming part of the certificate, provision is to be made for annual inspection and renewal endorsements.)

[1] Upon the expiration of the certificate, renewal must be obtained as provided by the Great Lakes Load Line Regulations and the certificate so endorsed.

(Sec. 2, 45 Stat. 1493, as amended, sec. 2, 49 Stat. 888, as amended, sec. 6(b)(1), 80 Stat. 937; 46 U.S.C. 85a, 88a, 49 U.S.C. 1655(b)(1); 49 CFR 1.46(b))

Dated: March 15, 1973.

W. F. REA, III,
Rear Admiral, U.S. Coast Guard,
Chief, Office of Merchant
Marine Safety.

[FR Doc.73-5362 Filed 3-22-73;8:45 am]

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V

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FRIDAY, MARCH 23, 1973
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Volume 38 ■ Number 56

PART III

THE NATIONAL ARCHIVES OF THE UNITED STATES 1934

DEPARTMENT OF LABOR

Employment Standards Administration

■

Minimum Wages for Federal and Federally Assisted Construction

Area Wage Determination Decisions, Modifications, and Supersedeas Decisions

No. 56—Pt. III——1

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DEPARTMENT OF LABOR

Employment Standards Administration

MINIMUM WAGES FOR FEDERAL AND FEDERALLY ASSISTED CONSTRUCTION

Area Wage Determination Decisions, Modifications, and Supersedeas Decisions

Area Wage Determination Decisions. Area Wage Determination Decisions of the Secretary of Labor specify, in accordance with applicable law and on the basis of information available to the Department of Labor from its study of local wage conditions and from other sources, the basic hourly wage rates and fringe benefit payments which are determined to be prevailing for the described classes of laborers and mechanics employed in construction activity of the character and in the localities specified therein.

The determinations in these decisions of such prevailing rates and fringe benefits have been made by authority of the Secretary of Labor pursuant to the provisions of the Davis-Bacon Act of March 3, 1931, as amended (46 Stat. 1494, as amended, 40 U.S.C. 276a) and of other Federal statutes referred to in 29 CFR 1.1 (including the statutes listed at 36 FR 306 following Secretary of Labor's Order No. 24–70) containing provisions for the payment of wages which are dependent upon determinations by the Secretary of Labor under the Davis-Bacon Act; and pursuant to the provisions of Part 1 of Subtitle A of Title 29 of Code of Federal Regulations, Procedure for Predetermination of Wage Rates (37 FR 21138), and of Secretary of Labor's Orders 12–71 and 15–71 (36 FR 8755, 8756). The prevailing rates and fringe benefits determined in these decisions shall, in accordance with the provisions of the foregoing statutes, constitute the minimum wages payable on Federal and federally assisted construction projects to laborers and mechanics of the specified classes engaged on contract work of the character and in the localities described therein.

Good cause is hereby found for not utilizing notice and public procedure thereon prior to the issuance of these determinations as prescribed in 5 U.S.C. 553 and not providing for delay in effective date as described in that section, because the necessity to issue construction industry wage determinations frequently and in large volume causes procedures to be impractical and contrary to the public interest.

Area Wage Determination Decisions are effective from their date of publication in the FEDERAL REGISTER without limitation as to time and are to be used in accordance with the provisions of 29 CFR, Parts 1 and 5. Accordingly, the applicable decision together with any modifications issued subsequent to its publication date shall be made a part of every contract for performance of the described work within the geographic area indicated as required by an applicable Federal prevailing wage law and 29 CFR, Part 5. The wage rates contained therein shall be the minimum paid under such contract by contractors and subcontractors on the work.

Modifications and Supersedeas Decisions to Area Wage Determination Decisions. Modifications and Supersedeas Decisions to Area Wage Determination Decisions are based upon information obtained concerning changes in prevailing hourly wage rates and fringe benefit payments since the decisions were issued.

The determinations of prevailing rates and fringe benefits made in the Modifications and Supersedeas Decisions have been made by authority of the Secretary of Labor pursuant to the provisions of the Davis-Bacon Act of March 3, 1931, as amended (46 Stat. 1494, as amended, 40 U.S.C. 276a) and of other Federal statutes referred to in 29 CFR 1.1 (including the statutes listed at 36 FR 306 following Secretary of Labor's Order No. 24–70) containing provisions for the payment of wages which are dependent upon determination by the Secretary of Labor under the Davis-Bacon Act; and pursuant to the provisions of Part 1 Subtitle A of Title 29 of Code of Federal Regulations, Procedure for Predetermination of Wage Rates (37 FR 21138), and of Secretary of Labor's Orders 13–71 and 15–71 (36 FR 8755, 8756). The prevailing rates and fringe benefits determined in foregoing Area Wage Determination Decisions, as hereby modified, and/or superseded shall, in accordance with the provisions of the foregoing statutes, constitute the minimum wages payable on Federal and federally assisted construction projects to laborers and mechanics of the specified classes engaged in contract work of the character and in the localities described therein.

Modifications and Supersedeas Decisions are effective from their date of publication in the FEDERAL REGISTER without limitation as to time and are to be used in accordance with the provisions of 29 CFR, Parts 1 and 5.

Any person, organization, or governmental agency having an interest in the wages determined as prevailing is encouraged to submit wage rate information for consideration by the Department. Further information and self-explanatory forms for the purpose of submitting this data may be obtained by writing to the U.S. Department of Labor, Employment Standards Administration, Office of Special Wage Standards, Division of Wage Determinations, Washington, D.C. 20210. The cause for not utilizing the rule making procedures prescribed in 5 U.S.C. 553 has been set forth in the original Area Wage Determination Decision.

Set forth below in this document are the following. New Area Wage Determination Decisions numbers AP–420, AP–277 and AP–494 for the States of New Hampshire, Oregon, and Virginia, respectively.

Modifications to Area Wage Determination Decisions for the following States (the numbers of the decisions being modified and their dates of publication in the FEDERAL REGISTER are listed with each State):

Alabama:		
AP–140	----------	Dec. 1, 1972.
AP–153	----------	Feb. 3, 1973.
Arkansas:		
AP–365	----------	Dec. 8, 1972.
AP–703	----------	Feb. 16, 1973.
Illinois:		
AP–617	----------	Jan. 26, 1973.
AP–619; AP–622	----------	Feb. 16, 1973.
AP–637	----------	Feb. 23, 1973.
Indiana:		
AP–624; AP–627; AP–631; AP–635; AP–636.		Feb. 9, 1973.
Kansas:		
AP–500	----------	Aug. 11, 1972.
Kentucky:		
AP–134; AP–135	----------	Oct. 13, 1972.
Louisiana:		
AP–704	----------	Feb. 16, 1973.
New Mexico:		
AP–700	----------	Feb. 9, 1973.
Texas:		
AP–372; AP–373; AP–374; AP–375; AP–376; AP–377; AP–378; AP–379; AP–380; AP–381; AP–382; AP–383; AP–384; AP–385; AP–386; AP–387.		Jan. 19, 1973.
AP–393	----------	Jan. 26, 1973.
Virginia:		
AM–1872	----------	Aug. 20, 1971.
Washington:		
AP–263	----------	Mar. 9, 1973.

Supersedeas Decisions to Area Wage Determination Decisions for the following States (the numbers of the decisions being superseded and their dates of publication in the FEDERAL REGISTER are listed with each State; Supersedeas Decision numbers are in parentheses following the number of the decision being superseded):

Florida:		
AP–172 (AP–125); (AP–126).	AP–173	Nov. 17, 1972.
Idaho:		
AP–273 (AP–227); (AP–228); AP–276 (AP–226).	AP–274	Aug. 25, 1972.
AP–275 (AP–257)	----------	Jan. 12, 1973.
Kansas:		
AP–519 (AM–11,403); AP–520 (AM–11,404); AP–521 (AM–11,405).		Mar. 17, 1973.
Kentucky:		
AP–170 (AM–8625)	----------	June 23, 1972.
AP–171 (AP–132)	----------	Oct. 13, 1972.
Montana:		
AP–272 (AP–229)	----------	Sept. 1, 1972.
Nebraska:		
AP–518 (AP–211)	----------	Aug. 4, 1972.
Oregon:		
AP–271 (AP–249)	----------	Nov. 10, 1972.
Pennsylvania:		
AP–481 (AM–1863); AP–482 (AM–1864).		Aug. 20, 1971.
AP–495 (AP–421)	----------	Sept. 29, 1972.
Rhode Island:		
AP–483 (AP–426)	----------	Sept. 29, 1972.
Tennessee:		
AP–169 (AM–8622)	----------	June 9, 1972.

Signed at Washington, D.C., this 16th day of March 1973.

WARREN D. LANDIS,
Assistant Administrator,
Wage and Hour Division.

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BUILDING CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments: H&W	Pensions	Vacation	App. Tr.	Others
Plumbers and Steamfitters:						
Hudson and Pelham	$8.10	.40	.40		.02	
Rochester of County	8.08	.35	.25		.02	
Roofers:						
Composition	5.65					
Helpers	4.90					
Sheet metal workers	8.02	.31	.32			
Sprinkler fitters	7.45	.30	.50		.05	
Terrazzo workers' helpers	7.40	.20	.10			
Tile setters' helpers	5.05	.15	.10			
Welders - receive rate prescribed for craft performing operation to which welding is incidental.						

PAID HOLIDAYS:
A-New Years' Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day;

FOOTNOTES:
a. Employer contributes 4% basic hourly rate for 5 years or more of service or 2% basic hourly rate for 6 months to 5 years of service as vacation pay credit.
b. Holidays: A through F.
c. Holidays: A through F, Washington's Birthday and Good Friday, and Christmas Eve, providing employee has worked 45 full days during the 120 calendar days prior to the holiday, and the regular scheduled work days immediately preceding and following the holiday.
d. Holidays C, D, E, F, provided the employee has been employed 10 working days prior to the holiday and provided the employe works the scheduled work day immediately preceding and following the holiday.

NEW DECISION
STATE: New Hampshire
DECISION NO.: AP-420
DESCRIPTION OF WORK: Building Construction (excluding single family houses and garden type apartments up to and including 4 stories).
COUNTY: Hillsboro
DATE: Date of Publication

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BUILDING CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments: H&W	Pensions	Vacation	App. Tr.	Others
Asbestos workers	$7.705	.40	.30		.01	
Boilermakers	8.705	.50	10%		.01	
Bricklayers, cement masons, marble setters, plasterers, stone masons, terrazzo workers and tile setters:						
Remainder of County	6.95	.40	.35		.01	
Hillsboro Antrim, Hancock, N. Branch, Hillsboro Upper and Lower Villages	7.25	.25				
Carpenters:						
Pelham:						
Electricians	8.75	.30	.30		.02	
Millwrights	8.50	.30	.30		.01	
Remainder of County:						
Carpenters & soft floor layers	6.56	.25	.20		.01	
Piledrivermen, wharf, dock builders and millwrights	7.36	.25	.20		.01	
Electricians:						
Pelham:						
Electricians	7.95	.25	11%		.02	
Remainder of County:						
Electric constructors	8.35	.25	11%	2%+a+b	.015	
Elevator constructors' helpers	9.125	.345	.23	2%+a+b	.015	
Elevator constructors' helpers (prob.)	6.39	.345	.23			
Glaziers	4.56					
Ironworkers:	6.02	.25	.16		.02	
Structural, ornamental & reinforcing	7.70	.45	.80			
Laborers, Bldg.:						
Common laborers, wreckers, tenders, and hod carriers, asphalt rakers	5.40	.20	.25			
Plasterers' tenders	5.55	.20	.25			
Drillers, pavement breakers, jackhammer operators, and chipping gun operator	5.80	.20	.25			
All other pneumatic tool operator on boiler & stack work	6.30	.20	.25		.01	
Boiler & stack work	5.90	.20	.25	c		
Lead burners	8.25	.30				
Line Construction						
Linemen	6.55		11%	d		
Equipment operator	6.10		11%	d		
Groundman	4.33		11%	d		
Driller-groundman	5.10		11%	d		
Marble setters' helpers	5.05	.15	.10			
Painters:						
Brush	4.70	.175				
Steel, open structural and spray	5.95	.175				
Steel, enclosed over 25'	5.80	.175				
Steeplejack	6.80	.175				

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TRUCK DRIVERS, BUILDING	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Two Axle Equipment	$3.90	.25	.20	a		
Three Axle Equipment including low beds	4.11	.25	.20	a		
Special earth hauling equipment other than conventional type on the road trucks and semitrailers trailer dumps	4.32	.25	.20	a		

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day;
C-Independence Day; D-Labor Day;
E-Thanksgiving Day; F-Christmas Day

FOOTNOTE:
a. Holidays: A through F, plus Washington's Birthday, Veterans' Day and Columbus Day; (provided employee works two days in the calendar week in which the holiday falls; reports for work the last day assigned prior to the holiday and the first day assigned following the holiday).

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BUILDING CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Other
POWER EQUIPMENT OPERATORS:						
Shovels, cranes, draglines, derricks, elevators with Chicago boom, backhoes, gradalls, elevating graders, pile driving rigs, concrete road, pavers, all three drum hoisting and trenching machines	$8.00	.25	.40	a	.05	
Rotary drill (with mounted compressor) compressor house (3 to 6 compressors) rock and earth boring machines (excluding McCarthy and similar drills), graders, 4 yards and over front end loader, two drum hoists, high fork lifts with capacity of 15 feet and over	7.75	.25	.40	a	.05	
Bulldozers, push cats, scrapers, (self-propelled or tractor drawn), asphalt paver, front end loader (3/4 yard up to 4 yards), well drillers, mechanics, pumpcrete machines, concrete pumps, and similar type pumps, engineer or fireman on high pressure boiler (on job), self-loading batch plant, well point operators, (including installing), engineer-in-charge of powered grease truck, all automatic elevators (permanent or temporary) operated manually or by remote controls	7.55	.25	.40	a	.05	
Single drum hoist, self-powered roller, self-propelled compactors, power pavement breakers, concrete pavement finishing machines, two bag mixers with skip, front end loaders (under 3/4 yard), McCarthy and similar drills, batch plant (not self-loading), bulk cement plants, self-propelled material spreaders, A-frame trucks, and fork lifts (up to fifteen feet)	7.125	.25	.40	a	.05	
Compressor 315 cubic feet and over, one or two), pumps (4 inches and over-total discharge) when total discharge is over 12 inches, classification 3 will be paid, tractor (without blade or bucket) drawing roller, compactors or other machines used for pulverizing, grading or seeding	7.10	.25	.40	a	.05	

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N.H.-1-PEO-1 P 2 of 2

BUILDING CONSTRUCTION (Continued)	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Compressors (up to 315 cubic feet) small mixers, pumps (up to 4 inches), power heaters, welding machines (when 3 or more heaters or welding machines are used on one job, classification 4 rate will be paid), conveyor, oiler, including helpers on grease trucks and grease trucks with hand greasing equipment	$6.55	.25	.40	a	.05	
Cranes with boom lengths of 200 feet or more	9.00	.25	.40	a	.05	
Crane with boom length of 150 feet or more	8.50	.25	.40	a	.05	

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day;
C-Independence Day; D-Labor Day;
E-Thanksgiving Day; F-Christmas Day.

FOOTNOTE:
a. Holidays: A through F and Veterans Day, Washington's Birthday and Columbus Day.

NEW DECISION

STATE: Oregon COUNTY: Multnomah
DECISION NUMBER: AP-277 DATE: Date of Publication
DESCRIPTION OF WORK: Residential Construction consisting of single family homes and garden type apartments up to and including 4 stories.

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
BRICKLAYERS	$7.90	.35	.35		.02	
CARPENTERS	6.78	.55	.40	.35	.03	
ELECTRICIANS	7.75	.25	14+.30		.02	
LABORERS:						
Laborers	5.55	.45	.50	.25	.02	
Mortar mixers	5.70	.45	.50	.25	.02	
TILE SETTERS	6.95	.25	.24			
PAINTERS:						
Brush	7.05	.30	.20		.015	
DRYWALL TAPERS	6.10	.32	.15	.50	.015	
PLUMBERS	7.36	.59	.66		.07	
ROOFERS	6.95	.45	.46			
SHEET METAL WORKERS	6.95	.33	.24	.28	.02	
SOFT FLOOR LAYERS	6.75	.35	.45	a	.05	
POWER EQUIPMENT OPERATORS:						
Asphalt roller	6.91	.45	.60	.25		
Blade, finish	7.29	.45	.60	.25		
Loader, less than 4 cu. yds.	7.61	.45	.60	.25		

FOOTNOTE:
a. 4% of all gross wages to be placed to the credit of employees with less than one (1) year of service. 6% to employees with more than one (1) year of service.

NEW DECISION

STATE: Virginia COUNTIES: The Independent Cities of Chesapeake Hampton, Newport News, Norfolk, Portsmouth and Virginia Beach
DECISION NO.: AP-494 DATE: Date of Publication
DESCRIPTION OF WORK: Highway Construction

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HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Oth
Asphalt raker	$2.75					
Carpenter structure	5.30					
Carpenter structure helper	3.49					
Concrete finisher	4.07					
Concrete finisher helper	3.125					
Electricians	6.90					
Form setter road	3.70					
Ironworkers:						
Reinforcing	4.96					
Reinforcing helper	4.00					
Laborer, unskilled	2.53					
Landscape worker	2.49					
Painter	5.20					
Painter bridge	5.70					
Pile driver leadsman	4.49					
Pipelayer	3.04					
Power tool operator	3.60					
Truck Drivers:						
Heavy duty	2.375					
Multi-rear axle	2.25					
Single-rear axle	2.20					
Welders - Rate for Crafts.						
POWER EQUIPMENT OPERATORS:						
Asphalt distributor	3.01					
Asphalt paver	3.40					
Backhoe	3.70					
Bulldozer	3.37					
Concrete finishing machine	3.05					
Concrete paving machine	3.25					
Cranes, derricks and draglines	4.60					
Firemen	3.27					
Loaders	3.21					
Mechanic	3.83					
Motor graders	4.00					
Oiler greaser	3.40					
Pile driver	4.50					
Roller	2.85					
Scraper-pan	3.11					
Shovels	3.67					
Stabilizer operator	3.31					
Tractor crawler	3.00					
Tractor utility	2.30					
Trenching machine	2.98					

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MODIFICATIONS PAGE 1

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.	Other
DECISION #AP-140 - Mod. #2 (37 FR 25628 - December 1, 1972) Jefferson County, Alabama						
Change: Elevator Construotors' helpers	$4.94	.345	.23	2%+a+b	.015	
DECISION #AP-153 - Mod. #2 (38 FR 4083 - February 9, 1973) Mobile County, Alabama						
Change: Carpenter rate added on Mod. #1 to read	6.80	.28	.25			
DECISION #AP-365 - Mod. #3 (37 FR 26203 - December 8, 1972) Pulaski County, Arkansas						
Change: Plumbers & Pipefitters: Within 10 mile radius of Pulaski County Courthouse	$7.3457	.20	.20		.02	
Over 10 miles from the Pulaski County Courthouse	7.6457	.20	.20		.02	
DECISION #AP-703 - Mod. #1 (38 FR 4632 - February 16, 1973) Union County, Arkansas						
Add: Line Construction: Electrical Contracts $20,000 or less:						
Lineman	$7.00		1%		4%	
Operator	6.75		1%		4%	
Truck Drivers (Pickups & Jeeps)	5.90		1%		4%	
Groundman	5.90		1%		4%	
Electrical Contracts over $20,000:						
Lineman	7.70		1%		4%	
Operator	7.45		1%		4%	
Truck Drivers (Pickups & Jeeps)	6.45		1%		4%	
Groundman	6.45		1%		4%	

MODIFICATIONS PAGE 2

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.	Other
DECISION #AP-617- Mod. #2 (38 FR 2590 - January 26, 1973) Madison County, Illinois						
Change: Boilermakers	$8.35	.40	.95		.01	
Boilermakers' helpers	8.10	.40	.95		.01	
Electricians: Alton & Vicinity	8.44	.25	1%		.2%	
Laborers - Heavy Construction: Clinton Co: Trenton & Vicinity, Jersey Co: Macoupin Co: Carlinsville, Girard & Palmyra & Vic.						
Common Laborers	7.50		.20		.035	
All Brick & Plaster Mason Tenders	8.00		.20		.035	
Workmen Cutting & Burning with a Torch	7.75		.20		.035	
Men working on the Bottom of Sewer Trenches, etc.	7.75		.20		.035	
Dynamite Men	9.10		.20		.035	
DECISION #AP-619 - Mod. #2 (38 FR 3255 February 2, 1973) St. Clair County, Illinois						
Change: Boilermakers	$8.35	.40	.95		.01	
Boilermakers' helpers	8.10	.40	.95		.01	
Laborers - Heavy Construction: Clinton Co: Trenton & Vicinity, Jersey Co: Macoupin Co: Carlinsville, Girard & Palmyra & Vic.						
Common Laborers	7.50		.20		.035	
All Brick & Plaster Mason Tenders	8.00		.20		.035	
Workmen Cutting & Burning with a Torch	7.75		.20		.035	
Men working on the Bottom of Sewer Trenches, etc.	7.75		.20		.035	
Dynamite Men	9.10		.20		.035	

MODIFICATIONS PAGE 3

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.	Others
DECISION #AP-622 - Mod. #1 (38 FR 3242 - February 2, 1973) Peoria & Tazewell Counties, Illinois						
Change: Carpenters: Carpenters, Soft Floor Layers & Piledrivermen: Chillicothe & Vicinity (Peoria County)	$7.83	.45	.25		.015	
Millwrights: Chillicothe & Vicinity (Peoria County)	8.08	.45	.25		.015	
Omit: Carpenters: Carpenters, Soft Floor Layers, Millwrights & Piledrivermen Morton, Mackinaw & Vicinity (Tazewell County)	4.90					
DECISION #AP-637 - Mod. #1 (38 FR 5113 - February 23, 1973) Peoria & Tazewell Counties, Illinois						
Change: Carpenters: (Building & Heavy) Carpenters, Soft Floor Layers & Piledrivermen: Chillicothe & Vicinity (Peoria County)	7.83	.45	.25		.015	
Millwrights: Chillicothe & Vicinity (Peoria County)	8.08	.45	.25		.015	
Omit: Carpenters: (Building & Heavy) Carpenters, Soft Floor Layers, Millwrights & Piledrivermen Morton, Mackinaw & Vicinity (Tazewell County)	4.90					

MODIFICATIONS PAGE 4

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.	Others
DECISION #AP-624 - Mod. #2 (38 FR 4095 - February 9, 1973) Bartholomew County, Indiana						
Change: Carpenters (Camp Atterbury): Soft Floor Layers	$6.80	.25			.05	
Carpenters, Heavy	7.78	.30	.30		.02	
Glaziers	8.74					
DECISION #AP-627 - Mod. #2 (38 FR 4111 - February 9, 1973) Delaware County, Indiana						
Change: Carpenters & Soft Floor Layers	$7.10	.30	.20		.03	
Millwrights	7.40	.30	.20		.03	
Piledrivermen	7.30	.30	.20		.03	
Glaziers	8.74					
Tile Setters	7.35	.35	.10			
DECISION #AP-631 - Mod. #2 (38 FR 4131 February 9, 1973) Marion County, Indiana						
Change: Glaziers	$8.74					
Laborers - Building Construction						
Group A	5.60	.18	.25		.07	
Group B	5.80	.18	.25		.07	
Group C	5.90	.18	.25		.07	
Group D	6.20	.18	.25		.07	
Group E	6.60	.18	.25		.07	
Plasterers	8.40	.30			.01	
Roofers' Helpers	6.51	.25	.25			
Soft Floor Layers	6.80	.25			.05	

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	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Others
DECISION #AP-635 - Mod. #2 (38 FR 4151 - February 9, 1973) Vanderburgh County, Indiana						
Change: Carpenters: (Building)						
Carpenters & Soft Floor Layers	$7.05	.30	.25		.03	
Millwrights & Piledrivermen	7.30	.30	.25		.03	
Glaziers	7.565	.26	.20		.01	
Marble Setters' Helpers	4.55					
DECISION #AP-636 - Mod. #2 (38 FR 4156 - February 9, 1973) Vigo County, Indiana						
Change: Carpenters:						
Millwrights	$6.93	.35	.30		.02	
Glaziers	8.74					
DECISION #AP-500 - Mod. #3 (37 FR 16308 - August 11, 1972) Sedgwick County, Kansas						
Change: Building Construction Roofers:						
Roofers; Kettlemen	$6.15	.28	.20		.02	
Roofers, pitch	6.90	.28	.20		.02	
DECISION #AP-704 - Mod. #2 (38 FR 4634 - February 16, 1973) Orleans, Jefferson, Plaquemines and St. Bernard Parishes, Louisiana						
Change: Glaziers	$6.625	.17	.20		.01	

	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Other
DECISION #AP-134 - Mod. #5 (37 FR 21769 - October 13, 1972) McCracken County, Kentucky						
Change: Laborers:						
Unskilled	$4.50	.25	.25			
Hod carriers, mason and finishers' tenders, mortar mixers, jackhammers, vibrators, wagon drill, core drill, test drill and all power driven tools used by laborers (operators) all men in tunnel and crib ditch work, rip-rap, rock setters and handlers, asphalt rakers, tampers and smoothers, pipe layers, powdermen, tar kettlemen, grout pumpmen, deckhand, dumpmen, log turner, swamping and all straight cable hooking, pipe doping and wrapping	4.70	.25	.25			
DECISION #AP-135 - Mod. #4 (37 FR 21771 - October 13, 1972) Fayette County, Kentucky						
Change: Painters:						
Brush	6.97					
Hazardous	7.72					
Spray	7.47					
Laborers: Tool room checkers, carpenters' tenders, landscapers, roofers' helpers, sheeting and shoring construction laborers	4.90	.25	.25			
Air track drills, jackhammers, wagon drills, pavement breakers, chain saws, Barco tampers, all types of vibrators for concrete and grade work, concrete saws, sewer pipe layers, all storm sewers, sanitary sewers, signal men, asphalt men, rakers, batchmen, plant scale men, form setters (street or highway), hand spiker	5.10	.25	.25			
Gunnite nozzlemen	5.30	.25	.25			
" nozzle machine	5.40	.25	.25			
Powderman and blasters	5.40	.25	.25			
" helpers	5.30	.25	.25			
Tunnels and cofferdams	5.40	.25	.25			

	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Oth
DECISION #AP-135 (cont'd)						
Laborers (cont'd) Caisson holes (6' and over including tools)	6.10	.25	.25			
Sand hogs (free air)	6.40	.25	.25			
" " (pressure air)	6.10	.25	.25			
Miners tunnels or cofferdams	5.50	.25	.25			
Mason tenders; Plaster tenders bug operators	5.25	.25	.25			
Fork lift	5.30	.25	.25			
Pumpmen	5.30	.25	.25			
DECISION #AP-700 - Mod. #3 (38 FR 4162 - February 9, 1973) Statewide, New Mexico						
Add: SOUND INSTALLERS: Bernalillo County	$6.75	.25	1%		1/7%	
Valencia, Sandoval, Santa Fe, Torrance, and Scorro Counties	7.19	.25	1%		1/7%	
Guadalupe, DeBaca, Quay, Mora, San Miguel, Harding, Union, Taos, Colfax, Rio Arriba, Catron, Sierra, Grant, Los Alamos Counties, and San Juan County excluding the Navajo Indian Reservation in the State of New Mexico	8.98	.25	1%		1/7%	

	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Others
DECISION #AP-372 - Mod. #1 (38 FR 2106 - January 19, 1973) Archer, Armstrong, Baylor, Briscoe, Carson, Castro, Childress, Clay, Collingsworth, Dallam, Deaf Smith, Donley, Gray, Hall, Hansford, Hardeman, Hartley, Hemphill, Hutchinson, Lipscomb, Montague, Moore, Ochiltree, Oldham, Parmer, Potter, Randall, Roberts, Sherman, Swisher, Wheeler, Wichita and Wilbarger Counties, Texas						
Change Description of Work to Read: Streets, Highways, Runways and Incidental Construction						
DECISION #AP-373 - Mod. #1 (38 FR 2107 - January 19, 1973) Bailey, Borden, Cochran, Cottle, Crosby, Dawson, Dickens, Fisher, Floyd, Foard, Gaines, Garza, Hale, Haskell, Hockley, Jones, Kent, King, Knox, Lamb, Lubbock, Lynn, Motley, Scurry, Shackelford, Stephens, Stonewall, Terry, Throckmorton, Yoakum and Young Counties, Texas						
Change Description of Work to Read: Streets, Highways, Runways and Incidental Construction						

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	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
DECISION #AP-374 - Mod. #1 (38 FR 2108 - January 19, 1973) Andrews, Brown, Callahan, Coke, Coleman, Comanche, Concho, Crane, Crockett, Eastland, Ector, Erath, Glasscock, Howard, Irion, Kimble, Loving, Martin, McCulloch, Menard, Midland, Mills, Mitchell, Nolan, Reagan, Runnels, San Saba, Schleicher, Sterling, Sutton, Taylor, Tom Green, Upton, Ward and Winkler Counties, Texas Change Description of Work to Read: Streets, Highways, Runways and Incidental Construction						
DECISION #AP-375 - Mod. #1 (38 FR 2109 - January 19, 1973) Brewster, Culberson, El Paso, Hudspeth, Jeff Davis, Pecos, Presidio, Reeves and Terrell Counties, Texas Change Description of Work to Read: Streets, Highways, Runways and Indicental Construction						
DECISION #AP-376 - Mod. #1 (38 FR 2110 - January 19, 1973) Atascosa, Bandera, Bexar, Comal, Dimmit, Edwards, Frio, Guadalupe, Kendall, Kerr, Kinney, LaSalle, Maverick, McMullen, Medina, Real, Uvalde, Val Verde, Wilson and Zavala Counties, Texas Change Description of Work to Read: Streets, Highways, Runways, Water and Sewer Utilities and Incidental Construction						

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	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
DECISION #AP-377 - Mod. #1 (38 FR 2111 - January 19, 1973) Brooks, Cameron, Duval, Hidalgo, Jim Hogg, Kenedy, Starr, Webb, Willacy and Zapata Counties, Texas Change Description of Work to Read: Streets, Highways, Runways and Incidental Construction						
DECISION #AP-378 - Mod. #1 (38 FR 2112 - January 19, 1973) Aransas, Bee, Calhoun, DeWitt, Goliad, Jackson, Jim Wells, Karnes, Kleberg, Lavaca, Live Oak, Nueces, Refugio, San Patricio and Victoria Counties, Texas Change Description of Work to Read: Streets, Highways, Runways and Incidental Construction						
DECISION #AP-379 - Mod. #1 (38 FR 2113 - January 19, 1973) Austin, Bastrop, Blanco, Burnet, Caldwell, Colorado, Fayette, Gillespie, Gonzales, Hays, Lee, Llano, Mason, Travis and Williamson Counties, Texas Change Description of Work to Read: Streets, Highways, Runways, Water and Sewer Utilities and Incidental Construction						

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	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
DECISION #AP-380 - Mod. #1 (38 FR 2114 - January 19, 1973) Bell, Bosque, Coryell, Falls, Freestone, Hamilton, Hill, Lampasas, Limestone, McLennan and Navarro Counties, Texas Change Description of Work to Read: Streets, Highways, Runways and Incidental Construction						
DECISION #AP-381 - Mod. #1 (38 FR 2115 - January 19, 1973) Cooke, Denton, Hood, Jack, Johnson, Palo Pinto, Parker, Somervell, Tarrant and Wise Counties, Texas Change Description of Work to Read: Streets, Highways, Runways and Incidental Construction (excluding Dallas-Fort Worth Regional Airport)						
DECISION #AP-382 - Mod. #1 (38 FR 2116 - January 19, 1973) Collin, Dallas, Ellis, Grayson and Rockwall Counties, Texas Change Description of Work to Read: Streets, Highways, Runways, Water and Water Utilities and Incidental Construction (excluding Dallas-Fort Worth Regional Airport)						

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	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
DECISION #AP-383 - Mod. #1 (38 FR 2117 - January 19, 1973) Bowie, Camp, Cass, Delta, Fannin, Franklin, Gregg, Harrison, Hopkins, Hunt, Kaufman, Lamar, Marion, Morris, Rains, Red River, Rusk, Smith, Titus, Upshur, Van Zandt and Wood Counties, Texas Change Description of Work to Read: Streets, Highways, Runways and Incidental Construction						
DECISION #AP-384 - Mod. #1 (38 FR 2118 - January 19, 1973) Anderson, Angelina, Cherokee, Henderson, Houston, Jasper, Nacogdoches, Newton, Panola, Polk, Sabine, San Augustine, San Jacinto, Shelby, Trinity and Tyler Counties, Texas Change Description of Work to Read: Streets, Highways, Runways and Incidental Construction						
DECISION #AP-385 - Mod. #1 (38 FR 2119 - January 19, 1973) Brazos, Burleson, Grimes, Leon, Madison, Milam, Robertson, Walker and Washington Counties, Texas Change Description of Work to Read: Streets, Highways, Runways and Incidental Construction						

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	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Others
DECISION #AP-386 - Mod. #1 (38 FR 2120 - January 19, 1973) Brazoria, Fort Bend, Galveston, Harris, Matagorda, Montgomery, Waller and Wharton Counties, Texas						
Change Description of Work to Read: Streets, Highways, Runways, Water and Sewer Utilities and Incidental Construction						
DECISION #AP-387 - Mod. #1 (38 FR 2121 - January 19, 1973) Chambers, Hardin, Jefferson, Liberty and Orange Counties, Texas						
Change Description of Work to Read: Streets, Highways, Runways and Incidental Construction						
DECISION #AP-393 - Mod. #2 (38 FR 2637 - January 26, 1973) Bexar County, Texas						
Add: Building Construction:						
Soft floor layers	$5.62		.10		.03	
DECISION #AM-1,872 - Mod. #3 (36 FR 16340 - August 20, 1971) Accomack, Greensville, Isle of Wight, James City, Nansemond, Northampton, Southampton, Surry, Sussex, York and Princess Anne Counties, Virginia						
Omit: From the geographic area of wage determination the Independent Cities of: Chesapeake, Hampton, Newport News, Norfolk, Portsmouth and Virginia Beach						

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	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Others
DECISION #AP-263 - Mod. #1 (38 FR 6630 - March 9, 1973) Statewide Washington						
Change:						
ROOFERS						
Callam, Grays Harbor, Island, Jefferson, King, Kitsap, Lewis, Mason, Pierce, San Juan, Skagit, Snohomish, Thurston and Whatcom Counties						
Roofers; Kettlemen; Waterproofers	$7.10	.20	.20			
MARBLE, TILE AND TERRAZZO WORKERS						
HELPERS						
All Counties east of the Cascade Mountain Range in Washington	6.20					
Remaining Counties west of the Cascade Mountain Range	6.15	.40				
SHEET METAL WORKERS						
King County	8.47	.27	.30		.04	
Island and Snohomish Counties	7.90	.32	.40	.42	.03	
Benton, Franklin, Kittitas, Klickitat and Yakima Counties	7.65	.32	.50	.50		
Adams, Asotin, Chelan, Douglas, Grant, Ferry, Lincoln, Pend Oreille, Okanogan, Spokane, Stevens & Whitman Counties	7.65	.32	.50	.50		
Walla Walla, Columbia & Garfield Counties	7.65	.32	.50	.50		
Cowlitz, Grays Harbor, Lewis, Pacific (northern part), Pierce, Thurston & Wahkiakum Counties	7.79	.32	.45	.47	.02	
San Juan, Skagit and Whatcom Counties	7.92	.32	.40	.40	.02	
Clark, Pacific (southern part) & Skamania Counties	6.94	.33	.24	.28	.02	
Clallam, Jefferson, Kitsap & Mason Counties	7.97	.32	.40	.35	.04	
LABORERS						
Clark, Cowlitz, Klickitat, Southern part of Pacific, Skamania and Wahkiakum Counties						
GROUP I	5.40	.50	.60	.25	.02	
GROUP II	5.55	.50	.60	.25	.02	
GROUP III	5.70	.50	.60	.25	.02	
GROUP IV	5.85	.50	.60	.25	.02	

SUPERSEDEAS DECISION

STATE: Florida
COUNTY: Hillsborough
DECISION NUMBER: AP-172
DATE: Date of Publication
Supersedes Decision No. AP-125 dated November 17, 1972 - 37 FR 24525.
DESCRIPTION OF WORK: Building Construction, (excluding single family homes and garden type apartments up to and including 4 stories), Heavy and Highway Construction.

Building Construction	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Others
Asbestos workers	$6.24	.35	20	.75	02	
Boilermakers	7.13	.40	.70		01	
Bricklayers:						
Bricklayers	7.05	25	.30		.05	
Stone Masons	7.05	.25	.30		.05	
Marble masons	7.20	.25	.30		.05	
Terrazzo workers	7.20	.25	.30		.05	
Tile setters	7.20	.25	.30		.05	
Cement masons	6.55	.25	.30		.05	
Cement block layers	7.05	.25	.30		.05	
Carpenters	6.38	.30	.20	.10	.02	
Millwrights	6.69	45	.45		.02	
Piledrivermen	6.63	.30	.20	.10	.02	
Electricians	8.10	.15	1%		.05	
Cable splicers	8.45	.15	1%		.05	
Elevator constructors	6.255	.195	.20	2% + a&b	.005	
Elevator constructors' helpers	70%JR	.17	185	2% + a&b	.005	
Elevator constructors mechanics helpers (probationary)	50%JR					
Glaziers	4.65	20				
Ironworkers:						
Structural	7.55	.45	.30	075	.05	
Ornamental	7.55	.45	.30	.075	.05	
Reinforcing	7.55	.45	.30	.075	.05	
Sheeters	7.55	.45	.30	.075	.05	
Lathers	6.76	.21	.10		.035	
Laborers:						
Power tool operator	4.975	.225				
Mortar mixers	4.975	.225				
Pipelayers (concrete & clay)	4.975	.225				
Masons, plasterers' tenders	4.975	.225				
Common laborers	4.825	.225				
Lead burners	6.35	.25		c	.01	
Line Construction:						
Linemen & heavy equipment operator	7.36	.25	1%		‡	
Cable splicers	7.75	25	1%		‡	
Cable splicers' helpers	7.36	.25	1%		‡	
Winch truck driver operator	5.75	25	1%		‡	
Groundmen	4.30	.25	1%		‡	
Painters:						
Brush & roller	6.05	.25	.20			
Swing stage & window jacks, spray & sandblasting	6.30	25	.20			
Dry wall tapers	6.90	.25	.20			
Structural steel, bridge & Ind.:						
Brush, roller, swing, stage bos n chair	6.65	.25	.20			
Spray & sandblasting	6.90	25	.20			

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	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Others
Painters (cont'd):						
Paperhangers	6.55	.25	.20			
Plasterers	7.06	.25	.30		.05	
Plumbers	7.70	.35	.40	.40	.05	
Roofers	6.10	.25	.15			
Roofers' helpers	3.25	.25	.15			
Roofers, Kettlemen	4.15	.25	.15			
Sheet metal workers	5.85	.20	.10			
Soft floor layers	6.38	.30	.20	.10	.02	
Sprinkler fitters	8.41	.30	.50		.07	
Steamfitters	7.70	.35	.40	.40	.05	
Terrazzo workers' helpers, tile setters helpers, and marble masons' helpers	4.05	.20				
Terrazzo grinders	4.15	.20				
Terrazzo base grinders	4.35	.20				
Truck drivers:						
Station wagons, pick-ups, single axle dumps, flat beds, stake bodies	3.67					
10-wheelers, pole trucks, low boys, semi-trailers, tractor-trailers, fork trucks up to but not including 4 tons	3.82					
For trucks 4 tons and over, road rollers, wabbly wheels, spreaders, winch trucks	4.32					
Sound Technicians	4.10					
Welders - receive rate prescribed for craft performing operation to which welding is incidental						

FOOTNOTES:

a. Six paid holidays: A through F.

b. Employer contributes 1% of regular hourly rate to Vacation Pay Credit for employee who has werked in business more than 5 years. Employer contributes 2% of regular hourly rate to Vacation Pay Credit for employee who has worked in business less than 5 years.

c. Eight paid holidays: A through F, Washington's Birthday, and Good Friday, providing employee has worked 45 full days during the 120 calendar days prior to the holiday and the regular scheduled work days immediately preceding and following the holiday.

PAID HOLIDAYS: (Where Applicable):
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

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Building Construction	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Other
POWER EQUIPMENT OPERATORS						
Cat cranes, truck cranes, pile driver crane, derrick, dragline, material hoist with Chicago boom, material hoist with two drums, hydraulic lift form, diesel electric and steam generators, motor grader, pumperete or similar machine, cherry picker, gradall, hypto and wheelabrator and mechanic, tractor back hoe, drill, rig & tack boom tractor	$8.49	.275	.25		.05	
Trenching machine over 24", winch truck, material hoist (elevator type)	7.505	.275	.25		.05	
Tugger hoist	7.74	.275	.25		.05	
Crawler bulldozer, crawler tractor and turnapull, heavy hufftype front end loader, heavy IM-10 to IM-21 type rubber tired tractor, road roller, fireman, forklift, concrete batch plant operator	7.285	.275	.25		.05	
Wellpoint system and pumps, material hoist, front end loader other than heavy huff type, rubber tired tractor with attachments other than backhoe	5.475	.275	.25		.05	
Air compressor 125 cu. ft. or over	5.735	.275	.25		.05	
Concrete mixer, rubber tired tractor without attachments, trenching machines under 24" high lift, sand blasting machines, welding machine, air compressor, miscellaneous pumps	5.245	.275	.25		.05	
150' boom, including jib scale of top operator classification plus .25 per hour. Tower crane operators .25 per above top operator classification not including long boom pay.						

Building Construction	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Other
POWER EQUIPMENT OPERATORS On building sites and includes roads, parking lots, storm sewer systems, railroads, drain fields, settling basins, pipelines (concrete and/or clay), land cleaning, bulk heads and sea walls, and site preparation exclusive of excavation for buildings.						
HEAVY DUTY EQUIPMENT OPERATORS Cranes, shovels, draglines, piledrivers (all types), concrete paving machines, ditching machines, mechanics, finish, motor grades, front end loaders, hoist (two drums or more), cherry pickers	5.63	.275	.25		.05	
MEDIUM DUTY EQUIPMENT OPERATORS Motor patrols, bulldozers, rubber tired scrapers (all types), winch trucks, stabilizers, asphalt spreaders, rollers, asphalt rock crushers, concrete mixers (changer pan), light duty hydraulic tractor backhoe, and wellpoint pumps	5.355	.275	.25		.05	
LIGHT DUTY EQUIPMENT OPERATORS Finishing machine, bull floats, spray machines, subgraders, rollers on subgrade, pull cats (all types), form grader, bituminous distributor, hoist (less than two drums) and fireman	5.08	.275	.25		.05	

Heavy & Highway Construction	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	D
Bricklayers	$1.60					
Carpenters	2.35					
Carpenters' helpers	1.60					
Concrete finishers	2.00					
Concrete finishers' helpers	1.60					
Form setter, paving & curb	1.60					
Form setters' helpers	1.60					
Ironworkers, structural	3.16					
Ironworkers, reinforcing	2.00					
Laborers:						
Air tool operator	1.60					
Asphalt raker	1.60					
Concrete laborer	1.60					
Unskilled	1.60					
Landscapers	1.60					
Painters	2.50					
Piledrivers	2.45					
Piledriver leadsmen	2.05					
Piledriver laborer	1.60					
Pipelayers	1.60					
Plumbers	3.60					
Reinforcing ironworkers' helper	1.60					
Soil treaters	1.60					
Truck drivers:						
Single rear axle	1.60					
Multi rear axle	1.60					
Lowboy	1.60					
Weighter scale	1.60					
Power Equipment Operators:						
Air compressors	1.60					
Asphalt distributor, spreaders	1.60					
Bulldozers	2.00					
Cranes, derricks, draglines	2.00					
Concrete finishing machine	1.96					
Concrete paving machines	1.96					
Earth mover, rubber-tired	1.75					
Firemen	1.60					
Mechanics	1.82					
Mechanics' helper	1.60					
Mixers, concrete	1.60					
Motor grader	2.00					
Oilers-greasers	1.60					
Pumps	1.60					
Rollers	1.60					
Rollers, S.P., rubber-tired	1.60					
Rollers, finish	1.60					
Scrapers	1.60					

Heavy & Highway Construction (Cont'd)	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	C
Power Equipment Operators (Cont'd)						
Tractors, over 80 HP	$1.60					
Tractors, light rubber-tired	1.60					
Front end loader	1.60					
Trenching machine	2.00					
Asphalt paving machine	1.60					
Welder	1.75					

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SUPERSEDEAS DECISION

STATE: Florida
DECISION NUMBER: AP-173
Supersedes Decision No. AP-126 dated November 17, 1972 - 37 FR 24528.
DESCRIPTION OF WORK: Building Construction, (excluding single family homes and garden type apartments up to and including 4 stories), Heavy and Highway Construction.

COUNTY: Pinellas
DATE: Date of Publication

Building Construction	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.	Other
Asbestos workers	$6.24	.35	.20	.75	.02	
Boilermakers	7.13	.40	.70		.01	
Bricklayers	7.05	.25	.30		.05	
Carpenters:						
Carpenters	6.38	.30	.20	.10	.02	
Piledrivermen	6.63	.30	.20	.10	.02	
Soft floor layers	6.38	.30	.20	.10	.02	
Millwrights	6.69	.45	.45		.02	
Cement masons	6.55	.25	.30		.05	
Electricians:						
Electricians	8.00	.25	1%		3/4 of 1%	
Cable splicers	8.50	.25	1%		3/4 of 1%	
Elevator constructors	6.255	.195	.20	2% a+b	.005	
Elevator constructors' helpers	70%JR	.195	.20	2% a+b	.005	
Elevator constructors' helpers (prob.)	50%JR					
Ironworkers, structural & ornamental	7.55	.45	.30	.075	.05	
Ironworkers, reinforcing	7.55	.45	.30	.075	.05	
Laborers:						
Air tool operator (jackhammer, vib.)	4.975	.225				
Mason tenders	4.975	.225				
Mortar mixers	4.975	.225				
Pipelayers (concrete & clay)	4.975	.225				
Plasterers' tenders	4.975	.225				
Common laborers	4.825	.225				
Lathers	6.76	.21	.10		.035	
Line Construction & Equipment Opr.:						
Class "A"	7.36	.25	1%	a	1/10 of 1%	
Class "B"	5.75	.25	1%	a	1/10 of 1%	
Cable splicers	7.75	.25	1%	a	1/10 of 1%	
Groundmen "A"	4.25	.25	1%	a	1/10 of 1%	
Groundmen "B"	2.60	.25	1%	a	1/10 of 1%	
Marble setters	7.20	.25	.30		.05	
Marble setters' helpers	4.05	.20				
Painters:						
Brush	6.05	.25	.20			
Structural steel	6.30	.25	.20			
Spray	6.30	.25	.20			
Sandblasting and tapers	6.30	.25	.20			
Paperhangers	6.55	.25	.20			
Glaziers	4.65	.20				
Plasterers	7.06	.25	.30		.05	
Plumbers and steamfitters	6.50	.25	.60		.025	
Roofers	6.10	.25	.15			
Roofers' helpers	3.25	.25	.15			
Roofers, kettlemen	4.15	.25	.15			
Sheet metal workers	5.85	.20	.10			
Sprinkler fitters	8.41	.30	.50		.07	
Stonemasons	7.05	.25	.30		.05	

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	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.	Other
Terrazzo workers	7.20	.25	.30		.05	
Terrazzo workers' helpers	4.05	.20				
Terrazzo grinders	4.15	.20				
Tile setters	7.20	.20	.30		.05	
Tile setters' helpers	4.05	.20				
Truck drivers	1.60					
Lead burners	6.35	.25		o	.01	
Welders - receive rate prescribed for craft performing operation to which welding is incidental.						
Terrazzo base grinders	4.35	.20				
Air conditioning or refrigeration mechanics	6.50	.25	.60		.025	

FOOTNOTES:

a. Six paid holidays, A through F.

b. Employer contributes 1% of regualr hourly rate to vacation pay credit for employee who has worked in business more than 5 years. Employer contributes 2% of regular hourly rate to vacation pay credit for employer who has worked in business less than 5 years.

c. Eight paid holidays, A through F plus Washington's Birthday and Good Friday, providing employee has worked 45 full days during the 120 calendar days prior to the holiday, and the regular scheduled work days immediately preceding and following the holiday.

d. One-half day paid holiday: National General Election's Day.

PAID HOLIDAYS: (WHERE APPLICABLE)
A-New Year's Day; B-Memorial Day; C-Independence Day;
D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

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Building Construction	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.	Other
POWER EQUIPMENT OPERATORS						
Cat cranes, truck cranes, pile driver crane, derrick, dragline, material hoist with Chicago boom, material hoist with two drums, hydraulic lift form, diesel electric and steam generators, motor grader, pumporete or similar machine, cherry picker, gradall, hypto and wheelabrator and mechanic, tractor back hoe, drill, rig & tack boom tractor	$8.49	.275	.25		.05	
Trenching machine over 24", winch truck, material hoist (elevator type)	7.505	.275	.25		.05	
Tugger hoist	7.74	.275	.25		.05	
Crawler bulldozer, crawler tractor and turnapull, heavy hufftype front end loader, heavy IH-10 to IH-21 type rubber tired tractor, road roller, fireman, forklift, concrete batch plant operator	7.285	.275	.25		.05	
Wellpoint system and pumps, material hoist, front end loador other than heavy huff type, rubber tired tractor with attachments other than backhoe	5.475	.275	.25		.05	
Air compressor 125 cu. ft. or over	5.735	.275	.25		.05	
Concrete mixer, rubber tired tractor without attachments, trenching machines under 24" high lift, sand blasting machines, welding machine, air compressor, miscellaneous pumps	5.245	.275	.25		.05	
150' boom, including jib scale of top operator classification plus .25 per hour. Tower crane operators .25 per above top operator classification not including long boom pay.						

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Building Construction	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.	Other
POWER EQUIPMENT OPERATORS On building sites and includes roads, parking lots, storm sewer systems, railroads, drain fields, settling basins, pipelines (concrete and/or clay), land cleaning, bulk heads and sea walls, and site preparation exclusive of excavation for buildings.						
HEAVY DUTY EQUIPMENT OPERATORS Cranes, shovels, draglines, pile-drivers (all types), concrete paving machines, ditching machines, mechanics, finish, motor grades, front end loaders, hoist (two drums or more), cherry pickers	5.63	.275	.25		.05	
MEDIUM DUTY EQUIPMENT OPERATORS Motor patrols, bulldozers, rubber tired scrapers (all types), winch trucks, stabilizers, asphalt spreaders, rollers, asphalt rock crushers, concrete mixers (changer pan), light duty hydraulic tractor backhoe, and wellpoint pumps	5.355	.275	.25		.05	
LIGHT DUTY EQUIPMENT OPERATORS Finishing machine, bull floats, spray machines, subgraders, rollers on subgrade, pull cats (all types), form grader, bituminous distributor, hoist (less than two drums) and fireman	5.08	.275	.25		.05	

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Heavy & Highway Construction	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.	C
Bricklayers	$1.60					
Carpenters	2.35					
Carpenters' helpers	1.60					
Concrete finishers	2.00					
Concrete finishers' helpers	1.60					
Form setter, paving & curb	1.60					
Form setters' Helpers	1.60					
Ironworkers, structural	3.16					
Ironworkers, reinforcing	2.00					
Laborers:						
Air tool operator	1.60					
Asphalt raker	1.60					
Concrete laborer	1.60					
Unskilled	1.60					
Landscapers	1.60					
Painters	2.50					
Piledrivers	2.45					
Piledriver leadsmen	2.05					
Piledriver laborer	1.60					
Pipelayers	1.60					
Plumbers	3.60					
Reinforcing ironworkers' helper	1.60					
Soil treaters	1.60					
Truck drivers:						
Single rear axle	1.60					
Multi rear axle	1.60					
Lowboy	1.60					
Weighter scale	1.60					
Power Equipment Operators:						
Air compressors	1.60					
Asphalt distributor, spreaders	1.60					
Bulldozers	2.00					
Cranes, derricks, draglines	2.00					
Concrete finishing machine	1.96					
Concrete paving machines	1.96					
Earth mover, rubber-tired	1.75					
Firemen	1.60					
Mechanics	1.82					
Mechanics' helper	1.60					
Mixers, concrete	1.60					
Motor grader	2.00					
Oilers-greasers	1.60					
Pumps	1.60					
Rollers	1.60					
Rollers, S.P., rubber-tired	1.60					
Rollers, finish	1.60					
Scrapers	1.60					

Heavy & Highway Construction (cont'd)	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.	Ot
Power Equipment Operators (Cont'd)						
Tractors, over 80 HP	$1.60					
Tractors, light rubber-tired	1.60					
Front end loader	1.60					
Trenching machine	2.00					
Asphalt paving machine	1.60					
Welder	1.75					

SUPERSEDEAS DECISION

STATE: Idaho

COUNTIES: Benewah, Bonner, Boundary, Clearwater, Idaho, Kootenai, Latah, Lewis, Nez Perce and Shoshone

DECISION NUMBER: AP-273

Supersedes Decision No. AP-227 Dated August 25, 1972, in 37 FR 17332

DATE: Date of Publication

DESCRIPTION OF WORK: Building Construction (excluding single family homes and garden type apartments up to and including 4 stories), heavy and highway construction.

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.	Others
ASBESTOS WORKERS (That portion of Idaho Co. south of the 46th parallel)	$7.46	.50	.72			
ASBESTOS WORKERS (Remainder of Counties and that portion of Idaho Co. north of the 46th parallel)	8.15	.25	.37			
BOILERMAKERS	7.45	.60	1.00	.50	.02	
BRICKLAYERS; Stonemasons (Idaho, Clearwater, Latah, Lewis and Nez Perce Counties)	7.65	.30				
BRICKLAYERS; Stonemasons (Remainder of counties)	6.46	.15				
CARPENTERS (That portion of Idaho Co. south of the 46th parallel)						
Carpenters; Floor Layer; Shingler; Drywall Applicator and installer of metal studs, metal framing, accoustical material, metal partition, porcelain and enamel and metal panels, marlite and rigid or flexible plastic laminates, weatherstripping and insulation	6.32	.22	.20	.30	.10	
Saw Filer; Stationary Machine; Piledriverman; Bridgeman and Wharf Builder	6.50	.22	.20	.30	.10	
Millwrights; Machine Erector; Piledriverman's Boom Man	6.62	.22	.20	.30	.10	
CARPENTERS (Remainder of Counties and that portion of Idaho County north of the 46th parallel)						
Carpenters	7.04	.50	.45		.025	
Piledriver; Sawfilers; Stationary Power Woodworking Tool Op.; Floor Layer; Floor Finisher; Floor Sander	6.69	.50	.45		.025	
Shingler (wood and composition)	7.04	.50	.45		.025	
Carpenters working burned, charred, creosoted or similarly treated material; Millwrights; Boommen and Machine Erector	7.29	.50	.45		.025	
Piledriver working on creosoted material	7.44	.50	.45		.025	

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.	Others
CEMENT MASONS (That portion of Idaho County south of the 46th parallel)						
Cement Masons	$6.20	.22	.20	.10	.10	
Power Trowel; Power Grinder; Gunnite and composition Floorlayer	6.38	.22	.20	.10	.10	
CEMENT MASONS (Remainder of Counties and that portion of Idaho County north of the 46th parallel)						
Cement Masons	6.90	.40	.40		.02	
Gunnite; Power Machine; Power Tools; Power Troweling Machine; Troweling Magnesite or other material with oxichloride base	7.05	.40	.40		.02	
ELECTRICIANS						
Electricians; Technicians	7.93	.35	1%		.02	
Cable Splicers	8.33	.35	1%		.02	
ELEVATOR CONSTRUCTORS (That portion of Idaho County south of the 46th parallel)						
Elevator Constructors	7.23	.345	.23	2% + a		
Elevator Constructors' Helpers	70%JR	.345	.23	2% + a		
Elevator Constructors' Helpers (Prob.)	50%JR					
ELEVATOR CONSTRUCTORS (Remainder of counties and that portion of Idaho County north of the 46th parallel)						
Elevator Constructors	7.66	.345	.23	2% + a		
Elevator Constructors' Helpers	70%JR	.345	.23	2% + a		
Elevator Constructors' Helpers (Prob.)	50%JR					
GLAZIERS (That portion of Idaho Co. south of the 46th parallel)	5.50	.25	.20	.23		
GLAZIERS (Remainder of Counties and that portion of Idaho County north of the 46th parallel)	5.76	.21	.25	.26		
IRONWORKERS						
Reinforcing	7.56	.48	.65		.05	
Fence Erectors-Ornamental-Structural	7.56	.48	.65		.05	
LATHERS (All Counties except Idaho County south of the 46th parallel)	7.50	.40				
MARBLE SETTERS (Idaho, Clearwater, Latah, Lewis, Nez Perce Counties)	7.65	.30				
MARBLE SETTERS (Remainder of counties)						
Inside	6.06	.15				
Outside	6.46	.15				
MARBLE SETTERS' HELPERS	5.85					

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	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
PAINTERS (That portion of Idaho County south of the 46th parallel)						
Brush; Paperhangers; Preparatory work Spray Gun; Sandblasting; Pot Tender; Toxic Chemicals but not restricted to such material as bitumastic; Rollers, pressure	$6.11	.25	.10			
Brush, steel; Bridges; Towers; tanks on legs; Steeples incl. pipes and conduit attached	6.58	.25	.10			
Sign Painters	6.21	.25	.10			
PAINTERS (Remainder of Counties and that portion of Idaho County north of the 46th parallel)	6.23	.25	.10			
Brush	6.67	.25	.45		.01	
Spray; Steel; Steam Cleaning; Rollers 9" or 10' handle; Finish Drywall Tapers	6.92	.25	.45		.01	
Swing Stage & over 30' high Bitumastic; Sand Blast.; Bridges; Towers; Stacks; Steeples; Tanks on legs	7.02	.25	.45		.01	
T.V. Radio & Electric Transmission Towers	7.07	.25	.45		.01	
PLASTERERS (Clearwater, Idaho, Latah, Lewis and Nez Perce Counties)	7.42	.25	.45		.01	
PLASTERERS (Remaining Counties)	6.49	.20				
PLASTERERS' TENDERS	7.50	.40				
PLUMBERS; Steamfitters (That portion of Idaho County south of the 46th parallel)	5.25	.25	.25		.02	
PLUMBERS; Steamfitters (Remainder of Counties and that portion of Idaho County north of the 46th parallel)	7.19	.37	.40		.03	
ROOFERS (That portion of Idaho County south of the 46th parallel)	7.52	.26	.55	.47	.06	
ROOFERS (Benewah, Bonner, Boundary, Kootenai, and Shoshone Counties):	5.85	.13	.15			
Roofers	6.20	.30	.15	.50		
Roofers working with pitch products	7.20	.30	.15	.50		
ROOFERS (Remaining Counties and that portion of Idaho County north of the 46th parallel):						
Kettlemen; Roofers; Waterproofers	6.65					

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	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
SHEET METAL WORKERS (Idaho County)	$7.06	.27	.20		.02	
SHEET METAL WORKERS (Remainder of counties)	7.65	.32	.50	.50		
SPRINKLER FITTERS	8.70	.30	.50		.05	
TERRAZZO WORKERS; Tile Setters (Clearwater, Idaho, Latah, Lewis, and Nez Perce Counties)	6.41	.20				
TERRAZZO WORKERS; Tile Setters (Remainder of Counties)	6.33	.15				
TERRAZZO WORKERS' HELPERS	5.85					
TILE SETTERS' HELPERS	5.85					
WELDERS: Receive rate prescribed for craft performing operation to which welding is incidental.						

PAID HOLIDAYS:

A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:

a. Employer credits 4% basic hourly rate of employee with over 5 years' service, 2% basic hourly rate from 6 months to 5 years' service to Vacation Plan. Six Paid Holidays: A through F.

AP-273 P. 5

That portion of Idaho County south of the 46th parallel

1-IDA-SIDA-LAB-1-2-3-k

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
GROUP I						
GENERAL LABORERS, Sloper, Clearing and Grading, Form Stripper, Concrete Crew, Concrete Curing Crew, Carpenter Tender, Asphalt Laborer, Hopper Tender, Heater Tender, Stake Jumper, Choker Setter, Spreader and Weighman, Power Wheelbarrow, Scouring Concrete, Rip Rap Man (hand placed), Fence Erector and Installer - manual or mechanical (Includes the installation and erection of fences, guard rails, median rails, reference posts, guide posts and right-of-way markers), Crusher Helper, Cribbing and Shoring (in open ditches), Machinery and Parts Cleaner, Leverman - Manual or Mechanical, Demolition - Salvage, Landscaper, Tool Room Man	$4.82	.35	.35	.10	.10	
GROUP II						
CHUCK TENDER, Driller Helper, Air Tampers, Gunite Nozzleman Tender, Pipe Wrapper, Tar Pot Tender, Concrete Sawyer, Signalman, Handling Cement, Dumpman, Steam Nozzleman, Air and Water Nozzleman (Green Cutter, concrete) Grade Checker, Vibrator (less than 4"), Pumpcrete and Grout Pump Crew, Hydraulic Monitor	4.92	.35	.35	.10	.10	
GROUP III						
PIPELAYER including sewer, drainage, sprinkler systems and water lines, Free Air Caisson, Jackhammer, Paving Breaker, Powderman Helper, Asphalt Raker, Gasoline Powered Tamper, Electric Ballast Tamper, Sand Blasting, Form Setter - Airport Paving, Gunman (Gunite), Manhole Setter, Hand Guided Machines, such as Rotor Tillers, Trenchers, Post Hole Diggers, Walking Garden Tractors, etc., Form Setter (Highway-Curb and Gutter), Vibrator (4" and over), Timber Faller and Bucker, Metal Pan Installer	5.02	.35	.35	.10	.10	

AP-273 P. 6

1-IDA-SIDA-LAB-1-2-3-k

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
LABORERS (cont'd)						
GROUP IV						
HOD CARRIER, Mason Tender Plaster Tender, Mason Tender (Concrete), Terrazzo-Tile Tender	$5.12	.35	.35	.10	.10	
GROUP V						
HIGHSCALER, Wagon Drill, Gunite Nozzleman, Daimond Drill	5.17	.35	.35	.10	.10	
GROUP VI						
DRILLERS on Drills with manufacturers rating 3" or over, Powderman	5.42	.35	.35	.10	.10	
GROUP VII						
REBOUNDMAN, Chucktender, Nipper, Dumpman, Vibrator(less than 4"), Brakeman, Muckers, Bullgang	4.97	.35	.35	.10	.10	
GROUP VIII						
FORM SETTER and Mover; Vibrator (4" and over)	5.12	.35	.35	.10	.10	
GROUP IX						
MINERS, Machinemen, Timbermen, Steelmen, Drill Doctors, Spaders and Tuggers, Spiling and/or Caisson Workers	5.42	.35	.35	.10	.10	

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2-IDA-NIDA-LAB 1-2-3- (1-2)

(Remainder of Counties and that portion of Idaho County north of the 46th parallel)

	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Other
LABORERS:						
Group I Carpenters tender; Concrete crewman; Concrete signalman; Crusher feeder; Demolition; Driller helper, Dumpman; Fence erector; General laborer; Grout machine header tender; Nipper; Riprap man; Scaleman; Stake jumper; Structural mover; Tailhoseman (water nozzle); Track laborer (RR); Truck loader; Timber bucker and faller; Window cleaner; Brush Hog Feeder	$5.50	.35	.55		.02	
Group II Cement finisher tender; Cement handler; Demolition torch; Dope pot fireman, nonmechanical; Form cleaning machine; feeder, stacker; Form setter, paving; Grade checker using level, optional; Nozzleman, water & air or steam; Pipe layer, corrugated metal culvert; Pipewrapper; Pot tender; Powderman helper; Power tool op.; gas, electric, pneumatic Railroad equipment, power driven; Rodder & spreader; Sandblast tailhoseman; Scaffold erector, wood or steel; Vibrator up to 4"; Wallpoint man; Wheelbarrow, power driven	5.65	.35	.55		.02	
Group III Asphalt raker; Asphalt roller, walking; Chain saw op., w/attachments; Concrete saw, walking; Creosote material; High scaler; Jackhammer op.; Multi-section pipelayer; Nozzleman; Pavement breaker; Tamper; Trencher; shawnee; Vibrator, 4" & over; Wagon drills; Water pipe liner	5.75	.35	.55		.02	
Group IV Chain Saw (faller); Pipelayer (Caulker, collarman, jointer, mortarman, rigger, jacker, shorer & lagger and laser beam but not incl. laying corrugated metal culvert pipe)	5.80	.35	.55		.02	

AP-273 P. 8
2-IDA-NIDA-LAB 1-2-3 (2-2)

	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Other
LABORERS (Cont'd):						
Group V Concrete stack, Hod carriers; Mortar mixer; Vibrator, 4 inches and over	$5.85	.35	.55		.02	
Group VI Caisson worker, free air; High Scaler	5.90	.35	.55		.02	
Group VII Brush machine; Drills, Gunnite; Monitor op., Air Track or similar mounting; Nozzleman	5.95	.35	.55		.02	
Group VIII Air track drills with dual masts and drills; Powderman	6.15	.35	.55		.02	
TUNNEL & SHAFT, FREE AIR						
Group IX Class A: Bull gang, pump crete crewman incl. distributing pipe, assembling & dismantle and nipper	5.55	.35	.55		.02	
Class B: Brakeman, dumpman	5.60	.35	.55		.02	
Class C: Miner & nozzleman for concrete and laser beam op. on tunnels	6.00	.35	.55		.02	
Class D: Raise & shaft miner and laser beam op. on raises and shafts	6.05	.35	.55		.02	
Group X Sand Hogs (Under compressed air conditions): 1 lb thru 14 lbs - 6 hrs. work	56.40	.35	.55		.02	
Over 14 lbs thru 18 lbs - 6 hrs. work	59.10	.35	.55		.02	
Over 18 lbs thru 22 lbs - 4 hrs. work	59.10	.35	.55		.02	
Over 18 lbs thru 22 lbs - 6 hrs. work	79.35	.35	.55		.02	
Over 22 lbs thru 26 lbs - 4 hrs. work	63.30	.35	.55		.02	
Over 26 lbs thru 32 lbs - 4 hrs. work	65.70	.35	.55		.02	
Over 32 lbs thru 38 lbs - 3 hrs. work	68.40	.35	.55		.02	
Over 38 lbs thru 44 lbs - 2 hrs. work	69.70	.35	.55		.02	
Outside lock & guage tender (per shift)	46.80	.35	.55		.02	

(That portion of Idaho County south of the 46th parallel)

AP-273 P. 9
1-IDA-SIDA-PEO-1-2-3- p (1-3)

	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Other
POWER EQUIPMENT OPERATORS:						
Group 1 Brakeman, Crusher, Plant Feeder (Mechanical), Deckhand, Drill Helpers, Grade Checkers, Heater Tender, Land Plane, Oilers, Pumpman	5.78	.40	.35		.10	
Group 2 Air Compressor, Assistant Refrigeration Plant Operator, Bell Boy, Bit Grinder Operator, Blower Operator (Cement), Bolt Threader Machine Operator-Broom, Cement Hog, Concrete Mixer, Concrete Saw - Multiple Cut, Discing - Harrowing or mulching (Regardless of Motive Power), Distributor Leverman, Drill Steel Threader Machine Operator, Fireman - All, Heavy Duty Mechanic Helper or Welder Helper, Hoist - Single Drum, Hydraulic Monitor Operator - Skid Mounted, Oiler on Cranes and Shovels, Pugmixer - Box or Screed Operator, Spray Curing Machine, Tractor - Rubber Tired Form Type Using Attachments	5.94	.40	.35		.10	
Group 3 A-Frame Truck (Hydra lift, Swedish Cranes, Ross Carrier, Hyster on Construction jobs), Battery Tunnell Locomotive, Belt Finishing Machine, Cable Tenders (Underground), Chip Spreader Machine (Self-propelled), Front End and Overhead Loaders and Similar Machines under 2 Yds. - Rubber-tired, Hoist - 2 or more Drums or Tower Hoist, Hydralift - Fork Lift and Similar (When Hoisting), Oilers (Underground), Power Loader (Bucket Elevator, Conveyors), Road Roller (Regardless of Motive Power), Service Oiler.	6.12	.40	.35		.10	
Group 4 Boring Machines (Earth or Rock) Quarrymaster - Joy - Tractor Mounted, Drills; Churn - Core - Calyx or Diamond, Front End and Overhead Loaders and Similar Machines - 2 Yds. and including 4 Yds. - Rubber-tired, Grout Pump, Hydra-hammer, Locomotive Engineer, Longitudinal Float Machine, Mixermobile, Spreader Machine, Tractor - Rubber-tired - using						

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1-IDA-SIDA-PEO-1-2-3- P (2-3)

	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Other
POWER EQUIPMENT OPERATORS: (Cont'd)						
Group 4 (Cont'd) Backhoe, Transverse Finishing Machine, Trenching Machines, Waggoner Compactor and Similar, Asphalt Spreaders.	6.45	.40	.35		.10	
Group 5 Concrete Plant Operator, Concrete Road Paver Dual), Elevating Grader Operator, Euclid Elevating Loader, Generator Plant Operator-Mechanic (Diesel Electric), Post Hole Auger or Punch Operator, Power Shovels and Draglines-under 1 Yd., Pumpcrete, Refrigeration Plant Operator, Road Roller (Finishing High Type Pavement), Skidder - Rubber tired, Sub Grader.	6.63	.40	.35		.10	
Group 6 Asphalt Pavers - Self-prop., Asphalt Plant Operator, Blade Operator (Motor Patrol), Concrete Slip Form Paver, Cranes - up to and including 50 ton, Crusher Plant Operator, Derrick Operator, Front End and Overhead Loaders and Similar Machines - over 4 yds. to and including 6 Yds., Koehring Scooper Heavy Duty Mechanic or Welder, Mucking Machine (Underground), Multi-batch Concrete Plant Operator, Piledriver Engineer, Power Shovels and Draglines - 1 Yd. to and including 3-1/2 Yds., Tower Crane Operator, Tractor - Crawler Type - including all attachments, Refrigeration Plant Operator (Over 1,000 Tons), Trimmer Machine Operator, Tournapulls - Euclid and Similar - to and including 40 Yds.	6.81	.40	.35		.10	
Group 7 Cableway Operator, Cranes - Over 50 Ton, Dredges, Fine Grader - CMI or Equivalent, Front End and Overhead Loaders and Similar Machines - Over 6 Yds., Power Shovels and Draglines over 3-1/2 Yds., Quad Type Tractors with all Attachments, Tournapulls - Euclid and Similar - Over 40 Yds. to and including 50 Yds., Multiple Scraper Units.	7.14	.40	.35		.10	

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1-IDA-SIDA-PLO-1-2-3-P (3-3)

POWER EQUIPMENT OPERATORS: (Cont'd)	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Oth
Group 8 Tournapulls - Euclid and Similar - Over 50 Yds. to and including 75 Yds.	7.38	.40	.35		.10	
Group 9 Tournapulls - Euclid and Similar - Over 75 Yds. to and including 100 Yds.	7.63	.40	.35		.10	
Group 10 Tournapulls - Euclid and Similar - Over 100 Yds.	7.87	.40	.35		.10	

2-IDA-NIDA-PEO-1-2-3--1 (1-4)

(Remainder of counties and that portion of Idaho county north of the 46th parallel)

POWER EQUIPMENT OPERATORS	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Others
GROUP I Bit Grinders; Bolt Threading Machine; Brakeman; Compressors, under 1000 cu. ft. per minute gas, diesel or electric power; Crusher Feeder (mechanical); Deck Hand; Drillers' Helper; Fireman & Heater Tender; Grade Checker; Helper (Mechanic or Welder, H.D.); Oiler; Pumpman; Rollers, all types on subgrade (farm type, Case, John Deere and similar - or compacting or vibrator) except when pulled by dozer with operable blade; Welding Machines.	$6.45	.50	.55		.025	
GROUP II A-Frame Truck (single-drum); Assistant Refrigeration Plant (under 1000 tons); Assistant Plant Operator, Fireman or Pugmixer (asphalt); Bagley or Stationary Scraper; Batch Plant & Wet Mix Operator, single unit (concrete); Belt Finishing Machine; Bending Machine (pipeline); Blower Operator (cement); Cement Hog; Compressor (1000 cu. ft. or over, 2 or more - gas, diesel or electric power); Concrete Saw (multiple cut); Distributor Leverman; Dope Pots (power agitated); Equipment Serviceman, Greaser and Oiler; Fork Lift or Lumber Stacker, Hydra Lift & similar; Gin Trucks (pipeline); Hoist, single drum; Loaders (bucket elevators and conveyors); Longitudinal Float; Mixer (portable - concrete); Pavement Breaker, Hydra-Hammer & similar); Posthold Auger or Punch; Power Broom; Railroad Ballast Regulation Operator, (self-propelled); Railroad Power Tamper Operator, (self-propelled);						

2-IDA-NIDA-PEO-1-2-3-4-1 (2-4)

	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Others
GROUP II (cont'd) Railroad Power Tamper Jack Operator, (self-propelled); Spray Curing Machine (concrete); Spreader Box (self-propelled); Straddle Buggy (Ross & similar on construction job site); Tractor (farm type R/T with attachments except backhoe); Tugger Operator.	$6.75	.50	.55		.025	
GROUP III A-Frame Truck (2 or more drums); Assistant Refrigeration Plant & Chiller Operator (over 1000 tons); Backfillers (Cleveland & similar); Belt-Crete Conveyors with Power Pack or similar; Belt Loader (Kocal or similar); Blade Operator (Motor Patrol and attachments); Boat Operators; Boom Cats (side); Boring Machine (earth); Boring Machine (rock under 8" bit) (Quarry Master, Joy or similar); Bump Cutter (Wayne, Saginaw or similar); Canal Lining Machine (concrete); Cleaning & Doping Machine (pipeline); Concrete Pumps (squeeze-crete, flew-crete, pump-crete, Whitman & similar); Drills (churn, core, calyx or diamond); Elevating Belt-type Loader (Euclid, Barber Green or similar); Elevating Grader-type Loader (Dumor, Adams, or similar); Generator Plant Engineers (diesel electric); Gunite Combination Mixer & Compressor; Hoist, (2 or more drums or Tower Hoist); Loaders, (overhead & frontend, under 4 yds., R/T); Locomotive Engineer; Mixermobile; Oiler & Cable Tender, Mucking Machine, Paver (asphalt and concrete); Pump (Grout or Jet); Refrigeration Plant Engineer (1000 tons); Rollerman (finishing pavement); Rubber-tired Scrapers (one motor with one scraper, under 40 yds.); Screed Operator; Soil Stabilizer (P & H or similar);						

2-IDA-NIDA-PEO-1-2-3--1 (3-4)

	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Others
GROUP III (cont'd) Spreader Machine; Tractor (crawler, incl. Dozer, Scraper, Drills, Booms, Rollers, etc.); Traverse Finishing Machine; Trenching Machines (under 7 ft. depth capacity); Turnhead Operator	$7.00	.50	.55		.025	
GROUP IV H. D. Mechanic; H. D. Welder; Refrigeration Plant Engineer (1000 tons & over) Semi-automatic Welding Machine.	7.10	.50	.55		.025	
GROUP V Asphalt Plant Operator; Crusher & Screening Plant Operator; Rubber-tired Scrapers Multi-Engine Power with one Scraper (Euclid, TS-24 & similar); Rubber-tired Scraper, One Motor with One Scraper (40 yds. & over); Single Engine with two Scrapers (Letourneau, Tandem B & similar); Surface Heater & Planer Machine.	7.15	.50	.55		.025	
GROUP VI Automatic Subgrader (ditches & trimmers) (R.A. Hansen & similar); Backhoes (under 3 yds.); Batch & Wet Mix Operator-Multiple Units (2 and incl. 4); Clamshell Operator (under 3 yds.); Concrete Slip Form Paver; Cranes (under 65 tons); Derricks & Stifflegs (under 65 tons); Draglines (under 3 yds.); Drilling Equipment (8" bit and over) (Robbins & similar); Hydra-Cranes (Austin, Western Hydra-Hoe and similar with attachments); Loader Operator (Front End & Overhead 4 yds. to 8 yds.); Mucking Machines; Piledriving Engineers; Paver (dual drum);						

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2-IDA-NIDA-PEO-1-2-3-4 (4-4)

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Other
GROUP VI (cont'd)						
Quad-track or similar Equipment; Railroad Track Liner Operator (self-propelled); Rubber-tired Scrapers, Multiple Engines with two Scrapers; Shovels (under 3 yds.); Signalmen (Whirleys, Highline Hammerheads or similar); Trenching Machines (7 ft. depth and over).	$7.30	.50	.55		.025	
GROUP VII						
Backhoes (3 yds. and over); Batch Plant (over 4 units); Cableway Controller-Dispatcher; Cableway Operators; Clamshell Operator (3 yds. and over); Cranes (65 tons and over); Derricks & Stifflegs (65 tons and over); Draglines (3 yds. and over); Loader - (360 degrees revolving Koehring Scooper or similar); Loaders (overhead and front end over 8 yds.); Rubber-tired Scrapers (multiple engine with three or more scrapers); Shovels (3 yds. and over); Tower Crane; Whirleys and Hammerheads (all).	7.55	.50	.55		.025	

Underground Work - Add 10% to the Classification.

Classification - (Not to include open pits, cuts, ditches, trenches and such work as paving, etc.)

All Crane Booms: 130' to 200' - $.15/Hr. Additional to Classification
Over 200' - - $.30/Hr. Additional to Classification

Yo-Yo Dozer: 10% Additional

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(That portion of Idaho County south of the 46th parallel)

1-IDA-SIDA-TD-1-2-3-R (1-2)

TRUCK DRIVERS	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Other
Group 1 LEVERMAN Loading at Bunkers	5.73	.40	.30	.05	.10	
Group 2 FLAT BED - 2 Axle and Pickup hauling material, Water Tank Truck (1800 gals and under), Fork Lift (3,000 and under)	5.79	.40	.30	.05	.10	
Group 3 FLAT BED - 3 Axle, Fuel Truck (1,000 Gals. and under), Greaser, Tireman, Serviceman, Buggymobile, Man Haul (Shuttle Truck or Bus).	5.85	.40	.30	.05	.10	
Group 4 TRANSIT MIX TRUCK - 3 Yds. and under, Warehouseman, Truck Helpers, Slurry or Concrete Pumping Truck	5.91	.40	.30	.05	.10	
Group 5 FLAT BED using Power Takeoff, Water Tank Truck (over 1,800-4,000 gals.) Semi-Trailer - Low Boy - up to 96,000 lbs. GVW, Bulk Cement Tanker - up to 96,000 lbs GVW, Fork Lift - over 3,000 lbs. (Bull Lift, Hydro Lift), Ross, Hyster and similar Straddle Equipment, "A" Frame Truck (Swedish Crane, Iowa 3,000, Hydro-lift).	5.97	.40	.30	.05	.10	
Group 6 TRANSIT MIX TRUCK, over 3 yds. - 6 yds	6.03	.40	.30	.05	.10	
Group 7 WATER TANK TRUCK - over 4,000 gals., Fuel Truck - over 1,000 gals., Distributor or Spreader Truck, Field Tireman - Serviceman	6.09	.40	.30	.05	.10	
Group 8 TRANSIT MIX TRUCK - over 6-8 yds., Dumptors	6.15	.40	.30	.05	.10	
Group 9 TRANSIT MIX TRUCK - over 8 - 10 yds.	6.27	.40	.30	.05	.10	

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1-IDA-SIDA-TD-1-2-3-R (7-2)

TRUCK DRIVERS (CONT'D)	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Other
Group 10 LOW BOY - 96,000 lbs. GVW and over, Bulk Cement Tanker - 96,000 lbs. GVW and over	6.33	.40	.30	.05	.10	
Group 11 TRANSIT MIX TRUCK - over 10 yds.	6.39	.40	.30	.05	.10	
Group 12 TURNAROCKER and similar equipment	6.45	.40	.30	.05	.10	
Group 13 TRUCK - side, end and bottom dump (6 yds. and under)	5.91	.40	.30	.05	.10	
TRUCK - side, end and bottom dump (over 6 yds. - including 12 yds.)	6.03	.40	.30	.05	.10	
TRUCK - side, end and bottom dump (over 12 yds. - including 20 yds.)	6.27	.40	.30	.05	.10	
TRUCK - side, end and bottom dump (over 20 yds. including 30 yds.)	6.45	.40	.30	.05	.10	
TRUCK - side, end and bottom dump (over 30 yds. including 40 yds.)	6.58	.40	.30	.05	.10	
TRUCK - side, end and bottom dump (over 40 yds. including 50 yds.)	6.70	.40	.30	.05	.10	
TRUCK - side, end and bottom dump (over 50 yds. including 75 yds.)	6.94	.40	.30	.05	.10	
TRUCK - side, end and bottom dump (over 75 yds. including 100 yds.)	7.18	.40	.30	.05	.10	
TRUCK - side, end and bottom dump (over 100 yds.)	7.43	.40	.30	.05	.10	
Group 14 TRUCK MECHANIC	6.81	.40	.30	.05	.10	

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(Remainder of Counties and that portion of Idaho County north of the 46th parallel)

2-IDA-NIDA-TD-1-2-3-d (1-2)

TRUCK DRIVERS	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Group I FLAT BED TRUCK, single rear axle; Escort Driver; Fish Truck; Fork Lift, 3,000 lbs. & under; Fuel Truck Driver (steam cleaner & washer); Helper & Swamper; Leverman Loading Trucks at Bunkers; Pickup Hauling Material; Stationary Fuel Op.; Team Driver; Tractor (small rubber tired pulling trailer or sim. equip.); Water Tank Truck 1,800 gallons	6.50	.57	.50			
Group II BUS DRIVER OR MANHAUL DRIVER; Flat Bed Truck, dual rear axle; Tireman No. 1; Warehouseman	6.55	.57	.50			
GROUP III BUGGY MOBILE & SIM.; Bulk Cement Tanker; Oil Tank Driver; Power Operated Sweeper; Semi-Trailer, low bed, truck & Trailer; Straddle Carrier (Ross, Hyster & sim.); Transit Mixers & Trucks Hauling Concrete (3 yds. & under); Trucks, side end and bottom dump (under 6 yds.); Water Tank Truck (1,801 - 4,000 gallons)	6.60	.57	.50			
Group IV AUTO CRANE - 2000 lbs. capacity; Bulk Cement Spreader; Dumptor (6 yds. & under); Flaherty Spreader, box driver; Flat Bed Truck (using power take off); Fork Lift (over 3,000 lbs.) Oil Distributor Driver (road, bootman; leverman, helper); Rubber tired Tunnel Jumbo; Scissors Truck; Slurry Truck Driver; Transit Mixers & Trucks Hauling Concrete (over 3 yds. to 6 yds.) Trucks, side, end and bottom dump (over 6 yds. to 12 yds.); Water Tank Truck (4,001 - 6,000 gals.); Wrecker & Tow Trucks	6.70	.57	.50			
Group V LOW BOY (under 50 tons); Service Greaser; Tireman No. 2	6.75	.57	.50			

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TRUCK DRIVERS (CONT'D)	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Others
Group VI A-FRAME (Swedish Crane, Iowa 3,000, hydrolift); Water Tank Truck (over 6,001 - 8,000 gals.)	6.80	.57	.50			
Group VII DUMPTOR (over 6 yds.); Transit Mixers & Trucks Hauling Concrete (6 yds. to 10 yds.) Trucks, side, end & bottom dump (over 12 yds. incl. 20 yds.)	6.85	.57	.50			
Group VIII LOW BOY (over 50 tons); Water Tank Truck (8,001 - 10,000 gals.); 10c for each add. 2,000 gals.	6.90	.57	.50			
Group IX TRANSIT MIXERS & TRUCKS Hauling Concrete, (10 yds. to 15 yds.); Trucks, side, end & bottom dump (over 20 yds. incl. 30 yds.)	7.00	.57	.50			
Group X TOURNAROCKER, DW'S & sim. w/2 or 4 wheel power tractor w/trailer or yardage scale whichever is greater	7.05	.57	.50			
Group XI TRANSIT MIXERS & TRUCKS Hauling Concrete (15 yds. to 20 yds.); Trucks, side, end & bottom dump (over 30 yds. to 40 yds.)	7.15	.57	.50			
Group XII TRANSIT MIXERS & TRUCKS Hauling Concrete (over 20 yds.); Trucks, side, end & bottom dump (over 40 yds. to 50 yds.)	7.30	.57	.50			
Group XIII TRUCKS, side, end and bottom dumps, (over 50 yds. to 100 yds.)	7.45	.57	.50			
Group XIV TRUCKS, side, end and bottom dump (over 100 yds.)	7.60	.57	.50			

SOUTHERN IDAHO LINE CONSTRUCTION - 8

(That portion of Idaho County south of the 46th parallel)

	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Others
LINE CONSTRUCTION: All work over 34.5 KV and all work on steel towers and/or multiple wood structures and all substations of 1000 KVA or greater capacity and all communications, underground work except street and highway lighting and motor traffic controls:						
Groundman	$5.00	.25	1%		3/4%	
Equipment Operators	6.05	.25	1%		3/4%	
Lineman	6.63	.25	1%		3/4%	
Cable Splicer	7.29	.25	1%		3/4%	
All work 34.5 KV and under and all work on highway lighting and motor traffic controlling:						
Groundman	4.94	.25	1%		3/4%	
Equipment Operator	5.77	.25	1%		3/4%	
Lineman	6.41	.25	1%		3/4%	

NORTHERN IDAHO LINE CONSTRUCTION -

(Remainder of Counties and that portion of Idaho County north of the 46th parallel)

	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Others
LINE CONSTRUCTION (Remainder of Counties and that portion of Idaho County north of the 46th parallel):						
Cable Splicers; Leadman Pole Sprayer	$8.60	.25	1%		1/2%	
Lineman; Pole Sprayer; Heavy Line Equipment Man; Certified Lineman						
Welder	7.76	.25	1%		1/2%	
Tree Trimmer	7.00	.25	1%		1/2%	
Line Equipment Man	6.67	.25	1%		1/2%	
Head Groundman (Chipper); Head Groundman; Powderman; Jackhammer Man	5.82	.25	1%		1/2%	
Groundman; Tree Trimmer Helper	5.49	.25	1%		1/2%	
Hole Digger	5.25	.25	1%		1/2%	

SUPERSEDEAS DECISION

STATE: Idaho

COUNTIES: Ada, Adams, Blaine, Boise, Butte, Camas, Canyon, Cassia, Custer, Elmore, Gem, Gooding, Jerome, Lemhi, Lincoln, Minnidoka, Owyhee, Payette, Twin Falls, Valley and Washington

DATE: Date of Publication

DECISION NUMBER: AP-274

Supersedes Decision No. AP-228 Dated August 25, 1972, in 37 FR 17343

DESCRIPTION OF WORK: Building Construction (excluding single family homes and garden type apartments up to and including 4 stories), heavy and highway construction.

	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Others
ASBESTOS WORKERS	$7.46	.50	.72			
BOILERMAKERS	7.45	.60	1.00	.50	.02	
BRICKLAYERS; Stonemasons (Ada, Adams, Boise, Canyon, Elmore, Gem, Owyhee, Payette, Valley, Washington Counties)	6.45	.25	.30			
BRICKLAYERS; Stonemasons (Blaine, Camas, Cassia, Gooding, Jerome, Lincoln, Minnidoka, Twin Falls Counties)	6.15	.25				
BRICKLAYERS; Stonemasons (Butte, Custer, Lemhi Counties)	5.50					
CARPENTERS: Carpenters; Floor Layer; Shingler; Drywall Applicator and installer of metal studs, metal framing, accoustical material, metal partition, porcelain and enamel and metal panels, marlite and rigid or flexible plastic laminates, weatherstripping and insulation	6.32	.22	.20	.30	.10	
Saw Filer; Stationary Machine; Piledriverman; Bridgeman and Wharf Builders	6.50	.22	.20	.30	.10	
Millwrights; Machine Erector; Piledriverman's Boom Man	6.62	.22	.20	.30	.10	
CEMENT MASONS: Cement Masons Gunnite; Composition Floorlayer; Power Grinder; Power Trowel	6.20 6.38	.22 .22	.20 .20	.10 .10	.10 .10	
ELECTRICIANS: (Ada, Adams, Boise, Canyon, Elmore, Gem, Owyhee, Payette, Valley and Washington Counties) Electricians Cable Splicers	7.45 8.195	.30 .30	1% 1%		2/10% 2/10%	
ELECTRICIANS (Remaining Counties) Electricians Cable Splicers	7.40 8.14	.25 .25	1% 1%		2/10% 2/10%	
ELEVATOR CONSTRUCTORS	7.23	.345	.23	2%+a		
ELEVATOR CONSTRUCTORS' HELPERS	70%JR	.345	.23	2%+a		
ELEVATOR CONSTRUCTORS' HELPERS (PROB.)	50%JR					
GLAZIERS: (Ada, Adams, Boise, Canyon, Elmore, (except Mt. Home AFB), Gem, Gooding, (W. portion), Owyhee, Payette, Valley and Washington Counties	5.50	.25	.20	.23		

	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Others
IRONWORKERS (Adams, Valley and Washington Counties north of the Weiser-Gibbonsville line) Fence Erectors; Structural; Ornamental; Reinforcing	7.56	.48	.65		.05	
IRONWORKERS (Remaining Counties and south of the Weiser-Gibbonsville line in Adams, Valley and Washington Counties) Fence Erectors; Reinforcing; Structural; Ornamental	6.94	.40	.65		.01	
PAINTERS: (Ada, Adams, Boise, Camas, Elmore, Gem (incl. city of Ola), Gooding (western 1/3 of Co. incl. city of Bliss), Owyhee (incl. cities of Bruneau, Grand View, Riddle and Tindall), Valley and Washington Cos.) Brush	6.11	.25	.10			
Steel	6.21	.25	.10			
Sign	6.23	.25	.10			
Spray	6.58	.25	.10			
PAINTERS (Mountain Home AFB) Brush	7.11	.25	.10			
Sandblasting; Spray Gun	7.58	.25	.10			
Steel	7.21	.25	.10			
PAINTERS (Remaining Counties and Remaining portion of Gooding County) Brush; Perfataperers	5.81	.25	.10			
Structural Steel; Spray	6.26	.25	.10			
PLASTERERS	5.98	.22	.20	.10		
PLUMBERS; Steamfitters	7.19	.37	.40		.05	
ROOFERS (Ada, Adams, Boise, Canyon, Custer, Elmore, Gem, Lemhi, Owyhee, Payette, Valley and Washington Cos.) Kettlemen; Roofers	5.85	.13	.15			
Roofers working with coal tar and pitch products	7.35	.13	.15			
ROOFERS (Blaine, Camas, Cassia, Gooding, Jerome, Lincoln, Minnidoka and Twin Falls Counties)	5.98		.15			
ROOFERS (Butte County)	6.90		.20			

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	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Others
SHEET METAL WORKERS (Butte, Custer & Lemhi Counties)	7.47	.22			.01	
SHEET METAL WORKERS (Remaining Cos.)	7.06	.27	.20		.02	
SPRINKLER FITTERS	8.70	.30	.50		.05	
TILE SETTERS (Ada, Adams, Boise, Canyon, Elmore, Gem, Owyhee, Payette, Valley and Washington Counties)	5.65	.25	.30			

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTE:
a. Employer credits 4% of basic hourly rate of employee with over 5 years' service, 2% basic hourly rate from 6 months to 5 years' service to Vacation Plan. Six Paid Holidays: A through F.

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	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Others
GROUP I GENERAL LABORERS, Sloper, Clearing and Grading, Form Stripper, Concrete Crew, Concrete Curing Crew, Carpenter Tender, Asphalt Laborer, Hopper Tender, Heater Tender, Stake Jumper, Choker Setter, Spreader and Weighman, Power Wheelbarrow, Scouring Concrete, Rip Rap Man (hand placed), Fence Erector and Installer - manual or mechanical (includes the installation and erection of fences, guard rails, median rails, reference posts, guide posts and right-of-way markers), Crusher Helper, Cribbing and Shoring (in open ditches), Machinery and Parts Cleaner, Leverman - Manual or Mechanical, Demolition - Salvage, Landscaper, Tool Room Man	$4.82	.35	.35	.10	.10	
GROUP II CHUCK TENDER, Driller Helper, Air Tampers, Gunite Nozzleman Tender, Pipe Wrapper, Tar Pot Tender, Concrete Sawyer, Signalman, Handling Cement, Dumpman, Steam Nozzleman, Air and Water Nozzleman (Green Cutter, concrete) Grade Checker, Vibrator (less than 4"), Pumpcrete and Grout Pump Crew, Hydraulic Monitor	4.92	.35	.35	.10	.10	
GROUP III PIPELAYER including sewer, drainage, sprinkler systems and water lines, Free Air Caisson, Jackhammer, Paving Breaker, Powderman Helper, Asphalt Raker, Gasoline Powered Tamper, Electric Ballast Tamper, Sand Blasting, Form Setter - Airport Paving, Gunman (Gunite), Manhole Setter, Hand Guided Machines, such as Rotor Tillers, Trenchers, Post Hole Diggers, Walking Garden Tractors, etc., Form Setter (Highway-Curb and Gutter), Vibrator (4" and over), Timber Faller and Bucker, Metal Pan Installer	5.02	.35	.35	.10	.10	

AP-274 P. 5

1-IDA-SIDA-LAB-1-2-3-k

LABORERS (cont'd)	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Others
GROUP IV HOD CARRIER, Mason Tender Plaster Tender, Mason Tender (Concrete), Terrazzo-Tile Tender	$5.12	.35	.35	.10	.10	
GROUP V HIGHSCALER, Wagon Drill, Gunite Nozzleman, Daimond Drill	5.17	.35	.35	.10	.10	
GROUP VI DRILLERS on Drills with manufacturers rating 3" or over, Powderman	5.42	.35	.35	.10	.10	
GROUP VII REBOUNDMAN, Chucktender, Nipper, Dumpman, Vibrator(less than 4"), Brakeman, Muckers, Bullgang	4.97	.35	.35	.10	.10	
GROUP VIII FORM SETTER and Mover; Vibrator (4" and over)	5.12	.35	.35	.10	.10	
GROUP IX MINERS, Machinemen, Timbermen, Steelmen, Drill Doctors, Spaders and Tuggers, Spiling and/or Caisson Workers	5.42	.35	.35	.10	.10	

AP-274 P. 6

1-IDA-SIDA-PEO-1-2-3- p (1-3)

POWER EQUIPMENT OPERATORS:	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Others
Group 1 Brakeman, Crusher, Plant Feeder (Mechanical), Deckhand, Drill Helpers, Grade Checkers, Heater Tender, Land Plane, Oilers, Pumpman	5.78	.40	.35		.10	
Group 2 Air Compressor, Assistant Refrigeration Plant Operator, Bell Boy, Bit Grinder Operator, Blower Operator (Cement), Bolt Threader Machine Operator-Broom, Cement Hog, Concrete Mixer, Concrete Saw - Multiple Cut, Discing - Harrowing or mulching (Regardless of Motive Power), Distributor Leverman, Drill Steel Threader Machine Operator, Fireman - All, Heavy Duty Mechanic Helper or Welder Helper, Hoist - Single Drum, Hydraulic Monitor Operator - Skid Mounted, Oiler on Cranes and Shovels, Pugmixer - Box or Screed Operator, Spray Curing Machine, Tractor - Rubber Tired Form Type Using Attachments	5.94	.40	.35		.10	
Group 3 A-Frame Truck (Hydra lift, Swedish Cranes, Ross Carrier, Hyster on Construction jobs), Battery Tunnell Locomotive, Belt Finishing Machine, Cable Tenders (Underground), Chip Spreader Machine (Self-propelled), Front End and Overhead Loaders and Similar Machines under 2 Yds. - Rubber-tired, Hoist - 2 or more Drums or Tower Hoist, Hydralift - Fork Lift and Similar (When Hoisting), Oilers (Underground), Power Loader (Bucket Elevator, Conveyors), Road Roller (Regardless of Motive Power), Service Oiler.	6.12	.40	.35		.10	
Group 4 Boring Machines (Earth or Rock) Quarrymaster - Joy - Tractor Mounted, Drills; Churn - Core - Calyx or Diamond, Front End and Overhead Loaders and Similar Machines - 2 Yds. and including 4 Yds. - Rubber-tired, Grout Pump, Hydra-hammer, Locomotive Engineer, Longitudinal Float Machine, Mixermobile, Spreader Machine, Tractor - Rubber-tired - using						

1-IDA-SIDA-PEO-1-2-3- P (2-3)

POWER EQUIPMENT OPERATORS: (Cont'd)	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Oth
Group 4 (Cont'd) Backhoe, Transverse Finishing Machine, Trenching Machines, Waggoner Compactor and Similar, Asphalt Spreaders.	6.45	.40	.35		.10	
Group 5 Concrete Plant Operator, Concrete Road Paver Dual), Elevating Grader Operator, Euclid Elevating Loader, Generator Plant Operator-Mechanic (Diesel Electric), Post Hole Auger or Punch Operator, Power Shovels and Draglines-under 1 Yd., Pumpcrete, Refrigeration Plant Operator, Road Roller (Finishing High Type Pavement), Skidder - Rubber tired, Sub Grader.	6.63	.40	.35		.10	
Group 6 Asphalt Pavers - Self-prop., Asphalt Plant Operator, Blade Operator (Motor Patrol), Concrete Slip Form Paver, Cranes - up to and including 50 ton, Crusher Plant Operator, Derrick Operator, Front End and Overhead Loaders and Similar Machines - over 4 yds. to and including 6 Yds., Koehring Scooper Heavy Duty Mechanic or Welder, Mucking Machine (Underground), Multi-batch Concrete Plant Operator, Piledriver Engineer, Power Shovels and Draglines - 1 Yd. to and including 3-1/2 Yds., Tower Crane Operator, Tractor - Crawler Type - including all attachments, Refrigeration Plant Operator (Over 1,000 Tons), Trimmer Machine Operator, Tournapulls - Euclid and Similar - to and including 40 Yds.	6.81	.40	.35		.10	
Group 7 Cableway Operator, Cranes - Over 50 Ton, Dredges, Fine Grader - CMI or Equivalent, Front End and Overhead Loaders and Similar Machines - Over 6 Yds., Power Shovels and Draglines over 3-1/2 Yds., Quad Type Tractors with all Attachments, Tournapulls - Euclid and Similar - Over 40 Yds. to and including 50 Yds., Multiple Scraper Units.	7.14	.40	.35		.10	

1-IDA-SIDA-PEO-1-2-3-P (3-3)

POWER EQUIPMENT OPERATORS: (Cont'd)	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Oth
Group 8 Tournapulls - Euclid and Similar - Over 50 Yds. to and including 75 Yds.	7.38	.40	.35		.10	
Group 9 Tournapulls - Euclid and Similar - Over 75 Yds. to and including 100 Yds.	7.63	.40	.35		.10	
Group 10 Tournapulls - Euclid and Similar - Over 100 Yds.	7.87	.40	.35		.10	

1-IDA-SIDA-TD-1-2-3-R (1-2)

TRUCK DRIVERS	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Oth
Group 1 LEVERMAN Loading at Bunkers	5.73	.40	.30	.05	.10	
Group 2 FLAT BED - 2 Axle and Pickup hauling material, Water Tank Truck (1800 gals and under), Fork Lift (3,000 and under)	5.79	.40	.30	.05	.10	
Group 3 FLAT BED - 3 Axle, Fuel Truck (1,000 Gals. and under), Greaser, Fireman, Serviceman, Buggymobile, Man Haul (Shuttle Truck or Bus).	5.85	.40	.30	.05	.10	
Group 4 TRANSIT MIX TRUCK - 3 Yds. and under, Warehouseman, Truck Helpers, Slurry or Concrete Pumping Truck	5.91	.40	.30	.05	.10	
Group 5 FLAT BED using Power Takeoff, Water Tank Truck (over 1,800-4,000 gals.) Semi-Trailer - Low Boy - up to 96,000 lbs. GVW, Bulk Cement Tanker - up to 96,000 lbs GVW, Fork Lift - over 3,000 lbs. (Bull Lift, Hydro Lift), Ross, Hyster and similar Straddle Equipment, "A" Frame Truck (Swedish Crane, Iowa 3,000, Hydro-lift).	5.97	.40	.30	.05	.10	
Group 6 TRANSIT MIX TRUCK, over 3 yds. - 6 yds	6.03	.40	.30	.05	.10	
Group 7 WATER TANK TRUCK - over 4,000 gals., Fuel Truck - over 1,000 gals., Distributor or Spreader Truck, Field Fireman - Serviceman	6.09	.40	.30	.05	.10	
Group 8 TRANSIT MIX TRUCK - over 6-8 yds., Dumptors	6.15	.40	.30	.05	.10	
Group 9 TRANSIT MIX TRUCK - over 8 - 10 yds.	6.27	.40	.30	.05	.10	

1-IDA-SIDA-TD-1-2-3-R (2-2)

TRUCK DRIVERS (CONT'D)	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Oth
Group 10 LOW BOY - 96,000 lbs. GVW and over, Bulk Cement Tanker - 96,000 lbs. GVW and over	6.33	.40	.30	.05	.10	
Group 11 TRANSIT MIX TRUCK - over 10 yds.	6.39	.40	.30	.05	.10	
Group 12 TURNAROCKER and similar equipment	6.45	.40	.30	.05	.10	
Group 13 TRUCK - side, end and bottom dump (6 yds. and under)	5.91	.40	.30	.05	.10	
TRUCK - side, end and bottom dump (over 6 yds. - including 12 yds.)	6.03	.40	.30	.05	.10	
TRUCK - side, end and bottom dump (over 12 yds. - including 20 yds.)	6.27	.40	.30	.05	.10	
TRUCK - side, end and bottom dump (over 20 yds. including 30 yds.)	6.45	.40	.30	.05	.10	
TRUCK - side, end and bottom dump (over 30 yds. including 40 yds.)	6.58	.40	.30	.05	.10	
TRUCK - side, end and bottom dump (over 40 yds. including 50 yds.)	6.70	.40	.30	.05	.10	
TRUCK - side, end and bottom dump (over 50 yds. including 75 yds.)	6.94	.40	.30	.05	.10	
TRUCK - side, end and bottom dump (over 75 yds. including 100 yds.)	7.18	.40	.30	.05	.10	
TRUCK - side, end and bottom dump (over 100 yds.)	7.43	.40	.30	.05	.10	
Group 14 TRUCK MECHANIC	6.81	.40	.30	.05	.10	

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SOUTHERN IDAHO LINE CONSTRUCTION - 8

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.	Other
LINE CONSTRUCTION:						
All work over 34.5 KV and all work on steel towers and/or multiple wood structures and all substations of 1000 KVA or greater capacity and all communications, underground work except street and highway lighting and motor traffic controls:						
Groundman	$5.00	.25	1%		3/4%	
Equipment Operators	6.05	.25	1%		3/4%	
Lineman	6.63	.25	1%		3/4%	
Cable Splicer	7.29	.25	1%		3/4%	
All work 34.5 KV and under and all work on highway lighting and motor traffic controlling:						
Groundman	4.94	.25	1%		3/4%	
Equipment Operator	5.77	.25	1%		3/4%	
Lineman	6.41	.25	1%		3/4%	

SUPERSEDEAS DECISION

STATE: Idaho
COUNTY: Ada
DECISION NUMBER: AP-275
DATE: Date of Publication
Supersedes Decision No. AP-257 Dated January 12, 1973, in 38 FR 1459
DESCRIPTION OF WORK: Residential construction consisting of single family homes and garden type apartments up to and including 4 stories.

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.	Others
ASBESTOS WORKERS	$ 7.46	.50	.72			
BOILERMAKERS	7.45	.60	1.00	.50	.02	
BRICKLAYERS; Stonemasons	6.45	.25	.30			
CARPENTERS:						
Carpenters; Drywall applicators; Floor layers; Shinglers	6.32	.22	.20	.30	.10	
Piledrivermen	6.50	.22	.20	.30	.10	
Millwrights; Piledrivermen's boom man	6.62	.22	.20	.30	.10	
CEMENT MASONS:						
Cement Masons	6.20	.22	.20	.10	.10	
Gunnite & composition floor; Power grinder op.; Power trowel op.	6.38	.22	.20	.10	.10	
ELECTRICIANS:	7.45	.30	1%		2/10%	
Electricians	8.195	.30	1%		2/10%	
Cable Splicers	7.23	.345	.23	2% + a		
ELEVATOR CONSTRUCTORS	70%JR	.345	.23	2% + a		
ELEVATOR CONSTRUCTORS' HELPERS	50%JR					
ELEVATOR CONSTRUCTORS' HELPERS (PROB.)						
IRONWORKERS:						
Fence erectors; Reinforcing; Structural	6.94	.40	.65		.01	
PAINTERS	6.11	.25	.10			
Brush	6.21	.25	.10			
Steel	6.23	.25	.10			
Sign	6.58	.25	.10			
Spray	5.98	.22	.20	.10	.05	
PLASTERERS	7.19	.37	.40			
PLUMBERS						
ROOFERS:	5.85	.13	.15			
Kettlemen; Roofers						
Roofers working with coal tar & pitch products	7.35	.13	.15			
SHEET METAL WORKERS	7.06	.27	.20		.02	
SPRINKLER FITTERS	8.70	.30	.50		.05	
TILE SETTERS	5.65	.25	.30			
WELDERS: Receive rate prescribed for craft performing operation to which welding is incidental.						

PAID H OLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTE:
a. Employer credits 4% basic hourly rate of employee with over 5 years' service, 2% basic hourly rate from 6 months to 5 years' service to Vacation Plan. Six paid holidays: A through F.

1-IDA-SIDA-LAB-1-2-3-k

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.	Other
GROUP I						
GENERAL LABORERS, Sloper, Clearing and Grading, Form Stripper, Concrete Crew, Concrete Curing Crew, Carpenter Tender, Asphalt Laborer, Hopper Tender, Heater Tender, Stake Jumper, Choker Setter, Spreader and Weighman, Power Wheelbarrow, Scouring Concrete, Rip Rap Man (hand placed), Fence Erector and Installer - manual or mechanical (includes the installation and erection of fences, guard rails, median rails, reference posts, guide posts and right-of-way markers), Crusher Helper, Cribbing and Shoring (in open ditches), Machinery and Parts Cleaner, Leverman - Manual or Mechanical, Demolition - Salvage, Landscaper, Tool Room Man	$4.82	.35	.35	.10	.10	
GROUP II						
CHUCK TENDER, Driller Helper, Air Tampers, Gunite Nozzleman Tender, Pipe Wrapper, Tar Pot Tender, Concrete Sawyer, Signalman, Handling Cement, Dumpman, Steam Nozzleman, Air and Water Nozzleman (Green Cutter, concrete) Grade Checker, Vibrator (less than 4"), Pumpcrete and Grout Pump Crew, Hydraulic Monitor	4.92	.35	.35	.10	.10	
GROUP III						
PIPELAYER including sewer, drainage, sprinkler systems and water lines, Free Air Caisson, Jackhammer, Paving Breaker, Powderman Helper, Asphalt Raker, Gasoline Powered Tamper, Electric Ballast Tamper, Sand Blasting, Form Setter - Airport Paving, Gunman (Gunite), Manhole Setter, Hand Guided Machines, such as Rotor Tillers, Trenchers, Post Hole Diggers, Walking Garden Tractors, etc., Form Setter (Highway-Curb and Gutter), Vibrator (4" and over), Timber Faller and Bucker, Metal Pan Installer	5.02	.35	.35	.10	.10	

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1-IDA-SIDA-LAB-1-2-3-k

LABORERS (cont'd)	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Other
GROUP IV HOD CARRIER, Mason Tender Plaster Tender, Mason Tender (Concrete), Terrazzo-Tile Tender	$5.12	.35	.35	.10	.10	
GROUP V HIGHSCALER, Wagon Drill, Gunite Nozzleman, Diamond Drill	5.17	.35	.35	.10	.10	
GROUP VI DRILLERS on Drills with manufacturers rating 3" or over, Powderman	5.42	.35	.35	.10	.10	
GROUP VII REBOUNDMAN, Chucktender, Nipper, Dumpman, Vibrator(less than 4"), Brakeman, Muckers, Bullgang	4.97	.35	.35	.10	.10	
GROUP VIII FORM SETTER and Mover; Vibrator (4" and over)	5.12	.35	.35	.10	.10	
GROUP IX MINERS, Machinemen, Timbermen, Steelmen, Drill Doctors, Spaders and Tuggers, Spiling and/or Caisson Workers	5.42	.35	.35	.10	.10	

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1-IDA-SIDA-PEO-1-2-3- p (1-3)

POWER EQUIPMENT OPERATORS:	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Other
Group 1 Brakeman, Crusher, Plant Feeder (Mechanical), Deckhand, Drill Helpers, Grade Checkers, Heater Tender, Land Plane, Oilers, Pumpman	5.78	.40	.35		.10	
Group 2 Air Compressor, Assistant Refrigeration Plant Operator, Bell Boy, Bit Grinder Operator, Blower Operator (Cement), Bolt Threader Machine Operator-Broom, Cement Hog, Concrete Mixer, Concrete Saw - Multiple Cut, Discing - Harrowing or mulching (Regardless of Motive Power), Distributor Leverman, Drill Steel Threader Machine Operator, Fireman - All, Heavy Duty Mechanic Helper or Welder Helper, Hoist - Single Drum, Hydraulic Monitor Operator - Skid Mounted, Oiler on Cranes and Shovels, Pugmixer - Box or Screed Operator, Spray Curing Machine, Tractor - Rubber Tired Form Type Using Attachments	5.94	.40	.35		.10	
Group 3 A-Frame Truck (Hydra lift, Swedish Cranes, Ross Carrier, Hyster on Construction jobs), Battery Tunnell Locomotive, Belt Finishing Machine, Cable Tenders (Underground), Chip Spreader Machine (Self-propelled), Front End and Overhead Loaders and Similar Machines under 2 Yds. - Rubber-tired, Hoist - 2 or more Drums or Tower Hoist, Hydralift - Fork Lift and Similar (When Hoisting), Oilers (Underground), Power Loader (Bucket Elevator, Conveyors), Road Roller (Regardless of Motive Power), Service Oiler.	6.12	.40	.35		.10	
Group 4 Boring Machines (Earth or Rock) Quarrymaster - Joy - Tractor Mounted, Drills; Churn - Core - Calyx or Diamond, Front End and Overhead Loaders and Similar Machines - 2 Yds. and including 4 Yds. - Rubber-tired, Grout Pump, Hydra-hammer, Locomotive Engineer, Longitudinal Float Machine, Mixermobile, Spreader Machine, Tractor - Rubber-tired - using						

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1-IDA-SIDA-PEO-1-2-3- p (2-3)

POWER EQUIPMENT OPERATORS: (Cont'd)	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Group 4 (Cont'd) Backhoe, Transverse Finishing Machine, Trenching Machines, Waggoner Compactor and Similar, Asphalt Spreaders.	6.45	.40	.35		.10	
Group 5 Concrete Plant Operator, Concrete Road Paver Dual), Elevating Grader Operator, Euclid Elevating Loader, Generator Plant Operator-Mechanic (Diesel Electric), Post Hole Auger or Punch Operator, Power Shovels and Draglines-under 1 Yd., Pumpcrete, Refrigeration Plant Operator, Road Roller (Finishing High Type Pavement), Skidder - Rubber tired, Sub Grader.	6.63	.40	.35		.10	
Group 6 Asphalt Pavers - Self-prop., Asphalt Plant Operator, Blade Operator (Motor Patrol), Concrete Slip Form Paver, Cranes - up to and including 50 ton, Crusher Plant Operator, Derrick Operator, Front End and Overhead Loaders and Similar Machines - over 4 yds. to and including 6 Yds., Koehring Scooper Heavy Duty Mechanic or Welder, Mucking Machine (Underground), Multi-batch Concrete Plant Operator, Piledriver Engineer, Power Shovels and Draglines - 1 Yd. to and including 3-1/2 Yds., Tower Crane Operator, Tractor - Crawler Type - including all attachments, Refrigeration Plant Operator (Over 1,000 Tons), Trimmer Machine Operator, Tournapulls - Euclid and Similar - to and including 40 Yds.	6.81	.40	.35		.10	
Group 7 Cableway Operator, Cranes - Over 50 Ton, Dredges, Fine Grader - CMI or Equivalent, Front End and Overhead Loaders and Similar Machines - Over 6 Yds., Power Shovels and Draglines over 3-1/2 Yds., Quad Type Tractors with all Attachments, Tournapulls - Euclid and Similar - Over 40 Yds. to and including 50 Yds., Multiple Scraper Units.	7.14	.40	.35		.10	

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1-IDA-SIDA-PEO-1-2-3-P (3-3)

POWER EQUIPMENT OPERATORS: (Cont'd)	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Group 8 Tournapulls - Euclid and Similar - Over 50 Yds. to and including 75 Yds.	7.38	.40	.35		.10	
Group 9 Tournapulls - Euclid and Similar - Over 75 Yds. to and including 100 Yds.	7.63	.40	.35		.10	
Group 10 Tournapulls - Euclid and Similar - Over 100 Yds.	7.87	.40	.35		.10	

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1-IDA-SIDA-TD-1-2-3-R (1-2)

TRUCK DRIVERS	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Other
Group 1 LEVERMAN Loading at Bunkers	5.73	.40	.30	.05	.10	
Group 2 FLAT BED - 2 Axle and Pickup hauling material, Water Tank Truck (1800 gals. and under), Fork Lift (3,000 and under)	5.79	.40	.30	.05	.10	
Group 3 FLAT BED - 3 Axle, Fuel Truck (1,000 Gals. and under), Greaser, Fireman, Serviceman, Buggymobile, Man Haul (Shuttle Truck or Bus).	5.85	.40	.30	.05	.10	
Group 4 TRANSIT MIX TRUCK - 3 Yds. and under, Warehouseman, Truck Helpers, Slurry or Concrete Pumping Truck	5.91	.40	.30	.05	.10	
Group 5 FLAT BED using Power Takeoff, Water Tank Truck (over 1,800-4,000 gals.) Semi-Trailer - Low Boy - up to 96,000 lbs. GVW, Bulk Cement Tanker - up to 96,000 lbs GVW, Fork Lift - over 3,000 lbs. (Bull Lift, Hydro Lift), Ross, Hyster and similar Straddle Equipment, "A" Frame Truck (Swedish Crane, Iowa 3,000, Hydro-lift).	5.97	.40	.30	.05	.10	
Group 6 TRANSIT MIX TRUCK, over 3 yds. - 6 yds	6.03	.40	.30	.05	.10	
Group 7 WATER TANK TRUCK - over 4,000 gals., Fuel Truck - over 1,000 gals., Distributor or Spreader Truck, Field Fireman - Serviceman	6.09	.40	.30	.05	.10	
Group 8 TRANSIT MIX TRUCK - over 6-8 yds., Dumptors	6.15	.40	.30	.05	.10	
Group 9 TRANSIT MIX TRUCK - over 8 - 10 yds.	6.27	.40	.30	.05	.10	

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1-IDA-SIDA-TD-1-2-3-R (2-2)

TRUCK DRIVERS (CONT'D)	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Others
Group 10 LOW BOY - 96,000 lbs. GVW and over, Bulk Cement Tanker - 96,000 lbs. GVW and over	6.33	.40	.30	.05	.10	
Group 11 TRANSIT MIX TRUCK - over 10 yds.	6.39	.40	.30	.05	.10	
Group 12 TURNAROCKER and similar equipment	6.45	.40	.30	.05	.10	
Group 13 TRUCK - side, end and bottom dump (6 yds. and under)	5.91	.40	.30	.05	.10	
TRUCK - side, end and bottom dump (over 6 yds. - including 12 yds.)	6.03	.40	.30	.05	.10	
TRUCK - side, end and bottom dump (over 12 yds. - including 20 yds.)	6.27	.40	.30	.05	.10	
TRUCK - side, end and bottom dump (over 20 yds. including 30 yds.)	6.45	.40	.30	.05	.10	
TRUCK - side, end and bottom dump (over 30 yds. including 40 yds.)	6.58	.40	.30	.05	.10	
TRUCK - side, end and bottom dump (over 40 yds. including 50 yds.)	6.70	.40	.30	.05	.10	
TRUCK - side, end and bottom dump (over 50 yds. including 75 yds.)	6.94	.40	.30	.05	.10	
TRUCK - side, end and bottom dump (over 75 yds. including 100 yds.)	7.18	.40	.30	.05	.10	
TRUCK - side, end and bottom dump (over 100 yds.)	7.43	.40	.30	.05	.10	
Group 14 TRUCK MECHANIC	6.81	.40	.30	.05	.10	

SUPERSEDEAS DECISION

STATE: Idaho

COUNTIES: Bannock, Bear Lake, Bingham, Bonneville, Caribou, Clark, Franklin, Fremont, Jefferson, Madison, Oneida, Power and Teton.

DECISION NUMBER: AP-276

DATE: Date of Publication

Supersedes Decision No. AP-226 Dated August 25, 1972, in 37 FR 17327.

DESCRIPTION OF WORK: Building Construction (excluding single family homes and garden type apartments up to and including 4 stories), heavy and highway construction.

	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Others
ASBESTOS WORKERS	$7.46	.50	.72			
BOILERMAKERS	7.45	.60	1.00	.50	.02	
BRICKLAYERS; Stonemasons (Bingham No. 1/2 of County), Bonneville, Clark, Fremont, Jefferson, Madison, and Teton Counties)	5.50					
BRICKLAYERS; Stonemasons (So. 1/2 of Bingham County, Bannock, Bear Lake, Caribou, Franklin, Oneida, and Powers Counties)	6.50	.25	.15			
CARPENTERS:						
Carpenters; Floor Layer; Shingler; Drywall Applicator and installer of metal studs, metal framing, acoustical material, metal partition, porcelain and enamel and metal panels, marlite and rigid or flexible plastic laminates, weatherstripping and insulation	6.32	.22	.20	.30	.10	
Saw Filer; Stationary Machine; Pile-driverman; Bridgeman and Wharf Builder	6.50	.22	.20	.30	.10	
Millwrights; Machine Erector; Pile-driverman's Boom Man	6.62	.22	.20	.30	.10	
CEMENT MASONS:						
Cement Masons	6.20	.22	.20	.10	.10	
Gunnite & Composition Floor; Power Grinder Operator; Power Trowel Operator	6.38	.22	.20	.10	.10	
ELECTRICIANS:						
Electricians	7.53	.25	1%		1%	
Cable Splicers	8.27	.25	1%		1%	
ELEVATOR CONSTRUCTORS	7.23	.345	.23	2%+a		
ELEVATOR CONSTRUCTORS' HELPERS	70%JR	.345	.23	2%+a		
ELEVATOR CONSTRUCTORS' HELPERS (PROB.)	50%JR					
IRONWORKERS:						
Ornamental-Reinforcing-Structural	6.94	.40	.65		.01	

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	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Others
PAINTERS:						
Brush, Perfatapers	$5.81	.25	.10			
Structural Steel, Swing Stage, Spray	6.26	.25	.10			
PLASTERERS	5.98	.22	.20	.10		
PLUMBERS; Steamfitters	7.19	.37	.40		.05	
ROOFERS	6.90		.20			
SHEET METAL WORKERS	7.47	.22			.01	
SOFT FLOOR LAYERS	5.70					
SPRINKLER FITTERS	8.70	.30	.50		.05	
TERRAZZO WORKERS (Bonneville, Clark, Fremont, Jefferson, Madison, Teton Counties and No. 1/2 of Bingham Co.)	5.50					
TERRAZZO WORKERS (Remaining Cos. & So. 1/2 of Bingham Co.)	5.40	.25	.15			
TILE SETTERS (Bonneville, Clark, Fremont, Jefferson, Madison, Teton Counties and No. 1/2 of Bingham Co.)	5.50					
TILE SETTERS (Remaining Cos. & So. 1/2 of Bingham Co.)	5.70	.25	.15			

WELDERS: Receive rate prescribed for craft performing operation to which welding is incidental.

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTE:
a. Employer credits 4% basic hourly rate of employee with over 5 years' service, 2% basic hourly rate for 6 months to 5 years' service to Vacation Plan. Six Paid Holidays, A through F.

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1-IDA-SIDA-IAB-1-2-3-k

	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Other
GROUP I GENERAL LABORERS, Sloper, Clearing and Grading, Form Stripper, Concrete Crew, Concrete Curing Crew, Carpenter Tender, Asphalt Laborer, Hopper Tender, Heater Tender, Stake Jumper, Choker Setter, Spreader and Weighman, Power Wheelbarrow, Scouring Concrete, Rip Rap Man (hand placed), Fence Erector and Installer - manual or mechanical (includes the installation and erection of fences, guard rails, median rails, reference posts, guide posts and right-of-way markers), Crusher Helper, Cribbing and Shoring (in open ditches), Machinery and Parts Cleaner, Leverman - Manual or Mechanical, Demolition - Salvage, Landscaper, Tool Room Man	$4.82	.35	.35	.10	.10	
GROUP II CHUCK TENDER, Driller Helper, Air Tampers, Gunite Nozzleman Tender, Pipe Wrapper, Tar Pot Tender, Concrete Sawyer, Signalman, Handling Cement, Dumpman, Steam Nozzleman, Air and Water Nozzleman (Green Cutter, concrete) Grade Checker, Vibrator (less than 4"), Pumpcrete and Grout Pump Crew, Hydraulic Monitor	4.92	.35	.35	.10	.10	
GROUP III PIPELAYER including sewer, drainage, sprinkler systems and water lines, Free Air Caisson, Jackhammer, Paving Breaker, Powderman Helper, Asphalt Raker, Gasoline Powered Tamper, Electric Ballast Tamper, Sand Blasting, Form Setter - Airport Paving, Gunman (Gunite), Manhole Setter, Hand Guided Machines, such as Rotor Tillers, Trenchers, Post Hole Diggers, Walking Garden Tractors, etc., Form Setter (Highway-Curb and Gutter), Vibrator (4" and over), Timber Faller and Bucker, Metal Pan Installer	5.02	.35	.35	.10	.10	

1-IDA-SIDA-IAB-1-2-3-k

LABORERS (cont'd)	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Other
GROUP IV HOD CARRIER, Mason Tender Plaster Tender, Mason Tender (Concrete), Terrazzo-Tile Tender	$5.12	.35	.35	.10	.10	
GROUP V HIGHSCALER, Wagon Drill, Gunite Nozzleman, Daimond Drill	5.17	.35	.35	.10	.10	
GROUP VI DRILLERS on Drills with manufacturers rating 3" or over, Powderman	5.42	.35	.35	.10	.10	
GROUP VII REBOUNDMAN, Chucktender, Nipper, Dumpman, Vibrator(less than 4"), Brakeman, Muckers, Bullgang	4.97	.35	.35	.10	.10	
GROUP VIII FORM SETTER and Mover; Vibrator (4" and over)	5.12	.35	.35	.10	.10	
GROUP IX MINERS, Machinemen, Timbermen, Steelmen, Drill Doctors, Spaders and Tuggers, Spiling and/or Caisson Workers	5.42	.35	.35	.10	.10	

1-IDA-SIDA-PEO-1-2-3- p____ (1-3)

POWER EQUIPMENT OPERATORS:	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Other
Group 1 Brakeman, Crusher, Plant Feeder (Mechanical), Deckhand, Drill Helpers, Grade Checkers, Heater Tender, Land Plane, Oilers, Pumpman	5.78	.40	.35		.10	
Group 2 Air Compressor, Assistant Refrigeration Plant Operator, Bell Boy, Bit Grinder Operator, Blower Operator (Cement), Bolt Threader Machine Operator-Broom, Cement Hog, Concrete Mixer, Concrete Saw - Multiple Cut, Discing - Harrowing or mulching (Regardless of Motive Power), Distributor Leverman, Drill Steel Threader Machine Operator, Fireman - All, Heavy Duty Mechanic Helper or Welder Helper, Hoist - Single Drum, Hydraulic Monitor Operator - Skid Mounted, Oiler on Cranes and Shovels, Pugmixer - Box or Screed Operator, Spray Curing Machine, Tractor - Rubber Tired Form Type Using Attachments	5.94	.40	.35		.10	
Group 3 A-Frame Truck (Hydra lift, Swedish Cranes, Koss Carrier, Hyster on Construction Jobs), Battery Tunnell Locomotive, Belt Finishing Machine, Cable Tenders (Underground), Chip Spreader Machine (Self-propelled), Front End and Overhead Loaders and Similar Machines under 2 Yds. - Rubber-tired, Hoist - 2 or more Drums or Tower Hoist, Hydralift - Fork Lift and Similar (When Hoisting), Oilers (Underground), Power Loader (Bucket Elevator, Conveyors), Road Roller (Regardless of Motive Power), Service Oiler.	6.12	.40	.35		.10	
Group 4 Boring Machines (Earth or Rock) Quarrymaster - Joy - Tractor Mounted, Drills; Churn - Core - Calyx or Diamond, Front End and Overhead Loaders and Similar Machines - 2 Yds. and including 4 Yds. - Rubber-tired, Grout Pump, Hydra-hammer, Locomotive Engineer, Longitudinal Float Machine, Mixermobile, Spreader Machine, Tractor - Rubber-tired - using						

1-IDA-SIDA-PEO-1-2-3- p____ (2-3)

POWER EQUIPMENT OPERATORS: (Cont'd)	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Other
Group 4 (Cont'd) Backhoe, Transverse Finishing Machine, Trenching Machines, Waggoner Compactor and Similar, Asphalt Spreaders.	6.45	.40	.35		.10	
Group 5 Concrete Plant Operator, Concrete Road Paver Dual), Elevating Grader Operator, Euclid Elevating Loader, Generator Plant Operator-Mechanic (Diesel Electric), Post Hole Auger or Punch Operator, Power Shovels and Draglines-under 1 Yd., Pumpcrete, Refrigeration Plant Operator, Road Roller (Finishing High Type Pavement), Skidder - Rubber tired, Sub Grader.	6.63	.40	.35		.10	
Group 6 Asphalt Pavers - Self-prop., Asphalt Plant Operator, Blade Operator (Motor Patrol), Concrete Slip Form Paver, Cranes - up to and including 50 ton, Crusher Plant Operator, Derrick Operator, Front End and Overhead Loaders and Similar Machines - over 4 yds. to and including 6 Yds., Koehring Scooper Heavy Duty Mechanic or Welder, Mucking Machine (Underground), Multi-batch Concrete Plant Operator, Piledriver Engineer, Power Shovels and Draglines - 1 Yd. to and including 3-1/2 Yds., Tower Crane Operator, Tractor - Crawler Type - including all attachments, Refrigeration Plant Operator (Over 1,000 Tons), Trimmer Machine Operator, Tournapulls - Euclid and Similar - to and including 40 Yds.	6.81	.40	.35		.10	
Group 7 Cableway Operator, Cranes - Over 50 Ton, Dredges, Fine Grader - CMI or Equivalent, Front End and Overhead Loaders and Similar Machines - Over 6 Yds., Power Shovels and Draglines over 3-1/2 Yds., Quad Type Tractors with all Attachments, Tournapulls - Euclid and Similar - Over 40 Yds. to and including 50 Yds., Multiple Scraper Units.	7.14	.40	.35		.10	

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1-IDA-SIDA-PEO-1-2-3-P (3-3)

POWER EQUIPMENT OPERATORS: (Cont'd)	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.	Oth
Group 8 Tournapulls - Euclid and Similar - Over 50 Yds. to and including 75 Yds.	7.38	.40	.35		.10	
Group 9 Tournapulls - Euclid and Similar - Over 75 Yds. to and including 100 Yds.	7.63	.40	.35		.10	
Group 10 Tournapulls - Euclid and Similar - Over 100 Yds.	7.87	.40	.35		.10	

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1-IDA-SIDA-TD-1-2-3-R (1-2)

TRUCK DRIVERS	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.	Ot
Group 1 LEVERMAN Loading at Bunkers	5.73	.40	.30	.05	.10	
Group 2 FLAT BED - 2 Axle and Pickup hauling material, Water Tank Truck (1800 gals and under), Fork Lift (3,000 and under)	5.79	.40	.30	.05	.10	
Group 3 FLAT BED - 3 Axle, Fuel Truck (1,000 Gals. and under), Greaser, Tireman, Servicemen, Buggymobile, Man Haul (Shuttle Truck or Bus).	5.85	.40	.30	.05	.10	
Group 4 TRANSIT MIX TRUCK - 3 Yds. and under, Warehouseman, Truck Helpers, Slurry or Concrete Pumping Truck	5.91	.40	.30	.05	.10	
Group 5 FLAT BED using Power Takeoff, Water Tank Truck (over 1,800-4,000 gals.) Semi-Trailer - Low Boy - up to 96,000 lbs. GVW, Bulk Cement Tanker - up to 96,000 lbs GVW, Fork Lift - over 3,000 lbs. (Hull Lift, Hydro Lift), Ross, Hyster and similar Straddle Equipment, "A" Frame Truck (Swedish Crane, Iowa 3,000, Hydro-lift).	5.97	.40	.30	.05	.10	
Group 6 TRANSIT MIX TRUCK, over 3 yds. - 6 yds	6.03	.40	.30	.05	.10	
Group 7 WATER TANK TRUCK - over 4,000 gals., Fuel Truck - over 1,000 gals., Distributor or Spreader Truck, Field Tireman - Serviceman	6.09	.40	.30	.05	.10	
Group 8 TRANSIT MIX TRUCK - over 6-8 yds., Dumptors	6.15	.40	.30	.05	.10	
Group 9 TRANSIT MIX TRUCK - over 8 - 10 yds.	6.27	.40	.30	.05	.10	

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1-IDA-SIDA-TD-1-2-3-R (2-2)

TRUCK DRIVERS (CONT'D)	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.	Oth
Group 10 LOW BOY - 96,000 lbs. GVW and over, Bulk Cement Tanker - 96,000 lbs. GVW and over	6.33	.40	.30	.05	.10	
Group 11 TRANSIT MIX TRUCK - over 10 yds.	6.39	.40	.30	.05	.10	
Group 12 TURNAROCKER and similar equipment	6.45	.40	.30	.05	.10	
Group 13 TRUCK - side, end and bottom dump (6 yds. and under)	5.91	.40	.30	.05	.10	
TRUCK - side, end and bottom dump (over 6 yds. - including 12 yds.)	6.03	.40	.30	.05	.10	
TRUCK - side, end and bottom dump (over 12 yds. - including 20 yds.)	6.27	.40	.30	.05	.10	
TRUCK - side, end and bottom dump (over 20 yds. including 30 yds.)	6.45	.40	.30	.05	.10	
TRUCK - side, end and bottom dump (over 30 yds. including 40 yds.)	6.58	.40	.30	.05	.10	
TRUCK - side, end and bottom dump (over 40 yds. including 50 yds.)	6.70	.40	.30	.05	.10	
TRUCK - side, end and bottom dump (over 50 yds. including 75 yds.)	6.94	.40	.30	.05	.10	
TRUCK - side, end and bottom dump (over 75 yds. including 100 yds.)	7.18	.40	.30	.05	.10	
TRUCK - side, end and bottom dump (over 100 yds.)	7.43	.40	.30	.05	.10	
Group 14 TRUCK MECHANIC	6.81	.40	.30	.05	.10	

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SOUTHERN IDAHO LINE CONSTRUCTION - R

LINE CONSTRUCTION:	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.	Other
All work over 34.5 KV and all work on steel towers and/or multiple wood structures and all substations of 1000 KVA or greater capacity and all communications, underground work except street and highway lighting and motor traffic controls:						
Groundman	$5.00	.25	1%		3/4%	
Equipment Operators	6.05	.25	1%		3/4%	
Lineman	6.63	.25	1%		3/4%	
Cable Splicer	7.29	.25	1%		3/4%	
All work 34.5 KV and under and all work on highway lighting and motor traffic controlling:						
Groundman	4.94	.25	1%		3/4%	
Equipment Operator	5.77	.25	1%		3/4%	
Lineman	6.41	.25	1%		3/4%	

SUPERSEDEAS DECISION

STATE: Kansas

COUNTIES: Allen, Anderson, Atchison, Bourbon, Brown, Butler, Chase, Chautauqua, Cherokee, Clay, Cloud, Coffey, Cowley, Crawford, Dickinson, Doniphan, Elk, Franklin, Geary, Greenwood, Harper, Harvey, Jackson, Kingman, Labette, Linn, Lyon, Marion, Marshall, McPherson, Montgomery, Morris, Nemaha, Neosho, Osage, Ottawa, Pottawatomie, Reno, Republic, Riley, Saline, Sumner, Wabaunsee, Washington, Wilson, Woodson

DECISION NO.: AP-519

DATE: Date of Publication

Supersedes Decision No. AM-11,403, dated March 17, 1972, in 37 FR 5664

DESCRIPTION OF WORK: Highway Construction

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Other
A-Frame Truck	$3.14					
Air Tool Man	2.65					
Asphalt Paving Machine	3.215					
Asphalt Spreader Screed Operator	2.75					
Asphalt Plant Heater Attendant	3.10					
Asphalt Plant Operator	3.62					
Asphalt Raker	3.00					
Auger Operator	3.08					
Back Filler Operator	3.06					
Back Hoe	3.61					
Blowing Mechanism on Straw Blower	2.50					
Brick Mason	3.65					
Bulldozer Operator	3.54					
Carpenter	3.64					
Carpenter Tender	2.88					
Cement Handler, Bulk	3.00					
Cement Mason	3.52					
Compressor Operator	2.70					
Concrete Central Plant Operator	3.75					
Concrete Gang Saw, Self-Propelled	3.35					
Concrete Finisher (Paving)	3.75					
Concrete Paver	3.92					
Concrete Paving Longitudinal Float	3.32					
Concrete Paving Spreader	4.00					
Concrete Saw	3.35					
Conveyor Operator	3.25					
Crane, or any Machine Power Swing	3.75					
Crusher, Feeder	3.50					
Crusher & Screening Plant Operator	3.50					
Distributor Driver	2.88					
Distributor Operator	3.00					
Electrician	4.31					
Euclid Loader Operator	3.20					
Finishing Machine Operator	3.50					
Form Liner and Setter	3.09					
Front End Loader, Over 1 C.Y.	3.39					
Front End Loader, 1 C.Y. & less	3.12					
Harrow, Disc, Seeder	2.75					
Hot Mastic Kettleman	3.00					
Ironworker (Ornamental & Structural)	2.75					
Laborer (Construction & General)	2.53					
Landscape Worker	2.53					
Lineman	4.30					
Line Truck & Equipment Operator	4.00					

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Other
Mechanic	$4.26					
Mechanic Helper	3.00					
Mixer (Skip)	3.00					
Motor Grader Operator (Finish)	3.55					
Motor Grader Operator (Rough)	3.43					
Oilers - Greasers	3.45					
Painter (Structural Steel & Bridge)	2.60					
Painter (Roadside Imp.)	2.00					
Piledriverman	4.33					
Pilot Car Driver	2.53					
Pipelayer	3.39					
Plumber (Roadside Imp.)	3.39					
Post Driver Operator	3.75					
Powderman	3.00					
Pump Operator	3.00					
Push Cat Operator	3.57					
Reinforcing Steel Setter	2.66					
Roller (Self-Propelled-Vibrator)	3.00					
Roller, Pneumatic (Self-Propelled)	2.85					
Roller, Steel (Self-Propelled)	3.00					
Roller (Self-Propelled-Not Asphalt)	3.00					
Roller, Steel Wheel (Plant Mix)	3.10					
Rotary Broom Operator	2.60					
Rotary Drill Operator	3.875					
Sand Blaster	2.65					
Scaleman	2.75					
Scoop Operator (Single Engine)	3.51					
Scoop Operator (Twin Engine)	3.75					
Serviceman	2.75					
Slurry Machine Operator	3.00					
Spreader Box Operator (Self-Propelled)	3.19					
Steel Worker (Structural)	3.27					
Subgrading Machine Operator	3.10					
Tamper Operator	2.53					
Tractor Operator, 50 HP or less	2.63					
Tractor Operator, Over 50 HP	3.00					
Tractor Operator, Fencing, 50 HP or less	3.29					
Trenching Machine Operator	3.38					
Trucks:						
Light	2.53					
Single Axle	2.66					
Tandem Axle	2.83					
Low Boy, Semi, Transit Mix	3.50					
Euclid, 17 C.Y. & less	3.25					
Euclid, Over 17 C.Y.	3.70					
Vibrating Machine Operator	2.53					
Wagon Drill Operator	2.85					
Welder	3.75					

SUPERSEDEAS DECISION

STATE: Kansas

COUNTY: Sedgwick

DECISION NO.: AP-520

DATE: Date of Publication

Supersedes Decision No. AM-11,404, dated March 17, 1972, in 37 FR 5665

DESCRIPTION OF WORK: Highway Construction

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Other
A-Frame Truck	$2.90					
Asphalt Paving Machine	3.35					
Asphalt Spreader Screed Operator	3.55					
Asphalt Raker	2.96					
Batching Plant Scaleman	2.36					
Bulldozer Operator	3.84					
Carpenter	3.63					
Carpenter Tender	2.75					
Cement Mason	3.50					
Compressor Operator	2.70					
Concreter Finisher (Curb & Gutter)	2.50					
Concreter Finisher (Paving)	3.46					
Concrete Paver	3.70					
Concrete Paving Curing Machine	2.48					
Concrete Saw	2.65					
Crane, or any Machine Power Swing	4.00					
Distributor Operator	3.00					
Finishing Machine Operator	3.40					
Form Liner and Setter	3.29					
Front End Loader, over 1 C.Y.	3.45					
Front End Loader, 1 C.Y. & less	3.30					
Laborer (Construction & General)	2.43					
Landscape Worker	2.43					
Mechanic	3.51					
Mechanic Helper	2.75					
Motor Grader Operator (Finish)	3.50					
Motor Grader Operator (Rough)	3.00					
Reinforcing Steel Setter	3.14					
Roller, Pneumatic (Self-Propelled)	3.16					
Roller, Steel (Self-Propelled)	3.16					
Roller, Steel Wheel (Plant Mix)	3.15					
Rotary Broom Operator	2.60					
Slurry Machine Operator	3.00					
Tractor Operator, 50 HP or less	2.75					
Tractor Operator, over 50 HP	2.90					
Trucks:						
Light	2.50					
Single Axle	2.72					
Tandem Axle	2.90					

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SUPERSEDEAS DECISION

STATE: Kansas

COUNTIES: Barber, Barton, Cheyenne, Clark, Comanche, Decatur, Edwards, Ellis, Ellsworth, Finney, Ford, Gove, Graham, Grant, Gray, Greely, Hamilton, Haskell, Hodgeman, Jewell, Kearny, Kiowa, Lane, Lincoln, Logan, Meade, Mitchell, Morton, Ness, Norton, Osborne, Pawnee, Phillips, Pratt, Rawlins, Rice, Rooks, Rush, Russell, Scott, Seward, Sheridan, Sherman, Smith, Stafford, Stanton, Stevens, Thomas, Trego, Wallace, Wichita

DECISION NO.: AP-521 DATE: Date of Publication

Supersedes Decision No. AM-11,403, dated March 17, 1972, in 37 FR 5666

DESCRIPTION OF WORK: Highway Construction

AP-521 P. 2

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.	Others
A-Frame Truck	$2.80					
Air Tool Man	2.50					
Asphalt Paving Machine	3.25					
Asphalt Spreader Screed Operator	3.25					
Asphalt Plant Heater Attendant	3.00					
Asphalt Plant Operator	3.25					
Asphalt Raker	2.60					
Back Hoe	3.53					
Batching Plant Scaleman	2.85					
Blowing Mechanism on Straw Blower	2.67					
Brick Mason	3.00					
Bulldozer Operator	3.50					
Carpenter	3.265					
Carpenter Tender	2.50					
Cement Mason	2.75					
Compressor Operator	2.50					
Concrete Finisher (Curb & Gutter)	3.625					
Concrete Finisher (Paving)	3.65					
Concrete Paver	3.65					
Concrete Saw	3.16					
Conveyor Operator	2.75					
Crane, or any Machine Power Swing	3.535					
Crusher & Screening Plant Operator	3.00					
Distributor Driver	2.87					
Distributor Operator	3.00					
Electrician	3.50					
Finishing Machine Operator	3.02					
Form Liner and Setter	2.78					
Form Machine (Curb & Gutter)	2.90					
Front End Loader, Over 1 C.Y.	3.14					
Front End Loader, 1 C.Y. & less	2.88					
Harrow, Disc, Seeder	2.65					
Hot Mastic Kettleman	2.75					
Ironworker (Ornamental & Structural)	2.50					
Laborer (Construction & General)	2.42					
Mechanic	3.14					
Mechanic Helper	2.50					
Mixer (Skip)	3.00					
Motor Grader Operator (Finish)	3.50					
Motor Grader Operator (Rough)	3.25					
Oilers - Greasers	3.05					
Piledriverman	$3.625					
Pipelayer	2.955					
Post Driver Operator	3.10					
Push Cat Operator	3.48					
Reinforcing Steel Setter	2.59					
Roller, Pneumatic (Self-Propelled)	2.755					
Roller, Not Asphalt (Self-Propelled)	2.80					
Roller, Sheepsfoot	2.50					
Roller, Steel (Self-Propelled)	2.80					
Roller, Steel Wheel (Plant Mix)	3.00					
Rotary Broom Operator	2.59					
Sand Blaster	2.60					
Scaleman	2.60					
Scoop Operator (Single Engine)	3.21					
Scoop Operator (Twin Engine)	3.25					
Scraper	3.00					
Seaman Mixer	2.55					
Serviceman	2.60					
Spreader Box Operator (Self-Propelled)	2.95					
Tamper Operator	2.50					
Tractor Operator, 50 HP or less	2.55					
Tractor Operator, over 50 HP	3.00					
Tractor Operator, Fencing, 50 HP or less	2.625					
Traveling Plant Stabilizer	3.53					
Trenching Machine Operator	3.38					
Trucks:						
Light	2.625					
Single Axle	2.50					
Tandem Axle	2.625					
Low Boy, Semi, Transit Mix	3.25					
Euclid, 17 C.Y. & less	2.95					
Vibrating Machine Operator	2.50					
Welder	3.00					

SUPERSEDEAS DECISION

STATE: Kentucky COUNTY: Boyd

DECISION NUMBER: AP-170 DATE: Date of Publication

Supersedes Decision No. AM-8625 dated June 23, 1972 - 37 FR 12471.

DESCRIPTION OF WORK: Building Construction, (excluding single family homes and garden type apartments up to and including 4 stories).

AP-170 P. 2

10-KY-1-n (2-2)

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Other
Asbestos workers	$8.65	.25	.25		.02	
Boilermakers-Blacksmiths	7.95	.30	.60		.01	
Boilermakers-Blacksmiths' helpers	7.70	.30	.60		.01	
Bricklayers:	8.00					
Bricklayers	8.00					
Stone masons						
Carpenters:	7.36	.30	.50		.02	
Carpenters	8.70	.30	.37		.02	
Millwrights	7.61	.30	.50		.02	
Piledrivermen	8.23					
Cement masons						
Electricians:	7.15	.30	3% + .27	1.02	.04	
Electricians	7.865	.30	3% + .27	1.02	.04	
Cable splicers (electricians)	7.35	.20	3% + .27	1.02	.02	
Linemen	5.87	.20	3% + .27	1.02	.02	
Groundmen						
Elevator Constructors:	7.74	.17	.185	½ a & b	.005	
Elevator constructors	70%FR	.17	.185	½ a & b	.005	
" " helpers	50%FR					
" " " (prob.)						
Ironworkers:	8.40	.50	.55		.01	
Structural	8.40	.50	.55		.01	
Ornamental	8.40	.50	.55		.01	
Reinforcing	7.05		.10			
Lathers	7.80	.30		d	.01	
Lead burners						
Painters:						
Commercial:	5.60					
Brush	6.10					
Spray						
Industrial:	6.50					
Brush	7.05					
Spray	8.23					
Plasterers						
Plumbers and steam fitters:	7.05	.35	.60	c + 1.00	.10	
Within a 5 mile radius of 17th Street and Winchester Ave., Ashland	7.45	.35	.60	c + 1.00	.10	
Over 5 mile and within a 15 mile radius of 17th and Winchester Ave., Ashland	7.55	.35	.60	c + 1.00	.10	
Over 30 miles radius of 17th Street and Winchester Ave., Ashland	7.89	.38	.20			
Roofers	8.68	.45	.40		.04	
Sheet metal workers	7.36	.30	.50		.02	
Soft floor layers	8.20	.25	.40		.05	
Sprinkler fitters						
Welders--Receive rate prescribed for craft performing operation to which welding is incidental						

Footnotes:

a. Six paid holidays; A through F

b. Employer contributes 4% of regular hourly rate to vacation pay credit for employee who has worked in ousiness more than 5 years. Employer contributes 2% of regular hourly rate to vacation pay credit for employee who worked in business less than 5 years.

c. Two paid holidays: C and F.

d. Nine paid holidays: A through F, plus Washington's Birthday, Good Friday and Christmas Eve providing employee has worked 45 full days during the 120 calendar days prior to the holiday and the regular scheduled work days immediately preceding and following the holiday.

PAID HOLIDAYS

A-New Year's Day; B-Memorial Day; C-Independence Day; D- Labor Day; E-Thanksgiving Day; F-Christmas Day.

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KY-10-Lab. - 1 K (1-1)

	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Other
Laborers: Industrial Work						
Laborers, carpenters' helpers, concrete men, wreckers and wall men, handlers of empty oxygen and acetylene bottles	$5.31	.25	.20			
Hod carriers, mortar men, cement finishers' helpers, lathers and plasterers' tenders	5.46	.25	.20			
Jackhammer and electrical, gas or air power driven tools, burning torch, wagon drill operators, tile layers, handling of all creosote material, signal men and asphalt raker	5.56	.25	.20			
Wrapping, heating and applying hot and cold tar on all pipes, applying tape on pipes and operating of tester	5.48	.25	.20			
Deck hand and scow men	5.51	.25	.20			
Rock and powdermen	5.81	.25	.20			
Sand hog or mucker, tunnel miners	6.01	.25	.20			
Caisson worker	6.51	.25	.20			
Laborers: Commercial Work						
Laborers, carpenters' helpers, concrete men, wreckers, wall men, handlers of empty oxygen and acetylene bottles	5.31	.25	.20			
Hod carriers, mortar men, cement finishers' helpers, lathers and plasterers' tenders	5.46	.25	.20			
Jackhammer and electrical, gas or air power driven tools, burning torch, wagon drill operators and tile layers, handling of all creosote material, signal men, tool room men, asphalt raker and sandblasters	5.56	.25	.20			
Wrapping, heating and applying hot and cold tar on all pipes, applying tape on pipes and operating of tester	5.48	.25	.20			
Deck hand and scow men	5.51	.25	.20			
Rock and powdermen	5.81	.25	.20			
Sand hog or mucker, tunnel miners	6.01	.25	.20			
Caisson workers	6.51	.25	.20			

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KENTUCKY 1-PEO-1 -H

	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Other
POWER EQUIPMENT OPERATORS						
Class A Operators:						
Auto patrol, batcher plant, bituminous paver, cableway, central compressor plant, Clamshell, concrete mixer (21 cu. ft. or over), concrete pump, crane, crusher plant, derrick, derrick boat, ditching and trenching machine, dragline, dredge operator, dredge engineer, elevating grader and all types of loaders, hoetype machine, hoisting engine (2 or more drums) locomotive, motor scraper, carry-all scoop, bulldozer, heavy duty welder, mechanic, orangepeel bucket, pile driver, power blade, motor grader, roller (bituminous), scarifier, shovel, tractor shovel, truck crane, winch truck, push dozer, highlift, forklift (regardless of lift height), all types of boom cats, core drill, hopto, tow or push boat, A-Frame winch truck, concrete paver, gradeall, hoist, hyster, pumpcrete, ross carrier, side boom, tail boom, rotary drill, hydro hammer, mucking machine, rock spreader attached to equipment, scoopmobile, KeCal loader, tower cranes (French, German and other types), hydro crane, backfiller, gurries, sub-grader	$7.20	.25	.25			
Class B Operators:						
All air compressors, (600 cu. ft. per min. or greater capacity), bituminous mixer, joint sealing machine, concrete mixer (under 21 cu. ft.), form grader, roller (rock), tractor (50 H. P. and over) bull float, finish machine, outboard motor boat, flexoplane, fireman, boom type tamping machine, truck crane oiler, greaser on grease facilities servicing heavy equipment, switchman or brakeman, mechanic helper, whirley oiler, self propelled compactor, tractair and road widening trencher and farm tractor with						

AP-170 P.5

KENTUCKY 1-PEO-1 - H

	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Other
POWER EQUIPMENT OPERATORS (Cont'd)						
Class B Operators (cont'd): attachments except backhoe, highlift and end loader, elevator (regardless of ownership when used for hoisting any building material), hoisting engine (one drum or buck hoist), well points, grout pump, throttle-valve man, tugger, electric vibrator compactor	$5.86	.25	.25			
Class C Operators: Bituminous distributor, cement gun, conveyor, mud jack, paving joint machine, roller (earth), tamping machine, tractors (under 50 HP), vibrator, oiler, concrete saw, burlap and curing machine, hydro-seeder, power form handling equipment, deckhand oiler, hydraulic post driver, and drill helper	5.42	.25	.25			

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Kentucky 10 - TD - M

	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Other
TRUCK DRIVERS						
Warehousemen, yardmen, truck helpers, pick-ups, station wagons, panel trucks, Flatbody material trucks (straight jobs), greasers, washers, tiremen, gas pump attendants, dump trucks (up to 5 cu. yds.)	$6.60	a28.50	a26.00	b		
Tank Trucks (straight)	6.70	a28.50	a26.00	b		
Dump trucks (5 cu. yds. or over), semi-dump trucks, semitrailers whether flat, rack or pole & hauling or pushed by trucks or tractors, agiators or mixer trucks (up to 5 cu. yds), farm type tractors, tank trucks (semi)	6.85	a28.50	a26.00	b		
Lowboys trailers, winch trucks, fork trucks, distributors trucks (front and back end), truck cranes, monirails	6.90	a28.50	a26.00	b		
Euclids, dumpsters, Turnarockers, Ross carriers, Athey wagons or similar equipment, A-Frame, Hydro-lifts, dual purpose trucks & mechanics	7.25	a28.50	a26.00	b		
Agitators or mixer trucks (5 cu. yds. & over	7.00	a28.50	a26.00	b		
Material checkers and receivers mechanics helpers	6.95	a28.50	a26.00	b		

FOOTNOTES:

a. Per month, for employees employed over 30 days or more

b. Employees working a minimum of 480 hours receive 1 hours pay for each 40 hours worked with limit to 52 hours pay.

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SUPERSEDEAS DECISION

STATE: Kentucky
DECISION NUMBER: AP-171
Supersedes Decision No. AP-132 dated October 13, 1972 - 37 FR 21763.
DESCRIPTION OF WORK: Building Construction, (excluding single family homes and garden type apartments up to and including 4 stories).
COUNTY: Jefferson
DATE: Date of Publication

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Asbestos workers	$8.40	.25	.20			
Boilermakers - Blacksmiths	8.10	.30	.70	.55	.01	
Boilermakers - Blacksmiths' helpers	7.85	.30	.70	.55	.01	
Bricklayers:						
Bricklayers and concrete block layers	8.13	.25	.40			
Caulkers	8.13	.25	.40			
Cleaners	8.13	.25	.40			
Pointers	8.13	.25	.40			
Stone masons	8.13	.25	.40			
Carpenters:						
Carpenters	7.80	.30	.30			
Carpenters when work in excess of 30' to 100' above ground or a solid floor on scaffold, skip hoist, tower or slip form	8.05	.30	.30			
Carpenters, when working in excess of 100' above ground or a solid floor on scaffold, skip hoist, tower or slip form	8.30	.30	.30			
Carpenters, when working on suspended or swinging scaffold	8.05	.30	.30			
Cement masons	7.93	.40				
Electricians, linemen and hole digger:						
Zone 1 (within 26 mile radius of third & Broadway, Louisville)	9.38	.25	1%		½ of 1%	
Zone 2 (over 26 mile radius)	9.78	.25	1%		½ of 1%	
Groundmen:						
Zone 1	5.82	.25	1%		½ of 1%	
Zone 2	6.17	.25	1%		½ of 1%	
Elevator constructors	8.45	.345	.23	2%a+b	.015	
Elevator constructors' helpers	5.915	.345	.23	2%a+b	.015	
Elevator constructors' helpers (prob).	4.225					
Glaziers	7.15	.30	.30			
Ironworkers:						
Conveyormen, machinery movers	8.30	.50	.75		.04	
Strucutral, ornamental and reinforcing	8.30	.50	.75		.04	
Riggers, fence erectors, shoesers	8.30	.50	.75		.04	
Lathers	7.84		.20		.01	
Leadburners	7.80	.30		o	.01	
Marble, tile and terrazzo workers	7.60	.25	.40			
Marble, tile and terrazzo workers' helpers	6.45					
Millwrights	8.28	.30	.30			
Millwrights, when working 30' above ground or solid floor	8.78	.30	.30			
Painters:						
Zone 1 - 35 mile radius from Jefferson Co. Courthouse, Louisville, Ky.						
New Construction:						
Basic	6.84	.25	.10		.03	
Special	7.19	.25	.10		.03	

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	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Painters (cont'd):						
Zone 1 (cont'd)						
New Construction						
Spray	$7.29	.25	.10		.03	
Old Construction:						
Basic	6.64	.25	.10		.03	
Special	6.99	.25	.10		.03	
Spray	7.09	.25	.10		.03	
Zone 2 - Over 35 miles radius from Jefferson Co. Courthouse, Louisville, Ky.						
New Construction:						
Basic	7.19	.25	.10		.03	
Special	7.54	.25	.10		.03	
Spray	7.64	.25	.10		.03	
Old Construction:						
Basic	6.99	.25	.10		.03	
Special	7.34	.25	.10		.03	
Spray	7.44	.25	.10		.03	
Work on bridges (Over navigable water) $2.00 per hour premium all Zones	7.80	.30	.30			
Piledrivermen	7.60					
Plasterers	8.15	.33	.50	.77	.07	
Plumbers						
Roofers:	6.20	.30	.20			
Roofers	6.60	.30	.20			
Slate, tile and precast concrete slab	4.45	.30	.20			
Helpers	8.55	.60	.60		.05	
Sheet metal workers	7.80	.30	.30			
Soft floor layers	8.20	.25	.40		.05	
Sprinkler fitters	8.30	.25	.60	.50	.07	
Steam fitters						

Footnotes:

a. Six paid holidays: A through F.

b. Employer contributes 1% of regular hourly rate to vacation pay credit for employee who has worked in business more than 5 years. Employer contributes 2% of regular hourly rate to vacation pay credit for employee who has worked in business less than 5 years.

c. Nine paid holidays: A through F, plus Washington's Birthday, Christmas Eve and Good Friday, providing employee has worked 45 full days during the 120 calendar days prior to the holiday and the regular scheduled work days immediately preceding and following the holiday.

PAID HOLIDAYS

A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

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KY-56-Lab - 1 M (1-1)

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Other
Laborers:						
General laborers	$5.80	.25	.25			
Air tool operator and vibrator	6.00	.25	.25			
Power driven Georgia buggy and chain saw	5.95	.25	.25			
Wagon drill, pipe layer, well man, burner man and joint maker	6.00	.25	.25			
Stackman	6.20	.25	.25			
Powderman	6.25	.25	.25			
Sand hog or mucker (free air)	6.50	.25	.25			
Caisson worker	7.25	.20	.25			
Asphalt raker	6.00	.25	.25			
Side rail setter (metal)	6.15	.25	.25			
Sand miner (tunnel) (free air)	6.80	.25	.25			
Gunnite nozzle man (sewer)	6.30	.25	.25			
Tunnel (free air)	6.30	.25	.25			
Driller, air track	6.05	.25	.25			
Mason tenders, mortar mixers	6.15	.25	.25			

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KENTUCKY 1-PEO-1-H

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Ot
POWER EQUIPMENT OPERATORS						
Class A Operators: Auto patrol, batcher plant, bituminous paver, cableway, central compressor plant, Clamshell, concrete mixer (21 cu. ft. or over), concrete pump, crane, crusher plant, derrick, derrick boat, ditching and trenching machine, dragline, dredge operator, dredge engineer, elevating grader and all types of loaders, hoetype machine, hoisting engine (2 or more drums) locomotive, motor scraper, carry-all scoop, bulldozer, heavy duty welder, mechanic, orangepeel bucket, pile driver, power blade, motor grader, roller (bituminous), scarifier, shovel, tractor shovel, truck crane, winch truck, push dozer, highlift, forklift (regardless of lift height), all types of boom cats, core drill, hopto, toe or push boat, A-Frame winch truck, concrete paver, gradeall, hoist, hyster, pumpcrete, ross carrier, side boom, tail boom, rotary drill, hydro hammer, mucking machine, rock spreader attached to equipment, scoopmobile, KnCal loader, tower cranes (French, German and other types), hydro crane, backfiller, gurries, sub-grader	$7.20	.25	.25			
Class B Operators: All air compressors, (600 cu. ft. per min. or greater capacity), bituminous mixer, joint sealing machine, concrete mixer (under 21 cu. ft.), form grader, roller (rock), tractor (50 H. P. and over) bull float, finish machine, outboard motor boat, flexoplane, fireman, boom type tamping machine, truck crane oiler, greaser on grease facilities servicing heavy equipment, switchman or brakeman, mechanic helper, shirley oiler, self propelled compactor, tractair and road widening trencher and farm tractor with						

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MONTANA 1-PRO-1-H

POWER EQUIPMENT OPERATORS (Cont'd)	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Other
Class B Operators (cont'd): attachments except backhoe, highlift and end loader, elevator (regardless of ownership when used for hoisting any building material), hoisting engine (one drum or buck hoist), well points, grout pump, throttle-valve man, tugger, electric vibrator compactor	$5.86	.25	.25			
Class C Operators: Bituminous distributor, cement gun, conveyor, mud jack, paving joint machine, roller (earth), tamping machine, tractors (under 50 HP), vibrator, oiler, concrete saw, burlap and curing machine, hydro-seeder, power form handling equipment, deckhand oiler, hydraulic post driver, and drill helper	5.42	.25	.25			

KY-56-TD - 1 D (1-1)

	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Others
Truck Drivers:						
3 tons and under	$5.72	a	a	b		
Over 3 tons	5.83	a	a	b		
Semi-trailer, tandem axle or pole trailers and dumps	5.83	a	a	b		
Euclid and other heavy earth moving equipment and lowboy	6.00	a	a	b		
Winch truck and A-Frame and monorail truck when used to transport building materials	6.00	a	a	b		
Fork lift truck when used to transport building materials	6.00	a	a	b		
Mechanic	5.90	a	a	b		
Mechanic helpers, greasers and tire changers	5.72	a	a	b		
Helpers	5.60	a	a	b		
Concrete mixers (all types), hauling only on job site	5.90	a	a	b		

FOOTNOTES

a. Employer contributes $13.50 per week to Health and Welfare; and $14.00 per week to Pension for each employee whose name appears on the payroll that week who has been employed a minimum of 20 work days within any 90 consecutive day period.

b. Employees who have been regularly employed on a project by an employer for one year and who have worked a minimum of 1200 hours during the year receive a vacation and pay for 40 hours. Employees who have been regularly employed on a project by an employer for one year, and who have worked a minimum of 650 hours during the year receive a vacation and pay for 20 hours. Employees who have worked 1200 hours since their 2nd year of employment and have completed three years receive an additional week vacation (40 hours).

SUPERSEDEAS DECISION

STATE: Montana
DECISION NUMBER: AP-272
Supersedes Decision Nos. AP-229 dated September 1, 1972 in 37 FR 17940 and AP-230 dated September 1, 1972 in 37 FR 17945
DESCRIPTION OF WORK: Heavy and Highway Construction

COUNTIES: Statewide*
DATES: Date of Publication

	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Other
Carpenters:						
Carpenters	$6.01	.30	.35		.01	
Piledrivermen; Sawfilers; Carpenters on charred & creosote wood	6.16	.30	.35		.01	
Cement Masons (Eastern Counties):						
Cement Masons	5.64	.35	.15			
Grinder, bush hammer & clipping fan preparing finish surface; Epoxy	5.79	.35	.15			
Cement Masons (Western Counties):						
Cement masons	5.89	.35	.15			
Grinder, bush hammer & clipping fan preparing finished surface; Exopy	6.04	.35	.15			
Electricians:						
Beaverhead-Jefferson-Madison & Silverbow Counties	6.65	.30	1%		½	
Big Horn-Carbon-Golden Valley-Musselshell-Powder River-Rosebud-Stillwater-Treasure & Yellowstone Cos.	6.94	.20	1%		½	
Broadwater-Lewis & Clark & Meagher Cos.	6.50		1%		½	
Cascade-Choteau-Glacier-Judith Basin-Pondera-Teton & Toole Cos.	7.55	.20	1%		½	
Deerlodge-Granite-Powell Cos.	6.95		1%		½	
Fergus-Petroleum & Wheatland Cos.:						
(Electrical Contracts less than $20,000)	5.40		1%		½	
(Electrical Contracts $20,000 or more)	6.10		1%		½	
Flathead-Lake-Mineral-Missoula-Ravalli & Sanders Cos.	6.68		1%		½	
Gallatin County	6.15	.20	1%		½	
Blaine-Hill-Liberty-Lincoln & Phillips Park & Sweetgrass Counties	6.30		1%		½	
(Electrical Contracts less than $25,000)	6.05	.20	1%		½	
(Electricial Contracts Over $25,000)	6.94	.20	1%		½	

Electricians (cont'd)	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Others
Carter-Daniels-Dawson-Fallon-McCone-Prairie-Richland-Roosevelt-Sheridan-Valley & Wibaux Counties	$6.40		1%		½	
Custer & Garfield Counties	5.24		1%		½	
Ironworkers:						
Beaverhead-Broadwater-Deerlodge-Gallatin-Granite-Jefferson-Lewis & Clark (Southern half including Wolf Creek)-Madison-Park-Powell-Ravalli & Silverbow Counties	6.95	.35	.50			
Flathead-Glacier-Lake-Lincoln-Mineral-Missoula and Sander Counties	7.56	.48	.65		.05	
Remaining Counties	6.88	.35	.50		.04	
Painters:						
Beaverhead-Broadwater-Jefferson-Madison and Silverbow Counties:						
Brush	5.56					
Roller, over 8 ft.	6.06					
Spray	8.34					
Big Horn-Carbon-Carter-Custer-Daniels-Dawson-Fallon-Garfield-Golden Valley-McCone-Musselshell-Phillips-Powder River-Prairie-Richland-Roosevelt-Rosebud-Sheridan-Stillwater Treasure-Valley-Wheatland-Wilbaux & Yellowstone Counties:						
Brush	5.54	.25	.20			
Steel	5.79	.25	.20			
Spray	6.32	.25	.20			
Cascade-Choteau-Glacier-(excluding Glacier National Park)-Judith Basin-Lewis & Clark N.-Pondera-Teton & Toole Counties:						
Brush	5.49	.25	.30			
Brush on steel	5.99	.25	.30			
Spraying; Sandblasting	7.74	.25	.30			
Granite-Lake-Mineral-Missoula-Powell-Ravalli and Sanders Counties:						
Brush; Spray; Sign Painters	5.66	.30	.15			
Plumbers:						
Blaine-Cascade-Choteau-Fergus-Glacier-Hill-Judith Basin-Liberty-McCone-Phillips-Pondera-Roosevelt-Teton-Toole and Valley counties	6.91	.35	.50		.04	
Flathead and Lincoln Counties	5.90	.30	.30		.02	
Mineral and Missoula Counties	6.58	.30	.30		.05	
Beaverhead-Broadwater-Deerlodge-Gallatin-Granite-Jefferson-Lewis & Clark-Madison-Meagher-Park-Powell-Silverbow-Sweetgrass Counties	6.30	.25	.15		.05	
Big Horn-Carbon-Carter-Custer-Daniels-						

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Plumbers (Cont'd)	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.	Other
Dawson-Fallon-Garfield-Golden Valley-Musselshell-Petroleum-Powder River-Prairie-Richland-Rosebud-Sheridan-Stillwater-Treasure-Wheatland-Wibaux-Yellowstone Counties	$7.30	.40	.40		1%	
Sheet Metal Workers:						
Blaine-Cascade-Choteau-Glacier-Hill-Judith Basin-Liberty-Pondera-Teton-Toole Counties	7.05	.22				
Gallatin County	6.56	.27	.10		.02	
Broadwater-Jefferson, S½ incl. City of Boulder-Lewis & Clark-Meagher Cos.	7.12	.22	.10			
Flathead-Lake-Lincoln-Mineral-Missoula-Ravalli-Sanders	6.88	.22	.10		.01	
Big Horn-Carbon-Carter-Custer-Daniels-Dawson-Fallon-Fergus-Garfield-Golden Valley-McCone-Musselshell-Petroleum-Phillips-Powder River-Park-Prairie-Richland-Roosevelt-Rosebud-Sheridan-Stillwater-Sweet Grass-Valley-Wheatland						
Wibaux-Treasure and Yellowstone Cos.	6.62	.27	.20		.02	
Beaverhead-Deerlodge-Jefferson(N.)-Madison-Powell and Silverbow Counties	6.55	.27	.20			

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LABORERS	EASTERN COUNTIES Basic Hourly Rates	WESTERN COUNTIES Basic Hourly Rates	ALL COUNTIES Fringe Benefits Payments H & W	Pensions	Vacation	App. T
Asphalt Raker	$5.05	$5.20	.30	.25		.03
Axeman	4.89	5.04	.30	.25		.03
Car & Truck Loaders, Scissorman	4.89	5.04	.30	.25		.03
Caisson Workers (Free Air)	5.05	5.20	.30	.25		.03
Carpenter Tender	4.89	5.04	.30	.25		.03
Cement Handlers	5.05	5.20	.30	.25		.03
Choker Setter	5.05	5.20	.30	.25		.03
Chuck Tender & Nipper (above ground)	4.89	5.04	.30	.25		.03
Concrete Laborers (wet or dry), Bucketman, Signalman & Cement Mason Tender	5.05	5.20	.30	.25		.03
Concrete or Asphalt Saw	4.99	5.14	.30	.25		.03
Concrete Vibrator (5" and over)	5.10	5.25	.30	.25		.03
Creosote Material Handler, Epoxy, other chemically injurious material	5.05	5.20	.30	.25		.03
Cosmolene applying and removing	4.89	5.04	.30	.25		.03
Core Drill	5.49	5.64	.30	.25		.03
Curb Machine	4.99	5.14	.30	.25		.03
Drills, Air-Tract, self-propelled, Cat or Truck mounted air operated	5.15	5.30	.30	.25		.03
Drills, Air-Tract, with Dual Masts	5.25	5.40	.30	.25		.03
Drills, Air-Tract, self-propelled, Mustang type or similar	5.25	5.35	.30	.25		.03
Dumpman (Spotter)	4.89	5.04	.30	.25		.03
Dumpman (Grademan)	5.05	5.20	.30	.25		.03
Fence Erector & Installer (Incl. installation & erection of fences, guard rails, median rails, reference posts, guide posts & right of way markers)	4.89	5.04	.30	.25		.03
Form Stripper	4.89	5.04	.30	.25		.03
Form Setter	4.99	5.14	.30	.25		.03
Grade Setter	5.15	5.30	.30	.25		.03
General Laborer	4.89	5.04	.30	.25		.03
Hand Faller	4.97	5.12	.30	.25		.03
High Scaler	5.25	5.40	.30	.25		.03
High Pressure Machine Nozzleman	5.09	5.25	.30	.25		.03
Heater Tender	4.89	5.04	.30	.25		.03
Jackhammer, Pavement Breaker, Wagon Driller, Vibrator, Mechanical Tamper, Cat or Truck Mounted Air Operated Drills, Vibrating Roller hand steered and other Air Tools	5.05	5.20	.30	.25		.03
Landscape Laborer	4.89	5.04	.30	.25		.03
Nozzleman-Air and Water, Gunite and Placo Machine	4.99	5.14	.30	.25		.03
Pilot Car	4.89	5.04	.30	.25		.03
Pipe Layer (all types)	5.05	5.20	.30	.25		.03
Pipe Wrapper	5.05	5.20	.30	.25		.03
Post Hole Digger (Power Auger)	4.99	5.14	.30	.25		.03

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LABORERS (CONT'D)	EASTERN COUNTIES Basic Hourly Rates	WESTERN COUNTIES Basic Hourly Rates	ALL COUNTIES Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr
Power Saw, Bucking	$5.05	$5.20	.30	.25		.03
Power Saw, Falling	5.15	5.30	.30	.25		.03
Powderman	5.45	5.60	.30	.25		.03
Powderman Helper	4.99	5.14	.30	.25		.03
Power Driven Wheelbarrow	4.99	5.14	.30	.25		.03
Riprapper	5.05	5.20	.30	.25		.03
Riprap Helper	4.89	5.04	.30	.25		.03
Rodder and Spreader (concrete)	5.05	5.20	.30	.25		.03
Scaleman	5.05	5.20	.30	.25		.03
Sandblaster	4.99	5.14	.30	.25		.03
Sandblaster Tailhose Man, Pot Tender	4.89	5.04	.30	.25		.03
Sodcutter-Hand Operated	4.89	5.04	.30	.25		.03
Stake Jumper for Equipment	4.89	5.04	.30	.25		.03
Tar Pot	4.99	5.14	.30	.25		.03
Tool Checker, Toolhouseman	4.89	5.04	.30	.25		.03

AP-272 P. 6

POWER EQUIPMENT OPERATORS	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.	Oth
A-Frame Truck Crane, Winch Truck and similar	$6.71	.45	.45		.02	
Air Compressor, Single	6.40	.45	.45		.02	
Air Compressor, two or more	6.57	.45	.45		.02	
Air Doctor	6.87	.45	.45		.02	
Asphalt Paving Machine	6.87	.45	.45		.02	
Asphalt Paving Machine Screed	6.87	.45	.45		.02	
Automatic Finegrader, Gurries and other similar types	7.00	.45	.45		.02	
Belt Finish Machine	6.57	.45	.45		.02	
Bit Grinder	6.87	.45	.45		.02	
Bituminous Mixer Paving, Travel Plant	6.87	.45	.45		.02	
Boring Machine (small), Jeep, pickup or farm tractor mounted	6.46	.45	.45		.02	
Boring Machine (large)	6.87	.45	.45		.02	
Broom, self-propelled	6.54	.45	.45		.02	
Cableway Highline	7.38	.45	.45		.02	
Cement Silo	6.66	.45	.45		.02	
Central Mixing Plants, Concrete dam & stationary	7.12	.45	.45		.02	
Chain Bucket Loader	6.59	.45	.45		.02	
Chip or Gravel Spreader, self-propelled	6.59	.45	.45		.02	
Concrete Batch Plant, one & two mixers	6.87	.45	.45		.02	
Concrete Batch Plant, three and four mixers	7.07	.45	.45		.02	
Concrete Batch Plant, five mixers & over	7.27	.45	.45		.02	
Concrete Batch Plant Oiler, up to & incl. two mixers	6.39	.45	.45		.02	
Concrete Batch Plant Oiler, three mixers and over	6.70	.45	.45		.02	
Concrete Bucket Dispatcher	6.87	.45	.45		.02	
Concrete Curing Machine	6.87	.45	.45		.02	
Concrete Finish Machine Paving	6.87	.45	.45		.02	
Concrete Float-Spreader	6.87	.45	.45		.02	
Concrete Mixer, three bags & under	6.46	.45	.45		.02	
Concrete Mixer, four bags and over	6.63	.45	.45		.02	
Concrete Power Saw, self-propelled	6.87	.45	.45		.02	
Concrete Travel Batcher	6.87	.45	.45		.02	
Conveyor Loader, up to & incl. 42" belt	6.45	.45	.45		.02	
Conveyor Loader, over 42 inch belt	6.57	.45	.45		.02	
Crane, to & incl. 80' boom with jib	7.03	.45	.45		.02	
Crane, 81' to 130' boom	7.18	.45	.45		.02	

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POWER EQUIPMENT OPERATORS (cont'd)	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Other
Crane, 131' to 150' boom	$7.23	.45	.45		.02	
Crane, 151' boom & over	7.28	.45	.45		.02	
Crane Oiler	6.44	.45	.45		.02	
Crusher	6.87	.45	.45		.02	
Crusher Oiler & Helper	6.36	.45	.45		.02	
Crusher Conveyor, when required	6.33	.45	.45		.02	
Distributor	6.87	.45	.45		.02	
DW 10, 15, or 20 Tractor pulling roller	6.59	.45	.45		.02	
Electric Overhead Cranes	7.05	.45	.45		.02	
Elevating Grader	6.87	.45	.45		.02	
Farm Type Tractor, up to & incl. 50 HP Engine	6.33	.45	.45		.02	
Farm Type Tractor, over 50HP Engine	6.41	.45	.45		.02	
Field Equipment Serviceman	6.79	.45	.45		.02	
Field Equipment Serviceman Helper	6.36	.45	.45		.02	
Fireman	6.46	.45	.45		.02	
Forklift, on construction job site	6.68	.45	.45		.02	
Form Grader	6.64	.45	.45		.02	
Gradall	6.87	.45	.45		.02	
Grade Setter	6.33	.45	.45		.02	
Heavy Duty Drill, all types	6.87	.45	.45		.02	
Heavy Duty Driller Helper	6.46	.45	.45		.02	
Herman-Nelson Heaters & similar type	6.41	.45	.45		.02	
Hoist, Single drum	6.64	.45	.45		.02	
Hoist, two or more drums	6.87	.45	.45		.02	
Helicopter Hoist	7.37	.45	.45		.02	
Hot Plant	6.87	.45	.45		.02	
Hot Plant Fireman, when in Operation	6.87	.45	.45		.02	
Hot Plant Oiler, 100 ton per hour or over	6.36	.45	.45		.02	
Hydra lift and similar types	6.77	.45	.45		.02	
Industrial Locomotive all classes	6.87	.45	.45		.02	
Mechanic and/or Welder on job	6.97	.45	.45		.02	
Mechanic and/or Welder Helper on job	6.36	.45	.45		.02	
Mixermobile	6.95	.45	.45		.02	
Motor Patrol	7.00	.45	.45		.02	
Mountain Logger or smiilar type	6.87	.45	.45		.02	
Mucking Machine	6.87	.45	.45		.02	
Oiler-Driver, Tubber Tired Cranes	6.44	.45	.45		.02	
Oilers, other than Shovels & Cranes	6.36	.45	.45		.02	
Oiler, hoist house, dams	6.77	.45	.45		.02	
Pavement Breaker, Emsco & similar	6.87	.45	.45		.02	
Paving & Mixing Machine	7.00	.45	.45		.02	
Power Auger, Large Truck or Tractor Mounted	6.87	.45	.45		.02	
Power Mixer, single or double drum	6.87	.45	.45		.02	
Power Saw, Multiple cut, self-propelled	6.87	.45	.45		.02	
Pumpcrete or Grout Machine	6.87	.45	.45		.02	
Pumpman	6.40	.45	.45		0.2	

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POWER EQUIPMENT OPERATORS (cont'd)	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Other
Push Tractor	$6.87	.45	.45		.02	
Quad Cat	7.17	.45	.45		.02	
Refrigerator Plant	6.87	.45	.45		.02	
Retort	6.46	.45	.45		.02	
Roller, on blade or hot mix oil paving	6.87	.45	.45		.02	
Roller, on other blade or hot mix paving	6.57	.45	.45		.02	
Roller, 25 ton or over	6.87	.45	.45		.02	
Ross & similar type carriers, on construction site	6.87	.45	.45		.02	
Rubber-tired Dozer	6.87	.45	.45		.02	
Rubber-tired Front End Loader, 1 yd. & under	6.58	.45	.45		.02	
Rubber-tired Front End Loader, 1 yd. to and incl. 3 yds.	6.87	.45	.45		.02	
Rubber-tired Front End Loader, over 3 yds. to and incl. 5 yds.	6.99	.45	.45		.02	
Rubber-tired Front End Loader, over 5 yds. to and incl. 10 yds.	7.09	.45	.45		.02	
Rubber-tired Front End Loader, over 10 yds. to and incl. 15 yds.	7.19	.45	.45		.02	
Rubber-tired Front End Loader, over 15 yds.	7.29	.45	.45		.02	
Scraper, DW 15, 20, 21 & similar type if power unit is not used	6.87	.45	.45		.02	
Scraper, single or twin engine pulling belly dump trailer	7.25	.45	.45		.02	
Scraper, single engine	7.00	.45	.45		.02	
Scraper, twin engine	7.10	.45	.45		.02	
Scraper, tandem engine	7.36	.45	.45		.02	
Self-propelled Sheepfoot and similar type	6.87	.45	.45		.02	
Shovels, incl. all attachments, under 1 cu. yd.	6.87	.45	.45		.02	
Shovels, incl. all attachments, 1 cu. yd. to & incl. 3 cu. yd.	7.05	.45	.45		.02	
Shovels, incl. all attachments, over 3 cu. yd. to & incl. 5 cu. yd.	7.32	.45	.45		.02	
Shovels, incl. all attachments, over 5 cu. yd.	7.45	.45	.45		.02	
Shovel Oiler, 3 yds. & under	6.36	.45	.45		.02	
Shovel Oiler, over 3 cu. yds.	6.77	.45	.45		.02	
Slip form paver	7.00	.45	.45		.02	
Stiff leg derrick & guy derrick	7.32	.45	.45		.02	
Track-type front end loaders; up to & incl. 5 cu. yds.	6.87	.45	.45		.02	
Track-type front end loaders; over 5 cu. yd. to & incl. 10 cu. yd.	7.10	.45	.45		.02	
Track-type front end loaders, over 10 cu. yd. to & incl. 15 cu. yd.	7.20	.45	.45		.02	

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POWER EQUIPMENT OPERATORS (cont'd)	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Other
Track-type front end loaders, over 15 cu. yd.	$7.30	.45	.45		.02	
Track-type tractor with or without attachments	6.87	.45	.45		.02	
Track-type tractor, on Euclid Loader	7.05	.45	.45		.02	
Trenching Machine	6.87	.45	.45		.02	
Turnhead Conveyor, or Head Tower on Batch Plant	6.87	.45	.45		.02	
Wagner Roller & similar type	6.87	.45	.45		.02	
Whirley Crane	7.40	.45	.45		.02	
Whirley Crane Oiler	6.77	.45	.45		.02	
Water Pull when used for compaction	6.87	.45	.45		.02	
Washing and Screening Plant	6.87	.45	.45		.02	
Washing and Screening Plant Oiler	6.36	.45	.45		.02	

AP-272 P. 10

TRUCK DRIVERS	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Other
COMBINATION Truck; Concrete Mixer & Transit Mixer:						
To & incl. 4 cu. yds.	$5.80	.45	.30			
Over 4 cu. yds. to & incl. 6 cu. yds.	5.88	.45	.30			
Over 6 cu. yds. to & incl. 8 cu. yds.	5.96	.45	.30			
Over 8 cu. yds. to & incl. 10 cu. yds.	6.04	.45	.30			
Over 10 cu. yds. - additional $.08 per hour each additional 2 cu. yds. increment						
DISTRIBUTOR DRIVER & HELPER	5.73	.45	.30			
DRY BATCH TRUCKS:						
3 Batch or under	5.55	.45	.30			
Over 3 Batch to & incl. 5 Batch	5.68	.45	.30			
Over 5 Batch to & incl. 10 Batch	5.84	.45	.30			
Over 10 Batch to & incl. 15 Batch	6.00	.45	.30			
Over 15 Batch - additional $.15 per hour each additional 5 Batch increment						
DUMPMAN, GRAVEL SPREADER BOX; Pickup Driver, Hauling Materials; Pilot Car Driver, Teamsters & Helpers; Warehousemen, Partsmen, Cardex men, Warehouse Expediter	5.55	.45	.30			
DUMP TRUCKS & SIMILAR EQUIPMENT WATER LEVEL CAPACITY, INCLUDING SIDEBOARDS:						
7 cu. yds. or less	5.55	.45	.30			
Over 7 cu. yds. to & incl. 10 cu. yds	5.68	.45	.30			
Over 10 cu. yds. to & incl. 15 cu. yds.	5.84	.45	.30			
Over 15 cu. yds. to & incl. 20 cu. yds.	5.98	.45	.30			
Over 20 cu. yds. to & incl. 25 cu. yds.	6.04	.45	.30			
Over 25 cu. yds. to & incl. 30 cu. yds.	6.10	.45	.30			
Over 30 cu. yds. to & icnl. 35 cu. yds.	6.16	.45	.30			
Over 35 cu. yds. to & incl. 40 cu. yds.	6.22	.45	.30			
Over 40 cu. yds. to & incl. 45 cu. yds.	6.28	.45	.30			
Over 45 cu. yds. - additional $.06 per hour each additional 5 cu. yds. increment						
DUMPSTERS	5.68	.45	.30			

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AP-272 P. 11

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
DW 20, DW 21, or EUCLID TRACTORS, PULLING P.R. 21 or SIMILAR DUMP WAGONS						
To & incl. 25 cu. yds.	$6.04	.45	.30			
Over 25 cu. yds. to & incl. 30 cu. yds.	6.10	.45	.30			
Over 30 cu. yds. - additional $.06 per hour each additional 5 cu. yd. increment						
SERVICEMEN	6.29	.45	.30			
POWDER TRUCK DRIVER (Bulk unloader type)	5.73	.45	.30			
FLAT TRUCKS:						
To & incl. 3 tons	5.55	.45	.30			
Over 3 tons Factory rating	5.90	.45	.30			
FUEL TRUCK; SERVICE TIREMEN	6.02	.45	.30			
LOWBOYS, FOUR-WHEEL TRAILER, FLOAT SEMI-TRAILER	5.90	.45	.30			
LUMBER CARRIERS, LIFT TRUCKS; Power Broom	5.64	.45	.30			
WATER TANK DRIVERS, PETROLEUM PRODUCTS DRIVERS:						
2,500 gals. & under	5.55	.45	.30			
Over 2,500 gals to & incl. 4,500 gals	5.84	.45	.30			
Over 4,500 gals to & incl. 6,000 gals	6.04	.45	.30			
Over 6,000 gals to & incl. 8,000 gals	6.10	.45	.30			
Over 8,000 gals to & incl. 10,000 gals	6.18	.45	.30			
Over 10,000 gals - additional $.08 per hour each additional 2,000 gals increment						
WINCH, A-FRAME, SWEDISH CRANE, HYDRA-LIFT, GROUTCRETE, & COMBINATION MULCHING, SEEDING & FERTILIZING	5.80	.45	.30			
TRUCK MECHANIC	8.29	.45	.30			
ALL TUNNEL & UNDERGROUND WORK 10% ADDITIONAL						

AP-272 P. 12

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
(Flathead-Lake-Lincoln Counties)						
LINE CONSTRUCTION						
All construction of "H" fixture and Steel Tower Transmission Lines with capacity of 69 K.V. voltages & over, switch yard and substation rated at 5000 K.V.A. & all work not covered by Schedule "B".						
SCHEDULE "A"						
GROUNDMAN "B"	4.61	.25	1%		1%	
GROUNDMAN "A" (experienced)	5.31	.25	1%		1%	
HEAD GROUNDMAN; Powderman; Jackhammer-Compressorman	5.65	.25	1%		1%	
LINE EQUIPMENT OPERATOR	6.50	.25	1%		1%	
LINEMAN	7.58	.25	1%		1%	
CABLE SPLICER	8.43	.25	1%		1%	
SCHEDULE "B"						
All work for Power Utilities & R.E.A's except work covered under Schedule "A" all Highway Lighting, Street Lighting & Motor Traffic Controlling.						
JACKHAMMER-COMPRESSORMAN; Powderman; Head Groundman	5.13	.25	1%		1%	
LINE EQUIPMENT OPERATOR	5.88	.25	1%		1%	
LINEMEN; Pole Sprayer	6.67	.25	1%		1%	
CABLE SPLICER	7.48	.25	1%		1%	

AP-272 P. 13

(Remaining Counties)	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
LINE CONSTRUCTION (Job 69,000 volts or less)						
Cable splicer	$6.71	.25	1%		½%	
Line equipment operators; Powdermen	5.96	.25	1%		½%	
Experienced groundmen (2 yrs.); Truck drivers	4.72	.25	1%		½%	
Groundmen; Pole digger (groundman)	4.20	.25	1%		½%	
Linemen	6.07	.25	1%		½%	
(Jobs over 69,000 bolts)						
Cable splicers	6.88	.25	1%		½%	
Linemen; Pole sprayer	6.53	.25	1%		½%	
Line equipment operators; Powdermen	6.00	.25	1%		½%	
Groundmen	4.96	.25	1%		½%	

* Eastern Counties: Blaine-Carter-Custer-Daniels-Dawson-Fallon-Garfield-McCone-Petroleum-Phillips-Powder River-Prairie-Richland-Roosevelt-Sheridan-Valley and Wibaux

* Western Counties: Beaverhead-Big Horn-Broadwater-Carbon-Cascade-Choteau-Deerlodge-Fergus-Flathead-Gallatin-Glacier-Golden Valley-Granite-Hill-Jefferson-Judith Basin-Lake-Lewis & Clark-Liberty-Lincoln-Madison-Meagher-Mineral-Missoula-Musselshell-Park-Pondera-Powell-Ravalli-Rosebud-Sanders-Silverbow-Stillwater-Sweetgrass-Teton-Toole-Treasure-Wheatland and Yellowstone

SUPERSEDEAS DECISION:

STATE: Nebraska
DECISION NUMBER: AP-518
Superseded Decision No. AP-211 dated August 4, 1972 in 37 FR 15829
DESCRIPTION OF WORK: Highway and road type construction, including grading, surfacing, paving and miscellaneous work incidental to construction of highways, roads and trails.

COUNTIES: Statewide (Except Douglas and Sarpy)
DATE: Date of publication

Statewide (except Cass, Washington, and that portion of Saunders County, East of Highway 109)	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Carpenters	$3.90					
Carpenters Helper	3.25					
Cement Finisher	4.00					
Concrete Saw Operator	3.25					
Form Setter (road)	4.00					
Form Setter (structures)	3.25					
Laborer	2.85					
Painter	3.00					
Pile Driver Leadsman	3.10					
Power Equipment Operators:						
Asphalt Distributor	3.43					
Asphalt Heaterman	3.42					
Asphalt Paving Machine	4.00					
Asphalt Paving Machine Screedman	3.10					
Stationary Plant (asphalt or concrete)	3.75					
Beginner Operator	3.30					
Bulldozer:						
Less than 115 Drawbar H.P.	3.78					
115 Drawbar H.P. and over	3.88					
Cement Handler	2.75					
Clamshell, Dragline, Backhoe, Crane, Pile Driver or Shovel	4.02					
Concrete Paver	3.80					
Slip Form Paver	4.25					
Concrete Finishing Machine and Spreader	3.90					
Crusher (incl. those with integral screening plant)	4.00					
Fireman (boiler)	3.05					
Front End Loader:						
3½ cu. yds. or less	3.58					
Over 3½ cu. yds.	3.77					
Mechanic	3.99					
Mechanic Helper	3.60					
Motor Grader (rough)	3.80					
Motor Grader (finish)	4.04					

AP-518 P. 2

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Oiler or Greaser	$3.30					
Roller, Self-Propelled (hot mix)	3.68					
Scraper Under 16 cu. yds.	3.50					
Scraper 16 cu. yds. and over	3.87					
Tractor:						
Farm type (towing)	3.00					
Traveling Plant (stabilization)	3.60					
Truck Drivers:						
Single Axle	2.87					
Tandem Axle	3.00					
Semitrailer	3.10					
Transit Mix	3.30					
Lowboy	3.35					
Welder	3.95					

AP-518 P. 3

1-NEB-2-3-q (1-2)

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
CARPENTERS:						
Carpenters	6.38	.20	.20			
Piledrivermen	6.505	.20	.20			
CEMENT FINISHER	6.63	.25	.20			
IRONWORKERS: Reinforcing and Structural	6.78	.20	.20			
LABORERS:						
Common Laborer	5.00	.20	.20			
Towboat & Dredge Deckhands	5.10	.20	.20			
Form Setter Helpers	5.20	.20	.20			
Rakers & Screedmen on Asphalt Work; Mortar Mixers; Chain Saw Operator	5.18	.20	.20			
Pipelayers; Concrete Saw Operator	5.25	.20	.20			
Form Setters & Precast Manhole Setters Inlet Builders & Manhole Setters	5.63	.20	.20			
POWER EQUIPMENT OPERATORS:						
Oiler; Greaser; Mechanic's Helper; Spread Oiler (less than one year's experience)	5.18	.25	.20			
Oiler Driver	5.23	.25	.20			
Tractor under 35 HP; Welding Machine; Spray Machine; Form Trencher; Belt Machine; Air Compressors; Pumps	5.88	.25	.20			
Spread Oiler (after one year's experience in classification)	5.88	.25	.20			
Concrete Mixer; Concrete Pump; Hydro-Hammer	5.78	.25	.20			
Concrete Spreader; Concrete Finishing Machine; Bulldozer; Roller; Trax-cavator; Fork Lift; Winch Truck; One Drum Hoist; Oil Distributor; Asphalt Roller	6.08	.25	.20			
Blade (Patrol); Scraper over 35 HP; Tournapull over 35 HP; DW-21 over 35 HP; DW-10	6.23	.25	.20			
Two Drum Hoist; Trenching Machine; Paving Mixer; Pile Driver; Heavy Duty Mechanic & Welder; Shovel; Dragline; Clamshell; Orange Peel; Backhoe; Derrick; Crane; Locomotive; Fireman (on boilers); Laydown Machine; Two-Drum Winch Truck; Side Boom Cat; Pug Mill Operator on Asphalt Plant; Leverman on Dredge; Tugboat Operator; Gradall Operator; Rotary Well Drilling Operator; Hydrocrane Operator; Cleveland-type back Filler Operator; Self-propelled Spreader Vibrator Operator; Slip Form Power Operator; Engineer on Dredge	6.38	.25	.20			

AP-518 P. 4

1-NEB-2-3-q (2-2)

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
TRUCK DRIVERS:						
Single Axle Trucks	5.43	.25	.20			
Tandem Axle Trucks; Power Lift Form Form Trucks; Euclid Trucks & Spreader Trucks	5.49	.25	.20			
Lowboys & Tractor-Trailers	5.62	.25	.20			
Lumber Carrier	5.79	.25	.20			

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	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.	Other
Lincoln Co.						
Electricians	$8.21	.25	1%			.04
Cable Splicers	9.03	.25	1%			.04
Benton; Crook; Deschutes; Jefferson; Lane (except coast portion); Linn; Marion; Polk; S 1/2 of Yamhill Cos.						
Electricians	8.50	.25	1%			.04
Cable Splicers	8.95	.25	1%			.04
Clackamas; Clatsop; Columbia; Hood River; Multnomah; Sherman; Tillamook; Wasco; Washington; N 1/2 of Yamhill Cos.						
Electricians	7.75	.25	1% + 3%			.02
Cable Splicers	8.35	.25	1% + 3%			.02
Harney; Jackson; Josephine; Klamath; Lake; That portion of Douglas lying east of a line running north & south from the corner of Coos Co. to the southeast corner of Lincoln Co.						
Electricians	7.70	.25	1%			.04
Cable Splicers	8.15	.25	1%			.04
ELEVATOR CONSTRUCTORS	8.03	3.345	.22	2% + a		
ELEVATOR CONSTRUCTORS' HELPERS	70%JR	3.345	.22	2% + a		
ELEVATOR CONSTRUCTORS' HELPERS (PROB.)	50%JR					
GLAZIERS	6.82	.26	.20	4%		.01
IRONWORKERS:						
Reinforcing; Structural; Fence Erectors; Ornamental; Riggers; Signal Men	7.31	.48	.65	.25		.05
LATHERS						
Clackamas, Clatsop, Columbia, Gilliam, Harney, Hood River, Morrow, Multnomah, Sherman, Tillamook, Wasco, Washington, Yamhill Cos.	6.60	.15				.01
MARBLE SETTERS						
Clackamas, Clatsop, Columbia, Gilliam, Hood River, North 1/2 of Lincoln, Marion, Multnomah, Morrow, Polk, Sherman, Tillamook, Wasco (north of the City of Maupin), Washington, Yamhill Cos.	7.90	.35	.35			.02
Baker, North 1/2 of Malheur, Union, Umatilla, Wallowa Cos.						
Outside	7.85	.30				
Inside	7.65	.30				
Benton, Coos, Crook, Curry, Deschutes, Douglas, Grant, Harney, Jackson, Jefferson, Josephine, Klamath, Lake,						

SUPERSEDEAS DECISION

STATE: Oregon
DECISION NUMBER: AP-271
Supersedes Decision No. AP-249 dated November 10, 1972, in 37 FR 23998
DESCRIPTION OF WORK: Building Construction (excluding single family homes and garden type apartments up to and including 4 stories), heavy and highway construction and dredging.

COUNTIES: Statewide
DATE: Date of Publication

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.	Other
ASBESTOS WORKERS	7.85	.35	.60	.50	.06	
BOILERMAKERS	6.95	.60	1.00		.02	
BRICKLAYERS; Stonemasons						
Clackamas, Clatsop, Columbia, Gilliam, Hood River, Multnomah, Sherman, Tillamook, Wasco, Washington, Yamhill Cos.	7.90	.35	.35		.02	
Remainder of Oregon	8.35	.35	.35		.02	
CARPENTERS:						
Acoustical & Drywall Applicators; Automatic Nailing Machine Carpenters; Form Strippers; Manhole Builders	7.00	.45	.45			.02
Piledrivermen, Bridge, Dock & Wharf Builders	6.78	.55	.40	.35	.03	
Floor Layers & Finishers; Stationary Power Saw Operators	6.88	.55	.40	.35	.03	
Boom Man	6.91	.55	.40	.35	.03	
Millwrights & Machine Erectors	6.98	.55	.40	.35	.03	
CEMENT MASONS:	7.03	.55	.40	.35	.03	
Cement Masons	6.51	.35	.25		.01	
Plastic Worker; Composition Workers; Gunnite Man; Power Machinery Operator	6.635	.35	.25		.01	
DRYWALL TAPERS	6.10	.32	.15	.50	.015	
ELECTRICIANS:						
Malheur County	7.45	.30	1%			2/10%
Electricians	8.195	.30	1%			2/10%
Baker; Gilliam; Grant; Morrow; Umatilla; Union; Wallowa; Wheeler Cos.						
Electricians	7.93	.35	1%			.02
Cable Splicers	8.33	.35	1%			.02
Coos; Curry; Lincoln; Those portions of Douglas & Lane Cos. lying west of a line north & south from the NE corner of Coos Co. to the SE corner of						

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	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.	Other
SHEET METAL WORKERS						
Benton, Clackamas, Clatsop, Columbia, Crook, Deschutes, Gilliam, Grant, Harney, Hood River, Jefferson, Lincoln, Linn, Marion, Morrow, Multnomah, Polk, Sherman, Tillamook, Wasco, Washington, Wheeler, Yamhill Cos.	6.95	.33	.24	.28	.02	
Baker, Umatilla, Union, Wallowa Cos.	7.06	.27	.20		.02	
Coos, Curry, Douglas, Lane Cos.	6.50	.22	.30			1/2%
Jackson, Josephine	7.45	.22	.34			
SOFT FLOOR LAYERS	6.73	.22	.30		.05	
SPRINKLER FITTERS	6.75	.35	.45	b	.05	
TILE SETTERS & TERRAZZO WORKERS	8.70	.30	.50			
Clackamas, Columbia, Gilliam, Hood River, N. 1/2 of Lincoln, Marion, Morrow, Multnomah, Polk, Sherman, Tillamook, Wasco (north of the City of Maupin), Washington, Yamhill Cos.	6.95	.25	.24			
Baker, North 1/2 of Malheur, Union, Umatilla, Wallowa Cos.	7.18	.30				
Benton, Coos, Crook, Curry, Deschutes, Douglas, Grant, Jackson, Jefferson, Josephine, Klamath, Lake, South 1/2 of Lincoln, Linn, South 1/2 of Malheur, Wasco (incl. the City of Maupin and south thereof), Wheeler Cos.	6.95	.25				
TILE SETTERS' HELPERS	6.04	.25				
WELDERS; RIGGERS: Receive rate prescribed for craft performing operation to which welding is incidental.						

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day;
E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:
a. Employer credits 4% basic hourly rate of employee with over 5 years' service, 2% basic hourly rate from 6 months to 5 years' service to Vacation Plan.
Six Paid Holidays: A through F.

b. 4% of all gross wages to be placed to the credit of employees with less than one year of service. 6% to employees with more than one year of service

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	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.	Other
Lane, South 1/2 of Lincoln, Linn, South 1/2 of Malheur, Wasco (incl. the City of Maupin & south thereof), Yamhill Cos.	$7.00	.45	.45		.02	
PAINTERS:						
Brush	7.05	.30	.20		.015	
Spray	7.30	.30	.20		.015	
High Work over 100'	7.55	.30	.20		.015	
High Towers, ground to 100'	7.20	.30	.20		.015	
High Towers, ground to 300'	7.55	.30	.20		.015	
High Towers, ground to over 300'	8.05	.30	.20		.01	
PLASTERERS	6.95	.45	.45			
PLUMBERS; STEAMFITTERS:						
Baker, Harney (except NW portion); Malheur Cos.	6.58	.28	.30		.05	
Grant (except SE corner); Morrow; Umatilla; Gilliam; Union Cos.	7.52	.26	.55	.47	.06	
N. 1/2 of Benton, Lincoln, & Linn Cos.; Marion; Polk; S 1/2 of Tillamook, Yamhill Cos.	6.55	.46	.65	1.00	.08	
Clackamas; Clatsop; Columbia; Gilliam; Hood River; Jefferson; Multnomah; Sherman; N. 1/2 of Tillamook; Wasco; Wheeler; Washington; S. 1/2 of Yamhill	7.36	.59	.66		.07	
Coos; Curry; West Coast portion of Douglas Co. Lane (City of Florence)	7.74	.41	.52		.0175	
Douglas (except that part of Florence); Crook; Deschutes (except NW portion of Harney; Northern parts of Klamath and Lake Cos.; S. 1/2 of Lincoln, Linn, Benton and Jefferson Cos.; & S.W. corner of Grant County	7.73	.41	.62	.75	.02	
Remainder of Klamath & Lake Cos.	7.06	.45	.55	.43	.05	
Jackson; Josephine Cos.	7.05	.40	.50		.02	
ROOFERS						
Clackamas, Clatsop, Columbia, Gilliam, Hood River, Jefferson, Multnomah, Sherman, Tillamook, Wasco Cos.						
Roofers	6.95	.45	.46			
Coal Tar	7.45	.45	.46			
Coal Tar in confined areas	7.70	.45	.46			
Malheur County	6.65					
Benton, Crook, Curry, Deschutes, Douglas, Harney, Jackson, Josephine, Klamath, Lake, Lane, Malheur Cos.	6.53	.25				

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AP-271 P. 5 — 1-ORE-PEO-1-2-3-c — (1-5)

POWER EQUIPMENT OPERATORS

	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Others
GROUP I ASSISTANT CONVEYOR; Oiler, including plant and crusher; Crusher Feederman; Deckhand; Self-propelled Scaffolding; Guard Rail Punch Oiler; Pump under 4" Brakeman Switchman; Parts Man (Tool Room)	$6.35	.45	.60	.25		
GROUP II BLADE, PULLED TYPE; Truck Crane Oiler-driver, 25 ton capacity or over; Fireman, all equipment; A-Frame Truck, single drum; Tugger or Coffin type Hoist, any power; Drill Helper; Auger Oiler; Boatman; Forklift or Lumber Stacker; Temporary Heating Plant; Grade Oiler, required to check grade; Grade Checker; Tar Pot Fireman; Tar Pot Fireman (power agitated); H. D. Repairman Helper; Welder's Helper; Fireman Helicopter Radio-man (ground); Roller, Rock	6.49	.45	.60	.25		
GROUP III PLANT FIREMAN; Pugmill; Truck Mounted Asphalt Spreader, with screed; Compressor, any power, under 1,000 cu. ft. total capacity; Mixer Box Concrete Plant; Concrete Conveyor; Cement Hog; Concrete Saw, self-propelled unit; Wire Mat Machine or Booming Machine; Concrete Curing Machine, self-propelled; Bucket Elevator Loader, Barber Greene and similar type; Hydraulic Pipe Press; Pump any power, 4" and over; Hydrostatic Pump; Motorman; Ballast Jack Tamper; Bell Boy, phones, etc.; Tamping Machine, mechanical self-propelled; Hydrographic Seeder Machine, straw, pump or seed; Broom Operator, self-propelled; Air Filtration Equipment; Welding Machine	6.59	.45	.60	.25		
GROUP IV SCREED; Compactor, including vibratory; Compressor, over 1,000 cu. ft. total capacity; Concrete Mixer, single drum, under 5 bag capacity;						

AP-271 P. 6 — 1-ORE-PEO-1-2-3-c — (2-5)

	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Others
GROUP IV (Cont'd) Concrete Cooling Machine; Combination Mixer and Compressor, Gunnite work, Helicopter Hoist; Fork Lift, over 5 tons; Lull Hi-Lift or similar type, 20 ft. or over; Service Oiler (Greaser); Hydra Hammer or similar types; Pavement Breaker; Pump, more than 3, any size; Locomotive, under 40 tons; Roller, Oiling, CTB	$6.75	.45	.60	.25		
GROUP V CURB MACHINE, MECHANICAL BERM, CURB AND/OR CURB AND GUTTER: Wagner Pactor or similar type (without blade); Batch Plant Material Control; Power Jumbo, setting slip forms, etc. in tunnels; Slip Form Pumps, power driven hydraulic lifting device for concrete forms; Hoist, single drum; Elevator, Diesel, Gas, Engineer; Chip Spreading Machine; Lime Spreading Sweeper (Wayne Type) self-propelled; Tractor, rubber-tired 50 H. P. Flywheel and under; Trenching Machine, maximum digging capacity 3 ft. depth	6.77	.45	.60	.25		
GROUP VI ASPHALT PLANT; Asphalt Paver; Maginnis, internal full slab vibrator; Concrete finishing Machine, Clary, Johnson, Bidwell, Burgess, bridge deck or similar type; Curb Machine, Mechanical Berm, Curb and/or Curb and Gutter; Concrete Joint Machine; Concrete Planer; Cast in place pipe laying machine; Concrete Paving Machine; Concrete Spreader; Loaders, Rubber-tired type, 2 1/2 cu. yds. and under; Rock Spreader, self-propelled	6.85	.45	.60	.25		
GROUP VII ROLLER, ASPHALT; Concrete Mixer, single drum, 5 bag capacity and over; Beltcrete; Pumpcrete; Cement pump, Fuller-Kenyon and similar; Grouting Machine; Concrete Pump;						

AP-271 P. 7 — 1-ORE-PEO-1-2-3-c — (3-5)

	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Others
GROUP VII (Cont'd) Tower Mobile; A-Frame Truck, double drums; Boom Truck; Churn Drill and Earth Boring Machine; Hydraulic Backhoe, wheel type 3/8 cu. yds. and under with or without front end attachments 2 1/2 cu. yds. and under (Ford, John Deere, Case type); Elevating Grader, Tractor and towed requiring operator or grader; Pot Rammer; Ballast Regulator; Ballast Tamper Multi-Purpose; Track Liner; Tie Spacer, Shuttle Car; Locomotive, 40 tons and over	6.91	.45	.60	.25		
GROUP VIII DIESEL-ELECTRIC ENGINEER, PLANT OR FLOATING; Batch Plant and/or wet mix, one and two drums; Generator; Diesel-Electric Engineer; Belt Loaders, Kolman and Ko Cal types	7.01	.45	.60	.25		
GROUP IX BULLDOZER; Drill Cat; Side-Boom Cat; Compactor, with blade; Chicago Boom and similar types; Lift Slab Machine; Boom Type lifting device, 5 tons capacity or less; Cherry picker or similar type crane-hoist 5 ton capacity or less; Grizzley; Crusher Plant; Boring Machine; Surface Heater & Planer; Hydraulic Backhoe, truck type 3/8 cu. yds. Loader, front end and overhead 2 1/2 cu. yds. and under 4 cu. yds.; Pipe Cleaning Machine; Pipe Doping Machine; Pipe Bending Machine; Pipe Wrapping Machine; Bolt Threading Machine; Drill Doctor; including bit grinder; H.D. Mechanic; H.D. Welder; Machine Tool Operator; Stationary Drag Scraper; Tractor Rubber-tired over 50 H.P. Flywheel; Tractor, Rubber tired with boom attachments; Trenching Machine maximum digging capacity over 3 ft. depth	7.07	.45	.60	.25		
GROUP X BULLDOZER, TWIN-ENGINE (TC 12 and similar type); Cable-Plow; Compactor,						

AP-271 P. 8 — 1-ORE-PEO-1-2-3-c — (4-5)

	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Others
GROUP X (Cont'd) Multi-engine; Driller-Percussion, Diamond, Core, Cable, Rotary and similar types Jack Operator Elevating Barges; Barge Operator, self-unloading; Combination H.D. Mechanic-Welder; Welder-Certified; Rubber tired Dozers & Pushers (Hichigan, Cat, Hough type)	7.13	.45	.60	.25		
GROUP XI MIXER MOBILE: Crane, 25 tons and under; Shovel, Dragline; Clamshell, Hoe, etc., under 1 cu. yd.; Gradeall, under 1 cu. yd.; Mucking Machine	7.15	.45	.60	.25		
GROUP XII BLADE; Batch Plant and/or wet mix, 3 units or more; Hoist, 2 drum; Hoist, 3 or more drums; Elevating Loader, Athey and similar types; Piledriver (not crane type); Rubber-tired Scraper, single engine, single scraper; Scraper-Self-Loading, paddle wheel ladder type; Rubber-tired Scraper, twin engine; Rubber-tired Scraper, with push-pull attachments; Blade Mounted Spreaders, Ulrich and similar types; Shield Operator	7.21	.45	.60	.25		
GROUP XIII BLADE, FINISH (Working with either red or blue tops); Blade, Electronically controlled by wire or laser beams; Blade, Multi-engine; Concrete Paving and Road Mixer; Bridge Crane, Locomotive, Gantry, Overhead; Derrick, under 100 tons; Hoist, Stiff leg, Guy Derrick or similar type 50 tons and over; Cableway, up to 25 tons; Crane, over 25 tons and including 40 tons; Tower Crane; Piledriver (not crane type); Floating Clamshell, etc., under 3 cu. yds.; Floating Crane (Derrick Barge), less than 30 tons; Hydraulic Backhoe, truck type over 3/8 cu. yds., Elevating Grader, operated by tractor, Sierra, Euclid or similar types; Back-Filling Machine; Shovel, etc., 1 cu. yd., but less than 3 cu. yds.; Gradeall, 1 cu. yd., and over; Back Filling Machine	7.29	.45	.60	.25		

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	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Other
GROUP XIV RUBBER-TIRED SCRAPER WITH TANDEM SCRAPER	$7.45	.45	.60	.25		
GROUP XV ROCK HOUND; Loader, 4 cu. yds. but less than 6 cu. yds.	7.61	.45	.60	.25		
GROUP XVI AUTO GRADER (i.e. CMD) or TRIMMER; Tandem Bulldozer, Quad-nine and similar type; Automatic Concrete Slip Form Paver; Concrete Canal Liner; Gableway, 25 tons and over; Crane, over 40 tons and including 100 tons; Whirley, 80 tons and under; Floating Clamshell, etc., 3 cu. yds. and over; Floating Crane (Derrick Barge), 30 tons but less than 80 tons; Loader, 6 cu. yds., but less than 8 cu. yds., Loader 8 cu. yds., but less than 12 cu. yds.; Rubber-tired Scraper, with Tandem Scrapers, Multi-engine; Shovel, etc., 3 cu. yds. but less than 5 cu. yds.; Wheel Excavator, under 750 cu. yds. per hour	7.79	.45	.60	.25		
GROUP XVII CRANE, Over 100 tons and including 200 tons; Whirley over 80 tons and including 150 tons; Floating Crane (Derrick Barge), 80 tons but less than 150 tons; Loader, 12 cu. yds. and over; Shovel, etc., 5 cu. yds. and over; Canal Trimmer	7.93	.45	.60	.25		
GROUP XVIII CRANE, over 200 tons; Whirley, 150 tons and over; Floating Crane 150 tons but less than 250 tons; Wheel Excavator, over 750 cu. yds. per hour; Band Wagons, in conjunction with wheel excavator	8.11	.45	.60	.25		
GROUP XVIV HELICOPTER; When used in erecting work; Floating Crane 250 tons and over; Remote controlled earth moving equipment (no one operator shall operate more than two pieces of moving equipment at one time); Underwater Equipment, remote or otherwise	8.25	.45	.60	.25		

	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Other
LABORERS GROUP I Asphalt plant laborers; Asphalt spreaders; Batch weighman; Broomers; Brush burner & cutters; Car & truck loaders; Carpenter tender; Change-House man or dry shack men; Choker setters; Clean up laborers; Concrete laborers; Crusher feeders; Culvert, hand labor; Curing, concrete; Demolition, wrecking, & moving laborers; Driller helpers; Dumpers, Road oiling crew; Dumpmen (for grading crew); Elevator feeders; Fence builder (incl. Guard rail, Median rail, Reference post, Guide post, Right-of-way marker); Fine graders; Form strippers (not swinging stages); General laborers; Landscaping or planting laborers; Leverman on aggregate spreader (Flaherty & similar types); Loading spotters; Material yard man (incl. electrical); Pittsburgh chipper operator or similar types; Powderman helper; Railroad track laborers; Ribbon setters (incl. steel forms); Rip Rap man (hand placed); Road pump tender; Sewer labor; Skipmen; Signalman; Slopers; Spraymen; Stake chaser-Stake setter-Grade checker; Stockpiler; Timber faller & bucker (hand labor); Toolroom man (at job site) Tunnel bull gang (above ground); Weigh man-crusher aggregate (when used)	$5.55	.45	.50	.25	.02	

	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Other
LABORERS (cont'd) GROUP II Applicator (incl. pot tender for same), applying protective material by hand or nozzle on utility lines or storage tanks on project; Burners; Choker splicer; Clary power spreader & similar types; Clean-up nozzleman; Greencutter (Concrete rock, etc.); Concrete power buggyman; Demolition & wrecking charred materials; Gunite nozzleman tender; Gunite or sand blasting pot tender; Handlers or mixers of all materials of an irritating nature (incl. cement & lime); Manhole builder; Powertool op., incls. but not limited to: Chipping Guns; Jackhammer, Paving breakers, Post hole digger, Air, Gas, or Electric Tampers, Vibrating screed, Vibrators (less than 4" in diameter); Ribbon setter, head; Rip rap man (head), Hand placed; Sand blasting (wet); Sewer timbermen; Timber buckers & fallers, Brush cutters (power saw); Tunnel-Muckers, Brakemen, Concrete crew, Bull gang (underground)	$5.70	.45	.50	.25	.02	
GROUP III Asphalt rakers; Bid grinder; Concrete saw op.; Drill doctor, Drill operator, Air tracks, Cat drills, Wagon drills, Rubber-mounted drills, & other similar types; Gunite nozzleman; High scalers, stiprrers & drillers (covers work in swinging stages, chairs or belts, under extreme conditions unusual or normal drilling, blasting, barring-down, or sloping & stripping); Powdermen; Power saw ops.(Bucking & falling merchantable logs); Pumpcrete nozzlemen; Sand blasting (Dry); Sewer pipe layers; Track liners, Anchor machines, Ballast regulators, Multiple tampers, Power jacks; Tugger op.; Tunnel--Chuck tenders, Nipper & Timbermen; Vibrators (4" & larger); Water blaster	5.85	.45	.50	.25	.02	
GROUP IV Tunnel miners; Tunnel powderman	6.00	.45	.50	.25	.02	

	Basic Hourly Rate	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Other
TRUCK DRIVERS Battery rechargers; Bus or man-haul drivers; Concrete buggies (power operated); Dump trucks, side, end & bottom dumps, incl. semi-trucks & trains or combin. thereof: 6 cu. yds. & under; Lift jitneys, fork lifts (all sizes used in loading, unloading & transporting material on job site); Loader and/or leverman on concrete dry batch plant (manually operated); Pilot car; Solo flat bed & misc. body trucks, 0-10 tons; Truck helper; Truck mechanic helper; Warehouseman (warehouse parts, tool men & parts chaser, checker & receivers); Water wagons (rated capacity); up to 1600 gals.	$6.18	.40	.45	.25		
"A" frame or hydra-lift truck w/load bearing surface; Lubrication man, fuel truck driver, fireman, wash rack, steam cleaner or combin.; Team drivers	6.23	.40	.45	.25		
Dump trucks, side, end & bottom dumps, incl. semi-trucks & trains or combin. thereof: over 6 cu. yds. incl. 10 cu. yds.; Slurry truck driver or leverman; Transit mix & dry or wet trucks: 5 cu. yds. & under; Fireman (full-time basis); Water wagons (rated capacity): 1600 to 3000 gals.	6.28	.40	.45	.25		
Flaherty spreader driver or leverman; Low bed equipment, flat bed semi-trailer, truck & trailer or doubles transporting equipment or wet or dry materials; Lumber carrier driver-Straddle carrier (used in loading, unloading and transporting of materials on job site); Oil distributor driver or leverman; Water wagons (rated capacity: 3000 to 5000 gals.	6.33	.40	.45	.25		
Dumpster or similar equipment, all sizes; Transit mix & wet or dry mix trucks; Over 5 cu. yds. & incl. 7 cu. yds.	6.38	.40	.45	.25		
Dump trucks, side, end & bottom dumps, incl. semi trucks & trains or combin. thereof: over 10 cu. yds. & incl. 20 cu. yds.; Transit mix & dry or wet mix trucks: over 7cu. yds. & incl. 9 cu. yds.; Truck mechanic--welder--body repairman; Water wagons (rated capacity): 5000 to 7000 gals.	6.48	.40	.45	.25		

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	Basic Hourly Rates	H & W	Pensions	Vacation	App. Tr.	Others
Dump trucks, side end & bottom dumps, incl. semi-trucks & trains or combin. thereof: over 20 cu. yds. & incl. 30 cu. yds.; Transit mix & wet or dry mix trucks: over 9 cu. yds. & incl. 11 cu. yds.; Water Wagons (Rated capacity): over 7000 gals to 10,000 gals.	6.58	.40	.45	.25		
Dump trucks, side, end & bottom dumps, incl. semi trucks & trains or combin. thereof: over 30 cu. yds. & incl. 40 cu. yds.; Transit mix & wet or dry mix trucks: over 11 cu. yds. and incl. 13 cu. yds.; Wager Wagons (rated capacity): over 10,000 gals. to 15,000 glas.	6.68	.40	.45	.25		
Dump trucks, side, end & bottom dumps, incl. semi-trucks & trains or combin. thereof: over 40 cu. yds. & incl. 50 cu. yds.; Transit mix and wet or dry mix trucks: over 13 cu. yds. and incl. 15 cu. yds.	6.78	.40	.45	.25		
Dump trucks, side, end & bottom dumps, incl. semi-trucks & trains or combin. thereof: over 50 cu. yds. & incl. 60 cu. yds.	6.95	.40	.45	.25		
Dump trucks, side, end & bottom dumps, incl. semi-trucks & trains or combin. thereof: over 60 cu. yds. & incl. 70 cu. yds.	7.05	.40	.45	.25		
Dump trucks, side, end & bottom dumps, incl. semi truck & trains or combin. thereof: over 70 cu. yds. and incl. 80 cu. yds.	7.15	.40	.45	.25		
Dump trucks, side, end & bottom dump, including semi trucks & trains or combin. thereof: over 80 cu. yds. & incl. 90 cu. yds.	7.25	.40	.45	.25		
Dump trucks, side, end & bottom dump, incl. semi-trucks and trains or combin. thereof: over 90 cu. yds. & incl. 100 cu. yds.	7.35	.40	.45	.25		

Drivers and Helpers (handling sacked cement add $.15 per hour).
Winch truck - takes classification of truck on which winch is mounted.

AP-271 P. 14

	Basic Hourly Rates	H & W	Pensions	Vacation	App. Tr.	Others
Dredging:						
Dipper Leverman:						
(a) 5 yards and under	$7.89	.45	.60	.25		
(b) Over 5 yards	8.44	.45	.60	.25		
Leverman, Hydraulic	7.20	.45	.60	.25		
Assistant Engineer (Electric Generator Operator for Primary Pump; Power Barge or Dredge)	7.18	.45	.60	.25		
Assistant Engineer (Electric, Diesel, Steam or Booster Pump); Mates and Boatmen	7.13	.45	.60	.25		
Engineer Welder; Craneman	7.08	.45	.60	.25		
Fireman; Oiler	6.74	.45	.60	.25		
Assistant Mate (Deckhand)	6.64	.45	.60	.25		

LINE CONSTRUCTION - OREGON d (1-1)

	Basic Hourly Rates	H & W	Pensions	Vacation	App. Tr.	Others
Cable Splicers Leadman Pole Sprayer	$ 8.60	.25	1%		1/2%	
Lineman; Pole Sprayer; Heavy Line Equipment Man; Certified Lineman Welder	7.76	.25	1%		1/2%	
Tree Trimmer	7.00	.25	1%		1/2%	
Line Equipment Man	6.67	.25	1%		1/2%	
Head Groundman (Chipper); Head Groundman; Powderman; Jackhammer Man	5.82	.25	1%		1/2%	
Groundman; Tree Trimmer Helper	5.49	.25	1%		1/2%	
Hole Digger	5.25	.25	1%		1/2%	

SUPERSEDEAS DECISION

STATE: Pennsylvania
COUNTY: Washington
DECISION NO.: AP-481
DATE: Date of Publication
Supersedes Decision No. AM-1,863, dated August 20, 1971, in 37 DR 16319
DESCRIPTION OF WORK: Building Construction, (excluding single family homes and garden type apartments up to and including 4 stories), Heavy and Highway Construction.

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BUILDING CONSTRUCTION

	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS: H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Asbestos workers	$9.02	.35	.70			
Boilermakers	8.25	6.5%	6.5%		.01	
Bricklayers & Stonemasons:						
Twps. of Cross Creek, Hanover, Jefferson, Mt. Pleasant, Nottingham Peters, Robinson, Smith and Union-	9.255	.35	.40			
Charleroi, Carroll, East Bethlehem, Fallowfield, North Bethlehem, Pike Run, Somerset & West Bethlehem	9.22	.58				
Remainder of County	8.60	.35	7%			
Carpenters	8.30	5%	6%	5%	.40 of 1%	
Cement masons	8.24	6%	16%			
Electricians	8.60	.32	1%+.20	.60	.05	
Elevator constructors	7.73	.17	.185	1½%+b+c	.005	
Elevator constructors' helpers	5.41	.17	.185	1½%+b+c	.005	
Elevator constructors' helpers (prob.)	3.865					
Glaziers	7.89	.35	.44	.33	.01	
Ironworkers, structural	8.83	.435	.62		.015	
Ironworkers, reinforcing	8.83	.435	.62		.015	
Laborers:						
Laborers, carryable pumps, west brick buggy or similar, vibrator operators, walk behind forklift or similar (non self-propelled) stripper and mover of forms, cement masons, footers, window cleaner, tool room man, all material conveyor (regardless of power used, including starting & stopping	6.45	.30	.30			
West brick buggy or similar (self-propelled), power wheelbarrows and buggies, walk behind forklift or similar, (self-propelled) wagon drill helper, drill runner, drill runners helper, (Including drill mounted on truck, track or similar), blaster's helper, all operators of compacting equipment, pipe layer, burner, jackhammer manconcrete buster	6.575	.30	.30			
Hod carrier, scaffold builder, bell & bottom man on furnaces & stacks, mortar mixer, mortar mixing machine (regardless of power used, including starting & stopping) grout machine feeder & pump operator	6.70	.30	.30			
Concrete saw operators	6.70	.30	.30			
Gunnite nozzleman	6.95	.30	.30			
Blaster & wagon drill operator	7.15	.30	.30			
Lathers	7.28	.30	1.10		.01	
Leadburners	8.25	.30		a	.01	

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BUILDING CONSTRUCTION

	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS: H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Line Construction:						
Linemen & cable splicers	10.02	.15	.10		.095	
Line truck op.	7.01	.15	.10		.095	
Groundman	6.01	.15	.10		.095	
Marble setters (Charleroi)	8.25	.35	.50			
Marble setters' helpers	8.60		.10			
Marble tile and terrazzo workers (Remainder of County)	8.13					
Millwrights	7.325	4%	29½%		1%	
Painters:						
Twps. and boroughs of Jefferson Luzerne, Perry, Morgan, West Pike Run, West Bethlehem, East Bethlehem, Washington, Rostraver, Union, Nottingham, Carroll, Fallowfield, Somerset, North Bethlehem, Centerville Borough & California:						
Painters, brush, commercial	5.50	.20	.20		.01	
Painters, structural steel, indus.	6.60	.20	.20		.01	
Remainder of County:						
Brush	6.75	.35	.10			
Spray	7.875	.35	.10			
Piledrivermen	8.95	5%	6%		.50 of 1%	
Plasterers	7.00				.01	
Plumbers & Steamfitters (Charleroi)	8.19	4%	8%		.02	
Plumbers (Remainder of County)	8.66	.60	.625		.125	
Steamfitters (Remainder of County)	8.69	.25	1.10		.065	
Roofers:						
Composition	8.59	4%	.95		.035	
Slate and tile	8.59	4%	.95		.035	
Sheet metal workers	8.23	.45	.70			
Soft floor layers	7.50	4%	5%	d	½%	
Sprinkler fitters	8.75	.30	.50		.05	
Terrazzo workers (Charleroi)	8.775	.35	.20			
Terrazzo workers' helpers (Charleroi)	7.855	.35	.10			
Terrazzo workers' dry grinding	8.355	.35	.10			
Tile setters (Charleroi)	6.85	.35	.95			
Tile setters' helpers (Charleroi)	7.89	.35				

Welders - receive rate prescribed for craft performing operation to which welding is incidental.

BUILDING CONSTRUCTION

PAID HOLIDAYS: (where applicable)
A-New Year's Day; B-Memorial Day;
C-Independence Day; D-Labor Day;
E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:

a. 9 paid holidays: A through F and Washington's Birthday, Good Friday & Christmas Eve provided the employee has worked 45 days for the employer during the 120 days prior to the holiday, and is available for work the days preceding and following the holiday.

b. Employer contributes 4% of basic hourly rate for 5 years or more of service or 2% basic hourly rate for 6 months to 5 years of service as vacation pay credit.

c. Six paid holidays: A through F.

d. Seven paid holidays: A through F plus Veterans' Day.

BUILDING CONSTRUCTION

POWER EQUIPMENT OPERATORS:

	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR	OTHR
Austin-Western or similar type up to 25 ton, auto grader (CMI or similar), backhoe, batch plant, cableway, caison drill, central mix plant, cranes (excluding overhead), cranes tower (mobile), cranes tower (stationary), crane tower (climbing type), derrick traveler (self-propelled), derrick (all types), derrick boats, dragline, dredge, engineer- maintenance, Franki or similar type pile driver, gradall (remote control or otherwise), helicoptar & helicopter hoist when used for erection purposes), hi-lift 4 yds or over, hoist-had (2 cages up to 10 floors), hoist-single cage with Chicago boom attached, hoist 50 ft. or over), hoist (slipform jobs), hop-to or similar type with 180 swing, hop-to or similar type with 360 swing, hoesl, hoohring scooper, retro chip harvester or similar type, rix mobile or similar type (with self-loading attachment), rix mobile or similar type, mucking machine (tunnel), multiple head machines, pile driver (sonic or similar type), post driver-guard rail (truck mounted), post driver- guard rail (skid type), pumpkrete- mobile or similar type, Quad Nine, shovels (all types), slip form paver (CMI or similar), tractors- boom mounted (all types), tractors (all types with hydraulic backhoe attached), tug boat, Whirley,	8.975	.35	.20		.04
Austin-Western or similar type up to 25 ton with jib, Austin-Western or similar type 25 ton or over with jib, cranes (boom or mast 100 ft. or over up to & including 150 ft.), cranes-mobile (any type 15 ton or over placed on any bldg. structure)	9.225	.35	.20		.04
Cranes (boom or mast over 150 ft. up to & including 200 ft.) engineer-Lead	9.475	.35	.20		.04
Cranes (boom or mast over 200 ft.)	9.725	.35	.20		.04

BUILDING CONSTRUCTION

POWER EQUIPMENT OPERATORS: (CONT'D)

	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHR
Asphalt plant op., athey loader, augor-truck, truck or tractor mounted, back filling machine, boat-material or personnel carrying (powered), boat- job work (inboard or outboard), bulldozer, cable layer, compactor with blade, compressors-2, compressor and air pump, compressor and air tugger, compressor & punite machine (combination), compressor & sand blasting machine (combination), concrete bolt placer, crane-overhead, crushing and screening plants, drill-core (truck or skid mounted), drill-Davey or similar type, drill- well & core (truck mounted), elevator, euclid loader, excavating equipment (all other), forklift- Lull or similer, generators- 2, grader, grader- elevating, greaser-equipment (hoad), hi-lift- less than 4 yds., hoist- one drum (4 floors or over), hoist- had (bldgs., 4 floors or more), hoist (2 drums or more in one unit), jumbo op., locomotive, lift slab machine (hydraulic), mixer- paving, mucking machine, pipe cleaning machine, refrigeration plant, ross carrier (or similar type), scoop (single bowl) self-powered & tractor drawn), spreader-concrete, asphalt and stone, tower mobile (hoisting or lowering material, trencher, welding machines (up to and including 4 well point systems, two small machines, grout pump (10 H.P. or over), paver op., asphalt (spreader), pumpkrete or similar type (not self-propelled), pumpkrete machine op., (stationary), tire repairman, welder (repairman	8.825	.35	.20		.04
Conveyors 4 units or more	8.75	.35	.20		.04

BUILDING CONSTRUCTION

POWER EQUIPMENT OPERATORS: (Cont'd)

	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHR
Boiler, compactor (ridden or self-propelled), concrete finishing machine & spreader, crane, carry, curb builder (self-propelled), drill well drill & horizontal (self-propelled) & self-contained, elevator, forklifts (ridden or self-propelled, hoist one drum (regardless of power used), pavement breaker (self-propelled or ridden), pipe dream, roller, saw concrete, soil stabilizer (pump type), stone crusher, stone spreader self-propelled, tractors (when used for snaking and hauling), tube finisher C.M.I. or similar type, tugger, truck winch truck or hydraulic boom (when hoisting and placing), all other minor equipment, ballast regulator, boring machine, broom power (except push type), compressor-single (regardless of power used), conveyor - over 1 and up to 3 units (regardless of power used), form line machine, generator (over 5KW), hoists monorail (regardless of power used), hoist roof (regardless of power used), huck machine of similar type, mixer concrete (regardless of power used), mixer mortar-over 10 c.f. (regardless of power used), pump (over 1½" discharge, regardless of power used), spray cure machine (power driven), steam Jenny (or similar type), syphon (steam or air) welding machine single (300 Amp or over), plant, private or industrial air or steam valve	8.25	.35	.20		.04
Compressor - 65 c.f. or under (regardless of power used), conveyor 1 unit (regardless of power used), grout pump (under 10 HP), heaters - up to & including 6, jack motor hydraulic (single type) power driven, ladavator, mixer mortar (10 c.f. or under, mulching machine, pin puller (powered), pulverizer, pump - 1½" discharge or less, seeding machine, spreader side delivery shoulder (attachment), tie tamper (multiple heads), tractor farm (when used or landscaping), water blaster, oiler - truck crane 50 ton or over	7.50	.35	.20		.04

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BUILDING CONSTRUCTION	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
POWER EQUIPMENT OPERATORS: (Cont'd)		H & W	PENSIONS	VACATION	APP. TR.	OTH
Brake man, deck hand, helicopter signalman, oiler, mechanic helper	7.25	.35	.20		.04	
Crane truck oiler and fireman	7.35	.35	.20		.04	

HEAVY & HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments				
POWER EQUIPMENT OPERATORS:		H & W	Pensions	Vacation	App. Tr.	Oth
Austin Western or Similar (25 ton & over) Austin Western or Similar (under 25 ton) Autograder (C.M.I. & similar) Backfiller, Backhoe - 360° Swing, Cableway, Caisson Drill (Similar to Hugh Williams) Central Mix Plant, Cooling Plant, Concrete Paving Mixer, Cranes, Cranes (Tower - Stationary-Climbing Tower Crane) Derrick, Derrick Boat, Dragline, Dredge, Dredge Hydraulic (1 Leverman - 1 Oiler - Apprentice) Elevating Grader, Franki Pile Machine, Gradall (Remote control or otherwise) Grader (Power-Fine Grade) Guard Rail Post Driver (Truck Mtd.) Guard Rail Post Driver (Skid Type) (Self Propelled - Arrow or similar) Helicopter (over 1500 lb. lift) Helicopter (under 1500 lb. lift) Hilift (4cy. and over) Hoists 2 Drums or more (in one unit) Kocal, Koering Skooper, Lead Mechanic, Locomotive (std. Guage) Mix Mobile, Mix Mobile (with self loading Attachment) Mucking Machine (Tunnel) Pile Driver Machine, Pipe Extrusion Machine, Presplitter Drill (Self Contained) Quad Nine, Refrigeration Plant (Soil stabilization) Scraper (Multi-bowl) Shovel - Power, Slip Form Paver C.M.I. and similar) Trenching Machine (30,000 lb. and over) Trenching Machine (under 30,000 lb.) Tunnel Machine (Mark XXI Jarva or similar) Whirley	$7.73	.35	.50		.04	
Asphalt Paving Machine (Spreader) Asphalt Plant Operator, Athey Loader, Auger (Tractor Mtd.) Auger (Truck Mtd.) Backhoe (Rear Pivotal Swing) (180° Swing) Boring Machine, Cable Placer or Layer, Compactor with blade, Concrete Batch Plant (Electronically Synchronized) Concrete Belt Placer (C.M.I. and Similar) Concrete Mixer (over 1 cy.) Concrete Pump, Core Drill (Truck or skid Mtd. - similar to Penn Drill) Dozer, Euclid Loader, Grader - Power, Grease Unit Operator (Head) Hilift (under 4 cy,) Job Work Boat (Powered)						

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Jumbo Operator, Locomotive (narrow guage) Mechanic, Minor Equipment Operator (Accumulative four units) Mucking Machine, Over-head Crane, Roller-power-asphalt, Ross Carrier, Scraper, Side Boom or tractor mounted boom, stone Crusher (Screening-Washing Plants) Stone Spreader (Self-propelled Truck Mounted Drill (Davey or similar) Welder and Repairman, Well Point Pump Operator	$7.47	.35	.50		.04
Compactors/Rollers (Static or Vibratory) (Self-propelled) Minor Equipment Operator (Two to three units) Soil Stabilizer Machine, Tire Repairman Tube Finisher (C.M.I. or similar) Well Driller and Horizontal	5.46	.35	.50		.04
Ballast Regulator, Compressor, Concrete Finishing Machine and Spreader, Concrete Mixer (1 cy. and under with Skip) Concrete Saw (Ridden or self-propelled) Conveyor, Curb Builder (Self-propelled) Elevator (Material hauling only) Forklift (Ridden or self-propelled) Form line Machine, Generator, Grout Pump, Heater (Mechanical) Hoist (single drum) Ladavator, Light Plant, Mulching Machine, Pavement Breaker (self-propelled or ridden) Personnel Boat (Powered) Pulverizer, Pumps, Seeding Machine, Spray Cure Machine (Power driven) Subgrader, Tie Puller, Tie Tamper (Multi-head) Tractor-snaking and hauling, Tugger, Welding Machine (Gas or Diesel) Winch or Hydraulic Boom Truck (when hoisting and placing)	5.01	.35	.50		.04
Deck Hand, Farm Tractor, Fireman on Boiler, Mechanic's Helper, Oiler, Power Broom, Side Delivery Shoulder Spreader	4.86	.35	.50		.04

HEAVY & HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments				
Laborers:		H & W	Pensions	Vacation	App. Tr.	O
Construction laborer (including tenders handling salamanders, L.P. gas heaters or similar, etc.), Air or electric impactor wrench, Air tamper operator, Asphalt tampers, Batchorman (weigh), Blaster's helper, Blower man (bulk cement), Brakeman, Coffer dam, Concrete pitman, puddler including vibrator operator, Drill runner's helper (includes drill mounted on truck, track or similar and Davey drills (spots-clean-up & helps to maintain), Fence construction, Form stripper and mover, Hydro-Jet blaster nozzlemen, Manually moved emulsion sprayer, Radio actuated traffic control operator (non-automatic), Rip rap work, Scaffolds and runways (as per agreement of record), Sheeters and shorers, structural concrete top surfacer, Walk behind street sweeper, Welder's helper (pipeline), Wood chipper	$5.71	.30	.30			
Asphalt, batch and concrete plant operator (manually operated), Asphalt rakers, Burner, Caisson men (open air), carryable pumps, Chain saw operator, Chipping hammer or similar (air or otherwise), Combination tamper and vibrator, Concrete buster (paving breaker), Cribbing (concrete or steel), Curb machine operator (asphalt and concrete) (walk behind), Earth drill, Fork lift (walk behing), Form setter (road forms line man), Handyman, Highway slab reinforcement placers (incl. joint and basket setter), Hydraulic pipe pusher, Jack hammer operator, Liner plates (tile or vitrified clay), Manually operated diamond head core drill, Mechanical joint sealer, Dope pot, and Tar kettle, Mortar mixer (ahnd or machine), Pin drivers or puller (power-highway), Pipe layers, Plant set-up, Maintenance men, Portable single unit conveyor, Post hole auger (2 or 4 cycle (hand operated), Power (fence operator, Power wheelbarrows and buggies, Rail porter, or similar, Screed operator						

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HEAVY & HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.	
Laborers (cont'd):						
Signal man, Tracker	$5.93	.30	.30			
All Railroad Track Work:						
Adzing machine, Ballast router, Bolting machine, Power jacks, Rail drills, Railroad brakemen, Rail saws, Spike drivers, Spike pullers, Tamping machine ; mortar lining car pusher, Cement gr mixer (pipe relining), Cement operator (walk behind), Form setter (road forms-lead man), Grout machine operator, Gunnite (nozzle and machine man), Paving block rammers, Wagon drill (air track or similar) operators, Walk behind power rollers (1 or 2 barrel), Walk behind roller and tamper, Walk behind ditching machine (trencher or similar)	5.93	.30	.30			
Blacksmith, Blaster, Brick and block pavers (wood, bolgain and asphalt), Curb cutters and setters, Manhole or catch basin builder (brick, block, concrete or any prefabrication)	6.24	.30	.30			
Multi-plate pipe (aligning and securing) Placing wire mesh on gunite projects, Reinforcing steel placers (bending, aligning and securing)	6.36	.30	.30			
Welder (pipeline)	6.55	.30	.30			
Tunnel and Shaft Work (Inside):	7.70	.30	.30			
Change house attendant	5.69	.30	.30			
Muckers, Brakemen and all other labor (includes installation of utility lines), Signal man, Drill runner helper	5.93	.30	.30			
Miners and drillers (including lining, supporting and form workmen, setting of shields, miscellaneous equipment & jumbos)	6.24	.30	.30			
Caisson and tunnel men under pressure (0-18 pounds)	6.36	.30	.30			
Reinforcing steel placers (bending, aligning and securing)	5.55	.30	.30			
Carpenters	7.46	6%	3%			
Carpenters-welders	7.70	6%	3%			
Cement masons	7.17	.43	1.08			
Piledrivermen	8.41	5%	6%			

BUILDING CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.	Oth
Truck Drivers:						
Warehousemen, service trucks (pick-up, jeep, station wagon, panel truck)	$5.855	.30	.30	a		
Dumps and flat tops	5.905	.30	.30	a		
Transit-mix, single axle	5.93	.30	.30	a		
Transit-mix, tandem	5.93	.30	.30	a		
Distributed truck over 33,000 lbs. gross weight	5.905	.30	.30	a		
Distributed truck up to 33,000 lbs. gross weights	6.055	.30	.30	a		
Heavy duty trailers with high bed, 4 wheels	5.955	.30	.30	a		
Heavy duty trailers with low bed, 6 to 16 wheels	6.255	.30	.30	a		
Trucks with dolly	6.055	.30	.30	a		
Euclids or equivalent	6.055	.30	.30	a		
Truck with dump trailers or tandems	6.055	.30	.30	a		
Winch trucks	6.23	.30	.30	a		
Towing equipment off job site	6.055	.30	.30	a		

FOOTNOTE:

a. Paid Holidays: New Year's Day; Memorial Day; Independence Day; Labor Day; Thanksgiving Day; Christmas Day and Veterans Day & Good Friday, provide the employee is available for work the day before and the day after the holiday and has been employed by the employer a minimum of 90 hours each calendar month for two consecutive months.

HEAVY & HIGHWAY CONSTRUCTION TRUCK DRIVERS	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.	Other
Trucks under 33,000 lbs. gross load category (including all types of trucks such as fuel, dump, flat bottom, pick-up, and similar equipment, parts man and warehousemen)	$5.70	6%	3.5%			
Trucks over 33,000 lbs. gross load category (including all types of trucks such as fuel, dump (tandem), flat bottom, scissors, and combination fuel and grease)	5.85	6%	3.5%			
Tri-axle trucks	5.93	6%	3.5%			
Heavy equipment whose capacity exceeds that for which state licenses are issued - specifically refers to units in excess of 8 ft. width (such as euclids: end or belly dump, single twin-engined or tandem: athey wagon: pay loader, tournavagons, and similar, equipment when not self-loaded rated under forty-five tons)	5.93	6%	3.5%			
Heavy off-the-road equipment (rated at forty-five tons or over)	6.03	6%	3.5%			
Heavy duty trailer, such as low boy, hi-boy, pole trailer, A-Frames (when used for transporting materials), dumpsters, ross carriers, form trucks, dual-purpose trucks (when load has been loaded or unloaded with truck winch, loading, hauling and unloading), mechanical tailgate trucks, bucket self-loading trucks, farm tractors (when pulling and hauling), fork lift trucks (in storage areas and warehouses)	6.01	6%	3.5%			
Single-axle Ready-Mixed Concrete Trucks (such as agitators, barrel, redi-mix concrete trucks, etc.)	5.75	6%	3.5%			
Tandem-axle Ready-Mixed Concrete Trucks (such as agitators, barrel, redi-mix concrete trucks, etc.)	5.85	6%	3.5%			
Tri-axle Ready-Mixed Concrete Trucks (such as agitators, barrel, redi-mix concrete trucks, etc.)	5.93	6%	3.5%			
Ready-mixed Concrete Trucks with tower or built-in attachments (10¢ per hour additions) to respecitve size truck						
Tar and Asphalt Distributing trucks (all liquid tank trucks, straight and semi, including water, sprinkler, oil trucks, etc.)	5.85	6%	3.5%			
Tar and Asphalt Trailer Trucks	5.93	6%	3.5%			
Trucks with Dolly or Trailer	5.80	6%	3.5%			
Bottom or Belly-Dump Trucks	6.03	6%	3.5%			

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SUPERSEDEAS DECISION

STATE: Pennsylvania
DECISION NO.: AP-482
COUNTY: Westmoreland
DATE: Date of Publication
Supersedes Decision No. AM-1,864, dated August 20, 1971, in 36 FR 16326.
DESCRIPTION OF WORK: Building Construction, (excluding single family homes and garden type apartments up to and including 4 stories), Heavy and Highway Construction.

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BUILDING CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
Asbestos workers	$9.02	.35	.70		
Boilermakers	8.25	6.5%	6.5%		.01
Bricklayers & Stonemasons:					
Fairfield & St. Clair Twps.	8.03	.35	.60		
New Kensington	8.35	.35	.20		
Rostraver	9.22	.58			
Scottsdale	6.40	.25			
Remainder of County	8.70	.35	.61		
Carpenters	8.30	5%	6%	5%	.40 of 1%
Cement masons	8.24	6%	16%		
Electricians	8.60	.32	1¼+.20	.60	.05
Elevator constructors	7.73	.17	.185	1½+b+c	.005
Elevator constructors' helpers	5.41	.17	.185	1½+b+c	.005
Elevator constructors' helpers (Prob.)	3.865				
Glaziers	7.89	.35	.44	.33	.01
Ironworkers, structural	8.83	.435	.62		.015
Ironworkers, reinforcing	8.83	.435	.62		.015
Laborers:					
Laborers, carryable pumps, wet brick buggy or similar, vibrator operator, walk behind forklift or similar (non self-propelled) stripper and mover of forms, cement masons, footers, window cleaner, tool room man, all material conveyor (regardless of power used, including starting and stopping)	6.45	.30	.30		
West brick buggy or similar (self-propelled), power wheel barrows and buggies, walk behind forklift or similar, (self-propelled) wagon drill helper, drill runner, drill runners' helper, (including drill mounted on truck, track or similar), blaster's helper, all operators of compacting equipment, pipe layer, burner, jackhammer man - concrete buster	6.575	.30	.30		
Hod carrier, scaffold builder, bell & bottom man on furnaces & stacks, mortar mixing machine (regardless of power used, including starting and stopping) grout machine feeder & pump operator	6.70	.30	.30		
Concrete saw operators	6.95	.30	.30		
Gunnite nozzleman	6.95	.30	.30		
Blaster & wagon drill operator	7.15	.30	.30		

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BUILDING CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.	Oth
Lathers	$8.28	.30	1.10		.01	
Lead burners	8.25	.30		a	.01	
Line Construction:						
Lineman	10.02	.15	.10		.5%	
Cable splicers	10.02	.15	.10		.5%	
Groundman	6.01	.15	.10		.5%	
Winch truck operators	7.01	.15	.10		.5%	
Marble setters	8.25	.35	.50			
Marble setters' helpers	7.95					
Millwrights	7.325	4%	29½%		1%	
Painters:						
Painters, commercial	7.09	.40	.35		.07	
Painters, industrial	7.94	.40	.35		.07	
Piledrivermen	8.95	5%	6%		.50 of 1%	
Plasterers	6.68	.30	.10			
Plumbers	7.23	.45	1.00	1.00	.04	
Roofers:						
Composition	8.59	4%	.95		.035	
Slate and tile	8.59	4%	.95		.035	
Sheet metal workers	8.23	.45	.75			
Soft floor layers, carpet cutters	7.50	4%	5%	d	½%	
Sprinkler fitters	8.75	.30	.50		.05	
Steamfitters	7.23	.45	1.00	1.00	.04	
Terrazzo workers	8.775	.35	.50			
Terrazzo workers dry grinding	8.355	.35	.10			
Terrazzo workers' helpers	7.855	.35	.10			
Tile setters	6.85	.35	.95			
Tile setters' helpers	7.89					
Welders - receive rate prescribed for craft performing operation to which welding is incidental.						

PAID HOLIDAYS (Where Applicable):
A-New Year's Day; E-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:
a. Paid holidays, A through F and Washington's Birthday, Good Friday and Christmas Eve, provided the employee has worked 45 days for the employer during the 120 days prior to the holiday, and is available for work the days preceding and following the holiday.
b. Employer contributes 4% of basic hourly rate for 5 years or more of service or 2% basic hourly rate for 6 months to 5 years of service as Vacation Pay Credit.
c. Six paid holidays: A through F.
d. Seven paid holidays: A through F plus Veterans' Day.

AP-482 P. 3
PA-2-HEO-2-3-__ G (1-2)

HEAVY & HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.	Oth
POWER EQUIPMENT OPERATORS:						
Austin Western or Similar (25 ton & over) Austin Western or Similar (under 25 ton) Autograder (C.M.I. & similar) Backfiller, Backhoe - 360° Swing, Cableway, Caisson Drill (Similar to Hugh Williams) Central Mix Plant, Cooling Plant, Concrete Paving Mixer, Cranes, Cranes (Tower - Stationary-Climbing Tower Crane) Derrick, Derrick Boat, Dragline, Dredge, Dredge Hydraulic (1 Leverman - 1 Oiler - Apprentice) Elevating Grader, Franki Pile Machine, Gradall (Remote control or otherwise) Grader (Power-Fine Grade) Guard Rail Post Driver (Truck Mtd.) Guard Rail Post Driver (Skid Type) (Self Propelled - Arrow or similar) Helicopter (over 1500 lb. lift) Helicopter (under 1500 lb. lift) Hilift (4cy. and over) Hoists 2 Drums or more (in one unit) Kocal, Koering Skooper, Lead Mechanic, Locomotive (Std. Guage) Mix Mobile, Mix Mobile (with self loading Attachment) Mucking Machine (Tunnel) Pile Driver Machine, Pipe Extrusion Machine, Presplitter Drill (Self Contained) Quad Nine, Refrigeration Plant (Soil stabilization) Scraper (Multi-bowl) Shovel - Power, Slip Form Paver C.M.I. and similar) Trenching Machine (30,000 lb. and over) Trenching Machine (under 30,000 lb.) Tunnel Machine (Mark XXI Jarva or similar) Whirley	$7.73	.35	.50		.04	
Asphalt Paving Machine (Spreader) Asphalt Plant Operator, Athey Loader, Auger (Tractor Mtd.) Auger (Truck Mtd.) Backhoe (Rear Pivotal Swing) (180° Swing) Boring Machine, Cable Placer or Layer, Compactor with blade, Concrete Batch Plant (Electronically Synchronized) Concrete Belt Placer (C.M.I. and Similar) Concrete Mixer (over 1 cy.) Concrete Pump, Core Drill (Truck or skid Mtd. - similar to Penn Drill) Dozer, Euclid Loader, Grader - Power, Grease Unit Operator (Head) Hilift (under 4 cy.) Job Work Boat (Powered)						

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PA-2-HEO-2-3-__ G (1-2)

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
Jumbo Operator, Locomotive (narrow guage) Mechanic, Minor Equipment Operator (Accumulative four units) Mucking Machine, Over-head Crane, Roller-power-asphalt, Ross Carrier, Scraper, Side Boom or tractor mounted boom, stone Crusher (Screening-Washing Plants) Stone Spreader (Self-propelled Truck Mounted Drill (Davey or similar) Welder and Repairman, Well Point Pump Operator	$7.47	.35	.50		.04
Compactors/Rollers (Static or Vibratory) (Self-propelled) Minor Equipment Operator (Two to three units) Soil Stabilizer Machine, Tire Repairman Tube Finisher (C.M.I. or similar) Well Driller and Horizontal	5.46	.35	.50		.04
Ballast Regulator, Compressor, Concrete Finishing Machine and Spreader, Concrete Mixer (1 cy. and under with Skip) Concrete Saw (Ridden or self-propelled) Conveyor, Curb Builder (Self-propelled) Elevator (Material hauling only) Forklift (Ridden or self-propelled) Form line Machine, Generator, Grout Pump, Heater (Mechanical) Hoist (single drum) Ladavator, Light Plant, Mulching Machine, Pavement Breaker (self-propelled or ridden) Personnel Boat (Powered) Pulverizer, Pumps, Seeding Machine, Spray Cure Machine (Power driven) Subgrader, Tie Puller, Tie Tamper (Multi-head) Tractor-snaking and hauling, Tugger, Welding Machine (Gas or Diesel) Winch or Hydraulic Boom Truck (when hoisting and placing)	5.01	.35	.50		.04
Deck Hand, Farm Tractor, Fireman on Boiler, Mechanic's Helper, Oiler, Power Broom, Side Delivery Shoulder Spreader	4.86	.35	.50		.04

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HEAVY & HIGHWAY CONSTRUCTION TRUCK DRIVERS	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.	Oth
Trucks under 33,000 lbs. gross load category (including all types of trucks such as fuel, dump, flat bottom, pick-up, and similar equipment, parts man and warehousemen)	$5.70	6%	3.5%			
Trucks over 33,000 lbs. gross load category (including all types of trucks such as fuel, dump (tandem), flat bottom, scissors, and combination fuel and grease)	5.85	6%	3.5%			
Tri-axle trucks	5.93	6%	3.5%			
Heavy equipment whose capacity exceeds that for which state licenses are issued - specifically refers to units in excess of 8 ft. width (such as euclids: end or belly dump, single twin-engined or tandem: athey wagon: pay loader, tournawagons, and similar equipment when not self-loaded rated under forty-five tons)	5.93	6%	3.5%			
Heavy off-the-road equipment (rated at forty-five tons or over)	6.03	6%	3.5%			
Heavy duty trailer, such as low boy, hi-boy, pole trailer, A-Frames (when used for transporting materials), dumpsters, ross carriers, form trucks, dual-purpose trucks (when load has been loaded or unloaded with truck winch, loading, hauling and unloading), mechanical tailgate trucks, bucket self-loading trucks, farm tractors (when pulling and hauling), fork lift trucks (in storage areas and warehouses)	6.01	6%	3.5%			
Single-axle Ready-Mixed Concrete Trucks (such as agitators, barrel, redi-mix concrete trucks, etc.)	5.75	6%	3.5%			
Tandem-axle Ready-Mixed Concrete Trucks (such as agitators, barrel, redi-mix concrete trucks, etc.)	5.85	6%	3.5%			
Tri-axle Ready-Mixed Concrete Trucks (such as agitators, barrel, redi-mix concrete trucks, etc.)	5.93	6%	3.5%			
Ready-mixed Concrete Trucks with towed or built-in attachments (10¢ per hour additionsl to respecitve size truck						
Tar and Asphalt Distributing trucks (all liquid tank trucks, straight and semi, including water, sprinkler, oil trucks, etc.)	5.85	6%	3.5%			
Tar and Asphalt Trailer Trucks	5.93	6%	3.5%			
Trucks with Dolly or Trailer	5.80	6%	3.5%			
Bottom or Belly-Dump Trucks	6.03	6%	3.5%			

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BUILDING CONSTRUCTION POWER EQUIPMENT OPERATORS:	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OTH
Austin-Western or similar type up to 25 ton, auto grador (CMI or similar), backhoe, batch plant, cableway, caison drill, central mix plant, cranes (excluding overhead), cranes (over (mobile), cranes tower (stationary), crane tower (climbing type), derrick traveler (self-propelled), derrick (all types), derrick boats, dragline, dredge, engineer- maintenance, frankl or similar type pile driver, gradall (remote control or otherwise), helicopter & helicopter hoist when used for erection purposes), hi-lift 4 yds or over, hoist-hod (2 cages up to 10 floors), hoist-single cage with Chicago boom attached, hoist 50 ft. or over), hoist (slipform jobs), hop-to or similar type with 180 swing, hop-to or similar type with 360 swing, kocal, koehring scooper, motro chio harvester or similar type, nix mobile or similar type (with self-loading attachment), nix mobile or similar type, mucking machine (tunnel), multiple bowl machines, pile driver (sonic or similar type), post driver-guard rail (truck mounted), post driver- guard rail (skid type), pumprete- mobile or similar type, Quad lino, shovels (all types), slip form paver (CMI or similar), tractors- boom mounted (all types), tractors (all types with hydraulic backhoe attached), tug boat, Wharley,	8.975	.35	.20		.04	
Austin-Western or similar type up to 25 ton with jib, Austin-Western or similar type 25 ton or over with jib, cranes (boom or mast 100 ft. or over up to & including 150 ft.), cranes-mobile (any type 15 ton or over placed on any bldg. structure)	9.225	.35	.20		.04	
Cranes (boom or mast over 150 ft. up to & including 200 ft.) engineer-lead	9.475	.35	.20		.04	
Cranes (boom or mast over 200 ft.)	9.725	.35	.20		.04	

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BUILDING CONSTRUCTION POWER EQUIPMENT OPERATORS: (CONT'D)	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OTH
Asphalt plant op., athey loader, augor-truck, truck or tractor mounted, back filling machine, boat-material or personnel carrying (powered), boat- job work (inboard or outboard), bulldozer, cable layer, compactor with blade, compressors-2, compressor and air pump, compressor and air tugger, compressor & gunite machine (combination), compressor & sand blasting machine (combination), concrete belt placer, crane-overhead, crushing and screening plants, drill-core (truck or skid mounted), drill-Davey or similar type, drill- well & core (truck mounted), elevator, euclid loader, excavating equipment (all other), forklift- Lull or similar, generators- 2, grader, grader- elevating, greaser-equipment (hand), hi-lift- less than 4 yds., hoist- one drum (4 floors or over), hoist- hoe (bldgs., 4 floors or more), hoist (2 drums or more in one unit), jumbo op., locomotive, lift slab machine (hydraulic), mixer- paving, mucking machine, pipe cleaning machine, refrigeration plant, ross carrier (or similar type), scoop (single bowl) self-powered & tractor drawn), spreader-concrete, asphalt and stone, tower mobile (hoisting or lowering material, trencher, welding machines (up to and including 4 well point systems, two small machines, grout pump (10 H.P. or over), paver op., asphalt (spreader), pumpkrete or similar type (not self-propelled), pumpkrete machine op., (stationary), tire repairman, welder (repairman	8.825	.35	.20		.04	
Conveyors 4 units or more	8.75	.35	.20		.04	

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BUILDING CONSTRUCTION POWER EQUIPMENT OPERATORS: (Cont'd)	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OTH
Boiler, compactor (ridden or self-propelled), concrete finishing machine & spreader, crane, carry, curb builder (self-propelled), drill well drill & horizontal (self-propelled) & self-contained, elevator, forklifts (ridden or self-propelled, hoist one drum (regardless of power used), pavement breaker (self-propelled or ridden), pipe dream, roller, saw concrete, soil stabilizer (pump type), stone crusher, stone spreader self-propelled, tractors (when used for snaking and hauling), tube finisher C.M.I. or similar type, tugger, truck winch truck or hydraulic boom (when hoisting and placing), all other minor equipment, ballast regulator, boring machine, broom power (except push type), compressor-single (regardless of power used), conveyor - over 1 and up to 3 units (regardless of power used), form line machine, generator (over 5KW), hoists monorail (regardless of power used), hoist roof (regardless of power used), huck machine or similar type, mixer concrete (regardless of power used), mixer mortar-over 10 c.f. (regardless of power used), pump (over 1½" discharge, regardless of power used), spray cure machine (power driven), steam Jenny (or similar), syphon (steam or air) welding machine single (300 Amp or over), plant, private or industrial air or steam valve	8.25	.35	.20		.04	
Compressor - 65 c.f. or under (regardless of power used), conveyor 1 unit (regardless of power used), grout pump (under 10 HP), heaters - up to & including 6, jack motor hydraulic (single type) power driven, ladavator, mixer mortar (10 c.f. or under, mulching machine, pin puller (powered), pulverizer, pump - 1½" discharge or less, seeding machine, spreader side delivery shoulder (attachment), tie tamper (multiple heads), tractor farm (when used or landscaping), water blaster, oiler - truck crane 50 ton or over	7.50	.35	.20		.04	

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BUILDING [illegible]	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTH.
POWER EQUIPMENT OPERATORS: (Cont'd)						
Brake man, deck hand, helicopter signalman, oiler, mechanic helper	7.25	.35	.20		.04	
Crane [illegible] and [illegible]	7.35	.35	.20		.04	

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BUILDING CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Oth
Truck Drivers:						
Warehousemen, service trucks (pick-up, jeep, station wagon, panel truck)	$5.855	.30	.30	a		
Dumps and flat tops	5.905	.30	.30	a		
Transit-mix, single axle	5.93	.30	.30	a		
Transit-mix, tandem	5.93	.30	.30	a		
Distributed truck over 33,000 lbs. gross weight	5.905	.30	.30	a		
Distributed truck up to 33,000 lbs. gross weights	6.055	.30	.30	a		
Heavy duty trailers with high bed, 4 wheels	5.955	.30	.30	a		
Heavy duty trailers with low bed, 6 to 16 wheels	6.255	.30	.30	a		
Trucks with dolly	6.055	.30	.30	a		
Euclids or equivalent	6.055	.30	.30	a		
Truck with dump trailers or tandems	6.055	.30	.30	a		
Winch trucks	6.23	.30	.30	a		
Towing equipment off job site	6.055	.30	.30	a		

FOOTNOTE:

a. Paid Holidays: New Year's Day; Memorial Day; Independence Day; Labor Day; Thanksgiving Day; Christmas Day and Veterns Day & Good Friday, provide the employee is available for work the day before and the day after the holiday and has been employed by the employer a minimum of 40 hours each calendar month for two consecutive months.

AP-482 P. 11 PA-2-IAB-1-D

BUILDING DEMOLITION	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Oth
Laborers:						
Wrecking Laborers	$6.55	.30	.30			
Low Burners	6.70	.30	.30			
Outside Wall Men	6.70	.30	.30			
Jackhammermen	6.70	.30	.30			
High Burners	6.90	.30	.30			
High Burners' Helpers	6.70	.30	.30			

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HEAVY & HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	O
Laborers:						
Construction laborer (including tenders handling salamanders, L.P. gas heaters or similar, etc.), Air or electric impactor wrench, Air tamper operator, Asphalt tampers, Batcherman (weigh), Blaster's helper, Blower man (bulk cement), Brakeman, Coffer dam, Concrete pitman, puddler including vibrator operator, Drill runner's helper (includes drill mounted on truck, track or similar and Davey drills (spots-clean-up & helps to maintain), Fence construction, Form stripper and mover, Hydro-Jet blaster nozzlemen, Manually moved emulsion sprayer, Radio actuated traffic control operator (non-automatic), Rip rap work, Scaffolds and runways (as per agreement of record), Sheeters and shorers, structural concrete top surfacer, Walk behind street sweeper, Welder's helper (pipeline), Wood chipper	$5.71	.30	.30			
Asphalt, batch and concrete plant operator (manually operated), Asphalt rakers, Burner, Caisson men (open air), carryable pumps, Chain saw operator, Chipping hammer or similar (air or otherwise), Combination tamper and vibrator, Concrete buster (paving breaker), Cribbing (concrete or steel), Curb machine operator (asphalt and concrete) (walk behind), Earth drill, Fork lift (walk behing), Form setter (road forms line man), Handyman, Highway slab reinforcement placers (incl. joint and basket setter), Hydraulic pipe pusher, Jack hammer operator, Liner plates (tile or vitrified clay), Manually operated diamond head core drill, Mechanical joint sealer, Dope pot, and Tar kettle, Mortar mixer (ahnd or machine), Pin drivers or puller (power-highway), Pipe layers, Plant set-up, Maintenance men, Portable single unit conveyor, Post hole auger (2 or 4 cycle) (hand operated), Power fence operator, Power wheelbarrows and buggies, Rail porter, or similar, Screed operator						

HEAVY & HIGHWAY CONSTRUCTION

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	?
Laborers (cont'd):						
Signal man, Whacker	$5.93	.30	.30			
All Railroad Track Work:						
Adzing machine, Ballast router, Bolting machine, Power jacks, Rail drills, Railroad brakemen, Rail saws, Spike drivers, Spike pullers, Tamping machine	5.93	.30	.30			
Cement mortar lining car pusher, Cement mortar mixer (pipe relining), Cement saw operator (walk behind), Form setter (road forms-lead man), Grout machine operator, Gunnite (nozzle and machine man), Paving block rammers, Wagon drill (air track or similar) operators, Walk behind power rollers (1 or 2 barrel), Walk behind roller and tamper, Walk behind ditching machine (trencher or similar)	6.24	.30	.30			
Blacksmith, Blaster, Brick and block pavers (wood, belgain and asphalt), Curb cutters and setters, Manhole or catch basin builder (brick, block, concrete or any prefabrication)	6.36	.30	.30			
Multi-plate pipe (aligning and securing)	6.55	.30	.30			
Placing wire mesh on gunite projects, Reinforcing steel placers (bending, aligning and securing)	7.70	.30	.30			
Welder (pipeline)	5.69	.30	.30			
Tunnel and Shaft Work (Inside):						
Change house attendant	5.93	.30	.30			
Muckers, Brakemen and all other labor (inlcudes installation of utility lines), Signal man, Drill runner helper	6.24	.30	.30			
Miners and drillers (including lining, supporting and form workmen, setting of shields, miscellaneous equipment & jumbos)	6.36	.30	.30			
Caisson and tunnel men under pressure (0-15 pounds)	5.55	.30	.30			
Reinforcing steel placers (bending, aligning and securing)	7.46	6%	3%			
Carpenters	7.70	6%	3%			
Carpenters-welders	7.17	.43	1.08			
Cement masons	8.41	5%	6%			
Piledrivermen						

SUPERSEDEAS DECISION

STATE: Pennsylvania COUNTY: Allegheny
DECISION NO: AP-495 DATE: Date of Publication
Supersedes Decision No. Ap-421, dated September 29, 1972, in 37 FR 20447.
DESCRIPTION OF WORK: Building construction, (excluding single family homes and garden type apartments up to and including 4 stories); Heavy and Highway Construction.

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BUILDING CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Oth
Asbestos workers	$9.02	.35	.70			
Boilermakers	8.25	6.5%	6.5%		.01	
Bricklayers	9.255	.35	.40			
Carpenters	8.30	5%	6%	5%	.40 of 1%	
Cement masons-finishers	8.24	6%	16%			
Electricians	8.60	.32	1%+.20	.60	.05	
Elevator constructors	7.73	.17	.185	1½%+a&b	.005	
Elevator constructors' helpers	5.41	.17	.185	1½%+a&b	.005	
Elevator constructors' helpers (prob.)	3.865					
Glaziers	7.89	.35	.44	.33	.01	
Ironworkers, structural	8.83	.435	.62		.015	
Ironworkers, reinforcing	8.83	.435	.62		.015	
Laborers:						
Laborers, carryable pumps, west brick buggy or similar, vibrator operators, walk behind forklift or similar (non-self-propelled) stripper and mover of forms, cement masons, footers, window cleaner, tool room man, all material conveyor (regardless of power used, including starting and stopping)	6.50	.30	.30			
West brick buggy or similar (self-propelled), power wheelbarrows and buggies, walk behind forklift or similar, (self propelled) wagon drill helper, drill runner, drill runners' helper, (including drill mounted on truck, track or similar), blaster's helper, all operators of compacting equipment, pipe layer, burner, jackhammer man-concrete buster	6.625	.30	.30			
Hod carrier, scaffold builder, bell & bottom man on furnaces and stacks, mortar mixer, mortar mixing machine (regardless of power used including starting & stopping), grout machine feeder and pump operator	6.75	.30	.30			
Concrete saw operators	6.75	.30	.30			
Gunnite nozzleman	7.00	.30	.30			
Blaster, wagon drill operator	7.20	.30	.30			
Lathers	8.28	.30	1.10		.01	
Lead burners	8.25	.30		c	.01	

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	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Other
Line construction: (Lineman, cable splicers	$10.02	.15	1%		.5%	
Groundman	6.01	.15	1%		.5%	
Winch truck operator	7.01	.15	1%		.5%	
Marble setters	8.25	.35	.50			
Marble setters' helpers	7.95		.10			
Millwrights	7.325	4%	2½%		1%	
Painters; Commercial:						
Brush	8.38	.275	.20			
Paperhangers	8.43	.275	.20			
Spray	8.88	.275	.20			
Painters; Industrial:						
Brush	8.68	.275	.20			
Spray	9.18	.275	.20			
Piledrivermen	9.40	5%	6%		.50of1%	
Plasterers	7.58	.37	.50			
Plumbers	8.66	.60	.625		.125	
Roofers:						
Composition, Slate, tile	8.59	4%	.95		.035	
Sheet metal workers	8.23	.45	.70			
Steamfitters	8.69	.25	1.10		.065	
Stonemasons	9.135	.35	.50			
Sprinkler fitters	8.855	.25	.40		.04	
Soft floor layers, carpet cutters	7.50	4%	5%	d	½%	
Terrazzo workers	8.775	.35	.50			
Terrazzo workers' helpers	7.855	.35	.10			
Terrazzo workers' helpers, dry grinders	8.355	.35	.10			
Tile setters	6.85	.35	.95			
Tile setters' helpers	7.89					
Welders-receive rate prescribed for craft performing operation to which welding is incidental.						

PAID HOLIDAYS: (Where Applicable)
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:
a. Employer contributes 4% of basic hourly rate for 5 years or more of service or 2% basic hourly rate for 6 months to 5 years of service as Vacation Pay Credit.

b. 6 paid holidays: A through F.

c. Paid holidays, A through F and Washington's Birthday, Good Friday and Christmas Eve, provided the employee has worked 45 days for the employer during the 120 days prior to the holiday, and is available for work the day preceding and following the holiday.

d. 7 paid holiday: A through F plus Veterans' Day.

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PA-2-LAB-1-D

BUILDING DEMOLITION

	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Others
Laborers:						
Wrecking Laborers	$6.55	.30	.30			
Low Burners	6.70	.30	.30			
Outside Wall Men	6.70	.30	.30			
Jackhammermen	6.70	.30	.30			
High Burners	6.90	.30	.30			
High Burners' Helpers	6.70	.30	.30			

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BUILDING CONSTRUCTION

POWER EQUIPMENT OPERATORS:

	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS: H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Austin-Western or similar type up to 25 ton, auto grader (CMI or similar), backhoe, batch plant, cableway, caison drill, central mix plant, cranes (excluding overhead), cranes tower (mobile), cranes tower (stationary), crane tower (climbing type), derrick traveler (self-propelled), derrick (all types), derrick boats, dragline, dredge, engineer- maintenance, franki or similar type pile driver, gradall (remote control or otherwise), helicopter & helicopter hoist when used for erection purposes), hi-lift 4 yds or over, hoist-hod (2 cages up to 10 floors), hoist-single cage with Chicago boom attached, hoist 50 ft. or over), hoist (slipform jobs), hop-to or similar type with 180 swing, hop-to or similar type with 360 swing, kocal, koehring scooper, retro chip harvester or similar type, mix mobile or similar type (with self-loading attachment), mix mobile or similar type, mucking machine (tunnel), multiple bowl machines, pile driver (sonic or similar type), post driver-guard rail (truck mounted), post driver- guard rail (skid type), pumpkrete- mobile or similar type, Quad Nine, shovels (all types), slip form paver (CMI or similar), tractors- boom mounted (all types), tractors (all types with hydraulic backhoe attached), tug boat, Whirley,	8.975	.35	.20		.04	
Austin-Western or similar type up to 25 ton with jib, Austin-Western or similar type 25 ton or over with jib, cranes (boom or mast 100 ft. or over up to & including 150 ft.), cranes-mobile (any type 15 ton or over placed on any bldg. structure)	9.225	.35	.20		.04	
Cranes (boom or mast over 150 ft. up to & including 200 ft.) engineer-lead	9.475	.35	.20		.04	
Cranes (boom or mast over 200 ft.)	9.725	.35	.20		.04	

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BUILDING CONSTRUCTION

POWER EQUIPMENT OPERATORS: (CONT'D)

	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS: H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Asphalt plant op., athey loader, auger-truck, truck or tractor mounted, back filling machine, boat-material or personnel carrying (powered), boat- job work (inboard or outboard), bulldozer, cable layer, compactor with blade, compressors-2, compressor and air pump, compressor and air tugger, compressor & gunite machine (combination), compressor & sand blasting machine (combination), concrete belt placer, crane-overhead, crushing and screening plants, drill-core (truck or skid mounted), drill-Davey or similar type, drill- well & core (truck mounted), elevator, euclid loader, excavating equipment (all other), forklift- Lull or similar, generators- 2, grader, grader- elevating, greaser-equipment (head), hi-lift- less than 4 yds., hoist- one drum (4 floors or over), hoist- hod (bldgs., 4 floors or more), hoist (2 drums or more in one unit), jumbo op., locomotive, lift slab machine (hydraulic), mixer- paving, mucking machine, pipe cleaning machine, refrigeration plant, ross carrier (or similar type), scoop (single bowl) self-powered & tractor drawn), spreader-concrete, asphalt and stone, tower mobile (hoisting or lowering material, trencher, welding machines (up to and including 4 well point systems, two small machines, grout pump (10 H.P. or over), paver op., asphalt (spreader), pumpkrete or similar type (not self-propelled), pumpkrete machine op., (stationary), tire repairman, welder (repairman	8.825	.35	.20		.04	
Conveyors 4 units or more	8.75	.35	.20		.04	

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BUILDING CONSTRUCTION

POWER EQUIPMENT OPERATORS: (Cont'd)

	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS: H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Boiler, compactor (ridden or self-propelled), concrete finishing machine & spreader, crane, carry, curb builder (self-propelled), drill well drill & horizontal (self-propelled) & self-contained, elevator, forklifts (ridden or self-propelled, hoist one drum (regardless of power used), pavement breaker (self-propelled or ridden), pipe dream, roller, saw concrete, soil stabilizer (pump type), stone crusher, stone spreader self-propelled, tractors (when used for snaking and hauling), tube finisher C.M.I. or similar type, tugger, truck winch truck or hydraulic boom (when hoisting and placing), all other minor equipment, ballast regulator, boring machine, broom power (except push type), compressor-single (regardless of power used), conveyor - over 1 and up to 3 units (regardless of power used), form line machine, generator (over 5KW), hoists monorail (regardless of power used), hoist roof (regardless of power used), huck machine or similar type, mixer concrete (regardless of power used), mixer mortar-over 10 c.f. (regardless of power used), pump (over 1½" discharge, regardless of power used), spray cure machine (power driven), steam Jenny (or similar type), syphon (steam or air) welding machine single (300 Amp or over), plant, private or industrial air or steam valve	8.25	.35	.20		.04	
Compressor - 65 c.f. or under (regardless of power used), conveyor 1 unit (regardless of power used), grout pump (under 10 HP), heaters - up to & including 6, jack motor hydraulic (single type) power driven, ladavator, mixer mortar (10 c.f. or under, mulching machine, pin puller (powered), pulverizer, pump - 1½" discharge or less, seeding machine, spreader side delivery shoulder (attachment), tie tamper (multiple heads), tractor farm (when used or landscaping), water blaster, oiler - truck crane 50 ton or over	7.50	.35	.20		.04	

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BUILDING CONSTRUCTION	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTH
POWER EQUIPMENT OPERATORS: (Cont'd)						
Brake man, deck hand, helicopter signalman, oiler, mechanic helper	7.25	.35	.20		.04	
Crane truck oiler and fireman	7.35	.35	.20		.04	

BUILDING CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Oth
Truck Drivers:						
Warehousemen, service trucks (pick-up, jeep, station wagon, panel truck)	$5.855	.30	.30	a		
Dumps and flat tops	5.905	.30	.30	a		
Transit-mix, single axle	5.93	.30	.30	a		
Transit-mix, tandem	5.93	.30	.30	a		
Distributed truck over 33,000 lbs. gross weight	5.905	.30	.30	a		
Distributed truck up to 33,000 lbs. gross weights	6.055	.30	.30	a		
Heavy duty trailers with high bed, 4 wheels	5.955	.30	.30	a		
Heavy duty trailers with low bed, 6 to 16 wheels	6.255	.30	.30	a		
Trucks with dolly	6.055	.30	.30	a		
Euclids or equivalent	6.055	.30	.30	a		
Truck with dump trailers or tandems	6.055	.30	.30	a		
Winch trucks	6.23	.30	.30	a		
Towing equipment off job site	6.055	.30	.30	a		

FOOTNOTE:

a. Paid Holidays: New Year's Day; Memorial Day; Independence Day; Labor Day; Thanksgiving Day; Christmas Day and Veterns Day & Good Friday, provide the employee is available for work the day before and the day after the holiday and has been employed by the employer a minimum of 40 hours each calendar month for two consecutive months.

HEAVY & HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Oth
Laborers:						
Construction laborer (including tenders handling salamanders, L.P. gas heaters or similar, etc.), Air or electric impactor wrench, Air tamper operator, Asphalt tampers, Batcherman (weigh), Blaster's helper, Blower man (bulk cement), Brakeman, Coffer dam, Concrete pitman, puddler including vibrator operator, Drill runner's helper (includes drill mounted on truck, track or similar and Davey drills (spots-clean-up & helps to maintain), Fence construction, Form stripper and mover, Hydro-Jet blaster nozzlemen, Manually moved emulsion sprayer, Radio actuated traffic control operator (non-automatic), Rip rap work, Scaffolds and runways (as per agreement of record), Sheeters and shorers, structural concrete top surfacer, Walk behind street sweeper, Welder's helper (pipeline), Wood chipper	$5.86	.30	.30			
Asphalt, batch and concrete plant operator (manually operated), Asphalt rakers, burner, Caisson men (open air), carryable pumps, Chain saw operator, Chipping hammer or similar (air or otherwise), Combination tamper and vibrator, Concrete buster (paving breaker), Cribbing (concrete or steel), Curb machine operator (asphalt and concrete) (walk behind), Earth drill, Fork lift (walk behing), Form setter (road forms line man), Handyman, Highway slab reinforcement placers (incl. joint and basket setter), Hydraulic pipe pusher, Jack hammer operator, Liner plates (tile or vitrified clay), Manually operated diamond head core drill, Mechanical joint sealer, Dope pot, and Tar kettle, Mortar mixer (ahnd or machine), Pin drivers or puller (power-highway), Pipe layers, Plant set-up, Maintenance men, Portable single unit conveyor, Post hole auger (2 or 4 cycle (hand operated), Power fence operator, Power wheelbarrows and buggies, Rail porter, or similar, Screed operator						

HEAVY & HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Oth
Laborers (cont'd):						
Signal man, Whacker	$6.05	.30	.30			
All Railroad Track Work:						
Adzing machine, Ballast router, Bolting machine, Power jacks, Rail drills, Railroad brakemen, Rail saws, Spike drivers, Spike pullers, Tamping machine	6.05	.30	.30			
Cement mortar lining car pusher, Cement mortar mixer (pipe relining), Cement saw operator (walk behind), Form setter (road forms-lead man), Grout machine operator, Gunnite (nozzle and machine man), Paving block rammers, Wagon drill (air track or similar) operators, Walk behind power rollers (1 or 2 barrel), Walk behind roller and tamper, Walk behind ditching machine (trencher or similar)	6.36	.30	.30			
Blacksmith, Blaster, Brick and block pavers (wood, belgain and asphalt), Curb cutters and setters, Manhole or catch basin builder (brick, block, concrete or any prefabrication)	6.48	.30	.30			
Multi-plate pipe (aligning and securing)						
Placing wire mesh on gunite projects, Reinforcing steel placers (bending, aligning and securing)	6.55	.30	.30			
Welder (pipeline)	7.70	.30	.30			
Tunnel and Shaft Work (Inside):						
Change house attendant	5.86	.30	.30			
Muckers, Brakemen and all other labor (inlcudes installation of utility lines), Signal man, Drill runner helper	6.10	.30	.30			
Miners and drillers (including lining, supporting and form workmen, setting of shields, miscellaneous equipment & jumbos)	6.36	.30	.30			
Caisson and tunnel men under pressure (0-18 pounds)	6.48	.30	.30			
Reinforcing steel placers (bending, aligning and securing)	6.55	.30	.30			
Carpenters	7.46	6%	3%			
Carpenter Welder	7.70	6%	3%			
Cement Masons	7.17	.43	1.08			
Piledrivermen	8.41	5%	6%			

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HEAVY & HIGHWAY CONSTRUCTION

POWER EQUIPMENT OPERATORS:

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	Apr. Tr.	O
Austin Western or Similar (25 ton & over) Austin Western or Similar (under 25 ton) Autograder (C.M.I. & similar) Backfiller, Backhoe - 360° Swing, Cableway, Caisson Drill (similar to Hugh Williams) Central Mix Plant, Cooling Plant, Concrete Paving Mixer, Cranes, Cranes (Tower - Stationary-Climbing Tower Crane) Derrick, Derrick Boat, Dragline, Dredge, Dredge Hydraulic (1 Leverman - 1 Oiler - Apprentice) Elevating Grader, Franki Pile Machine, Gradall (Remote control or otherwise) Grader (Power-Fine Grade) Guard Rail Post Driver (Truck Mtd.) Guard Rail Post Driver (Skid Type) (Self Propelled - Arrow or similar) Helicopter (over 1500 lb. lift) Helicopter (under 1500 lb. lift) Hilift (4cy. and over) hoists 2 Drums or more (in one unit) Koehl, Koering Skooper, Lead Mechanic, Locomotive (std. Gauge) Mix Mobile, Mix Mobile (with self loading Attachment) Packing Machine (Tunnel) Pile Driver Machine, Pipe Extrusion Machine, Prosplitter Drill (Self Contained) Quad Nine, Refrigeration Plant (Soil stabilization) Scraper (Multi-bowl) Shovel - Power, Slip Form Paver (C.M.I. and similar) Trenching Machine (30,000 lb. and over) Trenching Machine (under 30,000 lb.) Tunnel Machine (Mark XXI Jarva or similar) Whirley	$7.73	.35	.50		.04	
Asphalt Paving Machine (Spreader) Asphalt Plant Operator, Athey Loader, Auger (Tractor Mtd.) Auger (Truck Mtd.) Backhoe (Rear Pivotal Swing) (180° Swing) Boring Machine, Cable Placer or Layer, Compactor with blade, Concrete Batch Plant (Electronically Synchronized) Concrete Belt Placer (C.M.I. and Similar) Concrete Mixer (over 1 cy.) Concrete Pump, Core Drill (Truck or skid Mtd. - similar to Penn Drill) Dozer, Euclid Loader, Grader - Power, Grease Unit Operator (Head) Hilift (under 4 cy.) Job Work Boat (Powered)						

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PA-2-PEO-2-3- G (2-2)

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	Apr. Tr.	O
Jumbo Operator, Locomotive (narrow guage) Mechanic, Minor Equipment Operator (Accumulative four units) Mucking Machine, Over-head Crane, Roller-power-asphalt, Ross Carrier, Scraper, Side Boom or tractor mounted boom, stone Crusher (Screening-Washing Plants) Stone Spreader (Self-propelled Truck Mounted Drill (Davey or similar) Welder and Repairman, Well Point Pump Operator	$7.47	.35	.50		.04	
Compactors/Rollers (Static or Vibratory) (Self-propelled) Minor Equipment Operator (Two to three units) Soil Stabilizer Machine, Tire Repairman Tube Finisher (C.M.I. or similar) Well Driller and Horizontal	5.46	.35	.50		.04	
Ballast Regulator, Compressor, Concrete Finishing Machine and Spreader, Concrete Mixer (1 cy. and under with Skip) Concrete Saw (Ridden or self-propelled) Conveyor, Curb Builder (Self-propelled) Elevator (Material hauling only) Fork-lift (Ridden or self-propelled) Form line Machine, Generator, Grout Pump, Heater (Mechanical) Hoist (single drum) Ladavator, Light Plant, Mulching Machine, Pavement Breaker (self-propelled or ridden) Personnel Boat (Powered) Pulverizer, Pump, Seeding Machine, Spray Cure Machine (Power driven) Subgrader, Tie Puller, Tie Tamper (Multi-head) Tractor-snaking and hauling, Tugger, Welding Machine (Gas or Diesel) Winch or Hydraulic Boom Truck (when hoisting and placing)	5.01	.35	.50		.04	
Deck Hand, Farm Tractor, Fireman on Boiler, Mechanic's Helper, Oiler, Power Broom, Side Delivery Shoulder Spreader	4.86	.35	.50		.04	

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HEAVY & HIGHWAY CONSTRUCTION

TRUCK DRIVERS

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	Apr. Tr.	Others
Trucks under 33,000 lbs. gross load category (including all types of trucks such as fuel, dump, flat bottom, pick-up, and similar equipment, parts man and warehousemen)	$5.70	6%	3.5%			
Trucks over 33,000 lbs. gross load category (including all types of trucks such as fuel, dump (tandem), flat bottom, scissors, and combination fuel and grease)	5.85	6%	3.5%			
Tri-axle trucks	5.93	6%	3.5%			
Heavy equipment whose capacity exceeds that for which state licenses are issued - specifically refers to units in excess of 8 ft. width (such as euclids: end or belly dump, single twin-engined or tandem: athey wagon: pay loader, tournawagons, and similar equipment when not self-loaded rated under forty-five tons)	5.93	6%	3.5%			
Heavy off-the-road equipment (rated at forty-five tons or over)	6.03	6%	3.5%			
Heavy duty trailer, such as low boy, hi-boy, pole trailer, A-Frames (when used for transporting materials), dumpsters, ross carriers, form trucks, dual-purpose trucks (when load has been loaded or unloaded with truck winch, loading, hauling and unloading), mechanical tailgate trucks, bucket self-loading trucks, farm tractors (when pulling and hauling), fork lift trucks (in storage areas and warehouses)	6.01	6%	3.5%			
Single-axle Ready-Mixed Concrete Trucks (such as agitators, barrel, redi-mix concrete trucks, etc.)	5.75	6%	3.5%			
Tandem-axle Ready-Mixed Concrete Trucks (such as agitators, barrel, redi-mix concrete trucks, etc.)	5.85	6%	3.5%			
Tri-axle Ready-Mixed Concrete Trucks (such as agitators, barrel, redi-mix concrete trucks, etc.)	5.93	6%	3.5%			
Ready-mixed Concrete Trucks with towed or built-in attachments (10¢ per hour additionsl to respecitve size truck						
Tar and Asphalt Distributing trucks (all liquid tank trucks, straight and semi, including water, sprinkler, oil trucks, etc.)	5.85	6%	3.5%			
Tar and Asphalt Trailer Trucks	5.93	6%	3.5%			
Trucks with Dolly or Trailer	5.80	6%	3.5%			
Bottom or Belly-Dump Trucks	6.03	6%	3.5%			

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SUPERSEDEAS DECISION

STATE: Rhode Island
DECISION NO.: AP-483
COUNTIES: Bristol, Kent and Providence
DATE: Date of Publication
Supersedes Decision No. AP-426, dated September 29, 1972, in 37 FR 20471.
DESCRIPTION OF WORK: Building Construction, (excluding single family homes and garden type apartments up to and including 4-stories), heavy and highway construction, and marine construction.

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BUILDING CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.	Other
Asbestos workers	$8.70	.39	.35		.005	
Boilermakers	8.705	.50	10%		.01	
Bricklayers, cement masons and stone masons:						
Ashton, Berkeley, Central Falls, Cumberland, Lincoln, Lonsdale, Pawtucket and Valley Falls	8.70	.25	.25		.01	
Bricklayers, cement masons, plasterers, stone masons, marble, tile and terrazzo workers:						
Woonsocket, N. Smithfield, Burrillville and Cumberland Hill	8.67	.25	.30		.01	
Bristol and Kent Counties; and Remainder of Providence County:						
Bricklayers and stone masons	8.57	.25	.35		.01	
Cement masons	7.95	.50	.35			
Marble, tile and terrazzo workers	8.55	.25	.35			
Plasterers	8.50	.20	a			
Carpenters, soft floor layers, piledrivermen:						
Burrillville, N. Smithfield, Woonsocket Townships	7.67	.25	.25			
Bristol & Kent Cos., & Remainder of Providence County:						
Carpenters, soft floor layers & Piledrivermen	8.25	.35	.35		.01	
Millwrights	8.50	.35	.35		.01	
Electricians	8.35	.18	1%		.02	
Elevator constructors	6.87	.17	.185	½%+a+b	.005	
Elevator constructors' helpers	4.81	.17	.185	½%+a+b	.005	
Elevator constructors' helpers (Prob.)	3.435					
Glaziers	7.74	.42	.30	e	.01	
Ironworkers: str., orn., reinforcing	7.70	.45	.80+.50		.02	
Laborers:						
Laborers, Building:						
Laborers, carpenters tender, cement finisher tenders, mason tenders	6.50	.40	.40		.05	
Jackhammers, paving breaker, chain saw pipelayers, mechanical grinder, all other pneumatic tools, barco type jumping tampers	6.75	.40	.40		.05	
Plasterers tenders	6.30	.25	.15			
Powdermen blasters	7.25	.40	.40			
Laborers, Wrecking:						
Laborers, signalmen	6.50	.40	.40		.05	
Adsman, burner, jackhammer	6.75	.40	.40		.05	

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BUILDING CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.	Other
Lathers	$7.40	.45	.50		.01	
Lead burners	7.80	.30		c	.01	
Line Construction:						
Linemen	7.14	.20	1%	d		
Driver Groundman	5.58	.20	1%	d		
Groundman	5.07	.20	1%	d		
Equipment operator	6.31	.20	1%	d		
Marble, tile and terrazzo workers' helpers	7.23		.50			
Painters:						
Bristol, Kent and Providence Counties:						
Brush	6.95	.25	.25			
Structural steel	7.20	.25	.25			
Spray	7.95	.25	.25			
Plumbers	8.55	.35	.35			
Roofers:						
Composition, waterproofers	7.85	.20	.25			
Slate, tile and precast concrete Helpers, Class A	8.05	.20	.25			
Helpers, Class B	7.00	.20	.25			
Sheet metal workers	6.45	.20	.25			
Sprinkler fitter	8.43	.36	.35		.02	
Steamfitters, pipefitters	9.07	.30	.50		.01	
Truck Drivers: Building	8.82	.35	.80		.03	
2-axle; dumps	5.31	.30	.50			
3-axle; trailers	5.39	.30	.50			
Low beds, trailers (24 tons and over); trailers (I-Beam), specialized earth moving equipment (Euclid type)	5.64	.30	.50			
Euclid type equipment over 35 ton capacity	5.89	.30	.50			
Welders - receive rate prescribed for craft performing operation to which welding is incidental.						

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:
a. Employer contributes 4% basic hourly rate for 5 years or more of service or 2% basic hourly rate for 6 months to 5 years of service as Vacation Pay Credit.
b. Holidays: A through F.
c. Holidays: A through F, Washington's Birthday, Good Friday and Christmas Eve provided employee has worked 45 full days during the 120 calender days prior to the holiday, and the regular scheduled work days immediately preceding and following the holiday.
d. Paid Holiday: A through F, Bunker Hill day provided employee has been employed 10 working days prior to the holiday and provided the employee worked the scheduled work day immediately preceding and following the holiday.
e. Paid Holiday: "D".

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HEAVY, HIGHWAY AND MARINE CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.	Other
Bricklayers, stone masons, catch basin, manhole builders	$8.02	.25	.35		.01	
Carpenters, piledrivers	8.56	.35	.35			
Cement masons - finishers	6.85	.35				
Electricians:						
Burriville, Cumberland, N. Smithfield, and Woonsocket	4.60	.10	1%		.01	
Bristol & Kent Cos.; & Remainder of Providence County	7.70	.18	1%		.02	
Ironworkers: str., orn., reinforcing	7.70	.45	.85		.02	
Laborers:						
Laborers	6.10	.25	.25		.05	
Adsmen, asphalt rakers, barco type jumping tampers, chain saw operators, concrete saw operators, demolition burners, fence and guard rail erectors highway stone spreaders, mechanical grinder operators, mortar mixers, pipelayers, pipe trench bracers, pneumatic tool operators, riprap and dry stonewall builders, setters of metal forms for roadways, stumper operators, tree toppers, tree trimmers, wagon drill operators, wood chipper operators concrete and power buggy operators	6.35	.25	.25		.05	
Air track op.	6.60	.25	.25		.05	
Blasters and powdermen	6.85	.25	.25		.05	
Pavers, rammers, curb setters	6.60	.25	.25		.05	
Line Construction:						
Linemen	7.14	.20	1%	a		
Equipment operator	6.31	.20	1%	a		
Groundman	5.07	.20	1%	a		
Driver groundman	5.58	.20	1%	a		
Painters:						
Bristol, Kent and Providence County:						
Brush	6.95	.25	.25			
Structural steel	7.20	.25	.25			
Spray and sandblasting	7.95	.25	.25			
Plumbers	6.70	.35	.35			
Waterproofers	7.85	.20	.25			
Welders - receive rate prescribed for craft performing operation to which welding is incidental.						

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTE:
a. Holidays: A through F, Bunker Hill Day provided employee has been employed 10 work days prior to the holiday and provided the employee works the scheduled work days immediately preceding and following the holiday.

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BRIDGES, CAISSONS, DOCKS, MARINE, PIERS, SUBBASEMENTS, SUBTERRANEAN, TUNNELS, & HEAVY CONSTRUCTION POWER EQUIPMENT OPERATORS	Basic Hourly Rates	FRINGE BENEFITS PAYMENTS H & W	Pensions	Vacation	App. Tr.	Other
Digging Machines, cranes, pile drivers, lighters, locomotives, derricks, hoists, pavers and front end loaders 3 yds. and over	$10.05	.40	.40		.05	
Firemen and Oilers	8.05	.40	.40		.05	
Bulldozers, graders, spreaders, scrapers, rollers and front-end loaders less than 3 yds	8.65	.40	.40		.05	
Maintenance Engineers	8.35	.40	.40		.05	
Well-point Installation Crews	8.85	.40	.40		.05	
Gas or electric driven pumps, heaters, concrete mixers, stone crushers, air compressors, welding machines and generators for light plants	8.65	.40	.40		.05	
Boat and Tug Operators	10.05	.40	.40		.05	
Apprentices (Deckhands)	8.15	.40	.40		.05	

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BUILDING CONSTRUCTION POWER EQUIPMENT OPERATORS	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.	Oth
Digging Machines, cranes, pile drivers, lighters, locomotives, derricks, hoists pavers, and front-end loaders 3 yds. and over	$9.35	.40	.40		.05	
Economobile type equipment	9.10	.40	.40		.05	
Fork lift	8.85	.40	.40		.05	
Firemen and Oilers	7.45	.40	.40		.05	
Bulldozers, graders, spreaders, tractors, scrapers, rollers and front-end loaders less than 3 yds.	8.00	.40	.40		.05	
Pippin type backhoes	8.30	.40	.40		.05	
Maintenance Engineers	7.90	.40	.40		.05	
Well-point Installation	8.05	.40	.40		.05	
Gas or electric driven pumps, heater, concrete mixers, stone crushers, air compressors, welding machines and generators for light plants	8.20	.40	.40		.05	

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RI-1-HWO-3-P

BRIDGE (Incidental to Highway) and HIGHWAY CONSTRUCTION POWER EQUIPMENT OPERATOR	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.	Oth
Digging machines, cranes, piledrivers, lighters, locomotives, derricks, hoists, pavers and front-end loaders 3 to 4 yds. and economobile & ross carriers	$9.15	.40	.40			
Fork lifts	8.35	.40	.40			
Firemen	7.75	.40	.40			
Oilers and apprentices	6.90	.40	.40			
Bulldozers, spreaders, rollers and front-end loaders, less than 3 yds., tractors	7.65	.40	.40			
Scrapers and graders & dozer operators	7.775	.40	.40			
Pippin type backhoe operator	8.00	.40	.40			
Maintenance engineers	7.50	.40	.40			
Gas and electric driven heaters, pumps, concrete mixers, stone crushers, air compressors, light plants and welding machines and concrete pumps	7.775	.40	.40			
Test boring machine operators	6.625	.40	.40			
Well point installation crews	7.60	.40	.40			
Operators of truck cranes with booms of 130 to 150 feet	9.65	.40	.40			
over 150 feet	9.90	.40	.40			
Operators of cat cranes with booms of 130 to 160 feet	9.65	.40	.40			
over 180 feet	9.90	.40	.40			

AP-483 P. 7

RHODE ISLAND-1-CD-2-1 J

HEAVY & HIGHWAY CONSTRUCTION	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OTHER
Truck Drivers:						
2 axle	$3.97	.24	.35	a+b		
3-axle, Ready Mix Equipment	4.02	.24	.35	a+b		
4-5 axle Dump	4.12	.24	.35	a+b		
Low bed trailer equipment-specialized earth moving equipment other than conventional type	4.22	.24	.35	a+b		
Helpers on low bed	3.97	.24	.35	a+b		

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:
a. Holidays: A through F, Columbus Day, Veteran's Day providing employee has worked at least two days in the calendar week in which the Holiday falls.

b. Employee who has been on payroll for 1 year or more but less than 5 years and has worked 150 days during the last year of employment shall receive: 1 week's vacation; 5 years or more - 2 weeks vacation.

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SUPERSEDEAS DECISION

STATE: Tennessee COUNTY: Davidson
DECISION NUMBER: AP-169 DATE: Date of Publication
Supersedes Decision No. AM-8,622 dated June 9, 1972 37 FR 11632
DESCRIPTION OF WORK: Building Construction, (excluding single family homes and garden type apartments up to and including 4 stories).

19-Tenn.-1-F 1 of 2

BUILDING CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Asbestos workers	$7.50	.85	.15			
Boilermakers	6.85	.40	.60		.01	
Bricklayers	6.75					
Carpenters	6.50	.15	.10		.02	
Cement masons	5.05	.25				
Electricians	6.31	.30	3%		.25%	
Elevator constructors	6.31	.345	.23	2%+a+b	.005	
Elevator constructors' helpers	70% JR					
Elevator constructors' helpers(prob.)	50% JR					
Glaziers	6.25	.30	.20		.02	
Ironworkers:						
Structural, ornamental and reinforcing	6.65	.30	.25		.04	
Laborers:						
Unskilled	3.51					
Air tool operator	4.15	.15	.10			
Mason tenders	4.15	.15	.10			
Pipelayers	4.30	.15	.10			
Powderman	4.55	.15	.10			
Lathers	6.30		.20		.01	
Millwrights	6.65	.15	.10		.01	
Painters, brush	5.60	.20			.05	
Plasterers	6.10	.20	.20		.01	
Plumbers	6.47	.30	.30	.25	.03	
Roofers	5.70		.10	c		
Sheet metal workers	6.10	.25	.20	d	1½%	
Steamfitters	6.57	.25	.25	.25	.03	
Sprinkler fitters	8.05	.30	.40		.05	
Terrazzo workers	5.10					
Tile setters	5.10					
Truck drivers	3.85					
Welders - Rate for Craft.						
POWER EQUIPMENT OPERATORS:						
Air compressor	4.95	.25	.25			
Bulldozers	6.00	.25	.25			
Cranes	6.00	.25	.25			
Fork lift	6.00	.25	.25			
Front end loaders	6.00	.25	.25			
Gradall	6.00	.25	.25			
Hoist	5.15	.25	.25			
Oilers	5.28	.25	.25			
Trenchator	6.00	.25	.25			

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; F-Christmas Day.

FOOTNOTES:

a. Holidays: A through F.

b. Employer contributes 4% of regular hourly rate to Vacation Pay Credit for employee who has worked in business more than 5 years. Employer contributes 2% of regular hourly rate to Vacation Pay Credit for employee who has worked in business less than 5 years.

c. Holidays: C, D and F.

d. Holidays: A through F.

[FR Doc.73-5366 Filed 3-22-73;8:45 am]

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federal register

MONDAY, MARCH 26, 1973

WASHINGTON, D.C.

Volume 38 ■ Number 57

Pages 7783–7967

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Rules and Regulations

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.

The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

Title 6—Economic Stabilization

CHAPTER I—COST OF LIVING COUNCIL

PART 130—COST OF LIVING COUNCIL PHASE III REGULATIONS

Firms Engaged in the Manufacture of Meat Products

Part 130 is amended in subpart F by adding a new § 130.57d. The purpose of the new § 130.57d is to prescribe a new pricing mechanism applicable to manufacturers of meat products within Standard Industrial Classification Codes 2011 (Meat Packing Plants) or 2013 (Sausage and other Prepared Meat Products) and to replace the provisions of the Price Commission's regulations on volatile pricing (§ 300.51 (f) through (i) and Special Regulation 3) as they apply to these manufacturers. This section applies to those establishments engaged in the slaughtering and processing of cattle, hogs, sheep, lambs, and calves as classified in SIC Code 2011 and to those establishments engaged in manufacturing sausages, cured meats, smoked meats, frozen meats, natural sausage casings, and other prepared meats and meat specialties, from purchased carcasses and other materials, as classified in SIC Code 2013. This section does not apply to establishments engaged in canning or otherwise processing poultry, rabbits and other small game as classified in SIC Codes 2016 (Poultry Dressing Plants) and 2017 (Poultry and Egg Processing).

The new section is mandatory, rather than optional, and covers both price reporting and price recordkeeping meat manufacturers subject to the rules of Subpart F. The new rule is designed to be more easily administered and enforced than the previous rules. In addition, it is more in keeping with historical pricing mechanisms in the industry.

The new rule is intended to establish and maintain a closer relationship between costs and prices in the meat packing industry. When livestock prices decline, the rule will better insure that livestock cost reductions will be passed through by meatpackers, and it is expected that such price decreases will benefit ultimate consumers.

Under the regulations of the Price Commission during Phase II of the Economic Stabilization Program, manufacturers of meat products who had obtained volatile pricing authority from the Price Commission were permitted to recover volatile raw material costs on a dollar-for-dollar basis without prenotification, and were required to allocate volatile raw material cost increases on an item-by-item basis. The difficulty of tracking cost elements from the raw material stage through to an individual finished product made the volatility authorization granted to meatpackers difficult to administer and enforce. Issuance of Special Regulation 3 on September 30, 1972, alleviated some of these difficulties, but was merely intended to be an interim provision.

Under the provisions of new § 130.57d, a manufacturer of meat products is required to aggregate his meat raw material costs on a quarterly basis. These aggregate costs will be compared to aggregate revenues from the sale of products in the manufacture of which those meat raw materials are used. This comparison is to be accomplished by the use of a base period "gross margin" as defined in the new § 130.57d. The margin between meat raw materials' aggregate cost in a current quarter and revenues from the sales of finished products in which those raw materials are used must not exceed the gross margin which prevailed in the base period as defined in the new section. This system will allow no more than a dollar-for-dollar pass-through of meat raw material costs. Price increases based on other cost increases, such as labor and overhead, remain subject to the rules set out in Subpart F. Allowance will also be made for seasonal variations in gross margin.

The new § 130.57d also provides for special additional reporting and recordkeeping requirements applicable to firms engaged in the manufacture of meat products. Those manufacturers who are reporting firms under § 130.54 and who have transactions involving products within SIC 2011 or 2013 will be required to report monthly and quarterly to the Council on their compliance with new § 130.57d. Those manufacturers who are recordkeeping firms under § 130.55 and who have transactions involving products within SIC 2011 and 2013 will be required to maintain monthly and quarterly records on their compliance with new § 130.57d.

Because the purpose of this amendment is to provide immediate guidance as to Cost of Living Council policy, I find that publication in accordance with normal rulemaking procedures is impracticable and that good cause exists for making these regulations effective in less than 30 days. Interested persons may submit comments regarding these regulations. Communications should be addressed to the Office of General Counsel, Cost of Living Council, Washington, D.C. 20508.

(Economic Stabilization Act of 1970, Public Law 92-210, 85 Stat. 743 and Executive Order 11695, 38 FR 1473)

In consideration of the foregoing, Part 130 of Title 6 of the Code of Federal Regulations is amended by adding a new § 130.57d as set forth herein, effective March 22, 1973.

Issued in Washington, D.C., on March 22, 1973.

JAMES W. MCLANE,
Deputy Director.

§ 130.57d Pricing rule for firms engaged in the manufacture of meat products within Standard Industrial Classification Codes 2011 and 2013.

(a) *Scope.* This section establishes a special rule governing price adjustments based on the cost of meat raw materials by a firm that is a manufacturer of meat products within Standard Classification Codes 2011 or 2013 to allow no more than a dollar-for-dollar pass-through of the costs of meat raw materials used by the firm in its manufacture of meat products. This pass-through of meat raw material costs may be accomplished without prenotification otherwise required pursuant to § 130.57. In addition, insofar as they are applicable to manufacturers of meat products subject to this rule, all authorizations issued to such manufacturers by the Price Commission permitting the use of volatile pricing are superseded by this section, and the requirements of Special Regulation 3 issued by the Price Commission are also hereby superseded.

(b) *Definitions.* For purposes of this section—

"Total sales revenues" means the aggregate revenues derived from sales of all products within SIC 2011 and 2013 manufactured by a firm.

"Input pounds" means the total number of pounds of live weight meat raw materials, whether unprocessed or semi-processed, purchased by a firm or otherwise in process during a calendar reporting or recordkeeping period, minus the total number of pounds of such materials remaining in process at the end of the same calendar reporting or recordkeeping period.

"Meat raw materials costs" means the aggregate cost of all input pounds of meat raw materials.

"Base period" means any 2, at the option of the person concerned, of the following fiscal years: That person's last 3 fiscal years ending before August 15, 1971, and any fiscal year, other than the fiscal year for which compliance is being

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measured, completed on or after that date.

"Base period gross margin" means the dollar margin between the total meat raw material costs and revenues derived from the sale during the base period of all products in the manufacture of which such meat raw materials are used, divided by the volume of input pounds of meat raw material sold during the base period. This computation may be illustrated by the use of the following equation:

$$\frac{\text{Total sales revenues in the base period} - \text{Total meat raw materials costs in the base period}}{\text{Volume of input pounds during the base period measured by hundredweight}} = \text{Base period gross margin per hundredweight.}$$

(c) *Pricing rule.* Total sales revenues for any calendar quarter from sales of all products in SIC 2011 and 2013 may not exceed an amount derived from the following computation: The base period gross margin multiplied by the current quarter volume of input pounds of meat raw material sold during the quarter, plus the total meat raw materials cost during this quarter. This computation may be illustrated by the following equation:

$$[\text{Base period gross margin per hundredweight} \times \text{Volume of input pounds in the current period measured by hundredweight}] + \text{Current period total meat raw materials costs} = \text{Permissible total sales revenues in the current period}$$

Any sales revenues in excess of that figure are permissible, but only if based upon adjustments pursuant to § 130.57 based on costs other than meat raw materials or if based upon seasonal patterns permissible pursuant to Price Commission Regulation § 300.81 in effect on January 10, 1973, or both factors.

(d) *Reporting and recordkeeping requirements.*—(1) *Reports.* Each firm which is a price reporting firm as defined in § 130.54 and which is engaged in transactions involving products within SIC 2011 or 2013 shall file with the Council, on forms to be prescribed by the Council, monthly and quarterly reports setting forth the following information:

(i) Gross margin attributable to the firm during the base period;

(ii) The total meat raw material input pounds during the reporting period;

(iii) The aggregate cost of the meat raw material during the reporting period; and

(iv) The total sales involving products in the manufacture of which the meat raw materials were used during the reporting period.

(2) *Reporting schedule.* Beginning with the first calendar month completed after the effective date of this section, monthly reports shall be filed with the Council not later than 30 days after the last day of each month. Quarterly reports shall be filed with the Cost of Living Council not later than 45 days after the last day of each calendar quarter.

(3) *Recordkeeping.* Each firm which is a price recordkeeping firm as defined in § 130.55 and is engaged in transactions involving products within SIC 2011 or 2013 shall maintain records of the information required in paragraph (d)(1) of this section and within the times specified in paragraph (d)(2) of this section.

(e) *Other costs.* Price increases above base price to reflect costs other than those of the meat raw materials used in the manufacture of products within SIC 2011 or 2013 remain subject to the rules set forth in § 130.57.

[FR Doc.73-5754 Filed 3-22-73;12:18 p.m.]

Title 7—Agriculture

CHAPTER IX—AGRICULTURAL MARKETING SERVICE (MARKETING AGREEMENTS AND ORDERS; FRUITS, VEGETABLES, NUTS), DEPARTMENT OF AGRICULTURE

[Navel Orange Reg. 292, Amdt. 1]

PART 907—NAVEL ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Limitation of Handling

This regulation increases the quantity of California-Arizona Navel oranges that may be shipped to fresh market during the weekly regulation period March 16 to March 22, 1973. The quantity that may be shipped is increased due to improved market conditions for Navel oranges. The regulation and this amendment are issued pursuant to the Agricultural Marketing Agreement Act of 1937, as amended, and Marketing Order No. 907.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 907, as amended (7 CFR Part 907), regulating the handling of Navel oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Navel Orange Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such Navel oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) The need for an increase in the quantity of oranges available for handling during the current week results from changes that have taken place in the marketing situation since the issuance of Navel Orange Regulation 292 (38 FR 6987). The marketing picture now indicates that there is a greater demand for Navel oranges than existed when the regulation was made effective. Therefore, in order to provide an opportunity for handlers to handle a sufficient volume of Navel oranges to fill the current market demand thereby making a greater quantity of Navel oranges available to meet such increased demand, the regulation should be amended, as hereinafter set forth.

(3) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this amendment until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient, and this amendment relieves restriction on the handling of Navel oranges grown in Arizona and designated part of California.

(b) *Order, as amended.* The provisions in paragraph (b)(1)(ii) of § 907.592 (Navel Orange Regulation 292) (38 FR 6987) are hereby amended to read as follows:

§ 907.592 Navel Orange Regulation 292.

* * * * *

(b) *Order.* (1) * * *

(ii) District 2: 375,000 cartons.

* * * * *

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: March 21, 1973.

CHARLES R. BRADER,
Acting Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc.73-5671 Filed 3-23-73;8:45 am]

Title 8—Aliens and Nationality

CHAPTER I—IMMIGRATION AND NATURALIZATION SERVICE, DEPARTMENT OF JUSTICE

PART 204—PETITION TO CLASSIFY ALIEN AS IMMEDIATE RELATIVE OF A U.S. CITIZEN OR AS A PREFERENCE IMMIGRANT

PART 205—REVOCATION OF APPROVAL OF PETITIONS

Preference Immigrant Visa Petitions

Pursuant to 5 U.S.C. 552 and the authority contained in 8 U.S.C. 1103 and 8 CFR 2.1, amendments, as set forth herein, are prescribed in Parts 204 and 205 of Chapter I of Title 8 of the Code of Federal Regulations.

Recent precedent decisions of the Board of Immigration Appeals (Matter of Chatterton, Interim Decision No. 2133, Matter of Ponce de Leon, Interim Decision No. 2139, and Matter of Ascher, Interim Decision No. 2182), designated in accordance with 8 CFR 3.1(g), hold that an alien born in an independent country of the Western Hemisphere who, pursuant to the provisions of section 202(b) of the Immigration and Nationality Act, is alternatively chargeable to a foreign state in the Eastern Hemisphere, may be the direct beneficiary of an immigrant visa petition to accord preference classification under section 203(a)

of the Act. Therefore, §§ 204.1(a) and (c) are being amended to provide for the filing of a visa petition to accord preference classification on behalf of a native of the Western Hemisphere as described above, and a new § 204.2(e–1) is added to include procedures for establishing eligibility for alternate chargeability under section 202(b) of the Act. Corellary technical amendments are made in §§ 204.4, 204.5, and 205.1.

In the light of the foregoing, the following amendments to Chapter I of Title 8 of the Code of Federal Regulations are hereby prescribed:

Part 204 is amended by revising §§ 204.1, 204.4, and 204.5 and by adding a new § 204.2(e–1), as follows:

§ 204.1 [Amended]

In § 204.1 *Petition*, paragraph (a) *Relative* is amended by adding a new sentence at the end thereof to read as follows: "Also, notwithstanding the fact that the beneficiary may be a native of an independent country of the Western Hemisphere or the Canal Zone, a petition to accord him classification under section 203(a) (1), (2), (4), or (5) of the Act may be filed when the petitioner claims that the beneficiary is alternatively chargeable under section 202(b) of the Act to a foreign state in the Eastern Hemisphere or a dependent area of such state; however, in addition to the documents required to establish eligibility for the preference classification sought, such a petition must be accompanied by documentary evidence of the beneficiary's claimed chargeability under section 202(b) of the Act as prescribed in § 204.2(e–1)."

2. In § 204.1 *Petition*, subparagraph (1) *General* of paragraph (c) *Petition under section 203(a) (3) or (6)* is amended by adding a new sentence at the end thereof to read as follows: "Notwithstanding the fact that the beneficiary may be a native of an independent country of the Western Hemisphere or the Canal Zone, a petition to accord him classification under section 203(a) (3) or (6) of the Act may be filed when the petitioner claims that the beneficiary is alternately chargeable under section 202(b) of the Act to a foreign state in the Eastern Hemisphere or a dependent area of such state; however, in addition to the documents required to establish eligibility for the preference classification sought, such a petition must be accompanied by documentary evidence of the beneficiary's claimed chargeability under section 202(b) of the Act as prescribed in § 204.2(e–1)."

3. In § 204.2, a new paragraph (e–1) is added to read as follows:

§ 204.2 Documents.

* * * * *

(e–1) *Evidence of alternate chargeability to an Eastern Hemisphere country or dependent area if beneficiary born in independent Western Hemisphere country or the Canal Zone*—(1) *General.* When the beneficiary was born in an independent country of the Western Hemisphere or the Canal Zone and the petitioner, seeking to confer a preference classification upon the beneficiary, claims that the beneficiary is alternately chargeable under section 202(b) of the Act to an Eastern Hemisphere state or a dependent area of such state, evidence must be submitted with the petition in support of such claim.

(2) *Claimed alternate chargeability under section 202(b)(1).* If the beneficiary is an alien child and it is claimed he is alternately chargeable under section 202(b)(1) of the Act to a foreign state in the Eastern Hemisphere or a dependent area of such foreign state in which his parent was born, such parent's birth certificate must be submitted, as well as evidence of the relationship between the beneficiary and such parent as specified in paragraph (c)(3) of this section. In addition, the petitioner must submit a statement that the beneficiary will be accompanied by such parent when the beneficiary applies for admission to the United States and, if such parent is not a lawful permanent resident of the United States, that the beneficiary and such parent will apply simultaneously for immigrant visas.

(3) *Claimed alternate chargeability under section 202(b)(2).* If the beneficiary is married, and it is claimed that the beneficiary is alternately chargeable under section 202(b)(2) to a foreign state in the Eastern Hemisphere or a dependent area of such foreign state in which his spouse was born, the spouse's birth certificate must be submitted, as well as evidence of the relationship between the beneficiary and his spouse as specified in Paragraph (c)(2) of this section. In addition, the petitioner must submit a statement that the beneficiary will be accompanied by his spouse when the beneficiary applies for admission to the United States and, if the beneficiary's spouse is not a lawful permanent resident of the United States, that the beneficiary and spouse will apply simultaneously for immigrant visas.

(4) *Claimed alternate chargeability under section 202(b)(3).* If the beneficiary was born in the United States and it is claimed that he is alternately chargeable under section 202(b)(3) of the Act to a foreign state in the Eastern Hemisphere or a dependent area of such foreign state of which he is a citizen or subject or, if he is stateless, of which he is a resident, his birth certificate and evidence that he is a citizen, subject, or resident of such foreign state or area must be submitted.

(5) *Claimed alternate chargeability under section 202(b)(4).* If it is claimed that neither of the beneficiary's parents was born in the country in which he was born, that neither of his parents had a residence in such country at the time of his birth, that one of the parents was born in a foreign state in the Eastern Hemisphere or a dependent area of such foreign state, and that the beneficiary is, therefore, alternately chargeable under section 202(b)(4) of the Act to such foreign state or dependent area, the birth certificates of the beneficiary and each of his parents, the marriage certificate of his parents and proof of termination of any previous marriages of his father and mother, and a statement setting forth pertinent details concerning the residence of his parents at the time of his birth, must be submitted.

4. In § 204.4, the first sentence of paragraphs (a) and (b) is revised by inserting at the beginning thereof the following words: "Unless revoked pursuant to Part 205 of this chapter,". As amended, §§ 204.4 (a) and (b) read as follows:

§ 204.4 Validity of approved petitions.

(a) *Relative petitions.* Unless revoked pursuant to Part 205 of this chapter, the approval of a petition to classify an alien as a preference immigrant under section 203(a), (1), (2), (4), or (5) of the Act, or as an immediate relative under section 201(b) of the Act, shall remain valid for the duration of the relationship to the petitioner, and status, as established in the petition.

(b) *Petitions under sections 203(a) (3) and (6).* Unless revoked pursuant to Part 205 of this chapter, the approval of a petition to classify an alien as a perference immigrant under section 203(a) (3) or (6) of the Act shall remain valid for as long as the supporting labor certification is valid and unexpired, provided in the case of a petition for third preference classification there is no change in the beneficiary's intention to engage in the indicated profession, art or science, and provided in the case of a petition for sixth preference classification there is no change in the respective intentions of the petitioner and the beneficiary that the beneficiary will be employed by the petitioner in the capacity indicated in the petition. The approval of a petition to classify an alien under section 203(a) (3) or (6) of the Act which had heretofore become invalid solely because the date until which the approval was valid had lapsed, is hereby reinstated provided the conditions of this paragraph are met.

* * * * *

5. In § 204.5, subparagraph (1) of paragraph (a) is revised, and paragraph (b) is revised. As amended, §§ 204.5(a) (1) and 204.5(b) read as follows:

§ 204.5 Automatic conversion of classification of beneficiary.

(a) *By change in beneficiary's marital status.* (1) A currently valid petition previously approved to classify the beneficiary as the unmarried son or daughter of a U.S. citizen under section 203(a)(1) of the Act shall be regarded as approved for preference status under section 203(a)(4) of the Act as of the date the beneficiary marries. A currently valid petition previously approved to classify the child of a U.S. citizen as an immediate relative under section 201(b) of the Act shall also be regarded as approved for preference status under section 203(a)(4) of the Act as of the date the beneficiary marries, if the beneficiary is not a native of an independent country of the Western Hemisphere or the Canal Zone; in the case of a beneficiary who is a native of an independent Western Hemisphere country or the Canal

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Zone, the petition shall be regarded as approved for such preference status as of the date of the marriage only if the petitioner establishes in accordance with § 204.2(e–1) that the beneficiary is alternately chargeable under section 202(b) of the Act to a foreign state in the Eastern Hemisphere or a dependent area of such state.

• • • • •

(b) *By beneficiary's attainment of the age of 21 years.* A currently valid petition classifying the child of a U.S. citizen as an immediate relative under section 201(b) of the Act shall be regarded as approved for preference status under section 203(a)(1) of the Act as of the beneficiary's attainment of his 21st birthday if he is still unmarried and he is not a native of an independent country of the Western Hemisphere or the Canal Zone or, in the event he is a native of such country or the Canal Zone, the petitioner establishes in accordance with § 204.2(e–1) that the beneficiary is alternately chargeable under section 202(b) of the Act to a foreign state in the Eastern Hemisphere or a dependent area of such state.

• • • • •

In § 205.1, paragraph (a) is amended by revising subparagraphs (4) and (5) and by adding new subparagraphs (5a), (7), (8), and (9); paragraph (b) is amended by adding new subparagraphs (6) and (7). As amended, § 205.1 (a) and (b) read as follows:

§ 205.1 Automatic revocation.

The approval of a petition made under section 204 of the Act and in accordance with Part 204 of this chapter is revoked as of the date of approval if any of the following circumstances occur before the beneficiary's journey to the United States commences or, if the beneficiary is an applicant for adjustment of status to that of a permanent resident, before the decision on his application becomes final:

(a) *Relative petitions.* (1) Upon formal notice of withdrawal filed by the petitioner with the officer who approved the petition.

(2) Upon the death of the petitioner or beneficiary.

(3) Upon the legal termination of the relationship of husband and wife when a petition has accorded status as the spouse of a citizen or lawful resident alien, respectively, under section 201(b), or section 203(a)(2) of the Act.

(4) Upon a child beneficiary reaching the age of 21, when he has been accorded immediate relative status under section 201(b) of the Act; however, such petition is valid for the duration of the relationship to accord preference status under section 203(a)(1) of the Act if the beneficiary remains unmarried, or to accord preference status under section 203(a)(4) of the Act if he marries, except that if the beneficiary is a native of an independent country of the Western Hemisphere or the Canal Zone, the petition shall be regarded as according the appropriate preference status only if the petitioner establishes in accordance with § 204.2(e–1) of this chapter that the beneficiary is alternately chargeable under section 202(b) of the Act to a foreign state in the Eastern Hemisphere or a dependent area of such state.

(5) Upon the marriage of a beneficiary accorded status as the child of a U.S. citizen under section 201(b) of the Act; however, such petition is valid for the duration of the relationship to accord preference status under section 203(a)(4) of the Act, except that if the beneficiary is a native of an independent country of the Western Hemisphere or the Canal Zone, the petition shall be regarded as according such preference status only if the petitioner establishes in accordance with § 204.2(e–1) of this chapter that the beneficiary is alternately chargeable under section 202(b) of the Act to a foreign state in the Eastern Hemisphere or a dependent area of such state.

(5a) Upon the marriage of a beneficiary accorded preference status as a son or daughter of a U.S. citizen under section 203(a)(1) of the Act; however, such petition is valid for the duration of the relationship to accord preference status under section 203(a)(4) of the Act.

(6) Upon the marriage of a beneficiary accorded a status as a son or daughter of a lawful resident alien under section 203(a)(2) of the Act.

(7) Upon the legal termination of the relationship of husband and wife, when the beneficiary is a native of an independent country of the Western Hemisphere or the Canal Zone and a petition to accord preference status under section 203(a)(4) or (5) of the Act has been approved on the basis of beneficiary's alternate chargeability under section 202(b)(2) of the Act to the foreign state in the Eastern Hemisphere or a dependent area of such state in which the beneficiaries' spouse was born.

(8) Upon the beneficiary reaching the age of 21, when the beneficiary is a native of an independent country of the Western Hemisphere or the Canal Zone and a petition to accord preference status under section 203(a)(2) of the Act as the unmarried son or daughter of an alien lawfully admitted for permanent residence has been approved on the basis of the beneficiary's alternate chargeability under section 202(b(1) of the Act to the foreign state in the Eastern Hemisphere or a dependent area of such state in which a parent of the beneficiary was born.

(9) Upon the beneficiary's acquisition of citizenship in an independent country of the Western Hemisphere or, if he is stateless, upon his taking up residence in such country or the Canal Zone, in the case of a beneficiary who was born in the United States and a petition to accord preference status under section 203(a)(1), (2), (4), or (5) of the Act has been previously approved on the basis of his alternate chargeability under section 202(b)(3) of the Act to a foreign state in the Eastern Hemisphere or a dependent area of such foreign state of which he was a citizen or subject at the time of approval, or in which he then had his residence if he was then stateless.

(b) *Petitions under section 203(a)(3) or (6).* (1) Upon expiration pursuant to 29 CFR Part 60 of the labor certification in support of the petition unless the certification is thereafter revalidated.

(2) Upon the death of the petitioner or beneficiary.

(3) Upon formal notice of withdrawal filed by the beneficiary with the officer who approved the petition in a third-preference case.

(4) Upon formal notice of withdrawal filed by the petitioner with the officer who approved the petition in a sixth-preference case.

(5) Upon termination of the employer's business in a sixth-preference case.

(6) Upon the legal termination of the relationship of husband and wife, when the beneficiary is a native of an independent country of the Western Hemisphere or the Canal Zone and a petition to accord third- or sixth-preference status has been approved on the basis of the beneficiary's alternate chargeability under section 202(b)(2) of the Act to the foreign state in the Eastern Hemisphere or a dependent area of such state in which the beneficiary's spouse was born.

(7) Upon the beneficiary's acquisition of citizenship in an independent country of the Western Hemisphere or, if he is stateless, upon his taking up residence in such country or the Canal Zone, in the case of a beneficiary who was born in the United States and a petition to accord third- or sixth-preference status has previously been approved on the basis of his alternate chargeability under section 202(b)(3) of the Act to a foreign state in the Eastern Hemisphere or a dependent area of such foreign state of which he was a citizen or subject at the time of approval, or in which he then had his residence if he was then stateless.

Compliance with the provisions of section 553 of title 5 of the United States Code (80 Stat. 383) as to notice of proposed rule making and delayed effective date is unnecessary in this instance because the rules prescribed by the order are in implementation of recent decisions of the Board of Immigration Appeals.

Effective date. This order shall be effective on March 26, 1973.

Dated: March 21, 1973.

RAYMOND F. FARRELL,
Commissioner of Immigration and Naturalization.

[FR Doc.73–5684 Filed 3–23–73;8:45 am]

Title 14—Aeronautics and Space

CHAPTER I—FEDERAL AVIATION ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Airworthiness Docket No. 73–WE–3–AD; Amdt. 39–1608]

PART 39—AIRWORTHINESS DIRECTIVES

General Dynamics Model 340, 440, and C–131E Airplanes

General Dynamics Model 340, 440, and C–131E and all such model airplanes converted to turbopropeller power in accordance with STC SA1096WE and SA4–1100 known as Model 640 and Model 580, respectively, certificated in all categories.

There have been failures of the left wing front spar lower cap on General Dynamics Model 340 airplanes that could result in a wing failure in flight. Since this condition is likely to exist or develop in other airplanes of the same design an airworthiness directive is being issued to require inspection of the left and right wing front spar lower caps in areas adjacent to each side of main landing gear drag strut attachment fittings for cracks and repair if necessary on General Dynamics 340, 440, and C–131E airplanes.

Since a situation exists that requires immediate adoption of this regulation, it is found that notice and public procedure hereon are impracticable and good cause exists for making this amendment effective in less than 30 days.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (31 FR 13697), § 39.13 of Part 39 of the Federal Aviation Regulations is amended by adding the following new airworthiness directive:

GENERAL DYNAMICS. Applies to model 340, 440 and C–131E and all such model airplanes converted to turbopropeller power in accordance with STC SA1096WE and SA4–1100 known as Model 640 and Model 580, respectively, certificated in all categories.

Compliance as indicated required on all airplanes with 30,000 hours or more total time in service unless already accomplished.

To detect cracks in the wing front spar lower caps, accomplish the following:

(1) As soon as practicable, but not to exceed 10 hours' time in service following the effective date of this AD, if the airplane is to be flown, visually inspect, on a daily basis, from the exterior of the wing, both left and right wing front spar lower caps in areas adjacent to each side of main landing gear drag strut attachment fittings for cracks until inspection in (2) below is accomplished.

(2) Within the next 100 hours' time in service after the effective date of this AD, unless already accomplished within the last 500 hours' time in service, and thereafter at intervals not to exceed 600 hours' time in service from the last inspection, accomplish the following:

(a) Gain access to the wing interior in the area described in (1) above by removal of lower wing skin access cover.

(b) Perform inspection described in (1) above from the interior of the wing.

(3) If cracks are found as the results of the inspections described in (1) or (2) above, repair before further flight in a manner approved by the Chief, Aircraft Engineering Division FAA Western Region.

This amendment becomes effective March 26, 1973.

(Sec. 313(a), 601, 603, Federal Aviation Act of 1958, 49 U.S.C. 1354(a), 1421, 1423; sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Los Angeles, Calif., on March 14, 1973.

ROBERT O. BLANCHARD,
Acting Director,
FAA Western Region.

[FR Doc.73–5648 Filed 3–23–73;8:45 am]

[Airspace Docket No. 72–GL–72]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Designation of Transition Area

On pages 1938 and 1939 of the FEDERAL REGISTER dated January 19, 1973, the Federal Aviation Administration published a notice of proposed rulemaking which would amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to designate a transition area at Boyne Falls, Mich.

Interested persons were given 30 days to submit written comments, suggestions, or objections regarding the proposed amendment.

No objections have been received and the amendment as so proposed is hereby adopted, subject to the following change:

Line 8 of the Boyne Falls, Mich., transition area description recited as "24½ miles south of the airport excluding" is changed to read "17½ miles south of the airport excluding".

This amendment shall be effective 0901 G.m.t., May 24, 1973.

(Sec. 307(a), Federal Aviation Act of 1958, 49 U.S.C. 1348; sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Des Plaines, Ill., on March 7, 1973.

LYLE K. BROWN,
Director, Great Lakes Region.

In § 71.181 (38 FR 435), the following transition area is added:

BOYNE FALLS, MICH.

That airspace extending upward from 700 feet above the surface within a 5-mile radius of Boyne Mountain Airport (latitude 45°-10'03" N., longitude 84°55'30" W.); and within 4½ miles west and 9½ miles east of the 176° bearing from the Boyne Mountain Airport extending from the airport to 17½ miles south of the airport excluding that position which overlies the Gaylord, Mich., Bellaire, Mich., and Grayling, Mich., transition areas.

[FR Doc.73–5647 Filed 3–23–73;8:45 am]

[Airspace Docket No. 72–GL–74]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Transition Area

On page 1939 of the FEDERAL REGISTER dated January 19, 1973, the Federal Aviation Administration published a notice of proposed rulemaking which would amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to alter the transition area at Champaign, Ill.

Interested persons were given 30 days to submit written comments, suggestions, or objections regarding the proposed amendment.

No objections have been received and the proposed amendment is hereby adopted without change and is set forth below.

This amendment shall be effective 0901 G.m.t., May 24, 1973.

(Sec. 307(a), Federal Aviation Act of 1958, 49 U.S.C. 1348; sec. 6(c), Department of Transportation Act, (49 U.S.C. 1655(c))

Issued in Des Plaines, Ill., on March 7, 1973.

LYLE K. BROWN,
Director, Great Lakes Region.

In § 71.181 (38 FR 435), the following transition area is amended to read:

CHAMPAIGN, ILL.

That airspace extending upward from 700 feet above the surface within a 7-mile radius of the University of Illinois-Willard Airport (latitude 40°02'25" N., longitude 88°16'35" W.); within a 5½-mile radius of the Illinois Airport, Urbana, Ill. (latitude 40°08'31" N., longitude 88°12'00" W.) and within 8 miles southeast and 5 miles northwest of the Champaign VORTAC 030° radial extending from the VORTAC to 12 miles northeast of the VORTAC.

[FR Doc.73–5646 Filed 3–23–73;8:45 am]

[Airspace Docket 73–EA–10]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Transition Area

The Federal Aviation Administration is amending § 71.181 of Part 71 of the Federal Aviation Regulations so as to alter the Franklin, Pa., transition area (38 FR 489).

The non-Federal radio beacon, Cranberry, Pa., which serves Chess-Lamberton Airport, is soon to be decommissioned. In view of the fact that the transition area is described in relation to such facility, the description will be amended to delete the beacon references.

Since the foregoing is basically deleting airspace from control, there will be no need for notice and public procedure hereon and the amendment may be made effective in less than 30 days.

In view of the foregoing, the proposed regulation is hereby adopted, effective 0901 G.m.t., April 26, 1973, as follows:

1. Amend § 71.181 of Part 71, Federal Aviation Regulations, so as to amend the description of the Franklin, Pa., 700-foot floor transition area by deleting all after the phrase "to 11.5 miles north of the VOR."

(Sec. 307(a), Federal Aviation Act of 1958, 72 Stat. 749, 49 U.S.C. 1348; sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Jamaica, N.Y., on March 12, 1973.

ROBERT H. STANTON,
Acting Director, Eastern Region.

[FR Doc.73–5649 Filed 3–23–73;8:45 am]

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CHAPTER II—CIVIL AERONAUTICS BOARD

SUBCHAPTER A—ECONOMIC REGULATIONS

[Reg. ER-792; Amdt. 15]

PART 298—CLASSIFICATION AND EXEMPTION OF AIR TAXI OPERATORS

Modification of Registration Requirement

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 20th day of March 1973.

In notice of proposed rule making EDR-235,[1] the Board proposed to amend Part 298 of the Economic Regulations so as to (1) establish compliance with the registration requirement in said part as a condition precedent to an air taxi operator's exemption to engage in air transportation; (2) require persons who intend to begin operations subject to Part 298 to register with the Board not less than 30 days prior to the commencement of such operations; and (3) make certain changes in the standard registration statement (CAB Form 298-A).

Over the past several years the Board's staff has experienced considerable difficulty in assuring compliance with the registration and liability insurance requirements embodied in Part 298. In EDR-235, we stated our belief that the failure of air taxi operators to register with the Board is attributable, at least in part, to the fact that under our existing regulations, compliance with the aforementioned registration procedure is not a condition precedent to the air taxi operator's exemption to operate under Part 298. We further noted that, insofar as our regulations now permit a carrier to register 30 days after he has begun to operate, it has not been practicable for the Board to determine whether the registrant is in compliance with the liability insurance requirements on the date he commences operations.

In light of these considerations, we tentatively determined that the Part 298 registration requirement should be established as a condition precedent to an air taxi operator's exemption to engage in air transportation. We therefore proposed to amend Part 298, to require that a person who contemplates engaging in operations thereunder should register with the Board not less than 30 days before, instead of 30 days after, the commencement of such operations.

Pursuant to the notice of rule making, nine comments were filed, consisting of eight by registered air taxi operators[2] and one by the National Air Transportation Conferences, Inc. (NATC), an air taxi trade association. The only significant opposition to the rule is expressed in the comments filed by Cascade, CPA, and RMH, objecting principally to the proposed changes in the standard registration statement.

Upon consideration of the relevant matters[3] contained in the comments, we have determined to adopt the amendment to Part 298 as proposed, and we incorporate herein the tentative findings made in EDR-235.

In the rule making notice, the Board proposed to expand the information required on the standard registration statement so that: (1) The registrant would be required to list his telephone number and area code; (2) disclosure of all aircraft types which the registrant operates (or, if the carrier is filing for initial registration, which he proposes to operate) would be required, as identified by FAA registration number and passenger capacity, instead of disclosing only the serial and model number of each aircraft operated by the registrant whose maximum passenger and payload capacities exceed certain prescribed numerical limitations; and (3) where applicable, registrations would be required to include a statement setting forth the calculations which the registrant used in computing the maximum payload capacity of each aircraft type reported as having a maximum payload capacity of between 5,000 and 7,500 pounds. The comments of Cascade, CPA, and RMH oppose these requirements on the grounds that they will impose an undue burden on air taxi operators, and would entail a considerable duplication of effort in that, it is alleged, such carriers already file much of the aforedescribed information with the Federal Aviation Administration.[4]

We are unconvinced that the new reporting obligations will be unduly burdensome. To begin with the generalized allegations of undue burden and duplication are not supported with any specificity. Moreover, our experience is that air taxi operators already have available to them most of the information required to be disclosed in the revised statement and can obtain the rest without any appreciable expenditure of their resources. Nor are we aware of any significant overlap between the information to be submitted on the standard statement and the data required by the FAA pursuant to its licensing regulations. Moreover, although air taxi operators are required to supply the FAA with lists of the various equipment types in their respective aircraft fleets it is necessary that the Board have this information also so as to enforce the maximum payload and capacity limitations which our regulations impose on the type of equipment that can be used in Part 298 operations.[5]

In consideration of the foregoing the Civil Aeronautics Board hereby amends Part 298 of the Economic Regulations (14 CFR Part 198) effective April 25, 1973, as follows:

1. Amend subparagraph (5) of § 298.3 (a), to read as follows:

§ 298.3 Classification.

(a) There is hereby established a classification of air carriers, designated "air taxi operators" which engage in the direct air transportation of passengers and/or property, and/or in the transportation within the 48 contiguous States, Alaska, or Hawaii of mail by aircraft and which:

* * * * * *

(5) Have registered initially, and reregistered annually thereafter, with the Board in accordance with Subpart E of this part.

* * * * * *

2. Amend paragraph (b) of § 298.41 to read as follows:

§ 298.41 Basic requirements.

* * * * * *

(b) "Certificate of insurance," as used herein, means one or more certificates, evidencing the following: Issuance by one or more insurers of one or more currently effective policies of aircraft liability insurance in compliance with this subpart and properly endorsed, which alone or in combination provide the minimum coverage prescribed in § 298.42: *Provided*, That, where the certificate of insurance accompanies a filing for initial registration as an air taxi operator in accordance with § 298.50, the insurance policy or policies named in such certificate shall become effective no later than the proposed date of commencement of air taxi operations as shown in the carrier's registration form. When more than one insurer is involved in providing the minimum coverage prescribed herein, the limits and types of liability assumed by each insurer shall be clearly stated in the certificate of insurance. The certificate of insurance shall also state whether the policy of insurance provides coverage for liability for bodily injury to, or death of, aircraft passengers. In addition, the certificate of insurance shall list the types or classes of aircraft, or the specific aircraft by Federal Aviation Administration

[1] Oct. 27, 1972, 37 FR 23339, Docket 24871.

[2] Campbell Air Service, Inc. (CAS), Capitol Flying Service, Inc. (CFS), Cascade Helicopter, Inc. (Cascade), Chesapeake and Potomac Airways, Inc. (CPA), Executive Jet Aviation Inc. (EJA), Puerto Rico International Airlines, Inc. (Prinair), Rocky Mountain Helicopter, Inc. (RMH), and Suburban Airlines, Inc. (Suburban).

[3] EJA suggests that the Board require air taxi operators to physically distinguish their operating equipment used in Part 298 operations from aircraft used in private, intrastate or other transportation not subject to the Board's jurisdiction by (1) painting an identifying mark—e.g., a capital T—on the exterior of the aircraft used in Part 298 operations and (2) posting the air taxi license, along with the pilot's license, in the cockpit portion of such aircraft. EJA has not shown that adoption of its proposals would serve a useful purpose.

[4] CFS concern that the instant proposal will require an air taxi operator to file with the Board an amended Form 298-A each time that he acquires another aircraft for use in his operations is not well founded. As explained in EDR-235, the rule requires such amended form to be filed only when the registrant has acquired an aircraft with a maximum payload capacity (as defined in § 298.2) of between 5,000 and 7,500 pounds.

[5] NATC, Prinair, and Suburban also request the Board to delete the present requirement in Part 298 that an air taxi operator must post a copy of its insurance certificate at each place where it deals with the public, although no proposal with respect to such requirement was included in EDR-235. We will not now pass on this request since it involves issues which are clearly beyond the scope of this rule making proceeding, but will instead treat it as a petition for the institution of rule making which the Board will consider in due course.

(FAA) registration number, with respect to which the policy of insurance applies and shall set forth the area or areas of operation as found in the operations specifications issued by the FAA in conjunction with the applicable ATCO certificate: *Provided, however*, That if one or more of the 48 contiguous States or the District of Columbia is listed in such operations specifications, then all 48 contiguous States and the District of Columbia must be included in the coverage of insurance. Each certificate of insurance, and each endorsement limiting the permitted exclusions, shall be signed in ink by an authorized officer or agent of the insurer and shall be on forms prescribed and furnished by the Board.

3. Amend § 298.50 by revising paragraphs (a), (b), and (c), and adding a new paragraph (d), the section as amended to read as follows:

§ 298.50 Filing for registration by air taxi operators.

(a) Every air taxi operator (whether or not he is also a commuter air carrier as defined in this part) who plans to commence operations under this part shall, not later than 30 days prior to the commencement of such operations, register with the Board.

(b) Every air taxi operator (whether or not he is also a commuter air carrier as defined in this part) shall reregister with the Board annually on or before July 1 of each year.

(c) Registration and reregistration shall be accomplished by filing with the Board's Bureau of Operating Rights a "Registration and Reregistration for Exemption as an Air Taxi Operator" (CAB Form 298-A, revised March 1973) executed in duplicate. This form shall be certified by a responsible official of such carrier and shall include the following information:

(1) Where the carrier is filing for initial registration as an air taxi operator: (i) Name of the carrier (name must be the same as that in which the FAA certificate, if any, is issued); (ii) the carrier's FAA certificate number, if any; (iii) the name in which the insurance policy is issued; (iv) address of its principal place of business and its mailing address; (v) the proposed date of commencement of air taxi operations; (vi) whether the carrier intends to perform at least five round trips per week pursuant to published schedules; (vii) a list of the aircraft types which the carrier intends to employ in air taxi operations, and the FAA registration number and passenger capacity of each such aircraft type; (viii) the "maximum payload capacity," as defined in § 298.2, of each aircraft reported pursuant to paragraph (c)(1)(vii) of this section, which has a maximum payload capacity of between 5,000 and 7,500 pounds, and a statement showing the calculations used by the carrier to compute the maximum payload capacity of each such aircraft; (ix) whether the carrier has insurance effective on the date of commencement of air taxi operations which complies with Subpart D of this part; and (x) whether the carrier intends to perform passenger, cargo, and/or mail service; or

(1a) Where the carrier is filing for reregistration as an air taxi operator: (i) Name in which the FAA certificate is issued; (ii) the carrier's FAA certificate number; (iii) the name in which the insurance policy is issued; (iv) address of its principal place of business and its mailing address; (v) whether the carrier is currently performing at least five round trips per week pursuant to published schedules; (vi) a list of the aircraft types operated by the carrier, and the FAA registration number and passenger capacity of each such aircraft type; (vii) the "maximum payload capacity," as defined in § 298.2, of each aircraft reported pursuant to paragraph (c)(1a)(i) of this section, which has a maximum payload capacity of between 5,000 and 7,500 pounds, and a statement showing the calculations used by the carrier to compute the maximum payload capacity of each such aircraft; (viii) whether the carrier has currently effective insurance which complies with Subpart D of this part; (ix) whether the carrier is performing passenger, cargo, and/or mail service; and (x) whether the carrier has performed passnger service between a point in the United States and a point outside thereof during the past 12 months.

(1-1) Every registered air taxi operator who acquires for use in his air taxi operations an aircraft whose maximum payload capacity is within the limitations enumerated in paragraph (c)(1)(viii) of this section shall file with the Board, within 30 days of such aircraft acquisition an amended Form 298-A, reflecting the fact of such acquisition.

(2) A certificate of insurance which is currently effective (or, in case of initial registration, is to become effective), as defined in § 298.41(b).

(3) A ten ($10) dollar registration or reregistration fee, as the case may be. This shall be in the form of a check, draft, or postal money order, payable to the Civil Aeronautics Board.

(d) The effective date of the registration required by paragraph (a) of this section shall not be earlier than the effective date of the insurance policy or policies named in the certificate of insurance attached to the registration statement filed pursuant to paragraph (c)(1) of this section.

4. Amend CAB Form 298-A, as shown in Exhibit A attached hereto[6] and made a part thereof.

(Secs. 204(a), 407, 416, Federal Aviation Act of 1958, as amended, 72 Stat. 743, 766, 771; 49 U.S.C. 1324, 1377, 1386)

By the Civil Aeronautics Board.

[SEAL] EDWIN Z. HOLLAND, *Secretary.*

[FR Doc.73-5709 Filed 3-23-73;8:45 am]

[6] Filed as part of the original document.

Title 16—Commercial Practices

CHAPTER I—FEDERAL TRADE COMMISSION

[Docket No. 8844o]

PART 13—PROHIBITED TRADE PRACTICES

Alterman Foods, Inc.

Subpart—Discriminating in price under section 5, Federal Trade Commission Act: § 13.892 *Knowingly inducing or receiving discriminatory payments.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, Alterman Foods, Inc., Atlanta, Ga., Docket No. 8844, Feb. 12, 1973]

In the Matter of Alterman Foods, Inc., a Corporation

Order requiring an Atlanta, Ga., wholesaler and retailer of groceries and household products, among other things to cease inducing and receiving discriminatory promotional allowances and services from its suppliers.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondent Alterman Foods, Inc., a corporation, and its officers, representatives, agents, and employees, successors and assigns, directly or indirectly, through any corporate or other device, in or in connection with the purchase in commerce, as "commerce" is defined in the Federal Trade Commission Act, of products for resale by the respondent, or in connection with any other transactions between respondent and its various suppliers involving or pertaining to the regular business of the respondent in purchasing, distributing and selling commodities and products in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Inducing and receiving, receiving or contracting for the receipt of, anything of value from any supplier as compensation or in consideration for services or facilities furnished by or through respondent in connection with the processing, handling, sale, or offering for sale of such supplier's products, when respondent knows or should know that such compensation or consideration is not affirmatively offered and otherwise made available by such supplier on proportionally equal terms to all of its other customers, including retailer customers who do not purchase directly from such supplier, who compete with respondent in the distribution of such supplier's products.

2. Inducing and receiving, receiving or contracting for the receipt of, the furnishing of services or facilities connected with respondent's offering for sale or sale of such products so purchased, when respondent knows or should know that such services or facilities are not affirmatively offered or otherwise made available by such supplier on proportionally equal terms to all of its other customers, including retailer customers who do not

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purchase directly from such suppliers, who compete with respondent in the distribution of such supplier's products.

It is further ordered, That respondent shall not organize, direct, sponsor, or participate in any food show except under the following terms and conditions:

1. A copy of this order shall be delivered to each person or organization invited to participate in any such food show at the time such invitation is extended; and

2. Respondent shall bear its proper share of the operating expenses of any such food show and any profit, surplus, or funds remaining at the conclusion of any such food show shall be promptly repaid to all participants in the food show on a basis proportional to the payment made by each such participant.

It is further ordered, That respondent notify the Commission at least thirty (30) days prior to any proposed change in the corporate respondent such as dissolution, assignment, or sale resulting in the emergence of a successor corporation, the creation or dissolution of subsidiaries, or any other change in the corporation which may affect compliance obligations arising out of the order.

It is further ordered, That respondent shall forthwith distribute a copy of this order to each of its operating divisions.

It is further ordered, That respondent herein shall, within sixty (60) days after service upon it of this order, file with the Commission a report in writing, setting forth in detail the manner and form in which it has complied with this order.

By the Commission, Chairman Kirkpatrick dissenting.[1]

Issued: February 12, 1973.

[SEAL] CHARLES A. TOBIN, *Secretary.*

[FR Doc.73-5674 Filed 3-23-73;8:45 am]

[Docket No. 8775o]

PART 13—PROHIBITED TRADE PRACTICES

Avnet, Inc.

Subpart—Acquiring corporate stock or assets: § 13.5 *Acquiring corporate stock or assets.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 7, 38 Stat. 731, as amended; 15 U.S.C. 18) [Cease and desist order, Avnet, Inc., New York, N.Y., Docket No. 8775, Feb. 16, 1973]

In the Matter of Avnet, Inc., a Corporation

Order requiring a New York City diversified manufacturer, processor, and marketer of numerous items consisting principally of electronic, automotive, and consumer products, among other things to divest itself of all assets, stocks, properties, rights, privileges, and interests as a result of its acquisition of Guarantee Generator & Armature Co., doing business as International Products & Manufacturing Co. Respondent is further prohibited from making any acquisitions of stocks or assets within the automotive electrical unit rebuilder industry for 10 years without prior Federal Trade Commission approval.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondent Avnet, Inc. (hereinafter "Avnet"), a corporation, its successors and assigns, shall divest all stock, assets, properties, rights, privileges, and interests of whatever nature, tangible and intangible, acquired by Avnet as the result of its acquisition of the assets and business of Guarantee Generator & Armature Co., doing business as International Products & Manufacturing Co. (hereinafter "IPM"), together with all additions and improvements to IPM which have been added to IPM subsequent to the acquisition, so as to assure that IPM is reestablished as a separate, effective, and viable competitor engaged in the business of manufacturing and/or supplying of parts, materials, equipment, and other products to independent automotive electrical unit rebuilders. Such divestiture shall be absolute, shall be accomplished no later than 1 year from the effective date of this order, and shall be subject to the prior approval of the Federal Trade Commission.

2. *It is further ordered*, That pursuant to the requirements of paragraph 1 above, none of the stock, assets, properties, rights, privileges, and interests of whatever nature, tangible or intangible, acquired or added by Avnet, shall be divested, directly or indirectly, to anyone who is at the time of the divestiture an officer, director, employee, or agent of, or under the control, direction, or influence of Avnet or any of Avnet's subsidiaries or affiliated corporations or who owns or controls more than one (1) percent of the outstanding shares of the capital stock of Avnet.

3. *It is further ordered*, That for a period of ten (10) years from the date this order becomes final, Avnet shall cease and desist from acquiring, directly or indirectly, without the prior approval of the Federal Trade Commission, the whole or any part of the stock, share capital, assets, any interest in or any interest of, any concern, corporate or noncorporate, engaged in the business of manufacturing and/or supplying parts, materials, equipment, and other products to automotive electrical unit rebuilders, nor shall Avnet enter into any arrangement with any such concern by which Avnet obtains the market share, in whole or in part, of such concern in the above-described product lines.

4. *It is further ordered*, That Avnet shall, within thirty (30) days after the effective date of this order, and every thirty (30) days thereafter until Avnet has fully complied with the provisions of this order, submit in writing to the Federal Trade Commission a verified report setting forth in detail the manner and form in which Avnet intends to comply, is complying or has complied with this order. All compliance reports shall include, among other things that are from time to time required, (a) the steps taken to accomplish the required divestiture; and (b) copies of all documents, reports, memoranda, communications, and correspondence concerning or relating to the divestiture.

With respect to paragraph 3 of this order, Avnet shall within thirty (30) days following the effective date of this order, and annually thereafter for a period of 10 years, submit a report, in writing, listing all acquisitions and mergers made by it, the date of every such acquisition or merger, the products involved, and such additional information as may from time to time be required.

5. *It is further ordered*, That Avnet notify the Commission at least thirty (30) days prior to any proposed change in the corporate respondent such as dissolution, assignment, or sale resulting in the emergence of a successor corporation, the creation or dissolution of subsidiaries, or any other change in the corporation which may affect compliance obligations arising out of the order.

Issued: February 16, 1973.

By direction of the Commission.[1]

[SEAL] CHARLES A. TOBIN, *Secretary.*

[FR Doc.73-5675 Filed 3-23-73;8:45 am]

[1] Chairman Kirkpatrick's dissenting statement, filed as part of the original document.

[1] Commissioner Dennison dissented for the reasons set forth in his dissenting statement, which is filed as part of the original document.

Title 17—Commodity and Securities Exchanges

CHAPTER II—SECURITIES AND EXCHANGE COMMISSION

[Release No. IC-7724]

PART 270—RULES AND REGULATIONS, INVESTMENT COMPANY ACT OF 1940

Books and Records of Registered Investment Companies; Use of Microfilming Process

The Securities and Exchange Commission today announced the adoption of an amendment to Rule 31a-2(f) (17 CFR 270.31a-2(f)) under the Investment Company Act of 1940 (15 U.S.C. 80a-1 et seq.) to permit, under certain specified conditions, the books and records of registered investment companies to be initially maintained and preserved in microfilm form in lieu of hard copy records.

On November 14, 1972, in Investment Company Act Release No. 7486 (and in the FEDERAL REGISTER issue of November 21, 1972, 37 FR 24770), the Commission published its proposal to amend Rule 31a-2(f). It has considered the comments and suggestions in response to that proposal and now adopts the amendment to the rule in the form set forth below.

Prior to this amendment, Rule 31a-2 required the preservation in hard copy

form of all records required to be maintained and preserved by Rule 31a-1, except that the provisions of paragraph (f)(1) of Rule 31a-2 permitted the substitution of microfilm after a period of 3 years following the creation of the hard copy record.

By the amendment, the hard copy maintenance and preservation requirements would be relaxed to permit the microfilming process to be used for the initial maintenance of records, and to authorize compliance with the preservation requirements of Rule 31a-2 in the form of immediate microfilm substitution for the hard copy record. It is a condition of amended Rule 31a-2(f)(1) that a registered investment company availing itself of this procedure, or on whose behalf such procedure is employed, shall have readily available at all times appropriate reader-printer equipment for examination of the records by the Commission and its examiners or other representatives, or by the directors of the investment company, as well as equipment for hard copy reproduction to be promptly furnished upon request of the directors or of the Commission and its examiners or other representatives. Moreover, as added protection against possible loss of records, the amended rule provides that a duplicate copy be made of all microfilm on a current basis and that such copy be stored separately from the original.

Books and records required to be maintained and preserved by investment advisers to registered investment companies pursuant to paragraphs (e) and (f) of Rule 31a-1 (17 CFR 270.31a-1) and paragraphs (d) and (e) of Rule 31a-2 are not encompassed by amended Rule 31a-2(f). The books and records of such investment advisers were formerly encompassed by the microfilm substitution provision (of) former paragraph (f)(1) of Rule 31a-2 and they become subject to the maintenance provisions of paragraph (g) of Rule 204-2 (17 CFR 275.204-2) under the Investment Advisers Act of 1940 (15 U.S.C. 80b-1 et seq.) as a result of the amendment to Rule 31a-2(f). Rule 204-2(g) permits the substitution of microfilm for hard copy books and records of all registered investment advisers after a period of 2 years following the creation of hard copy record.

Persons who desire to avail themselves of the provisions of the amended rule might, for general guidance on the matter of microfilm quality and care, refer to Items 5 (g) and (h) under the caption, "General Instructions" contained in the Commission's Accounting Series Release No. 84 (17 CFR 257.315).

STATUTORY BASIS

Acting pursuant to the provisions of the Investment Company Act of 1940, and particularly sections 31 (a) and (c) and 38(a) (15 U.S.C. 80a-30(a), 80a-30 (c), 80a-37(a)) thereof, the Securities and Exchange Commission hereby amends Rule 31a-2(f) as set forth below effective March 30, 1973.

Commission action. Part 270 of Chapter II of Title 17 of the Code of Federal Regulations is amended by revising paragraph (f) of § 270.31a-2 reading as follows:

§ 270.31a-2 Records to be preserved by registered investment companies, certain majority-owned subsidiaries thereof, and other persons having transactions with registered companies.

* * * * * *

(f)(1) The records required to be maintained and preserved pursuant to paragraphs (a) through (d) of § 270.31a-1 and paragraphs (a) through (c) of this § 270.31a-2 may be immediately produced or reproduced on microfilm and be maintained and preserved for the required time in that form. If such microfilm substitution for hard copy is made by, or on behalf of, an investment company, such investment company shall (i) at all times have available for examination of its records by the Commission, pursuant to section 31 of the Investment Company Act of 1940, or by the directors of such investment company, facilities for immediate, easily readable projection of the microfilm and for producing easily readable facsimile enlargements, (ii) arrange the records and index and file the films in such a manner as to permit the immediate location of any particular record, (iii) be ready at all times to provide, and immediately provide, any facsimile enlargement which the Commission, by its examiners or other representatives, or the directors of such investment company may request, and (iv) store separately from the original one other copy of the microfilm for the time required.

(2) Notwithstanding the provisions of paragraphs (a) through (e) of this section, any record, book or other document may be destroyed in accordance with a plan previously submitted to and approved by the Commission. A plan shall be deemed to have been approved by the Commission if notice to the contrary has not been received within 90 days after submission of the plan to the Commission.

(Secs. 31, 38, 54 Stat. 838, 841, 15 U.S.C. 80a-30, 80a-37)

By the Commission.

[SEAL] RONALD F. HUNT, *Secretary.*

MARCH 16, 1973.

[FR Doc.73-5676 Filed 3-23-73;8:45 am]

Title 36—Parks, Forests, and Memorials

CHAPTER III—CORPS OF ENGINEERS, DEPARTMENT OF THE ARMY

PART 327—RULES AND REGULATIONS GOVERNING PUBLIC USE OF WATER RESOURCE DEVELOPMENT PROJECTS ADMINISTERED BY THE CHIEF OF ENGINEERS

Special Recreation Use Fees

MARCH 22, 1973.

A proposal to amend Part 327 of the rules and regulations governing the charging of fees for certain specialized recreation facilities administered by the Corps of Engineers was published in the FEDERAL REGISTER Volume 38, No. 21, page 3051 on Thursday, February 1, 1973 allowing 15 days for comment. The comment period was extended until February 28, 1973 by notice published in the FEDERAL REGISTER Volume 38, No. 34, page 4716 on Wednesday, February 21, 1973.

In accordance with Public Law 92-347, 86 Stat. 459, which supplemented Public Law 90-483, 82 Stat. 746, this amendment establishes a schedule of use fees to be charged and complies with the requirement of Public Law 92-347 that comparable fees be charged for comparable recreational facilities and services by the several Federal agencies responsible for recreation facilities.

The fees to be charged apply only to those specialized facilities developed at substantial Federal expense. The public will continue to have free access to the water areas of water resource projects administered by the Corps of Engineers, and to undeveloped or lightly developed shoreland, picnic grounds, overlook sites, scenic drives, or boat launching ramps where no mechanical or hydraulic equipment is provided.

After consideration of all comments presented by the public the following revised amendment to § 327.25 is hereby adopted and is effective on March 26, 1973.

§ 327.25 Special recreation use fees.

(a) Section 210 of Public Law 90-483, 82 Stat. 746 and Public Law 92-347, 86 Stat. 459 authorizes the establishment of special recreation use fees for the use of specialized sites, facilities, equipment or services furnished at substantial Federal expense at all water resource development projects administered by the Secretary of the Army acting through the Chief of Engineers.

(b) The range of fees set forth in paragraph (c) of this section are established in accordance with the following criteria:

(1) The direct and indirect amount of Federal expenditure;

(2) The benefit to the recipient;

(3) The public policy or interest served;

(4) The comparable recreation fees charged by other Federal and non-Federal public agencies within the service area of the management unit at which the fee is charged;

(5) The economic and administrative feasibility of fee collection;

(6) The extent of regular maintenance required; and

(7) Other pertinent factors.

(c) When facilities come within the above criteria, District Engineers shall recommend to the Office, Chief of Engineers for designation applicable fee charges within the ranges as set forth below:

Camp and trailer sites.	Up to $4.50 for overnight use.
Group use sites---	Up to $0.50 per person per night.

(The District Engineer may select group use rates in lieu of the above "group camp-

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ing sites" special recreation fee, and may establish a minimum group use charge of at least $3 per night per group without regard to group size or other provisions of this part).

Elevators	At least $0.10 per person round trip where elevators are provided as a special service to the public.
Electrical hookups.	$0.50 per day.
Specialized sites (highly developed day-use).	$0.50 to $1.50 per car per day.

Special recreation use fees may be established for other types of specialized facilities in addition to those which are listed in this paragraph.

(d) The District Engineer shall post signs at areas with designated Special Recreation Use Facilities in a manner such that the visiting public will be clearly notified that special recreation use fees are charged.

(e) Failure to pay the user fee prescribed in this section is a violation of the Land and Water Conservation Fund Act, as amended (Public Law 92–347, 86 Stat. 459) and subjects the violator to punishment by a fine of not more than $100.

[Regs., March 20, 1973, DAEN–CWO–R]

(Sec. 4, 48 Stat. 889, as amended, 16 U.S.C. 460d; Sec. 210, 82 Stat. 746; Public Law 92-347, 86 Stat. 459)

Dated: March 20, 1973.

KENNETH E. BELIEU,
Acting Secretary of the Army.

[FR Doc.73-5755 Filed 3-23-73;8:45 am]

Title 41—Public Contracts and Property Management

CHAPTER 15—ENVIRONMENTAL PROTECTION AGENCY

PART 15–16—PROCUREMENT FORMS

Subpart 15–16.5—Forms for Advertised and Negotiated Nonpersonal Service Contracts (Other than Construction and Architect-Engineering Contracts)

FIXED PRICE SERVICE CONTRACTS OTHER THAN RESEARCH AND DEVELOPMENT

On December 1, 1972, a notice of proposed rule making was published in the FEDERAL REGISTER (37 FR 25536–25546), stating that the Environmental Protection Agency was considering an amendment to 41 CFR Chapter 15, by adding a new § 15–16.553–3, *General provisions for use in fixed price service contracts other than research and development.* Interested parties were invited to submit written data, views, or comments within 30 days after publication. No written comments or objections have been received. The proposed amendment is adopted without change except that Clause 38, "Service Contract Act of 1965," is revised to reflect amendments to the Service Contract Act of 1965 by Public Law 92–473, dated October 9, 1972, 40 U.S.C. 486(c), and Clause 37, "Indemnification for Government Liability to Third Persons," is revised to incorporate technical clarification of the clause's coverage.

Effective date. This amendment shall become effective on March 26, 1973.

Dated: March 8, 1973.

ROBERT W. FRI,
Acting Administrator.

Subpart 15–16.5—Forms for Advertised and Negotiated Nonpersonal Service Contracts (Other than Construction and Architect-Engineer Contracts)

§ 15–16.553–3 General provisions for use in fixed price service contracts other than research and development.

GENERAL PROVISIONS

1. DEFINITIONS

As used throughout this contract, the following terms shall have the meaning set forth below:

(a) The term "Contracting Officer" means the person executing this contract on behalf of the Government, and any other officer or civilian employee who is a properly designated Contracting Officer; and the term includes, except as otherwise provided in this contract, the authorized representative of a Contracting Officer acting within the limits of his authority.

(b) Except as otherwise provided in this contract, the term "Subcontracts" includes purchase orders under this contract.

(c) The term "EPA" means the Environmental Protection Agency.

2. DISPUTES

(a) Except as otherwise provided in this contract, any dispute concernnig a question of fact arising under this contract which is not disposed of by agreement shall be decided by the Contracting Officer, who shall reduce his decision to writing and mail or otherwise furnish a copy thereof to the Contractor. The decision of the Contracting Officer shall be final and conclusive unless within 30 days from the date of receipt of such copy, the Contractor mails or otherwise furnishes to the Contracting Officer a written appeal addressed to the Secretary. The decision of the Secretary or his duly authorized representative for the determination of such appeals shall be final and conclusive unless determined by a court of competent jurisdiction to have been fraudulent, or capricious, or arbitrary, or so grossly erroneous as necessarily to imply bad faith, or not supported by substantial evidence. In connection with any appeal proceeding under this clause, the Contractor shall be afforded an opportunity to be heard and to offer evidence in support of its appeal. Pending final decision of a dispute hereunder, the Contractor shall proceed diligently with the performance of the contract and in accordance with the Contracting Officer's decision.

(b) This "Disputes" clause does not preclude consideration of law questions in connection with decisions provided for in paragraph (a) above: *Provided*, That nothing in this contract shall be construed as making final the decision of any administrative official, representative, or board on a question of law.

3. CHANGES

The Contracting Officer may at any time, by a written order, and without notice to the sureties, make changes, within the general scope of this contract, in the definition of services to be performed, and the time (i.e., hours of the day, days of the week, etc.) and place of performance thereof. If any such change causes an increase or decrease in the cost of, or the time required for the performance of any part of the work under this contract, whether changed or not changed by any such order, an equitable adjustment shall be made in the contract price or delivery schedule, or both, and the contract shall be modified in writing accordingly. Any claim by the Contractor for adjustment under this clause must be asserted within 30 days from the date of receipt by the Contractor of the notification of change: *Provided, however*, That the Contracting Officer, if he decides that the facts justify such action, may receive and act upon any such claim asserted at any time prior to final payment under this contract. Where the cost of property made obsolete or excess as result of a change is included in the Contractor's claim for adjustment, the Contracting Officer shall have the right to prescribe the manner of disposition of such property. Failure to agree to any adjustment shall be a dispute concerning a question of fact within the meaning of the clause of this contract entitled "Disputes." However, nothing in this clause shall excuse the Contractor from proceeding with the contract as changed.

4. TERMINATION FOR CONVENIENCE OF THE GOVERNMENT

(a) The performance of work under this contract may be terminated by the Government in accordance with this clause in whole, or from time to time in part, whenever the Contracting Officer shall determine that such termination is in the best interest of the Government. Any such termination shall be effected by delivery to the Contractor of a Notice of Termination specifying the extent to which performance of work under the contract is terminated, and the date upon which such termination becomes effective.

(b) After receipt of a Notice of Termination, and except as otherwise directed by the Contracting Officer, the Contractor shall:

(1) Stop work under the contract on the date and to the extent specified in the Notice of Termination;

(2) Place no further orders or subcontracts for materials, services, or facilities, except as may be necessary for completion of such portion of the work under the contract as is not terminated;

(3) Terminate all orders and subcontracts to the extent that they relate to the performance of work terminated by the Notice of Termination;

(4) Assign to the Government, in the manner, at the times, and to the extent directed by the Contracting Officer, all of the right, title, and interest of the Contractor under the orders and subcontracts so terminated, in which case the Government shall have the right, in its discretion, to settle or pay any or all claims arising out of the termination of such orders and subcontracts;

(5) Settle all outstanding liabilities and all claims arising out of such termination of orders and subcontracts, with the approval or ratification of the Contracting Officer, to the extent he may require, which approval or ratification shall be final for all the purposes of this clause;

(6) Transfer title to the Government and deliver in the manner, at the times, and to the extent, if any, directed by the Contracting Officer, (i) the fabricated or unfabricated parts, work in process, completed work, supplies, and other material produced as a part of, or acquired in connection with the performance of, the work terminated by the Notice of Termination, and (ii) the completed or partially completed plans, drawings, information, and other property which, if the contract had been completed, would have been required to be furnished to the Government;

(7) Use his best efforts to sell, in the manner, at the times, to the extent, and at the price or prices directed or authorized by the Contracting Officer, any property of the types referred to in (6) above: *Provided, however*, That the Contractor (i) shall not be required to extend credit to any purchaser, and (ii) may acquire any such property under the conditions prescribed by and at a price or prices approved by the Contracting Officer: *And provided further*, That the proceeds of any such transfer or disposition shall be applied in reduction of any payments to be made by the Government to the Contractor under this contract or shall otherwise be credited to the price or cost of the work covered by this contract or paid in such other manner as the Contracting Officer may direct;

(8) Complete performance of such part of the work as shall not have been terminated by the Notice of Termination; and

(9) Take such action as may be necessary, or as the Contracting Officer may direct, for the protection and preservation of the property related to this contract which is in the possession of the Contractor and in which the Government has or may acquire an interest.

At any time after expiration of the plant clearance period, as defined in Subpart 1–8.1 of the Federal Procurement Regulations (41 CFR Subpart 1–8.1), as the definition may be amended from time to time, the Contractor may submit to the Contracting Officer a list, certified as to quantity and quality, of any or all items of termination inventory not previously disposed of, exclusive of items the disposition of which has been directed or authorized by the Contracting Officer, and may request the Government to remove such items or enter into a storage agreement covering them. Not later than fifteen (15) days thereafter, the Government will accept title to such items and remove them or enter into a storage agreement covering the same: *Provided*, That the list submitted shall be subject to verification by the Contracting Officer upon removal of the items, or, if the items are stored, within forty-five (45) days from the date of submission of the list, and any necessary adjustment to correct the list as submitted shall be made prior to final settlement.

(c) After receipt of a Notice of Termination, the Contractor shall submit to the Contracting Officer his termination claim, in the form and with certification prescribed by the Contracting Officer. Such claim shall be submitted promptly but in no event later than 1 year from the effective date of termination, unless one or more extensions in writing are granted by the Contracting Officer upon request of the Contractor made in writing within such 1-year period or authorized extension thereof. However, if the Contracting Officer determines that the facts justify such action, he may receive and act upon any such termination claim at any time after such 1-year period or any extension thereof. Upon failure of the Contractor to submit his termination claim within the time allowed, the Contracting Officer may, subject to any review required by the contracting agency's procedures in effect as of the date of execution of this contract, determine, on the basis of information available to him, the amount, if any, due to the Contractor by reason of the termination and shall thereupon pay to the Contractor the amount so determined.

(d) Subject to the provisions of paragraph (c), and subject to any review required by the contracting agency's procedures in effect as of the date of execution of this contract, the Contractor and the Contracting Officer may agree upon the whole or any part of the amount or amounts to be paid to the Contractor by reason of the total or partial termination of work pursuant to this clause, which amount or amounts may include a reasonable allowance for profit on work done: *Provided*, That such agreed amount or amounts, exclusive of settlement costs, shall not exceed the total contract price as reduced by the amount of payments otherwise made and as further reduced by the contract price of work not terminated. The contract shall be amended accordingly, and the Contractor shall be paid the agreed amount. Nothing in paragraph (e) of this clause, prescribing the amount to be paid to the Contractor in the event of failure of the Contractor and the Contracting Officer to agree upon the whole amount to be paid to the Contractor by reason of the termination of work pursuant to this clause, shall be deemed to limit, restrict, or otherwise determine or affect the amount or amounts which may be agreed upon to be paid to the Contractor pursuant to this paragraph (d).

(e) In the event of the failure of the Contractor and the Contracting Officer to agree as provided in paragraph (d) upon the whole amount to be paid to the Contractor by reason of the termination of work pursuant to this clause, the Contracting Officer shall, subject to any review required by the contracting agency's procedures in effect as of the date of execution of the contract, determine, on the basis of information available to him, the amount, if any, due to the Contractor by reason of the termination and shall pay to the Contractor the amounts determined as follows:

(1) For completed supplies accepted by the Government (or sold or acquired as provided in paragraph (b)(7) above) and not theretofore paid for, a sum equivalent to the aggregate price for such supplies computed in accordance with the price or prices specified in the contract, appropriately adjusted for any saving of freight or other charges;

(2) The total of—

(i) The costs incurred in the performance of the work terminated, including initial costs and preparatory expense allocable thereto, but exclusive of any costs attributable to supplies paid or to be paid for under paragraph (e)(1) hereof;

(ii) The cost of settling and paying claims arising out of the termination of work under subcontracts or orders, as provided in paragraph (b)(5) above, which are properly chargeable to the terminated portion of the contract (exclusive of amounts paid or payable on account of supplies or materials delivered or services furnished by subcontractors or vendors prior to the effective date of the notice of termination, which amounts shall be included in the costs payable under (i) above); and

(iii) A sum, as profit on (i), above, determined by the Contracting Officer pursuant to § 1–8.303 of the Federal Procurement Regulations (41 CFR 1–8.303), in effect as of the date of execution of this contract, to be fair and reasonable: *Provided, however*, That if it appears that the Contractor would have sustained a loss on the entire contract had it been completed, no profit shall be included or allowed under this subdivision (iii) and an appropriate adjustment shall be made reducing the amount of the settlement to reflect the indicated rate of loss; and

(3) The reasonable costs of settlement, including accounting, legal, clerical, and other expenses reasonably necessary for the preparation of settlement claims and supporting data with respect to the terminated portion of the contract and for the termination and settlement of subcontracts thereunder, together with reasonable storage, transportation, and other costs incurred in connection with the protection or disposition of property allocable to this contract.

The total sum to be paid to the Contractor under (1) and (2) of this paragraph (e) shall not exceed the total contract price as reduced by the amount of payments otherwise made and as further reduced by the contract price of work not terminated. Except for normal spoilage, and except to the extent that the Government shall have otherwise expressly assumed the risk of loss, there shall be excluded from the amounts payable to the Contractor as provided in (e)(1) and (2)(i) above, the fair value, as determined by the Contracting Officer, of property which is destroyed, lost, stolen, or damaged so as to become undeliverable to the Government, or to a buyer pursuant to paragraph (b)(7).

(f) Costs claimed, agreed to, or determined pursuant to paragraphs (c), (d), and (e) of this clause shall be in accordance with the applicable contract cost principles and procedures in Part 1–15 of the Federal Procurement Regulations (41 CFR Part 1–15) in effect on the date of this contract.

(g) The Contractor shall have the right to appeal, under the clause of this contract entitled "Disputes," from any determination made by the Contracting Officer under paragraph (c) or (e) above, except that, if the Contractor has failed to submit his claim within the time provided in paragraph (c) above and has failed to request extension of such time, he shall have no such right of appeal. In any case where the Contracting Officer has made a determination of the amount due under paragraph (c) or (e) above, the Government shall pay to the Contractor the following: (1) If there is no right of appeal hereunder or if no timely appeal has been taken, the amount so determined by the Contracting Officer; or (2) if an appeal has been taken, the amount finally determined on such appeal.

(h) In arriving at the amount due the Contractor under this clause, there shall be deducted (1) all unliquidated advance or other payments on account theretofore made to the Contractor applicable to the terminated portion of this contract; (2) any claim which the Government may have against the Contractor in connection with this contract; and (3) the agreed price for, or the proceeds of sale of, any materials, supplies, or other things acquired by the Contractor or sold, pursuant to the provisions of this clause, and not otherwise recovered by or credited to the Government.

(i) If the termination hereunder be partial, prior to the settlement of the terminated portion of this contract, the Contractor may file with the Contracting Officer a request in writing for an equitable adjustment of the price or prices specified in the contract relating to the continued portion of the contract (the portion not terminated by the notice of termination), and such equitable adjustment as may be agreed upon shall be made in such price or prices.

(j) The Government may from time to time, under such terms and conditions as it may prescribe, make partial payments and payments on account against costs incurred by the Contractor in connection with the terminated portion of this contract whenever in the opinion of the Contracting Officer the aggregate of such payments shall be within the amount to which the Contractor will be entitled hereunder. If the total of such payments is in excess of the amount finally agred or determined to be due under this clause, such excess shall be payable by the Contractor to the Government upon demand, together with interest computed at the rate of 6 percent per annum for the period from the date such excess payment is received by the Contractor to the date on which such excess is repaid to the Government: *Provided, however*, That no interest shall be charged with respect to any such

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excess payment atributable to a reduction in the Contractor's claim by reason of retention or other disposition of termination inventory until 10 days after the date of such retention or disposition, or such later date as determined by the Contracting Officer by reason of the circumstances.

(k) Unless otherwise provided for in this contract, or by applicable statute, the Contractor, from the effective date of termination and for a period of 3 years after final settlement under this contract, shall preserve and make available to the Government at all reasonable times at the office of the Contractor but without direct charge to the Government, all his books, records, documents, and other evidence bearing on the costs and expenses of the Contractor under this contract and relating to the work terminated hereunder, or, to the extent approved by the Contracting Officer, photographs, microphotographs, or other authentic reproductions thereof.

5. DEFAULT

(a) The Government may, subject to the provisions of paragraph (c) of this clause, by written notice of default to the Contractor, terminate the whole or any part of this contract in any one of the following circumstances:

(1) If the Contractor fails to perform the work called for by this contract within the time(s) specified herein or any extension thereof; or

(2) If the Contractor fails to perform any of the other provisions of this contract, or so fails to prosecute the work as to endanger performance of this contract in accordance with its terms, and in either of these two circumstances does not cure such failure within a period of 10 days (or such longer period as the Contracting Officer may authorize in writing) after receipt of notice from the Contracting Officer specifying such failure.

(b) In the event the Government terminates this contract in whole or in part as provided in paragraph (a) of this clause, the Government may procure, upon such terms and in such manner as the Contracting Officer may deem appropriate, work similar to the work so terminated and the Contractor shall be liable to the Government for any excess costs for such similar work: *Provided*, That the Contractor shall continue the performance of this contract to the extent not terminated under the provisions of this clause.

(c) Except with respect to defaults of subcontractors, the Contractor shall not be liable for any excess costs if the failure to perform the contract arises out of causes beyond the control and without the fault or negligence of the Contractor. Such causes may include, but are not restricted to, acts of God or of the public enemy, acts of the Government in either its sovereign or contractual capacity, fires, floods, epidemics, quarantine restrictions, strikes, freight embargoes, and unusually severe weather; but in every case the failure to perform must be beyond the control and without the fault or negligence of the Contractor. If the failure to perform is caused by the default of a subcontractor, and if such default arises out of causes beyond the control of both the Contractor and subcontractor, and without the fault or negligence of either of them, the Contractor shall not be liable for any excess costs for failure to perform unless the supplies or services to be furnished by the subcontractor were obtainable from other sources in sufficient time to permit the Contractor to meet the required delivery schedule or other performance requirements.

(d) If this contract is terminated as provided in paragraph (a) of this clause, the Government, in addition to any other rights provided in this clause, may require the Contractor to transfer title and deliver to the Government, in the manner and to the extent directed by the Contracting Officer, any of the completed or partially completed work not theretofore delivered to, and accepted by, the Government and any other property, including contract rights, specifically produced or specifically acquired for the performance of such part of this contract as has been terminated; and the Contractor shall, upon the direction of the Contracting Officer protect and preserve property in the possession of the Contractor in which the Government has an interest. The Government shall pay to the Contractor the contract price if separately stated, for completed work accepted by the Government and the amount agreed upon by the Contractor and the Contracting Officer for (1) completed work for which no separate price is stated, (2) partially completed work, (3) other property described above which is accepted by the Government, and (4) the protection and preservation of property. Failure to agree shall be a dispute concerning a question of fact within the meaning of the clause of this contract entitled "Disputes." The Government may withhold from amounts otherwise due the Contractor for such completed supplies or manufacturing materials such sum as the Contracting Officer determines to be necessary to protect the Government against loss because of outstanding liens or claims of former lienholders.

(e) If, after notice of termination of this contract under the provisions of this clause, it is determined for any reason that the Contractor was not in default under the provisions of this clause, or that the default was excusable under the provisions of this clause, the rights and obligations of the parties shall, if the contract contains a clause providing for termination for convenience of the Government, be the same as if the notice of termination had been issued pursuant to such clause. If, after notice of termination of this contract under the provisions of this clause, it is determined for any reason that the Contractor was not in default under the provisions of this clause, and if this contract does not contain a clause providing for termination for convenience of the Government, the contract shall be equitably adjusted to compensate for such termination and the contract modified accordingly, failure to agree to any such adjustment shall be a dispute concerning a question of fact within the meaning of the clause of this contract entitled "Disputes."

(f) The right and remedies of the Government provided in this clause shall not be exclusive and are in addition to any other rights and remedies provided by law or under this contract.

(g) As used in paragraph (c) of this clause, the terms "subcontractor" and "subcontractors" means subcontractor(s) at any tier.

6. INSPECTION OF SERVICES

(a) All services (which term throughout this clause includes services performed, material furnished or utilized in the performance of services, and workmanship in the performance of services) shall be subject to inspection and test by the Government, to the extent practicable at all times and places during the term of the contract. All inspections by the Government shall be made in such a manner as not to unduly delay the work.

(b) If any services performed hereunder are not in conformity with the requirements of this contract, the Government shall have the right to require the Contractor to perform the services again in conformity with the requirements of the contract, at no additional increase in total contract amount. When the services to be performed are of such a nature that the defect cannot be corrected by reperformance of the services, the Government shall have the right to (1) require the Contractor to immediately take all necessary steps to ensure future performance of the services in conformity with the requirements of the contract; and (ii) reduce the contract price to reflect the reduced value of the services performed. In the event the Contractor fails promptly to perform the services again or to take necessary steps to insure future performance of the services in conformity with the requirements of the contract, the Government shall have the right to either (i) by contract or otherwise have the services performed in conformity with the contract requirements and charge to the Contractor any cost occasioned to the Government that is directly related to the performance of such services; or (ii) terminate this contract for default as provided in the clause of this contract entitled "Default."

(c) The Contractor shall provide and maintain an inspection system acceptable to the Government covering the services to be performed hereunder. Records of all inspection work by the Contractor shall be kept complete and available to the Government during the term of this contract and for such longer period as may be specified elsewhere in this contract.

7. INSURANCE

(a) The Contractor shall procure and maintain such insurance as is required by law or regulation, including that required by Subpart 1–10.5 of the Federal Procurement Regulation as of the date of execution of this contract and such insurance as the Contracting Officer prescribes by written direction.

(b) At a minimum, the Contractor shall procure and maintain the following types and amounts of insurance:

(1) Workmen's compensation and occupational disease insurance in amounts sufficient to satisfy State law.

(2) Employer's liability insurance, where available.

(3) Automobile liability and general liability insurance, on the comprehensive form of policy, in the amount of $200,000 per claimant and $500,000 per incident.

(c) The terms of any other insurance policy held by Contractor shall be submitted to the Contracting Officer for review and/or approval upon request of the Contracting Officer.

(d) The Contractor shall promptly furnish the Contracting Officer written notice of serious injury to or death of any third person, or any damage estimated to exceed $1,000, to the property of any third person arising out of or in connection with the performance of this contract.

8. NOTICE TO THE GOVERNMENT OF DELAYS

(a) Whenever the Contractor has knowledge that any actual or potential situation or labor dispute is delaying or threatens to delay the timely performance of this contract, the Contractor shall immediately give notice thereof, including all relevant information with respect thereto, to the Contracting Officer.

(b) The Contractor agrees to insert the substance of this clause, including this paragraph (b), in any subcontract hereunder as to which a situation or labor dispute may delay the timely performance of this contract; except that each such subcontract shall provide that in the event its timely performance is delayed or threatened by delay by any actual or potential situation or labor dispute, the subcontractor shall immediately notify its next higher tier subcontractor, or the prime contractor, as the case may be, of

all relevant information with respect to such dispute.

9. PAYMENTS

(a) The Contractor shall be paid, upon submission of proper invoices or vouchers, the price stipulated herein for services rendered in accordance with this contract or for supplies delivered and accepted, less deductions, if any, as herein provided. Unless, otherwise specified, payment will be for any portion of services rendered or supplies accepted for which a price is separately stated in the contract.

(b) In connection with any discount offered, time will be computed from the date of completion of performance of the services or from the date correct invoice or voucher is received in the office specified by the Government, if the latter is later than date of completion of performance. Payment is deemed to be made for the purpose of earning the discount on the date of mailing of the Government check.

10. INTEREST

Notwithstanding any other provision of this contract, unless paid within 30 days all amounts that become payable by the Contractor to the Government under this contract (net of any applicable tax credit under the Internal Revenue Code) shall bear interest at the rate of 6 percent per annum from the date due until paid. Amounts shall be due upon the earliest one of (i) the date fixed pursuant to this contract; (ii) the date of the first written demand for payment, consistent with this contract, including demand consequent upon default termination; (iii) the date of transmittal by the Government to the Contractor of a proposed supplemental agreement to confirm completed negotiations fixing the amount; or (iv) if this contract provides for revision of prices, the date of written notice to the Contractor stating the amount of refund payable in connection with a pricing proposal or in connection with a negotiated pricing agreement not confirmed by contract supplement.

11. PAYMENT OF INTEREST OF CONTRACTOR'S CLAIMS

(a) If an appeal is filed by the Contractor from a final decision of the Contracting Officer under the "Disputes" clause of this contract, denying a claim arising under the contract, simple interest on the amount of the claim finally determined owed by the Government shall be payable to the Contractor. Such interest shall be at the rate detemined by the Secretary of the Treasury pursuant to Public Law 92–41, 85 Stat. 97, from the date the Contractor furnishes to the Contracting Officer his written appeal under the Disputes clause of this contract, to the date of (1) a final judgement by a court of competent jurisdiction or (2) mailing to the Contractor of a supplemental agreement for execution either confirming completed negotiations between the parties or carrying out a decision of a Board of Contract Appeals.

(b) Notwithstanding (a) above, (1) interest shall be applied only from the date payment was due, if such date is later than the filing of appeal, and (2) interest shall not be paid for any period of time that the Contracting Officer determines the Contractor has unduly delayed in pursuing his remedies before a Board of Contract Appeals or a court of competent jurisdiction.

12. AUDIT

(a) For purposes of verifying that certified cost or pricing data submitted, in conjunction with the negotiation of this contract or any contract change or other modification involving an amount in excess of $100,000 was accurate, complete, and current, the Contracting Officer, or his authorized representatives, shall, until the expiration of three (3) years from the date of final payment under this contract or of the time periods for the particular records specified in Part 1–20 of the Federal Procurement Regulations (41 CFR Part 1–20), whichever expires earlier, have the right to examine those books, records, documents, papers, and other supporting data which involve transactions related to this contract or which will permit adequate evaluation of the cost or pricing data submitted, along with the computations and projections used therein.

(b) The Contractor agrees to insert this clause, including this paragraph (b), in all subcontracts hereunder which when entered into exceed $100,000, unless the price is based on adequate price competition, established catalog or market prices of commercial items sold in substantial quantities to the general public, or prices set by law or regulation. When so inserted, changes shall be made to designate the higher tier subcontractor at the level involved as the contracting and certifying party; to add "of the Government prime contract" after "Contracting Officer;" and to add, at the end of (a) above, the words: "*Provided*, That, in the case of any contract change or modification, such change or modification results from a change or other modification to the Government prime contract." In each such excepted subcontract hereunder which when entered into exceeds $100,000, the Contractor shall insert the following clause:

AUDIT-PRICE ADJUSTMENTS

(a) This clause shall become operative only with respect to any change or other modification of this contract which involves a price adjustment in excess of $100,000 unless the price adjustment is based on adequate price competition established catalog or market prices of commercial items sold in substantial quantities to the general public or prices set by law or regulation: *Provided*, That such change or other modification to this contract results from a change or other modification to the Government prime contract.

(b) For purposes of verifying that certified cost or pricing data submitted in conjunction with such a contract change or modification was accurate, complete, and current, the Contracting Officer of the Government prime contract, or his authorized representatives, shall, until the expiration of three (3) years from the date of final payment under this contract, or of the time periods for the particular records specified in Part 1–20 of the Federal Procurement Regulations (41 CFR Part 1–20), whichever expires earlier, have the right to examine those books, records, documents, papers, and other supporting data which involve transactions related to this contract or which will permit adequate evaluation of the cost or pricing data submitted, along with the computations and projections used therein.

(c) The subcontractor agrees to insert this clause, including this paragraph (c), in all subcontracts hereunder which when entered into exceed $100,000.

13. FEDERAL, STATE, AND LOCAL TAXES

(a) Except as may be otherwise provided in this contract, the contract price includes all applicable Federal, State, and local taxes and duties.

(b) Nevertheless, with respect to any Federal excise tax or duty on the transactions or property covered by this contract, if a statute, court decision, written ruling, or regulation takes effect after the contract date, and—

(1) Results in the Contractor being required to pay or bear the burden of any such Federal excise tax or duty or increase in the rate thereof which would not otherwise have been payable on such transactions or property, the contract price shall be increased by the amount of such tax or duty or rate increase: *Provided*, That the Contractor if requested by the Contracting Officer, warrants in writing that no amount for such newly imposed Federal excise tax or duty or rate increase was included in the contract price as a contingency reserve or otherwise; or

(2) Results in the Contractor not being required to pay or bear the burden of, or in his obtaining a refund or drawback of, any such Federal excise tax or duty which would otherwise have been payable on such transactions or property or which was the basis of an increase in the contract price, the contract price shall be decreased by the amount of the relief, refund, or drawback, or that amount shall be paid to the Government, as directed by the Contracting Officer. The contract price shall be similarly decreased if the Contractor, through his fault or negligence or his failure to follow instructions of the Contracting Officer, is required to pay or bear the burden of, or does not obtain a refund or drawback of, any such Federal excise tax or duty.

(c) No adjustment pursuant to paragraph (b) above will be made under this contract unless the aggregate amount thereof is or may reasonably be expected to be over $100.

(d) As used in paragraph (b) above, the term "contract date" means the date set for the bid opening, or if this is a negotiated contract, the date of this contract. As to additional supplies or services procured by modification to this contract, the term "contract date" means the date of such modification.

(e) Unless there does not exist any reasonable basis to sustain an exemption, the Government, upon request of the Contractor, without further liability, agrees, except as otherwise provided in this contract, to furnish evidence appropriate to establish exemption from any tax which the Contractor warrants in writing was excluded from the contract price. In addition, the Contracting Officer may furnish evidence to establish exemption from any tax that may, pursuant to this clause, give rise to either an increase or decrease in the contract price. Except as otherwise provided in this contract, evidence appropriate to establish exemption from duties will be furnished only at the discretion of the Contracting Officer.

(f) The Contractor shall promptly notify the Contracting Officer of matters which will result in either an increase or decrease in the contract price, and shall take action with respect thereto as directed by the Contracting Officer.

14. EXAMINATION OF RECORDS BY COMPTROLLER GENERAL

(a) This clause is applicable if the amount of this contract exceeds $2,500 and was entered into by means of negotiation, including small business restricted advertising, but is not applicable if this contract was entered into by means of formal advertising.

(b) The Contractor agrees that the Comptroller General of the United States or any of his duly authorized representatives shall, until the expiration of 3 years after final payment under this contract or such lesser time specified in the Federal Procurement Regulations Part 1–20, have access to and the right to examine any directly pertinent books, documents, papers, and records of the Contractor involving transactions related to this contract.

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(c) The Contractor further agrees to include in all his subcontracts hereunder a provision to the effect that the subcontractor agrees that the Comptroller General of the United States or any of his duly authorized representatives shall, until the expiration of 3 years after final payment under the subcontract or such lesser time specified in the Federal Procurement Regulations Part 1–20, have access to and the right to examine any directly pertinent books, documents, papers, and records of such subcontractor, involving transactions related to the subcontract. The term "subcontract" as used in this clause excludes (1) purchase orders not exceeding $2,500, and (2) subcontracts or purchase orders for public utility services at rates established for uniform applicability to the general public.

(d) The periods of access and examination described in (b) and (c) above, for records which relate to (1) appeals under the "Disputes" clause of this contract, (2) litigation or the settlement of claims arising out of the performance of this contract, or (3) costs and expenses of this contract as to which exception has been taken by the Comptroller General or any of his duly authorized representatives, shall continue until such appeals, litigation, claims, or exceptions have been disposed of.

15. COST ACCOUNTING STANDARDS

(The following clause shall be applicable if this contract exceeds $100,000.)

(a) Unless the Cost Accounting Standards Board has prescribed rules or regulations exempting the Contractor or this contract from standards, rules, and regulations promulgated pursuant to 50 U.S.C. App. 2168 (Public Law 91–379, Aug. 15, 1970), the Contractor, in connection with this contract shall:

(1) By submission of a Disclosure Statement, disclose in writing his cost accounting practices as required by regulations of the Cost Accounting Standards Board. The required disclosures must be made prior to contract award unless the Contracting Officer provides a written notice to the Contractor authorizing postaward submission in accordance with regulations of the Cost Accounting Standards Board. The practices disclosed for this contract shall be the same as the practices currently disclosed and applied on all other contracts and subcontracts being performed by the Contractor and which contain this Cost Accounting Standards clause. If the Contractor has marked the Disclosure Statement to indicate that it contains trade secrets and commercial or financial information which is privileged and confidential, the Disclosure Statement will be protected and will not be released outside of the Government.

(2) Follow consistently the cost accounting practices disclosed pursuant to (1), above, in accumulating and reporting contract performance cost data concerning this contract. If any change in disclosed practices is made for the purposes of any contract or subcontract subject to Cost Accounting Standards Board requirements, the change must be applied prospectively to this contract, and the Disclosure Statement must be amended accordingly. If the contract price or cost allowance of this contract is affected by such changes, adjustment shall be made in accordance with subparagraph (a)(4) or (a)(5), below, as appropriate.

(3) Comply with all Cost Accounting Standards in effect on the date of award of this contract or if the Contractor has submitted cost or pricing data, on the date of final agreement on price as shown on the Contractor's signed certificate of current cost or pricing data. The Contractor shall also comply with any Cost Accounting Standard which hereafter becomes applicable to a contract or subcontract of the Contractor. Such compliance shall be required prospectively from the date of applicability to such contract or subcontract.

(4) (A) Agree to an equitable adjustment as provided in the changes clause of this contract if the contract cost is affected by a Disclosure Statement change which the Contractor is required to make pursuant to (3), above. If the Contractor has not been required to file a Disclosure Statement but is required pursuant to (a)(3), above to change an established practice, then an equitable adjustment shall similarly be agreed to.

(B) Negotiate with the Contracting Officer to determine the terms and conditions under which any Disclosure Statement change other than changes under (4)(A), above, may be made. A change to a Disclosure Statement may be proposed by either the Government or the Contractor: *Provided, however,* That no agreement may be made under this provision that will increase costs paid by the United States under this contract.

(5) Agree to an adjustment of the contract price or cost allowance, as appropriate, if he or a subcontractor fails to comply with an applicable Cost Accounting Standard or to follow any practice disclosed pursuant to subparagraphs (a)(1) and (a)(2), above, and such failure results in any increased costs paid by the United States. Such adjustment shall provide for recovery of the increased costs to the United States together with interest thereon computed at the rate determined by the Secretary of the Treasury pursuant to Public Law 92–41, 85 Stat. 97, or 7 percent per annum, whichever is less, from the time the payment by the United States was made to the time the adjustment is effected.

(b) If the parties fail to agree whether the Contractor or subcontractor has complied with an applicable Cost Accounting Standard, rule, or regulation of the Cost Accounting Standards Board and as to any cost adjustment demanded by the United States, such failure to agree shall be a dispute concerning a question of fact within the meaning of the disputes clause of this contract.

(c) The Contractor shall permit any authorized representatives of the head of the agency, the Cost Accounting Standards Board, or the Comptroller General of the United States to examine and make copies of any documents, papers, or records relating to compliance with the requirements of this clause.

(d) The Contractor shall include in all negotiated subcontracts which he enters into the substance of this clause except paragraph (b), and shall require such inclusion in all other subcontracts of any tier, except that this requirement shall apply only to negotiated subcontracts in excess of $100,000 where the price negotiated is not based on:

(i) Established catalog or market prices of commercial items sold in substantial quantities to the general public; or

(ii) Prices set by law or regulation.

NOTE—Subcontractors shall be required to submit their Disclosure Statements to the Contractor. However, if a subcontractor has previously submitted his Disclosure Statement to a Government Contracting Officer he may satisfy that requirement by certifying to the Contractor the date of such Statement and the address of the Contracting Officer.

In any case where a subcontractor determines that the Disclosure Statement information is privileged and confidential and declines to provide it to his Contractor or higher tier subcontractor, the Contractor may authorize direct submission of that subcontractor's Disclosure Statement to the same Government offices to which the Contractor was required to make submission of his Disclosure Statement. Such authorization shall in no way relieve the Contractor of liability as provided in paragraph (a)(5) of this clause. In view of the foregoing and since the contract may be subject to adjustment under this clause by reason of any failure to comply with rules, regulations, and Standards of the Cost Accounting Standards Board in connection with covered subcontracts, it is expected that the Contractor may wish to include a clause in each such subcontract requiring the subcontractor to appropriately indemnify the Contractor. However, the inclusion of such a clause and the terms thereof are matters for negotiation and agreement between the Contractor and the subcontractor: *Provided,* That they do not conflict with the duties of the Contractor under its contract with the Government. It is also expected that any subcontractor subject to such indemnification will generally require substantially similar indemnification to be submitted by his subcontractors.

(e) The terms defined in § 331.2 of Part 331 of Title 4, Code of Federal Regulations (4 CFR 331.2) shall have the same meanings herein. As there defined, "negotiated subcontract" means "any subcontract except a firm fixed-price subcontract made by a Contractor or subcontractor after receiving offers from at least two firms not associated with each other or such Contractor or subcontractor, providing (1) the solicitation to all competing firms is identical, (2) price is the only consideration in selecting the subcontractor from among the competing firms solicited, and (3) the lowest offer received in compliance with the solicitation from among those solicited is accepted."

16. PRICE REDUCTION FOR DEFECTIVE COST OR PRICING DATA

(The provisions of this clause shall be applicable only if the amount of this contract exceeds $100,000.)

(a) If the Contracting Officer determines that any price, including profit or fee, negotiated in connection with this contract or any cost reimbursable under this contract was increased by any significant sums because the Contractor, or any subcontractor pursuant to the clause of this contract entitled "Subcontractor Cost or Pricing Data" or "Subcontractor Cost or Pricing Data—Price Adjustments," or any subcontract clause therein required, furnished incomplete or inaccurate cost or pricing data or data not current as certified in his Contractor's Certificate of Current Cost or Pricing Data, then such price or cost shall be reduced accordingly and the contract shall be modified in writing to reflect such reduction.

(b) Failure to agree on a reduction shall be a dispute concerning a question of fact within the meaning of the "Disputes" clause of this contract.

NOTE—Since the contract is subject to reduction under this clause by reason of defective cost or pricing data submitted in connection with certain subcontracts, it is expected that the Contractor may wish to include a clause in each such subcontract requiring the subcontractor to appropriately indemnify the contractor. It is also expected that any subcontractor subject to such indemnification will generally require substantially similar indemnification for defective cost or pricing data required to be submitted by his lower tier subcontractors.

17. PRICING OF ADJUSTMENTS

When costs are a factor in any determination of a contract price adjustment pursuant to the "Changes" clause or any other provision of this contract, such costs shall be in

accordance with Part 1–15 of the Federal Procurement Regulations as in effect as of the date of this contract.

18. SUBCONTRACTOR COST AND PRICING DATA

(The provisions of this clause shall be applicable only if the amount of this contract exceeds $100,000.)

(a) The Contractor shall require subcontractors hereunder to submit in writing cost or pricing data under the following circumstances:

(1) Prior to award of any cost-reimbursement type, time and material, labor-hour, incentive, or price redeterminable subcontract, change or other modification, the price of which is expected to exceed $100,000, and

(2) Prior to the award of any other subcontract, the price of which is expected to exceed $100,000 or to the pricing of any subcontract change or other modification for which the price adjustment is expected to exceed $100,000, where the price or price adjustment is not based on adequate price competition, established catalog or market prices of commercial items sold in substantial quantities to the general public, or prices set by law or regulation.

(b) The Contractor shall require subcontractors to certify, in substantially the same form as that used in the certificate by the Prime Contractor in the Government, that, to the best of their knowledge and belief, the cost and pricing data submitted under (a), above, are accurate, complete, and current as of the date of the execution, which date shall be as close as possible to the date of agreement on the negotiated price of the subcontract or subcontract change or modification.

(c) The Contractor shall insert the substance of this clause including this paragraph (c) in each of his cost-reimbursement type, time and material, labor-hour, price redeterminable, or incentive subcontracts hereunder, and in any other subcontract hereunder which exceeds $100,000 unless the price thereof is based on adequate price competition, established catalog or market prices of commercial items sold in substantial quantities to the general public, or prices set by law or regulation. In each such excepted subcontract hereunder which exceeds $100,000, the Contractor shall insert the substance of the following clause:

SUBCONTRACTOR COST AND PRICING DATA-PRICE ADJUSTMENTS

(a) Paragraphs (b) and (c) of this clause shall become operative only with respect to any change or other modification made pursuant to one or more provisions of this contract which involves a price adjustment in excess of $100,000. The requirements of this clause shall be limited to such price adjustments.

(b) The Contractor shall require subcontractors hereunder to submit cost or pricing data under the following circumstances:

(1) Prior to award of any cost-reimbursement type, time and material, labor-hour, incentive, or price redeterminable subcontract, the price of which is expected to exceed $100,000; and

(2) Prior to award of any other subcontract, the price of which is expected to exceed $100,000, or to the pricing of any subcontract change or other modification for which the price adjustment is expected to exceed $100,000, where the price or price adjustment is not based on adequate price competition, established catalog or market prices of commercial items sold in substantial quantities to the general public, or prices set by law or regulation.

(c) The Contractor shall require subcontractors to certify, in substantially the same form as that used in the Certificate by the Prime Contractor to the Government, that, to the best of their knowledge and belief, the cost and pricing data submitted under (b), above, are accurate, complete, and current as of the date of the execution, which date shall be as close as possible to the date of agreement on the negotiated price of the contract modification.

(d) The Contractor shall insert the substance of this clause including this paragraph (d) in each subcontract hereunder which exceeds $100,000.

19. ASSIGNMENT OF CLAIMS

(a) Pursuant to the provisions of the Assignment of Claims Act of 1940, as amended (31 U.S.C. 203, 41 U.S.C. 15), if this contract provides for payments aggregating $1,000 or more, claims for moneys due or to become due the Contractor from the Government under this contract may be assigned to a bank, trust company, or other financing institution, including any Federal lending agency, and may thereafter be further assigned and reassigned to any such institution. Any such assignment or reassignment shall cover all amounts payable under this contract and not already paid, and shall not be made to more than one party, except that any such assignment or reassignment may be made to one party as agent or trustee for two or more parties participating in such financing.

(b) In no event shall copies of this contract or of any plans, specifications, or other similar documents relating to work under this contract, if marked "Top Secret," "Secret," or "Confidential," be furnished to any assignee of any claim arising under this contract or any other person not entitled to receive the same. However, a copy of any part or all of this contract so marked may be furnished, or any information contained therein may be disclosed, to such assignee under the prior written authorization of the Contracting Officer.

20. UTILIZATION OF SMALL BUSINESS CONCERNS

(The following clause is applicable if this contract exceeds $5,000.)

(a) It is the policy of the Government as declared by the Congress that a fair proportion of the purchases and contracts for the supplies and services for the Government be placed with small business concerns.

(b) The Contractor agrees to accomplish the maximum amount of subcontracting to small business concerns that the Contractor finds to be consistent with the efficient performance of this contract.

21. UTILIZATION OF LABOR SURPLUS AREA CONCERNS

(The following clause is applicable if this contract exceeds $5,000.)

(a) It is the policy of the Government to award contracts to labor surplus area concerns that (1) have been certified by the Secretary of Labor (hereafter referred to as certified-eligible concerns with first or second preferences) regarding the employment of a proportionate number of disadvantaged individuals and have agreed to perform substantially (i) in or near sections of concentrated unemployment or underemployment or in persistent or substantial labor surplus areas or (ii) in other areas of the United States, respectively, or (2) are noncertified concerns which have agreed to perform substantially in persistent or substantial labor surplus areas, where this can be done consistent with the efficient performance of the contract at prices no higher than are obtainable elsewhere. The Contractor agrees to use his best efforts to place his subcontracts in accordance with this policy.

(b) In complying with paragraph (a) of this clause and with paragraph (b) of the clause of this contract entitled "Utilization of Small Business Concerns," the Contractor in placing his subcontracts shall observe the following order of preference: (1) Certified-eligible concerns with a first preference which are also small business concerns; (2) other certified-eligible concerns with a first preference; (3) certified eligible concerns with a second preference which are also small business concerns; (4) other certified-eligible concerns with a second perference; (5) persistent or substantial labor surplus area concerns which are also small business concerns; (6) other persistent or substantial labor surplus area concerns; and (7) small business concerns which are not labor surplus area concerns.

22. UTILIZATION OF MINORITY BUSINESS ENTERPRISES

The following clause is applicable if the amount of this contract is in excess of $5,000 except (1) contracts which, including all subcontracts, hereunder, are to be performed entirely outside the United States, its possessions, and Puerto Rico and (2) contracts for services which are personal in nature.

(a) It is the policy of the Government that minority business enterprises shall have the maximum practicable opportunity to participate in the performance of Government contracts.

(b) The Contractor agrees to use his best efforts to carry out this policy in the award of his subcontracts to the fullest extent consistent with the efficient performance of this contract. As used in this contract, the term "minority business enterprise" means a business, at least 50 percent of which is owned by minority group members or, in case of publicly owned businesses, at least 51 percent of the stock of which is owned by minority group members. For the purposes of this definition, minority group members are Negroes, Spanish-speaking American persons, American Orientals, American Indians, American Eskimos, and American Aleuts. Contractors may rely on written representations by subcontractors regarding their status as minority business enterprises in lieu of an independent investigation.

23. EQUAL OPPORTUNITY

(The following clause is applicable unless this contract is exempt under the rules, regulations, and relevant orders of the Secretary of Labor (41 CFR Ch. 60).)

During the performance of this contract, the Contractor agrees as follows:

(a) The Contractor will not discriminate against any employee or applicant for employment because of race, color, religion, sex, or national origin. The Contractor will take affirmative action to insure that applicants are employed, and that employees are treated during employment without regard to their race, color, religion, sex, or national origin. Such action shall include, but not be limited to, the following: Employment, upgrading, demotion, or transfer, recruitment, or recruitment advertising; layoff or termination, rates of pay or other forms of compensation; and selection of training, including apprenticeship. The Contractor agrees to post in conspicuous places, available to employees and applicants for employment, notices to be provided by the Contracting Officer setting forth the provisions of this equal opportunity clause.

(b) The Contractor will, in all solicitations or advertisements for employees placed by or on behalf of the Contractor, state that all qualified applicants will receive consideration for employment without regard to race, color, religion, sex, or national origin.

(c) The Contractor will send to each labor union or representative of workers with which he has a collective-bargaining agreement or other contract or understanding, a

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notice, to be provided by the agency Contracting Officer, advising the labor union or workers' representative of the Contractor's commitments under this equal opportunity clause, and shall post copies of the notice in conspicuous places available to employees and applicants for employment.

(d) The Contractor will comply with all provisions of Executive Order No. 11246 of September 24, 1965, Executive Order No. 11375 of October 13, 1967, and of the rules, regulations, and relevant orders of the Secretary of Labor.

(e) The Contractor will furnish all information and reports required by Executive Order No. 11246 of September 24, 1965, and by the rules, regulations, and orders of the Secretary of Labor, or pursuant thereto, and will permit access to his books, records, and accounts by the contracting agency and the Secretary of Labor for purposes of investigation to ascertain compliance with such rules, regulations, and orders.

(f) In the event of the Contractor's noncompliance with the equal opportunity clause of this contract or with any of the said rules, regulations, or orders, this contract may be canceled, terminated, or suspended, in whole or in part, and the Contractor may be declared ineligible for further Government contracts in accordance with procedures authorized in Executive Order No. 11246 of September 24, 1965, and such other sanctions may be imposed and remedies invoked as provided in Executive Order No. 11246 of September 24, 1965, or by rule, regulation, or order of the Secretary of Labor, or as otherwise provided by law.

(g) The Contractor will include the provisions of paragraph (a) through (g) in every subcontract or purchase order unless exempted by rules, regulations, or orders of the Secretary of Labor issued pursuant to section 204 of Executive Order No. 11246 of September 24, 1965, so that such provisions will be binding upon each subcontractor or vendor. The Contractor will take such action with respect to any subcontract or purchase order as the contracting agency may direct as a means of enforcing such provisions, including sanctions for noncompliance: *Provided, however,* That in the event the Contractor becomes involved in, or is threatened with, litigation with a subcontractor or vendor as a result of such direction by the contracting agency, the Contractor may request the United States to enter such litigation to protect the interests of the United States.

24. LISTING OF EMPLOYMENT OPENINGS

(This clause is applicable pursuant to 41 CFR Part 50–250 if this contract is for $10,000 or more and will generate 400 or more man-days of employment.)

(a) The Contractor agrees that all employment openings of the Contractor which exist at the time of the execution of this contract and those which occur during the performance of this contract, including those not generated by this contract and including those occurring at an establishment of the Contractor other than the one wherein the contract is being performed but excluding those of independently operated corporate affiliates, shall, to the maximum extent feasible, be offered for listing at an appropriate local office of the State employment service system wherein the opening occurs and to provide such periodic reports to such local office regarding employment openings and hires as may be required.

(b) Listing of employment openings with the employment service system pursuant to this clause shall be made at least concurrently with the use of any other recruitment source or effort and shall involve only the normal obligations which attach to the placing of a bona fide job order but does not require the hiring of any job applicant referred by the employment service system.

(c) The periodic reports required by paragraph (a) of this clause, shall be filed at least quarterly with the appropriate local office or, where the Contractor has more than one establishment in a State, with the central office of that State employment service. Such reports shall indicate for each establishment the number of individuals who were hired during the reporting period and the number of hires who were veterans who served in the Armed Forces on or after August 5, 1964, and who received other than a dishonorable discharge. The Contractor shall maintain copies of the reports submitted until the expiration of one (1) year after final payment under the contract, during which time they shall be made available, upon request, for examination by any authorized representatives of the Contracting Officer or of the Secretary of Labor.

(d) Whenever the Contractor becomes contractually bound to the listing provisions of this clause, he shall advise the employment service system in each State wherein he has establishments of the name and location of each such establishment in the State. As each such establishment in the State is contractually bound to these provisions and has so advised the State employment aervice system, there is no need to advise the State system of subsequent contracts. The Contractor may advise the State systems when it is no longer bound by this contract clause.

(e) This clause does not apply (1) to the listing of employment openings which occur outside of the 50 States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, and the Virgin Islands, and (2) to contracts with State and local governments.

(f) This clause does not apply to openings which the Contractor proposes to fill from within his own organization or to fill pursuant to a customary and traditional employer-union hiring arrangement. This exclusion does not apply to a particular opening once an employer decides to consider applicants outside of his own organization or employer-union arrangement for that opening.

(g) As used in this clause:

(1) "All employment openings" includes, but is not limited to, openings which occur in the following job categories: Production and nonproduction; plant and office; laborers and mechanics; supervisory and nonsupervisory; technical; and executive, administrative, and professional openings which are compensated on a salary basis of less than $18,000 per year. This term includes full-time employment, temporary employment of more than 3 days' duration, and part-time employment.

(2) "Appropriate office of the State employment service system" means the local office of the Federal-State national system of public employment offices with assigned responsibility for serving the area of the establishment where the employment opening is to be filled, including the District of Columbia, the Commonwealth of Puerto Rico, Guam, and the Virgin Islands.

(3) "Openings which the Contractor proposes to fill from within his own organization or to fill pursuant to a customary and traditional employer-union hiring arrangement," means employment openings for which no consideration will be given to persons outside the Contractor's organization (including any affiliates, subsidiaries, and parent companies) or outside of a special hiring arrangement which is part of the customary and traditional employment relationship which exists between the Contractor and the representatives of his employees and includes any openings which the Contractor proposes to fill from regularly established "recall" or "rehire" lists or from union hiring halls.

(4) "Man-day of employment" means any day during which an employee performs more than one (1) hour of work.

(h) The Contractor agrees to place this clause (excluding this paragraph (h)) in any subcontract directly under this contract.

25. WALSH-HEALEY PUBLIC CONTRACTS ACT

If this contract is for the manufacture or furnishing of materials, supplies, articles, or equipment in an amount which exceeds or may exceed $10,000 and is otherwise subject to the Walsh-Healey Public Contracts Act, as amended (41 U.S.C. 35–45), there are hereby incorporated by reference all representations and stipulations required by said Act and regulations issued thereunder by the Secretary of Labor, such representations and stipulations being subject to all applicable rulings and interpretations of the Secretary of Labor which are now or may hereafter be in effect.

26. CONTRACT WORK HOURS AND SAFETY STANDARDS ACT—OVERTIME COMPENSATION (40 U.S.C. 327–333)

The contract is subject to the Contract Work Hours and Safety Standards Act and to the applicable rules, regulations, and interpretations of the Secretary of Labor.

(a) *Overtime requirements.* No Contractor or subcontractor contracting for any part of the contract work which may require or involve the employment of laborers or mechanics shall require or permit any laborer or mechanic in any workweek in which he is employed on such work to work in excess of 8 hours in any calendar day or in excess of 40 hours in such workweek on work subject to the provisions of the Contract Work Hours Standards Act unless such laborer or mechanic receives compensation at a rate not less than one and one-half times his basic rate of pay for all such hours worked in excess of 8 hours in any calendar day or in excess of 40 hours in such workweek, whichever is the greater number of overtime hours.

(b) *Violation; liability for unpaid wages; liquidated damages.* In the event of any violation of the provisions of paragraph (a), the Contractor and any subcontractor responsible therefor shall be liable to any affected employee for his unpaid wages. In addition, such Contractor and subcontractor shall be liable to the United States for liquidated damages. Such liquidated damages shall be computed with respect to each individual laborer or mechanic employed in violation of the provisions of paragraph (a) in the sum of $10 for each calendar day on which such employee was required or permitted to be employed on such work in excess of 8 hours or in excess of the standard workweek of 40 hours without payment of the overtime wages required by paragraph (a).

(c) *Withholding for unpaid wages and liquidated damages.* The Contracting Officer may withhold from the Government Prime Contractor, from any moneys payable on account of work performed by the Contractor or subcontractor, such sums as may administratively be determined to be necessary to satisfy any liabilities of such Contractor or subcontractor for unpaid wages and liquidated damages as provided in the provisions of paragraph (b).

(d) *Subcontracts.* The Contractor shall insert paragraphs (a) through (d) of this clause in all subcontracts, and shall require their inclusion in all subcontracts of any tier.

(e) *Records.* The Contractor shall maintain payroll records containing the information specified in 29 CFR 516.2(a). Such records shall be preserved for 3 years from the completion of the contract.

27. CONVICT LABOR

In connection with the performance of work under this contract, the Contractor agrees not to employ any person undergoing sentence of imprisonment at hard labor.

28. BUY AMERICAN ACT

(a) In acquiring end products, the Buy American Act (41 U.S.C. 10a–d) provides that the Government give preference to domestic source end products. For the purpose of this clause:

(1) "Components" mean those articles, materials, and supplies which are directly incorporated in the end products;

(2) "End products" mean those articles, materials, and supplies which are to be acquired under this contract for public use; and

(3) A "domestic source end product" means (A) an unmanufactured end product which has been mined or produced in the United States and (B) an end product manufactured in the United States if the cost of the components thereof which are mined, produced, or manufactured in the United States exceeds 50 percent of the cost of all its components. For the purposes of this (a) (3) (B), components of foreign origin of the same type or kind as the products referred to in (b) (2) or (3) of this clause shall be treated as components mined, produced, or manufactured in the United States.

(b) The Contractor agrees that there will be delivered under this contract only domestic source end products, except end products:

(1) Which are for use outside the United States;

(2) Which the Government determines are not mined, produced, or manufactured in the United States in sufficient and reasonably available commercial quantities and of a satisfactory quality;

(3) As to which the Administrator determines the domestic preference to be inconsistent with the public interest; or

(4) As to which the Administrator determines the cost to the Government to be unreasonable.

(The foregoing requirements are administered in accordance with Executive Order No. 10582, dated Dec. 17, 1954.)

29. OFFICIALS NOT TO BENEFIT

No Member of or delegate to Congress, or resident commissioner, shall be admitted to any share or part of this contract, or to any benefit that may arise therefrom; but this provision shall not be construed to extend to this contract if made with a corporation for its general benefit.

30. COVENANT AGAINST CONTINGENT FEES

The Contractor warrants that no person or selling agency has been employed or retained to solicit or secure this contract upon an agreement or understanding for a commission, percentage, brokerage, or contingent fee, excepting bona fide employees or bona fide established commercial or selling agencies maintained by the Contractor for the purpose of securing business. For breach or violation of this warranty, the Government shall have the right to annual this contract without liability or in its discretion to deduct from the contract price or consideration the full amount of such commission, percentage, brokerage, or contingent fee.

31. GRATUITIES

(a) The Government may, by written notice to the Contractor, terminate the right of the Contractor to proceed under this contract if it is found, after notice and hearing, by the Administrator or his duly authorized representative, that gratuities (in the form of entertainment, gifts, or otherwise) were offered or given by the Contractor, or any agent or representative of the Contractor, to any officer or employee of the Government with a view toward securing a contract or securing favorable treatment with respect to the awarding or amending, or the making of any determinations with respect to the performing of such contract; *Provided,* That the existence of the facts upon which the Administrator or his duly authorized representative makes such findings shall be in issue and may be reviewed in any competent court.

(b) In the event this contract is terminated as provided in paragraph (a) hereof, the Government shall be entitled (i) to pursue the same remedies against the Contractor as it could pursue in the event of a breach of the contract by the Contractor, and (ii) as a penalty in addition to any other damages to which it may be entitled by law, to exemplary damages in an amount (as determined by the Administrator or his duly authorized representative) which shall be not less than three nor more than 10 times the costs incurred by the Contractor in providing any such gratuities to any such officer or employee.

(c) The rights and remedies of the Government provided in this clause shall not be exclusive and are in addition to any other rights and remedies provided by law or under this contract.

32. AUTHORIZATION AND CONSENT

The Government hereby gives its authorization and consent for all use and manufacture of any invention described in and covered by a patent of the United States in the performance of this contract or any part hereof or any amendment hereto or any subcontract hereunder (including any lower-tier subcontract).

33. RIGHTS IN DATA

(a) *Definitions.* (1) Technical Data, as used in this clause, means recorded information, regardless of form or characteristic, of a scientific or technical nature. It may, for example, document research, experimental, developmental, or engineering work; or be usable or used to define a design or process or to procure, produce, support, maintain, or operate material. The data may be graphic or pictorial delineations in media such as drawings or photographs; text in specifications or related performance or design type documents; in machine forms such as punched cards, magnetic tape, computer memory printouts; or may be retained in computer memory. Examples of technical data include research and engineering data, engineering drawings and associated lists, specifications, standards, process sheets, manuals, technical reports, catalog item identifications, and related information. Technical data does not include financial, administrative, cost and pricing, and management data, or other information incidental to contract administration.

(2) Limited Rights means rights to use, duplicate, or disclose technical data, in whole or in part, by or for the Government, with the express limitation that such technical data shall not, without the written permission of the party furnishing such technical data, be (a) released or disclosed in whole or in part outside the Government, (b) used in whole or in part by the Government for manufacture or procurement, or (c) used by a party other than the Government, except for:

(i) Emergency repair or overhaul work only, by or for the Government, where the item or process concerned is not otherwise reasonably available to enable timely performance of the work: *Provided,* That the release or disclosure thereof outside the Government shall be made subject to a prohibition against further use, release, or disclosure; or

(ii) Release to a foreign government, as the interest of the United States may require, for emergency repair or overhaul work by or for such government under the conditions of (i) above.

(3) Unlimited rights means rights to use, duplicate, or disclose technical data, in whole or in part, in any manner and for any purpose whatsoever, and to have or permit others to do so.

(b) *Government rights.* (1) The Government shall have unlimited rights in:

(i) Technical data resulting directly from performance of experimental, developmental, or research work which was specified as an element of performance in this or any other Government contract or subcontract;

(ii) Technical data necessary to enable manufacture of end-items, components, and modifications, or to enable the performance of processes, when the end-items, components, modifications, or processes have been, or are being, developed under this or any other Government contract or subcontract in which experimental, developmental or research work is, or was specified as an element of contract performance.

(iii) Technical data prepared or required to be delivered under this or any other Government contract or subcontract and constituting corrections or changes to Government-furnished data;

(iv) Technical data pertaining to end-items, components, or processes, prepared or required to be delivered under this or any other Government contract or subcontract, for the purpose of identifying sources, size, configuration, mating and attachment characteristics, functional characteristics, and performance requirements ("form, fit, and function" data, e.g., specification control drawings, catalog sheets, envelope drawings, etc.);

(v) Manuals or instructional materials prepared or required to be delivered under this contract or any subcontract hereunder for installation, operation, maintenance, or training purposes;

(vi) Technical data which is in the public domain, or has been or is normally furnished without restriction by the contractor or subcontractor; and

(vii) Technical data listed or described in an agreement incorporated into the schedule of this contract, which the parties have predetermined, on the basis of subparagraphs (i) through (vi) above, and agreed will be furnished with unlimited rights.

(2) The Government shall have limited rights in technical data, listed or described in an agreement incorporated into the schedule of this contract, which the parties have agreed will be furnished with limited rights: *Provided,* That such piece of data to which limited rights are to be asserted is marked with the following legend in which is inserted the number of the prime contract under which the technical data is to be delivered and the name of the contractor or subcontractor by whom the technical data was generated:

This technical data, furnished under U.S. Government Contract No. _____, shall not, without the written permission of _____, be either (a) used, released, or disclosed in whole or in part outside the Government, (b) used in whole or in part by the Government for manufacture or procurement, or (c) used by a party other than the Government, except for: (i) Emergency repair or overhaul work only, by or for the Government where the item or process concerned is not otherwise reasonably available to enable timely performance of the work provided that the release or disclosure hereof

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outside the Government shall be made subject to a prohibition against further use, release, or disclosure; or (ii) release to a foreign government, as the interest of the United States may require, for emergency repair or overhaul work by or for such government under the conditions of (i) above. This legend shall be marked on any reproduction hereof in whole or in part.

No legend shall be marked on, nor shall any limitation on rights of use be asserted as to, any data which the Contractor has previously delivered to the Government without restriction. The limited rights provided for by this paragraph (b)(2) shall not impair the right of the Government to use similar or identical data if such data is or becomes a part of the public domain or public knowledge by publication or otherwise, or is acquired by the Government from other sources, without restrictions. In preparation of the final report (if required under the contract), any and all technical data in which the Government has limited rights as set forth in (b)(2) above, shall be submitted under separate cover with the final report and marked with the legend set forth above. However, the final report shall include a complete disclosure of all materials, processes, and equipment employed in such full, clear, concise, and exact detail, including data such as mathematical, graphic, and written descriptive materials and other means of disclosure appropriate in the circumstances to enable any person skilled in the art to comprehend the results of the work performed under the contract.

(c) *Material covered by copyright.* (1) In addition to the rights granted under the provisions of (b), above, the Contractor agrees to and does hereby grant to the Government, and to its officers, agents, and employees acting within the scope of their official duties, a royalty-free nonexclusive and irrevocable license throughout the world to publish, translate, reproduce, deliver, perform, dispose of, and to authorize others so to do, all technical data now or hereafter covered by copyright.

(2) No copyrighted matter shall be included in technical data furnished hereunder without the written approval of the Contracting Officer unless there has been obtained the written permission of the copyright owner for the Government to use such copyrighted matter in the manner described in paragraph (c)(1) above.

(3) The Contractor shall report to the Government (or higher tier Contractor) promptly and in reasonable written detail each notice or claim of copyright infringement received by the Contractor with respect to any technical data delivered hereunder.

(d) Except for those items set forth in (b)(2) above, the Contractor shall not affix any restrictive markings upon any technical data, and if such markings are affixed, the Government shall have the right at any time to modify, remove, obliterate, or ignore any such markings.

(e) *Relation to patents.* Nothing contained in this clause shall imply a license to the Government under any patent or be construed as affecting the scope of any license or other right otherwise granted to the Government under any patent.

(f) *Right to publish.* The Contractor agrees that he will not publish, have published, or otherwise disseminate any information of whatever nature resulting from the work being performed under this contract except as may be approved by the Project Officer: *Provided, however,* That the Contractor may without the approval of the Project Officer for internal use only, disseminate such information within his own organization.

(g) *Acquisition of data from subcontractors.* (1) Whenever any technical data is to be obtained from a subcontractor under this contract, the Contractor shall use this same clause in the subcontract, without alteration, and no other clause shall be used to enlarge or diminish the Government's or the Contractor's rights in that subcontractor data which is required for the Government.

(2) Technical data required to be delivered by a subcontractor shall normally be delivered to the next higher-tier Contractor. However, when there is a requirement in the prime contract, or in any deferred order, for data which may be supplied with limited rights pursuant to (b)(2) above, a subcontractor may fulfill such requirement by submitting such data directly to the Government rather than through the prime Contractor.

(3) The Contractor and higher-tier subcontractors will not use their power to award subcontracts as economic leverage to acquire rights in data from their subcontractors for themselves.

34. DATA REQUIREMENTS

(a) To the extent that the following data is not elsewhere required to be furnished to the Government under this contract, and is of the type customarily retained in the normal course of business, the Contractor, upon written request of the Contracting Officer at any time during contract performance or within 1 year after final payment, shall furnish the following:

(1) A set of engineering drawings which will be sufficient to enable the manufacture of items or equipment furnished under this contract (other than components or items of standard commercial design, or items fabricated heretofore) by a firm skilled in the art of manufacturing items or equipment of the general type and character of the items or equipment furnished under this contract or a set of flow sheets and engineering drawings which will be sufficient to enable performance of any process developed with this contract by a firm skilled in the art of practicing processes of the general type and character of such process. Such set or sets of drawings and flow sheets shall be reproducible copies incorporating all changes made in the equipment or process in the form in which it was delivered to the Government.

(2) Any of the following data which is necessary to explain or help Government technical personnel understand any equipment, items, or process developed under the contract and furnished to the Government:

(i) A copy (which shall be a reproducible master if one is so requested) of drawings and other technical data used in or prepared in connection with the development, practice, and testing of any process or processes required under the contract, or with the development, fabrication, and testing of prototype models of equipment or items (other than items of standard commercial design or items fabricated heretofore), if required under the contract.

(ii) A report of all studies made in planning the work, and in developing background research for the work, including citation references to all such background research, and a copy of all compilations, digests, or analyses of such background research compiled in connection with the performance of this contract.

(iii) A copy (which shall be a reproducible master if one is so requested) of design studies, research notes, parameter and tolerance studies, drawings, including Contractor's identification of symbol and markings, specifications, test results, and any other technical information used in any research, development, design, engineering, and testing required in the performance of this contract, including test equipment and related items, together with any information as to safety precautions which may be necessary in connection with the manufacture, storage, or use of the equipment, material, or process, if any, in the event that equipment, material, or process is the subject of research under this contract.

The Contractor shall not be required to furnish any background data which may be described in (ii) and (iii) above unless such data is essential and closely related to the contract work.

(b) All reports, data, and recorded information which are required to be furnished by the Contractor under this provision, as well as all other reports of a technical nature required to be furnished under this contract, are "Technical Data" within the meaning of the clause of the General Provisions of this contract entitled "Rights in Data."

(c) Nothing contained in this "Data Requirements" clause shall require the Contractor to deliver data previously developed by parties other than the Contractor, independently of this contract and acquired by the Contractor prior to this contract under conditions restricting the Contractor's right to disclose the name. Unless otherwise directed by the Contracting Officer, if any of the data requested is in the public domain or copyrighted, it will be sufficient for the Contractor to identify the data and furnish a citation as to where it may be found.

(d) Any reproducible copies requested under this "Data Requirements" clause shall be of a type and prepared in accordance with good commercial practice.

(e) In the event the Contracting Officer requests the delivery of data by the Contractor, as contemplated by (a), above, prior to final payment, such request shall be treated as a change under the clause of this contract entitled "Changes" and an equitable adjustment in the price, if this is a fixed-price contract, or estimated cost and any fixed fee, if this is a cost-type contract, shall be made to cover the cost of preparing drawings called for in (a)(1), above, and of collecting, preparing, editing, duplicating, assembling, and shipping the data requested under (a), above, but only to the extent that the Contractor warrants that such costs were not included in the price (or estimated cost and fixed fee) of the contract. The Contractor shall comply with requests of the Contracting Officer made under (a), above, within 1 year following final payment: *Provided,* That suitable provision is made for reimbursement of the additional costs of complying with such request, together with a reasonable fee or profit thereon, such additional costs being limited to the costs set forth above, and warranted to have been excluded from the price (or estimated cost and fixed fee) of the contract. Any adjustment or payment under this paragraph (e) shall not include any amount for the value of the data, as distinguished from the costs set forth above.

35. NOTICE AND ASSISTANCE REGARDING PATENT AND COPYRIGHT INFRINGEMENT

(The provisions of this clause shall be applicable only if the amount of this contract exceeds $10,000.)

(a) The Contractor shall report to the Contracting Officer, promptly and in reasonable written detail, each notice or claim of patent or copyright infringement based on the performance of this contract of which the Contractor has knowledge.

(b) In the event of any claim or suit against the Government, on account of any alleged patent or copyright infringement arising out of the performance of this contract or out of the use of any supplies furnished or work or services performed hereunder, the Contractor shall furnish to the

Government, when requested by the Contracting Officer, all evidence and information in possession of the Contractor pertaining to such suit or claim. Such evidence and information shall be furnished at the expense of the Government except where the Contractor has agreed to indemnify the Government.

36. PROTECTION OF GOVERNMENT BUILDINGS, EQUIPMENT, AND VEGETATION

The Contractor shall use reasonable care to avoid damaging existing buildings, equipment, and vegetation (such as trees, shrubs, and grass) on the Government installation. If the Contractor fails to do so and damages any such buildings, equipment, or vegetation, he shall replace or repair the damage at no expense to the Government as directed by the Contracting Officer. If he fails or refuses to make such repair or replacement, the Contractor shall be liable for the cost thereof which may be deducted from the contract price.

37. INDEMNIFICATION FOR GOVERNMENT LIABILITY TO THIRD PERSONS

Notwithstanding any other provision of this contract, Contractor agrees to hold the Government harmless from and indemnify the Government for the total amount of any judgment, compromise, or settlement based on the death of, injury to, or damage to the property of any third person if such death, injury, or property damage arose out of or in connection with the performance of this contract and was caused, in whole or in part, by the Contractor, its subcontractor, or any agent or employee of the Contractor or of its subcontractor, regardless of whether any negligent or wrongful act of the Government, its officers, employees, or agents caused in part such death, injury, or property damage.

38. SERVICE CONTRACT ACT OF 1965 (REV. DEC. 1972)

This contract, to the extent that it is of the character to which the Service Contract Act of 1965 (79 Stat. 1034, 41 U.S.C. 351) applies, is subject to the following provisions and to all other applicable provisions of the Act and regulations of the Secretary of Labor thereunder.

(a) *Compensation.* Each service employee employed in the performance of this contract by the Contractor or any subcontractor shall be paid not less than the minimum monetary wage and shall be furnished fringe benefits in accordance with the wages and fringe benefits determined by the Secretary of Labor or his authorized representative, as specified in any attachment to this contract. If there is such an attachment, any class of service employees which is not listed therein, but which is to be employed under this contract, shall be classified by the Contractor so as to provide a reasonable relationship between such classifications and those listed in the attachment, and shall be paid such monetary wages and furnished such fringe benefits as are determined by agreement of the interested parties, who shall be deemed to be the contracting agency, the Contractor, and the employees who will perform on the contract or their representatives. If the interested parties do not agree on a classification or reclassification which is, in fact, conformable, the Contracting Officer shall submit the question, together with his recommendation, to the Office of Special Wage Standards, Employment Standards Administration (ESA), of the Department of Labor for final determination. Failure to pay such employees the compensation agreed upon by the interested parties or finally determined by the Administrator or his authorized representative shall be a violation of this contract. No employee engaged in performing work on this contract shall in any event be paid less than the minimum wage specified under section 6(a)(1) of the Fair Labor Standards Act of 1938, as amended.

(b) *Adjustment.* If, as authorized pursuant to section 4(d) of the Service Contract Act of 1965, as amended, the term of this contract is more than 1 year, the minimum monetary wages and fringe benefits required to be paid or furnished thereunder to service employees shall be subject to adjustment after 1 year and not less often than once every 2 years, pursuant to wage determinations to be issued by the Employment Standards Administration of the Department of Labor as provided in such Act.

(c) *Obligation to furnish prime benefits.* The Contractor or subcontractor may discharge the obligation to furnish fringe benefits specified in the attachment or determined conformably thereto by furnishing any equivalent combinations of fringe benefits, or by making equivalent or differential payments in cash in accordance with the applicable rules set forth in 29 CFR Part 4, Subparts B and C, and not otherwise.

(d) *Minimum wage.* In the absence of a minimum wage attachment for this contract, neither the Contractor nor any subcontractor under this contract shall pay any of his employees performing work under the contract (regardless of whether they are service employees) less than the minimum wage specified by section 6(a)(1) of the Fair Labor Standards Act of 1938. Nothing in this provision shall relieve the Contractor or any subcontractor of any other obligation under law or contract for the payment of a higher wage to any employee.

(e) *Obligations attributable to predecessor contracts.* If this contract succeeds a contract, subject to the Service Contract Act of 1965, as amended, under which substantially the same services were furnished and service employees were paid wages and fringe benefits provided for in a collective bargaining agreement, then in the absence of a minimum wage attachment for this contract neither the Contractor nor any subcontractor under this contract shall pay any service employee performing any of the contract work less than the wages and fringe benefits, provided for in such collective bargaining agreements, to which such employee would be entitled if employed under the predecessor contract, including accrued wages and fringe benefits and any prospective increases in wages and fringe benefits provided for under such agreement. No Contractor or subcontractor under this contract may be relieved of the foregoing obligation unless the Secretary of Labor or his authorized representative determines that the collective bargaining agreement applicable to service employees employed under the predecessor contract was not entered into as a result of arms-length negotiations, or finds, after a hearing as provided in Department of Labor regulations, 29 CFR 4.10, that the wages and fringe benefits provided for in such agreement are substantially at variance with those which prevail for services of a character similar in the locality.

(f) *Notification to employees.* The Contractor and any subcontractor under this contract shall notify each service employee commencing work on this contract of the minimum monetary wage and any fringe benefits required to be paid pursuant to this contract, or shall post a notice of such wages and benefits in a prominent and accessible place at the worksite, using such poster as may be provided by the Department of Labor.

(g) *Safe and sanitary working conditions.* The Contractor or subcontractor shall not permit any part of the services called for by this contract to be performed in buildings or surroundings or under working conditions provided by or under the control or supervision of the Contractor or subcontractor which are unsanitary or hazardous or dangerous to the health or safety of service employees engaged to furnish these services, and the Contractor or subcontractor shall comply with the safety and health standards applied under 29 CFR Part 1925.

(h) *Records.* The Contractor and each subcontractor performing work subject to the Act shall make and maintain for three (3) years from the completion of the work records containing the information specified in subparagraphs (1) through (5) of this paragraph for each employee subject to the Act and shall make them available for inspection and transcription by authorized representatives of the Employment Standards Administration of the U.S. Department of Labor.

(1) His name and address.

(2) His work classification or classifications, rate or rates of monetary wages and fringe benefits provided, rate or rates of fringe benefit payments in lieu thereof, and total daily and weekly compensation.

(3) His daily and weekly hours so worked.

(4) Any deductions, rebates, or refunds from his total daily or weekly compensation.

(5) A list of monetary wages and fringe benefits for those classes of service employees not included in the minimum wage attachment to this contract, but for which such wage rates or fringe benefits have been determined by the interested parties or by the Administrator or his authorized representative pursuant to the Labor Standards clause in paragraph (a) of this clause. A copy of the report required in paragraph (m)(1) of this clause shall be deemed to be such a list.

(i) *Withholding of payment and termination of contract.* The Contracting Officer shall withhold or cause to be withheld from the Government Prime Contractor under this or any other Government contract with the prime Contractor such sums as he, or an appropriate officer of the Department of Labor, decides may be necessary to pay underpaid employees. Additionally, any failure to comply with the requirements of this clause relating to the Service Contract Act of 1965 may be grounds for termination of the right to proceed with the contract work. In such event, the Government may enter into other contracts or arrangements for completion of the work, charging the Contractor in default with any additional cost.

(j) *Subcontractors.* The Contractor agrees to insert this clause relating to the Service Contract Act of 1965 in all subcontracts. The term "Contractor" as used in this clause in any subcontract, shall be deemed to refer to the subcontractor, except in the term "Government Prime Contractor."

(k) *Service employee.* As used in this clause relating to the Service Contract Act of 1965, the term "service employee" means guards, watchmen, and any person engaged in a recognized trade or craft, or other skilled mechanical craft, or in unskilled, semiskilled, or skilled manual labor occupations; and any other employee including a foreman or supervisor in a position having trade, craft, or laboring experience as the paramount requirement; and shall include all such persons regardless of any contractual relationship that may be alleged to exist between a Contractor or subcontractor and such persons.

(l) *Comparable rates.* The following classes of service employees expected to be employed under the contract with the Government would be subject, if employed by the contracting agency, to the provisions of 5 U.S.C. 5341 and would, if so employed, be paid not less than the following rates of wages and fringe benefits:

V38-57 MAR 26 73 XUM

Employee class	*Monetary wages—fringe benefits*

(m) *Contractor's report.* (1) If there is a wage determination attachment to this contract and one or more classes of service employees which are not listed thereon are to be employed under the contract, the Contractor shall report to the Contracting Officer the monetary wages to be paid and the fringe benefits to be provided each such class of service employee. Such report shall be made promptly as soon as such compensation has been determined, as provided in paragraph (a) of this clause.

(2) If wages to be paid or fringe benefits to be furnished any service employees employed by the Government prime Contractor or any subcontractor under the contract are provided for in a collective-bargaining agreement which is or will be effective during any period in which the contract is being performed, the Government prime Contractor shall report such fact to the Contracting Officer, together with full information as to the application and accrual of such wages and fringe benefits, including any prospective increases, to service employees engaged in work on the contract, and a copy of the collective-bargaining agreement. Such report shall be made upon commencing performance of the contract, in the case of collective-bargaining agreements effective at such time, and in the case of such agreements or provisions or amendments thereof effective at a later time during the period of contract performance, such agreements shall be reported promptly after negotiation thereof.

(n) *Exemptions.* This clause relating to the Service Contract Act of 1965 shall not apply to the following:

(1) Any contract of the United States or District of Columbia for construction, alteration, and/or repair, including painting and decorating of public buildings or public works;

(2) Any work required to be done in accordance with the provisions of the Walsh-Healey Public Contracts Act (49 Stat. 2036);

(3) Any contract for the carriage of freight or personnel by vessel, airplane, bus, truck, express, railway line, or oil or gas pipeline where published tariff rates are in effect, or where such carriage is subject to rates covered by section 22 of the Interstate Commerce Act;

(4) Any contract for the furnishing of services by radio, telephone, telegraph, or cable companies, subject to the Communications Act of 1934;

(5) Any contract for public utility services, including electric light and power, water, steam, and gas;

(6) Any employment contract providing for direct services to a Federal agency by an individual or individuals;

(7) Any contract with the Post Office Department (U.S. Postal Service), the principal purpose of which is the operation of postal contract stations;

(8) Any services to be furnished outside the United States. For geographic purposes, the "United States" is defined in section 8 (d) of the Service Contract Act to include any State of the United States, the District of Columbia, Puerto Rico, the Virgin Islands, Outer Continental Shelf Lands, as defined in the Outer Continental Shelf Lands Act, American Samoa, Guam, Wake Island, Eniwetok Atoll, Kwajalein Atoll, and Johnston Island. It does not include any other territory under the jurisdiction of the United States or any U.S. base or possession within a foreign country;

(9) Any of the following contracts exempted from all provisions of the Service Contract Act of 1965, pursuant to section 4(b) of the Act, which exemptions the Secretary of Labor, prior to amendment of such section by Public Law 92-473, found to be necessary and proper in the public interest or to avoid serious impairment of the conduct of Government business:

(i) Contracts entered into by the United States with common carriers for the carriage of mail by rail, air (except air star routes), bus, and ocean vessel, where such carriage is performed on regularly scheduled runs of the trains, airplanes, buses, and vessels over regularly established routes and accounts for an insubstantial portion of the revenue therefrom;

(ii) Any contract entered into by the U.S. Postal Service with an individual owner-operator for mail service where it is not contemplated at the time the contract is made that such owner-operator will hire any service employee to perform the services under the contract except for short periods of vacation time or for unexpected contingencies or emergency situations such as illness or accident;

(o) *Special employees.* Notwithstanding any of the provisions in paragraphs (b) through (i) of this clause, relating to the Service Contract Act of 1965, the following employees may be employed in accordance with the following variations, tolerances, and exemptions, which the Secretary of Labor, pursuant to section 4(b) of the Act prior to its amendment by Public Law 92-473, found to be necessary and proper in the public interest or to avoid serious impairment of the conduct of Government business;

(i) (i) Apprentices, student-learners, and workers whose earning capacity is impaired by age, physical or mental deficiency, or injury may be employed at wages lower than the minimum wages otherwise required by section 2(a)(1) or (b)(1) of the Service Contract Act of 1965, without diminishing any fringe benefits or cash payments in lieu thereof required under section 2(a)(2) of that Act, in accordance with the procedures prescribed for the employment of apprentices, student-learners, handicapped persons, and handicapped clients of sheltered workshops under section 14 of the Fair Labor Standards Act of 1938, in the regulations issued by the Administrator.

(ii) The Administrator will issue certificates under the Service Contract Act of 1965 for the employment of apprentices, student-learners, handicapped persons, or handicapped clients of sheltered workshops not subject to the Fair Labor Standards Act of 1938, or subject to different minimum rates of pay under the two acts, authorizing appropriate rates of minimum wages (but without changing requirements concerning fringe benefits or supplementary cash payments in lieu thereof), applying procedures prescribed by the applicable regulations issued under the Fair Labor Standards Act of 1938 (29 CFR Parts 520, 521, 524, and 525);

(iii) The Administrator will also withdraw, annul, or cancel such certificates in accordance with the regulations in Parts 525 and 528 of Title 29 of the Code of Federal Regulations.

(2) An employee engaged in an occupation in which he customarily and regularly receives more than $20 a month in tips may have the amount of his tips credited by his employer against the minimum wage required by section 2(a)(1) or section 2(b)(1) of the Act in accordance with the regulations in 29 CFR Part 531: *Provided, however,* That the amount of such credit may not exceed 80 cents per hour.

(40 U.S.C. 486(c), sec. 205(c), 63 Stat. 377, as amended)

[FR Doc.73-4876 Filed 3-23-73;8:45 am]

Title 49—Transportation

CHAPTER X—INTERSTATE COMMERCE COMMISSION

SUBCHAPTER A—GENERAL RULES AND REGULATIONS

[S.O. 1127]

PART 1033—CAR SERVICE

Central California Traction Co.

At a session of the Interstate Commerce Commission, Railroad Service Board, held in Washington, D.C., on the 15th day of March 1973.

It appearing, that the Central California Traction Co. (CCT) is unable to operate over its line between Stockton, Calif., and Polk, Calif., because of damage to a bridge located at CCT milepost 21-B; that CCT operations can be accomplished by use of tracks of the Southern Pacific Transportation Co. (SP) between SP milepost 103.3 at Lodi, Calif., and SP milepost 132.0 at Polk, Calif., a distance of approximately 28.7 miles; that the SP has consented to use of such tracks by the CCT; that operation by the CCT over the aforementioned tracks of the SP is necessary in the interest of the public and the commerce of the people; that notice and public procedure herein are impracticable and contrary to the public interest; and that good cause exists for making this order effective upon less than 30 days' notice.

It is ordered, That:

§ 1033.1127 Service Order No. 1127.

(a) *Central California Traction Co. authorized to operate over tracks of Southern Pacific Transportation Co.* The Central California Traction Co. (CCT) be, and it is hereby, authorized to operate over tracks of the Southern Pacific Transportation Co. (SP) between SP milepost 103.3 at Lodi, Calif., and SP milepost 132.0 at Polk, Calif., a distance of approximately 28.7 miles.

(b) *Application.* The provisions of this order shall apply to intrastate, interstate, and foreign traffic.

(c) *Rates applicable.* Inasmuch as this operation by the CCT over tracks of the SP is deemed to be due to carrier's disability, the rates applicable to traffic moved by the CCT over these tracks of the SP shall be the rates which were applicable on the shipments at the time of shipment as originally routed.

(d) *Effective date.* This order shall become effective at 11:59 p.m., March 15, 1973.

(e) *Expiration date.* The provisions of this order shall expire at 11:59 p.m., April 30, 1973, unless otherwise modified, changed, or suspended by order of this Commission.

(Secs. 1, 12, 15, 17(2), 24 Stat. 379, 383, 384, as amended; 49 U.S.C. 1, 12, 15, and 17(2). Interprets or applies secs. 1(10-17), 15(4), and 17(2), 40 Stat. 101, as amended, 54 Stat. 911; 49 U.S.C. 1(10-17), 15(4), 17(2))

It is further ordered, That copies of this order shall be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and car hire agreement under the terms of that agreement, and upon the American Short Line Railroad Association; and that notice of this order shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D.C., and by filing it with the Director, Office of the Federal Register.

By the Commission, Railroad Service Board.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.73-5720 Filed 3-23-73;8:45 am]

[Ex Parte No. MC-37 (Sub-No. 19a)]

PART 1048—COMMERCIAL ZONES

Commercial Zones and Terminal Areas, New Orleans, La.

At a Session of the Interstate Commerce Commission, Review Board Number 2, Members *Mills, Boyle,* and *Parker,* held at its office in Washington, D.C., on the 9th day of February 1973.

It appearing, that the limits of the New Orleans, La., commercial zone were originally defined in 48 MCC 95; that subsequently the limits have been redefined in 48 MCC 441, 62 MCC 151, 66 MCC 709, and 81 MCC 726 (49 CFR 1048.27); and that by petition filed November 16, 1972, the New Orleans Traffic and Transportation Bureau seeks redefinition of the limits of the zone adjacent to and commercially a part of New Orleans, La., within which transportation by motor vehicle, in interstate or foreign commerce, not under a common control, management, or arrangement for a continuous carriage or shipment to or from points beyond the zone, is partially exempt from certain requirements of the Interstate Commerce Act under the provisions of section 203(b)(8) thereof, so as to include a described area adjacent to the present western boundary and an area south of the existing zone limits described as follows: From the point on the present boundary approximately 2 miles south of Gretna where a high tension transmission line crosses Louisiana Highway 31; thence in a southerly direction along Harvey Canal (Gulf Intracoastal Waterway), including Peters and Destrehan Roads on the east and west bank thereof respectively to Augusta Canal, also from Peters Road in a westerly direction along both sides of Lapalco Road to Barataria Road; thence in a northerly direction to a point on the present boundary approximately 2 miles south of the Mississippi River where a high tension transmission line crosses Barataria Road;

It further appearing, that pursuant to the Administrative Procedure Act, notice of the filing of the petition was published in the FEDERAL REGISTER on December 1, 1972, which notice stated that no oral hearing was contemplated, and that persons desiring to participate in the proceeding were invited to file representations supporting or opposing the relief sought;

It further appearing, that representations were filed in support of the petition by petitioner, Avondale Shipyards, Inc., Lennox Industries, Inc., Tull Metal Co., Jefferson Truck Equipment Co., and Duhon Machinery, Inc., and no representations were filed in opposition to the petition;

It further appearing, that the areas described in the first appearing paragraph above, adjacent to, but not now within the New Orleans, La., commercial zone, are, in fact, economically and commercially a part of New Orleans, La.;

And it further appearing, that the area described in the first appearing paragraph above is ambiguous and difficult to interpret in part and, therefore, will be rephrased to conform to the evidence and current Commission practice; and that it is possible that other parties, who have relied upon the notice of the petition as published, may have an interest in and would be prejudiced by the lack of proper notice of the revision described in the findings in this order, a notice of the commercial zone as actually redefined will be published in the FEDERAL REGISTER and final revision of 49 CFR 1048.27 will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file an appropriate petition for leave to intervene in this proceeding setting forth in detail the precise manner in which it has been prejudiced;

Wherefore, and good cause appearing therefor:

It is ordered, That the proceeding be, and it is hereby, reopened for reconsideration.

It is further ordered, That § 1048.27 as prescribed in the order entered in this proceeding on October 13, 1959 (49 CFR 1048.27), be, and it is hereby, vacated and set aside, and the following revision is hereby substituted in lieu thereof, subject to the prior publication in the FEDERAL REGISTER of a notice of the following revision:

§ 1048.27 New Orleans, La.

The zone adjacent to and commercially a part of New Orleans, La., within which transportation by motor vehicle, in interstate or foreign commerce, not under common control, management, or arrangement for a continuous carriage or shipment to or from a point beyond the zone is partially exempt from regulation under section 203(b)(8) of the Interstate Commerce Act (49 U.S.C. 303(b)(8)), includes and is comprised of all points in the area bounded as follows:

Commencing at a point on the shore of Lake Pontchartrain where it is crossed by the Jefferson Parish-Orleans Parish line; thence easterly along the shore of Lake Pontchartrain to the Rigolets; thence through the Rigolets in an easterly direction to Lake Borgne; thence southwesterly along the shore of Lake Borgne to the Bayou Bienvenue; thence in a general westerly direction along the Bayou Bienvenue (which also constitutes the Orleans Parish-St. Bernard Parish line) to Paris Road; thence in a southerly direction along Paris Road to the Back Protection Levee; thence in a southeasterly direction along the Back Protection Levee (across Lake Borgne Canal) to a point 1 mile north of Louisiana Highway 46; thence in an easterly direction 1 mile north of Louisiana Highway 46 to longitude 89°50' W.; thence south along longitude line 89°50' W. (crossing Louisiana Highway 46 approximately three-eighths of a mile east of Toca) to Forty Arpent Canal; thence westerly, northwesterly, and southerly along Forty Arpent Canal to Scarsdale Canal; thence northwesterly along Scarsdale Canal and beyond it in the same direction to the middle of the Mississippi River; thence southerly along the middle of the Mississippi River to the Augusta Canal; thence in a westerly direction along the Augusta Canal to the Gulf Intracoastal Waterway; thence in a northerly direction along the middle of the Gulf Intracoastal Waterway (Harvey Canal) to the point where Lapalco Boulevard runs perpendicular to the Gulf Intracoastal Waterway (Harvey Canal); thence in a westerly direction along Lapalco Boulevard to its junction with Barataria Boulevard; thence north on Barataria Boulevard to a point approximately 2 miles south of the Mississippi River where a high tension transmission line crosses Barataria Boulevard; thence in a westerly direction following such transmission line to the intersection thereof with U.S. Highway 90; thence westerly along U.S. Highway 90 to the Jefferson Parish-St. Charles Parish line; thence north along such parish line to the middle of the Mississippi River; thence westerly along the middle of the Mississippi River to a point south of Almedia Road; thence north to Almedia Road; thence in a northerly direction along Almedia Road to its junction with Highway 61; thence north to the shore of Lake Pontchartrain; thence along the shore of Lake Pontchartrain in an easterly direction to the Jefferson Parish-Orleans Parish line, the point of beginning. (49 Stat. 543, as amended, 544, as amended, 546, as amended; 49 U.S.C. 302, 303, and 304.)

It is further ordered, That this order shall become effective on the 11th day of May 1973, and shall continue in effect until further notice of this Commission.

And it is further ordered, That notice of this order shall be given to the general public by depositing a copy thereof in the Office of the Secretary of the Commission, at Washington, D.C., and by filing a copy with the Director, Office of the Federal Register.

By the Commission, Review Board Number 2.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.73-5721 Filed 3-23-73;8:45 am]

V38-57 MAR 26 73 XUM

Proposed Rule Making

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF THE TREASURY

Bureau of Customs

[19 CFR Part 1]

CUSTOMS FIELD ORGANIZATION

Proposed Changes in San Ygnacio, Tex., Laredo District, Region VI

The Customs station at San Ygnacio, Tex., Laredo District, Region VI, does not have sufficient volume of business to justify retaining its status as a Customs station. It is, therefore, proposed to revoke the designation of San Ygnacio, Tex., as a Customs station.

Accordingly, by virtue of the authority vested in the President by section 1 of the Act of August 1, 1914, 38 Stat. 623, as amended (19 U.S.C. 2), which was delegated to the Secretary of the Treasury by the President by Executive Order No. 10289, September 17, 1951 (3 CFR Ch. II), and pursuant to authority provided by Treasury Department Order No. 165, Revised (T.D. 53654), it is hereby proposed to revoke the designation of San Ygnacio, Tex., as a Customs station.

Data, views, or arguments with respect to the foregoing proposal may be addressed to the Commissioner of Customs, Attention: Regulations Division, Washington, D.C. 20229. To insure consideration of such communications, they must be received in the Bureau on or before April 25, 1973.

Written material or suggestions submitted will be available for public inspection in accordance with § 103.3(b) of the Customs regulations (19 CFR 103.3(b)), at the Bureau of Customs, Regulations Division, Washington, D.C., during regular business hours.

[SEAL] VERNON D. ACREE,
Commissioner of Customs.

Approved: March 16, 1973.

EDWARD L. MORGAN,
Assistant Secretary of the Treasury.

[FR Doc.73-5725 Filed 3-23-73;8:45 am]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 1006]

MILK IN UPPER FLORIDA MARKETING AREA

Notice of Proposed Suspension of the Order

Notice is hereby given that, pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), the suspension of the order regulating the handling of milk in the Upper Florida Marketing Area is being considered.

All written submissions made pursuant ten data, views, or arguments in connection with the proposed suspension should file the same with the Hearing Clerk, Room 112-A, Administration Building, U.S. Department of Agriculture, Washington, D.C. 20250, on or before April 2, 1973. All documents filed should be in quadruplicate.

All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

Suspension of the order was requested by the Upper Florida Milk Producers Association, whose members constitute a majority of the producers on the market.

Signed at Washington, D.C., on March 21, 1973.

JOHN C. BLUM,
Deputy Administrator, Regulatory Programs.

[FR Doc.73-5727 Filed 3-23-73;8:45 am]

Agricultural Stabilization and Conservation Service

[7 CFR Part 728]

1974 WHEAT MARKETING QUOTA PROGRAM

Proposed Determinations

As required by the Agricultural Adjustment Act of 1938, as amended (7 U.S.C. 1301, 1332, 1333, 1334, 1334a, 1336, 1379b), including amendments contained in the Food and Agriculture Act of 1962, the Agricultural Act of 1964, and the Food and Agriculture Act of 1965, the Secretary of Agriculture is preparing to determine whether marketing quotas for wheat are required to be proclaimed for the 1974–75 marketing year; to determine and proclaim the national acreage allotment for the 1974 crop of wheat, to apportion among States and counties the national acreage allotment for the 1974 crop of wheat, to designate the 1974 commercial wheat-producing area, to determine a projected national yield for the 1974 crop of wheat, to formulate regulations for establishing projected county yields for the 1974 crop of wheat; and, if marketing quotas are proclaimed, to establish the date of the referendum to determine whether farmers favor the marketing quotas so proclaimed, the amount of the national marketing quotas, wheat marketing allocation, and the national allocation percentage, for the 1974–75 marketing year. If marketing quotas are proclaimed for the 1974–75 marketing year, the Secretary will also determine and declare whether marketing quotas shall be in effect for the 1975–76 marketing year or for the 1975–76 and 1976–77 marketing years as necessary to effectuate the policy of the Act.

Subsections (a) and (b) of section 332 of the Act, as amended, read as follows:

SEC. 332(a) Whenever prior to April 15 in any calendar year the Secretary determines that the total supply of wheat in the marketing year beginning in the next succeeding calendar year will, in the absence of a marketing quota program, likely be excessive, the Secretary shall proclaim that a national marketing quota for wheat shall be in effect for such marketing year and for either the following marketing year or the following 2 marketing years, if the Secretary determines and declares in such proclamation that a 2- or 3-year marketing quota program is necessary to effectuate the policy of the Act.

(b) If a national marketing quota for wheat has been proclaimed for any marketing year, the Secretary shall determine and proclaim the amount of the national marketing quota for such marketing year not earlier than January 1 or later than April 15 of the calendar year preceding the year in which such marketing year begins. The amount of the national marketing quota for wheat for any marketing year shall be an amount of wheat which the Secretary estimates (i) will be utilized during such marketing year for human consumption in the United States as food, food products, and beverages, composed wholly or partly of wheat, (ii) will be utilized during such marketing year in the United States for seed, (iii) will be exported either in the form of wheat or products thereof, and (iv) will be utilized during such marketing year in the United States as livestock (including poultry) feed, excluding the estimated quantity of wheat which will be utilized for such purpose as a result of the substitution of wheat for feed grains under section 328 of the Food and Agriculture Act of 1962; less (A) an amount of wheat equal to the estimated imports of wheat into the United States during such marketing year and, (B) if the stocks of wheat owned by the Commodity Credit Corporation are determined by the Secretary to be excessive, an amount of wheat determined by the Secretary to be a desirable reduction in such marketing year in such stocks to achieve the policy of the Act: *Provided*, That if the Secretary determines that the total stocks of wheat in the Nation are insufficient to assure an adequate carryover for the next succeeding marketing year, the national marketing quota otherwise determined shall be increased by the amount the Secretary determines to be necessary to assure an adequate carryover: *And provided further*, That the national marketing quota for wheat for any marketing year shall be not less than 1 billion bushels.

Section 333 of the Act, as amended, reads as follows:

SEC. 333 The Secretary shall proclaim a national acreage allotment for each crop of wheat. The amount of the national acreage allotment for any crop of wheat shall be the number of acres which the Secretary determines on the basis of the projected national yield and expected underplantings (acreage other than that not harvested because of program incentives) of farm acreage allotments will produce an amount of wheat equal to the national marketing quota for wheat for the marketing year for such crop, or if a national marketing quota was not proclaimed, the quota which would have been determined if one had been proclaimed.

Section 334(a) of the Act, as amended, reads as follows:

SEC. 334(a) The national allotment for wheat, less a reserve of not to exceed 1 percent thereof for apportionment as provided in this subsection and less the special acreage reserve provided for in this subsection, shall be apportioned by the Secretary among the States on the basis of the preceding year's allotment for each such State, including all amounts allotted to the State and including for 1967 the increased acreage in the State allotted for 1966 under section 335, adjusted to the extent deemed necessary by the Secretary to establish a fair and equitable apportionment base for each State, taking into consideration established crop rotation practices, estimated decrease in farm allotments because of loss of history, and other relevant factors. The reserve acreage set aside herein for apportionment by the Secretary shall be used (1) To make allotments to counties in addition to the county allotments made under subsection (b) of this section, on the basis of the relative needs of counties for additional allotments because of reclamation and other new areas coming into production of wheat, or (2) to increase the allotment for any county, in which wheat is the principal grain crop produced, on the basis of its relative need for such increase if the average ratio of wheat acreage allotment to cropland on old wheat farms in such county is less by at least 20 percent than such average ratio on old wheat farms in an adjoining county or counties in which wheat is the principal grain crop produced or if there is a definable contiguous area consisting of at least 10 percent of the cropland acreage in such county in which the average ratio of wheat acreage allotment to cropland on old wheat farms is less by at least 20 percent than such average ratio on the remaining old wheat farms in such county, provided that such low ratio of wheat acreage allotment to cropland is due to the shift prior to 1951 from wheat to one or more alternative income-producing crops which, because of plant disease or sustained loss of markets, may no longer be produced at a fair profit and there is no other alternative income-producing crop suitable for production in the area or county. The increase in the county allotment under clause (2) of the preceding sentence shall be used to increase allotments for old wheat farms in the affected area to make such allotments comparable with those on similar farms in the adjoining areas or counties but the average ratio of increased allotments to cropland on such farms shall not exceed the average ratio of wheat acreage allotment to cropland on old wheat farms in the adjoining areas or counties. There also shall be made available a special acreage reserve of not in excess of 1 million acres as determined by the Secretary to be desirable for the purposes hereof which shall be in addition to the national acreage reserve provided for in this subsection. Such special acreage reserve shall be made available to the States to make additional allotments to counties on the basis of the relative needs of counties, as determined by the Secretary, for additional allotments to make adjustments in the allotments on old wheat farms

• • • on which the ratio of wheat acreage allotment to cropland on the farm is less than one-half the average ratio of wheat acreage allotment to cropland on old wheat farms in the county. Such adjustments shall not provide an allotment for any farm which would result in an allotment-cropland ratio for the farm in excess of one-half of such county average ratio and the total of such adjustments in any county shall not exceed the acreage made available therefor in the county. Such apportionment from the special acreage reserve shall be made only to counties where wheat is a major income-producing crop, only to farms on which there is limited opportunity for the production of an alternative income-producing crop, and only if an efficient farming operation on the farm requires the allotment of additional acreage from the special acreage reserve. For the purposes of making adjustments hereunder the cropland on the farm shall not include any land developed as cropland subsequent to the 1963-crop year.

Section 334(b) of the Act requires that the State acreage allotment of wheat for the 1974 crop, less a reserve of not to exceed 3 percent thereof, be apportioned among the counties in the State on the basis of the preceding year's wheat allotment in each such county, including for 1967 the increased acreage in the county allotted for 1966 pursuant to section 335, adjusted to the extent deemed necessary to establish a fair and equitable apportionment base for each county, taking into consideration established crop rotation practices, estimated decrease in farm allotments because of loss of history, and other relevant factors.

Section 334a of the Act, as added by section 314 of the Food and Agriculture Act of 1962, provides that if the acreage allotment for any State for the 1974 crop of wheat is 25,000 acres or less, the Secretary, in order to promote efficient administration of the Agricultural Adjustment Act of 1938 and the Agricultural Act of 1949, may designate such State as outside the commercial wheat-producing area for the 1974–75 marketing year. That section also provides that if any State is so designated, acreage allotments for the 1974 crop of wheat and marketing quotas for the 1974–75 marketing year shall not be applicable to any farm in such State, and that acreage allotments in any State shall not be increased by reason of such designation.

Section 336 of the Act, as amended, provides that if a national marketing quota for wheat for 1, 2, or 3 marketing years is proclaimed, the Secretary shall, not later than August 1 of the calendar year in which such national marketing quota is proclaimed, conduct a referendum, by secret ballot, of farmers to determine whether they favor or oppose marketing quotas for the marketing year or years for which proclaimed. Section 336 further provides that the Secretary shall proclaim the results of any referendum within 30 days after the date of such referendum, and if he determines that more than one-third of the farmers voting in the referendum voted against marketing quotas, he shall proclaim that marketing quotas will not be in effect with respect to the crop of wheat produced for harvest in the calendar year following the calendar year in which the referendum is held. Section 336 of the Act also provides that if the Secretary determines that two-thirds or more of the farmers voting in a referendum approve marketing quotas for a period of 2 or 3 marketing years, no referendum shall be held for the subsequent year or years of such period.

Section 301(b)(8)(B) of the Act, as amended by the Food and Agriculture Act of 1965, provides for the determination of a projected national yield of wheat on the basis of the national yield per harvested acre of wheat during each of the 5 calendar years immediately preceding the year in which such projected national yield is determined, adjusted for abnormal weather conditions affecting such yield, for trends in yields and for any significant changes in production practices.

Section 301(b)(13)(J) of the Act, as amended by the Food and Agriculture Act of 1965, provides for the determination of projected county yields of wheat on the basis of the yield per harvested acre of wheat for the county during each of the 5 calendar years immediately preceding the year in which such projected county yield is determined, adjusted for abnormal weather conditions affecting such yield, for trends in yields and for any significant changes in production practices.

Section 324 of the Food and Agriculture Act of 1962 added a new subtitle, designated "Subtitle D—Wheat Marketing Allocation," to title III of the Agricultural Adjustment Act of 1938. Under the sections of the Act comprising this subtitle (379a to 379j, inclusive), during any marketing year for which a national marketing quota is in effect for wheat, beginning with the marketing year on the 1964 crop, a wheat marketing allocation program shall be in effect. Whenever such a program is in effect for any marketing year the Secretary is required to determine the wheat marketing allocation for such year, which shall be the amount of wheat which in determining the national marketing quota for such marketing year the Secretary estimated would be used during such year for food products for consumption in the United States, and that portion of the amount of wheat which in determining such quota he estimated would be exported in the form of wheat or products thereof during such marketing year on which the Secretary determines that marketing certificates should be issued to producers in order to achieve, insofar as practicable, the price and income objectives of subtitle D. The Secretary is also required to determine the national allocation percentage which shall be the percentage which the national marketing allocation is of the national marketing quota.

It is proposed that in connection with apportionment of the national wheat acreage allotment among States a reserve of not to exceed 1 percent of the national acreage allotment shall be withheld for apportionment to counties as provided in section 334(a) of the Act. It is also proposed that a special acreage

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reserve of not in excess of 1 million acres be withheld for apportionment to counties as provided in section 334(a) of the Act.

It is proposed that in connection with the apportionment of the State acreage allotments among counties of the State, the Agricultural Stabilization and Conservation Committee for each State with the approval of the Secretary shall determine the percentage of the State acreage allotment, not in excess of 3 percent, which shall be reserved for apportionment to farms in the State on which wheat will be produced in 1974, but classified as new wheat farms in 1974, because such farms do not have a wheat allotment.

States with acreage allotments of 25,000 acres or less were designated as being outside the commercial wheat-producing area for each of the years 1955 through 1963. In view of the fact, however, that marketing certificates are required to be issued for farms both within and without the commercial wheat-producing area for 1974, it is proposed that all wheat-producing States, including each State for which a State wheat acreage allotment of 25,000 acres or less is determined, shall be designated as being within the commercial wheat-producing area.

Prior to making any of the foregoing determinations with respect to marketing quotas and national, State, and county acreage allotments, including the determination and allocation of reserves for the 1974 crop of wheat, the designation of the 1974 commercial wheat-producing area, the date of the referendum, the formulation of regulations for the establishment of projected county yields for the 1974 crop of wheat, the wheat marketing allocation, and the national allocation percentage for the 1974–75 marketing year, consideration will be given to data, views, and recommendations pertaining thereto which are submitted in writing to the Director, Grain Division, ASCS, U.S. Department of Agriculture, Washington, D.C. 20250. To be sure of consideration, all written submissions must be postmarked on or before April 10, 1973.

All written submissions made pursuant to this notice will be made available for public inspection at the office of the Director during regular business hours (8:15 a.m. to 4:45 p.m.).

EARL L. BUTZ,
Secretary.

MARCH 21, 1973.

[FR Doc.73-5662 Filed 3-23-73;8:45 am]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 39]

[Docket No. 73-NE-8]

PRATT & WHITNEY MODEL JT3D ENGINES

Proposed Airworthiness Directive

The Federal Aviation Administration is considering amending Part 39 of the Federal Aviation Regulations by adding an airworthiness directive applicable to Pratt & Whitney Model JT3D Engines with specified thin lug turbine cases and incorporating vented second stage outer air seals. There have been failures of the third stage turbine vane retaining lugs on the above engines which have resulted in turbine blade and disc failures. Since this condition is likely to develop in other JT3D engines with the turbine cases and vented seals mentioned above, the proposed airworthiness directive would require the inspection of the turbine nozzle case for missing lugs within 1,000 hours' time in service and at 1,000-hour intervals thereafter. If missing lugs are found, the proposed airworthiness directive would require either more frequent inspections or removal of the engine depending on the number of missing lugs found. By the terms of the applicability language, compliance with this proposed AD would no longer be required after installation of the new turbine case with strengthened lugs or after completion of plugging of the vented second stage outer air seal.

Interested parties are invited to participate in the making of the proposed rule by submitting written data and views. Communications should identify the docket number and be submitted in duplicate to the Department of Transportation, Federal Aviation Administration, New England Region, Attention: Regional Counsel, Airworthiness Rules Docket, 154 Middlesex Street, Burlington, MA 01803. All communications received on or before April 25, 1973, will be considered before taking action upon the proposed rule. The proposals contained in this notice may be changed in light of comments received. All comments will be available in the Office of Regional Counsel for examination by interested parties.

This amendment is proposed under the authority of sections 313(a), 601, and 603 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, and 1423), and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

In consideration of the foregoing, it is proposed to amend § 39.13 of the Federal Aviation Regulations by adding the following new airworthiness directive:

PRATT & WHITNEY. Applies to all Pratt & Whitney JT3D-1, JT3D-1-MC6, JT3D-1-MC7, JT3D-3, and JT3D-3B model engines containing turbine nozzle case Part Numbers 399065, 496859, 570818, 626669, 669047, 694937, 694938, 390197, 694935, and 691326 incorporating vented second stage outer air seals.

Compliance required as follows:

To preclude possible turbine blade or disc failures resulting from turbine case lug failures, inspect the turbine nozzle case for missing lugs by performing ultrasonic, isotope, or visual inspection at the time intervals specified below.

First inspection, 1,000 hours' time in service after the effective date of this AD unless already accomplished.

(a) If there are no missing lugs, repeat the inspection every 1,000 hours' time in service thereafter.

(b) If one lug is found missing, repeat the inspection every 100 hours' time in service.

(c) If two or three lugs are found missing, remove the engine from service within the next 50 hours' time in service.

(d) If four (4) or more lugs are missing, remove the engine from service immediately.

Turbine cases removed in accordance with paragraphs (c) and (d) above may be repaired in accordance with the procedures outlined in the Overhaul Manual, section 72-51-2, or replaced.

NOTE: Pratt & Whitney Service Bulletin 3993, or later FAA approved revisions, pertains to this same subject.

Issued in Burlington, Mass., on March 16, 1973.

W. E. CROSBY,
Deputy Director,
New England Region.

[FR Doc.73-5654 Filed 3-23-73;8:45 am]

[Airspace Docket No. 73-SO-18]

[14 CFR Part 71]

TRANSITION AREA

Proposed Designation

The Federal Aviation Administration is considering an amendment to Part 71 of the Federal Aviation Regulations that would designate the Pulaski, Tenn., transition area.

Interested persons may submit such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Federal Aviation Administration, Southern Region, Air Traffic Division, Post Office Box 20636, Atlanta, GA 30320. All communications received on or before April 25, 1973, will be considered before action is taken on the proposed amendment. No hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Chief, Airspace and Procedures Branch. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in light of comments received.

The official docket will be available for examination by interested persons at the Federal Aviation Administration, Southern Region, Room 724, 3400 Whipple Street, East Point, Ga.

The Pulaski transition area would be designated as:

That airspace extending upward from 700 feet above the surface within a 9-mile radius of Abernathy Airport (latitude 35°08'45" N., longitude 87°03'30" W.); excluding the portion within Lawrenceburg, Tenn., transition area.

The proposed designation is required to provide controlled airspace protection for IFR operations at Abernathy Airport. A prescribed instrument approach procedure to this airport, utilizing the Giles (Private) Nondirectional Radio Beacon, is proposed in conjunction with the designation of this transition area.

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348(a)) and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in East Point, Ga., on March 14, 1973.

PHILLIP M. SWATEK,
Director, Southern Region.

[FR Doc.73-5652 Filed 3-23-73;8:45 am]

[14 CFR Part 71]

[Airspace Docket No. 73-RM-7]

TRANSITION AREA

Proposed Alteration

The Federal Aviation Administration is considering an amendment to Part 71 of the Federal Aviation Regulations which would alter the description of the Logan, Utah, transition area.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Air Traffic Division, Federal Aviation Administration, Park Hill Station, Post Office Box 7213, Denver, CO 80207. All communications received on or before April 18, 1973, will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Regional Air Traffic Division Chief. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

A public docket will be available for examination by interested persons in the office of the Regional Counsel, Federal Aviation Administration, 10455 East 25th Avenue, Aurora, CO 80010.

A new public-use instrument approach procedure has been developed for the Logan-Cache Airport, Logan, Utah, utilizing the Logan VOR as a navigational aid. Consequently, an extension to the north of the existing 700-foot transition area is necessary in order to provide additional controlled airspace for the protection of aircraft executing the proposed VOR instrument approach procedure.

In consideration of the foregoing, the FAA proposes the following airspace action:

In § 71.181 (38 FR 435) the description of the Logan, Utah, transition area is amended to read:

LOGAN, UTAH

That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Logan-Cache Airport (latitude 41°-47'09" N., longitude 111°50'53" W.) and within 4.5 miles east and 9.5 miles west of and parallel to the Logan VOR 344° radial, extending from the 5-mile radius to 11 miles north of the Logan VOR; that airspace extending upward from 1,200 feet above the surface bounded on the north by the south edge of V4, on the east by longitude 111°-40'30" W., on the south by the north edge of V288, on the west by the east edge of V21; and that airspace extending upward from 10,500 feet MSL bounded on the northeast by the southwest edge of V48, on the west by longitude 111°40'30" W., and on the south by the north edge of V288.

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958, as amended, (49 U.S.C. 1348(a)), and of section 6(c), of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Aurora, Colo., on March 14, 1973.

I. H. HOOVER,
Acting Director,
Rocky Mountain Region.

[FR Doc.73-5650 Filed 3-23-73;8:45 am]

[14 CFR Part 71]

[Airspace Docket No. 73-RM-8]

TRANSITION AREA

Proposed Alteration

The Federal Aviation Administration is considering an amendment to Part 71 of the Federal Aviation Regulations which would alter the transition area at West Yellowstone, Mont.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Air Traffic Division, Federal Aviation Administration, Park Hill Station, Post Office Box 7213, Denver, CO 80207. All communications received on or before April 18, 1973, will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Regional Air Traffic Division Chief. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

A public docket will be available for examination by interested persons in the office of the Regional Counsel, Federal Aviation Administration, 10455 East 25th Avenue, Aurora, CO 80010.

A 1,200-foot transition area extension is proposed to provide controlled airspace for air carrier flights operating between the St. Anthony, Idaho, intersection and the Yellowstone, Mont., Airport.

In consideration of the foregoing, the FAA proposes the following airspace action:

In § 71.181 (38 FR 435) the description of the West Yellowstone, Mont., transition area is amended as follows:

In line three of the text, after "• • • 19½ miles south of the airport; • • •" insert "• • • that airspace extending upward from 1,200 feet above the surface within 5 miles either side of the 209° bearing from the Yellowstone Airport extending from the airport to 51 miles southwest of the Airport • • •"

This amendment is proposed under authority of section 307(a) of the Federal Aviation Act of 1958, as amended (49 U.S.C. 1348(a)), and section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Aurora, Colo., on March 14, 1973.

I. H. HOOVER,
Acting Director,
Rocky Mountain Region.

[FR Doc.73-5651 Filed 3-23-73;8:45 am]

[14 CFR Part 71]

[Airspace Docket No. 72-SO-126]

CONTROL ZONE

Proposed Designation

The Federal Aviation Administration (FAA) is considering an amendment to Part 71 of the Federal Aviation Regulations that would designate a control zone for Mayaguez, P.R.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Southern Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, Post Office Box 20636, Atlanta, GA 30320. All communications received on or before April 25, 1973, will be considered before action is taken on the proposed amendment. The proposal contained in this notice may be changed in the light of comments received.

An official docket will be available for examination by interested persons at the Federal Aviation Administration, Office of the General Counsel, Attention: Rules Docket, 800 Independence Avenue SW., Washington, DC 20591. An informal docket also will be available for examination at the office of the Regional Air Traffic Division Chief.

As part of this proposal relates to the navigable airspace outside the United States, this notice is submitted in consonance with the ICAO International Standards and Recommended Practices.

Applicability of International Standards and Recommended Practices by the Air Traffic Service, FAA, in areas outside domestic airspace of the United States is governed by Article 12 of and Annex 11 to the Convention on International Civil Aviation, which pertain to the establishment of air navigation facilities and services necessary to promoting the safe, orderly and expeditious flow of civil air traffic. Their purpose is to insure that civil flying on international air routes is carried out under uniform conditions designed to improve the safety and efficiency of air operations.

The International Standards and Recommended Practices in Annex 11 apply in those parts of the airspace under the jurisdiction of a contracting state, derived from ICAO, wherein air traffic services are provided and also whenever a contracting state accepts the responsibility of providing air traffic services over

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high seas or in airspace of undetermined sovereignty. A contracting state accepting such responsibility may apply the International Standards and Recommended Practices to civil aircraft in a manner consistent with that adopted for airspace under its domestic jurisdiction.

In accordance with Article 3 of the Convention on International Civil Aviation, Chicago, 1944, state aircraft are exempt from the provisions of Annex 11 and its Standards and Recommended Practices. As a contracting state, the United States agreed by Article 3(d) that its state aircraft will be operated in international airspace with due regard for the safety of civil aircraft.

Since this action involves, in part, the designation of navigable airspace outside the United States, the Administrator has consulted with the Secretary of State and the Secretary of Defense in accordance with the provisions of Executive Order 10854.

The proposed amendment would:

Designate a control zone within a 5-mile radius of the Mayaguez, P.R., Airport including an extension 3 miles each side of the Mayaguez VOR 243° T (252° M) radial to a point 8.5 miles west of the VOR.

The proposed control zone is needed to provide controlled airspace for aircraft executing instrument approach and departure procedures in accordance with existing criteria.

This amendment is proposed under the authority of section 307(a) and 1110 of the Federal Aviation Act of 1958 (49 U.S.C. 1348(a) and 1510), Executive Order 10854 (24 FR 9565) and section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Washington, D.C., on March 19, 1973.

CHARLES H. NEWPOL,
Acting Chief, Airspace and Air Traffic Rules Division.

[FR Doc.73-5653 Filed 3-23-73;8:45 am]

Office of the Secretary

[49 CFR Part 85]

[Docket No. 32; Notice 73-]

CARGO SECURITY ADVISORY STANDARDS

Seal Accountability and Procedures

By notice of proposed rule making (Docket 32; Notice 72-3) in the FEDERAL REGISTER of November 30, 1972 (37 FR 25401), the Department of Transportation proposed establishment of a program for the issuance of Cargo Security Advisory Standards. The preamble stated that the advisory standards would be issued as appendixes to procedural regulations which the Department proposed. By a document published in the FEDERAL REGISTER of March 15, 1973 (37 FR 6997), the procedural regulations were adopted as Part 85 of the Regulations of the Office of the Secretary of Transportation (49 CFR Part 85). This is the first of the proposed Cargo Security Advisory Standards to be issued by the Department's Office of Transportation Security.

The first step in prevention of cargo theft is determination of where in the transportation system cargo is being lost. Accountability procedures help identify problem locations and basic to accountability in transportation is the use of door seals on trailers, freight cars, containers, piggyback trailers, and air cargo containers moving between terminals and interchange points. The proper use of seals enables the person receiving a shipment to determine whether it has been tampered with.

Expeditious, claim-free movement of Shipper Load and Count railcars, containers, and trailers depends on seal protection, especially in intermodal exchanges. To a great extent claims are settled among shippers, carriers, and consignees on the basis of seal checks and records. Seal procedures and records maintained for liability purposes serve also to illuminate how and where security problems are occurring, thereby enabling affected shippers, carriers, and consignees to act to prevent further losses. It is for this latter reason that even freight moving between two terminals operated by the same company, regardless of mode, should be moved under seal protection. Regardless of how detailed and efficient is the accountability procedure (e.g., tallies, stripping methods) at origin and destination, without effective seal protection losses can occur anywhere between terminals, including the original terminal yard prior to outbound line haul and the destination terminal yard prior to stripping.

Seals do not afford physical security similar to that afforded by locks. A company with effective seal and security procedures can avoid sharing liability with a company having ineffective or nonexistent procedures. This is in addition to the loss prevention benefit, in both interchange and captive movements, of knowing where in the chain of custody a loss occurred. For those desiring both physical security and protection from liability, "seal locks" are available which, consistent with each mode's freight claim procedures, offer both types of protection.

The advisory standard which follows suggests procedures and policies intended to assist all parts of the transportation industry in reducing the incidence of loss and theft of cargo entrusted to their care. This advisory standard is not mandatory, and nothing in it replaces or modifies any statutory requirement or any regulatory authority vested in any Federal, State, or local governmental body.

In consideration of the foregoing, the Department proposes to establish Part 1 of the Appendix to Part 85 of Title 49 of the Code of Federal Regulations to read as follows:

APPENDIX—CARGO SECURITY ADVISORY STANDARDS

PART 1—SEAL ACCOUNTABILITY AND PROCEDURES

SUBPART A—GENERAL

Sec.
85-1.1 Purpose.
85-1.3 Definitions.

SUBPART B—DISTRIBUTION AND ACCOUNTABILITY

Sec.
85-1.11 Purpose.
85-1.13 Ordering seals from the manufacturer.
85-1.15 Company identification.
85-1.17 Storage.
85-1.19 Records.
85-1.21 Employee accountability.
85-1.23 Accountability at terminals.

SUBPART C—SEAL RECORDS

85-1.31 Purpose.
85-1.33 Seal serial numbers.
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SUBPART D—SEAL APPLICATION

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85-1.71 General.
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85-1.79 Responsibility of the driver.
85-1.81 U.S. Government and "in bond" seals.

APPENDIX—CARGO SECURITY ADVISORY STANDARDS

PART 1—SEAL ACCOUNTABILITY AND PROCEDURES

Subpart A—General

Sec. 85-1.1 *Purpose.* (a) The purpose of this part is to set forth minimum procedures and guidelines that should be observed in order to institute and maintain an effective seal program.

(b) The advisory standards herein are general and each may not apply to every transportation mode.

SEC. 85-1.3 *Definitions.* As used in this part—

"Seal" means a device applied to a railcar, trailer, marine container, or air cargo container door fastening which—

(1) Indicates whether the door has been opened or the fastening tampered with, and, if so, at what point in the chain of custody the tampering occurred;

(2) Is easily applied to all types of fastenings;

(3) Readily shows when it is not properly fastened;

(4) Is of sufficient strength to resist accidental breaking;

(5) Cannot be made to appear intact when broken;

(6) Has sufficient letters to identify the carrier or shipper; and

(7) Is serially numbered to facilitate identification of the person who applied the seal.

"Trailer" means a container, piggyback trailer, or standard semitrailer used by a motor carrier.

Subpart B—Distribution and Accountability

SEC. 85-1.11 *Purpose.* The purpose of this subpart is to suggest measures designed to assure that seals are strictly accounted for from receipt from the manufacturer to time of application. Resources devoted to a seal program are wasted unless this goal is achieved.

SEC. 85-1.13 *Ordering seals from the manufacturer.* (a)(1) To simplify security control for both the company using the seals and the manufacturer, all seals should be ordered from the manufacturer by one person or office, preferably in company headquarters, regardless of the number of terminals or other locations involved.

(2) The manufacturer can send the necessary seals directly to the individual terminals, but only at the request of the person or office identified in subparagraph (1) of this paragraph.

(b) Seals should be ordered for each terminal in such a way that the terminal responsible for a particular group of seals is readily identifiable. This can be done by assigning specific blocks of numbers to each terminal, or, more easily in most cases, by using terminal prefix numbers.

SEC. 85-1.15 *Company identification.* In addition to a prefix and a serial number, the name or initials of the company using the seal should be stamped on each seal.

SEC. 85-1.17 *Storage.* (a) The purpose of storage is to prevent seals from being acquired by unauthorized persons for substitution or other illegal use.

(b) Seals should be stored in a locked room, cabinet or drawer, depending on the number of seals to be stored.

SEC. 85-1.19 *Records.* (a) If seals are sent from the manufacturer to a central office for further distribution to terminals, precise records, by seal serial number, should be maintained showing how many seals were sent to each location.

(b) When the terminals or other locations receive seals, either directly from the manufacturer or from company headquarters, a log should be maintained showing the lowest number and highest number of any seal received, and the date the seals were received.

SEC. 85-1.21 *Employee accountability.* (a) To maintain positive accountability, each employee authorized to apply seals should be required to sign or initial for the seals he applies, by their serial numbers.

(b) The person responsible for dispensing seals at a terminal should maintain a Seal Application Log showing, for each seal, the

(1) Date the seal is applied;

(2) Number of the trailer to which it is applied;

(3) Name of the person to whom the seal is issued; and

(4) Name of the person applying the seal to the trailer, if other than the person to whom the seal is issued.

SEC. 85-1.23 *Accountability at terminals.* The manager of the terminal where seals are applied should assign one person responsibility for the safekeeping, issuance, and recordkeeping of seals applied at that terminal. This is the most important step in an effective seal program.

Subpart C—Seal Records

SEC. 85-1.31 *Purpose.* (a) Common sense and the particular circumstances of each company dictate the types of records necessary. The goal of seal records is to pinpoint where in the chain of custody a trailer's security was breached, in order to simplify determination of where the loss occurred, who was responsible, and other information necessary to prevent future losses. Problem areas cannot be pinpointed unless there are adequate accountability and complete records.

(b) The purpose of this subpart is to suggest measures designed to determine—

(1) Who had custody of each seal;

(2) When, where, and to which unit each seal was applied; and

(3) When, where, and by whom each seal was broken.

SEC. 85-1.33 *Seal serial numbers.* (a) Record should be maintained of the serial numbers of seals—

(1) Received at each terminal; and

(2) Issued to authorized employees for application to trailers.

(b) In addition to being entered in seal record books, forms, and logs used by a company, seal serial numbers should also be entered on all pertinent documents (e.g., manifests, load charts or diagrams, travel orders, gate passes, bills of lading, freight bills).

SEC. 85-1.35 *Broken seals.* When necessary to break a seal en route or at an intermediate terminal, the following minimum information should be entered on the manifest (and seal log, if used):

(a) Date and time seal was broken;

(b) Name of person who broke seal;

(c) Reason seal was broken;

(d) Serial number of the seal replacing the broken seal (and the serial number of the broken seal, if a seal log is used);

(e) Name of person applying the replacement seal; and

(f) Names of witnesses.

SEC. 85-1.37 *Use of guards.* Where a gate guard is used, he should check the seal serial number against the gate pass and travel order and, ideally, enter in a gate log the serial number of—

(a) Each seal;

(b) The trailer to which the seal is applied; and

(c) The tractor to which the trailer is attached.

Subpart D—Seal Application

SEC. 85-1.41 *Time of seal application.* (a) A trailer should be sealed as soon as the load is "closed out" (complete). Specifically—

(1) Roll-up doors should be sealed at the dock; and

(2) Swing-out doors should be sealed by the person pulling the unit away from the dock as soon as the unit is far enough away from the dock for the doors to be closed.

(b) Application of seals should be supervised. Failure to supervise or allowing the hostler to move an unsealed trailer to a staging area offers opportunity to—

(1) Pilfer prior to applying the seal; or

(2) Apply a bogus seal, break the seal later, remove cargo, and then apply the legitimate seal.

SEC. 85-1.43 *Authority to apply seals.* (a) The manager of the terminal should authorize specific persons on each shift to apply seals at that terminal, and only those so authorized should be permitted to apply seals.

(b) The number of persons who should be authorized to apply seals depends on the particular circumstances at each terminal. The number should be kept to a minimum to facilitate adequate supervision to assure that operational expediency does not permit application of seals by unauthorized persons.

SEC. 85-1.45 *Application.* (a) Before the seal is locked, it should be put through the latch hole twice.

(b) Locking device nuts on trailers should be spot welded to prevent release of the locking handle without disturbing the seal.

SEC. 85-1.47 *Final check.* (a) The seal should be checked by the line haul or interline driver before the vehicle to which it is applied leaves the terminal.

(b) If there is a guard at the gate, he should insure that the seal is legitimate and intact before releasing the vehicle to which it is applied.

Subpart E—Destination Removal

SEC. 85-1.51 *Authority to remove seals.* (a) The terminal manager should authorize specific persons to remove seals from inbound trailers, and, except as otherwise provided in paragraph (b) of this section, only those so authorized should be permitted to remove seals.

(b) To insure before unloading that the seal removed is the orignal, if a hostler has to break and remove a seal on a swing-door trailer before spotting it at the dock, the breaking of the seal should be witnessed from the dock by an authorized person described in paragraph (a) of this section, who should physically check the serial number on the seal against the seal serial number entered on the pertinent documents. A hostler should not be permitted to break a seal prior to spotting the trailer to which it is applied when the breaking cannot be observed from the dock.

SEC. 85-1.53 *Discrepencies.* (a) A seal removed from a trailer should be kept with the manifest and bills until the trailer is stripped.

(b) If there is not a discrepency between the manifest and the cargo the seal may be discarded; if there is a discrepency, especially in tail-loaded freight, the seal should be sent with a report on the discrepency to the security section.

(c) A discrepency between the serial number on the seal and the seal serial number entered on the manifest should be reported immediately to a supervisor and a notation of the details made on the manifest and other pertinent documents.

Subpart F—Road Procedures

SEC. 85-1.61 *Truck trailers.* (a) Each seal should be checked prior to leaving the terminal and at each stop en route to destination, including truck stops, diners, and other service areas.

(b) If a road unit's seal has been tampered with, the driver should immediately contact home terminal, central dispatch, or the nearest company terminal for instructions.

SEC. 85-1.63 *Container and piggyback operations.* (a) In a container or piggyback operation each seal should be checked at each transfer point and the serial number on each seal recorded.

(b) As used in this section, "transfer" includes—

(1) Movement of containers on and off vessels;

(2) Movement of trailers on and off flatcars; and

(3) Trailer-on-flatcar movements from one railroad to another.

SEC. 85-1.65 *Railcars.* Consistent with manpower and available time, but at the very least when high value/high risk shipments are involved, each seal on a railcar should be checked at each interchange point to establish the responsibility of individual railroads for losses that occur.

Subpart G— Shipper's Load and Count (SL&C)

SEC. 85-1.71 *General.* It is to the advantage of carriers in every mode to insure the security of Shipper's Load and Count Seals. This should be accomplished by use of "seal locks," offering both physical and liability protection, or, at a minimum, strong wire or cable in addition to a normal seal. This precaution increases the time and effort necessary to break into a rail car, container, or trailer, with concomitant protection to a carrier against errors in count by shipper and /or consignee

SEC. 85-1.73 *Application.* (a) The Shipper's Load and Count Seal should be applied at the shipper's premises by the shipper's representative.

(b) The seal serial number should be recorded on all copies of the bill of lading and transcribed to the waybill.

SEC. 85-1.75 *Removal for inspection.* When a Shipper's Load and Count Seal is removed

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to inspect the load, the following minimum information should be entered in the bill of lading and freight bills:

(a) Date seal was removed;

(b) Name of person who broke the original seal and applied the new seal;

(c) Reason the seal was broken;

(d) Serial number of the seal which replaced the broken seal; and

(e) Location where seal was broken.

SEC. 85–1.77 *Destination procedure.* At destination, whether interline or consignee, the person receiving a trailer or railcar seal with a Shipper's Load and Count Seal should examine the seal and record its serial number above his signature on the delivery receipt and or interchange agreement.

SEC. 85–1.79 *Responsibility of the driver.* (a) A driver should not break a Shipper's Load and Count (SL&C) Seal under any circumstances unless he is so directed by the consignee or his representative and the person so directing witnesses the breaking of the seal.

(b) If the consignee or his representative directs a driver to break an SL&C seal—

(1) The consignee or his representative should examine the broken seal; and

(2) The consignee or his representative, or if necessary, the driver, should record the seal serial number on the delivery receipt.

SEC. 85–1.81 *U.S. Government and "in bond" seals.* (a) Special care should be taken with U.S. Government seals and "in bond" seals applied under U.S. Customs supervision.

(b) An "in bond" seal should not be broken unless a U.S. Customs representative is present.

Before taking final action to issue the proposed advisory standard, the Department will consider the timely comments of all interested persons. Comments should identify the docket or notice number (see above) and be submitted to the Docket Clerk, Office of the General Counsel, TGC, Department of Transportation, Washington, D.C. 20590. Comments received on or before May 10, 1973, will be considered before final action is taken. All docketed comments will be available for public inspection and copying, both before and after the closing date for comments, in the Office of the Assistant General Counsel for Regulation, Room 10100, Department of Transportation Headquarters (Nassif) Building, 400 Seventh Street SW., Washington, DC, between 9 a.m. and 5:30 p.m. local time, Monday through Friday, except Federal holidays.

This proposal is issued under authority of section 9(e)(1) of the Department of Transportation Act (80 Stat. 944, 49 U.S.C. 1657(e)(1)), and § 85.3 of the regulations of the Office of the Secretary of Transportation (49 CFR 85.2).

Issued in Washington, D.C., on March 22, 1973.

RICHARD F. LALLY,
Director of Transportation Security.

[FR Doc.73–5760 Filed 3–23–73;8:45 am]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 83]

[Docket No. 19706; FCC 73–288]

STATIONS ON SHIPBOARD IN MARITIME SERVICE

Reduction of Minimum Required Power Output and Designation of Primary Supply Voltage for Type Acceptance

In the matter of amendment of Part 83 to reduce the minimum required power output and designate the primary supply voltage to be used to determine the minimum power required for compliance with title III, part III of the Communications Act and to designate the nominal primary supply voltage for type acceptance, Docket No. 19706.

1. The Commission's field engineers have found that some VHF transmitters, in normal working order when tested on the battery, have failed to meet the carrier power output of 20 watts, required by § 83.518 for VHF transmitters used for compliance with part III of title III of the Communications Act, even though they have been type accepted for 25 watts. The discrepancy between rated power and tested power may be attributed, in part, to the lack of having specified the supply voltage to be used when conducting tests for type acceptance or for compliance with the compulsory radio requirements of the rules.

2. Some manufacturers have used the Electronics Industries Association (EIA) standard of 13.8 volts for tests. When testing a transmitter for compliance with the compulsory radio requirements, our field engineers use an input voltage of 12 volts. This is assumed to be the nominal operating voltage since it is the voltage of a fully charged lead-acid storage battery and simulates emergency operating conditions.

3. We propose to specify the EIA standard of 13.8 volts, for systems using lead storage batteries, as the nominal primary supply voltage for type acceptance and 85 percent of this value when conducting tests for minimum carrier power output for compliance with compulsory radio requirements.

4. During the considerations leading to our proposed changes to the Great Lakes Agreement it was determined that a minimum of 15 watts power for VHF was sufficient to provide adequate communications for safety purposes. Consistent with our proposed Great Lakes Agreement power minimum of 15 watts and our continuing effort to keep transmitters operating at acceptable minimum power, we are proposing that the minimum power requirements of § 83.518 be reduced from 20 to 15 watts.

5. The proposed amendments to the rules are issued pursuant to the authority contained in sections 4(i) and 303 (e) and (r) of the Communications Act of 1934, as amended.

6. Pursuant to applicable procedures set forth in § 1.415 of the Commission's rules, interested persons may file comments on or before April 27, 1973, and reply comments on or before May 10, 1973. All relevant and timely comments and reply comments will be considered by the Commission before final action is taken in this proceeding. In reaching its decision in this proceeding, the Commission may also take into account other relevant information before it, in addition to the specific comments invited by this notice.

7. In accordance with the provisions of § 1.419 of the Commission's rules, an original and 14 copies of all statements, briefs or comments filed shall be furnished the Commission. Responses will be available for public inspection during regular business hours in the Commission's Public Reference Room at its headquarters in Washington, D.C.

Adopted: March 13, 1973.

Released: March 19, 1973.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

Part 83 of Chapter I of Title 47 of the Code of Federal Regulations is amended as follows:

1. Section 83.134(f) is amended and new footnote 3 is added to read as follows:

§ 83.134 Transmitter power.

* * * * *

(f) Ship station transmitters using F3 emission in the band 156–162 MHz shall not exceed a carrier power of 25 watts[3] and, additionally, shall include the capability to reduce, readily, the carrier power to 1 watt[3] or less.

* * * * * *

[3] The 25 watts carrier power limit shall be determined at the nominal primary power supply voltage. Nominal primary supply voltage is considered to be 13.8 volts for equipment employing a conventional 12 volt lead acid storage battery as a source of primary power.

2. Section 83.518(c)(2) is amended to read:

§ 83.518 Very high frequency transmitter.

* * * * *

(c) * * *

(2) The transmitter has been demonstrated, or is of a type which has been demonstrated, to the satisfaction of the Commission as capable, with an applied primary power supply voltage equal to 85 percent of the nominal value, of delivering not less than 15 watts carrier power into 50 ohms effective resistance on each of the carrier frequencies 156.–300 MHz, 156.800 MHz and on any one of the ship-to-shore public correspondence channels: *Provided, however,* That an individual demonstration of the power output capability of the transmitter, with the radiotelephone installation, normally installed on board ship, may be required whenever in the judgment of the Commission this is deemed necessary.

[FR Doc.73–5687 Filed 3–23–73;8:45 am]

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

[29 CFR Part 1912]

STANDARDS ADVISORY COMMITTEES

Application of Federal Advisory Committee Act

It is proposed to revise Part 1912 of Title 29, Code of Federal Regulations, in the manner indicated below in order to implement the Federal Advisory Committee Act (Public Law 92–463), Office of Management and Budget Circular A–63, and to be in furtherance of the general departmental rules implementing the Act which are to be published in Part 15 of Title 29, Code of Federal Regulations.

Part 1912 prescribes the policies and procedures dealing with the organization and duties of advisory committees which have been established, or which may be established, to assist the Assistant Secretary of Labor for Occupational Safety and Health in the development of occupational safety and health standards which may be adopted under section 6 of the Occupational Safety and Health Act of 1970 (29 U.S.C. 655). In applying the Federal Advisory Committee Act and other provisions cited above to Part 1912, significant changes are proposed dealing with the organizational instruments establishing advisory committees; the procedures governing the meetings of advisory committees, including more explicit rules governing the notice of committee meetings and the nature and degree of public participation in the meetings; rules applying the Freedom of Information Act to committee activities, and availability of transcripts; and important rules dealing with the termination of advisory committees.

Interested persons are invited to submit written comments or suggestions concerning the proposed revision to the Solicitor, Attention: Associate Solicitor for Occupational Safety and Health, U.S. Department of Labor, Washington, D.C. 20210, not later than April 25, 1973.

As revised, Part 1912 would read as follows:

PART 1912—ADVISORY COMMITTEES ON STANDARDS

Sec.
1912.1 Purpose and scope.

ORGANIZATIONAL MATTERS

1912.2 Types of standards advisory committees.
1912.3 Advisory Committee on Construction Safety and Health.
1912.4 Avoidance of duplication.
1912.5 National Advisory Committee on Occupational Safety and Health distinguished.
1912.6 Conflict of interest.
1912.7 Reports.
1912.8 Committee charters.
1912.9 Representation on section 7(b) committees.
1912.10 Terms of continuing committee members.
1912.11 Terms of ad hoc committee members.
1912.12 Termination of advisory committees; renewal.

OPERATION OF ADVISORY COMMITTEES

1912.25 Call of meetings.
1912.26 Approval of agenda.
1912.27 Notice of meetings.
1912.28 Contents of notice.
1912.29 Attendance by members.
1912.30 Quorum; Committee procedure.
1912.31 Experts and consultants.
1912.32 Presence of OSHA officer or employee.
1912.33 Minutes.
1912.34 Freedom of Information Act.
1912.35 Availability and cost of transcripts.
1912.36 Advice of advisory committees.

MISCELLANEOUS

1912.40 General services.
1912.41 Legal services.
1912.42 Reservation.
1912.43 Petitions for changes in the rules; complaints.
1912.44 Definitions.

AUTHORITY: Secs. 6(b), 7(b), 8(g), Public Law 91–596, 84 Stat. 1593, 1597, 1600 (29 U.S.C. 655(b), 656(b), 657(g)). Interpret or apply Public Law 92–463, 86 Stat. 770–778.

§ 1912.1 Purpose and scope.

This part prescribes the policies and procedures governing the composition and functions of advisory committees which have been, or may be, appointed under section 7(b) of the Act to assist the Assistant Secretary in carrying out the standards-setting duties of the Secretary of Labor under section 6 of the Act. Such committees are specifically authorized by section 7(b). The policies and practices herein are intended to reflect those expressed in the Federal Advisory Committee Act (Public Law 92–463, 86 Stat. 770) and will be applied in a manner consistent with the Act, Office of Management and Budget Circular A–63, "Committee Management," and the Department of Labor's general rules under that Act which are published in Part 15 of this title.

ORGANIZATIONAL MATTERS

§ 1912.2 Types of standards advisory committees.

The Assistant Secretary establishes two types of advisory committees under section 7(b) of the Act to assist him in his standards-setting duties. These are: (a) Continuing committees which have been, or may be established, from time to time, to assist in the development of standards in areas where there is frequent rulemaking and the use of ad hoc committees is impractical; and (b) ad hoc committees which are established to render advice in particular rulemaking proceedings.

§ 1912.3 Advisory Committee on Construction Safety and Health.

(a) This part also applies to the Advisory Committee on Construction Safety and Health which has been established under section 107 of the Contract Work Hours and Safety Standards Act (40 U.S.C. 333), commonly known as the Construction Safety Act. The aforesaid section 107 requires the Secretary of Labor to seek the advice of the Advisory Committee in formulating construction standards thereunder. The standards which have been issued under section 107 are published in Part 1926 of this chapter. In view of the far-reaching coverage of the Construction Safety Act, the myriad of standards which may be issued thereunder, and the fact that the Construction Safety Act would also apply to much of the work which is covered by the Williams-Steiger Occupational Safety and Health Act of 1970, whenever occupational safety or health standards for construction activities are proposed, the Secretary shall consult the Advisory Committee. The composition of the Advisory Committee is consistent with that of advisory committees which may be appointed under section 7(b) of the Act. See paragraph (c) of this section. An additional advisory committee will not normally be established under section 7(b) of the Act, unless the issue or issues involved include, but extend beyond construction activity. See § 1912.4 concerning the general policy against duplication of activity by advisory committees.

(b) The Advisory Committee is a continuing advisory body. It is composed of 15 members appointed by the Assistant Secretary, one of whom is appointed by him as Chairman. The composition of the Advisory Committee is as follows:

(1) One member who is a designee of the Secretary of Health, Education, and Welfare;

(2) Five members who are qualified by experience and affiliation to present the viewpoint of the employers involved and five members who are similarly qualified to present the viewpoint of the employees involved;

(3) Two representatives of State safety and health agencies; and

(4) Two members who are qualified by knowledge and experience to make a useful contribution of the work of the Committee.

(c) As originally constituted, the Advisory Committee was composed of nine members. However, pursuant to section 105 of the Contract Work Hours and Safety Standards Act (40 U.S.C. 331), it has been found necessary and proper in the public interest and in order to prevent possible injustice, to vary the composition of the Advisory Committee: (1) By having its membership and representation conform to the provisions of section 7(b) of the Williams-Steiger Occupational Safety and Health Act, and (2) by increasing its membership to 15

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members as permitted under the aforementioned section 7(b). Greater membership and greater representation serves the public interest and avoids possible injustice by permitting for the most part the use of one advisory committee, rather than possibly several advisory committees, in situations where both the Contract Work Hours and Safety Standards Act and the Williams-Steiger Occupational Safety and Health Act may be expected to apply to construction activity and by affording a greater opportunity for representation on the Advisory Committee within the construction industry.

(d) See paragraph (c) of § 1912.5 regarding the general policy role of the Advisory Committee.

(e) Except as provided in remaining paragraphs of this section, each member of the Advisory Committee shall serve for a period of 2 years, unless he becomes unable to serve, or resigns, or ceases to be qualified to serve on the Committee because he no longer meets any relevant representational requirements, or is removed by the Assistant Secretary in the interests of the administration of legislation involved. In such cases, the Assistant Secretary may appoint a new member to serve for the remainder of the unexpired term, who shall be representative of the same interest.

(f) The designee of the Secretary of Health, Education, and Welfare shall have no fixed term.

(g) To provide for continuity in the membership of the Committee, the terms of the members commencing July 1, 1972, shall be appropriately staggered for terms of 1, 2, and 3 years.

(h) Members may be appointed to successive terms.

(i) A member who is otherwise qualified may continue to serve until a successor is appointed.

§ 1912.4 Avoidance of duplication.

No standards advisory committee shall be created if its duties are being, or could be, performed by an existing advisory committee established under section 7(b) of the Act.

§ 1912.5 National Advisory Committee on Occupational Safety and Health distinguished.

(a) Section 7(a) of the Act established a National Advisory Committee on Occupational Safety and Health. The Committee is to advise, consult with, and make recommendations to the Secretary and the Secretary of Health, Education, and Welfare on matters relating to general administration of the Act.

(b) Advisory committees appointed under section 7(b) of the Act, which are the subject of this part, have a more limited role. Such advisory committees are concerned exclusively with assisting the Assistant Secretary in his standards-setting functions under section 6 of the Act.

(c) On the other hand, the Advisory Committee on Construction Safety and Health, established under the Construction Safety Act, provides assistance in both the setting of standards thereunder and policy matters arising in the administration of the Construction Safety Act. To the extent that the Advisory Committee on Construction Safety and Health renders advice to the Assistant Secretary on general policy matters, its activities shall be coordinated with those of the National Advisory Committee on Occupational Safety and Health.

§ 1912.6 Conflict of interest.

No members of any advisory committee other than members representing employer or employee members shall have an economic interest in any proposed rule.

§ 1912.7 Reports.

The Assistant Secretary shall prepare or cause to be prepared, for the Department of Labor's Committee Management Officer reports describing the committee's membership, functions, and actions as may be necessary for the performance of the duties of the Committee Management officer.

§ 1912.8 Committee charters.

(a) Filing: No advisory committee shall take any action or conduct any business subsequent to January 5, 1973, until a committee charter has been filed with the Secretary of Labor, the standing committees of the Congress having legislative jurisdiction of the Department of Labor and the Library of Congress.

(b) Committee charter information: Each committee charter shall contain the following information:

(1) The committee's official designation;

(2) The committee's objectives and scope of activity; i.e., the standard or standards to be developed.

(3) The period of time necessary for the committee to carry out its purposes;

(4) The agency to whom the advisory committee reports (i.e., the Assistant Secretary);

(5) The agency responsible for providing support (i.e., the Occupational Safety and Health Administration);

(6) Description of the committee's duties;

(7) The estimated number and frequency of committee meetings;

(8) The estimated annual operating costs in dollars and man-years;

(9) The committee's termination date or other fixed period of termination, if less than 2 years; and

(10) The date the charter is filed with the Department of Labor's Committee Management Officer.

(c) Applicability of this section to subgroups: The applicability of this section to subgroups of an advisory committee depends upon the nature of the subgroup. With regard to formal subgroups, such as a formal subcommittee of an advisory committee, the requisite information should be set forth either in the charter of the parent committee or in a separate charter. Informal subgroups of an advisory committee, particularly those temporary in nature, need not be reflected expressly in a charter.

(d) The Assistant Secretary shall file any charter to the Department's Committee Management Officer which shall constitute filing with the Secretary of Labor. The Department's Committee Management Officer shall have the responsibility for assuring the appropriate filings of the charters outside the Department. See § 15.3 of this title.

§ 1912.9 Representation on section 7(b) committees.

(a) Any advisory committee appointed by the Assistant Secretary under section 7(b) of the Act shall contain the following:

(1) At least one member who is a designee of the Secretary of Health, Education, and Welfare;

(2) At least one member who is qualified by experience and affiliation to present the viewpoint of the employers involved, and at least one member who is similarly qualified to present the viewpoint of the employees involved. There shall be an equal number of representatives of employers and employees involved; and

(3) At least one representative of State health and safety agencies.

(b) The advisory committee may include such other persons as the Assistant Secretary may appoint who are qualified by knowledge and experience to make a useful contribution to the work of the committee, including one or more representatives of professional organizations of technicians or professionals specializing in occupational safety or health and one or more persons of nationally recognized standards-producing organizations, but the number of persons so appointed shall not exceed the number of persons appointed as representatives of Federal and State agencies.

(c) Each committee shall consist of not more than 15 members.

(d) The representation in the Advisory Committee on Construction Safety and Health is described in § 1910.3 of this chapter.

§ 1912.10 Terms of continuing committee members.

(a) Each member of a continuing committee established under section 7(b) of the Act, other than those appointed to a committee when it is formed initially shall serve for a period of 2 years, unless he becomes unable to serve, or resigns, or ceases to be qualified to serve because he no longer meets the representation requirements of section 7(b) of the Act or is removed by the Assistant Secretary in the interest of the administration of the Act. In such cases the Assistant Secretary may appoint a new member to serve for the remainder of the unexpired term, who shall be representative of the same interest.

(b) To provide for continuity in the membership of each continuing committee the initial appointments of its members shall be varied. For example, in the case of a 15-member committee, the Secretary could appoint four members representing Federal and State agencies and four members representing nongovernmental interests to terms which expire within the year in which they are appointed, and four members representing Federal and State agencies and three

members representing nongovernmental interests to terms which expire within the second year following their appointment. Thereafter, at the expiration of such terms, members would be appointed or reappointed for a regulation term of 2 years. The initial appointments of committees with fewer than 15 members would be similarly varied.

(c) Any vacancies on standing committees shall be filled as soon as practicable.

§ 1912.11 Terms of ad hoc committee members.

Each member of an ad hoc advisory committee shall serve for such period as the Assistant Secretary may prescribe in his notice of appointment unless he becomes unable to serve, or resign, or cease to be qualified to serve because they no longer meet the representational requirements of section 7(b) of the Act, or is removed by the Secretary of Labor in the interest of the administration of the Act. In such cases the Secretary may appoint a new member to serve for the remaining portion of the period prescribed in the notice appointing the original member of the committee.

§ 1912.12 Termination of advisory committees; renewal.

(a) Every standards advisory committee established under section 7(b) of the Act shall terminate not later than 2 years after its charter has been filed, unless its charter is renewed by appropriate action for a successive period of not more than 2 years. The procedure for renewal shall be the same as that specified in paragraph (b) of this section.

(b) Each advisory committee established under section 7(b) of the Act which is in existence on January 5, 1973, shall terminate by January 5, 1975, unless it is renewed before the latter date. Before any advisory committee can be renewed, the Assistant Secretary must determine that such renewal is necessary, and so inform the Department of Labor's Committee Management Officer. The OMB Secretariat must be informed of this determination and the reasons for it. Such determination shall be made not more than 60 days before the scheduled date of termination. If the OMB Secretariat concurs, new charter shall be filed renewing the advisory committee and a notice of the renewal shall be published in the FEDERAL REGISTER.

(c) There shall be filed on behalf of the Advisory Committee on Construction Safety and Health, an advisory committee established by the Construction Safety Act, a charter in accordance with section 9(c) of the Federal Advisory Committee Act upon the expiration of each successive 2-year period following the date of the enactment of the Construction Safety Act (i.e., August 9, 1969).

(d) Unless provided otherwise by the Assistant Secretary, the duration of a subgroup of a committee shall be the same as that of the parent committee.

(e) No advisory committee required to file a new charter under this section shall take any action (other than the preparation and filing of charter) before the date on which the charter is filed.

OPERATION OF ADVISORY COMMITTEES

§ 1912.25 Call of meetings.

No advisory committee shall hold any meeting except at the call of, or with the advance approval, of the Assistant Secretary or his representative designated for this purpose. The Department of Labor's Committee Management Officer shall be promptly informed of any meeting that is called.

§ 1912.26 Approval of agenda.

Each meeting of an advisory committee shall be conducted in accord with an agenda approved by the Assistant Secretary or his representative designated for this purpose. No particular form for the agency is prescribed.

§ 1912.27 Notice of meetings.

Public notice of any meeting of an advisory committee shall be given by the officer or employee calling the meeting at least seven (7) days in advance of the meeting; except when it is impractical to do so, or in an emergency situation, in which event shorter advance notice may be given to the extent that any advance notice is practical. Such notice shall be given by publication in the FEDERAL REGISTER. In addition, notice may be given by such other means as press releases.

§ 1912.28 Contents of notice.

(a) The notice shall give the name of the committee, and the time and place of the meeting.

(b) The notice shall describe fully or summarize adequately the agenda.

(c) The notice shall announce that the meeting is open to the public.

(d) The notice shall indicate that interested persons have an opportunity to file statements in written form with the committee. The notice shall specify whether the statements are to be filed before or during the meeting. However, when a committee is consulted at the decisional stage of a proceeding under § 1911.18 of this chapter, no additional opportunity shall be afforded for written presentations.

(1) In the discretion of the chairman of the meeting, upon consultation with counsel if made available to the committee, oral statements may be made before the committee by interested persons after taking into consideration the number of persons in attendance, the nature and extent of their proposed individual participation, the extent to which presentations would anticipate presentations which may be made in any rule making proceeding held under section 6 of the Act subsequent to the recommendations of the committee, and the time, resources, and facilities available to the committee. In the discretion of the chairman, upon consultation with counsel if made available to the committee, may allow or preclude the questioning of committee members or other participants.

(2) The person calling the meeting may provide in the notice of the meeting that summaries of any proposed oral presentations be filed in advance of the meeting, and may allow or preclude the questioning of committee members or other participants.

(3) Under no circumstances will an opportunity for an oral presentation be afforded when an advisory committee is consulted at the decisional stage of a rule making proceeding.

§ 1910.29 Attendance by members.

Any person appointed by the Assistant Secretary to an advisory committee has the right to attend any duly called meeting. In addition, if any person representing the interests of employers or employees is unable for any reason to attend a duly called meeting of his committee and desires to have someone else represent him at the meeting, he may submit the name of his delegate in advance to the person designated for this purpose by the Assistant Secretary in order that appropriate arrangements may be made before the time of the meeting for the representative to attend and participate in the meeting as a member.

§ 1912.30 Quorum; committee procedure.

(a) A majority of the members of any advisory committee including the Construction Safety Advisory Committee, shall constitute a quorum, so long as there are present at least one member representative of the Secretary of Health, Education, and Welfare, one member representative of a State agency, one member representative of involved employers, and one member representative of involved employees.

(b) In the absence of its chairman, the committee may designate a member to preside at any meeting thereof.

(c) For the purpose of this section, the term "member" shall include any delegate of a member named under § 1912.29.

§ 1912.31 Experts and consultants.

At the request of an advisory committee or the person calling a meeting of an advisory committee, the Assistant Secretary may make available to the committee any experts or consultants in the field involved. Any expert or consultant so made available may participate in the deliberations of the committee with the consent of the committee.

§ 1912.32 Presence of OSHA officer or employee.

The meetings of all advisory committees shall be in the presence of an OSHA officer or employee designated for this purpose. Such officer or employee shall be empowered to adjourn any meeting whenever he determines adjournment to be in the public interest.

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§ 1912.33 Minutes.

(a) Detailed minutes of advisory committee meetings shall be prepared and certified as accurate by the Chairman of the committee for the committee appointed by the person calling the meeting. In addition to the minutes there shall be kept verbatim transcripts of all advisory committee meetings.

(b) The minutes shall include at least the following:

(1) A list of the advisory committee members and agency employees who were present at the meeting;

(2) Any significant conclusions reached which are not recommendations;

(3) Any written information made available for consideration by the committee, including copies of all reports received, issued, or approved by the committee;

(4) Any recommendations made by the committee to the Assistant Secretary and the reasons therefor;

(5) An explanation of the extent, if any, of public participation, including a list of interested persons who presented oral or written statements; and an estimate of the number of the members of the public who attended the meeting.

§ 1910.34 Freedom of Information Act.

Subject to the Freedom of Information Act (5 U.S.C. 552) and Part 70 of this title and Part 1913 of this chapter, there shall be available for public inspection and copying in the Office of Standards, Occupational Safety and Health Administration, documents which were made available to or prepared for or by each advisory committee.

§ 1910.35 Availability and cost of transcripts.

Except where prohibited by contractual agreements entered into before the effective date of the Federal Advisory Committee Act (January 5, 1973), any transcripts of advisory committee meetings are to be made available to any person at the actual cost of duplication.

§ 1912.36 Advice of advisory committees.

Approval by a majority of all the members of an advisory committee is encouraged for rendering advice or making recommendations. However, a failure to marshal a majority of all members of an advisory committee shall not be a reason for not giving advice to the Assistant Secretary. The Assistant Secretary shall be informed of any concurring or dissenting views. If the advice of an advisory committee is not forthcoming within a period of time prescribed by the Assistant Secretary or by the Act, the Assistant Secretary may direct the immediate return of any materials which may have been submitted to the advisory committee.

§ 1912.40 General services.

The Assistant Secretary shall provide supporting services to advisory committees. Such services shall include clerical, stenographic, and other forms of technical assistance.

§ 1912.41 Legal services.

The Solicitor of Labor shall provide such legal assistance as may be necessary or appropriate for advisory committees to carry out their functions in accordance with the requirements of this part.

§ 1910.42 Reservation.

The policies and procedures set forth in this part are intended for general application. In specific situations where the Assistant Secretary determines that different policies or procedures would better serve the objectives of the Act, such policies or procedures may be modified upon appropriate notice to any persons affected by the modification to the extent that such policies or procedures are consistent with the Federal Advisory Committee Act and OMB Circular A-63, and are approved by the Solicitor under Part 15 of this title.

§ 1912.43 Petitions for changes in the rules; complaints.

(a) Each interested person shall have the right to petition for the issuance, amendment, or repeal of rules published in this part. Any such petition will be considered in a reasonable time. Prompt notice shall be given of the denial in whole or in part of any petition. Except in affirming a prior denial or when the denial is self-explanatory, the notice shall be accompanied by a brief statement of the reasons therefor.

(b) Any advisory committee member or any other aggrieved person may file a written complaint with the Assistant Secretary alleging noncompliance with the rules in this part. Any complaint must be timely filed, but in no case shall any complaint be filed later than seven (7) days following the act of alleged noncompliance. Any complaint shall be acted upon promptly and a written notice of the disposition of the complaint shall be provided to the complainant.

§ 1912.44 Definitions.

As used in this Part 1912, unless the context clearly requires otherwise.

(a) "Act" means the Williams-Steiger Occupational Safety and Health Act of 1970 (84 Stat. 1590; 29 U.S.C. 650).

(b) "Advisory Committee" has the meaning set forth in section 3(2) of the Federal Advisory Committee Act. In this part, the term includes any committee or subcommittee appointed under section 7(b) of the Act to provide advice to the Assistant Secretary in the development of occupational safety and health standards under the Act. The term includes subcommittees whether they be formal or informal subgroups. An informal subgroup is a type having few characteristics of a formal advisory committee (e.g., during a meeting of a formal advisory committee it might divide itself into informal subgroups to permit simultaneous discussion of several topics).

(c) "Assistant Secretary" means the Assistant Secretary of Labor for Occupational Safety and Health.

(d) "Committee charter" means an order, statement or proclamation of the Assistant Secretary establishing, continuing, or using an advisory committee, as the case may be.

(e) "Construction Safety Act" means section 107 of the Contract Work Hours and Safety Standards Act (83 Stat. 96; 40 U.S.C. 333).

Signed at Washington, D.C. this 20th day of March 1973.

CHAIN ROBBINS,
Acting Assistant Secretary of Labor.

[FR Doc.73-5705 Filed 3-23-73;8:45 am]

INTERSTATE COMMERCE COMMISSION

[49 CFR Part 1322]

[Ex Parte Nos. 73, MC-1]

MOTOR CARRIERS

Payment of Rates and Charges

At a general session of the Interstate Commerce Commission, held at its office in Washington, D.C., on the 14th day of March 1973.

In these proceedings we propose to study recent developments which may have caused or significantly contributed to difficulties being encountered by certain carriers subject to our jurisdiction in the proper extension of credit and the timely collection of their lawful charges. Our inquiry herein will also be aimed at determining what, if any, effect upon carrier compliance with our current credit regulations may stem from various practices assertedly engaged in by shippers and other parties responsible for payment of the lawful charges of those carriers and what corrective measures may or should be implemented to bring about any improvement therein in the public interest.

On December 22, 1971, the American Trucking Associations filed a petition requesting the Commission to reopen Ex Parte No. MC-1 for the purpose of considering the desirability of amending the Commission's rules and regulations governing the extension of credit by motor common carriers of property to shippers, 49 CFR Part 1322, and more specifically for the consideration of the following proposed amendment to those regulations, to be designated as § 1322.6:

§ 1322.6 Required payment by shippers within prescribed period.

Shippers to whom credit has been extended under the provisions of this part must pay the required transportation charges within the credit period prescribed herein.

Good cause has been shown for reopening for further hearing this proceeding for the purpose of considering whether the credit regulations may and/or should be amended as proposed and, further, to consider all alternatives available to assure the prompt payment of freight bills by shippers and the proper extension of credit by certain carriers.

Examples of the possible alternatives available are:

(1) Extending the credit period;

(2) Tariff provisions containing penalties for the late payment of rates and charges; and

(3) A regulation requiring any carrier whose rates and charges have not been paid by the responsible party within the credit period to report that fact to the Commission together with the name of the offending party, the publication by the Commission on a periodic basis of a list of parties in arrears, and a regulation prohibiting any carrier subject to section 3(2) and/or 223 of the Interstate Commerce Act from extending credit to the parties on the current periodic list.

Consideration should also be given to amending in similar fashion, or by means of available alternatives, the credit regulations relating to common carriers by railroad, 49 CFR 1100.1320 et seq. and, therefore, good cause exists for reopening for further hearing the proceeding in Ex Parte No. 73.

Unless a need therefor should later appear, no oral hearing should be scheduled, for the receipt of testimony, but respondents or any other interested party should be permitted, after a service list has been compiled, to file written statements of facts, views, and arguments under the modified procedure.

It is ordered, That the petition of American Trucking Association, Inc., filed December 22, 1971, be, and it is hereby, granted to the extent indicated above; that Ex Parte No. 73 and Ex Parte No. MC-1 be, and they are hereby, reopened for the purposes mentioned above; and that consideration be given not only to the proposed amendment but also to all alternatives available to assure prompt payment of freight bills by shippers, and the proper extension of credit by common carriers by railroad and motor common carriers.

It is further ordered, That all common carriers by railroad and all motor common carriers of property which are subject to the Interstate Commerce Act be, and they are hereby, made respondents in these proceedings, respectively.

It is further ordered, That the Commission's Bureau of Enforcement be, and it is hereby, authorized and directed to participate in these proceedings.

It is further ordered, That the Executive Office of the President, Office of Consumer Affairs and the U.S. Department of Transportation be, and they are hereby, invited to participate actively in these proceedings.

It is further ordered, That these proceedings be handled on a consolidated record.

It is further ordered, That any person intending to participate in these proceedings by submitting initial or reply statements, or otherwise, shall notify this Commission, by filing with the Secretary, Interstate Commerce Commission, on or before April 30, 1973, the original and one copy of a statement of his intention to participate.

It is further ordered, That, to save time and expense to the public, the service of pleadings shall be limited to parties who file a statement of intention to take an active part in the proceedings which describes their interests and whether such interests extend either to: (a) Receiving only Commission releases, or (b) additionally receiving or filing initial or reply statements including a statement explaining whether the parties' interests can be expressed jointly with other parties (and any other suggestions to reduce the service list); that this Commission shall then prepare and make available to all such persons a list containing the names and addresses of all parties desiring to participate in these proceedings and upon whom copies of all statements must be filed; and that at the time of service of this service list the Commission will fix the time for filing and serving statements under the modified procedure.

It is further ordered, That while this proceeding does not currently appear to be a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969, statements filed by parties participating in these proceedings shall indicate the presence or absence of any effect of the recommendations made therein to this Commission on the quality of the human environment. Cf. Implementation–National Environmental Policy Act, 1969, 340 ICC 431 (1972).

And it is further ordered, That statutory notice of the institution of these proceedings be given to the general public by mailing a copy of this order to the Governor of every State and to the Public Utilities Commissions or Boards of each State having jurisdiction over transportation, by depositing a copy of this order in the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., for public inspection, and by delivering a copy thereof to the Director, Division of the Federal Register, for publication in the FEDERAL REGISTER.

NOTE: Statements submitted will be available for public inspection at the offices of the Interstate Commerce Commission, 12th and Constitution Avenue NW., Washington, D.C., during regular business hours.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.73-5717 Filed 3-23-73;8:45 am]

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Notices

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF THE INTERIOR

Bureau of Mines

METAL AND NONMETALLIC MINE HEALTH AND SAFETY SYMPOSIUM ON TALC DUST HAZARDS

Notice of Public Meeting

The Bureau of Mines is conducting a study on the hazards caused by talc dust to those persons working in the metal and nonmetallic mineral industries. Federal mandatory standards §§ 55.5–1, 56.5–1, and 57.5–1, codified in Title 30, Code of Federal Regulations, Parts 55, 56, and 57, respectively, provide that exposure to airborne contaminants of persons working in a metal and nonmetallic mine shall not exceed, on a time weighted average, the threshold limit values adopted by the American Conference of Governmental Industrial Hygienists. Excursions above the listed threshold limit values shall not be of a greater magnitude than is characterized as permissible by the Conference. Talc is considered under two classifications by the Conference. One is for talc alone and the other is for talc fibrous. Fibrous talc generally contains tremolite and both fibrous talc and tremolite are treated as asbestos by the Conference.

The Bureau of Mines is gathering data relating to the occupational hazards of talc, fibrous talc and tremolite. Notice is hereby given that a symposium open to the public will be held in Washington, D.C., starting at 9 a.m., on May 8, 1973, in the auditorium, Department of the Interior, 18th and C Streets NW.

Any member of the public and all interested persons including miners, representatives of miners, labor officials, mine operators, associations, members of the medical profession, and State and Federal officials wishing to make a presentation may do so by notifying the Chief, Division of Health, Room 4518, Metal and Nonmetal Mine Health and Safety, Bureau of Mines, Washington, D.C. 20240, telephone number 202–343–6315. Presentations should include information relating to the characterization of airborne dust from mining and milling of minerals containing talc and tremolite, and where possible, medical data related to disease and exposure to talc and tremolite dust from mining and milling. All persons attending the symposium will be given an opportunity to make an oral presentation. Written presentations may be mailed or delivered to the Chief, Division of Health, before, during and for a reasonable time after the public meeting, which will be announced at the conclusion of the meeting.

JOHN B. RIGG,
Deputy Assistant Secretary of the Interior.

MARCH 20, 1973.

[FR Doc.73–5667 Filed 3–23–73;8:45 am]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

SHIPPERS ADVISORY COMMITTEE MEETING

Notice of Public Meeting

Pursuant to the provisions of section 10(a)(2) of Public Law 92–463, notice is hereby given of a meeting of the Shippers Advisory Committee established under Marketing Order No. 905 (7 CFR Part 905). This order regulates the handling of oranges, grapefruit, tangerines, and tangelos grown in Florida and is effective pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). The committee will meet in the auditorium of the Florida Citrus Mutual Building, 302 South Massachusetts Avenue, Lakeland, FL, at 10:30 a.m., local time, on April 3, 1973.

The meeting will be open to the public and a brief period will be set aside for public comments and questions. The agenda of the committee includes the receipt and review of market supply and demand information incidental to consideration of the need for regulation of shipments of any grade or size of the named fruits, including export shipments, and the size, capacity, weight, dimensions or pack of the containers used in export shipments other than to Canada or Mexico.

Dated: March 22, 1973.

JOHN C. BLUM,
Deputy Administrator, Regulatory Programs.

[FR Doc. 73–5791 Filed 3–23–73;8:45 am]

Animal and Plant Health Inspection Service

HUMANELY SLAUGHTERED LIVESTOCK

Identification of Carcasses; Changes in List of Establishments

Pursuant to section 4 of the Act of August 27, 1958 (7 U.S.C. 1904), and the statement of policy thereunder in 9 CFR 391.1, the list (38 FR 5124) of establishments which are operated under Federal inspection pursuant to the Federal Meat Inspection Act, as amended (21 U.S.C. 601 et seq.), and which use humane methods of slaughter and incidental handling of livestock is hereby amended as indicated in the following table listing species at additional establishments and an additional species at a previously listed establishment that have been reported as being slaughtered and handled humanely.

Name of Establishment	Establishment No.	Cattle	Calves	Sheep	Goats	Swine	Equines
Missouri Beef Packers, Inc.	4730	(*)					
Nebraskaland Dressed Beef Co.	1318	(*)					
Eckert's, Inc.	6417	(*)					(*)
Brown's Processing Plant	8717	(*)	(*)	(*)	(*)	(*)	(*)
New establishments reported: 4.							
Bergman Meat Packing Co., Inc.	6788		(*)				
Species added: 1.							

Done at Washington, D.C., on March 16, 1973.

F. J. MULHERN,
Administrator, Animal and Plant Health Inspection Service.

[FR Doc.73–5576 Filed 3–23–73;8:45 am]

Federal Crop Insurance Corporation

[Notice 68]

CANNING AND FREEZING PEAS—IDAHO AND UTAH

Extension of the Closing Date for Filing of Applications for the 1973 Crop Year

Pursuant to the authority contained in § 401.103 of Title 7 of the Code of Federal Regulations, the time for filing applications for canning and freezing pea crop insurance for the 1973 crop year in the Idaho and Utah counties listed below is hereby extended until the close of business on March 30, 1973. Such applications received during this period will be accepted only after it is determined that no adverse selectivity will result.

Idaho	
Franklin.	
Utah	
Box Elder.	Salt Lake.
Cache.	Utah.
Davis.	Weber.

[SEAL] D. W. MCELWRATH,
Acting Manager, Federal Crop Insurance Corporation.

[FR Doc.73–5663 Filed 3–23–73;8:45 am]

DEPARTMENT OF COMMERCE

Maritime Administration

HEDGE HAVEN FARMS, INC.

Application for Construction-Differential Subsidy

Notice is hereby given that pursuant to title V of the Merchant Marine Act, 1936, as amended, Hedge Haven Farms, Inc. filed an application on March 19, 1973, for a construction-differential subsidy to aid in the construction of three ore/bulk/oil vessels of about 80,500 dwt for use in the foreign commerce of the United States.

Interested parties may inspect this application in the Office of the Secretary, Room 3099–B, Maritime Administration, Commerce Department Building, 14th and E Streets NW., Washington, DC 20035.

Dated: March 21, 1973.

By order of the Maritime Subsidy Board, Maritime Administration.

JAMES S. DAWSON, Jr.,
Secretary.

[FR Doc.73–5722 Filed 3–23–73;8:45 am]

THIRD GROUP, INC.

Application for Construction-Differential Subsidy

Notice is hereby given that pursuant to title V of the Merchant Marine Act, 1936, as amended, Third Group, Inc., filed an application on February 16, 1973, as amended on March 2 and 12, 1973, for a construction-differential subsidy to aid in the construction of four oil tankers of 87,000 dwt for use in the foreign commerce of the United States.

Interested parties may inspect this application in the Office of the Secretary, Room 3099–B, Maritime Administration, Commerce Department Building, 14th and E Streets NW., Washington, D.C. 20035.

Dated: March 21, 1973.

By order of the Maritime Subsidy Board, Maritime Administration.

JAMES S. DAWSON, Jr.,
Secretary.

[FR Doc.73–5723 Filed 3–23–73;8:45 am]

[Report No. 122]

FREE WORLD AND POLISH FLAG VESSELS ARRIVING IN CUBA

List

SECTION 1. The Maritime Administration is making available to the appropriate Departments the following list of vessels which have arrived in Cuba since January 1, 1963, based on information received through December 27, 1972, exclusive of those vessels that called at Cuba on U.S. Government-approved noncommercial voyages and those listed in section 2. Pursuant to established U.S. Government policy, the listed vessels are ineligible to carry U.S. Government-financed cargoes from the United States.

Flag of Registry and Name of Ship	Gross tonnage
Total—all flags (166 ships)	1,263,930
Cypriot (81 ships)	675,752
Aegis Banner	9,024
Aegis Eternity	8,814
Aegis Fame	9,072
Aegis Hope (previous trips to Cuba as the Huntsmore—British)	5,678
**Aegis Legend (previous trip to Cuba—Greece)	8,925
Aegis Loyal	10,405
Aegis Strength	9,305
Affadelfos	8,136
Aghios Ermolaos	7,208
Aghios Nicolaos	7,254
Alamar	11,929
Alda	7,292
*Alexandros Skoutaris	8,280
Alfa	7,388
Alma	9,097
Alpa	9,159
Amarilis	8,959
Anemone	7,168
Annunication Dey	8,047
Antigoni	3,174
Areti	8,406
Arion	3,570
**Aris (trips to Cuba as Aris II)	9,561
Armar	9,559
Artigas	5,841
Baracoa	9,242
Begonia	6,576
Byron	8,720
Camelia	8,111
Castalia	7,641
Cleo II	7,590
Cleopatra	8,079
Degedo	9,000
Dorine Papalios (previous trips to Cuba as the Formentor—British)	8,424
E. D. Papalios	9,431
Elpida	8,296
**Eftyhia (trips to Cuba—Greek)	10,347
Free Trader (previous trips to Cuba—Lebanese)	7,061
Gardenia	9,744
George	7,378
George N. Papalios	9,071
Georgios C. (previous trips to Cuba as the Huntsfield—British and Cypriot)	9,483
Georgios T.	9,646
Giannis	7,490
Goodluck	6,952
Happy Land	9,080
Herodemos	7,356
Hymettus	11,771
Iiena (previous trips to Cuba—Lebanese)	5,925
Iris	8,479
June	9,357
Kentavoras	10,173
Kitsa	9,519
Magnolia	7,176
Master George	7,334
May	8,853
Mimis N. Papalios	9,069
Mimosa	8,618
Miss Papalios	9,072
Nea Hellas	9,241
Nedi 2	7,679
**Newheath (trips to Cuba—British)	7,643
Nike	9,505
Noelle (previous trips to Cuba—Lebanese)	7,251
Pantazis Calas	9,618
Petunia	7,843
Protoapostolos	6,130
Protokilitos	6,154
Ravens	8,036
Reifens	8,071
Rothens	8,113
Salvia	8,522
Silver Coast	7,328
Silver Hope	5,313
Stavros T.	10,407
Successor	11,471
Telenikis	12,303
Theoskepasti	6,618
Torenia	8,077
Venturer	9,000
Zinnia	7,114
British (16 ships)	129,953
Arctic Ocean	8,791
Athelmonarch (tanker)	11,182
Cheung Chau	8,566
Coral Islands	8,673
Golden Bridge	7,897
Ho Fung	7,121
Ivory Islands	9,718
Magister	2,239
Sea Amber	10,421
Sea Coral	10,421
**Empress (trips to Cuba as the Sea Empress)	9,841
Sea Moon	9,085
Seasage	4,330
**Shun Wah (trip to Cuba as the Vercharmian—British)	7,265
Steed	8,989
Yuglutaton	5,414
Polish (16 ships)	114,650
Baltyk	6,984
Bytom	5,967
Chopin	9,231
Chorzow	7,237
Energetyk	10,876
Grodziec	3,379
Huta Labedy	7,221
Huta Ostrowiec	7,179
Huta Zgoda	6,840
Hutnik	10,847
Kopalnia Czladz	7,252
Kopalnia Siemianowice	7,165
Kopalnia Wujek	7,033
Piast	3,184
Rejowiec	3,401
Transportowiec	10,854
Somali (17 ships)	138,136
**Atlas (trip to Cuba—Finnish)	3,916
Ber Sea	8,269
Dimitrakis	7,829
Feihang	8,924
Feita	8,903
**Fortune Enterprise (trips to Cuba—British)	7,696
Hemisphere (previous trips to Cuba—British)	8,718
Jade Islands	10,270
**Kinvross (previous trips to Cuba—British)	5,388
Marbella	8,409
Nebula (previous trips to Cuba—British)	8,907
**New East Sea (previous trips to Cuba—British)	9,679
*Onyx Islands	8,618
**Oriental (trips to Cuba as the Oceantramp—British)	6,185
Eastglory (previous trips to Cuba—British)	8,995

See footnotes at end of document.

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Somali—Continued	Gross tonnage
**Jollity (trips to Cuba—British)	8,819
**Venice (trips to Cuba—British)	8,611
Yugoslav (8 ships)	56,740
Agrum	2,449
Bar	8,776
Cetinje	8,229
Niksic	10,067
Piva	7,519
Plod	3,657
Ulcinj	8,602
Tara	7,441
Greek (5 ships)	34,282
Andromachi (previous trips to Cuba as the Penelope—Greek)	6,712
**Anna Maria (trips to Cuba as the Helka—British)	2,111
Ariadne	6,487
**Lambros M. Fatsis (trips to Cuba as the Lahortensia—British)	9,486
**Pothiti (trips to Cuba as the Huntsville—British)	9,486
French (6 ships)	13,840
**Atlanta (trip to Cuba as the Enee—French)	1,232
Circe	2,874
Danae	3,486
**Urdazuri II (trips to Cuba as the Melke—Netherlands)	500
**Nelle	2,874
Nelle	2,874
Italian (4 ships)	45,261
Alderamine (tanker)	12,505
Ella (tanker)	11,021
San Nicola	12,451
San Francisco	9,284
Netherlands (4 ships)	3,860
Gerda	1,190
Markab II	768
Rochab	787
Tempo	1,115
Moroccan (2 ships)	4,739
El Mansour Billah	1,525
Marrakech	3,214
Singapore (2 ships)	17,287
**Hwa Chu (trips to Cuba—British	9,091
Tong Hoe	8,196
Guinean (1 ship)	852
**Drame Oumar (trip to Cuba as the Neve—French)	852
Lebanese (1 ship)	6,259
Antonis	6,259
Maltese (1 ship)	5,333
Timios Stavros (previous trips to Cuba—British and Greek)	5,333
Pakistani (1 ship)	8,706
**Maulabaksh (trips to Cuba as the Phoenician Dawn and East Breeze—British)	8,706
Panama (1 ship)	9,278
**Kika (trips to Cuba as the Santa Lucia—Italian)	9,278

SEC. 2. In accordance with approved procedures, the following vessels listed in this section which called at Cuba after January 1, 1963, have reacquired eligibility to carry U.S. Government-financed cargoes from the United States by virtue of the persons who control the vessels having given satisfactory certification and assurance:

(a) That such vessels will not, thenceforth, be employed in the Cuban trade so long as it remains the policy of the U.S. Government to discourage such trade; and

(b) That no other vessels under their control will thenceforth be employed in the Cuban trade, except as provided in paragraph (c); and

(c) That vessels under their control which are covered by contractual obligations, including charters, entered into prior to December 16, 1963, requiring their employment in the Cuban trade shall be withdrawn from such trade at the earliest opportunity consistent with such contractual obligations.

FLAG OF REGISTRY AND NAME OF SHIP

a. Since last report:
None.
b. Previous reports:

Flag of Registry:	Number of ships
British	49
Cypriot	10
Danish	1
Finnish	4
French	4
Germany (West)	1
Greek	31
Israeli	1
Italian	15
Japanese	1
Kuwaiti	1
Lebanese	9
Liberia	1
Moroccan	2
Norwegian	5
Singapore	1
Somali	1
Spanish	6
Sweden	1
Yugoslav	2
Total	146

SEC. 3. The following number of vessels have been removed from this list since they have been broken up, sunk, or wrecked.

a. Since last report:

	Gross tonnage
Aurora (Cypriot)	8,380
Mitera Irini (Cypriot)	7,291
Rosetta Maud (British)	5,795
Zaira (Cypriot)	8,032

b. Previous reports.

Flag of Registry:	Broken up, sunk, or wrecked
British	33
Cypriot	74
Finnish	6
French	1
Greek	19
Italian	4
Japanese	1
Lebanese	37
Maltese	2
Polish	5
Monaco	1
Moroccan	1
Norwegian	1
Pakistan	1
Panamanian	9
Singapore	1
Somali	1
South Africa	2
Swedish	1
Yugoslav	7
Total	207

SEC. 4. The ships listed in sections 1 and 2 have made the following number of trips to Cuba since January 1, 1963, based on information received through December 27, 1972.

Flag of registry	1963	1964	1965	1966	1967	1968	1969	1970	1971	1972	Total
British	133	180	126	101	78	62	45	53	18	10	806
Cypriot		1	17	27	42	68	115	199	173	86	728
Lebanese	64	91	58	25	16	16	4	1			275
Greek	99	27	23	27	20	7			1	1	214
Italian	16	20	24	11	11	10	15	13	9		129
Yugoslav	12	11	15	10	14	9	6	7	9	5	98
French	8	9	9	10	10	4	2	5	2	2	61
Finnish	1	4	5	11	12	8	2	1			44
Spanish	9	17									26
Norwegian	14	10								1	24
Moroccan	9	13	1								24
Maltese		2	6	1	4	8	1	2	6	6	36
Somali		4	2		2	11	7	4		8	14
Netherlands	3	3									6
Sweden		2	1								3
Kuwaiti			2								2
Israeli	1					1					2
Japanese	1										1
Danish	1										1
German (West)	1		1								1
Haitian				1					1		1
Monaco											1
Singapore											
Subtotal	371	394	290	224	218	204	197	285	219	119	2,521
Polish	18	16	12	10	11	7	2	3	4		83
Grand total	389	410	302	234	229	211	199	288	223	119	2,604

NOTE: Trip totals in section 4 exceed ship totals in Sections 1 and 2 because some of the ships made more than one trip to Cuba. Monthly totals subject to revision as additional data becomes available.

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*Added to Report 121 appearing in the FEDERAL REGISTER issue of March 8, 1973.

**Ships appearing on the list which have made no trips to Cuba under their present registry.

Dated: March 19, 1973.

By order of the Assistant Secretary of Commerce for Maritime Affairs.

JAMES S. DAWSON, Jr.
Assistant Secretary.

[FR Doc.73-5638 Filed 3-23-73;8:45 am]

Office of Import Programs

MAYO FOUNDATION

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (37 FR 3892 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C.

Docket No. 73-00244-33-90000. Applicant: Mayo Foundation, 200 First Street SW., Rochester, MN 55901. Article: Emiscanner System. Manufacturer: E.M.I., Ltd., United Kingdom. Intended use of article: The article is intended to be used for radiologic examination of the head during screening of groups of patients and for more accurately delineating the disease processes found in a study aimed at developing protocol for clinical trial thereof. Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States.

Reasons: The foreign article is a newly developed instrument for radiologic examination of the head which is designed to provide a more precise localization and delineation of brain tumor and other disease. We are advised by the Department of Health, Education, and Welfare (HEW) in its memorandum dated March 6, 1973, that the high sensitivity and precision with minimum dosage which the foreign article provides is pertinent to the applicant's research studies. HEW further advises that it knows of no domestic instrument of equivalent scientific value to the foreign article for the applicant's intended purposes.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

B. BLANKENHEIMER,
Acting Director,
Office of Import Programs.

[FR Doc.73-5708 Filed 3-23-73;8:45 am]

Social and Economic Statistics Administration

CENSUS ADVISORY COMMITTEE OF THE AMERICAN ECONOMIC ASSOCIATION

Notice of Public Meeting

The Census Advisory Committee of the American Economic Association will convene on April 2, 1973, at 10 a.m., and April 3, 1973, at 9:30 a.m. The Committee will meet in Room 2113, Federal Building 3, at the Bureau of the Census in Suitland, Md.

The Census Advisory Committee of the American Economic Association was established in 1960 to advise the Director, Bureau of the Census, on technical matters, level of accuracy, and conceptual problems.

The Committee is composed of 15 members appointed by the president of the American Economic Association.

The agenda for the April 2 meeting is: (1) General review of staff changes, programs and budget, and other current topics, (2) agriculture census update on plans for 1974 and 1975, (3) future program plans, (4) staff development, (5) 1972 economic censuses progress report and publication plans, (6) report on mid-decade population survey, and (7) review of activities in the household survey area.

The agenda for the April 3 meeting is: (1) Dissemination of census data including micro data samples, (2) review of preliminary results from the Survey of Manufacturing Capacity, (3) preliminary results from the Decennial Evaluation Program, and (4) weekly retail sales data and seasonal adjustment.

A limited number of seats, approximately 15, will be available to the public. A brief period will be set aside for public comment and questions. Extensive questions or statements must be submitted in writing to the Committee Guidance and Control Officer at least 3 days prior to the meeting.

Persons wishing additional information concerning this meeting should contact the Committee Guidance and Control Officer, Mr. James Turbitt, Associate Director for Economic Operations, Bureau of the Census, Room 2061, Federal Building 3, Suitland, Md. (Mail address: Washington, D.C. 20233.) Telephone 301—763-5274.

Dated: March 21, 1973.

JOSEPH R. WRIGHT, Jr.,
Acting Administrator, Social and Economic Statistics Administration.

[FR Doc.73-5707 Filed 3-23-73;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of the Secretary

TUSKEGEE SYPHILIS STUDY AD HOC ADVISORY PANEL

Notice of Meeting

The meeting of the Tuskegee Syphilis Study Ad Hoc Advisory Panel to be held on March 28, 1973, as previously announced in the FEDERAL REGISTER on March 14 will be open to the public for the morning session only.

The afternoon session will be closed to the public in accordance with a determination made by the Department of Health, Education, and Welfare. This session will be devoted solely to the formulation of the advice which will be submitted to the Assistant Secretary for Health in the Panel's final report, taking into consideration the materials discussed at prior meetings, as well as testimony received from persons associated with the study and materials submitted by the general public. No person other than members of the Panel, and staff members who are DHEW employees will be present. The formulation of this report will involve the exchange of opinions, views, and judgments of the members. These opinions, views, and judgments if reduced to writing would be protected from mandatory disclosure under 5 U.S.C. 552(b)(5). The final report will be made available to the public after it has been received by the Assistant Secretary for Health.

This meeting will begin at 10 a.m. in Conference Room 3, Building 31, National Institutes of Health, Bethesda, Md. A summary of the meeting and a roster of Panel members may be obtained from Mr. John Blamphin (202-962-7906), Room 5614, Department of Health, Education, and Welfare, North Building, 330 Independence Avenue SW., Washington DC 20201.

Dated: March 19, 1973.

R. C. BACKUS,
Executive Secretary, Tuskegee Syphilis Study Ad Hoc Advisory Panel.

[FR Doc.73-5833 Filed 3-23-73;10:41 am]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

FLIGHT SERVICE STATION AT CLARENCE CANNON MEMORIAL AIRPORT, KIRKSVILLE, MO.

Notice of Decommissioning

Notice is hereby given that on or about April 29, 1973, the Flight Service Station at Clarence Cannon Memorial Airport, Kirksville, Mo., will discontinue operation as an FAA facility. Service to the aviation public of Kirksville, Mo., formerly provided by this facility will be provided by the Columbia, Mo., Flight Service Station. This information will be

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reflected in the FAA Organization Statement the next time it is reissued.

Issued in Kansas City, Mo., March 15, 1973.

CHESTER W. WELLS,
Acting Director, Central Region.

[FR Doc.73-5655 Filed 3-23-73;8:45 am]

Federal Highway Administration

URBAN HIGHWAY SYSTEMS

Exemption From Highway Beautification Program

Notice is hereby given that on March 6, 1973, the Acting Federal Highway Administrator made the following determination under the cited authority:

Under 23 U.S.C. section 103(2) and the powers delegated to me by 49 CFR 1.48(b), I hereby determine that the provisions of 23 U.S.C. sections 131 and 136, shall not apply to the Federal-aid urban system. I believe application of 23 U.S.C. sections 131 and 136 to other roads in the urban system would be inconsistent with 23 U.S.C. 103(d) for the following reasons:

1. It was not the purpose or intent of creation of the Urban System to subject more highways to outdoor advertising and junkyard control.

2. Outdoor advertising and junkyards are already largely subject to zoning control in urban areas. Additional control is not there needed and such control might be inconsistent with the goals and objectives of local planning.

3. The purpose of the Highway Beautification Act, with its exemption of commercial and industrial areas, would not particularly be served by having it apply to urban areas where local zoning usually already controls outdoor advertising and junkyards.

4. The Urban System is presently being developed and new routes should not be made subject to outdoor advertising and junkyard control until the system is less subject to change.

5. The Highway Beautification Commission created by the 1970 Federal-Aid Highway Act is going to report on changes in outdoor advertising control, and new areas should not be subject to control in the interim.

6. The beautification cost estimates and appropriations upon which Congress acted did not consider the new Federal-aid Urban System areas for control.

7. State highway beautification laws passed prior to the creation of the Urban System only apply to the primary and Interstate systems.

Issued on March 14, 1973.

R. R. BARTELSMEYER,
Acting Federal Highway Administrator.

[FR Doc.73-5680 Filed 3-23-73;8:45 am]

National Highway Traffic Safety Administration

NATIONAL HIGHWAY SAFETY ADVISORY COMMITTEE AD HOC TASK FORCE ON ADJUDICATION

Notice of Public Meeting

On March 31 and April 1, 1973, the National Highway Safety Advisory Committee's Ad Hoc Task Force on Adjudication will hold an open meeting at the Sir Francis Drake Hotel, Powell and Sutter Streets, San Francisco, Calif.

The National Highway Safety Advisory Committee is composed of 35 members appointed by the President in accordance with the Highway Safety Act of 1966 (23 U.S.C. 401 et seq.). The Committee consists of representatives of State and local governments, State legislatures, public and private interests contributing to, affected by, or concerned with highway safety, other public and private agencies, organizations, and groups demonstrating an active interest in highway safety, and research sicentists and other experts in highway safety.

The Advisory Commitee advises, consults with, and makes recommendations to the Secretary of Transportation on matters relating to the activities of the Department in the field of highway safety. The Committee is specifically authorized: (1) To review research projects or programs, and (2) to review, prior to issuance, standards proposed to be issued by the Secretary under the national highway safety program.

The Ad Hoc Task Force on Adjudication is composed of attorneys and judges from the full Committee and has been assigned the task of exploring means for effective adjudication of traffic offenses, including administrative adjudication, and to consider the ramifications of sentencing alternatives. The task force will report the results of its findings to the full Committee at its spring meeting.

The Ad Hoc Task Force will meet from 9:30 a.m. until 4:30 p.m. on March 31 with the following agenda:

Review Court Reorganization Program in California;
Effect on Traffic Safety of California's Traffic Safety Adjudication Program;
Report of Denver Symposium on Effective Highway Safety Offense Adjudication.

On April 1, the Ad Hoc Task Force will meet from 9:30 a.m. until noon preparing the task force report to the National Highway Safety Advisory Committee.

This notice is given pursuant to section 10(a)(2) of Public Law 92-463, Federal Advisory Committee Act (FACA), effective January 5, 1973.

For further information, contact the NHTSA Executive Secretary, Room 5215, 400 Seventh Street SW., Washington, DC, telephone 202—426-2872.

Issued on March 21, 1973.

CALVIN BURKHART,
Executive Secretary.

[FR Doc.73-5782 Filed 3-23-73;8:45 am]

ATOMIC ENERGY COMMISSION

[Dockets Nos. 50-295, 50-304]

COMMONWEALTH EDISON CO.

Notice of Time and Place of Hearing

Take notice, that pursuant to the Atomic Energy Commission's notice of hearing issued September 29, 1972, published in the FEDERAL REGISTER (37 FR 20995, Oct. 5, 1972) and in accordance with the Commission's rules of practice, a hearing will be held to consider the application of the Commonwealth Edison Co., for facility operating licenses to authorize the operation of pressurized water reactors, identified as Zion Nuclear Power Station, Units 1 and 2, at the applicant's site in Lake County, Ill. The evidentiary hearing on health and safety issues will commence on April 2, 1973, at 12 noon, local time, in the Lake County Assembly Room, 10th floor, Lake County Building, Waukegan, Ill. 60085. The portion of the hearing relating to environmental issues will immediately follow the close of the health and safety portion.

The evidentiary hearings will continue from 12 noon, local time on Monday until 12 noon, on Friday of each week, with daily hours of 9:30 a.m. to 5 p.m. After the first 2 weeks (April 2-13), a determination will be made on a schedule for the week of April 16th, which week contains both Passover and Good Friday.

All members of the public are entitled to attend the hearing.

Issued at Washington, D.C., this 20th day of March 1973.

For the Atomic Safety and Licensing Board.

THOMAS W. REILLY,
Chairman.

[FR Doc.73-5660 Filed 3-23-73;8:45 am]

[Dockets Nos. 50-413; 50-414]

DUKE POWER CO.

Notice and Order for Special Prehearing Conference

In the matter of Duke Power Co. (Catawba Nuclear Station Units 1 and 2), Dockets Nos. 50-413, 50-414.

Notice is hereby given that, pursuant to the Atomic Energy Commission's Notice of Hearing on Application for Construction Permit, published in the FEDERAL REGISTER on December 1, 1972 (37 FR 25560), and in accordance with § 2.751a of said Commission's rules of practice, 10 CFR Part 2, a Special Prehearing Conference will be held in the above-captioned proceeding on Thursday, April 5, 1973, at 10 a.m., local time in the Magistrates' Courtroom at 529 South York Street, Rock Hill, SC 29730.

This Special Prehearing Conference will be held before the Atomic Safety and Licensing Board established by the Commission on January 30, 1973, and composed of Dr. Frederick P. Cowan, Mr. Ralph S. Decker, and Max D. Paglin,

Esq., Chairman, with Dr. Marvin M. Mann, the technically-qualified alternate, and Frederic T. Suss, Esq., the alternate chairman.

This Special Prehearing Conference will deal with the following matters:

1. Pending petitions for intervention and oppositions and responses thereto filed in this proceeding;
2. Requests for limited appearances;
3. Consideration of a schedule for further action; and
4. Such other matters as may aid in the orderly and expeditious conduct of the hearing.

At the Special Prehearing Conference, the Board will entertain oral argument on the pending petition to intervene by The Carolina Environmental Study Group. In connection with said oral argument, petitioner and counsel for the parties shall address themselves to the matters regarding the basis for intervention, including particularly the matters set forth in § 2.714 dealing with untimely petitions to intervene and the matters set forth in section III, intervention and limited appearances of Appendix A to Part 2 of the Commission's rules of practice, as amended.

In addition, the Board will expect to be advised by the petitioner for intervention regarding the identity of the members of its organization and other members of the public which it purports to represent, and to state how the aforementioned individuals' interests will be affected by the proposed Catawba Nuclear Plant.

Members of the public are invited to attend this Special Prehearing Conference as well as the Evidentiary Hearing to be held at a later date to be fixed by the Board. Members of the public wishing to make limited appearances may identify themselves at this Special Prehearing Conference, but oral or written statements to be presented by limited appearance will not be received at this Conference. The Board will receive such statements at the aforementioned Evidentiary Hearing.

It is so ordered.

Issued at Washington, D.C., this 21st day of March 1973.

ATOMIC SAFETY AND LICENSING BOARD,
MAX D. PAGLIN,
Chairman.

[FR Doc.73-5685 Filed 3-23-73;8:45 am]

[Docket No. 50-410]

NIAGARA MOHAWK POWER CORP.

Notice and Order Rescheduling Prehearing Conference

In the matter of Niagara Mohawk Power Corporation (Nine Mile Point, Unit No. 2) Docket No. 50-410.

Upon consideration of the oral motion made by the parties to continue the prehearing conference scheduled for March 29, 1973, in Oswego, N.Y., and all parties agreeing thereto, it is

Ordered, that the prehearing conference be cancelled for March 29, 1973, and be rescheduled for 10 a.m., local time, on Friday, April 27, 1973, in the Second Floor Courtroom, County Courthouse, East Oneida and Second Streets, Oswego, N.Y. 13126.

Dated this 21st day of March 1973 at Washington, D.C.

By Order of the Atomic Safety and Licensing Board.

DANIEL M. HEAD,
Chairman.

[FR Doc.73-5686 Filed 3-23-73;8:45 am]

[Docket No. 50-397]

WASHINGTON PUBLIC POWER SUPPLY SYSTEM

Notice of Issuance of Construction Permit

Notice is hereby given that, pursuant to the Initial Decision of the Atomic Safety and Licensing Board, dated March 15, 1973, the Deputy Director for Reactor Projects has issued Construction Permit No. CPPR-93 to the Washington Public Power Supply System for the construction of a boiling water nuclear reactor on a site leased from the Atomic Energy Commission within the Commission's Hanford reservation in Benton County, Wash. The site is 3 miles from the Columbia River and approximately 12 miles north of the city of Richland, Wash. The proposed reactor, known as the Hanford No. 2 Nuclear Power Plant, is designed to operate at 3,323 megawatts thermal.

A copy of the Initial Decision and a copy of the Construction Permit are on file in the Commission's Public Document Room, 1717 H Street NW., Washington, DC 20545, and at the Richland Public Library, Swift and Northgate Streets, Richland, WA 99352.

Dated at Bethesda, Md., this 19th day of March 1973.

For the Atomic Energy Commission.

ROBERT A. CLARK,
Chief, Gas Cooled Reactors Branch, Directorate of Licensing.

[FR Doc.73-5672 Filed 3-23-73;8:45 am]

CIVIL AERONAUTICS BOARD

[Docket No. 24963]

ALLEGHENY AIRLINES, INC.

Notice of Postponement of Prehearing Conference Regarding Poughkeepsie Deletion Application

Counsel for the New York State Department of Transportation has requested a 1-week postponement of the prehearing conference in the above-captioned proceeding. Counsel has advised that Allegheny Airlines, Command Airways and representatives of the cities of Poughkeepsie and Binghamton have been contacted and do not object to the requested postponement.

Accordingly, notice is hereby given that the prehearing conference now scheduled for March 27, 1973 (38 FR 5672, March 2, 1973), is hereby postponed to April 3, 1973, at 10 a.m., local time, in Room 503, Universal Building, 1825 Connecticut Avenue NW., Washington, DC, before the undersigned Administrative Law Judge.

Dated at Washington, D.C., March 21, 1973.

[SEAL] ALEXANDER N. ARGERAKIS,
Administrative Law Judge.

[FR Doc.73-5710 Filed 3-23-73;8:45 am]

[Docket No. 25324; Order 73-3-63]

AER LINGUS TEORANTA AND AERLINTE EIREANN TEORANTA

Order of Investigation and Suspension Regarding Transatlantic Fare Structure

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 8th day of March 1973.

By tariffs filed on January 29, 1973, Aerlinte Eireann Teoranta (Irish), and Aer Lingus Teoranta (Aer Lingus) propose for effect from April 1, 1973, to revise the existing fare structure over the North Atlantic between the United States and Ireland. As in the case of our recent disposition of U.S. carrier transatlantic fare proposals (Order 73-1-76), this order will be concerned with the Irish proposal as it relates to the period from April 1, 1973, through October 31, 1973.

Irish proposes to retain all present fare categories, and to overlay this structure with an APEX fare.[1] First-class fares would be increased by $10 round trip and normal economy fares would be increased by 3 percent; 14-21-day excursion fares would be increased by 5 percent; and the 22-45-day excursion, affinity group, and 14-21-day group inclusive tour fares would be increased by 5 and 7 percent, respectively, in the shoulder and peak season periods. The 14-45-day advance purchase excursion fare (APEX) would be structured on a directional four-season basis. Fares for eastbound originating travel during the shoulder season would exceed those proposed by the U.S. carriers by $16; would be $23 less than the U.S. carrier proposal for travel during the peak season and $7 more during the peak month of the peak. Fares for westbound originating travel are proposed for all periods at $50 less than those available for U.S.-originating traffic.

Complaints have been filed by Pan American World Airways, Inc. (Pan American), Trans World Airlines, Inc. (TWA), and the member carriers of the National Air Carrier Association (NACA), all of which request that immediate steps be taken to suspend the filing as unjust, unreasonable, and uneconomic. The thrust of the complainants' argument is that the proposed structure is more complicated than that presently in effect; that it increases the

[1] Irish also proposed to retain the currently available youth fares. The issue of youth fares is under investigation in Docket 23780 and will not be further dealt with herein. We intend to dispose of the pending request for suspension of these fares promptly by separate order.

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disparity between normal and promotional fare levels and includes an APEX fare with a directional fare differential which is objectionable.

The U.S. carriers project revenue increases over retention of status quo fares were the Irish proposal introduced throughout the transatlantic market. However, both carriers indicate that, compared with revenues projected to result from their proposal, the result would be a decrease in revenue, $9.6 million for Pan American and $7 million for TWA.

The year 1972 saw an encouraging increase in traffic growth on the North Atlantic, and along with it a significant increase in load factor for most carriers. Notwithstanding this favorable trend, however, overall economic results for the industry continued to be substandard. As for the U.S. carriers, despite an annual average load factor of about 60 percent, Pan American remained in a negative return position, and TWA's earnings were only 8.38 percent on investment.[1] Similar results have apparently been sustained by the foreign-flag carriers. For this reason, there seems to be a consensus among the carriers that improved yields and revenues are necessary if transatlantic scheduled services are to continue on an economically viable basis. It also seems clear that the 22–45-day excursion fare has been largely responsible for the erosion in average yield which has occurred this past year. There can be little doubt that this fare generated new travel. By the same token, it appears to have resulted in significant diversion from higher-fare services, as evidenced by the fact that 25 percent of the total traffic carried by the U.S. carriers moved on these fares. In our opinion, the economic validity of a fare introduced for promotional reasons and established on the basis of incremental costs is brought into serious question when its usage achieves such a magnitude.

By Order 73–1–76, the Board indicated that it was not disposed to suspend the fare package proposed by the U.S. carriers.[2] This decision was based on the understanding that the structure was not advanced as a definitive one for the future, but rather as an acceptable one for the travel season immediately ahead. Indeed the carriers did not support their proposal as one that would adequately compensate for the cost of providing scheduled service, but rather as a reasonably competitive response to changing market conditions which they anticipated would produce moderately improved yields and increased revenues. The U.S. carriers' structure incorporates a fare category which is somewhat lower than the level now offered on the 22–45-day excursion fare. However, the conditions applicable to use of this APEX fare are quite restrictive and should curtail uneconomic diversion from other services. By the same token, the level of the 14–45-day excursion fare, which would be available with minimum restrictions, would be significantly above the level now applicable to the comparable fare. On this basis, the Board indicated its willingness to accept the structure proposed for the upcoming season, the most important consideration being a projected improvement in yield and a conclusion that the structure moved in the direction of more closely relating fares to the cost of providing the respective services.

We do not mean to imply that the Board considers the U.S.-carrier proposal as the only, or necessarily the best, solution to the question of North Atlantic fares. As indicated in our earlier order, we believe it contains certain elements which represent distinct improvements which should be pursued over the longer term. This is not to say that the Board stands committed to the particular structure which the U.S. carriers propose. We are committed, however, to the necessity for improving the overall average yield from scheduled services on the North Atlantic.

It is estimated that the Irish proposal would, in fact, result in some improvement in the carriers' overall average yield. However, we are inclined to suspect that this would be due largely to the proposed increases in normal fares and in the 14–21-day excursion fare. While a modest increase in the 22–45-day excursion fare is contemplated, this fare would remain at a relatively low level vis-a-vis the economy fare when consideration is given to the minimal restrictions on its use. In addition, with the exception of the eastbound peak of the peak, the APEX fares would significantly undercut the levels proposed by the U.S. carriers. For these reasons, we are of the opinion that the structure does little if anything to bring the various fares into more reasonable balance from the standpoint of the cost of providing the services or their relative value to the passenger and we are, accordingly, unable to accept this proposal.

As we have indicated in connection with disposition of other carrier proposals, it seems apparent that the present 22–45-day excursion fares, although generative, have resulted in a significant amount of diversion, and that these two developments taken together were largely responsible for the decline in yield in 1972. U.S.-carrier traffic during the second and third quarters of 1972 showed an overall growth rate of 24 percent over the same period in 1971. In the face of this trend, however, the number of normal-economy and short-duration excursion-fare passengers actually declined, from 726,165 to 680,762, a decrease of 7 percent. At the same time, long range excursion-fare passengers more than doubled, increasing from 263,210 in 1971 (29–45-day excursion fare at New York-Shannon round trip level of $257, peak) to 570,853 (22–45-day excursion fare at $278 fare New York-Shannon). We recognize that Irish proposes a moderate increase in the level of this fare. By the same token, however, some increase in the normal economy fare would also occur, with the net result that the discount would be narrowed by no more than 2 percent. For this reason, we do not foresee that the Irish proposal would stem the growing use of this low and relatively unrestricted fare. To the extent it did not, of course, the downward pressure on yield would continue.

The U.S. carriers have proposed an APEX fare at levels slightly below the present 22–45-day excursion fare. While the Board has some concern with perpetuation of this fare level on scheduled services, we nevertheless decided against suspension in view of the restrictive conditions on its use. The Irish proposal, on the other hand, would significantly undercut this level. Except for the 1-peak month of the peak, Irish would set the APEX fare at 10 percent below the U.S. carrier level for eastbound originations, and some 30 percent below that level for westbound-originating traffic. Stated differently, the APEX fares here proposed would involve peak-season discounts from normal economy fares of 55 and 62 percent for eastbound and westbound originations, respectively. We are not persuaded of the need for discounts of this magnitude and, as we have stated on other occasions, are not prepared to accept the argument that scheduled services need be priced comparably with charter service in order to maintain independent and profitable competitive operations.

In opting to maintain the present fare structure virtually intact, Irish would also propose to continue the provision of free stopovers where this privilege is now available. The majority of the proposals recently filed with the Board, on the other hand, would impose a surcharge for this service. In the Board's opinion, the dilution in revenue which stems from the circuitous routings of multi-stop travel creates an unnecessary downward pressure on yield which should be compensated for by an appropriate charge. Finally, we would point out that the Irish proposal, which preserves the present structure with overlay of an APEX fare, runs directly counter to the simplification sought by the U.S. carriers and likewise by a majority of the European carriers as well. As we have said before, the Board endorses the objective of a more simplified fare structure as being in the interest of both buyers and sellers of air transportation.

For the reasons stated, the Board finds that the first-class fares, the normal economy fares, the 14–21-day excursion fares, the 22–45-day excursion fares, the affinity-group fares, the 14–21-day group inclusive tour fares and the APEX fare proposed by Irish may be unjust, unreasonable, unjustly discriminatory, unduly preferential, or unduly prejudicial and should be suspended pending investigation.[4]

Accordingly, pursuant to the Federal Aviation Act of 1958, as amended, and particularly sections 204(a), 403, 404, 801, and 1002, thereof:

It is ordered, That:

1. An investigation is instituted to determine whether the fares and provisions set forth in the appendix hereof,[5] and rules, regulations, or practices affecting such fares and provisions, and subsequent revisions and reissues thereof, are or will be unjust or unreasonable, or unjustly discriminatory, or unduly preferential, or unduly prejudicial, and if found to be unlawful, to take appropriate action to prevent the use of such fares and provisions or rules, regulations, or practices;

2. Pending hearing and decision by the Board, the fares and provisions set forth in the appendix hereof are suspended and their use deferred from April 1, 1973, to and including March 31, 1974, unless otherwise ordered by the Board, and that no changes be made therein during the period of suspension except by order or special permission of the Board;

3. This order shall be submitted to the President[6] and shall become effective on April 1, 1973;

4. Except to the extent granted herein; the complaints filed in Dockets 25071, 25072, and 25073 are hereby dismissed; and

5. Copies of this order shall be filed in the aforesaid tariffs and be served upon Aerlinte Eireann Teoranta, Aer Lingus Teoranta, Pan American World Airways, Inc., Trans World Airlines, Inc., and the National Air Carrier Association who are hereby made parties to the investigation.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HARRY J. ZINK, *Secretary.*

[1] Year ended Sept. 30, 1972.

[2] The Irish and U.S.-carrier proposals are summarized forth below.

[4] Our major concern with the proposed 14–21-day excursion fare, affinity-group fare, and 14–21-day GIT fares lies with the absence of an appropriate charge for stopovers.

[Docket No. 25326; Order 73–3–65]

CESKOSLOVENSKE AEROLINIE

Order of Investigation and Suspension Regarding Transatlantic Fare Structure

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the eighth day of March 1973.

By tariffs filed January 19, 1973, for effect from April 1, 1973, Ceskoslovenske Aerolinie (CSA) proposes to revise the existing fare structure over the North Atlantic between the United States and Czechoslovakia. As in the case of our recent disposition of U.S.-carrier transatlantic fare proposals (Order 73–1–76), this order will be concerned with CSA's proposal as it relates to the period from April 1, 1973, through October 31, 1973.

CSA proposes a simplified fare structure which is limited to four distinct categories of fares.[1] First-class fares would be retained at status quo while normal economy fares would be reduced by $26 during the shoulder period and by $16 during the peak season. CSA would also introduce a new 14–45-day excursion fare and a 14–21-day individual inclusive tour fare at levels which are similar to the 14–45-day advance purchase excursion fare proposed by the U.S. carriers. CSA would permit a free stopover in conjunction with its individual inclusive tour fare and impose a charge of $15 for stopovers on its 14–45-day excursion fare. By contrast, the U.S. carriers would offer no free stopovers and where this privilege is permitted would impose a charge of $20 per stopover. The CSA and U.S.-carrier proposals are summarized in the attachment hereto.

Pan American World Airways, Inc. (Pan American), has filed a complaint requesting suspension of the CSA proposals. Pan American alleges that the CSA proposal is similar to that filed by Lufthansa,[2] except that CSA would also reduce normal economy fares and its reductions in promotional fares exceed those proposed by Lufthansa in every instance. Pan American contends that the impact of CSA's proposal would exceed the $8.9 million negative impact on operating profit which was forecast in its complaint against Lufthansa's filing.

By Order 73–1–76, the Board indicated that it was not disposed to suspend the fare package proposed by the U.S. carriers. This decision was based on the understanding that the structure was not advanced as a definitive one for the future, but rather as an acceptable one for the travel season immediately ahead. Indeed the carriers did not support their proposal as one that would adequately compensate for the cost of providing scheduled service, but rather as a reasonable competitive response to changing market conditions which is anticipated to produce moderately improved yields and increased revenues.

For the reasons articulated in Order 73–2–103 in connection with Lufthansa's filing, the Board is unable to accept the filing here before us. We endorse the simplification which it represents, and the increased emphasis which would be placed on development of individual travel on scheduled services. However, as indicated, both the 14–45-day excursion fare and 14–21-day IIT fare are set virtually at the level proposed by the U.S. carriers for APEX travel. This level approximates that now available on the 22–45-day excursion fare, which we have stated on numerous occasions seems quite clearly responsible for the decline in yield and substandard earnings experienced on the North Atlantic in 1972. In our opinion, the diversion to these fares which is likely to occur makes it extremely unlikely that transatlantic services could be operated at a profit. On the other hand, the APEX fare, although not one which we would like to see become imbedded in the fare structure for the longer term, is sufficiently restrictive in its application that it can reasonably be expected to be more generative than diversionary this upcoming season. Finally, while we believe the long-term objective should be an appropriate reduction in fares for normal economy service, we are not prepared to accept a reduction in these fares in the absence of a more economically sound pattern of promotional fares.

For the reasons stated, the Board finds that the normal economy fares, the 14–45-day excursion fares and the 14–21-day individual inclusive tour fares proposed by CSA may be unjust, unreasonable, unjustly discriminatory, unduly preferential, or unduly prejudicial and should be suspended during investigation.

Accordingly, pursuant to the Federal Aviation Act of 1958, as amended, and particularly sections 204(a), 403, 404, 801, and 1002, thereof:

It is ordered, That:

1. An investigation is instituted to determine whether the fares and provisions set forth in the appendix hereof,[3] and rules, regulations, or practices affecting such fares and provisions, and subsequent revisions and reissues thereof, are or will be unjust or unreasonable, or unjustly discriminatory, or unduly preferential, or unduly prejudicial, and if found to be unlawful, to take appropriate action to prevent the use of such fares and provisions or rules, regulations, or practices;

2. Pending hearing and decision by the Board, the fares and provisions set forth in the appendix hereof are suspended and their use deferred from April 1, 1973, to and including March 31, 1974, unless otherwise ordered by the Board, and that no changes be made therein during the period of suspension except by order or special permission of the Board;

3. This order shall be submitted to the President[4] and shall become effective on April 1, 1973;

[3] Filed as part of the original document.

[4] This order was submitted to the President on Mar. 9, 1973.

ROUND-TRIP FARE PROPOSALS—NEW YORK-SHANNON

	Current Fares	PA/TW	Irish
First class	$780	$780	$790
Normal economy:			
Shoulder	430	406	442
Peak	536	536	552
14/21 Excursion:			
Shoulder	312	----------	328
Peak	375	----------	394
22/45 Excursion:			
Shoulder	230	----------	242
Peak	278	----------	297
14/45 Excursion:			
Shoulder		288	----------
Peak		373	----------
14/21 IIT:			
Shoulder		229	----------
Peak		294	----------
		EB	*WB*
14/45 APEX:			
Shoulder		204	220 170
Peak		273	250 200
			[1] 280 [1] 230
Affinity Group:			
Shoulder	209	----------	219
Peak	272	----------	291
14/21 GIT:			
Shoulder	225	----------	236
Peak	288	----------	308

[1] Peak of peak.

[FR Doc.73-5626 Filed 3-23-73;8:45 am]

[1] CSA also proposes to retain the currently available youth fares. The issue of youth fares is under investigation in Docket 23780 and will not be further dealt with herein. We intend to dispose of the pending request for suspension of these fares promptly by separate order.

[2] The Lufthansa proposal was suspended by Order 73–2–103.

[3] Filed as part of the original document.

[4] This order was submitted to the President on March 9, 1973.

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4. Except to the extent granted herein, the complaint filed in Docket 25168 is hereby dismissed; and

5. Copies of this order be filed in the aforesaid tariffs and be served upon Ceskoslovenske Aerolinie and Pan American World Airways, Inc., who are hereby made parties to the investigation.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HARRY J. ZINK,
Secretary.

ROUND-TRIP FARE PROPOSALS—NEW YORK-PRAGUE

	Current fares	PAA	CSA
First class	$984	$984	$984
Normal economy:			
Shoulder	568	544	542
Peak	704	704	688
14/21 Excursion:			
Shoulder	429		
Peak	492		
22/45 Excursion:			
Shoulder	287		
Peak	355		
14/45 Excursion:			
Shoulder		405	271
Peak		490	344
14/21 IIT:			
Shoulder		308	271
Peak		373	344
14/45 APEX:			
Shoulder		271	
Peak		340	
Affinity Group:			
Shoulder	261		
Peak	329		
14/21 GIT:			
Shoulder	304		
Peak	367		

[FR Doc.73-5627 Filed 3-23-73;8:45 am]

[Docket No. 25336; Order 73-3-78]

EASTERN AIR LINES, INC.

Order of Investigation and Suspension Regarding Jetstar Charter Rate Revision

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 21st of March 1973.

By tariff revisions[1] marked to become effective March 22, 1973, Eastern Air Lines, Inc. (Eastern) proposes to increase and revamp its charter rates for Jetstar aircraft, changing from a milage to an hourly basis of stating its rates and introducing "bulk" discount rates for charterers who contract in advance for 50 or more hours within a 12-month period. The proposed increases would range from 40.9 to 65.2 percent for live charters and from 12.5 to 31.9 percent for ferry operations. The proposal would also add a layover charge of $50 per hour.

No complaints have been filed.[2]

In support of its proposal, Eastern alleges that the proposed rates are oriented toward attracting business charters; that the tapered discount will encourage some rather than purchase business aircraft; that the concept will interest other companies to enter into charter contracts panies which could not justify the purchase of such aircraft; and that the proposed discounts are cost related in that they are based on unit cost reductions resulting from increased aircraft utilization.

Upon consideration of the tariff proposal and all relevant matters, the Board finds that the proposed revisions may be unjust, unreasonable, unjustly discriminatory, unduly preferential, unduly prejudicial, or otherwise unlawful and should be investigated. The Board has also concluded to suspend the proposal pending investigation.

The services would be like and contemporaneous and provided under substantially similar circumstances for all charterers—those paying the maximum proposed rates and those paying the proposed discounted "bulk" contract rates. In a similar charter rate case[3] the Board found unjustly discriminatory the charging of lower rates for the "bulk" charterer. The only significant difference here is that in the previous case the applicability of the reduced rates was based on the number of flights contracted for in advance, whereas in Eastern's proposal it is based on number of hours per year. Eastern has failed to provide any justification which would warrant permitting it to establish the proposed rates which on their face depart from the well entrenched rule of equality in pricing air service. Also, Eastern has made no attempt to justify the need for increases in the magnitude involved.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204(a), 403, 404, and 1002 thereof:

It is ordered that:

1. An investigation be instituted to determine whether the rates, charges and provisions described in Appendix A[4] hereto, and rules, regulations, and practices affecting such rates, charges and provisions, are or will be unjust, unreasonable, unjustly discriminatory, unduly preferential, unduly prejudicial, or otherwise unlawful, and if found to be unlawful, to determine and prescribe the lawful rates, charges and provisions, and rules, regulations, or practices affecting such rates, charges and provisions;

2. Pending hearing and decision by the Board, the rates, charges and provisions described in Appendix A hereto are suspended and their use deferred to and including June 19, 1973, unless otherwise ordered by the Board, and that no changes be made therein during the period of suspension except by order or special permission of the Board;

3. The investigation ordered herein be assigned for hearing before an Administrative Law Judge of the Board at a time and place hereafter to be designated; and

4. Copies of this order be filed in the aforesaid tariff and served upon Eastern Air Lines, Inc.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] EDWIN Z. HOLLAND,
Secretary.

[FR Doc.73-5713 Filed 3-23-73;8:45 am]

[Docket No. 25328; Order 73-6-67]

FINNAIR OY

Order of Investigation and Suspension Regarding Transatlantic Fare Structure

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 8th day of March 1973. By tariffs filed on February 23, 1973, for effect from April 1, 1973, Finnair Oy (Finnair) proposes to revise the existing fare structure over the North Atlantic between the United States and Finland. As in the case of our recent disposition of the U.S.-carrier transatlantic fare proposals (Order 73-1-76), this order will be concerned with Finnair's proposal as it relates to the period from April 1, 1973, through October 1, 1973.

Finnair proposes to retain first-class and peak-season economy fares at present levels and reduce normal economy fares by $24 in the shoulder period.[1] Additionally, Finnair proposes to establish a 14-45-day excursion fare at levels slightly above ($20 and $11 shoulder and peak periods, respectively) the existing 22-45-day excursion fares. Two free stopovers would be permitted. A 14-28-day individual inclusive tour fare would also be offered at the same level proposed for the 14-45-day excursion fare. Two free stopovers would likewise be permitted, and an additional two permitted at a charge of $10 each. Finnair would retain the existing group inclusive tour fares, but at lower levels ($26 in the shoulder period and $24 in the peak period), and the maximum validity of this fare would be increased from 21 days to 28 days. One free stopover in each direction would continue to be offered, with one additional in each direction available at a $10 charge. Affinity-group fares would be retained at significantly reduced levels. For eastbound originating travel the fares would be reduced by $12 and $44 in the shoulder and peak periods, respectively. Fares for westbound-originating passengers are proposed at differentials of $59 and $67 for shoulder and peak periods, respectively. Finally, Finnair proposes the introduction of an advance-booking group fare at the low levels proposed for the affinity-group fares. This fare would apply to groups of 40, require advance booking 90 days prior to departure with payment 30 days prior to departure, and would be subject to a 25-percent non-refundable deposit. The ticket would be valid for 1-full year from the date of commencement of travel, with a 7-day minimum stay for eastbound-originating travel and a 14-day minimum for westbound-originating travel.

By Order 73-1-76, the Board indicated that it was not disposed to suspend the fare package proposed by the U.S. carriers. This decision was based on the understanding that the structure was not advanced as a definitive one for the future, but rather as an acceptable one for the travel season immediately ahead. Indeed the carriers did not support their proposal as one that would adequately compensate for the cost of providing scheduled service, but rather as a reasonably competitive response to changing market conditions which is anticipated to produce moderately improved yields and increased revenues. The U.S. carriers' structure incorporates a fare category which is somewhat lower than the level now offered on the 22-45-day excursion fare. However, the conditions applicable to use of this APEX fare are quite restrictive and should curtail uneconomic diversion from other services. By the same token, the level of the 14-45-day excursion fare, which is available with minimal restrictions, would be significantly above that now applicable to the comparable fare. We do not mean to imply that the Board stands committed to the particular structure which the U.S. carriers propose. We are committed, however, to the necessity for improving the overall average yield from scheduled services on the North Atlantic.

It is for this reason that we are unable to accept Finnair's proposal. It seems clear that the present 22-45-day excursion fare has been largely responsible for the erosion in yield and substandard earnings experienced on the North Atlantic in 1972. Yet Finnair would set both its 14-45-day excursion fare and its 14-28-day IIT fare at levels only nominally above the present long duration fare. In addition, Finnair proposes significant reductions in the affinity-group fares applicable to eastbound originations amounting to an approximate 15 percent in the peak season, and would introduce a fare for westbound originations which reflects a $67 differential.[2] The new advance-booking group fare would be established at these same low levels. In summary, it appears that under the Finnair proposal, the majority of passengers would travel at fares equal to or significantly below the present 22-45-day excursion fare. For this reason, it seems highly unlikely that transatlantic services could be operated profitably were this structure in effect throughout the market.

We are also unable to accept the liberal approach adopted by Finnair in connection with the provision of free stopovers. Finnair would permit free stopovers in conjunction with all of its promotional fares other than the affinity and advance-booking group fares. By contrast the U.S. carriers would prohibit stopovers altogether for APEX travel, and would assess a charge of $20 for each stopover where permitted on other promotional fares. In the Board's opinion, the dilution in revenue which stems from the circuitous routings involved in multi-stop travel creates an unnecessary downward pressure on yield which should be compensated for by an appropriate charge for the service. Finally, we would point out that Finnair's proposal, which would essentially maintain the present structure with an overlay of two new fares, runs directly counter to the simplification sought by the U.S. carriers and a majority of European carriers as well. As we have said before, the Board endorses the objective of a more simplified fare structure as being in the interest of both buyers and sellers of air transportation.

Accordingly, for the reasons stated the Board finds that the 14-45-day excursion fares, the 14-28-day individual inclusive tour fares, the affinity-group fares, the 14-28-day group inclusive tour fares and the advance-booking group fares proposed by Finnair may be unjust, unreasonable, unjustly discriminatory, unduly preferential, or unduly prejudicial and should be suspended pending investigation.

Accordingly, pursuant to the Federal Aviation Act of 1958, as amended, and particularly sections 204(a), 403, 404, 801, and 1002, thereof:

It is ordered, That:

1. An investigation is instituted to determine whether the fares and provisions set forth in the appendix hereof,[3] and rules, regulations, or practices affecting such fares and provisions, and subsequent revisions and reissues thereof, are or will be unjust or unreasonable, or unjustly discriminatory, or unduly preferential, or unduly prejudicial and if found to be unlawful to take appropriate action to prevent the use of such fares and provisions or rules, regulations, or practices;

2. Pending hearing and decision by the Board the fares and provisions set forth in the appendix hereof are suspended and their use deferred from April 1, 1973, to and including March 31, 1974, unless otherwise ordered by the Board, and that no changes be made therein during the period of suspension except by order or special permission of the Board;

3. This order shall be submitted to the President[4] and shall become effective on April 1, 1973;

4. Except to the extent granted herein, the complaint filed in Docket 25260 is hereby dismissed; and

5. Copies of this order be filed in the aforesaid tariffs and be served upon Finnair Oy and Pan American World Airways, Inc., who are hereby made parties to the investigation.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HARRY J. ZINK,
Secretary.

ROUND-TRIP FARE PROPOSALS—NEW YORK-HELSINKI

	Current fares	Finnair	
First class	$1,042		$1,042
Normal economy:			
Shoulder	604		580
Peak	750		750
14/21 Excursion:			
Shoulder	491		
Peak	554		
22/45 Excursion:			
Shoulder	294		
Peak	368		
14/45 Excursion:			
Shoulder			314
Peak			379
14/21 IIT:			
Shoulder		(14/28)	314
Peak			374
Advance-Booking Group:		EB	WB
Shoulder		238	179
Peak		278	211
Affinity Group:		EB	WB
Shoulder	250	238	179
Peak	322	278	211
14/21 GIT:			
Shoulder	335	(14/28)	299
Peak	398		304

[FR Doc.73-5629 Filed 3-23-73;8:45 am]

[Docket No. 25329; Order 72-3-68]

IBERIA, LINEAS AEREAS DE ESPANA, S.A.

Order of Investigation and Suspension Regarding Transatlantic Fare Structure

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the eighth day of March 1973.

By tariffs filed February 16, 1973, for effect from April 1, 1973, Iberia, Lineas Aereas de Espana, S.A. (Iberia), proposes to revise the existing fare structure over the North Atlantic between the United States and Spain. As in the case of our recent disposition of the U.S.-carrier transatlantic fare proposals (Order 73-1-76), this order will be concerned with Iberia's proposal as it relates to the period from April 1, 1973, through October 1, 1973.

Iberia proposes to retain first-class and peak-season economy fares at present levels and to reduce normal economy fares by $24 in the shoulder period. Iberia would also consolidate the existing two excursion fares into one of 14-45-day

[1] Revisions to Eastern's tariff CAB No. 68.

[2] Executive Jet Aviation, Inc. submitted a complaint against an earlier similar filing of Eastern which was rejected for technical reasons but did not complain against the instant filing.

[3] Multi-Charter Cargo Rates Investigation, Order E-25936, Nov. 7, 1967.

[4] Appendix A filed as part of the original document.

[1] Finnair also proposes to retain the currently available youth fares. The issue of youth fares is under investigation in Docket 23780 and will not be further dealt with herein. We intend to dispose of the pending request for suspension of these fares promptly by separate order.

[2] Finnair also proposes to reduce the level of present GIT fares but by a lesser amount, and would extend the period of validity from 21 to 28 days. No directional differential would apply, however.

[3] Filed as part of original document.

[4] This order was submitted to the President on Mar. 9, 1973.

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duration and introduce a 14–21-day individual inclusive tour fare and a 14–45-day advance-purchase excursion fare (APEX). To this extent the structure matches that proposed by the U.S.-flag carriers.[1] However, the 14–45-day excursion fare and the 14–21-day individual inclusive tour fare would be set at the level applicable to the present 22–45-day excursion fare, which is substantially below that proposed by the U.S. carriers. In the case of the 14–45-day excursion fare, the undercuts would amount to $103 and $119 in the shoulder and peak periods, respectively. However, Iberia would permit no stopovers. Iberia's proposed 14–21-day individual inclusive tour fare would undercut that proposed by the U.S. carriers by only moderate amounts. However, one free stopover in each direction would be permitted whereas the U.S. carriers would impose a charge of $20 each. An APEX fare is proposed at levels consistent with those of the U.S. carriers, and a nonaffinity group fare would be introduced at the level for eastbound originations which presently applies to affinity groups. For westbound-originating passengers, the fares are set at reduced differential of $44 and $51, shoulder and peak period, respectively. One free stopover would be permitted in each direction.

A complaint has been filed by Pan American World Airways, Inc. (Pan American), which requests that Iberia's proposals be suspended and investigated. Pan American contends that Iberia's proposal consists of a series of fare reductions which would reduce all promotional fares to or below the level of the present uneconomically low 22–45-day excursion fare. Pan American estimates that, were this structure applied throughout the transatlantic market, 75 percent of the total traffic would move at fares which are below cost.

By Order 73–1–76, the Board indicated that it was not disposed to suspend the fare package proposed by the U.S. carriers. This decision was based on the understanding that the structure was not advanced as a definitive one for the future, but rather as an acceptable one for the travel season immediately ahead. Indeed the carriers did not support their proposal as one that would adequately compensate for the cost of providing scheduled service, but rather as a reasonable competitive response to changing market conditions which is anticipated to produce moderately improved yields and increased revenues.

The year 1972 saw a heartening resurgence in traffic growth on the North Atlantic, and along with it a significant increase in load factor for most carriers. Notwithstanding this favorable trend, however, overall economic results for the industry continued to be substandard. The U.S. carriers ended the year with an annual average load factor of about 60 percent; yet Pan American remained in a negative return position, and TWA's earnings were only 8.38 percent on investment. Similar results have apparently been sustained by the foreign-flag carriers. For this reason, there seems to be a consensus among the carriers that improved yields and revenues are necessary if transatlantic scheduled services are to continue on an economically viable basis. It also seems clear that the 22–45-day excursion fare has been largely responsible for the erosion in average yield which has occurred this past year. Of the total traffic carried by the U.S. carriers, 25 percent moved on these fares. In our opinion, the economic validity of a fare introduced for promotional reasons and established on the basis of incremental costs is brought into serious question when its usage achieves such a magnitude.

Iberia, on the other hand, proposes to set the 14–45-day excursion fare and its IIT fare at the level now applying to this long-duration excursion fare. In the case of the peak-season excursion fare, this would represent a reduction from the level proposed by the U.S. carriers in excess of 25 percent. In addition, Iberia would convert the present affinity-group fare level into one available for eastbound-originating nonaffinity groups, and would establish a westbound differential which amounts to an approximate 20-percent reduction. While we have some concerns about directional fares, the Board would be prepared to accept a more moderate differential for the interim season immediately ahead. However, we are of the opinion that this pattern of promotional fares, all of which are at or below the level of the 22–45-day excursion fares, makes it extremely unlikely that transatlantic services could be conducted at a profit. The very low fares which would be available to nonaffinity groups would, in our opinion, in and of itself significantly impair the economics of this service.

The Board also has considerable concern with Iberia's proposal to continue the practice of offering free stopovers in connection with discount-fare travel. As indicated, Iberia would permit one free stopover in conjunction with its proposed nonaffinity group fare and the 14–21-day individual inclusive tour fare. By contrast, the U.S. carriers would assess a $20 charge for each stopover where permitted on all promotional fares. In the Board's opinion, the dilution in revenue which stems from the circuitous routings involved in multistop travel creates an unnecessary downward pressure on yield which should be compensated for by an appropriate charge for the service.

Accordingly, for the reasons stated the Board finds that the 14–45-day excursion fares, the 14–21-day individual inclusive tour fares and the nonaffinity group fares proposed by Iberia may be unjust, unreasonable, unjustly discriminatory, unduly preferential, or unduly prejudicial and should be suspended pending investigation.

Accordingly, pursuant to the Federal Aviation Act of 1958, as amended, and particularly sections 204(a), 403, 404, 801, and 1002, thereof:

It is ordered, That:

1. An investigation is instituted to determine whether the fares and provisions set forth in the appendix hereof,[2] and rules, regulations, or practices affecting such fares and provisions, and subsequent revisions and reissues thereof, are or will be unjust or unreasonable, or unjustly discriminatory, or unduly preferential, or unduly prejudicial, and if found to be unlawful, to take appropriate action to prevent the use of such fares and provisions or rules, regulations, or practices;

2. Pending hearing and decision by the Board, the fares and provisions set forth in the appendix hereof are suspended and their use deferred from April 1, 1973, to and including March 31, 1974, unless otherwise ordered by the Board, and that no changes be made therein during the period of suspension except by order or special permission of the Board;

3. This order shall be submitted to the President[3] and shall become effective on April 1, 1973;

4. Except to the extent granted herein, the complaint filed in Docket 25245 is hereby dismissed; and

5. Copies of this order be filed in the aforesaid tariffs and be served upon Iberia, Lineas Aereas de Espana, S.A., and Pan American World Airways, Inc., who are hereby made parties to the investigation.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HARRY J. ZINK,
Secretary.

ROUND-TRIP FARE PROPOSALS
NEW YORK–MADRID

	Present Fares	PA/TW	Iberia	
First class	$888	$888		$888
Normal economy:				
Shoulder	504	480		480
Peak	636	636		636
14/21 Excursion:				
Shoulder	382			[2]
Peak	445			[2]
22/45 Excursion:				
Shoulder	255			[2]
Peak	324			[2]
14/45 Excursion:				
Shoulder		358		255
Peak		443		324
14/21 IIT:				
Shoulder		266		255
Peak		331		324
14/45 APEX:				
Shoulder		238		238
Peak		307		307
			WB[1]	EB[1]
Affinity Group:				
Shoulder	224	224	180	224
Peak	266	266	215	266
14/21 GIT:				
Shoulder	262			[2]
Peak	325			[2]

[1] Nonaffinity Group.

[FR Doc.73–5630 Filed 3–23–73; 8:45 am]

[1] Iberia also proposes to retain the currently available youth fares. The issue of youth fares is under investigation in Docket 23780 and will not be further dealt with herein. We intend to dispose of the pending request for suspension of these fares promptly by separate order.

[2] Filed as part of original document.

[3] This order was submitted to the President on March 9, 1973.

[Dockets Nos. 24686, etc.]

STANDARD AIRWAYS, INC., ET AL.

Notice of Hearing

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that a public hearing in this proceeding is assigned to be held on April 17, 1973, at 10 a.m. (local time) in Room 726, Universal Building, 1825 Connecticut Avenue NW, Washington, DC, before the undersigned Administrative Law Judge.

For information concerning the issues involved and other details in this proceeding, interested persons are referred to the prehearing conference report served on February 9, 1973, and other documents which are in the docket of this proceeding on file in the Docket Section of the Civil Aeronautics Board.

Dated at Washington, D.C., March 20, 1973.

[SEAL] ALEXANDER N. ARGERAKIS,
Administrative Law Judge.

[FR Doc.73–5712 Filed 3–23–73; 8:45 am]

[Docket No. 25327; Order 73–3–66]

TRANS WORLD AIRLINES, INC., AND EL AL ISRAEL AIRLINES LTD.

Order of Investigation and Suspension Regarding Transatlantic Fares Between United States and Israel

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the eighth day of March 1973.

By tariffs filed on January 31, 1973, for effect from April 1, 1973, El Al Israel Airlines Ltd. (El Al), proposes to revise the existing fare structure over the North Atlantic between the United States and Israel. On February 7, 1973, Trans World Airlines, Inc. (TWA), filed its proposed fare structure in this market.[1] As in the case of our recent disposition of U.S.-carrier transatlantic fare proposals to Europe (Order 73–1–76), this order will be concerned with the fare proposals as they relate to the period from April 1, 1973, through October 31, 1973.

El Al would generally maintain the existing fare structure which is directed primarily toward the carriage of nonaffinity group travel.[2] El Al does, however, propose to consolidate the present two excursion fares into one of the 14–45-day duration, and would introduce a group APEX fare in the shoulder season. TWA proposes a structure of fares comparable to that which it has proposed to Western Europe, essentially involving a 14–45-day excursion fare, a 14–21-day IIT fare, and an APEX fare, and would cancel presently offered group fares. The proposals are shown in the attachment hereto.

Both carriers would retain first-class and peak-period economy-class fares at status quo. However, TWA would reduce the normal economy fare in the shoulder period by $24 to $900 while El Al would increase this fare by $6 to $930. Both propose one consolidated 14–45-day excursion fare, TWA at levels slightly below the present 14–21-day excursion, and El Al at levels significantly below those which presently exist for the 22–45-day excursion fare. El Al's excursion fare would undercut TWA by $127 and $112 in the shoulder and peak seasons, respectively. TWA proposes an individual APEX fare while El Al proposes a group APEX fare for 35 or more passengers which would be available only during the shoulder season.

As indicated, El Al would retain the presently available three categories of nonaffinity group fares. The 45–365-day fares would be maintained approximately at existing levels. The 8–45-day nonaffinity group fares would be reduced by $100 and $52 for shoulder and peak-season travel, respectively, and a peak-season group fare valid for 8–21-day travel would be introduced at $504. All of these nonaffinity group fares would be available to groups of 15 passengers as compared with the present minimum requirement of 20 passengers. One free stopover would be permitted, with one additional stopover available at a $20 charge, and weekend surcharges in varying amounts up to $40 would be imposed on the APEX and group fares for eastbound originations only as compared with the $15 charge presently in effect for both eastbound- and westbound-originating travel.

Complaints have been filed by Pan American World Airways, Inc. (Pan American), and Trans World Airlines, Inc., requesting that the Board act promptly to suspend El Al's filing, since it would allegedly destroy the balanced and logical interrelationship of fares advanced by the U.S. carriers in the overall transatlantic market and would have a significantly more adverse impact on revenue than world the U.S.-carrier proposal. Pan American directs specific attention to the extremely low fare levels proposed; the extent of availability of the low-priced promotional fares, and the degree of complexity of the fare structure; and contends that the fares are so low as to probably be predatory.

TWA, while acknowledging that El Al's filing is essentially similar to the existing pattern of U.S.-Israel fares, contends that it is in complete contradiction to the objective of a fare structure oriented toward individual travel. TWA anticipates that were El Al's fare structure in effect throughout the transatlantic market, it would suffer a loss of more than 200,000 passengers and a revenue reduction of over $2.7 million as compared with projected results under its proposal. TWA ascribes this principally to El Al's liberalized stopover provisions, the general lack of a weekend surcharge, and the fare levels proposed for nonaffinity groups which are sufficiently higher than its APEX fare level that scheduled service would not be competitive with travel group charters. As a result, TWA concludes that, while it would experience an increase in yield of 11 cents over its own proposal, this improvement would be more than offset by loss of traffic.

In reply, El Al denies each and every material allegation of the complaints and objects to the suspension of its proposed fares unless the Board suspends the fares of all carriers serving the North Atlantic effective April 1, 1973.

By Order 73–1–76, the Board indicated that it was not disposed to suspend the fare package proposed by the U.S. carriers. This decision was based on the understanding that the structure was not advanced as a definitive one for the future, but rather as an acceptable one for the travel season immediately ahead. Indeed the carriers did not support their proposal as one that would adequately compensate for the cost of providing scheduled service, but rather as a reasonably competitive response to changing market conditions which is anticipated to produce moderately improved yields and increased revenues. On the other hand, the Board expressed the opinion that the proposed pattern of fares reflected improvements which appear desirable for the longer term, among them an overall simplification of the structure, imposition of charges for stopover travel on all promotional fares where the privilege would be offered, and a reemphasis on fares designed to promote individual travel. The Board also expressed the belief that the present 22–45-day excursion fares, although generative, have resulted in a significant amount of diversion, and that these two developments taken together were largely responsible for the decline in yield and substandard earnings generally experienced on the North Atlantic in 1972.

While El Al proposes to consolidate the present two excursion fares into one of 14–45-day duration as do the U.S. carriers, its overall structure does little to achieve the objective of simplification, and would perpetuate primary reliance upon group travel. As we have previously indicated, the Board believes that scheduled services by their nature are more appropriately adapted to development of individual travel and that the demand for low-cost group travel can more adequately be met by charter service.

Most importantly, however, El Al would set the 14–45-day excursion fare at levels even lower than today's comparable long-duration excursion fare, undercutting the U.S.-carrier level by 15 percent in the peak season and 20 percent in the shoulder period. It also proposes substantial reductions in the 8–45-day nonaffinity group fare, approaching 10 percent in the peak season and 20 percent in the shoulder months, and would introduce a peak-season fare of $504 for 8–21-day nonaffinity group travel. The latter fare is some 15 percent below the lowest fare now available for nonaffinity group travel, and all would undercut TWA's proposed 14–21-day IIT

[1] TWA's earlier transatlantic fare proposal which was disposed of in Order 73–1–76 did not contain fares to and from Israel.

[2] El Al also proposes to retain the currently available youth fares. The issue of youth fares is under investigation in Docket 23780 and will not be further dealt with herein. We intend to dispose of the pending request for suspension of these fares promptly by separate order.

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fares, which with the exception of an APEX fare are the lowest fares it contemplates. The significance of the low group fares which El Al proposes is magnified by the fact that the minimum group size would be reduced from 20 to 15 passengers, which in all likelihood would mean that these fares would be essentially the effective fares in this market.

The Board also has considerable difficulty with that aspect of the El Al proposal which would continue to offer free stopovers on promotional fares. We note that, where stopover privileges would be liberalized, each would be assessed a $20 charge and we are in accord with that approach. However, we believe it extremely important to the development of an economically sound transatlantic fare structure that stopover travel on all promotional fares be permitted only when subject to an appropriate charge. As we have previously stated, the circuitous travel which free stopovers encourage creates an unnecessary downward pressure on yield which should be appropriately compensated for. Finally, El Al proposes to surcharge weekend travel on its promotional fares for eastbound originations only. We find the preference thus accorded passengers originating in Israel to be clearly objectionable. Moreover, we believe the varying charges proposed, depending on duration of travel, season, and day of the week, would be needlessly complex from the standpoint of achieving a readily saleable fare structure.

In determining not to suspend the fare structure to Western Europe proposed by the U.S. carriers, the Board noted that the APEX fare was quite clearly proposed in part at least as a competitive response to charter operations recently authorized by this and other governments. At the same time, we expressed the view that demand for low-cost transportation can be met economically if the service is provided on a planeload basis and is subject to advance contractual arrangements, and that these particular features do not inhere to scheduled service by its very nature. Our decision to permit APEX fares between the United States and Europe for the upcoming season was taken against the background of an evolving new demand for air service in that market and the conclusion that a certain amount of pricing experimentation is to be expected in both scheduled and charter services.

However, by order of the Government of Israel, charter operations are prohibited between that country and the United States. Accordingly, the need for an APEX fare in this market is not apparent. Quite apart from this consideration, we are unable to accept an APEX fare at the level proposed by TWA, notwithstanding the restrictive conditions of availability. TWA would set this fare at $277 or almost 40 percent below the level of its 14–45-day excursion fare for peak-season travel, a reduction which amounts to 30 percent from the present 22–45-day excursion fare. By way of comparison, the relationship between the U.S. carriers' proposed APEX and excursion fares to Western Europe is in the range of 27 to 31 percent.

Accordingly, for the reasons stated, the Board finds the shoulder season normal economy fares, the 14–45-day excursion fares, the 14–45-day group advance-purchase excursion fare, the 45–365-day nonaffinity group fares, the 8–21-day nonaffinity group fare, and the 14–21-day nonaffinity group fares proposed by El Al and the 14–45-day advance purchase excursion fares proposed by TWA may be unjust, unreasonable, unjustly discriminatory, unduly preferential, or unduly prejudicial and should be suspended pending investigation.

Accordingly, pursuant to the Federal Aviation Act of 1958, as amended, and particularly sections 204(a), 403, 404, 801, and 1002, thereof:

It is ordered, That:

1. An investigation is instituted to determine whether the fares and provisions set forth in the appendix hereof,[1] and rules, regulations, or practices affecting such fares and provisions, and subsequent revisions and reissues thereof, are or will be unjust or unreasonable, or unjustly discriminatory, or unduly preferential, or unduly prejudicial, and if found to be unlawful, to take appropriate action to prevent the use of such fares and provisions or rules, regulations, or practices;

2. Pending hearing and decision by the Board, the fares and provisions set forth in the appendixes[1] hereof are suspended and their use deferred from April 1, 1973, to and including March 31, 1974, unless otherwise ordered by the Board, and that no changes be made therein during the period of suspension except by order or special permission of the Board;

3. This order shall be submitted to the President[2] and shall become effective on April 1, 1973;

4. Except to the extent granted herein, the complaints filed in Dockets 25201 and 25202 are hereby dismissed; and

5. Copies of this order be filed in the aforesaid tariffs and be served upon El Al Israel Airlines Ltd., Pan American World Airways, Inc., and Trans World Airlines, Inc., who are hereby made parties to the investigation.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HARRY J. ZINK,
Secretary.

[1] Filed as part of original document.
[2] This order was submitted to the President on March 9, 1973.

ROUND-TRIP FARE PROPOSALS—NEW YORK-TEL AVIV

	Present fares	TWA	El Al
First class	$1,474	$1,474	$1,474
Normal economy:			
Shoulder	924	900	930
Peak	1,080	1,080	1,080
14/21 Excursion:			
Shoulder	661		
Peak	724		
22/45 Excursion:			
Shoulder	570		
Peak	628		
14/45 Excursion:			
Shoulder		627	510
Peak		722	610
14/21 IIT:			
Shoulder		491	
Peak		556	
14/45 APEX:			
Shoulder		376	419
Peak		445	
Nonaffinity group (45 day/1 year):			
Shoulder	598		590
Peak	629		630
Nonaffinity group (8/45 day):			
Shoulder	540		440
Peak	592		540
Nonaffinity group (8/21 day):			
Shoulder	482		504
Peak			
14/21 GIT:			
Shoulder	487		
Peak	550		

[FR Doc.73-5632 Filed 3-23-73;8:45 am]

[Docket No. 25330; Order 73-3-69]

TRANSPORTES AEREOS PORTUGUESES, S.A.R.L.

Order of Investigation and Suspension Regarding Transatlantic Fare Structure

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the eighth day of March 1973.

By tariffs filed January 26, 1973, for effect from April 1, 1973, Transportes Aereos Portugueses, S.A.R.L. (TAP), proposes to revise the existing fare structure over the North Atlantic between the United States and Portugal. As in the case of our recent disposition of the U.S.-carrier transatlantic fare proposals (Order 73-1-76), this order will be concerned with TAP's proposal as it relates to the period from April 1, 1973, through October 1, 1973.

TAP proposes to retain first-class and peak-season economy fares at present levels and to reduce normal economy fares by $24 in the shoulder period, as does the U.S.-carrier proposal.[1] TAP would also introduce a 14–45-day APEX fare and a 14–21-day IIT fare, both at levels consistent with those proposed by the U.S. carriers. However, with the exception of 14–21-day GIT fares, all promotional fares presently available would be retained. The 14–21-day excursion fare would be reduced to the level contemplated by the U.S. carriers for the

[1] TAP also proposes to retain the currently available youth fares. The issue of youth fares is under investigation in Docket 23780 and will not be further dealt with herein. We intend to dispose of the pending request for suspension of these fares promptly by separate order.

14–45-day excursion, and the 22–45-day excursion would be increased slightly, by $15 and $7 during the shoulder and peak-season periods, respectively. The affinity-group fares would continue, but at a somewhat higher peak-season level. All of the promotional fares would be surcharged by $15 for weekend travel, and two free stopovers would be allowed in connection with each such fare. Additional stopovers where permissible would be charged at $15 each.

Complaints against TAP's proposal have been filed by Pan American World Airways, Inc. (Pan American), and Trans World Airlines, Inc. (TWA). TWA contends that the filing does not reflect a well-rounded and viable structure for the transatlantic market, and Pan American objects to the complexity which the proposal would introduce into the transatlantic fare structure. Both carriers indicate that implementation of TAP's proposals would provide them with more revenue than would accrue under existing fares ($3.6 million in operating profit for Pan American, and $1.9 million in revenues for TWA). However, the revenue gain would allegedly fall far short of the carriers' expectations under their own proposal, $12.6 million in operating profit in the case of Pan American and $23.9 million in revenues in the case of TWA. Both carriers object to the retention of the 14–21-day and 22–45-day excursion fares and the liberal provision of free stopovers on promotional fares, the effect of which would be a substantial dilution of revenue with little offsetting generation.

The year 1972 saw a heartening resurgence in traffic growth on the North Atlantic, and along with it a significant increase in load factor for most carriers. Notwithstanding this favorable trend, however, overall economic results for the industry continued to be substandard. The U.S. carriers ended the year with an annual average load factor of about 60 percent; yet Pan American remained in a negative-return position, and TWA's earnings were only 8.38 percent on investment.[2] Similar results have apparently been sustained by the foreign-flag carriers. For this reason, there seems to be a consensus among the carriers that improved yields and revenues are necessary if transatlantic scheduled services are to continue on an economically viable basis. It also seems clear that the 22–45-day excursion fare has been largely responsible for the erosion in average yield which has occurred this past year. There can be little doubt that this fare generated new travel. By the same token, it appears to have resulted in significant diversion, principally from the normal economy and 14–21-day excursion fares, as evidenced by the fact that 25 percent of the total traffic carried by the U.S. carriers moved on these fares. Stated differently, excluding youth-fare travel, one in every four transatlantic passengers traveled at the lowest individual fare. In our opinion, the economic validity of a fare introduced for promotional reasons and established on the basis of incremental costs is brought into serious question when its usage achieves such a magnitude.

By Order 73-1-76, the Board indicated that it was not disposed to suspend the fare package proposed by the U.S. carriers.[3] This decision was based on the understanding that the structure was not advanced as a definitive one for the future, but rather as an acceptable one for the travel season immediately ahead. Indeed the carriers did not support their proposal as one that would adequately compensate for the cost of providing scheduled service, but rather as a reasonably competitive response to changing market conditions which is anticipated to produce moderately improved yields and increased revenues. The U.S. carriers' structure incorporates a fare category which is somewhat lower than the level now offered on the 22–45-day excursion fare. However, the conditions applicable to use of this APEX fare are quite restrictive and should curtail uneconomic diversion from other services. By the same token, the level of the 14–45-day excursion fare, which is available with minimal restrictions, would be significantly above that now applicable to the comparable fare. On this basis, the Board decided not to suspend the structure as proposed for the upcoming season, the most important consideration being a projected improvement in yield and a conclusion that the structure moved in the direction of more closely relating fares to the cost of providing the respective services.

We do not mean to imply that the Board considers the U.S.-carrier proposal as the only, or necessarily the best, solution to the question of North Atlantic fares. As indicated in our earlier order, we believe it contains certain elements which represent distinct improvements which should be pursued over the longer term. This is not to say that the Board stands committed to the particular structure which the U.S. carriers propose. We are committed, however, to the necessity for improving the overall average yield from scheduled services on the North Atlantic.

It is for this reason that the Board is unable to accept TAP's proposal. Our primary difficulty lies with the retention of 22–45-day excursion fares which would be only nominally higher than present fares for this service, $7 round trip in the peak season. We have previously stated in connection with proposals of other carriers that we are not prepared to accept the argument that scheduled services need be priced comparably with charter services in order to maintain independent and profitable competitive operations. We have also indicated our belief that the present 22–45-day excursion fares, although generative, have resulted in a significant amount of diversion and that these two developments taken together were largely responsible for the decline in yield in 1972.

U.S.-carrier traffic during the second and third quarters of 1972 showed a total growth rate of 24 percent over the same period in 1971. In the face of this trend, however, the number of normal economy and short-duration excursion-fare passengers actually declined from 726,165 to 680,762, a decrease of 35,383 or 7 percent. At the same time, long-range excursion-fare passengers more than doubled, increasing from 263,210 in 1971 (29–45-day excursion fare at New York-Lisbon round-trip level of $332, peak) to 570,853 (22–45-day excursion fare at $313 fare New York-Lisbon). We believe there is every reason to expect that this trend in traffic development would continue were TAP's long-duration excursion fare to be permitted to become effective, with a consequent continuing erosion in yield. In this connection, Pan American and TWA anticipate a yield of 4.4 cents per mile under TAP's structure, as compared with respective estimates of 4.7 and 5.1 cents per mile under the U.S.-carrier proposal. We are aware that the APEX fare level contemplated by the U.S. carriers, and which TAP proposes to match, is somewhat lower than the level we are discussing here. However, the conditions attached to use of the APEX fare are sufficiently restrictive, in our opinion, that the fare can reasonably be expected to be more generative than diversionary this upcoming season.

We are also unable to accept the very liberal approach adopted by TAP in connection with provision of free stopovers. Two would be permitted for travel on each of the promotional fares. More importantly, TAP would extend this privilege to the 22–45-day excursion fare where it does not now exist, and also to the APEX and 14–21-day IIT fares. By contrast, the U.S. carriers would prohibit stopovers altogether on the low APEX fare, and would assess a charge of $20 for each of the limited number of stopovers permitted on the somewhat higher IIT fare. In the Board's opinion, the dilution in revenue which stems from the circuitous routings involved in multistop travel creates an unnecessary downward pressure on yield which should be compensated for by an appropriate charge for the service. Finally, we would point out that TAP's proposal, which would essentially maintain the present structure with an overlay of two new fares, runs directly counter to the simplication sought by the U.S. carriers and a majority of European carriers as well. As we have said before, the Board endorses the objective of a more simplified fare structure as being in the interest of both buyers and sellers of air transportation.

Accordingly, for the reasons stated,[4]

[2] Year ended Sept. 30, 1972.

[3] The TAP and U.S. carrier proposals are summarized in the attachment hereto.

[4] The Board has no difficulty with the levels proposed by TAP as regards the 14–21-day excursion fares, the 14–21-day individual inclusive tour fares, and the affinity-group fares. We are concerned that the free stopovers associated with these fares (as opposed to charging for stopovers when they are permitted) would prove to be uneconomic and not geared to cost of providing the service.

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the Board finds the 14–21-day excursion fares, the 22–45-day excursion fares, the 14–21-day individual inclusive tour fares, the 14–45-day advance-purchase excursion fares and the affinity-group fares proposed by TAP may be unjust, unreasonable, unjustly discriminatory, unduly preferential, or unduly prejudicial and should be suspended pending investigation.

Accordingly, pursuant to the Federal Aviation Act of 1958, as amended, and particularly sections 204(a), 403, 404, 801, and 1002, thereof:

It is ordered, That:

1. An investigation is instituted to determine whether the fares and provisions set forth in the appendix hereof,[a] and rules, regulations, or practices affecting such fares and provisions, and subsequent revisions and reissues thereof, are or will be unjust or unreasonable, or unjustly discriminatory, or unduly preferential, or unduly prejudicial, and if found to be unlawful, to take appropriate action to prevent the use of such fares and provisions or rules, regulations, or practices;

2. Pending hearing and decision by the Board, the fares and provisions set forth in the appendix hereof are suspended and their use deferred from April 1, 1973, to and including March 31, 1974, unless otherwise ordered by the Board, and that no changes be made therein during the period of suspension except by order or special permission of the Board;

3. This order shall be submitted to the President[b] and shall become effective on April 1, 1973;

4. Except to the extent granted herein; the complaints filed in Dockets 25177 and 25198 are hereby dismissed; and

5. Copies of this order be filed in the aforesaid tariffs and be served upon Transportes Aereos Portugueses, S.A.R.L., Pan American World Airways, Inc., and Trans World Airlines, Inc., who are hereby made parties to the investigation.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HARRY J. ZINK,
Secretary.

[a] Filed as part of the original document.
[b] This order was submitted to the President on March 9, 1973.

ROUND-TRIP FARE PROPOSALS—NEW YORK-LISBON

	Present fares	PA/TW	TAP
First class	$842	$842	$842
Normal economy:			
Shoulder	484	460	460
Peak	560	560	560
14/21 Excursion:			
Shoulder	349		325
Peak	412		410
22/45 Excursion:			
Shoulder	240		255
Peak	313		320
14/45 Excursion:			
Shoulder		325	
Peak		410	
14/21 ITC:			
Shoulder		245	245
Peak		310	310
14/45 APEX:			
Shoulder		224	224
Peak		293	293
Affinity group:			
Shoulder	214		214
Peak	266		270
14/21 GIT:			
Shoulder	241		
Peak	304		

[FR Doc.73-5631 Filed 3-23-73;8:45 am]

[Dockets Nos. 25116, 22859; Order 73-3-74]

UNITED AIR LINES, INC.

Order of Suspension

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 20th day of March 1973.

By tariff revisions[1] marked to become effective April 1, United Air Lines, Inc. (United) proposes to increase domestic air freight rates as summarized below:

15 percent for hauls 550 miles or less, declining in increments of 50 miles to 1.5 percent for hauls 951–999 miles; 5 percent for hauls 1,000 miles or over in eastbound and northbound directions, except for specific commodity rates, which are not increased. No increase in westbound general commodity rates over 1,000 miles.

A complaint requesting suspension and investigation of United's proposal has been filed by Shulman Air Freight, Inc. (Shulman).

The complaint alleges, inter alia, that United has supplied absolutely no justification for the increases proposed in its container rates; that data supplied by United combined with other known data indicate that container rates produce yields which generally cover their fully allocated costs excluding return on investment; that United is simply lumping together loose traffic and container traffic, and attempting to increase its revenue by disproportionate increases on container traffic, which already bears more than its share; that United's proposal to increase its eastbound directional general commodity rates while leaving its eastbound specific commodity rates unincreased is unjustly discriminatory; and that there have been substantial reductions in capacity costs by virtue of United's improved load factor and it is quite probable that drastically reduced capacity has further reduced capacity costs for United.

In answer to the complaint, United contends that justification of its proposed filing is based totally on cost considerations, all of which show the need for additional revenue; that, while it is true load factors have improved in 1972, United has considered such improvement in its justification by using the year ending June 30, 1972 to determine cost; that, since United's justification shows that short-haul freight operations in question are not profitable even at 100 percent bulk load factor, Shulman is incorrect in denying that United's proposed increases are cost justified merely because load factors have been improving; that, in support of its unfounded proposition that container traffic pays more than its proportionate share, Shulman reverts to using out-of-date nonfully allocated cost data of other carriers, not pertinent to normal air freight operations; and that Shulman has totally failed to show sufficient facts to indicate that United's proposed short-haul container rate increases are not fully cost justified or that such increases discriminate between container versus bulk shippers.

The proposed rates come within the scope of the Domestic Air Freight Rate Investigation, Docket 22859, and their lawfulness will be determined in that proceeding. The issue now before the Board is whether to suspend the proposals or to permit them to become effective pending investigation.

The Board concludes that United has adequately demonstrated a need for an increase in air freight revenues. For the 12 months ended June 30, 1972, United reports operating revenues of $82.9 million and operating expenses of $90.1 million from scheduled domestic all-cargo services, resulting in an operating loss of $7.2 million. All-cargo services account for approximately 63 percent of the carrier's total domestic freight traffic in terms of ton-miles and thus are a fair indication of the profitability of its air freight services in general.

United presents cost data purporting to support rate increases as high as 6 to 15 percent for hauls 850 miles or less, with declining increases for longer hauls.

[1] Revisions to Airline Tariff Publishers, Inc., Agent, Tariffs CAB 131 and 169.

While there may be merit in United's attempt to base rate increases upon the costs of shipments at various lengths of haul, we believe that United's proposal has serious deficiencies.

First, United does not fully reflect in its proposals the various results of the cost data presented. For example, no increased rates are proposed for westbound hauls over 1,000 miles, although the costs shown, if extended to such hauls, would appear to justify rate increases in such cases. Secondly, United utilizes an average shipment size of 300 pounds in its costing methodology and ignores other sized shipments, for which cost-rate relationships might be different. Finally, we believe that the rate increases in markets up to 350 miles appear prima facie excessive and might have an undue impact on shippers, especially in view of the rate increases granted to the carrier during the past few years. Therefore, we will suspend these increases pending investigation.

We shall permit to become effective proposed eastbound and northbound directional rates in view of the Board's policy of reducing directional rate differences.

Much of Shulman's complaint is devoted to protesting United's higher container rates. As pointed out by United, Shulman applies cost data of other carriers to United's operations, and these data cover different time periods. Furthermore, we believe that container rates should bear their share of increased carrier costs.[2]

PRICE STABILIZATION CONSIDERATIONS

Section 229.3 of the Board's economic regulations sets forth the criteria that must be satisfied for Board approval of rate increases under the price stabilization program. Based on the data before us, the Board has determined that the rate increases authorized herein satisfy these criteria.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204(a) and 1002 thereof,

It is ordered that:

1. Pending hearing and decision by the Board, the increased rates, charges, and provisions described in Appendix A[3] hereto are suspended and their use deferred to and including June 29, 1973, unless otherwise ordered by the Board and that no changes be made therein during the period of suspension except by order or special permission of the Board;

2. The complaint filed by Shulman Air Freight, Inc. in Docket 25116 is dismissed except to the extent indicated herein;

3. The Motion for Leave to File an Otherwise Unauthorized Document submitted by the Society of American Florists, in Docket 25317, is denied; and

4. Copies of this order shall be filed with the tariffs and served upon United Air Lines, Inc., Shulman Air Freight, Inc., and the Society of American Florists.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] EDWIN Z. HOLLAND,
Secretary.

[FR Doc.73-5711 Filed 3-23-73;8:45 am]

[2] The Society of American Florists (SAF), on March 16, submitted a "Motion for Leave to File an Otherwise Unauthorized Document," requesting that the Board accept a late-filed request for suspension of domestic freight rate increases proposed by American Airlines, Inc., The Flying Tiger Line Inc. (Tiger), Trans World Airlines, Inc., and United, marked to become effective April 1 or May 1. We shall deny the motion because it does not contain valid reasons justifying the filing of a request for suspension that is (except with respect to Tiger's proposal) at least 16 days late. The time for filing timely requests for suspension of Tiger's proposal expired on March 19 and the motion is not necessary with respect to that proposal.

[3] Appendix A filed as part of the original document.

COMMITTEE FOR PURCHASE OF PRODUCTS AND SERVICES OF THE BLIND AND OTHER SEVERELY HANDICAPPED

PROCUREMENT LIST 1973

Notice of Additions

Notice of proposed additions to the Initial Procurement List, August 26, 1971 (36 FR 16982), were published in the FEDERAL REGISTER on July 26, 1972 (37 FR 14902), and December 14, 1972 (37 FR 26628).

Pursuant to the above notices the following commodity and service are added to Procurement List 1973, March 12, 1973 (38 FR 6742).

COMMODITY

	Each
Class 8465:	
Case, Maintenance Equipment, Small Arms, for M16A1 Rifle 8465-781-9564 (1B).	$0.924

SERVICE

Furniture Rehabilitation, Wright-Patterson Air Force Base, Dayton, Ohio, and Lockbourne Air Force Base, Columbus, Ohio. (GI).	Price list available from PMDS, GSA Region 5.

By the Committee.

CHARLES W. FLETCHER,
Executive Director.

[FR Doc.73-5552 Filed 3-23-73;8:45 am]

COUNCIL ON ENVIRONMENTAL QUALITY

ENVIRONMENTAL IMPACT STATEMENTS

Notice of Availability

Environmental impact statements received by the Council from March 12 through March 15, 1973.

NOTE: At the head of the listing of statements received from each agency is the name of an individual who can answer questions regarding those statements.

DEPARTMENT OF AGRICULTURE

Contact: Dr. T. C. Byerly, Office of the Secretary, Washington, D.C. 20250, 202—447-7803.

FOREST SERVICE

Final, March 9

FALCON Program. The statement refers to a research and development program for advanced logging systems. The major purpose would be to improve the ability of resource managers to predict the economic and environmental consequences associated with the use of conventional and new logging systems. Emphasis will be on new or improved aerial logging methods (balloon use, helicopters, and cable systems), with the aim of providing a larger array of timber harvesting alternatives in environmentally sensitive areas. (112 pages) Comments made by: USDA, COE, EPA, HEW, HUD, DOI, DOT, agencies of 12 States, and concerned citizens. (ELR Order No. 00405) (NTIS Order No. EIS 73 0405-F)

Final, December 27

Fire Ant Control Program. The statement refers to the Imported Fire Ant Cooperative Federal-State Control and Regulatory Program for 1973, under which 24 million acres (in the States of Alabama, Arkansas, Florida, Georgia, Louisiana, Mississippi, North Carolina, South Carolina, and Texas) will be aerially treated. The agent to be used is mirex, at a dosage rate of one-seventeenth of an ounce per acre. Nontarget species will be affected. (111 pages) Comments made by: DOC, DOI, USN, agencies of several States, and concerned citizens. (ELR Order No. 00405) (NTIS Order No. EIS 73 0404-F)

Final, March 12

Herbicide Control of Sagebrush, Idaho. The statement refers to the proposed use of 2,4-D herbicide on approximately 15,000 acres of national forest and grassland areas annually, in order to control sagebrush and wyethia. The area to be treated is in southern Idaho, south of the Salmon River. The statement indicates that a minor amount of the chemical may find its way to water supplies and to the soil. Grouse, antelope, and mule deer are among the wildlife species which are dependent upon sagebrush for either cover or food; some nontarget species of plants will be affected. (157 pages) Comments made by: EPA, USDA, DOI, State agencies, and concerned citizens. (ELR Order No. 00422) (NTIS Order No. EIS 73 0422-F)

RURAL ELECTRIFICATION ADMINISTRATION

Draft, March 15

230 kv. line, Henning to Rush Lake, Minn., county: Otter Tail. The action involves the proposed use of REA loan funds by Cooperative Power Association for the construction of 12 miles of 230 kv. transmission line, with a tap switching station at one terminal and a 230–41.6 kv. substation at the other terminal. There will be some construction disruption and adverse visual impact. (93 pages) (ELR Order No. 00458) (NTIS Order No. EIS 73 0458-D)

V 38 - 57 MAR 26 73 XUM

SOIL CONSERVATION SERVICE

Draft, March 12
Oil Creek Watershed, Pa., counties: Several
The proposal is for a watershed protection and flood prevention project for the 112,000 acre watershed. Project measures include land treatment on 12,585 acres, the development or improvement of 1,575 acres for recreation and upland habitat, and the construction of 6 single purpose dams. One hundred and forty-three acres will be committed to the project; 1 mile of stream will be inundated. (43 pages) (ELR Order No. 00423) (NTIS Order No. EIS 73 0423–D)

Final, March 14
Georgetown Creek Watershed, Idaho county: Bear Lake. The proposed project, for watershed protection, flood prevention and irrigation, consists of land treatment measures, 8,500 feet of channel works, and the conversion from a surface irrigation system to a pressure system for 3,500 acres of cropland. There will be adverse impact to stream fish habitat. (69 pages). Comments made by: COE, EPA, HEW, DOI, State agencies, and concerned citizens. (ELR Order No. 04949) (NTIS Order No. EIS 73 0436–F)

ATOMIC ENERGY COMMISSION

Contact: For nonregulatory matters: Mr. Robert J. Catlin, Director, Division of Environmental Affairs, Washington, D.C. 20545, 202—973–5391.
For regulatory matters: Mr. A. Giambusso, Deputy Director for Reactor Projects, Directorate of Licensing, 202—973–7373, Washington, D.C. 20545.

Addendum, March 12
Rio Blanco Gas Stimulation Project, Colo. county: Rio Blanco. The document is an addendum to the final statement (ELR Order No. 4318, NTIS Order No. PB–205 782–F), which was filed with the council on May 28, 1972. The addendum is intended to reflect the consideration of comments which were filed too late to be incorporated in the environmental impact statement, and to present additional information. (2 volumes) (ELR Order No. 00417) (NTIS Order No. EIS 73 0417–D)

Final, March 12
Davis-Besse Nuclear Power Station, Ohio county: Ottawa. The statement refers to the proposed continuation of a construction permit and the issuance of an operating license to the Toledo Edison Co. and the Cleveland Electric Illuminating Co. for the station. A pressurized water reactor will be employed to produce 2,633 MWt and 872 MWe (net); ultimate outputs of 2,722 MWt and 906 MWe are anticipated. Cooling water will be drawn from Lake Erie and circulated through a natural draft tower; discharge will be at 20 feet above ambient. Approximately 600 acres of the 954-acre site is marsh which will be maintained as a wildlife refuge. As the station is located in a migratory bird flyway and near refuges, birds may be killed from striking the tower. (199 pages) Comments made by: AHP, USDA, COE, DOC, HEW, DOT, EPA, FPC, and State agencies. (ELR Order No. 0418) (NTIS Order No. EIS 73 0418–F)

DEPARTMENT OF COMMERCE

Contact: Dr. Sidney R. Galler, Deputy Assistant Secretary for Environmental Affairs, Department of Commerce, Washington, D.C. 20230, 202—967–4335.

Draft, March 15
Tanker Construction Program. The program involves the subsidized construction of liquid bulk carriers under the Merchant Marine Act of 1970. Included is a mix of vessels, such as handy size tankers (35,000 d.w.t.), intermediate tankers (85,000 d.w.t.), supertankers (250,000 d.w.t.), jumbo supertankers (400,000 d.w.t.), and combination oil/bulk/oil (OBO) carriers (up to 160,000 d.w.t.). The statement treats the deleterious effects of oil introduced into navigable waters by tankers and secondary effects, particularly in the area of future deep water terminal construction. Special assesaments have been made of the effects of catastrophic release from the largest tanker considered under the program, as well as of control and cleanup procedures after spills. (ELR Order No. 00392) (NTIS Order No. EIS 73 0392–D)

DEPARTMENT OF DEFENSE

ARMY CORPS

Contact: Mr. Francis X. Kelly, Director, Office of Public Affairs, Attn: DAEN–PAP, Office of the Chief of Engineers, U.S. Army Corps of Engineers, 1000 Independence Avenue SW., Washington, DC 20314, 202—693–7168.

Draft, March 15
Days Creek. The proposed project involves channel works on 18.74 miles of stream with the city of Texarkana. Flood protection will be provided for 2,900 acres of land; the intensive development of 1,320 acres for urban or industrial use will be enhanced. (80 pages) (ELR Order No. 00450) (NTIS Order No. EIS 73 0450–D)

Draft, March 7
Claiborne Lock and Dam, Ala. The proposed action is the completion of construction and the continued operation of the navigation project on the Alabama River. The dam also reregulates the peaking power releases from the Millers Ferry hydroelectric project. There has been a loss of stream fishery; 2,310 acres of forest and agricultural lands have been committed to the project. (18 pages) (ELR Order No. 00386) (NTIS Order No. EIS 73 0386–D)

Draft, March 14
Ninilchik Small Boat Harbor, Alaska. The proposed action involves annual maintenance operations for the harbor, including dredging to authorized dimensions and repair of beach erosion protection measures. There will be resulting adverse impact to marine biota. (57 pages) (ELR Order No. 00438) (NTIS Order No. EIS 73 0438–D)

Draft, March 15
McKinney Bayou, Ark. and Tex. The proposed project involves the construction of 2 major outlet channels to the Red River, with related control works, channel enlargement of 15.6 miles of McKinney Bayou, and interior drainage improvements. The project will provide flood protection and/or improved drainage to 41,600 acres of cleared land. Counties affected are Miller in Arkansas and Bowie in Texas. As a result of the project 3,600 acres of bottom forest will be cleared for agricultural production, with adverse impact to wildlife and fish resources. (103 pages) (ELR Order No. 00449) (NTIS Order No. EIS 73 0449–D)

Draft, March 14
Nawiliwili Small Boat Harbor, Hawaii. The proposed project involves the construction of a small boat harbor in Nawiliwili Bay on Kauai. Project features include a breakwater, and navigation channels. There will be some loss of crab habitat. (13 pages) (ELR Order No. 00442) (NTIS Order No. EIS 73 0442–D)

Draft, March 15
West Agurs Levee, La., county: Caddo. The proposed action involves the construction of 232 wells along the levee at Twelvemile Bayou, in order to insure the integrity of the structure at high-water levels. Approximately 600 cu. yds. of material will be removed and spread on the levee. (36 pages) (ELR Order No. 00448) (NTIS Order No. EIS 73 0448–D)

Final, March 15
Rush Island, Mo., county: Jefferson. The statement refers to the proposed granting of a permit to the Union Electric Co. for the construction of two 600,000 kw. coal-fueled electrical generating units on the west bank of the Mississippi River. Approximately 150 acres of flood plain land would be committed to the action; cooling water would be drawn from and returned to the Mississippi. The plant would consume 2.5 million tons of coal per year; oxides of nitrogen and sulfur and particulate matter would be released. Fish and larvae may be lost on intake screens and in the cooling system. (approx. 400 pages) Comments made by: EPA, OEO, USDA, DOI, DOT, agencies of Illinois and Missouri, and concerned citizens. (ELR Order No. 00454) (NTIS Order No. EIS 73 0454–F)

NAVY

Contact: Mr. Joseph A. Grimes, Jr., Special Civilian Assistant to the Secretary of the Navy, Washington, D.C. 20350, 202—697–0892.

Draft, March 15
Trident Wharf and Turning Basin, Port Canaveral, Fla., county: Brevard. The proposed project involves the construction of a new turning basin, the deepening of an existing harbor entrance channel, and the construction of a wharf and attendant facilities in order to serve *Trident* missile-carrying submarines. Approximately 12,600,000 cubic yards of spoil will be dredged. One hundred acres of terrestrial environment will be converted to marine environment; 156 acres of upland will be covered with spoil; 2.8 miles of Atlantic shoreline beach will be restored. There will be adverse impact upon marine biota. (199 pages) (ELR Order No. 00452) (NTIS Order No. EIS 73 0452–D)

GENERAL SERVICES ADMINISTRATION

Contact: Mr. Rod Kreger, Acting Administrator, GSA–AD, Washington, D.C. 20405, 202—343–6077.

Draft, March 12
Social Security Administration Payment Center, California. The proposed project is the construction of a new building to house the Department of Health, Education, and Welfare Social Security Payment Center for the San Francisco Bay area. The 554,900 square foot building will be six stories above grade, located on a 10.62-acre site in an urban renewal area of Richmond. There will be some construction disruption. (47 pages) (ELR Order No. 00421) (NTIS Order No. EIS 73 0421–D)

DEPARTMENT OF THE INTERIOR

Contact: Mr. Bruce Blanchard, Director, Environmental Project Review, Room 7260, Department of the Interior, Washington, D.C. 20240, 202—343–3891.

BUREAU OF RECLAMATION

Draft, March 14
Granite Reef Aqueduct, Ariz. The proposed project is a feature of the Central Arizona Project. The aqueduct and its pumping plants will convey water from Lake Havasu at Buckskin Mountains Tunnel, 182 miles southeast to the Central Arizona service area. An annual average of 1.1 million acre-feet will be pumped through the system for multiple-use purposes. This import of water will utilize the major portion of Arizona's remaining entitlement to Colorado River water. Approximately 8,900 acres will be committed to the project. (Approximately 350 pages) (ELR Order No. 00447) (NTIS Order No. EIS 73 0447–D)

NATIONAL PARK SERVICE

Draft, March 15
Moores Creek National Military Park, N.C., county: Pender. The proposed action is the adjustment of the east, west, and north boundaries of the park, and the relocation of the present State highway around rather than through the park, in order to protect and interpret those areas of prime historical importance with the lands acquired. There will be displacement of one store and six residences. (28 pages). (ELR Order No. 00456) (NTIS Order No. EIS 73 0456–D)

Final, March 14
John D. Rockefeller, Jr., National Memorial Parkway, Wyo., county: Teton. The proposed action is the legislative designation of a corridor between Grand Teton and Yellowstone National Parks, along with connecting roads, as the John D. Rockefeller, Jr., National Memorial Parkway. The action will result in increased visitation, and the possible disturbance of wildlife. (51 pages). Comments made by: USDA, DOI, DOT, EPA, and one State agency. (ELR Order No. 00439) (NTIS Order No. EIS 73 0439–F)

TENNESSEE VALLEY AUTHORITY

Contact: Dr. Francis Gartrell, Director of Environmental Research and Development, 720 Edney Building, Chattanooga, Tenn. 37401, 615—755–2002.

Draft, March 12
Bellefonte Nuclear Plant, Ala., county: Jackson. The project involved is a two-unit, 2,664 mw. generator name plate rated nuclear power plant, which would be constructed on a 1,500-acre tract on a peninsula of the Tennessee River, at Guntersville Lake. The plant will utilize two natural draft towers for cooling. Excess heat will be discharged to Guntersville Lake; there will be releases of minute quantities of radioactivity to the air and water; land use at the site will be changed from agricultural to industrial. (Two volumes). (ELR Order No. 00424) (NTIS Order No. EIS 73 0424–D)

DEPARTMENT OF TRANSPORTATION

Contact: Mr. Martin Convisser, Director, Office of Environmental Quality, 400 Seventh Street SW., Washington, DC 20590, 202—466–4357.

FEDERAL HIGHWAY ADMINISTRATION

Draft, March 12
Safety Sound Estuary Bridge, Alaska. The statement refers to the proposed replacement of an existing ferry facility on the Nome-Council Highway. The 805-foot-long bridge and 900-foot-long causeway would provide passage across Safety Inlet. Two approaches to the bridge and causeway, 2,400 feet and 1,900 feet respectively, will tie the new facility to the existing road. Some turbidity and siltation will result from causeway construction. (13 pages). (ELR Order No. 00433) (NTIS Order No. EIS 73 0433–D)
Fifth Street Bridge (Kentucky 8), Ky., counties: Campbell and Kenton. The statement refers to the proposed construction of an additional bridge across the Licking River on Kentucky 8. The 0.48 mile facility will provide a one-way roadway for eastbound traffic between Covington and Newport. Adverse effects include displacement of residences and noise and air pollution. (59 pages) (ELR Order No. 00428) (NTIS Order No. EIS 73 0428–D)
U.S. Highway 30, Nebr., county: Hall. The statement refers to the proposed improvement and/or relocation of a segment of existing U.S. 30 and the extension of First Street in Grand Island. The purpose of the project is to provide a highway facility which will extend the present one-way system and merge the traffic on the one-way system through the Central Business District of Grand Island back into the two-directional traffic on U.S. 30. Adverse effects include acquisition of right of way and relocation impacts on wildlife. (28 pages) (ELR Order No. 00429) (NTIS Order No. EIS 73 0429–D)
Vermont Route 100, Vt., county: Lamoille. The proposed project is the reconstruction on new location of 1.8 miles of Route 100 to provide a bypass of the village of Morrisville. The highway will provide a two-lane facility and a new crossing of Lake Lamoille. Thirty-eight acres of agricultural land will be acquired for right of way; three residences, one commercial operation and a warehouse will be dislocated. (110 pages) (ELR Order No. 00426) (NTIS Order No. EIS 73 0426–D)
State Route 93, Wis., county: Trempealeau. The proposed project is the reconstruction of 6 miles of Highway 93 from north of Elk Creek to the village of Eleva. Grading, placing of base course, and surfacing of the roadbed will be involved. One farm family will be displaced; 55 acres of crop, wood, and pastureland will be acquired for right of way. (10 pages) (ELR Order No. 00431) (NTIS Order No. EIS 73 0431–D)

Final, March 6
FAS Route 09, Ala., county: Clay. The statement refers to the proposed construction of approximately 500 feet of bridge over Crooked Creek and the Seaboard Coastline Railroad, with approximately 1,500 feet of approaches. The project is located on Federal Aid Secondary Route No. 09. Six acres of land will be committed to right of way. Unavoidable effects include inconvenience to the traveling public during construction. (28 pages) Comments made by: EPA, DOI, DOT, HUD, and State agencies. (ELR Order No. 00367) (NTIS Order No. EIS 73 0367–F)
U.S. 280, Ala., counties: Shelby and Talladega. The proposed project is the improvement of present two-lane U.S. 280 to a four-lane facility with a new bridge over the Coosa River. The facility will extend from Harpersville to Childersburg, a distance of 8.04 miles. Approximately 94 acres of land will be acquired for right of way; 18 families and six businesses will be dislocated. Temporary inconvenience to traffic during construction, and its associated dust and noise are adverse effects of the action. (66 pages) Comments made by: EPA, DOD, HUD, DOI, USDA, HEW, State, and regional agencies. (ELR Order No. 00375) (NTIS Order No. EIS 73 0375–F)

Final, March 6
M–24 Extension, Michigan, counties: Tuscola and Huron. The statement refers to a corridor location study for the construction of a 15-mile extension to M–24. Approximately 150 acres of agricultural land and 150 acres of marginal wildlife habitat will be committed to right-of-way. Adverse effects will include loss of local tax base, displacement of residential and farm structures, disruption of surface drainage patterns, and erosion and sedimentation of existing watercourses. (122 pages) Comments made by: USDA, DOC, EPA, COE, DOI, DOT, State, and local agencies. (ELR Order No. 00374) (NTIS Order No. EIS 73 0374–F)

Final, March 5
U.S. 82, N. Mex., county: Eddy. The statement refers to the proposed ungrading of U.S. 82 from Artesia to Loco Hills, a distance of 25 miles. The facility will consist of two 12-foot driving lanes, two box culverts and a bridge across the Pecos River flood plain and a 386-foot bridge across the Pecos River. Adverse effects include displacement of three businesses, one individual, and five vacant structures; conversion of 19.9 acres of farmland and minor acreage of grazing land to right-of-way; and pollution and erosion during construction. (26 pages) Comments made by: USDA, COE, DOI, and State agencies. (ELR Order No. 00365) (NTIS Order No. EIS 73 0365–F)

Final, March 6
Bridge replacement for County Road No. 8, Ohio, county: Shelby. The statement refers to the proposed replacement of the bridge carrying County Road No. 8 over the Penn Central Railroad and the improvement of the approaches to the bridge. Three families will be displaced by the project; 3.849 acres of open space will be committed to road use. (48 pages) Comments made by: USDA, EPA, HUD, DOI, DOT, and State agencies. (ELR Order No. 00377) (NTIS Order No. EIS 73 0377–F)
State Route 3, Covington, Tenn., counties: Tipton and Lauderdale. The proposed project is the improvement of a 6.71-mile section of State Route 3 from Main Street in Covington to north of the Tipton-Lauderdale County line. The project consists of a four-lane facility throughout, and crosses three watercourses (Hatchie River, Town Creek, and a drainage ditch). Adverse effects include relocation of 12 families, loss of esthetic quality, siltation of water courses during construction, and increases in the emission of carbon monoxide and hydrocarbons. (68 pages) Comments made by: USDA, COE, EPA, DOI, TVA, and State agencies. (ELR Order No. 00376) (NTIS Order No. EIS 73 0376–F)

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Reconstruction of Century Avenue (CTH "M"), Wisconsin, county: Dane. The statement refers to the proposed reconstruction of Century Avenue, also known as County Trunk Highway "M", in the city of Middleton, between U.S. Highway 12 and County Trunk Highway "Q". The action consists of replacing the existing two-lane roadway with four lanes, and widening two bridges crossing Pheasant Branch Creek. The 2.37-mile project will be constructed on existing alinement. Temporary erosion and siltation to Pheasant Branch Creek and an increase in the ambient noise level will occur. (31 pages) Comments made by: EPA, DOI, State, and regional agencies. (ELR Order No. 00368) (NTIS Order No. EIS 73 0368-F)

TIMOTHY ATKESON,
General Counsel.

[FR Doc.73-5664 Filed 3-23-73;8:45 am]

FEDERAL COMMUNICATIONS COMMISSION

[FCC 73-269]

FOREIGN LANGUAGE PROGRAMS

Licensee Responsibility to Exercise Adequate Control

In the matter of licensee responsibility to exercise adequate control over foreign language programs.

Memorandum opinion and order. 1. The Commission has before it a request of the National Association of Broadcasters (NAB) filed September 8, 1971, in accordance with § 1.2 of the rules for a declaratory ruling "concerning acceptable modes of station operation in the foreign language programing area." (32 FR 5523.)

2. NAB seeks clarification of the Commission's policies regarding licensee knowledge of and control over foreign language programing in light of the Commission's public notice of March 30, 1967, 9 RR 2d, 1901, the Commission's rulings in various individual cases, and particularly, the language of the Hearing Examiner in his initial decision in "Trans America Broadcasting Corp.", 33 FCC 2d 606 (1970).

3. In the cited public notice we cautioned licensees to maintain adequate controls over foreign language programing, pointing out that in order to exercise such responsibility the licensee must have knowledge of the content of such broadcasts. We pointed out that certain procedures then being followed by some licensees were, in and of themselves, inadequate; i.e., permitting "only persons of established reputation for judgment and integrity to use their facilities; requiring submission in advance of English translations of copies of commercial announcements used in such programs; making recordings of all such broadcasts and retaining them for future reference." We stated further that,

> Licensee responsibility requires that internal procedures be established and maintained to insure sufficient familiarity with the foreign languages to know what is being broadcast and whether it conforms to the station's policies and to requirements of the Commission's rules.

Failure of licensees to establish and maintain such control over foreign language programing will raise serious questions as to whether the station's operation serves the public interest, convenience, and necessity.

4. NAB contrasts this general language with a passage from the Hearing Examiner's initial decision in Trans America, supra, at page 620:

> In particular, there must be assurance that the licensee will exercise real control over the foreign language programs which are broadcast over its facilities. This control must encompass a systematic and regular preaudit of all foreign language programs by a paid employee of the station who has demonstrated capability to understand the language involved.

NAB states that,

> Several broadcast licensees have demonstrated to NAB that strict compliance with the FCC directive specified in the "Trans America" case effectively precludes continued broadcast of their foreign language programing and denies service to a significant segment of their audience which looks to this programing as their only real source of broadcast service. Yet, judged by a general standard of licensee responsibility for, and control over, programing, these licensees in the past have made more than scrupulous efforts to insure that their broadcasts in foreign languages are consistent with the public interest.

NAB does not deny "the clear responsibility of all licensees to maintain control over their programing," but it believes that "licensees fully aware and/or fully reminded of their duty with respect to specific subjects of programing are, in turn, fully capable on their own of establishing the appropriate and effective internal procedures demanded." NAB asserts that the propriety of the "self-determination" approach was recognized by the Commission itself in its report and order in Docket No. 18928, terminating a rule-making proceeding regarding telephone interview programs.

5. Petitioner contends that "several of the controls which the Commission has spelled out are really no controls at all; licensees are thus bound to implement a set of awkward and costly procedures which in fact still don't create any greater protection against programing problems." It asks what insurance there is that a person paid to monitor a foreign language program is any more or less trustworthy than the individual presenting the program, and states that "a thorough background check on a particular performer or announcer and a determination of his reliability is worth more than a routine hiring of someone who simply speaks the language in question" and that "This is all the more true when the performer or announcer is a paid station employee himself." NAB further states that the problem of program content "is evidenced more frequently in English programing than in programing presented in a foreign language." Accordingly, NAB believes "the Commission should relegate the matter of control over foreign language programing to the same general status of the well established treatment licensees are expected to give all programing * * *"

6. Specifically, NAB objects to a requirement that all foreign language programing be monitored or preaudited by a paid employee with a demonstrated capability to understand the language involved. It believes "stations should be permitted to use their own regular employees in foreign language programing without the need for additional monitors." When a foreign language program is presented by a nonemployee, NAB asserts use of a monitor should not be required (1) "where a thorough background check of the performing individual(s) has been undertaken, (2) the station is satisfied with his judgment and integrity and has apprised the person of the station's policies and the FCC requirements and (3) has received from the performer a certification that his presentation contains no improper material." If a background check is not possible or the FCC will not accept the above-proposed arrangement, NAB states that "a station should be permitted to use as a monitor any individual with a demonstrated capability to understand the language involved, whether he be a paid employee or not, so long as he is of known good character, has been apprised of the station's policies and the requirements of the Commission's rules, and certifies as to the propriety of the foreign language broadcast which he has monitored." NAB concludes that,

> Overall, a relaxation of the apparent Commission policy on foreign language programing control would return to the air a needed and highly valuable type of program matter upon which so many individuals newly arrived to this country depend.

DISCUSSION

7. We agree that a clarification of our policies in this area is desirable, in view of the apparent (and perhaps understandable) confusion among some licensees as to their responsibilities, and of some of the arguments set forth in NAB's petition—most particularly that as the result of some licensees' understanding of our requirements, broadcast service to persons unfamiliar with the English language has been seriously curtailed. It should be noted initially that we have never held or implied that foreign-language programing should be denied when a demonstrable need for it exists. Thus, the Review Board in "La Fiesta Broadcasting Co.," 6 FCC 2d 65 (1965), found in a comparative proceeding that an applicant which proposed to broadcast all-Spanish-language programing was entitled to a preference in satisfying demonstrated needs over another which proposed only part-Spanish-language programing, on the basis of a showing of an unfilled need for Spanish-language programing. Moreover, as set forth in our Programing Policy Statement, 25 FR 7291, 7295, one of the major elements usually necessary to meet the needs of the community is "Service to Minority Groups," and from the earliest days of regulation the FRC and the FCC have commended broadcasters for foreign language programing designed to serve the needs of minority groups in their communities. Johnson-Kennedy Radio Corp., (WJKS), Docket No. 1156, affirmed sub nom "F.R.C. v. Nelson Bros. Co.," 289 U.S. 266, 270–71 (1933); United States Broadcasting Corp., 2 FCC 208, 233 (1935).

8. The desirability of foreign-language program service does not, however, relieve the broadcaster of his responsibility for his programing, which in turn necessarily depends upon his adoption of reasonable procedures for assuring himself that the programing conforms to his policies and the requirements of the law. We cannot carve out in this area a special exception to licensee responsibility. Rather, our task is to set forth policies and to suggest certain procedures for implementation of them which will substantially assure exercise of licensee responsibility, while at the same time seeking to avoid imposition of unnecessary burdens.

9. We begin by reaffirming the general policy set forth in our public notice, supra, including our conclusion that certain procedures upon which some licensees were relying for knowledge of and control over foreign language programing appeared, in and of themselves, to be inadequate. For the same reasons, we must reject some of the contentions of the petitioner here: e.g., that a "background check" of a performer would assure licensee control and that letting a performer monitor his own program would be as efficacious as arranging for another party to monitor it. Nor do we agree with NAB that our termination of the proposed rule making in Docket No. 18928 is precedent for the requested relief sought. The proposed rules would not have required greater licensee knowledge of or control over what was being broadcast in telephone interview programs; rather, they would have required the licensee to obtain (but not broadcast) the names of persons who called in, and to retain such names, as well as recordings of the programs, for 15 days in order that they might be inspected or auditioned by "interested parties," e.g., persons attacked by anonymous callers.

10. Although we reaffirm our policy statement of 1967, we believe in light of NAB's petition and numerous inquiries the Commission itself has received as to interpretation of that statement, that amplification of it is in order. First, we disavow any requirement that every foreign language broadcast be preauditioned by a paid, outside monitor. In many cases, such programs are broadcast by regular employees of the stations—employees who are familiar with statutory requirements and the Commission's rules and policies on program matters, as well as the licensee's own policies, and who have demonstrated such knowledge to the licensee as well as their own responsibility. This does not mean, of course, that the licensee can disclaim responsibility for the content of such broadcast by employees any more than he can disclaim responsibility for violations by his English-language announcers.

11. Moreover, we think that, so long as the licensee recognizes his responsibility for overall adherence to the statutes, rules and Commission policies, and has fully familiarized those using his facilities with them and station policies, the licensee could conclude that he need not engage an outside monitor to listen to and report on every broadcast by a nonemployee in a language with which no employee of the licensee is familiar.[1] Unless the licensee has reason to suspect that the nonemployee is violating the requirements of the licensee and the Commission, he may, for example, arrange for an outside monitor to listen to, and report to the licensee on such broadcasts on a spot basis, choosing broadcasts at random—for example, one or more broadcasts a week of a daily program and one or more a month of a weekly program. It is, of course, assumed that the outside monitor has been made familiar with the licensee's policies and the Commission's requirements with respect to the programing; e.g., obscenity, personal attacks, the fairness doctrine, broadcast of false or misleading advertising, lottery information, fraudulent schemes, equal opportunities for political candidates, the licensee's limitations on total commercial content, sponsorship identification. On the other hand, a licensee could reasonably conclude that more stringent precautions are required to carry out his public trust.

12. As for NAB's contention that there is no assurance that a person paid to monitor a program is any more trustworthy than the individual presenting the program, we believe it is obvious that a third party, independent of the performer and responsible only to the licensee, is likely to be a more reliable source of information regarding violations than the performer himself. Many foreign-language programs are broadcast by independent time-brokers, who buy time in blocks from the station, sell their own advertising, and produce their own programs. Thus, there may be a basic conflict of interest between the time-broker's tendency to increase his income by accepting false or misleading commercials, for example, and his duty to observe the Commission's and the licensee's policies. Similarly, the Commission has discovered over the years many instances in which time-brokers were devoting more of their broadcast time to commercials than the licensee's policy permitted; also instances in which brokers have sold time to competing political candidates at different rates, or at higher than regular commercial rates, in violation of the statute and the Commission's rules. Thus, mere reliance on a foreign-language broadcaster who is not a station employee to report his own violations to the licensee obviously would not be likely to assure licensee exercise of his responsibilities.

13. NAB also apparently objects to a condition that outside monitors be paid. We will not lay down a flat requirement that the monitors be paid, but it has been our experience in many cases that where monitors are not paid by the licensee they do not regularly monitor and report on the programs; in fact, in most cases coming to our attention, the device of unpaid, voluntary monitors has proved to be a sham. We do not rule, however, that there may not be circumstances in which an unpaid monitor would serve as efficiently and responsibly as one who is paid. We merely point out that it is the licensee's responsibility to assure that his and the Commission's requirements are complied with in his programming, and that if unpaid monitors are used, the licensee should take special precautions to assure himself that his purpose in engaging a monitor is being fulfilled.

14. In the foregoing paragraphs, we have suggested some guidelines for the licensee, and have tried to make clear that although some procedures have proven inadequate for that purpose, we do not intend to lay down any rigid formula for achievement of it. It is clear that a licensee cannot insure operation in the public interest unless he has a familiarity with the content of his programs; for example, he cannot provide suitable access to ideas, opinions, and information of public importance if he has no such familiarity, nor can he comply with the fairness doctrine, personal attack rules, or any of the other requirements of the statute or the Commission's rules and policies. However, as we stated in Wolfe Broadcasting Corp., 32 FCC 2d 761, 763 (1971):

> [W]e believe it would be administratively impossible to determine for each licensee who presents foreign language programing, whether or not the internal procedures he has implemented to exercise proper control are "required," unnecessarily stringent, or "reasonable" in light of all the factors involved. Certainly the individual licensee is in a far better position than we to assess his problems and requirements in this area. Again, we state that, absent substantial extrinsic evidence of intentional abuse, our only legitimate concern can be whether the procedures followed allow a broadcaster to maintain sufficient control over his programing.

15. Thus, while again reminding licensees of their responsibility in this matter and pointing out some methods of exercising this responsibility which have in our experience proved effective and others which have proved ineffective, we still leave to the licensee the determination of what particular procedures are in his case necessary to the exercise of proper control over programing.

16. Accordingly, the request of the National Association of Broadcasters is to the extent reflected above granted and, in certain respects, as also indicated above, is denied.

Adopted: March 7, 1973.

Released: March 13, 1973.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[FR Doc.73-5688 Filed 3-23-73;8:45 am]

[1] If any responsible employee of the licensee understands the language and monitors the programs of nonemployees, there obviously is no need to engage outside monitors.

V38-57 MAR 26 73 XUM

[Dockets Nos. 19709, 19710; FCC 73-295]

RADIO GENEVA, INC., AND BUCCANEER BROADCASTING LTD.

Order Designating Applications on Consolidated Hearing on Stated Issues

In regard applications of Radio Geneva, Inc., Geneva, N.Y., requests: 101.7 MHz, No. 269A; 3 kW (H & V); 222 feet. Docket No. 19709, File No. BPH-7645; Buccaneer Broadcasting Ltd., Geneva, N.Y., requests: 101.7 MHz, No. 269A; 3 kW (H & V); 125 feet, Docket No. 19710, File No. BPH-7821; for construction permits.

1. The Commission has before it the captioned applications which are mutually exclusive in that operation by the applicants as proposed would result in mutually destructive interference. Therefore, a comparative hearing is required to determine which of the applications should be granted.

2. Based on cost estimates contained in its application, Buccaneer Broadcasting Ltd. (Buccaneer), will require $48,983 to construct and operate the proposed station for 1 year.[1] To meet this requirement, Buccaneer relies on $3,295 in cash, a $10,000 bank loan, an $11,000 loan from Bogart Plumbing and Heating Co., Inc., and $25,120 in anticipated advertising revenues. Although Buccaneer has established the availability of $24,295 in cash and loans, it has not adequately documented the availability of the $25,120 in anticipated advertising revenues.

3. In "Ultravision Broadcasting Company," 1 FCC 2d 544, 547 (1965), we instituted a policy of requiring each applicant for commercial broadcast facilities to demonstrate its financial ability to construct and operate its proposed station for 1 year. We further stated that if an applicant relies on expected advertising revenues to meet its first-year costs, it must submit a convincing evidentiary showing that revenues are, in fact, available. Buccaneer has submitted 14 agreements, all of which are presented on identical standard forms with appended standard conditions, by which potential advertisers appear to agree to purchase up to $25,120 of advertising once Buccaneer's proposed station is on the air. After careful scrutiny of these agreements, however, we find that they are too conditional to demonstrate the availability of any significant amount of advertising revenues for Buccaneer's proposed station. Six of the agreements indicate that they may be canceled at any time. In addition, the standard conditions include a provision which allows any advertiser to terminate its commitment to buy advertising time by giving written notice of cancellation within 28 days after Buccaneer is on the air. Furthermore, most of the commitments are for broadcasts of less than 5 minutes' duration. For these latter broadcasts, the standard form permits an advertiser to terminate its commitment by giving written notice of cancellation within 14 days after broadcasts under the agreement have begun. These conditions and ambiguities pertaining to the duration of the agreements leave the actual amount of advertising to be purchased in considerable doubt. In view of the foregoing, we find that Buccaneer has not established the validity of its estimated advertising revenues. Thus, since Buccaneer has not established the availability of sufficient funds to meet its first-year costs, appropriate financial issues will be specified.

4. In their original applications, Radio Geneva, Inc. (Radio Geneva), and Buccaneer filed for authority to construct an FM broadcast station on Channel 272A, which was then allocated to Geneva. At that time, both applicants complied with our spacing requirements (§ 73.207(a) of the rules). Subsequently, in our report and order in Docket No. 19244 (RM-1632), adopted March 23, 1972, we allocated Channel 272A to Canandaigua, N.Y., and assigned Channel 269A to Geneva. Radio Geneva and Buccaneer later amended their applications to specify operation on Channel 269A. The transmitter sites of both Geneva applicants are approximately 14 miles from the current reference point in Canandaigua instead of the 15 miles required by our spacing rules. Section 73.207(a) requires that applicants for new FM broadcast stations must meet certain specified spacing limitations in regard to proposed and existing stations, while § 73.208 (b) of our rules requires an applicant for a new FM station to meet the spacing requirements of § 73.207(a) with respect to specific reference points in communities if the channels allocated there are not assigned to stations. Thus, we note that although the Geneva applicants are short spaced to the current reference point in Canandaigua, they are more than the required 15 miles from the transmitter site proposed by Canandaigua Broadcasting Co., Inc., the only present applicant for Channel 272A in Canandaigua (File No. BPH-7950). In addition, the transmitter site proposed in the Canandaigua application is more than the required 15 miles from the reference point in Geneva. Moreover, engineering studies indicate that if some other applicant should apply for Channel 272A in Canandaigua, there would be a considerable number of areas where another site could be selected which would not involve short spacings with the Geneva reference point or the sites proposed in the two Geneva applications. Radio Geneva requested a waiver of § 73.207 of our rules in the event that we did not approve and authorize a site for Channel 272A in Canandaigua which met the required mileage separation to Radio Geneva's proposed site. Since Canandaigua Broadcasting Co., Inc.'s application for an FM construction permit in Canandaigua has not yet been granted, we find that a waiver of § 73.207(a) of our rules is warranted with respect to both Geneva applicants.[2] A waiver in this instance would preserve the integrity of our spacing requirements since no de facto short spacing is likely to occur. Any future applicants for Channel 272A in Canandaigua must propose transmitter sites which are at least 15 miles from each of the Geneva applicants' transmitter sites. In light of this fact, the apparent availability of such sites, and the slight amount of short spacing between the current Canandaigua reference point and the Geneva applicants' transmitter sites, the provisions of § 73.207 will be waived for both applicants.

5. Except as indicated by the issues specified below, the applicants are qualified to construct and operate as proposed. However, because the proposals are mutually exclusive, they must be designated for hearing in a consolidated proceeding.

6. *Accordingly, it is ordered*, That, pursuant to section 309(e) of the Communications Act of 1934, as amended, the applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent order, upon the following issues:

1. To determine, with respect to the application of Buccaneer Broadcasting, Ltd.:

(a) Whether the applicant can demonstrate the availability of advertising revenues in the amount of $25,000, and if not, whether the applicant has available other sources of funds to meet its requirements;

(b) Whether, in light of the evidence adduced under the preceding issue, the applicant is financially qualified.

2. To determine which of the proposals would, on a comparative basis, better serve the public interest.

3. To determine, in light of the evidence adduced pursuant to the foregoing issues, which of the applications for construction permit should be granted.

7. *It is further ordered*, That the request of Radio Geneva, Inc., for waiver of § 73.207(a) of the rules is granted; and that on our own motion, § 73.207(a) of the rules is waived with respect to Buccaneer Broadcasting, Ltd.'s application.

8. *It is further ordered*, That the applicants shall file a written appearance stating an intention to appear and present evidence on the specified issues, within the time and in the manner required by § 1.221(c) of our rules.

9. *It is further ordered*, That the applicants shall give notice of the hearing within the time and in the manner specified in § 1.594 of the rules, and shall seasonably file the statement required by § 1.594(g).

Adopted: March 13, 1973.

Released: March 21, 1973.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[FR Doc.73-5689 Filed 3-23-73;8:45 am]

[1] Buccaneer's first-year costs consist of the following: Down payment on equipment, $4,341; first-year equipment payments; $3,580; remodelling and lease payments, $2,500; interest on bank loan, $900; miscellaneous expenses, $3,000; and working capital, $34,662.

[2] Sec. 73.208(b) provides that, in licensing proceedings, station separations shall be determined by the coordinates of authorized transmitter sites where such sites exist. Thus, the current Canandaigua reference point would not be considered under our spacing rules if Canandaigua Broadcasting Co., Inc., had an FM construction permit. Furthermore, as explained previously, Canandaigua Broadcasting Co., Inc.'s proposed transmitter site is not short spaced with the transmitter site of either Geneva applicant.

[Dockets Nos. 19519, 19581]

WESTERN COMMUNICATIONS, INC., AND LAS VEGAS VALLEY BROADCASTING CO.

Memorandum Opinion and Order Enlarging Issues; Correction

In regard Applications of Western Communications, Inc. (KORK-TV), Las Vegas, Nev., Docket No. 19519, File No. BRCT-327, for renewal of license; Las Vegas Valley Broadcasting Co., Las Vegas, Nev., Docket No. 19581, File No. BPCT-4465; for construction permit for new television broadcast station.

The citation in paragraph 13 of the Review Board's memorandum opinion and order, FCC 73R-100, released March 9, 1973, and published at 38 FR 7140, March 16, 1973, is corrected to read as follows: "See 'Calojay Enterprises, Inc.,' 33 FCC 2d 690".

Released March 16, 1973.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[FR Doc.73-5690 Filed 3-23-73;8:45 am]

DIALER DEVICES ADVISORY SUBCOMMITTEE

Notice of Public Meeting

MARCH 20, 1973.

In accordance with Public Law 92-463, announcement is made of a public meeting of the Dialer Devices Advisory Subcommittee of the Dialer and Answering Advisory Committee to be held April 17 and 18, 1973, at the Executive House Hotel, 71 East Wacker, Chicago, IL. The meeting will commence at 10:30 a.m.

1. *Purpose.* The purpose of this Subcommittee is to prepare recommended standards and procedures to the FCC, in order to permit the interconnection of customer provided dialer devices to the public switched network without the need for carrier provided connecting arrangements.

2. *Activities.* As at prior meetings, subcommittee members and observers present their suggestions and recommendations regarding the various technical criteria and standards that should be considered with respect to the interconnection of dialer devices to the public telephone network. Subcommittee members include representatives of the Federal Government, State regulatory bodies, manufacturers, carriers, and users.

3. *Agenda.* The agenda for the April 17 and 18, 1973, meeting will be as follows:

1. Review of enforcement procedures.
2. Review of equipment standards.
3. Review of quality control.
4. Plan future work.

It is suggested that those desiring more specific information about the meeting, contact the Domestic Rates Division on 202-632-6457.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[FR Doc.73-5692 Filed 3-23-73;8:45 am]

DIALER DEVICES AD HOC TASK GROUP

Notice of Public Meeting

MARCH 20, 1973.

In accordance with Public Law 92-463, announcement is made of a public meeting of the Dialer Devices Ad Hoc Task Group to be held April 2 and 3, 1973. The Task Group will meet at the Executive House, 71 East Wacker, Chicago, IL, at 10:30 a.m.

1. *Purposes.* The purpose of the Dialer Devices Subcommittee is to prepare recommended standards and procedures for submission to the FCC, in order to permit the interconnection of dialer devices to the public switched network without the need for carrier provided connecting arrangements. The purpose of the Ad Hoc Task Group is to prepare recommended procedures for review and approval by the Dialer Devices Subcommittee.

2. *Activities.* The Ad Hoc Task Group will prepare a recommended draft of procedures and enforcement to the Dialer Devices Subcommittee.

3. *Agenda.* The agenda for the April 2 and 3, meeting will be as follows:

a. Review of Procedures and Enforcement Document PED-12.

b. Review anticipated submission on procedures, administration, records, and reporting procedures.

c. Review enforcement criteria and/or submission.

It is suggested that those desiring more specific information, contact the Domestic Rates Division on 202-632-6457.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[FR Doc.73-5693 Filed 3-23-73;8:45 am]

FEDERAL POWER COMMISSION

[Docket No. E-7832 etc.]

FILING OF RATE SCHEDULES

Notice of Applications

MARCH 13, 1973.

Take notice that each of the Applicants listed herein has filed an application pursuant to section 205 of the Federal Power Act and Part 35 of the regulations issued thereunder.

Any person desiring to be heard or to make any protest with reference to said applications should on or before March 28, 1973, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The applications are on file with the Commission and available for public inspection.

Dockets Nos.	Date filed	Name of applicant	Action
E-7832	10-20-72	Central Maine Power Co.	Applicant files July 1, 1971, agreement between Central Maine Power Co. and Bangor Hydro-Electric Co., providing for the sale of a portion of Central Maine's power purchases from the New England Power Co. and Connecticut Light & Power Co. to Bangor Hydro-Electric. The arrangement also includes a transmission agreement with the Public Service Company of New Hampshire. This rate filing covers the terms for billing purposes over the life of the contract from July 1, 1971, to Apr. 30, 1972.
E-8000	12-1-72	Iowa Public Service Co.	Applicant files Oct. 25, 1971, agreement between Corn Belt Power Cooperative and Iowa Public Service Co., supplementing the Nov. 20, 1961, interchange agreement between the companies, designated Iowa Public Service Co. Rate Schedule FPC No. 16, to the extent of providing an additional point of interconnection on Iowa Public Service Co.'s Black-Hawk-Fort Dodge 161 kv. transmission line near Fort Dodge, Iowa. This 6th supplement to interchange agreement also eliminates the monthly carrying charges presently being paid by Iowa Public Service Co. to Corn Belt Power Cooperative for facilities provided by Corn Belt in the first and second supplement to interchange agreement.
E-8037	2-16-73	Duke Power Co.	Applicant files Jan. 29, 1973, supplement to Duke Power Co.'s electric power contract with South Carolina Electric & Gas Co. designated Duke Power Co. Rate Schedule FPC No. 197. The supplement provides for a temporary delivery point, to be put into service Mar. 21, 1973, for approximately 1 year, and abandoned thereafter.
E-8040	2-20-73	Central Hudson Gas & Electric Corp.	Applicant files Dec. 29, 1972, Rock Tavern Substation Agreement between Central Hudson and Consolidated Edison Company of New York, providing for the installation, operation, and maintenance by Central Hudson of certain substation facilities for the sole use and benefit of Con Edison. The agreement provides for an effective date of Sept. 1, 1972.
E-8044	2-26-73	Consumers Power Co.	Applicant files Feb. 6, 1973, Supplemental Agreement No. 2 to the wholesale rate contract between Consumers Power Co. and the city of Lansing, Mich., designated Consumers Power Co. Rate Schedule FPC No. 18. The supplement provides terms and deadlines for contract termination.

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Docket No.	Date filed	Name of applicant	Action
E-8047	2-26-73	Arizona Public Service Co.	Applicant files Nov. 1, 1972, Amendment No. 1 to the wholesale power supply agreement between Arizona Public Service Co. and the Navajo tribe of Indians, designated Arizona Public Service Co. Rate Schedule FPC No. 6. This amendment permits the tribe to commingle power and energy purchased from the Colorado River Storage Project with power and energy purchased from Arizona Public Service at a point near Kayenta, Ariz. The amendment provides the procedure to determine the quantities of power and energy delivered by Arizona Public Service at Four Corners for the Kayenta delivery point, and is to take effect Dec. 1, 1972, retroactively.
E-8049	2-26-73	Wisconsin Public Service Corp.	Applicant files Feb. 22, 1973, interconnection and emergency energy agreement between Consolidated Water Power Co. and Wisconsin Public Service Corp. The new agreement, effective Apr. 1, 1973, revises and replaces in its entirety the Aug. 1, 1957, agreement between the parties, and amendments and supplements thereto, designated Wisconsin Public Service Corp. Rate Schedule FPC No. 23 and Consolidated Water Power Co. Rate Schedule FPC No. 1.
E-8061	2-26-73	Virginia Electric & Power Co.	Applicant files Dec. 4, 1972, contract supplement between Virginia Electric & Power Co. and Mecklenburg County, Va., to be designated Clarksville Delivery Point upon the projected connection date in April 1973. The Clarksville Delivery Point replaces the Buffalo Delivery Point established by Virginia Electric & Power Co. Rate Schedule FPC No. 79-20, dated Apr. 10, 1970.
E-8054	12-18-72	Washington Water Power Co.	Applicant files seven amendatory agreements which revise transfer limits of parent agreements under Washington Water Power Co. Rate Schedule FPC No. 40. The revisions reasonably reflect load requirements, and affect the following recipients of service: Kootenai REA, Lincoln Electric Cooperative, Idaho-Country Light & Power Association, Northern Lights, Inland Power & Light Co., and Clearwater Power Co.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-5624 Filed 3-23-73;8:45 am]

[Docket No. E-7709]

BANGOR HYDRO-ELECTRIC CO.

Notice of Proposed Changes in Rates and Charges

MARCH 20, 1973.

Take notice that Bangor Hydro-Electric Co. (Bangor), on February 11, 1972, filed proposed changes in its FPC Rate Schedules 1, 2, 4, 5, 6, and 7. The proposed effective date was March 1, 1972, and the company requested waiver of the notice requirement. By letter of March 17, 1972, the Secretary requested that certain deficiencies in Bangor's filing be corrected, and on February 26, 1973, Bangor refiled its application. The refiled application requests that Rate Schedule No. 6 be canceled. The proposed changes would increase by $15,357.13 revenues from jurisdictional sales and service based on a volume of sales for the 12-month period preceding March 1972. The proposed rate change is described in the company's transmittal letter as being necessary to meet increased operating costs. Bangor proposes an effective date of May 1, 1973.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 441 G Street NW., Washington, DC 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before April 3, 1973. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-5696 Filed 3-23-73;8:45 am]

[Docket No. E-8078]

BUCKEYE POWER, INC.

Notice of Application

MARCH 20, 1973.

Take notice that on March 14, 1973, Buckeye Power, Inc. (Applicant), of Columbus, Ohio, filed an application seeking an order for approval of the issuance of short-term obligations in the form of promissory notes to commercial banks, such notes to be issued on or before December 31, 1973, with a final maturity date of not later than December 30, 1974.

The net proceeds from the notes will be used to provide general funds for the company's construction program.

Any person desiring to be heard or to make any protest with reference to such application should on or before April 4, 1973, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commisison will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-5697 Filed 3-23-73;8:45 am]

[Docket No. E-7918]

CAROLINA POWER AND LIGHT CO.

Order Approving Proposed Settlement and Instituting Investigation

MARCH 12, 1973.

On December 18, 1972, Carolina Power and Light Co. (Carolina), filed a proposed increase in rates to its municipal and private utility customers. Notice of this filing was issued on January 10, 1973, with comments due on January 30, 1973. A petition to intervene was filed on January 29, 1973, by Electricities of North Carolina (Electricities), representing 24 of the 26 municipal customers of Carolina affected by the proposed increase. No other protests or petitions to intervene have been filed.

On February 1, 1973, Carolina filed a motion requesting a 30-day suspension in this proceeding and indicated that Carolina and Electricities intended to file a proposed settlement agreement in this proceeding. The proposed settlement agreement (Agreement) with an accompanying cost of service was filed on February 2, 1973. Public notice of the proposed settlement agreement was issued on February 6, 1973, with comments due February 26, 1973.

By order issued February 16, 1973, we suspended the proposed increase for 30 days, acknowledging the fact that Carolina had filed the motion and settlement.

The proposed Agreement would reduce the amount of the proposed increase from the $2,889,015, or a percentage increase of 13.3 percent to $2,243,630, or an increase of 10.4 percent, based on 1971 billing data. The proposed Agreement would reduce Carolina's indicated rate of return from the affected customers from 7.73 percent to 7.28 percent. The changes in the proposed rates consist of reductions in the demand and energy charges and elimination of the Reactive KVA charge of 10 cents.

The Commission Staff filed its comments on February 26, 1973, in which the Staff concurred in the Agreement and recommended its adoption by the Commission. No other comments were filed.

Staff, in its comments, pointed out that the Agreement contained a moratorium provision which prevents Carolina from unilaterally changing the Agreement rates until January 1, 1975. Staff noted that this moratorium coincided with the moratorium presently in effect between Carolina and its cooperatives as a result of a settlement in Docket No. E-7564.

We have previously stated that moratorium provisions may not be in the public interest. (Illinois Power Co., Docket No. E-7806, order issued December 29, 1972.) Such provisions would appear to be the equivalent of fixed rate contracts, albeit for a limited term. (cf. Philadelphia Electric Co., Docket No. E-7795, ordered issued January 4, 1973.) While moratorium provisions are commonly included in settlement proposals and, furthermore, appear to be a positive inducement to settlement, our policy in favor of settlements must be balanced against the positive public interest considerations inherent in the Commission's maintainance of continuous surveillance of wholesale rates. Since the moratorium contained in this settlement is of unusually long duration, it is proper that the justness and reasonableness of such provision should be further investigated.

Finally, we note that the availability clause of Carolina's proposed tariff contains a provision which might not be in the public interest. The clause provides that service under Rate Schedule RS-9B is available "* * * for use and resale to its ultimate consumers by a private or municipal utility." This clause, on its face, appears to prevent further wholesaling of the purchased power and thereby limits the customers' use of power purchased under Rate schedule RS-9B. In the investigation instituted herein, Carolina will be expected to show how this clause is not anticompetitive and that it is in the public interest.

The record in this case consists of the original filing of Carolina, the filed Agreement and accompanying cost of service, and Staff's comments.

Based on our review of the terms and provisions of the Agreement, and the cost of service which accompanied the Agreement (Appendices A and B), we conclude that the proposed Agreement provides a reasonable and appropriate resolution of the issues herein and that the public interest will be served by our approval of the settlement.

With respect to the moratorium and the availability clause we will, however, institute an investigation under section 206 of the Federal Power Act to determine whether or not the moratorium and the availability clause contained in the Agreement is in the public interest.

The Commission finds:

(1) The settlement of these proceedings on the basis of the Agreement as filed on February 2, 1973, and subject to the terms and conditions of this order is reasonable and proper in the public interest in carrying out the provisions of the Federal Power Act, and should be approved and made effective as hereinafter provided.

(2) The rate increase granted in this case has been reviewed in light of and is consistent with the Economic Stabilization Act of 1970 as amended, Executive Order 11695, and the rules and regulations issued thereunder.

(3) An investigation under section 206 of the Federal Power Act should be ordered to determine whether the moratorium provision and availability clause contained in the Agreement is in the public interest.

The Commission orders:

(A) The Settlement Agreement submitted by Carolina on February 2, 1973, is incorporated herein by reference, and is approved and made effective, subject to the terms and conditions of this order, as of March 1, 1973.

(B) Carolina shall fully comply with each of the provisions of the Agreement and the terms and conditions of this order.

(C) On or before April 11, 1973, Carolina shall file revised tariff sheets conforming to the terms and conditions of the Agreement.

(D) In view of our approval of the Agreement the procedures set forth in our order of February 16, 1973, are hereby canceled.

(E) This order is without prejudice to any findings or orders which have been made, or may hereafter be made, by the Commission, and is without prejudice to any claims or contentions which may be made by the Commission, its Staff, or any other party or person affected by this order, in any proceeding now pending or hereafter instituted by or against Carolina Power and Light Co., or any other person or party.

(F) An investigation into the justness and reasonableness of the moratorium provision and the availability clause contained in the Agreement is hereby instituted under section 206 of the Federal Power Act. Those parties wishing to file testimony and exhibits supporting or opposing these provisions shall file such testimony and exhibits on or before April 3, 1973. Cross examination of the testimony and exhibits filed shall take place on April 24, 1973, before a Presiding Administrative Law Judge, to be designated by the Chief Administrative Law Judge (see Delegation of Authority, 18 CFR 3.5(d)), beginning at 10 a.m., e.s.t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, DC 20426.

(G) The Secretary shall cause prompt publication of this order to be made in the FEDERAL REGISTER.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

APPENDIX A

CAROLINA POWER & LIGHT CO. SETTLEMENT COST OF SERVICE

[Docket No. E-7918—Test year 1971]

Description	Present rates: Utility total	Present rates: Municipals and private utilities	Settlement increase	Proposed rate—municipals and private utilities
(1)	(2)	(3)	(4)	(5)
Operating revenues	$270,328,303	$21,695,765	$2,243,629	$23,939,394
Operating expenses:				
Operation and maintenance	130,138,170	12,831,226		12,831,226
Depreciation	22,515,197	1,818,648		1,818,648
Taxes other than income	23,417,397	2,018,417	125,636	2,144,053
State income taxes	3,359,880	179,209	127,080	306,289
Federal income taxes	20,534,806	469,408	955,729	1,425,137
Taxes deferred prior years	(662,966)	(93,484)		(93,484)
Provision for deferred taxes	4,142,648	520,540		520,540
Investment tax credit	1,277,248	180,323		180,323
Total operating expenses	204,722,388	17,924,377	1,208,355	19,132,732
Operating income	65,605,915	3,771,388	1,035,274	4,806,662
Average rate base:				
Electric plant in service	855,419,824	75,837,679		75,837,679
Accumulated provision for depreciation	(169,597,640)	(14,554,182)		(14,554,182)
Net plant in service	685,822,184	61,283,497		61,283,497
Net plant held for future use	7,264,030	979,570		979,570
Net nuclear fuel	8,040,863	1,032,512		1,032,512
Materials and supplies	27,853,551	2,935,000		2,935,000
Prepayments	1,859,256	157,906		157,906
Cash working capital	15,736,708	1,539,001		1,539,001
Contribution in aid of construction	(3,480,563)	0		0
Deferred income taxes—liberalized depreciation	(13,706,064)	(1,899,528)		(1,899,528)
Total rate base	729,389,966	66,027,967		66,027,967
Rate of return (in percent)	8.99	5.71		7.28

APPENDIX B

CAROLINA POWER & LIGHT CO. RESULTING RATE OF RETURN—DECEMBER 31, 1972

		Percent	Percent	Percent
Long-term debt	$684,140,000	52.22	6.41	3.35
Preferred stock	173,801,000	13.26	7.17	0.95
Common equity	443,449,000	33.85	8.80	2.98
Deferred Income taxes	8,750,000	0.67	0	0
Total	1,310,140,000	100.00		7.28

[FR Doc.73-5558 Filed 3-23-73;8:45 am]

[Dockets Nos. CP72-277, CP72-278]

MICHIGAN WISCONSIN PIPE LINE CO. AND MICHIGAN CONSOLIDATED GAS CO.

Notice of Petition to Amend and of Petition to Continue Exemption

MARCH 20, 1973.

Take notice that on March 8, 1973, Michigan Wisconsin Pipe Line Co. (Michigan Wisconsin), One Woodward Avenue, Detroit, MI 48226, filed in Docket No. CP72-277 a petition to amend the Commission's order of October 2, 1972, in said docket (48 FPC —) issuing a certificate of public convenience and

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necessity pursuant to section 7(c) of the Natural Gas Act by authorizing Michigan Wisconsin to continue for 1 year the storage and related transportation service for Northern Natural Gas Co. (Northern), and Natural Gas Pipeline Company of America (Natural), all as more fully set forth in the subject petition which is on file with the Commission and open to public inspection.

Take further notice that on March 8, 1973, Michigan Consolidated Gas Co. (Consolidated), 1 Woodward Avenue, Detroit, MI 48226, filed in Docket No. CP72-278 a petition pursuant to section 1(c) of the Natural Gas Act to amend the Commission's order issued October 2, 1972, in said docket to continue Consolidated's exemption from the provisions of the Natural Gas Act, all as more fully set forth in said petition which is on file with the Commission and open to public inspection.

The order of October 2, 1972, among other things, authorized Michigan Wisconsin to render for 1 year a transportation and related underground natural gas storage service for Natural and Northern. During off-peak periods in 1972, Michigan Wisconsin received, transported, and stored a total of 2,800,000 Mcf of gas for Northern and 5,800,000 Mcf of gas for Natural. Michigan Wisconsin redelivered equivalent volumes during the period November 1972, through February 1973. Incident thereto, Michigan Wisconsin arranged for storage of the gas by Consolidated. Said order, in connection with the implementation of these arrangements, continued Consolidated's exemption under section 1(c) of the Natural Gas Act and excused said company from the Commission's accounting and reporting requirements.

Northern and Natural have requested Michigan Wisconsin to continue the transportation and storage service for a 1-year period and Consolidated states that it has the temporary ability to provide the required storage capacity. Michigan Wisconsin states that the continued service will have the effect of converting off-peak gas supplies to winter high end-use utilization by the customers of Northern and Natural and will thus assist Northern and Natural in meeting the requirements of their customers for the 1973–74 heating season. No additional facilities are required for the proposed continued service.

Any person desiring to be heard or to make any protest with reference to said petitions to amend should, on or before April 13, 1973, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to the proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commisison's rules.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-5698 Filed 3-23-73;8:45 am]

[Docket No. RP73-88]

NORTHERN NATURAL GAS CO.

Notice of Proposed Changes in Rates and Charges

MARCH 20, 1973.

Take notice that on March 12, 1973, Northern Natural Gas Co. (Northern), tendered for filing revised tariff sheets, Original Volume No. 2, First Revised Sheet Nos. 440 and 443. Northern states that the sheets are being filed to effectuate an increase in the rate for Rate Schedule X-32 of its FPC Gas Tariff from 33 cents per Mcf to 34.19 cents per Mcf. The proposed effective date is February 27, 1973. Northern states that the 1.19 cents increase represents the estimated increase in its average cost of purchased gas, per Mcf of gas sales volumes for the year 1973. Northern requests the Commission to waive the notice requirements of 18 CFR 154.22. Northern also states that a copy of this filing has been mailed to Southern Union Gas Co.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 441 G Street NW., Washington, DC 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before April 6, 1973. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-5699 Filed 3-23-73;8:45 am]

[Docket No. RP73-83]

NORTHERN NATURAL GAS CO.

Notice of Proposed Changes in Rates and Charges

MARCH 20, 1973.

Take notice that on March 12, 1973, Northern Natural Gas Co. (Northern), tendered for filing amended Tariff Sheets, Original Volume No. 2, Substitute Original Sheet Nos. 442, 454, and 455, Second Substitute Original Sheet Nos. 440 and 443. Northern states that Substitute Original Sheet Nos. 440 and 443 were submitted for filing by letter of February 16, 1973, for the purpose of increasing the rate from 27 cents per Mcf to 33 cents. The February 16 filing is currently pending in Docket RP73-83. Northern states that these sheets are being resubmitted at this time for the purpose of requesting a waiver of 18 CFR 154.22 to permit these tariff sheets to become effective December 26, 1972, and with regard to Sheet No. 440 to indicate maximum volumes of 536,000 Mcf. Northern also states that Sheets Nos. 454 and 455 are being tendered for filing at this time to provide for new Delivery Stations. Northern further states that a copy of this filing was mailed to Southern Union Gas Co.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 441 G Street NW., Washington, DC 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before April 6, 1973. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-5700 Filed 3-23-73;8:45 am]

[Docket No. E-7802]

PACIFIC POWER & LIGHT CO.

Notice of Proposed Changes in Rates and Charges

MARCH 19, 1973.

Take notice that Pacific Power & Light Co. (Pacific), on February 12, 1973, tendered for filing an executed sales agreement between Pacific and Southern California Edison Co. (Edison), dated January 29, 1973, to become effective February 1, 1973. Services will be rendered to Edison under Pacific's "Wholesale Nonfirm Energy Rates Tariff" filed October 31, 1972, in this docket.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 441 G Street NW., Washington, DC 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before March 30, 1973. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-5701 Filed 3-23-73;8:45 am]

[Dockets Nos. E-7795, E-7989]

PHILADELPHIA ELECTRIC CO.

Accepting for Filing and Suspending Tendered Filing; Consolidation of Proceedings; Hearing; and Submission of Updated Cost Data

MARCH 19, 1973.

On January 19, 1973, Philadelphia Electric Co. (PE), tendered for filing a Notice of Cancellation[1] of Rate Schedule FPC No. 24 which provides for service to the Borough of Lansdale (Lansdale) up to 8,000 kw. demand, to become effective March 20, 1973. Concurrently with the cancellation, PE proposes that the terms of the Supplemental Rate Schedule filed October 24, 1972, for demand greater than 8,000 kw.[2] be made effective for all of Lansdale's service from PE, thereby effecting an increase in rates of approximately $229,122 based upon the test year ended December 31, 1971, as adjusted.

The instant filing was noticed on February 22, 1973. On March 12, 1973, Lansdale filed a "Protest, Motion to Reject and Petition to Intervene * * *. In support of its motion to reject. Lansdale incorporates by reference its objections to the original filing of PE's Supplemental Rate Schedule on October 24, 1972, in Docket No. E-7795 which requested rejection of such filing as a violation of the Mobile-Sierra doctrine. Lansdale also alleges that PE's filing does not comply with § 35.13 of the Commission's regulations under the Federal Power Act since it incorporates by reference cost data filed by PE on May 1, 1972, in Docket No. E-7726 and on October 24, 1972, in Docket No. E-7795 which is based on the test year 1971, as adjusted. Alternatively, Lansdale requests that the Commission suspend the proposed rate increase for 5 months, consolidate the proceeding with Docket No. E-7795 and set new dates for hearing.

Our review of Lansdale's pleadings indicates that rejection of the filing is not justified. Lansdale's Mobile-Sierra arguments were answered in our order issued January 4, 1973, in Docket No. E-7795 and require no further discussion in this order. However, our review of the filing indicates that certain issues are raised which require development in evidentiary proceedings. The proposed rates and charges have not been shown to be justified and may be unjust, unreasonable, unduly discriminatory, preferential, or otherwise unlawful. Moreover, the fact that certain issues of law and fact in this proceeding are substantially the same in Docket No. E-7795 makes it appropriate that the filing in Docket No. E-7989 be suspended for 1 day until March 21, 1973, subject to refund, and consolidated with the proceedings in Docket No. E-7795 for purposes of hearing and decision.

Finally, so that the Commission will have a full, complete, and up-to-date record on all of the issues presented we shall require PE to submit cost and revenue data for calendar year 1972 in both parts of this consolidated proceeding. In this connection we would point out that our caveat on page 7 in Duke Power Company, Opinion No. 641 in Docket No. E-7557, is particularly appropriate, wherein we stated:

> * * * our filing requirements are not to be construed as a limitation on evidence which may be proferred as an aid to us in determining just and reasonable rates. All evidentiary material relevant to a fair determination of cost and revenue expectations may be appropriately presented in filings before us.

In view of this action, we will extend the present service and hearing dates set in Docket No. E-7795 as noted below.

The Commission finds:

It is reasonable and appropriate in the public interest and to aid in the enforcement of the Federal Power Act that:

(1) PE's filing be accepted for filing, suspended, and the use thereof deferred as hereinafter provided.

(2) The Commission enter upon a hearing concerning the lawfulness of the rates and charges contained in PE's filing.

The Commission orders:

(A) Pursuant to the authority of the Federal Power Act, including sections 205, 308, and 309 thereof, the Commission's rules of practice and procedure, and the regulations under the Federal Power Act, a public hearing shall be held concerning the lawfulness of the rates, charges, classifications, and services contained in PE's filing.

(B) Dockets Nos. E-7989 and E-7795 are hereby consolidated for purposes of hearing and decision.

(C) Pending hearing and a final decision in these consolidated proceedings, PE's filing is hereby accepted for filing, suspended, and the use thereof deferred until March 21, 1973.

(D) Lansdale's motion to reject is hereby denied.

(E) PE's Supplemental Rate Schedule filed October 24, 1972, in Docket No. E-7795 is hereby redesignated Rate Schedule FPC No. 38 and the revised fuel adjustment clause filed on January 2, 1973, in Docket No. E-7795 is hereby redesignated as Supplement No. 1 thereto, effective March 21, 1973.

(F) On or before May 1, 1973, PE shall file cost and revenue data for the 1972 calendar year. Staff and intervenors will serve their prepared testimony and exhibits on or before June 12, 1973. Any rebuttal evidence by PE shall be served on or before June 28, 1973. Cross-examination of the evidence shall commence on July 17, 1973, at 10 a.m., e.d.t.

(G) The Secretary shall cause prompt publication of this order to be made in the FEDERAL REGISTER.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.73-5702 Filed 3-23-73;8:45 am]

[Docket No. E-7768]

PUBLIC SERVICE ELECTRIC & GAS CO.

Order Permitting Proposed Rates To Become Effective and Initiating Investigation

MARCH 9, 1973.

On August 30, 1972, Public Service Electric & Gas Co. (PSE&G) tendered for filing proposed changes in its Electric Rate Schedules FPC Nos. 47, 48, and 49.[1] These proposed rates would constitute a revenue increase of approximately $785,238 based on a 1971 test year.

The notice of proposed increase, issued on September 12, 1972, provided that the closing date for petitions to intervene, protests, and comment would be September 29, 1972. However, on October 10, 1972, the borough of Milltown (Milltown), a municipal customer of PSE&G, filed a letter protesting the proposed rate increase and requesting intervention. By order issued October 30, 1972, we suspended the proposed increase 1 day, allowed Milltown to intervene in the proceeding and requested that the parties (Milltown and Staff) file offers of proof within thirty (30) days supporting their positions as to the necessity of an evidentiary hearing to assist the Commission in determining whether such a hearing is justified in this case. PSE&G was allowed 15 days from the filing of these pleadings to answer. Milltown, upon petition to the Commission, was allowed until December 11, 1972, to file its offer of proof, and PSE&G was allowed until December 27, 1972, to answer. Pleadings were filed by all the parties of record within the time specified.

Finally, on December 11, 1972, the borough of South River filed an untimely petition to intervene.

Staff filed its offer of proof, consisting of two documents, on November 28 and 29, 1972, stating its position that the proposed increase is completely cost justified. Furthermore, staff states it does not intend to sponsor an evidentiary case in its own behalf. Staff's offer of proof showed an adjusted rate of return under Rate Schedule LPL-R (Milltown) of 5.51 percent compared to the company's figure of 5.30 percent. However, staff points out that certain of its downward adjustments to PSE&G's expenses, notably charitable contributions, may be found to be reasonable allowable expenses. On that basis, the rate of return shown in staff's offer of proof may be

[1] Designated as Philadelphia Electric Co., Supp. No. 4 to Rate Schedule No. 24. (Supp. No. 4 cancels FPC No. 24 and Supp. No. 1 thereto.)

[2] Supp. No. 2 to Rate Schedule FPC No. 24. This supplemental schedule is currently in effect, subject to refund, in Doc. No. E-7795. See Ordering Paragraph (E) below for redesignation of this schedule.

[1] These schedule designations supersede FPC Rate Schedules Nos. 39, 40, and 41, respectively.

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above the return the proposed rates would actually produce.

Milltown's offer of proof does not dispute the cost justification of PSE&G's proposed increased rates, but rather attacks the proposed increase on the grounds it is discriminatory to Milltown.

Milltown's allegations as to discrimination are as follows:

(1) Milltown's charge per kw.-hr. is greater than the charge of the other two customers served under Rate Schedule HTS–R, the other wholesale tariff proposed to be changed in this docket.

(2) Jersey Central Power & Light, another customer of PSE&G, is currently paying too low a rate and the losses alleged in PSE&G's filing are due to this low rate.

(3) The proposed rates produce a higher rate of return on service to Milltown under Rate Schedule LPL–R than on service under Rate Schedule HTS–R (applicable to Jersey Central Power & Light and the borough of South River).

(4) PSE&G currently has a rate proceeding pending before the New Jersey Board of Public Utility commissioners which amounts to lesser increase, percentagewise, to retail customers than the percentage increase of this proposed increase to jurisdictional customers.

(5) PSE&G may be attempting to eliminate municipal distribution of electricity, or force Milltown to accept service at a higher voltage.

PSE&G's principal answer to the above allegations can be summarized by saying that comparisons with the Rate Schedule HTS–R are irrelevant because the services are completely different. Furthermore, PSE&G states that the allegations with regard to the percentage of the proposed increase in its retail rates are meaningless standing alone. Finally, PSE&G denies there is discrimination between its retail and jurisdictional rate structures.

We believe the proposed rates should be approved as filed without further proceedings and that the refund provision contained in our October 30, 1972, order should be lifted. Our review of the cost of service accompanying PSE&G's filing indicates that PSE&G has properly allocated costs including return to each class of wholesale service and the rates are properly designed to recover those allocated costs and produce no more than a just and reasonable return on both classes of service. Furthermore, although we do not here decide whether comparisons with retail service are relevant to a charge of discrimination, the bare allegations of Milltown, based on percentage of increases in pending dockets in different jurisdictions, do not convince us that a hearing is merited on the issue of discrimination. The rate of return shown in PSE&G's filing, as well as that shown in Staff's Offer of Proof, is well within the limits of reasonableness.

Finally, it should be noted that the Borough of South River on December 11, 1972, filed an untimely petition to intervene and also petitioned for leave to file an offer of proof. This petition is opposed in all respects by PSE&G. The Borough of South River (South River) alleges that PSE&G's sales to South River and Milltown have been "lumped" with sales to Jersey Central Power and Light in order to justify the proposed increase. PSE&G denies this allegation. Our analysis of PSE&G's filing shows us that PSE&G has provided an allocated cost of service for each class of service rather than "lumping" sales to different customers. While we will allow South River to intervene as a party in this proceeding, we will not further delay this proceeding for purposes of its filing an offer of proof. Furthermore, as we have found, our investigation of the data supporting the proposed rates assures us that they are just and reasonable. In view of our findings that the proposed rates are clearly just and reasonable, further delay would not be in the public interest.

Milltown, in its December 11, 1972, offer of proof, also seeks to challenge the general terms and conditions of PSE&G's rate schedules. Milltown's challenge is directed at the provisions in the existing rate schedules the substance of which PSE&G is not proposing to change in this proceeding. Specifically, Milltown objects to the 1-year term of the rate schedule and the 5-day notice of termination provision, to the inclusion of special provisions "c" and "d" in the schedule, and to the inclusion in the schedule of the following standard terms and conditions: paragraphs 3, 4, 8, 9, 12, 13, 14, 15, 21, and 29. Finally Milltown requests that the Federal Power Commission order PSE&G not to limit the amount of power Milltown can purchase at 4kV. Since Milltown is challenging existing provisions, we shall construe their offer of proof as it relates to the terms and conditions as a complaint for the initiation of an investigation under section 206 of the Federal Power Act and shall order such an investigation.

The Commission finds:

(1) The proposed rates, filed by PSE&G on August 2, 1972, are just and reasonable within the meaning of section 205 of the Federal Power Act and should be approved without further proceedings.

(2) Granting of the Borough of South River's petition to intervene may be in the public interest.

(3) The rate increase granted in this case has been reviewed in the light of the Economic Stabilization Act of 1970 as amended, Executive Order 11695, and the rules and regulations issued thereunder and is consistent therewith.

The Commission orders:

(A) The Borough of South River is hereby permitted to intervene in this proceeding subject to the rules and regulations of the Commission: *Provided, however*, That the participation of such intervenor shall be limited to matters affecting rights and interests specifically set forth in its petition to intervene and shall not further delay this proceeding; and, *Provided further*, That the admission of such intervenor shall not be construed as recognition by the Commission that it might be aggrieved because of any order or orders issued by the Commission in this proceeding.

(B) The request by the Borough of Milltown for an evidentiary hearing on the justness and reasonableness of the proposed rates and charges is denied.

(C) The proposed rate schedules tendered herein are accepted for filing to be effective as of November 1, 1972, without further refund liability.

(D) Milltown's challenge to the terms and conditions of PSE&G's Rate Schedule FPC No. 48 as hereinbefore specified is accepted as a complaint for an investigation under section 206 of the Federal Power Act.

(E) On or before April 6, 1973, Milltown shall file its prepared testimony and exhibits to support its position that the terms and conditions of Rate Schedule FPC No. 48 (LPL–R) are unjust or unreasonable. PSE&G shall file its direct testimony on or before April 20, 1973. Milltown shall file its rebuttal testimony and exhibits on May 2, 1973. Cross-examination of the testimony and exhibits of the parties shall commence on May 8, 1973, commencing at 10 a.m. e.d.t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, DC 20426. Cross-examination shall take place before a Presiding Administrative Law Judge, to be designated by the Chief Administrative Law Judge (See Delegation of Authority 19 CFR 3.5(d)) for that purpose.

(F) The Secretary shall cause publication of this order to be made in the FEDERAL REGISTER.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

[FR Doc.73–5695 Filed 3–23–73;8:45 am]

[Docket No. CP72–118]

SEA ROBIN PIPELINE CO.

Notice of Amendment to Application

MARCH 20, 1973.

Take notice that on March 12, 1973, Sea Robin Pipeline Co. (Applicant), Post Office Box 1407, Shreveport, LA 71158, filed in Docket No. CP72–118 an amendment to its application filed November 3, 1971, in said docket, pursuant to section 7(c) of the Natural Gas Act, providing for a contract demand level of 35,000 Mcf of gas per day for the transportation service proposed to be performed for Tennessee Gas Pipeline Co., a Division of Tenneco Inc. (Tennessee), all as more fully set forth in the amendment which is on file with the Commission and open to public inspection.

The original application in this docket requests authorization, among other things, for Applicant to transport up to 102,000 Mcf of natural gas per day for Tennessee from various points offshore Louisiana to the terminus of Applicant's pipeline near Erath, Vermilion Parish, onshore Louisiana. The two companies entered into a transportation agreement, dated September 29, 1971, providing for the proposed service. On December 29, 1972, Applicant and Tennessee entered into a letter agreement reducing from 102,000 Mcf per day to 35,000 Mcf per day the maximum daily quantity of gas

to be transported and the subject amendment reflects this reduction.

Any person desiring to be heard or to make any protest with reference to said amendment should on or before April 13, 1973, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

KENNETH F. PLUMB, *Secretary.*

[FR Doc.73–5703 Filed 3–23–73;8:45 am]

[Docket No. E–7711]

SOUTHWESTERN ELECTRIC POWER CO.

Order Providing for Hearing

MARCH 20, 1973.

On February 7, 1972, Southwestern Electric Power Co. (the Company) filed in this docket a notice of cancellation of its FPC Rate Schedule No. 56 under which it sells electric power to Tex-La Electric Cooperative, Inc. of Quitman, Tex., for resale to Tex-La's distribution cooperative members. After all participants agreed it was preferable to continue existing service arrangements, the Company filed rate schedule SPA/Tex-La/SWEPCO applicable to existing service arrangements. By order issued August 8, 1972, the Commission accepted this rate schedule for filing, the rates thereunder to be effective August 9, 1972, subject to refund. Tex-La objects to the new rate schedule, contending that service should continue under FPC Rate Schedule 56 because the Company had no right to cancel it. Staff and the Company say the contract cancellation is valid. This matter is before the Commission without an initial decision.

The Southwest Power Authority (SPA) sells to Tex-La 142 megawatts of power and 1,800 hours per kilowatt of energy. The entire output of Narrows Dam Project, about 25,000 kilowatts, is included in the sale; the remaining 117,000 kilowatts comes from other reservoir projects. The power and energy Tex-La buys from SPA is sold to the Company at no profit. The Company then resells power and energy to Tex-La.

The Company claimed the right to cancel the old rate agreement under section 5 of article VII, which provides:

SEC. 5. Review of compensation to the Company. The rates and terms and conditions of the compensation paid by Tex-La to the Company under section 4 of this article VII shall be reviewed at the time of receipt of notice from SPA under either section 4, article I, or section 5, article II, of the SPA contract, of any modification, amendment, or supersession of the then existing schedule of rates and compensation to be paid by Tex-La in connection with the purchase by Tex-La from SPA of Narrows Dam power and energy and peaking power capacity and peaking energy upon written request of:

* * * * *

(ii) The Company, if such modification, amendment, or supersession puts into effect an increase in the cost to Tex-La for such Narrows Dam power and energy or for such peaking capacity and peaking energy; and if, within 5 months after the receipt of such notice from SPA, Tex-La and the Company are unable to agree upon a new schedule of compensation to be paid by Tex-La to the Company for service rendered by the Company under this article VII, the Company may at its option terminate this agreement in its entirety upon written notice to Tex-La at any time within 1 year after the end of such review, such termination to be effective on the date specified by the Company, but not later than 36 months from the date of such notice.

* * * * *

There was no agreement upon a new schedule of compensation within 5 months. On August 5, 1971, President Pirkey of the Company wrote to President Nichols of Tex-La: "Pursuant to the terms of section 5 of article VII, you are hereby notified that [the Company] hereby exercises its option to terminate the agreement dated the 11th day of May 1960, * * * the effective date of such termination to be on the 29th day of February 1972.

Tex-La argues that the cancellation clause was intended to be used only to compensate the Company for the increased cost of purchases from Tex-La, and since Tex-La did not increase its rates to the Company when SPA rates were increased,[1] Section 5 does not apply. Tex-La also introduced evidence that it was intended in the 1962 and 1963 amendments to the 1960 contract to obtain firm prices subject only to a revision to reflect increased SPA hydro costs, whereas the Company now seeks cancellation to obtain rate increases reflecting increased costs throughout its system, including thermal generation. Tex-La says it would never have approved, nor would the REA have approved, the contract amendments had they known of the Company's "present strained interpretation of section 5, allowing immediate cancellation following a failure to agree on thermal rates * * *." (Tex-La Brief, pages III–10—III–11)

Whatever the original reasons for section 5, the plain language of that section permits the Company to cancel under the circumstances here set forth. A hearing will be ordered as to the justness and reasonableness of the latest rate schedule.

The Commission orders:

(A) Pursuant to the authority of the Federal Power Act, particularly sections 205, 206, 308, and 309 thereof, and the Commission's rules and regulations, a public hearing shall be held commencing with a prehearing conference on September 20, 1973, at 10 a.m. (e.d.t.), in a hearing room of the Federal Power Commission, 441 G Street, NW., Washington, DC 20426, concerning the lawfulness of the rates, charges, classifications, services and other provisions contained in Southwestern Electric Power Company's Rate Schedule SPA/Tex-La/SWEPCO.

(B) At the prehearing conference on September 20, 1973, Southwestern Electric Power Co.'s prepared testimony pertaining to the rate level issues, together with its rate filing relevant to those issues, shall be admitted to the record as Southwestern Electric Power Co.'s complete case-in-chief, subject to appropriate motions, if any, by parties to the proceeding. Any prepared testimony and exhibits of the Commission staff shall also be admitted to the record subject to appropriate motions. All parties shall be prepared to effectuate the provisions of § 1.18 of the Commission's rules of practice and procedure.

(C) On or before May 21, 1973, Southwestern Electric Power Co. shall file a complete cost of service presentation based upon 1972 calendar year data.

(D) On or before September 13, 1973, the Commission staff shall serve its prepared testimony if any and exhibits if any on the rate level issues. The prepared testimony if any and exhibits if any on those issues of any and all intervenors shall be served on or before September 27, 1973. Any rebuttal evidence by Southwestern Electric Power Co. shall be served on or before October 11, 1973. Cross-examination of all evidence relevant to the rate level issues shall commence October 29, 1973. The Presiding Administrative Law Judge, upon a showing of good cause, may grant such extensions of time as he deems appropriate.

(E) A Presiding Administrative Law Judge to be designated by the Chief Administrative Law Judge for that purpose (see Delegation of Authority, 18 CFR 3.5(d)), shall preside at the hearings in this proceeding, shall prescribe relevant procedural matters not herein provided, and shall control this proceeding in accordance with the policies expressed in § 1.18 of the Commission's rules of practice and procedure.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

[FR Doc.73–5704 Filed 3–23–73;8:45 am]

FEDERAL RESERVE SYSTEM

DEARBORN FINANCIAL CORP.

Formation of Bank Holding Company

Dearborn Financial Corp., Chicago, Ill., has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company through acquisition of 100 percent of the voting shares (less directors' qualifying shares) of Upper Avenue National Bank of Chicago, Chicago, Ill. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Chicago. Any person wishing to comment on the application should submit his views in writing to the Secretary, Board of Governors of the Federal Reserve System,

V38-57 MAR 26 73 XUM

Washington, D.C. 20551, to be received not later than April 9, 1973.

Board of Governors of the Federal Reserve System, March 20, 1973.

[SEAL] CHESTER B. FELDBERG,
Assistant Secretary of the Board.

[FR Doc.73-5673 Filed 3-23-73;8:45 am]

GENEVA INVESTMENT CO.

Formation of Bank Holding Company and Proposed Retention of Bixby Insurance Agency

Geneva Investment Co., Lincoln, Nebr., has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company through acquisition of 94.67 percent or more of the voting shares of Fillmore County Bank, Geneva, Nebr. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Geneva Investment Co., has also applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.4(b)(2) of the Board's Regulation Y, for permission to retain the assets of Bixby Insurance Agency, Geneva, Nebr. Notice of the application was published on December 7, 1972, in the Nebraska Signal, a newspaper circulated in Geneva, Nebr.

Applicant states that the proposed subsidiary would engage in the activities of a general insurance agency in a community of less than 5,000 people. Such activities have been specified by the Board in § 225.4(a) of Regulation Y as permissible for bank holding companies, subject to Board approval of individual proposals in accordance with the procedures of § 225.4(b).

Interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question should be accompanied by a statement summarizing the evidence the person requesting the hearing proposes to submit or to elicit at the hearing and a statement of the reasons why this matter should not be resolved without a hearing.

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Kansas City.

Any views or requests for hearing should be submitted in writing and received by the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, not later than April 16, 1973.

Board of Governors of the Federal Reserve System, March 19, 1973.

[SEAL] CHESTER B. FELDBERG,
Assistant Secretary of the Board.

[FR Doc.73-5666 Filed 3-23-73;8:45 am]

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

EXPANSION ARTS ADVISORY PANEL

Notice of Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Commitee Act (Public Law 92-463), notice is hereby given that a closed meeting of the Expansion Arts Advisory Panel to the National Endowment for the Arts will be held at 9:30 a.m., on March 28, 1973, 9:30 a.m., on March 29, 1973, and 9:30 a.m., on March 30, 1973, in Washington, D.C.

This meeting is for the purpose of Council review, discussion, and evaluation of grant applications. It has been determined by the Chairman in accordance with section 10(d) of the Act, that the meeting involves matters exempt from the requirements of public disclosure under the provisions of the Freedom of Information Act (5 U.S.C. 552(b)).

Further information with reference to this meeting can be obtained from Mrs. Eleanor A. Snyder, Advisory Committee Management Officer, National Endowment for the Arts, 806 15th Street NW., Washington, DC 20506, or call area code 202—382-2854.

PAUL BERMAN,
Director of Administration, National Foundation on the Arts and the Humanities.

[FR Doc.73-5665 Filed 3-23-73;8:45 am]

SECURITIES AND EXCHANGE COMMISSION

[File No. 500-1]

AADAN CORP.

Order Suspending Trading

MARCH 19, 1973.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, $0.10 par value, and all other securities of Aadan Corp., being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period from 11 a.m. (e.s.t.), March 19, 1973 through March 28, 1973.

By the Commisison.

[SEAL] RONALD F. HUNT,
Secretary.

[FR Doc.73-5677 Filed 3-23-73;8:45 am]

[File No. 500-1]

CONTINENTAL VENDING MACHINE CORP.

Order Suspending Trading

MARCH 20, 1973.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, 10 cents par value, of Continental Vending Machine Corp., and the 6 percent convertible subordinated debentures due September 1, 1976, being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors:

It is ordered, pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period from March 21, 1973, through March 30, 1973.

By the Commission.

[SEAL] RONALD F. HUNT,
Secretary.

[FR Doc.73-5676 Filed 3-23-73;8:45 am]

[70-5320]

GULF POWER CO.

Notice of Proposed Issue and Sale of First Mortgage Bonds at Competitive Bidding

Notice is hereby given that Gulf Power Co., 75 North Pace Boulevard, Pensacola, FL 32502 (Gulf), an electric utility subsidiary company of the Southern Co. (Southern), a registered holding company, has filed a declaration with this Commission pursuant to the Public Utility Holding Company Act of 1935 (Act), designating sections 6(a) and 7 of the Act and Rule 50 promulgated thereunder as applicable to the proposed transaction. All interested persons are referred to the declaration, which is summarized below, for a complete statement of the proposed transaction.

Gulf proposes to issue and sell, subject to the competitive bidding requirements of Rule 50 under the Act, $25 million principal amount of First Mortgage Bonds, ____ Percent Series due _____. The proposed series of bonds will bear a single maturity date within the range of 5 to 30 years, such maturity date to be determined prior to the filing of the registration statement relating to the bonds. The interest rate (which will be a multiple of one-eighth of 1 percent) and the price, exclusive of accrued interest, to be paid to Gulf (which will be not less than 99 percent nor more than 102¾ percent of the principal amount thereof) will be determined by the competitive bidding. The bonds will be issued under the provisions of the indenture dated as of September 1, 1941, between Gulf and the Chase Manhattan Bank (National Association) and the Citizens & Peoples National Bank of Pensacola, as trustees, as heretofore supplemented and as to be further supplemented by a supplemental indenture to be dated as of May 1, 1973. It is provided that the bonds will not be refunded prior to May 1, 1978, directly or indirectly, with funds borrowed at a lower effective interest cost.

The net proceeds received from the issue and sale of the bonds, together with $6 million in equity funds from Southern and any excess cash on hand, will be used by Gulf (1) to finance, in part, its 1973 construction program estimated at $40,750,000, (2) to pay outstanding short-term notes incurred for construction purposes (of which it is estimated

$22,300,000, will be outstanding at the time of the sale of the new bonds), and (3) for other lawful purposes. Gulf estimates that it will not be necessary to sell any additional securities in 1973 for construction purposes except for short-term notes estimated to be outstanding in the amount of $9,500,000 on December 31, 1973.

The Florida Public Service Commission has authorized the proposed issue and sale of the bonds. It is stated that no other State commission and no Federal commission, other than this Commission, has jurisdiction over the proposed transaction. The fees and expenses to be incurred in connection with the proposed transaction will be supplied by amendment.

Notice is further given that any interested person may, not later than April 16, 1973, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon the declarant at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the declaration, as filed or as it may be amended, may be permitted to become effective as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL] RONALD F. HUNT,
Secretary.

[FR Doc.73-5679 Filed 3-23-73;8:45 am]

DEPARTMENT OF LABOR

Office of the Secretary

ADVISORY COUNCIL ON EMPLOYEE WELFARE AND PENSION BENEFIT PLANS

Recommendations for Appointment

Section 14 of the Welfare and Pension Plans Disclosure Act Amendments of 1962 (76 Stat. 40, 41, 29 U.S.C. 308e) provides for the establishment of an "Advisory Council on Employee Welfare and Pension Benefit Plans" which is to consist of 13 members to be appointed as follows: One from the insurance field, one from the corporate trust field, two from management, four from labor, and two from other interested groups, all of whom are to be appointed by the Secretary from among persons recommended by organizations in the respective groups. The additional three representatives are to be appointed from the general public by the Secretary. The prescribed duties of the Council are to advise the Secretary with respect to the carrying out of his functions under the Welfare and Pension Plans Disclosure Act, as amended, and to submit to the Secretary recommendations with respect thereto. The Council is required to meet at least twice each year and at such other times as the Secretary requests.

To assure continuity in the handling of the business of the Council, a rotation system is provided whereby the 2-year terms of approximately half the members expire each year. The groups represented by the members whose terms expire on June 30, 1973, are as follows: Labor (2), the insurance field (1), management (1), the public (1), and other interested groups (1). Appointments of new members will be for terms beginning July 1, 1973.

Accordingly, notice is hereby given that any organization desiring to recommend persons for appointment to the "Advisory Council on Employee Welfare and Pension Benefit Plans" may submit recommendations to the Secretary of Labor, 14th and Constitution Avenue NW., Washington, D.C. 20210, on or before June 1, 1973. The recommendation may be in the form of a letter, resolution, or petition, signed by an authorized official of the organization. Each recommendation shall identify the candidate by name, occupation, or position, and address. It shall specify the field or group which he would represent for purposes of section 14 of the Act, and whether he is available and would accept.

Signed at Washington, D.C., this 21st day of March 1973.

W. J. USERY, Jr.,
Assistant Secretary for Labor-Management Relations.

[FR Doc.73-5706 Filed 3-23-73;8:45 am]

INTERSTATE COMMERCE COMMISSION

[S.O. 1124]

ARCHER DANIELS MIDLAND CO.

Demurrage and Free Time on Freight Cars

Order. At a session of the Interstate Commerce Commission, Division 3, acting as an appellate division, held at its office in Washington, D.C., on the 15th day of March 1973.

Upon consideration of the petition filed by the Archer Daniels Midland Co. on March 15, 1973, requesting revision of Service Order No. 1124.

It appearing, that Service Order No. 1124 was issued by Division 3 in accordance with applicable law and upon its determination that an emergency exists because of an acute shortage of freight cars in all sections of the country; that the petitioner has had ample opportunity to review its operations to avoid the excessive detention of freight cars; that numerous cars are held idle for excessive periods awaiting loading or unloading; that the petition seeks to insert the element of car hire into a proceeding relating only to detention of cars by shippers; that, however, such proposal is not of an emergency nature, and, therefore, its consideration is inappropriate herein; and that the petition states no errors of fact or law warranting the relief sought, and for good cause appearing:

It is ordered, That the petition be, and it is hereby, denied.

By the Commission, Division 3, acting as an appellate division.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.73-5719 Filed 3-23-73;8:45 am]

[Notice 205]

ASSIGNMENT OF HEARINGS

MARCH 21 1973.

Cases assigned for hearing, postponement, cancellation, or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested. No amendments will be entertained after the date of this publication.

MC-F-11697, Gerson Transportation—purchase (portion)—Watkins Motor Lines, Inc., MC-C-7950, Thomas R. Recap, Charles A. Biddinger, Jr., Motor Cargo Transport Corp., Gerson Transportation, a corporation, and Watkins Motor Lines, Inc.—investigation of operations and revocation of certificates, continued to May 16, 1973, at the offices of the Interstate Commerce Commission, Washington, D.C.

MC 115826 Sub 247, W. J. Digby, Inc., application dismissed.

MC 127355, M & N Grain Co., now being assigned April 11, 1973 (3 days), at St. Louis, Mo., in Room 507, 1114 Market Street.

MC-119968 Sub 6, A. J. Weigand, Inc., now being assigned hearing May 14, 1973 (2 weeks), at Columbus, Ohio, in a hearing room to be later designated.

MC 134599 Sub 39, Interstate Contract Carrier Corp.—extension—cups, MC 134599 Sub 40, Interstate Contract Carrier Corp.—extension—Scott Graphics Division, MC 134599 Sub 41, Interstate Contract Carrier Corp.—extension—Scott Warren Division, now being assigned May 16, 1973, at the offices of the Interstate Commerce Commission, Washington, D.C.

AB-10 Sub 3, Norfolk & Western Railway Co. abandonment between Abingdon, Va., and West Jefferson, N.C., in Washington and Grayson Counties, Va., and Ashe County, N.C., now being assigned hearing May 21, 1973 (1 week), at West Jefferson, N.C.

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MC 60066 Sub 8, Bee Line Motor Freight, Inc., now being assigned hearing May 22, 1973 (3 days), at Lincoln, Nebr., in a hearing room to be later designated.

MC 110563 Sub 94, Coldway Food Express, Inc., now being assigned May 14, 1973, at Omaha, Nebr., in Room 106, Federal Building, 106 South 15th Street.

MC 127042 Sub 95, Hagen, Inc., now being assigned May 15, 193 (2 days), at Omaha, Nebr., in Room 106, Federal Building, 106 South 15th Street.

MC 127042 Sub 97, Hagen, Inc., now being assigned May 17, 1973 (2 days), at Omaha, Nebr., in Room 106, Federal Building, 106 South 15th Street.

MC 125869 Sub 113, Nolte Bros. Truck Line, Inc., now being assigned May 21, 1973 (2 days), at Omaha, Nebr., in Room 106, Federal Building, 106 South 15th Street.

MC 123639 Sub 149, J. B. Montgomery, Inc., now being assigned May 23, 1973 (3 days), at Omaha, Nebr., in Room 106, Federal Building, 106 South 15th Street.

MC-F-11704, Mohawk Motor, Inc.—purchase (portion)—Michigan Express, Inc., MC-F-11707, Indianhead Truck Line, Inc.—purchase (portion)—Michigan Express, Inc., now being assigned hearing May 21, 1973 (1 week), at Detroit, Mich., in a hearing room to be later designated.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.73-5714 Filed 3-23-73;8:45 am]

FOURTH SECTION APPLICATION FOR RELIEF

MARCH 21, 1973.

An application, as summarized below, has been filed requesting relief from the requirements of section 4 of the Interstate Commerce Act to permit common carriers named or described in the application to maintain higher rates and charges at intermediate points than those sought to be established at more distant points.

Protests to the granting of an application must be prepared in accordance with Rule 1100.40 of the general rules of practice (49 CFR 1100.40) and filed on or before April 10, 1973.

FSA No. 42649—*Joint Water-Rail Container Rates—American President Lines, Ltd.* Filed by American President Lines, Ltd., (No. 4 (APL Series)), for itself and interested rail carriers. Rates on general commodities, between ports in the Orient as shown in the application, and rail stations on the U.S. Atlantic and Gulf Seaboard.

Grounds for relief—Water competition.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.73-5715 Filed 3-23-73;8:45 am]

[Notice 238]

MOTOR CARRIER BOARD TRANSFER PROCEEDINGS

Synopses of orders entered by the Motor Carrier Board of the Commission pursuant to sections 212(b), 206(a), 211, 312(b), and 410(g) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 1132), appear below:

Each application (except as otherwise specifically noted) filed after March 27, 1972, contains a statement by applicants that there will be no significant effect on the quality of the human environment resulting from approval of the application. As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings on or before April 16, 1973. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC-35452. By order of March 7, 1973, the Motor Carrier Board approved the lease by The Tri-State Transit Authority, Huntington, W. Va., of the operating rights in Certificates Nos. MC-5008 and MC-5008 (Sub-No. 10) issued December 12, 1955, and April 16, 1962, respectively, to Ohio Valley Bus Co., a corporation, Huntington, W. Va., authorizing the transportation of passengers and their baggage, and express and newspapers in the same vehicle with passengers, between the junction of the highway of the Ashland-Coal Grove Bridge across the Ohio River and U.S. Highway 52, and South Point, Ohio, between Russell, Ky., and Ironton, Ohio, and between Russell, Ky., and Flatwoods, Ky., serving all intermediate points in each instance, restricted, however, to the pickup and discharge of passengers originating at or destined to the junction of the highway over the Ashland-Coal Grove Bridge and U.S. Highway 52, South Point and Ironton, Ohio, Russell and Flatwoods, Ky., and intermediate points; between Huntington, W. Va., and Ashland, Ky., between Huntington, W. Va., and Burlington, Ohio, and between Huntington, W. Va., and Proctorville, Ohio, serving all intermediate points in each instance; between Burlington, Ohio, and the site of the Ordnance plant near South Point, Ohio, serving all intermediate points within 1 mile of South Point; between Ashland, Ky., and Russell, Ky., serving all intermediate points, restricted to the transportation of passengers moving between points both of which are on carrier's authorized routes, and from Proctorville, Ohio, to Proctorville, Ohio, over a circular route, serving all intermediate points; and passengers and their baggage, between Ashland, Ky., and Hanging Rock, Ohio, serving all intermediate points restricted to the pickup and discharge of passengers originating at or destined to Ashland, Ky., Hanging Rock, Ohio, and intermediate points, and between Huntington, W. Va., and the U.S. Veterans Hospital, Wayne County, W. Va., serving all intermediate points. Amos A. Bolen, Post Office Box 2185, Huntington, W. Va. 25722, attorney for applicants.

No. MC-FC-74144. By order entered March 9, 1973, the Motor Carrier Board approved the transfer to Sam Crain, doing business as Sam Crain Trucking, Dove Creek, Colo., of the operating rights set forth in Certificate No. MC-112079 (Sub-No. 1), issued October 16, 1967, to Vernon C. Rowley, doing business as Vernon C. Rowley Trucking, Blanding, Utah, authorizing the transportation of uranium and vanadium ores, in bulk, from points in San Juan County, Utah, to Naturita, Durango and Uravan, Colo., and Thompson, Utah. F. Bennon Redd, Monticello, Utah 84535, attorney for applicants.

No. MC-FC-74206. By order of March 9, 1973, the Motor Carrier Board approved the transfer to Ernest W. Wessner, Womelsdorf, Pa., of Certificate No. MC-95161 issued to Ralph R. Boltz, doing business as Boltz Brothers, Myerstown, Pa., authorizing the transportation of: Agricultural commodities, feeds, fertilizer, etc., between specified points in Maryland and Pennsylvania. James E. Fullerton, attorney, 407 North Front Street, Harrisburg, PA 17101.

No. MC-FC-74237. By order of March 9, 1973, the Motor Carrier Board approved the transfer to Joseph Sabini, John Sabini, Angelo Sabini, a partnership, doing business as Sabini's Moving and Storage Co., Stamford, Conn., of Certificate No. MC-93461 issued October 8, 1959, to David Sabini, Joseph Sabini and John Sabini, a partnership, doing business as Sabini's Moving and Storage Co., Stamford, Conn., authorizing the transportation of: Household goods, as defined, between Stamford, Conn., and points within 15 miles thereof, on the one hand, and, on the other, points in Massachusetts, New Jersey, New York, Pennsylvania, and Rhode Island. Roy Pelton, Sabini's Moving and Storage Co., 614 Shippan Avenue, Stamford, CT 06902, applicants' representative.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.73-5716 Filed 3-23-73;8:45 am]

[Sec. 5a App. No. 2, Amdt. 21]

WESTERN RAILROAD TRAFFIC ASSOCIATION

Application for Approval of Amendments to Agreement

MARCH 14, 1973.

The Commission is in receipt of an application in the above-entitled proceeding for approval of amendments to the agreement therein approved.

Filed February 6, 1973 by:

J. M. Souby, Jr., 222 South Riverside Plaza, Suite 1200, Chicago, IL 60606 (Attorney-in-Fact).

Ed White, Attorney for Applicants, 222 South Riverside Plaza, Suite 1200, Chicago, IL 60606.

The amendments seek to broaden the jurisdiction of the Association by inclusion of Illinois Freight Association territory rail carriers as subregional organizations of Western Trunk Line Committee subject to separate organizational and procedural provisions as set forth in newly added sections 12, 13, and 14 to Article VII, and to make other incidental changes made necessary by the foregoing changes.

The complete application may be inspected at the Office of the Commission, in Washington, D.C.

Any interested person desiring to protest and participate in this proceeding shall notify the Commission in writing on or before April 16, 1973. As provided by the general rules of practice of the Commission, persons other than applicants should fully disclose their interest, and the position they intend to take with respect to the application. Otherwise, the Commission, in its discretion, may proceed to investigate and determine the matters involved without public hearing.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.73-5718 Filed 3-23-73;8:45 am]

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PART II

DEPARTMENT OF DEFENSE

Department of the Navy

■

UNITED STATES NAVY REGULATIONS, 1973

Notice of Implementation

No. 57—Pt. II——1

V 38 - 57 MAR 26 73 XUM

DEPARTMENT OF DEFENSE

Department of the Navy

UNITED STATES NAVY REGULATIONS, 1973

Notice of Implementation

Pursuant to the provisions of section 6011, Title 10, United States Code, the following Navy Regulations, 1973, is published at this time for the information of the public and of persons affected thereby.

V

DEPARTMENT OF DEFENSE

Department of the Navy

UNITED STATES NAVY REGULATIONS, 1973

Notice of Implementation

On February 26, 1973, the President of the United States approved United States Navy Regulations, 1973, which replaced United States Navy Regulations, 1948. United States Navy Regulations are issued in accordance with the provisions of title 10, United States Code, section 6011, for the government of all persons in the Department of the Navy, and are endowed with the sanction of law as to duty, responsibility, authority, distinctions, and relationships of various commands, officials, and individuals. The full text of United States Navy Regulations, 1973, is published at this time for notice to the public. Appropriate articles of United States Navy Regulations, 1973, will be codified and incorporated in Title 32, Code of Federal Regulations.

[SEAL] MERLIN H. STARING,
Rear Admiral, JAGC, U.S. Navy,
Judge Advocate General of the Navy.

MARCH 19, 1973.

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CHAPTER 1

THE DEPARTMENT OF THE NAVY

0101. Origin and Authority.

1. The naval affairs of the country began with the war for independence, the American Revolution. On 13 October 1775, Congress passed legislation forming a committee to purchase and arm two ships. This in effect created the Continental Navy. Two battalions of Marines were authorized on 10 November 1775. Under the Constitution, the First Congress on 7 August 1789, assigned responsibility for the conduct of naval affairs to the War Department. On 30 April 1798, the Congress established a separate Navy Department with the Secretary of the Navy as its chief officer. On 11 July 1798, the U. S. Marine Corps was established as a separate service, and in 1834 was made a part of the Department of the Navy.

2. The National Security Act of 1947, as amended, is the fundamental law governing the position of the Department of the Navy in the organization for national defense. In 1949, the Act was amended to establish the Department of Defense as an Executive Department, and to establish the Departments of the Army, Navy and Air Force (formerly established as Executive Departments by the 1947 Act) as military departments within the Department of Defense.

3. The responsibilities and authority of the Department of the Navy are vested in the Secretary of the Navy, and are subject to his reassignment and delegation. The Secretary is bound by the provisions of law, the direction of the President and the Secretary of Defense, and, along with all Government agencies, the regulations of certain non-defense agencies in their respective areas of functional responsibility.

0102. Objectives.

The fundamental objectives of the Department of the Navy, within the Department of Defense, are (a) to organize, train, equip, prepare, and maintain the readiness of Navy and Marine Corps forces for the performance of military missions as directed by the President or the Secretary of Defense, and (b) to support Navy and Marine Corps forces, including the support of such forces and the forces of other military departments, as directed by the Secretary of Defense, which are assigned to unified or specified commands. Support, as here used, includes administrative, personnel, material and fiscal support, and technological support through research and development.

0103. Composition.

The Department of the Navy is separately organized under the Secretary of the Navy. It operates under the authority, direction, and control of the Secretary of Defense. It is composed of the executive part of the Department of the Navy; the Headquarters, United States Marine Corps; the entire operating forces, including naval aviation, of the United States Navy and of the United States Marine Corps, and the reserve components of those operating forces; and all shore activities, headquarters, forces, bases, installations, activities, and functions under the control or supervision of the Secretary of the Navy. It includes the United States Coast Guard when it is operating as a service in the Navy.

0104. The Principal Parts of the Department of the Navy.

1. Functionally, organizationally and geographically the Department of the Navy has from practically the beginning of the Federal Government under the Constitution consisted of three parts: the Operating Forces of the Navy, the Navy Department, and the Shore Establishment.

2. The OPERATING FORCES OF THE NAVY comprise the several fleets, sea-going forces, sea-frontier forces, district forces, Fleet Marine Forces, other assigned Marine Corps Forces, the Military Sealift Command, and other forces and activities that may be assigned thereto by the President or the Secretary of the Navy.

3. The NAVY DEPARTMENT refers to the central executive offices of the Department of the Navy located at the seat of the government. The Navy Department is organizationally comprised of the Office of the Secretary of the Navy, which includes his Civilian Executive Assistants, Offices of his Staff Assistants, and the headquarters organizations of the Office of Naval Research, the Office of the Judge Advocate General, and the Office of the Comptroller of the Navy; the Office of the Chief of Naval Operations, the Headquarters, United States Marine Corps; and, under the command of the Chief of Naval Operations, the Headquarters, Naval Material Command, and the headquarters organizations of the Bureau of Naval Personnel and the Bureau of Medicine and Surgery. In addition, the Headquarters, United States Coast Guard, is included when the United States Coast Guard is operating as a service in the Navy.

4. The SHORE ESTABLISHMENT is comprised of shore activities with defined missions approved for establishment by the Secretary of the Navy.

CHAPTER 2

THE SECRETARY OF THE NAVY

0201. Responsibilities of the Secretary of the Navy.

The Secretary of the Navy is the head of the Department of the Navy. Under the direction, authority, and control of the Secretary of Defense, he is responsible for the policies and control of the Department of the Navy, including its organization, administration, operation, and efficiency.

0202. Succession to Duties.

1. When there is a vacancy in the Office of the Secretary of the Navy, or during the absence or disability of the Secretary, the Under Secretary of the Navy; and, in the order prescribed by the Secretary of the Navy, the Assistant Secretaries of the Navy succeed to the duties of the Secretary. If the Secretary does not prescribe an order for succession to his duties, the Assistant Secretaries shall succeed to those duties after the Under Secretary in the order in which they took office as Assistant Secretaries.

2. During the temporary absence of the above officials, the Chief of Naval Operations or, in his absence, the Vice Chief of Naval Operations succeeds to the duties of the Secretary.

0203. The Civilian Executive Assistants.

1. The Civilian Executive Assistants to the Secretary of the Navy are the Under Secretary of the Navy and the Assistant Secretaries of the Navy and the Deputy Under Secretary of the Navy. It is the policy of the Secretary to assign Department-wide responsibilities essential to the efficient administration of the Department of the Navy to and among his Civilian Executive Assistants.

2. Each Civilian Executive Assistant, within his area of responsibility, is the principal adviser and assistant to the Secretary on the administration of the affairs of the Department of the Navy. In carrying out these duties, the Civilian Executive Assistants shall do so in harmony with the statutory position of the Chief of Naval Operations as "the principal naval adviser and naval executive to the Secretary on the conduct of activities of the Department of the Navy" and the responsibilities of the Chief of Naval Operations and the Commandant of the Marine Corps as set forth in these regulations. Each is authorized and directed to act for the Secretary within his assigned area of responsibility.

3. The Under Secretary of the Navy is designated as the deputy and principal assistant to the Secretary of the Navy, and acts with full authority of the Secretary in the general management of the Department of the Navy, and supervision of offices and organizations as assigned by the Secretary.

4. The Assistant Secretary of the Navy (Financial Management) is the Comptroller of the Navy, and is responsible for all matters related to the financial management of the Department of the Navy, including budgeting, accounting, disbursing, financing, progress and statistical reporting, auditing, management information systems, automatic data processing systems and equipment (less that integral to a weapons system), and supervision of offices and organizations as assigned by the Secretary. Under the Comptroller, the Deputy Comptroller of the Navy shall, in addition to his other duties, serve as an adviser and assistant to the Chief of Naval Operations and the Commandant of the Marine Corps with respect to financial and budgetary matters.

5. The Assistant Secretary of the Navy (Installations and Logistics) is responsible for all matters related to the procurement, production, supply, distribution, alteration, maintenance, and disposal of material; all transportation matters; the acquisition, construction, utilization, improvement, alteration, maintenance, and disposal of real estate and facilities, including capital equipment, utilities, housing, and public quarters; printing and publications; labor relations with respect to contractors with the Department of the Navy; industrial security; the Mutual Defense Assistance Program, as related to the supplying of material; and supervision of offices and organizations as assigned by the Secretary.

6. The Assistant Secretary of the Navy (Manpower and Reserve Affairs) is responsible for the overall supervision of manpower and reserve component affairs of the Department of the Navy, including policy and administration of affairs related to military (active and inactive) and civilian personnel, and supervision of offices and organization as assigned by the Secretary.

7. The Assistant Secretary of the Navy (Research and Development) is responsible for all matters related to research, development, engineering, test, and evaluation efforts within the Department of the Navy, including management of the appropriation, "Research, Development, Test and Evaluation, Navy," and for oceanography, ocean engineering and closely related matters, and supervision of offices and organizations as assigned by the Secretary.

8. The Deputy Under Secretary of the Navy is responsible to the Secretary or Under Secretary for acting as a focal point and coordinator for the resolution of problems which require high-level special attention. He shall maintain a general awareness of actual or potential problems and issues and take steps to prevent their development or aggravation.

0204. The Staff Assistants.

The Staff Assistants to the Secretary of the Navy are the Administrative Officer, Navy Department; the General Counsel; the Director of Civilian Manpower Management; the Chief of Information; the Chief of Legislative Affairs; the Director, Office of Management Information; the Director, Office of Naval Petroleum and Oil Shale Reserves; the Director, Office of Program Appraisal; and the heads of such other offices and boards as may be established by law or by the Secretary for the purpose of assisting the Secretary or one or more of his Civilian Executive Assistants in the administration of the Department of the

Navy. Each of the foregoing shall supervise all functions and activities internal to his office and assigned shore activities, if any. Each shall be responsible to the Secretary or to one of his Civilian Executive Assistants for the utilization of resources by and the operating efficiency of all activities under his supervision. The duties of the individual Staff Assistants and their respective offices will be as provided by law or as assigned by the Secretary.

0205. The Chief of Naval Research, The Judge Advocate General, The Deputy Comptroller of the Navy.

The Chief of Naval Research shall command the Office of Naval Research and assigned shore activities. The Judge Advocate General shall command the Office of the Judge Advocate General and assigned shore activities. The Deputy Comptroller of the Navy shall command the Office of the Comptroller of the Navy and assigned shore activities. Each of them shall be responsible to the Secretary of the Navy or to one of his Civilian Executive Assistants, as assigned, for the utilization of resources by and the operating efficiency of all activities under their respective commands. The duties of the Chief of Naval Research, the Judge Advocate General, and the Comptroller of the Navy will be as provided by law or as assigned by the Secretary.

0206. Authority Over Organizational Matters.

Subject to the approval of the Secretary of the Navy or guidance hereafter furnished by him, the Civilian Executive Assistants, the Chief of Naval Operations, the Commandant of the Marine Corps, the Chief of Naval Research, the Judge Advocate General, the Deputy Comptroller of the Navy, and the Staff Assistants are individually authorized to organize, assign, and reassign responsibilities within their respective commands or offices in the organization of the Department of the Navy, including the establishment and disestablishment of such component organizations as may be necessary, subject to the following:

a. The authority to disestablish may not be exercised with respect to any organizational component of the Department established by law.

b. The Secretary retains unto himself the authority to approve the establishment of and disestablishment of shore activities, which will be done in accordance with procedures prescribed by him.

CHAPTER 3

THE CHIEF OF NAVAL OPERATIONS

0301. Senior Military Officer of the Department of the Navy.

1. The Chief of Naval Operations is the senior military officer of the Department of the Navy, and takes precedence above all other officers of the naval service, except an officer of the naval service who is serving as Chairman of the Joint Chiefs of Staff.

2. The Chief of Naval Operations is the principal naval adviser to the President and to the Secretary of the Navy on the conduct of war, and the principal naval adviser and naval executive to the Secretary on the conduct of the activities of the Department of the Navy.

3. The Chief of Naval Operations is the Navy member of the Joint Chiefs of Staff and is responsible for keeping the Secretary of the Navy fully informed on matters considered or acted upon by the Joint Chiefs of Staff. In this capacity, he is responsible, under the President and the Secretary of Defense, for duties external to the Department of the Navy, as prescribed by law.

0302. Succession to Duties.

The Vice Chief of Naval Operations, and then the officers of the Navy, eligible for command at sea, on duty in the office of the Chief of Naval Operations in the order of their seniority, shall, unless otherwise directed by the President, perform the duties of the Chief of Naval Operations during his absence, or disability, or in the event of a temporary vacancy in that office.

0303. Specific Authority and Duties of the Vice Chief of Naval Operations.

1. The Vice Chief of Naval Operations has such authority and duties with respect to the Department of the Navy as the Chief of Naval Operations, with the approval of the Secretary of the Navy, may delegate to or prescribe for him. Orders issued by the Vice Chief of Naval Operations in performing such duties have the same force and effect as those issued by the Chief of Naval Operations.

2. Orders issued by the Vice Chief of Naval Operations in performing other duties have the same force and effect as those issued by the Chief of Naval Operations.

0304. Authority and Responsibility.

1. Internal to the administration of the Department of the Navy, the Chief of Naval Operations, under the direction of the Secretary of the Navy, shall command the Operating Forces of the Navy. The Chief of Naval Operations shall also command the Naval Material Command, the Bureau of Naval Personnel, and the Bureau of Medicine and Surgery. In addition, he shall command such shore

activities as may be assigned to him by the Secretary. He shall be responsible to the Secretary for the utilization of resources by, and the operating efficiency of, all commands and activities under his command.

2. In addition, the Chief of Naval Operations has the following specific responsibilities:

a. To organize, train, equip, prepare, and maintain the readiness of Navy forces, including those for assignment to unified or specified commands for the performance of military missions as directed by the President, the Secretary of Defense, or the Joint Chiefs of Staff. Naval forces, when assigned to a unified or specified command, are under the full operational command of the commander to whom they are assigned.

b. To determine and direct the efforts necessary to fulfillment of current and future requirements of the Navy (less Fleet Marine Forces and other assigned Marine Corps forces) for manpower, material, weapons, facilities, and services, including the determination of quantities, military performance requirements, and times, places, and priorities of need.

c. To exercise leadership in maintaining a high degree of competence among Navy officer and enlisted and civilian personnel in necessary fields of specialization, through education, training, and equal opportunities for personal advancement, and maintaining the morale and motivation of Navy personnel and the prestige of a Navy career.

d. To plan and provide health care for personnel of the naval service and their dependents.

e. To direct the organization, administration, training, and support of the Naval Reserve.

f. To inspect and investigate components of the Department of the Navy to determine and maintain efficiency, discipline, readiness, effectiveness, and economy, except in those areas where such responsibility rests with the Commandant of the Marine Corps.

g. To determine the needs of naval forces and activities for research, development, test and evaluation; to plan and provide for the conduct of development, test, and evaluation which are adequate and responsive to long-range objectives, immediate requirements, and fiscal limitations; and to provide assistance to the Assistant Secretary of the Navy (Research and Development) in the direction, review, and appraisal of the overall Navy RDT&E Program to insure fulfillment of stated requirements.

h. To formulate Navy strategic plans and policies and participate in the formulation of joint and combined strategic plans and policies and related command relationships.

i. To budget for commands, bureaus, and offices assigned to the command of the Chief of Naval Operations, and other activities and programs as assigned, except as may be otherwise directed by the Secretary of the Navy.

3. The Chief of Naval Operations, under the direction of the Secretary of the Navy, shall (except for those areas wherein such responsibility rests with the Commandant of the Marine Corps) exercise overall authority throughout the Department of the Navy in matters related to the effectiveness of the support of the Operating Forces of the Navy, the coordination and direction of assigned Navy-wide programs and functions including those assigned by higher authority, the coordination of activities of the Department of the Navy in matters concerning effectiveness, efficiency, and economy, and matters essential to naval military administration, such as security, intelligence, discipline, communications, and matters related to the customs and traditions of the naval service.

0305. Naval Vessel Register, Classification of Naval Craft, and Status of Ships and Service Craft.

1. The Chief of Naval Operations shall be responsible for the Naval Vessel Register (except the Secretary of the Navy shall strike vessels from the Register) and the assignment of classification for administrative purposes to water-borne craft and the designation of status for each ship and service craft. The classification of water-borne craft and the status of ships and service craft are found in the glossary.

2. Commissioned vessels and craft shall be called "United States Ship ——" or "U.S.S. ——".

3. Civilian manned ships of the Military Sealift Command or other commands designated "active status, in service" shall be called "United States Naval Ship ——" or "U.S.N.S. ——".

4. The Chief of Naval Operations shall designate hospital ships and medical aircraft as he deems necessary. Such designation shall be in compliance with the Geneva Convention for the Amelioration of the Conditions of Wounded, Sick and Shipwrecked Members of the Armed Forces at Sea of 12 August 1949 and he shall ensure compliance with the notice provisions of that Convention.

0306. The Chief of Naval Material.

The Chief of Naval Material, under the command of the Chief of Naval Operations, shall command the Naval Material Command. In addition to the tasks which may be assigned by the Chief of Naval Operations, he shall:

a. Provide direct staff assistance to the Secretary of the Navy and the Civilian Executive Assistants in matters pertaining to contracting, procurement, production and exploratory development, laboratories assigned to the Chief of Naval Material and to related matters. In these areas, the Chief of Naval Material shall inform the Chief of Naval Operations and, when appropriate, the Commandant of the Marine Corps in matters of policy and significant actions.

b. Be responsive directly to the Commandant of the Marine Corps in providing necessary planning and programming data requirements and in meeting those particular material support needs of the U. S. Marine Corps which are

required to be provided by the Naval Material Command.

c. Provide the Commandant of the Marine Corps with timely advice concerning training and technical requirements essential for the operation and maintenance by Marine Corps personnel of new equipment under development.

d. Be responsive to the heads of other organizations in meeting their material support needs which are provided by the Naval Material Command.

e. Provide guidance to Navy and Marine Corps Commands, as required, on functional areas related to Naval Material Command acquisition and logistics support responsibilities and other technical or professional matters as appropriate.

0307. The Chief of Naval Personnel and the Chief, Bureau of Medicine and Surgery.

The Chief of Naval Personnel, under the command of the Chief of Naval Operations, shall command the Bureau of Naval Personnel. The Chief, Bureau of Medicine and Surgery, (who is also the Surgeon General of the Navy), under the command of the Chief of Naval Operations, shall command the Bureau of Medicine and Surgery. In addition to the tasks which may be assigned by the Chief of Naval Operations, they shall:

a. Be responsive directly to the Commandant of the Marine Corps in meeting those particular needs of the United States Marine Corps which are required to be provided by their respective bureaus.

b. Be responsive to the heads of other organizations in meeting the particular needs of such organizations which are provided by the Chief of Naval Personnel and the Chief, Bureau of Medicine and Surgery.

0308. Naval Inspector General.

There is in the Office of the Chief of Naval Operations the Office of the Naval Inspector General. The Naval Inspector General, when directed, shall inquire into and report upon any matter which affects the discipline or military efficiency of the Department of the Navy; however, the Secretary of the Navy shall direct inquiry when such matters are related to the Marine Corps. He shall make such inspections, investigations, and reports as the Secretary or the Chief of Naval Operations directs. The Naval Inspector General shall periodically propose programs of inspections to the Chief of Naval Operations and shall recommend additional inspections or investigations as may appear appropriate.

0309. Commander In Chief U.S. Atlantic Fleet.

1. The Commander in Chief of U. S. Atlantic Fleet is a naval commander in chief of the Operating Forces of the Navy under the command of the Chief of Naval Operations. He shall command the U. S. Atlantic Fleet and is responsible for the administration, training, maintenance, support and readiness of the Atlantic Fleet, including those forces temporarily assigned to the operational command of other commanders.

2. The Commander in Chief U. S. Atlantic Fleet is a naval component commander of the unified command under the Commander in Chief, Atlantic.

3. The organization of the Atlantic Fleet, the forces assigned and their employment shall be as specified by the Chief of Naval Operations except for the employment of forces assigned to the operational command of unified and specified commanders.

0310. Commander In Chief U.S. Pacific Fleet.

1. The Commander in Chief U. S. Pacific Fleet is a naval commander in chief of the Operating Forces of the Navy under the command of the Chief of Naval Operations. He shall command the U. S. Pacific Fleet and is responsible for the administration, training, maintenance, support and readiness of the Pacific Fleet, including those forces temporarily assigned to the operational command of other commanders.

2. The Commander in Chief U. S. Pacific Fleet is a naval component commander of the unified command under the Commander in Chief, Pacific.

3. The organization of the Pacific Fleet, the forces assigned and their employment shall be as specified by the Chief of Naval Operations except for the employment of forces assigned to the operational command of unified and specified commanders.

0311. Commander In Chief U.S. Naval Forces, Europe.

1. The Commander in Chief U. S. Naval Forces, Europe is a naval commander in chief of the Operating Forces of the Navy under the command of the Chief of Naval Operations. He shall represent the Chief of Naval Operations for U. S. naval matters in the general areas of Europe, North Africa, and the Middle East. He shall command those forces assigned by the Chief of Naval Operations or by other naval commanders.

2. The Commander in Chief U. S. Naval Forces, Europe is the naval component commander of the unified command under the Commander in Chief, U. S. European Command.

0312. Commander, Military Sealift Command.

1. The Commander, Military Sealift Command is a naval commander of the Operating Forces of the Navy under the command of the Chief of Naval Operations. He shall provide ocean transportation for personnel and cargo of the Department of Defense (excluding that transported by units of the fleet) in accordance with policies and procedures of the Single Manager for Ocean Transportation (Secretary of the Navy) and the Secretary of Defense. He shall also operate ships in support of scientific projects and other programs for agencies or departments of the United States.

2. The Military Sealift Command shall operate and maintain government owned ships and augment operational capability by shipping cargo and passengers on commercially operated ships, chartering ships, and exercising operational control over ships activated from National Defense Reserve Fleet to meet emergency needs.

0313. Commander, Naval Intelligence Command.

The Commander, Naval Intelligence Command, under the command of the Chief of Naval Operations, shall be responsible for directing and managing the activities of the Naval Intelligence Command to insure fulfillment of the intelligence, counterintelligence, investigative, and security requirements of the Department of the Navy.

0314. Commander, Naval Communications Command.

The Commander, Naval Communications Command, under the command of the Chief of Naval Operations, shall exercise overall responsibility throughout the Department of the Navy for the coordination of the provision, operation, and maintenance of adequate and secure naval communications.

0315. Oceanographer of the Navy.

The Oceanographer of the Navy, under the command of the Chief of Naval Operations, shall act as the Naval Oceanographic Program Director under the policy direction of the Secretary of the Navy. He shall be responsible for an integrated and effective Naval Oceanographic Program and the management of all national oceanographic facilities and efforts assigned to the Department of the Navy.

0316. Commander, Naval Weather Service Command.

The Commander, Naval Weather Service Command, under the command of the Chief of Naval Operations, shall insure that Department of the Navy meteorological requirements and Department of Defense requirements for oceanographic analyses and forecasts are met. He shall provide technical guidance in meteorological matters throughout the naval service.

0317. Commander, Naval Security Group Command.

The Commander, Naval Security Group Command, under the command of the Chief of Naval Operations, shall be responsible for the provision, operation, and maintenance of an adequate Naval Security Group and shall perform cryptologic and related functions.

0318. Chief of Naval Training.

The Chief of Naval Training, under the command of the Chief of Naval Operations, shall be responsible for the training of Navy personnel, other than training assigned by the Chief of Naval Operations to other authorities, and for the training of Marine Corps aviation personnel.

0319. Chief of Naval Reserve

The Chief of Naval Reserve, under the command of the Chief of Naval Operations, shall be responsible for the administration of Naval Reserve programs, the management of Naval Reserve resources, and for logistic support of the Marine Corps air program.

0320. Commandants of Naval Districts.

1. The Commandants of Naval Districts, under the command of the Chief of Naval Operations, shall command assigned naval shore activities; exercise area coordination over all shore activities in the district; represent the Secretary of the Navy, the Chief of Naval Operations and other officials in such matters as may be assigned; execute responsibilities with respect to specified functions as assigned by Sea Frontier Commanders and Chief of Naval Reserve; administer Naval Reserve elements and naval reservists, as assigned; and coordinate public affairs matters throughout the district.

2. Naval districts within the continental United States are defined by statute (10 USC 5221).

0321. President, Board of Inspection and Survey.

The President of the Board of Inspection and Survey, assisted by such other officers and such permanent and semi-permanent sub-boards as may be designated by the Secretary of the Navy, shall:

a. Conduct acceptance trials and inspections of all ships and service craft prior to acceptance for naval service.

b. Conduct acceptance trials and inspections on one or more aircraft of each type or model prior to final acceptance for naval service.

c. Examine, at least once every three years, if practicable, each naval ship to determine its material condition and, if found unfit for continued service, report to higher authority.

d. Perform such other inspections and trials of naval ships, service craft, and aircraft as may be directed by the Chief of Naval Operations.

CHAPTER 4

THE COMMANDANT OF THE MARINE CORPS

0401. Senior [illegible]

1. The Commandant of the Marine Corps is the senior officer of the United States Marine Corps.

2. While matters which directly concern the Marine Corps are under consideration by the Joint Chiefs of Staff, and with respect to such matters, the Commandant has coequal status with the members of the Joint Chiefs of Staff. He is responsible for keeping the Secretary of the Navy fully informed on these matters. In this capacity as a coequal member of the Joint Chiefs of Staff, he is responsible to the President and the Secretary of Defense for duties external to the Department of the Navy as prescribed by law.

0402. Succession to Duties.

The Assistant Commandant of the Marine Corps, and then the officers of the Marine Corps, not restricted in the performance of duty, on duty at the headquarters of the Marine Corps in the order of their seniority, shall, unless otherwise directed by the President, perform the duties of the Commandant of the Marine Corps during his absence, disability, or in the event of a temporary vacancy in that office.

0403. Authority and Responsibilities.

1. The Commandant of the Marine Corps, under the direction of the Secretary of the Navy, shall command the United States Marine Corps, which shall include Headquarters, United States Marine Corps; the Operating Forces of the Marine Corps; Marine Corps Supporting Establishments and the Marine Corps Reserve.

2. The Commandant of the Marine Corps advises the Secretary of the Navy on matters pertaining to the Marine Corps. He is directly responsible to the Secretary for the administration, discipline, internal organization, training, requirements, efficiency, and readiness of the Marine Corps; for the operation of the Marine Corps material support system; and the total performance of the Marine Corps. He shall command such shore activities as may be assigned by the Secretary, and is responsible to the Secretary for the utilization of resources by and the operating efficiency of all activities under his command. When performing these functions, the Commandant is not a part of the command structure of the Chief of Naval Operations. There must, however, be a close cooperative relationship between the Chief of Naval Operations, as the senior military officer of the Department of the Navy, and the Commandant, as the one having command responsibility over the Marine Corps.

3. The Commandant of the Marine Corps is directly responsible to the Chief of Naval Operations for the organization, training, and readiness of those elements of the Operating Forces of the Marine Corps assigned to the Operating Forces of the Navy. Such Marine Corps forces, when so assigned, are subject to the command exercised by the Chief of Naval Operations over the Operating Forces of the Navy. Likewise, members or organizations of the Navy, when assigned to the Marine Corps, are subject to the command of the Commandant of the Marine Corps.

0404. [illegible]

In addition, the Commandant of the Marine Corps has the following specific responsibilities:

a. To plan for and determine the support needs of the Marine Corps for equipment, weapons or weapons systems, materials, supplies, facilities, maintenance, and supporting services. This responsibility includes the determination of Marine Corps characteristics of equipment and material to be procured or developed, and the training required to prepare Marine Corps personnel for combat. It also includes the operation of the Marine Corps Material Support System.

b. To budget for the Marine Corps, except as may be otherwise directed by the Secretary of the Navy.

c. To develop, in coordination with other military services, the doctrines, tactics, and equipment employed by landing forces in amphibious operations.

d. To formulate Marine Corps strategic plans and policies and participate in the formulation of joint and combined strategic plans and policies and related command relationships.

e. To plan for and determine the present and future needs, both quantitative and qualitative, for personnel, including reserve personnel and civilian personnel, of the United States Marine Corps. This includes responsibility for leadership in maintaining a high degree of competence among Marine Corps officer and enlisted personnel and Marine Corps civilian personnel in necessary fields of specialization through education, training, and equal opportunities for personal advancement; and for leadership in maintaining the morale and motivation of Marine Corps personnel and the prestige of a career in the Marine Corps.

f. To plan for and determine development requirements of the Marine Corps. To provide for the development, test, and evaluation of new weapon systems and equipment, to ensure that such are adequate and responsive to immediate and long-range objectives and are within available resources. To provide direct staff assistance to the Assistant Secretary of the Navy (Research and Development) in the direction, review, and appraisal of the overall USMC RDT&E Program.

g. To plan for and determine the needs for health care for personnel of the Marine Corps and their dependents.

0405. Composition of the Marine Corps.

1. The major components of the regular establishment of the Marine Corps

consist principally of the Headquarters of the Marine Corps, the Operating Forces, and the Supporting Establishment. In addition, there is another element of the Marine Corps, the Marine Corps Reserve.

2. The Operating Forces of the Marine Corps include the Fleet Marine Forces, detachments afloat, and security forces. There are two Fleet Marine Forces: Fleet Marine Force, Atlantic, and Fleet Marine Force, Pacific. These Fleet Marine Forces are assigned to, and are integral to, the U. S. fleets as part of the Operating Forces of the Navy.

3. The Supporting Establishment includes those Marine Corps facilities, such as Marine Corps schools, recruit depots, supply installations, bases, barracks, air stations and other miscellaneous small activities which train, maintain, and support the Operating Forces of the Marine Corps.

4. The Marine Corps Reserve has as its mission to provide a trained force of qualified officers and enlisted personnel to be available for active duty in the U. S. Marine Corps in time of war or national emergency.

0406. Relationships Between the Commandant of the Marine Corps and the Chief of Naval Material.

Formal operating relationships with respect to the efforts of determining needs and providing support between the Commandant of the Marine Corps and his organization and the Chief of Naval Material and his organization shall be governed by the following principles:

a. The Commandant of the Marine Corps shall express to the Chief of Naval Material those Marine Corps material needs which are to be provided by the Naval Material Command. With respect to the development of material items, the Commandant of the Marine Corps shall specify the military performance required to meet Marine Corps needs.

b. The Chief of Naval Material shall advise the Commandant of the Marine Corps as to the economic and technological feasibility of meeting such needs, and shall keep the Commandant informed of new capabilities to meet the needs of the Marine Corps which may or may not have been previously expressed. With respect to the development of material items, the Chief of Naval Material shall determine the technical effort necessary to satisfy the specified requirement.

c. The Commandant of the Marine Corps shall select the work to be done to satisfy the needs of the Marine Corps, based upon feasibility data and current estimates of the worth of a particular need in relation to other desirable needs, including, where necessary, the curtailment or cancellation of work already in progress in favor of work which offers greater promise or greater military worth.

d. The Chief of Naval Material shall exercise appropriate supervision over accomplishment of the work selected, and shall ensure that resources available to him are efficiently utilized in meeting Marine Corps needs.

e. Work being accomplished shall be reviewed concurrently by the Commandant of the Marine Corps from the viewpoint of readiness and military worth, and by the Chief of Naval Material from the viewpoint of progress and the efficient utilization of resources available to him.

0407. Serving With the Army by Order of the President.

1. When Marine Corps units are, by order of the President, detached for service with the Army, the Commandant of the Marine Corps is, for the time that the Marine Corps units are thus detached and for the purposes of administering the affairs of such units, responsible to the Secretary of the Army. The Commandant of the Marine Corps shall retain such control and jurisdiction over said detached forces as will enable him to make the necessary transfers of officers and men from and to the commands, and to exercise general supervision over all expenditures and supplies needed for the support of the Marine Corps forces so detached. He shall be responsible to the Secretary of the Army for the general efficiency and discipline of such units of the Marine Corps as are detached for service with the Army.

2. Official correspondence which relates exclusively to the routine business of the Marine Corps and does not involve questions of administrative responsibility under the supervision of the commanding officer of the combined forces, and which is not a matter of a military nature pertaining to an individual requiring the action of said commanding officer, shall be forwarded direct between the Headquarters of the Marine Corps and the senior Marine officer serving with the detached forces.

3. All official correspondence regarding the personnel of the Marine Corps units on duty with the Army shall be addressed to the proper representative of the Marine Corps and forwarded via the Adjutant General of the Army.

CHAPTER 5

THE UNITED STATES COAST GUARD
(WHEN OPERATING AS A SERVICE IN THE NAVY)

0501. Relationship and Operation as a Service in the Navy.

1. Upon declaration of war or when the President directs, the Coast Guard shall operate as a service in the Navy, and shall be subject to the orders of the Secretary of the Navy. While so operating as a service in the Navy and to the extent practicable Coast Guard operations shall be integrated and uniform with Navy operations.

2. Whenever the Coast Guard operates as a service in the Navy:

a. Applicable appropriations of the Coast Guard to cover expenses shall be available for transfer to the Department of the Navy and supplemental, as required, from applicable appropriations of the Department of the Navy.

b. Personnel of the Coast Guard shall be eligible to receive gratuities, medals, and other insignia of honor on the same basis as personnel in the naval service or serving in any capacity with the Navy.

0502. Commandant of the Coast Guard.

1. The Commandant of the Coast Guard is the senior officer of the United States Coast Guard.

2. When reporting in accordance with Section 3, Title 14, U. S. Code to the Secretary of the Navy, the Commandant of the Coast Guard will further report to the Chief of Naval Operations for military functions. The Chief of Naval Operations shall represent the Coast Guard as a member of the Joint Chiefs of Staff.

0503. Duties and Responsibilities.

In exercising command over the Coast Guard while operating as a service of the Navy, the Commandant shall:

a. Organize, train, prepare and maintain the readiness of the Coast Guard to function as a specialized service in the Navy for the performance of military missions, as directed.

b. Plan for and determine the present and future needs of the Coast Guard, both quantitative and qualitative, for personnel, including reserve personnel.

c. Budget for the Coast Guard, except as may be otherwise directed by the Secretary of the Navy.

d. Plan for and determine the support needs of the Coast Guard for equipment, materials, weapons or weapons systems, supplies, facilities, maintenance, and supporting services.

e. Exercise essential military administration of the Coast Guard. This includes, but is not limited to, such matters as security, discipline, intelligence, communications, personnel records and accounting conforming, as practicable, to Navy procedures.

f. Enforce or assist in enforcing Federal laws on the high seas and on waters subject to the jurisdiction of the United States.

g. Administer, promulgate and enforce regulations for the promotion of safety of life and property on the high seas and on waters subject to the jurisdiction of the United States. This applies to those matters not specifically delegated by law to some other executive department.

h. Develop, establish, maintain and operate, with due regard to the requirements of national defense, aids to maritime navigation, ice breaking facilities, and rescue facilities for the promotion of safety on and over the high seas and waters subject to the jurisdiction of the United States.

i. Engage in oceanographic research on the high seas and in waters subject to the jurisdiction of the United States in coordination with the Office of the Oceanographer of the Navy.

j. Continue in effect under the Secretary of the Navy those other functions, powers and duties vested in him by appropriate orders and regulations of the Secretary of Transportation on the day prior to the effective date of transfer of the Coast Guard to the Department of the Navy until specifically modified or terminated by the Secretary of the Navy.

CHAPTER 6

COMMANDERS IN CHIEF AND OTHER COMMANDERS

0601. Titles of Commanders.

1. The commander of a principal organization of the Operating Forces of the Navy, as determined by the Chief of Naval Operations, or the officer who has succeeded to such command as provided elsewhere in these regulations, shall have the title "Commander in Chief." The name of the organization under his command shall be added to form his official title.

2. The commander of each other organization of units of the Operating Forces of the Navy, or organization of units of shore activities, shall have the title "Commander," "Commandant," "Commanding General," or other appropriate title. The name of the organization under his command shall be added to form his official title.

0602. Responsibility and Authority of a Commander.

1. A commander shall be responsible for the satisfactory accomplishment of the mission and duties assigned to his command. His authority shall be commensurate with his responsibilities. Normally, he shall exercise authority through his immediate subordinate commanders; but he may communicate directly with any of his subordinates.

2. A commander shall insure that subordinate commands are fully aware of the importance of strong, dynamic leadership and its relationship to the overall efficiency and readiness of naval forces. A commander shall exercise positive leadership and actively develop the highest qualities of leadership in persons with positions of authority and responsibility throughout his command.

3. Subject to orders of higher authority, a commander shall issue such regulations and instructions as may be necessary for the proper administration and operation of his command.

4. A commander shall have the same relationship to his flagship, or to a shore activity, of his command in which his headquarters may be located, in regard to its internal administration and discipline, as to any other ship or shore activity of his command.

0603. To Announce Assumption of Command.

Upon assuming command, a commander shall so advise appropriate superiors, and the units of his command. When appropriate to his command he shall also advise the senior commanders of other United States armed services and officials of other Federal agencies and foreign governments located within the area encompassed by his command, concerning his assumption of command.

0604. Readiness.

A commander shall take all practicable steps to maintain his command in a state of readiness to perform its mission. In conformity with the orders and policies of higher authority, he shall:

1. Organize the forces and resources under his command and assign duties to his principal subordinate commanders.

2. Prepare plans for the employment of his forces to meet existing and foreseeable situations.

3. Collaborate with the commanders of other United States armed services and with appropriate officials of other Federal agencies and foreign governments located within the area encompassed by his command.

4. Maintain effective intelligence and keep himself informed of the political and military aspects of the national and international situation.

5. Make, or cause to be made, such inspections as necessary to ensure the readiness, effectiveness, and efficiency of the components of his command.

0605. Observance of International Law.

At all times a commander shall observe, and require his command to observe, the principles of international law. Where necessary to fullfillment of this responsibility, a departure from other provisions of Navy Regulations is authorized.

0606. Keeping Immediate Superior Informed.

A commander shall keep his immediate superior appropriately informed of:

1. The organization of his command, the prospective and actual movements of the units of his command, and the location of his headquarters.

2. Plans for employment of his forces.

3. The condition of his command and of any required action pertaining thereto which is beyond his capacity or authority.

4. Intelligence information which may be of value.

5. Any battle, engagement, or other significant action, involving units of his command.

6. Any important service or duty performed by persons or units of his command.

7. Unexecuted orders and matters of interest upon being relieved of command.

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0607. Organization of a Staff.

1. The term "staff" shall be construed to mean those officers and other designated persons assigned to a commander to assist him in the administration and operation of his command.

2. The officer detailed as chief of staff and aide to a fleet admiral or admiral normally shall be a vice admiral or a rear admiral. The officer detailed as chief of staff and aide to a vice admiral or rear admiral shall normally be a rear admiral or a captain. The detailing of a vice commander or a deputy to a commander shall be reserved for selected commanders. An officer detailed as chief staff officer to another officer shall normally not be of the same grade.

3. The staff shall be organized into such divisions as may be prescribed by the commander concerned or by higher authority. These divisions shall conform in nature and designation, as practicable and as appropriate, to those of the staffs of superiors.

4. The staff of a flag or general officer may include one or more personal aides.

0608. Authority and Responsibilities of Officers of a Staff.

1. The chief of staff and aide or chief staff officer, under the commander, shall be responsible for supervising and coordinating the work of the staff and shall be kept informed of all matters pertaining to that work. All persons attached to the staff, except a vice commander or deputy responsible directly to the commander, shall be subordinate to the chief of staff and aide or chief staff officer while he is executing the duties of his office.

2. The officers of a staff shall be responsible for the performance of those duties assigned to them by the commander and shall advise him on all matters pertaining thereto. In the performance of their staff duties they shall have no command authority of their own. In carrying out such duties, they shall act for, and in the name of, the commander.

0609. Administration and Discipline - Staff Embarked.

In matters of general discipline, the staff of a commander embarked and all enlisted persons serving with the staff shall be subject to the internal regulations and routine of the ship. They shall be assigned regular stations for battle and emergencies. Enlisted persons serving with the staff shall be assigned to the ship for administration and discipline, except in the case of staffs embarked for passage only, and provided in that case that an organization exists and is authorized to act for such purposes.

0610. Administration and Discipline - Staff Based Ashore.

When a staff is based ashore the enlisted persons serving with the staff shall, when practicable, be assigned to an appropriate activity for purposes of administration and discipline. The staff officers may be similarly assigned. Members of a staff assigned for any purpose to a command or activity shall conform in matters of general discipline to the internal regulations and routine of the command or activity.

0611. Administration and Discipline - Staff Unassigned to an Administrative Command.

1. When it is not practicable to assign enlisted persons serving with the staff of a commander to an established activity for administration and discipline, the commander may designate an officer of his staff to act as the commanding officer of such persons and shall notify the Judge Advocate General and the Chief of Naval Personnel or the Commandant of the Marine Corps, as appropriate, of his action.

2. If the designating commander desires the commanding officer of staff enlisted personnel to possess authority to convene courts-martial, he should request the Judge Advocate General to obtain such authorization from the Secretary of the Navy.

0612. Administration and Discipline - Separate and Detached Command.

Any flag or general officer in command, any officer authorized to convene general courts-martial, or the senior officer present may designate organizations which are separate or detached commands. Such officer shall state in writing that it is a separate or detached command and shall inform the Judge Advocate General of the action taken. If authority to convene courts-martial is desired for the commanding officer or officer in charge of such separate or detached command, the officer designating the organization as separate or detached shall request the Judge Advocate General to obtain authorization from the Secretary of the Navy.

CHAPTER 7

THE COMMANDING OFFICER

0701. Applicability.

In addition to commanding officers, the provisions of this chapter shall apply, where pertinent, to aircraft commanders, officers in charge (including warrant officers and petty officers when so detailed) and those persons standing the command duty.

0702. Responsibility.

1. The responsibility of the commanding officer for his command is absolute, except when, and to the extent, relieved therefrom by competent authority, or as provided otherwise in these regulations. The authority of the commanding officer is commensurate with his responsibility. While he may, at his discretion, and when not contrary to law or regulations, delegate authority to his subordinates for the execution of details, such delegation of authority shall in no way relieve the commanding officer of his continued responsibility for the safety, well-being, and efficiency of his entire command.

2. A commanding officer who departs from his orders or instructions, or takes official action which is not in accordance with such orders or instructions, does so upon his own responsibility and shall report immediately the circumstances to the officer from whom the prior orders or instructions were received.

3. The commanding officer shall be responsible for economy within his command. To this end he shall require from his subordinates a rigid compliance with the regulations governing the receipt, accounting, and expenditure of public money and materials, and the implementation of improved management techniques and procedures.

4. The commanding officer and his subordinates shall exercise leadership through personal example, moral responsibility, and judicious attention to the welfare of persons under their control or supervision. Such leadership shall be exercised in order to achieve a positive, dominant influence on the performance of persons in the Department of the Navy.

0703. Presence of Officer Eligible to Command.

1. Except as otherwise provided herein or otherwise authorized by the Chief of Naval Operations or the Commandant of the Marine Corps, as appropriate, at least one officer, either in command or eligible to succeed to command, shall be present and ready for duty at each command (activity, unit, or office). In the absence of the commanding officer or the executive officer, or both, their duties shall devolve upon the officer next in rank and eligible to succeed to command who is attached to and present in the command. An officer detailed for a day's duty for the purpose of assuming the commanding officer's duties in his absence shall be known as the Command Duty Officer. Upon request of the officer senior in rank, eligible to succeed to command, who is attached to and present in the command, the Command Duty Officer shall defer to him. An officer who succeeds to command or is detailed to assume the commanding officer's duties during his temporary absence shall make no changes in the existing organization and shall endeavor to have the routine and other affairs of the command carried on in the usual manner.

2. A superior, of flag or general grade, shall govern the presence of the officer in command or officer or officers eligible to succeed to command and ready for duty at each command or unit of the Operating Forces of the Navy and the Operating Forces of the Marine Corps. The commanding officer may under criteria or conditions prescribed by a superior of flag or general grade, assign officers not eligible to succeed to command and qualified enlisted men to serve as the Command Duty Officer.

3. Superiors shall determine the need and govern the presence of the officer in command or an officer or officers eligible to succeed to command and ready for duty at commands, offices, or activities not of the Operating Forces of the Navy and not of the Operating Forces of the Marine Corps. Under conditions prescribed by a superior, officers not eligible to command and qualified enlisted men may be assigned a day's command duty.

0704. Organization of Commands.

All commands and other activities of the Department of the Navy shall be organized and administered in accordance with law, the Navy Regulations, and the orders of competent authority, and all orders and instructions of the commanding officer shall be in accordance therewith.

0705. Effective Organized Force Always Present.

Under no circumstances shall any ship or station be left without an organized force that will be effective in any emergency, and consistent with existing requirements, capable of ensuring satisfactory operation.

0706. Relationship With Executive Officer.

The commanding officer shall keep the executive officer informed of his policies and normally shall issue all orders relative to the duties of the command through that officer. Normally, the commanding officer shall require that all communications of an official nature from subordinates to the commanding officer be transmitted through the executive officer.

0707. Relieving Procedures.

1. A commanding officer about to be relieved of his command shall:

a. Inspect the command in company with his successor before the transfer is effected.

b. In the case of a ship, and within other commands where appropriate, cause the crew to be exercised in his presence and in the presence of his relief at general quarters and general drills, unless conditions render it impracticable or inadvisable.

c. Point out defects and peculiarities of the command and account for them to his relief.

d. Deliver to his relief all unexecuted orders, all regulations and orders in force, and all official correspondence and information concerning the command and the personnel thereof as may be of service to his relief. He shall not remove the original records of his official correspondence, original letters, documents, or papers concerning the command and personnel thereof, but he may retain authenticated copies thereof.

e. Deliver to his relief all documents required by these regulations to be either kept or supervised by the commanding officer. If a Navy post office is established within the command, he shall deliver to his relief a current audit of postal accounts and effects.

f. Deliver all magazine and other keys in his custody to his relief.

g. Cause an inventory and audit to be taken of all registered publications charged to the command, in accordance with the provisions of the Registered Publications Manual.

h. Submit reports of fitness of officers and sign all log books, journals, and other documents requiring his signature up to the date of his relief.

i. At the time of turning over command call all hands to muster. The officer about to be relieved shall read his orders of detachment and turn over the command to his successor, who shall read his orders and assume command. At shore activities this procedure may be modified as appropriate.

2. The officer relieved, although without authority after turning over the command, is, until his final departure, entitled to all the ceremonies and distinctions accorded him while in command.

3. The accomplishment of a normal, routine transfer of command shall be reported by the officer who assumes command. For a command of the Operating Forces of the Navy, the report shall be addressed to the immediate superior with copies to the fleet commander in chief and intermediate superiors. For a command not of the Operating Forces of the Navy, the report shall be addressed to the immediate superior with copies to other superiors as appropriate.

4. A report of a transfer of command that contains statements indicating the possible existence of unsatisfactory conditions, or adverse comments with respect to the state of readiness of the command, or its ability to perform its assigned mission, or any other non-routine information of direct concern to higher authority, shall contain the opinion of the succeeding officer in regard thereto, and such explanation by endorsement as the officer being relieved may deem necessary. For a command of the Operating Forces of the Navy the report shall be addressed to the Chief of Naval Operations via the chain of command with a copy direct to the commander in chief of the fleet concerned. For a command not of the Operating Forces of the Navy the report shall be addressed to immediate superior with copies direct to appropriate commands, bureaus, or offices as may have a direct interest. A copy shall be retained by each of the officers between whom the transfer of command takes place.

5. When an officer detailed as commanding officer reports to a command having no regularly detailed commanding officer, the procedure prescribed in the preceding paragraphs of this article shall be followed, insofar as is consistent with the circumstances.

0708. Inspections, Muster, and Sighting of Personnel.

1. The commanding officer shall hold periodic inspections of the material of the command, not on weekends or holidays, to determine deficiencies and cleanliness. When the size of the command precludes completion of the inspection in a reasonable time, he shall designate zones to be inspected by heads of departments or other responsible officers, and he shall inspect at least one zone, alternating his zone(s) in order that he inspects the entire command at minimum intervals.

2. The commanding officer shall ensure that, consistent with their employment, the personnel under his command present at all times a neat, clean and military appearance. To assist in attaining this standard of appearance he shall, in the absence of operational exigency, hold periodic personnel inspections. Saturday inspections may be held at sea and, in port and ashore, with personnel in duty status as participants. Otherwise, inspections shall not be held on weekends or holidays.

3. Quarters or formations are for the purpose of ceremony, inspection, muster, instruction, or passing of orders and should be reserved for those occasions when purpose cannot otherwise be achieved.

4. The commanding officer shall require a daily report of all persons confined, a statement of their offenses, and the dates of their confinement and release.

5. The presence of all persons attached to the command shall be accounted for daily. Persons who have not been sighted by a responsible senior shall be reported absent.

6. The prohibitions concerning weekend or holiday inspections do not apply to commands engaged in training reservists, and, to other commands with the consent of a superior.

0709. Unauthorized Persons on Board.

The commanding officer shall satisfy himself that there is no unauthorized person on board before proceeding to sea or commencing a flight.

0710. Control of Passengers.

1. Control of passage in and protracted visits to aircraft and ships of the Navy by all persons, within or without the Department of the Navy, shall be exercised by the Chief of Naval Operations.

2. Nothing in this article shall be interpreted as prohibiting the senior officer present from authorizing the passage in ships and aircraft of the Navy by such persons as he judges necessary in the public interest or in the interest of humanity. The senior officer present shall report the circumstances to the Chief of Naval Operations when he gives such authorization.

0711. Authority Over Passengers.

Except as otherwise provided in these regulations or in orders from competent authority, all passengers in a ship or aircraft of the naval service are subject to the authority of the commanding officer and shall conform to the internal regulations and routine of the ship or aircraft. The commanding officer of such ship or aircraft shall take no disciplinary action against a passenger not in the naval service, other than that authorized by law, but he may, when he deems such action to be necessary for the safety of the ship or aircraft or of any person embarked, subject a passenger not in the naval service to such restraint as the circumstances require until such time as delivery to the proper authorities is possible. A report of the matter shall be made to an appropriate superior of the passenger.

0712. Relations With Organizations and Military Personnel Embarked for Passage.

1. Personnel of the naval service, and other United States armed forces or services, and foreign armed forces are subject to the orders of the commanding officer of the ship or aircraft commander. The provisions of this article shall be applied to organizations and personnel of foreign armed forces, insofar as is feasible, with regard for their customs and traditions.

2. The commanding officer of the ship or the aircraft commander shall respect the identity and integrity of organizational units; and

a. Shall have all orders to personnel given through their respective chains of command insofar as practicable.

b. Shall require that personnel wear the uniform which corresponds as nearly as practicable to the uniform prescribed for ship's company.

c. May require enlisted persons to perform their proportionate share of mess, watch, police, and guard duty whenever he deems it advisable to divide those duties among personnel on board.

d. May require personnel, when in his opinion an emergency exists, to perform such duties as their special knowledge and skill may enable them to perform.

e. Has the power and authority to order an offender placed in naval or military custody as he considers desirable, but in all cases where the offender is to be disembarked for disciplinary action by military authority, he shall be placed in military custody on board the ship or aircraft, if practicable.

3. The foregoing provisions of this article also apply to the Commanding Officer, Military Department, of an in-service ship of the Military Sealift Command, who is authorized to exercise the powers conferred thereby, subject to the paramount authority of the master.

4. When an organized unit is embarked for transportation only in a ship of the Navy, the officer in command of such organized unit shall retain the authority which he possessed over such unit prior to embarkation, including the power to order special or summary courts-martial upon enlisted persons under his command; but nothing in this paragraph shall be construed as impairing the paramount authority of the commanding officer of the ship over all persons embarked therein.

0713. Persons Found Under Incriminating Circumstances.

1. The commanding officer shall keep under restraint or surveillance, as necessary, any person not in the armed services of the United States who is found under incriminating or irregular circumstances within the command, and shall immediately initiate an investigation.

2. Should an investigation indicate that such person is not a fugitive from justice or has not committed or attempted to commit an offense, he shall be released at the earliest opportunity, except:

a. If not a citizen of the United States, and the place of release is under the jurisdiction of the United States, the nearest Federal immigration authorities shall be notified as to the time and place of release sufficiently in advance to permit them to take such steps as they deem appropriate.

b. Such persons shall not be released in territory not under the jurisdiction of the United States without first obtaining the consent of the proper foreign authorities, except where the investigation shows that he entered the command from territory of the foreign state, or that he is a citizen or subject of that state.

3. If the investigation indicates that such person has committed or attempted to commit an offense punishable under the authority of the commanding officer, the latter shall take such action as he deems necessary.

4. If the investigation indicates that such a person is a fugitive from justice, or has committed or attempted to commit an offense which requires actions beyond the authority of the commanding officer, he shall, at the first opportunity, deliver such person, with full descriptive data,

fingerprints, and a statement of the circumstances to the proper civil authorities.

5. A report shall be made promptly to the Secretary of the Navy, in all cases under paragraph 4 of this article, and in other cases where appropriate.

0714. Rules for Visits.

1. Commanding officers are responsible for the control of visitors to their commands and shall comply with the relevant provisions of the Department of the Navy Security Manual for Classified Information and other pertinent directives.

2. Commanding officers shall take such measures and impose restrictions on visitors as necessary to safeguard the classified material under their jurisdiction. Arrangements for general visiting shall always be based on the assumption that foreign agents will be among the visitors.

3. Commanding officers and others officially concerned shall exercise reasonable care to safeguard the persons and property of visitors to naval activities as well as taking those necessary precautions to safeguard the persons and property within his command.

0715. Dealers, Tradesmen, and Agents.

1. In general, dealers or tradesmen or their agents shall not be admitted within a command, except as authorized by the commanding officer:

a. To conduct public business.

b. To transact specific private business with individuals at the request of the latter.

c. To furnish services and supplies which are necessary and are not otherwise, or are insufficiently, available to the personnel of the command.

2. Personal commercial solicitation and the conduct of commercial transactions are governed by policies of Department of Defense.

0716. Marriages on Board.

The commanding officer shall not perform a marriage ceremony on board his ship or aircraft. He shall not permit a marriage ceremony to be performed on board when the ship or aircraft is outside the territory of the United States, except:

a. In accordance with local laws and the laws of the state, territory, or district in which the parties are domiciled, and

b. In the presence of a diplomatic or consular official of the United States, who has consented to issue the certificates and make the returns required by the consular regulations.

0717. Postal Matters.

Commanding officers shall ensure that mail and postal funds are administered in accordance with instructions issued by the Postmaster General and approved for the naval service by the Chief of Naval Operations, and instructions issued by the Chief of Naval Operations or the Chief of Naval Personnel or the Commandant of the Marine Corps as appropriate; and that postal clerks or other persons authorized to handle mail perform their duties strictly in accordance with those instructions.

0718. Safeguarding Official Funds.

In the event of the death, unauthorized absence, or mental incapacity as determined by the commanding officer on advice of a medical officer, of a person charged with pecuniary responsibility for official funds or Government property, or if it is necessary to relieve him for any cause, including arrest or suspension, the commanding officer shall take immediate steps to safeguard such funds or property in accordance with the procedures prescribed by the Comptroller of the Navy and other competent authority.

0719. Deficit or Excess of Public Money or Property.

1. In all cases involving a deficit or excess of public money in the custody of a person under his command, except in those cases where adjustments in accounting are authorized by the Secretary of the Navy, the commanding officer shall immediately:

a. Request investigation by the Naval Investigative Service, other military agencies, or other Federal authority, if the circumstances warrant.

b. Notify the Navy Accounting and Finance Center, the Chief of Naval Operations and Commander, Naval Supply Systems Command or the Commandant of the Marine Corps as appropriate, and appropriate superiors.

c. Recommend or convene a Judge Advocate General Manual investigation or a court of inquiry to determine the facts.

2. Judge Advocate General Manual investigations and courts of inquiry in these cases shall include in the records of their proceedings the testimony of such investigators as may have been employed in each case, and shall render an opinion as to whether or not there exist indications of criminal guilt on the part of the custodians of the money or of other persons.

3. In cases involving a deficit or excess of public property, similiar action shall be taken or, when appropriate, the commanding officer shall cause a survey to be made.

0720. Deaths.

The commanding officer, in the event of death of any person within his command, shall ensure that the cause of death and the circumstances under which death occurred are established, and the appropriate casualty report is submitted.

0721. The American National Red Cross.

1. Pursuant to the request of the Secretary of the Navy and subject to such instructions as he may issue, the American National Red Cross is authorized to conduct a program of welfare, including social, financial, and medical and dental aid, for naval personnel; to assist in matters pertaining to prisoners of war; and to provide such other services as are appropriate functions for the Red Cross. The American National Red Cross is the only volunteer society authorized by the Government to render medical and dental aid to the armed forces of the United States. Other organizations desiring to render medical and dental aid may do so only through the Red Cross.

2. Requests for Red Cross services shall be made to the Chief of Naval Personnel or the Commandant of the Marine Corps or, in the case of medical services, to the Chief, Bureau of Medicine and Surgery.

3. Activities and personnel of the American National Red Cross in areas subject to naval jurisdiction shall conform to such administrative regulations as may be prescribed by appropriate naval authority.

4. Red Cross personnel shall be considered to have the status of commissioned officers, subject to such restrictions as may be imposed by the Chief of Naval Personnel or the Commandant of the Marine Corps.

0722. Observance of Sunday.

1. Except by reason of necessity or in the interest of the welfare and morale of the command, the performance of work shall not be required on Sunday. Except by reason of necessity, ships shall not be sailed nor units of aircraft or troops be deployed on Sunday. The provisions of this paragraph need not apply to commands engaged in training reserve components of the Navy and the Marine Corps.

2. Divine services shall be conducted on Sunday if possible. All assistance and encouragement shall be given to chaplains in the conduct of these services, and music shall be made available, if practicable. The chaplain shall be permitted to conduct public worship according to the manner and forms of the church of which he is a member. A suitable space shall be designated and properly rigged for the occasion, and quiet shall be maintained throughout the vicinity during divine services. The religious preferences and the varying religious needs of individuals shall be recognized, respected, encouraged, and ministered to as practicable. Daily routine in ships and activities shall be modified on Sunday as practicable to achieve this end.

3. When there is no chaplain attached to the command, the commanding officer shall engage the services of any naval or military chaplain who may be available; or, failing in this, shall, when practicable, invite and may remunerate a civilian clergyman to conduct religious services. Services led by laymen are encouraged. Provision shall be made for sending and receiving church parties as appropriate and practicable.

0723. Publishing and Posting Orders and Regulations.

1. In accordance with Article 137 of the Uniform Code of Military Justice the articles specifically enumerated therein shall be carefully explained to each enlisted person:

a. At the time of entrance on active duty or within six (6) days thereafter,

b. Again, after completion of six months active duty; and

c. Again, upon the occasion of each reenlistment.

2. A text of the articles specifically enumerated in Article 137 of the Uniform Code of Military Justice shall be posted in a conspicuous place or places, readily accessible to all personnel of the command.

3. Instructions concerning the Uniform Code of Military Justice and appropriate articles of Navy Regulations shall be included in the training and educational program of the command.

4. Such general orders, orders from higher authority and other matters which the commanding officer considers of interest to the personnel or profitable for them to know shall be published to the command as soon as practicable. Such matters shall also be posted in whole or in part, in a conspicuous place or places readily accessible to personnel of the command.

5. Upon the request of any person on active duty in the armed services, the following publications shall be made available for his personal examination:

a. A complete text of the Uniform Code of Military Justice,

b. Manual for Courts-Martial,

c. Navy Regulations,

d. Manual of the Judge Advocate General,

e. Marine Corps Manual (for Marine Corps personnel),

f. Manual of the Bureau of Naval Personnel (for Navy personnel), or Marine Corps Personnel Manual (for Marine Corps personnel).

0724. Maintenance of Logs.

1. A deck log and an engineering log shall be maintained by each ship in

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commission, and by such other ships and craft as may be designated by the Chief of Naval Operations.

2. A quartermaster's notebook and a magnetic compass record shall be maintained as adjuncts to the deck log. An engineer's bell book shall be maintained as an adjunct to the engineering log.

3. The Chief of Naval Operations shall prescribe regulations governing the contents and preparation of the deck and engineering logs and adjunct records.

0725. Status of Logs.

The deck log, the engineering log, the quartermaster's notebook, the magnetic compass record, and the engineer's bell book shall each constitute an official record of the command.

0726. Records.

The commanding officer shall require that records relative to personnel, material, and operations as required by current instructions are maintained properly by those responsible therefor.

0727. Welfare of Personnel.

The commanding officer shall:

a. Use all proper means to foster high morale, and to develop and strengthen the moral and spiritual well-being of the personnel under his command, and ensure that chaplains are provided the necessary logistic support for carrying out the command's religious program.

b. Maintain a satisfactory state of health and physical fitness of the personnel under his command.

c. Afford an opportunity, with reasonable restrictions as to time and place, for the personnel under his command to make requests, reports, or statements to him, and shall ensure that they understand the procedures for making such requests, reports, or statements.

d. Ensure that noteworthy performances of duty of personnel under his command receive timely and appropriate recognition and that suitable notations are entered in the official records of the individuals.

e. Ensure that timely advancement in rating of enlisted persons is effected in accordance with existing instructions.

0728. Training and Education.

The commanding officer shall:

a. Endeavor to increase the specialized and general professional knowledge of the personnel under his command by the frequent conduct of drills, classes, and instructions, and by the utilization of appropriate fleet and service schools.

b. Encourage and provide assistance and facilities to the personnel under his command who seek to further their education in professional or other subjects.

c. Afford frequent opportunities to the executive officer, and to other officers of the ship as practicable, to improve their skill in ship handling.

d. Require those lieutenants (junior grade) and first lieutenants who have less than two years commissioned or warrant service, and all ensigns and second lieutenants:

(1) To comply with the provisions prescribed for their instruction by the Chief of Naval Operations, the Commandant of the Marine Corps, or other appropriate authorities.

(2) To receive appropriate practical instruction, as the commanding officer deems advisable and to be detailed to as many duties successively as may be practicable.

e. When practicable, designate a senior officer or officers to act as advisers to junior officers. These senior officers shall assist junior officers to a proper understanding of their responsibilities and duties, and shall endeavor to cultivate in them officer-like qualities, a sense of loyalty and honor, and an appreciation of naval customs and professional ethics.

0729. Delivery of Personnel to Civil Authorities and Service of Subpoena or Other Process.

1. Commanding officers or other persons in authority shall not deliver any person in the naval service to civil authorities except as provided by the Manual of the Judge Advocate General.

2. Commanding officers are authorized to permit the service of subpoena or other process as provided by the Manual of the Judge Advocate General.

0730. Delivery of Orders to Personnel.

The commanding officer shall not withold any orders or other communications received from higher authority for any person under his command, except for good and sufficient reasons, which he shall at once report to such higher authority. Communications of a personal nature may be withheld by a commanding officer for good reason until completion of mission or duty.

0731. Use and Transportation of Marijuana, Narcotics, and Drugs.

1. The commanding officer shall conduct a rigorous program to prevent the illegal introduction, transfer, possession or use of marijuana, narcotics, or other controlled substances as defined in these regulations. The program shall include publicity and instruction covering:

a. The dangers involved in drug abuse,

b. The Federal, state, and local criminal liabilities which may result from introduction, possession, transfer, or use, including penalties under the Uniform Code of Military Justice, and other foreign law to which individuals may be subjected.

c. The administrative measures, including discharge under other than honorable conditions, which may result.

2. The commanding officer shall exercise utmost diligence in preventing illegal importation of marijuana, narcotics, or other controlled substances on board his command.

0732. Safety Precautions.

The commanding officer shall require that persons concerned are instructed and drilled in all applicable safety precautions and procedures, that these are complied with, and that applicable safety precautions, or extracts therefrom, are posted in appropriate places. In any instance where safety precautions have not been issued or are incomplete, he shall issue or augment such safety precautions as he deems necessary, notifying, when appropriate, higher authorities concerned.

0733. Responsibility of a Master of an In-Service Ship of the Military Sealift Command.

In an in-service ship of the Military Sealift Command, the master is responsible for the safety of his ship and all persons on board. He is responsible for the safe navigation and technical operation of his ship and has paramount authority over all persons on board. The master is responsible for the preparation of the abandon ship bill and has exclusive authority to order the ship abandoned. He has full authority to enforce appropriate laws of the United States and all applicable orders and regulations of the Navy, Military Sealift Command, and the Civil Service Commission.

0734. Relations With Merchant Seamen.

When in foreign waters, the commanding officer, with the approval of the senior officer present, may receive on board as supernumeraries for rations and passage:

1. Distressed seamen of the United States for passage to the United States, provided they bind themselves to be amenable in all respects to Navy Regulations.

2. As prisoners, seamen from merchant vessels of the United States, provided that the witnesses necessary to substantiate the charges against them are received, or adequate means adopted to ensure the presence of such witnesses on arrival of the prisoners at the place where they are to be delivered to the civil authorities.

0735. Security of Magazines and of Dangerous Materials.

1. The commanding officer shall be the custodian of the keys to all spaces and receptacles containing projectiles, explosives, and radioactive material, and when fitted, of all magazine flood cocks; but he may designate such persons under his command to have custody of duplicate keys as he considers necessary. He shall prescribe conditions under which those persons may grant access to such spaces; but otherwise they shall not be opened without his consent.

2. Keys affiliated with nuclear weapons shall be maintained and with custody as directed by orders from competent authority.

3. He shall ensure that, except when undergoing test or overhaul, the flooding and sprinkling systems are ready for use at all times.

4. He shall ensure that inflammable and other dangerous materials are stored and handled in a safe manner, and, when conditions warrant, he himself shall be the custodian of the keys to the spaces involved.

0736. Physical Security.

1. The commanding officer shall take action to protect and maintain the security of the command from the dangers of attack, sabotage or other actions of subversive or militant groups or of any person with intent to do harm.

2. The commanding officer shall take action to protect and maintain the security of the command against dangers from fire, windstorms, or other acts of nature.

0737. Effectiveness for Service.

The commanding officer shall:

1. Exert every effort to maintain his command in a state of maximum effectiveness for war or other service consistent with the degree of readiness as may be prescribed by proper authority. Effectiveness for service is directly related to state of personnel and material readiness.

2. Make himself aware of the progress of any repairs, the status of spares, repair parts and other components, personnel readiness and other factors or conditions that could lessen the effectiveness of his command. When the effectiveness is lessened appreciably it shall be reported to appropriate superiors.

0738. Request for Inspection by Board of Inspection and Survey.

The commanding officer shall report to the Chief of Naval Operations without delay whenever the condition of his ship, or any department therein, is such as to require an inspection by the Board of Inspection and Survey. Such report shall be forwarded through official channels and bear the recommendations of the superiors concerned.

0739. Action With the Enemy.

The commanding officer shall:

a. Before going into battle or action communicate to his officers, if possible, his plans for battle or action and such other information as may be of operational value should any of them succeed to command.

b. During action, station the executive officer where he can best aid the commanding officer, and, if practicable, where he could probably escape the effects of a casualty disabling the commanding officer, and yet would be able to assume command promptly and efficiently.

c. During action, engage the enemy to the best of his ability. He shall not, without permission, break off action to assist a disabled ship or to take possession of a captured one.

d. Immediately after a battle or action, repair damage so far as possible, exert every effort to prepare his command for further service, and make accurate, explicit, and detailed reports as required.

0740. Search by Foreign Authorities.

1. The commanding officer shall not permit a ship under his command to be searched on any pretenses whatsoever by any person representing a foreign state, nor permit any of the personnel within the confines of his command to be removed from the command by such person, so long as he has the capacity to repel such act. If force should be exerted to compel submission, he is to resist that force to the utmost of his power.

2. Except as may be provided by international agreement, the commanding officer of a shore activity shall not permit his command to be searched by any person representing a foreign state, nor permit any of the personnel within the confines of his command to be removed from the command by such person, so long as he has the power to resist.

0741. Prisoners of War.

On taking or receiving prisoners of war, the commanding officer shall ensure that such prisoners are treated with humanity; that their personal property is preserved and protected; that they are allowed the use of such of their effects as may be necessary for their health; that they are supplied with proper rations; that they are properly guarded and deprived of all means of escape and revolt and that the applicable provisions of the 1949 Geneva Conventions relative to the treatment of prisoners of war are followed.

0742. Captured Material.

On taking possession of any enemy ship, aircraft, installation, or other property or equipment, the commanding officer shall:

a. Adopt all possible measures to prevent recapture.

b. Secure or remove enemy personnel.

c. Secure and preserve the logs, journals, signal books, codes and ciphers, charts, maps, orders, instructions, blueprints, plans, diaries, letters and other documents found, and forward or deliver them at the earliest possible moment to the designated authority.

d. Preserve all captured enemy ordnance, machinery, fire-control equipment, electronic equipment, aviation equipment, and other property of possible intelligence value, unless destruction is necessary to prevent recapture, and make this material promptly available for intelligence evaluation or other authorized use.

0743. Casualty and Damage.

1. Immediately after its occurrence, the commanding officer shall submit a detailed report of the facts to the senior officer present, the Chief of Naval Operations or the Commandant of the Marine Corps as appropriate, and other superiors when:

a. A ship under his command touches the ground (except for landing ships or ships of a similar design making a landing without damage, or for a submarine resting on bottom as part of normal operations).

b. A ship under his command has a collision or other serious accident.

c. An aircraft under his command is involved in an accident which necessitates extensive repairs, or otherwise requires review or action by higher authority.

2. As soon as possible, the commanding officer of a shore activity shall report a serious fire or other material casualty, or a serious personnel casualty within his command to the Chief of Naval Operations, or the Commandant of the Marine Corps, as appropriate, to other superiors in command, and to the senior officer present in the area.

0744. Loss of a Ship.

1. In the case of the loss of a ship, the commanding officer shall remain by her with officers and crew so long as necessary and shall save as much Government property as possible. Every reasonable effort shall be made to save the quartermaster's notebook, deck log, personnel diary and pay records of officers and crew, and other valuable papers.

2. If it becomes necessary to abandon the ship, the commanding officer should be the last person to leave.

3. The commanding officer shall:

a. Take all possible precautions to protect the survivors and such Government property as has been saved.

b. Report to the nearest United States naval or military command and request instructions and such assistance as is required.

c. Report the circumstances to the Secretary of the Navy and the Chief of Naval Operations as soon as possible.

0745. Continuation of Authority After Loss of Ship or Aircraft.

When the crew of any naval vessel or naval aircraft is separated from their vessel or aircraft because of its wreck, loss, or destruction, all the command and authority given to the officers of the vessel or aircraft shall remain in full force until the crew shall be regularly discharged or reassigned by competent authority.

0746. Hospital Ship or Medical Aircraft.

1. The commanding officer of a hospital ship or the commander of a medical aircraft shall be responsible for complying with the appropriate provisions of the Geneva Convention for the Amelioration of the Condition of Wounded, Sick and Shipwrecked Members of the Armed Forces at Sea of 12 August 1949. Where necessary to the fulfillment of this responsibility, a departure from other provisions of Navy Regulations is authorized.

2. One of the central requirements under the 1949 Geneva Convention is that the ship or aircraft maintain a non-combatant status. Under this Convention, the following conditions do not deprive hospital ships or medical aircraft of their non-combatant status:

a. The fact that the crews are armed for the maintenance of order, for their own defense or that of the sick and wounded.

b. The presence on board of apparatus exclusively intended to facilitate navigation or unclassified communications.

c. The discovery on board hospital ships or in sick bays of portable arms and ammunition taken from the wounded, sick and shipwrecked and not yet handed to proper authorities.

d. The fact that humanitarian activities of hospital ships or of the crews extend to the care of the wounded, sick or shipwrecked persons.

e. The transport of equipment and of personnel intended exclusively for medical duties, over and above normal requirements of the hospital ship.

0747. Status of Boats.

1. Boats shall be regarded in all matters concerning the rights, privileges, and comity of nations as part of the ship or aircraft to which they belong.

2. In ports where war, insurrection or armed conflict exists or threatens, the commanding officer shall:

a. Require that boats away from the ship or aircraft have some appropriate and competent person in charge.

b. See that steps are taken to make their nationality evident at all times.

0748. Proper Use of Labor and Materials.

1. No Government materials shall be diverted from their intended use, except for proper purposes, nor shall any buildings or portions thereof be occupied or used by other than authorized persons.

2. Civilian employees who are paid from appropriated funds shall not be permitted to perform, during the hours for which they are paid from such funds, any work other than that authorized to be done for the Government, or as otherwise prescribed by the Secretary of the Navy.

0749. Work, Facilities, Supplies, or Services for Other Government Departments, State or Local Governments, Foreign Governments, Private Parties and Morale, Welfare, and Recreational Activities.

1. Work may be done for or facilities, supplies, or services furnished to departments and agencies of the Federal and State governments, local governments, foreign governments, private parties, and morale, welfare, and recreational activities with the approval of a commanding officer provided:

a. The cost does not exceed limitations the Secretary of the Navy may approve or specify; and,

b. In the case of private parties, it is in the interest of the Government to do so and there is no issue of competition with private industry; and,

c. In the case of foreign governments a disqualification of a government has not been issued for the benefits of this article.

2. Work shall not be started nor facilities, supplies, or services furnished, morale, welfare, and recreational activities not classified as instrumentalities of the United States, or state or local governments or private parties until funds to cover the estimated cost have been deposited with the commanding officer, or unless otherwise provided by law.

3. Work shall not be started, nor facilities, supplies, or services furnished other Federal Government departments and agencies, or expenses charged to non-appropriated funds of morale, welfare, and recreational activities classified as instrumentalities of the United States until reimbursable funding arrangements have been made.

4. Work, facilities, supplies, or services furnished non-appropriated fund activities classified as instrumentalities of the United States in the Navy Comptroller Manual shall be funded in accordance with regulations of the Comptroller of the Navy.

5. Supplies or services may be furnished to naval vessels and military aircraft of friendly foreign governments (unless otherwise provided by law or international treaty or agreement):

a. On a reimbursable basis without an advancement of funds, when in the best interest of the United States;

(1) Routine port services (including pilotage, tugs, garbage removal, linehandling, and utilities) in territorial waters or waters under United States control,

(2) Routine airport services (including air traffic control, parking, servicing, use of runways),

(3) Miscellaneous supplies (including fuel, provisions, spare parts, and general stores) but not ammunition. Supplies are subject to approval of the cognizant fleet or force commanders when provided overseas,

(4) With approval of the Chief of Naval Operations in each instance, overhauls, repairs, and alterations together with necessary equipment and its installation required in connection therewith, to vessels and military aircraft.

b. Routine port and airport services may be furnished at no cost to the foreign government concerned where such services are provided by persons of the naval service without direct cost to the Department of the Navy.

6. In cases of emergency involving possible loss of life or valuable property, work may be started or facilities furnished prior to authorization, or provision for payment, but in all such cases a detailed report of the facts and circumstances shall be made promptly to the Secretary of the Navy or the appropriate authority.

7. Charges and accounting for any work, supplies, or services shall be as prescribed in the Navy Comptroller Manual.

0750. Relations With Personnel of Naval Shipyard or Station.

Except in matters coming within the security and safety regulations of the ship, the commanding officer shall exercise no control over the officers or employees of a naval shipyard or station where his ship is moored, unless with the permission of the commander of the naval shipyard or station.

0751. Movement of Ships at a Naval Station.

1. No ship or craft shall be moved or undergo dock trials during its stay at a naval station, except by direction or with the approval of the commanding officer of such station.

2. A ship arriving at, or departing from, a naval station shall be furnished such assistance, including tugs, when available, as in the opinion of the commanding officer of the naval station or the ship may be necessary for her safe handling.

0752. Responsibility for Safety of Ships and Craft at a Naval Station or Shipyard.

1. The commanding officer of a naval station or shipyard shall be responsible for the care and safety of all ships and craft at such station or shipyard not under a commanding officer or assigned to another authority, and for any damage that may be done by or to them. In addition, the commanding officer of a naval station or shipyard shall be responsible for the safe execution of work performed by his activity upon any ship located at that activity.

2. It shall be the responsibility of the commanding officer of a ship in commission which is undergoing overhaul, or which is otherwise immobilized at a naval station or shipyard, to request such services as are necessary to ensure the safety of his ship. The commanding officer of the naval station or shipyard shall be responsible for providing requested services in a timely and adequate manner.

3. When a ship or craft not under her own power is being moved by direction of the commanding officer of a naval station or shipyard, that officer shall be responsible for any damage that may result therefrom; the pilot or other person designated for the purpose shall be in direct charge of such movement, and all persons on board shall cooperate with and assist him as necessary.

4. When a ship operating under her own power is being drydocked, the commanding officer shall be fully responsible for the safety of his ship until the extremity of the ship first to enter the drydock reaches the dock sill and the ship is pointed fair for entering the drydock. The docking officer shall then take charge and complete the docking, remaining in charge until the ship has been properly landed, bilge blocks hauled, and the dock pumped down. In undocking, the docking officer shall assume charge when flooding the dock preparatory to undocking is started, and shall remain in charge until the extremity of the ship last to leave the dock clears the sill, and the ship is pointed fair for leaving the drydock, when the ship's commanding officer shall assume responsibility for the safety and control of the ship.

5. If the ship is elsewhere than at a naval station or shipyard, the relationship between the commanding officer and the supervisor of shipbuilding, or other appropriate official, shall be the same as that between the commanding officer and the commanding officer of a naval station or shipyard as specified in this article.

0753. Ships in Drydock.

1. The commanding officer of a ship in drydock shall be responsible for effecting adequate closure, during such periods as they will be unattended, of all openings in the ship's bottom upon which no work is being undertaken

by the docking activity. The commanding officer of the docking activity shall be responsible for the closing, at the end of working hours, of all valves and other openings in the ship's bottom upon which work is being undertaken by the docking activity, when such closing is practicable.

2. Prior to undocking, the commanding officer of a ship shall report to the docking officer any material changes in the amount and location of weights on board which have been made by the ship's force while in dock, and shall ensure, and so report, that all sea valves and other openings in the ship's bottom are properly closed. The level of water in the dock shall not be permitted to rise above the keel blocks prior to receipt of this report. The above valves and openings shall be tended during flooding of the dock.

3. When a ship or craft, not in commission, is in a naval drydock, the provisions of this article shall apply, except that the commanding officer of the docking activity or his representative shall act in the capacity of the commanding officer.

0754. Pilotage.

1. The commanding officer shall:

a. Pilot the ship under all ordinary circumstances, but he may employ pilots whenever in his judgment such employment is prudent.

b. Not call a pilot on board until the ship is ready to proceed.

c. Not retain a pilot on board after the ship has reached her destination or point where pilot is no longer required.

d. Give preference to licensed pilots.

e. Pay pilots no more than the local rates.

2. A pilot is merely an adviser to the commanding officer. His presence on board shall not relieve the commanding officer or any of his subordinates from their responsibility for the proper performance of the duties with which they may be charged concerning the navigation and handling of the ship. For an exception to the provisions of this paragraph, see "Rules and Regulations Covering Navigation of the Panama Canal and Adjacent Waters," which directs that the pilot assigned to a vessel in those waters shall have control of the navigation and movement of the vessel. Also see the provisions of these regulations concerning the navigation of ships at a naval shipyard or station, or in entering or leaving drydock.

0755. Safe Navigation and Regulations Governing Operation of Ships and Aircraft.

1. The commanding officer is responsible for the safe navigation of his ship or aircraft, except as prescribed otherwise in these regulations for ships at a naval shipyard or station in drydock, or in the Panama Canal. In time of war or armed conflict, or in exercises simulating war or armed conflict, competent authority may modify the use of lights or other safeguards required by law to prevent collisions at sea, in port, or in the air. In exercises, such modifications will be employed only when ships or aircraft clearly will not be hazarded.

2. Professional standards and regulations governing ship handling, safe navigation, safe anchoring and related operational matters shall be promulgated by the Chief of Naval Operations.

3. Professional standards and regulations governing the operation of naval aircraft and related matters shall be promulgated by the Chief of Naval Operations or the Commandant of the Marine Corps as appropriate.

0756. Duties of the Prospective Commanding Officer of a Ship.

1. Except as may be prescribed by the Chief of Naval Operations, the prospective commanding officer of a ship not yet commissioned shall have no independent authority over the preparation of the ship for service by virtue of his assignment to such duty, until the ship is commissioned and transferred to his command. As the prospective commanding officer, he shall:

a. Procure from the commander of the naval shipyard or the supervisor of shipbuilding the general arrangement plans of the ship, and all the pertinent information relative to the general condition of the ship and the work being undertaken on the hull, machinery, and equipment, upon reporting for duty.

b. Inspect the ship as soon after reporting for duty as practicable, and frequently thereafter, in order to keep himself informed of the state of her preparation for service. If, during the course of these inspections, he notes an unsafe or potentially unsafe condition, he shall report such condition to the commander of the naval shipyard or the supervisor of shipbuilding and to his superior for resolution.

c. Keep himself informed as to the progress of the work being done, including tests of equipment, and make such recommendations to the commander of the naval shipyard or the supervisor of shipbuilding as he deems appropriate.

d. Ensure that requisitions are submitted for articles to outfit the ship which are not otherwise being provided.

e. Prepare the organization of the ship.

f. Make such reports as may be required by higher authority, and include therein a statement of any deficiency in material or personnel.

2. If the prospective commanding officer does not consider the ship in proper condition to be commissioned at the time the commander of the naval shipyard or the supervisor of shipbuilding signifies his intention of transferring the ship to him, he shall report that conclusion with his reasons therefor, in writing, to the commander of the naval shipyard or the supervisor of shipbuilding and to the appropriate higher authority.

3. If the ship is elsewhere than at a naval shipyard, the relationship

between the prospective commanding officer and the supervisor of shipbuilding, or other appropriate official, shall be the same as that between the prospective commanding officer and the commander of a naval shipyard as specified in this article.

0757. Authority of the Commanding Officer or Prospective Commanding Officer of a Naval Nuclear Powered Ship.

The Chief of Naval Operations shall be responsible for providing the commanding officer or prospective commanding officer of a naval nuclear powered ship with the authority and direction necessary to carry out his responsibilities for the safety of the ship and crew, and the health and safety of the general public in surrounding area.

0758. Inspection Incident to Commissioning of Ships.

When a ship is to be commissioned, the authority designated to place such ship in commission shall, just prior to commissioning, cause an inspection to be made to determine the cleanliness and readiness of the ship to receive its crew and outfit. In the case of the delivery of a ship by a contractor, the above inspection shall precede acceptance of the ship. A copy of the report of this inspection shall be furnished the officer detailed to command the ship and to appropriate commands, bureaus or offices.

0759. Commissioning and Assuming Command.

A ship shall be transferred to the prospective commanding officer and placed in commission in accordance with the following procedure:

a. The formal transfer shall be effected by the district commandant or his representative.

b. As many of the officers and crew of the ship as circumstances permit, and a guard and music, shall be assembled and properly distributed on the quarter-deck or other suitable part of the ship.

c. The officer effecting the transfer shall cause the national ensign and the proper insignia of command to be hoisted with the appropriate ceremonies, and shall turn the ship over to the prospective commanding officer.

d. The prospective commanding officer shall read his orders, assume command, and cause the watch to be set.

0760. Preparing for Sea After Commissioning.

In preparing the ship for sea after commissioning, the commanding officer shall endeavor to discover and correct any defect or inadequacy in the crew or in the ship, her installations, equipment, ammunition, and stores; and shall ensure that all installations and equipment can be operated satisfactorily by the crew.

0761. Personnel Organized and Stationed.

Before departure for sea the commanding officer shall ensure that the officers and crew have been properly organized, stationed, and trained to cope effectively with any emergency that might arise in the normal course of scheduled operations.

0762. Entering a Port or Landing at a Place not Designated.

When a ship or aircraft enters a port or lands at a place not designated or permitted by instructions, the commanding officer shall promptly report to his immediate superior the cause for doing so, and an estimate of the delay which will be incurred. When such port or place is within foreign jurisdiction, the nearest United States diplomatic or consular representative, accredited to the government concerned, shall also be informed.

0763. Quarantine.

1. The commanding officer or aircraft commander of a ship or aircraft shall comply with all quarantine regulations and restrictions, United States or foreign, for the port or area within which his ship or aircraft is located.

2. Whether or not liable to quarantine, the commanding officer shall afford every facility to visiting health officers, United States or foreign, and shall give all information required by the latter, insofar as permitted by the requirements of military security.

3. The commanding officer shall allow no intercourse with a port or area or with other ships or aircraft until he has consulted local health authorities when:

a. Doubt exists as to the sanitary regulations or health conditions of the port or area.

b. A quarantine condition exists aboard his ship or aircraft.

c. Coming from a suspected port or area, or one actually under quarantine.

4. No concealment shall be made of any circumstance that may subject a ship or aircraft of the Navy to quarantine.

5. Should there appear at any time on board a ship or aircraft conditions which present a hazard of introduction of a communicable disease outside the ship or aircraft, the commanding officer or aircraft commander shall at once report the fact to the senior officer present, to other appropriate higher authorities and, if in port, to the health authorities having quarantine jurisdiction. He shall prevent all contacts likely to spread disease until pratique is received. The commanding officer of a ship in port shall hoist the appropriate signal.

0764. Customs and Immigration Inspections.

1. The commanding officer or aircraft commander shall facilitate any proper examination which it may be the duty of a customs officer or an immigration officer of the United States to make on board the ship or aircraft under his command. He shall not permit a foreign customs officer or an immigration officer to make any examination whatsoever, except as hereinafter provided, on board the ship, aircraft, or boats under his command.

2. When a ship or aircraft of the Navy or a public vessel manned by naval personnel and operating under the direction of the Department of the Navy is carrying cargo for private commercial account, such cargo shall be subject to the local customs regulations of the port, domestic or foreign, in which the ship or aircraft may be, and in all matters relating to such cargo, the procedure prescribed for private merchant vessels and aircraft shall be followed. Government-owned stores or cargo in such ship or aircraft not landed nor intended to be landed nor in any manner trafficked in, are, by the established precedent of international courtesy, exempt from customs duties, but a declaration of such stores or cargo, when required by local customs regulations, shall be made, Commanding officers shall prevent, as far as possible, disputes with the local authorities in such cases, but shall protect the ship or aircraft and the Government-owned stores and cargo from any search or seizure.

3. Upon arrival from a foreign country, at the first port of entry in United States territory, the commanding officer, or the senior officer of ships or aircraft in company, shall notify the collector of the port. Each individual aboard shall, in accordance with customs regulations, submit a list of articles purchased or otherwise acquired by him abroad. Dutiable articles shall not be landed until the customs officer has completed his inspection.

4. Commanding officers of naval vessels and aircraft transporting United States civilian and foreign military and civilian passengers shall satisfy themselves that the passenger clearance requirements of the Immigration and Naturalization Service are complied with upon arrival at points within the jurisdiction of the United States. Clearance for such passengers by an immigration officer is necessary upon arrival from foreign ports and at the completion of movements between any of the following: Continental United States (including Alaska and Hawaii), Canal Zone, Puerto Rico, Virgin Islands, Guam, American Samoa, or other outlying places subject to United States jurisdiction. Commanding officers prior to arriving shall advise the cognizant naval or civilian port authority of the aforementioned passengers aboard and shall detain them for clearance as required by the Immigration and Naturalization service.

5. The provisions of this article shall not be construed to require delaying the movements of any ship or aircraft of the Navy in the performance of her assigned duty.

0765. Environmental Pollution.

The commanding officer shall cooperate with local, state and other governmental authorities in the prevention, control and abatement of environmental pollution to the extent resources and operational considerations permit. He shall be aware of existing policies regarding pollution control and he should recommend remedial measures when appropriate.

0766. When Acting Singly.

When acting singly, the commanding officer shall conform to the applicable regulations for the senior officer present.

0767. Issue of Personal Necessaries.

1. The commanding officer is authorized to direct, in writing, the issue of clothing and small stores to enlisted persons in a nonpay status, including those in debt to the Government, in such amount as he deems necessary for their health and comfort.

2. He is likewise authorized to direct, in writing, the issue to such enlisted persons of certain other necessaries, including toilet articles and tobacco, in the manner and amount prescribed by the Commander Naval Supply Systems Command or the Commandant of the Marine Corps.

0768. Care of Ships, Aircraft, Vehicles and Their Equipment.

The commanding officer shall cause such inspections and tests to be made and procedures carried out as are prescribed by competent authority, together with such others as he deems necessary, to ensure the proper preservation, repair, maintenance, and operation of any ship, aircraft, vehicle, and their equipment assigned to his command.

CHAPTER 8

PRECEDENCE, AUTHORITY AND COMMAND

0801. Officers of the Naval Service.

1. Officers of the United States naval service shall be known as officers in the line, officers in the staff corps, chief warrant officers, and warrant officers. Midshipmen are, by law, officers in a qualified sense and are classed as being in the line.

2. Officers in the line of the Navy include the following officers in the grade of ensign and above:

a. Line officers not restricted in the performance of duty.

b. Limited duty officers designated for duty in line technical fields.

c. Line officers restricted in the performance of duty designated for engineering duty; aeronautical engineering duty; and types of special duty which include cryptology, intelligence, public affairs, meterology and oceanography/hydrography.

3. Officers in the staff corps of the Navy include:

a. Officers in the Medical, Supply, Chaplain, Civil Engineer, Judge Advocate General's, Dental, Medical Service, and Nurse Corps, not restricted in the performance of duty within their respective corps.

b. Officers in staff corps designated for limited duty within their respective corps.

4. In the Navy there are: chief warrant officers, W-4; chief warrant officers, W-3; chief warrant officers, W-2; and warrant officers, W-1. Chief warrant officers and warrant officers whose technical specialty is within the cognizance of a staff corps are classed as chief warrant officers or warrant officers in the staff corps. All other chief warrant officers and warrant officers are classed as in the line.

5. Officers of the Marine Corps of and above the grade of second lieutenant are officers in the line and include those:

a. Not restricted in the performance of duty.

b. Designated for limited duty in appropriate technical fields.

b. Chief warrant officers and warrant officers of the Marine Corps are classed as in the line.

7. The term "line officer of the naval service" shall be construed to refer to line officers of both the Navy and the Marine Corps.

8. Within the Manual for Courts-Martial, United States, 1969 (Revised Edition) and the Manual of the Judge Advocate General, the term "officer" includes chief warrant officers W-4, W-3, and W-2, but does not include a warrant officer W-1 unless the context indicates otherwise.

0802. Precedence of Officers.

1. The date of rank of an officer is that stated in his commission, or when no commission for his current grade has been issued to him, the date established by the Secretary of the Navy.

2. All line officers of the same grade take precedence with each other, (except as provided for when a naval officer is serving as Chairman of the Joint Chiefs of Staff) according to their respective dates of rank, but when such officers have the same date of rank or have gained or lost numbers, their precedence shall be as indicated in the appropriate lineal lists maintained in accordance with law, and provided that the Assistant Commandant of the Marine Corps, if and when appointed to the grade of lieutenant general pursuant to 10 U.S.C. 5232(a), ranks first for all purposes among the officers serving in that grade under that section.

3. Line and staff corps officers of the naval service, when of the same grade, shall take precedence with all other line and staff corps officers of the same grade from the dates of rank stated in their commissions. Line officers and staff corps officers having the same date of rank shall take precedence with respect to other line and staff corps officers, respectively, in accordance with their lineal order as shown in the appropriate lineal lists. Staff corps officers having the same date of rank as their line running mates shall take precedence after their line running mates but ahead of all line and staff officers junior to their line running mates. When there are officers of more than one staff corps having the same line running mate and the same date of rank as their line running mate they shall take precedence in the following order:

a. Officers in the Medical Corps.

b. Officers in the Supply Corps.

c. Officers in the Chaplain Corps.

d. Officers in the Civil Engineer Corps.

e. Officers in the Judge Advocate General's Corps.

f. Officers in the Dental Corps.

g. Officers in the Medical Service Corps.

h. Officers in the Nurse Corps.

4. Chief warrant officers (Grades W-2, W-3, and W-4) of the Navy or Marine Corps, in the same grade, take precedence with each other according to the dates of rank stated in their commissions. When the commissions of two or more of them are of the same date, they take precedence according to the order in which their names are shown in the appropriate lineal lists.

5. Warrant officers (Grade W-1) of the Navy or Marine Corps take precedence with each other according to the dates of rank stated in their warrants. When the warrants of two or more of them are the same date, they take precedence according to the order in which their names are shown in the appropriate lineal lists.

6. The details of computing precedence of officers of the reserve components shall be as prescribed by the Commandant of the Marine Corps or the Chief of Naval Personnel, as appropriate.

0803. Relative Rank and Precedence of Officers of Different Services.

1. Relative rank of grades of officers of the Army, Navy, Marine Corps, Air Force, and Coast Guard, whether on the active or retired lists, and of the National Oceanic and Atmospheric Administration and Public Health Service when serving with the military, is indicated in the following table:

NAVY	MARINE CORPS	ARMY AND AIR FORCE	COAST GUARD	PUBLIC HEALTH SERVICE
ADMIRAL	GENERAL	GENERAL	ADMIRAL	
VICE ADMIRAL	LIEUTENANT GENERAL	LIEUTENANT GENERAL	VICE ADMIRAL	
REAR ADMIRAL (UPPER HALF)	MAJOR GENERAL	MAJOR GENERAL	REAR ADMIRAL (UPPER HALF)	SURGEON GENERAL[1]
REAR ADMIRAL (LOWER HALF) CHIEF OF CHAPLAINS, NAVY	BRIGADIER GENERAL	BRIGADIER GENERAL	REAR ADMIRAL (LOWER HALF) CHIEF COUNSEL	ASSISTANT SURGEON GENERAL[2]
CAPTAIN	COLONEL	COLONEL	CAPTAIN	
COMMANDER	LIEUTENANT COLONEL	LIEUTENANT COLONEL	COMMANDER	
LIEUTENANT COMMANDER	MAJOR	MAJOR	LIEUTENANT COMMANDER	SENIOR GRADES[3]
LIEUTENANT	CAPTAIN	CAPTAIN	LIEUTENANT	
LIEUTENANT (JG)	FIRST LIEUTENANT	FIRST LIEUTENANT	LIEUTENANT (JG)	INTERMEDIATE GRADES[3]
ENSIGN	SECOND LIEUTENANT	SECOND LIEUTENANT	ENSIGN	ASSISTANT GRADES[3]
				JUNIOR GRADES[3]

1 Surgeon General's grade corresponds to that of Surgeon General of the Army, Navy, or Air Force, whichever has the senior officer on active duty.
2 And other officers of new grade with similar precedence to civil duties.
3 And other officers of equivalent grade.

2. The precedence of officers of the Army, Navy, Marine Corps, Air Force, Coast Guard, and Public Health Service of the same relative grade shall be in accordance with their respective dates of rank, the senior in date of rank taking precedence over the junior.

3. When officers of the Army, Navy, Marine Corps, Air Force, Coast Guard, and Public Health Service, having the same or relative grade and the same date of rank, are serving together they shall have precedence according to the time each has served on active duty as a commissioned officer of the United States.

4. When serving with the Army, Navy, Marine Corps, or Air Force, commissioned officers of the National Oceanic and Atmospheric Administration shall rank with and after officers of corresponding grade in the Army, Navy, Marine Corps, or Air Force of the same length of service in grade.

5. A Public Health Service Officer in uniform may use, for the purpose of identification and address, the military or naval rank corresponding to the grade marking worn. An officer of the Public Health Service detailed for duty with the Navy, Marine Corps, Army, Air Force, Coast Guard or National Oceanic and Atmospheric Administration may use in official correspondence the title of military or naval rank corresponding to the grade marking worn.

0804. Precedence of an Officer in Command.

An officer, either of the line or of a staff corps, detailed to command by competent authority or who has succeeded to command has precedence over all officers or other persons attached to the command of whatever rank and whether they are of the line or of a staff corps.

0805. Precedence of the Executive Officer.

The executive officer, while in the execution of his duties as such, shall take precedence over all persons under the command of the commanding officer.

0806. Precedence on Courts and Boards.

The precedence established by these regulations shall be observed on all courts and boards.

0807. Precedence in Processions on Shore.

1. Officers in processions on shore shall be placed in formation according to their grade but not necessarily according to their order of precedence in grade. All processions on shore where officers appear in an official capacity, and where formation is necessary, shall be regarded as military formations. The command thereof shall devolve upon the senior line officer in the formation, except when the commander or commanding officer of the unit in formation is a member of a staff corps, the senior officer in the formation who is a member of the same staff corps as the commander or commanding officer shall be in command thereof.

2. When serving on shore with a mixed detachment composed of seamen and marines, the marines shall always be placed on the right in battalion or other infantry formation on occasions of ceremony.

0808. Title of Officers Holding Acting Appointments.

An officer holding an acting appointment shall have the title of his acting grade, and when such appointment is revoked, he shall resume the title of his actual grade.

0809. Titles and Authority of Certain Officers.

1. The Commander Naval Supply Systems Command, the Commander Naval Facilities Engineering Command, and the Chief of the Dental Division shall have, while so serving, the additional titles of Chief of Supply Corps, Chief of Civil Engineers, and Chief of Dental Corps, respectively.

2. The Surgeon General, the Chief of Supply Corps, the Chief of Chaplains, the Chief of Civil Engineers, the Judge Advocate General, the Chief of the Dental Corps, the Chief of the Medical Service Corps, the Director of the Nurse Corps, shall be the principal advisors and sponsors on matters concerned with officers in their respective corps and enlisted personnel with ratings associated with the corps. Also, as heads of corps, they shall be spokesmen regarding professional matters with the military and civilian communities.

0810. Manner of Addressing Officers.

1. Except as provided in paragraph 2, every officer in the naval service shall be designated and addressed in official communications by the title of his or her grade, preceding the name.

2. In oral official communications, officers will be addressed by their grade except that officers of the Medical Corps, the Dental Corps and those officers of the Medical Service Corps and the Nurse Corps having doctoral degrees may be addressed as ''Doctor'' and officers of the Chaplain Corps may be addressed as ''Chaplain''. When addressing an officer whose grade includes a modifier, the modifier may be dropped.

3. In written communications the name of the corps to which any staff corps officer belongs shall be indicated immediately after his name.

0811. Exercise of Authority.

1. All persons in the naval service on active service, and those on the retired list with pay, and transferred members of the Fleet Reserve and the Fleet Marine Corps Reserve, are at all times subject to naval authority. While on active service they may, if not on leave of absence except as noted below, on the sick list, taken into custody, under arrest, suspended

from duty, in confinement, or otherwise incapable of discharging their duties, exercise authority over all persons who are subordinate to them.

2. A person in the naval service, although on leave, may exercise authority:

a. When in a naval ship or aircraft and placed on duty by the commanding officer or aircraft commander.

b. When in a ship or aircraft of the armed services of the United States, other than a naval ship or aircraft, as the commanding officer of naval personnel embarked, or when placed on duty by such officer.

c. When senior officer at the scene of a riot or other emergency, or when placed on duty by such officer.

0812. Authority Over Subordinates.

All officers of the naval service, of whatever designation or corps, shall have all the necessary authority for the performance of their duties and shall be obeyed by all persons, of whatever designation or corps, who are, in accordance with these regulations and orders from competent authority, subordinate to them.

0813. Delegation of Authority.

The delegation of authority and the issuance of orders and instructions by a person in the naval service shall not relieve such person from any responsibility imposed upon him. He shall ensure that the delegated authority is properly exercised and that his orders and instructions are properly executed.

0814. Abuse of Authority.

Persons in authority are forbidden to injure their subordinates by tyrannical or capricious conduct, or by abusive language.

0815. Contradictory and Conflicting Orders.

1. An officer who diverts another from any service upon which he has been ordered by a common superior, or requires him to act contrary to the orders of such superior, or interferes with those under such superior's command, must immediately report his action to the officer whose orders he has contravened, and show that the public interest required such action. All orders under such circumstances shall be given in writing when possible.

2. If an officer receives an order which annuls, suspends, or modifies one received from another superior, or one contrary to instructions or orders from the Secretary of the Navy, he shall exhibit his first orders, unless he has been instructed not to do so, and represent the facts in writing to the superior from whom the last order was received. If, after such representation, the officer from whom the last order was received should insist upon the execution of his order, it shall be obeyed. The officer receiving and executing such order shall report the circumstances to the superior from whom he received the original order.

0816. Authority of an Officer in Command.

An officer, either of the line or a staff corps, detailed to command by competent authority, has authority over all officers or other persons attached to the command, whatever their rank, and whether they are of the line or of a staff corps.

0817. Authority of an Officer Who Succeeds to Command.

1. An officer who succeeds to command due to incapacity, death, departure on leave, detachment without relief, or absence due to orders from competent authority of the officer detailed to command has the same authority and responsibility as the officer whom he succeeds.

2. An officer who succeeds to command during the temporary absence of the commanding officer shall make no changes in the existing organization, and shall endeavor to have the routine and other affairs of the command carried on in the usual manner.

3. When an officer temporarily succeeding to command signs official correspondence, the word ''Acting'' shall appear below his signature.

0818. Authority of a Vice Commander or a Deputy.

A vice commander or a deputy shall exercise command or control only over activities and matters specified in his orders or as directed by his superior.

0819. Authority of the Commander or Commanding Officer of a Base or Station Over Visiting Commands.

While at a naval base or naval station and not under the command of the naval base commander or naval station commanding officer, the officer in command or in charge of a ship, craft, unit of aircraft or troops shall conform to the orders of the naval base commander or naval station commanding officer related to common or specific services he may provide. Such common or specific services may include waterfront operations, airfield operations, security, fire protection, safety, defense, sanitation, recreation, and welfare.

0820. Authority Over Fleet Aircraft at a Naval Station.

1. Fleet aircraft personnel and aircraft units based on shore at a naval station shall constitute the Fleet Air Detachment at that station.

Squadrons and larger tactical units of fleet aircraft, however, shall retain their identity as such, including command of all regularly assigned personnel.

2. The senior officer in command of a unit of fleet aircraft based at a naval station shall have the title Commander Fleet Air Detachment. He shall coordinate the operations of units of fleet aircraft present when required for common purposes. He shall require that personnel attached to such units conform to the ordersy of the commanding officer of the station in matters under the authority of the latter, including, insofar as operating conditions permit, the routine of the station. He shall make such special details of fleet personnel to assist the various departments of the station as may be determined to be necessary by higher authority.

0821. Authority of the Commanding Officer of a Hospital Ship.

1. The naval hospital in a hospital ship embraces all persons attached to the hospital either for duty or for treatment, all activities within the ship which are devoted to the care or treatment of the sick or injured, and all parts of the ship which are used for the care and treatment of the sick or injured, as living quarters by persons attached to the hospital, or for the stowage of the supplies or equipment belonging to the hospital.

2. The commanding officer of the naval hospital is under the command of the commanding officer of the hospital ship. The commanding officer of the ship shall normally limit the exercise of command over the naval hospital to such military matters as discipline, security, intelligence, communications, fire protection, watertight integrity, stability, preservation, and maintenance, and overall cleanliness with regard for the responsibility of the commanding officer of the naval hospital for the sanitary conditions of the naval hospital. Except as above stated, he shall not exercise control, within the hospital, over its administration or organization, including the expenditure or accountability of funds allotted the hospital, the assignment of personnel and work, and the establishment of technical methods and procedures, unless such control has been specifically delegated to him by competent authority. Nothing in this article shall be construed to prevent the appropriate assignment of a proportionate share of work of a general nature to personnel attached to the naval hospital.

0822. Authority of an Officer of the Marine Corps Over Naval Forces.

Officers of the Marine Corps may not command ships or naval shipyards. This article shall not be construed to prevent an officer of the Marine Corps, when so detailed by the Secretary of the Navy or a commander in chief, from having and exercising such authority as may be necessary to direct the operations of all forces assigned to him.

0823. Authority of Officers Embarked as Passengers.

1. The commanding officer of a ship or aircraft, not a flagship, with a flag officer eligible for command at sea embarked as a passenger shall be subject to the orders of such flag officer. Other officers embarked as passengers, senior to the commanding officer, shall have no authority over him.

2. Officers embarked as passengers who are junior to the commanding officer, or commanding officer of the transport unit of a ship of the Military Sealift Command, if not on the staff of an officer also embarked, may be assigned to duty when the exigencies of the service render it necessary. The commanding officer or commanding officer of the transport unit shall be the judge of such necessity. Passengers thus assigned shall have the same authority as though regularly attached to the ship.

0824. Authority to Place Self on Duty.

No officer can place himself on duty by virtue of his commission or warrant alone.

0825. Authority in a Boat.

Except when embarked in a boat authorized by the Chief of Naval Operations to have an officer or petty officer in charge, the senior line officer (including commissioned warrant and warrant officers) eligible for command at sea has authority over all persons embarked therein, and is responsible for the safety and management of the boat.

0826. Authority and Responsibility of a Senior Officer Under Certain Circumstances.

1. In the event of a riot or quarrel between persons in the naval service or in other circumstances not provided for in these regulations in which persons in the naval service are involved and the exercise of naval authority is necessary, the senior officer in the naval service at the scene shall assume command and take the action necessary, until relieved of this responsibility by competent authority. All persons in the naval service in the vicinity shall render prompt assistance and obedience to the officer thus engaged in the restoration of order.

2. Should there be no commissioned officer or warrant officer at the scene, the senior petty officer or non-commissioned officer present shall assume command.

3. The person who assumed command under the above circumstances shall have the authority to apprehend any person in the naval service if necessary.

0827. Authority and Status of Persons in the Coast Guard, National Oceanic and Atmospheric Administration, and Public Health Service.

Whenever, by order of the President, personnel of the Coast Guard and the National Oceanic and Atmospheric Administration, and officers of the Public Health Service, are serving as part of the naval service, they shall be subject to the laws, regulations, and orders which pertain to the Navy insofar as may be necessary for command discipline, and effective naval administration. Otherwise they shall continue to be subject to laws, regulations, and orders of their respective services. They shall have the same

authority and control over officers and enlisted persons of the other services as that to which their grade, rank or rate entitles them in their respective services.

0828. Authority of Officers With Acting Appointments.

An officer duly appointed to act in any grade shall, while serving under such appointment, have the same authority as if he held a commission in that grade.

0829. Authority of Warrant Officers, Non-Commissioned Officers, and Petty Officers.

Chief warrant officers, warrant officers, non-commissioned officers, and petty officers shall have, under their superiors, all necessary authority for the proper performance of their duties, and they shall be obeyed accordingly.

0830. Authority of a Sentry.

A sentry, within the limits stated in his orders, has authority over all persons on his post.

0831. Authority of Juniors to Issue Orders to Seniors.

No officer is authorized by virtue of his rank alone to give any order or grant any privilege, permission, or liberty to any officer his senior. A senior officer is not required to receive such order, privilege, permission, or liberty from his junior, unless such junior is at the time in command of the ship or other command to which the senior is attached, or in command or direction of the military expedition or duty on which such senior is serving, or as executive officer is executing an order of the commanding officer.

0832. Basis for Details.

Appointments, details, transfers, and assignments shall be made on the basis of official records.

0833. Changes in Details to Duty.

No officer, except the senior officer present, shall change the detail of a person assigned by a superior to a specific duty without the permission of that superior. The senior officer present shall not change the detail of any person without good and sufficient reason and shall report all changes and the reasons for them to the superior without delay.

0834. Orders to Active Service.

1. No person who is not on active service or leave of absence shall be ordered into active service or on duty without permission of the Commandant of the Marine Corps or the Chief of Naval Personnel, except:

a. In the case of a person on leave of absence by the officer who granted the leave or a superior.

b. By the senior officer present on a foreign station.

2. In the event that the senior officer present of a foreign station issues any orders as contemplated by this article, he shall report the facts, including the reasons for issuing such orders, to the Chief of Naval Personnel or the Commandant of the Marine Corps, without delay.

3. Retired officers of the Navy and Marine Corps may be ordered to active service, with their consent, in time of peace. In time of war or a national emergency, such retired officers may, at the discretion of the Secretary of the Navy, be ordered to active service.

0835. Command of A Task Force.

A commander in chief and any other naval commander, may detail in command of a task force, or other task command, any eligible officer under his command whom he desires, and all other officers ordered to the task force or other task command shall be considered subordinate to the designated commander. All orders issued under the authority of this article shall continue in effect after the death or disability of the officer issuing them until revoked by his successor in command or by higher authority. The powers delegated to a commander by this article are not conferred on any other officer by virtue of the fact that he is senior officer present.

0836. Command of Naval Districts.

The officer detailed as commandant of a naval district shall be an officer of the line in the Navy, eligible for command at sea.

0837. Command of Naval Bases.

The officer detailed to command a naval base shall be an officer of the line in the Navy, eligible for command at sea.

0838. Command of Naval Shipyards.

The officer detailed to command a naval shipyard shall be trained in the technical aspects of building and repair of ships and shall have had substantial previous experience in the technical and management phases of such work. Such officer may have been designated for engineering duty.

0839. Command of Ships and Submarines.

1. The officer detailed to command a commissioned ship shall be an officer of the line in the Navy eligible for command at sea.

2. The officer detailed to command an aircraft carrier, an aircraft tender, or a ship with a primary task of operating or supporting aircraft shall be an officer of the line in the Navy, eligible for command at sea, designated as a naval aviator or naval flight officer.

3. The officer detailed to command a submarine shall be an officer of the line in the Navy, eligible for command at sea, and qualified for command of submarines.

0840. Command of Air Activities.

1. The officer detailed to command a naval aviation school, a naval air station, or a naval air unit organized for flight tactical or administrative purposes shall be an officer of the line in the Navy, designated as a naval aviator or naval flight officer, eligible for command at sea.

2. The officer detailed to command a naval air activity of a technical nature on shore may be an officer of the line in the Navy not eligible for command at sea but designated as a naval aviator or naval flight officer or designated for aeronautical engineering duty.

3. The officer detailed to command a Marine Corps aviation school, a Marine Corps air activity on shore or a Marine Corps air unit organized for flight tactical purposes shall be an officer of the Marine Corps, designated as a naval aviator or naval flight officer.

4. An officer of the Navy shall not normally be detailed to command an aviation unit of the Marine Corps nor shall an officer of the Marine Corps normally be detailed to command an aviation unit of the Navy. Aircraft units of the Marine Corps may, however, be assigned to ships or to naval air activities in the same manner as aircraft units of the Navy and, conversely, aircraft units of the Navy may be so assigned to Marine Corps air activities. A group composed of aircraft units of the Navy and aircraft units of the Marine Corps may be commanded either by an officer of the Navy or Marine Corps.

0841. Multiservice Commands.

1. When different commands of the Army, Navy, Air Force, Marine Corps, and Coast Guard join or serve together, the officer highest in rank in the Army, Navy, Air Force, Marine Corps, or Coast Guard on duty there, who is otherwise eligible to command, commands all those forces unless otherwise directed by the President.

2. An officer of the naval service in command of a unified, specified, joint, or combined command is not authorized to exercise operational control over U.S. naval forces not specifically assigned to him for operations, nor is he authorized to exercise authority as senior officer present or senior officer present afloat over such U.S. naval forces.

0842. Command of Staff Corps Activities.

An officer in a staff corps shall be detailed to command only such activities as are appropriate to his corps.

0843. Detail of Executive Officer.

1. The officer detailed as executive officer shall be the officer eligible to succeed to command and who, when practicable, is next in rank to the commanding officer. In the case of a naval hospital, a medical officer not next in rank may be detailed as executive officer by the Chief of Naval Personnel.

2. When no officer has been detailed as executive officer by the Commandant of the Marine Corps or the Chief of Naval Personnel, as appropriate, or when the officer detailed is absent or incapable of performing the duties of his office, the commanding officer shall detail the senior line officer under his command and eligible to succeed to command as executive officer except that, if the commanding officer is a member of a staff corps, he may detail as executive officer the next senior officer in the appropriate staff corps.

0844. Detail of Heads of Department and Other Officers.

When no officer has been detailed by the Commandant of the Marine Corps, or the Chief of Naval Personnel, as head of a department or other subdivision of the command, or to specific duty within the department or subdivision, or when the officer so detailed is absent or incapable of performing his duty, the commanding officer may detail a suitable officer to perform such duty.

0845. Detail of Persons Performing Medical or Religious Services.

Members of Medical, Dental, Chaplain, Medical Service, Nurse, or Hospital Corps shall be detailed or permitted to perform only such duties, in peace or war, as are related to medical, dental, or religious service and the administration of medical, dental, or religious units and establishments. Such duties are in accord with the permissible functions of the Geneva Conventions of August 12, 1949.

0846. Detail of Women.

Women members of the naval service shall not be detailed to duty in aircraft that are engaged in combat missions nor shall they be detailed to ships of the Navy other than hospital ships and transports.

0847. Detail of Enlisted Persons for Certain Duties.

1. Petty officers and noncommissioned officers shall not be detailed as messmen, except when nonrated men are not available.

2. Marines shall not be detailed to perform the duties of master-at-arms, yeoman, or hospital corpsman, except in case of emergency, which shall be determined by the commanding officer. When necessary to make such assignment, it shall continue only until a suitable person can be selected for the required duty.

3. Enlisted naval personnel may be assigned to duty in a service capacity in officers' messes and public quarters only when such assignment is

authorized by the Secretary of the Navy. This shall not be construed to prevent the voluntary employment, in any such capacity, of a retired enlisted person or a transferred member of the Fleet Reserve or Fleet Marine Corps Reserve without additional expense to the Government.

0848. Rank and Grade of an Officer Who Succeeds to Command.

An officer who succeeds to command acquires no increase of rank nor change in grade by virtue of such succession alone.

0849. Succession of a Deputy or Vice Commander.

Except as otherwise provided for specific cases, a deputy or vice commander shall succeed to command or control, as appropriate, in the case of the incapacity or death of the officer whose deputy or vice commander he is, and, unless the latter directs otherwise, at other times during the absence of such officer.

0850. Succession to Command of a Bureau.

1. When there is a vacancy in the office of the chief of a bureau, or during the disability of the chief of a bureau, or during his absence and unless he directs otherwise, the deputy chief of the bureau shall command the bureau until a successor takes office or the disability or the absence ceases.

2. When the foregoing paragraph cannot be complied with because of the disability or absence of the deputy chief of the bureau, the heads of the major divisions of the bureau, in the order recommended by the Chief of Naval Operations and directed by the Secretary of the Navy, shall command the bureau until a successor takes office or the disability or the absence of the chief or deputy ceases.

0851. Succession to Command of the Naval Material Command.

1. When there is a vacancy in the office of the Chief of Naval Material or during the disability of the Chief of Naval Material, or during his absence and unless he directs otherwise, the Vice Chief of Naval Material shall command the Naval Material Command until a successor takes office, or the disability or the absence ceases.

2. When the foregoing paragraph cannot be complied with because of disability or absence of the Vice Chief of Naval Material, the officer next senior in rank on the staff of the Chief of Naval Material shall succeed to command of the Naval Material Command, unless otherwise directed by the Chief of Naval Operations or the Secretary of the Navy, until a successor takes office or the disability or the absence of the Chief or the Vice Chief ceases.

0852. Succession to Command of a Naval Systems Command.

1. When there is a vacancy in the office of a commander of a naval systems command or during the disability of a commander of a naval systems command, or during the absence of a commander of a naval systems command and unless he directs otherwise, the vice commander shall succeed to the command of the naval systems command until a successor takes office, or the disability or the absence ceases.

2. When the foregoing paragraph cannot be complied with because of the absence or disability of the vice commander, the officer on the staff of the commander next senior in rank of the line or same staff corps as the commander, as appropriate, shall succeed to command of the naval systems command, unless otherwise directed by the Chief of Naval Material or the Chief of Naval Operations, until a successor takes office or the absence or disability of commander or vice commander ceases.

0853. Succession of a Chief of Staff and Other Staff Officers.

In the absence or incapacity of the officer on whose staff he is serving, a chief of staff, chief staff officer, or other officer on a staff may succeed to command if next in rank within the command and otherwise eligible as provided in these regulations.

0854. Succession Prescribed by a Commander in Chief.

A commander in chief and, when empowered by the Chief of Naval Operations, any other naval commander may prescribe the order of succession to command, including his own, among the various officers whom he has detailed to command task forces or other task commands. All orders issued under the authority of this article shall continue in effect after the incapacity or death of the officer issuing them until revoked by his successor in command or by higher authority. The powers delegated to a naval commander by this article are not conferred on any other officer by virtue of the fact that he is the senior officer present.

0855. Succession to Command of a Fleet, Subdivision of a Fleet, Fleet Marine Force, or Subdivision of a Fleet Marine Force.

1. In the event of the incapacity, death, departure on leave, or detachment without relief of a commander in chief of a fleet, a commander of a subdivision of a fleet, a commanding general of a fleet marine force, or a commanding general of a subdivision of a fleet marine force, or when such officer is absent from his command due to orders from competent authority and so directs, the following applies with regard to succession to command, unless competent authority prescribes that a deputy or other officer shall succeed to command. With respect to:

a. A fleet, the senior line officer of the Navy, eligible for command at sea, in the fleet or subdivision of a fleet shall succeed to command.

b. A fleet marine force, the senior officer of the Marine Corps, eligible for command, in the fleet marine force or subdivision of a Fleet Marine force shall succeed to command.

2. During the absence from his command or headquarters of any of the commanders referred to in paragraph 1 of this article, and when such officer has not directed that he be succeeded in command as provided in the preceding paragraph, succession to command shall be as follows:

a. The chief of staff or chief staff officer within a fleet marine force, or the chief of staff if a deputy or assistant commander is not assigned.

3. An officer succeeding to command shall have authority to issue orders required to carry on the established routine and to perform the administrative functions of the command. He shall be the officer commanding for the time being for the administration and for the exercise of general court martial jurisdiction within the command. This shall not be construed to limit the authority and responsibility of the senior officer present in emergency or other foreseen situations which demand his action.

0856. Succession in Battle.

When a flag officer or other commander of ships is incapacitated in battle the officer next in rank in the flagship and eligible to succeed him shall succeed provisionally until the officer who would succeed as provided in the preceding article ascertains that he has taken command. It is the duty of the officer who succeeds provisionally to report, as soon as practicable, the incapacity of the flag officer to the officer who will succeed him and to the immediate superior of the flag officer.

0857. Succession to Command of a Ship.

In the event of the incapacity, death, relief from duty, or absence of the officer detailed to command a ship, he shall be succeeded by the line officer in the Navy, eligible for command at sea, next in rank and regularly attached to and on board the ship, until relieved by competent authority or until the regular commanding officer returns.

0858. Succession to Command of Aircraft Units and Submarines.

1. In the event of the incapacity, death, relief from duty, or absence of the officer detailed to command an aircraft squadron, group, or wing, the line officer regularly attached to and on board the aircraft unit who is next in rank and qualified as a naval aviator or naval flight officer shall succeed him, until relieved by competent authority or until the regular commanding officer returns.

2. In the event of the incapacity, death, relief from duty, or absence of the officers detailed to command a submarine, the line officer regularly attached to and on board the submarine who is next in rank and qualified for command in submarines shall succeed him, until relieved by competent authority or until the regular commanding officer returns.

0859. Succession to Command of a Sea Frontier or of a Naval District.

1. In the event of the incapacity or death of a commander of a sea frontier or of a commandant of a naval district, or when he is absent from the limits of his command and so directs, he shall be succeeded by the officer eligible for command at sea, designated by the commander or by the commandant with the knowledge of the Chief of Naval Operations.

2. During the absence of a commander of a sea frontier or of a commandant of a naval district and when he has not directed that he be succeeded in command as provided in the preceding paragraph, the deputy or the chief of staff or chief staff officer shall have authority to issue the orders required to carry on the established routine and to perform the administrative functions of the command. This shall not be construed to limit the authority or responsibility of the senior officer present in emergencies or other unforeseen situations which demand his action.

0860. Succession to Command of a Naval Base.

1. In the event of the incapacity or death of the commander of a naval base, or when he is absent and provided he so directs, he shall be succeeded by the officer, eligible for command at sea, designated by the commander of the naval base, with the approval of the immediate superior.

2. During the absence of a commander of a naval base, and when he has not directed that he be succeeded in command as provided in the preceding paragraph, the chief of staff or chief staff officer shall have authority to issue the orders required to carry on the established routine and perform the administrative functions of the naval base. This shall not be construed to limit the authority or responsibility of the senior officer present in emergencies or other unforeseen situations which demand his action.

0861. Succession to Command of a Naval Shore Activity.

In the event of incapacity, death or absence of the commanding officer or officer in charge of a naval shore activity not otherwise provided for in these regulations, the officer next in rank shall succeed him, except:

a. The commanding officer of a naval hospital shall be succeeded by the executive officer who, if so detailed by the Chief of Naval Personnel, need not be next in rank.

b. An officer in the staff corps may succeed to command only at such activities as are appropriate to his corps.

c. When appropriate, the Chief of Naval Operations may specify that the commanding officer shall be succeeded by an officer eligible for command at sea who need not be next in rank.

0862. Succession to Command by Officers Designated for Engineering Duty or Special Duty.

Officers designated for engineering duty, aeronautical engineering

duty, or special duty, who are otherwise eligible as provided in these regulations, may succeed to command only on shore.

0863. Succession to Command by Officers of the Marine Corps.

An officer of the Marine Corps shall not succeed to command of any ship or naval shipyard, or of a naval station, except when the officer detailed to command the station is an officer of the Marine Corps.

0864. Succession to Command on Detachment of an Officer in Command Without Relief.

Should an officer in command be detached without relief, he shall be succeeded in command by that officer who, in accordance with these regulations, would succeed to command in case of the incapacity, death, or absence of the officer in command.

0865. Succession to Command by Line Officers Designated for Limited Duty.

Officers of the line designated for limited duty may succeed to command of an activity in conformity with the following:

a. In ships, officers of the line of the Navy designated for limited duty, who are authorized to perform all deck duties afloat, may succeed to command.

b. Within other commands of the naval service, any limited duty officer with a designator appropriate to the function of the activity may succeed to command.

0866. Succession to Command by Chief Warrant Officers and Warrant Officers.

Chief warrant officers and warrant officers may succeed to command of an activity in conformity with the following:

a. In ships, chief warrant and warrant officers who are authorized to perform all deck duties afloat may succeed to command.

b. Within other commands of the naval service, any chief warrant or warrant officer, with a designator appropriate to the function of the activity may succeed to command.

0867. Relief of a Commanding Officer by a Subordinate.

1. It is conceivable that most unusual and extraordinary circumstances may arise in which the relief from duty of a commanding officer by a subordinate becomes necessary, either by placing him under arrest or on the sick list; but such action shall never be taken without the approval of the Commandant of the Marine Corps or the Chief of Naval Personnel as appropriate, or the senior officer present, except when reference to such higher authority is undoubtedly impracticable because of the delay involved or for other clearly obvious reasons. In any event, a complete report of the matter shall be made to the Commandant of the Marine Corps or the Chief of Naval Personnel as appropriate, and the senior officer present, setting forth all facts in the case and the reasons for the action or recommendation, with particular regard to the degree of urgency involved.

2. In order that a subordinate officer, acting upon his own initiative, may be vindicated for relieving a commanding officer from duty, the situation must be obvious and clear, and must admit of the single conclusion that the retention of command by such commanding officer will seriously and irretrievably prejudice the public interests. The subordinate officer so acting must be next in succession to command; must be unable to refer the matter to a common senior for one of the reasons set forth in the preceding paragraph; must be certain that the prejudicial actions of his commanding officer are not caused by instructions unknown to the subordinate officer; must have given the matter such careful consideration, and must have made such exhaustive investigation of all the circumstances as may be practicable; and finally, must be thoroughly convinced that the conclusion to relieve his commanding officer is one which a reasonable, prudent, and experienced officer would regard as a necessary consequence from the facts thus determined to exist.

3. Intelligent, fearless initiative is an important trait of military character; and it is not the purpose of these regulations to discourage its employment in cases of this nature. However, as the action of relieving a senior from command involves most serious possibilities, a decision to do so, or to so recommend should be based upon facts established by substantial evidence, and upon the official views of others in a position to form valid opinions, particularly of a technical character. An officer relieving his commanding officer or recommending such action, together with all others who so counsel, must bear the legitimate responsibility for, and must be prepared to justify, such action.

CHAPTER 9

THE SENIOR OFFICER PRESENT

0901. The Senior Officer Present.

Unless some other officer has been so designated by competent authority, the "senior officer present" is the senior line officer of the Navy on active duty, eligible for command at sea, who is present and in command of any part of the Department of the Navy in the locality or within an area prescribed by competent authority, except where personnel of both the Navy and the Marine Corps are present on shore and the officer of the Marine Corps who is in command is senior to the senior line officer of the Navy. In such cases, the officer of the Marine Corps shall be the senior officer present on shore.

0902. Eligibility for Command at Sea.

The term "eligible for command at sea" shall be construed to apply to all male officers of the line of the Navy, including Naval Reserve, on active duty, except those designated for the performance of engineering, aeronautical engineering or special duties, and except those limited duty officers who are not authorized to perform all deck duties afloat.

0903. Authority and Responsibility.

At all times and places not excluded in these regulations, or in orders from competent authority, the senior officer present shall assume command and direct the movements and efforts of all persons in the Department of the Navy present, when, in his judgment, the exercise of authority for the purpose of cooperation or otherwise is necessary. He shall exercise his authority in a manner consistent with the full operational command vested in the commanders of unified or specified commands.

0904. Authority of Senior Officer of the Marine Corps Present.

The authority and responsibility of the senior officer present are also conferred upon the senior commanding officer of the Marine Corps present with respect to those units of the Marine Corps, including Navy personnel attached, which are in the locality and not under the authority of the senior officer present.

0905. Commands Diverted by the Senior Officer Present.

The senior officer present shall not divert a command from an operation or duty assigned by another authority unless the public interest demands. When orders issued by the senior officer present conflict with an operation or duty assigned to a command, the commanding officer of such command shall disclose his orders to the senior officer present, to the extent permitted by the instructions contained therein, in order that the senior officer present may give them due consideration. The senior officer present shall inform a common senior promptly when he has diverted any command from a previously assigned operation or duty and shall release such command when its assistance is no longer required.

0906. Authority Within Commands.

In the exercise of his authority, the senior officer present normally shall not concern himself with the administrative matters within commands other than his own, except to the extent necessary to secure such uniformity and coordination of effort as may be required.

0907. Distinctions Ashore.

The responsibilities, authorities, and distinctions of commanders, officers in command, and others of the shore establishment are as stated by superiors or other competent authorities, and are not necessarily dependent upon relative seniority among the individuals concerned.

0908. To Make Known His Identity as Senior Officer Present.

When doubt may exist or when circumstances require, the senior officer present shall inform all commanding officers concerned in the locality or prescribed geographical area that he is the senior officer present.

0909. Reports and Calls by Juniors.

All commanding officers shall keep themselves informed of the identity of the senior officer present. The senior commander of each unit present shall inform the senior officer present of the orders under which he is acting to the extent permitted therein and of the condition of his command. When circumstances permit, he shall call upon the senior officer present.

0910. Concert of Action With Other Armed Forces.

When in the vicinity of other armed forces of the United States or of an ally of the United States, the senior officer present shall maintain, to the extent possible, a complete concert of action with the commander of these forces. He shall cooperate with the commander of such forces in the preparation and execution of plans for such joint action as may be necessary.

0911. Relations With Diplomatic and Consular Representatives.

The senior officer present, insofar as possible, shall preserve close relations with the diplomatic and consular representatives of the United States. He shall consider recommendations, requests or other communications from such representatives. While due weight should be given to the opinions and advice of such representatives, the senior officer present is solely and entirely responsible for his official acts.

0912. Communications With Foreign Officials.

1. As a general rule, when in foreign countries, the senior officer present shall communicate with foreign civil, diplomatic, or consular officials through the local United States diplomatic or consular representatives.

2. In the absence of a diplomatic or consular representative of the United States, the senior officer present in a foreign country has authority to:

a. Communicate or remonstrate with foreign civil authorities as may be necessary.

b. Urge upon citizens of the United States the necessity of abstaining from participation in political controversies or violations of the laws of neutrality.

0913. Coordination Procedures Established by a Unified or Specified Command.

In areas where the commander of a unified or specified command has established procedures for coordination of military matters affecting United States and host country relationships, the senior officer present shall adhere to such procedures.

0914. Violations of International Law and Treaties.

On occasions when injury to the United States or to citizens thereof is committed or threatened in violation of the principles of international law or in violation of rights existing under a treaty or other international agreement, the senior officer present shall consult with the diplomatic or consular representatives of the United States, if possible, and he shall take such action as is demanded by the gravity of the situation. In time of peace, action involving the use of force may be taken only in consonance with the provisions of the succeeding article of these regulations. The responsibility for any application of force rests wholly upon the senior officer present. He shall report immediately all the facts to the Secretary of the Navy.

0915. Use of Force Against Another State.

1. The use of force in time of peace by United States naval personnel against another nation or against anyone within the territories thereof is illegal except as an act of self-defense. The right of self-defense may arise in order to counter either the use of force or an immediate threat of the use of force.

2. The conditions calling for the application of the right of self-defense cannot be precisely defined beforehand, but must be left to the sound judgment of responsible naval personnel who are to perform their duties in this respect with all possible care and forebearance. The right of self-defense must be exercised only as a last resort, and then only to the extent which is absolutely necessary to accomplish the end required.

3. Force must never be used with a view to inflicting punishment for acts already committed.

0916. Territorial Integrity of Foreign Nations.

The senior officer present shall respect the territorial integrity of foreign nations. Unless permission has been obtained from foreign authorities:

a. No armed force for exercise, target practice, funeral escort, or other purposes shall be landed.

b. No persons shall be allowed to visit the shore, except as necessary to conduct official business.

c. No men shall be landed to capture deserters.

d. No target practice with guns, torpedoes, rockets, guided missiles, or other weapons shall be conducted within foreign territorial waters or at any point from which projectiles, torpedoes, or missiles may enter therein.

0917. Dealings With Foreigners.

The senior officer present shall uphold the prestige of the United States. He shall impress upon officers and men that, when in foreign ports, it is their duty to avoid all possible cause of offense to the authorities and inhabitants; that due deference must be shown by them to local laws, customs, ceremonies, and regulations; that moderation and courtesy should be displayed in all dealings with foreigners; and that a feeling of good will and mutual respect should be cultivated.

0918. Readiness and Safety of Forces.

1. The senior officer present shall prescribe the conditions of readiness of all the forces present and under his authority.

2. To the extent which the situation demands, the senior officer present shall be prepared for action and shall guard against surprise attack. With the means at his disposal, he shall put into effect such measures as are necessary to minimize the possibility of the undetected approach of hostile air, surface, or subsurface forces.

3. The senior officer present is responsible for the safety of the units in company and, at sea, shall direct the course to be

steered and the disposition to be employed. Nothing in this article will be construed as abrogating the authority of the commander of a task force or task command.

0919. Information Furnished to Subordinates.

Before engaging in any operation in time of war, if practicable, the senior officer present shall supply the commanding officers present with his operation plan and battle plan and shall communicate to the principal subordinates present such information as will assist them if called upon to assume command.

0920. Protection of Commerce of the United States.

Acting in conformity with the international law and treaty obligations, the senior officer present shall protect, insofar as lies within his power, all commercial craft of the United States in their lawful occupations; and he shall advance the commercial interests of this country.

0921. Leave and Liberty.

Subject to such orders as he may have received from competent authority, the senior officer present shall regulate leave and liberty.

0922. Shore Patrol.

1. When liberty is granted to any considerable number of persons, except in an area that can absorb them without danger of disturbance or disorder, the senior officer present shall cause to be established, temporarily or permanently, in charge of an officer, a sufficient patrol of officers, petty officers, and noncommissioned officers to maintain order and suppress any unseemly conduct on the part of any person on liberty. The senior patrol officer shall communicate with the chief of police or other local officials and make such arrangements as may be practicable to aid the patrol in carrying out its duties properly. Such duties may include providing assistance to military personnel in relations with civil courts and police, arranging for release of service personnel from civil authorities to the parent command, and providing other services that favorably influence discipline and morale.

2. A patrol shall not be landed in any foreign port without first obtaining the consent of the proper local officials. Tact must be used in requesting permission; and, unless it is given willingly and cordially, the patrol shall not be landed. If consent cannot be obtained, the size of liberty parties shall be held to such limits as may be necessary to render disturbances unlikely.

3. Officers and men on patrol duty in a foreign country normally should not be armed. In the United States, officers and men may be armed as prescribed by the senior officer present.

4. No officer or man who is a member of the shore patrol or beach guard, or is assigned in support thereof, shall partake of or indulge in any form of intoxicating beverage or other form of intoxicant while on duty, on post, or at other times prescribed by the senior patrol officer. The senior patrol officer shall ensure that the provisions of this paragraph are strictly observed and shall report promptly in writing to the senior officer present all violations of these provisions that may come to his notice. All officers and men of the patrol shall report to the senior patrol officer all violations of the provisions of this paragraph on the part of those under them.

0923. Precautions for Health.

The senior officer present shall take precautions to preserve the health of the persons under his authority. He shall obtain information regarding the healthfulness of the area and medical facilities available therein and shall adopt such measures as are required by the situation.

0924. Medical or Dental Aid to Persons Not in the Naval Service.

The senior officer present may require the officers of the Medical Corps and Dental Corps under his authority to render emergency professional aid to persons not in the naval service when such aid is necessary and demanded by the laws of humanity or the principles of international courtesy.

0925. Assistance to Persons, Ships and Aircraft in Distress.

1. Insofar as he can do so without serious danger to his ship or crew, the commanding officer or the senior officer present as appropriate shall:

a. Proceed with all possible speed to the rescue of persons in distress if informed of their need for assistance, insofar as such action may reasonably be expected of him.

b. Render assistance to any person found at sea in danger of being lost.

c. Afford all reasonable assistance to distressed ships and aircraft.

d. Render assistance to the other ship, after a collision, to her crew and passengers and, where possible, inform the other ship of his identity.

2. Actions taken pursuant to this article shall be promptly reported to the Chief of Naval Operations and other appropriate superiors.

3. The accounting for rendering assistance and repairs pursuant to this article shall be as prescribed by the Comptroller of the Navy.

0926. Admiralty Claims.

Admiralty claims for or against the United States involving Navy ships and craft shall be processed and disposed of in accordance with the procedures set forth in the Manual of the Judge Advocate General of the Navy.

0927. Repairs to Merchant Vessels.

1. There is no authority to effect repairs to a merchant vessel in collision with a Navy ship or craft except:

a. When specifically approved by Congress.

b. When, in the opinion of the senior officer present, the exigencies of war or of national defense so require.

c. When, in the opinion of the senior officer present, repairs are necessary to save life or to prevent the merchant vessel from sinking.

2. A report of repairs effected under authority of this article, including labor and material costs and a certification by the senior officer present as to why such repairs were undertaken, will be included in the senior officer present's report or forwarding endorsement to the Chief of Naval Operations and other appropriate superiors.

0928. Detail of Subordinate to Perform Administrative Duties.

When no officer has been detailed by other competent authority to perform administrative duties, the senior officer present may detail a subordinate officer to carry out the routine administrative duties of the senior officer present, but in no way shall such detail relieve the senior officer present of his responsibilities.

0929. The Senior Officer Present Afloat.

Unless some other officer has been so designated by competent authority, the "senior officer present afloat" is the senior line officer of the Navy, on active service, eligible for command at sea, who is present and with primary duty as commander of any unit or force of the Operating Forces of the Navy in the locality or within an area prescribed by competent authority, whether afloat or based ashore, except such units as may be assigned to shore commands by competent authority.

0930. Relations Between the Senior Officer Present and the Senior Officer Present Afloat.

1. When the senior officer present afloat is not the senior officer present, all matters affecting the units under the authority of the senior officer present afloat shall normally be referred to him by the senior officer present for appropriate action.

2. When an officer of the Marine Corps is the senior officer present on shore, and senior to the senior officer present afloat, the latter shall refer all matters, except those directly connected with units under his authority, to the former for appropriate action.

0931. General Duties of the Senior Officer Present Afloat.

As the common superior of commanders of all Navy units of the Operating Forces of the Navy in a locality, except such units as may be assigned to shore commands by competent authority, the senior officer present afloat is responsible for matters which affect these naval commands collectively. In the exercise of his authority, he normally shall not concern himself with the administrative matters within commands other than his own, except to the extent necessary to secure such uniformity and coordination of effort as may be required. In case of emergency or enemy attack, subject to the orders of the senior officer present, he shall assume command of all Navy units of the Operating Forces of the Navy present.

0932. Relations With Commanders Ashore.

When within the prescribed limits of authority of the commandant of a naval district or the commander of a naval shore activity, the senior officer present afloat and all other commanders of Navy units of the Operating Forces of the Navy present shall conform to the standing orders of such authority in all matters of common interest. Even though senior to the commandant or commander, the senior officer present afloat shall make no changes in local orders, plans, and arrangements, except as necessary to carry out his duties or for other causes which unquestionably demand a change, and then only after consultation with the commandant or commander, if practicable.

0933. Juniors to Obtain Permission From the Senior Officer Present.

A junior in command shall when meeting a senior at sea or in port, obtain permission by signal or otherwise to continue on duty assigned, to anchor or get underway, or to perform any evolution or other act of importance.

0934. Authority to Alter Organization.

The senior officer present afloat may organize the forces present under his command into such task organizations as he may deem desirable, but in so doing, he shall preserve their existing tactical organization insofar as practicable.

0935. Exercise of Power of Consul.

When upon the high seas or in any foreign port where there is no resident consul of the United States, the senior officer present afloat has the authority to exercise all powers of a consul in relation to mariners of the United States.

0936. File of the Senior Officer Present Afloat.

1. While in port, the senior officer present afloat shall require that a file of all orders issued by him or other competent authority which are applicable to the naval forces present be maintained. This file shall be transferred to the succeeding senior officer present afloat.

2. Whenever circumstances warrant and for any continuity purposes, the senior officer present afloat may detail a subordinate officer to carry out routine administrative duties and maintain a SOPA (Administration) file. In event a subordinate officer is not available or it is not appropriate for such detailing, the senior officer present afloat may arrange for the detail of an officer for the task.

0937. Medical, Dental, Communication, and Other Guard.

When two or more ships are in the vicinity of each other while liberty is being granted, the senior officer present afloat shall designate the daily order in which each ship having a medical officer shall take the medical guard unless facilities or services are available ashore or other adequate provision has been made. Similar provisions shall be made with respect to the establishment of a dental guard, communication guard, shore patrol, or any other guard as may be necessary in support of his responsibility.

0938. Responsibilities of Subordinates.

The regulations contained in this chapter shall not be construed to relieve commanders junior to the senior officer present, or the senior officer present afloat from their individual responsibilities in relation to their commands.

0939. Boarding Calls.

1. When he considers it appropriate, the senior officer present shall send an officer to board and report on ships and craft displaying United States colors found in or arriving at foreign ports.

2. The following information normally shall be obtained by boarding officers:

a. Name, nationality, owner, and type of craft.

b. Number and names of persons in crew.

c. Tonnage and cargo.

d. Place from and time out of port.

e. Probable date of departure and destination.

f. Unusual events during passage, general route taken, and weather conditions encountered.

3. Under ordinary circumstances the boarding officer can offer assistance in United States postal matters and provide medical and technical advice.

0940. Granting of Asylum and Temporary Refuge.

1. If an official of the Department of the Navy is requested to provide asylum or temporary refuge, the following procedures shall apply:

a. On the high seas or in territories under exclusive United States jurisdiction (including territorial seas, territories and possessions):

(1) At his request, an applicant for asylum will be received on board any naval aircraft or water-borne craft or naval station.

(2) Under no circumstances shall the person seeking asylum be surrendered to foreign jurisdiction or control, unless at the direction of the Secretary of the Navy or higher authority. Persons seeking asylum should be afforded every reasonable care and protection permitted by the circumstances.

b. In territories under foreign jurisdiction (including territorial seas, territories, and possessions):

(1) Temporary refuge shall be granted for humanitarian reasons on board a naval aircraft or water-borne craft or naval station only in extreme or exceptional circumstances wherein the life or safety of a person is put in danger, such as pursuit by a mob. When temporary refuge is granted, such protection shall be terminated only when directed by the Secretary of the Navy or higher authority.

(2) While temporary refuge can be granted in the circumstances set forth above, permanent asylum will not be granted.

(3) Requests for asylum shall be referred to the U.S. Embassy, if any, in the foreign jurisdiction. Individuals requesting asylum shall be afforded temporary refuge only in the circumstances outlined in subparagraph (1).

c. The Chief of Naval Operations or Commandant of the Marine Corps, as appropriate, will be informed by the most expeditious means of all action taken pursuant to a. and b. above as well as the attendant circumstances. The appropriate U.S. Embassy or consular post will be similarly informed of actions taken pursuant to subparagraph 1.b.(3) of this article. The Chief of Naval Operations or Commandant of the Marine Corps will cause the Secretary of the Navy and Department of State to be notified without delay.

2. Personnel of the Department of the Navy shall neither directly nor indirectly invite persons to seek asylum or temporary refuge.

CHAPTER 10

HONORS AND CEREMONIES

1001. Authority for Dispensing With Honors.

The honors and ceremonies prescribed in these regulations may be dispensed with when directed by the Secretary of the Navy, or when requested by an individual to whom such honors and ceremonies are due.

1002. Honors Restricted to Recognized Governments.

No salute shall be fired in honor of any nation or of any official of any nation not formally recognized by the Government of the United States; and, except as authorized by the Secretary of the Navy, no other honors or ceremonies prescribed in these regulations shall be rendered or exchanged with such nations or officials.

1003. International Honors Modified by Agreement.

Should the required number or frequency of international salutes, official visits, or other honors and ceremonies be deemed excessive, the senior officer present in the United States naval service may make, subject to the requirements of international courtesy, such modification as circumstances warrant and as may be agreed upon with the responsible officials or the senior officer present of the nation involved.

1004. Manner of Playing National Anthems.

1. The National Anthem of the United States, "The Star Spangled Banner," when played by a naval band shall be played in its entirety as written and as prescribed in the official U.S. Navy Band arrangement which is designated as the official Department of Defense arrangement.

2. The playing of the National Anthem of the United States, or of any other country, as a part of a medley is prohibited.

3. When a foreign national anthem is prescribed in connection with honors,,, and it is considered appropriate to perform the National Anthem of the United States therewith, the National Anthem of the United States will be performed last.

4. On other occasions when a foreign national anthem (or anthems) is performed, the National Anthem of the United States will be performed last, except when performed in conjunction with Morning Colors.

1005. Procedure During Playing of National Anthems.

1. Whenever the National Anthem is played, all naval service personnel not in formation shall stand at attention and face the national ensign; but in the event that the national ensign is not being displayed, they shall face the source of the music. When covered they shall come to the salute at the first note of the anthem, and shall remain at the salute until the last note of the anthem. Persons in formation are brought to order arms or called to attention as appropriate. The formation commander shall face in the direction of the ensign or in the absence of the ensign shall face in the direction of the music and shall render the appropriate salute for his unit. Persons in formation participating in a ceremony shall, on command, follow the procedure prescribed for the ceremony. Persons in vehicles or in boats shall follow the procedure prescribed for such persons during colors; persons in civilian clothes shall comply with the rules and customs established for civilians.

2. The same marks of respect prescribed during the playing of the National Anthem shall be shown during the playing of a foreign national anthem.

1006. Morning and Evening Colors.

1. The ceremonial hoisting and lowering of the national ensign at 0800 and sunset at a naval command ashore or aboard a ship of the Navy not under way shall be known as Morning Colors and Evening Colors, respectively, and shall be carried out as prescribed in this article.

2. The guard of the day and the band shall be paraded in the vicinity of the point of hoist of the ensign.

3. "Attention" shall be sounded, followed by the playing of the National Anthem by the band.

4. At Morning Colors, the ensign shall be started up at the beginning of the music and hoisted smartly to the peak or truck. At Evening Colors, the ensign shall be started from the peak or truck at the beginning of the music and the lowering so regulated as to be completed at the last note.

5. At the completion of the music, "Carry On" shall be sounded.

6. In the absence of a band, or an appropriate recording to be played over a public address system, "To the Colors" shall be played by the bugle at Morning Colors, and "Retreat" at Evening Colors, and the salute shall be rendered as prescribed for the National Anthem.

7. In the absence of music, "Attention" and "Carry On" shall be the signals for rendering and terminating the salute. "Carry On" shall be sounded as soon as the ensign is completely lowered.

8. During colors, a boat under way within sight or hearing of the ceremony shall lie to, or shall proceed at the slowest safe speed. The boat officer, or in his absence the coxswain, shall stand and salute except when dangerous to do so. Other persons in the boat shall remain seated or standing and shall not salute.

9. During colors, vehicles within sight or hearing of the ceremony shall be stopped. Persons riding in such vehicles shall remain seated at attention.

10. After Morning Colors, if foreign warships are present, the national anthem of each nation so represented shall be played in the order in which a gun salute would be fired to, or exchanged with, the senior official or officer present of each such nation; provided that, when in a foreign port, the national anthem of the port shall be played immediately after Morning Colors, followed by the national anthems of other foreign nations represented.

1007. Salutes to the National Ensign.

1. Each person in the naval service, upon coming on board a ship of the Navy, shall salute the national ensign if it is flying. He shall stop on reaching the upper platform of the accommodation ladder, or the shipboard end of the brow, face the national ensign, and render the salute, after which he shall salute the officer of the deck. On leaving the ship, he shall render the salutes in inverse order. The officer of the deck shall return both salutes in each case.

2. When passed by or passing the national ensign being carried, uncased, in a military formation, all persons in the naval service shall salute. Persons in vehicles or boats shall follow the procedure prescribed for such persons during colors.

3. The salutes prescribed in this article shall also be rendered to foreign national ensigns and aboard foreign men-of-war.

1008. "Hail to the Chief."

1. The traditional musical selection "Hail to the Chief" is designated as a musical tribute to the President of the United States, and as such will not be performed by naval bands as a tribute to other dignitaries. The same honor as accorded during renditions of the National Anthem or "To the Colors" will be given to "Hail to the Chief" by naval personnel.

2. When performed by naval bands, renditions of "Hail to the Chief" shall be as prescribed in the official U. S. Marine Corps Band arrangement which is designated as the official Department of Defense arrangement.

1009. Exchange of Hand Salutes.

1. The hand salute is the long-established form of greeting and recognition exchanged between persons in the armed services. All persons in the naval service shall be alert to render or return the salute as prescribed in these regulations.

2. The salute by persons in the naval service shall be rendered and returned with the right hand, when practicable; except that, with arms in hand, the salute appropriate thereto shall be rendered or returned.

3. Juniors shall salute first. All salutes received when in uniform and covered shall be returned; at other times salutes received shall be appropriately acknowledged. Persons uncovered shall not salute, except when failure to do so would cause embarrassment or misunderstanding.

4. Civilians may be saluted by persons in uniform when appropriate, but the uniform hat or cap shall not be raised as a form of salutation.

5. A person in the naval service not in uniform shall, in rendering salutes or exchanging greetings, comply with the rules and custom established for a civilian; except that when saluting another person in the armed services, the hand salute shall be used.

1010. Occasions for Rendering Hand Salutes.

1. Salutes shall be rendered by persons in the naval service to officers of the armed forces of the United States, the National Oceanic and Atmospheric Administration, the Public Health Service and foreign armed services.

2. All persons in the naval service shall salute all officers senior to themselves on each occasion of meeting or passing near or when addressing or being addressed by such officers; except that:

a. On board ship salutes shall be dispensed with after the first daily meeting, except for those remaining to the commanding officer and officers senior to him, to visiting officers, to officers making inspections, and to officers when addressing or being addressed by them.

b. When such procedure does not conflict with the spirit of these regulations, at crowded gatherings or in congested areas, salutes shall be rendered only when addressing or being addressed by an officer who is senior to them.

c. Persons at work or engaged in games shall salute only when addressed by an officer senior to them and then only if circumstances warrant.

d. Persons in formation shall salute only on command.

e. When boats pass each other with embarked officers or officials in view, hand salutes shall be rendered by the senior officer and coxswain in each boat. Officers seated in boats shall not rise when saluting; coxswains shall rise unless dangerous or impracticable to do so.

f. Persons operating moving motor vehicles should not render or return salutes. Passengers will render and return salutes.

g. Persons guarding prisoners will not salute.

1011. Other Marks of Respect.

1. Juniors shall show deference to seniors at all times by recognizing their presence and by employing a courteous and respectful bearing and mode of speech toward them.

2. Juniors shall stand at attention, unless seated at mess, or unless circumstances make such action impracticable or inappropriate:

a. When addressed by an officer senior to them.

b. When an officer of flag or general rank, the commanding officer, or an officer senior to him in the chain of command, or an officer making an official inspection enters the room, compartment, or deck space where they may be.

3. Juniors shall walk or ride on the left of seniors whom they are accompanying.

4. Officers shall enter boats, aircraft and automobiles in inverse order of rank and shall leave them in order of rank, unless there is special reason to the contrary. The seniors shall be accorded the more desirable seats.

5. Subject to the requirements of the rules for preventing collisions, junior boats shall avoid crowding or embarrassing senior boats.

1012. Saluting Ships and Stations.

Saluting ships and stations of the naval service are those designated as such by the Secretary of the Navy or his duly authorized representative. The gun salutes prescribed in these regulations shall be fired by such ships and stations. Other ships and stations shall not fire gun salutes, unless directed to do so by the senior officer present on exceptional occasions when courtesy requires.

1013. Gun Salutes to the Flag of the President or the Secretary of State.

1. A 21-gun salute shall be fired to the flag of the President:

a. By each ship falling in with a ship displaying such flag, arriving at a place where such flag is displayed ashore, or present when such flag is broken.

b. By a naval station when a ship displaying such flag arrives at the naval station, or when such flag is broken by a ship present.

c. By a flag or general officer assuming command or, while in command, breaking the flag of an increased grade, in the presence of a ship or naval station displaying the flag of the President.

2. Under the circumstances prescribed by this article, a 19-gun salute shall be fired to the flag of the Secretary of State when he is acting as special foreign representative of the President.

1014. Gun Salutes to the Flag of the Secretary of Defense, Deputy Secretary of Defense, the Secretary of the Navy, Director of Defense Research and Engineering, an Assistant Secretary of Defense, the General Counsel, Under Secretary or an Assistant Secretary of the Navy.

1. A 19-gun salute shall be fired to the flag of the Secretary of Defense, Deputy Secretary of Defense, Director of Defense Research and Engineering, or the Secretary of the Navy, and a 17-gun salute shall be fired to the flag of an Assistant Secretary of Defense, the General Counsel, the Under Secretary of the Navy or an Assistant Secretary of the Navy:

a. By a ship falling in with a ship displaying such flag, arriving at a place where such flag is displayed ashore, or present when such flag is broken. In case of two or more ships in company, only the senior shall salute.

b. By a naval station when a ship displaying such flag arrives at the naval station, or when such flag is broken by a ship present.

c. By a flag or general officer assuming command, or breaking the flag of an increased grade in the presence of a ship or naval station displaying the flag of such official; provided that such officer is the senior officer present or the senior officer present on shore.

2. When the flags of two or more such officials are displayed under the circumstances prescribed in this article, only the flag of the senior shall be saluted.

1015. Gun Salute to a Foreign Nation.

1. When a ship enters a port of a foreign nation, the government of which is formally recognized by the Government of the United States, she shall fire a salute of 21 guns to that nation unless:

a. There is present no saluting battery or warships of that nation capable of returning the salute.

b. The ship is returning from a temporary absence from port, when, by agreement with local authorities, the salute may be dispensed with.

2. When a ship is passing through the territorial waters of a foreign nation with no intention of anchoring therein, the salute to the nation need not be fired unless unusual circumstances make it desirable to do so.

3. In case of two or more ships arriving in port or passing through territorial waters of a foreign nation in company, only the senior shall fire the salute prescribed in this article.

4. The salute to the nation, if fired, shall precede any salutes fired in honor of individuals.

1016. Returning Salute to the Nation Fired by Foreign Warship.

A salute to the nation fired by a foreign warship entering a port of the United States shall be returned by the senior ship present, provided no saluting battery of an armed service of the United States, designated to return such salutes, is present in the area.

1017. Gun Salutes to the Flag of a Foreign President, Sovereign, or Member of a Reigning Royal Family.

1. A 21-gun salute shall be fired by a ship or station to the flag or standard of the president, sovereign, or member of a reigning royal family under the circumstances prescribed in these regulations for firing a salute to the flag of the President of the United States.

2. In some foreign countries it is the national custom to fire special 21-gun salutes on certain occasions in honor of the president, sovereign, or a member of the reigning royal family. In such cases, ships shall conform to the national custom when requested by the proper local authorities.

1018. Gun Salutes When Several Heads of State are Present.

1. Each ship upon entering a port where the personal flags or standards of several presidents, sovereigns, or members of reigning royal families are displayed, shall fire a 21-gun salute to each of the several flags or standards displayed, in the following order:

a. The president, sovereign, or member of the reigning royal family of the nation to which the port belongs.

b. The President of the United States.

c. The presidents or sovereigns of other nations, in alphabetical order of the names of the nations in the English language.

d. Members of reigning royal families of other nations, in the same order as in subparagraph c. above.

2. In the circumstances set forth in this article, only the flag or standard of the senior dignitary of each nation shall be saluted.

1019. Authority to Fire Gun Salutes to Officers in the United States Naval Service.

Gun salutes prescribed in these regulations for officers and officials entitled to 17 or more guns shall be fired on the occasion of each official visit of the individual concerned. Gun salutes prescribed in these regulations for officers and officials entitled to 15 guns or less shall not be fired unless so ordered by the senior officer present or higher authority.

1020. Gun Salutes to the Senior Officer Present.

1. A flag officer who is the senior officer present shall be saluted by the senior of one or more ships arriving in port.

2. When a flag officer embarked in a ship of his command arrives in port and is the senior officer present, or when a flag officer assumes command and becomes the senior officer present, he shall be saluted by the former senior officer present.

3. A gun salute shall be fired by his flagship when a flag officer who is the senior officer present assumes or is relieved of command, or is advanced in grade.

4. When a flag officer who is not the senior officer present assumes command, he shall fire a salute to the senior officer present.

5. The provisions of this article shall be subject to the provisions of article 1026.4 and shall apply, where appropriate, to officers of the naval service in command ashore.

1021. Gun Salutes to Foreign Flag Officers.

1. When a ship enters a port where there is present no officer of the naval service senior to the senior arriving officer, and finds displayed there, afloat or ashore, the flags of foreign flag officers of one or more nations, salutes shall be exchanged with the senior flag officer present of each nation.

2. The senior officer present of the United States Navy in a port shall exchange gun salutes with the senior foreign flag officer displaying his flag in an arriving warship, provided such flag officer is the senior officer present of his nation.

3. Upon departure from port of the senior officer present of the United States Navy, his successor shall exchange gun salutes with the senior flag officer present of each foreign nation.

4. The senior officer present of the United States Navy shall exchange gun salutes with the senior officer present of a foreign nation when either hoists the flag of an increased grade.

5. In firing the salutes prescribed by this article, the following rules shall govern:

a. An officer of a junior grade shall fire the first salute.

b. When officers are of the same grade, the arriving officer shall fire the first salute.

c. Seniors shall be saluted in order of rank except that when firing salutes to two or more foreign officers of the same grade, the first salute

fired to an officer in that grade shall be to the flag officer of the nationality of the port.

6. When a ship of the Navy falls in at sea with a foreign warship displaying the flag of a flag officer, an exchange of salutes shall be fired; the junior saluting first. Such salutes shall be exchanged only between the senior United States ship and the senior foreign ship. Should flag officers be of the same grade and their relative rank be unknown or in doubt, they should mutually salute without delay.

7. The provisions of this article shall be subject to the provisions of article 1026.4.

1022. Notification of Gun Salute.

Whenever practicable, an official or officer to be saluted shall be notified of the salute and the time that it is to be fired.

1023. Procedure During a Gun Salute.

1. The interval between guns in salutes normally shall be five seconds.

2. During the gun salute, persons on the quarter-deck, or in the ceremonial party, if ashore, shall render the hand salute; observers on deck, or in the vicinity of the ceremonial party if ashore, shall stand at attention facing the personage, or if he is not in view, toward the ceremonial party, and if in uniform, shall salute.

3. Officers being saluted shall render the hand salute during the firing of the gun salute.

4. The boat or vehicle in which a person being saluted is embarked shall be stopped, if practicable to do so, during the firing of the gun salute.

1024. Inability to Render or Return a Gun Salute.

1. A gun salute shall not be fired when a return salute is required and cannot be fired, but shall be considered as having been rendered and returned.

2. In cases where, from any special cause, a ship, from which a salute in compliment to a foreign power or official may reasonably be expected, is unable to salute, the circumstances are to be explained immediately to the representative of such foreign power.

3. In cases where, from any special circumstances, the failure to salute cannot be explained without giving offense to a foreign power or official, salutes shall be fired by any ship which can do so with safety.

1025. Returning Gun Salutes.

1. The following rules shall be observed by United States ships and stations:

a. A salute fired to the nation by a foreign ship arriving in port shall be returned gun for gun.

b. A salute fired to a flag or general officer by a foreign ship or station shall be returned gun for gun.

c. A salute fired in honor of the President of the United States, or of the Secretary of State when acting as special representative of the President, shall not be returned.

d. A salute fired in honor of any official or officer on the occasion of an official visit or inspection shall not be returned.

e. A salute fired by his flagship or headquarters in honor of a flag or general officer shall not be returned.

f. A salute fired in honor of an anniversary, celebration, or solemnity shall not be returned.

g. Subject to the provisions of this article, a salute fired in honor of a United States officer or official shall be returned with the number of guns specified for the grade of the flag or general officer rendering the salute, or, if not a flag or general officer, with seven guns.

2. No return salute may be expected in the case of a salute fired by a United States ship or station in honor of a foreign sovereign, head of state, member of a reigning royal family, or special representative of a head of state, or on the occasion of a foreign anniversary, celebration, or solemnity, or on the occasion of an official visit; otherwise a salute fired in honor of a foreign nation, or of a foreign official or officer, may be expected to be returned gun for gun.

1026. Restrictions on Gun Salutes.

1. In the presence of the President of the United States, or the president, sovereign, or a member of the reigning royal family of a foreign nation, no gun salute which may be prescribed elsewhere in these regulations shall be fired to any other official of lesser rank of that nation.

2. When two or more officials or officers, each entitled to a gun salute, make an official visit in company to a ship or station, only the senior shall be saluted. If they arrive or depart at different times, each shall be rendered the gun salute to which he is entitled.

3. Salutes shall not be fired in ports or locations where they are forbidden by local regulations.

4. No official or officer, United States or foreign, except those entitled to 17 or more guns, shall be saluted by the same ship or station more than once in twelve months unless, and subject to the other provisions of these regulations, such official or officer has been advanced in grade, makes an official visit or inspection, or is on special duty in which international

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courtesy is involved or exceptional circumstances exist; in which latter case the commanding officer, in the absence of instructions, shall exercise his discretion.

5. No officer, except a flag or general officer, shall be saluted with guns except in return for a gun salute rendered by him.

6. No officer of the armed services, while in civilian clothes, shall be saluted with guns, unless such officer is at the time acting in an official civil capacity.

7. No salute shall be fired between sunset and sunrise, before 0800, or on Sunday except when international courtesy so dictates, or when related to death ceremonies. Subject to the provisions of this paragraph, a gun salute in honor of an official or officer who arrives before 0800 shall be fired at 0800; provided, that if the day is Sunday the salute shall be fired on Monday; and further provided, that the salute shall not be fired if the official or officer has departed meanwhile. In case of a gun salute at 0800, the first gun of the salute shall be fired immediately upon the completion of Morning Colors or the last note of the last national anthem.

1027. "Passing Honors" and "Close Aboard" Defined.

"Passing honors" are those honors, other than gun salutes, rendered on occasions when ships or embarked officials or officers pass, or are passed, close aboard. "Close aboard" shall mean passing within six hundred yards for ships and four hundred yards for boats. These rules shall be interpreted liberally, to insure that appropriate honors are rendered.

1028. Passing Honors Between Ships.

1. Passing honors, consisting of sounding "Attention" and rendering the hand salute by all persons in view on deck and not in ranks, shall be exchanged between ships of the Navy and between ships of the Navy and the Coast Guard, passing close aboard.

2. In addition, the honors prescribed in the following table shall be rendered by a ship of the Navy passing close aboard a ship or naval station displaying the flag of the officials indicated therein; and by naval stations, insofar as practicable, when a ship displaying such flag passes close aboard. These honors shall be acknowledged by rendering the same honors in return.

Official	Uniform	Rifles and flourishes	Music	Guard	Remarks
President	As prescribed by senior officer present.	4	National Anthem	Full	Man rail, unless otherwise directed by senior officer present.
Secretary of State when special foreign representative of the President.	do	4	do	do	Crew at quarters.
Vice President	Of the day		Hail Columbia, National Anthem	do	Do.
Secretary of Defense, Deputy Secretary of Defense, the Secretary of the Navy or Director of Defense Research and Engineering	do		do	do	Do.
An Assistant Secretary of Defense, Under Secretary or an Assistant Secretary of the Navy.	do		do	do	Do.

1029. Passing Honors to Officials and Officers Embarked in Boats.

1. The honors prescribed in this table shall be rendered by a ship of the Navy being passed close aboard by a boat displaying the flag or pennant of the following officials and officers.

Official	Rifles and flourishes	Music	Guard	Remarks
President	4	National Anthem	Full	"Attention" sounded, and salute by all persons in view on deck. If directed by the senior officer present, man rail.
Secretary of State when special foreign representative of President.	4	do	do	"Attention" sounded, but salute by all persons in view on deck.
Vice President	4	Hail Columbia	do	Do.
Secretary of Defense, Deputy Secretary of Defense, Secretary of the Navy, Director of Defense Research and Engineering, an Assistant Secretary of Defense, Under Secretary or an Assistant Secretary of the Navy.	4	Admiral's March	do	Do.
Other civil officials entitled to honors on official visit.				Do.
Officer of an armed service				Do.

2. Persons on the quarter-deck shall salute when a boat passes close aboard in which a flag officer, a unit commander or a commanding officer is embarked under the following circumstances:

a. When the officer in the boat is in uniform as indicated by the display of the national ensign in United States ports; or

b. When a miniature of a flag or pennant is displayed in addition to the national ensign in foreign ports.

1030. Passing Honors to Foreign Dignitaries and Warships.

1. The honors prescribed for the President of the United States shall be rendered by a ship of the Navy being passed close aboard by a ship or boat displaying the flag or standard of a foreign president, sovereign, or member of a reigning royal family, except that the foreign national anthem shall be played in lieu of the National Anthem of the United States.

2. Passing honors shall be exchanged with foreign warships passed close aboard and shall consist of parading the guard of the day, sounding "Attention," rendering the salute by all persons in view on deck, and playing the foreign national anthem.

1031. Sequence in Rendering Passing Honors.

1. "Attention" shall be sounded by the junior when the bow of one ship passes the bow or stern of the other, or, if a senior be embarked in a boat, before the boat is abreast, or nearest to abreast, the quarter-deck.

2. The guard, if required, shall present arms, and all persons in view on deck shall salute.

3. The music, if required, shall sound off.

4. "Carry on" shall be sounded when the prescribed honors have been rendered and acknowledged.

1032. Dispensing With Passing Honors.

1. Passing honors shall not be rendered after sunset or before 0800 except when international courtesy requires.

2. Passing honors shall not be exchanged between ships of the Navy engaged in tactical evolutions outside port.

3. The senior officer present may direct that passing honors be dispensed with in whole or in part.

4. Passing honors shall not be rendered by nor be required of ships with small bridge areas, such as submarines, particularly when in restricted waters.

1033. Crew at Quarters on Entering or Leaving Port.

The crew shall be paraded at quarters during daylight on entering or leaving port on occasions of ceremony except when weather or other circumstances make it impracticable or undesirable to do so. Ordinarily, occasions of ceremony shall be construed as visits that are not operational; at homeport when departing for or returning from a lengthy deployment; and visits to foreign ports not visited recently; and other special occasions so determined by a superior. In lieu of parading the entire crew at quarters, an honor guard may be paraded in a conspicuous place on weather decks.

1034. Definitions.

1. The term "official visit" shall be construed to mean a formal visit of courtesy requiring special honors and ceremonies.

2. The term "call" shall be construed to mean an informal visit of courtesy requiring no special ceremonies.

1035. Table of Honors for Official Visits of United States Officers.

Except as modified or dispensed with by these regulations, the honors prescribed in this table shall be rendered by a ship or station on the occasion of the official visits of the following United States officers (ashore, the single gun salute, when prescribed below, shall be fired on arrival instead of on departure):

Officer	Uniform	Gun Salute		Ruffles and Flourishes	Music	Guard	Side boys[2]
		Arrival	Departure				
Chairman, Joint Chiefs of Staff[3]	Full dress	19	19	4	General's or Admiral's march	Full	8
Chief of Staff, U.S. Army[3]	do	19	19	4	General's march	do	8
Chief of Naval Operations[3, 6]	do	19	19	4	Admiral's march	do	8
Chief of Staff, U.S. Air Force[3]	do	19	19	4	General's march	do	8
Commandant of the Marine Corps[3, 6]	do	19	19	4	Admiral's march	do	8
General of the Army[3]	do	19	19	4	General's march	do	8
Fleet Admiral[3]	do	19	19	4	Admiral's march	do	8
General of the Air Force[3]	do	19	19	4	General's march	do	8
Generals[5]	do	17	17	4	do[1]	do	8
Admirals[4]	do	17	17	4	Admiral's march	do	8
Naval or other Military Governor, commissioned as such by the President, within the area of his jurisdiction.	do		17	4	General's[1] or Admiral's march	do	8
Vice Admiral or Lieutenant General[3]	do		15	3	do[1]	do	8
Rear Admiral or Major General	do		13	2	do[1]	do	6
Commodore or Brigadier General	do		11	1	do[1]	do	6
Captain, Commander, Colonel, or Lieutenant Colonel	Of the day					Of the day	4
Other commissioned officers	do					do	2

[1]Marine Corps general officers receive the Admiral's March.

[2]Not appropriate on shore installations.

[3]Take precedence, in order, after Secretary of the Air Force. (Art. 1036 Table)

[4]Take precedence, after Under Secretary of the Air Force. (Art. 1036 Table)

[5]Take precedence, after other Under Secretaries of Cabinet. (Art. 1036 Table)

[6]On official occasions, honors may be rendered to retired flag and general officers with their permission and at discretion of local commanders. Honors so rendered will be in accord with retired grade except former Chiefs of Naval Operations and former Commandants of the Marine Corps will receive the honors prescribed for those officers.

1036. Table of Honors for Official Visits of United States Civil Officials.

Except as modified or dispensed with by these regulations, the honors prescribed in this table shall be rendered by a single ship or station on the occasion of the official visit of the following United States civil officials, (Ashore, the single gun salute, when prescribed below, shall be fired on arrival instead of on departure.)

HONORS AND CEREMONIES[5]

Official	Uniform	Gun Salute		Ruffles and Flourishes	Music	Guard	Side boys[4]	Crew[4]	Within what limits	Flag[8]		
		Arrival	Departure							What	Where	During
The President	Full Dress	21	21	4	National Anthem[1]	Full	8	Man Rail		President's	Main Truck	Visit
Former Presidents	Do		21	4	Admiral's March	Do	8	Quarters		National	Do	Salute
Vice President	Do		19	4	Hail Columbia	Do	8	Quarters		Vice President's	Do	Visit
Governor of a State	Do		19	4	Admiral's March	Do	8		Area under his jurisdiction	National	Fore Truck	Salute
Speaker of the House of Representatives	Do		19	4	Do	Do	8			Do	Do	Do
The Chief Justice of the United States	Do		19	4	Do	Do	8			Do	Do	Do
Ambassador, High Commissioner, or special diplomatic representative whose credentials give him authority equal to or greater than that of an Ambassador	Do		19	4	National Anthem	Do	8		Nation or nations to which accredited	Do	Do	Do
Secretary of State	Do		19	4	Do	Do	8			Do	Do	Do
U.S. Representative to the U.N.	Do		19	4	Admiral's March	Do	8			Do	Do	Do
Associate Justices of the Supreme Court	Do		19	4	Do	Do	8			Do	Do	Do
Secretary of Defense	Do	19	19	4	Honor's March[3]	Do	8	Quarters		Secretary's	Main Truck	Visit

HONORS AND CEREMONIES[5]

Official	Uniform	Gun Salute		Ruffles and Flourishes	Music	Guard	Side boys[4]	Crew[4]	Within what limits	Flag		
		Arrival	Departure							What	Where	During
Cabinet Officers (other[2] than Secretaries of State and Defense)	Full Dress		19	4	Admiral's March	Full	8			National	Fore Truck	Salute
President Pro Tempore of Senate	Do		19	4	Admiral's March	Do	8			Do	Do	Do
United States Senators	Do		19	4	Do	Do	8			Do	Do	Do
Governor of a State of the United States	Do		19	4	Do	Do	8		Out of jurisdiction	Do	Do	Do
Members of the House of Representatives	Do		19	4	Do	Do	8			Do	Do	Do
Deputy Secretary of Defense	Do	19	19	4	Honor's[3] March	Do	8	Quarters		Deputy Secretary's	Main Truck	Visit
Secretary of the Army	Do	19	19	4	Do	Do	8			National	Fore Truck	Salute
Secretary of the Navy	Do	19	19	4	Do	Do	8	Quarters		Secretary's	Main Truck	Visit
Secretary of the Air Force	Do	19	19	4	Do	Do	8			National	Fore Truck	Salute
Director of Defense Research and Engineering	Do	19	19	4	Do	Do	8	Quarters		Director's	Main Truck	Visit
Assistant Secretaries of Defense and General Counsel of DOD	Do	17	17	4	Do	Do	8	Quarters		Assistant Secretary's	Do	Do
Under Secretary of the Army	Do	17	17	4	Do	Do	8			National	Fore Truck	Salute
Under Secretary of the Navy	Do	17	17	4	Do	Do	8	Quarters		Under Secretary's	Main Truck	Visit
Under Secretary of the Air Force	Do	17	17	4	Do	Do	8			National	Fore Truck	Salute
Assistant Secretaries of the Army	Do	17	17	4	Do	Do	8			National	Do	Do

HONORS AND CEREMONIES[5]

Official	Uniform	Gun Salute: Arrival	Gun Salute: Departure	Ruffles and Flourishes	Music	Guard	Side boys[4]	Crew[4]	Within what limits	Flag: What	Flag: Where	Flag: During
Assistant Secretaries of the Navy	Full Dress	17	17	4	Honor's[3] March	Full	8	Quarters		Assistant Secretary's	Main Truck	Visit
Assistant Secretaries of the Air Force	Do	17	17	4	Do	Do	8			National	Fore Truck	Salute
Governor General or Governor of a Commonwealth or Possession of the United States, or area under United States jurisdiction	Do		17	4	Admiral's March	Do	8		Area under his jurisdiction	Do	Do	Do
Other Under Secretaries of Cabinet, and the Deputy Attorney General	Do		17	4	Do	Do	8			Do	Do	Do
Envoy Extraordinary and Minister Plenipotentiary	Do		15	3	Do	Do	8		Nation to which accredited	Do	Do	Do
Minister Resident	Do		13	2	Do	Do	6		Do	Do	Do	Do
Chargé d' Affaires	Do		11	1	Do	Do	6		Do	Do	Do	Do
Career Minister, or Counselor of Embassy or Legation	Do			1	Do	Do	6		Do			
Consul General, or Consul or Vice Consul or Deputy Consul General when in charge of a Consulate General	Do		11	1	Do	Do	6		District to which assigned	Do	Do	Do
First Secretary of Embassy or Legation	Of the day					Of the day	4		Nation to which accredited			
Consul, or Vice Consul when in charge of a Consulate	Do		7			Do	4		District to which assigned	Do	Do	Do
Mayor of an incorporated city	Do					Do	4		Within limits of mayoralty			
Second or Third Secretary of Embassy or Legation	Do						2		Nation to which accredited			

HONORS AND CEREMONIES[5]

Official	Uniform	Gun Salute: Arrival	Gun Salute: Departure	Ruffles and Flourishes	Music	Guard	Side boys[4]	Crew[4]	Within what limits	Flag: What	Flag: Where	Flag: During
Vice Consul when only representative of United States, and not in charge of a Consulate General or Consulate	Of the day		5			Of the day	2		District to which assigned	National	Fore Truck	Salute
Consular Agent when only representative of the United States	Do						2		Do			

[1]See Article regarding musical honors to President

[2]In the order of precedence as follows:
Secretary of State
Secretary of the Treasury
Secretary of Defense
Attorney General

Secretary of the Interior
Secretary of Agriculture
Secretary of Commerce
Secretary of Labor
Secretary of Health, Education, and Welfare
Secretary of Housing and Urban Development
Secretary of Transportation

[3]32 bar melody in the trio of "Stars and Stripes Forever"

[4]Not appropriate on shore installations

[5]Not to be construed as a precedence list

1037. Table of Honors for Official Visits of Foreign Officials and Officers.

Except as modified or dispensed with by these regulations, the honors prescribed in this table shall be rendered by a ship or station on the occasion of the official visit of the following foreign officials and officers (shore, the single gun salute, when prescribed below, shall be fired on arrival instead of on departure):

Official or officer	Uniform	Gun Salute: Arrival	Gun Salute: Departure	Ruffles and Flourishes	Music	Guard	Side boys[1]	Crew[1]	Flag: What	Flag: Where	Flag: During
President or Sovereign.	Full dress	21	21	4	Foreign national anthem	Full	8	Man rail	Foreign ensign	Main Truck	Visit
Member of reigning royal family.	do	21	21	4	do	do	8	do	do	do	Salute
Prime Minister or other cabinet officer.	do		19	4	Admiral's march	do	8		do	Fore Truck	do
Officer of armed forces, diplomatic or consular representative in country to which accredited, or other distinguished official.	Civil officials: Honors as for official of the United States of comparable position. For example, foreign civil officials, occupying positions comparable to U.S. Department of Defense civil officials, shall receive equivalent honors. Officers of Armed Forces Honors as for officer of the United States of the same grade, except, that equivalent honors shall be rendered to foreign officers who occupy a position comparable to Chairman JCS, CNO, Chief of Staff Army, Chief of Staff Air Force, or CMC.										
Official not herein provided for.	Honors as prescribed by the senior officer present; such honors normally shall be those accorded the foreign official when visiting officially a ship of his own nation, but a gun salute, if prescribed, shall not exceed 19 guns.										

[1]Not appropriate on shore installations.

1038. Table of Precedence of Diplomatic and Consular Representatives.

A diplomatic representative in a country to which accredited, and a consular representative in a district to which assigned, takes precedence as follows:

Official	Takes precedence
Chief of a United States diplomatic mission, including a Charg'e d' Affaires.[1]	Over any officer of the armed services of the United States, and over any United States civil official, except the Secretary of State, whose official salute is less than 21 guns.
Career Minister	With, but before, commodore or brigadier general.
Counselor; First Secretary, when no Counselor is assigned; Consul General, or Consul or Vice Consul or Deputy Consul General when in charge of a Consulate General	With, but after, commodore or brigadier general
First Secretary, when a Counselor is assigned; Consul or Vice Consul when in charge of a Consulate; Second Secretary	With, but after, captain in the Navy.
Vice Consul; Third Secretary; Consular Agent	With, but after, lieutenant in the Navy.

[1]An acting chief of a United States diplomatic mission when holding the title of Charg'e d' Affaires takes precedence as specified in this table but shall be accorded the honors specified for a Charg'e d' Affaires on the occasion of an official visit.

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1039. Official Visits to the President and to Civil Officials of Department of Defense.

When the President, the Secretary of Defense, Deputy Secretary of Defense, the Secretary of the Navy, Director of Defense Research and Engineering, an Assistant Secretary of Defense, the Under Secretary of the Navy, or an Assistant Secretary of the Navy, away from the seat of government, arrives in the vicinity of a naval command, the senior officer present shall, if practicable and appropriate, pay him an official visit. Such visit ordinarily is not returned.

1040. Official Visits and Calls Among Officers of the Naval Service.

1. An officer assuming command shall, at the first opportunity thereafter, make an official visit to the senior to whom he has reported for duty in command, and to any successor of that senior; except that for shore commands a call shall be made in lieu of such official visit.

2. Unless dispensed with by the senior, calls shall be made:

a. By the commander of an arriving unit upon his immediate superior in the chain of command if present; and, when circumstances permit, upon the senior officer present.

b. By an officer in command upon an immediate superior in the chain of command on the arrival of the latter.

c. By an officer who has been the senior officer present, upon his successor.

d. By the commander of a unit arriving at a naval base or station upon the commander of such base or station; except that when the former is senior, the latter shall make the call.

e. By an officer reporting for duty, upon his commanding officer.

3. When arrivals occur after 1600, or on Sunday, or on a holiday, the required calls may be postponed until the next working day.

1041. Official Visits or Calls Between Officers of the Naval Service and Other Armed Services.

When in the vicinity of a command of another armed service of the United States, the senior officer present in the naval service shall arrange with the commander concerned for the exchange of official visits, or calls, as appropriate.

1042. Official Visits With United States Diplomatic and Consular Representatives.

1. Upon arrival in a foreign port where United States diplomatic or consular representatives accredited to that foreign government are present, the senior officer present, shall, if time and circumstances permit, exchange official visits with both the senior diplomatic representative, and the senior consular representative present. When practicable, prior notice of his arrival in port, and the probable duration of stay, shall be given to such representative. A suitable boat shall be furnished them for making official visits.

2. Officers of the naval service shall make the first visit to the chief of a diplomatic mission of or above the rank of charge d'affaires.

3. In the exchange of visits with consular representatives, officers in the naval service shall make or receive the first official visit in accordance with their relative precedence with the consular representatives concerned, as set forth in the precedence table of this chapter.

1043. Official Visits With Governors of United States Territories, Commonwealths, and Possessions.

1. At the seat of government of a United States territory, commonwealth or possession having a governor general or governor commissioned as such by the President, the senior officer present shall, within twenty-four hours after arrival or assuming command, make an official visit to the governor general or governor; or in his absence to the acting governor general or governor.

2. When the senior officer permanently established in command ashore in such territory, commonwealth or possession is not the senior officer present, he shall also make an official visit to the governor general or governor as soon as practicable after assuming command.

3. Similar visits shall be made whenever a governor general or governor assumes office.

4. A flag or general officer may expect such visits to be returned in person by the official to whom it was made. Other officers may expect such visits to be returned by a suitable representative.

5. The provisions of this article shall apply in the case of an officer of the armed services commissioned as governor general or governor by the President, regardless of his naval or military rank.

6. Modification of the provisions of this article may be effected upon agreement with the governor general or governor.

1044. Official Visits With Foreign Officials and Officers.

1. The senior officer present shall make official visits to foreign officials and officers as custom and courtesy demand.

2. When in doubt as to what foreign officials and officers are to be visited, saluted, or otherwise honored, or as to the rank of any official or officer, or whether a gun salute involving a return will be returned, the senior officer present shall send an officer to obtain the required information.

3. When exchanging official visits with a foreign officer who occupies a position comparable to the Chairman, Joint Chiefs of Staff, Chief of Staff, U. S. Army, Chief of Naval Operations, Chief of Staff, U. S. Air Force, or Commandant of the Marine Corps, the rank of the foreign officer shall be considered equivalent to these United States officers and the first official visit shall be made accordingly.

4. The following rules, in which the maritime powers generally have concurred, shall be observed by officers of the naval service, and their observance by foreign officers may be expected:

a. The senior officer present shall, upon the arrival of foreign warships, send an officer to call upon the officer in command of the arriving ships to offer customary courtesies and exchange information as appropriate; except that in a foreign port such calls shall be made only if the officer in command of the arriving ships is the senior officer present afloat of his nation. This call will be returned at once.

b. Within twenty-four hours after arrival, the senior officer in command of arriving ships shall, if he be the senior officer present of his nation, make an official visit to the senior officer present of each foreign nation who holds a grade equal or superior to his; and the senior officer present of each foreign nation who holds a grade junior to his will make an official visit to him within the same time limit.

c. After the interchange of visits between the senior officers specified above, other flag officers in command and the commanding officers of ships arriving shall exchange official visits, when appropriate, with the flag and commanding officers of ships present. An arriving officer shall make the first visits to officers present who hold grades equal or superior to his, and shall receive the first visits from others.

d. It is customary for calls to be exchanged by committees of wardroom officers of the ships of different nations present, in the order in which their respective commanding officers have exchanged visits.

e. Should another officer become the senior officer present of a nation, he shall exchange official visits with foreign senior officers present as prescribed in this article.

1045. Uniform for Official Visits.

Unless otherwise prescribed by the senior concerned:

a. A junior making an official visit shall wear the uniform prescribed in the tables of this chapter opposite the grade of the senior to whom the visit is made.

b. A senior returning an official visit shall wear the uniform corresponding to that which the junior has worn.

c. An officer receiving an official visit, and all participants in the reception, including the crew if paraded, shall wear the uniform prescribed in the tables of this chapter opposite the grade of the official or officer from whom the visit is received.

d. Boat crews shall wear the uniform corresponding to that worn by the senior officer embarked.

1046. Honors on Departure for, or Return From, an Official Visit.

An officer leaving or returning to his flagship or command upon the occasion of an official visit shall be rendered the honors prescribed for an official visit except that, aboard his flagship, the uniform of the day normally shall be worn and gun salutes shall not be fired.

1047. Procedure for Official Visits.

1. The honors prescribed for an official visit shall be rendered on arrival as follows:

a. When the rail is manned, men shall be uniformly spaced at the rail on each weather deck, facing outboard.

b. "Attention" shall be sounded as the visitor's boat or vehicle approaches the ship.

c. If a gun salute is prescribed on arrival, it shall be fired as the visitor approaches and is still clear of the side. The prescribed flag or pennant shall be broken on the visited ship on the first gun and hauled down on the last gun except where prescribed in the Table of Honors for the duration of the visit. Other ships firing a concurrent salute shall on the last gun haul down the flag or pennant displayed in honor of the visitor. If the ship being visited is moored to a pier in such a position that it is not practicable to render the gun salute prior to the arrival on board, the salute shall be rendered, provided local regulations do not forbid gun salutes, after the official has arrived on board and the commanding officer has assured himself that the official and his party are moved to a position in the ship that is well clear of the saluting battery.

d. The boat or vehicle shall be piped as it comes alongside.

e. The visitor shall be piped over the side, and all persons on the quarter-deck shall salute and the guard shall present arms until the termination of the pipe, flourishes, music, or gun salute, whichever shall be the last rendered. If the gun salute is not prescribed on arrival and a flag or pennant is to be displayed during the visit, it shall be broken at the start of the pipe.

f. The piping of the side, the ruffles and flourishes, and the music shall be rendered in the order named. In the absence of a band, "To the Colors" shall be sounded by bugle in lieu of the National Anthem, when required.

g. The visitor, if entitled to 11 guns or more, shall be invited to inspect the guard upon completion of such honors as may be rendered.

2. The honors prescribed for an official visit shall be rendered on departure as follows:

a. The rail shall be manned, if required.

b. "Attention" shall be sounded as the visitor arrives on the quarter-deck.

c. At the end of leave taking the guard shall present arms, all persons on the quarter-deck shall salute, and the ruffles and flourishes, followed by the music, shall be rendered. As the visitor enters the line of side boys, he shall be piped over the side. The salute and present arms shall terminate with the pipe; and, unless a gun salute is to be fired, a flag or pennant displayed in honor of the visitor shall be hauled down.

d. The boat or vehicle shall be piped away from the side.

e. If a gun salute is prescribed on departure, it shall be fired when the visitor is clear of the side and the flag or pennant displayed in honor of the visitor shall be hauled down with the last gun of the salute.

3. The same honors and ceremonies as for an official visit to a ship of the Navy shall be rendered, insofar as practicable and appropriate, on the occasion of an official visit to a naval station except that manning the rail, piping the side, and parading side boys are not considered appropriate. When, in the opinion of the senior officer present, such honors will serve a definite purpose, they may be rendered.

1048. Returning Official Visits and Calls.

1. An official visit shall be returned within twenty-four hours, when practicable.

2. A flag or general officer shall, circumstances permitting, return the official visits of officers of the grade of captain in the Navy or senior thereto, and to officials of corresponding grade. He may send his chief of staff to return other official visits.

3. Officers other than flag or general officers shall personally return all official visits.

4. Flag and general officers may expect official visits to be returned in person by foreign governors, officers, and other high officials except chiefs of state. Other officers may expect such visits to be returned by suitable representatives.

5. Calls made by juniors upon seniors in the naval service shall be returned as courtesy requires and circumstances permit; calls made by persons not in the naval service shall be returned.

1049. Side Honors.

1. On the arrival and departure of civil officials and foreign officers, and of United States officers when so directed by the senior officer present, the side shall be piped and the appropriate number of side boys paraded.

2. Officers appropriate to the occasion shall attend the side on the arrival and departure of officials and officers.

1050. Dispensing With Side Boys and Guard and Band.

1. Side boys shall not be paraded on Sunday, or on other days between sunset and 0800, or during meal hours of the crew, general drills and evolutions, and periods of regular overhaul; except in honor of civil officials or foreign officers, when they may be paraded at any time during daylight. Side boys shall be paraded only for scheduled visits.

2. Except for official visits and other formal occasions, side boys shall not be paraded in honor of officers of the armed services of the United States, unless otherwise directed by the senior officer present.

3. Side boys shall not be paraded in honor of an officer of the armed services in civilian clothes, unless such officer is at the time acting in an official civil capacity.

4. The side shall be piped when side boys are paraded, but not at other times.

5. The guard and band shall not be paraded in honor of the arrival or departure of an individual at times when side boys in his honor are dispensed with except at naval shore installations.

1051. Uniform for Members of the Marine Corps.

Members of the Marine Corps will wear dress uniform when full dress is prescribed for naval personnel.

1052. Honors to an Official Entitled to 19 or More Guns.

An official or officer entitled to a salute of 19 or more guns shall receive the honors for an official visit, subject to the regulations pertaining to gun salutes, on the occasion of every visit.

1053. Honors for a Flag or General Officer, or Unit Commander, Assuming or Relieving Command.

1. On the occasion of a flag or general officer or unit commander assuming command, and on the departure of such officer after being relieved, honors shall be rendered as for an official visit; subject to the regulations pertaining to gun salutes.

2. If the flag officer or unit commander is assuming a command, he shall read his orders to the assembled officers and crew, immediately after which his flag or command pennant shall be broken, and a gun salute, if required by these regulations, shall be fired.

3. If the flag officer or unit commander is relieving another officer in command, the officer being relieved shall read his orders

to the assembled officers and crew, and on completion thereof, or after the gun salute, if fired, his flag or command pennant shall be hauled down. The officer succeeding to command shall then read his orders, and on the completion thereof his flag or command pennant shall be broken. Aboard ship the commission pennant shall be displayed while no personal flag or command pennant is flying.

1054. Honors at Official Inspection.

1. When a flag officer or unit commander boards a ship of the Navy to make an official inspection, honors shall be rendered as for an official visit, except that the uniform shall be as prescribed by the inspecting officer. His flag or command pennant shall be broken upon his arrival, unless otherwise prescribed in these regulations, and shall be hauled down on his departure.

2. The provisions of this article shall apply, insofar as practicable and appropriate, when a flag or general officer, in command ashore, makes an official inspection of a unit of his command.

1055. Honors for a Civil Official Taking Passage.

When a civil official of the United States takes passage officially in a ship of the Navy, he shall on embarking and disembarking be rendered honors as prescribed for an official visit for such official. In addition, if entitled to a gun salute, he shall be rendered this salute when he disembarks in a port of the foreign nation to which he is accredited.

1056. Quarter-Deck.

The commanding officer of a ship shall establish the limits of the quarter-deck and the restrictions as to its use. The quarter-deck shall embrace so much of the main or other appropriate deck as may be necessary for the proper conduct of official and ceremonial functions.

1057. Musical Honors to the President of the United States.

1. If, in the course of any ceremony, it is required that honors involving musical tribute to the President of the United States be performed more than one time, "Hail to the Chief" may be used interchangeably with the National Anthem as honors to the President of the United States.

2. When specified by the President of the United States, the Secretary of State, the Chief of the Secret Service, or their authorized representatives, "Hail to the Chief" may be used as an opportunity for the President and his immediate party to move to or from their places while all others stand fast.

1058. Authorized Display of Flags and Pennants.

1. When the national ensign is displayed on occasions other than those prescribed in these regulations, the manner of display shall be as prescribed in Navy Department publications.

2. No flags or pennants, other than as prescribed by these regulations or as may be directed by the Secretary of the Navy, shall be displayed from a ship or craft of the Navy, or from a naval station, as an honor to a nation or an individual or to indicate the presence of any individual.

3. All flags and pennants displayed in accordance with these regulations shall conform to the pattern prescribed in Navy Department publications.

4. Flags or pennants of officers not eligible for command at sea shall not be displayed from ships of the United States Navy.

1059. Display of National Ensign, Union Jack and Distinctive Mark From Ships and Craft.

1. The national ensign, union jack, personal flag or pennant, or commission pennant shall be displayed from ships and craft of the Navy as specified in the following table:

Ships or craft	National ensign displayed	Union jack displayed	Personal flag, command pennant, or commission pennant displayed
Active:			
In commission	Yes	Yes	Yes.
In service	Yes	Yes	No.[1]
Inactive:			
In commission, in reserve	Yes	Yes	Yes.
In service, in reserve	Yes	Yes	No.
Out of commission, in reserve	No[1]	No	No.
Out of service, in reserve	No[1]	No	No.
Special status:			
In commission, special	Yes	Yes	Yes
In service, special	Yes	Yes	No.
Out of Commission, special	No[1]	No	No.
Out of service, special	No[1]	No	No.

[1] National ensign shall be displayed if necessary to indicate the national character of the ship or craft.

[2] Applies to display of commission pennant only. A flag officer or unit commander embarked may display a personal flag or command pennant.

2. The distinctive mark of a ship or craft of the Navy in commission shall be a personal flag or command pennant of an officer of the Navy, or a commission pennant. The distinctive mark of a hospital ship of the Navy, in commission, shall be the Red Cross flag.

a. Not more than one distinctive mark shall be displayed by a ship or craft at one time, nor shall the commission pennant and the personal flag of a civil official be displayed at one time.

b. Except as prescribed in these regulations for certain occasions of ceremony and when civil officials are embarked, the distinctive mark shall be displayed day and night at the after masthead or, in a mastless ship, from the loftiest and most conspicuous hoist.

3. When not underway the national ensign and the union jack shall be displayed from 0800 until sunset from the flagstaff and the jack staff respectively. A ship which enters port at night shall, when appropriate, display the national ensign from the gaff at daylight for a time sufficient to establish her nationality; it is customary for other ships of war to display their national ensigns in return.

4. The national ensign shall be displayed during daylight from the gaff (or from the triatic stay in the case of those ships with mast mounted booms and stays which would interfere with the hoisting, lowering or flying of the ensign) of a ship under way under the following circumstances, unless or as otherwise directed by the senior officer present.

a. Getting underway and coming to anchor.

b. Falling in with other ships.

c. Cruising near land.

d. During battle.

5. The union jack displayed from the jack staff shall be the size of the union of the national ensign displayed from the flagstaff.

6. The union jack shall be displayed at a yardarm to denote that a general court-martial or court of inquiry is in session.

1060. National Ensign at Commands Ashore.

The national ensign shall be displayed from 0800 to sunset near the headquarters of every command ashore, or at the headquarters of the senior when the proximity of headquarters of two or more commands makes the display of separate ensigns inappropriate. When an outlying activity of the command is so located that its governmental character is not clearly indicated by the display of the national ensign as prescribed above, the national ensign shall also be displayed at that activity.

1061. Display of National Ensign During Gun Salute.

1. A ship of the Navy shall display the national ensign at a masthead while firing a salute in honor of a United States national anniversary or officials, as follows:

a. At the main during the national salute prescribed for the third Monday in February and the 4th of July.

b. At the main during a 21-gun salute to a United States civil official, except by a ship displaying the personal flag of the official being saluted.

c. At the fore during a salute to any other United States civil official, except by a ship which is displaying the personal flag of the official being saluted.

2. During a gun salute, the national ensign shall remain displayed from the gaff or the flagstaff, in addition to the display of the national ensign prescribed in this article.

1062. Display of National Ensign in Boats.

The national ensign shall be displayed from water-borne boats of the naval service:

a. When under way during daylight in a foreign port.

b. When ships are required to be dressed or full-dressed.

c. When going alongside a foreign vessel.

d. When an officer or official is embarked on an official occasion.

e. When a flag or general officer, a unit commander, a commanding officer, or a chief of staff, in uniform, is embarked in a boat of his command or in one assigned to his personal use.

f. At such other times as may be prescribed by the senior officer present.

1063. Dipping the National Ensign.

1. When any vessel, under the United States registry or the registry of a nation formally recognized by the Government of the United States, salutes a ship of the Navy by dipping her ensign, it shall be answered dip for dip. If not already being displayed, the national ensign shall be hoisted for the purpose of answering the dip. An ensign being displayed at half-mast shall be hoisted to the truck or peak before a dip is answered.

2. No ship of the Navy shall dip the national ensign unless in return for such compliment.

3. Of the colors carried by a naval force on shore, only the battalion or regimental colors shall be dipped in rendering or acknowledging a salute.

4. Submarines, or such other ships of the line in which it would be considered hazardous for personnel to do so, shall not be required to dip the ensign.

1064. Half-Masting the National Ensign and Union Jack.

1. In half-masting the national ensign it shall, if not previously hoisted, first be hoisted to the truck or peak and then lowered to half-mast. Before lowering from half-mast, the ensign shall be hoisted to the truck or peak and then lowered.

2. When the national ensign is half-masted, the union jack, if displayed from the jack staff, shall likewise be half-masted.

3. Personal flags, command pennants, and commission pennants shall not be displayed at half-mast except as prescribed in these regulations for a deceased official or officer.

4. When directed by the President the national ensign shall be flown at half-staff at military facilities and naval vessels and stations abroad whether or not the national ensign of another nation is flown ful-staff alongside that of the United States.

1065. Following Motions of Senior Officer Present in Hoisting and Lowering the National Ensign.

1. On board ship or at a command ashore, upon all occasions of hoisting, lowering, or half-masting the national ensign, the motions of the senior officer present shall be followed, except as prescribed for answering a dip or firing a gun salute.

2. A ship displaying the flag of the President, Secretary of Defense, Deputy Secretary of Defense, Secretary of the Navy, Director of Defense Research and Engineering, an Assistant Secretary of Defense, Under Secretary of the Navy, or an Assistant Secretary of the Navy shall be regarded as the ship of the senior officer within the meaning of this article.

1066. Personal Flags and Pennants Afloat.

1. Except as otherwise prescribed in these regulations, a flag officer or a unit commander afloat shall display his personal flag or command pennant from his flagship. At no time shall he display it from more than one ship.

2. When a flag officer eligible for command at sea is embarked for passage in a ship of the Navy, his personal flag shall be displayed from such ship, unless there is already displayed from such ship the flag of an officer his senior.

3. When a civil official, in whose honor the display of a personal flag is prescribed during an official visit, is embarked for passage in a ship of the Navy, his personal flag shall be displayed from such ship.

4. A personal flag or command pennant may be hauled down during battle or at any time when the officer concerned, or the senior officer present, considers that it is desirable thus to render a flagship less distinguishable. When hauled down it shall be replaced with a commission pennant.

5. An officer of the Navy commanding a ship engaged otherwise than in the service of the United States shall not display a personal flag, command pennant, or commission pennant from such ship, or in the bow of a boat.

6. A ship under way shall not display a personal flag or command pennant unless a flag officer or unit commander is aboard. Should a flagship get under way during the absence of the flag officer or unit commander, the personal flag or command pennant shall be hauled down and replaced with a commission pennant.

1067. Broad or Burgee Command Pennant.

1. The broad or burgee command pennant shall be the personal command pennant of an officer of the Navy, not a flag officer, commanding a unit of ships or aircraft.

2. The broad command pennant shall indicate command of:

a. A division of battleships, aircraft carriers, or cruisers.

b. A force, flotilla, or squadron of ships or craft of any type.

c. An aircraft wing, carrier air wing, or carrier air group.

3. The burgee command pennant shall indicate command of:

a. A division of ships or craft other than battleships, aircraft carriers, or cruisers.

b. A major subdivision of an aircraft wing or group.

1068. Display of More Than One Personal Flag or Pennant Aboard Ship.

1. When the personal flag of a civil official is displayed aboard a ship of the Navy, a personal flag or command pennant of an officer of the Navy, shall be displayed, if required, as follows:

a. Aboard a single-masted ship, at the starboard yardarm.

b. Aboard a two-masted ship, at the fore truck.

c. Aboard a ship with more than two masts, at the after truck.

2. When, in accordance with these regulations, the personal flag of a civil official and the personal flag or command pennant of an officer of the Navy are displayed at the starboard yardarm, the personal flag of the civil official shall be displayed outboard.

3. When two or more civil officials, for each of whom the display of a personal flag is prescribed, are embarked in the same ship of the Navy, the flag of the senior only shall be displayed.

1069. Display of a Personal Flag or Command Pennant When a National Ensign is at Masthead.

1. The President's flag, if displayed at a masthead where a national ensign is required to be displayed during an official visit or during periods of dressing or full-dressing ship, shall remain at that masthead to port of the United States national ensign and to starboard of a foreign national ensign.

2. Except as provided above, a personal flag or command pennant shall not be displayed at the same masthead with a national ensign, but shall:

a. During a gun salute, be lowered clear of the ensign.

b. During an official visit, be shifted to the starboard yardarm in a single-masted ship and to the fore truck in a two-masted ship.

c. During periods of dressing or full-dressing ship:

(1) If displayed from the fore truck or from the masthead of a single-masted ship, be shifted to the starboard yardarm.

(2) If displayed from the main truck, be shifted to the fore truck in lieu of the national ensign at that mast.

(3) If displayed from the after truck of a ship with more than two masts, remain at the after truck in lieu of the national ensign at that mast.

1070. Personal Flags and Pennants Ashore.

1. A flag or general officer in command ashore shall display his personal flag day and night at a suitable and conspicuous place within his command. When such officer makes an official inspection at an outlying activity of his command, his flag shall, if practicable and appropriate, be shifted to such outlying activity.

2. A flag officer or unit commander of the operating forces whose headquarters are ashore shall display his personal flag or pennant day and night at a suitable and conspicuous place at his headquarters, unless it is displayed from a ship of his command.

3. When the points for display of two or more personal flags ashore are in such close proximity as to make their separate display inappropriate, that of the senior officer present only shall be displayed.

4. When a personal flag or a foreign ensign is required to be displayed ashore during the official visit of, or a gun salute to, a civil official or foreign officer, it shall be displayed from the normal point of display of a personal flag or pennant of the officer in command, and the latter's flag or pennant shall be displayed at some other point within the command.

5. During the official inspection by a flag or general officer of a unit of his command ashore, his personal flag shall displace a personal flag or pennant of the officer in command.

6. If two or more civil officials, for each of whom the display of a personal flag is prescribed, are present officially at a command ashore at the same time, the flag of the senior only shall be displayed.

1071. Personal Flag or Command Pennant, When Officer Temporarily Succeeded in Command.

1. When a flag or general officer or a unit commander has been succeeded temporarily in command, as prescribed in these regulations, his personal flag or command pennant shall be hauled down. The officer who has succeeded temporarily to the command shall display the personal flag or command pennant to which he is entitled by these regulations.

2. In a foreign port upon the occasion of the absence of a flag officer from his command for a period exceeding 72 hours, the command subject to any directions from the flag officer, shall devolve upon the senior officer present of the unit who is eligible for the exercise of command at sea, but as standard procedure the flag officer's flag shall continue to be flown in his regular flagship until that ship is under way, at which time the personal flag shall be hauled down and not again hoisted until the flag officer returns to his flagship. Commanders in chief and fleet commanders have authority to modify this procedure with respect to their personal flags as the exigencies of the service require.

1072. Absence Indicators.

In ships, the absence of an official or officer whose personal flag or pennant is displayed, a chief of staff, or a commanding officer shall be indicated from sunrise to sunset by the display of an absence indicator as prescribed in current instructions.

1073. Personal Flags and Pennants of Officers in Boats and Automobiles and Aircraft.

1. An officer in command, or a chief of staff when acting for him, when embarked in a boat of the naval service on official occasions, shall

display from the bow his personal flag or command pennant or, if not entitled to either, a commission pennant.

2. An officer entitled to the display of a personal flag or command pennant may display a miniature of such flag or pennant in the vicinity of the coxswain's station when embarked on other than official occasions in a boat of the naval service.

3. An officer entitled to the display of a personal flag or command pennant may, when riding in an automobile on an official occasion, display such flag or pennant forward on such vehicle.

4. An officer entitled to the display of a personal flag or command pennant may, when embarked in an aircraft on an official occasion, display such flag or pennant on both sides just forward and below the cockpit of such aircraft at rest.

1074. Flags of Civil Officials in Boats and Automobiles and Aircraft.

A flag shall be displayed in the bow of a boat in the naval service whenever a United States civil official is embarked on an official occasion, as follows:

a. A union jack for:

(1) A diplomatic representative of or above the rank of charge d'affaires, within the waters of the country to which he is accredited.

(2) A governor general or governor commissioned as such by the President, within the area under his jurisdiction.

b. The consular flag for a consular representative.

c. The prescribed personal flag for other civil officials when such officials are entitled to the display of a personal flag during an official visit.

d. A civil official entitled to the display of a personal flag may, when riding in an automobile on an official occasion, display such flag forward on such vehicle.

e. A civil official entitled to the display of a personal flag may, when embarked in an aircraft, display a miniature of such flag on both sides just forward and below the cockpit of such aircraft at rest.

1075. Bow Insignia and Flagstaff Insignia for Boats.

1. A boat regularly assigned to an officer for his personal use shall carry insignia on each bow as follows:

a. For a flag or general officer, the stars as arranged in his flag.

b. For a unit commander not a flag officer, a replica of his command pennant.

c. For a commanding officer, or a chief of staff not a flag officer, an arrow.

2. Staffs for the ensign, and for the personal flag or pennant in a boat assigned to the personal use of a flag or general officer, unit commander, chief of staff, or commanding officer, or in which a civil official is embarked, shall be fitted at the peak with devices as follows:

a. A spread eagle: For an official or officer whose official salute is 19 or more guns.

b. A halberd:

(1) For a flag or general officer whose official salute is less than 19 guns.

(2) For a civil official whose official salute is 11 or more guns but less than 19 guns.

c. A ball:

(1) For an officer of the grade, or relative grade, of captain in the Navy.

(2) For a career minister, a counselor or first secretary of embassy or legation, or a consul.

d. A star: For an officer of the grade, or relative grade, of commander in the Navy.

e. A flat truck:

(1) For an officer below the grade, or relative grade, of commander in the Navy.

(2) For a civil official not listed above, and for whom honors are prescribed for an official visit.

1076. Display of Foreign National Ensign During Gun Salutes.

1. While firing a salute to the nation upon entering a foreign port, returning such salute fired by a foreign warship, or firing a salute on the occasion of a foreign national anniversary, celebration, or solemnity, a ship shall display the ensign of the foreign nation at the main truck.

2. While firing a salute to a foreign dignitary or offical entitled to 21 guns, a ship shall display the national ensign of such dignitary or official at the main truck. While firing a salute to the foreign official entitled to less than 21 guns, or to a foreign officer, or when returning

a salute fired by a foreign officer, the national ensign of the foreign official or officer shall be displayed at the fore truck.

3. At a naval station, under the circumstances set forth in the preceding paragraphs of this article, the appropriate foreign ensign shall be displayed from the normal point of display of the personal flag or pennant of the officer in command, and the latter's flag or pennant shall be displayed at some other point within the command.

1077. Display of National Ensigns of Two or More Nations.

1. When the national ensigns of two or more nations are required to be displayed from the same masthead, the United States national ensign, if required, shall be displayed to starboard of all others. The national ensigns of other nations shall be displayed, starboard to port, in the alphabetical order of the names of the nations in the English language; except that the ensign of a foreign nation within whose waters the ship is located, if displayed, shall be to starboard of other foreign ensigns.

2. While a salute is being fired under the foregoing conditions, the ensign of the nation being honored, or whose dignitary is being honored, shall be displayed alone.

3. In rendering honors, the national ensign of one nation shall not be displayed above that of another nation at the same masthead.

1078. Choice of Foreign Flag or Ensign in Rendering Honors.

In rendering honors requiring the display of a foreign flag or ensign:

a. In the case of a government having both a national flag and a national ensign (man-of-war flag), the national ensign shall be displayed except under the conditions set forth in this article.

b. In the case of a commonwealth, dominion, or similar government recognized as independent by the Government of the United States, which has a national flag of its own but which also employs the national ensign (man-of-war flag) of the empire or federation to which it belongs, the national flag of the commonwealth or dominion shall be displayed except when rendering honors to naval officers; in which latter case the national ensign (man-of-war flag) shall be displayed.

c. In the case of a government not recognized as independent by the Government of the United States, such as a protectorate or colony, the flag of the government exercising protective or colonial power shall be displayed except when otherwise directed by the Secretary of the Navy.

d. In the case of a government carried on by a joint mandate or trusteeship and having no distinct national flag of its own, the flags of the several countries comprising the mandate shall be displayed when rendering honors.

1079. Dressing and Full-Dressing Ship.

1. On occasions of dressing ship the largest national ensign with which the ship is furnished shall be displayed from the flagstaff, and except as prescribed for a ship displaying a personal flag or command pennant, a national ensign shall be displayed from each masthead. The national ensigns displayed at the masthead shall be of uniform size, except when, due to a substantial difference in heights of masthead, a difference in the size of national ensigns is appropriate.

2. On occasions of full-dressing ship, in addition to the dressing of the mastheads, a rainbow of signal flags, arranged in the order prescribed in Navy Department publications, shall be displayed, reaching from the foot of the jackstaff to the mastheads and thence to the foot of the flagstaff. Peculiarly masted or mastless ships shall make a display as little modified from the rainbow effect as is practicable.

3. When dressing or full-dressing ship in honor of a foreign nation, the national ensign of that nation shall replace the United States national ensign at the main, or at the masthead in the case of a singlemasted ship; provided that when a ship is full-dressed or dressed in honor of more than one nation, the ensign of each such nation shall be displayed at the main, or at the masthead in a single-masted ship.

4. Should half-masting of the national ensign be required on occasions of dressing or full-dressing ship, only the national ensign at the flagstaff shall be half-masted.

5. When full-dressing is prescribed, the senior officer present may direct that dressing be substituted if, in his opinion, the state of the weather makes such action advisable. He may also, under such circumstances, direct that the ensigns be hauled down from the mastheads after being hoisted.

6. Ships not under way shall be dressed or full-dressed from 0800 until sunset. Ships under way shall not be dressed or full-dressed.

1080. Senior Officer Present Afloat Pennant.

If two or more ships of the Navy are together in port, the senior officer present afloat pennant shall be displayed from the ship in which the senior officer present afloat is embarked, except when the personal flag of the senior officer present afloat clearly indicates his seniority. It shall be displayed from the inboard halyard of the starboard main yardarm.

1081. Ships Passing Washington's Tomb.

When a ship of the Navy is passing Washington's tomb, Mount Vernon, Virginia, between sunrise and sunset, the following ceremonies shall be observed insofar as may be practicable: The full guard and band shall be paraded, the bell tolled, and the national ensign half-masted at the beginning of the tolling of the bell. When opposite Washington's tomb, the guard shall present arms, persons on deck shall salute, facing in the

direction of the tomb, and ''Taps'' shall be sounded. The national ensign shall be hoisted to the truck or peak and the tolling shall cease at the last note of ''Taps'', after which the National Anthem shall be played. Upon completion of the National Anthem, ''Carry on'' shall be sounded.

1082. National Holidays.

1. The following shall be observed as holidays on board ships of the Navy and at naval stations and activities: New Year's Day, the 1st of January; Washington's Birthday, the third Monday in February; Memorial Day, the last Monday in May; Independence Day, the 4th of July; Labor Day, the first Monday in September; Columbus Day, the second Monday in October; Veterans Day, the fourth Monday in October; Thanksgiving Day, the fourth Thursday in November; and Christmas Day, the 25th of December, and such other days as may be designated by the President.

2. Whenever any of the above-designated dates falls on Saturday, the preceding day shall be observed as a holiday, and whenever such date falls on Sunday, the following day shall be observed.

1083. Ceremonies for National Holidays.

1. On Washington's Birthday, the third Monday in February, and on Independence Day, the 4th of July, every ship of the Navy in commission, not under way, shall full-dress ship. At noon each saluting ship, and each naval station equipped with a saluting battery, shall fire a national salute of 21 guns.

2. On Memorial Day, the last Monday in May, each saluting ship, and each naval station having a saluting battery, shall fire at noon a salute of 21 minute-guns. All ships and naval stations shall display the national ensign at half-mast from 0800 until the completion of the salute or until 1220 if no salute is fired or to be fired.

3. When the 4th of July occurs on Sunday, all special ceremonies shall be postponed until the following day.

1084. Foreign Participation in United States National Anniversaries or Solemnities.

1. Prior to celebrating a United States national anniversary, or observing a national solemnity, in a foreign place or in the presence of foreign warships, the senior officer present of the United States naval service shall give due notice to the foreign port authorities, and to the senior officer of each nationality present, of the time and manner of conducting the celebration or solemnity, and shall, as appropriate, invite their participation therein. An officer shall be sent to thank the foreign authorities or ships which participate in such celebration or solemnity.

2. When foreign troops participate in parades within the territorial jurisdiction of the United States, they shall be assigned a position of honor ahead of United States troops, except that a small detachment of United States troops will immediately precede the foreign troops as a guard of honor.

3. On occasions when troops of two or more foreign nations participate, the troops of the nation in whose honor the parade is held will be assigned a position ahead of all others, otherwise the order of precedence among foreign troops will be determined, as appropriate, by:

a. The relative ranks of the commanders of the forces from which the parade detachments are drawn; or

b. The relative ranks of the commanders of the parade detachments; or

c. The alphabetical order in the English language of the names of the nations concerned.

1085. Observance of Foreign Anniversaries and Solemnities.

1. In a foreign place, or when in company with a foreign warship, when a national anniversary or solemnity is being observed by foreign port authorities or a foreign warship, a ship of the Navy shall, upon official invitation, follow the example of the foreign authority or warship in full-dressing or dressing ship, firing salutes, and half-masting ensigns. Salutes shall not exceed 21 guns unless the senior officer present deems it proper to fire a larger number in order to participate properly in the ceremony, or to avoid giving offense. Upon all such occasions efforts shall be made to accord, so far as practicable, with the foreign authorities in the time and manner of conducting the ceremonies.

2. Uniform accoutrements of mourning, including mourning badges or bands, may be worn on the uniform when appropriate, or when directed by competent authority, by persons in the naval service who are stationed in, or who are officially visiting, a foreign nation during the period that the foreign government ordains as the period of national mourning.

1086. Ships Passing USS ARIZONA Memorial.

When a ship of the Navy is passing the USS ARIZONA Memorial, Pearl Harbor, Hawaii between sunrise and sunset, passing honors consisting of sounding ''Attention'' and rendering the hand salute by all persons in view on deck and not in ranks shall be executed by that ship.

1087. Death of United States Civil Official.

1. Upon the death of a United States Civil Official listed below, the following ceremonies shall be observed:

Official	National ensign half-masted		Gun salute	
	By—	Period [illegible]	Fired by	How and when fired
President, former President, or a President-elect	All ships and stations of the Department of the Navy	For 30 days from the day of death	(a) All existing ships, not under way & ports (under United States jurisdiction, and each naval station having a saluting battery) (b) Senior existing ship present in each port (under United States jurisdiction, and each naval station having a saluting battery)	1 gun every half hour from 0900 (at sunset on day after receipt of official notice of death 21 minute-guns fired at noon on day of funeral
Vice President, Chief Justice or retired Chief Justice of the United States, or the Speaker of the House of Representatives	do	For 10 days from the day of death	(a) All existing ships, not under way, in ports under United States jurisdiction, and each naval station having a saluting battery (b) Senior existing ship present, and naval station having saluting battery, in port where funeral occurs	21-minute-guns equal in number to official salute of deceased, fired at noon on day after receipt of official notice of death 21-minute-guns equal in number to official salute of deceased, fired at noon on day of funeral
An Associate Justice of the Supreme Court, a member of the Cabinet, a former Vice President, the President pro tempore of the Senate, the Majority Leader of the Senate, the Minority Leader of the Senate, the Majority Leader of the House of Representatives, the Minority Leader of the House of Representatives, the Secretary of the Army, the Secretary of the Navy, or the Secretary of the Air Force.	do	From the day of death until interment	do	Do
Governor of a state, territory, commonwealth or possession	All ships and stations in such state, territory, commonwealth or possession	do	Ship and station on duty, manned by senior officer present in port where honors are directed to be rendered	Do
United States Senator, Representative, Territorial Delegate, or the Resident Commissioner from the Commonwealth of Puerto Rico	All ships and stations in the metropolitan area of the District of Columbia, and All ships and stations in the applicable state, congressional district, territory or commonwealth	On the day of death and the following day	do	Do
Civil official not listed above, but entitled to gun salute on official visit	Ships and stations in the vicinity when directed by senior officer present or other competent authority in port to honor remains	From 0900 till sunset on day of funeral	Ship and station on duty, manned by senior officer present in port where honors are directed to be rendered	Do

2. When the day after receipt of notice of death falls upon a Sunday or a national holiday, gun salutes will be fired on the day following Sunday or a national holiday.

3. The national ensign shall be half-masted upon receipt of notification from any reliable source, including news media, of the death of one of the designated civil officials.

1088. Death of a Person in the Military Service.

1. Upon the death of a person in the military service, the following ceremonies shall be observed:

Deceased	National ensign half-masted		Personal flag or pennant of deceased, if entitled to display, displayed	Gun salute	
	By—	Period of Display		Fired by—	How and when fired
Chairman or former Chairman of the Joint Chiefs of Staff, United States military officer of 5-star rank, Chief or former Chief of Naval Operations, Commandant or former Commandant of the Marine Corps	All ships and stations of the Department of the Navy	From the time of death until sunset of the day of the funeral	Half-masted from time of death until sunset of day of burial, or removal of the body, and then hauled down	Flagship or station commanded, or so designated by senior officer present	Minute-guns equal in number to official salute of deceased, fired during funeral
Flag or general officer (Marine) in command	All ships present, not under way, and by naval stations in vicinity	From time of death until sunset of day of burial, or removal of the body	do	do	Do
Flag or general officer (Marine) not in command	do	From the beginning of the funeral until sunset of that day	do	Ship or station designated by senior officer present	Do
Unit commander not a flag officer commanding officer	do	do	Half-masted from time of death until sunset of day of burial, or removal of the body, and then hauled down, except intermediate funeral rounded up	Flagship, or ship or station commanded or so designated by senior officer present	7 minute-guns, fired during funeral
All other persons in the naval service	do	During funeral and for 1 hour thereafter			

2. At joint installations or commands the procedures prescribed by the responsible military commander or the executive agent will be executed uniformly by all the United States military units present.

3. The national ensign shall be half-masted upon receipt of notification of death of one of the designated officials from any reliable source, including news media.

4. If he deems it appropriate, the senior officer present may direct that the ceremonies prescribed in this article be observed during the transfer of the body of the deceased from the ship or naval station, rather than during the funeral.

5. In the event of a military funeral of a person in the naval service on the retired list, ceremonies as prescribed in this article shall be rendered insofar as may be practicable.

6. On the occasion of conducting the funeral of a person in the naval service near posts, stations, or ships of other armed services of the United States, or the Coast Guard, the commanding officers thereof shall be duly notified of the time and the honors to be rendered by ships of the Navy or by naval stations.

7. During the funeral of a flag officer of the Coast Guard, or a general officer of the armed services of the United States, other than naval, and other than those listed in paragraph 1 of this article, at a place where there is a naval station, or where one or more ships of the Navy are present, the ensigns of such stations and ships shall be half-masted during the funeral service and for one hour thereafter; and minute-guns, of the number prescribed for the funeral of the deceased by the regulations of the service to which he belonged, shall be fired by the naval station, if practicable, and by the senior saluting ship present.

1089. General Provisions Pertaining to Funerals.

1. If there is no chaplain or clergyman available, the commanding officer, or his representative, shall conduct the funeral service.

2. There shall be six pallbearers and six body bearers. The pallbearers shall, if practicable, be of the same grade or rating as the deceased. If a sufficient number of foreign officers of appropriate grade attend the funeral, they may be invited to serve as additional pallbearers. Pallbearers and body bearers shall follow the procedure prescribed in the Landing Party Manual, U. S. Navy.

3. The wearing of the mourning badge is discretionary for those in attendance at a funeral and shall be worn by the escort for a military funeral as prescribed in the respective Uniform Regulations.

4. Boats taking part in a funeral procession shall display the national ensign at half-mast. If the deceased was a flag or general officer, or at the time of his death a unit commander, or a commanding officer of a ship, his flag or command pennant, or a commission pennant, shall be draped in mourning and displayed at half-mast from a staff in the bow of the boat carrying the body. A funeral procession of boats shall, in general, be formed in the order prescribed in the Landing Party Manual, U. S. Navy, for a funeral procession on shore.

5. The casket shall be covered with the national ensign, so placed that the union is at the head and over the left shoulder of the deceased. The ensign shall be removed from the casket before it is lowered into the grave or committed to the deep.

6. Persons in the naval service shall salute when the body is carried past them, while the body is being lowered into the grave or committed to the deep, and during the firing of volleys and the sounding of "Taps."

7. Three rifle volleys shall be fired after the body has been lowered into the grave or committed to the deep, following which "Taps" shall be sounded by the bugler; except that in a foreign port, when permission has not been obtained to land an armed escort, the volleys shall be fired over the body after it has been lowered into the boat alongside.

8. During burial at sea, the ship shall be stopped, if practicable, and the ensign shall be displayed at half-mast from the beginning of the funeral service until the body has been committed to the deep. Further display of the ensign at half-mast may be prescribed according to circumstances by the senior officer present.

9. Funeral honors shall not be rendered between sunset and sunrise. When it is necessary to bury the dead at night, such funeral services as are practicable shall take place.

1090. Funeral Escorts.

1. An escort under arms shall, when practicable, accompany the funeral cortege to the place of interment, and shall follow the procedure prescribed in the Landing Party Manual, U. S. Navy.

2. The funeral escort for a President, Vice President, Secretary of Defense, Secretary of the Navy, Under Secretary of the Navy, Assistant Secretary of the Navy, Fleet Admiral, Chief of Naval Operations, or Commandant of the Marine Corps shall be as prescribed by the Secretary of the Navy.

3. Unless otherwise prescribed by the senior officer present, the funeral escort for other persons in the Navy or the Marine Corps shall comprise commands equivalent to the following infantry units, insofar as is practicable with the Navy or Marine Corps forces available.

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Admiral, Navy and General, Marine Corps	1 Battalion
Other Flag Officers, Navy and General Officers, Marine Corps	1 Company
Captain, Navy and Colonel, Marine Corps	1 Company
Other commissioned officers, warrant officers and midshipmen of the Navy and Marine Corps	1 Platoon
Chief Petty Officer, Navy and Gunnery Sergeant and above, Marine Corps	2 Squads
Other enlisted persons, Navy and Marine Corps	1 Squad

4. The grade or rating of the escort commander normally shall be the same as, or higher than, that of the deceased.

1091. Display of Personal Flag, Command Pennant, Or Commission Pennant in Funerals on Shore.

If the deceased was a flag or general officer, or at the time of his death, a unit commander or commanding officer of a ship, his personal flag or command pennant, or commission pennant, shall be draped in mourning and carried immediately in advance of the body in the funeral procession to the grave.

1092. Burial in a Foreign Place.

Before a person in the naval service is buried in a foreign place, the senior officer present shall arrange with the local authorities for the interment of the body and shall also request permission to parade an escort under arms. He shall inform the senior foreign officers present and the appropriate local officials of the time and place of the funeral, and of the funeral honors to be rendered by United States forces present.

1093. Death of Diplomatic, Consular, or Foreign Official.

1. On the death in a foreign place of a diplomatic or consular representative of the United States, the senior officer present shall, as circumstances permit, arrange for appropriate participation in the funeral ceremonies by persons in the naval service.

2. When the senior officer present receives official notice of the death or funeral of a foreign official, or member of a foreign armed service, he shall, as circumstances warrant and as international courtesy demands, direct visits of condolence to be made, and arrange for participation by persons in the naval service in the funeral ceremonies.

1094. Transporting Body of Deceased Official.

When a ship of the Navy is transporting the body of a deceased official, the honors and ceremonies prescribed for an official visit shall, if directed by the senior officer present or higher authority, be rendered when the body is received aboard or leaves the ship.

CHAPTER 11

RIGHTS AND RESPONSIBILITIES OF PERSONS IN THE DEPARTMENT OF THE NAVY

1101. Officer's Duties Relative to Laws, Orders and Regulations.

Every officer in the naval service shall acquaint himself with, obey, and, so far as his authority extends, enforce the laws, regulations and orders relating to the Department of the Navy. He will faithfully and truthfully discharge the duties of his office to the best of his ability in conformance with existing orders and regulations and his solemn profession of the oath of office. In the absence of instructions he shall act in conformity with the policies and customs of the service to protect the public interest.

1102. Requirement of Exemplary Conduct.

All commanding officers and others in authority in the naval service are required to show in themselves a good example of virtue, honor, patriotism, and subordination; to be vigilant in inspecting the conduct of all persons who are placed under their command; to guard against and suppress all dissolute and immoral practices, and to correct, according to the laws and regulations of the Navy, all persons who are guilty of them; and to take all necessary and proper measures, under the laws, regulations, and customs of the naval service, to promote and safeguard the morale, the physical well-being, and the general welfare of the officers and enlisted persons under their command or charge. (10 USC 5947).

1103. Conduct of Persons in the Naval Service.

All persons in the naval service shall show in themselves a good example of subordination, courage, zeal, sobriety, neatness and attention to duty. They shall aid, to the utmost of their ability and to the extent of their authority, in maintaining good order and discipline as well as in other matters concerned with the efficiency of the command.

1104. Compliance With Lawful Orders.

All persons in the naval service are required to obey readily and strictly, and to execute promptly, the lawful orders of their superiors.

1105. Appeal From Decision of a Superior.

An official appeal by a person in the Department of the Navy from an order or decision of an immediate superior shall be addressed to the next higher common superior having power to act in the matter and shall be forwarded through such immediate superior, except in the case of the latter's refusal or failure to forward it, when it may be forwarded direct with an explanation of such course. If the officer whose order or decision is appealed from is the commanding officer of the person appealing and if such commanding officer refuses or fails to forward the appeal, the person appealing may appeal to any officer superior to such commanding officer; the latter officer shall forward the appeal directly to the officer exercising general court-martial jurisdiction over the commanding officer. The officer exercising general court-martial jurisdiction shall examine into said appeal and take proper measures; and he shall, as soon as possible, transmit to the Secretary of the Navy a true statement of such appeal, with the proceedings had thereon.

1106. Oppression or Other Misconduct by a Superior.

1. If any person in the naval service considers himself oppressed by his superior, or observes in him any misconduct, he shall not fail in his respectful bearing towards such superior, but shall report such oppression or misconduct to the proper authority. Such person will be held accountable if his report is found to be vexatious, frivolous, or false.

2. A report of oppression by, or misconduct of, a superior shall be made to the immediate commanding officer of the person making the report unless the commanding officer is himself the subject of the report, or is the subordinate of the officer who is the subject of the report.

3. If the immediate commanding officer is the subject of the report, the report shall be in writing and shall be forwarded to the superior who exercises general court-martial jurisdiction over the commanding officer reported on, through the immediate commanding officer and any other officers who may be in the chain of command. If the immediate commanding officer reported on or if any superior in the chain of command not having general court-martial jurisdiction shall refuse or fail within a reasonable time to forward the report received to his immediate superior having such jurisdiction, the person making the report may complain to any officer superior to himself and such officer shall forward the complaint directly to the immediate superior exercising general court-martial jurisdiction over the immediate commanding officer.

4. If a superior of the immediate commanding officer is the subject of the report, the report shall be in writing and shall be forwarded through the immediate commanding officer and the officer who is the subject of the report, and any other officers who may be in the chain of command, to the immediate superior exercising general court-martial jurisdiction over the officer reported on. If any officer through whom the report is forwarded refuses or fails to forward the report within a reasonable time, the person making the report may complain to any officer superior to himself, and such officer shall forward the complaint directly to the immediate superior exercising general court-martial jurisdiction over the officer reported on.

5. Any officer exercising general court-martial jurisdiction over a person reported on shall, upon receiving a report of oppression or

misconduct, examine into the matter, and take such action in conformity with the Uniform Code of Military Justice and these regulations as may be proper to redress wrong, if any, complained of; and he shall, as soon as may be practicable, transmit to the Secretary of the Navy a true statement of the report and any proceedings had in connection therewith.

1107. Direct Communication With the Commanding Officer.

1. The right of any person in the naval service to communicate with the commanding officer at a proper time and place is not to be denied or restricted.

2. Officers who are senior to the executive officer have the right to communicate directly with the commanding officer, but they shall keep the executive officer informed on matters related to the functioning of the command.

3. A head of department, or of any other major subdivision of an activity, has the right to communicate directly with the commanding officer concerning any matter relating to his department or subdivision, but shall keep the executive officer informed.

1108. Forwarding Individual Requests.

Requests from persons in the naval service shall be acted upon promptly. When addressed to higher authority, requests shall be forwarded without delay. The reason should be stated when a request is not approved or recommended.

1109. Accusations, Replies, and Counter Charges.

1. Whenever an accusation is made against a person in the naval service, either by report or by endorsement upon a communication, a copy of such report or endorsement shall be furnished him at the time.

2. Reports or complaints, and statements submitted in reply to written accusations or in explanation thereof, shall be couched in temperate language and shall be confined to pertinent facts. Opinions shall not be expressed nor the motives of others impugned.

3. Persons in the naval service to whom reports or complaints are submitted for statement shall not reply by making counter charges.

1110. Adverse Matter in the Record of a Person in the Naval Service.

Adverse matter shall not be placed in the record of a person in the naval service without his knowledge. Except for the medical and dental entries referred to in the following article, such matters shall be first referred to the person reported upon for such statement as he may choose to make. If the person reported upon does not desire to make a statement, he shall so state in writing.

1111. Adverse Entries in Medical and Dental Records.

1. The medical officer or dental officer shall inform the person concerned whenever an entry is made in such person's medical record or dental record of a serious illness, operation, injury, or physical defect which may adversely affect, in other than a temporary degree, his efficiency in the performance of duty.

2. The medical officer or dental officer shall inform, in writing, the commanding officer and the person concerned whenever an entry is made in the latter's medical record which indicates that a disease or injury may be attributable to misconduct, or indicating the use by such person of intoxicants, marijuana, narcotic substances or other controlled substances as defined in these regulations to a degree presumed to disqualify him physically, mentally, or morally for performance of duty.

3. The medical officer or dental officer normally shall permit access to the record by the person concerned when adverse entries are made. Should the medical officer or dental officer deem the condition of the person concerned to be such as to make it inadvisable or impractical to inform him of the entry or to permit him access to the record, he shall so advise the commanding officer, and shall make a notation of this action and opinion in the record. As soon as circumstances permit the person concerned shall be notified of the adverse entry and this fact shall be noted in the record. The person concerned shall have the right to make and have entered in the record such statement in rebuttal as he may desire. If the person concerned does not desire to make a statement, he shall so state in writing.

1112. Misconduct and Line of Duty Findings.

Except for the medical and dental entries referred to in the preceding article, no adverse entry concerning misconduct and line of duty shall be made in any person's official record except in accordance with the provisions of the Manual of the Judge Advocate General.

1113. Inspection of the Record of a Person in the Naval Service.

The record of a person of the naval service maintained by the Chief of Naval Personnel or the Commandant of the Marine Corps shall be available for inspection by him or his duly authorized agent, designated as such by him in writing.

1114. Correction of Naval Records.

1. Any military record in the Department of the Navy may be corrected by the Secretary of the Navy, acting through the Board for Correction of Naval Records, when he considers that such action should be taken in order to correct an error or to remove an injustice.

2. Applications for corrections under this article may be made only after exhaustion of all other administrative remedies afforded by law or regulation.

3. Applications for such corrections should be submitted to the Secretary of the Navy (Board for Correction of Naval Records) in accordance with procedural regulations established by the Secretary of the Navy and approved by the Secretary of Defense.

1115. Control of Official Records.

No person, without proper authority, shall withdraw official records or correspondence from the files, or destroy them, or withhold them from those persons authorized to have access to them.

1116. Disclosure and Publication of Information.

1. No person in the Department of the Navy shall convey or disclose by oral or written communication, publication, graphic (including photographic) or other means, any classified information except as provided in the Department of the Navy Security Manual for Classified Information. Additionally, no person in the Department of the Navy shall communicate or otherwise deal with foreign entities, even on an unclassified basis, when such would commit the Department of the Navy to disclose classified military information, except as may be required in his official duties and only after coordination with and approval by the release authority stipulated in the Department of the Navy Security Manual for Classified Information.

2. No person in the Department of the Navy shall convey or disclose by oral or written communication, publication, or other means, except as may be required by his official duties, any information concerning the Department of Defense or forces, or any person, thing, plan or measure pertaining thereto, where such information might be of possible assistance to a foreign power; nor shall any person in the Department of the Navy make any public speech or permit publication of any article written by or for him which is prejudicial to the interests of the United States. The regulations concerned with the release of information to the public through any media will be as prescribed by the Secretary of the Navy.

3. No person in the Department of the Navy shall, other than in the discharge of his official duties, disclose any information whatever, whether classified or unclassified, or whether obtained from official records or within the knowledge of the relator, which might aid or be of assistance in the prosecution or support of any claim against the United States.

4. Any person in the Department of the Navy receiving a request from the public for Department of the Navy records shall be governed by security classification markings, distribution statements on technical documents, and the term "For Official Use Only" which may be used to identify material or records not to be released to the general public. The general regulations concerned with the availability to the public of the Department of the Navy records shall be as prescribed by the Secretary of the Navy.

5. Persons in the Department of the Navy desiring to submit manuscripts to commercial publishers, on professional, political or international subjects shall comply with regulations promulgated by the Secretary of the Navy.

6. No person in the naval service on active duty or civilian employee of the Department of the Navy shall act as correspondent of a news service or periodical, or as a television or radio news commentator or analyst, unless assigned to such duty in connection with the public affairs activities of the Department of the Navy, or authorized by the Secretary of the Navy. Except as authorized by the Secretary of the Navy, no person assigned to duty in connection with public affairs activities of the Department of the Navy shall receive any compensation for acting as such correspondent, commentator, or analyst.

1117. Official Records in Civil Courts.

No person in the Department of the Navy shall produce or release any official record in response to a subpoena duces tecum, motion for discovery, interrogatory or otherwise in a civil suit, or in connection with preliminary investigations by attorneys or others except in accordance with the provisions of the Manual of the Judge Advocate General.

1118. Leave and Liberty.

It is the policy of the Department of the Navy that leave and liberty will be granted to the maximum extent practicable.

1119. Quality and Quantity of Rations.

1. Meals served in the general mess shall be sampled, regularly, by an officer detailed by the commanding officer for that purpose. Should this officer find the quality or quantity of the food unsatisfactory, or should any member of the mess object to the quality or quantity of the food, the commanding officer shall be notified and he shall take appropriate action.

2. No person employed in the service of the general mess shall receive any subscription from persons entitled to subsist in the mess.

1120. Rules for Preventing Collisions, Afloat and in the Air.

1. All persons in the naval service responsible for the operation of naval ships, craft and aircraft shall diligently observe the International Rules for Preventing Collisions at Sea, (commonly called International Rules of the Road) Inland Rules of the Road, domestic and international air traffic regulations, and such other rules and regulations as may be established by the Secretary of Transportation or other competent authority for regulating traffic and preventing collisions on the high seas, in inland waters, or in the air, where such laws, rules and regulations are applicable to naval ships and aircraft. In those situations where such law, rule or regulation is not applicable to

naval ships, craft or aircraft they shall be operated with due regard for safety of others.

2. Any significant infraction of the laws, rules and regulations governing traffic or designed to prevent collisions on the high seas, in inland waters, or in the air, which may be observed by persons in the naval service shall be promptly reported to their superiors, including the Chief of Naval Operations or Commandant of the Marine Corps when appropriate.

3. Reports need not be made under this article if the facts are otherwise reported in accordance with other directives, including duly authorized safety programs.

1121. Discharge of Oil, Trash, and Garbage.

1. Except as authorized by law or regulation, no oil, oily waste, or trash shall be discharged into United States or foreign internal waters or prohibited areas. The United States prohibited area is designated as waters within 50 miles of the United States coastline. The Chief of Naval Operations shall provide descriptions of prohibited areas for other nations. Trash discharged at sea should have, or be packaged for, negative buoyancy.

2. Garbage shall not be thrown overboard within a contiguous zone, which is 12 miles from any coastline.

3. Any oil slick within 50 miles of the coastline of the United States shall be reported as soon as possible to nearest Coast Guard District headquarters.

1122. Code of Conduct for Members of the Armed Forces of the United States.

1. The code of Conduct for Members of the Armed Forces of the United States shall be carefully explained to each enlisted person:

a. Within six days of his initial enlistment.

b. After completion of six month's active service, and

c. Upon the occasion of each reenlistment.

2. Instruction in the Code of Conduct for Members of the Armed Forces of the United States shall be included in the general military training program of the command.

3. A text of the Code of Conduct for Members of the Armed Forces of the United States shall be posted in one or more conspicuous places, readily accessible to personnel of the command.

1123. Capture by an Enemy.

1. A person in the naval service who is captured by the enemy is bound to give only his name, grade or rate, file or serial number and date of birth. In order to communicate with his family, as guaranteed in the Geneva Convention Relative to the Treatment of Prisoners of War, he may give the names and addresses of his parents, guardian, or next of kin.

2. Except as provided in the foregoing any person in the naval service captured by the enemy shall evade further questions and shall make no oral or written statement disloyal to, critical of, or harmful to, the United States or its allies.

1124. Relations With Foreign Nations.

1. Persons in the Department of the Navy, in their relations with foreign nations, and with the governments or agents thereof, shall conform to international law and to the precedents established by the United States in such relations.

2. The religious institutions and customs of foreign countries visited by persons in the Department of the Navy shall be respected.

1125. Language Reflecting Upon a Superior.

No person in the naval service shall use language which may tend to diminish the confidence in or respect due to his superior officer.

1126. Suggestions for Improvement.

Any person in the Department of the Navy may address to the Secretary of the Navy via chain of command, suggestions or constructive criticism pertaining to improvements in efficiency or more economical methods of administration or management in the Department of the Navy.

1127. Exchange of Duty.

No person in the naval service shall exchange an assigned duty with another without permission from his commanding officer or appropriate superior.

1128. Unavoidable Separation From a Command.

Any person in the naval service who is separated from his ship, station, or unit due to shipwreck, disaster, or other unavoidable circumstances, shall proceed as soon as possible to the nearest United States military activity and report to the commanding officer thereof.

1129. Combinations for Certain Purposes Prohibited.

Combinations of persons in the naval service for the purpose of remonstrating against orders or details to duty, complaining of particulars of duty or procuring preferences are forbidden.

1130. Making of Gifts or Presents.

1. No person in the Department of the Navy shall at any time solicit contributions from other persons in the naval service or from other officers, clerks, or employees in the Government service for a gift or present to persons in superior official positions; nor shall any persons in such superior official positions receive any gift or present offered or presented them as a contribution from persons in Government employ (including persons in the naval service) receiving a less rate of pay than themselves, nor shall any of said persons make any donation as a gift or present to any such official superiors. However, this paragraph does not prohibit a voluntary gift of nominal value or donation in nominal amount made on a special occasion such as marriage, illness or retirement.

2. No person in the Department of the Navy shall solicit subscriptions for the purpose of making a gift to a member of the immediate family of a person in a superior official position.

1131. Pecuniary Dealings With Enlisted Persons.

1. No officer shall borrow money or accept deposits from, or have any pecuniary dealings with an enlisted person, except as may be required in the performance of his duty, and except for the sale of an item of personal property which is for sale to other persons under the same conditions of guarantee and for same consideration, and never having been the property of a government.

2. Superiors of flag or general grade, may authorize, as a duty, an officer or officers to accept deposits from an enlisted person for the sole purpose of temporarily safeguarding his personal funds under emergency or operational situations.

1132. Lending Money and Engaging in a Trade or Business.

1. No person in the naval service, on active service, shall, for profit or benefit of any kind, lend money to another person in the armed services, except by permission of his commanding officer; nor, having made a loan to another person in the armed services, shall he take or receive, in payment therefor, then or later, directly or indirectly, without the approval of the commanding officer, a sum of money, or any other thing or service, of a greater amount or value than the sum of money loaned.

2. Unless authorized by his commanding officer or higher authority, no person in the naval service on active service, either for himself or as an agent for another, shall engage in trade or business on board any ship of the Navy or within any naval activity or introduce any article for purposes of trade on board any ship of the Navy or within any naval activity.

1133. Use of Title for Commercial Enterprises.

No person in the naval service shall, while on extended naval service, use his grade or rating in connection with a commercial enterprise. "Extended naval service," for the purposes of this article, is defined as active duty, other than active duty for training, under a call or order that does not specify a period of thirty days or less. This article shall not apply to a person who is not on active service, nor shall it apply to authorship of any material for publication, by persons on either active or inactive service, provided that such material is published in accordance with existing regulations.

1134. Report of a Communicable Disease.

All persons in the naval service shall report promptly to a medical representative, or where no medical officer is readily available, to his higher authority the existence or suspicion of communicable disease in persons with whom they are living or otherwise come in contact.

1135. Immunization.

Persons in the naval service shall permit such action to be taken to immunize them against disease as is prescribed by competent authority.

1136. Possession of Weapons.

Except as may be necessary to the proper performance of his duty or as may be authorized by proper authority, no person in the naval service shall:

a. Have concealed about his person any dangerous weapon, instrument or device; or any highly explosive article or compound.

b. Have in his possession any dangerous weapon, instrument, or device, or any highly explosive article or compound on board any ship, craft, aircraft, or in any vehicle of the naval service or within any base, or other place under naval jurisdiction.

1137. Report of Deficit or Excess of Public Money or Property.

Any person in the Department of the Navy who has knowledge of a deficit or excess of public money or public property shall take prompt and appropriate action to bring the matter to the attention of his commanding officer or appropriate superior.

1138. Use and Expenditure of Equipage and Supplies.

All persons in the Department of the Navy shall ensure that equipage and supplies in their charge are properly cared for, preserved, and economically used. They shall avoid any unnecessary expenditure of public money. To the extent of their authority, they shall prevent infractions of this regulation by others.

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1139. Obligation to Report Offenses.

Persons in the Department of the Navy shall report to proper authority offenses committed by persons in the Department of the Navy which come under their observation.

1140. Report of Fraud.

If any person in the Department of the Navy has knowledge of any fraud, collusion, or improper conduct on the part of any purchasing or other agent or contractor, or on the part of any person employed in superintending repairs, receiving or receipting for supplies, or has knowledge of any fraud, collusion, or improper conduct in such matters connected with the Department of the Navy, he shall report the same immediately in writing to the proper authority, specifying the particular act, or acts of misconduct, fraud, neglect, or collusion and describing any evidence which may assist in proving same.

1141. Possession of Government Property.

No person in the Department of the Navy shall have in his possession any property of the United States, except as may be necessary to the proper performance of duty or as may be authorized by proper authority.

1142. Uniforms, Arms, and Outfits.

1. The clothing, arms, and accouterments which are sold or issued by the United States to any person in the naval service shall not be sold, bartered, exchanged, pledged, loaned or given away, except as may be authorized by proper authority.

2. No person in the naval service shall have in his possession, without permission from proper authority, any article of wearing apparel or bedding belonging to any other person in the naval service.

1143. Return of Government Property on Release From Active Service.

When a person is released from active service, he shall return all Government property in his possession to his commanding officer or other competent authority.

1144. Issue or Loan of Public Property.

1. Except as prescribed in this article, public property including supplies, shall not be issued, on loan or otherwise, to any state, organization, or private individual except by special authority of Congress.

2. When so authorized by the senior officer present, a commanding officer may issue such supplies as can be spared to those in distress

in the event of a public exigency or calamity, or to vessels in distress, and, when so authorized, he may issue rations and necessities to destitute seamen and airmen of the United States who are received on board. The supply officer making such an issue shall do so only pursuant to an order in writing, shall procure receipts when practicable for the supplies issued, and shall render accounts for such supplies in accordance with the instructions contained in the Naval Supply System Command Manual or the Marine Corps Supply Manual, as appropriate.

3. Public property, except aircraft, may be loaned by the commandant of a naval district to a state located within the district and maintaining naval militia organizations, for use by a naval militia organization in that state, provided that 95 percent of the personnel of the last-mentioned organization are attached to or associated with a unit of the naval reserve, and provided that the naval militia organization conforms to the standards prescribed by the Secretary of the Navy for similar organizations of the Naval Reserve. A report of such loans shall be made by the commandant to the interested bureaus, offices or commands of the Navy Department.

1145. Administrative Control of Funds.

No person in the Department of the Navy shall make or authorize an expenditure from or create or authorize an obligation under any appropriation or fund in excess of the amount available therein; nor shall any such person involve the Government in any contract or other obligation for the payment of money for any purpose in advance of appropriations made for such purpose, unless such contract or obligation is authorized by law. No person in the Department of the Navy shall accept voluntary service for the United States or employ personal service in excess of that authorized by law, except in cases of emergency involving the safety of human life or the protection of property.

1146. Adoption or Use of Proprietary Articles, Inventions or Copyrighted Material.

1. Except as prescribed in this article, no person in the Department of the Navy shall adopt or use or shall authorize the adoption or use for or on behalf of the Government of:

a. Any article when it is known to be proprietary.

b. Any invention when it is known, or there is reason to believe, that the invention is or will be patented.

c. Any matter in which it is known, or there is reason to believe, a copyright exists.

2. Adoption or use of any of the above mentioned classes shall not be made unless consent of the owner has been obtained or, lacking consent of the owner, such use or adoption has been authorized by the Secretary of the Navy; provided, however, that when the

exigencies of the naval service necessitate, adoption or use of any of the classes above mentioned may be made without waiting to obtain prior consent or authorization of either the owner or the Secretary of the Navy. In any case where such adoption or use is made without obtaining prior consent or authorization, a full and complete report of all facts and circumstances relevant thereto shall be made promptly to the Secretary of the Navy.

1147. Service Examinations.

1. No person in the Department of the Navy, without proper authority, shall:

a. Have in his possession, obtain, sell, publish, give, purchase, receive, or reproduce; or

b. Attempt or offer to have in his possession, obtain, sell, publish, give, purchase, receive, or reproduce; any examination paper, or any part or copy thereof, or answer sheet thereto, for any examination whatsoever which has been, is, or is to be, administered within the Department of the Navy.

2. Prior to, during, or after any examination which is to be, is being, or has been administered within the Department of the Navy, no person in the Department of the Navy shall, without proper authority, disclose, or solicit the disclosure of, any information regarding questions or answers to questions on such examination.

3. No person in the Department of the Navy shall engage in any unauthorized form of giving or accepting assistance or of self-help during the administration of any examination within the Department of the Navy.

1148. Dealings With Members of Congress.

No person may restrict any member of an armed force in communicating with a member of Congress, unless the communication is unlawful or violates a regulation necessary to the security of the United States. (10 USC 1034).

1149. Communications to the Congress.

No person in the naval service shall, in his official capacity, apply to the Congress or to either house thereof, or to any committee thereof, for legislation or for appropriations or for Congressional action of any kind except with the consent and knowledge of the Secretary of the Navy. Nor shall any such person, in his official capacity, respond to any request for information from Congress, or from either house thereof, or from any committee of Congress, except through, or as authorized by, the Secretary of the Navy, or as provided by law.

1150. Alcoholic Liquors.

1. Except as may be authorized by the Secretary of the Navy, the introduction,

possession or use of alcoholic liquors for beverage purposes on board any ship, craft, aircraft, or in any vehicle of the Department of the Navy is prohibited. The transportation of alcoholic liquors for personal use ashore is authorized, subject to the discretion of the officer in command or officer in charge, or higher authority, when the liquors are delivered to the custody of the officer in command or officer in charge of the ship, craft, or aircraft in sealed packages, securely packed, properly marked and in compliance with customs laws and regulations, and stored in securely locked compartments, and the transportation can be performed without undue interference with the work or duties of the ship, craft, or aircraft. Whenever alcoholic liquor is brought on board any ship, craft, or aircraft for transportation for personal use ashore, the person who brings it on board shall at that time file with the officer in command or officer in charge of the ship, craft, or aircraft, a statement of the quantity and kind of alcoholic liquor brought on board by him, together with his certification that its importation will be in compliance with customs and internal revenue laws and regulations and applicable State or local laws at the place of debarkation.

2. The introduction, possession, and use of alcoholic liquors for beverage purposes or for sale is authorized within naval activities and other places ashore under naval jurisdiction, to the extent and in such manner as the Secretary of the Navy may prescribe.

1151. Responsibilities Concerning Marijuana, Narcotics, and Other Controlled Substances.

1. All personnel shall endeavor to prevent and eliminate the unauthorized use of marijuana, narcotics, and other controlled substances within the naval service.

2. Except for authorized medicinal purposes, the introduction, possession, use, sale, or other transfer of marijuana, narcotic substances or other controlled substances on board any ship, craft, or aircraft of the Department of the Navy or within any naval station or other place under the jurisdiction of the Department of the Navy, or the possession, use, sale, or other transfer of marijuana, narcotic substances or other controlled substances by persons in the naval service, is prohibited.

3. The term "controlled substance" means: a drug or other substance included in Schedule I, II, III, IV, or V established by section 202 of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (84 Stat. 1236), as updated and republished under the provisions of that Act.

1152. Records of Fitness.

1. Records will be maintained on officers and enlisted persons of the Navy and Marine Corps which reflect their fitness for the service and performance of duties. Promotion and assignment to duty is determined by an individual's record of which the record of fitness and performance is an essential part.

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2. The fitness and performance report is decisive in the service career of the individual officer and enlisted person and has an important influence on the efficiency of the entire Department of the Navy. The preparation of these reports shall be regarded by superior and commanding officers as one of their most important and responsible duties.

3. The Chief of Naval Operations and the Commandant of the Marine Corps shall be responsible for the maintenance and administration of the records and reports in their respective services.

1153. Demand for Court-Martial.

Except as otherwise provided in the Uniform Code of Military Justice, no person in the naval service may demand a court-martial either on himself or on any other person in the naval service.

1154. Suspension or Arrest of an Officer.

1. An officer placed under arrest or restriction (with or without suspension from duty) on board ship shall not be confined to his room or restrained from the proper use of any part of the ship to which, before his suspension, arrest, or confinement, he had a right, except the quarter-deck and brow, unless such arrest or restriction shall be necessary for the safety of the ship or of the officer, or for the preservation of good order and discipline. Similarly, at a naval station or other place on shore, the arrest or restriction imposed shall not be unduly rigorous.

2. An officer when placed under arrest shall not visit his commanding officer or other superior officer unless sent for or to obtain medical treatment or in case of emergency, but in case of business requiring attention, he shall make it known in writing.

1155. Temporary Restoration to Duty.

A commanding officer or other competent authority may temporarily release and restore to duty an officer in custody or under restriction, arrest, or confinement, should an emergency of the service or other sufficient cause make such measure necessary. The order for temporary release shall be in writing and shall assign the reasons. Should the officer be under charges, they need not be withdrawn, and such temporary release and restoration to duty shall not be a bar to any subsequent investigation or trial of the case that the convening authority may think proper to order, nor to the investigation of any complaint the accused may make in regard to the custody, restriction, arrest or confinement.

1156. Refusal to Return to Duty.

No person in the naval service shall persist in considering himself in custody or under restriction, arrest, or confinement, after he has been released by proper authority, nor shall he refuse to return to duty.

1157. Reprimand or Admonition.

Any letter of censure to a subordinate from any officer in command is a nonjudicial punishment within the purview of Article 15, Uniform Code of Military Justice, except when issued pursuant to the sentence of a court-martial, if a copy thereof is forwarded to the Headquarters, United States Marine Corps or Bureau of Naval Personnel. Any other criticism, reproof, or instructions, written or oral, shall not in itself constitute a punishment in that sense.

1158. Limitations on Certain Punishments.

1. Instruments of restraint, such as handcuffs, chains, irons, and straitjackets, shall not be applied as punishment. Furthermore, chains shall not be applied as restraints. Other instruments of restraint may not be used except for safe custody and no longer than is strictly necessary under the following circumstances:

(a) As a precaution against escape during the transfer of a person in custody or confinement;

(b) On medical grounds by direction of the medical officer;

(c) By order of the commanding officer or officer in charge, if necessary to prevent a person from injuring himself or others or from damaging property, provided that other methods of control are considered ineffectual. In such instances a medical examination shall be made at the earliest practicable time, preferably in advance of the restraint, to ensure that no medical contraindication exists. The commanding officer or officer in charge shall submit a letter report of the details to the next superior authority and, if no medical officer is available to conduct the examination, shall submit a message report in lieu thereof.

2. The punishments of extra duties and hard labor without confinement shall not be performed on Sunday although Sunday counts in the computation of the period for which such punishments are imposed.

3. Guard duty shall not be inflicted as punishment.

1159. Treatment and Release of Prisoners.

1. Persons in confinement shall be in the custody of a master-at-arms or other person designated by the commanding officer. They shall not be subjected to cruel or unusual treatment. They shall be visited as necessary, but at least once every 4 hours to ascertain their condition, and to care, as may be appropriate, for their needs.

2. The commanding officer shall direct their release promptly upon the expiration of their confinement. In case of fire or other sudden danger which may imperil their lives, they shall, subject to such special orders as the commanding office may have issued, be removed to a place of safety

or, when appropriate, released within the limits of the command by the master-at-arms, or other custodian, and the commanding officer shall be promptly informed of the action taken.

3. No greater force than that required to restrain or confine the offender shall be used in taking into custody a person intoxicated from indulgence in alcoholic liquors, or under the influence of marijuana, narcotic substances, or other controlled substances as defined in these regulations.

1160. Places of Confinement.

1. Prisoners shall be confined only in brigs or other facilities designated as naval places of confinement by the Secretary of the Navy. However, in cases of necessity, the senior officer present may authorize temporary confinement in spaces which provide sufficient security features, safety for both the prisoner and guard personnel, and adequate living conditions.

2. Intoxicated persons or persons under the influence of marijuana, narcotic substances, or controlled substances as defined in these regulations shall not be confined in any place or manner that may be dangerous to them in their condition.

1161. Endorsement of Commercial Product or Process.

Except as necessary during contract administration to determine specification or other compliance, no person in the Department of the Navy, in his official capacity, shall endorse or express an opinion of approval or disapproval of any commercial product or process.

1162. Action Upon Receipt of Orders.

1. An order from competent authority to an officer requiring such officer to report for duty at a place, or to proceed to any point and report for duty, but fixing no date and not expressing haste, shall be obeyed by reporting within four days, exclusive of travel time, after its receipt for execution. If the order read "without delay," the officer shall report within forty-eight hours, exclusive of travel time, after its receipt for execution; and if "immediately," within twelve hours, exclusive of travel time, after its receipt for execution. Officers receiving "proceed without delay" and "proceed immediately" orders shall endorse on their orders the date and hour of their receipt for execution. Any delay in carrying out orders granted by competent authority is in addition to the time allowed by this article.

2. The time allowed by this article may be taken any time between the time of detachment from the officer's original station and the time of reporting at the new permanent duty station. It may, however, be taken only once regardless of whether the officer avails himself at that time of all or part of the proceed time.

3. An application for the revocation or modification of orders will not justify any delay in their execution, if the officer ordered is able to travel.

4. Proceed time for enlisted personnel will be as prescribed by the Chief of Naval Operations or the Commandant of the Marine Corps.

1163. Equal Opportunity and Treatment.

Equal opportunity and treatment shall be accorded all persons in the Department of the Navy irrespective of their race, color, religion, sex, or national origin consistent with requirements for physical capabilities.

CHAPTER 12

PURPOSE AND FORCE OF REGULATIONS WITHIN THE DEPARTMENT OF THE NAVY

1201. PURPOSE AND FORCE OF UNITED STATES NAVY REGULATIONS.

United States Navy Regulations is the principal regulatory document of the Department of the Navy, endowed with the sanction of law, as to duty, responsibility, authority, distinctions, and relationships of various commands, officials, and individuals. Other regulations, instructions, orders, manuals, or similar publications, shall not be issued within the Department of the Navy which conflict with, alter or amend any provision of Navy Regulations.

1202. ISSUANCES CONCERNING MATTERS OVER WHICH CONTROL IS EXERCISED.

Responsible officers and officials of the Department of the Navy may issue, or cause to be issued, orders, instructions, directives, manuals or similar publications concerning matters over which they exercise command, control, or supervision.

1203. IMPOSITION OF WORKLOAD.

Orders, instructions or directives will be issued with due regard for the imposition of workload resulting therefrom and benefits or advantages to be gained, particularly, when the imposition of requirements is outside of command lines of authority.

1204. NAVY REGULATIONS CHANGES.

1. The Chief of Naval Operations is responsible for ensuring that Navy Regulations conform to the current needs of the Department of the Navy. When any person in the Department of the Navy deems it advisable that a correction, change or addition should be made to Navy Regulations, he shall forward a draft of the proposed correction, change or addition, with a statement of the reasons therefor to the Chief of Naval Operations via the chain of command. The Chief of Naval Operations shall endeavor to obtain the concurrence of the Commandant of the Marine Corps, the Judge Advocate General, and other appropriate offices and bureaus. Unresolved disputes concerning such corrections, changes or additions shall be forwarded to the Secretary of the Navy for appropriate action.

2. Changes to Navy Regulations will be numbered consecutively and contained in page changes. Advance changes may be used when required. Advance changes will be numbered consecutively and incorporated in page changes at frequent intervals.

GLOSSARY

Command --- (DOD) 1. The authority which a commander in the military service lawfully exercises over his subordinates by virtue of rank or assignment. Command includes the authority and responsibility for effectively using available resources and for planning the employment of, organizing, directing, coordinating, and controlling military forces for the accomplishment of assigned missions. It also includes responsibilities for health, welfare, morale, and discipline of assigned personnel. 2. An order given by a commander; that is, the will of the commander expressed for the purpose of bringing about a particular action. 3. A unit or units, an organization, or an area under the command of one individual. 4. To dominate by a field of weapon fire or by observation from a superior position.

Superior --- A commander or officer in command of a senior force, unit, or organization in line of command. Also, a senior person in line of command.

Flag and General Officers --- Flag officer means an officer of the Navy or Coast Guard above the grade of captain. General officer means an officer of the Marine Corps, the Army, or the Air Force above the grade of colonel.

Person in the naval service --- Means a person, male or female, appointed or enlisted in, or inducted or conscripted into, the Navy or the Marine Corps. Also, same meaning for member of the naval service.

Persons in the Department of the Navy --- All persons in the naval service and civilians employed under the Department of the Navy.

Ships --- A classification of water-borne craft which comprises generally the ocean-going vessels and craft of the Navy, and such other water-borne craft as may be assigned this classification.

Service Craft --- A classification of water-borne craft which comprises generally the water-borne utilitarian craft not classified as ships or boats.

Boats --- A classification of water-borne craft which comprises generally the water-borne craft suitable primarily for shipboard and similar use.

Active Status --- A status of ships and service craft. Active status ships or service craft are assigned to the active fleets and to their supporting activities. Ships and service craft in active status are "in commission" or "in service."

Inactive Status --- A status of ships and service craft. Inactive status ships and service craft are in reserve and not currently required for duty in the active fleets or supporting forces. Ships and service craft in inactive status are "in commission, in reserve," or "in service, in reserve" or "out of commission, in reserve" or "out of service, in reserve."

Special Status --- A status of ships and service craft. Ships and service craft in special status shall include those units for which the Navy is charged with certain responsibilities by reason of custody or title, but which are not in the active or inactive status. Ships and service craft in special status are "in commission, special" or "in service, special" or "out of commission, special" or "out of service, special."

Vessel --- Includes every description of watercraft or other artificial contrivance used, or capable of being used, as a means of transportation on water. (1 USC 3).

Naval Activity --- A unit of the Department of the Navy, of distinct identity, and established under an officer in command or in charge.

Naval Station --- A naval activity on shore, having a commanding officer, and located in an area having fixed boundaries, within which all persons are subject to naval jurisdiction and immediate authority of the commanding officer.

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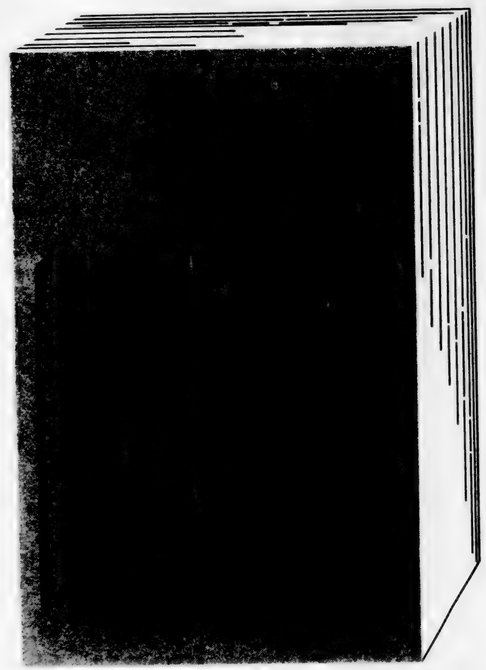

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Title 3—The President

PROCLAMATION 4201

Loyalty Day, 1973

By the President of the United States of America

A Proclamation

The meaning of America is rooted deep in the brains and bones of men and women who once cherished a dream that mankind might live in freedom somehow, somewhere on this earth. The dream became an idea, the idea an ideal, and the ideal a reality here in this land. Brighter than the sun, the meaning of America shines across the world, warming those to whom the dignity of living in liberty is still a dream.

Generations of men and women "who more than self their country loved" have given all that liberty demanded to keep the meaning of America alive, both in our land and in the hearts of others abroad. This willingness to give is the measure of our loyalty—it is reflected in how we live our liberty, and how we love our country.

On this Loyalty Day, let us reaffirm our commitment to the great work which began long ago, but which is still unfinished as our Nation is unfinished—to make whole and perfect the meaning of America: "that all men are created equal, that they are endowed by their Creator with certain inalienable Rights, that among these are Life, Liberty, and the pursuit of Happiness."

NOW, THEREFORE, I, RICHARD NIXON, President of the United States of America, in accordance with the joint resolution of the Congress of July 18, 1958, do call upon the people of the United States, and upon all patriotic, civic and educational organizations to observe Tuesday, May 1, 1973 as Loyalty Day, with appropriate ceremonies in which all may join.

I call also upon appropriate officials of the Government to display the flag of the United States on all Government buildings on that day as an expression of our loyalty to the Nation symbolized by that flag.

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-third day of March, in the year of our Lord nineteen hundred seventy-three, and of the Independence of the United States of America the one hundred ninety-seventh.

Richard Nixon

[FR Doc.73-5861 Filed 3-23-73;1:27 p.m.]

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V

PROCLAMATION 4202

Modifying Proclamation No. 3279, Relating To Imports of Petroleum And Petroleum Products

By the President of the United States of America

A Proclamation

The Chairman of the Oil Policy Committee, in the exercise of his responsibility to maintain a constant surveillance of imports of petroleum and its primary derivatives in respect to the national security, and after consultation with the Oil Policy Committee, has informed me that, in his opinion, the following circumstance indicates a need for further Presidential action under section 232 of the Trade Expansion Act of 1962 (19 U.S.C. 1862), as amended, namely:

Petitions now pending before the Oil Import Appeals Board for relief in the form of grants of allocations of imports of crude oil, unfinished oils, and finished products would, if acted upon favorably by the Board, exceed in the aggregate the limits of the maximum levels of imports established in section 2 of Proclamation No. 3279,[1] as amended; and, in order that the Board shall be in position to consider such petitions on their merits, the Board should be empowered, without regard to such maximum levels, to modify, on the grounds of exceptional hardship, any allocation made to any person under regulations issued pursuant to section 3 of Proclamation No. 3279, as amended; to grant allocations of imports of crude oil and unfinished oils in special circumstances to persons with importing histories who do not qualify for allocations under such regulations; and to grant allocations of imports of finished products on the grounds of exceptional hardship to persons who do not qualify for allocations under such regulations.

The Chairman of the Oil Policy Committee, after the consultation referred to and in the light of the circumstance mentioned, has recommended that section 4 of Proclamation No. 3279, as amended, be amended as hereinafter provided.

The Chairman has found that the national security will not be adversely affected by the Presidential action which he has recommended.

I agree with the findings and recommendations of the Chairman and deem it necessary and consistent with the national security objectives of Proclamation No. 3279, as amended, that section 4 of Proclamation No. 3279, as amended, be amended as hereinafter provided.

NOW, THEREFORE, I, RICHARD NIXON, President of the United States of America, acting under and by virtue of the authority

[1] 24 FR 1781; 3 CFR, 1959–1963 COMP., p. 11.

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vested in me by the Constitution and laws of the United States, including section 232 of the Trade Expansion Act of 1962, do hereby proclaim that, effective as of this date, paragraph (b) of section 4 of Proclamation No. 3279, as amended, is hereby amended to read as follows:

"(b) The Appeals Board may be empowered (1) within the limits of the maximum levels of imports established in section 2 of this proclamation, to modify on the grounds of error any allocation made to any person under such regulations; (2) without regard to the limits of the maximum levels of imports established in section 2 of this proclamation, (i) to modify, on the grounds of exceptional hardship, any allocation made to any person under such regulations; (ii) to grant allocations of imports of crude oil and unfinished oils in special circumstances to persons with importing histories who do not qualify for allocations under such regulations; and (iii) to grant allocations of imports of finished products on the grounds of exceptional hardship to persons who do not qualify for allocations under such regulations; and (3) to review the revocation or suspension of any allocation or license. The Secretary may provide that the Board may take such action on petitions as it deems appropriate and that the decisions by the Appeals Board shall be final."

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-third day of March, in the year of our Lord nineteen hundred seventy-three, and of the Independence of the United States of America the one hundred ninety-seventh.

Richard Nixon

[FR Doc.73-5860 Filed 3-23-73;1:25 p.m.]

EXECUTIVE ORDER 11708

Placing Certain Positions in Levels IV and V of the Executive Schedule

By virtue of the authority vested in me by section 5317 of title 5 of the United States Code, as amended, it is ordered as follows:

Section 1. The following offices and positions are placed in level IV of the Executive Schedule:

(1) Administrator, Social and Rehabilitation Service, Department of Health, Education, and Welfare.

(2) Administrator, National Institutes of Health, Department of Health, Education, and Welfare.

(3) Administrator, Health Services and Mental Health Administration, Department of Health, Education, and Welfare.

(4) Special Assistant to the Secretary (Congressional Relations), Treasury Department.

(5) Director, United States Secret Service, Treasury Department.

(6) Director, Office for Drug Abuse Law Enforcement, Department of Justice.

(7) Director, Office of National Narcotics Intelligence, Department of Justice.

(8) Associate Director, Office of Management and Budget, Executive Office of the President.

(9) Assistant Director, Office of Management and Budget, Executive Office of the President.

(10) Assistant to the Secretary of Defense, Legislative Affairs, Department of Defense.

(11) Principal Deputy Director of Defense Research and Engineering, Department of Defense.

(12) Deputy Under Secretary for International Labor Affairs, Department of Labor.

(13) Counselor to the Secretary of Labor, Department of Labor.

(14) Assistant to the Secretary for Policy Development, Department of Commerce.

Sec. 2. The following offices and positions are continued in level V of the Executive Schedule:

(1) Principal Deputy Assistant Secretary of Defense (Comptroller), Department of Defense.

(2) Deputy Assistant Secretary of Defense for Reserve Affairs, Department of Defense.

(3) Assistant Secretary, Comptroller, Department of Health, Education, and Welfare.

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(4) Deputy Commissioner of Social Security, Department of Health, Education, and Welfare.

(5) Commissioner on Aging, Department of Health, Education, and Welfare.

(6) Deputy Director, United States Secret Service, Treasury Department.

(7) Commissioner, Property Management and Disposal Service, General Services Administration.

(8) Deputy Assistant Secretary for Model Cities, Department of Housing and Urban Development.

Sec. 3. Except with respect to the positions enumerated in section 2 of this order, Executive Order No. 11248 of October 10, 1965, as amended, is hereby revoked.

Richard Nixon

THE WHITE HOUSE,
March 23, 1973

[FR Doc.73-5862 Filed 3-23-73;1:28 p.m.]

Rules and Regulations

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.
The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

Title 5—Administrative Personnel

CHAPTER I—CIVIL SERVICE COMMISSION

PART 213—EXCEPTED SERVICE

Federal Home Loan Bank Board

Section 213.3354 is amended to show that one position of Secretary to the Director, Office of Economic Research, and Adviser to the Board is excepted under Schedule C.

Effective on March 27, 1973, § 213.3354 (j) is added as set out below.

§ 213.3354 Federal Home Loan Bank Board.

* * * * *

(j) One Secretary to the Director, Office of Economic Research, and Adviser to the Board.

(5 U.S.C. secs. 3301, 3302, E.O. 10577; 3 CFR 1954–58 Comp. p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.73-5780 Filed 3-26-73;8:45 am]

PART 213—EXCEPTED SERVICE

Department of Housing and Urban Development

Section 213.3384 is amended to reflect the following title change: From Private Secretary to the Executive Assistant to the Secretary to Administrative Aide to the Executive Assistant to the Secretary.

Effective on March 27, 1973, § 213.3384 (a) (35) is amended as set out below.

§ 213.3384 Department of Housing and Urban Development.

(a) *Office of the Secretary.* * * *

(35) One Administrative Aide to the Executive Assistant to the Secretary.

* * * * *

(5 U.S.C. secs. 3301, 3302, E.O. 10577; 3 CFR 1954–58 Comp. p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.73-5781 Filed 3-26-73;8:45 am]

PART 733—POLITICAL ACTIVITY OF FEDERAL EMPLOYEES

Residence of Anne Arundel County, Md.

Section 733.124 is amended to include political activity privileges to employee residents of Anne Arundel County, Md.

Section 733.124(b) is amended by adding "Anne Arundel County (March 14, 1973)" between "Annapolis (May 16, 1941)" and "Berwyn Heights (June 15, 1944)" under the heading "In Maryland".

(5 U.S.C. 1308, 3301, 3302, 7301, 7324, 7325, 7327, 42 U.S.C. 2729, E.O. 10577; 3 CFR, 1954–58 Comp. p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.73-5779 Filed 3-26-73;8:45 am]

Title 6—Economic Stabilization

CHAPTER I—COST OF LIVING COUNCIL

PART 130—COST OF LIVING COUNCIL PHASE III REGULATIONS

Base Period Profit Margin and Weighted Annual Average Price Increase

The purpose of these amendments to Part 130 of the Cost of Living Council regulations is: (1) To make it clear that the fiscal years which may be used in the calculation of base-period profit margin do not include the fiscal year covered in the reporting period; and (2) to set out the methods to be used in computing weighted annual average price increases under § 130.13.

The Price Commission's regulations in effect on January 10, 1973, defined "base period" to mean any two of a person's last 3 fiscal years ending before August 15, 1971. The Council's Phase III definition of base period adds to the number of fiscal years from which 2 years may be selected "any fiscal year completed on or after" August 15, 1971. Some members of the public have interpreted this provision to permit a firm's most recently completed fiscal year to be included in the calculation of base-period profit margin even if it is the year being measured for compliance. Since this is not the appropriate interpretation, the clarifying words "other than the fiscal year for which compliance is being measured" are being inserted in the definition of "base-period".

Section 130.13 provides as an alternative price rule that a person may increase prices to reflect increased costs by a weighted annual average of 1.5 percent over prices authorized or lawfully in effect on January 10, 1973. The amendment set forth below adds to the definitions in § 130.110 a provision setting out the methods to be used in calculating a weighted annual average price increase for purposes of § 130.13. It also provides, as a matter of accounting convenience, that a firm may demonstrate compliance with that provision by computing the percentage change in prices over those prevailing during the most recent fiscal quarter ending prior to January 11, 1973.

Because these amendments provide immediate guidance and information for the effective implementation of the Economic Stabilization Program, the Director has found that notice and public procedure thereon is impracticable and good cause exists for making them effective in less than 30 days after publication in the FEDERAL REGISTER.

(Economic Stabilization Act of 1970, title II of Public Law 92-210, 85 Stat. 743, Executive Order No. 11695, Cost of Living Council Order No. 14)

In consideration of the foregoing, § 130.110 of Title 6 of the Code of Federal Regulations is amended as set forth below, effective January 11, 1973.

Issued in Washington, D.C. on March 21, 1973.

JAMES W. MCLANE,
Deputy Director,
Cost of Living Council.

In 6 CFR 130.110, the definition of "Base period" is amended and a definition of "Weighted annual average" is added in alphabetical sequence as follows:

§ 130.110 Definitions.

* * * * *

"Base period" means any two, at the option of the person concerned, of the following fiscal years: That person's last 3 fiscal years ending before August 15, 1971, and any fiscal year, other than the fiscal year for which compliance is being measured, completed on or after that date. In determining a base period for the purpose of computing a profit margin during a base period, a weighted average of its profits during the years chosen shall be used.

* * * * *

"Weighted annual average" for purposes of computing a weighted annual average price increase under § 130.13 means the percentage change in prices over those authorized or lawfully in effect on January 10, 1973. However, a firm may in addition demonstrate compliance on the basis of an alternative figure which reflects the percentage change in prices over those prevailing during the most recent fiscal quarter ending prior to January 11, 1973. A firm may measure price changes on the basis of the change in each individual price, or it may measure by any accepted sampling method,

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consistently applied, so long as the firm can demonstrate that the method chosen does not result in a weighted average calculation which is materially different from that produced by a measure of the change in each individual price. A firm may weight its price changes according to the quantity sold during the reporting period, or may weight its price changes according to the quantity sold during the most recent fiscal quarter ending prior to January 11, 1973, provided that it can demonstrate that there has been no material difference in product mix between the two periods. The quantity sold may be represented by the value of the sales to which a price change applies as a proportion of the total sales over which the weighted average is computed.

[FR Doc.73-5738 Filed 3-26-73;8:45 am]

Title 7—Agriculture

CHAPTER XIV—COMMODITY CREDIT CORPORATION, DEPARTMENT OF AGRICULTURE

SUBCHAPTER B—LOANS, PURCHASES, AND OTHER OPERATIONS

PART 1430—DAIRY PRODUCTS

Price Support Program for Milk

The U.S. Department of Agriculture has announced a price support program for milk for the remainder of this marketing year and for the marketing year April 1, 1973, through March 31, 1974, through purchases by Commodity Credit Corporation (CCC) of dairy products as provided herein. Accordingly, § 1430.282 is revised to read as follows:

§ 1430.282 Price support program for milk.

(a) (1) The general levels of prices to producers for milk will be supported from March 15, 1973, through March 31, 1974, at $5.29 per hundredweight for manufacturing milk.

(2) Price support for milk will be through purchases by CCC of butter, nonfat dry milk, and Cheddar cheese, offered subject to the terms and conditions of purchase announcements issued by the Agricultural Stabilization and Conservation Service, U.S. Department of Agriculture.

(3) Commodity Credit Corporation may, by special announcements, offer to purchase other diary products to support the price of milk.

(4) Purchase announcements setting forth terms and conditions of purchase may be obtained upon request from:

U.S. Department of Agriculture, Agricultural Stabilization and Conservation Service, Livestock and Dairy Division, Washington, D.C. 20250.

or

U.S. Department of Agriculture, Agricultural Stabilization and Conservation Service, ASCS Commodity Office, 6400 France Avenue S., Minneapolis, MN 55435.

(b) (1) CCC will consider offers of butter, Cheddar cheese, and nonfat dry milk in bulk containers meeting specifications in the announcements at the following prices.

Commodity and location	Purchased and produced before March 15, 1973	Purchased on or after March 15, 1973
	(Cents per pound)	(Cents per pound)
Butter:		
U.S. Grade A or Higher New York, N.Y., and Jersey City, Newark, and Secaucus, N.J.	68.75	62.00
Seattle, Wash., Washington, San Francisco, Calif., California, Alaska, Hawaii, Oregon, Arizona, New Mexico, Texas, Louisiana, Mississippi, Alabama, Georgia, Florida, and South Carolina	67.75	61.00
U.S. Grade B: 2 cents per pound less than the price for U.S. Grade A.		

	Produced before March 15, 1973	Produced on or after March 15, 1973
	(Cents per pound)	(Cents per pound)
Cheddar cheese: (Standard moisture basis, 37.8 pct.)[1]	54.75	62.00
Nonfat dry milk, spray process: 50-pound bags with sealed closures[2]	31.70	37.50

[1] For cheese which is off-red on a "dry" basis (less than 37.8 percent moisture) the price per pound shall be as indicated in Form ASCS-150. Copies are available in offices listed in (b)(4).

[2] If upon inspection Type II bags with stitched bottom and top closures do not fully comply with specifications for such closures, the price paid will be subject to a discount of .25 cent (¼ cent) per pound of nonfat dry milk.

(2) Offers to sell butter at any location not specifically provided for in this section will be considered at the price set forth in this section for the designated market (New York, San Francisco, or Seattle) named by the seller, less 80 percent of the lowest published domestic railroad carlot freight rate per pound gross weight for a 60,000 pound carlot, in effect on March 15, 1973, from such other point to the designated market named by the seller. In the area consisting of Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Pennsylvania, Delaware, Maryland, and Virginia, CCC will purchase only bulk butter produced in that area; butter produced in other areas is ineligible for offering to CCC in these States.

(c) The butter shall be U.S. Grade B or higher. The nonfat dry milk shall be U.S. Extra Grade, except moisture content shall not exceed 3.5 percent. The Cheddar cheese shall be U.S. Grade A or higher.

(d) The products shall be manufactured in the United States from milk produced in the United States, shall be located in the United States and shall not have been previously owned by CCC.

(e) Purchases will be made in carlot weights specified in the announcements. Grades and weights shall be evidenced by inspection certificates issued by the U.S. Department of Agriculture.

(Sec. 201, 401, 63 Stat. 1052, 1054, as amended; sec. 4(d), 62 Stat. 1070, as amended; 7 U.S.C. 1446, 1421, 15 U.S.C. 714 b(d))

Signed at Washington, D.C., on March 19, 1973.

GLENN A. WEIR,
Acting Executive Vice President, Commodity Credit Corporation.

[FR Doc.73-5661 Filed 3-26-73;8:45 am]

Title 9—Animals and Animal Products

CHAPTER I—ANIMAL AND PLANT HEALTH INSPECTION SERVICE, DEPARTMENT OF AGRICULTURE

SUBCHAPTER C—INTERSTATE TRANSPORTATION OF ANIMALS (INCLUDING POULTRY) AND ANIMAL PRODUCTS: EXTRAORDINARY EMERGENCY REGULATION OF INTRASTATE ACTIVITIES

[Docket No. 73-517]

PART 76—HOG CHOLERA AND OTHER COMMUNICABLE SWINE DISEASES

Release of Areas Quarantined

This amendment excludes portions of Bristol and Plymouth Counties in Massachusetts from the areas quarantined because of hog cholera. Therefore, the restrictions pertaining to the interstate movement of swine and swine products from or through quarantined areas contained in 9 CFR Part 76, as amended, do not apply to the excluded areas, but will continue to apply to the quarantined areas described in § 76.2(e). Further, the restrictions pertaining to the interstate movement of swine and swine products from nonquarantined areas contained in said Part 76 apply to the excluded areas. No areas in Massachusetts remain under quarantine.

Pursuant to provisions of the Act of May 29, 1884, as amended, the Act of February 2, 1903, as amended, the Act of March 3, 1905, as amended, the Act of September 6, 1961, and the Act of July 2, 1962 (21 U.S.C. 111–113, 114g, 115, 117, 120, 121, 123–126, 134b, 134f), Part 76, Title 9, Code of Federal Regulations, restricting the interstate movement of swine and certain products because of hog cholera and other communicable swine diseases, is hereby amended in the following respects:

In § 76.2, paragraph (e)(2) relating to the State of Massachusetts is deleted.

(Secs. 4–7, 23 Stat. 32, as amended; secs. 1 and 2, 32 Stat. 791–792, as amended; secs. 1–4, 33 Stat. 1264, 1265, as amended; sec. 1, 76 Stat. 481; secs. 3 and 11, 76 Stat. 130, 132; 21 U.S.C. 111–113, 114g, 115, 117, 120, 121, 123–126, 134b, 134f; 37 FR 28464, 28477)

Effective date. The foregoing amendment shall become effective March 22, 1973.

The amendment relieves restrictions presently imposed but no longer deemed necessary to prevent the spread of hog cholera and must be made effective promptly in order to be of maximum benefit to affected persons. It does not appear that public participation in this rule making proceeding would make additional relevant information available to the Department.

Accordingly, under the administrative procedure provisions in 5 U.S.C. 553, it is found upon good cause that notice and other public procedure with respect to the amendment are impracticable and unnecessary, and good cause is found for making it effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 22d day of March 1973.

G. H. WISE,
Acting Administrator, Animal and Plant Health Inspection Service.

[FR Doc.73-5745 Filed 3-26-73;8:45 am]

Title 14—Aeronautics and Space

CHAPTER I—FEDERAL AVIATION ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Docket No. 73-EA-3; Amdt. 39-1610]

PART 39—AIRWORTHINESS DIRECTIVES

Garrett Emergency Locator Transmitters

The Federal Aviation Administration is amending § 39.13 of Part 39 of the Federal Aviation Regulations so as to issue an airworthiness directive applicable to certain series of Garrett Emergency Locator Transmitters and revoke AD 72-22-3.

Since the promulgation of AD 72-22-3 which was applicable to Piper type airplane installation, it has been determined that the deficiency was common to other airplane installations. The AD also will refine the applicability statement and require eventual installation of the Series 3 or 21 part.

Since the foregoing deficiency exists in other aircraft and still presents the same air safety problem, notice and public procedure hereon are impractical and cause exists for making the amendment effective in less than 30 days.

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator, 14 CFR 11.89 [31 FR 13697] § 39.13 of Part 39 of the Federal Aviation Regulations is amended as follows:

1. By revoking AD 72-22-3.

2. By adding the following new airworthiness directive.

EMERGENCY LOCATOR TRANSMITTERS—GARRETT RESCU/88 SERIES. Applies to all Garrett Model rescu/88 Emergency Locator Transmitters Part No. 627484-1 Series 1, Series 2, Series 1 with the letter "M" after the serial number, Series 1 and Series 2 with the designation "M1" after the serial number; Part No. 627484-3 Series 1, Series 2; Part No. 627484-5 Series 1, Series 2

Compliance required as indicated:

To prevent hazards with inadvertent activation of the Emergency Locator Transmitter interfering with the aircraft's navigation and communication, accomplish the following:

(a) Before further flight, install on all aircraft incorporating an applicable Garrett Model Rescu/88 Emergency Locator Transmitter, a placard in full view of the pilot which reads: "VOR indications may be affected when the VHF radio is keyed". The placard may be removed when (b) has been accomplished.

(b) Within the next 250 hours' aircraft time in service after the effective date of this AD, remove all affected Garrett Model Rescu/88 Emergency Locator Transmitters from all aircraft so equipped. Replace with Garrett Rescu/88 part number in accordance with the following table or replace with another TSO-approved unit or an equivalent unit approved by Chief, Engineering and Manufacturing Branch, Eastern Region.

Garrett Rescu/88 Part No.		Replace with Garrett P/N
627484-1	Series 1	627484-1 Series 3 or Series 21.
627484-1	Series 2.	
627484-1	Series 1 with the letter "M" After the serial number.	
627484-1	Series 1 with the designation "M1". After the serial number.	
627484-1	Series 2 with the designation "M1". After the serial number.	
627484-3	Series 1 or Series 2	627484-3 Series 3 or Series 21.
627484-5	Series 1 or Series 2	627484-5 Series 3 or Series 21.

NOTE: For Piper aircraft see Piper Service Letter 617A which covers this same subject.

This amendment is effective March 29, 1973.

(Secs. 313(a), 601, 603, Federal Aviation Act of 1958, 49 U.S.C. 1354(a), 1421, 1423; sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Jamaica, N.Y., on March 14, 1973.

ROBERT H. STANTON,
Acting Director, Eastern Region.

[FR Doc.73-5645 Filed 3-26-73;8:45 am]

[Docket No. 72-EA-107; Amdt. 39-1611]

PART 39—AIRWORTHINESS DIRECTIVES

Bendix Aircraft Engine Magnetos

On page 2704 of the FEDERAL REGISTER for January 29, 1973, the Federal Aviation Administration published a proposed airworthiness directive applicable to Bendix (Scintilla) S-20, S-200, S-600, and S-1200 magnetos.

Interested parties were given 30 days after publication in which to submit written data or views. No objections to the proposed regulations have been received. Comments were received, however, which suggested minor changes to the applicability statement so as to refine the serial numbers of affected parts. Several corrections have also been made to parts list designations. The foregoing changes are minor in nature and notice and public procedure thereon are unnecessary.

In view of the foregoing and pursuant to the authority delegated to me by the Administrator, 14 CFR 11.89 (31 FR 13697), § 39.13 of the Federal Aviation Regulations is amended hereby and the airworthiness directive adopted as published, except as follows:

1. Delete the applicability statement through "except the following" and insert in lieu thereof:

BENDIX: Applies to all Bendix Electrical Components Division of the Bendix Corp. (Bendix Scintilla) S4LN or S4RN, S6LN, or S6RN, and S8LN or S8RN magnetos with series Nos. -20 through -26, -200 through -206, -600 through -604, and -1200 through -1227 except the following:

2. In paragraph d, delete the designations L-223-14 and L-528-5 where they appear and insert in lieu thereof L-223-11 and L-528-3, respectively.

This amendment is effective April 2, 1973.

(Secs. 313(a), 601, 603, Federal Aviation Act of 1958, 49 U.S.C. 1421, 1423; sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Jamaica, N.Y., on March 16, 1973.

R. M. BROWN,
Acting Director, Eastern Region.

BENDIX ELECTRICAL COMPONENTS DIVISION: Applies to all Bendix Electrical Components Division of the Bendix Corp. (Bendix Scintilla) S4LN or S4RN, S6LN, or S6RN and S8LN or S8RN magnetos with series numbers -20 through -26, -200 through -206, -600 through -604 and -1200 through -1227 except the following:

1. Magnetos identified with the Bendix Blue name plate (Bendix remanufactured magnetos) having serial No. 231001 or higher.

2. Magnetos identified with the Bendix Red name plate (new magnetos) having a serial number with the prefix "A" and No. 16058 or higher.

Compliance required as indicated after the effective date of this A.D. unless previously accomplished.

To prevent failure of these magnetos due to malfunction or failure of the ignition coil or rotating magnet, accomplish the following:

a. On magnetos having 1,800 or less hours in service since new or last overhaul on the effective date of this A.D., accomplish paragraph "d" before accumulation of 2,000 hours in service.

b. On magnetos having more than 1,800 hours in service since new or last overhaul, accomplish paragraph "d" within the next 200 hours service after the effective date of this A.D.

c. Magnetos whose time in service since new or last overhaul is unknown will be assumed to have a total of 1,800 hours minimum and thus fall within the requirements of paragraph (b).

d. Identify magnetos per instructions contained in Bendix Electrical Components Division Service Bulletin No. 560, dated August 1972 or later. Magnetos having ignition coils as described in paragraph A, or rotating magnets as described in paragraph B or shown in figure 2 of Bendix Electrical Components Division's Service Bulletin No. 560, dated August 1972 or later, must have these components removed and replaced with serviceable parts as listed in the applicable Bendix Electrical Components Division Service Parts List, numbered and dated as follows or subsequent:

Magneto model	Parts list designation	Parts list date
S4LN-20 series (ignition coil no. 10-160886 or subsequent).	L-227-9	December 1963.
S6LN-20 series (ignition coil no. 10-160886 or subsequent).	L-223-11	October 1963.
S-200 series (ignition coil no. 10-160887 or subsequent).	L-528-3	October 1963.
S-600 series (magnet rotor only).	L-552-3	December 1964.
S-1200 series	L-608-3	September 1971.

e. Upon completion of paragraph d, identify each magneto as follows:

S-20, S-200, and S-600 series magnetos—Metal stamp 0.010 deep maximum the letter

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"A" three-sixteenth inch high, midway and centered between the timing plug boss and the curved surface at the rear of distributor housing.

S-1200 series magnetos—Metal stamp 0.010 deep maximum the letter "A" three-sixteenth inch high, centered between the timing plug boss and data plate, adjacent to the magneto housing rib.

[FR Doc.73-5739 Filed 3-26-73;8:45 am]

[Airspace Docket No. 73-SW-6]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Designation of Transition Area

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to designate the Marshall, Tex., transition area.

On February 7, 1973, a notice of proposed rulemaking was published in the FEDERAL REGISTER (38 FR 3525) stating the Federal Aviation Administration proposed to designate a transition area at Marshall, Tex.

Interested persons were afforded an opportunity to participate in the rulemaking through submission of comments. All comments received were favorable.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., May 24, 1973, as hereinafter set forth.

In § 71.181 (38 FR 435), the following transition area is added:

MARSHALL, TEX.

That airspace extending upward from 700 feet above the surface within a 5-mile radius of Harrison County Airport (latitude 32°31'18" N., longitude 90°18'29" W.) and within 2.5 miles each side of Gregg County VORTAC 075° radial extending from the 5-mile-radius area to 21 miles east of the VORTAC.

(Sec. 307(a), Federal Aviation Act of 1958, 49 U.S.C. 1348; sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Fort Worth, Tex., on March 17, 1973.

R. V. REYNOLDS,
Acting Director, Southwest Region.

[FR Doc.73-5740 Filed 3-26-73;8:45 am]

Title 16—Commercial Practices

CHAPTER I—FEDERAL TRADE COMMISSION

[Docket No. 8671]

PART 13—PROHIBITED TRADE PRACTICES

Sperry and Hutchinson Co.

Subpart—Coercing and intimidating: § 13.358 *Distributors.* Subpart—Combining or conspiring: § 13.395 *To control marketing practices and conditions.* Subpart—Cutting off access to customers or market: § 13.595 *Threatening withdrawal of patronage from competitors' customers.* Subpart—Cutting off supplies or service; § 13.655 *Threatening disciplinary action or otherwise.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, The Sperry and Hutchinson Co., New York, N.Y., Docket No. 8671, Feb. 16, 1973]

In the Matter of the Sperry and Hutchinson Co., a Corporation

Order reaffirming previous Commission order, 73 FTC 1099, as to Counts I and II of the complaint and requiring respondent, among other things to cease setting a maximum number of stamps to be dispensed by its retail licensees in relation to the purchases by such retailers' customers and conspiring with others to enforce its policy of limitation.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

Whereas the Commission petitioned the Supreme Court of the United States for a writ of certiorari to the U.S. Court of Appeals for the Fifth Circuit from its decision adverse to the Commission, and

Whereas the Supreme Court granted said writ and, upon its review of the issues relating to Count III of the complaint, ordered the case remanded to the Commission for such further proceedings as may be appropriate, and

Whereas the case has been remanded to the Commission, and

Whereas the Commission has decided to republish as final the following portions of its order, relating to Counts I and II of the complaint, which were neither challenged by respondent nor judicially reviewed by the courts:

Now therefore, it is ordered, That respondent, The Sperry and Hutchinson Co., its officers, agents, representatives, and employees, directly or through any corporate or other device, in connection with the issuing, distribution, sale, or the redemption of trading stamps in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Putting into effect, maintaining, or enforcing any plan or policy under which contracts, agreements, or understandings are entered into with any retailer which have the purpose or effect of:

(a) Fixing or establishing the maximum number of trading stamps which may be dispensed by retailers to their customers in relation to such customers' purchases of goods or services; and

(b) Requiring, expressly or by implication, or suggesting to or inviting any retailer to dispense trading stamps on a basis not to exceed a specified number of trading stamps in relation to purchases by such retailer's customers of goods or services.

2. Securing adherence to a scheme or policy of foreclosing the dispensing of trading stamps at the retail level in excess of any specified ratio of stamps to goods or services sold, by terminating or threatening to terminate or cancel, or refusing to enter into contractual relationship with, or threatening to refuse to deal with, any retailer, or taking any other affirmative action which goes beyond the mere declination to deal with a customer who will not observe such policy.

3. Combining, conspiring, or otherwise knowingly acting in concert with any other person to cause any retailer to dispense trading stamps in any specified ratio of the number of stamps to goods or services sold.

4. Communicating in any way with any other trading stamp company, or acting in any way in response to any communication from any trading stamp company, with respect to the ratio of the number of trading stamps dispensed in relation to goods or services sold by the retailer.

It is further ordered, That the respondent, within sixty (60) days after the effective date of this order:

(a) Notify in writing all of its sales employees, sales representatives, and licensees of the provisions of this cease and desist order; and

(b) Reform all contracts with retailers or others who dispense S&H green stamps to the public to conform with the provisions of this cease and desist order.

It is further ordered, That respondent, The Sperry and Hutchinson Co., shall, within sixty (60) days after service upon it of this order, file with the Commission a report, in writing, setting forth in detail the manner and form in which it has complied with this order.

Issued: February 16, 1973.

By the Commission.

[SEAL] CHARLES A. TOBIN,
Secretary.

[FR Doc.73-5773 Filed 3-26-73;8:45 am]

Title 31—Money and Finance: Treasury

Subtitle B—Regulations Relating to Money and Finance

CHAPTER V—OFFICE OF FOREIGN ASSETS CONTROL, DEPARTMENT OF THE TREASURY

PART 520—FOREIGN FUNDS CONTROL REGULATIONS

Unblocking of Hungarian Property

A general license is being issued to remove the remaining World War II controls on blocked Hungarian property in the United States. The controls which heretofore applied under § 520.101 of the Foreign Funds Control Regulations to property of Hungary and of any individual, partnership, association, corporation, or other organization which on January 1, 1945, was in Hungary, are being removed in connection with the Settlement of Claims Agreement between the United States and Hungary signed March 6, 1973. All transactions involving Hungarian property subject to Executive Order 8389 are therefore being licensed by the addition of § 520.103 to the regulations. Section 520.101 is being amended to reflect this change.

Section 520.101 is herewith amended by the deletion of Hungary from paragraphs (a) (1) and by redesignating subparagraphs (3), (4), and (5) as subparagraphs (2), (3), and (4).

As amended, § 520.101 reads as follows:

§ 520.101 General License No. 101.

(a) A general license is hereby granted licensing all property now blocked under the order to be regarded as property in which no blocked country or national thereof has, or has had, any interest: *Provided, however,* That the license granted by this paragraph shall not apply to any property blocked by reason of the interest on or since the effective date of the order of any of the following:

(1) Czechoslovakia, Estonia, Latvia, Lithuania, and Germany (except for any interest of Germany now owned by the Federal Republic of Germany, the city of Berlin (Western Sectors) or the Saar);

(2) Any individual, partnership, association, corporation, or other organization which on December 7, 1945, was in Czechoslovakia, Estonia, Latvia, or Lithuania;

(3) Any individual, partnership, association, corporation, or other organization which on December 31, 1946, was in any of the areas of Germany under control or administration of the Union of Soviet Socialist Republics; or

(4) Any other partnership, association, corporation, or other organization which was a national of any country designated in subparagraph (1) of this paragraph by reason of the interest therein of any such country or by reason of the interest therein of any individual, partnership, association, corporation, or other organization specified in subparagraph (2) or (3) of this paragraph.

(b) Nothing in this section shall be deemed to apply to any property subject to §§ 520.205 and 520.205b (General Ruling Nos. 5 and 5B), relating to foreign and domestic scheduled securities.

(c) Nothing in this section shall be deemed to apply (1) to any property or interest title to which is vested in the Attorney General, or as to which an outstanding supervisory order has been issued by the Attorney General or the Alien Property Custodian or the Office of Alien Property Custodian, or (2) to any business enterprise or its property as to which the Attorney General or the Alien Property Custodian or the Office of Alien Property Custodian has issued an outstanding supervisory order, or which has been vested or assets of or interests in which have been vested.

Section 520.103 is hereby added to the regulations.

§ 520.103 Unblocking of Hungarian Property.

A general license is hereby granted licensing the following property blocked under Executive Order 8389, as amended, to be regarded as property in which no blocked country or national thereof has, or has had, any interest:

(a) All property blocked by reason of the interest on or since March 13, 1941, of Hungary or of any individual, partnership, association, corporation, or other organization which on January 1, 1945, was in Hungary.

These amendments take effect March 27, 1973.

(Sec. 5, 40 Stat. 415, as amended (50 U.S.C. App. 5); E.O. 8389, 5 FR 1400, as amended by E.O. 8785, 6 FR 2897; E.O. 8832, 6 FR 3715; E.O. 8963, 6 FR 6348; E.O. 8998, 6 FR 6785; E.O. 9193, 7 FR 5205; 3 CFR 1943 Cum. Supp.; E.O. 10348, 17 FR 3769, 3 CFR 1952 Supp.; E.O. 11281, 3 CFR 1966-1970 Comp.)

[SEAL] STANLEY L. SOMMERFIELD,
Acting Director,
Office of Foreign Assets Control.

[FR Doc.73-5784 Filed 3-26-73;8:45 am]

Title 37—Patents, Trademarks, and Copyrights

CHAPTER I—PATENT OFFICE, DEPARTMENT OF COMMERCE

PART 2—RULES OF PRACTICE IN TRADEMARK CASES

Abandonment of Application

A proposal was published at 37 FR 18391 to revise § 2.68. Full consideration has been given to all comments received pursuant to this notice and changes in the text of the original proposal have been made in view thereof.

The revision of § 2.68 permits an attorney or other person representing the applicant to abandon or withdraw an application. Prior to this revision, the applicant was required to sign the statement of abandonment. The rule is further revised by the addition of a sentence which indicates that in a Patent Office proceeding, abandonment of the application does not affect any rights which the applicant may have in the mark. The word "withdrawal" which has been added to the rule is synonymous with the word "abandonment" in the context of this rule and may be used by those who prefer to do so.

Effective date. This revision shall become effective on March 27, 1973.

Part 2 of Chapter I of Title 37 of the Code of Federal Regulations is amended by revising § 2.68 to read as follows:

§ 2.68 Express abandonment (withdrawal) of application.

An application may be expressly abandoned by filing in the Patent Office a written statement of abandonment or withdrawal of the application signed by the applicant, or the attorney or other person representing the applicant. The fact that an application has been expressly abandoned shall not, in any proceeding in the Patent Office, affect any rights that the applicant may have in the mark which is the subject of the abandoned application.

Dated: March 15, 1973.

ROBERT GOTTSCHALK,
Commissioner of Patents.

Approved:

RICHARD O. SIMPSON,
Acting Assistant Secretary for Science and Technology.

[FR Doc.73-5768 Filed 3-26-73;8:45 am]

Title 40—Protection of Environment

CHAPTER I—ENVIRONMENTAL PROTECTION AGENCY

SUBCHAPTER E—PESTICIDE PROGRAMS

PART 180—TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

Aluminum Phosphide

A petition (PP 2F1184) was filed by TRW/Hazleton Laboratories, 9200 Leesburg Pike, Vienna, VA 22180, on behalf of Phostoxin Sales, Inc., 2221 Poplar Boulevard, Alhambra, CA 91802 (formerly Hollywood Termite Control Co.), in accordance with provisions of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 346a), proposing that § 180.225 *Aluminum phosphide; tolerances for residues* be revised to provide for the fumigation of all nonperishable raw agricultural commodities by establishing a tolerance at 0.1 part per million for residues of phosphine from use of aluminum phosphide.

Because certain additional data are needed before a tolerance can be established on all nonperishable raw agricultural commodities, only the use of aluminum phosphide on sunflower seed is considered in this order.

Based on consideration given data submitted in the petition and other relevant material, it is concluded that:

1. The pesticide is useful for the purpose for which the tolerance is being established.

2. The proposed usage on sunflower seed is not reasonably expected to result in residues of the pesticide in eggs, meat, milk, and poultry. The usage is classified in the category specified in § 180.6 (a) (3).

3. The tolerance established by this order will protect the public health.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(2), 68 Stat. 512; 21 U.S.C. 346a(d)(2)), the authority transferred to the Administrator of the Environmental Protection Agency (35 FR 15623), and the authority delegated by the Administrator to the Deputy Assistant Administrator for Pesticide Programs (36 FR 9038), § 180.225 *Aluminum phosphide: tolerances for residues* is revised by alphabetically inserting the item "sunflower seed" in the list of raw agricultural commodities.

Any person who will be adversely affected by the foregoing order may at any time on or before April 26, 1973, file with the Hearing Clerk, Environmental Protection Agency, Room 3902A, Fourth and M Streets SW., Waterside Mall, Washington, D.C. 20460, written objections thereto in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will

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be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof.

Effective date. This order shall become effective on March 27, 1973.

(Sec. 408(d)(2), 68 Stat. 512; 21 U.S.C. 346a(d)(2))

Dated: March 22, 1973.

HENRY J. KORP,
Deputy Assistant Administrator for Pesticide Programs.

[FR Doc.73-5801 Filed 3-26-73;8:45 am]

PART 180—TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

Dimethoate

A petition (PP 3F1301) was filed by American Cyanamid Co., Post Office Box 400, Princeton, NJ 08540, in accordance with provisions of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 346a), proposing establishment of a tolerance for combined residues of the insecticide dimethoate (*O,O*-dimethyl *S*-(*N*-methylcarbamoylmethyl) phosphorodithioate) including its oxygen analog *O,O*-dimethyl *S*-(*N*-methylcarbamoylmethyl) phosphorothioate in or on the raw agricultural commodity grapes at 1 part per million.

Based on consideration given the data submitted in the petition and other relevant material, it is concluded that:

1. The insecticide is useful for the purpose for which the tolerance is being established.

2. There is no reasonable expectation that the combined residues from this use and other uses for which dimethoate tolerances have been established will exceed the established tolerances on eggs, meat, milk, or poultry and § 180.6(a)(2) applies.

3. The tolerance established by this order will protect the public health.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(2), 68 Stat. 512; 21 U.S.C. 346a(d)(2)), the authority transferred to the Administrator of the Environmental Protection Agency (35 FR 15623), and the authority delegated by the Administrator to the Deputy Assistant Administrator for Pesticide Programs (36 FR 9038), § 180.204 is amended by revising the paragraph "1 part per million • • •", as follows:

§ 180.204 Dimethoate including its oxygen analog; tolerances for residues.

1 part per million in or on grapes and melons.

• • • • •

Any person who will be adversely affected by the foregoing order may at any time on or before April 26, 1973, file with the Hearing Clerk, Environmental Protection Agency, Room 3902A, Fourth and M Streets SW., Waterside Mall, Washington, D.C. 20460, written objections thereto in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof.

Effective date. This order shall become effective on March 27, 1973.

(Sec. 408(d)(2), 68 Stat. 512; 21 U.S.C. 346a(d)(2))

Dated: March 22, 1973.

HENRY J. KORP,
Deputy Assistant Administrator for Pesticide Programs.

[FR Doc.73-5802 Filed 3-26-73;8:45 am]

PART 180—TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

Endosulfan

A petition (PP 3F1314) was filed by FMC Corp., 100 Niagara Street, Middleport, NY 14105, in accordance with provisions of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 346a), proposing establishment of tolerances for combined residues of the insecticide endosulfan (6,7,8,9,10,10 - hexachloro - 1,5,5a,6,9,9a-hexahydro-6,9-methano-2,4,3 - benzodioxathiepin-3-oxide) and its metabolite endosulfan sulfate (6,7,8,9,10,10-hexachloro - 1,5,5a,6,9,9a - hexahydro - 6,9 - methano - 2,4,3 - benzodioxathiepin-3,3-dioxide) in or on the raw agricultural commodities almond hulls at 1 part per million and almonds at 0.2 part per million (negligible residue).

Based on consideration given data submitted in the petition and other relevant material, it is concluded that:

1. The insecticide is useful for the purpose for which the tolerances are being established.

2. Established tolerances for residues in meat and milk are adequate to cover additional residues resulting from the proposed use.

3. There is no reasonable expectation of residues in eggs and poultry and § 180.6(a)(3) applies to these commodities.

4. The tolerances established by this order will protect the public health.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(2), 68 Stat. 512; 21 U.S.C. 346a(d)(2)), the authority transferred to the Administrator of the Environmental Protection Agency (35 FR 15623), and the authority delegated by the Administrator to the Deputy Assistant Administrator for Pesticide Programs (36 FR 9038), § 180.182 is amended by revising the paragraphs "1 part per million • • •" and "0.2 part per million (negligible residue) • • •", as follows:

§ 180.182 Endosulfan; tolerances for residues.

• • • • •

1 part per million in or on alfalfa hay, almond hulls, and cottonseed.

• • • • •

0.2 part per million (negligible residue) in or on almonds; filberts; macadamia nuts; pecans; potatoes; safflower seed; straw of barley, oats, rye, and wheat; and walnuts.

• • • • •

Any person who will be adversely affected by the foregoing order may at any time on or before April 26, 1973, file with the Hearing Clerk, Environmental Protection Agency, Room 3902A, Fourth and M Streets SW., Waterside Mall, Washington, D.C. 20460, written objections thereto in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof.

Effective date. This order shall become effective on March 27, 1973.

(Sec. 408(d)(2), 68 Stat. 512; 21 U.S.C. 346a(d)(2))

Dated: March 22, 1973.

HENRY J. KORP.,
Deputy Assistant Administrator for Pesticide Programs.

[FR Doc.73-5803 Filed 3-26-73;8:45 am]

PART 180—TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

Methomyl

In response to a petition (PP 3E1303) submitted by Dr. C. C. Compton, Coordinator, Interregional Research Project No. 4, State Agricultural Experiment Station, Rutgers University, New Brunswick, N.J. 08903, on behalf of the IR-4 Technical Committee and the Agricultural Experiment Stations of Indiana and Oregon, a notice was published by the Environmental Protection Agency in the FEDERAL REGISTER of December 16, 1972 (37 FR 26836), proposing establishment of a tolerance for residues of the insecticide methomyl (*S*-methyl *N*-[(methylcarbamoyl)oxy]thioacetimidate) in or on the raw agricultural commodity mint hay at 2 parts per million. No comments or requests for referral to an advisory committee were received.

It is concluded that the proposal should be adopted.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(e), 68 Stat. 514; 21 U.S.C. 346a(e)), the authority transferred to the Administrator of the Environmental Protection Agency (35 FR 15623), and the authority delegated by the Administrator to the Deputy Assistant Administrator for Pesticide Programs (36 FR 9038), § 180.253 is amended by revising the paragraph "2 parts per million • • •" as follows:

§ 180.253 Methomyl; tolerances for residues.

• • • • •

2 parts per million in or on beans (succulent), grapefruit, lemons, mint hay, oranges, and tangerines.

• • • • •

Any person who will be adversely affected by the foregoing order may at any time on or before April 26, 1973, file with the Hearing Clerk, Environmental Protection Agency, Room 3902A, Fourth and M Streets SW., Waterside Mall, Washington, D.C. 20460, written objections thereto in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof.

Effective date. This order shall become effective on March 27, 1973.

(Sec. 408(e), 68 Stat. 514; 21 U.S.C. 346a(e))

Dated: March 22, 1973.

HENRY J. KORP,
Deputy Assistant Administrator for Pesticide Programs.

[FR Doc.73-5804 Filed 3-26-73;8:45 am]

Title 50—Wildlife and Fisheries

CHAPTER II—NATIONAL MARINE FISHERIES SERVICE, NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION, DEPARTMENT OF COMMERCE

PART 216—REGULATIONS GOVERNING THE TAKING AND IMPORTING OF MARINE MAMMALS

Incidental Catch; Definition

On December 21, 1972, regulations were promulgated establishing a new Part 216 (37 FR 28177). The new part set forth interim regulations to implement the Marine Mammal Protection Act of 1972 (Public Law 92-522) relating to the taking and importing of marine mammals and marine mammal products. These regulations constituted interim regulations; however, provision was made for the submission of written comments on the interim regulations to the Director, National Marine Fisheries Service, during the period ending February 21, 1973, proposed final regulations on the matters covered by the interim regulations are being prepared taking into account the comments received during that period.

However, it has been brought to the attention of the Director, National Marine Fisheries Service, that some tuna vessels may be utilizing a system for catching fish which involves the securing of a radio transmitting device to porpoises, then releasing the animals and tracking them to locate schools of porpoise and associated tuna. In order to prevent the continuation of the practice, the following revision of § 216.2(e) is adopted. In view of the exigencies of the situation, this revision shall become effective Monday, April 2, 1973.

The interim regulations are revised by amending the definition of "incidental catch" in § 216.6(e) to read as follows:

§ 216.2 Definitions.

• • • • •

(e) "Incidental catch" shall mean the taking of a marine mammal (1) because its is directly interfering with commercial fishing operations, or (2) as a consequence of the steps used to secure the fish in connection with commercial fishing operations: *Provided, however,* That the taking of a marine mammal which otherwise meets the requirements of this definition shall not be considered an incidental catch of that mammal if it is used subsequently to assist in commercial fishing operations.

• • • • •

Issued at Washington, D.C. and dated March 22, 1973.

ROBERT W. SCHONING,
Acting Director, National Marine Fisheries Service.

[FR Doc.73-5763 Filed 3-26-73;8:45 am]

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Proposed Rule Making

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Ch. IX]

[Docket No. AO-375]

IRISH POTATOES GROWN IN RED RIVER VALLEY OF NORTH DAKOTA AND MINNESOTA

Notice of Recommended Decision and Opportunity To File Written Exceptions With Respect to Proposed Marketing Agreement and Order

This document recommends adoption of a marketing agreement and order program for potatoes grown in the Red River Valley to authorize regulation of the grade and quality of potatoes shipped to fresh market outlets. The order as recommended reflects minor changes in the proposal appearing in the notice of hearing to conform with the hearing record.

Pursuant to the rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of the filing with the Hearing Clerk of this recommended decision with respect to a proposed marketing agreement and order to authorize regulation of the handling of Irish potatoes grown in the Red River Valley of North Dakota and Minnesota. Any marketing agreement and order (hereinafter referred to collectively as the "marketing order") which may result from this proceeding will be effective pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U.S.C. 601-674) hereinafter referred to as the "act."

Interested persons may file written exceptions to the recommended decision with the Hearing Clerk, Room 112-A, U.S. Department of Agriculture, Washington, D.C. 20250, not later than the close of business on April 9, 1973. Exceptions should be filed in quadruplicate. All such communications will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

Preliminary statement. This proposed order was formulated on the record of a public hearing held at Grand Forks, N. Dak., November 29-30, 1972. Notice of the hearing was published in the October 26, 1972, issue of the FEDERAL REGISTER (37 FR 22878). Such notice set forth a proposed marketing order submitted by the Red River Valley Potato Growers Association on behalf of potato producers in the proposed production area.

Material issues. The material issues presented on the record of the hearing are as follows:

(1) The existence of the right to exercise Federal jurisdiction;

(2) The need for the proposed regulatory program to effectuate the declared purposes of the act;

(3) The definition of the commodity and determination of the production area to be covered by the proposed order;

(4) The identity of the persons and the marketing transactions to be regulated; and

(5) The specific terms and provisions of the proposed marketing order, including:

(a) The definition of terms used therein which are necessary and incidental to attain the declared objectives of the act;

(b) The establishment, maintenance, composition, powers, and duties of a committee which shall be the local administrative agency for assisting the Secretary in the administration of the program;

(c) The authority to incur expenses and to levy assessments on potatoes handled;

(d) The method of regulating the handling of Irish potatoes grown in the production area;

(e) The authority for establishing special regulations applicable to the handling of potatoes for special purposes or to specified outlets, including modifications of grade, quality, or other regulations;

(f) The authority for the inspection and certification of potatoes handled pursuant to the proposed marketing order;

(g) The establishment of requirements for reporting and record keeping by handlers;

(h) The requirement of compliance with all provisions of the marketing order and with regulations issued pursuant thereto; and

(i) Additional terms and conditions of miscellaneous provisions which are common to marketing agreements and orders.

Findings and conclusions. The findings and conclusions on the material issues, all of which are based upon the evidence presented at the hearing and the record thereof, are as follows:

(1) The Red River Valley of North Dakota and Minnesota is one of the most important potato producing areas in the United States, accounting in recent years for about 10 percent of the U.S. annual production. The Valley is comprised of 22 counties, 11 of which are in North Dakota and 11 in Minnesota. Potatoes are produced in each of these counties. On the basis of the 1969 agricultural census, these 22 counties accounted for 86 percent of the 29.2 million hundredweight total potato production of these two States. In North Dakota, the Red River Valley portion accounted for 99 percent of the State's potato production, and in Minnesota the Valley accounted for 70 percent.

A small amount of Red River Valley potatoes are consumed locally, but most of the potato crop grown in this production area is for shipment outside of the production area to destinations within these two States and in interstate commerce.

Most shipments of North Dakota and Minnesota potatoes to fresh market outlets are destined to markets south of the Great Lakes and between the Rocky Mountains and the Appalachians. However, some production area potatoes are shipped to the east and west coasts.

Carlot unloads of North Dakota and Minnesota potatoes were reported in 36 of the 41 major cities covered in the 1971 report of Fresh Fruit and Vegetable Unloads by the U.S. Department of Agriculture. The leading cities receiving such potatoes in 1971 were Chicago, Minneapolis, St. Louis, New Orleans, Kansas City, Memphis, and Cincinnati. Also, potatoes from both States were exported to Canada.

Growers and handlers of Red River Valley potatoes maintain close contact with receiving markets outside the production area by modern methods of communication. Exchange of information between shipping point sellers and terminal market receivers as to supplies and demand is a basis for determining price levels. Potato prices and supplies in any one location are promptly known elsewhere and have a direct effect on potato prices in all other locations.

Sales are made on a delivered basis at the receiving markets as well as f.o.b. at shipping points. In some instances handlers consign potatoes to receiving markets for arrival sales.

It is therefore apparent that potatoes produced in the Red River Valley of North Dakota and Minnesota are marketed within the States in which they are produced and in many other States, as well as in Canada. Clearly, shipments of such potatoes, either within the States or to points outside the States in which produced, either enter, or have an effect upon, interstate commerce.

It is hereby found and determined that all sales of potatoes grown in the production area which are destined for distribution outside of such production area and all transportation of such potatoes from points within the production area to points outside of such production area are in the current of interstate or foreign commerce, or directly burden, obstruct, or affect such commerce. It is concluded, therefore, that the right to exercise Federal jurisdiction with respect to the marketing order for Red River Valley potatoes, hereinafter set forth, is established.

(2) Potatoes have been grown commercially in the Red River Valley since the early 1920's, when adequate transportation became available. The valley's potatoes are produced primarily without irrigation, and the seeding rate per acre is kept low in order to achieve desirable size. For this reason yields in the valley average only 140 hundredweight per acre, well below the yield in most other potatoe producing areas.

As in most specialized potato growing areas, the number of farms has dropped sharply. According to the 1969 Census of Agriculture, there were 618 farms reporting potato production in the 11 counties on the North Dakota side of the Red River Valley, compared with 1,095 farms reporting in the 1964 Census (Exhibit No. 4). On the Minnesota side, there were 553 farms reporting potato production in 1969 compared with 1,076 in 1964.

Harvesting generally occurs from the 1st of September through mid-October, with danger of frost at any time during this period. Potato harvesting proceeds at a rather brisk pace. As a result, mechanical damage in the form of bruising is a major problem. Approximately 90 percent of the crop is stored for marketing over an 8- to 10-month period. Most of the storage facilities are modern, above ground, and well ventilated.

Red River Valley potatoes are marketed in three main outlets: Certified seed, processing (including potato chips, frozen, dehydrated, and canned products), and the fresh market. The proposed marketing order would apply only to potatoes for the fresh market. The bulk of such fresh market potatoes are of the red varieties, although other varieties also are sold for fresh utilization. About 85 to 90 percent of the potatoes destined for fresh market go to packinghouses (wash plants) in the production area for washing, grading, sorting, sizing, and packaging, prior to being transported to markets. The remaining 10 to 15 percent are shipped as dry, bulk loads to operators of wash plants and other distributors outside the production area and closer to terminal markets who, for the most part, wash, grade, sort, size, and package the potatoes for distribution to retail stores and institutional outlets.

Growers sell potatoes by several methods. Some growers grade and package their potatoes and sell them direct to wholesalers or retailers. Others sell through cooperative associations which provide various marketing services, and still others sell their potatoes through brokerage or sales houses located within or outside the production area.

At the present time there are no compulsory minimum quality requirements for shipments of Red River Valley potatoes to the fresh market. Such shipments also are not required to be inspected by an impartial inspection service. Although most packages of potatoes carry a label which may indicate the quality of the commodity therein, there is no assurance that the uninspected potatoes meet the standards of the grade or other indication of quality which may be marked on the containers.

Record evidence indicated that as a result of this situation, prices received for Red River Valley potatoes have been below the prices received by growers in other areas where coordinated marketing programs regulate the quality of potatoes marketed.

During the 1960-70 period, season average farm prices received by growers in North Dakota, which are representative of Red River Valley prices, were much below the parity level in all but 1 year. The average for the 11-year period was $1.48 per hundredweight which was only 55 percent of parity.

The cost of production in 1972 on a 700-acre farm with 200 acres planted to potatoes was estimated at $2.06 per hundredweight, nearly double the estimated cost in 1963 and moderately above the average return in recent years when prices were relatively low.

In addition to the lower prices received, according to record evidence the price spread on a given day for potatoes marked with the same grade and size was much greater than could be explained by variations within such grade and size tolerances. There is normally some variance in price due to quality, sizing, and condition of potatoes. But witnesses testified to the effect that price differentials of 50 to 60 cents per hundredweight for the same grade and size of potatoes have been common for this area and are an indication that some shippers were not correctly labeling their potatoes.

Without minimum quality regulations and mandatory inspection, it has been possible for some grower-handlers to offer and sell potatoes of poor quality at low prices, thereby having a detrimental effect upon the market and the price structure for all Red River Valley potatoes. Such disorderly marketing practices have afforded buyers additional price leverage and were damaging to all shippers, even though only a small quantity of the lower quality or inadequately identified potatoes were actually shipped.

It is illogical for producers in the Red River Valley to allow these disorderly marketing practices to continue while, at the same time, expending funds for promotion of their potatoes.

Buyers' and consumers' preferences for potatoes do not suddenly shift from potatoes produced in one area to those of another area. They become accustomed to using potatoes from one area and will continue to do so as long as that area can supply them with potatoes of a quality and price satisfactory to them and in line with those from other areas. If, however, the area fails to supply potatoes which satisfy, customers will shift their allegiance.

The future of the Red River Valley's position in the fresh potato market was indicated by the record to be dependent upon improving the quality of the potatoes marketed and that the best method of achieving this would be to have mandatory minimum quality regulations and inspection.

The establishment of more orderly marketing conditions as may be brought about by the proposed marketing order would tend to establish parity prices to producers of potatoes grown in the production area.

In view of the foregoing, it is concluded that there is a need for a marketing order program to regulate the quality of potatoes grown in the Red River Valley which are destined for fresh market outlets.

(3) A definition of the agricultural commodity to be regulated under the proposed marketing order is necessary to distinguish it from other agricultural commodities. The agricultural commodity grown in the production area and scientifically known as "Solanum tuberosum" is commonly known in the production area and in receiving markets outside the production area as "potatoes," or "Irish potatoes." Such definition should include all types and varieties of potatoes produced in the production area. The types would include round red, round white, long white and long russet types. The leading varieties are Red Pontiac, Red La Soda, La Rouge, Kennebec, Norgold and Russet Burbank, but other varieties are produced or may be introduced in the future.

"Production area" is defined so as to fix the area in which potatoes subject to regulation under the proposed marketing order are grown. Such area includes all territory within the boundaries of the counties of Towner, Ramsey, Cavalier, Pembina, Walsh, Grand Forks, Nelson, Steele, Traill, Cass, and Richland in the State of North Dakota, and of Kittson, Marshall, Polk, Pennington, Red Lake, Norman, Mahnomen, Clay, Becker, Wilkin, and Otter Tail in the State of Minnesota, which geographic area is commonly referred to as the Red River Valley.

The Red River Valley, comprised of the above-named counties, is one of the important potato producing areas within the United States. Its boundaries are distinct, well delineated, and well known by producers and handlers within the valley as well as by potato handlers from outside the area. The 11 counties constituting the North Dakota portion of the production area are grouped along the eastern border of North Dakota, and the 11 counties constituting the remainder of the production area are located along the northern part of the western border of Minnesota. The Red River of the North runs between the two groups of counties, drains the valley and gives the

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area the chief identification for its common name.

All boundaries of the Red River Valley are based on county lines which provide a practical basis for establishment of the production area inasmuch as these boundaries do not pass through any major potato producing sections. Therefore, the possibility of confusion or difficulty in administration of a potato marketing order program for this production area because of potatoes being grown close to or on both sides of the boundary lines is minimized.

The same varieties of potatoes are grown in the Minnesota and North Dakota portions of the proposed production area and the markets for both portions are the same. To exclude any portion of the production area would tend to defeat the purpose of the proposed marketing order in that poor quality potatoes from such an excluded section could then be marketed free from regulations and thereby depress the prices of regulated potatoes.

The territory included within the boundaries of the production area constitutes the smallest regional production area that is practicable for carrying out the objectives of the proposed marketing order.

(4) The term "handler" is synonymous with the term "shipper." It should be defined in the marketing order to identify the persons who would be subject to regulation under the marketing order. Any person engaged in the act or acts of handling potatoes grown in the production area, as well as any person who causes such potatoes to be handled, is a handler. Obligation are placed on such persons for meeting regulatory, assessment and reporting requirements of the marketing order.

Any person is a handler who: (1) Sells or transports production area potatoes between the production area and any point outside thereof, or causes such sale or transportation; or (2) handles production area potatoes that are moved out of the production area under a Special Purpose Certificate. More than one handler may be involved in the handling of a given lot of potatoes and each such person should be responsible for complying with the terms of the marketing order.

Common or contract carriers transporting potatoes which are owned by another person are performing a handling activity or function, insomuch as they are transporting potatoes. However, such handling should not be regulated under the marketing order because such carriers are not responsible for the grade and quality of the potatoes being transported, nor are they responsible for the introduction of such potatoes into commerce. The interest of common or contract carriers in such potatoes is to transport them for a service charge to destinations selected by others. The responsibility for the grade and quality of such potatoes delivered to a common or contract carrier, with the consequent effect of such sale or transportation upon the market for potatoes and the price of such potatoes to growers, should be borne solely by the person or persons responsible for delivering such potatoes to the carrier or by the person who causes such potatoes to be delivered to such carrier.

The term "handle" is synonymous with "ship" and is defined in the proposed marketing order to establish the proposed marketing functions which are primarily responsible for placing production area potatoes in the current of commerce between the production area and points outside thereof.

A small quantity of Red River Valley potatoes are sold or moved out of the production area into fresh market channels with only a limited amount of preparation for market. Usually such potatoes are partially graded to eliminate the smallest sizes and those with serious quality defects. Although these potatoes may be packed in various types of containers, they are not washed and are seldom inspected to cerify the composition of the lot. This type of handling is more common during harvest with the partial grading and packaging occurring in the field immediately after digging, although some growers may sell ungraded potatoes out of their storages directly into fresh market channels.

The major portion of production area potatoes utilized in the fresh market are run over grading machinery for washing, separating into grades and sizes, and placing in appropriate containers. About 85 to 90 percent of the Valley's fresh market potatoes are washed, graded and packaged in wash plants located in the production area. Such potatoes are then sold for movement to markets outside the production area and transported to such markets.

The record shows that from 10 to 15 percent of the production area potatoes which are marketed as washed, graded, and packaged potatoes are so prepared for marketing in wash plants located outside the production area and closer to major population centers, in cities such as Chicago, New Orleans, and Burlington, Iowa, Red River Valley potatoes are shipped ungraded and in bulk to these plants wherein the potatoes are washed, separated into grades and sizes, and placed into appropriate containers. The prepared potatoes are then sold and transported to wholesale distributors, retail stores, or institutional outlets.

The sale or transportation of Red River Valley potatoes from the production area to any point outside thereof—regardless of the degree of preparation for market performed on such potatoes prior to such sale or transportation—has a direct effect upon the potato market and the prices received by growers for such potatoes. The acts of the person making such sales or causing such sales to be made, or the person who transports or who causes the transporting of potatoes to market, constitute handling of such potatoes.

Record evidence indicate that the definition of "handle" should include the shipment of ungraded potatoes in bulk to wash plants outside the production area for preparation for market. As shown heretofore, a significant portion of production area fresh market potatoes are so handled. It is a long-established practice in the marketing of Red River Valley potatoes, and the equity interests of persons who so market such potatoes would be properly served by permitting the practice to continue under the marketing order. The committee should be well acquainted with the location and facilities of wash plants receiving such potatoes. The evidence indicates that safeguards can be developed for handling such potatoes. Therefore, production area potatoes should be permitted to be shipped, unwashed and in bulk, to such wash plants to be prepared for market, if they are handled as special purpose shipments under safeguards upon recommendation of the committee and approval of the Secretary.

In handling ungraded potatoes that are moved out of the production area in bulk to wash plants to be prepared for market, it should be the responsibility of the person who handles them to maintain their identity until they have complied with the regulations in effect under the proposed marketing order.

The definition of "handle" should not include the activities of a producer in his capacity as a producer, such as production and harvesting functions. However, the sale or transportation of production area potatoes to destinations outside the production area by the producer would be a handling function. Also, inasmuch as nearly all production area potatoes destined for fresh market use are shipped out of the production area, the record indicates that it would serve no useful purpose to regulate under the proposed marketing order any potatoes sold or transported within the production area. Hence, the definition of handle, as provided in the notice of hearing, should be modified accordingly.

(5) (a) Certain terms and provisions of the proposed marketing order should be defined and explained for the purpose of designating specifically their applicability and establishing appropriate limitations on their respective meanings whenever they are used.

"Secretary" should be defined to include not only the Secretary of Agriculture of the United States, the official charged by law with the responsibility for programs of this nature, but also, in order to recognize the fact that it is physically impossible for him to perform personally all functions and duties imposed upon him by law, any other officer or employee of the U.S. Department of Agriculture who is, or who may hereafter be, authorized to act in his stead.

The definition of "Act" provides the correct legal citations for the statute pursuant to which the proposed regulatory program would be operative and avoids the need for referring to these citations throughout the marketing order.

The definition of "person" follows the definition of that term as set forth in the act, and will insure that it will have the same meaning as it has in the act.

The term "producer" as used in the proposed marketing order provides the

basis for determining eligibility for voting in nominations and other procedures relating to the qualifications of membership on the Red River Valley Potato Committee. "Producer" should mean any person engaged in a proprietary capacity in the production of potatoes for market.

The "fiscal period" is the basis for accounting and general record keeping purposes. It is proposed that the fiscal period begin on August 1 of each year, and end on July 31 of the following year. These dates are proposed so that the fiscal period will start prior to but as close to the beginning of the marketing season as possible so that a minimum of expense will be incurred before the marketing season and all past business may be brought up to date. Shipments of new crop potatoes generally begin in September and continue to the following July. If this proposal is initiated, the first fiscal period will begin on the effective date of the marketing order and conclude on July 31, after which the normal period of August 1 to July 31 will constitute the fiscal period. But due to the possible development of new storage techniques or changes in program operations, it would be appropriate to include authority to permit changing the beginning and ending dates of the fiscal period by the Secretary upon recommendation of the committee.

"Grading" is usually a physical operation whereby potatoes are carried by a mechanical conveyor over a series of moving belts, revolving rollers, or tables upon which the potatoes are sorted into various sizes and qualities. This grading or preparation for market is an operation which is applied to most potatoes grown in the production area which are sold or transported to fresh market, even though the extent to which the potatoes are sorted may vary considerably according to the type of outlet. Some of the usual or typical classifications are U.S. No. 1, U.S. Commercial, or U.S. No. 2 grade in combination which a size designation such as 2-inch minimum, Size A, or 2-inch minimum 3½ inches maximum, and similar designations of value attributes based on commonly accepted measures of potato characteristics. A definition of "grading" or "preparing for market," based on the foregoing should be set forth in the proposed marketing order. Such definition should mean the sorting or preparation of potatoes into grades and sizes by any means, including any repacking, regrading, or resorting of potatoes which may have been previously prepared for market. The term "rough grading" as used herein means that the potatoes are partially prepared for market by the removal of some potatoes which are seriously damaged or which are of a size that is obviously unsuitable for fresh market use.

The definition of "grade" is incorporated in the proposed marketing order to enable all persons affected thereby to determine the requirements thereof and to interpret the regulations issued. Grade is defined as including the meanings assigned to such term in the official standards for potatoes issued by the U.S. Department of Agriculture and in the standards for potatoes issued by the State in which potatoes are first shipped; in modifications or amendments of such standards, and in variations of such standards by regulations under the proposed marketing order. Regulations under such marketing order can then use such terms with the constant meanings assigned thereto in such standards or in such modified or amended standards, or such regulations can vary such terms by prescribing, for example, a percentage of a grade, as may be required at the time of issuing a regulation.

Inspectors of the Federal or Federal-State Inspection Service are qualified to certify the grade of potatoes grown in the proposed production area, in terms of any of the aforesaid standards, or modifications, amendments, or variations thereof.

The term "varieties" is included in the proposed marketing order so that the committee may recognize the real differences in the characteristics of different varieties and differences in types of regulations which might be considered and recommended therefor. The great bulk of potatoes now being produced in the proposed production area fall within the general group known as red or red skinned varieties. However, round white varieties, russets, and other classifications which may come into importance in the future, such as long whites, are also grown. Differences by groups of varieties should be recognized by the committee in their deliberations, and the proposed marketing order should authorize different regulations for different varieties. The meaning set forth in the definition of "varieties" is appropriate for determining different varieties of potatoes grown in the production area.

The definition of "seed potatoes" is desirable to distinguish between potatoes which are handled for table use and those which are handled for seed, so that individual and separate treatment may be given to seed potatoes under the proposed marketing order. The terms "seed potatoes" and "seed" should be considered synonymous for the administration of the marketing order. Only potatoes which have been officially certified by the Official State Seed Certification Agencies of the States of Minnesota or North Dakota and identified as such for use as seed shall be considered seed potatoes.

The term "pack" is commonly used throughout the production area by the Red River Valley potato industry. It refers to one or more of the combinations of factors relating to the grade, size, and weight of the potatoes in particular containers. Differences in pack are also recognized by the size of the package. For example, potatoes in 10-pound bags are referred to as a 10-pound pack. A pack of U.S. No. 1 Reds, 2 to 3 inches, would use grade, variety, and size factors. Pack should be defined as a basis for distinguishing the various sizes of shipping units in which potatoes are packaged as well as the contents of the packages in terms of the quantity of potatoes and the grade and size thereof.

"Container" should be defined as set forth in the proposed marketing order to provide a basis for differentiating among the numerous shipping units in which potatoes move to market, and the permissible application of different regulations to different units. The principal containers used at present in marketing potatoes are burlap sacks, paper bags, mesh bags, polyethylene bags, cartons, and bulk loads, but other receptacles may be used.

The definition of "committee" is incorporated in the marketing order to identify the administrative agency, as authorized by the act, responsible for administration of the program. The term "Red River Valley Potato Committee" is a proper identification of the agency and reflects the character thereof.

"District" should be defined in the marketing order as referring to each of the geographical sections or divisions of the production area, either as initially established or as later reestablished, in order to provide a basis for the nomination and selection of committee members and for regulatory purposes. The proposed division into districts is adequate and equitable from the standpoint of the present situation and should provide a practical basis for the purposes intended.

The definition of "export" is incorporated in the marketing order so that different regulations may be authorized for export shipments than for domestic shipments. Export markets may have requirements which differ from those of the domestic market and special regulations for certain export shipments may be justified as such shipments would remove potatoes from competition in the domestic market. "Export" should be defined as shipments of potatoes outside the continental United States.

(b) The proposed marketing order should provide for the selection by the Secretary of a local administrative committee as provided by the act. This committee should have the responsibility for local administration of the proposed marketing order. The act provides that a marketing order program be administered locally by an agency selected by the Secretary. The record shows that such a local administrative agency should be established which will be representative of potato producers in the production area and be responsible for the administration of the program; that it should be called the Red River Valley Potato Committee, consisting of 14 members, with a like number of alternates and that it would be a workable group providing adequate industry representation. The committee would be authorized to recommend marketing regulations, and to take care of other administrative matters.

Many producers in this production area also are handlers and, as a result of the operations of committees now serving the potato industry, the record shows that a 14-member committee composed entirely of producers will likely have among its members several who also

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are handlers. In such manner both producers and handlers will be adequately represented.

Each member and alternate of the Red River Valley Potato Committee selected to represent producers in a particular district should be a producer of potatoes, or an officer or employee of a corporate producer or other type of business unit engaged in producing potatoes in such district and each such person should reside within the production area. Some qualified persons may reside outside of the district in which their principal potato growing interest lies. However, record evidence shows that such residence should not preclude them from representing the particular district in which they farm. Producers who farm in a district should be intimately acquainted with the problems of producing potatoes grown in such district and each may reasonably be expected to present accurately the problems incident to production or marketing of potatoes grown in such district.

The record evidence indicates that producers nominated for membership on the committee should be producers of potatoes which would be subject to the regulations of the proposed marketing order. Because of their involvement in the fresh market, such producers would be informed of the supply and demand factors particularly affecting the sale of their potatoes and the effect of regulation upon such sales. On the other hand, producers who grow potatoes only for sale as certified seed or for processing would have less interest in the fresh market situation; and such producers should not be eligible for membership on the committee. The same principle also should apply as to the eligibility of persons to vote in nomination meetings.

Circumstances may arise when it is impossible for a member or members to attend particular meetings of the committee or where positions are vacant because of resignations or for other reasons. In such situations it is desirable for the respective alternates to serve in lieu of the members so that there will be no interruption of committee operations and to assure producers in all districts of the production area representation in the conduct of all committee business. Also, the record shows that alternates could relieve members by performing assigned tasks necessary for administration of the program.

The selection of committee members and alternates on the basis of districts, as set forth in the proposed marketing order, is related to acreage and production of potatoes within the production area and such basis provides a practicable and equitable manner of representation.

Each person selected by the Secretary as a committee member or alternate should qualify by filing with the Secretary a written acceptance of his willingness and intention to serve in such capacity. Such acceptance should be filed within 10 days, or by such other time as the Secretary prescribes, after notification of appointment. This requirement is necessary so that the Secretary may be in a position to promptly select some other eligible person to serve as a member or alternate in the event the initially selected member or alternate fails to properly qualify or indicate his willingness and intention to serve on the committee.

The term of office of committee members and alternates under the proposed program should be for 2 years beginning on August 1 and ending July 31, or such other period recommended by the committee and approved by the Secretary. This will establish an orderly procedure for changing the membership of the committee and will permit some flexibility in case changes in the term of office may be desirable in the future. The term of office should be for 2 years so that members and alternates will have adequate time to familiarize themselves with the operation of the program and thus be in a position to render the most effective service in assisting the Secretary to carry out the declared policy of the act. The beginning of each term of office occurs during a period prior to the commencement of a marketing season and hence should allow adequate time for the committee to organize and start operating before the opening of each season.

Provision is made in the marketing order for staggered terms of office of the committee members and alternates. Under this provision seven of the initial committee members and their alternates will serve for a term ending on July 31 following their appointment; the remaining seven of the initial committee members and their alternates will serve for a term of office ending on the second July 31 following their appointment.

The establishment of such staggered terms will provide for more efficient administration of the program in that members and alternates constituting the newly appointed members of the committee will benefit from the guidance of experienced members who carry over. The experienced members will help insure continuity of the policies and procedures relating to the administration of the marketing order.

It is proposed that no member should serve for more than three consecutive terms so that fresh points of view could be brought before the administrative agency and so that responsibilities of membership may be spread among more producers. This policy is deemed reasonable and desirable.

A quorum of the Red River Valley Potato Committee should consist of 10 members, and 10 concurring votes should be necessary for passing any motion or approving any action of the committee. Such quorum and voting requirements, constituting a minimum of over two-thirds of the membership, are deemed reasonable and adequate.

The committee should be authorized to vote by telephone, telegraph, or other means of communication when matters to be considered are so routine it would be unreasonable to call for an assembled meeting, or, on the other hand, when rapid action is necessary in an emergency. Votes cast at other than assembled meetings should be confirmed promptly in writing to provide a written record of the votes so cast. In case of an assembled meeting, however, all votes should be cast in person.

The committee should be given those specific powers which are set forth in section 608c(7)(c) of the act because such powers are authorized to be granted by the enabling statutory authority. They are common to marketing agreements and marketing orders operating under the act and necessary so that an agency of the character set forth in the proposed marketing order can properly function.

The duties set forth in the proposed marketing order for the committee are similar to those generally specified for administrative agencies of this character. These duties should enable the committee, and its members and alternates, to undertake and perform such activities as may be necessary for the committee to carry out its prescribed responsibilities. These specified duties, however, are not necessarily all inclusive, in that there may be other duties which are incidental to, and not inconsistent with, the terms and conditions of the proposed marketing order which the committee may need to perform in connection with its operations under this program.

Proponents recommended an additional paragraph to the duties of the committee as set forth in the notice of hearing, to read as follows: "To receive and consider complaints and petitions from producers with respect to marketing problems arising in connection with operations of this marketing order program, and to initiate consideration by the committee within 5 working days following receipt of the same. A request or petition signed by 50 percent of the producers of a variety, or 30 producers, whichever is smaller, shall be sufficient to invoke this duty." The record shows that this additional duty would further assure producers that their problems will be properly considered by the committee. It should, therefore, be included as a duty of the committee.

Committee members and alternates should be reimbursed for reasonable expenses incurred when they are engaged in committee business. These expenses should be paid by the committee because it would not be fair for committee members and alternates who are to serve without compensation to be required to bear such expenses in addition to the time lost from their businesses.

Districts are established in the proposed order to provide a geographical basis for the selection of committee membership. For this purpose, the production area is divided into nine districts as set forth in the notice of hearing. This proposed division into districts is considered to be adequate and equitable at the present time and should provide a practical basis for the purpose intended.

A provision for redistricting and reapportionment of membership is necessary in the proposed order to enable the committee and the Secretary to consider

from time to time whether the basis for representation has changed or could be improved and how such improvement should be made. Future shifts or other changes in the development of acreage and production within the production area cannot be foreseen at the present time. Therefore, it is desirable to provide flexibility of operation so that, if it should be in the best interests of the administration of the proposed marketing order to change the boundaries of some districts and reapportion membership, the committee may so recommend and the Secretary may take such action.

The Red River Valley Potato Committee is the agency established pursuant to the terms and conditions authorized by the Act. Nominations for membership on this committee are provided by the terms of the marketing order as a method for selecting such membership, so that the wishes of the affected industry with respect to membership on such committee may be made known to the Secretary.

The methods for calling and conducting nomination meetings together with the rules for determining the rights and eligibility of those participating in producers' meetings for selection of membership on the committee, as set forth in the notice of hearing, are considered to be equitable and practical.

In the case of the death, removal, resignation, or disqualification of a member, it is proposed that the Secretary select a successor for his unexpired term. Such selection may be by naming a nominee from previously unselected nominees on the current nominee list from the district involved, or by holding another nomination meeting. In any case, if the names of nominees to fill a vacancy are not submitted to the Secretary within 30 days after a vacancy occurs, the Secretary should be authorized to fill such vacancy without regard to nominations. This is necessary to insure that all portions of the production area are adequately represented in the conduct of committee business.

(c) Expenses would have to be incurred by the committee in the administration of the proposed program. These expenses, which should be reasonable, include, but should not be limited to, salaries for a manager, secretary and field personnel, rent for office space and office equipment, supplies and travel expense. Expenses incurred by the committee in operating the marketing order must, under the act, be borne by handlers. The most practical way of distributing the cost of the program equitably among handlers is to require each handler who first handles potatoes subject to regulation under the proposed program to pay his pro rata share of such expenses on the basis of the ratio of his total potato shipments under the proposed marketing order to the total of such potato shipments by all such handlers, during a particular fiscal period.

Good business practice requires that the committee prepare a budget prior to the beginning of each fiscal period showing estimates of income and expenditures necessary for the administration of the proposed marketing order for such period. The budget should be presented to the Secretary along with the committee's recommendation for a rate of assessment. A rate of assessment would then be established by the Secretary on the basis of the committee's recommendation to balance necessary committee expenses with revenue. If it should become necessary to amend the budget, such a recommendation could be submitted to the Secretary and an amended rate of assessment may also be issued by the Secretary. The changed assessment rate should be applied to all potatoes handled during the fiscal period so that the total payments by each handler will be proportional to his share of the total volume of potatoes handled.

In most cases, the person who first ships the potatoes also applies for inspection, and in such instances the record of inspected shipments could serve as a basis for computing assessments due. Such person is the one who started the commodity on its way to market. Therefore, such person, i.e., the first handler, should be the person who is to pay the assessments. For potatoes which are not so inspected, the handler who first handles the potatoes should continue to be the handler responsible for the assessment and should be so designated by the committee. The requirement that only first handlers pay assessments on the potatoes will preclude multiple assessments on potatoes that are handled more than once, and handlers will be able to arrange their operations accordingly.

It is a matter of good business practice for the committee to maintain books and records clearly reflecting the true, up-to-date condition of its affairs so that the committee, as the agency of the Secretary, will always be prepared for public scrutiny or inspection by the Secretary. The responsibility of the Secretary for the committee's activities, funds, operations, and marketing policies, establishes an additional basis for requiring full accounting and records of all committee actions. The committee should have a periodic audit by a competent public accountant of its financial affairs at least once each fiscal period and should provide copies of such audit to the Secretary to enable him to maintain appropriate supervision and review of the committee's activities and operations. Copies of the audit report should also be available in the office of the committee for inspection by interested producers and handlers.

The assessment rate under the program would be set at the beginning of the season based on a crop of an estimated volume. However, should crop failure or partial crop loss reduce the crop so that assessment income falls below expenses, it might be necessary for handlers to cover the deficit through increased assessments. Since this would impose an extra burden on the industry, it would be equitable and less burdensome for handlers to establish an operating reserve during years of normal production. The reserve fund would be built during years when funds exceed expenses. In order that reserve funds not be accumulated beyond a reasonable amount, however, a limit of not to exceed approximately one fiscal period's budgeted expenses should be provided.

The provisions set forth in the notice of hearing with respect to expenses, budget, assessments, accounting, and excess funds are appropriate and in accordance with established practices for marketing programs of this nature.

(d) The declared policy of the act is to establish and maintain such orderly marketing conditions for potatoes, among other commodities, as will tend to establish parity prices to producers and be in the public interest. The regulation of the handling of potatoes, as authorized in the proposed marketing order, provides a means for carrying out such policy.

In order to facilitate the operation of the program, the committee should, prior to the beginning of each marketing season, prepare and adopt a marketing policy for the season. The marketing policy should set forth the overall plan of the committee for the orderly marketing of potatoes grown in the production area for the season, including, to the extent practical, the kinds of regulations that may be desirable.

Such marketing policy should be made available to the Secretary, and to producers and handlers to enable them to plan their operations.

The factors set forth in the proposed marketing order which the committee should take into consideration in developing its marketing policy are those usually taken into account by producers and handlers in their day-to-day, as well as seasonal, evaluations of the market outlook.

If conditions change during the season requiring a change in policy, the committee should amend the policy statement to bring it up-to-date. The amended policy also should be distributed to interested parties and to the Secretary.

The Red River Valley Potato Committee, as the local administrative agency under the proposed marketing order, should be authorized to recommend such grade and quality regulations, as well as any other regulations and amendments thereto, as are authorized by the proposed marketing order and which will tend to effectuate the declared policy of the act. It is essential to successful operation of the proposed marketing order program that the committee should have such responsibility. The Secretary should look to the committee, as the agency reflecting the thinking of the industry, for its views and recommendations for promoting more orderly marketing conditions so as to increase growers' returns for production area potatoes. The committee should, therefore, have authority to recommend such regulations as are authorized whenever such regulations will in the judgment of the committee, tend to improve returns to producers.

When conditions change so the committee no longer feels the then current regulations are carrying out the policy

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of the act, they should have the authority to recommend modification, suspension, or termination of such regulations, as the situation warrants.

The proposed marketing order should authorize the Secretary, on the basis of committee recommendations, or other available information, to issue grade, quality and other appropriate regulations which are necessary for the improvement of growers' returns for production area potatoes.

Proponents of the proposed marketing order testified that the proposed wording of the authority to regulate the handling of particular grades, sizes, qualities, or maturities of potatoes, which appeared in the notice of hearing should be changed to permit the regulation only of the grade and quality of the production area potatoes handled; also, that the committee should not be authorized to recommend any regulation which is more restrictive than U.S. No. 2 grade for such potatoes.

Industry witnesses testified that size and maturity are important considerations but variations associated therewith have not been a significant problem in this production area. As indicated earlier herein, the main problem has been a wide spread in prices for the same grade, and the shipment of some potatoes which do not meet minimal grade standards.

Most of the production area potatoes shipped to fresh market have been U.S. No. 1, or better grade, and this grade will continue to account for the major portion of the shipments. However, under a regulation which would specify that only potatoes of U.S. No. 2 or better grade may be shipped and that all shipments would be inspected and certified, there will be assurance in the production area and in the receiving markets that potatoes certified U.S. No. 1 will in fact be of U.S. No. 1 quality, and potatoes certified U.S. Commercial or U.S. No. 2 will meet the requirements for those grades, and no potatoes of lesser quality than specified by the regulation in effect will be shipped.

Therefore, the wording of the proposed authority with respect to issuance of regulations should be modified accordingly.

All fresh market potatoes should meet the grade and quality requirements recommended by the committee and issued by the Secretary. There should be no problem concerning the applicability of such requirements and of inspection of potatoes which have been washed, graded and packed in the production area, and those potatoes which have been washed in the production area but shipped in bulk to points outside the production area. With respect to shipments of dry bulk loads of unwashed potatoes to wash plants outside the production area, the record evidence shows that it would be more practical to have them inspected at the wash plants after they are washed, graded and packaged, prior to distribution to retail outlets.

Hence, the authority to regulate the handling of potatoes grown in the production area which are shipped under a special purpose permit to wash plants at specified locations outside the production area for preparation for market should be included in the proposed marketing order as hereinafter set forth. This is to allow Red River Valley producers and handlers to continue the commercial practices of marketing their potatoes in the most efficient manner and to tailor the regulations to meet the marketing needs of the industry.

Dry bulk potatoes for which arrangements cannot be made for compliance with regulations imposed under the order at wash plants outside of the production area should be inspected prior to leaving the production area and must meet the applicable regulations.

Authority should be provided in the proposed marketing order to regulate the handling of potatoes differently for different varieties and for different packs during any period. Adverse weather may occur during a crop year which might affect one variety significantly more than another. Such authority would then permit the committee to recommend a modification of a grade, or a different grade, such as a State grade for one variety during such season. By having authority to regulate differently for different packs, the committee could recommend different requirements for potatoes packed in 100 pound containers, for example, than for potatoes packed in cartons or in consumer size packages. Therefore, the wording of the appropriate provision in the notice of hearing should be modified accordingly.

Authority for minimum standards of quality when prices are above parity would permit the committee to recommend, and the Secretary to issue, such minimum standards of quality as will be in the interest of consumers as well as of producers. Poor quality potatoes fail to give consumer satisfaction and should not be marketed.

Labeling is a means of advising the buyer and the consumer of the grade and quality of the potatoes being purchased. It will afford a method of establishing a realistic price differential between various grades through grade identity and it will reduce price competition resulting between various packaged lots on which quality indications are not uniform. Labeling requirements relieve the shipper of quality potatoes from the price depressing effect of competing with nonlabeled or mislabeled packages, and a more stable price structure would ultimately result. No hardship would be incurred by the handler by labeling regulations. Labeling authority is incidental to the other regulations and necessary for them to be most effective. Proponents testified that any potatoes identified with the Red River Valley should be required to be inspected and to meet the marketing order requirements.

The record shows that certified seed potatoes should be exempt from regulation under the proposed marketing order because they are not in competition with fresh market potatoes. However, potatoes which are not certified by the seed certification agency of the State in which the potatoes were grown should be subject to regulations even though such potatoes are described by the handler thereof as seed. Otherwise, they may be competing with fresh market shipments. Also, any potatoes, whether certified as seed or not, destined for the fresh market should be subject to regulations under the order. Therefore, the paragraph applicable to certified seed potatoes, as set forth in the notice of hearing, should be modified accordingly.

Provisions should be included in the proposed marketing order to indicate that the Secretary has the authority to amend or modify any regulation issued whenever he finds that such would tend to effectuate the policy of the act. Also, that he should terminate or suspend a regulation whenever he finds that it no longer tends to effectuate the declared policy of the act.

The proposed marketing order should also provide that the Secretary should notify the committee promptly of any regulation issued or of any modification, suspension or termination, so that the committee will be able to give reasonable notice to all handlers. All persons concerned should be kept fully informed at all times if the program is to operate successfully.

According to the record, it would be desirable to exempt small shipments of production area potatoes from meeting the inspection and assessment requirements so as to eliminate expending committee time, effort, and expense for compliance checking out of proportion to the effects that such insignificant quantities might have on producers' returns. This would permit more efficient operation of the proposed marketing order. Therefore, the committee should be authorized to recommend, and the Secretary to specify, minimum quantities which would be exempt from inspection and assessment requirements under the proposed marketing order.

(e) The Secretary, upon the basis of recommendations and information submitted by the committee, or upon the basis of other information should be authorized to establish special regulations, or to modify, suspend, or terminate grade, quality and other applicable regulations with respect to the handling of potatoes, to facilitate shipments for purposes other than disposition in normal commercial domestic fresh market channels.

Certain outlets for potatoes, such as livestock feed, provide a salvage outlet for culls and offgrade potatoes for which there is no other market. Potatoes moving to these outlets are of such low value that they would bring little or nothing in other outlets so authority should be included to allow them to go to livestock feed without incurring the cost of inspection and assessment. Similarly, potatoes for relief or charity should also be subject to exemption from the regulations. These potatoes would not be moving in the regular channels of trade and would not compete with potatoes shipped under the regulations for domestic fresh market. Therefore, it would not be defeating

the purpose of the program to permit them to move to charitable outlets without inspection and assessment.

Potatoes for export could move under modified requirements which would be tailored to meet the needs of the importing country or they should be able to move under special purpose certificate without grade and quality restrictions as determined by the committee because such potatoes would not compete with domestic fresh market potatoes. If there should be a demand from export outlets for different grades or qualities, the committee and the Secretary should have the requisite authority to effect the appropriate modification, suspension, or termination of regulations for export shipments. Export markets are usually additional outlets for Red River Valley potatoes. Unless the committee has the authority to recommend and the Secretary to issue regulations to meet the requirements for export markets, loss of markets may occur, thereby tending to prevent the accomplishment of the purpose of the program.

Prepeeling is not considered processing, and thus potatoes shipped for prepeeling are subject to marketing order regulations. However, the committee should have the authority to recommend modification or suspension of regulations with respect to potatoes for prepeeling to recognize the different potato requirements of this outlet. In commercial prepeeling, operators can use potatoes with surface defects which might be undesirable for the tablestock market. Of course, inspection would normally be required on such shipments.

Potatoes shipped as certified seed shall be exempt from regulation under the proposed program and potatoes shipped for canning, freezing, and other processing are exempt from regulation under the act. However, it is proper that the committee have authority to impose safeguards to insure that certified seed and potatoes destined for processing not be diverted to the fresh market.

The record indicates that it is necessary to ship unwashed, uninspected potatoes in bulk to specified locations outside the production area to have such potatoes prepared for market. Such handling should be permitted under appropriate safeguards on shipments for specified purposes, to permit established practices to continue without disruption or undue interference.

Potatoes that are moved outside the production area for specified purposes without being inspected before they leave the production area should be handled by the handlers located outside the production area in the same manner as if such handling was performed inside the production area. The record indicates that if potatoes were grown in the production area and graded and washed in wash plants outside the production area, then the person who performs such service should be considered a handler and would be responsible for insuring that the potatoes meet the applicable provisions of the marketing order.

It is essential that the identity of potatoes shipped for specified purposes be maintained to insure they are not used for purposes contrary to those specified. Ungraded potatoes which have been shipped from the production area to specified wash plants for preparation for market should not be mixed with other potatoes as it would be impossible to maintain their identity under such circumstances. Since only those potatoes which meet the requirments of the regulations may be shipped to the fresh market, below grade potatoes graded out of each lot must be kept out of fresh market channels, but may be disposed of in such outlets as livestock feed, relief, or charity. It was indicated in the record that the committee would not lose control over such potatoes, going to fresh market or other outlets, if appropriate safeguards are applied.

The regulations affecting shipments for special purposes may need to be modified or suspended for other purposes which may be specified by the committee and approved by the Secretary. This is to provide flexibility which is needed to cover any situation which may occur but which cannot be foreseen at present. The Secretary and the committee should be required to give prompt notice of any such actions to the persons to be affected. The authority for issuing special regulations for modifying, suspending or terminating grade, quality, inspection or assessment requirements with respect to shipments for special purposes should be accompanied by the additional authority to prescribe adequate safeguards, for approval by the Secretary, to prevent special purpose shipments from entering fresh market channels.

In order to maintain appropriate identification of shipments of potatoes for special purposes, safeguards could require the prior application for, and issuance of, special purpose certificates to handlers of such potatoes. Such certificates should be issued in accordance with rules to be established or approved by the Secretary on the basis of committee recommendations, so that the procedure for the issuance of such certificates may be known to handlers.

The term "special purpose certificate" is intended to mean the written approval or permit necessary to make such shipments. It is important that safeguards should be adequate so that the committee can follow special shipments from the time they leave the local shipping points to their ultimate destination to determine that they do not enter domestic fresh market channels rather than the channels for which they were originally intended. As experience is gained, the committee should establish procedures for the issuance of special purpose certificates.

The procedure for safeguarding the shipment of potatoes to be used for processing could entail establishment by the committee of lists of approved potato processors to which such potatoes could be shipped. Upon application of a handler for permssion to ship potatoes for processing use, the committee could determine whether the intended receiver was a bona fide processor, and therefore an eligible outlet for unregulated potatoes.

It is appropriate and proper that grower-handlers should be required to file applications with the committee to ship potatoes for certain special purpose outlets. This is an obvious requirement for proper safeguards. It is also appropriate and proper that handlers should be required to obtain inspection if such is determined necessary by the committee. This would apply to such outlets as export shipments. It is also appropriate that handlers should be required, if the committee deems it necessary, to obtain from the receiver an affidavit or acknowledgement that the potatoes were used for the purpose specified.

The committee should have authority to rescind or deny special purpose certificates to any shipper if the committee obtains proof that the potatoes shipped by him were handled contrary to the provisions of the certificate. This is an essential authority which should rest with the committee if it is to have the responsibility for local administration of the marketing order.

The Secretary should retain the right to modify, change, alter or rescind any safeguards prescribed and any certificates issued by the committee. The retention of this right by the Secretary is appropriate in fulfilling the Secretary's responsibility under the provisions of the act. This will provide an appropriate check upon the responsibility of the committee in carrying out its functions in an equitable manner.

The committee should be required to make reports to the Secretary as requested, showing the operation of the safeguards. Such reports may require the committee to show the number of certificates issued, the quantity of potatoes covered by such certificates, the number of applications denied, and any other information with respect to such safeguards as may be requested by the Secretary so that he may discharge his duties under the act and the proposed marketing order.

(f) Inspection of potatoes grown in the production area by the Federal-State Inspection Service is a common and usual practice for the purpose of determining the grade and quality of such potatoes.

This is the only neutral inspection service available and it should be used on all fresh shipments of potatoes to insure that each lot, whether by truck or carload, meets the required grade, quality, and other requirements.

Responsibility for obtaining inspection should fall on each handler because each lot of potatoes must be identified and certified with respect to grade, quality and other regulatory requirements at the time of handling. Each handler, regardless of whether the first or a subsequent handler, should be required to bear responsibility for determining that each of his shipments is inspected and certified. Identification and certification

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are essential to proper administration of the marketing order so that a determination could be made as to whether each shipment accords with the regulations. Except as otherwise provided in the marketing order, each handler who first handles potatoes should be required to obtain inspection. Also, subsequent handlers should not be permitted to handle the potatoes unless a properly issued inspection certificate, valid under the terms of the marketing order, applies to such shipment. Where required, the inspection certificate should accompany the shipment. If a handler should receive potatoes which have not been inspected, he should have them inspected before selling or otherwise handling them.

Truckers and other carriers can be supplied with copies of inspection certificates, or evidence thereof, to accompany each lot of potatoes. The committee should be authorized to recommend and the Secretary to issue regulations requiring truckers of potatoes subject to regulation under the proposed program to accompany such potatoes with evidence of inspection in the form of a valid inspection certificate or other evidence thereof. Such authority is incidental to, and necessary to effectuate the other provisions of the marketing order.

There should be authority in this section for the Secretary, upon recommendation of the committee, to modify the inspection requirements in circumstances which would create an undue hardship. If, for example, an inspector is not available locally and has to travel an unreasonable distance to make an isolated inspection, then arrangements should be made by the committee, with the approval of the Secretary, to modify or relieve the inspection requirements, or arrangements may be made for checking compliance en route or at destination.

When potatoes that have been inspected and certified are removed from the containers in which they were so inspected and certified, such potatoes lose their identity insofar as the previously issued inspection certificate is concerned. The inspection certificate loses its applicability to such potatoes. Therefore, inspection and certification should be required with respect to any potatoes that are handled after they are repacked, regarded, or resorted, or further prepared for market, or rehandled in smaller lots. The marketing order provides that any such potatoes shall not be handled unless they are inspected and certified except when this requirement is modified by the Secretary.

At times it may be necessary to have a lot of potatoes inspected at the warehouse instead of on the car or truck. This may be necessary in an emergency such as when a trucker cannot load his truck during regular business hours.

The provisions included in the proposed marketing order for identifying the lot inspected and certified by having appropriate seals, stamps, or tags affixed to the containers by the handler under the supervision of the inspector would be an appropriate means of complying with the inspection requirement.

It may be necessary in certain other instances to permit warehouse lot inspection. The committee should, as experience in operation under this program is acquired, be able to indicate when it is appropriate to permit warehouse lot inspection along with identification requirements so as to facilitate the handling of inspected potatoes in quantities smaller than those in which originally inspected. This would allow flexibility of operation.

In view of the perishable nature of potatoes and their susceptibility to deterioration, the committee, with the approval of the Secretary, should be authorized to fix the length of time inspection certificates may be valid insofar as the requirements of the proposed marketing order are concerned. This would assure, to the extent feasible, that an inspection certificate properly reflects the grade and quality of a particular lot of inspected potatoes at the time it is handled.

Copies of inspection certificates issued by the Federal-State Inspection Service under jurisdiction of the proposed marketing order should be made available to the committee by the Inspection Service so that the committee may properly discharge its administrative responsibilities under the program.

(g) The committee should have the authority to require that handlers submit to the committee such reports and information as may be needed to perform its functions under the proposed marketing order. It is difficult to anticipate every type of report or kind of information which the committee may require; but it should have the authority to request reports and information, as needed, including those of the types set forth in the proposed marketing order and at such times and in such manner as it may deem necessary.

The Secretary should retain the right to approve, change, or rescind any requests by the committee for information or reports in order to protect handlers from unreasonable requests.

Any reports and records submitted for committee use by individual handlers should be kept confidential and be disclosed to none other than persons authorized. Any reported information released to the industry should be on a composite basis and no release of information should disclose the identity of handlers or their operations. This will assure that the information contained in the reports which may adversely affect a competitive position of a reporting handler in relation to other handlers will not be disclosed.

Since it is possible that a question could arise with respect to the verification of the information obtained in the reports submitted under the program, handlers should be required to maintain complete records on their receipts, handling, and disposition of potatoes for 2 succeeding years. Evidence shows that handlers usually keep such records for their own business operations for periods of at least 2 years and no hardship would be imposed by requirements of this type under the proposed marketing order.

(h) Except as provided in the marketing order, no handler should be permitted to handle potatoes, the handling of which is prohibited pursuant to the order; and no handler should be permitted to handle potatoes except in conformity with the order. If the program is to be effective, no handler should be permitted to evade its provisions since such action on the part of one or more handlers would be demoralizing to other handlers and would tend to impair operation of the program.

(i) The provisions of §§ ___.43 through ___.56, as published in the FEDERAL REGISTER of October 26, 1972 (37 FR 22878), are common to marketing agreements and marketing orders. Each such section sets forth certain rights, obligations, privileges, or procedures which are necessary and appropriate to the effective operation of the proposed marketing order. These provisions are incidental to, and not inconsistent with, section 608c (6) and (7) of the act and are necessary to effectuate the other provisions of the proposed marketing order and to effectuate the declared policy of the act. The substance of such provisions should, therefore, be included in the proposed marketing order.

General findings. Upon the basis of the evidence introduced at such hearing, and the record thereof, it is found that:

(1) The marketing agreement and order, as hereinafter set forth, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(2) The said marketing agreement and order authorize regulation of the handling of Irish potatoes grown in the production area in the same manner as, and are applicable only to persons in the respective classes of industrial and commercial activity specified in a proposed marketing agreement and order upon which a hearing has been held.

(3) The said marketing agreement and order are limited in application to the smallest regional production area which is practicable, consistent with carrying out the declared policy of the act, and the issuance of several marketing orders applicable to subdivisions of the production area would not effectively carry out the declared policy of the act;

(4) There are no differences in the production and marketing of potatoes grown in the production area which make necessary different terms and provisions applicable to different parts of such area; and

(5) All handling of potatoes grown in the production area, as defined in said marketing agreement and order, is in the current of interstate or foreign commerce or directly burdens, obstructs, or affects such commerce.

Rulings on briefs of interested parties. At the conclusion of the hearing, the Administrative Law Judge fixed December 29, 1972, as the final date for interested parties to file briefs with respect to the evidence adduced at the hearing and the findings and conclusions to be drawn therefrom. No briefs were filed.

Recommended marketing agreement and order. The following marketing agreement and order [1] are recommended as the detailed means by which the foregoing conclusions may be carried out.

The marketing agreement and order shall not become effective unless and until the requirements of § 900.14 of the aforesaid rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders have been met.

[1] Sections ___.54–___.56 apply only to the proposed marketing agreement and not to the proposed order.

DEFINITIONS

§ ___.1 Secretary.

"Secretary" means the Secretary of Agriculture of the United States, or any other officer, or member of the U.S. Department of Agriculture, who is, or may hereafter be authorized to exercise the powers and to perform the duties of the Secretary of Agriculture.

§ ___.2 Act.

"Act" means Public Act No. 10, 73d Congress, as amended, and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (Secs. 1–19, as amended, 7 U.S.C. 601–674).

§ ___.3 Person.

"Person" means an individual, partnership, corporation, association, or any other business unit.

§ ___.4 Production area.

"Production area" means all territory included within the boundaries of the Counties of Towner, Ramsey, Cavalier, Pembina, Walsh, Grand Forks, Nelson, Steele, Traill, Cass, and Richland of the State of North Dakota, and of Kittson, Marshall, Polk, Pennington, Red Lake, Norman, Mahnomen, Clay, Becker, Wilkin, and Otter Trail of the State of Minnesota.

§ ___.5 Potatoes.

"Potatoes" means all varieties of Irish potatoes grown within the production area.

§ ___.6 Handler.

"Handler" is synonymous with "shipper" and means any person (except a common or contract carrier of potatoes owned by another person) who handles potatoes or causes potatoes to be handled.

§ ___.7 Handle.

"Handle" means to sell, ship, transport, or in any other way to place potatoes, or cause potatoes to be placed, in the current of commerce between the production area and any point outside thereof; or from a wash plant or packing house specified by the committee outside the production area to any other point.

§ ___.8 Producer.

"Producer" means any person engaged in a proprietary capacity in the production of potatoes for market.

§ ___.9 Fiscal period.

"Fiscal period" means the period beginning on August 1 of each year and ending July 31 of the following year, or such other period as the Secretary may establish pursuant to recommendation of the committee.

§ ___.10 Grading.

"Grading" is synonymous with "preparing for market" which means the sorting or separating of potatoes into grades and sizes for market purposes.

§ ___.11 Grade and size.

"Grade" means any one of the officially established grades of potatoes, and "size" means any one of the officially established sizes of potatoes as defined and set forth in:

(a) The U.S. Standards for Potatoes issued by the U.S. Department of Agriculture (§§ 51.1540 to 51.1566 of this title) or amendments thereto or modifications thereof, or variations based thereon;

(b) U.S. Standards for Grades of Peeled Potatoes (§§ 52.2421 to 52.2433 of this title) or amendments thereto or modifications thereof, or variations based thereon;

(c) U.S. Standards for Grades of Seed Potatoes (§§ 51.3000 through 51.3014 of this title), or amendments thereto or modifications thereof, or variations based thereon; and

(d) State standards for potatoes issued by the State in which the potatoes are shipped, or amendments thereto, or modifications thereof, or variations based thereon.

§ ___.12 Varieties.

"Varieties" means all classifications or subdivisions of Irish potatoes according to those definitive characteristics now or hereafter recognized by the U.S. Department of Agriculture.

§ ___.13 Seed potatoes.

"Seed potatoes" or "seed" means all potatoes officially certified and tagged, marked, or otherwise appropriately identified under the supervision of the official seed potato certifying agency of the State in which the potatoes were grown or other seed certification agencies which the Secretary may recognize.

§ ___.14 Pack.

"Pack" means a quantity of potatoes in any type of container and which falls within specific weight limits or within specific grade and/or size limits or any combination thereof, recommended by the committee and approved by the Secretary.

§ ___.15 Container.

"Container" means a sack, bag, crate, box, basket, barrel, bulk load, or other receptacle used in the packaging, transportation, sale, or other handling of potatoes.

§ ___.16 Committee.

"Committee" means the Red River Valley Potato Committee, established pursuant to § ___.20.

§ ___.17 District.

"District" means each of the geographical divisions of the production area established pursuant to § ___.27.

§ ___.18 Export.

"Export" means shipment of potatoes beyond the boundaries of the continental United States.

COMMITTEE

§ ___.20 Establishment and membership.

(a) The Red River Valley Potato Committee consisting of 14 members, all of whom shall be producers, is hereby established.

(b) Each person selected as a committee member or alternate shall be a producer or an officer or employee of a producer in the district for which selected and each such person shall be a resident of the production area.

(c) For each member of the committee there shall be an alternate who shall have the same qualifications as the member. An alternate member of the committee shall act in the place and stead of the member for whom he is an alternate during such member's absence. In the event of the death, removal, resignation, or disqualification of a member his alternate shall act for him until a successor for such member is selected and has qualified.

§ ___.21 Selection.

(a) Committee members and alternates shall be selected by the Secretary on the basis of districts as established pursuant to § ___.27. Selection of committee members for districts shall be as follows: Two members for each of Districts 1, 2, 3, 4, and 7; and one member for each of Districts 5, 6, 8, and 9.

(b) Any person selected by the Secretary as a committee member or as an alternate shall qualify by filing a written acceptance with the Secretary within the time he specifies.

§ ___.22 Term of office.

(a) The term of office of committee members and alternates shall be 2 years beginning August 1 and ending July 31, or such other date as the Secretary may approve upon recommendation of the committee, except that of the initial 14 members selected, seven shall serve for a term ending on the second July 31 following their selection and seven shall serve for a term ending on the first July 31 following their selection. Each of the initial 14 alternate members shall be selected to serve for the same term of office as the respective member from each district. No member shall serve for more than three consecutive terms.

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(b) Committee members and alternates shall serve during the term of office for which they are selected and have qualified, or during that portion thereof beginning on the date on which they qualify during the current term of office and continuing until the end thereof, and until their successors are selected and have qualified.

§ ___.23 Procedure.

(a) Ten members of the committee shall be necessary to constitute a quorum and 10 concurring votes shall be required to pass any motion or approve any committee action or such other numbers as may be approved by the Secretary pursuant to recommendation of the committee. In assembled meetings, all votes shall be cast in person.

(b) The committee may provide for meeting by telephone, telegraph, or other means of communication. Any vote cast at such meeting shall be confirmed promptly in writing.

§ ___.24 Powers.

The committee shall have the following powers:

(a) To administer the provisions of this subpart in accordance with its terms;

(b) To make rules and regulations to effectuate the terms and provisions of this subpart;

(c) To receive, investigate, and report to the Secretary complaints of violation of the provisions of this subpart; and

(d) To recommend to the Secretary amendments to this subpart.

§ ___.25 Duties.

It shall be the duty of the committee:

(a) At the beginning of each fiscal period, to meet and organize, to select from among its members a chairman, and such other officers and subcommittees as may be necessary, and to adopt such rules, regulations and bylaws for the conduct of its business as it may deem advisable;

(b) To act as intermediary between the Secretary and any producer or handler, and to receive and consider complaints or petitions from producers with respect to marketing problems under this program. A petition to the committee signed by 50 percent of the producers of a variety, or 30 producers, whichever is smaller, shall be considered by the committee within 5 working days after receipt.

(c) To furnish to the Secretary such available information as he may request;

(d) To appoint such employees, agents, and representatives as it may deem necessary and to determine the compensation and define the duties of each such person, and to protect the handling of committee funds through fidelity bonds;

(e) To investigate from time to time and to assemble data on the growing, harvesting, shipping, and marketing conditions with respect to potatoes, and to engage in such research and service activities which relate to the handling or marketing of potatoes as may be approved by the Secretary.

(f) To keep minutes, books, and records which clearly reflect all the acts and transactions of the committee; and to furnish the Secretary promptly two copies of the minutes of each committee meeting and two copies of the annual report of the committee's operations.

(g) To make available to producers and handlers the committee voting record on recommended regulations and on other matters of policy;

(h) At the beginning of each fiscal period, to submit to the Secretary a budget of its expenses for such fiscal period, together with a report thereon;

(i) To prepare periodic statements of the financial operations of the committee and to cause the books of the committee to be audited by a competent public accountant at least once each fiscal period, and at such other times as the committee may deem necessary or as the Secretary may request. These reports shall show the receipt and expenditure of funds collected pursuant to this subpart; a copy of each such report shall be furnished to the Secretary and a copy of each such report shall be made available at the principal office of the committee for inspection by producers and handlers; and

(j) To consult, cooperate, and exchange information with other potato marketing committees and other individuals or agencies in connection with all proper committee activities and objectives under this subpart.

§ ___.26 Expenses and compensation.

Committee members and their respective alternates when acting on committee business shall be reimbursed for reasonable expenses necessarily incurred by them in the performance of their duties and in the exercise of their powers under this subpart. In addition, they may receive reasonable compensation at a rate recommended by the committee and approved by the Secretary.

§ ___.27 Districts.

(a) For the purpose of determining the basis for selecting committee members, the following districts of the production area are hereby initially established:

District No.		Number of members
	NORTH DAKOTA COUNTIES	
1	Pembina, Cavalier, Towner and Ramsey.	2
2	Walsh, east of Highway 18	2
3	Walsh, west of Highway 18	2
4	Grand Forks	2
5	Traill, Steele, Richland, Cass, and Nelson.	1
	MINNESOTA COUNTIES	
6	Kittson, Marshall, and Pennington.	1
7	Red Lake and Polk, west of Highway 32.	2
8	Norman, Mahnomen, and Polk, east of Highway 32.	1
9	Clay, Otter Tail, Wilkin, and Becker.	1

(b) Redistricting. The Secretary, upon recommendation of the committee, may reestablish districts within the production area and may reapportion committee membership among the various districts. In recommending any such changes in districts, the committee shall give consideration to (1) the relative importance of new areas of production, (2) changes in the relative positions of existing districts with respect to production, (3) the geographic location of areas of production as they would affect the efficiency of administering this part, (4) the equitable relationship between the committee membership and districts and (5) other relevant factors: *Provided*, That there shall be no change in the total number of committee members or in the total number of districts. No change in districting may become effective less than 30 days prior to the date on which terms of office begin each year and no recommendations for such redistricting may be made within less than 6 months prior to such date.

§ ___.28 Nominations.

The Secretary may select the members of the Red River Valley Potato Committee and their respective alternates from nominations which may be made in the following manner, or from other eligible persons:

(a) Nominations for members and alternates of the committee may be submitted by producers, or groups thereof, on an elective basis or otherwise.

(b) In order to provide nominations for committee members and alternates:

(1) The committee shall hold, or cause to be held, nominations by mail or at assembled meetings of producers to fill expiring terms in each district. Such nominations shall be held prior to July 1 of each year, or by such other date as may be approved by the Secretary;

(2) In arranging for such nominations, the committee may, if it deems desirable, utilize the services and facilities of existing organizations and agencies;

(3) At each such meeting at least one nominee shall be designated for each position as member and for each position as alternate member on the committee which is vacant, or which is to become vacant the following July 31;

(4) Nominations for committee members and alternate members shall be supplied to the Secretary, in such manner and form as he may prescribe, not later than July 1 of each year, or such other date as may be approved;

(5) Only producers who reside within the production area may participate in designating nominees for committee members and their alternates;

(6) Regardless of the number of districts in which a person produces potatoes, each such person is entitled to cast only one vote on behalf of himself, his agents, subsidiaries, affiliates, and representatives, in designating nominees for committee members and alternates. In the event a person is engaged in producing potatoes in more than one district, such person shall elect the district within which he may participate as aforesaid in designating nominees. An eligible voter's

privilege of casting only one vote, as aforesaid, shall be construed to permit a voter to cast one vote for each position to be filled in the respective district in which he elects to vote.

(c) If nominations are not made within the time and in the manner specified by the Secretary pursuant to paragraph (b) of this section, the Secretary may, without regard to nominations, select the committee members and alternates on the basis of the representation provided for in this part.

§ ___.29 Vacancies.

To fill any vacancy occasioned by the failure of any person selected as a committee member or as an alternate to qualify or in the event of the death, removal, resignation, or disqualification of any qualified member or alternate, a successor for his unexpired term may be selected by the Secretary from nominations made in the manner specified in § ___.28, or from previously unselected nominees on the current nominee list from the district involved or from other eligible persons. If the names of nominees to fill any vacancy are not made available to the Secretary within 30 days after such vacancy occurs, the Secretary may fill such vacancy without regard to nominations, which selection shall be made on the basis of the representation provided for in § ___.27.

EXPENSES AND ASSESSMENTS

§ ___.30 Expenses.

The committee is authorized to incur such expenses as the Secretary may find are reasonable and likely to be incurred during each fiscal period for its maintenance and functioning, and for such purposes as the Secretary, pursuant to this subpart, determines to be appropriate. Each handler's pro rata share of such expenses shall be proportionate to the ratio between the total quantity of assessable potatoes handled by him as the first handler thereof during a fiscal period and the total quantity of assessable potatoes so handled by all handlers as first handlers thereof during such fiscal period.

§ ___.31 Budget.

As soon as practicable after the beginning of each fiscal period and as may be necessary thereafter, the committee shall prepare an estimated budget of income and expenditures necessary for the administration of this part. The committee may recommend a rate of assessment calculated to provide adequate funds to defray its proposed expenditures. The committee shall present such budget to the Secretary with an accompanying report showing the basis for its calculations.

§ ___.32 Assessments.

(a) The funds to cover the committee's expenses shall be acquired by the levying of assessments upon handlers as provided for in this subpart. Each handler who first handles assessable potatoes shall pay assessments to the committee upon demand, which assessments shall be in payment of such handler's pro rata share of the committee's expenses.

(b) Assessments shall be levied during each fiscal period upon handlers at a rate per unit established by the Secretary. Such rate may be established upon the basis of the committee's recommendations and other available information.

(c) At any time during, or subsequent to, a given fiscal period the committee may recommend the approval of an amended budget and an increase in the rate of assessment. Upon the basis of such recommendations, or other available information, the Secretary may approve an amended budget and increase the rate of assessment. Such increase shall be applicable to all assessable potatoes which were handled by each first handler thereof during such fiscal period.

(d) The payment of assessments for the maintenance and functioning of the committee may be required irrespective of whether particular provisions of this part are suspended or become inoperative.

§ ___.33 Accounting.

(a) All funds received by the committee pursuant to the provisions of this part shall be used solely for the purposes specified in this part.

(b) The Secretary may at any time require the committee, its members and alternates, employees, agents, and all other persons to account for all receipts and disbursements, funds, property, and records for which they are responsible. Whenever any person ceases to be a member of the committee or alternate, he shall account to his successor, the committee, or to the person designated by the Secretary, for all receipts, disbursements, funds, and property (including but not being limited to books and other records) pertaining to the committee's activities for which he is responsible, and shall execute such assignments and other instruments as may be necessary or appropriate to vest in his successor, the committee, or person designated by the Secretary, the right to all of such property and funds and all claims vested in such person.

(c) The committee may make recommendations to the Secretary for one or more of the members thereof, or any other person, to act as a trustee for holding records, funds, or any other committee property during periods of suspension of this part, or during any period or periods when regulations under this part are not in effect, and, if the Secretary determines such action appropriate, he may direct that such person or persons may act as such trustee or trustees.

(d) At the end of each fiscal period funds arising from the excess of assessments collected over expenses shall be accounted for as follows:

(1) The committee, with the approval of the Secretary, may establish an operating monetary reserve and may carry over to subsequent fiscal periods excess funds in a reserve so established: *Provided*, That funds in the reserve shall not exceed approximately one fiscal period's budgeted expenses. Such reserve funds may be used to defray any expenses authorized under this part and to cover necessary expenses of liquidation in the event of termination of this part. If upon such termination any funds not required to defray the necessary expenses of liquidation, and after reasonable effort by the committee it is found impracticable to return such remaining funds to handlers, such funds shall be disposed of in such manner as the Secretary may determine to be appropriate.

(2) If such excess is not retained in a reserve or used to defray necessary expenses of liquidation, it shall be credited or refunded proportionately to the handlers from whom collected.

REGULATION

§ ___.34 Marketing policy.

(a) Prior to each marketing season, the committee shall consider and prepare a policy statement for the marketing of potatoes. In developing its marketing policy, the committee shall investigate relevant supply and demand conditions for potatoes. In such investigations, the committee shall give appropriate considerations to the following:

(1) Market prices of potatoes, including prices by grade, size, quality, and maturity in different packs of fresh potatoes and of the various forms of processed potatoes;

(2) Supplies of potatoes by grade, size, quality, and maturity in the production area and in other production areas, of fresh potatoes, and the supplies of various forms of processed potatoes;

(3) The trend and level of consumer income;

(4) Establishing and maintaining orderly marketing conditions for potatoes;

(5) Orderly marketing of potatoes as will be in the public interest; and

(6) Other relevant factors.

(b) In the event it becomes advisable to change such marketing policy because of changed supply and demand conditions, the committee shall formulate a revised marketing policy statement in accordance with the appropriate considerations in paragraph (a) of this section.

(c) The committee shall submit a report to the Secretary setting forth such marketing policy. Notice of each such marketing policy and any revision thereof shall be given to producers, handlers, and other interested parties by bulletins, newspapers, or other appropriate media, and copies thereof shall be available for examination at the committee office to all interested parties.

§ ___.35 Recommendation for regulation.

The committee shall recommend to the Secretary regulations, or amendments, modifications, suspension, or termination thereof, whenever it finds that such regulations as provided in this subpart in accordance with the marketing policy established pursuant to § ___.34 and that

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such regulations will tend to effectuate the declared policy of the act.

§ ___.36 Issuance of regulations.

(a) The Secretary shall limit the handling of potatoes whenever he finds from the recommendations and information submitted by the committee that it would tend to effectuate the declared policy of the act. Such limitation may:

(1) Regulate in any or all portions of the production area the handling of particular grades and/or qualities, of any or all varieties of potatoes during any period;

(2) Regulate the handling at specified locations outside the production area of particular grades and/or qualities, of production area potatoes which have been shipped from the production area to such specified locations for grading or storage pursuant to § ___.38;

(3) Regulate the handling of particular grades and/or qualities of any or all varieties differently for different packs during any period;

(4) Regulate the handling of potatoes by establishing in terms of grades, minimum standards of quality; and

(5) Require that containers for potatoes handled shall be labeled to show the grade thereon.

(b) Certified seed potatoes used for seed shall be exempt from regulation. Also, no regulation may be issued which is more restrictive than "U.S. No. 2 grade."

(c) The Secretary may amend any regulation issued under this subpart whenever he finds that such amendment would tend to effectuate the declared policy of the act. The Secretary may also terminate or suspend any regulation whenever he finds that such regulation obstructs or no longer tends to effectuate the declared policy of the act.

(d) The Secretary shall notify the committee of any such regulation issued pursuant to this section and the committee shall give reasonable notice thereof to handlers.

§ ___.37 Minimum quantities.

The committee, with the approval of the Secretary, may establish, for any or all portions of the production area, minimum quantities below which shipments will be free from regulations issued pursuant to this part.

§ ___.38 Shipments for special purposes.

(a) Whenever the Secretary finds, upon the basis of the recommendations and information submitted by the committee, or from other available information, that it will tend to effectuate the declared policy of the act, he shall modify, suspend, or terminate any or all regulations issued pursuant to this part in order to facilitate shipments of potatoes for:

(1) Livestock feed;
(2) Charity;
(3) Export;
(4) Prepeeling;
(5) Certified seed;
(6) Canning, freezing, and other processing;
(7) The shipment of unwashed, uninspected potatoes from the production area to specified wash plants or packinghouses outside the production area for grading, packing, storage, or other handling, provided the receiver of such potatoes agrees to, and complies with, the safeguard provisions of § ___.39; or
(8) Such other purposes as may be specified by the committee with the approval of the Secretary.

(b) The Secretary shall give prompt notice to the committee of any modification, suspension, or termination of regulations pursuant to this section, or of any approval issued by him under the provisions of this section.

§ ___.39 Safeguards.

(a) The committee, with the approval of the Secretary, may prescribe adequate safeguards to prevent shipments pursuant to § ___.38 from entering channels of trade other than those specifically authorized.

(b) Safeguards provided by this section may include, but shall not be limited to, requirements that handlers shall:

(1) Apply for and obtain, prior to handling, a special purpose certificate from the committee to make such shipments;

(2) Obtain inspection, pay assessments, or both, on shipments to certain outlets which may be specified by the committee, except on shipments to exempted outlets; or

(3) Register with the committee the name of the receiver so that the committee may establish a list of eligible receivers of exempted potatoes to whom such potatoes may be shipped without the need for more cumbersome procedures.

(c) The Secretary, upon recommendation of the committee, may promulgate rules and regulations governing the issuance and contents of special purpose certificates, also of forms for registration of eligible receivers of exempted potatoes.

(d) The committee may rescind, or deny to any handler the special purpose certificate if proof satisfactory to the committee is obtained that potatoes shipped by him for the purpose stated were handled contrary to the provisions of this section.

(e) The committee shall make reports to the Secretary, as requested, showing the number of applications for such certificates, the quantity of potatoes covered by such applications for such certificates, the number of such applications denied, and certificates granted, the quantity of potatoes shipped under duly issued certificates, and such other information as may be requested by the Secretary.

INSPECTION

§ ___.40 Inspection and certification.

(a) During any period in which the handling of potatoes is regulated pursuant to § ___.36 no handler shall handle potatoes unless such potatoes are inspected by an authorized representative of the Federal or Federal-State Inspection Service and are covered by a valid inspection certificate, except when relieved from such requirements.

(b) Regrading, resorting, or repacking any lot of potatoes shall invalidate any prior inspection certificates insofar as the requirements of this section are concerned. No handler shall handle potatoes after they have been regraded, resorted, repacked, or in any way further prepared for market, unless such potatoes are inspected by an authorized representative of the Federal, or Federal-State Inspection Service. Such inspection requirements on regraded, resorted, or repacked potatoes may be modified, suspended, or terminated upon recommendation by the committee, and approval by the Secretary.

(c) Upon recommendation of the committee, and approval of the Secretary, all potatoes so inspected and certified shall be identified by appropriate seals, stamps, or tags to be affixed to the containers by the handler under the direction and supervision of the Federal, or Federal-State, inspector or the committee. Master containers may bear the identification instead of the individual containers within said master container.

(d) Insofar as the requirements of this section are concerned, the length of time for which an inspection certificate is valid may be established by the committee with the approval of the Secretary.

(e) When potatoes are inspected in accordance with the requirements of this section, a copy of each inspection certificate issued shall be made available to the committee by the inspection service.

(f) The committee may recommend and the Secretary may require that no handler shall transport or cause the transportation of potatoes by motor vehicle or by other means unless such shipment is accompanied by a copy of the inspection certificate issued thereon, which certificate shall be surrendered to such authority as may be designated.

REPORTS

§ ___.41 Reports and records.

(a) Upon the request of the committee, with the approval of the Secretary, every handler shall furnish to the committee in such manner and at such time as may be prescribed, such information as will enable the committee to exercise its duties under this subpart.

(b) Each handler shall establish and maintain for at least 2 succeeding years such records and documents with respect to potatoes received and potatoes disposed of by him as will substantiate the required reports.

(c) For the purpose of assuring compliance with the recordkeeping requirements and certifying reports filed by handlers, the Secretary and the committee through its duly authorized employees, shall have access to such records.

(d) All such reports shall be held under appropriate protective classification and custody by the committee or duly appointed employees thereof, so that the information contained therein which

may adversely affect the competitive position of any handler in relation to other handlers will not be disclosed to any person other than the Secretary, or his authorized agents. Compilations of general reports from data and information submitted by handlers is authorized subject to the prohibition of disclosure of individual handlers identities or operations.

§ ___.42 Compliance.

Except as provided in this subpart, no handler shall handle potatoes, the handling of which has been prohibited by the Secretary in accordance with provisions of this subpart, and no handler shall handle potatoes except in conformity to the provisions of this subpart.

EFFECTIVE TIME AND TERMINATION

§ ___.43 Effective time.

The provisions of this subpart shall become effective at such time as the Secretary may declare above his signature attached to this subpart, and shall continue in force until terminated in one of the ways specified in this subpart.

§ ___.44 Termination.

(a) The Secretary may, at any time, terminate the provisions of this subpart by giving a least 1 day's notice by means of a press release or in any other manner which he may determine.

(b) The Secretary may terminate or suspend the operation of any or all of the provisions of this subpart whenever he finds that such provisions do not tend to effectuate the declared policy of the act.

(c) The Secretary shall terminate the provisions of this subpart at the end of any fiscal year whenever he finds that such termination is favored by a majority of producers who, during the preceding fiscal year, have been engaged in the production for market of potatoes: *Provided*, That such majority has, during such period, produced for market more than 50 percent of the volume of such potatoes produced for market; but such termination shall be effective only if announced at least 50 days prior to the end of the then current fiscal period.

(d) The provisions of this subpart shall, in any event, terminate whenever the provisions of the act authorizing them cease to be in effect.

§ ___.45 Proceedings after termination.

(a) Upon the termination of the provisions of this subpart, the then functioning members of the committee shall continue as trustees, for the purpose of liquidating the affairs of the committee, of all the funds and property then in the possession of or under control of the committee, including claims for any funds unpaid or property not delivered at the time of such termination. Action by said trusteeship shall require the concurrence of a majority of the said trustees.

(b) The said trustees shall continue in such capacity until discharged by the Secretary; shall from time to time, account for all receipts and disbursements and deliver all property on hand, together with all books and records of the committee and of the trustees, to such person as the Secretary may direct; and shall upon request of the Secretary, execute such assignments or other instruments necessary or appropriate to vest in such person full title and right to all of the funds, property, and claims vested in the committee or the trustees pursuant thereto.

(c) Any person to whom funds, property, or claims have been transferred or delivered by the committee or its members, pursuant to this section, shall be subject to the same obligations imposed upon the members of the committee and upon said trustees.

§ ___.46 Effect of termination or amendment.

Unless otherwise expressly provided by the Secretary the termination of this subpart or of any regulation issued pursuant to this subpart, or the issuance of any amendments to either thereof, shall not (a) affect or waive any right, duty, obligation, or liability which shall have arisen or which may thereafter arise in connection with any provisions of this subpart or any regulation issued under this subpart, or (b) release or extinguish any violation of this subpart or of any regulation issued under this subpart, or (c) affect or impair any rights or remedies of the Secretary or of any other person with respect to any such violation.

MISCELLANEOUS PROVISIONS

§ ___.47 Right of the Secretary.

The members of the commitee (including successors and alternates), and any agent or employee appointed or employed by the committee, shall be subject to removal or suspension by the Secretary at any time. Each and every order, regulation, decision, determination, or other act of the committee shall be subject to the continuing right of the Secretary to disapprove of the same at any time. Upon such disapproval the disapproved actior. of the said committee shall be deemed null and void, except as to acts done in reliance thereon or in compliance therewith prior to such disapproval by the Secreta ,.

§ ___.48 Duration of immunities.

The benefits, privileges, and immunities conferred upon any person by virtue of this subpart shall cease upon the termination of this subpart, except, with respect to acts done under and during the existence of this subpart.

§ ___.49 Agents.

The Secretary may, by designation in writing, name any person, including any officer or employee of the Government or name any agency or division in the U.S. Department of Agriculture, to act as his agent or representative in connection with any of the provisions of this subpart.

§ ___.50 Derogation.

Nothing contained in this subpart is, or shall be construed to be, in derogation or in modification of the rights of the Secretary or of the United States to exercise any powers granted by the act or otherwise, or, in accordance with such powers, to act in the premises whenever such action is deemed advisable.

§ ___.51 Personal liability.

No member or alternate of the committee, nor any employee or agent thereof, shall be held personally responsible, either individually or jointly with others, in any way whatsoever, to any handler or to any person for errors in judgment, mistakes, or other acts, either of commission or omission, as such member, alternate, or employee, except for acts of dishonesty.

§ ___.52 Separability.

If any provision of this subpart is declared invalid, or the applicability thereof to any person, circumstance, or thing is held invalid, the validity of the remander of this subpart, or the applicability thereof, to any other person, circumstance, or thing, shall not be affected thereby.

§ ___.53 Amendments.

Amendments to this subpart may be proposed, from time to time, by the committee or by the Secretary.

§ ___.54 Counterparts.

This agreement may be executed in multiple counterparts and when one counterpart is signed by the Secretary, all such counterparts shall constitute, when taken together, one and the same instrument as if all signatures were contained in one original. * * *

§ ___.55 Additional parties.

After the effective date hereof, any handler may become a party to this agreement if a counterpart is executed by him and delivered to the Secretary. This agreement shall take effect as to such new contracting party at the time such counterpart is delivered to the Secretary, and the benefits, privileges, and immunities conferred by this agreement shall then be effective as to such new contracting party.[1]

§ ___.56 Order with marketing agreement.

Each signatory handler requests the Secretary to issue, pursuant to the act, an order providing for regulating the handling of potatoes in the same manner as is provided for in this agreement.

Signed at Washington, D.C., on March 21, 1973.

JOHN C. BLUM,
Deputy Administrator,
Regulatory Programs.

[FR Doc.73-5728 Filed 3-26-73;8:45 am]

[1] Applicable only to the proposed marketing agreement.

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[7 CFR Parts 1032, 1050]

MILK IN THE SOUTHERN ILLINOIS AND CENTRAL ILLINOIS MARKETING AREAS

Notice of Proposed Suspension of Certain Provisions of the Orders

Notice is hereby given that, pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), the suspension of certain provisions of the order regulating the handling of milk in the Southern Illinois and Central Illinois marketing areas is being considered for the months of March through December 1973.

All persons who desire to submit written data, views, or arguments in connection with the proposed suspension should file the same with the Hearing Clerk, Room 112-A, Administration Building, U.S. Department of Agriculture, Washington, D.C. 20250, not later than March 29, 1973. All documents filed should be in quadruplicate.

All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

In 7 CFR Part 1032, milk in the Southern Illinois marketing area, and in 7 CFR Part 1050, milk in Central Illinois marketing area, the provisions to be suspended are as follows:

1. In § 1032.71 that part of paragraph (f) which reads "except for the months specified below, shall be," and the provisions contained in paragraphs (g) through (k) in their entirety.

2. In § 1050.71 that part of paragraph (f) which reads "except for the months specified below, shall be," and the provisions contained in paragraphs (g) through (k) in their entirety.

STATEMENT OF CONSIDERATION

The proposed suspension would make inoperative those provisions of Order No. 32 and Order No. 50 that provide for the accumulation and disbursement of money due producers with the intent of encouraging seasonal adjustments in milk production. Under such provisions (the "takeout-payback" plan), money withheld from the pool during March through July (15 cents per hundredweight March and July, 25 cents per hundredweight April, May, and June) is paid out to producers for deliveries of milk during September through December (20 percent in September and December, 30 percent in October and November).

The suspension is requested by Associated Milk Producers, Inc., a cooperative association which has member producers who supply milk to these markets. The basis for the request is to improve the relationship of uniform prices under the orders to pay prices of nearby manufacturing plants during the "takeout" months of March through July 1973.

The association states that the pay price for milk going into cheese is favorable relative to the uniform prices under the orders, and producers are leaving the regulated markets which employ seasonal "takeout-payback" plans. Moreover, the cooperative indicates such producers' plan to return to these regulated markets to take advantage of the "payback" moneys this coming fall. The cooperative contends that such practice of producers withdrawing to an alternative market during the "takeout" months circumvents the intent of the seasonal incentive payment plan. Thus, the cooperative urges that the seasonal payment plan be suspended for this year in the southern and central Illinois markets.

Signed at Washington, D.C., on March 21, 1973.

JOHN C. BLUM,
Deputy Administrator,
Regulatory Programs.

[FR Doc.73-5792 Filed 3-26-73;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Fund for the Improvement of Postsecondary Education

[45 CFR Ch. XV]

SUPPORT FOR IMPROVEMENT OF POSTSECONDARY EDUCATION

Notice of Proposed Rule Making

Pursuant to the authority contained in section 404 of the General Education Provisions Act (20 U.S.C. 1221d), "Support for improvement of postsecondary education," notice is hereby given that the Secretary of Health, Education, and Welfare proposes to amend Title 45 of the Code of Federal Regulations by adding a new Part 1501, as set forth below. The new part would be included in a new chapter XV of title 45. The proposed regulations would establish criteria for the awarding of assistance under this program and the procedures by which eligible applicants would apply for such assistance.

Interested persons are invited to submit written comments, suggestions, or objections regarding the proposed regulations to the office administering the program, the Fund for the Improvement of Postsecondary Education, Department of Health, Education, and Welfare, 400 Maryland Avenue, SW., Room 3139, Washington, DC 20202. Such responses to this notice will be available for public inspection at the above office on Mondays through Fridays between 9 a.m. and 5:30 p.m. All relevant material received not later than April 26, 1973 will be considered.

Dated: March 22, 1973.

CASPAR W. WEINBERGER,
Secretary of Health, Education, and Welfare.

Title 45 of the Code of Federal Regulations is amended by adding a new chapter XV, which contains a new Part 1501, to read as follows:

CHAPTER XV—FUND FOR THE IMPROVEMENT OF POSTSECONDARY EDUCATION, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

PART 1501—SUPPORT FOR IMPROVEMENT OF POSTSECONDARY EDUCATION

Sec.

1501.1 Purpose.
1501.2 Applicability of civil rights provisions.
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1501.4 Eligibility for assistance.
1501.5 Types of assistance.
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1501.10 Limitations on costs.
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1501.12 Final accounting.

AUTHORITY: Sec. 404 of the General Education Provisions Act, as added by sec. 301(a)(2) of Public Law 92-318, 86 Stat. 327 (20 U.S.C. 1221d), unless otherwise noted.

§ 1501.1 Purpose.

The purpose of the regulations in this part is to implement the provisions of section 404 of the General Education Provisions Act, as amended, which provides for grants to, and contracts with, institutions of postsecondary education and other public and private educational institutions and agencies to improve postsecondary educational opportunities. The program is administered by the Fund for the Improvement of Postsecondary Education, a unit within the Office of the Assistant Secretary for Education of the Department of Health, Education, and Welfare, with the advice of a Board of Advisors.

(20 U.S.C. 1221d)

§ 1501.2 Applicability of civil rights provisions.

(a) Federal financial assistance under this part is subject to the regulations in part 80 of this title, issued by the Secretary of Health, Education, and Welfare and approved by the President, to effectuate the provisions of title VI of the Civil Rights Act of 1964 (Public Law 88-352).

(42 U.S.C. 2000d)

(b) Federal financial assistance under this part is also subject to the provisions of title IX of the Education Amendments of 1972 (prohibition of sex discrimination), and any regulations issued thereunder.

(20 U.S.C. 1681-86; Public Law 92-318, section 906)

§ 1501.3 Definitions.

As used in this part—

"Fiscal year" means a period beginning on July 1 and ending on the following June 30. (A fiscal year is designated in accordance with the calendar year in which the ending date of the fiscal year occurs.)

"Fund" means the Fund for the Improvement of Postsecondary Education, the unit within the Office of the Assistant Secretary for Education of the Department of Health, Education, and Welfare which administers the program covered by this part.

"Institution of postsecondary education" means an educational institution which admits as regular students only persons who have completed or left elementary or secondary school.

"Local government" means a local unit of government including specifically a county, municipality, city, town, township, local public authority, special district, intrastate district, council of governments, sponsor group representative organization, and other regional or interstate government entity, or any agency or instrumentality of a local government, exclusive of institutions of postsecondary education and hospitals.

"Nonexpendable personal property" means tangible personal property, including equipment, having a useful life of more than 1 year and an acquisition cost of $300 or more per unit.

"Nonprofit" means owned and operated by one or more nonprofit corporations or associations no part of the net earnings of which inures, or may lawfully inure, to the benefit of any private shareholder or individual.

"Personal property" means property of any kind, tangible or intangible, except real property.

"Private" means not under public supervision or control.

"Public," as applied to an institution or agency, means that the institution or agency is a legally constituted organization of government under public administrative control and direction, except that an institution or agency of the Federal Government shall not be considered a public institution or agency.

"Recipient" means an applicant receiving assistance under this part.

"State" means any of the several States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, any territory or possession of the United States, or any agency or instrumentality of a State exclusive of State institutions of postsecondary education and hospitals.

(20 U.S.C. 1221d)

§ 1501.4 Eligibility for assistance.

Institutions of postsecondary education, combinations thereof, and other public and private educational institutions and agencies are eligible to receive assistance under this part. The fact that an applicant has been only recently established will not in itself prejudice such applicant's application.

(20 U.S.C. 1221d)

§ 1501.5 Types of assistance.

Public and nonprofit applicants may receive assistance in the form of grants or contracts, depending on the nature and objectives of their proposals. An applicant which is not public or nonprofit may receive assistance only in the form of contracts. Grants may be made to a combination of institutions of postsecondary education only if all institutions in the combination are public or nonprofit. Assistance may support a proposal in its entirety or may be conditioned upon the provision of funds from other sources, including the applicant itself. Assistance may be awarded in one payment or in a number of payments, not necessarily equal, over a period of time.

(20 U.S.C. 1221d)

§ 1501.6 Criteria for evaluating applications.

An application for assistance under this part shall be evaluated in terms of the extent to which the proposal therein:

(a) Has the potential for advancing one or more of the following general aims and objectives of the Fund:

(1) To provide effective educational options not generally available;

(2) To increase the cost-effectiveness of educational services;

(3) To achieve far-reaching improvements in postsecondary education;

(4) To promote learner-centered improvements in postsecondary education;

(b) Is directed at furthering one or more of the following program objectives:

(1) To provide new approaches to teaching and learning, specifically through projects which:

(i) Focus on one or more of the following purposes: (*a*) Education for social responsibility, (*b*) education for productive lives through career preparation, or (*c*) education for the enhancement of personal satisfaction; and

(ii) (*a*) Employ one or more of the following techniques or processes to achieve these purposes: (*1*) The integration of learning experiences, (2) the individualization of educational services, or (3) the improvement of teaching/learning techniques; or

(*b*) Develop and implement new kinds of education assessment to measure and achieve these purposes;

(2) To provide educational services for new clientele, specifically through projects which:

(i) Serve one or more of the following groups: (*a*) Young people who academically ranked in the lower half of the high school population or, if they did not attend high school, the elementary school population, (*b*) adults and part-time learners, (*c*) minorities, or (*d*) women; and

(ii) Employ programs and services responsive to new clientele, specifically efforts to achieve: (*a*) Accommodation of education to the needs and potentials of the clientele, (*b*) remediation of the clientele's skills and knowledge, or (*c*) access of the clientele to existing programs and services.

(3) To revitalize institutional missions, specifically through projects involving one or more of the following activities:

(i) The introduction of new structures or activities designed to channel institutional energies more effectively toward the implementation or refinement of an institution's existing mission, or

(ii) The phasing out of programs or activities no longer central to an institution's mission. A proposal directed at furthering this objective will be evaluated by the Fund in terms of the extent to which it (*a*) will serve an important social objective, (*b*) will be central to the institution's principal mission, (*c*) will have a long-term effect on the institution, and (*d*) will actively involve and be supported by constituencies relevant to the institution's mission.

(4) To implement new missions, specifically through projects which:

(i) Redirect missions of existing institutions, or

(ii) Create new institutions.

(5) To encourage openness in postsecondray education, specifically through projects involving the improvement of one or more of the following:

(i) The nature of information about postsecondary education and the ways in which such information is communicated to students, educational institutions, and makers of educational policy.

(ii) The standards, practices, and structures used in recognizing and evaluating the performance of individuals and institutions in postsecondary education, and the utilization of the judgments thereby made by other educational and social institutions and agencies.

(iii) The forms and techniques by which financial support for postsecondary education is provided, particularly those which affect incentives for teachers and structure relationships among teachers and learners.

(iv) The ways in which postsecondary education is regulated by public agencies.

(c) Meets the following criteria:

(1) Is feasible, has sound project design, and is likely to attain expected results with expected expenditures;

(2) Will, if appropriate, be supported financially by sources other than the Fund, including the applicant itself; and

(3) Has the potential for having available financial resources for continuation beyond the period of Fund support, if appropriate.

(20 U.S.C. 1221d)

§ 1501.7 Applications for assistance.

(a) An application for assistance under this part must be filed with the Fund on or before the closing date or dates announced by the Fund for each fiscal year.

(b) Except as provided in paragraph (d) of this section, an application must have a title page providing the following information:

(1) Name and address of applicant.

(2) Name, address, title, phone number, and signature of applicant's authorizing officer.

(3) Name, address, title, and phone number of proposed project director.

(4) Dates of proposed project, including evaluation time.

(5) Amount of assistance requested.

(6) Proposal title.

(7) A brief, one-paragraph description of the proposal.

(c) Except as provided in paragraph (d) of this section, an application must contain the following information, in a format to be selected by the applicant:

(1) A diagnosis of the problem addressed, including a description of the

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problem and, as applicable, a discussion of pertinent empirical data and past attempts to deal with the problem.

(2) A description of the proposed project, including its methodology and schedule, qualifications of the persons who would conduct it, its short-term and long-term objectives, and its specific allocation of available funds in the form of a budget.

(3) A statement as to (i) expected financial support, if any, during the period of Fund support from sources other than the Fund, including the applicant itself, and (ii) if appropriate, expected sources of financial support, including that of the applicant itself, after the period of Fund support has elapsed.

(4) A statement of the significance of the proposed project, with specific reference to the manner in which the project relates to the Fund's objectives.

(5) An evaluation plan, including the criteria by which the project will be evaluated, the methods and schedules for such evaluation, and the cost of such evaluation.

(d) A State or local government seeking assistance under this part must apply in accordance with such procedures, and using such forms, as the Fund may specially prescribe in conformity with pertinent directives of the Office of Management and Budget. Much of the material required of such applicants pursuant to such directives is similar to the material required of applicants proceeding under paragraphs (b) and (c) of this section.

(e) Prior to its disposition of applications for assistance under this part, the Fund may obtain the review and advice of qualified persons not employed by the Department of Health, Education, and Welfare. Any such review shall be in addition to the review of applications by the Fund in accordance with such procedures as it may establish, including consultation with the Board of Advisors to the Fund.

(f) No application for assistance under this part to an institution of postsecondary education shall be approved until the Fund has submitted it to the State postsecondary education commission, if there is one, established or designated pursuant to section 1202 of the Higher Education Act of 1965 in the State in which the institution is located and afforded the commission an opportunity to submit its comments and recommendations as to the application to the Fund.

(g) No application for assistance under this part shall be approved until the procedure for implementing the evaluation plan required under paragraph (c) of this section or, as applicable, paragraph (d) of this section has been established and a schedule for the submission of reports on such evaluation by the applicant to the Fund has been agreed upon.

(20 U.S.C. 1221d; OMB Circular No. A-102, Attachment M)

§ 1501.8 Retention of records.

(a) *Records.* Each recipient shall keep intact and accessible records relating to the receipt and expenditure of Federal funds (and to the expenditure of the recipient's contribution to the cost of the project, if any), including all accounting records and related original and supporting documents that substantiate direct and indirect costs charged to the award.

(b) *Period of retention.* (1) Except as provided in paragraph (b) (2) and (d) of this section, the records specified in paragraph (a) of this section shall be retained for 3 years after the date of the submission of the final expenditure report or, with respect to a grant or contract which is renewed annually, for 3 years after the date of the submission of an annual expenditure report.

(2) Records for nonexpendable personal property which was acquired with Federal funds shall be retained for 3 years after its final disposition.

(c) *Microfilm copies.* Recipients may substitute microfilm copies in lieu of original records in meeting the requirements of this section.

(d) *Audit questions.* The records involved in any claim or expenditure which has been questioned by Federal audit shall be further retained until resolution of any such audit questions.

(e) *Audit and examination.* The Secretary of Health, Education, and Welfare and the Comptroller General of the United States, or any of their duly authorized representatives, shall have access for the purpose of audit and examination to all such records and to any other pertinent books, documents, papers, and records of the recipient.

(OMB Circular No. A-73; OMB Circular No. A-102, Attachment C; 20 U.S.C. 1221d)

§ 1501.9 Audits.

(a) All expenditures by recipients shall be audited by the recipient or at the recipient's direction to determine, at a minimum, the fiscal integrity of financial transactions and reports, and the compliance with laws and regulations.

(b) The recipient shall schedule such audits with reasonable frequency, usually annually, but not less frequently than once every 2 years, considering the nature, size, and complexity of the activity.

(c) Copies of audit reports shall be made available to the Fund to assure that proper use has been made of the funds expended. The results of such audits will be used to review the recipient's records and shall be made available to Federal auditors. Federal auditors shall be given access to such records or other documents as may be necessary to review the results of such audits.

(d) Each recipient shall use a single auditor for all of its expenditures under Federal education assistance programs, regardless of the number of Federal agencies providing such assistance.

(20 U.S.C. 1221d; OMB Circular No. A-102, Attachment G, 2, Attachment C, 1)

§ 1501.10 Limitations on costs.

The amount of the award shall be set forth in the grant award or contract document. The total cost to the Federal Government will not exceed the amount set forth in the grant award or contract document. The Federal Government shall not be obligated to reimburse the recipient for costs incurred in excess of such amount unless and until the Fund has notified the recipient in writing that such amount has been increased and has specified such increased amount in a revised grant award or contract document. Such revised amount shall thereupon constitute the revised total cost of the performance of the grant or contract that may be borne by the Federal Government.

(31 U.S.C. 200)

§ 1501.11 Reporting.

The recipient shall comply with the schedule for reporting on its evaluation of the project agreed upon pursuant to § 1501.7(g).

(20 U.S.C. 1221d; OMB Circular No. A-102, Attachment M)

§ 1501.12 Final accounting.

(a) In addition to such other accounting as the Fund may require the recipient shall render, with respect to the project, a full account of funds expended, obligated, and remaining.

(b) A report of such accounting shall be submitted to the Fund within 90 days of the expiration or termination of the grant or contract, and the recipient shall remit within 30 days of the receipt of a written request therefor any amounts found by the Fund to be due. Such period may be extended at the discretion of the Fund upon the written request of the recipient.

(20 U.S.C. 1221d; 31 U.S.C. 628)

[FR Doc.73-5775 Filed 3-26-73;8:45 am]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 71]

[Airspace Docket No. 73-NW-03]

TRANSITION AREA

Proposed Alteration

The Federal Aviation Administration is considering an amendment to Part 71 of the Federal Aviation Regulations that would alter the description of the Twin Falls, Idaho transition area.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Operations, Procedures and Airspace Branch, Northwest Region, Federal Aviation Administration, FAA Building, Boeing Field, Seattle, Wash., 98108. All communications received on or before April 26, 1973, will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Regional Air Traffic Division Chief. Any data, views, or arguments presented during such conferences

must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

A public docket will be available for examination by interested persons in the office of the Regional Counsel, Northwest Region, Federal Aviation Administration, FAA Building, Boeing Field, Seattle, Wash. 98108.

A new ILS approach procedure is proposed for the Twin Falls City-County Airport, Twin Falls, Idaho. A review of the airspace requirements for the new procedure reveals that additional transition area airspace would be required to provide controlled airspace protection for aircraft executing the proposed procedure.

In consideration of the foregoing, the FAA proposes the following airspace action.

In § 71.181 (38 FR 435) the description of the Twin Falls, Idaho, transition area is amended to read as follows:

TWIN FALLS, IDAHO

That airspace extending upward from 700 feet above the surface within 9.5 miles north and 5 miles south of the Twin Falls VORTAC 086° and 281° radials extending from the VORTAC to 30 miles east and 18.5 miles west; within 5 miles each side of the Twin Falls 156° radial extending from the VORTAC to 9.5 miles southeast of the VORTAC; that airspace extending upward from 1,200 feet above the surface within a 14-mile radius of the Twin Falls VORTAC, extending clockwise from the VORTAC 173° radial to the VORTAC 311° radial; within that airspace southeast of Twin Falls bounded on the north by V-269, on the east by a 21-mile arc centered on the VORTAC and on the southeast by V-484; within that airspace north of Twin Falls bounded on the north by V-500, on the east by longitude 114°01'00" W., on the south by V-269 and on the southwest by V-293; that airspace northwest of Twin Falls bounded on the north by V-330, on the east by V-293, and on the south by V-4; that airspace within 9 miles southwest and 6 miles northeast of the Twin Falls VORTAC 311° radial extending from the VORTAC to 39 miles northwest of the VORTAC.

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958, as amended (49 U.S.C. 1348(a)), and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Seattle, Wash., on March 16, 1973.

J. H. TANNER,
Acting Director, Northwest Region.

[FR Doc.73-5741 Filed 3-26-73;8:45 am]

FEDERAL HOME LOAN BANK BOARD

[12 CFR Part 563]

[73-437]

FEDERAL SAVINGS AND LOAN INSURANCE CORP.

Investments in Entities Which Invest in Loans Through Out-of-State Offices

Several Federal savings and loan associations, and several State-chartered associations, whose accounts are insured by the Federal Savings and Loan Insurance Corporation, desire that their service corporations be authorized to establish offices in States other than the State in which the insured institution has its principal or home office. It appears that the principal purpose for establishing such out-of-State offices is to conduct through such offices the activities of originating, purchasing, selling, and servicing loans, and participations in loans, secured by real estate located outside the State in which the parent insured institution has its principal office.

Federal savings and loan associations and subsidiary insured institutions of savings and loan holding companies are not now authorized to invest in service corporations which conduct any activities through an office located outside the State in which the investing institution has its principal office. However, at least one State has authorized two or more service corporations of insured institutions chartered by that State to conduct the above-mentioned activities through out-of-State offices. Other States may grant similar authority in the near future.

The establishment of out-of-State offices of service corporations of insured institutions for the purpose of conducting real estate mortgage lending and servicing activities through such offices is of concern to the Board because of the responsibilities of the Federal Savings and Loan Insurance Corporation under title IV of the National Housing Act. In order to aid the Board in its determination as to whether service corporation lending activities through out-of-State offices is consistent with the safe and sound operation of insured institutions and with the provision of economical home financing for the Nation, the Board proposes to amend the rules and regulations for Insurance of Accounts (12 CFR Parts 561-572) by adding a new § 563.9-5 captioned "Investments in entities which invest in loans through out-of-State offices".

Proposed § 563.9-5 would prohibit insured institutions from making or maintaining an investment in any service corporation which, through its own or a subsidiary's out-of-State office, conducts mortgage lending or servicing activities with respect to loans secured by real estate located outside of the State in which the principal office of such insured institution is located.

Interested persons are invited to submit written data, views, and arguments to the Office of the Secretary, Federal Home Loan Bank Board, 101 Indiana Avenue NW., Washington, DC 20552, by April 30, 1973, as to whether these proposals should be adopted, rejected, or modified. Written material submitted will be available for public inspection at the above address unless confidential treatment is requested or the material would not be made available to the public or otherwise disclosed under § 505.6 of the general regulations of the Federal Home Loan Bank Board (12 CFR 505.6).

It is proposed to amend Part 563 (12 CFR Part 563) by adding a new § 563.9-5 to read as follows:

§ 563.9-5 Investments in entities which invest in loans through out-of-State offices.

No insured institution shall make or maintain any investment in any corporation, partnership, or any other form of legal entity (a) which maintains an office, either directly, or indirectly through any subsidiary, located outside the State where the principal office of such insured institution is located, and (b) which, through any such out-of-State office, makes or participates in the making of loans, purchases, or sells loans or participation interests in loans, or services loans, if such loans are secured by real estate located outside such State. As used in this section, the term "State" shall include any State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, and the possessions of the United States.

(Secs. 402, 403, 407, 48 Stat. 1256, 1257, 1260, as amended; 12 U.S.C. 1725, 1726, 1730. Reorg. Plan No. 3 of 1947, 12 FR 4981, 3 CFR, 1943-48 Comp., p. 1071)

Dated: March 20, 1973.

By the Federal Home Loan Bank Board.

[SEAL] EUGENE M. HERRIN,
Assistant Secretary.

[FR Doc.73-5795 Filed 3-26-73;8:45 am]

[12 CFR Part 584]

[73-436]

FEDERAL SAVINGS AND LOAN INSURANCE CORP.

Excepted Acquisitions

The Federal Home Loan Bank Board has determined that it should propose an amendment to the Regulations for Savings and Loan Holding Companies (12 CFR Chapter V, Subchapter F) governing acquisitions of insured institutions under section 408(e)(1)(B)(ii) of the National Housing Act.

Section 408(e) provides generally that the acquisition of an insured institution requires prior written approval from the Federal Savings and Loan Insurance Corporation. Paragraph (e)(1)(B)(ii) of that section excepts from that requirement an acquisition effected by means of a reorganization in which a person or group of persons, having had control of the insured institution for more than 3 years, vests control of that institution in a newly formed holding company subject to the control of the same person or group of persons. This provision has been tracked in § 584.4 of this part, and has been the subject of Board Ruling 589.2 of its Holding Company Regulations (12 CFR 584.4, 589.2).

Upon review of acquisitions effected under this exception, the Board has determined to propose an amendment to the Savings and Loan Holding Company Regulations under which a company

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which proposes to acquire an insured institution without such prior written approval, because the company considers its acquisition to fall within the exception of section 408(e)(1)(B)(ii), would be required to submit the following information on a form provided by the Corporation: (a) A statement presenting the facts and circumstances material to the proposed acquisition, together with (b) a request for a ruling from the Corporation that it falls within the exception. Where the Holding Companies Section of the Board's Office of Examinations and Supervision deems the statement inadequate, the company would be required to submit additional data if such a request were made within 60 days of receipt of the company's statement. If the Corporation does not issue a ruling within 60 days of receipt of the initial filing, or, in the case where additional data is requested, within 60 days of receipt of the additional data, the company will be deemed to fall within the exception.

In furtherance of the foregoing, the Board proposes to amend Part 584 of the Regulations for Savings and Loan Holding Companies (12 CFR Part 584) by adding, immediately after § 584.4 thereof a new § 584.4a as follows:

§ 584.4a Request for ruling for exception to requirement of prior written approval of acquisitions.

Any company other than a savings and loan holding company, which proposes to acquire an insured institution without the prior written approval of the Corporation pursuant to paragraph (b)(2) of § 584.4, shall, prior to such acquisition, request a ruling from the Corporation whether the proposed acquisition may be so effected. Such request shall be in form prescribed by the Corporation and shall be filed with the Corporation by submitting the original and one copy to the Director, Holding Companies Section, Office of Examinations and Supervision, Federal Home Loan Bank Board, Washington, D.C. 20552, and one original and one copy to the Supervisory Agent. The company shall submit additional information: (a) If the Director, within 60 days after the receipt by him of the request for a ruling, so requests in writing and, in such event, (b) if thereafter the Director requests such infromation in writing within 60 days after his receipt of any such additional information. If the Corporation does not issue a ruling by the expiration of 60 days after receipt by the Director of the initial filing, or, where the Director requests additional information, by the expiration of 60 days after receipt by the Director of such additional information most recently requested by him, the proposed acquisition may be effected without prior written approval of the Corporation.

(Sec. 402, 48 Stat. 1256, as amended, § 408, 48 Stat. 1261, as added by 73 Stat. 691, as amended; 12 U.S.C. 1725, 1730a, Reorg. Plan No. 3 of 1947, 12 FR 4981, 3 CFR 1943–48 Comp., p. 1071)

Interested persons are invited to submit written data, views and arguments to the Office of the Secretary, Federal Home Loan Bank Board, 101 Indiana Avenue NW., Washington, DC 20552, by April 30, 1973, as to whether these proposals should be adopted, rejected, or modified. Written material submitted will be available for public inspection at the above address unless confidential treatment is requested or the material would not be made available to the public or otherwise disclosed under § 505.6 of the General Regulations of the Federal Home Loan Bank (12 CFR 505.6).

Dated: March 20, 1973.

By the Federal Home Loan Bank Board.

[SEAL] EUGENE M. HERRIN,
Assistant Secretary.

[FR Doc.73-5796 Filed 3-26-73;8:45 am]

Notices

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF STATE

[Public Notice 385]

CULTURALLY SIGNIFICANT OBJECTS

Temporary Exhibition Within United States

Notice is hereby given of the following determination.

Pursuant to the authority vested in me by Public Law 89–259 of October 19, 1965 (79 Stat. 985), Executive Order 11312 of October 14, 1966 (31 FR 13415, Oct. 18, 1966), and Delegation of Authority No. 113 of December 23, 1966 (32 FR 58, Jan. 5, 1967), I hereby determine that (1) the objects described, in the list attached below, to be imported, pursuant to a loan agreement between Mr. Edward J. Piszek for the Copernicus Society, the Smithsonian Institution, the Franklin Institute, the Hayden Planetarium, the Detroit Institute of Arts, the Milwaukee Public Museum, and the Museum of Science and Industry and Dr. Jerzy Bukowski, Professor Marian Dobrowolski, and Dr. Mieczyslaw Klimaszewski of Jagiellonian University of the Polish People's Republic, for temporary exhibition without profit within the United States are of cultural significance and that (2) the temporary exhibition or display of such objects within the United States, at the Smithsonian Institution, on or about April 6 to 30, in Washington, D.C., at the Franklin Institute, on or about May 1 to 21, in Philadelphia, Pa., at the Hayden Planetarium, on or about May 22 to June 11, in New York City, at the Detroit Institute of Arts, on or about June 12 to 20, in Detroit, Mich., at the Milwaukee Public Museum, on or about June 21 to 29, in Milwaukee, Wis., and at the Museum of Science and Industry, on or about June 30 to July 18, 1973, in Chicago, Ill., is in the national interest.

Public notice of this determination is ordered to be published in the FEDERAL REGISTER.

Dated: March 22, 1973.

JOHN RICHARDSON, Jr.,
Assistant Secretary for Educational and Cultural Affairs.

CATALOGUE OF ITEMS INCLUDED IN THE EXHIBITION OF THE ORIGINAL COPERNICUS INSTRUMENTS

1. Arabian Astrolabe dated 1054—with six circular plates/safiha/for measurement of different geographical latitudes. Made in Cordoba, in Spain. On the back/'doxsum'/ is the Julian Calendar with Arabic and Latin inscriptions from the XIV c. Bought by Martin Bylica in Italy who added the sixth plate for the geographical latitude of Padua and Buda. It is the oldest astronomical instrument in Poland.
   Brass Diameter 20 cm.
2. Martin Bylica's of Olkusz Celestial Globe dated 1480—with the astrolabe and two sundials. Made by Hans Dorn in Vienna under the supervision of Martin Bylica of Olkusz. On horizontal plate is the proprietary sign of Bylica and on the sundial is the date 1480. It is one of the biggest preserved medieval globes.
   Ball, Base and Casing—bronze
   Ht: 136 cm., Diam. 40 cm.
3. Martin Bylica's of Olkusz Astrolabe, dated 1486—with two plates for geographical latitude of Buda and Cracow. The instrument was designed by Hans Dorn under the supervision of Martin Bylica. Marked with the Proprietary sign of Martin Bylica and the date 1486. It is one of the biggest preserved medieval astrolabes provided with a magnetic compass put in the head of the handle.
   Brass Diameter 453 cm.
4. Martin Bylica's of Olkusz Torquetum dated 1487—with a sundial and a compass dated c. 1487. The instrument was designed by Hans Dorn under the supervision of Martin Bylica. It was made to read off ecliptic coordinates and was used in astrology. On equatorial plate is a sundial and a magnetic compass. Torquetum of Martin Bylica and torquetum of Nicholas of Cusa are the only medieval torqueta preserved to our times.
   Brass Ht: 41 cm., Bass 42.33 x 56 cm.
5. Earth Globe—So Called "Gold Jagiellonian Globe" dated c. 1510—the terrestrial globe is encircled with an armillary sphere and provided inside the ball with a clock mechanism moving the indicator and the sphere. The clock tells hours, days, months, and position of the Sun in the sky. On the southern hemisphere is engraved a continent with the inscription: "America Noviter Reperta." The globe is considered the most precious item in the Jagiellonian University collection. It has been owned by the University since the 16th Century.
   Ball—gilt brass with an engraved celestial map. Diameter 7.3 cm. Including the sphere 12 cm.
6. Portrait of Nicholas Copernicus, the Elder, the Astronomer's Father—17th Century, unsigned, oil canvas doubled, size 60 x 47 cm. Inscription at the top: "Nicholas Copernicus Pater Nicolai Copernici Astrologiae Unius Miraculi Nati 1473 19 February." Inscription at the bottom: "Joannes Broscius Curzeloviensis Depingi Curavit Torunii at que hic Reposuit." The portrait was painted in 1614 for Prof. John Brozek and was modelled on the epitaph portrait in Torun. Owned by the Jagiellonian University since that time.
7. Protrait of Nicholas Copernicus/1473–1543/Unsigned, oil canvas 39.5 x 28 cm. Inscription at the bottom: "N Copernic. N an. 1473 O an. 1547"
8. Portrait of Nicholas Copernicus. Oil on panel. 67 x 48 cm. Inscription at the bottom: "Clarissimus et Doctissimus Doctor Nicholas Copernicus Torunensis Canonicus Warmiensis Astronomus Incomparabilis 1575." Replica of an unpreserved portrait from the 17th Century.
9. Picture of Foundation of the Cracow Academy—Distemper on Panel 100 x 128 cm. Inscription on top frame: "Fundatio Academiae Cracoviensis A.D. MCD." Inscription at bottom: "Ex altari et epitaphio ad Mausoleum Diui Vladisiai Jagellonis R.P. et M.D. lit." Replica painted after the woodcut from 17th century; possessed by the Jagiellonian Library.
10. Bust of Nicholas Copernicus—Francis Wyspianski/1836–1901.
    Plaster
    Ht: 60 cm. Signed by Francis Wyspianski
11. Nicholas Copernicus. Miniature of the monument erected in 1830 in front of the Palace of the Academy of Sciences in Warsaw. Chiselled by Thorwaldsen. Souvenir mold is the expression of the worship of Nicholas Copernicus in the 19th century. Bronze Ht: 38 cm., Wdth. at Base: 13.5
12. Photographic Print of Enrollment of Nicholas Copernicus to the Jagiellonian University—The enrollment of Copernicus into the Faculty of Arts/'Artium'/in the University. Metricae studiosorum Universitatis Cracoviensis. Part I including years 1400–1508. K. 365 MSS No. 258 in the Jagiellonian Library, Cracow.
    Parchment 78 x 54.5 cm.
13. Photographic Print of the Document Certifying Nicholas Copernicus' Doctoral degree, obtained at the University of Ferrara. The Book of Authenticated Deeds preserved in Archive di Stato in Ferrara. (Call No. 237, p. 446). Note made by bishop's notary Thomas Mileghini. Photographic print made in 1964. Gift of the University on the occasion of its 600th Anniversary.
14. Matthew of Miechow. "Chronica Polonorum." Cracow, Jerome Vietor, 1521. The first chronicle issued in Poland, written by Matthew of Miechow/1457–1523/—first the student, then the professor and at last Rector Magnificus of the Jagiellonian University. He was also the court physician and astrologer of King Sigismund I. His activity in the field of history, medicine, and astrology places him among the most eminent humanists in Cracow. The Matthew of Miechow Chronicle was printed in Jerome Vietor's printing office (working) in Cracow in the years 1517–1546.
15. Miechowita's Document 1522–1524.
16. Facsimile of the Nicholas Copernicus Treatise, "De Revolutionibus." "De Revolutionibus Orbium Coelestium Libri VI." Manuscript. Facsimile edited in 1972 for the occasion of the 500th Anniversary of Copernicus' birth. MSS preserved in the Jagiellonian Library, Cracow.
17. Mace of Frederic the Jagiellonian 1493—Mace of Rector Magnificus of the Jagiellonian University. Designed by Martin Marciniec/died 1518/, the king's goldsmith. Gift of Cardinal Frederic the Jagiellonian, the Great Chancellor of the Kingdom and the University, died 1503. This mace is used up till present time, on very special occasions, as an insignium of Rector Magnificus' office.

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18. Mace of Zbigniew Olesnicki, 1450—Mace of Rector Magnificus of the Jagiellonian University, dated 1445. Owned by Cracow-Cardinal Zbigniew Olesnicki who bequeathed it to the Jagiellonian University. There are three coats of arms in the crown wreathing the mace: Papal, Royal, and the one belonging to Cardinal Zbigniew Olesnicki. Today the mace is carried by Rector Magnificus as the insignium of his office.
Silver Length of Staff 1159 mm.
19. Wood Block, Map of Northern Celestial Hemisphere.—Publ. John Kochanowski: "Phenomena or the Register of Celestial Signs." 1585–1586. J. Muczkowski: "The Collection of Woodcut Imprints from the 16th and 17th Centuries.
Cracow, 1849 24.5 x 26 cm.
20. Wood Block. Comet Above the Landscape. The scientists are watching on the background of the landscape the appearance of a comet in the sky. Printed as a front picture in the treatise: "Experiments about Peter Slowacjusz's Comet in the year 1577."
21. Wood Block, Zodiac Man—Picture from the calendar coming from the second half of the 16th century. Publ. J. Muczkowski: "The Collection of Woodcut Imprints from the 16th and 17th Centuries.
Cracow, 1849 5.8 x 7.5 cm.
22. Wood Block. Sundial—Printed in the book "Usus Almanach Seu Ephemerides Interpretatio" 1532 Ungler. It describes fundamental rules of astrology and calendariography. The present sundial tells hours after the sunrise and before the sunset. It may be cut out and stuck on a cylinder and used for gnomon measurements. 10.3 x 7.5 cm.
23. Wood Block. Eclipse with a Dragon—the second half of the 16th Century. Publ. J. Muczkowski: "The Collection of Woodcut Imprints from the 16th and 17th Centuries." Cracow, 1849.
24. Wood Block. Medicine and Astrology—Signed J.B. the second half of the 16th Century. The theme of the woodcut is connected with astrological therapeutics. It personifies medicine and astrology. Publ. J. Muczkowski: "The Collection of Woodcut Imprints from the 16th and 17th Centuries." Cracow, 1849. Size: 6.5 x 3 cm.
25. Wood Block. "Coniunctio Solis et Lunae" with Greek Inscriptions.—The woodcut presents the movement of the Moon around the Earth, its approaching and going away from the Sun and explains the origin of the Moon's phases. Often met in astronomical treatises since the 9th Century. Publ. J. Muczkowski: "The Collection of Woodcut Imprints from the 16th and 17th Centuries."
Cracow, 1849 Size: 7.4 x 9.8 cm.
26. Wood Block. Geocentric Universe. Met in astronomical treatises in the years 1518–1534. Publ. J. Muczkowski: "The Collection of Woodcut Imprints from the 16th and 17th Centuries." Cracow, 1849.
Size: 10.2 x 11 cm.
27. Wood Block. "The Ram"—the Zodiac figure on the background of the Sun and the Moon. 16th–17th century. Publ. J. Muczkowski: "The Collection of Woodcut Imprints from the 16th and 17th Centuries."
Cracow, 1849. Size: 7 x 5.8 cm.
28. Wood Block. "Taurus"—the Zodiac figure on the background of the Sun and of the Moon. 16th–17th Century. Publ. J. Muczkowski: "The Collection of Woodcut Imprints from the 16th and 17th Centuries." Cracow, 1849.
Size: 7 x 5.8 cm.
29. Wood Block "Gemini"—the Zodiac figure on the background of the Sun and the Moon. 16th–17th Century. Publ. J. Muczkowski: "The Collection of Woodcut Imprints from the 16th and 17th Centuries. Cracow, 1849.
Size: 7 x 5.8 cm.
30. Wood Block. "Cancer"—the Zodiac figure on the background of the Sun and the Moon. 16th–17th Century. Publ. J. Muczkowski: "The Collection of Woodcut Imprints from the 16th and 17th Centuries." Cracow, 1849.
Size: 7 x 5.8 cm.

[FR Doc.73-5839 Filed 3-26-73;8:45 am]

[Public Notices 382, 383, 384]

TRAVEL INTO OR THROUGH CUBA, NORTH KOREA, AND NORTH VIETNAM

Restriction on Use of U.S. Passports

Correction

In FR Doc. 73-5642, FR Doc. 73-5643, and FR Doc. 73-5644 appearing on pages 7588 and 7589 of the issue for Friday, March 23, 1973, the expiration dates, which in each case appear in the paragraph preceding the "*Effective date*" paragraph, have been incorrectly calculated. These dates, now reading "June 25, 1973" should read "September 25, 1973".

DEPARTMENT OF THE TREASURY

Bureau of Alcohol, Tobacco and Firearms

POLYVINYL CHLORIDE LIQUOR BOTTLES

Notice of Availability of Final Environmental Impact Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Bureau of Alcohol, Tobacco and Firearms, in the Department of the Treasury has prepared a Final Environmental Impact Statement concerning the proposed use of polyvinyl chloride plastic in the manufacture of liquor bottles. The statement was filed with the Council on Environmental Quality on March 21, 1973.

The statement discusses the probable environmental impact of the use of polyvinyl chloride plastic in the manufacture of liquor bottles. Such usage will cause a partial replacement of glass liquor bottles primarily in the half-gallon and 1-gallon sizes. Consideration is given to the impact of such replacement on all methods of solid waste disposal, the use of natural resources, safety, and litter.

Copies of the statement are available for inspection during regular working hours at the offices of the:

Assistant Director (Regulatory Enforcement), Bureau of Alcohol, Tobacco and Firearms, Room 1603, 1111 Constitution Avenue NW., Washington, DC 20226.
Regional Directors, Bureau of Alcohol, Tobacco and Firearms.
Chief, Library Division, Treasury Department Library, Room 5010, U.S. Treasury Department, 15th Street and Pennsylvania Avenue NW., Washington, DC 20220.

Copies are also available for purchase from the:

National Technical Information Service, U.S. Department of Commerce, Springfield, Va. 22151.

It is anticipated that a decision on the use of polyvinyl chloride liquor bottles will be made shortly after the expiration of 30 days from the date of this notice.

[SEAL] WARREN F. BRECHT,
Assistant Secretary of the Treasury.

[FR Doc.73-5783 Filed 3-26-73;8:45 am]

Internal Revenue Service

[Order 130]

DIRECTOR, AUDIT DIVISION

Delegation of Authority To Execute and Terminate Average Weight Agreements

Pursuant to authority vested in the Commissioner of Internal Revenue by 26 CFR 48.4071-2(b) and 26 CFR 301.7701-9, there is hereby delegated to the Director, Audit Division, the authority to:

1. Sign all agreements granting approval to determine total weight of tires and innertubes sold on the basis of average weight schedules published by the tire industry.
2. Terminate and issue notice of termination of agreements described above.

This authority may not be redelegated.

Issued: March 21, 1973.

Effective date: March 21, 1973.

[SEAL] JOHNNIE M. WALTERS,
Commissioner of Internal Revenue.

[FR Doc.73-5748 Filed 3-26-73;8:45 am]

DEPARTMENT OF DEFENSE

Office of the Secretary

DOD-INDUSTRY INTEGRATED LOGISTIC SUPPORT ADVISORY COMMITTEE

Notice of Meeting

The DOD-Industry Integrated Logistic Support Advisory Committee to the Assistant Secretary of Defense (Installations and Logistics) will meet in open session beginning 0900–1600, March 27, 1973, in Conference Room 1E 801 No. 7, the Pentagon, Washington, D.C. In accordance with the Federal Advisory Committee Act the public is permitted to attend on a first-come basis subject to the limited number of seats available. Persons wishing to attend must submit their names, with affiliation, to Mrs. Roose (OX 7-0053) prior to close of business on March 23, 1973, in order to gain entrance to the Pentagon. The purpose of the meeting is to discuss the following agenda items and (1) review some of the past practices followed during the acquisition of major weapon systems and results realized; and (2) explore new areas and techniques to be considered in logistics support concepts during early development of major weapon systems for the DOD:

Presentation on the "Acquisition of research and development"—report of the Commission on Government Procurement.

Presentation on the "Acquisition of major systems"—report of the Commission on Government Procurement.

Presentation on "Defense procurement and acquisition"—GAO.

Discussion on "Quantitative design-to-parameters for logistic support."

Discussion on "Methods and techniques for inclusion of logistic support parameters in source selection evaluation for contract award."

Discussion on "Failure-free warranty."

Discussion on "New DOD policy directive as related to provisioning of weapon systems."

Committee review and discussion:

1. Status Report, Task No. 2—Revamp ILS Guide 4100.35G.
2. Actions taken, Tasks 1, 3, 4, and 5.

MAURICE W. ROCHE,
Director, Correspondence and Directives Division, OASD (Comptroller).

[FR Doc.73-5920 Filed 3-26-73;10:33 am]

DEPARTMENT OF AGRICULTURE

Commodity Credit Corporation

TOBACCO EXPORT PAYMENTS

Termination of Program

Notice is hereby given of the termination, effective as of June 25, 1973, of the Tobacco Export Program for which regulations issued by CCC are published in 7 CFR Part 1490. Pursuant to § 1490.12 of the regulations, the termination shall not be applicable to tobacco exported prior to the effective date of termination or to tobacco for which offers to export have been accepted by CCC in accordance with § 1490.6 of the regulations.

Exporters, who submit offers to export, are cautioned to take careful note of the provisions of § 1490.6(e) regarding the liquidated damages to be paid upon failure of the exporter to comply with all terms and conditions of the contract which would result from CCC's acceptance of an exporter's offer.

The required content of exporters' offers to export is outlined in § 1490.6 of the regulations. In accordance therewith, each offer must state that the exporter or a subsidiary of the exporter has already purchased or contracted to purchase the tobacco which the exporter is offering to export. The kind and type (as for example, "flue-cured, type 11–14," or "fire-cured, type 21–23") of tobacco which the exporter is offering to export must be stated, and for each stated kind and type, the quantity of 1972 crop and the quantity of 1971 and prior crops tobacco which it is offered to export. Quantities must be stated in terms of "unstemmed-leaf packed-weight or unstemmed-leaf packed-weight equivalent" so that the quantities will be appropriately stated regardless of whether unstemmed tobacco, stemmed tobacco, or both unstemmed tobacco and stemmed tobacco, is exported. Each offer must also state that it is subject to the terms and conditions of the Tobacco Export Program and that the tobacco will be exported within 48 months following the month of acceptance of the offer by CCC.

Effective date: June 25, 1973.

Signed at Washington, D.C., on March 19, 1973.

KENNETH E. FRICK,
Executive Vice President, Commodity Credit Corporation.

[FR Doc.73-5724 Filed 3-26-73;8:45 am]

DEPARTMENT OF COMMERCE

Maritime Administration

[Docket No. S-337]

ECOLOGICAL SHIPPING CORP.

Notice of Application

Notice is hereby given that application has been filed under the Merchant Marine Act of 1936, as amended, for operating-differential subsidy with respect to bulk cargo carrying service in the U.S. foreign trade, principally between the United States and the Union of Soviet Socialist Republics, to expire on June 30, 1973 (unless extended only for subsidized voyages in progress on that date). Inasmuch as the below-listed applicant, and/or related persons or firms, employ ships in the domestic intercoastal or coastwise service, written permission of the Maritime Administration under section 805(a) of the Merchant Marine Act, 1936, as amended, will be required if the application for operating-differential subsidy is granted.

The following applicant has requested permission involving the domestic intercoastal or coastwise services described below:

Name of applicant. Ecological Shipping Corp. (Ecological).

Description of domestic service and vessels. The applicant, Ecological, will bareboat charter from Sun Shipbuilding & Dry Dock Co. or one of its subsidiary companies or nominee the 80,759 deadweight ton tanker SS *Notre Dame Victory*, which Ecological proposes to employ in bulk cargo carrying service in the U.S. foreign trade, principally between the United States and the Union of Soviet Socialist Republics. Ecological does not directly or indirectly own, operate or charter any vessels engaged in the domestic intercoastal or coastwise service and is not applying under section 805(a) for permission to operate the SS *Notre Dame Victory* in domestic service. Sun Shipbuilding & Dry Dock Co., a wholly owned subsidiary of Sun Oil Co., is a stockholder in Ecological and is therefore an affiliated company. Accordingly, Ecological requests written permission under section 805(a) for the following: Sun Oil Co., through other wholly owned subsidiaries, owns and/or operates the following oil tankers which are normally operated in the coastwise trade: *Delaware Sun, New Jersey Sun, Western Sun, Eastern Sun, Pennsylvania Sun, Texas Sun,* and *America Sun.* In addition, Sun Shipbuilding & Dry Dock Co., through its wholly owned subsidiaries, owns the following vessels which are eligible for operation in the domestic trades and which are bareboat chartered to operators who have, are, or may operate these vessels in the domestic, intercoastal, or coastwise trades: Trailerships *Ponce De Leon* and *Eric K. Holzer* and oil tankers *Joseph D. Potts, Sohio Intrepid* and *Sohio Resolute.* Sun Shipbuilding & Dry Dock Co., through a wholly owned subsidiary, bareboat charters the trailership *Fortaleza* for recharter to an operator who operates the ship in the domestic trades. Sun Shipbuilding & Dry Dock Co., through a wholly owned subsidiary, is a participant in a joint venture which bareboat charters the GTS *Adm. Wm. M. Callaghan* for recharter to Military Sealift Command. The *Callaghan* is eligible for operation in the domestic trades but is under long-term obligation to MSC. Sun Shipbuilding & Dry Dock Co. holds approximately 32.9 percent of the stock of Transamerican Trailer Transport, which operates the *Ponce De Leon, Eric K. Holzer,* and *Fortaleza* in the domestic trades. Neither Sun Shipbuilding & Dry Dock Co., Sun Oil Co., nor Transamerican Trailer Transport, nor any predecessors in interest, was in operation as a common carrier by water in the domestic, intercoastal, or coastwise trade in 1935.

Interested parties may inspect this application in the Office of the Secretary, Maritime Administration, Department of Commerce Building, 14th and E Streets NW., Washington, D.C. 20235.

Any person, firm, or corporation having any interest (within the meaning of section 805(a)) in this application and desiring to be heard on issues pertinent to section 805(a) or desiring to submit comments or views concerning the application must, by close of business on April 3, 1973, file same with the Maritime Administration, in writing, in triplicate, together with petition for leave to intervene which shall state clearly and concisely the grounds of interest, and the alleged facts relied on for relief.

If no petitions for leave to intervene are received within the specified time or if it is determined that petitions filed do not demonstrate sufficient interest to warrant a hearing, the Maritime Administration will take such action as may be deemed appropriate.

In the event petitions regarding the relevant section 805(a) issues are received from parties with standing to be heard, a hearing has been tentatively scheduled for April 5, 1973, at 10 a.m. in Room 4896, Department of Commerce Building, 14th and E Streets NW., Washington, D.C. 20235. The purpose of the hearing will be to receive evidence under section 805(a) relative to whether the proposed operation (a) could result in unfair competition to any person, firm, or corporation operating exclusively in the coastwise or intercoastal services, or (b) would be prejudicial to the objects and policy of the Act.

By order of the Maritime Administration.

Dated: March 22, 1973.

JAMES S. DAWSON, Jr.,
Secretary.

[FR Doc.73-5942 Filed 3-26-73;8:45 am]

V38-58 MAR 27 73 XUM

National Bureau of Standards

VOLUNTARY PRODUCT STANDARDS

Notice of Action on Proposed Withdrawal

In accordance with § 10.12 of the Department's Procedures for the Development of Voluntary Product Standards (15 CFR Part 10, as revised; 35 FR 8349 dated May 28, 1970), notice is hereby given of the withdrawal of the nine standards identified below:

PS	2-66	Standard sizes of blackboard slate.
CS	9-65	Builders' template hinges.
CS	123-59	Grading of diamond powder.
SPR	10-47	Milk and cream bottles.
SPR	58-36	Classification of iron and steel scrap.
SPR	174-65	Cast iron radiators.
SPR	230-48	Flat veneer products.
SPR	236-54	Delivery cases for glass milk bottles and paperboard milk containers.
SPR	265-63	Forms for two-way concrete joist floor and roof construction.

Public notice of the Department's intention to withdraw these standards was published in the FEDERAL REGISTER on January 15, 1973 (38 FR 1523 and 1524), and a 45-day period was provided for the submission of comments or objections concerning the proposed withdrawal. No objections to the Department's intention of withdrawing any of these standards have been received by the National Bureau of Standards.

The effective date for the withdrawal of these standards will be May 15, 1973. This withdrawal action terminates the authority to refer to these standards as Voluntary Product Standards developed under the Department of Commerce Procedures.

Dated: March 21, 1973.

RICHARD W. ROBERTS,
Director.

[FR Doc.73-5747 Filed 3-26-73;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[DESI 9217; Docket No. FDC-D-552; NDA 5-691 etc.]

CERTAIN ANTIHYPERTENSIVE-BARBITURATE COMBINATION DRUGS

Notice of Withdrawal of Approval of New Drug Applications

On December 23, 1972, there was published in the FEDERAL REGISTER (37 FR 28432) a notice of opportunity for hearing (DESI 9217) in which the Commissioner of Food and Drugs proposed to issue an order under section 505(e) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(e)) withdrawing approval of the new drug applications for the subject drugs. The basis of the proposed withdrawal of approval was the lack of substantial evidence that these fixed combination drugs will have the effects that they purport or are represented to have under the conditions of use prescribed, recommended, or suggested in the labeling, and that each component of such combinations contributes to the total effects claimed.

A notice was published in the FEDERAL REGISTER of October 27, 1971, withdrawing approval of NDA 10-129 for Vera-Tensil R-S Tablets containing rauwolfia serpentina, phenobarbital, powdered extract aconite, veratrum viride, potassium bicarbonate, and potassium nitrate; formerly marketed by Richlyn Laboratories, 3725 Castor Avenue, Philadelphia, PA 19124. Approval was withdrawn on the grounds that reports required under section 505(j) of the Act (21 U.S.C. 355(j)) and §§ 130.13 and 130.35 (e) and (f) of the new drug regulations (21 CFR 130.13 and 130.35) had not been submitted. At that time no final effectiveness classification of the drug had yet been made. The conclusions described herein are applicable to that drug product

Neither Mallinckrodt, holder of the following new drug applications, nor any other interested person has filed a written appearance of election as provided by said notice. The failure to file such an appearance constitutes an election by such persons not to avail themselves of the opportunity for a hearing.

1. That part of NDA 5-691 pertaining to Vertavis-Phen Tablets containing veratrum viride and phenobarbital; and

2. That part of NDA 9-217 pertaining to Unitensen-Phen Tablets containing cryptenamine as tannate salts, and phenobarbital; Mallinckrodt Chemical Works, Pharmaceutical Products Division, Post Office Box 5439, St. Louis, MO 63160.

All identical, related, or similar products, not the subject of an approved new drug application, are covered by the new drug applications reviewed and are subject to this notice. See 21 CFR 130.40 (37 FR 23185, Oct. 31, 1972). Any person who wishes to determine whether a specific product is covered by this notice should write to the Food and Drug Administration, Bureau of Drugs, Office of Compliance (BD-300), 5600 Fishers Lane, Rockville, MD 20852.

The Commissioner of Food and Drugs, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 505, 52 Stat. 1053, as amended; 21 U.S.C. 355), and the Administrative Procedure Act (5 U.S.C. 554), and under authority delegated to him (21 CFR 2.120), finds that on the basis of new information before him with respect to the drugs evaluated together with the evidence available to him when the applications were approved, there is a lack of substantial evidence that the drugs will have the effects they purport or are represented to have under the conditions of use prescribed, recommended, or suggested in the labeling thereof.

Therefore, pursuant to the foregoing findings, approval of pertinent parts of the above new drug applications and all amendments and supplements applying thereto is withdrawn effective on the date of publication hereof in the FEDERAL REGISTER. Shipment in interstate commerce of the above-listed drug products or of any identical, related, or similar product, not the subject of an approved new drug application, is henceforth unlawful.

Dated: March 12, 1973.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.73-5757 Filed 3-26-73;8:45 am]

[DESI 10176; Docket No. FDC-D-600; NDA No. 10-176 etc.]

CERTAIN COMBINATION ANTICHOLINERGIC GASTROINTESTINAL DRUGS

Notice of Opportunity for Hearing on Proposal To Withdraw Approval of New Drug Applications

In a notice (DESI 10176) published in the FEDERAL REGISTER of April 22, 1971 (36 FR 7614), the Commissioner of Food and Drugs announced his conclusions pursuant to the evaluation of reports received from the National Academy of Sciences-National Research Council, Drug Efficacy Study Group, on the drugs described below stating that the drugs were regarded as possibly effective and lacking substantial evidence of effectiveness for the various labeled indications. The possibly effective indications have been reclassified as lacking substantial evidence of effectiveness in that no data have been received pursuant to the notice. Lakeside has stated that marketing of Tridal Tablets has been discontinued.

NDA No.	Drug	NDA Holder
10-176..	Tridal Tablets containing piperidolate hydrochloride and papenzolate bromide.	Lakeside Laboratories, Inc., 1707 East North Ave., Milwaukee, WI 53201.
10-907..	Benuione Suspension containing dicyclomine hydrochloride, sodium lauryl sulfate and hydrolyzed sodium carboxymethylcellulose.	Merrell-National Laboratories, Division of Richardson-Merrell Inc., 110 East Amity Rd., Cincinnati, OH 45215.

Therefore, notice is given to the holder(s) of the new drug application(s) and to any other interested person that the Commissioner proposes to issue an order under section 505(e) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(e)) withdrawing approval of the listed new drug application(s) and all amendments and supplements thereto on the grounds that new information before him with respect to the drug(s), evaluated together with the evidence available to him at the time of approval of the application(s), shows there is a lack of substantial evidence that the drug(s) will have all the effects purported or represented to have under the conditions of use prescribed, recommended, or suggested in the labeling.

All identical, related, or similar products, not the subject of an approved new drug application, are covered by the new drug application(s) reviewed. See 21 CFR 130.40 (37 FR 23185, Oct. 31, 1972). Any manufacturer or distributor of such an identical, related, or similar

product is an interested person who may in response to this notice submit data and information, request that the new drug application(s) not be withdrawn, request a hearing, and participate as a party in any hearing. Any person who wishes to determine whether a specific product is covered by this notice should write to the Food and Drug Administration, Bureau of Drugs, Office of Compliance (BD-300), 5600 Fishers Lane, Rockville, MD 20852.

In accordance with the provisions of section 505 of the Act (21 U.S.C. 355) and the regulations promulgated thereunder (21 CFR Part 130), the Commissioner hereby gives the applicant(s) and any other interested person an opportunity for a hearing to show why approval of the new drug application(s) should not be withdrawn.

On or before April 26, 1973, the applicant(s) and any other interested person is required to file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 6-88, 5600 Fishers Lane, Rockville, MD 20852, a written appearance electing whether or not to avail himself of the opportunity for a hearing. Failure of an applicant or any other interested person to file a written appearance of election within said 30 days will constitute an election by him not to avail himself of the opportunity for a hearing.

If no person elects to avail himself of the opportunity for a hearing, the Commissioner without further notice will enter a final order withdrawing approval of the application(s).

If an applicant or any other interested person elects to avail himself of the opportunity for a hearing, he must file, on or before April 26, 1973, a written appearance requesting the hearing, giving the reasons why approval of the new drug application(s) should not be withdrawn, together with a well-organized and full-factual analysis of the clinical and other investigational data he is prepared to prove in support of his opposition. A request for a hearing may not rest upon mere allegations or denials, but must set forth specific facts showing that a genuine and substantial issue of fact requires a hearing (21 CFR 130.14(b)).

If review of the data submitted by an applicant or any other interested person warrants the conclusion that there exists substantial evidence demonstrating the effectiveness of the product(s) for the labeling claims involved, the Commissioner will rescind this notice of opportunity for hearing.

If review of the data in the application(s) and data submitted by the applicant(s) or any other interested person in a request for a hearing, together with the reasoning and factual analysis in a request for a hearing, warrants the conclusion that no genuine and substantial issue of fact precludes the withdrawal of approval of the application(s), the Commissioner will enter an order of withdrawal making findings and conclusions on such data.

If, upon the request of the new drug applicant(s) or any other interested person, a hearing is justified, the issues will be defined, a hearing examiner will be named, and he shall issue, as soon as practicable after the expiration of such 30 days, a written notice of the time and place at which the hearing will commence. All persons interested in identical, related, or similar products covered by the new drug application(s) will be afforded an opportunity to appear at the hearing, file briefs, present evidence, cross-examine witnesses, submit suggested findings of fact, and otherwise participate as a party. The hearing contemplated by this notice will be open to the public except that any portion of the hearing that concerns a method or process the Commissioner finds entitled to protection as a trade secret will not be open to the public, unless the respondent specifies otherwise in his appearance.

Requests for a hearing and/or elections not to request a hearing may be seen in the Office of the Hearing Clerk (address given above) during regular business hours, Monday through Friday.

This notice is issued pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 505, 52 Stat. 1052-53, as amended; 21 U.S.C. 355), and the Administrative Procedure Act (5 U.S.C. 554), and under authority delegated to the Commissioner (21 CFR 2.120).

Dated: March 16, 1973.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.73-5756 Filed 3-26-73;8:45 am]

[GRASP 3G0018]

OLIN CORP.

Notice of Filing of Petition for Affirmation of GRAS Status

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs 201 (s), 409, 701(a), 52 Stat. 1055, 72 Stat. 1784-1786; 21 U.S.C. 321(s), 348, 371(a)) and the regulations for affirmation of GRAS status (21 CFR 121.40), published in the FEDERAL REGISTER of December 2, 1972 (37 FR 25705), notice is given that a petition (GRASP 3G0018) has been filed by Olin Corp., 120 Long Ridge Road, Stamford, CT 06904, placed on public display at the office of the Hearing Clerk, Food and Drug Administration, proposing affirmation that calcium hypochlorite is generally recognized as safe (GRAS) for use in cannery-cooling water.

Interested persons may, on or before May 28, 1973, review the petition and/or file comments (preferably in quintuplicate) with the Hearing Clerk, Department of Health, Education, and Welfare, Food and Drug Administration, Room 6-88, 5600 Fishers Lane, Rockville, MD 20852. Comments should include any available information that would be helpful in determining whether the substance is, or is not, generally recognized as safe. A copy of the petition and received comments may be seen in the office of the Hearing Clerk, address given above, during working hours, Monday through Friday.

Dated: March 19, 1973.

VIRGIL O. WODICKA,
Director, Bureau of Foods.

[FR Doc.73-5759 Filed 3-26-73;8:45 am]

Office of Education

NATIONAL ADVISORY COUNCIL ON EXTENSION AND CONTINUING EDUCATION

Notice of Public Meeting

Notice is hereby given, pursuant to Federal Advisory Committee Act, P.L. 92-463, that the next meeting of the National Advisory Council on Extension and Continuing Education will be held on May 30 and 31, 1973, at the Cosmopolitan Hotel in Denver, Colo. The meetings on both days will begin at 9 a.m., local time.

The National Advisory Council on Extension and Continuing Education is authorized under Public Law 89-329. The Council is directed to advise the Commissioner of Education in the preparation of general regulations and with respect to policy matters arising in the administration of title I, and to report annually to the President on the administration and effectiveness of all federally supported extension and continuing education programs, including community service programs.

The meeting of the Council shall be open to the public. Complete agenda and records shall be kept of all Council proceedings and they will be available for public inspection at the Office of the Council's Executive Director, located in Room 710, 1325 G Street NW., Washington, DC.

EDWARD A. KIELOCH,
Executive Director.

MARCH 21, 1973.

[FR Doc.73-5762 Filed 3-26-73;8:45 am]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of the Secretary

[Docket No. D-73-221]

ASSISTANT SECRETARY FOR COMMUNITY PLANNING AND DEVELOPMENT

Delegation of Authority

The Department is combining certain of its administrative components. As a result, certain powers, functions, and responsibilities are being transferred or consolidated. The former positions of Assistant Secretary for Community Development and Assistant Secretary for Community Planning and Management are both being abolished and a new position of Assistant Secretary for Community Planning and Development is being created. All of the authority and functions formerly exercised by either the Assistant Secretary for Community Development and the Assistant Secretary for Community Planning and Management are being delegated and assigned to the new office.

V38-58 MAR 27 73 XUM

Accordingly, the Secretary delegates as follows:

SECTION A. *Authority delegated.* The Assistant Secretary for Community Planning and Development is authorized to exercise the power and authority of the Secretary with respect to all programs and matters heretofore vested in the Assistant Secretary for Community Development and the Assistant Secretary for Community Planning and Management by delegations or designations in effect immediately prior to this authorization, and all power and authority reserved to the Secretary by delegations to the Assistant Secretary for Community Development and the Assistant Secretary for Community Planning and Management in effect immediately prior to this authorization remain reserved to the Secretary.

SEC. B. *Continuation in effect of redelegations.* All redelegations of authority by the Assistant Secretary for Community Development and the Assistant Secretary for Community Planning and Management that are in effect as of the date of issuance of this authorization are continued in effect as if issued under this document, unless and until expressly modified or revoked by a delegation or redelegation of authority issued hereafter.

SEC. C. *Supersedure.* This delegation supersedes preceding delegations to the Assistant Secretary for Community Development and the Assistant Secretary for Community Planning and Management.

(Sec. 7(d), Department of HUD Act; 42 U.S.C. 3535(d))

Effective date. This delegation of authority is effective as of March 7, 1973.

JAMES T. LYNN,
Secretary of Housing and Urban Development.

[FR Doc.73-5750 Filed 3-26-73;8:45 am]

[Docket No. D-73-223]

ASSISTANT SECRETARY FOR POLICY DEVELOPMENT AND RESEARCH

Delegation of Authority

The Department is combining certain administrative components. As a result, various powers, functions, and responsibilities are being transferred or consolidated. The former position of the Assistant Secretary for Research and Technology is being abolished, a new position of Assistant Secretary for Policy Development and Research is being created, and there is being consolidated in the new position the powers, responsibilities, and functions heretofore exercised by the Assistant Secretary for Research and Technology and certain of the powers, responsibilities, and functions heretofore exercised by the Deputy Under Secretary for Policy Analysis and Program Evaluation. The position of Deputy Under Secretary for Policy Analysis and Program Evaluation is retitled Deputy Under Secretary.

Accordingly, the Secretary delegates as follows:

SECTION A. *Authority delegated.* The Assistant Secretary for Policy Development and Research is authorized to exercise the power and authority of the Secretary with respect to all programs and matters heretofore vested in the Assistant Secretary for Research and Technology by delegations or designations in effect immediately prior to this authorization, and is further authorized to exercise all of the authority, powers, functions, and duties heretofore delegated and assigned to the Deputy Under Secretary for Policy Analysis and Program Evaluation which relate to:

1. Policy and Program analysis and evaluation and policy and program formulation and development.
2. Economic analysis.
3. Data systems and statistics.

SEC. B. *Continuation in effect of redelegations.* All redelegations of authority by the Assistant Secretary for Research and Technology in effect as of the date of issuance of this authorization are continued in effect as if issued under this document, unless and until expressly modified or revoked by a delegation or redelegation of authority issued hereafter.

SEC. C. *Supersedure.* This delegation supersedes preceding delegations to the Assistant Secretary for Research and Technology and any delegations or assignments to the Deputy Under Secretary for Policy Analysis and Program Evaluation that are inconsistent with section A of this document.

(Sec. 7(d), Department of HUD Act; 42 U.S.C. 3535(d))

Effective date. This delegation is effective as of March 7, 1973.

JAMES T. LYNN,
Secretary of Housing and Urban Development.

[FR Doc.73-5751 Filed 3-26-73;8:45 am]

[Docket No. D-73-225]

EXECUTIVE ASSISTANT TO THE SECRETARY

Delegation of Authority To Authorize or Approve Travel

James A. Wilderotter, Executive Assistant to the Secretary, is hereby empowered to:

1. Authorize or approve travel of employees within the Office of the Secretary, including experts and consultants; of members of advisory committees; and of invitational non-Government persons; and

2. Take related action provided for in HUD Handbook 2300.2A, Travel.

(Sec. 7(d), Department of HUD Act, 42 U.S.C. 3535(d))

Effective date. This delegation of authority is effective March 4, 1973.

JAMES T. LYNN,
Secretary of Housing and Urban Development.

[FR Doc.73-5752 Filed 3-26-73;8:45 am]

[Docket No. N-73-143]

OFFICE OF DEPUTY UNDER SECRETARY

Notice of Establishment

There has been established in the Department of Housing and Urban Development a Deputy Under Secretary who serves in the Office of the Secretary to assist the Under Secretary and perform such duties as he prescribes.

(Sec. 7(d), Department of HUD Act, 42 U.S.C. 3535(d))

Effective date. This notice shall be effective March 7, 1973.

JAMES T. LYNN,
Secretary of Housing and Urban Development.

[FR Doc.73-5753 Filed 3-26-73;8:45 am]

DEPARTMENT OF TRANSPORTATION

Coast Guard

[CGD 73-57N]

EQUIPMENT, CONSTRUCTION, AND MATERIALS

Termination of Approval Notice

1. Certain laws and regulations (46 CFR Ch. I) require that various items of lifesaving, firefighting and miscellaneous equipment, construction, and materials used on board vessels subject to Coast Guard inspection, on certain motorboats and other recreational vessels, and on the artificial islands and fixed structures on the outer Continental Shelf be of types approved by the Commandant, U.S. Coast Guard. The purpose of this document is to notify all interested persons that certain approvals have been terminated as herein described during the period from December 27, 1972, to January 25, 1973 (List No. 4-73). These actions were taken in accordance with the procedures set forth in 46 CFR 2.75-1 to 2.75-50.

2. The statutory authority for equipment, construction, and material approvals is generally set forth in sections 367, 375, 390b, 416, 481, 489, 526p, and 1333 of title 46, United States Code, section 1333 of title 43, United States Code, and section 198 of title 50, United States Code. The Secretary of Transportation has delegated authority to the Commandant, U.S. Coast Guard with respect to these approvals (49 CFR 1.46(b)). The specifications prescribed by the Commandant, U.S. Coast Guard for certain types of equipment, construction and materials are set forth in 46 CFR Parts 160 to 164.

3. Notwithstanding the termination of approval listed in this document, the equipment affected may be used as long as it remains in good and serviceable condition.

BUOYANT VESTS, KAPOK, OR FIBROUS GLASS

The Billy Boy Products, Inc., Quincy, Mich. 49082, no longer manufactures certain kapok buoyant vests for Sears, Roebuck and Company, 925 South Homan Avenue, Chicago, IL 60607 and Approval No. 160.047/547/0 was therefore terminated effective December 27, 1972.

SPECIAL PURPOSE WATER SAFETY BUOYANT DEVICES FOR DESIGNATED USE ON ALL MOTORBOATS AND FOR GENERAL USE ON MOTORBOATS OF CLASSES A, 1, OR 2 NOT CARRYING PASSENGERS FOR HIRE

The Farwest Garments, Inc., 1100 Poplar Place South, Seattle, WA 98144, no longer manufactures certain special purpose water safety buoyant devices and Approval No. 160.064/186/0 was therefore terminated effective January 3, 1973.

DECK COVERINGS FOR MERCHANT VESSELS

The Kompolite Products Co., Inc., 55 Webster Avenue, New Rochelle, NY 10801, Approval No. 164.006/33/0 expired and was terminated effective January 25, 1973.

Dated: March 20, 1973.

G. H. READ,
Captain, U.S. Coast Guard, Acting Chief, Office of Merchant Marine Safety.

[FR Doc.73-5732 Filed 3-26-73;8:45 am]

ATOMIC ENERGY COMMISSION

[Docket No. 50-213] •

CONNECTICUT YANKEE ATOMIC POWER CO.

Availability of AEC Draft Environmental Statement

Pursuant to the National Environmental Policy Act of 1969 and the U.S. Atomic Energy Commission's regulations in Appendix D to 10 CFR Part 50, notice is hereby given that a draft environmental statement prepared by the Commission's Directorate of Licensing, related to the proposed issuance of a full-term operating license for the Haddam Neck Plant by Connecticut Yankee Atomic Power Co., located in Haddam, Middlesex County, Conn., is available for inspection by the public in the Commission's Public Document Room at 1717 H Street NW., Washington, DC and in the Russell Library, 119 Broad Street, Middletown, CT 06457. The draft statement is also being made available at the Midstate Regional Planning Agency, Post Office Box 139, Middletown, CT 06458 and the Office of State Planning, Department of Finance and Control, 340 Capitol Avenue, Hartford, CT 06115. Copies of the Commission's Draft Environmental Statement may be obtained by request addressed to the U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Deputy Director for Reactor Projects, Directorate of Licensing.

The Applicant's Environmental Report, as supplemented, submitted by Connecticut Yankee Atomic Power Co. is also available for public inspection at the above-designated locations. Notice of availability of the Applicant's Environmental Report was published in the FEDERAL REGISTER on August 11, 1972 (37 FR 16217).

Pursuant to 10 CFR Part 50, Appendix D, interested persons may, on or before May 11, 1973, submit comments on the Applicant's Environmental Report, as supplemented, and the Draft Environmental Statement for the Commission's consideration. Federal and State agencies are being provided with copies of the Applicant's Environmental Report and the Draft Environmental Statement (local agencies may obtain these documents upon request). When comments thereon by Federal, State, and local officials are received by the Commission, such comments will be made available for public inspection at the Commission's Public Document Room in Washington, D.C. and the Russell Library, 119 Broad Street, Middletown, CT 06457. Comments on the Draft Environmental Statement from interested members of the public should be addressed to the U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Deputy Director for Reactor Projects, Directorate of Licensing.

Dated at Bethesda, Md., this 21st day of March 1973.

For the Atomic Energy Commission.

B. J. YOUNGBLOOD,
Chief, Environmental Projects Branch 3, Directorate of Licensing.

[FR Doc.73-5774 Filed 3-26-73;8:45 am]

[Dockets Nos. 50-329A; 50-330A]

CONSUMERS POWER CO. (MIDLAND PLANT UNITS 1 AND 2)

Assignment of Members of Atomic Safety and Licensing Appeal Board

Notice is hereby given that, in accordance with the authority in 10 CFR 2.787(a), the Chairman of the Atomic Safety and Licensing Appeal Panel has assigned the following panel members to serve as the Atomic Safety and Licensing Appeal Board for these antitrust proceedings:

Alan S. Rosenthal, Chairman.
William C. Parler, Member.
Michael C. Farrar, Member.

Dated: March 21, 1973.

MARGARET E. DUFLO,
Secretary to the Appeal Board.

[FR Doc.73-5743 Filed 3-26-73;8:45 am]

[Docket No. 50-331]

IOWA ELECTRIC LIGHT & POWER CO. ET AL. (DUANE ARNOLD ENERGY CENTER)

Assignment of Members of Atomic Safety and Licensing Appeal Board

Notice is hereby given that, in accordance with the authority in 10 CFR 2.787(a), the Chairman of the Atomic Safety and Licensing Appeal Panel has assigned the following panel members to serve as the Atomic Safety and Licensing Appeal Board for this proceeding:

Alan S. Rosenthal, Chairman.
Dr. John H. Buck, Member.
William C. Parler, Member.

Dated: March 21, 1973.

MARGARET E. DUFLO,
Secretary to the Appeal Board.

[FR Doc.73-5744 Filed 3-26-73;8:45 am]

PREPARATION OF ENVIRONMENTAL REPORTS FOR NUCLEAR POWER PLANTS

Regulatory Guides; Notice of Issuance and Availability

The Atomic Energy Commission has issued a new guide, Regulatory Guide 4.2, in its regulatory guide series. This series has been developed to describe and make available to the public methods acceptable to the AEC regulatory staff of implementing specific parts of the Commission's regulations and, in some cases, to delineate techniques used by the staff in evaluating specific problems or postulated accidents and to provide guidance to applicants concerning certain of the information needed by the staff in its review of applications for permits and licensees.

The new guide, "Preparation of Environmental Reports for Nuclear Power Plants," is in Division 4, "Environmental and Siting Guides," of the regulatory guide series. The guide will serve as an aid to applicants for nuclear power plant construction permits and operating licenses in the preparation of their environmental reports. It provides comprehensive guidance on the information needed by the AEC for evaluation of the environmental impact associated with construction and operation of a nuclear power plant.

Regulatory Guide 4.2 represents a substantial revision of the August 1972 version, taking into account extensive written comments on the earlier draft received from Federal and State agencies, utilities and utility groups, architect-engineering firms, equipment suppliers, environmental groups and others, as well as information gathered at the public meeting held at the AEC regulatory offices in Bethesda, Md., on October 12, 1972.

Comments and suggestions in connection with improvements in regulatory guides are encouraged and should be sent to the Secretary of the Commission, U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Chief, Public Proceedings Staff. Copies of issued guides made be obtained by request to the U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Director of Regulatory Standards.

Other Division 4 regulatory guides currently being developed include the following:

Standardizd Procedures for Analyses of Radioactivity in Environmental Samples (Pu).
Standardized Procedures for Analyses of Radioactivity in Environmental Samples (I-129, I-131).
Standardized Procedures for Analyses of Radioactivity in Environmental Samples (Sr-89, Sr-90).

(5 U.S.C. 522(a))

Dated at Bethesda, Md., this 22d day of March 1973.

For the Atomic Energy Commission.

ROBERT MINOGUE,
Acting Director of Regulatory Standards.

[FR Doc.73-5841 Filed 3-26-73;8:45 am]

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ADVISORY COMMITTEE ON REACTOR SAFEGUARDS

Notice of Meeting

MARCH 23, 1973.

In accordance with the purposes of sections 29 and 182b. of the Atomic Energy Act (42 U.S.C. 2039, 2232b.), the Advisory Committee on Reactor Safeguards will hold a meeting on April 12–14, 1973, at Room 1046, 1717 H Street NW., Washington, DC.

The following constitutes that portion of the Committee's agenda for the above meeting which will be open to the public:

(1) Thursday, April 12, 10 a.m.–3 p.m.—application for operating license—Cooper Nuclear Station. (Presentations by regulatory staff and applicant.)

(2) Friday, April 13, 10 a.m.–3 p.m.—Application for operating license—Prairie Island Nuclear Generating Plant Units 1 and 2. (Presentations by regulatory staff and applicant.)

In addition to the above agenda items, the Committee will hold executive sessions not open to the public, under the authority of section 10(d) of Public Law 92–463 (the Federal Advisory Committee Act), to consider the above applications and other matters.

Practical considerations may dictate alterations in the above agenda or schedule.

The Chairman is empowered to conduct the meeting in a manner that in his judgment will facilitate the orderly conduct of business.

With respect to public participation in agenda items (1) and (2) listed above, the following requirements shall apply:

(a) Persons wishing to submit written statements on those agenda items may do so by mailing 25 copies thereof, postmarked no later than April 5, 1973, to the Executive Secretary, Advisory Committee on Reactor Safeguards, U.S. Atomic Energy Commission, Washington, D.C. 20545. Such comments shall be based upon the application for operating license and related documents for the Cooper Nuclear Station or the application for operating license and related documents for the Prairie Island Nuclear Generating Plant, Units 1 and 2, as appropriate. These applications and related documents are on file and available for public inspection at the AEC's Public Document Room, 1717 H Street NW., Washington, DC 20545. In addition, the Cooper Nuclear Station documents are available at the Auburn Public Library, 1118 15th Street, Auburn, NE 68305, and the Prairie Island Nuclear Generating Plant documents are available at the Environmental Library of Minnesota, 1222 Fourth Street SE., Minneapolis, MN 55414.

(b) Those persons submitting a written statement in accordance with paragraph (a) above may request an opportunity to make oral statements concerning the written statement. Such requests shall accompany the written statement, and shall set forth reasons justifying the need for such oral statement and its usefulness to the Committee. To the extent that the time available for the meeting permits, the Committee will receive oral statements during a period of not more than 30 minutes at an appropriate time, chosen by the Chairman, between the hours of 11 a.m. and 2 p.m. on each day.

(c) Requests for the opportunity to make oral statements shall be ruled on by the Chairman of the Committee, who is empowered to apportion the time available among those selected by him to make oral statements.

(d) Information as to the Chairman's ruling on requests for the opportunity to present oral statements, and the time allotted, can be obtained by a prepaid telephone call on April 11, 1973, to the Office of the Executive Secretary of the Committee (telephone: 301—973–5651) between 8:30 a.m. and 5:15 p.m. e.s.t.

(e) Questions may be propounded only by members of the Committee and its consultants.

(f) Seating for the public will be available on a first-come-first-served basis.

(g) Copies of minutes of public sessions will be made available for copying, in accordance with the Federal Advisory Committee Act, on or after May 29, 1973, at the Atomic Energy Commission's Public Document Room, 1717 H Street NW., Washington, DC, upon payment of all charges required by law.

JOHN V. VINCIGUERRA,
Advisory Committee Management Officer.

[FR Doc.73–5988 Filed 3–26–73;10:38 am]

CIVIL AERONAUTICS BOARD

ASSOCIATED AIR FREIGHT, INC.

Application for Pickup and Delivery Zone

MARCH 22, 1973.

In accordance with Part 222 (14 CFR Part 222) of the Board's Economic Regulations (effective June 12, 1964), notice is hereby given that the Civil Aeronautics Board has received an application, Docket 25340, from Associated Air Freight, Inc., 167–16 146th Avenue, Jamaica, NY 11434, for authority to provide pickup and delivery service between Hartford, Conn., and Danbury, Conn., which is 63 miles from Hartford.

Under the provisions of § 222.3(c) of Part 222, interested persons may file an answer in opposition to or in support of this application on or before April 10, 1973. An executed original and 19 copies of such answer shall be addressed to the Docket Section, Civil Aeronautics Board, Washington, DC 20428. It shall set forth in detail the reasons for the position taken and include such economic data and facts as are relied upon, and shall be served upon the applicant and state the date of such service.

[SEAL] EDWIN Z. HOLLAND,
Secretary.

[FR Doc.73–5787 Filed 3–26–73;8:45 am]

[Docket No. 24907]

AIR HAITI, S.A.

Notice of Hearing

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that a hearing in the above-entitled proceeding is assigned to be held on April 3, 1973, at 10 a.m. (local time) in room 1027, Universal Building, 1825 Connecticut Avenue NW., Washington, DC, before the undersigned.

Dated at Washington, DC, March 21, 1973.

[SEAL] JOSEPH L. FITZMAURICE,
Administrative Law Judge.

[FR Doc.73–5786 Filed 3–26–73;8:45 am]

[Docket No. 17484]

PAN AMERICAN WORLD AIRWAYS, INC.

Postponement of Hearing

At the request of the Bureau of Enforcement, hearing in the above-entitled proceeding previously scheduled for March 27, 1973 (38 FR 5279), is hereby postponed until May 1, 1973, at 10 a.m. (local time), in Room 911, Universal Building, 1825 Connecticut Avenue NW., Washington, DC, before the undersigned administrative law judge.

Dated at Washington, D.C., March 21, 1973.

[SEAL] RICHARD M. HARTSOCK,
Administrative Law Judge.

[FR Doc.73–5788 Filed 3–26–73;8:45 am]

[Docket No. 20993; Order 73–3–81]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Allowable Free Storage Time for Imports

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 21st day of March 1973.

On November 29, 1972, the U.S. Court of Appeals for the District of Columbia Circuit filed its decision in "American Importers Association v. Civil Aeronautics Board," C.A.D.C. No. 24,849, remanding for further proceedings the record on which the Board based its approval, subject to conditions, of an agreement between various air carriers and foreign air carriers embodied in a resolution of the Traffic Conferences of the International Air Transport Association (IATA) relating to the allowable free storage time for import shipments at U.S. air terminals. Pending further proceedings on the remand, the Court suspended its decision "with respect to the approval by the Board of the agreement" by its Orders 70–5–93 and 70–10–53.

The subject agreement, as approved and conditioned by the Board, provided a 48-hour period of free storage on import shipments at U.S. air terminals, excluding weekends and legal holidays, commencing at 8 a.m. of the day "following notification to the consignee or his agent that a consignment has arrived and is available for the purpose of clearing customs."[1] The agreement, by eliminating a provision which permitted carriers, by local agreement, to extend the permissible free storage time at local airports, had the effect of changing the theretofore existing period of free storage by 1 day.[2]

In its remand concerning the subject agreement, the Court of Appeals concluded that the record of the proceedings furnished "an inadequate basis" for reaching the public interest determinations which were deemed necessary in view of the "colorable antitrust claims" arising from the agreement. It determined that an expansion of the record to reflect the effect of the conditioned agreement on "the ongoing operations at international air terminals * * * might well * * * illuminat[e] factors bearing on the public interest to a degree which justifies amplification of the record for Board consideration prior to final decision by the court." Principally, the Court concluded we had an inadequate record before us since we lacked information on the experience gained by shippers and carriers: (1) Under the IATA free storage rule, as conditioned and approved by us in Order 69–9–90, dated September 15, 1969 (i.e., 48-hour free storage period would not begin to run until 8 a.m. of the day after the consignee is notified he can clear his shipment out of customs and the 48-hour period would not include legal holidays and weekends);[3] and (2) under the procedures set up by the carriers (pursuant to Order 70–5–93, dated May 19, 1970), which were designed to insure proper application of storage charges, and the records maintained in conjunction with such procedures.[4]

[1] The Board's approval of the subject agreement by the appealed orders ran until Sept. 30, 1971. Subsequently, by Order 71–10–49, dated Oct. 13, 1971, the Board approved a new agreement adopted by the member carriers of IATA which, in effect, extended the existing provisions for free storage another 2 years, i.e., to Sept. 30, 1973. Under these circumstances, we expect all parties to cooperate to achieve a prompt resolution of the issues delineated herein.

[2] This did not necessarily mean *decreasing* "free" storage time from 3 to 2 days. "Free" time could still be 4, 5, or even 7 days depending on circumstances. This is due to the condition we attached to our approval of the amended IATA storage rule, i.e., the 48-hour free period would not start running until 8 a.m. of the day after the consignee is notified his shipment is available for pick up. Given this condition, and the fact that holidays and weekends are not included in the 48-hour period, an importer could end up with 7 "free" days if his shipment arrives on a Friday of a Monday holiday weekend and he is not notified until Tuesday of his shipment's arrival. Computing 48 hours from Wednesday at 8 a.m., he could pick up his shipment early Friday morning (before 8 a.m.) and not incur demurrage.

[3] We took no action on the weekend-holiday computation rule since that rule, as framed, was already part of the subject resolution in the agreement.

[4] In Order 70–5–93, the Board made it clear that it was incumbent upon the carriers to maintain records and employ procedures to insure the correct application of storage charges when appropriate, and that the Board would expect the records and procedures developed by the carriers "to provide adequate safeguards against the assessment of storage in situations where freight is not available for pickup because it cannot be located, as referred to by AIA, or for that matter, any other reason after notification of arrival." Accordingly, the Board is now calling for information concerning the manner in which carriers have been applying the storage provisions in accordance with Order 70–5–93.

Accordingly, we are calling for submissions from all interested persons pursuant to the intent of the Court's decision.[5] Specifically, the Board desires the further information and data as set forth in Appendix A attached hereto.

To insure prompt compliance with the mandate of the Court, all interested persons are directed to submit to the Board, within 30 days after the effective date of this order, data and information addressed to the points set forth in Appendix A. Within 15 days thereafter, all interested persons are directed to file such replies in rebuttal thereto as they desire.

Accordingly, pursuant to the Federal Aviation Act of 1958 and the order of the U.S. Court of Appeals for the District of Columbia Circuit in "American Importers Association v. Civil Aeronautics Board," C.A.D.C. No. 24,849, dated November 29, 1972,

It is ordered, That:

1. The record in Docket 20993 be and hereby is reopened for the purpose of receiving additional evidence;

2. Any interested person may submit comments in accordance with the schedule set forth above addressed to the matters delineated in the appendix.

This order shall be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] EDWIN Z. HOLLAND,
Secretary.

APPENDIX A

I. Carrier parties, AIA, and/or individual shipper-importers are to submit the following:

(1) By midmonth of each annual quarter and for airports which experienced a relatively high degree of import activity[1] for the calendar year 1972, supply the following data:

(a) Total number of import shipments received;

(b) Number of such shipments which were assessed demurrage;

(c) Total amount of demurrage assessed;

(d) Reasons why each shipment incurred demurrage;

(e) Explanation of each incident where demurrage was assessable in accordance with the time limitations of the agreement, but such charge was not assessed;

(f) Where possible, provide arrival time, notification time, and pick-up time of import shipments received.

(2) By midmonth of each annual quarter and for airports which experienced a relatively high degree of import activity[1] for the calendar year 1972, supply data on the average length of time shipments were in:

(a) Free storage (where no demurrage is charged);

(b) Storage beyond the free period (where demurrage is charged);

(c) Storage (whether or not demurrage is charged).

(3) Provide any additional data or information relevant to the determinations required by the court's decision including information related to the need for flexibility in free storage time at local airports.

II. For carrier parties only, provide a detailed description, including company manuals, setting forth the procedures to be followed in notifying shippers of shipment arrivals; making shipments available to shippers; assessing demurrage; and the means to determine compliance with such procedures. If these procedures differ by airport, detail the information accordingly. Submit copies of all records maintained pursuant to such procedures.

III. For AIA and/or individual shipper-importers only, describe how an import shipment is processed through your organization, including information on:

(a) The manner in which notification of its arrival is received;

(b) The steps taken to ensure the shipment is picked up within the "free" storage period;

(c) The method employed to ensure that subsequent pick up attempts are made by your employees when the original pick up attempt is unsuccessful;

(d) The method employed to ensure that all demurrage assessments are in accordance with governing carrier tariff provisions.

[FR Doc.73–5785 Filed 3–26–73;8:45 am]

[5] The Court specifically gave the Board wide latitude in determining the procedures which it should use to obtain the necessary amplification of the record. As the information necessary to enable the Board to render adequate public interest determinations regarding the agreement is largely related to facts not in dispute, we see no purpose to be served in initiating full-scale evidentiary hearings. Rather, we anticipate that written submissions from interested persons addressed to the points outlined in the appendix will not only provide a complete record in conformity with the Court's decision but will also enable the prompt resolution of the reopened proceedings.

[1] At the very least we expect John F. Kennedy International, O'Hare International, and L.A. International to be sampled. However, this should not in any way suggest precluding other airport sampling if carriers and/or importers so desire.

COMMISSION ON CIVIL RIGHTS

IOWA STATE ADVISORY COMMITTEE

Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights, that a meeting of the Iowa State Advisory Committee will convene at 8:30 a.m. on March 30, 1973, at the Federal Building, Fort Dodge, Iowa 50501. This meeting shall be open to the public and the press.

The purposes of this meeting shall be to collect information concerning legal developments constituting a denial of the equal protection of the laws under the Constitution because of race, color, religion, sex, or national origin which pertain to minority housing, education, and employment problems in Fort Dodge, Iowa; to appraise denials of equal protection of the laws under the Constitution because of race, color, religion, sex, or national origin as these pertain to minority housing, education, and employment problems in Fort Dodge, Iowa; and to disseminate information with respect to denials of the equal protection of the laws because of race, color, religion, sex, or national origin as these pertain to minority housing, education, and employment problems in Fort Dodge, Iowa; and to related areas.

A closed or executive session of the Iowa State Advisory Committee will convene on March 29, at 1 p.m. At this session committee members will discuss

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matters which may tend to defame, degrade, or incriminate individuals, and as such this session is closed to the public.

This meeting will be conducted pursuant to the rules and regulations of the Commission.

Dated at Washington, D.C., March 19, 1973.

ISAIAH T. CRESWELL, JR.,
Advisory Committee Management Officer.

[FR Doc.73-5944 Filed 3-26-73;8:45 am]

DELAWARE RIVER BASIN COMMISSION

WEST DEPTFORD TOWNSHIP PROJECT, ET AL.

Notice of Public Hearing

Notice is hereby given that the Delaware River Basin Commission will hold a public hearing on Thursday, March 29, 1973, in the New Jersey Cultural Center Auditorium (adjacent to the State House) on West State Street in Trenton beginning at 2 p.m. The subjects of the hearing will be as follows:

A. A proposal to amend the Comprehensive Plan so as to include therein the following projects:

1. *West Deptford Township*: A well water supply project to augment public water supplies in West Deptford Township, Gloucester County, N.J. Two new wells and three existing wells will be utilized to provide a maximum combined diversion from the ground of 4.08 million gallons per day.

2. *Willingboro Township Municipal Utilities Authority*: A well water supply project to augment public water supplies in Willingboro Township and the Village of Rancocas, Burlington, County, N.J. Two new wells and five existing wells will be utilized to provide a maximum combined diversion from the ground of 10 million gallons per day.

B. A proposal to approve the following water pollution abatement schedules as submitted in accordance with section 3-4.2(2) of the Basin Regulations-Water Quality:

1. *Amoco Chemicals Corp. (A-73-1)*: A violation of the effluent requirements of the Commission's Basin Regulations was determined for this facility located in New Castle, Del., and discharging into Zone 5 of the Delaware Estuary. An allocation of carbonaceous (first-stage) oxygen demand will be made for this facility. The proposed abatement schedule requires a minimum waste reduction of 87.5 percent and requires that facilities to accomplish this reduction shall go into operation not later than April 1, 1975.

2. *E. I. du Pont de Nemours & Co., Inc. (A-71-15 Revision)*: An allocation of first-stage oxygen demand has been made for this facility located in Edge Moor, Del., and discharging into Zone 5 of the Delaware Estuary. An original abatement schedule for this facility was approved on May 27, 1971, and requires a minimum waste reduction of 87.5 percent and that treatment facilities to accomplish this reduction shall go into operation not later than September 30, 1974. The proposed revision changes the interim dates of the abatement schedule but the completion date of the original schedule remains unchanged.

Documents relating to the above projects may be examined at the Commission offices. Persons wishing to testify are requested to notify the Secretary prior to the hearing.

W. BRINTON WHITALL,
Secretary.

MARCH 15, 1973.

[FR Doc.73-5746 Filed 3-26-73;8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

ANSUL CO.

Notice of Filing of Petition Regarding Pesticide Chemical

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408 (d)(1), 68 Stat. 512; 21 U.S.C. 346a(d)(1)), notice is given that a petition (PP 3F1357) has been filed by the Ansul Co., Marinette, Wis. 54143, proposing establishment of tolerances (40 CFR Part 180) for residues of the herbicide methanearsonic acid (expressed as As_2O_3) in or on the raw agricultural commodities sugarcane at 0.39 part per million and grapes at 0.33 part per million from application of the disodium and monosodium salts of methanearsonic acid.

The analytical method proposed in the petition for determining residues of the herbicide consists of reduction of the residues to arsine which is then reacted with silver diethyldithiocarbamate in pyridine. The resulting red color is measured spectrophotometrically at 560 nanometers.

Dated: March 22, 1973.

HENRY J. KORP,
Deputy Assistant Administrator for Pesticide Programs.

[FR Doc.73-5798 Filed 3-26-73;8:45 am]

EFFLUENT STANDARDS AND WATER QUALITY INFORMATION ADVISORY COMMITTEE

Notice of Meeting

Pursuant to Public Law 92-463, notice is hereby given that a meeting of the Effluent Standards and Water Quality Information Advisory Committee will be held at 9:30 a.m., April 3, 1973, in the Crystal City Marriott Hotel in Crystal City, Arlington, Va.

This is a regularly scheduled meeting of this advisory committee. The agenda includes a review of the Agency's approach to developing effluent guidelines in implementing the Federal Water Pollution Control Act, as amended. The Committee will also discuss their future activities and the timing of these.

The meeting will be open to the public. Any member of the public wishing to attend or participate should contact Mr. Harold Coughlin, Effluent Guidelines Division, at (703) 557-1944.

WILLIAM D. RUCKELSHAUS,
Administrator.

MARCH 22, 1973.

[FR Doc.73-5797 Filed 3-26-73;8:45 am]

W. R. GRACE & CO.

Notice of Filing of Petition Regarding Pesticide Chemical

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408 (d)(1), 68 Stat. 512; 21 U.S.C. 346a(d)(1)), notice is given that a petition (PP 3F1356) has been filed by W. R. Grace & Co., Washington Research Center, Clarksville, MD 21029, proposing establishment of a tolerance (40 CFR Part 180) for residues of the fungicide ammonium isobutyrate in or on the raw agricultural commodity sorghum grain intended for use as animal feed only at 20,000 parts per million.

The analytical method proposed in the petition for determining residues of the fungicide is a gas chromatographic procedure with flame ionization detection.

Dated: March 22, 1973.

HENRY J. KORP,
Deputy Assistant Administrator for Pesticide Programs.

[FR Doc.73-5799 Filed 3-26-73;8:45 am]

FEDERAL COMMUNICATIONS COMMISSION

[Report 640]

COMMON CARRIER SERVICES INFORMATION [1]

Domestic Public Radio Services Applications Accepted for Filing [2]

MARCH 19, 1973.

Pursuant to §§ 1.227(b)(3) and 21.30 (b) of the Commission's rules, an application, in order to be considered with any domestic public radio services application appearing on the attached list, must be substantially complete and tendered for filing by whichever date is earlier: (a) The close of business 1 business day preceding the day on which the Commission takes action on the previously filed application; or (b) within 60 days after the date of the public notice listing the first prior filed application (with which subsequent applications are in conflict) as having been accepted for filing. An application which is subsequently amended by a major change will be considered to be a newly filed application. It is to be noted that the cutoff dates are set forth in the alternative—applications will be entitled to consideration with those listed in the appendix if filed by the end of the 60-day period, only if the Commission has not acted upon the application by that time pursuant to the first alternative earlier date. The mutual exclusivity rights of a new application are governed by the earliest action with respect to any one of the earlier filed conflicting applications.

The attention of any party in interest desiring to file pleadings pursuant to section 309 of the Communications Act of 1934, as amended, concerning any domestic public radio services application accepted for filing, is directed to § 21.27 of the Commission's rules for provisions governing the time for filing and other requirements relating to such pleadings.

FEDERAL COMMUNICATIONS COMMISSION,
BEN F. WAPLE, [SEAL]
Secretary.

[1] All applications listed in the appendix are subject to further consideration and review and may be returned and/or dismissed if not found to be in accordance with the Commission's rules, regulations and other requirements.

[2] The above alternative cutoff rules apply to those applications listed in the appendix as having been accepted in Domestic Public Land Mobile Radio, Rural Radio, Point-to-Point Microwave Radio and Local Television Transmission Services (Part 21 of the Rules).

POINT-TO-POINT MICROWAVE RADIO SERVICE—continued

6648-C1-P-73—Indiana Bell Telephone Co. (KTG61), 1 mile southwest of New Unionville, Ind. Latitude 39°13'04" N. longitude 86°28'19" W. C.P. to change antenna system, power and replace transmitters on frequencies 6345.5V and 6226.9V toward Bloomington, Ind.; change frequencies from 6212.0H and 6330.7H MHz to 6345.5H and 6226.9H MHz toward Morgantown, Ind.

6649-C1-P-73—Same (KTG60), 23 miles north-northeast of Morgantown, Ind. Latitude 39°24'15" N. longitude 86°15'03" W. C.P. to change frequencies from 6060.0H and 6078.6H MHz to 6974.8H and 6093.5H MHz toward New Unionville, Ind.; delete frequencies 6974.8V and 6093.5V MHz toward Indianapolis, Ind.

6650-C1-P-73—Same (KSL98), 119 East Seventh Street, Bloomington, IN. Latitude 39°10'07" N., longitude 86°31'58" W. C.P. to change antenna system, power and replace transmitters on frequencies 6974.8H and 6093.5H MHz toward New Unionville, Ind.; delete point of communication toward Hindustan, Ind.

6651-C1-P-73—United Telephone Company of Florida (KIW80), corner of East Avenue and Fourth Street, Boca Grande, Fla. C.P. to change antenna system and to change polarization from H to V on frequencies 6278.8V and 6397.4V MHz toward Pine Island, Fla.

6652-C1-P-73—Same (KJK49), Tipton Drive, Pine Island, Fla. Latitude 26°36'50" N., longitude 82°06'51" W. C.P. to change antenna system and to change polarization from H to V on frequencies 6026.7V and 6145.3V MHz toward Boca Grande, Fla.

6595-C1-P-73—Western Tele-Communications, Inc. (WOI60), Los Angeles, latitude 33°58'46" N., longitude 118°24'54" W., to add frequency 6345.5V on azimuth 09°33' towards new point of communication at Magic Mountain.

6596-C1-P-73—Same (New), C.P. for a new station, Magic Mountain, latitude 34°23'09" N., longitude 118°19'57" W., frequency 5974.8H on azimuth 189°36' towards Los Angeles and frequency 5945.2H on azimuth 333°18' towards Winters Ridge.

6597-C1-P-73—Same (New), C.P. for a new station, Winters Ridge, latitude 34°56'46" N., longitude 118°40'30" W., frequency 6228.9H on azimuth 183°06' towards Magic Mountain, and frequency 6197.2V on azimuth 329°50' towards Bakersfield.

6598-C1-P-73—Same (New), C.P. for a new station, Bakersfield, latitude 35°22'08" N., longitude 118°58'31" W., frequency 6004.5V on azimuth 149°39' towards Winters Ridge and frequency 5974.8H on azimuth 29°43' towards Mount Pheasant.

6599-C1-P-73—Same (New), C.P. for a new station, Mount Pheasant, latitude 35°38'27" N., longitude 118°47'06" W., frequency 6226.9H on azimuth 209°50' towards Bakersfield, and frequency 6197.2H on azimuth 329°06' towards Visalia.

6600-C1-P-73—Same (New), C.P. for a new station, Visalia, latitude 36°19'28" N., longitude 119°17'29" W. Frequency 5945.3V on azimuth 146°48' towards Mount Pheasant, and frequency 5974.8V on azimuth 01°24' towards Bear Mountain.

6601-C1-P-73—Same (New), C.P. for a new station Bear Mountain, latitude 36°44'48" N., longitude 119°16'43" W., frequency 6197.2V on azimuth 181°24' towards Visalia, and frequency 6226.9V on azimuth 269°37' towards Fresno.

6602-C1-P-73—Same (New), C.P. for a new station, Fresno, latitude 36°44'10" N., longitude 119°46'17" W., frequency 6063.8V on azimuth 88°20' towards Bear Mountain, and frequency 5945.2H on azimuth 342°38' towards Rabbit Hill.

6603-C1-P-73—Same (New), C.P. for a new station, Rabbit Hill, latitude 37°06'04" N., longitude 119°55'37" W., frequency 6197.2V on azimuth 162°38' towards Fresno, and frequency 6226.9H on azimuth 286°07' towards Merced.

6604-C1-P-73—Same (New), C.P. for a new station, Merced, latitude 37°17'20" N. longitude 120°27'32" W., frequency 5945.2V on azimuth 109°47' towards Rabbit Hill and frequency 5974.8H on azimuth 356°56' towards Rushing Mountain.

6605-C1-P-73—Same (New), C.P. for a new station Rushing Mountain, latitude 37°49'43" N., longitude 120°34'03" W., frequency 6226.9H on azimuth 170°52' towards Merced, and frequency 6197.2V on azimuth 241°55' toward Modesto.

6606-C1-P-73—Same (New), C.P. for a new station, Modesto, latitude 37°36'35" N., longitude 121°00'04" W., frequency 5945.2V on azimuth 61°40' towards Rushing Mountain, and frequency 5945.2V on azimuth 278°49' towards Altamont.

6607-C1-P-73—Same (New), C.P. for a new station, Altamont, latitude 37°43'26" N., longitude 121°38'52" W., frequency 6197.2V on azimuth 98°25' towards Modesto, and frequency 10,775H on azimuth 253°13' towards Sunol Ridge.

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Informative—Continued

6620–C1–P–73—Same (New), approximately 4 miles north of Green, S.C. Latitude 34°59'32" N., longitude 82°15'33" W. C.P. for a new station on frequencies 10,715V, 10,955V, 10,755H, 10,835H, 10,915H, 10,995H and 11,075H MHz toward Wellford, S.C.; frequencies 10,715H and 10,955H MHz toward Paris Mountain, S.C.

6621–C1–P–73—Same (KJH51), 461 East Main Street, Spartanburg, S.C. Latitude 34°57'07" N., longitude 81°55'12" W. C.P. to add frequencies 10,715H and 10,955H MHz toward Wellford, S.C.

6622–C1–P–73—Same (New), approximately 2.4 miles northeast of Wellford, S.C. Latitude 34°58'39" N., longitude 82°03'33" W. C.P. for a new station on frequencies 11.245H and 11.435H MHz toward Greer, S.C.; frequencies 11.245V, 11.485V, 11.285H, 11.365H, 11.445H, 11.525H and 11.605H MHz toward Spartanburg, S.C.

6623–C1–P–73—The Pacific Telephone and Telegraph Co. (KMQ41), Wolf Creek, 6 miles southwest of Grass Valley, Calif. Latitude 39°08'17" N., longitude 121°06'01" W. C.P. to add frequency 3930V MHz toward Pennington, Calif.

6624–C1–P–73—Same (KMQ83), 1 mile southwest of Pennington, Calif. Latitude 39°17'14" N., longitude 121°48'49" W. C.P. to add frequency 3890H MHz toward Walker Ridge, Calif.; frequency 3890V MHz toward Wolf Creek, Calif.

6625–C1–P–73—Same (KMQ64), Walker Ridge, 4 miles west of Wilbur Springs, Calif. Latitude 39°02'15" N., longitude 122°29'39" W. C.P. to add frequency 3930H MHz toward Pennington, Calif.; frequency 3930H MHz toward Cloverdale, Calif.

6626–C1–P–73—Same (KMQ60), 5 miles north of Cloverdale, Calif. Latitude 38°53'01" N., longitude 122°59'33" W. C.P. to add frequency 4030H MHz toward Santa Rosa, Calif.; frequency 3890H MHz toward Walker Ridge, Calif.

6627–C1–P–73—Same (KMQ89), Santa Rosa, Calif. Latitude 38°26'21" N., longitude 122°42'48" W. C.P. to add frequency 4070H MHz toward Cloverdale, Calif. on azimuth 333°52'.

6628–C1–P–73—The Pacific Telephone and Telegraph Co. (KMJ95), 1407 J Street, Sacramento, CA. Latitude 38°34'45" N., longitude 121°29'11" W. C.P. to add frequency 3810V MHz toward Jackson, Calif.

6629–C1–P–73—Same (KMU53), 1.1 miles northwest of Jackson, Calif. Latitude 38°21'42" N., longitude 120°47'09" W. C.P. to add frequency 3850V MHz toward Sacramento, Calif. on azimuth 291°46'.

6631–C1–P–73—MCI Indiana-Ohio, Inc. (New), 1 mile northwest of North Royalton, Ohio. Latitude 41°19'25" N, longitude 81°44'24" W. C.P. for a new station on frequencies 10,735.0V and 11,135.0V MHz toward Cleveland, Ohio on azimuth 14°09'. (*Informative:* Frequencies and point of communication proposed in this application have been deleted from pending application 8886–C1–P–70 for the same station in order to allow for the separate consideration of the two proposals.)

6640–C1–MP–73—Nebraska Consolidated Communications Corp. (WQI25), 2 miles southeast of Claremore, Okla. Latitude 36°17'18" N. longitude 95°34'15" W. Modification of C.P. to change antenna system on frequency 6226.9H MHz toward Sand Springs, Okla.; frequency 6226.9V MHz toward Vinita, Okla.

6641–C1–MP–73—Same (WQI26), Modification of C.P. to relocate station to 2.2 miles north of Sand Springs, Okla. Latitude 36°11'16" N., longitude 96°06'06" W. on frequency 5974.8V MHz toward Bristow, Okla.; frequency 5974.8H MHz toward Claremore, Okla.

6642–C1–MP–73—Same (WQI27), 2.5 miles north of Bristow (Bristow) Okla. Latitude 35°51'56" N., longitude 96°22'06" W. Modification of C.P. to change antenna system and azimuth on frequency 6226.9V MHz toward Cushing, Okla.; frequency 6241.7H MHz toward Sand Springs, Okla.

6643–C1–MP–73—Microwave Transmission Corp. (KNK60), 5.5 miles north of San Luis Obispo, Cuesta Ridge, Calif. Latitude 35°21'37" N., longitude 120°39'18" W. Modification of C.P. to change antenna system, correct station longitude and add frequencies 11.365V and 11,625V MHz toward Williams Hill, Calif.

6644–C1–P–73—Same (New), 6 miles east of Watsonville, Atherton Peak, Calif. Latitude 36°56'12" N., longitude 121°38'59" W. C.P. for a new station on frequencies 10.955V and 10.715V MHz toward Allison, Calif.

6645–C1–P–73—Same (New), 4.5 miles north of Milpitas, Mount Allison, Calif. Latitude 37°29'55" N., longitude 121°52'13" W. C.P. for a new station on frequencies 11,405H and 11,645H MHz toward Wiederman, Calif.*

6646–C1–P–73—Same (New), 7 miles southwest of San Ardo, Williams Hill, Calif. Latitude 35°57'04" N., longitude 121°00'03" W. C.P. for a new station on frequencies 10,755H and 10,995H MHz toward Palo Escrito, Calif.

MARCH 19, 1973.

Major Amendments

2783–C1–P–71—United Video, Inc. (New), 6 miles east of Warrenburg, Mo. Latitude 38°45'24" N., longitude 93°37'46" W. Application amended: (a) To delete Elm, Mo., as point of communication and (b) to add frequency 11,225.0V MHz toward new point of communication at Odessa, Mo., on azimuth 310°41'.

2784–C1–P–71—Same (New), 2 miles south of Odessa, Mo. Latitude 38°58'16" N., longitude 93°57'03" W. Application amended: (a) To relocate station to foregoing coordinates; (b) to delete Lees Summit, Mo., as point of communication; and (c) to add frequency 10,895V MHz toward new point of communication at Raytown, Mo., on azimuth 279°24'.

2785–C1–P–71—Same (New), 2 miles east of Raytown, Mo. Latitude 39°01'46" N., longitude 94°24'19" W. Application amended: (a) To relocate station to foregoing coordinates; (b) to change frequency to 11,425V MHz toward Kansas City, Kans., on azimuth 291°43'; and (c) to add frequency 11,425V MHz, via power split, toward new point of communication at Raytown, latitude 39°00'39" N., longitude 94°27'48" W., Mo., on azimuth 247°40'. (*Informative:* United proposes to deliver the signal of KPLR–TV, St. Louis, Mo., to CATV systems in Kansas City, Kans. and Raytown, Mo.)

1878–C1–P–72—United Video, Inc. (New), 2 miles south of Stamps, Ark. Latitude 33°19'34" N., longitude 93°29'39" W. Application amended: (a) To change frequencies to 5945.2H MHz and 6004.5H MHz toward Stephens, Ark., on azimuth 81°51' and (b) to add frequencies 5945.2H MHz and 6004.5H MHz toward Hope and Magnolia, Ark., on azimuths 350°57' and 99°18', respectively.

1879–C1–P–72—Same (New), 2.5 miles south of Stephens, Ark. Latitude 33°22'30" N., longitude 93°04'53" W. Application amended: (a) To change azimuth toward Camden, Ark., to 39°25' and (b) to add frequencies 6197.2H MHz and 6315.9H MHz, via power split, toward new point of communication at El Dorado, latitude 33°14'09" N., longitude 92°38'45" W., Ark., on azimuth 110°43'.

1880–C1–P–72—Same (New), 1.9 miles northwest of Camden, Ark. Latitude 33°36'06" N., longitude 92°51'31" W. Application amended: (a) To relocate station to foregoing coordinates, and (b) to change azimuth toward Elberta, Ark., to 73°11'. (*Informative:* United proposes to deliver the signals of television stations KDTV and KTVT, Dallas/Fort Worth, Tex., to CATV systems in Camden, Hope, and El Dorado, Ark. In addition, United proposes to deliver the signals of stations KARK–TV and KTHV, Little Rock, Ark., to CATV system in Magnolia, Ark. See Public Notices dated Aug. 14, 1972, Sept. 5, 1972, and Feb. 5, 1973.)

3516–C1–P–72—United Video, Inc. (New), 8.25 miles east-northeast of Preston, Okla. Latitude 35°44'36" N., longitude 95°50'30" W. Application amended: (a) To add frequencies 11.505V MHz and 11.345V MHz toward new point of communication at Tulsa (latitude 36°05'58" N., longitude 95°54'05" W.), Okla., on azimuth 352°15'; (b) to change polarity of frequencies toward Muskogee, Okla., to vertical; and (c) to change azimuth toward Muskogee, Okla., to 97°03'. (*Informative:* United proposes to deliver the television signals of stations KDTV and KTVT, Dallas Fort Worth, Tex., to CATV system in Tulsa, Okla.)

4575–C1–P–70—Southwest Texas Transmission Co. (KKY46), Las Moras, 3 miles northeast of Brackettville, Tex. Latitude 29°21'33" N., longitude 100°23'11" W. Application amended to add frequency 6078.6H MHz towarfd Eagle Pass latitude 28°43'46" N., longitude 100°-28'42" W., Tex., on azimuth 187°20'. (*Informative:* Southwest Texas Transmission proposes to deliver full-time the signal of KLRN–TV, San Antonio, Tex., to CATV system in Eagle Pass. The signal of KLRN–TV is presently delivered to the CATV system on a part-time basis.)

1122–C1–P–73—United Video, Inc. (New), 0.2 mile northeast of Winterset, Iowa. Latitude 41°22'07" N., longitude 93°59'05" W. Application amended to change polarity of frequency 6226.9 MHz toward Urbandale, Iowa, to horizontal and to change azimuth toward Urbandale to 33°13'.

4405–C1–P–73—KHC Microwave Corp. (New), Fullerton, 11 miles east of Fort Polk, La. Latitude 31°02'15" N., longitude 93°01'26" W. Application amended: (a) To change to horizontal the polarity of frequencies 6226.9 MHz and 6286.2 MHz toward Flatswoods, La., on azimuth 19°07' and (b) to change azimuth toward Leesville, La., to 292°56'.

4205–C1–P–73—United Video, Inc. (New), 3 miles southwest of Taylorville, Ill. Latitude 39°-30'43" N., longitude 89°15'02" W. Application amended: (a) To change frequencies to 6034.2V MHz and 6152.8V MHz toward Springfield, Ill., on azimuth 313°37'; (b) to change frequency to 6152.8V MHz toward Decatur, Ill., on azimuth 26°48'; and (c) to relocate receive station at Decatur to latitude 39°52'45" N., longitude 89°00'35" W.

4224–C1–P–73—Eastern Microwave, Inc. (KCK70), Mount Greylock, Mass. Latitude 42°38'14" N., longitude 73°09'56" W. Application amended: (a) To change frequency 5989.7H MHz to 6078.6H MHz toward Beech Hill (KCK71), N.H. and (b) to change frequency 5937.5H MHz to 6078.6V toward Florida Mountain latitude 42°40'32" N., longitude 73°04'06" W., N.H., on azimuth 60°51'.

4227–C1–P–73—Same (New), Wood Hill, 2.2 miles southwest of Lawrence, Mass. Latitude 42°39'17" N., longitude 71°13'05" W. Application amended to change frequency 11,305V MHz to 11,545V MHz toward Boston (Prudential Building), Mass., on azimuth 162°04'.

[FR Doc.73–5691 Filed 3–26–73;8:45 am]

FEDERAL RESERVE SYSTEM

CITIZENS AGENCY, INC.

Order Approving Formation of Bank Holding Company and Continuation of Insurance Agency Activities

The Citizens Agency, Inc., Minneapolis, Kans., has applied for the Board's approval, under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)), of formation of a bank holding company through acquisition of an additional 60 percent or more of the voting shares of The Citizens National Bank of Minneapolis, Minneapolis, Kans. (Bank). Applicant at present owns 22 percent of the voting shares of Bank. Consummation of the proposal would result in Applicant owning all shares of Bank except for directors' qualifying shares.

At the same time, Applicant has applied for the Board's approval under section 4(c)(8) of the Act, 12 U.S.C. 1843 (c)(8)) and § 225.4(b)(2) of the Board's Regulation Y for Applicant to continue to engage in the activities of a general insurance agency in a community of less than 5,000 persons.

Notice of receipt of the applications has been given in accordance with sections 3 and 4 of the Act, and the time for filing comments and views has expired. The Board has considered the applications in light of the factors set forth in section 3(c) of the Act (12 U.S.C. 1842(c)), and the considerations specified in section 4(c)(8) of the Act.

Applicant (wholly owned by a husband and wife) presently owns 110 shares of Bank and proposes to acquire an additional 300 shares of Bank from Applicant's own shareholders. Bank, with deposits of $5.7 million, is the larger of two banks in Minneapolis and the third largest of five banks in Ottawa County. (All banking data are as of June 30, 1972.) On the facts herein and particularly since the transaction involves only a change from individual to corporate ownership of a single bank, consummation of the proposal will have no adverse effects on existing or potential competition.

Considerations relating to financial and managerial resources and prospects of Applicant and Bank appear to be generally satisfactory and consistent with approval. Although Applicant will assume debt incurred by its owners when Bank shares were acquired, it appears that such debt may be adequately serviced without placing an undue strain on Bank earnings. Considerations relating to the convenience and needs of the communities involved, with respect to the acquisition of Bank, are consistent with approval. It is the Board's judgment that the transaction would be in the public interest and that the application to acquire Bank should be approved.

Applicant has operated a general insurance agency from Bank's premises in

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Minneapolis (population approximately 2,000) since 1967. The insurance agency was established de novo by Applicant. Net commissions for 1971 and 1972 were reported to be respectively, $8,600 and $13,600. The Board has previously determined by regulation that the conduct of a general insurance agency in a community of less than 5,000 persons is closely related to banking (12 CFR 225.4(a)(9)(iii)(a)). The evidence shows that there are five competing insurance agencies. There is no evidence in the record indicating that consummation of the proposal would result in any undue concentration of resources, unfair competition, conflicts of interest, unsound banking practices, or other adverse effects on the public interest. It does appear that approval of the application will assure the community of Minneapolis of the continued operation of a convenient alternative source of insurance agency services. Based upon the foregoing and other considerations reflected in the record, the Board has determined that the public interest factors that the Board is required to consider regarding the continuation of Applicant's insurance agency activities are favorable and the application should be approved.

On the basis of the record, the applications to acquire Bank shares and to continue to engage in insurance agency activities are approved for the reasons summarized above. The acquisition of Bank shares shall not be consummated (a) before April 18, 1973, nor (b) later than June 19, 1973, unless such period is extended for good cause by the Board, or by the Federal Reserve Bank of Kansas City pursuant to delegated authority. The determination as to the insurance agency activities is subject to the conditions set forth in § 225.4(c) of Regulation Y and to the Board's authority to require such modification or termination of the activities of a holding company or any of its subsidiaries as the Board finds necessary to assure compliance with the provisions and purposes of the Act and the Board's regulations and orders issued thereunder, or to prevent evasion thereof.

By order of the Board of Governors,[1] effective March 19, 1973.

[SEAL] TYNAN SMITH,
Secretary of the Board.

[FR Doc.73-5769 Filed 3-26-73;8:45 am]

MANUFACTURERS HANOVER CORP.

Order Approving Acquisition of Bank

Manufacturers Hanover Corp., Dover, Del., a bank holding company within the meaning of the Bank Holding Company Act, has applied for the Board's approval under section 3(a)(3) of the Act (12 U.S.C. 1842(a)(3)), to acquire 100 percent of the voting shares of State Bank of Ontario, Ontario, N.Y. (Bank).

Notice of the application, affording opportunity for interested persons to submit comments and views, has been given in accordance with section 3(b) of the Act. The time for filing comments and views has expired and the Board has considered the application and all comments received in light of the factors set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Applicant is the third largest banking organization in New York, controlling four banks with aggregate deposits of $9.2 billion, representing approximately 9½ percent of all deposits of commercial banks in the State.[2] Acquisition of Bank (deposits of $20.1 million) would constitute applicant's initial entry into the Rochester banking market and would not change applicant's ranking among banking organizations in the State, nor would it significantly increase the concentration of banking resources in New York.

Bank is the 7th largest of 16 banks in the Rochester banking market, controlling 1 percent of total deposits in that market.[3] (Banking data for the Rochester market are as of June 30, 1970.) Applicant's nearest banking subsidiary to Bank is approximately 200 miles distant and it does not appear that any meaningful competition exists between Bank and any of applicant's subsidiary banks. Further, it seems unlikely that meaningful competition would develop in the near future between Bank and any of applicant's banking subsidiaries in light of the facts presented, notably, the distance separating these banks and New York's statutes prohibiting applicant's banking subsidiaries from branching into the Rochester market until 1976. Moreover, the introduction of applicant as a vigorous competitor into the Rochester market could be beneficial in view of the concentrated nature of that market (the four largest banking organizations control 92 percent of market deposits), and would not raise barriers to entry by other banking companies since seven independent banks would remain as potential members of other bank holding companies. On the basis of the record before it, the Board concludes that consummation of the proposal herein would have no adverse effects on competition in any relevant area.

The financial condition, managerial resources, and future prospects of applicant, its subsidiary banks and Bank appear generally satisfactory and are consistent with the approval of the application.

Considerations relating to the convenience and needs of the community to be served are also consistent with, and lend weight toward, approval of the application, since applicant through Bank will be able to provide additional services at a more convenient location for many customers in the Rochester area. Among the services which Bank does not presently offer but will provide as a result of its affiliation with applicant are: Expanded trust and loan and credit services, a wider variety of consumer financing, international banking services, and computer services. It is the Board's judgment that consummation of the proposed acquisition would be in the public interest and that the application should be approved.

On the basis of the record, the application is approved for the reasons summarized above. The transaction shall not be consummated (a) before April 18, 1973, or (b) later than June 19, 1973, unless such period is extended for good cause by the Board or by the Federal Reserve Bank of New York, pursuant to delegated authority.

By order of the Board of Governors,[4] effective March 19, 1973.

[SEAL] TYNAN SMITH,
Secretary of the Board.

[FR Doc.73-5770 Filed 3-26-73;8:45 am]

PATAGONIA CORP.

Proposed Acquisition of Tucson Finance Co.

Patagonia Corp., Tucson, Ariz., has applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.4(b)(2) of the Board's Regulation Y, for permission to acquire (through Model Finance Co. of Tucson, Ariz., a wholly owned subsidiary of Patagonia Corp.'s wholly owned subsidiary, Model Finance Co.) certain assets of Tucson Finance Co., Tucson, Ariz. Notice of the application was published on February 15, 1973, in the Tucson Daily Citizen, a newspaper circulated in Tucson, Ariz.

Applicant states that the proposed subsidiary would engage in the activities of a consumer finance company by making personal loans primarily to wage earners, and acting as agent or broker in the sale to its debtors of credit life, accident, and health insurance which is directly related to extensions of credit to those debtors. Such activities have been specified by the Board in § 225.4(a) of Regulation Y as permissible for bank holding companies, subject to Board approval of individual proposals in accordance with the procedures of § 225.4(b).

Interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question should be accompanied by a statement summarizing the evidence the person requesting the hearing proposes to submit or to elicit at the hearing and a statement of the reasons why this matter should not be resolved without a hearing.

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of San Francisco.

Any views or requests for hearing should be submitted in writing and received by the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, not later than April 16, 1973.

Board of Governors of the Federal Reserve System, March 20, 1973.

[SEAL] CHESTER B. FELDBERG,
Assistant Secretary of the Board.

[FR Doc.73-5771 Filed 3-26-73;8:45 am]

STOCKGROWERS STATE BANK CO., INC.

Amendment to Application for Formation of Bank Holding Company

Notice that Stockgrowers State Bank Co., Inc., Worland, Wyo., has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to remain a bank holding company through retention of 92.6 percent or more of the voting shares of the Stockgrowers State Bank, Worland, Wyo., was published on March 2, 1973 (38 FR 4388). That application has now been substantially amended.

The factors that are considered in acting on the amended application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The amended application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Kansas City. Any person wishing to comment on the amended application should submit his views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than April 16, 1973.

Board of Governors of the Federal Reserve System, March 20, 1973.

[SEAL] CHESTER B. FELDBERG,
Assistant Secretary of the Board.

[FR Doc.73-5772 Filed 3-26-73;8:45 am]

INTERIM COMPLIANCE PANEL (COAL MINE HEALTH AND SAFETY)

KENTLAND-ELKHORN COAL CORP.

Applications for Renewal Permits, Notice of Opportunity for Public Hearing

Applications for Renewal Permits for Noncompliance with the Interim Mandatory Dust Standard (2.0 mg/m³) have been received as follows:

(1) ICP Docket No. 20133, Kentland-Elkhorn Coal Corp., Feds Creek No. 1 Mine, USBM ID No. 15 02097 0, Mouthcard, Ky.,
Section ID No. 001 (1 South),
Section ID No. 003 (2 Right),
Section ID No. 004 (J. Rowe).

(2) ICP Docket No. 20135, Kentland-Elkhorn Coal Corp., Kentland No. 2 Mine, USBM ID No. 15 02106 0, Mouthcard, Ky.,
Section ID No. 009 (E Panel),
Section ID No. 010 (D Panel),
Section ID No. 001 (10 Right),
Section ID No. 008 (A Panel),
Section ID No. 006 (2 East).

(3) ICP Docket No. 20136, Kentland-Elkhorn Coal Corp., Kentland No. 3 Mine, USBM ID No. 15 02104 0, Mouthcard, Ky.,
Section ID No. 001 (1 Panel),
Section ID No. 004 (G Panel),
Section ID No. 002 (1 Left).

(4) ICP Docket No. 20137, Kentland-Elkhorn Coal Corp., Peter Creek-B Portal Mine, USBM ID No. 15 02103 0, Mouthcard, Ky.,
Section ID No. 003 (No. 1 Unit).

In accordance with the provisions of section 202(b)(4) (30 U.S.C. 842(b)(4)) of the Federal Coal Mine Health and Safety Act of 1969 (83 Stat. 742, et seq., Public Law 91-173), notice is hereby given that requests for public hearing as to an application for renewal may be filed on or before April 11, 1973. Requests for public hearing must be filed in accordance with 30 CFR Part 505 (35 FR 11296, July 15, 1970), as amended, copies of which may be obtained from the Panel on request.

A copy of the application is available for inspection and requests for public hearing may be filed in the office of the Correspondence Control Officer, Interim Compliance Panel, Room 800, 1730 K Street NW., Washington, DC 20006.

GEORGE A. HORNBECK,
Chairman, Interim Compliance Panel.

MARCH 22, 1972.

[FR Doc.73-5731 Filed 3-26-73;8:45 am]

NATIONAL ADVISORY COMMITTEE ON OCCUPATIONAL SAFETY AND HEALTH

SUBCOMMITTEE ON STATE PROGRAMS

Notice of Meeting

Notice is hereby given of a meeting to be held by the Subcommittee on State Programs of the National Advisory Committee on Occupational Safety and Health established by section 7(a) of the Occupational Safety and Health Act of 1970 (29 U.S.C. 556).

The meeting will begin at 9 a.m., on April 13, 1973, in room 107 A, B, and C of the Department of Labor Building, 14th Street and Constitution Avenue NW., Washington, DC.

The sole purpose of the meeting will be to evaluate the matters discussed and the information received at the March 15, 1973, meeting of this subcommittee (38 FR 5514) and to determine what recommendations to make to the full committee with respect thereto.

Members of the public are invited to attend the proceedings.

Any written data, views, and arguments received by the Committee's executive secretary at or before the meeting concerning the matters to be considered together with 25 duplicate copies will be provided to the members and be included in the minutes of the meeting.

Submissions to the executive secretary should be addressed as follows:

Mr. Roger W. Grant, Executive Secretary, National Advisory Committee on Occupational Safety and Health, Room 1120b, 1726 M Street NW., Washington, DC 20210.

As all requests to be heard orally at the March 15, 1973, meeting were granted in full, no further opportunity to address the subcommittee on April 13, 1973, will be provided.

Signed at Washington, D.C., this 22d day of March 1973.

ROGER W. GRANT,
Executive Secretary.

[FR Doc.73-5789 Filed 3-26-73;8:45 am]

OFFICE OF THE FEDERAL REGISTER

LIST OF ACTS REQUIRING PUBLICATION IN THE "FEDERAL REGISTER"

The basic provisions requiring or authorizing publication of documents in the FEDERAL REGISTER are contained in 5 U.S.C. 551-559 and 44 U.S.C. 1501-1511. This appendix lists the acts contemplated by 44 U.S.C. 1505(a)(3). Notice is hereby given that the Office of the Federal Register is amending the list of acts requiring the publication of documents in the FEDERAL REGISTER by adding to the list the following acts enacted in 1972:

Description of Act	*Citation*
Foreign Assistance Development Loan Fund.	86 Stat. 20; 22 U.S.C. 2414.
Black Lung Benefits	86 Stat. 150; 30 U.S.C. 921(b), 931(c).
Education Amendments.	86 Stat. 235; 20 U.S.C. 1232 note.
Tinicum National Environmental Center.	86 Stat. 391; 16 U.S.C. 668dd note.
San Francisco National Wildlife Refuge.	86 Stat. 399; 16 U.S.C. 668gg.
Social Security Act Amended.	86 Stat. 406; 42 U.S.C. 415(i), 430.
Ports and Waterways Safety.	86 Stat. 424; 46 U.S.C. 391a.
Sawtooth National Recreation Area.	86 Stat. 612; 16 U.S.C. 460aa.
John D. Rockefeller, Jr., Memorial Parkway.	86 Stat. 619; 16 U.S.C. 461 note.
Grant-Kohrs Ranch National Historic Site.	86 Stat. 632; 16 U.S.C. 461 note.
Seal Beach National Wildlife Refuge.	86 Stat. 633; 16 U.S.C. 668dd note.
Economic Opportunity	86 Stat. 688; 42 U.S.C. 2971b.
Armed Forces Survivor Benefit Plan.	86 Stat. 706; 10 U.S.C. 1447.
Federal Advisory Committees.	86 Stat. 770; 5 U.S.C. App.
North Pacific Fisheries	86 Stat. 784; 16 U.S.C. 1025a.
Water Pollution Control.	86 Stat. 816; 33 U.S.C. 1251.
Federal-State Revenue Sharing.	86 Stat. 919; 31 U.S.C. 1262, 26 U.S.C. 6364.
Motor Vehicle Information and Cost Savings Act.	86 Stat. 947; 15 U.S.C. 1988.
Environmental Pesticide Control.	86 Stat. 973; 7 U.S.C. 136s.
Marine Mammal Protection.	86 Stat. 1027; 16 U.S.C. 1374.

[1] Voting for this action: Vice Chairman Robertson and Governors Mitchell, Daane, Brimmer, Sheehan and Bucher. Absent and not voting: Chairman Burns.

[2] All banking data are as of June 30, 1972, except where otherwise noted, and are adjusted to reflect bank holding company formations and acquisitions approved by the Board through Feb. 28, 1973.

[3] The Rochester banking market is approximated by Wayne and Monroe Counties and the northern half of Livingston County.

[4] Voting for this action: Vice Chairman Robertson and Governors Mitchell, Daane, Brimmer, Sheehan, and Bucher. Absent and not voting: Chairman Burns.

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Description of Act	Citation
Vietnam Era Veterans' Readjustment Assistance.	86 Stat. 1074; 38 U.S.C. 1780.
National Traffic and Motor Vehicle Safety.	86 Stat. 1159; 15 U.S.C. 1410.
Consumer Product Safety.	86 Stat. 1207; 15 U.S.C. 2056.
Noise Control	86 Stat. 1234; 42 U.S.C. 4903.
Longshoremen's and Harbor Workers' Compensation.	86 Stat. 1251; 33 U.S.C. 907.
National Health Service Corps Scholarship Training Program.	86 Stat. 1290; 42 U.S.C. 234.
Importation of Pre-Columbian Act.	86 Stat. 1296; 19 U.S.C. 2091.
Youth Conservation Corps.	86 Stat. 1319; 42 U.S.C. note prec. 2711.
Social Security Act	86 Stat. 1329; 42 U.S.C. 403(f)(8)(A)

OFFICE OF MANAGEMENT AND BUDGET

BUSINESS ADVISORY COUNCIL ON FEDERAL REPORTS

Notice of Public Meeting

Pursuant to Public Law 92-463, notice is hereby given of a meeting of an ad hoc panel of the Business Advisory Council on Federal Reports to be held in Room 2010, New Executive Office Building, 726 Jackson Place NW., Washington, DC, on Friday, March 30, 1973 at 9:30 a.m.

The purpose of the meeting is to obtain advice on reporting problems involved in a public use report of the Cost of Living Council entitled, "Report or Record of Prices, Costs, and Profits" (Form CLC-2) including "Calculation of Cost Justification to Support Net Price Increases on Form CLC-2" (Schedule C). The meeting will be open to public observation and participation.

VELMA N. BALDWIN,
Assistant to the Director for Administration.

[FR Doc.73-5730 Filed 3-26-73; 8:45 am]

POSTAL RATE COMMISSION

[Docket RM73-2]

LIMITED PARTICIPATION IN COMMISSION PROCEEDINGS BY PERSONS NOT PARTIES

Order Denying Petition for Amendment or Repeal of Rule

MARCH 23, 1973.

On February 7, 1973, the Commission published in the FEDERAL REGISTER a new rule allowing limited participation in Commission proceedings, docket RM73-2 (38 FR 3510). The new rule was related to Commission rules in docket RM73-1 (proposed August 2, 1972 (37 FR 15437) and modified March 22, 1973 (38 FR 7527)) increasing the information which full participants are asked to file in Commission proceedings. Recognizing that some mailers may not be able to participate except on a limited basis, the Commission fashioned its limited participation rule so as to grant those mailers access to Commission proceedings without automatically subjecting them to the entire docket RM73-1 information filing requirements.

On February 12, 1973, the Postal Service submitted a "Motion" requesting modification of the limited participation rule.[1] In essence, the Service asks us to change the rule so that limited participation would be unavailable to any person who seeks to file any evidence or to cross-examine the Service's case. Although the Service would allow limited participators to state their position by way of briefs, it presumably knows that the Commission is precluded by law from considering arguments which are not supported on the record. Consequently, the Service's proposal would force persons who choose limited participation to waive valuable hearing rights.

The Service's motion gives no recognition whatsoever to the necessary relationship between the Docket RM73-1 rules and the limited participation rule. The Service ardently supported the proposed Docket RM73-1 rules requiring intervenors to file more evidence. For mailers who do not plan to take a major role in Commission proceedings, however, the Docket RM73-1 rules may be burdensome. To the extent that the limited participator rule helps to resolve this problem, it is complementary to the Docket RM73-1 filing rules.

The Service's fears concerning the effect of the limited participation rule are also misconceived. Without the limited participation rule, the Service (and others) would have been allowed—without asking the presiding officer's permission—to request extensive information from all participants. Under the new rule, limited participators are no longer subject to such requests without the presiding officer's approval. The presiding officer, however, still retains broad authority to control the hearings (39 CFR § 3001.23). And the rule expressly advises limited participators that "failure to provide relevant and material information in support of their claims will be taken into account in determining the weight to be placed on their evidence and arguments." Contrary to the Service's contentions, we fail to perceive how such a rule can be unfair.

The Commission orders:

(a) The February 12, "Motion of the United States Postal Service for Modification of Order Promulgating Amendments to Rules of Practice and Procedure," is hereby denied.

(b) The Secretary shall cause publication of this order to be made promptly in the FEDERAL REGISTER.

By the Commission.

[SEAL] JOSEPH A. FISHER,
Secretary.

[FR Doc.73-5749 Filed 3-26-73;8:45 am]

[1] Although the Service's filing is denominated as a "motion," it is actually a petition for "amendment * * * or repeal of a rule." (*See* 5 U.S.C. § 553(e).)

SECURITIES AND EXCHANGE COMMISSION

[File 500-1]

CRYSTALOGRAPHY CORP.

Order Suspending Trading

MARCH 19, 1973.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, $0.01 par value, and all other securities of Crystalography Corp., being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors:

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period from March 20, 1973, through March 29, 1973.

By the Commission.

[SEAL] RONALD F. HUNT,
Secretary.

[FR Doc.73-5766 Filed 3-26-73;8:45 am]

[File 500-1]

MERIDIAN FAST FOOD SERVICES, INC.

Order Suspending Trading

MARCH 21, 1973.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, $0.01 par value, of Meridian East Food Services, Inc., being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors:

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period from March 22, 1973, through March 31, 1973.

By the Commission.

[SEAL] RONALD F. HUNT,
Secretary.

[FR Doc.73-5767 Filed 3-26-73;8:45 am]

SMALL BUSINESS ADMINISTRATION

[Delegation of Authority No. 30-V; Amdt. 1]

REGION V

Delegation of Authority to Conduct Program Activities in the Field Offices

Delegation of Authority No. 30-V (37 FR 17607) is hereby amended to effect changes previously published therein and to reflect Amendments to Delegation of Authority No. 30 (Revision 14) (37 FR 12651), as published in (37 FR 19405, 37 FR 21466 and FR 23594) to read as follows:

PART I—FINANCING PROGRAM

SECTION A. *Loan approval authority.*

1. *Small Business Act section 7(a) loans.* * * *

c. Supervisory Loan Officers, Financing Branch Regional Financial Services Division $50,000

* * * * *

3. *Displaced business and other economic injury loans.* a. To decline displaced business loans, coal mine health and safety, consumer protection (meat, egg, poultry), occupational safety and health, strategic arms limitation economic injury, and economic injury disaster loans in connection with declarations made by the Secretary of Agriculture for natural disasters in any amount and to approve such loans up to the following amounts (SBA share):

NOT APPLICABLE

b. To approve or decline displaced business loans, coal mine health and safety loans, consumer protection loans (meat, egg, poultry), occupational safety and health, strategic arms limitation, and economic injury disaster loans in connection with declarations made by the Secretary of Agriculture for natural disasters up to the following amounts (SBA share):

* * * * *

SEC. B. *Other financing authority.* 1. a. To enter into business, economic opportunity, disaster, displaced business, consumer protection (meat, egg, poultry), occupational safety and health, coal mine health and safety, and strategic arms limitation economic injury loan participation agreements with banks:

* * * * *

3. To cancel, reinstate, modify, and amend authorizations:

a. For business, economic opportunity, disaster, displaced business, consumer protection (meat, egg, poultry), occupational safety and health, coal mine health and safety, and strategic arms limitation economic injury loans:

* * * * *

b. For "fully disbursed" or "partially disbursed" business, economic opportunity, disaster, displaced business, consumer protection (meat, egg, poultry), occupational safety and health, strategic arms limitation economic injury, and coal mine health and safety loans:

* * * * *

c. For business, economic opportunity, disaster, displaced business, consumer protection (meat, egg, poultry), coal mine health and safety, strategic arms limitation economic injury and occupational safety and health loans personally approved under delegated authority:

* * * * *

PART II—DISASTER PROGRAM

SECTION A. *Disaster loan authority.* 1. To decline direct disaster and immediate participation disaster loans in any amount and to approve such loans up to the total SBA funds of (1) $50,000 per household for repairs or replacement of the home and/or not to exceed an additional $10,000 allowable for household goods and personal items, but in no event may the money loaned for physical loss or damage exceed $55,000 for a single disaster on home loans, except for funds to refinance prior liens or mortgages, which may be approved to refinance prior liens or mortgages, which may be approved in addition to the foregoing limits for amounts up to $50,000; and (2) $500,000 on disaster business loans (excluding displaced business loans, coal mine health and safety, occupational safety and health, strategic arms limitation economic injury, and economic injury disaster loans in connection with declarations made by the Secretary of Agriculture for natural disasters) except to the extent of refinancing of a previous SBA disaster loan:

* * * * *

2. To decline direct disaster and immediate participation disaster loans (excluding displaced business loans, coal mine health and safety, occupational safety and health, strategic arms limitation economic injury, and economic injury disaster loans in connection with declarations made by the Secretary of Agriculture for natural disasters) in any amount and to approve such loans up to the total SBA funds of $50,000:

NOT APPLICABLE

* * * * *

4. To appoint as a processing representative any bank in the disaster area:

a. Chief, Regional Financial Services Division.

b. Chiefs, Financing, Borrower Services, Community Economic Development Branches.

c. District Directors.

SEC. B. *Administrative authority.* 1. *Establishment of Disaster Field Offices.* (a) To establish field offices upon receipt of advice of the designation of a disaster area and to close disaster field offices when no longer advisable to maintain such offices; and (b) to obligate the Small Business Administration to reimburse the General Services Administration for the rental of temporary office space.

(1) Chief, Regional Administrative Division.

(2) District Directors.

2. *Purchase and contract authority.* a. To contract for local credit bureau services and loss verification services pursuant to Chapter 4 of Title 41, United States Code, as amended, subject to the limitations contained in section 257 (a) and (b) of that chapter.

(1) Chief, Regional Administrative Division.

(2) District Directors.

b. To purchase office supplies and equipment, including office machines and rent regular office equipment and furnishings; contract for repair and maintenance of equipment and furnishings; contract for printing (Government sources only); contract for services required in setting up and dismantling and moving SBA exhibits; and issue Government bills of lading pursuant to Chapter 4 of Title 41, United States Code, as amended, subject to the limitations contained in section 257 (a) and (b) of that chapter.

(1) Chief, Regional Administrative Division.

(2) District Directors.

(3) Disaster Branch Managers, as assigned.

PART III—COMMUNITY ECONOMIC DEVELOPMENT (CED) PROGRAM

* * * * *

PART V—PROCUREMENT AND MANAGEMENT ASSISTANCE

SECTION A. *Certificate of competency approval authority.* 1. * * *

a. Chief, Regional PMA Division.

2. * * *

a. Chief, Regional PMA Division.

* * * * *

PART VI—LEGAL SERVICES

SECTION A. *Authority to conduct litigation activities.* 1. * * *

b. * * *

(1) * * *

(a) Regional Counsel.

(b) [Deleted]

(2) * * *

(a) [Deleted]

* * * * *

3. * * *

a. Regional Counsel.

b. Regional Attorneys.

c. District Directors.

d. District Counsels.

e. District Attorneys.

f. Branch Managers (except Marquette, Mich.).

g. Branch Attorneys (except Marquette, Mich.).

SEC. B. *Loan closing authority.* 1. * * *

* * * * *

PART VII—ELIGIBILITY AND SIZE DETERMINATIONS

SECTION A. *Eligibility determinations.* 1. a. In accordance with Small Business Administration standards and policies, to determine eligibility of applicants for assistance under any program of the Agency.

(1) Except: The SBIC Program:

(a) Chief, Regional Financial Services Division.

(b) Chiefs, Financing, Borrower Services, Community Economic Development Branches, Regional Financial Services Division.

(c) Chief, Regional Procurement and Management Assistance Division.

(d) District Directors.

(e) Chiefs, District Financial Services Division.

(f) Chiefs, District Financing Division.

(g) Branch Managers.

* * * * *

SEC. B. *Size determinations.* 1. a. To make initial size determinations in all cases within the meaning of the Small Business Size Standards Regulations, as amended, and further, to make product classification decisions for financial assistance purposes only:

(1) Chief, Regional Financial Services Division.

(2) Chiefs, Financing, Borrower Services, Community Economic Development

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Branches, Regional Financial Services Division.

(3) Chief, Regional Procurement and Management Assistance Division (except product classification decisions).

(4) District Directors.

(5) Chiefs, District Financial Services Division.

(6) Chiefs, District Financing Division.

(7) Branch Managers.

• • • • •

PART VIII—ADMINISTRATIVE

SECTION A. *Authority to purchase, rent or contract for equipment, services, and supplies.*

• • • • •

2. To purchase office supplies and equipment, including office machines and rent regular office equipment and furnishings; contract for repair and maintenance of equipment and furnishings; contract for printing (Government sources only); contract for services required in setting up and dismantling and moving SBA exhibits; and issue Government bills of lading pursuant to Chapter 4 of Title 41, United States Code, as amended, subject to the limitations contained in section 257 (a) and (b) of that chapter.

a. Chief, Regional Administrative Division.

b. Regional Office Services Assistant.

c. District Directors.

d. Chiefs, District Administrative Division.

e. Branch Manager, Springfield, Ill.

3. To rent motor vehicles and garage space for the storage of such vehicles when not furnished by this Administration.

a. Chief, Regional Administrative Division.

b. Regional Office Services Assistant.

c. District Directors.

d. Chiefs, District Administrative Division.

e. Branch Managers.

f. Disaster Branch Managers as assigned.

SEC. B. [Deleted.]

• • • • •

Effective date: July 1, 1972, except Part I, sec. A, pars. 3 a and b; sec. B, pars. 1a, 3 a, b, and c; and Part II, sec. A, pars. 1 and 2 which are effective Sept. 28, 1972.

ROBERT A. DWYER,
Regional Director,
Region V.

[FR Doc.73-5764 Filed 3-26-73;8:45 am]

[Notice of Disaster Loan Area 963]

TEXAS

Notice of Disaster Relief Loan Availability

As a result of the President's declaration of the State of Texas as a major disaster area following tornadoes, high winds, and flooding which began on or about March 10, 1973, and the subsequent designation of Hill and Burnett Counties by the Office of Emergency Preparedness as the affected areas, the Small Business Administration will accept applications for disaster relief loans in these two Counties.

Applications may be filed at the:

Small Business Administration, Regional Office, 1110 Commerce Street, Dallas, TX 75202.

and at such temporary offices as are established. Such addresses will be announced locally.

Applications for disaster loans under this announcement must be filed not later than May 15, 1973.

Dated: March 15, 1973.

THOMAS S. KLEPPE,
Administrator.

[FR Doc.73-5765 Filed 3-26-73;8:45 am]

TARIFF COMMISSION

[TEA-W-190]

GOLD STAR HAT AND CAP COMPANY, INC., NEW YORK, N.Y.

Workers' Petition for a Determination; Notice of Investigation

On the basis of a petition filed under section 301(a)(2) of the Trade Expansion Act of 1962, on behalf of the workers and former workers of Gold Star Hat and Cap Co., Inc., New York, N.Y., the U.S. Tariff Commission, on March 21, 1973, instituted an investigation under section 301(c)(2) of the Act to determine whether, as a result in major part of concessions granted under trade agreements, articles like or directly competitive with nonknit cotton headwear (of the type provided for in item 702.10 of the Tariff Schedules of the United States) produced by said firm are being imported into the United States in such increased quantities as to cause, or threaten to cause, the unemployment or underemployment of a significant number or proportion of the workers of such firm or an appropriate subdivision thereof.

The optional public hearing afforded by law has not been requested by the petitioners. Any other party showing a proper interest in the subject matter of the investigation may request a hearing, provided such request is filed on or before April 6, 1973.

The petition filed in this case is available for inspection at the Office of the Secretary, U.S. Tariff Commission, Eighth and E Streets NW., Washington, D.C., and at the New York City office of the Tariff Commission located in Room 437 of the Customhouse.

Issued: March 22, 1973.

By order of the Commission.

KENNETH R. MASON,
Secretary.

[FR Doc.73-5793 Filed 3-26-73;8:45 am]

[TEA-W-191]

KAYSER-ROTH CORPORATION, NEW YORK, NEW YORK

Workers' Petition for a Determination; Notice of Investigation

On the basis of a petition filed under section 301(a)(2) of the Trade Expansion Act of 1962, on behalf of the workers of the Freeport, Maine, plant of the Kayser-Roth Shoes Division of the Kayser-Roth Corp., New York, N.Y., the U.S. Tariff Commission, on March 22, 1973, instituted an investigation under section 301(c)(2) of the Act to determine whether, as a result in major part of concessions granted under trade agreements, articles like or directly competitive with footwear for men and women (of the types provided for in items 700.26, 700.27, 700.29, 700.35, 700.43, 700.45, and 700.55 of the Tariff Schedules of the United States) produced by said firm are being imported into the United States in such increased quantities as to cause, or threaten to cause, the unemployment or underemployment of a significant number or proportion of the workers of such firm or an appropriate subdivision thereof.

The optional public hearing afforded by law has not been requested by the petitioners. Any other party showing a proper interest in the subject matter of the investigation may request a hearing, provided such request is filed on or before April 6, 1973.

The petition filed in this case is available for inspection at the Office of the Secretary, U.S. Tariff Commission, Eighth and E Streets NW., Washington, D.C., and at the New York City office of the Tariff Commission located in Room 437 of the Customhouse.

Issued: March 22, 1973.

By order of the Commission.

KENNETH R. MASON,
Secretary.

[FR Doc.73-5794 Filed 3-26-73;8:45 am]

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

TEXAS DEVELOPMENTAL PLAN

State Occupational Safety and Health Standards and Their Enforcement; Notice of Submission of Plan and Availability for Public Comment

1. Submission and description of Plan. Pursuant to section 18 of the Occupational Safety and Health Act of 1970 (29 U.S.C. 667) and § 1902.11 of Title 29, Code of Federal Regulations, notice is hereby given that an Occupational Safety and Health Plan for the State of Texas has been submitted to the Assistant Secretary of Labor for Occupational Safety and Health. The Assistant Secretary has preliminarily reviewed the plan and hereby gives notice that the question of approval of the plan is in issue before him.

The plan provides that the Division of Occupational Safety within the State Department of Health is to administer the plan throughout the State. Further, the Division of Occupational Safety is to be administered by an Occupational Safety Board consisting of five members, the Commissioner of Labor Statistics, the Commissioner of Health, and three public members to be appointed by the Governor and confirmed by the Texas State Senate. The plan defines the

covered occupational safety and health issues as defined by the Secretary of Labor in 29 CFR 1902.2(c)(1). All safety and health standards and amendments thereto which have been adopted by the Secretary of Labor have been adopted by the State.

Included in the plan is proposed draft legislation which is presently being considered by the Texas Legislature. The legislation is accompanied by a statement of legal opinion that it will meet the requirements of the Federal Act and is consistent with the constitution and other laws of the State of Texas. Under the proposed legislation the Occupational Safety Board is to have full authority to enforce and to administer laws respecting employee safety and health. Further, the draft legislation provides for the coverage of all employees within the State including employees of the State and its political subdivisions.

The legislation is intended to bring the plan into conformity with the requirements of 29 CFR Part 1902 in areas such as procedures for variances and protection of employees from hazards; procedures for the development and promulgation of standards, including standards for protection of employees against new and unforeseen hazards; and procedures for prompt restraint or elimination of imminent danger situations.

The legislation also proposes to insure inspections in response to complaints; give employer and employee representatives an opportunity to accompany inspectors in order to aid inspections; notification of employees or their representatives when no compliance action is taken as a result of alleged violations, including informal review; protection of employees against discharge or discrimination in terms and conditions of employment; notification of employees of their protections and obligations; provision for prompt notice to employers and employees of alleged violations of standards and abatement requirements; a system of sanctions against employers for violations of standards; employer right of review and employee participation in review procedures; and provision for programs to encourage voluntary compliance by employers and employees. Included within the plan is a Time Schedule providing for full implementation of the plan within the required 3-year period following the beginning of the plan's operation. To carry out its safety and health program the plan contains rules and regulations for the Occupational Safety Board regarding inspections, recording, variances, coverage, and the promulgation of standards as well as an Operations Manual modeled on the Federal Compliance Operations Manual. The plan also describes the resources that are to be devoted to it as well as the State's merit system for personnel.

2. *Location of plan for inspection and copying.* A copy of the plan may be inspected and copied during normal business hours at the following locations: Office of Federal and State Operations, Occupational Safety and Health Administration, Room 305, Railway Labor Building, 400 First Street NW., Washington, DC 20210; Regional Administrator, Occupational Safety and Health Administration, Texaco Building, Suite 600, 1512 Commerce Street, Dallas, TX 75201; and the Division of Occupational Safety, Texas State Department of Health, 3711 North Lamar, 3d Floor, Austin, TX 78756. Copies of the plan may be obtained at the expense of the person(s) requesting the copies.

3. *Public participation.* Interested persons are hereby given until April 26, 1973, in which to submit to the Assistant Secretary written data, views, and arguments concerning the plan. The submissions are to be addressed to the Director, Office of Federal and State Operations, Occupational Safety and Health Administration, Railway Labor Building, Room 305, U.S. Department of Labor, Washington, D.C. 20210. The written comments will be available for public inspection and copying, at the expense of the person(s) requesting such copies, at the above address.

Any interested person(s) may request an informal hearing concerning the proposed plan, or any part thereof, whenever particularized written objections thereto are filed by April 26, 1973. If the Assistant Secretary finds that substantial objections are filed, he shall hold a formal or informal hearing on the subjects and issues involved.

The Assistant Secretary of Labor for Occupational Safety and Health shall thereafter consider all relevant comments and arguments presented and issue his decision as to approval or disapproval of the plan.

Signed at Washington, D.C., this 22d day of March 1973.

CHAIN ROBBINS,
Acting Assistant
Secretary of Labor.

[FR Doc.73-5790 Filed 3-26-73;8:45 am]

COST OF LIVING COUNCIL

LUMBER PRICES

Notice of Public Hearing

Notice is hereby given that the Cost of Living Council will hold public hearings beginning at 9:30 a.m., April 4, 1973, at the General Services Administration Auditorium, 18th and F Streets NW., Washington, D.C., to receive comments from interested persons on appropriate wage and price control actions which might effectively restrain lumber prices.

BACKGROUND

Since January 11, 1973, rapid increases have been experienced in the prices of the softwood lumber and plywood products most frequently used as building materials. The Wholesale Price Index (WPI) for softwood lumber for the month of February 1973 increased 8 percent. These price increases represent a continuation of a tendency for higher prices of lumber and plywood which began early in 1971.

Increased demand for lumber and wood products was stimulated by a sharp increase in private housing starts. In 1972, 2.38 million private houses were started, representing a 66-percent increase over 1.4 million houses started in 1970 and 16-percent increase over the 2.05 million houses started in 1971. This increased demand pressure has continued into early 1973. In January 1973, housing starts rose to an annual rate of 2.46 million units, up 5.3 percent over December 1972.

In addition, log exports reached a record rate of 3 billion board feet during calendar year 1972. This volume represented a 7-percent increase over the corresponding 1970 volume and a 27-percent increase over the corresponding 1971 volume. On the supply side, a decrease in timber sales from the national forests was experienced in 1972.

ADMINISTRATIVE ACTIONS ON SUPPLY. SIDE

Several courses of action designed to increase supply have been undertaken through efforts of the Cost of Living Council. The Counselor to the President on Natural Resources, Earl Butz, has assigned a Government team to work on a continuing basis in the next month with the Forest Service and the Bureau of Land Management. The administration will develop and implement plans to assure sales of 11.8 billion board feet in calendar year 1973 from the Forest Service lands, and set higher output goals and develop specific action plans for 1974 and 1975.

Secondly, based upon initiatives of the Cost of Living Council, U.S. officials are meeting with Japanese officials in Tokyo to set specific goals to insure that Japan's log imports from the United States do not cause increasing price pressures for softwood lumber in the United States. Furthermore, the Cost of Living Council has requested the Department of Transportation to resolve railroad car bottlenecks which could be contributing to high lumber and plywood price levels. The Railroad Administration is working on a number of actions which involve appropriate allocation of cars for grain shipments and for timber and lumber shipments.

WAGE AND PRICE CONTROLS AS SUPPLEMENT TO SUPPLY ACTIONS

The lumber industry has experienced a variety of price controls starting with the freeze in August 1971. The Phase II customary initial percentage markup limitations were applied to lumber retailers and wholesalers. Lumber manufacturers were required to cost justify price increases, and stumpage suppliers were exempt. On May 2, 1972, the small business exemption was promulgated, and the majority of the lumber industry was exempted. Because of the pricing pressures experienced in the lumber industry, it was determined that recontrol of these exempt lumber firms was necessary. Thus, the small firm exemption was rescinded for lumber firms and mandatory controls were reimposed in July 1972. In October 1972, in an effort to

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gain further information, reporting requirements were extended to lumber firms with $5 million or more in annual sales or revenues. Since the commencement of Phase III the lumber industry has been under voluntary guidelines.

The Cost of Living Council is considering the reimposition of mandatory wage and price controls on the lumber industry as a means of supplementing the governmental actions designed to increase available supplies.

The Council has given consideration to a plan designed specifically for the lumber industry. However, it is anticipated that alternative approaches or modifications will be suggested at the hearings. Therefore, interested persons are invited to testify or submit written testimony concerning other ideas, changes, or improvements in the plan.

The plan now under consideration by Cost of Living Council consists of the following major elements: A mandatory markup or gross margin limitation, a modification of the small business exemption and the imposition of reporting and recordkeeping requirements.

To avoid any incentive for further price increases during the pendency of the hearings, the base period used in defining the markup or gross margin limitation would be chosen from a period prior to March 26, 1973. In the event mandatory controls are imposed, they would be effective as of the date of this notice.

DESCRIPTION OF PROGRAM

Some form of markup or gross margin limitation is contemplated. It is expected to be applied to each level in the production and distribution chain: Manufacturer, wholesaler, and retailer. A firm would be required to aggregate costs for the current period and compare them to aggregate revenues from the sale of finished products in the current period. The ratio or "margin" between these current revenues would be limited to a historic margin determined on a firm basis. These mandatory controls would allow a dollar-for-dollar passthrough of raw material costs and would allow firms flexibility in choosing areas in which to increase prices to pass through their cost increases. However, it would prevent windfall profits due to a heavy demand situation experienced at any particular level in the distribution chain. In addition, when supplies increase and/or demand pressures recede, prices would have to be lowered to reflect these factors.

Many alternatives are still being considered relating to the scope of coverage needed for the mandatory system. The following issues will be explored during the hearings: The levels of distribution to be included; treatment of multiindustry companies; the size of firms to be included at each level and how to achieve equality between integrated and nonintegrated firms.

Consideration will also be given to alternative methods to disgorge excess revenues due to Phase II profit margin violations. The Council wishes to hear views on how to insure that remedial actions for these Phase II violations will benefit the consumer and not merely intermediate lumber users.

The Council would also like to receive suggestions on the most effective methods of enforcement for Phase III. Consideration is being given to the advisability of reporting and recordkeeping requirements concerning gross margins, costs, prices, price movements, and other relevant data.

The public hearing hereby scheduled will be conducted under the authority of section 207 of the Economic Stabilization Act of 1970 which requires that to the maximum extent possible, formal hearings be conducted for the purpose of acquiring information bearing on a change or a proposed change in prices which have or may have a significantly large impact upon the national economy.

Any person who has a substantial interest in the subject of the hearing, or who is a representative of a group or class of persons which has substantial interest in the subject of the hearing, may submit, on or before 12 noon, April 2, 1973, a written request to make an oral presentation. Any such written request should include a description of the substantial interest concerned; if appropriate, a statement of why the requesting person is a proper representative of a group or class of persons which has such an interest; and a concise summary of the proposed oral presentation and a phone number where the requesting party may be contacted on April 4. Oral requests should be made by calling 202—254–8610. Oral presentations may be supplemented by written submissions filed with the Council not later than April 12, 1973.

The Council reserves the right to select the persons to be heard at the hearing, to schedule their respective presentations, and to establish the procedures governing the conduct of the hearing. Each presentation may be limited, based on the number of persons requesting to be heard. In addition, the Council requests all other interested persons to submit written suggestions and comments on the subject for Council consideration not later than April 12, 1973.

Persons selected to be heard must send 50 copies of their statement to the Executive Secretariat 24 hours in advance of appearance.

All written submissions and written requests to make an oral presentation should be sent to Lumber Hearings, Executive Secretariat, Cost of Living Council, 2000 M Street NW., Washington, DC 20508.

Any information or data considered by the person furnishing it to be confidential must be submitted in writing, one copy only, before the person's scheduled appearance, or by April 12, 1973, as applicable. The Cost of Living Council reserves the right to determine the confidential status of the information or data and to treat it accordingly.

The hearing will be an informal one. A Cost of Living Council official will be designated to preside. It will not be a judicial- or evidentiary-type hearing. Questions may be asked only by those conducting the hearing, and there will be no cross-examination of persons presenting statements. Any decision made by the Council with respect to the subject matter of the hearing will be based on all information available to the Council, from whatever source received, and will not be based solely on the record of the hearing. At the conclusion of all initial oral statements, each person who has made an oral statement will be given the opportunity if he so desires, to make a rebuttal statement. The rebuttal statements will be given in the order in which the initial statements were made and may not exceed 10 minutes each.

Any interested person may submit questions, to be asked of any person making a statement at the hearing, before April 4, 1973. Any person who makes an oral statement and who wishes to ask a question at the hearing may submit the question, in writing, to the presiding officer. The Council, or the presiding officer if the question is submitted at the hearing, will determine whether the question is relevant, and whether time limitations permit it to be presented for answer.

Any further procedural rules needed for the proper conduct of the hearing will be announced by the presiding officer.

A transcript of the hearing will be made and the entire record of the hearing, including the transcript, will be retained by the Council and made available for inspection at the Public Reference Facility of the Council, Room 2313, 2000 M Street NW., Washington, DC, between the hours of 8:30 a.m. and 5:30 p.m., Monday through Friday. Anyone may buy a copy of the transcript from the reporter.

Issued in Washington, D.C., on March 26, 1973.

JAMES W. MCLANE,
Deputy Director,
Cost of Living Council.

[FR Doc.73-5995 Filed 3-26-73;11:04 am]

INTERSTATE COMMERCE COMMISSION

[Notice 206]

ASSIGNMENT OF HEARINGS

MARCH 22, 1973.

Cases assigned for hearing, postponement, cancellation, or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the official docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested. No amendments will be entertained after the date of this publication.

MC 30032 Sub 3, Houdek Motor Service, Inc., now assigned April 2, 1973, at Chicago, Ill., is postponed to May 7, 1973, in Room 1922, Illinois State Building, 160 North La Salle Street, Chicago, IL.

MC 135532, J. B. Levin, Inc., now assigned April 4, 1973, at Boston, Mass., is postponed to April 25, 1973, on the Fifth Floor, 150 Causeway Street, Boston, MA.

AB 5 Sub 92, George P. Baker, Richard C. Bond, and Jervis Langdon, Trustees of the Property of Penn Central Transportation Co., debtor, abandonment Marietta Branch between Marietta and Dexter City, Washington and Noble Counties, Ohio, now assigned April 26, 1973, at Marietta, Ohio, will be held at the City Hall Annex, Second Floor, 308 Putman Street.

MC 115869, Hendrie & Co., Ltd., now assigned April 9, 1973, at Buffalo, N.Y., will be held in the Seventh Floor Courtroom, U.S. Courthouse, 68 Court Street.

AB–5 Sub 90, George P. Baker, Richard C. Bond, and Jervis Langdon, Jr., trustees of the Property of Penn Central Transportation Co., debtor, abandonment portion Ontario Secondary Track between Hamlin and River View, Monroe, Orleans, and Niagara Counties, N.Y., now assigned April 11, 1973, at Buffalo, N.Y., will be held in the Seventh Floor Courtroom, U.S. Courthouse, 68 Court Street.

MC 113861 Sub 51, Wooten Transports, Inc., Extension—Memphis, Tenn., now assigned April 2, 1972, at Memphis, Tenn., is postponed indefinitely.

FD–25949, Lehigh Valley Railroad Co., abandonment between Dushore and Towanda, Pa., now being assigned hearing May 1, 1973 (3 days), at Towanda, Pa., in a hearing room to be later designated.

MC–30605 Sub 147, The Santa Fe Trail Transportation Co., application is dismissed.

MC 124174 Sub 91, Momsen Trucking Co., now assigned April 30, 1973, at Columbus, Ohio, will be held in Room 2, State Office Building, 65 South Front Street.

MC 126034 Subs 1, 3, 4, Bucks County Construction Co., now being assigned May 29, 1973, at Philadelphia, Pa., in a hearing room to be later designated.

MC 109098 Sub 2, Pogg's Daily Service, now being assigned May 31, 1973 (2 days), at Philadelphia, Pa., in a hearing room to be later designated.

MC 29120 Sub 131, All-American Transport, Inc., now assigned April 16, 1973, at St. Louis, Mo., is canceled and transferred to modified procedure.

MC 95084 Sub 90, Hove Truck Line, now being assigned hearing June 4, 1973 (2 days), at Kansas City, Mo., in a hearing room to be later designated.

MC 107295 Sub 634, Pre-Fab Transit Co., now being assigned hearing June 6, 1973 (2 days), at Kansas City, Mo., in a hearing room to be later designated.

MC 115331 Sub 336, Truck Transport, Inc., now being assigned hearing June 8, 1973 (1 day), at Kansas City, Mo., in a hearing room to be later designated.

MC 119774 Sub 54, Mary Ellen Stidham, N. M. Stidham, A. E. Mankins (Inez Mankins, Executrix), and James E. Mankins, Sr., doing business as Eagle Trucking Co., now being assigned hearing June 11, 1973 (2 days), at Kansas City, Mo., in a hearing room to be later designated.

MC 128007 Sub 44, Hofer, Inc., now being assigned hearing June 13, 1973 (3 days), at Kansas City, Mo., in a hearing room to be later designated.

MC 124211 Sub 222, Hilt Truck Line, Inc., now being assigned hearing June 6, 1973 (1 day), at Chicago, Ill., in a hearing room to be later designated.

MC 51146 Subs 284, 285, 286, and 287, Schneider Transport, Inc., now being assigned May 22, 1973, at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC 124796 Sub 97, Continental Contract Carrier Corp., now being assigned hearing June 11, 1973 (1 week), at Chicago, Ill., in a hearing room to be later designated.

MC 116519 Sub 17, Frederick Transport, Ltd., now being assigned hearing June 4, 1973 (2 days), at Chicago, Ill., in a hearing room to be later designated.

MC 123407 Sub 101, Sawyer Transport, Inc., now being assigned continued hearing June 6, 1973 (2 days), at Chicago, Ill., in a hearing room to be later designated.

MC 138109, Ray J. Porney, now being assigned hearing June 15, 1973 (1 day), at Chicago, Ill., in a hearing room to be later designated.

MC 114211 Sub 184, Warren Transport, Inc., now being assigned hearing June 14, 1973 (1 day), at Chicago, Ill., in a hearing room to be later designated.

MC 106497 Sub 74, Parkhill Truck Co., now being assigned hearing June 8, 1973 (1 day), at Chicago, Ill., in a hearing room to be later designated.

MC 50069 Sub 457, Refiners Transport & Terminal Corp., now being assigned hearing June 13, 1973 (1 day), at Chicago, Ill., in a hearing room to be later designated.

MC 61592 Sub 290, Jenkins Truck Line, Inc., now being assigned hearing June 11, 1973 (2 days), at Chicago, Ill., in a hearing room to be later designated.

MC 123048 Sub 221, Diamond Transportation System, Inc., now being assigned hearing June 7, 1973 (2 days), at Chicago, Ill., in a hearing room to be later designated.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.73-5776 Filed 3-26-73;8:45 am]

[R.S.O. 994; ICC Order 86]

CHESAPEAKE & OHIO RAILWAY CO.

Rerouting or Diversion of Traffic

MARCH 22, 1973.

In the opinion of R. D. Pfahler, agent, The Chesapeake & Ohio Railway Co. is unable to transport traffic over its lines in Michigan because of snow drifts.

It is ordered, That:

(a) The Chesapeake & Ohio Railway Co., being unable to transport traffic over its lines in Michigan because of snow drifts, that carrier is hereby authorized to reroute or divert such traffic via any available route to expedite the movement. The billing covering all such cars rerouted shall carry a reference to this order as authority for the rerouting.

(b) *Concurrence of receiving roads to be obtained.* The railroad desiring to divert or reroute traffic under this order shall receive the concurrence of other railroads to which such traffic is to be diverted or rerouted, before the rerouting or diversion is ordered.

(c) *Notification to shippers.* Each carrier rerouting cars in accordance with this order shall notify each shipper at the time each car is rerouted or diverted and shall furnish to such shipper the new routing provided under this order.

(d) Inasmuch as the diversion or rerouting of traffic is deemed to be due to carrier disability, the rates applicable to traffic diverted or rerouted by said agent shall be the rates which were applicable at the time of shipment on the shipments as originally routed.

(e) In executing the directions of the Commission and of such agent provided for in this order, the common carriers involved shall proceed even though no contracts, agreements, or arrangements now exist between them with reference to the divisions of the rates of transportation applicable to said traffic. Divisions shall be, during the time this order remains in force, those voluntarily agreed upon by and between said carriers; or upon failure of the carriers to so agree, said divisions shall be those hereafter fixed by the Commission in accordance with pertinent authority conferred upon it by the Interstate Commerce Act.

(f) *Effective date.* This order shall become effective at 4 p.m., March 19, 1973.

(g) *Expiration date.* This order shall expire at 11:59 p.m., March 24, 1973, unless otherwise modified, changed, or suspended.

It is further ordered, That this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and car hire agreement under the terms of that agreement, and upon the American Short Line Railroad Association; and that it be filed with the Director, Office of the Federal Register.

Issued at Washington, D.C., March 19, 1973.

INTERSTATE COMMERCE COMMISSION,
[SEAL] R. D. PFAHLER,
Agent.

[FR Doc.73-5778 Filed 3-26-73;8:45 am]

[Notice 239]

MOTOR CARRIER BOARD TRANSFER PROCEEDINGS

Synopses of orders entered by the Motor Carrier Board of the Commission pursuant to sections 212(b), 206(a), 211, 312(b), and 410(g) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 1132), appear below:

Each application (except as otherwise specifically noted) filed after March 27, 1972, contains a statement by applicants that there will be no significant effect on the quality of the human environment resulting from approval of the application. As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings on or before April 16, 1973. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC–FC–74231. By order of March 9, 1973, the Motor Carrier Board

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approved the transfer to Gem Tours, Inc., Santa Barbara, Calif., of License No. MC-130162 issued October 25, 1972, to Pauline B. Chaput and Arvilla V. Smith, a partnership, doing business as Gem Tours, Goleta, Calif., authorizing it to engage in operations as a broker of passengers and their baggage, in charter operations, beginning and ending at points in San Luis Obispo, Santa Barbara, and Ventura Counties, Calif., and extending to points in the United States, including Alaska and Hawaii. J. Robert Andrews, Cavalleto, Webster, Mullen & McCaughey, 112 East Victoria Street, Santa Barbara, CA 93101, applicants' attorney.

No. MC-FC-74269. By order of March 21, 1973, the Motor Carrier Board approved the transfer to Cango Corp., Texas City, Tex., of Certificate of Registration No. MC-121496 issued December 23, 1969, to H. C. Daniel, Texas City, Tex., evidencing a right to engage in transportation in interstate commerce as described in Certificate No. 7259 which corresponds to the rights embraced in predecessor's Certificate No. 7259, issued prior to October 15, 1962, transferred and reissued September 8, 1964, and September 19, 1967, respectively, by the Railroad Commission of Texas. J. E. Shaw, 816 Houston First Savings Building, Houston, Tex. 77002, attorney for applicants.

No. MC-FC-74311. By order of March 14, 1973, the Motor Carrier Board approved the transfer to Decato Bros., Inc., Lebanon, N.H., of the operating rights in Certificates Nos. MC-55898, MC-55898 (Sub-No. 39), MC-55898 (Sub-No. 43), MC-55898 (Sub-No. 44), and MC-55898 (Sub-No. 45) issued October 4, 1967, February 3, 1970, May 13, 1971, January 7, 1972, and January 3, 1972, respectively, to Harry A. Decato, doing business as Decato Bros. Trucking Co., Lebanon, N.H., authorizing the transportation of various commodities from, to, and between specified points and areas in New Hampshire, Rhode Island, Connecticut, Maine, Vermont, Massachusetts, New York, Ohio, Delaware, Maryland, Pennsylvania, New Jersey, Indiana, Illinois, Michigan, and Wisconsin. David M. Marshall, 135 State Street, Springfield, MA 01103, attorney for applicants.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.73-5777 Filed 3-26-73;8:45 am]

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PART II

ENVIRONMENTAL PROTECTION AGENCY

■

STATE CONTINUING PLANNING PROCESS

Interim Regulations

No. 58—Pt. II——1

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V

Title 40—Protection of Environment

CHAPTER I—ENVIRONMENTAL PROTECTION AGENCY

PART 130—STATE CONTINUING PLANNING PROCESS

Notice of Interim Regulations

Notice is hereby given that these regulations are set forth as interim regulations by the Environmental Protection Agency (EPA).

Section 303(e) of the Federal Water Pollution Control Act, as amended (86 Stat. 816; 33 U.S.C. 1314 (1972)), requires each State to submit a continuing planning process which is consistent with the Act. These proposed regulations describe the necessary elements of a State's continuing planning process. They also set forth procedures governing planning process adoption, submission, and revision and EPA approval. These regulations also provide a mechanism for States to satisfy portions of sections 208, 303(d) (Critical waters and maximum daily loads); 305(b) (State reports on water quality and related information, including nonpoint sources); 314 (Clean lakes); after June 30, 1973, 516(b) (Federal/State estimate of publicly owned treatment works construction needs); and they provide data for 305(a) and 104(a)(5) (Federal report on water quality).

Purpose. The purpose of the continuing planning process is to provide the States the water quality assessment and program management information necessary to make centralized coordinated water quality management decisions; to provide the strategic guidance for developing the State program submittal under section 106 of the Act; and to encourage water quality objectives which take into account overall State policies and programs, including those for land use and other related natural resources.

Goals of the State process. The goals of such a State process are to:

Provide a basis upon which the State's overall program (106) will be developed. This will be accomplished by developing an annual strategy, which will be based upon basin plans where they are completed and upon available information where the plans are not completed. This annual strategy will assist the State:

In directing resources—planning, monitoring, permitting, and financial assistance against water quality problems on a priority basis.

In establishing a coordinated schedule of action.

In reporting on progress in achieving program targets and scheduled milestones.

Insure that applicable water quality standards are attained. Where water quality standards violations occur an assessment will be made whether the application of Best Practical Control Technology (BPT) for industry and secondary treatment for municipalities will correct the water quality problem. If not, a maximum pollutant load will be calculated and individual discharge allocations will be made to meet these loads.

Specify the requirements for, and schedule the completion of, section 303 basin plans for all waters.

Insure public participation in the development of the planning process and of plans.

The complexity and timing of a plan for a specific area will be tailored to the problems of the area. No process need require individual plans to be more elaborate than is necessary for sound water quality management.

Classification of waters. To establish priorities, and to assist the State in assessing water quality problems, the process provides that the waters of each State will be classified according to the severity of pollution and the anticipated difficulty of developing and implementing remedial efforts. Waters will be classified into two classes:

(1) Water quality class: Any segment where it is known that water quality does not meet applicable water quality standards and is not expected to meet water quality standards even after the application of the effluent limitations required by sections 301(b)(1)(A) and 301(b)(1)(B) of the Act.

(2) Effluent limitation class: Any segment where water quality is meeting and will continue to meet applicable water quality standards or where there is adequate demonstration that water quality will meet applicable water quality standards after the application of the effluent limitations required by sections 301(b)(1)(A) and 301(b)(1)(B) of the Act.

Content of the planning process. The State continuing planning process provides for the development of basin plans. The process will:

Delineate planning areas and identify planning agencies.

Classify waters into water quality or effluent classes.

Identify the elements to be included in the plans in accordance with provisions of Part 131 of this chapter.

Provide a phased schedule for the completion of plans.

Establish a mechanism whereby the State's priorities for construction of publicly owned treatment works, for processing waste water discharge permits and for other program priorities will be established. The program priorities will be reported in the section 106 State program.

Provide a mechanism for determining investment requirements on publicly owned treatment works.

Provide a basis for assessing achievement of interim program milestones and final ambient results to be reported as part of the section 106 State program.

Each State will prepare its plans pursuant to the approved process schedule for plan preparation. If after his approval of the process the Regional Administrator finds that the State's approved process is deficient, he will confer with the State as to his findings and may request the State to revise its process as appropriate. If the State fails to make the necessary revisions in a timely manner, the Regional Administrator may withdraw his approval of the process, after consultation with the Administrator, if he finds that the process is grossly deficient. Such finding may be based, among other things, on a substantial failure of plans developed pursuant to the process to conform with the requirements of the Act, or on a substantial failure of the State to meet the approved phasing of planning, or on a substantial failure of the State to implement plans.

Federal properties, facilities, and activities are subject to Federal, State, interstate, and local standards and effluent limitations for control and abatement of pollution. The State's planning process should include provision for Federal sources. It is contemplated that Federal agencies will provide information to the States in accordance with procedures established by the Administrator.

Plan content. Companion regulations under section 303(e), Part 131 of this chapter, describe the preparation of plans pursuant to the planning process: Part 131 should be consulted during the development of the planning process under Part 130.

In effluent limitation classes the plan should contain discharge priorities, compliance schedules for discharges with permits and target abatement dates for other dischargers and other management information as may be necessary; while in water quality classes, in addition to the above information, the plan should establish maximum daily loads and should determine the greater effluent reductions required for dischargers to attain the water quality goals. Similarly, the monitoring and surveillance program will focus primarily on those areas where water quality problems are most severe and where existing information is most deficient.

Publication of regulations governing Part 131, Preparation of Plans Pursuant to State Continuing Planning Process, has been delayed. Publication of these regulations is expected shortly.

Prior to the adoption of final regulations within 180 days from this date, consideration will be given to comments, suggestions, or objections which may be submitted in writing to: Chief, Planning and Standards Branch; Office of Air and Water Programs; Room 1007, Crystal Mall Building No. 2, Environmental Protection Agency, Washington, D.C. 20460. All comments, suggestions, or objections received on or before May 11, 1973 will be considered.

These interim continuing planning process regulations shall become effective on March 27, 1973. It is necessary that these regulations take effect prior to a 30-day period after publication because States have begun to seek EPA approval of a State operated permit program as provided under section 402(b) of the Act, and because no such approval can be made unless a State's continuing planning process under section 303(e) of the Act has been first approved. See 40 CFR 124.93. For the same reason, notice of proposed rule making and public comment thereon, prior to the effective date of these regulations, is impracticable and contrary to the public interest.

WILLIAM D. RUCKELSHAUS,
Administrator.

MARCH 20, 1973.

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AUTHORITY: Secs. 303 and 501, 86 Stat. 816; 33 U.S.C. 1314 (1972).

Subpart A—Scope and Purpose; Definitions

§ 130.1 Scope and purpose.

(a) This part establishes regulations specifying procedural and other elements which must be present in a State continuing planning process to obtain approval of the Administrator pursuant to section 303(e) of the Federal Water Pollution Control Act, as amended, 86 Stat. 816, 33 U.S.C. 1314. This part provides that each State must achieve compliance with the requirements of this regulation not later than June 30, 1975, and includes specification of levels of compliance which shall be achieved prior to that date.

(b) The purpose of the continuing planning process is: To provide the States the water quality assessment and program management information necessary to make centralized coordinated water quality management decisions; to provide the strategic guidance for developing the State program submittal under section 106 of the Act; and to encourage water quality objectives which take into account overall State policies and programs, including those for land use and other related natural resources.

(c) The State continuing planning process is directed toward the attainment of water quality standards established pursuant to sections 301 and 302 of the Act to achieve the goals set forth in the Act. The planning process will develop an annual strategy for directing resources, establishing priorities, scheduling of actions; and reporting programs toward achievement of program objectives.

(d) The total State planning process is comprised of:

(1) The annual State strategy, which sets the State's major objectives and priorities for preparing basin plans and its annual program plan.

(2) Individual basin plans, which establish specific targets for controlling pollution in individual basins.

(3) The annual program plan (section 106), which establishes the results expected and the resources committed for the State program each year. The annual plan is developed from the objectives and priorities of the annual State strategy, and, when available, from the specific targets developed in basin plans.

(4) Reports, which measure program performance in achieving programmed results.

The "continuing planning process" is the process by which the State develops the foregoing plans and reports.

(e) This part describes:

(1) The general requirements for the planning process (Subpart B).

(2) The content of the basin plans (Subpart C).

(3) The preparation of the annual State strategy (Subpart D).

(4) The requirements for approval of the planning process (Subpart E).

(5) The relationship of the process to permit and construction grants programs (Subpart F).

§ 130.2 Definitions.

As used in this part, the following terms shall have the meanings set forth below.

(a) The term "Act" means the Federal Water Pollution Control Act, as amended, 33 U.S.C. ——, et seq.

(b) The term "EPA" means the U.S. Environmental Protection Agency.

(c) The term "Administrator" means the Administrator of the U.S. Environmental Protection Agency.

(d) The term "Regional Administrator" means the appropriate EPA Regional Administrator.

(e) The terms "continuing planning process," "planning process," and "process" mean the continuing planning process required by section 303(e) of the Act. Such process develops the State focal point for water quality management decisions. This includes phasing of plans to be prepared during fiscal years 1973, 1974, and 1975.

(f) The term "plan" means the water quality management plan for each hydrologic basin or other approved basin unit within a State. Such plan constitutes a mechanism for implementing applicable effluent limitations and water quality standards, and will consist of such components as are necessary for sound planning and program management in the basin covered by the plan.

Requirements for the preparation of such plans are described in Part 131 of this chapter.

(g) The term "effluent limitation" means any restriction established by a State or the Administrator on quantities, rates, and concentrations of chemical, physical, biological, and other constituents which are discharged from point sources into navigable waters, the waters of the contiguous zone, or the ocean, but does not include schedules of compliance.

(h) The terms "schedule of implementation" and "schedule of compliance" are synonymous and mean a description for each source of remedial measures to be accomplished and a sequence of actions or operations leading to compliance with applicable effluent limitations, water quality standards and other requirements of State and Federal law.

(i) The term "municipal needs" means the total capital funding required for construction of publicly owned treatment works, as defined in section 212(2) (A) and (B) of the Act, that are required to meet national water quality objectives of sections 301 and 302 of the Act.

(j) The term "National Pollutant Discharge Elimination System" means the Federal permitting system authorized under section 402 of the Act including any State or interstate program which has been approved by the Administrator, in whole or in part, pursuant to section 402 of the Act.

(k) The term "phasing of planning" means the State schedule approved by the Regional Administrator for the preparation of plans, pursuant to the continuing planning process, during the fiscal years 1973, 1974, and 1975.

(l) The term "basin" means the streams, rivers, and tributaries and the total land and surface water area contained in one of the 267 major and minor basins defined by EPA, or other basin unit as agreed upon by the State(s) and the Regional Administrator. Unless specified otherwise, "basin" shall refer only to those portions within the borders of a single State.

(m) The term "segment" means a portion of a basin the surface waters of which have common hydrologic characteristics (or flow regulation patterns); common natural physical, chemical, and biological processes, and which have common reactions to external stresses, e.g., discharge of pollutants.

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(n) The term "cluster" means two or more dischargers which discharge pollutants in such a way that the combination of their effluents causes or may cause water quality standards violations.

(o) The term "significant discharger" means any discharger who is causing serious or critical water quality problems relative to the segment to which it discharges.

(p) The definitions of the following terms contained in section 502 of the Act shall be applicable to such terms as used in this part unless the context otherwise requires: "State," "State water pollution control agency," "navigable waters," "point source," and "discharge."

Subpart B—General Requirements

§ 130.10 Process coverage.

(a) The process shall provide for the preparation of plans for all waters within the State, as provided in Subpart C.

(b) The process shall establish phasing of plans to be accomplished during the fiscal years 1973, 1974, and 1975, as provided in Subpart D.

(c) The process shall provide for the method by which the State shall coordinate all water quality planning, programing and management.

(d) The process shall provide the method by which the State shall coordinate its water quality management planning with related State and local comprehensive, and functional and project planning activities, including land use and other natural resources planning activities.

(e) The process shall provide the method by which the State shall coordinate its water quality management planning with that of its neighboring States.

§ 130.11 Classification of segments.

(a) This section establishes a classification system which the process shall employ to categorize segments for purposes of preparing a plan. The requirements of this part and Part 131 of this chapter vary according to the classification of each segment, so that the time and resources to be expended in developing the plan for that segment, as well as the substantive content of the plan, will be commensurate with the severity of the water pollution problem.

(b) This classification of segments shall also be utilized in constructing the State Discharge Priority List developed in Subpart D of this part.

(c) The classification shall be based upon measured in-stream water quality, where available.

(d) Each segment shall be classified as follows:

(1) *Water quality class.* Any segment where it is known that water quality does not meet applicable water quality standards and which is not expected to meet water quality standards even after the application of the effluent limitations required by sections 301(b)(1)(A) and 301(b)(1)(B) of the Act.

(2) *Effluent limitation class.* Any segment where water quality is meeting and will continue to meet applicable water quality standards or where there is adequate demonstration that water quality will meet applicable water quality standards after the application of the effluent limitations required by sections 301(b)(1)(A) and 301(b)(1)(B) of the Act.

(3) Any classification shall reflect any necessary allowance for anticipated economic and demographic growth over at least a 5-year period and an additional allowance reflecting the degree of precision and validity of the analysis upon which the classifications are based. Where the analysis is less precise or there is uncertainty concerning growth projections, a greater margin of safety shall be required for the assignment of any segment to an Effluent Limitation Class. In determining the additional allowance, consideration should be given to economic and demographic projections that are utilized in other State programs. (See § 131.210.)

(e) The classification of all waters should be included in the submission of the planning process by the Governor of each State to the Regional Administrator.

(1) Submission and approval or disapproval shall also be in accordance with §§ 130.50 and 130.52.

(2) Review and revisions of such classifications shall be made in accordance with § 130.54.

§ 130.12 Planning agencies.

(a) (1) The Governor of a State shall designate a State agency responsible for conduct of the required planning. The Governor may designate a local or interstate agency to conduct all or any portion of the planning within each basin and may assign planning responsibilities under the process and Part 131 of this chapter to any such designated agency.

(2) The process shall set forth the criteria followed in designating planning agencies pursuant to paragraph (a) of this section and in determining the jurisdiction thereof. Locally elected officials of general purpose units of governments, and other pertinent local and areawide organizations within the jurisdiction of the potentially designated agency shall be consulted prior to any designation. The criteria for such determinations shall be included.

(b) (1) The initial submission shall include a specific designation of each planning agency responsible for conducting all or any portion of the planning pursuant to the process within each basin. Each designation shall include:

(i) The agency's name, address, and name of director.

(ii) The agency's jurisdiction (geographical coverage and extent of planning responsibilities).

(2) In the event that all or a portion of a plan is to be undertaken by an agency other than the State water pollution control agency, evidence from such other agency shall be supplied which shows acceptance of such designation and that agency's intent to comply within the times set forth in the process.

(3) The State may make additional assignments, as set forth in this section, from time to time. Such designations and delegations shall be accomplished by revising the process as provided in § 130.54.

§ 130.13 Legal authorities.

The State shall specify that it has or will seek to obtain legal authority, as necessary, to prepare and adopt plans pursuant to the planning process.

§ 130.14 Public participation.

Each process or any revision thereof shall be developed with provision for public participation in accordance with section 101(e) of the Act, and any regulation issued by the Administrator thereunder. Public participation with adequate opportunity for public hearing upon proper showing shall be required on significant elements of the planning process including proposed State strategy and priority lists developed under the continuing planning process pursuant to section 106 regulations.

§ 130.15 Separability.

If any provision of this part, or the application of any provision of this part to any person or circumstances, is held invalid, the application of such provision to other persons or circumstances, and the remainder of this part, shall not be affected thereby.

Subpart C—Contents of Basin Plans

§ 130.20 Level of complexity of plans.

(a) The process shall provide that plans for water quality segments will contain all the following parts while plans for effluent limitation segments shall include items (4), (5), and (6). See § 130.11 for segment classification.

(1) An assessment of total maximum daily loads necessary to meet water quality standards for the specific criteria being violated;

(2) An assessment of nonpoint source pollution and, where applicable, needed control measures;

(3) Already established effluent limit requirements for significant dischargers and target limits, not previously established, for significant dischargers that are required to achieve water quality standards;

(4) An assessment of needs for publicly owned treatment works;

(5) An inventory and categorization of significant individual discharges;

(6) Already established schedules of compliance and target dates of abatement for significant dischargers not on a compliance schedule.

(b) The process will allow for basin plans containing one or more water quality segments and/or one or more effluent limitation segments. The level of planning shall be related to requirements of segments within the basin.

§ 130.21 Establishment of planning areas (basins).

The process shall provide for establishment of planning areas, as follows:

(a) Each planning area (basin) shall be the area within the basin boundary.

(b) Except as provided in paragraph (c) of this section, the basin boundaries shall be those identified as minor basins in the EPA water quality information system.

(c) The process may provide for the establishment of planning boundaries differing from those identified in the EPA basin system. Any such differing boundaries shall be submitted to the Regional Administrator for approval.

(d) The initial submission shall include a map of adequate scale clearly delineating the boundaries of each proposed basin within the State and an identification of the basin's segments. (See § 131.201 of this chapter.)

§ 130.22 Relation between plans and other planning provisions.

The process shall provide that each basin plan will be coordinated with each applicable water quality subplan (see § 131.204 of this chapter) and other applicable State and local plans including land use and natural resources plans for the basin.

§ 130.23 Water quality standards.

The process shall provide that each basin plan will set forth the water quality standards applicable to the navigable waters covered by the plan. (See § 131.202 of this chapter.) The process, including the basin plans developed as part of the process, shall be the one used by the States to assist in making the necessary revisions of water quality standards to bring them into conformance with the goals of the Act.

§ 130.24 Total maximum daily loads.

The process shall provide that for each water quality segment the plan will establish total maximum permissible daily loads, including consideration of nonpoint source contributions, required to meet the applicable violated water quality standard as provided in § 131.205(a) of this chapter.

§ 130.25 Individual point source discharge allocation; impact on water quality.

(a) The process shall provide that each plan will identify, locate, and describe each significant point source of pollutants and any other point source as is appropriate in accordance with § 131.206(a) of this chapter.

(b) The process shall provide that in water quality segments in each plan target pollutant discharge allocations and thermal discharge allocations for point, and nonpoint sources where feasible, will be established as provided in § 131.206 (b) of this chapter.

(c) The process shall provide that each plan will establish controls over the disposition of all residual waste from any municipal, industrial, or other water or waste water treatment processing, as prescribed in § 131.203(e) of this chapter.

§ 130.26 Schedules of compliance.

The process shall provide that each plan will develop schedules of compliance or target dates of abatement as prescribed in § 131.207 of this chapter.

§ 130.27 Inventory of individual dischargers.

(a) The process shall provide that each plan will include an inventory of significant dischargers and categorization of these dischargers by segment. Such inventory and categorization shall be used:

(1) In determining projects for construction, with Federal financial assistance, of publicly owned waste water facilities required to meet the applicable requirements of the Act.

(2) For the issuance of permits to municipal, industrial, and other point source discharges.

§ 130.28 Assessment of municipal needs for publicly owned water treatment works.

The process shall provide that each plan will assess the needs for publicly owned waste treatment works in the basin, as prescribed in § 131.210 of this chapter.

§ 130.29 Nonpoint sources of pollutants.

The process shall provide that in water quality segments each plan will identify, evaluate, and, to the extent possible, establish controls over nonpoint sources of pollutants, as prescribed in § 131.211 of this chapter.

§ 130.30 Monitoring and surveillance.

(a) The process shall provide for a monitoring and surveillance program which is designed to assure collection of data necessary to establish and review water quality goals, determine maximum daily loads, load allocations and effluent limitations, as described in §§ 130.24 and 130.25; establish the relationship between water quality and individual discharges and identify non-point sources of pollutants.

(b) Each monitoring and surveillance program shall include a program for producing the annual reports required under section 305(b), beginning with the report required by January 1, 1975. (See § 130.55.)

§ 130.31 Intergovernmental cooperation.

(a) The process shall provide that in the preparation of basin plans, areawide and local planning inputs will be reviewed and will be included in the basin plan as appropriate. (See § 130.22.)

(b) The process shall provide that local governments within the State will be encouraged to utilize existing or carry out appropriate institutional or other arrangements with other local governments, in the same State, for cooperation in the development and implementation of plans.

(c) The process shall provide for interstate cooperation whenever a plan involves the interests of more than one State. Such provision shall include the following assurances:

(1) That when a plan is under development in the State for an area affecting or affected by waters of one or more other States, the planning agency will cooperate with each such other State in the analyses and planning pertinent to such area including but not limited to problem assessment and priorities and schedule for plan preparation. (See §§ 130.41 and 130.42.)

(2) That when a plan is under development in another State for an area affecting or affected by waters of the State, the State will cooperate with such other State in the analyses and planning pertinent to such area.

(d) The use of interstate agencies in all phases of interstate cooperation in water quality management planning is encouraged.

(e) The process shall describe the mechanism for approval of water quality management plans involving interstate waters.

§ 130.32 Adoption of plans.

The process shall provide that the plans will be officially adopted, after appropriate public hearings, as the official water quality management plans of the State and that the plans may be revised, after public hearings, as appropriate. Hearings will be held on the plan except for those portions of the plan where hearings were previously held; for example, on segments where public hearings were held in conjunction with the issuance of permits. (See §§ 131.401 and 131.404 of this chapter.)

Subpart D—Preparation of Annual Strategy

§ 130.40 State strategy.

(a) The planning process shall provide for the preparation of an annual State strategy. The Governor or his designee(s) shall be provided with the opportunity for involvement in the identification and resolution of significant issues in the formulation of the State strategy. The strategy shall contain:

(1) A statewide assessment of water quality problems and the causes of these problems;

(2) A listing of the geographical or discharger priorities of these problems;

(3) A listing of the priorities and scheduling of permits, construction grants, basin plans, and other appropriate program actions;

(b) The strategy should be based upon information derived from completed plans when available and from available information in areas where plans are not complete.

(c) The strategy shall be submitted as part of the section 106 State program submittal as required pursuant to § 130.55.

§ 130.41 Problem assessment and priorities.

(a) Based on the annual statewide assessment of the water quality problems and causes of these problems developed pursuant to § 130.40(a)(1), the State shall rank each segment in priority order, taking into account:

(1) Severity of pollution problems.

(2) Population affected.

(3) Need for preservation of high quality waters.

(4) National priorities as determined by the Administrator.

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(b) Segments of the same basin need not be listed together; however, their ranking in the State list shall be consistent with their ranking in any approved plan.

(c) This ranking shall generally govern the development of plans, construction of publicly owned treatment works, issuance of permits, and other program activities.

§ 130.42 Schedule for plan preparation.

(a) The process shall establish a schedule for plan preparation. The schedule shall provide a sequence for phasing the completion of plans to assure the orderly implementation of the planning process, consistent with existing planning efforts and needs and the expanding capabilities for planning in the State. Such schedule shall determine the State's priorities for the development of plans pursuant to the process during the period covered by the schedule. It shall provide for an initial number of plans to be completed not later than June 30, 1973; an additional number of plans to be completed not later than June 30, 1974; and for remaining plans to be completed by June 30, 1975.

(b) The schedule of basin plans shall be determined following consideration of:

(1) The ranking of segments pursuant to § 130.41 and the number of water quality segments in the basin; and

(2) Any other factors that the State may deem appropriate in developing and scheduling plans for sound water quality management.

§ 130.43 State municipal discharge inventory.

(a) Each State shall establish not later than June 30, 1973, and shall thereafter maintain, a State Municipal Discharge Inventory. Such an inventory shall set forth for the State a ranking of significant muncipal dischargers. The State Municipal Discharge Inventory shall be used in establishing priorities and output estimates for municipal facilities construction and in issuing municipal permits to be developed as part of the State program submittal required under section 106 of the Act. This list shall become the list of municipalities required in § 35.915(b) of this chapter for award of construction grants.

(b) The State Muncipal Discharge Inventory shall be revised and submitted at least once each year as required pursuant to § 130.55.

(c) The State Municipal Discharge Inventory shall be prepared as follows:

(1) The State shall rank and categorize significant municipal dischargers consistent with the segment rankings contained in § 130.41.

(2) Dischargers of the same basin need not be listed together; however, their ranking and categorization in the State list shall be in accordance with their ranking and categorization in any approved plan.

§ 130.44 State industrial discharge inventory.

Each State shall establish not later than June 30, 1973, and shall thereafter maintain, a State Industrial Discharge Inventory. The procedures used in § 130.43 for constructing and submitting the municipal inventory shall be used in developing the industrial discharge inventory. The State Industrial Discharge Inventory shall be used in establishing priorities and output estimates for issuing industrial permits to be developed as part of the State program submittal required under section 106 of the Act.

Subpart E—Requirements for Approval of Planning Process; Reports

§ 130.50 Submission of process.

(a) The Governor of each State shall submit to the Regional Administrator the continuing planning process pursuant to section 303(e) of the Act.

(b) Submission shall be accomplished by delivering five copies of the planning process to the Regional Administrator and a letter from the Governor notifying him of such action.

§ 130.51 Contents of process submittal.

(a) The submittal shall at a minimum contain the following:

(1) A map of the State showing basins and segments.

(2) A listing of the classifications of segments.

(3) A description of the planning method employed to formulate plans.

(4) A listing of the planning agency or agencies that will perform the planning.

(5) A schedule for plan preparation.

(6) A description of participation of the public in the development of the process, including participation of local governments.

(7) A specification that legal authorities required to prepare and adopt plans required by the planning process exist or will be obtained.

(8) A description of reports including the State strategy that will be submitted under section 106 of the Act.

§ 130.52 Planning process review; approval or disapproval.

The Regional Administrator shall approve or disapprove the planning process submitted pursuant to § 130.50 within 30 days after the date of submission, as follows:

(a) If the Regional Administrator determines that the planning process conforms with the requirements of the Act and this Part 130, he shall notify the Governor by letter.

(b) If the Regional Administrator determines that the process fails to conform with the requirements of the Act and this Part 130, he shall so notify the Governor by letter and shall state:

(1) The specific revisions necessary to obtain approval of the process; and

(2) The time period for resubmission of the revised process or portions thereof.

§ 130.53 Prohibition of approval of certain planning processes.

The Regional Administrator shall not approve any continuing planning process which will not result in timely plans, for all navigable waters within the State, that conform with the requirements of section 303(e) of the Act and Part 131 of this chapter, relating to such plans. Substantial failure of any plan or plans prepared pursuant to the process to conform with such applicable requirements may indicate that the planning process by which such plan or plans were developed was deficient and should be revised. Failure to accomplish necessary revisions of the planning process may result in withdrawal of approval of part or all of the process. The approval of the State participation in the National Pollutant Discharge Elimination System will be withheld or withdrawn if the process is not approved. (See § 130.60.)

§ 130.54 Revisions.

(a) The State shall annually review its continuing planning process and shall revise the process as may be necessary to assure the development and maintenance of current plans which will accomplish national water quality objectives in conformity with the requirements of the Act.

(b) (1) The Regional Administrator shall from time to time review each State's approved planning process for the purpose of insuring that such planning process is at all times adequate to assure the goal of paragraph (a) of this section.

(2) The State shall revise its process as necessary upon a finding by the Regional Administrator and notification by him to the State that the process is substantially inadequate to assure the goal of paragraph (a) of this section.

(3) The State shall revise its process within 60 days following notification by the Regional Administrator pursuant to subparagraph (2) of this paragraph or by such later date as may be prescribed by the Regional Administrator after consultation with the State.

(c) Revisions of the process shall be submitted in accordance with § 130.50.

(d) Review and approval or disapproval of revisions of the process shall be carried out in accordance with § 130.52.

§ 130.55 Reports.

The annual State strategy including the State Problem Assessment and Priorities described in § 130.41, the State Municipal Discharge Inventory described in § 130.43, and the State Industrial Discharge Inventory described in § 130.44, as well as any other program progress report which may be required, shall be submitted as part of the State program submission under section 106 of the Act.

Subpart F—Relationship of Process To Permit and Construction Grant Programs

§ 130.60 Relationship of continuing planning process with State participation in National Pollutant Discharge Elimination System.

(a) State participation in the National Pollutant Discharge Elimination System, other than the interim participation provided in section 402(a)(5) of the Act, shall not be approved for any State which does not have an approved continuing planning process.

(b) Approval of State participation in the National Pollutant Discharge Elimination System may be withdrawn from any State if approval of the continuing planning process is withdrawn following approval, including withdrawal of process approval based on gross failure to comply with the schedule for plan preparation (§§ 130.40 and 130.41) or on failure of plans to conform with the process (§ 130.52).

(c) In connection with any permit issued to a significant discharger in a cluster where water quality violations occur, or are suspected to occur, and for which no plan has been approved by the Regional Administrator, the water quality impact of the discharges of all members, municipal and industrial, of the cluster to which such major discharger belongs, must be considered in connection with the issuance of such disharger's permit.

§ 130.61 Relationship of continuing planning process with construction grants.

(a) Before approving a grant for any project for any treatment works under section 201(g) of the Act after June 30, 1973, the Regional Administrator shall determine, pursuant to 40 CFR 35.925–2, that such works are in conformity with any applicable plan approved in accordance with this part and Part 131 of this chapter. Disapproval by the Regional Administrator of a plan, or relevant portion thereof, for the area where a project is to be located may constitute grounds for not approving a grant for such project.

(b) The Regional Administrator may suspend or terminate a grant for any project for any treatment works in accordance with § 35.950 of this chapter if he determines that such grant is inconsistent with a plan, for the area of the project, approved subsequent to approval of the grant.

[FR Doc.73-5641 Filed 3-26-73;8:45 am]

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Note: There were no laws signed by the President during the last week.

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PROCLAMATION 4203

Senior Citizens Month, 1973

By the President of the United States of America

A Proclamation

Today more than 20 million Americans have six and a half decades or more of life behind them, and rich years of promise still before them. This distinguished generation grew up with the twentieth century, and they came to the fullness of their maturity at the same time America did. They have stood in the forefront of this country's rise to unprecedented national well-being and to the world leadership role which is ours today.

Our older citizens have given their best to America. Now they deserve the best from America.

Senior Citizens Month each year is a time for all our people to renew the recognition, the respect, and the active concern which properly belong to older Americans.

The theme of this year's observance is OLDER AMERICANS IN ACTION. It points our attention to the basic fact that most older people are not mere onlookers in our society—nor are they society's wards. They remain vital, versatile, and highly valued contributors to the quality of American life.

Government's actions on behalf of older Americans must never become mere caretaking. Rather they must be designed to free and assist senior citizens so that they can remain active and involved, in ways of their own choosing. This principle has guided us as Federal spending to help older Americans has increased by almost three-fourths during the past four years.

But Senior Citizens Month 1973 must be something more than a time for renewing our commitment to Government efforts concerning older Americans—important as these efforts are. It must also be a time for strengthening those human bonds which will ensure older Americans

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an active and honored place in our families, our communities, and our Nation.

NOW, THEREFORE, I, RICHARD NIXON, President of the United States of America, do hereby designate the month of May, 1973, as Senior Citizens Month.

I invite the officials of the Federal, State, and local governments, leaders of voluntary and private organizations, and all Americans everywhere to join in appropriate recognition of OLDER AMERICANS IN ACTION during this month and throughout the coming year.

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-sixth day of March, in the year of our Lord nineteen hundred seventy-three, and of the Independence of the United States of America the one hundred ninety-seventh.

Richard Nixon

[FR Doc.73-6050 Filed 3-27-73;9:40 am]

Rules and Regulations

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.

The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

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CHAPTER I—CIVIL SERVICE COMMISSION

PART 213—EXCEPTED SERVICE

Executive Office of the President

Section 213.3303 is amended to show that one position of Secretary to the Director, Office of Telecommunications Policy, is excepted under Schedule C.

Effective on March 28, 1973, § 213.3303 (l) (6) is added as set forth below.

§ 213.3303 Executive Office of the President.

• • • • • •

(l) *Office of Telecommunications Policy.* • • •

(6) One Secretary to the Director.

(5 U.S.C. secs. 3301, 3302, E.O. 10577; 3 CFR 1954–58 Comp. p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.73-5858 Filed 3-27-73;8:45 am]

PART 213—EXCEPTED SERVICE

Department of Agriculture

Section 213.3313 is amended to show that two positions of Confidential Assistant to the Deputy Under Secretary for Congressional Relations are excepted under Schedule C.

Effective on March 28, 1973, § 213.3313 (c) (6) is added as set forth below.

§ 213.3313 Department of Agriculture.

• • • • • •

(c) *Office of the Under Secretary.* • • •

(6) Two Confidential Assistants to the Deputy Under Secretary for Congressional Relations.

• • • • • •

(5 U.S.C. secs. 3301, 3302, E.O. 10577; 3 CFR 1954–58 Comp. p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.73-5857 Filed 3-27-73;8:45 am]

PART 213—EXCEPTED SERVICE

Department of Health, Education, and Welfare

Part 213 is amended to reflect the transfer of functions of and the Office of Consumer Affairs from the Executive Office of the President to the Department of Health, Education, and Welfare.

Effective on March 28, 1973, § 213.3316 (m) is added and § 213.3371 is revoked as set forth below.

§ 213.3316 Department of Health, Education, and Welfare.

• • • • • •

(m) *Office of Consumer Affairs.*

(1) One Public Affairs Officer.

(2) One Director for Communications.

(3) One Director for Consumer Education.

(4) One Writer-Editor.

(5) One Confidential Assistant to the Special Assistant to the President for Consumer Affairs.

§ 213.3371 [Reserved]

(5 U.S.C. secs. 3301, 3302, E.O. 10577; 3 CFR 1954–58 Comp. p. 218)

UNITED STATES CIVIL SERVICE COMMISSION
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.73-5859 Filed 3-27-73;8:45 am]

Title 7—Agriculture

CHAPTER II—FOOD AND NUTRITION SERVICE, DEPARTMENT OF AGRICULTURE

PART 270—GENERAL INFORMATION AND DEFINITIONS

PART 271—PARTICIPATION OF STATE AGENCIES AND ELIGIBLE HOUSEHOLDS

Food Stamp Program

Pursuant to the authority contained in the Food Stamp Act of 1964, as amended (78 Stat. 703, as amended; 7 U.S.C. 2011–2025), regulations governing the operation of the Food Stamp Program are hereby amended.

Public Law 92–603 (86 Stat. 1329), approved October 30, 1972, revokes the statutory provision that no person shall be charged with a violation on the basis of information contained in the affidavit. Accordingly, this provision of the regulations is deleted. Public Law 92–603 also revokes the legislative authority for the mandatory requirement that the State offer to any household, if it so elects, to have the cost of the total coupon allotment deducted from any federally aided public assistance grant or payment. In lieu thereof, this amendment gives the State agency the option of providing the procedure for the voluntary deduction of the food stamp purchase requirement from the federally aided public assistance grant or payment and distributing the full coupon allotment to the participant.

It is the policy of the Department that 30 days' notice will be given to proposed rule making in the formulation of rules and regulations governing the Food Stamp Program. However, because these provisions of Public Law 92–603 are mandatory and become effective on January 1, 1973, it is hereby determined that it is impracticable and contrary to the public interest to give notice of proposed rule making with respect to this amendment.

Section 270.4(c) is revised to read as follows:

§ 270.4 Coupons as obligations of the United States, crimes and offenses.

• • • • • •

(c) All individuals, partnerships, corporations, or other legal entities including State agencies and their delegatees (referred to in this paragraph as "persons") having custody, care and control of coupons and ATP cards shall at all times, in receiving, storing, transmitting, or otherwise handling coupons and ATP cards, take all precautions necessary to avoid acceptance, transfer, negotiation, or use of spurious, altered, or counterfeit coupons and ATP cards and to avoid any unauthorized transfer, negotiation, or use of coupons and ATP cards. Such persons shall also safeguard coupons and ATP cards from theft, embezzlement, loss, damage, or destruction. Any false statement made by any person, in any application or certification required by this subchapter, by the Plan of Operation of any State agency, or by instructions of FNS, may subject such person to criminal prosecution under any applicable provision of Federal law or to civil liability under the provisions of 31 U.S.C. 231 or either, or both, as well as to any legal action as may be maintained under State law.

Section 271.6(d)(2) is revised to read as follows:

§ 271.6 Methods of distributing, issuing, and accounting for coupons and receipts.

• • • • • •

(d) • • •

(2) The State agency may, at its option, permit any household participating in the program, if it so elects, to have the cost of its full monthly coupon allotment deducted from any grant or payment such household may be entitled to receive under any federally aided public assistance program, and have its full monthly coupon allotment distributed to it.

• • • • • •

(78 Stat. 703, as amended: 7 U.S.C. 2011–2025)

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Effective date. This amendment shall become effective March 28, 1973.

CLAYTON YEUTTER,
Assistant Secretary.

MARCH 23, 1973.

[FR Doc.73-5939 Filed 3-27-73;8:45 am]

Title 14—Aeronautics and Space

CHAPTER I—FEDERAL AVIATION ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Airworthiness Docket No. 73-NW-5-AD; Amdt. 39-1614]

PART 39—AIRWORTHINESS DIRECTIVES

McKinnon Model G-21 Series Airplanes

Amendment 39-1525 (31 FR 13697), AD 72-20-4 requires inspections of the elevator and rudder torque tubes for corrosion and cracks and replace as necessary on McKinnon Model G-21 series airplanes. After issuing Amendment 39-1525, due to service experience and extreme life and service time on the failed part, the agency has determined that new inspection times and procedures are warranted when new parts have been installed. Therefore, the AD is being superseded by a new AD that requires annual visual inspections and tube replacement every 6,000 hours or 7 years.

Since this amendment relieves a restriction and imposes no additional burden on any person, notice and public procedure hereon are unnecessary and the amendment may be made effective in less than 30 days.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator, 31 FR 13697, § 39.13 of Part 39 of the Federal Aviation Regulations is amended by adding the following new airworthiness directive:

MCKINNON. Applies to Model G-21 series airplanes.

Compliance required as indicated.

Applicable to torque tube assemblies, Grumman Part Nos. 12755-1, 12756-1, 12757-1, and 12758-1, and the support tubes, Part Nos. 12725-1 and -2.

A. Applicable to those torque tube and support tube assemblies having less than 6,000 hours' time in service, or less than 7 years' life since remanufacture:

To prevent hazards in flight associated with the failure of the elevator or rudder torque tubes, unless already accomplished within the last eleven (11) months, visually inspect the external condition of the tubes within one (1) month after the effective date of this AD, and at intervals thereafter not to exceed twelve (12) months from last inspection. Tubes which are cracked or show evidence of corrosion must either be repaired or replaced in accordance with FAR Part 43 and Advisory Circular 43.13-1 prior to further flight.

B. Applicable to those torque tube and support tube assemblies having more than 6,000 hours' time in service, or more than 7 years since remanufacture. Within the next year, unless already accomplished:

(1) Visually inspect the support tubes, Part Nos. 12725-1 and -2 for corrosion. If corrosion is found, repair or replace in accordance with FAR Part 43 and Advisory Circular 43.13-1 before further flight.

(2) Remove all bolted bellcranks, arms, and pedals from the torque tubes. Using visual and dye penetrant methods, or an FAA-approved equivalent inspection, inspect the parts removed from the torque tubes for corrosion and cracking. Repair and replace in accordance with FAR Part 43 and AC 43.13-1.

(3) Discard elevator torque tube, Part No. 12755-1; rudder torque tube, Part No. 12756-1 and the L.H. and R.H. rudder pedal torque tubes, Parts Nos. 12757-1 and 12758-1. Install new manufactured parts or fabricate replacement tubes in accordance with FAR 43 and AC 43.13-1 from new manufacture stock 2024-T3 (material specifications WW-T-700/3 or equivalent) in conformance with the above drawings taking special care to corrosion-proof the interior as well as the exterior surfaces of the tubes.

(4) Reassemble and reinitiate the visual inspection program per (A) until reaching the rebuild threshold per (B).

C. Aircraft with badly corroded but uncracked torque tubes may be flown in accordance with FAR 21.197 to a base where a repair or replacement can be performed.

D. Upon submission of substantiating data by an owner or operator through an FAA Maintenance Inspector, the Chief, Engineering and Manufacturing Branch, FAA Northwest Region, may adjust the repetitive inspection intervals specified in this AD.

This supersedes Amendment 39-1525 (31 FR 13697), AD 72-20-4.

This Amendment becomes effective on or before March 28, 1973.

(Secs. 313(a), 601, 603, Federal Aviation Act of 1958, 49 U.S.C. 1354(a), 1421, 1423; sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Seattle, Wash., on March 20, 1973.

C. B. WALK, Jr.,
Director, FAA Northwest Region.

[FR Doc.73-5825 Filed 3-27-73;8:45 am]

[Airspace Docket No. 72-SO-134]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

PART 73—SPECIAL USE AIRSPACE

Alteration of Restricted Area, Control Zone and Transition Areas Designation of Control Zone and Transition Area

The purpose of these amendments to Parts 71 and 73 of the Federal Aviation Regulations is to alter Restricted Areas R-5306A, R-5306B, and R-5306C Cherry Point, N.C., the Jacksonville, N.C., control zone and the Jacksonville, N.C., the New Bern, N.C., and the North Carolina transition areas. The altered restricted areas are added to the list of those having airspace included in the Continental Control Area, and both a control zone and a transition area are designated for Cherry Point MCAS, N.C.

These amendments will allow better utilization of airspace. The restricted portion is reduced in size and the excess is returned to public use. Some of the excess is used for specified control zones and transition areas as described herein. The retained restricted airspace is redefined to establish five new restricted areas. These are designated for joint use and when released by the using agency they will be accessible to the public. Redefining the restricted areas also permits the establishment of a straight-in approach to Simmons-Nott Airport, New Bern, N.C. This approach will provide a greater degree of safety for pilots executing an IFR approach to that airport.

Since these amendments restore airspace to the public use and by relieving a restriction provide a public benefit and since these amendments are considered minor in nature, notice and public procedure thereon are unnecessary. However, since it is necessary that sufficient time be allowed to permit appropriate changes to be made on aeronautical charts, these amendments will become effective more than 30 days after publication.

In consideration of the foregoing, Parts 71 and 73 of the Federal Aviation Regulations are amended, effective 0901 G.m.t., May 24, 1973, as hereinafter set forth.

1. In § 73.53 (38 FR 663):

a. The description for R-5306A Cherry Point, N.C., is amended to read as follows:

R-5306A CHERRY POINT, N.C.

Boundaries. Beginning at latitude 35°-23'15" N., longitude 76°34'40" W.; to latitude 35°18'15" N., longitude 76°16'40" W.; to latitude 35°04'30" N., longitude 76°04'30" W.; to latitude 34°46'45" N., longitude 76°24'45" W.; to latitude 34°46'00" N., longitude 76°-30'00" W.; to latitude 35°08'00" N., longitude 76°51'20" W.; thence to point of beginning.

Designated altitudes. Surface to, but not including FL 180.

Time of designation. Continuous.

Controlling agency. Federal Aviation Administration, Washington ARTC Center.

Using agency. Commanding General, U.S. Marine Corps Air Station, Cherry Point, N.C.

b. The description for R-5306B Cherry Point, N.C., is amended to read as follows:

R-5306B CHERRY POINT, N.C.

Boundaries. Beginning at latitude 35°-08'00" N., longitude 76°51'20" W.; to latitude 34°46'00" N., longitude 76°30'00" W.; to latitude 34°45'10" N., longitude 76°40'30" W.; to latitude 34°42'00" N., longitude 76°54'45" W.; to latitude 34°51'00" N., longitude 77°05'30" W.; to latitude 34°49'30" N., longitude 77°10'00" W.; to latitude 35°03'00" N., longitude 76°57'00" W., thence to point of beginning.

Designated altitudes. From 3,000 feet to, but not including FL 180.

Time of designation. Continuous.

Controlling agency. Federal Aviation Administration, Washington ARTC Center.

Using agency. Commanding General, U.S. Marine Corps Air Station, Cherry Point, N.C.

c. The description for R-5306C Cherry Point, N.C., is amended to read as follows:

R-5306C CHERRY POINT, N.C.

Boundaries. Beginning at latitude 34°-51'00" N., longitude 77°05'30" W.; to latitude 34°42'00" N., longitude 76°54'45" W.; to latitude 34°41'50" N., longitude 76°56'20" W.; to latitude 34°37'30" N., longitude 76°56'20" W.; thence southwest along a line 3-nautical miles from and parallel to the shoreline to latitude 34°34'30" N., longitude 77°09'00" W.; to latitude 34°44'50" N., longitude 77°14'40" W.; to latitude 34°49'30" N., longitude 77°10'00" W.; thence to point of beginning.

Designated altitude. Surface to, but not including FL 180.

Time of designation. Continuous.

Controlling agency. Federal Aviation Administration, Washington ARTC Center.

Using agency. Commanding General, U.S. Marine Corps Air Station, Cherry Point, N.C.

d. The description of the North Carolina 1,200-foot transition area is amended by deleting the words:

"• • • excluding that airspace within R-5306 A, B and C, R-5311 • • •" and substituting "• • • excluding the portion within R-5311 • • •" therefor.

4. In § 71.151 (38 FR 341) the following restricted areas are added:

R-5306A Cherry Point, N.C.
R-5306B Cherry Point, N.C.
R-5306C Cherry Point, N.C.
R-5306D Cherry Point, N.C.
R-5306E Cherry Point, N.C.

(Sec. 307(a), Federal Aviation Act of 1958, 49 U.S.C. 1348(a); sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Washington, D.C., on March 22, 1973.

CHARLES H. NEWPOL,
Acting Chief, Airspace and Air Traffic Rules Division.

[FR Doc.73-5852 Filed 3-27-73;8:45 am]

[Airspace Docket No. 72-SW-48]

PART 73—SPECIAL USE AIRSPACE

Alteration of Restricted Area

The purpose of this amendment to Part 73 of the Federal Aviation Regulations is to extend the time of designation of the Socorro, N. Mex., Restricted Area, R-5118.

The Department of the Air Force has requested that the time of designation of R-5118 be extended through September 30, 1973, to accommodate the impact of Athena rockets launched from sites located within the Green River, Utah, Restricted Area, R-6409.

Use of R-5118 was expected to terminate on April 12, 1973. However, aircraft used to support the Athena program were not available from January 15, 1973, through March 1, 1973, and aircraft availability is necessary for the successful completion of the program. Although this action imposes an additional restriction upon airspace users, the Department of the Air Force intends use of the area only to complete the current Athena program. Use of R-5118 will be publicized through the issuance of Notices to Airmen.

Because of an urgent need to have the area available, due and timely action is of the essence; therefore, notice and public procedure hereon are deemed impracticable and good cause exists to make this amendment effective without regard to the 30-day period preceding effectiveness.

In consideration of the foregoing, Part 73 of the Federal Aviation Regulations is amended, effective on March 28, 1973, as hereinafter set forth.

In § 73.51 (38 FR 658) the Socorro, N. Mex., Restricted Area, R-5118, is amended as follows:

In the time of designation, "April 12, 1973," is deleted and "September 30, 1973," is substituted therefor.

(Sec. 307(a), Federal Aviation Act of 1958, 49 U.S.C. 1348(a); sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Washington, D.C., on March 20, 1973.

H. B. HELSTROM,
Chief, Airspace and Air Traffic Rules Division.

[FR Doc.73-5826 Filed 3-27-73;8:45 am]

SUBCHAPTER F—AIR TRAFFIC AND GENERAL OPERATING RULES

[Docket No. 10261, Amdt. 91-112]

PART 91—GENERAL OPERATING AND FLIGHT RULES

Civil Aircraft Sonic Boom

The purpose of this amendment is to afford the public protection from civil aircraft sonic boom. The primary basis for this amendment is section 611 of the Federal Aviation Act of 1958 (49 U.S.C. 1431). This amendment prohibits the supersonic flight of civil aircraft except under the terms of an authorization to exceed mach 1.

This amendment is based on a notice of proposed rule making (Notice 70-16) issued on April 10, 1970, and published in the FEDERAL REGISTER on April 16, 1970 (35 FR 6189). Interested persons have been afforded an opportunity to participate in the making of these amendments. Due consideration has been given to all matter presented.

Pursuant to 49 U.S.C. 1431(a), the Federal Aviation Administration has consulted with the Secretary of Transportation, concerning all matters contained herein, prior to the adoption of this amendment. Pursuant to section 8(b) of the guidelines of the Council on Environmental Quality concerning statements on proposed Federal actions affecting the environment, published in the FEDERAL REGISTER on April 23, 1971 (36 FR 7724), the Federal Aviation Administration has submitted this amendment to the Environmental Protection Agency for review and comment.

Several comments in response to Notice 70-16 expressed concern for the airport noise levels to be expected from supersonic aircraft. The problem of airport noise levels is distinct from the sonic boom problem and is the subject of separate proposed regulatory action by the FAA (see Notice 70-33, Civil Supersonic Aircraft Noise Type Certification Standards, advance notice of proposed rule making, issued on August 4, 1970, and published in the FEDERAL REGISTER (35 FR 12555) on August 6, 1970).

Comments expressed concern that the exhaust of supersonic transport aircraft could have long-term environmental effects on the upper atmosphere. Under the Clean Air Amendments of 1970 (Public Law 91-604, December 31, 1970), Part B of title II of the Clean Air Act, as amended, provides, in section 231, that the Administrator of the Environmental Protection Agency shall issue "emission standards applicable to emissions of any air pollutant from any class or classes of aircraft or aircraft engines which in his judgment cause or contribute to or are likely to cause or contribute to air pollution which endangers the public

Using agency. Commanding General, U.S. Marine Corps Air Station, Cherry Point, N.C.

d. The following restricted areas are added:

(1) R-5306D CHERRY POINT, N.C.

Boundaries. Beginning at latitude 34°44'-50" N., longitude 77°14'40" W.; to latitude 34°34'30" N., longitude 77°09'00" W.; thence southwest along a line 3-nautical miles from and parallel to the shoreline to latitude 34°30'20" N., longitude 77°15'50" W.; to latitude 34°33'00" N., longitude 77°19'00" W.; to latitude 34°36'05" N., longitude 77°26'08" W.; to latitude 34°40'00" N., longitude 77°22'00" W.; to latitude 34°40'00" N., longitude 77°22'12" W.; to point of beginning.

Designated altitudes. Surface to, but not including FL 180.

Time of designation. Continuous.

Controlling agency. Federal Aviation Administration, Washington ARTC Center.

Using agency. Commanding General, U.S. Marine Corps Air Station, Cherry Point, N.C.

(2) R-5306E CHERRY POINT, N.C.

Boundaries. Beginning at latitude 34°40'-20" N., longitude 77°22'12" W.; to latitude 34°40'00" N., longitude 77°22'00" W.; to latitude 34°36'05" N., longitude 77°26'08" W.; to latitude 34°38'12" N., longitude 77°26'00" W.; thence to point of beginning.

Designated altitudes. Surface to, but not including FL 180.

Time of designation. Continuous.

Controlling agency. Federal Aviation Administration, Washington ARTC Center.

Using agency. Commanding General, U.S. Marine Corps Air Station, Cherry Point, N.C.

2. In § 71.171 (38 FR 351):

a. The following control zone is added:

CHERRY POINT MCAS, N.C.

The airspace within a 5-mile radius of Cherry Point MCAS (latitude 34°54'30" N., longitude 76°53'00" W.); within 1.5 miles each side of the 316° bearing from Cherry Point RBN, extending from the 5-mile radius zone to 1.5 miles northwest of the RBN.

b. The description of the Jacksonville, N.C., control zone is amended by deleting the words:

"• • • southwest of the TACAN; excluding the portion within R-5306C • • •" and substituting "• • • southwest of the TACAN • • •" therefor.

3. In § 71.181 (38 FR 435):

a. The following transition area is added:

CHERRY POINT MCAS, N.C.

That airspace extending upward from 700 feet above the surface within an 8.5-mile radius of Cherry Point MCAS (latitude 34°54'30" N., longitude 16°53'00" W.); excluding the portion within the New Bern, N.C., transition area.

b. The description of the Jacksonville, N.C., transition area is amended by deleting the words:

"• • • southwest of the RBN; excluding the portion within R-5306 B and C • • •" and substituting "• • • southwest of the RBN • • •" therefor.

c. The description of the New Bern, N.C., transition area is amended by deleting the words:

"• • • longitude 77°02'35" W.); excluding the portion within R-5306A • • •" and substituting "• • • longitude 77°02'35" W.) • • •" therefor.

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health or welfare." When such standards are issued for supersonic aircraft, the Department of Transportation will comply with section 232 of that Act, which directs the Secretary of Transportation to prescribe regulations to insure compliance with all standards prescribed under section 231. Such regulation, however, is distinct from the purpose of this amendment, which is limited to the control and abatement of sonic boom.

The policy of environmental management underlying this amendment is, first, that the burden of establishing the environmental acceptability of new and potentially harmful actions rests on the proponent of such actions rather than on the potentially affected public, but, second, that where consistent with this objective, reasonable opportunity for demonstrating or developing environmental acceptability should be available to the proponent of action who is willing and able to control his demonstration of acceptability in the public interest. Reasonable opportunity for the operators or manufacturers of civil supersonic aircraft to conduct sonic boom research is thus provided, in this amendment, in the form of closely controlled authorizations to exceed mach 1 in designated test areas (where the test cannot be safely or properly conducted offshore).

However, it is not intended that any of the burden of environmental risk be shifted to the general public in the form of an uncertain probability of sonic boom annoyance. The policy against causing the public at large to bear the risk of annoyance caused by sonic boom experimentation provides the basis for rejecting comments to the notice suggesting that regular air carrier routes be used as experimental sonic boom corridors. Contrary to the concern expressed in some comments, there is no authority whatsoever in this amendment for sonic boom producing flight over the United States except in the designated test areas.

Several comments concerned operation of supersonic aircraft outside of the United States. Two main issues were stressed. First was the concern that sonic booms may be injurious to sea life, damaging to ships, or annoying to persons at sea. In addition, there was considerable concern expressed that, because of the width of the sonic boom swath, the borders of the United States may be subjected to sonic booms generated by supersonic aircraft that are outside of the United States. Both of these issues involve regulation of foreign aircraft in international airspace over the high seas. For this reason, international concern and cooperation is a highly desirable part of any satisfactory resolution of these issues on a worldwide basis. In this connection, the National Environmental Policy Act of 1969 states (section 102(2)(E)) that the proper response to worldwide environmental issues is for Federal agencies, where consistent with U.S. foreign policy, to "lend appropriate support to initiatives, resolutions, and programs designed to maximize international cooperation in anticipating and preventing a decline in the quality of mankind's world environment." Since before the passage of that Act, the International Civil Aviation Organization (ICAO) has been actively engaged in establishing a basis for international sonic boom control for civil aircraft. To this end, the ICAO sonic boom panel, with U.S. representation, has been meeting since 1969 to study the problem. In March of 1971, the ICAO Council, in further recognition of the importance of the sonic boom problem, replaced the sonic boom panel with a committee having wider scope and reporting directly to the Council. The United States is represented in all proceedings of the Sonic Boom Committee. In response to public comments, the FAA believes that the form of international cooperation now underway provides an appropriate means of orderly investigation of the sonic boom problem over the high seas.

Several comments stated that the notice was unclear with respect to the intent of the FAA to protect the territorial seas of the United States from sonic boom. The intent of this amendment is to provide the territorial seas of the United States with the same degree of sonic boom protection that is provided for the land areas of the United States. For this reason, the words "excluding the territorial waters thereof," which appeared in proposed § 91.55(e), are deleted from this amendment.

One comment requested that the final rule include military aircraft and not be limited to civil aircraft. The limitation to civil aircraft is appropriate at this time to reflect the limits of regulatory authority under title VI of the Federal Aviation Act of 1958, which provides the primary legal basis for this amendment.

Concern was expressed that the general terms of the provisions for the issuance of authorizations to exceed mach 1 will actually authorize what the rule is designed to prohibit. It was stated, for example, that the words "necessary for aircraft development" could be interpreted as permitting almost any sonic boom producing flight desired by those concerned with aircraft development. The FAA agrees that proposed § 91.55(b) could be read as implying that an authorization to exceed mach 1 would be issued upon a mere showing that one of the listed categories (e.g., aircraft development) applies. This was not intended. The intent of the proposal was to require environmental investigation of the effects of the issuance of an authorization to exceed mach 1 for flight in a designated test area. For this reason, proposed § 91.55(e) provided that "an application for an authorization to exceed mach 1 may be denied if the Administrator finds that such action is necessary to protect and enhance the environment." However, in order to more adequately describe the extent of the environmental investigation that is intended, this amendment requires the applicant for an authorization to exceed mach 1 in a designated test area to submit all information deemed necessary to permit the Administrator to comply with the National Environmental Policy Act of 1969 and related Executive orders, guidelines, and orders, that are determined to apply to the issuance of an authorization or designation of a test area. In addition, in agreement with other comments, the provision for issuance of authorizations to exceed mach 1 for flights "necessary for aircraft development" is eliminated from this amendment for reasons discussed below.

Several comments requested that all opportunity for supersonic airworthiness investigations and sonic boom flight testing be eliminated from the final rule and stated that no provision should exist for the issuance of an authorization to exceed mach 1 under any condition. Abandonment of civil supersonic air transportation technology itself is in effect urged by these comments. The FAA agrees that the rule should not permit environmentally unacceptable authorizations to be issued. However, the FAA does not agree that the legitimate concern for environmental controls on supersonic flight provides a sound policy basis for requiring that the technology of civil supersonic air transportation itself be prevented from developing in forms that are environmentally acceptable and that are also safe, convenient, productive, and profitable to future generations. Such abandonment of emergent technology is not a rational substitute for its controlled growth. Experimentation and research are an inescapable aspect of environmental, as well as technological, improvements in the public interest, where complex technologies and their interactions are involved. Further, such research is also necessary to promote exploration and understanding of the complex interface between technology and quality of life so that both may be maximized, consistent with the policy of "productive harmony" in section 101(a) of the National Environmental Policy Act of 1969. Finally, concerted and controlled research efforts may actually achieve a supersonic vehicle that delivers more transportation more quickly with less total environmental cost than subsonic aircraft delivering the same necessary service volume, and the fruits of this research may have environmentally beneficial secondary impacts in the development of other aircraft classes.

It is believed that environmentally responsible growth, not the abandonment of growth, was intended by that Act, which directs Federal agencies to consider environmental amenities "along with" (not in lieu of) economic and technological considerations. Closely controlled experimentation and research are also consistent with the commitment to responsible growth in the President's state of the Union' address of June 22, 1970, which states that "the argument is increasingly heard that a fundamental contradiction has arisen between economic growth and the quality of life, so that to have one we must forsake the other. The answer is not to abandon growth, but to redirect it."

It should also be noted, as stated above, that the detailed provisions for environmental analysis and public coordination

of environmental statements in the guidelines of the Council on Environmental Quality will be complied with in the designation of test areas and in the issuance of authorizations to exceed mach 1 where such actions are determined to be major Federal actions significantly affecting the quality of human environment. The policy of environmental protection in the National Environmental Policy Act of 1969 will be complied with in the issuance of authorizations to exceed mach 1. Therefore, it is not believed that a rule preventing all regulatory opportunity for sonic boom experimentation and research is necessary from an environmental standpoint.

Several comments stressed the current lack of definitive conclusions regarding the effect or acceptability of civil aircraft sonic booms, and urged that steps be taken later to determine whether environmentally acceptable boom generating characteristics can be developed and that the rule be periodically reviewed to take advantage of new knowledge concerning sonic booms. Closely related to this comment was a request that the FAA should now be regulating only the sonic boom characteristics (signatures), not flight conditions such as speed. The FAA agrees that the technology of supersonic air transportation should be given fair opportunity to prove itself fully compatible with the environment. For this reason, the rule contains provisions for flight testing, in designated test areas only, where necessary to establish means of reducing or eliminating the effects of sonic boom (and where the test cannot be safely or properly conducted offshore), subject to FAA's duty to comply with all applicable environmental statutes, Executive orders, and guidelines. The FAA further agrees that the regulation should be reviewed to relieve any restrictions that are demonstrated not to be necessary for consistency with all applicable environmental statutes, Executive orders, and guidelines. However, under the current state of the art of sonic boom control, there is no basis for establishing an "acceptable" overpressure limit, nor is there any assurance that a regulation that addresses only the sonic boom "signature" can provide a predictable basis for protecting the public from sonic boom of any given intensity. Further, it is doubtful that such a rule could be fairly and effectively enforced since, as pointed out in another comment, flight crews at present have no means of monitoring or sensing the surface "signature" of sonic booms. The mach meter, on the other hand, even under today's limited knowledge, can be both an effective shield of the public from sonic boom and a clear and unambiguous indicator of violation to the flight crew. The FAA therefore believes that, under the current limits of sonic boom control technology, control of flight conditions (e.g., speed) is necessary in order to insure effective control of sonic boom generation at the source and believes that the speed limit established as a general operating rule should positively prevent sonic boom generation that could affect the surface. Mach 1 is believed to be such a speed limit. In this connection, the FAA does not agree with other comments suggesting that a high subsonic speed limit, rather than mach 1, is necessary to prevent sonic boom from reaching the surface.

A similar comment concluded that the proposed rule, by banning sonic boom rather than permitting acceptable sonic booms, would so becloud the future operability of small supersonic civil aircraft as to make it unrealistic to seek financing for their development. The commentator stated that, "it would be unacceptably risky to incur the preliminary design, scale model, prototype, and testing costs, without which there could be no prospect of even starting to find out whether the end product of development could operate as far as sonic boom characteristics are concerned." The FAA believes that, until a truly acceptable and controllable sonic boom signature can be conservatively demonstrated, the aircraft industry must weigh the above-cited risk against the market potential for the aircraft. For the company that decides that the potential market is worth the investment risk, this amendment offers opportunities for that company to demonstrate the environmental acceptability of its sonic boom characteristics. In the meantime, as stated above, it is not believed that the risk cited by the commentator should be shifted to the general public in the form of an uncertain and uncontrolled probability of disturbance from sonic boom. This would be the result of attempting to define an acceptable sonic boom under the limitations of current knowledge.

It should be noted that none of the industry comments recommending an operating authority to create "acceptable" sonic booms contained any evidence that would support a definition of "acceptibility" in terms of specific overpressures, any evidence that industry has developed means of controlling those overpressures, or indeed, any evidence that overpressure itself is a proper index of annoyance.

One comment stated that the proposal was in effect a combination of certification and operating rule, that any showing of sonic boom characteristics should therefore be required of applicants for type certificates (e.g., manufacturers) rather than operators, as in the case of other type certification rules, and that operators should only be required to comply with type certification operating limitations and should not have to go through the environmental or other demonstrations involved in the issuance of an authorization to exceed mach 1. When and if the technology of predicting and closely controlling the generation of clearly acceptable sonic booms reaches a level of certainty comparable to that involved in the airworthiness determinations now made by the FAA during type certification, some provision for approving flight in excess of mach 1 might conceivably become an appropriate aspect of type certification (together with appropriate operating limitations). However, under the current rudimentary state of the art of sonic boom prediction and control, no approval to exceed mach 1 should be given during type certification, particularly since such approval would thereby become protected by the procedural requirements applicable to the amendment, modification, suspension, or revocation of certificates under section 609 of the Federal Aviation Act. At this early stage in the development of civil supersonic air transportation, it is believed that type certification is too cumbersome a procedure to provide the continuous and flexible administrative control and review that is necessary to insure that no unacceptable environmental impacts result from sonic boom research. In the light of the increasing public concern for environmental understanding and control, the flexibility and control inherent in the form of operating rule contained in this amendment (and not available in type certification) is also believed to be necessary to insure that supersonic air transportation is given a fair chance to prove itself compatible with environmental values while at the same time protecting those values as research progresses.

Several comments opposed the proposal not on its specific merits but on the basis that all sonic boom control should be done directly by the Congress. The Department of Transportation appreciates the concern that underlies these comments and has on previous occasions stated to congressional committees that no objections would be interposed to further congressional action per se to protect the public from sonic boom. Any forthcoming statutes concerning sonic boom will be administered by the Department if such is the will of the Congress. In the meantime, the Department recognizes that the question of who provides protection from sonic boom is secondary to the need to provide effective protection, and intends to insure that the public receives the full measure of protection from sonic boom intended by the Congress in Public Law 90–411 and subsequent environmental laws, Executive orders, and guidelines.

One comment stated that the FAA should make clear the right of State and local municipal authorities to enact their own restrictions on supersonic overland flights and sonic booms. This would be inappropriate in view of the Federal preemption of the flight of aircraft as acknowledged in legislative history of Public Law 90–411. Senate Report 1353 (90th Cong. 2d sess., July 1, 1968) accompanying H.R. 3400 specifically states that "since the flight of aircraft has been preempted by the Federal Government, State and local governments can presently exercise no control over sonic boom. The bill makes no change in this regard." (P. 7.)

One comment suggested that the regulation provide an exception to permit operation at speeds in excess of mach 1 for safety, stating that there may be emergency situations where a pilot may have to increase speed (such as in an emergency descent) in order to protect

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his aircraft and passengers. The current emergency deviation authority given the pilot in command by § 91.3 is adequate in this regard.

One comment stated that the rule should be clarified to indicate that the "conditions and limitations" referred to in proposed § 91.55(c) include weather or other atmospheric conditions. Atmospheric conditions are a fundamental variable affecting the propagation of sonic boom. They are thus a fundamental portion of the conditions and limitations referred to in § 91.55. It is not believed that further clarification is necessary.

One comment raised a potentially important point with respect to the meaning of the phrase "cause a sonic boom to reach the surface." In this connection, the question was asked whether a pressure event that was not perceptible by man but was detectable by instruments on the surface would be considered a "sonic boom." Perceptibility or audibility are highly subjective variables. These variables are closely related to the equally subjective concept of "acceptability" as applied to sonic boom overpressure control and limitation. As stated above, the technology of sonic boom propagation control had not yet achieved a prediction capability adequate to insure public protection from sonic boom. Thus, while a measurable but imperceptible boom might be demonstrated under one set of atmospheric conditions, an attempt to duplicate the event, under today's limited knowledge, may result in a perceptible boom on the surface. Considering all of the above factors, together with the Department's commitment to provide real and effective sonic boom protection as research proceeds, it is believed reasonable to require public protection from "measurable sonic boom overpressures." This term is therefore adopted in this amendment in response to this comment.

One comment stated that there is no proof of any incompatibility between the quality of the environment and the technical and economic advantages of supersonic transportation, that no civil supersonic transport will be put into service for years, that research should yield much information during this period, and that no emergency requiring this amendment exists at this time. The commentator stated that most activities involved in economic progress "entail favorable consequences for some people and unfavorable for others" and urged that this amendment either be postponed or that it be revised to incorporate language that would permit sonic boom to reach the surface provided that such sonic boom does not "create damage" to people, property, and environment.

With respect to the question of the timing of this amendment the FAA does not believe that the potential for further research justifies postponement of this amendment until supersonic air transportation is imminent. While the FAA agrees that no emergency now exists, early promulgation of this amendment is believed to be appropriate in order to insure that, to the maximum extent possible, persons concerned with the development or future operation of supersonic civil aircraft will not miscalculate and make major technological decisions on the economic assumption that regular overland sonic boom may ultimately be permitted. Also, under the influence of an early regulation, industry efforts to develop environmentally acceptable alternative designs, such as the supercritical wing for efficient cruise at transonic speeds may be further encouraged.

With respect to the request to permit all sonic booms that do not "create damage" on the surface, it is believed that not only is such a standard vague and difficult to enforce since proof of damage is best left to the courts, but such a standard ignores the fact that much annoyance and environmental disturbance might thereby be permitted short of actual damage. The goal of the FAA is to prevent the disturbance itself and not permit the level of public protection to decay to the point of actual damage.

One comment opposed the proposed procedure under which an authorization to exceed mach 1 could be terminated, without notice or other protective process, if the Administrator determines that such action is necessary to protect the environment. The authority to operate supersonically is not viewed as a matter of right but as a privilege conditioned entirely upon demonstrated ability to control the environmental effects of such operation in the public interest. If, at any time and for any reason, the effects of such flight are not being controlled within the conditions and limitations under which an authorization is issued, or those conditions and limitations are determined to be environmentally inadequate, no vested interest in continuing such flight is created by the authorization and its effectiveness must remain within the immediate control of the FAA. However, it is believed that the necessary authority to take immediate action against the authorization can be properly exercised by temporary amendment or suspension pending final amendment or termination, and that procedural fairness can be better served, consistent with environmental protection, by providing for immediate temporary amendment or suspension rather than immediate termination, and by permitting the holder to show, during the period of temporary amendment or suspension, why the authorization should not be finally amended or terminated. This change is incorporated in this amendment.

One comment concluded that, because the flights for which an authorization to exceed mach 1 may be issued are described in the singular, the rule prohibits the grant of an authorization to exceed mach 1 covering more than one flight. This is not correct. In this amendment, as throughout the Federal Aviation Regulations, the singular includes the plural (see § 1.3, Rules of Construction, in Part 1 of the Federal Aviation Regulations). The extent of the coverage of an authorization will be determined, in large part, by the completeness of control over sonic boom demonstrated by the applicant.

One comment pointed out that Part 91 is used by a wide range of general aviation and other subsonic operators and should be kept as useful as possible to them. The FAA agrees. Therefore, the detailed provisions concerning authorizations to exceed mach 1 are issued as new Appendix B of Part 91, leaving in the main body of that part only the prohibition against supersonic flight without an authorization to exceed mach 1.

One comment questioned the provision for issuance of an authorization to exceed mach 1 for flights that are "necessary for aircraft development" (in addition to flights that are necessary to show compliance with airworthiness rules or necessary for sonic boom research). If the flight is neither necessary for airworthiness compliance purposes not necessary for sonic boom research, the FAA agrees that no separate and clear reason for permitting supersonic flight is stated in the words "necessary for aircraft development." These words are therefore omitted from this amendment. Also, since the purposes of § 2(a) (1) and (3) are not limited to pure "research and development," those words are deleted from the section. No substantive change from the notice results.

One comment requested that the rule be modified to eliminate authority to grant permission for overland supersonic flight in designated test areas where the purpose of the flight can be achieved by overocean flight. The FAA agrees that feasibility of overocean testing is a valid consideration in the issuance of authorizations to exceed mach 1 in designated test areas over the United States. This amendment therefore requires applicants for such authorizations to show why the flight test cannot be safely or properly conducted over the ocean.

In consideration of the foregoing, Subchapter F of Chapter I of Title 14 of the Code of Federal Regulations is amended effective April 27, 1973, as to all persons, by amending Part 91 of the Federal Aviation Regulations as hereinafter set forth:

1. Section 91.1(b)(3) is amended to read as follows:

§ 91.1 Applicability.

* * * * *

(b) Each person operating a civil aircraft of U.S. registry outside of the United States shall—

* * * * *

(3) Except for §§ 91.15(b), 91.17, 91.38, 91.43, and 91.55, comply with Subparts A, C, and D of this part so far as they are not inconsistent with applicable regulations of the foreign country where the aircraft is operated or Annex 2 to the Convention on International Civil Aviation.

2. A new § 91.55 is added to read as follows:

§ 91.55 Civil aircraft sonic boom.

No person may operate a civil aircraft at a true flight mach number greater than 1 except in compliance with conditions and limitations in an authorization to exceed mach 1 issued to the operator under Appendix B of this part.

3. A new Appendix B is added to read as follows:

APPENDIX B

AUTHORIZATIONS TO EXCEED MACH 1 (§ 91.55)

SECTION 1. *Application.* (a) An applicant for an authorization to exceed mach 1 must apply in a form and manner prescribed by the Administrator and must comply with this appendix.

(b) In addition, each application for an authorization to exceed mach 1 covered by section 2(a) of this appendix must contain all information, requested by the Administrator, that he deems necessary to assist him in determining whether the designation of a particular test area, or issuance of a particular authorization, is a "major Federal action significantly affecting the quality of the human environment" within the meaning of the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.), and to assist him in complying with that Act, and with related Executive orders, guidelines, and orders, prior to such action.

(c) In addition, each application for an authorization to exceed mach 1 covered by section 2(a) of this appendix must contain—

(1) Information showing that operation at a speed greater than mach 1 is necessary to accomplish one or more of the purposes specified in section 2(a) of this appendix, including a showing that the purpose of the test cannot be safely or properly accomplished by overocean testing;

(2) A description of the test area proposed by the applicant, including an environmental analysis of that area meeting the requirements of paragraph (b) of this section; and

(3) Conditions and limitations that will insure that no measurable sonic boom overpressure will reach the surface outside of the designated test area.

(d) An application is denied if the Administrator finds that such action is necessary to protect or enhance the environment.

SEC. 2. *Issuance.* (a) For a flight in a designated test area, an authorization to exceed mach 1 may be issued when the Administrator has taken the environmental protective actions specified in section 1(b) of this appendix, and the applicant shows one or more of the following:

(1) The flight is necessary to show compliance with airworthiness requirements.

(2) The flight is necessary to determine the sonic boom characteristics of the airplane, or is necessary to establish means of reducing or eliminating the effects of sonic boom.

(3) The flight is necessary to demonstrate the conditions and limitations under which speeds greater than a true flight mach number of 1 will not cause a measurable sonic boom overpressure to reach the surface.

(b) For a flight outside of a designated test area, an authorization to exceed mach 1 may be issued if the applicant shows conservatively under paragraph (a)(3) of this section that—

(1) The flight will not cause a measurable sonic boom overpressure to reach the surface when the aircraft is operated under conditions and limitations demonstrated under paragraph (a)(3) of this section; and

(2) Those conditions and limitations represent all foreseeable operating conditions.

SEC. 3. *Duration.*

(a) An authorization to exceed mach 1 is effective until it expires or is surrendered, or until it is suspended or terminated by the Administrator. Such an authorization may be amended or suspended by the Administrator at any time if he finds that such action is necessary to protect the environment. Within 30 days of notification of amendment, the holder of the authorization must request reconsideration or the amendment becomes final. Within 30 days of notification of suspension, the holder of the authorization must request reconsideration or the authorization is automatically terminated. If reconsideration is requested within the 30-day period, the amendment or suspension continues until the holder shows why, in his openion, the authorization should not be amended or terminated. Upon such showing, the Administrator may terminate or amend the authorization if he finds that such action is necessary to protect the environment, or he may reinstate the authorization without amendement if he finds that termination or amendment is not necessary to protect the environment.

(b) Findings and actions by the Administrator under this section do not affect any certificate issued under title VI of the Federal Aviation Act of 1958.

(Sec. 307(c), 313(a), 611, Federal Aviation Act of 1958, 49 U.S.C. 1348(c), 1354(a), 1431; sec. 2(b)(2), 6(c), Department of Transportation Act, 49 U.S.C. 1651(b)(2), 1655(c), title I of the National Environmental Policy Act of 1969, 42 U.S.C. 4321 et seq., Executive order 11514, Protection and Enhancement of Environmental Quality, March 5, 1970)

Issued in Washington, D.C., on March 23, 1973.

ALEXANDER P. BUTTERFIELD,
Administrator.

[FR Doc.73-4870 Filed 3-13-73;8:45 am]

[Amended Filing 3-26-73;8:45 am]

[Docket No. 12240; Amdt. No. 121-102]

PART 121—CERTIFICATION AND OPERATIONS: DOMESTIC, FLAG, AND SUPPLEMENTAL AIR CARRIERS AND COMMERCIAL OPERATORS OF LARGE AIRCRAFT

Use of Certificated Land Airports

The purpose of this amendment to Part 121 of the Federal Aviation Regulations is to require domestic and flag air carriers that hold certificates of public convenience and necessity issued by the Civil Aeronautics Board and that operate large aircraft (other than helicopters) to conduct their scheduled operations into regular airports certificated by the FAA pursuant to the requirements of Part 139 of this chapter.

This amendment is based on notice of proposed rule making No. 72-25, published in the FEDERAL REGISTER on September 20, 1972 (37 FR 19380). Except for certain clarifying changes, and except as specifically discussed hereinafter, this amendment and the reasons therefore are the same as those contained in Notice 72-25.

As stated in Notice 72-25, new Part 139 which prescribes certification and operating rules for land airports serving CAB-certificated scheduled air carriers operating large aircraft (other than helicopters), was issued on June 12, 1972 (37 FR 12278). The new Part 139 provides, insofar as is pertinent here, that, after May 20, 1973, no person may operate a land airport regularly serving any scheduled CAB-certificated air carriers operating large aircraft (other than helicopters) into that airport, in any State of the United States, the District of Columbia, or any territory or possession of the United States, without or in violation of an airport operating certificate for that airport, or in violation of the approved airport operations manual for that airport. In order to be consistent with the safety objectives of new Part 139, an amendment to Part 121 was proposed in Notice 72-25 making the use of certificated regular airports mandatory for domestic and flag air carriers when conducting scheduled operations in large airplanes in any State of the United States, the District of Columbia, or any territory or possession of the United States.

The public comments received generally concurred in the proposal. However, the commentators indicated they desired further clarification of the classes of persons that will be subject to the amendment. As stated in the regulation, domestic and flag air carriers certificated by the CAB will be subject to this amendment only when conducting scheduled operations in large airplanes in any State of the United States, the District of Columbia, or any territory or possession of the United States, unless that airport is certificated under Part 139 of this chapter. For the purposes of this section, a regular airport means one approved as a regular terminal or intermediate stop on an authorized route.

Issued in Washington, D.C., on March 22, 1973.

ALEXANDER P. BUTTERFIELD,
Administrator.

[FR Doc.73-5909 Filed 3-27-73;8:45 am]

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CHAPTER V—NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

PART 1203a—NASA SECURITY AREAS

This new Part 1203a codifies NASA regulations governing the establishment, maintenance, and revocation of security areas designated for the protection of facilities, property, or classified information and material in the possession or custody of NASA or NASA contractors located at NASA installations and component installations. These regulations also provide for the removal and possible prosecution of unauthorized persons who may enter NASA security areas.

These regulations are effective April 9, 1973.

EDWIN H. STEVENS,
NASA Director of Security.

PART 1203a—NASA SECURITY AREAS

New Part 1203a added:

Sec.
1203a.100 Purpose and scope.
1203a.101 Definitions.
1203a.102 Establishment, maintenance, and revocation of security areas.
1203a.103 Access to security areas.
1203a.104 Violation of security areas.
1203a.105 Implementation by field or component installations.

AUTHORITY: 18 U.S.C. 799.

§ 1203a.100 Purpose and scope.

(a) To insure the uninterrupted and successful accomplishment of the NASA mission, certain designated security areas may be established and maintained by NASA installations and component installations in order to provide appropriate and adequate protection for facilities, property, or classified information and material in the possession or custody of NASA or NASA contractors located at NASA installations and component installations.

(b) This Part 1203a sets forth:

(1) The designation and maintenance of security areas,

(2) The responsibilities and procedures in connection therewith, and

(3) The penalties that may be enforced through court actions against unauthorized persons entering security areas.

§ 1203a.101 Definitions.

For the purpose of this part, the following definitions apply:

(a) *Security area.* A physically defined area, established for the protection or security of facilities, property, or classified information and material in the possession or custody of NASA or a NASA contractor located at a NASA installation or component installation, entry to which is subject to security measures, procedures, or controls. Security areas which may be established are:

(1) *Restricted area.* An area wherein security measures are applied primarily for the safeguarding or the administrative control of property or to protect operations and functions which are vital or essential to the accomplishment of the mission assigned to a NASA installation or component installation.

(2) *Limited area.* An area wherein security measures are applied primarily for the safeguarding of classified information and material or unclassified property warranting special protection and in which the uncontrolled movement of visitors would permit access to such classified information and material or property, but within which area such access may be prevented by appropriate visitor escort and other internal restrictions and controls.

(3) *Closed area.* An area wherein security measures are applied primarily for the purpose of safeguarding classified information and material; entry to the area being equivalent, for all practical purposes, to access to such classified information and material.

(b) *Temporary security area.* A designated interim security area, the need for which will not exceed 30 days from date of establishment. A temporary security area may also be established on an interim basis, pending approval of its establishment as a permanent security area.

(c) *Permanent security area.* A designated security area, the need for which will exceed 30 days from date of establishment.

§ 1203a.102 Establishment, maintenance, and revocation of security areas.

(a) *Establishment.* (1) Directors of NASA field and component installations, and the Director of Headquarters Administration for NASA Headquarters (including component installations) may establish, maintain, and protect such areas as restricted, limited, or closed depending upon the opportunity available to unauthorized persons either to:

(i) Obtain knowledge of classified information,

(ii) Damage or remove property, or to

(iii) Disrupt Government operations.

(2) The concurrence of the Director of Security, NASA Headquarters, will be obtained prior to the establishment of a permanent security area.

(3) (i) As a minimum, the following information will be submitted to the Director of Security 15 workdays prior to establishment of each permanent security area:

(*a*) The name and specific location of the NASA field or component installation, facility, or property to be protected.

(*b*) A statement that the property is owned by, or leased to, the United States for use by NASA or is the property of a NASA contractor located on a NASA installation or component installation.

(*c*) Designation desired: i.e., restricted, limited, or closed.

(*d*) Specific purpose(s) for the establishment of a security area.

(ii) For those areas currently designated by the installation as "permanent security areas," the information set forth in subparagraph (d)(3)(i) of this section will be furnished to the Security Division, NASA Headquarters, within 30 workdays of the effective date of this part.

(b) *Maintenance.* The security measures which may be utilized to protect such areas will be determined by the requirements of individual situations. As a minimum such security measures will:

(1) Provide for the posting of signs at entrances and at such intervals along the perimeter of the designated area as to provide reasonable notice to persons about to enter thereon. The Director of Security, NASA Headquarters, upon request, may approve the use of signs that are now being used pursuant to a State statute.

(2) Regulate authorized personnel entry and movement within the area.

(3) Deny entry of unauthorized persons or property.

(4) Prevent unauthorized removal of classified information and material or property from a NASA installation or component installation.

(c) *Revocation.* Once the need for an established permanent security area no longer exists, the area will be returned immediately to normal controls and procedures or as soon as practicable. The Director of Security will be informed of permanent security area revocations within 15 workdays.

§ 1203a.103 Access to security areas.

(a) Only those NASA employees, NASA contractor employees, and visitors who have a need for such access and who meet the following criteria may enter a security area:

(1) *Restricted area.* Be authorized to enter the area alone or be escorted by or under the supervision of a NASA employee or NASA contractor employee who is authorized to enter the area.

(2) *Limited area.* Possess a security clearance equal to the level of the classified information or material involved or be the recipient of a satisfactorily completed national agency check if classified material or information is not involved. Personnel who do not meet the requirements for unescorted access may be escorted by a NASA employee or NASA contractor employee who meets the access requirements and has been authorized to enter the area.

(3) *Closed area.* Possess a security clearance equal to the classified information or material involved.

(b) The directors of NASA field and component installations, and the Director of Headquarters Administration for NASA Headquarters (including component installations) may rescind previously granted authorizations to enter a security area when an individual's continued presence therein is no longer required, threatens the security of the property therein, or is disruptive of Government operations.

§ 1203a.104 Violation of security areas.

(a) *Removal of unauthorized persons.* The directors of NASA field and component installations and the Director of Headquarters Administration for NASA Headquarters (including component installations) or his designee may order the removal or eviction of any person whose presence in a designated security area is in violation of the provisions of this part or any regulation or order established pursuant to the provisions of this part.

(b) *Criminal penalties for violation.* Whoever willfully violates, attempts to violate, or conspires to violate any regulation or order establishing requirements or procedures for authorized entry into an area designated restricted, limited, or closed pursuant to the provisions of this part may be subject to prosecution under 18 U.S.C. 799 which provides penalties for a fine of not more than $5,000 or imprisonment for not more than 1 year, or both.

§ 1203a.105 Implementation by field and component installations.

If a Director of a NASA field or component installation finds it necessary to issue supplemental instructions to any provision of this part, the instructions must first be published in the FEDERAL REGISTER. Therefore, the proposed supplemental instructions will be sent to the Security Division (Code DHZ), NASA Headquarters, in accordance with NASA Management Instruction 1410.10 for processing.

[FR Doc.73-5847 Filed 3-27-73;8:45 am]

Title 19—Customs Duties

CHAPTER I—BUREAU OF CUSTOMS, DEPARTMENT OF THE TREASURY

[T.D. 73-85]

PART 16—LIQUIDATION OF DUTIES

Refrigerators, Freezers, Other Refrigerating Equipment and Parts From Italy

In the FEDERAL REGISTER of November 10, 1972 (37 FR 23928), the Commissioner of Customs announced that information had been received in proper form pursuant to § 16.24(b) of the Customs regulations (19 CFR 16.24(b)) which appeared to indicate that certain payments made by the Government of Italy on the exportation from Italy of refrigerators, freezers, other refrigerating equipment, and parts thereof constitute the payment or bestowed of a bounty or grant, directly or indirectly, within the meaning of section 303 of the Tariff Act of 1930 (19 U.S.C. 1303) upon the manufacture, production, or exportation of the merchandise to which the payments apply. The notice provided interested parties 30 days from the date of publication to submit data, views, or arguments concerning the existence or nonexistence and the net amount of a bounty or grant.

An investigation was conducted pursuant to § 16.24(d) of the Customs regulations (19 CFR 16.24(d)).

After consideration of all information received, the Bureau is satisfied that exports of refrigerators, freezers, other refrigerating equipment, and parts thereof from Italy are subject to bounties or grants within the meaning of section 303.

Accordingly, notice is hereby given that refrigerators, freezers, other refrigerating equipment, and parts thereof imported directly or indirectly from Italy, if entered for consumption or withdrawn from warehouse for consumption after the expiration of 30 days after publication of this notice in the Customs Bulletin, will be subject to the payment of countervailing duties equal to the net amount of any bounty or grant determined or estimated to have been paid or bestowed.

In accordance with section 303, the net amount of the bounties or grants under the information presently available has been ascertained and determined or estimated to be as specified in Appendix A. Because information regarding the exact amount of bounties or grants is incomplete, further declarations of the net amount of the bounties or grants ascertained and determined or estimated to have been paid upon the exportation of refrigerators, freezers, other refrigerating equipment, and parts thereof from Italy will be published in subsequent issues of the Customs Bulletin.

Effective on the 31st day after the date of publication of the notice in the Customs Bulletin and until further notice, upon the entry for consumption or withdrawal from warehouse for consumption of such dutiable refrigerators, freezers, other refrigerating equipment, and parts thereof imported directly or indirectly from Italy which benefit from such bounties or grants, there shall be collected, in addition to any other duties estimated or determined to be due, countervailing duties in the amount ascertained in accordance with the above declarations.

The liquidation of all entries for consumption or withdrawals from warehouse for consumption of such refrigerators, freezers, other refrigerating equipment, and parts thereof imported directly or indirectly from Italy which benefit from these bounties or grants and are subject to the order shall be suspended pending further declaration of the net amount of the bounties or grants paid. A deposit of the estimated countervailing duty, in the appropriate amount, shall be required at the time of entry for consumption or withdrawal from warehouse for consumption.

Any merchandise subject to the terms of this order shall be deemed to have benefited from a bounty or grant if such bounty or grant has been or will be paid or credited, directly or indirectly, upon the manufacture, production, or exportation of such refrigerators, freezers, other refrigerating equipment, and parts thereof.

The table in § 16.24(f) of the Customs regulations (19 CFR 16.24(f)) is amended by inserting after the last entry for Italy, the words "Refrigerators, freezers, other refrigerating equipment, and parts thereof" in the column headed "Commodity," the number of this Treasury Decision in the column headed "Treasury Decision," and the words "Bounty Declared-Rate" in the column headed "Action."

(R.S. 251, secs. 303, 624; 46 Stat. 687, 759; 19 U.S.C. 66, 1303, 1624.)

[SEAL] VERNON D. ACREE,
Commissioner of Customs.

Approved: March 23, 1973.

EDWARD L. MORGAN,
Assistant Secretary of the Treasury.

APPENDIX A

The amounts set forth below will be collected as estimated countervailing duties unless satisfactory evidence is provided with respect to any particular importation that a lesser amount is applicable.

	Per kilogram (Lire)
Complete refrigerators (cabinets, chests, and refrigerated counters, refrigerated display cases, water coolers, and the like)	17.85
Insulated cold cabinets (unequipped), isothermal cabinets, ice-cream storage cabinets, and the like	14.82
Refrigerating apparatus and components, thereof, fixed on a common baseplate, including freezers and parts	21.24

[FR Doc.73-6037 Filed 3-27-73;8:45 am]

Title 41—Public Contracts and Property Management

CHAPTER 101—FEDERAL PROPERTY MANAGEMENT REGULATIONS

SUBCHAPTER H—UTILIZATION AND DISPOSAL

CONTROLLED SUBSTANCES

Parts 101-43, 101-44, 101-45, and 101-46 are amended to update certain references and to provide revised instructions relating to the utilization and disposal of controlled substances pursuant to the Comprehensive Drug Abuse Prevention and Control Act of 1970 (Public Law 91-513, approved October 27, 1970).

The table of contents for Subchapter H is amended to provide new and revised entries as follows:

101-43.104-4	Controlled substances.
101-43.104-12	(Reserved)
101-43.309	Controlled substances.
101-43.313-1	Controlled substances.
101-43.313-8	Drugs, biologicals, and reagents other than controlled substances.
101-44.201-1a	Controlled substances.
101-44.201-12	(Reserved)
101-44.321	Drugs, biologicals, and reagents other than controlled substances.
101-45.204a	Controlled substances.
101-45.216	(Reserved)
101-45.309-6	Controlled substances.
101-45.309-7	Drugs, biologicals, and reagents other than controlled substances.

PART 101-43—UTILIZATION OF PERSONAL PROPERTY

Subpart 101-43.1—General Provisions

Section 101-43.104-4 is added, and the text of § 101-43.104-12 is deleted and the section reserved as follows:

§ 101-43.104-4 Controlled substances.

"Controlled substances" for purposes of this regulation is defined as:

(a) Any narcotic, depressant, stimulant, or hallucinogenic drug or any other

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drug or other substance or immediate precursor included in Schedules I, II, III, IV, or V of section 202 of the Controlled Substances Act (21 U.S.C. 812) except exempt chemical preparations and mixtures and excluded substances listed in Part 308, Title 21, Code of Federal Regulations;

(b) Any other drug or substance which the Attorney General determines to be subject to control pursuant to Title II of the Comprehensive Drug Abuse Prevention and Control Act of 1970; or

(c) Any other drug or substance which by international treaty, convention, or protocol is to be controlled by the United States.

§ 101–43.104–12 [Reserved]

Subpart 101–43.3—Utilization of Excess

Sections 101–43.306, 101–43.309, 101–43.313–1, 101–43.313–8, 101–43.313–9a(e), and 101–43.316–1(a)(5) are revised as follows:

§ 101–43.306 Property not required to be reported.

Excess property which is not required to be formally reported to GSA in accordance with this Part 101–43 is nonetheless a valuable source of supply for Federal agencies. Regional offices and area utilization officers of GSA are responsible for local screening of such property, for making it available to Federal agencies, and for consummating its expeditious transfer to them. Federal holding agencies shall cooperate with GSA representatives in making information available and in providing access to their nonreportable excess property. To the extent such property is not covered by the utilization screening processes of GSA, executive agencies shall make reasonable efforts to obtain utilization among Federal agencies of that property having utilization potential. In the case of controlled substances (as defined in § 101–43.104–4), this solicitation shall be limited to those agencies specified in § 101–43.309.

§ 101–43.309 Controlled substances.

Holding agencies shall arrange for transfers in accordance with § 101–43.315–5. In effecting the utilization of excess controlled substances, the holding agencies shall transfer excess controlled substances only to those Federal agencies which certify that they are registered with the Bureau of Narcotics and Dangerous Drugs (BNDD), Department of Justice, and are authorized to procure the particular controlled substances being transferred. The certification shall include the registration number of the BND Form 223, certificate of registration, issued by BNDD.

§ 101–43.313–1 Controlled substances.

All controlled substances that the holding agency determines to be excess shall become surplus after the holding agency has complied with the utilization requirements of §§ 101–43.102 and 101–43.309. It is not required that the holding agency report the controlled substance to GSA as excess personal property.

§ 101–43.313–8 Drugs, biologicals, and reagents other than controlled substances.

Drugs, biologicals, and reagents in Federal Supply Class 6505, excluding controlled substances which will be handled as provided in §§ 101–43.309 and 101–43.313–1, which are from time to time determined to be excess and fit for human use shall be handled as provided in § 101–43.306. Such items may be separately packaged or may be components of a drug kit. The holding agency shall destroy, as provided in § 101–45.505, those separately packaged items which have been determined by the holding agency to be unfit for human use. Reports of the availability of any usable items which are in kits with other items that are unfit for human use shall clearly indicate which items are unfit for human use.

§ 101–43.313–9a Medical shelf-life items held for national emergency purposes.

* * * * *

(e) Medical shelf-life items held for national emergency purposes which have a remaining useful life of 3 or more months and which are not reportable in accordance with § 101–43.4901 shall be made available for use by other Federal agencies as provided in § 101–43.306. Upon determination that such items are excess a surplus release date shall be established by the holding agency providing a minimum of 15 calendar days for selection of the items for Federal use. In the instance of controlled substances (as defined in § 101–43.104–4), each executive agency shall comply with the provisions of §§ 101–43.309 and 101–43.313–1.

* * * * *

§ 101–43.316–1 Utilization.

(a) * * *

(5) Controlled substances.

* * * * *

Subpart 101–43.4—Utilization of Abandoned and Forfeited Personal Property

Section 101–43.402–5(d)(1) is revised as follows:

§ 101–43.402–5 Property required to be reported.

* * * * *

(d) * * *

(1) Controlled substances (as defined in § 101–43.104–4), regardless of quantity, condition, or acquisition cost, shall be reported to the Bureau of Narcotics and Dangerous Drugs, Department of Justice, Washington, D.C. 20537.

* * * * *

PART 101–44—DONATION OF PERSONAL PROPERTY

Subpart 101–44.2—Definition of Terms

Section 101–44.201–1a is added, and the text of § 101–44.201–12 is deleted and the section reserved as follows:

§ 101–44.201–1a Controlled substances.

"Controlled substances" for purposes of this regulation is defined as:

(a) Any narcotic, depressant, stimulant, or hallucinogenic drug or any other drug or other substance or immediate precursor included in Schedules I, II, III, IV, or V of section 202 of the Controlled Substances Act (21 U.S.C. 812), except exempt chemical preparations and mixtures and excluded substances listed in Part 308, Title 21, Code of Federal Regulations;

(b) Any other drug or substance which the Attorney General determines to be subject to control pursuant to Title II of the Comprehensive Drug Abuse Prevention and Control Act of 1970; or

(c) Any other drug or substance which by international treaty, convention, or protocol is to be controlled by the United States.

§ 101–44.201–12 [Reserved]

Subpart 101–44.3—Donation for Educational, Public Health, and Civil Defense, including Research or Public Airport Purposes

Sections 101–44.321(a) and 101–44.322(b) are revised as follows:

§ 101–44.321 Drugs, biologicals, and reagents other than controlled substances.

(a) Surplus drugs, biologicals, and reagents which are in Federal Supply Class 6505 and which are not required to be destroyed as provided in § 101–45.505 may be donated for educational, public health, and civil defense purposes. If the report of excess or other communication from the holding activity listing the drugs, biologicals, and reagents indicates any items which are unfit for human use, GSA will not offer such items for donation. Controlled substances (as defined in § 101–44.201–1a), shall not be donated for any purpose.

* * * * *

§ 101–44.322 Donation of shelf-life items.

* * * * *

(b) Prior to donation, drugs, biologicals, and reagents other than controlled substances except those requiring refrigeration or deep freeze and which are excepted from the provisions of § 101–43.313–9 shall be processed as provided in § 101–44.321.

PART 101–45—SALE, ABANDONMENT, OR DESTRUCTION OF PERSONAL PROPERTY

Subpart 101–45.2—Definition of Terms

Section 101–45.204a is added, and the text of § 101–45.216 is deleted and the section reserved as follows:

§ 101–45.204a Controlled substances.

"Controlled substances" for purposes of this regulation is defined as:

(a) Any narcotic, depressant, stimulant, or hallucinogenic drug or any other drug or other substance or immediate precursor included in Schedules I, II, III, IV, or V of section 202 of the Controlled Substances Act (21 U.S.C. 812) except exempt chemical preparations and mixtures and excluded substances listed in Part 308, Title 21, Code of Federal Regulations;

(b) Any other drug or substance which the Attorney General determines to be subject to control pursuant to Title II of the Comprehensive Drug Abuse Prevention and Control Act of 1970; or

(c) Any other drug or substance which by international treaty, convention, or protocol is to be controlled by the United States.

§ 101–45.216 [Reserved]

Subpart 101–45.3—Sale of Personal Property

Section 101–45.309–6 is revised and § 101–45.309–7 is amended as follows:

§ 101–45.309–6 Controlled substances.

Surplus controlled substances (as defined in § 101–45.204a) which are not required to be destroyed as provided in § 101–45.505 may be offered for sale by sealed bid in accordance with the provisions of this Subpart 101–45.3: *Provided*, That the following safeguards and instructions are observed:

(a) The invitation for bids shall:

(1) Consist only of surplus controlled substances;

(2) Require the normal bid deposit prescribed in § 101–45.304–10;

(3) Be distributed only to bidders who are registered with the Bureau of Narcotics and Dangerous Drugs, Department of Justice, to manufacture, distribute, or dispense the controlled substances for which the bid is being submitted; and

(4) Contain the following special condition of sale:

> The Bidder shall complete, sign, and return with his bid the certificate as contained in this invitation. No award will be made or sale consummated until after this agency has obtained from the Bureau of Narcotics and Dangerous Drugs, Department of Justice, verification that the Bidder is registered to manufacture, distribute, or dispense those controlled substances which are the subject of the award.

(b) The following certification shall be made a part of the invitation for bids (and contract) to be completed and signed by the bidder and returned with the bid:

> The Bidder certifies that he is registered with the Bureau of Narcotics and Dangerous Drugs, Department of Justice, as a manufacturer, distributor, or dispenser of the controlled substances for which bids are submitted and that the registration number is _____
>
> _____
> Name of bidder (print or type).
>
> _____
> Signature of bidder.
>
> _____
> Address of bidder (print or type).
>
> _____
> City State Zip code

(c) As a condition precedent to making an award for surplus controlled substances, the following shall be submitted to the Bureau of Narcotics and Dangerous Drugs, Department of Justice, Washington, D.C. 20537:

(1) The name and address of the bidder(s) to whom an award is proposed to be made and the bidder(s) registration number(s);

(2) The name and address of both the holding activity and the selling activity;

(3) A description of the controlled substances, how those substances are packaged, and the quantity of substances proposed to be sold to the bidder;

(4) The identification of the invitation for bids by its number and time within which such bid(s) remains valid; and

(5) A request for advice as to whether the bidder is a registered manufacturer, distributor, or dispenser.

§ 101–45.309–7 Drugs, biologicals, and reagents other than controlled substances.

Surplus drugs, biologicals, and reagents other than controlled substances which are not required to be destroyed as provided in § 101–45.505 may be offered for sale by sealed bid in accordance with the provisions of this Subpart 101–45.3: *Provided*, That the following safeguards and instructions are observed to insure stability, potency, and suitability of the product and its labeling for use in civilian channels:

* * * * *

(d) Sales of surplus drugs, biologicals, and reagents other than controlled substances shall be processed as follows:

* * * * *

Subpart 101–45.5—Abandonment or Destruction of Surplus Property

Section 101–45.505 is amended as follows:

§ 101–45.505 Destruction of surplus drugs, biologicals, and reagents.

(a) * * *

(1) *Controlled substances.* (i) Controlled substances in a deteriorated condition or otherwise unusable.

(ii) Quantities of controlled substances determined to be surplus at one time and one place having an acquisition cost of less than $500.

(iii) Controlled substances which have been offered for sale in accordance with the provisions of § 101–45.309–6 but for which no satisfactory or acceptable bid or bids have been received.

(2) *Drugs, biologicals, and reagents.* (i) Surplus drugs, biologicals, and reagents other than controlled substances (*a*) determined by the holding agency to be unsafe because of deterioration or overage condition, (*b*) in open or broken containers, or (*c*) recommended for destruction by the Food and Drug Administration.

(ii) Surplus drugs, biologicals, and reagents other than controlled substances with an acquisition cost of less than $500 per manufacturers' lot/batch number.

(iii) Surplus drugs, biologicals, and reagents other than controlled substances which have been offered for sale in accordance with the provisions of § 101–45.309–7 but for which no satisfactory or acceptable bid or bids have been received.

(b) When surplus drugs, biologicals, and reagents, including controlled substances, are required to be destroyed by the holding agency, they shall be destroyed in such a manner as to insure total destruction of the substance to preclude the utilization of any portion thereof. The destruction shall be in accordance with Federal, State, and local air and water pollution control standards. When major amounts are to be destroyed, the action shall be coordinated with local air and water pollution control authorities. As to controlled substances, in addition to the requirements set forth herein, each executive agency shall comply with the provisions of 21 CFR 307.21 of the Bureau of Narcotics and Dangerous Drugs (BNDD) regulations or with equivalent procedures approved by the Bureau of Narcotics and Dangerous Drugs (BNDD).

(c) Destruction of surplus drugs, biological, and reagents, including controlled substances, shall be performed by an employee of the holding agency in the presence of two additional employees of the agency as witnesses to that destruction, unless, in the case of controlled substances, the Regional Director of the Bureau of Narcotics and Dangerous Drugs directs otherwise.

(d) When surplus drugs, biologicals, and reagents, including controlled substances, have been destroyed, the fact, manner, and date of the destruction and the type and quantity so destroyed shall be certified to by the agency employee charged with the responsibility for that destruction. The two agency employees who witnessed the destruction shall sign the following statement which shall appear on the certification below the signature of the certifying employee:

> I have witnessed the destruction of the (controlled substances) (drugs, biologicals, and reagents other than controlled substances) described in the foregoing certification in the manner and on the date stated herein:
>
> _____
> witness date
>
> _____
> witness date

* * * * *

PART 101–46—UTILIZATION AND DISPOSAL OF PERSONAL PROPERTY PURSUANT TO EXCHANGE/SALE AUTHORITY

Subpart 101–46.2—Authorization

Section 101–46.202(d)(7) is revised as follows:

§ 101–46.202 Restrictions and limitations.

* * * * *

(d) * * *

(7) The sale or exchange of controlled substances, except in accordance with Part 101–45.

* * * * *

(Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c))

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Effective date. This amendment is effective on March 28, 1973.

Dated: March 20, 1973.

ARTHUR F. SAMPSON,
Acting Administrator of General Services.

[FR Doc.73-5908 Filed 3-27-73;8:45 am]

Title 45—Public Welfare

CHAPTER X—OFFICE OF ECONOMIC OPPORTUNITY

PART 1068—COMMUNITY ACTION PROGRAM GRANTEE FINANCIAL MANAGEMENT

Subpart—Allowability of Costs for Organization Dues, Membership Fees, and Donations

Notice is hereby given that the regulations set forth below are promulgated as interim regulations by me as Acting Director of the Office of Economic Opportunity. As a result of the prospective delegation of certain programs to other Federal departments, prospective funding changes, and changes in the management and administration of certain programs, the Office of Economic Opportunity has been required to institute emergency guidelines and instructions in advance of 30-day prior notice in the FEDERAL REGISTER. Accordingly, the regulations published below are effective on the dates indicated therein. Moreover, in view of the nature of the problems which these regulations are designed to remedy, having been advised by counsel, I find that to publish them in the FEDERAL REGISTER 30 days prior to their effective date would be impracticable and contrary to the public interest.

The regulations below will remain in effect unless and until superseded by permanent regulations published in the FEDERAL REGISTER. Interested persons wishing to comment before permanent regulations are promulgated may submit written data, views, and comments by mailing them to the Acting Director, Policy Regulation, Office of Program Review, Office of Economic Opportunity, 1200 19th Street NW., Washington, DC 20506, in time to arrive before April 25, 1973.

After careful consideration is given to all relevant material submitted, and to such other information as may be available, the Acting Director of OEO may modify these interim regulations as he deems appropriate and publish them as permanent regulations in the FEDERAL REGISTER.

Chapter X, Part 1068 of Title 45 of the Code of Federal Regulations is amended by adding four new sections, reading as follows:

Sec.
1068.7-1 Purpose.
1068.7-2 Applicability of this subpart.
1068.7-3 Policy.
1068.7-4 Form of requests for authorization.

AUTHORITY: Sec. 602, 78 Stat. 530, 42 U.S.C. 2942.

§ 1068.7-1 Purpose.

The purpose of this subpart is to establish restrictions on charging donations, organization dues, and membership fees to project funds.

§ 1068.7-2 Applicability of this subpart.

This subpart applies to all programs affording legal assistance which are funded until title II of the Economic Opportunity Act as amended, if the assistance is administered by OEO.

§ 1068.7-3 Policy.

Project funds shall not be expended to pay for membership fees or dues or make contribution to any person, organization, association, or entity without the written authorization of the Associate Director for the Office of Legal Services, or his designee. (Project funds include both funds derived from the Federal grant and required matching share.)

§ 1068.7-4 Form of requests for authorization.

Requests for authorization shall state the name and address of the organization, function and nature of the organization's activities, the purpose of the request, and the itemized cost to be charged against project funds.

This subpart shall become effective on March 28, 1973.

HOWARD PHILLIPS,
Acting Director.

[FR Doc.73-5941 Filed 3-27-73;8:45 am]

PART 1070—COMMUNITY ACTION PROGRAM GRANTEE OPERATIONS

Subpart—Use of OEO Grant Funds for the Purpose of Program or Other Involvement in All Communications Media

Notice is hereby given that the regulations set forth below are promulgated as interim regulations by the Acting Director of the Office of Economic Opportunity. As a result of the prospective delegation of certain programs to other Federal departments, prospective funding changes, and changes in the management and administration of certain programs, the Office of Economic Opportunity has been required to institute emergency guidelines and instructions in advance of 30-day prior notice in the FEDERAL REGISTER. Accordingly, the regulations published below are effective on the dates indicated therein. Moreover, in view of the nature of the problems which these regulations are designed to remedy, having been advised by counsel, I find that to publish them in the FEDERAL REGISTER 30 days prior to their effective date would be impracticable and contrary to the public interest.

The regulations below will remain in effect unless and until superseded by permanent regulations published in the FEDERAL REGISTER. Interested persons wishing to comment before permanent regulations are promulgated may submit written data, views, and comments by mailing them to the Acting Director, Policy Regulation, Office of Program Review, Office of Economic Opportunity, 1200 19th Street NW., Washington, DC 20506, in time to arrive on or before April 25, 1973.

After careful consideration is given to all relevant material submitted, and to such other information as may be available, the Acting Director of the OEO may modify these interim regulations as he deems appropriate and publish them as permanent regulations in the FEDERAL REGISTER.

Chapter X, Part 1070 of Title 45 of the Code of Federal Regulations is amended by adding five new sections, reading as follows:

Sec.
1070.4-1 Purpose.
1070.4-2 Applicability.
1070.4-3 Background.
1070.4-4 Definitions.
1070.4-5 Policy.

AUTHORITY: Sec. 602, 78 Stat. 530, 42 U.S.C. 2942.

§ 1070.4-1 Purpose.

This subpart provides policy governing the funding by OEO of all grantees in relation to all communications media, as defined herein, and all newsletters or house organs of OEO grantees.

§ 1070.4-2 Applicability.

This subpart applies to all grantees funded by OEO.

§ 1070.4-3 Background.

(a) The earlier draft Instruction 7044-1, which this subpart supersedes, covered only newspapers and newsletters or house organs. Further, it was applicable only to grantees funded under title II and title III-B of the Economic Opportunity Act of 1964, as amended. This did not provide a policy for title VII grants for Community Economic Development, nor for Special Impact grants under former title I-D, which has been repealed. Funding of such other communications media as general coverage magazines, radio, television and cable television, are, in effect and in terms of policy, no different than funding newspapers. This policy is set forth under § 1070.4-5(a) below.

(b) Experience also indicated that it is necessary and desirable to define further and reiterate OEO policy concerning the publishing with OEO funds of newsletters and house organs in order to establish clear lines of responsibility for same. This policy is set forth under § 1070.4-5(b) below.

(c) With specific reference to cable television (CATV) it should be noted that based on discussion between Federal Communications Commission (FCC) staff and OEO, there is reason to doubt that the FCC would issue necessary certificates of compliance for CATV projects subject to the restrictions contained in section 603(b) of the Economic Opportunity Act and the OEO implementing regulations.

§ 1070.4-4 Definition.

"Communications media" as used herein is confined to communications that are directed, or made readily available, to the general public. It specifically includes all radio broadcasting and telecasting, general coverage newspapers and magazines. The term "Communications media" excepts house organs or newsletters, bulletins, etc. which are specifically addressed to an organization's constituency and which are not given external distribution by the organization beyond its constituency. Policy on such publications, based largely on former draft Instruction 7044-1 which has been in effect, is covered in this subpart under § 1070.4-5(b).

§ 1070.4-5 Policy.

(a) Concerning *"communications media."* It is OEO policy not to provide funds to establish or operate any mass communication medium such as a general coverage newspaper or magazine, radio station or television station including a cable television system. However, under special circumstances and with the express written approval of the Director, OEO may make grants to help establish such a medium if such action is in furtherance of the grantee's approved OEO program, by assisting in the planning and initial expenses provided that: (1) The grantee agrees that OEO funds are to be provided only on a minimum, one-time basis, and not to provide long-term (over 1 year) operational or other support. (2) The grantee shall make a showing of interest by other investors and assure early divestiture from the grantee to a local public corporation with communitywide ownership not under the control of the CDC or other OEO grantee. (3) Ownership and management of the physical assets be separated from control of publishing or programing and the latter be under the control of a separate entity over whom the grantee cannot exercise any influence. This may be effected by the use of an "arms length" contract with some independent organization, or by the grantee-owner of the physical assets subcontracting the use of its assets to such an organization. In either event, OEO shall have the right of prior approval or disapproval of the entity which would control the output of the medium.

(b) *Concerning newsletters or house organs.* (1) OEO grantees may determine that publishing newsletters or house organs is essential to the accomplishment of the grantee's approved program. The OEO grant office reserves the right to review the grantee's justification of its need to publish a newsletter or house organ. Newsletters are under local grantee control as are all other program activities. While they reflect the policies and opinions of the local grantee, newsletters also are subject to the same laws and regulations, such as those restricting political activity, which govern all OEO funded programs.

(2) The grantee's principal representative board and boards of limited purpose agencies and community development corporations have the ultimate responsibility of insuring that the content of all grantee publications coming under their jurisdiction reflect the policies and opinions of the local program and are in accord with OEO policy. To accomplish this, the board may elect to delegate the review function to the Executive Director. In all cases, publications must be reviewed prior to printing to assure compliance with this policy and the sanction of the board.

(3) Responsibility for the content and distribution of such publication must be established. Arrangements shall be made by the grantee with each of its delegate agencies, neighborhood councils, and any other group it funds which are or may be publishing a newsletter or house organ to expediate this review process.

(4) Newsletters or house organs shall not be prepared or circulated for purposes other than informing the grantee's constituency on the program of the grantee and reporting information of direct use to the grantee's constituency in the accomplishment of the grantee's stated program.

(5) Project funds will not be spent for newsletters or house organs unless a review procedure has been established in accordance with this subpart.

(c) *Use of advertising time and space as non-Federal share.* OEO does not credit as an in-kind contribution for a grantee's non-Federal share requirement any news coverage, editorial comment, advertising or public service time or space in any communications media such as radio, television, magazines, wire services and news services. This policy does not, however, prohibit a grantee from suing Federal or non-Federal funds for publicizing or advertising program activities when the grantee can show that the expense is the best way of achieving a legitimate program purpose. This is an allowable expenditure although not an allowable in-kind contribution for a grantee's non-Federal share requirement. This policy also does not prohibit a grantee from accepting public service time or notices in the mass media, as long as such activities are not treated as in-kind, non-Federal share contributions.

Effective date. This subpart shall become effective April 1, 1973.

HOWARD PHILLIPS,
Actign Director.

[FR Doc.73-5840 Filed 3-27-73;8:45 am]

Title 46—Shipping

CHAPTER II—MARITIME ADMINISTRATION, DEPARTMENT OF COMMERCE

SUBCHAPTER J—MISCELLANEOUS

PART 351—DEPOSITORIES

In FR Doc. 71-17943, appearing in the FEDERAL REGISTER of December 8, 1971 (36 FR 23317), the Maritime Administration, Department of Commerce, invited comments with respect to a rule governing criteria for approval of a depository under any program authorized by the Merchant Marine Act, 1936, as amended (46 U.S.C. 1101 et seq.). No comments were submitted.

The final rule has been modified so as to remove the requirements that the depository be a U.S. citizen within the meaning of the Merchant Marine Act and that it be a corporation. These requirements are unnecessary because they tend to duplicate requirements of the Federal Deposit Insurance Corporation.

A new Part 351 is therefore added to Subchapter J, Title 46, Chapter II, Code of Federal Regulations as follows:

Sec.
351.1 Purpose.
351.2 Qualification of depository.

AUTHORITY: Sec. 204, 49 Stat. 1987, as amended; 46 U.S.C. 1114.

§ 351.1 Purpose.

The purpose of this part is to set forth the criteria necessary for depositories of funds under all programs authorized by the Merchant Marine Act, 1936, as amended (46 U.S.C. 1101 et seq.) (Act).

§ 351.2 Qualifications of depository.

(a) *General qualification.* Any depository which is a member of the Federal Deposit Insurance Corporation will be approved for deposit of funds under the maritime programs authorized by the Act.

(b) *Limitation on amount of deposits.* No person making deposits under the programs authorized by the Act shall make or maintain deposits which exceed 5 percent of the depository's total deposits.

Effective date. This regulation shall be effective on April 1, 1973.

Dated: March 21, 1973.

By order of Assistant Secretary for Maritime Affairs.

JAMES S. DAWSON, JR.,
Secretary, Maritime Administration.

[FR Doc.73-5943 Filed 3-27-73;8:45 am]

Title 49—Transportation

CHAPTER X—INTERSTATE COMMERCE COMMISSION

SUBCHAPTER A—GENERAL RULES AND REGULATIONS

[S.O. 1128]

PART 1033—CAR SERVICE

Louisville and Nashville Railroad Co.

At a session of the Interstate Commerce Commission, Railroad Service Board, held in Washington, D.C., on the 22d day of March 1973.

It appearing, that there is a substantial movement of coal and other traffic routed via the lines of the Louisville and Nashville Railroad Co. (L&N) and the Clinchfield Railroad Co. (CRR); that there is no connection between the L&N and the CRR; that a line of the Norfolk and Western Railway Co. (N&W) connects with the L&N at Norton, Va., and with the CRR at St. Paul, Va., a distance of approximately 22.46 miles; that the N&W has agreed to use of such line by the L&N; that operation by the L&N over the aforementioned trackage of the N&W will facilitate and expedite movements of traffic routed via the L&N and the CRR; that such operation by the L&N is necessary in the interest of the public and the commerce of the people, pending disposition of the application of the L&N, in Finance Docket No. 27320,

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seeking permanent authority to operate over these tracks of the N&W; that notice and public procedure herein are impracticable and contrary to the public interest; and that good cause exists for making this order effective upon less than 30 days' notice.

It is ordered, That:

§ 1033.1128 Service Order No. 1128.

(a) *Louisville and Nashville Railroad Co. authorized to operate over tracks of Norfolk and Western Railway Co.* The Louisville and Nashville Railroad Co. (L&N) be, and it is hereby, authorized to operate over tracks of the Norfolk and Western Railway Co. (N&W) between N&W milepost N 442.90, in the vicinity of St. Paul, Va., and N&W milepost N 465.36, in the vicinity of Norton, Va., a distance of approximately 22.46 miles.

(b) *Applications.* The provisions of this order shall apply to intrastate, interstate, and foreign traffic.

(c) *Rates applicable.* Inasmuch as this operation by the L&N over tracks of the N&W is deemed to be due to carrier's disability, the rates applicable to traffic moved by the L&N over these tracks of the N&W shall be the rates which were applicable on the shipments at the time of shipment as originally routed.

(d) *Effective date.* This order shall become effective at 11:59 p.m., March 25, 1973.

(e) *Expiration date.* The provisions of this order shall expire at 11:59 p.m., September 30, 1973, unless otherwise modified, changed, or suspended by order of this Commission.

(Secs. 1, 12, 15, and 17(2), 24 Stat. 379, 383, 384, as amended; 49 U.S.C. 1, 12, 15, and 17(2). Interprets or applies secs. 1(10–17), 15(4), and 17(2), 40 Stat. 101, as amended, 54 Stat. 911; 49 U.S.C. 1(10–17), 15(4), 17(2))

It is further ordered, That copies of this order shall be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and car hire agreement under the terms of that agreement, and upon the American Short Line Railroad Association; and that notice of this order shall be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and by filing it with the Director, Office of the Federal Register.

By the Commission, Railroad Service Board.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.73-5929 Filed 3-27-73;8:45 am]

[S.O. 1129]

PART 1033—CAR SERVICE

Chicago, Rock Island and Pacific Railroad Co.

At a session of the Interstate Commerce Commission, Railroad Service Board, held in Washington, D.C., on the 22d day of March 1973.

It appearing, that the Chicago, Rock Island and Pacific Railroad Co. (RI) is unable to operate over its line between Trenton, Mo., and St. Joseph, Mo., because of damage resulting from flooding and excessive rainfall; that RI operations to and from St. Joseph, Mo., can be accomplished by use of tracks of the Burlington Northern Inc. (BN) between BN milepost 0.0 at Kansas City, Mo., and BN milepost 62.6 at St. Joseph, Mo., a distance of approximately 62.6 miles; that the BN has consented to use of such tracks by the RI; that operation by the RI over the aforementioned tracks of the BN is necessary in the interest of the public and the commerce of the people; that notice and public procedure herein are impracticable and contrary to the public interest; and that good cause exists for making this order effective upon less than 30 days' notice.

It is ordered, That:

§ 1033.1129 Service Order No. 1129.

(a) *Chicago, Rock Island and Pacific Railroad Co. authorized to operate over tracks of Burlington Northern Inc.* The Chicago, Rock Island and Pacific Railroad Co. (RI) be, and it is hereby, authorized to operate over tracks of the Burlington Northern Inc. (BN) between BN milepost 0.0 at Kansas City, Mo., and BN milepost 62.6 at St. Joseph, Mo., a distance of approximately 62.6 miles.

(b) *Application.* The provisions of this order shall apply to intrastate, interstate, and foreign traffic.

(c) *Rates applicable.* Inasmuch as this operation by the RI over tracks of the BN is deemed to be due to carrier's disability, the rates applicable to traffic moved by the RI over these tracks of the BN shall be the rates which were applicable on the shipments at the time of shipment as originally routed.

(d) *Effective date.* This order shall become effective at 11:59 p.m., March 25, 1973.

(e) *Expiration date.* The provisions of this order shall expire at 11:59 p.m., April 15, 1973, unless otherwise modified, changed, or suspended by order of this Commission.

(Secs. 1, 12, 15, and 17(2), 24 Stat. 379, 383, 384, as amended; 49 U.S.C. 1, 12, 15, and 17(2). Interprets or applies secs. 1(10–17), 15(4), and 17(2), 40 Stat. 101, as amended, 54 Stat. 911; 49 U.S.C. 1(10–17), 15(4), and 17(2))

It is further ordered, That copies of this order shall be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and car hire agreement under the terms of that agreement, and upon the American Short Line Railroad Association; and that notice of this order shall be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and by filing it with the Director, Office of the Federal Register.

By the Commission, Railroad Service Board.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.73-5930 Filed 3-27-73;8:45 am]

Title 50—Wildlife and Fisheries

CHAPTER I—BUREAU OF SPORT FISHERIES AND WILDLIFE, FISH AND WILDLIFE SERVICE, DEPARTMENT OF THE INTERIOR

PART 33—SPORT FISHING

Ouray National Wildlife Refuge, Utah

The following special regulation is issued and is effective on March 28, 1973.

§ 33.5 Special regulations; sport fishing, for individual wildlife refuge areas.

UTAH

OURAY NATIONAL WILDLIFE REFUGE

The Green River channel within Ouray National Wildlife Refuge, Uintah County, Utah, shall be open to sport fishing by rod, reel, and pole from April 1, 1973, through December 31, 1973. Vehicle access is limited to existing routes delineated on maps available at refuge headquarters and from the Area Manager, Federal Building, Room 2215, 125 South State Street, Salt Lake City, UT 84111. Sport fishing shall be in accordance with all applicable State regulations.

The provisions of this special regulation supplement the regulations which govern fishing on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 33, and are effective through December 31, 1973.

H. J. JOHNSON, *Refuge Manager, Ouray National Wildlife Refuge, Vernal, Utah.*

FEBRUARY 8, 1973.

[FR Doc.73-5822 Filed 3-27-73;8:45 am]

Proposed Rule Making

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 51]

FRESH PLUMS AND PRUNES

Proposed U.S. Standards for Grades

Notice is hereby given that the U.S. Department of Agriculture is considering the amendment of U.S. Standards for Grades of Fresh Plums and Prunes[1] (7 CFR 51.1520–51.1538). These grade standards are issued under authority of the Agricultural Marketing Act of 1946 (60 Stat. 1087, as amended; 7 U.S.C. 1621–1627), which provides for the issuance of official U.S. grades to designate different levels of quality for the voluntary use of producers, buyers and consumers. Official grading services are also provided under this act upon request of any financially interested party and upon payment of a fee to cover the cost of such services.

All persons who desire to submit written data, views, or arguments for consideration in connection with the proposal should file the same, in duplicate, not later than April 30, 1973, with the Hearing Clerk, U.S. Department of Agriculture, Room 112, Administration Building, Washington, D.C. 20250, where they will be available for public review during official hours of business (7 CFR 1.27(b)).

Statement of considerations leading to the proposed amendment of the grade standards. The U.S. Standards for Grades of Fresh Plums and Prunes were last revised April 23, 1966. They were amended May 9, 1969, to change the standard pack section.

Late in 1971 a grower-shipper organization in the State of Washington requested a change in the method of determining the diameter of Italian-type prunes.

The U.S. Standards for Fresh Plums and Prunes now provide for ring sizing, the greatest diameter at center cross section, except that Italian-type prunes must be caliper sized, the shortest diameter at center cross section. The Washington State request would have all fresh plums and prunes measured by ring sizers.

A size comparison study between suture and check diameters (shortest versus greatest) made during the 1971 season at Washington State University indicates that, on the average, an Italian-type prune with a suture (shortest) diameter of 1⅛ inches will have a cheek (greatest) diameter of 1¼ inches. Thus, the weight of 100 prunes will remain constant whether sized by the shortest diameter to a 1⅛ inch minimum or by the greatest diameter to a 1¼ inch minimum.

Upon inquiry in other prune producing States early in 1972 it was learned that some producers and packers believed there was need for further investigation before proposing the requested change. Consequently, no action was taken to amend the standards at that time.

Additional data comparing the ring sizing and caliper sizing of prunes were obtained in Idaho during the 1972 season. This data confirmed the results of the previous study in Washington and indicated that changing to ring sizing and a 1¼-inch minimum diameter would not materially change the size of prunes marketed.

Late in 1972 the request by the State of Washington organization for amendment of the standards was renewed. It was supported by the Idaho-Oregon Prune Marketing Committee. Inquiries indicate that the change would create few, if any, new problems. It would have the benefit of simplifying sizing under the grade standards in that plums and prunes would be sized by the same method.

Copies of a study draft to consider amendment of the standards, explaining the suggested changes, were sent to representatives of the prune industry, including receivers, in January 1973.

Comments received on the suggested changes in measurement and minimum size requirements were generally favorable. One adverse comment resulted from not understanding that the specified minimum size would be increased when the method of measuring diameter was changed.

This request to change the method of determining diameter appears reasonable and desirable if the minimum diameter requirement in the U.S. Fancy and U.S. No. 1 grades is increased from 1⅛ to 1¼ inches.

The sections proposed to be amended presently read as follows:

Section 51.1520, paragraph (a): Italian type prunes shall be well colored and, unless otherwise specified, shall be not less than 1⅛ inches in diameter. (See § 51.1525.)

Section 51.1521, paragraph (a): Italian type prunes shall be fairly well colored and, unless otherwise specified, shall be not less than 1⅛ inches in diameter. (See § 51.1525.)

Section 51.1537: "Diameter" means the greatest dimension measured at right angles to a line from the stem to blossom end of the fruit, except that in the case of Italian type prunes diameter means the shortest dimension measured through the center of the fruit at right angles to a line from stem to blossom end.

As proposed to be amended, paragraphs (a) of §§ 51.1520, 51.1521, and 51.1537 and set forth below:

§ 51.1520 U.S. Fancy.

* * * * *

(a) Italian type prunes shall be well colored and, unless otherwise specified, shall be not less than 1¼ inches in diameter. (See § 51.1525.)

* * * * *

§ 51.1521 U.S. No. 1.

* * * * *

(a) Italian type prunes shall be fairly well colored and, unless otherwise specified, shall be not less than 1¼ inches in diameter. (See § 51.1525.)

§ 51.1537 Diameter.

"Diameter" means the greatest dimension measured at right angles to a line from the stem to blossom end of the fruit.

(Secs. 203, 205, 60 Stat. 1087, as amended, 1090 as amended; 7 U.S.C. 1622, 1624)

Dated: March 22, 1973.

E. L. PETERSON, *Administrator, Agricultural Marketing Service.*

[FR Doc.73-5938 Filed 3-27-73;8:45 am]

[1] Packing of the product in conformity with the requirements of these standards shall not excuse failure to comply with the provisions of the Federal Food, Drug and Cosmetic Act or with applicable State laws and regulations.

[7 CFR Ch. IX]

[Docket No. AO–377]

RYEGRASS SEED GROWN IN OREGON

Notice of Extension of Time for Filing Briefs

Notice is hereby given that the time for filing briefs, proposed findings, and conclusions on the record of the public hearing held January 30–February 1, 1973, at Albany, Oreg., with respect to a proposed marketing agreement and order regulating the handling of ryegrass seed grown in Oregon, originally published January 10, 1973, 38 FR 1197, pursuant to the order of the presiding administrative law judge issued at the hearing is hereby extended to May 1, 1973.

At the hearing, the Administrative Law Judge directed that briefs be filed on or before March 19, 1973, on the understanding that a copy of the transcript of the hearing would be available

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at the Portland office of the Agricultural Marketing Service on or about February 15, 1973. A copy of said record was not made so available until March 12, 1973, due to unavoidable causes, including delay in the mailing services. It is believed that an extension of time as indicated will be fair and equitable to all interested persons.

This notice is issued pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900).

Signed at Washington, D.C., on March 22, 1973.

JOHN C. BLUM,
Deputy Administrator,
Regulatory Programs.

[FR Doc.73-5937 Filed 3-27-73;8:45 am]

Animal and Plant Health Inspection Service

[9 CFR Part 113]

VIRUSES, SERUMS, TOXINS, AND ANALOGOUS PRODUCTS

Notice of Extension of Time To Submit Written Data, Views, or Arguments

Notice is hereby given in accordance with section 553(b) of title 5, United States Code (1966), that the time for filing data, views, and arguments with respect to the proposed amendments to the regulations relating to viruses, serums, toxins, and analogous products in Part 113 of Title 9, Code of Federal Regulations, as published in the FEDERAL REGISTER on February 9, 1973 (73-2627), is extended to May 22, 1973.

Interested persons are invited to submit written data, views, or arguments regarding the proposed amendment to Deputy Administrator, Veterinary Services, USDA, Washington, D.C. All comments received on or before May 22, 1973, will be considered.

All written submissions made pursuant to this notice will be made available for public inspection at such times and places and in a manner convenient to the public business (7 CFR 1.27(b)).

Done at Washington, D.C., this 22d day of March 1973.

G. H. WISE,
Acting Administrator, Animal and Plant Health Inspection Service.

[FR Doc.73-5838 Filed 3-27-73;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Parts 141, 148w, and 149b]

AMPICILLIN

Certain Proposed Technical Revisions Regarding Ampicillin and Cephaloglycin; Additional Proposed Certification Requirements for Ampicillin

On November 22, 1972, the Commissioner of Food and Drugs issued a notice of proposed rulemaking to provide for the recodification and technical revisions of the ampicillin monographs. In addition, it was also proposed that for all ampicillin trihydrate products the designation "trihydrate" be deleted from the nonproprietary name and that the word "chewable" be excluded from the names of both the anhydrous and trihydrate dosage forms to conform with the policy of the official compendia.

The Commissioner of Food and Drugs now proposes new requirements for the same monographs that were the subject of the November 22, 1972 proposal.

This new proposal would amend the proposed nonaqueous titration procedure for determining ampicillin content of bulk drugs by providing for a potentiometric determination of the endpoint. The revised method eliminates the visual determination of endpoints, thus resulting in greater sensitivity and precision. The procedure for determining the cephaloglycin content of cephaloglycin dihydrate is the same as that used for determining the ampicillin content of sodium ampicillin and accordingly, the cephaloglycin bulk monograph has been amended to provide for the potentiometric titration.

This new proposal also provides additional requirements for certification of ampicillin and sodium ampicillin. A maximum potency limit has been established for all ampicillin bulk drugs. An additional restriction has been added which limits to 6 percent the difference between the potency assay when converted to a percent figure and the percent ampicillin content. When both the nonaqueous acid and base titrations are performed, as is the case with ampicillin and ampicillin trihydrate, the difference between the results obtained by the titrations is also limited to 6 percent. The proposed limits of 6 percent are based on results of a collaborative study and on certification experience.

The Commissioner of Food and Drugs intends to publish one final order incorporating both the changes in the November 22, 1972 proposed order and the changes proposed in this notice of proposed rulemaking.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 507, 59 Stat. 463, as amended; 21 U.S.C. 357) and under authority delegated to him (21 CFR 2.120), the Commissioner of Food and Drugs proposes to revise Part 148w and proposed portions of Parts 141 and 149b, as follows:

PART 141—TESTS AND METHODS OF ASSAY OF ANTIBIOTIC AND ANTIBIOTIC-CONTAINING DRUGS

1. Part 141 is amended by revising proposed § 141.544 to read as follows:

§ 141.544 Nonaqueous titrations.

(a) *Equipment*—(1) *Apparatus.* Use a closed system consisting of a suitable titrimeter equipped with a potentiometer, an automatic burette, a chart recorder, and a glass calomel combination electrode (with saturated methanolic potassium chloride as the electrolyte).

(2) *Titration vessel.* Use a 100-milliliter tall form beaker without a spout.

(b) *Reagents*—(1) Methyl alcohol, reagent grade, anhydrous.

(2) Dimethylsulfoxide, A.C.S., reagent grade.

(3) Glacial acetic acid, A.C.S., reagent grade.

(4) Lithium methoxide reagent: 0.02*N* lithium methoxide in methyl alcohol, standardized against primary grade benzoic acid.

(5) Perchloric acid reagent: 0.02*N* perchloric acid in glacial acetic acid, standardized against primary grade potassium acid phthalate.

(c) *Preparation of sample solutions.* Select the weight of the sample and the solvent listed for each antibiotic. Transfer the accurately weighed sample to a titration vessel. Add the appropriate solvent, cover, and stir magnetically until the sample is dissolved. Proceed as directed in paragraph (e) of this section, using the procedure or procedures specified in the individual section for each antibiotic.

Antibiotic	Weight in milligrams of sample	Solvent
Ampicillin-acid titration.	100	20 milliliters dimethylsulfoxide and 30 milliliters methyl alcohol.*
Ampicillin-base titration.	100	50 milliliters glacial acetic acid.
Ampicillin sodium-base titration.	50	50 milliliters glacial acetic acid.
Cephaloglycin-base titration.	50	50 milliliters glacial acetic acid.

*The methyl alcohol is added after the sample has dissolved in dimethylsulfoxide.

(d) *Blank determination.* Place the same volume of solvent used to prepare the sample solution into a titration vessel and proceed as directed in paragraph (e) of this section, using the procedure or procedures specified in the individual section for each antibiotic.

(e) *Titration procedures*—(1) *Acid titration.* Equilibrate the electrode by soaking it overnight in the solvent used for preparing the sample solution. Start the magnetic stirrer and titrate the sample solution with the lithium methoxide reagent. Record the change in potential of the solution with the addition of the titrant. Determine the number of milliliters of reagent consumed at neutralization (the inflection point of the titration curve). Calculate the antibiotic content as directed in the individual section.

(2) *Base titration.* Proceed as directed in subparagraph (1) of this paragraph, except use the perchloric acid reagent as the titrant and calculate the antibiotic content as directed in the individual section.

PART 149w—CEPHALOSPORIN

2. Part 148w is amended in § 148w.3 by revising paragraph (b)(5) to read as follows:

§ 148w.3 Nonsterile cephaloglycin dihydrate.

• • • • •

(b) • • •

(5) *Cephaloglycin content.* Proceed as directed in § 141.544 of this chapter, using the titration procedure described in paragraph (e)(2) of that section. Calculate the cephaloglycin content as follows:

$$\text{Percent cephaloglycin content} = \frac{(A-B)\ (\text{normality of perchloric acid reagent})\ (405.4)\ (100)\ (100)}{(\text{Weight of sample in milligrams})\ (100-m)},$$

where:
A = Milliliters of perchloric acid reagent used in titrating the sample;
B = Milliliters of perchloric acid reagent used in titrating the blank;
m = Percent moisture content of the sample.

• • • • •

PART 149b—AMPICILLIN

3. Part 149b is amended:

a. In proposed § 149b.1 by additionally revising paragraphs (a)(1), (a)(3), and (b)(5), and by inserting a new subdivision (vi) in paragraph (a)(1) to read as follows:

§ 149b.1 Ampicillin trihydrate.

(a) • • •

(1) • • •

(i) Its potency is not less than 900 micrograms and not more than 1,050 micrograms of ampicillin per milligram on an anhydrous basis.

(vi) The acid-base titration concordance is such that the difference between the percent ampicillin content when determined by nonaqueous acid titration and by nonaqueous base titration is not more than 6. The potency-acid titration concordance is such that the difference between the potency value divided by 10 and the percent ampicillin content of the sample determined by the nonaqueous acid titration is not more than 6. The potency-base titration concordance is such that the difference between the potency value divided by 10 and the percent ampicillin content of the sample determined by the nonaqueous base titration is not more than 6.

(vii) It is crystalline.

(viii) It gives a positive identity test for ampicillin trihydrate.

• • • • •

(3) • • •

(i) Results of tests and assays on the batch for potency, safety, loss on drying, pH, ampicillin content, concordance, crystallinity, and identity.

• • • • •

(b) • • •

(5) *Ampicillin content.* Proceed as directed in § 141.544 of this chapter, using both the titration procedures described in paragraphs (e)(1) and (e)(2) of that section. Calculate the percent ampicillin content as follows:

(i) *Acid titration.*

$$\text{Percent ampicillin content} = \frac{(A-B)\ (\text{normality of lithium methoxide reagent})\ (349.4)\ (100)\ (100)}{(\text{Weight of sample in milligrams})\ (100-m)},$$

where:
A = Milliliters of lithium methoxide reagent used in titrating the sample;
B = Milliliters of lithium methoxide reagent used in titrating the blank;
m = Percent moisture content of the sample.
Calculate the difference between the potency and the ampicillin content as follows:

$$\text{Difference} = \frac{\text{Potency in micrograms per milligram}}{10} - \text{percent ampicillin content.}$$

(ii) *Base titration.*

$$\text{Percent ampicillin content} = \frac{(A-B)\ (\text{normality of perchloric acid reagent})\ (349.4)\ (100)\ (100)}{(\text{Weight of sample in milligrams})\ (100-m)},$$

where:
A = Milliliters of perchloric acid reagent used in titrating the samples;
B = Milliliters of perchloric acid reagent used in titrating the blank;
m = Percent moisture content of the sample.
Calculate the difference between the potency and the ampicillin content as follows:

$$\text{Difference} = \frac{\text{Potency in micrograms per milligram}}{10} - \text{percent ampicillin content.}$$

• • • • • • •

b. In the proposed revision of § 149b.2 by additionally revising paragraphs (a)(1), (a)(3), and (b)(7), and by inserting a new subdivision (viii) in the revision of paragraph (a)(1) to read as follows:

§ 149b.2 Sterile ampicillin trihydrate.

(a) • • •

(1) • • •

(i) Its potency is not less than 900 micrograms and not more than 1,050 micrograms of ampicillin per milligram on an anhydrous basis.

• • • • •

(viii) The acid-base titration concordance is such that the difference between the percent ampicillin content when determined by nonaqueous acid titration and by nonaqueous base titration is not more than 6. The potency-acid titration concordance is such that the difference between the potency value divided by 10 and the percent ampicillin content of the sample determined by the nonaqueous acid titration is not more than 6. The potency-base titration concordance is such that the difference between the potency value divided by 10 and the percent ampicillin content of the sample determined by the nonaqueous base titration is not more than 6.

(ix) It is crystalline.

(x) It gives a positive identity test for ampicillin trihydrate.

• • • • •

(3) • • •

(i) Results of tests and assays on the batch for potency, safety, loss on drying, pH, ampicillin content, concordance, crystallinity, and identity.

• • • • •

(b) • • •

(7) *Ampicillin content.* Proceed as directed in § 141.544 of this chapter, using both the titration procedures described in paragraphs (e)(1) and (e)(2) of that section. Calculate the percent ampicillin content as follows:

(i) *Acid titration.*

$$\text{Percent ampicillin content} = \frac{(A-B)\ (\text{normality of lithium methoxide reagent})\ (349.4)\ (100)\ (100)}{(\text{Weight of sample in milligrams})\ (100-m)},$$

where:
A = Milliliters of lithium methoxide reagent used in titrating the sample;
B = Milliliters of lithium methoxide reagent used in titrating the blank;
m = Percent moisture content of the sample.
Calculate the difference between the potency and the ampicillin content as follows:

$$\text{Difference} = \frac{\text{Potency in micrograms per milligram}}{10} - \text{percent ampicillin content.}$$

(ii) *Base titration.*

$$\text{Percent ampicillin content} = \frac{(A-B)\ (\text{normality of perchloric acid reagent})\ (349.4)\ (100)\ (100)}{(\text{Weight of sample in milligrams})\ (100-m)},$$

where:
A = Milliliters of perchloric acid reagent used in titrating the samples;
B = Milliliters of perchloric acid reagent used in titrating the blank;
m = Percent moisture content of the sample.
Calculate the difference between the potency and the ampicillin content as follows:

$$\text{Difference} = \frac{\text{Potency in micrograms per milligram}}{10} - \text{percent ampicillin content.}$$

• • • • • • •

c. In the proposed revision of § 149b.3 by additionally revising paragraphs (a)(1), (a)(3), and (b)(5), and by inserting a new subdivision (vi) in the revision of paragraph (a)(1) to read as follows:

§ 149b.3 Ampicillin.

(a) • • •

(1) • • •

(i) Its potency is not less than 900 micrograms and not more than 1,050 micrograms of ampicillin per milligram on an anhydrous basis.

• • • • •

(vi) The acid-base titration concordance is such that the difference between the percent ampicillin content when determined by nonaqueous acid titration and by nonaqueous base titration is not more than six. The potency-acid titration concordance is such that the differ-

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ence between the potency value divided by 10 and the percent ampicillin content of the sample determined by the nonaqueous acid titration is not more than six. The potency-base titration concordance is such that the difference between the potency value divided by 10 and the percent ampicillin content of the sample determined by the nonaqueous base titration is not more than six.

(vii) It is crystalline.

(viii) It gives a positive identity test for ampicillin.

* * * * *

(3) * * *

(i) Results of tests and assays on the batch for potency, safety, loss on drying, ph, ampicillin content, concordance, crystallinity, and identity.

* * * * *

(b) * * *

(5) *Ampicillin content.* Proceed as directed in § 141.544 of this chapter, using both the titration procedures described in paragraphs (e)(1) and (e)(2) of that section. Calculate the percent ampicillin content as follows:

(i) *Acid titration.*

$$\text{Percent ampicillin content} = \frac{(A-B)\ (\text{normality of lithium methoxide reagent})\ (349.4)\ (100)\ (100)}{(\text{Weight of sample in milligrams})\ (100-m)},$$

where:
A = Milliliters of lithium methoxide reagent used in titrating the sample;
B = Milliliters of lithium methoxide reagent used in titrating the blank;
m = Percent moisture content of the sample.
Calculate the difference between the potency and the ampicillin content as follows:

$$\text{Difference} = \frac{\text{Potency in micrograms per milligram}}{10} - \text{percent ampicillin content}.$$

(ii) *Base titration.*

$$\text{Percent ampicillin content} = \frac{(A-B)\ (\text{normality of perchloric acid reagent})\ (349.4)\ (100)\ (100)}{(\text{Weight of sample in milligrams})\ (100-m)},$$

where:
A = Milliliters of perchloric acid reagent used in titrating the samples;
B = Milliliters of perchloric acid reagent used in titrating the blank;
m = Percent moisture content of the sample.
Calculate the difference between the potency and the ampicillin content as follows:

$$\text{Difference} = \frac{\text{Potency in micrograms per milligram}}{10} - \text{percent ampicillin content}.$$

d. In the proposed revision of § 149b.4 additionally revising paragraphs (a)(1), (a)(3), and (b)(7), and by inserting a new subdivision (viii) in the revision of paragraph (a)(1) to read as follows:

§ 149b.4 Sterile sodium ampicillin.

(a) * * *

(1) * * *

(i) Its potency is not less than 845 micrograms and not more than 988 micrograms of ampicillin per milligram. If it is packaged for dispensing, it contains not less than 90 percent and not more than 115 percent of the number of milligrams of ampicillin that it is represented to contain.

* * * * *

(viii) The potency-base titration concordance is such that the difference between the potency value divided by 10 and the percent ampicillin content of the sample determined by the nonaqueous base titration is not more than six.

(ix) It is crystalline.

(x) It passes the identity test for sodium ampicillin.

* * * * *

(3) * * *

(i) Results of tests and assays on the batch for potency, safety, loss on drying, ph, ampicillin content, concordance, crystallinity, and identity.

* * * * *

(b) * * *

(7) *Ampicillin content.* Proceed as directed in § 141.544 of this chapter, using the titration procedure described in paragraph (e)(2) of that section. Calculate the ampicillin content as follows:

$$\text{Percent ampicillin content} = \frac{(A-B)\ (\text{normality of perchloric acid reagent})\ (174.7)\ (100)\ (100)}{(\text{Weight of sample in milligrams})\ (100-m)},$$

where:
A = Milliliters of perchloric acid reagent used in titrating the sample;
B = Milliliters of perchloric acid reagent used in titrating the blank;
m = Percent moisture content of the sample.
Calculate the difference between the potency and the ampicillin content as follows:

$$\text{Difference} = \frac{\text{Potency in micrograms per milligram}}{10} - \text{percent ampicillin content}.$$

§§ 149b.11, 149b.12, 149b.13, 149b.14, 149b.15, 149b.16, 149b.17, 149b.18, 149b.19, and 149b.20. [Amended]

e. In the proposed revision of §§ 149b.11, 149b.12, 149b.13, 149b.14, 149b.15, 149b.16, 149b.17, 149b.18, 149b.19, and 149b.20 by inserting the word "concordance," between "ampicillin content," and "crystallinity," in paragraph (a)(3)(i)(a) in each of these sections.

Interested persons may, on or before May 28, 1973, file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 6–88, 5600 Fishers Lane, Rockville, MD 20852, written comments (preferably in quintuplicate) regarding this proposal. Comments may be accompanied by a memorandum or brief in support thereof. Received comments may be seen in the above office during working hours, Monday through Friday.

Dated: March 16, 1973.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.73-5758 Filed 3-27-73;8:45 am]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 71]

[Airspace Docket No. 73-SO-20]

TRANSITION AREA

Proposed Alteration

The Federal Aviation Administration is considering an amendment to Part 71 of the Federal Aviation Regulations that would alter the Toccoa, Ga., transition area.

Interested persons may submit such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Federal Aviation Administration, Southern Region, Air Traffic Division, Post Office Box 20636, Atlanta, GA 30320. All communications received on or before April 27, 1973, will be considered before action is taken on the proposed amendment. No hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Chief, Airspace and Procedures Branch. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in light of comments received.

The official docket will be available for examination by interested persons at the Federal Aviation Administration, Southern Region, Room 724, 3400 Whipple Street, East Point, GA.

The Toccoa transition area described in § 71.181 (38 FR 435) would be amended as follows:

"* * * longitude 83°17'40" W.) * * *" would be deleted and "* * * longitude 83°17'40" W.); within a 9-mile radius of Habersham County Airport, Cornelia, Ga. (latitude 34°30'20" N., longitude 83°33'15" W.) * * *" would be substituted therefor.

The proposed alteration is required to provide controlled airspace protection for IFR operations at Habersham County Airport. A prescribed instrument approach procedure to this airport, utilizing the Toccoa VOR, is proposed in conjunction with the alteration of this transition area.

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348(a)) and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in East Point, Ga., on March 16, 1973.

DUANE W. FREER,
Acting Director, Southern Region.

[FR Doc.73-5827 Filed 3-27-73;8:45 am]

[14 CFR Part 73]

[Airspace Docket No. 73-WA-15]

EXTENSION OF TEMPORARY RESTRICTED AREAS R-5116 A AND B

Proposed Designation

The Federal Aviation Administration (FAA) is considering an amendment to Part 73 of the Federal Aviation Regulations which would extend the period of designation of temporary Restricted Areas R-5116 A and B at White Sands Proving Grounds, N. Mex.

Interested persons may participate in the proposed rulemaking by submitting such written data, views, or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Southwest Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, Post Office Box 1689, Fort Worth, TX 76101.

All communications received on or before April 27, 1973, will be considered before action is taken on the proposed amendment. The proposal contained in this notice may be changed in the light of comments received.

An official docket will be available for examination by interested persons at the Federal Aviation Administration, Office of the General Counsel, Attention: Rules Docket, 800 Independence Avenue SW., Washington, DC 20591. An informal docket also will be available for examination at the Office of the Regional Air Traffic Division Chief.

On August 5, 1972, an amendment to Part 73 of the Federal Aviation Regulations was published in the FEDERAL REGISTER (37 FR 15857) which designated temporary Restricted Areas R-5116 A and B for the period October 1, 1972, through March 31, 1973.

On January 19, 1973, an amendment to Part 73 of the Federal Aviation Regulations was published in the FEDERAL REGISTER (38 FR 1923) which extended the time of designation of Restricted Areas R-5116 A and B from April 1, 1973, through June 30, 1973.

Subsequent to the publication of these amendments, the Department of the Air Force submitted a further request for the designation of R-5116 A and B, from sunrise to sunset, for the period July 1, 1973, through September 30, 1973. This extension is needed to make up launch missions which were canceled because of adverse weather conditions, conflicting events, or system malfunctions. The area would be activated for only the minimum time needed for each launch mission, and the same procedures which are currently in effect would apply to this proposed designation. These procedures include: (1) Advance notification to the public, through all available news media and scheduled flight service station broadcasts, of the activation of these areas, and (2) coordination by the Air Force with the Albuquerque ARTC Center so the missile launchings will have a minimum impact on air traffic operations.

The proposed amendment would extend the time of designation of Restricted Areas R-5116 A and B from July 1, 1973, through September 30, 1973.

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348(a)) and section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Washington, D.C., on March 16, 1973.

H. B. HELSTROM,
Chief, Airspace and Air Traffic Rules Division.

[FR Doc.73-5828 Filed 3-27-73;8:45 am]

[14 CFR Part 75]

[Airspace Docket No. 72-WA-70]

AREA HIGH ROUTES

Proposed Alterations

The Federal Aviation Administration (FAA) is considering an amendment to Part 75 of the Federal Aviation Regulations that would alter the following RNAV routes:

1. J951R from Washington, D.C., to St. Louis, Mo.
2. J974R from Washington, D.C., to Los Angeles, Calif.
3. J981R from Los Angeles, Calif., to Washington, D.C.
4. J982R from Los Angeles, Calif., to Kansas City, Mo.

Interested persons may participate in the proposed rulemaking by submitting such written data, views or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Great Lakes Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, 2300 East Devon, Des Plaines, IL 60018. All communications received on or before April 27, 1973, will be considered before action is taken on the proposed amendment. The proposal contained in this notice may be changed in the light of comments received.

An official docket will be available for examination by interested persons at the Federal Aviation Administration, Office of the General Counsel, Attention: Rules Docket, 800 Independence Avenue SW., Washington, DC 20591. An informal docket also will be available for examination at the office of the Regional Air Traffic Division Chief.

The proposed amendment would:

1. Realine J951R from Front Royal, Va., via Henderson, W. Va.; thence via the present J951R to Mounds, Ill.
2. Realine J974R from Front Royal, Va., via Henderson, W. Va.; Minerva, Ky.; Marine, Ill.; thence via the present J981R (which will be renumbered J974R) to Springer, N. Mex.; Gallup, N. Mex.; thence via the present J974R to Morrow, Calif.
3. Realine J981R from Parker, Calif., via Prescott, Ariz.; Two Wells, N. Mex.; Mora, N. Mex.; Canadian, Tex.; thence via existing J974R (proposed for renumbering to J981R) to Irwin, Mo.; Sprott, Mo. (37°56'21" N., 90°16'20" W.); Canter, Ky. (38°16'02" N., 85°35'26" W.); Sanderson, W. Va.; to Diana, W. Va. (38°29'44" N., 80°11'01" W.).
4. Realine J982R so as to coincide with J981R as proposed herein from Parker, Calif., to Tangier, Okla.; thence via Wichita, Kans., to Factory, Kans.

J951R is established for Washington, D.C., to St. Louis, Mo., service and the route currently begins at Casanova, Va. The Washington center plans to use Casanova as an east flow inbound fix and plans to use Front Royal, Va., as a west flow outbound fix. Therefore, it is proposed herein to realine J951R from Front Royal to Henderson rather than Casanova to Henderson.

J974R is established for Washington to Los Angeles, Calif., service and the route begins at Casanova. This route is proposed for realinement from Front Royal to Henderson rather than Casanova to Henderson in order to coincide with Washington terminal flows. J974R currently crosses J981R (used for Los Angeles to Washington service) at Torreon, N. Mex. In order to eliminate this crossing, it is proposed to realine J974R so as to remain north of and laterally separated from J981R. This would require renumbering parts of the existing J981R as J974R and vice versa. In addition, some new segments are proposed to provide route continuity.

J981R is established for Los Angeles to Washington service and currently crosses J974R (used for Washington to Los Angeles service) at Torreon, N. Mex. In order to eliminate this crossing, it is proposed herein to realine J981R so as to remain south of and laterally separated from J974R. The existing initial segment of J981R between Seal Beach, Calif., and Parker, Calif., would be revoked since it is not used for en route traffic. The eastern end of the route would terminate at Diana, W. Va., rather than at Front Royal, Va., so as to properly coincide with Washington terminal flows.

J982R is established for Los Angeles to Kansas City service. Its current alinement conflicts with the proposed westbound traffic flow between Wichita, Kans., and Springer, N. Mex. The proposed realinement would make the route compatible with established and proposed traffic flows east of Los Angeles.

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348(a)) and section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Washington, D.C., on March 21, 1973.

H. B. HELSTROM,
Chief, Airspace and Air Traffic Rules Division.

[FR Doc.73-5830 Filed 3-27-73;8:45 am]

[14 CFR Parts 121, 127, 135]

[Docket No. 12650; Notice No. 73-10]

SUPPLEMENTAL AIR CARRIERS, SCHEDULED AIR CARRIERS WITH HELICOPTERS, AND CERTAIN AIR TAXI OPERATIONS

Use of Certificated Land Airports

The Federal Aviation Administration is considering amending Parts 121, 127, and 135 of the Federal Aviation Regulations to require supplemental air carriers, scheduled air carriers with heli-

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copters that hold certificates of public convenience and necessity issued by the Civil Aeronautics Board, and air taxi operators when conducting operations pursuant to a CAB-approved route substitution agreement with a certificated air carrier to conduct their operations into airports certificated by the FAA under the airport certification and operation rules when amended.

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the regulatory docket or notice number and be submitted in duplicate to: Federal Aviation Administration, Office of the General Counsel, Attention: Rules Docket, AGC-24, 800 Independence Avenue SW., Washington, DC 20591. All communications received on or before April 17, 1973, will be considered by the Administrator before taking action on the proposed rule. The proposals contained in this notice may be changed in the light of comments received. All comments submitted will be available, both before and after the closing date for comments in the rules docket, for examination by interested persons.

Part 139, Certification and Operations: Land airports serving CAB-certificated scheduled air carriers operating large aircraft (other than helicopters), was issued on June 12, 1972, as an amendment to the Code of Federal Regulations effective July 21, 1972 (37 FR 12278). That part provides, insofar as is pertinent here, that, after May 20, 1973, no person may operate a land airport regularly serving any scheduled CAB-certificated air carriers operating large aircraft (other than helicopters) into that airport, in any State of the United States, the District of Columbia, or any territory or possession of the United States, without or in violation of an airport operating certificate for that airport, or in violation of the approved airport operations manual for that airport.

Subsequent to the issuance of Part 139, and in accordance with Notice 72-25 published in the FEDERAL REGISTER on September 20, 1972 (37 FR 19380), the FAA is amending Part 121 of the Federal Aviation Regulations by adding a new § 121.590 to Subpart T of Part 121 to require that domestic and flag air carriers that hold certificates of public convenience and necessity issued by the Civil Aeronautics Board and that operate large aircraft (other than helicopters) conduct their scheduled operations into regular airports certificated by the FAA under Part 139.

In Notice No. 73-6, published in the FEDERAL REGISTER March 12, 1973 (38 FR 6692), the FAA proposed to amend Part 139 of the Federal Aviation regulations to: (1) Broaden the applicability of Part 139 to make it applicable to all airports serving air carriers certificated by the Civl Aeronautics Board; (2) provide for the issuance of airport operating certificates to the airports that would be required by this proposal to comply with Part 139; and (3) provide separately certain certification and operation rules for heliports that are required by the nature of those airports.

Part 139 is currently applicable to land airports regularly serving scheduled air carriers that hold certificates of public convenience and necessity issued by the Civil Aeronautics Board and that operate large aircraft (other than helicopters) into those airports. The preamble to Part 139 stated that further rules would be developed as soon as possible and in such depth as would comply with the legislative mandate of section 612 of the Federal Aviation Act of 1958, as to all other airports serving air carriers certificated by the Civil Aeronautics Board.

The proposed changes in the title of Part 139, as implemented by appropriate changes in the affected sections, would eliminate the original limitations of that part. Airport operating certificates would be required for all airports serving air carriers certificated by the Civil Aeronautics Board. Airports that do not regularly serve CAB-certificated scheduled air carriers operating large aircraft but do provide service to CAB-certificated air carriers include airports that serve: (1) Certificated supplemental air carriers; (2) certificated air carriers operating small aircraft (12,500 pounds or less maximum certificated takeoff weight); (3) certificated air carrier charter operations; (4) operators that conduct operations pursuant to a CAB-approved route substitution agreement with a certificated air carrier; or (5) certificated air carriers operating helicopters.

Accordingly, the FAA considers it appropriate to supplement new § 121.590 with a proposal to extend the requirement for the use of airports certificated under part 139. Consistent with the safety objective of Part 139 and with the proposed changes, this proposal would require, in addition to domestic and flag air carriers already covered by § 121.590, supplemental air carriers governed by Part 121 and scheduled air carriers that are governed by Part 127 to use certificated airports for their operations conducted in any State of the United States, the District of Columbia, or any territory or possession of the United States. Since not only regular airports, but also provisional and fueling airports, serve air carriers that hold certificates of public convenience and necessity issued by the Civil Aeronautics Board, they will be required by Part 139, if amended, to be certificated. Consequently, the amendment proposed herein would require Part 121 supplemental air carriers and Part 127 scheduled air carriers with helicopters, when conducting operations governed by those parts, to operate exclusively at airports and heliports that are certificated under Part 139. In addition, the FAA proposes to extend the requirement for the use of airports certificated under Part 139 to Part 135 air taxi operators but only when they conduct operations pursuant to a CAB-approved route substitution agreement with a certificated air carrier.

It should be noted that Part 121 of the Federal Aviation Regulations requires that under certain prevailing weather conditions an alternate airport alternate to the departure or destination airport) be designated in dispatching an air carrier flight, to be used in the event that weather conditions at the departure or destination airport are below landing minimums. With the improved weather forecasting techniques and radio navigation aids currently available, such airports are very infrequently used, and are therefore not considered as "serving" air carriers. Accordingly, air carriers that would otherwise be required to operate at airports certificated under Part 139 will not be required under this proposal to use certificated airports as alternates.

This amendment is proposed under the authority of sections 313(a), 601, and 604 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, and 1424), and section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

In consideration of the foregoing, it is proposed to amend Parts 121, 127, and 135 of the Federal Aviation Regulations as follows:

1. By amending § 121.590 of Part 121 to read as follows:

§ 121.590 Use of certificated land airports: Domestic, flag, and supplemental air carriers certificated by the CAB including their charter operations and their operations with small aircraft.

Unless otherwise authorized by the Administrator, after May 20, 1973, no domestic, flag, or supplemental air carrier and no pilot being used by them may, in the conduct of operations governed by this part, operate an aircraft into a land airport in any State of the United States, the District of Columbia, or any territory or possession of the United States, unless that airport is certificated under Part 139 of this chapter. However, an air carrier may designate and use as a required alternate airport for departure or destination an airport that is not certificated under Part 139 of this chapter.

2. By adding a new § 127.218 to Subpart N of Part 127 to read as follows:

§ 127.218 Use of certificated heliports: Scheduled helicopter air carriers.

Unless otherwise authorized by the Administrator, after May 20, 1973, no scheduled helicopter air carrier and no pilot being used by it may, in the conduct of operations governed by this part, operate a helicopter into a heliport in any State of the United States, the District of Columbia, or any territory or possession of the United States, unless that heliport is certificated under Part 139 of this chapter.

3. By adding a new § 135.120 to Subpart C of Part 135 to read as follows:

§ 135.120 Use of certificated airports: Operations conducted pursuant to a route substitution agreement.

Unless otherwise authorized by the Administrator after May 20, 1973, no ATCO certificate holder and no pilot being used by it may, in the conduct of operations pursuant to a CAB-approved route substitution agreement with a certificated air carrier, operate an aircraft into a land airport in any State of the United States, the District of Columbia, or any territory or possession of the United States, unless that airport is certificated under Part 139 of this chapter.

However, a certificate holder may designate and use as a required alternate airport one that is not certificated under Part 139 of this chapter.

Issued in Washington, D.C., on March 16, 1973.

C. R. MELUGIN, JR.,
Acting Director,
Flight Standards Service.

[FR Doc.73-5910 Filed 3-27-73;8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

[40 CFR Part 180]

TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

4,6-Dinitro-o-Cresol and Its Sodium Salt; Proposed Interim Tolerance

Dr. C. C. Compton, Interregional Research Project No. 4, State Agricultural Experiment Station, Rutgers University, New Brunswick, N.J. 08903, on behalf of the Agricultural Experiment Stations of California, Idaho, Oregon, Utah, and Washington; the U.S. Department of Agriculture; and the Northwest Horticultural Council submitted a petition (PP 1E1067) proposing establishment of an exemption from the requirement of a tolerance for residues of 4,6-dinitro-o-cresol and its sodium salt as plant regulators in or on the raw agricultural commodity apples from application to apple trees at the blossom stage as a fruit-thinning agent.

This Agency has concluded that an interim tolerance of 0.02 part per million for residues of 4,6-dinitro-o-cresol and its sodium salt in or on apples should be established until processing of the pending petition is completed and action taken thereon.

Based on consideration given the data submitted in the petition and other relevant material, it is concluded that:

1. 4,6-dinitro-o-cresol and its sodium salt are useful for the purpose for which the tolerance is proposed.

2. There is no reasonable expectation of residues in eggs, meat, milk, or poultry, and § 180.6(a)(3) applies.

3. The proposed interim tolerance will protect the public health.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(e), 68 Stat. 514; 21 U.S.C. 346a(e)), the authority transferred to the Administrator of the Environmental Protection Agency (35 FR 15623), and the authority delegated by the Administrator to the Deputy Assistant Administrator for Pesticide Programs (36 FR 9038), it is proposed that § 180.319 be amended by alphabetically inserting a new item in the table as follows:

§ 180.319 Interim tolerances.

Substance	Use	Tolerances in parts per million	Raw agricultural commodity
• • •	• • •	• • •	• • •
4,6-Dinitro-o-cresol and its sodium salt.	Plant regulator	0.02	Apples from application to apple trees at the blossom stage as a fruit-thinning agent.
• • •	• • •	• • •	• • •

Any person who has registered or submitted an application for the registration of an economic poison under the Federal Insecticide, Fungicide, and Rodenticide Act containing any of the ingredients listed herein may request, on or before April 27, 1973, that this proposal be referred to an advisory committee in accordance with section 408(e) of the act.

Interested persons may, on or before April 27, 1973, file with the Hearing Clerk, Environmental Protection Agency, Room 3902A, Fourth and M Streets SW., Waterside Mall, Washington, D.C. 20460, written comments (preferably in quintuplicate) regarding this proposal. Comments may be accompanied by a memorandum or brief in support thereof. All written submissions made pursuant to this proposal will be made available for public inspection at the office of the Hearing Clerk.

Dated: March 22, 1973.

HENRY J. KORP,
Deputy Assistant Administrator
for Pesticide Programs.

[FR Doc.73-5800 Filed 3-27-73;8:45 am]

FEDERAL POWER COMMISSION

[18 CFR Part 2]

[Docket No. R-474]

UTILIZATION AND CONSERVATION OF NATURAL RESOURCES

Natural Gas

MARCH 26, 1973.

This notice, issued pursuant to 5 U.S.C. 553 and sections 4, 5, 7, and 16 of the Natural Gas Act (15 U.S.C. 717c, 717d, 717g), submits for public comment a proposed new section of our regulations (18 CFR 2.78(c)) that will define certain terms used by the Commission in orders issued in its Statement of Policy in Docket No. R-469 and in its Notice of Proposed Policy Statement in Docket No. R-467 (18 CFR 2.78 (a) and (b)) and its notice of proposed rulemaking in Docket No. R-468. These definitions are intended to standardize end use classifications and service priorities and thereby aid the industry in meeting its responsibilities to serve the public's needs during a critical nationwide gas supply shortage, and also to assist the Commission in discharging its regulatory responsibility to effectuate curtailment plans in a uniform, nondiscriminatory manner. In enunciating these definitions, we believe that the uniformity obtained will enhance the attainment of those goals.

In reaching the proposed definitions, the following considerations and objectives were involved:

Residential. In defining this category of service the primary consideration involves separating gas usage within a household unit from the central type of facilities associated with an apartment development. A problem may arise when considering multiunit complexes wherein service is rendered through a single meter. Such service may include the requirements of a central heating and air conditioning facility or individual types of uses such as gas stoves or separate space heating units. In this situation that portion of the requirement that is utilized on an individual dwelling unit basis should be considered as a residential service and that portion utilized within a central facility considered as a commercial use.

Commercial. This category is composed of those consumers whose primary function is the sale of goods or services either wholesale or retail and who purchase gas for their own use. Institutions such as hospitals, schools, etc., either public or private and Federal, State, and local government facilities would also fit within this category as providing a service. However, government facilities such as arsenals or publicly owned electric power generating facilities may provide several categocies of service within the confines of the installation such as that to base housing, post exchanges and commissaries, offices, and steam or electric power generation. In this situation, the purchaser, although not actually involved in the resale of natural gas, does

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perform a service similar to a distributor and, therefore, should report requirements on the same basis. Volumes should be segregated as to actual use within the facilities where possible.

Industrial. Aside from the usual industrial type of service (such as mining, manufacturing, prefabrication, and assembly) electric power generation for sale or distribution and agricultural utilization should also be considered within this category. There may be industrial customers that serve, within their industrial complex, residential and commercial facilities not specifically related to the plant operation such as company towns. These requirements should be treated similar to those uses within a defense installation and classified within each applicable category of end use.

Firm and interruptible service. The differentiation between firm and interruptible service centers primarily around the seller's obligation to deliver a specific volume of gas within a definite time frame. Another consideration would be whether or not the contract in question anticipated interruption on a regular basis or required installation of alternate fuel capability. A contract that provides for service subordinate to the maintenance of a higher priority of service on an emergency basis only would be considered as firm. Service provided at seller's option or on an "when, as, and if available" basis would be considered interruptible.

Plant protection. Plant protection volumes should be defined as the minimum gas requirements needed to protect equipment from physical harm or to prevent danger to human safety. It may include gas needed to protect materials in process but should not be construed to include deliveries to maintain plant production on a "business as usual" basis.

Feedstock gas. Feedstock gas is defined as gas used for its chemical properties in creating an end product rather than being utilized as a fuel.

Process gas. Process gas should be very narrowly defined and limited to those applications of natural gas as a fuel for which there is no technically feasible alternative. It appears that consideration of a broader definition would involve complicated economic judgments which may be beyond the scope of the objective to classify markets by end use.

Boiler fuel. The basic concept of boiler fuel is the use of gas as a fuel to raise steam. However, it appears necessary to include within this category industrial use of gas for turbine generation of electricity where the existence of the turbine unit could subvert a curtailment plan by diverting gas that would normally have been utilized in a boiler for the same ultimate purpose.

Alternate fuel capabilities. In order to provide a maximum incentive for natural gas consumers to install alternate facilities where possible, this term should be defined as a situation where an alternate fuel could have been utilized whether or not the facilities for such use have actually been installed. If such definition were to include only existing facilities, installed and operative, the consumer, with the foresight to do so, would be penalized and those without would be inclined to delay such installation.

Accordingly, it is proposed that, in considering curtailment and certificate matters coming within the context of Docket Nos. R-467, R-468 and R-469, certain terms used in § 2.78 (a) and (b) of our general policy and interpretations (18 CFR § 2.78 (a) and (b)) will be uniformly defined. To accomplish that end, we propose to amend our regulations under authority granted the Federal Power Commission by the Natural Gas Act, as amended, particularly sections 4, 5, 7, and 16 (52 Stat. 822, 824, 825; 56 Stat. 83, 84; 61 Stat. 459; 76 Stat. 72; 15 U.S.C. 717c, 717d, 717f), to include a new section 2.78(c) that will read as follows:

§ 2.78 Utilization and conservation of natural resources—natural gas.

(c) When used in paragraphs (a) and (b) of this section, the following terms will be defined as follows:

(1) *Residential.* Service to customers which consists of direct natural gas usage in a residential dwelling for space heating, air conditioning, cooking, water heating, and other residential uses.

(2) *Commercial.* Service to customers engaged primarily in the sale of goods or services including institutions and local and Federal government agencies for uses other than those involving manufacturing or electric power generation.

(3) *Industrial.* Service to customers engaged primarily in a process which creates or changes raw or unfinished materials into another form or product including the generation of electric power.

(4) *Firm service.* Service from schedules or contracts under which seller is expressly obligated to deliver specific volumes within a given time period and which anticipates no interruptions, but which may permit unexpected interruption in case the supply to higher priority customers is threatened.

(5) *Interruptible service.* Service from schedules or contracts under which seller is not expressly obligated to deliver specific volumes within a given time period, and which anticipates and permits interruption on short notice, or service under schedules or contracts which expressly or impliedly require installation of alternate fuel capability.

(6) *Plant protection gas.* Is defined as minimum volumes required to prevent physical harm to the plant facilities or danger to plant personnel when such protection cannot be afforded through the use of an alternate fuel. This includes the protection of such material in process as would otherwise be destroyed, but shall not include deliveries required to maintain plant production.

(7) *Feedstock gas.* Is defined as gas used for its chemical properties, of natural gas as a raw material in creating an end product.

(8) *Process gas.* Is defined as gas use for which alternate fuels are not technically feasible such as in applications requiring precise temperature controls and precise flame characteristics.

(9) *Boiler fuel.* Is considered to be natural gas used as a fuel for the generation of steam or electricity, including the utilization of gas turbines for the generation of electricity.

(10) *Alternate fuel capabilities.* Is defined as a situation where an alternate fuel could have been utilized whether or not the facilities for such use have actually been installed.

Any interested persons may submit to the Federal Power Commission, Washington, D.C. 20426, not later than April 12, 1973, data, views, comments, or suggestions, in writing, concerning all or part of the amendment proposed herein. An original and 14 conformed copies should be filed with the Secretary of the Commission. Written submittals will be placed in the Commission's public files and will be available for public inspection at the Commission's Office of Public Information, Washington, D.C., during regular business hours. Submittals to the Commission should indicate the name, title, mailing address, and telephone number of the person to whom communications concerning the proposal should be addressed, and whether the person filing requests a conference with the staff of the Federal Power Commission to discuss the proposed amendment. The staff, in its discretion, may grant or deny requests for a conference. The Commission will consider all written submittals before acting on the proposed amendment herein.

The Secretary shall cause prompt publication of this notice to be made in the FEDERAL REGISTER.

By direction of the Commission.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-5989 Filed 3-27-73;8:45 am]

Notices

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF STATE

[Public Notice CM-18]

RECOGNITION AND ENFORCEMENT OF FOREIGN JUDGMENTS STUDY GROUP

Notice of Meeting

A meeting of the Recognition and Enforcement of Foreign Judgments Study Group, a subgroup of the Secretary of State's Advisory Committee on Private International Law, will take place on Monday, April 2, 1973, in room 231, Langdell Hall West, Harvard Law School, Cambridge, Mass. The meeting, which will begin at 10:30 a.m., will be open to the public.

The primary purpose of the meeting is to study the question of recognition and enforcement of foreign judgments, with particular emphasis on identifying the problems that should be resolved in bilateral treaties that the United States plans to negotiate on the subject in the near future.

Members of the public who desire to attend the meeting will be admitted up to the limits of the capacity of the meeting room.

ROBERT E. DALTON,
Executive Director.

MARCH 23, 1973.

[FR Doc.73-5868 Filed 3-27-73;8:45 am]

[Public Notice CM-19]

STUDY GROUP ON MARITIME BILLS OF LADING

Notice of Meeting

A meeting of the Maritime Bills of Lading Study Group, a subgroup of the Secretary of State's Advisory Committee on Private International Law, will take place on Wednesday, April 11, 1973, in room 5519 of the Department of State. The meeting, which will begin at 10 a.m., will be open to the public.

The primary purposes of the meeting are to consider a report on the work of the fourth and fifth sessions of the working group on this subject established by the United Nations Commission on International Trade Law (UNCITRAL) and to study issues and make recommendations on questions to be taken up at the next meeting of the working group.

Members of the general public who desire to attend the meeting will be admitted up to the limits of the capacity of the meeting room. Entrance to the Department of State building is controlled and entry will be facilitated if arrangements are made in advance of the meeting. Accordingly, members of the general public who plan to attend the meeting are requested to inform the Chairman of the Advisory Committee of their names and addresses prior to April 11. The mailing address of the Chairman is Office of the Legal Adviser, Department of State; the telephone number is area code 202—632-8134. All non-Government attendees at the meeting should use the C Street entrance to the building.

ROBERT E. DALTON,
Executive Director.

MARCH 14, 1973.

[FR Doc.73-5869 Filed 3-27-73;8:45 am]

DEPARTMENT OF THE TREASURY

Bureau of Alcohol, Tobacco and Firearms

NOTICE OF GRANTING OF RELIEF

Notice is hereby given that pursuant to 18 U.S.C. 925(c) the following named persons have been granted relief from disabilities imposed by Federal laws with respect to the acquisition, transfer, receipt, shipment, or possession of firearms incurred by reason of their convictions of crimes punishable by imprisonment for a term exceeding 1 year.

It has been established to my satisfaction that the circumstances regarding the convictions and each applicant's record and reputation are such that the applicant will not be likely to act in a manner dangerous to public safety, and that the granting of the relief will not be contrary to the public interest.

Amos, Charles G., 3795 West Outer Drive, Detroit, MI, convicted on December 12, 1949, by a General Court-martial convened at Osaka, Honshu, Japan, and on April 13, 1956, in the Recorders Court for the city of Detroit, Mich.

Beetem, Denver L., Sr., 142 A Street, Lincoln, NE, convicted on March 27, 1970, in the District Court, Third Judicial District of Nebraska for Lancaster County.

Bell, Bennie Franklin, Jr., Route 1, Box 242, Rogers Lane, Austin, TX., convicted on April 14, 1960, in the Criminal District Court, Travis County, Tex.

Bell, Wayne F., 17421 Spanaway Lane East, Spanaway, WA, convicted on May 20, 1959, in the Superior Court of the State of California in and for the county of San Diego, and January 25, 1960, in the Superior Court of the State of Washington in and for Pierce County.

Davenport, Richard L., 3017 South 17th Street, Apartment No. 3, Lincoln, NE, convicted on January 12, 1965, in the District Court of Cherry County, Nebr.

Edgington, Robert W., 920 Frazier Street, Des Moines, IA, convicted on July 15, 1946, and September 21, 1954, in Polk County District Court, Des Moines, Iowa, and on January 14, 1949, in Lee County District Court, Keokuk, Iowa.

Frederick, Donald Wayne, 408-12th Street West, Birmingham, AL, convicted on or about June 6, 1968, before a general court-martial convened at Fort Gordon, Ga., and on January 14, 1969, by the Jefferson County Court, Jefferson County, Ala.

Gilbert, Jack B., Durham, N.C., convicted on or about March 25, 1964, in the U.S. District Court for the Middle District of North Carolina.

Hamilton, Henry, 1513 32d Avenue South, Seattle, WA, convicted on May 19, 1947, in the District Court, 25th Judicial District, Guadalupe County, Tex., and on September 24, 1947, in the District Court in and for the county of Hays, Tex.

Hilliker, Thomas P., Route No. 1, 466 North Coleman Road, Shepherd, MI, convicted on January 16, 1958, in the Circuit Court for the county of Iosco, Tawas City, Mich.

Hubbard, Jerome L., 42 Willow Lane, Mount Vernon, WA, convicted on August 28, 1962, in the District Court, 4th Judicial District, Sheridan, Wyo., and on January 24, 1966, in the Circuit Court of the State of Oregon, county of Multnomah, and on September 28, 1966, in the Superior Court of the State of Washington, county of Spokane.

Jones, Emmett, 6526 Sterling Street, Detroit, MI, convicted on May 20, 1936, in the Court of Quarter Sessions of the Peace for the County of Allegheny, Pa., and in the Court of Oyer and Terminer and General Jail Delivery for the County of Allegheny, Pa., and on October 22, 1948, in the Court of Quarter Sessions, of the Peace for the County of Allegheny, Pa., and on July 19, 1956, in the Justice Court for Wayne County, Mich.

Kiddy, Lester Raymond, 8101 Oakridge Drive SW., Tacoma, WA, convicted on April 20, 1965, in the Superior Court for the State of Washington in and for Spokane County.

Maranville, Jackie A., Walnut Cove, N.C., convicted on May 5, 1970, in the U.S. District Court for the Middle District of North Carolina.

Melloway, Carl L., 1115 Hikam Street, Boonville, MO, convicted on December 10, 1962, in the Circuit Court of Boone County, Mo.

Numrick, John E., 921 Indiana Avenue, Springfield, IL, convicted on October 21, 1935, in the U.S. District Court, District of Wyoming.

Patterson, Gerald F., 412 East Sheridan Road, Lansing, MI, convicted on March 29, 1930, January 16, 1933, and on April 5, 1944, in the Circuit Court for the county of Ingham.

Rakes, Frank W., Route 3, Box 174, Ferrum, VA, convicted on November 9, 1964, in the U.S. District Court, Western District, Va.

Richards, Johnny F., 308 West Dunklin, Jefferson City, MO, convicted on August 15, 1969, in the U.S. District Court, Southern District, Iowa.

Sawicki, William V., 2373 Neibel Street, Hamtramck, MI, convicted on February 25, 1939, in the U.S. District Court, Eastern District of Michigan, Detroit, Mich.

Spadaro, Frank, 340 East 66th Street, New York, NY, convicted on or about November 19, 1956, by the Kings County Court, Kings County, N.Y.

Springstead, Richard Allen, 1825 Beach Avenue NE, Salem, OR, convicted on April 26, 1955, in the Circuit Court of the State of Oregon for the county of Lane, and on March 24, 1958, in the Circuit Court of the State of Oregon for the county of Marion,

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and on April 23, 1963, in the Superior Court of the State of California in and for the county of Santa Barbara.

Sprinkel, Ferre La Faun, Post Office Box 652, Kent, WA, convicted on October 10, 1950, in the Superior Court of the State of Washington for Spokane County, and on August 26, 1953, in the U.S. District Court for the Western District of Pennsylvania, and February 1, 1955, in the Circuit Court of the State of Oregon for the county of Multnomah, and on June 13, 1957, in the Superior Court of the State of California in and for the county of Kern, and on October 13, 1959, in the Superior Court of the State of California in and for the county of San Joaquin.

Thompkins, James E., 700 Judson Street, Apartment C, Evansville, IN, convicted on August 8, 1946, in Vanderburgh Circuit Court, Evansville, Ind.

Walker, Dale E., 4400A Gibson Avenue, St. Louis, MO, convicted on March 19, 1962, in the Circuit Court for Franklin County, Mo.

Yohe, Donald L., Rural Delivery No. 2, Mount Joy, PA, convicted on September 22, 1967, in the Cumberland County Court, Carlisle, Pa.

Signed at Washington, D.C., this 21st day of March 1973.

[SEAL] REX D. DAVIS,
Director, Bureau of Alcohol, Tobacco and Firearms.

[FR Doc.73-5848 Filed 3-27-73;8:45 am]

Fiscal Service

[Dept. Circ. 570, 1972 Rev., Supp. No. 17]

COVENANT MUTUAL INSURANCE COMPANY

Surety Company Acceptable on Federal Bonds

A Certificate of Authority as an acceptable surety on Federal bonds has been issued by the Secretary of the Treasury to the following company under sections 6 to 13 of Title 6 of the United States Code. An underwriting limitation of $986,000 has been established for the company.

Name of company, location of principal executive office, and State in which incorporated:

Covenant Mutual Insurance Company
Hartford, Connecticut
Connecticut

Certificates of Authority expire on June 30 each year, unless sooner revoked, and new Certificates are issued on July 1 so long as the companies remain qualified (31 CFR Part 223). A list of qualified companies is published annually as of July 1 in the Department Circular 570, with details as to underwriting limitations, areas in which licensed to transact fidelity and surety business and other information. Copies of the Circular, when issued, may be obtained from the Treasury Department, Bureau of Accounts, Audit Staff, Washington, D.C. 20226.

Dated: March 22, 1973.

[SEAL] JOHN K. CARLOCK,
Fiscal Assistant Secretary.

[FR Doc.73-5849 Filed 3-27-73;8:45 am]

Internal Revenue Service

[Order No. 83 (Rev. 4)]

DIRECTOR OF INTERNATIONAL OPERATIONS ET AL.

Authority To Permit Inspection of Certain Returns and Related Documents

Pursuant to authority vested in the Commissioner of Internal Revenue by 26 CFR 301.6103(a)-1, authority is delegated as follows:

1. District Directors, the Director of International Operations, Service Center Directors, and the Chief, Disclosure Staff, are authorized to permit inspection of returns in their custody by any applicant eligible therefor in accordance with paragraph (c) of § 301.6103(a)-1, including any applicant with respect to whom inspection is made discretionary with the Secretary or the Commissioner or the delegate of either, provided such applicant meets the requirements embodied by such paragraph. The authority delegated in this paragraph of this order is limited to returns as filed by or on behalf of the taxpayer, including any schedules, lists and other written statements which have been filed with the Internal Revenue Service by or on behalf of the taxpayer or which have previously been furnished by the Service to the taxpayer.

2. District Directors, the Director of International Operations, Service Center Directors, and the Chief, Disclosure Staff, are authorized to furnish returns, or copies thereof, without written application, to United States Attorneys and attorneys of the Department of Justice, in accordance with paragraph (h) of § 301.6103 (a)-1, for official use in proceedings before a U.S. grand jury or in litigation in any court provided such use pertains to the prosecution of claims and demands by, and offenses against, the United States, or the defense of claims and demands against the United States, or officers and employees thereof, in cases arising under the internal revenue laws or related statutes which were referred by the Department of Treasury to the Department of Justice for such prosecution or defense.

3. The Assistant Commissioner (Compliance) and the Chief, Disclosure Staff, are authorized to act on all other requests not covered in paragraph 2 above, from U.S. attorneys and attorneys of the Department of Justice for inspection and copies of returns, in accordance with paragraphs (g) and (h) of § 301.6103 (a)-1.

4. The authority delegated in paragraphs 1 and 2 may be redelegated, but not lower than to Division Chiefs. The authority delegated in paragraph 3 may not be redelegated.

5. This Order supersedes Delegation Order No. 83 (Rev. 3), issued February 28, 1972.

[SEAL] JOHNNIE M. WALTERS,
Commissioner of Internal Revenue.

[FR Doc.73-5945 Filed 3-27-73;8:45 am]

Office of the Secretary

GERMANIUM POINT CONTACT DIODES FROM JAPAN

Withholding of Appraisement Notice

Information was received on August 21, 1972, that germanium point contact diodes from Japan are being sold at less than fair value within the meaning of the Antidumping Act, 1921, as amended (19 U.S.C. 160 et seq.) (referred to in this notice as "the Act"). This information was the subject of an "Antidumping Proceeding Notice" which was published in the FEDERAL REGISTER of September 23, 1972, on page 20047. The "Antidumping Proceeding Notice" indicated that there was evidence on record concerning injury to or likelihood of injury to or prevention of establishment of an industry in the United States.

Pursuant to section 201(b) of the Act (19 U.S.C. 160(b)), notice is hereby given that there are reasonable grounds to believe or suspect that the purchase price (section 203 of the Act; 19 U.S.C. 162) of germanium point contact diodes from Japan is less, or is likely to be less, than the foreign market value (section 205 of the Act; 19 U.S.C. 164).

Statement of reasons. The information currently before the Bureau of Customs tends to indicate that the probable basis of comparison for fair value purposes will be between purchase price and the adjusted home market price of such or similar merchandise.

Preliminary analysis suggests that purchase price will probably be calculated by deducting included inland freight and shipping charges from the f.o.b. or f.o.r. export price, as appropriate.

Adjusted home market price will probably be based on the weighted-average delivered price with a deduction for inland freight. Adjustments will probably be made for differences in packing costs.

Using the above criteria, there are reasonable grounds to believe or suspect that purchase price will be lower than the adjusted home market price.

Customs officers are being directed to withhold appraisement of germanium point contact diodes from Japan in accordance with § 153.48, Customs Regulations (19 CFR 153.48).

Germanium point contact diodes produced by Tokyo Shibaura Electric Co., Ltd. (Toshiba), of Tokyo, Japan, are excluded from this withholding of appraisement since 100 percent of its export sales during the period under consideration were examined and the home market price of Toshiba's merchandise was found to be lower than the purchase price of identical merchandise in every instance.

In accordance with §§ 153.32(b) and 153.37, Customs Regulations (19 CFR 153.32(b), 153.37), interested persons may present written views or arguments, or request in writing that the Secretary of the Treasury afford an opportunity to present oral views.

Any requests that the Secretary of the Treasury afford an opportunity to present oral views should be addressed to the Commissioner of Customs, 2100 K Street NW., Washington, DC 20229, in time to be received by his office not later than April 9, 1973. Such requests must be accompanied by a statement outlining the issues wished to be discussed.

This notice, which is published pursuant to § 153.34(b), Customs Regulations (19 CFR 153.34(b)), shall become effective on March 28, 1973. It shall cease to be effective on September 28, 1973, unless previously revoked.

[SEAL] EDWARD L. MORGAN,
Assistant Secretary of the Treasury.

MARCH 23, 1973.

[FR Doc.73-6022 Filed 3-27-73;8:45 am]

DEPARTMENT OF DEFENSE

Department of the Army

U.S. ARMY BALLISTIC RESEARCH LABORATORIES SCIENTIFIC ADVISORY COMMITTEE

Notice of Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act, notice is hereby given of the April 19, 1973, meeting of the U.S. Army Ballistic Research Laboratories, Scientific Advisory Committee in Building 330, Aberdeen Proving Ground, Md. The purpose of the meeting is to receive comments from the Committee regarding research and development projects presented at the Spring Quarterly Technical Review of the laboratory program.

This meeting will not be open to the public.

R. J. EICHELBERGER,
Director.

[FR Doc.73-5816 Filed 3-27-73;8:45 am]

Office of the Secretary

DEFENSE INDUSTRY ADVISORY GROUP IN EUROPE

Notice of Closed Meeting

The Defense Industry Advisory Group in Europe (DIAGE) will hold a closed meeting on April 12, 1973, in the U.S. Mission to the North Atlantic Treaty Organization, Brussels, Belgium.

The agenda topics will be trends in the defense budgets of Alliance nations, status of NATO projects, and discussion of activities of U.S. defense industry firms in Europe.

Any person desiring information about the advisory group may telephone Brussels 41.44.00, Extension 5722, or write the Executive Secretary, Defense Industry Advisory Group, USNATO, Headquarters NATO, 1110 Brussels, Belgium.

MAURICE W. ROCHE,
Director, Correspondence & Directives Division, Office of the Assistant Secretary of Defense (Comptroller).

[FR Doc.73-5918 Filed 3-27-73;8:45 am]

DOD WAGE COMMITTEE

Notice of Closed Meetings

Pursuant to the provisions of section 10 of Public Law 92-463, effective January 5, 1973, notice is hereby given that meetings of the Department of Defense Wage Committee will be held on:

Tuesday, April 3, 1973.
Tuesday, April 10, 1973.
Tuesday, April 17, 1973.
Tuesday, April 24, 1973.

These meetings will convene at 9:30 a.m. and will be held in room 1E-801, the Pentagon, Washington, D.C.

The Committee's primary responsibility is to consider and make recommendations to the Assistant Secretary of Defense (Manpower and Reserve Affairs) on all matters involved in the development and authorization of wage schedules for Federal prevailing rate employees paid from appropriated funds pursuant to Public Law 92-392.

At these scheduled meetings, the Committee will consider wage survey specifications, wage survey data, local reports and recommendations, statistical analyses and proposed pay schedules derived therefrom.

Under the provisions of section 10(d) of Public Law 92-463 and 5 U.S.C. 552(b)(2) and (4), the Assistant Secretary of Defense (Manpower and Reserve Affairs) has determined that these meetings will be closed to the public.

However, members of the public who may wish to do so, are invited to submit material in writing to the Chairman concerning matters felt to be deserving of the Committee's attention. Additional information concerning these meetings may be obtained by contacting the Chairman, Department of Defense Wage Committee, room 3D-281, the Pentagon, Washington, D.C.

MAURICE W. ROCHE,
Director, Correspondence and Directives Division, OASD (Comptroller).

[FR Doc.73-5919 Filed 3-27-73;8:45 am]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Group 718]

NEW MEXICO

Notice of Filing of Plat of Survey and Resurvey; Correction

MARCH 13, 1973.

In FR Doc. 73-3153 appearing on page 4682 of the FEDERAL REGISTER issue of Tuesday, February 20, 1973 (38 FR 4682), the following corrections should be made:

In T. 18 S., R. 10 E., change "Sec. 16, NE¼, E½E½SE¼" to "Sec. 16, E½."

Change total area to 320 acres.

In paragraph 2, fourth sentence, following the word "purchase" add "a portion of" * * *

FRED E. PADILLA,
Acting Chief, Division of Technical Services.

[FR Doc.73-5821 Filed 3-27-73;8:45 am]

EUGENE DISTRICT ADVISORY BOARD

Notice of Meeting

Notice is hereby given that the Eugene District Advisory Board will meet on March 29, 1973, commencing at 1 p.m., in the Eugene District Office, Bureau of Land Management, 1255 Pearl Street, Eugene, OR. The agenda for the meeting includes election of chairman and vice-chairman, consideration of the Eugene District's proposed timber sale plan for fiscal year 1974, progress in reforestation during fiscal year 1973, and public involvement in developing recreation management plans for the McKenzie River area.

The meeting will be open to the public. It is to be held in a room accommodating 50 people. In addition to discussion of agenda topics by board members, there will be time for brief statements by nonmembers. Persons wishing to make oral statements should so advise the chairman or cochairman prior to the meeting, to aid in scheduling the time available. Any interested person may file a written statement for consideration by the board by sending it to the chairman, in care of the cochairman: Eugene District Manager, Post Office Box 392, Eugene, OR 97401.

JOSEPH C. DOSE,
Eugene District Manager.

MARCH 7, 1973.

[FR Doc.73-5843 Filed 3-27-73;8:45 am]

Office of the Secretary

[INT DES 73-16]

PROPOSED WILDERNESS DESIGNATION FOR GLACIER BAY NATIONAL MONUMENT, ALASKA

Notice of Availability of Draft Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Department of the Interior has prepared a draft environmental statement for the proposed wilderness designation for Glacier Bay National Monument, Alaska, and invites written comment on or before May 14, 1973. Written comments should be addressed to the Director, Pacific Northwest Region, or the Superintendent, Glacier Bay National Monument at the addresses given below.

The draft environmental statement considers the designation of 2,052,700 acres in Glacier Bay National Monument as wilderness.

Copies are available from or for inspection at the following locations:

Pacific Northwest Region, National Park Service, 523 Fourth and Pike Building, Seattle, Wash. 98101.

Superintendent, Glacier Bay National Monument, Gustavus, Alaska 99826.

Dated: March 22, 1973.

W. W. LYONS,
Deputy Assistant Secretary of the Interior.

[FR Doc.73-5824 Filed 3-27-73;8:45 am]

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DEPARTMENT OF AGRICULTURE

Forest Service

DESCHUTES NATIONAL FOREST MULTIPLE-USE ADVISORY COMMITTEE

Notice of Meeting

The Deschutes National Forest Advisory Council will meet on April 12, 1973, 8 p.m., at Tony's Country Inn.

The purpose of this meeting is to present and obtain comment on the Metolius and Cache Mountain Land Resource Planning effort.

The meeting will be open to the public.

EARL E. NICHOLS,
Forest Supervisor.

MARCH 20, 1973.

[FR Doc.73-5818 Filed 3-27-73;8:45 am]

FLATHEAD NATIONAL FOREST MULTIPLE-USE ADVISORY COMMITTEE

Notice of Meeting

The Flathead National Forest Advisory Committee will meet at 7:30 p.m., April 11, 1973, at the Forest Supervisor's Office, 290 North Main, Kalispell, MT.

The purpose of this meeting is to discuss Flathead National Forest policies on Cooperative Agreements and Special Use Permits.

The meeting will be open to the public. Persons who wish to attend should notify Mrs. Marge Williams, Kalispell, 752-3401. Written statements may be filed with the committee before or after the meeting. The committee has established the following rules for public participation: public participation will be limited to the last half hour of meeting.

Dated: March 15, 1973.

E. L. CORPE,
Forest Supervisor.

[FR Doc.73-5817 Filed 3-27-73;8:45 am]

SALMON RIVER BREAKS PRIMITIVE AREA PUBLIC ADVISORY COMMITTEE

Notice of Meeting

The Salmon River Breaks Primitive Area Public Advisory Committee will meet on Friday, April 27, 1973, at 9 a.m., at the Holiday Inn, Missoula, Mont. The purpose of the meeting will be to present the results of the public reaction to the management alternatives for the primitive area and to obtain committee advice on a management proposal.

The meeting will be open to the public. Persons who wish to attend should notify Ray D. Hunter, Bitterroot National Forest, 316 North Third Street, Hamilton, MT 59840, telephone: 406—363-3131.

Written statements may be filed with the committee until 12 noon on April 27, 1973. Discussion and debate between the public and the committee is not within the scope of the meeting.

Dated: March 20, 1973.

ORVILLE L. DANIELS,
Forest Supervisor,
Bitterroot National Forest.

[FR Doc.73-5842 Filed 3-27-73;8:45 am]

Soil Conservation Service

GEORGETOWN CREEK WATERSHED PROJECT, IDAHO

Notice of Availability of Final Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Soil Conservation Service, U.S. Department of Agriculture, has prepared a final environmental statement for the Georgetown Creek Watershed Project, Bear Lake County, Idaho, USDA-SCS-ES-WS-(ADM)-73-3(F).

The environmental statement concerns a plan for watershed protection, flood prevention, and irrigation. The planned works of improvement include conservation land treatment supplemented by 8,500 feet of channel alteration and conversion from a surface to a pressure distribution irrigation system for 3,500 acres of cropland.

The final environmental statement was transmitted to CEQ on March 6, 1973.

Copies are available for inspection during regular working hours at the following locations:

Soil Conservation Service, USDA, South Agriculture Building, Room 5227, 14th and Independence Avenue SW., Washington, DC 20250.

Soil Conservation Service, USDA, Room 345, 304 North Eighth Street, Boise, ID 83702.

Copies are also available from the National Technical Information Service, U.S. Department of Commerce, Springfield, Va. 22151. Please order by name and number of statement. The estimated cost is $5.50.

Copies of the environmental statement have been sent to various Federal, State, and local agencies as outlined in the Council on Environmental Quality Guidelines.

WILLIAM B. DAVEY,
Deputy Administrator for Watersheds, Soil Conservation Service.

MARCH 23, 1973.

[FR Doc.73-5936 Filed 3-27-73;8:45 am]

INDIAN CREEK WATERSHED PROJECT, VA.

Notice of Availability of Draft Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Soil Conservation Service, U.S. Department of Agriculture, has prepared a draft environmental statement for the Indian Creek Watershed Project, city of Chesapeake, Va., USDA-SCS-ES-WS-(ADM)-73-35(D).

The environmental statement concerns a plan for watershed protection, flood prevention, and drainage. The planned works of improvement include conservation land treatment, supplemented by about 2.25 miles of channel modification.

Copies are available during regular working hours at the following locations:

Soil Conservation Service, USDA, South Agriculture Building, Room 5227, 14th and Independence Avenue SW., Washington, DC 20250.

Soil Conservation Service, USDA, Room 9201, Federal Building, 400 North Eighth Street, Richmond, VA 23240.

Copies are also available from the National Technical Information Service, U.S. Department of Commerce, Springfield, Va. 22151. Please use name and number of statement above when ordering. The estimated cost is $3.

Copies of the draft environmental statement have been sent for comment to various Federal, State, and local agencies as outlined in the Council on Environmental Quality Guidelines. Comments are also invited from others having knowledge of or special expertise on environmental impacts.

Comments concerning the proposed action or requests for additional information should be addressed to David N. Grimwood, State Conservationist, Soil Conservation Service, 400 North Eighth Street, Post Office Box 10026, Federal Building, Richmond, VA 23240.

Comments must be received on or before May 21, 1973, in order to be considered in the final environmental statement.

WILLIAM B. DAVEY,
Deputy Administrator for Watersheds, Soil Conservation Service.

MARCH 23, 1973.

[FR Doc. 73-5935 Filed 3-27-73;8:45 am]

OIL CREEK WATERSHED PROJECT, PENNSYLVANIA

Notice of Availability of Draft Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Soil Conservation Service, U.S. Department of Agriculture, has prepared a draft environmental statement for the Oil Creek Watershed Project, Crawford, Erie, Venango, and Warren Counties, Pa., USDA-SCS-ES-WS-(ADM)-73-36(D).

The environmental statement concerns a plan for watershed protection and flood prevention. The planned works of improvement include conservation land treatment and six single purpose dams to provide flood prevention.

This draft environmental statement was transmitted to CEQ on March 12, 1973.

Copies are available during regular working hours at the following locations:

Soil Conservation Service, USDA, South Agriculture Building, Room 5227, 14th and Independence Avenue SW., Washington, DC 20250.

Soil Conservation Service, USDA, Room 820, Federal Building, 228 Walnut Street, Harrisburg, Pa. 17108.

Copies are also available from the National Technical Information Service, U.S. Department of Commerce, Springfield, Va. 22151. Please use name and number of statement above when ordering. The estimated cost is $4.25.

Copies of the draft environmental statement have been sent for comment to various Federal, State, and local agencies as outlined in the Council on Environmental Quality Guidelines. Comments are also invited from others having knowledge of or special expertise on environmental impacts.

Comments concerning the proposed action or requests for additional information should be addressed to Benny Martin, State Conservationist, Soil Conservation Service, Box 985 Federal Square Station, Harrisburg, PA 17108.

Comments must be received within 60 days of the date the statement was transmitted to CEQ in order to be considered in the preparation of the final environmental statement.

WILLIAM B. DAVEY,
Deputy Administrator for Watersheds, Soil Conservation Service.

MARCH 23, 1973.

[FR Doc.73-5934 Filed 3-27-73;8:45 am]

DEPARTMENT OF COMMERCE

Bureau of East-West Trade

[Case No. 346]

ERWIN TAUTNER

Order Conditionally Restoring Export Privileges

By order effective August 31, 1965 (30 FR 11180), the above-named respondent (Erwin Tautner; Gruenbach, Austria) and other parties were denied all U.S. export privileges for the duration of export controls.[1] The order included a provision to the effect that 5 years after the date thereof the above respondent might apply for modification of the denial order. The respondent filed such application dated January 12, 1973. The application was referred to the Hearing Commissioner and considered by him. He has reported that it appears from said respondent's representations and otherwise from information in possession of the Compliance Division, Office of Export Control, that conditional restoration of said respondent's export privileges is consistent with the purposes of the export control program. The Hearing Commissioner has recommended that an order be entered conditionally restoring export privileges to said respondent and placing him on probation for 2 years.

The undersigned has considered the record herein and concurs with the Hearing Commissioner that conditional restoration of Erwin Tautner's export privileges and placing him on probation for 2 years is consistent with the purposes of the U.S. Export Administration Act of 1969 as amended and regulations thereunder.

Accordingly, it is hereby ordered, That the export privileges of Erwin Tautner be and hereby are restored conditionally, and the said respondent is placed on probation for 2 years from the date of this order. The conditions of probation are that the said respondent: (1) Shall fully comply with all of the requirements of the Export Administration Act of 1969 as amended and all regulations, licenses, and orders issued thereunder; (2) shall on request of the Office of Export Control, or a representative of the U.S. Government, acting on its behalf, promptly disclose fully the details of his participation in any and all transactions involving U.S. origin commodities or technical data, including information as to the disposition or intended disposition of such commodities or technical data, and on such request shall also furnish all records and documents relating to such matters. Further, on such request, said respondent shall promptly disclose the names and addresses of his partners, agents, representatives, employees, and other persons associated with him in trade or commerce.

Upon a finding by the Director, Office of Export Control, or such other official as may be exercising the duties now exercised by him, that said respondent has failed to comply with any of the conditions of probation, said official, with or without prior notice to said respondent, by supplemental order, may revoke the probation of said respondent and deny to him all export privileges for such period as said official may deem appropriate. Such order shall not preclude the Bureau of East-West Trade from taking further action for any violation as may be warranted.

This order shall become effective forthwith.

Dated: March 21, 1973.

RAUER H. MEYER,
Director, Office of Export Control, Bureau of East-West Trade.

[FR Doc.73-5819 Filed 3-27-73;8:45 am]

[1] The order was issued by the Office of Export Control which was formerly in the Bureau of International Commerce. By departmental orders effective November 17, 1972, the Office of Export Control is now in the Bureau of East-West Trade (37 FR 25535 and 25557).

National Technical Information Service

GOVERNMENT-OWNED INVENTIONS

Notice of Availability for Licensing

The inventions listed below are owned by the U.S. Government and are available for licensing in accordance with the GSA Patent Licensing Regulations.

Copies of patent applications, either paper copy (PC) or microfiche (MF), can be purchased from the National Technical Information Service (NTIS), Springfield, Viriginia 22151, at the prices cited. Requests for copies of patent applications must include the PAT-APPL number and the title. Inquiries and requests for licensing information should be directed to the address cited on the first page of each copy of the patent application.

Paper copies of patents cannot be purchased from NTIS but are available from the Commissioner of Patents, Washington, D.C. 20231, at $0.50 each. Inquiries and requests for licensing information should be directed to the "Assignee" as indicated on the copy of the patent.

DOUGLAS J. CAMPION,
Patent Program Coordinator, National Technical Information Service.

U.S. DEPARTMENT OF THE INTERIOR

Patent application—323557. Production of Niobium and Tantalum. Filed January 15, 1973. PC $3/MF $0.95.

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

Patent application—31175. Programmable Physiological Infusion. Filed December 1, 1972. PC $3/MF $0.95.

Patent application—288857. Hand-Held Photomicroscope. Filed September 13, 1972. PC $3/MF $0.95.

Patent application—305639. Magnetocaloric Pump. Filed November 10, 1972. PC $3/MF $0.95.

Patent application—302681. Explosively welded Scarf Joint. Filed November 1, 1972. PC $3/MF $0.95.

[FR Doc.73-5734 Filed 3-27-73;8:45 am]

Office of Import Programs

ENVIRONMENTAL PROTECTION AGENCY

Notice of Consolidated Decisions on Application for Duty-Free Entry of Scientific Article Correction

In the Notice of Consolidated Decision on Applications for Duty-Free Entry of Scientific Articles appearing at page 1656 in the FEDERAL REGISTER of Wednesday, January 17, 1973, the following docket should be deleted:

Docket Number: 72-00599-33-46595. Applicant: Environmental Protection Agency, Research Division, 12709 Twinbrook Parkway, Room 40-B, Rockville, MD 20852. Article: Pyramitome, Model LKB 11800. Date of denial without prejudice to resubmission: September 25, 1972.

B. BLANKENHEIMER,
Acting Director, Office of Import Programs.

[FR Doc.73-5844 Filed 3-27-73;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

National Institutes of Health

DEVELOPMENTAL RESEARCH WORKING GROUP

Notice of Meeting

Pursuant to Public Law 92-463, notice is hereby given of the meeting of the Developmental Research Working Group, April 6, 1973, 9 a.m., National Institutes of Health, Building 37, Conference Room 1B-16. This meeting will be open to the public from 9-9:30 a.m., April 6, 1973, to discuss general program objectives, administrative matters pertaining to segment operation, and any new information concerning contract procedures, and closed to the public from 9:30 a.m., April 6, 1973, in accordance with the provisions set forth in section 552(b)4 of title 5 U.S. Code, and section 10(d) of Public Law 92-463. Attendance by the public will be limited to space available.

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DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

ADVISORY COMMITTEE ON OPHTHALMIC DRUGS

Notice of Meeting

Pursuant to Public Law 92-463, notice is hereby given of the meeting of the Advisory Committee on Ophthalmic Drugs, April 6, 1973, 9 a.m., Conference Room 5A-06, Building 5, 9000 Rockville Pike, Bethesda, Md.

The purpose of the meeting is to review and evaluate available data concerning the safety and effectiveness of ophthalmic drugs.

The meeting will be open to the public from 9 a.m. to 9:30 a.m., April 6, 1973, to discuss general program objectives, administrative matters pertaining to segment operation, and any new information concerning contract procedures, and closed to the public from 9:30 a.m., April 6, 1973, in accordance with the provisions set forth in section 552(b)4 of title 5 U.S. Code, and section 10(d) of Public Law 92-463. Attendance by the public will be limited to space available.

ADVISORY COMMITTEE ON OPHTHALMIC DRUGS

Notice of Meeting

Pursuant to Public Law 92-463, notice is hereby given of the meeting of the Advisory Committee on Ophthalmic Drugs, April 7, 1973, 9 a.m., Conference Room 5A-06, Building 5, 9000 Rockville Pike, Bethesda, Md.

The purpose of the meeting is to review and evaluate available data concerning the safety and effectiveness of ophthalmic drugs.

The meeting will be open to the public from 9 a.m. to 9:30 a.m., April 7, 1973, to discuss general program objectives, administrative matters pertaining to segment operation, and any new information concerning contract procedures, and closed to the public from 9:30 a.m., April 7, 1973, in accordance with the provisions set forth in section 552(b)4 of title 5 U.S. Code, and section 10(d) of Public Law 92-463. Attendance by the public will be limited to space available.

ADVISORY COMMITTEE ON OPHTHALMIC DRUGS

Notice of Meeting

Pursuant to Public Law 92-463, notice is hereby given of the meeting of the Advisory Committee on Ophthalmic Drugs, April 8, 1973, 9 a.m., Conference Room 5A-06, Building 5, 9000 Rockville Pike, Bethesda, Md.

The purpose of the meeting is to review and evaluate available data concerning the safety and effectiveness of ophthalmic drugs.

The meeting will be open to the public from 9 a.m. to 9:30 a.m., April 8, 1973, to discuss general program objectives, administrative matters pertaining to segment operation, and any new information concerning contract procedures, and closed to the public from 9:30 a.m., April 8, 1973, in accordance with the provisions set forth in section 552(b)4 of title 5 U.S. Code, and section 10(d) of Public Law 92-463. Attendance by the public will be limited to space available.

ADVISORY COMMITTEE ON OPHTHALMIC DRUGS

Notice of Meeting

Pursuant to Public Law 92-463, notice is hereby given of the meeting of the Advisory Committee on Ophthalmic Drugs, April 9, 1973, 9 a.m., Conference Room 5A-06, Building 5, 9000 Rockville Pike, Bethesda, Md.

The purpose of the meeting is to review and evaluate available data concerning the safety and effectiveness of ophthalmic drugs.

The meeting will be open to the public from 9 a.m. to 9:30 a.m., April 9, 1973, to discuss general program objectives, administrative matters pertaining to segment operation, and any new information concerning contract procedures, and closed to the public from 9:30 a.m., April 9, 1973, in accordance with the provisions set forth in section 552(b)4 of title 5 U.S. Code, and section 10(d) of Public Law 92-463. Attendance by the public will be limited to space available.

ADVISORY COMMITTEE ON OPHTHALMIC DRUGS

Notice of Meeting

Pursuant to Public Law 92-463, notice is hereby given of the meeting of the Advisory Committee on Ophthalmic Drugs, April 10, 1973, 9 a.m., Conference Room 5A-06, Building 5, 9000 Rockville Pike, Bethesda, Md.

The purpose of the meeting is to review and evaluate available data concerning the safety and effectiveness of ophthalmic drugs.

The meeting will be open to the public from 9 a.m. to 9:30 a.m., April 10, 1973, to discuss general program objectives, administrative matters pertaining to segment operation, and any new information concerning contract procedures, and closed to the public from 9:30 a.m., April 10, 1973, in accordance with the provisions set forth in section 552(b)4 of title 5 U.S. Code, and section 10(d) of Public Law 92-463. Attendance by the public will be limited to space available.

ADVISORY COMMITTEE ON OPHTHALMIC DRUGS

Notice of Meeting

Pursuant to Public Law 92-463, notice is hereby given of the meeting of the Advisory Committee on Ophthalmic Drugs, April 11, 1973, 9 a.m., Conference Room 5A-06, Building 5, 9000 Rockville Pike, Bethesda, Md.

The purpose of the meeting is to review and evaluate available data concerning the safety and effectiveness of ophthalmic drugs.

The meeting will be open to the public from 9 a.m. to 9:30 a.m., April 11, 1973, to discuss general program objectives, administrative matters pertaining to segment operation, and any new information concerning contract procedures, and closed to the public from 9:30 a.m., April 11, 1973, in accordance with the provisions set forth in section 552(b)4 of title 5 U.S. Code, and section 10(d) of Public Law 92-463. Attendance by the public will be limited to space available.

ADVISORY COMMITTEE ON OPHTHALMIC DRUGS

Notice of Meeting

Pursuant to Public Law 92-463, notice is hereby given of the meeting of the Advisory Committee on Ophthalmic Drugs, April 12, 1973, 9 a.m., Conference Room 5A-06, Building 5, 9000 Rockville Pike, Bethesda, Md.

The purpose of the meeting is to review and evaluate available data concerning the safety and effectiveness of ophthalmic drugs.

The meeting will be open to the public from 9 a.m. to 9:30 a.m., April 12, 1973, to discuss general program objectives, administrative matters pertaining to segment operation, and any new information concerning contract procedures, and closed to the public from 9:30 a.m., April 12, 1973, in accordance with the provisions set forth in section 552(b)4 of title 5 U.S. Code, and section 10(d) of Public Law 92-463. Attendance by the public will be limited to space available.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

ADVISORY COMMITTEE ON OPHTHALMIC DRUGS

Notice of Meeting

Pursuant to Public Law 92-463, notice is hereby given of the meeting of the Advisory Committee on Ophthalmic Drugs, April 13, 1973, 9 a.m., Conference Room 5A-06, Building 5, 9000 Rockville Pike, Bethesda, Md.

The purpose of the meeting is to review and evaluate available data concerning the safety and effectiveness of ophthalmic drugs.

The meeting will be open to the public from 9 a.m. to 9:30 a.m., April 13, 1973, to discuss general program objectives, administrative matters pertaining to segment operation, and any new information concerning contract procedures, and closed to the public from 9:30 a.m., April 13, 1973, in accordance with the provisions set forth in section 552(b)4 of title 5 U.S. Code, and section 10(d) of Public Law 92-463. Attendance by the public will be limited to space available.

ADVISORY COMMITTEE ON OPHTHALMIC DRUGS

Notice of Meeting

Pursuant to Public Law 92-463, notice is hereby given of the meeting of the Advisory Committee on Ophthalmic Drugs, April 14, 1973, 9 a.m., Conference Room 5A-06, Building 5, 9000 Rockville Pike, Bethesda, Md.

The purpose of the meeting is to review and evaluate available data concerning the safety and effectiveness of ophthalmic drugs.

The meeting will be open to the public from 9 a.m. to 9:30 a.m., April 14, 1973, to discuss general program objectives, administrative matters pertaining to segment operation, and any new information concerning contract procedures, and closed to the public from 9:30 a.m., April 14, 1973, in accordance with the provisions set forth in section 552(b)4 of title 5 U.S. Code, and section 10(d) of Public Law 92-463. Attendance by the public will be limited to space available.

ADVISORY COMMITTEE ON OPHTHALMIC DRUGS

Notice of Meeting

Pursuant to Public Law 92-463, notice is hereby given of the meeting of the Advisory Committee on Ophthalmic Drugs, April 15, 1973, 9 a.m., Conference Room 5A-06, Building 5, 9000 Rockville Pike, Bethesda, Md.

The purpose of the meeting is to review and evaluate available data concerning the safety and effectiveness of ophthalmic drugs.

The meeting will be open to the public from 9 a.m. to 9:30 a.m., April 15, 1973, to discuss general program objectives, administrative matters pertaining to segment operation, and any new information concerning contract procedures, and closed to the public from 9:30 a.m., April 15, 1973, in accordance with the provisions set forth in section 552(b)4 of title 5 U.S. Code, and section 10(d) of Public Law 92-463. Attendance by the public will be limited to space available.

ADVISORY COMMITTEE ON OPHTHALMIC DRUGS

Notice of Meeting

Pursuant to Public Law 92-463, notice is hereby given of the meeting of the Advisory Committee on Ophthalmic Drugs, April 16, 1973, 9 a.m., Conference Room 5A-06, Building 5, 9000 Rockville Pike, Bethesda, Md.

The purpose of the meeting is to review and evaluate available data concerning the safety and effectiveness of ophthalmic drugs.

The meeting will be open to the public from 9 a.m. to 9:30 a.m., April 16, 1973, to discuss general program objectives, administrative matters pertaining to segment operation, and any new information concerning contract procedures, and closed to the public from 9:30 a.m., April 16, 1973, in accordance with the provisions set forth in section 552(b)4 of title 5 U.S. Code, and section 10(d) of Public Law 92-463. Attendance by the public will be limited to space available.

Mr. Frank Karel, Associate Director for Public Affairs, NCI, Building 31, Room 10A31, National Institutes of Health, Bethesda, Md. 20014 (301–496–1911) will furnish summaries of the open/closed meeting and roster of committee members.

Dr. Maurice L. Guss, Executive Secretary, Building 37, Room 1B–14, National Institutes of Health, Bethesda, Md. 20014 (301–496–3323) will provide substantive program information.

Dated: March 20, 1973.

ROBERT W. BERLINER,
Acting Deputy Director, National Institutes of Health.

[FR Doc.73–5820 Filed 3–27–73;8:45 am]

MEDICAL SCIENTIST TRAINING COMMITTEE

Notice of Meeting

Pursuant to Public Law 92–463, notice is hereby given of the meeting of the Medical Scientist Training Committee, National Institute of General Medical Sciences, April 20, 1973, 9 a.m., Marlborough-Blenheim Hotel, Atlantic City, N.J. This meeting will be open to the public from 9 a.m. to 11 a.m., April 20, 1973, to discuss administrative details of the committee and closed to the public from 11 a.m. to 5 p.m., April 20, 1973, to review grants in accordance with the provisions set forth in section 552(b)4 of title 5 United States Code for grants and contracts and 10(d) of Public Law 92–463. Attendance by the public will be limited to space available.

Mr. Paul Deming, Information Officer, NIGMS, Building 31, Room 4A46, Bethesda, Md. 20014, telephone: 301–496–5676, will furnish a summary of the meeting and a roster of committee members.

Substantive program information may be obtained from Dr. Leo von Euler, Executive Secretary, Westwood Building, Room 904, telephone: 301–496–7563.

Dated: March 22, 1973.

ROBERT W. BERLINER,
Acting Deputy Director, NIH.

[FR Doc.73–5846 Filed 3–27–73;8:45 am]

Office of the Secretary

OFFICE OF ENVIRONMENTAL AFFAIRS

Statement of Organization, Functions and Delegations of Authority

Part 1 of the Statement of Organization, Functions, and Delegations of Authority of the Department of Health, Education, and Welfare, Office of the Secretary, is amended to reflect the transfer of the Office of Environmental Affairs (38 FR 1135) from the Office of the Assistant Secretary (Community and Field Services) to the Office of the Assistant Secretary for Administration and Management. The amended section reads as follows:

SECTION 1T01006.00 *Organization.* The Director, Office of Environmental Affairs, reports to the Assistant Secretary for Administration and Management.

SEC. 1T01006.10 *Functions.* The Office of Environmental Affairs coordinates environmental activities. In so doing, the Office: Develops departmental policy, procedures, and criteria in implementation of the National Environmental Policy Act of 1969, and recommends the approval of such to the Secretary; coordinates the development of internal procedures and criteria; monitors compliance and approves the issuance of draft and final Environmental Impact Statements and the issuance of official DHEW comments with respect to impact statements submitted for review by other Departments; provides technical assistance to State and local agencies; and maintains liaison with the Council on Environmental Quality and the Environmental Protection Agency.

Dated: March 22, 1973.

S. H. CLARKE,
Acting Assistant Secretary for Administration and Management.

[FR Doc.73–5834 Filed 3–27–73;8:45 am]

Social Security Administration

ADVISORY COMMITTEE ON MEDICARE ADMINISTRATION, CONTRACTING, AND SUBCONTRACTING

Notice of Public Meeting

Notice is hereby given, pursuant to Public Law 92–463, that the Advisory Committee on Medicare Administration, Contracting, and Subcontracting, established pursuant to section 1114(f) of the Social Security Act, as amended, which advises the Secretary of Health, Education, and Welfare on medicare matters, will meet on Monday, April 9, 1973, at 9 a.m., in Room 5169 of the Department of Health, Education, and Welfare North Building, Third and C Streets, Washington, D.C. The meeting is open to the public. The Committee will consider matters relating to administration, contracting, and subcontracting.

Further information on the Committee may be obtained from Mr. Max Perlman, Executive Secretary of the Committee, Room 585, East Building, Social Security Administration, 6401 Security Boulevard, Baltimore, MD 21235, telephone 301–594–9134. Members of the public planning to attend should send written notice of intent to the Executive Secretary.

Dated: March 22, 1973.

MAX PERLMAN,
Executive Secretary, Advisory Committee on Medicare Administration, Contracting, and Subcontracting.

[FR Doc.73–5907 Filed 3–27–73;8:45 am]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Federal Insurance Administration

[Docket No. N–73–145]

NATIONAL INSURANCE DEVELOPMENT PROGRAM

Notice of Offer To Provide Reinsurance Against Excess Aggregate Loss Resulting From Riots or Civil Disorders

The purposes of this notice are:

(1) To publicly offer Federal reinsurance against excess aggregate losses resulting from defined riots or civil disorders to insurers eligible for such reinsurance for the contract year commencing May 1, 1973 and ending April 30, 1974;

(2) To provide the method by which the offer may be accepted; and

(3) To set forth the terms and conditions of the Standard Reinsurance Contract (1973–74).

Since the offer to provide reinsurance and the terms and conditions of the Standard Reinsurance Contract for the May 1, 1973 to April 30, 1974 contract year must appear in time for acceptance by eligible insurers on or before April 30, 1973, this notice of offer to provide insurance against excess aggregate losses resulting from riots or civil disorders is effective March 28, 1973.

The Standard Reinsurance Contract (1973–74) provides for an aggregate basic premium rate of $0.05 per $100 of direct premiums earned on lines reinsured.

Payment of an additional premium will be required if the total amount of all excess aggregate losses paid by the reinsurer under all Standard Reinsurance Contracts issued for the period between May 1, 1973, and April 30, 1974, exceeds the total amount of all aggregate basic premiums under all such contracts.

The maximum amount of the additional premium is four times the insurer's aggregate basic premium.

The additional premium shall be equal to: The amount of the insurer's aggregate basic premium if there is an excess of all paid losses over all aggregate basic premiums; twice that amount if the excess is greater than the total amount of all aggregate basic premiums but does not exceed twice that amount; three times that amount if the excess is greater than twice the amount of all aggregate basic premiums but does not exceed three times that amount; four times that amount, if the excess is greater than three times the total amount of all aggregate basic premiums under all such contracts.

Both the aggregate basic premium and the additional premium, if any, are payable on an advance estimated basis as specified in the contract. Interest shall accrue at 6 percent (6%) per annum on any portion of any amount due the reinsurer which is not paid to the reinsurer within 30 days from its due date.

The offer to provide reinsurance is as follows:

OFFER TO PROVIDE REINSURANCE

Pursuant to the provisions of the Urban Property Protection and Reinsurance Act of 1968, as amended (12 U.S.C. 1749bbb–1749bbb–21), subject to all regulations promulgated thereunder and to the terms and conditions set forth in the Standard Reinsurance Contract (1973–74) as printed below, the Federal Insurance Administrator (hereinafter referred to as the "reinsurer") offers to enter into the Standard Reinsurance Contract (1973–74), the terms and conditions of which are as printed hereinbelow, with any eligible insurer which accepts this offer. The reinsurer's offer to provide reinsurance is effective March 28, 1973.

METHOD OF ACCEPTANCE OF OFFER

(1) Acceptance of this offer shall be by telegraphed or mailed notice of acceptance to the reinsurer. If the date and time of dispatch of the notice of acceptance are no later than midnight, e.s.t., April 30, 1973, reinsurance coverage shall be in effect from 12:01 a.m., e.s.t., May 1, 1973. If the date and time of dispatch of the notice of acceptance are later than midnight, e.s.t., April 30, 1973, reinsurance coverage shall be in effect from 12:01 a.m., e.s.t., on the day after such notice of acceptance is dispatched. The date and time of dispatch of the notice of acceptance must be clearly shown either by telegraph dispatch notation or postmark, and such notation or postmark shall be conclusive proof of the date and time of dispatch.

(2) The telegram or letter accepting this offer of reinsurance shall indicate the States in which reinsurance on lines of mandatory coverage is to be provided and shall specifically designate for each such State the lines of optional coverage, if any, for which reinsurance is to be provided. The notice of acceptance shall be in substantially the following form:

The [name of insurer or insurers] hereby accepts the offer, as filed with the Office of the Federal Register, of the Standard Reinsurance Contract (1973–74), pursuant to the Urban Property Protection and Reinsurance Act of 1968, as amended, for the mandatory and [specify] optional lines in the following States: [specify].

(3) Any eligible insurer accepting this offer of reinsurance shall be supplied copies of the Standard Reinsurance Contract (1973–74), Form HUD 1601, for execution and return to the reinsurer.

TERMS AND CONDITIONS OF THE STANDARD REINSURANCE CONTRACT (1973–74)

[At this point in the contract, the insurance company or companies reinsured are required to list the names and addresses of the principal company and all property insurance companies under common or related ownership or control as defined in the contract, and space is provided for the execution of the contract by the parties.]

THIS CONTRACT, made by and between the Federal Insurance Administrator (hereinafter referred to as the "Reinsurer") and the company or companies specified above (hereinafter referred to as the "Company"):

WITNESSETH:

Subject to the provisions of the Urban Property Protection and Reinsurance Act of 1968, as amended, and to the terms and conditions herein set forth, the Reinsurer hereby obligates itself to pay, as reinsurance of the Company, the amount of the Company's excess aggregate losses resulting from riots or civil disorders in such lines of mandatory and optional coverage as are designated separately for each State by the Company in its notice of acceptance and confirmed under sec. XVIII.

SECTION I. *Policies reinsured.* This Standard Reinsurance Contract applies to:

(A) All policies or contracts of direct property insurance issued by the Company to any property owner, except for policies for which the business is handled for or through any State pool or any other continuing organization, pool, or association of insurers, and

(B) The Company's participations in State pools and, as may be approved by the Reinsurer, in other continuing organizations, pools, or associations of insurers, which policies, contracts, or participations are in force on the effective date hereof or which commence or are renewed on or after such effective date in all the mandatory and in such optional standard lines of property insurance listed below as are designated separately for each State by the Company in its notice of acceptance and confirmed under sec. XVII.

LINES OF MANDATORY COVERAGE

(A) Fire and extended coverage;
(B) Vandalism and malicious mischief;
(C) Other allied lines of fire insurance;
(D) Burglary and theft; and
(E) Those portions of multiple peril policies covering similar perils to those provided in (A), (B), (C), (D);

LINES OF OPTIONAL COVERAGE

(F) Inland marine;
(G) Glass;
(H) Boiler and machinery;
(I) Ocean marine;
(J) Aircraft physical damage.

SEC. II. *Premiums.* The aggregate basic premium due the Reinsurer for the reinsurance coverage provided under this contract shall be computed by applying an annual rate of five hundredths of one per centum (0.05 percent) to an aggregate premium base consisting of the sum of the products of the Company's direct premiums earned in each State for each reinsured line for the calendar year 1972 multiplied by the specified percentage of such earned premium, as defined in sec. XVII of this contract.

If the total amount of all excess aggregate losses paid by the Reinsurer under this contract and all like Standard Reinsurance Contracts issued for the period between May 1, 1973, and April 30, 1974, exceeds the total amount of all aggregate basic premiums paid or payable to the Reinsurer under all such contracts, the Company shall be obligated to pay the Reinsurer, at or subsequent to adjustment, an additional premium determined on the basis of the amount of the remainder derived by subtracting the total amount of all aggregate basic premiums paid or payable to the Reinsurer under all such contracts from the total amount of all excess aggregate losses paid by the Reinsurer under all such contracts. The amount of the additional premium shall be equal to the product of the Company's aggregate basic premium multiplied:

By a factor of one, if the remainder is less than or equal to the total amount of all aggregate basic premiums under all such contracts;

By a factor of two, if the remainder is greater than the total amount of all aggregate basic premiums under all such contracts, but is less than or equal to twice that amount;

By a factor of three, if the remainder is greater than twice the total amount of all aggregate basic premiums under all such contracts, but is less than or equal to three times that amount; or

By a factor of four, if the remainder is greater than three times the total amount of all aggregate basic premiums under all such contracts.

An advance premium, which shall be an estimated premium only, shall be computed by the Company on the basis of its direct premiums earned in the calendar year 1971 in the manner required for the computation of the aggregate basic premium. If any line of insurance is added during the term of this contract for which the Company had no premium writings in 1971, the premium base for the advance premium shall be estimated by State for the period from the date of attachment of coverage to the expiration date of this contract. In no event shall the advance premium be less than $25 for each State in which reinsurance is provided under this contract. The advance premium shall be paid to the Reinsurer without demand within 30 days from the effective date of coverage.

At the option of the Reinsurer and prior to adjustment, the Company shall pay the additional premium on an estimated basis. An estimated additional premium payment equal to the amount of the Company's advance premium shall be payable to the Reinsurer if the total amount of all excess aggregate losses paid by the Reinsurer under this contract and all like Standard Reinsurance Contracts issued by the Reinsurer for the period between May 1, 1973, and April 30, 1974, exceeds the total amount of all estimated premiums collected by the Reinsurer under all such contracts (the total amount of all advance premiums plus the total amount of any estimated additional premium payments). The total amount of estimated additional premium payments, whether required separately or concurrently, shall not exceed four times the amount of the Company's advance premium. The actual amount of the additional premium shall subsequently be computed and adjusted in accordance with the provisions of the preceding paragraphs and sec. VII.

With the exception of the advance premium which is due without demand of the Reinsurer within 30 days from the effective date of coverage, premium amounts shall be due 30 days after the demand of the Reinsurer. Interest shall accrue at 6 percent (6%) per annum on any portion of any premium amount which is not received on or before 30 days from its due date.

The aggregate basic premium, together with any additional premium which may be due the Reinsurer in accordance with the preceding paragraphs, shall be deemed fully earned on the date that such reinsurance coverage attaches, except as otherwise provided in sec. VI.

SEC. III. *Assessments.* If any other company (or companies) reinsured by the Reinsurer under a like Standard Reinsurance Contract incurs aggregate losses in reinsured lines in any State during the period of this contract, which in total exceed its net retention for all such lines, and as a result lodges claims against the Reinsurer, then the Company, on demand of the Reinsurer, shall pay to the Reinsurer an assessment sufficient to meet the Company's equitable share of all such excess aggregate losses incurred in the State, but only to the extent that such losses exceed the unused net amount of all reinsurance premiums paid or payable by all reinsured companies into the National Insurance Development Fund for the period from August 1, 1968, through April 30, 1974 (including interest earned thereon), for reinsurance in such State. Such share shall be in the proportion that—

(A) The amount, if any, by which the Company's net retention in lines reinsured hereunder in such State exceeds the Company's aggregate losses in such lines, bears to

(B) The aggregate amount of unabsorbed net retention for all the lines of insurance

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of all companies reinsured hereunder in such State,

but such share shall not exceed the amount of the Company's unabsorbed net retention under (A). An assessment will be required only after the termination of coverage provided by this contract.

SEC. IV. *Claims.* The Company shall advise the Reinsurer by letter (A) of all losses from a single occurrence which exceed $50,000 and (B) whenever it appears that aggregate losses have been incurred in an amount equal to 90 percent (90%) of the Company's net retention in any State, on the basis of its direct premiums earned and reported to the Reinsurer for the calendar year 1971.

When the Company incurs aggregate losses which exceed its net retention in any State, the Company may make claim upon the Reinsurer for the payment of excess aggregate losses in that State by filing a certification of loss and thereafter such supporting documentation of such losses as may be required by the Reinsurer, and following the receipt of such certifications and documentation the Reinsurer shall, as promptly as possible, in such installments and on such conditions as may be determined by the Reinsurer to be appropriate (including advance payments made on the basis of preliminary certifications of loss filed in advance of the final determination of the ultimate amount of losses paid), pay to the Company the amount of such excess aggregate losses subject to adjustments on account of underpayments or overpayments.

If the ultimate amount of losses to be paid by the Company has not been finally determined when the certification of loss is filed, the Company shall, in due course, file one or more supplementary certifications of loss and thereafter the Reinsurer or the Company, as the case may be, shall pay the balance due.

Claims paid pursuant to computations of net retentions based upon the direct premiums earned for the calendar year 1972 shall be recomputed and adjusted at the termination of the coverage provided by this contract on the basis of direct premiums earned in reinsured lines for the calendar year 1973.

SEC. V. *Inception and expiration dates.* Provided the Company has requested reinsurance by States and lines of coverage on or before April 30, 1973, this Standard Reinsurance Contract shall be in effect from 12:01 a.m. e.s.t. on May 1, 1973, and shall expire at 12:00 p.m. (midnight) e.s.t. on April 30, 1974, unless sooner terminated.

If the Company applies for coverage on or after May 1, 1973, this contract shall be effective from 12:01 a.m. e.s.t. on the day after such application is dispatched, as determined by the date of postmark or telegram, provided the Company requests coverage by State and line and otherwise complies with the eligibility requirements of this contract.

This contract applies only to losses occurring during the term hereof, as follows:

(A) If at the inception of this contract any riot or civil disorder is in progress, no coverage shall be provided for losses resulting therefrom unless this contract is a continuation of coverage from the previous year's contract.

(B) If this contract terminates while a riot or civil disorder covered hereby is in progress, no coverage shall be provided for any losses resulting therefrom which occur after the date and time of termination of this contract.

SEC. VI. *Cancellations.* Reinsurance under this contract may be canceled by the Company in its entirety or with respect to any State upon written notice by the Company to the Reinsurer stating that it desires to cancel the reinsurance coverage specified and that it will pay any premium due the Reinsurer in accordance with the provisions of this contract, subject to any adjustments which may be required under sec. VII; provided, however, that no coverage shall attach under this contract if the Company has wilfully concealed or misrepresented any material fact with respect thereto.

Reinsurance under this contract may be canceled by the Reinsurer in its entirety or with respect to any State upon 30 days written notice to the Company of such cancellation, stating the reasons for cancellation, which shall be limited to one or more of the following grounds: fraud or misrepresentation subsequent to the inception of the contract, nonpayment of premium or any other amount due the Reinsurer, and the grounds set forth in the second paragraph of sec. XII.

Whenever the Reinsurer determines, in his discretion, that any cancellation of reinsurance is involuntary and without fault on the part of the Company, the premium due the Reinsurer for the coverage afforded under this contract shall be prorated in the ratio of—

(A) The number of days for which coverage was provided prior to the cancellation of such coverage plus thirty, to

(B) The total number of days of coverage provided under this contract from the inception of coverage up to and including April 30, 1974.

In the event of any cancellation of reinsurance coverage under this section, the net retention and assessment of such Company shall be computed, without proration, on the basis of the direct premiums earned for the calendar year 1973. Refunds of premiums, if any, due the Company upon cancellation may, at the discretion of the Reinsurer, be deferred until after final adjustments have been made in accordance with the provisions of sec. VII hereof.

SEC. VII. *Adjustments.* The Company shall report to the Reinsurer within 60 days after request its direct premiums earned for the calendar year 1973 in all reinsured lines in all States for which reinsurance was provided under this contract, for the purpose of computing and adjusting the reinsurance premium due to the Reinsurer with respect to the coverage provided. The direct premiums earned to be reported for any line of insurance added during the contract term for any State in which the Company had no premium writings in such line in 1973 shall be the direct premiums earned for the first four months of 1974 as estimated by the Company, subject to audit by the Reinsurer.

In no event shall the adjusted amount of direct premiums earned by the Company result in a basic premium to the Reinsurer in an amount less than $25 for each State during the contract year, which shall constitute the minimum adjusted reinsurance premium for any State under this contract.

On or before July 31, 1974, or such later date as may be permitted at the option of the Reinsurer, the Company shall report to the Reinsurer its aggregate losses.

Any overpayment or underpayment between the Reinsurer and the Company shall be adjusted and paid in accordance with the obligations assumed hereinunder.

SEC. VIII. *Insolvency.* In the event of insolvency of the Company the reinsurance under this contract shall be payable by the Reinsurer to the Company or to its liquidator, receiver, or statutory successor on the basis of the liability of the Company under all policies, contracts, or participation shares reinsured without diminution because of the insolvency of the Company.

It is further agreed that the liquidator, or receiver, or statutory successor of the Company shall give written notice to the Reinsurer of the pendency of any claim against the Company on the policies, contracts, or participation shares reinsured within a reasonable time after such claim is filed in the insolvency proceeding, and that during the pendency of such claim the Reinsurer may investigate such claim and interpose, at its own expense, in the proceeding where such claim is to be adjudicated, any defense or defenses which may be deemed available to the Company or its liquidator, receiver, or statutory successor. The expense thus incurred by the Reinsurer shall be chargeable, subject to court approval, against the Company as part of the expense of liquidation to the extent of a proportionate share of the benefit which may accrue to the Company solely as a result of the defense undertaken by the Reinsurer.

SEC. IX. *Errors and omissions.* Inadvertent delays, errors, or omissions made in connection with any transaction under this contract shall not relieve either party from any liability which would have attached had such delay, error, or omission not occurred, provided always that such delay, error, or omission is rectified as soon as possible after discovery.

SEC. X. *Restriction of benefits.* No Member of or delegate to Congress, or Resident Commissioner, shall be admitted to any share or part of this contract, or to any benefit that may arise therefrom; but this provision shall not be construed to extend to this contract if made with a corporation for its general benefit.

SEC. XI. *Participation in statewide plans.* No reinsurance shall be offered or effective under this contract in any State unless there is in effect in such State, on the date coverage commences, a continuing statewide plan to make essential property insurance more widely available, and the Company is fully participating in such plan on a risk-bearing basis and is certified by the State insurance authority as meeting the requirements of this section. Except with respect to its runoff business after ceasing to do business within a State, the Company shall not be eligible for reinsurance under this contract in any State in which it is not engaged in the direct writing of property insurance at the time coverage is requested, or in which it is writing business on a nonadmitted basis, unless it reports such nonadmitted business to the State insurance authority and participates in the statewide plan of such State on the basis of such reported business. The Company shall file and maintain with the State insurance authority in each State in which it is participating in the statewide plan a statement pledging its full participation and cooperation in carrying out the plan and shall file a copy of each such statement with the Reinsurer. The Company shall not direct any agent, broker, or other producer not to solicit business through such plans and shall not penalize in any way any agent, broker, or other producer for submitting applications for insurance under such plans. The Company shall also establish and carry out an education and public information program to encourage agents, brokers, and other producers to utilize the programs and facilities available under such statewide plans.

In the event that the Company after the inception of this contract voluntarily withdraws from any State plan, pool, or other facility required by the provisions of this section, such withdrawal shall be deemed to constitute cancellation by the Company with respect to that State as of the effective date of the withdrawal.

SEC. XII. *Limitations on reinsurance.* Reinsurance hereunder shall not be applicable to insurance policies subsequently written in a State by the Company after the close of the second full regular session of the appropriate State legislative body following August 1, 1968, if the State has not enacted legislation to reimburse the Reinsurer, as necessary, for

the portion of the aggregate losses specified in section 1223(a)(1) of the National Housing Act, as amended (12 U.S.C. 1749bbb-9(a)), paid by the Reinsurer under this contract.

The Reinsurer shall cancel coverage, in accordance with the provisions of this contract, with respect to any State in which—

(A) the Reinsurer has found (after consultation with the State insurance authority) that (1) it is necessary to have a suitable program adopted, in addition to required statewide plans, to make essential property insurance available without regard to environmental hazards and that such a program has not been adopted, or (2) the Company is not fully participating in the statewide plan; and, where it exists, in a State pool or other facility; and, where it exists, in any other program found necessary to make essential property insurance more readily available in the State; or

(B) following a merger, acquisition, consolidation, or reorganization involving the Company and one or more insurers with or without such reinsurance, the surviving insurer does not meet all criteria or eligibility for reinsurance and within 10 days pay any reinsurance premiums due; or

(C) the Reinsurer has found (after consultation with the State insurance authority) that a statewide plan is not complying with the Reinsurer's statutory or regulatory criteria or has become inoperative.

Notwithstanding the foregoing provisions, reinsurance may at the election of the Company be continued, up to and including April 30, 1974, for the term of such policies and contracts reinsured prior to the date of termination of reinsurance under this section, provided the Company pays the reinsurance premiums in such amounts as may be required. For the purposes of this section, the renewal, extension, modification, or other change in a policy or contract for which any additional premium is charged, shall be deemed to be a policy or contract written on the date such change was made.

Reinsurance under this contract shall be subject to all of the provisions of the Urban Property Protection and Reinsurance Act of 1968, 12 U.S.C. 1749bbb–1749bbb–21, as amended, and to all regulations duly promulgated by the Reinsurer pursuant thereto prior to the inception of any particular coverage provided under this contract.

SEC. XIII. *Arbitration.* If any misunderstanding or dispute arises between the Company and the Reinsurer with reference to the amount of premium due, the amount of loss, or to any other factual issue under any provision of this contract, other than as to legal liability or interpretation of law, such misunderstanding or dispute may be submitted to arbitration for a determination which shall be binding only upon approval by the Reinsurer. The Company and the Reinsurer may agree on and appoint an arbitrator who shall investigate the subject of the misunderstanding or dispute and make his determination. If the Company and the Reinsurer cannot agree on the appointment of an arbitrator, then two arbitrators shall be appointed, one to be chosen by the Company and one by the Reinsurer.

The two arbitrators so chosen, if they are unable to reach an agreement, shall select a third arbitrator who shall act as umpire, and such umpire's determination shall become final only upon approval by the Reinsurer. The Company and the Reinsurer shall bear equally all expenses of the arbitration.

Findings, proposed awards, and determinations resulting from arbitration proceedings carried out under this section shall, upon objection by the Reinsurer or the Company, be inadmissible as evidence in any subsequent proceedings in any court of competent jurisdiction.

SEC. XIV. *Access to books and records.* The Reinsurer and the Comptroller General of the United States, or their duly authorized representatives, shall have access for the purpose of investigation, audit, and examination to any books, documents, papers, and records of the Company that are pertinent to the business reinsured under this contract. Such audits shall be conducted to the maximum extent feasible in cooperation with the State insurance authorities and through the use of their examining facilities. The Company shall keep records which fully disclose all matters pertinent to the business reinsured, including premiums and claims paid or payable under this contract. Records relating to premiums shall be retained and available for three (3) years after final adjustment of premiums, and to reinsurance claims three (3) years after final adjustment of such claims.

SEC. XV. *Information and annual statements.* The Company shall furnish to the Reinsurer such summaries and analyses of information in its records as may be necessary to carry out the purposes of the Urban Property Protection and Reinsurance Act of 1968, as amended, in such form as the Reinsurer, in cooperation with the State insurance authority, shall prescribe; and the Company shall file with the Reinsurer a true and correct copy of the Company's Fire and Casualty annual statement, or amendment thereof, as filed with the State insurance authority of the Company's domiciliary State, at the time it files such statement or amendment with the State insurance authority. The Company shall also file with the Reinsurer an equivalent of page 14 of such annual statement for each State in which reinsurance is provided under this contract.

SEC. XVI. *Exclusions.* Reinsurance under this contract shall not be applicable with respect to any claim for:

(A) All or any part of a loss which is the direct or indirect result of controlled or uncontrolled nuclear reaction, radiation, or radioactive contamination; or

(B) Any loss to any aircraft while the aircraft is in flight, including that period between the time when power is turned on for the purpose of taxiing connected to takeoff until the time when the landing run has ended, taxiing has been completed, and power has been turned off; or

(C) Any loss to any aircraft, or resulting from collision with aircraft, which is precipitated or caused by hijacking of any aircraft or attempt thereat, including loss from wrongful seizure, wrongful diversion from course or flight pattern, or wrongful exercise of command or control, of an aircraft, by any person or persons, through the use of force or violence or the threat of force or violence.

SEC. XVII. *Definitions.* As used in this contract the term—

(1) "aggregate losses" means the sum total of losses resulting from riots or civil disorders occurring in a State and allocable to a State in which reinsurance is provided;

(2) "Company" means any company authorized to engage in the insurance business under the laws of any State, except that if there are two or more companies within a State in which reinsurance is to be provided under this contract which, as determined by the Reinsurer:

(A) Are under common ownership and ordinarily operate on a group basis; or

(B) Are under single management direction; or

(C) Are otherwise determined by the Reinsurer to have substantially common or interrelated ownership, direction, management, or control;

then all such related, associated, or affiliated companies, excluding nonadmitted companies which are not specifically included by endorsement to this contract, shall be reinsured only as one aggregate entity;

(3) "Continuing organization, pool, or association of insurers" means an industry pool created to provide direct insurance to meet special problems of insurability, such as for a particular class or type of business;

(4) "Direct premiums earned" means direct premiums earned as reported in column 2 on page 14 of the Company's Fire and Casualty annual statement for the specified calendar year, in the form adopted by the National Association of Insurance Commissioners, subject to (A) adjustment as approved by the Reinsurer for cessions to pools, facilities, and associations, and for the inclusion of participations in such pools, facilities, and associations, and (B) such other appropriate adjustments as may be approved or required by the Reinsurer, which shall include adjustments for dividends paid or credited to policyholders and reported in column 3 on page 14, subject to a maximum credit of 20 percent (20%) of direct premiums earned for any one line of insurance;

(5) "Excess aggregate losses" means that part of aggregate losses which is equal to the sum of—

(A) Ninety percent of the Company's aggregate losses in excess of its net retention, until the Company's 10 percent share of aggregate losses under this provision (A) equals the amount of its net retention;

(B) Ninety-five percent of the Company's remaining aggregate losses (after deducting the Reinsurer's share of aggregate losses under (A)) in excess of twice its net retention, until the Company's 5 percent share of aggregate losses under this provision (B) equals the amount of its net retention; and

(C) Ninety-eight percent of the Company's remaining aggregate losses (after deducting the Reinsurer's share of aggregate losses under (A) and (B)) in excess of an amount equal to three times its net retention;

(6) "Losses" means all claims proved, approved, and paid by the Company under reinsured policies, resulting from riots or civil disorders occurring in a State during the period of this contract, after making proper deduction for salvage and for recoveries other than reinsurance, together with an allowance for expense in connection therewith, hereby agreed to equal an amount per claim of 8 percent (8%) of the first $25,000 of any such claim, plus 3 percent (3%) of the amount by which such claim exceeds $25,000 but is less than $100,000, plus 1 percent (1%) of the amount by which the claim exceeds $100,000; it does not mean any claim excluded under sec. XVI;

(7) "Net retention" means the amount of aggregate losses that the Company must stand before the Reinsurer's liability hereunder attaches and shall be one aggregate figure for each State which shall be the larger of either $1,000 or the amount determined by applying a factor of 2½ percent (2½%) to the specified percentage of the Company's direct premiums earned in the State for the calendar year 1972 on those lines of insurance hereby reinsured;

(8) "Riot" means:

(A) Any tumultuous disturbance of the public peace by three or more persons mutually assisting one another, or otherwise acting in concert, in the execution of a common purpose by the unlawful use of force and violence resulting in property damage of any kind;

"Civil disorder" means:

(B) Any pattern of unlawful incidents taking place within close proximity as to time and place and involving property damage intentionally caused by persons apparently having civil disruption, civil disobedience, or civil protest as a primary motivation, at least two of which incidents result

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in property damage in excess of $1,000 each; or

(C) Any occurrence of property damage in excess of $2,000 caused by persons whose unlawful conduct in causing the occurrence clearly manifests their primary purpose of civil disruption, civil disobedience, or civil protest;

(9) "Specified percentage" means 100 percent (100%) of the direct premiums earned for each line of insurance reinsured under this contract, except that the specified percentage of Homeowners multiple peril shall be 85 percent (85%) and that of Commercial multiple peril shall be 65 percent (65%);

(10) "State" means the several States, the District of Columbia, the Commonwealth of Puerto Rico, the territories and possessions, and the Trust Territory of the Pacific Islands; and

(11) "State pool" means any State Fair Plan pool or insurance placement facility which is intended to meet the requirements of Part A of the Urban Property Protection and Reinsurance Act of 1968 (82 Stat. 558, 84 Stat. 1791, 12 U.S.C. 1749bbb-3—1749bbb-6a).

SEC. XVIII. *Schedule of coverages.* The Company shall indicate with an (X) in the appropriate column and line those States in which the mandatory lines are to be reinsured under this contract. Coverage of mandatory lines may be designated only for those States in which the Company is eligible for reinsurance in accordance with sec. XI of this contract.

The Company shall also indicate by State with an (X) in the appropriate column and line any optional lines which are to be reinsured under this contract. Coverage of optional lines is available only for those States in which the mandatory lines are reinsured.

[The schedule of mandatory and optional coverages by State and line is set forth at this point in the Contract.]

Effective date. This Notice of Offer shall be effective on March 28, 1973.

GEORGE K. BERNSTEIN,
Federal Insurance Administrator.

[FR Doc.73-5845 Filed 3-27-73;8:45 am]

DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

[FRA-Pet-No. 76]

ALGERS, WINSLOW & WESTERN RAILWAY CO.

Notice of Petition for Exemption From Hours of Service Act

MARCH 20, 1973.

The Algers, Winslow & Western Railway Co., has petitioned the Federal Railroad Administration pursuant to 45 U.S.C. 64a(e) for an exemption, with respect to certain employees, from the Hours of Service Act, 45 U.S.C. sec. 61, 62, 63, and 64.

Interested persons are invited to participate by submitting written data, views, or comments. Communications should identify the docket number and should be submitted in triplicate to the Docket Clerk, Office of Chief Counsel, Federal Railroad Administration, Attention: Docket FRA-Pet-No. 76, 400 Seventh Street SW., Washington, DC 20590. Communications received before April 25, 1973, will be considered by the Federal Railroad Administrator before taking final action. All comments received will be available for examination by interested persons at any time during regular working hours in Room 5428, Nassif Building, 400 Seventh Street SW., Washington, DC.

EDWARD F. CONWAY, JR.,
Acting Assistant Chief Counsel for Safety Regulation.

[FR Doc.73-5832 Filed 3-27-73;8:45 am]

[FRA-Pet-No. 75]

OREGON & NORTHWESTERN RAILROAD CO.

Notice of Petition for Exemption From Hours of Service Act

MARCH 19, 1973.

The Oregon & Northwestern Railroad Co., has petitioned the Federal Railroad Administration pursuant to 45 U.S.C. 64a(e) for an exemption, with respect to certain employees, from the Hours of Service Act, 45 U.S.C. secs. 61, 62, 63, and 64.

Interested persons are invited to participate by submitting written data, views, or comments. Communications should identify the docket number and should be submitted in triplicate to the Docket Clerk, Office of Chief Counsel, Federal Railroad Administration, Attention: Docket FRA-Pet-No. 75, 400 Seventh Street SW., Washington, DC 20590. Communications received before April 23, 1973, will be considered by the Federal Railroad Administrator before taking final action. All comments received will be available for examination by interested persons at any time during regular working hours in Room 5428, Nassif Building, 400 Seventh Street SW., Washington, DC.

EDWARD F. CONWAY, JR.,
Acting Assistant Chief Counsel for Safety Regulation.

[FR Doc.73-5831 Filed 3-27-73;8:45 am]

CIVIL AERONAUTICS BOARD

[Docket No. 25346; Order 73-3-89]

RAMAR AIR FREIGHT CORP.

Order of Suspension and Investigation

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 23d day of March 1973.

By tariff revisions filed February 22, and marked to become effective March 24, 1973, Ramar Air Freight Corp. (Ramar), an air freight forwarder, proposes, inter alia, to increase excess valuation charges from 20 to 30 cents per $100 of excess valuation applicable to that portion of the shipper's declared value in excess of 50 cents per pound or $50 per shipment, whichever is higher, and lower the time allowed for filing a formal claim in all cases except claims for loss from approximately 9 months to as little as 7 days.

In support of its filing, the forwarder asserts that it is "Updating Ramar's rules and regulations to reflect current direct carriers provisions."

Upon consideration of all relevant matters, the Board finds that Ramar's proposals may be unjust, unreasonable, unjustly discriminatory, unduly preferential, unduly prejudicial, or otherwise unlawful, and should be investigated. The Board further concludes that these revisions should be suspended pending investigation.

In support of its proposed increase in excess value charges, Ramar makes no showing that existing revenues from such charges do not cover the claim expenses incurred in connection with excess value shipments. Our conclusion, in this case, is consistent with the Board's decision as a result of an investigation in "Increased excess value charge proposed by Imperial Air Freight Service, Inc.", Docket 23538, wherein increase from 15 to 25 cents per $100 was found unlawful on the ground that "(Imperial) failed to submit the necessary data upon which to establish the relationship between excess valuation revenues and costs."[1] Also, the proposed rate of 30 cents per $100 is significantly above the current rates of 15–20 cents of most forwarders and 10–15 cents of the airlines.

Direct carriers and most major forwarders, including Ramar, provide approximately 9 months for the filing of all formal claims, and a 15-day time limit for initially reporting concealed loss and damage claims. Ramar's proposal does not require initial reporting, but provides time limits for filing formal claims of 7 days for damage claims and 14 days for delay claims. The Board, by Order 71-7-87, inter alia, suspended a proposal by Midland Forwarding Corporation doing business as ABC Air Freight, another forwarder, to reduce the time limit for reporting concealed loss and damage claims from 12 to 7 days on the ground that such time limit was more stringent than the time limits currently in effect for the direct carriers and the majority of other forwarders.[2]

Our action is consistent with the aforementioned order in that Ramar's proposed time limits for formal filing appear unreasonably short compared with other carriers and would have the effect of denying shippers the right to claim damages that might otherwise be legitimate and reasonable.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204(a) and 1002 thereof,

It is ordered, That:

1. An investigation be instituted to determine whether the charges and provisions in Rule No. 15(E)(2) on original page 6 and the provisions in Rule No. 60(A) on original page 13 and original page 14 of Ramar Air Freight Corp.'s CAB No. 3 and rules, regulations or practices affecting such charges and provisions are, or will be unjust, unreasonable, unjustly discriminatory, unduly preferential, unduly prejudicial, or otherwise unlawful, and if found to be unlawful, to determine and prescribe the lawful charges and provisions, and rules, regulations, or practices affecting such charges and provisions;

2. Pending hearing and decision by the Board, the charges and provisions in Rule No. 15(E)(2) on original page 6 and the provisions in Rule No. 60(A) on original page 13 and original page 14 of Ramar Air Freight Corp.'s CAB No. 3 are suspended and their use deferred to and including June 21, 1973, unless otherwise ordered by the Board, and that no changes be made therein during the period of suspension, except by order or special permission of the Board;

3. The proceeding herein designated Docket No. 25346 be assigned for hearing before an Administrative Law Judge of the Board at a time and place hereafter to be designated; and

4. Copies of this order shall be filed with the tariff and served upon Ramar Air Freight Corp., which is hereby made party to Docket No. 25346.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] EDWIN Z. HOLLAND,
Secretary.

[FR Doc.73-5917 Filed 3-27-73;8:45 am]

[1] Orders 72-4-141/142, dated Apr. 26, 1972.

[2] The Board is suspending this entire rule (although Ramar's proposed 270-day time limit for filing formal claims for loss is generally less stringent than its current provisions and similar to those of other forwarders and direct carriers) since the tariff does not lend itself to partial suspension of this rule.

CIVIL SERVICE COMMISSION

DEPARTMENT OF TRANSPORTATION

Notice of Grant of Authority To Make Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission authorizes the Department of Transportation to fill by noncareer executive assignment in the excepted service the position of Deputy Administrator, Federal Railroad Administration.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.73-5854 Filed 3-27-73;8:45 am]

OFFICE OF MANAGEMENT AND BUDGET

Notice of Grant of Authority To Make Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission authorizes the Office of Management and Budget to fill by noncareer executive assignment in the excepted service the position of Executive Assistant to the Director, Office of the Director.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.73-5855 Filed 3-27-73;8:45 am]

OFFICE OF MANAGEMENT AND BUDGET

Notice of Grant of Authority To Make Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission authorizes the Office of Management and Budget to fill by noncareer executive assignment in the excepted service the position of Director, Office of Federal Drug Management.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.73-5856 Filed 3-27-73;8:45 am]

COST OF LIVING COUNCIL

FOOD INDUSTRY WAGE AND SALARY COMMITTEE

Notice of Meetings

Pursuant to the provisions of the Federal Advisory Committee Act (Public Law 92-463, 86 Stat. 770) notice is hereby given that the Food Industry Wage and Salary Committee, established under the authority of section 212(f) of the Economic Stabilization Act, as amended, section 4(a)(iv) of Executive Order 11695 and Cost of Living Council Order No. 14, will meet at 10 a.m., Wednesday, March 28, 1973, and every Wednesday thereafter until further notice, in the main Conference Room of the Cost of Living Council, Seventh Floor, 2000 M Street NW., Washington, DC.

The Food Industry Wage and Salary Committee will be holding these meetings to perform five basic functions:

1. Review all remaining food industry wage and salary cases filed before January 11, 1973, and advise on the disposition of these cases under Phase II Regulations.

2. Review all new food industry wage and salary cases filed since January 11, 1973, and advise on the disposition of these cases under existing regulations.

3. Advise the Cost of Living Council and the Labor-Management Advisory Committee relative to any wage stabilization policies which are necessary to meet the special problems of the food industry (and its various branches) within the general framework of wage stabilization policies.

4. Cooperate with labor and management organizations in the food industry which operate under collective bargaining agreements and with appropriate government agencies to facilitate the settlement of disputes in 1973 within stabilization policies and to encourage longer-run dispute settlement machinery and procedures.

5. Work with labor and management organizations in the food industry under collective bargaining agreements to improve the structure and performance of collective bargaining in the industry.

The Director of the Cost of Living Council has determined that the meeting to be held on March 28, 1973, will consist of exchanges of opinions, that the discussions, if written, would fall within exemption (5) of 5 U.S.C. 552(b) and that it is essential to close the meeting to protect the free exchange of internal views and to avoid interference with the operation of the Committee.

Issued in Washington, D.C. on March 27, 1973.

JAMES W. MCLANE,
Deputy Director, Cost of Living Council.

[FR Doc.73-6099 Filed 3-27-73;10:37 am]

FEDERAL COMMUNICATIONS COMMISSION

NATIONAL INDUSTRY ADVISORY COMMITTEE BROADCAST SERVICES SUBCOMMITTEE

Notice of Meeting

MARCH 22, 1973.

Pursuant to the provisions of Public Law 92-463, announcement is made of a public meeting of Working Group IV, Broadcast Services Subcommittee, National Industry Advisory Committee, to be held Wednesday, April 11, 1973. The Working Group will meet at 1229 20th Street NW., Washington, DC, Room A-205 at 10 a.m.

Purpose. To prepare and submit recommendations to the Federal Communications Commission concerning voluntary organized industry participation in the Emergency Broadcast System (EBS).

Agenda. The agenda for the meeting is, as follows:

ITEM

1. Review of text of Emergency Action Notification messages.
2. Review of television slide requirements.
3. Review of provisions of FCC rules and Annex VI of Basic EBS Plan.
4. Preparation of scripts for all Closed Circuit Tests by a Drafting Group for Working Group IV.
5. Appointment of a Drafting Group for Working Group IV.

It is suggested that those desiring more specific information about the meeting telephone the Emergency Communications Division (202) 632-7232.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[FR Doc.73-5914 Filed 3-27-73;8:45 am]

STEERING COMMITTEE OF THE FEDERAL/STATE-LOCAL ADVISORY COMMITTEE

Meetings Scheduled

MARCH 23, 1973.

The Steering Committee of the Cable Television Federal/State-Local Advisory Committee will hold open meetings on April 5 and 6, 1973. The meeting on April 5 will begin at 10 a.m. and the meeting on April 6 will begin at 9:30 a.m. The meetings will be held in the Silver

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Room of the Denver Hilton Hotel, Denver, Colo.

The agenda for these meetings will be the continuation of a discussion of issues to be included in the final Advisory Committee report.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[FR Doc.73-5915 Filed 3-27-73;8:45 am]

STEERING COMMITTEE OF THE TECHNICAL ADVISORY COMMITTEE

Meeting Scheduled

MARCH 21, 1973.

The Steering Committee of the Cable Television Technical Advisory Committee will hold an open meeting on April 3, 1973. The meeting will begin at 10 a.m. and will be held in Room A110 of the FCC Annex, 1229 20th Street, Washington, D.C.

The agenda for the meeting will be a discussion of outside funding to be provided for the committee, the mechanics of soliciting and properly controlling such funds, and necessary support facilities and budget requirements.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[FR Doc.73-5913 Filed 3-27-73;8:45 am]

[Docket No. 19664; FCC 73R-122]

UNITED BROADCASTING CO. OF FLORIDA, INC.

Memorandum Opinion and Order Enlarging Issues

In regard application of United Broadcasting Co. of Florida, Inc., Docket No. 19664, File No. BR-4447; for renewal of license for Radio Station WFAB, Miami, Fla.

1. The above-captioned application was designated for hearing by Commission Order FCC 72-1195, released January 2, 1973 and published at 38 FR 1232, January 10, 1973. That order included issues which sought to determine whether United Broadcasting Co. of Florida, Inc. was qualified to continue as licensee of this Commission because of certain operating practices during the past licensed period. United has now filed a petition to enlarge the issues to permit it to show the meritorious aspects of the station's past operation. There have been no oppositions filed. The petition to enlarge issues will be granted. It is well settled that where a hearing involves issues concerning the past operation of the broadcasting station, the licensee will be permitted to show the meritorious aspects of its operation prior to the time it was put on notice that its qualifications were in question. Lum A. Humphries, trading as Wagoner Radio, 12 FCC 2d 978, 13 RR 2d 1146 (1968), Chronicle Broadcasting Co., 18 FCC 2d 120, 16 RR 2d 494 (1969), and the cases cited therein.

2. *Accordingly, it is ordered,* That the petition to enlarge issues, filed by United Broadcasting Co. of Florida, Inc., on January 23, 1973, is granted; and

3. *It is further ordered,* That the issues in this proceeding are enlarged as follows:

To determine whether the past programing of Station WFAB has been meritorious, particularly in regard to public service programs.

4. *It is further ordered,* That the burden of proceeding with the introduction of evidence and the burden of proof under the issue added herein shall be on the applicant.

Adopted: March 16, 1973.

Released: March 22, 1973.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[FR Doc.73-5916 Filed 3-27-73;8:45 am]

WAIVER OF CABLE TV CROSS-OWNERSHIP DIVESTITURE REQUIREMENT

Public Notice of Petitions

MARCH 14, 1973.

The Commission will issue public notices announcing the filing of petitions (pursuant to paragraph 51 of its "Memorandum Opinion and Order in Docket No. 18397," FCC 73-80, released January 31, 1973), for waiver of the cable television cross-ownership divestiture requirements in § 76.501 of its rules. Persons interested in filing comments on, or oppositions to, such a petition will be permitted to do so within 30 days after the issuance of the public notice announcing that the petition has been filed. The petitioner may file reply comments within 20 days after the filing of such comments and oppositions. Other procedural requirements regarding such comments, oppositions, and replies are set forth at § 76.7 of the Commission's rules. Copies of such petitions, and comments, oppositions, and reply comments responsive to them, will be available for examination in the Public Reference Room of the Commission's Cable Television Bureau.

In paragraph 51 of the above-cited order, the Commission—

• • • invite(d) the filing—within 120 days after the issuance of this memorandum opinion and order—of petitions for waiver of the mandatory-divestiture requirement (of § 76.501 of the rules) (fully supported by pertinent facts, views, arguments, and data) from all cross owners et al. of co-located television stations and cable systems who believe that grandfathering would be appropriate in their case.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary,

[FR Doc.73-5912 Filed 3-27-73;8:45 am]

FEDERAL PREVAILING RATE ADVISORY COMMITTEE

PROPOSED PLANS TO IMPLEMENT PAY SYSTEMS FOR FEDERAL PREVAILING RATE EMLOYEES

Notice of Meetings

Pursuant to the provisions of section 10 of Public Law 92-463, effective January 5, 1973, notice is hereby given that meetings of the Federal Prevailing Rate Advisory Committee will be held on:

Thursday, April 5, 1973.
Thursday, April 12, 1973.
Thursday, April 19, 1973.
Thursday, April 26, 1973.

The meetings will convene at 10 a.m. and will be held in Room 5A06A, Civil Service Commission Building, 1900 E Street NW., Washington, DC.

The Committee's primary responsibility is to study the prevailing rate system and from time to time advise the Civil Service Commission thereon.

At these scheduled meetings, the Committee will consider proposed plans for implementation of Public Law 92-392, which law established pay systems for Federal prevailing rate employees.

The meetings will be closed to the public under a determination to do so, made under the provisions of section 10(d) of Public Law 92-463.

However, members of the public who may wish to do so, are invited to submit material in writing to the Chairman concerning matters felt to be deserving of the committee's attention. Additional information concerning these meetings may be obtained by contacting the Chairman, Federal Prevailing Rate Advisory Committee, Room 5451, 1900 E Street NW., Washington, DC.

DAVID T. ROADLEY,
Chairman, Federal Prevailing Rate Advisory Committee.

[FR Doc.73-5853 Filed 3-27-73;8:45 am]

FEDERAL MARITIME COMMISSION

CERTIFICATES OF FINANCIAL RESPONSIBILITY (OIL POLLUTION)

Notice of Certificates Issued

Notice is hereby given that the following vessel owners and/or operators have established evidence of financial responsibility, with respect to the vessels indicated, as required by section 11(p)(1) of the Federal Water Pollution Control Act, as amended, and, accordingly, have been issued Federal Maritime Commission Certificates of Financial Responsibility (Oil Pollution) pursuant to Part 542 of Title 46 CFR.

Certificate No.	*Owner/operator and vessels*
01011---	Aktieselskabet det Ostasiatiske Kompagni: Casuarina. Lalandia.
01014---	Robert Bornhofen Reederei: Specialist.
01027---	Flensburger Befrachtungskontor Uwe C. Hansen & Co.: Hasselburg.

Certificate No.	*Owner/operator and vessels*
01052---	Concord Line A/S: Jill Cord.
01055---	Farrell Lines, Inc.: Austral Ensign.
01077---	H. M. Wrangell & Co. A/S: Corona.
01088---	Schulte & Bruns: Elise Schulte.
01108---	A/S Rosshavet & A/S Vestfold: Ross Sea.
01423---	Charente Steamship Co., Ltd.: Wayfarer.
01431---	The Bolton Steam Shipping Co., Ltd.: Rossetti.
01574---	Fearnley & Eger: Fernbay.
01805---	Suisse Atlantique Societe D'armement Maritime S.A.: General Guisan.
01857---	Ohg I. Fa. Bernard Schulte: Kap Roland.
01931---	Brigantine Transport Corp.: Maren Maersk.
01935---	Partnership between Steamship Co. Svendborg Ltd. & Steamship Company of 1912, Ltd.: Richard Maersk.
02198---	The Peninsular and Oriental Steam Navigation Co.: Gambada. Armanistan. Baharistan. Baluchistan. Farsistan. Floristan. Gorjistan. Kohistan. Registan. Serbistan. Shahristan. Turkistan.
02200---	State of Washington: Spokane.
02246---	Blue Star Line, Ltd.: Buenos Aires Star. Hobart Star.
02457---	John Swire & Sons, Ltd.: Erradale.
02525---	Burnett Steamship Co., Ltd.: Laurentian Forest.
02551---	Ellerman Lines, Ltd.: City of Dundee. City of St. Albans. City of Glasgow.
02727---	Societe Maritime Des Petroles BP: Beaugency.
02877---	Nippon Yusen Kabushiki Kaisha: Haruna Maru. Hakusan Maru. Kiso Maru.
02911---	Sig. Bergesen C.Y. & Co.: Berge Bergesen.
02956---	Ashland Oil, Inc.: HCC-1.
03165---	Asimi Maritime Co., Ltd., of Monrovia Liberia: St. Demetrius.
03364---	Compania de Navegacion "Sanrocco" SA: Lugano.
03391---	Societe Maritime Shell: Latona. Siam. Bangkok.
03406---	Afromar, Inc.: Angeliki. Julietta. Marietta.
03433---	Hiroumi Kisen Kabushiki Kaisha: Daiwa Maru. Kobu Maru.
03479---	Okada Shosen Kabushiki Kaisha: Tokiwa Maru.
03501---	Osaka Shosen Mitsui Senpaku K.K.: New Jersey Maru.
03502---	Shinyei Senpaku K.K.: Mogamisan Maru.
03632---	A/S Turid: Enid. Mildrid.
03692---	Marmac Corp.: B-12. Coastal-7. Gertrude-K.
03744---	Ocean Fisheries, Inc.: Royal Pacific.
04118---	Marine Trading, Ltd.: La Molinera.
04136---	Thomas Marine Co.: Ellis-1301. GW-100.
04398---	Hapag-Lloyd Aktiengesellschaft: Tokio Express.
04410---	Tenneco Oil Co.: IC-14.
04437---	Lebeouf Bros. Towing Co., Inc.: Creole Belle.
04640---	McAllister Lighterage Line, Inc.: Blue Crest.
05130---	Naviera Humboldt S.A.: Salcantay.
05287---	CWC Fisheries, Inc.: Dipper.
05512---	Union Barge Line Corp.: 923. 924. 925. 926. 927.
05522---	Burmah Oil Trading Ltd.: Burmah Opal. Burmah Garnet.
05549---	Polska Zegluga Morska: Narvik II.
05577---	Far-Eastern Shipping Co.: Taigonos.
05578---	Baltic Shipping Co.: Mikhail Lermontov.
05579---	Black Sea Shipping Co.: Sovinflot. Sovfracht. Tchernomorets-16. Geroi Panfilovcy.
05738---	Compania de Navigacion Artico S.A. Panama: Mira.
05846---	"Nordsee" Deutsche Hochseefischerei G.m.b.H.: Altona. Othmarschen. Frankfurt-am-Main.
05874---	Sonoda Kisen K.K.: Itohamumaru No. 3.
05998---	Navarino Shipping & Transport Co., Ltd.: Honesty.
06052---	Marukyo Suisan Kabushiki Kaisha: Nadayoshi Maru No. 7.
06188---	Idemitsu Tanker K.K.: Takamiya Maru.
06213---	Second Marine Corp.: ETT-120. ETT-122. ETT-123.
06232---	Aztec Trading Co., S.A.: Aztec.
06570---	Kristian Jebsen (U.K.) Ltd.: Leknes. Baynes. Borgnes. Bulknes. Fonnes. Mornes. Furunes. Brimnes. Saltnes. Spraynes. Bernes.
06662---	Reederei Claus-Peter Offen KG: Holstendamm.
06674---	Pescadora, S.A.: Chococuna. Cuaco.
06891---	Caribbean Bunkering Co., Inc.: 527 N.
06974---	AKE Hogberg: Aphrodite.
07019---	Allied Shipping International Corp.: Trechon. Tigris. Akritas. Tropis. Florence. Tekton.
07259---	Brilliant Transport Co.: Corsicana.
07356---	Williams-McWilliams Co.: Hydro-Atlantic. Diesel. W-701. George A. McWilliams. Natchez. Port Arthur. Arkansas.
07404---	Hanseatic Shipmanagement Ltd.: Luehesand.
07550---	Erato Shipping, Inc.: Hollyhock.
07596---	Windward Navigation Co., Ltd.: Forestal I.
07604---	Alfred Tannis Investments, Ltd.: Alftan. Cranborne.
07620---	Everbeauty Line, S.A.: Ever Beauty.
07624---	Josef Roth-Reederei: Helene Roth.
07636---	Arkansas Barge Co.: ABC-1. ABC-2. ABC-3.
07676---	Pistis Compania Naviera S.A.: Pistis.
07691---	Ocean Oil Shipping Corp.: Golar Robin.
07711---	Ab Vasa Shipping Oy: Lisa.
07720---	Aeolic Compania Naviera S.A. Panama: Arcadia.
07721---	Seven Seas Transportation Ltd.: Satya Kamal.
07723---	Fuji Sempaku K.K.: Stream Bollard.
07725---	Utgeroarfelag Olafsfjaroar H.F.: Olafur Bekkur.
07727---	Sea Bridge Marine, Inc.: Yosemite.
07730---	Mt. Oceanic Development Panama Co., S.A.: Puerto Caimito. Chitre.
07731---	Skibsaktieselskapet Golden West: Grey Master.
07732---	Silver Pine Maritime Co., Ltd.: Irenes Fortune.
07537---	Marreina Armadora S.A.: Malvina.
07738---	Transocean Transport Corp.: Ocean Mariner.
07739---	Elto Compania Naviera S.A.: Eleni T.
07740---	The Brighton Shipping Co., S.A.: Hunter.
07741---	Vroulidia Compania Naviera S.A. Panama: Amello.

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Certificate No.	Owner/operator and vessels
07743---	Yangming Marine Transport Corp.: Chil Ming. Yang Ming. Ho Ming. Chao Ming. Jing Ming. Hung Ming. Wei Ming. Kai Ming. Yunn Ming. Kuo Ming. Shin Ming. Li Ming. Ji Ming.
07744---	Compania Concordia de Navegacion S.A.: Mairoula.
07745---	Oceanic Cruises Development, Inc., Liberia: Oriental President.
07746---	Archomarine Compania Naviera S.A. Panama: Agelos Michael.
07748---	N.V. Statendam: Statendam.
07749---	Electra Shipping Co., Ltd.: Reifens.
07757---	Gemini Compania Nav. S.A. Panama: Agelos Gabriel.
07758---	"Lenachart" Leisure Navigation and Chartering Corp., Monrovia: Shark.
07760---	Sociedad de Transportes Maritimos S.A.: Pounentes.
07769---	Iris Shipping Corporation of Panama: Iris.
07770---	Drado Shipping Co., Ltd.: Drado.
07774---	Brandts Shipping Liberia Ltd. of Monrovia: Ellinida.

By the Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.73-5806 Filed 3-27-73;8:45 am]

CERTIFICATES OF FINANCIAL RESPONSIBILITY (OIL POLLUTION)

Notice of Certificates Revoked

Notice of voluntary revocation is hereby given with respect to Certificates of Financial Responsibility (Oil Pollution) which had been issued by the Federal Maritime Commission, covering the below-indicated vessels, pursuant to Part 542 of Title 46 CFR and section 11(p)(1) of the Federal Water Pollution Control Act, as amended.

Certificate No.	Owner/operator and vessel
01014---	Robert Bornhofen Reederei: Max Bornhofen.
01015---	A/S Rederiet Odfjell: Lyng.
01026---	Terkildsen & Olsen A/S: Rindo. Else Terkol. Edith Terkol. Lizzie Terkol. Lindo.
01027---	Flensburger Befrachtungskontor Uwe C. Hansen & Co.: Volta Venture.
01059---	London & Overseas Freighters Ltd.: London Banker.
01088---	Schulte & Bruns: Konsul Schulte. Joachim Schulte. Henriette Wilhelmine Schulte.
01108---	Hvalfangeraktieselskapet "Rosshavet" Hvalfangeraktieselskapet "Vestfold": Ross Sea.
01145---	Det Bergenske Dampskibsselskab: Ara.
01198---	A/S Dovrefjell and A/S Falkefjell: Vardefjell.
01215---	Interessentskapet Mesna: Mesna.
01306---	Shaw Savill & Albion Co. Ltd.: Southern Cross.
01330---	Shell Tankers (U.K.) Ltd.: Heldia.
01334---	American President Lines Ltd.: President Cleveland.
01342---	St. Helen's Shipping Co., Ltd.: Cherrywood. Rosewood. Beechwood.
01349---	Tankschiff-Reederei Rudolf A. Oetker K.G.: St. Nikolai.
01431---	The Bolton Steam Shipping Co., Ltd.: Rievaulx.
01805---	Suisse Atlantique: Londrina.
01857---	Ohg. I. FA. Bernhard Schulte: Jan Ten Dornkaat.
02021---	Atlantska Plovidba: Ruder Boskovic.
02208---	Overseas Enterprise Inc.: Arabella.
02249---	Fisser & V. Doornum: Suncapri. Sunbaden.
02258---	Bruusgaard Kiosteruds Skibs A/S: Bragernes.
02448---	Rederiaktiebolaget Nordstjernan: Lions Gate. Portland.
02479---	Greenville Towing Co., Inc.: Mos 109. Mos 107.
02525---	Burnett Steamship Co., Ltd.: Goeforth.
02198---	The Peninsular & Oriental Steam Navigation Co.: Nuddea.
02554---	Hall Line Ltd.: City of Glasgow.
02861---	Naviera Bilbaina S.A.: Jose Luis Aznar.
02877---	Nippon Yusen Kabushiki Kaisha: Victoria Maru. Tashima Maru. Suruga Maru. Sagami Maru. Sado Maru.
02883---	Soloil Compania Naviera S.A.: Matheos.
02885---	Cia Maritima de Contanian S.A.: Maria L.
02920---	Atlantic Shipping Inc.: Orion.
02924---	Dell Enterprises Ltd.: Teneriffe.
02956---	Ashland Oil Co.: A.O. & R. Co. 1. A.O. & R. Co. 10. A.O. & R. Co. 19.
03019---	Gulf-Canal Lines, Inc.: Captain Caplener.
03146---	Oceanic Cia. de Transportes: Chrysoforos.
03345---	San Fernando Steamship Co. S.A.: San Eduardo.
03451---	Kowa Shosen K.K.: Japan Juniper.
03467---	Nichiro Gyogyo K.K.: Chichibu Maru No. 2.
03478---	Nitta Kisen K.K.: Kasuga Maru.
03482---	Ryutsu Kaiun Kabushiki Kaisha: Ryukomaru.
03496---	OSG International, Inc., Liberia: Tees Ore.
03501---	Osaka Shosen Mitsui Senpaku K.K.: Mogamisan Maru.
03522---	Tokyo Teion Reizo K.K.: Wakagi Maru. Ecuador Maru. Tsukishima Maru.
03640---	Pan Ocean Bulk Carriers, Ltd.: Bumchin.
03716---	Dunbar Sullivan Dredging Co.: S-101. S-102.
03727---	Continental Oil Co.: Conoco Big N.
03787---	Alkaid Steamship Corp., S.A. Panama: Alkaid.
03868---	Stanipa Compania Naviera S.A.: Elena.
03954---	Liberian Champion Transports Inc.: World Mobility.
03954---	Liberian Champion Transports Inc.: World Queen.
04002---	Compagnie des Messageries Maritimes: Iroua03y.
04021---	Koppers Co., Inc.: J.I.W. 103.
04080---	Port Arthur Towing Co.: MS 12. MS 15.
04136---	Thomas Marine Co.: FT 18. FT 24. M 3.
04308---	Arietta Compania Naviera S.A. Panama:
04308---	Arietta Compania Naviera S.A. Panama: Arietta Venizelos.
04317---	Ambelos Development Corp.: Holy Trinity.
04361---	Pelican State Towing Co.: Lachlan Macleay.
04429---	Heiner Braasch Seereederei Gesellschaft MS Hamburger Fleet MS Hmbgr. Brucke KG.: Hamburger Fleet. Hamburger Brucke.
04463---	Lloret Lopez Sociedad Anonima: L Lopez I.
04469---	Choshomaru Gyogyo Kabushiki Kaisha: Choshomaru No. 11.
04472---	Henmi Gyogyo Kabushiki Kaisha: Konpiramaru No. 12.
04475---	Fukuyoshi Gyogyo Kabushiki Kaisha: Fukuyoshi Maru No. 18.
04503---	Okutsu Suisan Kabushiki Kaisha: Zenkomaru No. 12.
04544---	Mr. Yosuke Kawaguchi: Seishu Maru No. 5. Seishu Maru No. 23.
04550---	Cia Victoria del Kinkai S.A.: Victoria No. 1. Victoria No. 7.
04554---	Kawashiri Gyogyo Kabushiki Kaisha: Hakuryu Maru No. 55.
04556---	Nihon Hogei Kabushiki Kaisha: Shinyomaru.

Certificate No.	Owner/operator and vessels
04594---	The Valley Line Co.: MV 289. VLT 3. VLT 4. VLT 5. VLT 6. VLT 7. VLT 8. VLT 9. VLT 10.
04611---	Carroll Towing Co., Inc.: Wm. H. Craig.
04794---	Sea King Corp.: Grand Ocean.
04869---	Blessing Co., Ltd.: Blessing.
04933---	The Revilo Corp.: NBC 547.
04987---	Scheepvaartkantoor Oceanvaart (Shipping Office) N.V.: Jal Importer.
05015---	New Jersey Bargin Corp. (Del.): The Independent. Perth Amboy No. 2.
05047---	PPG Industries, Inc.: PPG-110.
05081---	United States Dredging Corp.: Rice 421.
05108---	Compania Naviera Pearl S.A.: Amelia.
05250---	Fleet Towing Co.: Invader. Illinois.
05400---	Okinawa Sanyo Gyogyo Kabushiki Kaisha: Sanyo Maru No. 38.
05437---	The Dow Chemical Co.: DC-60.
05568---	African Shipping Enterprises Ltd.: Aktion.
05581---	Latvian Shipping Co.: Kokand.
05738---	Artico Compania de Navigacion-Panama: Merak.
05799---	Partenreederei MS "Brunskoog": Brunskoog.
05842---	Mr. Tatsumi Sumida: Tatsumi Maru No. 25.
05867---	Ocean Carriers Corp.: Aztec.
05952---	Koei Gyogyo Kabushiki Kaisha: Koei Maru No. 18.
05988---	Maekatsu Gyogyo Kabushiki Kaisha: Katsu Maru No. 31.
06214---	Houston Barge Leasing Inc.: ABL 405.
06222---	Compania de Navegacion Tubal S.A.: Volos.
06326---	Koumbakoun Compania Naviera, Panama: Lion of Chaeronea.
06335---	Akamas Shipping Co., Ltd.: Aegis Fable.
06435---	Dampskibsaktieselskabet Den Norske Afrikaog Australielinie, Wilhelmsens Damp., A/S Tonsberg, A/S Tankfart I, A/S Tankfart IV, A/S Tankfart V, A/S Tankfart VI: Toronto.
06446---	Nike International Ocean Co., S.A.: Nike I.
06467---	Florida Lines Ltd.: Lynn.
06570---	Tenax SS Co., Ltd.: Bernes. Spraynes. Baltnes. Brinnes. Furunes. Mornes. Fonnes. Bulknes. Borgnes. Baynes. Leknes.
06578---	Van Nievelt, Goudriaan & Co. NV: Adara. Situla.
06647---	First Summer Cloud Shipping Inc.: Hornland.
06661---	Emerald Maritime Corp.: San Miguel.
06725---	Geest Industries Ltd.: Geest Port.
06827---	Partenreederei Hamburger Michel Hamburg: Hamburger Michel.
06830---	Osaka Gyogyo Kabushiki Kaisha: Marunaka Maru No. 62.
06831---	Yohei Sakamoto: Chosei Maru No. 8.
06874---	Margarita Compania Naviera S.A. Panama: Margarita.
07727---	Sea Bridge Marine, Inc.: Vespasian.

By the Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.73-5805 Filed 3-27-73;8:45 am]

CANTON COMPANY OF BALTIMORE AND SEA-LAND SERVICE, INC.

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1015; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, on or before April 17, 1973. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed by:

Raymond S. Clark, President, Canton Company of Baltimore, Canton House, 300 Water Street, Baltimore, MD 21203.

Agreement No. T-2757, between Canton Company of Baltimore (Canton) and Sea-Land Service, Inc. (Sea-Land), provides for the 19-year lease to Sea-Land of approximately 5 acres of improved land area for use in connection with its activities at the port. As compensation, Canton is to receive $42,611.40 annually.

Dated: March 20, 1973.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.73-5807 Filed 3-27-73;8:45 am]

CITY OF OAKLAND AND UNITED STATES LINES, INC.

Notice of Agreements Filed

Notice is hereby given that the following agreements have been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreements at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1015; or may inspect the agreements at the Field Offices located at New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, on or before April 17, 1973. Any person desiring a hearing on the proposed agreements shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreements (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreements filed by:

J. Kerwin Rooney, Port Attorney, Port of Oakland, 66 Jack London Square, Post Office Box 2064, Oakland, Calif. 94607.

Agreement No. T-2758, between the city of Oakland (City) and United States Lines, Inc. (USL), provides for the 25-year preferential assignment to USL of approximately 20 acres (including 86,754 square feet of wharf area and 79,524 square feet of berth area) of improved premises located at the City's Middle Harbor Terminal, for use in connection with USL's operations at the port. The City retains secondary use rights to the facility. As compensation, City is to receive all tariff charges applicable to USL's operations at the facility (exclusive of crane rental or crane mainte-

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nance charges), subject to an annual minimum of $500,000 and an annual maximum of $692,000. Should USL exceed the annual minimum, 50 percent of all secondary use revenues received by the port will apply to meet USL's maximum. Should the above combination of compensation exceed USL's maximum, no further tariff charges will be paid. In the event that the cost of improvements to the facility exceeds $3,719, USL's compensation will be adjusted accordingly. Agreement No. T-2758 also provides for USL options on Areas "B" (consisting of approximately 8 acres, including 86,520 square feet of wharf area and 79,310 square feet of berth area) and "C" (consisting of approximately 7 acres), exercisable between the fifth and eighth years of the agreement's term. In the event these options are exercised, USL's compensation will be adjusted accordingly.

Agreement No. T-2758-A, also between the City and USL, provides for the City's purchase from USL of two container cranes for installation on the facility assigned to USL under Agreement No. T-2758. The purchase price of the cranes will be $3,200,000.

Agreement No. T-2758-B, also between the City and USL, provides for the lease to USL of the two cranes purchased from it under the terms of Agreement No. T-2758-A, above, for the purpose of servicing its vessels. The term of T-2758-B is to run concurrently with that of T-2758. As compensation, the City is to receive $1 annually. Under this agreement, as in Agreement No. T-2758, the City retains secondary use rights.

Agreement No. T-2758-C, also between the City and USL, provides for the lease to USL of certain office facilities adjacent to the facility assigned to USL under Agreement No. T-2758 for a term running concurrently with that of Agreement No. T-2758. As compensation, the City is to receive $15,155.04 annually, renegotiable after every 5-year period of the term.

Dated: March 20, 1973.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.73-5811 Filed 3-27-73;8:45 am]

CONTINENTAL NORTH ATLANTIC WESTBOUND FREIGHT CONFERENCE

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1015; or may inspect the agreement at the field offices located at New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, on or before April 17, 1973. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

MODIFICATION OF AGREEMENT

Notice of agreement filed by:

Howard A. Levy, Conference Counsel, North Atlantic Westbound Freight Conference, Suite 631, 17 Battery Place, New York, NY 10004.

Agreement No. 8210-20, among the member lines of the above-named conference, modifies the procedures for convening meetings, sets new quorum requirements therefor, provides for the appointment of a permanent independent chairman and defines the responsibilities and duties of that office.

Dated: March 20, 1973.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.73-5808 Filed 3-27-73;8:45 am]

FARRELL LINES, INC., AND DET DANSK-FRANSKE DAMPSKIPSSELSKAB (DAFRA LINES)

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1015; or may inspect the agreement at the field offices located at New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, on or before April 17, 1973. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed by:

Mr. Hans Unterwiener, Manager, Freight Documentation and Inward Freight, Farrell Lines Inc., One Whitehall Street, New York, NY 10004.

Agreement No. 10043, between Farrell Lines Inc. and Det Dansk-Franske Dampskipsselskab (Dafra Lines) establishes a through billing arrangement for the transportation of all cargo moving in the trade between the Liberian ports of Buchanan, Sinoe and Lofa River and U.S. Gulf ports with transshipment at Monrovia, Liberia, under terms and conditions set forth in the agreement. Agreement No. 10043 will, upon approval, cancel and supersede Agreement No. 9866.

Dated: March 21, 1973.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.73-5809 Filed 3-27-73;8:45 am]

JONES OREGON STEVEDORING CO. ET AL.

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1015; or may inspect the agreement at the field offices located at New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, on or before April 17, 1973. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed by:

Milton A. Mowat, Manager, Regulatory Affairs, Port of Portland, Box 3529, Portland, OR 97208.

Agreement No. T-2765, between Jones Oregon Stevedoring Co.; Brady Hamilton Stevedoring Co.; Portland Stevedoring Co.; and Western Stevedoring and Terminal Corp., constitutes the Articles of Incorporation and By-laws of Handcor, Inc. (Handcor). Handcor's sole purpose will be to provide the services of boarding and deboarding general cargo, stuffing and unstuffing containers, and yarding containers for the Port of Portland as a subcontractor or agent and for any other person except a shipper, a carrier, or an organization having a shipper or a carrier as a member.

Dated: March 22, 1973.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.73-5810 Filed 3-27-73;8:45 am]

[Docket No. 72-35]

PACIFIC WESTBOUND CONFERENCE

Amendment to Order of Investigation of Rates, Rules, and Practices Pertaining to the Movement of Wastepaper and Woodpulp

Pursuant to section 102(2)(c) of the National Environmental Policy Act of 1969, Public Law 91-190, the Federal Maritime Commission prepared a draft environmental impact statement with regard to subject proceeding. By notice of December 13, 1972, the Commission has made that statement available, and has invited interested persons to submit comments on or before January 15, 1973. Having received such comments:

It is further ordered, That all commentators make themselves available, if requested, for cross-examination in accordance with the Commission's rules of practice and procedure (46 CFR Part 502 et seq.) as may be directed by the Presiding Administrative Law Judge;

It is further ordered, That the parties of record direct themselves to the issues raised by the draft environmental impact statement;

It is further ordered, That any commentator, who does not make himself available for cross-examination if so requested by the Presiding Administrative Law Judge, will have his comments removed from the record;

It is further ordered, That the Presiding Administrative Law Judge include, as a separate and distinct portion of his initial decision, findings of fact and conclusions of law pertaining to the issues raised by the draft environmental impact statement.

By the Commission.

[SEAL] FRANCIS C. HURNEY,
Secretary.

[FR Doc.73-5815 Filed 3-27-73;8:45 am]

PENINSULAR & ORIENTAL STEAM NAVIGATION CO.

Order of Revocation of Certificates

Certificate of Financial Responsibility for Indemnification of Passengers for Nonperformance of Transportation No. P-37 and Certificate of Financial Responsibility To Meet Liability Incurred for Death or Injury to Passengers or Other Persons on Voyages No. C-1,034.

The Peninsular & Oriental Steam Navigation Co., c/o P & O Lines (North America), Inc., 155 Post Street, San Francisco, CA 94108.

Whereas, the Peninsular & Oriental Steam Navigation Co. (P & O Lines) has ceased to operate the passenger vessels *Iberia* and *Orcades;* and

Whereas, the Peninsular & Oriental Steam Navigation Co. (P & O Lines) has returned Certificate (Performance) No. P-37 and Certificate (Casualty) No. C-1,034 covering the *Iberia* and *Orcades* for revocation.

It is ordered, That Certificate (Performance) No. P-37 and Certificate (Casualty) No. C-1,034 covering the *Iberia* and *Orcades* be, and are hereby revoked effective March 16, 1973.

It is further ordered, That a copy of this order be published in the FEDERAL REGISTER and served on the certificant.

By the Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.73-5814 Filed 3-27-73;8:45 am]

PORT OF PORTLAND AND HANDCOR, INC.

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1015; or may inspect the agreement at the field offices located at New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, on or before April 17, 1973. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicated that this has been done.

Notice of agreement filed by:

Milton A. Mowat, Manager, Regulatory Affairs, Port of Portland, Box 3529, Portland, OR 97208.

Agreement No. T-2765, between the Port of Portland (Port) and Handcor, Inc. (a corporation comprised of Jones Oregon Stevedoring Co.; Brady Hamilton Stevedore Co.; Portland Stevedoring Co.; and Western Stevedoring & Terminal Corp.) (Handcor), is a memorandum of understanding under which Handcor will perform the services of stuffing and unstuffing all containers and the boarding and deboarding of all general cargo at the Port's Terminal No. 2. On all containers formerly stuffed or unstuffed by the Port, Handcor will assess rates appearing in the Port's present container Tariff No. 1, minus the applicable service and facilities charge specified under the Port's present Tariff No. 3-A. The agreement also provides that, on all container and general cargo handled by Handcor for persons other than the Port, Handcor will assess its customers directly, on an equal and nondiscriminatory basis. The Port will assign coordinating personnel to Terminal No. 2 to keep Handcor informed as to the needs of the Port on a day-to-day basis as well as to direct the movement of containers between the container yard and stuffing area. The term of the agreement is to be initially for 90 days, terminable thereafter by either party upon 30 days' prior written notice to the other.

Dated: March 22, 1973.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.73-5812 Filed 3-27-73;8:45 am]

UNITED STATES GULF/PERU SOUTHBOUND POOLING AGREEMENT

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1015; or may inspect the agreement at the field offices located at New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, on or before April 9, 1973. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination

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or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed by:

Lloyd F. Dolese, Lykes Bros. Steamship Co., Inc., Lykes Center, 300 Poydras Street, New Orleans, LA 70130.

Agreement No. 10044, between Compania Peruana De Vapores (CPV) and Lykes Bros. Steamship Co., Inc., provides for the establishment of a pooling, sailing, and equal access to government-controlled cargo arrangement for the apportionment of freight revenues on all cargo, with certain specified exceptions, transported by the parties from U.S. ports in the Gulf of Mexico ot ports in Peru, including Peruvian cargo transshipped at non-Peruvian ports. The intent is that the lines will equally participate in the cargo revenues generated by both of them when operating within the scope of the agreement.

The parties will each maintain a minimum of 13 sailings per calendar year subject to conditions of force majeure. Sailings for a period of less than a calendar year will be on a pro rata basis.

Provisions with respect to adjustments in the event of sailing and space deficiencies, and pool accounting and settlement are set forth in the agreement. Lykes Bros. Steamship Co., Inc., shall be accorded the status of a Peruvian flag line with respect to the carriage of southbound cargo in the foreign commerce of Peru. Lykes Bros. Steamship Co., Inc., will support applications for waivers which shall place Peruvian flag vessels of Compania Peruana De Vapores on a basis of equal opportunity with Lykes Bros. Steamship Co., Inc. vessels with respect to the carriage of government-controlled cargo.

Agreement No. 10044 will, upon approval, cancel and supersede Agreement No. 9865, and shall remain in effect for 2 years unless earlier canceled as provided therein.

Dated: March 21, 1973.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.73-5813 Filed 3-27-73;8:45 am]

FEDERAL POWER COMMISSION

NATIONAL POWER SURVEY; TECHNICAL ADVISORY COMMITTEE ON FUELS TASK FORCE ON ENVIRONMENTAL CONSIDERATIONS AND CONSTRAINTS

Agenda and Notice for Meeting

Meeting to be held at the Federal Power Commission Offices, 1425 K Street NW., Washington, DC, 9:30 a.m., April 5, 1973, Room 785.

1. Meeting called to order by FPC Coordinating Representative.

2. Objectives and purposes of meeting.

A. Approval of minutes of March 15, 1973, meeting.
B. Discuss progress of assignments given.
C. Discuss preparation of draft reports.
D. Other business.
E. Date for next meeting.

3. Adjournment.

This meeting is open to the public. Any interested person may attend, appear before, or file statements with the committee—which statements, if in written form, may be filed before or after the meeting, or, if oral, at the time and in the manner permitted by the committee.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-5835 Filed 3-27-73;8:45 am]

NATIONAL POWER SURVEY; TECHNICAL ADVISORY COMMITTEE ON RESEARCH AND DEVELOPMENT TASK FORCE—ENERGY DISTRIBUTION RESEARCH

Agenda and Notice for Meeting

Meeting to be held at the Federal Power Commission Offices, 441 G Street NW., Washington, DC, 10 a.m., April 2, 1973, Room 2043.

1. Meeting called to order by FPC Coordinating Representative.

2. Objectives and purposes of meeting.

A. Approve minutes of March 7, 1973.
B. Review previous work.
C. Report on Task Force Project Assignments.
D. Other business.
E. Schedule date of next meeting.

3. Adjournment.

This meeting is open to the public. Any interested person may attend, appear before, or file statements with the committee—which statements, if in written form, may be filed before or after the meeting, or, if oral, at the time and in the manner permitted by the Task Force.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-5836 Filed 3-27-73;8:45 am]

NATIONAL POWER SURVEY; TECHNICAL ADVISORY COMMITTEE ON FUELS TASK FORCE ON UTILITY FUELS REQUIREMENTS

Agenda and Notice for Meeting

Meeting to be held at the Federal Power Commission Offices, 1425 K Street NW., Washington, DC, April 6, 1973, 9:30 a.m. e.s.t., Room 785.

1. Meeting called to order by FPC Coordinating Representative.

2. Objectives and purposes of meeting.

A. Approval of minutes of February 15, 1973, meeting.
B. Further discussion of basic assumptions and additional source materials needed for completion of draft reports.
C. Preliminary reports on assignments made at previous meeting:
(1) Coal—Mr. DeCarlo.
(2) Gas—Mr. Hodson.
(3) Oil—Mr. Deloney.
(4) Nuclear—Mr. Goodwin.
D. Time schedule for completion of study projects.
E. Other business.
F. Dates for future meetings.

3. Adjournment.

This meeting is open to the public. Any interested person may attend, appear before, or file statements with the committee—which statements, if in written form, may be filed before or after the meeting, or, if oral, at the time and in the manner permitted by the committee.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-5837 Filed 3-27-73;8:45 am]

[Docket No. E-8071]

ARKANSAS POWER & LIGHT CO.

Filing of Initial Rate Schedule

MARCH 22, 1973.

Take notice that Arkansas Power & Light Co. (Arkansas Power) on March 8, 1973, tendered for filing an initial Power Service Agreement between the City Water and Light Plant of the City of Jonesboro, Ark. (Jonesboro), and Arkansas Power, to become effective June 1, 1973. Copies of the filing were served on Arkansas Power and the Arkansas Public Service Commission.

The filing is described in the letter of transmittal as follows:

The aforementioned agreement is for a term of at least 7 years, beginning on or about June 1, 1973, and provides for an initial block of at least 5,000 kw. in 1973 and up to a maximum of 50,000 kw. during the term of the agreement. The City Water and Light Plant of Jonesboro, Ark., is not now served by Arkansas Power & Light Co. and there is no interconnection between their respective systems. The city electric system has need of additional firm capacity and energy to supplement its own generation and other sources of firm power supply in order to adequately supply the city's customers.

The rates and charges provided for in the aforementioned agreement were arrived at through negotiations with the City Water and Light Plant of Jonesboro, and they are designed to produce a return approximately equal to the company's overall rate of return.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 441 G Street NW., Washington, DC 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before April 12, 1973. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-5887 Filed 3-27-73;8:45 am]

[Docket No. E-8078]

BUCKEYE POWER, INC.

Notice of Application

MARCH 20, 1973.

Take notice that on March 14, 1973, Buckeye Power, Inc. (Applicant), of Columbus, Ohio, filed an application seeking an order for approval of the issuance of short-term obligations in the form of promissory notes to commercial banks, such notes to be issued on or before December 31, 1973, with a final maturity date of not later than December 30, 1974.

The net proceeds from the notes will be used to provide general funds for the company's construction program.

Any person desiring to be heard or to make any protest with reference to such application should on or before April 4, 1973, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-5876 Filed 3-27-73;8:45 am]

[Docket No. CI73-578]

CAR-TEX PRODUCING CO.

Notice of Application

MARCH 20, 1973.

Take notice that on February 28, 1973, Car-Tex Producing Co. (Applicant), Post Office Box 655, Carthage, TX 75633, filed in Docket No. CI73-578 an application pursuant to section 7(b) of the Natural Gas Act for permission and approval to abandon the sale of natural gas to Arkansas Louisiana Gas Co. from production in the Carthage Field, Panola and Harrison Counties, Tex., all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that the volumes of casinghead gas available from the producer thereof, Hurley Petroleum Corp., have declined below economic limits for Applicant's type of operation. Hurley Petroleum Corp. filed an application pursuant to section 7(b) of the Natural Gas Act in Docket No. CI73-431 for permission and approval to abandon its sale to Applicant, commenced a sale of natural gas to Texas Eastern Transmission Corp. within the contemplation of § 157.29 of the regulations under the Natural Gas Act (18 CFR 157.29) on February 19, 1973, and proposes in Docket No. CI73-558 to continue the latter sale within the contemplation of § 2.70 of the Commission's general policy and interpretations (18 CFR 2.70).

Any person desiring to be heard or to make any protest with reference to said application should on or before April 13, 1973, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that permission and approval for the proposed abandonment are required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-5880 Filed 3-27-73;8:45 am]

[Docket No. CP73-236]

C. B. GAS GATHERING CO.

Notice of Application

MARCH 22, 1973.

Take notice that on March 16, 1973, C. B. Gas Gathering Co. (Applicant), Post Office Box 1873, Corpus Christi TX 78403, filed in Docket No. CP73-236 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale for resale and delivery of natural gas in interstate commerce to Natural Gas Pipeline Co. of America from the Willamar Field, Willacy County, Tex., all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to sell up to 12,000 Mcf of gas per day for 2 years commencing on or after May 15, 1973, at 45 cents per Mcf at 14.65 p.s.i.a., subject to upward and downward B.t.u. adjustment, within the contemplation of § 2.70 of the Commission's general policy and interpretations (18 CFR 2.70).

Any person desiring to be heard or to make any protest with reference to said application should on or before April 16, 1973, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if not petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-5892 Filed 3-27-73;8:45 am]

[Project 2530]

CENTRAL MAINE POWER CO.

Application for Change in Land Rights

MARCH 22, 1973.

Public notice is hereby given pursuant to section 4(e) of the Federal Power Act (16 U.S.C. 791a-825r) that an application for a change in land rights was filed on December 21, 1972, by Central Maine Power Co. (Correspondence to: Mr. Seward B. Brewster, Secretary, Central Maine Power Co., 9 Green Street, Augusta, ME 04330) Licensee for Project No. 2530, known as the Hiram Project, located on the Saco River in the towns of Hiram Baldwin, Brownfield, and Denmark, in the counties of Cumberland and Oxford, Maine.

Applicant proposes to lease for 1 year and thereafter from year to year approximately 1.5 acres of project lands to the towns of Hiram to provide recreational facilities for its residents and others. The land to be leased is situated north of Hiram Dam on the west shore of the Saco River. The land is about 1,600 feet long and varies in width from 20 to 125 feet, and is bordered by the road leading from Hiram to Cornish and the Saco River.

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[Docket No. CP73-237]

CITIES SERVICE GAS CO.

Notice of Application

MARCH 22, 1973.

Take notice that on March 16, 1973, Cities Service Gas Co. (Applicant), P.O. Box 25128, Oklahoma City, OK 73125, filed in Docket No. CP73-237 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale for resale and delivery of natural gas in interstate commerce to Natural Gas Pipeline Co. of America from the Willamar Field, Willacy County, Tex., all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to sell up to 12,000 Mcf of gas per day for 2 years commencing on or after May 15, 1973, at 45 cents per Mcf at 14.65 p.s.i.a., subject to upward and downward B.t.u. adjustment, within the contemplation of § 2.70 of the Commission's general policy and interpretations (18 CFR 2.70).

Any person desiring to be heard or to make any protest with reference to said application should on or before April 16, 1973, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that permission and approval for the proposed abandonment are required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-5881 Filed 3-27-73;8:45 am]

[Docket No. CP73-238]

CITIES SERVICE GAS CO.

Notice of Application

MARCH 22, 1973.

Take notice that on March 16, 1973, Cities Service Gas Co. (Applicant), P.O. Box 25128, Oklahoma City, OK 73125, filed in Docket No. CP73-238 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale for resale and delivery of natural gas in interstate commerce to Natural Gas Pipeline Co. of America from the Willamar Field, Willacy County, Tex., all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to sell up to 12,000 Mcf of gas per day for 2 years commencing on or after May 15, 1973, at 45 cents per Mcf at 14.65 p.s.i.a., subject to upward and downward B.t.u. adjustment, within the contemplation of § 2.70 of the Commission's general policy and interpretations (18 CFR 2.70).

Any person desiring to be heard or to make any protest with reference to said application should on or before April 16, 1973, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that permission and approval for the proposed abandonment are required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-5882 Filed 3-27-73;8:45 am]

[Docket No. CP73-239]

CITIES SERVICE GAS CO.

Notice of Application

MARCH 22, 1973.

Take notice that on March 16, 1973, Cities Service Gas Co. (Applicant), P.O. Box 25128, Oklahoma City, OK 73125, filed in Docket No. CP73-239 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale for resale and delivery of natural gas in interstate commerce to Natural Gas Pipeline Co. of America from the Willamar Field, Willacy County, Tex., all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to sell up to 12,000 Mcf of gas per day for 2 years commencing on or after May 15, 1973, at 45 cents per Mcf at 14.65 p.s.i.a., subject to upward and downward B.t.u. adjustment, within the contemplation of § 2.70 of the Commission's general policy and interpretations (18 CFR 2.70).

Any person desiring to be heard or to make any protest with reference to said application should on or before April 16, 1973, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that permission and approval for the proposed abandonment are required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-5883 Filed 3-27-73;8:45 am]

[Docket No. CP73-240]

CITIES SERVICE GAS CO.

Notice of Application

MARCH 22, 1973.

Take notice that on March 16, 1973, Cities Service Gas Co. (Applicant), P.O. Box 25128, Oklahoma City, OK 73125, filed in Docket No. CP73-240 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale for resale and delivery of natural gas in interstate commerce to Natural Gas Pipeline Co. of America from the Willamar Field, Willacy County, Tex., all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to sell up to 12,000 Mcf of gas per day for 2 years commencing on or after May 15, 1973, at 45 cents per Mcf at 14.65 p.s.i.a., subject to upward and downward B.t.u. adjustment, within the contemplation of § 2.70 of the Commission's general policy and interpretations (18 CFR 2.70).

Any person desiring to be heard or to make any protest with reference to said application should on or before April 16, 1973, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that permission and approval for the proposed abandonment are required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-5884 Filed 3-27-73;8:45 am]

[Docket No. CP73-241]

CITIES SERVICE GAS CO.

Notice of Application

MARCH 22, 1973.

Take notice that on March 16, 1973, Cities Service Gas Co. (Applicant), P.O. Box 25128, Oklahoma City, OK 73125, filed in Docket No. CP73-241 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale for resale and delivery of natural gas in interstate commerce to Natural Gas Pipeline Co. of America from the Willamar Field, Willacy County, Tex., all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to sell up to 12,000 Mcf of gas per day for 2 years commencing on or after May 15, 1973, at 45 cents per Mcf at 14.65 p.s.i.a., subject to upward and downward B.t.u. adjustment, within the contemplation of § 2.70 of the Commission's general policy and interpretations (18 CFR 2.70).

Any person desiring to be heard or to make any protest with reference to said application should on or before April 16, 1973, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that permission and approval for the proposed abandonment are required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-5885 Filed 3-27-73;8:45 am]

[Docket No. CP73-242]

CITIES SERVICE GAS CO.

Notice of Application

MARCH 22, 1973.

Take notice that on March 16, 1973, Cities Service Gas Co. (Applicant), P.O. Box 25128, Oklahoma City, OK 73125, filed in Docket No. CP73-242 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale for resale and delivery of natural gas in interstate commerce to Natural Gas Pipeline Co. of America from the Willamar Field, Willacy County, Tex., all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to sell up to 12,000 Mcf of gas per day for 2 years commencing on or after May 15, 1973, at 45 cents per Mcf at 14.65 p.s.i.a., subject to upward and downward B.t.u. adjustment, within the contemplation of § 2.70 of the Commission's general policy and interpretations (18 CFR 2.70).

Any person desiring to be heard or to make any protest with reference to said application should on or before April 16, 1973, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that permission and approval for the proposed abandonment are required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-5886 Filed 3-27-73;8:45 am]

[Docket No. CP73-243]

CITIES SERVICE GAS CO.

Notice of Application

MARCH 22, 1973.

Take notice that on March 16, 1973, Cities Service Gas Co. (Applicant), P.O. Box 25128, Oklahoma City, OK 73125, filed in Docket No. CP73-243 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale for resale and delivery of natural gas in interstate commerce to Natural Gas Pipeline Co. of America from the Willamar Field, Willacy County, Tex., all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to sell up to 12,000 Mcf of gas per day for 2 years commencing on or after May 15, 1973, at 45 cents per Mcf at 14.65 p.s.i.a., subject to upward and downward B.t.u. adjustment, within the contemplation of § 2.70 of the Commission's general policy and interpretations (18 CFR 2.70).

Any person desiring to be heard or to make any protest with reference to said application should on or before April 16, 1973, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that permission and approval for the proposed abandonment are required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-5888 Filed 3-27-73;8:45 am]

[Docket No. CP73-244]

CITIES SERVICE GAS CO.

Notice of Application

MARCH 22, 1973.

Take notice that on March 16, 1973, Cities Service Gas Co. (Applicant), P.O. Box 25128, Oklahoma City, OK 73125, filed in Docket No. CP73-244 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale for resale and delivery of natural gas in interstate commerce to Natural Gas Pipeline Co. of America from the Willamar Field, Willacy County, Tex., all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to sell up to 12,000 Mcf of gas per day for 2 years commencing on or after May 15, 1973, at 45 cents per Mcf at 14.65 p.s.i.a., subject to upward and downward B.t.u. adjustment, within the contemplation of § 2.70 of the Commission's general policy and interpretations (18 CFR 2.70).

Any person desiring to be heard or to make any protest with reference to said application should on or before April 16, 1973, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that permission and approval for the proposed abandonment are required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-5889 Filed 3-27-73;8:45 am]

[Docket No. CP73-245]

CITIES SERVICE GAS CO.

Notice of Application

MARCH 22, 1973.

Take notice that on March 16, 1973, Cities Service Gas Co. (Applicant), P.O. Box 25128, Oklahoma City, OK 73125, filed in Docket No. CP73-245 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale for resale and delivery of natural gas in interstate commerce to Natural Gas Pipeline Co. of America from the Willamar Field, Willacy County, Tex., all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to sell up to 12,000 Mcf of gas per day for 2 years commencing on or after May 15, 1973, at 45 cents per Mcf at 14.65 p.s.i.a., subject to upward and downward B.t.u. adjustment, within the contemplation of § 2.70 of the Commission's general policy and interpretations (18 CFR 2.70).

Any person desiring to be heard or to make any protest with reference to said application should on or before April 16, 1973, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that permission and approval for the proposed abandonment are required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-5890 Filed 3-27-73;8:45 am]

[Docket No. CP73-246]

CITIES SERVICE GAS CO.

Notice of Application

MARCH 22, 1973.

Take notice that on March 16, 1973, Cities Service Gas Co. (Applicant), P.O. Box 25128, Oklahoma City, OK 73125, filed in Docket No. CP73-246 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale for resale and delivery of natural gas in interstate commerce to Natural Gas Pipeline Co. of America from the Willamar Field, Willacy County, Tex., all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to sell up to 12,000 Mcf of gas per day for 2 years commencing on or after May 15, 1973, at 45 cents per Mcf at 14.65 p.s.i.a., subject to upward and downward B.t.u. adjustment, within the contemplation of § 2.70 of the Commission's general policy and interpretations (18 CFR 2.70).

Any person desiring to be heard or to make any protest with reference to said application should on or before April 16, 1973, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that permission and approval for the proposed abandonment are required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-5891 Filed 3-27-73;8:45 am]

The town proposes to erect two open wood-frame picnic shelters with picnic tables and plans to develop a small boat and canoe landing to allow public access to the Saco River from the Hiram-Cornish Road.

Any person desiring to be heard or to make protest with reference to said application should on or before May 4, 1973, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to a proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and is available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-5888 Filed 3-27-73;8:45 am]

[Docket No. G-13385, etc.]

CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY

Findings and Order After Statutory Hearing; Correction

MARCH 15, 1973.

In the findings and order after statutory hearing issuing certificates of public convenience and necessity, amending orders issuing certificates, terminating certificates, making successors co-respondent, accepting rate schedules for filing, and granting petition to intervene, issued March 1, 1973, and published in the FEDERAL REGISTER March 9, 1973 (38 FR 6438), in Docket No. G-16548, change the effective date of the rate schedule supplement from "11-1-72" to "11-1-71".

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-5899 Filed 3-27-73;8:45 am]

[Docket No. E-7743]

CONNECTICUT LIGHT & POWER CO.

Further Extension of Time and Postponement of Hearing; Correction

MARCH 2, 1973.

In the notice issued February 28, 1973, and published in the FEDERAL REGISTER March 7, 1973 (38 FR 6228): Hearing Date, next to last line, change "May 5, 1973" to "May 8, 1973."

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-5878 Filed 3-27-73;8:45 am]

[Project 2485]

THE CONNECTICUT LIGHT & POWER CO. ET AL.

Application for Extension of Time To Complete Construction

MARCH 21, 1973.

Public notice is hereby given that application was filed on January 26, 1973, under section 13 of the Federal Power Act (16 U.S.C. 791a–825r) by Northeast Utilities Service Co. on behalf of the joint licensees, The Connecticut Light & Power Co., The Hartford Electric Light Co., and Western Massachusetts Electric Co. (Correspondence to: Mr. Walter F. Fee, Vice President-Engineering, Northeast Utilities Service Co., Post Office Box 270, Hartford, CT 06101 for an extension of time to complete construction of Northfield Mountain Project No. 2485 located on the Connecticut River in Franklin County, Mass.

The joint licensees for the Northfield Mountain Project No. 2485 are seeking an 8-month extension of time until December 31, 1973, for completion of construction of project facilities because of an accidental flooding on April 22, 1972, of the major equipment in the project's underground powerhouse. The major equipment installed to that date, including four turbine generators and the main control room circuitry and wiring, were in varying stages of assembly.

Restoration of the equipment has been completed and installation is proceeding on a schedule for in-service dates as follows: Unit No. 1—March 1973; Unit No. 2—May 1973; and Unit No. 3—July 1973. Unit No. 4 went into operation on November 30, 1972.

Article 31 of the license, as modified, requires completion of construction of project works by April 30, 1973. Applicants seek an extension for completion of project works to December 31, 1973, to allow for the possibility of further delays beyond the control of the applicants that may arise during the final installation of equipment and preliminary operations of the project.

Any person desiring to be heard or to make protest with reference to said application should on or before April 30, 1973, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to a proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and is available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-5882 Filed 3-27-73;8:45 am]

[Project 2192]

CONSOLIDATED WATER POWER CO.

Application for New License

MARCH 21, 1973.

Public notice is hereby given that application was filed on February 10, 1969; revised on February 27, 1970; supplemented on January 4, 1971, February 10, 1971, June 17, 1971, May 8, 1972, and September 5, 1972, under section 15 of the Federal Power Act (16 U.S.C. 791a–825r) by Consolidated Water Power Co. (Correspondence to: Mr. F. E. Husting, Secretary, Consolidated Water Power Co., Wisconsin Rapids, Wis. 54494) for a new license for constructed Project No. 2192, known as the Biron Hydro Project, located on the Wisconsin River in Wood and Portage Counties, Wis.

The Biron Hydro Project with an installed capacity of 8,825 horsepower consists of the following: (1) A 2,533-foot long concrete gravity dam (maximum height about 34 feet) which includes an intake section and a spillway in three sections, having a total length of 780 feet, equipped with 22 tainter gates; (2) dikes extending upstream from the ends of the dam 2 miles on the right bank and 1½ miles on the left bank; (3) a 2,078-acre reservoir with normal water surface elevation at 1,036.1 feet (U.S.G.S. datum); (4) a powerhouse, integral with the dam, containing two 1,450 kW. generators; (5) part of an industrial building containing one 400 kW. generator and six turbines, totaling 4,425 horsepower, connected to nonpower wood grinders; and (6) all other facilities appurtenant to the project.

Applicant estimates the net investment as of June 30, 1970, at $434,786.62. Applicant's estimate of fair value as of February 18, 1970, was $1,700,000. Applicant estimates that the annual State and local tax revenue produced by the project is $55,000.

The primary recreational feature of the project is the 2078-acre, 13-mile-long reservoir. Most of the 700 acres of project land owned by the applicant is low-lying and suited for wildlife. This land is generally open to hunting and fishing except at some cottage site leases. According to a State resource study of the river, most of the remaining shoreline is occupied by residential and commercial developments.

The applicant has developed a boat-launching site and a forestry tour at the project. The town of Plover operates a small park on the reservoir with facilities for picknicking and boat launching. Private development includes a marina, a campground (to open in 1973) and a recreational area (picknicking, swimming, boating, and hiking) to be developed by Consolidated Employees' Recreation Association.

There are no plans for additional recreational development.

Over half of the power produced by the project is hydromechanical, which is used for grinding wood by applicant's parent company, Consolidated Papers, Inc. Electric energy produced by the project is sold to the parent company for use in the manufacture of pulp and paper products both in the adjacent mill and elsewhere. Electricity is also sold wholesale to the city of Wisconsin Rapids and sold retail in and around the village of Biron.

The original license expired on June 30, 1972, and the project is currently being operated under an annual license.

Any person desiring to be heard or to make protest with reference to said application should on or before May 30, 1973, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to a proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and is available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-5871 Filed 3-27-73;8:45 am]

[Docket No. CP73-230]

DISTRIGAS OF NEW YORK CORP.

Notice of Application

MARCH 20, 1973.

Take notice that on March 7, 1973, Distrigas of New York Corp. (Applicant), 125 High Street, Boston, MA 02110, filed in Docket No. CP73-230 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale of liquefied natural gas (LNG) proposed to be imported from Algeria at its terminal located at Staten Island, N.Y., to distribution companies in New Jersey, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to sell approximately 8.8 trillion B.t.u. equivalent LNG per year from its deepwater terminal at Staten Island to New Jersey Natural Gas Co., Public Service Electric & Gas Co. and South Jersey Gas Co. Applicant states that importation of a major portion of the LNG from Algeria has been requested by Distrigas Corp. in pending Docket No. CP73-132 and that importation of the balance was authorized in Opinion No. 613 issued March 9, 1972, in Docket No. CP70-196 (47 FPC ------).

Applicant states that it will make the sales under its proposed FPC Gas Rate Schedules LT-1 and LT-2. The vaporized LNG will be transported by Distrigas Pipeline Corp. from the Staten Island terminal to delivery point in New Jersey by means of facilities proposed in pending Docket No. CP73-148.

Applicant states that the base rates to be charged under both Rate Schedules LT-1 and LT-2 are $0.903 per million B.t.u. for LNG delivered in the summer months and $1.503 per million B.t.u. for LNG delivered in the winter months. An extra charge, the application indicates, will be made for transportation through the facilities of Distrigas Pipeline Corp. and for vaporization or any barge delivery, as appropriate, all as set forth in the Rate Schedules.

Applicant states that the proposed sales will make a significant contribution toward meeting the pressing requirements of the buyers for supplemental gas supplies in the contract period.

Any person desiring to be heard or to make any protests with reference to said application should on or before April 13, 1973, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-5881 Filed 3-27-73;8:45 am]

[Docket No. E-8074]

FAIRHOPE, ALA., AND ALABAMA POWER CO.

Petition for Declaratory Order

MARCH 22, 1973.

On March 8, 1973, city of Fairhope, Ala. (Fairhope), filed a petition for declaratory judgment to determine and terminate a controversy existing between Fairhope and Alabama Power Co. (Alabama) respecting the date of termination of the contract for electric service between them dated March 28, 1966, designated as FPC Rate Schedule No. 100.

In its petition, Fairhope requests the Commission to declare that the contract was terminated on September 18, 1972, pursuant to the notice of cancellation served by Alabama Power, and to declare that the increased charges made and collected between May 3, 1972, and September 18, 1972, were illegal. Fairhope also requests that the Commission order a refund with interest of the difference between the charges stated in the contract and the increased rates collected.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 441 G Street NW., Washington, DC 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before April 11, 1973. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-5886 Filed 3-27-73;8:45 am]

[Docket No. E-7740]

INDIANA & MICHIGAN ELECTRIC CO.

Order Denying Petition To Show Cause and Postponing Dates for Filing Evidence and Hearing

MARCH 19, 1973.

Richmond Power & Light of the city of Richmond, Ind. (RP&L), on January 30, 1973, purportedly pursuant to section 206(a) of the Federal Power Act and §§ 1.6(d) and 1.7(a) of the Commission's rules of practice and procedure petitioned the Commission to issue an order to show cause against Indiana & Michigan Electric Co. (I&M), RP&L asks that I&M be directed to show cause why its rate schedule FPC No. 58, including proposed Tariff WS (Supplement No. 5), which became effective subject to refund on January 13, 1973, should not be modified with respect to RP&L's new 60 megawatt plant. In response on February 27, 1973, I&M filed a motion to dismiss the petition of RP&L, in which it asks that the petition be denied. On March 1, 1973,

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a group of intervenors[1] requested an extension of time for serving their evidence from March 7, 1973, to March 14, 1973.

According to its allegations, RP&L is a municipal utility system supplying electric service for public, domestic, and industrial use in and around the city of Richmond, Ind. RP&L's facilities include the Whitewater Valley Generating Station with one unit, which has a nameplate capacity of 33 mw and the older Johnson Street Station of 27,600 kW nameplate capacity, which has been put in cold reserve. RP&L has been purchasing part of its bulk power requirements from I&M under a contract dated November 15, 1965, which provides for service to RP&L under I&M's Tariff IP. That agreement was filed with the Commission and was accepted for filing effective January 1, 1966, as I&M's Rate Schedule FPC No. 58.

The agreement, as both RP&L and I&M point out, provides that I&M will provide maintenance power of up to the 33 mw nameplate capacity of RP&L's Whitewater Valley Station, that I&M will make available power in scheduled outages without demand charges, and that the ratchet in the rate schedule will apply only to the RP&L load less 33 mw. The contract also provides that on ninety days notice either party may call for a reconsideration of the terms and conditions. I&M says that not until after its rate increase filing in this docket on June 13, 1972, did RP&L seek a change in the contract to give effect to its planned 60 mw generating unit.

On June 13, 1972, without giving notice to RP&L according to its allegations, I&M tendered for filing a new Tariff WS containing new rates and conditions which I&M proposes to make applicable to RP&L as Supplement No. 5 to Rate Schedule FPC No. 58. RP&L contends that these changes coupled with a substantial rate increase produce an intolerable situation in which RP&L is effectively barred from the use of its new 60 mw unit.

RP&L moved to reject I&M's tariff filing, but by order issued August 11, 1972, the Commission denied the motion and accepted the tendered rate schedule for filing subject to a 5-month suspension and refund.[2] After denial of rehearing by the Commission on September 11, 1972, RP&L petitioned the U.S. Court of Appeals for the District of Columbia Circuit for review of the Commission's orders, and that that proceeding is now pending before the Court.

In the proceedings before the Commission I&M and the Staff have filed their written testimony and exhibits and a prehearing conference was held before Presiding Administrative Law Judge William Jensen on February 12, 1973, at which service of the Intervenors' evidence was rescheduled for March 7, 1973, I&M's rebuttal for April 5, 1973, and the hearing for April 24, 1973.

In its petition for order to show cause RP&L states that it seeks an interconnection agreement with I&M on an equalized reserve basis in accordance with the Gainesville decision,[3] but wants immediate relief in the following particulars:

(1) Although not changed by the WS Tariff filing, RP&L requests that the contract capacity for which it pays a demand charge be modified to reflect the new 60 mw unit. The contract now provides that contract capacity shall be the difference between the maximum 30-minute kilovolt-ampere demand on the customer's system and 33,000 kilovolt-amperes. RP&L would add a proviso that after the new unit goes into operation the contract capacity shall be the difference between the demand and 77,500 kilowatts (93,000 kw divided by 120 percent). RP&L proposes that 20 percent of its load met by its own capacity be dedicated to reserves.

(2) RP&L objects to the billing demand ratchet imposed by Tariff WS. Under the original rate schedule billing demand was to be no less than 60 percent of the contract capacity of the customer. Under the WS Tariff billing demand is to be no less than 60 percent of the highest billing demand established during the term of service, 60 percent of the contract capacity or 400 kw. RP&L argues that under this provision it would be unable to reduce its minimum obligation even if a change in contract capacity is made.

(3) Rate Schedule WS provides that energy be supplied by I&M for maintenance purposes without a demand charge but the maintenance demand is not to be greater than customer's firm capabilities at the date of the agreement (33 mw). RP&L requests that this limitation be the customer's firm capability at the time the maintenance energy is supplied (approximately 93,000 kw), in order to reflect its new generating capacity.

(4) RP&L asks that Rate Schedule WS be revised to exclude from monthly billing demand extraordinary individual demands caused by temporary maintenance or repairs on RP&L's generating facilities as well as on its transmission or distribution system. RP&L would also like eliminated a provision that temporary maintenance be prearranged on terms satisfactory to I&M.

RP&L contends that unless relief is granted it would be virtually required either to operate the new 60 mw generating unit substantially below capacity or to close it down for much of the year. RP&L says that the cost to it under Tariff WS would be $925,500 more than it would be if consideration is given to its new generating capacity. It contends further that refunds will not afford it protection because of the demand obligation imposed on it prior to Tariff WS going into effect and because it would not know whether it would be more economical to operate its new generating unit in lieu of purchasing power from I&M or to shut it down and purchase greater quantities of energy from I&M, for which it will be required to pay demand charges.

Finally, it contends that the issues presented involve questions of law and policy and therefore there is no need for evidentiary hearings on the matters raised. If I&M should raise factual questions it requests that either a conference be scheduled so that stipulations can be effectuated or separate hearings be held.

I&M objects that RP&L seeks an advance determination that it is entitled to a rate reduction of nearly $1 million per year. It contends that RP&L's predicament arises from its entering into a 10-year contract to purchase capacity from I&M and then installing further capacity of its own. It further contends that there is no inherent illegality in the rate provisions and the request for an order to show cause should be rejected citing Central Vermont Public Service Corp., —— FPC ——, Docket No. E-7685, issued July 13, 1972. I&M asserts that RP&L's allegations can be established only by competent evidence regarding numerous and complex factual considerations, such as its load factor, the availability and operating characteristics and costs of its units, fuel costs, and other variables. It points out that the Federal Power Act is not designed to protect RP&L from loss resulting from incorrect operating decisions. It adds that separate hearings would be unwarranted and highly prejudicial to I&M.

As discussed above, RP&L has made a number of requests for changes in I&M's tariff that relate intimately to the compensation each party should receive for energy and capacity and to the operation of their respective systems. The changes that RP&L requests would reduce its payments to I&M by substantial amounts. The resolution of these questions requires evidence on the costs and operations of the two parties. By our order of August 11, 1972, we provided a hearing for the resolution of questions arising out of I&M's rate filing. We have authority under sections 205 and 206 of the Power Act to prescribe the just and reasonable rate as of the time the rate filing went into effect and to order a refund of such portion of such increased rates as shall be found not justified. To the extent RP&L has a justifiable complaint independently existing prior to I&M's rate filing, we have authority to rectify it as we would in a proceeding instituted under section 206. Under the Power Act we are not responsible for possible errors in judgment that RP&L may make in purchasing power or operating its plant. We are not required to assure RP&L that it will receive the lowest cost source of power, but merely that the rates charged by I&M be just and reasonable and not unduly discriminatory. Central Vermont Public Service Corporation, supra. To conclude, we need the data provided by a hearing to resolve the questions raised by RP&L; we are unable to determine these questions on the basis of pleadings.

[1] City of Anderson, Ind., the Indiana & Michigan Municipal Distributors Association, and RP&L.

[2] By Order No. 442, —— FPC ——, December 3, 1971, the public utility whose proposed rates are suspended shall refund as required by final order of the Commission the portion of the increased rates or charges found not justified with seven percent interest.

[3] Gainesville v. Florida Power Corporation, 40 FPC 1227 (1968) 41 FPC 4 (1969), affirmed 402 U.S. 515 (1971).

Furthermore, we are of the opinion there is no justification for holding a separate hearing with respect to I&M's relationship with RP&L. This proceeding covers a $6,180,000 rate increase to I&M's resale customers in Indiana including a number of cities and cooperatives. It would not be equitable either to I&M or to its other customers to hold a separate hearing with respect to RP&L. In any case we would find it impossible to pass upon the appropriate credit for capacity, demand charge ratchet, allowance for maintenance energy, computation of billing demand, or more general questions as to the operation of the systems of I&M and RP&L that would arise in a hearing, without having I&M's other sales and customers before us.

It follows, therefore, that we shall deny RP&L's petition for an order to show cause. Of course, RP&L can make the same contentions it has made in its petition in the forthcoming hearing. At that hearing I&M will be well advised to address itself to the questions raised by RP&L.

As noted above, certain intervenors, including RP&L, by motion filed March 1, 1973, request an extension of time from March 7, 1973, until March 14, 1973, for the filing of their testimony and exhibits so as to permit coordination of the work being done by separate consulting firms. In view of our denial of RP&L's petition, we shall extend the service date for the intervenors' evidence until April 2, 1973, in order to give RP&L opportunity to present evidence on its contentions made in the petition. In conformity, the rebuttal service date for I&M will be May 2, 1973; and the hearing date will be May 22, 1973, subject to adjustment, if necessary, by the Administrative Law Judge.

The Commission further finds:

It is necessary and appropriate to carry out the provisions of the Federal Power Act that RP&L's petition to show cause be denied, and that the extensions of time be made as provided below.

The Commission orders:

(A) The petition to show cause filed on January 30, 1973, by RP&L is hereby denied.

(B) The date by which the intervenors' evidence shall be served is extended to April 2, 1973; the date for I&M's rebuttal is extended to May 2, 1973; and the hearing date is extended to May 22, 1973, subject to adjustment, if necessary, by the Administrative Law Judge.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

[FR Doc.73-5872 Filed 3-27-73;8:45 am]

[Docket No. CI73-592]

HERMAN G. KAISER

Notice of Application

MARCH 21, 1973.

Take notice that on March 5, 1973, Herman G. Kaiser (Applicant), 4120 East 51st Street, Tulsa, OK 74135, filed in Docket No. CI73-592 an application pursuant to section 7(c) of the Natural Gas Act and § 2.75 of the Commission's general policy and interpretations (18 CFR 2.75) for a certificate of public convenience and necessity authorizing the sale for resale and delivery of natural gas in interstate commerce to Panhandle Eastern Pipe Line Co. (Panhandle) from the Chaney Dell Field, Major County, Okla., all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes under the optional gas pricing procedure to sell natural gas to Panhandle from the Chaney Dell Field at an initial rate of 32.0 cents per Mcf at 14.65 p.s.i.a. subject to upward and downward Btu adjustment. The basic contract for the subject sale provides for 0.25-cent per Mcf price escalations each year beginning September 1, 1977, for tax reimbursement to the seller for 75 percent of any new or additional taxes and for a contract term of 20 years from August 7, 1972. Applicant expects to deliver to Panhandle approximately 65,000 Mcf per month at the downstream side of the Union Texas Petroleum's Chaney Dell Plant in Major County, Okla., for this sale.

Applicant states that he is applying for the instant authorization as a result of the U.S. Court of Appeals for the District of Columbia decision on December 12, 1972, in Docket No. 71-1560, et al., and its refusal on February 5, 1973, to reconsider its initial decision, which set aside the Commission's Order promulgating small producer regulations. Applicant requests that should this application be approved, it be allowed to take effect retroactively to the date of first deliveries which was August 7, 1972. Applicant is the holder of a small producer certificate in Docket No. CS71-179.

Applicant asserts that the present area rate of 21.0 cents per Mcf for sales from the subject area is patently not representative of the current value of the subject gas and does not take into consideration the expense and risk involved in drilling in zones such as the Red Fork Formation. Applicant alleges that the price of 32.0 cents per Mcf proposed herein is lower than present intrastate prices offered within the State of Oklahoma. Applicant states that even though the 32.0 cents per Mcf is the contractual rate with Panhandle, Union Texas actually gathers, compresses and processes the gas for Applicant and after this is done Applicant only receives a net of approximately 26.0 cents per Mcf. Applicant further asserts that the base price of 32.0 cents per Mcf is lower than alternative sources of energy such as the importation of liquefied natural gas, the production of synthetic gas or the gasification of coal.

Any person desiring to be heard or to make any protest with reference to said application should on or before April 13, 1973, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB, *Secretary.*

[FR Doc.73-5874 Filed 3-27-73;8:45 am]

[Docket No. CP73-234]

MIDWESTERN GAS TRANSMISSION CO.

Notice of Application

MARCH 21, 1973.

Take notice that on March 13, 1973, Midwestern Gas Transmission Co. (Applicant), Post Office Box 2511, Houston, TX 77001, filed in Docket No. CP73-234 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the transportation of up to 12,000 Mcf of natural gas per day for Northern States Power Co. (Northern States), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to transport and deliver up to 12,000 Mcf (14.73 p.s.i.a.) of natural gas per day to Northern States at existing delivery points located at the terminus of Applicant's Fargo and Grand Forks laterals in North Dakota. The application indicates that Northern States is currently experiencing a shortage of gas supply to meet the anticipated load growth of its residential and small volume commercial and industrial customers in the communities of Fargo and Grand Forks, and that the proposed service will assist in assuring maintenance of adequate service to these customers.

Applicant will receive such gas for transportation at the interconnection of its and Northern Natural Gas Co.'s (Northern Natural) facilities in Chisago and Isanti Counties, Minn. Applicant will render the service at a transportation charge of 2.0 cents per Mcf for gas deliv-

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ered at Fargo and 2.6 cents per Mcf for gas delivered at Grand Forks.

With the exception of one new point of interconnection between Applicant's and Northern Natural's facilities in Isanti County, Minn., Applicant states that all deliveries will be made through existing facilities. Applicant will install a side valve at the new interconnection and will be reimbursed for its cost by Northern States.

Any person desiring to be heard or to make any protest with reference to said application should on or before April 13, 1973, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-5893 Filed 3-27-73;8:45 am]

[Docket No. RP71-87]

MISSISSIPPI RIVER TRANSMISSION CORP.

Proposed Changes in Rates and Charges

MARCH 21, 1973.

Take notice that on March 8, 1973, Mississippi River Transmission Corp. (MRT) tendered for filing copies of Tenth Revised Sheet No. 3A as part of its FPC Gas Tariff, First Revised Volume No. 1.

MRT states that on February 14, 1973, it transmitted for filing with the Federal Power Commission two copies of Tenth Revised Sheet No. 3A as part of its FPC Gas Tariff, First Revised Volume No. 1. The company says that such tariff sheet, which reflected a reduction in the Rate Schedule CD-1 charges, contained a proposed effective date of April 1, 1973. A copy of the filing was served on each of the jurisdictional customers of Mississippi and the State commissions of Arkansas, Illinois, and Missouri.

MRT further states that recent inquiries by it indicate that the Commission has not received such filing. Accordingly, MRT transmits two copies of the February 14, 1973, filing to the Commission. In view of the fact that the filing reflects a reduction in the Rate Schedule CD-1 charges and MRT's jurisdictional customers have previously received a copy of such filing, MRT requests that the tariff sheet become effective April 1, 1973, as proposed.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 441 G Street NW., Washington, DC 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before March 30, 1973. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-5878 Filed 3-27-73;8:45 am]

[Project 2709]

MONONGAHELA POWER CO. ET AL.

Order Providing for Hearing and Ruling on Motions; Correction

MARCH 14, 1973.

In the order providing for hearing and ruling on motions, issued March 9, 1973 (38 FR 7020), change last sentence in ordering Paragraph (A) to read as follows:

"The time for the submission of additional testimony and exhibits by the participants and the time for convening hearing sessions in Washington, D.C. and such other places as may be necessary shall be determined by the Administrative Law Judge in conjunction with the dates set forth below."

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-5877 Filed 3-27-73;8:45 am]

[Docket No. CP72-279]

NATURAL GAS PIPELINE CO. OF AMERICA

Notice of Petition To Amend

MARCH 22, 1973.

Take notice that on March 16, 1973, Natural Gas Pipeline Co. of America (Petitioner), 122 South Michigan Avenue, Chicago, IL 60603, filed a petition to amend the Commission's order issued December 6, 1972 (48 FPC ——) in Docket No. CP72-279 pursuant to section 7(c) of the Natural Gas Act by authorizing the continuation through February 28, 1974, of the 59,100 Mcf per day of 100-day storage service under Petitioner's FPC Gas Rate Schedule S-3, all as more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.

Petitioner and Michigan Wisconsin Pipe Line Co. (Michigan Wisconsin) have entered into an amendatory transportation and storage agreement, dated March 2, 1973, extending the term of the original agreement, dated April 4, 1972, for the period through February 28, 1974, on the same terms and conditions as previously authorized in this docket. Under the original agreement Petitioner delivered to Michigan Wisconsin near Woodstock, Ill., a total of 5,910,000 Mcf of gas during the summer months. Such gas was provided by Petitioner's customers by scheduling storage injection volumes from within their respective effective monthly quantity entitlements. Michigan Wisconsin caused the injection of an equivalent volume of gas into storage for redelivery to Petitioner during the period of November 1972 through February 1973.

Petitioner states that it has offered this continued service to all of its customers, allocating the 59,100 Mcf of gas per day among them pro rata to their existing daily contract quantities under Rate Schedules DMO-1 and G-1. The volumes not accepted were then reoffered to accepting customers pro rata until the total volume was contracted for.

Applicant further states that the proposed additional winter period service is urgently needed by its customers to enable them to meet their respective presently attached peak-day requirements in the event of a severe winter in 1973-74.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before April 16, 1973, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-5889 Filed 3-27-73;8:45 am]

[Docket No. E-7600]

NEPOOL POWER POOL AGREEMENT

Further Extension of Time

MARCH 21, 1973.

On March 13, 1973, the New England Power Pool Executive Committee filed a motion for a further extension of time for filing testimony and exhibits as established by order issued September 21, 1972, and amended by notices issued October 27, 1972, December 13, 1972, and February 23, 1973. The motion states that counsel for the intervenors have no objection to the requested extension.

Service of testimony and exhibits, June 1, 1973.
Testimony by staff, June 22, 1973.
Rebuttal testimony, July 13, 1973.
Prehearing conference, July 24, 1973 (10 a.m., e.d.t.).
Cross examination on all evidence, August 2, 1973 (10 a.m., e.d.t.).

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-5894 Filed 3-27-73;8:45 am]

[Docket No. CI72-301, etc.]

NORTHERN MICHIGAN EXPLORATION CO. ET AL.

Order on Ruling Appeal

MARCH 20, 1973.

Dockets Nos. CI72-301, CI72-770, CP72-122, CP72-128, CI73-495.

The Central Illinois Light Co. has appealed to us from the ruling of the Presiding Administrative Law Judge, issued February 9, 1973, with respect to Central Illinois' efforts to obtain information from certain parties to this proceeding. By an application dated January 25, 1973, Central Illinois had applied to the Administrative Law Judge for subpenas, or alternatively, for an order directing answers to information requests, directed to two applicants in this proceeding, the Northern Michigan Exploration Co., and the Trunkline Gas Co., and to five intervenors, the Northern Illinois Gas Co., the Brooklyn Union Gas Co., the Laclede Gas Co., the Illinois Power Co., and the Associated Gas Distributors.

Central Illinois represents that the information it seeks is relevant to the question whether, in its words, "distributors should engage in exploration and development activities and tie whatever reserves are found to their systems." Answers to Central Illinois' application to the Administrative Law Judge were filed by the Northern Michigan Exploration Co., Trunkline, Northern Illinois, and the Associated Gas Distributors. All opposed the application, essentially on the ground that the information sought is neither material nor relevant to the instant proceedings. In his ruling of February 9, 1973, the Administrative Law Judge agreed, stating in part:

> While it may be true that the information sought might be relevant and material to the general policy determination indicated by Cilco in its application, and while full and complete discovery should be encouraged, such discovery must be kept within workable bounds on a proper and logical basis with respect to the relevancy of the information sought to be discovered to the subject matter of this proceeding.
>
> The Presiding Judge has ruled on the prehearing conference held herein, that pursuant to the discretion vested in him by the Commission Order remanding these proceedings, the issues raised relating to the general policy question indicated by the movants herein with respect to vertical integration, and evidence in connection therewith would not be heard. The information sought herein bearing upon such general policy question of vertical integration is thus not relevant to the inquiry in these proceedings.

From this ruling Central Illinois has appealed, pursuant to § 1.28 of our rules which permits appeals while hearings are in progress "in extraordinary circumstances where prompt decision by the Commission is necessary to prevent detriment to the public interest". In its appeal filed February 15, 1973, Central Illinois also asked that we waive section 1.9 of our Rules, relating to answers. The Commission's Secretary on February 22 fixed February 26 as the date by which answers were to be filed with respect to the appeals. We approve that action, believing that the time afforded was sufficient in the circumstances.

On February 26 four answers were filed. The City of Indianapolis, doing business as the Citizens Gas & Coke Utility, filed in support of Central Illinois. Three other parties filed in opposition—the Northern Michigan Exploration Co., Trunkline, and the Associated Gas Distributors. Each of these three doubts that the "extraordinary circumstances" referred to in § 1.28 are here present. As to the merits, their answers argue that Central Illinois' appeal is now, in part, moot, because some of Central Illinois' questions were answered at the reopened hearing; that Central Illinois had an opportunity in the initial hearings to explore these questions; and that if Central Illinois is successful in this appeal, it is unlikely that this case can be decided as promptly as we have indicated we would prefer. Subsequently, by letter dated February 26, the Michigan Public Service Commission indicated that it agrees with the Northern Michigan Exploration Co.

Turning first to the procedural question, we believe that extraordinary circumstances are present here. It seems probable to us that if the February 9 ruling of the Administrative Law Judge were to stand, the record which would ultimately come to us on the vertical integration question—a question which, as we define it below, is fundamental to our decision in this case—would not be full and complete. In his initial decision of October 5, 1972, the Administrative Law Judge stated that there was insufficient "hard evidence" in the record to permit "an important policy decision which would, in effect, exclude distributors from the production and exploration industry" (In. Dec., p. 11). The record developed at the remanded hearing on February 15, 1973, contributes nothing substantial to that subject. Given these considerations, and given the fact that our ultimate decision in this case could turn on precisely this question, we think that "extraordinary circumstances" are here present. We are therefore willing to entertain the appeal.

Before turning to the merits of the Central Illinois appeal, we think it important for us to indicate what we mean by the "vertical integration question". That phrase should not be translated for the purposes of this case to refer to antitrust issues only. Antitrust issues are clearly comprehended by it, but so also are a considerable number of other public policy issues: e.g., (1) the effects upon the production segment of the gas industry arising from the entry of distributors, (2) the preemption of pipeline capacity by distributors, (3) the applicability of pipeline curtailment plans to distributor-acquired and distributor-transported gas, (4) the ability of pipelines to serve all customers, and to function, in effect, as common carriers, (5) consequences upon small distributors and their ability to serve their customers, (6) the effects upon competition at each industry segment, e.g. production, transmission, and distribution, and the overall public interest, and (7) the reservation of gas for a distributor's own use and the sale of gas by a distributor to a pipeline. These above-enumerated policy issues are in no way all-inclusive, but are merely illustrative of some of the issues which seem to us to require attention. We use the phrase "vertical integration question" here as a convenient shorthand, but the phrase should be understood to embrace all of the broad implications which we have ascribed to it.

As to the merits of Central Illinois' appeal, we conclude that we will not be able to decide this case wisely if the record before us is not full and complete on the issue of vertical integration, as we have defined it. We therefore ask the Presiding Administrative Law Judge to turn anew to this issue and to express his views on it. To permit him to do so, we understand that further hearings may be required. We infer from the language of the Initial Decision quoted above that the record to date is, in his judgement, inadequate to permit a decision on the public policy issues here involved. If that is so, then the Administrative Law Judge should grant the Central Illinois request for further information, to such extent as he finds appropriate for the development of a full and complete record to permit resolution of these issues. We therefore refer the Central Illinois request back to the Administrative Law Judge, and we ask that he grant the request to the extent we have described, that he provide for such further hearings as may be necessary, and that he discuss in his supplemental initial decision the issues we have outlined.

We are aware that the additional proceedings that will thereby be required will result in an inability on the part of the Administrative Law Judge to comply with a portion of our remand order of December 6, 1972. In that order we asked him to "establish a schedule which will afford to us a reasonable interval to give consideration to this case before further contract deadlines occur." We are aware that the underlying contracts carry a termination date of July 23, 1973, with a further extension to October 23, 1973, in certain circumstances. Notwithstanding our language of December 6, 1972, we believe that the issues we have described are of such magnitude that we cannot be compelled to decide them on

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the basis of a timetable created by private parties.

We recognize also that in our remand order we expressly refrained from asking that "further evidence be taken on such question" of vertical integration, and we also refrained from directing the Administrative Law Judge "to decide the question." Such matters, we then stated, are better left to his discretion. We have lately concluded, however, that this question is of critical importance and that it cannot properly be carved out of, or passed over in, these proceedings. On orders of January 9, 1973, and February 9, 1973, in Transcontinental Gas Pipe Line Corp., Docket No. CP73–4, indicate that the issue is present there as well, i.e., "whether it is in the public interest to authorize proposals which encourage natural gas distributors to enter the production business and tie whatever gas is found and produced to their systems". We propose, as well, to come to terms with the issue in the instant case. Accordingly, we ask the Presiding Administrative Law Judge to grant the application of Central Illinois dated January 25, 1973, to the extent necessary to develop a complete record on this subject. Questions already answered on the record, or questions which are objectionable because they seek to elicit information which, because of its nature, is protected, of course need not be answered.

On January 22, 1973, there was filed a motion to consolidate with these proceedings the application filed that day by Corbin J. Robertson et al., Docket No. CI73–495. That motion states that the gas in question in Docket No. CI73–495, which Corbin J. Robertson et al., propose to sell to the Northern Michigan Exploration Co., is the same gas as is involved in these consolidated proceedings. In Docket No. CI73–495, Corbin J. Robertson et al., seek a certificate for the sale under § 2.75 of Part 2 of our general rules of practice and procedure. Central Illinois has filed in support of the motion to consolidate. The Northern Michigan Exploration Co. has asked us to expedite our action on the motion to consolidate.

These consolidated proceedings are intimately connected with the pending application in Docket No. CI73–495. We find that consolidation would expedite these proceedings. It is illogical to adjudicate the issues in the previously consolidated proceedings without being able to determine if the gas supply, as evidenced in the producer application pursuant to § 2.75 of our rules of practice and procedure, will be made available, e.g., the justness and reasonableness of the rate and whether the present or future public convenience and necessity is served. Inasmuch as we have previously asked the Administrative Law Judge to grant in appropriate part Central Illinois' request for answers to information requests, further proceedings will probably be required, at which time the evidentiary presentation in CI73–495 may be made.

Because we are ordering the consolidation of these proceedings, it is not necessary for us to act upon the petition filed on February 13, 1973, by Central Illinois for leave to intervene in docket No. CI73–495.

The Commission further finds:

(1) The application of the Central Illinois Light Co. to the Presiding Administrative Law Judge, dated January 25, 1973, should be granted to such extent as the Administrative Law Judge may find appropriate, in light of this order, for the development of a full and complete record to permit determination of the public policy issues here involved.

(2) It is appropriate and in the public interest that the motion to consolidate, filed on January 22, 1973, by the Applicants in Corbin J. Robertson et al., Docket No. CI73–495, be granted.

The Commission orders:

(A) The Presiding Administrative Law Judge shall, consistent with this order, grant the application dated January 25, 1973, of the Central Illinois Light Co. in these proceedings, to the extent he deems the information sought therein to be appropriate for the development of a full and complete record on the public policy issues here involved, and he shall provide for such hearings as may be necessary for the development of a full and complete record to permit resolution of the issues outlined in the body of this order.

(B) Corbin J. Robertson et al., Docket No. CI73–495, and Northern Michigan Exploration Co. et al., Dockets Nos. CI72–301 et al., are consolidated for hearing and decision.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

[FR Doc.73–5873 Filed 3–27–73;8:45 am]

[Docket No. CP73–231]

NORTHERN NATURAL GAS CO.

Notice of Application

MARCH 21, 1973.

Take notice that on March 12, 1973, Northern Natural Gas Co. (Applicant), 2223 Dodge Street, Omaha, NE 68102, filed in docket No. CP73–231 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of an additional point for an exchange of gas between Applicant and El Paso Natural Gas Co. (El Paso), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that pursuant to a service agreement dated August 17, 1963, it agreed to deliver to El Paso up to 575,000 Mcf of natural gas per day at El Paso's Plains Compressor Station in Yoakum County, Tex., and at a point of interconnection in Section 262, Block D, John H. Gibson Survey, Yoakum County, Tex., in return for El Paso's concurrently delivering equal volumes of gas to Applicant at El Paso's Dumas Compressor Station in Moore County, Tex., and at other designated points in Moore County, Tex., Beaver County, Okla., and Ochiltree County, Tex. Applicant herein seeks authorization in accordance with an amendment to the 1963 service agreement dated February 1, 1973, providing an additional delivery point in Woodward County, Okla., through which El Paso may deliver a portion of the authorized total exchange volumes, not to exceed 10,000 Mcf of natural gas per day. In docket No. CP73–220, El Paso has filed an application for authorization to construct and operate approximately 29.2 miles of 6-inch pipeline extending from its Northwest Quinlan Field in Woodward County, Okla., to the location of the proposed delivery point on Applicant's 16-inch field transmission line.

Applicant states that to accommodate the delivery point interconnection, it will be necessary to install a 6-inch side valve and telemetry equipment at said delivery point, at an estimated cost of $37,300. Applicant plans to finance this cost from funds on hand.

Any person desiring to be heard or to make any protest with reference to said application should on or before April 13, 1973, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB, *Secretary.*

[FR Doc.73–5875 Filed 3–27–73;8:45 am]

[Docket No. CP73–233]

NORTHERN NATURAL GAS CO.

Notice of Application

MARCH 21, 1973.

Take notice that on March 12, 1973, Northern Natural Gas Co. (Applicant), 2223 Dodge Street, Omaha, NE 68102, filed in Docket No. CP73–233 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of certain compressor and pipeline facilities on its existing gas supply systems located in the Anadarko and Permian Basin Areas of Kansas, Oklahoma, Texas, and New Mexico, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant seeks authority to construct and operate up to 39,500 compressor horsepower and 6.1 miles of 12-inch pipeline to be installed in Applicant's traditional gas supply areas. Applicant states that such facilities are required to offset the natural decline of reservoir pressures in the depletion-type gas fields connected to its system by its existing Hugoton, Beaver, Spearman and Lea County Gathering Systems and are necessary to enable Applicant to receive gas volumes committed to it for use in meeting its firm delivery commitments.

Applicant states further that the exact amount of compressor horsepower, types and sizes of units to be utilized, and specific locations of all such units in each of the subject fields cannot be finally determined until further reservoir, well performance and gathering system operating data resulting from the 1972–73 heating season operations have been evaluated. Additionally, Applicant indicates that the subject application is being filed at this time in order to provide the necessary lead time to obtain requisite authorizations and to enable Applicant to install the proposed facilities in time for use during the 1973–74 heating season.

The estimated cost of the proposed facilities is $13,117,000, which cost will be financed from cash on hand and from funds generated through operations.

Any person desiring to be heard or to make any protest with reference to said application should on or before April 13, 1973, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any persons wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or to be represented at the hearing.

KENNETH F. PLUMB, *Secretary.*

[FR Doc.73–5883 Filed 3–27–73;8:45 am]

[Docket No. E–7827]

NORTHERN STATES POWER CO.

Notice of Compliance Filing

MARCH 21, 1973.

On November 13, 1972, Northern States Power Co. (NSP) tendered for filing proposed changes in its FPC Rate Schedule No. 342, as supplemented. The filing consists of a proposed amendment to the transmission agreement between NSP and Cooperative Power Association (CPA providing for an increase in the annual charge paid by CPA to NSP for system control and load dispatching. That agreement included a "cost of living" adjustment ratio. The Commission's letter order (dated Dec. 13, 1972) accepting the proposed amendment directed NSP to submit within 60 days a revised amendment effectuating elimination of the "cost of living" ratio.

On February 26, 1973, NSP tendered for filing in the above captioned proceeding a proposed supplemental agreement which purports to eliminate the "cost of living" ratio as a component of the monthly charge for the annual period beginning April 1, 1973.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 441 G Street NW., Washington, DC 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before March 27, 1973. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB, *Secretary.*

[FR Doc.73–5897 Filed 3–27–73;8:45 am]

[Project 2310]

PACIFIC GAS & ELECTRIC CO.

Application for Change in Land Rights

MARCH 22, 1973.

Public notice is hereby given that application for change in land rights was filed on January 19, 1973, under the Federal Power Act (16 U.S.C. 791a–825r) by Pacific Gas & Electric Co. (Correspondence to: Mr. J. F. Roberts, Jr., Vice President—Rates and Valuation, Pacific Gas and Electric Co., 77 Beale Street, San Francisco, CA 94106) for Project No. 2310, the Drum-Spaulding Project, located on the South Yuba and Bear Rivers and tributaries in Nevada and Placer Counties, California.

Pacific Gas and Electric Co., licensee for the Drum-Spaulding Project No. 2310, seeks Commission authorization to permit construction of a bridge across a natural watercourse, Wooley Creek, sometimes used as a spillway channel for flows from its Bear River and Boardman Canals. The company has a right-of-way and easement to use Wooley Creek for such purposes.

Sylvan Vista Development Co., Inc., would construct the 50-foot-long bridge on lands of a third party from whom an easement has been obtained for this purpose. The bridge would provide access to property owned by the Development Co. about 8 miles north of Auburn, Calif.

Any person desiring to be heard or to make protest with reference to said application should on or before May 7, 1973, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to a proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and is available for public inspection.

KENNETH F. PLUMB, *Secretary.*

[FR Doc.5885 Filed 3–27–73;8:45 am]

[Docket No. E–7723]

THE POTOMAC EDISON CO.

Notice Deferring Procedural Dates

MARCH 22, 1973.

On March 19, 1973, The Potomac Edison Co. filed a request for a further extension of the procedural dates established by order issued July 11, 1973, as amended by notices issued November 8, 1972, December 6, 1972, and February 23, 1973, pending disposition of the offer of settlement filed on February 1, 1973.

Upon consideration, notice is hereby given that the procedural dates are de-

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ferred pending further order of the Commission in the above matter.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-5891 Filed 3-27-73;8:45 am]

[Docket No. RP73-47]

SEA ROBIN PIPELINE CO.

Proposed Changes in Rates and Charges

MARCH 21, 1973.

Take notice that Sea Robin Pipeline Co. (Sea Robin) on March 14, 1973, tendered for filing as a part of Original Volume No. 1 and Original Volume No. 2 of its FPC Gas Tariff "revised proposed tariff sheets" to comply with the Commission order issued November 13, 1972, in this docket. Sea Robin also submitted for filing as a part of Original Volume No. 1 and Original Volume No. 2 of its FPC Gas Tariff "alternate revised proposed tariff sheets." These alternative sheets are submitted to replace the tariff sheets which were included in Sea Robin's original application for rate increase filed on September 29, 1972, and suspended by the Commission order until April 15, 1973. The company has also filed supplemental cost and revenue data. Sea Robin conditionally withdraws all tariff sheets included in the original application. The original application, according to Sea Robin, reflected an increase in rates to its customers necessary to compensate for a jurisdictional revenue deficiency of $30,789,109 in cost of service for the twelve month period ended June 30, 1972, and except for revisions concerning noncertificated facilities included in rate base made pursuant to the Commission's order, the data in support of the application for rate increase as filed on September 29, 1972, remains unchanged. The company requests that either the "revised proposed tariff sheets" or the "alternate revised proposed tariff sheets" be accepted for filing and permitted to become effective on April 15, 1973.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 441 G Street NW., Washington, DC 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before April 5, 1973. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-5896 Filed 3-27-73;8:45 am]

[Docket No. RP73-89]

SEA ROBIN PIPELINE CO.

Proposed Purchased Gas Adjustment Clause

MARCH 21, 1973.

Take notice that Sea Robin Pipeline Co. (Sea Robin) on March 14, 1973, tendered for filing original sheet Nos. 4 through 7 of its FPC Gas Tariff, original volume No. 1, comprising its Purchase Gas Adjustment (PGA) clause. The company states that a cost of service study having a base period ending less than 12 months before the submission of this PGA clause is on file in Sea Robin Pipeline Co., Docket No. RP73-47, as revised. According to Sea Robin, its "currently effective rate schedules and the alternate revised proposed tariff sheets filed in Docket No. RP73-47 contain a monthly gas cost tracking provision. In filing proposed revised tariff sheets in Docket No. RP73-47, Sea Robin included a rate of 25.65 cents per Mcf in the Rate Schedules X-1 and X-2 which is equal to the gas cost in the filing, subject to adjustment pursuant to a PGA clause to become effective April 15, 1973, the same date that the increased rates in the above mentioned docket become effective."

The Company requests that the tariff sheets be allowed to become effective on April 15, 1973, as proposed.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 441 G Street NW., Washington, DC 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before April 3, 1973. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-5895 Filed 3-27-73;8:45 am]

[Dockets Nos. RP73-7 and RP73-57]

SOUTH TEXAS NATURAL GAS GATHERING CO.

Further Extension of Time and Postponement of Hearing

MARCH 22, 1973.

On March 8, 1973, the Commission Staff Counsel filed a motion to extend the service and hearing dates as fixed by the notice issued January 19, 1973. On March 13, 1973, South Texas Natural Gas Gathering Co. filed a response stating that it did not oppose the motion.

Upon consideration, notice is hereby given that the procedural dates are further modified as follows:

Service of staff testimony and exhibits, May 4, 1973.
Prehearing conference, May 15, 1973 (10 a.m., e.d.t.).
Interveners' testimony, May 25, 1973.
Company's rebuttal, June 8, 1973.
Hearing, June 19, 1973 (10 a.m., e.d.t.).

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-5898 Filed 3-27-73;8:45 am]

[Docket No. RP73-90]

THE UNION LIGHT, HEAT & POWER CO.

Proposed Changes in Rates and Charges

MARCH 22, 1973.

Take notice that The Union Light, Heat, & Power Co. (Union) on March 15, 1973, tendered for filing proposed changes in its FPC Gas Tariff, original volume No. 3. The revisions are First Revised Sheets Nos. 4 and 5, to replace original sheets Nos. 4 and 5. The proposed changes would increase by $86,974 revenues from jurisdictional sales and services of liquified natural gas based on a volume of sales for the 12 month period ending December 31, 1972. The annual jurisdictional revenue increases computed at the proposed tariff rates for the same period when normalized for anticipated operations, according to the company, amounts to $284,901.

Union states in its transmittal letter:

> The rate increase is designed for the purpose of securing sufficient jurisdictional revenue to recoup the cost of service of Union's LNG operations lost as a result of reduced actual wholesale sales volumes and increased per unit of production expenses experienced during the 12 months period ended December 31, 1972, from those volumes and expenses originally anticipated in its original rate filing.

Union requests that the Commission limit the suspension period for this proposed rate increase to no more than 1 day and asks for an effective date of May 1, 1973.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 441 G Street NW., Washington, DC 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before April 13, 1973. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-5890 Filed 3-27-73;8:45 am]

NATIONAL POWER SURVEY TECHNICAL ADVISORY COMMITTEE ON FUELS AND THE FUELS TASK FORCE—UTILITY FUELS REQUIREMENTS

Order Designating Additional Member; Correction

MARCH 20, 1973.

The headings of FR Doc. 73-5557, which appeared in the issue of March 23, 1973 (38 FR 7588), should be amended to read as set forth above.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-5884 Filed 3-27-73;8:45 am]

FEDERAL RESERVE SYSTEM

CHEMICAL NEW YORK CORP.

Proposed Acquisition of CNA Nuclear Leasing, Inc.

Chemical New York Corp., New York, N.Y., has applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.4(b)(2) of the Board's Regulation Y, for permission to acquire voting shares of CNA Nuclear Leasing, Inc., Boston, Mass. Notice of the application was published on November 20, 1972, in the Boston Globe, a newspaper circulated in Boston, Mass.

Applicant states that the proposed subsidiary would engage in the activities of leasing personal property and equipment and financing the acquisition of coal piles and other similar natural resource financing. Such leasing activities have been specified by the Board in § 225.4(a)(6) of Regulation Y as permissible for bank holding companies, subject to Board approval of individual proposals in accordance with the procedures of § 225.4(b). Applicant states that the coal and other natural resource financing transactions are of the type of financing activities that have been specified by the Board in § 225.4(a)(1) of Regulation Y as permissible for bank holding companies, subject to Board approval of individual proposals in accordance with the procedures of § 225.4(b). Whether such coal and other natural resource financing transactions are within the scope of § 225.4(a)(1) of Regulation Y is currently under consideration by the Board.

Interested persons may express their views on the question of whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question should be accompanied by a statement summarizing the evidence the person requesting the hearing proposes to submit or to elicit at the hearing and a statement of the reasons why this matter should not be resolved without a hearing.

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of New York.

Any views or requests for hearing should be submitted in writing and received by the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, not later than April 18, 1973.

Board of Governors of the Federal Reserve System, March 22, 1973.

[SEAL] CHESTER B. FELDBERG,
Assistant Secretary of the Board.

[FR Doc.73-5904 Filed 3-27-73;8:45 am]

FIRST ILLINOIS CORP.

Formation of One-Bank Holding Company

First Illinois Corp., Evanston, Ill., has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company through acquisition of 100 percent of the voting shares (less directors' qualifying shares) of the successor by merger to First National Bank & Trust Co. of Evanston, Evanston, Ill. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Chicago. Any person wishing to comment on the application should submit his views in writing to the Reserve bank to be received not later than April 16, 1973.

Board of Governors of the Federal Reserve System, March 22, 1973.

[SEAL] CHESTER B. FELDBERG,
Assistant Secretary of the Board.

[FR Doc.73-5905 Filed 3-27-73;8:45 am]

FIRST PIONEER BANCORP, INC.

Formation of Bank Holding Company

First Pioneer Bancorp, Inc., Greenfield, Mass., has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company through acquisition of at least 80 percent of the voting shares of First National Bank of Franklin County, Greenfield, Mass., and the First National Bank of Northampton, Northampton, Mass. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Boston. Any person wishing to comment on the application should submit his views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than April 16, 1973.

Board of Governors of the Federal Reserve System, March 20, 1973.

[SEAL] CHESTER B. FELDBERG,
Assistant Secretary of the Board.

[FR Doc.73-5900 Filed 3-27-73;8:45 am]

FIRST SECURITY NATIONAL CORP.

Acquisition of Bank

First Security National Corp., Beaumont, Tex., has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 100 percent of the voting shares (less directors' qualifying shares) of the successor by merger to Bank of Lancaster, Lancaster, Tex. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

First Security National Corp. is also engaged in the nonbanking activities of originating, selling, and servicing mortgage loans for others. In addition to the factors considered under section 3 of the Act (banking factors), the Board will consider the proposal in the light of the company's nonbanking activities and the provisions and prohibitions in section 4 of the Act (12 U.S.C. 1843).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Dallas. Any person wishing to comment on the application should submit his views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than April 17, 1973.

Board of Governors of the Federal Reserve System, March 21, 1973.

[SEAL] CHESTER B. FELDBERG,
Assistant Secretary of the Board.

[FR Doc.73-5902 Filed 3-27-73;8:45 am]

FROST REALTY CO.

Order Approving Acquisition of Banks

MARCH 22, 1973.

Frost Realty Co., San Antonio, Tex., a bank holding company within the meaning of the Bank Holding Company Act, has applied for the Board's approval under section 3(a)(3) of the Act (12 U.S.C. 1842(a)(3)) to acquire all of the voting shares of the successors by merger to both the Frost National Bank of San Antonio (Frost Bank), and Citizens National Bank of San Antonio (Citizens Bank), both of San Antonio, Tex.[1] The respective banks into which each bank is to be merged have no significance except as a means to acquire all of the shares of the respective banks. Accordingly, the proposed acquisition of the shares of the successor organizations is treated herein as the proposed acquisition of shares of each bank.

[1] Applicant also applied to acquire additional shares of Texas State Bank and Harlandale State Bank, both of San Antonio, Tex. Applicant has owned slightly less than 25 percent of the shares of both of these banks since 1969 and has had buy-sell agreements with officers and directors of Frost Bank with respect to additional shares of both banks. Applicant has withdrawn its applications with respect to these two banks and has committed itself to divest its existing interests in such banks within two years from the acquisition of Frost Bank and Citizens Bank.

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[Docket No. RP73-91]

TEXAS EASTERN TRANSMISSION CORP.

Proposed Changes in Rates and Charges

MARCH 22, 1973.

Take notice that Texas Eastern Transmission Corp. (Texas Eastern) on March 15, 1973, tendered for filing proposed changes in its FPC Gas Tariff, Original Volume No. 1, Second Revised Volume No. 2, and Original Volume No. 3. The proposed changes would increase by $1,000,000 annually revenues from jurisdictional sales and services based on a volume of sales for the 12 month period ending December 31, 1972. The annual jurisdictional revenue increases computed at the proposed tariff rates for the same period when normalized for anticipated operations, according to the company, amounts to $1,000,000.

Texas Eastern states in its transmittal letter:

> The rate increase is designed for the purpose of securing sufficient jurisdictional revenue to recoup the cost of service of Texas Eastern's LNG operations lost as a result of reduced actual wholesale sales volumes and increased per unit of production expenses experienced during the 12 months period ended December 31, 1972, from those volumes and expenses originally anticipated in its original rate filing.

Texas Eastern requests that the Commission limit the suspension period for this proposed rate increase to no more than 1 day and asks for an effective date of May 1, 1973.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 441 G Street NW., Washington, DC 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before April 13, 1973. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-5897 Filed 3-27-73;8:45 am]

[Docket No. RP73-92]

TRANSCONTINENTAL GAS PIPE LINE CORP.

Proposed Changes in Rates and Charges

MARCH 22, 1973.

Take notice that Transcontinental Gas Pipe Line Corp. (Transco) on March 15, 1973, tendered for filing proposed changes in its FPC Gas Tariff, Original Volume No. 1, Second Revised Volume No. 2, and Original Volume No. 3. The proposed changes would increase by $1,000,000 annually revenues from jurisdictional sales and services based on a volume of sales for the 12 month period ending December 31, 1972. The annual jurisdictional revenue increases computed at the proposed tariff rates for the same period when normalized for anticipated operations, according to the company, amounts to $1,000,000.

Transco states in its transmittal letter:

> The rate increase is designed for the purpose of securing sufficient jurisdictional revenue to recoup the cost of service of Transco's LNG operations lost as a result of reduced actual wholesale sales volumes and increased per unit of production expenses experienced during the 12 months period ended December 31, 1972, from those volumes and expenses originally anticipated in its original rate filing.

Transco requests that the Commission limit the suspension period for this proposed rate increase to no more than 1 day and asks for an effective date of May 1, 1973.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 441 G Street NW., Washington, DC 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before April 13, 1973. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-5899 Filed 3-27-73;8:45 am]

UNITED GAS PIPE LINE CO.

Proposed Changes in Rates and Charges

MARCH 22, 1973.

Take notice that United Gas Pipe Line Co. (United) on March 15, 1973, tendered for filing proposed changes in its FPC Gas Tariff, Original Volume No. 1, Second Revised Volume No. 2, and Original Volume No. 3. The proposed changes would increase by $1,000,000 annually revenues from jurisdictional sales and services based on a volume of sales for the 12 month period ending December 31, 1972. The annual jurisdictional revenue increases computed at the proposed tariff rates for the same period when normalized for anticipated operations, according to the company, amounts to $1,000,000.

United states in its transmittal letter:

> The rate increase is designed for the purpose of securing sufficient jurisdictional revenue to recoup the cost of service of United's LNG operations lost as a result of reduced actual wholesale sales volumes and increased per unit of production expenses experienced during the 12 months period ended December 31, 1972, from those volumes and expenses originally anticipated in its original rate filing.

United requests that the Commission limit the suspension period for this proposed rate increase to no more than 1 day and asks for an effective date of May 1, 1973.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 441 G Street NW., Washington, DC 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before April 13, 1973. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-5894 Filed 3-27-73;8:45 am]

UNITED GAS PIPE LINE CO.

Proposed Changes in Rates and Charges

MARCH 22, 1973.

Take notice that United Gas Pipe Line Co. (United) on March 15, 1973, tendered for filing proposed changes in its FPC Gas Tariff, Original Volume No. 1, Second Revised Volume No. 2, and Original Volume No. 3. The proposed changes would increase by $1,000,000 annually revenues from jurisdictional sales and services based on a volume of sales for the 12 month period ending December 31, 1972. The annual jurisdictional revenue increases computed at the proposed tariff rates for the same period when normalized for anticipated operations, according to the company, amounts to $1,000,000.

United states in its transmittal letter:

> The rate increase is designed for the purpose of securing sufficient jurisdictional revenue to recoup the cost of service of United's LNG operations lost as a result of reduced actual wholesale sales volumes and increased per unit of production expenses experienced during the 12 months period ended December 31, 1972, from those volumes and expenses originally anticipated in its original rate filing.

United requests that the Commission limit the suspension period for this proposed rate increase to no more than 1 day and asks for an effective date of May 1, 1973.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 441 G Street NW., Washington, DC 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before April 13, 1973. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-5893 Filed 3-27-73;8:45 am]

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MARCH 22, 1973.

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Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 441 G Street NW., Washington, DC 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before April 13, 1973. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-5892 Filed 3-27-73;8:45 am]

Notice of the applications, affording opportunity for interested persons to submit comments and views, has been given in accordance with section 3(b) of the Act. The time for filing comments and views has expired, and the Board has considered the applications and all comments received in light of the factors set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Applicant was organized in 1966 to acquire certain assets of Frost Bank. Since its inception, Frost Bank has held 100 percent of the shares of Applicant in trust for the benefit of Frost Bank's shareholders. Frost Bank, with deposits of $451.9 million, is the ninth largest commercial bank in Texas and the largest commercial bank in the San Antonio banking market, controlling approximately 1.5 percent of deposits in commercial banks in the State and approximately 25 percent of deposits in that market.[2]

Applicant's proposed acquisition of Frost Bank represents a corporate reorganization, whereby Applicant, all of whose shares are held in trust by Frost Bank, would become the parent corporation by acquiring all of the shares of Frost Bank. Since Applicant's acquisition of Frost Bank is only a corporate reorganization, and because Applicant has voluntarily agreed to divest itself of all interest, including the shares subject to buy-sell agreements, in both Harlandale State Bank and Texas State Bank within 2 years from the date of acquisition of Frost Bank and Citizens Bank, it does not appear that any existing or potential competition would be eliminated upon Applicant's acquisition of Frost Bank. Similarly, Applicant's acquisition of Frost Bank would not result in any change in total market or State deposits.[3]

Citizens Bank, with deposits of approximately $20.6 million, is the 19th largest of 37 banks in the San Antonio banking marked controlling approximately 1.1 percent of total deposits in commercial banks in that market.

Citizens Bank is located 6 miles north of Frost Bank and its service area is entirely within the area served by Frost Bank. Although there is some existing competition between the two banks, several factors limit its importance. Citizens Bank primarily competes with three other similar-size banks located within a 5 mile radius of it. It also appears that the banking business of Frost Bank and Citizens Bank differ somewhat, in that commercial loans represent approximately 90 percent of Frost Bank's total loans, whereas consumer loans represent approximately 73 percent of Citizens Bank's total loans. Further, Frost Bank and Citizens Bank have been closely associated since the inception of Citizens Bank. Frost Bank financed 40 percent of Citizens Bank's initial capitalization and has loaned Citizens Bank funds for its banking premises. The chairman of Frost Bank controls 25 percent of Citizens Bank's voting shares and has a buy-sell agreement with the chairman of Citizens Bank with respect to an additional 28 percent of such voting shares. It appears that this close association between the two banks has grown stronger over the years and it is unlikely that such relationships would terminate in the future in the absence of this proposal. In addition, within 2 years from its acquisition of Frost Bank and Citizens Bank, Applicant has agreed to divest all of its interests in Harlandale Bank and Texas Bank, thereby adding two independent banks to the San Antonio market and reducing the amount of deposits Applicant and Frost Bank control in that market. On the basis of these facts, it does not appear that Applicant's acquisition of Citizens Bank would have a significant adverse effect on existing or potential competition in the San Antonio market.

The financial and managerial resources and future prospects of Applicant, Frost Bank and Citizens Bank are satisfactory and consistent with approval. Applicant's acquisition of Frost Bank would not affect the convenience and needs of the community being served by Frost Bank. Upon acquisition of Citizens Bank by offering trust services, prove and increase the services of Citizens Bank by offering trust services, construction and mortgage lending and international banking services through Frost Bank, and by implementing a credit card program. Although the banking needs of the area being served by Citizens Bank appear to be adequately met at present, the increased and improved services Applicant proposes to offer at Bank should increase the convenience of area residents. Accordingly, considerations relating to the convenience and needs of the communities to be served with respect to Frost Bank are consistent with approval of the application, and, with respect to Citizens Bank, such factors are consistent with, and lend some weight toward approval of the application. It is the Board's judgment that the proposed acquisitions would be in the public interest and that the applications should be approved in light of Applicant's commitment to divest its entire interest, including shares owned or controlled by the chairman of the board and directors of Frost Bank, in both Harlandale Bank and Texas Bank.

On the basis of the record, the applications are approved for the reasons summarized above. The transactions shall not be consummated (a) before the 30th calendar day following the effective date of this Order or (b) later than 3 months after the effective date of this Order, unless such period is extended for good cause by the Board, or by the Federal Reserve Bank of Dallas pursuant to delegated authority.

By order of the Board of Governors,[4] effective March 21, 1973.

[SEAL] TYNAN SMITH,
Secretary of the Board.

[FR Doc.73-5906 Filed 3-27-73;8:45 am]

[2] Banking data are as of June 30, 1972, adjusted to reflect holding company formations and acquisitions approved through Dec. 31, 1972.

[3] In commenting on Applicant's earlier proposal to acquire Frost Bank, Harlandale State Bank, Texas State Bank, and Citizens Bank, the U.S. Department of Justice stated that the acquisition of all four banks would have a significantly adverse effect on competition, as would the acquisition of Frost Bank without the divestiture of Harlandale State Bank and Texas State Bank.

[4] Voting for this action: Vice Chairman Robertson and Governors Mitchell, Brimmer, and Bucher. Absent and not voting: Chairman Burns and Governors Daane and Sheehan.

INTEGRITY HOLDING CO.

Formation of Bank Holding Company

Integrity Holding Co., Wilmington, Del., has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company through acquisition of 56 percent of the voting shares of Integrity Finance Corp., Wilmington, Del., and thereby indirectly to acquire 34 percent of the voting shares of the First National Bank of Wilmington, Wilmington, Del. Applicant, in addition, intends to directly acquire 4.5 percent of the voting shares of that bank. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Philadelphia. Any person wishing to comment on the application should submit his views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than April 17, 1973.

Board of Governors of the Federal Reserve System, March 21, 1973.

[SEAL] CHESTER B. FELDBERG,
Assistant Secretary of the Board.

[FR Doc.73-5903 Filed 3-27-73;8:45 am]

FEDERAL OPEN MARKET COMMITTEE

Rules of Organization

The Federal Open Market Committee has amended its rules of organization in order to include references to the selection of a Deputy Manager of the System Open Market Account and a Deputy Special Manager for Foreign Currency Operations.

Effective March 20, 1973, section 5 of the rules of organization is amended to read as follows:

SEC. 5. *Manager, Special Manager, and Deputies.* The committee selects a Manager of the System Open Market Account and a Special Manager for Foreign Currency Operations for such account, and it may also select a Deputy Manager and a Deputy Special Manager for Foreign Currency Operations. All of the foregoing shall be satisfactory to the Federal Reserve Bank selected by the committee to execute open market transactions for such account, and all shall serve at the pleasure of the committee.

The Manager and Special Manager, or their deputies, keep the committee informed on market conditions and on transactions they have made and render such reports as the committee may specify.

By order of the Federal Open Market Committee, March 20, 1973.

ARTHUR L. BROIDA,
Deputy Secretary.

[FR Doc.73-5901 Filed 3-27-73;8:45 am]

FEDERAL TRADE COMMISSION

LAUNDERING PROCEDURES FOR CARPETS AND RUGS

Opportunity To Submit Comments and Extension of Requirement

The Commission by Notice published in the FEDERAL REGISTER on May 19, 1972, announced that it had determined to suspend temporarily the present washing requirement under the Standard for the Surface Flammability of Carpets and Rugs (DOC FF 1–70 as published in the FEDERAL REGISTER at 35 FR 6211 on April 16, 1970) for carpets containing alumina trihydrate in the backing until September 15, 1972. Written comments were invited and public hearings were held July 18, 1972, for the purpose of (1) considering the possible need for an alternative washing procedure, (2) considering the adoption of specified alternative procedures proposed in the course of the hearings, and (3) obtaining information concerning alumina trihydrate and other substances possessing flame retardant properties and their utilization and characterization as fire retardant treatments. (The suspension of washing procedures did not apply to carpets subject to the Standard for the Surface Flammability of Small Carpets and Rugs (DOC FF 2–70 as published in the FEDERAL REGISTER at 35 FR 19702 on December 29, 1970).) As a result of various extensions the period of suspension under the original notice was extended to March 6, 1973.

After an analysis of the record and the receipt of comment from the Department of Commerce, notice is hereby given that comments will be received on a proposed alternative laundering procedure under the Standard for the Surface Flammability of Carpets and Rugs (DOC FF 1–70) as authorized by paragraph 4(b) of such standard. Comments of the Department of Commerce in this regard have been made a part of the public record.

Any approval of a proposed alternative laundering procedure as hereinafter set forth will be predicated upon industry providing a detailed description of rotary brush and roll-a-jet procedures utilized in laundering carpets and rugs and verification by industry (1) that such rotary brush and roll-a-jet procedures are normally used laundering procedures for carpeting and (2) that the proposed laboratory procedure is an acceptable laboratory procedure and produces results comparable to rotary brush and roll-a-jet procedures.

The Commission remains of the opinion that its announcement of April 10, 1972, "that the use of alumina trihydrate in adhesives, foams, or latexes in carpet backings or elsewhere in the backings will be considered as a fire retardant treatment as defined in the Standard for the Surface Flammability of Carpets and Rugs (DOC FF 1–70)" is correct and appropriate. However, in view of the evidence that alumina trihydrate when used in carpets and rugs in this manner is not generally removed by normal laundering such as rotary brush and roll-a-jet procedures, comment is requested on the advisability of eliminating the laundering requirements for carpets and rugs subject to DOC FF 1–70 where and only where the fire retardant treatment present is alumina trihydrate used as hereinbefore indicated and such carpets and rugs are customarily laundered by rotary brush or roll-a-jet procedures.

In conjunction with this proceeding, the Commission proposes to establish recordkeeping requirements in accordance with its authority under section 5(c) of the Flammable Fabrics Act so as to specify and set forth type and chemical composition of fire retardant treatment utilized in carpets and rugs subject to the Standard for the Surface Flammability of Carpets and Rugs (DOC FF 1–70) or the Standard for the Surface Flammability of Small Carpets and Rugs (DOC FF 2–70), and the method of application and any other pertinent details as to such fire retardant treatment.

Written comments on the subject matter of this Notice will be received by the Federal Trade Commission for 45 days after its publication in the FEDERAL REGISTER.

The suspension of the washing requirement contained in the Standard for the Surface Flammability of Carpets and Rugs (DOC FF 1–70) has been previously extended to March 6, 1973. Notice is hereby given that the suspension of the washing requirement is extended until the completion of this proceeding.

The proposed alternative method for washing of carpets and rugs subject to DOC FF 1–70 is as follows:

ALTERNATE METHOD FOR WASHING OF TEXTILE FLOOR COVERINGS FOR DOC FF 1–70[1]

A laboratory procedure to produce results comparable to the "Rotary Brush" and the "Roll-A-Jet" methods customarily used for textile floor coverings in service.

1. *Purpose and scope.*

1.1 This laboratory method is designed to evaluate the permanence of fire-retardant treatments with a severity similar to the "Rotary Brush" and "Roll-A-Jet" washing procedures customarily used for textile floor coverings. The method is suitable whenever cleaning procedures, in which a textile floor covering is wetted down, scrubbed, rinsed, and dried, are to be simulated.

1.2 This method is applicable to either soiled or unsoiled textile floor coverings.

1.3 This method is applicable for evaluating the permanence of fire-retardant treatments for textile floor coverings.

2. *Principle.*

2.1 The test is performed by wetting the textile floor covering with water, applying a solution of a sodium alkylsulfate surfactant, hand scrubbing with a nylon bristle brush, rinsing, extracting excess water, and then drying in a vented oven.

3. *Apparatus and Materials.*

3.1 Cleaning agent—a 1 percent, by volume, solution of a sodium alkylsulfate (see note 6.1).

3.2 A brush having nylon bristles 0.056 to 0.066 cm. (0.022 to 0.026 in.) in diameter and a bristle height of 2.2 to 2.9 cm. (0.88 to 1.13 in.). Width of the brush should be approximately 5 cm. (2 in.). A desirable length of the brush should be approximately one dimensional width of the test specimen (see note 6.2).

3.3 A hydro extractor (see note 6.3).

3.4 Laboratory oven, a vented circulating air type, capable of removing the moisture from the specimens when maintained at 105° C. (221° F.) for 2 hours (see note 6.4).

4. *Procedure.*

4.1 Cut eight test specimens, 25.4 x 25.4 cm. (10 x 10 in.) in size, from the sample and free from defects or creases. The perimeter shall be stitched to prevent delamination, distortion, or other degradation.

4.2 Immerse the test specimen to be washed in a container of water at 18 to 30° C. (65 to 85° F.) until it appears to be uniformly wet. Remove specimen, drain until excess water runs off, and then position on a flatworking surface with traffic surface up.

4.3 Apply 60 ml. of the surfactant solution at a temperature of 18 to 30° C. (65 to 85° F.) distributed uniformly over the traffic surface of the test specimen. Hand scrub, with minimum pressure, the traffic surface with the nylon bristle brush for five strokes in one direction, lifting the brush between strokes. Rotate the specimen a quarter-turn and repeat the brush strokes, doing this until the specimen has been stroked five times in each direction for a total of 20 strokes.

4.4 Thoroughly rinse each specimen on both sides by spraying forcibly with water at 46 to 52° C. (115 to 125° F.) until foaming ceases.

4.5 Position the eight washed and rinsed test specimens in the hydroextractor to extract excess water so there is no overlapping and spin dry for approximately 3 minutes.

4.6 Place the damp-dry set of specimens in the oven at 104 to 110° C. (220 to 230° F.) for 30 minutes and then remove for additional washing. This 30 minute timing is for the first nine washings. On the 10th and final cycle, keep the set of specimens in the oven until dry, or for not less than 2 hours. Remove the set of specimens from the oven and allow to stand at least 8 hours in order to come to equilibrium conditions with the laboratory environment. Cut the specimens to 22.86 x 22.86 cm. (9 x 9 in.) in size, condition as prescribed in the standard for the surface flammability of carpets and rugs, DOC FF 1–70, and test.

5. *Report.*

5.1 State that the set of test specimens was washed according to this procedure.

5.2 Report results of testing as required by DOC FF 1–70.

6. *Notes.*

6.1 Orvus WA paste has been found to be suitable. Available from Procter & Gamble Co., textile specialities section, Post Office Box 599, Cincinnati, OH 45201.

6.2 A suitable brush may be obtained from the Atlanta Brush Co., 19 Hilliard Street, Atlanta, GA 30312 (stock No. 1–4638).

6.3 A satisfactory means of extracting excess water from specimens is the use of the spin-dry cycle only in a home laundry type of washing machine. Care must be used in setting the machine or closing the water valves so that no rinse water is admitted during this spin-dry cycle.

[1] This procedure may also be used for small rugs normally laundered by the rotary brush or roll-a-jet procedures and covered by DOC FF 2–70, "Standard for the Surface Flammability of Small Carpets and Rugs."

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6.4 Procedure 2 of ASTM D 2654–71, "Moisture Content and Moisture Regain of Textile Material", without the predrying feature for the incoming air describes a satisfactory oven.

(Sec. 5, Flammable Fabrics Act, 67 Stat. 112, as amended by 81 Stat. 570, 15 USC 1194; paragraph .4(b), standard for the surface flammability of carpets and rugs (DOC FF 1–70), 35 FR 6211, Apr. 16, 1970; paragraph .4(b), standard for the surface flammability of small carpets and rugs (DOC FF 2–70), 35 FR 19702, Dec. 29, 1970)

By direction of the Commission dated March 20, 1973.

[SEAL] CHARLES A. TOBIN,
Secretary.

[FR Doc.73–5932 Filed 3–27–73;8:45 am]

OFFICE OF EMERGENCY PREPAREDNESS

NEW YORK

Notice of Major Disaster and Related Determinations

Pursuant to the authority vested in me by the President under Executive Order 11575 of December 31, 1970; and by virtue of the Act of December 31, 1970, entitled "Disaster Relief Act of 1970" (84 Stat. 1744); notice is hereby given that on March 21, 1973, the President declared a major disaster as follows:

I have determined that the damage in certain areas of the State of New York resulting from high winds, wave action, and flooding beginning on or about March 16, 1973, are of sufficient severity and magnitude to warrant a major disaster declaration under Public Law 91–606. I therefore declare that such a major disaster exists in the State of New York. You are to determine the specific areas within the State eligible for Federal assistance under this declaration.

Notice is hereby given that pursuant to the authority vested in me by the President under Executive Order 11575 to administer the Disaster Relief Act of 1970 (Public Law 91–606) I hereby appoint Mr. Thomas R. Casey, Regional Director, OEP Region 2, to act as the Federal Coordinating Officer to perform the duties specified by section 201 of that Act for this disaster.

I do hereby determine the following areas in the State of New York to have been adversely affected by this declared major disaster.

The counties of:

Jefferson.	Orleans.
Monroe.	Oswego.
Niagara.	Wayne.

Dated: March 23, 1973.

DARRELL M. TRENT,
Acting Director,
Office of Emergency Preparedness.

[FR Doc.73–5867 Filed 3–27–73;8:45 am]

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–10054]

NEW YORK, AMERICAN, MIDWEST, PBW, AND PACIFIC COAST STOCK EXCHANGES AND NASD

Notice of Extension of Deadline for Submitting Comments

The Division of Market Regulation announced that it has extended from March 23, 1973, to April 6, 1973, the deadline for submitting comments on the joint plan filed with the Commission on March 2, 1973, by the New York, American, Midwest, PBW and Pacific Stock Exchanges and the NASD (the "Plan") pursuant to Rule 17a–15 under the Securities Exchange Act of 1934, providing for reporting of prices and volume of completed transactions with respect to securities registered on exchanges. The staff has determined to extend the deadline in order to afford an additional opportunity for public comment. The Plan will continue to be available for inspection in the Commission's public reference room, and all interested persons may submit written comments on the Plan. All comments should be directed to John M. Liftin, Associate Director, Division of Market Regulation, Securities and Exchange Commission, 500 North Capitol Street, Washington, DC 20549, and should refer to File No. S7–433.

[SEAL] RONALD F. HUNT,
Secretary.

MARCH 22, 1973.

[FR Doc.73–5850 Filed 3–27–73;8:45 am]

[File No. 500–1]

CHARNITA, INC.

Order Suspending Trading

MARCH 21, 1973.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, $0.10 par value, and all other securities of Charnita, Inc., being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period from 10 a.m. (e.s.t.) on March 21, 1973, through March 30, 1973.

By the Commission.

[SEAL] RONALD F. HUNT,
Secretary.

[FR Doc.73–5851 Filed 3–27–73;8:45 am]

DEPARTMENT OF LABOR

Office of the Secretary

AIRCO, INC.

Investigation Regarding Eligibility for Adjustment Assistance

After reviewing the Tariff Commission's report on its investigation of the petition for adjustment assistance filed on behalf of workers formerly employed by Airco Speer Electronic Components, division of Airco, Inc., DuBois, Pa. plant (TEA–W–157) under section 301(c)(2) of the Trade Expansion Act of 1962, and in which report the Commission being equally divided, made no finding with respect to radio frequency coils, molded ceramic capacitors, and fixed precision metal film resistors, the President decided under the authority of section 330(d)(1) of the Tariff Act of 1930 as amended, to consider the findings of those Commissioners who found in the affirmative as the finding of the Commission. Accordingly, he has advised the Secretary of Labor that he may certify the group of workers involved as eligible to apply for adjustment assistance.

In view of the Tariff Commission's report, the President's authorization, and the responsibilities delegated to the Secretary of Labor under section 8 of Executive Order 11075 (28 FR 473), the Director, Office of Foreign Economic Policy, Bureau of International Labor Affairs, has instituted an investigation, as provided in 29 CFR 90.5 and this notice. The investigation relates to the determination of whether any of the group of workers covered by the Tariff Commission report should be certified as eligible to apply for adjustment assistance, provided for under Title III, Chapter 3, of the Trade Expansion Act of 1962, including the determination of related subsidiary subjects and matters, such as the date unemployment or underemployment began or threatened to begin and the subdivision of the firm involved to be specified in any certification to be made, as more specifically provided in Subpart B of CFR Part 90.

Interested persons should submit written data, views, or arguments relating to the subjects of investigation to the Director, Office of Foreign Economic Policy, U.S. Department of Labor, Washington, D.C. 20210 on or before April 9, 1973.

Signed at Washington, D.C. this 21st day of March 1973.

GLORIA G. VERNON,
Director, Office of
Foreign Economic Policy.

[FR Doc. 73–5931 Filed 3–27–73;8:45 am]

INTERSTATE COMMERCE COMMISSION

[Notice 207]

ASSIGNMENT OF HEARINGS

MARCH 23, 1973.

Cases assigned for hearing, postponement, cancellation or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested. No amendments will be entertained after the date of this publication.

MC 1977 Sub 15, Northwest Transport Service, Inc., now being assigned hearing June 11, 1973 (1 week), at Phoenix, Ariz., in a hearing room to be later designated.
MC 136564 Sub 1, Shippers Leasing, Inc., now being assigned June 18, 1973 (1 day), at San Francisco, Calif., in a hearing room to be later designated.
MC 136172 Sub 2, Dick Bell Trucking, Inc., now being assigned June 19, 1973 (2 days), at San Francisco, Calif., in a hearing room to be later designated.
MC 107743 Sub 20, System Transport, Inc., now being assigned June 21, 1973 (2 days), at San Francisco, Calif., in a hearing room to be later designated.
MC 123061 Sub 64, Leatham Brothers, Inc., now being assigned June 25, 1973 (3 days), at Seattle, Wash., in a hearing room to be later designated.
MC–138232, Inquisitor's Club, now being assigned hearing June 28, 1973 (2 days), at Seattle, Wash., in a hearing room to be later designated.
FD–24679, Spokane, Portland & Seattle Railway Co. and Union Pacific Railroad Co.—Control—Peninsula Terminal Co., FD–24890, Southern Pacific Co.—Common Use of Terminal Facilities—Peninsula Terminal Co., FD–24891, Southern Pacific Co.—Common Use of Certain Terminal Facilities—Union Pacific Railroad Co., now being assigned hearing June 25, 1973 (1 week), at Portland, Oreg., in a hearing room to be later designated.
MC–115826 Sub 246, W. J. Digby, Inc., now being assigned hearing June 5, 1973 (1 day), at Denver Colo., in a hearing room to be later designated.
MC–52858 Sub 109, Convoy Co., now being assigned hearing June 8, 1973 (1 day), at Denver, Colo., in a hearing room to be later designated.
MC–C–7998, Red Ball Motor Freight, Inc.—Investigation and Revocation of Certificates, now being assigned hearing June 18, 1973 (1 day), at New Orleans, La., in a hearing room to be later designated.
MC–26396 Sub 51 and Sub 63, Popelka Trucking Co., doing business as the Waggoners, now being assigned hearing June 11, 1973 (1 week), at Missoula, Mont., in a hearing room to be later designated.
MC 128383 Sub 17, Pinto Trucking Service, Inc., now assigned March 27, 1973, at New York, N.Y., hearing is canceled and transferred to modified procedure.
MC 115840 Sub 77, Colonial Fast Freight Lines, Inc., now being assigned hearing June 11, 1973 (3 days), at New Orleans, La., in a hearing room to be later designated.
MC 115162 Sub 255, Poole Truck Line, Inc., now being assigned hearing June 14, 1973 (1 day), at New Orleans, La., in a hearing room to be later designated.
MC–32882 Sub 66, Mitchell Bros. Truck Lines, now being assigned hearing June 18, 1973 (1 week), at Portland, Oreg., in a hearing room to be later designated.
MC–113855 Sub 261, International Transport, Inc., now being assigned hearing June 18, 1973 (1 week), at Portland, Oreg., in a hearing room to be later designated.
MC 133095 Sub 19, Texas Continental Express, Inc., now being assigned hearing June 15, 1973 (1 day), at New Orleans, La., in a hearing room to be later designated.
MC 87532 Sub 7, Clay Products Transport, Inc., now being assigned June 4, 1973 (1 day), at Columbus, Ohio, in a hearing room to be later designated.
MC 134599 Sub 53, Interstate Contract Carrier Corporation, now being assigned June 5, 1973 (2 days), at Columbus, Ohio, in a hearing room to be later designated.
MC 50069 Sub 458, Refiners Transport & Terminal Corp., now being assigned June 7, 1973 (2 days), at Columbus, Ohio, in a hearing room to be later designated.
MC 5623 Sub 19, Arrow Trucking Co., now being assigned June 11, 1973 (2 days), at Columbus, Ohio, in a hearing room to be later designated.
MC 135524 Subs 6 and 7, G. F. Trucking Co., now being assigned June 13, 1973 (3 days), at Columbus, Ohio, in a hearing room to be later designated.
AB–3 Sub 2, Missouri Pacific Railroad Co. abandonment between Eudora, Ark., and Delhi, La., in Chicot County, Ark., and West Carrroll and Richland Parishes, La., now being assigned hearing June 20, 1973 (3 days), at Oak Grove, La., in a hearing room to be later designated.
MC 136693, Robert A. Doty, doing business as D. & D. Delivery Service, now being assigned June 4, 1973 (2 days), at Dallas, Tex., in a hearing room to be later designated.
MC 108207 Sub 363, Frozen Food Express, Inc., now being assigned June 6, 1973 (3 days), at Dallas, Tex., in a hearing room to be later designated.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.73–5921 Filed 3–27–73;8:45 am]

FILING OF MOTOR CARRIER INTRASTATE APPLICATIONS

MARCH 23, 1973.

The following applications for motor common carrier authority to operate in intrastate commerce seek concurrent motor carrier authorization in interstate or foreign commerce within the limits of the intrastate authority sought, pursuant to section 206(a)(6) of the Interstate Commerce Act, as amended October 15, 1962. These applications are governed by Special Rule 1.245 of the Commission's rules of practice, published in the FEDERAL REGISTER, issue of April 11, 1963, page 3533, which provides, among other things, that protests and requests for information concerning the time and place of State commission hearings or other proceedings, any subsequent changes therein, any other related matters shall be directed to the State commission with which the application is filed and shall not be addressed to or filed with the Interstate Commerce Commission.

New York Docket No. T–9147, filed February 26, 1973. Applicant: COOPERSTOWN AND CHARLOTTE VALLEY RAILWAY, 1 Railroad Avenue, Cooperstown, NY 13326. Certificate of public convenience and necessity sought to operate a freight service as follows: Transportation of *general commodities and refrigerated products* between stations on the Cooperstown and Charlotte Valley Railway, i.e., Cooperstown Junction, Hartwick, Milford, Cooperstown, on the one hand, and, on the other, all points in Delaware, Greene, Schoharie, and Otsego Counties. Both intrastate and interstate authority sought.

HEARING: Date, time, and place not shown. Requests for procedural information should be addressed to the New York State Department of Transportation, 1220 Washington Avenue, State Campus, Albany, NY 12226, and should not be directed to the Interstate Commerce Commission.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.73–5928 Filed 3–27–73;8:45 am]

FOURTH SECTION APPLICATION FOR RELIEF

MARCH 23, 1973.

An application, as summarized below, has been filed requesting relief from the requirements of section 4 of the Interstate Commerce Act to permit common carriers named or described in the application to maintain higher rates and charges at intermediate points than those sought to be established at more distant points.

Protests to the granting of an application must be prepared in accordance with Rule 1100.40 of the general rules of practice (49 CFR 1100.40) and filed on or before April 12, 1973.

FSA No. 42650—*Sand from Brady, Tex.* Filed by Southwestern Freight Bureau, agent (No. B–393), for interested rail carriers. Rates on and, in carloads, as described in the application, from Brady, Tex., to Prestonsburg, Ky. Grounds for relief—Destination rate relationship. Tariff—Supplement 178 to Southwestern Freight Bureau, agent, tariff ICC 4797. Rates are published to become effective on May 1, 1973.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.73–5924 Filed 3–27–73;8:45 am]

[Notice 7]

MOTOR CARRIER ALTERNATE ROUTE DEVIATION NOTICES

MARCH 23, 1973.

The following letter-notices of proposals (except as otherwise specifically noted, each applicant states that there will be no significant effect on the qual-

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ity of the human environment resulting from approval of its application) to operate over deviation routes for operating convenience only have been filed with the Interstate Commerce Commission under the Commission's Revised Deviation Rules—Motor Carriers of Passengers, 1969 (49 CFR 1042.2(c)(9)) and notice thereof to all interested persons is hereby given as provided in such rules (49 CFR 1042.2(c)(9)).

Protests against the use of any proposed deviation route herein described may be filed with the Interstate Commerce Commission in the manner and form provided in such rules (49 CFR 1042.2(c)(9)) at any time, but will not operate to stay commencement of the proposed operations unless filed on or before April 27, 1973.

Successively filed letter-notices of the same carrier under the Commission's Revised Deviation Rules—Motor Carriers of Property, 1969, will be numbered consecutively for convenience in identification and protests, if any, should refer to such letter-notices by number.

MOTOR CARRIERS OF PASSENGERS

No. MC–1515 (Deviation No. 642) (cancels Deviation No. 456), GREYHOUND LINES, INC. (Eastern Division), 1400 West Third Street, Cleveland, OH 44113, filed March 9, 1973. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *passengers and their baggage*, and *express* and *newspapers* in the same vehicle with passengers, over deviation routes as follows: (1) from Pittsburgh, Pa., over U.S. Highway 22 to junction Interstate Highway 79, thence over Interstate Highway 79 to junction Interstate Highway 70, thence over Interstate Highway 70 to junction U.S. Highway 40, and (2) from Washington, Pa., over city streets to junction Interstate Highway 70, thence over Interstate Highway 70 to junction Interstate Highway 79, and return over the same routes, for operating convenience only. The notice indicates that the carrier is presently authorized to transport passengers and the same property, over a pertinent service route as follows: From Pittsburgh, Pa., over U.S. Highway 19 to Washington, Pa., thence over U.S. Highway 40 to junction Interstate Highway 70, and return over the same route.

No. MC–1515 (Deviation No. 643) GREYHOUND LINES, INC. (Eastern Division), 1400 West Third Street, Cleveland, OH 44113, filed March 14, 1973. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *passengers and their baggage, and express and newspapers* in the same vehicle with passengers, over a deviation route as follows: From junction U.S. Highway 24 and Ohio Highway 424 east of Napoleon, Ohio, over U.S. Highway 24 to junction Ohio Highway 424 approximately 4 miles west of Defiance, Ohio, with the following access routes: (1) From Napoleon, Ohio, over Ohio Highway 108 to junction U.S. Highway 24, and (2) from Defiance, Ohio, over Ohio Highway 66 to junction U.S. Highway 24, and return over the same routes, for operating convenience only. The notice indicates that the carrier is presently authorized to transport passengers and the same property, over a pertinent service route as follows: From junction New Indiana Highway 37 and Old Indiana Highway 37 approximately 1 mile south of Bedford, Ind., over New Indiana Highway 37 to junction Old Indiana Highway 37 just north of Bloomington, Ind., with the following access routes: (1) From Bedford, Ind., over Old Indiana Highway 37 via Oolitic, Ind., to junction New Indiana Highway 37, (2) from Bloomington, Ind., over Indiana Highway 45 to junction New Indiana Highway 37, and (3) from Bloomington, Ind., over Indiana Highway 46 to junction New Indiana Highway 37, and return over the same routes, for operating convenience only. The notice indicates that the carrier is presently authorized to transport passengers and the same property, over a pertinent service route as follows: From junction New Indiana Highway 37 and Old Indiana Highway 37 1 mile south of Bedford, Ind., over Old Indiana Highway 37 via Bedford, Oolitic, and Bloomington, Ind., to junction New Indiana Highway 37 just north of Bloomington, Ind., and return over the same route.

No. MC–1515 (Deviation No. 645) (cancels Deviation Nos. 477 and 598), GREYHOUND LINES, INC. (Eastern Division), 1400 West Third Street, Cleveland, OH 44113, filed March 14, 1973. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *passengers and their baggage*, and *express* and *newspapers* in the same vehicle with passengers, over a deviation route as follows: From junction New Indiana Highway 37 and Old Indiana Highway 37 approximately 4 miles west of Defiance, Ohio, and return over the same route.

No. MC–1515 (Deviation No. 644), GREYHOUND LINES, INC. (Eastern Division), 1400 West Third Street, Cleveland, OH 44113, filed March 14, 1973. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *passengers and their baggage*, and *express* and *newspapers* in the same vehicle with passengers, over a deviation route as follows: From junction New Indiana Highway 37 and Old Indiana Highway 37 approximately 1 mile south of Bedford, Ind., over New Indiana Highway 37 to junction Old Indiana Highway 37 just north of Bloomington, Ind., with the following access routes: (1) From Bedford, Ind., over Old Indiana Highway 37 via Oolitic, Ind., to junction New Indiana Highway 37, (2) from Bloomington, Ind., over Indiana Highway 45 to junction New Indiana Highway 37, and (3) from Bloomington, Ind., over Indiana Highway 46 to junction New Indiana Highway 37, and return over the same routes, for operating convenience only. The notice indicates that the carrier is presently authorized to transport passengers and the same property, over a pertinent service route as follows: From junction New Indiana Highway 37 and Old Indiana Highway 37 1 mile south of Bedford, Ind., over Old Indiana Highway 37 via Bedford, Oolitic, and Bloomington, Ind., to junction New Indiana Highway 37 just north of Bloomington, Ind., and return over the same route.

No. MC–2661 (Deviation No. 4), INDIAN TRAILS, INC., 109 East Comstock Street, Owosso, MI 48867, filed March 7, 1973. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *passengers and their baggage*, and *express* and *newspapers* in the same vehicle, over a deviation route as follows: From Flint, Mich., over Interstate Highway 75 to junction Michigan Highway 25 (approximately 2 miles west of Bay City, Mich.), thence over Michigan Highway 25 to Bay City, Mich., with the following access roads: (1) From Flint, Mich., over Michigan Highway 21 to junction Interstate Highway 75, (2) from Flint, Mich., over Pierson Road to junction Interstate Highway 75, (3) from Saginaw, Mich., over Interstate Highway 675 to junction Interstate Highway 75, and (4) from Bay City, Mich., over Michigan Highway 13 to junction Interstate Highway 75, and return over the same routes, for operating convenience only. The notice indicates that the carrier is presently authorized to transport passengers and the same property, over a pertinent service route as follows: From Port Austin, Mich., over Michigan Highway 25 via Caseville and Unionville, Mich., to Bay City, Mich., thence over U.S. Highway 23 to Flint, Mich., thence over Michigan Highway 78 via Perry and Charlotte, Mich., to Battle Creek, Mich., thence over U.S. Highway 12 via Kalamazoo, Mich., and Michigan City, Ind., to Chicago, Ill. (also from Charlotte over U.S. Highway 27 to Marshall, Mich., thence over U.S. Highway 12 to Battle Creek), and return over the same route.

No. MC 2890 (Deviation No. 92), AMERICAN BUSLINES, INC., 300 South Broadway Avenue, Wichita, KS 67201, filed March 14, 1973. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *passengers and their baggage, and express and newspapers* in the same vehicle with passengers, over a deviation route as follows: From St. Joseph, Mo., over Interstate Highway 29 to Council Bluffs, Iowa, and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport passengers and the same property, over a pertinent service route as follows: From St. Joseph, Mo., over U.S. Highway 71 to Clarinda, Iowa, thence over Iowa Highway 2 to Sidney, Iowa, thence over U.S. Highway 275 to Balfour, Iowa, thence over U.S. Highway 34 to Glenwood, Iowa, thence over U.S. Highway 275 to junction Iowa Highway 375, thence over Iowa Highway 375 to Council Bluffs, Iowa, and return over the same route.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.73–5925 Filed 3–27–73;8:45 am]

[Notice 11]

MOTOR CARRIER ALTERNATE ROUTE DEVIATION NOTICES

MARCH 23, 1973.

The following letter-notices of proposals (except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application), to operate over deviation routes for operating convenience only have been filed with the Interstate Commerce Commission under the Commission's Revised Deviation Rules-Motor Carriers of Property, 1969 (49 CFR 1042.4(c)(11)) and notice thereof to all interested persons is hereby given as provided in such rules (49 CFR 1042.4(c)(11)).

Protests against the use of any proposed deviation route herein described may be filed with the Interstate Commerce Commission in the manner and form provided in such rules (49 CFR 1042.4(c)(12)) at any time, but will not operate to stay commencement of the proposed operations unless filed on or before April 27, 1973.

Successively filed letter-notices of the same carrier under the Commission's Revised Deviation Rules-Motor Carriers of Property, 1969, will be numbered consecutively for convenience in identification and protests, if any, should refer to such letter-notices by number.

MOTOR CARRIERS OF PROPERTY

No. MC–200 (Deviation No. 28), RISS INTERNATIONAL CORPORATION, Post Office Box 2809, Kansas City, MO 64142, filed March 5, 1973. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Harrisburg, Pa., over U.S. Highway 11 to junction Interstate Highway 81, thence over Interstate Highway 81 to junction Interstate Highway 40, thence over Interstate Highway 40 to junction Interstate Highway 30, thence over Interstate Highway 30 to Dallas, Tex., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over a pertinent service route as follows: From Harrisburg, Pa., over U.S. Highway 22 to junction Ohio Highway 7, thence over Ohio Highway 7 to junction U.S. Highway 40, thence over U.S. Highway 40 to junction U.S. Highway 66, thence over U.S. Highway 66 to junction U.S. Highway 69, thence over U.S. Highway 69 to junction U.S. Highway 75, thence over U.S. Highway 75 to Dallas, Tex., and return over the same route.

No. MC–57254 (Deviation No. 1), ASSOCIATED FREIGHT LINES, 841 Folger Avenue, Berkeley, CA 94710, filed March 14, 1973. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From junction California Highways 14 and 58 over California Highway 58 to Barstow, Calif., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over pertinent service routes as follows: (1) From Los Angeles, Calif., over U.S. Highway 66 to junction Interstate Highway 15, thence over Interstate Highway 15 to Las Vegas, Nev., and (2) from Fresno, Calif., over U.S. Highway 99 to Bakersfield, Calif., thence over California Highway 58 to Mojave, Calif., thence southerly over California Highway 14 to Palmdale, Calif., thence westerly over unnumbered county road by way of Adelento to Victorville, Calif., thence northerly over U.S. Highway 66 and Interstate Highway 15 via Barstow, Calif., to Las Vegas, Nev., and return over the same routes.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.73–5927 Filed 3–27–73;8:45 am]

[Notice 23]

MOTOR CARRIER APPLICATIONS AND CERTAIN OTHER PROCEEDINGS

MARCH 23, 1973.

The following publications are governed by the new Special Rule 1100.247 of the Commission's rules of practice, published in the FEDERAL REGISTER, issue of December 3, 1963, which became effective January 1, 1964.

The publications hereinafter set forth reflect the scope of the applications as filed by applicant,[1] and may include descriptions, restrictions, or limitations which are not in a form acceptable to the Commission. Authority which ultimately may be granted as a result of the applications here noticed will not necessarily reflect the phraseology set forth in the application as filed, but also will eliminate any restrictions which are not acceptable to the Commission.

APPLICATIONS ASSIGNED FOR ORAL HEARING

MOTOR CARRIERS OF PROPERTY

No. MC 124266 (Sub-No. 1) (Amendment) filed October 5, 1972, published in the FEDERAL REGISTER issue of November 16, 1972, and republished, as amended, this issue. Applicant: NELSON GWILLIM, Route 2, Box 144, Carlinville, IL 62626. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Meat products*, from Oklahoma City, Okla., and the commercial zone thereof, and Chicago, Ill., and the commercial zone thereof, to Granite City, Ill., and the commercial zone thereof; (2) (a) *shortening, salad dressing and pickle products*, from Chicago, Ill., and the commercial zone thereof, to Granite City, Ill., and the commercial zone thereof; (b) *cheese products*, from Carthage, Mo., and the commercial zone thereof, to Granite City, Ill., and the commercial zone thereof; and (c) *cookie products*, from Denver, Colo., and the commercial zone thereof, to Granite City, Ill., and the commercial zone thereof; (3) (a) *cream and condensed products*, in bulk, from Joplin, Mo., and the commercial zone thereof, and Springfield, Mo., and the commercial zone thereof, to St. Louis, Mo., and the commercial zone thereof, and O'Fallon, Ill., and the commercial zone thereof; and (b) *condensed and mixed products*, in bulk, from O'Fallon, Ill., and the commercial zone thereof, to plantsites of Prairie Farms at Marietta, Ga., and La Fayette, Ind.; (4) *cartons*, from points in Kentucky and Missouri (except Springfield and Kansas City, Mo., and the commercial zones thereof), to the plantsites of Prairie Farms in Illinois and Iowa; (5) *ice cream products*, between Marietta, Ga., and the commercial zone thereof, St. Louis, Mo., and the commercial zone thereof, Oklahoma City, Okla., and the commercial zone thereof, and points in Texas; and (6) *butter*, from St. Louis, Mo., and the commercial zone thereof, to points in Illinois, Michigan, Kentucky, Tennessee, and Texas, under contract with Prairie Farms Dairy, Inc. NOTE: The purpose of this republication is to redescribe the commodities and territory proposed to be served and to add the commodity cartons.

HEARING: April 27, 1973 (1 day), at 9:30 a.m. United States Standard Time, at St. Louis, Mo.

No. MC 119639 (Sub-No. 5) (Republication), filed November 24, 1971, published in the FEDERAL REGISTER issue of January 6, 1972, and republished this issue. Applicant: INCO EXPRESS, INC., 2201 Sixth Avenue South, Seattle, WA 98134. Applicant's representative: Joseph O. Earp, 411 Lyon Building, 607 Third Avenue, Seattle, WA 98104. An order of the Commission, Division 1, Acting as an Appellate Division, dated March 2, 1973, and served March 15, 1973, finds that the present and future public convenience and necessity require operation by applicant, in interstate or foreign commerce, as a *common carrier* by motor vehicle, over irregular routes, of *plastic coated fabric and liquid plastic*, in vehicles equipped with mechanical refrigeration, between points in King and Snohomish Counties, Wash, on the one hand, and, on the other, points in Alameda, Contra Costa, Los Angeles, and Orange Counties, Calif.; that applicant is fit, willing, and able properly to perform such service and to conform to the re-

[1] Except as otherwise specifically noted, each applicant (on applications filed after Mar. 27, 1972) state that there will be no significant effect on the quality of the human environment resulting from approval of its application.

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quirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. Because it is possible that other parties who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described above, issuance of a certificate in this proceeding will be withheld for a period of 30 days from the date of this publication of the authority actually granted, during which period any proper party in interest may file an appropriate petition for intervention or other relief in this proceeding setting forth in detail the precise manner in which it has been so prejudiced.

APPLICATIONS FOR CERTIFICATES OR PERMITS WHICH ARE TO BE PROCESSED CONCURRENTLY WITH APPLICATIONS UNDER SECTION 5 GOVERNED BY SPECIAL RULE 240 TO THE EXTENT APPLICABLE

No. MC 42289 (Sub-No. 10), filed March 14, 1973. Applicant: LOMBARD BROS. INCORPORATED, 249 Mill Street, Waterbury, CT 06720. Applicant's representative: Hugh M. Joseloff, 410 Asylum Street, Hartford, CT 06103. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except household goods, office furniture and equipment, and commodities requiring use of dump trucks, tank trucks, or special equipment), between points in Rhode Island. The instant application is a matter directly related to MC–F–11821 published in the FEDERAL REGISTER issue of March 28, 1973. NOTE: Applicant states that the requested authority can be tacked with its existing authority at Providence, R.I., and serve its presently authorized territory. If a hearing is deemed necessary, applicant requests it be held at Hartford, Conn., or Washington, D.C.

No. MC 120265 (Sub-No. 2), filed March 14, 1973. Applicant: VANDALIA AIR FREIGHT, INC., Dayton Municipal Airport, Vandalia, Ohio 45377. Applicant's representative: James R. Stiverson, 50 West Broad Street, Columbus, OH 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over regular and irregular routes, transporting: Regular routes: *Property*, (1) between Vandalia, Ohio, airport and Dayton, Ohio, over Interstate Highway 75, serving all intermediate points; (2) between Vandalia, Ohio airport and Springfield, Ohio, from Vandalia airport over Interstate Highway 75 to junction Interstate Highway 70, thence over Interstate Highway 70 to Springfield, and return over the same route, serving all intermediate points; and (3) between Vandalia, Ohio airport and Sidney, Ohio, over Interstate Highway 75, serving all intermediate points. Restriction: Restricted to transportation of property having a prior or subsequent movement by aircraft. Irregular Routes: *Property*, including property having a prior or subsequent movement by aircraft, between points in Butler Township (Montgomery County), Ohio, on the one hand, and, on the other, points in Ohio. Restriction: Restricted against the transportation of property from or to Vandalia, Ohio (except shipments originating in or destined to a point in said Butler Township), household goods, office furniture and fixtures, furnishing dump truck service, and livestock (except when handled in connection with aircraft transportation). NOTE: The instant application is a matter directly related to MC–F–11805 published in the FEDERAL REGISTER issue of March 7, 1973. Quick Air Freight, Inc., acquisition of Vandalia Air Freight, Inc., and is in effect a conversion of a certificate of registration. Applicant states that the requested authority can be tacked, to a degree, with its existing authority but indicates that it has no present intention to tack and therefore does not identify the points or territories which can be served through tacking. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Columbus, Ohio.

No. MC 135639 (Sub-No. 2), filed March 5, 1973. Applicant: QUEENSWAY, INC., 105 North Keyser Avenue, Old Forge, PA 18518. Applicant's representative: Morton E. Kiel, 140 Cedar Street, New York, NY 10006. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), (1) between Lockport and Buffalo, N.Y.: From Lockport over New York Highway 31 to its intersection with New York Highway 425, thence over New York Highway 425 to its intersection with New York Highway 384 at North Tonawanda, thence over New York Highway 384 to Buffalo, and return over the same route, serving all intermediate points and the off-route points of Lackawanna, Gardenville, Amherst, Getzville, Pendleton, Newfane, Olcott, Akron, Depew, Lancaster, Williamsville, Wilson, and Hamburg, N.Y.; and (2) between Lockport and Rochester, N.Y.: From Lockport over New York Highway 31 to Middleport, thence over New York Highway 31E to Medina, thence over New York Highway 31 to Rochester, and return over the same route, serving all intermediate points and the off-route points of Johnson Creek, Jeddo, Carlton, Hamlin, Clarendon, Shelby, Barker, Lyndonville, and Hilton, N.Y. NOTE: This application is a matter directly related to MC–F–11812 to convert a certificate of registration to a certificate of public convenience and necessity, published in the FEDERAL REGISTER issue of March 14, 1973. Applicant has pending in No. MC–F–11733 a common control application, published in the FEDERAL REGISTER issue of December 13, 1972. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

APPLICATIONS UNDER SECTIONS 5 AND 210a(b)

The following applications are governed by the Interstate Commerce Commission's special rules governing notice of filing of applications by motor carriers of property or passengers under sections 5(a) and 210a(b) of the Interstate Commerce Act and certain other proceedings with respect thereto (49 CFR 1.240).

MOTOR CARRIERS OF PROPERTY

No. MC–F–11820. Authority sought for control by UNITED TRUCK SERVICE, 2800 West Bayshore Road, Palo Alto, CA 94303, of (A) WEST NEBRASKA EXPRESS, INC., 515 South Beltline Highway, Scottsbluff, NE 69361, and (B) WILSON BROTHERS TRUCK LINE, INC., 700 East Fairview Street, Carthage, MO 64836, and for acquisition by O.N.C. FREIGHT SYSTEMS, and ROCOR INTERNATIONAL, and, in turn, by DAVID P. ROUSH, all of Palo Alto, Calif. 94303, of control of WEST NEBRASKA EXPRESS, INC., and WILSON BROTHERS TRUCK LINE, INC., through the acquisition by UNITED TRUCK SERVICE. Applicants' attorneys: Roland Rice, 1111 E Street NW., Suite 618, Washington, DC 20004, and Russell E. Lovell, Post Office Box 419, Scottsbluff, NE 69631. Operating rights sought to be controlled: *General commodities*, with exceptions, as a *common carrier* over regular routes, between Henry, and Omaha, Nebr., serving various intermediate and off-route points in Nebraska, between Denver, Colo., and Gering, Nebr., serving various intermediate and off-route points in Wyoming and Nebraska, between Denver, Colo., and Pine Bluffs, Wyo., serving various intermediate points in Nebraska, and Sterling, Colo., with restriction; *general commodities*, with exceptions, over irregular routes, between points in Nebraska within 25 miles of Morrill, Nebr., including Morrill, on the one hand, and, on the other, points in Nebraska, between intercontinental ballistic missile testing and launching sites, and supply points therefor, located in Logan County, Colo., and Banner, Cheyenne, Kimball, Morrill, and Scotts Bluff Counties, Nebr., with restriction; over three alternate routes for operating convenience only; *meats, meat products, and meat byproducts, etc.*, from Scottsbluff, Nebr., to points in Iowa, Kansas, Minnesota, Missouri, North Dakota, and Wisconsin, from Gordon, Nebr., to Chicago, Ill., from Scottsbluff and York, Nebr., to points in Michigan, Indiana, and Ohio, from Scottsbluff, Nebr., to Chicago, Ill., from Gering, Nebr., to points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia, and the District of Columbia, from the plantsite and storage facility of Swift & Co., at Gering, Nebr., to points in Alabama, Arkansas, Florida, Georgia, Kentucky, Louisiana, Mississippi, North Carolina, South Carolina, and Tennessee, from the plantsite and storage facilities of Geo. A. Hormel & Co., at Scottsbluff, Nebr., to points in Georgia, North Carolina, and South Carolina, with restrictions; *fresh hams*, from Austin, Minn., Sioux Falls and Huron, S. Dak., Wichita, Kans., Chicago, Ill., and points in Iowa and Missouri, to Scottsbluff, Nebr., from points in Indiana, Ohio, and Minnesota (except Austin), to Scottsbluff, Nebr., with restrictions; *frozen bakery products*, from Appleton, Wis., to points in North Dakota, South Dakota, Minnesota, those in that part of Iowa on and north of U.S. Highway 20 and on and west of U.S. Highway 169, and those in that part of Kansas on and west of U.S. Highway 75; and (B) numerous specified commodities primarily food *flour, meats, fruits, dairy products, and citrus juices*, as a *common carrier* over irregular routes, from, to, and between specified points in the States of Alabama, Louisiana, Mississippi, Missouri, Kansas, Oklahoma, Minnesota, Texas, Florida, Tennessee, Kentucky, Nebraska, Iowa, South Dakota, Wyoming, Wisconsin, Arkansas, North Dakota, Indiana, Illinois, Georgia, South Carolina, North Carolina, Arizona, California, Colorado, Nevada, New Mexico, Utah, and Montana, with certain restrictions, as more specifically described in Docket No. MC–116544 and subnumbers thereunder. This notice does not purport to be a complete description of all of the operating rights of the carrier involved. The foregoing summary is believed to be sufficient for purposes of public notice regarding the nature and extent of this carrier's operating rights, without stating, in full, the entirety, thereof. UNITED TRUCK SERVICE is authorized to operate as a *common carrier* in California. Application has been filed for temporary authority under section 210a(b).

No. MC–F–11821. Authority sought for purchase by LOMBARD BROS., INCORPORATED, 249 Mill Street, Waterbury, CT 06706, of the operating rights of JOHNSTON TRANSPORTATION, INC., 384 Charles Street, Providence, RI 02904. Applicants' attorney: Hugh M. Joseloff, 410 Asylum Street, Hartford, CT 06103. Operating rights sought to be transferred: Under a certificate of registration, in Docket No. MC–118665 (Sub-No. 2), covering the transportation of general commodities, as a *common carrier*, in interstate commerce, within the State of Rhode Island. Vendee is authorized to operate as a *common carrier* in Connecticut, Massachusetts, Pennsylvania, New Jersey, Rhode Island, New York, Maryland, Delaware, and the District of Columbia. Application has not been filed for temporary authority under section 210a(b). NOTE: MC–42289 (Sub-No. 10), is a matter directly related.

No. MC–F–11822. Authority sought for control by O.N.C. FREIGHT SYSTEMS, 2800 West Bayshore Road, Palo Alto, CA 94303, of (A) NORTHWEST MOTOR FREIGHT COMPANY, AND (B) CASHMERE TRANSFER COMPANY, both of 435 Rock Island Road, East Wenatchee, WA 98801, and for acquisition by ROCOR INTERNATIONAL, and, in turn, by DAVID P. ROUSH, AND DIANE G. ROUSH, all of 2800 West Bayshore Road, Palo Alto, CA 94303, of control of NORTHWEST MOTOR FREIGHT COMPANY, and CASHMERE TRANSFER COMPANY, through the acquisition by O.N.C. FREIGHT SYSTEMS. Applicants' attorneys: George R. LaBissoniere, 1424 Washington Building, Seattle, Wash. 98101, and Martin J. Rosen, 140 Montgomery Street, San Francisco, CA 94104. Operating rights sought to be controlled: (A) *General commodities*, excepting among others, dangerous explosives, household goods and commodities in bulk, as a *common carrier* over regular routes, between Wenatchee, and Oroville, Wash., between Chelan, and Manson, Wash., between Chelan, and Chelan Falls, Wash., between junction U.S. Highway 97 and Washington Highway 16 (near Pateros, Wash.) and Winthrop, Wash., service is authorized to and from all intermediate points, between Oroville, Wash. and the port of entry on the United State-Canada boundary line, at or near Oroville, Wash., serving no intermediate points; (B) *General commodities*, excepting among others, classes A and B explosives, household goods, and commodities in bulk, as a *common carrier* over irregular routes, between points in Okanogan, Douglas, Chelan, Kittitas, Grant, and Yakima Counties, Wash., between points in Kittitas County, Wash., on the one hand, and, on the other, Seattle and Tacoma, Wash.; *household goods* as defined by the Commission, *heavy machinery, and building materials* (except cement in bulk), between points in Chelan County, Wash., on the one hand, and, on the other, points in Washington. O.N.C. FREIGHT SYSTEMS is authorized to operate as a *common carrier* in Arizona, California, Nevada, Oregon, and Washington. Application has been filed for temporary authority under section 210a(b).

No. MC–F–11823. Authority sought for purchase by COLE'S EXPRESS, 444 Perry Road, Bangor, ME 04402, of a portion of the operating rights of PEERLESS MOTOR EXPRESS, INC., Water Street, Holbrook, MA, and for acquisition by GALEN L. COLE, individually and as Trustee, of the estate of A. J. COLE, MERRILL TRUST CO., Trustees, Bangor, Maine 04402, of control of such rights through the purchase. Applicants' attorneys: Francis P. Barrett, 60 Adams Street, Milton, MA 02187, Francis E. Barrett, Jr., 10 Industrial Park Road, Hingham, MA 02043, and Roger C. Wendell, 50 Congress Street, Boston, MA 02109. Operating rights sought to be transferred: *General commodities*, excepting among others, dangerous explosives, household goods and commodities in bulk, as a *common carrier* over regular routes, between Brockton and Boston, Mass., between Holbrook and Boston, Mass., between Boston and Lowell, Mass., serving all intermediate points; *general commodities*, excepting among others, classes A and B explosives, household goods and commodities in bulk, over irregular routes, between points in Massachusetts. Vendee is authorized to operate as a *common carrier* in Maine, Massachusetts, and New Hampshire. Application has been filed for temporary authority under section 210a(b).

No. MC–F–11824. Authority sought for purchase by CAPE COD OVERLAND EXPRESS, INC., Ladge Drive, Avon, Mass. 02322, of a portion of the operating rights of PEERLESS MOTOR EXPRESS, INC., Water Street, Holbrook, Mass., and for acquisition by HENRY F. LYONS, 59 Woodside Avenue, Brockton, MA, of control of such rights through the purchase. Applicants' attorneys: Francis P. Barrett, 60 Adams Street, Milton, MA 02187, Francis E. Barrett, Jr., 10 Industrial Park Road, Hingham, MA 02043, and Roger C. Wendell, 50 Congress Street, Boston, MA 02109. Operating rights sought to be transferred: *General commodities*, excepting among others, classes A and B explosives, household goods and commodities in bulk, as a *common carrier* over regular routes, between Boston, Mass., and Providence, R.I., serving all intermediate points, and the off-route points of Canton and Wellesley, Mass.; *general commodities*, except articles of unusual value, classes A and B explosives, livestock, carnival equipment, household goods as defined by the Commission, commodities in bulk, and commodities requiring refrigerator equipment, over irregular routes, between points within five miles of Boston, Mass., including Boston, on the one hand, and, on the other, points in Rhode Island; *shoes*, between Holbrook, Mass., and points and places in Massachusetts within ten miles of Holbrook, on the one hand, and, on the other, Providence, R.I. Vendee is authorized to operate as a common carrier in Massachusetts. Application has been filed for temporary authority under section 210a(b). NOTE: MC–52963 (Sub-No. 4), is a matter directly related.

No. MC–F–11825. Authority sought for purchase by B & T TRANSPORTATION CO., 200 Frontage Road, Boston, MA 02118, of a portion of the operating rights of PEERLESS MOTOR EXPRESS, INC., Water Street, Holbrook, MA 02343, and for acquisition by ALBERT P. SAGANSKY, AND LEONARD LEWIN, both of Boston, Mass. 02118, and RHODE LEWIN, 239 Tappan Street, Brookline, Mass., of control of such rights through the purchase. Applicants' attorneys: Francis P. Barrett, 60 Adams Street, Milton, MA 02187, Francis E. Barrett, Jr., 10 Industrial Park Road, Hinghan, MA 02043, and Roger C. Wendell, 50 Congress Street, Boston, MA 02109. Operating rights sought to be transferred: *General commodities*, excepting among others, dangerous explosives, household goods and commodities in bulk, as a *common carrier* over irregular routes, between Holbrook, Mass., and points and places in Massachusetts within 10 miles of Holbrook, on the one hand, and, on the other, points and places in Connecticut. Vendee is authorized to operate as a *common carrier* in Rhode Island, Connecticut, and Massachusetts. Application has been filed for temporary authority under section 210a(b).

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No. MC-F-11826. Authority sought for purchase by MEADOWS VAN & STORAGE, INC., Box 1023 Shookstown Road, Frederick, MD 21701, of the operating rights and property of ROUTZAHN'S MOVING & STORAGE, INC., Frederick County, Frederick, Md. 21701, and for acquisition by VERONICA MEADOWS, 1705 West Seventh Street, Frederick, MD 21701, HARRY KEMP, Route 8, Frederick, Md. 21701, and FREDERICK KEMP, Montevue Road, Frederick, Md. 21701, of control of such rights and property through the purchase. Applicants' representative: Charles E. Creager, Suite 523, 816 Easley Street, Silver Spring, MD 20910. Operating rights sought to be transferred: *Household goods*, as a *common carrier* over irregular routes, between Hagerstown, Md., and points within 25 miles thereof, on the one hand, and, on the other, points in New York, Maryland, Pennsylvania, Virginia, West Virginia, and North Carolina. Vendee is authorized to operate as a *common carrier* in Maryland, Pennsylvania, Virginia, West Virginia and the District of Columbia, and as a *contract carrier* in Maryland, and Virginia. Application has been filed for temporary authority under section 210a(b).

No. MC-F-11827. Authority sought for purchase by JOE HODGES TRANSPORTATION CORPORATION, 1205 South Platte River Drive, Denver, CO 80223, of the operating rights of TODDMAN TRANSPORT CO., Post Office Box 13426, Fort Worth, TX 76118, and for acquisition by NAVAJO FREIGHT LINES, INC., also of Denver, Colo. 80223, of control of such rights through the purchase. Applicants' attorney and representative: Jack Goodman, 39 South La Salle Street, Chicago, IL 60603, and Frank Mikos, Revenue Officer of Internal Revenue Service, 819 Taylor Street, Fort Worth, TX 76102. Operating rights sought to be transferred: Under a certificate of registration, in Docket No. MC-120750 (Sub-No. 1), covering the transportation of property, as a *common carrter*, in interstate commerce, within the State of Texas. Vendee is authorized to operate as a *common carrier* in Oklahoma and Texas. Application has been filed for temporary authority under section 210a (b). NOTE: MC-120634 (Sub-No. 19), is a matter directly related.

No. MC-F-11828. Authority sought for purchase by CAUDELL TRANSPORT, INC., Building 33, State Farmers Market, Forest Park, Ga. 30050, of the operating rights of W. D. FRISBEE, doing business as FRISBEE MOTOR EXPRESS, Post Office Box 591, Austell, GA 30001, and for acquisition by B. E. CAUDELL, 4410 Davidson Avenue NE., Atlanta, GA 30319, of control of such rights through the purchase. Applicants' attorney: Guy H. Postell, Suite 713, 3384 Peachtree Road NE., Atlanta, GA 30326. Operating rights sought to be transferred: *Bananas*, as a *common carrier* over irregular routes, from Tampa, Fla., and New Orleans, La., to Atlanta, Ga., and Central City, Ky., from Mobile, Ala., Miami, Jacksonville, and Port Everglades, Fla., Charleston, S.C., and Brunswick and Savannah, Ga., to Central City, Ky., and to the site of the Georgia State Farmers Market at or near Forest Park and Atlanta, Ga., from Gulfport, Miss., to Atlanta, Ga., and Central City, Ky. Vendee is authorized to operate as a *common carrier* in Georgia, South Carolina, Tennessee, Florida, Alabama, Kentucky, Louisiana, North Carolina, Mississippi, and Virginia. Application has been filed for temporary authority under section 210a(b).

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.73-5926 Filed 3-27-73;8:45 am]

[S.O. No. 1124]

NATIONAL GRAIN AND FEED ASSOCIATION

Demurrage and Free Time on Freight Cars

At a session of the Interstate Commerce Commission, Division 3, acting as an appellate division, held at its office in Washington, D.C., on the 20th day of March 1973.

Upon consideration of the petition filed by the National Grain and Feed Association on March 15, 1973, requesting postponement and reconsideration of Service Order No. 1124.

It appearing, that Service Order No. 1124 was issued by Division 3 in accordance with applicable law and upon its determination that an emergency exists because of an acute shortage of freight cars in all sections of the country; that the Association's members have had ample opportunity to review their operations to avoid the excessive detention of freight cars; that numerous cars are held idle for excessive periods awaiting loading or unloading; and that the petition states no errors of fact or law warranting the relief sought, and for good cause appearing;

It is ordered, That the petition be, and it is hereby, denied.

By the Commission, Division 3, acting as an appellate division.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.73-5923 Filed 3-27-73;8:45 am]

[No. 35767]

LOUIS PADNOS IRON & METAL CO.

Petition for Investigation

MARCH 19, 1973.

Notice is hereby given that on December 18, 1972, Louis Padnos Iron & Metal Co. filed a petition seeking the institution of an investigation for the purpose of determining the lawfulness of the practice of the railroads in utilizing "gross v. gross" weights in considering claims for loss and damage of rail shipments of scrap iron and steel.

The petitioner asserts that it is entitled to reimbursement of its "full and actual loss", pursuant to section 20(11) of the Interstate Commerce Act, and that such loss lawfully should be measured by the difference between origin and destination net weights. Petitioner states that it is the practice of the railroads, principally the Chesapeake and Ohio Railway Co., to pay only those claims for loss established by a comparison of gross weights.

Any person interested in the matter which is the subject of the instant petition and who wishes to participate actively in any further proceedings herein shall notify this Commission, by filing with the Commission's Office of Proceedings, room 5342, on or before April 30, 1973, an original and one copy of a statement of his intention to participate. Thereafter the nature of further proceedings herein, if any, will be designated. The petition and statements of intent to participate, if any, filed with the Commission will be available for public inspection at the offices of the Interstate Commerce Commission, 12th and Constitution Avenue NW., Washington, D.C., during regular business hours.

A copy of this notice will be served upon the petitioner; and notice of the filing of this petition will be given to the general public by depositing a copy of this notice in the Office of the Secretary of the Commission at Washington, D.C., and by filing a copy with the Director, Office of the Federal Register, for publication therein.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.73-5922 Filed 3-27-73;8:45 am]

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federal register

WEDNESDAY, MARCH 28, 1973
WASHINGTON, D.C.

Volume 38 ■ Number 59

PART II

DEPARTMENT OF TRANSPORTATION

Coast Guard

■

LIFE SAVING EQUIPMENT

No. 59—Pt. II——1

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Title 33—Navigation and Navigable Waters

CHAPTER I—COAST GUARD, DEPARTMENT OF TRANSPORTATION

SUBCHAPTER S—BOATING SAFETY

[CGD 72-120R]

PART 175—EQUIPMENT REQUIREMENTS

Personal Flotation Devices

The purpose of these amendments is to establish new carriage requirements for lifesaving equipment on certain vessels to which the Federal Boat Safety Act of 1971 applies. A notice of proposed rulemaking was published on October 6, 1972 (37 FR 21262), proposing adoption of these carriage requirements under the authority of sections 5 and 39 of the Federal Boat Safety Act of 1971 (85 Stat. 213, 215, 216, 228; 46 U.S.C. 1454, 1488; 49 CFR 1.46(o)(1)).

In addition a supplemental notice of proposed rulemaking was published on January 5, 1973 (38 FR 887), proposing clarification to the carriage requirements by extending the throwable device requirement to all boats.

On November 20, 1972, a public hearing was held at U.S. Coast Guard Headquarters in Washington, D.C., to receive the views of interested persons on the proposed regulations. During the period October 6, 1972, to December 11, 1972, and January 5, 1973, to January 30, 1973, written comments from interested persons were received. The Coast Guard has considered these oral and written comments in preparing the final rule.

The requirements have been developed in accordance with the requirements of section 6 of the Federal Boat Safety Act of 1971. The Boating Safety Advisory Council has been consulted and its opinions and advice have been considered in the formulation of these regulations. The transcript of the proceedings of the meeting of the Boating Safety Advisory Council at which these regulations were discussed is available for examination in Room 6240, U.S. Coast Guard Headquarters, Department of Transportation Headquarters Building, 400 Seventh Street SW., Washington, DC 20590. The minutes of the meetings are available from the Executive Director, Boating Safety Advisory Council at this address.

Several comments suggest that "ski belts" be considered as approved devices and allowed for carriage in lieu of buoyant cushions or other similar devices. The Coast Guard approves personal flotation devices which fall into two general groups; devices that an individual would wear and devices intended to be grasped by an individual in the water. A ski belt when compared to the group of devices designed to be worn does not perform satisfactorily. It provides insufficient buoyancy in the wrong location as commonly worn. People will wear ski belts in one of four ways; high or low on the front or high or low on the back. The location of the center of buoyancy of the human body being where it is, only one location (high on the front) will provide the turning moment in the water necessary to hold the wearer's face out of the water. Three out of the four ways of wearing the device afford inadequate protection. When compared to the second group, those intended to be grasped, a ski belt provides only 25 percent of the buoyancy required for a device designed to be grasped. An extensive study conducted for the Coast Guard shows that a minimum of 13 to 14 pounds buoyancy is required to support 90 percent of the American population with only their head above water (does not include any portion of neck). A ski belt offers 5 to 6 pounds buoyancy which will support only 10 percent of the population. In many instances, the strap does not pass through the foam and has been known to separate from the foam upon impact with the water (a water skier falling from his skis). Ski belts are not Coast Guard approved, but may be carried as excess equipment in addition to the required approved devices.

One comment spoke to a type of lifesaving device used by lifeguards. This is a device similar in appearance to a ski belt, but one that is not worn by water skiers. This particular device provides over 16 pounds of buoyancy and when put on the victim (high on the front) allows the lifeguard to tow the floating victim onto shore. This device is not Coast Guard approved, but may be carried as excess equipment.

Several comments were received with regard to the acceptability of a wet suit as a suitable replacement for a PFD. The wet suit has not been formally submitted to the Coast Guard for approval. However, the wet suit has been evaluated for cold weather operations. During this evaluation it was determined that the wet suit in no way met any of the performance (amount and location of buoyancy) criteria for PFD approval.

Several comments spoke to the carriage of a Type IV PFD (throwable device) for man-overboard protection. After reviewing the several comments with regard to the supplemental Notice of Proposed Rule Making, the Coast Guard is revising the proposed requirement for the additional throwable device. Boats 16 feet in length and longer, except canoes and kayaks, are required to carry at least one Type IV PFD in addition to the required devices. The notice (37 FR 21262) set the break point at 26 feet, but it was felt that boats in the 16 to 26 foot category would also require the man-overboard protection afforded to the larger boats in the original proposal. On boats less than 16 feet in length, there is no mandatory requirement for the Type IV device. A great majority of boats less than 16 feet in length normally carry cushions as the required device. On most of these boats there is limited space to stow additional items such as a throwable device. Also, many racing associations require the participants to wear their devices when engaged in racing activities. In addition, the boats in the less than 16 foot category are very maneuverable and generally have low freeboard, making reboarding easier. It is therefore not necessary to require a Type IV throwable device for the smaller boats. The Coast Guard will study this area further. It should be pointed out that the buoyant cushion will continue to be a Coast Guard approved device.

Several comments suggested that carriage requirements be based on where the boat is used and distance from shore traveled. With this setup a boatman would be faced with different criteria during a voyage depending on the waters to be used and the distance he was from the shore. This approach would put an undue burden on the boatman. One comment suggested requiring the PFD to be worn. The purpose of these regulations was to give the boatman a wide choice of approved devices with corresponding performance information from which he could choose an appropriate device for his particular use. The choice of device and whether to wear it or not is left up to the boatman.

One comment suggested that Types I II, and III be allowed as throwable devices. There are different buoyancy and actual performance criteria for the Type IV than for the other devices. The approval specifications for the Type IV device are based in part on a throwing criteria. Also the performance of Types I, II, and III are different if they are grasped than if worn as they are intended to be. The Type IV when grasped keeps a body higher out of the water than do the Types I, II, and III because of greater buoyancy provided.

Several comments suggested that the Type IV be one of the required devices on boats 16 feet or longer in length. One of the reasons for accepting cushions (Type IV) on smaller boats is because of limited storage space on these boats. On boats 16 feet in length and longer the storage problem is not present, and therefore, the larger devices can be adequately stowed.

One comment questioned the legal authority to regulate private citizens using a private boat. The authority is section 5(a)(2) of the Federal Boat Safety Act of 1971 (Public Law 92-75), which provides: "The Secretary may issue regulations—requiring the installation, carrying, or using of associated equipment on boats and classes of boats subject to this Act; and prohibiting the installation, carrying, or using of associated equipment which does not conform with safety standards established under this section. Equipment contemplated by this clause includes, but is not limited to, fuel systems, ventilation systems, electrical systems, navigational lights, sound producing devices, firefighting equipment, lifesaving devices, signaling devices, ground tackle, life and grab rails, and navigational equipment."

Several comments concerning exemption of racing canoes, racing shells, rowing sculls, and racing kayaks, were directed to the regulations "Interim Requirements" published in the February 16, 1972 (37 FR 3433) FEDERAL REGISTER. These comments were answered in the October 6, 1972, notice of proposed rulemaking (37 FR 21263).

One comment suggested that the Type IV throwable device be readily accessible instead of immediately available. This device which would be used for man overboard protection, should be so located that it can be put to immediate use in an emergency.

Several miscellaneous comments not specifically directed to the notice of proposed rule making were received. The comments on signal lights for PFD's, inflatable boats in lieu of PFD's, and coloring schemes for search and rescue purposes will be reviewed and be a basis for possible future revisions to the regulations.

The effective date of the regulations is October 1, 1973. This date should allow adequate time to properly educate the boatman on the new requirements. However, if a person wishes to follow the new requirements, he will be considered in compliance with the existing requirements.

These regulations revoke the requirements presently applicable to uninspected recreational motorboats in 46 CFR 25.25 and also the interim requirements in 33 CFR Part 199 presently applicable to boats propelled or controlled by oars, paddles, poles, sail, or by another vessel.

This amendment to Subchapter S applies to recreational boats as defined in § 175.3(b). An amendment to Subchapter C, Chapter I of title 46, which appears in this issue of the FEDERAL REGISTER at page 8116, contains the requirements for vessels carrying six or fewer passengers as well as other requirements.

In consideration of the foregoing, Subchapter S of Title 33 of the Code of Federal Regulations is amended by adding a new Part 175 to read as follows:

Subpart A—General

Sec.
175.1 Applicability.
175.3 Definitions.

Subpart B—Personal Flotation Devices

175.11 Applicability.
175.13 Definitions.
175.15 Personal flotation devices required.
175.17 Exceptions.
175.19 Stowage.
175.21 Condition; approval; marking.
175.23 Personal flotation device equivalents.

AUTHORITY: Secs. 5 and 39 of the Federal Boat Safety Act of 1971, 46 U.S.C. 1454, 1488; 49 CFR 1.46(o)(1).

Subpart A—General

§ 175.1 Applicability.

This part prescribes rules governing the use of boats on waters subject to the jurisdiction of the United States and on the high seas beyond the territorial seas for boats owned in the United States except—

(a) Foreign boats temporarily using waters subject to U.S. jurisdiction;

(b) Military or public boats of the United States, except recreational-type public vessels;

(c) A boat whose owner is a State or subdivision thereof, which is used principally for governmental purposes, and which is clearly identifiable as such;

(d) Ship's lifeboats.

§ 175.3 Definitions.

As used in this part:

(a) "Boat" means any vessel manufactured or used primarily for noncommercial use; leased, rented, or chartered to another for the latter's noncommercial use; or engaged in the carrying of six or fewer passengers.

(b) "Recreational boat" means any vessel manufactured or used primarily for noncommercial use; or leased, rented, or chartered to another for the latter's noncommercial use. It does not include a vessel engaged in the carrying of six or fewer passengers.

(c) "Vessel" includes every description of watercraft, other than a seaplane on the water, used or capable of being used as a means of transportation on the water.

(d) "Use" means operate, navigate, or employ.

(e) "Passenger" means every person carried on board a vessel other than—

(1) The owner or his representative;

(2) The operator;

(3) Bona fide members of the crew engaged in the business of the vessel who have contributed no consideration for their carriage and who are paid for their services; or

(4) Any guest on board a vessel which is being used exclusively for pleasure purposes who has not contributed any consideration, directly or indirectly, for his carriage.

(f) "Racing shell, rowing scull, and racing kayak" means a manually propelled boat that is recognized by national or international racing associations for use in competitive racing and one in which all occupants row, scull, or paddle, with the exception of a coxswain, if one is provided, and is not designed to carry and does not carry any equipment not solely for competitive racing.

Subpart B—Personal Flotation Devices

§ 175.11 Applicability.

This subpart applies to all recreational boats that are propelled or controlled by machinery, sails, oars, paddles, poles, or another vessel except racing shells, rowing sculls, and racing kayaks.

§ 175.13 Definitions.

As used in this subpart:

(a) "Personal flotation device" means a device that is approved by the Commandant under 46 CFR 160.

(b) "PFD" means "personal flotation device".

§ 175.15 Personal flotation devices required.

(a) Except as provided in § 175.17, no person may use a recreational boat less than 16 feet in length or a canoe or kayak unless at least one PFD of the following types or their equivalents listed in Table 175.23 is on board for each person:

(1) Type I PFD.

(2) Type II PFD.

(3) Type III PFD.

(4) Type IV PFD.

(b) No person may use a recreational boat 16 feet or more in length, except a canoe or kayak, unless at least one PFD of the following types or their equivalents listed in Table 175.23 is on board for each person:

(1) Type I PFD.

(2) Type II PFD.

(3) Type III PFD.

(c) No person may use a recreational boat 16 feet or more in length, except a canoe or kayak, unless at least one type IV PFD or its equivalent listed in Table 175.23 is on board in addition to the PFD's required in paragraph (b) of this section.

§ 175.17 Exceptions.

(a) A person using a canoe or kayak that is enclosed by a deck and spray skirt need not comply with § 175.15(a) if he wears a vest-type lifesaving device that—

(1) Has no less than 150 separate permanently inflated air sacs made of not less than 12 mil polyvinylchloride film and has not less than 13 pounds of positive buoyancy in fresh water, if worn by a person who weighs more than 90 pounds; or

(2) Has no less than 120 separate permanently inflated air sacs made of not less than 12 mil polyvinylchloride film and has not less than 8½ pounds of positive buoyancy in fresh water, if worn by a person who weighs 90 pounds or less.

(b) A type V PFD may be carried in lieu of any PFD required in § 175.15 if that type V PFD is approved for the activity in which the recreational boat is being used.

§ 175.19 Stowage.

(a) No person may use a recreational boat unless each type I, type II, type III, or type V PFD required by §§ 175.15 or 175.17 is readily accessible.

(b) No person may use a recreational boat unless each type IV PFD required by § 175.15 is immediately available.

§ 175.21 Conditions: approval; marking.

No person may use a recreational boat unless each device required by § 175.15, or each device allowed by § 175.17, is—

(a) In serviceable condition;

(b) Legibly marked with the approval number as specified in 46 CFR Part 160 for items subject to approval; and

(c) Of an appropriate size for the person for whom it is intended.

§ 175.23 Personal flotation device equivalents.

Table 175.23 lists devices that are equivalent to personal flotation devices.

TABLE 175.23

Devices marked—	*Are equivalent to performance type*
160.002 Life preserver	Type I personal flotation device.
160.003 Life preserve	Do.
160.004 Life preserver	Do.
160.005 Life preserver	Do.
160.009 Ring life buoy	Type IV personal flotation device.
160.047 Buoyant vest	Type II personal flotation device.
160.048 Buoyant cushion	Type IV personal flotation device.
160.049 Buoyant cushion	Do.
160.050 Ring life buoy	Do.
160.052 Buoyant vest	Type II personal flotation device.
160.053 Work vest	Type V personal flotation device.
160.055 Life preserver	Type I personal flotation device.

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Devices marked—	*Are equivalent to performance type*
160.060 Buoyant vest.	Type II personal flotation device.
160.064 Special purpose water safety buoyant devices.	A device intended to be worn may be equivalent to type II or type III. A device that is equivalent to type III is marked "Type III Device—may not turn unconscious wearer". A device intended to be grasped is equivalent to type IV.

Effective date. This amendment shall become effective on October 1, 1973. However, compliance with this proposal prior to the effective date will be considered as compliance with the existing regulations.

Dated: March 21, 1973.

C. R. BENDER,
Admiral, U.S. Coast Guard,
Commandant.

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Title 46—Shipping

SUBCHAPTER C—UNINSPECTED VESSELS

[CGD 72-172R]

PART 24—GENERAL PROVISIONS

PART 25—REQUIREMENTS

Life Preservers and Other Lifesaving Equipment for Uninspected Vessels

The purpose of these amendments to the uninspected vessel regulations is to implement new carriage requirements for uninspected commercial vessels.

These amendments were proposed in a notice of proposed rule making published in the FEDERAL REGISTER of October 6, 1972 (37 FR 21264). A public hearing was held on November 20, 1972, in Washington, D.C., on the amendments proposed in the notice. Interested persons were given the opportunity to submit written comments both before and at the public hearing and to make oral comments concerning all the proposed amendments at the public hearing. There were no comments received that spoke exclusively to CGD 72-172 PR. Comments received have been responded to in CGD 72-163 PR.

The amendments in this document accomplish the following:

a. Make the provisions of 46 CFR Subpart 25.25 applicable only to commercial uninspected vessels.

b. Make all commercial uninspected sail vessels and non-self-propelled vessels carrying six or less passengers for hire subject to the provisions of Subpart 25.25.

c. Withdraw acceptance of wood floats as primary lifesaving devices for commercial fishing motorboats. The proposal will establish a wearable lifesaving device as the minimum. Use of the wood float requires the user to grasp the float and to remain in complete control of body functions. This is considered to be unreasonable in light of the effects of cold water on a human body after relatively short periods of immersion. Commercial fishing vessels can be expected to operate in open water in severe conditions.

d. Withdraw the provisions which permit commercial fishing motorboats and commercial motorboats not carrying passengers for hire the option of carrying a device intended to be thrown such as a ring buoy, or buoyant cushion in lieu of a wearable device. As proposed, a life preserver, buoyant vest or special purpose water safety buoyant device intended to be worn would be required for each person on board, except commercial motorboats 40 feet or longer would be required to carry a life preserver as the wearable device. The new minimum established would be a wearable device. It is considered reasonable to require the wearable lifesaving device on commercial vessels as they tend to operate in almost all weather conditions.

e. Require life preservers to be of a size suitable for each person on board, i.e. adult, child medium or child small. The approval of a device is limited to the size marked on the device, thus this requirement simply clarifies the existing limitations of Coast Guard approved lifesaving devices. The present regulations in § 25.25-10 for uninspected vessels carrying passengers for hire require an additional number of life preservers suitable for children equal to at least 10 percent of the total number of persons carried. For uninspected vessels carrying six and less passengers for hire, the greatest number of child devices required would be six and this is not considered to be onerous. Similarly commercial vessels not carrying passengers for hire do not ordinarily carry children, therefore the requirement to carry devices of an appropriate size is reasonable.

f. Include a requirement for the carriage of a ring life buoy for all commercial motor vessels, motorboats 26 feet or longer and all sail vessels and non-self-propelled vessels 26 feet or longer carrying passengers for hire. The additional ring life buoy is intended to be thrown to a person falling overboard into the water. The Coast Guard considers that boats 26 feet in length or longer are less maneuverable than smaller boats and that these larger boats have, in general, higher freeboards making reboarding more difficult. For these reasons, the Coast Guard feels that additional man-overboard protection is needed.

g. Continue to permit excess equipment to be carried in addition to that required. The proposal would delete the specific text which states that such excess equipment is permitted. This includes workvests, special purpose water-safety buoyant devices intended to be thrown to a person in the water, and buoyant cushions. The text as now worded serves no purpose.

h. Continue to permit cork and balsa wood life preservers maufactured prior to July 1, 1965, under Subparts 160.003 and 160.004 (46 CFR Part 160) to be carried as required equipment. However, the amendment would delete from the regulations § 25.25-5(c)(2) which specifically allows these life preservers, because the text is not necessary.

i. Withdraw the provision which permits vessels to continue to carry items of equipment purchased prior to November 19, 1952. Twenty years has provided sufficient time to acquire replacement of lifesaving equipment purchased prior to November 19, 1952, through normal attrition.

j. Revise the appropriate applicability sections of Subchapter C.

The effective date of these amendments is October 1, 1973. Any person who complies with these amended regulations prior to October 1, 1973, will be considered as being in compliance with the existing regulations. There were no comments received.

In consideration of the foregoing, Parts 24 and 25 of Chapter I, Title 46, Code of Federal Regulations, are amended as follows:

1. By revising § 24.01-1 to read as follows:

§ 24.01-1 Purpose of regulations.

The purpose of the regulations in this subchapter is to set forth uniform minimum requirements for uninspected commercial vessels, certain motor vessels, vessels propelled by said carrying passenger for hire, and barges carrying passengers for hire in accordance with the intent of the Motorboat Act of 1940, as amended (54 Stat. 163; 46 U.S.C. 526-526t) and the Federal Boat Safety Act of 1971 (85 Stat. 213; 46 U.S.C. 1451-1489). The regulations are necessary to carry out the provisions of the Motorboat Act of 1940, and the Federal Boat Safety Act of 1971 and such regulations have the force of law.

2. By revising § 24.01-10 (a) and (b) to read as follows:

§ 24.01-10 Authority for regulations.

(a) *General.* The authority to prescribe regulations generally is set forth in R.S. 4405, as amended (46 U.S.C. 375) and R.S. 4462, as amended (46 U.S.C. 416) and in section 17 of the Motorboat Act of 1940, as amended (54 Stat. 166; 46 U.S.C. 526p) and sections 5 and 39 of the Federal Boat Safety Act of 1971 (85 Stat. 215, 228; 46 U.S.C. 1454, 1488).

(b) *Lifesaving appliances.* The regulations regarding lifesaving appliances interpret or apply section 6 of the Motorboat Act of 1940, as amended (54 Stat. 164; 46 U.S.C. 526e) and section 5(a) of the Federal Boat Safety Act of 1971 (85 Stat. 215; 46 U.S.C. 1454(a)).

* * * * *

3. By revising the entry in Table 24.05-1(a) for "sail" in column 6 and by adding Footnote 12 to read as follows:

TABLE 24.05-1(a)

*	*	*	*	*	*	*	*	*	*
*	*	*	*	*	All vessels carrying 6 or less passengers for hire.[12]	*	*	*	*
*	*	*	*	*	*	*	*	*	*

[12] Lifesaving device requirements of Subpart 25.25 only.

4. By revising Subpart 25.25 to read as follows:

Subpart 25.25—Life Preservers and Other Lifesaving Equipment

Sec.
25.25-1 Application.
25.25-3 Definitions.
25.25-5 Life preservers and other lifesaving equipment required.
25.25-7 Marking.
25.25-9 Storage.
25.25-11 Condition.

AUTHORITY: The provisions of this Subpart 25.25 issued under R.S. 4405, as amended, R.S. 4462, as amended, sec. 17, 54 Stat. 166, as amended, secs. 5 and 39, 85 Stat. 215, 228, sec. 6(b)(1), 80 Stat. 937; 46 U.S.C. 375, 416, 526P, 1454, 1488; 49 U.S.C. 1655(b)(1); 49 CFR 1.46(b) and (o)(1).

§ 25.25-1 Application.

This subpart applies to each vessel to which this part applies, except:

(a) Vessels used for noncommercial use;

(b) Vessels leased, rented, or chartered to another for the latter's noncommercial use;

(c) Commercial vessels propelled by sail not carrying passengers for hire; or

(d) Commercial barges not carrying passengers for hire.

§ 25.25-3 Definitions.

As used in this subpart:

(a) "Approved" means approved under Subchapter Q of this chapter.

(b) "Use" means operate, navigate, or employ.

§ 25.25-5 Life preservers and other lifesaving equipment required.

(a) No person may operate a vessel to which this subpart applies unless it meets the requirements of this subpart.

(b) Each vessel not carrying passengers for hire, less than 40 feet in length must have at least one life preserver, buoyant vest, or special purpose water safety buoyant device intended to be worn, approved under Subchapter Q of a suitable size for each person on board. Kapok and fibrous glass life preservers that do not have plastic-covered pad inserts as required by Subparts 160.002 and 160.005 of this chapter are not acceptable as equipment required by this paragraph.

(c) Each vessel carrying passengers for hire and each vessel 40 feet in length or longer not carrying passengers for hire must have at least one life preserver approved under Subchapter Q of a suitable size for each person on board. Kapok and fibrous glass life preservers which do not have plastic-covered pad inserts as required by Subparts 160.002 and 160.005 of this chapter are not acceptable as equipment required by this paragraph.

(d) Each vessel 26 feet in length or longer must have at least one ring life buoy approved under Subparts 160.009 or 160.050 of this chapter in addition to the equipment required by paragraph (b) or (c) of this section.

§ 25.25-7 Marking.

The lifesaving equipment required by this subpart must be legibly marked as specified in Subchapter Q of this chapter.

§ 25.25-9 Storage.

(a) The lifesaving equipment designed to be worn required in § 25.25-5 (a) and (b) must be readily accessible.

(b) Lifesaving equipment designed to be thrown required in § 25.25-5(d) must be immediately available.

§ 25.25-11 Condition.

The lifesaving equipment required by this subpart must be in serviceable condition.

Effective date. The effective date of these amendments is October 1, 1973, however any person in compliance with these amendments prior to October 1, 1973, will be considered in compliance with existing regulations.

(R.S. 4405, as amended, R.S. 4462, as amended, Dec. 17, 54 Stat. 166, as amended, Secs. 5 and 39, 85 Stat. 215, 228, Sec. 6(b)(1), 80 Stat. 937; 46 U.S.C. 375, 416, 526p, 1454, 1488; 49 U.S.C. 1655(b)(1); 49 CFR 1.46 (b) and (o)(1))

Dated: March 21, 1973.

C. R. BENDER,
Admiral,
U.S. Coast Guard, Commandant.

[FR Doc.73-5735 Filed 3-27-73;8:45 am]

SUBCHAPTER Q—SPECIFICATIONS

[CGD 72-163R]

PART 160—LIFESAVING EQUIPMENT

Specification for Lifesaving Equipment

The purpose of these amendments to the specification regulations is to implement the new terminology that will be used by the Coast Guard to more accurately indicate the performance of approved lifesaving devices.

These amendments were proposed in a notice of proposed rulemaking published in the FEDERAL REGISTER of October 6, 1972 (37 FR 21266). A public hearing was held on November 20, 1972, in Washington, D.C., on the amendments proposed in the notice. Interested persons were given the opportunity to submit written comments both before and at the public hearing and to make oral comments concerning all the proposed amendments at the public hearing. Type designations were used throughout Part 160 to distinguish between different designs and materials used in the construction of approved lifesaving devices. For example, in § 160.002-2, a Type A kapok life preserver denoted the adult model, and a Type B kapok life preserver denoted the child's model. In § 160.009-2, Type I designated a ring life buoy made of cork and Type II designated a ring life buoy made of balsa wood. Since this terminology conflicts with the personal flotation device (PFD) performance terminology (i.e., Type I, personal flotation device, Type II personal flotation device, etc.) in Part 175, the present type designations in Part 160 are deleted wherever they appear and the appropriate personal flotation device type designation added to the marking specification so that the user can recognize and select the appropriate type device required by Part 175.

The specifications for buoyant vests, buoyant cushions, and special purpose water safety buoyant devices are changed to reflect the language of the Federal Boat Safety Act of 1971 (85 Stat. 213; 46 U.S.C. 1451, et seq.) by replacing the words "motorboats of Classes A, 1 or 2 not carrying passengers for hire"; with the words "recreational boats." Also for the same reason wherever ring life buoys are referred to in Part 160 as being used on merchant vessels and motorboats, the word "motorboats" is replaced by the word "boats."

In addition, miscellaneous amendments to Part 160 are included to improve clarity and update the text. These amendments include:

a. In the heading of § 160.009-4, the word "requirement" is replaced by the word "standard" to make the wording of the heading consistent with the wording used elsewhere in Part 160.

b. Paragraphs (d) of § 160.047-1, 160.048-1, 160.049-1, 160.052-1, and 160.060-1 are revised to reflect the new permissible extension.

c. Sections 160.048-7a, 160.049-7a, and 160.064-5a are added to update the name and address of the designated recognized laboratory conducting the approval testing and inspection program.

d. Sections 160.049-4(c) and 160.064-5(b) are revised for the purpose of clarity.

e. Paragraphs 160.002-1(d), 160.005-1(d), 160.009-1(d), 160.050-1(d), 160.053-1(c), and 160.055-1(d) are added to reflect the new permissible extension.

The Coast Guard received written comments on the proposed changes to the Specifications for Lifesaving Equipment. The comments received were as follows:

1. The effective date should be September 1, 1973.

2. Suggested new format for classification of devices instead of by type.

3. The buoyancy requirement for Type IV Personal Flotation Devices is 20 pounds. Inasmuch as there are materials available (i.e. P.V.C. Foam) which do not have the same loss of buoyancy through use as kapok has and in an effort to produce a more acceptable device for the recreational boatman, a lesser buoyancy rating (not including kapok devices) was suggested.

4. There appear to be conflicting requirements regarding the breaking strength of the dee ring and snap hook arrangement and the body strap assembly (including dee ring and snap hooks). The discrepancy should be removed and requirements brought in line.

5. The Coast Guard should adopt the "NAYRU standards for PFD's for Sailors" as part of the Coast Guard specification which covers devices intended for sailors.

6. The Coast Guard should accept the use of entrapped air as primary means of buoyancy.

7. The Coast Guard should require the use of retro-reflective tape on all PFD's.

8. The results of the buoyancy test should be after 2 hours in lieu of the presently required 24 hours for foam devices only. This will enable the inspector to spend less time in the factory while achieving the same level of quality.

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9. The Coast Guard should require the use of a "non-skid" material on the cover of all throwable devices (type IV).

10. Include in the marking of PFD exactly how long a device will sustain a certain weight individual.

11. Standards which are at least equivalent to those followed by American manufacturers should be required of foreign manufacturers as well.

The Coast Guard found merit in some of the comments received, however, only two referred directly to the proposed changes. The first suggested an effective date of September 1, 1973, however, a later effective date has been chosen with allowance for a manufacturer to comply prior to the effective date if he so wishes. The second comment suggested a different terminology for the classification of personal flotation devices, however, due to the amount of publicity already given the proposed type classification the Coast Guard has chosen to remain with the proposed terminology. The remaining comments which were not directed at the proposed changes will be taken under consideration for the purposes of future changes in the regulations.

A paragraph has been added to allow PFD manufacturers to delay meeting the new requirements until the start of their next season (Nov. 1, 1973). It is permissible, however, to meet the new requirements any time after the effective date. In consideration of the foregoing, Subchapter Q of Title 46 Code of Federal Regulations is amended as follows:

1. By amending § 160.002–1 by adding paragraph (d) to follow paragraph (c) and to read as follows:

§ 160.002–1 Applicable specifications and plans.

• • • • •

(d) *Permissible extension.* Manufacturers of life preservers having approval numbers issued prior to April 30, 1973, may continue to mark the devices under the terms of that approval until November 1, 1973. Those manufacturers having approval numbers issued after April 30, 1973, shall comply with the requirements of this subpart.

By revising § 160.002–2 to read as follows:

§ 160.002–2 Size and model.

Each life preserver specified in this subpart is to be a:

(a) Model 3, adult, 24 ounces kapok; or

(b) Model 5, child, 16 ounces kapok.

3. By revising § 160.002–6 to read as follows:

§ 160.002–6 Marking.

Each life preserver must have the following clearly marked in waterproof ink on a front section:

(a) In letters three-quarters of an inch or more in height:

(1) Adult (for persons weighing over 90 pounds); or

(2) Child (for persons weighing less than 90 pounds).

(b) In letters capable of being read at a distance of 2 feet:

Type I—personal flotation device.
Kapok life preserver.
Designed to turn unconscious wearer face up in water.
Approved for use on all vessels by persons weighing (more than 90 pounds or less than 90 pounds).
U.S. Coast Guard Approval No. 160.002 (assigned manufacturers No.); (revision No.); (model No.); (Name and address of manufacturer or distributor); (lot No.).

4. By amending § 160.005–1 by adding paragraph (d) to follow paragraph (c) and to read as follows:

§ 160.005–1 Applicable specification and plans.

• • • • •

(d) *Permissible extension.* Manufacturers of life preservers having approval numbers issued prior to April 30, 1973, may continue to mark the devices under the terms of that approval until November 1, 1973. Those manufacturers having approval numbers issued after April 30, 1973, shall comply with the requirements of this subpart.

5. By revising § 160.005–2 to read as follows:

§ 160.005–2 Size and model.

Each life preserver specified in this subpart is a:

(a) Model 52, adult, 46 ounces fibrous glass; or

(b) Model 56, child, 30 ounces fibrous glass.

6. By revising § 160.005–6 to read as follows:

§ 160.005–6 Marking.

Each life preserver must have the following clearly marked in waterproof lettering on a front section:

(a) In letters three-fourths inch or more in height:

(1) Adult (for persons weighing over 90 pounds); or

(2) Child (for persons weighing less than 90 pounds).

(b) In letters capable of being read at a distance of 2 feet:

Type I—personal flotation device.
Fibrous glass life preserver.
Designed to turn unconscious wearer face up in water.
Approved for use on all vessels by persons weighing (more than 90 pounds or less than 90 pounds).
U. S. Coast Guard Approval No. 160.005 (assigned manufacturers' No.); (revision No.); (model No.); (Name and address of manufacturer or distributor); (lot No.).

7. By revising the heading of Subpart 160.009 to read as follows:

Subpart 160.009—Specification for a Buoy, Life Ring, Cork or Balsa Wood for Merchant Vessels and Boats

8. By revising § 160.009–1 by adding paragraph 160.009–1(d) to follow paragraph 160.009–1(c) and to read as follows:

§ 160.009–1 Applicable specifications and plans.

• • • • •

(d) *Permissible extension.* Manufacturers of ring life buoys having approval numbers issued prior to April 30, 1973, may continue to mark the devices under the terms of that approval until November 1, 1973. Those manufacturers having approval numbers issued after April 30, 1973, shall comply with the requirements of this subpart.

9. By amending § 160.009–2 by revising paragraph (a) to read as follows:

§ 160.009–2 Type and size.

(a) *Type.* Each ring life buoy specified in this subpart must be made of:

(1) Cork; or

(2) Balsa wood.

• • • • •

10. By amending § 160.009–3 by revising paragraph (a) and adding paragraph (a–1) to read as follows:

§ 160.009–3 Materials.

(a) *Cork.* All sheet cork used in a cork ring life buoy must comply with Subpart 164.001 of this chapter.

(a–1) *Balsa wood.* All balsa wood used in a ring life buoy must comply with Subpart 164.002 of this chapter.

• • • • •

11. By revising the heading and paragraph (a) and subparagraph (b)(4) of § 160.009–4 to read as follows:

§ 160.009–4 Construction, workmanship, and performance standards.

(a) *General.* This specification covers ring life buoys, consisting of a body constructed in the shape of a ring with an approximately elliptical cross section as illustrated by Drawing No. 160.009, which provide buoyancy to aid in keeping persons afloat in the water. Alternate arrangements meeting the performance requirements of this specification will be given special consideration.

(b) • • •

(4) *Waterproof finish for balsa wood life ring buoys.* The entire finished body of each balsa wood ring life buoy must have a copious coat of waterproof glue that has dried thoroughly before the cover is placed on the buoy. The waterproof glue must be equivalent to the products having trade names of "Hydrotuf," "Synthetic Plasoleum," and "Balsa Wood Coating."

• • • • •

12. By revising § 160.009–6 to read as follows:

§ 160.009–6 Marking.

Each ring life buoy must have the following information clearly marked in waterproof lettering:

(a) On the body:

Passed, U.S. Coast Guard, (Inspection Date), (Inspector's Initials), (Port)
(Name and address of manufacturer or distributor)
(Size of buoy.)
Coast Guard Approval No. 160.009/assigned manufacturers' No.)/(revision No.).

(b) On the cover:

Type IV—Personal flotation device.
(Cork or balsa wood) ring life buoy.
Designed to be thrown to a person in the water.

Approved for general use on recreational boats, less than 16 feet in length and as a throwing device for all vessels.
Approved, U.S. Coast Guard (inspection date), (inspectors' initials), (port).
(Name and address of manufacturer or distributor.)
Coast Guard Approval No. 160.009/(assigned manufacturers' No./(revision No.).
(Size of buoy.)
(The lot No.)

13. By revising the heading of Subpart 160.047 to read as follows:

Subpart 160.047—Specification for a Buoyant Vest, Kapok or Fibrous Glass, Adult and Child

14. By amending § 160.047–1 by revising paragraph (d) to read as follows:

§ 160.047–1 Applicable specifications and plans.

• • • • •

(d) *Permissible extension.* Manufacturers of buoyant vests having approval numbers issued prior to April 30, 1973, may continue to mark the devices under the terms of that approval until November 1, 1973. Those manufacturers having approval numbers issued after April 30, 1973, shall comply with the requirements of this subpart.

15. By revising § 160.047–2 to read as follows:

§ 160.047–2 Model.

Each buoyant vest specified in this subpart is a:

(a) Model AK–1, adult, kapok (for persons weighing more than 90 pounds);

(b) Model AF–1, adult, fibrous glass (for persons weighing more than 90 pounds);

(c) Model CKM–1, child medium, kapok (for children weighing from 50 to 90 pounds);

(d) Model CFM–1, child medium, fibrous glass (for children weighing from 50 to 90 pounds);

(e) Model CKS–1, child small kapok (for children weighing less than 50 pounds); or

(f) Model CFS–1, child small, fibrous glass (for children weighing less than 50 pounds).

16. By revising § 160.047–6 to read as follows:

§ 160.047–6 Marking.

(a) Each buoyant vest must have the following information clearly marked in waterproof lettering:

Type II—Personal flotation device.
(Kapok or fibrous glass) buoyant vest.
Designed to turn unconscious wearer face up in water.
Dry out thoroughly when wet.
Do not puncture or snag inner plastic covers.
If pads become waterlogged, replace vest.
Approved for use on uninspected commercial vessel less than 40 feet in length not carrying passengers for hire and all recreational boats by persons weighing (more than 90 pounds or 50 to 90 pounds or less than 50 pounds).
U.S. Coast Guard Approval No. 160.047/(assigned manufacturers' No.)/(revision No.); (model No.).
(Name and address of manufacturer or distributor.)
(Lot No.)

(b) *Waterproof marking tags.* Marking for buoyant vests shall be sufficiently waterproof so that after 72 hours submergence in water, it will withstand vigorous rubbing by hand while wet without the printed matter becoming illegible.

17. By revising the heading of Subpart 160.048 to read as follows:

Subpart 160.048—Specification for a Buoyant Cushion, Fibrous Glass

18. By amending § 160.048–1 by revising paragraph (d) to read as follows:

§ 160.048–1 Applicable specifications and plans.

• • • • •

(d) *Permissible extension.* Manufacturers of buoyant cushions having approval numbers issued prior to April 30, 1973, may continue to mark the devices under the terms of that approval until November 1, 1973. Those manufacturers having approval numbers issued after April 30, 1973, shall comply with the requirements of this subpart.

19. By amending § 160.048–6 by revising paragraph (a) to read as follows:

§ 160.048–6 Marking.

(a) Each buoyant cushion must have the following information clearly marked in waterproof lettering:

Type IV—Personal flotation device.
(Kapok or fibrous glass) buoyant cushion.
Designed to be thrown to a person in the water.
Warning: Do not wear on back.
Do not puncture or snag inner plastic cover.
Dry out thoroughly when wet.
Replace when waterlogged.
Approved for use on recreational boats less than 16 feet in length, and as a throwing device on recreational boats.
U.S. Coast Guard Approval No. 160.048/(assigned manufacturers' No.)/(revision No.); (Model No.).
(Name and address of manufacturer or distributor.)
(Lot No.)
(Size; width, thickness and length, both top and bottom for trapezoidal cushions.)

• • • • •

§ 160.048–7 [Amended]

20. By amending § 160.048–7 by revoking the last sentence of paragraph (a), and revoking paragraph (a)(1).

21. By adding § 160.048–7a to follow § 160.048–7 and to read as follows:

§ 160.048–7a Designated recognized laboratory.

Underwriters' Laboratories, Inc., Marine Department, Tampa East Industrial Park, 2602 Tampa East Boulevard, Tampa, FL 33619, is a recognized laboratory.

22. By revising the heading of Subpart 160.049 to read as follows:

Subpart 160.049—Specification for a Buoyant Cushion Plastic Foam

23. By amending § 160.049–1 by revising paragraph (d) to read as follows:

§ 160.049–1 Applicable specifications and plans.

• • • • •

(d) *Permissible extension.* Manufacturers of buoyant cushions having approval numbers issued prior to April 30, 1973, may continue to mark the devices under the terms of that approval until November 1, 1973. Those manufacturers having approval numbers issued after April 30, 1973, shall comply with the requirements of this subpart.

24. By revising § 160.049–4(c) to read as follows:

§ 160.049–4 Construction and workmanship.

• • • • •

(c) *Buoyant material.* A buoyant insert for a buoyant cushion must comply with the requirements in paragraph (c) (1) and (2) of this section and may be:

(1) Molded in one piece; or

(2) Built up from sheet material if it is formed from:

(i) Three pieces or less in each layer, cemented together with an all-purpose vinyl adhesive such as or equivalent to U.S. Rubber No. M–6256 or Minnesota Mining No. EC–870 and No. EC–1070;

(ii) Three layers or less that may be cemented; and

(iii) Staggered butts and seams of adjacent layers.

• • • • •

25. By amending § 160.049–6 by revising paragraph (a) to read as follows:

§ 160.049–6 Marking.

(a) Each buoyant cushion must have the following information clearly marked in waterproof lettering:

Type IV—personal flotation device.
Unicellular plastic foam buoyant cushion.
Designed to be thrown to a person in the water.
Warning: Do not wear on back.
Dry out thoroughly when wet.
Approved for use on recreational boats, less than 16 feet in length, and as a throwing device for recreational boats.
U.S. Coast Guard Approval No. 160.049 (assigned manufacturers' No.) (revision No.); (model No.): (Name and address of manufacturer and distributor).
(Lot No.)
(Size: width, thickness and length, both top and bottom for trapezoidal cushions.)

• • • • •

§ 160.049–7 [Amended]

26. By amending § 160.049–7 by revoking the last sentence of paragraph (a), and revoking paragraph (a)(1).

27. By adding § 160.049–7a to follow § 160.049–7 and to read as follows:

§ 160.049–7a Designated recognized laboratory.

Underwriters' Laboratories, Inc., Marine Department, Tampa East Industrial Park, 2602 Tampa East Boulevard, Tampa, FL 33619, is a recognized laboratory.

28. By revising the heading of Subpart 160.050 to read as follows: Subpart 160.050—

Specification for a Buoy, Life Ring, Unicellular Plastic

29. By amending § 160.050–1 by adding paragraph (d) to follow paragraph (c) and to read as follows:

§ 160.050–1 Applicable specifications and plans.

• • • • •

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(d) *Permissible extension.* Manufacturers of ring life buoys having approval numbers issued prior to April 30, 1973, may continue to mark the devices under the terms of that approval until November 1, 1973. Those manufacturers having approval numbers issued after April 30, 1973, shall comply with the requirements of this subpart.

30. By revising § 160.050–6 to read as follows:

§ 160.050–6 Marking.

(a) On a sturdy, corrosion-resistant nameplate, permanently attached to the becket, each ring buoy must have the following information in waterproof lettering:

Type IV—personal flotation device.
Unicellular plastic foam ring life buoy.
Designed to be thrown to a person in the water.
Approved for use on recreational boats, less than 16 feet in length, and a throwing device for all vessels.
U.S. Coast Guard Approval No. 160.050 (assigned manufacturers' No.) (revision No.); (model No.).
(Name and address of manufacturer and distributor.)
(Size of buoy.)
(U.S.C.G. inspector's initials.)
(Lot No.)

(b) A method of marking that is different from the requirements of paragraph (a) of this section may be given consideration by the Coast Guard.

31. By revising the heading of Subpart 160.052 to read as follows:

Subpart 160.052—Specification for a Buoyant Vest, Unicellular Plastic Foam, Adult and Child

32. By amending § 160.052–1 by revising paragraph (d) to read as follows:

§ 160.052–1 Applicable specifications and plans.

* * * * *

(d) *Permissible extension.* Manufacturers of buoyant vests having approval numbers issued prior to April 30, 1973, may continue to mark the devices under the terms of that approval until November 1, 1973. Those manufacturers having approval numbers issued after April 30, 1973, shall comply with the requirements of this Subpart.

33. By revising § 160.052–2 to read as follows:

§ 160.052–2 Size and model.

(a) A standard buoyant vest is manufactured in accordance with a plan specified in § 160.052–1(b) and is a:

(1) Model AP, adult (for persons over 90 pounds);

(2) Model CPM, child, medium (for persons weighing from 50 to 90 pounds); or

(3) Model CPS, child, small (for persons weighing less than 50 pounds).

(b) A nonstandard buoyant vest is:

(1) Manufactured in accordance with the manufacturer's approved plan;

(2) Equivalent in performance to the standard buoyant vest; and

(3) Assigned a model designation by the manufacturer for the following sizes:

(i) Adult (for persons weighing over 90 pounds);

(ii) Child, medium (for persons weighing from 50 to 90 pounds);

(iii) Child, small (for persons weighing less than 50 pounds.

34. By revising the heading of § 160.052–3 to read as follows:

§ 160.052–3 Materials—standard vests.

35. In § 160.052–4 by revising the heading and paragraph (a) to read as follows:

§ 160.052–4 Materials — nonstandard vests.

(a) *General.* All materials used in nonstandard buoyant vests must be equivalent to those specified in § 160.052–3 and be obtained from a supplier who furnishes an affidavit in accordance with the requirement in § 160.052–3(a).

* * * * *

36. By revising the heading of § 160.052–5 to read as follows:

§ 160.052–5 Construction — standard vests.

37. By revising § 160.052–6 to read as follows:

§ 160.052–6 Construction — nonstandard vests.

(a) *General.* The construction methods used for nonstandard buoyant vests must be equivalent to those requirements in § 160.052–5 for a standard vest and also meet the requirements in this section.

(b) *Size.* Each nonstandard vest must contain the following volume of plastic foam buoyant material, determined by the displacement method:

(1) Five hundred cubic inches or more for an adult size;

(2) Three hundred and fifty cubic inches or more for a child, medium size;

(3) Two hundred and twenty-five cubic inches or more for a child, small size.

(c) *Arrangement of buoyant material.* The buoyant material in a nonstandard vest must:

(1) Be arranged to hold the wearer in an upright or backward position with head and face out of water;

(2) Have no tendency to turn a wearer face downward in the water; and

(3) Be arranged so that 70 to 75 percent of the total is located in the front of the vest.

(d) *Neck opening.* Each cloth-covered nonstandard vest must have at the neck opening:

(1) A gusset; or

(2) Reinforcing tape.

(e) *Adjustment, fit, and donning.* Each nonstandard vest must be made with adjustments to:

(1) Fit a range of wearers for the type designed; and

(2) Facilitate donning time for an uninitiated person.

38. By amending § 160.052–7 by revising the heading, paragraph (g), and the heading of paragraph (c) to read as follows:

§ 160.052–7 Inspections and tests—standard and nonstandard vests.

* * * * *

(c) *Additional compliance tests.* * * *

* * * * *

(g) *Additional approval tests for nonstandard vests.* Tests in addition to those required by this section may be conducted by the inspector for nonstandard vests to determine performance equivalence to a standard vest. Such additional tests may include determining performance in water, suitability of materials, donning time, ease of adjustment, and similar equivalency tests. Costs of any additional tests must be assumed by the manufacturer.

39. By revising § 160.052–8 to read as follows:

§ 160.052–8 Marking standard and nonstandard vests.

(a) Each buoyant vest must have the following information clearly marked in waterproof lettering:

Type II—Personal flotation device.
Unicellular plastic foam buoyant vest.
Designed to turn unconscious wearer face up in water.
Dry out thoroughly when wet.
Approved for use on uninspected commercial vessels less than 40 feet in length not carrying passengers for hire and all recreational boats by persons weighing (more than 90 pounds or 50 to 90 pounds or less than 50 pounds).
U.S. Coast Guard Approval No. 160.052/(assigned manufacturers' No.)/(revision No.); (model No.).
(Name and address of manufacturer or distributor.)
(Lot No.)

(b) *Waterproof marking.* Marking for buoyant vests shall be sufficiently waterproof so that after 72 hours submergence in water it will withstand vigorous rubbing by hand while wet without the printed matter becoming illegible.

40. By revising the introductory text of paragraph (a) to read as follows:

§ 160.052–9 Procedure for listing and labeling.

(a) A recognized laboratory must inform each manufacturer that requests listing and labeling of a buoyant vest for use on a boat not carrying passengers for hire, of the procedures for—

* * * * *

41. By revising § 160.053–1 by adding paragraph (c) to follow paragraph (b) and to read as follows:

§ 160.053–1 Applicable specifications.

* * * * *

(c) *Permissible extension.* Manufacturers of workvests having approval numbers issued prior to April 30, 1973, may continue to mark the devices under the terms of that approval until November 1, 1973. Those manufacturers having approval numbers issued after April 30, 1973, shall comply with the requirements of this subpart.

42. By revising § 160.053–5(a) to read as follows:

§ 160.053–5 Marking.

(a) Each workvest must have the following information clearly printed in waterproof ink on a cloth tag attached to the envelope by stitching along the edges of the tag:

Type V—Personal flotation device.
Unicellular plastic foam workvest.
Designed to turn an unconscious wearer face up in the water.
Approved for use on merchant vessels when engaged in work activities.
U.S. Coast Guard Approval No. 160.053/(assigned manufacturers' No.)/(revision No.); (model No.).
(Lot No.)
"This vest is filled with unicellular plastic foam, which repeated wettings will not injure. When vest is wet, hang up and dry thoroughly."
(Name and address of manufacturer or distributor.)

* * * * *

43. By revising § 160.055–1 by adding paragraph (d) to follow paragraph (c) and to read as follows:

§ 160.055–1 Applicable specification and plans.

* * * * *

(d) *Permissible extension.* Manufacturers of life preservers having approval numbers issued prior to April 30, 1973, may continue to mark the devices under the terms of that approval until November 1, 1973. Those manufacturers having approval numbers issued after April 30, 1973, shall comply with the requirements of this subpart.

44. By revising § 160.055–2 to read as follows:

§ 160.055–2 Type and model.

Each life preserver specified in this subpart is a:

(a) Standard, bib type, vinyl dip coated:

(1) Model 62, adult (for persons weighing over 90 pounds); or

(2) Model 66, child (for persons weighing less than 90 pounds); or

(b) Standard, bib type, cloth covered:

(1) Model 63, adult (for persons weighing over 90 pounds); or

(2) Model 67, child (for persons weighing less than 90 pounds); or

(c) Nonstandard, shaped type:

(1) Model,[1] adult (for persons weighing over 90 pounds); or

(2) Model,[1] child (for persons weighing less than 90 pounds).

45. By revising the heading of § 160.055–3 to read as follows:

§ 160.055–3 Materials—standard life preservers.

46. By revising § 160.055–4 to read as follows:

§ 160.055–4 Materials — nonstandard life preservers.

All materials used in nonstandard life preservers must be equivalent to those specified in § 160.055–3 for standard life preservers.

47. By amending § 160.055–5 by revising the heading and introductory texts of paragraphs (b) and (c) to read as follows:

§ 160.055–5 Construction—standard life preservers.

* * * * *

(b) *Construction—standard, vinyl dip coated life preserver.* This device is constructed from one piece of unicellular plastic foam with a:

(1) Neck hole and the body slit in the front;

(2) Vinyl dip coating; and

(3) Fitted and adjustable body strap.

* * * * *

(c) *Construction—standard, cloth covered life preserver.* This device is constructed from three sections of unicellular plastic foam contained in a cloth envelope and has:

(1) A neck hole;

(2) The body slit in the front; and

(3) A fitted and adjustable body strap.

* * * * *

48. By revising § 160.055–6 to read as follows:

§ 160.055–6 Construction — nonstandard, life preservers.

(a) *General.* The construction methods used for a nonstandard life preserver must be equivalent to the requirements in § 160.055–5 for a standard life preserver and also meet the requirements in this section.

(b) *Size.* Each nonstandard life preserver must contain the following volume of plastic foam buoyant material, determined by the displacement method:

(1) 700 cubic inches or more for an adult size;

(2) 350 cubic inches or more for a child size.

(c) *Arrangement of buoyant materials.* The buoyant material in nonstandard life preservers must:

(1) Be arranged to hold the wearer in an upright or backward position with head and face out of water;

(2) Have no tendency to turn the wearer face downward in the water; and

(3) Be arranged so that 68 to 73 percent of the total is located in the front of the life preserver.

(d) *Adjustment, fit, and donning.* Each nonstandard life preserver must be capable of being:

(1) Worn reversed;

(2) Adjusted to fit a range of wearers for the type designed; and

(3) Donned in a time comparable to that of a standard life preserver.

49. By amending § 160.055–7 by revising the heading and paragraph (i) to read as follows:

§ 160.055–7 Sampling, test, and inspections—standard and nonstandard life preservers.

* * * * *

(i) *Additional tests for nonstandard life preservers.* Tests in addition to those required by this section may be required for nonstandard life preservers to determine performance equivalence to a standard preserver. Such additional tests may include determining performance in the water, suitability of materials, donning time, ease of adjustment, and similar equivalency tests. Costs for any additional tests must be assumed by the manufacturer.

50. By revising § 160.055–8 to read as follows:

§ 160.055–8 Marking—standard and nonstandard life preservers.

Each life preserver must have the following information clearly marked in waterproof lettering:

(a) In letters three-fourth of an inch or more in height;

(1) Adult (for persons weighing over 90 pounds); or

(2) Child (for persons weighing less than 90 pounds).

(b) In letters capable of being read at a distance of 2 feet:

Type I—personal flotation device.
Unicellular plastic foam life preserver.
Designed to turn unconscious wearer face up in water.
Approved for use on all vessels by persons weighing (more than 90 pounds or less than 90 pounds).
U.S Coast Guard Approval No. 160.055 (assigned manufacturers' No.); (revision No.); (model No.): (Name and address of manufacturer or distributor); (lot No.).

51. By amending § 160.055–9 by revising the heading and paragraphs (b) and (c), and adding paragraphs (b–1) and (c–1) to read as follows:

§ 160.055–9 Procedure for approval—standard and nonstandard life preservers.

* * * * *

(b) *Assignment of inspector; standard life preservers.* Upon receipt of an approval of a standard life preserver, a Coast Guard inspector is assigned to the factory to:

(1) Observe the production facilities and manufacturing methods;

(2) Select from a lot of 10 manufactured life preservers or more, three or more of each model for examination;

(3) Test the selected sample for compliance with the requirements of this subpart; and

(4) Forward to the Commandant a copy of his report of the tests and the production and manufacturing facilities, a specimen life preserver selected from those already manufactured but not tested, and one copy of an affidavit for each material used in the life preservers.

(b–1) *Approval number—standard life preserver.* An approval number is assigned to the manufacturer by the Coast Guard for a standard life preserver found to be in compliance with the requirements of this subpart.

(c) *Assignment of inspector—nonstandard life preserver.* Upon receipt of an application from a manufacturer for approval of nonstandard life preservers, an inspector is assigned to the factory to:

(1) Observe the production facilities and manufacturing methods;

[1] A model designation for each nonstandard life preserver is to be assigned by the manufacturer. That designation must be different from any standard lifesaving device designation.

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(2) Select three samples of life preservers of each model for which approval is desired;

(3) Forward to the Commandant:

(i) Three samples of each model of life preserver;

(ii) A copy of the inspector's report of tests and the production and manufacturing facilities; and

(iii) Four copies each of fully dimensioned, full-scale drawings showing all details of construction of the sample life preservers submitted, material affidavits, and four copies of a bill of materials showing all materials used in construction of the life preservers submitted by the manufacturer.

(c-1) *Approval number—nonstandard life preserver.* An official approval number is assigned to the manufacturer by the Coast Guard for a nonstandard life preserver approved after tests.

* * * * *

52. By revising the heading of Subpart 160.060 to read as follows:

Subpart 160.060—Specification for a Buoyant Vest, Unicellular Polyethylene Foam, Adult and Child

53. By amending § 160.060–1 by revising paragraph (d) to read as follows:

§ 160.060–1 Applicable specifications and plans.

* * * * *

(d) *Permissible extension.* Manufacturers of buoyant vests having approval numbers issued prior to April 30, 1973, may continue to mark the devices under the terms of that approval until November 1, 1973. Those manufacturers having approval numbers issued after April 30, 1973, shall comply with the requirements of the subpart.

54. By revising § 160.060–2 to read as follows:

§ 160.060–2 Type and model.

Each buoyant vest specified in this subpart is a:

(a) Standard:

(1) Model AY, adult (for persons weighing over 90 pounds); or

(2) Model CYM, child, medium (for children weighing from 50 to 90 pounds); or

(3) Model CYS, child, small (for children weighing less than 50 pounds); or

(b) Nonstandard:

(1) Model,[1] adult (for persons weighing over 90 pounds);

(2) Model,[1] child, medium (for persons weighing from 50 to 90 pounds) or

(3) Model,[1] child, small (for persons weighing less than 50 pounds).

55. By amending § 160.060–3 by revising the heading of § 160.060–3 to read as follows:

§ 160.060–3 Materials—standard vests.

56. By amending § 160.060–4 by revising the heading and paragraph (a) to read as follows:

§ 160.060–4 Materials—nonstandard vests.

(a) *General.* All materials used in nonstandard buoyant vests must be equivalent to those specified in § 160.060–3 and be obtained from a supplier who furnishes an affidavit in accordance with the requirements in § 160.060–3(a).

* * * * *

57. By revising the heading of § 160.060–5 to read as follows:

§ 160.060–5 Construction standard vests.

58. By revising § 160.060–6 to read as follows:

§ 160.060–6 Construction—nonstandard vests.

(a) *General.* The construction methods used for a nonstandard buoyant vest must be equivalent to the requirements in § 160.060–5 for standard vests and also meet the requirements specified in this section.

(b) *Sizes.* Each nonstandard vest must contain the following volume of unicellular polyethylene foam buoyant material, determined by the displacement method:

(1) Five hundred cubic inches or more for the adult size, for persons weighing over 90 pounds.

(2) Three hundred and fifty cubic inches or more for a child medium size, for children weighing from 50 to 90 pounds.

(3) Two hundred and twenty-five cubic inches or more for children weighing less than 50 pounds.

(c) *Arrangement of buoyant material.* The buoyant material in a nonstandard vest must:

(1) Be arranged to hold the wearer in an upright or backward position with head and face out of water;

(2) Have no tendency to turn the wearer face downward in the water; and

(3) Be arranged so that 70 to 75 percent of the total is located in the front of the vest.

(d) *Neck opening.* Each cloth covered nonstandard vest must have at the neck opening:

(1) A gusset; or

(2) Reinforcing tape.

(e) *Adjustment, fit, and donning.* Each nonstandard vest must be made with adjustments to:

(1) Fit a range of wearers for the type designed; and

(2) Facilitate donning time for an uninitiated person.

59. By amending § 160.060–7 by revising the heading, paragraph (g), and the heading of paragraph (c) to read as follows:

§ 160.060–7 Inspections and tests—standard and nonstandard vests.

* * * * *

(c) *Additional compliance tests.* * * *

* * * * *

(g) *Additional approval tests for nonstandard vests.* Tests in addition to those required by this section may be conducted by the inspector for a nonstandard vest to determine performance equivalence to a standard vest. Such additional tests may include determining performance in water, suitability of materials, donning time, ease of adjustment, and similar equivalency tests. Costs for any additional tests must be assumed by the manufacturer.

60. By revising § 160.060–8 to read as follows:

§ 160.060–8 Marking standard and nonstandard vests.

(a) Each buoyant vest must have the following information clearly marked in waterproof lettering:

Type II—Personal flotation device.
Unicellular polyethylene foam buoyant vest.
Designed to turn unconscious wearer face up in water.
Dry out thoroughly when wet.
Approved for use on uninspected commercial vessels less than 40 feet in length not carrying passengers for hire and all recreational boats by persons weighing (more than 90 pounds or 50 to 90 pounds or less than 50 pounds).

U.S. Coast Guard Approval No. 160.060/(assigned manufacturers' No.)/(revision No.); (model No.).
(Name and address of manufacturer or distributor.)
(Lot No.)

(b) *Waterproof marking.* Marking of buoyant vests shall be sufficiently waterproof so that after 72 hours submergence in water it will withstand vigorous rubbing by hand while wet without printed matter becoming illegible.

61. By revising the heading of Subpart 160.064 to read as follows:

Subpart 160.064—Specification for Special Purpose Water Safety Buoyant Devices

62. By amending § 160.064–4 by revising paragraph (a) to read as follows:

§ 160.064–4 Marking.

(a) Each special purpose buoyant device must have the following information clearly marked in waterproof lettering:

(1) For devices to be worn:

(i) Type II—Personal flotation device.

Designed to turn an unconscious wearer face up in the water; or
Type III—Personal flotation device.
Designed to keep a conscious person in a vertical or slightly backward position in the water; and

(ii) (Special purpose intended):

Approved for use on uninspected commercial vessels less than 40 feet in length not carrying passengers for hire and all recreational boats by persons weighing (more than 90 pounds or 50 to 90 pounds or less than 50 pounds).
U.S. Coast Guard Approval No. 160.064 (assigned manufacturers' No.) (revision No.); (model No.); (Name and address of manufacturer or distributor).

(2) For devices to be thrown:

Type IV—personal flotation device.
Designed to be thrown to a person in the water.
(Special purpose intended.)
Approved for use on recreational boats less than 16 feet in length, and as a throwing device for recreational boats.
U.S. Coast Guard Approval No. 160.064 (assigned manufacturers' No.) (revision No.); (model No.): (Name and address of manufacturer or distributor).

* * * * *

63. By revising § 160.064–5 to read as follows:

§ 160.064–5 Recognized laboratory.

To be designated a recognized laboratory, the laboratory must be:

(a) Operated as a nonprofit public service;

(b) Engaged regularly in the examination, testing and evaluation of the safety of materials, installation, and devices for marine use; and

(c) Established in factory inspection and listing and labeling by having an existing program and standards for evaluation, listing, and labeling buoyant devices that are acceptable to the Commandant.

64. By adding §§ 160.064–5a and 160.064–5b to follow § 160.064–5 and to read as follows:

§ 160.064–5a Designated recognized laboratory.

Underwriters' Laboratories, Inc., Marine Department, Tampa East Industrial Park, 2602 Tampa East Boulevard, Tampa, FL 33619, is a recognized laboratory.

§ 160.064–5b Compliance label.

If a recognized laboratory approves a buoyant device, the device is allowed to carry the compliance label of the recognized laboratory.

65. By revising § 160.064–7 to read as follows:

§ 160.064–7 Procedure for listing and labeling.

(a) A recognized laboratory must inform each manufacturer that requests listing and labeling of a special purpose water safety device for use on boats not carrying passengers for hire, of the procedures for:

(1) Inspection;

(2) Examination;

(3) Tests; and

(4) The forwarding to the Coast Guard of the test report and the description of the quality control program of the requesting manufacturer.

(b) The cost of any examination, test, and inspection and the cost of listing and labeling must:

(1) Be paid by the manufacturer; and

(2) Be the same for similar services for each manufacturer.

(c) The Coast Guard reviews each test report and quality control procedure forwarded by the recognized laboratory to determine if the approval requirements have been met. After the review is completed, the Coast Guard:

(1) Notifies the laboratory that the device is approved; and

(2) Publishes notice of the approval in the FEDERAL REGISTER and Coast Guard publication CG–190.

(d) The Commandant, U.S. Coast Guard, determines all matters concerning approval requirements. The manufacturer or recognized laboratory may at any time request advice from the Commandant regarding these requirements.

(Sec. 17, 54 Stat. 166, as amended, Sec. 5, 85 Stat. 215, Sec. 6(b)(1), 80 Stat. 937; 46 U.S.C. 526p 1454, 49 U.S.C. 1655(b)(1); 49 CFR 146 (b) and (o)(1))

Effective date. These amendments shall become effective on April 30, 1973.

Dated: March 21, 1973.

C. R. BENDER,
Admiral,
U.S. Coast Guard, Commandant.

[FR Doc.73-5737 Filed 3-27-73;8:45 am]

[1] A model designation for a nonstandard vest is to be assigned by the individual manufacturer and must be different from any standard vest.

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federal register

THURSDAY, MARCH 29, 1973

WASHINGTON, D.C.

Volume 38 ■ Number 60

Pages 8125–8224

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EXECUTIVE ORDER 11709

Inspection by Department of Agriculture of Income Tax Returns Made Under the Internal Revenue Code of 1954 of Persons Having Farm Operations

By virtue of the authority vested in me by section 6103(a) of the Internal Revenue Code of 1954, as amended (26 U.S.C. 6103(a)), it is hereby ordered that income tax returns made for taxable years beginning on or after January 1, 1967, of persons having farm operations shall be open to inspection to the extent readily available in the Internal Revenue Service by the Department of Agriculture as may be needed for statistical purposes only, in accordance and upon compliance with the rules and regulations prescribed by the Secretary of the Treasury in Treasury Decision 7255, relating to inspection by the Department of Agriculture of certain income tax returns, approved by the President on January 17, 1973, and the amendment thereto approved by me this date.

Richard Nixon

THE WHITE HOUSE,
March 27, 1973.

[FR Doc.73-6149 Filed 3-27-73;2:59 pm]

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Rules and Regulations

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.

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Title 14—Aeronautics and Space

CHAPTER I—FEDERAL AVIATION ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Airworthiness Docket No. 73-WE-4-AD; Amdt. 39-1612]

PART 39—AIRWORTHINESS DIRECTIVES

General Dynamics 22M Series Airplane

There has been a failure of the rudder boost actuator fitting on the General Dynamics Model 22M airplane that could result in loss of adequate rudder control particularly at low speeds. Since this condition is likely to exist or develop in other airplanes of the same type design, an airworthiness directive is being issued to require inspection of the actuator fitting for cracks and replacement, if necessary, on the General Dynamics Model 22M airplanes.

Since a situation exists that requires immediate adoption of this regulation, it is found that notice and public procedure hereon are impracticable and good cause exists for making this amendment effective in less than 30 days.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (31 FR 13697), § 39.13 of the Federal Aviation Regulations is amended by adding the following new airworthiness directive:

GENERAL DYNAMICS. Applies to Model 22M Series airplanes certificated in all categories.

Compliance required as indicated.

To detect cracks and prevent further failures of the actuator fitting, accomplish the following:

(1) Within the next 150 hours' time in service after the effective date of this AD, unless already accomplished within the last 250 hours' time in service, and thereafter at intervals not to exceed 400 hours' time in service from the last inspection, inspect the rudder boost actuator fitting P/N 30-15701-1 in accordance with General Dynamics 880M S.B. No. A27-47 dated March 1, 1973, or later FAA-approved revision.

(2) If, as a result of the inspection required by paragraph (1), cracks are found, replace the defective fittings with an identical part.

This amendment becomes effective March 29, 1973.

(Secs. 313(a), 601, 603, Federal Aviation Act of 1958, 49 U.S.C. 1354(a), 1421, 1423; sec. 6 (c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Hawthorne, Calif., on March 16, 1973.

ROBERT C. BLANCHARD,
Acting Director,
FAA Western Region.

[FR Doc.73-5948 Filed 3-28-73;8:45 am]

[Airspace Docket No. 73-AL-5]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Redescribe Colored Federal Airways and Reporting Point

The purpose of this amendment to Part 71 of the Federal Aviation Regulations (FAR's) is to redescribe Red Federal airway 27, Blue Federal airway 26, and redesignate the Summit, Alaska, radio range as a radio beacon.

The Alaska supplement publication currently advises that the Summit low frequency range is to be used as a nondirectional radio beacon, because the range courses are out of tolerance and this condition appears irreparable.

On March 1, 1971, the Federal Aviation Administration, Alaskan region, issued a notice proposing to convert all four-course radio ranges in Alaska to nondirectional radio beacons (Aeronautical Study No. 71-AL-18NR), and no objections were received.

Since this amendment reflects the actual condition and use of the radio facility, and no substantive change in the burden upon the public is made, thereby notice and public procedure are unnecessary. However, since it is necessary that sufficient time be allowed to permit appropriate changes to be made on aeronautical charts, this amendment will become effective May 24, 1973.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended , effective 0901 G.m.t., May 24, 1973, as hereinafter set forth.

1. Section 71.107 (38 FR 306) is amended as follows:

In R-27 "Summit, Alaska, RR" is deleted and "Summit, Alaska, RBN" is substituted therefor.

2. Section 71.109 (38 FR 306) is amended as follows:

In B-26 "Summit, Alaska, RR; INT north course Summit RR and southwest course Fairbanks, Alaska, RR;" is deleted and "Summit, Alaska, RBN; INT Summit RBN 007° bearing and southwest course Fairbanks, Alaska, RR;" is substituted therefor.

3. Section 71.211 (38 FR 618) is amended as follows:

In Summit, Alaska, RR "RR" is deleted and "RBN" is substituted therefor.

(Sec. 307(a), Federal Aviation Act of 1958, 49 U.S.C. 1348(a); sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Washington, D.C., on March 22, 1973.

CHARLES H. NEWPOL,
Acting Chief, Airspace and Air Traffic Rules Division.

[FR Doc.73-5951 Filed 3-28-73;8:45 am]

[Airspace Docket No. 72-SW-81]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Extension of VOR Federal Airway

On January 23, 1973, a notice of proposed rulemaking (NPRM) was published in the FEDERAL REGISTER (38 FR 2219) stating that the Federal Aviation Administration (FAA) was considering an amendment to Part 71 of the Federal Aviation Regulations that would extend Victor Airway 62 from the Cabezon Intersection, N. Mex., to Gallup, N. Mex.

Interested persons were afforded an opportunity to participate in the proposed rulemaking through the submission of comments. All comments received were favorable.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., May 24, 1973, as hereinafter set forth.

Section 71.123 (38 FR 307) is amended as follows:

In V-62 "from INT Albuquerque, N. Mex., 329° and Santa Fe, N. Mex., 268° radials, via Santa Fe;" is deleted and "from Gallup, N. Mex.; INT Gallup 089° and Santa Fe, N. Mex., 268° radials; Santa Fe;" is substituted therefor.

(Sec. 307(a), Federal Aviation Act of 1958, 49 U.S.C. 1348(a); sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Washington, D.C., on March 21, 1973.

H. B. HELSTROM,
Chief, Airspace and Air Traffic Rules Division.

[FR Doc.73-5949 Filed 3-28-73;8:45 am]

[Airspace Docket No. 72-GL-79]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Designation and Alteration of VOR Federal Airways

On February 8, 1973, a notice of proposed rulemaking (NPRM) was published in the FEDERAL REGISTER (38 F.R. 3610) stating that the Federal Aviation Administration (FAA) was considering an amendment to Part 71 of the Federal Aviation Regulations that would alter V-7, V-9, V-45, V-78, V-191, V-215, V-233, V-271, V-420, and V-430 in the Minneapolis and Chicago Air Route Traffic Control Centers areas and would designate a new airway between Marquette, Mich., and Schoolcraft County, Mich., and revoke Menominee, Mich., additional control area.

Interested persons were afforded an opportunity to participate in the pro-

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posed rulemaking through the submission of comments. All comments received were favorable.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., May 24, 1973, as hereinafter set forth.

Section 71.123 (38 FR 307 and 37 FR 23329) is amended as follows:

1. In V–7 "Ecanaba, Mich." is deleted and "Marquette, Mich.; including an east alternate via Escanaba, Mich." is substituted therefor.

2. In V–9 "via Marquette, Mich." is deleted and "via Marquette, Mich., and also a west alternate from Green Bay to Houghton via Rhinelander, Wis." is substituted therefor.

3. In V–45 "Pellston, Mich." is deleted and "Saulte Ste. Marie, Mich." is substituted therefor.

4. In V–78 "Eau Claire, Wis." is deleted and "Eau Claire, Wis.; Rhinelander, Wis.; Iron Mountain, Mich.; Escanaba, Mich.; Schoolcraft County, Mich.; Pellston, Mich.; to Alpena, Mich." is substituted therefor.

5. In V–191 "Ironwood, Mich.;" is deleted and "Ironwood, Mich.; including an east alternate;" is substituted therefor.

6. In V–215 "White Cloud, Mich." is deleted and "White Cloud, Mich.; to Gaylord, Mich." is substituted therefor.

7. In V–233 "and Gaylord, MI., 206° radials; Gaylord; Pellston, MI." is deleted and "and Gaylord, Mich., 207° radials; Gaylord; to Pellston, Mich.; including a west alternate from Mount Pleasant to Pellston via Traverse City, Mich." is substituted therefor.

8. In V–271 "to Manistee, Mich." is deleted and "Manistee, Mich.; to Escanaba, Mich." is substituted therefor.

9. In V–420 "Mount Pleasant, Mich." is deleted and "Gaylord, Mich.; to Alpena, Mich." is substituted therefor.

10. In V–430 "Escanaba, Mich., from Traverse City, Mich.; Gaylord, Mich.; Alpena, Mich." is deleted and "to Escanaba, Mich." is substituted therefor.

11. V–224 is added as follows:

"V–224 from Marquette, Mich.; to Schoolcraft County, Mich."

Section 71.163 (38 FR 344) is amended as follows:

"Menominee, Mich." title and text is deleted.

(Sec. 307(a), Federal Aviation Act of 1958, 49 U.S.C. 1348(a); sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Washington, D.C., on March 22, 1973.

CHARLES H. NEWPOL,
Acting Chief, Airspace and Air Traffic Rules Division.

[FR Doc.73-5952 Filed 3-28-73;8:45 am]

[Airspace Docket No. 72-NE-22]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Designation of Control Zone and Alteration of Transition Area; Change in Effective Date

On page 2963 of the FEDERAL REGISTER dated January 31, 1973, the Federal Aviation Administration issued an amendment effective 0901 G.m.t., March 29, 1973, which designated a Danbury, Conn., control zone and altered the Danbury, Conn., transition area.

It has now been determined that the new air traffic control tower at the Danbury Municipal Airport will not be commissioned until on or about May 14, 1973, and the effective date for this amendment is being changed to correspond with that date. In addition, the hours of operation of the control zone are being modified from 0700 to 1900 hours local time daily to 0800 to 2000 hours local time daily.

Since this action effects no substantive change to the rule as initially adopted, and since thirty (30) days will elapse from the time of publication of these amendments, as modified herein, to this new effective date, these changes are made in compliance with section 4 of the Administrative Procedure Act.

In view of the foregoing, the regulations are further amended as follows:

1. The effective date for this amendment is amended to read 0901 g.m.t., May 14, 1973, in lieu of 0901 g.m.t., March 29, 1973.

2. Section 71.171 of the Federal Aviation Regulations, as published on page 2963 of Volume 38 of the FEDERAL REGISTER, is amended by deleting the words "0700 to 1900 hours local time daily" from the description of the Danbury control zone and inserting the words "0800 to 2000 hours local time daily" in lieu thereof.

(Sec. 307(a), Federal Aviation Act of 1958, 49 U.S.C. 1348; sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Burlington, Mass., on March 21, 1973.

FERRIS J. HOWLAND,
Director, New England Region.

[FR Doc.73-5953 Filed 3-28-73;8:45 am]

[Airspace Docket No. 73-SO-11]

PART 73—SPECIAL USE AIRSPACE

Alteration of Restricted Area

The purpose of this amendment to Part 73 of the Federal Aviation Regulations is to alter the time of designation for Restricted Area R–2101, Anniston Army Depot, Ala.

A review of the planned utilization for R–2101 has shown that the using agency does not require this restricted area on Saturday.

Since this amendment makes a minor reduction in the time of designation, notice and public procedure thereon are unnecessary. However, since it is necessary that sufficient time be allowed to permit appropriate changes to be made on aeronautical charts, this amendment will become effective more than 30 days after publication.

In consideration of the foregoing, Part 73 of the Federal Aviation Regulations is amended, effective 0901 g.m.t., May 24, 1973, as hereinafter set forth.

In § 73.21 (38 FR 630) Restricted Area R–2101, Anniston Army Depot, Ala., is amended by deleting the present time of designation and substituting the following therefor:

From 0700 to 1800 c.s.t., Monday through Friday.

(Sec. 307(a), Federal Aviation Act of 1958, 49 U.S.C. 1348(a); sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Washington, D.C., on March 22, 1973.

CHARLES H. NEWPOL,
Acting Chief, Airspace and Air Traffic Rules Division.

[FR Doc.73-5950 Filed 3-28-73;8:45 am]

[Docket No. 12135; Amdt. 91-113]

PART 91—GENERAL OPERATING AND FLIGHT RULES

Speed Limits in Terminal Control Areas

The purpose of this amendment to Part 91 of the Federal Aviation Regulations is to rescind the airport traffic area speed limits within those airport traffic areas which are located within Terminal Control Areas (TCA's). This amendment was proposed in Notice No. 72–22, issued on August 9, 1972 (37 FR 16622).

Interested persons were afforded an opportunity to participate in the rulemaking through the submission of comments. Due consideration was given to all relevant matter presented.

The public comments generally supported the proposal or offered no objection. One comment concurred in the proposed rule change but suggested that the amendment be changed to eliminate all airspeed limitations in TCA's. The FAA believes that elimination of all airspeed limitations within TCA's is not justified. One of the stated purposes of the 250-knot speed limit (when originally established below 10,000 feet m.s.l. within 30 miles of the destination airport) was to enhance the pilot's ability to comply with IFR flight procedures in terminal areas. Since the air traffic situation in terminal areas is constantly changing, the pilot operating under IFR within such areas must be prepared, with little prior notice, to enter a holding pattern, to turn his aircraft to a new course or to interrupt, or to begin a climb or descent. To ensure rapid compliance with such air traffic control clearances or instructions, the speed of the aircraft must be limited in such a manner as to permit maneuvering without using the excessive amount of airspace required by high speed operations. Retention of the 250-knot limit in TCA's is, therefore, desirable.

One comment suggested that 200 knots be established as the speed limitation for all aircraft operating in TCA's. It is believed, however, that this would be unnecessarily restrictive. The 250-knot limitation is adequate to ensure a safe operating environment within TCA's.

Another comment suggested that the proposed change be held in abeyance until it is determined whether implementation would have an adverse environmental impact. The FAA has given consideration to the probable environmental impact of the proposed rule change and has concluded that eliminating the 200-knot speed limit would have no significant environmental impact.

(Sec. 307, 313(a), Federal Aviation Act of 1958, 49 U.S.C. 1348, 1354(a); sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

In consideration of the foregoing, Part 91 of the Federal Aviation Regulations is amended effective April 28, 1973, as hereinafter set forth:

A new flush paragraph is added, following § 91.70(b), to read as follows:

§ 91.70 Aircraft speed.

* * * * *

(b) * * *

Paragraph (b) of this section does not apply to any operations within a Terminal Control Area. Such operations shall comply with paragraph (a) of this section.

* * * * *

Issued in Washington, D.C., on March 22, 1973.

ALEXANDER P. BUTTERFIELD,
Administrator.

[FR Doc.73-5954 Filed 3-28-73;8:45 am]

[Docket No. 12652, Amdt. 857]

PART 97—STANDARD INSTRUMENT APPROACH PROCEDURES

Miscellaneous Amendments

This amendment to Part 97 of the Federal Aviation Regulations incorporates by reference therein changes and additions to the Standard Instrument Approach Procedures (SIAP's) that were recently adopted by the Administrator to promote safety at the airports concerned.

The complete SIAP's for the changes and additions covered by this amendment are described in FAA Forms 3139, 8260–3, 8260–4, or 8260–5 and made a part of the public rulemaking dockets of the FAA in accordance with the procedures set forth in Amendment No. 97–696 (35 FR 5609).

SIAP's are available for examination at the Rules Docket and at the National Flight Data Center, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591. Copies of SIAP's adopted in a particular region are also available for examination at the headquarters of that region. Individual copies of SIAP's may be purchased from the FAA Public Document Inspection Facility, HQ–405, 800 Independence Avenue SW., Washington, DC 20591, or from the applicable FAA regional office in accordance with the fee schedule prescribed in 49 CFR 7.85. This fee is payable in advance and may be paid by check, draft, or postal money order payable to the Treasurer of the United States. A weekly transmittal of all SIAP changes and additions may be obtained by subscription at an annual rate of $150 per annum from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402. Additional copies mailed to the same address may be ordered for $30 each.

Since a situation exists that requires immediate adoption of this amendment, I find that further notice and public procedure hereon is impracticable and good cause exists for making it effective in less than 30 days.

In consideration of the foregoing, Part 97 of the Federal Aviation Regulations is amended as follows, effective on the dates specified:

1. Section 97.23 is amended by originating, amending, or canceling the following VOR–VOR/DME SIAP's, effective May 10, 1973.

Carlsbad, Calif.—Palomar Airport, VOR–A, Amdt. 1.
Dallas, Tex.—Dallas Love Field, VOR/DME Runway 13R, Original.
Dallas, Tex.—Dallas Love Field, VOR/DME Runway 31L, Original.
Hanford, Calif.—Hanford Municipal Airport, VOR–A, Amdt. 1.
Hayward, Calif.—Hayward Air Terminal, VOR–A, Amdt. 3.
Hayward, Calif.—Hayward Air Terminal, VORTAC–A, Amdt. 1.
Oakland, Calif.—Metropolitan Oakland International Airport, VOR Runway 9R, Amdt. 3.
Sheridan, Wyo.—Sheridan County Airport, VOR/DME Runway 31, Amdt. 3.
Wise, Va.—Lonesome Pine Airport, VOR Runway 24, Amdt. 1.

* * * Effective May 3, 1973.

Lynchburg, Va.—Lynchburg Municipal/Preston Glenn Field, VOR Runway 3, Amdt. 7.
Lynchburg, Va.—Lynchburg Municipal/Preston Glenn Field, VOR/DME Runway 21, Amdt. 5.

* * * Effective April 5, 1973.

Arcata-Eureka, Calif.—Arcata Airport, VOR Runway 13, Original.
Arcata-Eureka, Calif.—Arcata Airport, VOR/DME–A, Amdt. 1, Canceled.
Arcata-Eureka, Calif.—Arcata Airport, VOR/DME Runway 1, Original.

2. Section 97.25 is amended by originating, amending, or canceling the following SDF–LOC–LDA SIAP's, effective May 10, 1973.

Dallas, Tex.—Dallas Love Field, LOC(BC) Runway 13R, Amdt. 7.
La Crosse, Wis.—La Crosse Municipal Airport, LOC(BC) Runway 36, Amdt. 2.
Sacramento, Calif.—Sacramento Metropolitan Airport, LOC(BC) Runway 34, Amdt. 5.

* * * Effective March 22, 1973.

Philadelphia, Pa.—Philadelphia International Airport, LOC(BC) Runway 27R, Amdt. 1.

3. Section 97.27 is amended by originating, amending, or canceling the following NDB/ADF SIAP's, effective May 10, 1973.

Sacramento, Calif.—Sacramento Metropolitan Airport, NDB Runway 16, Amdt. 6.
Salem, Oreg.—McNary Field, NDB Runway 31, Amdt. 10.
Waterville, Maine—Waterville Robert La Fleur Airport, NDB–A, Amdt. 7.

* * * Effective April 12, 1973.

Lafayette, La.—Lafayette Regional Airport, NDB Runway 28, Original.

* * * Effective April 5, 1973.

Arcata-Eureka, Calif.—Arcata Airport, NDB–A, Amdt. 2.

4. Section 97.29 is amended by originating, amending, or canceling the following ILS SIAP's, effective May 10, 1973.

Dallas, Tex.—Dallas Love Field, ILS Runway 31L, Amdt. 8.
Sacramento, Calif.—Sacramento Metropolitan Airport., ILS Runway 16, Amdt. 7.
Salem, Oreg.—McNary Field, ILS Runway 31, Amdt. 15.

* * * Effective April 5, 1973.

Arcata-Eureka, Calif.—Arcata Airport, ILS Runway 31, Amdt. 19.
Presque Isle, Maine—Presque Isle Municipal Airport, ILS Runway 1, Original.

* * * Effective March 22, 1973.

Philadelphia, Pa.—Philadelphia International Airport, ILS Runway 9L, Amdt. 22.

* * * Effective March 16, 1973.

Duluth, Minn.—Duluth International Airport, ILS Runway 9, Amdt. 9.

5. Section 97.33 is amended by originating, amending, or canceling the following RNAV SIAP's, effective May 10, 1973.

Carlsbad, Calif.—Palomar Airport, RNAV Runway 6, Amdt. 2.

Correction. In Docket No. 12630, Amdt. 855, to Part 97 of the Federal Aviation Regulations, published in the FEDERAL REGISTER dated Thursday, March 15, 1973, on pages 6990 and 6991, disregard all procedures listed under College Station, Texas—Easterwood Field. Previous amendments remain in effect.

(Secs. 307, 313, 601, 1110, Federal Aviation Act of 1958; 49 U.S.C. 1438, 1354, 1421, 1510, Sec. 6(c) Department of Transportation Act, 49 U.S.C. 1655(c) and 5 U.S.C. 552(a)(1))

Issued in Washington, D.C., on March 22, 1973.

JAMES F. RUDOLPH,
Director,
Flight Standards Service.

NOTE: Incorporation by reference provisions in §§ 97.10 and 97.20 (35 FR 5610) approved by the Director of the Federal Register on May 12, 1969.

[FR Doc.73-5947 Filed 3-28-73;8:45 am]

[Docket No. 12057; Amdt. No. 103–15]

PART 103—TRANSPORTATION OF DANGEROUS ARTICLES AND MAGNETIZED MATERIALS

Etiologic Agents

The purpose of these amendments to Part 103 of the Federal Aviation Regulations is to specify the reporting requirements that are applicable to incidents involving etiologic agents.

This amendment is related to the amendment of the Hazardous Materials Regulations in Docket No. HM–96; Amendment No. 171–18 published on page 8161 of this issue and is based on the notice of proposed rulemaking. Docket No. 12057; Notice No. 72–18, published in the FEDERAL REGISTER on July 22, 1972 (37 FR 14727). That notice was issued concurrently with a notice issued by the Hazardous Materials Regulations Board. The Board's evaluation of the comments received is discussed in detail in the Docket No. HM–96 document published in this issue. On the basis of the reasons stated therein, the Federal Aviation Administration has decided to amend Part 103 of the Federal Aviation Administration regulations.

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In consideration of the foregoing, Part 103 of the Federal Aviation Regulations is amended, effective June 30, 1973, as follows:

1. By redesignating paragraph (a)(4) as (a)(6) and (a)(5) as (a)(4) and by adding a paragraph (a)(5) to read as follows:

§ 103.28 Reporting certain dangerous article incidents.

(a) • • •

(5) Fire, breakage, spillage, or suspected contamination occurs involving shipment of etiologic agents. In place of the report required by paragraph (a) of this section, a report on an incident involving etiologic agents may be made by telephone directly to the Director, Center for Disease Control, U.S. Public Health, Atlanta, Ga., Area Code 404–633–5313.

• • • • • •

(Title VI and sec. 902(h), Federal Aviation Act of 1958, 49 U.S.C. 1421–1430, 1472(h), and 1655(c))

Issued in Washington, D.C., on March 23, 1973.

JAMES F. RUDOLPH,
Board Member,
Federal Aviation Administration.

[FR Doc.73-5972 Filed 3-28-73;8:45 am]

CHAPTER V—NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

PART 1260—GRANTS

This Part 1260 prescribes polices and regulations relating to the award and administration of NASA research grants. It represents a significant NASA step in the publication and dissemination of NASA policies and procedures.

One of the Nation's most significant achievements in the space effort has been the mobilization of large resources to develop and apply scientific knowledge and advanced technology to attain clearly defined national goals. Universities and other nonprofit organizations have played a major role in this marshaling of research facilities and scientific talent.

Publication of this part is consistent with the NASA policy of disseminating to the academic community information of mutual interest designed to further our close cooperative working relationship in achieving national goals.

Part 1260 of Title 14, Code of Federal Regulations establishes for the National Aeronautics and Space Administration (NASA) uniform policies and procedures relating to the negotiation, award and administration of research grants as follows:

Subpart A—General

Sec.
1260.100 Purpose.
1260.101 Applicability.
1260.102 Arrangement.
1260.103 Contents.
1260.104 Amendment.
1260.106 Deviations.
1260.107 Definitions.

Subpart B—Basic Policies

1260.200 Authority.
1260.201 Policy.
1260.202 Unsolicited proposals.
1260.203 Processing unsolicited proposals.
1260.204 Criteria for selection of grant.
1260.205 Recommendation for acceptance of unsolicited proposal.
1260.206 Processing the grant instrument.
1260.207 Civil Rights Act of 1964—nondiscrimination in federally assisted programs.
1260.208 Aircraft noise research and development programs.
1260.209 Barring of recruiting personnel.
1260.210 Printing, binding and duplicating.
1260.211 Denial of funds resulting from disruption of activities of educational institutions.

Subpart C—Award of Research Grants

1260.301 Instrument.
1260.302 Grant format.
1260.303 Determination of amount.
1260.304 Cost sharing.
1260.305 Funding of grants [Reserved].
1260.306 Numbering of grants.
1260.307 Distribution of grants and grant supplements.
1260.308 Retention of grant documents for on-site audit.

Subpart D—Research Grant Provisions

1260.400 General.
1260.401 Technical reports and publications.
1260.402 Extension of grants.
1260.403 Revocation.
1260.404 Travel.
1260.405 Allowable costs.
1260.406 Accounting records.
1260.407 Payment.
1260.408 Equipment.
1260.409 Property rights in inventions.
1260.410 Rights in data.
1260.411 Security.
1260.412 Civil rights.
1260.413 Safety.
1260.414 Subcontracts.
1260.415 Changes in principal investigator or technical objectives.

Subpart E—Administration of Research Grants

1260.501 General.
1260.502 Grant instrument.
1260.503 Grant period.
1260.504 Grant payments.
1260.505 Adherence to original budget estimates.
1260.506 Vesting of title to research equipment.
1260.507 Revocation of grants.
1260.508 Transfer of grants to other institutions.
1260.509 Accounting procedures.
1260.510 Travel.
1260.511 Audit [Reserved].
1260.512 Use of GSA supply sources by grantees [Reserved].

Subpart F—Reports

1260.600 General.
1260.601 Reporting of grants.
1260.602 Individual Procurement Action Report (NASA Form 507).
1260.603 Committee on Academic Science and Engineering (CASE) reports.
1260.604 Grantee Quarterly Cash Requirement Report (NASA Form 1031).
1260.605 Status and final reports.

AUTHORITY: Public Law 85–934, 72 Stat. 1793 (42 U.S.C. 1891–1893).

Subpart A—General

§ 1260.100 Purpose.

This Part 1260, issued by the Director of Procurement under authority delegated by the Administrator, establishes for the National Aeronautics and Space Administration (NASA) uniform policies and procedures relating to the negotiation, award and administration of research grants.

§ 1260.101 Applicability.

This part applies to all research grants made by NASA which obligate appropriated funds.

§ 1260.102 Arrangement.

General plan. This part is divided into subparts, each one of which deals with a separate aspect of research grants. Each subpart is further subdivided into sections.

§ 1260.103 Contents.

This Part 1260 contains policies and procedures relating to the negotiation, award and administration of research grants, and is designed to achieve maximum uniformity throughout NASA. This part will be amended from time to time to set forth improved procedures which reduce grant preparation time, simplify and standardize grant forms, and improve the administration of grants.

§ 1260.104 Amendment.

Changes. This part will be amended by changes containing revised sections or subparts.

§ 1260.106 Deviations.

(a) *Applicability.* A deviation shall be considered to be any of the following:

(1) When a prescribed grant clause is set forth verbatim in this Part 1260, use of a clause covering the same subject matter which varies from, or has the effect of altering, the prescribed clause, or changing its application;

(2) When a grant clause is set forth in this part but not for use verbatim, use of a clause covering the same subject matter which is inconsistent with the intent, principle and substance of the grant clause or related coverage of the subject matter;

(3) Omission of any mandatory grant clause;

(4) When a NASA or other form is prescribed by this part, use of any other form for the same purpose;

(5) Alteration of a NASA or other form prescribed in this part except as authorized herein;

(6) When limitations are imposed by this part upon the use of a grant clause, form, procedure, or any other grant action, the imposition of lesser or greater limitations; or

(7) When a policy, procedure, method, or practice of conducting grant actions is prescribed in this part, any policy, procedure, method, or practice inconsistent therewith.

(b) *Approval of deviations.* Deviations will be authorized only when essential to effect necessary grant actions or where special circumstances make such deviations clearly in the best interests of the Government. Such deviations will be approved only by the Director of Procurement or his duly authorized representative.

(c) *Requests for deviations.* Requests for authority to deviate from this part shall be submitted to the Director of Procurement (Code KDP–1). Such requests shall be signed by the Procurement Officer of a field installation (or the Director in the case of the Headquarters Contracts Division) and shall be submitted as far in advance as exigencies of the situation will permit. Where the deviation involves more than a unique special situation, i.e., will affect grantees as a class, concurrence of the Assistant Administrator for University Affairs is additionally required. Each request for a deviation shall contain as a minimum:

(1) Identification of the requirement from which a deviation is sought;

(2) A full description of the deviation and the circumstances in which it will be used;

(3) A description of the intended effect of the deviation;

(4) A statement as to whether the deviation has been requested previously, and, if so, circumstances of the previous request;

(5) The name of the grantee and identification of the grant affected, including the dollar value; and

(6) Detailed reasons supporting the request, including any pertinent background information which will contribute to a fuller understanding of the deviation sought.

§ 1260.107 Definitions.

As used throughout this Part 1260, the words and terms defined in this section shall have the meanings set forth below, unless the context in which they are used clearly requires a different meaning, or a different definition is prescribed for a particular subpart or portion thereof.

(a) *Administrator.* The Administrator or Deputy Administrator of NASA.

(b) *Basic scientific research.* Research directed toward the increase of knowledge in science wherein the primary aim of the investigator is to gain a fuller knowledge or understanding of the subject under study.

(c) *Director of Procurement.* The Director of the Procurement Office, Office of Industry Affairs and Technology Utilization, NASA Headquarters (Code KD).

(d) *Educational institution.* Any institution which has a faculty, offers courses of instruction and is authorized to award a degree upon completion of a specific course of study.

(e) *Equipment.*—(1) *Government-furnished equipment.* Equipment in the possession of, or acquired directly by, the Government and subsequently delivered or otherwise made available to a grantee.

(2) *Technical equipment.* Equipment of a scientific nature required for carrying out the purposes of a research grant.

(3) *Grantee-acquired equipment.* Equipment purchased with grant funds by a grantee, for the performance of research under its grant.

(f) *Grant.* An award of funds included in a written instrument executed by the Administrator or his duly authorized representative.

(g) *Grants officer.* A contracting officer who has been delegated authority to award and administer grants.

(h) *Grant specialist.* Any employee of NASA who is assigned the responsibility of negotiating with potential grantees the terms and conditions of specific grants, and the administration of such grants.

(i) *NASA.* The National Aeronautics and Space Administration.

(j) *Nonprofit organization.* Any corporation, foundation, trust or institution whose primary purpose is the conduct of scientific research, not organized for profit, no part of the net earnings of which inures to the benefit of any private shareholder or individual.

(k) *Subcontract.* A written agreement between a grantee and a third party for the furnishing of services or supplies necessary to carry out the research under a grant.

(l) *Technical officer.* The official of the cognizant NASA program office who is responsible for monitoring the technical aspects of the work under a grant.

Subpart B—Basic Policies

§ 1260.200 Authority.

Under the Act of September 6, 1958 (42 U.S.C. 1891–1893), entitled "An Act to Authorize the Expenditure of Funds Through Grants for Support of Scientific Research and for Other Purposes," NASA is authorized to make grants for basic scientific research at nonprofit institutions of higher education or at nonprofit organizations whose primary purpose is the conduct of scientific research. This Act also provides discretionary authority for vesting title to equipment purchased with grant or contract funds in these institutions and organizations, under grants or contracts for the conduct of basic or applied scientific research, without further obligation to the Government, or on such terms and conditions as NASA deems appropriate.

§ 1260.201 Policy.

(a) NASA policy is to use the grant instrument to sponsor required basic research at nonprofit institutions or organizations when it is desired to provide latitude to investigators that will encourage maximum creativity, and to have the minimum administration consistent with the public interest.

(b) In addition, it is NASA policy to provide appropriate continuity of support in research sponsored under grants. In general, initial obligation of funds shall not be made for a period of more than 3 years.

§ 1260.202 Unsolicited proposals.

(a) It is NASA's policy to inform organizations and individuals of scientific and technological areas encompassed by NASA's mission, and to encourage the submission of unsolicited proposals containing relevant new ideas. An unsolicited proposal is a written offer to perform work which does not result from a formal written request for proposals issued by NASA. However, inquiries regarding NASA interest in supporting research and development in a particular technical area shall not be construed as proposals. Unsolicited proposals are offered in the hope that NASA will support the proposer in research or development activities, or the testing of new products. Many of the proposals eventually become a part of a NASA program; others may have little or no value.

(b) Proposals for flight experiments to be carried on earth satellites or spacecraft present special problems of coodination, evaluation, and selection. NASA Handbook "Opportunities for Participation in Space Flight Investigations" (NHB 8030.1A), provides detailed instructions for the preparation and submission of flight experiment proposals. This Handbook may be obtained from the Office of Space Science (Code SS), National Aeronautics and Space Administration, Washington, D.C. 20546.

(c) All proposals should be specific and, as a minimum, include the information set forth below. (Although it is desired that unsolicited proposals be prepared in conformance with the standards set forth below, NASA may accept unsolicited proposals for evaluation purposes which do not conform thereto):

(1) Name and address of the organization submitting the proposal;

(2) Date of preparation or submission;

(3) Type of organization (profit, nonprofit, educational, other);

(4) Concise title and abstract of the proposed effort or activity for which support is being sought;

(5) An outline and discussion of the purpose of the proposed effort or activity, the method of attack upon the problem, and the nature and extent of the anticipated results;

(6) The name of the principal investigator (and other key personnel), social security number and brief biographical information, including principal publications and relevant experience;

(7) Proposed starting and completion dates;

(8) Equipment, facility and personnel requirements;

(9) Proposed budget, including separate cost estimates for salaries and wages, equipment, expendable supplies, services, travel, subcontracts, other direct costs, proposed cost sharing and overhead. Statement whether professional salaries will be accounted for on time and attendance record basis, or whether stipulated salary support is requested in accordance with Exhibit B of this part.

(10) Names of any other Federal agencies receiving the proposal and/or funding the proposed effort or activity;

(11) Brief description of the proposer's facilities, particularly those which would be used in the proposed effort or activity;

(12) If available, a descriptive brochure and a current financial statement;

(13) If proposed effort or activity requires or may generate classified security information, the security status of the organization and the major investi-

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gators, and identification of the cognizant security office;

(14) Period for which proposal is valid;

(15) Names and telephone numbers of proposer's business and technical personnel whom NASA may contact during evaluation and/or negotiation;

(16) Continuation proposals should be accompanied by an estimate of the amount of unspent, uncommitted funds which will be carried over beyond the grant anniversary date. The approximate amounts spent for salaries and wages, equipment, etc.—the usual categories—during the past grant period should be listed;

(17) Each proposal containing technical data, which the submitter intends to be used by NASA for evaluation purposes only, should be marked on the cover sheet with the following, or similar, legend:

> Technical data contained in pages—of this proposal shall not be used or disclosed, except for evaluation purposes, provided that if a contract or grant is awarded to this submitter as a result of or in connection with the submission of this proposal, the Government shall have the right to use or disclose this technical data to the extent provided in the contract or grant. This restriction does not limit the Government's right to use or disclose any technical data obtained from another source without restriction.

(18) Signature of a responsible official of the proposing organization or a person authorized to obligate such organization.

(d) Proposals for new projects should be submitted well in advance of the desired beginning date of support, while renewal proposals should be submitted at least 4 months in advance of the expiration date of the grant. Five copies of renewal proposals, 10 copies of initial proposals and 15 copies of bioscience research proposals (either new or renewals) are required to allow simultaneous study by all reviewers.

(e) All unsolicited proposals from educational and nonprofit scientific institution, proposals to NASA Headquarters from other sources, and requests for additional information regarding the preparation of unsolicited proposals should be submitted to:

> National Aeronautics and Space Administration, Proposal Control Officer, Office of University Affairs (Code PY), Washington, D.C. 20546.

(f) Proposals from nonuniversity sources, that relate particularly to the activities of a NASA field installation, may be submitted directly to the installation.

(g) Policies and procedures governing the submission and processing of unsolicited proposals for research which, if accepted, would result in a contract are contained in Chapter 18, Title 41.

§ 1260.203 Processing unsolicited proposals.

(a) All unsolicited proposals shall be processed in an expeditious manner. Proposals shall be acknowledged as soon after receipt as possible. Submitters shall be notified as to the ultimate disposition of their proposals.

(b) Prior to making a comprehensive evaluation of a document apparently submitted as an unsolicited proposal, the initial receiving office shall determine that the document:

(1) Contains sufficient technical and cost information to enable meaningful evaluation;

(2) Has been approved by a responsible official of the proposing organization or a person authorized to obligate such organization; and

(3) Does not merely offer to perform standard services or to provide "off-the-shelf" articles.

If the document does not meet these requirements, a comprehensive evaluation need not be made, and the document may be considered and handled as correspondence or advertising. In such cases a prompt reply shall be sent to the submitter, indicating how the document is being interpreted and the reason for not considering it a proposal.

(c) Every unsolicited proposal that is circulated for comprehensive evaluation shall be subject, where applicable, to the requirements of § 18–1.304 *Restrictions on data and other information* (41 CFR 18–1.304).

(d) In evaluating a proposal, the evaluating office(s) shall consider, in addition to any other criteria, the following factors:

(1) The overall scientific, technical merit of the proposed effort;

(2) The potential contribution which the proposed effort is expected to make to NASA's specific program objective(s), if supported at this time;

(3) The unique capabilities, related experience, facilities, instrumentation, or techniques which the proposer possesses and offers, and which are considered to be integral factors for achieving the scientific, technical, or technological objective(s) of the proposal; and

(4) The unique qualifications, capabilities and experience of the proposed principal investigator and/or key personnel.

Comprehensive evaluations of the university proposals and of proposals to Headquarters from nonuniversity sources shall be coordinated according to procedures to be established by the Office of University Affairs. If such a proposal is not to be accepted, the submitter shall be informed by a suitable letter, and a copy of the letter and associated proposal shall be retained in the files of the Office of University Affairs.

§ 1260.204 Criteria for selection of grant.

Selection of the research support instrument (grant or contract), normally (but not necessarily) based upon an unsolicited proposal, shall be made by the contracting officer of the funding installation, taking into account NASA policies for dealing with universities, the special needs of the cognizant technical office, the nature of the proposed research, the manner in which it will be performed, and the nature and extent of technical direction and management control planned by NASA. Research grants may be made only to support basic scientific research at nonprofit institutions of higher education or at nonprofit organizations whose primary purpose is the conduct of scientific research. Subject to these basic requirements, some of the significant factors to be considered in determining whether to select the grant as the research support instrument are set forth in paragraphs (a) and (b) of this section:

(a) Factors generally indicating the use of the grant instrument are as follows:

(1) The primary purpose is to aid or support the acquisition of knowledge or understanding of the subject or phenomena under study;

(2) The exact course of the work and its outcome are not defined precisely and specific points in time for achievement of significant results are not specified;

(3) NASA desires, or the nature of the proposed investigation is such, that the grantee will bear prime responsibility for the conduct of the research, and exercise judgment and original thought toward attaining the scientific goals within broad parameters of the research areas proposed and the related resources provided;

(4) The research problem is such that long term support (i.e. in excess of 1 year) is required for the study to mature to maximum scientific effectiveness (however, this does not preclude shorter-term grants in special cases);

(5) Meaningful technical reports (as distinguished from the Semiannual Status Reports required pursuant to § 1260.401) will be prepared only as new findings are made, rather than on a predetermined time schedule;

(6) Simplicity and economy in execution and administration are mutually desirable; and

(7) Simplified advance payment is desired by the institution and is acceptable to NASA.

(b) Factors generally indicating the use of a contract rather than the grant instrument are as follows:

(1) The primary purpose is to buy or procure well-defined research or development in direct support of a programed NASA mission or project;

(2) The work to be conducted is directed closely toward the solution of a specific problem;

(3) A specific service, piece of hardware, or improved performance of a specific device is the end product;

(4) NASA considers it necessary to exercise control over the objectives, direction, specifications, costs or methods of the research, and schedule control is desirable and feasible;

(5) The work to be conducted is classified (however, access to security classified information may be given grantees where a demonstrated need exists);

(6) The end result is clearly defined and/or parameters and specifications are prepared in advance of the work; and

(7) A significant portion of the total effort will be performed by an organization other than the one submitting the proposal, and such portion will involve the development, fabrication or acquisition of instruments or hardware.

§ 1260.205 Recommendation for acceptance of unsolicited proposal.

(a) Where it is known that the grant will be used as the research instrument to support the unsolicited proposal, a "Recommendation for Acceptance of Unsolicited Proposal" shall be prepared by the technical office sponsoring the research and shall include findings set forth in paragraph (a)(1) or (a)(2) of this section:

(1) The grant will provide support to an educational institution for the development or improvement of that institution's capability to contribute to the national aeronautical and space program; the contemplated work consists of basic scientific research; and the proposal was selected on the basis of its overall merit, cost and contribution to NASA program objectives.

(2) The grant is for basic scientific research at a nonprofit institution of higher education or at a nonprofit organization whose primary purpose is the conduct of scientific research; and the proposal was selected on the basis of its overall merit, cost, and contribution to NASA program objectives.

(b) In addition, the recommendation shall include the facts and circumstances that support the proposed action. The following illustrations represent factors which should be considered, as appropriate, in preparing the recommendation:

(1) The scientific/technical merits of the unsolicited proposal and its potential contribution to NASA's program objectives;

(2) The qualifications, capabilities and related experience of the submitting institution, principal investigator and/or key personnel; and

(3) Unique facilities, instrumentation or techniques.

§ 1260.206 Processing the grant instrument.

(a) If the grant is selected as the research support instrument, negotiations with the grantee shall not begin until a proposal control number has been assigned by the Office of University Affairs (Code PY), NASA Headquarters. (See § 1260.306(a)(2).)

(b) Grants Officers at field installations will furnish to the Office of University Affairs copies of the technical evaluation and procurement request, identified by assigned proposal control number, at the time negotiation is begun, and a copy of the executed grant after award.

(c) Grants Officers at field installations and the Headquarters Contracts Division will furnish to the Office of University Affairs completed NASA Forms 1356, "Committee on Academic Science and Engineering (C.A.S.E.) Report on Support of Colleges and Universities" after award. (See § 1260.603.)

§ 1260.207 Civil Rights Act of 1964—Nondiscrimination in federally assisted programs.

(a) Section 602 of the Civil Rights Act of 1964 (Public Law 88–352; 42 U.S.C. 2000d–1), provides that no person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity receiving Federal finnacial assistance, and requires that each Government agency which is empowered to extend such financial assistance shall issue rules or regulations effectuating title VI (sections 601–605) of the Act with respect to such programs or activities administered by the agency. NASA's Civil Rights regulation is published in the FEDERAL REGISTER of January 9, 1965, 30 FR 301–305, 14 CFR 1250.

(b) Research grants made under the authority of Public Law 85–934, approved September 6, 1958 (42 U.S.C. 1891–1893) are within the purview of title VI of the Act.

(c) Further implementation, setting forth procedures and guidance, and assigning responsibility to NASA officials, is contained in NASA Management Instruction 2090.1.

(d)(1) No grant shall be made unless and until an Assurance of Compliance, NASA Form 1206 (Exhibit A) has been obtained in accordance with the requirements of NMI 2090.1, or until proceedings pursuant to § 1250.107 of the NASA Civil Rights regulation (14 CFR 1250.107(c)) have been conducted and terminated in favor of the prospective grantee. NASA shall not be obligated to provide assistance in such a case during the pendency of any administrative proceedings under the NASA Civil Rights regulation.

(2) If an unsolicited proposal relating to a covered program does not contain or refer to a prescribed Assurance and it does not appear that the proposer is aware of the requirement for the Assurance, prior to making any grant, the proposer shall be furnished a copy of the desired form of Assurance and shall be informed of the requirements of the NASA Civil Rights regulation and of this § 1260.207.

(e) If a grantee under a grant prior to February 8, 1965, refuses to furnish an Assurance required under § 1250.104 of the NASA Civil Rights regulation (14 CFR 1250.107(b)), or otherwise fails or refuses to comply with a requirement imposed by or pursuant to that Section, NASA shall institute proceedings under the NASA Civil Rights regulation but shall continue assistance during the pendency of the proceedings.

§ 1260.208 Aircraft noise research and development programs.

NASA and the Department of Transportation have executed an agreement (NMI 1052.103A) to coordinate their research and development efforts in aircraft noise reduction, control, prediction techniques and other aircraft noise related problems. Proposed grant actions relating to this program will be coordinated with the Deputy Associate Administrator (Programs), NASA Headquarters in accordance with the provisions of the NASA Management Instruction 1052.103A.

§ 1260.209 Barring of recruiting personnel.

(a) The NASA Authorization Acts for 1969 and 1970 prohibited the use of appropriated funds authorized thereunder for grants to any non-profit institution of higher learning which bars recruiters of the Armed Forces of the United States from the premises or property of such institution. This prohibition is continued in the Authorization Act for 1971, Public Law 91–303, 84 Stat. 370, approved July 2, 1970, as follows:

> (Sec. 1. (b)) No part of the funds appropriated pursuant to subsection (a) of this section may be used for grants to any nonprofit institution of higher learning unless the Administrator or his designee determines at the time of the grant that recruiting personnel of any of the Armed Forces of the United States are not being barred from the premises or property of such institution except that this subsection shall not apply if the Administrator or his designee determines that the grant is a continuation or renewal of a previous grant to such institution which is likely to make a significant contribution to the aeronautical and space activities of the United States. The Secretary of Defense shall furnish to the Administrator or his designee within 60 days after the date of enactment of this Act and each January 30 and June 30 thereafter the names of any nonprofit institutions of higher learning which the Secretary of Defense determines on the date of each such report are barring such recruiting personnel from premises or property of any such institution.

(b) In order to implement this statutory prohibition, all grants awarded to nonprofit institutions of higher learning and using appropriated funds subject to the above restrictions shall be processed as follows:

(1) The Office of University Affairs will furnish each installation, for the use of grants officers, a current list of the institutions which bar Armed Forces recruiters.

(2) If a proposed grantee institution is not on the foregoing list, but the grants officer nevertheless has reason to believe it is barring recruiting personnel from its premises or property, the circumstances and all the available pertinent information shall be forwarded to the Director of Procurement for further processing and coordination with the Director, Office of University Affairs.

(3) If a proposed grantee institution is not on the list, and in the absence of any other evidence that the institution may be barring recruiters, the grants officer may proceed with negotiation of the grant. Immediately prior to mailing the grant, the grants officer shall verify, with an appropriate official of the grantee institution, that recruiters are not, in fact, being barred at that time. If such verification is obtained, and other necessary agreements have been reached in the negotiation, the grant may be forwarded to the grantee. Prior to forward-

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ing the grant, a statement reading substantially as follows shall be imprinted on the grant document and completed by the grants officer:

Pursuant to telephone conversation between _____ (NASA representative) and _____ (Grantee representative) on _____ (Date), the grantee represents that at that time no recruiting personnel of any of the Armed Forces of the United States were being barred from the premises or property of _____ (Name of institution).

_____ (Signature—Institution Officer Executing)

(4) Upon mailing the grant to the grantee institution, the grants officer shall include a signed statement reading substantially as follows in the grant file:

In accordance with the procedures prescribed in paragraph 209 of the NASA Grant Handbook, I hereby find that _____ (Name of institution) is not listed on the report of the Secretary of Defense of institutions barring recruiters of the Armed Forces of the United states and that _____ (Name), _____, representing the Grantee, has (Position) stated on _____ (Date) that recruiters of the Armed Forces of the United States are not being barred from its premises or property and I, therefore, hereby determine that _____ (Name of institution) is not barring recruiting personnel of the Armed Forces of the United States from the premises or property of the institution at the time of award of this grant.

(5) Where it has been established, at the time of a proposed continuation or renewal of a grant, that the grantee institution bars recruiting personnel from its premises or property, the grants officer shall so notify the cognizant NASA program official. If the program official believes (considering the project's potential contribution to the space program, its cost, and any other relevant factors) that the grant should nonetheless be awarded, he shall provide the grants officer with a written statement to the effect that the grant is considered likely to make a significant contribution to the aeronautical and space activities of the United States, including a clear demonstration as to how and why such contribution is likely to come about. If the grants officer agrees with the opinion of the program official, he shall prepare the following determination and submit it, together with all supporting documentation, to the Director of Procurement for processing and coordination with the Director, Office of University Affairs. The authority to sign such determination has not been delegated and rests with the Administrator or his designee:

I hereby determine that Grant No. _____ is a continuation or renewal of a previous grant to _____ (Name of institution), which is likely to make a significant contribution to the aeronautical and space activities of the United States."

The grant document shall not be released to the grantee institution until the foregoing determination has been executed.

(c) When a university embodies two or more schools or divisions, and any individual school or division thereof bars recruiting personnel from its premises or property, the statutory prohibition cited in paragraph (a) of this section will apply to any and all schools or divisions of the university if the university as a whole is a single legal entity (i.e., where the individual schools and divisions do not have separate and individual entities of their own). Grants officers shall refer questionable cases in this connection to the Director of Procurement for coordination with the Director, Office of University Affairs.

(d) Grants officers, through official channels, shall advise the Director of Procurement and the Director, Office of University Affairs, of any significant actions, problems or matters of substance related to the implementation of this procedure.

§ 1260.210 Printing, binding, and duplicating.

Printing, binding, and duplicating required by NASA shall be obtained in accordance with the Government Printing and Binding Regulations published by the Joint Committee on Printing, Congress of the United States, and NMI 1490.2, "Responsibilities, Procedures, and Standards for NASA Printing, Duplicating, and Binding." Technical proposals should be carefully reviewed to assure that unauthorized printing, binding, or volume duplicating constituting printing are not included in grants. When a proposed grant may involve printing, binding, or duplicating, close coordination will be effected with the Installation Central Printing Management Officer in the review process to insure compliance with these regulations.

§ 1260.211 Denial of funds resulting from disruption of activities of educational institutions.

(a) Beginning with the Authorization Act for 1970, the National Aeronautics and Space Administration Authorization Acts have contained a provision which requires institutions of higher education to deny payment of funds otherwise due under NASA programs to certain individuals who disrupt the educational activities of said institutions if the institutions make certain determinations after notice and opportunity for a hearing. This disruptive activity may involve either a violation of law, or a breach of the legitimate regulations of the institution concerned. In either case, the individuals charged with disruptive activities are to be afforded notice and an opportunity for a hearing upon the issues, before a determination to deny payments may be made by the institution concerned. Any such determination to deny funds to an individual is effective for a period of 2 years, and applies to other educational institutions which employ or which are attended by such individuals during this period.

(b) In order to implement this provision, the following clause shall be included in all grants or extensions and supplements thereto with an institution of higher education using funds subject to the National Aeronautics and Space Administration Authorization Act, 1970 (Public Law 91–119), 83 Stat. 196, approved November 18, 1969, and any other subsequent act of Congress, providing for the denial of funds resulting from disruption of activities of educational institutions.

DENIAL OF CERTAIN PAYMENTS

(a) If an institution of higher education determines, after affording notice and opportunity for hearing to an individual attending, or employed by, such institution, that such individual has been convicted by any court of record of any crime which was committed after November 18, 1969, and which involved the use of (or assistance to others in the use of) force, disruption, or the seizure of property under control of any institution of higher education to prevent officials or students in such institution from engaging in their duties or pursuing their studies, and that such crime was of a serious nature and contributed to a substantial disruption of the administration of the institution with respect to which such crime was committed, then the institution which such individual attends, or is employed by, shall deny for a period of 2 years any further payment to, or for the direct benefit of, such individual under any of the programs authorized by the National Aeronautics and Space Act of 1958. If an institution denies an individual assistance under the authority of this clause, then any institution which such individual subsequently attends shall deny for the remainder of the 2-year period any further payment to, or for the direct benefit of, such individual under any of the programs authorized by the National Aeronautics and Space Act of 1958.

(b) If an institution of higher education determines, after affording notice and opportunity for hearing to an individual attending, or employed by, such institution, that such individual has willfully refused to obey a lawful regulation or order of such institution after November 18, 1969, and that such refusal was of a serious nature and contributed to a substantial disruption of the administration of such institution, then such institution shall deny, for a period of 2 years, any further payment to, or for the direct benefit of, such individual under any of the programs authorized by the National Aeronautics and Space Act of 1958.

(c) Nothing in this clause shall be construed to prohibit any institution of higher education from refusing to award, continue, or extend any financial assistance to any individual because of any misconduct which in its judgment bears adversely on his fitness for such assistance.

(d) Nothing in this clause shall be construed as limiting or prejudicing the rights and prerogatives of any institution of higher education to institute and carry out an independent, disciplinary proceeding pursuant to existing authority, practice, and law.

(e) Nothing in this clause shall be construed to limit the freedom of any student to verbal expression of individual views or opinions.

Subpart C—Award of Research Grants

§ 1260.301 Instrument.

(a) The grant instrument shall be brief in format, containing only those provisions necessary to protect the fundamental interests of the Government, including provision for acquisition by the Government of title to and rights in inventions arising out of the research, and for revocation of the grant, if necessary, after consultation between the grantee institution and NASA.

(b) The grant instrument shall provide for audit of grants by NASA or its representatives at all reasonable times during the life of the grant and for 3 years thereafter. In this connection, the NASA audit program for grants shall involve sample audits on a selective basis. The Government's audit of NASA grants shall generally be for the purpose of appraising and evaluating the grantee's performance from a business management standpoint and not for the purpose of adjustment of grant amounts.

§ 1260.302 Grant format.

NASA Forms 1463, Research Grant and 1463A, Provisions for Research Grants shall be used for the award of all NASA research grants.

§ 1260.303 Determination of amount.

(a) Regulations governing contracts generally are not appropriate for application to grants. However, in general, Exhibit B of this part is the basic guidance document in determining the allowability of costs chargeable to research supported by NASA under grants. (Subpart 18–15.3 of 41 CFR Part 18–15 applies to educational institutions, and Subpart 18–15.2 of 41 CFR Part 18–15 to nonprofit organizations other than educational institution.)

(b) In no case shall an overhead rate used for determining grant amounts exceed, in equivalence, the most recent overhead rate at the grantee institution for comparable research contracts of the Government.

(c) Grant amounts determined at the time of the award shall not be reduced other than in case of revocation or in the event grant funds are not committed by the grantee prior to completion of the research involved.

(d) It is the responsibility of the grantee to manage the granted funds in such a manner that they cover the full period of the grant. NASA is not obligated to reimburse over-expenditures. However, this stricture does not preclude acceptance of a proposal requesting supplemental funding to extend the research.

§ 1260.304 Cost sharing.

NASA's Appropriation Acts for several years have included provisions requiring cost sharing by the grantee under research grants resulting from unsolicited proposals. Office of Management and Budget, Circular A–100, dated December 18, 1970, also sets forth circumstances under which cost sharing should be encouraged in certain grants even when not required by statute. In accordance with the foregoing, and pursuant to the general NASA policy set forth in NMI 8310.2, "Cost Sharing on Research Grants and Contracts," dated October 20, 1971, the following basic guidelines will be implemented in the negotiation of all research grants and in supplements to such grants which require additional funding.

(a) *When cost sharing is applicable.* (1) Cost sharing by non-Federal organizations is mandatory in any grant for basic research which results from an unsolicited proposal.

(2) Cost sharing by non-Federal organizations shall be encouraged in any grant for basic research which does not result from an unsolicited proposal but in which the parties nevertheless have considerable mutual interest in the research (e.g., when it is probable that the performing organization or institution will receive significant future benefits from the research, such as: increased technical knowledge useful in future operations; additional technical or scientific expertise or training for its personnel; and the opportunity to benefit through patent rights).

(3) Cost sharing by non-Federal organizations which is not otherwise appropriate under paragraph (a) (1) or (2) of this section may nevertheless be accepted when voluntarily offered by a performing organization.

(b) *When cost sharing is not applicable.* Except when cost sharing is mandatory pursuant to paragraph (a) (1) of this section, it is not applicable to grants to which the Grants Officer has determined that:

(1) The research effort has only minor relevance to the non-Federal activities of the performing organization, which is proposing to undertake the research primarily as a service to the Government;

(2) The performing organization has little or no non-Federal sources of funds from which to make a cost contribution;

(3) The performing organization is predominantly engaged in research and development and has little or no production or other service activities, and is therefore not in a favorable position to make a cost contribution; or

(4) Payment of the full cost of the project is necessary in order to obtain the services of the particular organization.

(c) *Amount of cost sharing.*—(1) *Educational institutions and affiliated not for profit institutions.* Cost sharing for such institutions normally may vary from 1 percent to as much as 5 percent of the costs of the project. However, amounts greater than 5 percent may be accepted when voluntarily offered by the institution.

(2) *Other performing organizations.* Cost sharing for other organizations may vary from less than 1 percent to 50 percent or more of the costs of the research.

(3) *Additional considerations.* (i) The amount of cost sharing which is appropriate in a given instance is independent of whether cost sharing is mandatory or merely encouraged.

(ii) Mutuality of interest in the results of the work being performed should be of primary significance in assessing the appropriateness of any particular level of cost sharing within the foregoing ranges.

(d) *Implementation.* The following policies and procedures are established to implement the basic guidelines set forth above:

(1) *Determining mutuality of interest.* Factors which may be considered in determining mutuality of interest include:

(i) The potential of the grantee to recover its contribution from non-Federal sources;

(ii) The extent to which a particular area of research requires special stimulus in the national interest; and

(iii) The extent to which the research effort or result is likely to enhance the grantee's capability or expertise.

(2) *Method of cost sharing.* Cost sharing shall be accomplished by a contribution of part or all of one or more elements of allowable cost of the work being performed, and normally shall be expressed as a stated minimum percentage of the total allowable costs of the project. Costs so contributed may not be charged to the Government under any other grant or contract (including allocation to other grants or contracts as part of an independent research and development program).

(3) *Institutional cost sharing agreements.*—(i) *Description.* An institutional cost sharing agreement covers the aggregate of all or some of the research projects (both grants and contracts) supported by NASA at a given performing organization. Eligibility for institutional cost sharing agreements is limited to nonprofit institutions of higher education and nonprofit organizations whose primary purpose is the conduct of scientific research. During the term of such agreements, relatively high contributions by the performing organization on some NASA projects may be offset by relatively low contributions on other NASA projects, provided that:

(a) The agreed aggregate contribution is made, and

(b) A contribution, even if nominal, is made to each of the grants and contracts to which the agreement applies.

(ii) *Applicability.* An institutional cost sharing agreement is entered into only when warranted by a large anticipated volume (normally in excess of $250,000 annually) of contracts and/or grants which will be negotiated with the performing organization during the term of the agreement and will be subject to cost sharing.

(iii) *Negotiating authority.* The Procurement Office, NASA Headquarters (Code KDO–1) is responsible for the negotiation of all institutional cost sharing agreements. Such agreements, when negotiated, shall be used by all procurement offices.

(iv) *Determination of amount.* The amount of cost sharing negotiated under an institutional cost sharing agreement will be determined in accordance with paragraph (d)(3)(ii) of this section, and should reflect the anticipated mutuality of interest of the parties during

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the term of the agreement. The average amount of cost sharing under previous grants and contracts with the performing organization may be used as a guide for this purpose to the extent that it is consistent with paragraph (d)(3)(iii), of this section. When the negotiated amount of cost sharing differs significantly from this average, appropriate explanation should be included in the institutional cost sharing agreement file.

(v) *Content.* Institutional cost sharing agreements normally shall be executed in the format set forth below. The format may be adapted to fit specific circumstances.

INSTITUTIONAL COST SHARING AGREEMENT BETWEEN THE UNITED STATES OF AMERICA AND

This Agreement is entered into as of the _____ day of _____, 19____ between the United States of America, hereinafter called the "Government," represented by the Contracting Officer, _____ and _____, a corporation organized and existing under the laws of the State of _____, hereinafter called the "Performing Organization."

1. The Performing Organization may, from time to time during the term of this Agreement, perform research under certain NASA grants and contracts (hereinafter referred to as "subject research agreements") pursuant to which the Performing Organization agrees to share the cost of the research in the manner provided in this Agreement.

2. In each year ending _____ during the term of this Agreement, the Performing Organization shall participate in the cost of subject research agreements by contributing, from non-Federal sources, a minimum of _____ percent of the aggregate direct and indirect costs which are otherwise allowable in accordance with the cost principles applicable to the subject research agreements. A nominal portion, at least, of the allowable costs of each individual subject research agreement shall be included in the aforementioned aggregate contribution.

3. The Performing Organization shall maintain records of all costs contributed pursuant to this Agreement, as well as costs to be paid by the Government. Such records shall be subject to audit by the Government. Costs contributed by the Performing Organization shall not be charged to the Government under any other grant or contract (including allocation to other grants or contracts as part of an independent research and development program).

4. This Agreement may be amended only by mutual agreement of the parties, and may be terminated in its entirety by either party upon thirty (30) days written notice to the other party. Amendment or termination of this Agreement shall not affect any subject research agreement theretofore entered into between the parties.

5. Nothing herein contained shall be construed to imply any agreement on the part of the Government to enter into research agreements with the Performing Organization.

6. This Agreement is effective _____ and shall remain in effect for a period of three (3) years thereafter unless sooner amended or terminated in accordance with the above.

In Witness Whereof, the parties have executed this Agreement as of the day and year first above written:

UNITED STATES OF AMERICA
By _____
(Signature of Contracting Officer)
_____
Typed or Printed Name
_____
(Name of Performing Organization)
By _____
(Signature of Authorized Individual)
_____
Typed or Printed Name
_____
Title

(4) *Grant clauses.* The appropriate clause set forth in this paragraph d(4) shall be inserted in each grant in which costs are shared by the grantee pursuant to the policies prescribed in this § 1260.304.

(i) In grants for which cost sharing has been individually negotiated, the following clause shall be used. (The clause may be modified to fit specific circumstances):

COST SHARING (MARCH 1972)

The Grantee agrees to share in the cost of the research by charging to the Government not more than ____ percent of the costs of performance determined to be allowable in accordance with Exhibit B of the NASA Grant Handbook. The remaining ____ percent, or more, of the allowable costs of performance so determined will constitute the Grantee's share and will not be charged to the Government under this grant or under any other grant or contract (including allocation to other grants or contracts as part of an independent research and development program). The Grantee will maintain records of all grant costs claimed by the Grantee as constituting part of its share and such records shall be subject to audit by the Government.

(ii) In grants for which cost sharing will be in accordance with a previously negotiated institutional agreement, the following clause shall be used:

COST SHARING UNDER INSTITUTIONAL AGREEMENT (MARCH 1972)

The Grantee agrees to share in the cost of the work hereunder in accordance with Institutional Cost Sharing Agreement No. _____ dated _____.

(5) *Documentation.* Grant files shall contain appropriate documentation setting forth the nature of the mutual interest of the parties and supporting the amount of cost sharing agreed upon. When cost sharing has been waived pursuant to paragraph (b)(4) of this section, documentation shall include the reason for the grantee's refusal to share the cost of the work, and a justification as to why it is necessary for NASA to support the research project notwithstanding the grantee's refusal to share in the costs of the work.

§ 1260.305 Funding of grants. [Reserved]

§ 1260.306 Numbering of grants.

(a) Grants shall be numbered by using a letter prefix, followed by a hyphen and a serial number.

(1) The letter prefix shall be as follows:

(i) Research grant	NGR
(ii) Research grant, step funded	NGL
(iii) Training grant (Headquarters use only)	NGT
(iv) Facilities grant (Headquarters use only)	NGF

(2) The basic serial number of a grant (exclusive of the letter prefix) shall be derived from the proposal control number asigned by the Office of University Affairs, NASA Headquarters (Code PY) and shall consist of eight digits as follows:

(i) A two-digit number representing the State (or foreign country), followed by a hyphen;

(ii) A three-digit number representing the grantee institution, followed by a hyphen; and

(iii) A three-digit number, unique to each grant at a particular institution.

(b) The proposal control number assigned by the Office of University Affairs, NASA Headquarters (Code PY) for new projects contains eight digits and is constructed as in paragraph (a)(2) of this section, except that the last three digits are unique to each proposal submitted by a particular institution. Control numbers for proposals to supplement existing grants contain 11 digits. The first eight correspond to the serial number of the grant, while the last three are unique to the particular supplementing proposal. The serial numbers prescribed in paragraph (a)(2) of this section shall be determined from proposal control numbers in the following manner:

(1) *New awards.* The eight digit numerical portion of the proposal control number is used as the serial number for a new award. Example: Proposal Y–05–020–021 becomes grant NGR (or NGL) 05–020–021. When two or more proposals from the same institution are combined into a single new award, the lowest unique number is used as the serial number. Example: Proposals Y–05–020–037 and Y–05–020–051 are supported in a single grant whose number is NGR (or NGL) 05–020–037.

(2) *Supplements to existing grants.* A supplement to an existing grant bears the same basic serial number as the original grant, plus a consecutively assigned supplement number. Example: Proposal Y–05–020–001–076 is used to supplement grant NGR 05–020–001 (which has not heretofore been supplemented) and the resulting grant supplement is numbered NGR 05–020–001, Supplement No. 1. (The last three digits of the proposal control number are ignored for serial purposes in this type of action.) Further supplements to this grant will then be numbered NGR 05–020–001, Supplement No. 2, NGR 05–020–001, Supplement No. 3, etc.

(3) *New awards based on proposals to supplement existing grants.* If a proposal is submitted to supplement an existing grant, but, instead, is considered by the Grants Officer to be more appropriate for a new award, the first five digits and last three digits of the 11-digit proposal control number are used as the serial number for the new award. Example: Proposal Y–05–020–001–315, originally submitted to supplement grant NGR 05–020–001, becomes a new grant which is numbered NGR 05–020–315. (The same numbering procedure is followed when a proposal to supplement an existing contract is, instead, converted into a new grant.)

(c) If a serial number cannot be determined by the procedures in paragraph (b) of this section, an appropriate number shall be obtained from the Office of University Affairs, Code PY, NASA Headquarters.

(d) Identification prefixes and basic serial numbers shall be retained unchanged for the life of the instrument. For example, if it is desired to add step-funding to an existing grant with an NGR prefix, the existing grant must be phased out and a new step-funded grant, bearing an NGL prefix, and serially numbered in accordance with paragraph (b)(3) of this section, issued as of the approximate date funds on the existing grant will be exhausted. In such event, closeout procedures for the old grant may consist simply of documentation in the file to the effect that all necessary reports for the project will be found under the new (step-funded) grant number.

§ 1260.307 Distribution of grants and grant supplements.

Distribution of grants and grant supplements shall be made by the initiating office in accordance with its requirements, except that in all cases not less than two copies will be furnished to paying offices, one copy of which will support the payment file and be retained for audit purposes in accordance with § 1260.308.

§ 1260.308 Retention of grant documents for on-site audit.

NASA's grants and grant supplements designated in § 1260.307 are subject to on-site audit by the General Accounting Office. The original or a signed copy of each document, with supporting data, shall be retained by the installation to be available to the General Accounting Office for audit purposes.

Subpart D—Research Grant Provisions

§ 1260.400 General.

The provisions set forth in this subpart shall be inserted in and made a part of all NASA research grants.

§ 1260.401 Technical reports and publications.

TECHNICAL REPORTS AND PUBLICATIONS

(a) Publication to accomplish widest practicable and appropriate dissemination of research results is encouraged at any time during the course of the investigation. Examples of appropriate media for such dissemination are the learned journals the proceedings of professional groups and NASA scientific and technical publications. NASA grantees may elect to publish the results of their work by whichever media they feel most appropriate. Publications and reports prepared under a grant should contain a statement which properly sets for NASA's responsibility for the material; unless otherwise specified this will consist of acknowledgment of NASA support and identification of the grant by number.

(b) When results obtained under a grant are to be published in a technical journal, or in transactions or proceedings of a technical meeting three copies of a preprint or manuscript of each such publication shall be provided to NASA prior to submission for publication and three copies of a reprint shall be provided promptly after publication. Prior approval for publication is not required unless security classification is involved or the grant contains special conditions pertinent to publication of results.

(c) Material submitted for publication by NASA in a formal NASA report series must comply with the highest practicable standards of excellence. It shall be provided initially in three draft copies. Upon agency review and approval, reproducible copy shall be submitted in the style and format specified by NASA. If the grantee wishes NASA to consider such publication, a specific request to this effect should accompany the draft copies.

(d) Five copies of a brief, informal semiannual status report including a concise statement of the research accomplished during the report period shall be submitted. This is a minimum requirement and grantees are urged to submit interim reports (or to publish in the open literature) whenever the research has reached a point where it is logical to summarize the results, a research phase has been completed, or whenever significant new findings are made (see paragraph 204(a)(v) of the NASA Grant Handbook).

(e) Upon completion of the research, the grantee shall submit five copies of a final technical report which summarizes the results of the entire project.

(f) The status and final reports must be identified as such and may consist in whole or in part of references to and abstracts of published material resulting from the grant.

All reports, including preprints, reprints, manuscripts and repro copy, shall be submitted to:

NASA Scientific and Technical Information Facility
Post Office Box 33
College Park, MD 20740

§ 1260.402 Extension of grants.

EXTENSION OF GRANTS

(a) It is NASA policy to provide maximum possible continuity in the funding of grant-supported research, and grants may be extended for additional periods of time. Any extension requiring additional funding must be supported by an unsolicited proposal submitted at least 4 months in advance of the expiration date of the grant. The period of performance shown in the grant document is approximate, but extension for more than 30 days must be requested by application to the Grants Officer and approved in writing.

(b) When a grant is step funded, NASA will, if circumstances permit, make available additional funding to extend the period for an additional year preserving a similar pattern of step funding. This step funding is based on unsolicited proposals received prior to the completion of each year of full support. NASA shall be the sole judge of whether circumstances will permit this increase. This statement of policy should not be taken as a commitment by NASA.

(c) Unsolicited proposals referenced in this section will be submitted to:
National Aeronautics and Space Administration
Proposal Control Officer
Office of University Affairs (Code PY)
Washington, D.C. 20546

§ 1260.403 Revocation.

REVOCATION

It is a condition of each grant that it may be revoked in whole or in part by NASA after consultation with the Grantee. In the event of revocation, the Grantee shall refund to NASA any unexpended funds that it has received under the grant, except such portion thereof as may be required by the Grantee to meet commitments which had in the judgment of NASA become firm prior to the effective date of revocation and are otherwise appropriate.

§ 1260.404 Travel.

TRAVEL

(a) Domestic travel is an appropriate charge to research grants and NASA authorization for specific trips is not required. Expenditures for domestic travel shall not exceed $500 or 125% of the amount allotted for such travel in the approved proposal budget, whichever is greater, without the prior authorization of the NASA Grants Officer.

(b) Foreign travel (any travel outside of Canada and the United States, its territories and possessions and Puerto Rico) must be clearly essential to the research effort and must, to be charged against a grant, have the prior approval of the NASA Grants Officer regardless of its inclusion in the approved proposal budget.

§ 1260.405 Allowable costs.

ALLOWABLE COSTS

NASA Grant Handbook, Exhibit B, is the basic guidance document in determining the allowability of costs chargeable to research sponsored by NASA under grants.

§ 1260.406 Accounting records.

ACCOUNTING RECORDS

(a) The Grantee shall maintain books and accounting records, in accordance with the principles enunciated in Exhibit B of the NASA Grant Handbook, in a manner sufficient to reflect properly all direct and indirect costs incurred or anticipated as a result of commitments made during the period of the grant.

(b) All accounting records relating to costs under NASA grants are subject to inspection and audit by representatives of NASA and the General Accounting Office during the period of performance and for 3 years thereafter.

§ 1260.407 Payment.

PAYMENT

(a) NASA Form 1031, "Grantee Quarterly Cash Requirement Report" shall be submitted quarterly. Funds are made available on the basis of the quarterly estimates shown on the Form 1031, either by Treasury Department check or under the Treasury Department Letter of Credit System.

(b) Funds received by the Grantee and not committed prior to the conclusion of the research or within 30 days next following the terminal date of the grant shall be considered excess payments and shall be refunded by check made payable to the National Aeronautics and Space Administration or in accordance with instructions provided by the NASA Grants Officer.

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§ 1260.408 Equipment.

EQUIPMENT

(a) NASA research grants permit acquisition of technical equipment required for the conduct of research. The Grantee shall maintain property records for equipment with an acquisition cost in excess of $1,000, in accordance with generally accepted property accounting procedures. Acquisition of equipment costing in excess of $1,000 and not included in the approved proposal budget requires the prior approval of the NASA Grants Officer unless such equipment is merely a different model of an item shown in the approved proposal budget. Total expenditures for permanent equipment (property items costing $200 or more with an expected service life of 1 year or more) shall not exceed 125 percent of the amount allotted for such items in the approved proposal budget without prior authorization from the NASA Grants Officer.

(b) NASA grant funds shall not be used to purchase general purpose equipment such as furniture, furnishings, office equipment or other items of a nontechnical nature; exceptions to this require prior approval of the NASA Grants Officer and must be fully justified as essential to the research under the grant.

(c) Title to equipment purchased with grant funds shall vest in the Grantee unless otherwise provided. The Government reserves the right to require transfer to the Government, or to a third party named by the Government, of title to items purchased at a cost in excess of $1,000. This right may be exercised at any time, but no later than 180 days after receipt of the final equipment inventory report. Any charges for packing, crating and shipping which may be involved in such transfers will be at the expense of the Government.

(d) Title to Government-furnished equipment (including excess personal property) will remain with the Government. Such property will be maintained in accordance with NASA Grant Handbook, Exhibit C. Semi-annual reports, "Analysis of Government-Owned Contractor-Held Property Other Than Space Hardware" (NASA Form 1018), will be prepared by the Grantee for such property in accordance with Paragraph C.311 of Exhibit C and with NASA Handbook, "Financial Reporting for Government-Owned Contractor-Held Property and Space Hardware" (NHB 9500.2). Such reports shall be submitted within 10 workdays following the end of each report period. The Grantee shall insert the reporting requirements of this clause in all first tier subcontracts involving Government-furnished equipment, except that such requirements shall provide for the submission of subcontractor reports directly to the Grantee, in sufficient time to meet the aforementioned reporting dates. The Grantee's semi-annual report shall consist of a consolidation of the subcontractors' reports and its own report.

(e) Final equipment inventory reports, covering purchased items in excess of $1,000 and Government-furnished equipment, will be forwarded to the NASA Grants Officer within 30 days following the terminal date of the grant.

§ 1260.409 Property rights in inventions.

PROPERTY RIGHTS IN INVENTIONS

(a) This grant and all subcontracts issued thereunder are subject to Section 305 of the National Aeronautics and Space Act of 1958 (42 U.S.C. 2457) relating to property rights in inventions. The term "invention" includes any invention, discovery, improvement, or innovation. Any invention made in the performance of work under this grant or any subcontract issued thereunder shall be presumed to have been made under the conditions of and subject to Section 305(a) of the Act and becomes the exclusive property of the United States subject, however, to the retention by the Grantee or subcontractor of a royalty free license to practice the invention pursuant to, and of the scope defined in, 14 CFR 1245.204(a). This license may be revoked under the conditions set forth in 14 CFR 1245.211 (b) and (c). The Grantee or applicable subcontractor may petition for waiver of title to the invention in accordance with the NASA Patent Waiver Regulations (14 CFR Part 1245, Subpart 1).

(b) The Grantee shall furnish to NASA a written report containing full and complete technical information concerning any invention made in the performance of any work under this grant promptly upon the making of such invention and shall require all subcontractors to do so. Upon written request by NASA, the Grantee shall furnish additional information available to him, and shall secure the execution of such documents as may be necessary to enable the Administrator, NASA, to file and prosecute patent applications on any such invention. Upon completion of the work under this grant, the Grantee shall furnish to NASA a report as to whether or not any inventions of the type referred to herein have been made in the performance of such work.

§ 1260.410 Rights in data.

RIGHTS IN DATA

The Grantee grants to the Government, for governmental purposes, the right to publish, translate, reproduce, deliver, use and dispose of, and to authorize others to do so, all data, including reports, drawings, blueprints, and technical information resulting from the performance of work under this grant.

§ 1260.411 Security

SECURITY

Normally, NASA research grants do not involve classified defense information. However, if information is sought or developed by the Grantee that should be classified in the interests of national security, the NASA Grants Officer that issued the grant shall be notified immediately.

§ 1260.412 Civil rights.

CIVIL RIGHTS

Work on NASA grants is subject to the provisions of the Civil Rights Act of 1964, and the NASA implementing regulations (14 CFR Part 1250).

§ 1260.413 Safety.

SAFETY

(a) The Grantee shall act responsibly in matters of safety and shall take all reasonable safety measures in performing under this grant. The Grantee shall comply with all applicable Federal, State, and local laws relating to safety. The Grantee shall maintain a record of, and will notify the NASA Grants Officer of any accident involving death, disabling injury or substantial loss of property. The Grantee will advise NASA of hazards that come to its attention as the result of the work under the grant; reporting thereon through routine status reports furnished in compliance with the grant.

(b) Where the work under this grant involves flight hardware, the hazardous aspects, if any, of such hardware will be identified, in writing, by the Grantee. Compliance with the provisions of this clause by subcontractors shall be the responsibility of the Grantee.

§ 1260.414 Subcontracts.

SUBCONTRACTS

Approval of subcontracts for the purchase of equipment under this research grant shall be obtained in accordance with the provision herein entitled "Equipment." All other subcontracts not provided for in the approved proposal budget require the prior consent of the Grants Officer.

§ 1260.415 Changes in principal investigator or technical objectives.

CHANGES IN PRINCIPAL INVESTIGATOR OR TECHNICAL OBJECTIVES

(a) The Grantee shall be permitted to change the methods and procedures employed in performing the research without the need to make special reports on proposed actions or obtain NASA approval. Significant changes in methods or procedures shall be reported to NASA in status reports and final technical reports. However, in the event the methodology or experiment is proposed as a specific stated objective of the research work, this shall be reflected in the grant title.

(b) The stated objectives of the research effort shall not be changed, except with the approval of the NASA Grants Officer.

(c) The phenomenon or phenomena under study, i.e., the broad category of research, shall not be changed except with the prior approval of the NASA Grants Officer.

(d) The Grantee shall obtain the approval of the NASA Grants Officer to change the principal investigator, or to continue the research work during a continuous period in excess of 3 months without the participation of an approved principal investigator.

(e) The Grantee shall consult with the NASA Grants Officer if the principal investigator plans to, or becomes aware that he will, devote substantially less effort to the work than anticipated in the approved proposal. If NASA determines that the reduction of effort would be so substantial as to impair the successful prosecution of the research, it may request a change of principal investigator or other appropriate modification of the grant, or may revoke the grant as provided herein.

(f) In projects which involve coprincipal investigators or otherwise include more than one key person who may be considered essential to the conduct of the proposed research project, the foregoing provisions similarly apply to each such key person. In such event, the grant instrument shall identify the individual(s) to whom the provisions apply.

Subpart E—Administration of Research Grants

§ 1260.501 General.

(a) NASA assumes that, once a grant is made, the principal investigator, operating within the policies of the grantee institution, is in the best position to determine the means by which the research may be conducted most effectively. NASA wishes to avoid any action that might diminish the responsibility of the grantee and the investigator for making sound scientific and administrative judgments. Grantees and investigators are encouraged to seek the advice and opinions of NASA on problems that may arise. Unless otherwise stated, the giving of such advice should not imply that the responsibility for final decisions has shifted to NASA. The primary concern of NASA is that granted funds be used in a manner that will make a maximum

contribution to the scientific area under investigation. It is expected that grantees and investigators will also direct their efforts to this end.

(b) The grantee shall be permitted to change the methods and procedures employed in performing the research without the need to make special reports on proposed actions or obtain NASA approval. Significant changes in methods or procedures shall be reported to NASA in status reports and final technical reports. In the event the methodology or experiment is proposed as a specific stated objective of the research work, this shall be reflected in the grant title.

(c) The stated objectives of the research effort shall not be changed, except with the approval of the NASA Grants Officer.

(d) The phenomenon or phenomena under study, i.e., the broad category of research, shall not be changed except with the prior approval of the NASA Grants Officer.

(e) The grantee shall obtain the approval of the NASA Grants Officer to change the principal investigator, or to continue the research work during a continuous period in excess of 3 months without the participation of an approved principal investigator.

(f) The grantee shall consult with the NASA Grants Officer if the principal investigator plans to, or becomes aware that he will, devote substantially less effort to the work than anticipated in the approved proposal. If NASA determines that the reduction of effort would be so substantial as to impair the successful prosecution of the research, it may request a change of principal investigator or other appropriate modification of the grant, or may revoke the grant as provided in § 1260.507.

(g) In projects which involve coprincipal investigators or otherwise include more than one key person who may be considered essential to the conduct of the proposed research project, the provisions of paragraphs (e) and (f) of this section similarly apply to each such key person. In such event, the grant instrument shall identify the individual(s) to whom the provisions apply.

§ 1260.502 Grant instrument.

A NASA grant is consummated by an instrument signed by the Administrator, NASA, or his duly authorized representative. This instrument will contain the provisions set forth in Subpart D of this part. The simplicity of the NASA grant instrument does not preclude the possibility of collateral understandings and informal agreements which may, in special instances, accompany the formal grant or accumulate, as the occasion demands, during the life of the grant.

§ 1260.503 Grant period.

(a) Normally, NASA grants are made for periods up to 3 years. As stated in the grant instrument, the period is approximate; the beginning and ending dates are not specified with precision. The grant period begins approximately on the date of the grant and extends for approximately the length of time specified. However, when progress of research under the grant is delayed and circumstances make it necessary to request an extension of the grant period without additional funds, the policy of NASA is to permit extensions in time, upon written request.

(b) When it appears that the research contemplated will be completed within 30 days after the approximate ending date, a request for extension of the grant period will be unnecessary. If it appears, however, that the additional time required for completion of the research will exceed 30 days, a request for extension must be made by the grantee. Any extension requiring additional funding must be supported by an unsolicited proposal and submitted at least 4 months in advance of the expiration date of the grant.

§ 1260.504 Grant payments.

Payments will be made in a lump-sum payment in advance or on a periodic basis, depending on the relative size of the total grant and the estimated timing of financial requirements. Periodic payments will be made on the basis of NASA Form 1031, "Grantee Quarterly Cash Requirement Report" submitted by the grantee and payments will be made either by Treasury Department check or under the Treasury Department Letter of Credit System. Eligibility for the Letter of Credit System is limited to nonprofit institutions with which NASA anticipates a continuing relationship of 1 year or longer, and whose aggregate annual volume of business with NASA equals or exceeds $250,000. It is the policy of NASA to utilize the Letter of Credit System to the maximum feasible extent.

§ 1260.505 Expenditure approvals.

(a) NASA believes that the principal investigator, operating within the established policies of the grantee, is the individual best qualified to determine the manner in which the grant funds may be used most effectively to accomplish the proposed research. Although NASA assumes no responsibility for overspent budgets, the investigator and the grantee institution are free to spend grant funds for the proposed research without strict adherence to individual allocations within total budgets, except as provided in §§ 1260.404 and 408. Under no circumstances, however, may grant funds be used to acquire land or any interest therein, to acquire or construct facilities or to procure passenger carrying vehicles. Purchase of furniture, furnishings, office equipment or other items of a nontechnical nature require the prior approval of the NASA Grants Officer as provided in § 1260.408.

(b) Controls and limitations on expenditures for specific items under NASA grants shall be in accordance with the provisions of Exhibit B of this part.

(c) If any of the actions requiring approval in accordance with Exhibit B of this part have received specific NASA approval during the proposal and award process, a further approval shall not be required. Whenever practical, the approvals shall be given at the time of the project award or extension to avoid any delays during the course of the project.

(d) Approval requirements relating to expenditures under grants, in addition to those provided for in Exhibit B of this part, shall not be imposed except in accordance with the deviation procedure of § 1260.106 or as specifically required by statute.

§ 1260.506 Vesting of title to research equipment.

(a) *Background.* (1) Support of research in educational institutions provides substantial long-term and indirect benefits as well as the immediate research results. In addition to the obvious academic advantages of such support, individual and institutional capabilities to perform relevant research are enhanced, and the number of scientists and graduates with research interests in areas of concern to the Nation generally, and to NASA in particular, is increased. Adequate modern research equipment in universities serves to maximize these direct and supplemental benefits.

(2) Every NASA-funded university research project represents an area of mutual interest in which the university has, and expects to maintain, a capacity for research and education. The research equipment that it acquires has, therefore, an especially high potential for continuing effective use at the acquiring institution. The legitimate interests of both NASA and the university, as well as the long-term national interest, require that any decision by the agency to take title for the purpose of transferring grantee equipment to another location reflect careful consideration of all relevant factors. This should include comparison of the expected beneficial use at the present location with that expected at the new location, possible deleterious effects of removal, and the administrative and relocation costs involved.

(b) *Policy.* The following policies will be reflected, as appropriate, in the negotiation and the documentation of NASA research grants and grant supplements and in related correspondence:

(1) Title to equipment purchased with grant funds vests in the grantee institution, and the equipment does not automatically follow the Principal Investigator when he leaves the institution. Title to Government-furnished equipment remains with the Government.

(2) NASA may require transfer to it of title to individual items or coherent systems (paragraph (b)(8) of this section) of major equipment (purchased at a cost of more than $1,000) at any time but no later than 180 days after receipt by NASA of the final equipment inventory report for the grant.

(3) Title to minor equipment items (costing individually $1,000 or less) is not subject to transfer to the agency, except under the conditions of this paragraph (b)(8).

(4) NASA procedure does not require a grantee to transfer title to grant-acquired equipment directly to another ac-

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tual or potential grantee or contractor. Such transfers are accomplished by the Government taking title and issuing the equipment to the second institution as Government-furnished equipment.

(5) NASA normally will not recover equipment that a grantee desires to retain, for reissuance to another institution or to a NASA installation, unless it is specifically required for NASA work at the new location. Exceptions will be made only in highly unusual situations where title transfer is clearly in the best interests of the Government.

(6) Cost sharing by NASA and a grantee in the acquisition of individual items or coherent systems (subparagraph (8) of this paragraph (b)) of equipment) in response to a statutory requirement for cost sharing or in any way that could result in joint ownership, shall normally be avoided.

(7) When cost sharing by NASA and a grantee in the acquisition of a major equipment item or coherent system cannot be avoided, and the NASA contribution will exceed $1,000, agreement regarding NASA retention of its option to take title and the conditions under which the option (if retained) will be exercised shall be reached and documented prior to purchase. NASA shall have no option to take title if its contribution is $1,000 or less.

(8) When two or more components are fabricated into a single coherent system, in such a way that the components lost their separate identities and their separation would render the system useless for its original purpose, the components will be considered as integral parts of a single system. If such a system includes grantee-owned components (for cost sharing or other purposes), paragraph (b)(7) of this section applies. The requirement that NASA seek agreement to retain its option to take title shall further apply where it is expected that one or more grant-acquired components costing $1,000 or less will be fabricated into a single coherent system costing in excess of $1,000. However, an item that is used ancillary to a system, without loss of its separate identity and usefulness, will be considered as a separate item and not as an integral component of the system.

(c) *Procedures.* (1) When a decision is made to revoke or discontinue support of a grant, the Grants Officer shall notify the grantee in writing of the requirement under the grant for submission of a final inventory report of major purchased equipment (individual items or coherent systems costing more than $1,000) and Government furnished equipment.

(2) When the cognizant NASA Technical Officer or Program Manager desires that NASA take title to a major item of grantee purchased equipment, he shall request the Grants Officer to obtain information regarding the grantee's desire to retain the equipment, the use to which it would be put in the absence of further NASA support of the grant, and any substantial deleterious effects of removal of the equipment.

(3) The Grants Officer shall obtain the information, and provide copies to the Technical Officer and the Office of University Affairs for their coordinated review and recommendation regarding acquisition of title. The Technical Officer shall inform the Grants Officer of his recommendation by means of a memorandum concurred in by the Office of University Affairs.

(4) When NASA acquires title to major items of grantee purchased equipment, the Grants Officer shall notify the cognizant NASA Financial Management Office so that proper entries may be made in accounting records.

§ 1260.507 Revocation of grants.

(a) NASA grants may be revoked in whole or in part by NASA after consultation with the grantee, except that a revocation shall not affect any financial commitment which in the judgment of NASA had become firm prior to the effective date of the revocation and is otherwise appropriate. Upon revocation, the grantee shall reduce, insofar as is possible, the amount of outstanding commitments and repay to NASA, by check made payable to the National Aeronautics and Space Administration, the uncommitted balance of all funds that have been paid to the grantee by NASA under the terms of the particular grant concerned.

(b) The grantee shall communicate with NASA whenever he has reason to believe that circumstances may necessitate revocation of the grant. It is expected that the most common cause for revocation will be the inability of the grantee to carry out the research for which the grant is made or to adhere to the other conditions set forth in the grant instrument. As a general rule, the availability of the services of the principal investigator named in the grant instrument is a decisive factor in NASA's decision to award the grant. Consequently, NASA should be informed immediately whenever it appears that the principal investigator will find it impossible to continue to direct the research.

§ 1260.508 Transfer of grants to other institutions.

When the principal investigator changes his organizational affiliation and desires support for his research at his new location, he must submit a new proposal via the appropriate officials of the new institution. Although such proposal will be reviewed in the normal manner, every effort will be made to expedite a decision. Regardless of the action taken on the new proposal, final reports on the original grant, describing the scientific progress and expenditure to date, will be required if that grant is revoked.

§ 1260.509 Accounting procedures.

While no particular classification of accounts is required, it is expected that grantees will maintain records for each grant, in accordance with the principles enunciated in Exhibit B of this part, which will permit preparation of the required fiscal report and make possible the determination that grant funds were used for the general purpose for which the grant was made.

§ 1260.510 Travel.

(a) Domestic travel by grantee personnel, when necessary to the performance of a research grant, is an appropriate charge to the grant, and NASA authorization for specific trips is not required. Expenditures for domestic travel shall not exceed $500 or 125 percent of the amount allotted for such travel in the approved proposal budget, whichever is greater, without the prior authorization of the NASA Grants Officer.

(b) Pursuant to the "Travel" provision of § 1260.404, foreign travel (any travel outside of Canada and the United States, its territories and possessions and Puerto Rico) by grantee personnel may be charged to a grant only when specifically approved in advance by the NASA Grants Officer. (Inclusion of foreign travel in an approved proposal budget is for cost estimating purposes only, and a grant award based on such a budget does not, in itself, constitute specific prior approval in the context of this paragraph (b).) The following criteria shall be applied:

(1) Foreign travel may be approved for:

(i) Participation in meetings, conferences or symposia by presentation of papers or as session chairmen or discussion leaders on subjects directly related to the participant's NASA work; or

(ii) "On site" field work under the participant's NASA grant.

(2) Foreign travel ordinarily will not be approved for:

(i) The principal purpose of visiting or attending meetings;

(ii) Meetings of national (as distinguished from international) bodies, unless the travel is primarily associated with other approved goals; or

(iii) Meetings that are predominantly American in attendance.

(3) Approval of individual requests for foreign travel under grants will be subject to such criteria, policies, and procedures as may be promulgated by the Office of University Affairs or other appropriate authority.

§ 1260.511 Audit. [Reserved]

§ 1260.512 Use of GSA supply sources by grantees. [Reserved]

Subpart F—Reports

§ 1260.600 General.

This subpart prescribes reports designed to provide records and statistics for management purposes and to comply with statutory requirements.

§ 1260.601 Reporting of grants.

Pursuant to section 3 of the Act of September 6, 1958 (Public Law 85-934; 42 U.S.C. 1891-1893), an annual report shall be made to the appropriate committees of both Houses of Congress on or before June 30th of each year. Such report shall

be prepared by the Procurement Office, NASA Headquarters (Code KD-1) and shall set forth, for the preceding year:

(a) The number of grants made pursuant to section 1 of the Act;

(b) The dollar amount of such grants; and

(c) The institutions in which title to equipment was vested pursuant to section 2 of the Act.

§ 1260.602 Individual Procurement Action Report (NASA Form 507).

The Individual Procurement Action Report (NASA Form 507) is designed to provide essential procurement records and statistics through a single uniform reporting program as a basis for required recurring and special reports to the President, the Congress, the Department of Labor, the Office of Emergency Preparedness, the General Accounting Office, the Renegotiation Board, the Small Business Administration, and other Federal agencies. The preparation and utilization of NASA Form 507 has been made an integral part of the Agencywide system for the recording and reporting of financial and statistical data covering the status of contracts and grants (SCAG). Complete instructions covering the operation of this system are contained in the NASA Financial Management Manual 9332-1—9332-13.

§ 1260.603 Committee on academic science and engineering (CASE) reports.

NASA Form 1356, "Committee on Academic Science and Engineering (C.A.S.E.) Report on Support of Colleges and Universities", is either submitted with funded procurement requests pursuant to NMI 5101.12A, or, in the case of certain nonfunded actions, initiated by the procuring office. All NASA Forms 1356 will be completed, checked and promptly forwarded to the Office of University Affairs, NASA Headquarters (Code PY), in accordance with the instructions on the form.

§ 1260.604 Grantee Quarterly Cash Requirement Report (NASA Form 1031).

The Grantee Quarterly Cash Requirement Report (NASA Form 1031) will be submitted quarterly by the grantee as a basis for payment.

§ 1260.605 Status and final reports.

(a) Five copies of a brief, informal, semiannual status report including a concise statement of the research accomplished during the report period shall be submitted.

(b) Upon completion of the research, the grantee shall submit five copies of a final technical report, which summarizes the results of the entire project. Citation of publications resulting from the research, or abstracts thereof, may serve as all or part of this final report. Research results not intended for publication in technical journals must be in the format prescribed for NASA technical notes. In addition, the grantee will report to NASA whether or not any inventions required to be reported under the grant have been made in the performance of work under the grant.

(c) A properly certified final fiscal report is required for each grant. Report forms for this purpose are forwarded to the business office of the grantee institution, together with the copy of the grant instrument; additional forms may be requested. Two copies of the final fiscal report should be forwarded to NASA after work under the grant has been completed.

APPENDIX—LISTING OF EXHIBITS

Exhibit A—Assurance of Compliance—Civil Rights Act (NASA Form 1206), Available from Procurement Office, NASA Headquarters (KDP-1).

Exhibit B—Cost Principles and Procedures (Part 18-15, Subparts 18-15.1, 18-15.2, 18-15.3 and 18-15.8 of Title 41).

Exhibit C—Control of Property in Possession of Nonprofit Research and Development Contractors (Appendix C of Title 41, Chapter 18).

Exhibit D—Grant Document Provisions (NASA Forms 1463 and 1463A), Available from Procurement Office, NASA Headquarters (KDP-1).

Exhibit E—Restrictions on Data and Other Information § 18-1.304 of Title 41, Chapter 18).

Dated: March 23, 1973.

GEORGE J. VECCHIETTI,
Director of Procurement, National Aeronautics and Space Administration.

[FR Doc.73-6018 Filed 3-28-73;8:45 am]

Title 16—Commercial Practices

CHAPTER I—FEDERAL TRADE COMMISSION

[Docket No. C-2356]

PART 13—PROHIBITED TRADE PRACTICES

Georgia-Pacific Corp. and Tri-State Mill Supply Co.

Subpart—Discriminating in price under section 2, Clayton Act—Payment or Acceptance of Commission, Brokerage, or other Compensation under 2(c): § 13.800 *Buyers' agents;* § 13.810 *Buyers' corporate or other agent.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 2, 49 Stat. 1526; 15 U.S.C. 13) [Cease and desist order, Georgia-Pacific Corp. et al., Portland, Oreg., Docket No. C-2356, Mar. 1, 1973]

In the Matter of Georgia-Pacific Corp., a Corporation; and Tri-State Mill Supply Co., Inc., a Corporation

Consent order requiring a Portland, Oreg., manufacturer, seller, and distributor of a variety of wood and paper products, and its Crosset, Ark., wholly owned subsidiary, a supplier of general industrial equipment, among other things to cease receiving brokerage allowances.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondent Georgia-Pacific Corp., a corporation, its successors, and assigns, and its officers, agents, representatives and employees, directly or through any corporation, subsidiary, division, or other device, in connection with the purchase of industrial supplies, equipment, machinery, or other products, in commerce, as "commerce" is defined in the Clayton Act, as amended, do forthwith cease and desist from:

1. Receiving or accepting services, moneys or anything of value from Tri-State Mill Supply Co., Inc., or any intermediary, agent, representative, or broker in connection with the purchase by said respondent of industrial supplies, equipment, machinery, or other products when such intermediary, agent, representative, or broker is receiving or accepting anything of value as a commission, brokerage, or other compensation, or any allowance or discount in lieu thereof, from the seller while acting for, or in behalf of, or subject to the direct or indirect control of said respondent.

2. Receiving or accepting directly or indirectly from any seller, anything of value as a commission, brokerage, or other compensation, or any allowance or discount in lieu thereof, upon or in connection with any purchase by said respondent of industrial supplies, equipment, machinery, or other products.

It is further ordered, That respondent Tri-State Mill Supply Co., Inc., a corporation, its successors and assigns, and its officers, agents, representatives and employees, directly or through any corporation, subsidiary, division, or other device, in connection with the purchase of industrial supplies, equipment, machinery, or other products, in commerce, as "commerce" is defined in the Clayton Act, as amended, do forthwith cease and desist from:

Receiving or accepting, directly or indirectly, from any seller, anything of value as a commission, brokerage, or other compensation, or any allowance or discount in lieu thereof, upon or in connection with any purchase of industrial supplies, equipment, machinery, or other products, for its own account or where said respondent is the agent, representative, or intermediary acting for, or in behalf of, or subject to the direct or indirect control of, the buyer.

It is further ordered, That the respondent corporations shall forthwith distribute a copy of this order to each of its operating divisions.

It is further ordered, That respondents notify the Commission at least thirty (30) days prior to any proposed change in the corporate respondents such as dissolution, assignment, or sale resulting in the emergence of a successor corporation, the creation or dissolution of any subsidiaries which may affect compliance obligations arising out of the order, or any other change in the corporations which may affect compliance obligations arising out of the order.

It is further ordered, That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the man-

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ner and form in which they will comply with this order.

Issued: March 1, 1973.

By the Commission.

[SEAL] CHARLES A. TOBIN, *Secretary.*

[FR Doc.73-5985 Filed 3-28-73;8:45 am]

[Docket No. 8871]

PART 13—PROHIBITED TRADE PRACTICES

Interstate Publishers Service, Inc., et al.

Subpart—Advertising falsely or misleadingly: § 13.15 *Business status, advantages or connections:* 13.15–30 Connections or arrangements with others; 13.15–80 Government connection; 13.15–155 Institutional connections; § 13.60 *Earnings and profits;* § 13.143 *Opportunities;* § 13.260 *Terms and conditions.* Subpart—Delaying or withholding corrections, adjustments, or action owed: § 13.675 *Delaying or withholding corrections, adjustments, or action owed;* § 13.677 *Delaying or failing to deliver goods.* Subpart—Furnishing means and instrumentalities of misrepresentation or deception: § 13.1055 *Furnishing means and instrumentalities of misrepresentation or deception.* Subpart—Misrepresenting oneself and goods—business status, advantages, or connections; § 13.1368 *Bonded business;* § 13.1395 *Connections and arrangements with others;* § 13.1425 *Government connection;* § 13.1430 *Government endorsement, sanction or sponsorship;* § 13.1440 *Identity;* § 13.1490 *Nature;*—Goods: § 13.1615 *Earnings and profits;* § 13.1647 *Guarantees;* § 13.1697 *Opportunities in product or service;* § 13.1760 *Terms and conditions;*—Prices: § 13.1778 *Additional costs unmentioned.* Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1855 *Identity;* § 13.1892 *Sales contract, right-to-cancel provision;* § 13.1895 *Scientific or other relevant facts;* § 13.1905 *Terms and conditions.* Subpart—Offering unfair, improper, and deceptive inducements to purchase or deal: § 13.1935 *Earnings and profits;* § 13.2015 *Opportunities in product or service;* § 13.2040 *Returns and reimbursements.* Subpart—Securing agents or representatives by misrepresentation: § 13.2130 *Earnings;* § 13.2165 *Terms and conditions.* Securing orders by deception: § 13.2170 *Securing orders by deception.* Subpart—Securing signatures wrongfully: § 13.2175 *Securing signatures wrongfully.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, Interstate Publishers Service, Inc., et al., Kansas City, Mo., docket No. 8871, Feb. 14, 1973]

In the Matter of Interstate Publishers Service, Inc., a Corporation, Cecil T. Gay, Edward W. Scott and Thomas R. Gay, Individually and as Officers of Said Corporation and Donald F. Scott, Individually and as a Director of Said Corporation

Consent order requiring a Kansas City, Mo., seller of magazine subscriptions and other publications, among other things to cease misrepresenting travel opportunities available to representatives; misrepresenting the terms, conditions, or nature of employment; misrepresenting earnings of previous representatives; failing to reveal to prospective representatives the nature of their employment with respondents; misrepresenting the identity of solicitors or of the business in which they are engaged; representing respondents' representatives are connected with a Government agency assisting the underprivileged or competing for college scholarship awards; representatives are bonded; misrepresenting the terms and conditions of any guarantee; and furnishing means and instrumentalities of misrepresentation or deception.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondent Interstate Publishers Service, Inc., a corporation, and its officers and Edward W. Scott, individually and as an officer of said corporation, and Donald F. Scott, individually and as a director of said corporation, and Cecil T. Gay and Thomas R. Gay, individually, and respondents' agents, representatives, employees, and successors and assigns, directly or through any corporate or other device, in connection with the advertising, offering for sale, or distribution or sale of magazines, magazine subscriptions or other products or the sale, solicitation or acceptance of subscriptions for magazine or other publications or moneys paid therefore, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Representing, directly or by implication, to prospective solicitors and solicitors that they will travel on a planned itinerary to various large cities and resort areas throughout the United States and foreign countries; or misrepresenting in any manner, the travel opportunities available to their representatives or solicitors.

2. Representing, directly or by implication, to prospective solicitors and solicitors that they will serve in any capacity other than as magazine subscription solicitors selling magazines on a door-to-door basis; or misrepresenting, in any manner, the terms, conditions, or nature of such employment, or the manner or amount of payment for such employment.

3. Representing, directly or by implication, to prospective solicitors or solicitors that they will earn or receive $175 per week or any other stated or gross amount; or representing, in any manner, the past earnings of respondents' representatives or solicitors, unless in fact, the past earnings represented have actually been received by a substantial number of respondents' representatives or solicitors and accurately reflect the average earnings of such representatives or solicitors.

4. Representing, directly or by implication, to prospective solicitors or solicitors, that respondents will pay all, or any part of, the expenses of such solicitors; or misrepresenting, in any manner, the terms or conditions of employment as a solicitor for respondents.

5. Failing clearly and unqualifiedly, to reveal during the course of any contact or solicitation of any prospective employee, sales agent or representative, whether directly or indirectly, or by written or printed communications, or by newspaper or periodical advertising, or person-to-person, that such prospective employee, sales agent or representative will be employed to solicit the sale of magazine subscriptions.

6. Soliciting or accepting subscriptions for magazines or other publications which respondents have no authority to sell or which respondents cannot promptly deliver or cause to be delivered.

7. Representing, directly or by implication, that respondents' representatives or solicitors are participants in a contest working for prize awards and are not solicitors working for money compensation; or misrepresenting, in any manner, the status of their sales agents or representatives or the manner or amount of compensation they receive.

8. Representing, directly or by implication, that respondents' representatives or solicitors are employed by or for the benefit of any charitable or nonprofit organization; or misrepresenting in any manner, the identity of the solicitor or of his firm or of the business they are engaged in.

9. Representing, directly or by implication, that respondents' representatives or solicitors are employed by or affiliated with programs sponsored by a government agency the purpose of which is to provide assistance to underprivileged groups or persons.

10. Representing, directly or by implication, that respondents' representatives or solicitors are competing for college scholarship awards.

11. Representing, directly or by implication, that respondents' representatives or solicitors are college students working their way through school, unless such is the fact.

12. Representing, directly or by implication, that respondents' sales agents or representatives have been or are bonded or making any references to bonding, unless such sales agents or representatives have been bonded by a recognized bonding agency, and any payments made pursuant to such bonding arrangement would accrue directly to the benefit of subscribers ordering subscriptions from respondents' representatives or solicitors; or misrepresenting, in any manner, the nature, terms or conditions of any such bond.

13. Representing, directly or by implication, that respondents have a legal arrangement with any independent third party which insures the placement and fulfilment of each and every magazine subscription order; or misrepresenting, in any manner, the nature, terms, and conditions of any such arrangement.

14. Representing, directly or by implication, that respondents guarantee the delivery of magazines for which they sell subscriptions and accept payments, without clearly and conspicuously disclosing the terms and conditions of any such guarantee; or misrepresenting, in any manner, the terms and conditions of any guarantee.

15. Representing, directly or by implication, that the money paid by a subscriber to the respondents' representative or solicitor at the time of the sale is the total cost of the subscription in instances where the subscriber will be required to remit an additional amount in order to receive the subscription as ordered.

16. Representing, directly or by implication, that magazines purchased by subscribers will be distributed to various schools and institutions as gifts or contributions.

17. Misrepresenting the number and name(s) of publications being subscribed for, the number of issues or duration of each subscription or the total price for each and all such publications, or misrepresenting in any way the terms and conditions of the sale.

18. Utilizing any sympathy appeal to induce the purchase of subscriptions, including but not limited to: Illness, disease, handicap, race, financial need, eligibility for benefit offered by respondents, or other personal status of the solicitor, past, present or future; or representing that earnings from subscription sales will benefit certain groups of persons such as students or the underprivileged, or will help charitable or civic groups, organizations, or institutions.

19. Failing to answer and to answer promptly inquiries by or on behalf of subscribers regarding subscriptions placed with respondents.

20. Failing within 30 days from the date of sale of any subscription to enter each magazine subscription with publishers for magazines which respondents are authorized by the publisher or distributor thereof to sell: *Provided, however,* That in those sales in which an additional payment is required, the subscription shall be entered within 14 days of the receipt of the final payment, but in no event shall any subscription be entered later than 60 days from the date of sale.

21. Failing within 30 days from the date of sale of any subscription to notify a subscriber of respondents' inability to place all or a part of a subscription and to deliver each of the magazines or other publications subscribed for; and to offer each such subscriber the option to receive a full refund of the money paid for such subscription or part thereof which respondents are unable to deliver or to substitute other publications in lieu thereof.

22. Failing within 14 days from the receipt of notification of a subscribers' election as provided in paragraph 21 hereof, to make the required refund or to enter the subscription with publishers, as elected by the subscriber.

23. Failing to refund to subscribers the money said subscribers have paid for subscriptions to magazines or, at the election of the subscriber, to enter the subscription as originally ordered in instances where the respondents' representatives or solicitors have appropriated such money to their own use and have failed to enter the subscriptions as ordered by said subscribers, within 14 days of verified notice thereof.

24. Failing to give clear and conspicuous oral and written notice to each subscriber that upon written request said subscriber will be entitled to a refund of all moneys paid if he does not receive the magazine or magazines subscribed for within 120 days of the date of the sale thereof.

25. Failing to refund all moneys to subscribers who have not received magazines subscribed for through respondent within 120 days from the date of the sale thereof upon written request for such refund by such subscribers.

26. Failing to arrange for the delivery of publications already paid for or promptly refunding money on a pro rata basis for all undelivered issues of publications for which payment has been made in advance.

27. Failing to furnish to each subscriber at the time of sale of any subscription a duplicate original of the contract, order, or receipt form showing the date signed by the customer and the name of the sales representative or solicitor together with the respondent corporation's name, address, and telephone number and showing on the same side of the page the exact number and name(s) of the publications being subscribed for, the number of issues and duration of each subscription and the total price for each and all such publications.

28. Failing to:

(a) Inform orally all subscribers and to provide in writing in all subscription contracts that the subscription may be canceled for any reason by notification to respondents in writing within 3 business days from the date of the sale of the subscriptions.

(b) Refund immediately all moneys to (1) subscribers who have requested subscription cancellation in writing within 3 business days from the sale thereof, and (2) subscribers showing that respondents' solicitations or performance were attended by or involved violation of any of the provisions of this order.

29. Furnishing, or otherwise placing in the hands of others, the means or instrumentalities by or through which the public may be misled or deceived in the manner or as to the things prohibited by this order.

It is further ordered, That:

(a) Respondents herein deliver, by registered mail, a copy of this decision and order to each of their present and future crew managers, and other supervisory personnel engaged in the sale or supervision of persons engaged in the sale of respondents products or services;

(b) Respondents herein require each person so described in paragraph (a) above to clearly and fully explain the provisions of this decision and order to all sales agents, representatives, and other persons engaged in the sale of the respondents' products or services;

(c) Respondents provide each person so described in paragraphs (a) and (b) above with a form returnable to the respondents clearly stating his intention to be bound by and to conform his business practices to the requirements of this order;

(d) Respondents inform each of their present and future crew managers, sales agents, representatives, and other persons engaged in the sale of respondents' products or services that the respondents shall not use any third party, or the services of any third party if such third party will not agree to so file notice with the respondents and be bound by the provisions of the order;

(e) If such third party will not agree to so file notice with the respondents and be bound by the provisions of the order, the respondents shall not use such third party, or the services of such third party to solicit subscriptions;

(f) Respondents inform the persons described in paragraphs (a) and (b) above that the respondents are obligated by this order to discontinue dealing with those persons who continue on their own the deceptive acts or practices prohibited by this order;

(g) Respondents institute a program of continuing surveillance adequate to reveal whether the business operations of each said person described in paragraphs (a) and (b) above conform to the requirements of this order;

(h) Respondents discontinue dealing with the persons so engaged, revealed by the aforesaid program of surveillance, who continue on their own the deceptive acts and practices prohibited by this order; and that

(i) Respondents upon receiving information or knowledge from any source concerning two or more bona fide complaints prohibited by this order against any of their sales agents or representatives during any 1-month period will be responsible for either ending said practices or securing the termination of the employment of the offending sales agent or representative.

It is further ordered, That as a part of the program of continuing surveillance as prescribed by the provisions of this order, respondents shall clearly and conspicuously disclose, in writing and prior to the consummation of any sale the information described hereinbelow. Such disclosure shall appear on the duplicate original contract, order, or receipt furnished to subscribers as required by paragraph 27 of this order. Said contract, order, or receipt shall disclose the following information in the indicated order:

1. The term "Magazine Salesman" and place for signature of the salesman.

2. The terminology: "Notice to Consumers—(insert name of applicable bus-

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iness organization) or any of its representatives or salesmen are prohibited from making any of the following statements or representations:

"(a) A list describing the substance of the statements and representations prohibited by paragraphs seven (7) through twelve (12) and paragraph sixteen (16) of this order. (The prohibited representations relating to the recruitment of sales personnel should be omitted from such list.)"

3. The terminology: "If the salesman has made any of the above prohibited representations, please advise the company by sending a notice to (insert name, title, and business address of corporate official designated to receive such complaints.)"

4. A statement giving customers full instructions concerning respondents' refund procedures.

It is further ordered, That respondents shall maintain a file of all communications along with all corrective action taken by the company in response thereto pursuant to (3) of the above paragraph, and shall make said file available for inspection by Commission staff members upon reasonable notice. *Provided further,* That compliance with this paragraph and the paragraph above shall not relieve respondents of any obligations created by any other provision of this order.

It is further ordered, That respondents herein shall notify the Commission at least 30 days prior to any proposed change in the structure of any of the corporate respondents such as dissolution, assignment, or sale resulting in the emergence of a successor corporation, the creation or dissolution of subsidiaries or any other change in the respective corporation which may affect compliance obligations arising out of this order.

It is further ordered, That the individual respondents named herein promptly notify the Commission of the discontinuance of their present business or employment and of their affiliation with a new business or employment. Such notice shall include respondents' current business or employment in which they are engaged as well as a description of their duties and responsibilities.

It is further ordered, That respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

It is further ordered, That the respondent corporation shall forthwith distribute a copy of this order to each of its operating divisions.

Issued: February 14, 1973.

By the Commission.

[SEAL] CHARLES A. TOBIN, *Secretary.*

[FR Doc.73-5986 Filed 3-28-73;8:45 am]

[Docket No. 8778o]

PART 13—PROHIBITED TRADE PRACTICES

Litton Industries, Inc.

Subpart—Acquiring corporate stock or assets: § 13.5 *Acquiring corporate stock or assets.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 7, 38 Stat. 731, as amended; 15 U.S.C. 18) [Cease and desist order, Litton Industries, Inc., Beverly Hills, Calif., Docket No. 8778, Mar. 13, 1973]

In the Matter of Litton Industries, Inc., a Corporation.

Opinion and order requiring a Beverly Hills, Calif., large conglomerate corporation with a broadly diversified product area and a worldwide operation, among other things to divest itself of its stock interest in Triumph-Werke Nurnberg, A.G. and Adlerwerke A.G.; and to cease and desist for a period for 10 years from making acquisitions in the typewriter or typewriter parts or accessories manufacturing industry within the United States without prior Federal Trade Commission approval.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondent, Litton Industries, Inc., and its officers, directors, agents, representatives, and employees, subsidiaries, affiliates, successors and assigns, shall within 1 year from the date this order becomes final, divest absolutely and in good faith, and subject to the prior approval of the Federal Trade Commission, all the stock assets, properties, rights and privileges, tangible or intangible, including but not limited to all properties, plants, machinery, equipment, raw material reserves, patents, trade names, trademarks, contract rights, marketing organizations and goodwill, acquired by said respondent as a result of its acquisition of the stock of Triumph-Werke Nurnberg, A.G. and Adlerwerke A.G., together with all additions and improvements thereto so as to assure that said companies are reestablished as a going concern and an effective, viable competitor in the production, distribution, and sale of typewriters and other such office communication products.

It is further ordered, That pending divestiture, respondent shall not make any changes or permit any deterioration in any of the plants, machinery, buildings, equipment, or other property or assets of whatever description of Triumph-Werke Nurnberg, A.G. and Alderwerke A.G., which may impair their capacity for the manufacture, sale, or distribution of typewriters or their market value.

It is further ordered, That the divestiture ordered by paragraph I shall include nonexclusive, royalty-free licenses, without provision for grantback to Litton, on all patents of whatever description, and engineering production and marketing know-how and expertise relating to the development of typewriter or other such office communication equipment owned or controlled by respondent Litton Industries, Inc., or any subsidiary or affiliate thereof at the time of divestiture to the end that Triumph-Werke Nurnberg, A.G. and Alderwerke A.G. shall possess any and all patents, know-how, and expertise in the development, production, or marketing of typewriter and other such office communication equipment developed during ownership of stock in either company by Litton Industries, Inc., or any subsidiary or affiliate thereof.

It is further ordered, That, in accomplishing the aforesaid divestiture, respondent shall not divest the assets, property rights, or privileges described in paragraph I of this order, directly or indirectly, to any person who, at the time of such divestiture, is a stockholder, officer, director, employee, or agent of, or otherwise directly or indirectly connected with or under the control or influence of respondent, or to a subsidiary or affiliated corporation of respondent.

It is further ordered, That respondent for a period of ten (10) years from the date on which this order becomes final shall cease and desist from acquiring, directly or indirectly, through subsidiaries or otherwise, the whole or any part of the stock, share capital or assets (other than products sold in the normal course of business) of any concern, corporate or noncorporate, engaged at the time of such acquisition in the business of manufacturing typewriters or typewriter parts or accessories for sale within the United States without the prior approval of the Federal Trade Commission.

The prohibition on acquisitions in paragraph IV of the order herein shall include, but not be confined to, the entering into of any arrangement by respondent pursuant to which respondent acquires the market share in whole or in part of such concern in any of the aforesaid product lines, (a) through such concern discontinuing manufacturing, or selling any of said products under a brand name or label it owns and thereafter manufacturing or distributing any of said products under any of respondent's brand names or labels, or (b) by reason of such concern discontinuing manufacturing any of said products and thereafter transferring to respondent customer lists or in any other way making available to respondent access to customers or customer accounts.

It is further ordered, That respondent shall, within sixty (60) days after the date of service of this order, and every sixty (60) days thereafter until respondent has fully complied with the provisions of this order submit in writing to the Federal Trade Commission a report setting forth in detail the manner and form in which respondent intends to comply, is complying, or has complied with this order. All compliance reports shall include, among other things that are from time to time required, a summary of all contacts and negotiations with any parties concerning divestiture of the specified assets and properties, the identity of all such parties, and copies of all written communications to and from such parties.

By direction of the Commission. Chairman Engman did not participate for the reason that he did not hear oral argument. Commissioner Dennison filed a concurring statement. Commissioner MacIntyre abstained.

Issued: March 13, 1973.

CHARLES A. TOBIN, *Secretary.*

[FR Doc.73-5987 Filed 3-28-73;8:45 am]

[Docket No. 8881]

PART 13—PROHIBITED TRADE PRACTICES

Sewing Distributors, Inc. and John P. Rooney

Subpart—Advertising falsely or misleadingly: § 13.15 *Business status, or connections:* 13.15–15 Bonded business; § 13.150 *Premiums and prizes:* 13.150–35 Prizes; § 13.155 *Prices:* 13.155–15 Comparative; 13.155–25 Coupon, certificate, check, credit voucher, etc., values; 13.155–35 Discount savings; 13.155–40 Exaggerated as regular and customary; 13.155–70 Percentage savings; § 13.157 *Prize contests.* Subpart—Misrepresenting oneself and goods—Business Status, Advantages or Connections: § 13.1368 *Bonded business;* —Goods: § 13.1647 *Guarantees;* —Prices: § 13.1785 *Comparative;* § 13.1790 *Coupons, credit vouchers, etc., of specified value;* § 13.1805 *Exaggerated as regular and customary.* Subpart—Using contest schemes unfairly: § 13.2270 *Using contest schemes unfairly.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, Sewing Distributors, Inc., et al., Phoenix, Ariz., Docket No. 8881, Feb. 15, 1973]

In the Matter of Sewing Distributors, Inc., a Corporation, and John P. Rooney, Individually and as an Officer of Said Corporation

Consent order requiring a Phoenix, Ariz., seller and distributor of sewing machines, among other things to cease misrepresenting prices at which articles of merchandise have been sold in respondents' trade area; misrepresenting prices as usual and customary; failing to maintain adequate records on which various representations are based; misrepresenting the nature or purpose of any contest schemes; and misrepresenting any discount, credit, or allowances given as reductions from specified selling prices.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondents Sewing Distributors, Inc., a corporation, its successors and assigns, and its officers, and John P. Rooney, individually and as an officer of said corporation, and respondents' agents, representatives, and employees directly or through any corporation, subsidiary, division, or other device, in connection with the advertising, offering for sale, sale or distribution of sewing machines or other products, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Using the word "value" or any other word or words of similar import and meaning, to refer to any price amount which is appreciably in excess of the prices at which substantial sales of the same article of merchandise or service have been made in respondents' trade area and unless respondents have in good faith conducted a market survey which establishes the validity of the trade area prices; or misrepresenting, in any manner, the price at which any article of merchandise or service has been sold in respondents' trade area.

2. (a) Representing, in any manner, that by purchasing any article of merchandise or service, customers are afforded savings amounting to the difference between respondents' stated price and respondents' former price, unless such merchandise or service has been sold or offered for sale in good faith at the former price by respondents for a reasonably substantial period of time in the recent, regular course of their business.

(b) Representing, in any manner, that by purchasing any article of merchandise or service, customers are afforded savings amounting to the difference between respondents' stated price and a compared price for said merchandise or service in respondents' trade area, unless a substantial number of the principal retail outlets in the trade areas regularly sell said merchandise or service at the compared price or some higher price.

(c) Representing, in any manner, that by purchasing any article of the said merchandise or service, customers are afforded savings amounting to the difference between respondents' stated price and a compared value price for comparable merchandise or service, unless substantial sales of articles of merchandise of like grade and quality or similar services are being made in the trade area at the compared price or a higher price and unless respondents have in good faith conducted a market survey or obtained a similar representative sample of prices in their trade area which establishes the validity of said compared price and it is clearly and conspicuously disclosed that the comparison is with an article of merchandise of like grade and quality or a similar service.

3. Misrepresenting, in any manner, the amount of savings available to purchasers or prospective purchasers of respondents' merchandise or services.

4. Using the words "Regular," "Reg.," or any other words of similar import and meaning, to refer to any price amount which is in excess of the price at which any article, merchandise or service has been sold or offered for sale in good faith by respondents for a reasonably substantial period of time in the recent, regular course of their business and unless respondents' business records establish that said amount is the price at which such merchandise or service has been sold or offered for sale in good faith by respondents for a reasonably substantial period of time in the recent, regular course of their business.

5. Representing, directly or by implication, that any amount is respondents' usual and customary retail price for an article of merchandise or service when such amount is in excess of the price or prices at which an article of merchandise or service has been sold or offered for sale in good faith by respondents at retail for a reasonably substantial period of time in the recent, regular course of their business.

6. Failing to maintain adequate records (a) which disclose the facts upon which any savings claims, including former pricing claims and comparative value claims, and similar representations of the type described in paragraphs 1–5 of this order are based, and (b) from which the validity of any savings claims, including former pricing claims and comparative value claims, and similar representations of the type described in paragraphs 1–5 of this order can be determined.

7. Representing, directly or by implication, that names of winners are obtained through drawings, contests, or by chance, when all of the names selected are not chosen by lot; or misrepresenting, in any manner, the nature or purpose of a contest.

8. Using any advertising, promotional program, or procedure involving the use of false, deceptive, or misleading statements to obtain leads or prospects for the sale of their products.

9. Representing, directly or by implication, that awards or prizes are of a certain value or worth when recipients thereof are not in fact benefited by or do not save the amount of the represented value of such awards or prizes.

10. Representing, directly or by implication, that any discount, credit, or allowance is given purchasers as a reduction from respondents' selling price for a specified product unless such selling price is the amount at which said product has been sold or offered for sale in good faith by respondents at retail for a reasonably substantial period of time in the recent, regular course of their business.

11. Representing, directly or by implication, that any of their articles of merchandise or services are guaranteed unless the nature, extent, and duration of their guarantee, the identity of the guarantor and the manner in which the guarantor will perform thereunder are clearly and conspicuously disclosed in immediate conjunction therewith; and unless respondents do in fact perform each of their obligations directly or impliedly represented under the terms of such guarantee or guarantees.

12. Representing, directly or by implication, that respondents have posted a bond or have established a reserve fund, the benefits of which are available to recipients of their guarantees, unless re-

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spondents do in fact have such a bond or fund available and unless the said bond or fund is available to all recipients of their guarantees.

It is further ordered, That the respondents herein shall forthwith distribute a copy of this order to all present and future salesmen or other persons engaged in the sale of respondents' products or services, and shall secure from each such salesman or other person a signed statement acknowledging receipt of said order.

It is further ordered, That the respondents herein shall within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

It is further ordered, That respondents shall notify the Commission at least thirty (30) days prior to any proposed change in their business organization such as dissolution, assignment, incorporation, or sale resulting in the emergence of a successor corporation or partnership or any other change which may affect compliance obligations arising out of this order.

Issued: February 15, 1973.

By the Commission.

[SEAL] CHARLES A. TOBIN, *Secretary.*

[FR Doc.73-5984 Filed 3-28-73;8:45 am]

Title 17—Commodity and Securities Exchanges

CHAPTER II—SECURITIES AND EXCHANGE COMMISSION

[Releases Nos. 33-5373, 34-10006, 35-17882, 40-7673, AS-141]

PART 210—FORM AND CONTENT OF FINANCIAL STATEMENTS, SECURITIES ACT OF 1933, SECURITIES EXCHANGE ACT OF 1934, PUBLIC UTILITY HOLDING COMPANY ACT OF 1935, AND INVESTMENT COMPANY ACT OF 1940

Interpretations and Minor Amendments Applicable to Certain Revisions of Regulation S-X

Correction

In FR Doc. 73-5295 appearing on page 7323 in the issue of Tuesday, March 20, 1973, the following changes should be made:

1. In paragraph II, directly under the heading § 210.12-16 *Supplementary income statement information*, insert a line of five stars.

2. In paragraph III, transpose the heading § 210.12-43 *Mortgage loans on real estate*,[1] to appear above the first line of five stars.

Title 21—Food and Drugs

CHAPTER I—FOOD AND DRUG ADMINISTRATION, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

PART 6—ENVIRONMENTAL IMPACT CONSIDERATIONS

Procedures for Preparation; Correction

In FR Doc. 73-5008 appearing at page 7003 in the FEDERAL REGISTER of March 15, 1973 (38 FR 7001), the authority for issuance of Part 6 of Title 21 should be corrected to read as follows:

AUTHORITY: Sec. 701, 52 Stat. 1055-56 as amended by 70 Stat. 919 and 72 Stat. 948, 21 U.S.C. 371; sec. 102(2)(C), 83 Stat. 853, 42 U.S.C. 4332; the Guidelines issued by the Council on Environmental Quality (36 FR 7724); Executive Order 11514 of March 4, 1970 (35 FR 4247).

Dated: March 22, 1973.

WILLIAM F. RANDOLPH, *Acting Associate Commissioner for Compliance.*

[FR Doc.73-5993 Filed 3-28-73;8:45 am]

Title 26—Internal Revenue

CHAPTER I—INTERNAL REVENUE SERVICE, DEPARTMENT OF THE TREASURY

SUBCHAPTER F—PROCEDURE AND ADMINISTRATION

[T.D. 7267]

PART 301—PROCEDURE AND ADMINISTRATION

Inspection by Department of Agriculture of Income Tax Returns Made Under the Internal Revenue Code of 1954 of Persons Having Farm Operations

Pursuant to section 6103(a) of the Internal Revenue Code of 1954, as amended (26 U.S.C. 6103(a)), and the Executive order signed this date concerning inspection by the Department of Agriculture of income tax returns made under the Internal Revenue Code of 1954 of persons having farm operations, the regulations on procedure and administration (26 CFR 301) under such section are amended as follows:

Section 301.6103(a)-108 is amended by revising paragraph (c). The amended provision reads as follows:

§ 301.6103(a)-108 Inspection by Department of Agriculture of income tax returns made under the Internal Revenue Code of 1954 of persons having farm operations.

* * * * * *

(c) *Data available.* The Secretary of the Treasury, or any officer or employee of the Department of the Treasury with the approval of the Secretary, may furnish the Department of Agriculture (for the purpose of obtaining data as to the farm operations of such persons) with the names, addresses, taxpayer identification numbers, type of farm activity, and one or more measures of size of farm operations such as gross income from farming or gross sales of farm products. Inspection of such returns shall be limited to inspection of the data enumerated above and shall be in accordance with permission granted by the Secretary of the Treasury pursuant to this section. Upon receipt of a request for inspection approved by the Secretary of the Treasury, any officer or employee of the Internal Revenue Service duly authorized by the Commissioner of Internal Revenue may make such returns available for inspection, provided inspection is limited to the data specified above, in an office of the Internal Revenue Service by any duly authorized officer or employee of the Department of Agriculture or may make the data enumerated above on such returns available to such Department.

* * * * * *

Because this Treasury decision constitutes a general statement of policy and establishes rules of departmental practice and procedure, it is found that it is unnecessary to issue this Treasury decision with notice and public procedure thereon under 5 U.S.C. 553(b), or subject to the effective date limitation of 5 U.S.C. 553(d).

This Treasury decision shall be effective on March 27, 1973.

[SEAL] GEORGE P. SCHULTZ, *Secretary of the Treasury.*

Approved: March 27, 1973.

RICHARD NIXON, *The White House.*

[FR Doc.73-6169 Filed 3-27-73;3:55 pm]

Title 28—Judicial Administration

CHAPTER I—DEPARTMENT OF JUSTICE

[Order 511-73]

PART 0—ORGANIZATION OF THE DEPARTMENT OF JUSTICE

Transferring the Functions, Powers, and Duties of the Internal Security Division to the Criminal Division and Abolishing the Internal Security Division

By virtue of the authority vested in me by 28 U.S.C. 509, 510, and 5 U.S.C. 301, all functions, powers, and duties heretofore delegated to the Assistant Attorney General in charge of the Internal Security Division are hereby delegated to the Assistant Attorney General in charge of the Criminal Division, and the Internal Security Division of the Department of Justice is abolished. Existing orders inconsistent with this order are superseded to the extent of such inconsistency.

Part 0 of Chapter I of Title 28, Code of Federal Regulations, is amended as follows:

1. Section 0.1 of Subpart A, which lists the organizational units of the Department, is amended by deleting "Internal Security Division."

2. Paragraph (f) of § 0.55 of Subpart K is amended by deleting the phrase "litigation involving subversives, which is assigned to the Internal Security Division by § 0.61, and."

3. Paragraph (p) of § 0.55 is amended by substituting a period for the comma after "(18 U.S.C. 1503)" and by deleting the phrase "except as to obstructions which occur in connection with cases within the jurisdiction of the Internal Security Division."

4. Paragraph (b) of § 0.59 of Subpart K is amended by deleting the phrase "or the Internal Security Division."

5. The caption "Subpart L—Internal Security Division" is deleted, §§ 0.61 through 0.64 are incorporated in Subpart K, and Subpart L is reserved.

6. The heading for § 0.61 is revised to read, "§ 0.61 *Functions relating to internal security.*"

7. The first sentence of § 0.61 is amended by substituting "Criminal Division" for "Internal Security Division."

8. Paragraph (m) of § 0.61 is deleted.

9. Section 0.62 is amended by substituting "Criminal Division" for "Internal Security Division."

10. Section 0.63 is amended by substituting "Criminal Division" for "Internal Security Division."

11. Section 0.64 is amended by substituting "Criminal Division" for "Internal Security Division" each place it appears.

This order is effective as of March 26, 1973.

Dated: March 23, 1973.

RICHARD G. KLEINDIENST, *Attorney General.*

[FR Doc.73-5957 Filed 3-28-73;8:45 am]

Title 31—Money and Finance: Treasury

CHAPTER II—FISCAL SERVICE, DEPARTMENT OF THE TREASURY

SUBCHAPTER B—BUREAU OF THE PUBLIC DEBT

PART 306—GENERAL REGULATIONS GOVERNING U.S. SECURITIES

Correction

In FR Doc. 73-4897 appearing at page 7077 as Part II of the issue of Thursday, March 15, 1973, the following changes should be made:

1. In the first line of the first example under § 306.11(h), the word "Commission", should read "Commissioner".

2. In the first column on page 7091, under the "Appendix to Subpart E", delete the fourth paragraph.

Title 32—National Defense

CHAPTER VI—DEPARTMENT OF THE NAVY

PART 742—UNIFORM RELOCATION ASSISTANCE AND REAL PROPERTY ACQUISITION POLICIES ACT OF 1970

Application Procedure for Relocation Assistance Payments

The regulations in this part, currently appearing at Part 742 of this title (32 CFR Part 742), required by the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, effective January 2, 1971, are amended to comply with the latest guidelines of the Office of Management and Budget issued by Circular No. A-103 of May 1, 1972. It should be noted that an application for relocation assistance payments must be made within 18 months from the date the displaced person moves from the real property acquired or to be acquired, or the date final payment is made, whichever is later. The regulations as amended shall be effective on and after January 2, 1971. The amendments are as follows:

The table of contents Subpart A—Policies is amended by adding a new section designated as follows:

742.107 Review.

In the text of the regulations Subpart A—Policies is amended as follows:

Section 742.102 is amended to read as follows:

§ 742.102 Displacement notice—Application for relocation assistance.

Written notice of displacement served personally or by certified (or registered) first-class mail will be given to each individual, family, business, or farm. A displaced individual, business or farm operation must make application for relocation assistance payments within 18 months from the date on which the displaced person moves from the real property acquired or to be acquired, or the date on which final payment is made for the property acquired whichever is later. The time for filing may be extended upon a proper showing of good cause. A displaced individual, business, or farm operation making proper application will be paid promptly after a move. If the agency head, or his designee, determines that delaying payment until after the move will create a hardship, he will authorize an advance payment.

Subpart A—Policies is further amended by adding a new section reading as follows:

§ 742.107 Review.

There shall be a periodic review of all Federal and federally assisted programs to assure compliance with the Act.

Subpart B—Definitions is amended as follows:

Section 742.205 is amended to read as follows:

§ 742.205 Displaced person.

Any person who, on or after January 2, 1971, moves from real property, or moves his personal property from real property, as a result of the acquisition of such real property, in whole or in part, or as the result of a written order to vacate real property for a project undertaken by the Department; and solely for the purpose of sections 202 (a) and (b) and 205 of the Act, as a result of the acquisition of or as the result of a written order to vacate other real property for such project, on which such person conducts a business or farm operation. If a person moves as the result of such order, it makes no difference whether or not the real property is acquired.

Section 742.206 is amended to read as follows:

§ 742.206 Dwelling.

The place of permanent or customary and usual abode of a person. It includes a single-family building; a one-family unit in a multifamily building; a unit of a condominium or cooperative housing project; any other residential unit, including a mobile home which is either considered to be real property under State law or cannot be moved without substantial damage or unreasonable cost.

Section 742.208 is amended to read as follows:

§ 742.208 Family.

Two or more individuals living together in the same dwelling as a single family unit and who are related to each other by blood, marriage, adoption, or legal guardianship. Upon appropriate determination by the agency head, others who live together as a family unit may be treated as a family for determining benefits under Title II of the Act.

Section 742.212 is amended to read as follows:

§ 742.212 Owner.

A person who holds fee title, a life estate, a 99-year lease, or an interest in a cooperative housing project which includes the right of occupancy of a dwelling unit, or is the contract purchaser of any such estate or interest, or who is possessed of such other proprietary interest in the property acquired as, in the judgment of the agency head, warrants consideration as ownership. In the case of one who has succeeded to any of the foregoing interests by devise, bequest, inheritance or operation of law, the tenure of ownership, not occupancy, of the succeeding owner shall include the tenure of the preceding owner.

Section 742.215 is amended by amending paragraphs (b), (e), (g) to read as follows:

§ 742.215 Replacement dwelling.

* * * * * *

(b) Functionally equivalent and substantially the same as the acquired dwelling with respect to number of rooms, areas of living space, age, and state of repair. Adequate in size to meet the needs of the displaced person, but may exceed such needs if replacement dwelling has same number of rooms or equivalent square footage as the dwelling from which displaced.

* * * * * *

(g) Available on the market to the displaced person at rents or prices within the financial means of the displaced person. For the purpose of determining financial means of families and individuals in accordance with section 205(c)(3) of the Act, a financial means test (ability to pay) must be made. In order to meet a financial means test, a determination should be made as to the displaced person's ability to afford the replacement dwelling. In making this determination, the average monthly rental or housing costs (e.g., monthly mortgage payments, insurance for the dwelling unit, property taxes, and other reasonable recurring related expenses) which the displaced person will be required to pay, in general, should not exceed 25 percent of the monthly gross income or the present ratio of housing payment to the income of the displaced family or individual, including supplemental payments made by public agencies.

Subpart C—Moving and Related Expenses is amended as follows:

Section 742.301 is amended to read as follows:

§ 742.301 Recipient eligibility.

A displaced person (including one who conducts a business or farm operation) is eligible to receive payments for moving and related expenses, as hereinafter set out.

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Section 742.302 is amended by deleting paragraph (a) (1), (2), and (3) and amending paragraph (a) to read as follows:

§ 742.302 Extent of eligibility.

(a) Each owner-occupant, tenant-occupant, or family displaced from a dwelling may elect to receive either the payment described in § 742.303(a) or the fixed payment described in § 742.304(a) except that no member of a displaced person's family living in the same dwelling unit is eligible for separate payment for moving expenses.

* * * * *

Section 742.304 is amended to read as follows:

§ 742.304 Fixed payment.

(a) A displaced person who must vacate a dwelling may elect to receive, in lieu of reimbursement for actual expenses described in § 742.303(a), a moving expense allowance not in excess of $300 based on schedules maintained by State highway departments, plus a dislocation payment of $200. A displaced person, who elects to receive a payment based on a schedule, shall be paid under the schedule used in the area where the displacement occurs regardless where he relocates. If there is no highway department schedule in the area involved, the agency head shall cooperate with other displacing agencies in the development of a single moving expense schedule for use of all displacing agencies in the area.

(b) A displaced person who is displaced from his place of business whether he discontinues or re-establishes operations, may elect to receive, in lieu of reimbursement for actual expense, specified in § 742.303, a fixed relocation payment equal to the average annual net earnings of the business as determined in accordance with § 742.308 provided:

(1) The business cannot be relocated without a substantial loss of its existing patronage. Existing patronage in connection with a nonprofit organization includes the persons, community, or clientele served or affected by the activities of the nonprofit organization. The agency head will consider all pertinent circumstances in determining whether the business meets this requirement, including the type of business, the nature of the clientele, and the relative importance of the present and proposed locations to the displaced business and the availability of a suitable replacement location for the displaced person.

(2) The business is not a part of a commercial enterprise having at least one other establishment that is not being acquired which is engaged in the same or similar business. The business must contribute materially to the income of the displaced owner.

(c) A displaced person who is displaced from his farm operation, whether he discontinues or reestablishes operations, may elect to receive, in lieu of reimbursement for actual expenses, specified in § 742.303, a fixed relocation payment equal to the average annual net earnings of the farm operation as defined in § 742.308. If only part of a farm is acquired, such payment shall be made only if the remainder no longer meets the definition of a farm.

(d) The payment provided in paragraphs (b) and (c) of this section shall be not less than $2,500 nor more than $10,000.

Section 742.305 is amended to read as follows:

§ 742.305 Actual reasonable expenses in moving.

(a) *Items to bei ncluded in determining reasonable expenses.* (1) Transportation of individuals, families, and property from acquired site to the replacement site, not to exceed a distance of 50 miles, except where the Secretary's designee determines that relocation cannot be accomplished within the prescribed area.

(2) Packing and crating of personal property, including unpacking and uncrating.

(3) Advertising for packing, crating, and transportation when determined by the agency head to be reasonably required.

(4) Storage of personal property for a period generally not exceeding 12 months when determined by the agency head to be necessary in connection with the relocation.

(5) Insurance premiums covering loss and damage of personal property while in storage or transit.

(6) Removal, reinstallation, and reestablishment, including such modifications as deemed necessary by the agency head of any reconnection of utilities for machinery, equipment, appliances, and other items, not acquired as real property. Prior to payment of any expenses for removal and installation of such property, the displaced person shall be required to agree in writing that the property is personalty and the Government is released from any payment for the property.

(7) Property lost, stolen, or damaged (not caused by the fault or negligence of the displaced person, his agents, or employees) in the process of moving, where insurance to cover such loss or damage is not available.

(8) Such other items as the agency head determnies to be a reasonable expense.

(b) *Items to be excluded in determining reasonable expenses.* (1) Additional expenses incurred because of living in a new location.

(2) Cost of moving structures, improvements, or other real property in which the displaced person reserved ownership, except as otherwise provided by law.

(3) Improvements to the replacement site, except when required by law.

(4) Interest on loans to cover moving expenses.

(5) Loss of goodwill.

(6) Loss of profits.

(7) Loss of trained employees.

(8) Personal injury.

(9) Cost of preparing the application for moving and related expenses.

(10) Payment for search cost in connection with locating a replacement dwelling.

(11) Such other items as the agency head determines should be excluded.

(c) *Limitations.* (1) If the displaced person moves himself, his family, business, farm operation, or other personal property by other than commercial means, the reimbursement allowance will not exceed the estimated cost of moving commercially based on the prevailing local rates for moving unless the agency head determines a greater amount is justified.

(2) If an item of personal property used in connection with a business or farm operation is not moved, but sold and promptly replaced at the new location with a comparable item, reimbursement will not exceed the replacement cost minus the proceeds from the sale, or the estimated cost of moving, whichever is less.

(3) If personal property used in connection with a business or farm operation to be moved is of low value and high bulk, and the cost of removing, moving, reinstallation, and reestablishment would be disproportionate in relation to the value, in the judgment of the agency head, the allowable reimbursement for the expense of moving the personal property will not exceed the difference between the amount that would have been received for such item on liquidation and the cost of replacing the same with a comparable item available on the market.

(4) If the cost of moving or relocating an outdoor advertising display or displays is determined to be equal to or in excess of the in-place value of the display, consideration should be given to acquiring such display or displays as a part of the real property.

Section 742.306 is amended by amending paragraps (a) and (e) and adding a new paragraph (f), to read as follows:

§ 742.306 Actual direct losses, business, or farm operations.

* * * * *

(a) If the displaced person does not move personal property he shall be required to make a bona fide effort to sell it, and should be reimbursed for the reasonable costs incurred.

* * * * *

(e) If the business or farm operation is discontinued, or if not discontinued and personal property abandoned, the distance to be used in estimating moving costs of the personal property is 50 miles.

(f) The cost of removal of the personal property shall not be considered as an offsetting charge against other payments to the displaced person.

Subpart D—Replacement Housing Payments for Homeowners (Over 180 Days) is amended as follows:

Section 742.401 is amended by adding a new paragraph, designated (c), reading as follows:

§ 742.401 Eligibility.

* * * * *

(c) If replacement housing meeting the criteria of § 742.215 is not available on the market, the agency head may upon a proper finding of the need therefor, consider available housing exceeding the basic criteria.

§ 742.407 [Amended]

Section 742.407 is amended by deleting paragraph (c).

Subpart E—Replacement Housing for Tenants and Certain Others is amended as follows:

§ 742.501 [Amended]

Section 742.501 is amended by deleting paragraph (e).

Section 742.506 is amended to read as follows:

§ 742.506 Computing rental payments for displaced owner-occupants renting replacement housing.

The agency head shall compute the amount of the payment to the displaced owner-occupant in the same manner as prescribed in § 742.505, except that economic rent shall be used in making the determination required by § 742.505 (a)(2).

Section 742.507 is amended by amending paragraph (a) to read as follows:

§ 742.507 Making payment to a displaced person who rents replacement housing.

(a) If the total rental payment to be made to the displaced person is in excess of $500, payment will be made in four equal annual installments at the beginning of each annual period, provided the agency head determines that the tenant is continuing to occupy decent, safe, and sanitary housing at the beginning of each annual period. This method of payment may be modified as the circumstances of the displaced person warrants, provided the displaced person continues to occupy decent, safe, and sanitary housing.

* * * * *

Section 742.602 is amended to read as follows:

§ 742.602 Cooperation with other Federal and State agencies.

(a) When more than one agency, departmental or otherwise, is administering a relocation assistance advisory program which may be of assistance in the community or area to persons displaced under other programs, the agency head shall offer to cooperate to the maximum extent feasible with the other Federal or State agency causing displacements to assure that all displaced persons receive the maximum assistance available to them.

(b) The agency head shall consult with the appropriate Housing and Urban Development Regional/Area Office concerning the availability of housing and inform such office as to projects which will cause displacement. The agency head shall also consult with appropriate local officials concerning any proposed project in a community, consistent with the procedural requirements of Office of Management and Budget Circular A–95 (Revised).

(c) The agency head may, by contract or otherwise, secure relocation assistance advisory services from the central relocation agency, if available, in the area, or any other appropriate Federal, State, or local governmental agency or from any person or organization.

[SEAL] H. B. ROBERTSON,
Rear Admiral, JAGC, U.S. Navy,
Acting Judge Advocate General.

MARCH 22, 1973.

[FR Doc.73–5959 Filed 3–28–73;8:45 am]

CHAPTER VII—DEPARTMENT OF THE AIR FORCE

SUBCHAPTER I—MILITARY PERSONNEL

PART 888—ENLISTMENT IN THE REGULAR AIR FORCE

Correction

In FR Doc. 73–4482 appearing at page 6770 of the issue for Tuesday, March 13, 1973, the following changes should be made:

1. In § 888.7(c)(1) the 29th item, designated "(xix)" should be designated "(xxix)".

2. In § 888.7(c)(2) the 33d item, designated "(xxiii)", should be designated "(xxxiii)".

3. In the 12th line of § 888.25(c), "AMFPC/DPMDRR" should read "AFMPC/DPMDRR".

PART 888—ENLISTMENT IN THE REGULAR AIR FORCE

PART 888c—ACTIVE DUTY SERVICE COMMITMENTS

Miscellaneous Amendments; Corrections

1. In FR Doc. 73–4482, Part 888—Enlistment in the Regular Air Force, appearing at page 6770 in the issue of Tuesday, March 13, 1973, the following changes should be made:

a. In § 888.7(c), the subparagraph now designated "(4) *Other (nonminor) misdemeanors.*", should read "(3) *Other (nonminor) misdemeanors.*".

b. In § 888.27(b), subparagraph (3) following subparagraph (7), on page 6778, which reads "(3) Retain applicable records and then * * *", should read "(8) Retain applicable records and then * * *".

2. In FR Doc. 73–4485, Part 888c—Active Duty Service Commitments, appearing at page 6784 in the issue of Tuesday, March 13, 1973, on page 6789, in § 888c.26, under Column B of Rule 6, which reads "On or after Jan. 1, 1968." should read "On or after Sept. 1, 1968 but before Nov. 1, 1972".

By order of the Secretary of the Air Force.

JOHN W. FAHRNEY,
Colonel, USAF, Chief, Legislative Division, Office of the Judge Advocate General.

[FR Doc.73–5976 Filed 3–28–73;8:45 am]

Title 41—Public Contracts, and Property Management

CHAPTER I—FEDERAL PROCUREMENT REGULATIONS

[Temporary Regulation 30]

ARCHITECT-ENGINEER SERVICES

Procurement and Construction

1. *Purpose.* This FPR Temporary Regulation prescribes policies and procedures for obtaining architect-engineer services.

2. *Effective date.* This regulation is effective March 29, 1973.

3. *Expiration date.* This regulation will continue in effect until canceled.

4. *Background.* Public Law 92–582 dated October 27, 1972, amended the Federal Property and Administrative Services Act of 1949, as amended (40 U.S.C. 471 et seq.), by adding a new "Title IX—Selection of Architects and Engineers." The amendment sets forth policies and procedures concerning the selection of firms and individuals to perform architectural, engineering, and incidental services that members of these professions and those in their employ may logically or justifiably perform. This regulation has been issued prior to receipt of agency and industry comments in the interest of expediting the implementation of the amendment. However, such comments have been solicited and will be considered prior to the issuance of a codified amendment of the Federal Procurement Regulations.

5. *Agency action.* Use of the policies and procedures prescribed by this regulation is mandatory for the General Services Administration and is optional for other executive agencies.

6. *Explanation of changes.*

PART 1–1—GENERAL

a. Section 1–1.1003–3 is amended to revise paragraph (b) and add paragraphs (c) and (d) as follows:

§ 1–1.1003–3 Special areas of negotiation.

* * * * *

(b) *Personal and professional (other than architect-engineer) services.* Advance notice of procurements for personal or professional services shall be published in the Synopsis when it is feasible and practicable and in the best interest of the Government.

(c) *Architect-engineer and related services with fees over $25,000.* For each contract for which the fee is expected to exceed $25,000, a notice of intention to contract for architect-engineer services

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shall be published in the Synopsis. The notice shall be prepared in accordance with § 1-1.1003-7(b)(9) and shall solicit submission of Standard Form 251 from persons or firms that are eligible for consideration and that do not have current data on file with the procuring agency or office. The notice will be published sufficiently in advance to enable the architect-engineer firms to submit to the procurement office a general statement of qualifications and performance data applicable to the expected requirements of that procurement office. Synopses of contract awards shall be in accord with § 1-1.1004.

(d) *Architect-engineer and related services with fees $25,000 and under.* Agencies may employ the procedures in paragraph (c) above. In the alternative, however, agencies may publicize each contract estimated to be $25,000 and under only in the area where the project is to be performed.

b. Section 1-1.1003-7(b) is amended to add subparagraph (9) as follows:

§ 1-1.1003-7 Preparation and transmittal.

* * * * *

(9) *Architect-engineer services project notice.* Each notice publicizing procurement or architectural and/or engineering services shall be headed "R. Architect-Engineer Services." The project shall be listed with a brief statement as to its location, scope of services required and, where applicable, the construction cost limitation. Appropriate statements will be made to indicate any limitations on eligibility for consideration. Qualifications or performance data required from architect-engineer firms will be described. This shall be followed by statements similar to the following: "Architect-engineer firms which meet requirements described in this announcement are invited to submit a complete Standard Form 251, U.S. Government Architect-Engineer Questionnaire, together with any supplemental data, to the procurement office shown below. Firms having a current Standard Form 251 already on file with this procurement office and those responding to this invitation before (*date*) will be considered for selection, subject to any limitations indicated with respect to size of firm, specialized technical expertise or other requirements. No other general notification to firms under consideration for this project will be made, and no further action beyond submission of Standard Form 251 and photographs is required or encouraged. Following an initial evaluation of the qualifications and performance data described on the Standard Form 251, three or more firms considered to be the most highly qualified to provide the services required will be chosen for interview. This is not a request for a proposal. Annual statements: Proposed Commerce Business Daily numbered note. Firms desiring automatic consideration for all projects administered by the procurement office (subject to specific requirements for individual projects) are encouraged to submit annually a statement of qualifications and performance data, utilizing Standard Form 251." The name of the responsible procurement office shall then be shown complete with the full address and telephone number.

PART 1-4—SPECIAL TYPES AND METHODS OF PROCUREMENT

c. Subpart 1-4.10 is added, as follows:

Subpart 1-4.10—Architect-Engineer Services

Sec.

1-4.1000 Scope of subpart.
1-4.1001 General policy.
1-4.1002 Definitions.
1-4.1003 Public announcements.
1-4.1004 Selection.
1-4.1004-1 Establishment of architect-engineer evaluation boards.
1-4.1004-2 Functions of the evaluation boards.
1-4.1004-3 Evaluation criteria.
1-4.1004-4 Action by agency head or his authorized representative.
1-4.1004-5 Procedure for procurement estimated not to exceed $10,000.
1-4.1005 Negotiation procedures.
1-4.1005-1 General.
1-4.1005-2 Conduct of negotiations.
1-4.1005-3 Independent Government estimate.
1-4.1005-4 Architect-engineer's proposal.
1-4.1005-5 Contract price.
1-4.1005-6 Record of negotiation.
1-4.1006 Contracting for construction work.
1-4.1006-1 Policy.
1-4.1006-2 Procedure.
1-4.1007 Small business.
1-18.133 Architect-engineer services contracts.

AUTHORITY: Public Law 92-582 dated October 27, 1972; as amended the Federal Property and Administrative Services Act of 1949; as amended, 40 U.S.C. 471 et seq.

Subpart 1-4.10—Architect-Engineer Services

§ 1-4.1000 Scope of subpart.

This subpart contains the general policies and procedures for the procurement of professional architect-engineer services, either individually or together, by contract.

§ 1-4.1001 General policy.

Pursuant to Public Law 92-582 dated October 27, 1972, which amended the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 471, et seq.), it is the policy of the Federal Government to publicly announce all requirements for architect-engineer services, and to negotiate contracts for architect-engineer services on the basis of demonstrated competence and qualification for the type of professional services required and at fair and reasonable prices.

§ 1-4.1002 Definitions.

(a) "Firm" means any individual, firm, partnership, corporation, association, or other legal entity permitted by law to practice the professions of architecture or engineering.

(b) "Agency head" means the Secretary, Administrator, or head of a department, agency, or bureau of the Federal Government.

(c) "Architect-engineer services" include those professional services of an architectural or engineering nature as well as incidental services that members of those professions and those in their employ may logically or justifiably perform as described in § 1-16.702.

§ 1-4.1003 Public announcements.

To assure the broadest publicity concerning the Government's interest in obtaining architect-engineer services, each agency head shall develop notices in accordance with § 1-1.1003 with respect to individual projects.

§ 1-4.1004 Selection.

§ 1-4.1004-1 Establishment of architect-engineer evaluation boards.

Each agency head shall establish one or more architect-engineer evaluation boards to be composed of an appropriate number of members who, collectively, have experience in architecture, engineering, construction, and related procurement matters. Members shall be appointed from among highly-qualified professional employees and/or private practitioners engaged in the practice of architecture or engineering. One member of each board shall be designated as the chairman.

§ 1-4.1004-2 Functions of the evaluation boards.

Agency architect-engineer evaluation boards shall perform the following functions:

(a) Collect and maintain current data files on architect-engineer firms, including information on the qualifications of their members and key employees and past experience on various types of construction projects. U.S. Government Architect-Engineer Questionnaire, Standard Form 251, supported by required photographs shall be used for this purpose. Information from other sources (such as other clients, other members of the profession, managers or occupants of facilities previously designed, assessments by the procuring agency itself on prior projects awarded to a firm) may also be included in the files;

(b) When procurement of architect-engineer services is proposed, the board shall review the data files on eligible firms including files established on receipt of a Standard Form 251 in response to the public notice of a particular contract, and shall evaluate the firms in accordance with § 1-4.1004-3. After making this review and technical evaluation, the board shall hold discussions with not less than three of the most qualified firms regarding anticipated concepts and relative utility of alternative methods of approach for furnishing the required services; and

(c) Prepare a report for submission to the agency head recommending no less than three firms which are considered

highly qualified to perform the required services. This report shall include in sufficient detail the extent of the evaluation and review and the considerations upon which the recommendations were based.

§ 1-4.1004-3 Evaluation criteria.

In evaluating architect-engineer firms, the architect-engineer evaluation board shall apply the following criteria, other criteria established by agency regulation, and any criteria set forth in the public notice on a particular contract:

(a) Specialized experience of the firm (including a joint venture or association) with the type of service required;

(b) Capacity of the firm to perform the work (including any time limitations);

(c) Past record of performance on contracts with Government agencies and private industry with respect to such factors as control of costs, quality of work, and ability to meet schedules;

(d) Familiarity with the area in which the project is located; and

(e) Volume of work previously awarded to the firm by the agency, with the object of effecting an equitable distribution of architect-engineer contracts among qualified firms. Each architect-engineer evaluation board shall give, to the fullest extent practicable, favorable consideration to otherwise qualified firms (including small businesses) that have not had prior experience on Government projects.

§ 1-4.1004-4 Action by agency head or his authorized representative.

(a) The agency head (or the responsible official to whom the authority has been delegated) shall review the recommendations of the architect-engineer evaluation board and shall, in concert with his principal technical representatives, develop and approve, in order of preference, a listing of the three most highly qualified firms, based upon the criteria in § 1-4.1004-3.

(b) The agency head or other authorized official shall advise the board of his decision which will serve as an authorization for the contracting officer to commence negotiation.

§ 1-4.1004-5 Procedure for procurement estimated not to exceed $10,000.

When authorized by the agency head, one of the following procedures set forth in paragraphs (a) and (b) of this section may be used in lieu of the procedures prescribed by § 1-4.1004-2 (b) and (c) and actions prescribed by § 1-4.1004-4.

(a) *Selection by the board.* After reviewing and evaluating architect-engineer firms in accordance with § 1-4.1004-2(b), the board will prepare a report for submission to the contracting officer listing in the order of preference, a minimum of 3 firms which are considered the best qualified to perform the required services. This report will include sufficient details as to the extent of the evaluation and review made and the considerations upon which the selection is based. Further, the report will serve as an authorization to the contracting officer to commence negotiation with the highest qualified firm.

(b) *Selection by the chairman of the board.* When, in the judgment of the chairman of the board, it is considered that board action is not required in connection with a particular selection of architect-engineer firms, the following procedures will be followed:

(1) The chairman of the board will perform the functions required under § 1-4.1004-2(b);

(2) The chairman of the board will prepare a report in the same manner as prescribed by § 1-4.1004-2(c) except that the report will be submitted to the agency head's representative for concurrence;

(3) The agency head's representative will review the report and concur with the selection or return the report to the chairman for such action as he may consider necessary; and

(4) Upon receipt of an approved report, the chairman of the board will furnish the contracting officer a copy of the report which will serve as an authorization to commence negotiation.

§ 1-4.1005 Negotiation procedures.

§ 1-4.1005-1 General.

(a) Each agency head is responsible for negotiation of contracts for architect-engineer services. This responsibility may be delegated to a contracting officer. The contracting officer shall use the services of technical, legal, auditing, pricing, and other specialists in the agency to the extent deemed appropriate. Negotiations shall be directed toward:

(1) Making certain that the architect-engineer has a clear understanding of the essential requirements;

(2) Determining that the architect-engineer will make available the necessary personnel and facilities to accomplish the work within the required time;

(3) Determining, where applicable, whether the architect-engineer can provide the design for construction of the facility at a cost not to exceed the limit established for the project; and

(4) Reaching mutual agreement on the provisions of the contract, including a fair and reasonable price, for the required work.

(b) For public works and utilities projects, the amount of the fee that may be paid to an architect-engineer firm under a cost-plus-a-fixed-fee contract for the production and delivery of the designs, plans, drawings, and specifications may not exceed 6 percent of the estimated construction cost of such project, exclusive of the amount of such fee (see 41 U.S.C. 254). The statutory limitation shall also apply to the fee paid to an architect-engineer for the performance of such services under a fixed-price contract. This limitation shall be applied on an individual contract basis.

§ 1-4.1005-2 Conduct of negotiations.

Negotiations shall be conducted initially with the architect-engineer firm given first preference under the procedures set forth in § 1-4.1004. If a mutually satisfactory contract cannot be negotiated with such firm, the negotiations shall be formally terminated and the firm notified. Negotiations then shall be initiated with the subsequently listed firms in the order of preference and this procedure shall be continued until a mutually satisfactory contract has been negotiated. If negotiations fail with the listed firms, additional firms shall be selected in accordance with § 1-4.1004 and negotiations shall continue in the manner described above.

§ 1-4.1005-3 Independent Government estimate.

Prior to the initiation of negotiations, the contracting officer shall develop an independent Government estimate of the cost of the required architect-engineer services, based on a detailed analysis of the costs expected to be generated by the work. Consideration shall be given to the estimated value of the services to be rendered, the scope, complexity, and the nature of the project. The independent Government estimate shall be revised as required during negotiations to reflect changes in, or clarification of, the scope of the work to be performed by the architect-engineer. A cost estimate, based on the application of percentage factors to cost estimates of the various segments of the work involved, e.g., construction project, may be developed for comparison purposes, but such a cost estimate shall not be used as a substitute for the independent Government estimate.

§ 1-4.1005-4 Architect-engineer's proposal.

The contracting officer shall request the selected architect-engineer firm to submit its proposal with supporting cost or pricing data in accordance with § 1-3.807. Revisions of the proposal and supporting cost or pricing data may be made as required during negotiations to reflect changes in, or clarification of, the scope of the work to be performed by the architect-engineer or findings derived from pre-award audits conducted pursuant to §1-3.809.

§ 1-4.1005-5 Contract price.

Subject to the provisions of § 1-4.1005-1(b), the contracting officer shall negotiate a contract price considered fair and reasonable based on a comparative study of the independent Government estimate and the architect-engineer's proposal. Significant differences between elements of the two figures and between the overall figures shall be discussed and the contracting officer shall satisfy himself as to the reasons therefor.

§ 1-4.1005-6 Record of negotiation.

Promptly at the conclusion of each negotiation, a memorandum setting forth the principal elements of the contract shall be prepared for use by the reviewing authorities and for inclusion in the contract file. The memorandum shall contain sufficient detail to reflect the significant considerations controlling the

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establishment of the price and other terms of the contract.

§ 1–4.1006 Contracting for construction work.

§ 1–4.1006–1 Policy.

The award of a contract for architect-engineer services for a particular project and the award of a contract for the related construction work to the same firm, a parent firm, its subsidiaries or affiliates is prohibited except as otherwise provided by § 1–18.112.

§ 1–4.1006–2 Procedure.

An architect-engineer firm selected for negotiation of an architect-engineer services contract shall be advised of the policy set forth in § 1–4.1006–1 prior to the initiation of negotiations. If the firm possesses construction capabilities either within its own organization or through a parent firm, subsidiaries or affiliates, the firm shall have the option of either:

(a) Declining to enter into contract negotiations in order for its parent firm, subsidiaries, or affiliates to be eligible to compete for the related construction contract; or

(b) Entering into contract negotiations with the clear understanding that, if such negotiations are successful, its parent firm, subsidiaries, or affiliates will be ineligible to compete for the related construction contract.

§ 1–4.1007 Small business.

The policy of the Government that a fair proportion of contracts for services be awarded to small businesses is applicable without qualification to the award of contracts for architect-engineer services. In complying with this requirement, the provisions of Subpart 1–1.7 shall be followed.

PART 1–18—PROCUREMENT OF CONSTRUCTION

d. Subpart 1–18.1 is amended to add a new section as follows:

§ 1–18.113 Architect-engineer services contracts.

Policies and procedures applicable to architect-engineer services contracts are set forth in Subpart 1–4.10 of this title.

ARTHUR F. SAMPSON,
Acting Administrator of General Services.

MARCH 23, 1973.

[FR Doc.73–6026 Filed 3–28–73;8:45 am]

CHAPTER 114—DEPARTMENT OF THE INTERIOR

MISCELLANEOUS AMENDMENTS TO CHAPTER

Pursuant to the authority of the Secretary of the Interior contained in 5 U.S.C. 301 and section 205(c), 63 Stat. 390; 40 U.S.C. 486(c), Subparts 114–1.1, 114–3.1, 114–3.2, 114–25.3, 114–26.6, 114–38.53, 114–42.2, 114–45.1, 114–45.3, 114–45.6, 114–46.4, 114–47.3, and subsection 114–45.000 of Chapter 114, Title 41 of the Code of Federal Regulations are amended as set forth below.

Since this regulation merely corrects the title of a departmental official and an Office of the Department it is determined that the rulemaking procedure is unnecessary and these amendments shall become effective on March 29, 1973.

CHARLES G. EMLEY,
Deputy Assistant Secretary of the Interior.

MARCH 23, 1973.

PART 114–1—INTRODUCTION

Subpart 114–1.1—Regulations System

Section 114–1.100 is revised as follows:

§ 114–1.100 Deviation.

Deviations from mandatory provisions of FPMR (as provided in 41 CFR 101–1.110) and IPMR shall be kept to a minimum. Deviations in both individual cases and classes of cases must be approved in advance by the Assistant Secretary—Management. Requests for approval of such deviations shall be submitted by the heads of Bureaus and Offices to the Assistant Secretary—Management, citing the specific part of FPMR or IPMR from which it is desired to deviate, setting forth the nature of the deviation and the reasons for the action requested.

PART 114–3—ANNUAL REAL PROPERTY INVENTORIES

Subpart 114–3.1—General Provisions

Section 114–3.105 is revised as follows:

§ 114–3.105 Agency liaison.

The Director of Management Operations, Office of the Assistant Secretary—Management, is the designated agency representative for this Department for liaison with the General Services Administration on matters related to the owned and leased real property inventories. Any questions concerning these inventories shall be referred to him for handling.

Subpart 114–3.2—Annual Report Real Property Owned by the United States

In § 114–3.206 the first paragraph is amended as follows:

§ 114–3.206 Preparation and due dates.

The annual inventory report on GSA Forms 1166 and 1209 shall be prepared as of June 30 each year and transmitted to reach the Director of Management Operations, Office of the Assistant Secretary—Management, by not later than August 21, in the number of copies indicated below:

* * * * *

PART 114–25—GENERAL

Subpart 114–25.3—Use Standards

In § 114–25.350 the last paragraph is amended as follows:

§ 114–25.350 Standard lettering for bench marks and corner markers.

* * * * *

Exceptions to the use of the foregoing lettering will be granted only where special circumstances warrant exemption. Requests for such exemption shall be transmitted through Bureau channels to the Director, Office of Management Operations, Office of the Assistant Secretary—Management.

PART 114–26—PROCUREMENT SOURCES AND PROGRAMS

Subpart 114–26.6—Procurement Sources Other Than GSA

In § 114–26.600–50 the last paragraph is revised to read:

§ 114–26.600–50 Procurement of tax free alcohol.

* * * * *

Requests for any additional permits should be submitted through Bureau channels to the Director of Management Operations, Office of the Assistant Secretary—Management, for transmittal to the Internal Revenue Service.

PART 114–38—MOTOR EQUIPMENT MANAGEMENT

Subpart 114–38.53—Aircraft

Section 114–38.5312(d) is amended as follows:

§ 114–38.5312 Official use of aircraft.

* * * * *

(d) In the event there is occasion to transport unofficial passengers not specifically identified above, the circumstances should be submitted to the Assistant Secretary—Management, with a request for a decision concerning waiver requirements. Should such an occasion arise under emergency conditions which will not permit advance consideration, a waiver shall be obtained from the individual or individuals involved.

PART 114–42—PROPERTY REHABILITATION SERVICES AND FACILITIES

Subpart 114–42.2—Property Rehabilitation Services Performed by Federal Facilities

In § 114–42.203(a) the first paragraph is revised to read as follows:

§ 114–42.203 Notifications.

(a) Should any bureau or office determine that (1) additional rehabilitation facilities are needed to perform required services or (2) that operation of existing facilities is to be discontinued, the prior information required by FPMR 101–42.203 should be embodied in a letter, prepared for the signature of the Assistant Secretary—Management, and addressed to:

* * * * *

PART 114–45—SALE, ABANDONMENT, OR DESTRUCTION OF PERSONAL PROPERTY

In § 114–45.000, paragraph (b)(1) is amended as follows:

§ 114–45.000 Scope of part.

* * * * *

(b) * * *

(1) Except as provided in IPMR 114–45.316 and 114–45.317, properties which are sold or otherwise disposed of pursuant to special statutes authorizing, directing, or requiring the Department of the Interior to dispose of specific properties such as helium, buffalo, maps, electrical power, irrigation and municipal water, trust properties of the Bureau of Indian Affairs, and other properties which are disposed of in furtherance of Interior programs, or

* * * * *

Subpart 114–45.1—General

Section 114–45.105–3 is revised as follows:

§ 114–45.105–3 Exemptions.

(a) Any requests seeking an exemption from the provisions of FPMR Part 101–45 in accordance with FPMR 101–45.105–3. (a), shall be prepared for the signature of the Assistant Secretary—Management, and include full particulars which tend to justify the exemption.

Subpart 114–45.3—Sale of Personal Property

Section 114–45.304–2 is revised as follows:

§ 114–45.304–2 Negotiated sales and negotiated sales at fixed prices.

(a) Should any Bureau or Office propose to negotiate a sale of surplus personal property which, if disposed of by advertising, might cause such an impact on industry as, to adversely affect the national economy, a statement of the circumstances justifying sale by negotiation shall be submitted to the Assistant Secretary—Management, for consideration and transmittal to the General Services Administration.

(b) Explanatory statements required to be submitted to the General Services Administration for transmittal to the committees of the Senate and House of Representatives pursuant to FPMR 101–45.304–2(c) shall be prepared following the outline shown in FPMR 101–45.4919. Such statements shall be submitted as attachments to a transmittal letter addressed to the Administrator, General Services Administration, Washington, D.C. 20405, prepared for the signature of the Assistant Secretary—Management.

Section 114–45.304–9 is revised as follows:

§ 114–45.304–9 Credit.

Requests for approval to offer to sell personal property on credit shall be addressed to the Administrator, General Services Administration, Washington, D.C. 20405, and be prepared for the signature of the Assistant Secretary—Management. Each request should include a brief explanation of the proposed terms and conditions of sale.

Subpart 114–45.6—Debarred and Suspended Bidders

Section 114–45.603 is revised as follows:

§ 114–45.603 Notice of debarment or suspension.

Determination to debar or suspend a firm or individual for a cause or condition for a specified period of time as provided in FPMR 101–45.6, shall be made by the Assistant Secretary—Management. Whenever cause for debarment or suspension becomes known to the head of a Bureau or Office, or a sales or contracting officer thereof, the matter shall be submitted with the recommendations of the head of the Bureau or Office, to the Assistant Secretary—Management, for appropriate action. All actions required by FPMR 101–45.603 will be taken by the Assistant Secretary—Management.

PART 114–46—UTILIZATION AND DISPOSAL OF PERSONAL PROPERTY PURSUANT TO EXCHANGE/SALE AUTHORITY

Subpart 114–46.4—Disposal

In § 114–46.407, the first sentence is amended as follows:

§ 114–46.407 Reports.

The report required by this subsection shall be submitted to the Director of Management Operations, Office of the Assistant Secretary—Management, by not later than August 15 of each year. * * *

PART 114–47—UTILIZATION AND DISPOSAL OF REAL PROPERTY

Subpart 114–47.3—Surplus Real Property Disposal

In § 114–47.304–12, paragraphs (a) and (c) are revised as follows:

§ 114–47.304–12 Explanatory statements.

(a) Explanatory statements required to be submitted to the General Services Administration for transmittal to the committees of the Senate and House of Representatives pursuant to FPMR 101–47.304–12 shall be prepared following the outline shown in FPMR 101–47.4911. Such statements shall be submitted as attachments to a transmittal letter addressed to the Administrator, General Services Administration, Washington, D.C. 20405, prepared for the signature of the Assistant Secretary—Management.

* * * * *

(c) Twenty-two (22) mimeographed copies of such notices shall be submitted to the Assistant Secretary—Management, twenty (20) of which are for submission to the General Services Administration and transmittal to the appropriate committees of the Congress. The letter transmitting each such notice to the Assistant Secretary—Management, shall include any additional supporting data as may not be incorporated in the "background and justification" portion of the explanatory statement.

[FR Doc.73–5979 Filed 3–28–73;8:45 am]

PART 114–38—MOTOR EQUIPMENT MANAGEMENT

Subpart 114–38.50—Official Use of Motor Vehicles

STRANGERS OR HITCHHIKERS; PROHIBITION

Pursuant to the authority of the Secretary of the Interior contained in 5 U.S.C. 301 and section 205(c), 63 Stat. 390; 40 U.S.C. 486(c), Subpart 114–38.50 of Chapter 114, Title 41 of the Code of Federal Regulations is amended as set forth below.

Since this regulation is a statement of Departmental policy relating to the operation of motor vehicles while on official business, it is determined that the public rulemaking procedure is unnecessary and this amendment shall become effective March 29, 1973.

CHARLES G. EMLEY,
Deputy Assistant Secretary of the Interior.

MARCH 23, 1973.

Section 114–38.5004 is amended by the addition of the following sentence at the end thereof.

§ 114–38.5004 Transportation of non-official passengers.

* * * Picking up strangers or "hitchhikers" is prohibited when operating a Government-owned or leased motor vehicle or a privately-owned vehicle on official business.

In § 114–38.5005, paragraph (e) is redesignated (f) and a new paragraph (e) inserted to read as follows:

§ 114–38.5005 Instructions to motor vehicle operators.

* * * * *

(e) The prohibition against picking up strangers or hitchhikers.

* * * * *

[FR Doc.73–5980 Filed 3–28–73;8:45 am]

Title 46—Shipping

CHAPTER I—COAST GUARD, DEPARTMENT OF TRANSPORTATION

[CGD 73–56R]

PART 2—VESSEL INSPECTIONS

PART 146—TRANSPORTATION OR STORAGE OF EXPLOSIVES OR OTHER DANGEROUS ARTICLES OR SUBSTANCES AND COMBUSTIBLE LIQUIDS ON BOARD CARGO VESSELS

Incidents Involving Etiologic Agents

On August 9 and December 13, 1972 the Coast Guard published two notices (CGD 72–148PH and CGD 72–226PH) dealing with etiologic agents. Public Hearings were held on these matters on September 5, 1972 and January 23 1973. No comments were received at either hearing. One written comment was received on

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Notice CGD 72-226 supporting the proposal.

The Hazardous Materials Regulations Board has, for reasons fully stated in their amendment published at page 8161 of this issue of the FEDERAL REGISTER, made certain changes to their proposal on incident reporting. The Coast Guard is adopting those changes for the water mode.

In consideration of the foregoing Parts 2 and 146 of Title 46 Code of Federal Regulations are amended as follows:

1. By adding in § 2.20-65(a) the words "(12) Etiologic agents."

2. By adding in § 2.20-65(b) the following paragraph:

§ 2.20-65 Immediate notice of certain hazardous materials incidents.

* * * * *

(b) *Notice required.* * * *

(7) Fire, breakage, spillage or suspected contamination occurs involving a shipment of etiologic agents. In lieu of the requirements of this section, notice may be given to the Center of Disease Control, U.S. Public Health Service, Atlanta, Ga. (Area Code 404-633-5313) for incidents involving etiologic agents.

* * * * *

3. By adding to § 146.30-3(a) subparagraph (3) to read as follows:

§ 146.30-3 Exemptions.

(a) * * *

(3) Cultures of etiologic agents of less than 50 milliliters (1.66 fluid ounces) total in one package.

Effective date: This amendment is effective on June 30, 1973.

(RS 4472, as amended; sec. 1, 19 Stat. 252, sec. 6(b)(1), 80 Stat. 937; 46 U.S.C. 170, 49 U.S.C. 1655(b)(1); 49 CFR 1.46(b))

Dated: March 23, 1973.

C. R. BENDER,
Admiral, U.S. Coast Guard,
Commandant.

[FR Doc.73-5971 Filed 3-28-73;8:45 am]

CHAPTER II—MARITIME ADMINISTRATION, DEPARTMENT OF COMMERCE

SUBCHAPTER C—REGULATIONS AFFECTING SUBSIDIZED VESSELS AND OPERATORS

[General Order 116, Rev. (Amdt. 2)]

PART 294—OPERATING-DIFFERENTIAL SUBSIDY FOR BULK CARGO VESSELS ENGAGED IN CARRYING BULK RAW AND PROCESSED AGRICULTURAL COMMODITIES FROM THE UNITED STATES TO THE UNION OF SOVIET SOCIALIST REPUBLICS

Final Payment Billing Procedures

The following regulations, which has been adopted by the Maritime Subsidy Board, governs procedures to be used by subsidized operators for the final payment billings for operating-differential subsidy under the program in Part 294. The regulation also governs the conduct of an audit by the Maritime Administration of certain financial aspects relating to this subsidy program.

Because the operating-differential subsidy program is exempt from the rule-making procedures required by 5 U.S.C. 553 and because of the need for immediate guidance to those holding subsidy contracts under this part, the rule is issued in final form.

A new § 294.13 is added to Part 294, Title 46, Chapter II, Code of Federal Regulations to read as follows:

§ 294.13 Final payment billing procedures.

(a) *In general.* This section sets forth the procedures for the final payment billings and supplemental final payment billings by an Operator. An Operator may make final payment billings after the Maritime Administration completes audit of the Operator's historical costs, subsidizable costs, and revenues from the carriage of bulk raw and processed agricultural products to the Union of Soviet Socialist Republics. This section provides rules for the conduct of the audit and specifies times when an Operator may make final payment or supplemental final payment billings.

(b) *Audit*—(1) *In general.* Audit consists of verification by the Maritime Administration of the following four items in respect to each subsidized vessel:

(i) Historical costs;

(ii) Actual subsidizable costs incurred on the subsidized voyage;

(iii) Actual costs of maintenance and repairs (M&R) and stores, supplies, and expendable equipment (SS&E) incurred in any of the United States or the Commonwealth of Puerto Rico after commencement of the subsidizable voyage; and

(iv) Revenues earned on the subsidized voyage for the carriage of bulk raw and processed agricultural commodities from the United States to the U.S.S.R.

(2) *Information necessary for audit.* In order to perform the audit, the Operator must submit all documents relating to the items specified in paragraph (b)(1) of this section. These documents include, but are not limited to:

(i) Historical costs:

(a) M&R—invoices (as directed by the Maritime Administration) of suppliers and repair yards in support of costs paid during the 5-year period preceding the current year which were submitted to the Board for tentative subsidy per diem calculation purposes;

(b) Protection and indemnity insurance deductible absorptions—crew injury, illness, and death claim records and files compiled in connection with costs absorbed and paid under protection and indemnity insurance policy during the 3-year period preceding the current year or such lesser period as the vessel has been in operation, which were submitted to the Board for tentative subsidy per diem calculation purposes;

(c) SS&E—invoices (as directed by the Maritime Administration) of suppliers in support of costs paid during the 3-year period preceding the current year which were submitted to the Board for tentative subsidy per diem calculation purposes.

(ii) Actual subsidizable costs incurred on the subsidized voyage:

(a) Wages of officers and crew—voyage and port payrolls including overtime supports, individual pay vouchers, computation of payroll taxes, and the various payroll contributions payable under collective-bargaining agreements for the period of the subsidized voyage;

(b) Subsistence of officers and crew—computation of subsistence inventories aboard vessel both at the commencement and the termination of the subsidized voyage, vendors invoices and delivery receipts for subsistence stores purchased, vendors invoices for loading of subsistence stores aboard vessel;

(c) Vessel insurance—protection and indemnity insurance and hull and machinery insurance policies in effect during the subsidized voyage, general and particular average claim files, insurance premium invoices;

(d) Fuel—computation of fuel inventories aboard vessel both at the commencement and the termination of the subsidized voyage, vendors invoices and delivery receipts of fuel purchased, contracts for the purchase of fuel;

(e) Other vessel expenses—invoices and receipts on which subsidizable costs were incurred during the subsidizable voyage;

(f) Vessel depreciation—computation of depreciation and supporting data on vessel cost capitalized;

(g) Interest expense attributable to vessel indebtedness—computation of interest expense including loan agreements evidencing debt principal, interest rates, amortization schedules, and other terms of the loan.

(iii) Actual costs of M&R and SS&E incurred in any of the United States or the Commonwealth of Puerto Rico after the commencement of the subsidized voyage:

(a) M&R—invoices of domestic suppliers and repair yards for all such items charged to the subsidized vessel; and

(b) SS&E—invoices of domestic suppliers for all such items charged to the subsidized vessel including invoices for such items used to stock inventory immediately preceding the subsidized voyage.

(iv) Revenues earned on the subsidized voyage from the carriage of bulk raw and processed agricultural commodities to the U.S.S.R. for the purpose of determining abatement of subsidy as provided in § 294.6(e)—charter agreements, bills of lading for bulk raw and processed agricultural products carried, and cargo loading and discharge reports.

(3) *Time for submission of audit data.* Audit data shall be submitted as follows:

(i) Historical cost data shall be submitted as soon as possible after the commencement of a subsidized voyage.

(ii) All other data shall be submitted within 1 year from the termination of a subsidized voyage except as provided in paragraph (d) of this section.

(c) *Final payment procedures*—(1) *In general.* After the audit is completed, the Maritime Administration will determine final per diem amounts and differential percentages. When such amounts are incorporated into the ODSA, the Operator shall make a final payment billing.

(2) *Final payments of subsidy applicable to maintenance and repairs and stores, supplies and expendable equipment.*—(i) *Negative per diem subsidy amounts.* If the final per diem subsidy amount incorporated into the operating-differential subsidy contract for M&R or SS&E is negative, the final payment will be reduced by the product of such negative per diem subsidy amount multiplied by the number of subsidized voyage days.

(ii) *Positive per diem subsidy amounts and positive differential percentages.* If the final per diem subsidy amount or differential percentage incorporated into the subsidy contract for M&R or SS&E is positive, the final payment will be limited to the lesser of:

(a) An amount determined by multiplying the differential percentage for such category of expense by the costs incurred by the subsidized operator for such items in any of the United States or the Commonwealth of Puerto Rico to the date of the final payment billing;

(b) An amount determined by multiplying the final per diem amount for such category of expense by the number of subsidized voyage days.

(3) *Reduction of final subsidy payments due to deviations, idleness or delays.* The reduction of subsidy required under § 294.12(c) because of deviations, idleness or delays during the subsidized voyage shall be made on final subsidy payment vouchers.

(4) *Reduction of final subsidy payments due to abatement of subsidy.* The total subsidy payment as determined under this subsection shall be reduced by the amount of subsidy abatement calculated pursuant to § 294.6(e).

(5) *Forms for final payment billing.* Final payment billing shall be submitted to the appropriate Maritime Administration Region Finance Office on the forms provided in § 294.12(e). Payment to the Operator will be made by Maritime Administration, Washington, D.C.

(6) *Affidavit.* The affidavit in § 294.12(f) shall be submitted with the final payment billing.

(7) *Finality of final payment billing.* Except as provided in paragraph (d) of this section (relating to supplemental final payment billings for M&R and SS&E) all subsidizable costs shall be final when billed and not subject to adjustment by the Operator.

(8) *Maximum time for final payment billing.* Final payment billing shall be made not later than 30 days from the date final per diem amounts and differential percentages are incorporated into the ODSA.

(d) *Supplemental final payment billings*—(1) *In general.* Under § 294.8(b)(2)(ii), subsidy on M&R and SS&E is not paid until the Operator makes actual expenditures for such items in any of the United States or the Commonwealth of Puerto Rico within a 5-year period from the date that the subsidized voyage commenced and the expenditure is audited. Within that 5-year period, billings may be made subject to the rules in this subsection.

(2) *Rules for supplemental billing.* Supplemental final payment billings may be made when the applicable per diem subsidy amount and differential percentage for M&R or SS&E is positive.

(3) *Frequency of supplemental billings.* Supplemental final payment billings may not be made more often than once each 30 days. Each billing shall include the cumulative costs of M&R and SS&E on which subsidy is payable to the date of such billing.

(4) *Submission of supplemental billings.* Supplemental billings shall be submitted in the same manner as provided in paragraph (c) of this section.

Effective date. This section shall be effective on April 1, 1973.

Dated: March 26, 1973.

By order of the Assistant Secretary of Commerce for Maritime Affairs and the Maritime Subsidy Board.

JAMES S. DAWSON, JR.,
Secretary, Maritime Administration.

[FR Doc.73-6038 Filed 3-28-73;8:45 am]

Title 49—Transportation

CHAPTER I—DEPARTMENT OF TRANSPORTATION

SUBCHAPTER A—HAZARDOUS MATERIALS REGULATIONS BOARD

[Docket No. HM-96; Amdt. Nos. 171-18, 173-72]

PART 171—GENERAL INFORMATION AND REGULATIONS

PART 173—SHIPPERS

Etiologic Agents

On July 22, 1972, and November 29, 1972, the Hazardous Materials Regulations Board published two notices, (1) 72-9 and (2) 72-13, respectively, in Docket No. HM-96 (37 FR 14728 and 25243). Interested persons were invited to comment on the proposals they contained.

1. Notice 72-9 proposed to require direct reporting to the Center for Disease Control (CDC) of the Department of Health, Education, and Welfare in the case of fire, breakage, spillage, or suspected contamination involving etiologic agents. This report was proposed to replace the immediate report to this Department required by § 171.15 for certain hazardous materials incidents.

Comments were about equally divided in their position for or against the proposal. However, those commenters voicing their opinion against the proposal based their objections on the difficulties for carriers to maintain separate emergency telephone numbers for incidents involving different hazardous materials. Because of a higher probability of confusion, safety in transportation of hazardous materials could suffer. In addition, the public should not be required to make two phone calls, reporting the same matter.

The Board finds that the objections are valid and that, as much as possible, it should not establish rules that would cause proliferation of telephone numbers. Therefore, the amendment provides that reports must be made either to the Department of Transportation or to the CDC. The Board still recognizes the importance of quickly informing the CDC should a report be made to DOT and not CDC. Consequently, the Board has made arrangements to assure that any immediate reports it receives on etiologic agents will be promptly relayed to the Center for Disease Control. Accordingly, the rule has been changed to require reporting to DOT as specified for other hazardous materials. However, any immediate report made directly to CDC will constitute compliance with the regulations without the requirement for an additional call to the Department.

2. Notice 72-13 proposed to authorize that quantities of etiologic agents of less than 50 ml in one outside packaging be exempt from the Hazardous Materials Regulations. Several comments were received on the proposal and each commenter agreed except one, the Atomic Energy Commission. That Commission stated in part: "[h]owever, to exempt them from the regulations in toto by listing them in § 173.386(d) seems to be contrary to the interest of public safety. They should be controlled and regulated, not exempted. They should be allowed on passenger-carrying aircraft by specific provisions for their safe transportation, not by deleting all requirements for their safe packaging and labeling."

The Board has carefully considered the comments from the AEC, which objected in part to the proposed amendment, and all the other comments from other authorities supporting the amendment, and has determined in the interest of public safety, to promulgate the amendment with the exemption. It is to be noted, however, that exempt quantities of etiologic agents will still be regulated by other agencies. The Board specifically stated in the preamble to Notice 72-13 that "[t]his action would have no effect on the present Department of Health, Education, and Welfare regulations on etiologic agents which continue to apply to the packaging of these substances." The petition of CDC and the Board's proposal were based on the fact that the packaging and labeling requirements of 42 CFR 72.25 will continue to apply. No comments or objections were received regarding these packaging requirements.

The Food and Drug Administration of the Department of Health, Education, and Welfare noted that it is of critical importance to the public health that it be permitted to ship samples for analysis, including suspect food products and quality assurance samples, on passenger-carrying aircraft. It requested that § 173.386(d) be amended to list "samples for analysis" as an additional exemption. This request is outside the scope of the present rulemaking and will be covered in a separate notice of proposed rulemaking.

In consideration of the foregoing, 49

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CFR Parts 171 and 173 are amended as follows:

1. In § 171.15, paragraph (a)(5) and the introductory text of paragraph (b) are amended; paragraph (a)(6) is added as follows:

§ 171.15 Immediate notice of certain hazardous materials incidents.

(a) • • •

(5) Fire, breakage, spillage, or suspected contamination occurs involving shipment of etiologic agents; or

(6) A situation exists of such a nature that, in the judgment of the carrier, it should be reported in accordance with paragraph (b) of this section even though it does not meet the criteria of paragraph (a) (1), (2), or (3) of this section; e.g., a continuing danger of life exists at the scene of the incident.

(b) Each notice required by paragraph (a) of this section shall be given the Department by telephone at Area Code (202) 426–1830. Notice involving etiologic agents may be given the Director, Center for Disease Control, U.S. Public Health Service, Atlanta, Ga., Area Code (404) 633–5313, in place of the notice to the Department. Each notice must include the following information:

• • • • • •

2. In § 173.386, paragraph (d)(3) is added to read as follows:

§ 173.386 Etiologic agents; definition and scope.

• • • • • •

(d) • • •

(3) Cultures of etiologic agents of 50 milliliters (1.666 fluid ounces) or less total quantity in one outside package.

This amendment is effective June 30, 1973. However, compliance with the regulations, as amended herein, is authorized immediately.

(Secs. 831–835 title 18, United States Code; sec. 9 Department of Transportation Act, 49 U.S.C. 1657; Title VI sec. 902(h) Federal Aviation Act of 1958, 49 U.S.C. 1421–1430, 1472(h), and 1655(c))

Issued in Washington, D.C., on March 23, 1973.

JAMES F. RUDOLPH,
Board Member for the Federal Aviation Administration.

KENNETH L. PIERSON,
Alternate Board Member for the Federal Highway Administration.

MAC E. ROGERS,
Board Member for the Federal Railroad Administration.

W. P. REA III,
Rear Admiral, Board Member for the U.S. Coast Guard.

[FR Doc.73-5970 Filed 3-28-73;8:45 am]

CHAPTER III—FEDERAL HIGHWAY ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

SUBCHAPTER B—MOTOR CARRIER SAFETY REGULATIONS

[Docket No. MC-12; Notice No. 73-11]

PART 393—PARTS AND ACCESSORIES NECESSARY FOR SAFE OPERATION

Minimum Strength of Tiedown Assemblies

The Director of the Bureau of Motor Carrier Safety is amending the provisions of the Motor Carrier Safety Regulations dealing with the minimum strength of tiedown assemblies which are used to secure cargo being transported on commercial motor vehicles. Specifically, he is instituting a requirement that the aggregate static breaking strength of the tiedown assemblies used to secure an article must be at least 1½ times the weight of that article.

The present rule, found in § 393.85(c)(1) of the regulations, provides that the aggregate rated working load of the tiedown assemblies used to secure an article of cargo must equal or exceed the weight of the article. On November 20, 1972, the Director issued a notice of proposed rulemaking, announcing that he had received a petition for rulemaking from the American Trucking Associations, Inc., seeking a change in the rule. The petitioner asked the Director to abandon the rated working load criterion in favor of the aggregate static breaking strength test. The notice invited interested persons to comment on whether the regulations should incorporate one standard or the other or some combination of different standards for different types of tiedown assemblies.

Comments were received from 11 persons. They included the major chain manufacturers, the National Association of Chain Manufacturers, the American Iron and Steel Institute, the Steel Carriers Conference, Inc., and the American Trucking Associations, Inc. Without exception, all persons who filed comments supported the use of the breaking strength test instead of the working load test as the criterion for tiedown assemblies.

Having analyzed the comments and other available data, the Bureau has concluded that the relief sought in the petition should be granted, and that the rule should be changed. Use of the working load criterion requires an increase in minimum strength that is unnecessary because it fails to take into account the fact that friction between an article of cargo and surfaces with which it is in contact, such as the floor of the vehicle, exerts forces tending to prevent the article from becoming dislodged. The extra strength demanded by the working load criterion would be necessary only on the assumption that loads are suspended in midair. They are not, of course, and the present rule mandates an overdesign that generates unnecessary expense without any compensating marginal increase in safety.

Accordingly, the Bureau is changing the rule to provide that the aggregate static breaking strength of the tiedown assemblies used to secure an article of cargo against movement in any direction must be at least 1½ times the weight of that article.

In consideration of the foregoing, § 393.85(c)(1) of the Motor Carrier Safety Regulations (Subchapter B in Chapter III of Title 49, CFR) is revised to read as follows:

§ 393.85 Protection against shifting or falling cargo.

• • • • • •

(c) *Securement systems.* • • •

(1) *Tiedown assemblies.* Except as provided in paragraph (c)(6) of this section (relating to containers designed to transport containerized, intermodal cargo), the aggregate static breaking strength of the tiedown assemblies used to secure an article against movement in any direction must be at least 1½ times the weight of that article. Chain used as a component of a tiedown assembly must conform to the requirements of the August 1961 edition of the National Association of Chain Manufacturers' Welded Chain Specifications[1] applicable to all types of chain. Steel strapping used as a component of a tiedown assembly must conform to the requirements of Federal Specification No. QQ-S-781 (1969).[2] Steel strapping that is 1 inch wide or wider must have at least two pairs of crimps in each seal and, when end-over-end lap joints are formed, must be sealed with at least two seals.

• • • • • •

Sec. 204, Interstate Commerce Act, as amended; 49 U.S.C. 304, sec. 6, Department of Transportation Act, 49 U.S.C. 1655; and delegations of authority by Secretary of Transportation and Federal Highway Administrator at 49 CFR 1.48 and 389.4, respectively.

Effective date: This amendment is effective on July 1, 1973.

Issued on March 1, 1973.

ROBERT A. KAYE,
Director, Bureau of Motor Carrier Safety.

NOTE: Incorporation by reference provisions approved by the Director of the FEDERAL REGISTER on March 26, 1973.

[FR Doc.73-4756 Filed 3-28-73;8:45 am]

[1] Copies of these specifications may be secured by writing to the National Association of Chain Manufacturers, 111 W. Washington St., Chicago, IL 60602.

[2] Copies of these specifications may be secured from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

Title 50—Wildlife and Fisheries

CHAPTER I—BUREAU OF SPORT FISHERIES AND WILDLIFE, FISH AND WILDLIFE SERVICE, DEPARTMENT OF THE INTERIOR

PART 28—PUBLIC ACCESS, USE, AND RECREATION

Parker River National Wildlife Refuge, Mass.

The following special regulation is issued and is effective during the period April 1, 1973, through December 31, 1973.

§ 28.28 Special regulations; recreation; for individual wildlife refuge areas.

MASSACHUSETTS

PARKER RIVER NATIONAL WILDLIFE REFUGE

Entrance into the refuge is permitted for the purpose of sightseeing, nature study, photography, hiking, bicycling, snowshoeing, cross-country skiing, sunbathing, and ice skating from 6 a.m. to 9 p.m., May 1 through October 15, and from dawn to dusk from October 16 through April 30.

Boating is permitted on navigable waters which lie within the refuge and boats may be landed at the Knobbs, Grape Island, and Stage Island for nature study during the above hours.

The entire refuge beach has no lifeguards. Swimming will be at the visitor's own risk.

Surf fishing is permitted during the day on the ocean beach east of parking lots Nos. 3–15 from May 1 through October 15. A permit is required for night fishing on the entire beach from May 1 through October 15. Permits are available at refuge headquarters. The entire beach is open to surf fishing without a permit from October 16 through April 30, from dawn to dusk only.

A limit of one-half bushel of plums and cranberries per family may be picked outside of the dune research natural area from August 25 to October 31.

Access to clam flats for clamming is permitted across refuge marshes. Permits are required and may be obtained at refuge headquarters.

Cooking fires are permitted only on the ocean beach.

Alcoholic beverages, camping, tents, camping trailers, floating devices, skin diving, scuba diving, and pets are not permitted on the refuge.

The possession of any drugs or substances, or immediate precursors, identified in Schedules I, II, III, IV, or V of Part B of the Controlled Substances Act, 21 U.S.C. 812, or any drugs or substances added to these schedules pursuant to the terms of the act is prohibited on the refuge, unless such drugs or substances were obtained in accordance with law. Presence in the refuge when under the influence of a controlled substance to a degree that may endanger oneself, or another person, or property, or may cause interference with another person's enjoyment of the refuge is prohibited.

Organized group activities must be confined to the beach area east of parking lots Nos. 1 and 2.

Bicycles and registered motor vehicles are permitted on the refuge access road and in numbered parking areas only. Parking lot No. 9 is reserved for nature study. Speed limits are posted. Snowmobiles, air cushion, all-terrain, or other similar vehicles are not permitted on the refuge.

A required permit may be obtained upon application to the manager in charge for the use of over-the-sand vehicles for surf fishing only, day and night from May 1 to May 29, and September 5 to October 15 inclusive, and during the hours from 6 p.m. to 8 a.m., from May 30 to September 4 inclusive. No vehicle shall be operated on the beach between the hours of 8 a.m. and 6 p.m. from May 30 to September 4. During such hours all authorized vehicles shall remain in the designated surf fishing vehicle parking area, or exit from the beach area. Applicants for over-the-sand vehicle permits must provide evidence that the vehicle is duly registered and licensed in accordance with applicable State and Federal regulations and show that it is equipped with the following: spare tire, shovel, jack, towrope or chain, board or similar support for jack, and low pressure tire gage. Permits are to be affixed to the vehicles as instructed at the time of issuance. Vehicles authorized by permit to operate on the beach exclusively for the purpose of surf fishing and which are equipped with self-contained water or chemical toilets having a minimum capacity of not less than 3 days' waste material, may park in the designated surf fishing vehicle parking area for a period not to exceed 72 consecutive hours. At the end of such period, the operator of said vehicle shall exit from the refuge but may be readmitted after emptying the vehicle's holding tank at designated disposal sites. Driving above stated vehicles off the designated beach access routes, or over or behind the dunes, or on the beach area east of parking lots Nos. 1 and 2 is prohibited. Ruts or holes resulting from freeing a stuck vehicle shall be filled by the operator. Riding on fenders, tailgate, roof, or any other position outside of the vehicle is prohibited. Failure to comply with refuge regulations shall be grounds for immediate cancellation of the permit.

A map of the refuge is available at refuge headquarters and from the Regional Director, Bureau of Sport Fisheries and Wildlife, Post Office and Courthouse, Boston, Mass. 02109.

The provisions of this special regulation supplement the regulations governing recreation on wildlife refuge areas generally, which are set forth in Title 50, Code of Federal Regulations, Part 28, and are effective through December 31, 1973.

WILLARD M. SPAULDING, Jr.,
Acting Regional Director, Bureau of Sport Fisheries and Wildlife.

MARCH 20, 1973.

[FR Doc.73-6014 Filed 3-28-73;8:45 am]

CHAPTER II—NATIONAL MARINE FISHERIES SERVICE, NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION, DEPARTMENT OF COMMERCE

SUBCHAPTER F—AID TO FISHERIES

PART 259—CAPITAL CONSTRUCTION FUND

Joint Tax Regulations

The following regulations relate to the application of section 607 of the Merchant Marine Act, 1936 (46 U.S.C. 1177) as amended by section 21(a) of the Merchant Marine Act of 1970 (84 Stat. 1026) and to the requirements of the execution of agreements relating to capital construction funds and deposits therein for taxable years beginning after December 31, 1969, and before January 1, 1973. The regulations set forth herein are temporary and are designed to provide transitional rules with respect to the execution of agreements relating to capital construction funds and deposits therein for such years. The regulations are effective until the issuance of final regulations to be prescribed by the Commissioner of Internal Revenue and approved by the Secretary or his delegate and prescribed by the Secretary of Commerce or his delegate. These regulations have been issued jointly by the Secretary of the Treasury and the Assistant Secretary of Commerce for Maritime Affairs and also appear under 26 CFR Part 3 and 46 CFR Part 390.

This regulation would extend the rules established by the outstanding temporary regulation, as amended, to taxable years beginning during 1972. For such taxable years, the agreement must be executed and entered into on or prior to the due date, with extensions, for the filing of the tax return in order to be effective for the year to which that return relates. Deposits must also be made on or before that date, or within 60 days after the date of execution of the agreement, whichever is later, in order to be effective for such taxable year.

In order to extend the provisions of the temporary regulations under section 21(a) of the Merchant Marine Act of 1970 to taxable years beginning in 1972, § 259.1 of Chapter II of 50 CFR is amended by revising so much of such § 259.1 as precedes paragraph (a) thereof and by revising paragraph (d) thereof as follows:

§ 259.1 Execution of agreements and deposits made in a capital construction fund.

In the case of a taxable year of a taxpayer beginning after December 31, 1969, and before January 1, 1973, the rules governing the execution of agreements and deposits under such agreements shall be as follows:

• • • • • •

(d) Nothing in this section shall alter the rules and regulations governing the timing of deposits with respect to existing capital and special reserve funds or with respect to the treatment of deposits for any taxable year or years

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other than a taxable year or years beginning after December 31, 1969, and before January 1, 1973.

Effective date. These regulations republish existing Treasury Regulations without substantive change. Accordingly, these regulations shall be effective March 29, 1973.

(Sec. 607, Merchant Marine Act, 1936, 46 U.S.C. 1177; as amended by sec. 21(a) Merchant Marine Act of 1970, 84 Stat. 1026)

Dated: March 20, 1973.

By order of the Administrator, National Oceanic and Atmospheric Administration.

ROBERT M. WHITE,
Administrator.

[FR Doc.73-5973 Filed 3-28-73;8:45 am]

Title 5—Administrative Personnel

CHAPTER I—CIVIL SERVICE COMMISSION

PART 213—EXCEPTED SERVICE

Department of Defense

Section 213.3306 is amended to show that one position of Deputy Director of Defense Research and Engineering (Research and Advanced Technology), Office of the Secretary of Defense, is no longer excepted under Schedule C.

Effective on March 29, 1973, § 213.3306 (a)(23) is amended as set out below.

§ 213.3306 Department of Defense.

(a) *Office of the Secretary.* * * *

(23) Four Deputy Directors of Defense Research and Engineering and the Director, Advanced Research Projects Agency.

* * * * *

(5 U.S.C. secs. 3301, 3302, E.O. 10577; 3 CFR 1954-58 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.73-5996 Filed 3-28-73;8:45 am]

PART 213—EXCEPTED SERVICE

Department of Transportation

Section 213.3394 is amended to show that one additional position of Special Assistant to the Under Secretary and one position of Special Assistant to the Assistant Secretary for Congressional and Intergovernmental Affairs are excepted under Schedule C.

Effective on March 30, 1973, § 213.3394 (a)(11) is amended and § 213.3394(a)(36) is added as set out below.

§ 213.3394 Department of Transportation.

(a) *Office of the Secretary.* * * *

(11) Three Special Assistants to the Under Secretary.

* * * * *

(36) One Special Assistant to the Assistant Secretary for Congressional and Intergovernmental Affairs.

* * * * *

(5 U.S.C. secs. 3301, 3302, E.O. 10577; 3 CFR 1954-58 Comp. p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.73-6150 Filed 3-28-73;8:45 am]

Title 7—Agriculture

CHAPTER VII—AGRICULTURAL STABILIZATION AND CONSERVATION SERVICE (AGRICULTURAL ADJUSTMENT), DEPARTMENT OF AGRICULTURE

SUBCHAPTER D—PROVISIONS COMMON TO MORE THAN ONE PROGRAM

PART 795—PAYMENT LIMITATION

Interpretation

The following interpretation of § 795.8 of the regulations governing the payment limitation, 35 FR 19339, as amended, is issued.

Section 795.8 provides that an estate or irrevocable trust shall be considered as one person, except that an estate or trust which has a sole heir or beneficiary shall not be considered as a separate person from such heir or beneficiary.

In the question raised, five persons are the beneficiaries of three separate trusts. The same five persons, along with a charitable organization holding a 10-percent interest, are the beneficiaries of a fourth trust.

It has been concluded that, where two or more trusts have beneficiaries who are identical or practically identical, the trusts may not be regarded as separate persons and are limited to a single payment limitation. Accordingly, in the question raised, the four trusts are to be regarded as the same person and limited to a single payment limitation.

Signed at Washington, D.C., on March 21, 1973.

KENNETH E. FRICK,
Administrator, Agricultural Stabilization and Conservation Service.

[FR Doc.73-6011 Filed 3-28-73;8:45 am]

CHAPTER VIII—AGRICULTURAL STABILIZATION AND CONSERVATION SERVICE (SUGAR), DEPARTMENT OF AGRICULTURE

SUBCHAPTER H—DETERMINATION OF WAGE RATES

[Docket No. SH-312]

PART 862—WAGE RATES: SUGAR BEETS

The Sugar Act requires sugarbeet producers, as one of the conditions with which they must comply to be eligible for government payments under the act, to pay all workers employed in the production, cultivation, and harvesting of sugarbeets in full at not less than minimum wage rates determined by the Secretary of Agriculture to be fair and reasonable. Such determination may not be made until after investigation and opportunity for interested persons to testify on whether the wage rates established under the previous year's determination continue to be fair and reasonable or whether such determination should be amended. Public hearings were held in five locations during the period December 4-13, 1972.

The determination, which becomes effective on April 9, 1973, increases the minimum wage rate for specified hand labor operations performed on a time basis by 15 cents to $2.15 per hour, and the minimums for work performed on a piecework basis are increased by rates ranging from $1 to $2.50 per acre. In addition, the new determination expands the provision for "payment of wages" to require that the worker receive payment upon completion of each hand labor operation on a farm unless other arrangements have been agreed upon between the producer and worker. Prior determinations have provided that the producer shall have paid the worker upon completion of work, but not necessarily upon completion of each operation performed.

Pursuant to the provisions of section 301(c)(1) of the Sugar Act of 1948, as amended (herein referred to as "act"), after investigation and consideration of the evidence obtained at the public hearings held during December 1972, the following determination is hereby issued.

The regulations previously appearing in these sections under "Determination of Wage Rates; Sugarbeets" remain in full force and effect as to the crops to which they were applicable.

Sec.
862.9 General requirements.
862.10 Wage rates.
862.11 Compensable working time.
862.12 Applicability of wage requirements.
862.13 Payment of wages.
862.14 Evidence of compliance.
862.15 Employment of workers through a labor contractor or crew leader.
862.16 Subterfuge.
862.17 Claim for unpaid wages.
862.18 Failure to pay all wages in full.
862.19 Child labor.
862.20 Checking compliance.

AUTHORITY: Secs. 862.9 to 862.20 issued under secs. 301, 403, 61 Stat. 929, as amended, 932; 7 U.S.C. 1131, 1153.

§ 862.9 General requirements.

A producer of sugarbeets shall be deemed to have complied with the wage provisions of the act if all persons employed on the farm in the production, cultivation, or harvesting of sugarbeets, as provided in § 862.12, shall have been paid in accordance with the following:

§ 862.10 Wage rates.

All such persons shall have been paid in full for all such work and shall have been paid wages therefor at rates required by existing legal obligations, regardless of whether those obligations resulted from an agreement (such as a labor union agreement) or were created by State or Federal legislative action, or at rates as agreed upon between the producer and the worker, but not less than the following, which shall become effective on April 9, 1973, and shall remain in effect until amended, superseded, or terminated:

(a) When employed on a time basis: For the hand labor operations of thinning, hoeing, hoe-trimming, blocking and thinning, weeding, pulling, topping, loading, or gleaning: $2.15 per hour: *Provided*, That for workers 14 or 15 years of age the hourly rate specified herein may be reduced by not more than 15 percent.

(b) When employed on a piecework basis for the hand labor operations in the following table:

Hand labor operations	*Rate per acre*
A. Thinning: Removing excess beets with a hoe only	$15.50
B. Hoeing: Removing weeds and excess beets with a hoe only	20.00
C. Hoe-Trimming: Removing weeds with a hoe and by hand and removing excess beets with a hoe only	24.00
D. Weeding: Removing weeds with a hoe and by hand following either A, B, or C above, E below, or following the operation specified in paragraph (c) of this section	13.00
and in the State of California only	
E. Blocking and Thinning: Removing weeds and excess beets with a hoe and by hand	$34.50

Wide row planting. The above rates and the rate provided for in paragraph (c) of this section may be reduced by not more than the indicated percentages for the following row spacing: 28 inches or more but less than 31 inches, 20 percent; 31 inches or more but less than 34 inches, 25 percent; 34 inches or more, 30 percent.

Narrow row planting. The above rates and the rate provided for in paragraph (c) of this section shall be increased by not less than the indicated percentages for the following row spacing: 19 inches or less but more than 16 inches, 25 percent; 16 inches or less, 35 percent.

(c) In the fields that have been completely machine-thinned and on which chemical herbicides have been applied, removing weeds with a hoe only may be employed as a first operation: *Provided*, That the applicable piecework rate therefor shall be not less than $13 per acre.

(d) When employed on a piecework basis for hand labor operations not specified or defined, or for harvesting. The piecework rate for blocking and thinning in States other than California, weeding not qualified as a first operation under paragraph (c) of this section or not preceded by A, B, C, or E or paragraph (b) of this section, and any other hand labor operation involving the removal of beets or weeds which is not defined above, and for the operations of pulling, topping, loading, or gleaning, shall be as agreed upon between the producer and the worker: *Provided*, That the average hourly rate of earnings of each worker for each operation shall be not less than $2.15 per hour computed on the basis of the total time such worker is employed on the farm for such operations.

(e) *When employed on a time or piecework basis for other operations.* For all other operations in the production, cultivation, or harvesting of sugar beets for which no minimum rate is provided for herein, the rate shall be as agreed upon between the producer and the worker.

§ 862.11 Compensable working time.

For work performed under § 862.10, compensable working time includes all time which the worker spends in the performance of his duties except time taken out for meals during the workday. Compensable working time commences at the time the worker is required to start work in the field and ends upon completion of work in the field. However, if the producer requires the operator of mechanical equipment, or any other class of worker to report to a place other than the field, such as an assembly point, tractor shed, etc., located on the farm, the time spent in transit from such place to the field and from the field to such place is compensable working time. Any time spent in performing work directly related to the principal work performed by the worker, such as servicing equipment, is compensable working time. Time of the worker while being transported from a central labor recruiting point or labor camp to the farm is not compensable working time.

§ 862.12 Applicability of wage requirements.

The wage requirements of this part apply to all persons who are employed or who work on the farm in operations directly connected with the production, cultivation, or harvesting of sugar beets on any acreage from which sugar beets are marketed or processed for the production of sugar, or any acreage which qualifies as bonafide abandoned. Such persons include field overseers or supervisors while directing other workers, and those workers employed by a custom operator who performs the above services on the farm. The wage requirements are not applicable to persons who voluntarily perform work without pay on the farm for a religious or charitable institution or organization; inmates of a prison who work on a farm operated by the prison; truck drivers employed by a contractor engaged by the producer only in hauling sugar beets; members of a cooperative arrangement among producers for the exchange of labor to be performed by themselves or members of their families; persons who have an agreement with the producer to perform all work on a specified acreage in return for a share of the crop proceeds if such share, including the share of any Sugar Act payments, results in earnings at least as much as would otherwise be received in accordance with the requirements of this part for the work performed; custom operators and members of their immediate families; or workers performing services which are indirectly connected with the production, cultivation, or harvesting of sugar beets, including but not limited to mechanics, welders, and other maintenance workers and repairmen.

§ 862.13 Payment of wages.

(a) The producer shall make payment of wages in accordance with the following requirements: (1) Workers shall be paid by check or in currency for all work performed, and shall be paid upon completion of each hand labor operation performed on the farm unless some other arrangement is agreed upon by the producer and worker and acknowledged in writing signed by the worker; (2) deductions from payments are permitted and may be made for cash advances made only by producers to workers and, in reasonable amounts agreed upon by the producer and worker, for items furnished by the producer such as meals and transportation, and for mandatory deductions or withholdings required by law; (3) deductions may not be made from wages for payment of debts originally incurred with someone other than the producer, except as required and provided under applicable garnishment statutes or by other legal process; and (4) deductions may not be made for payment to a labor contractor or supervisor for his services, or for any items which the producer agreed to furnish the worker free of charge.

(b) The producer shall furnish the worker at the time of payment of wages or, if payment of wages is made through a labor contractor or crew leader, require the labor contractor or crew leader to furnish the worker at the time of payment of wages a statement showing the producer's and worker's names, the gross earnings, the items and amounts of deductions, and the net earnings of the worker, and any permissible deductions, and the amount paid each worker. The producer shall furnish upon request to the appropriate Agricultural Stabilization and Conservation County Committee such records or other evidence as may satisfy such committee that the requirements of this part have been met.

§ 862.14 Evidence of compliance.

Each producer subject to the provisions of this part shall keep and preserve, for a period of 3 years following the date on which his application for a Sugar Act payment is filed, such wage records as will demonstrate that each worker has been paid in full in accordance with the requirements of this part. Wage records should set forth dates work was performed, the class of work performed, units of work (piecework or hours), agreed upon rates per unit of work, total earnings, and any permissible deductions, and the amount paid each worker. The producer shall furnish upon request to the appropriate Agricultural Stabilization and Conservation County Committee such records or other evidence as may satisfy such committee that the requirements of this part have been met.

§ 862.15 Employment of workers through a labor contractor or crew leader.

(a) If a producer employs workers through a labor contractor or crew

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leader, the producer may make payment of workers' wages through such labor contractor or crew leader: *Provided*, That the producer obtain from such contractor or crew leader and have on file (1) a written record that he is registered or licensed as derived from examination of a valid certificate of registration or a farm labor contractor employee identification card; (2) a copy of his authorization signed by each worker to collect wages due each such worker; (3) a copy of each worker's statement of earnings as required by § 862.13, or a wage record sheet such as the "Wage Record Sheet Sugarbeet Program" shown in Exhibit 9 of Handbook 1–SU, available in county ASCS offices, showing the names of the producer and workers, dates work was performed, description of work performed, units of work, agreed upon rates per unit, and the amounts of wages due each such worker; and (4) the signature of each worker acknowledging receipt of wages received which shall in no event be less than those required by this part. The producer is responsible for paying to the labor contractor or crew leader the fee for his services, and the producer shall have on file a statement signed by the labor contractor or crew leader showing the amount of the fee being paid by the producer to the labor contractor or crew leader for his services, and showing that such fee is over and above the wages agreed upon by the contractor and the producer which shall in no event be less than those provided by this part.

(b) Responsibility for insuring that workers actually receive the minimum wage or the agreed upon wage, whichever is higher, less only deductions authorized by this part, rests with the producer. Whenever it appears that a worker has received less than the minimum or agreed upon wage, whichever is higher, less deductions authorized by this part, the producer shall not have met the requirements of this part for eligibility for payment under the act until it is determined that all workers on the farm have been paid in full: *Provided, however*, That a producer who having acted in good faith to fulfill his obligation to insure that the minimum or agreed upon wage is actually received by the workers, has obtained and has on file documents which meet the requirements set forth in paragraph (a) of this section and which show payment of wages in accordance with this part, shall have met the requirements of this part, except that in cases where the worker files a claim in the county ASCS office that he has not been paid wages in accordance with this part and it is found by the county committee that the worker's signature has been forged or he has been forced to sign under duress or by fraud, the producer shall not have met the requirements of this part for eligibility for payment under the act until the county committee determines that all workers on the farm have been paid in full.

§ 862.16 Subterfuge.

The producer shall not reduce the wage rates to workers below those determined herein, through any subterfuge or device whatsoever.

§ 862.17 Claim for unpaid wages.

Any person who believes he has not been paid in accordance with this part may file a wage claim with the Agricultural Stabilization and Conservation Service County Office against the producer on whose farm the work was performed. Detailed instructions and wage claim forms are available at the county ASCS office. Such claim must be filed within 2 years from the date the work with respect to which the claim is made was performed. Upon receipt of a wage claim the county ASCS office shall thereupon notify the producer against whom the claim is made concerning the representation made by the worker. The county ASC committee shall arrange for such investigation as it deems necessary and the producer and worker shall be notified in writing of its recommendations for settlement of the claim. If either party is not satisfied with the recommended settlement, an appeal may be made to the State Agricultural Stabilization and Conservation Service Office. The address of the State ASCS Office will be furnished by the local county ASCS office. Upon receipt of the appeal the State ASC committee shall likewise consider the facts and notify the producer and worker in writing of its recommendations for settlement of the claim. If the recommendation of the State ASC committee is not acceptable, either party may file an appeal with the Deputy Administrator, State and County Operations, Agricultural Stabilization and Conservation Service, U.S. Department of Agriculture, Washington, D.C. 20250. All such appeals shall be filed within 15 days after the date the written notice of the recommended settlement is mailed by the respective committee, otherwise such recommended settlement will be applied in making payments under the act. If a claim is appealed to the Deputy Administrator, State and County Operations, his decision shall be binding on all parties insofar as payments under the act are concerned. Appeals procedures are set forth and explained fully in Part 780 of this title.

§ 862.18 Failure to pay all wages in full.

(a) Notwithstanding the provisions of this part requiring that all persons employed on the farm in the production, cultivation, or harvesting of sugar beets be paid in full for all such work as one of the conditions to be met by a producer for payment under the act, if the producer has failed to meet this condition but has met all other conditions, a portion of such payment representing the remainder after deducting from the payment the amount of accrued unpaid wages, may be disbursed to producer(s) upon a determination by the county committee (1) that the producer had made full disclosure to the county committee or its representatives of any known failure to pay all workers on the farm wages in full as a condition for payment under the Sugar Act; and (2) that either (i) the failure to pay all workers their wages in full was caused by the financial inability of the producer, or (ii) the failure to pay all workers in full was caused by to pay all workers in full was casued by an inadvertent error or was not the fault of the producer or his agent, and the producer has used reasonable diligence to locate and to pay in full the wages due all such workers. If the county committee makes the determination as heretofore provided in this section, such committee shall cause to be deducted from the payment for the farm the full amount of the unpaid wages which shall be paid promptly to each worker involved if he can be located, otherwise the amount due shall be held for his account, and the remainder of the payment for the farm, if any, shall be made to the producer. If the county committee determines that the producer did not pay all workers in full because of an inadvertent error that was not discovered until after he received his Sugar Act payment, the producer shall be placed on the claims control record for the total amount of the unpaid wages.

(b) Except as provided in paragraph (a) of this section, if upon investigation the county committee determines that the producer failed to pay all workers on the farm the required wages, the entire Sugar Act payment with respect to such farm shall be withheld from the producer until such time as evidence is presented to the county committee which will satisfy the county committee that all workers have been paid in full the wages earned by them, or if unpaid workers cannot be located and the county committee determines that the producer used reasonable diligence to locate such workers, the amounts of unpaid wages shall be deducted from the Sugar Act payment computed for the farm and the balance released to the producer after the expiration of 1 year from the date payment would otherwise be made. If payment has been made to the producer prior to the county committee's determination that all workers on the farm have not been paid in full, the producer shall be placed on the claims control record for the total payment until the county committee determines that all workers on the farm have been paid in full, the producer refunds the entire amount of the debt, or a setoff in the amount of the debt is made from a program payment otherwise due the producer, or the county committee after determining that the producer used reasonable diligence to locate such workers has recovered from such producer the amount of unpaid wages computed for the farm.

§ 862.19 Child labor.

Notwithstanding any of the foregoing provisions of this part, the act provides that the employment of workers under

14 years of age, or the employment of workers 14 and 15 years of age for more than 8 hours per day (except a member of the immediate family of a person who was the legal owner of not less than 40 percent of the crop at the time work was performed), will result in a deduction from Sugar Act payments to the producer.

§ 862.20 Checking compliance.

The procedures to be followed by county ASCS offices in checking compliance with the wage requirements of this part are set forth under the applicable sections of Handbook 1–SU issued by the Deputy Administrator, State and County Operations, ASCS. Copies of Handbook 1–SU may be inspected at local county ASCS offices and copies may be obtained from State Agricultural Stabilization and Conservation Service offices. The address of the State ASCS office will be furnished by the local county ASCS office.

STATEMENT OF BASES AND CONSIDERATIONS

General. The foregoing determination provides fair and reasonable wage rates to be paid for work performed by persons employed on the farm in the production, cultivation, or harvesting of sugar beets as one of the conditions with which producers must comply to be eligible for payments under the act.

Requirements of the act and standards employed. Section 301(c)(1) of the act requires that all persons employed on the farm in the production, cultivation, or harvesting of sugar beets with respect to which an application for payment is made, shall have been paid in full for all such work, and shall have been paid wages therefor at rates not less than those that may be determined by the Secretary to be fair and reasonable after investigation and due notice and opportunity for public hearing; and in making such determination the Secretary shall take into consideration the standards therefor formerly established by him under the Agricultural Adjustment Act, as amended (i.e., cost of living, prices of sugar and by-products, income from sugar beets and cost of production), and the differences in conditions among the various suger-producing areas.

Wage determination. This determination differs from the prior determination in that the minimum wage rate for specified hand labor operations performed on a time basis is increased 15 cents to $2.15 per hour; and minimum piecework rates are increased $1 per acre for thinning and for hoeing, $1.50 per acre for hoe-trimming, $1 per acre for weeding, and $2.50 per acre for blocking and thinning (applicable only in the State of California). In addition, the grower is required to make payment of wages to a worker upon completion of each hand labor operation on the farm. Other provisions of the prior determination continue unchanged.

Public hearings were held in Ann Arbor, Mich.; Fargo, N. Dak.; Billings, Mont.; San Francisco, Calif.; and Mercedes, Tex., during the period December 4 through Decemer 13, 1972. These hearings afforded interested persons the opportunity to present testimony and make recommendations relating to fair and reasonable wage rates for sugar beet workers. Testimony was presented by representatives of both sugar beet producers and workers.

Producer representatives generally recommended that the minimum hourly and piecework wage rates established in 1972 remain unchanged for 1973. One representative suggested that any increase in minimum wages be comparable to the increase in returns to growers from sugar beets.

Representatives of producers in two large producing areas recommended that present hand labor operations be retained intact. A representative of producers in one region found the Department's proposal on hand labor operations acceptable, except that he suggested the definition for weeding read, in part, "* * * machine thinned and/or on which chemical herbicides have been applied."

Producer representatives recommended against adoption of a proposal that workers be paid upon completion of work on a farm, or every 2 weeks, whichever occurs first, for the following principal reasons: (1) State laws covering payment of wages are already adequate, and a change in the present procedure would result in Federal-State conflicts; (2) a majority of the workers desire to have some of their earnings held back for various reasons; and (3) more bookkeeping would be required of the producer which would increase the possibility of errors in making final settlement with workers.

Producer representatives recommended that no change be made in the present method of repayment of cash advances by the worker. One representative testified that settlement procedures on cash advances are best handled at the local level between workers and employers.

One producer representative recommended that weeding be allowed as a first operation on beets planted to a stand, and another recommended the addition of a weeding operation at a $5 rate for relatively clean fields to be performed late in the season without reference to the method of removing weeds.

Representatives of workers recommended that the minimum hourly wage be increased to rates ranging from $2.50 to $3.50. Several workers stated that they had no recommendation on wage rates, and that the 1972 determination was satisfactory. One worker representative recommended the following piecework operations and rates per acre:

Thinning	$16.00
Thinning and weeding (Combine present B and C categories and restrict to hoe only)	24.00
Blocking and thinning (Make nationwide instead of California only)	34.00
Weeding (Fields machine thinned and herbicide treated or as a second operation)	13.00

Affidavits from 34 sugar beet workers represented by the United Farm Workers suggested the following range of piecework rates for the hand labor operations proposed for consideration in the Department's notice of hearings:

Thinning	$15.50 to $18
Thinning and weeding	$21.50 to $25
Weeding	$24.50 to $27

A witness for the United Farm Workers also recommended that a written contract, which states the work to be performed and the wage rate, be required between producers and workers. He testified that such a procedure would eliminate many problems which accrue under the current practice of verbal contracts. Other worker representatives expanded this proposal to stipulate that contracts be bilingual, i.e., English-Spanish or English-Navajo, and that additional conditions of employment such as housing be included. Worker representatives testified that adoption of written contracts would make the wage claim procedures provided in the wage determination more effective.

One worker representative recommended that the Department formulate and enforce housing regulations; that 5 percent interest on unpaid wages (from date grievance is filed) be paid to a worker by an employer should the Department rule in favor of the worker's claim; that 7 percent interest be charged to a grower who does not pay wages determined to be due a worker, and this amount plus the unpaid wages be deducted from the Sugar Act payment due the grower; and that when the entire Sugar Act payment is withheld from a grower due to intentional failure to pay the required wages, the money be put into a fund to pay workers unpaid wages in subsequent years.

Several worker representatives proposed a restructuring of county ASC committees to include a worker or worker representative, or an impartial third party mutually acceptable to workers and producers, for the purpose of assuring fairness in the handling of wage claims made by workers. One worker representative asked for provisions to prevent retaliatory acts by growers against workers for filing grievance claims.

Worker representatives supported the proposed changes in hand labor categories and the proposal that workers be paid upon completion of work on a farm or every 2 weeks, whichever occurs first. These representatives also supported the proration of cash advances over the period of employment. One representative recommended that written contracts be required when cash advances are involved; and failing this, that cash advances not be deducted from wages but paid by the worker to the prdoucer when final payment of wages is made.

Supplemental briefs submitted on behalf of workers concurred in most of the worker recommendations made at the hearings. In addition, it was recommended that the Department set a minimum wage rate of $2.50 per hour, and

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that piece rate incentives be built into the $2.50 minimum whereby a worker could earn more than the minimum for good work.

Consideration has been given to all recommendations and testimony presented at the public hearings; to the returns, costs, and profits of producing sugar beets obtained by field survey for a prior crop and recast in terms of price and production conditions likely to prevail for the 1973 crop; and to other standards generally considered in wage determinations, including the cost of living and the producers' ability to pay wages.

A principal purpose of the Sugar Act is to protect the welfare of those engaged in the domestic sugar-producing industry. The Act, through a system of conditional payments to growers, assures that all parties engaged in the production and processing of sugar crops share equitably in the proceeds of the industry. Conditional payments act as an incentive to growers to adjust their production to quota and carryover needs. This payment system also has three other objectives: (1) To provide adequate income to growers; (2) to assure growers and fieldworkers a fair sharing of returns to the industry; and (3) to prevent the employment of child labor in fieldwork. The sharing of returns between growers and fieldworkers is accomplished by requiring growers to pay fieldworkers in full for work performed and at rates not less than those determined by the Secretary to be fair and reasonable.

Worker representatives recommended that the minimum hourly wage rate be increased by amounts ranging from 50 cents to $1.50, and that minimum piecework rates be increased by amounts from $2 per acre upward. Producer representatives generally recommended that wage rates remain unchanged. This determination increases the minimum wage rate for work performed on a time basis by 15 cents per hour, and the minimum piecework rates for the five specified hand labor operations by amounts ranging from $1 to $2.50 per acre. These increases average about 7.5 percent.

The cost of living rose 3.3 percent in 1972 as compared to 1971. However, the cost of food and apparel—the basic items purchased by migratory families—increased 4.1 percent. It is anticipated that the cost of living, and especially the cost of food and apparel, will increase somewhat more during 1973 because of the relaxed economic controls now in effect. The increase in minimum wage rates established in this determination will more than offset the continuing rise in the cost of the most essential items needed by sugar beet fieldworkers. The earnings of all workers on sugar beet farms are expected to average about $2.29 per hour in 1973, or about 34 cents more than the projected average general farm wage rate in States where sugar beets are grown.

Due to rising net returns from sugar sales, improved yields of beets per planted acre, and reduced requirements for hand labor, producers on average have had profitable crops in recent years. Growers generally will not receive their final payment for 1972-crop sugar beets until after September 30, 1973, the end of the marketing year for 1972-crop beet sugar in most regions. It is anticipated that net returns from the sale of 1972-crop sugar will increase moderately above the net proceeds realized by beet sugar processors from the 1971 crop, and producers on average are expected to have the most profitable sugar beet crop since 1947—the first crop year for which data were obtained by the Department on the returns, costs and profits of sugar beet production.

Based on average yields and sucrose content of beets for recent years, a level of plantings slightly higher than in 1972, expected net returns from sugar sales, and anticipated prices to be paid by sugar beet producers for wages and other production costs, producers' profit (management income) from the 1973 crop is expected to be somewhat less favorable than from the exceptional 1972 crop. The principal reasons for the expected reduction in profit in 1973 as compared to 1972 are the lower anticipated yields (based on 5-year averages), higher prices for supplies and services, the increases in wages to workers provided by this determination, and related factors.

Some producers in several sections of the sugar beet area were unable to harvest all of their 1972 crop sugar beets because of adverse weather conditions. The ability of these producers to pay higher wages in 1973 will definitely be impaired, but the anticipated results of the 1972 crop for all producers on average, along with the prospective price and production conditions for the 1973 crop, indicate that producers will have the ability to pay the minimum wage rates established in this determination.

Actual results of the 1972 crop should be known early in 1974. Representatives of the Department are currently engaged in a survey of the 1972 crop, and it is anticipated that the data collected in the field study will be available for consideration prior to issuance of the 1974 wage regulation.

The notice of hearings on the matter of wage rates for sugar beet fieldworkers requested witnesses to offer testimony on several proposed changes which the Department had been considering. The first proposal was to reduce the number of hand labor operations and redefine them so as not to specify the method of removing beets or weeds (with a hoe or by hand). Worker representatives generally supported this proposal or some other type of change in the hand labor categories. Producer representatives generally opposed any change in the operations, but two witnesses recommended additional categories. Neither the proposal nor other recommendations concerning hand labor operations have been adopted. A review of Child Labor and Wage Compliance Reports, obtained by county ASCS offices through spot checks of about 10 percent of all sugar beet farms, indicate that each operation specified in the determination is widely used in various regions of the sugar beet area. Adoption of the proposed changes in the operations could simplify a somewhat complex set of work categories currently in use. However, it is believed that any change would upset well established regional practices to which both producers and workers have become accustomed over the years. The Department believes that the disadvantages outweigh any gains that might accrue from a change. It is also believed that the specified operations offer sufficient variety for the most common practices in use, and that additional operations are not necessary.

The second proposal would require that the worker be paid upon completion of work on a farm or every 2 weeks, whichever occurs first. Worker representatives supported this proposal because of difficulties sometimes encountered by workers due to long intervals between wage payments. Producer representatives opposed such a requirement. The proposal, with some modification, has been adopted. Because several weeks usually lapse between the completion of a first hand labor operation and the weeding operation, it is believed that the worker should be paid upon completion of each hand labor operation on a farm unless the produce rand worker agree in writing to a different arrangement. The portion of the proposal concerning payment "every 2 weeks" has not been adopted, since the completion of a single hand operation on a farm seldom takes more than 2 weeks. The proposal as adopted should alleviate any problems which may have been encountered by workers in the past, yet should not present any difficulty to producers. The wage compliance procedures contained in Handbook 1–SU will also be strengthened to ensure compliance with applicable existing State regulations with respect to the payment of wages at certain specified time intervals.

The final proposal contained in the notice of hearings would require that any cash advances made to a worker by the producer be deducted from the worker's earnings on a pro rata basis each pay period. Worker representatives supported such a requirement, while growers strongly objected to the proposal. The adoption of such a requirement would likely benefit workers in cases where the worker might find it difficult to repay a loan in full after he completes work on a farm. However, it is believed that problems encountered by producers and workers regarding settlement procedures for cash advances are neither serious nor wide-spread. It is also believed that it would be to the worker's disadvantage if guidelines were established for handling cash advances, since the grower would likely be much less inclined to advance money to the worker prior to the worker's departure from his home base. If employers are unwilling to make advances to workers, then employment opportunities of workers will be adversely affected. Furthermore, weather conditions would sometimes prevent the worker from earning a sufficient amount of money in a specific period to pay his living costs and to also make payments under such guidelines. Therefore, the proposal has not been adopted. However, the wage compliance procedures contained in Handbook 1–SU will be strengthened to insure compliance with applicable existing State regulations on the matter of cash advances.

The recommendation that workers have a representative on ASC committees for the purpose of resolving wage disputes has not be adopted. The Department strongly believes that adoption of this proposal would eliminate an equitable and workable means of resolving wage claims. A recent analysis of wage claims filed with local ASC committees indicates that the claim of the worker is generally upheld. After eliminating those cases withdrawn by the worker prior to a decision by the committee and those cases disposed of by compromise between the worker and producer, the claim of the worker was upheld in about 75 percent of the cases. It is believed that this is indicative of the effectiveness of the State and county farmer committee system in handling worker's wage claims.

Worker representatives also recommended that housing regulations be formulated and enforced. The adoption of this proposal would benefit workers in those instances where the grower provides inadequate housing, water, and sanitary facilities. As pointed out earlier in this statement of bases and considerations, the benefits of the U.S. sugar program are divided among producers and workers as well as others engaged in the industry. In insuring a fair division of the benefits of the sugar program, the Department takes the view that workers should receive their benefits in the form of cash wages. When the worker receives a fair and reasonable cash wage he is then free to choose for himself whether to live in housing provided by the producer or to make other arrangements for himself. Furthermore, the Department deems it advisable to avoid the duplication of efforts among government agencies wherever possible. For those producers who voluntarily furnish housing to their employees, such housing is subject to the housing and sanitary regulations issued under the Occupational Safety and Health Act of 1970, for which the Department of Labor is responsible. The further enforcement of that Act by this Department with respect to sugar farms would be an unwarranted duplication of effort.

The recommendations made by worker representatives concerning the payment of interest to workers who file claims, and the charge of interest to growers who do not pay wages due a worker have not been adopted. The Department believes that the current provisions regarding failure to pay all wages in full are sufficiently stringent to prevent deliberate nonpayment of wages. The recommendation that a grower's entire Sugar Act payment, when withheld due to intentional failure to pay the required wages, be put into a fund to pay workers unpaid wages in subsequent years has also not been adopted. This determination continues the provisions for either withholding the entire payment until the producer proves that all workers have been paid in full, or releasing after 1 year the balance of the payment after deducting the amounts of unpaid wages for workers who cannot be located. It is believed that these penalties provide adequate safeguards for those workers whose wages may have been intentionally withheld by producers.

The recommendation that the Department require written contracts before any work is performed on a farm has not been adopted. The execution of written contracts would benefit both the worker and producer, in that both parties would have written evidence of the terms of their agreement. However, the Department believes it inadvisable to impose a general requirement that employers must enter into a written contract. Such a requirement would be unduly restrictive on the freedom of action of both workers and employers. Over the years, the Department has repeatedly recommended the advantages of written contracts and continues to strongly encourage their use to minimize the chances for misunderstandings.

The recommendation that the Department prohibit retaliatory acts by growers against workers for filing grievance claims has not been adopted. A producer must pay the worker in full for work performed whether such work was satisfactory or not, but the producer need not retain his services under these regulations. The Department believes that retaliation against a worker by a grower would be extremely difficult to substantiate. Moreover, such a provision would be equally difficult to administer in an impartial manner, and could engage administrative personnel to such an extent that other provisions of the Sugar Act could not be properly administered.

This determination is issued on a continuing basis and will remain in effect until amended, superseded, or terminated. However, the Department will keep the wage situation under review and will conduct investigations and hold hearings annually.

On the basis of an examination of all relevant factors, the provisions of this determination are deemed to be fair and reasonable. Accordingly, I hereby find and conclude that the foregoing wage determination will effectuate the wage provisions of the Sugar Act of 1948, as amended.

NOTE: The recordkeeping and reporting requirements of these regulations have been approved by, and subsequent recordkeeping and reporting requirements will be subject to the approval of the Office of Management and Budget in accordance with the Federal Reports Act of 1942.

Effective date. This determination shall become effective on April 9, 1973.

Signed at Washington, D.C., on March 22, 1973.

KENNETH E. FRICK,
Administrator, Agricultural Stabilization and Conservation Service.

[FR Doc.73-5940 Filed 3-28-73;8:45 am]

CHAPTER IX—AGRICULTURAL MARKETING SERVICE (MARKETING AGREEMENTS AND ORDERS; FRUITS, VEGETABLES, NUTS), DEPARTMENT OF AGRICULTURE

[Orange Reg. 71, Amdt. 8]

PART 905—ORANGES, GRAPEFRUIT, TANGERINES, AND TANGELOS GROWN IN FLORIDA

Limitation of Shipments

This amendment lowers the minimum grade and size requirements on the handling of Temple oranges and the minimum size requirements on the handling of Murcott Honey oranges, grown in the production area in Florida. A determination as to the need for less restrictive requirements on shipments of Temple and Murcott Honey oranges was based upon all available information on market prices for oranges, level of supplies on hand at the principal markets, maturity, condition, and available supply of regulated varieties in the production area.

Findings. (1) Pursuant to the marketing agreement, as amended, and Order No. 905, as amended (7 CFR Part 905), regulating the handling of oranges, grapefruit, tangerines, and tangelos grown in Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations of the committees established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of Temple and Murcott Honey oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) The recommendation by the Growers Administrative Committee for less restrictive grade and size limitations on fresh shipments of Temple oranges is consistent with the external appearance and remaining supply of smaller size fruit in the production area and the current and prospective demand for such fruit by fresh market outlets. The minimum size requirement specified for Murcott Honey oranges is consistent with the available supply of and current and prospective demand for such smaller sizes of Murcott Honey oranges by fresh market outlets.

(3) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rulemaking procedure, and postpone the effective date of this

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amendment until 30 days after publication in the FEDERAL REGISTER. (5 U.S.C. 553) because the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient; and this amendment relieves restrictions on the handling of Temple and Murcott Honey oranges grown in Florida.

Order. The provisions of paragraph (a) (5), (6), and (8) of § 905.545 (Orange Regulation 71; 37 FR 21799, 24432, 25036, 27619, 28606; 38 FR 3396, 4569, 7565) are amended to read as follows:

§ 905.545 Orange Regulation 71.

(a) • • •

(5) Any Temple oranges, grown in the production area, which do not grade at least U.S. No. 1 Golden;

(6) Any Temple oranges, grown in the production area, which are of a size smaller than 2 4/16 in. in diameter, except that a tolerance of 10 percent, by count, of Temple oranges smaller than such minimum diameter shall be permitted, which tolerance shall be applied in accordance with the provisions for the application of tolerances specified in said U.S. Standards for Florida oranges and tangelos;

(7) • • •

(8) Any Murcott Honey oranges, grown in the production area, which are of a size smaller than 2 4/16 in. in diameter, except that a tolerance of 10 percent, by count, of Murcott Honey oranges smaller than such minimum diameter shall be permitted, which tolerance shall be applied in accordance with the provisions for the application of tolerances specified in said U.S. Standards for Florida oranges and tangelos.

• • • • • •

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated March 23, 1973, to become effective March 26, 1973.

FLOYD F. HEDLUND,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc.73-6012 Filed 3-28-73;8:45 am]

[Tangerine Reg. 44, Amdt. 5]

PART 905—ORANGES, GRAPEFRUIT, TANGERINES, AND TANGELOS GROWN IN FLORIDA

Limitation of Shipments

This amendment lowers the minimum grade and size requirements on the handling of tangerines grown in the production area in Florida. A determination as to the need for less restrictive grade and size requirements on shipments of tangerines was based upon all available information on market prices for tangerines, level of supplies on hand at the principal markets, condition, and available supply of regulated varieties in the production area.

Findings. (1) Pursuant to the marketing agreement, as amended, and Order No. 905, as amended (7 CFR Part 905), regulating the handling of oranges, grapefruit, tangerines, and tangelos grown in Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations of the committees established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of tangerines, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) The recommendation by the committee for less restrictive grade and size limitations on fresh shipments of tangerines is consistent with the external appearance and remaining supply of smaller size tangerines in the production area and the current and prospective demand for such fruit by fresh market outlets. The regulation is necessary to ensure a supply of the preferred grades and sizes to consumers.

(3) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rulemaking procedure, and postpone the effective date of this amendment until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient; and this amendment relieves restrictions on the handling of tangerines grown in Florida.

Order. The provisions of paragraph (a) (1) and (2) of § 905.547 (Tangerine Regulation 44; 37 FR 21799, 24432, 24189, 25914, 27619), are amended to read as follows:

§ 905.547 Tangerine Regulation 44.

(a) • • •

(1) Any tangerines, grown in the production area, which do not grade at least U.S. No. 2; or

(2) Any tangerines, grown in the production area, which are of a size smaller than 2 2/16 in. in diameter, except that a tolerance of 10 percent, by count, of tangerines smaller than such minimum diameter shall be permitted, which tolerance shall be applied in accordance with the provisions for the application of tolerances specified in the U.S. Standards for Florida tangerines.

• • • • • •

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: March 23, 1973, to become effective March 26, 1973.

FLOYD F. HEDLUND,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc.73-6013 Filed 3-28-73;8:45 am]

[Navel Orange Reg. 294]

PART 907—NAVEL ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Limitation of Handling

This regulation fixes the quantity of California-Arizona Navel oranges that may be shipped to fresh market during the weekly regulation period March 30–April 5, 1973. It is issued pursuant to the Agricultural Marketing Agreement Act of 1937, as amended, and Marketing Order No. 907. The quantity of Navel oranges so fixed was arrived at after consideration of the total available supply of Navel oranges, the quantity currently available for market, the fresh market demand for Navel oranges, Navel orange prices, and the relationship of season average returns to the parity price for Navel oranges.

§ 907.594 Navel Orange Regulation 294.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 907, as amended (7 CFR Part 907), regulating the handling of Navel Oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Navel Orange Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such Navel oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) The need for this section to limit the respective quantities of Navel oranges that may be marketed from District 1, District 2, and District 3 during the ensuing week stems from the production and marketing situation confronting the Navel orange industry.

(i) The Committee has submitted its recommendation with respect to the quantities of Navel oranges that should be marketed during the next succeeding week. Such recommendation, designed to provide equity of marketing opportunity to handlers in all districts, resulted from consideration of the factors enumerated in the order. The Committee further reports that the fresh market demand for Navel oranges remained active this week, with prices somewhat higher than a week ago. Prices f.o.b. averaged $3.87 a carton on a reported sales volume of 822 carlots last week, compared with an average f.o.b. price of $3.75 per carton and sales of 836 carlots a week earlier. Track and rolling supplies at 301 cars were up 66 cars from last week.

(ii) Having considered the recommendation and information submitted by the Committee, and other available information, the Secretary finds that the respective quantities of Navel oranges which may be handled should be fixed as hereinafter set forth.

(3) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rulemaking procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this section is based became available and the time this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The Committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for Navel oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation, including its effective time, are identical with the aforesaid recommendation of the Committee, and information concerning such provisions and effective time has been disseminated among handlers of such Navel oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such Committee meeting was held on March 27, 1973.

(b) *Order.* (1) The respective quantities of Navel oranges grown in Arizona and designated part of California which may be handled during the period March 30, 1973, through April 5, 1973, are hereby fixed as follows:

(i) District 1: 745,174 cartons;

(ii) District 2: 400,000 cartons;

(iii) District 3: Unlimited movement.

(2) As used in this section, "handled," "District 1," "District 2," "District 3," and "carton" have the same meaning as when used in said amended marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: March 28, 1973.

CHARLES R. BRADDER,
Acting Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc.73-6235 Filed 3-28-73;11:28 am]

[Valencia Orange Reg. 423]

PART 908—VALENCIA ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Limitation of Handling

This regulation sets a minimum size requirement on the handling of California-Arizona Valencia oranges grown in the production area during the period March 30 through April 26, 1973. A determination as to the need for regulation of shipments of Valencia oranges was based upon all available information on market prices for oranges, level of supplies at the principal markets, maturity, condition, and available supply of Valencia oranges in the production area, and the relationship of season average returns to the parity price for California-Arizona Valencia oranges.

§ 908.723 Valencia Orange Regulation 423.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 908, as amended (7 CFR Part 908), regulating the handling of Valencia oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Valencia Orange Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such Valencia oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) The recommendation by the Valencia Orange Administrative Committee reflects its appraisal of the crop and current and prospective marketing conditions during the period March 30 through April 26, 1973. The committee now estimates that the 1972–73 season crop of Valencia oranges will be 58,000 carlots. It further estimates that the demand in regulated market channels will require about 43 percent of this volume, and the remaining 57 percent will be available for utilization in export, processing, and other outlets. The volume and size composition of the crop are such that ample supplies of the more desirable sizes are available to satisfy the demand in regulated channels. Equivalent fresh on-tree returns for California-Arizona Valencia oranges averaged $1.95 per carton for the season through February 1973 or 82 percent of the equivalent parity price. The regulation herein specified is designed to permit shipment of ample supplies of fruit of the more desirable sizes in the interest of both growers and consumers. The action is necessary to maintain orderly marketing conditions, provide consumer satisfaction, and guard against the shipment of undesirable sizes of Valencia oranges which tend to demoralize the market for later shipments of such fruit. The regulation therefore is consistent with the objective of the act of promoting orderly marketing, maintaining grower returns, and protecting the interest of consumers.

(3) It is hereby found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rulemaking procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting, after giving due notice thereof, to consider supply and market conditions for Valencia oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such Valencia oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this regulation will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on March 20, 1973.

(b) *Order.* (1) During the period March 30 through April 26, 1973, no handler shall handle any Valencia oranges grown in the production area which are of a size smaller than 2.20 inches in diameter, which shall be the largest measurement at a right angle to a straight line running from the stem to the blossom end of the fruit: *Provided,* That not to exceed 5 percent, by count, of the Valencia oranges contained in any type of container may measure smaller than 2.20 inches in diameter.

(2) As used in this section, "handle," "handler," and "production area" shall have the same meaning as when used in said amended marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated March 26, 1973, to become effective March 30, 1973.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc.73-6039 Filed 3-28-73;8:45 am]

[Valencia Orange Reg. 424]

PART 908—VALENCIA ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Limitation of Handling

This regulation fixes the quantity of California-Arizona Valencia oranges that

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may be shipped to fresh market during the weekly regulation period March 30–April 5, 1973. It is issued pursuant to the Agricultural Marketing Agreement Act of 1937, as amended, and Marketing Order No. 908. The quantity of Valencia oranges so fixed was arrived at after consideration of the total available supply of Valencia oranges, the quantity of Valencia oranges currently available for market, the fresh market demand for Valencia oranges, Valencia orange prices, and the relationship of season average returns to the parity price for Valencia oranges.

§ 908.724 Valencia Orange Regulation 124.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 908, as amended (7 CFR Part 908), regulating the handling of Valencia oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Valencia Orange Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such Valencia oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) The need for this section to limit the respective quantities of Valencia oranges that may be marketed from District 1, District 2, and District 3 during the ensuing week stems from the production and marketing situation confronting the Valencia orange industry.

(i) The committee has submitted its recommendation with respect to the quantities of Valencia oranges that should be marketed during the next succeeding week. Such recommendation, designed to provide equity of marketing opportunity to handlers in all districts, resulted from consideration of the factors enumerated in the order. The committee reports that during the week ended March 22, 1973, the average f.o.b. price for California-Arizona Valencia oranges was $3.38 per carton on a sales volume of 212 cars compared to $3.17 per carton on a sales volume of 136 cars for the previous week.

(ii) Having considered the recommendation and information submitted by the committee, and other available information, the Secretary finds that the respective quantities of Valencia oranges which may be handled should be fixed as hereinafter set forth.

(3) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for Valencia oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation for regulation together with its supporting information has been submitted by the committee, however, the Secretary has modified the recommendation to provide for the shipment of a greater quantity of Valencia oranges, retaining the same effective date, and such information is being disseminated among handlers of such Valencia oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on March 27, 1973.

(b) *Order.* (1) The respective quantities of Valencia oranges grown in Arizona and designated part of California which may be handled during the period March 30, 1973, through April 5, 1973, are hereby fixed as follows:

(i) District 1: Unlimited;
(ii) District 2: Unlimited;
(iii) District 3: 350,000 cartons.

(2) As used in this section, "handled," "District 1," "District 2," "District 3," and "carton" have the same meaning as when used in said amended marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: March 28, 1973.

CHARLES R. BRADDER,
Acting Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc.73-6263 Filed 3-28-73;1:54 pm]

CHAPTER X—AGRICULTURAL MARKETING SERVICE (MARKETING AGREEMENTS AND ORDERS; MILK), DEPARTMENT OF AGRICULTURE

[Milk Order 36; Docket No. AO 179-A37]

PART 1036—MILK IN THE EASTERN OHIO-WESTERN PENNSYLVANIA MARKETING AREA

Order Amending Order

Findings and determinations. The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of the said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Eastern Ohio-Western Pennsylvania marketing area.

Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) The parity prices of milk, as determined prusuant to section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(3) The said order as hereby amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held.

(b) *Determinations.* It is hereby determined that:

(1) The refusal or failure of handlers (excluding cooperative associations specified in sec. 8(c)9) of the Act) of more than 50 percent of the milk, which is marketed within the marketing area, to sign a proposed marketing agreement, tends to prevent the effectuation of the declared policy of the Act;

(2) The issuance of this order, amending the order, is the only practical means pursuant to the declared policy of the Act of advancing the interests of producers as defined in the order as hereby amended; and

(3) The issuance of the order amending the order is approved or favored by at least two-thirds of the producers who participated in a referendum and who during the determined representative period were engaged in the production of milk for sale in the marketing area.

ORDER RELATIVE TO HANDLING

It is therefore ordered, That on and after the effective date hereof, the handling of milk in the Eastern Ohio-Western Pennsylvania marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended, and as hereby further amended, as follows:

1. In § 1036.61, a new paragraph (c–1) is added and paragraph (g) is revised as follows:

§ 1036.61 Computation of uniform price.

* * * * *

(c–1) Subtract an amount computed by multiplying the total hundredweight of producer milk included pursuant to paragraph (a) of this section by 5 cents;

* * * * *

(g) For the months specified in paragraphs (h) and (i) of this section, subtract from the amount resulting from the computations pursuant to paragraphs (a) through (d) of this section an amount computed by multiplying the hundredweight of milk specified in paragraph (e)(2) of this section by the weighted average price plus 5 cents;

* * * * *

2. In § 1036.71, paragraph (a)(2)(ii) is revised as follows:

§ 1036.71 Payments to the producer-settlement fund.

(a) * * *
(2) * * *

(ii) The value at the weighted average price applicable at the location of the plants from which received plus 5 cents with respect to other source milk for which a value is computed pursuant to § 1036.60(e).

* * * * *

3. In § 1036.76, paragraph (b)(4) is revised as follows:

§ 1036.76 Payments by handler operating a partially regulated distributing plant.

* * * * *

(b) * * *

(4) Multiply the remaining pounds by the difference between the Class I price applicable at the location of the partially regulated distributing plant (but not to be less than the Class III price) and the weighted average price applicable at the location of the partially regulated distributing plant plus 5 cents (but not to be less than the Class III price); and

* * * * *

4. Immediately following § 1036.86, a new centerhead and new §§ 1036.110 through 1036.122 are added as follows:

ADVERTISING AND PROMOTION PROGRAM

§ 1036.110 Agency.

"Agency" means the body made up of the persons selected pursuant to § 1036.113, which is authorized to expend funds, made available pursuant to § 1036.121(b)(1), on approval by the Secretary, for the purposes of establishing or providing for establishment of research and development projects, advertising (excluding brand advertising), sales promotion, educational, and other programs, designed to improve or promote the domestic marketing and consumption of milk and its products. Members of the Agency shall serve without compensation but shall be reimbursed for reasonable expenses incurred in the performance of duties as members of the Agency.

§ 1036.111 Composition of the Agency.

Each cooperative association or combination of cooperative associations as provided for under § 1036.113(b) with 1.5 percent or more of the total participating producers (producers who have not requested refunds for the most recent quarter) is authorized one Agency member plus one additional Agency member for each additional full 5 percent of the participating producers it represents. Cooperative associations with less than 1.5 percent of the total participating producers that have elected not to combine pursuant to § 1036.113(b), and participating producers who are not members of cooperatives are authorized to select from such group, in total, one Agency member for the first full 1.5 percent plus one additional Agency member for each additional full 5 percent that such producers constitute of the total participating producers. For the purpose of the Agency's initial organization, all producers shall be considered participating producers.

§ 1036.112 Term of office.

The term of office of each member of the Agency shall be 1 year or until a replacement is designated by the cooperative association or is otherwise appropriately elected.

§ 1036.113 Selection of Agency members.

The selection of Agency members shall be made pursuant to this section. Each person selected shall qualify by filing with the market administrator a written acceptance promptly after being notified of such selection.

(a) Each cooperative association authorized one or more Agency members shall notify the market administrator of the name and address of each such member who shall serve at the pleasure of the cooperative.

(b) For the purpose of this section, cooperative associations may combine their participating producer members and, if such combined total is 1.5 percent or more of all participating producers, such cooperatives may select an Agency member(s) under the rules of § 1036.111 and paragraph (a) of this section.

(c) Selection of Agency members to represent participating nonmember producers and participating producer members of a cooperative association(s) having less than 1.5 percent of the total participating producers that have not elected to combine pursuant to paragraph (b) of this section shall be supervised by the market administrator in the following manner:

(1) Promptly after the effective date of this section, and annually thereafter, the market administrator shall notify such participating producers of their opportunity to nominate one or more producers as Agency members and shall specify the number of members to be selected.

(2) Following the closing date for nominations, the market administrator shall announce the nominees who are eligible for Agency membership and shall conduct a referendum among producers eligible to vote. Election to membership shall be determined on the basis of the nominee (or nominees) receiving the largest number of eligible votes. If an Agency member thus elected subsequently discontinues producer status or is otherwise unable to complete his term of office, the market administrator shall appoint as his replacement the participating producer who received the next highest number of eligible votes.

§ 1036.114 Agency operating procedure.

A majority of the Agency members shall constitute a quorum and any action of the Agency shall require a majority of concurring votes of those present and voting.

§ 1036.115 Powers of the Agency.

The Agency is empowered to:

(a) Administer the terms and provisions of the advertising and promotion program within the scope of Agency authority pursuant to § 1036.110;

(b) Make rules and regulations to effectuate the terms and provisions of the advertising and promotion program;

(c) Recommend amendments to the Secretary; and

(d) With the approval of the Secretary, enter into contracts and agreements with persons or organizations as deemed necessary to carry out advertising and promotion programs and projects specified in §§ 1036.110 and 1036.117.

§ 1036.116 Duties of the Agency.

The Agency shall perform all duties necessary to carry out the terms and provisions of this program including, but not limited to, the following:

(a) Meet, organize, and select from among its members a chairman and such other officers and committees as may be necessary and adopt and make public such rules as may be necessary for the conduct of its business;

(b) Develop programs and projects pursuant to §§ 1036.110 and 1036.117;

(c) Keep minutes, books, and records and submit books and records for examination by the Secretary and furnish any information and reports requested by the Secretary;

(d) Prepare and submit to the Secretary for approval prior to each quarterly period a budget showing the projected amounts to be collected during the quarter and how such funds are to be disbursed by the Agency;

(e) Employ and fix the compensation of any person deemed necessary to its exercise of powers and performance of duties;

(f) Establish the rate of reimbursement to the members of the Agency for expenses in attending meetings, and pay the expenses of administering the Agency; and

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(g) Provide for the bonding of all persons handling Agency funds in an amount and with surety thereon satisfactory to the Secretary.

§ 1036.117 Advertising, research, education, and promotion program.

The Agency shall develop and submit to the Secretary for approval all programs or projects undertaken under the authority of this part. Such programs or projects may provide for:

(a) The establishment, issuance, effectuation, and administration of appropriate programs or projects for the advertising and promotion of milk and milk products on a nonbrand basis;

(b) The utilization of the services of other organizations to carry out Agency programs and projects if the Agency finds that such activities will benefit all producers under this part;

(c) The establishment, support, and conduct of research and development projects and studies that the Agency finds will benefit all producers under this part.

§ 1036.118 Limitation of expenditures by the Agency.

(a) Not more than 5 percent of the funds received by the Agency pursuant to § 1036.121(b)(1) shall be utilized for administrative expense of the Agency.

(b) Agency funds shall not, in any manner, be used for political activity or for the purpose of influencing governmental policy or action, except in recommending to the Secretary amendments to the advertising and promotion program provisions of this part.

(c) Agency funds may not be expended to solicit producer participation.

(d) Agency funds may be used only for programs and projects promoting the domestic marketing and consumption of milk and its products.

§ 1036.119 Personal liability.

No member of the Agency shall be held personally responsible, either individually or jointly with others, in any way whatsoever, to any person for errors in judgment, mistakes, or other acts, either of commission or omission, of such member in performance of his duties, except for acts of willful misconduct, gross negligence, or those which are criminal in nature.

§ 1036.120 Procedure for requesting refunds.

Any producer may apply for refund subject to the conditions set forth in this section.

(a) Refund shall be accomplished only through application filed with, and in the manner prescribed by, the market administrator and signed by the producer. Only that information necessary to identify the producer and the records relevant to the refund may be required of such producer.

(b) Except as provided in paragraph (c) of this section, the request shall be submitted within the first 15 days of December, March, June or September for milk to be marketed during the ensuing calendar quarter beginning on the first day of January, April, July, and October, respectively.

(c) A dairy farmer who first acquires producer status under this part after the 15th day of December, March, June, or September, and prior to the end of the ensuing calendar quarter may, upon application filed with the market administrator pursuant to paragraph (a) of this section, be eligible for refund on all his marketings against which an assessment is withheld for the period from the date of his first marketing as a new producer through the end of such calendar quarter: *Provided;* That, such eligibility for refund shall not apply to a person who during the first 15 days of such December, March, June or September, was a producer under a Federal order under which the same refund notification period applied and he did not appropriately submit a refund application during such period. This paragraph also shall be applicable to all producers during the period between the effective date of this paragraph and the beginning of the first full calendar quarter for which the opportunity exists for such producer to request a refund pursuant to paragraph (b) of this section.

(d) A producer who, with respect to any calendar quarter, has appropriately filed request for refund of advertising and promotion program assessments on his marketings of milk under another Federal order shall be eligible (on the basis of his request filed under the other order) for refund with respect to his producer milk under this order against which an assessment is withheld during such quarter.

§ 1036.121 Duties of the market administrator.

Except as specified in § 1036.116, the market administrator, in addition to other duties specified by this part, shall perform all the duties necessary to administer the terms and provisions of the advertising and promotion program including, but not limited to, the following:

(a) Within 30 days after the effective date of this section, and annually thereafter, conduct a referendum to determine representation on the Agency pursuant to § 1036.113(c);

(b) Set aside the amount subtracted under § 1036.61(c-1) into an advertising and promotion fund, separately accounted for, from which shall be disbursed:

(1) To the Agency each month, all such funds less any necessary amount held in reserve to cover refunds pursuant to subparagraphs (2) and (3) of this paragraph, and payments to cover expenses of the market administrator incurred in the administration of the advertising and promotion program (including audit).

(2) Refund to a producer the amount of mandatory checkoff for advertising and promotion programs required under authority of State law applicable to such producer but not more than 5 cents per hundredweight of his milk for which deductions were made pursuant to § 1036.61(c-1).

(3) After the end of each calendar quarter, refund upon request pursuant to § 1036.120 to a producer the deductions applicable to his milk made pursuant to § 1036.61(c-1) for such calendar quarter, less the amount of any refund otherwise made to the producer pursuant to subparagraph (2) of this paragraph.

(c) Promptly after the effective date of this section, and thereafter with respect to a new producer, forward to each producer a copy of the provisions of the advertising and promotion program (§§ 1036.110 through 1036.122).

(d) Make necessary audits to establish that all Agency funds are used only for authorized purposes.

§ 1036.122 Liquidation.

In the event that the provisions of this advertising and promotion program are terminated, any remaining uncommitted funds applicable thereto shall revert to the producer-settlement fund.

(Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674)

Effective date: On and after May 1, 1973, for §§ 1036.110 through 1036.122 and on and after July 1, 1973, for §§ 1036.61, 1036.71, and 1036.76, as here amended.

Signed at Washington, D.C., on March 23, 1973.

CLAYTON YEUTTER,
Assistant Secretary.

[FR Doc.73-6010 Filed 3-28-73;8:45 am]

[Milk Order 46]

PART 1046—MILK IN THE LOUISVILLE-LEXINGTON-EVANSVILLE MARKETING AREA

Order Suspending Certain Provisions

This suspension order is issued pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and of the order regulating the handling of milk in the Louisville-Lexington-Evansville marketing area.

It is hereby found and determined that for the months of April through December 1973, the following provisions of the order do not tend to effectuate the declared policy of the Act:

1. In paragraph (d) of § 1046.44, the provision "or cream"; and

2. In the introductory text of paragraph (e) of § 1046.44, the provision, "located less than 250 airline miles as determined by the market administrator, from the nearer of the city halls in either Louisville, Ky., or Evansville, Ind.,".

STATEMENT OF CONSIDERATION

This suspension order will continue the effect of a current suspension which removes the automatic Class I classification of fluid cream transferred in bulk from a pool plant to a nonpool plant located more than 250 miles from the nearer of the city halls in Louisville, Ky., or Evansville, Ind. Such transfers of cream will continue to be classified according to use as is now provided in the order for transfers to nonpool plants located within the 250-mile radius. The current suspension expires March 31, 1973.

The continuation of the current suspension was requested by Dairymen, Inc., a cooperative association representing a majority of the producers on the market. The suspension will continue to facilitate the removal of excess butterfat from the market by permitting cream to be classified as Class II milk if utilized in ice cream at plants located more than 250 miles from either Louisville, Ky., or Evansville, Ind.

It is hereby found and determined that 30 days' notice of the effective date hereof is impractical, unnecessary, and contrary to the public interest in that:

(a) This suspension is necessary to reflect current marketing conditions and to maintain orderly marketing conditions in the marketing area in that it will facilitate the disposal of surplus milk from the market;

(b) This suspension order does not require of persons affected substantial or extensive preparation prior to the effective date; and

(c) This suspension continues the effect of a previous suspension of the same provisions. The elimination of the mileage factor in classifying fluid milk products was considered at the multiorder hearing held in Clayton, Mo., in July of 1970. A recommended decision issued on June 4, 1971, recommended the elimination of the mileage limitation. There is no indication of any opposition to this suspension providing additional time to complete pending amendatory procedures.

Therefore, good cause exists for making this order effective April 1, 1973.

It is therefore ordered, That the aforesaid provisions of the order are hereby suspended for the months of April through December 1973.

(Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674)

Effective date: April 1, 1973.

Signed at Washington, D.C., on March 23, 1973.

CLAYTON YEUTTER,
Assistant Secretary.

[FR Doc.73-6009 Filed 3-28-73;8:45 am]

V 38-60 MAR 29 73 XUM

Proposed Rules

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rulemaking prior to the adoption of the final rules.

DEPARTMENT OF THE INTERIOR

Office of the Secretary

[43 CFR Part 25]

JOHNNY HORIZON

Use of Name and Symbol

Notice is hereby given that, in order to update the regulation to recognize organizational changes and a change in the Johnny Horizon symbol, and to provide for additional noncommercial uses, Part 25 of Subtitle A, Title 43, of the Code of Federal Regulations, it is necessary to revise Part 25.

It is the policy of the Department of the Interior whenever practicable, to afford the public an opportunity to participate in the rulemaking process. Accordingly, interested persons may submit written comments, suggestions, or objections regarding the proposed amendment to the National Coordinator, Johnny Horizon Program Office, Department of the Interior, Washington, D.C. 20240, on or before April 30, 1973.

RICHARD R. HITE,
Deputy Assistant Secretary of the Interior.

MARCH 22, 1973.

Part 25 is amended to read as follows:

§ 25.0–1 Purpose.

This subpart establishes rules for the commercial and noncommercial use of the "Johnny Horizon" name and symbol.

§ 25.0–2 Objectives.

The objectives of these regulations are: (a) To maintain the integrity of the name and characterization of "Johnny Horizon"—the official symbol for a public service antilitter and environmental cleanup program; (b) to authorize the noncommercial use of the name or symbol; and (c) to provide for use or royalty fees for the manufacture, reproduction, or use of the name or symbol for commercial purposes.

§ 25.0–3 Authority.

The act of September 25, 1970 (84 Stat. 870), authorizes the Secretary of the Interior to establish and collect use or royalty fees for the manufacture, reproduction, or use of the "Johnny Horizon" name and symbol. The Act makes unauthorized manufacture, reproduction, and use a crime (18 U.S.C. 714). The Act also provides that royalty and use fees will be deposited in a special account and used for the purpose of furthering nationwide antilitter campaigns.

§ 25.0–5 Definitions.

As used in this part:

(a) The term "Johnny Horizon" means the name or characterization "Johnny Horizon" originated by the Bureau of Land Management, Department of the Interior, as the official symbol for a public service antilitter and environmental cleanup program, and as described in 18 U.S.C. 714, the representation of a tall, lean man, with strong facial features, who wears slacks and sport shirt buttoned to the collar (both green when colored), no tie, a field jacket (red, when colored), boot-type shoes (brown, when colored), and who carries a backpack.

(b) "National Coordinator" means the National Coordinator, Johnny Horizon Program Office, or the person he delegates to act for him on matters pertaining to the "Johnny Horizon" Program.

(c) "Johnny Horizon Program" means those activities and supporting services conducted in furtherance of a public service antilitter and environmental cleanup campaign which uses the "Johnny Horizon" name or symbol.

(d) The "Johnny Horizon" symbol is one following the description of the term "Johnny Horizon," as defined herein, or the one portrayed below:

Let's Clean Up America For Our 200th Birthday

§ 25.1 Commercial use.

(a) *Licenses.* The "Johnny Horizon" name or symbol may be used for commercial purposes only under a license issued pursuant to the regulations in this part. Licenses will be granted to any individual, firm, or corporation if the National Coordinator determines that the proposed commercial use will promote the purposes of the "Johnny Horizon" Program and will not impair the integrity of the name or symbol.

(b) *Terms and conditions.* In order to maintain the integrity of the "Johnny Horizon" Program and to regulate the manufacture, importation, reproduction, or use of the "Johnny Horizon" name and symbol, licensees will be subject, but not limited, to the following terms and conditions:

(1) Payment of fair return shall be made to the United States for its property through negotiation of use or royalty fees.

(2) Licenses will be nontransferable.

(3) All proposed products, services, and programs including marketing and advertising programs which in any way make use of the name or symbol of "Johnny Horizon" must be approved by the National Coordinator prior to manufacture, importation, reproduction, or use by the licensee. Substances inherently dangerous to users shall not be used.

(4) All licenses shall contain Equal Employment Opportunity provisions in compliance with Executive Order 11246, as amended (30 FR 12319 (1965)), and regulations issued pursuant thereto (41 CFR Chapter 60 and Part 17 of this chapter).

(5) Alteration of artwork must first be approved by the National Coordinator.

(6) Licenses shall be subject to revocation by the National Coordinator at any time he finds that (i) the use involved is injurious to the characterization of "Johnny Horizon," or (ii) there has been a violation of the terms and conditions of the license.

§ 25.2 Noncommercial use.

(a) *Permitted uses.* Products or services using, or bearing the name or symbol of "Johnny Horizon," provided by the Government or acquired from licensed sources, may be used without a license or advance permission by any person or organization for the purpose of furthering antilitter and environmental cleanup campaigns, provided that no charge is made by the unlicensed user for the products or services.

(b) *Permits.* The National Coordinator may issue permits containing such terms and conditions as he may determine, for the use of the name or symbol of "Johnny Horizon" to any nonprofit organization for fund raising activities, which may include benefit shows, performances, and other activities at which admissions may be charged or contributions solicited: *Provided,* That any such permittee must agree that no funds so collected shall be expended for purposes contrary to the laws, regulations, or policies of the United States; and *Provided further,* That any funds so collected will be expended for the purpose of furthering antilitter and environmental cleanup efforts.

(c) *Technical advice.* To the extent possible, technical advice will be given to interested parties upon request to the National Coordinator.

(d) *Cooperation.* The National Coordinator may enter into cooperative agreements with other Federal and State agencies for use of the name or symbol of "Johnny Horizon." Agreements shall state the responsibilities of each agency pertaining to: (1) Manufacturing the integrity of the program; (2) supplying materials; (3) assisting other groups or organizations; (4) restrictions of uses of materials; (5) altering artwork; and (6) making arrangements with public personalities engaged in the program.

§ 25.3 Contributions.

The National Coordinator may accept contributions of money and personal property by any person or organization for use in the "Johnny Horizon" program.

§ 25.4 Unauthorized use.

Manufacture, importation, reproduction, or use of the "Johnny Horizon" name or symbol, except as provided for under these regulations in this part is prohibited (18 U.S.C. 714).

[FR Doc.73–5823 Filed 3–28–73;8:45 am]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 71]

[Airspace Docket No. 73–GL–11]

CONTROL ZONE AND TRANSITION AREA

Proposed Designation and Alteration

The Federal Aviation Administration is considering amending Part 71 of the Federal Aviation Regulations so as to designate a control zone and alter the transition area at Gary, Ind.

Interested persons may participate in the proposed rulemaking by submitting such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Director, Great Lakes Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, 2300 East Devon Avenue, Des Plaines, IL 60018. All communications received on or before April 30, 1973, will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Regional Air Traffic Division Chief. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

A public docket will be available for examination by interested persons in the Office of the Regional Counsel, Federal Aviation Administration, 2300 East Devon Avenue, Des Plaines, IL 60018.

The non-Federal control tower at Gary has been established as a weather reporting station, thus allowing the establishment of a control zone during the tower hours of operation.

In addition, two new instrument approach procedures have been developed and one canceled, requiring a change in the transition area.

In consideration of the foregoing, the Federal Aviation Administration proposed to amend Part 71 of the Federal Aviation Regulations as hereinafter set forth:

In § 71.171 (38 FR 351), the following control zone is added:

GARY, IND.

Within a 5-mile radius of Gary Municipal Airport (latitude 41°36'54" N., longitude 87°-24'37" W.). This control zone shall be effective during the specific dates and times established in advance by a notice to airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

In § 71.181 (38 FR 435), the following transition area is added:

GARY, IND.

That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Gary Municipal Airport (latitude 41°36'54" N., longitude 87°24'37" W.) and within 3 miles each side of the 124° bearing from the Gary Airport extending from the 5-mile radius to 13 miles southeast of the airport, excluding the portion that overlies Chicago and Griffith, Ind., transition area.

These amendments are proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348), and of section 6(c) of the Department of Transportation Act [49 U.S.C. 1655(c)].

Issued in Des Plaines, Ill., on March 9, 1973.

R. O. ZIEGLER,
Acting Director, Great Lakes Region.

[FR Doc.73–5946 Filed 3–28–73;8:45 am]

[14 CFR Part 75]

[Airspace Docket No. 72–WA–40]

AREA HIGH ROUTES

Proposed Designation

The Federal Aviation Administration (FAA) is considering an amendment to Part 75 of the Federal Aviation Regulations that would designate four area high routes between central United States and the west coast.

The routes proposed in this docket would, if designated, replace certain Series 400 routes now in service. The description of waypoints in this notice of proposed rulemaking (NPRM) are approximate and may be refined after a flight inspection of the routes has been made.

Interested persons may participate in the proposed rulemaking by submitting such written data, views, or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Federal Aviation Administration, Office of the General Counsel, Attention: Rules Docket, 800 Independence Avenue SW., Washington, DC 20591. All communications received on or before April 30, 1973, will be considered by the Administrator before taking action on the proposed rule. The proposal contained in this notice may be changed in the light of comments received. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

An official docket will be available for examination by interested persons at the Federal Aviation Administration, Office of the General Counsel, Attention: Rules Docket, 800 Independence Avenue SW., Washington, DC 20591.

As part of this proposal relates to the navigable airspace outside the United States, this notice is submitted in consonance with the ICAO International Standards and Recommended Practices.

Applicability of International Standards and Recommended Practices by the Air Traffic Service, FAA, in areas outside domestic airspace of the United States is governed by Article 12 of and Annex 11 to the Convention on International Civil Aviation, which pertain to the establishment of air navigation facilities and services necessary to promoting the safe, orderly and expeditious flow of civil air traffic. Their purpose is to insure that civil flying on international air routes is carried out under uniform conditions designed to improve the safety and efficiency of air operations.

The International Standards and Recommended Practices in Annex 11 apply in those parts of the airspace under the jurisdiction of a contracting state, derived from ICAO, wherein air traffic services are provided and also whenever a contracting state accepts the responsibility of providing air traffic services over high seas or in airspace of undetermined sovereignty. A contracting state accepting such responsibility may apply the International Standards and Recommended Practices to civil aircraft in a manner consistent with that adopted for airspace under its domestic jurisdiction.

In accordance with Article 3 of the Convention on International Civil Aviation, Chicago, 1944, state aircraft are exempt from the provisions of Annex 11 and its Standards and Recommended Practices. As a contracting state, the United States agreed by Article 3(d) that its state aircraft will be operated in international airspace with due regard for the safety of civil aircraft.

Since this action involves, in part, the designation of navigable airspace outside the United States, the Administrator has consulted with the Secretary of State and the Secretary of Defense in accordance with the provisions of Executive Order 10854.

The FAA proposes to amend Part 75 of the Federal Aviation Regulations by designating area high routes as follows:

V38-60 MAR 29 73 XUM

Waypoint name	Geographical coordinates latitude/longitude (in degrees, minutes, and seconds)	VOR DME description
J86R—Gateway Hemlock, Oreg., to Woodstock, Ill.		
Hemlock, Oreg.	43°18'06"/126°40'46"	ONP 216.0/136.9.
Newport, Oreg.	44°34'32"/124°03'34"	ONP 000.0/00.0.
Dayville, Oreg.	44°35'59"/119°26'41"	PDT 178.3/69.4.
McCall, Idaho.	44°46'02"/116°12'19"	MYL 000.0/00.0.
Lima, Mont.	44°52'56"/112°13'36"	DBS 341.3/48.7.
Joliet, Mont.	44°52'08"/108°42'55"	BIL 167.9/56.5.
Clearmont, Wyo.	44°43'43"/106°20'12"	CZI 350.5/43.9.
Ash Creek, S. Dak.	44°19'46"/101°52'35"	DPR 175.8/45.5.
Sioux Falls, S. Dak.	43°38'58"/96°46'51"	FSD 000.0/00.0.
West Union, Iowa.	42°57'17"/91°45'37"	ODI 188.7/58.9.
Woodstock, Ill.	42°21'21"/88°24'13"	MIU 184.6/45.9.
J88R—Robbinsville, N.J., to Gateway Hemlock		
Robbinsville, N.J.	40°12'08"/74°29'44"	RBV 000.0/00.0.
Furnace, Pa.	40°36'35"/78°02'40"	PSB 194.3/18.5.
Shiloh, Ohio.	40°57'44"/82°30'16"	APE 006.5/48.8.
Plant, Ind.	41°37'29"/87°18'57"	LAF 301.1/64.7.
Morrison, Ill.	41°55'53"/89°47'00"	BDF 348.3/47.1.
Elberon, Iowa.	42°00'53"/92°15'40"	DBQ 248.0/73.0.
Kamrar, Iowa.	42°25'45"/93°43'56"	DSM 353.3/89.4.
Sioux Falls, S. Dak.	43°38'58"/96°46'51"	FSD 000.0/00.0.
Ash Creek, S. Dak.	44°19'46"/101°52'35"	DPR 175.8/45.5
Clearmont, Wyo.	44°43'43"/106°20'12"	CZI 350.5/43.9.
Joliet, Mont.	44°52'08"/108°42'55"	BIL 167.9/56.5.
Lima, Mont.	44°52'56"/112°13'36"	DBS 341.3/48.7.
McCall, Idaho.	44°46'02"/116°12'19"	MYL 000.0/00.0.
Dayville, Oreg.	44°35'59"/119°26'41"	PDT 178.3/69.4.
Newport, Oreg.	44°34'32"/124°03'34"	ONP 000.0/00.0
Hemlock, Oreg.	43°18'06"/126°40'46"	ONP 216.0/136.9.
J86R Morrison, Illinois to Gateway Redwood		
Morrison, Ill.	41°55'53"/89°47'00"	DBF 348.3/47.1.
Elberon, Iowa.	42°00'53"/92°15'40"	DBQ 248.0/73.0
Danbury, Iowa.	42°13'53"/95°38'35"	OMA 355.7/63.9.
Dry Creek, Nebr.	42°20'04"/98°25'33"	OBH 346.8/57.6.
Agate, Nebr.	42°20'03"/103°28'24"	BFF 347.6/35.4.
Split Rock, Wyo.	42°28'17"/108°14'00"	BOY 161.3/62.6.
Malad City, Idaho.	42°12'00"/112°27'02"	MLD 000.0/00.0.
Delaplain, Nev.	42°02'01"/114°24'46"	TWF 154.8/27.0
Coleman, Nev.	41°40'53"/117°39'54"	REO 151.5/55.3.
Likely Pines, Calif.	41°20'21"/120°12'00"	LKV 149.8/70.5.
Fortuna, Calif.	40°40'17"/124°14'00"	FOT 000.0/00.0.
Redwood, Calif.	40°38'22"/126°56'27"	FOT 251.0/123.6.
J88R—Gateway Redwood to Woodstock, Ill.		
Redwood, Calif.	40°38'22"/126°56'27"	FOT 251.0/123.6.
Fortuna, Calif.	40°40'17"/124°14'00"	FOT 000.0/00.0.
Likely Pines, Calif.	41°20'21"/120°12'00"	LKV 149.8/70.5.
Coleman, Nev.	41°40'53"/117°39'54"	REO 151.5/55.3.
Delaplain, Nev.	42°02'01"/114°24'46"	TWF 154.8/27.0.
Malad City, Idaho.	42°12'00"/112°27'02"	MLD 000.0/00.0.
Split Rock, Wyo.	42°28'17"/108°14'00"	BOY 161.3/62.6.
Agate, Nebr.	42°20'03"/103°28'24"	BFF 347.6/35.4.
Dry Creek, Nebr.	42°20'04"/98°25'33"	OBH 346.8/57.6.
Kamrar, Iowa.	42°25'45"/93°43'56"	DSM 353.3/89.4.
Scales Mound, Ill.	42°22'53"/90°24'00"	IOW 041.0/75.0.
Woodstock, Ill.	42°21'21"/88°24'13"	MIU 184.6/45.9.

The amendment is proposed under the authority of sections 307(a) and 1110 of the Federal Aviation Act of 1958 (49 U.S.C. 1348(a) and 1510), Executive Order 10854 (24 F.R. 9565) and section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Washington, D.C., on March 21, 1973.

H. B. Helstrom,
Chief, Airspace and Air Traffic Rules Division.

[FR Doc.73-5829 Filed 3-28-73;8:45 am]

SELECTIVE SERVICE SYSTEM

[32 CFR Part 1622]

IDENTIFICATION OF REGISTRANTS

Classification and Induction Procedures

Correction

In FR Doc. 73-5286 appearing on page 7347 of the issue for Tuesday, March 20, 1973, the heading of § 1622.26, now reading "§ 1622.26 *Class II-S: Registrant deferred because of activity in graduate study.*", should read "§ 1622.26 *Class 2-M: Registrant deferred because of study preparing for a specified medical specialty.*"

SMALL BUSINESS ADMINISTRATION

[13 CFR Part 124]

PROCUREMENT AND TECHNICAL ASSISTANCE

Contracting

Notice is hereby given that the Administrator of the Small Business Administration proposes to amend Part 124 of Chapter I of Title 13 of the Code of Federal Regulations by revising §§ 124.8-1 and 124.8-2 thereof, pertaining to contracting under section 8(a) of the Small Business Act.

These amendments further revise the proposed regulations previously published in the Federal Register on March 6, 1973 (38 FR 6081). As revised, the proposed amendments clarify existing policies and procedures; provide that limited competition will be used in awarding contracts where practicable; and provide program completion and termination guidelines for eligible concerns.

Interested persons may submit written comments, suggestions, or objections regarding the proposed amendments to the Small Business Administration on or before April 30, 1973.

All correspondence shall be addressed to:

Marshall J. Parker, Associate Administrator for Procurement and Management Assistance, Small Business Administration, 1441 L Street NW., Washington, DC 20416.

Accordingly, it is proposed to amend Part 124 of Chapter I of Title 13 of the Code of Federal Regulations by revising §§ 124.8-1 and 124.8-2 to read as follows:

§ 124.8-1 The 8(a) Program.

(a) *General.* These regulations implement section 8(a) of the Small Business Act which authorizes SBA to enter into all types of contracts (including, but not limited to, supply, services, construction, research, and development) with other Government departments and agencies and negotiate subcontracts for the performance thereof.

(b) *Purpose.* It is the policy of SBA to use such authority to assist small business concerns owned and controlled by socially or economically disadvantaged persons to achieve a competitive position in the marketplace.

(c) *Eligibility.* (1) *Social or economic disadvantage.* An applicant concern must be owned and controlled by one or more persons who have been deprived of the opportunity to develop and maintain a competitive position in the economy because of social or economic disadvantage. Such disadvantage may arise from cultural, social, chronic economic circumstances or background, or other similar cause. Such persons include, but are not limited to, black Americans, American Indians, Spanish-Americans, Oriental-Americans, Eskimos, and Aleuts. Vietnam-era service in the Armed Forces may be a contributing factor in establishing social or economic disadvantage.

(2) *Ownership and control.* Disadvantaged persons must presently own and control the concern except where a divestiture agreement or management contract, approved by the Associate Administrator for Procurement and Management Assistance, temporarily vests ownership or control in nondisadvantaged persons.

(i) *Proprietorships.* If the applicant concern is a proprietorship, it must be 100 percent owned and controlled by disadvantaged persons.

(ii) *Partnerships.* The ownership of at least 50 percent interest in the partnership by disadvantaged persons will create a rebuttable presumption of ownership and control.

(iii) *Corporations.* The ownership of at least 51 percent of each class of voting stock by disadvantaged persons will create a rebuttable presumption of ownership and control.

(iv) *Divestiture agreement.* If an applicant concern is not presently owned and or controlled by disadvantaged persons, the persons exercising such ownership and/or control must execute a divestiture agreement which will provide for ownership and control vesting in disadvantaged persons in accordance with the foregoing prescribed criteria within a reasonable period of time. All divestiture agreements must be approved by the Associate Administrator for Procurement and Management Assistance.

(v) *Management contracts.* All management contracts entered into by 8(a) concerns must be approved by SBA.

§ 124.8-2 Procedures.

(a) *Submission of business plans.* Applicants must submit a business plan, including complete information regarding the concern's qualifications, which will demonstrate that 8(a) assistance will foster its participation in the economy as a self-sustaining, profit-oriented, small business.

(1) In no event may the acceptance or approval of a business plan by SBA be construed as a commitment by SBA to award a single contract, a continuing series of contracts or provide any other assistance, contractual or otherwise.

(b) *Selection of potential contracts.* SBA will, in consultation and cooperation with other Government departments and agencies, select proposed procurements suitable for performance by 8(a) concerns. In making these selections, among the factors given consideration will be the percentage of all similar contracts awarded under the 8(a) program over a relavant period of time, issuance of prior public solicitation of the procurement under a small business set aside, the probability that an eligible concern could obtain a competitive award of the contract, and the extent to which other small concerns have historically been dependent upon the contract in question for a significant percentage of their sales.

(c) *Nondisadvantaged participants in a contract.* To insure that the purposes of the 8(a) program are being accomplished, applicants will disclose the extent to which nondisadvantaged persons or firms will participate in the performance of proposed 8(a) contracts. Section 8(a) contractors may not subcontract any portion of an 8(a) contract without the written consent of the SBA contracting officer. Joint Venture Agreements must be approved by the SBA Regional Director.

(d) *Negotiation of 8(A) subcontracts.* Section 8(a) subcontracts shall be negotiated with approved 8(a) companies on a limited competitive basis to the extent feasible and practicable. Price will not be a factor in such competition. It is recognized that in some cases competition will be neither feasible nor practicable due to limited availability of ticable due to limited availability of qualified concerns, geographic considerations, or other factors. Section 8(a) subcontracts shall be awarded at prices which are fair and reasonable to the Government and to the subcontractor.

(e) *Program completion and termination.* An 8(a) concern which has substantially achieved the objectives of its business plan will be notified that its participation in the program is completed. The judgment as to the completion of program participation will be made in the light of the purposes of the program.

(1) If the objectives and goals set forth in the business plan are not being met, the concern shall be informed what corrective measures are necessary. In cases where it is determined, in the judgment of SBA, that continued participation in the 8(a) program will not further the program objectives, the concern will be notified that its participation in the program is terminated. Reasons which would indicate the necessity for program termination prior to completion of the business plan termination date are, among others: the unavailability of appropriate 8(a) contracting support; the inability of the 8(a) concern to develop suitable commercial or competitive markets; inadequate management performance; evidence of continued inadequate technical performance, et al.

Dated: March 27, 1973.

Thomas S. Kleppe,
Administrator.

[FR Doc.73-6185 Filed 3-28-73;11:41 am]

V 38-60 MAR 29 73 XUM

DEPARTMENT OF AGRICULTURE

Agricultural Research Service

Notice of Intent To Grant Exclusive Patent License

Notice is hereby given that the Department of Agriculture is contemplating the grant of an exclusive patent license to Ralston Purina Company, Checkerboard Square, St. Louis, Missouri 63188, on an invention entitled "Method of Preparing Fibrous Meat Analogs" which was developed by Agricultural Research Service scientists and is covered by U.S. Patent No. 3,488,770.

Interested parties may submit written comments, objections, or requests for a public hearing to the Director, Office of Research Administration, Agricultural Research Service, Department of Agriculture, Washington, D.C. 20250, within 30 days from the date of publication of this notice in the Federal Register.

Dated: March 26, 1973.

Gerald L. Gordon,
Director, Office of Research Administration.

[FR Doc.73-6186 Filed 3-28-73;8:45 am]

DEPARTMENT OF COMMERCE

Maritime Administration

Notice of Intent To Grant Exclusive Patent License

Notice is hereby given that the Department of Commerce is contemplating the grant of an exclusive patent license to Ralston Purina Company, Checkerboard Square, St. Louis, Missouri 63188, on an invention entitled "Method of Preparing Fibrous Meat Analogs" which was developed by Maritime Administration scientists and is covered by U.S. Patent No. 3,488,770.

Interested parties may submit written comments, objections, or requests for a public hearing to the Director, Office of Research Administration, Agricultural Research Service, Department of Agriculture, Washington, D.C. 20250, within 30 days from the date of publication of this notice in the Federal Register.

Dated: March 26, 1973.

Gerald L. Gordon,
Director, Office of Research Administration.

[FR Doc.73-6187 Filed 3-28-73;8:45 am]

DEPARTMENT OF THE INTERIOR

Office of the Secretary

Notice of Intent To Grant Exclusive Patent License

Notice is hereby given that the Department of the Interior is contemplating the grant of an exclusive patent license to Ralston Purina Company, Checkerboard Square, St. Louis, Missouri 63188, on an invention entitled "Method of Preparing Fibrous Meat Analogs" which was developed by Office of Saline Water scientists and is covered by U.S. Patent No. 3,488,770.

Interested parties may submit written comments, objections, or requests for a public hearing to the Director, Office of Research Administration, Agricultural Research Service, Department of Agriculture, Washington, D.C. 20250, within 30 days from the date of publication of this notice in the Federal Register.

Dated: March 26, 1973.

Gerald L. Gordon,
Director, Office of Research Administration.

[FR Doc.73-6188 Filed 3-28-73;8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

Notice of Intent To Grant Exclusive Patent License

Notice is hereby given that the Environmental Protection Agency is contemplating the grant of an exclusive patent license to Ralston Purina Company, Checkerboard Square, St. Louis, Missouri 63188, on an invention entitled "Method of Preparing Fibrous Meat Analogs" which was developed by Environmental Protection Agency scientists and is covered by U.S. Patent No. 3,488,770.

Interested parties may submit written comments, objections, or requests for a public hearing to the Director, Office of Research Administration, Agricultural Research Service, Department of Agriculture, Washington, D.C. 20250, within 30 days from the date of publication of this notice in the Federal Register.

Dated: March 26, 1973.

Gerald L. Gordon,
Director, Office of Research Administration.

[FR Doc.73-6189 Filed 3-28-73;8:45 am]

FEDERAL COMMUNICATIONS COMMISSION

Notice of Intent To Grant Exclusive Patent License

Notice is hereby given that the Federal Communications Commission is contemplating the grant of an exclusive patent license to Ralston Purina Company, Checkerboard Square, St. Louis, Missouri 63188, on an invention entitled "Method of Preparing Fibrous Meat Analogs" which was developed by Federal Communications Commission scientists and is covered by U.S. Patent No. 3,488,770.

Interested parties may submit written comments, objections, or requests for a public hearing to the Director, Office of Research Administration, Agricultural Research Service, Department of Agriculture, Washington, D.C. 20250, within 30 days from the date of publication of this notice in the Federal Register.

Dated: March 26, 1973.

Gerald L. Gordon,
Director, Office of Research Administration.

[FR Doc.73-6190 Filed 3-28-73;8:45 am]

FEDERAL POWER COMMISSION

Notice of Intent To Grant Exclusive Patent License

Notice is hereby given that the Federal Power Commission is contemplating the grant of an exclusive patent license to Ralston Purina Company, Checkerboard Square, St. Louis, Missouri 63188, on an invention entitled "Method of Preparing Fibrous Meat Analogs" which was developed by Federal Power Commission scientists and is covered by U.S. Patent No. 3,488,770.

Interested parties may submit written comments, objections, or requests for a public hearing to the Director, Office of Research Administration, Agricultural Research Service, Department of Agriculture, Washington, D.C. 20250, within 30 days from the date of publication of this notice in the Federal Register.

Dated: March 26, 1973.

Gerald L. Gordon,
Director, Office of Research Administration.

[FR Doc.73-6191 Filed 3-28-73;8:45 am]

GENERAL SERVICES ADMINISTRATION

Notice of Intent To Grant Exclusive Patent License

Notice is hereby given that the General Services Administration is contemplating the grant of an exclusive patent license to Ralston Purina Company, Checkerboard Square, St. Louis, Missouri 63188, on an invention entitled "Method of Preparing Fibrous Meat Analogs" which was developed by General Services Administration scientists and is covered by U.S. Patent No. 3,488,770.

Interested parties may submit written comments, objections, or requests for a public hearing to the Director, Office of Research Administration, Agricultural Research Service, Department of Agriculture, Washington, D.C. 20250, within 30 days from the date of publication of this notice in the Federal Register.

Dated: March 26, 1973.

Gerald L. Gordon,
Director, Office of Research Administration.

[FR Doc.73-6192 Filed 3-28-73;8:45 am]

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

Notice of Intent To Grant Exclusive Patent License

Notice is hereby given that the National Aeronautics and Space Administration is contemplating the grant of an exclusive patent license to Ralston Purina Company, Checkerboard Square, St. Louis, Missouri 63188, on an invention entitled "Method of Preparing Fibrous Meat Analogs" which was developed by National Aeronautics and Space Administration scientists and is covered by U.S. Patent No. 3,488,770.

Interested parties may submit written comments, objections, or requests for a public hearing to the Director, Office of Research Administration, Agricultural Research Service, Department of Agriculture, Washington, D.C. 20250, within 30 days from the date of publication of this notice in the Federal Register.

Dated: March 26, 1973.

Gerald L. Gordon,
Director, Office of Research Administration.

[FR Doc.73-6193 Filed 3-28-73;8:45 am]

Notices

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF THE TREASURY

Internal Revenue Service

ART ADVISORY PANEL

Notice of Closed Meeting

Notice is hereby given that pursuant to section 10(a)(2) of the Federal Advisory Committee Act, Public Law 92-463, a closed meeting of the Art Advisory Panel will be held on April 10 and 11, 1973, beginning at 9:30 a.m. in Room 3313, Internal Revenue Building, 1111 Constitution Avenue NW., Washington, DC 20224.

The agenda will consist of the review and evaluation of the acceptability of market value appraisals of works of art involved in Federal income, estate, or gift tax returns. This involves the discussion of confidential material in individual tax returns. A determination as required by section 10(d) of the Act has been made that these meetings are concerned with matters listed in section 552(b) of Title 5 of the United States Code, and that the meetings will not be open to the public.

[SEAL] JOHNNIE M. WALTERS,
Commissioner.

[FR Doc.73-6048 Filed 3-28-73;8:45 am]

DEPARTMENT OF DEFENSE

ARMED FORCES EPIDEMIOLOGICAL BOARD

Notice of Open Meeting

Notice is hereby given that the Armed Forces Epidemiological Board will meet on April 18, 1973, commencing at 1:30 p.m., in Room 341, Walter Reed Army Institute of Research, Walter Reed Army Medical Center. The agenda for the meeting includes comments by the Surgeons General of the military departments, a documentary film and report on archives, an executive session with Preventive Medicine Officers and Board Members and an executive session of the Board Members.

The meeting will be open to the public. It is to be held in a room accommodating 50 people. In addition to discussion of agenda topics by Board Members, there will be time for statements by nonmembers. Persons wishing to make oral statements should so advise the Executive Secretary prior to the meeting to aid in scheduling the time available. Any interested person may file a written statement for consideration by the Board by sending it to the Executive Secretary, Room 6B118, Forrestal Building, Seventh and Independence Avenue, Washington, D.C. 20314.

NORMAN E. WILKS,
LTC, MSC, USA, Executive Secretary.

MARCH 26, 1973.

[FR Doc.73-6023 Filed 3-28-73;8:45 am]

Department of the Army

ARMY MISSILE COMMAND SCIENTIFIC ADVISORY GROUP

Notice of Meeting

MARCH 21, 1973.

In accordance with section 10.(a)(2) of the Federal Advisory Committee Act (Public Law 92-463) announcement is made of the following committee meeting:

a. Name of committee: U.S. Army Missile Command Scientific Advisory Group.
b. Date: 12-13 April 1973.
c. Time: 0900 hours.
d. Agenda:
(1) Army High Energy Laser Program.
(2) Chemical Laser Technology.
(3) Gas Dynamic Laser Technology.
(4) Electric Discharge Laser Technology.

This meeting is closed to the public since the matters to be discussed fall under section 552(b)(1) of title 5, United States Code, which states that matters required by Executive order to be kept Secret in the interest of national defense shall be withheld from disclosure.

For the Commander.

LLOYD L. LIVELY,
Executive Secretary, U.S. Army Missile Command Scientific Advisory Group.

[FR Doc.73-5977 Filed 3-28-73;8:45 am]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Group 513]

ARIZONA

Notice of Filing of Plat of Survey; Correction

MARCH 22, 1973.

1. In FR Doc. 73-5051, appearing on page 7011 of the issue of Thursday, March 15, 1973, in the first line of paragraph 5, now reading, "Sections 1 to 3, inclusive," is corrected to read "Sections 1 and 3".

CHARLES G. BAZAN, JR.,
Chief, Branch of Records and Data Management.

[FR Doc.73-5982 Filed 3-28-73;8:45 am]

WYOMING STATE MULTIPLE USE ADVISORY BOARD

Notice of Meeting

MARCH 23, 1973.

Notice is hereby given that the Wyoming State Multiple Use Advisory Board meeting scheduled for March 14 and 15, 1973, was postponed due to severe winter storm and hazardous travel conditions. The meeting is hereby rescheduled to 1 p.m., April 26 and 27, 1973, at the Little America Motel, Cheyenne, Wyo. The agenda will include election of board officers and discussions of current issues confronting the range livestock industry, implementation of the National Environmental Policy Act, coordination of intergovernmental planning in relation to BLM-administered national resource lands in Wyoming and public informational needs for participative management.

The meeting will be open to the public insofar as seating is available. Interested persons will be permitted to appear before the board or file a written statement for its consideration. Those wishing to appear before the board must inform the chairman in writing prior to the meeting.

Written statements and requests to appear before the board should be submitted to Howard E. Miller, Chairman, c/o State Director, Bureau of Land Management, Post Office Box 1828, Cheyenne, WY 82001.

DANIEL P. BAKER,
State Director.

[FR Doc. 73-5981 Filed 3-28-73;8:45 am]

DEPARTMENT OF AGRICULTURE

Forest Service

MIDDLE FORK SALMON RIVER MANAGEMENT PLAN REVIEW COMMITTEE

Notice of Meeting

The Middle Fork Salmon River Management Plan Review Committee will meet at 10 a.m., April 23, 1973, Salmon, Idaho.

The purpose of the meeting is to review and discuss the rough draft Recreation Management Plan for the Middle Fork Salmon River.

The meeting will be open to the public. Persons who wish to attend should notify Forest Supervisor, Salmon, Idaho, phone: 208-756-2215. Written statements may be filed with the committee before or after the meeting.

Public members will be given the opportunity to discuss the Management Plan along with committee members.

J. L. EMERSON,
Forest Supervisor.

MARCH 22, 1973.

[FR Doc.73-6025 Filed 3-28-73;8:45 am]

SALMON RIVER ADVISORY COMMITTEE

Notice of Meeting

The Salmon River Advisory Committee will meet at 9 a.m., m.s.t., in the Meeting Room of the Idaho Fish and Game Department Building, 600 South Walnut, Boise, ID on April 26, 1973.

The purpose of the meeting will be to review public input concerning the Salmon River Study under the National Wild and Scenic Rivers Act and to obtain advice from the committee on a management proposal for the Salmon River and adjacent lands from North Fork, Idaho to the Snake River.

The committee has established rules for public participation as follows:

1. The meeting shall be open to the public.
2. The public shall be permitted to file written statements with the committee prior to 12 noon, m.s.t., on April 26, 1973.
3. Discussion and debate between members of the public and the committee shall not be considered within the scope of the meeting.

W. B. SENDT,
Forest Supervisor, Payette National Forest.

MARCH 20, 1973.

[FR Doc.73-6024 Filed 3-28-73;8:45 am]

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

CHARLES O. HANDLEY, JR.

Issuance of Letter of Exemption for Marine Mammals

On March 6, 1973, a notice was published in the FEDERAL REGISTER (38 FR 6087) stating that an application had been filed with the National Oceanic and Atmospheric Administration for an economic hardship exemption by Charles O. Handley, Jr., Curator and Supervisor, Division of Mammals, National Museum of Natural History, Smithsonian Institution, Washington, D.C. to import from Argentina the skeleton of one beaked whale (*Tasmacetus sp.*) which had washed ashore. The skeleton is to be added to the Smithsonian reference collection.

Therefore, notice is hereby given that, pursuant to the provisions of the Marine Mammal Protection Act of 1972 (Public Law 92-522), and after having considered the application and all other pertinent information and facts with regard thereto, the National Marine Fisheries Service issued a letter of exemption to Charles O. Handley, Jr., on March 21, 1973, subject to the limitations and conditions set forth in the letter of exemption. Such letter, and supporting documents, are available for review by interested persons in the Office of the Director, National Marine Fisheries Service.

Issued at Washington, D.C., and dated March 27, 1973.

ROBERT W. SCHONING,
Acting Director, National Marine Fisheries Service.

[FR Doc.73-6052 Filed 3-28-73;8:45 am]

TERRELL C. NEWBY AND MYSTIC AQUARIUM, INC., ET AL.

Applications for Economic Hardship Exemptions

Notice is hereby given that the following applicants have filed applications for an economic hardship exemption pursuant to section 101(c) of the Marine Mammal Protection Act of 1972 (Public Law 92-522) and § 216.13 of the interim regulations governing the taking and importing of marine mammals.

1. Terrell C. Newby, graduate student, College of Fisheries, University of Washington, Seattle, Wash. 98195, to tag an unspecified number of newborn Pacific harbor seals, (*Phoca vitulina richardi*), as part of a study of the seal populations of Willapa Bay and Grays Harbor, Wash., and to kill as many as 20 Pacific harbor seals of all age classes for purposes of food habit, biological, pollution, and population dynamics studies.

Applicant states that:

(a) The above mentioned taking is part of a continuing study underway since the summer of 1969 under a permit from the Washington State Department of Game, as part of his graduate study program, and was interrupted by the moratorium imposed by the Marine Mammal Protection Act on December 21, 1972;

(b) The capture will be carried out on or near Gertrude Island in southern Puget Sound, on or near Minor Island in northern Puget Sound, and in or around Grays Harbor and Willapa Bay;

(c) The total estimated population of the harbor seal in the State of Washington is 1,800 animals;

(d) The Pacific harbor seal is not considered a rare or endangered species in its range;

(e) Not being able to continue the taking of harbor seals has caused him undue economic hardship in that it has caused the suspension of his educational grant, thus depriving him of funds with which to pay his personal and educational expenses while pursuing his studies in the College of Fisheries.

2. Mystic Aquarium, Inc., 1144 Union Commerce Building, Cleveland, Ohio 44115, and P.O. Box 190, Mystic, CT 06355, to take five Atlantic harbor seals (*Phoca vitulina concolor*), seven Atlantic bottle-nosed dolphins (*Tursiops truncatus*), and three Pacific pilot whales (*Globicephala scammoni*) for purposes of public display at its facility currently under construction at Mystic, Conn.

Applicant states that:

(a) It is an Ohio corporation owned by the same shareholders who own and are financing Aquarium Systems, Inc., which since 1964 has been engaged in the scientific study and development of water management systems and salts necessary to culture marine organisms for scientific and educational research and display, and which is the recognized leader in this field in the United States;

(b) The same Aquarium Systems, Inc., has operated since 1965 an aquarium at Niagara Falls, N.Y., at which aquarium porpoises and whales have been maintained and exhibited, and that such aquarium is the only salt water aquarium in the northern United States which operates year round;

(c) The facility at Mystic, Conn., will be staffed with specialists knowledgeable in the training, maintenance, display, and care of marine mammals;

(d) The seals will be taken on Sable Island, Nova Scotia, Canada, in June 1973, transported by air to Dalhousie University at Halifax, Nova Scotia, where they will be held until they are feeding consistently, then transferred by air to Boston, and then by truck to the facility at Mystic, Conn.;

(e) That the dolphins will be taken by net near Key Largo, or Fort Myers, Fla., in May 1973, will be transported by boat to suitable holding facilities in the Florida Keys, then shipped to Boston by air in a conventional dolphin holding box (equipped with sling, spray bar, and pumps);

(f) The whales will be taken by hoop net within a 60-mile radius of San Diego, Calif., transported by boat to suitable holding facilities and held until they are hand feeding on whole fish, then shipped by air by the same method described above for dolphins;

(g) Aquarium Systems has had considerable experience in taking and shipping marine mammals, and the taking, transporting, and holding of the mammals described herein will be under the supervision of competent specialists;

(h) The facility under construction at Mystic, Conn., will afford enjoyment and education to as many as 800,000 persons annually, as well as research opportunities for scientists and educators;

(i) The facility at Mystic is designed exclusively for the exhibition and display of whales and dolphins, and cannot be used for another type of aquarium;

(j) It will suffer undue economic hardship by reason of not being able to operate a financially viable enterprise, and its owners will lose millions of dollars.

3. John D. Hall, Assistant Specialist in Marine Biology, University of California, Santa Cruz, Calif., to capture two subadult male California sea lions (*Zalophus californianus*) and six Pacific white sided dolphins (*Lagenorhynchus obliquidens*) in the Monterey Bay area to continue research begun under contract with the United States Naval Undersea Center in San Diego, Calif.

Applicant states that he:

(a) Is a doctoral candidate with the University of California, Santa Cruz, having worked 5 years previous with the Naval Undersea Center;

(b) Desires to capture the two sea lions to affix harnesses with radio telemetry devices for tracking their movements, such two devices to be automatically released after 6 and 24 hours respectively by means of corrosible fastenings;

(c) Desires to capture six Pacific white sided dolphins to attach radio telemetry devices to two, to lavage the stomachs of four, and freeze-brand all six;

(d) Will be caused undue economic hardship as failure to receive an exemption would

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result in his inability to complete his contract with the Naval Undersea Center, thus foreclosing further support from the Center for personal and research expenses in pursuance of his doctoral degree.

Documents submitted in connection with these applications are available for inspection in the Office of the Director, National Marine Fisheries Service. Confidential financial documents and trade secrets will not be available.

All factual statements and opinions contained in this notice with respect to each application, are those supplied by the respective applicants and do not necessarily reflect the findings or opinions of the National Marine Fisheries Service.

Issued at Washington, D.C. and dated March 27, 1973.

ROBERT W. SCHONING,
Acting Director,
National Marine Fisheries Service.

[FR Doc.73-6051 Filed 3-28-73;8:45 am]

SEATTLE MARINE AQUARIUM AND BERGNER INTERNATIONAL CORP.

Withdrawal of Applications for Economic Hardship Exemptions

Notice is hereby given that the following applicants for economic hardship exemptions pursuant to section 101(c) of the Marine Mammal Protection Act of 1972 (Public Law 92-522), and § 216.13 of the interim regulations governing the taking and importing of marine mammals have filed notifications of withdrawal of their applications.

1. Seattle Marine Aquarium, Seattle, Wash., request to take two killer whales for public display. The notice of withdrawal states:

Northwest Marineland, Inc. (doing business as Seattle Marine Aquarium) hereby withdraws its application for permits to capture two (2) killer whales under sec. 216.13, economic hardship exemption, of the Marine Mammal Act of 1972 with prejudice (50 CFR 216.13). Respectfully, Donald Goldsberry, president, Northwest Marineland, Inc. (Seattle Marine Aquarium).

2. Bergner International Corp., New York, N.Y., request to import about 10,000 dressed Beater and Blueback sealskins from Canada, for resale. The notice of withdrawal states:

Reference our two applications dated January 2 and 3, 1973, numbered application No. 1 and application No. 2, respectively, for economic hardship exemptions under Part 216, Subpart C, § 216.13 Public Law 92-522, 86 Stat. 1027 (50 CFR 216.13). This is notice to you that we are as of this moment withdrawing both these applications without prejudice and with leave to reapply when and if circumstances warrant. This withdrawal is without prejudice to our rights under section 102(a)(2) and Subpart C, § 216.7 of the regulations (50 CFR 216.7) or any other applicable law or regulation which would by operation of law permit us to do that which these applications requested specific permission to do. Bergner International Corp.

The notices of withdrawal are available for inspection in the Office of the Director, National Marine Fisheries Service. Action on these applications has been terminated.

Issued at Washington, D.C., and dated March 23, 1973.

ROBERT W. SCHONING,
Acting Director,
National Marine Fisheries Service.

[FR Doc.73-6054 Filed 3-28-73;8:45 am]

Office of Import Programs

CALIFORNIA INSTITUTE OF TECHNOLOGY

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (37 FR 3892 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C.

Docket No. 73-00250-33-46040. Applicant: California Institute of Technology, Division of Biology, 1201 East California Boulevard, Pasadena, CA 91109. Article: Electron microscope, Model EM 301 with accessories. Manufacturer: Philips Electronic Instruments, NVD, The Netherlands. Intended use of article: The article is intended to be used in an investigation of cell membranes which will include the following projects:

(a) Mapping the distribution of molecules of individual cell surfaces of normal and malignant cells.

(b) Studies of the structure of the cell membrane.

(c) Studies of the formation of cell contacts between normal and cancer cells.

(d) Studies of cell movement.

(e) Studies of the binding of virus particles to cells during infection.

(f) Studies of the appearance under various conditions of cell membrane models prepared from purified membrane components, as well as from artificial mixtures of known components.

Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States. Reasons: The foreign article has a specified resolving capability of 3 angstroms. The most closely comparable domestic instrument is the Model EMU-4C electron microscope manufactured by the Forgflo Corp. The Model EMU-4C has a specified resolving capability of 5 angstroms. (The lower the numerical rating in terms of angstrom units, the better the resolving capability.) We are advised by the Department of Health, Education, and Welfare in its memorandum dated March 15, 1973, that the additional resolving capability of the foreign article is pertinent to the purposes for which the foreign article is intended to be used. We, therefore, find that the Model EMU-4C is not of equivalent scientific value to the foreign article for such purposes as the article is intended to be used.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

B. BLANKENHEIMER,
Acting Director,
Office of Import Programs.

[FR Doc.73-6041 Filed 3-28-73;8:45 am]

DAVID LIPSCOMB COLLEGE

Notice of Consolidated Decision on Applications for Duty-Free Entry of Scientific Articles; Correction

In the notice of consolidated decision on applications for duty-free entry of scientific articles appearing at page 1656 in the FEDERAL REGISTER of Wednesday, January 17, 1973, the following docket should be deleted:

Docket No. 72-00112-01-77030. Applicant: David Lipscomb College, Nashville, Tenn. 37203. Article: NMR spectrometer, Model JNM-C60HL. Date of denial without prejudice to resubmission: September 12, 1972.

B. BLANKENHEIMER,
Acting Director,
Office of Import Programs.

[FR Doc.73-6040 Filed 3-28-73;8:45 am]

FORSYTH DENTAL INFIRMARY FOR CHILDREN, ET AL.

Notice of Applications for Duty-Free Entry of Scientific Articles

The following are notices of the receipt of applications for duty-free entry of scientific articles pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651; 80 Stat. 897). Interested persons may present their views with respect to the question of whether an instrument or apparatus of equivalent scientific value for the purposes for which the article is intended to be used is being manufactured in the United States. Such comments must be filed in triplicate with the Director, Special Import Programs Division, Office of Import Programs, Washington, D.C. 20230, on or before April 18, 1973.

Amended regulations issued under cited Act, as published in the February 24, 1972 issue of the FEDERAL REGISTER, prescribe the requirements applicable to comments.

A copy of each application is on file, and may be examined during ordinary Commerce Department business hours at the Special Import Programs Division, Department of Commerce, Washington, D.C.

Docket No. 73-00399-33-46070. Applicant: Forsyth Dental Infirmary for Children, 140 Fenway, Boston, MA 02115. Article: Scanning electron microscope, Model JSM-U3. Manufacturer: JEOL Ltd., Japan. Intended use of article: The article is intended to be used in a variety of research projects which include:

(1) Investigation of the mechanical properties of teeth and bones and other hard tissues as a means for characterizing mineralization dynamics and other fundamental information.

(2) Study of the mechanism of formation and prevention of caries and assessment of the effects of the acid solutions and abrasive pastes that are frequently employed in dental practice.

(3) Study of the ecology of the microorganisms inhabitating the oral cavity. The article will also be used in the training of graduate students and in providing educational material for the Forsyth School for Dental Hygienists.

Application received by Commissioner of Customs: February 28, 1973.

Docket No. 73-00400-33-46040. Applicant: University of Maryland School of Medicine, Department of Anatomy, 29 South Greene Street, Baltimore, MD 21201. Article: Electron microscope, Model EM 201. Manufacturer: Philips Electronic Instruments, NVD, The Netherlands. Intended use of article: The article is intended to be used in the following research projects of a biomedical nature:

(1) An intensive study of cellular content of postnodal lymph—The overall objective of the project is to correlate the information obtained on the structure and function of these cells in peripheral lymph in an attempt to understand the role which these cells play in the defensive mechanism of the body in general and immune process in particular.

(2) The role of thyrocalcitonin in the induction of tumors—The objectives of the project are (a) to expand the preliminary experiments involving the administration of thyrocalcitonin to potentially leukemic mice to provide further information on the development of neoplastic disease, (b) to investigate the characteristics of any induced neoplasms to determine the site of origin, and (c) to determine by electron microscopy the presence or the absence of viral particles in induced tumors, and if present, to determine whether any apparent relationship exists between this virus and the preexisting virus in the bone cells.

(3) A comparative study of metastasizing and non-metastasizing murine tumors: The role of the Intracisternal A-Particle—The objective of this project is to determine if alteration of cellular properties plays a decisive role in malignancy.

In addition the article will be used in the courses: Techniques in electron microscopy, histology for the medical students and histology for graduate students, for training in electron microscopy and for providing the students with a basic knowledge and understanding of the microscopic structure of the human body. Application received by Commissioner of Customs: March 2, 1973.

Docket No. 73-00401-33-90000. Applicant: William Marsh Rice University, Department of Biochemistry, Houston, Tex. 77001. Article: Rotating Anode X-ray Generator, GX6 and Complete Rotor Plate Assembly, Copper Anode with Spindle. Manufacturer: Elliot Automation Radar Systems Ltd., United Kingdom. Intended use of article: The article is intended to be used generally for the studies of the structure and function of biological macromolecules such as proteins and enzymes. The article will also be used extensively in the field of molecular biology which includes: studies of macromolecules and biological structure, study of virus structure, low angle diffraction from muscle and other biological fibers, and structural studies of crystalline and fibrous nucleic acids.

In addition, the article will be used in the courses: Undergraduate Research in Biochemistry, Advanced Experimental Biochemistry, and Graduate Research in Biochemistry to familiarize and train undergraduate and graduate students to the use of instruments and techniques related to biochemistry. Application received by Commissioner of Customs: March 5, 1973.

Docket No. 73-00402-33-46040. Applicant: Baylor University Medical Center, 3500 Gaston Avenue Dallas TX 75246. Article: Electron microscope, Model EM 201. Manufacturer: Philips Electronic Instruments, NVD, The Netherlands. Intended use of article: The article is intended to be used for the following research studies:

(1) Ultrastructural characteristics of human cancer cells;

(2) Human neoplasms for identification of diagnostic criteria;

(3) Variables of fixation and embedding on the thickness of diabetic and normal capillary basement membranes; and

(4) Vascular endothelium for evaluation of venous aorto-coronary jump grafts. The article will also be used by medical and premedical students, dental students, interns, residents, fellows, graduate students, and staff members in various stages of training in various aspects of ultrastructural pathology. Application received by Commissioner of Customs: March 5, 1973.

Docket No. 73-00403-33-46040. Applicant: Brandeis University, 415 South Street, Waltham, MA 02154. Article: Electron microscope, Model EM 301. Manufacturer: Philips Electronic Instruments, NVD, The Netherlands. Intended use of article: The article is intended to be used for research of the relation between form and function in biological structures at the molecular level, e.g., virus particles, oligomeric enzymes, muscle, microtubules, fibrinogen, and membranes. Structural studies on representative systems in these categories are to be carried out with emphasis on small viruses, isolated muscle proteins and membranes. Application received by Commissioner of Customs: March 5, 1973.

Docket No. 73-00404-60-02300. Applicant: University of Nebraska North Platte Station, Route No. 4, Box 429, North Patte, NE 69101. Article: Electronic individual animal feeder. Manufacturer: Calan Electronics Ltd., United Kingdom. Intended use of article: The article is intended to be used to study the effect of supplementing energy to yearling cattle grazing and measurement of the ad libitum intake of supplement consumed by them individually. Application received by Commissioner of Customs: March 5, 1973.

Docket No. 73-00405-33-46500. Applicant: University of Scranton, Monroe Avenue, Scranton, Pa. 18510. Article: Ultramicrotome, Model LKB 8800A. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The article is intended to be used to prepare specimens for study with the electron microscope. The particular biology courses that will require the use of this article are: Plant Taxonomy, Plant Morphology, Cellular Biology, Phycology, and Mycology. A course in the theory and use of the electron microscope is also planned for which this article will be required. Application received by Commissioner of Customs: March 5, 1973.

Docket No. 73-00407-00-46040. Applicant: Institute for Medical Research, Copewood Street, Camden, N.J. 08103. Article: Universal cassette for Elmiskop IA and I Electron microscope. Manufacturer: Siemens AG, West Germany. Intended use of article: The article is intended to be used for etiological studies of mammary carcinoma. Ultrastructural features of the mouse mammary tumor virus will be compared with those of the putative human mammary tumor virus. Application received by Commissioner of Customs: March 5, 1973.

Docket No. 73-00408-33-43780. Applicant: University of Cincinnati, Clifton Avenue, Cincinnati, Ohio 45221. Article: HI-MED HG-100 Series Digital Stimulator Programer. Manufacturer: Hivotronic Ltd., United Kingdom. Intended use of article: The article is intended to be used as the master timing unit and electrical stimulator in a basic neurophysiology research laboratory. The research in this laboratory involves an investigation into the properties of nerve cells and neuronal interactions, e.g. synaptic transmission, in vertebrate and invertebrate preparations. The experiments conducted routinely entail intracellular recordings from one or more neuronal elements. The article will allow accurate measurements of time-dependent conductance changes following synaptic activation. Application received by Commissioner of Customs: February 26, 1973.

Docket No. 73-00409-33-46040. Applicant: University of Cincinnati, College of Medicine, Eden and Bethesda Avenues, Cincinnati, Ohio 45219. Article: Electron microscope, Model JEM 100B. Manufacturer: JEOL Ltd., Japan. Intended use of article: The article is intended to be used for ultrastructural research on biological material. Some of the studies to be undertaken are as follows:

(1) Ultrastructural studies on embryonic chick connective tissues;

(2) Fine structure studies of connective tissue after short-term ingestion of cadmium

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(3) Ultrastructural and biochemical analysis of isolated liver mitochondria in diabetic rats;

(4) Study of morphologic changes in testicular interstitial tissue of the rat after cryptochidism or X-irradiation;

(5) Ultrastructural studies on cultured Hept-2 cells treated with diphtheria toxin and cytochalasin B;

(6) Study of ultrastructural morphology, cellular adhesion, and mucopolysaccharide synthesis following treatment with cytochalasin B;

(7) Study of testicular interstitial morphology following chronic cadmium ingestion;

(8) Study of ultrastructural changes within the rat testis and epididymis after surgical interruption of the vas deferens;

(9) Histochemical localization of mucopolysaccharides at the ultrastructural level in the spleens of mice under conditions of erythropoietic stimulation and inhibition and in genetically anemic mice; and

(10) Ultrastructural characterization of hamster corpora lutea during growth and regressive phases.

The article is also intended to be used in the course Micro Anatomy (Histology) for light and electron miscroscopic interpretation of tissues within the normal body to understand the disease processes in the practice of medicine. In addition the article will be used to teach graduate and medical students the use of electron microscopy in basic science research. Application received by Commissioner of Customs: March 2, 1973.

Docket No. 73–00500–65–46040. Applicant: The University of Rochester, College of Engineering and Applied Science, River Station, Rochester, N.Y. 14627. Article: Electron microscope, Model JEM 100B. Manufacturer: JEOL Ltd., Japan. Intended use of article: The article is intended to be used in research programs in the study of metals, metal alloys, ceramics, ceramic alloys, and polymers. The type of phenomena to be studied are:

(1) The effects of microstructural variations on the fracture toughness of mild steels.

(2) The effect of production variables on mechanical properties of grain-size strengthened materials.

(3) Determination of slip systems and dislocation Burgers vectors.

(4) Microstructural variations of polymers.

(5) Precipitation and phase transformation in metals and alloys.

(6) Deformation substructure studies of materials.

(7) Annealing phenomena in metals and ceramics.

In addition the article will be used in conjunction with undergraduate courses and graduate courses in materials science, chemical engineering, and mechanical engineering. Application received by Commissioner of Customs: January 24, 1973.

Docket No. 73–00501–33–02300. Applicant: Idaho State University, Purchasing Services, P.O. Box 219, Pocatello, ID 83201. Article: Longworth Small Mammal Trap. Manufacturer: Longworth Scientific Instrument Co., Ltd., United Kingdom. Intended use of article: The article is intended to be used to capture rodents for analysis in studies of population ecology of microtine rodents in semi-desert habitat. Successive capture and release of these rodents allows assessment of population size, survival rates, dilution rates, growth rates, reproductive changes on a seasonal basis, and movement and home-range patterns. Application received by Commissioner of Customs: March 1, 1973.

Docket No. 73–00502–65–46040. Applicant: Michigan Technological University, Department of Metallurgical Engineering, Houghton, Mich. 49931. Article: Electron microscope, Model EM 301. Manufacturer: Philips Electronic Instruments, NVD, The Netherlands. Intended use of article: The article is intended to be used primarily for studying phase transformation in metals and defect structure in materials. The article will also be used to study aerosols, rock structure, and phages in biology. In addition, the article will be used extensively in student instruction in both research and teaching laboratories. Application received by Commissioner of Customs: March 1, 1973.

Docket No. 73–00504–01–77000. Applicant: Brown University, Providence, R.I. 02912. Article: Electron Spectrometer System, ES 100B. Manufacturer: AEI Scientific Apparatus, Ltd., United Kingdom. Intended use of article: The article is intended to be used for a variety of studies of the chemical bonding and electronic structure of materials. Primary research objectives are (1) the characterization of solid surfaces, including studies of adsorption processes and surface reactions; and (2) the investigation of chemical bonding in molecules containing transition metal atoms. In addition, the article will be used by students in physics, chemistry, and related fields to learn an important new analytical technique. Application received by Commissioner of Customs: February 26, 1973.

Docket No. 73–00505–33–46040. Applicant: Ohio Agricultural Research and Development Center, Wooster, Ohio 44691. Article: Electron microscope, Model EM 201. Manufacturer: Philips Electronic Instruments, NVD, The Netherlands. Intended use of article: The article is intended to be used in a wide range of investigations which include: (1) Investigation of plant virus pathology of soybean, corn, wheat, grape, and tomato; (2) local lesion formation mechanisms; (3) virus locations within the tissue; (4) pathological conditions in animals including TGE virus in swine, bluecomb disease in turkeys, and rumen bacteria study in cattle; (5) monitoring of purification steps of biological macromolecules such as lipo-protein from blood and egg yolk. In addition there are various anticipated projects involving studies of virus infected tissues. The article will also be used in the teaching of existing and future staff, faculty, graduate students, and technicians desiring training in those aspects of electron microscopy pertinent to their research programs or electron microscopy techniques in general. Application received by Commissioner of Customs: March 1, 1973.

B. BLANKENHEIMER,
Acting Director,
Office of Import Programs.

[FR Doc.73–6043 Filed 3–28–73;8:45 am]

JOHNS HOPKINS UNIVERSITY

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89–651, 80 Stat. 897) and the regulations issued thereunder as amended (37 FR 3892 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C.

Docket No. 73–00255–33–46040. Applicant: The Johns Hopkins University, Department of Pharmacology, 725 North Wolfe Street, Baltimore, MD 21205. Article: Electron microscope, Model EM–9S–2. Manufacturer: Carl Zeiss, West Germany. Intended use of article: The article is intended to be used in a variety of experiments directed at identifying neuronal components at the ultrastructural level. Also, autoradiography with the electron microscope will be conducted to identify sites of accumulation of various radioactive compounds. The article will also be used in the student laboratory course to train students in identifying ultrastructural components of neurons.

Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article for such purposes as this article is intended to be used, is being manufactured in the United States.

Reasons: The applicant requires an electron microscope which is suitable for instruction in the basic principles of electron microscopy. The foreign article is a relatively simple, medium resolution electron microscope designed for confident use by beginning students with a minimum of detailed programming. The most closely comparable domestic instrument is the Model EMU–4C electron microscope manufactured by the Forgflo Corp. The Model EMU–4C electron microscope is a relatively complex instrument designed for research, which requires a skilled electron microscopist for its operation. We are advised by the Department of Health, Education, and Welfare in its memorandum dated March 15, 1973, that the relative simplicity of design and ease of operation of the foreign article is pertinent to the applicant's educational purposes. We, therefore, find that the Model EMU–4C electron microscope is not of equivalent scientific value to the foreign article for such purposes as this article is intended to be used.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

B. BLANKENHEIMER,
Acting Director,
Officer of Import Programs.

[FR Doc.73–6042 Filed 3–28–73;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[Docket No. FDA–D–269; Various NDA's]

NEW DRUG APPLICATIONS

Notice of Withdrawal of Approval; Correction

In FR Doc. 71–11136 appearing on page 18893 in the issue of the FEDERAL REGISTER dated September 23, 1971, the listing of new drug applications being withdrawn is corrected by deleting the entry "13–538, Decadrontopoint" from the NDA numbers and drug names listed under Merck Sharp and Dohme, Division Merck & Co., West Point, Pa, 19486.

Dated: March 23, 1973.

MARY A. MCENIRY,
Assistant to the Director for Regulatory Affairs, Bureau of Drugs.

[FR Doc.73–5992 Filed 3–28–73;8:45 am]

[DESI 5795]

NITROFURAZONE SOLUBLE DRESSING

Drugs for Human Use; Drug Efficacy Study Implementation

The Food and Drug Administration has evaluated a report received from the National Academy of Sciences-National Research Council, Drug Efficacy Study Group, on the following drug for topical use: Furacin Soluble Dressing containing nitrofurazone 0.2 percent in a water-soluble base of polyethylene glycols; Norwich Pharmacal Co., Division of Morton-Norwich Products, Inc., 13–27 Eaton Avenue, Norwich, NY 13815 (NDA 5–795).

Such drugs are regarded as new drugs (21 U.S.C. 321(p)). Supplemental new drug applications are required to revise the labeling in and to update previously approved applications providing for such drugs. An abbreviated new drug application is required from any person marketing such drug without approval.

Other dosage forms containing nitrofurazone and dosage forms containing furazolidone have also been reviewed in the drug efficacy study. The oral administration of nitrofurazone and furazolidone has been shown to induce mammary neoplasia in rats. Having considered the available information and the availability on the market of alternative effective drugs associated with less potential risk, the Commissioner has concluded that there is a lack of proof of safety of these nitrofurazone products. Accordingly there is published elsewhere in this issue of the FEDERAL REGISTER a notice proposing to withdraw approval of all other new drug applications for nitrofurazone-containing preparations.

However, the Commissioner has further concluded that nitrofurazone soluble dressing, because of a more favorable benefit-risk relationship, should remain on the market under the limited labeling conditions described below. In particular, this product has a fairly broad antimicrobial spectrum, and may be effective in important medical uses when there is bacterial resistance to other agents. Other products which would be substituted for it, if it were not available, are preferably reserved for specific, life-threatening infections.

A. *Effectiveness classification.* The Food and Drug Administration has considered the Academy's report, as well as other available evidence, and concludes that nitrofurazone in the form of a soluble dressing is effective for adjunctive therapy of patients with second- and third-degree burns when bacterial resistance to other agents is a real or potential problem. It is also effective for use in skin grafting where bacterial contamination may cause graft rejection and/or donor site infection, particularly in hospitals with historical resistant-bacteria epidemics.

B. *Conditions for approval and marketing.* The Food and Drug Administration is prepared to approve abbreviated new drug applications and abbreviated supplements to previously approved new drug applications under conditions described herein.

1. *Form of drug.* Nitrofurazone soluble dressing preparations are in water-soluble ointment form suitable for topical administration.

2. *Labeling conditions.* a. The label bears the statement, "Caution: Federal Law prohibits dispensing without prescription."

b. Each container of the drug, including any individually wrapped unit package, bears as part of the permanently affixed label information, prominently and conspicuously placed, and in legible type size, the following: (1) The statement, "For use only as adjunctive therapy of patients with second- and third-degree burns when bacterial resistance to other agents is a real or potential problem; or in skin grafting where bacterial contamination may cause graft rejection and/or donor site infection, particularly in hospitals with historical resistant-bacteria epidemics," and (2) a reference to the "Warnings" section of the full disclosure labeling that accompanies the package.

c. The drug is labeled to comply with all requirements of the Act and regulations promulgated thereunder and those parts of its labeling indicated below are substantially as follows: (Optional additional information, applicable to the drug, may be proposed under other appropriate paragraph headings and should follow the information set forth below.)

DESCRIPTION

Chemically (name of drug product) is nitrofurazone, 5-nitro-2-furaldehyde semicarbazone with the following structure: (To be supplied by manufacturer). (Additional descriptive information to be included by the manufacturer or distributor should be confined to an appropriate description of the physical and chemical properties of the drug and the formulation.)

ACTIONS

Nitrofurazone is a synthetic nitrofuran with a broad antibacterial spectrum. It is bactericidal against most bacteria commonly causing surface infections, including many that have become antibiotic resistant.

It acts by inhibiting enzymes necessary for carbohydrate metabolism in bacteria. This action occurs in both the aerobic and anaerobic cycles of carbohydrate metabolism, explaining its bactericidal effect in aerobic, anaerobic, and facultative bacteria. Topically it is without appreciable toxicity to human cells.

INDICATIONS

Nitrofurazone is a topical antibacterial agent indicated for adjunctive therapy of patients with second and third-degree burns when bacterial resistance to other agents is a real or potential problem.

It is also indicated in skin grafting where bacterial contamination may cause graft rejection and/or donor site infection particularly in hospitals with historical resistant-bacteria epidemics.

There is no known evidence of effectiveness of this product in the treatment of minor burns or surface bacterial infections involving wounds, cutaneous ulcers or the various pyodermas.

CONTRAINDICATIONS

Known prior sensitization is a contraindication to the use of nitrofurazone.

WARNINGS

Nitrofurazone has been shown to produce mammary tumors when fed at high doses to female Sprague-Dawley rats. The relevance of this to topical use in humans is unknown.

USAGE IN PREGNANCY

Safe use of nitrofurazone during pregnancy has not been established. Therefore, the drug is not recommended for the treatment of women of child-bearing potential, unless the need for the therapeutic benefit of nitrofurazone is, in the attending physician's judgment, greater than the possible risk.

PRECAUTIONS

Use of topical antimicrobials occasionally allows overgrowth of nonsusceptible organisms including fungi. If this occurs or if irritation, sensitization or superinfection develop, treatment with nitrofurazone should be discontinued and appropriate therapy instituted.

ADVERSE REACTIONS

Nitrofurazone has not been significantly toxic in man by topical application. In quantitative studies published in the period 1945–70, 206 instances of clinical skin reaction were reported out of 18,249 patients treated with nitrofurazone topical formulations, an overall incidence of 1.1 percent.

The treatment of nitrofurazone sensitization is not distinctive; general measures commonly used for a variety of sensitization reactions are adequate, except for the rare instance of severe contact dermatitis in

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which steroid administration may be indicated.

DOSAGE AND ADMINISTRATION

BURNS. Apply directly to the lesion as with a spatula, or first place on gauze. Impregnated gauze may be used. Reapply once daily or once weekly, depending on the preferred dressing technique.

SKIN GRAFTS. The dressing is used both to prepare burns and other lesions for grafting, and postoperatively as a prophylactic measure. By rapid eradication of the infection, it can produce clean, firm granulation tissue. Because it is water-soluble and has negligible tissue toxicity, it does not interfere with successful takes. Flushing the gauze with sterile saline facilitates removal.

HOW SUPPLIED

(To be supplied by manufacturer.)

ANIMAL TOXICOLOGY

The oral administration of nitrofurazone for 7 days to rats at extremely high dosage levels of 240 mg/kg/day produced severe hepato-renal lesions whereas only renal changes were seen when the dosage level was reduced to 60 mg/kg/day for 60 days.

Dosage levels of 60 and 30 mg/kg/day shortened the time of appearance of the typical mammary gland tumor associated with older female rats. These tumors exhibited the same histological characteristics seen in the spontaneously occurring tumors and were seen only in the female animals. No mammary tumors were seen in rats treated with nitrofurazone orally for 1 year at levels of approximately 11 mg/kg/day. Spermatogenic arrest was noted in the male rats at dosage levels of 30 mg/kg/day and above.

Dogs treated orally with nitrofurazone for 400 days at levels of 11 mg/kg/day showed no toxic effects related to drug treatment. The single intravenous administration in dogs of 20, 35, or 75 mg/kg nitrofurazone produced clinical signs of lacrimation, salivation, emesis, diarrhea, excitation, weakness, ataxia and weight loss, whereas 100 mg/kg produced convulsions and death.

There was no evidence of toxicosis in rhesus monkeys treated with doses of nitrofurazone as high as 58 mg/kg/day for 10 weeks and 23 mg/kg/day for 63 weeks.

Finally, when 30 mg/kg of nitrofurazone was administered to pregnant rabbits once daily on days 7 through 15 of pregnancy there was a slight increase in the frequency of stillbirths, but no teratogenetic effects were seen.

3. *Marketing status.* Marketing of such drugs may be continued under the conditions described in the notice entitled Conditions for Marketing New Drugs Evaluated in Drug Efficacy Study, published in the FEDERAL REGISTER July 14, 1970 (35 FR 11273), as follows:

a. For holders of "deemed approved" new drug applications (i.e., an application which became effective on the basis of safety prior to October 10, 1962), the submission of a supplement for revised labeling and an abbreviated supplement for updating information as described in paragraphs (a)(1) (i) and (iii) of the notice of July 14, 1970.

b. For any person who does not hold an approved or effective new drug application, the submission of an abbreviated new drug application as described in paragraph (a)(3)(i) of that notice.

c. For any distributor of the drug, the use of labeling in accord with this announcement for any such drug shipped within the jurisdiction of the Act as described in paragraph (b) of that notice.

A copy of the Academy's report has been furnished to the firm referred to above. Communications forwarded in response to this announcement should be identified with the reference number DESI 5795, directed to the attention of the appropriate office listed below, and addressed to the Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20852:

Supplements (identify with NDA number): Office of Scientific Evaluation (BD-100), Bureau of Drugs.

Original abbreviated new drug applications: Drug Efficacy Study Implementation Project Office (BD-60), Bureau of Drugs.

Requests for the Academy's report: Drug Efficacy Study Information Control (BD-66), Bureau of Drugs.

All other communications regarding this announcement: Drug Efficacy Study Implementation Project Office (BD-60), Bureau of Drugs.

All identical, related, or similar products, not the subject of an approved new drug application, are covered by the new drug application reviewed and are subject to this notice. See 21 CFR 130.40 (37 FR 23185, Oct. 31, 1972). For example, the Food and Drug Administration regards nitrofurazone in either soluble powder form or solution form intended for the conditions of use described herein to be subject to this notice. Any person who wishes to determine whether a specific product is covered by this notice should write to the Food and Drug Administration, Bureau of Drugs, Office of Compliance (BD-300), 5600 Fishers Lane, Rockville, MD 20852.

This notice is issued pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 502, 505, 52 Stat. 1050–53, as amended; 21 U.S.C. 352, 355), and the Administrative Procedure Act (5 U.S.C. 554), and under the authority delegated to the Commissioner of Food and Drugs (21 CFR 2.120).

Dated: March 22, 1973.

WILLIAM F. RANDOLPH,
Acting Associate Commissioner for Compliance.

[FR Doc.73-5991 Filed 3-28-73;8:45 am]

[DESI 7358; Docket No. FDC-D-520; NDA 5-795 et al.]

NORWICH PHARMACAL CO.

Certain Nitrofuran Drugs; Notice of Opportunity for Hearing on Proposal To Withdraw Approval of New Drug Applications

Notice is hereby given to Norwich Pharmacal Co., Division of Morton-Norwich Products, Inc., 13-27 Eaton Avenue, Norwich, NY 13815, and to any interested person who may be adversely affected, that the Commissioner of Food and Drugs proposes to issue an order under the provisions of section 505(e) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(e)) withdrawing approval of the following new drug applications, or pertinent parts thereof, and all amendments and supplements thereto held by the Norwich Pharmacal Co.:

NDA No.	*Drug Name*
NDA 5-795	That part of the application providing for Furacin (nitrofurazone) Vaginal Suppositories and Ear Solution.
NDA 7-358	Furacin (nitrofurazone with ephedrine) Nasal Drops.
NDA 11-065	Tricofuron (furazolidone and nifuroxime) Vaginal Powder and Suppositories.
NDA 11-270	Furoxone (furazolidone) Tablets.
NDA 11-323	Furoxone (furazolidone with kaolin and pectin) liquid.
NDA 12-403	Furacin (nitrofurazone and nifuroxime with diperodon hydrochloride) Otic Drops.

With the exception of Furacin Ear Solution, Nasal Drops, and Otic Drops, the above-listed drug products were reviewed by the National Academy of Sciences-National Research Council, Drug Efficacy Study Group and classified as less than effective.

It is proposed to withdraw approval of these new drug applications on the grounds that (1) new information with respect to the drugs, evaluated together with the evidence available at the time of approval of the applications, shows there is a lack of substantial evidence that the drugs will have all the effects they purport or are represented to have under the conditions of use prescribed, recommended, or suggested in the labeling; and (2) tests by methods not deemed reasonably applicable when such applications were approved, evaluated together with the evidence available when the applications were approved, show that such drugs containing either nitrofurazone or furazolidone for human use, are not shown to be safe for use under the conditions of use upon the basis of which the applications were approved. Specifically, the oral administration of nitrofurazone and of furazolidone has been shown to induce mammary neoplasia in rats. None of the nitrofurazone and furazolidone—containing drugs have been adequately tested for absorption in humans. Inadequate animal data exist on topical use. A serious question of safety regarding the use of nitrofurazone and furazolidone in humans is therefore raised. Other equally effective drugs having less potential risk are available. The subject drugs are not specific for use in life-threatening or other important medical uses. Accordingly, the Food and Drug Administration concludes that, because of the unfavorable benefit-to-risk ratio associated with use of these drug products, there is a lack of proof of safety.

All identical, related, or similar products, not the subject of an approved new drug application, are covered by the new drug application(s) reviewed and are covered by this notice. See 21 CFR 130.40 (37 FR 32185, Oct. 31, 1972). Any manufacturer or distributor of such an identical, related, or similar product is an interested person who may in response to this notice submit data and information, request that the new drug application(s) not be withdrawn, request a hearing, and participate as a party in any hearing. Any person who wishes to determine whether a specific product is covered by this notice should write to the Food and Drug Administration, Bureau of Drugs, Office of Compliance (BD-300), 5600 Fishers Lane, Rockville, MD 20852.

In accordance with the provisions of section 505 of the act (21 U.S.C. 355) and the regulations promulgated thereunder (21 CFR Part 130), the Commissioner hereby gives the applicant(s) and any other interested person an opportunity for a hearing to show why approval of the new drug application(s) should not be withdrawn.

On or before April 30, 1973, the applicant(s) and any other interested person is required to file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 6-88, 5600 Fishers Lane, Rockville, MD 20852, a written appearance electing whether or not to avail himself of the opportunity for a hearing. Failure of an applicant or any other interested person to file a written appearance of election on or before April 30, 1973, will constitute an election by him not to avail himself of the opportunity for a hearing.

If no person elects to avail himself of the opportunity for a hearing, the Commissioner without further notice will enter a final order withdrawing approval of the application(s) or pertinent parts thereof.

If an applicant or any other interested person elects to avail himself of the opportunity for a hearing, he must file, on or before April 30, 1973, a written appearance requesting the hearing, giving the reasons why approval of the new drug application(s) should not be withdrawn, together with a well-organized and full-factual analysis of the clinical and other investigational data he is prepared to prove in support of his opposition. A request for a hearing may not rest upon mere allegations or denials, but must set forth specific facts showing that a genuine and substantial issue of fact requires a hearing (21 CFR 130.14(b)).

If review of the data submitted by an applicant or any other interested person warrants the conclusion that the drugs are safe for use under the conditions of use prescribed, recommended, or suggested in their labeling and that substantial evidence exists demonstrating the effectiveness of the products for such use, the Commissioner will rescind this notice of opportunity for hearing.

If review of the data in the application(s) and data submitted by the applicant(s) or any other interested person in a request for a hearing, together with the reasoning and factual analysis in a request for a hearing, warrants the conclusion that no genuine and substantial issue of fact precludes the withdrawal of approval of the application(s), the Commissioner will enter an order of withdrawal making findings and conclusions on such data.

If, upon the request of the new drug applicant(s) or any other interested person, a hearing is justified, the issues will be defined, a hearing examiner will be named, and he shall issue, as soon as practicable after April 30, 1973, a written notice of the time and place at which the hearing will commence. All persons interested in identical, related, or similar products covered by the new drug application(s) will be afforded an opportunity to appear at the hearing, file briefs, present evidence, cross-examine witnesses, submit suggested findings of fact, and otherwise participate as a party. The hearing contemplated by this notice will be open to the public except that any portion of the hearing that concerns a method or process the Commissioner finds entitled to protection as a trade secret will not be open to the public, unless the respondent specifies otherwise in his appearance.

Requests for a hearing and/or elections not to request a hearing may be seen in the Office of the Hearing Clerk (address given above) during regular business hours, Monday through Friday.

This notice is issued pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 505, 52 Stat. 1052–53, as amended; 21 U.S.C. 355), and the Administrative Procedure Act (5 U.S.C. 554), and under authority delegated to the Commissioner (21 CFR 2.120).

Dated: March 22, 1973.

WILLIAM F. RANDOLPH,
Acting Associate Commissioner for Compliance.

[FR Doc.73-5990 Filed 3-28-73;8:45 am]

Health Services and Mental Health Administration

CLINICAL PSYCHOPHARMACOLOGY RESEARCH REVIEW COMMITTEE

Notice of Meeting; Correction

In FR Doc. 73-5363 appearing at page 7413 in the issue for Wednesday, March 21, 1973, the committee meeting place for the Clinical Psychopharmacology Research Review Committee should be changed from "Conference Room G, Parklawn Building, 5600 Fishers Lane, Rockville, MD," to "Conference Room M, Parklawn Building, 5600 Fishers Lane, Rockville, MD."

Dated: March 23, 1973.

ANDREW J. CARDINAL,
Acting Associate Administrator for Management, Health Services and Mental Health Administration.

[FR Doc.73-6015 Filed 3-28-73;8:45 am]

ALCOHOL TRAINING REVIEW COMMITTEE

Notice of Meeting; Correction

In FR Doc. 73-5363 appearing at page 7413 in the issue for Wednesday, March 21, 1973, the committee meeting place for the Alcohol Training Review Committee should be changed from "Conference Room F, Parklawn Building, 5600 Fishers Lane, Rockville, MD," to "Massachusetts General Hospital, Charles Street, Boston, Mass."

Dated: March 23, 1973.

ANDREW J. CARDINAL,
Acting Associate Administrator for Management, Health Services and Mental Health Administration.

[FR Doc.73-6016 Filed 3-28-73;8:45 am]

National Institutes of Health

CLINICAL CANCER TRAINING COMMITTEE (GENERAL AND DENTAL)

Notice of Meeting

Pursuant to Public Law 92-463, notice is hereby given of the meeting of the Clinical Cancer Training Committee (General and Dental), April 19, 1973, at 9 a.m., National Institutes of Health, Building 31, Conference Room 6. This meeting will be open to the public from 9 a.m., April 19, 1973, to discuss the present status of the Clinical Cancer Training Program and closed to the public from 9:30 a.m., April 19, 1973, in accordance with the provisions set forth in section 552(b)4 of title 5, United States Code, and section 10(d) of Public Law 92-463. Attendance by the public will be limited to space available.

Mr. Frank Karel, Associate Director for Public Affairs, NCI, Building 31, Room 10A31, National Institutes of Health, Bethesda, Md. 20014 (301/496-1911), will furnish summaries of the open/closed meeting and roster of committee members.

William L. Ross, M.D., Executive Secretary, Westwood Building, Room 826, National Institutes of Health, Bethesda, Md. 20014 (301/496-7803), will provide substantive program information.

Dated: March 22, 1973.

JOHN F. SHERMAN,
Deputy Director, National Institutes of Health.

[FR Doc.73-6027 Filed 3-28-73;8:45 am]

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LIPID METABOLISM ADVISORY COMMITTEE

Amended Notice of Meeting

Pursuant to Public Law 92–463 and previous notice of meeting dated March 13, 1973 (38 FR 7482, March 22, 1973), notice is hereby given that the meeting of the Lipid Metabolism Advisory Committee, National Heart and Lung Institute, April 5 and 6, 1973, 9:15 a.m., National Institutes of Health, Building 31, will be held in Room 4A21 instead of Conference Room 5. This meeting will be open to the public from 9:15 a.m. to 12 noon, April 5, to discuss Lipid Metabolism Branch status regarding various projects which the Branch is conducting; the remaining sessions will be closed to review contracts in accordance with the provisions set forth in section 552(b)4 of title 5 United States Code and 10(d) of Public Law 92–463. Attendance by the public will be limited to space available.

Dr. Jerome G. Green, Director, Division of Extramural Affairs, NHLI, NIH Westwood Building, Room 5A18, phone 496–7416, will furnish summaries of the meeting and rosters of the committee members. Substantive program information may be obtained from Dr. Basil Rifkind, Deputy Chief, Lipid Metabolism Branch, NHLI, NIH Building 31, Room 4A19, phone 496–1681.

Dated: March 22, 1973.

JOHN F. SHERMAN,
Acting Director,
National Institutes of Health.

[FR Doc.73–6030 Filed 3–28–73;8:45 am]

NATIONAL BLOOD RESOURCE PROGRAM ADVISORY COMMITTEE

Notice of Cancellation of Meeting

The following committee will not meet as scheduled (notice of meeting dated March 7, 1973, published on March 15, 1973 (38 FR 7015)):

Name of Committee: National Blood Resource Program Advisory Committee, National Heart and Lung Institute.
Date: March 29, 1973.
Time: 9 a.m.
Location: National Institutes of Health, Bethesda, Md., Building 31, Conference Room 4.

This meeting has been canceled.

Dated: March 22, 1973.

JOHN F. SHERMAN,
Acting Director,
National Institutes of Health.

[FR Doc.73–6028 Filed 3–28–73;8:45 am]

NATIONAL BLOOD RESOURCE PROGRAM ADVISORY COMMITTEE

Amended Notice of Meeting

Pursuant to Public Law 92–463 and previous notice of meeting dated March 13, 1973 (38 FR 7483, March 22, 1973), notice is hereby given that the meeting of the National Blood Resource Program Advisory Committee, National Heart and Lung Institute, will be held April 9–11, 1973. The 11th has been added. This meeting will begin at 9 a.m., National Institutes of Health, Building 31, Conference Room 9, and will be open to the public from 4 to 5 p.m., April 9, 1973, to discuss administrative details relating to committee business. All other sessions will be closed to the public to review contracts in accordance with the provisions set forth in section 552(b)4 of title 5, United States Code and 10(d) of Public Law 92–463. Attendance by the public will be limited to space available.

Dr. Jerome G. Green, Director, Division of Extramural Affairs, NHLI, NIH Westwood Building, Room 5A18, phone 496–7416, will furnish summaries of the meeting and rosters of the committee members. Substantive program information may be obtained from the Executive Secretary, Dr. James M. Stengle, NHLI, NIH Building 31, Room 4A03, phone 496–5911.

Dated: March 22, 1973.

JOHN F. SHERMAN,
Acting Director,
National Institutes of Health.

[FR Doc.73–6029 Filed 3–28–73;8:45 am]

Office of Education

NATIONAL ADVISORY COMMITTEE ON THE EDUCATION OF SPANISH AND MEXICAN AMERICANS

Notice of Public Meeting

Notice is hereby given, pursuant to Public Law 92–463, that the next meeting of the National Advisory Committee on the Education of Spanish and Mexican Americans will be held on April 11–12, 1973, commencing at 9 a.m., local time, on April 11, in Room 1160, FOB–6, 400 Maryland Avenue SW., Washington, D.C.

The National Advisory Committee on the Education of Spanish and Mexican Americans is established under section 442(a) of General Education Provisions Act, Public Law 91–230, under 20 U.S.C. 1233a. The Committee is established to advise the Commissioner of Education on problems central to the education of Spanish-speaking children and adults, particularly those of bilingual, bicultural families.

The meeting of the Committee shall be open. The proposed agenda includes a review of the draft annual report to the Commissioner of Education. Records shall be kept of all Committee proceedings (and shall be available for public inspection at the Office for Spanish Speaking American Affairs, located in Room 1155, FOB–6, 400 Maryland Avenue SW., Washington, D.C.

Signed in Washington, D.C., on March 19, 1973.

GILBERT CHAVEZ,
Director for Spanish,
Speaking American Affairs.

[FR Doc.73–5978 Filed 3–28–73;8:45 am]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. D–73–226]

ASSISTANT REGIONAL ADMINISTRATOR FOR EQUAL OPPORTUNITY ET AL.

Designations

The officers appointed to the following listed positions in Region IX (San Francisco) are hereby designated to serve as Acting Deputy Regional Administrator, Region IX (San Francisco), during a vacancy in the position of, or during the absence of, the Deputy Regional Administrator, with all the powers, functions, and duties redelegated or assigned to the Deputy Regional Administrator: *Provided*, That no officer is authorized to serve as Acting Deputy Regional Administrator unless all other officers whose titles precede his in this designation are unable to act by reason of absence; *Provided, further*, That if an officer designated below is serving as Acting Regional Administrator, the officer whose title follows his in this designation shall serve as Acting Deputy Regional Administrator:

1. Assistant Regional Administrator for Equal Opportunity.
2. Assistant Regional Administrator for Administration.
3. Assistant Regional Administrator for Housing Management.
4. Regional Counsel.
5. Assistant Regional Administrator for Community Development.
6. Assistant Regional Administrator for Housing Production and Mortgage Credit.
7. Assistant Regional Administrator for Community Planning and Management.

This designation supersedes and cancels all previously published designations of Acting Deputy Regional Administrator, Region IX (San Francisco).

Effective as of the eighth day of January 1973.

ROBERT H. BAIDA,
Regional Administrator,
Region IX (San Francisco).

[FR Doc.73–6008 Filed 3–28–73;8:45 am]

ATOMIC ENERGY COMMISSION

ADVISORY COMMITTEE ON REACTOR SAFEGUARDS

Subcommittee on ATWS—Reliability Analysis; Meeting

MARCH 26, 1973.

In accordance with the purposes of sections 29 and 182b. of the Atomic Energy Act (42 U.S.C. 2039, 2232b.), the Advisory Committee on Reactor Safeguards' combined Subcommittee on ATWS (Anticipated Transients with Failure to Scram)—Reliability Analysis will hold a meeting on April 7, 1973, in Room 1046, 1717 H Street NW., Washington, DC. The subjects scheduled for discussion are: Anticipated transients with failure to scram, diversity and redundancy of engineered safety systems, the reactor experience information system, and the Electrical Research Council program.

The Subcommittee is meeting to formulate recommendations to the ACRS regarding the above subjects.

I have determined, in accordance with subsection 10(d) of Public Law 92–463, that the meeting will consist of an exchange of opinions, the discussion of which, if written, would fall within exemption (5) of 5 U.S.C. 552(b). It is essential to close such meeting to protect the free interchange of internal views and to avoid undue interference with agency or Committee operation.

JOHN V. VINCIGUERRA,
Advisory Committee Management Officer.

[FR Doc.73–6093 Filed 3–28–73;8:45 am]

[Docket No. 50–418]

MITSUBISHI INTERNATIONAL CORP.

Application for Facility Export License

Please take notice that Mitsubishi International Corp., New York, N.Y., has submitted to the Atomic Energy Commission an application for a license to authorize the export of two pressurized water reactors with thermal power levels of 3,411 megawatts each to the Kansai Electric Power Co., Inc., of Osaka, Japan, and that the issuance of such license is under consideration by the Atomic Energy Commission.

No license authorizing the proposed reactor export will be issued until the Atomic Energy Commission determines that such export is within the scope of and consistent with the terms of an applicable agreement for cooperation arranged pursuant to section 123 of the Atomic Energy Act of 1954, as amended (Act), nor until the Atomic Energy Commission has found that:

(a) The application complies with the requirements of the Act, and the Atomic Energy Commission's regulations set forth in Title 10, Chapter 1, Code of Federal Regulations, and

(b) The reactors proposed to be exported are utilization facilities as defined in said Act and regulations.

In its review of applications solely to authorize the export of production or utilization facilities, the Atomic Energy Commission does not evaluate the health and safety characteristics of the facility to be exported.

Unless a request for a hearing is filed with the Atomic Energy Commission by the applicant on or before April 13, 1973, or a petition for leave to intervene is filed by any person whose interest may be affected by the proceeding, the Director of Regulation may, upon the determinations and findings noted above, cause to be issued to Mitsubishi International Corp., a facility export license and may cause to be published in the FEDERAL REGISTER a notice of issuance of the license. If a request for a hearing or a petition for leave to intervene is filed within the time prescribed in the notice, the Atomic Energy Commission will issue a notice of hearing or an appropriate order.

A copy of the application is on file in the Atomic Energy Commission's Public document room located at 1717 H Street NW., Washington, D.C.

Dated in Bethesda, Md., this 19th day of March 1973.

For the Atomic Energy Commission.

S. H. SMILEY,
Deputy Director for Fuels and Materials, Directorate of Licensing.

[FR Doc.73–5955 Filed 3–28–73;8:45 am]

[Docket No. 50–395]

SOUTH CAROLINA ELECTRIC AND GAS CO.

Issuance of Construction Permit

Notice is hereby given that, pursuant to the Initial Decision of the Atomic Safety and Licensing Board, the Deputy Director for Reactor Projects, Directorate of Licensing, has issued Construction Permit No. CPPR–94 to the South Carolina Electric and Gas Co. for construction of the Virgil C. Summer Nuclear Station, Unit 1, a pressurized water reactor, on the applicant's site in Fairfield County, S.C. The site is located immediately north of Parr, S.C., and is adjacent to the Monticello Reservoir created by placing a series of dams across Frees Creek, a tributary of the Broad River. The Reservoir is located east of the Broad River and west of South Carolina State Highway 215, about 26 miles north of Columbia, in western Fairfield County, S.C.

Copies of the Initial Decision and Construction Permit No. CPPR–94 are available for public inspection in the Commission's Public Document Room, 1717 H Street NW., Washington, DC, and in the Fairfield County Library, Vanderhorst Street, Winnsboro, S.C. Copies of the construction permit may be obtained upon request addressed to the U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Deputy Director for Reactor Projects, Directorate of Licensing.

Dated at Bethesda, Md., this 21st day of March 1973.

For the Atomic Energy Commission.

R. C. DEYOUNG,
Assistant Director for Pressurized Water Reactors Directorate of Licensing.

[FR Doc.73–5956 Filed 3–28–73;8:45 am]

CIVIL SERVICE COMMISSION

DEPARTMENT OF COMMERCE

Notice of Revocation of Authority To Make Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission revokes the authority of the Department of Commerce to fill by noncareer executive assignment in the excepted service the position of Deputy Administrator for Management, Office of Assistant Secretary for Economic Affairs, Social and Economic Statistics Administration.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.73–6003 Filed 3–28–73;8:45 am]

DEPARTMENT OF COMMERCE

Notice of Revocation of Authority To Make Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission revokes the authority of the Department of Commerce to fill by noncareer executive assignment in the excepted service the position of Director, Office of Minority Business Enterprise.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.73–6002 Filed 3–28–73;8:45 am]

DEPARTMENT OF DEFENSE

Notice of Grant of Authority To Make Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission authorizes the Department of Defense to fill by noncareer executive assignment in the excepted service the position of Deputy Director of Defense Research and Engineering (Research and Advanced Technology), ODDR&E, Office of the Secretary of Defense.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.73–5997 Filed 3–28–73;8:45 am]

DEPARTMENT OF THE INTERIOR

Notice of Grant of Authority To Make Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission authorizes the Department of the Interior to fill by noncareer executive assignment in the excepted service the position of Director, Bureau of Outdoor Recreation, Office of the Assistant Secretary for Fish, Wildlife and Parks.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.73–6001 Filed 3–28–73;8:45 am]

DEPARTMENT OF THE INTERIOR

Notice of Grant of Authority To Make Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Serv-

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ice Commission authorizes the Department of the Interior to fill by noncareer executive assignment in the excepted service the position of Director, Office of Oil and Gas, Office of the Assistant Secretary—Mineral Resources.

UNITED STATES CIVIL SERVICE COMMISSION.
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.73-6000 Filed 3-28-73;8:45 am]

DEPARTMENT OF LABOR

Notice of Revocation of Authority To Make Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission revokes the authority of the Department of Labor to fill by noncareer executive assignment in the excepted service the position of Special Assistant to the Secretary, Office of the Secretary.

UNITED STATES CIVIL SERVICE COMMISSION.
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.73-6007 Filed 3-28-73;8:45 am]

DEPARTMENT OF LABOR

Notice of Revocation of Authority To Make Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission revokes the authority of the Department of Labor to fill by noncareer executive assignment in the excepted service the position of Special Assistant, Office of Legislative Liaison, Office of the Secretary.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.73-6006 Filed 3-28-73;8:45 am]

DEPARTMENT OF LABOR

Notice of Revocation of Authority To Make Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission revokes the authority of the Department of Labor to fill by noncareer executive assignment in the excepted service the position of Executive Assistant to the Under Secretary of Labor, Office of the Secretary, Office of the Under Secretary.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Secretary.

[FR Doc.73-6005 Filed 3-28-73;8:45 am]

DEPARTMENT OF LABOR

Notice of Grant of Authority To Make Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission authorizes the Department of Labor to fill by noncareer executive assignment in the excepted service the position of Deputy Under Secretary for Legislative Affairs, Office of the Secretary.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.73-5999 Filed 3-28-73;8:45 am]

FEDERAL TRADE COMMISSION

Notice of Revocation of Authority To Make Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission revokes the authority of the Federal Trade Commission to fill by noncareer executive assignment in the excepted service the position of Director of Policy Planning and Evaluation.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.73-6004 Filed 3-28-73;8:45 am]

OFFICE OF MANAGEMENT AND BUDGET

Notice of Grant of Authority To Make Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission authorizes the Office of Management and Budget to fill by noncareer executive assignment in the excepted service the position of General Counsel, Office of the Director.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.73-5998 Filed 3-28-73;8:45 am]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 19715; FCC 73-330]

ASCERTAINMENT OF COMMUNITY PROBLEMS BY BROADCAST APPLICANTS

Requirements and Policies; Notice of Inquiry

In the matter of ascertainment of community problems by broadcast applicants Part I, sections IV–A and IV–B, of broadcast application forms, and primer thereon.

1. The Commission has under consideration its requirements and policies with respect to ascertaining and meeting community problems by broadcast applicants.[1]

2. Our Task Force study concerning reregulation of broadcasting, under the supervision of Commissioner Wiley, indicates that the ascertainment process should be examined for its overall effectiveness in the public interest.

3. Pursuant to the Commission's Program Policy Statement of 1960, "The broadcaster is obligated to make a positive, diligent, and continuing effort, in good faith, to determine the tastes, needs, and desires of the public in his community and to provide programing to meet those needs and interests." (FCC 60-970; 25 FR 7291.)

4. The Commission's present standards for the ascertainment process are set forth in a question-and-answer type "Primer on Ascertainment of Community Problems by Broadcast Applicants", adopted February 18, 1971 (Report and Order, Docket No. 18774, 27 FCC 2d 650). The Commission stated that, " * * * the amended Primer, in our view, will aid broadcasters in being more responsive to the problems of their communities, add more certainty to their efforts in meeting Commission standards, make available to other interested parties standards by which they can judge applications for stations licensed to their community, and aid our staff in applying standards uniformly." The Commission indicated, however, that with respect to renewal applicants the Primer was to serve "as an interim measure until other standards are adopted." (Id., at 655.)

5. Our experience indicates that the principle of ascertaining and meeting community problems is one important requisite for service in the public interest. We are concerned here, as part of our continuing study on reregulation of broadcasting, with whether present ascertainment requirements serve the public interest in the most effective way possible and, if not, what improvements could be made to accomplish that objective. Over 600 comments have been filed in our reregulation study. Many contend that various specific requirements of the ascertainment process are unnecessary, impractical, unduly burdensome and, thus, should be modified or deleted.

6. Comments in our reregulation study also assert that radio is a different medium from television and should be treated differently in the matter of ascertainment. Accordingly, Part I of the inquiry is designed to explore these alleged differences relative to the role of each of the media in discharging its statutory responsibility for serving the public interest, convenience, and necessity. An inherent consideration, in this regard, is any possible conflict with mandates of the Communications Act of 1934, as amended. Additionally, the comments we have received suggest that certain variables (e.g., market size, numbers of stations, number of employees, specialized formats, etc.) also should be considered in determining ascertainment procedures.

[1] The word "problems" is used as a short form of the phrase "problems, needs and interests." (A. 3. Primer on Ascertainment)

7. While the issues involved in Part I are very broad and relate to many aspects of our regulatory policy (some of which may be the subject of subsequent Commission action), the focus of this inquiry is particularly related to ascertaining and meeting community problems. Thus, Part II deals specifically with ascertainment processes for both radio and television in light of any difference between the two media and operational variables involved (as elicited in Part I).

8. This notice of inquiry elicits comments (on issues set forth below) applicable to both radio and television. Due consideration will be given, of course, to any comments received. However, in all probability, our initial concern will be with radio, since it is the primary focus of our reregulation study. Additionally, radio stations (of which there are approximately 10 times as many as television stations) have wider variances as to size of market, operating power, hours of operation, type of service (AM, FM) and programing format to serve the public. These variances and the resultant diverse nature of radio make its ascertainment considerations of more immediate concern.

9. Comments are invited on the following questions:

PART I

(a) What is the role (or function) of radio in discharging its statutory responsibility for serving the public interest, convenience and necessity; and is that role affected by size of market ("small market",[2] Top 50, Top 100, etc.), number of stations in a market, number of station employees, specialized programming or other variables?

(b) What is the role (or function) of television in discharging its statutory responsibility for serving the public interest, convenience and necessity; and is that role affected by any variables such as those indicated in (a) above?

PART II

(a) Do the roles (or functions) of radio and television in discharging their responsibility for serving the public interest, convenience and necessity differ to the extent that requirements for ascertaining and meeting community problems should be different for each service? If so, would such different requirements be inconsistent with any part of the Communications Act of 1934, as amended? Similarly, should any of the variables set forth in Part I dictate any different requirements and, if so, would such different requirements be inconsistent with the Act?

(b) In answering the general questions in (a) of this part, and in considering the entire subject of ascertaining and meeting community problems, the following specific questions should be addressed:

(1) Should an ascertainment of community problems be made 6 months before filing an application, as now required, at some different time, or on a continuing basis? What should be considered a "continuing" basis? How should it be accomplished? How should it be documented?

(2) Are consultations with community leaders and members of the public, in the manner provided by the Primer, helpful to the station and to the public which the station is licensed to serve?

(3) Should consultations with community leaders be conducted by principals and management-level employees only, or by other employees as well? If so, which ones? By nonemployees?

(4) Should a professional research firm be permitted to make the ascertainment of community leaders for a station? For all stations in the community collectively? Would use of a research firm be consistent with the Commission's traditional view that this is "a duty personal to the licensee and may not be avoided by delegation of the responsibility to others." (Commission's Program Policy Statement of 1960, supra.)

(5) Is it advisable to permit:

(i) Group consultations (in which all licensees in the community meet with community leaders, community groups, and members of the public)? If so, under what circumstances, and why?[3]

(ii) Ascertainment of community problems by means of broadcast programing (including announcements) in which community leaders, members of the public, etc., participate (such as panel and interview programs)?

(iii) Ascertainment of community problems by Town Hall types of meetings? Should this procedure be used to consult with all community leaders? The public? Or both? Would such meetings be representative of the public the station is licensed to serve?

(6) Should consultation with community leaders by telephone continue to be permitted? Why?

(7) In the broadcast of matter designed to meet community needs, should credit be given for spot announcements as well as for programs? May spot announcements be used exclusively?

(8) Should a station using a specialized programming format be permitted to ascertain and meet only the problems of its specialized audience? Is it possible to define accurately that audience out of the total general public? If so, how?

(9) Should different requirements for ascertaining and meeting community problems be applied according to different types of applications, i.e., for new stations, major changes in facilities, assignments and transfers and renewals? Why?

(10) Should requirements for ascertaining and meeting community problems be incorporated in the Commission's rules or left, as now, in policy statements and forms? Why?

10. Comments in both parts of this proceeding are not limited to the foregoing questions, but may be addressed to any facet of the processes for ascertaining and meeting community needs. It is hoped that comments, either formal or informal, will be submitted by interested parties from all segments of the public and broadcasting industry.

11. The questions above are designed to elicit information which would be helpful in this proceeding. The Commission takes no position on these matters at this time.

12. This action is taken pursuant to section 403 of the Communications Act of 1934, as amended. Interested parties responding to this Notice of Inquiry may file comments on or before June 1, 1973. Reply comments may be filed on or before June 22, 1973. An original and 11 copies of each formal response must be filed in accordance with the provisions of §§ 1.49 and 1.51 of the Commission's rules. However, in an effort to obtain the widest possible response in this proceeding from licensees and members of the public, informal comments (without extra copies) will be accepted. Copies of all pleadings filed in this matter will be available for public inspection during regular business hours in the Commission's Public Reference Room at its headquarters in Washington, D.C.

Adopted: March 22, 1973.

Released: March 23, 1973.

FEDERAL COMMUNICATIONS COMMISSION [4]
[SEAL] BEN F. WAPLE,
Secretary.

[FR Doc.73-6047 Filed 3-28-73;8:45 am]

CHICAGO REGION

Return of License Applications

MARCH 21, 1973.

Due to the lack of familiarity of the land-mobile community with the FCC Form 425, the Chicago Regional Office has found that there is an unusually high frequency of errors and omissions on the license applications which have been submitted since January 1, 1973. In most instances the applicant does not have the technical expertise necessary to make corrections. It is usually a manufacturer or an independent service shop which has prepared the application and signed section II of the form. When a defective Form 425 is returned to an applicant it will usually go to the signer of section II for the necessary corrections.

With this in mind and in order to facilitate processing, the Chicago Regional Office will establish the following procedure effective immediately. Minor defects in a Form 425 need not result in its immediate return to the applicant,

[2] We specifically invite comments on how "small market" should be defined both as to radio and television.

[3] It is the Commission's current policy to permit joint consultations under the following conditions: Each individual community leader must be given an opportunity to freely present his opinion of community problems; each broadcaster present must have an opportunity to question each leader; and the joint meetings should include community leaders who have the same or equal plane of interest and responsibility. See June 30, 1971, letter to Southern California Broadcasters Association (FCC 71-699); and Aug. 4, 1971, letter to Metro Portland Broadcast Committee (FCC 71-825).

[4] Commissioner Johnson dissenting and issuing a statement; Commissioner H. Rex Lee concurring and issuing a statement; Commissioner Hooks absent. Dissenting statement of Commissioner Johnson filed as part of the original document.

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but instead the application may be taken out of the processing line and suspended for a period of 1 calendar week. During this week, the manufacturer or service shop may examine these applications at the Chicago office and make note of any correction. These corrections must then be submitted as amendments to the affected application on new pages of Form 425. The amendments must conform in all respects with the Commission's procedural requirements concerning amendments. In no instance will corrections be permitted to the face of the original Form 425 without specific written authorization from the applicant.

Minor details on how the system will operate will be worked out with each interested manufacturer or service shop. However, when no interest in using this procedure is expressed by a particular manufacturer or service shop, the application will be returned immediately to the applicant without the suspense period of 1 week. It is necessary to stress that fairness to the applicant requires a limited period of time for this procedure. Therefore, if specific arrangements to correct the errors have not been made within 7 calendar days the application will be returned to the applicant.

Several additional points should be mentioned. First, this "suspense procedure" is designed for minor deficiencies only. Where questions of legal qualifications, service eligibility, frequency availability, and the like are involved, the application will be returned immediately to the applicant. Second, this system is not intended to operate in the event the applicant himself has signed section II. In these relatively rare instances the applicant will be contacted by phone or mail in order to initiate corrections and clarifications.

Finally, it should be emphasized that this is an experimental procedure and should it appear to result in unfairness to an individual applicant or class of applicants it will be terminated immediately.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[FR Doc.73-6046 Filed 3-28-73;8:45 am]

FEDERAL POWER COMMISSION

[Docket No. CP73-246]

BACA GAS GATHERING SYSTEM, INC.

Notice of Application

MARCH 27, 1973.

Take notice that on March 19, 1973, Baca Gas Gathering System, Inc. (Applicant), Hartford Building, Dallas, Tex. 75201, filed in Docket No. CP73-246 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale for resale and delivery of natural gas in interstate commerce to Panhandle Eastern Pipe Line Co. (Panhandle) from production in the Playa and Northwest Flank Fields, Baca County, Colo., all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that it intends to purchase gas from PetroDynamics, Inc., at 32 cents per Mcf at 14.65 p.s.i.a. and proposes to sell up to 4,000 Mcf of gas per day to Panhandle in Morton County, Kans., at 37.6 cents per Mcf at 14.65 p.s.i.a. for 1 year within the contemplation of § 2.70 of the Commission's general policy and interpretations (18 CFR 2.70).

It appears reasonable and consistent with the public interest in this case to prescribe a period shorter than 15 days for the filing of protests and petitions to intervene. Therefore, any person desiring to be heard or to make any protest with reference to said application should on or before April 9, 1973, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-6197 Filed 3-28-73;10:01 am]

[Docket No. CI73-611]

TRIBAL OIL CO. ET AL.

Notice of Application

MARCH 22, 1973.

Take notice that on March 15, 1973, Tribal Oil Co., et al (Applicants), % L. E. Donohoe, Jr., P.O. Drawer 3507, Lafayette, LA 70501, filed in Docket No. CI73-611 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale for resale and delivery of natural gas in interstate commerce to Trunkline Gas Co. from the Oretta Field Area, Beauregard Parish, La., all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicants propose to sell approximately 30,000 Mcf of gas per month for 1 year at 35 cents per Mcf at 15.025 p.s.i.a., subject to upward and downward B.t.u. adjustment, within the contemplation of § 2.70 of the Commission's general policy and interpretations (18 CFR 2.70).

It appears reasonable and consistent with the public interest in this case to provide a period shorter than 15 days for the filing of protests and petitions to intervene. Therefore, any person desiring to be heard or to make any protest with reference to said application should on or before April 9, 1973, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-5870 Filed 3-28-73;8:45 am]

FEDERAL RESERVE SYSTEM

BARNETT BANKS OF FLORIDA, INC.

Acquisition of Bank

Barnett Banks of Florida, Inc., Jacksonville, Fla., has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 80 percent or more of the voting shares of Barnett Bank of Sarasota, National Association, Sarasota, Fla., a proposed new bank. The factors that are considered in acting on the application are set forth in section 3(c) of the act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Atlanta. Any person wishing to comment on the application should submit his views in writing to the Reserve Bank to be received not later than April 13, 1973.

Board of Governors of the Federal Reserve System, March 22, 1973.

[SEAL] TYNAN SMITH,
Secretary of the Board.

[FR Doc.73-5975 Filed 3-28-73;8:45 am]

FIRST NATIONAL CITY CORP.

Proposed Retention of Advance Mortgage Corp.

First National City Corp., New York, N.Y., has applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.4(b)(2) of the Board's Regulation Y, for permission to retain voting shares of Advance Mortgage Corp., Southfield, Mich., and its wholly owned subsidiaries except Lakeland Assurance Inc. Notice of the application was published on December 27, 1972, in various editions of The Wall Street Journal and on December 28, 1972, in 22 newspapers circulated in communities where Advance Mortgage Corp. has offices.

Applicant states that Advance Mortgage Corp. engages in the following mortgage banking activities: (1) Origination and placement of FHA and VA one to four family residential mortgage loans with institutional investors; (2) origination and placement of apartment and other income producing property mortgage loans with institutional investors; (3) servicing of mortgage loans for institutional investors; and (4) origination of FHA multifamily construction loans. Such activities have been specified by the Board in § 225.4(a) of Regulation Y as permissible for bank holding companies, subject to Board approval of individual proposals in accordance with the procedures of § 225.4(b).

Interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question should be accompanied by a statement summarizing the evidence the person requesting the hearing proposes to submit or to elicit at the hearing and a statement of the reasons why this matter should not be resolved without a hearing.

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of New York.

Any views or requests for hearing should be submitted in writing and received by the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, not later than April 18, 1973.

Board of Governors of the Federal Reserve System, March 22, 1973.

[SEAL] TYNAN SMITH,
Secretary of the Board.

[FR Doc.73-5974 Filed 3-28-73;8:45 am]

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice 73-25]

AD HOC SUBCOMMITTEE OF THE SPACE SCIENCE AND APPLICATIONS STEERING COMMITTEE

Notice of Establishment Determination

Pursuant to section 9(a)(2) of the Federal Advisory Committee Act (Public Law 92-463), and after consultation with the Office of Management and Budget, I have determined that the establishment of the following advisory subcommittee is in the public interest in connection with the performance of duties imposed upon NASA by law:

Ad Hoc Subcommittee of the Space Science and Applications Steering Committee for the Evaluation of Large Space Telescope Experiment Proposals.

The function of this subcommittee will be to review the scientific merit of proposals which are submitted for the definition of instrumentation for the Large Space Telescope. The reason for establishing this subcommittee is to obtain expert scientific advice in connection with the early definition of instrumentation and timely selection of experiments for the Large Space Telescope mission.

The Space Science and Applications Steering Committee, under which the subcommittee will operate, is a NASA internal committee composed entirely of Government employees.

Dated: March 23, 1973.

JAMES C. FLETCHER,
Administrator.

[FR Doc.73-6021 Filed 3-28-73;8:45 am]

[Notice (73-26)]

AEROSPACE SAFETY ADVISORY PANEL

Notice of Open Meeting

An open meeting of Aerospace Safety Advisory Panel will be held on April 10, 1973, at NASA Headquarters, Room 7002, capacity, 60, 400 Maryland Avenue SW., Washington, DC.

The Panel is to review safety studies and operations plans referred to it and shall make reports thereon, shall advise the Administrator with respect to the hazards of proposed or existing facilities and proposed operations and with respect to the adequacy of proposed or existing safety standards, and shall perform such other duties as the Administrator may request.

Pursuant to carrying out its statutory duties, the Panel will review, evaluate, and advise on those program management policies, management systems, procedures, and practices that contribute to risk identification and assessment by management. Priority shall be given to those programs that involve the safety of manned flight.

The Chairman of the Panel is Lt. Gen. Carroll H. Dunn, USA. The other members are Dr. Harold M. Agnew, Hon. Frank C. Di Luzio, Mr. Herbert E. Grier, Mr. Paul L. Kartzke, Mr. Bruce T. Lundin, Mr. Howard K. Nason, Dr. Henry Reining, Jr., and Dr. Ian M. Ross.

The contact for further information is Carl R. Praktish, Executive Secretary, Aerospace Safety Advisory Panel, 400 Maryland Avenue SW., Washington, DC 20546 (Phone: Area Code 202-755-8436).

The agenda is:

10 a.m.—Panel presentation and discussion of their Skylab Report with Administrator and Deputy Administrator; 11 a.m.—Orientation briefing on Space Shuttle program by Program Office; and, 1 p.m.—Orientation briefing on Apollo-Soyuz Test program by Program Office.

HOMER E. NEWELL,
Associate Administrator, National Aeronautics and Space Administration.

MARCH 26, 1973.

[FR Doc.73-6020 Filed 3-28-73;8:45 am]

NATIONAL SCIENCE FOUNDATION

ADVISORY PANEL FOR CHEMISTRY

Notice of Meeting

Pursuant to the Federal Advisory Committee Act (Public Law 92-463) notice is hereby given that a meeting of the Advisory Panel for Chemistry will be held at 9 a.m. on April 7 and 8, 1973, in the Seville Room, Adolphus Hotel, Commerce at Akard Street, Dallas, Tex. 75221. The purpose of this panel is to provide advice and recommendations concerning support for research in chemistry.

The agenda for this meeting shall include:

APRIL 7 SESSION

MORNING

9:00—Introductory remarks, Panel Chairman.
9:15—NSF 1974 Budget, Division Director, Mathematical and Physical Sciences Division.
9:45—"Issues in the Support of Chemical Research", presentations by panel members.
12:00—Break for lunch.

AFTERNOON

1:30—Panel discussion of presentations on "Issues in the Support of Chemical Research".
3:15—Panel discussion of matrix representation of the importance of chemical research to national goals.
4:15—Discussion of the NSF Chemistry Section's experiment with data from "Citation Index", Program Director, Chemical Thermodynamics Program.

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APRIL 8 SESSION

MORNING

9:00—Discussion of the projected 1973 Chemistry Program Review, Program Director, Chemical Instrumentation Program.
12:00—Break for lunch.

AFTERNOON

1:30—Discussion under the leadership of the Panel Chairman of specific topics, as outlined below:
a. Instrument Program—proposed changes.
b. Analysis of proposal actions, FY 1968–FY 1972.
c. Analysis of proposal ratings.
d. U.S.-U.S.S.R. Cooperative Program in Chemical Catalysis.
e. Importance of neutron beams in chemical research.
f. An attempt to quantify the increasing sophistication in chemical synthesis.
3:45—Period devoted to public discussion.
5:00—Adjournment.

This meeting shall be open to the public and attendance will be limited to space available.

For further information concerning this panel, contact Dr. M. Kent Wilson, Section Head, Chemistry Section, Room 346, 1800 G Street NW., Washington, DC 20550. Summary minutes of this meeting may be obtained by contacting the Management Analysis Office, Room K–720, 1800 G Street NW., Washington, DC 20550.

T. E. JENKINS,
Assistant Director for Administration.

MARCH 20, 1973.

[FR Doc.73-6036 Filed 3-28-73;8:45 am]

ADVISORY PANEL FOR PHYSICS

Notice of Meeting

Pursuant to the Federal Advisory Committee Act (Public Law 92–463), notice is hereby given that a meeting of the Advisory Panel for Physics will be held at 9 a.m. on April 5, 6, and 7, 1973, in Room 540 at 1800 G Street NW., Washington, DC 20550. The purpose of this panel is to provide advice and recommendations (a) concerning the impact of the NSF support of Physics; and (b) as part of the review and evaluation process for specific proposals and projects.

The agenda for this meeting shall include (entries in parentheses identify open portions of meeting):

APRIL 5 SESSION

MORNING

Elementary Particle Physics: Discussion of NSF and AEC programs—panel members, NSF staff and AEC staff (open to the public).

AFTERNOON

Review of proposed NSF support of Elementary Particle Physics projects.

APRIL 6 SESSION

MORNING

Discussion of specific topics related to other areas of Physics—NSF officials and staff (open to the public):
a. NSF FY 1973, and FY 1974, budget.
b. Relationship of NSF's RANN programs to basic research support.
c. Research initiation grants.
d. Formulation of long range plans in the various fields of Physics.
e. Other business of interest to the panel.

AFTERNOON

Continuation of discussion of specific topics related to other areas of Physics (open to the public).
3:00—Discussion of proposed long term NSF support of individual Physics projects.

APRIL 7 SESSION

MORNING

Resumption of discussion of remaining topics related to other areas of Physics—listed under April 6 session—(open to the public).

AFTERNOON

Continuation of discussion of remaining topics related to other areas of Physics (open to the public).
3:00—Period devoted to public discussion (open to the public).
4:00—Adjournment.

Where specified in the agenda, the meeting will be open to the public on a space available basis. The remainder of the meeting is concerned with matters which are within the exemptions of the Freedom of Information Act, 5 U.S.C. 552(b) and will not be open to the public in accordance with the determination by the Director of the National Science Foundation dated January 15, 1973, pursuant to the provisions of section 10(d) of the Federal Advisory Committee Act.

For further information concerning this panel, contact Dr. Marcel Bardon, Section Head, Physics Section, Room 348, 1800 G Street NW., Washington, DC 20550. Summary minutes relative to the open portion of this meeting may be obtained by contacting the Management Analysis Office, Room K–720, 1800 G Street NW., Washington, DC 20550.

T. E. JENKINS,
Assistant Director for Administration.

MARCH 20, 1973.

[FR Doc.73-6035 Filed 3-28-73;8:45 am]

OFFICE OF EMERGENCY PREPAREDNESS

TENNESSEE

Notice of Major Disaster and Related Determinations

Pursuant to the authority vested in me by the President under Executive Order 11575 of December 31, 1970; and by virtue of the Act of December 31, 1970, entitled "Disaster Relief Act of 1970" (84 Stat. 1744); notice is hereby given that on March 21, 1973, the President declared a major disaster as follows:

I have determined that the damage in certain areas of the State of Tennessee resulting from heavy rains and flooding beginning on or about March 14, 1973, are of sufficient severity and magnitude to warrant a major disaster declaration under Public Law 91–606. I therefore declare that such a major disaster exists in the State of Tennessee. You are to determine the specific areas within the State eligible for Federal assistance under this declaration.

Notice is hereby given that pursuant to the authority vested in me by the President under Executive Order 11575 to administer the Disaster Relief Act of 1970 (Public Law 91–606), I hereby appoint Mr. William C. McMillen, Regional Director, OEP Region 4, to act as the Federal Coordinating Officer to perform the duties specified by Section 201 of that Act for this disaster.

I do hereby determine the following areas in the State of Tennessee to have been adversely affected by this declared major disaster.

The Counties of:

Bradley.	Maury.
Coffee.	Monroe.
Hamilton.	Rhea.
Marion.	

Dated: March 23, 1973.

DARRELL M. TRENT,
Acting Director,
Office of Emergency Preparedness.

[FR Doc.73-5994 Filed 3-28-73;8:45 am]

SECURITIES AND EXCHANGE COMMISSION

[File No. 500–1]

ACCURATE CALCULATOR CORP.

Order Suspending Trading

MARCH 23, 1973.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, $0.01 par value, and all other securities of Accurate Calculator Corp., being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period from March 26, 1973, through April 4, 1973.

By the Commission.

[SEAL] RONALD F. HUNT,
Secretary.

[FR Doc. 73-5966 Filed 3-28-73;8:45 am]

[File No. 500–1]

BENEFICIAL LABORATORIES, INC.

Order Suspending Trading

MARCH 23, 1973.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, warrants, units and all other securities of Beneficial Laboratories, Inc., being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period from March 25, 1973, through April 3, 1973.

By the Commission.

[SEAL] RONALD F. HUNT,
Secretary.

[FR Doc.73-5965 Filed 3-28-73;8:45 am]

[812–3299]

DIVERSIFIED TAX-EXEMPT BOND FUND, CALIFORNIA SERIES I AND BLYTH EASTMAN DILLON & CO., INC.

Filing of Application

MARCH 23, 1973.

Notice is hereby given that Diversified Tax-Exempt Bond Fund, California Series I (hereinafter called the Fund), a unit investment trust registered under the Investment Company Act of 1940 (Act), and its sponsor, Blyth Eastman Dillon & Co., Inc. (Sponsor), 555 California St., San Francisco, CA 94104 (the Fund and the Sponsor hereinafter collectively referred to as Applicants), have filed an application pursuant to section 6(c) of the Act for an order of the Commission exempting the Fund and all subsequent national or State series of the same or similar title of which Sponsor is a sponsor or cosponsor from the provisions of section 14(a) of the Act and from the provisions of Rule 19b–1 and Rule 22c–1 thereunder. All interested persons are referred to the application on file with the Commission for a statement of the representations therein, which are summarized below.

The Fund is a unit investment trust organized under the laws of the State of California. Sponsor presently acts as sole sponsor of the Fund.

The Sponsor has filed a Form S–6 Registration Statement under the Securities Act of 1933 (the 1933 Act) covering a maximum of 15,000 Units of fractional undivided interest in the Fund (hereinafter called the Units) to be offered to investors at a public offering price set forth in the prospectus included in the 1933 Act Registration Statement. The number of Units being registered includes 5,000 units which will be resold from time to time by the Sponsor in connection with its market-making activities. The 1933 Act Registration Statement has not yet become effective. The Sponsor has also filed a Form N8–A Notification of Registration and a Form N–8B–2 Registration Statement under the Act relating to the Fund.

The Fund will be governed by a trust agreement (the Trust Agreement) under which the Sponsor will act as such and Bank of American National Trust and Savings Association (the Association) will act as Trustee and Evaluator. Pursuant to the Trust Agreement, Sponsor will deposit with the Trustee $10 million principal amount of bonds (the Bonds) which the Sponsor shall have accumulated for such purpose. Simultaneously with such deposit the Trustee will deliver to the Sponsor registered certificates for 10,000 Units, which will represent the entire ownership of the Fund. These Units are in turn to be offered for sale to the public by the Sponsor.

Applicants state that the Bonds will not be pledged or be in any other way subjected to debt at any time after the Bonds are deposited with the Trustee. All of the Bonds will be tax-free municipal bonds. The Association will act as Bond Advisor to the Fund and will advise the Sponsor regarding the Fund's bond portfolio. It will receive a fee of $40,000 for such services.

The assets of the Fund will consist of the Bonds, such bonds as may be held from time to time upon certain refundings in exchange for or substitution of any of the Bonds, accrued and undistributed interest, and undistributed cash. Certain of the Bonds may from time to time be sold under the circumstances set forth in the Trust Agreement or may be redeemed or may mature in accordance with their terms. The proceeds from such dispositions will be distributed to the holders of Units of the Fund ("Certificateholders") and not reinvested. There is no provision in the Trust Agreement for the sale and reinvestment of the Bonds, and such activity has not and will not take place.

Initially, each Unit will represent a fractional undivided interest, the numerator of which will be 1 (one), and the denominator of which will be the number of Units issued by the Fund. Units are, and in connection with future Series will be, redeemable. In the event that any Units are redeemed, the denominator of the fraction will be reduced and the fractional undivided interest represented by each Unit increased. Units will remain outstanding until redeemed or until the termination of the Trust Agreement. The Trust Agreement may be terminated by 100 percent agreement of the Certificateholders or, in the event that the value of the Bonds falls below one of two amounts specified, either upon direction of the Sponsor to the trustee or by the trustee without such direction, respectively. There is no provision in the Trust Agreement for the issuance of any Units after the initial issuance and such activity will not take place (except to the extent the secondary trading by the Sponsor in the units is deemed the issuance of Units under the 1933 Act).

The Sponsor, while under no obligation to do so, intends to maintain a market for Units of the Fund for a period of 16 months and during said period continually to offer to purchase such Units at prices based on the most recent evaluation by the evaluator, which prices will be based upon the aggregate bid price of the underlying Bonds.

The organization, operation and marketing of Units of each subsequent Series will be substantially the same as with respect to the Fund, except that the principal amount of bonds deposited (and therefore the number of Units issued), the trustee, evaluator and the respective fees thereof, will or may vary, and there may be depositors in addition to the Sponsor.

SECTION 14(a)

Section 14(a) of the Act requires that a registered investment company (a) have a net worth of at least $100,000 prior to making a public offering of its securities; (b) have previously made a public offering and at the time have had a net worth of $100,000; or (c) have made arrangements for at least $100,000 to be paid in by 25 or fewer persons before acceptance of public subscriptions.

Applicants seek an exemption from the provisions of section 14(a) of the Act in order to make a public offering, as described above, of Units of the Fund and of subsequent Series. In connection with the requested exemption from section 14(a) of the Act, the Sponsor has agreed (i) to refund on demand and without deduction the sales load to purchasers of Units of a Series if within 90 days after the Registration Statement of a Series under the 1933 Act becomes effective, the net worth of that Series shall be reduced to less than $100,000 or if the Series is terminated; (ii) to instruct the trustee on the date the bonds are deposited in each Series that in the event that redemption by the Sponsor of units of the Series which constitute a part of the unsold units shall result in that Series having a net worth of less than 10 percent of the principal amount of bonds originally deposited, the trustee shall terminate the Series in the manner provided in the governing trust agreement and distribute any bonds or other assets deposited with the trustee pursuant to the trust agreement as provided therein; and (iii) in event of termination for the reasons described in (ii) above, to refund any sales load to any purchaser of units of any Series purchased from the Sponsor or any dealer participating in the underwriting, on demand, and without any deduction.

RULE 19b–1

Rule 19b–1(a) provides, in substance, that no registered investment company which is a "regulated investment company" as defined in section 851 of the Internal Revenue Code shall distribute more than one capital gain dividend in any 1 taxable year. Paragraph (b) of the rule contains a similar prohibition for a company not a "regulated investment company" but permits a unit investment trust to distribute capital gain dividends received from a "regulated investment company" within a reasonable time after receipt.

Applicants propose to make distributions of principal and interest to Certificateholders of a Series semiannually. Distributions of principal constituting capital gains to Certificateholders may arise in two instances: (1) If an issuing authority calls or redeems an issue in the portfolio, the sums received by the Series will be distributed to Certificateholders on the next distribution date; and (2) if units are redeemed and bonds from the portfolio are sold to provide the funds necessary for such redemption, each Certificateholder will receive his pro rata

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portion of the proceeds from the bonds sold. In such instances, a Certificateholder may receive in his distribution funds which constitute capital gains since in many cases the value of the portfolio bonds redeemed or sold will have increased since the date of initial deposit.

As noted, paragraph (b) of Rule 19b–1 provides that a unit investment trust may distribute capital gains dividends received from a "regulated investment company" within a reasonable time after receipt. Applicants state that the purpose of such provision is to avoid forcing unit investment trusts to accumulate valid distributions received throughout the year and to distribute them only at the year end. Applicants further allege that their situation places them squarely within the purpose of such provision, though not within the literal requirements of the rule, since a Series will invest in bonds and not in regulated investment companies. A Series is, therefore, required to hold any moneys, which would constitute capital gains upon distribution, until the end of the taxable year. Applicants contend that such a practice would clearly be to the detriment of the Certificateholders.

In support of the requested exemption, the application states that the dangers against which Rule 19b–1 is intended to guard do not exist in Applicants' situation since they have no control over events which might trigger capital gains, i.e., the tendering of units for redemption and the prepayment of portfolio bonds by the issuing authorities. In addition, it is alleged that the amounts involved in a normal distribution of principal are relatively small in comparison to the normal interest distribution, and such distributions are clearly indicated, in accompanying reports to Certificateholders, as a return of principal.

RULE 22c–1

Rule 22c–1 provides, in part, that redeemable securities of registered investment companies may be sold, redeemed, or repurchased at a price based on the current net asset value (computed on each day during which the New York Stock Exchange is open for trading not less freqdently than once daily as of the time of the close of trading on such exchange) which is next computed after receipt of a tender of such security for redemption or of an order to purchase or sell such security.

Applicants seek an order exempting the secondary market operations of Sponsor from the provisions of Rule 22c–1 under the Act. Applicants assert that the pricing by the Sponsor in the secondary market will in no way affect the assets of a Series. In addition, the application states that the Sponsor has undertaken to adopt a procedure whereby the evaluator, without a formal evaluation, will provide estimated evaluations on trading days. In the case of a repurchase, if the evaluator cannot state that the previous Friday's price is at least equal to the current bid price, the Sponsor will order a full evaluation. Sponsor has agreed, in the case of resale of Units in the secondary market, that if the evaluator cannot state the previous Friday's offering side evaluation is not more than one point ($10 on a Unit representing $1,000 principal amount of underlying bonds) greater than the current offering price, a full evaluation will be ordered.

Section 6(c) of the Act provides, in part, that the Commission may, upon application, conditionally or unconditionally exempt any person, security, or transaction, or any class or classes of persons, securities, or transactions from any provision of the Act or of any rule or regulation under the Act, if and to the extent such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Notice is further given that any interested person may, not later than April 17, 1973, at 5:30 p.m., submit to the Commission in writing a request for hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request, and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon Applicants at the address stated above. Proof of such service (by affidavit, or in case of an attorney at law, by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0–5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in the application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management Regulation, pursuant to delegated authority.

[SEAL] RONALD F. HUNT,
Secretary.

[FR Doc.73–5964 Filed 3–28–73;8:45 am]

[812–3259]

FOUNDERS OF AMERICAN INVESTMENT CORP. AND MODERN AMERICAN LIFE INSURANCE CO.

Filing of Application

MARCH 23, 1973.

Notice is hereby given that Founders of American Investment Corporation (Founders), a nondiversified, closed-end management investment company registered under the Investment Company Act of 1940 (the Act), and Modern American Life Insurance Co. (Modern American), 1000 West Sunshine Street, Springfield, MO 65804, a life insurance company organized under the laws of the State of Missouri (hereinafter collectively referred to as Applicants), have filed an application pursuant to section 17(b) of the Act for an order of the Commission exempting from the provisions of section 17(a) of the Act the proposed acquisition by Modern American of 374,934 shares of common stock of Founders Security Life Insurance Co. (Founders Security), from Founders. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below.

Founders owns approximately 10 percent of the outstanding stock of Modern American. W. E. Parker, President of Founders, is also President of Modern American and the largest individual stockholder of each corporation. L. R. Parker, Vice-President of Founders, is also Vice-President of Modern American. M. W. Crabtree, Secretary of Founders, is Senior Vice-President of Modern American. G. Lowther and H. E. Lay, attorneys for, and directors of, Founders are also attorneys for, and directors of, Modern American. Modern American is, therefore, an affiliated person of Founders within the meaning of section 2(a)(3) of the Act.

On August 29, 1972, subsequent to an authorizing resolution of Founders' board of directors, Founders and Modern American entered into an agreement whereby Modern American would purchase from Founders 374,934 shares of common stock of Founders Security, representing all of Founders' interest in that corporation, at a sales price of $4 per share, or a total price of $1,499,736. Such stock represented 76.4 percent of the outstanding common stock of Founders Security, a life insurance company incorporated under the laws of Tennessee in 1964. Founders was the principal promoter and organizer of Founders Security, and the 374,934 shares of common stock which is the subject of the proposed sale is original subscription stock that was acquired by Founders at a price of $2 per share.

Founders has incurred an indebtedness of approximately $1,275,000 in the form of long and short term liabilities on notes, and it must sell a portion of its securities to meet its obligations. The decision of Founders to sell its shares of Founders Security is based on its view that such stock will not substantially appreciate in value in the foreseeable future. Founders is of the opinion that the realization of an amount equal to twice its original investment in Founders Security is in the best interests of Founders at this time. Modern American views the proposed acquisition as an attractive business opportunity because it intends to assume the management of Founders Security subsequent to the transaction and to build it into a stronger company.

The stock of Founders Security is not listed on any of the Stock Exchanges and no market is made in said stock in the over-the-counter market. Only a limited number of shares of Founders Security have been traded by brokers and to the knowledge of Applicants, sales by brokers have only occurred in the area of Memphis, Tenn. The latest sales by brokers have been at $4 to $4.25 per share.

Founders has endeavored but has been unable to sell any shares at $6 per share, which is the value that had previously been set by Founders' board of directors as the fair value of such stock; nor has Founders been able to sell any of such stock at $5. The board of directors of Founders revalued the stock to $4 per share after the sale by Founders of a limited number of shares at that price through a broker in Memphis, Tenn., in July, 1972. The highest offer received by Applicant for the purchase of its stock in Founders Security has been $4 per share.

As calculated by an Independent Certified Public Accountant, the "adjusted book" value of the Founders Security stock is $3.46 per share and the statutory book value of such stock is $2.09 per share.

Section 17(a) of the Act, as here pertinent, provides that it is unlawful for any affiliated person of a registered investment company knowingly to sell to or purchase from such registered investment company any security or other property. Section 17(b) of the Act provides that the Commission, upon application, shall grant an exemption from such prohibition upon finding that the terms of the proposed transaction are fair and reasonable and do not involve overreaching on the part of any person concerned and that the proposed transaction is consistent with the policy of each registered investment company concerned and with the general purposes of the Act.

Founders represents that the terms of the proposed transaction have been considered by the board of directors of Founders and of Modern American and that each board has determined that such terms are fair and reasonable and do not involve overreaching with respect to any party and that the proposed transaction is consistent with the policy of each Applicant and with the general purposes of the Act.

Notice is further given that any interested person may, not later than April 17, 1973, at 5:30 p.m., submit to the Commission in writing a request for a hearing on this matter accompanied by a statement as to the nature of this interest, the reasons for such request, and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon Applicants at the address stated above. Proof of such service (by affidavit, or in case of an attorney at law, by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0–5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued upon the basis of the information stated in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management Regulation, pursuant to delegated authority.

[SEAL] RONALD F. HUNT,
Secretary.

[FR Doc.73–5968 Filed 3–28–73;8:45 am]

[File No. 500–1]

PROOF LOCK INTERNATIONAL CORP.

Order Suspending Trading

MARCH 23, 1973.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, $0.01 par value, and all other securities of Proof Lock International Corp., being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period from March 25, 1973, through April 3, 1973.

By the Commission.

[SEAL] RONALD F. HUNT,
Secretary.

[FR Doc.73–5963 Filed 3–28–73;8:45 am]

[70–5316]

HARTFORD ELECTRIC LIGHT CO.

Proposed Issue and Sale of First Mortgage Bonds

MARCH 23, 1973.

Notice is hereby given that The Hartford Electric Light Co. (HELCO), 176 Cumberland Avenue, Wethersfield, CT 06109, a public utility subsidiary company of Northeast Utilities (Northeast), a registered holding company, has filed an application with this Commission pursuant to the Public Utility Holding Company Act of 1935 (Act), designating section 6(b) of the Act and Rule 50 promulgated thereunder as applicable to the following proposed transaction. All interested persons are referred to the application, which is summarized below, for a complete statement of the proposed transaction.

HELCO proposes to issue and sell, subject to the competitive bidding requirements of Rule 50 under the Act, $40 million principal amount of First Mortgage Bonds, 1973 Series, due May 1, 2003. The interest rate (which will be a multiple of one-eighth of 1 percent) and the price, exclusive of accrued interest, to be paid to HELCO (which shall be not less than 99 percent nor more than 102¾ percent of the principal amount thereof) will be determined by the competitive bidding. The bonds will be issued under the First Mortgage Indenture and Deed of Trust dated January 1, 1958, between HELCO and The First National Bank of Boston, Successor Trustee, as heretofore supplemented and amended and as to be further supplemented by a Twelfth Supplemental Indenture to be dated as of May 1, 1973, and which contains a prohibition until May 1, 1978, against refunding the issue with or in anticipation of the proceeds of borrowings at a lower interest cost. Said supplemental indenture will also contain a minor clarifying amendment to HELCO's indenture relating to the issuance of bonds to refund Bonds previously retired.

It is stated that the net proceeds from the issue and sale of the bonds, together with a capital contribution of $15 million to be made in March 1973 by Northeast (File No. 70–5308), will be used to repay a portion of short-term borrowings incurred in financing HELCO's construction program. It is estimated that, after such application of the capital contribution and the proceeds from such sale of the 1973 series bonds, short-term borrowings of approximately $5 million will remain outstanding.

V 38-60 MAR 29 73 XUM

HELCO's construction program for 1973 is estimated to total approximately $79 million. It is stated that the construction program will require an additional $25 million of external financing which the company contemplates will be obtained temporarily through short-term borrowings.

A statement of the fees and expenses incident to the proposed transaction will be filed by amendment. The filing states that the issue and sale of the bonds is subject to the approval of the Connecticut Public Utilities Commission, and that no other State commission and no Federal commission, other than this Commission, has jurisdiction over the proposed transaction.

Notice is further given that any interested person may, not later than April 18, 1973, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said application which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon the applicant at the above-named address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the application, as filed or as it may be amended, may be granted as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL] RONALD F. HUNT, *Secretary.*

[FR Doc.73-5967 Filed 3-28-73;8:45 am]

[File No. 500-1]

TOPPER CORP.

Order Suspending Trading

MARCH 23, 1973.

The common stock, $1 par value of Topper Corp. being traded on the American Stock Exchange, pursuant to provisions of the Securities Exchange Act of 1934 and all other securities of Topper Corp. being traded otherwise than on a national securities exchange; and

It appearing to the Securities and Exchange Commission that the summary suspension of trading in such securities on such exchanges and otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to sections 19(a)(4) and 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities on the above-mentioned exchange and otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period from March 25, 1973 through April 3, 1973.

By the Commission.

[SEAL] RONALD F. HUNT, *Secretary.*

[FR Doc.73-5961 Filed 3-28-73;8:45 am]

[File No. 500-1]

TRIEX INTERNATIONAL CORP.

Order Suspending Trading

MARCH 23, 1973.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, $0.01 par value, of Triex International Corp. being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period from March 25, 1973 through April 3, 1973.

By the Commission.

[SEAL] RONALD F. HUNT, *Secretary.*

[FR Doc.73-5960 Filed 3-28-73;8:45 am]

[File No. 500-1]

U.S. FINANCIAL INC.

Order Suspending Trading

MARCH 23, 1973.

The common stock, $2.50 par value, of U.S. Financial Inc. being traded on the New York Stock Exchange, pursuant to provisions of the Securities Exchange Act of 1934 and all other securities of U.S. Financial Inc., being traded otherwise than on a national securities exchange; and

It appearing to the Securities and Exchange Commission that the summary suspension of trading in such securities on such exchange and otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to sections 15(c)(5) and 19(a)(4) of the Securities Exchange Act of 1934, that trading in such securities on the above mentioned exchange and otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period from March 25, 1973 through April 3, 1973.

By the Commission.

[SEAL] RONALD F. HUNT, *Secretary.*

[FR Doc.73-5962 Filed 3-28-73;8:45 am]

VETERANS ADMINISTRATION

CAREER DEVELOPMENT SELECTION COMMITTEE

Notice of Meeting

The Veterans Administration gives notice pursuant to Public Law 92-463 that a meeting of the Career Development Selection Committee, authorized by 38 U.S.C. 4101, will be held at the Sheraton-Biltmore Hotel, Atlanta, Ga., on April 5 and 6, 1973, at 8:30 a.m. The meeting will be for the purpose of scientific review of applications for appointment to the Career Development Program in the Veterans Administration hospital system. The Committee advises the Assistant Chief Medical Director for Research and Education in Medicine on selection and appointment of Research and Education Associates, Clinical Investigators, Medical Investigators, and Senior Medical Investigators.

The meeting will be open to the public up to the seating capacity of the room from 8:30 a.m. to 9:30 a.m. on April 5 to discuss the general status of the program. Because of the limited seating capacity of the room, those who plan to attend should contact Dr. Chester W. DeLong, Executive Secretary of the Committee, VA Central Office, Washington, D.C. (202-389-5065) prior to April 3.

The meeting will be closed from 9:30 a.m. to 6:30 p.m. on April 5 and from 8 a.m. to 4 p.m. on April 6 for consideration of individual applications. Minutes of the meeting and rosters of the committee members may be obtained from Mrs. Darlene R. Whorley, Chief, Career Development Section, Research Service, Veterans Administration, Washington, D.C. (phone 202-389-5065).

Dated: March 23, 1973.

By direction of the Administrator.

[SEAL] RUFUS H. WILSON, *Associate Deputy Administrator.*

[FR Doc.73-6019 Filed 3-28-73;8:45 am]

DEPARTMENT OF LABOR

Office of the Secretary

ARKWRIGHT MILLS, INC.

Investigation Regarding Certification of Eligibility of Workers To Apply for Adjustment Assistance

After reviewing the Tariff Commission's report on its investigation of the petition for adjustment assistance filed on behalf of workers formerly employed at Arkwright Mills, Inc., Spartanburg, S.C. (TEA-W-160), under section 301(c)(2) of the Trade Expansion Act of 1962, and in which report the Commission being equally divided, made no finding with respect to certain woven fabrics of cotton and of manmade fibers, the President decided, under the authority of section 330(d)(1) of the Tariff Act of 1930 as amended, to consider the findings of those Commissioners who found in the affirmative as the finding of the Commission. Accordingly, he has advised the Secretary of Labor that he may certify the group of workers involved as eligible to apply for adjustment assistance.

In view of the Tariff Commission's report, the President's authorization, and the responsibilities delegated to the Secretary of Labor under section 8 of Executive Order 11075 (28 FR 473), the Director, Office of Foreign Economic Policy, Bureau of International Labor Affairs, has instituted an investigation, as provided in 29 CFR 90.5 and this notice. The investigation relates to the determination of whether any of the group of workers covered by the Tariff Commission report should be certified as eligible to apply for adjustment assistance, provided for under Title III, Chapter 3, of the Trade Expansion Act of 1962, including the determination of related subsidiary subjects and matters, such as the date unemployment or underemployment began or threatened to begin and the subdivision of the firm involved to be specified in any certification to be made, as more specifically provided in Subpart B of CFR Part 90.

Interested persons should submit written data, views or arguments relating to the subjects of investigation to the Director, Office of Foreign Economic Policy, U.S. Department of Labor, Washington, D.C. 20210 on or before April 9, 1973.

Signed at Washington, D.C., this 21st day of March 1973.

GLORIA G. VERNON, *Director, Office of Foreign Economic Policy.*

[FR Doc.73-5958 Filed 3-28-73;8:45 am]

INTERSTATE COMMERCE COMMISSION

[Notice 208]

ASSIGNMENT OF HEARINGS

MARCH 26, 1973.

Cases assigned for hearing, postponement, cancellation or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested. No amendments will be entertained after the date of this publication.

MC 136972, Midwest Contract Carriers, Inc., now being assigned hearing June 11, 1973 (1 week), at Dallas, Tex., in a hearing room to be later designated.

MC 115162 Sub 238, Poole Truck Line, Inc., hearing continued to April 19, 1973, at the offices of the Interstate Commerce Commission, Washington, D.C.

MC 109373, National Trucking Inc., now being assigned hearing June 11, 1973 (1 week), at Austin, Tex., in a hearing room to be later designated.

MC 117465 Sub 18, Beaver Express Service, Inc., now being assigned hearing June 18, 1973 (1 week), at Amarillo, Tex., in a hearing room to be later designated.

AB-5 Sub 47, Penndel Co. and George P. Baker, Richard, C. Bond, and Jervis Langdon, Jr., Trustees of the Property of Penn Central Transportation Co., debtor, abandonment between New Castle and Houston Junction, in Mercer and Lawrence Counties, Pa., is continued to May 22, 1973 (2 days), at New Castle, Pa., in a hearing room to be later designated.

MC 97310 Subs 11 and 12, Bell Transfer Co., Inc., now being assigned hearing June 11, 1973 (2 weeks), at New Orleans, La., in a hearing room to be later designated.

MC 109014 Sub 6, Great Southern Coaches, Inc., now assigned April 11, 1973, at St. Louis, Mo., is canceled and application dismissed.

MC 134765 Sub 8, Specialty Transport, Inc., now being assigned June 4, 1973 (1 day), at Boston, Mass., in a hearing room to be later designated.

MC 55898 Sub 48, Harry A. Decato, doing business as Decato Bros. Trucking Co., now being assigned June 5, 1973 (2 days), at Boston, Mass., in a hearing room to be later designated.

MC-FC-73286, L & V Trucking Co., Inc., Gardner, Mass., Transferee & S & H Transfer, Inc., Gardner, Mass. Transferor, now being assigned June 7, 1973 (2 days), at Boston, Mass., in a hearing room to be later designated.

MC 128944 Sub 10, Reliable Truck Lines, Inc., now being assigned June 11, 1973 (1 week), at Nashville, Tenn., in a hearing room to be later designated.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.73-6031 Filed 3-28-73;8:45 am]

[Notice 240]

MOTOR CARRIER BOARD TRANSFER PROCEEDINGS

Synopses of orders entered by the Motor Carrier Board of the Commission pursuant to sections 212(b), 206(a), 211, 312(b), and 410(g) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 1132), appear below:

Each application (except as otherwise specifically noted) filed after March 27, 1972, contains a statement by applicants that there will be no significant effect on the quality of the human environment resulting from approval of the application. As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings on or before April 18, 1973. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC-74218. By order of March 15, 1973, the Motor Carrier Board approved the transfer to Harry F. Richards, doing business as Theatrical Film Service, Lawrence, Mass., of certificates Nos. MC-92168 and MC-92168 (Sub-No. 1), issued March 17, 1941, and February 27, 1973, respectively, to Beatrice M. Richards, Harry F. Richards, Executor, doing business as Theatrical Film Service, Lawrence, Mass., authorizing the transportation of motion picture film and theater supplies between Boston, Mass., and Rye Beach, N.H., and between Boston, Mass., and Rochester, N.H., over described regular routes. Mary E. Kelley, 11 Riverside Avenue, Medford, MA 02155, attorney for Applicants.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.73-6034 Filed 3-28-73;8:45 am]

[Notice 35]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

MARCH 19, 1973.

The following are notices of filing of applications[1] for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC-67 (49 CFR Part 1131) published in the FEDERAL REGISTER issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protests must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protests must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 151 (Sub-No. 50 TA), filed March 8, 1973. Applicant: LOVELACE TRUCK SERVICE, INC., 2225 Wabash Avenue, Terre Haute, IN 47807. Appli-

[1] Except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application.

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cant's representative: R. W. Burgess, 8514 Midland Boulevard, St. Louis, MO 63114. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (with the usual exceptions), between Terre Haute, Ind., and Mount Vernon, Ill., on the one hand, and, on the other, the plantsite and warehouse facilities of the Anaconda Aluminum Co. located at or near Sebree, Ky.; from Terre Haute, Ind. over U.S. Highway 41 to the plantsite and warehouse facilities of the Anaconda Aluminum Co. located at or near Sebree, Ky., and return over the same route; from Mount Vernon, Ill., over U.S. Highway 460 to the junction of U.S. Highway 41, thence over U.S. Highway 41 to the plantsite and warehouse facilities of the Anaconda Aluminum Co. located at or near Sebree, Ky., and return over the same route, for 180 days. NOTE: Applicant will tack with its existing authority in MC-151 and will interline at all existing gateway points. Supporting shipper: Anaconda Aluminum Co., 1251 South Fourth Street, Louisville, KY 40203. Send protests to: James W. Habermehl, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 802 Century Building, 36 South Pennsylvania Street, Indianapolis, IN 46204.

No. MC 217 (Sub-No. 13 TA), filed March 8, 1973. Applicant: POINT TRANSFER, INC. (Ohio Corp.), P.O. Box 1441, Station C, 5075 Navarre Road SW., Canton, OH 44708. Applicant's representative: John A. Pillar, 2310 Grant Building, Pittsburgh, Pa. 15219. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles*, from the plantsites of United States Steel Corp., located at or near Clairton, Duquesne, Dravosburg, McKeesport, Homestead, and West Mifflin, Allegheny County, Pa.; Ellwood City, Lawrence County, Pa.; and Vandergrift, Westmoreland County, Pa., to points in Indiana, for 150 days. Supporting shipper: United States Steel Corp., 600 Grant Street, Pittsburgh, PA 15230. Send protests to: Frank L. Calvary, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 255 Federal Building and U.S. Courthouse, 85 Marconi Boulevard, Columbus, OH 43215.

No. MC 8600 (Sub-No. 30 TA), filed March 8, 1973. Applicant: WERNER CONTINENTAL, INC., P.O. Box 3609, St. Paul, MN 55165. Applicant's representative: John A. Pillar, 2310 Grant Building, Pittsburgh, Pa. 15219. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles*, from the plantsites of United States Steel Corp., located at or near Clairton, Duquesne, Dravosburg, McKeesport, Homestead, and West Mifflin, Allegheny County, Pa.; Ellwood City, Lawrence County, Pa., and Vandergrift, Westmoreland County, Pa., to points in Indiana, New York, and Michigan, for 150 days. Applicant does intend to tack with its existing authority. Supporting shipper: United States Steel Corp., Pittsburgh, Pa. 15230. Send protests to: District Supervisor Raymond T. Jones, Interstate Commerce Commission, Bureau of Operations, 448 Federal Building, 110 South Fourth Street, Minneapolis, MN 55401.

No. MC 59457 (Sub-No. 25 TA), filed March 9, 1973. Applicant: SORENSEN TRANSPORTATION COMPANY, INC., Old Amity Road, Bethany, Conn. 06525. Applicant's representative: Thomas W. Murrett, 342 North Main Street, West Hartford, CT 06117. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dated printed publications* from the warehouses and storage facilities of Magazine Shippers Association, Inc., Bridgeport, Conn., to Boston and Springfield, Mass., Providence, R.I., Carle Place and Hauppauge and Long Island, N.Y., Trenton, N.J., Philadelphia, Pa., Baltimore, Md., and Wilmington, Del., for 180 days. Supporting shipper: Magazine Shippers Association, Inc., Bridgeport, Conn. Send protests to: David J. Kiernan, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 324 U.S. Post Office Building, 135 High Street, Hartford, CT 06101.

No. MC 103051 (Sub-No. 270 TA), filed March 9, 1973. Applicant: FLEET TRANSPORT COMPANY, INC., 934—44th Avenue North, P.O. Box 90408, Nashville, TN 37209. Applicant's representative: Russell E. Stone (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals*, in bulk, in tank vehicles, from points in Decatur County, Ga., to points in Alabama, Arkansas, Florida, Louisiana, Mississippi, North Carolina, South Carolina, Tennessee, Texas, and Virginia, for 180 days. Supporting shipper: Engelhard Minerals & Chemicals Corp., Minerals & Chemicals Division, Menlo Park, Edison, N.J. 08817. Send protests to: Joe J. Tate, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 803—1808 West End Building, Nashville, Tenn. 37203.

No. MC 108460 (Sub-No. 47 TA), filed March 8, 1973. Applicant: PETROLEUM CARRIERS COMPANY, South Dakota corporation, 5104 West 14th Street, P.O. Box 762, Sioux Falls, SD 57101. Applicant's representative: Stanley Mundhenke (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer, fertilizer materials and ammonium nitrate*, dry, in bags or bulk, from Hastings, Nebr., to points in Wyoming, Colorado, Kansas, and South Dakota, for 180 days. Supporting shipper: Farmland Industries, Inc., 3315 North Oak Trafficway, Kansas City, MO. Send protests to: J. L. Hammond, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Room 369, Federal Building, Pierre, S. Dak. 57501.

No. MC 113908 (Sub-No. 257 TA), filed March 8, 1973. Applicant: ERICKSON TRANSPORT CORP., 2105 East Dale Street, Springfield, MO 65804. Applicant's representative: B. B. Whitehead (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Animal and poultry feed ingredients*, in bulk, in tank and hopper type vehicles, from Verona, Mo., to Delmar, Del., for 180 days. Supporting shipper: Hoffman-Taff, Inc., 1915 West Sunshine Street, Springfield, MO 65805. Send protests to: John V. Barry, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 600 Federal Office Building, 911 Walnut Street, Kansas City, MO 64106.

No MC 115180 (Sub-No. 88 TA), filed March 6, 1973. Applicant: ONLEY REFRIGERATED TRANSPORTATION, INC., 265 West 14th Street, New York, NY 10014. Applicant's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City, NJ 07306. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat by-products, and articles distributed by meat packinghouses*, as described in sections A and C of Appendix I to the report in Descriptions in Motor Carrier Certificates, 71 M.C.C. 209 and 766 (except hides and commodities in bulk) from the plantsite and storage facilities utilized by United Packing Co. at Denver, Colo., to points in New York, New Jersey, Maryland, and Pennsylvania. Restricted to the transportation of traffic originating at the plantsite and storage facilities utilized by United Packing Co. at or near the origins shown above and destined to the above named destination points, for 180 days. Supporting shipper: United Packing Co., 5000 Clarkson Street, P.O. Box No. 16441, Denver, CO 80216, Attention: Mr. Joe Nelson, Traffic Manager. Send protests to: Paul W. Assenz, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 26 Federal Plaza, Room 1807, New York, N.Y. 10007.

No. MC 116763 (Sub-No. 241 TA), filed March 5, 1973. Applicant: SUBLER TRUCKING, INC., North West Street, Versailles, Ohio 45380. Applicant's representative: H. M. Richters, North West Street, Versailles, Ohio 45380. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Filters, cleaners, purifiers, and parts and accessories thereto*, from Cucamonga, Calif., to points in Connecticut, Delaware, Kentucky, Maine, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, Tennessee, Vermont, Virginia, West Virginia, and the District of Columbia, (2)(a) *Filters, cleaners, purifiers, and parts and accessories thereto;* and (b) *swimming and wading pools, parts, accessories, and attachments thereto, from* Darke County, Ohio, to points in and east of Louisiana, Arkansas, Missouri, Iowa, and Minnesota, for 180 days. Supporting shipper: Doughboy Recreational Products Division, Domain Industries, Inc., 10959 Jersey Boulevard, Cucamonga, CA 91730. Send protests to: Paul J. Lowry, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 5514-B Federal Building, 550 Main Street, Cincinnati, OH 45202.

No. MC 119880 (Sub-No. 56 TA), filed March 8, 1973. Applicant: DRUM TRANSPORT, INC., Post Office Box 2056, East Peoria, IL 61611. Applicant's representative: B. N. Drum, Drum Transport, Inc. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Empty wooden whisky barrels* from Peoria to Delavan, Ill., to Detroit, Mich., for 180 days. Supporting shipper: D. J. Anderson, General Traffic Manager, Hiram Walker & Sons, Inc., Peoria, Ill. 61601. Send protest to: Richard K. Shullaw, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Everett McKinley Dirksen Building, 219 South Dearborn Street, Room 1086, Chicago, IL 60604.

No. MC 123255 (Sub-No. 35 TA), filed March 5, 1973. Applicant: B & L MOTOR FREIGHT, INC., 140 Everett Avenue, Newark, OH 43055. Applicant's representative: N. E. Milford (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Glass containers* from Terre Haute, Ind., to Memphis, Tenn., for 180 days. Supporting shipper: Midland Glass Co., Inc., Cliffwood, N.J. Send protests to: Frank L. Calvary, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 255 Federal Building and U.S. Courthouse, 85 Marconi Boulevard, Columbus, OH 43215.

No. MC 123255 (Sub-No. 36 TA), filed March 7, 1973. Applicant: B & L MOTOR FREIGHT, INC. (Ohio corporation), 140 Everett Avenue, Newark, OH 43055. Applicant's representative: N. E. Milford (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned and preserved foodstuffs*, from the distribution center site of Heinz U.S.A. Division at Iowa City, Iowa, to all points in the States of Illinois and Indiana; and from the plantsite and storage facilities of Heinz U.S.A. Division at Muscatine, Iowa, to all points in the State of Illinois, restricted to traffic originating at and destined to the named territory, for 180 days. Supporting shipper: Heinz U.S.A. Division of H. J. Heinz Co., P.O. Box 57, Pittsburgh, PA 15230. Send protests to: Frank L. Calvary, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 255 Federal Building and U.S. Courthouse, 85 Marconi Boulevard, Columbus, OH 43215.

No. MC 124236 (Sub-No. 52 TA), filed March 8, 1973. Applicant: CHEMICAL EXPRESS CARRIERS, INC., 1200 Simons Building, Dallas, Tex. 75201. Applicant's representative: Leroy Hallman, 4555 First National Bank Building, Dallas, Tex. 75202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Portland cement*, from the plantsite of General Portland Cement Co. at Dallas, Tex., to Memphis, Tenn., for 180 days. Supporting shipper: General Portland Cement Co., 4400 Republic National Bank Tower, P.O. Box 324, Dallas, TX 75221. Send protests to: E. K. Willis, Jr., District Supervisor, Interstate Commerce Commission, Bureau of Operations, 1100 Commerce Street, Room 13C12, Dallas, TX 75202.

No. MC 128133 (Sub-No. 6 TA), filed March 12, 1973. Applicant: H. H. OMPS, INC., Route 5, Box 368, Winchester, VA 22601. Applicant's representative: Frank B. Hand, Jr., P.O. Box 446, Winchester, VA 22601. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Poultry and animal by-products meal*, in bulk, from Winchester, Va., to Camp Hill, Eighty Four, Mechanicsburg, Pa., and Robbins, N.C., for 180 days. Supporting shipper: Valley Proteins, Inc., Box 961, Winchester, VA 22601. Send protests to: Robert D. Caldwell, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 12th Street and Constitution Avenue NW., Washington, D.C. 20423.

No. MC 128985 (Sub-No. 4 TA), filed March 7, 1973. Applicant: WILKERSON TRUCKING COMPANY, INC., Route No. 5, Lenoir City, Tenn. 37771. Applicant's representative: Walter Harwood, 400 James Robertson Parkway, Nashville, TN 37219. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Heating and air-conditioning equipment and supplies, appliances* including, but not limited to, stoves and refrigerators (gas and electric), dishwashers, disposals, and *parts and accessories* for all of said commodities from Los Angeles and City of Industry, Calif., to points in Arizona, Colorado, Florida, Georgia, Idaho, Nevada, Oklahoma, and Texas, for 180 days. Supporting shipper: Gaffers & Sattler, Inc., 4851 South Alameda Street, Los Angeles, CA 90058. Send protests to: Joe J. Tate, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 803—1808 West End Building, Nashville, Tenn. 37203.

No. MC 129326 (Sub-No. 14 TA), filed March 7, 1973. Applicant: WHITNEY TANK LINES, INC., Florida Corporation, 5201 Causeway Boulevard, P.O. Box 1091, Tampa, FL 33601. Applicant's representative: Sol H. Proctor, 2501 Gulf Life Tower, Jacksonville, FL 32207. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Citrus stripper oil*, in bulk, from Winter Garden, Lake Alfred, Auburndale, and Leesburg, Fla., to Mobile, Ala., for 180 days. Supporting shipper: Florida Chemical Co., Inc., P.O. Box 997, Lake Alfred, FL 33850. Send protests to: District Supervisor Joseph B. Teichert, Interstate Commerce Commission, Bureau of Operations, 5720 South West 17th Street, Room 105, Miami, FL 33155.

No. MC 135454 (Sub-No. 4 TA), filed March 8, 1973. Applicant: DENNY TRUCK LINES, INC., 893 Ridge Road, Webster, NY 14580. Applicant's representative: Francis P. Barrett, 60 Adams Street, P.O. Box 238, Milton (Boston), MA 02187. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Empty containers* from the plantsites and warehouses of the American Can Co., Inc. at Fairport, N.Y., to the plantsite and warehouse of Duffy Mott Co., Inc., at Aspers, Pa., for 180 days. Supporting shipper: Francis X. Kalsch, Manager of Traffic, Duffy Mott Co., Inc., General Office, 370 Lexington Avenue, New York, NY. Send protest: Morris H. Gross, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 104, 301 Erie Boulevard West, Syracuse, NY, 13202.

No. MC 136446 (Sub-No. 2 TA), filed March 7, 1973. Applicant: PRINCETON MESSENGER SERVICE, INC., Princeton Service Center, U.S. Highway 1, Princeton, N.J. 08540. Applicant's representative: Joseph L. Howard, Jr., 118 North St. Asaph Street, Alexandria, VA 22314. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Business records, inter-office communications, computer print-out and tape recordings*, in passenger automobiles, between Plainfield (Union County), N.J., and New York, N.Y., for 90 days. Supporting shipper: Mobil Chemical Co., Chemical Coatings Division, 1024 South Avenue, Plainfield, NJ 07062. Send protests to: Richard M. Regan, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 428 East State Street, Room 204, Trenton, NJ 08608.

No. MC 138205 (Sub-No. 1 TA), filed December 22, 1972. Applicant: DELBERT E. ROBINSON, 337 East Center Street, P.O. Box 155, Fairview, UT 84629. Applicant's representative: Harry D. Pugsley, 315 East Second South, Salt Lake City, UT 84111. Authority sought to operate as a *contract carrier*, by motor vehicle, over regular routes transporting: *Ground paper insulation*, from Midvale, Utah, to Boise, Idaho, over U.S. Highway I 15 from Midvale, Utah, to junction of I 80N (30S) north of Tremonton, and thence to Boise, Idaho, over I 80N (30S), for 180 days. Supporting shipper: Westby Manufacturing Co., 9440 Franklin Road, Boise, ID 83704 (Don Allumbaugh, owner). Send protests to: District Supervisor Lyle D. Helfer, Interstate Commerce Commission, Bureau of Operations, 5239 Federal Building, 125 South State Street, Salt Lake City, UT 84111.

No. MC 138286 (Sub-No. 1 TA), filed March 8, 1973. Applicant: JOHN F. SCOTT COMPANY, 404 Washington Avenue, P.O. Box 8, Dravoburg, PA 15034.

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Applicant's representative: John M. Musselman, 410 North Third Street, P.O. Box 1146, Harrisburg, PA 17108. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles*, from the plantsites of United States Steel Corp., located at or near Clairton, Dravoburg, Duquesne, Ellwood City, Homestead, McKeesport, Vandergrift, and West Mifflin, Pa., to points in New York, for 180 days. Supporting shipper: United States Steel Corp., 600 Grant Street, Pittsburgh, PA 15230. Send protests to: John J. England, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 2111 Federal Building, 1000 Liberty Avenue, Pittsburgh, PA 15222.

No. MC 138248 (Sub-No. 2 TA) (Correction), filed December 29, 1972, published FEDERAL REGISTER issue of January 12, 1973, and republished as corrected this issue. Applicant: P. B. L., INC., 8 South Madison Street, Evansville, WI 53536. Applicant's representative: Marvin L. Mohr (same address as applicant). NOTE: The purpose of this republication is to set forth that applicant seeks to operate as a *common carrier* rather than as a contract carrier, as stated in error in previous publication. The rest of the notice remains as previously published.

No. MC 138381 (Sub-No. 2 TA), filed March 7, 1973. Applicant: CHADDERDON & SONS, INC., Le Center, Minn. 56057. Applicant's representative: Orban Chadderdon (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic containers*, from Le Center, Minn. to points in Iowa, North Dakota, South Dakota, and Wisconsin, for 180 days. Supporting shipper: Robb Container Corp., P.O. Box 419, Yorkville, Ill. 60560. Send protests to: A. N. Spath, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 448 Federal Building and U.S. Courthouse, 110 South Fourth Street, Minneapolis, MN 55401.

No. MC 138429 (Sub-No. 1 TA), filed March 9, 1973. Applicant: ASI, INC., P.O. Box 10444, Jacksonville, FL 32207. Applicant's representative: Sol H. Proctor, 2501 Gulf Life Tower, Jacksonville, Fla. 32207. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such merchandise* as is marketed by home products distributors for the account of Amway Corp., between points in (1) Florida; (2) Virginia; (3) West Virginia, and (4) from points in Virginia to points in West Virginia, restricted to traffic originating in Atlanta, Ga., and destined to home deliveries, for 180 days. Supporting shipper: Amway Corp., 100 Wheaton Drive, Atlanta, GA 30336. Send protests to: District Supervisor G. H. Fauss, Jr., Bureau of Operations, Interstate Commerce Commission, Box 35008, 400 West Bay Street, Jacksonville, FL 32202.

No. MC 138464 TA, filed March 8, 1973. Applicant: RICHARD C. SHEARER, INC., 12340 Southeast Dumolt Road, Clackamas, OR 97015. Applicant's representative: Philip G. Skofstad, 3076 East Burnside, Portland, OR 97214. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such merchandise* as is dealt in by Sears Roebuck and Co., from Salt Lake City, Utah, to Pocatello, Idaho Falls, Burley, Twin Falls, Boise, and Caldwell, Idaho, for 180 days. Supporting shipper: Sears Roebuck and Co., 900 South Fremont Avenue, Alhambra, CA 91802. Send protests to: District Supervisor A. E. Odoms, Bureau of Operations, Interstate Commerce Commission, 450 Multnomah Building, 319 Southwest Pine Street, Portland, OR 97204.

No. MC 138466 TA, filed March 8, 1973. Applicant: R.M.K. TRUCKING, INC., 53 West Jackson Boulevard, Chicago, IL 60604. Applicant's representative: Nickolas M. Karzen (same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (a) *Paper, paper articles, and materials and supplies* used in the manufacture of paper articles, between the plantsite of the Mead Corp. at Covington, Ga., on the one hand, and, on the other, points in Alabama, North Carolina, South Carolina, and Tennessee; and (b) *Paper, paper articles, and materials and supplies* used in the manufacture of paper articles from the plantsite of the Mead Corp., Container Division, at Atlanta, Ga., to points in Alabama, North Carolina, South Carolina, and Tennessee, restricted to the transportation of shipments to be moved in mixed loads with shipments under Part (a) above, limited to the performance of a transportation service under continuing contract with the Mead Corp., for 180 days. Supporting shipper: R. R. Groves, The Mead Corp., Talbott Tower, Dayton, Ohio, 45202. Send protests to: Robert G. Anderson, District Supervisor, Bureau of Operation, Interstate Commerce Commission, Everett McKinley Dirksen Building, 219 South Dearborn Street, Room 1086, Chicago, IL 60604.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.73-6032 Filed 3-28-73;8:45 am]

[Notice 36]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

MARCH 21, 1973.

The following are notices of filing of applications[1] for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC-67 (49 CFR Part 1131), published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protests must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protests must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 2202 (Sub-No. 440 TA), filed March 9, 1973. Applicant: ROADWAY EXPRESS, INC., 1077 Gorge Boulevard, P.O. Box 471, Akron, OH 44309. Applicant's representative: James W. Conner (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving points located in Hunterdon County, N.J., as off-route points, for 180 days. NOTE: Applicant will tack with lead certificate MC-2202 and all subs thereto and will also affect interchange at all points served. Supporting shippers: Rexham Corp., P.O. Box 4068, Charlotte, NC 28204; Lehigh Fluid Power Inc., York Road, Route 202, Lambertville, NJ 08530; Tom Tru Corp., 201 South Mail Street, Lambertville, NJ 08530; and Ultramotive Corp., 43 Emery Avenue, Flington, NJ 08822. Send protests to: Franklin D. Bail, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 181 Federal Office Building, 1240 East Ninth Street, Cleveland, OH 44199.

No. MC 13235 (Sub-No. 20 TA), filed March 7, 1973. Applicant: CENTRALIA CARTAGE CO., a corporation, 650 West Noleman Street, Centralia, IL 62801. Applicant's representative: R. W. Burgess, 8514 Midland Boulevard, St. Louis, MO 63114. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), serving the plantsites and warehouse facilities of the Anaconda Aluminum Co. located at or near Sebree, Ky., as an off-route point in connection with applicant's regular route between Evansville, Ind., and St. Louis, Mo., for 180 days. NOTE: Applicant will tack with its existing authority in MC-13235 and will interline at all existing gateway points. Supporting shipper: Robert F. Archer, Director of Transportation, Anaconda Aluminum Co., 1251 South Fourth Street, Louisville, KY 40203. Send protests to: Harold C. Jolliff, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 518 Leland Office Building, 527 East Capitol Avenue, Springfield, IL 62701.

[1] Except as otherwise specifically noted each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application.

No. MC 13569 (Sub-No. 26 TA), filed March 3, 1973. Applicant: THE LAKE SHORE MOTOR FREIGHT COMPANY, 1200 South State Street, Girard, OH 44420. Applicant's representative: A. David Millner, 744 Broad Street, Newark, NJ 07102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel and iron and steel articles* from the plantsites of United States Steel Corp., at Clairton, Duquesne, McKeesport, Dravosburg (West Mifflin), and Homestead in Allegheny County, Ellwood City in Lawrence County, and Vandergrift in Westmoreland County, Pa., to points in Michigan, Indiana, and New York for 180 days. Applicant will tack with its existing authority if permitted. Supporting shipper: United States Steel Corp., 660 Grant Street, Pittsburgh, PA 15230. Send protest to: Franklin D. Bail, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 181 Federal Office Building, 1240 East Ninth Street, Cleveland, OH 44199.

No. MC 14552 (Sub-No. 48 TA), filed March 9, 1973. Applicant: J. V. McNICHOLAS TRANSFER COMPANY, a corporation, 555 West Federal Street, Youngstown, OH 44507. Applicant's representative: Paul F. Beery, 88 East Broad Street, Columbus, OH 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel, and iron and steel articles*, from the plantsites of United States Steel Corp., located at or near Clairton, Homestead, Duquesne, McKeesport, Dravosburg, and West Mifflin in Allegheny County, Pa.; Ellwood City in Lawrence County, Pa.; and Vandergrift in Westmoreland County, Pa., to points in Michigan, Indiana, and New York, for 180 days. Restriction: Restricted to traffic originating at the above-named origin points and destined to the above-named destination States. Supporting shipper: United States Steel Corp., 600 Grant Street, Pittsburg, PA 15230. Send protests to: Franklin D. Bail, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 181 Federal Office Building, 1240 East Ninth Street, Cleveland, OH 44199.

No. MC 29886 (Sub-No. 291 TA), filed March 6, 1973. Applicant: DALLAS & MAVIS FORWARDING CO., INC., 4000 West Sample Street, South Bend, IN 46621. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trucks and truck chassis*, in subsequent or secondary movements, via driveaway, from points in South Bend, Ind., to points in Portland and McMinnville, Oreg., and Spokane and Seattle, Wash., for 180 days. Restriction: Restricted to traffic having prior transportation from the plantsite of the Ford Motor Co., in Jefferson County, Ky., to South Bend, Ind. Supporting shipper: Gilbert Tilbury Co., 205 Galloway Street, McMinnville, OR 97128; Northside Ford Truck Sales, Inc., 6221 Northeast Columbia Boulevard, P.O. Box 13373, Portland, OR 97213; Wendle Ford Sales, Inc., North 4727 Division, Spokane, Wash. 99208; Francis Ford, Grand Avenue and Hawthore, Portland, Oreg. 97214; and Sea-Tac Ford Truck Sales, Inc., 11000 Pacific Highway, Seattle, WA 98168. Send protests to: District Supervisor J. H. Gray, Bureau of Operations, Interstate Commerce Commission, 345 West Wayne Street, Room 204, Fort Wayne, IN 46802.

No. MC 52657 (Sub-No. 702 TA), filed March 5, 1973. Applicant: ARCO AUTO CARRIERS, INC., a corporation, 2140 West 79th Street, Chicago, IL 60620. Applicant's representative: S. J. Zangri (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Motor buses*, in initial movements, in truckaway service, and *supplies therefor*, when moving together with buses being transported, from Bayertown, Pa., to points in the United States (including Alaska, but excluding Hawaii), for 180 days. Supporting shipper: Harry D. Yoder, Battronic Truck Corp., subsidiary of Bayertown Auto Body Works, Inc., Bayertown, Pa. 19512. Send protests to: R. G. Anderson, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Everett McKinley Dirksen Building, 219 South Dearborn Street, Room 1086, Chicago, IL 60604.

No. MC 80430 (Sub-No. 145 TA), filed March 12, 1973. Applicant: GATEWAY TRANSPORTATION CO., INC., a corporation, 455 Park Plaza Drive, P.O. Box 851, La Crosse, WI 54601. Applicant's representative: Joseph E. Ludden (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), serving the plantsite of Anaconda Aluminum Co. located approximately 3 miles north of Sebree, Ky., as an off-route point in connection with applicant's presently authorized authority to serve Evansville, Ind. as noted in Route 112 of Docket MC-80430, for 180 days. NOTE: Applicant does intend to tack at Evansville, Ind., and that route is in connection with all other routes presently authorized to applicant under Docket MC-80430. Supporting shipper: Anaconda Aluminum Co., 1251 South Fourth Street, Louisville, KY 40203. Send protests to: Barney L. Hardin, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 139 West Wilson Street, Room 202, Madison, WI 53703.

No. MC 103051 (Sub-No. 27 TA), filed March 12, 1973. Applicant: FLEET TRANSPORT COMPANY, INC., 934 44th Avenue, P.O. Box 90408, Nashville, TN 37209. Applicant's representative: Mr. W. G. North, Fleet Transport Co., Inc., Nashville, Tenn. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes transporting: *Salt and salt products, in bags, blocks and packages*, from Cairo, Ga. to points in Alabama and Florida, for 180 days. Supporting shipper: Cargill, Inc., Cargill Building, Minneapolis, Minn. Send protests to: Joe J. Tate, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 803 1808 West End Building, Nashville, Tenn. 37203.

No. MC 106943 (Sub-No. 107 TA), filed March 12, 1973. Applicant: EASTERN EXPRESS, INC., 1450 Wabash Avenue, Terre Haute, IN 47801. Applicant's representative: Peter M. Witham (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except classes A and B explosives, livestock, grain, petroleum products, in bulk, household goods as defined by the Commission, and commodities requiring special equipment), serving the plantsite of Anaconda Aluminum Co., at or near Sebree, Ky., as an off-route point in connection with carrier's authorized regular route operations to and from Evansville, Ind., for 180 days. NOTE: Applicant states that tacking would be performed at any interstate point on applicant's authority where interline is in effect. Supporting shipper: Anaconda Aluminum Co., 1251 South Fourth Street, Louisville, KY 40203. Send protests to: District Supervisor James W. Habermehl, Interstate Commerce Commission, Bureau of Operations, 802 Century Building, 36 South Pennsylvania Street, Indianapolis, IN 46204.

No. MC 107012 (Sub-No. 175 TA), filed March 7, 1973. Applicant: NORTH AMERICAN VAN LINES, INC., P.O. Box 988, East and Meyer Road, Lincoln Highway, Fort Wayne, IN 46801. Applicant's representative: Karlton Holle (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Carpet padding*, uncrated, from points in Waterbury, Conn., to points in Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, New York, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, West Virginia, North Carolina, South Carolina, Georgia, and the District of Columbia, for 180 days. Supporting shipper: Fairmount Corp., 2600 North Pulaski, Chicago, IL. Send protests to: District Supervisor J. H. Gray, Bureau of Operations, Interstate

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Commerce Commission, 345 West Wayne Street, Room 204, Fort Wayne, IN 46802.

No. MC 107012 (Sub-No. 176 TA), filed March 12, 1973. Applicant: NORTH AMERICAN VAN LINES, INC., P.O. Box 988, Lincoln Highway, East and Meyer Road, Fort Wayne, IN 46801. Applicant's representative: Terry G. Fewell (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Materials, supplies and equipment* used in the manufacture and distribution of furniture (except (1) commodities in bulk, in tank vehicles, (2) chemicals in bulk, and (3) commodities which because of size or weight require special equipment or handling), from points in the United States (except Montana, Wyoming, Alaska, and Hawaii), to points in Fort Smith and Van Buren, Ark., for 180 days. Restrictions: Restricted against the transportation of (a) iron and steel articles from Kentucky, and (b) paint from Dallas, Tex., and points in its commercial zone, and from Louisville, Ky., and points in its commercial zone. Supporting shippers: Garrison Furniture Co., P.O. Box 1423, Fort Smith, AR 72901; Eads Furniture Manufacturing Co., 4414 Wheeler Avenue, Fort Smith, AR 72901; Craftmaster Industries, Inc., Drawer N, Van Buren, Ark. 72956; Southland Furniture, Inc., P.O. Box 3310, Fort Smith, AR 72901; Holland Woodworks, Inc., P.O. Box 4125, Fort Smith, AR 72901; Ayers Furniture Industries, Fort Smith Chair Co., 1001 North Third Street, Fort Smith, AR 72901; Stell Manufacturing Co., Division National Glass & Manufacturing Co., Inc., Fort Smith, Ark. Send protests to: District Supervisor J. H. Gray, Bureau of Operations, Interstate Commerce Commission, 345 West Wayne Street, Room 204, Fort Wayne, IN 46802.

No. MC 107496 (Sub-No. 880 TA), filed March 8, 1973. Applicant: RUAN TRANSPORT CORPORATION, Third and Keosauqua Way, Post Office Box 855, 50304 Box Zip, Des Moines, IA 50309. Applicant's representative: E. Check (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Waste oil*, in bulk, in tank vehicles, from Clinton, Iowa, to points in Shakopee, Minn., for 150 days. Supporting shipper: Chemplex Co., Rolling Meadows, Ill. 60008. Send protests to: Herbert W. Allen, transportation specialist, Bureau of Operations, Interstate Commerce Commission, 875 Federal Building, Des Moines, Iowa 50309.

No. MC 107496 (Sub-No. 884 TA), filed March 12, 1973. Applicant: RUAN TRANSPORT CORPORATION, Post Office Box 855, Third and Keosauqua Way, Des Moines, IA 50309. Applicant's representative: E. Check (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *phosphatic fertilizer solution*, in bulk, in tank vehicles, from Topeka, Kans., to points in Iowa, Missouri, and Nebraska, for 150 days. Supporting shipper: Kaiser Agricultural Chemicals, Division of Kaiser Aluminum & Chemical Sales, Inc., A.M.F. Box 30209, Memphis, TN 38130. Send protests to: Herbert W. Allen, transportation specialist, Bureau of Operations, Interstate Commerce Commission, 875 Federal Building, Des Moines, Iowa 50309.

No. MC 108393 (Sub-No. 69 TA), filed March 8, 1973. Applicant: SIGNAL DELIVERY SERVICE, INC., a corporation, Room 214, 930 North York Road, Hinsdale, IL 60521. Applicant's representative: Eugene L. Cohn, One North La Salle Street, Chicago, IL 60602. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Parts of electrical and gas appliances, and equipment, materials, and supplies* used in the manufacture, distribution, and repair of electrical or gas appliances, for the account of Whirlpool Corp., between Oil City, Pa., and Clyde, Ohio, for 180 days. Supporting shipper: Carl R. Anderson, Director of Corporate Traffic Whirlpool Corp., Administrative Center, Benton Harbor, Mich. 49022. Send protests to: William J. Gray, Jr., district supervisor, Interstate Commerce Commission, Bureau of Operations, Everett McKinley Dirksen Building, 219 South Dearborn Street, Room 1086, Chicago, IL 60604.

No. MC 110589 (Sub-No. 21 TA), filed March 13, 1973. Applicant: J. E. LAMMERT TRANSFER, INC., 317 North Oak Street, Grand Island, NE 68801. Applicant's representative: Stephen R. Gartner (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, and meat by-products* from Lexington, Nebr., to Jefferson, Wis., for 180 days. Supporting shipper: Donald S. Gordon, Cornland Dressed Beef Co., P.O. Box 130, Lexington, NE 68850. Send protests to: Max H. Johnston, District Supervisor, 320 Federal Building and Court House, Lincoln, Nebr. 68508, Bureau of Operations, Interstate Commerce Commission.

No. MC 111729 (Sub-No. 376 TA), filed March 8, 1973. Applicant: PUROLATOR COURIER CORP., 2 Nevada Drive, Lake Success, NHP–PO, NY 11040. Applicant's representative: John M. Delany (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Business papers, records, audit, and accounting media of all kinds, moving therewith*, from New York, N.Y., and points in Nassau and Westchester Counties, N.Y.; Bergen, Essex, Hudson, Mercer, Middlesex, Monmouth, Morris, Passaic, Somerset, and Union Counties, N.J., to Worcester, Mass., for 90 days. Supporting shipper: Anthony D. Gialmo, district supervisor, Bureau of Operations, Interstate Commerce Commission, 26 Federal Plaza, New York, NY 10007.

No. MC 111729 (Sub-No. 377 TA), filed March 8, 1973. Applicant: PUROLATOR COURIER CORP., 2 Nevada Drive, Lake Success, NHP–PO, NY 11040. Applicant's representative: John M. Delany (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Business papers, records, audit, and accounting media of all kinds, moving therewith*, between Greensboro, N.C., on the one hand, and, on the other, Greenville, Anderson, and Charleston, S.C., for 180 days. Supporting shipper: Sears, Roebuck & Co., 2600 Lawndale Drive, Greensboro, NC 27480. Send protests to: Anthony D. Gialmo, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 26 Federal Plaza, New York, NY 10007.

No. MC 112627 (Sub-No. 15 TA), filed March 12, 1973. Applicant: OWENS BROS., INC., a corporation, P.O. Box 247, Dansville, NY 14437. Applicant's representative: S. Michael Richards, 44 North Avenue, Webster, NY 14580. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wines* and *champagnes*, in containers, and *advertising matter*, from Conesus, N.Y., to Naples, N.Y., for the purpose of joinder only, for 180 days. Supporting shipper: A. B. Critari, president, The Barry Wine Co., Inc., 7107 Vineyard Road, Conesus, NY 14435. Send protest to: Morris H. Gross, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Room 104 O'Donnell Building, 301 Erie Boulevard West, Syracuse, NY 13202. NOTE: Applicant states it intends to tack at Naples, N.Y., with lead docket and Subs 6 and 7.

No. MC 112822 (Sub-No. 262 TA), filed March 9, 1973. Applicant: BRAY LINES INCORPORATED, 1401 North Little Street, P.O. Box 1191, Cushing, OK 74023. Applicant's representative: Joe W. Ballard (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid sugar, corn sirup and blends thereof*, from points in the Kansas City-Kansas, Mo. commercial zone to points in Arkansas, Louisiana, and Texas, for 180 days. Supporting shipper: Roger V. Haugen, Assistant Transportation Manager, Motor Transportation, CPC International Plaza, Englewood Cliffs, N.J. 07632. Send protests to: C. L. Phillips, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 240 Old Post Office Building, 215 Northwest Third, Oklahoma City, OK 73102.

No. MC 113666 (Sub-No. 73 TA), filed March 8, 1973. Applicant: FREEPORT TRANSPORT, INC., 1200 Butler Road, Freeport, PA 16229. Applicant's representative: Daniel R. Smetanick (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles*, from Lackawanna, N.Y., to points in Arkansas, Illinois, Indiana, Iowa, Kentucky, Michigan, Minnesota, Missouri, Nebraska, Ohio, Tennessee, and Wisconsin,

for 180 days. Supporting shipper: Bethlehem Steel Corp., Bethlehem, Pa. 18016. Send protests to: John J. England, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 2111 Federal Building, 1000 Liberty Avenue, Pittsburgh, PA 15222.

No. MC 115917 (Sub-No. 27 TA), filed March 9, 1973. Applicant: UNDERWOOD & WELD COMPANY, INC., a corporation, P.O. Box 247, Crossnore, NC 28616. Applicant's representative: George B. Underwood (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Salt and salt products*, except in bulk, from points in Akron, Ohio, and St. Clair, Mich., to points in Alabama, Florida, Georgia, Kentucky, Maryland, North Carolina, South Carolina, Tennessee, Virginia, West Virginia, Mississippi, Louisiana, and the District of Columbia, for 180 days. Supporting shipper: Diamond Salt Co., St. Clair, Mich. Send protests to: District Supervisor Terrell Price, Interstate Commerce Commission, Bureau of Operations, 800 Briar Creek Road, Room CC516, Charlotte, NC 28205.

No. MC 117370 (Sub-No. 26 TA), filed March 12, 1973. Applicant: STAFFORD TRUCKING, INC., Wisconsin corporation, 2155 Hollyhock Lane, Box 403, Elm Grove, WI 53122. Applicant's representative: Nancy J. Johnson, 4506 Regent Street, Madison, WI 53705. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sand, with additives*, in bulk (except in dump vehicles), from Chicago, Ill., to points in Indiana, for 180 days. Supporting shipper: CPC International, Inc., International Plaza, Englewood Cliffs, N.J. 07632. R. V. Haugen, Assistant Transportation Manager, Motor Transportation. Send protests to: District Supervisor John E. Ryden, Interstate Commerce Commission, Bureau of Operations, 135 West Wells Street, Room 807, Milwaukee, WI 53203.

No. MC 117610 (Sub-No. 9 TA), filed March 12, 1973. Applicant: DERRICO TRUCKING CORP., 907 East 141st Street, Bronx, NY 10454. Applicant's representative: Bert Collins, 140 Cedar Street, New York, NY 10006. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Pulpboard such as boxboard, kraftboard, paperboard, and paper* for the account of Whippany Paper Board Co., Inc., from Whippany, N.J. to Central Islip, Valley Stream, Syosset, Hauppauge, Deer Park, Millville, Long Island, N.Y. and Mount Vernon, N.Y. (2) *Wastepaper*, from the aforementioned destinations to Whippany, N.J., for 180 days. Supporting shipper: Whippany Paper Board, Co., Inc., 10 North Jefferson Road, Whippany, N.J. Send protests to: Marvin Kanpel, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 26 Federal Plaza, New York, NY 10007.

No. MC 117765 (Sub-No. 157 TA), filed March 9, 1973. Applicant: HAHN TRUCK LINE, INC., 5315 Northwest Fifth, P.O. Box 75267, Oklahoma City, OK 73107. Applicant's representative: R. E. Hagan (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Oat products*, other than in bulk, *packaged popcorn*, not popped, *grits or corn meal, foodstuffs* other than frozen, and *advertising material*, from the plantsites of National Oats Co., Inc., Cedar Rapids and Wall Lake, Iowa to points in Alabama, Arkansas, Colorado, Georgia, Kansas, Kentucky, Louisiana, Mississippi, Missouri, Nebraska, New Mexico, Oklahoma, Tennessee, and Texas, for 90 days. Supporting shipper: James D. Smith, Assistant Traffic Manager, National Oats Co., Cedar Rapids, Iowa 52402. Send protests to: C. L. Phillips, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Room 240 Old Post Office Building, 215 Northwest Third, Oklahoma City, OK 73102.

No. MC 117765 (Sub-No. 158 TA), filed March 9, 1973. Applicant: HAHN TRUCK LINE, INC., 5315 Northwest Fifth, Post Office Box 75265, Oklahoma City, OK 73107. Applicant's representative: R. E. Hagan (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Charcoal* and *Charcoal products*, from Cotter, Ark., to points in Alabama, Colorado, Illinois, Iowa, Kansas, Kentucky, Louisiana, Mississippi, Missouri, Nebraska, New Mexico, Oklahoma, Tennessee, and Texas, for 180 days. Supporting shipper: M. O. Raine, president, Twin Lakes Charcoal Co., Inc., 206 Price Avenue, Harrisonville, MO 64701. Send protests to: C. L. Phillips, district supervisor, Interstate Commerce Commission, Bureau of Operations, Room 240, Old Post Office Building, Oklahoma City, Okla. 73102.

No. MC 117799 (Sub-No. 51 TA), filed March 12, 1973. Applicant: BEST WAY FROZEN EXPRESS, INC., 3033 Excelsior Boulevard, Minneapolis, MN 55416. Applicant's representative: Best Way Frozen Express, Inc. (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New furniture and furniture parts* from Lenoir, Marion, Taylorsville, Rutherfordton, Newton, and Conover, N.C., to points in California, for 150 days. Supporting shipper: Broyhill Industries, Broyhill Park, Lenoir, N.C. 28645. Send protests to: A. N. Spath, district supervisor, Bureau of Operations, Interstate Commerce Commission, 448 Federal Building and U.S. Courthouse, 110 South Fourth Street, Minneapolis, MN 55401.

No. MC 117815 (Sub-No. 204 TA), filed March 13, 1973. Applicant: PULLEY FREIGHT LINES, INC., 405 Southeast 20th Street, Des Moines, IA 50317. Applicant's representative: Larry D. Knox, Ninth Floor, Hubbell Building, Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs, frozen meats, and inedible foods*, when moving in vehicles equipped with mechanical refrigeration, from Bettendorf, Iowa, to points in South Dakota, North Dakota, Kansas, Nebraska, Missouri, Iowa, Minnesota, Wisconsin, Illinois, Indiana, Kentucky, Ohio, and Michigan, restricted to shipments originating at the facilities of Terminal Ice & Cold Storage Co., at or near Bettendorf, Iowa, for 180 days. Supporting shipper: Lamb-Weston, Inc., Division of Amfac, Inc., P.O. Box 23507, Portland, OR 97223, Terminal Ice & Cold Storage Co., 1618 Southwest First Avenue, Portland, OR 97201. Send protests to: Herbert W. Allen, transportation specialist, Bureau of Operations, Interstate Commerce Commission, 875 Federal Building, Des Moines, Iowa 50309.

No. MC 118535 (Sub-No. 57 TA), filed March 9, 1973. Applicant: JIM TIONA, JR., 111 South Prospect Street, Butler, MO 64730. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry feed and feed ingredients*, from Van Buren, Ark., to points in Kansas, Oklahoma, Missouri, and Nebraska, for 150 days. Supporting shipper: Occidental Chemical Co., P.O. Box 1185, Houston, TX 77001. Send protests to: John V. Barry, district supervisor, Interstate Commerce Commission, Bureau of Operations, 600 Federal Office Building, 911 Walnut Street, Kansas City, MO 64106.

No. MC 119400 (Sub-No. 11 TA), filed March 12, 1973. Applicant: SIMANEK, INC., a corporation, 150 West Seventh Street, Wahoo, NE 68066. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid fertilizer solutions*, in bulk, in tank vehicles, from Doniphan, Nebr., to points in Kansas, for 180 days. Supporting shipper: J. J. Stefanec, Agrico Chemical Co., P.O. Box 3166, Tulsa, OK 74101. Send protests to: Max H. Johnston, district supervisor, Interstate Commerce Commission, Bureau of Operations, 320 Federal Building and Court House, Lincoln, Nebr. 68508.

No. MC 119567 (Sub-No. 13 TA), filed March 9, 1973. Applicant: F. H. McCLURE AND R. V. ESTELL, doing business as EMPIRE TRANSPORT, 2007 Overland Road, Boise, ID 83705. Applicant's representative: Kenneth G. Bergquist, P.O. Box 1775, Boise, ID 83701. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pozzolan*, from points in Washington County, Idaho, to points in Idaho and Wyoming, for 180 days. NOTE: Applicant does not intend to tack authority or interline with any other carriers. Supporting shipper: Acme Concrete Co. and Central Pre-Mix Concrete Co., A Joint Venture, T. A. Box 3366, Spokane, WA 99220. Send protests to: C. W. Campbell, district supervisor, Interstate Commerce Commission, Bu-

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reau of Operations, 550 West Fort Street, Box 07, Boise, ID.

No. MC 119657 (Sub-No. 17 TA), filed March 8, 1973. Applicant: GEORGE TRANSIT LINE, INC., a corporation, 760–764 Northeast 47th Place, Des Moines, IA 5313. Applicant's representative: Kenneth F. Dudley, P.O. Box 279, Ottumwa, IA 52501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Agricultural chemicals*, in packages and containers, from Clinton, Iowa, to points in Illinois, Minnesota, and Wisconsin, for 180 days. Supporting shipper: Amchem Products, Inc., Ambler, Pa. 19002. Send protests to: Herbert W. Allen, transportation specialist, Interstate Commerce Commission, Bureau of Operations, 875 Federal Building, Des Moines, Iowa 50309.

No. MC 119988 (Sub-No. 59 TA), filed March 3, 1973. Applicant: GREAT WESTERN TRUCKING CO., INC., P.O. Box 1384, Lufkin, TX 75901. Applicant's representative: Hugh T. Matthews, 630 Fidelity Union Tower, Dallas, TX 75201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting:

and paper products and plastic articles from the plantsite and warehouse facilities of Great Plains Bag Corp., at or near Jacksonville, Ark., to points in Oklahoma and Texas, for 180 days. Supporting shipper: Great Plains Bag Corp., 2201 Bell Avenue, Des Moines, Iowa 50315. Send protests to: John C. Redus, District Supervisor, Bureau of Operations, Interstate Commerce Commission, P.O. Box 61212, Houston, TX 77061.

No. MC 124004 (Sub-No. 24 TA), filed March 9, 1973. Applicant: RICHARD DAHN, INC., a corporation, 620 West Mountain Road, Sparta, NJ 07871. Applicant's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City, NJ 07306. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Stone*, from Lumberville, Pa., to Graham, Southern Pines, and Rocky Mount, N.C., and from Lilesville, N.C., to Lumberville, Pa., for 180 days. Supporting shipper: Delaware Quarries, Lumberville, Pa. 18933. Send protests to: Thomas W. Hopp, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 970 Broad Street, Newark, NJ 07102.

No. MC 124236 (Sub-No. 51 TA), filed March 8, 1973. Applicant: CHEMICAL EXPRESS CARRIERS, INC., a corporation, 1200 Simons Building, Dallas, Tex. 75201. Applicant's representative: Leroy Hallman, 4555 First National Bank Building, Dallas, Tex. 75202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Silica sand*, from Mill Creek, Okla., to Swan, Tex., for 180 days. NOTE: Applicant does not intend to tack authority. Supporting shipper: Tyler Pipe Industries, Inc., P.O. Box 2027, Tyler, TX. Send protests to: District Supervisor E. K. Willis, Jr., Interstate Commerce Commission, Bureau of Operations, 1100 Commerce Street, Room 13C12, Dallas, TX 75202.

No. MC 125518 (Sub-No. 2 TA), filed March 8, 1973. Applicant: CLETUS RUHLMAN, doing business as C. RUHLMAN TRUCKING COMPANY, 265 South Riverside Drive, New Miami, OH 45011. Applicant's representative: James Ruhlman (same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Slag*, in bulk, in dump trucks, from Hamilton, Ohio, to points in Alexandria, Ind., for 180 days. Supporting shipper: American Materials Corp., Hamilton, Ohio, 45012. Send protests to: Paul J. Lowry, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 5514–B Federal Building, 550 Main Street, Cincinnati, OH 45202.

No. MC 126473 (Sub-No. 23 TA), filed March 7, 1973. Applicant: HAROLD DICKEY TRANSPORT, INC., a corporation, Packwood, Iowa 52580. Applicant's representative: Kenneth F. Dudley, P.O. Box 279, Ottumwa, IA 52501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, meat byproducts, and articles distributed by meat packinghouses*, as described in sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from Tampa, Iowa, to points in Tennessee, for 180 days. Supporting shipper: Tama Meat Packing Corp., Tama, Iowa 52339. Send protests to: Herbert W. Allen, Transportation Specialist, Bureau of Operations, Interstate Commerce Commission, 875 Federal Building, Des Moines, Iowa 50309.

No. MC 128381 (Sub-No. 6 TA), filed March 7, 1973. Applicant: BLUE EAGLE TRUCK LINES, INC., a corporation, P.O. Box 446,1437 Eastwood, Highland Park, IL 60035. Applicant's representative: Patrick Smyth, 327 South La Salle Street, Chicago, IL 60604. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Fire fighting equipment and parts, and equipment, materials, and supplies* used in the manufacture, installation, distribution, and repair thereof, between Northbrook, Ill., and Culver City, Calif., on the one hand, and, on the other, Sparks, Nev., under a continuing contract, or contracts, with General Fire Extinguisher Corp., for 180 days. Supporting shipper: Ronald A. Lindenberg, General Fire Extinguisher Corp., 1685 Shermer Road, Northbrook, IL 60062. Send protests to: William J. Gray, Jr., District Supervisor, Bureau of Operations, Interstate Commerce Commission, Everett McKinley Dirksen Building, 219 South Dearborn Street, Room 1086, Chicago, IL 60604.

No. MC 128882 (Sub-No. 9 TA), filed March 6, 1973. Applicant: R. W. STEELE, doing business as R. W. STEELE TRUCKING CO., 320 Heaslet Street, Clovis, NM 88101. Applicant's representative: Hugh T. Matthews, 630 Fidelity Union Tower, Dallas, TX 75201. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Irrigation systems and parts thereof*, between Valley, Nebr., and points within 5 miles thereof, on the one hand, and, on the other, points in Texas and New Mexico, under a continuing contract or contracts with AVI Inc., and Circle A Irrigation Co., for 180 days. Supporting shippers: (1) AVI Inc., Route 4 (Hobbs Highway) Seminole, Tex. 79360, and (2) Circle A Irrigation Co., P.O. Box 1290, Dalhart, TX 79022. Send protests to: William R. Murdoch, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 1106 Federal Building, 517 Gold Avenue SW., Albuquerque, NM 97101.

No. MC 128902 (Sub-No. 8 TA), filed March 12, 1973. Applicant: SCHOENEGGE, INC., Route 20 East, P.O. Box 525, Norwalk, OH 44857. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Parts for truck cab assemblies*, from the plantsite of Sheller-Globe Corp., Norwalk Assembly Division, Norwalk, Ohio, to Philadelphia, Pa., for 90 days. Supporting shipper: Sheller-Globe Corp., Norwalk Assembly Division, P.O. Box 548, Norwalk, OH 44857. Send protests to: Keith D. Warner, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 313 Federal Office Building, 234 Summit Street, Toledo, OH 43604.

No. MC 129764 (Sub-No. 4 TA), filed March 8, 1973. Applicant: HENRY ALLEN HASTINGS, doing business as H. A. HASTINGS, P.O. Box 361, Memory Garden Lane, Hebron, MD 21830. Applicant's representative: Chester A. Zyblut, 1522 K Street NW, Washington, DC 20005. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Wood chips*, from points in Worcester County, Md. to Sunbury and Philadelphia, Pa., and Perth Amboy, N.J., for 180 days. Supporting shipper: The Celotex Corp., P.O. Box 22602, Tampa, FL 33622. Send protests to: Robert D. Caldwell, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 12th Street and Constitution Avenue NW., Washington, DC 20423.

No. MC 133245 (Sub-No. 1 TA), filed March 9, 1973. Applicant: JIMMIE STANFILL, Route 3, Box 209, Fort Smith, AR 72901. Applicant's representative: Don A. Smith, P.O. Box 43, Fort Smith, AR 72901. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Concrete silo staves*, from the plantsites of Arkhola Sand & Gravel Co., Fort Smith, Ark., to 240 Singleton Avenue, Dallas, TX, for 180 days. Supporting shipper: Arkhola Sand & Gravel Co., Merchants National Bank Building, Fort Smith, Ark. 72901. Send protests to: District Supervisor William H. Land, Jr., Interstate Commerce Commission, Bureau of Operations, 2519 Federal Office Building, 700 West Capitol, Little Rock, AR 72201.

No. MC 133534 (Sub-No. 7 TA), filed March 5, 1973. Applicant: ROBERT V. MARKT, 1409 Rifle Terrace, P.O. Box 85, Station A, St. Joseph, MO 64503. Applicant's representative: Tom Kretsinger, Suite 910, Fairfax Building, Kansas City, Mo. 64105. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry animal and poultry feed, feed ingredients and animal health aids*, (1) from Elwood, Kans., to points in Missouri; (2) from Omaha, Nebr., to Elwood, Kans.; and (3) from Kansas City, Mo., to Elwood, Kans., for 180 days. Supporting shipper: Allied Mills, Inc., 110 North Wacker Drive, Chicago, IL 60606. Send protests to: Vernon V. Coble, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 600 Federal Office Building, 911 Walnut Street, Kansas City, MO 64106.

No. MC 135052 (Sub-No. 3 TA), filed March 9, 1973. Applicant: ASHCRAFT TRUCKING, INC., 875 Webster, Shelbyville, IN 46176. Applicant's representative: Warren C. Moberly, 777 Chamber of Commerce Building, Indianapolis, Ind. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Insulation material* (mineral wool or glass wool), and *bulk sealing cement* when shipped in conjunction with insulation, from Greenfield, Ind., to Ashtabula, Cincinnati, Fremont, and Cleveland, Ohio; Moline, Ill., and Louisville, Ky., for 180 days. Supporting shipper: Insul-Coustic/Birma Corp., 825 East Main Street, Greenfield, IN. Send protests to: District Supervisor James W. Habermehl, Interstate Commerce Commission, Bureau of Operations, 802 Century Building, 36 South Pennsylvania Street, Indianapolis, IN 46204.

No. MC 135248 (Sub-No. 6 TA), filed March 2, 1973. Applicant: WILLIAM H. DEES, doing business as DEES TRANSPORTATION, P.O. Box 446, Worland, WY 82401. Applicant's representative: Robert S. Stauffer, 3539 Boston Road, Cheyenne, WY 82001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Nonalcoholic beverages*, from Worland, Wyo., to points in Colorado and Nevada, for 180 days. Supporting shipper: Admiral Beverage Corp., 821 Pulliam Avenue, Worland, WY 82401. Send protests to: District Supervisor Paul A. Naughton, Interstate Commerce Commission, Bureau of Operations, Room 1006 Federal Building and Post Office, 100 East "B" Street, Casper, WY 82601.

No. MC 136498 (Sub-No. 4 TA), filed March 13, 1973. Applicant: RICHARD L. CLAPP, doing business as CMC FURNITURE TRANSPORT COMPANY, 611 Gaston Street, P.O. Box 10103, Raleigh, NC 27604. Applicant's representative: Ernest D. Salm, 8179 Havasu Circle, Buena Park, CA 90621. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Empty aluminum spray cans*, from Temecula, Calif., to Milford, Conn.; Danville, Ill., Colwich, Kans.; Hernando, Miss., and Dallas, Tex., for 180 days. Supporting shipper: Aluminum General Corp., 28061 Diaz Road, Temecula, CA 92390. Send protests to: Archie W. Andrews, District Supervisor, Bureau of Operations, Interstate Commerce Commission, P.O. Box 26896, Raleigh, NC 27611.

No. MC 136513 (Sub-No. 5 TA), filed March 7, 1973. Applicant: TALMADGE C. GRAY, P.O. Box 233, Milford, UT 84751. Applicant's representative: Talmadge C. Gray (same address as above). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Copper concentrates*, in bulk, from the plantsite of Essex International, Inc., near Milford, Utah, to the plantsite or facilities of Inspiration Consolidated Copper at or near Inspiration, Ariz., for 180 days. Supporting shipper: Essex International, Inc., Metallurgical and Mining Division, Milford Mine, P.O. Box 888, Milford, UT 84751 (D.C. Belting, Manager). Send protests to: District Supervisor Lyle D. Helfer, Interstate Commerce Commission, Bureau of Operations, 5239 Federal Building, 125 South State Street, Salt Lake City, UT 84111.

No. MC 136930 (Sub-No. 1 TA), filed March 8, 1973. Applicant: THE GAIL CORPORATION, General Delivery, Falls, PA 18615. Applicant's representative: Kenneth R. Davis, 999 Union Street, Taylor, PA 18517. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (A) *Fiberglass reinforced plastic sewage disposal units*, uncrated, weighing less than 500 pounds each, and *parts and supplies* used in the installation and operation of the above-named commodity, from Scranton, Lackawanna County, Pa., to points in the United States (except Alaska and Hawaii), (B) *Materials, equipment, and supplies*, used or useful in the production, manufacture, and distribution of the above commodities (except bulk commodities), from the above-named destination points to the above-named origin, and (C) *plastic drainage tubing*, from Scranton, Lackawanna County, Pa., and Geneva, N.Y., to points in the United States (except Alaska and Hawaii), for 150 days. Supporting shipper: Nayadic Sciences, Inc., Village of Eagle, Uwchland, Pa. 19480. Send protests to: Paul J. Kenworthy, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 309 Post Office Building, Scranton, Pa. 18503.

No. MC 138124 (Sub-No. 2 TA), filed December 20, 1972. Applicant: ROCKO TRANSPORTATION, INC., P.O. Box 608, San Marcos, CA 92069. Applicant's representative: Ernest D. Salm, 8179 Havasu Circle, Buena Park, CA 90621. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Rock*, in bulk, from Gardner Ridge Quarry, near Brookings, Oreg., to Crescent City Harbor, Crescent City, Calif., for 180 days. Supporting shipper: Silbergerger Constructors, Inc., Palomar Airport Road, P.O. Box 845, Carlsbad, CA 92008. Send protests to: John E. Nance, Officer in Charge, Interstate Commerce Commission, Bureau of Operations, Room 7708, Federal Building, 300 North Los Angeles Street, Los Angeles, CA 90012.

No. MC 138434 TA, filed March 12, 1973. Applicant: NORRIS W. HAYMAN, R.F.D. No. 1, Box 29, Ridgely, MD 21660. Applicant's representative: F. D. Hammond, P.O. Box 53, Dover, DE 19901. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sulfate of ammonia*, in bulk, in dump vehicles, from Hopewell, Va., to points in Caroline County, Md., for 180 days. Supporting shipper: Walter Palmer, doing business as Soil Service, Denton, Md. 21269, G. W. Olson Smith-Douglass, Division of Borden Chemical, Borden Inc., P.O. Box 419, Norfolk, VA 23501. Send protests to: William L. Hughes, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 814–B Federal Building, Baltimore, Md. 21201.

No. MC 138465 TA, filed March 9, 1973. Applicant: PHIL TOWNSEND, JR., Route 1, Box 19, Live Oak, FL 32060. Applicant's representative: Ronald D. Peterson, 1729 Gulf Life Tower, Jacksonville, Fla. 32207. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Fertilizer and fertilizer materials*, dry, in bulk, in dump vehicles or in bags, from Albany, Savannah, and Cordele, Ga. to points in Baker, Bradford, Union, Alachua, Levy, Dixie, Gilchrist, Columbia, Suwannee, Lafayette, Taylor, Madison, Jefferson, Wakulla, Leon, and Gadsden Counties, Fla., and (2) *feed and feed ingredients*, in bulk, in dump vehicles or in bags, from Valdosta, Ga., to points in Florida on and north of Florida Highway 60, for 180 days. Supporting shippers: Swift Agricultural Chemicals Corp., P.O. Box 1948, Albany, GA 31702, and Farmers Mutual Exchange, P.O. Drawer N, Live Oak, FL 32060. Send protests to: District Supervisor G. H. Fauss, Jr., Bureau of Operations, Interstate Commerce Commission, Box 35008, 400 West Bay Street, Jacksonville, FL 32202.

No. MC 138469 TA, filed March 8, 1973. Applicant: DONCO CARRIERS, INC., 8125 Southwest 15th Street, Oklahoma City, OK 73128. Applicant's representative: Wm. L. Peterson, Jr., 401 North Hudson, P.O. Box 917, Oklahoma City, OK 73101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bread cubes and salad dressing*, (1) from the plantsites and warehouses of Consolidated American Industries, Inc., Wichita, Kans.; Elgin and Northfield, Ill., to Los Angeles and Hayward, Calif., and

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Seattle, Wash.; (2) between plant sites and warehouses of Consolidated American Industries, Inc., Wichita, Kans., on the one hand, and, on the other, plant-sites and warehouses of Consolidated American Industries at Elgin and Northfield, Ill., for 180 days. Supporting shipper; William L. Bennett, Jr., Controller, American Industries, Inc., 410 North St. Francis Street, P.O. Box 800, Wichita, KS 67201. Send protests to: C. L. Phillips, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 240, Old Post Office Building, 215 Northwest Third, Oklahoma City, OK 73102.

No. MC 138470 TA, filed March 8, 1973. Applicant: ELROY A. MOORE, 908 International Avenue, Douglas, AZ 85607. Applicant's representative: Elroy A. Moore (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber*, from points in Arizona to the port of entry at the international boundary line between the United States and Mexico at Douglas, Ariz., for 180 days. Supporting shippers: Corte, S. A., P.O. Box 1025, Douglas, AZ, and Agua Prieta Industrial, S. de R.L., P.O. Box 1025, Douglas, AZ 85607. Send protests to: Andrews V. Baylor, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 3427 Federal Building, 230 North First Avenue, Phoenix, AZ 85025.

No. MC 138471 TA, filed March 12, 1973. Applicant: DANIEL J. LEONARD, doing business as LEONARD TRUCKING, 1878 Delemeter Road, Castle Rock, WA 98611. Applicant's representative: Daniel J. Leonard (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wooden shakes, shingles, and trim* from points in Washington on and west of U.S. Highway 97, to points in California, for 180 days. Supporting shippers: California Shingle & Shake Co., 249 Hookston Road, Pleasant Hill, CA 94523; Washington Cedar & Supply, 223 West Smith Street, Kent, WA 98031; and North Pacific Enterprises, 221 West Smith Street, Kent, WA 98031. Send protests to: District Supervisor Huetig, Bureau of Operations, Interstate Commerce Commission, 450 Multnomah Building, 319 Southwest Pine, Portland, OR 97204.

No. MC 138472 TA, filed March 7, 1973. Applicant: CARGO AFFILIATES, INC., 105 Apollo Street, Brooklyn, NY 11222. Applicant's representative: Thomas A. Phemister, Suite 1212, 425 13th Street NW., Washington, DC 20004. Authority sought to operate as a *common or contract carrier*, by motor vehicle, over irregular routes, transporting: *Refrigerators, air coolers, air-conditioners, air-conditioner parts, and home furnaces*, from Edison, N.J., to points in the New York, N.Y., commercial zone as defined by the Interstate Commerce Commission, and points in Nassau, Suffolk, and Westchester Counties, N.Y., and Bayonne, Camden, and Newark, N.J., for 180 days. Applicant states that interline with other carriers, at the direction of the supporting shipper, is intended at points within the sought destination territory. Supporting shipper: Fedders Corp., Edison, N.J. 08817. Send protests to: Marvin Kampel, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 26 Federal Plaza, New York, NY.

No. MC 138473 TA, filed March 8, 1973. Applicant: ROSEN TRUCKING CO., INC., 102 Junius Street, Brooklyn, NY 11212. Applicant's representative: William D. Traub, 10 East 40th Street, New York, NY 10016. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities*, which are dealt in or sold by retail home sewing centers and, in connection therewith, *supplies, equipment, and fixtures* used in the conduct of such businesses, between the warehouse of Scottex Corp., Brooklyn, N.Y., on the one hand, and, on the other, points in New Jersey, Connecticut, Maine, New Hampshire, Massachusetts, and Rhode Island, for 180 days. Supporting shipper: Scottex Corp., Consumer Division, 2829 West 21st Street, Brooklyn, NY 11224. Send protests to: Marvin Kampel, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 26 Federal Plaza, New York, NY 10007.

No. MC 138477 TA filed March 13, 1973. Applicant: JAMES B. FENIMORE & DON ROGERS, doing business as HIDE TRANSPORT COMPANY, 2301 Honeysuckle, Fort Worth, TX 76111. Applicant's representative: Clayte Binion, 1108 Continental Life Building, Fort Worth, Tex. 76102. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Green and wet salted hides*, (1) from Guymon, El Reno, and Oklahoma City, Okla., to Fort Worth, Tex.; (2) from Fort Worth, Tex., to Houston and Laredo, Tex.; (3) from Palestine, Tex., to Houston, Tex.; and (4) from San Antonio, Tex., to Houston, Tex., for 180 days. Supporting shipper: Hitex Corp., 3700 North Grove, Fort Worth, TX. Send protests to: H. C. Morrison, Sr., District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 9A27 Federal Building, 819 Taylor Street, Fort Worth, TX 76102.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.73-6033 Filed 3-28-73;8:45 am]

[Notice 24]

MOTOR CARRIER, BROKER, WATER CARRIER AND FREIGHT FORWARDER APPLICATIONS

MARCH 23, 1973.

The following applications (except as otherwise specifically noted, each applicant (on applications filed after Mar. 27, 1972) states that there will be no significant effect on the quality of the human environment resulting from approval of its application), are governed by Special Rule 1100.247[1] of the Commission's general rules of practice (49 CFR, as amended), published in the FEDERAL REGISTER issue of April 20, 1966, effective May 20, 1966. These rules provide, among other things, that a protest to the granting of an application must be filed with the Commission within 30 days after date of notice of filing of the application is published in the FEDERAL REGISTER. Failure seasonably to file a protest will be construed as a waiver of opposition and participation in the proceeding. A protest under these rules should comply with section 247(d)(3) of the rules of practice which requires that it set forth specifically the grounds upon which it is made, contain a detailed statement of protestant's interest in the proceeding (including a copy of the specific portions of its authority which protestant believes to be in conflict with that sought in the application, and describing in detail the method—whether by joinder, interline, or other means—by which protestant would use such authority to provide all or part of the service proposed), and shall specify with particularity the facts, matters, and things relied upon, but shall not include issues or allegations phrased generally. Protests not in reasonable compliance with the requirements of the rules may be rejected. The original and one copy of the protest shall be filed with the Commission, and a copy shall be served concurrently upon applicant's representative, or applicant if no representative is named. If the protest includes a request for oral hearing, such requests shall meet the requirements of section 247(d)(4) of the special rules, and shall include the certification required therein.

Section 247(f) of the Commission's rules of practice further provides that each applicant shall, if protests to its application have been filed, and on or before May 28, 1973, notify the Commission in writing (1) that it is ready to proceed and prosecute the application, or (2) that it wishes to withdraw the application, failure in which the application will be dismissed by the Commission.

Further processing steps (whether modified procedure, oral hearing, or other procedures) will be determined generally in accordance with the Commission's general policy statement concerning motor carrier licensing procedures, published in the FEDERAL REGISTER issue of May 3, 1966. This assignment will be by Commission order which will be served on each party of record. Broadening amendments will not be accepted after the date of this publication except for good cause shown, and restrictive amendments will not be entertained following publication in the FEDERAL REGISTER of a notice that the proceeding has been assigned for oral hearing.

[1] Copies of Special Rule 247 (as amended) can be obtained by writing to the Secretary, Interstate Commerce Commission, Washington, D.C. 20423.

No. MC 730 (Sub-No. 343), filed February 5, 1973. Applicant: PACIFIC INTERMOUNTAIN EXPRESS CO., a corporation, 1417 Clay Street, Post Office Box 958, Oakland, CA 94604. Applicant's representative: Alfred G. Krebs (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), Between the junction of Interstate Highways 90 and 77 at Cleveland, Ohio, and the junction of Interstate Highways 90 and 5 at Seattle, Wash., as an alternate route for operating convenience only in connection with carrier's presently authorized regular-route operations, serving no intermediate points, and serving for purposes of joinder only (1) junction Interstate Highways 90 and 94 at Chicago, Ill., (2) junction U.S. Highway 52 and Interstate Highway 94 at St. Paul, Minn., and (3) junction U.S. Highway 93 and Interstate Highway 90 at Missoula, Mont.: From junction Interstate Highways 90 and 77 over Interstate Highway 90 to junction Interstate Highway 80 at Cleveland, Ohio, thence over combined Interstate Highways 80 and 90 to junction U.S. Highway 6 near Fremont, Ohio, thence over combined Interstate Highways 80 and 90 to Gary, Ind., thence over Interstate Highway 90 to junction Interstate Highway 94 at Chicago, Ill., thence over Interstate Highway 90 to junction Interstate Highway 94 at Madison, Wis., thence over Interstate Highway 94 (also Interstate Highway 90) to Tomah, Wis., thence over Interstate Highway 94 to junction U.S. Highway 52 at St. Paul, Minn., thence over Interstate Highway 94 (also U.S. Highway 52) to junction U.S. Highway 10 at Fargo, N. Dak., thence over Interstate Highway 94 (also U.S. Highway 10) to junction Interstate Highway 90 at Billings, Mont., thence over Interstate Highway 90 (also U.S. Highway 10) to junction U.S. Highway 93 at Missoula, Mont., thence over Interstate Highway 90 (also U.S. Highway 10) to junction Interstate Highway 5 at Seattle, Wash., and return over the same route, restricted against the transportation of traffic originating at Chicago, Ill. and points in the Chicago, Ill. commercial zone and destined to St. Paul, Minn. and points in Minneapolis-St. Paul, Minn. commercial zone, and further restricted against the transportation of shipments originating at St. Paul, Minn. and points in the Minneapolis-St. Paul, Minn., commercial zone and destined to Chicago, Ill. and points in the Chicago, Ill. commercial zone. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at San Francisco, Calif., or Chicago, Ill.

No. MC 921 (Sub-No. 24), filed February 12, 1973. Applicant: DEAN TRUCK LINES, INC., Post Office Drawer 631 (Fulton Drive), Corinth, MS 38834. Applicant's representative: Warren A. Goff, 2008 Clark Tower, 5100 Poplar Avenue, Memphis, TN 38137. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined in 17 M.C.C. 467, livestock, commodities in bulk and articles which because of size or weight require special equipment), between the Yellow Creek State Inland Port, located at or near Burnsville, Miss., on the one hand, and, on the other, points in Alcorn, Benton, Calhoun, Chickasaw, Choctow, Clay, Itawamba, Lafayette, Lee, Lowndes, Marshall, Monroe, Oktibbeha, Pontotoc, Prentiss, Tippah, Tishomingo, Union, and Webster Counties, Miss., and Chester, Decatur, Hardeman, Hardin, Henderson, McNairy, and Madison Counties, Tenn. NOTE: Applicant states that the proposed authority can be tacked at the port, allowing service between its presently authorized points in MC 921 and subs, located in Mississippi, Tennessee, and Kentucky, on the one hand, and, on the other, the applied for points. If a hearing is deemed necessary, applicant requests it be held at Memphis, Tenn.

No. MC 2202 (Sub-No. 439), filed February 20, 1973. Applicant: ROADWAY EXPRESS, INC., 1077 Gorge Boulevard, Post Office Pox 471, Akron, OH 44309. Applicant's representative: William Slabaugh (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), (1) serving the plantsite and warehouse facilities of Chesebrough-Ponds, Inc. and Westinghouse Electric Corp., at or near Jefferson City, Mo., as off-route points in connection with applicant's present regular route operations to and from Columbia, Mo.; and (2) serving the plantsite and warehouse facilities of Rhodia, Inc. located at points in Buchanan County, Mo., as an off-route point in connection with applicant's present regular route operations to and from Kansas City, Mo. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo. or Washington, D.C.

No. MC 11722 (Sub-No. 33), filed February 20, 1973. Applicant: BRADER HAULING SERVICE, INC., Post Office Box 655, Zillah, WA 98953. Applicant's representative: Douglas A. Wilson, 303 East D Street, Yakima, WA 98901. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Hop extract*, liquid or powdered, in cartons or in metal containers, from points in Yakima County, Wash., to ports of entry in Seattle and Tacoma, Wash., and Portland, Oreg. NOTE: Applicant holds contract carrier authority under MC 124658 and Subs, therefore dual operations may be involved. Applicant further states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Portland, Oreg., or Seattle.

No. MC 19227 (Sub-No. 181) (Correction), filed January 26, 1973, published in the FEDERAL REGISTER issue of February 23, 1973, and republished as corrected, in part, this issue. Applicant: LEONARD BROS. TRUCKING CO., INC., 2595 Northwest 20th Street, Miami, FL 33162. Applicant's representative: William O. Turney, 2001 Massachusetts Avenue NW., Washington, DC 20036. NOTE: The purpose of this partial publication is to correct the commodity description to read as follows: "Commodities (except oilfield equipment and boats) which, because of size or weight, require the use of special equipment." Further the tacking information should reflect that applicant proposes to tack through the State of Texas, pursuant to its certificates in Sub-Nos. 75, 88, 143, and 127, to continue to provide transportation to and from points in Arkansas, Oklahoma, Kansas, Nebraska, New Mexico, Arizona, and California. Also the correct address of Applicant's Representative Turney should read 2001 Massachusetts Avenue NW., Washington, DC 20036. All of the above is to correct the FEDERAL REGISTER notice in lieu of the previous publication. The rest of the application remains the same.

No. MC 22229 (Sub-No. 75), filed February 26, 1973. Applicant: TERMINAL TRANSPORT COMPANY, INC., 248 Chester Avenue SE., Atlanta, GA 30316. Applicant's representative: Ralph B. Matthews (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk and those requiring special equipment), serving the plantsite of the Pulvair Corp. at Woodstock, Tenn., as an off-route point in connection with applicant's otherwise authorized service to Memphis, Tenn. NOTE: If a hearing is deemed necessary, applicant requests it be held at Memphis, Tenn.

No. MC 25798 (Sub-No. 235) (Clarification), filed January 8, 1973, published in the FEDERAL REGISTER issue of February 23, 1973, and republished, as clarified, this issue. Applicant: CLAY HYDER TRUCKING LINES, INC., 502 East Bridgers Avenue, Post Office Box 1186, Auburndale, FL 33823. Applicant's representative: Tony G. Russell (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foodstuffs*, from Seabrook, N.J., to Chicago, Ill., Louisville, Ky., New Orleans, La., Kansas City, Mo., points in St. Louis County, Mo., and points in Florida, Georgia, North Carolina, South Carolina, Tennessee, and Virginia. NOTE: The purpose of this republication is to more clearly indicate the

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origin and destination territories. Common control may be involved. Applicant states that the requested authority can be tacked with its existing authority at points in North Carolina or South Carolina to serve points in Illinois, Indiana, Kentucky, Michigan, Minnesota, Missouri, Ohio, West Virginia, and Wisconsin. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Tampa, Fla.

No. MC 27500 (Sub-No. 5), filed February 23, 1973. Applicant: MISHAK TRUCK LINE, INC., 320 Seventh Avenue North, Clear Lake, IA 50428. Applicant's representative: Larry D. Knox, Ninth floor, Hubbell Building, Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Building materials*, from Shakopee, Minn., to points in Minnesota, Iowa, Wisconsin, and Illinois, restricted to traffic originating at the facilities of Certain-Teed Products Corp. NOTE: Applicant also holds contract carrier authority under MC 127410 (Sub-No. 1), therefore dual operations and common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn., or Chicago, Ill.

No. MC 29601 (Sub-No. 13), filed February 20, 1973. Applicant: MIDWEST COACHES, INC., 216 North Second Street, Post Office Box 226, Mankato, MN 56001. Applicant's representative: L. C. Major, Jr., Suite 301 Tavern Square, 421 King Street, Alexandria, VA 22314. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in special operations, beginning and ending at all authorized service points on carrier's authorized regular service route, as described below, and extending to points in the United States (including Alaska but excluding Hawaii); between Mankato, Minn., and junction U.S. Highway 75 and Iowa Highway 10 at a point approximately 9 miles west of Orange City, Iowa, as follows: From Mankato over U.S. Highway 14 to junction U.S. Highway 59, thence over U.S. Highway 59 to Slayton, Minn., thence over Minnesota Highway 30 to Pipestone, Minn., thence over U.S. Highway 75 to junction Iowa Highway 10, and return over the same route, serving all intermediate points. NOTE: If a hearing is deemed necessary, applicant requests it be held at Mankato or Minneapolis-St. Paul, Minn.

No. MC 30837 (Sub-No. 458), filed February 20, 1973. Applicant: KENOSHA AUTO TRANSPORT CORPORATION, 4200—39th Avenue, Kenosha, WI 53140. Applicant's representative: Paul F. Sullivan, 711 Washington Building, Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Automobiles and farm tractors*, in truckaway service, from Wixom, Mich., to points in Wisconsin, and points in Allamakee, Benton, Black Hawk, Bremer, Buchanan, Cedar, Chickasaw, Clayton, Clinton, Delaware, Dubuque, Fayette, Howard, Jackson, Jones, Linn, Muscatine, Scott, Tama, and Winneshiek Counties, Iowa; and Boone, Bureau, Carroll, Henry, Jo Daviess, Lake, Lee, McHenry, Mercer, Ogle, Putnam, Rock Island, Stephenson, Whiteside, and Winnebago Counties, Ill. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 32882 (Sub-No. 68), filed February 21, 1973. Applicant: MITCHELL BROS. TRUCK LINES, a corporation, 3841 North Columbia Boulevard, Portland, OR 97217. Applicant's representative: Norman E. Sutherland, 1200 Jackson Tower, Portland, Oreg. 97205. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel* and *iron and steel articles* as described in Appendix V to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, (1) between points in Oregon, Washington, and California, except those in Inyo, San Bernardino, Ventura, Los Angeles, Orange, Riverside, San Diego, and Imperial Counties, Calif.; and (2) between points in Oregon, Washington, and that part of Nevada located on and west of U.S. Highway 95. NOTE: Applicant states that the requested authority can be tacked with its authority in MC-32882 (Sub-No. 37) for size and weight commodities, to serve points in Oregon, Washington, California, Idaho, Montana, and Nevada; and also may be tacked with its pending request for authority in MC-32882 (Sub-No. 60) for related commodities, to serve points in Oregon, Washington, Idaho, Nevada, Utah, Colorado, Wyoming, and Arizona. If a hearing is deemed necessary, applicant requests it be held at Portland, Oreg. or San Francisco, Calif.

No. MC 39300 (Sub-No. 10), filed January 11, 1973. Applicant: MIDDLE STATES MOTOR FREIGHT, INC., 5723 Este Avenue, Cincinnati, OH 45232. Applicant's representative: Jack B. Josselson, 700 Atlas Bank Building, Cincinnati, Ohio 45202. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between Louisville, Ky., and junction Interstate Highway 80 and U.S. Highway 41 near Chicago, Ill.: From Louisville over Interstate Highway 65 to junction Interstate Highway 80, thence over Interstate Highway 80 to junction U.S. Highway 41, as an alternate route in connection with carrier's presently authorized regular-route operations, and serving no intermediate points except those which the carrier is presently authorized to serve. NOTE: If a hearing is deemed necessary, applicant requests it be held at Cincinnati, Ohio or Chicago, Ill.

No. MC 42487 (Sub-No. 803), filed February 15, 1973. Applicant: CONSOLIDATED FREIGHTWAYS CORPORATION OF DELAWARE, 175 Linfield Drive, Menlo Park, CA 94025. Applicant's representative: E. T. Llipfert, Suite 1100, 1600 L Street NW., Washington, DC 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, livestock, green hides, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between Birmingham, Ala., and junction Interstate Highway 81 and U.S. Highway 30, near Chambersburg, Pa., (1) from Birmingham over Interstate Highway 59 to junction Interstate Highway 24, thence over Interstate Highway 24 to Chattanooga, Tenn., thence over Interstate Highway 75 to Knoxville, Tenn., thence over Interstate Highway 40 to junction Interstate Highway 81, and thence over Interstate Highway 81 to junction Interstate Highway 81 and U.S. Highway 30, near Chambersburg, Pa., and return over the same route, and (2) from Birmingham over Interstate Highway 59 to junction Interstate Highway 24, thence over Interstate Highway 24 to Chattanooga, Tenn., thence over Interstate Highway 75 to junction U.S. Highway 11, at or near Ooltewah, Tenn., thence over U.S. Highway 11 to Lenoir City, Tenn., thence over Tennessee Highway 95 to junction Interstate Highway 75, near Lenoir City, Tenn., thence over Interstate Highway 75 to Knoxville, Tenn., thence over Interstate Highway 40 to junction U.S. Highway 11W, at or near Knoxville, Tenn., thence over U.S. Highway 11W to junction Interstate Highway 81, about 5 miles southwest of Bristol, Tenn., thence over Interstate Highway 81 to junction U.S. Highway 11, about 4 miles east of Christiansburg, Va., thence over U.S. Highway 11 to junction Interstate Highway 81, near Glenvar, Va., and thence over Interstate Highway 81 to junction Interstate Highway 81 and U.S. Highway 30, near Chambersburg, Pa., and return over the same route, as alternate routes in connection with carrier's presently authorized regular-route operations, serving no intermediate points, and serving the junction of Interstate Highway 81 and U.S. Highway 30, near Chambersburg, Pa., for purposes of joinder only, and under (2) above, authority is sought to use additional segments of Interstate Highways 40, 75 and 81 as they are completed with the right to use necessary connecting highways between completed portions of these Interstate Highways and U.S. Highway 11 and 11W. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests

it be held at Washington, D.C., or Atlanta, Ga.

No. MC 42487 (Sub-No. 804), filed February 15, 1973. Applicant: CONSOLIDATED FREIGHTWAYS CORPORATION OF DELAWARE, 175 Linfield Drive, Menlo Park, CA 94025. Applicant's representative: E. T. Llipfert, Suite 1100, 1600 L Street NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between Knoxville, Tenn., and junction Interstate Highway 81 and U.S. Highway 30, near Chambersburg, Pa., (1) from Knoxville, over Interstate Highway 40 to junction Interstate Highway 81, and thence over Interstate Highway 81 to junction Interstate Highway 81 and U.S. Highway 30, near Chambersburg, Pa., and return over the same route, and (2) from Knoxville over Interstate Highway 40 to junction U.S. Highway 11W, at or near Knoxville, Tenn., thence over U.S. Highway 11W to junction Interstate Highway 81, about 5 miles southwest of Bristol, Tenn., thence over Interstate Highway 81 to junction U.S. Highway 11, about 4 miles east of Christiansburg, Va., thence over U.S. Highway 11 to junction Interstate Highway 81, near Glenvar, Va., and thence over Interstate Highway 81 to junction Interstate Highway 81 and U.S. Highway 30, near Chambersburg, Pa., and return over the same route, as alternate routes in connection with carrier's presently authorized regular-route operations, serving no intermediate points, and serving the junction of Interstate Highway 81 and U.S. Highway 30 near Chambersburg, Pa., for purposes of joinder only, and under (2) above, authority is sought to use additional segments of Interstate Highways 40 and 81 as they are completed with the right to use necessary connecting highways between completed portions of those Interstate Highways and U.S. Highways 11 and 11W. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Atlanta, Ga.

No. MC 55037 (Sub-No. 12), filed February 16, 1973. Applicant: DEARMIN TRANSFER, INC., Highway 61, Wapello, Iowa 52653. Applicant's representative: Kenneth F. Dudley, 611 Church Street, Post Office Box 279, Ottumwa, IA 52501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles and fabricated and prefabricated trusses*, from Burlington, Iowa to points in Illinois, Indiana, Missouri, and Wisconsin. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Kansas City, Mo.

No. MC 57591 (Sub-No. 16), filed December 8, 1972. Applicant: EVANS DELIVERY COMPANY, INC., Post Office Box 268, Pottsville, PA 17901. Applicant's representative: Kenneth R. Davis, 999 Union Street, Taylor, PA 18517. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), in cargo containers or cargo vans, between Philadelphia, Pa., on the one hand, and, on the other, points in Lancaster, Montgomery, Lebanon, Berks, Dauphin, Schuylkill, Lehigh, Northampton, Carbon, Northumberland, Union, Montour, Columbia, Luzerne, and Lycoming (west of Interstate Highway 80 and north of U.S. Highway 611) Counties, Pa., restricted to shipments having a prior or subsequent movement by water. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Philadelphia, Pa.

No. MC 62538 (Sub-No. 17), filed February 20, 1973. Applicant: ASHTON TRUCKING CO., a corporation, Post Office Box 472, Monte Vista, CO 81144. Applicant's representative: Leslie R. Kehl, 1600 Lincoln Center Building, Denver, Colo. 80203. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities* as are manufactured, processed, sold or otherwise dealt in by persons engaged in the milling of flour or in the sale and distribution of feeds and grains, (1) between Monte Vista, Colo., and a 35-mile radius thereof, on the one hand, and, on the other, points in Arizona (except Apache, Navajo, Coconino, and Maricopa Counties), and (2) from points in Apache, Navajo, Coconino, and Maricopa Counties, Ariz., to points in Colorado, under contract with Ranch-Way Feed Mills. NOTE: Applicant also holds common carrier authority under MC 57880 and Subs, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Denver, Colo.

No. MC 63417 (Sub-No. 49), filed February 20, 1973. Applicant: BLUE RIDGE TRANSFER COMPANY, INCORPORATED, 1814 Hollins Road NE., Post Office Box 2888, Roanoke, VA 24001. Applicant's representative: Nancy Pyeatt, 420 Executive Building, 1030 15th Street NW., Washington, DC 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Tile, clay and earthenware, glazed and not glazed, with and without backings; tile facing and flooring; china bathroom fixtures; quarries, flooring, paving, and promenade tile; cement, grout, and sundry items* necessary for tile installation and maintenance, from Jackson, Tenn., to points in Alabama, Georgia, Maryland, North Carolina, South Carolina, Virginia, West Virginia, and the District of Columbia. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Philadelphia, Pa. or Washington, D.C.

No. MC 63417 (Sub-No. 50), filed February 20, 1973. Applicant: BLUE RIDGE TRANSFER COMPANY, INCORPORATED, 1814 Hollins Road NE., Post Office Box 2888, Roanoke, VA 24001. Applicant's representative: Nancy Pyeatt, 420 Executive Building, 1030 15th Street NW., Washington, DC 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Tile, clay, and earthenware, glazed and not glazed, with and without backing; tile facing and flooring; china bathroom fixtures; quarries, flooring, paving, and promenade tile; cement, grout, and sundry items* necessary for tile installation and maintenance, from Olean, N.Y. and Quakertown and Lansdale, Pa., to points in Virginia. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Applicant holds authority in MC 63417 (Sub-No. 5) to transport general commodities, with the usual exceptions, fron. Lansdale, Pa., to points in Henry County and a portion of Pittsylvania County, Va., but applicant does not seek duplicating authority. If a hearing is deemed necessary, applicant requests it be held at Philadelphia, Pa., or Washington, D.C.

No. MC 63417 (Sub-No. 52), filed February 22, 1973. Applicant: BLUE RIDGE TRANSFER COMPANY, INCORPORATED, 1814 Hollins Road NE., Post Office Box 2888, Roanoke, VA 24001. Applicant's representative: Nancy Pyeatt, 420 Executive Building, 1030 15th Street NW., Washington, DC 20005. Authority sought to operate as a *common*

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carrier, by motor vehicle, over irregular routes, transporting: *Petroleum and petroleum products* (except in bulk), from the plantsites of Pennzoil Co. at Rouseville, Pa., Wolf's Head Oil Refining Co. division of Pennzoil Co. at Reno, Pa., Penreco, a subsidiary of Pennzoil Co., at Karns City, Pa., and Witco Chemical Corp. at Bradford and Petrolia, Pa., to points in Alabama, Florida, Georgia, Louisiana, Mississippi, North Carolina, South Carolina, Tennessee, and Virginia. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Applicant has authority to transport general commodities from points in Pennsylvania to Rocky Mount, Va. (MC 63417 Sub-No. 5); to Roanoke, Va., restricted to traffic moving by interchange of trailers to points beyond Roanoke, also its Sub 27 certificate authorizes transportation of petroleum products from Bradford, Pa., to Roanoke, Va., but applicant does not seek duplicating authority. If a hearing is deemed necessary, applicant requests it be held at Pittsburgh, Pa., or Washington, D.C.

No. MC 64808 (Sub-No. 14), filed February 12, 1973. Applicant: W. S. THOMAS TRANSFER, INC., 1854 Morgantown Avenue, Fairmont, WV 26554. Applicant's representative: Henry M. Wick, Jr., 2310 Grant Building, Pittsburgh, Pa. 15219. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages*, in containers, and *advertising materials*, from Winston-Salem, N.C., to points in Ohio, Pennsylvania, West Virginia, and Maryland. NOTE: Applicant states that the requested authority could be tacked at points in Marion County, W. Va., with its present general commodity authority under MC 64808, so as to permit a through service to points in Maryland and portions of Pennsylvania, but indicates that it has no present intention of tacking. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., Wheeling or Charleston, W. Va.

No. MC 64808 (Sub-No. 15), filed February 20, 1973. Applicant: W. S. THOMAS TRANSFER, INC., 1854 Morgantown Avenue, Fairmont, WV 26554. Applicant's representative: Henry M. Wick, Jr., 2310 Grant Building, Pittsburgh, Pa. 15219. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wood pallets and shipping devices*, from points in Alabama, Connecticut, Delaware, Georgia, Indiana, Iowa, Illinois, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, West Virginia, Wisconsin, and the District of Columbia, to Clarksburg, Fairmont, and Huntington, W. Va., Charlotte, Mich., Winston-Salem, N.C., Brockport and Elmira, N.Y., North Bergen and Bridgeton, N.J., Clarion, Pa., Atlanta, Ga., Alton and Streator, Ill., and Gas City, Ind. NOTE: Applicant states that the requested authority cannot or will not be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Toledo, Ohio.

No. MC 69116 (Sub-No. 152), filed February 22, 1973. Applicant: SPECTOR FREIGHT SYSTEM, INC., 205 West Wacker Drive, Chicago, IL 60606. Applicant's representative: Edward G. Bazelon, 39 South LaSalle Street, Chicago, IL 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Building, roofing, and insulation materials* (except iron and steel and commodities in bulk) and *materials used in the manufacture, installation, and distribution thereof*, between the plantsites and warehouse facilities of Certain-teed Products Corp. located in Scott County, Minn., on the one hand, and, on the other, points in Illinois, Indiana, Kentucky, Ohio, Wisconsin, and the Lower Peninsula of Michigan, restricted to traffic originating at or destined to the plantsites and warehouse facilities of Certain-teed Products Corp., Scott County, Minn. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Minneapolis or St. Paul, Minn.

No. MC 74321 (Sub-No. 73), filed February 12, 1973. Applicant: B. F. WALKER, INC., 650 17th Street, Denver, CO 80202. Applicant's representative: Richard P. Kissinger (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles*, from Pueblo, Colo., to points in Arizona, Arkansas, California, Illinois, Iowa, Kansas, Missouri, Nebraska, New Mexico, and Utah. NOTE: Applicant states that the requested authority can be tacked with its existing authority in MC-74321 (Sub-Nos. 15, 17, 21, 27, 32, 34, and 48) but indicates that it has no present intention to tack. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. If a hearing is deemed necessary, applicant requests it be held at Denver or Pueblo, Colo.

No. MC 75320 (Sub-No. 163), filed February 12, 1973. Applicant: CAMPBELL SIXTY-SIX EXPRESS, INC., Post Office Box 807, Springfield, MO 65801. Applicant's representative: John A. Crawford, 700 Petroleum Building, Post Office Box 22567, Jackson, MS 39205. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment), between Chicago, Ill., and Nashville, Tenn., from Chicago, Ill., over Interstate Highway 94 to its junction with Interstate Highway 65, thence over Interstate Highway 65 to Nashville, Tenn., and return over the same routes, serving no intermediate points and serving Nashville, Tenn., as a point of joinder with applicant's authority in No. MC 75320 (Sub-Nos. 91, 142, and 157), as an alternate route for operating convenience only in connection with applicant's authorized regular-route operations. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Jackson, Miss., or Chicago, Ill.

No. MC 78118 (Sub-No. 22), filed February 16, 1973. Applicant: W. H. JOHNS, INC., 35 Witmer Road, Lancaster, PA 17602. Applicant's representative: Christian V. Graf, 407 North Front Street, Harrisburg, PA 17101. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Prepared food products*, serving the H. J. Heinz Co. warehouse located at or near Woodstown, N.J., as an off-route point in connection with carrier's presently authorized regular route operations between Salem, N.J., and Pittsburgh, Pa. Restriction: The service authorized herein is restricted to the transportation of traffic moving from, to or between plants, storage, or other facilities of food processing or manufacturing plants. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Harrisburg, Pa.

No. MC 82044 (Sub-No. 3), filed January 22, 1973. Applicant: STAR WEST CARTAGE COMPANY, INC., 4320 West 41st Street, Chicago, IL 60632. Applicant's representative: Philip A. Lee, 33 North Dearborn, Suite 1801, Chicago, IL 60602. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Liquid and dry bulk sugar, and newsprint in rolls*, between points within the territory bounded by a line beginning at Winthrop Harbor, Ill., and extending west along the Illinois-Wisconsin State line to East Dubuque, Ill., thence along the east bank of the Mississippi River to Rock Island, Ill., thence south along U.S. Highway 67 to Rushville, Ill., thence in a southeasterly direction through Beardstown, Ill., to Springfield, Ill., thence in a northeasterly direction through Decatur and Pesotum, Ill., to the Illinois-Indiana State line at a point 5 miles east of Grape Creek, Ill., thence north along said State line to a point directly west of Dyer, Ind., thence east along U.S. Highway 30 to a point 4 miles north of Beatrice, Ind., thence north to Lake Michigan, and thence along the southwest shore of Lake Michigan to Winthrop Harbor, including the points named and points on the indicated portions of the highways specified, under contract with The Great Western Sugar Co. and Wacker Warehouse Co., Inc. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 94350 (Sub-No. 326), filed February 2, 1973. Applicant: TRANSIT HOMES, INC., Post Office Box 1628, Haywood Road, Greenville SC 29602. Applicant's representative: Mitchell King, Jr. (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers* designad to be drawn by passenger automobiles in initial shipments, from points in Washington County, N.Y., to points in the United States east of the Mississippi River, including Minnesota and Louisiana. NOTE: Common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Albany, N.Y.

No. MC 94350 (Sub-No. 328), filed February 20, 1973. Applicant: TRANSIT HOMES, INC., Post Office Box 1628, Greenville, SC 29602. Applicant's representative: Mitchell King, Jr. (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers designed to be drawn by passenger automobiles*, in initial movements, from points in Merrick County, Nebr., to points in Montana, Wyoming, Colorado, New Mexico, Kansas, Texas, Oklahoma, Missouri, Iowa, Minnesota, North Dakota, South Dakota, and Wisconsin. NOTE: Common control may be involved. Applicant states that the requested authority cannot or will not be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr.

No. MC 100666 (Sub-No. 235), filed February 21, 1973. Applicant: MELTON TRUCK LINES, INC., Post Office Box 7666, Shreveport, LA 71107. Applicant's representative: Wilburn L. Williamson, 3535 Northwest 58th, 280 National Foundation Life Building, Oklahoma City, OK 73112. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Doors, laminated flooring planks, blocks, tile, laminated stair treads, risers and adhesives and accessories* necessary for the installation thereof, from Center, Tex., to points in Alabama, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kentucky, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, West Virginia, Wisconsin, and the District of Columbia. NOTE: Applicant states that the requested authority can be tacked with its existing authority but indicates that such operations are not feasible and therefore does not identify the points or territories which can be served through tacking. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. If a hearing is deemed necessary, applicant requests it be held at Memphis, Tenn.

No. MC 103786 (Sub-No. 7), filed February 20, 1973. Applicant: SCHJONEMAN TRUCKING, INC., Post Office Box 237, 703 South Main Street, Colby, WI 54421. Applicant's representative: Nancy J. Johnson, 4506 Regent Street, suite 100, Madison, WI 53705. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products*, in bulk, in tank vehicles, from Winona, Minn., to points in Wisconsin (except points in Jackson, Clark, Wood, Marathon, Portage, Adams, Juneau, Monroe, and Vernon Counties, Wis.). NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Madison or Milwaukee, Wis.

No. MC 106398 (Sub-No. 639), filed February 20, 1973. Applicant: NATIONAL TRAILER CONVOY, INC., 1925 National Plaza, Tulsa, OK 74151. Applicant's representative: Irvin Tull (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers* designed to be drawn by passenger automobiles, in initial movements, from points in Baxter County, Ark., to points in the United States (except Alaska and Hawaii). NOTE: Common control and dual operations may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Memphis, Tenn.

No. MC 106398 (Sub-No. 640), filed February 20, 1973. Applicant: NATIONAL TRAILER CONVOY, INC., 1925 National Plaza, Tulsa, OK 74151. Applicant's representative: Irvin Tull (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Buildings* in sections, mounted on wheeled undercarriages, from points in Montana to points in the United States (except Alaska and Hawaii). NOTE: Common control and dual operations may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Billings, Mont.

No. MC 106398 (Sub-No. 641), filed February 20, 1973. Applicant: NATIONAL TRAILER CONVOY, INC., 1925 National Plaza, Tulsa, OK 74151. Applicant's representative: Irvin Tull (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic articles*, from the plantsite of Rotadyne, Inc., at Macedonia and Solon, Ohio to points in the United States (except Alaska and Hawaii). NOTE: Common control and dual operations may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Cleveland, Ohio.

No. MC 106398 (Sub-No. 642), filed February 22, 1973. Applicant: NATIONAL TRAILER CONVOY, INC., 1925 National Plaza, Tulsa, OK 74151. Applicant's representative: Irvin Tull (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Motor homes* between points in the United States including Alaska (but excluding Hawaii). NOTE: Common control and dual operations may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. Applicant further states no duplicating authority sought. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 106398 (Sub-No. 643), filed February 22, 1973. Applicant: NATIONAL TRAILER CONVOY, INC., 1925 National Plaza, Tulsa, OK 74151. Applicant's representative: Irvin Tull (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pipes, ducts, fittings, and couplings used in heating, cooling and air handling systems, and materials used in the installation of such products*, from the plantsite of United Sheet Metal Co. at Westerville, Ohio to points in Arkansas. NOTE: Common control and dual operations may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio.

No. MC 106398 (Sub-No. 645), filed February 22, 1973. Applicant: NATIONAL TRAILER CONVOY, INC., 1925 National Plaza, Tulsa, OK 74151. Applicant's representative: Irvin Tull (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic pipe, tubing, conduit, materials or fittings*, and *accessories* used in the installation thereof, from the plantsite of Carlon Products, Division of Indianhead, at Nazareth, Pa., to points in the United States (except Alaska and Hawaii). NOTE: Common control and dual operations may be involved. Applicant states that the requested authority cannot or will not be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Philadelphia, Pa.

No. MC 106398 (Sub-No. 646), filed February 22, 1973. Applicant: NATIONAL TRAILER CONVOY, INC., 1925 National Plaza, Tulsa, OK 74151. Applicant's representative: Irvin Tull (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers designed to be drawn by passenger automobiles*, in initial movements, from points in Merrick County,

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Nebr., to points in the United States (except Alaska and Hawaii). NOTE: Common control and dual operations may be involved. Applicant states that the requested authority cannot or will not be tacked with existing authority. If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr.

No. MC 106398 (Sub-No. 647), filed February 22, 1973. Applicant: NATIONAL TRAILER CONVOY, INC., 1925 National Plaza, Tulsa, OK 74151. Applicant's representative: Irvin Tull (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers designed to be drawn by passenger automobiles*, in initial movements, from points in Herkimer County, N.Y., to points in the United States (except Alaska and Hawaii). NOTE: Common control and dual operations may be involved. Applicant states that the requested authority cannot or will not be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Utica or Syracuse, N.Y.

No. MC 107496 (Sub-No. 881), filed September 28, 1972. Applicant: RUAN TRANSPORT CORPORATION, Post Office Box 855, Third and Keosauqua Way, Des Moines, IA 50309. Applicant's representative: H. L. Fabritz (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Sodium sulfate*, from Danville, Ill., to points in Missouri, Kentucky, Ohio, and Indiana; (2) *chemicals*, in bulk, from points in Jefferson County, Colo., to points in Nebraska, South Dakota, Wyoming, Montana, Washington, Idaho, Utah, Arizona, New Mexico, Oklahoma, Kansas, and Colorado; and (3) *petroleum products*, in bulk, in tank vehicles, from the Kansas City, Mo.-Kans. commercial zone, to points in Nebraska. NOTE: Common control may be involved. Applicant states that the requested authority can be tacked with its existing authority but indicates that it has no present intention to tack and therefore does not identify the points or territories which can be served through tacking. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo. or Omaha, Nebr.

No. MC 108633 (Sub-No. 10), filed February 8, 1973. Applicant: BARNES FREIGHT LINE, INC., Box 369, Carrollton, GA 30117. Applicant's representative: Robert S. Richard, Post Office Box 2069, Montgomery, AL 36103. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between Anniston, Ala., and Talladega, Ala., over Alabama Highway 21, serving no intermediate points. NOTE: If a hearing is deemed necessary, applicant requests it be held at Montgomery or Birmingham, Ala.

No. MC 108676 (Sub-No. 52), filed February 20, 1973. Applicant: A. J. METLER HAULING & RIGGING, INC., 117 Chickamauga Avenue NE., Knoxville, TN 37917. Applicant's representative: Carl U. Hurst, Post Office Box E, Bowling Green, KY 42101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cooling towers and fluid coolers which because of size or weight require the use of special equipment, and cooling towers, fluid coolers and accessories for cooling towers and fluid coolers which do not require the use of special equipment*, when moving in the same vehicle with cooling towers and fluid coolers which because of size or weight require the use of special equipment, from the plantsite of Marley Co., at Louisville, Ky., to points in Alabama, Arkansas, Arizona, California, Colorado, Florida, Georgia, Idaho, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, Montana, Nebraska, Nevada, New Mexico, North Carolina, North Dakota, Ohio, Oklahoma, Oregon, South Carolina, South Dakota, Tennessee, Texas, Utah, Virginia, Washington, West Virginia, Wisconsin, and Wyoming. NOTE: Applicant states that the requested authority cannot or will not be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Louisville, Ky., or Washington, D.C.

No. MC 109533 (Sub-No. 51), filed February 21, 1973. Applicant: OVERNITE TRANSPORTATION COMPANY, a corporation, 1100 Commerce Road, Richmond, VA 23224. Applicant's representative: C. H. Swanson, Post Office Box 1216, Richmond, VA 23209. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, new furniture, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and uncrated new household, office, and store appliances and equipment), between Huntington, W. Va., on the one hand, and, on the other, Gallipolis and Portsmouth, Ohio, serving all intermediate points: (1) From Huntington over U.S. Highway 52 to Chesapeake, Ohio, thence over Ohio Highway 7 to Gallipolis, and return over the same route; (2) from Huntington over U.S. Highway 52 to Portsmouth, and return over the same route; and (3) from Huntington over U.S. Highway 60 to junction U.S. Highway 23, thence over U.S. Highway 23 to Portsmouth, and return over the same route. Restriction: The regular-route authority requested hereinabove shall not be serviceable, by sale or otherwise, from the irregular-route authority in No. MC-109533 (Sub-No. 48). NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 110988 (Sub-No. 294), filed January 8, 1973. Applicant: SCHNEIDER TANK LINES, INC., 2661 South Broadway, Post Office Box 2298, Green Bay, WI 54306. Applicant's representative: E. Stephen Heisley, 666 11th Street NW., Washington, DC 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Waste acid*, in bulk, in tank vehicles, from Burns Harbor, Ind., to points in Wisconsin, and (2) *chemicals*, in bulk, in tank vehicles, from Rhinelander, Wis., to points in Minnesota, North Dakota, and South Dakota. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 111045 (Sub-No. 97), filed February 1, 1973. Applicant: REDWING CARRIERS, INC., Post Office Box 426, Tampa, FL 33601. Applicant's representative: J. V. McCoy (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Prestressed and precast concrete forms, pilings, beams, poles, and slabs*, from Jacksonville, Fla., to points in Georgia, and (2) *steel joists and parts, fittings, and accessories used or useful in the installation thereof*, from Starke, Fla., to points in Georgia. NOTE: Common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Jacksonville, Fla.

No. MC 111812 (Sub-No. 485), filed February 20, 1973. Applicant: MIDWEST COAST TRANSPORT, INC., 900 West Delaware, Post Office Box 1233, Sioux Falls, S. Dak. 57101. Applicant's representative: Ralph H. Jinks (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, from the plantsite and warehouse facilities of Jeno's, Inc., at Duluth, Minn., to points in California, Arizona, Nevada, Utah, Colorado, Wyoming, Montana, Ohio (except Toledo and Cleveland), Michigan (except the Lower Peninsula), New York, New Jersey, Maryland, Vermont, Massachusetts, Maine, Virignia, West Virginia, Pennsylvania, Connecticut, Rhode Island, New Hampshire, Delaware, and the District of Columbia. NOTE: Common control was approved by the Commission in Nos. MC-F-8280 and MC-F-11285. Applicant states that the requested authority can be tacked with its existing authority but indicates that it has no present intention to tack and therefore does not identify the points or territories which can be served through tacking. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn.

No. MC 112520 (Sub-No. 268), filed February 22, 1973. Applicant: McKENZIE TANK LINES, INC., Post Office Box 1200, Tallahassee, FL 32302. Applicant's representative: W. Guy McKenzie, Jr. (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer and fertilizer ingredients*, in bulk, in tank vehicles, from points in Barbour County, Ala., to points in Indiana, Kentucky, North Carolina, South Carolina, Tennessee, and Mississippi. NOTE: Common control was approved by the Commission in MC-F-5239. Applicant states that the requested authority cannot or will not be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga.

No. MC 112822 (Sub-No. 261), filed February 20, 1973. Applicant: BRAY LINES INC., Post Office Box 1191, 1401 North Little Street, Cushing, OK 74023. Applicant's representative: K. Charles Elliott (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat byproducts, and articles distributed by meat packinghouses*, as described in section A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from Wallula, Wash., to points in California. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Portland, Oreg., or Los Angeles, Calif.

No. MC 113622 (Sub-No. 14), filed February 16, 1973. Applicant: SAMPSON HAULING CORP., Pavilion, N.Y. 14525. Applicant's representative: Kenneth T. Johnson, Bankers Trust of Jamestown Building, Jamestown, N.Y. 14701. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cranes, and parts and components thereof*, (a) from Batavia, N.Y., to points in the New York, N.Y., commercial zone, as defined by the Commission within which local operations may be conducted under the exemption provided by section 203(b)(8) of the Interstate Commerce Act, restricted to shipments having a subsequent movement by water to points other than points in the contiguous 48 States; (b) from Batavia, N.Y., to Buffalo, N.Y., restricted to the transportation of traffic having a subsequent movement by water to points other than points in the contiguous 48 States; and (c) from Batavia, N.Y., to Niagara Falls, Lewiston, and Buffalo, N.Y., restricted to the transportation of traffic delivered to connecting motor carriers at the main destination points. NOTE: Common control may be involved. Applicant states it has the authority set forth in (a), (b), and (c) above for the transportation of front-end loaders (tractor shovels) and parts and components thereof, and at the present time seeks only to extend commodity descriptions in order to provide service to the same shipper for the transportation of cranes, and that there is no desire to extend either origin or destination points or the purposes for which the transportation is now being provided. Applicant further states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Buffalo, N.Y.

No. MC 114097 (Sub-No. 4), filed February 21, 1973. Applicant: NIEDFELDT TRUCKING SERVICE, INC., 821 South Front Street, La Crosse, WI 54601. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Empty containers*, sheet iron or steel, with a liquid capacity not exceeding 1 gallon, from the plantsite of Continental Can Co., at La Crosse, Wis., and the warehouse facilities of G. Heileman Brewing Co., Inc., at St. Paul, Minn., under a continuing contract, or contracts, with G. Heileman Brewing Co., Inc., at La Crosse, Wis. NOTE: If a hearing is deemed necessary, applicant requests it be held at La Crosse, Wis.

No. MC 114457 (Sub-No. 137), filed February 8, 1973. Applicant: DART TRANSIT COMPANY, a corporation, 780 North Prior Avenue, St. Paul, MN 55104. Applicant's representative: Michael P. Zell (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic articles*, (1) from Chicago, Ill. to points in Minnesota and Wisconsin; and (2) from Milwaukee, Wis. to points in Minnesota. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at St. Paul, Minn.

No. MC 114552 (Sub-No. 75), filed February 22, 1973. Applicant: SENN TRUCKING COMPANY, a corporation, Post Office Box 333, Newberry, SC 29108. Applicant's representative: William P. Jackson, Jr., 919 18th Street NW., Washington, DC 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plywood, composition board, and accessories therefor* (except commodities in bulk), from Camden, N.J., to points in Virginia, North Carolina, South Carolina, and Georgia. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Applicant further states no duplicating authority sought. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 115841 (Sub-No. 452), filed February 21, 1973. Applicant: COLONIAL REFRIGERATED TRANSPORTATION, INC., 1215 Bankhead Highway West, Birmingham, AL 35202. Applicant's representative: Roger M. Shaner, P.O. Box 10327, Birmingham, AL 35202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Surgical instruments, medical syringes* (with or without needles), *syringe needles, medical needles, thermometers* (filled or empty), *glass and plastic blood collecting bottles, laboratory glassware and glass tubing, laboratory and surgical gloves, bandages, adhesives, swabs* (with alcohol), *chemicals and articles distributed by pharmaceutical houses* (except commodities in bulk), from Sumter, S.C., to Dallas, Tex., and Los Angeles, Calif., restricted to traffic originating at the plantsite and warehouse facilities of Becton-Dickinson & Co. at or near Sumter, S.C., and destined to the named destination points. NOTE: Common control was approved by the Commission in No. MC-F-7304. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 115917 (Sub-No. 26) (Correction), filed February 1, 1973, published in the FEDERAL REGISTER issue of March 15, 1973, and republished as corrected, in part, this issue. Applicant: UNDERWOOD & WELD COMPANY, INC., Post Office Box 247, Crossnore, NC 28616. Applicant's representative: Wilmer B. Hill, 805 McLachlen Bank Building, 666 11th Street NW., Washington, DC 20001. NOTE: The sole purpose of this partial republication is to correct the territorial description to include St. Clair, Mich., as an origin point, which was inadvertently omitted in the previous publication. The rest of the application remains the same.

No. MC 116073 (Sub-No. 250), filed February 20, 1973. Applicant: BARRETT MOBILE HOME TRANSPORT, INC., 1825 Main Avenue, Post Office Box 919, Applicant's representative: Robert G. Tessar and David L. Wanner, 1819 Fourth Avenue South, Moorhead, MN 56560. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Buildings*, complete or in sections and mounted on wheeled undercarriages, from Dubuque County, Iowa, to points in the United States (except Alaska and Hawaii). NOTE: Applicant states that the requested authority cannot or will not be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Des Moines, Iowa.

No. MC 116073 (Sub-No. 251), filed February 20, 1973. Applicant: BARRETT MOBILE HOME TRANSPORT, INC., 1825 Main Avenue, Post Office Box 919, Moorhead, MN 56560. Applicant's representative: Robert G. Tessar, 1819 Fourth Avenue South, Moorhead, MN 56560. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers* designed to be drawn by passenger automobiles, in initial movements, from points in Dakota County, Minn. to points in the United States (including Alaska but excluding Hawaii). NOTE: Applicant states that the requested authority cannot be

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tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn.

No. MC 116763 (Sub-No. 242), filed February 16, 1973. Applicant: CARL SUBLER TRUCKING, INC., North West Street, Versailles, Ohio 45380. Applicant's representative: H. M. Richters (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Filters, cleaners, purifiers, parts, and accessories thereto;* and (2) *swimming and wading pools, parts, accessories, and attachments thereto*, from points in Darke County, Ohio to points in the United States in and east of Louisiana, Arkansas, Missouri, Iowa, and Minnesota. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Applicant further states no duplicating authority is sought. If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio.

No. MC 116763 (Sub-No. 243), filed February 20, 1973. Applicant: CARL SUBLER TRUCKING, INC., North West Street, Versailles, Ohio 45380. Applicant's representative: H. M. Richters (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Prepared animal food and pet related items*, from the plantsite and/or warehouse facilities of Lipton Pet Foods, Inc. located at or near Woburn, Mass., to points in Arizona, Arkansas, California, Colorado, Idaho, Iowa, Kansas, Missouri, Montana, Nebraska, Nevada, New Mexico, North Dakota, Oklahoma, Oregon, South Dakota, Texas, Utah, Washington, and Wyoming. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Boston, Mass.

No. MC 117427 (Sub-No. 65), filed February 13, 1973. Applicant: G. G. PARSONS TRUCKING CO., a corporation, Box No. 1085, North Wilkesboro, NC 28659. Applicant's representative: Francis J. Ortman, 1100 17th Street NW., Suite 613, Washington, DC 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pipe and conduit* (other than iron and steel), from Rootstown Township (Portage County), Ohio, to points in Virginia, West Virginia, North Carolina, South Carolina, and Georgia. NOTE: Applicant also holds contract carrier authority under MC 116145, therefore dual operations may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Columbus or Cleveland, Ohio.

No. MC 117883 (Sub-No. 177), filed February 15, 1973. Applicant: SUBLER TRANSFER, INC., 791 East Main Street, Versailles, OH 45380. Applicant's representative: Edward J. Subler, Post Office Box 62, Versailles, OH 45380. Authority sought to operate as a *common carrier*, by motor vehicle over irregular routes, transporting: *Foods, food products, food preparations and foodstuffs, and advertising equipment, materials and supplies* when shipped therewith (except commodities in bulk), in vehicles equipped with mechanical refrigeration; (1) from points in Ohio and those in Boone, Campbell, and Kenton Counties, Ky., to points in Illinois, Indiana, Iowa, Kansas, Kentucky, Michigan, Minnesota, Missouri, Nebraska, and Wisconsin; and (2) from points in Ohio and those in Boone, Campbell, and Kenton Counties, Ky., to points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia, and the District of Columbia. NOTE: Applicant states that the requested authority can be tacked with its existing authority but indicates that it has no present intention to tack and therefore does not identify the points or territories which can be served through tacking. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio.

No. MC 118127 (Sub-No. 24), filed February 12, 1973. Applicant: HALE DISTRIBUTING COMPANY, INC., 914 South Vail Avenue, Montebello, CA 90640. Applicant's representative: William J. Augello, 120 Main Street, Huntington, NY 11743. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods* from points in Los Angeles and Orange Counties, Calif., to points in Connecticut, Delaware, Maryland, Massachusetts, New Jersey, New York, Pennsylvania, Rhode Island, Virginia, and the District of Columbia (except frozen fruit and avocado dip from points in Los Angeles County to Baltimore, Md., Boston, Mass., Hartford, Conn., Philadelphia, Pa., New York, N.Y., Providence, R.I., and the District of Columbia; frozen fruits and rhubarb from points in Los Angeles and Orange Counties, Calif., to points in Connecticut, Massachusetts, and New York; and frozen bakery products from points in Los Angeles and Orange Counties, Calif., to points in Maryland, New Jersey, New York, Pennsylvania, Virginia, and the District of Columbia). NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Los Angeles, Calif.

No. MC 119441 (Sub-No. 32) (Correction) filed January 31, 1973, published in the FEDERAL REGISTER issue of March 1, 1973, and republished as corrected, in part, this issue. Applicant: BAKER HIWAY EXPRESS, INC., Box 484, Dover, OH 44622. Applicant's representative: Richard H. Brandon, 79 East State Street, Columbus, OH 43215. NOTE: The sole purpose of this partial republication is to correct the territorial description in (1) to include West Virginia, as a destination point, which was inadvertently omitted in the previous publication. The rest of the application remains the same.

No. MC 119641 (Sub-No. 110), filed February 22, 1973. Applicant: RINGLE EXPRESS, INC., 450 East Ninth Street, Fowler, IN 47944. Applicant's representative: Robert C. Smith, 711 Chamber of Commerce Building, Indianapolis, Ind. 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Tractors* (except truck tractors), *tractor parts and attachments* thereof, from Romeo, Mich., to points in Arizona, California, Idaho, Montana, Nevada, Oregon, Utah, Washington, and ports of entry on the international boundary line between the United States and Canada located in North Dakota, Minnesota, Montana, Idaho, and Washington, restricted to the transportation of traffic (a) originating at the named origin point, and (b) destined to points in the named destination States, except that the restriction (b) shall not apply to traffic moving in foreign commerce. NOTE: The requested authority can be tacked with applicant's existing authority but applicant states it does not propose to tack and therefore does not identify the points or territories which can be served through tacking. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Washington, D.C.

No. MC 119656 (Sub-No. 14), filed February 12, 1973. Applicant: NORTH EXPRESS, INC., 219 East Main Street, Winamac, IN 46996. Applicant's representative: Donald W. Smith, 900 Circle Tower, Indianapolis, Ind. 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Electric synchronous motors*, from Crystal Lake, Ill., to North Manchester, Ind., and (2) *electric switch components*, from Crystal Lake, Ill., to Winamac, Ind., restricted to traffic moving between the plantsite of Controls Co. of America located at Crystal Lake, Ill., North Manchester and Winamac, Ind. NOTE: Common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Indianapolis, Ind., or Chicago, Ill.

No. MC 123233 (Sub-No. 42), filed February 12, 1973. Applicant: PROVOST CARTAGE, INC., 7887 Second Avenue, Ville d'Anjou 437, PQ, Canada. Applicant's representative: J. P. Vermette (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Caustic soda*, in bulk, in tank vehicles, from Syracuse, N.Y., to the port of entry on the International boundary line between the United States and Canada located at or near Alexandria Bay, N.Y., restricted to the transportation of shipments destined to Maitland, Ontario, Canada. NOTE: Applicant states that the requested authority cannot or will not be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Albany, N.Y.

No. MC 123314 (Sub-No. 17), filed February 16, 1973. Applicant: JOHN F. WALTER, INC., Post Office Box 175, Newville, PA 17241. Applicant's representative: Christian V. Graf, 407 North Front Street, Harrisburg, PA 17101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Prepared food products*, from the H. J. Heinz Co. warehouse at Woodstown, N.J., to the H. J. Heinz distribution center at Mechanicsburg, Pa., restricted to the transportation of traffic originating at the indicated origin point and destined to the indicated destination point. NOTE: Applicant states that the requested authority cannot or will not be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Harrisburg, Pa.

No. MC 123407 (Sub-No. 119), filed February 20, 1973. Applicant: SAWYER TRANSPORT, INC., South Haven Square, U.S. Highway 6, Valparaiso, Ind. 46383. Applicant's representative: Michael E. Miller, 502 First National Bank Building, Fargo, N. Dak. 58102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber and paper products*, from Brainard and Cloquet, Minn., to points in Indiana, Iowa, Michigan, Ohio, Wisconsin, Illinois (except Chicago and points in its commercial zone), and St. Louis, Mo. NOTE: Common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn.

No. MC 124083 (Sub-No. 46), filed February 12, 1973. Applicant: SKINNER MOTOR EXPRESS, INC., 1035 South Keystone Avenue, Indianapolis, IN 46203. Applicant's representative: Walter F. Jones, Jr., 601 Chamber of Commerce Building, Indianapolis, Ind. 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Ferrous sulphate crystals*, in dump trucks, from Indianapolis, Ind., to points in St. Clair County, Ill., St. Louis County, Mo., and St. Louis, Mo. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Indianapolis, Ind., or St. Louis, Mo.

No. MC 124174 (Sub-No. 93), filed January 15, 1973. Applicant: MOMSEN TRUCKING CO., a corporation, 2405 Hiway Boulevard, Spencer, IA 51301. Applicant's representative: Marshall D. Becker, 530 Univac Building, 7100 West Center Road, Omaha, NE 68106. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles, aluminum plate and extrusions*, and *contractor's machinery, equipment, materials, and supplies*, from Indian Oaks, Ill., to points in Iowa, Kansas, Minnesota, Nebraska, and South Dakota. NOTE: Common control may be involved. Applicant states that the requested authority cannot or will not be tacked with its existing authority. If a hearing is deemed necessary, applicant requests a consolidated hearing with coapplicants.

No. MC 124309 (Sub-No. 8), filed February 8, 1973. Applicant: ALPHIE J. BOUSLEY, Box 61A, Route 3, Armstrong Creek, WI 54103. Applicant's representative: William C. Dineen, 710 North Plankinton Avenue, Milwaukee, WI 53203. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Lumber and plywood*, from points in Oregon, Washington, Idaho, and Montana, to points in Wisconsin and the Upper Peninsula of Michigan, under contract with Hartman Wholesale Corp. NOTE: If a hearing is deemed necessary, applicant requests it be held at Milwaukee or Madison, Wis.

No. MC 124692 (Sub-No. 103), filed February 12, 1973. Applicant: SAMMONS TRUCKING, a corporation, Post Office Box 1447, Missoula, MT 59801. Applicant's representative: Gene P. Johnson, 425 Gate City Building, Fargo, N. Dak. 58102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber*, from Cloquet, Minn., to points in Illinois, Indiana, Iowa, Michigan, North Dakota, Ohio, South Dakota, and Wisconsin. NOTE: Common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at St. Paul, Minn.

No. MC 125785 (Sub-No. 18), filed February 20, 1973. Applicant: SATURN EXPRESS, INC., 8716 L Street, Omaha, NE 68127. Applicant's representative: Earl H. Scudder, Jr., Post Office Box 82028, 605 South 14th Street, Lincoln, NE 68508. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Tile and materials and supplies used in the application thereof*, from Lexington, N.C., to points in Alabama, Connecticut, Florida, Illinois, Indiana, Kentucky, Louisiana, Massachusetts, Michigan, Mississippi, New York, Ohio, Tennessee, and Wisconsin, under contract with Mid-State Tile Co. NOTE: If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr.

No. MC 125820 (Sub-No. 7), filed February 13, 1973. Applicant: ELK VALLEY FREIGHT LINE, INC., 526 Hagan Street, Nashville, TN 37203. Applicant's representative: George M. Catlett, 703–706 McClure Building, Frankfort, Ky. 40601. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), (1) between the Tennessee-Alabama State line and Mobile, Ala., from the Tennessee-Alabama State line over U.S. Highway 431 to Anniston, Ala., thence over Alabama Highway 21 to Talladega, thence over U.S. Alternate Highway 231 to Sylacauga, thence over U.S. Highway 231 to Montgomery, Ala., thence over Interstate Highway 65 to Mobile, Ala., and return over the same route, serving all intermediate points (except those between Montgomery and Mobile, Ala.); (2) between Gadsden and Talladega, Ala., from Gadsden over Interstate Highway 59 to the junction of Alabama Highway 77, thence over Alabama Highway 77 to Talladega, Ala., and return over the same route, serving no intermediate points, but serving the junction of Alabama Highway 77 and Interstate Highway 20 for joinder only, as an alternate route for operating convenience only; and, (3) between Anniston and Talladega, Ala., from Anniston, over Alabama Highway 21 to the junction of Interstate Highway 20, thence over Interstate Highway 20 to the junction of Alabama Highway 77, thence over Alabama Highway 77 to Talladega, Ala., and return over the same route, serving no intermediate points, but serving the junction of Interstate Highway 20 and Alabama Highway 77 for joinder only, as an alternate route for operating convenience only. NOTE: If a hearing is deemed necessary, applicant requests it be held at Nashville, Tenn.

No. MC 126243 (Sub-No. 9), filed February 13, 1973. Applicant: ROBERTS TRUCKING CO., INC., 111 North McKenna, Poteau, OK 74953. Applicant's representative: Wilburn L. Williamson, 280 National Foundation Life Building, 3535 Northwest 58th, Oklahoma City, OK 73112. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fabric and piece goods*, from points in Alabama, Georgia, North Carolina, South Carolina, Tennessee, and Virginia, to points in Oklahoma. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Oklahoma City, Okla.

No. MC 126489 (Sub-No. 18), filed January 22, 1973. Applicant: GASTON FEED TRANSPORTS, INC., 1203 West Fourth Street, Post Office Box 1066, Hutchinson, KS 67501. Applicant's representative: John E. Jandera, 641 Harrison Street, Topeka, KS 66603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry feed and feed ingredients*, from Van Buren, Ark., to points in Arkansas, Oklahoma, Kansas, Missouri, Colorado, Nebraska, Mississippi, Louisiana, Texas, New Mexico, Iowa, and South Dakota. NOTE: Applicant states that the requested authority cannot or will not be tacked with its existing authority. If a

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hearing is deemed necessary, applicant requests it be held at Little Rock, Ark.

No. MC 126844 (Sub-No. 19), filed February 22, 1973. Applicant: R. D. S. TRUCKING CO., INC., 1713 North Main Road, Vineland, NJ 08360. Applicant's representative: Jacob P. Billig, 1108 16th Street NW., Washington, DC 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned foodstuffs*, from St. Francisville, and Belledeau, La., to points in Pennsylvania, New York, Maine, Vermont, New Hampshire, Rhode Island, Massachusetts, Connecticut, New Jersey, Maryland, Delaware, Virginia, West Virginia, Ohio, Indiana, Michigan, and the District of Columbia. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 127005 (Sub-No. 2), filed February 11, 1973. Applicant: CENTRAL STORAGE & VAN COMPANY, a corporation, 801 South 15th Street, Omaha, NE 68108. Applicant's representative: Patrick E. Quinn, 605 South 14th Street, Post Office Box 82028, Lincoln, NE 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), from the warehouse site of Western Electric Co. at or near Underwood, Iowa, to the Omaha, Nebr.-Council Bluffs, Iowa commercial zone. NOTE: Applicant states that the requested authority cannot or will not be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr.

No. MC 128527 (Sub-No. 34), filed February 7, 1973. Applicant: MAY TRUCKING COMPANY, a corporation, Post Office Box 398, Payette, ID 83661. Applicant's representative: John K. Gatchel, Post Office Box 195, Payette, ID 83661. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cordage*, from Vancouver, Wash., and Portland, Oreg., to points in Nevada on and north of U.S. Highway 40, points in Idaho south of the southern boundary of Idaho County, and points in Wyoming. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Boise, Idaho.

No. MC 128698 (Sub-No. 5), filed February 16, 1973. Applicant: ERDNER BROS., INC., Fow and Leahy Avenues, Swedesboro, N.J. 08085. Applicant's representative: Chester A. Zyblut, 1522 K Street NW., Washington, DC 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, from the plantsite and warehouse facilities of Stouffer Foods Corp., located at Solon, Ohio to points in Delaware, Maryland, New Jersey, New York, those in that part of Pennsylvania located on the east of U.S. Highway 15 and the District of Columbia. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 129516 (Sub-No. 13), filed February 12, 1973. Applicant: PATTONS, INC., 2300 Canyon Road, Ellensburg, WA 98926. Applicant's representative: James T. Johnson, 1610 IBM Building, Seattle, Wash. 98101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bananas and agricultural commodities* otherwise exempt from economic regulation under section 203(b)(6) of the Interstate Commerce Act, when moving in mixed shipments with bananas, from Seattle and Tacoma, Wash. and points in California, to ports of entry on the international boundary line between the United States and Canada located at Raymond, Mont. and Portal and Pembina, N. Dak., restricted to traffic having a subsequent movement in foreign commerce. NOTE: Applicant states that the requested authority cannot or will not be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Seattle, Wash. or Portland, Oreg.

No. MC 133095 (Sub-No. 41), filed February 20, 1973. Applicant: TEXAS-CONTINENTAL EXPRESS, INC., Post Office Box 434, Euless, TX 76039. Applicant's representative: Rocky Moore (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Alcohol and alcoholic beverages* from points in Connecticut and Massachusetts to points in Texas, Oklahoma, Arkansas, and Louisiana. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Dallas, Tex.

No. MC 133917 (Sub-No. 2), filed February 20, 1973. Applicant: CARTHAGE FREIGHT LINE, INC., Post Office Box 174, Carthage, TN 37030. Applicant's representative: Walter Harwood, 1822 Parkway Towers, Nashville, Tenn. 37219. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between Lebanon, Tenn. and the junction of Tennessee Highway 53 and Interstate Highway 40 near Hickman, Tenn.: From Lebanon over U.S. Highway 70N to junction Tennessee Highway 53, thence over Tennessee Highway 53 to junction Interstate Highway 40, and return over the same route serving all intermediate points, restricted to interline with other carriers in service at Lebanon, Tenn. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Nashville, Tenn.

No. MC 134387 (Sub-No. 16), filed October 19, 1972. Applicant: BLACKBURN TRUCK LINES, INC., 4998 Branyon Avenue, South Gate, CA 90280. Applicant's representative: Warren N. Grossman, 606 South Olive Street, Los Angeles, CA 90014. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Empty glass containers* from points in Los Angeles and Alameda Counties, Calif., to points in Washoe County, Nev. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Los Angeles, Calif.

No. MC 134467 (Sub-No. 3), filed January 22, 1973. Applicant: POLAR EXPRESS, INC., Post Office Box 691, Springdale, AR 72764. Applicant's representative: Charles J. Kimball, 2310 Colorado State Bank Building, 1600 Broadway, Denver, CO 80202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Seafood and seafood products*, including commodities exempted from regulation under section 203(b)(6) of the Interstate Commerce Act, when moving in the same vehicles and at the same time as commodities not so exempted, from South Bend and Ocean Park, Wash., to points in Colorado, New Mexico, Texas, Oklahoma, Kansas, Missouri, New York, Pennsylvania, Wisconsin, California, Michigan, and Minnesota. NOTE: Common control may be involved. Applicant states that the requested authority cannot or will not be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Seattle, Wash., or Portland, Oreg.

No. MC 134547 (Sub-No. 2), filed February 19, 1973. Applicant: BILBO TRANSPORTS, INC., 2722 Singleton Boulevard, Dallas, TX 75212. Applicant's representative: Austin L. Hatchell, 1102 Perry Brooks Building, Austin, Tex. 78701. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Building, roofing and insulation materials and materials and supplies* used in the manufacture, installation, and distribution (except iron and steel and commodities in bulk) between the plantsite of Certain-Teed Products Corp., located at or near Dallas, Tex. on the one hand, and, on the other, points in Alabama, Arkansas, Colorado, Illinois, Iowa, Kansas, Kentucky, Louisiana, Mississippi, Missouri, Nebraska, New Mexico, Oklahoma, and Tennessee, under a continuing contract with Certain-Teed Products Corp. NOTE: If a hearing is deemed necessary, applicant requests it be held at Dallas or Fort Worth, Tex.

No. MC 134599 (Sub-No. 70), filed February 12, 1973. Applicant: INTERSTATE CONTRACT CARRIER CORPORATION, Post Office Box 748, Salt Lake City, UT 84110. Applicant's representative: Richard A. Peterson, Post Office Box 80806, Lincoln, NE 68501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Paper and paper products; plastic and plastic articles; fabricated metal products; waste and scrap materials; and equipment materials and supplies* used in the manufacture of the above, between the plantsites and warehouse facilities of Container Corporation of America located in points in Washington, Oregon, and California, on the one hand, and, on the other hand, points in the United States located east of the line formed by the western boundaries of Montana, Wyoming, Colorado, New Mexico, and Texas (where contiguous to Mexico), under contract with Container Corporation of America. NOTE: If a hearing is deemed necessary, applicant requests it be held at Salt Lake City, Utah, or Lincoln, Nebr.

No. MC 134922 (Sub-No. 43), filed February 20, 1973. Applicant: B. J. McADAMS, INC., Route 6, Box 15, North Little Rock, AR 72118. Applicant's representative: William J. Boyd, 29 South La Salle Street, Chicago, IL 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Deerfield and Chicago, Ill., to points in Maine, Massachusetts, New Hampshire, Rhode Island, and Vermont. NOTE: Applicant states that the requested authority cannot or will not be tacked with its existing authority. If a hearing is deemed necessary, applican requests it be held at Chicago, Ill., or Washington, D.C.

No. MC 134922 (Sub-No. 44), filed February 20, 1973. Applicant: B. J. McADAMS, INC., Route 6, Box 15, North Little Rock, AR 72118. Applicant's representative: William J. Boyd, 29 South La Salle Street, Chicago, IL 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen food* from Chicago and Deerfield, Ill., to points in Alabama, Arkansas, Florida, Georgia, Kentucky, Louisiana, Mississippi, North Carolina, Oklahoma, South Carolina, Tennessee, and Texas. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Washington, D.C.

No. MC 136385 (Sub-No. 2), filed February 20, 1973. Applicant: HALL TRUCK LINES, INC., Lone Tree, Iowa 52755. Applicant's representative: William L. Fairbank, 900 Hubbell Building, Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from the facilities of the Kitchens of Sara Lee located at or near New Hampton, Iowa, to points in Illinois, Indiana, Kansas, Michigan, Minnesota, Missouri, Nebraska, North Dakota, South Dakota, and Wisconsin, restricted to traffic originating at the named origin and destined to the named destination States. NOTE: If a hearing is deemed necessary, applicant does not specify a location.

No. MC 136420 (Sub-No. 3), filed February 12, 1973. Applicant: OKLAHOMA BORDER EXPRESS, INC., 903 South Y Street, Fort Smith, AR 72901. Applicant's representative: Tom Harper, Jr., Post Office Box 43, Kelley Building, Fort Smith, AR 72901. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between Oklahoma City and Altus, Okla.: From Oklahoma City over the H. E. Bailey Turnpike to Lawton, Okla., thence over U.S. Highway 62 to Altus, and return over the same route, serving the intermediate points of Cache, Indiahoma, Snyder, Headrick, and Altus Air Force Base, Okla. NOTE: Common control was approved by the Commission in MC-F-11260. If a hearing is deemed necessary, applicant requests it be held at Oklahoma City, Okla., or Fort Smith, Ark.

No. MC 136534 (Sub-No. 1), filed January 16, 1973. Applicant: RICHARD L. CLAPP, doing business as CMC FURNITURE TRANSPORT COMPANY, 611 Gaston Street, Raleigh, NC 27603. Applicant's representative: Ernest D. Salm, 8179 Havasu Circle, Buena Park, CA 90621. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New furniture; new children's desk sets; new dishwashers; new fume hoods; new fume hood bases; new kitchen cabinets and tops, tables, bases, and sinks therefor; new marble slabs; new ranges; new refrigerators; new show or display cases; new stoves; new table parts; and new television stands*, from points in North Carolina, South Carolina, and Tennessee, to points in Arizona, California, Colorado, Idaho, Nevada, New Mexico, Oregon, Texas, Utah, Washington, and Wyoming. NOTE: Applicant holds temporary authority as a motor contract carrier and has pending in No. MC-136498 (Sub-No. 3) a permanent authority request, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Raleigh, N.C.

No. MC 136903 (Sub-No. 6), filed February 20, 1973. Applicant: INTERMODAL TRANSPORT, INC., Post Office Box 19022, Louisville, KY 40219. Applicant's representative: W. F. Hart (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities*, in bulk, from the site of Bulk Distribution Centers, Inc., located in Broward and Palm Beach Counties, Fla., to points in Alabama, Florida, Georgia, Mississippi, North Carolina, South Carolina, and Tennessee, restricted to shipments having a prior movement by rail. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Louisville, Ky., or Atlanta, Ga.

No. MC 136916 (Sub-No. 3), filed February 20, 1973. Applicant: LENAPE TRANSPORTATION CO., INC., Post Office Box 227, Lafayette, NJ 07848. Applicant's representative: Bert Collins, 140 Cedar Street, New York, NY 10006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Top soil and humus* (exempt), in single or mixed shipments, from points in Sussex, Warren, and Morris Counties, N.J., to points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont, Virginia, and West Virginia. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 136949 (Sub-No. 2), filed February 6, 1973. Applicant: BUESING BROS. TRUCKING INC., North 520 Tamarack Avenue, Long Lake, MN 55356. Applicant's representative: B. W. Christopherson, 1421 Park Avenue, Minneapolis, MN 55404. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes transporting: *Washed stone and pea rock, and sand and processed gravel materials*, from points in Minnehaha and Lincoln Counties, S. Dak., to points in Rock, Nobles, Jackson, and Martin Counties, Minn., under contract with Woodrich Construction Co., Arcon Construction Co., and Barton Contracting Co. NOTE: If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn.

No. MC 138099 (Sub-No. 2), filed February 21, 1973. Applicant: EDWARD LOWRANCE, doing business as LOWRANCE MOVING & STORAGE, 735 West Commercial Street, Lebanon, MO 65536. Applicant's representative: Alan F. Wohlstetter, 1700 K Street NW., Washington, DC 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used household goods*, as defined by the Commission, restricted to the transportation of traffic having a prior or subsequent movement beyond said points in containers, and further restricted to the performance of pickup and delivery service in connection with packing, crating, and containerization or unpacking, uncrating, and decontainerization of such traffic between points in Camden, Christian, Dallas, Dent, Douglas, Greene, Howell, Laclede, Maries, Miller, Oregon, Ozark, Phelps, Polk, Pulaski, Shannon, Stone, Taney, Texas, Webster, and Wright Counties, Mo. NOTE: If a hearing

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is deemed necessary applicant requests it be held at St. Louis, Mo.

No. MC 138391 (Correction), filed November 8, 1972, published as MC 13891, in the FEDERAL REGISTER of March 1, 1973, and republished as corrected this issue. Applicant: FRED A. PERELLA, 340 39th Street, Pittsburgh, PA 15201. Applicant's representative: Robert McKenzie, 11th Floor, 100 Fifth Avenue, Pittsburgh, PA 15222. NOTE: The purpose of this republication is to show the correct docket number assigned thereto as shown above in lieu of MC 13891, which was in error. The rest of the notice remains as previously published.

No. MC 138406, filed February 14, 1973. Applicant: WATERLOO FREIGHT SERVICE, INC., 409 Second Street, Waterloo, NE 68069. Applicant's representative: Donald L. Stern, 530 Univac Building, Omaha, Nebr. 68106. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular and regular routes, transporting: Regular route operations: *Milk*, from Waterloo, Nebr., to Fremont, Nebr., over Milk Route No. 500 of the Nebraska-Iowa Milk Producers Association, via Nebraska Highway 16 and U.S. Highway 30, serving farmers along said route. Irregular route operations: (1) *General commodities* (except high explosives and commodities requiring special equipment), between points and places within a 15-mile radius of Waterloo, Nebr.; and between points and places within said radial area on the one hand, and, on the other, all points in Nebraska; and (2) *contractor's and construction equipment and machinery, materials and supplies, and commodities*, which by reason of their weight, size, or length require special handling or equipment, between all points within a 20-mile radius of Waterloo, Nebr. NOTE: The purpose of this application is to convert a certificate of registration issued to Max Wrigg, doing business as Waterloo Freight Service in Docket No. MC 120086 (Sub-No. 1) to a certificate of public convenience and necessity. If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr.

No. MC 138444 (Sub-No. 1), filed February 12, 1973. Applicant: KEYSTONE LIME CO., INC., Springs, Pa. 15562. Applicant's representative: D. L. Bennett, 129 Edgington Lane, Wheeling, WV 26003. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Crushed limestone and bituminous road materials*, in dump equipment, from points in Somerset County, Pa., to points in Garrett County, Md. NOTE: If a hearing is deemed necessary, applicant requests it be held at Pittsburgh, Pa.

MOTOR CARRIER OF PASSENGERS

No. MC 112422 (Sub-No. 5) (Correction), filed November 3, 1972, published in the FEDERAL REGISTER of December 7, 1972, and republished, as corrected, this issue. Applicant: SAM VAM GALDER, INC., 74 South Harmony Drive, Janesville, WI 53545. Applicant's representative: Robert M. Kaske, 8 South Madison Street, Evansville, WI 53536. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage* in the same vehicle with passengers, in special and charter operations, between Janesville and Beloit, Wis., and the Admiral Corp. plant, at Harvard, Ill. NOTE: The purpose of this republication is to properly indicate the applicant's representative which was filed in error. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Madison or Milwaukee, Wis., or Chicago, Ill.

No. MC 116212 (Sub-No. 6), filed February 6, 1973. Applicant: EYRE'S BUS SERVICE, INC., Union Chapel Road, Woodbine, Md. 21797. Applicant's representative: Bruce E. Mitchell, 1600 First Federal Building, Atlanta, Ga. 30303. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in the same vehicle with passengers, in special operations, in round trip, sightseeing, and pleasure tours, beginning and ending at points in Carroll, Frederick, Howard, and Montgomery Counties, Md., and extending to points in the United States, including Alaska (but excluding Hawaii). NOTE: Applicant also holds contract carrier authority to transport passengers under MC 134929 (Sub-No. 1 TA). If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Frederick, Md.

No. MC 138389 (Sub-No. 2), filed November 27, 1972. Applicant: HUDSON VALLEY BUS CO. INC., Englewood Terrace, Mahopac, N.Y. Applicant's representative: Sidney J. Leshin, 501 Madison Avenue, New York, NY 10022. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in special round trip operations, between the town of Carmel, N.Y., and the town of Yorktown, N.Y., on the one hand, and, on the other, Philadelphia, Pa. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Brewster, N.Y., White Plains, N.Y., or New York, N.Y.

APPLICATIONS IN WHICH HANDLING WITHOUT ORAL HEARING HAS BEEN REQUESTED

MOTOR CARRIERS OF PASSENGERS

No. MC 111215 (Sub-No. 4), filed December 18, 1972. Applicant: SASKATCHEWAN TRANSPORTATION COMPANY, a Corporation, 2041 Hamilton Street, Regina, SK S4P 2E2 Canada. Applicant's representative: W. W. Flynn (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage* in charter and special operations, between points on the international boundary line between the United States-Canada and points in the United States (except Hawaii). NOTE: Common control may be involved.

MOTOR CARRIERS OF PROPERTY

No. MC 128672 (Sub-No. 5), filed February 8, 1973. Applicant: TIMBER TRUCKING CO., INC., Post Office Box 8188, 928 Cross Lanes Drive, Nitro, WV 25143. Applicant's representative: Robert L. DeHart (same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Lumber, timber, and wood products*, (1) from points in Clearfield County, Pa., to points in Delaware, Indiana, Kentucky, Maryland, Michigan, New Jersey, New York, North Carolina, Ohio, Pennsylvania, South Carolina, Tennessee, Virginia, West Virginia, Georgia, Alabama, Mississippi, Connecticut, Rhode Island, Massachusetts, Vermont, Maine, New Hampshire, Illinois, and the District of Columbia; (2) from points in Roane County, W. Va., Rockbridge County, Va., and Powell County, Ky., to points in Georgia, Alabama, Mississippi, Connecticut, Rhode Island, Vermont, Massachusetts, Maine, New Hampshire, Illinois, and the District of Columbia; and (3) from Chesapeake Bay Plywood Co., near Pocomoke City, Md., to points in Rockbridge County, Va., under contract with the Burke-Parsons-Bowlby Corp.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.73-5911 Filed 3-28-73;8:45 am]

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federal register

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WASHINGTON, D.C.

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NOTE: There were no items published after October 1, 1972, that are eligible for inclusion in the list of RULES GOING INTO EFFECT TODAY.

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A cumulative guide is published separately at the end of each month. The guide lists the parts and sections affected by documents published since January 1, 1973, and specifies how they are affected.

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Title 3—The President

PROCLAMATION 4204

Cancer Control Month, 1973

By the President of the United States of America

A Proclamation

The forces fighting cancer in America are being mobilized as never before in our history.

Under the National Cancer Program, authorized by the National Cancer Act of 1971, public and private resources are being marshaled in the most intensive campaign ever waged against malignant disease.

I have on numerous occasions expressed my strong, personal commitment to the attack on cancer. Cancer is now killing Americans at the rate of 350,000 a year and causing untold suffering for many others. Everything that can effectively be done to find better ways of detecting, treating, and ultimately preventing cancer must be done so that we can substantially reduce its impact.

As a means of giving continued emphasis to the cancer problem, the Congress, by a joint resolution of March 28, 1938 (52 Stat. 148), requested the President to issue annually a proclamation setting aside the month of April as Cancer Control Month.

NOW, THEREFORE, I, RICHARD NIXON, President of the United States of America, do hereby proclaim the month of April, 1973, as Cancer Control Month, and I invite the Governors of the States and the Commonwealth of Puerto Rico, and the appropriate officials of all other areas under the United States flag to issue similar proclamations.

To give new emphasis to this serious problem, and to encourage the determination of the American people to meet it, I also ask the medical and health professions, the communications industries, and all other interested persons and groups to unite during this appointed time in public reaffirmation of our Nation's strong commitment to control cancer.

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-eighth day of March, in the year of our Lord nineteen hundred seventy-three, and of the Independence of the United States of America the one hundred ninety-seventh.

Richard Nixon

[FR Doc.73-6313 Filed 3-29-73;10:22 am]

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Rules and Regulations

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.

The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

Title 5—Administrative Personnel

CHAPTER I—CIVIL SERVICE COMMISSION

PART 213—EXCEPTED SERVICE

Department of Health, Education, and Welfare

Section 213.3316 is amended to show that one position of Special Assistant to the Secretary for Health Policy is no longer excepted under Schedule C.

Effective on March 30, 1973, § 213.3316 (a) (23) is revoked.

(5 U.S.C. secs. 3301, 3302, E.O. 10577; 3 CFR 1954–58 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.73–6076 Filed 3–29–73;8:45 am]

Title 28—Judicial Administration

CHAPTER I—DEPARTMENT OF JUSTICE

PART 18—LEAA ADMINISTRATIVE REVIEW PROCEDURE

On February 7, 1973, rules implementing the Administrative Provisions of the Omnibus Crime Control and Safe Streets Act of 1968, as amended, were published in the FEDERAL REGISTER (38 FR 3566). Part 17 was incorrectly assigned to this issuance. Part 18 is hereby assigned to these rules and all sections redesignated accordingly.

In addition, under § 18.62, as redesignated, the reference to provisions of § 17.56 should be corrected to read § 18.55.

Dated: March 23, 1973.

THOMAS J. MADDEN,
Assistant Administrator, Office of General Counsel.

[FR Doc.73–6055 Filed 3–29–73;8:45 am]

Title 7—Agriculture

CHAPTER III—ANIMAL AND PLANT HEALTH INSPECTION SERVICE, DEPARTMENT OF AGRICULTURE

PART 301—DOMESTIC QUARANTINE NOTICES

Subpart—Gypsy Moth and Browntail Moth

REGULATED AREAS

In the amendment of the gypsy moth and browntail moth regulated areas effective January 5, 1973 (FR Doc. 73–309), the regulated county of Clinton was inadvertently omitted from the list of gypsy moth generally infested areas for the State of New York. Accordingly, in § 301.45–2a(a) under New York in (1) *Generally infested area* Clinton County should be inserted on the seventh line immediately following Chenango County to read as follows:

Clinton County. The entire county.

Done at Washington, D.C., this 26th day of March, 1973.

LEO G. K. IVERSON,
Deputy Administrator, Plant Protection and Quarantine Programs.

[FR Doc.73–6180 Filed 3–29–73;8:45 am]

CHAPTER VIII—AGRICULTURAL STABILIZATION AND CONSERVATION SERVICE (SUGAR), DEPARTMENT OF AGRICULTURE

SUBCHAPTER G—DETERMINATION OF PROPORTIONATE SHARES

[Docket No. SH–310]

PART 850—DOMESTIC BEET SUGAR PRODUCING AREA

Allocation of Acreage

The Sugar Act of 1948, as amended in 1971, provides for the growth and expansion of the beet sugar industry by directing the Secretary of Agriculture to allocate the acreage required to yield not more than a total of 100,000 short tons, raw value, of sugar, to localities where new processing facilities are constructed or existing facilities expanded. Allocations are to be for a period of 3 years and limited for any one processing facility to the acreage required to yield a maximum of 50,000 tons of sugar and a minimum of 25,000 tons. An informal public hearing was held in Washington, D.C., on October 5, 1972, at which interested persons were given the opportunity to submit applications for acreage. Requests for allocations were received from five applicants.

The determination commits 30,000 acres for sugar beet production to the locality to be served by a new processing facility in Hillsboro, N. Dak., and 30,000 acres to the locality to be served by a new processing facility in the vicinity of Wahpeton, N. Dak. Each allocation of 30,000 acres is estimated to yield 50,000 short tons, raw value, of sugar.

Pursuant to the provisions of section 302(b) (3) and (4) of the Sugar Act of 1948, as amended, after investigation and consideration of the evidence obtained at the public hearing held on October 5, 1972, the following determination is hereby issued.

Part 850 of 7 CFR Ch. VIII is amended by adding the following sections.

Sec.
850.234 Purpose.
850.235 Definitions.
850.236 Allocation of acreage to farms and conditions of allocation.
850.237 Acreage records to be furnished.
850.238 Adjustments in acreages.
850.239 Revocation of acreage allocation.

§ 850.234 Purpose.

The purposes of §§ 850.234 through 850.239 are to provide acreage for two localities in the Red River Valley of North Dakota and Minnesota to be served by new processing facilities; to allocate to such localities the acreage required to yield not more than a total of 100,000 short tons, raw value, of sugar, as authorized under section 302 of the Sugar Act; and to specify conditions under which such acreage is to be used and is to be protected in subsequent proportionate share determinations.

§ 850.235 Definitions.

For the purpose of this part, the following terms shall have the meanings as defined in Part 891 of this chapter (38 FR 6367): Secretary, State Committee, County Committee, Act or Sugar Act, Producer, Farm, Operator, proportionate share or share, accredited acreage or accredited acres, crop or crop year, and Beet Sugar Area.

§ 850.236 Allocation of acreage to farms and conditions of allocation.

(a) *Amount of allocation*—(1) *Hillsboro, N. Dak., locality.* An allocation of 30,000 acres, estimated to yield 50,000 short tons, raw value, of sugar, is made to farms in the Hillsboro, N. Dak., locality for the 1974 crop for the purpose of growing sugar beets for delivery to the beet sugar processing facility of the Red River Valley Cooperative, Inc., an agricultural cooperative association.

(2) *Wahpeton, N. Dak., locality.* An allocation of 30,000 acres, estimated to yield 50,000 short tons, raw value, of sugar is made to farms in the Wahpeton, N. Dak., locality for the 1974 crop for the purpose of growing sugar beets for delivery to the beet sugar processing facility of the Minn-Dak Farmers Cooperative, an agricultural cooperative association.

(b) *Conditions of commitment*—(1) *Eligible farms.* An acreage commitment may be made to any new or old sugar beet farm with headquarters located in the Red River Valley of North Dakota and Minnesota, the operator of which is a member of either the Red River Valley

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Cooperative, Inc., or the Minn-Dak Farmers Cooperative.

(2) *Limits of commitment to individual farms.* The maximum commitment to any farm to be made by the county committee for the county in which the farm headquarters is located shall not be greater than the number of acres on which the grower-member of the cooperative has contributed his share of equity investment in the cooperative. However, any part of an acreage commitment which the grower-member chooses not to use during the 3-year commitment period may be relinquished by him and used to increase the acreage commitment to other grower-member(s).

(3) *Notification of commitments.* The State Committee shall instruct the County Committee to notify the farm operator, on a form provided by the State Committee, of each eligible farm included on the list prepared pursuant to § 850.237 that the acreage, as adjusted in accordance with § 850.238, has been committed to such farm. Such notice shall also inform the farm operator that if proportionate shares are in effect for either the 1975 or 1976 crop, the initial acreage committed will be adjusted in the same proportion as the State's acreage is adjusted from its acreage of the 1974 crop.

(4) *Proportionate share protection to be accorded farms utilizing committed acreage.* If proportionate shares are in effect for either the 1975 or 1976 crop, the acreage committed shall be adjusted in the same proportion as the State's acreage is adjusted from its acreage of the 1974 crop.

§ 850.237 Acreage records to be furnished.

To permit the keeping of records necessary to record accredited acreage, to accord history protection to farms in the event proportionate shares are established in later years, and for other purposes, the Red River Valley Cooperative, Inc., and the Minn-Dak Farmers Cooperative shall furnish to the county office for the county in which the farm headquarters is located the name and address of each eligible farm operator who has an equity investment in the respective cooperative, the number of acres committed within the overall allocation under § 850.236, and an identification of the land on which sugar beets are to be planted. A copy of this list shall be furnished the applicable State Committee.

§ 850.238 Adjustments in acreage.

The State Committee shall determine that the total of the acreage committed to eligible producers does not exceed the acreage allocated pursuant to § 850.236 (a). If it is determined by the State Committee that a cooperative has committed acreage to eligible producers in excess of the allocation, the State Committee shall reduce the acreage for each farm on a pro rata basis so that the total of such adjusted acreage does not exceed the total of the allocation.

§ 850.239 Revocation of acreage allocation.

The allocation of acreage is subject to revocation in accordance with the provisions of the Act if it is found that the construction of sugar beet processing facilities and the contracting for processing of sugar beets has not proceeded in substantial accordance with the representations upon which such commitment of acreage is based.

STATEMENT OF BASES AND CONSIDERATIONS

Requirements of the Act. Section 302 (b) of the Act provides as follows:

• • • (3) In order to make acreage available for growth and expansion of the beet sugar industry, the Secretary, in addition to protecting the interests of new and small producers by regulations generally similar to those heretofore promulgated by him pursuant to this Act, shall allocate as needed from the national sugar beet requirements established by him, during 1972, 1973, and 1974, the acreage required to yield not more than a total of 100,000 short tons, raw value, of sugar for localities to be served by new or substantially enlarged existing sugar beet processing facilities. Allocations shall be for a period of 3 years and limited for any one processing facility to the acreage required to yield a maximum of 50,000 short tons, raw value, of sugar and a minimum of 25,000 short tons, raw value, of sugar. The acreage so allocated shall be distributed on a fair and reasonable basis to new and old sugar beet farms to the extent that it can be utilized without regard to any other acreage allocations to States determined by the Secretary. At the time the Secretary allocates acreage for a new or substantially enlarged existing sugar beet processing facility for any year, which determination shall be made as far in advance of such year as practicable, such allocation shall thereby be committed to be in effect for the year in which production of sugar beets is scheduled to commence or to be substantially increased in the locality or localities determined by the Secretary to receive such acreage allocation for such year, such determination by the Secretary shall be final, and such commitment of acreage allocation shall be irrevocable upon issuance of such determination of the Secretary by publication in the FEDERAL REGISTER; except that if the Secretary finds in any case that the construction of new or the substantial enlargement of existing sugar beet processing facilities and the contracting for processing of sugar beets has not proceeded in substantial accordance with the representations made to him as a basis for his determination of acreage allocation, he shall revoke such determination in accordance with and upon publication in the FEDERAL REGISTER of such findings. In determining acreage allocations for a locality or localities serving new or substantially enlarged existing sugar beet facilities and whenever proposals are made to construct new or to substantially enlarge existing sugar beet processing facilities in two or more localities (where sugar beet production is proposed to be commenced or to be substantially increased in the same year), the Secretary shall base his determination and selection upon the firmness of capital commitment, the proven suitability of the area for growing sugar beets and the relative qualifications of localities and proposals under such criteria. In making his determination under the preceding sentence, the Secretary shall give a preference to any processing facility located or to be located in or adjacent to growing areas where processing facilities were closed during 1970 or thereafter if he finds that sugar beets can and will be grown in sufficient quantity and quality to make the production of sugar beets and the operations of such facility successful. If proportionate shares are in effect in either of the 2 years immediately following the year for which such initial acreage allocation is made in any locality, the Secretary shall adjust the initial allocation in the same proportion as the State's acreage is adjusted from its acreage of the year in which such initial allocation was made.

(4) The allocation of the national sugar beet acreage requirement to States for sugar beet production, as well as the acreage allocation for new or substantially enlarged existing sugar beet processing facilities, shall be determined by the Secretary after investigation and notice and opportunity for an informal hearing.

General. Five localities applied for acreage under the provisions of section 302(b). An allocation of the acreage required to yield 50,000 tons of sugar has been awarded to each of two localities—Hillsboro, N. Dak., and Wahpeton, N. Dak. These localities have met all the requirements for the allocation, i.e., the interested persons have a firm commitment of capital, and have satisfactorily proven the suitability of the area for growing sugar beets. Of the three localities which received no acreage one did not meet the basic requirement of firmness of capital commitment; another did not have definite plans for the construction of a sugar beet processing facility, and the third, which requested acreage to support a two-phase expansion of an existing processing facility was determined not to have such a need for acreage protection as is consistent with the need for "growth and expansion of the beet sugar industry" contemplated by section 302(b)(3) of the Sugar Act. That section, which was enacted "in order to make acreage available for growth and expansion of the beet sugar industry", provides that whenever proposals are made to construct new or to substantially enlarge existing facilities in two or more localities, the Secretary shall base his determination and selection upon the relative qualifications of localities and proposals under the criteria set forth above.

Public hearing. On August 30, 1972, a notice of hearing was published in the FEDERAL REGISTER announcing an informal public hearing on the matter of acreage allocations for localities serving new or substantially enlarged existing sugar beet processing facilities. The hearing was held in Washington, D.C., on October 5, 1972. Requests were received for acreage from five localities.

The Red River Valley Cooperative, Inc., requested an allocation of 50,000 acres to produce an estimated 78,324 short tons, raw value, of sugar, beginning with the 1974 crop. The production is based on a sugar beet yield of 12.5 tons per acre, shrink of 4 percent, sugar content of 15.25 percent, and a recovery rate of 80 percent. The processing facility is scheduled to begin operations in mid-September 1974. Total financing of $36.07 million, contingent only upon the allocation of acreage sufficient to produce 50,000 tons of sugar, has been arranged: 57.9 percent or $20.88 million from the St. Paul Bank for Cooperatives; 6.4 percent or $2.29 million by second lien from the construction contractor, Braunscheweigische Maschinenbauanstalt, Inc. (BMA); and 35.7 percent or $12.9 million from the grower-members, which consists of $250 per grower for one share of common stock, $105 per share for Class A preferred stock, $75 per share for Class B preferred stock, and $76 per share for Class C preferred stock.

The Utah-Idaho Sugar Co., supported by the Washington Sugar Beet Growers Association, requested an allocation of 7,911 acres to produce 25,000 short tons, raw value, of sugar for the 1972 crop and an additional 7,911 acres to produce 25,000 tons for the 1973 crop. The request was in support of the two-phase expansion of the company's Columbia Basin factory near Moses Lake, Wash., which took place during 1971 and 1972. The 1971 phase of the expansion increased the daily slicing capacity of the facility from 6,700 to 8,500 tons, and the 1972 phase further increased the capacity to 11,500 tons. All necessary equipment for the expansion was on the plantsite at the time of the hearing, and financing of the expansion was accomplished with internally generated funds.

The Appleton (Minnesota) Area Chamber of Commerce and the Appleton Sugar Beet Growers Association, representing growers who went out of business with the closing of a sugar beet processing facility at Chaska, Minn., requested consideration in the allocation of acreage. The locality had no specific plans for the construction of a facility, but stated that growers were willing to help a would-be processor construct a facility in the area.

The Minn-Dak Farmers Cooperative requested an allocation of 50,000 tons of sugar, raw value, and the acreage necessary to produce that quantity of sugar. The processing facility is expected to be completed in time for processing 1974 crop sugar beets. The processing facility is to be located near Wahpeton, N. Dak., in Dwight Township. Total financing of $36.69 million, contingent only upon the allocation of acreage sufficient to produce 50,000 tons of sugar, has been arranged: 56.9 percent or $20.88 million from the St. Paul Bank for Cooperatives; 8 percent or $2.92 million by second lien from BMA, the firm constructing the processing facility; and 35.1 percent or $12.89 million from grower members, which consists of $250 per grower for one share of common stock, $105 per share for Class A preferred stock, $75 per share for Class B preferred stock, and $76 per share for Class C preferred stock.

The Southern Minnesota Beet Sugar Cooperative requested an allocation of 26,763 acres, sufficient to produce 50,000 short tons, raw value, of sugar to serve a new beet sugar factory to be built in the vicinity of Renville, Minn. Although the applicant demonstrated the suitability of the area for growing sugar beets, the firmness of capital commitment had not been attained by November 15, 1972, the closing date for the submission of supplemental information.

Determination. This determination provides for the allocation of sugar beet acreage for use by farmers in two localities to be served by new processing facilities located in the Red River Valley of North Dakota and Minnesota. The sugar beet processing facilities are owned by the Red River Valley Cooperative, Inc., located near Hillsboro, N. Dak., and the Minn-Dak Farmers Cooperative, located near Wahpeton, N. Dak. The acreage allocated to each locality (30,000 acres) is expected to be sufficient to yield 50,000 short tons, raw value, of sugar or a total of 100,000 short tons.

Based on the average yield and sugar content of sugar beets in the Red River Valley, and assuming that the new processing facilities attain the 80-percent recovery of sugar (extraction rate) expected by the applicants, each allocation of 30,000 acres will result in total production of 50,000 tons of sugar, raw value.

The acreage allocations requested by the Utah-Idaho Sugar Co. on the basis of a "substantially enlarged existing sugar beet processing facility" have not been granted. The first phase of the company's expansion was programed and completed prior to enactment of the 1971 amendments to the Sugar Act. Additional acreage was planted by growers in the State of Washington to support the 1971 expansion. The second phase of the expansion was completed in 1972, and more acreage was planted to support that expansion. The Department does not believe that the growers serving this expanded facility need the additional protection afforded with an allocation of acreage under this determination. The additional acreage planted by these growers to support the expansion will be almost entirely covered by acreage history after the 1973 crop, since proportionate shares have not been in effect in the sugar beet area since the 1966 crop (shares were established for the 1970 crop, but the restrictions were later rescinded). Furthermore, the allocation to this locality of the acreage required to yield 50,000 tons of sugar would eliminate one of the qualified new facilities thus hindering the "growth and expansion of the beet sugar industry" which is contemplated by section 302(b)(3) of the Act.

Each sugar beet factory in the localities receiving allocations will cost upward of $30 million. The grower-members of each of the cooperative associations have been assessed a substantial amount on a per acre basis to help defray the cost of their respective projects. In the absence of the assessments to and the commitment by the grower-members, construction would not be possible. Accordingly, it is determined that the method of committing the acreage allocation to individual farms of grower-members as provided in this regulation is fair and reasonable.

If the total acreage committed to eligible farms were to exceed the acreage allocation, pro rata reductions would be made in acreages.

If proportionate shares are in effect for either the 1975 or 1976 crop, the initial acreage committed for any farm in each of these years will be adjusted in the same proportion as the State's acreage is adjusted from its acreage of the 1974 crop unless the grower-member has relinquished a portion of such commitment. In such case, new commitments would be made and protection accorded on the basis of the new commitments. Should proportionate shares be applied in future years, any acreage of sugar beets planted in excess of the acreage committed to the farm will not increase that farm's historical proportionate share protection under this determination.

If the acreage committed to a farm is not fully utilized for the 1974 crop, an opportunity shall be accorded such farm to utilize the acreage in 1975 or 1976.

Environmental statements have been filed by the Department as required by section 102(2)(c) of the National Environmental Policy Act, Public Law 91–190 (83 Stat. 852). After considering the statements and the responses to them, I have concluded that the favorable effects upon the environment, including the social gains, will outweigh the adverse effects which might be encountered by this action.

The provisions of this determination are deemed to be fair and reasonable and in accordance with the provisions of the Sugar Act. Accordingly, I hereby find and conclude that the foregoing regulation will effectuate the applicable provisions of the Act.

(Secs. 301, 302, 403, 61 Stat. 929, 930, as amended, 932; 7 U.S.C. 1131, 1132, 1143)

Effective date. March 30, 1973.

Signed at Washington, D.C., on March 27, 1973.

KENNETH E. FRICK,
Administrator, Agricultural Stabilization and Conservation Service.

[FR Doc.73-6184 Filed 3-29-73;8:45 am]

CHAPTER IX—AGRICULTURAL MARKETING SERVICE (MARKETING AGREEMENTS AND ORDERS; FRUITS, VEGETABLES, NUTS), DEPARTMENT OF AGRICULTURE

[Lemon Reg. 579]

PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Limitation of Handing

This regulation fixes the quantity of California-Arizona lemons that may be shipped to fresh market during the weekly regulation period April 1–7, 1973. It is issued pursuant to the Agricultural Marketing Agreement Act of 1937, as amended, and Marketing Order No. 910. The quantity of lemons so fixed was arrived at after consideration of the total available supply of lemons, the quantity of lemons currently available for market, the fresh market demand for lemons,

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lemon prices, and the relationship of season average returns to the parity price for lemons.

§ 910.879 Lemon Regulation 579.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 910, as amended (7 CFR Part 910), regulating the handling of lemons grown in California and Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such lemons, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) The need for this section to limit the quantity of lemons that may be marketed during the ensuing week stems from the production and marketing situation confronting the lemon industry.

(i) The committee has submitted its recommendation with respect to the quantity of lemons it deems advisable to be handled during the ensuing week. Such recommendation resulted from consideration of the factors enumerated in the order. The committee further reports the demand for lemons continues to ease, with the volume of demand down from last week.

Average f.o.b. price was $5.47 per carton the week ended March 24, 1973, compared to $5.65 per carton the previous week.

Track and rolling supplies at 160 cars were up 7 cars from last week.

(ii) Having considered the recommendation and information submitted by the committee, and other available information, the Secretary finds that the quantity of lemons which may be handled should be fixed as hereinafter set forth.

(3) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rulemaking procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for lemons and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation for regulation together with its supporting information has been submitted by the committee, however, the Secretary had modified the recommendation to provide for the shipment of a greater quantity of lemons, retaining the same effective date, and such information is being disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on March 27, 1973.

(b) *Order.* (1) The quantity of lemons grown in California and Arizona which may be handled during the period April 1, 1973, through April 7, 1973, is hereby fixed at 240,000 cartons.

(2) As used in this section, "handled", and "carton(s)" have the same meaning as when used in the said amended marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: March 29, 1973.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc.73-6343 Filed 3-29-73;3:20 pm]

PART 991—HANDLING OF HOPS OF DOMESTIC PRODUCTION

Salable Quantity and Allotment Percentage for the 1973–74 Marketing Year

Notice was published in the March 5, 1973, issue of the FEDERAL REGISTER (38 FR 5882) regarding a proposal to establish, for the 1973–74 marketing year, beginning August 1, 1973, a salable quantity of 55,528,000 pounds, and an allotment percentage of 92 percent, for hops grown in Washington, Oregon, Idaho, and California. The salable quantity is the total quantity of hops that may be freely marketed from any crop grown in those States and handled by handlers. The salable quantity is prorated among producers by applying the allotment percentage to each producer's allotment base.

The salable quantity and allotment percentage herein established are based on a recommendation of the Hop Administrative Committee and other available information in accordance with provisions of Marketing Order No. 991, as amended (7 CFR Part 991), regulating the handling of hops of domestic production, effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674).

The notice afforded interested persons the opportunity to submit written data, views, or arguments with respect to the proposal. None were received.

The salable quantity and allotment percentage are derived from the following Committee determinations for the marketing year beginning August 1, 1973:

(1) Total domestic consumption of 36 million pounds of hops;

(2) Minus imports of 13 million pounds of hops to result in domestic consumption of U.S. hops of 23 million pounds;

(3) Plus total U.S. exports of 30 million pounds of hops to equal 53 million pounds total usage of U.S. hops;

(4) Minus a desirable inventory adjustment, as of September 1, 1974, of 294,000 pounds; and

(5) Plus an adjustment of 2,182,000 pounds to provide for allotments not produced plus 640,000 pounds to assure production of the quantity needed to meet market requirements, resulting in adjusted requirements for salable hops of 55,528,000 pounds.

After consideration of all relevant matter presented, including that in the notice, the information and recommendation submitted by the Committee, the applicable provisions of the marketing order, and other available information, it is found that to establish a salable quantity and allotment percentage as hereinafter set forth will tend to effectuate the declared policy of the Act.

Therefore, the salable quantity and allotment percentage to be applicable to the 1973–74 marketing year (August 1, 1973–July 31, 1974) are established as follows:

§ 991.211 Allotment percentage and salable quantity for hops during the marketing year beginning August 1, 1973.

The allotment percentage during the marketing year beginning August 1, 1973, shall be 92 percent, and the salable quantity shall be 55,528,000 pounds.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: March 26, 1973, to become effective April 30, 1973.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division.

[FR Doc.73-6181 Filed 3-29-73;8:45 am]

CHAPTER X—AGRICULTURAL MARKETING SERVICE (MARKETING AGREEMENTS AND ORDERS; MILK), DEPARTMENT OF AGRICULTURE

[Milk Order No. 99, Docket No. AO 183-A28]

PART 1099—MILK IN PADUCAH, KY., MARKETING AREA

Order Amending Order

Findings and determinations. The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the

issuance of the aforesaid order and of the previously issued amendments thereto; and all of the said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Paducah, Ky., marketing area.

Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) The parity prices of milk, as determined pursuant to section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(3) The said order as hereby amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held.

(b) *Additional findings.* It is necessary in the public interest to make this order amending the order effective not later than April 1, 1973. Any delay beyond that date would tend to disrupt the orderly marketing of milk in the marketing area.

The provisions of this order are known to handlers. The recommended decision of the Deputy Administrator, Regulatory Programs, was issued February 13, 1973, and the decision of the Assistant Secretary containing all amendment provisions of this order was issued March 15, 1973. The changes effected by this order will not require extensive preparation or substantial alteration in method of operation for handlers. In view of the foregoing, it is hereby found and determined that good cause exists for making this order amending the order effective April 1, 1973, and that it would be contrary to the public interest to delay the effective date of this amendment for 30 days after its publication in the FEDERAL REGISTER (sec. 553(d), Administrative Procedure Act, 5 U.S.C. 551–559).

(c) *Determinations.* It is hereby determined that:

(1) The refusal or failure of handlers (excluding cooperative associations specified in section 8c(9) of the Act) of more than 50 percent of the milk, which is marketed within the marketing area, to sign a proposed marketing agreement, tends to prevent the effectuation of the declared policy of the Act;

(2) The issuance of this order, amending the order, is the only practical means pursuant to the declared policy of the Act of advancing the interests of producers as defined in the order as hereby amended; and

(3) The issuance of the order amending the order is approved or favored by at least two-thirds of the producers, who during the determined representative period, were engaged in the production of milk for sale in the marketing area.

ORDER RELATIVE TO HANDLING

It is therefore ordered, That on and after the effective date hereof, the handling of milk in the Paducah, Ky., marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended, and as hereby further amended, as follows:

In § 1099.51, paragraph (a) is revised as follows:

§ 1099.51 Class prices.

* * * * * *

(a) *Class I price.* The Class I price shall be the basic formula price for the second preceding month plus $1.70.

* * * * * *

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Effective date. April 1, 1973, with respect to marketings on and after May 1, 1973.

Signed at Washington, D.C., on March 27, 1973.

JAMES H. LAKE,
Deputy Assistant Secretary.

[FR Doc. 73-6126 Filed 3-29-73;8:45 am]

Title 8—Aliens and Nationality

CHAPTER I—IMMIGRATION AND NATURALIZATION SERVICE, DEPARTMENT OF JUSTICE

REFUGEE TRAVEL DOCUMENT

Reference is made to the notice of proposed rulemaking which was published in the FEDERAL REGISTER on January 29, 1973 (38 FR 2699), pursuant to section 553 of title 5 of the United States Code (80 Stat. 383) and in which there were set forth proposed rules pertaining to the issuance of travel documents to refugees.

The representations which were received concerning the proposed rules of January 29, 1973, have been considered. Those proposed rules have been amended in the following respects:

In proposed § 223a.3, the first sentence has been amended by inserting the words "physically present" immediately preceding the words "in the United States"; the second sentence has been amended by substituting the words "whose presence in the United States is lawful" in lieu of the words "lawfully staying in the United States"; and the third sentence has been amended by substituting the words "any other refugee" in lieu of the words "a refugee unlawfully in the United States".

In proposed § 223a.5, paragraph (b) has been amended by adding a new subparagraph (4) to include among the classes of invalid refugee travel documents those documents issued to aliens to whom the U.N. Convention of July 28, 1951, ceases to apply or does not apply as provided in Article 1C, D, E, or F of the convention.

In proposed § 223a.6, paragraphs (a) and (b) have been amended to clarify the rights of the returning alien and paragraph (c) has been amended by deleting the last two sentences thereof as unnecessary since the provisions relative to the restrictions on exclusion of holders of unexpired refugee travel documents are set forth in § 236.3(e).

In proposed § 223a.7, the penultimate sentence has been amended to provide for the denial of an application to extend a refugee travel document if it is determined that the document is invalid.

Proposed § 235.6(c) has been deleted and in lieu thereof new § 236.3(e) has been created since the restrictive provisions relative to the exclusion of holders of unexpired refugee travel documents have been repositioned from that portion of the regulations which deals with the institution of such proceedings to the portion of the regulations pertaining to orders resulting from exclusion proceedings. The grounds of inadmissibility on which exclusion may be ordered have been amended to include section 212(a)(31) of the Act. For clarification, a sentence has been added to specify the circumstances under which the special inquiry officer shall remand a case to the district director. In conformity with the repositioning of the restrictive provisions pertaining to exclusion, minor technical changes of reference have been made in proposed §§ 223a.5(b)(3) and 223a.6(c).

Proposed § 242.1(b–1) has not been adopted since it is unnecessary to the central purpose and effectiveness of Part 223a. To the extent that it will be necessary to make determinations regarding the impact of Article 32 of the U.N. Convention on deportability of holders of refugee travel documents, it is preferable that this be done by publication of administrative precedent decisions in deportation proceedings.

The proposed rules, as modified, are hereby adopted:

PART 103—POWERS AND DUTIES OF SERVICE OFFICERS; AVAILABILITY OF SERVICE RECORDS

1. In § 103.1, paragraph (e) is amended by adding a new subparagraph (12a) to read as follows:

§ 103.1 Delegations of authority.

* * * * * *

(e) *Regional commissioners.* * * *

(12a) Decisions on applications for refugee travel documents, as provided in § 223a.4 of this chapter;

* * * * *

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2. In § 103.7(b), subparagraph (1) is amended by adding the following fee after the existing 12th fee and when taken with the introductory material, it will read as follows:

§ 103.7 Fees.

• • • • •

(b) *Amounts of fees.* (1) The following fees and charges are prescribed:

• • • • •

For filing application for issuance or extension of refugee travel document... $10

• • • • •

PART 211—DOCUMENTARY REQUIREMENTS: IMMIGRANTS; WAIVERS

§ 211.1 [Amended]

1. Subparagraph (2) *Reentry permit* of paragraph (b) *Aliens returning to an unrelinquished lawful permanent residence* of § 211.1 *Visas* is amended by adding at the end thereof the following sentence: "A refugee travel document issued pursuant to Part 223a of this chapter to a lawful permanent resident shall be regarded as a reentry permit."

2. Section 211.3 is amended by adding the words "refugee travel document" after the words "reentry permit" wherever they appear in the heading and in the first sentence thereof. As amended, § 211.3 reads, in pertinent part, as follows:

§ 211.3 Expiration of immigrant visas, reentry permits, refugee travel documents, and Forms I–151.

An immigrant visa, reentry permit, refugee travel document, or Form I–151 shall be regarded as unexpired if the rightful holder embarked or enplaned before the expiration of his immigrant visa, reentry permit, or refugee travel document, or, with respect to Form I–151, before the first anniversary of the date on which he departed from the United States: *Provided*, That the vessel or aircraft on which he so embarked or enplaned arrives in the United States or foreign contiguous territory on a continuous voyage. • • •

PART 223a—REFUGEE TRAVEL DOCUMENT

Part 223a is added to read as follows:

Sec.
223a.1 Definition of refugee.
223a.2 Definition of refugee travel document.
223a.3 Eligibility.
223a.4 Application.
223a.5 Validity of refugee travel document.
223a.6 Return to the United States.
223a.7 Extension.
223a.8 Surrender of document.

AUTHORITY: Secs. 103, 211, 212, 235, 236, 237, 241; 8 U.S.C. 1103, 1181, 1182, 1225, 1226, 1227, 1251, and Protocol Relating to the Status of Refugees (TIAS 6577).

§ 223a.1 Definition of refugee.

For the purposes of this part, the term "refugee" shall be as defined in Article 1 of the U.N. Convention of July 28, 1951, relating to the status of refugees (as modified by Article I of the Protocol Relating to the Status of Refugees of January 31, 1967), which provides in pertinent part as follows:

Article 1

Definition of the Term "Refugee"

A. For the purposes of the present Convention, the term "refugee" shall apply to any person who:

(1) Has been considered a refugee under the Arrangements of 12 May 1926 and 30 June 1928 or under the Conventions of 28 October 1933 and 10 February 1938, the Protocol of 14 September 1939 or the Constitution of the International Refugee Organization;

Decisions of non-eligibility taken by the International Refugee Organization during the period of its activities shall not prevent the status of refugees being accorded to persons who fulfill the conditions of paragraph 2 of this section;

(2) Owing to well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside the country of his nationality and is unable or, owing to such fear, is unwilling to avail himself of the protection of that country; or who, not having a nationality and being outside the country of his former habitual residence, is unable or, owing to such fear, is unwilling to return to it.

In the case of a person who has more than one nationality, the term "the country of his nationality" shall mean each of the countries of which he is a national, and a person shall not be deemed to be lacking the protection of the country of his nationality if, without any valid reason based on well-founded fear, he has not availed himself of the protection of one of the countries of which he is a national.

• • • • •

C. This Convention shall cease to apply to any person falling under the terms of section A if:

(1) He has voluntarily re-availed himself of the protection of the country of his nationality; or

(2) Having lost his nationality, he has voluntarily reacquired it; or

(3) He has acquired a new nationality, and enjoys the protection of the country of his new nationality; or

(4) He has voluntarily re-established himself in the country which he left or outside which he remained owing to fear of persecution; or

(5) He can no longer, because the circumstances in connexion with which he has been recognized as a refugee have ceased to exist, continue to refuse to avail himself of the protection of the country of his nationality;

Provided that this paragraph shall not apply to a refugee falling under section A(1) of this article who is able to invoke compelling reasons arising out of previous persecution for refusing to avail himself of the protection of the country of nationality;

(6) Being a person who has no nationality he is, because the circumstances in connexion with which he has been recognized as a refugee have ceased to exist, able to return to the country of his former habitual residence;

Provided that this paragraph shall not apply to a refugee falling under section A(1) of this article who is able to invoke compelling reasons arising out of previous persecution for refusing to return to the country of his former habitual residence.

D. This Convention shall not apply to persons who are at present receiving from organs or agencies of the United Nations other than the United Nations High Commissioner for Refugees protection or assistance.

When such protection or assistance has ceased for any reason, without the position of such persons being definitively settled in accordance with the relevant resolutions adopted by the General Assembly of the United Nations, these persons shall *ipso facto* be entitled to the benefits of this Convention.

E. This Convention shall not apply to a person who is recognized by the competent authorities of the country in which he has taken residence as having the rights and obligations which are attached to the possession of the nationality of that country.

F. The provisions of this Convention shall not apply to any person with respect to whom there are serious reasons for considering that:

(a) he has committed a crime against peace, a war crime, or a crime against humanity, as defined in the international instruments drawn up to make provision in respect of such crimes;

(b) he has committed a serious non-political crime outside the country of refuge prior to his admission to that country as a refugee;

(c) he has been guilty of acts contrary to the purposes and principles of the United Nations.

§ 223a.2 Definition of refugee travel document.

As used in this chapter, the term "refugee travel document" means a document issued by the Service on Form I–571 in implementation of article 28 of the U.N. Convention of July 28, 1951, and in accordance with the provisions of this part.

§ 223a.3 Eligibility.

Any alien physically present in the United States may apply for a refugee travel document if he believes he is a refugee. A refugee travel document shall be issued to a refugee whose presence in the United States is lawful unless compelling reasons of national security or public order otherwise require. A refugee travel document may be issued, in the exercise of discretion, to any other refugee unless reasons of national security or public order otherwise require; sympathetic consideration shall be given to such an application unless the Service intends to expel or exclude the alien from the United States. For reasons of national security, a refugee travel document shall not be issued to an alien who intends to travel to, in, or through Cuba or Communist portions of Korea or Vietnam, unless the restriction with respect to any such place or places has been waived as provided in § 223a.5(b)(2).

§ 223a.4 Application.

Application for a refugee travel document shall be submitted on Form I–570 at least 45 days prior to the proposed date of departure from the United States. The application shall be submitted to the district director having jurisdiction over the applicant's place of residence and shall be accompanied by his Form I–94 or Form I–151. The applicant shall be notified of the decision on his application. If the application is approved, the refugee travel document shall be issued and the immigration status which may

be accorded to the alien upon his return to the United States shall be specified therein. Unless the applicant is in the United States as a conditional entrant or lawful permanent resident, the status of "Parolee" shall be specified. If he is in the United States as a conditional entrant, that status shall be specified; if he is a lawful permanent resident, that status shall be specified. If the application is denied, the applicant shall be notified of the reasons therefor and of his right to appeal in accordance with the provisions of part 103 of this chapter.

§ 223a.5 Validity of refugee travel document.

(a) *General.* A refugee travel document shall be valid for a period not to exceed 1 year from date of issuance and its validity may be extended for a period not to exceed 1 additional year. The document may be used for one or more applications for admission to the United States. It shall have no effect under the immigration laws except to show that during the period of its validity the lawful holder thereof may be accorded the status specified in the refugee travel document upon returning to the United States.

(b) *Invalidity*—(1) *False application.* A refugee travel document shall be invalid if the alien obtained it by making a material false representation or concealment in his application.

(2) *Area restrictions.* A refugee travel document shall be invalid if the alien during his absence abroad travels to, in, or through Cuba or communist portions of Korea or Vietnam, unless the document bears an endorsement, or the alien presents a letter issued to him by the Department of State, stating that the restriction with respect to any such place or places has been waived. The waiver shall not be endorsed in the document unless the Secretary of State has granted the alien permission to travel to, in, or through any such place or places.

(3) *Exclusion or deportation proceedings.* A refugee travel document shall be invalid if the alien is ordered excluded or deported.

(4) *Aliens who are no longer refugees.* A refugee travel document shall be invalid if the U.N. Convention of July 28, 1951, shall cease to apply or shall not apply to the alien as provided in Article 1C, D, E, or F of the convention.

§ 223a.6 Return to the United States.

(a) *General.* Every alien returning to the United States who presents a valid unexpired refugee travel document shall be permitted to come physically within the territory of the United States to receive consideration of his application for admission in conformity with paragraphs (b) and (c) of this section.

(b) *Inspection and immigration status.* Upon arrival, an alien who presents a valid unexpired refugee travel document shall be examined as to his admissibility under the Act, and under the U.N. Convention of July 28, 1951, and the Protocol of January 31, 1967, except that any question of admissibility as a lawful permanent resident or as a conditional entrant shall be determined solely in accordance with the provisions of the Act. An alien shall be accorded the immigration status endorsed in his refugee travel document unless he is no longer eligible therefor or he applies for and is found eligible for some other immigration status.

(c) *Exclusion.* If an alien who presents a valid unexpired refugee travel document appears to the examining immigration officer to be excludable as provided in § 236.3(e) of this chapter, he shall be referred for proceedings under sections 236 and 237 of the Act. Section 235(c) of the Act shall not be applicable.

§ 223a.7 Extension.

An application for extension of a refugee travel document shall be submitted on Form I–570 60 to 90 days prior to the expiration of the document's validity. The application shall be submitted to the immigration office having jurisdiction over the applicant's place of residence in the United States, or, if the applicant is temporarily sojourning abroad, he may submit the application to a U.S. immigration or consular officer as specified in § 223.2 of this chapter. An extension application mailed during the document's validity is considered as timely submitted, even though received by a Service or consular officer after the document's validity has expired. If the extension apaplication is granted, the document shall be noted to show the extension and returned to the applicant; if denied, the applicant shall be notified of the decision, and the document returned to him if the remaining period of its validity permits its use for return to the United States. The application may be denied only for compelling reasons of public order or national security, or if it is determined that the refugee travel document is invalid. No appeal shall lie from a decision denying an application for extension of a refugee travel document.

§ 223a.8 Surrender of document.

(a) *Expired document.* Upon expiration of the period of validity of a refugee travel document, it shall be surrendered to an imigration officer or to the issuing office of the Service. If an alien's expired refugee travel document has not been surrendered to the Service, no subsequent refugee travel document shall be issued to him unless he shall first surrender the expired document or satisfactorily account for his failure to do so. A refugee travel document shall also be surrendered if the alien's immigration status has changed so that upon return to the United States he may not be accorded the status endorsed in the document.

(b) *Invalid document.* An invalid refugee travel document shall be surrendered to an immigration officer except that an alien traveling abroad shall be permitted to retain it until his return to the United States prior to its expiration date. A refugee travel document shall be surrendered provisionally upon notification within the United States that its validity is being investigated or upon notification of institution of exclusion or deportation proceedings, and it shall be returned to the alien if the outcome of the investigation is favorable to him or the final order issued under the instituted proceedings does not result in the document becoming invalid pursuant to § 223a.5(b)(3).

PART 236—EXCLUSION OF ALIENS

Section 236.3 is amended by adding a new paragraph (e) to read as follows:

§ 236.3 Decision of the special inquiry officer; notice to the applicant.

• • • • • •

(e) *Holders of refugee travel documents.* Aliens who are the holders of valid unexpired refugee travel documents may be ordered excluded only if they are found to be inadmissible under section 212 (a) (9), (10), (12), (23), (27), (28), (29), or (31) of the Act, and it is determined that on the basis of the acts for which they are inadmissible there are compelling reasons of national security or public order for their exclusion. If the special inquiry officer finds that the alien is inadmissible but determines that there are no compelling reasons of national security or public order for exclusion, the special inquiry officer shall remand the case to the district director for parole.

PART 299—IMMIGRATION FORMS

§ 299.1 [Amended]

The list of forms in § 299.1 *Prescribed forms* is amended by adding the following forms and references thereto in alphabetical and numerical sequence:

Form No.	*Title and description*
I–570	Application for Issuance or Extension of Refugee Travel Document.
I–571	Refugee Travel Document.

(Sec. 103, 66 Stat. 173; 8 U.S.C. 1103)

The basis and purpose of the above-prescribed rules are to incorporate into the regulations provisions authorizing the issuance of travel documents to refugees in implementation of Article 28, U.N. Convention of July 28, 1951, and Protocol Relating to the Status of Refugees Between the United States and Other Governments entered into force with respect to the United States on November 1, 1968.

Effective date. This order shall become effective on June 1, 1973.

Dated: March 27, 1973.

RAYMOND F. FARRELL,
Commissioner of Immigration and Naturalization.

[FR Doc.73–6151 Filed 3–29–73;8:45 am]

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Title 9—Animals and Animal Products

CHAPTER I—ANIMAL AND PLANT HEALTH INSPECTION SERVICE, DEPARTMENT OF AGRICULTURE

SUBCHAPTER C—INTERSTATE TRANSPORTATION OF ANIMALS (INCLUDING POULTRY) AND ANIMAL PRODUCTS; EXTRAORDINARY EMERGENCY REGULATION OF INTRASTATE ACTIVITIES

PART 82—EXOTIC NEWCASTLE DISEASE; AND PSITTACOSIS OR ORNITHOSIS IN POULTRY

Areas Quarantined and Released

These amendments quarantine additional portions of Riverside and San Bernardino Counties in California because of the existence of exotic Newcastle disease. Therefore, the restrictions pertaining to the interstate movement of poultry, mynah, and psittacine birds, and birds of all other species under any form of confinement, and their carcasses and parts thereof, and certain other articles from quarantined areas, as contained in 9 CFR Part 82, as amended, apply to the quarantined areas.

The amendments exclude portions of San Luis Obispo and Los Angeles Counties in California from the areas quarantined because of exotic Newcastle disease. Therefore, the restrictions pertaining to the interstate movement of poultry, mynah, and psittacine birds, and birds of all other species under any form of confinement, and their carcasses and parts thereof, and certain other articles from quarantined areas, as contained in 9 CFR Part 82, as amended, will not apply to the excluded areas.

Pursuant to the provisions of sections 1, 2, 3, and 4 of the Act of March 3, 1905, as amended, sections 1 and 2 of the Act of February 2, 1903, as amended, sections 4, 5, 6, and 7 of the Act of May 29, 1884, as amended, and sections 3 and 11 of the Act of July 2, 1962 (21 U.S.C. 111, 112, 113, 115, 117, 120, 123, 124, 125, 126, 134b, 134f), Part 82, Title 9, Code of Federal Regulations, is hereby amended in the following respects:

1. In § 82.3, in paragraph (a) (1) relating to the State of California, subdivisions (ii) relating to San Luis Obispo County and (v) (g) relating to Los Angeles County are deleted.

2. In § 82.3, in paragraph (a) (1) relating to the State of California, new subdivisions (i) relating to Riverside County and (ii) relating to San Bernardino County are added to read:

(a) * * *

(1) *California.* (i) The following areas in Riverside County:

(a) The premises of Marvin D. and Jessie K. Rhodes, 28260 Brodiaea Street, Sunnymead, CA, comprised of lots 7 and 8 of sec. 14, T. 3 S., R. 3 W.

(b) The premises of Rycherbosch Turkey Ranch, 40400 Newport Road, Hemet, CA, comprised of lots 1, 2, and 3 of sec. 35, T. 5 S., R. 1 W.

(c) The premises of Quality Farms, 26285 Cottonwood, Sunnymead, CA, comprised of sec. 9, T. 3 S., R. 3 W.

(d) The premises of James Maurice and Barbara Annette Hood, 33574 Beverly Drive, Hemet, CA.

(ii) The premises of Quality Farms, 2127 Mountain Avenue, city of Upland in San Bernardino County, comprised of S½ of sec. 25, T. 1 N., R. 8 W.

* * * * * * *

(Sec. 4–7, 23 Stat. 32, as amended; secs .1 and 2, 32 Stat. 791–792, as amended; secs. 1–4, 33 Stat. 1264, 1265, as amended; secs. 3 and 11, 76 Stat. 130, 132; 21 U.S.C. 111–113, 115, 117, 120, 123–126, 134b, 134f; 37 FR 28464, 28477)

Effective date. The foregoing amendments shall become effective March 23, 1973.

The amendments impose certain restrictions necessary to prevent the interstate spread of exotic Newcastle disease, a communicable disease of poultry, and must be made effective immediately to accomplish their purpose in the public interest. The amendments relieve certain restrictions presently imposed but no longer deemed necessary to prevent the spread of exotic Newcastle disease, and must be made effective immediately to of maximum benefit to affected persons. It does not appear that public participation in this rulemaking proceeding would make additional relevant information available to the Department.

Accordingly, under the administrative procedure provisions in 5 U.S.C. 553, it is found upon good cause that notice and other public procedure with respect to the amendments are impracticable, unnecessary, and contrary to the public interest, and good cause is found for making them effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 23d day of March 1973.

G. H. WISE,
Acting Administrator, Animal and Plant Health Inspection Service.

[FR Doc.73-6125 Filed 3-29-73;8:45 am]

SUBCHAPTER D—EXPORTATION AND IMPORTATION OF ANIMALS (INCLUDING POULTRY) AND ANIMAL PRODUCTS

PART 92—IMPORTATION OF CERTAIN ANIMALS AND POULTRY AND CERTAIN ANIMAL AND POULTRY PRODUCTS; INSPECTION AND OTHER REQUIREMENTS FOR CERTAIN MEANS OF CONVEYANCE AND SHIPPING CONTAINERS THEREON

General Prohibition; Exceptions

The purpose of these amendments is to to change the terminology used to refer to pigeons for purposes of regulations governing their importation.

Pursuant to the provisions of section 2 of the Act of February 2, 1903, as amended, and sections 2, 3, 4, and 11, of the Act of July 2, 1962 (21 U.S.C. 111, 134a, 134b, 134c, and 134f), Part 92, Title 9, Code of Federal Regulations, is hereby amended as follows:

1. Section 92.1(j) is amended as follows:

(a) In subparagraph (1), the term "pigeon" is deleted;

(b) Subparagraph (2) is amended; and

(c) Subparagraph (3) is added to read as follows:

§ 92.1 Definitions.

* * * * * *

(j) * * *

(2) *Birds.* All members of the class *aves* (including eggs for hatching), other than poultry or pigeons.

(3) *Pigeons.* All species of pigeons.

* * * * * *

2. In § 92.2, a new paragraph (e) is added to read:

§ 92.2 General prohibitions; exceptions.

* * * * * *

(e) All of the provisions of this Part 92 shall apply to pigeons to the same extent and in the same manner as they apply to poultry.

(Sec. 2, 32 Stat. 792, as amended; secs. 2, 3, 4, and 11, 76 Stat. 129, 130, 132; 21 U.S.C. 111, 134a, 134b, 134c, 134f; 37 FR 28464, 28477)

Effective date. The foregoing amendments shall become effective March 30, 1973.

These amendments remove pigeons from classification as "poultry" under the regulations in this Part 92 and do not impose or relieve any restrictions. They should be made effective promptly to be of maximum benefit to persons affected by local ordinances restricting the maintenance of "poultry." It does not appear that public participation in this rulemaking proceeding would make additional relevent information available to the Department.

Accordingly, under the administrative procedure provisions in 5 U.S.C. 553, it is found upon good cause that notice and other public procedure with respect to the amendments are impracticable, and unnecessary, and good cause is found for making them effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 26th day of March 1973.

G. H. WISE,
Acting Administrator, Animal and Plant Health Inspection Service.

[FR Doc.74-6124 Filed 3-29-73;8:45 am]

Title 10—Atomic Energy

CHAPTER I—ATOMIC ENERGY COMMISSION

PART 81—PATENT LICENSING REGULATIONS

Licensing of AEC-Owned Inventions

This revision of the Atomic Energy Commission Regulations Part 81 sets forth the standard specifications for the issuance of licenses on foreign patents and patent applications owned by the AEC, and is issued pursuant to sections 156 and 161g, of the Atomic Energy Act of 1954, as amended. It is promulgated for the purpose of enhancing the utilization by industry of AEC-owned foreign patents in the public interest.

The table of contents is amended as follows:

LICENSING OF AEC-OWNED FOREIGN INVENTIONS

Sec.
81.61 Specific policy as to Licensing Foreign inventions.
81.62 Publication of AEC foreign inventions available for licensing.
81.63 Grant and construction of licenses.
81.64 Terms and conditions.
81.65 Contents of application.
81.66 Appeals.

AUTHORITY: Secs. 156 and 161g of the Atomic Energy Act of 1954, as amended.

Part 81 is modified as follows:

Add to § 81.2 *Definitions.*

§ 81.2 Definitions.

* * * * * *

(e) "AEC foreign invention" means an invention covered by a patent, or an application for a patent, issued by a government or authority of a country other than the United States that is vested in the Government of the United States, as represented by the Commission.

LICENSING OF AEC-OWNED FOREIGN INVENTIONS

§ 81.61 Specific policy as to licensing foreign inventions.

(a) In addition to the general policy expressed in § 81.11 as respects the licensing of Commission-owned patents in order to secure utilization, the following additional policy applies to inventions covered by patents and patent applications issued by a government or authority of a country other than the United States and vested in the Government of the United States of America, as represented by the Commission. The public interest will best be served when such inventions are beneficially utilized.

(b) Licenses granted by the Commission in AEC-owned foreign inventions will be negotiated on terms and conditions which, in the discretion of the Commission, are deemed most favorable to the interests of the United States.

(c) The Commission may grant licenses to practice AEC foreign inventions in accordance with laws of the country or countries in which such patents are applied for or issued. The licenses will usually be for royalties and/or other consideration, but, in the discretion of the Commission, royalties may be waived depending upon the circumstances of a particular case.

(d) All licenses shall be by express written instruments. No license shall be granted or implied in an AEC foreign invention, except as provided for in these regulations or in patent rights articles of Commission Contracts or in an existing or future treaty or agreement between the United States and any foreign government or intergovernmental organization.

§ 81.62 Publication of AEC foreign inventions available for licensing.

(a) The Commission will have published periodically lists of AEC foreign inventions available for licensing in the FEDERAL REGISTER and in other publications, where advisable.

(b) Abstracts of AEC foreign inventions, arranged by country, will be distributed periodically by the Commission and will be available from the Office of Information Services, or from the Office of the Assistant General Counsel for Patents, U.S. Atomic Energy Commission, Washington, D.C. 20545.

(c) Copies of foreign patents may be obtained for a fee from the Foreign Patent Office or authority of the issuing country. In some cases, copies of foreign patents may be obtained from the U.S. Patent Office. Copies of U.S. patent application specifications corresponding to the foreign specification may be secured from the U.S. Patent Office for a reasonable fee by arrangement with the Commission.

§ 81.63 Grant and construction of licenses.

(a) AEC foreign inventions may be made available for the grant of licenses to responsible applicants who will practice the inventions in the foreign country where the patent is applied for or issued, and thus make the benefits of the invention available to the public. The Commission will determine whether to grant a particular license on bases consistent with the policy set forth in § 81.61 in accordance with the procedures herein, based upon, in addition to other information acquired by the Commission, the information supplied by an applicant for a license on any AEC foreign invention in an application under § 81.65. Some of the factors which the Commission will consider in the grant of a foreign license to a particular applicant are the following:

(1) The nature of the invention and related technology and the effect of the license of the invention upon the policies and practices of the U.S. Government.

(2) The capabilities of the license applicant to further the technical and market development of the invention to bring the same to the point of practical application and to fulfill the demand for the invention primarily in the foreign country.

(3) The applicant's plan to undertake development and marketing of the invention, and, where appropriate, his promise, in consideration for the grant of the license to expend a minimum sum of money and/or take other specified action to bring the invention to the point of practical application and to pay a fee and royalties for the practice of the invention.

(4) The effect of the license and applicant's plan to undertake development and marketing of the invention upon (i) domestic and international commerce and competition, (ii) the balance of payments of the United States and foreign countries, (iii) the improvement and assistance of underdeveloped and developing countries of the world, and (iv) the overall posture of the United States in world markets.

(5) The benefit of the grant of the license to the public and the Government of the United States.

§ 81.64 Terms and conditions of AEC foreign licenses.

(a) AEC foreign inventions may be licensed under the following, or other, terms as negotiated between the Commission and the license applicant:

(1) The duration of the license shall be for a specified period of not more than five (5) years and for such additional renewal periods as may be provided for in the license.

(2) The license shall be granted for all of the fields of use of the invention, or only such fields of use as may be specified in the license agreement. The license may grant one or more of the separate rights to manufacture, use, import, export, and to sell, as provided for by the law of the foreign country for which the license is granted.

(3) The license may be granted in any one or all of the foreign countries in which the AEC foreign invention is covered by a patent application, or any lesser geographic area thereof.

(4) The license may be nonexclusive or exclusive. If exclusive, the license will reserve the irrevocable, royalty-free right of the Government of the United States to practice and have practiced the invention by or on behalf of the Government of the United States and on behalf of any foreign government or intergovernmental organization pursuant to any existing or future treaty or agreement with the United States, or any agency thereof, and will reserve the right of the U.S. citizens and corporations to use and sell and have used and sold the product of the invention in the country of grant where manufactured in the United States by a U.S. licensee.

(5) The license will usually require the licensee to pay royalties according to amounts and terms agreed upon with the Commission. Royalties may consist of a minimum fee on consummation of the license and annual royalties consisting of a flat fee or percentage of the licensee's manufacture, use or sale of the invention in each country in which the license is granted with a minimum annual royalty.

(6) The license may require the licensee to expend a specified minimum sum of money and/or to take other specified action, within indicated periods as specified in the license, in an effort to bring the invention to the point of practical application or to practice the invention.

(7) The Commission may require the grant of a nonexclusive license, with the right to grant sublicenses, for use and practice in the United States of any inventions made or conceived by a nonexclusive licensee during the period of the nonexclusive license, and shall require such nonexclusive licenses, with the right to grant sublicenses, in any exclusive license on an AEC foreign invention.

(8) The license will require the licensee to submit periodic reports, and if applicable, royalty accountings, on his practice of the invention in the country or countries in which a license is granted.

(9) The Commission may revoke the license if the licensee fails to make any

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report or royalty payments required by the license or commits any breach of any covenant or agreement therein contained, or if the licensee willfully makes or has made a false statement of a material fact or willfully omitted a material fact in the license application submitted pursuant to § 81.65, or in any report or royalty accounting required by the License Agreement.

(10) The licensee may be granted the right to bring suit or otherwise enforce the rights of the license according to the laws of the country for which the license is granted.

(11) The licensee will be required to secure any approvals or validations of any foreign government and may be required to pay the annuity or other fees for the renewal or maintenance of the licensed AEC foreign invention.

§ 81.65 Contents of a license application.

(a) An application for a license under an AEC foreign invention should include the following information:

(1) Identification of the invention for which the license is desired, including the foreign patent application serial number or the foreign patent number, title, and date, if known, and any other identification of the invention.

(2) Name and address of the person, company, or organization applying for a license and the citizenship or State of incorporation thereof.

(3) Name and address of a representative of applicant to whom correspondence should be sent and any notices served.

(4) Nature and type of applicant's business.

(5) Identification of the source of applicant's information concerning the availability of a license on the invention.

(6) Purpose for which a license is desired; i.e., manufacture, use, or sale in the particular foreign country, and a brief description of applicant's plan to accomplish such purpose.

(7) A statement of the field and the field(s) of use in which applicant intends to practice the invention.

(8) A statement of the foreign country and geographical area(s) in which the applicant will practice the invention.

(9) A statement of applicant's capability to undertake the development and/or marketing required to bring the invention to the point of practical application.

(10) A statement describing the time, expenditure, and other acts which the applicant considers necessary to bring the invention to the point of practical application, and the applicant's offer to invest the time and moneys to accomplish such acts if the license is granted, and applicant's willingness to pay the Commission fees, royalties, and other consideration for the license.

(11) Any other facts which the applicant believes to show it to be in the interest of the public and the U.S. Government for the Commission to grant a foreign license to the applicant.

§ 81.66 Appeals.

(a) Any decision concerning the grant, denial, interpretation, modification, or revocation of a foreign license under this subpart may be appealed by any party affected by such decision in accordance with the appeal procedures of this subpart by filing a notice of appeal with the Assistant General Counsel for Patents of the Commission within thirty (30) days from the date of the mailing of a written notice of the decision to the party or parties, or if no such written notice is sent, then thirty (30) days from publication in the FEDERAL REGISTER.

(b) Upon receipt of an appeal, the Assistant General Counsel for Patents will notify the General Manager who will designate a Board who shall review and determine the matter in accordance with § 81.53.

This part is effective March 30, 1973.

Dated at: Germantown, Md., this 23d day of March 1973.

For the Atomic Energy Commission.

PAUL C. BENDER,
Secretary of the Commission.

[FR Doc.73-5983 Filed 3-29-73;8:45 am]

Title 14—Aeronautics and Space

CHAPTER I—FEDERAL AVIATION ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Docket No. 73-CE-3-AD; Amdt. 39-1617]

PART 39—AIRWORTHINESS DIRECTIVES

Cessna Models 310 and 320 Airplanes

Service history has disclosed problems in the wing leading edge on Cessna Models 310 and 320 airplanes. There have been service reports of fuel line corrosion, leaks, chafing, and other potential fire hazards. Additional reports have been received on electrical wire harness insulation deterioration, chafing and support. As a result of these incidents the manufacturer has issued Cessna Multiengine Service Letter No. ME73-5, dated March 16, 1973, applicable to Cessna Models 310 and 320 airplanes, which recommends inspections and modifications in the wing leading edge area to detect existing and incipient flammable fluid leakage, to provide drainage of any such leakage and to remove possible sources of ignition. Since the conditions described herein are likely to exist or develop in other aircraft of the same type design an airworthiness directive is being issued making compliance with the service letter mandatory.

Since a situation exists which requires expeditious adoption of the amendment, notice and public procedure hereon are impracticable and good cause exists for making the amendment effective in less than 30 days.

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator 14 CFR 11.89 (31 FR 13697), § 39.13 of Part 39 of the Federal Aviation Regulations is amended by adding the following new AD.

CESSNA. Applies to all Models 310 and 320 series airplanes and Serial Nos., except Models 310, 310A, 310B, and 310Q (Serial Nos. 310Q0710 and up).

Compliance: Required as indicated, unless already accomplished.

To determine condition of fuel lines, electrical wiring, and to detect loose fittings and attachments, to reduce possible collection of flammable fluids and to eliminate possible ignition sources within the leading edges of the wings, within the next 25 hours' time in service after the effective date of this AD, accomplish the following in accordance with Cessna Multiengine Service Letter ME73-5 dated March 16, 1973, and Cessna Service Kit SK 310-90 dated March 7, 1973, or later FAA approved revisions or any other method approved by the Chief, Engineering and Manufacturing Branch, FAA, Central Region:

(1) Inspect the fuel lines and electrical harnesses in the wing leading edge for corrosion, chafing, looseness, or other unserviceable conditions. Procedures for this inspection are contained in Cessna Service Kit SK 310-90.

(2) Prior to further flight replace and/or repair any unserviceable parts or conditions found as result of the above inspection.

(3) Install leading edge drainage and sealant provisions in the wings in accordance with paragraph B of Cessna Service Kit SK 310-90.

(4) Remove, relocate, and reinstall the auxiliary fuel boost pump resistor and relay in accordance with paragraphs C and D of Cessna Service Kit SK 310-90.

(a) On those airplanes in which P/N 0850404-1 boost pump relay is installed, relocate this relay to wing trailing edge per Cessna Service Kit SK 310-90. (This relay is no longer eligible for installation in the wing leading edge.)

(b) P/N FC 215-136 boost pump relay already installed in the wing leading edge is acceptable and as an alternative to paragraph (a), P/N 0850404-1 boost pump relay may be replaced with P/N FC 215-136 boost pump relay installed in the present wing leading edge location.

(c) On all airplanes relocate the boost pump resistor in accordance with Cessna Service Kit SK 310-90.

(5) Place amended checklist entitled "Aircraft Fire Procedures Checklist" in the cockpit. This checklist is supplied with Cesna Service Kit SK 310-90.

This amendment becomes effective April 6, 1973.

(Sec. 313(a), 601, 603, Federal Aviation Act of 1958, 49 U.S.C. 1354(a), 1421, 1423; sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Kansas City, Mo., on March 22, 1973.

JOHN M. CYROCKI,
Director, Central Region.

[FR Doc.73-6074 Filed 3-29-73;8:45 am]

[Docket No. 73-SO-21; Amdt. 39-1607]

PART 39—AIRWORTHINESS DIRECTIVES

Pitts Model S-2A Series Airplanes

There have been cracks occurring to the horizontal stabilizer leading edge tubes and the horizontal stabilizer support tubes on the Pitts Model S-2A series airplanes. Since this condition is likely to exist or develop in other airplanes of the same type design, an airworthiness directive is being issued to require inspection of the horizontal stabilizer tubes for cracks.

Since a situation exists that requires immediate adoption of this regulation, it is found that notice and public procedure hereon are impracticable and good cause exists for making this amendment effective in less than 30 days.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (31 FR 13697), § 39.13 of Part 39 of the Federal Aviation Regulations, is amended by adding the following new airworthiness directive:

PITTS AVIATION ENTERPRISES, INC. Applies to Pitts Model S-2A series airplanes, S/N 2001 through 2044. Compliance required as indicated.

(a) Within the next 5 hours' time in service after the effective date of this AD, unless already accomplished, inspect the horizontal stabilizer, P/N 2-3100, front and rear tubes, and the horizontal stabilizer support tubes, front (P/N 2-2123) and rear (P/N 2-2100-109) for cracks.

(1) Disassemble the stabilizers (right and left) in accordance with instructions in Pitts Service Bulletin No. 6, Step 1, or the instructions of paragraph (a)(1) of AD 72-19-5. Also remove horizontal stabilizer root fairing.

(2) Thoroughly clean the exposed portions of all tubes noted above with solvent. Dye-check the tubes in the vicinity of the AN3 bolt holes, and visually inspect for cracks.

(i) If cracks are found, contact Aerotek, Inc., P.O. Box 547, Afton, WY 83110, for approved repair or repair in accordance with a method approved by the Chief, Engineering and Manufacturing Branch, FAA, Southern Region, Atlanta, Ga.

(ii) If no cracks are found, reassemble in reverse order of disassembly.

CAUTION: Use care on reassembly to insure that the AN365-1032 nuts on the AN3 bolts, which secure the horizontal stabilizer to the support tubes, are tight enough to prevent any axial movement of the bolt, without having any preload or crushing action on the tubes.

(b) Repeat the inspection in paragraph (a) above every 50 hours' time in service after initial inspection.

This amendment becomes effective April 3, 1973, for all persons except those to whom it was made effective upon receipt of the airmail letter dated March 9, 1973, which contained this amendment.

(Secs. 313(a), 601, 603, Federal Aviation Act of 1958, 49 U.S.C. 1354(a), 1421, 1423; sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in East Point, Ga., on March 19, 1973.

DUANE W. GREER,
Acting Director, Southern Region.

[FR Doc.73-6072 Filed 3-29-73;8:45 am]

nut for jam nut torque value and repair or replacement of the loose parts as necessary.

Since a situation exists that requires immediate adoption of this regulation, it is found that notice and public procedure hereon are impracticable and good cause exists for making this amendment effective in less than thirty (30) days.

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator (14 CFR 11.89), § 39.13 of Part 39 of the Federal Aviation Regulations is amended by adding the following new airworthiness directive:

PRATT & WHITNEY. Applies to all Pratt & Whitney JT3D-1, JT3D-1-MC6, JT3D-1-MC7, JT3D-3, and JT3D-3B model engines containing fuel control to fuel return line elbow P/N 424790 and jam nut P/N 217477.

Compliance required within the next 500 hours' time in service after the effective date of this AD and every 1,000 hours in service thereafter, or until modified in accordance with the service bulletin referenced in paragraph (b)(2) or equivalent method approved by the Chief, Engineering and Manufacturing Branch, New England Region.

To prevent the possibility of fuel leakage due to loosening of fuel control to fuel pump return tube elbow P/N 424790, and jam nut P/N 217477, check jam nut torque value.

(a) If found to be a minimum of 285 in-lb, continue in service operation.

(b) If the jam nut is found to be less than 285 in-lb, break the connection and examine the mating threads of the elbow P/N 424790 and fuel control cover P/N 704972-1 on their loaded sides for wear.

NOTE: The loaded side will be on the fuel side (inside) rather than the air side (outside) of the cover.

(1) If the threads are not worn, remake the fitting according to the instructions given in the Overhaul Manual, P/N 411568, section 72-00, Fits and Clearances.

(2) If threads are worn replace fuel control to fuel pump return tube elbow, P/N 424790, with P/N 483848 and associated hardware in accordance with Pratt & Whitney Service Bulletin No. 1511 Revision 4, dated June 30, 1969.

(c) Upon submission of substantiating data through an FAA maintenance inspector, the Chief, Engineering and Manufacturing Branch, FAA, New England Region, may adjust repetitive inspection intervals specified in this AD.

This amendment becomes effective April 11, 1973.

(Secs. 313(a), 601, 603, Federal Aviation Act of 1958, 49 U.S.C. 1354(a), 1421, 1423; sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Burlington, Mass., on March 21, 1973.

FERRIS J. HOWLAND,
Director, New England Region.

[FR Doc.73-6073 Filed 3-29-73;8:45 am]

[Docket No. 72-SO-74; Amdt. 39-1613]

PART 39—AIRWORTHINESS DIRECTIVES

Teledyne Continental Models IO-470 and TSIO-470 Engines

Amendment 39-1522, 37 FR 19120, AD 72-20-2 requires retirement at next overhaul of all P/N 626820 "Non-H" cylinders and those "H" cylinders manufactured or remanufactured (rebarreled) prior to April 1963, and retains the inspections procedures of AD 67-31-5 on the affected engines only so long as necessary to facilitate the orderly retirement of cylinders on Teledyne Continental Motors Models O-470 and IO-470 series engines. After issuing Amendment 39-1522 due to service experience, the agency determined that the methods outlined in the airworthiness directive to identify bona fide "H" cylinders were not sufficiently clear to personnel in the field to prevent confusion. Therefore the AD is being amended to provide additional information in the form of Teledyne Continental Service Bulletin M73-2 to aid in identification of "H" and "Non-H" cylinders.

Since this amendment provides a clarification only and imposes no additional burden on any person, notice and public procedure hereon are unnecessary and the amendment may be made effective in less than 30 days.

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator, 31 FR 13697, § 39.13 of Part 39 of the Federal Aviation Regulations, Amendment 39-1522, 37 FR 19120, AD 72-20-2, is amended by revising note 3 under paragraph B to read as follows:

NOTE 3: On engines manufactured or remanufactured by Teledyne Continental Motors during 1964 or later, as indicated by the year suffix on the serial number, it may be assumed without further verification that "H" type cylinders installed were manufactured subsequent to April 1963, if maintenance records do not indicate a cylinder exchange.

On other engines having "H" type cylinders installed, it will be necessary to establish the cylinder's date of manufacture by removing the rocker box cover and inspecting the area beneath the rocker arm for the impression stamped manufacture date. Information on the location of this stamp was given on page 115 of the August 1971 General Aviation Inspection Aids Summary. However, in the event the manufacture date appears ambiguous or illegible Teledyne Continental Service Bulletin M73-2 should be used to identify cylinders.

This amendment becomes effective April 2, 1973.

(Secs. 313(a), 601, 603, Federal Aviation Act of 1958, 49 U.S.C. 1354(a), 1421, 1423; sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in East Point, Ga., on March 19, 1973.

DUANE W. FREER,
Acting Director, Southern Region.

[FR Doc.73-6071 Filed 3-29-73;8:45 am]

[Airspace Docket No. 72-GL-46]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Designation of Transition Area

On page 20953 of the FEDERAL REGISTER dated October 5, 1972, the Federal Aviation Administration published a notice of

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proposed rulemaking which would amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to designate a transition area at Bellefontaine, Ohio.

Interested persons were given 45 days to submit written comments, suggestions, or objections regarding the proposed amendment.

No objections have been received and the proposed amendment is hereby adopted without change and is set forth below.

This amendment shall be effective 0901 G.m.t., May 24, 1973.

(Sec. 307(a), Federal Aviation Act of 1958, 49 U.S.C. 1348; sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Des Plaines, Ill., on March 13, 1973.

H. W. POGGEMEYER,
Acting Director,
Great Lakes Region.

In § 71.181 (37 FR 2143), the following transition area is added:

BELLEFONTAINE, OHIO

That airspace extending upward from 700 feet above the surface within a 6-mile radius of the Bellefontaine Airport (latitude 40°24'45" N., longitude 83°44'10" W.) and within 3 miles each side of the 049° bearing from the airport extending from the 6-mile-radius area to 13 miles northeast of the airport.

[FR Doc.73-6065 Filed 3-29-73;8:45 am]

[Airspace Docket No. 72-GL-76]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Designation of Transition Area

On Page 1939 and Page 1940 of the FEDERAL REGISTER dated January 19, 1973, the Federal Aviation Administration published a notice of proposed rulemaking which would amend § 71.181 of Part 71 of the Federal Aviation Regulations, so as to designate a transition area at Hillsboro, Ohio.

Interested persons were given 30 days to submit written comments, suggestions, or objections regarding the proposed amendment.

No objections have been received and the proposed amendment is hereby adopted without change and is set forth below.

This amendment shall be effective 0901 G.m.t., May 24, 1973.

(Sec. 307(a), Federal Aviation Act of 1958, 49 U.S.C. 1348; sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Des Plaines, Ill., on March 13, 1973.

H. W. POGGEMEYER,
Acting Director,
Great Lakes Region.

In § 71.181 (38 FR 435), the following transition area is added:

HILLSBORO, OHIO

That airspace extending upward from 700 feet above the surface within an 8-mile radius of the Highland County Airport (latitude 39°11'21" N., longitude 83°32'18" W.).

[FR Doc.73-6064 Filed 3-29-73;8:45 am]

[Airspace Docket No. 73-GL-12]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Deletion of Transition Areas

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to delete the Plymouth, Mich., and Salem, Mich., transition areas.

The Plymouth, Mich., and Salem, Mich., transition areas will be included in the Detroit, Mich., transition area effective March 29, 1973. Since this deletion imposes no additional burden on any person, therefore notice and public procedure hereon are unnecessary.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended effective 0901 G.m.t., March 29, 1973, as hereinafter set forth:

In § 71.181 (38 FR 435), the following transition areas are deleted:

Salem, Mich.
Plymouth, Mich.

(Sec. 307(a), Federal Aviation Act of 1958, 49 U.S.C. 1348; sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Des Plaines, Ill., on March 13, 1973.

H. W. POGGEMEYER,
Acting Director,
Great Lakes Region.

[FR Doc.73-6066 Filed 3-29-73;8:45 am]

[Airspace Docket No. 73-NE-6]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of VOR Federal Airway

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to revoke Victor Airway 139E between Providence, R.I., and Whitman, Mass.

The low altitude en route Instrument Flight Rule (IFR) peak day traffic count for June 29, 1972, indicates one (1) operation on V-139E. Since the volume of IFR traffic does not justify the continued designation of the airspace and as there is no longer an operational requirement for V-139E, termination of this underutilized east alternate segment of V-139 is a minor action upon which the public affected thereby would not be particularly interested in commenting, therefore, notice and public procedure are unnecessary. However, to allow sufficient time for making the necessary changes on the appropriate charts, this action will not become effective until May 24, 1973.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., May 24, 1973, as hereinafter set forth.

In § 71.123 (38 FR 307) is amended as follows:

In V-139 "Whitman, Mass., including an E alternate;" is deleted and "Whitman, Mass.;" is substituted therefor.

(Sec. 307(a), Federal Aviation Act of 1958, 49 U.S.C. 1348(a)); sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Washington, D.C., on March 22, 1973.

CHARLES H. NEWPOL,
Chief, Airspace and
Air Traffic Rules Division.

[FR Doc.73-6070 Filed 3-29-73;8:45 am]

[Airspace Docket No. 73-SW-2]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Control Zone

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to alter the Fort Worth, Tex. (Greater Southwest International Dallas-Fort Worth Field) control zone.

On January 24, 1973, a notice of proposed rulemaking was published in the FEDERAL REGISTER (38 FR 2335) stating the Federal Aviation Administration proposed to delete the Fort Worth, Tex. (Greater Southwest International Dallas-Fort Worth Field) control zone, designate the Dallas-Fort Worth, Tex. (Regional Airport) control zone, and alter the Dallas, Tex. (Love Field), (NAS Dallas), and (Redbird Airport) control zones.

Interested persons were afforded an opportunity to participate in the rulemaking through submission of comments. All comments received were favorable. Subsequent to this proposal, it was determined that there was an operational requirement to conduct flight operations from Greater Southwest International Dallas-Fort Worth Field Airport and the new Dallas-Fort Worth Regional Airport starting on July 12, 1973, and extending until the closure of Greater Southwest International Dallas-Fort Worth Field Airport on or about September 30, 1973. During this interim period, the Greater Southwest International Dallas-Fort Worth Field Airport control zone will be amended to provide controlled airspace for aircraft operating from and to both the Dallas-Fort Worth Regional Airport and the Greater Southwest International Dallas-Fort Worth Field Airport. At the time of closure of the Greater Southwest International Dallas-Fort Worth Field Airport, the alterations of the control zones as proposed in Airspace Docket No. 73-SW-2 will be accomplished through further rulemaking action.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., July 12, 1973, as hereinafter set forth.

In § 71.171 (38 FR 351), the Fort Worth, Tex. (Greater Southwest International Dallas-Fort Worth Field), control zone is amended to read:

FORT WORTH, TEX. (GREATER SOUTHWEST INTERNATIONAL DALLAS-FORT WORTH FIELD)

That airspace within an area bounded by a line beginning at latitude 32°48'00" N., longitude 96°59'00" W.; thence east along latitude 32°48'00" N. to and clockwise along the arc of a 5-mile radius circle centered at Love Field (latitude 32°51'00" N., longitude 96°50'50" W.) to latitude 32°49'40" N., west of Love Field; thence northwest to latitude 32°53'15" N., longitude 96°59'35" W.; thence northeast to latitude 32°55'00" N., longitude 96°57'10" W.; thence counterclockwise along the arc of a 5-mile radius circle centered on the Dallas-Fort Worth Regional Airport (latitude 32°53'53" N., longitude 97°02'24" W.); counterclockwise along the arc of a 5-mile radius circle centered on Greater Southwest International Dallas-Fort Worth Field; thence north along longitude 96°59'00" W., to point of beginning; within 2 miles each side of the Greater Southwest International Dallas-Fort Worth Field ILS localizer northwest course, extending from the arc of a 5-mile radius circle centered on Greater Southwest International Dallas-Fort Worth Field to 1 mile northwest of the OM, within 2 miles each side of the Greater Southwest International Dallas-Fort Worth Field VORTAC 201° radial extending from the arc of a 5-mile radius circle centered on Greater Southwest International Dallas-Fort Worth Field to 6 miles south of the VORTAC; and within 2.5 miles west and 3.5 miles east of the runway 35L ILS localizer north course of the Dallas-Fort Worth Regional Airport extending from the 5-mile radius zone of the Dallas-Fort Worth Regional Airport to the OM (latitude 32°59'42" N., longitude 97°03'02" W.).

(Sec. 307(a), Federal Aviation Act of 1958, 49 U.S.C. 1348; sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Fort Worth, Tex., on March 21, 1973.

R. V. REYNOLDS,
Acting Director,
Southwest Region.

[FR Doc.73-6063 Filed 3-29-73;8:45 am]

[Airspace Docket No. 73-WA-16]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Correction to Domestic High Altitude Reporting Points

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to update the list of domestic high altitude reporting points.

Since the designation and deletion of reporting points in accordance with the current requirements of air traffic control is a minor matter upon which the public would not have particular reason to comment, notice and public procedure thereon are unnecessary. Also, as it is desirable to incorporate these changes in the regulations to correctly reflect current requirements, good reason exists for making these changes effective on less than 30 days' notice.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective on March 30, 1973, as hereinafter set forth.

In § 71.207 (38 FR 613) is amended as follows:

1. "Herndon, Va." is deleted.

2. "Mineral Wells, Tex." is deleted and "Millsap, Tex." is substituted therefor.

3. "Pullman, Mich." is added.

4. "San Angelo, Tex." is deleted.

(Sec. 307(a), Federal Aviation Act of 1958, 49 U.S.C. 1348(a); sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Washington, D.C., on March 22, 1973.

CHARLES H. NEWPOL,
Acting Chief, Airspace and
Air Traffic Rules Division.

[FR Doc.73-6069 Filed 3-29-73;8:45 am]

[Airspace Docket No. 73-EA-15]

PART 73—SPECIAL USE AIRSPACE

Redesignation of Restricted Airspace

The purpose of this amendment to Part 73 of the Federal Aviation Regulations is to redesignate the using agency of Restricted Areas R-6601, Camp A. P. Hill, Va., and R-6602, Camp Pickett, Va.

The U.S. Army has requested that the names of the using agencies for R-6601 and R-6602 be changed effective on or about July 1, 1973. This change is requested due to a reorganization of the Army commands.

Since this amendment is minor in nature and no substantive change in the regulation is effected, notice and public procedure thereon are unnecessary.

In consideration of the foregoing, Part 73 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., June 21, 1973, as hereinafter set forth.

In § 73.66 (38 FR 673), the Camp A. P. Hill, Va., Restricted Area R-6601, and the Camp Pickett, Va., Restricted Area R-6602, are amended by deleting the present using agency and substituting therefor:

Commander, Fort G. Meade, Md.

(Sec. 307(a), Federal Aviation Act of 1958, 49 U.S.C. 1348(a); sec. 6(a), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Washington, D.C., on March 23, 1973.

CHARLES H. NEWPOL,
Acting Chief, Airspace and
Air Traffic Rules Division.

[FR Doc.73-6067 Filed 3-29-73;8:45 am]

[Airspace Docket No. 73-WE-7]

PART 73—SPECIAL USE AIRSPACE

Redesignation of Restricted Airspace

The purpose of this amendment to Part 73 of the Federal Aviation Regulations is to redesignate the using agency of Restricted Areas R-2502N, Fort Irwin, Calif., R-2502E, Fort Irwin, Calif., and R-2504, Camp Roberts, Calif.

The U.S. Army has requested that the names of the using agencies for R-2502N, R-2502E, and R-2504 be changed.

Since this amendment is minor in nature and no substantive change in the regulation is effected, notice and public procedure thereon are unnecessary. However, since it is necessary that sufficient time be allowed to permit appropriate changes to be made on aeronautical charts, this amendment will become effective May 24, 1973.

In consideration of the foregoing, Part 73 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., May 24, 1973, as hereinafter set forth.

In § 73.25 (38 FR 634),

(1) The Fort Irwin, Calif., Restricted Areas R-2502N and R-2502E are amended, by deleting the present using agency and substituting therefor:

Commander, Fort Irwin, Calif.

(2) The Camp Roberts, Calif., Restricted Area R-2504, is amended, by deleting the present using agency and substituting therefor:

Commander, Camp Roberts, Calif.

(Sec. 307(a), Federal Aviation Act of 1958, 49 U.S.C. 1348(a); sec. 6(a), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Washington, D.C., on March 23, 1973.

CHARLES H. NEWPOL,
Acting Chief, Airspace and
Air Traffic Rules Division.

[FR Doc.73-6068 Filed 3-29-73;8:45 am]

Title 26—Internal Revenue

CHAPTER I—INTERNAL REVENUE SERVICE, DEPARTMENT OF THE TREASURY

SUBCHAPTER H—INTERNAL REVENUE PRACTICE

PART 601—STATEMENT OF PROCEDURAL RULES

Comments or Suggestions Submitted in Connection With Notices of Proposed Rulemaking

This document contains an amendment to paragraph (b) of § 601.601 of the Statement of Procedural Rules (26 CFR Part 601) and adds a new paragraph (d)(9) to § 601.702 of such rules. The amended and added provisions relate to comments or suggestions submitted in connection with notices of proposed rulemaking of the Internal Revenue Service.

As amended by this document, § 601.601(b) provides that comments on proposed regulations are exempt from disclosure only if the person submitting the comments states in writing (1) which portions of the comments, in his opinion, are exempt from disclosure under law, and (2) the reasons for such exemption.

The amended § 601.601(b) also states that the name of any person submitting comments does not qualify for exemption from disclosure. This provision will apply without regard to the confidential status of his comments.

A new paragraph (d)(9) is added to 26 CFR 601.702 in order to provide a specialized procedure for requesting inspection, or copies, of comments that are not exempt from disclosure.

It is anticipated by the Internal Revenue Service that the form usually used for a notice of proposed rulemaking will be revised in order to accommodate the amended § 601.601(b) and the added § 601.702(d)(9).

The amendment of § 601.601(b) set forth below is, in general, effective with respect to comments received in response to notices of proposed rulemaking of the Internal Revenue Service published in the FEDERAL REGISTER after

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April 29, 1973. This time lag was chosen in order to give adequate time to make the necessary changes in the form of notices of proposed rulemaking that are currently being developed. Also, it is felt that some time is needed for the public to become informed of the amended rules. Comments in response to notices of proposed rulemaking published in the FEDERAL REGISTER on or before April 30, 1973, are governed by the provisions of 26 CFR 601 prior to its amendment. However, the provisions of § 601.702(d)(9) shall apply in the case of requests for the inspection of, or copies of comments, that are made after April 30, 1973, regardless of when the comments were submitted or regardless of when the related notice of proposed rulemaking was published.

This part (26 CFR Part 601), as filed with the FEDERAL REGISTER on June 29, 1955, was last amended on February 23, 1973.

The effective dates of the amended paragraph (b) of 26 CFR 601.601 and the added paragraph (d)(9) of 26 CFR 601.702, as set forth below, are indicated in such sections as set forth below.

The following amendments are made to 26 CFR Part 601:

PARAGRAPH 1. Section 601.601 is amended by revising paragraph (b) thereof to read as follows:

§ 601.601 Rules and regulations.

* * * * *

(b) *Comments on proposed rules*—(1) *In general.* Interested persons are privileged to submit any data, views, or arguments with respect to a notice of proposed rulemaking published pursuant to 5 U.S.C. 553. Any person submitting comments in response to a notice of proposed rulemaking shall specifically designate in writing that portion (if any) of his comments which, in his opinion, contains material which is exempt from disclosure under law and shall state in writing the reasons for such exemption. Any portion of a comment which is designated as exempt from disclosure and the reasons for such exemption shall be set forth on pages separate from the balance of the comment. Any comments or any portion thereof not specifically designated as exempt from disclosure in accordance with this paragraph (b) will be made available pursuant to paragraph (d)(9) of § 601.702. The name of any person submitting comments (whether or not exempt from disclosure in whole or in part) or requesting a public hearing, the issues which may be discussed at the hearing, and outlines relating to the hearing are not exempt from disclosure. (See paragraph (a)(3) of this § 601.601 for rules relating to hearing outlines.) The disclosure by the Internal Revenue Service of—

(i) Any name,

(ii) Any comments, or any portion thereof not specifically designated as exempt from disclosure by the person submitting the comment,

(iii) Any comments, or any portion thereof which is designated as exempt from disclosure by the person submitting the comments but which is not so exempt under law, or

(iv) The issues which will be discussed at a public hearing and related outlines,

will be a disclosure authorized by law within the meaning of any statute governing the disclosure of information.

(2) *Effective date*—(i) *In general.* This paragraph (b) applies to comments submitted in response to notices of proposed rulemaking of the Internal Revenue Service published in the FEDERAL REGISTER after April 29, 1973. Comments submitted in response to notices of proposed rulemaking published in the FEDERAL REGISTER on or before April 30, 1973, are governed by the provisions of 26 CFR Part 601 then in effect.

(ii) *Exception.* Notwithstanding the provisions of paragraph (b)(2)(i) of this section, the provisions of § 601.702(d)(9), relating to the inspection and copying of comments received in response to a notice of proposed rulemaking, shall apply to requests that are made after April 29, 1973, for the inspection or copies of such comments. The preceding sentence shall apply regardless of when the comments were submitted or regardless of when the related notice of proposed rulemaking was published in the FEDERAL REGISTER.

* * * * *

PAR. 2. The following new paragraph (d)(9) is added immediately after paragraph (d)(8) of § 601.702:

§ 601.702 Publication and public inspection.

* * * * *

(d) *Rules for disclosure of certain specified matters* * * *

(9) *Comments received in response to a notice of proposed rulemaking.* Written comments received in response to a notice of proposed rulemaking may be inspected by any person upon compliance with the provisions of this subparagraph (9) unless such comments are exempt from disclosure under law. Comments which may be inspected are located in the Office of the Chief Counsel, Legislation and Regulations Division, Technical Section, Room 4317, 1111 Constitution Avenue, Washington, DC 20224. The request to inspect comments must be in writing and signed by the person making the request and should be addressed to the Commissioner of Internal Revenue, Attention: CC:LR:T, Washington, D.C. 20224. Upon delivery of such a written request to the place where the comments are located during the regular business hours of that office, the person making the request may inspect those comments (or portions thereof) which are not exempt from disclosure. Copies of comments (or portions thereof) which are not exempt from disclosure may be obtained by a written request addressed to the Commissioner of Internal Revenue, Attention: CC:LR:T, Washington, D.C. 20224. The person making the request for copies should allow a reasonable time for processing the request. The provisions of paragraph (c)(5) of this section, relating to fees, shall apply with respect to requests made in accordance with this subparagraph. The provisions of this subparagraph shall apply in the case of requests for the inspection of, or copies of comments that are made after April 29, 1973, regardless of when the comments were submitted or regardless of when the related notice of proposed rulemaking was published in the FEDERAL REGISTER.

* * * * *

[SEAL] JOHNNIE M. WALTERS,
Commissioner of Internal Revenue.

[FR Doc.73-6190 Filed 3-29-73;8:45 am]

Title 33—Navigation and Navigable Waters

CHAPTER II—CORPS OF ENGINEERS, DEPARTMENT OF THE ARMY

PART 207—NAVIGATION REGULATIONS

Vessel Speed Limits in Detroit and St. Clair Rivers

MARCH 27, 1973.

The purpose of this amendment is to prescribe speed limits for the St. Clair River and Detroit River for commercial vessels (including tug and barge combinations) 65 feet, or greater, in length pursuant to the authority of the Secretary of the Army to regulate the use, administration and navigation of navigable waters of the United States under section 7 of the River and Harbor Act of August 8, 1917 (40 Stat. 266; 33 U.S.C. 1).

Since this amendment is local in nature and since the U.S. Army Engineer District, Detroit, has provided notice and opportunity for local public participation in this rulemaking, the Under Secretary of the Army has found that notice of proposed rulemaking and public procedures thereto are unnecessary, and that good cause exists for making this amendment effective April 1, 1973.

Accordingly, the Secretary of the Army hereby amends § 207.510 of Part 207 of Title 33 of the Code of Federal Regulations as set forth below.

For the Chief of Engineers.

JAMES L. KELLY,
Brigadier General, USA,
Acting Director of Civil Works.

Pursuant to the provisions of section 7 of the River and Harbor Act of August 8, 1917 (40 Stat. 266; 33 U.S.C. 1) § 207.510(d) (1), (2) and (3) governing the use, administration and navigation of those waters within the United States is hereby amended with respect to the vessel speed limits in the Detroit and St. Clair Rivers as follows effective April 1, 1973:

§ 207.510 Connecting waters of the Great Lakes from Lake Huron to Lake Erie, use, administration and navigation.

* * * * *

(d) *Speed.* Commercial vessels (including tug and barge combinations) 65 feet, or greater, in length shall not exceed the following speeds measured in statute miles per hour over the bottom:

(1) In the St. Clair River:

(i) Between Fort Gratiot Light and Stag Island Upper Junction Lighted Buoy, 9 m.p.h. for upbound vessels and 12 m.p.h. for downbound vessels.

(ii) Between Stag Island Upper Junction Lighted Buoy and Harsens Island Rear Range Light, 12 m.p.h. for both upbound and downbound vessels.

(iii) Between Harsens Island Rear Range Light and St. Clair Cut-off Channel Lt2, FIR, 10 m.p.h. for both upbound and downbound vessels.

(2) In the Detroit River:

(i) Between the black turn buoy (lat. 42°22.0′ N., long. 82°54.0′ W.—Lake St. Clair), and Fighting Island South Light, 12 m.p.h. for upbound vessels and 14 m.p.h. for downbound vessels.

(ii) Between Fighting Island South Light and Detroit River Light 12 m.p.h. for both upbound and downbound vessels.

(3) [Revoked]

* * * * *

[Regs., Mar. 21, 1973] (Sec. 7, 40 Stat. 266; 33 U.S.C. 1)

[FR Doc.73-6144 Filed 3-29-73;8:45 am]

Title 47—Telecommunication

CHAPTER I—FEDERAL COMMUNICATIONS COMMISSION

[FCC 73-315]

PART 0—COMMISSION ORGANIZATION

Delegation of Authority to Chief, Safety and Special Radio Services Bureau

Order. In the matter of amendment of Part 0 of the Commission's rules to delegate authority to the Chief, Safety and Special Radio Services Bureau to act on requests for waivers of Part 97 as they relate to amateur radio space stations.

1. Since 1961 six amateur communication satellites have been placed into orbit. The newest satellite, OSCAR 6, was launched on October 15, 1972, and has been successfully transmitting amateur radiocommunication since that date.

2. In order to allow the operation of an amateur radio space station on board a satellite, it is necessary that a number of rules contained in Part 97 of the Commission's rules be waived. Therefore, to facilitate the orderly and efficient regulation of amateur radio space stations, while they are in their present experimental stage, delegated authority is granted to the Chief, Safety and Special Radio Services Bureau to act on such waiver requests of the provisions of Part 97. Waivers granted under this delegated authority will be limited to rules regarding station location, authorized emissions, station control, identification, logging, and operator privileges.

3. Authority for the rule adopted herein is contained in sections 4(i), 5(d) and 303 of the Communications Act of 1934, as amended. Since this change involves only a matter of internal Commission organization, the prior notification requirement of 5 U.S.C. section 553 is not applicable.

4. *It is ordered,* effective May 3, 1973, that § 0.331 of Part 0 of the Commission's rules is amended as set forth below.

(Secs. 4, 5, 303, 48 Stat., as amended, 1066, 1068, 1082; 47 U.S.C. 154, 155, 303)

Adopted: March 21, 1973.

Released: March 26, 1973.

FEDERAL COMMUNICATIONS COMMISSION,[1]
[SEAL] BEN F. WAPLE,
Secretary.

In Part 0 of Chapter I of Title 47 of the Code of Federal Regulations, § 0.331(b)(24) is added to read as follows:

§ 0.331 Authority delegated.

* * *

(b) * * *

(24) To act on requests for waivers of the requirements of Part 97 of this chapter when it is shown that such a waiver is required, taking into account the state of the radio art, to allow the operation of an amateur radio space station. Waivers will be limited to the following areas: Station location, authorized emission, station control identification, logging, and operator privileges.

* * * * *

[FR Doc.73-6139 Filed 3-29-73;8:45 am]

[Docket No. 18703; FCC 73-327]

PART 1—PRACTICE AND PROCEDURE

Tariffs and Evidence

Memorandum opinion and order. In the matter of amendment of Part 61 of the Commission's rules relating to tariffs and Part 1 of the Commission's rules relating to evidence.

1. The Commission has before it several petitions requesting reconsideration of our final report and order released herein on October 13, 1970 (see 35 FR 16247), wherein we adopted certain tariff and evidentiary rules (25 F.C.C. 2d 957 (1970)). These petitions were filed on or about November 12, 1970, by two domestic carriers, American Telephone & Telegraph Co. (AT&T) and the Western Union Telegraph Co. (WU), and by two international carriers, Western Union International, Inc. (WUI), and RCA Global Communications, Inc. (RCA). In addition, an opposition to the AT&T, WU, and WUI petitions was filed by the National Retail Merchants Association (NRMA).

2. In essence, the petitioners raise both legal and policy objections to the rules. Insofar as the legal issues are concerned, it is argued:

(a) That section 203(d) of the Communications Act, as amended, sets forth the one and only basis upon which the Commission may reject a tariff filing; that is, for failure to give "lawful notice of its effective date" and that, therefore, the Commission is without power to reject tariff filings for violation of the Commission's rules.

(b) That the requirement that tariff increases and data in support thereof be filed 60 days prior to the effective date of such proposed increase is contrary to the requirements of section 203(b) of the Communications Act which puts a limitation of 30 days' notice which the Commission may require of any proposed tariff revision including increased rates.

(c) That the requirement for data to support new or reduced rates, as distinguished from increased rates, is an unlawful attempt to place the burden of proof on the carrier with respect to new or reduced rates and that section 204 places such burden on the carrier only with respect to increased rates.

3. The objections raised in the petitions on policy grounds relate to such matters as:

(a) The propriety or wisdom of including various requirements with respect to the filing of data and forecasts in those instances where there are competing carriers;

(b) The need to keep data confidential in those instances where there is actual active competition between carriers;

(c) The alleged reliance on cost data to the exclusion of other considerations;

(d) The need for and usefulness of 3-year projections as well as the other detailed data required;

(e) The advisability of substituting a provision which would permit the carrier to cure or rectify deficiencies in their filings rather than subjecting such filing to rejection;

(f) The alleged requirement for data that is not reasonably required to facilitate an understanding or evaluation of any particular filing;

(g) The need for exemptions from rules for tariff changes involving routine alterations on the basis that it is not necessary that the Commission have a detailed analysis of routine changes; and

(h) The need to formulate rules closely related to the diverse situations of each of the various kinds of carriers, such as, for example, certain rules for domestic landline carriers, certain rules for the domestic miscellaneous carriers and other rules for the international voice carrier and the several international record carriers.

DISCUSSION

LEGAL ISSUES

4. We shall address the legal objections first. In this connection we note that many of the matters raised in the petitions for reconsideration merely repeat arguments set forth in previous pleadings. We have considered such arguments fully in our final report and order and find no basis for changing our original decision thereon. Insofar as the petitioners' first contention is concerned, that we have power to reject tariffs only for failure to provide a 30-day effective date on tariff filings, it is sufficient to note that we and the courts have held to the contary. We have held that we can reject tariffs even when the effective date shown on the tariff provides the full 30 days' notice where, for example, there is lack of authorization to perform the service offered in the tariffs. "In Re AT&T Private Line Rate Case," Dockets 18128 and 18684, FCC 72-619, 36 FCC 2d

[1] Commissioner Johnson concurring in the result; Commissioner Reid and Hooks dissenting.

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484 (July 17, 1972); "Press Wireless, Inc.," 21 FCC 311; 511 (1956); aff'd. 264 F. 2d 372 (D.C. Cir. 1959). Moreover, subsequent to our final report and order and the filing of the petitions for reconsideration, the U.S. Court of Appeals for the District of Columbia has summarized the powers and duties of regulatory agencies to reject tariffs in the following language:

> We recognize, however, that an agency has the power and in some cases the duty to reject a tariff that is demonstrably unlawful on its face. Thus, an agency will reject a tariff that conflicts with a statute, agency regulation or order, or with a rate fixed in a contract sanctioned by statutes; similarly, a tariff will be rejected if it is unlawful without prior agency approval, and approval has not been obtained." "The Associated Press v. FCC et al.," 448 F. 2d 1095 (1971) (D.C. Cir.).

5. In connection with the above-stated language of the court, it is to be noted that we have never construed the provisions of section 203(d) as limiting the Commission's powers of rejection solely to tariffs that fail to give notice of their effective date. Rules relating to the filing of tariffs have been in effect during almost the entire period the Commission has existed. These rules, now incorporated as Part 61 of the Commission's rules, set forth numerous requirements with respect to tariffs in addition to notice of effective date. Failure to comply with these rules has always been recognized as grounds for rejection. Petitioners have not heretofore challenged the power of the Commission to reject a tariff which fails substantially to comply with rules governing such minor matters as letters of transmittal, number of copies, prepaid postage, erasures, alterations, etc., none of which is expressly mentioned in section 203(d) of the Act as grounds for rejection. In light of all of the foregoing, we cannot accept as valid a challenge to the authority of the Commission to reject a tariff which is in patent violation of any of the provisions of Part 61 of the rules. Accordingly, we reiterate our position, for the reasons set forth above and in paragraphs 47 through 52 of our final report and order that we have ample authority to reject a tariff for failure to comply with these rules (see 25 FCC 2d 957; 973–975).

6. Fears are expressed in the petitions to the effect that the Commission will exercise power arbitrarily in the rejection of tariffs. In the more than 2 years that the rules have been effective, out of many thousands of filings made, there have been but few rejections based upon failure to comply with our rules. Section 61.69(c) states that failure to comply with our rules constitutes "grounds" for rejection. However, the rule does not mandate that we reject all tariffs that do not comply fully with our rules. Section 61.69(c) means that tariff filings are subject to the exercise of reasonable judgment in implementing the rejection provisions. As the record shows, we have not invoked this power lightly, frequently, or in an arbitrary fashion. Thus, we reject the contention that we will abuse our discretion in exercising our authority to reject tariffs for rule violation. Furthermore, in the light of the experience since the rules became effective, we must reject as unfounded in fact the allegations that retention of our rules will invite incessant petitions for rejections by the public or protracted court tests of every significant filing not rejected.

7. We have dealt fully with the second legal argument challenging the validity of the 60 days' notice requirement for rate increases and data in support thereof, in paragraphs 37 through 43 of our Final Decision and Order (See, 25 FCC 2d 957; paragraphs 969–971). We note that no arguments of any significance in addition to those already considered have been made on this point. Accordingly, we reaffirm our conclusion that we have ample authority under sections 4(i), 4(j), and 203(b) of the Act to require the submission of tariffs and data in support of proposed increases 60 days in advance of the effective date of such increases.

8. As to the third and final legal issue raised, i.e., the power of this Commission under section 204 to require submission of detailed supporting data in connection with new or changed tariff material (not involving a rate increase), we believe that petitioners have misconstrued the effect of section 204 and have misunderstood both the purpose and effect of our rule (§ 61.38) and the legal authority upon which it rests. Petitioners first premise their argument on the contention that section 204 sets forth the one and only situation under which carriers have any burden of proof in any proceeding involving questions of lawfulness of their tariffs, i.e., only at hearings involving a charge increased or sought to be increased. For reasons which we shall state, we disagree with this basic contention.

9. Section 204, enacted in 1934, does not say, as the petitioners appear to contend, that it is only in cases of increased rates that a carrier has any burden of proof.[1] Subsequent to the passage of section 204, the Administrative Procedure Act was enacted with the provision that "Except as otherwise provided by statute, the proponent of a rule or order has the burden of proof." 5 U.S.C. 556(d) Thus, it would appear clear that in any tariff proceeding in which the carrier seeks a rule or order from the Commission approving or prescribing a charge, regulation, classification, or practice the carrier would have the burden of proof irrespective of whether increased rates are being sought. In addition, we have repeatedly held that the burden of proof is on the carrier in tariff proceedings (where increased rates are not being sought) involving questions of lawfulness of "like and contemporaneous communication service between the same points at different charges to different users." "Private Line Rate Case," 34 FCC 217, at page 317 (1961); "Telpak Case," 38 FCC 370, 381–382 (1964); "Telpak Sharing Case," 23 FCC 2d 606, at page 625 (1970). On review of our Telpak decisions, the U.S. Court of Appeals for the District of Columbia Court affirmed our decisions including our holding therein on burden of proof in the aforementioned types of cases. "American Trucking Association, Inc. v. FCC," 126 U.S. App. D.C., 236, 377 F.2d 121 (1966), cert. denied, 386 U.S. 943 (1947). Accordingly, we reject the basic contention made herein that carriers have the burden of proof in tariff or rate proceedings only where increased rates are being sought.

10. Furthermore, it is our view that questions of burden of proof in rulemaking cases involving the lawfulness of tariffs are largely academic. Under our procedural rules carriers are required to open and close in such cases and, irrespective of where the the burden of proof lies, we must make our decision on the basis of reliable, probative, and substantial evidence of record whether adduced by the carriers or other parties. Additionally, contrary to the contentions, we do not view the requirements in our tariff rules for the submission of data to support new or changed tariffs, as having any effect whatsoever on whether or to what extent a carrier may have the burden of proof in any rate or tariff proceeding. In this respect petitioners misconstrue the purpose and effect of our rules. As the reviewing court held in "The Associated Press case, supra, the purpose of our rules is "to provide the Commission with the information necessary to decide whether an investigation and suspension of proposed rates should be ordered" and referred to the decision by the U.S. Supreme Court in "American Farm Lines v. Black Ball Freight Service," 397 U.S. 532 (1970), holding that similar rules of the Interstate Commerce Commission are "mere aids to the exercise of the agency's independent discretion." Thus, the purpose and effect of our rules in this regard is not to impose new burdens of proof on carriers but is to provide us with information by which, in the reasonable exercise of our discretion, we can determine the orderly and proper procedures to follow in the solution of the difficult and complex problems increasingly presented in tariffs filed with us by the carriers. In short, the purpose of the rules is to elicit information and data which will facilitate the Commission's judgment as to whether such proposed tariffs present questions of lawfulness which warrant our investigation and hearing.

POLICY OBJECTIONS

11. We have also given careful consideration to the aforementioned policy objections raised by petitioners and it is our conclusion that such objections do not warrant any revisions in our final decision or any substantive changes in our rules. Although extended discussion of such objections is not warranted, it may be useful to touch briefly upon the principal reasons for our conclusion.

12. We recognize that, in competitive situations, the requirement of our rules that a carrier must submit cost and other data to support new or revised competitive tariffs may make it necessary for such carrier to make public certain information about its operations that it would not ordinarily want to reveal to its competitors. However, disclosures of this nature are inherent characteristics of the regulatory requirements imposed by the Communications Act on carriers subject to our jurisdiction. Carriers must, for example, make public their prices through tariffs filed with us and they must adhere to such prices until changed on proper advance public notice; and, with certain limited exceptions, carriers' contracts, agreements, arrangements, statistics, tables, and figures contained in annual and other reports filed with the Commission must be made public. 47 U.S.C. 412. Moreover, carriers have the obligation under the Act to supply such information as the Commission may need to enable it to carry out its regulatory duties. 47 U.S.C. 218, 219. Our own recent experience under these rules, has been that the submission by carriers of the required cost and other data to support competitive tariff filings has been helpful to us in determining the most orderly and effective regulatory steps to be taken and procedures to be followed in administering the Communications Act and implementing our policy and objective thereunder of maintaining such competition on a full and fair basis. (See e.g., proceedings in Dockets 18684, 19129, 19419, and 19546.) We have found that it is particularly important to obtain the data required by our rules where questions are raised as to whether a new or reduced rate competitive service is being cross-subsidized by other services and whether there is factual support for allegations of anticompetitive impact from such rates. Thus, the value of our rules as a regulatory tool in the public interest far outweigh any supposed detriment to the private interests of carriers who desire to keep such data from their competition. Moreover, petitioners have made no persuasive showing that, as a general rule, the submission of the kind of data we require will, in fact, reveal sensitive data that actually affords competitors any advantage over the filing carrier in the marketplace.

13. Much concern was expressed in the petitions that our rules seem to place too heavy reliance on cost data to the exclusion of other considerations (e.g., value of service) which allegedly may also support proposed rates, particularly competitive rates. However, our requirement for the submission of cost data does not mean that we intend to consider only cost as support for tariff filings, to the exclusion of other factors or principles. On the other hand, the carriers themselves generally stress that their revenues must exceed their costs, and our established regulatory policies are to regard costs either as directly controlling in the fixing of rates or as benchmarks from which to measure any departures, from costs with a clear and persuasive showing required for such departures. "Private Line Rate Case," 34 FCC 217, at page 231 (1963). Subject to the foregoing, carriers are free to submit any data they wish, in addition to cost, to support their tariff filings and appropriate consideration will be given thereto.

14. With respect to our requirement that the carriers furnish 3-year estimates with respect to the effects of new or changed tariff provisions on the carriers' traffic and revenues, it is true that no carrier can foretell with complete accuracy what will happen over a future 3-year period, particularly in a field as dynamic as interstate and foreign communications. On the other hand, it appears to us that responsible management would not ordinarily undertake to make new or revised service or rate offerings unless and until it has surveyed the potential market and made some assessment of what it may expect will be the results of such offering. Under these circumstances we find it reasonable to have a general rule, subject to waiver in appropriate cases, that the Commission be furnished with such projections to assist it in discharging its statutory duties.

15. With respect to the advisability of adopting a new rule which would allow the carriers to cure or rectify deficiencies in their filings, before rejection, we believe that such a rule would unreasonably inhibit the ability of the Commission to take on its own motion or in response to pleadings filed by the public, prompt and effective action to prevent patently defective tariffs from becoming effective. Moreover, any rejection of tariffs for violation of our tariff rules is always without prejudice to the prompt refiling by the carrier of appropriate revisions in full compliance with the rules.

16. As to the contention that the data required by the Commission's rules should be limited to data that would be reasonably needed by the Commission to understand and evaluate tariff filings, we believe that our rules do just that and no more. The data required by § 61.38 is the minimum which we believe is required for us to make necessary decisions with respect to most, if not all, tariff filings that are subject thereto.

17. As to the argument that a de minimis exemption should exist for certain kinds or levels of tariff filings and that a need exists for expanding or increasing the categories of items exempted from the requirements of the rules, we dealt fully with this matter in paragraph 26 of our final decision. Experience gained since the effective date of our rules indicates that there has been no great difficulty on the part of most carriers in complying with the requirements of our rules. Accordingly, we do not believe that we should revise our rules to allow for any further exemption at this time. With regard to the possibility of exemptions for so-called "routine" tariff changes, we indicated in paragraph 26 of our final decision that if it becomes apparent after experience has been gained that certain types of routine changes do not require all or part of the support required by our rules, then waiver of the rules would be granted or new rules would be promulgated. Based on our experience we believe that we should continue to handle any such "routine" exemptions by waivers made upon specific application by the carriers rather than by any rule changes at this time.

18. With respect to the contentions that the diverse requirements of the various kinds of carriers dictate different application of the rules as to each class of carriers are not sufficiently supported by probative factual data for us to conclude that any significant benefit would accrue to the carriers or to the public by making this kind of revision in our rules. It may be true that one class of carriers may have problem areas that other classes do not have, but we do not believe that any undue burden is placed upon any particular class of carriers under the rules as they now stand. In those instances where the carrier can make a reasonable demonstration that our rules as written cause undue burden or are not relevant to the rate schedule submitted, we will, of course, grant a waiver upon specific application therefor as provided for in the rules. If experience shows in the future that changes are necessary to accommodate the needs of different classes of carriers, we will entertain specific proposed amendments with respect thereto.

19. Although we have concluded that no changes should be made at this time in the rules under review, we currently have under consideration further possible changes therein. These prospective changes relate to the notice requirements for tariffs offering new or revised classes and subclasses of service.[2] At the time of any such proposed rulemaking, we expect to give consideration to any additional changes that interested parties may wish to propose in the light of further experience under the rules. However, there is one procedural rule change that we believe should be effectuated at this time.

20. The 14-day time period now permitted by § 1.773(b) for filing petitions to suspend tariffs may be appropriate for tariffs that are filed on approximately 30 days' notice and we propose no change therein. However, our rules now require carriers to file tariffs which constitute rate increases on at least 60 days', rather than 30 days' notice (§ 6158). As to such 60-day notice filings, we believe that petitions to suspend should be filed with the Commission and served upon the publishing carrier and the Chief, Common Carrier Bureau, substantially earlier than is now permitted under the 14-day rule. At present, interested parties have approximately 16 days after a 30-day tariff is filed within which to prepare and submit any petitions to suspend. We believe that for tariffs that are filed on 60 days' notice we should modify the filing requirements so as to afford the

[1] The relevant provisions states that: "At any hearing involving a charge increased or sought to be increased, after the organization of the Commission, the burden of proof to show the increased charge, or proposed increased charge, is just and reasonable shall be upon the carriers * * *" 47 U.S.C. 204.

[2] See report and order adopted Jan. 31, 1973, in Docket No. 19117, FCC 73-132; 39 FCC 2d 131.

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Commission adequate time to consider protests without imposing undue time constraints on potential protesters. It appears to us that in these instances, it is reasonable to require any petitions to suspend to be filed within approximately 25 days after the tariff is filed. This would afford interested parties 9 days more than they now have to file objections to 30-day tariffs and would allow us adequate time to consider objections and timely filed responses. Accordingly, we shall require such petitions to be filed at least 35 days prior to the effective date of any 60-day tariff filing. This amendment to our rules is set forth below. Authority for this amendment is contained in sections 4(i), 4(j), and 203(b) of the Communications Act of 1934, as amended, 47 U.S.C. 154(i), 154(j), and 203(b). Because this amendment relates to procedure and practice, the prior notice and effective date provisions of 5 U.S.C. 553 are inapplicable.

21. *Accordingly, it is ordered,* That the petitions for reconsideration are denied, and that § 1.773(b) of our rules is amended, effective April 3, 1973, as set forth below. *It is further ordered,* That this proceeding is terminated.

(Secs. 4, 203, 48 Stat., as amended 1066, 1070; 47 U.S.C. 154, 203)

Adopted: March 21, 1973.

Released: March 27, 1973.

FEDERAL COMMUNICATIONS COMMISSION,[1]
[SEAL] BEN F. WAPLE,
Secretary.

In Part 1 of Chapter 1 of Title 47 of the Code of Federal Regulations, § 1.773 (b) is revised to read as follows:

§ 1.773 Petitions for suspension of tariff schedules.

* * * * *

(b) *When filed.* Any petition for suspension shall be filed with the Commission and served upon the publishing carrier and the Chief, Common Carrier Bureau, and the Chief of the appropriate Division of that Bureau at least 14 days before the effective date of the tariff schedule, except in those cases in which the tariff schedule in question is filed on 60, or more, days' notice to the public prior to the effective date thereof. In the latter cases, a petition for suspension shall be filed with the Commission and served upon the publishing carrier, the Chief, Common Carrier Bureau, and the Chief of the appropriate Division of that Bureau at least 35 days before the effective date of the tariff schedule. In case of emergency and within the time limits provided herein, a telegraphic request for suspension may be sent to the Commission setting forth succinctly the substance of the matters required by paragraph (a) of this section. A copy of any such telegraphic request shall be sent simultaneously to the publishing carrier and the Chief, Common Carrier Bureau, and the Chief of the appropriate Division of that Bureau and forthwith confirmed by petition filed and served in accordance with this section. (Sec. 1.4 does not apply to this § 1.773(b).)

* * * * *

[FR Doc.73-6136 Filed 3-29-73;8:45 am]

[1] Commissioners Burch, Chairman; Reid and Wiley concurring in the result; Commissioner Johnson dissenting.

[Docket No. 19617; FCC 73-324]

PART 73—RADIO BROADCAST SERVICES

Television Stations in Nashville, Tenn.

Report and order. In the matter of amendment of § 73.606(b), *table of assignments,* Television Broadcast Stations (Nashville, Tenn.), Docket No. 19617, RM-1944.

1. We here consider the rulemaking to amend the Television Table of Assignments (§ 73.606(b) of the Commission's rules and regulations) to change the educational noncommercial reservation from Channel 2 to Channel 8 at Nashville, Tenn., and to simultaneously modify the licenses of WSIX-TV (now Channel 8) and WDCN-TV (now Channel 2). This proceeding was instituted by a joint petition of the General Electric Broadcasting Co., Inc. (General Electric), and the Metropolitan Board of Education (the "Board"), the respective licensees of these stations. A notice of proposed rulemaking was adopted October 18, 1972 (FCC 72-945). (See 37 FR 22991.) Timely comments were filed separately by the two petitioners supporting the rulemaking proposal. South Central Broadcasting Corp., licensee of television Station WTVK, Channel 26 at Knoxville, Tenn., and Mr. Ben Lewis, TAVC Co., Inc., Nashville, Tenn., submitted comments by letter. WDXR-TV, Inc. (WDXR), licensee of UHF television Station WDXR-TV, Channel 29, Paducah, Ky., filed its opposition to the notice of proposed rulemaking. Reply comments were filed by General Electric and the Board directed to the WDXR opposition. WDXR also filed reply comments directed to comments of both General Electric and the Board.

2. The notice was adopted by the Commission so that it might explore the proposal of the petitioners, particularly the claim that its adoption would bring significant improvement and enlargement of the educational television service in the Nashville metropolitan area; immediate financial assistance for the improvement of educational telecasting including the establishment of color television and continuing support for an educational operation which has been "chronically underfinanced." General Electric also claimed that the requested changes would enlarge the service area of WSIX-TV and make the operation of that station and the ABC Television Network, with which it is affiliated, fully competitive with the low band VHF operations of the competing NBC and CBS affiliates.

3. The engineering aspects of the proposed substitution of channels has been addressed by all parties of interest. The Board submits that the Grade A service they would obtain by moving to Channel 8 would be greatly improved and that the Grade B service would be improved but to a lesser degree. Operating on Channel 2 the area within the proposed Grade A service for General Electric would be somewhat reduced but there would be a gain in the area encompassed by the Grade B contour. One engineering report included with the petition provides area figures for both grades of service on both channels based upon the standards set forth in Report R-6602 (a joint FCC/Industry method not yet incorporated in our rules.) Although these figures show a lessened coverage area, they parallel the current rules in showing the relative potential for channels. The proponents assert that the shadowing effect on Channel 8 is greater than that on Channel 2 so if General Electric operated on Channel 2 it could only render more effective service in hilly areas surrounding Nashville. The population and area figures for both the present and proposed services are not significantly different than they would be if new facilities were to be installed and the licensees remained on their present channels.

4. The terms of the agreement between the Board and General Electric provide that the present WSIX-TV transmitter and associated equipment required for transmission on Channel 8 would be installed by and at the expense of General Electric. A new antenna and transmission line would be supplied by General Electric and installed on a heavy duty tower on which General Electric would also install its new antenna. Alternatively the Board would be given $107,000 in cash. General Electric also agrees to provide antenna terminal equipment or $18,000, microwave links or $25,000, transmitter terminal equipment or $15,000, two color cameras, film chain and projector, multiplexer, one color video tape recorder and all terminal equipment or $410,000, for a total cash consideration equivalent of $575,000.

5. In addition to the foregoing equipment or cash offered to the Board, General Electric would construct a heavy duty tower upon which to mount the Channel 2 and Channel 8 antenna and all other equipment necessary to the operation of WDCN-TV. Tower space and space for a main and auxiliary transmitter would be leased to the Board for 99 years at $1 per year. General Electric also agrees to operate and maintain the transmitting and other equipment for a period of 99 years at no cost to the Board and within 5 years from the date of the Commission's final orders to install a new transmitter for Channel 8 or at the Board's option pay the Board $180,000 cash. In turn, the Board agrees to assign its present transmitter and associated equipment plus antenna and transmission line to General Electric which would absorb the expenses involved in moving the equipment. The agreement contains a host of other details relating to items such as warranties, guarantees, indemnity, closing, etc., none of which are pertinent here.

6. The proponents submitted a report on the estimated financial gain to WSIX-TV resulting from its proposed move to

Channel 2. This report (dated November 1970) provided estimates based on three assumed heights above average terrain, but no change in height is involved in the channel exchange here proposed. Consequently, we do not need to consider this matter further.

7. Upon invitation by the Board, WLAC-TV, Inc., Channel 5, Nashville submitted comments on the proposed channel exchange. WLAC suggests that consideration be given to a study with regard to the Channel 8 site location of WDCN so to permit it to provide a greater degree of service as part of the statewide system of educational stations. WLAC also discusses the economic considerations of the channel exchange, pointing out that the offer of equipment, (the) location on a tall tower and transmitter operation for a period of years in itself recognizes that there is considerable value to be gained on Channel 2 as opposed to operating on Channel 8. In the total scheme of things, states WLAC, this is a relatively small, temporary one-time funding, affecting only the plant and equipment and which in no way solves the real heart of the problem, adequate, permanent funding of the station's operation so as to bring maximum educational service to the public. WLAC feels there would be a material loss to the educational effort by the proposed exchange of channels.

8. WDXR-TV, Inc., licensee of independent UHF Station WDXR-TV, Channel 29, Paducah, Ky., opposed the proposed channel exchange. The thrust of WDXR-TV's opposition is directed to the overlap of its Grade B contour by the Grade B contour of WSIX-TV operating on Channel 2 at 1,349 feet HAAT as proposed, at 1,850 feet HAAT as discussed in the estimated financial gain of WSIX-TV and at 2,000 feet HAAT the maximum height permitted by FCC rules. As mentioned in paragraph 6, these matters would warrant consideration only when such a proposal were before us. Overlap of 192 square miles, 555 square miles, and 735 square miles with 3,140, 14,848, and 23,437 persons respectively it is said, would result. WDXR-TV further states that overlap would occur with Grade B contours of six other commercial UHF stations.[1] WDXR-TV also provides a map showing the overlap of WDCN-TV's Grade B contour by nine educational stations, five of which are in Kentucky, three in Tennessee, and two in Alabama. The Grade B contours of six of the nine stations overlap the present Grade B contour of WDCN-TV. WDXR-TV avers that these educational stations essentially surround the existing WDCN-TV coverage area and leave no significant area which will be filled by improved coverage from WDCN-TV. WDXR-TV asserts that the Commission has refused to exchange high-band and low-band VHF channels in circumstances where there were demonstrable advantages such as the improvement of service and coverage, and it cites the comments of WDCN-TV's consulting engineers to the effect that each channel has an advantage but on balance are equivalent.

9. Reply comments by General Electric concede the equivalence of the two channels and acknowledges that the competitive advantage conceived for the operation of WSIX-TV is slight, long range and debatable. When balanced against the financial undertakings of General Electric to improve the operation of WDCN-TV it contends that the advantage altogether disappears for some very considerable period of time, if not forever. General Electric asserts that WDCN-TV now operates a significantly substandard station; that its signal is poor and restricted; that its origination capacity is limited and its service suffers accordingly. General Electric submits that its proposed offer would solve each of these problems immediately, giving the public an excellent service and placing WDCN-TV in a far better position to find additional long range solutions to its funding problems. Thus, it is said, would enable WDCN-TV to improve its service to the public undistracted by at least some of the financial and technical limitations now characterizing its operation. Engineering data is provided by General Electric in an effort to show that WDXR-TV's overlap figures are not correct, and to show that taking into account cochannel interference to the WSIX-TV Grade B contour, the interference-free overlap area contains only 157 persons. This is based on the proposed height above average terrain of 1,349 feet and used the method specified in the present FCC rules.

10. Reply comments by the Board contend that an overlap involving 157 persons is de minimis and that WDXR-TV has failed to come forward with the barest prima facie case of economic impact. In answer to WDXR-TV's statement that there is no need for improved educational coverage, the Board states that the channel exchange will provide a first Tennessee educational service to an In-State area of 1,950 square miles with an approximate population of 85,000. The exchange would not only enlarge WDCN-TV's Grade B coverage but also its Grade A coverage from 2,855 square miles containing 608,103 persons to 7,716 square miles with 880,391 persons. According to a survey submitted by the Board, WDCN-TV's, signal quality was noticeably inferior to WSIX-TV's signal. The Board expects the exchange and the improvement in WDCN-TV's facilities which would result to correct this problem.

11. In its reply comments, WDXR-TV states that approval of the proposed channel exchange would create a bad precedent and disputes WDCN-TV's claims of "unique facts" since there are numerous television markets with a low band educational allocation and a high band commercial allocation each of which is a candidate for a similar proposal for exchange.

12. One of the two letters received in comment contains an objection to the exchange proposal if there is a reduction in the service of the ETV station. The other letter from Station WTVK Channel 26, Knoxville, Tenn., outlines that station's history as a pioneer UHF station, supports the exchange of channels and gives notice of its intention to again apply for the use of Channel 8 in Knoxville with the expressed hope that the Commission will be prepared to demonstrate the same reasonableness and flexibility with respect to their request for help.[2]

CONCLUSIONS

13. The situation here presented is in many respects similar to that found in the exchange of channels in New Orleans, La., where the Commission authorized the ETV reservation on Channel 8 to be changed to Channel 12. In other respects the conditions differ. The ETV station in New Orleans on Channel 8 was underfinanced, poorly located, did not have color equipment and was experiencing delays in expansion. The exchange in channels provided immediate financial relief and an improved broadcasting facility serving a greater area and population with the capability to broadcast in color. Technically the exchange of channels in New Orleans involved two channels in the VHF high band whereas the exchange of channels in Nashville involves one channel in the low VHF band and one in the high VHF band. With equal antenna-power facilities the high-band exchange would have no effect on coverage as determined by the methods contained in the Commission's rules. In low band/high band exchange assuming equivalent antenna height and power a form of trade off would result. To compensate for the advantages inherent in signal propagation on the lower channels, the Commission permits higher channel operations to utilize power more than three times that permitted on the lower channels. The intention was to make the channels, high and low, essentially equivalent. Each, however, has its advantages and disadvantages. The low band user gains in the Grade B service which is slightly extended and the high band user because of higher power, in Grade A service area. In the Nashville case, the educational operation would benefit by a considerable improvement in picture quality in the densely populated area within the Grade A service area. In this instance it would considerably increase Grade B service operating on Channel 8 simply because of the increased height of the antenna. An increase in Grade B service area could also be accomplished on Channel 2 through the same means if it had funds available for the purpose. It has not been our policy to sanction exchanges between high band and low band television channels. Thus,

[1] WRIP-TV, Channel 61, Chattanooga, Tenn.; WOWL-TV, Channel 15, Florence, Ala.; WHNT-TV, Huntsville, Ala.; WAAY-TV, Channel 31, Huntsville, Ala.; WMSL-TV, Channel 48, Huntsville, Ala., and WEHT, Channel 25, Evansville, Ind.

[2] We express no view in this regard since no such proposal is before us.

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in the matter of amending § 73.606 to substitute Channel 2 for Channel 11 in Fort Worth, Tex., the Commission held that its general allocation policy of not changing individual assignments on the basis of claims of superior performance of one VHF channel over another would not be departed from except on a showing of exceptional circumstances. The Commission continues in its adherence to this policy. However, in this particular instance we are of the view that such exceptional circumstances do exist. In part these circumstances relate to the benefits which would flow to the Metropolitan Board of Education of Nashville and to the public it serves. WDCN–TV's service area would be enlarged (on Channel 8) by virtue of an increase in antenna height. While this same enlargement in service area could be achieved on Channel 2, funds for this purpose have not become available. At essentially no cost to it the Board would be able to improve its signal and correct current reception problems as well as reach a sizable additional in-State audience. WDCN–TV's ability to provide better and more flexible local programing would be greatly enhanced by the addition of improved studio equipment which will include new color cameras and a video tape recorder. WDCN–TV's picture quality will be measurably improved and its operating costs will be substantially reduced. It is reasonable to expect that these benefits would give immediate financial relief to WDCN–TV, thereby enabling it to concentrate its efforts toward a better educational and instructional service to the public not only of Nashville but to the midsection of Tennessee as a part of the State educational system. While it could be argued that these benefits are only short term, the fact remains that without these benefits WDCN–TV could continue for years as an underfinanced operation incapable of attracting financial assistance because of an inferior service.

14. Although General Electric has agreed to pay a substantial amount to the Board, this does not establish that in nonmonetary terms the Board or the public has lost. General Electric's advantage (and hence its willingness to compensate the Board) flows from the gain in Grade B coverage on Channel 2. State boundaries are of no moment to General Electric but the area servable by Channel 2 but not 8 lies in good measure outside Tennessee. Thus the Board has little need for this extension of coverage, for which it has no funds of its own in any event. Because of the coverage gain made possible by the exchange, the Board would much extend its coverage where it is needed, instate, as part of the statewide system. While high and low band VHF channels are equivalent, there are differences between them and the most effective utilization of them both is furthered by this proposal. In the Texas case cited earlier, such was not the case and the petitioner there simply preferred the low band channel because of the slightly larger Grade B coverage it would have provided. To accept this would have brought endless channel changes wherever the situation arose but our action here will have no such effect.

15. Concern about UHF impact has been expressed but the showings do not suggest that a real problem exists on this score. Using the present curves,[3] the overlap by General Electric's of WDXR–TV's Grade B contour would affect only 3,140 persons in the interference-free areas of both stations. The impact of such overlap, occurring at the periphery of WDXR–TV's Grade B contour, is clearly minimal. As such it poses no impediment to favorable action on this proposal.[4] Slight increases in overlap to five other stations has not caused them great concern nor does it us. The effects, if not miniscule, appear minor. In terms of increase in coverage by the educational station, contrary to one of the arguments, it comes in significant part in just those areas where it is needed. A first Tennessee educational service would be extended greatly and the presence of out-of-State educational signals is of highly limited importance. In sum, we find that the proposal before us is meritorious and it shall be ordered into effect.

16. In view of the foregoing, *It is ordered*, That, effective May 3, 1973, pursuant to authority contained in sections 4(i), 303, and 307(b) of the Communications Act of 1934, as amended, the Television Table of Assignments (§ 73.606 (b) of the Commission's rules and regulations) is amended to read as follows for the community indicated:

City	*Channel No.*
Nashville, Tenn.	2–, 4+, 5, *8+, 17, 30, *42

17. *It is further ordered*, That, effective May 3, 1973, and pursuant to section 316 (a) of the Communications Act of 1934, as amended, the outstanding license held by the Metropolitan Board of Education for Station WDCN–TV, Nashville, Tenn., is modified to specify operation on Channel *8 in lieu of Channel *2 subject to the following conditions:

(a) The licensee shall inform the Commission in writing no later than April 19, 1973, of its acceptance of this modification.

(b) The licensee shall submit to the Commission by June 4, 1973, all necessary information complying with the applicable technical rules for modification of authorization to cover the operation of Station WDCN–TV on Channel *8 at Nashville, Tenn., with the facilities specified in its "Petition for Rulemaking and the Issuance of Modified Authorization," filed jointly with the General Electric Broadcasting Co., Inc., in this proceeding.

(c) The licensee may continue to operate on Channel 2 under its outstanding authorization until it is ready to operate on the new frequency. Ten days prior to commencing operation on Channel *8, the licensee shall submit the same measurement data normally required in an application for a television broadcast station license.

(d) The Metropolitan Board of Education shall not commence operation on Channel *8 until the Commission specifically authorizes it to do so.

18. *It is further ordered*, That, effective May 3, 1973, and pursuant to section 316(a) of the Communications Act of 1934, as amended, the outstanding license held by the General Electric Broadcasting Co., Inc., for Station WSIX–TV, Nashville, Tenn., is modified to specify operation on Channel 2 in lieu of Channel 8 subject to the following conditions:

(a) The licensee shall inform the Commission in writing no later than April 19, 1973, of its acceptance of this modification.

(b) The licensee shall submit to the Commission by June 4, 1973, all necessary information complying with the applicable technical rules for modification of authorization to cover the operation of Station WSIX–TV on Channel 2 at Nashville, Tenn., with the facilities specified in its "Petition for Rulemaking and the Issuance of Modified Authorization," filed jointly with the Metropolitan Board of Education, in this proceeding.

(c) The licensee may continue to operate on Channel 8 under its outstanding authorization until it is ready to operate on the new frequency. Ten days prior to commencing operation on Channel 2, the licensee shall submit the same measurement data normally required in an application for a television broadcast station license.

(d) The General Electric Broadcasting Co., Inc., shall not commence operation on Channel 2 until the Commission specifically authorizes it to do so.

19. *It is further ordered*, That, the change to operation on Channel 8 by Station WDCN–TV, and to operation on Channel 2 by Station WSIX–TV, with the facilities specified in the aforementioned petition, shall be effected simultaneously, or, if not effected simultaneously, shall be effected by one station only if the other station has gone off the air for a period prior to changing frequency pursuant to Commission authorization.

20. *It is further ordered*, That, the opposition pleading filed herein is denied.

21. *It is further ordered*, That, this proceeding is terminated.

(Secs. 4, 303, 307, 48 Stat., as amended, 1066, 1082, 1083; 47 U.S.C. 154, 303, 307)

Adopted: March 21, 1973.

Released: March 27, 1973.

FEDERAL COMMUNICATIONS COMMISSION,[5]

[SEAL] BEN F. WAPLE, *Secretary.*

[FR Doc.73–5137 Filed 3–29–73;8:45 am]

[3] Using those curves in R–6603, there would be no overlap with WDXR–TV at all.

[4] It has not been our practice to utilize the concept of an interference-free contour in resolving cases of alleged UHF impact. We therefor have not based our decision on the figure of 157 mentioned by General Electric, nor, as indicated above, need we.

[5] Commissioner Robert E. Lee dissenting and issuing a statement, which is filed as part of the original copy; Commissioner Johnson dissenting; Commissioner H. Rex Lee concurring in the result.

Title 50—Wildlife and Fisheries

CHAPTER II—NATIONAL MARINE FISHERIES SERVICE, NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION, DEPARTMENT OF COMMERCE

PART 262—U.S. STANDARDS FOR GRADES OF FROZEN RAW BREADED SHRIMP

Miscellaneous Amendments

MARCH 26, 1973.

In the September 7, 1972, issue of the FEDERAL REGISTER, a notice was published by the National Marine Fisheries Service to amend Title 50, CFR, Part 262—U.S. Standards for Grades of Frozen Raw Breaded Shrimp, pursuant to the authority vested in the Secretary of Commerce by Reorganization Plan No. 4 effective October 3, 1970 (35 FR 15627), and under the authority of Title II of the Agriculture Marketing Act of 1946, as amended (7 U.S.C. 1622 and 1624), transferred from the Department of the Interior to the Department of Commerce.

The purposes of the proposed amendments are: (1) To extend the standard to cover an additional style and sizes; (2) to include an optional alternate method for determining shrimp material; and (3) to allow for compliance to be determined during processing.

Interested persons were provided an opportunity to submit written comments in regard to the proposed amendments and three comments were received and considered.

One comment indicated that a proposed new style, designated as "Breaded Split Shrimp", would require amendment of the standard of identity for raw breaded shrimp, 21 CFR 36.0 and 21 CFR 36.1, to accommodate the product identity and designation for the new style. Accordingly, that product style and designation has been recognized but reserved.

Other comments questioned the limitation of loose breading and frost in the package on the basis of "Good Manufacturing Practice", and inclusion of such loose breading and frost as a part of the quantity of contents of the package. Examination of test results over the past several months revealed that no significant amount of loose breading and frost has been found in commercial samples of the packaged product. Thus no change has been made in the standard in respect to loose breading and frost.

Another comment dealt with a proposed change in the product description requiring that the shrimp be "deveined only where applicable", and defining "where applicable" as all shrimp larger than 70 count per pound in the raw headless state. The product description section of the standard requires that the shrimp be cleaned and peeled. Since the commercial process of peeling very small shrimp also results in a thorough cleaning and deveining of the shrimp, no change has been made in respect to deveining small shrimp, i.e., over 70 count per pound.

No changes, other than deletion of the text of § 262.2(c), have been made in the amendments to the standard as given below in respect to the proposed amendments.

The amendments to Part 262—U.S. Standards for Grades of Frozen Raw Breaded Shrimp follow:

Section 262.1 is amended as follows:

§ 262.1 Product description.

Frozen raw breaded shrimp are whole, clean, wholesome, headless, peeled shrimp which have been deveined where applicable of the regular commercial species, coated with a wholesome, suitable batter and/or breading. Whole shrimp consist of five or more segments of unmutilated shrimp flesh. They are prepared and frozen in accordance with good manufacturing practice and are maintained at temperatures necessary for the preservation of the product. Individual shrimp and/or pieces consolidated into larger units and covered with breading are not considered for grading under this standard.

A new § 262.2 *Composition of the product* is added as follows:

§ 262.2 Composition of the product.

(a) Frozen raw breaded shrimp shall contain not less than 50 percent by weight of shrimp material when the weight of the shrimp material is determined by the end product method as set forth in § 262.21(u).

(b) Shrimp material content of raw breaded shrimp may be determined by the on-line method as set forth in § 261.21(v): *Provided*, That the results are at least in compliance with the shrimp material content requirement of 50 percent by weight when verified by the official end product method.

(c) Production methods employed in official establishments shall be kept relatively constant for each product lot so as to minimize variations in any factor which may affect the relative shrimp material content.

Section 262.2 is redesignated as follows:

§ 262.3 Styles of frozen raw breaded shrimp.

Section 262.3 is redesignated and paragraph (c) is amended as follows:

§ 262.4 Types of frozen raw breaded shrimp.

• • • • •

(c) *Type III—Breaded split shrimp.* [Reserved]

Section 262.4 is redesignated as follows:

§ 262.5 Grades of frozen raw breaded shrimp.

Section 262.12 is amended as follows:

§ 262.12 Factors evaluated on the product in the breaded state.

(a) Factors affecting qualities that are measured on the product in the breaded state are uniformly of size, condition of coating, extraneous material, and damaged breaded shrimp. For the purpose of rating the factors that are scored in the breaded state, the schedule of point deduction in table 1 applies. This schedule of point deductions is based on the examination of one complete individual package or intended package (sample unit) regardless of the net weight of the contents of the package.

(b) The factor—ease of separation in the frozen state—shall be rated in addition to all other factors when frozen raw breaded shrimp is lot inspected on a lot basis.

Section 262.13 is amended as follows:

§ 262.13 Factors evaluated on unbreaded or thawed debreaded product.

Factors affecting qualities that are measured on the product in the unbreaded or thawed debreaded state are degree of deterioration, dehydrations, sand veins, black spot, extra shell, extraneous material, and swimmerets. For the purpose of rating the factors that are scored in the unbreaded or thawed debreaded state, the schedule of point deductions in table 2 applies. This schedule of point deductions is based on the examination of 20 whole shrimp selected from the processing line or from one or more packages. Examination of this sample of 20 whole shrimp is continued under § 262.21(u).

A new § 262.14 is added as follows:

§ 262.14 Hygienic processing.

Frozen raw breaded shrimp shall be processed and maintained in accordance with the applicable requirements of the Good Manufacturing Practice Regulations contained in Part 128 of Title 21, CFR, and the applicable requirements contained in Part 260 of this chapter.

§ 262.21 [Amended]

Section 262.21 is amended as follows:

a. Paragraph (s) is changed as follows:

(s) Net weight: Net weight is determined by use of a balance and by following steps given below:

b. Delete Step 7 and the paragraph following it and replace with a new Step 7.

7. Net weight of the shrimp is the weight of the shrimp and of any loose breading and frost, exclusive of packaging material. The amount of loose breading and frost shall not exceed the limits of good manufacturing practices.

c. Paragraphs (u) and (u)(2)(ii) are changed as follows:

(u) Percent shrimp material—official end product method:

(2) • • •

(ii) Calculate percent shrimp material.

$$\text{Percent shrimp material} = \frac{\text{Weight of debreaded sample (20 shrimp)}}{\text{Weight of sample (20 shrimp)}} \times 100 + 3$$

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(d) Paragraph (v) is redesignated as § 262.21(w) and a new paragraph (v) is added as follows:

(v) Percent shrimp material—on-line method: Percent shrimp material determined by the on-line method refers to the percent by weight of shrimp material in a sample as described below:

(1) Equipment needed:

(i) Water bath (a container with a 3- to 4-liter capacity).

(ii) Balance accurate to 0.1 gram or 0.01 ounce.

(iii) Stop-watch or regular watch readable to a second.

(iv) U.S. Standard sieve—½-inch sieve opening; 12-inch diameter.

(v) U.S. Standard sieve ASTM No. 20, 12-inch diameter.

(vi) Thermometer (immersion type accurate to ±2° F.).

(vii) Forceps, with blunt points.

(viii) Shallow pan.

(ix) Rubber policeman to remove bits of breading from shrimp.

(2) Procedure:

(i) Select in a random manner, a composite sample of 20 unfrozen raw breaded shrimp from production line(s). Weigh the composite sample on a scale, determining the weight of the sample to the nearest 0.1 gram or 0.01 ounce. Place the sample in a water bath filled to three-fourths capacity and in a container maintained at 60° F.–85° F. After shrimp are submerged in water and breading becomes soft, a "gentle" swirling action with hands may be applied to the shrimp to speed up the removal of the breading. Stack the sieves, the ½-inch mesh over the No. 20 and pour contents of container into them. Remove top sieve and drain on 45-degree angle for 2 minutes then transfer shrimp to balance. Rinse contents of No. 20 sieve onto a shallow pan and collect any particles of shrimp material (flesh, tail fin, etc.), and add to the shrimp on the balance and then weigh.

(ii) Calculate percent shrimp material:

$$\text{Percent shrimp material} = \frac{\text{Weight of debreaded sample}}{\text{Weight of sample}} \times 100$$

(iii) Frequency of on-line shrimp material content determination. A minimum of three determinations of shrimp material content shall be carried out for small production runs or lots of the same style product, i.e., 3 x (20 unfrozen raw breaded shrimp). For larger production runs or lots of the same style product, a minimum of one determination, i.e., 1 x (20 unfrozen raw breaded shrimp) shall be carried out for every hour of production of product of the same style.

A new § 262.22 is added as follows:

§ 262.22 Use of alternate methods of shrimp material determination.

(a) The official end product method in § 262.21(u) for determining shrimp material content shall be used for lot inspection, appeal inspection, and inspection for verification in official establishments when the on-line method is used.

(b) The on-line method in § 262.21(u) (2) for determining shrimp material content may be used during processing operations.

TABLE 1.—SCHEDULE OF POINT DEDUCTION FOR RATING IN FROZEN BREADED STATE

Delete the word "Frozen" from the title of Table 1.

Delete Factor 1. Loose breading or frost; and renumber remaining factors.

Add the words "in the frozen state" to renumbered Factor 1. Ease of separation.

TABLE 2.—SCHEDULE FOR POINT DEDUCTIONS FOR EXAMINATION IN THAWED, DEBREADED STATE DEDUCTIONS BASED ON 20 SHRIMP

Change the title of Table 2 to read as follows: Schedule for Point Deductions for Examination in Unbreaded or Thawed Debreaded State.

Change the designation of Factor 3 to read, "Sand veins where applicable." [1]

In the quality description of Factor 7. Extraneous material, change the footnote number from 1 to 2 and renumber footnote 1 to 2.

A new footnote 1 is added to Table 2 as follows:

[1] Deduction points for sand veins shall not be applied to shrimp smaller than 70 count per pound in the raw, headless state. The corresponding size in the breaded state is 40 count per pound and 80 count per pound in the peeled state.

The amendments to 50 CFR Part 262—U.S. Standards for Grades of Frozen Raw Breaded Shrimp shall become effective May 1, 1973, except that § 262.4(c) Type III—Breaded Split Shrimp, has been reserved and will be published and made effective after the Food and Drug Administration Standard of Identity for Raw Breaded Shrimp, 21 CFR 36.0 and 21 CFR 36.1 is amended to accommodate this product type and designation.

ROBERT M. WHITE,
Administrator.

[FR Doc.73-6060 Filed 3-29-73;8:45 am]

Title 32—National Defense

CHAPTER VII—DEPARTMENT OF THE AIR FORCE

SUBCHAPTER I—MILITARY PERSONNEL

PART 888b—ENLISTMENT IN THE AIR FORCE RESERVE

Correction

In FR Doc. 73-4484 appearing at page 6779 of the issue for Tuesday, March 13, 1973, the following changes should be made:

1. In the table in § 888b.16: (1) in Rule 1 the "×" under "Prior service" should be deleted; (2) in Rule 3 the footnote "2" under "Prior service" should be an "×"; and (3) in Rule 15, "or IV-For under orders" should read "IV-F or under orders".

2. In the table in § 888b.18, in Rule 3 under column B delete "(note 2)", which appears under "A U.S. citizen".

3. In § 888b.22, the paragraphs designated "aa", "bb", "cc", and "dd", should be designated "aa", "ab", "ac", and "ad" respectively.

PART 888f—SPECIFIED PERIOD OF TIME CONTRACT (SPTC)

Correction

In FR Doc. 73-4486 appearing at page 6793 of the issue for Tuesday, March 13, 1973, in the table in § 888f.6, in Rule 1 under column B, the material in parentheses, now reading "(information cycle to numbered AF or comparable level)", should read "(information copy to numbered AF or comparable level)".

SUBCHAPTER K—MILITARY TRAINING AND SCHOOLS

PART 901a—APPOINTMENT TO THE U.S. AIR FORCE ACADEMY

Correction

In FR Doc. 73-4487 appearing at page 6794 of the issue for Tuesday, March 13, 1973, § 901.9 *Regular (competitive)* and § 901.10 *Reserve (competitive)* should be designated §§ 901a.9 and 901a.10 respectively.

Title 21—Food and Drugs

CHAPTER II—BUREAU OF NARCOTICS AND DANGEROUS DRUGS, DEPARTMENT OF JUSTICE

PART 308—SCHEDULES OF CONTROLLED SUBSTANCES

On January 8, 1973, the Bureau republished the schedules of controlled substances in compliance with section 202(a) (21 U.S.C. 812(a)). (38 FR 953) This republication listed only those sections of Part 308 which actually enumerated substances which were controlled or excluded, exempted or excepted from some or all of the controls under the Act. The Bureau has been informed that the FEDERAL REGISTER construes this publication as a repeal of all of the portions of Part 308 not contained in the January 8, 1973, order. Since this was not the Bureau's intent and although the Bureau does not believe that the other sections were actually repealed, the Director has ordered the publication of the entire Part 308 of title 21 of the Code of Federal Regulations as in effect on March 31, 1973. The January 8 publication also omitted certain excepted compounds in § 308.24 and this omission has been corrected in this publication.

Dated: March 23, 1973.

JOHN E. INGERSOLL,
Director, Bureau of Narcotics and Dangerous Drugs.

GENERAL INFORMATION

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SCHEDULES

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EXCLUDED NONNARCOTIC SUBSTANCES

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308.23 Exemption of certain chemical preparations; application.
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EXCEPTED STIMULANT OR DEPRESSANT COMPOUNDS

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HEARINGS

308.41 Hearings generally.
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308.48 Final order.
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308.51 Pending proceedings.

AUTHORITY: Secs. 201, 202, 501(b), 84 Stat. 1245, 1246, 1247, 1248, 1249, 1250, 1251, 1252, 1271, 21 U.S.C. 811, 812, 871(b).

GENERAL INFORMATION

§ 308.01 Scope of Part 308.

Schedules of controlled substances established by section 202 of the Act (21 U.S.C. 812), as they are changed, updated, and republished from time to time, are set forth in this part.

§ 308.02 Definitions.

As used in this part, the following terms shall have the meanings specified:

(a) The term "Act" means the Controlled Substance Act (84 Stat. 1242; 21 U.S.C. 801) and/or the Controlled Substances Import and Export Act (84 Stat. 1285; 21 U.S.C. 951).

(b) The term "hearing" means any hearing held pursuant to this part for the issuance, amendment, or repeal of any rule issuable pursuant to section 201 of the Act.

(c) The term "isomer" means, except as used in § 308.11(d), the optical isomer. As issued in § 308.11(d), the term "isomer" means the optical, position or geometric isomer.

(d) The term "interested person" means any person adversely affected or aggrieved by any rule or proposed rule issuable pursuant to section 201 of the Act.

(e) The term "proceeding" means all actions taken for the issuance, amendment, or repeal of any rule issued pursuant to section 201 of the Act, commencing with the publication by the Director of the proposed rule, amended rule, or repeal in the FEDERAL REGISTER.

(f) Any term not defined in this section shall have the definition set forth in section 102 and 1001 of the Act (21 U.S.C. 802 and 951) and § 301.02 of this chapter.

§ 308.03 Bureau Controlled Substances Code Number.

(a) Each controlled substance, or basic class thereof, has been assigned a "Bureau Controlled Substances Code Number" for purposes of identification of the substances or class on certain Certificates of Registration issued by the Bureau pursuant to § 301.44 of this chapter and on certain order forms issued by the Bureau pursuant to § 305.05(d) of this chapter. Certain applicants for registration must include the appropriate numbers on the application as required in § 301.32(d) and applicants for procurement and/or individual manufacturing quotas must include the appropriate number on the application as required in §§ 303.12(b) and 303.22(a).

(b) Except as stated in paragraph (a) of this section, no applicant or registrant is required to use the Bureau Controlled Substances Code Number for any purpose.

§ 308.04 Submission of information by manufacturers.

(a) Each person who manufactures, packages, repackages, labels, relabels, or distributes under his own label any product (including any compound, mixture, or preparation, diagnostic, reagent, buffer, or biological) containing any quantity of any controlled substance (whether such product is itself controlled or is excepted, exempted, or excluded from some or all controls pursuant to § 308.21–24 or § 308.31–32) shall submit information required in paragraph (b) of this section for each such product being manufactured or sold on July 1, 1972. The information should be submitted by registered mail, return receipt requested, to the Assistant Director for Scientific Support, Attention: Label Project, Bureau of Narcotics and Dangerous Drugs, Department of Justice, Washington, D.C. 20537, by August 31, 1972. In the case of new products manufactured after July 1, 1972, or new dosage forms or other unit forms manufactured after July 1, 1972, or changes in information submitted by August 31, 1972, the registrant shall submit the information regarding such item within 30 days after the date on which the manufacture commences or information change occurs. In the case of products, the manufacture of which is discontinued after July 1, 1972, the registrant shall submit notice of such discontinuance within 30 days after the date on which manufacture ceases. In the case of products the manufacture of which was discontinued before July 1, 1972, which are still being sold, the registrant shall submit a notice of such discontinuance with his initial submission.

(b) Two labels or other documents reflecting the following information shall be submitted with reference to each dosage form or other unit form of each item containing any quantity of any controlled substance:

(1) The trade name, brand name, or other commercial name of the product;

(2) The generic or chemical name and quantity of each active ingredient, including both controlled and noncontrolled substances (if any of this information is a proprietary trade secret, please indicate those portions);

(3) The National Drug Code Number assigned to the product, if any; and

(4) The weight (in metric measure) of each dosage unit or the weight (in metric measure) of the controlled substance per 100 grams of finished product for all items containing any quantity of any narcotic controlled substance in solid dosage forms.

SCHEDULES

§ 308.11 Schedule I.

(a) Schedule I shall consist of the drugs and other substances, by whatever official name, common or usual name, chemical name, or brand name designated, listed in this section. Each drug or substance has been assigned the Bureau Controlled Substances Code Number set forth opposite it.

(b) *Opiates.* Unless specifically excepted or unless listed in another schedule, any of the following opiates, including its isomers, esters, ethers, salts, and salts of isomers, esters, and ethers whenever the existence of such isomers, esters, ethers, and salts is possible within the specific chemical designation:

(1)	Acetylmethadol	9601
(2)	Allylprodine	9602
(3)	Alphacetylmethadol	9603
(4)	Alphameprodine	9604
(5)	Alphamethadol	9605
(6)	Benzethidine	9606
(7)	Betacetylmethadol	9607
(8)	Betameprodine	9608
(9)	Betamethadol	9609
(10)	Betaprodine	9611
(11)	Clonitazene	9612
(12)	Dextromoramide	9613
(13)	Dextrorphan	9614
(14)	Diampromide	9615
(15)	Diethylthiambutene	9616
(16)	Dimenoxadol	9617
(17)	Dimepheptanol	9618
(18)	Dimethylthiambutene	9619
(19)	Dioxaphetyl butyrate	9621
(20)	Dipipanone	9622
(21)	Ethylmethylthiambutene	9623
(22)	Etonitazene	9624
(23)	Etoxeridine	9625
(24)	Furethidine	9626
(25)	Hydroxypethidine	9627
(26)	Ketobemidone	9628

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(27) Levomoramide ---------- 9629
(28) Levophenacylmorphan ---------- 9631
(29) Morpheridine ---------- 9632
(30) Noracymethadol ---------- 9633
(31) Norlevorphanol ---------- 9634
(32) Normethadone ---------- 9635
(33) Norpipanone ---------- 9636
(34) Phenadoxone ---------- 9637
(35) Phenampromide ---------- 9638
(36) Phenomorphan ---------- 9647
(37) Phenoperidine ---------- 9641
(38) Piritramide ---------- 9642
(39) Proheptazine ---------- 9643
(40) Properidine ---------- 9644
(41) Propiram ---------- 9649
(42) Racemoramide ---------- 9645
(43) Trimeperidine ---------- 9646

(c) *Opium derivatives.* Unless specifically excepted or unless listed in another schedule, any of the following opium derivatives, its salts, isomers, and salts of isomers whenever the existence of such salts, isomers, and salts of isomers is possible within the specific chemical designation:

(1) Acetorphine ---------- 9319
(2) Acetyldihydrocodeine ---------- 9051
(3) Benzylmorphine ---------- 9052
(4) Codeine methylbromide ---------- 9070
(5) Codeine-N-Oxide ---------- 9053
(6) Cyprenorphine ---------- 9054
(7) Desomorphine ---------- 9055
(8) Dihydromorphine ---------- 9145
(9) Etorphine ---------- 9056
(10) Heroin ---------- 9200
(11) Hydromorphinol ---------- 9301
(12) Methyldesorphine ---------- 9302
(13) Methyldihydromorphine ---------- 9304
(14) Morphine methylbromide ---------- 9305
(15) Morphine methylsulfonate ---------- 9306
(16) Morphine-N-Oxide ---------- 9307
(17) Myrophine ---------- 9308
(18) Nicocodeine ---------- 9309
(19) Nicomorphine ---------- 9312
(20) Normorphine ---------- 9313
(21) Pholcodine ---------- 9314
(22) Thebacon ---------- 9315

(d) *Hallucinogenic substances.* Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation, which contains any quantity of the following hallucinogenic substances, or which contains any of its salts, isomers, and salts of isomers whenever the existence of such salts, isomers, and salts of isomers is possible within the specific chemical designation (for purposes of this paragraph only, the term "isomer" includes the optical, position, and geometric isomers):

(1) 3,4-methylenedioxy amphetamine ---------- 7400
(2) 5-methoxy-3,4-methylenedioxy amphetamine ---------- 7401
(3) 3,4,5-trimethoxy amphetamine ---------- 7390
(4) Bufotanine ---------- 7433
Some trade and other names: 3-(β-Dimethylaminoethyl)-5-hydroxyindole; 3-(2-dimethylaminoethyl)-5-indolol; *N,N*-dimethylserotonin; 5-hydroxy-*N*-dimethyltryptamine; mappine.
(5) Diethyltryptamine ---------- 7434
Some trade and other names: *N,N*-Diethyltryptamine; DET.
(6) Dimethyltryptamine ---------- 7435
Some trade or other names: DMT
(7) 4-methyl-2,5-dimethoxyamphetamine ---------- 7395
Some trade and other names: 4-methyl-2,5-dimethoxy-α-methylphenethylamine; "DOM"; and "STP".
(8) Ibogaine ---------- 7260
Some trade and other names: 7-Ethyl-6,6α,7,8,9,10,12,13-octahydro-2-methoxy-6,9-methano-5H-pyrido (1',2':1,2 azepino 4,5-b) indole; tabernanthe iboga.
(9) Lysergic acid diethylamide ---------- 7315
(10) Marihuana ---------- 7360
(11) Mescaline ---------- 7381
(12) Peyote ---------- 7415
(13) N-ethyl-3-piperidyl benzilate ---------- 7482
(14) N-methyl-3-piperidyl benzilate ---------- 7484
(15) Psilocybin ---------- 7437
(16) Psilocyn ---------- 7438
(17) Tetrahydrocannabinols ---------- 7370
Synthetic equivalents of the substances contained in the plant, or in the resinous extractives of Cannabis, sp. and/or synthetic substances, derivatives, and their isomers with similar chemical structure and pharmacological activity such as the following:
Δ^1 cis or trans tetrahydrocannabinol, and their optical isomers.
Δ^6 cis or trans tetrahydrocannabinol, and their optical isomers.
$\Delta^{3,4}$ cis or trans tetrahydrocannabinol, and its optical isomers.
(Since nomenclature of these substances is not internationally standardized, compounds of these structures, regardless of numerical designation of atomic positions are covered.)

§ 308.12 Schedule II.

(a) Schedule II shall consist of the drugs and other substances, by whatever official name, common or usual name, chemical name, or brand name designated, listed in this section. Each drug or substance has been assigned the controlled substances code number set forth opposite it.

(b) *Substances, vegetable origin or chemical synthesis.* Unless specifically excepted or unless listed in another schedule, any of the following substances whether produced directly or indirectly by extraction from substances of vegetable origin, or independently by means of chemical synthesis, or by a combination of extraction and chemical synthesis:

(1) Opium and opiate, and any salt, compound, derivative, or preparation of opium or opiate, excluding naloxone hydrochloride, but including the following:

(i) Raw opium ---------- 9600
(ii) Opium extracts ---------- 9610
(iii) Opium fluid extracts ---------- 9620
(iv) Powdered opium ---------- 9639
(v) Granulated opium ---------- 9640
(vi) Tincture of opium ---------- 9630
(vii) Apomorphine ---------- 9035
(viii) Codeine ---------- 9050
(ix) Ethylmorphine ---------- 9190
(x) Hydrocodone ---------- 9193
(xi) Hydromorphone ---------- 9194
(xii) Metopon ---------- 9260
(xiii) Morphine ---------- 9300
(xiv) Oxycodone ---------- 9143
(xv) Oxymorphone ---------- 9652
(xvi) Thebaine ---------- 9333

(2) Any salt, compound, derivative, or preparation thereof which is chemically equivalent or identical with any of the substances referred to in subparagraph (1) of this paragraph, except that these substances shall not include the isoquinoline alkaloids of opium.

(3) Opium poppy and poppy straw, 9650.

(4) Coca leaves (9040) and any salt, compound, derivative, or preparation of coca leaves, and any salt, compound, derivative, or preparation thereof which is chemically equivalent or identical with any of these substances, except that the substances shall not include decocainized coca leaves or extraction of coca leaves, which extractions do not contain cocaine (9041) or ecgonine (9180).

(c) *Opiates.* Unless specifically excepted or unless in another schedule any of the following opiates, including its isomers, esters, ethers, salts, and salts of isomers, esters and ethers whenever the existence of such isomers, esters, ethers, and salts is possible within the specific chemical designation:

(1) Alphaprodine ---------- 9010
(2) Anileridine ---------- 9020
(3) Benzitramide ---------- 9800
(4) Dihydrocodeine ---------- 9120
(5) Diphenoxylate ---------- 9170
(6) Fentanyl ---------- 9801
(7) Isomethadone ---------- 9226
(8) Levomethorphan ---------- 9210
(9) Levorphanol ---------- 9220
(10) Metazocine ---------- 9240
(11) Methadone ---------- 9250
(12) Methadone-Intermediate, 4-cyano-2-dimethylamino-4,4-diphenyl butane ---------- 9254
(13) Moramide-Intermediate, 2-methyl-3-morpholino-1, 1-diphenylpropane-carboxylic acid ---------- 9802
(14) Pethidine ---------- 9230
(15) Pethidine-Intermediate-A, 4-cyano-1-methyl-4-phenylpiperidine ---------- 9232
(16) Pethidine-Intermediate-B, ethyl-4-phenylpiperidine-4-carboxylate ---------- 9233
(17) Pethidine-Intermediate-C, 1-methyl-4-phenylpiperidine-4-carboxylic acid ---------- 9234
(18) Phenazocine ---------- 9715
(19) Piminodine ---------- 9730
(20) Racemethorphan ---------- 9732
(21) Racemorphan ---------- 9733

(d) *Stimulants.* Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation which contains any quantity of the following substances having a stimulant effect on the central nervous system:

(1) Amphetamine, its salts, optical isomers, and salts of its optical isomers ---------- 1100
(2) Methamphetamine, its salts, isomers, and salts of its isomers ---------- 1105
(3) Phenmetrazine and its salts ---------- 1630
(4) Methylphenidate ---------- 1726

§ 308.13 Schedule III.

(a) Schedule III shall consist of the drugs and other substances, by whatever official name, common or usual name, chemical name, or brand name designated, listed in this section. Each drug or substance has been assigned the Bureau controlled substances code number set forth opposite it.

(b) *Stimulants.* Unless specifically excepted or unless listed in another schedule any material, compound, mixture, or preparation which contains any quantity of the following substances having a stimulant effect on the central nervous system:

(1) Those compounds, mixtures, or preparations in dosage unit form containing any stimulant substances which compounds, mixtures, or preparations were listed on August 25, 1971, as excepted compounds under § 308.32, and any other drug of the quantitative composition shown in that list for those drugs or which is the same except that it contains a lesser quantity of controlled substances, 1405.

(c) *Depressants.* Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation which contains any quantity of the following substances having a depressant effect on the central nervous system:

(1) Any substance which contains any quantity of a derivative of barbituric acid, or any salt of a derivative of barbituric acid ---------- 2100
(2) Chlorhexadol ---------- 2510
(3) Glutethimide ---------- 2550
(4) Lysergic acid ---------- 7300
(5) Lysergic acid amide ---------- 7310
(6) Methyprylon ---------- 2575
(7) Phencyclidine ---------- 7471
(8) Sulfondiethylmethane ---------- 2600
(9) Sulfonethylmethane ---------- 2605
(10) Sulfonmethane ---------- 2610

(d) *Nalorphine* (a narcotic drug) 9400.

(e) *Narcotics drugs.* Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation containing limited quantities of any of the following narcotic drugs, or any salts thereof:

(1) Not more than 1.8 grams of codeine per 100 milliliters or not more than 90 milligrams per dosage unit, with an equal or greater quantity of an isoquinoline alkaloid of opium ---------- 9803
(2) Not more than 1.8 grams of codeine per 100 milliliters or not more than 90 milligrams per dosage unit, with one or more active, nonnarcotic ingredients in recognized therapeutic amounts ---------- 9804
(3) Not more than 300 milligrams of dihydrocodeinone per 100 milliliters or not more than 15 milligrams per dosage unit, with a fourfold or greater quantity of an isoquinoline alkaloid of opium ---------- 9805
(4) Not more than 300 milligrams of dihydrocodeinone per 100 milliliters or not more than 15 milligrams per dosage unit, with one or more active, nonnarcotic ingredients in recognized therapeutic amounts ---------- 9806

official name, common or usual name, chemical name, or brand name designated, listed in this section. Each drug or substance has been assigned the Bureau controlled substances code number set forth opposite it.

(b) *Stimulants.* Unless specifically excepted or unless listed in another schedule any material, compound, mixture, or preparation which contains any quantity of the following substances having a stimulant effect on the central nervous system:

(1) Those compounds, mixtures, or preparations in dosage unit form containing any stimulant substances which compounds, mixtures, or preparations were listed on August 25, 1971, as excepted compounds under § 308.32, and any other drug of the quantitative composition shown in that list for those drugs or which is the same except that it contains a lesser quantity of controlled substances, 1405.

(c) *Depressants.* Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation which contains any quantity of the following substances having a depressant effect on the central nervous system:

(1) Any substance which contains any quantity of a derivative of barbituric acid, or any salt of a derivative of barbituric acid ---------- 2100
(2) Chlorhexadol ---------- 2510
(3) Glutethimide ---------- 2550
(4) Lysergic acid ---------- 7300
(5) Lysergic acid amide ---------- 7310
(6) Methyprylon ---------- 2575
(7) Phencyclidine ---------- 7471
(8) Sulfondiethylmethane ---------- 2600
(9) Sulfonethylmethane ---------- 2605
(10) Sulfonmethane ---------- 2610

(d) *Nalorphine* (a narcotic drug) 9400.

(e) *Narcotics drugs.* Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation containing limited quantities of any of the following narcotic drugs, or any salts thereof:

(1) Not more than 1.8 grams of codeine per 100 milliliters or not more than 90 milligrams per dosage unit, with an equal or greater quantity of an isoquinoline alkaloid of opium ---------- 9803
(2) Not more than 1.8 grams of codeine per 100 milliliters or not more than 90 milligrams per dosage unit, with one or more active, nonnarcotic ingredients in recognized therapeutic amounts ---------- 9804
(3) Not more than 300 milligrams of dihydrocodeinone per 100 milliliters or not more than 15 milligrams per dosage unit, with a fourfold or greater quantity of an isoquinoline alkaloid of opium ---------- 9805
(4) Not more than 300 milligrams of dihydrocodeinone per 100 milliliters or not more than 90 milligrams per dosage unit, with one or more active, nonnarcotic ingredients in recognized therapeutic amounts ---------- 9807
(6) Not more than 300 milligrams of ethylmorphine per 100 milliliters or not more than 15 milligrams per dosage unit, with one or more active, nonnarcotic ingredients in recognized therapeutic amounts ---------- 9808
(7) Not more than 500 milligrams of opium per 100 milliliters or per 100 grams or not more than 25 milligrams per dosage unit, with one or more active, nonnarcotic ingredients in recognized therapeutic amounts ---------- 9809
(8) Not more than 50 milligrams of morphine per 100 milliliters or per 100 grams, with one or more active, nonnarcotic ingredients in recognized therapeutic amounts ---------- 9810

§ 308.14 Schedule IV.

(a) Schedule IV shall consist of the drugs and other substances, by whatever official name, common or usual name, chemical name, or brand name designated, listed in this section. Each drug or substance has been assigned the Bureau controlled substances code number set forth opposite it.

(b) *Depressants.* Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation which contains any quantity of the following substances, including its salts, isomers, and salts of isomers whenever the existence of such salts, isomers, and salts of isomers is possible within the specific chemical designation:

(1) Barbital ---------- 2145
(2) Chloral betaine ---------- 2460
(3) Chloral hydrate ---------- 2465
(4) Ethchlorvynol ---------- 2540
(5) Ethinamate ---------- 2545
(6) Methohexital ---------- 2264
(7) Meprobamate ---------- 2820
(8) Methylphenobarbital ---------- 2250
(9) Paraldehyde ---------- 2585
(10) Petrichloral ---------- 2591
(11) Phenobarbital ---------- 2285

§ 308.15 Schedule V.

(a) Schedule V shall consist of the drugs and other substances, by whatever official name, common or usual name, chemical name, or brand name designated, listed in this section.

(b) *Narcotic drugs containing nonnarcotic active medicinal ingredients.* Any compound, mixture, or preparation containing any of the following limited quantities of narcotic drugs or salts thereof, which shall include one or more nonnarcotic active medicinal ingredients in sufficient proportion to confer upon the compound, mixture, or preparation valuable medicinal qualities other than those possessed by the narcotic drug alone:

(1) Not more than 200 milligrams of codeine per 100 milliliters or per 100 grams.
(2) Nor more than 100 milligrams of dihydrocodeine per 100 milliliters or per 100 grams.
(3) Not more than 100 milligrams of ethylmorphine per 100 milliliters or per 100 grams.
(4) Not more than 2.5 milligrams of diphenoxylate and not less than 25 micrograms of atropine sulfate per dosage unit.
(5) Not more than 100 milligrams of opium per 100 milliliters or per 100 grams.

EXCLUDED NONNARCOTIC SUBSTANCES

§ 308.21 Application for exclusion of a nonnarcotic substance.

(a) Any person seeking to have any nonnarcotic substance which may, under the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 301), be lawfully sold over the counter without a prescription, excluded from any schedule pursuant to section 201(g)(1) of the Act (21 U.S.C. 811(g)(1)), may apply to the Director, Bureau of Narcotics and Dangerous Drugs, Department of Justice, Washington, D.C. 20537.

(b) An application for an exclusion under this section shall contain the following information:

(1) The name and address of the applicant;

(2) The name of the substance for which exclusion is sought; and

(3) The complete quantitative composition of the substance.

(c) Within a reasonable period of time after the receipt of an application for an exclusion under this section, the Director shall notify the applicant of his acceptance or nonacceptance of his application, and if not accepted, the reason therefor. The Director need not accept an application for filing if any of the requirements prescribed in paragraph (b) of this section is lacking or is not set forth as to be readily understood. If the applicant desires, he may amend the application to meet the requirements of paragraph (b) of this section. If the application is accepted for filing, the Director shall issue and publish in the FEDERAL REGISTER his order on the application, which shall include a reference to the legal authority under which the order is issued and the findings of fact and conclusions of law upon which the order is based. This order shall specify the date on which it shall take effect. The Director shall permit any interested person to file written comments on or objections to the order within 60 days of the date of publication of his order in the FEDERAL REGISTER. If any such comments or objections raise significant issues regarding any finding of fact or conclusion of law upon which the order is based, the Director shall immediately suspend the effectiveness of the order until he may reconsider the application in light of the comments and objections filed. Thereafter, the Director shall reinstate, revoke, or amend his original order as he determines appropriate.

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(c) Any person who is engaged in research on, or in the manufacture of, marihuana, tetrahydrocannabinols, or any other drug or substance included in schedule I, and who is registered with the Bureau of Narcotics and Dangerous Drugs pursuant to section 303 of the Act (21 U.S.C. 823) and the regulations issued thereunder, may apply for the exclusion of any nonnarcotic substance to be used solely for research or manufacturing purposes. The application shall be submitted in accordance with the procedures set forth in paragraph (b) of this section.

(d) Any person who is engaged in research on, or in the manufacture of, marihuana, tetrahydrocannabinols, or any other drug or substance included in schedule I, and who is registered with the Bureau of Narcotics and Dangerous Drugs pursuant to section 303 of the Act (21 U.S.C. 823) and the regulations issued thereunder, may apply for the exclusion of any nonnarcotic substance to be used solely for research or manufacturing purposes. The application shall be submitted in accordance with the procedures set forth in paragraph (b) of this section.

(e) Any person who is engaged in research on, or in the manufacture of, marihuana, tetrahydrocannabinols, or any other drug or substance included in schedule I, and who is registered with the Bureau of Narcotics and Dangerous Drugs pursuant to section 303 of the Act (21 U.S.C. 823) and the regulations issued thereunder, may apply for the exclusion of any nonnarcotic substance to be used solely for research or manufacturing purposes. The application shall be submitted in accordance with the procedures set forth in paragraph (b) of this section.

(f) Any person who is engaged in research on, or in the manufacture of, marihuana, tetrahydrocannabinols, or any other drug or substance included in schedule I, and who is registered with the Bureau of Narcotics and Dangerous Drugs pursuant to section 303 of the Act (21 U.S.C. 823) and the regulations issued thereunder, may apply for the exclusion of any nonnarcotic substance to be used solely for research or manufacturing purposes. The application shall be submitted in accordance with the procedures set forth in paragraph (b) of this section.

(g) Any person who is engaged in research on, or in the manufacture of, marihuana, tetrahydrocannabinols, or any other drug or substance included in schedule I, and who is registered with the Bureau of Narcotics and Dangerous Drugs pursuant to section 303 of the Act (21 U.S.C. 823) and the regulations issued thereunder, may apply for the exclusion of any nonnarcotic substance to be used solely for research or manufacturing purposes. The application shall be submitted in accordance with the procedures set forth in paragraph (b) of this section.

(h) Any person who is engaged in research on, or in the manufacture of, marihuana, tetrahydrocannabinols, or any other drug or substance included in schedule I, and who is registered with the Bureau of Narcotics and Dangerous Drugs pursuant to section 303 of the Act (21 U.S.C. 823) and the regulations issued thereunder, may apply for the exclusion of any nonnarcotic substance to be used solely for research or manufacturing purposes. The application shall be submitted in accordance with the procedures set forth in paragraph (b) of this section.

(i) Any person who is engaged in research on, or in the manufacture of, marihuana, tetrahydrocannabinols, or any other drug or substance included in schedule I, and who is registered with the Bureau of Narcotics and Dangerous Drugs pursuant to section 303 of the Act (21 U.S.C. 823) and the regulations issued thereunder, may apply for the exclusion of any nonnarcotic substance to be used solely for research or manufacturing purposes. The application shall be submitted in accordance with the procedures set forth in paragraph (b) of this section.

(j) Any person who is engaged in research on, or in the manufacture of, marihuana, tetrahydrocannabinols, or any other drug or substance included in schedule I, and who is registered with the Bureau of Narcotics and Dangerous Drugs pursuant to section 303 of the Act (21 U.S.C. 823) and the regulations issued thereunder, may apply for the exclusion of any nonnarcotic substance to be used solely for research or manufacturing purposes. The application shall be submitted in accordance with the procedures set forth in paragraph (b) of this section.

(k) Any person who is engaged in research on, or in the manufacture of, marihuana, tetrahydrocannabinols, or any other drug or substance included in schedule I, and who is registered with the Bureau of Narcotics and Dangerous Drugs pursuant to section 303 of the Act (21 U.S.C. 823) and the regulations issued thereunder, may apply for the exclusion of any nonnarcotic substance to be used solely for research or manufacturing purposes. The application shall be submitted in accordance with the procedures set forth in paragraph (b) of this section.

(l) Any person who is engaged in research on, or in the manufacture of, marihuana, tetrahydrocannabinols, or any other drug or substance included in schedule I, and who is registered with the Bureau of Narcotics and Dangerous Drugs pursuant to section 303 of the Act (21 U.S.C. 823) and the regulations issued thereunder, may apply for the exclusion of any nonnarcotic substance to be used solely for research or manufacturing purposes. The application shall be submitted in accordance with the procedures set forth in paragraph (b) of this section.

(m) Any person who is engaged in research on, or in the manufacture of, marihuana, tetrahydrocannabinols, or any other drug or substance included in schedule I, and who is registered with the Bureau of Narcotics and Dangerous Drugs pursuant to section 303 of the Act (21 U.S.C. 823) and the regulations issued thereunder, may apply for the exclusion of any nonnarcotic substance to be used solely for research or manufacturing purposes. The application shall be submitted in accordance with the procedures set forth in paragraph (b) of this section.

(n) Any person who is engaged in research on, or in the manufacture of, marihuana, tetrahydrocannabinols, or any other drug or substance included in schedule I, and who is registered with the Bureau of Narcotics and Dangerous Drugs pursuant to section 303 of the Act (21 U.S.C. 823) and the regulations issued thereunder, may apply for the exclusion of any nonnarcotic substance to be used solely for research or manufacturing purposes. The application shall be submitted in accordance with the procedures set forth in paragraph (b) of this section.

(o) Any person who is engaged in research on, or in the manufacture of, marihuana, tetrahydrocannabinols, or any other drug or substance included in schedule I, and who is registered with the Bureau of Narcotics and Dangerous Drugs pursuant to section 303 of the Act (21 U.S.C. 823) and the regulations issued thereunder, may apply for the exclusion of any nonnarcotic substance to be used solely for research or manufacturing purposes. The application shall be submitted in accordance with the procedures set forth in paragraph (b) of this section.

(p) Any person who is engaged in research on, or in the manufacture of, marihuana, tetrahydrocannabinols, or any other drug or substance included in schedule I, and who is registered with the Bureau of Narcotics and Dangerous Drugs pursuant to section 303 of the Act (21 U.S.C. 823) and the regulations issued thereunder, may apply for the exclusion of any nonnarcotic substance to be used solely for research or manufacturing purposes. The application shall be submitted in accordance with the procedures set forth in paragraph (b) of this section.

(q) Any person who is engaged in research on, or in the manufacture of, marihuana, tetrahydrocannabinols, or any other drug or substance included in schedule I, and who is registered with the Bureau of Narcotics and Dangerous Drugs pursuant to section 303 of the Act (21 U.S.C. 823) and the regulations issued thereunder, may apply for the exclusion of any nonnarcotic substance to be used solely for research or manufacturing purposes. The application shall be submitted in accordance with the procedures set forth in paragraph (b) of this section.

(r) Any person who is engaged in research on, or in the manufacture of, marihuana, tetrahydrocannabinols, or any other drug or substance included in schedule I, and who is registered with the Bureau of Narcotics and Dangerous Drugs pursuant to section 303 of the Act (21 U.S.C. 823) and the regulations issued thereunder, may apply for the exclusion of any nonnarcotic substance to be used solely for research or manufacturing purposes. The application shall be submitted in accordance with the procedures set forth in paragraph (b) of this section.

(s) Any person who is engaged in research on, or in the manufacture of, marihuana, tetrahydrocannabinols, or any other drug or substance included in schedule I, and who is registered with the Bureau of Narcotics and Dangerous Drugs pursuant to section 303 of the Act (21 U.S.C. 823) and the regulations issued thereunder, may apply for the exclusion of any nonnarcotic substance to be used solely for research or manufacturing purposes. The application shall be submitted in accordance with the procedures set forth in paragraph (b) of this section.

(t) Any person who is engaged in research on, or in the manufacture of, marihuana, tetrahydrocannabinols, or any other drug or substance included in schedule I, and who is registered with the Bureau of Narcotics and Dangerous Drugs pursuant to section 303 of the Act (21 U.S.C. 823) and the regulations issued thereunder, may apply for the exclusion of any nonnarcotic substance to be used solely for research or manufacturing purposes. The application shall be submitted in accordance with the procedures set forth in paragraph (b) of this section.

(u) Any person who is engaged in research on, or in the manufacture of, marihuana, tetrahydrocannabinols, or any other drug or substance included in schedule I, and who is registered with the Bureau of Narcotics and Dangerous Drugs pursuant to section 303 of the Act (21 U.S.C. 823) and the regulations issued thereunder, may apply for the exclusion of any nonnarcotic substance to be used solely for research or manufacturing purposes. The application shall be submitted in accordance with the procedures set forth in paragraph (b) of this section.

(v) Any person who is engaged in research on, or in the manufacture of, marihuana, tetrahydrocannabinols, or any other drug or substance included in schedule I, and who is registered with the Bureau of Narcotics and Dangerous Drugs pursuant to section 303 of the Act (21 U.S.C. 823) and the regulations issued thereunder, may apply for the exclusion of any nonnarcotic substance to be used solely for research or manufacturing purposes. The application shall be submitted in accordance with the procedures set forth in paragraph (b) of this section.

(w) Any person who is engaged in research on, or in the manufacture of, marihuana, tetrahydrocannabinols, or any other drug or substance included in schedule I, and who is registered with the Bureau of Narcotics and Dangerous Drugs pursuant to section 303 of the Act (21 U.S.C. 823) and the regulations issued thereunder, may apply for the exclusion of any nonnarcotic substance to be used solely for research or manufacturing purposes. The application shall be submitted in accordance with the procedures set forth in paragraph (b) of this section.

(x) Any person who is engaged in research on, or in the manufacture of, marihuana, tetrahydrocannabinols, or any other drug or substance included in schedule I, and who is registered with the Bureau of Narcotics and Dangerous Drugs pursuant to section 303 of the Act (21 U.S.C. 823) and the regulations issued thereunder, may apply for the exclusion of any nonnarcotic substance to be used solely for research or manufacturing purposes. The application shall be submitted in accordance with the procedures set forth in paragraph (b) of this section.

(y) Any person who is engaged in research on, or in the manufacture of, marihuana, tetrahydrocannabinols, or any other drug or substance included in schedule I, and who is registered with the Bureau of Narcotics and Dangerous Drugs pursuant to section 303 of the Act (21 U.S.C. 823) and the regulations issued thereunder, may apply for the exclusion of any nonnarcotic substance to be used solely for research or manufacturing purposes. The application shall be submitted in accordance with the procedures set forth in paragraph (b) of this section.

(z) Any person who is engaged in research on, or in the manufacture of, marihuana, tetrahydrocannabinols, or any other drug or substance included in schedule I, and who is registered with the Bureau of Narcotics and Dangerous Drugs pursuant to section 303 of the Act (21 U.S.C. 823) and the regulations issued thereunder, may apply for the exclusion of any nonnarcotic substance to be used solely for research or manufacturing purposes. The application shall be submitted in accordance with the procedures set forth in paragraph (b) of this section.

(d) The Director may at any time revoke any exclusion granted pursuant to section 201(g) of the Act (21 U.S.C. 811(g)) by following the procedures set forth in paragraph (c) of this section for handling an application for an exclusion which has been accepted for filing.

§ 308.22 **Excluded substances.**

The following nonnarcotic substances which may, under the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 301), be lawfully sold over the counter without a prescription, are excluded from all schedules pursuant to section 201(g)(1) of the Act (21 U.S.C. 811(g)(1)):

EXCLUDED OVER-THE-COUNTER DRUGS

Trade name or other designation	Composition	Manufacturer or supplier
Amodrine	Tablet: Phenobarbital, 8 mg.; aminophylline, 100 mg.; racephedrine hydrochloride, 25 mg.	G. D. Searle & Co.
Bronkaid	Tablet: Phenobarbital, 8 mg.; ephedrine sulfate, 24 mg.; glyceryl guaiacolate, 100 mg.; theophylline, 100 mg.; thenyldiamine, 10 mg.	Drew Pharmacal Co., Inc.
Bronkolixir	Elixir (5 cc): Phenobarbital, 4 mg.; ephedrine sulfate, 12 mg.; glyceryl guaiacolate, 50 mg.; theophylline, 15 mg.; chlorpheniramine maleate, 1 mg.	Broon Laboratories Inc.
Bronkotabs	Tablet: Phenobarbital, 8 mg.; ephedrine sulfate, 24 mg.; glyceryl guaiacolate, 100 mg.; theophylline, 100 mg.; thenyldiamine, 10 mg.	Do.
Primatene	Tablet: Phenobarbital, ¼ gr.; ephedrine, ¼ gr.	Whitehall Laboratories.
Rynal	Solution for Spray; dl-Desoxyephedrine HCL 0.25%; antipyrine 0.26%; pyrilamine maleate 0.01%, methyl dodecylbenzyltrimethyl ammonium chloride 0.02%; glycerine dehydrate 1.50%.	Blaine Co.
Tedral	Tablet: Phenobarbital, 8 mg.; theophylline, 130 mg.; ephedrine hydrochloride, 24 mg.	Warner-Chilcott Laboratories.
Tedral anti-H	Tablet: Phenobarbital, 8 mg.; chlorpheniramine maleate, 2 mg.; theophylline, 130 mg.; ephedrine hydrochloride, 24 mg.	Do.
Tedral one-half strength	Tablet: Phenobarbital, 4 mg.; theophylline, 65 mg.; ephedrine hydrochloride, 12 mg.	Do.
Tedral pediatric suspension	Suspension (5 cc): Phenobarbital, 4 mg.; ephedrine hydrochloride, 12 mg.; theophylline, 65 mg.	Do.
Tedral suppositories double strength	Suppository: Phenobarbital, 16 mg.; theophylline, 260 mg.; ephedrine hydrochloride, 48 mg.	Do.
Tedral suppositories regular strength	Suppository: Phenobarbital, 8 mg.; theophylline, 130 mg.; ephedrine hydrochloride, 24 mg.	Do.
Verequad	Tablet: Phenobarbital, 8 mg.; theophylline calcium salicylate, 130 mg.; ephedrine hydrochloride, 24 mg.; glyceryl guaiacolate, 100 mg.	Knoll Pharmaceutical Co.
Do	Suspension (5 cc): Phenobarbital, 4 mg.; theophylline calcium salicylate, 65 mg.; ephedrine hydrochloride, 12 mg.; glyceryl guaiacolate, 50 mg.	Do.

EXEMPT CHEMICAL PREPARATIONS

§ 308.23 **Exemption of certain chemical preparations; application.**

(a) The Director may, by regulation, exempt from the application of all or any part of the Act any chemical preparation or mixture containing one or more controlled substances listed in any schedule, which preparation or mixture is intended for laboratory, industrial, educational, or special research purposes and not for general administration to a human being or other animal, if the preparation or mixture either:

(1) Contains no narcotic controlled substance and is packaged in such a form or concentration that the packaged quantity does not present any significant potential for abuse (the type of packaging and the history of abuse of the same or similar preparations may be considered in determining the potential for abuse of the preparation or mixture); or

(2) Contains either a narcotic or nonnarcotic controlled substance and one or more adulterating or denaturing agents in such a manner, combination, quantity, proportion, or concentration, that the preparation or mixture does not present any potential for abuse. If the preparation or mixture contains a narcotic controlled substance, the preparation or mixture must be formulated in such a manner that it incorporates methods of denaturing or other means so that the preparation or mixture is not liable to be abused or have ill effects, if abused, and so that the narcotic substance cannot in practice be removed.

(b) Any person seeking to have any preparation or mixture containing a controlled substance and one or more noncontrolled substances exempted from the application of all or any part of the Act, pursuant to paragraph (a) of this section, may apply to the Director, Bureau of Narcotics and Dangerous Drugs, Department of Justice, Washington, D.C. 20537.

(c) An application for an exemption under this section shall contain the following information:

(1) The name, address, and registration number, if any, of the applicant;

(2) The name, address, and registration number, if any, of the manufacturer or importer of the preparation or mixture, if not the applicant;

(3) The exact trade name or other designation of the preparation or mixture;

(4) The complete qualitative and quantitative composition of the preparation or mixture (including all active and inactive ingredients and all controlled and noncontrolled substances);

(5) The form of the immediate container in which the preparation or mixture will be distributed with sufficient descriptive detail to identify the preparation or mixture (e.g., bottle, packet, vial, soft plastic pillow, agar gel plate, etc.);

(6) The dimensions or capacity of the immediate container of the preparation or mixture;

(7) The label and labeling, as defined in § 302.01 of this chapter, of the immediate container and the commercial containers, if any, of the preparation or mixture;

(8) A brief statement of the facts which the applicant believes justify the granting of an exemption under this paragraph, including information on the use to which the preparation or mixture will be put;

(9) The date of the application; and

(10) Which of the information submitted on the application, if any, is deemed by the applicant to be a trade secret or otherwise confidential and entitled to protection under subsection 402(a)(8) of the Act (21 U.S.C. 842(a)(8)) or any other law restricting public disclosure of information.

(d) The Director may require the applicant to submit such documents or written statements of fact relevant to the application as he deems necessary to determine whether the application should be granted.

(e) Within a reasonable period of time after the receipt of an application for an exemption under this section, the Director shall notify the applicant of his acceptance or nonacceptance of his application, and if not accepted, the reason therefor. The Director need not accept an application for filing if any of the requirements prescribed in paragraph (c) or requested pursuant to paragraph (d) is lacking or is not set forth as to be readily understood. If the applicant desires, he may amend the application to meet the requirements of paragraph (c) and (d) of this section. If the application is accepted for filing, the Director shall issue and publish in the FEDERAL REGISTER his order on the application, which shall include a reference to the legal authority under which the order is based. This order shall specify the date on which it shall take effect. The Director shall permit any interested person to file written comments on or objections to the order within 60 days of the date of publication of his order in the FEDERAL REGISTER. If any such comments or objections raise significant issues regarding any finding of fact or conclusion of law upon which the order is based, the Director shall immediately suspend the effectiveness of the order until he may reconsider the application in light of the comments and objections filed. Thereafter, the Director shall reinstate, revoke, or amend his original order as he determines appropriate.

(f) The Director may at any time revoke or modify any exemption granted pursuant to this section by following the procedures set forth in paragraph (e) of this section for handling an application for an exemption which has been accepted for filing. The Director may also modify or revoke the criteria

by which exemptions are granted (and thereby modify or revoke all preparations and mixtures granted under the old criteria) and modify the scope of exemptions at any time.

§ 308.24 **Exempt chemical preparations.**

(a) The chemical preparations and mixtures set forth in paragraph (f) of this section have been exempted by the Director from application of sections 302, 303, 305, 306, 307, 308, 309, 1002, 1003, and 1004 of the Act (21 U.S.C. 822–3, 825–9, 952–4) and § 301.74 of this chapter, to the extent described in paragraphs (b) to (h) of this section.

(b) Registration and security: Any person who manufactures an exempt chemical preparation or mixture must be registered under the Act and comply with all relevant security requirements regarding controlled substances being used in the manufacturing process until the preparation or mixture is in the form described in paragraph (f) of this section. Any other person who handles an exempt chemical preparation after it is in the form described in paragraph (f) of this section is not required to be registered under the Act to handle that preparation, and the preparation is not required to be stored in accordance with security requirements regarding controlled substances.

(c) Labeling: In lieu of the requirements set forth in Part 302 of this chapter, the label and the labeling of an exempt chemical preparation must be prominently marked with its full trade name or other description and the name of the manufacturer or supplier as set forth in paragraph (f) of this section, in such a way that the product can be readily identified as an exempt chemical preparation. The label and labeling must also include in a prominent manner the statement "For industrial use only" or "For chemical use only" or "For in vitro use only—not for human or animal use" or "Diagnostic reagent—for professional use only" or a comparable statement warning the person reading it that human or animal use is not intended. The symbol designating the schdeule of the controlled substance is not required on either the label or the labeling of the exempt chemical preparation, nor is it necessary to list all ingredients of the preparation.

(d) Records and reports: Any person who manufactures an exempt chemical preparation or mixture must keep complete and accurate records and file all reports required under Part 304 of this chapter regarding all controlled substances being used in the manufacturing process until the preparation or mixture is in the form described in paragraph (f) of this section. In lieu of records and reports required under Part 304 of this chapter regarding exempt chemical preparations, the manufacturer need only record the name, address, and registration number, if any, of each person to whom the manufacturer distributes any exempt chemical preparation. Each importer or exporter of an exempt narcotic chemical preparation must submit a semiannual report of the total quantity of each substance imported or exported in each calendar half-year within 30 days of the close of the period to the Distribution Audit Branch, Bureau of Narcotics and Dangerous Drugs, Department of Justice, Washington, D.C. 20537. Any other person who handles an exempt chemical preparation after it is in the form described in paragraph (f) of this section is not required to maintain records or file reports.

(e) Quotas, order forms, prescriptions, import, export, and transshipment requirements: Once an export chemical preparation is in the form described in paragraph (f) of this section, the requirements regarding quotas, order forms, prescriptions, import permits and declarations, export permit and declarations, and transshipment and intransit permits and declarations do not apply. These requirements do apply, however, to any controlled substances used in manufacturing the exempt chemical preparation before it is in the form described in paragraph (f) of this section.

(f) Criminal penalties: No exemption granted pursuant to § 308.23 affects the criminal liability for illegal manufacture, distribution, or possession of controlled substances contained in the exempt chemical preparation. Distribution, possession, and use of an exempt chemical preparation are lawful for registrants and nonregistrants only as long as such distribution, possession, or use is intended for laboratory, industrial, or educational purposes and not for immediate or subsequent administration to a human being or other animal.

(g) Bulk materials: For materials exempted in bulk quantities, the Director may prescribe requirements other than those set forth in paragraphs (b) through (e) of this section on a case-by-case basis.

(h) Changes in chemical preparations: Any change in the quantitative or qualitative composition of the preparation or mixture after the date of application, or change in the trade name or other designation of the preparation or mixture, set forth in paragraph (i) of this section, requires a new application for exemption.

(i) The following preparations and mixtures, in the form and quantity listed in the application submitted (indicated as the "date of application") are designated as exempt chemical preparations for the purposes set forth in this section:

Manufacturer or supplier	Product name and supplier's catalog number	Form of product	Date of application
Abbott Laboratories	CEP agarose plates, No. 9023-01 and 9023-02.	Foil pouch: 4½" x 4" and 6½" x 5¼".	Aug. 21, 1972
Do	CEP agarose plates (for research studies only), No. 9023-03 and 9023-04.	Foil pouch: 4½" x 4" and 6½" x 5¼".	Do.
Do	DILU-tainer CEP barbital acetate buffer, No. 9025-03.	Plastic bag: 6" x 13"	Do.
Do	Tetrasorb-125 T-4 diagnostic kit, No. 7775.	Vial: 11 ml	Do.
Do	Irosorb-89 diagnostic kit, No. 6764	Vial: 10 ml	Do.
Do	T-7 I-125 diagnostic kit No. 7734	Vial: 11 ml	Nov. 16, 1972
Do	Quantisorb T-4N diagnostic kit No. 6719.	Vial: 11 ml	Do.
American Hospital Supply Corp. (Dade Division).	Adsorbed plasma reagent No. B4233-1 and No. B4233-2.	Bottle: 1 ml	Aug. 16, 1971
Do	Owren's veronal buffer No. B4234-25	Bottle: 15 ml	Do.
Do	Phosphatase substrate No. B5312-1 and No. B5312-5.	Bottle: 73 mg. dry powder.	Do.
Do	Serum reagent No. B4233-1 and No. B4233-2.	Bottle: 2 ml	Do.
Do	Thrombin reagent (bovine) No. B4233-15.	Bottle: 1 ml	Do.
Do	Thyroxine buffer No. B5630-1	Bottle: 5 ml	Do.
American Hospital Supply Corp. (Harleco Division).	Barbital buffer B-1 No. 90772	Vial: 12.12 grams per 7 dram vial.	Sept. 15, 1971
Do	Barbiturate standards set. No. 64808	Vial: 9 x 3 ml. of 8 single and 1 mixed at 15 mg per dl.	Oct. 22, 1971
Do	Barringer & Woodard buffered substrate No. 23605.	Vial: 0.73 gram per 15 x 45 mm. vial.	Sept. 15, 1971
Do	Buehler instrument buffer B-2 double strength, pH 8.6, 0.075 m No. 90834.	Vial: 36 36 grams	Do.
Do	Buffer barbital, pH 8.6, No. 90804	Vial: 1.81 grams per 15 x 45 mm. vial.	Do.
Do	Buffer barbital, pH 8.8, No. 7691	Vial: 11.76 grams per 10 dram vial.	Do.
Do	Barbital-sodium buffer salt, No. 11731	Bottle: 250 ml	June 6, 1972
Do	Barbital-acid buffer salt, No. 1173	Bottle: 250 ml	Do.
Do	Buffer salt-barbital acetate mixture, pH 8.6, No. 3787.	Vial: 14.7 grams per 29.5 x 80 mm. vial	Sept. 15, 1971
Do	Buffer salt mixture, pH 8.8, No. 7644	Vial: 17.85 grams per 29.5 x 80 mm. vial.	Do.
Do	Buffer salt mixture Spinco B-1, pH 8.6, 0.05 ionic strength, No. 3947.	Vial: 12.12 grams per 29.5 x 80 mm. vial.	Do.
Do	Buffer salt mixture Spinco B-2, pH 8.6, 0.075 ionic strength, No. 3948.	Vial: 18.18 grams per 29.5 x 80 mm. vial.	Do.
Do	Buffered barbital sodium chloride, pH 7.5, No. 64047.	Vial: 14.7 grams per vial.	Do.
Do	Buffered substrate glycerophosphate Bodansky, No. 23881.	Vial: 0.924 grams per 15 x 45 mm. vial.	Do.
Do	Buffered veronal, pH 7.5, No. 64322	Vial: 16.46 grams per vial.	Do.
Do	Gilford & Davis buffered substrate, No. 23701.	Vial: 1.228 grams per 15 x 45 mm. vial.	Do.
Do	Hematoxylin, acid-alum solution No. 64720.	Bottle: 16 and 32 oz., and 2.5 gal.	Dec. 29, 1972
Do	King & Armstrong buffered substrate, No. 23721.	Vial: 1.14 grams per 15 x 45 mm. vial.	Sept. 15, 1971
Do	Roe & Whitmore buffered substrate, No. 23686.	Vial: 0.854 grams per 15 x 45 mm. vial.	Do.
Do	Shinowara, Jones & Reinhart buffered substrate, No. 23738.	Vial: 0.946 grams per 15 x 45 mm. vial.	Do.

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Manufacturer or supplier	Product name and supplier's catalog number	Form of product	Date of application
Do	Thymol barbital buffer, MacLagan Modified, pH 7.8, No. 29944.	Vial: 1.256 grams per 15 × 45 mm. vial.	Do.
Do	Thymol buffer 100 ml., 100 mg., Huergs & Popper, No. 29959.	Vial: 0.964 grams per 15 × 45 mm. vial.	Do.
Do	Thymol buffer, pH 7.8, MacLagan, No. 29949.	Vial: 1.02 grams per vial.	Do.
Do	Thymol buffer, pH 7.55 Mateer, No. 29951.	Vial: 0.96 grams per 15 × 45 mm. vial.	Do.
Do	Zinc sulfate, pH 7.5 (Kunkel), No. 64050.	Vial: 0.514 grams per vial.	Do.
Amersham/Searle	Amobarbital-2-C14, No. CFA-401	Ampule: 110 mm. x 13 mm. or Vial: 38.40 mm. x 11 ml.	Sept. 19, 1972
Do	Morphine (N-methyl-C14) Hydrochloride No. CFA-363.	do	Mar. 27, 1972
Do	Pentothal—838 sodium salt, No. SJ-77.	Ampule: 110 mm. x 13 mm. or Vial: 38.40 mm. x 11 mm.	Sept. 19, 1972
Do	Codeine (N-methyl-C14) Hydrochloride No. CFA-421.	Ampule: 10 cc	Mar. 27, 1972
Applied Sciences Laboratories, Inc.	Mixture 1—opiates	Vial: 1 ml	Oct. 4, 1972
Do	Mixture 2—stimulants	do	Do.
Do	Mixture 3—depressants	do	Do.
Do	Mixture 4—barbiturates	do	Do.
Do	Mixture 5—kit of representatives	do	Do.
Becton, Dickinson and Co. (Spectra Biologicals Division).	HepaScreen CEP barbital buffer, No. K-751.	Envelope: 3.5" x 5.5"	Aug. 11, 1972
Do	HepaScreen CEP plates, Nos. K-742 and K-743.	Plate: 3.5" x 5.5"	Do.
Beckman Instruments, Inc. (Spinco Division).	Beckman buffer B-1	Packet: 12.14 gm	Apr. 24, 1971
Do	Beckman buffer B-2	Packet: 18.16 gm	Do.
Bio-Rad Laboratories, Inc.	Bio-Rad electrophoresis buffer	Bottle: 500 ml	Dec. 14, 1972
Do	Electrophoresis buffer, dry-pack	Package: 6.15 gm	Do.
Do	Reagent No. 3	Bottle: 165 cc	Do.
Buchler Instruments	Buffer salt-type I, barbital-sodium, barbital mixture pH 8.6 No. 3-1025.	Vial: 36.86 gm	Dec. 6, 1972
Do	Buchler instrument buffer B-2 double strength, pH 8.6, 0.075 m No. 93834.	Vial: 36.36 grams	Sept. 15, 1971
Burroughs Wellcome Co	Lanoxitest beta digoxin radioimmunoassay kit with tritiated digoxin No. KT07.	Bottle: 125 ml	Nov. 16, 1972
Chemed Corp. (Dearborn Chemical Division).	Zinc reagent No. 2, No. 704	Pillow: 10 mg. each	June 23, 1971
Collaborative Research, Inc.	Kit to include: LSD antiserum No. Z-32; I-125-LSD-Polymer No. Z-11; LSD standard.	Bottle: 1 and 2 dram	Nov. 14, 1972
Clarkson Laboratory and Supply, Inc.	Hematoxylin stain, Mayer's No. S-1302.	Gallon	Dec. 12, 1972
Cordis Laboratories	Barbital-acetate buffer, powder 709-317.	Package: 20 envelopes—10.65 grams per envelope.	July 27, 1972
Do	Counterelectrophoresis, plates CEP I 709-304.	Package: 5 plates—16 ml. per plate.	Do.
Do	Counterelectrophoresis, plates CEP II 709-305.	do	Do.
Do	Counterelectrophoresis, plates CEP III 709-306.	do	Do.
Do	Counterelectrophoresis, plates CEP IV 709-307.	do	Do.
Do	Counterelectrophoresis, plates CEP I 709-324.	Package: 10 plates—8.5 ml. per plate.	Do.
Do	Counterelectrophoresis, plates CEP II 709-325.	do	Do.
Do	Counterelectrophoresis, plates CEP III 709-326.	do	Do.
Do	Counterelectrophoresis, plates CEP IV 709-327.	do	Do.
Do	GVB++ buffer, 753-637	Bottle: 80 ml	Do.
Do	Glucose—GVB/2 buffer, 753-636	do	Do.
Do	EDTA (0.014AM)—GVB buffer, 753-634	Bottle: 6 ml	Do.
Do	EDTA (0.01M)—GVB buffer, 753-631	do	Do.
Do	5X Isotonic veronal buffer	Bottle: 1,000 ml	Do.

Manufacturer or supplier	Product name and supplier's catalog number	Form of product	Date of application
Fisher Scientific Co	Electrophorette buffer No. 1, pH 8.60, ionic strength 0.05, catalog No. E-1.	Packet: 12.14 grams	Oct. 27, 1972
Do	Electrophorette buffer No. 2, pH 8.60, ionic strength 0.075, catalog No. E-2.	Packet: 18.16 grams	Do.
Gebman Instruments Co.	Drug standard set No. 51910	Set: 3 vials of 2 ml. each	Apr. 6, 1972
Do	Drug control set No. 51911	Set: 3 vials of 50 ml. each	Do.
Do	High resolution, buffer-Tris Barbital buffer No. 51104.	Vial: 10 dram	Dec. 22, 1971
Do	Bepirachrom drug system, No. 51930	Chambers: 6 cm. x 9 cm	Sept. 6, 1972
General Diagnostics	fas T³, No. 36993	Vial: 10.6 cm x 1.2 cm	Aug. 28, 1972
Gugol Science Corp	Gugol concentrate No. 10109	Vials: 20 ml., 90 ml., and 450 ml.	Mar. 28, 1972
Hach Chemical Co	pH 8.6 buffer powder pillows, No. 920-85	Pillow: 0.8 gm. each	Nov. 30, 1971
Do	pH 8.3 buffer powder pillows, No. 938-98.	Pillow: 1 gram each	Do.
Do	Zincover II powder pillows, No. 2917	do	Do.
Do	Buffered substrate, glycerophosphate, Roe & Whitmore, pH 9.6, No. 20060.	Vial: 0.855 gram per 100 ml.	Do.
Do	Buffered substrate, glycerophosphate, Shinowara, Jones & Reinhart, pH 10.9, No. 20063.	Vial: 0.925 gram per 100 ml.	Do.
Do	Buffered substrate, glycerophosphate, Shinowara, Jones & Reinhart—Stock, No. 20061.	Vial: 1.85 gram per 100 ml.	Do.
Do	Buffered substrate, glycerophosphate, Shinowara, Jones & Reinhart, pH 5.0, No. 20062.	Vial: 0.925 gram per 100 ml.	Do.
Hoffman-La Roche Inc	Abuscreen radio-immunoassay for morphine (125I), No. 43021.	Vial: 30 ml	Sept. 27, 1972
Do	Abuscreen radio-immunoassay for morphine (HI), No. 43016.	Vial: 60 ml	Do.
Hyland Division Travenol Laboratories, Inc.	Agar gel plates No. 3003	Package: 8 plates—25 ml. per plate.	Aug. 31, 1971
Do	Agar gel plates No. 3016	Package: 10 plates—25 ml. per plate.	Do.
Do	Agar gel plates No. 3038	do	Do.
Do	Buffer No. 3017	Vial: 250 ml	Do.
Do	Buffer No. 3059	do	Do.
Do	Diluting fluid No. 3400	Vial: 10 ml	Do.
Do	Partial thromboplastin liquid, No. 3481.	Vial: 0.1 ml	Do.
Do	PTC reagent dried, No. 3497	Vial: 1 ml	Do.
Do	Supplemental urine clinical chemistry control, dried, No. 0402 and No. 0631.	Vial: 25 ml	Do.
Do	Partial thromboplastin, dried, No. 3491.	Vial: 1 ml. and 5 ml	Do.
Do	Agar gel plates, No. 8794	Plate: 25 ml	Aug. 1, 1972
Do	Buffer, No. 8793	Vial: 250 ml	Do.
Do	T-3	Vial: 10 ml	Dec. 19, 1972
Do	T-4	Vial: 20 ml	Do.
Do	Toxicology serum control, dried, No. 0541.	Vial: 10 ml	Oct. 26, 1972
Do	Toxicology urine control, dried, No. 0542.	do	Do.
Industrial Biological Laboratories, Inc.	DGV solution	Vial: 100 cc	Dec. 28, 1971
Lederle Laboratories Division of American Cyanamid Co.	DGV buffer, 5x No. 2606-37	Vial: 20 ml	Nov. 19, 1971
Do	Serum toxicology control drugs A, No. 2040-69.	Vial: 10 ml	Do.
Do	Abnormal urine control, No. 2921-80	Vial: 25 ml	Do.
Do	Urine toxicology control drugs 1, No. 2950-61.	do	Do.
Do	Urine toxicology drugs I screening	do	Mar. 13, 1972
Do	Urine toxicology control drugs 2—barbiturates, No. 2952-61.	do	Do.
Do	Urine toxicology control drugs 2—barbiturates, proficiency No. 2953-61.	do	Do.

Manufacturer or supplier	Product name and supplier's catalog number	Form of product	Date of application
Lederle Laboratory Division of American Cyanamid Co.	Urine toxicology control drugs 3	do	Do.
Do	Urine toxicology control drugs 3—amphetamines, proficiency No. 2955-61.	do	Do.
Do	Urine toxicology control, drugs 4	do	Do.
Do	Urine toxicology control, drugs 4—alkaloid, proficiency No. 2957-61.	do	Do.
Mallard, Inc	High resolution buffer-tris barbital buffer No. 51104.	Vial: 1½ dram	Dec. 22, 1971
Mallinckrodt Chemical Works	Res-O-Mat ETR solution	Vial: 1½ dram	Feb. 17, 1972
Do	Res-O-Mat T4 solution	do	Do.
MCI Biomedical	IEP buffer, pH 8.2, 0.04 ionic strength	Package: 6.510 grams	Aug. 28, 1972
MEAD Diagnostics	T-3 test fas T³, No. L6902	Vial: ½" x 1½"	May 31, 1972
Do	T-4 test fas T4, No. L6906	Vial: ½" x 1½"	Do.
Meloy Laboratories	Agar gel plate kit No. F-101, F-211, F-212, F-213, G-202, G-303, and G-304.	Package: 6 plates and 2 vials (30 x 70 mm) per kit.	Nov. 30, 1971
Do	Barbital buffer (or electrophoresis buffer).	Vial: 12.12 grams per 29.5 x 80 mm. vial.	Sept. 15, 1971
Miles Laboratories, Inc	Tetraite	Bottle: 4.9 gram	July 29, 1970
Nalco Chemical Co	Zn-1P No. 723	Pillow: 10 mg. each	Nov. 30, 1971
Do	Zn-2P No. 723	do	Do.
Purex Laboratories, Inc	Cannabis sativa, allergenic extract, 1,000 pnu/cc.	Vial: 2 cc	Sept. 26, 1971
Do	Cannabis sativa, allergenic extract, 20,000 pnu/cc.	Vial: 80 cc	Do.
Ortho Diagnostics	Activated Thrombobo FAX No. 721000	Bottle: 3.2 ml	Sept. 21, 1971
Do	Hapindex, agar gel plate, No. 740000	Plate: 43 ml. per plate	Do.
Do	Ortho abnormal plasma coagulation control.	Packet: 96.5 mg	Do.
Do	Ortho HAA positive control No. 740100.	Vial: 1 mg	Mar. 27, 1972
Schering Corp	Hepasquik	Vial: 9 dram and plate	July 16, 1972
Schwarz/Mann Division, Becton Dickson and Co.	DL-amphetamine sulfate C14 sterile aqueous solution.	Flask: 0.05 mc, 0.1 mc, 0.5 mc, 1.0 mc.	Sept. 14, 1972
Do	D-amphetamine sulfate C14 sterile aqueous solution.	do	Do.
Do	L-amphetamine sulfate C14 sterile aqueous solution.	do	Do.
Do	Secobarbital 5 C14	do	Do.
Do	Secobarbital 2 C14	do	Do.
Do	Barbital buffer salt mixture, No. 0782-04 and No. 0782-07.	Vial: 80 cc	Nov. 4, 1971
SGA Scientific Corp	Barbital-acid buffer salt, No. 1178	Bottle: 4 oz	Do.
Do	Barbital-sodium buffer salt, No. 11731	do	Do.
Do	Barringer & Woodard buffered substrate No. 23695.	Vial: 0.73 gram per 15 x 45 mm. vial.	Sept. 15, 1971
Do	Buchler instrument buffer B-2 double strength, pH 8.6, 0.075 m No. 93834.	Vial: 36.36 grams	Do.
Do	Buffer barbital, pH8.8, No. 7691	Vial: 11.76 grams per 10 dram vial.	Do.
Do	Buffer salt—barbital acetate, mixture pH 8.6, No. 3787.	Vial: 14.7 grams per 29.5 x 80 mm. vial.	Do.
Do	Buffer salt mixture pH 8.8, No. 7644	Vial: 17.85 grams per 29.5 x 80 mm. vial.	Do.
Do	Buffer salt mixture Spinco B-1, pH 8.6, 0.05 ionic strength, No. 3947.	Vial: 12.12 grams per 29.5 x 80 mm. vial.	Do.
Do	Buffer salt mixture Spinco B-2, pH 8.6, 0.075 ionic strength, No. 3948.	Vial: 18.18 grams per 29.5 x 80 mm. vial.	Do.
Do	Buffered barbital, sodium chloride, pH 7.5, No. 646-7.	Vial: 14.7 grams per vial.	Do.
Do	Buffered substrate glycerophosphate Bodansky No. 23681.	Vial: 0.924 gram per 15 x mm. vial.	Do.
Do	Buffered veronal, pH 7.5, No. 64322	Vial: 16.48 grams per vial.	Do.
Do	Gilerees & Davis buffered substrate, No. 23701.	Vial: 1.228 grams per 15 x mm. vial.	Do.

Manufacturer or supplier	Product name and supplier's catalog number	Form of product	Date of application
Do	King & Armstrong buffered substrate, No. 23721.	Vial: 1.14 grams per 15 x 45 mm. vial.	Do.
Do	Roe & Whitmore buffered substrate, No. 23686.	Vial: 0.854 gram per 15 x 45 mm. vial.	Do.
Do	Scientific products buffer salt mixture B-2, No. 23853.	Vial: 18.18 grams per 10 dram vial.	Do.
Do	Shinowara, Jones & Reinbart buffered substrate, No. 23738.	Vial: 0.945 gram per 15 x 45 mm. vial.	Do.
Do	Thymol barbital buffer McLagan Modified pH 7.8, No. 29944.	Vial: 1.256 grams per 15 x 45 mm. vial.	Do.
Do	Thymol buffer 100 ml=100 mg., Huergs & Papper, No. 29959.	Vial: 0.964 gram per 15 x 45 mm. vial.	Do.
Do	Thymol buffer pH 7.8, MacLagan, No. 29940.	Vial: 1.02 grams per vial.	Do.
Do	Thymol buffer pH 7.55 Mateer, No. 29951.	Vial: 0.96 gram per 15 x 45 mm. vial.	Do.
Do	Thymol turbidity test set, No. 3105	Packet: 1 gram	Nov. 4, 1971
Do	Zinc sulfate pH 7.5 (Kunkel), No. 64050.	Vial: 0.514 gram per vial.	Sept. 15, 1971
E.R. Squibb & Sons, Inc	AuSure barbital buffer powder, No. B79209.	Vial: 1.51 grams	July 28, 1971
Do	AuSure CEP plate, No. B78209	Plate: 40c. per plate	Sept. 16, 1971
Do	Barbital buffer mixture No. 09501	Vial: 6.035 gm	Dec. 21, 1972
Do	Barbital buffer for use with gastrin immutope kit, No. 09510.	Vial: 20 cc	Nov. 21, 1972
Supeloo, Inc	Amobarbital No. 04-9170	Ampule: 1 ml	Dec. 22, 1972
Do	Amphetamine No. 04-9185	do	Do.
Do	Aprobarbital No. 04-9171	do	Do.
Do	Barbital No. 04-9169	do	Do.
Do	Butetehal No. 04-9172	do	Do.
Do	Codeine No. 04-9161	do	Do.
Do	Cyclobarbital No. 04-9173	do	Do.
Do	Glutethimide No. 04-9178	do	Do.
Do	Heptabarbital No. 04-9176	do	Do.
Do	Heroin No. 04-9162	do	Do.
Do	Hexobarbital No. 04-9177	do	Do.
Do	Methadone No. 04-9163	do	Do.
Do	Methamphetamine No. 04-9188	do	Do.
Do	Methobarbital No. 04-9178	do	Do.
Do	Morphine No. 04-9160	do	Do.
Do	Pentobarbital No. 04-9179	do	Do.
Do	Phenobarbital No. 04-9181	do	Do.
Do	Phenylmethylbarbituric acid No. 04-9182	do	Do.
Do	Secobarbital No. 04-9180	do	Do.
SYVA Co	Frat benzoyl ecgonine calibrator	Vial: 1 ml	Sept. 13, 1972
Do	Frat methadone calibrator	do	Do.
Do	Frat opiate calibrator	do	Do.
Do	Frat amphetamine calibrator	do	Do.
Do	Frat barbiturate calibrator	do	Do.
TLC Corp	Chromat/o/screen kit for amphetamines, No. JJ-175.	Vial: 1.9 cm-X1.8 cm	July 6, 1972
Do	Chromat/o/screen kit for alkaloids, No. JJ-176.	do	Do.
Do	Chromat/o/screen kit for barbiturates, No. JJ-177.	do	Do.
Warner-Lambert Co. (General Diagnostics Division).	Platelin	Vial: 7.8 ml	Mar. 13, 1792
Do	Platelin plus activator	do	Do.
Do	Stuplastin	Vials: 4.7 ml., 7.8 ml. and 16.5 ml.	Do.
Do	Simplastin-A	Vial: 7.8 ml	Do.
Do	TGTR set	Package: 4 tests per set	Do.
Wien Laboratories, Inc	Buffer reagent pH 8.6 No. T-5085	Bottle: 4 oz	Dec. 22, 1972
Do	Coated charcoal suspension No. T-5077.	do	Do.
Do	P.E.G. solution No. T-5089	do	Do.

EXCEPTED STIMULANT OR DEPRESSANT COMPOUNDS

§ 308.31 Application for exception of a stimulant or depressant compound.

(a) Any person seeking to have any compound, mixture, or preparation containing any depressant or stimulant substance listed in § 308.13 (b) or (c), or in § 308.14, or in § 308.15, excepted from the application of all or any part of the Act, pursuant to section 202(d) of the Act (21 U.S.C. 812(d)), may apply to the Director, Bureau of Narcotics and Dangerous Drugs, Department of Justice, Washington, D.C. 20537, for such exception.

(b) An application for an exception under this section shall contain the following information:

(1) The complete quantitative composition of the dosage form.

(2) Description of the unit dosage form together with complete labeling.

(3) A summary of the pharmacology of the product including animal investigations and clinical evaluations and studies, with emphasis on the psychic and or physiological dependence liability (this must be done for each of the active ingredients separately and for the combination product).

(4) Details of synergisms and antagonisms among ingredients.

(5) Deterrent effects of the noncontrolled ingredients.

(6) Complete copies of all literature in support of claims.

(7) Reported instances of abuse.

(8) Reported and anticipated adverse effects.

(9) Number of dosage units produced for the past 2 years.

(c) Within a reasonable period of time after the receipt of an application for an exception under this section, the Director shall notify the applicant of his acceptance or nonacceptance of the application, and if not accepted, the reason therefor. The Director need not accept an application for filing if any of the requirements prescribed in paragraph (b) of this section is lacking or is not set forth so as to be readily understood. If the applicant desires, he may amend the application to meet the requirements of paragraph (b) of this section. If accepted for filing, the Director shall publish in the FEDERAL REGISTER general notice of his proposed rulemaking in granting or denying the application. Such notice shall include a reference to the legal authority under which the rule is proposed, a statement of the proposed rule granting or denying an exception, and, in the discretion of the Director, a summary of the subjects and issues involved. The Director shall permit any interested person to file written comments on or objections to the proposal and shall designate in the notice of proposed rule making the time during which such filings may be made. After consideration of the application and any comments on or objections to his proposed rulemaking, the Director shall issue and publish in the FEDERAL REGISTER his final order on the application, which shall set forth the findings of fact and conclusions of law upon which the order is based. This order shall specify the date on which it shall take effect, which shall not be less than 30 days from the date of publication in the FEDERAL REGISTER unless the Director finds that conditions of public health or safety necessitate an earlier effective date, in which event the Director shall specify in the order his findings as to such conditions.

(d) The Director may at any time revoke any exception granted pursuant to section 202(d) of the Act (21 U.S.C. 812(d)) by following the procedures set forth in paragraph (c) of this section for handling an application for an exception which has been accepted for filing.

§ 308.32 Excepted compounds.

(a) Until criteria are adopted by the Bureau by which the Director may determine whether to except any compound, mixture, or preparation containing any depressant or stimulant substance listed in § 308.13 (b) or (c), or in § 308.14, or in § 308.15, from the application of all or any part of the Act pursuant to section 202(d) of the Act (21 U.S.C. 812(d)), the drugs set forth in paragraph (b) of this section have been excepted by the Director from application of the sections 305, 307, 308, 309, 1002, 1003, and 1004 of the Act (21 U.S.C. 825, 827–9, 952–4) and of § 301.74(d) of this chapter for administrative purposes only. The excepting of these drugs by the Director should not be construed as an adoption or rejection of the criteria by which these drugs were originally excepted. Any deviation from the quantitative composition of any of the listed drugs shall require a petition for exception in order for that drug to be excepted.

(b) The following drugs in dosage unit form, and any other drug of the quantitative composition shown below for one of the following drugs or which is the same except that it contains a lesser quantity of controlled substances or other substances which do not have a stimulant, depressant, or hallucinogenic effect, and which are restricted by law to dispensing on prescription, are excepted from the application of sections 305, 307, 308, 309, 1002, 1003, and 1004 of the Act (21 U.S.C. 825, 827–9, 952–4) and of § 301.74(d) of this chapter:

EXCEPTED PRESCRIPTION DRUGS

Trade name or other designation	Composition	Manufacturer or supplier
A.E.A.	Tablet: Amobarbital, 25 mg.; aminophylline, 120 mg.; ephedrine hydrochloride, 25 mg.	Haack Laboratories, Inc.
Alased	Tablet: Phenobarbital, 16.2 mg.; homatropine methylbromide, 3.6 mg.; aluminum hydroxide gel, dried, 75⅘ gr.; magnesium trisilicate, 2¾ gr.	Norgine Laboratories, Inc.
Alciter	Tablet: Phenobarbital, ¼ gr.; atropine sulfate, 1/3000 gr.; calcium carbonate, 3½ gr.; magnesium carbonate, 2¾ gr.; cerium oxalate, ½ gr.	Paul B. Elder Co., Inc.
Algeson	Tablet: Butabarbital sodium, 7.5 mg.; acetaminophen, 300 mg.	McNeil Laboratories Inc.
Alhydrox	Tablet: Phenobarbital, ⅛ gr.; aluminum hydroxide, 5 gr.; atropine sulfate, — gr.	Physicians Supply.
Alkasans	Tablet: Phenobarbital, 8.0 mg.; atropine sulfate, 0.06 mg.; kaolin-alumina gel, 500 mg.	P. J. Noyes Co.
Absteal	Powder (60 gr.): Phenobarbital, ¾ gr.; belladonna extract, ¼ gr.; calcium carbonate, 24 gr.; magnesium trisilicate, 15 gr.; magnesium oxide, 10 gr.; aluminum hydroxide gel, dried, 10 gr.	Dorsey Laboratories.
Alubelap	Tablet: Phenobarbital, 8 mg.; aluminum hydroxide gel, dried, 2300 mg., belladonna extract, 4 mg.	Haack Laboratories, Inc.
Aludrox SA suspension	Suspension (5 cc.): Butabarbital, 3 mg.; ambutonium bromide, 2.5 mg.	Wyeth Laboratories.
Aludrox SA tablets	Tablet: Butabarbital, 8 mg.; ambutonium bromide, 2.5 mg.	Wyeth Laboratories.
Alu-Mag	Tablet: Phenobarbital, ⅛ gr.; aluminum hydroxide gel, dried, 2½ gr.; magnesium trisilicate, 2½ gr., belladonna leaf extract, ⅓ gr.	Norsal Laboratories, Inc.
Alumazen	Tablet: Phenobarbital, 8 mg.; atropine sulfate, 0.06 mg.; magnesium trisilicate, 500 mg.; aluminum hydroxide gel, dried, 250 mg.; saccharin sodium, 0.12 mg.	The Zemmer Co.
Aluminum hydroxide, magnesium trisilicate, and kaolin with phenobarbital and atropine sulfate.	Tablet: Phenobarbital, ⅛ gr.; aluminum hydroxide, 2 gr.; magnesium trisilicate, 4 gr.; kaolin, colloidal, 2 gr.; atropine sulfate, 1/300 gr.	Buffalo Pharmaceutical Supply Corp.
Aminodrox with phenobarbital	Tablet: Phenobarbital, 15 mg.; aminophylline, 0.1 gm.; aluminum hydroxide gel, dried, 0.12 gm.	The S. E. Massengill Co.
Aminodrox-forte with phenobarbital	Tablet: Phenobarbital, 15 mg.; aminophylline, 200 mg.; aluminum hydroxide gel, dried, 250 mg.	Do.
Aminophylline and amytal	Capsule: Amobarbital, 32 mg.; aminophylline, 0.1 gm.	Eli Lilly Co.
Aminophylline with pentobarbital	Suppository: Pentobarbital sodium, 100 mg.; aminophylline, 500 mg.	G. D. Searle & Co.
Aminophylline and phenobarbital	Tablet: Phenobarbital, 15 mg.; aminophylline, 100 mg.	The Zemmer Co.
Do	Tablet: Phenobarbital, ⅛ gr.; aminophylline, 100 mg.	The Blue Line Chemical Co.
Aminophylline with phenobarbital	Tablet: Phenobarbital, 16 mg.; aminophylline, 100 mg.	H. E. Dubin Laboratories, Inc.
Do	Tablet: Phenobarbital, 15 mg.; aminophylline, 100 mg.	G. D. Searle & Co.
Do	Tablet: Phenobarbital, 15 mg.; aminophylline, 200 mg.	Do.
Do	Tablet: Phenobarbital, 30 mg.; aminophylline, 200 mg.	Do.
Amobarbital and PETN	Capsule: Amobarbital, 50 mg.; pentaerythritol tetranitrate, 30 mg.	Meyer Laboratories, Inc.
Ampyrox with butabarbital sodium (AMPYROX).	Tablet: Butabarbital sodium, 15 mg.; scopolamine methylnitrate, 2 mg.	Paul B. Elder Co., Inc.

Trade name or other designation	Composition	Manufacturer or supplier
Belap No. 0	Tablet: Phenobarbital, 8 mg.; belladonna extract, 8 mg.	Haack Laboratories, Inc.
Belap No. 1	Tablet: Phenobarbital, 15 mg.; belladonna extract, 8 mg.	Do.
Belap Ts-Med.	Tablet: Phenobarbital, 50 mg.; homatropine methylbromide, 7.5 mg.	Do.
Belladenal	Tablet: Phenobarbital, 50 mg.; belladonna, 0.25 mg.	Sandoz Pharmaceuticals.
Do	Elixir (5 cc.): Phenobarbital, 15.6 mg.; belladonna, 0.078 mg.	Do.
Bellatol elixir	Elixir (5 cc.): Butabarbital sodium, 20 mg.; tincture belladonna, 0.25 cc.	The Zemmer Co.
Bellergal	Tablet: Phenobarbital, 20 mg.; ergotamine tartrate, 0.3 mg.; levorotatory alkaloids of belladonna, 0.1 mg.	Sandoz Pharmaceuticals.
Do	Tablet: Phenobarbital, 40 mg.; ergotamine tartrate, 0.6 mg.; levorotatory alkaloids of belladonna, 0.2 mg.	Do.
Antrocol	Elixir (teel): Phenobarbital, 15 mg.; vitamin B1, 7.5 mg.; vitamin B2, 1 mg.; vitamin B6, 0.33 mg.; vitamin B12, 1.66 mg.; niacinamide, 10 mg.; pantothenol, 0.2 mg.; belladonna alkaloids, 0.1 mg.	Wyeth Laboratories.
Aquatabs	Tablet: Phenobarbital, 16 mg.; homatropine methylbromide, 10 mg.; hyoscine hydrobromide, 0.065 mg.; hyoscyamine sulfate, 0.195 mg.	Bexar Pharmaceuticals.
Aquatabs, children	Tablet: Phenobarbital, 8 mg.; homatropine dihydrochloride acid, 2 gr.; homatropine methylbromide, ¼ gr.	Norgine Laboratories, Inc.
Bilamide	Tablet: Butabarbital sodium, 15.0 mg.; nitrofurantoin, 50.0 mg.; phenylmercuric nitrate, 0.1 mg.	The Vale Chemical Co., Inc.
Binitrin	Tablet: Phenobarbital, 8 mg.; atropine sulfate, 0.06 mg.; bismuth subnitrate, 130 mg.; cerium oxalate, 30 mg.	The Zemmer Co.
Bioxaphen	Capsule: Phenobarbital, ¼ gr.; bismuth subgallate, 5 gr.; extract belladonna leaf, ¼ gr.	The Bernard Co.
Bismuth, belladonna, and phenobarbital	Tablet: Butabarbital sodium, 30 mg.; homatropine methylbromide, 2.5 mg.; aluminum hydroxide gel, dried, 300 mg.; magnesium trisilicate, 600 mg.	Lemmon Pharmacal Co.
Buffalgin A.S.	Tablet: Phenobarbital, ¼ gr.; caffeine, 30 mg.; homatropine methylbromide, 2.5 mg.; aluminum hydroxide gel, dried, 0.12 gm.; magnesium trisilicate, 0.6 gm.	
Buffatype with barbiturates	Tablet: Secobarbital sodium, 8 mg.; amobarbital, 8 mg.; aspirin, 300 mg.; phenacetin, 130 mg.; caffeine, 30 mg.; ammonium chloride, 130 mg.; ammonium hydrochloride, 25 mg.	Do.
Bunesia	Tablet: Butabarbital sodium, 10 mg.; homatropine methylbromide, 2.5 mg.	McNeil Laboratories, Inc.
Buren	Tablet: Butabarbital sodium, 15 mg.; phenazopyridine hydrochloride, 150 mg.; scopolamine hydrobromide, 0.0065 mg.; atropine sulfate, 0.0194 mg.; hyoscyamine sulfate, 0.0388 mg.	B. F. Ascher & Co., Inc.
Burtizem	Tablet: Butabarbital sodium, 10 mg.; reserpine, 0.1 mg.; rutin, 20 mg.; mannitol hexanitrate, 30 mg.	The Zemmer Co.
Butabarbital and hyoscyamine sulfate	Tablet: Butabarbital, 15 mg.; hyoscyamine sulfate, 0.125 mg.	McNeil Laboratories, Inc.
Do	Capsule: Butabarbital, 45 mg.; hyoscyamine sulfate, 0.25 mg.	Do.
Butibel	Elixir (5 cc.): Butabarbital sodium, 15 mg.; belladonna extract, 15 mg.; hyoscyamine sulfate, 0.125 mg.; hyoscine hydrobromide, 0.0065 mg.; atropine methylbromide, 0.0097 mg.	McNeil Laboratories, Inc.
Butibel R.A.	Tablet or elixir (5 cc.): Phenobarbital, 16.2 mg.; hyoscyamine sulfate, 0.1 mg.; atropine sulfate, 0.0194 mg.; hyoscine hydrobromide, 0.0065 mg.; homatropine methylbromide, 0.097 mg.	Do.
Butibel gel suspension	Suspension (5 cc.): Butabarbital sodium, 7.5 mg.; hyoscyamine sulfate, 0.1 mg.; belladonna extract, 7.5 mg.; aluminum hydroxide gel, dried, 300 mg.; activated attapulgite, 1.5 mg.; magnesium trisilicate, 150 mg.	Do.
Butibel gel tablets	Tablet: Butabarbital sodium, 7.5 mg.; belladonna extract, 7.5 mg.; activated attapulgite, 1.5 mg.; aluminum hydroxide gel, dried, 300 mg.; magnesium trisilicate, 150 mg.	Do.

Trade name or other designation	Composition	Manufacturer or supplier
Butibel elixir	Elixir (5 cc.): Butabarbital sodium, 10 mg.; scopolamine methylnitrate, 1 mg.	Do.
Butibel-Forte	Tablet: Phenobarbital, ¼ gr.; hyoscine hydrobromide, 0.0065 mg.; atropine sulfate, 0.0194 mg.; hyoscyamine hydrobromide, 0.128 mg.	Do.
Butibel-Forte elixir	Elixir (5 cc.): Phenobarbital, ¼ gr.; extract belladonna leaf, ¼ gr.; sodium bromide, 5 gr.; atropine sulfate, 1/150 gr.; scopolamine hydrobromide, 1/300 gr.	Do.
Butibel-Ts	Tablet: Phenobarbital, 50 mg.; homatropine methylbromide, 5 mg.	Do.
Butibel-Ts elixir	Elixir (5 cc.): Phenobarbital, 15.6 mg.; homatropine methylbromide, 1 mg.	Do.
Butisol elixir	Elixir (5 cc.): Butabarbital sodium, 20 mg.; tincture belladonna, 0.25 cc.	The Zemmer Co.
Butisol sodium	Tablet: Butabarbital sodium, 50 mg.	Sandoz Pharmaceuticals.
Butisol sodium-forte	Tablet: Butabarbital sodium, 100 mg.	Do.
Butizem	Tablet: Butabarbital sodium, 15 mg.; diltiazem hydrochloride, 60 mg.	Marion Laboratories, Inc.
Butizide	Tablet: Butabarbital sodium, 15 mg.; hydrochlorothiazide, 25 mg.	Do.
Cafabar	Tablet: Phenobarbital, 16 mg.; caffeine, 130 mg.; ammonium chloride, 130 mg.; ammonium hydrochloride, 25 mg.	Wm. P. Poythress & Co. Inc.
Cafalgin	Tablet: Phenobarbital, 16 mg.; caffeine, 30 mg.; phenacetin, 130 mg.; aspirin, 300 mg.	The Wm. A. Webster Co.
Cafamine	Tablet: Phenobarbital, 16 mg.; caffeine, 30 mg.; phenacetin, 130 mg.; aspirin, 300 mg.; ammonium chloride, 130 mg.; ammonium hydrochloride, 25 mg.	Do.
Calcidrine	Tablet: Phenobarbital, 16 mg.; ephedrine sulfate, 24 mg.; theophylline, 130 mg.	The Vale Chemical Co., Inc.
Cama-ol	Capsule: Phenobarbital, ¼ gr.; bismuth subgallate, 5 gr.; extract belladonna leaf, ¼ gr.	The Vale Chemical Co.
Carbrital	Tablet: Phenobarbital, 16 mg.; aminophylline, 130 mg.; phenylpropanolamine hydrochloride, 25 mg.; theophylline anhydrous, 65 mg.; magnesium trisilicate, 60 mg.	
Carphenate	Tablet: Phenobarbital sodium, 30 mg.; ephedrine sulfate, 24 mg.; theophylline, 130 mg.	P. J. Noyes Co.
Carphenate with phenobarbital	Tablet: Phenobarbital, ¼ gr.; atropine sulfate, 1/300 gr.; magnesium trisilicate, 2½ gr.; aluminum hydroxide gel, dried, 2½ gr.	Mallinckrodt Chemical Works.
Carrolital	Tablet: Phenobarbital, ¼ gr.; atropine sulfate, 0.12 mg.; magnesium trisilicate, 0.6 gm.; saccharin sodium, 0.12 mg.	The Zemmer Co.
Centhine with phenobarbital	Tablet: Phenobarbital, 16 mg.; methantheline bromide, 50 mg.	G. D. Searle & Co.
Centrax	Tablet: Phenobarbital, 16 mg.; atropine sulfate, 0.12 mg.	The S. E. Massengill Co.
Centrax No. 1	Tablet: Phenobarbital, 15 mg.; atropine sulfate, 0.125 mg.	Do.
Centrax No. 2	Tablet: Amobarbital sodium, 30 mg.; hyoscyamine sulfate, 0.125 mg.; hyoscine hydrobromide, 0.065 mg.; homatropine methylbromide, 0.5 mg.	The Vale Chemical Co., Inc.
Cerebrofort elixir	Elixir (5 cc.): Phenobarbital, 16 mg.; hyoscyamine sulfate, 0.125 mg.; atropine sulfate, 0.0582 mg.; scopolamine hydrobromide, 0.0074 mg.	Mallinckrodt Chemical Works.
Cerebrofort tablets	Tablet: Phenobarbital, 16 mg.; hyoscyamine sulfate, 0.125 mg.; atropine sulfate, 0.0582 mg.; scopolamine hydrobromide, 0.0074 mg.	Do.
Chlorbarb elixir	Elixir (100 cc.): Phenobarbital, 0.4 gm.; homatropine methylbromide, 38.8 mg.	The Blue Line Chemical Co.
Chlorbarb tablets	Tablet: Phenobarbital, ¼ gr.; homatropine methylbromide, ⅛ gr.	Do.
Clarbar	Tablet or elixir (5 cc.): Phenobarbital, 16.2 mg.; hyoscyamine sulfate, 0.1 mg.; atropine sulfate, 0.0194 mg.; hyoscine hydrobromide, 0.0065 mg.; activated attapulgite, 75 mg.	Parke, Davis & Co.
Clarbar elixir	Elixir (30 cc.): Phenobarbital, 100 mg.; hyoscyamine sulfate, 0.5 mg.; atropine sulfate, 0.12 mg.; hyoscine hydrobromide, 0.012 mg.; atropine sulfate, 0.12 mg.	Warner-Teed Pharmaceuticals.
Clar-Don elixir	Elixir: Phenobarbital, 16.67 mg.; hyoscyamine sulfate, 0.125 mg.; atropine sulfate, 0.0582 mg.; hyoscine hydrobromide, 0.007 mg.; atropine sulfate 0.039 mg.	Do.

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Trade name or other designation	Composition	Manufacturer or supplier
Buttibel Zyme	Tablet: Butabarbital sodium, 15 mg.; belladonna extract, 1.6 mg.; total alkaloids, 0.192 mg.; proteolytic enzyme standardized, 10 mg.; amylolytic enzyme standardized, 20 mg.; cellulolytic enzyme standardized, 5 mg.; lipolytic enzyme standardized, 100 mg.; iron ox bile, 47 mg.; cholic acid, 30 mg.	Do.
Butigetic	Tablet: Butabarbital sodium, 15 mg.; acetaminophen, 300 mg.; phenacetin, 150 mg.; caffeine, 30 mg.	Do.
Cafergot P-B	Tablet: Phenobarbital sodium, 30 mg.; ergotamine tartrate, 1 mg.; caffeine, 100 mg.; levorotatory alkaloids of belladonna, 0.1-2% mg.	Sandoz Pharmaceuticals.
Do	Suppository: Pentobarbital, 60 mg.; ergotamine tartrate, 2 mg.; caffeine, 100 mg.; levorotatory alkaloids of belladonna, 0.2-5 mg.	Do.
Cal-Ma-Phen	Tablet: Phenobarbital, ¼ gr.; calcium carbonate, 5 gr.; magnesium hydroxide, 5 gr.; atropine sulfate, 1/200 gr.	Physicians Supply Co.
Cantil with phenobarbital	Tablet: Phenobarbital, 16 mg.; mepenzolate bromide, 2.5 mg.	Lakeside Laboratories, Inc.
Carbonates No. 3 with phenobarbital and atropine	Tablet: Phenobarbital, ¼ mg.; atropine sulfate, 0.11 mg.; calcium carbonate, 324 mg.; magnesium carbonate, 160 mg.; bismuth subcarbonate, 32 mg.	P. J. Noyes Co.
Cardalin-Phen	Tablet: Phenobarbital, ¼ gr.; aminophylline, 5 gr.; aluminum hydroxide gel, dried, 2½ gr.; benzocaine, ½ gr. q.	Mallinckrodt Chemical Works.
Cardilate-P	Tablet: Phenobarbital, 15 mg.; erythrityl tetranitrate, 10 mg.	Burroughs Wellcome & Co. (U.S.A.) Inc.
Cholarace	Tablet: Pentobarbital, 27.5 mg.; oxtriphylline, 300 mg.; racephedrine, 20 mg.	Warner-Chilcott Laboratories.
Co-Elortine 25	Capsule: Amobarbital, sod. tri-ethylmorphichloride, 25 mg.	Eli Lilly and Co.
Co-Elortine 100	Capsule: Amobarbital, 16 mg.; triethylamol chloride, 100 mg.	Do.
Cold Preparation Special	Tablet: Phenobarbital, ¼ mg.; chlorpheniramine maleate, 2 mg.; pseudoephedrine hydrochloride, 60 mg.; salicylamide, powder, 300 mg.	Knight Pharmaceutical Co.
Covadil	Tablet: Butabarbital sodium, 30 mg.; pentaerythritol tetranitrate, 15 mg.	The Blue Line Chemical Co.
Dactil with phenobarbital	Tablet: Phenobarbital, 16 mg.; piperidolate hydrochloride, 50 mg.	Lakeside Laboratories, Inc.
Dalnite	Tablet: Pentobarbital sodium, ¼ gr.; aminophylline, 3 gr.; ephedrine hydrochloride, ¼ gr.; aluminum hydroxide gel, dried, 2½ gr.; benzocaine, ¼ gr.	Mallinckrodt Chemical Works.
Dalnite-KI	Tablet: Phenobarbital, ¼ gr.; aminophylline, 3 gr.; ephedrine hydrochloride, ¼ gr.; potassium iodide, 5 gr.; aluminum hydroxide gel, dried, 2½ gr.; benzocaine, ¼ gr.	Do.
Dalnite Night	Tablet: Phenobarbital, ½ gr.; pentobarbital sodium, ½ gr.; aminophylline, ¼ gr.; aluminum hydroxide gel, dried, 2½ gr.; benzocaine, ¼ gr.	Do.
Daricon PB	Tablet: Phenobarbital, 15 mg.; oxyphencyclimine hydrochloride, 5 mg.	Pfizer Laboratories.
Diatrasgus	Tablet: Diallylbarbituric acid, ¼ gr.; nitroglycerin, 1/200 gr.; sodium nitrite, 1 gr.; tincture crataegus, 2 minims.	Buffington's, Inc.
Dis-Trophe	Tablet: Diallylbarbituric acid, ¼ gr.; atropine sulfate, 1/100 gr.; magnesium carbonate, 2½ gr.; calcium carbonate, 3½ gr.; bismuth subcarbonate, 1 gr.	Do.
Dilantin with phenobarbital	Capsule: Phenobarbital, ¼ gr.; diphenylhydantoin sodium, 0.1 gm.	Parke, Davis & Co.
Do	Capsule: Phenobarbital, ½ gr.; diphenylhydantoin sodium, 0.1 gm.	Do.
Dolonil	Tablet: Butabarbital, 15 mg.; phenazopyridine hydrochloride, 150 mg.; hyoscyamine hydrobromide, 0.3 mg.	Warner-Chilcott Laboratories.
Donabarb	Tablet: Phenobarbital, ¼ gr.; powder extract belladonna, ½ gr.	Paul B. Elder Co., Inc.
Donaphen, new special Donaphen	Tablet: Phenobarbital, 15 mg.; atropine sulfate, 0.024 mg.; scopolamine hydrobromide, 0.0074 mg.; hyoscyamine hydrobromide, 0.125 mg.	Burt Krone Co.

Trade name or other designation	Composition	Manufacturer or supplier
Donnacaid-Elixir	Extract: Phenobarbital, 16.2 mg.; hyoscyamine hydrobromide, 0.097 mg.; atropine sulfate, 0.0194 mg.; hyoscine hydrobromide, 0.0065 mg.	North American Pharmacal, Inc.
Donnacap	Tablet: Phenobarbital, 8.1 mg.; phenazopyridine hydrochloride, 50 mg.; methenamine mandelate, 500 mg.; hyoscyamine sulfate, 0.0519 mg.; atropine sulfate, 0.0097 mg.; hyoscine hydrobromide, 0.0033 mg.	A. H. Robins Co., Inc.
Donaphen	Tablet: Phenobarbital, 15 mg.; hyoscyamine sulfate, 0.1 mg.; atropine sulfate, 0.02 mg.; scopolamine hydrobromide, 8 mg.	Lemmon Pharmacal Co.
Dormital-HM	Tablet: Phenobarbital, ¼ gr.; homatropine methylbromide, 1/48 gr.; strontium bromide, 1 gr.	Buffington's Inc.
Dynapin with phenobarbital	Tablet: Phenobarbital, 15 mg.; nitroglycerin, 0.5 mg.; pentaerythritol tetranitrate, 15 mg.	Key Pharmacal Co.
Elmaloin with phenobarbital	Capsule: Phenobarbital, 15 mg.; diphenylhydantoin, 15 gr.	Paul B. Elder Co., Inc.
Ephedrine and sodium phenobarbital	Tablet: Sodium phenobarbital, ¼ gr.; ephedrine sulfate, ¼ gr.	The Vale Chemical Co., Inc.
Ephedrine sulfate and phenobarbital	Tablet: Phenobarbital, 15 mg.; ephedrine sulfate, 25 mg.	The Zemmer Co.
Ephedrine with phenobarbital	Tablet: Phenobarbital, ¼ gr.; ephedrine sulfate, ¼ gr.	P. J. Noyes Co.
Ercaftal	Tablet: Phenobarbital, 7.5 mg.; ergotamine tartrate, 0.5 mg.; caffeine, 60 mg.	The Blue Line Chemical Co.
Ethravatitate	Tablet: Mephobarbital, 10 mg.; pentaerythrityl tetranitrate, 20 mg.; ethaverine hydrochloride, 30 mg.	North American Pharmacal, Inc.
Eu-Phed Amin	Tablet: Phenobarbital, 30 mg.; aminophylline, 0.1 gm.; ephedrine sulfate, 30 mg.; extract euphorbia, 0.1 gm.	Warren-Teed Pharmaceuticals Inc.
Eu-Phed Ital	Tablet: Phenobarbital sodium, 30 mg.; ephedrine sulfate, 30 mg.; extract euphorbia, 0.1 gm.	Do.
Ferrabel	Tablet: Phenobarbital, ¼ mg.; belladonna extract, 2.95 mg.; aluminum hydroxide gel, dried, 48 mg.; magnesium trisilicate, 68 mg.; bismuth subcarbonate, 32.5 mg.; magnesium carbonate, 252 mg.; precipitated calcium carbonate, 243.5 mg.; malt diastase, 12.5 mg.; peppermint oil, 3 mg.	United States Vitamin & Pharmaceutical Corp.
Franol	Tablet: Phenobarbital, 8 mg.; theophylline, 130 mg.; benzylephedrine hydrochloride, 32 mg.	Winthrop Laboratories.
Homechol	Tablet: Pentobarbital sodium, 8.0 mg.; homatropine methylbromide, 2.5 mg.; dehydrocholic acid, 50.0 mg.; ox bile extract, 150.0 mg.	Lemmon Pharmacal Co.
Homopent	Tablet: Pentobarbital sodium, 15 mg.; homatropine methylbromide, 2.5 mg.; magnesium trisilicate, 500 mg.	Lemmon Pharmacal Co.
H-P-A (modified)	Tablet: Phenobarbital, ½ gr.; aspirin, 5 gr.; extract hyoscyamus, ½ gr.	Paine Drug Co.
Hybephen	Tablet: Phenobarbital, 15 mg.; hyoscyamine sulfate, 0.1277 mg.; atropine sulfate, 0.0233 mg.; hyoscine hydrobromide, 0.0064 mg.	The S. E. Massengill Co.
Hybephen elixir	Elixir (5 cc.): Phenobarbital, 15 mg.; hyoscyamine sulfate, 0.1277 mg.; atropine sulfate, 0.0233 mg.; hyoscine hydrobromide, 0.0064 mg.	Do.
Hydrochol plus	Tablet: Amobarbital, 15 mg.; dehydrocholic acid, 200 mg.; scopolamine methylnitrate, 0.8 mg.; ox bile desiccated 50 mg.	Paul B. Elder Co., Inc.
Hytrona antispasmodic elixir	Elixir (5 cc.): Phenobarbital, 16 mg.; belladonna alkaloids, 0.2 mg.	Pitman-Moore.
Hytrona antispasmodic tablets	Tablet: Phenobarbital, 16 mg.; belladonna alkaloids, 0.2 mg.	Do.
Hocalm	Tablet: Methobarbital, 30 mg.; methscopolamine nitrate, 2.5 mg.; dicalcium pantothenate, 25 mg.	Warren-Teed Pharmaceuticals Inc.
Isordil with phenobarbital	Tablet: Phenobarbital, 15 mg.; isosorbide dinitrate, 10 mg.	Ives Laboratories Inc.
Isufranol	Tablet: Phenobarbital, 8 mg.; theophylline, 130 mg.; benzylephedrine, 32 mg.; isoproterenol hydrochloride, 10 mg.	Winthrop Laboratories.
Isufranol, mild	Tablet: Phenobarbital, 8 mg.; theophylline, 130 mg.; benzylephedrine, 32 mg.; isoproterenol hydrochloride, 5 mg.	Do.

Trade name or other designation	Composition	Manufacturer or supplier
Isuprel compound elixir	Elixir (15 cc.): Phenobarbital, 6 mg.; isoproterenol hydrochloride, 2.5 mg.; ephedrine sulfate, 12 mg.; theophylline, 45 mg.; potassium iodide, 150 mg.	Do.
Kaphebel	Tablet: Phenobarbital, ⅓ gr.; belladonna root, ¼ gr.; kaolin colloidal, 7½ gr.	Paul B. Elder Co., Inc.
Kanumodic	Tablet: Pentobarbital, 8 mg.; methscopolamine nitrate, 2 mg.; cellulase, 9 mg.; pancrestin, 600 mg.; glutamic acid hydrochloride, 200 mg.; ox bile extract, 100 mg.; pepsin, 150 mg.	Dorsey Laboratories.
Kavatrate	Tablet: Phenobarbital sodium, ¼ gr.; veratrum veride, ¼ gr.; mistletoe, ½ gr.; hawthorn tincture, 30 minims; sodium nitrite, 1 gr.	Key Pharmacal Co.
Klo with phenobarbital	Tablet: Phenobarbital, 16 mg.; potassium iodide 400 mg.; ephedrine sulfate, 24 mg.	Laser Inc.
Klophyllin	Tablet: Phenobarbital, 15 mg.; aminophylline, 150 mg.; potassium iodide, 125 mg.	G. D. Searle & Co.
Luftodil suspension	Suspension (5 cc.): Phenobarbital, 8 mg.; theophylline, 80 mg.; ephedrine hydrochloride, 12 mg.; glyceryl guaiacolate, 100 mg.	Mallinckrodt Chemical Works.
Luftodil tablets	Tablet: Phenobarbital, 16 mg.; theophylline, 100 mg.; ephedrine hydrochloride, 24 mg.; glyceryl guaiacolate, 200 mg.	Do.
Lufyllin-EP	Tablet: Phenobarbital, 16 mg.; lufyllin (dyphylline), 100 mg.; ephedrine hydrochloride, 16 mg.	Do.
Magnesium hydroxide-phenobarbital compound	Tablet: Phenobarbital sodium, 15 mg.; magnesium hydroxide, 300 mg.; atropine sulfate with aromatics, 0.12 mg.	McNeil Laboratories, Inc.
Maiglyn compound	Tablet or suspension (5 cc.): Phenobarbital, 16.2 mg.; belladonna alkaloids, 0.162 mg.; dihydroxy aluminum aminoacetate, 0.8 gm.	Brayten Pharmaceutical Co.
Manniphen	Tablet: Phenobarbital, 16 mg.; mannitol hexanitrate, 32 mg.	The Vale Chemical Co., Inc.
Manniphen with rutin	Tablet: Phenobarbital, 16 mg.; mannitol hexanitrate, 32 mg.; rutin, 20 mg.	Do.
Mannitol hexanitrate with phenobarbital	Tablet: Phenobarbital, ¼ gr.; mannitol hexanitrate, ½ gr.	P. J. Noyes Co.
Do	Tablet: Phenobarbital, ¼ gr.; mannitol hexanitrate, ½ gr.	The Blue Line Chemical Co.
Maxitol	Tablet: Phenobarbital, 15 mg.; mannitol hexanitrate, 15 mg.; rutin, 15 mg.; ascorbic acid, 15 mg.	Burt Krone Co.
Meprane phenobarbital	Tablet: Phenobarbital, 16 mg.; prometheatrol dipropionate, 1 mg.	Reed & Carnrick.
Mesopin-PB	Tablet or elixir (5 cc.): Phenobarbital, 15 mg.; homatropine methylbromide, 5 mg.	Endo Laboratories Inc.
Metamine with butabarbital	Tablet: Butabarbital, 16.2 mg.; trolnitrate phosphate, 2 mg.	Pfizer Laboratories.
Do	Tablet: Butabarbital, 48.6 mg.; trolnitrate phosphate, 10 mg.	Do.
Maxal	Tablet: Phenobarbital, 16 mg.; mannitol hexanitrate, 32 mg.	The S. E. Massengill Co.
Milprem-200	Tablet: Meprobamate 200 mg. conjugated estrogens—equine 0.4 mg.	Wallace Pharmaceuticals.
Milprem-400	Tablet: Meprobamate 400 mg. conjugated estrogens—equine 0.4 mg.	Do.
Milpath-200	Tablet: Meprobamate 200 mg. tridihexethylchloride, 25 mg.	Do.
Milpath-100	Tablet: Meprobamate 400 mg. tridihexethylchloride, 25 mg.	Do.
Miltrate-10	Tablet: Meprobamate 200 mg.; pentaerythritol tetranitrate, 10 mg.	Do.
Miltrate-20	Tablet: Meprobamate 200 mg.; pentaerythritol tetranitrate, 20 mg.	Do.
Monomeb	Tablet: Mephobarbital, 32 mg.; penthienate bromide, 8 mg.	Winthrop Laboratories.
Mudrane	Tablet: Phenobarbital, 21 mg.; potassium iodide, 195 mg.; aminophylline, 130 mg.; ephedrine hydrochloride, 16 mg.	Wm. P. Poythress & Co., Inc.
Mudrane G G elixir	Elixir (5 cc.): Phenobarbital, 8.4 mg.; theophylline 20 mg.; ephedrine hydrochloride, 4 mg.; glyceryl guaiacolate, 26 mg.	Do.
Nactisol	Tablet: Butalbarbital sodium, 15 mg.; poldine methylsulfate, 4 mg.	McNeil Laboratories, Inc.

Trade name or other designation	Composition	Manufacturer or supplier
Natrona compound	Tablet: Phenobarbital, 15 mg.; extract hawthorn berries, 30 mg.; extract mistletoe, 15 mg.; sodium nitrite, 60 mg.; sodium bicarbonate, 0.2 gm.	The Zemmer Co.
Neocholan	Tablet: Phenobarbital, 8 mg.; dehydrocholic acid, 200 mg.; bile extract, 15 mg.; homatropine methylbromide, 1.2 mg.	Pitman-Moore.
Nergetic	Tablet: Phenobarbital, 8 mg.; atropine sulfate, 0.10 mg.; magnesium trisilicate, 0.5 gm.	The S. E. Massengill Co.
Nitrased	Tablet: Secobarbital, 15 mg.; nitroglycerin, 0.4 mg.; pentaerythrityl tetranitrate, 15 mg.	Lemmon Pharmacal Co.
Nophesan tablets	Tablet: Phenobarbital, 8 mg.; acetylsalicylic acid, 300 mg.	P. J. Noyes Co.
Novalane	Tablet: Phenobarbital, 16 mg.; ephedrine sulfate, 24 mg.; potassium iodoidide, 162 mg.; calcium lactate, 162 mg.	Lemmon Pharmacal Co.
Orsorbil-PB	Capsule: Phenobarbital, 7.5 mg.; belladonna extract, 7.8 mg.; dehydrocholic acid, 32 mg.; desoxycholic acid, 32 mg.; or bile extract, 65 mg.; sorbitan mono-oleate, 160 mg.; oleic acid, 180 mg.	Ives Laboratories, Inc.
Paminal elixir	Elixir (5 cc.): Phenobarbital, 8 mg.; methscopolamine bromide, 1.25 mg.	The Upjohn Co.
Pamine PB elixir	Elixir (5 cc.): Phenobarbital, 8 mg.; methscopolamine bromide, 1.25 mg.	Do.
Pamine PB, half strength	Tablet: Phenobarbital, 8 mg.; methscopolamine bromide, 1.25 mg.	Do.
Pediatric pipital antipyretic	Solution (0.6 cc.): Phenobarbital, 3 mg.; pipenzolate bromide, 2 mg.; acetaminophen, 60 mg.	Lakeside Laboratories, Inc.
Pediatric pipital with phenobarbital	Solution (0.6 cc.): Phenobarbital, 3 mg.; pipenzolate bromide, 2 mg.	Do.
Pencetylon	Tablet: Phenobarbital, ¼ gr.; acetylsalicylic acid, 5 gr.	Paul B. Elder Co., Inc.
Pentaerythritol tetranitrate with phenobarbital	Tablet: Phenobarbital, 16 mg.; pentaerythrityl tetranitrate, 10 mg.	P. J. Noyes Co.
Do	Tablet: Phenobarbital, 16 mg.; pentaerythrityl tetranitrate, 20 mg.	Do.
Pentratrol with phenobarbital	Tablet: Phenobarbital, 15 mg.; pentaerythrityl tetranitrate, 10 mg.	North American Pharmacal Co.
Pentraline	Tablet: Butabarbital sodium, 10 mg.; reserpine, 0.05 mg.; pentaerythrityl tetranitrate, 10 mg.	McNeil Laboratories, Inc.
Perbuzem	Tablet: Butabarbital sodium, 15 mg.; pentaerythrityl tetranitrate, 10 mg.	The Zemmer Co.
Peribar L-A No. 1	Tablet: Phenobarbital, 48.6 mg.; pentaerythrityl tetranitrate, 30 mg.	Whittier Laboratories, Inc.
Peritrate with phenobarbital	Tablet: Phenobarbital, 15 mg.; pentaerythrityl tetranitrate, 10 mg.	Warner-Chilcott.
Do	Tablet: Phenobarbital, 15 mg.; pentaerythrityl tetranitrate, 20 mg.	Do.
Peritrate with phenobarbital SA	Tablet: Phenobarbital, 48 mg.; pentaerythrityl tetranitrate, 80 mg.	Do.
Phedorine	Tablet: Diallylbarbituric acid, 16 mg.; extract stramonium, 8 mg. (alkaloids 0.0015 gr.); ephedrine, 8 mg.; theophyline, 100 mg.	Buffington's, Inc.
Phenaphen plus	Tablet: Phenobarbital, 16.2 mg.; phenacetin, 194 mg.; aspirin, 162 mg.; hyoscyamine sulfate, 0.031 mg.; phenIramine maleate, 12.8 mg.; phenylephrine hydrochloride, 10 mg.	A. H. Robins Co., Inc.
Phenobarbital and atropine	Tablet: Phenobarbital, ¼ gr.; atropine sulfate, 1/100 gr.	The Blue Line Chemical Co.
Do	do	Meyers & Co.
Do	do	Paine Drug Co.
Do	Tablet: Phenobarbital, ¼ gr.; atropine sulfate, 1/100 gr.	The Vale Chemical Co., Inc.
Phenobarbital with atropine sulfate	Tablet: Phenobarbital, 8 mg.; atropine sulfate, 0.06 mg.	The Zemmer Co.
Phenobarbital with atropine sulfate No. 2	Tablet: Phenobarbital, 15 mg.; atropine sulfate, 0.12 mg.	Do.
Phenobarbital and atropine sulfate	Tablet: Phenobarbital, ¼ gr.; atropine sulfate, 1/100 gr.	Buffington's Inc.
Phenobarbital and atropine No. 1	Tablet: Phenobarbital, 16 mg.; atropine sulfate, 0.13 mg.	Pitman-Moore.
Phenobarbital and atropine No. 2	Tablet: Phenobarbital, 8 mg.; atropine sulfate, 0.65 mg.	Do.

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Trade name or other designation	Composition	Manufacturer or supplier
Rolitrol PH forte	Tablet: Phenobarbital, 16.2 mg.; phenyltoloxamine, 30 mg.	Do.
Rubellatal	Tablet: Phenobarbital 15 mg.; atropine sulfate, 0.1 mg.; belladonna alkaloids, 0.2 mg.; rutin, 20 mg.	Lemmon Pharmacal Co.
Rutol	Tablet: Phenobarbital, 8.0 mg.; mannitol hexanitrate, 10 mg.; rutin, 10 mg.	Pitman-Moore.
Salisil with phenobarbital	Tablet: Phenobarbital, ¼ gr.; acetylsalicylic acid, 3 gr.	Paul B. Elder Co., Inc.
Selbella	Tablet: Phenobarbital, ½ gr.; aluminum hydroxide, 3 gr.; belladonna alkaloids, 0.2 mg.	Wyeth Laboratories
Sel-Tense	Tablet: Phenobarbital, ½ gr.; belladonna alkaloids, 0.2 mg.	Lemmon Pharmacal Co.
Silsela	Tablet: Butabarbital sodium, ½ gr.; belladonna alkaloids, 0.2 mg.	Plough Laboratories, Inc.
Sodium nitrite with phenobarbital	Tablet: Phenobarbital sodium, ½ gr.; sodium nitrite, 1 gr.; sodium bicarbonate, 2 gr.; hawthorn berries, 30 mg.	Paine Drug Co.
Do	Tablet: Phenobarbital, 15 gr.; sodium nitrite, 1 gr.	Buffalo Pharmaceutical Supply Corp.
Spastirol PB	Tablet: Phenobarbital, 15 mg.; hemathropine, 1 gr.	Key Pharmaceuticals, Inc.
Spastised	Tablet: Phenobarbital, 8 mg.; atropine sulfate, 0.13 mg.; calcium carbonate, 227 mg.; magnesium hydroxide, 162 mg.	North American Pharmacal, Inc.
Spasyrin	Tablet: Phenobarbital, 8 mg.; aspirin, 324 mg.	Wm. P. Poythress & Co., Inc.
Tel-S	Tablet: Phenobarbital, 16 mg.; theobromine salicylate, 0.4 gr.; calcium iodide, 130 mg.	Do.
Tedral-25	Tablet: Phenobarbital, 24 mg.; theophylline, 130 mg.; ephedrine hydriodide, 24 mg.	Warner-Chilcott Laboratories.
Tedral-S A	Tablet: Phenobarbital, 25 mg.; theophylline, 130 mg.; ephedrine hydriodide, 24 mg.	Do.
Tetrosilin	Tablet: Phenobarbital, 15 mg.; chlorothen citrate, 25 mg.; ephedrine hydrochloride, 25 mg.; theophylline calcium salicylate, 260 mg.	Knoll Pharmaceutical Co.
Tetrosiphets	Tablet: Phenobarbital, 16 mg.; nitroglycerin, ⅟₁₀₀ gr.; magnesium trisilicate, 4 gr.; atropine sulfate, 0.1 mg.; sodium nitrite, 1 mg.; extract belladonna, 16 mg.	P. J. Noyes Co.
Theobrizem	Tablet: Phenobarbital, 4 mg.; theophylline, 65 mg.; theobromine, 130 mg.; triclofos, 25 mg.	The Zemmer Co.
Theobarb	Tablet: Phenobarbital, 32 mg.; theobromine, 3.25 mg.	Mallinckrodt Chemical Works.
Theobarb-R	Tablet: Phenobarbital, 10 mg.; reserpine, 0.1 mg.	Do.
Theobarb special	Tablet: Phenobarbital, 16 mg.; theobromine, 3.25 mg.	Do.
Theobromine and phenobarbital	Tablet: Phenobarbital, 16 mg.; theobromine, 130 mg.	P. J. Noyes Co.
Theobromine-phenobarbital	Tablet: Phenobarbital, 30 mg.; theobromine, 0.3 gm.	The S. E. Massengill Co.
Theolin	Tablet: Phenobarbital, 32 mg.; theobromine, 3.25 mg.	The Upjohn Co.
Theophylline-phenobarbital compound.	Tablet: Phenobarbital, ¼ gr.; theobromine, 2½ gr.; potassium iodide, 2½ gr.; potassium bicarbonate, 2½ gr.	Do.
Theotropine with phenobarbital No. 1.	Tablet: Phenobarbital, 15 mg.; theobromine, 324 mg.	Buffington's, Inc.
Theobromine and sodium acetate with phenobarbital.	Tablet: Phenobarbital, ¼ gr.; theobromine and sodium salicylate, 5 gr.	Paul B. Elder Co., Inc.
Theobromine sodium salicylate with phenobarbital.	Tablet: Phenobarbital, 15 mg.; theobromine sodium salicylate, 300 mg.	The Zemmer Co.
Theocardone No. 1	Tablet: Phenobarbital, 15 mg.; theobromine, 300 mg.	Hauk Laboratories, Inc.
Theocardone No. 2	Tablet: Phenobarbital, 30 mg.; theobromine, 300 mg.	Do.
Theodide	Tablet: Phenobarbital, ¼ gr.; potassium iodide, 5 gr.; theobromine sodium salicylate, 5 gr.; nitroglycerin, 0.4 mg.	The Vale Chemical Co., Inc.
Theoglycinate with phenobarbital	Tablet: Phenobarbital, 16 mg.; theophylline sodium glycinate, 324 mg.	Brayton Pharmaceutical Co.
Theoglycinate with racephedrine and phenobarbital.	Tablet: Phenobarbital, 16 mg.; theophylline sodium glycinate, 324 mg.; racephedrine hydrochloride, 24 mg.	Do.

Trade name or other designation	Composition	Manufacturer or supplier
Theoplaphen	Tablet: Phenobarbital, 15 mg.; theobromine sodium salicylate, 0.2 gm.; calcium lactate, 0.1 mg.	The S. E. Massengill Co.
Theomintal	Tablet: Phenobarbital, 32 mg.; theobromine, 320 mg.	Winthrop Laboratories.
Theomintal M	Tablet: Phenobarbital, 16 mg.; theobromine, 320 mg.	Do.
Theomintal R S	Tablet: Phenobarbital, 10 mg.; theobromine, 320 mg.; alseroxylon, 1.5 mg.	Do.
Theophen	Tablet: Phenobarbital, ¼ gr.; theobromine sodium salicylate, 5 gr.; calcium carbonate, 2½ gr.	The Vale Chemical Co., Inc.
Theorate	Tablet: Phenobarbital, 16.2 mg.; theobromine, 324 mg.	Whittier Laboratories, Inc.
Thymodyne	Tablet: Phenobarbital, 32 mg.; theophylline anhydrous, 130 mg.; ephedrine sulfate, 24 mg.	P. J. Noyes Co.
Trocinate with phenobarbital	Tablet: Phenobarbital, 16 mg.; thiphenamil hydrochloride, 100 mg.	Wm. P. Poythress & Co., Inc.
Tricoloid	Tablet: Phenobarbital, 16 mg.; tricyclamol chloride, 50 mg.	Burroughs Wellcome & Co.
Triophen	Tablet: Phenobarbital, ⅓ gr.; antropinesulfate, ¹/₁₅₀ gr.; magnesium trisilicate, 7 gr.	The Vale Chemical Co., Inc.
Valpin-PB	Tablet or elixir (5 cc.): Phenobarbital, 8 mg.; anisotropine methylbromide, 10 mg.	Endo Laboratories Inc.
Vasorutin	Tablet: Diallylbarbituric acid, ¾ gr.; nitroglycerin, ¹/₁₀₀ gr.; sodium nitrite, 1 gr.; tincture crataegus, 2 minims; rutin, 20 mg.	Buffington's, Inc.
Veralzem	Tablet: Phenobarbital, 15 mg.; veratrum viride, 60 mg.; sodium nitrite, 60 mg.	The Zemmer Co.
Veratrite	Tablet: Phenobarbital, ¼ gr.; cryptenamine, 40 CSR (caroid minus reflex) units; sodium nitrite, 1 gr.	Neisler Laboratories, Inc.
Veritag	Tablet: Phenobarbital, 16 mg.; veratrum viride, 45 mg.; sodium nitrite, 66 mg.	S. J. Tutag and Co.
Vertegus	Tablet: Phenobarbital, ½ gr.; veratrum viride, ¾ gr.; sodium nitrite, 1 gr.; mistletoe, ½ gr.; hawthorn berries, ½ gr.	Burt Krone Co.
Veruphen	Tablet: Phenobarbital, 15 mg.; rutin, 20 mg.; veratrum viride, 15 mg.; sodium nitrite, 60 mg.	The Zemmer Co.
Viritin	Tablet: Phenobarbital, 16 mg.; mannitol hexanitrate, 30 mg.; veratrum viride alkaloids, 1.5 mg.; rutin, 20 mg.	Lemmon Pharmacal Co.
W-T	Powder (4 gm.): Phenobarbital, 15 mg.; belladonna extract, 10 mg. (0.12 mg. belladonna alkaloids); benzocaine, 15 mg.; calcium carbonate, 1.55 gm.; magnesium oxide, 0.5 gm.; aluminum hydroxide gel, dried, 60 mg.	Warren-Teed Pharmaceuticals Inc.
W-T	Tablet: Phenobarbital, ¾₄ gr.; belladonna extract, ¾₄ gr.; benzocaine, ½₄ gr.; calcium carbonate, 6 gr.; magnesium trisilicate, 3¾ gr.; aluminum hydroxide gel, dried, 2½ gr.; chloroform extract, 1%	Do.
Xanlophen	Tablet: Phenobarbital, 16.2 mg.; theobromine, 162 mg.; ethylenediamine dihydriodide, 32.4 mg.	Pitman-Moore.
Zalhopen compound	Tablet: Phenobarbital, 8 mg.; tocamphyl, 75 mg.; homatropine methylbromide, 2.5 mg.	The S. E. Massengill Co.
Zantrate	Tablet: Cyclopentenylallylbarbituric acid, ½ gr.; ephedrine sulfate, ¾ gr.; theophylline anhydrous, 2 gr.	The Upjohn Co.
Zem-Dab	Tablet: Butabarbital sodium, 10 mg.; dehydrocholic acid, 80 mg.; ox bile desiccated, 120 mg.; homatropine methylbromide, 2.5 mg.	The Zemmer Co.
No. 23	Tablet: Phenobarbital, ½ gr.; aminophylline, 3 gr.	Stayner Corp.
No. 35	Tablet: Phenobarbital, ¼ gr.; aminophylline, 1.5 gr.; ephedrine sulfate, ¾ gr.	Do.
No. 36	Tablet: Pentabarbital sodium, ¾ gr.; ephedrine sulfate, ¾ gr.; aminophylline, 3 gr.	Do.
No. 65	Tablet: Phenobarbital, ¾ gr.; extract belladonna, ¼ gr.	Do.
No. 66	Tablet: Phenobarbital, ¼ gr.; extract belladonna, ¾ gr.	Do.
No. 75	Tablet: Phenobarbital, ¾ gr.; belladonna, ⅓ gr.	Bariatric Corp.
No. 88	Tablet: Phenobarbital, ¾ gr.; aminophylline, 1.5 gr.	Stayner Corp.
No. 89	Tablet: Phenobarbital, ½ gr.; aminophylline, 1.5 gr.	Do.
No. 111	Tablet: Phenobarbital, ½ gr.; ephedrine sulfate, ¾ gr.	Do.
No. 136	Tablet: Phenobarbital, 20 mg.; homatropine methylbromide, 5 mg.	Do.
No. 643	Tablet: Phenobarbital, ½ gr.; theophylline, 2 gr.; ephedrine hydrochloride, ¾ gr.	Do.
Rx. No. 4104	Tablet: Phenobarbil, ¼ gr.; calcium carbonate, 7½ gr.; magnesium oxide, 4 gr.; atropine sulfate, ¹/₃₀₀ gr.	The Zemmer Co.
Rx. No. 4105	Tablet: Phenobarbital, ¾ gr.; calcium carbonate, 10 gr.; atropine sulfate, ¹/₃₀₀ gr.	Do.
Rx. No. 4108	Capsule: Phenobarbital, ¾ gr.; atropine sulfate, ¹/₃₀₀ gr.; calcium carbonate, 6½ gr.; magnesium oxide, heavy, 2 gr.	Do.
Rx. No. 4123	Capsule: Phenobarbital, ¼ gr.; bismuth subgallate, 5 gr.; extract belladonna, ½ gr.	Do.
Rx. No. 4126	Capsule: Pentobarbital sodium, 15 mg.; extract belladonna, 10 mg.	Do.
Rx. No. 4143	Capsule: Phenobarbital, ¾ gr.; aminophylline, 1.5 gr.; potassium iodide, 1 gr.	Do.
Rx. No. 4152	Tablet: Phenobarbital, ¾ gr.; atropine sulfate, ¹/₆₀₀ gr.	Do.
Rx. No. 4155	Tablet: Phenobarbital, ½ gr.; atropine sulfate, ¹/₁₀₀₀ gr.; aluminum hydroxide gel, 3¾ gr.; kaolin, 3¾ gr.	Do.
Rx. No. 4170	Tablet: Phenobarbital, ½ gr.; atropine sulfate, ¹/₂₀₀ gr.; calcium carbonate, 10 gr.	Do.
Rx. No. 4184	Capsule: Sodium butabarbital, 15 mg.; belladonna extract, 15 mg.	Do.

HEARINGS

§ 308.41 Hearings generally.

In any case where the Director shall hold a hearing on the issuance, amendment, or repeal of rules pursuant to section 201 of the Act, the procedures for such hearing and accompanying proceedings shall be governed generally by the rulemaking procedures set forth in the Administrative Procedure Act (5 U.S.C. 551–559) and specifically by section 201 of the Act (21 U.S.C. 811), by §§ 308.42–308.51, and by §§ 316.41–316.67 of this chapter.

§ 308.42 Purpose of hearing.

If requested by any interested person after proceedings are initiated pursuant to § 308.44, the Director shall hold a hearing for the purpose of receiving factual evidence and expert opinion regarding the issues involved in the issuance, amendment or repeal of a rule issuable pursuant to section 201(a) of the Act (21 U.S.C. 811(a)). Extensive argument should not be offered into evidence but rather presented in opening or closing statements of counsel or in memoranda or proposed findings of fact and conclusions of law.

§ 308.43 Waiver or modification of Rules.

The Director or the presiding officer (with respect to matters pending before him) may modify or waive any rule in this part by notice in advance of the hearing, if he determines that no party in the hearing will be unduly prejudiced and the ends of justice will thereby be served. Such notice of modification or waiver shall be made a part of the record of the hearing.

§ 308.44 Initiation of proceedings for rulemaking.

(a) Any interested person may submit a petition to initiate proceedings for the issuance, amendment, or repeal of any rule or regulation issuable pursuant to the provisions of section 201 of the Act.

(b) Petitions shall be submitted in quintuplicate to the Director in the following form:

(Date)

DIRECTOR, BUREAU OF NARCOTICS AND DANGEROUS DRUGS
Department of Justice,
Washington, D.C. 20537.

DEAR SIR: The undersigned ---------- hereby petitions the Director to initiate proceedings for the issuance (amendment or repeal) of a rule or regulation pursuant to section 201 of the Controlled Substances Act.

Attached hereto and constituting a part of this petition are the following:

(A) The proposed rule in the form proposed by the petitioner. (If the petitioner seeks the amendment or repeal of an existing rule, the existing rule, together with a reference to the section in the Code of Federal Regulations where it appears, should be included.)

(B) A statement of the grounds which the petitioner relies for the issuance (amendment or repeal) of the rule. (Such grounds shall include a reasonably concise statement of the facts relied upon by the petitioner,

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including a summary of any relevant medical or scientific evidence known to the petitioner.)

All notices to be sent regarding this petition should be addressed to:

_____
(Name)

_____
(Street Address)

_____
(City and State)

Respectfully yours,

_____
(Signature of petitioner)

(c) Within a reasonable period of time after the receipt of a petition, the Director shall notify the petitioner of his acceptance or nonacceptance of the petition, and if not accepted, the reason therefor. The Director need not accept a petition for filing if any of the requirements prescribed in paragraph (b) of this section is lacking or is not set forth so as to be readily understood. If the petitioner desires, he may amend the petition to meet the requirements of paragraph (b) of this section. If accepted for filing, a petition may be denied by the Director within a reasonable period of time thereafter if he finds the grounds upon which the petitioner relies are not sufficient to justify the initiation of proceedings.

(d) The Director shall, before initiating proceedings for the issuance, amendment, or repeal of any rule either to control a drug or other substance, or to transfer a drug or other substance from one schedule to another, or to remove a drug or other substance entirely from the schedules, and after gathering the necessary data, request from the Secretary a scientific and medical evaluation and the Secretary's recommendations as to whether such drug or other substance should be so controlled, transferred, or removed as a controlled substance. The recommendations of the Secretary to the Director shall be binding on the Director as to such scientific and medical matters, and if the Secretary recommends that a drug or other substance not be controlled, the Director shall not control that drug or other substance.

(e) If the Director determines that the scientific and medical evaluation and recommendations of the Secretary and all other relevant data constitute substantial evidence of potential for abuse such as to warrant control or additional control over the drug or other substance, or substantial evidence that the drug or other substances should be subjected to lesser control or removed entirely from the schedules, he shall initiate proceedings for control, transfer, or removal as the case may be.

(f) If and when the Director determines to initiate proceedings, he shall publish in the FEDERAL REGISTER general notice of any proposed rule making to issue, amend, or repeal any rule pursuant to section 201 of the Act. Such published notice shall include a statement of the time, place, and nature of any hearings on the proposal in the event a hearing is requested pursuant to § 308.45. Such hearings may not be commenced until after the expiration of at least 30 days from the date the general notice is published in the FEDERAL REGISTER. Such published notice shall also include a reference to the legal authority under which the rule is proposed, a statement of the proposed rule, and, in the discretion of the Director, a summary of the subjects and issues involved.

(g) The Director may permit any interested persons to file written comments on or objections to the proposal and shall designate in the notice of proposed rule making the time during which such filings may be made.

§ 308.45 Request for hearing or appearance; waiver.

(a) Any interested person desiring a hearing on a proposed rulemaking, shall, within 30 days after the date of publication of notice of the proposed rulemaking in the FEDERAL REGISTER, file with the Director a written request for a hearing in the form prescribed in § 316.47 of this chapter.

(b) Any interested person desiring to participate in a hearing pursuant to § 308.41 shall, within 30 days after the date of publication of the notice of hearing in the FEDERAL REGISTER, file with the Director a written notice of his intention to participate in such hearing in the form prescribed in § 316.48 of this chapter. Any person filing a request for a hearing need not also file a notice of appearance; the request for a hearing shall be deemed to be a notice of appearance.

(c) Any interested person may, within the period permitted for filing a request for a hearing, file with the Director a waiver of an opportunity for a hearing or to participate in a hearing, together with a written statement regarding his position on the matters of fact and law involved in such hearing. Such statement, if admissible, shall be made a part of the record and shall be considered in light of the lack of opportunity for cross-examination in determining the weight to be attached to matters of fact asserted therein.

(d) If any interested person fails to file a request for a hearing; or if he so files and fails to appear at the hearing, he shall be deemed to have waived his opportunity for the hearing or to participate in the hearing, unless he shows good cause for such failure.

(e) If all interested persons waive or are deemed to waive their opportunity for the hearing or to participate in the hearing, the Director may cancel the hearing, if scheduled, and issue his final order pursuant to § 308.48 without a hearing.

§ 308.46 Burden of proof.

At any hearing, the proponent for the issuance, amendment, or repeal of any rule or regulation shall have the burden of proof.

§ 308.47 Time and place of hearing.

The hearing will commence at the place and time designated in the notice of proposed rulemaking published in the FEDERAL REGISTER but thereafter it may be moved to a different place and may be continued from day to day or recessed to a later day without notice other than announcement thereof by the presiding officer at the hearing.

§ 308.48 Final order.

As soon as practicable after the presiding officer has certified the record to the Director, the Director shall cause to be published in the FEDERAL REGISTER his order in the proceeding, which shall set forth the final rule and the findings of fact and conclusions of law upon which the rule is based. This order shall specify the date on which it shall take effect, which shall not be less than 30 days from the date of publication in the FEDERAL REGISTER unless the Director finds that conditions of public health or safety necessitate an earlier effective date, in which event the Director shall specify in the order his findings as to such conditions.

§ 308.49 Control required under international treaty.

Pursuant to section 201(d) of the Act (21 U.S.C. 811(d)), where control of a substance is required by U.S. obligations under international treaties, conventions, or protocols in effect on May 1, 1971, the Director shall issue and publish in the FEDERAL REGISTER an order controlling such substance under the schedule he deems most appropriate to carry out obligations. Issuance of such an order shall be without regard to the findings required by subsections 201(a) or 202(b) of the Act (21 U.S.C. 811(a) or 812(b)) and without regard to the procedures prescribed by § 308.41 or subsections 201 (a) and (b) of the Act (21 U.S.C. 811 (a) and (b)). An order controlling a substance shall become effective 30 days from the date of publication in the FEDERAL REGISTER, unless the Director finds that conditions of public health or safety necessitate an earlier effective date, in which event the Director shall specify in the order his findings as to such conditions.

§ 308.50 Control of immediate precursors.

Pursuant to section 201(e) of the Act (21 U.S.C. 811(e)), the Director may, without regard to the findings required by subsection 201(a) or 202(b) of the Act (21 U.S.C. 811(a) or 812(b)) and without regard to the procedures prescribed by § 308.41 or subsections 201 (a) and (b) of the Act (21 U.S.C. 811 (a) and (b)), issue and publish in the FEDERAL REGISTER an order controlling an immediate precursor. The order shall designate the schedule in which the immediate precursor is to be placed, which shall be the same schedule in which the controlled substance of which it is an immediate precursor is placed or any other schedule with a higher numerical designation. An order controlling an immediate precursor shall become effective 30 days from the date of publication in the FEDERAL REGISTER, unless the Director finds that conditions of public health or safety necessitate an earlier effective date, in which event the Director shall specify in the order his findings as to such conditions.

§ 308.51 Pending proceedings.

All administrative proceedings pending before the Bureau on the effective date of this part, including the matter of listing chlordiazepoxide and its salts and diazepam as drugs subject to control under the Drug Abuse Control Amendments of 1965, shall be continued and brought to final determination in accord with the laws and regulations in effect prior to such effective date.

[FR Doc.73-5866 Filed 3-29-73;8:45 am]

Title 24—Housing and Urban Development

CHAPTER X—FEDERAL INSURANCE ADMINISTRATION, DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

SUBCHAPTER B—NATIONAL FLOOD INSURANCE PROGRAM

PART 1914—AREAS ELIGIBLE FOR THE SALE OF INSURANCE

Status of Participating Communities

Section 1914.4 of Part 1914 of Subchapter B of Chapter X of Title 24 of the Code of Federal Regulations is amended by adding in alphabetical sequence a new entry to the table. In this entry, a complete chronology of effective dates appears for each listed community. Each date appearing in the last column of the table is followed by a designation which indicates whether the date signifies: (1) The effective date of the authorization of the sale of flood insurance in the area under the emergency or under the regular flood insurance program; (2) the effective date on which the community became ineligible for the sale of flood insurance because of its failure to submit land use and control measures as required pursuant to § 1909.24(a); or (3) the effective date of a community's formal reinstatement in the program pursuant to § 1909.24(b). The entry reads as follows:

§ 1914.4 Status of participating communities.

State	County	Location	Map No.	State map repository	Local map repository	Effective date of authorization of sale of flood insurance for area
• • •	• • •	• • •	• • •	• • •	• • •	• • •
Alabama	Lowndes	Benton, Town of	I 01 085 0315 01	Alabama Development Office, Office of State Planning, State Office Bldg., 501 Dexter Ave., Montgomery, AL 36104. Alabama Insurance Department, Room 453, Administrative Bldg., Montgomery, Ala. 36104.	Staggers Clinic, 117 Market St., Benton, AL 36785.	Feb. 25, 1972. Emergency. Apr. 6, 1973. Regular.
Do	Jefferson	Birmingham, City of.				Mar. 30, 1973. Emergency.
Colorado	El Paso	Colorado Springs, City of.				Do.
Connecticut	Litchfield	Deep River, Town of.				Do.
Delaware	Sussex	Bethany Beach, Town of.	I 10 005 0020 01 I 10 005 0020 02	Division of Soil and Water Conservation, Department of Natural Resources and Environmental Control, Tatnall Bldg., Capital Complex, Dover, Del. 19901. Delaware Insurance Department, 21 The Green, Dover, DE 19901.	President of the Board of Commissioners, Town of Bethany Beach, Bethany Beach, Del. 19930.	Nov. 12, 1972. Emergency. Mar. 30, 1973. Regular.
Florida	Manatee	Holmes Beach, City of.				July 10, 1970. Emergency. June 11, 1971. Regular. Sept. 15, 1972. Suspension. Mar. 26, 1973. Reinstated. May 30, 1973. Emergency.
Illinois	Cook	LaGrange, Village of.				Do.
Do	Lake	Mundelein, Village of.				Do.
Do	St. Clair	Unincorporated areas.				Do.
Indiana	Dearborn	Aurora, City of	I 18 029 0230 01 through I 18 029 0230 04.	Division of Water, Department of Natural Resources, 608 State Office Bldg., Indianapolis, Ind. 46204. Indiana Insurance Department, 509 State Office Bldg., Indianapolis, Ind. 46204.	Aurora Planning Commission, Third and Main Sts., P.O. Box 188, Aurora, IN 47001.	Jan. 19, 1973. Emergency. Apr. 6, 1973. Regular.
Do	Elkhart	Goshen, City of				Mar. 30, 1973. Emergency.
Do	Marion	Speedway, Town of.				Do.
Kentucky	Harlan	Loyall, City of	I 21 095 2100 01	Division of Water, Kentucky Department of Natural Resources, Capitol Plaza Office Tower, Frankfort, Ky. 40601. Kentucky Insurance Department, Old Capitol Annex, Frankfort, Ky. 40601.	City Clerk's Office, City of Loyall, Loyall, Ky. 40854.	Dec. 3, 1971. Emergency. Apr. 6, 1973. Regular.
Do	Woodford	Unincorporated areas.				Mar. 30, 1973. Emergency.
Maine	York	Saco, City of				Do.
Maryland	Charles	Unincorporated areas.				Do.
Massachusetts	Plymouth	Marion, Town of	I 25 023 0677 01 through I 25 023 0677 07	Division of Water Resources, Water Resources Commission, State Office Bldg., 100 Cambridge St., Boston, MA 02202. Massachusetts Division of Insurance, 100 Cambridge St., Boston, MA 02202.	The Town Hall, 2 Spring St., Marion, MA 02738.	Oct. 8, 1971. Emergency. Apr. 6, 1973. Regular.

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State	County	Location	Map No.	State map repository	Local map repository	Effective date of authorization of sale of flood insurance for area
• • •	• • •	• • •	• • •	• • •	• • •	• • •
Michigan	Bay	Unincorporated Townships of Fraser, Garfield, Gibson, Kawkawlin only.				Mar. 30, 1973.
Do.	do	Bangor, Township of.				Do.
Do.	do	Bay City, City of				Do.
Do.	do	Essexville, City of				Do.
Do.	do	Frankenlust, Township of.				Do.
Do.	do	Hampton, Township of.				Do.
New York	Cattaraugus	Allegany, Town of.				Do.
Do.	do	Allegany, Village of.				Do.
Do.	Cortland	Dryden, Village of.				Do.
Do.	Monroe	Wheatland, Town of.				Do.
Do.	Niagara	Youngstown, Village of.				Do.
Do.	Ontario	Geneva, Town of				Do.
Do.	Orleans	Kendall, Town of				Do.
Do.	Wayne	Palmyra, Town of				Do.
Do.	do	Sodus, Town of				Do.
Ohio	Delaware	Westerville, City of.				Do.
Do.	Erie	Huron, City of				Do.
Do.	Cuyahoga	Lakewood, City of.				Do.
Do.	do	Mentor, Township of.				Do.
Do.	do	Painesville, Township of.				Do.
Do.	Kent	Grandville, City of.				Do.
Do.	do	Kentwood, City of.				Do.
Do.	Monroe	Estral Beach, Village of.				Do.
Do.	Oakland	Farmington, Township of.				Do.
Do.	do	West Bloomfield, Township of.				Do.
Do.	Wayne	Grosse Pointe Woods, City of.				Do.
Do.	do	Trenton, City of				Do.
Minnesota	Hennepin	Champlin, Village of.				Do.
Oregon	Tillamook	Tillamook, City of.				Do.
Pennsylvania	Berks	Lower Alsace, Township of.				Do.
Do.	Blair	Hollidaysburg, Borough of.				Do.
Do.	Centre	Bellefonte, Borough of.				Do.
Do.	do	Harris, Township of.				Do.
Do.	Chester	East Bradford, Township of.				Do.
Do.	Dauphin	Hummelstown, Borough of.				Do.
Do.	do	Londonderry, Township of				Do.
Do.	do	South Hanover, Township of.				Do.
Do.	Juniata	Port Royal, Borough of.				Do.
Do.	Lycoming	Armstrong, Township of.				Do.
Do.	do	Wolf, Township of.				Do.
Do.	Montgomery	Lower Providence, Township of.				Do.
Do.	Northampton	Freemansburg, Borough of.				Do.
Do.	Schuylkill	Blythe, Township of.				Do.
Rhode Island	Kent	Warwick, City of	I 44 003 0230 07 I 44 003 0230 08	Rhode Island Statewide Planning Program, 265 Melrose St., Providence, RI 02907. Rhode Island Insurance Division, 169 Weybosset St., Providence, RI 02903.	Department of City Plan, City Hall, Warwick, R I. 02888.	June 19, 1970. Emergency. Apr. 6, 1973. Regular.

State	County	Location	Map No.	State map repository	Local map repository	Effective date of authorization of sale of flood insurance for area
• • •	• • •	• • •	• • •	• • •	• • •	• • •
Texas	Potter and Randall	Amarillo, City of.				Mar. 30, 1973.
Virginia	Shenandoah	Unincorporated areas.				Do.
Wisconsin	Iron	Hurley, City of	I 55 051 2230 01	Department of Natural Resources, P.O. Box 450, Madison, WI 53701. Wisconsin Insurance Department, 212 North Bassett St., Madison, WI 53703.	City Clerk's Office, City Hall, City of Hurley, Hurley, Wis. 54534.	May 28, 1971. Emergency. Apr. 6, 1973. Regular.
Do.	Outagamie	Appleton, City of	I 55 087 0170 01 I 55 087 0170 02	do	Department of Planning and Development, City Hall, City of Appleton, Appleton, Wis. 54911.	Apr. 28, 1971. Emergency. Apr. 6, 1973. Regular.
Do.	Pierce	River Falls, City of.				Mar. 30, 1973. Emergency.

(National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968), effective Jan. 28, 1969 (33 FR 17804, Nov. 28, 1968), as amended (secs. 408–410, Public Law 91–152, Dec. 24, 1969), 42 U.S.C. 4001–4127; and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, Feb. 27, 1969)

Issued: March 23, 1973.

GEORGE K. BERNSTEIN,
Federal Insurance Administrator.

[FR Doc.73-5863 Filed 3-29-73;8:45 am]

PART 1915—IDENTIFICATION OF SPECIAL HAZARD AREAS

List of Communities With Special Hazard Areas

The Federal Insurance Administrator finds that comments and public procedure and the use of delayed effective dates in identifying the areas of communities which have special flood or mudslide hazards, in accordance with 24 CFR Part 1915, would be contrary to the public interest. The purpose of such identifications is to guide new development away from areas threatened by flooding, a purpose which is accomplished pursuant to statute by denying subsidized flood insurance to structures thereafter built within such areas. The practice of issuing proposed identifications for comment or of delaying effective dates would tend to frustrate this purpose by permitting imprudent or unscrupulous builders to start construction within such hazardous areas before the official identification became final, thus increasing the communities' aggregate exposure to loss of life and property and the agency's financial exposure to flood losses, both of which are contrary to the statutory purposes of the program. Accordingly, the Department is not providing for public comment in issuing this amendment and it will become effective March 29, 1973. Section 1915.3 is amended by adding in alphabetical sequence a new entry to the table, which entry reads as follows:

§ 1915.3 List of communities with special hazard areas.

State	County	Location	Map No.	State map repository	Local map repository	Effective date of identification of areas which have special flood hazards
• • •	• • •	• • •	• • •	• • •	• • •	• • •
Alabama	Lowndes	Benton, Town of.	H 01 085 0315 01	Alabama Development Office, Office of State Planning, State Office Bldg., 501 Dexter Ave., Montgomery, AL 36104. Alabama Insurance Department, Room 453, Administrative Bldg., Montgomery, Ala. 36104.	Staggers Clinic, 117 Market St., Benton, AL 36785.	Apr. 6, 1973.
Delaware	Sussex	Bethany Beach, Town of.	H 10 005 0020 01 H 10 005 0020 02	Division of Soil and Water Conservation, Department of Natural Resources and Environmental Control, Tatnall Bldg., Capital Complex, Dover, Del. 19901. Delaware Insurance Department, 21 The Green, Dover, DE 19901.	President of the Board of Commissioners, Town of Bethany Beach, Bethany Beach, Del. 19930.	Do.
Florida	Broward	Pembroke Pines, City of.	H 12 011 2468 01 through H 12 011 2468 02	Department of Community Affairs, 309 Office Plaza, Tallahassee, Fla. 32301. State of Florida Insurance Department, Treasurer's Office, The Capitol, Tallahassee, Fla. 32304.	Office of the City Engineer, City Hall, City of Pembroke Pines, Pembroke Pines, Fla. 33023.	Do.
Illinois	Cook	Flossmoor, Village of.	H 17 031 3080 01 through H 17 031 3080 03.	Department of Local Government Affairs, 309 West Washington St., Chicago, IL 60606. Illinois Insurance Department, 525 West Jefferson St., Springfield, IL 62702.	Village Manager's Office, Village of Flossmoor, Flossmoor, Ill. 60422.	Do.
Indiana	Dearborn	Aurora, City of	H 18 029 0230 01 through H 18 029 0230 04.	Division of Water, Department of Natural Resources, 608 State Office Bldg., Indianapolis, Ind. 46204. Indiana Insurance Department, 509 State Office Bldg., Indianapolis, 46204.	Aurora Planning Commission, Third and Main Sts., P.O. Box 158, Aurora, IN 47001.	Do.
Kentucky	Harlan	Loyall, City of	H 21 095 2100 01	Division of Water, Kentucky Department of Natural Resources, Capitol Plaza Office Tower, Frankfort, Ky. 40601. Kentucky Insurance Department, Old Capitol Annex, Frankfort, Ky. 40601.	City Clerk's Office, City of Loyall, Loyall, Ky. 40854.	Do.

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State	County	Location	Map No.	State map repository	Local map repository	Effective date of authorization of sale of flood insurance for area
...	...	...	...	...	...	...
Massachusetts	Plymouth	Marion, Town of.	H 25 023 0677 01 through H 25 023 0677 07.	Division of Water Resources, Water Resources Commission, State Office Bldg., 100 Cambridge St., Boston, MA 02202. Massachusetts Division of Insurance, 100 Cambridge St., Boston, MA 02202.	The Town Hall, 2 Spring St., Marion, MA 02738.	Do.
Michigan	Oakland	Birmingham, City of.	H 26 125 0490 01 H 26 125 0490 02	Water Resources Commission, Bureau of Water Management, Stevens T. Mason Bldg., Lansing, Mich. 48926. Michigan Insurance Bureau, 111 North Hosmer St., Lansing, MI 48913.	City Engineering Department, 151 Martin St., Birmingham, MI 42012.	Do.
New York	Tioga	Owego, Village of.	H 36 107 4580 01	New York State Department of Environmental Conservation, Division of Resources Management Services, Bureau of Water Management, Albany, N.Y. 12201. New York State Insurance Department, 123 William St., New York, NY 10038, and 1321 State St., Albany, NY 12210.	Enforcement Office of the Town, 111 East Main St., Owego, NY 13827.	Do.
Pennsylvania	Delaware	Eddystone, Borough of.	H 42 045 2100 01	Department of Community Affairs, Commonwealth of Pennsylvania, Harrisburg, Pa. 17120. Pennsylvania Insurance Department, 108 Finance Bldg., Harrisburg, Pa. 17120.	Eddystone Municipal Bldg., 12th and Saville Ave., Eddystone, Pa. 19013.	Do.
Do	Lycoming	Jersey Shore, Borough of.	H 42 081 3690 01	do	Municipal Bldg., 232 Smith St., Jersey Shore, PA 17740.	Do.
Rhode Island	Kent	Warwick, City of.	H 44 003 0230 07 H 44 003 0230 08	Rhode Island Statewide Planning Program, 265 Melrose St., Providence, RI 02907. Rhode Island Insurance Division, 169 Weybosset St., Providence, RI 02903.	Department of City Plan, City Hall, Warwick, R.I. 02886.	Do.
Wisconsin	Iron	Hurley, City of.	H 55 051 2230 01	Department of Natural Resources, P.O. Box 450, Madison, WI 53701. Wisconsin Insurance Department, 212 North Bassett St., Madison, WI 53703.	City Clerk's Office, City Hall, city of Hurley, Hurley, Wis. 54534.	Do.
Do	Outagamie	Appleton, City of.	H 55 087 0170 01 H 55 087 0170 02	do	Department of Planning and Development, City Hall, city of Appleton, Appleton Wis. 54911.	Do.

(National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968), effective Jan. 28, 1969 (33 FR 17804, Nov. 28, 1968), as amended (secs. 408-410, Public Law 91-152, Dec. 24, 1969), 42 U.S.C. 4001-4127; and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, Feb. 27, 1969)

Issued: March 23, 1973.

GEORGE K. BERNSTEIN,
Federal Insurance Administrator.

[FR Doc.73-5864 Filed 3-29-73;8:45 am]

Proposed Rules

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rulemaking prior to the adoption of the final rules.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 11]

BOTTLED WATER

Proposed Quality Standards; Extension of Time for Filing Comments

In the FEDERAL REGISTER of January 8, 1973 (38 FR 1019), the Commissioner of Food and Drugs proposed to amend 21 CFR Part 11 (37 FR 20038) by adding to Subpart B a new § 11.7 *Bottled Water*. Interested persons were invited to file written comments regarding this proposal on or before March 9, 1973.

The Commissioner has received a request for extension of such time and, good reason therefor appearing, the time for filing written comments regarding this proposal is extended to April 10, 1973.

This action is taken pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 401, 403(h), 701, 52 Stat. 1046, 1047 and 1055–1056, as amended by 70 Stat. 919 and 72 Stat. 948; 21 U.S.C. 341, 343(h), 371) and under authority delegated to the Commissioner (21 CFR 2.120).

Dated: March 26, 1973.

WILLIAM F. RANDOLPH,
Acting Associate Commissioner for Compliance.

[FR Doc.73-6131 Filed 3-29-73;8:45 am]

[21 CFR Parts 1, 3, 5, 20]

FOOD LABELING

Extension of Time for Filing Comments

The following notices of proposed rulemaking published in the FEDERAL REGISTER of January 19, 1973, provided for the filing of written comments on or before March 20, 1973:

1. Amendment of § 1.8 *Food in package form, labeling; identity* (38 FR 2138).
2. Revocation of 21 CFR 3.10, 3.23(b), and 3.201 and amendment of § 1.12 *Food; labeling; artificial flavoring or coloring, chemical preservatives* (38 FR 2139).
3. Revocation of § 1.10(e), (f), and (g), redesignation of § 1.10(h) as § 1.10 (e), establishment of new § 1.10a *Food; labeling; exemptions from labeling requirements*, revocation of 21 CFR 3.1 and 3.26, and revocation of 21 CFR Part 5 (38 FR 2141).
4. Revocation of 21 CFR 3.39 and amendment of 21 CFR Part 20 to establish new identity standards for mellorine and parevine (38 FR 2150).

The Commissioner of Food and Drugs has received requests for an extension of such time and, good reason therefore appearing, the time for filing comments is extended to April 20, 1973. To be considered, such comments must be received at the Office of the Hearing Clerk, Department of Health, Education, and Welfare, Room 6–88, 5600 Fishers Lane, Rockville, MD 20852, by the close of business (5 p.m.) on April 20, 1973.

This action is taken pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 401, 403, 701, 52 Stat. 1046, as amended, 1047, as amended, 1055–1056, as amended by 70 Stat. 919 and 72 Stat. 948; 21 U.S.C. 341, 343, 371) and under authority delegated to the Commissioner (21 CFR 2.120).

Dated: March 26, 1973.

WILLIAM F. RANDOLPH,
Acting Associate Commissioner for Compliance.

[FR Doc.73-6132 Filed 3-29-73;8:45 am]

Office of the Secretary

[45 CFR Part 5]

AVAILABILITY OF INFORMATION TO THE PUBLIC

Notice of Proposed Rulemaking

Notice is hereby given of proposed amendments to the Department regulation on availability of records to the public, pursuant to 5 U.S.C. 552 and 42 U.S.C. 1306. The substance of the Department's regulation has remained unchanged since it was first promulgated in 1967. It is now advisable in light of our experience under the Freedom of Information Act and the regulation to revise the format of the regulation. The new format would specifically identify types of records which the Department as a matter of policy, has determined will be available to the public and those types of records which will not normally be disclosed by the Department. This format would give greater guidance to both Department personnel and to the general public on what records will be freely available.

Certain technical and conforming changes are also made to reflect the current organization of the Department. In Subpart A, § 5.3 is amended to list the current operating agencies of the Department and § 5.4 is amended to correctly list the heads of the operating agencies. In Subpart B, § 5.11 is amended to list the regulations of the operating agencies which, with qualifications identified in Subpart F, continue in full force and effect. Such agency regulations will be revised after publication of this regulation to conform to this regulation. In Subpart C, §§ 5.31 and 5.32 are amended to reflect the Department's current organization. Section 5.32 also adds an information center officer for Food and Drug Administration, thereby delegating to an official of Food and Drug Administration authority to make initial denials of requests for records. Appeal from such denial will continue to lie with the Assistant Secretary for Health.

Section 5.51(c) expresses a new policy that all requests for information be responded to within 10 days of receipt, allowing a reasonable time for locating and reproducing the materials. If the request cannot be acted upon within 10 days, an interim reply will be made.

Section 5.61 is revised to set forth the fee schedule for the Office of the Secretary and to refer to agency regulations for fee schedules applicable to such agencies.

Subpart F is entirely revised. Section 5.70 reiterates the policy of the Department to make fullest possible disclosure consistent with its obligations of confidentiality and administrative necessity. Section 5.71 identifies the kinds of information, in whatever record contained, which will not be disclosed. Section 5.72 sets forth, with such additional clarification as is necessary, those types of records which will generally be made available. Disclosure, however, will be subject to the limitations indicated in §§ 5.71 and 5.73. Significant changes effected by this subpart include:

(1) The deletion of the exemption for correspondence or other communications between the Department and State or local governmental officials; and

(2) The release of final reports of audits, surveys, reviews or evaluations, whether made by, for or on behalf of the Department, of performance by any grantee, contractor, or provider.

Section 5.73 lists those types of records which, in the judgment of the Department fall within the exemptions and for which the protection of the proper exemptions will normally be invoked by the Department. These include:

(1) All interagency and intraagency communcations which reflect opinions or judgments of agency officials or other Government officials;

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(2) Files relating to pending investigations for law enforcement purposes; and

(3) Financial and commercial information, trade secrets and other normally confidential materials.

Section 5.74 gives discretion to the head of an operating agency to release otherwise exempt records, except where prohibited by law, when he determines that disclosure is in the public interest and is consistent with obligations of confidentiality and administrative necessity.

Section 5.82 is revised to require the concurrence of the Assistant Secretary for Public Affairs in denials on review by the Assistant Secretary for Administration and Management or the Assistant Secretary for Health.

Appendix A is entirely revised. Instead of listing only examples of exempt records, the appendix now provides examples of both specific records which are and those which are not generally available.

Prior to the final adoption of the proposed amendments to the Regulations, consideration will be given to any data, views, or arguments, pertaining thereto which are submitted in writing on or before April 30, 1973.

Comments should be addressed to:

Director of Public Services, Department Information Center Officer, Department of Health, Education, and Welfare, 330 Independence Avenue SW., Washington, DC 20201.

Comments received will be available for inspection at the Department's Information Center, Room 1528 at the above address.

Dated: March 27, 1973.

CASPAR W. WEINBERGER,
Secretary.

1. Section 5.3 is revised to read as follows:

§ 5.3 Operating agency.

As used in this part,, "operating agency" means the constituent operating agencies of the Department, i.e., the Health Services and Mental Health Administration, the National Institutes of Health, the Food and Drug Administration, the Office of Education, the National Institute of Education, the Social Security Administration, and the Social and Rehabilitation Service. Three operating agencies, the Health Services and Mental Health Administration, the National Institutes of Health, and the Food and Drug Administration constitute the Public Health Service.

2. Section 5.4 is revised to read as follows:

§ 5.4 Heads of Office of Secretary and operating agencies.

The heads of the Office of the Secretary, the Public Health Service, and the operating agencies are as follows:

Office of the Secretary—Secretary of Health, Education, and Welfare.
Public Health Service—Assistant Secretary for Health.
Food and Drug Administration—Commissioner of Food and Drugs.
Health Services and Mental Health Administration—Administrator, Health Services and Mental Health Administration.
National Institutes of Health—Director, National Institutes of Health.
Office of Education—Commissioner of Education.
National Institute of Education—Director, National Institute of Education.
Social Security Administration—Commissioner of Social Security.
Social and Rehabilitation Service—Administrator, Social and Rehabilitation Service.

3. Section 5.11 is revised to read as follows:

§ 5.11 Purpose and scope.

This part constitutes the regulation of the Department respecting the availability to the public, pursuant to the Act, of records of the Department. It informs the public what records are generally available and where and how they may be obtained. To the extent that they are not inconsistent with this regulation, it does not revoke, modify, or supersede the following regulations of the Public Health Service, of the operating agencies, or of subsidiaries of operating agencies:

Public Health Service—42 CFR Part 1.
Food and Drug Administration—21 CFR Parts 1, 2, 4, 8, 121, 130, 135, 146, and 191 (see Notice of Proposed Rulemaking 37 FR 9128 May 5, 1972).
Saint Elizabeths Hospital, NIMH, PHS—42 CFR Part 300.
Social Security Administration—20 CFR Part 401 and Part 422, Subpart E.

4. Section 5.31 is amended to read as follows:

§ 5.31 Information centers or facilities.

* * * * *

(b) * * *

* * * * *

Region III—P.O. Box 12900, Philadelphia, PA 19108.

* * * * *

Region X—Arcade Plaza Building, 1321 Second Avenue, Seattle, WA 98101.

(c) Centers are maintained for the Office of the Secretary and the operating agencies, or subsidiaries thereof, at the following locations:

Office of the Secretary	HEW North Building, 330 Independence Avenue SW., Washington, DC 20201.
Food and Drug Administration	Federal Building No. 8, 200 C Street SW., Washington, DC 20204.
National Institutes of Health	Building No. 1, 9000 Rockville Pike, Bethesda, MD 20014.
Health Services and Mental Health Administration.	Parklawn Building, 5600 Fishers Lane, Rockville, MD 20852.
Office of Education	Federal Office Building No. 6, 400 Maryland Avenue SW., Washington, DC 20202.
Social Security Administration	Social Security Building, 6401 Security Boulevard, Baltimore, MD 21235 (as set forth in 20 CFR, Part 401).
Social and Rehabilitation Service	HEW North Building, 330 Independence Avenue SW., Washington, DC 20201.
Saint Elizabeths Hospital, National Institute of Mental Health, Public Health Service.	Administration Building, St. Elizabeths Hospital, Martin Luther King, Jr. Avenue SE., Washington, DC 20032.
National Institute of Education	[To be designated.]

Section 5.32(c) is revised to read as follows:

§ 5.32 Information center officers.

* * * * *

(c) The information center officer for each of the operating agency information centers shall have, concurrently with other duly authorized officers, a like responsibility for the records of his operating agency. The information center officer for the respective operating agencies shall be as follows:

Health Services and Mental Health Administration and National Institutes of Health.	Director of Public Services, Department Information Center Officer.
Food and Drug Administration	Assistant Commissioner for Public Affairs.
Office of Education	Assistant Commissioner for Public Affairs.
Social Security Administration	Assistant Commissioner for Public Affairs.
Social and Rehabilitation Service	Assistant Commissioner for Public Affairs.
National Institute of Education	Assistant to the Director for Public Information.

* * * * *

6. Section 5.51(c) is revised to read as follows:

§ 5.51 Procedure.

* * * * *

(c) A request should identify the requested record by brief description, containing the name, number, or date as applicable, sufficient to enable the record to be identified and located. It is the policy of the Department that requests be answered within 10 days from date of receipt; however, a reasonable time should be allowed for records to be located, evaluated, reproduced, and mailed. If the action cannot be completed within 10 days, a letter will be sent to the requester explaining the reasons for the delay.

* * * * *

7. Section 5.61 is revised to read as follows:

§ 5.61 Fee schedules.

The fee schedule for Office of the Secretary is as follows:

1. Search for records—$3 per hour; provided however that no charge will be made for the first one-half hour.
2. Reproduction, duplication, or copying of records—10 cents per page; provided however that no charge will be made where the total amount does not exceed 50 cents.
3. Certification or authentication of records—$3 per certification or authentication.
4. Forwarding material to destination—postage, insurance, and special fees will be charged on an actual cost basis.

Fee schedules for operating agencies may be found in the applicable agency regulations; see § 5.11.

8. Subpart F—Exemptions, is deleted and the following new Subpart F—Availability of Specific Records, is substituted in lieu thereof:

Subpart F—Availability of Specific Records

Sec.
5.70 Policy.
5.71 Protection of personal privacy and proprietary information.
5.72 Records available.
5.73 Records not available.
5.74 Further disclosure by agency head.
5.82 By whom review is made.
Appendix

Subpart F—Availability of Specific Records

§ 5.70 Policy.

This subpart specifies the types of records which the Department shall, in keeping with its policy of fullest possible disclosure, make available for inspection and copying. For clarity and purposes of guidance, there are also set forth below the kinds or portions of records which generally will not be released, except as may be determined under § 5.74. The appendix to this part contains some examples of the kinds of materials which, in accordance with § 5.72, will generally be released and other materials which, in accordance with § 5.73, are not normally available. Regulations of the operating agencies (see § 5.11) may provide for disclosure of records beyond that provided for in § 5.72.

In the event that any record contains both information which is discloseable and that which is not discloseable under this regulation, the nondiscloseable information will be deleted and the balance of the record disclosed unless the nondiscloseable material is so intertwined that deletion would render the balance of the record unintelligible.

§ 5.71 Protection of personal privacy and proprietary information.

As set forth with more particularity below, certain types of information in whatever record or document contained shall not be disclosed where disclosure would be inconsistent with individual rights of personal privacy or would violate obligations of confidentially.

(a) Except to the extent specifically otherwise provided by regulations of operating agencies, no disclosure will be made of information of a personal and private nature, such as information in personnel and medical files, in welfare and social security records and any other information of a private and personal nature.

(b) Except to the extent specifically otherwise provided by regulations of operating agencies, information having a commercial, financial, or professional value and in which the person providing the information has a proprietary interest will not be disclosed if it is in fact confidential. In determining whether such information is in fact confidential, consideration may be given to such factors as (1) the general custom or usage in the occupation or business to which the information relates that it be held confidential, (2) the number and situation of the individuals who have access to such information, (3) the type and degree risk of financial injury to be expected if disclosure occurs, and (4) the length of time such information should be regarded as retaining the characteristics noted above.

(c) Information solicited and obtained by the Department from any individual or organization, relying upon provision for confidentiality authorized by applicable statute or regulation, will not be disclosed. This subpart does not itself authorize the giving of any pledge of confidentiality authorized by applicable statute or regulation, will not be disclosed. This subpart does not itself authorize the giving of any pledge of confidentiality by any officer or employee of the Department.

This section does not preclude use of nondisclosable records or information from such records for authorized program purposes, including law enforcement purposes and litigation. Release of information of the nature described in this section to the individual or the organization to whom the information pertains or to an authorized representative of either will not be deemed a disclosure within the meaning of this part.

§ 5.72 Records available.

The following records of the Department shall, subject to the exceptions set forth in §§ 5.71 and 5.73, be available upon request for inspection and copying.

(a) *Correspondence.* Correspondence between the Department or any official of the Department and individuals or organizations outside the executive branch of the Federal Government relating to or resulting from the conduct of the official business of the Department.

(b) *Records pertaining to grants.* (1) Portions of funded grant applications and other supporting documents submitted by applicants which are not excepted from disclosure by this subpart.

(2) Grant award documents.

(3) All State plans, amendments, and supplements thereto, including applications for the waiver of any provision thereof.

(c) *Contracts.* (1) Contract instruments.

(2) Portions of offers reflecting final prices submitted in negotiated procurements.

(d) *Reports on grantee, contractor, or provider performance.* Final reports of audits, surveys, reviews, or evaluations (excluding those which are subject to the provisions of 20 CFR Parts 401 and 422), by, for, or on behalf of the Department, of performance by any grantee, contractor, or provider under any departmentally financed or supported program or activity, which reports have been transmitted to the grantee, contractor, or provider. However, except as may be provided in 20 CFR, such reports will be available only after 14 days have elapsed following transmittal of the report to the grantee, contractor, or provider.

(e) *Research, development, and demonstration project records.* The final report of a grantee or a contractor of the performance under any research, development, or demonstration project. Records, other than reports, produced in such projects, such as films, computer software, other copyrightable materials and reports of inventions, will be available, except that considerations relating to obtaining copyright and patent protection may require delay in disclosure for such period as necessary to accomplish such protection. Disclosure of records which are copyrightable or which reflect patentable inventions shall not confer upon the requester any license under any copyright or patent without regard to the holder or owner thereof.

§ 5.73 Records not available.

The following types of records or information contained in any record, in addition to those prohibited by law from disclosure, are not available for inspection or copying, any provision of § 5.72 notwithstanding:

(a) *Intra-agency and inter-agency communications.* Communications within the Department, other than those described in § 5.72(D) or between the Department or any official of the Department and any other agency, department, or official of the executive branch of the Federal Government, to the extent they reflect the views or judgment of the writer or of other individuals. If disclosure of any factual portion of the communication would tend to indicate the views or judgment being withheld from disclosure, then such factual portions will also be withheld.

(b) *Investigatory files.* (1) Investigatory files compiled for law enforcement purposes in cases not yet closed. A file is closed within the meaning of this regulation when a final decision has been made not to take enforcement action or enforcement action has been taken and has been concluded. For the purpose of this section "enforcement action" means any authorized action intended to abate, prevent, counteract, deter, or terminate violations of law and includes action involving possible civil, criminal, or administrative sanctions, whether such sanctions involve adversary proceedings or other procedures, such as termination of benefits, protective measures, etc.

(2) Investigatory files compiled for law enforcement purposes in cases that

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have been closed, to the extent that disclosure of such files would tend to:

(i) Identify informants;

(ii) Name or otherwise identify, or make available statements with respect to, persons referred to in such file, so as unjustly to defame, embarrass, or prejudice such persons or their successors, affiliates, families, or descendents in their professional, commercial, occupational, community, or personal activities, or otherwise result in a clearly unwarranted invasion of personal privacy;

(iii) Release trade secrets, commercial or financial information, personnel files or medical files; or

(iv) Reveal policy recommendations, or other expression of views or opinions.

§ 5.74 Further disclosure by agency head.

(a) The head of any operating agency, or the Assistant Secretary for Administration and Management with respect to documents in the possession of the Office of the Secretary, or the Assistant Secretary for Health with respect to documents of the three operating agencies comprising the Public Health Service, or the designee of either may in particular instances disclose documents or portions of documents described in § 5.73 if he determines that disclosure is in the public interest and is consistent with obligations of confidentiality and administrative necessity.

(b) In making such a determination, consideration may be given to the Department's responsibilities under law for dissemination to the public of information relating to public health, safety of products or services, education, and welfare.

(c) When such determination has been made, the particular document or portion of document to which it relates shall thereafter be available upon request for inspection and copying: *Provided however*, That use of nondiscloseable records or information from such records for authorized program purposes, including law enforcement purposes and litigation is not a disclosure within the meaning of this section.

§ 5.82 By whom review is made.

(a) Request for review shall be addressed to the Assistant Secretary for Administration and Management, or his designee, with respect to records of the Office of the Secretary, to the Assistant Secretary for Health, or his designee, with respect to the records of the Food and Drug Administration, Health Services and Mental Health Administration, and National Institutes of Health, and to the head of the operating agency, or his designee, with respect to the records of the other operating agencies.

(b) The decision of the Assistant Secretary for Administration and Management or of the Assistant Secretary for Health, if adverse to the requester, shall be made only with the concurrence of the Assistant Secretary for Public Affairs.

APPENDIX

The following are some examples of specific records (or specific information relating to personnel, programs, or activities of this Department) listed according to whether or not they are available upon request for inspection and copying.

GRANTS

Generally Available[1]	*Generally not Available*[1]
Name of grantee, date, subject matter, and amount of grant.	Research protocol, design, processing, and other technical information to the extent proprietary or of a confidential nature.
Fact sheet of funded grant application	Confidential financial information of grantee.
Final report of grantee	Raw research data and interim reports on research prior to submission of the final report.
Records of any funded grant other than research grants.	Research or research training grant application on which award is not made.
Final report of any review or evaluation of grantee performance conducted or caused to be conducted by the Department.	
Application for demonstration, experimental, or pilot project under section 1115 of the Social Security Act.	
Sate plan material.	

CONTRACTS

Name of contractor, subject matter, date, and amount of contract.	Trade secrets.
Contract performance review report.	Confidential pricing data contained in contract proposal if in the Department's judgment it is properly so designated by the offeror.
Deficiency report	Proprietary technical data contained in a contract proposal if in the Department's judgment it is properly so designated by offeror.
Report on performance of providers of medicare services.	Confidential financial information of contractor.
	Draft of proposed final report submitted for comment prior to acceptance.
	Research protocol, design, processing, and other technical information to the extent proprietary or of a confidential nature, including proprietary contents of unsolicited proposals.

ADVISORY COMMITTEES

Name of committee	Minutes or transcripts of committee meetings or portions thereof which are involved with matters exempt from mandatory disclosure under Freedom of Information Act.
Final report.	
Minutes or transcripts of meetings open to the public and not involved with matters exempt from disclosure under Freedom of Information Act.	

PERSONNEL INFORMATION

Name of employee, title of position, and location of regular duty station.	Home addresses of employees.
Grade, position description, and salary of public employees.	

AFFIRMATIVE ACTION PLAN FILED PURSUANT TO EXECUTIVE ORDER 11246

Approved action plan, including analysis, proposed remedial or affirmative steps to be taken with goals and timetables, policies on recruitment, hiring, and promotion, and description of grievance procedures.	

MISCELLANEOUS

	Names of individual beneficiaries of departmental programs or a list of the benefits they receive if release would be an unwarranted invasion of privacy.
	Earnings records, claims file, and other personal information maintained by or for the Social Security Administration.
	Office for Civil Rights investigatory files in open cases.

[FR Doc.73-6145 Filed 3-29-73;8:45 am]

[1] Since there may be unforeseen variations in the contents of documents in the examples given, or in the circumstances pertinent to the Government's activities concerning matters relating to such documents, these examples do no apply in each and every instance, and they do not override provisions of the regulation that may be applicable in a given case.

DEPARTMENT OF TRANSPORTATION

Coast Guard

[33 CFR Part 110]

[CGD 73-59 P]

ANCHORAGE GROUNDS; BARBERS POINT, OAHU, HAWAII

Pipeline Terminal Anchorage

This proposed amendment to 33 CFR 110.236 and 237 would create a new anchorage for barges and small tankers off Barber's Point, and would combine the two sections establishing the three existing tanker anchorages and nonanchorages off Barber's Point.

The Coast Guard finds good cause to follow only a 20 day public comment period and to eliminate the 30 day effective date of the regulation. This is because extensive contacts with the public have already occurred regarding the substantive change made by this proposal, and because the additional anchorages will ease overcrowding and enhance safety.

The proposed consolidation of 33 CFR 110.236 and 237 was publicized by the Commander, Fourteenth Coast Guard District, Honolulu, Hawaii, by a Public Notice 14-71-03 on December 22, 1971. All known interested persons were advised of the proposal. Copies of the notice were mailed to agencies of the Federal, State, and local governments as well as to Members of Congress, shipping and boating interests, newspapers and copies were posted at various post offices. One comment was received from the Standard Oil Company of California, Western Operations, recommending minor changes in the heading and wording in the regulations to permit the bunkering and watering of vessels occupying the anchorages. As these recommendations had merit, and would not affect the overall operations of the anchorages, the suggestions have been adopted and incorporated into the proposal.

The proposed establishment of an additional anchorage for barges and small tankers off Barbers Point (proposed below as 33 CFR 110.236(a)(7)) was promulgated by the Commander, Fourteenth Coast Guard District, by Public Notice 14-72-01 on July 17, 1972. All known interested persons were advised of the proposal. One response to the proposal was received from the Department of Parks and Recreation, city and county of Honolulu, Hawaii, objecting to the establishment of the anchorage because of a possible threat of pollution in the event of a leakage or spillage. Representatives of Conoco Dillingham Oil Co., met with the representatives of the Department of Parks and Recreation and explained the contents of the Oil Spill Contingency Plan and the Department of Parks and Recreation withdrew their objection.

The existing regulations contained in § 110.236 were published on May 11, 1960. Since that time numerous changes have occurred and some of the original regulations do not apply or are unnecessary. These include provisions when the U.S. Navy is conducting mining exercises, periods of time when the anchorages will be occupied, reference to the restriction of prohibition on the operations of military aircraft in the vicinity of the anchorages, restriction to the use of "Butterworth" equipment, restrictions on the pumping of bilges, and the reference to the installation of mooring buoys. All of the above regulations are either outdated or redundant, and are omitted from this proposed consolidation of 33 CFR 110.236.

Interested persons may participate in this proposed rulemaking by submitting written data, views, or arguments to the Commander(mps), Fourteenth Coast Guard District, 677 Ala Moana, Honolulu, HI 96813. Each person submitting comments should include his name and address and give reasons for any recommended change in the proposal. Copies of all written communications received will be available for examination by interested persons at the Office of the Commander, Fourteenth Coast Guard District. The Commander, Fourteenth Coast Guard, will forward any comments received before April 20, 1973, with his recommendations to the Chief, Office of Marine Environment and Systems, U.S. Coast Guard Headquarters, who will evaluate all communications received and take final action on this proposal. The proposal may be changed in light of the comments received.

If no substantive changes are warranted, the regulation will by a subsequent FEDERAL REGISTER document, be made effective upon publication of that document. The usual 30-day waiting period will not be used because the interest of safety requires that the creation of this anchorage be hastened.

In view of the foregoing, it is proposed that § 110.237 of 33 CFR Part 110 be revoked, and that § 110.236 of 33 CFR Part 110 be revised to read as follows:

§ 110.236 Pacific Ocean off Barbers Point, Island of Oahu, Hawaii: Offshore pipeline terminal anchorages.

(a) *The anchorage grounds.* (1) *Anchorage A.* The waters within an area described as follows: A circle of 1,000-feet radius centered at latitude 21°17'55" N., longitude 158°07'46" W.

(2) *Nonanchorage Area A.* The waters extending 300 feet on either side of a line bearing 059° from Anchorage A to the shoreline at latitude 21°18'22" N., longitude 158°06'57" W.

(3) *Anchorage B.* The waters enclosed by a line beginning at latitude 21°16'31.5" N., longitude 158°05'09.0" W.; thence to latitude 21°16'03.9" N., longitude 158°05'16.9" W.; thence to latitude 21°16'11.1" N., longitude 158°05'45.8" W.; thence to latitude 21°16'38.8" N., longitude 158°05'37.9" W.; thence to the point of beginning.

(4) *Nonanchorage Area B.* The waters extending 300 feet on either side of a line bearing 334.5° from Anchorage B to the shoreline at latitude 21°17'50.5" N., longitude 158°06'13.1" W.

(5) *Anchorage C.* The waters enclosed by a line beginning at latitude 21°16'58" N., longitude 158°04'39" W.; thence to latitude 21°16'58" N., longitude 158°04'12" W.; thence to latitude 21°16'44" N., longitude 158°04'12" W.; thence to latitude 21°16'44" N., longitude 158°04'39" W.; thence to the point of beginning.

(6) *Nonanchorage Area C.* The waters extending 300 feet on either side of a line bearing 306° from Anchorage C to the shoreline at latitude 21°17'54.9" N., longitude 158°06'07.8" W.

(7) *Anchorage D.* The waters enclosed by a line beginning at latitude 21°18'00" N., longitude 158°07'20" W.; thence to latitude 21°17'56" N., longitude 158°07'16" W.; thence to latitude 21°17'49" N., longitude 158°07'24" W.; thence to latitude 21°17'53" N., longitude 158°07'28" W.; thence to the point of beginning.

(b) *The regulations.* (1) No vessels may anchor, moor, or navigate in Anchorages A, B, C, or D except—

(i) Vessels using the anchorages and their related pipelines for loading or unloading;

(ii) Commercial tugs, lighters, barges, launches, or other vessels engaged in servicing the anchorage facilities or vessels using them;

(iii) Public vessel of the United States.

(2) When vessels are conducting loading or unloading operations as indicated by the display of a red flag (International Code Flag "B") at the masthead, passing vessels of over 100 gross tons shall not approach within 1,000 yards at a speed in excess of 6 knots.

(3) The owner of any vessel wanting to use an anchorage ground and use of the related pipeline facilities shall notify the Captain of the Port, Honolulu, Hawaii, and the Commanding Officer, U.S. Naval Air Station, Barbers Point, Hawaii, at least 25 hours in advance of desired occupancy of the anchorage ground by the vessel. Such notification must include the maximum height above the waterline of the uppermost portion of the vessel's mast and a description of the masts' lighting including height of the highest anchor light and any aircraft warning lights to be displayed by the vessel at night.

(4) When, in the opinion of the Captain of the Port, or his authorized representative, oil transfer operations within these anchorages could jeopardize the safety of vessels or facilities in the area, or cause an undue risk of oil pollution, such oil transfer operations shall be immediately terminated until such time as the cognizant Coast Guard officer determines that the danger has subsided.

(5) Nonanchorage Areas A, B, and C are established for the protection of submerged pipelines. Except for vessels servicing pipeline facilities, no anchoring, draggin, seining, or other potential pipeline fouling activities are permitted within these areas.

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(6) Nothing in this section shall be construed as relieving the owner or person in charge of any vessel from complying with the rules of the road and safe navigation practice.

(7) The regulations of this section are enforced by the Captain of the Port or his duly authorized representative.

(Sec. 7, 38 Stat. 1053, as amended; sec. 6(g)(1)(A), 80 Stat. 937; 33 U.S.C. 471, 49 U.S.C. 1655(g)(1)(A); 49 CFR 1.46(c)(1), 33 CFR 1.05-1(c)(1))

Dated: March 27, 1973.

W. M. BENKERT,
Rear Admiral, U.S. Coast Guard, Chief, Office of Marine Environment and Systems.

[FR Doc.73-6179 Filed 3-29-73;8:45 am]

Federal Aviation Administration

[14 CFR Part 71]

[Airspace Docket No. 73-RM-9]

TRANSITION AREA

Proposed Alteration

The Federal Aviation Administration is considering an amendment to Part 71 of the Federal Aviation Regulations which would alter the description of the Minot, N. Dak., transition area.

Interested persons may participate in the proposed rulemaking by submitting such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Air Traffic Division, Federal Aviation Administration, Park Hill Station, P.O. Box 7213, Denver, CO 80207. All communications received on or before April 25, 1973, will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Regional Air Traffic Division Chief. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

A public docket will be available for examination by interested persons in the office of the Regional Counsel, Federal Aviation Administration, 10455 East 25th Avenue, Aurora, CO 80010.

An extension to the southeast of the existing 700-foot transition area is necessary in order to provide additional controlled airspace for the protection of aircraft executing the proposed ILS Runway 30 instrument approach procedure for the Minot International Airport, Minot, N. Dak.

In consideration of the foregoing, the FAA proposes the following airspace action:

In § 71.181 (38 FR 435), the description of the Minot, N. Dak., transition area is amended to read in part:

MINOT, N. DAK.

In the description of the 700-foot transition area, delete "within 5 miles each side of the Minot VORTAC 129° radial extending from the 10-mile radius to 12 miles southeast of the VORTAC", and insert "and within 4 miles each side of the Minot VORTAC 138° radial extending from the 10-mile-radius area to 15.5 miles southeast of the VORTAC."

This amendment is proposed under authority of section 307(a) of the Federal Aviation Act of 1958, as amended (49 U.S.C. 1348(a)), and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Aurora, Colo., on March 21, 1973.

M. M. MARTIN,
Director, Rocky Mountain Region.

[FR Doc.73-6062 Filed 3-29-73;8:45 am]

[14 CFR Part 71]

[Airspace Docket No. 73-SO-9]

VOR FEDERAL AIRWAY

Proposed Alteration

The Federal Aviation Administration (FAA) is considering an amendment to Part 71 of the Federal Aviation Regulations that would alter Federal Airway No. 159 and revoke 159W between Ocala, Fla., and Greenville, Fla.

Interested persons may participate in the proposed rulemaking by submitting such written data, views, or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Southern Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, P.O. Box 20636, Atlanta, GA 30320. All communications received on or before April 30, 1973, will be considered before action is taken on the proposed amendment. The proposal contained in this notice may be changed in the light of comments received.

An official docket will be available for examination by interested persons at the Federal Aviation Administration, Office of the General Counsel, Attention: Rules Docket, 800 Independence Avenue SW., Washington, DC 20591. An informal docket also will be available for examination at the office of the Regional Air Traffic Division Chief.

Victor Airway No. 159, as alined, transits Moody 2 Intensive Student Jet Training Area (ISJTA), which extends from 10,000 to 18,000 feet m.s.l. Moody AFB was the sole user of this airspace.

Recently, an agreement was executed with NAS Cecil and NAS Jacksonville to share Moody 2 ISJTA. Navy training activities include acrobatic maneuvers requiring descent below 10,000 feet. Airway V-159 prevents acrobatic maneuvers, thus adversely affecting the Navy training mission. We have encouraged military sharing of airspace in the interest of more efficient utilization.

The distance between Ocala and Greenville via Gainesville, Fla., or via Cross City is identical (119 NM); therefor, no additional burden would be imposed on the flying public operating between Ocala and Greenville.

To accommodate traffic to and from the Gainesville area from the northwest, a Part 95 route would be established between Gainesville and Greenville. This off-airway route would be used when training activity is not being conducted in the Moody 2 ISJTA.

The proposed amendment would realine V-159 from Ocala, Fla., via Cross City, Fla., via Greenville, Fla., and also revoke V-159W between Ocala and Greenville.

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348(a)) and section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Washington, D.C., on March 23, 1973.

CHARLES H. NEWPOL,
Acting Chief, Airspace and Air Traffic Rules Division.

[FR Doc.73-6061 Filed 3-29-73;8:45 am]

COST ACCOUNTING STANDARDS BOARD

[4 CFR Part 405]

ACCOUNTING FOR UNALLOWABLE COSTS

Proposed Cost Accounting Standard

Notice is hereby given of a proposed cost accounting standard on accounting for unallowable costs which the Cost Accounting Standards Board is considering for promulgation to implement further the requirements of section 719 of the Defense Production Act of 1950, as amended, Public Law 91-379, 50 U.S.C. App. 2168. When promulgated, the standard will be used by all relevant Federal agencies and national defense contractors and subcontractors.

The proposed standard, if adopted, will be one of a series of cost accounting standards which the Board is promulgating "to achieve uniformity and consistency in the cost-accounting principles followed by defense contractors and subcontracts under Federal contracts." (See section 719(g) of the Defense Production Act of 1950, as amended.) It is anticipated that any contractor receiving an award of a contract on or after the effective date of this standard will be required to follow it as of the date of such award.

The Cost Accounting Standards Board solicits comments on the proposed cost accounting standard from any interested person on any matter which will assist the Board in its consideration of the proposal.

Interested persons should submit written data, views, and arguments concerning the proposed cost accounting standard to the Cost Accounting Standards Board, 441 G Street NW., Washington, DC 20548.

To be given consideration by the Board in its determination relative to final promulgation of the cost accounting standard covered by this notice, written submissions must be made to arrive no later than Friday, June 1, 1973. All written submissions made pursuant to this notice will be made available for public inspection at the Board's offices during regular business hours.

PART 405—COST ACCOUNTING STANDARD—ACCOUNTING FOR UNALLOWABLE COSTS

Sec.
405.10 General applicability.
405.20 Purpose.
405.30 Definitions.
405.40 Fundamental requirement.
405.50 Techniques for application.
405.60 Illustrations.
405.70 Exemptions.

AUTHORITY: Public Law 91-379, 84 Stat. 796 (50 U.S.C. App. 2168).

§ 405.10 General applicability.

This standard shall be used by defense contractors and subcontractors under Federal contracts entered into after the effective date hereof, and by all relevant Federal agencies, in estimating, accumulating, and reporting costs in connection with the pricing, administration, and settlement of all negotiated prime contract and subcontract national defense procurements with the United Staes in excess of $100,000, other than contracts or subcontracts where the price negotiated is based on (a) established catalog or market prices of commercial items sold in substantial quantities to the general public, or (b) prices set by law or regulation.

§ 405.20 Purpose.

(a) The purpose of this cost accounting standard is to facilitate contract negotiation, audit, administration, and settlement of prime contracts and subcontracts by establishing guidelines covering:

(1) Identification by contractors of specific costs which are unallowable, at the time such costs first become defined as unallowable; and (2) the cost accounting treatment to be accorded such identified costs.

(b) This standard is predicated on the concept that certain costs, which are a constituent part of a contractor's total costs incurred in carrying out his activities, are not allowable under Government contracts, but nevertheless are allocable to the particular cost pools/cost objectives with which they are identified.

(c) Coverage of this standard does not encompass determination of the particular categories or types of costs which are to be defined as unallowable, a function of the appropriate procurement authority.

§ 405.30 Definitions.

(a) The following are definitions of terms prominent in this standard:

(1) *Allocate.* To assign an item of cost, or a group of items of cost, to one or more cost objectives. This term includes both direct assignment of cost and the reassignment of a share from an indirect cost pool.

(2) *Directly associated cost.* Any cost which is generated solely as a result of the incurrence of another cost and which would not have been incurred had the other cost not been incurred.

(3) *Indirect cost.* Any cost not directly identified with a single final cost objective, but identified with two or more final cost objectives or with at least one intermediate cost objective.

(4) *Unallowable cost.* Any cost item(s), or the total costs of any organizational activity, which because of applicable laws, regulations, and/or contractual agreements cannot be included as costs used for pricing, billing, or settlement of a particular prime contract or subcontract.

(b) The following modifications of definitions set forth in Part 400 of this chapter are applicable to this standard: None.

§ 405.40 Fundamental requirement.

(a) Contractors shall identify any costs which are patently unallowable under the specific provisions of applicable laws, regulations, or the terms and conditions of a contract. Contractors shall also identify, from the date of agreement or decision, any specific costs which become designated as unallowable as a result either of mutual agreement or a final decision of the contracting officer issued pursuant to contract disputes procedures. Such identification will be reflected in any proposals, billings, or claims involving cost recovery; identification for interim indirect billing rates need not be made except at the time such rates are established or revised.

(b) The contractor's accounting records shall provide an appropriate detail and depth of cost accounting treatment (see § 405.50(b) below) for any unallowable costs which are identified pursuant to the requirements of paragraph (a) of this section.

(c) Unallowable costs shall include directly associated costs, and shall remain subject to the same cost accounting requirements for cost determination as allowable costs. In circumstances where these costs, apart from considerations of allowability, would be a part of a contractor's regular indirect cost allocation base(s), they shall remain as a part of such base(s) and have allocated thereto their full pro rata share of the allocable indirect costs, including general and administrative costs. Where directly associated costs, or any part of the total unallowable costs of an organizational activity, are also part of an indirect expense pool which will be allocated over a base that includes the related unallowable cost(s), they shall be retained in the indirect expense pool and allocated through the normal indirect expense allocation process in lieu of being included directly.

§ 405.50 Techniques for application.

(a) Costs which have specifically been identified as unallowable in accordance with § 405.40(a) shall be clearly designated as direct or indirect costs allocable to the specific cost objectives to which they would normally be related, apart from considerations of allowability. This accounting distinction shall be maintained in any subsequent estimating, accumulating, or reporting of costs which include the identified costs or other costs incurred for the same purpose in like circumstances.

(b) The detail and depth of cost accounting treatment required of a contractor as backup support for proposals, billings, or claims, shall be the minimum necessary to establish and maintain visibility as to the following:

(1) The amount and nature of the costs which have been identified as unallowable, and

(2) The accounting treatment which has been accorded such costs.

(c) The visibility requirement of paragraph (b) of this section, for actual costs, may be satisfied by the contractor through segregation of unallowable costs in separate accounts maintained for this purpose in the regular books of account, through development and maintenance of separate accounting records or worksheets, or through use of any other accounting technique which establishes and maintains adequate cost identification. The visibility requirement for estimated costs may be satisfied either (1) by designation and description (in backup data, workpapers, etc.) of the amounts and types of any unallowable costs which the contractor has identified and excluded in making the estimates, or (2) by description of any equivalent means employed by the contractor to insure that the estimates do not include such costs without appropriate identification thereof.

(d) Where any work project is undertaken which is related to performance of a proposed or existing contract(s), but which is not contractually authorized and is therefore excluded from contract cost/price coverage by statute, regulation, or contract, the costs of such work project shall, to the extent appropriate, be accounted for separately from those of authorized work projects. The costs of such noncovered work projects shall be subject to the same cost accounting principles as would apply to authorized work performed under like circumstances.

(e) Where the total of the allocable and otherwise allowable costs exceeds a limitation-of-cost or ceiling-price provision in a contract, full direct and indirect cost allocation shall be made to the contract cost objective, in accordance with established cost accounting practices and standards which regularly govern a given contractor's allocations to cost objectives for purposes of Government contract pricing, billing, and settlement. The overrun amount is identifiable in terms of the excess of allowable costs, rather than through specific identification of particular cost items or cost elements.

(f) Separate accounting for unallowable costs is not required in circumstances where the low incidence of negotiated Government contracts relative to other types of work warrants the conclusion that the purposes of the standard can be satisfied through negotiation and prior agreement on the basis of past experience or other reliable indicators.

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§ 405.60 Illustrations.

(a) An auditor recommends disallowance of certain direct labor and direct material costs, for which a claim for payment has been submitted under a contract, on the basis that these particular costs were not required for performance and were not authorized by the contract. The contracting officer issues a final decision which supports the auditor's position that the questioned costs are unallowable. Following the contracting officer's final decision, the contractor must separately identify the disallowed direct labor and direct material costs in his accounting records, and must allocate thereto the full pro rata share of any indirect cost pool(s) for which the contractor's base for allocation consists of direct labor (dollars or hours), direct material, total prime cost, total cost input, etc. He must thereafter clearly identify these direct and indirect cost totals in any subsequent claim.

(b) A contractor incurs, and separately identifies, as a part of his manufacturing overhead, certain costs which are patently unallowable under the existing and currently effective agency regulations. If the contractor is claiming a share of his manufacturing overhead as a contract cost, he must also separately identify any directly associated costs in his accounting records and reports covering his manufacturing overhead pool. Also, if manufacturing overhead is regularly a part of his base for allocation of general and administrative (G&A) or other indirect expenses, the contractor must allocate the G&A or other indirect expenses over a base which includes the identified unallowable costs.

(c) The entire salary and wage costs of certain indirect labor personnel included by a contractor in his G&A expense pool are designated as unallowable by a final decision of the contracting officer. G&A expenses are not part of any base used by the contractor for allocation of other indirect expenses. In this situation, labor fringe benefit costs attributable to the unallowable salary and wage costs constitute one example of directly associated costs which shall be included as part of the contractor's unallowable costs.

(d) The president, general counsel, and the head of the engineering department of a contractor travel to participate in the prosecution of a contract disputes clause claim against the Government. Their corporate duties involve all facets of the company's overall operation. Under pertinent Government regulations, the costs of prosecuting such claims are unallowable costs, and the contractor agrees that these costs are, in fact, unallowable. The salaries and travel costs of the first two officials are charged regularly as general and administrative (G&A) expenses, while those of the head of the engineering department are charged as departmental overhead. G&A expenses are not part of any indirect cost allocation base; engineering department overhead, however, is regularly included in the base for allocation of G&A. Under these circumstances, the travel and subsistence expenses of all three contractor officials would constitute directly associated costs, to be included with other unallowable costs of prosecuting the contractor's claim. Also, the travel and subsistence costs of the head of the engineering department would be accounted for as engineering department overhead costs for purposes of their inclusion in the contractor's base for G&A allocation. Because the salary costs of the officials involved in this example were not generated solely as a result of the unallowable claim cost activity, but rather constituted indirect expenses which would have been incurred in any event, no part of such salaries is considered as directly associated costs of the unallowable claim prosecution costs.

(e) An auditor recommends disallowance of the total direct and indirect costs attributable to an organizational planning activity, including a pro rata share of utility costs and space costs devoted to this activity. The contractor claims that these costs are allowable under the Armed Services procurement regulation as "Economic Planning Costs" (ASPR 15-205.47); the auditor contends that they constitute "Organization Costs" (ASPR 15-205.23) and therefore are unallowable. The issue is referred to the contracting officer for resolution pursuant to the contract disputes clause. The contracting officer issues a final decision supporting the auditor's position that the total costs questioned are unallowable under the regulation. Following the contracting officer's final decision, the contractor must identify the disallowed costs or other costs incurred for the same purpose in like circumstances in any subsequent estimating, cost accumulation or reporting for Government contracts, in which such costs are included.

(f) An official of a company, whose salary, travel, and subsistence expenses are charged regularly as general and administrative (G&A) expenses, takes several business associates on what is clearly a business entertainment trip. The cost of such trips is patently unallowable because it constitutes entertainment expense and is separately identified by the contractor. The contractor does not regularly include his G&A expenses in any indirect expense allocation base. In these circumstances, the official's travel and subsistence expenses would be directly associated costs for identification with the unallowable entertainment expense. However, unless this type of activity constituted a significant part of the official's regular duties and responsibilities on which his salary was based, no part of the official's salary would be required to be identified as a directly associated cost of the unallowable entertainment expense.

§ 405.70 Exemptions.

None for this standard.

Effective date. The effective date of this standard is [reserved].

ARTHUR SCHOENHAUT,
Executive Secretary.

[FR Doc.73-6310 Filed 3-29-73;10:18 am]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 73]

[Docket No. 19712; FCC 73-322]

RADIO BROADCAST SERVICES

Frequency Monitors and Maintenance of Operating Frequency of Stations

In the matter of amendments of §§ 73.40, 73.49, 73.60, 73.63, 73.89, 73.113, 73.114, 73.252, 73.255, 73.283, 73.284, 73.295, 73.297, 73.317, 73.330, 73.331, 73.552, 73.555, 73.583, 73.584, 73.595, 73.596, 73.638, 73.672, 73.687, 73.690, 73.692, and 73.693 of the rules, concerning frequency monitors and the maintenance of the operating frequency of stations, Docket No. 19712.

1. In its continuing study concerning reregulation of the broadcasting services the Commission has under consideration amendment of its rules to delete: (1) The requirement that standard (AM) and FM broadcasting stations have in operation a type-approved frequency monitor; (2) the requirement that television stations perform daily frequency checks; and (3) the requirement that SCA subcarrier and stereo pilot subcarrier frequency checks be made daily.

2. Consistent with the Commission's effort to up-date its rules to reflect current technology, we note that present state-of-the-art of automatic frequency control of transmitters provides an inherent stability which substantially exceeds that required by our rules. Relating this observation to the requirement that each AM and FM station have in operation an approved frequency monitor, a valid question is raised regarding the need for this requirement.

3. The Commission recognizes that there are a number of transmitters in use today which do not incorporate features representing current state-of-the-art technology. Even so, performance of such transmitters must be in compliance with all pertinent Commission rules. Accordingly, the operating frequency of all broadcast transmitters must be maintained within prescribed tolerances and rule amendments proposed herein will not relieve the licensee of this responsibility. Adoption of the proposed rules will merely delete the requirement that frequency be monitored continuously, or in the case of television, that it be checked daily. In lieu thereof, we would require, as a minimum, a monthly measurement of the actual transmitter frequency.

4. In making this proposal the Commission is adopting the position that licensees using transmitters with automatic frequency control systems which perform

reliably and do indeed maintain frequency within prescribed tolerances will find it adequate to measure the actual transmitter frequency once each month. Other licensees who may experience some difficulty in maintaining frequency within tolerance will be expected to make frequency measurements more often. The ultimate responsibility for proper performance rests with the licensee and he must expect to be held strictly accountable for operation not in compliance with Commission rules.

5. In developing this proposal we have examined existing rules which relate to the subject of this proceeding and feel that it will be helpful to explain our position regarding particular rules or requirements, and our treatment of them, which may raise questions. Specifically, we are deleting rules for AM, FM, and TV which specify requirements for type approval of frequency monitors. In doing so, we take the position that, if approved frequency monitors are not required, proper performance of such devices will be a matter of concern solely between manufacturers and users. We have also examined our application forms and take the position that it is unnecessary to change them at this time. Those sections of the form which refer to frequency monitors will no longer be applicable. At such time as the Commission's reregulation study undertakes an overall examination of application forms all appropriate changes will be considered and hopefully accomplished in a single exercise.

6. In the matter of SCA subcarrier and stereo pilot subcarrier frequencies, existing rules specify tolerances allowed and require frequency checks as often as necessary to insure operation within tolerance. The proposal herein would delete the requirement which calls for making and logging daily frequency checks. In lieu thereof, we would require that these subcarrier frequencies be measured at least once each month and appropriate log entries be made at that time. We wish to emphasize again that this relaxation concerning daily frequency checks continues unaltered the licensees ultimate responsibility for proper operation at all times and he must expect to be held strictly accountable for operation not in compliance with Commission rules.

7. Set out in the appendix are the specific rule amendments being proposed. The Commission solicits comments from interested parties on all aspects of this proposal. Pursuant to § 1.415 of the Commission's rules and regulations, interested parties may file comments on or before May 3, 1973, and reply comments on or before May 14, 1973. All submissions by parties to this proceeding or persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings. In reaching its decision in this matter, the Commission may take into account any relevant information before it in addition to the specific comments received.

8. In accordance with the provisions of § 1.419 of the Commission's rules and regulations, an original and 14 copies of all comments, reply comments, pleadings, briefs, or other documents shall be furnished the Commission.

9. All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Public Reference Room at its headquarters in Washington, D.C. (1919 M Street NW).

10. Authority for the action proposed herein is contained in sections 4(i), 303, and 307(b) of the Communications Act of 1934, as amended.

Adopted: March 21, 1973.

Released: March 26, 1973.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

1. Section 73.40(a)(10) is amended to read as follows:

§ 73.40 Transmitter; design, construction, and safety of life requirements.

(a) • • •

(10) Means are provided for connection and continuous operation of an approved modulation monitor.

• • • • • •

§ 73.49 [Deleted]

2. Section 73.49 is deleted.

3. Section 73.60 is amended to read as follows:

§ 73.60 Frequency measurements.

(a) The carrier frequency of the transmitter shall be accurately measured as often as is necessary to ensure that it is maintained within the prescribed tolerance. However, in no event shall the interval between successive measurements be more than 1 month.

(b) The primary standard of frequency for radio frequency measurements shall be the national standard of frequency maintained by the National Bureau of Standards, Department of Commerce, Washington, D.C. The operating frequency of all radio stations will be determined by comparison with this standard or the standard signals of stations WWV, WWVB, WWVH, and WWVL of the National Bureau of Standards.

4. Section 73.63 is amended by adding a new paragraph (g) and redesignating existing paragraphs (g) and (h) as (h) and (i) respectively, and as amended, reads as follows:

§ 73.63 Auxiliary transmitter.

• • • • • •

(g) The carrier frequency of the auxiliary transmitter shall be measured as often as is necessary to ensure that it is maintained within the prescribed tolerance. If the transmitter is used daily for a period of more than 1 month, the interval between successive measurements shall not exceed 1 month.

(h) The authorized antenna input power of an auxiliary transmitter may be less, but not more, than that of the regular transmitter. If it is less, the actual operating power is not limited to 105 percent of the authorized antenna input power of the auxiliary transmitter but shall in no event exceed the authorized antenna input power produced by the regular transmitter.

(i) All regulations as to safety requirements and spurious emissions applying to broadcast transmitting equipment shall apply also to an auxiliary transmitter.

5. Section 73.89 is amended to delete the reference to frequency monitors, and as amended reads as follows:

§ 73.89 Use of modulation monitors at auxiliary transmitters.

(a) The following shall govern the installation of approved modulation monitors at auxiliary transmitters:

(1) Installation of an approved modulation monitor at the location of the auxiliary transmitter, when different from that of the main transmitter, is optional with the licensee. However, when it is necessary to operate the auxiliary transmitter beyond two (2) calendar days, a modulation monitor shall be installed and operated at the auxiliary transmitter. The monitor, if taken from the main transmitter, shall be reinstalled at the main transmitter immediately upon resumption of operation of the main transmitter.

(2) In all cases where the auxiliary transmitter and the main transmitter have the same location, the same modulation monitor may be used for monitoring both transmitters, provided the installation permits ready switching from one transmitter to the other.

• • • • • •

6. Section 73.113 is amended by deleting paragraph (a)(1)(iv)(B) thereunder and redesignating paragraph (a)(1)(iv)(C) as paragraph (a)(1)(iv)(B) and, as amended, reads as follows:

§ 73.113 Operating log.

(a) • • •
(1) • • •
(iv) • • •

(B) Antenna current on remote antenna current (for nondirectional operation); common point current or remote common point current (for directional operation).

• • • • • •

7. Sections 73.114(a)(1)(iii) and (a)(2)(i), (ii), (iii), (iv), (v), and (vi) are amended to read as follows:

§ 73.114 Maintenance log.

(a) • • •
(1) • • •
(iii) A notation of all frequency measurements, including date performed and description of method used.

• • • • • •

(2) • • •
(i) Modulation monitor.
(ii) Final stage plate voltmeter.
(iii) Final stage plate ammeter.
(iv) Base current ammeter(s).
(v) Common point ammeter.

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(vi) Antenna monitor.

• • • • • •

8. Section 73.252 is amended to read as follows:

§ 73.252 Frequency measurements.

(a) The carrier frequency of the transmitter shall be measured as often as is necessary to insure that it is maintained within the prescribed tolerance. However, in no event shall the interval between successive measurements be more than 1 month.

(b) The primary standard of frequency for radio frequency measurements shall be the national standard of frequency maintained by the National Bureau of Standards, Department of Commerce, Washington, D.C. The operating frequency of all radio stations will be determined by comparison with this standard or the standard signals of Stations WWV, WWVB, WWVH, and WWVL of the National Bureau of Standards.

9. Section 73.255 is amended by adding a new paragraph (f) and redesignating existing paragraph (f) as paragraph (g), and as amended reads as follows:

§ 73.255 Auxiliary transmitter.

• • • • • •

(f) The carrier frequency of the auxiliary transmitter shall be measured as often as is necessary to ensure that it is maintained within the prescribed tolerance. If the transmitter is used daily for a period of more than 1 month, the interval between successive measurements shall not exceed 1 month.

(g) The authorized operating power of an auxiliary transmitter may be less, but not more, than that of the regular transmitter. If it is less, the actual operating power is not limited to 105 percent of the authorized operating power of the auxiliary transmitter, but shall in no event exceed the authorized operating power of the regular transmitter.

10. Section 73.283 is amended by deleting paragraphs (a)(3)(iii) and (a)(6) thereunder, and, as amended, reads as follows:

§ 73.283 Operating log.

(a) • • •

(3) • • •

(i) Operating constants of last radio stage (total plate voltage and plate current).

(ii) RF transmission line meter reading, except when power is being determined by the indirect method.

(iii) [Deleted]

• • • • • •

(6) [Deleted]

• • • • • •

11. Sections 73.284(a)(2) and (a)(4)(i), (ii), (iii), and (iv) are amended to read as follows:

§ 73.284 Maintenance log.

(a) • • •

(2) A notation of all frequency measurements, including date performed and description of method used.

• • • • • •

(4) • • •

(i) Modulation monitor.

(ii) Final state plate voltmeter.

(iii) Final stage plate ammeter.

(iv) Transmission line radio frequency voltage, current, or power meter.

• • • • • •

12. Section 73.295 is amended by deleting paragraph (f)(5), adding a new paragraph (g), redesignating existing paragraphs (g)–(i) and amending (i), and as amended reads as follows:

§ 73.295 Operating under Subsidiary Communications Authorizations.

• • • • • •

(f) • • •

(5) [Deleted]

(g) Each licensee or permittee shall determine the frequency of each SCA subcarrier at least once each month and shall make an entry in the station maintenance log, showing results obtained and describing method employed.

(h) Program and operating logs for SCA operation may be kept on special columns provided on the station's regular program and operating log sheets.

(i) Technical standards governing SCA operation (§ 73.319) shall be observed by all FM broadcasting stations engaging in such operation.

(j) The frequency of each SCA subcarrier shall be measured as often as necessary to ensure that it is kept at all times within 500 Hz of the authorized frequency. The choice of method of performing the frequency measurement is left to the discretion of the licensee. However, whatever method is used shall be capable of sufficient accuracy to reveal deviations of the operating frequency in excess of the 500 Hz tolerance.

13. Section 73.297 is amended by revising paragraph (b) and adding a new paragraph (c), and as amended reads as follows:

§ 73.297 Stereophonic broadcasting.

• • • • • •

(b) The pilot subcarrier frequency shall be measured as often as necessary to insure that it is kept at all times within the prescribed tolerance. The choice of method of performing the frequency measurement is left to the discretion of the licensee. However, whatever method is used shall be capable of sufficient accuracy to reveal deviations of the pilot subcarrier frequency in excess of the prescribed 2 Hz tolerance.

(c) Each licensee or permittee engaging in stereophonic broadcasting shall measure the pilot subcarrier frequency at least once each month and shall make an entry in the station maintenance log, showing results obtained and describing method employed.

14. Section 73.317 is amended by revising paragraphs (a)(10) and (c)(5), and as amended reads as follows:

§ 73.317 Transmitters and associated equipment.

(a) • • •

(10) Means should be provided for connection and continuous operation of an approved modulation monitor.

• • • • • •

(c) • • •

(5) The modulation monitor and radio frequency lines to the transmitter shall be thoroughly shielded.

• • • • • •

15. Section 73.330 is amended to delete the reference to frequency monitors, and as amended reads as follows:

§ 73.330 Use of modulation monitors at auxiliary transmitters.

(a) The following shall govern the installation of approved modulation monitors at auxiliary transmitters:

(1) Installation of an approved modulation monitor at the location of the auxiliary transmitter, when different from that of the main transmitter, is optional with the licensee. However, when it is necessary to operate the auxiliary transmitter beyond two (2) calendar days, a modulation monitor shall be installed and operated at the auxiliary transmitter. The monitor, if taken from the main transmitter, shall be reinstalled at the main transmitter immediately upon resumption of operation of the main transmitter.

(2) In all cases where the auxiliary transmitter and the main transmitter have the same location, the same modulation monitor may be used for monitoring both transmitters: *Provided*, The installation permits ready switching from one transmitter to the other.

§ 73.331 [Deleted]

16. Section 73.331 is deleted.

17. Section 73.552 is amended to read as follows:

§ 73.552 Frequency measurements.

(a) The carrier frequency of transmitters licensed for transmitter power output greater than 10 w. shall be measured as often as necessary to insure that it is maintained within the prescribed tolerance. However, in no event shall the interval between successive measurements be more than 1 month.

(b) The primary standard of frequency for radio frequency measurements shall be the national standard of frequency maintained by the National Bureau of Standards, Department of Commerce, Washington, D.C. The operating frequency of all radio stations will be determined by comparison with this standard or the standard signals of Stations WWV, WWVB, WWVH and WWVL of the National Bureaus and Standards.

(c) The licensee of each noncommercial educational FM broadcast station licensed for transmitter power output of 10 W or less shall provide for the measurement of the station frequency by a means independent of the frequency control of the transmitter. The station frequency shall be measured (1) when the transmitter is initially installed, (2) at any time the frequency determining elements are changed, and (3) at any time the licensee may have reason to believe the frequency has shifted beyond the tolerance specified by the Commission's rules.

18. Section 73.555 is amended by adding a new paragraph (f) and redesignating existing paragraph (f) as paragraph (g), and as amended, reads as follows:

§ 73.555 Auxiliary transmitter.

• • • • • •

(f) The carrier frequency of the auxiliary transmitter shall be measured as often as is necessary to ensure that it is maintained within the prescribed tolerance. If the transmitter is used daily for a period of more than 1 month, the interval between successive measurements shall not exceed 1 month.

(g) The authorized operating power of an auxiliary transmitter may be less, but not more, than that of the regular transmitter. If it is less, the actual operating power is not limited to 105 percent of the authorized operating power of the auxiliary transmitter, but shall in no event exceed the authorized operating power of the regular transmitter.

19. Section 73.583 is amended by deleting paragraphs (a)(3)(iii) and (a)(6) thereunder, and, as amended, reads as follows:

§ 73.583 Operating log.

(a) • • •

(3) • • •

(i) Operating constants of last radio stage (total plate voltage and plate current).

(ii) RF transmission line meter reading, except when power is being determined by the indirect method.

(iii) [Deleted]

• • • • • •

(6) [Deleted]

• • • • • •

20. Sections 73.584 (a)(2) and (a)(4) are amended to read as follows:

§ 73.584 Maintenance log.

(a) • • •

(2) A notation of all frequency measurements, including date performed and description of method used.

• • • • • •

(4) • • •

(i) Modulation monitor.

(ii) Final stage plate voltmeter.

(iii) Final stage plate ammeter.

(iv) Transmission line radiofrequency voltage, current, or power meter.

• • • • • •

21. Section 73.595 is amended by deleting paragraph (f)(5), adding a new paragraph (g), redesignating existing paragraphs (g)–(i) and amending (i), and as amended reads as follows:

§ 73.595 Operating under subsidiary communications authorizations.

• • • • • •

(f) • • •

(5) [Deleted]

(g) Each licensee or permittee shall determine the frequency of each SCA subcarrier at least once each month and shall make an entry in the station maintenance log, showing results obtained and describing method employed.

(h) Program and operating logs for SCA operation may be kept on special columns provided on the station's regular program and operating log sheets.

(i) Technical standards governing SCA operation (§ 73.319) shall be observed by all FM broadcasting stations engaging in such operation.

(j) The frequency of each SCA subcarrier shall be measured as often as necessary to insure that it is kept at all times within 500 Hz of the authorized frequency. The choice of method of performing the frequency measurement is left to the discretion of the licensee. However, whatever method is used shall be capable of sufficient accuracy to reveal deviations of the operating frequency in excess of the 500 Hz tolerance.

22. Section 73.596 is amended by revising paragraph (b) and adding a new paragraph (c), and as amended reads as follows:

§ 73.596 Stereophonic broadcasting.

• • • • • •

(b) The pilot subcarrier frequency shall be measured as often as necessary to insure that it is kept at all times within the prescribed tolerance. The choice of method of performing the frequency measurement is left to the discretion of the licensee. However, whatever method is used shall be capable of sufficient accuracy to reveal deviations of the pilot subcarrier frequency in excess of the prescribed 2 Hz tolerance.

(c) Each licensee or permittee engaging in stereophonic broadcasting shall measure the pilot subcarrier frequency at least once each month and shall make an entry in the station maintenance log, showing results obtained and describing method employed.

23. Section 73.638 is amended by adding a new paragraph (f) and redesignating existing paragraph (f) as paragraph (g) and as amended reads as follows:

§ 73.638 Auxiliary transmitter.

• • • • • •

(f) The visual carrier frequency of an auxiliary transmitter and the difference between the visual carrier frequency and the center frequency of the auxiliary aural transmitter shall be measured as often as is necessary to ensure that they are maintained within the prescribed tolerance. If the transmitters are used daily for a period of more than 1 month, the interval between successive measurements shall not exceed 1 month.

(g) The operating power of auxiliary transmitters may be less than the authorized power of the main transmitters, but in no event shall it be greater than such power.

24. Section 73.672(a)(3) is amended by deleting paragraph (i) and incorporating (ii) within subparagraph (3). As amended § 73.672(a)(3) will read as follows:

§ 73.672 Maintenance log.

(a) • • •

• • • • • •

(3) An entry whenever the frequency measurement required by § 73.690(a) is made, including the date performed and description of method used.

• • • • • •

25. § 73.687 paragraph (e)(5) is amended to read as follows:

§ 73.687 Transmitters and associated equipment.

• • • • • •

(e) • • •

(5) The modulation monitors and radio frequency lines to the transmitters shall be thoroughly shielded.

• • • • • •

26. Section 73.690 is amended by deleting paragraphs (a) and (b) and redesignating paragraphs (c) and (d) as (a) and (b). As amended § 73.690 will read as follows:

§ 73.690 Frequency measurements.

(a) The visual carrier frequency and the difference between the visual carrier frequency and the center frequency of the aural transmitter shall be measured as often as necessary to ensure that they are maintained within the prescribed tolerance. However, in no event shall the interval between successive measurements be more than 1 month.

(b) The primary standard of frequency for radio frequency measurements shall be the national standard of frequency maintained by the National Bureau of Standards, Department of Commerce, Washington, D.C. The operating frequency of all radio stations will be determined by comparison with this standard or the standard signals of Stations WWV, WWVB, WWVH, and WWVL of the National Bureau of Standards.

27. Section 73.692 is amended to delete the reference to frequency monitors and by revising the section title and paragraphs (a) and (b). As amended it will read as follows:

§ 73.692 General requirements for type approval of modulation monitors.

(a) A manufacturer desiring to submit a monitor for type approval shall supply the Commission with full specification details (two sworn copies) as well as the test data specified in § 73.694. If this information appears to meet the requirements of the rules shipping instructions will be issued to the manufacturer. The shipping charges to and from the laboratory at Laurel, Md., shall be paid for by the manufacturer. Approval of a monitor will only be given on the basis of the data obtained from the sample monitor submitted to the Commission for test.

(b) In approving a monitor upon the basis of tests conducted by the Laboratory, the Commission merely recognizes

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that the type of monitor has the inherent capability of functioning in compliance with the rules, if properly constructed, maintained, and operated.

* * * * *

§ 73.693 [Deleted]

28. Section 73.693 is deleted.

[FR Doc.73-6135 Filed 3-29-73;8:45 am]

[47 CFR Part 87]

[Docket No. 19699]

AVIATION SERVICES

Notification Procedures of Aircraft Operating Under Fleet License; Correction

In the matter of amendment to Part 87 of the rules to provide for procedures to notify the Commission of the aircraft operating under a fleet license, Docket No. 19699.

In the notice of proposed rulemaking released March 3, 1973 (FCC 73-253; 38 FR 7402), some editorial errors of omission make it difficult to determine which aircraft are excluded from the proposed new notification procedure. The intention of paragraph (b) of the proposed new § 87.140 is to exclude aircraft which are identified solely by company radiotelephony designator and flight number because there is no problem in determining current owner or operator. In order that this intent be fully understood, it is necessary that the proposed subparagraph be changed to read:

(b) The notification procedure set forth in subparagraph (2) of this paragraph, does not apply to any aircraft station which will be identified solely by a radiotelephony designator in accordance with § 87.115(e)(1)(ii).

An additional 10 days for the filing of comments and reply comments is granted. The new dates for interested parties to file comments are April 30, 1973, and reply comments May 10, 1973.

Released: March 26, 1973.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[FR Doc.73-6136 Filed 3-29-73;8:45 am]

VETERANS ADMINISTRATION

[38 CFR Part 3]

AUTOMOBILES OR OTHER CONVEYANCES

Proposed Regulatory Development

The Administrator of Veterans Affairs proposes a regulatory revision reflecting a policy change in providing financial assistance to veterans in purchasing automobiles or other conveyances under authority of Chapter 39, title 38, United States Code. Section 1902(a) of that chapter provides that the Administrator will pay the total purchase price or $2,800 whichever is lesser. "Total purchase price" has been construed to mean the basic price of the vehicle exclusive of taxes. Under this interpretation, when the basic price of the vehicle is less than the statutory allowance of $2,800, only the basic price is payable by the Veterans Administration and the veteran is required to pay any State or local sales or excise taxes even though the total amount payable may not equal or exceed $2,800. This regulatory change recognizes that, insofar as it affects the veteran, "total purchase price" includes all charges involved in the purchase and should be so construed. Under this construction, charges for State and local taxes may be included in the amount payable by the Veterans Administration up to a maximum of $2,800. To effect this change, it is proposed to amend Part 3, title 38, Code of Federal Regulations, as set forth below.

Interested persons are invited to submit written comments, suggestions, or objections regarding the proposal to the Administrator of Veterans Affairs (232H), Veterans Administration, Central Office, 810 Vermont Avenue NW., Washington, DC 20420. All relevant material received before April 30, 1973, will be considered. All written comments received will be available for public inspection at the above address only between the hours of 8 a.m. and 4:30 p.m., Monday through Friday (except holidays), during the mentioned 30-day period and for 10 days thereafter. Any person visiting Central Office for the purpose of inspecting any such comments will be received by the Central Office Veterans Assistance Unit in Room 132. Such visitors to any VA field station will be informed that the records are available for inspection only in Central Office and will be furnished the address of the above room number.

Notice is also given that it is proposed to make this regulatory change effective the date of final approval.

In § 3.808, the portion preceding paragraph (a) is amended to read as follows:

§ 3.808 Automobiles or other conveyances; certification.

A certification of eligibility for financial assistance in the purchase of one automobile or other conveyance in an amount not exceeding $2,800 (including State and/or local taxes where such are applicable and included in the purchase price) and of basic entitlement to necessary adaptive equipment will be made where the claimant meets the requirements of paragraphs (a), (b), and (c) of this section. State and local taxes may be included only when the sales agreement is signed by seller and claimant on or after _____, 1973.

* * * * *

Approved: March 25, 1973.

By direction of the Administrator.

[SEAL] FRED B. RHODES,
Deputy Administrator.

[FR Doc.73-6148 Filed 3-29-73;8:45 am]

[38 CFR Part 21]

VETERAN-STUDENT SERVICES

Proposed Regulatory Development

The following changes, implementing a provision of Public Law 92-540 (86 Stat. 1074), provide for a veteran-student services benefit in addition to the allowance the veteran receives under the Veterans Administration Vocational Rehabilitation program or under the GI bill.

Interested persons are invited to submit written comments, suggestions, or objections regarding the proposal to the Administrator of Veterans Affairs (232H), Veterans Administration, 810 Vermont Avenue NW., Washington, DC 20420. All relevant material received before April 30, 1973, will be considered. All written comments received will be available for public inspection at the above address only between the hours of 8 a.m. and 4:30 p.m., Monday through Friday (except holidays), during the mentioned 30-day period and for 10 days thereafter. Any person visiting central office for the purpose of inspecting any such comments will be received by the Central Office Veterans Assistance Unit in Room 132. Such visitors to any VA field station will be informed that the records are available for inspection only in central office and furnished the address and the above room number.

Notice is also given that it is proposed to make any regulations that are adopted effective October 24, 1972, as provided in Public Law 92-540.

It is proposed to amend Subparts A and D to read as follows:

Subpart A—Vocational Rehabilitation Under 38 U.S.C. Chapter 31

1. Section 21.145 is added to read as follows:

§ 21.145 Veteran-student services.

(a) *Eligibility.* Veteran-students who are pursuing full-time programs of education or training under chapter 31 are eligible to receive a work-study allowance. This allowance will be paid in advance in the amount of $250 in return for the veteran-student's agreement to perform services totaling 100 hours during an enrollment period. Advances of lesser amounts may be made in return for agreements to perform services for periods of less than 100 hours.

(b) *Selection criteria.* Whenever feasible, veteran-students with disabilities rated at 30 percent or more are to be given priority in selection for this allowance. In addition the following selection criteria should be considered:

(1) Need of the veteran to augment his subsistence allowance;

(2) Availability to the veteran of transportation to the place where his services are to be performed;

(3) Motivation of the veteran; and

(4) Compatibility of the work assignment to the veteran's physical condition.

(c) *Utilization.* Veteran-student services may be utilized in connection with:

(1) Outreach services program as carried out under the supervision of a Veterans Administration employee;

(2) Preparation and processing of necessary papers and other documents at educational institutions or regional offices or facilities of the Veterans Administration;

(3) Hospital and domiciliary care and medical treatment at Veterans Administration facilities; and

(4) Any other appropriate activity of the Veterans Administration.

(d) *Employment limitation.* Total veteran-student services under either Chapter 31 or Chapter 34 are limited to 800 man-years or their equivalent in man-hours during any fiscal year. A survey of each regional office will be conducted annually to determine the number of veteran-students whose services can be effectively utilized.

Subpart D—Administration of Educational Benefits; 38 U.S.C. Chapters 34, 35, and 36

2. Section 21.4145 is added to read as follows:

§ 21.4145 Veteran-student services.

(a) *Eligibility.* Veteran-students who are pursuing full-time programs of education or training under Chapter 34 are eligible to receive a work-study allowance. This allowance will be paid in advance in the amount of $250 in return for the veteran-student's agreement to perform services totaling 100 hours during an enrollment period. Advances of lesser amounts may be made in return for agreements to perform services for periods of less than 100 hours.

(b) *Selection criteria.* Whenever feasible, veteran-students with disabilities rated at 30 percent or more are to be given priority in selection for this allowance. In addition the following selection criteria should be considered:

(1) Need of the veteran to augment his subsistence allowance;

(2) Availability to the veteran of transportation to the place where his services are to be performed;

(3) Motivation of the veteran; and

(4) Compatibility of the work assignment to the veteran's physical condition.

(c) *Utilization.* Veteran-student services may be utilized in connection with:

(1) Outreach services program as carried out under the supervision of a Veterans Administration employee;

(2) Preparation and processing of necessary papers and other documents at educational institutions or regional offices or facilities of the Veterans Administration;

(3) Hospital and domiciliary care and medical treatment at Veterans Administration facilities; and

(4) Any other appropriate activity of the Veterans Administration.

(d) *Employment limitation.* Total veteran-student services under either Chapter 31 or Chapter 34 are limited to 800 man-years or their equivalent in man-hours during any fiscal year. A survey of each regional office will be conducted annually to determine the number of veteran-students whose services can be effectively utilized.

Approved: March 25, 1973.

By direction of the Administrator.

[SEAL] FRED B. RHODES,
Deputy Administrator.

[FR Doc.73-6147 Filed 3-29-73;8:45 am]

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Notices

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF DEFENSE

Department of the Air Force

SCIENTIFIC ADVISORY BOARD

Certain Committee Meetings

MARCH 26, 1973.

The Ad Hoc Committee on Engine Development will hold closed meetings on April 2 and 3, 1973, from 9 a.m. until 5 p.m., at the Pentagon, Room 1E801, Washington, D.C.

The committee will receive classified briefings on topics pertinent to Air Force engine development programs.

The Aeronautical Systems Division Advisory Group Avionics Subcommittee will hold closed meetings on April 10, 11, and 12, 1973, from 8:30 a.m. until 5 p.m., at the Aeronautical Systems Division Commanders' Conference Room, Wright-Patterson Air Force Base, Ohio.

The committee will receive classified briefings on avionics aspects of the B-52 and AGM-86 integration.

For additional information on these meetings, telephone 202-697-4648.

JOHN W. FAHRNEY,
Colonel, USAF, Chief, Legislative Division, Office of the Judge Advocate General.

[FR Doc.73-6057 Filed 3-29-73;8:45 am]

DEPARTMENT OF THE INTERIOR

National Park Service

BUZZARD POINT BOATYARD CORP.

Intention To Issue Concession Permit

Pursuant to the provisions of section 5 of the Act of October 9, 1965 (79 Stat. 969; 16 U.S.C. 20), public notice is hereby given that thirty (30) days after the date of publication of this notice, the Department of the Interior, through the Superintendent, National Capital Parks—East, proposes to issue a concession permit to the Buzzard Point Boatyard Corp., authorizing it to provide marina services for the public at the foot of First Street SW., Washington, D.C., for a period of 5 years from September 1, 1972, through August 31, 1977.

The foregoing concessioner has performed its obligations under an existing permit to the satisfaction of the National Park Service, and therefore, pursuant to the Act cited above, is entitled to be given preference in the issuance of a new permit. However, under the Act cited above, the Secretary is also required to consider and evaluate all proposals received as a result of this notice. Any proposal to be considered and evaluated must be submitted on or before April 30, 1973.

Interested parties should contact the Superintendent, National Capital Parks—East, 5210 Indian Head Highway, Oxon Hill, MD 20021, for information as to the requirements of the proposed permit.

Dated: February 21, 1973.

ABNER M. BRADLEY,
Superintendent, National Capital Parks—East.

[FR Doc.73-6058 Filed 3-29-73;8:45 am]

GUS CAREY ET AL.

Intention To Issue Concession Permit

Pursuant to the provision of section 5, of the Act of October 9, 1965 (79 Stat. 969, 16 U.S.C. 20) public notice is hereby given that on April 30, 1973, the Department of the Interior, through the Superintendent, Amistad Recreation Area, proposes to extend present concessions permits Nos. 14-10-3-930-239 in the name of Gus Carey, Del Rio, Tex.; 14-10-3-930-238 in the name of David Crawley, Del Rio, Tex.; 14-10-3-930-232 in the name of W. P. Fisher, Del Rio, Tex.; 14-10-3-930-231 in the name of Glenn McGonagill, Del Rio, Tex.; 14-10-3-930-233 in the name of Joe R. Morgan, Del Rio, Tex.; 14-10-3-930-237 in the name of Jack Skipworth, Del Rio, Tex., authorizing them to provide fishing guide services for the public at Amistad Recreation Area for the period March 14, 1973, through August 31, 1973.

The foregoing concessioners have performed their obligations under the existing permits to the satisfaction of the National Park Service and, therefore, pursuant to the Act cited above, are entitled to be given preference in the extension of the permit. However, under the Act cited above, the National Park Service is also required to consider and evaluate all proposals received as a result of this notice. Any proposal to be considered and evaluated must be submitted on or before April 30, 1973.

Interested parties should contact the Superintendent, Amistad Recreation Area, P.O. Box 1463, Del Rio, TX 78840, for information as to the requirements of the proposed permit.

Dated: February 27, 1973.

COLEMAN C. NEWMAN,
Superintendent, Amistad Recreation Area.

[FR Doc.73-6059 Filed 3-29-73;8:45 am]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

GRAIN STANDARDS

New York and Pennsylvania Grain Inspection Points

Statement of considerations. The New York Produce Exchange, New York N.Y., has proposed that effective April 1, 1973, its designation under section 3(m) of the U.S. Grain Standards Act (sec. 3, 39 Stat. 482, as amended, 82 Stat. 762; 7 U.S.C. 75(m)) to operate an official grain inspection agency at Albany, N.Y.; New York, N.Y.; Ogdensburg, N.Y.; and Erie, Pa., be transferred.

The International Commercial Exchange, Inc., New York, N.Y., has applied for designation (in accordance with § 26.97 of the regulations (7 CFR 26.97) under the U.S. Grain Standards Act) to operate an official grain inspection agency at Albany, N.Y.; New York, N.Y.; Ogdensburg, N.Y.; and Erie, Pa. This application does not preclude other interested agencies and persons from making similar applications.

Other interested persons are hereby given opportunity to make application for designation to operate an official inspection agency at Albany, N.Y.; New York, N.Y.; Ogdensburg, N.Y.; and Erie, Pa., according to the requirements in § 26.97 of the regulations (7 CFR 26.97) under the U.S. Grain Standards Act.

NOTE: Section 7(f) of the Act (7 U.S.C. 79(f)) generally provides that not more than one inspection agency shall be operative at any one time for any one city, town, or other area.

Members of the grain industry who wish to submit views and comments are requested to include the name of the person or agency which they recommend to be designated to operate an official inspection agency at Albany, N.Y.; New York, N.Y.; Ogdensburg, N.Y.; and Erie, Pa.

Opportunity is hereby afforded all interested persons to submit written data, views, or arguments with respect to this matter to the Hearing Clerk, U.S. Department of Agriculture, Washington, D.C. 20250. All written submissions shall be in duplicate and shall be mailed to the Hearing Clerk not later than June 1, 1973. All submissions made pursuant to this notice will be made available for public inspection at the Office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)). Consideration will be given to the written data, views, or arguments so filed with the Hearing Clerk and to other information available

to the U.S. Department of Agriculture before final determination is made with respect to this matter.

In order to avoid disruption of the orderly marketing of grain pending a final determination as to the designation of an official inspection agency to provide grain inspection services at Albany, N.Y.; New York, N.Y.; Ogdensburg, N.Y.; and Erie, Pa., and after consultation with the New York and Pennsylvania Departments of Agriculture and local official inspection agencies, and in accordance with the views expressed thereby, the International Commercial Exchange, Inc., New York, N.Y., is hereby designated on an interim basis to provide official grain inspection services in Albany, N.Y.; New York, N.Y.; Ogdensburg, N.Y.; and Erie, Pa., pending final determination of this matter.

Done in Washington, D.C., on March 28, 1973.

E. L. PETERSON,
Administrator, Agricultural Marketing Service.

[FR Doc.73-6297 Filed 3-29-73;8:45 am]

Food and Nutrition Service

[FSP No. 1973-1]

FOOD STAMP PROGRAM

Maximum Monthly Allowable Income Standards and Basis of Coupon Issuance

Section 7(a) of the Food Stamp Act, as amended, requires that the value of the coupon allotment be adjusted annually to reflect changes in the prices of food published by the Bureau of Labor Statistics. Therefore, Notice FSP No. 1972-1, which is issued pursuant to a part of Subchapter C—Food Stamp Program, under Title 7, Chapter II, Code of Federal Regulations, is superseded, effective July 1, 1973, by this Notice FSP No. 1973-1.

For the first time the total monthly coupon allotments for households of one, two, three, and five persons are not divisible by four. This results in total coupon allotments of uneven dollar amounts for those households which choose to purchase one-fourth or three-fourths of their total coupon allotment. For such households, the State agency shall round the face value of one-fourth or three-fourths of the total coupon allotment up to the next higher whole dollar amount and shall not change the purchase requirements for such allotments.

In view of the need for placing this notice into effect on July 1, 1973, it is hereby determined that it is impracticable and contrary to the public interest to give notice of proposed rulemaking with respect to this notice. Notice FSP No. 1973-1 reads as follows:

MAXIMUM MONTHLY ALLOWABLE INCOME STANDARDS AND BASIS OF COUPON ISSUANCE: 48 STATES AND DISTRICT OF COLUMBIA

As provided in § 271.3(b), households in which all members are included in the federally aided public assistance or general assistance grant shall be determined to be eligible to participate in the program while receiving such grants without regard to the income and resources of the household members.

The maximum allowable income standards for determining eligibility of all other applicant households, including those in which some members are recipients of federally aided public assistance or general assistance, in any State other than Alaska or Hawaii or in the District of Columbia, shall be the higher of:

(1) The maximum allowable monthly income standards for each household size which were in effect in such States or the District of Columbia prior to July 29, 1971, or

(2) The following maximum allowable monthly income standards:

Maximul Allowable monthly income standards—48 States and District of Columbia

Household size:	
One	$183
Two	240
Three	313
Four	387
Five	460
Six	533
Seven	600
Eight	667
Each additional member	+53

"Income" as the term is used in the notice is as defined in paragraph (b) of § 271.3 of the Food Stamp Program Regulations.

Pursuant to section 7 (a) and (b) of the Food Stamp Act, as amended (7 U.S.C. 2016, Public Law 91-671), the face value of the monthly coupon allotment which State agencies are authorized to issue to any household certified as eligible to participate in the Program and the amount charged for the monthly coupon allotment in the 48 States and the District of Columbia are as follows:

MONTHLY COUPON ALLOTMENTS AND PURCHASE REQUIREMENTS—48 STATES AND DISTRICT OF COLUMBIA

Monthly Net Income	For a Household of—							
	1 Person	2 Persons	3 Persons	4 Persons	5 Persons	6 Persons	7 Persons	8 Persons
	The monthly coupon allotment is—							
	$38	$66	$94	$116	$138	$160	$180	$200
	And the monthly purchase requirement is—							
$0 19.99	0	0	0	0	0	0	0	0
20-29.99	1	1	0	0	0	0	0	0
30-39.99	4	4	4	4	5	5	5	5
40-49.99	6	7	7	7	8	8	8	8
50-59.99	8	10	10	10	11	11	12	12
60-69.99	10	12	13	13	14	14	15	16
70-79.99	12	15	16	16	17	17	18	19
80-89.99	14	18	19	19	20	21	21	22
90-99.99	16	21	21	22	23	24	25	26
100-109.99	18	23	24	25	26	27	28	29
110-119.99	21	26	27	28	29	31	32	33
120-129.99	23	29	30	31	33	34	35	36
130-139.99	25	32	33	34	36	37	38	39
140-149.99	27	35	36	37	39	40	41	42
150-159.99	27	37	40	41	42	43	44	45
160-169.99	28	43	46	47	48	49	50	51
170-189.99		45	52	53	54	55	56	57
190-209.99		45	58	59	60	61	62	63
210-229.99		46	64	65	66	67	68	69
230-249.99			70	71	72	73	74	75
250-269.99			75	77	78	79	80	81
270-289.99			75	83	84	85	86	87
290-309.99			76	89	90	91	92	93
310-329.99				89	96	97	98	99
330-349.99				92	103	105	107	108
350-369.99					107	115	116	117
370-419.99					109	119	125	126
420-449.99					110	123	133	135
450-479.99						127	137	141
480-509.99						128	141	145
510-539.99							143	149
540-569.99							143	153
570-599.99							144	157
600-629.99								159
630-659.99								160
660-689.99								

FOR ISSUANCE TO HOUSEHOLDS OF MORE THAN EIGHT PERSONS USE THE FOLLOWING FORMULA:

A. *Value of the total allotment.* For each person in excess of eight, add $16 to the monthly coupon allotment for an eight-person household.

B. *Purchase requirement.* 1. Use the purchase requirement shown for the eight-person household for households with income of $599.99 or less per month.

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2. For households with monthly income of $600 or more, use the following formula:

For each $30 worth of monthly income (or portions thereof) over $599.99, add $4 to the monthly purchase requirement shown for an eight-person household with an income of $599.99.

3. To obtain maximum monthly purchase requirements for households of more than eight persons, add $12 for each person over eight to the maximum purchase requirement shown for an eight-person household.

Effective date. The provisions of this notice shall become effective on July 1, 1973.

CLAYTON YEUTTER,
Assistant Secretary.

MARCH 23, 1973.

[FR Doc.73-5933 Filed 3-29-73;8:45 am]

Forest Service

HOOSIER NATIONAL FOREST

Availability of Draft Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Forest Service, Department of Agriculture, has prepared a draft environmental statement for the Off-Road Vehicle Policy on the Hoosier National Forest, USDA–FS–DES(Adm.) 73–51.

This draft environmental statement proposes a policy to permit and regulate the use of off-road motor vehicles on the Hoosier National Forest. The policy will divide the forest into two different type zones. The use of motor vehicles off the public roads will pe permitted on designated trails on part of the forest (57,500 acres) and will be prohibited on the remainder of the forest (105,600 acres). This policy does not affect ORV use on private lands within the Hoosier National Forest located in southern Indiana.

This draft environmental statement was filed with CEQ on March 14, 1973.

Copies are available for inspection during regular working hours at the following locations:

USDA, Forest Service, South Agriculture Building, Room 3230, 12th Street and Independence Avenue SW., Washington, DC 20250.

USDA, Forest Service, Eastern Region, 633 West Wisconsin Avenue, Milwaukee, WI 53203.

USDA, Forest Service, Wayne-Hoosier National Forests, 1615 J Street, Bedford, IN 47421.

A limited number of single copies are available upon request to the Forest Supervisor, Wayne-Hoosier National Forests, 1615 J Street, Bedford, IN 47421.

Copies are also available from the National Technical Information Service, U.S. Department of Commerce, Springfield, Va. 22151. Please refer to the name and number of the environmental statement above when ordering.

Copies of the environmental statement have been sent to various Federal, State, and local agencies as outlined in the Council on Environmental Quality Guidelines.

Comments are invited from the public and from State and local agencies which are authorized to develop and enforce environmental standards, and from Federal agencies having jurisdiction by law or special expertise with respect to any environmental impact involved for which comments have not been requested specifically.

Comments concerning the proposed action and requests for additional information should be addressed to Donald S. Girton, Forest Supervisor, Wayne-Hoosier National Forests, 1615 J Street, Bedford, IN 47421. Comments must be received by April 27, 1973, in order to be considered in the preparation of the final environmental statement.

ADRIAN M. GILBERT,
Acting Deputy Chief,
Forest Service.

MARCH 27, 1973.

[FR Doc.73-6183 Filed 3-29-73;8:45 am]

Packers and Stockyards Administration

CLEBURNE COUNTY LIVESTOCK AUCTION SALE ET AL.

Deposting of Stockyards

It has been ascertained, and notice is hereby given, that the livestock markets named herein, originally posted on the respective dates specified below as being subject to the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 181 et seq.), no longer come within the definition of a stockyard under said Act and are, therefore, no longer subject to the provisions of the Act.

Facility No., name, location of stockyard, and date of posting
AR–119 Cleburne County Livestock Auction Sale, Heber Springs, Ark., Feb. 17, 1959.
IN–124 Middletown Sale Barn, Middletown, Ind., Nov. 4, 1959.
MS–149 Columbus Stockyard, Inc., Columbus, Miss., Aug. 1, 1972.
NB–157 Neligh Livestock, Inc., Neligh, Neb., Apr. 21, 1959.
OH–130 Producers Livestock Association, Marion, Ohio, Feb. 5, 1934.
TX–130 Caldwell Livestock Commission Company, Inc., Caldwell, Tex., Mar. 6, 1959.
WV–112 Union Livestock Sales Co., Inc., Parkersburg, W. Va., Nov. 5, 1959.

Notice or other public procedure has not preceded promulgation of the foregoing rule. There is no legal justification for not promptly depositing a stockyard which is no longer within the definition of that term contained in the Act.

The foregoing is in the nature of a rule relieving a restriction and may be made effective in less than 30 days after publication in the FEDERAL REGISTER. This notice shall become effective March 30, 1973.

(42 Stat. 159, as amended and supplemented; 7 U.S.C. 181 et seq.)

Done at Washington, D.C., this 26th day of March 1973.

EDWARD L. THOMPSON,
Chief, Registrations, Bonds, and Reports Branch, Livestock Marketing Division.

[FR Doc.73-6186 Filed 3-29-73;8:45 am]

CLEBURNE COUNTY LIVESTOCK AUCTION SALE ET AL.

Proposed Posting of Stockyards

The Chief, Registrations, Bonds, and Reports Branch, Packers and Stockyard Administration, U.S. Department of Agriculture, has information that the livestock markets named below are stockyards as defined in section 302 of the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 202), and should be made subject to the provisions of the Act.

AR–148 Cleburne County Livestock Auction Sale, Heber Springs, Ark.
GA–176 Tri-County Feeder Pig Sales, Broxton, Ga.
GA–177 Longhorn Livestock Auction, Inc., Poulan, Ga.
IA–247 Decorah Sales Commission, Decorah, Iowa.
NC–142 Albermarle Marketing Association, Inc., Edenton, N.C.
SC–126 Greer Livestock Company, Greer, S.C.
TX–303 Caldwell Livestock Commission Company, Inc., Caldwell, Tex.
WA–127 Puget Sound Horse and Mule Auction, Olympia, Wash.

Notice is hereby given, therefore, that the said Chief, pursuant to authority delegated under the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 181 et seq.), proposes to issue a rule designating the stockyards named above as posted stockyards subject to the provisions of the Act as provided in section 302 thereof.

Any person who wishes to submit written data, views, or arguments concerning the proposed rule, may do so by filing them with the Chief, Registrations, Bonds, and Reports Branch, Packers and Stockyards Administration, U.S. Department of Agriculture, Washington, D.C. 20250.

All written submissions made pursuant to this notice shall be made available for public inspection at such times and places in a manner convenient to the public business (7 U.S.C. 1.27(b)).

Done at Washington, D.C., this 26th day of March 1973.

EDWARD L. THOMPSON,
Chief, Registrations, Bonds, and Reports Branch, Livestock Marketing Division.

[FR Doc.73-6188 Filed 3-29-73;8:45 am]

MO-ARK LIVESTOCK MARKET ET AL.

Posted Stockyards

Pursuant to the authority delegated under the Packers and Stockyards Act, 1921, as amended (7 U.S.C. et seq.), it was ascertained that the livestock markets named below were stockyards within the definition of that term contained in section 302 of the Act, as amended (7 U.S.C. 202), and notice was given to the owners and to the public by posting notices at the stockyards as required by said section 302, on the respective dates specified below.

Facility No., name, location of stockyard, and date of posting
MISSOURI
MO–232 Mo-Ark Livestock Market, Poplar Bluff, Mar. 19, 1973.
MO–229 West Plains Livestock Auction, West Plains, Jan. 31, 1973.
OKLAHOMA
OK–100 Oklahoma Auction Center, Chickasha, Feb. 27, 1973.
TEXAS
TX–302 Algoa Livestock Commission Company, Inc., Algoa, Feb. 24, 1973.
TX–301 Tri-County Stockyard, Rio Grande City, Feb. 6, 1973.
VIRGINIA
VA–146 Virginia-Carolina Livestock and Agricultural Market, Inc., Danville, Nov. 1, 1972.
WISCONSIN
WI–130 Kettle Moraine Auctions, Inc., Waukesha, Feb. 23, 1973.

Done at Washington, D.C., this 26th day of March 1973.

EDWARD L. THOMPSON,
Chief, Registrations, Bonds, and Reports Branch, Livestock Marketing Division.

[FR Doc.73-6187 Filed 3-29-73;8:45 am]

Soil Conservation Service

SOWASHEE CREEK WATERSHED PROJECT

Availability of Draft Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Soil Conservation Service, U.S. Department of Agriculture, has prepared a draft environmental statement for the Sowashee Creek Watershed Project, Lauderdale County, Miss., USDA–SCS–ES–WS–(ADM)–73–1(D).

The environmental statement concerns a plan for watershed protection, flood prevention, and recreation. The planned works of improvement include conservation land treatment, supplemented by 13 floodwater retarding structures, one multiple purpose structure for floodwater retardation and recreation, basic facilities and about 54.2 miles of channel modification.

Copies of the draft environmental statement are available during regular working hours at the following locations:

Soil Conservation Service, USDA, South Agriculture Building, Room 5227, 14th and Independence Avenue SW., Washington, D.C. 20250.
Soil Conservation Service, USDA, Room 502, Milner Building, 310 South Lamar Street, Jackson, MS 39201.

Copies are also available from the National Technical Information Service, U.S. Department of Commerce, Springfield, Va. 22151. Please use name and number of statement above when ordering. The estimated cost is $3.50.

Copies of the draft environmental statement have been sent for comment to various Federal, State, and local agencies as outlined in the Council on Environmental Quality Guidelines. Comments are also invited from others having knowledge of or special expertise on environmental impacts.

Comments concerning the proposed action or requests for additional information should be addressed to William L. Heard, State Conservationist, Soil Conservation Service, P.O. Box 610, Jackson, MS 39205.

Comments must be received on or before May 25, 1973, in order to be considered in the final environmental statement.

Dated: March 26, 1973.

WM. B. DAVEY,
Deputy Administrator for Watersheds, Soil Conservation Service.

[FR Doc. 73-6182 Filed 3-29-73;8:45 am]

DEPARTMENT OF COMMERCE

Maritime Administration

[Docket No. S–339]

AMERICAN STEAMSHIP CO.

Notice of Application for Operating-Differential Subsidy

Notice is hereby given that American Steamship Co. has filed an application dated March 5, 1973, under the Merchant Marine Act of 1936, as amended, for extension of its Operating-Differential Subsidy Agreement, Contract No. MA/MSB–137 for a 2-year period beyond the close of the 1973 season. Inasmuch as American Steamship Co. and related companies, own and/or operate U.S.-flag bulk cargo vessels which are employed in the domestic Great Lakes service, written permission of the Maritime Administration under section 805(a) of the Merchant Marine Act, 1936, as amended, will be required for American Steamship Co. if its application for extension of operating-differential subsidy is granted.

American Steamship Co. and its subsidiary or affiliated companies own or operate a total of 20 U.S.-flag vessels. American Steamship Co., accordingly, requests permission in its operating-differential subsidy contract for the transportation of bulk cargoes within the area of the Great Lakes with free interchange of the vessels in that domestic trade.

As information, the following U.S.-flag bulk cargo vessels are owned, managed, or operated by American Steamship Co., its subsidiaries or affiliates:

Adam E. Cornelius.	Harris N. Snyder.
Jr.	United States
John J. Boland.	Gypsum.
Detroit Edison.	Ben W. Calvin.
H. Lee White.	Richard J. Reiss.
John T. Hutchinson.	Charles C. West.
Consumers Power.	John A. Kling.
Diamond Alkali.	Peter Reiss.
Joseph S. Young.	Nicolet.
J. F. Schoellkopf, Jr.	Hennepin.
Fred A. Manske.	McKee Sons.

Interested parties may inspect this application in the Office of the Secretary, Maritime Administration, Department of Commerce Building, 14th and E Streets NW., Washington, D.C. 20235.

Any person, firm, or corporation having any interest (within the meaning of section 805(a)) in such application and desiring to be heard on issues pertinent to section 805(a) or desiring to submit comments or views concerning the application must by close of business on April 10, 1973, file same with the Maritime Administration, in writing, in triplicate, together with petition for leave to intervene which shall state clearly and concisely the grounds of interest and the alleged facts relied on for relief.

If no petitions for leave to intervene are received within the specified time or if it is determined that petitions filed do not demonstrate sufficient interest to warrant a hearing, the Maritime Administration will take such action as may be deemed appropriate.

In the event petitions regarding the relevant section 805(a) issues are received from parties with standing to be heard, a hearing has been tentatively scheduled for 10 a.m. on April 12, 1973, in Room 4896, Department of Commerce Building, 14th and E Streets NW., Washington, D.C. 20235. The purpose of the hearing will be to receive evidence under section 805(a) relative to whether the proposed operation (a) could result in unfair competition to any person, firm, or corporation operating exclusively in the coastwise or intercoastal services, or (b) would be prejudicial to the objects and policy of the Act relative to domestic trade operations.

By order of the Maritime Administration.

Dated: March 27, 1973.

JAMES S. DAWSON, Jr.,
Secretary.

[FR Doc.73-6192 Filed 3-29-73;8:45 am]

Social and Economic Statistics Administration

CENSUS ADVISORY COMMITTEE ON STATE AND LOCAL GOVERNMENTS STATISTICS

Notice of Meeting

The Census Advisory Committee on State and Local Government Statistics will convene on April 13, 1973, at 9:30 a.m. The Committee will meet in Room 2113, Federal Building 3, at the Bureau of the Census in Suitland, Md.

The Census Advisory Committee on State and Local Governments Statistics was established in October 1948 to advise the Director, Bureau of the Census, on planning current work and various censuses of Governments, and to advise on where the needs of users of the statistics could be served better.

The Committee is composed of 10 members appointed by the Secretary of Commerce, and five members appointed by the organization they represent.

The agenda for the meeting is: (1) Revenue Sharing Program, (2) discussion of current surveys, and (3) status of the 1972 Census of Governments.

A limited number of seats—approximately 15—will be available to the public. A brief period will be set aside for public comment and questions. Extensive questions or statements must be

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submitted in writing to the Committee Guidance and Control Officer at least 3 days prior to the meeting.

Persons planning to attend and wishing additional information concerning this meeting should contact Mr. Curtis Hill, Division Chief, Governments Division, Bureau of the Census, Federal Building 3, Suitland, Md. (Mail address: Washington, D.C. Telephone 301–763–5203.)

Dated: March 26, 1973.

JOSEPH R. WRIGHT, Jr.,
Acting Administrator, Social and Economic Statistics Administration.

[FR Doc.73–6121 Filed 3–29–73;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[DESI's 5378, 5504; Dockets Nos. FDC–D–582, FDC–D–587; NDA's 9–946, etc., 5–674, 5–757]

AMPHETAMINES FOR HUMAN USE

Notice of Withdrawal of Approval of New Drug Applications

In the FEDERAL REGISTER of February 12, 1973 (38 FR 4249), the Commissioner of Food and Drugs revised § 130.46 of Part 130, Subpart A concerning amphetamines (amphetamine, dextroamphetamine, and their salts, and levamphetamine and its salts) for human use. That revision became effective March 14, 1973.

When published in the FEDERAL REGISTER on August 8, 1970 (35 FR 12652), § 130.46 permitted continued marketing of these amphetamines based upon receipt of a new drug application. In response to that regulation, 106 new drug applications were received and continued marketing of those products was permitted pending their detailed review in conjunction with a review of all anorectic drugs and consideration of any issues they presented.

Also published in the FEDERAL REGISTER on February 12, 1973 were notices of opportunity for a hearing to withdraw approval of all previously approved new drug applications providing for anorectic drugs in combination with other ingredients such as sedatives, tranquilizers, rauwolfia derivatives, or vitamins (38 FR 4279) and for parenteral methamphetamine hydrochloride (38 FR 4282). Thirty days were allowed for holders of the new drug applications or any interested person who manufactures or distributes a drug similar, related, or identical to a drug provided for in the approved new drug applications to file a written appearance requesting a hearing and giving the reasons why new drug application approval should not be withdrawn, together with a well-organized and full-factual analysis of the clinical and other investigational data they were prepared to prove in support of their opposition.

In accordance with the decision announced with the revision of § 130.46 published in the FEDERAL REGISTER of February 12, 1973 (38 FR 4249), each of the new drug applications providing for a combination anorectic drug for oral administration or for parenteral methamphetamine hydrochloride, whether submitted pursuant to § 130.46 or the subject of a previous approval, has been the subject of a notice of opportunity for hearing, either in a letter mailed to the firm or through notice in the FEDERAL REGISTER, or both.

Pursuant to those notices, requests for hearings have been received with respect to the following combination drugs:

NDA No.	Drug	NDA holder
11-522	Obetrol-10 and Obetrol-20 tablets, containing methamphetamine saccharate, methamphetamine hydrochloride, amphetamine sulfate, and dextroamphetamine sulfate.	Obetrol Pharmaceuticals, Division of Rexar Pharmacal Corp., 362 Schenck Ave., Brooklyn, NY 11207.
12-042	Eskatrol Spansules (sustained release capsules), containing dextroamphetamine sulfate and prochlorperazine (as the maleate).	Smith Kline & French Laboratories, 1500 Spring Garden St., Philadelphia, PA 19101.
12-570	Bamadex Semels (sustained release capsules), containing dextroamphetamine sulfate and meprobamate.	Lederle Laboratories Division, American Cyanamid, P.O. Box 500, Pearl River, NY 10965.
	Dexamyl Tablets, Dexamyl Elixir, Dexamyl Spansules (No. 1) (sustained release capsules), and Dexamyl Spansules (No. 2) (sustained release capsules), containing amobarbital and dextroamphetamine sulfate.	Smith Kline & French Laboratories.
	Delcobese Tablets, Delcobese Sustained Release Tablets, Delcobese Capsules, and Delcobese Sustained Release Capsules, containing dextroamphetamine sulfate, methamphetamine hydrochloride, methamphetamine adipate, and amphetamine sulfate.	Delco Chemical Co., Inc., 7 MacQuesten Parkway North, Mount Vernon, NY 10550.

The products specifically named above may continue to be marketed pending a ruling on the requests for hearing.

Also, pursuant to the notice of opportunity for hearing for parenteral methamphetamine hydrochloride proposing to withdraw approval on the grounds that the drug is not shown to be safe, a request for hearing was received from Merle Diment, M.D. pertaining to all such products. Included in the request were the writer's opinion concerning the effectiveness of parenteral amphetamines in improving the mental status and well being of patients in their toleration of, and recovery from, anesthetic procedures, and his statements taking exception to the Commissioner's conclusion that the well-documented history of abuse of this dosage form, the severe risk of dependence, and the availability of effective, alternative drugs constitute lack of proof of safety. The contentions of Dr. Diment have been considered and the Commissioner of Food and Drugs concludes that there is no genuine and substantial issue of fact requiring a hearing. No charge was made in the notice of opportunity for hearing that parenteral methamphetamine hydrochloride lacks substantial evidence of effectiveness; rather, the notice stated that such products were considered effective. However, the use for which Dr. Diment recommends continued availability of the drugs has not been approved in the new drug applications, and no substantial evidence to support such use accompanied the request. His comments concerning safety of the drug and espousing a principle that allows continued availability notwithstanding the known potential for misuse and abuse are testimonial at best and do not comprise adequate proof of safety. Thus, based on the information before him and a review of the statements made by Dr. Diment to support his contention that approval of the new drug applications should not be withdrawn, the Commissioner finds that there has been a failure to present adequate evidence of safety for parenteral methamphetamine hydrochloride and the request for a hearing is denied.

Comments were received from two physicians, Dr. William K. Hamilton, Professor and Chairman, Department of Anesthesia, School of Medicine, University of California, San Francisco, and Dr. Jack Moyers, Chief of Anesthesia, Professor and Head of Department of Anesthesia, University of Iowa, both objecting to the removal of a useful drug from the market because of its use and abuse for nontherapeutic purposes. No data accompanied the responses.

In response to the notices of opportunity for hearing published in the FEDERAL REGISTER of February 12, 1973 (38 FR 4279 and 4282), none of the holders of the following new drug applications named in those notices have filed a written appearance of election as provided by said notice. The failure to file such an appearance constitutes an election by such persons not to avail themselves of the opportunity for a hearing:

NDA No.	Drug	NDA holder
9-946	Du-Oria tablets, containing methamphetamine hydrochloride and reserpine.	Formerly marketed by B. F. Ascher & Co., Inc., P.O. Box 827, Kansas City, MO 64130.
10-207	Dexerpine "5" tablets, containing dextroamphetamine sulfate and reserpine.	Formerly marketed by Nysco Laboratories, Inc., 34-24 Vernon Boulevard, Long Island City, NY 11106.
11-280	Bamadex tablets, containing dextroamphetamine sulfate and meprobamate.	Lederle Laboratories Division, American Cyanamid Co., P.O. Box 500, Pearl River, NY 10965.
11-538	Biphetamine-T "1234" capsules and Biphetamine-T "20" capsules, containing dextroamphetamine, amphetamine, and methaqualone, all as cation-exchange resin complexes of sulfonated polystyrene.	Strasenburgh Pharmaceutical, Division Pennwalt Corp., 755 Jefferson Rd., Rochester, NY 14623.
12-127	Appetrol tablets, containing dextroamphetamine sulfate and meprobamate.	Wallace Pharmaceuticals, Division of Carter-Wallace, Inc., Half Acre Rd., Cranbury, NJ 08512.
12-371	Preiu-Vite capsules, containing phenmetrazine hydrochloride, vitamin A, vitamin D, thiamine mononitrate, riboflavin, niacinamide, calcium pantothenate, pyridoxine hydrochloride, cobalamin concentrate, ascorbic acid, iron, calcium, phosphorus, iodine, and copper.	Formerly marketed by Geigy Pharmaceuticals, Division of Ciba Geigy Co., Saw Mill River Rd., Ardsley, NY 10502.
12-415	Delfeta-sed Sustytabs (sustained release tablets), containing dl-methamphetamine hydrochloride and amobarbital.	Eastern Research Laboratories Inc., 302 South Central Ave., Baltimore, MD 21202.
12-624	Appetrol-S.R. (sustained release capsules), containing dextroamphetamine sulfate and meprobamate.	Wallace Pharmaceuticals.
5-674	Methedrine Injection, containing methamphetamine hydrochloride.	Formerly marketed by Burroughs Wellcome & Co., Inc., 3030 Cornwallis Rd., Research Triangle Park, NC 27709.
5-757	Drinalfa Injection, containing methamphetamine hydrochloride.	E. R. Squibb & Sons, Georges Rd., New Brunswick, NJ 08903.

All identical, related, or similar products, not the subject of an approved new drug application, are covered by the new drug applications reviewed and are subject to this notice. See 21 CFR 130.40 (37 FR 23185, Oct. 31, 1972). Any person who wishes to determine whether a specific product is covered by this notice should write to the Food and Drug Administration, Bureau of Drugs, Office of Compliance (BD–300), 5600 Fishers Lane, Rockville, MD 20852.

The Commissioner of Food and Drugs, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 505, 52 Stat. 1053, as amended; 21 U.S.C. 355), and the Administrative Procedure Act (5 U.S.C. 554), and under authority delegated to him (21 CFR 2.120) finds on the basis of new information before him, evaluated together with the evidence available to him at time of approval of the applications that, with respect to the above-listed combination preparations for which no hearing was requested: (1) there is a lack of substantial evidence that the drugs will have all the effects they purport or are represented to have; and (2) the drugs are not shown to be safe for use under the conditions of use prescribed, recommended, or suggested in their labeling; and with respect to the parenteral drug products containing methamphetamine hydrochloride, such products are not shown to be safe for use under the conditions of use prescribed, recommended, or suggested in their labeling.

Therefore, pursuant to foregoing findings, approval of the above new drug applications (except for those for which a request for hearing was received), and all amendments and supplements applying thereto is withdrawn effective on March 30, 1973. Shipment in interstate commerce of any combination drug product other than those few listed above that may continue to be marketed pending a ruling on the request for a hearing, or of any parenteral amphetamine product (e.g., amphetamine, dextroamphetamine, levamphetamine, or methamphetamine) is henceforth unlawful.

Dated: March 28, 1973.

WILLIAM F. RANDOLF,
Acting Associate Commissioner for Compliance.

[FR Doc.73–6230 Filed 3–29–73;8:45 am]

[FAP 3B 2881]

EMERY INDUSTRIES, INC.

Filing of Petition for Food Additive

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348 (b)(5)), notice is given that a petition (FAP 3B 2881) has been filed by Emery Industries, Inc., 4900 Este Avenue, Cincinnati, OH 45232, proposing that § 121.–2562 Rubber articles intended for repeated use (21 CFR 121.2562) be amended to provide for the safe use of di(2-ethylhexyl) azelate as a plasticizer in rubber articles intended for repeated use in producing, manufacturing, packing, processing, preparing, treating, packaging, transporting, or holding food.

Dated: March 22, 1973.

VIRGIL O. WODICKA,
Director, Bureau of Foods.

[FR Doc.73–6134 Filed 3–29–73;8:45 am]

[FAP 3B2889]

SHELL CHEMICAL CO.

Filing of Petition for Food Additive

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition (FAP 3B2889) has been filed by Shell Chemical Co., 1700 K Street NW., Washington, DC 20006, proposing that § 121.2622 Styrene block polymers with 1,3-butadiene (21 CFR 121.2622) be amended to provide for the safe use of styrene block polymers with 2-methyl-1,3-butadiene as articles or components of articles intended to contact food.

Dated: March 22, 1973.

VIRGIL O. WODICKA,
Director, Bureau of Foods

[FR Doc.73–6133 Filed 3–29–73;8:45 am]

NATIONAL ADVISORY COMMITTEES

Notice of Meetings

The Acting Administrator, Health Services and Mental Health Administration, announces the meeting dates and other required information for the following National Advisory bodies scheduled to assemble during the month of April 1973:

Committee name	Date, time, place	Type of meeting and/or contact person
National Migrant Health Advisory Committee.	Apr. 11–13, 9 a.m., Parklawn Bldg., Conference Room L, 5600 Fishers Lane, Rockville, Md.	Open—Contact Billy M. Sandlin, Parklawn Bldg., Room 9–37, 5600 Fishers Lane, Rockville, Md. Code: 301–443–2256.

Purpose: The committee is charged with advising the Administrator on national policies and priorities; program guidelines, standards, and evaluation techniques; and other crucial issues relating to the migrant health program.

Agenda: The committee will consider the program's legislative authority, hospitalization policy, and new models of care for migrant and seasonal farmworkers.

Committee name	Date, time, place	Type of meeting and/or contact person
Long Term Care for the Elderly Research Review and Advisory Committee.	Apr. 23–24; 9 a.m., Parklawn Bldg., Conference Room G, 5600 Fishers Lane, Rockville, Md.	Closed—Contact Elliott Lesser, Parklawn Bldg., Room 15–25, 5600 Fishers Lane, Rockville, Md. Code 301–443–2950

Purpose: The committee is charged with the review of research grant applications for Federal assistance in the program areas administered by the National Center for Health Services Research and Development relating to research on long-term care, including research approaches for studying and improving the delivery of care in nursing homes and other long-term care facilities and for identifying alternatives to institutional care.

Agenda: The committee will be performing review of grant applications for Federal assistance and will not be open to the public, in accordance with the determination by the Acting Administrator, Health Services and Mental Health Administration, pursuant to Public Law 92–463, section 10(d).

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Committee name	Date, time, place	Type of meeting and/or contact person
Loan Guarantee Programs in Health Advisory Committee.	Apr. 26, 9 a.m., New York Room, Statler-Hilton Hotel, 16th and K Sts. NW., Washington, D.C.	Open—Contact Rosemary J. Jackson, Parklawn Bldg., Room 9-06, 5600 Fishers Lane, Rockville, Md. Code 301-443-1920.

Purpose: The major objective of this committee is to advise the Administrator, Health Services and Mental Health Administration, on developing marketing procedures, pricing estimation and practices for Department of Health, Education, and Welfare issues, federally backed securities and various alternatives available in the administration of the loan program vis-a-vis the private financial community.

Agenda: The committee will advise on implementation of the provisions of Title II, Public Law 91-296, "Loan Guarantee and Loans for Modernization and Construction of Hospitals and Other Medical Facilities."

Committee name	Date, time, place	Type of meeting and/or contact person
Health Services Developmental Grants Study Section.	Apr. 26-27, 8:30 a.m., Parklawn Bldg., Conference Room C, 5600 Fishers Lane, Rockville, Md.	Closed—Contact David McHall, Parklawn Bldg., Room 15-29, 5600 Fishers Lane, Rockville, Md. Code 301-443-2380.

Purpose: The study section is charged with the initial review of developmental grant applications for Federal assistance in the program areas administered by the National Center for Health Services Research and Development.

Agenda: The study section will be performing initial review of grant applications for Federal assistance and will not be open to the public, in accordance with the determination by the Acting Administrator, Health Services and Mental Health Administration, pursuant to Public Law 92-463, section 10(d).

Agenda items are subject to change as priorities dictate.

A roster of members and other relevant information regarding open sessions may be obtained from the contact persons listed above.

Dated: March 22, 1973.

ANDREW J. CARDINAL,
Acting Associate Administrator for Management, Health Services and Mental Health Administration.

[FR Doc 73-6017 Filed 3-29-73;8:45 am]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. N-73-144]

ASSISTANT SECRETARY FOR LEGISLATIVE AFFAIRS

Notice of Assistant Secretaryship and Establishment

There has been established in the Department of Housing and Urban Development the Office of Assistant Secretary for Legislative Affairs.

The Assistant Secretary for Legislative Affairs is authorized to exercise the power and authority of the Secretary with respect to legislative affairs and congressional relations. The Assistant Secretary for Legislative Affairs shall perform all duties and functions heretofore performed by the Assistant to the Secretary for Congressional Relations.

(Sec. 7(d), Department of HUD Act; 42 U.S.C. 3535(d))

Effective date. This notice shall be effective March 7, 1973.

JAMES T. LYNN,
Secretary of Housing and Urban Development.

[FR Doc 73-6193 Filed 3-29-73;8:45 am]

[Docket No. N-73-146]

OFFICE OF DEPUTY UNDER SECRETARY FOR FIELD OPERATIONS

Notice of Deputy Under Secretaryship and Establishment

There has been established within the Immediate Office of the Secretary of Housing and Urban Development the Office of Deputy Under Secretary for Field Operations. The Deputy Under Secretary for Field Operations shall be responsible for overseeing general headquarters—field relationships of the Department, for assuring coordination and consistency of the Department's field activities and for assisting in the continual improvement of the Department's field office operations.

(Sec. 7(d), Department of HUD Act; 42 U.S.C. 3535(d))

Effective date. This notice shall be effective March 9, 1973.

JAMES T. LYNN,
Secretary of Housing and Urban Development.

[FR Doc 73-6194 Filed 3-29-73;8:45 am]

ATOMIC ENERGY COMMISSION

SPECIAL NUCLEAR MATERIAL

Modification of Leasing Policy

The Atomic Energy Commission hereby gives notice that effective June 30, 1973, it will modify its policy of leasing special nuclear material to both domestic and foreign customers. No special nuclear material will thereafter be furnished on a lease basis except as hereinafter provided.

As exceptions to the foregoing policy, leasing of special nuclear material will be permitted in the following situations:

1. For use by certain domestic lessees participating in the power demonstration program who are exempt from the statutory prohibitions on leasing for power reactor use;

2. To further AEC's programmatic objectives when such objectives can best be achieved through lease arrangements;

3. In the supply of relatively scarce material which, because of its scarcity or unique properties, the AEC desires to have returned for subsequent use;

4. For use by other Government agencies.

Existing leases (other than those with section 103 and section 104b licensees) may, at the lessee's option, be extended to December 31, 1974, by which date the lessee must obtain title to the material through an in-situ enriching services arrangement, direct purchase or other mechanism, or return the material in accordance with the provisions of the lease.

Dated at Germantown, Md., this 26th day of March 1973.

PAUL C. BENDER,
Secretary of the Commission.

[FR Doc 73-6094 Filed 3-29-73;8:45 am]

[Docket No. 50-247]

CONSOLIDATED EDISON CO. OF NEW YORK, INC.

Order Changing Location of Evidentiary Hearing

Due to unavoidable circumstances, the location of the hearing scheduled for April 9, 1973, must be changed from Courtroom No. 24, U.S. District Court, Third and Constitution Avenue NW., Washington, D.C., to the first floor hearing room, Woodmont Building, 8120 Woodmont Avenue, Bethesda, MD.

Wherefore, it is ordered, And notice is hereby given, in accordance with the Atomic Energy Act, as amended, and the rules of practice of the Commission, that the location for the evidentiary hearing scheduled to convene at 9 a.m. on Monday, April 9, 1973, is the first floor hearing room, Woodmont Building, 8120 Woodmont Avenue, Bethesda, MD.

Issued: March 27, 1973, Germantown, Md.

ATOMIC SAFETY AND LICENSING BOARD,
SAMUEL W. JENSCH,
Chairman.

[FR Doc 73-6100 Filed 3-29-73;8:45 am]

[Docket No. 50-423]

MILLSTONE POINT CO., ET AL.

Receipt of Application for Construction Permit and Facility License and Availability of Applicants' Environmental Report; Time for Submission of Views on Antitrust Matters

The Millstone Point Co.; the Connecticut Light and Power Co.; the Hartford Electric Light Co.; Western Massachusetts Electric Co.; New England Power Co.; the United Illuminating Co.; Public Service Company of New Hampshire; Central Vermont Public Service Corp.; Vermont Electric Power Corp.; city of Burlington, Vt., Green Mountain Power Corp.; Montaup Electric Co.; Fitchburg Gas and Electric Light Co., Chicopee; Massachusetts Municipal Lighting Plant; town of South Hadley Electric Light Department, Westfield; Massachusetts Gas and Electric Light Department, Peabody; Massachusetts Municipal Light Plant, North Attleborough; Massachusetts Electric Department, Boylston; Massachusetts Municipal Lighting Plant, West Boylston; Massachusetts Municipal Lighting Plant, Wakefield; Massachusetts Municipal Light Department, Shrewsbury; Massachusetts Light Plant, Paxton; Massachusetts Municipal Light Department, Middleton; Massachusetts Municipal Light Department, Ashburnham; Massachusetts Municipal Lighting Plant, Templeton; Massachusetts Municipal Lighting Plant, and Marblehead; Massachusetts Municipal Light Department (the applicants), pursuant to section 103 of the Atomic Energy Act of 1954, as amended, have filed an application, which was docketed February 10, 1972, for authorization to construct and operate a pressurized water nuclear reactor at its site, located in the town of Waterford, New London County, Conn. The site consists of 500 acres of land, and is located on the north shore of Long Island Sound approximately 3 miles from New London, Conn., and 40 miles southeast of Hartford, Conn.

The proposed nuclear facility, designated by the applicants as Millstone Nuclear Power Station, Unit 3, is designed for initial operation at approximately 3,425 megawatts (thermal) with a net electrical output of approximately 1,156 megawatts.

Any person who wishes to have his views on the antitrust aspects of the application presented to the Attorney General for consideration shall submit such views to the Commission by May 22, 1973.

A copy of the application is available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, DC 20545, and at the Waterford Public Library, Rope Ferry Road, Route 156, Waterford, Conn. 06385.

The applicants have also filed, pursuant to the National Environmental Policy Act of 1969 and the regulations of the Commission in Appendix D to 10 CFR Part 50, a report entitled, "Environmental Report—Construction Permit Stage," dated February 7, 1973. The report has been made available for public inspection at the aforementioned locations. The report, which discusses environmental considerations related to the proposed construction of the Millstone Nuclear Power Station, Unit 3, is also being made available at the Office of State Planning, Department of Finance and Control, 340 Capitol Avenue, Hartford, CT 06115, and at the Southeastern Connecticut Regional Planning Agency, 139 Boswell Avenue, Norwich, CT 06360.

After the report has been analyzed by the Commission's Director of Regulation or his designee, a draft environmental statement related to the proposed action will be prepared by the Commission. Upon preparation of the draft environmental statement, the Commission will, among other things, cause to be published in the FEDERAL REGISTER a summary notice of availability of the draft statement. The summary notice will request comments from interested persons on the proposed action and on the draft statement. The summary notice will also contain a statement to the effect that comments of Federal agencies and State and local officials thereon will be made available when received.

Dated at Bethesda, Md., this 15th day of March 1973.

For the Atomic Energy Commission.

D. B. VASSALLO,
Chief, Pressurized Water Reactors Branch No. 1 Directorate of Licensing.

[FR Doc 73-5659 Filed 3-22-73;8:45 am]

[Dockets Nos. 50-352, 50-353]

PHILADELPHIA ELECTRIC CO.

Supplementary Notice of Hearing on Application for Construction Permits

On December 3, 1971, a notice of hearing on Application for Construction Permits was published by the Atomic Energy Commission (the Commission) in the FEDERAL REGISTER (36 FR 23087) in the captioned proceeding. That notice indicated that an Atomic Safety and Licensing Board (Board) would be designated by the Commission to conduct the hearing, specified the issues to be determined by the Board, provided an opportunity to intervene with respect to the issues specified in such notice to persons whose interests may be affected by the proceeding, and provided an opportunity to make limited appearances to other persons who wished to make a statement in the proceeding but who did not wish to intervene. That notice also indicated that the Commission would give further public notice regarding hearing consideration of the matters covered by the Commission's regulations in 10 CFR Part 50, Appendix D, "Implementation of the National Environmental Policy Act of 1969".

Notice is hereby given, pursuant to 10 CFR Part 2, rules of practice, and Appendix D of 10 CFR Part 50, "Licensing of Production and Utilization Facilities," that in the conduct of the captioned proceeding, the Atomic Safety and Licensing Board will, in addition to considering and determining the issues pertaining to radiological health and safety and the common defense and security specified for hearing in the notice of hearing in this proceeding published on December 3, 1971, consider and make determinations, pursuant to the National Environmental Policy Act of 1969, on the following issue:

Whether, in accordance with the requirements of Appendix D of 10 CFR Part 50, the construction permits should be issued as proposed.

In the event that this proceeding is not a contested proceeding, as defined by 10 CFR 2.4(n), the Board will determine whether the review conducted by the Commission pursuant to NEPA has been adequate. In the event that this proceeding is not contested, the Board will convene a prehearing conference of the parties within sixty (60) days after this notice of hearing or such time as may be appropriate, at a time and place to be set by the Board. It will also set the schedule for the evidentiary hearing on the issue covered by this supplementary notice. Notice of the prehearing conference and the hearing will be published in the FEDERAL REGISTER.

In the event that this proceeding is or becomes a contested proceeding, the Board will consider and decide, as issues in this proceeding, the issue above as a basis for determining whether the construction permits should be issued to the applicant.

The Board will convene a special prehearing conference of the parties to the proceeding and persons who have filed petitions for leave to intervene, with respect to said issue, or their counsel, to be held on or before May 29, 1973, or within such other time as may be appropriate, at a place to be set by the Board for the purpose of dealing with the matters specified in 10 CFR 2.751a.

The Board will convene a prehearing conference of the parties, or their counsel, to be held subsequent to any special prehearing conference and within sixty (60) days after discovery has been completed, or within such other time as may be appropriate, at a place to be set by the Board for the purpose of dealing with the matters specified in 10 CFR 2.752.

Notices of the dates and places of the special prehearing conference, the prehearing conference and the hearing will be published in the FEDERAL REGISTER.

With respect to the Commission's responsibilities under NEPA, and regardless of whether the proceeding is contested or uncontested, the Board will, in accordance with section A.11 of Appendix D of 10 CFR Part 50, (1) determine whether the requirements of section 102 (2) (C) and (D) of NEPA and Appendix D of 10 CFR Part 50 have been complied

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with in this proceeding; (2) independently consider the final balance among conflicting factors contained in the record of the proceeding with a view to determining the appropriate action to be taken; and (3) determine whether the construction permits should be issued, denied, or appropriately conditioned to protect environmental values.

This supplementary notice does not affect the status of any person previously admitted as a party to this proceeding with respect to, or provide an additional opportunity to any person to intervene on the basis of, or to raise matters encompassed within, the issues pertaining to radiological health and safety and the common defense and security specified for hearing in the above-referenced notice of hearing published December 3, 1971.

For further details, see the applicant's Environmental Report (Revised) dated May 1972 and Supplements 1 and 2 thereto dated August 11 and September 18, 1972, respectively, and the AEC Draft Environmental Statement dated December 1972, which are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, DC 20545, between the hours of 8:30 a.m. and 5 p.m. on weekdays. Copies of these documents are also available at the Pottstown Public Library, 500 High Street, Pottstown, PA 19464, for inspection by members of the public between the hours of 10 a.m. and 9 p.m. Monday through Friday and 10 a.m. and 5 p.m. on Saturday. Transcripts of the prehearing conferences and of the hearing are also available at the above locations. As they become available, a copy of the Commission's final environmental statement and other relevant documents will also be available at the above locations. Copies of the Commission's final environmental statement may be obtained, when available, by request to the Deputy Director for Reactor Projects, Directorate of Licensing, U.S. Atomic Energy Commission, Washington, D.C. 20545.

Any person who does not wish to, or is not qualified to become a party to this proceeding may request permission to make a limited appearance pursuant to the provisions of 10 CFR 2.715. A person making a limited appearance may only make an oral or written statement on the record, and may not participate in the proceeding in any other way. Limited appearances will be permitted at the time of the hearing in the discretion of the Board, within such limits and on such conditions as may be fixed by the Board. Persons desiring to make a limited appearance are requested to inform the Secretary of the Commission, U.S. Atomic Energy Commission, Washington, D.C. 20545, not later than April 29, 1973.

A person permitted to make a limited appearance does not become a party, but may state his position and raise questions which he would like to have answered to the extent that the questions are within the scope of the hearing as specified in the issues set out above.

Any person whose interest may be affected by the proceeding, who does not wish to make a limited appearance and who wishes to participate as a party in the proceeding with respect to the issue set forth in this notice must file a written petition under oath or affirmation for leave to intervene in accordance with the provisions of 10 CFR 2.714.

A petition for leave to intervene shall set forth the interest of the petitioner in the proceeding, how that interest may be affected by the results of the proceeding, and any other contentions of the petitioner including the facts and reasons why he should be permitted to intervene, with particular reference to the following factors: (1) The nature of the petitioner's right under the Act to be made a party to the proceeding; (2) the nature and extent of the petitioner's property, financial, or other interest in the proceeding; and (3) the possible effect of any order which may be entered in the proceeding on the petitioner's interest. Any such petition shall be accompanied by a supporting affidavit identifying the specific aspect or aspects of the subject matter of the proceeding as to which the petitioner wishes to intervene and setting forth with particularity both the facts pertaining to his interest and the basis for his contentions with regard to each aspect on which he desires to intervene. A petition that sets forth contentions relating only to matters outside the jurisdiction of the Commission will be denied.

A petition for leave to intervene must be filed with the Office of the Secretary of the Commission, U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Chief, Public Proceedings Staff, or the Commission's Public Document Room, 1717 H Street NW., Washington, DC, not later than April 29, 1973. A petition for leave to intervene which is not timely will not be granted unless the Board determines that the petitioner has made a substantial showing of good cause for failure to file on time and after the Board has considered those factors specified in 10 CFR 2.714(a)(1)–(4) and 2.714(d).

Those permitted to intervene become parties to the proceeding, subject to any limitations in the order granting leave to intervene and have all the rights of the applicant to participate fully in the conduct of the hearing, such as the examination and cross-examination of witnesses, with respect to their contentions related to the matters at issue in the proceeding.

The presiding Board has previously admitted certain parties as intervenors to this proceeding with respect to the issues set forth in the notice of hearing published December 3, 1971. Such persons need not again specify contentions relating to their interest and right to be made a party to the proceeding, but shall set forth their other contentions in the same manner and with the same particularity as is required for other persons filing a petition for leave to intervene in accordance with this supplementary notice. Such contentions shall be filed within the time period provided by this supplementary notice for the filing of a petition for leave to intervene.

An answer to this notice, pursuant to the provisions of 10 CFR 2.705, must be filed by the applicant not later than April 19, 1973.

Papers required to be filed in the proceeding may be filed by mail or telegram addressed to the Secretary of the Commission, U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Chief, Public Proceedings Staff, or may be filed by delivery to the Commission's Public Document Room, 1717 H Street NW., Washington, DC. A copy of the petition or request for a limited appearance should also be sent to the Chief Hearing Counsel, Office of the General Counsel, U.S. Atomic Energy Commission, Washington, D.C. 20545, and to Troy B. Conner, Esq., Conner & Knotts, 1701 K Street NW., Washington, DC 20006, attorney for the applicant.

Pending further order of the Board, parties are required to file, pursuant to the provisions of 10 CFR 2.708, an original and twenty (20) conformed copies of each such paper with the Commission.

Dated at Germantown, Md., this 27th day of March 1973.

UNITED STATES ATOMIC ENERGY COMMISSION,
PAUL C. BENDER,
Secretary of the Commission.

[FR Doc.73-6268 Filed 3-29-73;8:45 am]

[Dockets Nos. 50-354, 50-355]

PUBLIC SERVICE ELECTRIC & GAS CO.

Supplementary Notice of Hearing on Application for Construction Permits

On December 7, 1971, a notice of hearing on application for construction permits was published by the Atomic Energy Commission (the Commission) in the FEDERAL REGISTER (36 FR 23266), in the captioned proceeding. That notice indicated that an Atomic Safety and Licensing Board (Board) would be designated by the Commission to conduct the hearing, specified the issues to be determined by the Board, provided an opportunity to intervene with respect to the issues specified in such notice to persons whose interests may be affected by the proceeding, and provided an opportunity to make limited appearances to other persons who wished to make a statement in the proceeding but who did not wish to intervene. That notice also indicated that the Commission would give further public notice regarding hearing consideration of the matters covered by the Commission's regulations in 10 CFR Part 50, Appendix D, "Implementation of the National Environmental Policy Act of 1969."

Notice is hereby given, pursuant to 10 CFR Part 2, rules of practice, and appendix D of 10 CFR Part 50, "Licensing of Production and Utilization Facilities," that in the conduct of the captioned proceeding, the Atomic Safety and Licensing Board will, in addition to considering and

determining the issues pertaining to radiological health and safety and the common defense and security specified for hearing in the notice of hearing in this proceeding published on December 7, 1971, consider and make determinations, pursuant to the National Environmental Policy Act of 1969, on the following issue:

Whether, in accordance with the requirements of Appendix D of 10 CFR Part 50, the construction permits should be issued as proposed.

In the event that this proceeding is not a contested proceeding, as defined by 10 CFR 2.4(n), the Board will determine whether the review conducted by the Commission pursuant to NEPA has been adequate. In the event that this proceeding is not contested, the Board will convene a prehearing conference of the parties within sixty (60) days after this notice of hearing or such time as may be appropriate, at a time and place to be set by the Board. It will also set the schedule for the evidentiary hearing on the issue covered by this supplementary notice. Notice of the prehearing conference and the hearing will be published in the FEDERAL REGISTER.

In the event that this proceeding is or becomes a contested proceeding, the Board will consider and decide, as issues in this proceeding, the issue above as a basis for determining whether the construction permits should be issued to the applicant.

The Board will convene a special prehearing conference of the parties to the proceeding and persons who have filed petitions for leave to intervene, with respect to said issue, or their counsel, to be held on or before May 29, 1973, or within such other time as may be appropriate, at a place to be set by the Board for the purpose of dealing with the matters specified in 10 CFR 2.751a.

The Board will convene a prehearing conference of the parties, or their counsel, to be held subsequent to any special prehearing conference and within sixty (60) days after discovery has been completed, or within such other time as may be appropriate, at a place to be set by the Board for the purpose of dealing with the matters specified in 10 CFR 2.752.

Notices of the dates and places of the special prehearing conference, the prehearing conference and the hearing will be published in the FEDERAL REGISTER.

With respect to the Commission's responsibilities under NEPA, and regardless of whether the proceeding is contested or uncontested, the Board will, in accordance with section A.11 of Appendix D of 10 CFR Part 50, (1) determine whether the requirements of section 102(2) (C) and (D) of NEPA and Appendix D of 10 CFR Part 50 have been complied with in this proceeding; (2) independently consider the final balance among conflicting factors contained in the record of the proceeding with a view to determining the appropriate action to be taken; and (3) determine whether the construction permits should be issued, denied, or appropriately conditioned to protect environmental values.

This supplementary notice does not affect the status of any person previously admitted as a party to this proceeding with respect to, or provide an additional opportunity to any person to intervene on the basis of, or to raise matters ecompassed within, the issues pertaining to radiological health and safety and the common defense and security specified for hearing in the above-referenced notice of hearing published December 7, 1971.

For further details, see the applicant's environmental report, dated March 1971, as amended, and the Commission's draft environmental statement, dated December 1972, which are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, DC 20545, between the hours of 8:30 a.m. and 5 p.m. on weekdays. Copies of these documents are also available at the Trenton Free Public Library, 120 Academy Street, Trenton, NJ 08608, for inspection by members of the public between the hours of 9 a.m. and 9 p.m. Monday through Friday and 9 a.m. and 6 p.m. on Saturday As they become available, copies of the Commission's final environmental statement and other relevant documents will also be available at the above locations. Transcripts of the prehearing conferences and of the hearing are also available at the above locations. Copies of the Commission's final environmental statement may be obtained, when available, by request to the Deputy Director for Reactor Projects, Directorate of Licensing, U.S. Atomic Energy Commission, Washington, D.C. 20545.

Any person who does not wish to, or is not qualified to become a party to this proceeding may request permission to make a limited appearance pursuant to the provisions of 10 CFR 2.715. A person making a limited appearance may only make an oral or written statement on the record, and may not participate in the proceeding in any other way. Limited appearances will be permitted at the time of the hearing in the discretion of the Board, within such limits and on such conditions as may be fixed by the Board. Persons desiring to make a limited appearance are requested to inform the Secretary of the Commission, U.S. Atomic Energy Commission, Washington, D.C. 20545, not later than April 29, 1973.

A person permitted to make a limited appearance does not become a party, but may state his position and raise questions which he would like to have answered to the extent that the questions are within the scope of the hearing as specified in the issues set out above.

Any person whose interest may be affected by the proceeding, who does not wish to make a limited appearance and who wishes to participate as a party in the proceeding with respect to the issue set forth in this notice must file a written petition under oath or affirmation for leave to intervene in accordance with the provisions of 10 CFR 2.714.

A petition for leave to intervene shall set forth the interest of the petitioner in the proceeding, how that interest may be affected by the results of the proceeding, and any other contentions of the petitioner including the facts and reasons why he should be permitted to intervene, with particular reference to the following factors: (1) The nature of the petitioner's right under the Act to be made a party to the proceeding; (2) the nature and extent of the petitioner's property, financial, or other interest in the proceeding; and (3) the possible effect of any order which may be entered in the proceeding on the petitioner's interest. Any such petition shall be accompanied by a supporting affidavit identifying the specific aspect or aspects of the subject matter of the proceeding as to which the petitioner wishes to intervene and setting forth with particularity both the facts pertaining to his interest and the basis for his contentions with regard to each aspect on which he desires to intervene. A petition that sets forth contentions relating only to matters outside the jurisdiction of the Commission will be denied.

A petition for leave to intervene must be filed with the office of the Secretary of the Commission, U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Chief, Public Proceedings Staff, or the Commission's Public Document Room, 1717 H Street NW., Washington, DC 20545, not later than April 29, 1973. A petition for leave to intervene which is not timely will not be granted unless the Board determines that the petitioner has made a substantial showing of good cause for failure to file on time and after the Board has considered those factors specified in 10 CFR 2.714 (a)(1)–(4) and 2.714(d).

Those permitted to intervene become parties to the proceeding, subject to any limitations in the order granting leave to intervene and have all the rights of the applicant to participate fully in the conduct of the hearing, such as the examination and cross-examination of witnesses, with respect to their contentions related to the matters at issue in the proceeding.

The presiding Board has previously admitted certain parties as intervenors to this proceeding with respect to the issues set forth in the notice of hearing published December 7, 1971. Such persons need not again specify contentions relating to their interest and right to be made a party to the proceeding, but shall set forth their other contentions in the same manner and with the same particularity as is required for other persons filing a petition for leave to intervene in accordance with this supplementary notice. Such contentions shall be filed within the time period provided by this supplementary notice for the filing of a petition for leave to intervene.

An answer to this notice, pursuant to the provisions of 10 CFR 2.705, must be filed by the applicant not later than April 19, 1973.

Papers required to be filed in this proceeding may be filed by mail or telegram addressed to the Secretary of the Commission, U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention:

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Chief, Public Proceedings Staff, or may be filed by delivery to the Commission's Public Document Room, 1717 H Street NW., Washington, DC. A copy of the petition or request for limited appearance should also be sent to the Chief Hearing Counsel, Office of the General Counsel, U.S. Atomic Energy Commission, Washington, D.C. 20545, and to Troy B. Conner Jr., Esq., Conner & Knotts, 1701 K Street NW., Washington, DC 20006, attorney for the applicant.

Pending further order of the Board, parties are required to file, pursuant to the provisions of 10 CFR 2.708, an original and twenty (20) conformed copies of each such paper with the Commission.

Dated at Germantown, Md., this 27th day of March 1973.

UNITED STATES ATOMIC ENERGY COMMISSION,
PAUL C. BENDER,
Secretary of the Commission.

[FR Doc.73-6269 Filed 3-29-73;8:45 am]

[Docket No. 50-406]

TUSKEGEE INSTITUTE

Issuance of Construction Permit

No request for a hearing or petition for leave to intervene having been filed following publication of the notice of proposed action in the FEDERAL REGISTER on February 14, 1973 (38 FR 4430), the Atomic Energy Commission (the Commission) has issued Construction Permit No. CPRR-117 to the Tuskegee Institute as proposed in that notice, except that the earliest and latest dates for completion of the construction of the reactor have been changed from March 15, 1973, and June 15, 1973, to June 15, 1973, and October 15, 1973, respectively. The construction permit authorizes Tuskegee Institute to receive, possess, transport, and construct the AGN-201 (Serial No. 102) nuclear research reactor on its campus in Tuskegee, Ala., for subsequent operation at power levels up to 100 milliwatts for teaching and training purposes, in accordance with Tuskegee's application dated March 14, 1972, as supplemented. The permit also authorizes Tuskegee to receive, transport, and store up to 700 grams of contained uranium 235 and the small quantity of byproduct material contained in the reactor components that are being transferred from the Oklahoma State University.

The Commission has found that the application for the construction permit complies with the requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's regulations published in 10 CFR Chapter I. The Commission has made the remainder of the findings required by the Act and the Commission's regulations, which are set forth in the construction permit, and has concluded that the issuance of the construction permit will not be inimical to the common defense and security or to the health and safety of the public. The Tuskegee Institute is executing an indemnity agreement which satisfies the requirements of section 170 of the Act and 10 CFR Part 140 of the Commission's regulations.

A copy of the construction permit and a copy of the Safety Evaluation dated February 2, 1973, are available for inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, DC, or may be obtained upon request sent to the U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Deputy Director for Reactor Projects, Directorate of Licensing.

Dated at Bethesda, Md., this 23d day of March 1973.

For the Atomic Energy Commission.

DENNIS L. ZIEMANN,
Chief, Operating Reactors Branch No. 2 Directorate of Licensing.

[FR Doc.73-6108 Filed 3-29-73;8:45 am]

CIVIL AERONAUTICS BOARD

[Docket No. 23333; Order 73-3-99]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Order Regarding Reduced Fares for Cargo Sales Agents

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 26th day of March 1973.

An agreement has been filed with the Board pursuant to section 412(a) of the Federal Aviation Act of 1958 (the Act) and Part 261 of the Board's Economic Regulations between various air carriers, foreign air carriers, and other carriers embodied in the resolutions of the Traffic Conferences of the International Air Transport Association (IATA). The agreement was adopted for March 1, 1973, effectiveness pursuant to the fourth meeting of the Cargo Agency Committee held November 28-30, 1972, in Montreal.

The agreement would revise the basis upon which reduced fare concessions for U.S.-based cargo sales agents are allocated. The general effect is to establish an incentive program geared to productivity in place of the present allocation of a fixed number of tickets to each agency location.

The current resolution permits each IATA—approved agency location two tickets annually, at a 75 percent reduction from the applicable fare. Under the new proposal, each agency registered in a particular country is entitled to a total of two such tickets, regardless of the number of locations it operates. The productivity provision would allot two additional tickets, at a 50 percent discount of the applicable first-class or normal economy fare, for each 100 percent (or fraction thereof) by which an agent's total international sales[1] exceed the annual average for the country of registration.[2] The maximum annual allowance of these tickets would be set at 40.

Trans World Airlines, Inc. (TWA), has filed comments in support of the agreement, and claims that the new program represents a significant improvement over the present system. TWA alleges that allocation of reduced-fare tickets by agency location is obsolete since IATA now registers its agents by country rather than individual location, and that in any event the number of locations is not a reliable index of growth and progress in aircargo sales. It is contended that sales volume is more directly related to the agents' bona fide travel requirements since it is a reliable index of productivity. TWA further alleges a need for prompt action since the current agreement is scheduled to expire March 31, 1973.

The matter of reduced fares for cargo agents has historically been one of considerable controversy, and the present proposal may be expected to provoke substantial comment from interested persons. The Board has repeatedly expressed its opinion that any system of reduced-fare concessions for cargo agents should be directly related to the legitimate business requirements of each agent.[3] However, it is unclear to what extent the subject agreement would accomplish this objective, and we are unable to determine, from the information now available, what the practical effect would be on the number of reduced-fare tickets available to individual agents or to the cargo agency industry as a whole. We will, therefore, require that each air carrier party to the agreement submit data relating to the number of reduced-fare tickets issued under the existing system in 1972, and an estimate of the number of such tickets which would have been issued had the new method of allocation been in effect.

For these reasons, and in view of the need for prompt disposition of the agreement, we will provide a 30-day period for the receipt of comments and supporting data in support of or in opposition to the agreement. In view of the fact that the current agreement will expire March 31, we would not oppose extension of the present system pending final action on the subject agreement.

The Board, acting pursuant to sections 102, 204(a), and 412 of the Act, finds that it would be in the public interest to defer action on Agreement CAB 23516, R-3, pending the receipt, within 30 days

[1] On IATA members' waybills only.

[2] Country averages, as well as each agent's allotment, are to be determined by the IATA Agency Administrator on the basis of annual reports already required of each agent under terms of the IATA Cargo Agency Agreement; $1 million would be used as the average for any country whose actual average exceeds that amount. Reports submitted in a given year would be used to calculate quotas for following year, i.e., reports covering 1971, required to be submitted by Mar. 1, 1972, would determine the allocations for 1973.

[3] See order 72-5-59 of May 15, 1972, and Order 72-1-52 of Jan. 17, 1972.

of the date of service of this order, of comments and supporting data in support of or in opposition to the agreement.

Accordingly, it is ordered, That:

1. Action on Agreement CAB 23516, R-3, be and hereby is deferred pending the receipt, within 30 days of the date of service of this order, of statements in writing from any air carrier party to the agreement, or any interested person, together with supporting data in support of or in opposition to the agreement; [4]

2. Each air carrier party to the agreement shall submit within 30 days of the date of service of this order, data relating to the number of reduced-fare tickets issued to cargo sales agents under the existing system in 1972; and an estimate of the number of such tickets which would have been issued had the proposed method of allocation been in effect; and

3. This order shall be served upon all carrier parties to the agreement, the Air Freight Forwarders Association of America, and the International Airfreight Agents' Association, Inc.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] EDWIN Z. HOLLAND,
Secretary.

[FR Doc.73-6173 Filed 3-29-73;8:45 am]

[Docket No. 24488; Order 73-3-96]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Order Regarding Passenger Fare and Currency Matters

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 26th day of March 1973.

The Board, by Order 72-12-95 dated December 20, 1972, approved the subject agreement establishing rules for currency conversion adopted by the carrier members of the International Air Transport Association (IATA), subject to the following condition:

"2. The outstanding approval of Resolution 001, Permanent Effectiveness Resolution is subject to the following condition:

"No provision of any resolution shall be construed so as to require payment in United States dollars of fares, rates, or charges in excess of the dollar amounts stipulated in the appropriate tariffs on file with the Board."

IATA Resolution 021f provides that when currency exchange rates vary more than 2¼ percent from previously agreed IATA relationships, all rates and fares are to be sold in local currencies. The effect of the resolution is to create stability in airline rates and fares during periods of unstable monetary relationships until such time as new currency exchange relationships can be agreed in IATA.

Although the resolution may require the expenditure in certain currencies in certain countries at higher than U.S. tariff levels for temporary periods, the resolution also prevents "shopping" for transportation services in the most favorable currency market. For example, with devaluation of the dollar, the purchase of air transportation in Germany would presently require a higher than tariff fares expenditure in dollars for the required conversion into marks for the period until new tariffs reflecting new currency relationships are filed and approved. U.S. carriers thus suffer a loss of revenues if prevented from collecting more than tariff dollar fares for air transportation originating and sold abroad. In the present monetary situation our condition is also conducive to the purchase in the United States in dollars of air transportation originating abroad with a consequent loss in revenues to the carriers. The reverse of the examples cited above can, of course, occur when the relationship of other major IATA currencies vary from agreed exchange rates. Thus the resolution seeks to establish a practical stability in air transportation for interim periods until currencies stabilize and new tariffs can be filed. This stability is warranted in our opinion for such interim periods in the interests of both the traveling public and the carriers.[5]

Upon consideration of these various factors the Board finds that the noted condition on the operation of IATA Resolution 021f should be removed.

Accordingly, it is ordered, That:

Order 72-12-95, December 20, 1972, be and hereby is amended by the deletion of ordering paragraph 2.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] EDWIN Z. HOLLAND,
Secretary.

[FR Doc. 73-6171 Filed 3-29-73;8:45 am]

[Docket No. 24697]

TRANS WORLD AIRLINES, INC.-FLYING MERCURY, INC.

Postponement of Hearing

By motion filed March 22, 1973, Trans World Airlines, Inc., and Flying Mercury, Inc., requested an indefinite postponement of the hearing in this proceeding in order to explore settlement possibilities with the Bureau of Enforcement. In its answer, the Bureau objected to an indefinite postponement but agreed to a limited delay for this purpose.

Upon consideration of the request and answer, notice is hereby given that the hearing in the above-entitled proceeding now assigned to be held on April 3, 1973 (38 FR 4436, Feb. 14, 1973), is postponed to May 15, 1973, at 10 a.m. (local time), in Room 911, Universal Building, 1825 Connecticut Avenue NW., Washington, DC, before the undersigned Administrative Law Judge.

Dated at Washington, D.C., March 27, 1973.

[SEAL] THOMAS P. SHEEHAN,
Administrative Law Judge.

[FR Doc.73-6172 Filed 3-29-73;8:45 am]

COMMISSION ON CIVIL RIGHTS

COLORADO STATE ADVISORY COMMITTEE

Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights, that a meeting of the Colorado State Advisory Committee will convene at 9 a.m. on April 7, 1973, at Room 216, Ross Building, 1726 Champa Street, Denver, CO 80202.

Persons wishing to attend this meeting should contact the Committee Chairman, or the Mountain States Regional Office of the Commission at Room 216, Ross Building, 1726 Champa Street, Denver, CO 80202.

The purpose of this meeting shall be to inform members of the Prison Subcommittee to the Colorado State Advisory Committee of the redirection of the Prison Project, and to request that the State Advisory Committee have some input into the Preliminary Report on the Prison Project.

This meeting will be conducted pursuant to rules and regulations of the Commission.

Dated at Washington, D.C., March 26, 1973.

ISAIAH T. CRESWELL, Jr.,
Advisory Committee Management Officer.

[FR Doc.73-6152 Filed 3-29-73;8:45 am]

DELAWARE STATE ADVISORY COMMITTEE

Notice of Open Meeting

Notice is hereby given, pursuant to the provision of the rules and regulations of the U.S. Commission on Civil Rights, that a meeting of the Delaware State Advisory Committee will convene at 12 noon on April 3, 1973, in Conference Room 205, Young Women's Christian Association, 908 King Street, Wilmington, DE 19801. Persons wishing to attend this meeting should contact the Committee Chairman, or the Mid-Atlantic Regional Office of the Commission at 2120 L Street NW., Room 510, Washington, DC 20426.

The purposes of this meeting shall be to discuss the mounting of a scheduled Open Meeting on Prison Reform in Delaware.

This meeting will be conducted pursant to rules and regulations of the Commission.

Dated at Washington, D.C., March 26, 1973.

ISAIAH T. CRESWELL, Jr.,
Advisory Committee Management Officer.

[FR Doc.73-6153 Filed 3-29-73;8:45 am]

[4] An original and nineteen copies of the statements should be filed with the Board's Docket Section.

[5] The carriers are directed to file an appropriate rule in their tariffs providing for collections consistent with our action herein.

V38-61 MAR 30 73 XUM

MAINE STATE ADVISORY COMMITTEE

Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights, that a meeting of the Maine State Advisory Committee will convene at 7:30 p.m. on April 3, 1973, at the Lady of the Rosary, Maxwell Gill Hall, Eye Street, Sabbatus, Maine 04280.

Persons wishing to attend this meeting should contact the committee chairman, or the Northeastern Regional Office of the Commission at Room 1639, 26 Federal Plaza, New York, NY 10007.

The purpose of this meeting shall be to discuss a preliminary report of the Maine State Advisory Committee's draft report on its recent open meeting on "Federal and State Services and the Maine Indian."

This meeting will be conducted pursuant to rules and regulations of the Commission.

Dated at Washington, D.C., March 26, 1973.

ISAIAH T. CRESWELL, Jr.,
Advisory Committee Management Officer.

[FR Doc 73-6154 Filed 3-29-73;8:45 am]

NEW HAMPSHIRE STATE ADVISORY COMMITTEE

Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights, that a meeting of the New Hampshire State Advisory Committee will convene at 8 p.m. on April 2, 1973, at the New Hampshire Highway Motel in Concord, N.H. 03301. This meeting shall be open to the public and the press.

Persons wishing to attend this meeting should contact the committee chairman, or the Northeastern Regional Office of the Commission at Room 1639, 26 Federal Plaza, New York, NY 10007.

The purpose of this meeting shall be to discuss a proposed joint meeting of the New Hampshire State Advisory Committee and the New Hampshire Commission for Human Rights.

This meeting will be conducted pursuant to rules and regulations of the Commission.

Dated at Washington, D.C., March 26, 1973.

ISAIAH T. CRESWELL, Jr.,
Advisory Committee Management Officer.

[FR Doc 73-6155 Filed 3-29-73;8:45 am]

VERMONT STATE ADVISORY COMMITTEE

Notice of Open Meeting

Notice is hereby given, pursuant to the provision of the rules and regulations of the U.S. Commission on Civil Rights, that a meeting of the Vermont State Advisory Committee will convene at 7:30 p.m. on April 5, 1973, at the Tavern Motor Inn in Montpelier, Vt. 05602. Persons wishing to attend this meeting should contact the committee chairman, or the Northeastern Regional Office of the Commission at 26 Federal Plaza, Room 1639, New York, NY 10007.

The purposes of this meeting shall be to receive reports from the various subcommittees and to develop program plans for the balance of fiscal year 1973.

This meeting will be conducted pursuant to rules and regulations of the Commission.

Dated at Washington, D.C., March 26, 1973.

ISAIAH T. CRESWELL, Jr.,
Advisory Committee Management Officer.

[FR Doc 73-6156 Filed 3-29-73;8:45 am]

WASHINGTON STATE ADVISORY COMMITTEE

Notice of Meeting; Correction

This is an amendment to FR Doc. 73-5509 appearing in the FEDERAL REGISTER of March 22, 1973, on page 7487.

This amendment pertains to a 2-day open meeting being held on March 30-31, 1973, at Seattle, Wash. 98401.

In addition to this 2-day open meeting, there will be a closed or executive session of the Washington State Advisory Committee which will convene on March 29, 1973, at 7:30 p.m., at the Seattle Hilton Hotel, Chinook Room, Sixth and University Streets, Seattle, WA 98101. At this session committee members will discuss matters which may tend to defame, degrade, or incriminate individuals, and as such this session is closed to the public.

The meeting being scheduled to be held on March 30-31, 1973, at the Seattle Public Library, Main Library Building, Fourth and Madison Streets, Seattle, Wash., shall be open to the public and the press.

Dated at Washington, D.C., March 26, 1973.

ISAIAH T. CRESWELL, Jr.,
Advisory Committee Management Officer.

[FR Doc 73-6157 Filed 3-29-73;8:45 am]

CIVIL SERVICE COMMISSION

DEPARTMENT OF THE TREASURY

Revocation of Authority To Make a Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission revokes the authority of the Department of the Treasury to fill by noncareer executive assignment in the excepted service the position of Director, Office of Tax Legislative Counsel, Office of the Secretary.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.73-6090 Filed 3-29-73;8:45 am]

DEPARTMENT OF THE TREASURY

Revocation of Authority To Make a Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission revokes the authority of the Department of the Treasury to fill by noncareer executive assignment in the excepted service the position of Special Assistant to the Secretary (Debt Management).

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.73-6089 Filed 3-29-73;8:45 am]

DEPARTMENT OF THE TREASURY

Grant of Authority To Make a Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission authorizes the Department of the Treasury to fill by noncareer executive assignment in the excepted service the position of Deputy to the Assistant Secretary for Administration.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.73-6077 Filed 3-29-73;8:45 am]

DEPARTMENT OF THE TREASURY

Noncareer Executive Assignment Revocation of Authority To Make a

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission revokes the authority of the Department of the Treasury to fill by noncareer executive assignment in the excepted service the position of Executive Assistant to the Deputy Secretary, Office of the Under Secretary, Office of the Secretary.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.73-6078 Filed 3-29-73;8:45 am]

DEPARTMENT OF JUSTICE

Revocation of Authority To Make a Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission revokes the authority of the Department of Justice to fill by noncareer executive assignment in the excepted service the position of Deputy Assistant Attorney General for Enforcement, Internal Security Division.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.73-6080 Filed 3-29-73;8:45 am]

DEPARTMENT OF JUSTICE

Revocation of Authority To Make a Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission revokes the authority of the Department of Justice to fill by noncareer executive assignment in the excepted service the position of Chief, Special Trial Section, Antitrust Division.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.73-6079 Filed 3-29-73;8:45 am]

DEPARTMENT OF COMMERCE

Revocation of Authority To Make a Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission revokes the authority of the Department of Commerce to fill by noncareer executive assignment in the excepted service the position of Solicitor, Office of the Solicitor, Patent Office.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.73-6085 Filed 3-29-73;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Grant of Authority To Make a Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission authorizes the Department of Health, Education, and Welfare to fill by noncareer executive assignment in the excepted service the position of Assistant to the Secretary for Health Policy, Office of the Secretary.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.73-6088 Filed 3-29-73;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Revocation of Authority To Make a Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission revokes the authority of the Department of Health, Education, and Welfare to fill by noncareer executive assignment in the excepted service the position of Special Assistant to the Administrator, Social and Rehabilitation Service, Office of the Administrator.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.73-6082 Filed 3-29-73;8:45 am]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Revocation of Authority To Make a Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission revokes the authority of the Department of Housing and Urban Development to fill by noncareer executive assignment in the excepted service the position of Assistant to the Secretary for Congressional Relations, Office of the Secretary, Division of Congressional Relations.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.73-6081 Filed 3-29-73;8:45 am]

DEPARTMENT OF TRANSPORTATION

Revocation of Authority To Make a Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission revokes the authority of the Department of Transportation to fill by noncareer executive assignment in the excepted service the position of Special Projects Officer, Office of the Secretary.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.73-6086 Filed 3-29-73;8:45 am]

DEPARTMENT OF TRANSPORTATION

Revocation of Authority To Make a Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission revokes the authority of the Department of Transportation to fill by noncareer executive assignment in the excepted service the position of General Counsel, Office of the Administrator, Federal Aviation Administration.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.73-6087 Filed 3-29-73;8:45 am]

DEPARTMENT OF TRANSPORTATION

Revocation of Authority To Make a Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission revokes the authority of the Department of Transportation to fill by noncareer executive assignment in the excepted service the position of Special Assistant to the Secretary (Special Projects), Office of the Secretary.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.73-6084 Filed 3-29-73;8:45 am]

SMALL BUSINESS ADMINISTRATION

Revocation of Authority To Make a Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission revokes the authority of the Small Business Administration to fill by noncareer executive assignment in the excepted service the position of General Counsel, Office of the General Counsel.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.73-6083 Filed 3-29-73;8:45 am]

COUNCIL ON ENVIRONMENTAL QUALITY

ENVIRONMENTAL IMPACT STATEMENTS

Environmental impact statements received by the Council from March 19 through March 23, 1973.

NOTE: At the head of the listing of statements received from each agency is the name of an individual who can answer questions regarding those statements.

DEPARTMENT OF DEFENSE

Contact: Mr. Robert L. Gilliat, Office of General Counsel, Room 3E977, Department of Defense, the Pentagon, Washington, D.C. 20301.

Draft, March 19

Air installations compatible use zones. The proposal is the publishing of a policy which would recognize the characteristics of air installations operations as incompatible with certain possible land uses in the vicinity of the installation. The policy would define the methods by which compatible use zones may be determined and delineated, and require that the Military Departments develop programs to establish compatible use zones. Methods would range from local zoning, through State legislation, and acquisition of restrictive easements or fee title by the Federal Government. The establishment of compatible use zones would promote the development of non-noise sensitive activities in the high noise areas. (27 pages) (ELR Order No. 00468) (NTIS Order No. EIS 73 0468-D)

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ARMY CORPS

Contact: Mr. Francis X. Kelly, Director, Office of Public Affairs, Attention: DAEN–PAP, Office of the Chief of Engineers, U.S. Army Corps of Engineers, 1000 Independence Avenue SW., Washington, DC 20314, 202–693–7168.

Supplement, March 20

Jacksonville Harbor, Fla. The document provides supplemental information to final environmental impact statements on section 1 and section 2 of Jacksonville Harbor. The statements, which were received on February 15, 1972, and July 3, 1972, respectively, are numbered ELR No. 1899, NTIS No. PB 199 880–F, and ELR No. 4826, NTIS No. EIS 72 4826–F. (91 pages) (ELR Order No. 00476) (NTIS Order No. EIS 73 0476–D)

Draft, March 8

Weymouth Landing Local Protection, County, Norfolk. The proposal is for a flood protection project, which would consist of a concrete dam, 1,200 feet of 96-inch pressure pipe and a 230-foot long arch conduit, and 1,000 feet of channel works. Some hardwood trees and other vegetation will be lost to the project. (32 pages) (ELR Order No. 00400) (NTIS Order No. EIS 73 0400–D)

Draft, March 9

Tybee Island, Ga. County, Chatham. The proposed project is one of restoration and periodic nourishment of 13,200 feet of ocean beach and an 800-foot rubble stone groin. Proposed for the future is the placement of two additional 760-foot rubble groins, and a 1,200-foot extension to the terminal groin. There will be adverse impact to marine biota. (29 pages) (ELR Order No. 00403) (NTIS Order No. EIS 73 0403–D)

Draft, March 14

Mississippi River, Baton Rouge to Gulf of Mexico, Louisiana. The proposed project is the maintenance of operation of navigation channels in the Mississippi River from Baton Rouge to deep water in the Gulf of Mexico. There will be maintenance dredging at 8 crossings in the Mississippi River, New Orleans Harbor, south and southwest passes, and bar channels; regulating and contracting works at the head of passes in south and southwest passes; regulating and controlling of outlets below New Orleans; and maintenance of jetty systems at the seaward ends of south and southwest passes. Placement of spoil on 725 acres of marsh and existing spoil banks below head of passes destroys wildlife habitat. (91 pages) (ELR Order No. 00444) (NTIS Order No. EIS 73 0444–D)

Draft, March 6

Dixon Farm Levee Improvement, Clackamas River, Oreg. The proposed project is the raising and extension of an existing levee to provide protection against floods to a 240 acre area. Land acquired for the project totals 5.3 acres, of which 2.25 acres is timber and brush cover. An increase in stream velocities would occur causing additional erosion and higher water pollution levels. (27 pages) (ELR Order No. 00378) (NTIS Order No. EIS 73 0378–D)

Draft, March 5

Seattle Bulk Mail Center, Federal Way, Washington. County, King. The proposed project is the construction of a U.S. Postal Service facility at Federal Way, Seattle. Fifty-five acres of wildlife habitat and timber land will be lost. Major adverse effects which will result are: increased noise and air pollution levels, reduction of tax base, and increased traffic congestion. (47 pages) (ELR Order No. 00363) (NTIS Order No. EIS 73 0363–D)

Final, March 19

Patterson Watershed, California. County, Stanilus. The statement considers the land treatment measures; the construction of a subsurface drainage system (10.9 miles of open joint tile and 4.5 miles of closed joint tile); and the cleaning and deepening of 1.6 miles of existing open drainage ditches. The project will improve drainage, lowering the high water table on 4,190 acres, removing accumulated salts from the soil and eliminating health hazards. The salt content of water delivered from the area to the San Joaquin River will be increased. (40 pages) Comments made by: COE, DOC, DOI, HEW, and EPA (ELR Order No. 0465) (NTIS Order No. EIS 73 0465–F)

Calcasieu River, Coon Island, La. County, Calcasieu. The statement refers to the proposed construction of a 40' x 200' ship channel and a 750' x 1000' turning basin in order to allow more efficient use of the channel by larger and deeper-draft vessels. Approximately 3,252 acres of dredged spoil will be deposited at diked sites. The project will stimulate industrial growth. There will be adverse impacts upon fish, wildlife, water, and recreational resources in the project area. (53 pages) Comments made by: DOC, DOI, HEW, and EPA State agencies (ELR Order No. 00467) (NTIS Order No. EIS 73 0467–F)

Final, March 20

Chincoteague Inlet, Va. County, Accomack. The statement considers the construction of a navigation channel (2,600' long and 150' wide by 12' deep), across the ocean bar at Chincoteague Inlet. The purpose of the project is that of providing navigational improvements which will enhance commercial usage of existing resources. Approximately 43,000 cubic yards of material will be dredged. Marine biota will be damaged; 3 acres of low upland terrain will be used for spoil deposit. (28 pages) Comments made by: DOC, EPA, and DOI State agencies (ELR Order No. 00475) (NTIS Order No. EIS 73 0475–F)

INTERSTATE COMMERCE COMMISSION

Contact: Mr. James Tao, Office of the General Counsel, Room 5107, Washington, D.C. 20423, 202 343–2097.

Draft, March 16

Ex parte 281, increased freight rates and charges. The proposed action involves authorization for increases in railroad rates and charges on commodities moving for purposes of recycling. Final agency action is planned to become effective on June 7, 1973. (240 pages) (ELR Order No. 00391) (NTIS Order No. EIS 73 0391–D)

DEPARTMENT OF TRANSPORTATION

Contact: Mr. Martin Convisser, Director, Office of Environmental Quality, 400 Seventh Street SW., Washington, DC 20590, 202–426–4357.

FEDERAL AVIATION ADMINISTRATION

Draft, March 8

Kasigluk Airport, Alaska. The statement refers to the proposed development of a new airport to serve the villages of Kasigluk, Nunapitchuk, and Atmautlauk. The project will involve the construction of a landing strip, a parking apron, and the connecting taxiway. Noise and air pollution from aircraft operation will be introduced to the area. (12 pages) (ELR Order No. 00393) (NTIS Order No. EIS 73 0393–D)

Nampa Municipal Airport, Idaho, county: Canyon. The proposed project is the construction of a new general utility runway, together with taxiway, apron, terminal, and parking facilities. Approximately 40 acres will be acquired for clear zones and future development. There will be an increase in noise and air pollution. (20 pages) (ELR Order No. 00398) (NTIS Order No. EIS 73 0398–D)

Mississippi County Airport, Mo., county: Mississippi. The statement refers to the proposed acquisition of 100 acres of land for the development of a new airport facility. The development of the facility includes a 3,800 foot by 75 foot primary runway, a 3,000 foot crosswind runway, and related facilities. Adverse effects include exposure of a new area to airport operation and increased air and noise pollution. (27 pages) (ELR Order No. 00396) (NTIS Order No. EIS 73 0396–D)

Modisett Field, Nebr., county: Sheridan. The statement refers to the acquisition of approximately 11 acres of land and 7 acres by easement or clear zone for additional airport development at Modisett Field. The project includes the construction of a 4,300 foot by 150 foot safety area and 3,900 foot by 50 foot primary runway, segmented circle, perimeter fencing along new areas, and safety fencing. Noise and air pollution levels will increase. (17 pages) (ELR Order No. 00394) (NTIS Order No. EIS 73–0394–D)

Linton Municipal Airport, N. Dak., county: Emmons. The statement refers to the acquisition of 5.3 acres of land and 14.6 acres of clear zone easements to upgrade the present airport facility. The project will realine, lengthen, and hard surface the present runway (3,100 feet by 50 feet); a connecting taxiway, a ramp, and related facilities will be constructed. There will be an increase in noise and air pollution. (41 pages) (ELR Order No. 00395) (NTIS Order No. EIS 73 0395–D)

Stigler Municipal Airport, Okla., county: Haskell. The statement refers to the proposed acquisition of 160 acres of land for the development of a new airport and clear zones. The project involves constructing a 50 foot by 3,000 foot runway, stub taxiway, tiedown aprons, and medium intensity runway lights, including VASI. There will be an increase in air and noise pollution. (15 pages) (ELR Order No. 00397) (NTIS Order No. EIS 73 0397–D)

Madison Municipal Airport, S. Dak., county: Lake. The proposed project includes land acquisition (53 acres), navigation easements for the extension of the existing runway from 50 feet by 3,100 feet to 75 feet by 4,200 feet. The action also contemplates constructing a connecting taxiway and apron; installing a MIRL/VASI lighting system; relocating a county road; and fencing, seeding, and obstruction removal. Noise and air pollution will increase with increased usage. (34 pages) (ELR Order No. 00399) (NTIS Order No. EIS 73 0399–D)

FEDERAL HIGHWAY ADMINISTRATION

Draft, March 14

SR 80, Florida, county: Palm Beach. The proposed project is the improvement of SR 80. Depending upon the alternate chosen, the project will: Vary in length 23.7 to 24.3 miles; acquire 317.3 to 392 acres of land; and displace 14 to 31 families and 19 to 60 businesses. Construction of the facility may affect the drainage system and water table. Increases in noise and air pollution levels will occur. (63 pages) (ELR Order No. 00437) (NTIS Order No. EIS 73 0437–D)

Draft, March 9

Iowa 330, Iowa, counties: Jasper, Story, and Marshall. The proposed project is an upgrading of present Iowa 330 on the existing alinement. It would involve either building two new lanes or reconstructing the existing roadway and purchasing additional right-of-way for an eventual four-lane facility. Two residences and two farmsteads will be displaced. The project would remove cropland from productivity and several timbered tracts which constitute wildlife habitat will be lost. Noise and exhaust emissions will increase. (ELR Order No. 00402) (NTIS Order No. EIS 73 0402–D)

Draft, March 12

US 20, Iowa, county: Webster. The proposed project is the construction of 0.8 mile of US 20. Nine residences and eight businesses will be displaced. Numerous trees will be lost to right-of-way. Increases in noise and air pollution levels will occur. (20 pages) (ELR Order No. 00427) (NTIS Order No. EIS 73 0427–D)

Draft, March 14

SR 193 relocated, Md., county: Prince Georges. The proposed project is the relocation and improvement of State Route 193. Length of the project is 3 miles. Depending upon the alternate chosen, between 9 and 13 families will be displaced. Increases in noise and air pollution will result from the project. (69 pages) (ELR Order No. 00435) (NTIS Order No. EIS 73–0435–D).

Draft, March 9

US 311, High Point to Winston-Salem, N.C., counties: Guilford and Forsyth. The statement refers to the proposed relocation of US 311 between High Point and Winston-Salem, a distance of 12.2 miles. The project will consist of a four-lane divided highway with full access control. Approximately 800–900 acres of land will be committed to right-of-way; 50 families and three businesses will require relocation. (38 pages) (ELR Order No. 00406) (NTIS Order No. EIS 73 0406–D)

Final, March 9

State Route 50, Groveland to Clearmont, Fla., county: Lake. The statement considers two alternate corridors for the improvement of SR 50 from SR 33 in Groveland to SR 561 in Clearmont. The action involves upgrading an existing two-lane facility to a multilane highway. Project length is 4.7 miles. The number of displacements and the amount of right-of-way acquired will depend upon the alinement selected. (48 pages) Comments made by: EPA, DOI, HEW, and USDA. (ELR Order No. 00411) (NTIS Order No. EIS 73 0411–F)

Hess Creek-Chehalem Creek, Pacific Highway West, Oreg., county: Yamhill. The project proposal consists of a couplet system constructed through the city of Newberg from River Street to the Southern Pacific Transportation Co. railroad tracks. First and Hancock Streets would be utilized as couplet elements with First Street one way east and Hancock Street one way west. A small amount of land will be acquired for right-of-way. (36 pages) Comments made by: COE, DOI, and State and local agencies. (ELR Order No. 00410) (NTIS Order No. EIS 73 0410–F)

BRYAN P. JENNY,
Acting General Counsel.

[FR Doc.73–6170 Filed 3–29–73;8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

N-sec-BUTYL-4-tert-BUTYL-2,6-DINITROANILINE

Notice of Establishment of Temporary Tolerance

Amchem Products, Inc., Ambler, Pa. 19002, submitted a petition (PP 2G1285) requesting establishment of temporary tolerances for negligible residues of the herbicide *N-sec*-butyl-4-*tert*-butyl-2,6-dinitroaniline in or on the raw agricultural commodities cottonseed and soybeans at 0.1 part per million.

It has been determined that these temporary tolerances are safe and will protect the public health. They are therefore established as requested on condition that the herbicide be used in accordance with the temporary permit being issued concurrently and which provides for distribution under the Amchem Products, Inc. name.

These temporary tolerances expire March 26, 1974.

This action is being taken pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(j), 68 Stat. 516; 21 U.S.C. 346a(j)), the authority transferred to the Administrator of the Environmental Protection Agency (35 FR 15623), and the authority delegated by the Administrator to the Deputy Assistant Administrator for Pesticide Programs (36 FR 9038).

Dated: March 26, 1973.

HENRY J. KORP,
Deputy Assistant Administrator for Pesticide Programs.

[FR Doc.73–6045 Filed 3–29–73;8:45 am]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 19716; FCC 73–331]

OBSCENITY IN BROADCASTING

Inquiry; Procedures for Investigation

1. The Commission has under consideration information and complaints from the public that certain broadcast licensees or permittees may have broadcast obscene, indecent, or profane material in violation of section 1464, title 18 of the United States Code, which raises serious questions as to whether the licensees or permittees are operating in the public interest. Similar questions have arisen in connection with cablecasting.

2. *Therefore, it is ordered*, On the Commission's own motion, pursuant to sections 403 and 409(e) of the Communications Act of 1934, as amended, that an inquiry is hereby instituted to determine whether any licensee, permittee, or cable system, or any principal, agent, or employee thereof, has engaged in the above-described practice, and if so to what extent and under what circumstances.

3. *It is further ordered*, That the inquiry shall be a nonpublic proceeding unless and until the Commission orders that public sessions be held after determining that the public interest would be served thereby. Such nonpublic proceedings are in accord with the Commission's practices in investigations of the nature indicated above.

4. *It is further ordered*, That, pursuant to section 5(d)(1) of the Communications Act of 1934, as amended, for the purpose of this inquiry, authority is hereby delegated to the Chief Administrative Law Judge of the Commission to require by subpena the production of books, papers, correspondence, memorandums, and other records deemed relevant to the inquiry; to administer oaths and affirmations, subpena witnesses, compel their attendance, take evidence, and to perform such other duties in connection therewith as may be necessary or appropriate to the compilation of a complete record concerning the subject matter of this inquiry.

5. *It is further ordered*, That the Chief Administrative Law Judge is specifically authorized to designate a Commission Administrative Law Judge to exercise the authority conferred by this order; and to require witnesses to testify and produce evidence under authority of, and in the manner provided in, section 409 of the Communications Act of 1934, as amended, when requested to do so by Commission Counsel.

6. *It is further ordered*, That the subpena powers delegated by this order shall be exercised in accordance with §§ 1.331 through 1.340 of the Commission's rules. Motions to quash or limit subpena shall be directed to the presiding Administrative Law Judge in accordance with § 1.334 of the rules. Applications for review of the presiding Administrative Law Judge's rulings on such motions may be filed with the Commission within ten (10) days after the issuance by the presiding Administrative Law Judge of such rulings.

7. *It is further ordered*, That the provisions of § 1.27 of the Commission's rules shall apply to the production of oral and documentary evidence under subpena.

8. *It is further ordered*, That upon conclusion of the inquiry ordered herein, the presiding Administrative Law Judge shall certify the record thereof to the Commission for appropriate action.

Adopted: March 22, 1973.

Released: March 27, 1973.

FEDERAL COMMUNICATIONS COMMISSION,[1]
[SEAL] BEN F. WAPLE,
Secretary.

[FR Doc.73–6143 Filed 3–29–73;8:45 am]

[1] Commissioner Johnson dissenting; Commissioner Hooks absent.

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[Dockets Nos. 19519, 19581; FCC 73R-120]

WESTERN COMMUNICATIONS, INC., AND LAS VEGAS VALLEY BROADCASTING CO.

Memorandum Opinion and Order Enlarging Issues

In regard applications of Western Communications, Inc. (KORK-TV), Las Vegas, Nev., Docket No. 19519, File No. BRCT-327, for renewal of license; Las Vegas Valley Broadcasting Co., Las Vegas, Nev., Docket No. 19581, File No. BPCT-4465, for construction permit for new television broadcast station.

1. This proceeding involves the mutually exclusive applications of Western Communications, Inc. (Western), for renewal of its license for Station KORK-TV, Channel 3, Las Vegas, Nev., and Las Vegas Valley Broadcasting Co. (Valley), for a construction permit for a new television broadcast station to operate on Channel 3, Las Vegas, Nev. (38 FR 7140). Now before the Review Board is a petition to enlarge issues, filed October 6, 1972, by Valley, which requests disqualifying and comparative issues inquiring into alleged fraudulent billing practices, network clipping, and false sponsorship identification at stations wholly owned or operated by Donald W. Reynolds, the owner of Station KORK-TV, as well as disqualifying and comparative issues relative to Western's efforts to ascertain community needs and interests.[1]

BILLING, CLIPPING, AND SPONSORSHIP IDENTIFICATION ISSUES

2. A brief statement of the history of this proceeding will facilitate an understanding of the Board's present disposition of the requested issues. Western is owned by Donrey, Inc., which is wholly owned by Donald W. Reynolds, who also owns or controls Station KFSA-TV, Fort Smith, Ark., and Station KOLO-TV, Reno, Nev. As a result of complaints filed with the Commission, an investigation was initiated which resulted in a letter to Western, FCC 72-75, dated January 26, 1972, detailing various alleged instances of network clipping[2] at all three stations, and fraudulent billing practices with local businesses and false sponsorship identification in certain political announcements at Station KFSA-TV. Subsequently, on June 9, 1972, the Commission issued a notice of apparent liability to Station KFSA-TV, FCC 72-502, for a forfeiture in the amount of $5,000; thereafter, the forfeiture was paid in full. The application for renewal of license for Station KOLO-TV was granted without hearing on June 15, 1972, FCC Report No. 10731. The Commission did, however, designate the renewal application of Station KORK-TV for hearing by order, FCC 72-503, 35 FCC 2d 517, on an issue to determine whether it had engaged in fraudulent billing practices by network clipping, as well as a misrepresentation and candor issue. A subsequent order, FCC 72-767, released September 1, 1972, consolidated Valley's application with the KORK-TV renewal proceeding under the same issues, and a comparative issue.

3. Citing the above-described Commission investigation, information contained in the letter to Western and the notice of apparent liability issued to and paid by KFSA-TV, Valley contends that a consistent pattern of conduct by stations under common ownership is evidenced, and "must raise questions as to the principal licensee's character and qualifications to remain a Commission licensee." Furthermore, argues Valley, it is significant that after Western's response to a Commission letter of May 14, 1971, transmitting certain viewer complaints of clipping, the other commonly owned stations continued clipping, at least through June 1971, the end of the period covered by the Commission investigation. Such violations by other stations owned by an applicant, argues Valley, are clearly a proper basis for addition of qualifying issues in a comparative hearing, regardless of whether such violations have resulted in a forfeiture, citing, e.g., "Harvit Broadcasting Corp.," 31 FCC 2d 876, 22 RR 2d 1062 (1971); and "Du Page County Broadcasting, Inc.," 21 FCC 2d 395, 18 RR 2d 321 (1970). Valley concludes that the above circumstances represent a consistent pattern of "deliberate fraud" requiring disqualifying issues and, in the event Western is determined qualified to continue as a Commission licensee, a comparative issue for "evaluation of the licensee's overall broadcast record."

4. The Broadcast Bureau agrees with Valley that the Commission investigation provides an adequate basis for adding issues inquiring into network clipping at KFSA-TV and KOLO-TV, and into the local double billing at KFSA-TV. The Bureau believes that the "cumulative impact of all the violations" should be considered on both a disqualifying and comparative basis. The Bureau does not believe, however, that the violations of Stations KOLO-TV and KFSA-TV, standing alone, can determine whether Western is basically qualified because of the Commission's actions regarding these stations. As for the alleged sponsorship identification violations, the Bureau is satisfied that Western's response to the Commission inquiry was sufficient to negate the need for that inquiry.

5. In opposition, Western initially opposes the requested issues on procedural grounds. Western's renewal application was first designated for hearing on June 9, 1972, supra, and the order was published in the FEDERAL REGISTER on June 22, 1972, 37 FR 12346; therefore, argues Western, since § 1.229 requires that petitions to enlarge be filed not later than 15 days after the issues "have first been published" in the FEDERAL REGISTER, Valley's petition is nearly 3 months late. Moreover, argues Western Valley cannot "take advantage" of the fact that its application was not formally designated for consolidated hearing with the Western application until September 1, 1972, because Valley was well aware of the status of the Western renewal proceeding and its own interest therein, as evidenced by various other pleadings filed and, concludes Western, it was therefore Valley's obligation to intervene and file a timely petition to enlarge. Substantively, Western argues that Valley's request is defective because it seeks to add issues pertaining to alleged rule violations which have already been fully considered by the Commission. Specifically, Western notes that all of the information relied upon by Valley was available to the Commission prior to either the June 9, or the September 1, 1972, designation order, and the Commission must have concluded that no action was necessary. In this regard, Western relies heavily on Commissioner Johnson's dissenting opinion to the June 9, 1972, designation order, which was based on the Commission's decision not to issue an order to show cause why KFSA-TV's license should not be revoked nor to take any action against KOLO-TV. Western also points to the notice of apparent liability issued to KFSA-TV, arguing that both it and Commissioner Johnson's dissent clearly indicate that the Commission gave full consideration to the matters raised by Valley and that, therefore, the Board is precluded from reconsidering such matters, citing "Atlantic Broadcasting Co.", 5 FCC 2d 717, 8 RR 2d 991 (1966). Moreover, contends Western, "Harvit Broadcasting", supra, and "Du-Page County Broadcasting", supra, are inapposite because in those cases additional or continuing rule violations were brought to light after designation. Finally, argues Western, the orderly presentation of evidence would be disrupted if rule violations issues at KFSA-TV and KOLO-TV are added, because meritorious programing issues regarding those stations would also have to be added, citing "Friendly Broadcasting Co.", 35 FCC 2d 611, 24 RR 2d 712 (1972).

6. In reply, Valley urges that it could not have filed a petition to enlarge prior to the issuance of the consolidated designation order because it was not a party to the proceeding (§ 1.229(a)), and that it was not required to intervene because, in the order, released June 12, 1972, the Commission indicated that, if Valley wished to prosecute its application on a comparative basis, a subsequent order would be issued. Moreover, argues Valley, the order released September 1, 1972, clearly stated that the issues there designated superseded the previously specified issues. Substantively, petitioner argues that neither the "mere consideration by the Commission" of the matters at issue nor the notice of apparent liability precludes addition of the requested

[1] Also before the Board are the following related pleadings: (a) Broadcast Bureau's comments, filed Nov. 20, 1972; (b) opposition, filed Nov. 27, 1972, by Western; and (c) reply, filed Dec. 22, 1972, by Valley.

[2] The instances of network clipping included discontinuing the broadcast of network programs before their completion, joining programs after they had begun and expanding station breaks within network programs so as to fail to carry such programs in their entirety and, then, falsely representing to the networks that each of the programs was broadcast in its entirety.

issues so long as factual matters relating to the qualifications of an applicant remain unresolved, as they do here. Whether violations come to light "prior to or subsequent to designation • • • is immaterial", petitioner contends, so long as the Commission did not provide a "reasoned analysis," citing "Atlantic," supra. Valley concludes that no such analysis has been provided by the Commission, and therefore urges the Board to add the requested issue (citing "National Broadcasting Co., Inc.", 21 FCC 2d 195, 18 RR 2d 74 (1970)).

7. The Board will add the issues relating to fraudulent billing practices and network clipping at Stations KFSA-TV and KOLO-TV; however, in light of previous Commission actions, the issues will be added on a comparative basis only. The requested sponsorship identification issue will be denied. As to the timeliness of Valley's petition, the Board believes that, while Valley may have technically been under an obligation to seek timely intervention subsequent to the release of the June 12, 1972, designation order, in view of the language of the June 12 order indicating that the proceeding would be redesignated if a proposed merger was terminated, and the fact that the proceeding was redesignated, the petition should be treated as having been timely filed. Cf. "WPIX, Inc. (WPIX)," 34 FCC 2d 419, 24 RR 2d 59 (1972), review denied FCC 72-616, released July 12, 1972. Turning to the merits of the petition, the Board is of the view that the question of the effect on Western's basic qualifications of the alleged fraudulent billing practices and network clipping at KFSA-TV and KOLO-TV, as detailed in the Commission letter dated June 9, 1972, and the Notice of Apparent Liability issued to KFSA-TV, was resolved by the Commission when the license renewal application of KOLO-TV was routinely granted and the Notice of Apparent Liability issued to KFSA-TV. The timing of these actions, considered in light of Commissioner Johnson's dissent to the Commission order, released June 12, 1972, in which he urged the issuance of an order to show cause to KFSA-TV and designation of KOLO-TV's renewal application for hearing, clearly indicates that the Commission considered the consequences of the alleged violations in question in designating this proceeding for hearing. The Board cannot agree with Western, however, that the Board is precluded from adding issues inquiring into these matters on a comparative basis in this proceeding. These allegations, taken together with the allegations in the instant case, raise a substantial question as to whether individual acts or a consistent pattern of misconduct of substantial proportions over a relatively lengthy period of time by three stations under common ownership has occurred. The consequences of such actions are clearly relevant to the comparative qualifications of Western. Nor is the Board precluded by the doctrine set forth in "Atlantic," supra because the prior Commission actions relate to the individual stations and the effect of the alleged violations on the basic qualifications of the licensees. These matters are clearly separate from the question of Western's comparative qualifications and, consequently, there can be no "reasoned analysis" in the orders designating the KORK-TV application for hearing.

8. In our view, the "NBC" case, cited by the petitioner, supports our conclusion that, although we are not barred from allowing consideration of these alleged violations on a comparative basis, their effect on Western's basic qualifications has already been determined. In that case, involving the renewal of an NBC station in Los Angeles, the Board added disqualifying issues inquiring into the circumstances surrounding certain allegedly misleading programs produced and presented by NBC, even though, as noted by petitioner, the Commission had previously renewed the license for the NBC station in New York. However, the Board believes this aspect of the case to be inapplicable to the present proceeding because, in granting the New York renewal application, the Commission had indicated that the allegedly misleading programs were being considered in the Los Angeles proceeding and, in a footnote to the Los Angeles proceeding designation order, indicated the programs would "be considered in this proceeding." No comparable circumstances are present in this proceeding. Rather, in our view, the present circumstances more closely parallel another aspect of the same "NBC" case where the Board, when presented with requests for disqualifying issues pertaining to other allegedly misleading programs, indicated that such requests must be denied due to previous adjudication of such matters, including appropriate sanctions and subsequent renewal of all the NBC licenses at least once; the Board indicated, however, that these matters could be considered on a comparative basis. 21 FCC 2d at 204, 18 RR 2d at 85. Here, the Commission has also imposed sanctions with regard to one, and renewed the license of the other, offending station. And, like the "NBC" case, the Board is nevertheless of the view that the allegations can be considered in the comparative evaluation of the two applicants. Finally, as to the requested sponsorship identification issue, we agree with the Broadcast Bureau that Western's March 20, 1972, response to the Commission's inquiry adequately dispels the need for further inquiry. That response indicates that it identified the main contributors to the candidates' campaigns as the sponsors because neither candidate had established a formal campaign committee. It therefore appears that KFSA-TV acted in good faith and without intentional wrongdoing and that further inquiry would serve no useful purpose.

SUBURBAN AND COMPARATIVE EFFORTS ISSUES

9. In support of the requested ascertainment issue, petitioner initially alleges that Western has relied upon "outdated" census figures and county school registration records which have resulted in inaccurate population and minority group statistics, citing the "Primer" (Q. & A. 9).[1] Thus, argues Valley, Western has no valid basis for determining the composition of its community of license. Petitioner urges that the inaccuracies are demonstrated by comparing Western's figures with 1970 U.S. Census statistics. For example, argues Valley, Western's renewal application places more than 50 percent of Clark County's population in Las Vegas, whereas the 1970 Census reduces that figure to 46 percent; in addition, Western's application projects 7 percent of the population in North Las Vegas, 6 percent in Henderson and 3 percent in Boulder City, while the 1970 Census indicates that those communities have 13 percent, 6 percent, and 1.9 percent, respectively, of the population. Valley points to similar discrepancies in the minority group breakdown. Petitioner also contends that the use of outdated statistics has resulted in an "imbalance" in Western's community leader survey because the communities listed above did not receive adequate examination. Finally, Valley asserts that, even though Western's service area has a 5.5 percent Spanish-surnamed population, no leader was contacted "who could truly be classified" as a member of that minority. Valley also contends that its ascertainment efforts are sufficiently superior to those of Western's to require a comparative efforts issue. In support of this contention, Valley alleges that it utilized a much wider range of current sources in compiling its population statistics and in the number and breakdown of its community surveys. In this regard, Valley notes that Western interviewed only 84 community leaders, 80 of whom reside in Las Vegas, and 145 members of the general public, with little or no breakdown into smaller, more revealing groups. In contrast, argues petitioner, it interviewed 198 community leaders, 16 of whom reside in the smaller communities surrounding Las Vegas, and 211 members of the general public. In addition, Valley contends, the community leaders it interviewed, unlike those of its opponent, are broken down into representative minority and ethnic groups. In conclusion, Valley argues that all of the above requires a disqualifying Suburban issue against Western and a comparative efforts issue in the event Western satisfies the disqualifying issue.

10. In opposition, Western initially responds to Valley's attack on its alleged inaccurate statistics by arguing that the 1970 Census data was not available, at least in part, at the time it conducted its prerenewal survey. Moreover, argues Western, its total population estimate was based on an approximate 10 percent per year increase since 1960, which percentage is reflected in the current Census data, and, therefore, Western's

[1] Primer on Ascertainment of Community Problems by Broadcast Applicants, 27 FCC 2d 650, 682, 21 RR 2d 1507, 1541 (1971).

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1971 estimate of 300,000 for the population of Clark County is more current and accurate than Valley's use of the 1970 Census figure of approximately 273,000. As to the minority percentages, Western argues that its estimate of a larger black population (13 percent) than the 1970 Census determined (9.1 percent) is not a basis for penalty, and the difference in Mexican-American population percentages (3.5 percent) by Western and 5.5 percent by 1970 Census) is insignificant. With regard to its estimates of the populations in the smaller communities surrounding Las Vegas, Western argues that the percentage differences from the 1970 Census are similarly insignificant and that, in the absence of any current data, Western's estimates represent a good faith and adequately accurate attempt to comply with the Primer. In reference to its community leader surveys, Western argues that its first survey was adequate but that, in addition, the Presiding Judge accepted a Western amendment by Order, FCC 72M–1320, released October 24, 1972, which clearly demonstrates compliance with the Primer. This amendment shows consultations with 124 more community leaders, including those representing the smaller communities and minority groups. Finally, Western opposes Valley's request for a comparative efforts issue on the grounds that all of the above demonstrates that Western's ascertainment efforts are not defective and, in fact, are in many respects superior to those of valley. The Broadcast Bureau opposes addition of both issues, basically for the reasons stated by Western.

11. The Review Board will deny the requested issues. In reference to the requested Suburban issue, the Board believes that the Western amendment sufficiently dispels any doubt as to the adequacy of Western's surveys and showing. See, e.g., "Eastern Broadcasting Corp.," 31 FCC 2d 724, 22 RR 2d 966 (1971). In all, Western interviewed 226 community leaders with a fair and representative percentage of minorities, as well as of the smaller communities in the area. As to the population figures and minority percentages derived therefrom, the Board believes that the percentage disparities are not sufficient to require addition of a Suburban issue—particularly since 1970 Census data does not appear to have been readily available and the methods used by Western to estimate the population percentages were reasonably explained and substantially accurate.[4] In view of the above determination and after a review of Valley's ascertainment efforts, the Board is similarly of the opinion that no useful purpose would be served by adding a comparative efforts issue. Valley's central basis for comparison appears to be on numerical differences; however, the Western amendment substantially equalizes any imbalance of this nature. For example, Western has conducted 226 community leader interviews and 245 general public interviews, while Valley has contacted 220 community leaders and 311 members of the general public. Nor do the other differences suggest a significant disparity. Therefore, the Board will add neither of the requested issues.

12. *Accordingly, it is ordered*, That the petition to enlarge issues, filed October 6, 1972, by Las Vegas Valley Broadcasting Co., is granted to the extent indicated below, and is denied in all other respects; and

13. *It is further ordered*, That the issues in this proceeding are enlarged to include the following issues:

1. a. To determine whether the American Television Co., Inc., former licensee of Station KFSA–TV, Channel 5, Fort Smith, Ark., owned wholly by Donald W. Reynolds, engaged in fraudulent billing practices in violation of § 73.1205 of the Commission's rules and regulations, by sending invoices to distributors and manufacturers representing charges for advertising in excess of the amounts actually charged a local advertiser, and by certifying to the CBS and NBC Television Networks in certain documents that the licensee broadcast certain network programs in their entirety, including commercial content, whereas the licensee had deleted portions of said programs, including certain network commercial advertisements in the programs certified as having been broadcast in their entirety.

b. To determine whether Nevada Radio-Television, Inc., licensee of Station KOLO–TV, Channel 8, Reno, Nev., owned wholly by Donald W. Reynolds, engaged in fraudulent billing practices in violation of § 73.1205 of the Commission's rules and regulations, by certifying to the CBS Television Network in certain documents that the licensee broadcast certain network programs in their entirety, including commercial content, whereas the licensee had deleted certain network commercial advertisements in the programs certified as having been broadcast in their entirety.

c. To determine the effect, if any, of the evidence adduced under the foregoing issues, considered individually or together with the evidence adduced under Issues 1 (a), (b), and (c), on the comparative qualifications of Western Communications, Inc. (KORK–TV).

Adopted: March 16, 1973.

Released: March 23, 1973.

FEDERAL COMMUNICATIONS COMMISSION,[5]

[SEAL] BEN F. WAPLE, *Secretary.*

[FR Doc.73–6140 Filed 3–29–73;8:45 am]

[4] In this regard the Board finds significant the statement in the Primer (in reference to the number of persons who should be consulted) that,

(N)o set number or formula has been adopted. Community leaders from each significant group must be consulted. A sufficient number of members of the general public to assure a generally random sample must also be consulted. The number of consultations will vary, of course, with the size of the city in question and the number of distinct groups or organizations. No formula has been adopted as to the number of consultations in the city of license compared to other communities falling within the station's coverage contours. (Primer, Q. & A. 14.)

[5] Board Member Nelson concurring in result.

[Dockets Nos. 19519, 19581; FCC 73R–123]

WESTERN COMMUNICATIONS, INC., AND LAS VEGAS VALLEY BROADCASTING CO.

Memorandum Opinion and Order Enlarging Issues

In re applications of Western Communications, Inc. (KORK–TV), Las Vegas, Nev., Docket No. 19519, File No. BRCT–327, for renewal of license; Las Vegas Valley Broadcasting Co., Las Vegas, Nev., Docket No. 19581, File No. BPCT–4465, for construction permit for new television broadcast station.

1. On January 18, 1973, Western Communications, Inc. (Western), filed its sixth motion to enlarge issues in this proceeding (38 FR 7140), requesting the Board to add the following issues: [1]

To determine whether Mr. Meyer (Mike) Gold, vice president, director, 12.5 percent stockholder/subscriber and proposed full-time general manager of Las Vegas Valley Broadcasting Co., made misrepresentations to the Commission, or exhibited lack of candor, concerning his reasons for assigning his licenses for KLUC and KLUC–FM in December 1969, and the effect of these matters on the qualifications of Valley to be a licensee.

To determine whether grant of the application of Las Vegas Valley Broadcasting Co. for Channel 3 in Las Vegas would be in violation of § 73.636(a) of the Commission's rules, or in violation of the Commission's "cross-interest" policy.

2. Western alleges that Meyer (Mike) Gold, a vice president, a member of the Board of Directors, and a 12.5 percent stock subscriber and proposed full-time general manager of Las Vegas Valley Broadcasting Co. (Valley), as an individual formerly was the licensee of Stations KLUC and KLUC–FM, Las Vegas, Nev., and that on December 23, 1969, he tendered applications to assign those licenses to others, stating as his reason for the transfer:

Assignor desires to concentrate his time on the operation of station KLOM, Lompoc, Calif., of which he is president and 50 percent owner, and to develop a new syndicated program service.

Petitioner alleges that Gold has not in fact concentrated his time on the operation of KLOM in Lompoc nor has he developed a new syndicated program service or tried to do so. Moreover, Western notes that in Gold's deposition in the instant proceeding, taken January 8, 1973, he stated that after the sale of his Las Vegas radio stations, his only other business interest was KLOM; that he had more time on his hands which he devoted to his hobbies; that he devotes only 10 or 15 days out of the year at the most to KLOM; and that he now spends a little less time on the affairs of the KLOM station than he did before he sold his Las Vegas station. Moreover, Western notes that Gold stated on deposition that he sold his Las Vegas stations, which were not for sale at the time, because

[1] The Board also has before it the Broadcast Bureau comments, filed Jan. 31, 1973; Valley's opposition, filed Feb. 22, 1973, and a reply to the opposition, filed by Western on Mar. 5, 1973.

he received an offer that was so attractive. Under these circumstances, Western contends, a misrepresentation issue must be added to this proceeding.

3. In opposition, Valley contends that Western's petition is late filed and that Western has not shown good cause for its delay. Valley submits an affidavit of Gold, who states that at the time he sold the Las Vegas stations, he did in fact intend to devote substantial time to the affairs of KLOM; however, afer a trip to Lompoc, he ascertained: That the area was somewhat depressed, that his partner was doing an excellent job in operating the station, and that no useful purpose would be served by devoting his full time to the station's affairs. Moreover, Gold contends that the transcript of his deposition supports his contention that he and his son, Steven, did devote considerable effort to the development of a syndicated program service which did not prove to be successful.

4. On the current state of the record before us, the requested issue will be included in the proceedings. There are a number of inconsistencies among Gold's statement made at the time he transferred his station, at his subsequent depositions, and in his affidavit filed with the Review Board. In view of these inconsistencies, the questions can best be resolved in the context of the hearing process.

5. Western also requests addition of an issue to determine whether a grant of Valley's application would be in violation of § 73.636(a) of the Commission's rules or of the Commission's "cross-interest" policy. In support of this request, Western alleges that Steven J. Gold, who is the son of Meyer (Mike) Gold is a 51 percent stockholder, president, director, and general manager of Broadcast Associations, Inc., licensee of standard broadcast Station KBMI, Henderson, Nev.; that Las Vegas and Henderson are located approximately 15 miles apart and that the entire city of Henderson lies within the proposed principal city and Grade A contours of Valley's proposed television station. Western notes that § 73.636(a) and the related cross-interest policy precludes the same person from acquiring an interest in both an AM and TV station serving substantially the same area, and argues that, although Steven Gold is not an officer, director, stockholder, or employee of Valley, the nature of the relationship between Steven Gold and his father and mother is such that a cross-interest issue should be added. More specifically, Western relies on the facts that Steven Gold is 28 years of age, unmarried, that he has resided with his parents at their home for the past several years, and that he will apparently continue to reside with them. Western also contends that Steven Gold and his parents have a record of close-knit relationships in the broadcasting business; that Steven Gold was employed full time at Stations KLUC and KLUC–FM until those stations were sold by Meyer Gold; that Steven Gold did not continue his employment at those stations after their sale; and that, after the sale of the stations, Steven Gold was largely unemployed until he purchased his interest in Station KBMI. Western alleges further that there is a creditor/debtor or other form of intimate financial relationship between Steven Gold and his interest in KBMI, on one hand, and his mother and father on the other hand. In this regard, Western notes that Steven Gold relied upon a $52,000 promissory note from his father to him, and a $10,000 loan from his mother for his financial contribution to Broadcast Associates. Moreover, Western contends that KBMI and Valley have a common mailing address; that Steven Gold's accountant, W. Irving Haut, is the treasurer, a director, and a 12.5 percent stockholder in Valley, that the September 30, 1971, balance sheet of Mr. and Mrs. Meyer Gold filed with the KBMI amendment of April 3, 1972, is the same balance sheet filed by Meyer Gold with Valley's application 5 or 6 months earlier, and that the demographic survey relied on in the KBMI is the same demographic survey relied on by Valley, except that on three of the four pages of the copy used for KBMI, the Valley exhibit numbers have been lined through with pen or pencil. In these circumstances, Western contends, an issue to determine whether a grant will be in conflict with the Commission's rules or its cross-interest policy should be added to the proceeding.

6. The requested issue will be denied. Initially, the Board agrees with Valley that the request for this issue is untimely and that good cause for the delay has not been shown. Although Western contends that the matters relied upon were not available to it prior to Mr. Gold's deposition, it is apparent that these circumstances are such that Western could have, with due diligence, known of them in time to file a timely request for the issue. As to the merits of the request, Steven Gold is not a stockholder-subscriber, officer, director, or employee of Valley. Nor do either of his parents hold any position with or stock in Broadcast Associates. Moreover, based on our examination of the pleadings, we are not satisfied that the relationship between Steven Gold and his parents is such as to warrant the requested issue. It is clear from the affidavits filed with the opposition that as of that date Steven Gold was not financially dependent upon his parents. The $52,000 note to Steven Gold was given to him by his father as a bonus for past service and the loan from his mother has been fully repaid. Thus, no debtor-creditor relationship exists. Nor do we find grounds in the other circumstances alleged to warrant inclusion of the requested issue. The Commission has consistently held that family relationship alone is insufficient to create a presumption of common control, and the allegations relied on by the petitioner show little more than an ordinary family relationship. Cf. "Community Broadcasting Co. of Hartsville," 16 FCC 2d 891, 15 RR 2d 1093 (1969); and "L & S Broadcasting Co.," 6 FCC 2d 535, 9 RR 2d 423 (1967).

7. *Accordingly, it is ordered*, That the sixth motion to enlarge issues, filed by Western Communications, Inc., on January 18, 1973, is granted to the extent indicated herein, and is denied in all other respects; and the issues are enlarged as follows:

To determine whether Mr. Meyer (Mike) Gold, Vice President, Director, 12.5 percent stockholder/subscriber and proposed full-time general manager of Las Vegas Valley Broadcasting Co., made misrepresentations to the Commission, or exhibited lack of candor, concerning his reasons for assigning his licenses for KLUC and KLUC–FM in December 1969, and the effect of these matters on the basic or comparative qualifications of Valley to be a licensee.

8. *It is further ordered*, That burden of going forward with the evidence under the issue added herein is on Western and the burden of proof is on Valley.

Adopted: March 19, 1973.

Released: March 23, 1973.

FEDERAL COMMUNICATIONS COMMISSION,

[SEAL] BEN F. WAPLE, *Secretary.*

[FR Doc.73–6142 Filed 3–29–73;8:45 am]

[Dockets Nos. 19468, 19469, 19471; FCC 73R–118]

WIOO, INC. ET AL.

Memorandum Opinion and Order Enlarging Issues

In re applications of WIOO, Inc., Carlisle, Pa., Docket No. 19468, file No. BPH–6572; Howard J. Hilton, John E. McGowan, and John E. Hilton, doing business as Hilton, McGovern & Hilton, Carlisle, Pa., Docket No. 19469, File No. BPH–6631; Alexander Contract and Sylvia Contract doing business as Cumberland Broadcasting Co., Carlisle, Pa., Docket No. 19471, File No. BPH–7404, for construction permits.

1. The above-captioned mutually exclusive applications for an FM broadcast station in Carlisle, Pa., were designated for hearing by Commission Order, FCC 72–233, 34 FCC 2d 919, released March 24, 1972. Since then, the Board has added several issues against both WIOO, Inc. (WIOO), and Cumberland Broadcasting Co. (Cumberland), including issues inquiring into the character qualifications of each.[1] Now before the review board are two petitions requesting the addition of more issues to this proceeding (38 FR 6430): (a) A further petition to enlarge issues, filed October 30, 1972, by WIOO; [2] and (b) a petition to enlarge issues, filed

[1] See, e.g., FCC 73R–45, 26 RR 2d 704, released Jan. 31, 1973, and 37 FCC 2d 740, 25 RR 2d 567, released Oct. 19, 1972.

[2] The following related pleadings are also before the Board: (1) Broadcast Bureau's comments, filed Nov. 14, 1972; (2) Cumberland's opposition, filed Nov. 22, 1972; (3) Cumberland's supplement to its opposition, filed Nov. 29, 1972; and (4) WIOO's reply, filed Dec. 11, 1972.

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January 10, 1973, by WIOO.[1] The "further petition" requests the addition of the following five issues against Cumberland:

(a) To determine whether the hiring practices and policies of Cumberland Broadcasting Co. will comport with equal opportunity employment requirements.

(b) To determine whether Cumberland Broadcasting Co. may be relied upon to program its station as proposed, and in the best interests of the entire population of its service area, with particular reference to the black population.

(c) To determine the history of dealings of Cumberland Broadcasting Co.'s principals with blacks and the surrounding facts and circumstances.

(d) To determine whether the principals of Cumberland Broadcasting Co. possess the requisite character qualifications to be a Commission licensee.

(e) To determine, in light of evidence adduced under the foregoing issues, the effect thereof upon the comparative and absolute qualifications of Cumberland Broadcasting Co.

The January petition arose out of Cumberland's response to WIOO's further petition and requests the addition of an issue to determine whether Cumberland's principals knowingly submitted false information to the Commission. The requests will be considered seriatim.

WIOO'S FURTHER PETITION

2. In its October 30, 1972, petition, WIOO makes several allegations which purportedly evidence on the part of Cumberland principal Alexander Contract, a "clear pattern of discrimination and denial of opportunity", and which, in WIOO's opinion, demonstrate that Cumberland "would not in fact treat its black employees in the fair and nondiscriminatory manner which Commission policy requires." WIOO also accuses Contract of salacious behavior with several women in Carlisle, contending that this conduct, too, reflects adversely on Cumberland's character qualifications. To support its allegations, petitioner relies on several affidavits and unsworn statements which it attaches to it petition. The affidavits and statements are from local residents who allege that they know Contract and who denounce him for various reasons (e.g., racial discrimination, salacious behavior). WIOO deduces from this potpourri of complaints and denunciations that "(i)t would be completely unrealistic for the Commission to expect fair and sympathetic treatment of black persons, either as employees or as members of the public, by a station owner having the attitudes described here." Petitioner relies on "Chapman Radio and Television Co.", 24 FCC 2d 282, 19 RR 2d 589 (1970) (hereinafter "Chapman I"), as precedent for inquiring into whether the hiring practices[2] comport with Commission policy, and "Chapman Radio and Television Co.", 34 FCC 2d 159, 24 RR 2d 51 (1972) (hereinafter "Chapman II"), in support of the contention that Contract's rental practices as a Carlisle landlord[3] also "raise the most serious questions about the spirit in which Cumberland could reasonably be expected to follow equal employment policies." WIOO acknowledges that its request is filed "sometime after the original designation for hearing", but argues that it was unaware of the serious matters raised "until recently".

3. The Broadcast Bureau supports the addition of an issue with respect to Contract's employment policies, and also favors an evidentiary inquiry into allegations concerning Contract's discriminatory policies as a landlord. Citing "Chapman II", the Bureau asserts that alleged past discriminatory conduct constitutes "clear cause for exploration by the Commission in the form of a more searching scrutiny of the applicant in this important respect." However, the Bureau does not concur with WIOO's request for a programing inquiry because, in the Bureau's view, the petitioner fails to show the shortcomings of Cumberland's proposal vis-a-vis the needs of the black community and neglects to substantiate its claims with supporting factual data. Finally, the Bureau recommends the use of "broad language" in framing an issue in order to facilitate "inquiry into the other allegations which have a reasonable relationship" to a determination of Contract's character qualifications.

4. Cumberland's opposition is based upon both procedural and substantive grounds. Cumberland first impugns the veracity of all of WIOO's affidavits and unsworn statements by charging that one affiant was paid by WIOO; Cumberland then points to the untimeliness of the petition wherein "good cause isn't ever mentioned"; and finally Cumberland suggests that the subject matter raised in the petition is more properly within the jurisdiction of the Human Relations Commission of the Commonwealth of Pennsylvania. On the merits, Cumberland denies that Contract has exhibited bias or prejudice, or ungentlemanly behavior. A number of affidavits and statements are submitted which purportedly illumine Contract's "true" relationship with the black community and which, in Cumberland's words, present "(h)ardly a picture of a racist or one who has discriminated with respect to race," but rather "one who has helped black people tremendously and treats them with fairness and respect."

5. In reply, WIOO characterizes Cumberland's charge with respect to the payment of an affiant as "hearsay" and "conjecture," and swears that no money was ever exchanged. WIOO submits that Contract's representations in the opposition are either unverified or unsubstantiated and that WIOO's allegations continue to raise questions of a sufficiently serious nature so as to necessitate an inquiry, citing the Edgefield-Saluda case.[4]

6. The Review Board will deny the requested issues. First, the petition is grossly late because more than 7 months have expired since the designation order was published on March 24, 1972, and because the facts relied upon allegedly occurred prior thereto. Further, petitioner's explanation that it was unaware of the matters raised "until recently" is too vague and less than adequate to excuse the untimeliness. "WENY, Inc.", 12 FCC 2d 606, 12 RR 2d 1160 (1968). The Board also agrees with Cumberland that the issues raised should be initially pleaded before the Pennsylvania Human Relations Commission, a local forum better suited to handle complaints of the nature submitted by WIOO. The Commission is, of course, very concerned about the specific allegations encompassing discrimination by applicants for broadcast licenses.[5] However, the allegations in WIOO's petition relate to conduct in a local business not per se within our jurisdiction, no action in an appropriate forum is pending, and the allegations themselves do not raise a serious question regarding discrimination. The Board has in the past ordinarily declined to intervene in matters of alleged violations of Federal or local law where the matters have not been presented to or acted upon by the authority charged with the responsibility of interpreting and enforcing those laws. See, e.g., "Bangor Broadcasting Corp.", 33 FCC 2d 687, 689, 23 RR 2d 883, 886 (1972); "Lamar Life Broadcasting Co.", 26 FCC 2d 112, 120, 20 RR 2d 509, 520 (1970). Under the particular circumstances of this case, we are of the view that this principle should be applied here. Moreover, the charges, particularly those regarding proposed programing, amount to mere speculation and unsupported conclusions, and, as such, are insufficient to require the addition of an issue.[6]

7. Neither do the "Chapman" cases, supra, support the addition of an issue in this proceeding. In "Chapman I," the Commission "deem(ed) it appropriate to delve into the matter of (the applicant's) employment policies" because of an adverse civil judgment, because of possible misrepresentations concerning

[1] The following related pleadings are also before the Board: (1) Comments of the Broadcast Bureau, filed Jan. 23, 1973; (2) opposition of Cumberland, filed Feb. 2, 1973; and (3) reply of WIOO, filed Feb. 12, 1973.

[2] Contract is the owner and operator of a Carlisle laundry business.

[3] Contract rents apartments in Carlisle.

[4] The "Edgefield-Saluda Radio Co. (WJES)", 5 FCC 2d 148, 8 RR 2d 611 (1966).

[5] "If a violation has been established, this clearly raises a question as to the applicant's qualifications" and "* * * even where no violation of a specific statute is established or alleged, specific allegations may raise serious public interest issues warranting a full hearing." "Notice of Proposed Rulemaking to Require Broadcast Licensees to Show Nondiscrimination in Their Employment Practices," 13 FCC 2d 766, 769, 13 RR 2d 1645, 1650 (1968), and cases cited therein.

[6] The Board notes, and the petitioner as much as acknowledges, that Cumberland's survey includes members of the black community, including leaders thereof, and that the applicant has proposed certain programs which are apparently responsive to the needs and interests of that community.

the incident involved therein, and because of the applicant's "apparent failure to contact members of minority groups with regard to community needs * * *." In "Chapman II," an issue was added to inquire "into the significance of the civil judgment" entered against two of the applicant's principals for Civil Rights Act violations, in the evaluation of the applicant's qualifications, but inquiry was stayed pending resolution of an appeal from the civil judgment. In addition, the case was remanded to the presiding judge for a further hearing under an existing equal opportunity employment issue encompassing "an inquiry into the civil rights compliance of the companies owned by (the applicant's) directors * * *." The important and distinctive elements are missing in the instant proceeding: there is no outstanding adverse judgment against Cumberland; there is none pending; and there is no existing equal opportunity employment issue. "Chapman I and II" are, therefore, inapposite.

WIOO'S JANUARY PETITION

8. Cumberland, in opposition to WIOO's further petition, charged that WIOO had purchased a sworn statement, and, in support, appended an affidavit of George Corbin, dated November 10, 1972, relating an allegedly incriminating conversation he had with the paid affiant, his brother. WIOO, in its reply, denied the allegation, and on January 10, 1973, filed a petition requesting the addition of an issue:

To determine the circumstances under which Cumberland submitted the affidavit of "George Corbin" with its November 22, 1972, opposition, and in the light thereof, to determine whether Cumberland's principals knowingly submitted false information to the Commission.

In support, WIOO submits an affidavit of George Corbin, dated January 6, 1973, in which he relates that he was out of town on November 10, 1972 (the date of the alleged first Corbin affidavit), that he did not sign that affidavit, and further, that the facts regarding payment for the sworn statement are untrue. The notary public for the November 10 affidavit, states that the individual signing that affidavit, and the individual who appeared before him on January 8, 1973, are not the same person. The Broadcast Bureau supports the addition of the requested issue, urging that the serious public interest questions raised override the defect of untimeliness.[7] The Bureau also suggests the addition of an issue encompassing a determination of "the effect of a resolution of the requested issue on Cumberland's requisite and/or comparative qualifications" which, the Bureau points out, the Board did in adding a similar issue in this proceeding (37 FCC 2d 740, 25 RR 2d 567, released October 19, 1972).

9. In opposition, Cumberland characterizes WIOO's petition as a "total fabrication". George Corbin submits two more affidavits in which he swears that he is the same individual who signed all of the affidavits bearing the signature of his November 10 affidavit (submitted with Cumberland's opposition to the further petition); and that he repudiates the truth of the affidavits signed by him and submitted by WIOO with its January petition. Corbin claims that he signed the affidavits for WIOO while under the influence of alcohol offered to him by a WIOO principal, who also paid him. Cumberland submits a laboratory report of a document examiner who finds that all of the signatures of "George Corbin" were "written by the same writer". Cumberland concludes that if the issue is to be added at all, it should include a determination of "the facts and circumstances concerning the procurement of WIOO, Inc. of its January 6, 1973, affidavit and its January 8, 1973, statement."

10. WIOO, in reply, submits affidavits from one of its principals, from various witnesses and from its attorney, all of whom deny any wrongdoing on the part of WIOO, and attempt to rebut the countercharges asserted by Cumberland. WIOO notes Cumberland's suggestion to inquire into the circumstances surrounding the procurement of all of the affidavits in question, and "earnestly entreats" the Board to go into the "entire matter".

11. It appears from an examination of the affidavits submitted to the Board that someone may not be telling the truth regarding this matter and, because the glaring conflicts in the affidavits preclude our resolution of the serious questions raised, they must be resolved at the hearing. "Christian Voice of Central Ohio," 26 FCC 2d 76, 81–82, 20 RR 2d 389, 395 (1970); "Sumiton Broadcasting Co., Inc.," 15 FCC 2d 400, 404, 14 RR 2d 1000, 1005 (1968), and cases cited therein. Because both parties agree that all the matters raised should be subject to inquiry at the hearing, the Board will add appropriate issues against both Cumberland and WIOO.

12. Finally, the Board notes that, according to the Commission's files, no less than 25 interlocutory requests have been filed in this proceeding, giving rise to responsive pleadings, which, in turn, generate supplements and supplements to supplements, and more pleadings responsive thereto. This activity frustrates an orderly and efficient administrative process, and introduces unnecessary delay. In view of the plethora of pleadings filed in the instant proceeding, the Board suggests that the parties may wish to reappraise their approach to the case, with the understanding that the ultimate determination will be based on facts of record rather than arguments and allegations contained in a seemingly endless chain of interlocutory pleadings. See "RKO General, Inc. (WNAC–TV)," 34 FCC 2d 736, 737, 24 RR 2d 200, 201 (1972).

13. *Accordingly, it is ordered*, That the further petition to enlarge issues, filed October 30, 1972, by WIOO, Inc., is denied; and

14. *It is further ordered*, That the petition to enlarge issues, filed January 10, 1973, by WIOO, Inc., is granted; and

15. *It is further ordered*, That the issues in this proceeding are enlarged by the addition of the following issues:

(a) To determine the facts and circumstances surrounding the procurement of the affidavits of Jerry Corbin and George Corbin in connection with the pleadings submitted by Cumberland Broadcasting Co. and WIOO, Inc.

(b) To determine in light of the evidence adduced pursuant to issue (a), the effect thereof on the basic and/or comparative qualifications of Cumberland Broadcasting Co.

(c) To determine in light of the evidence adduced pursuant to issue (a), the effect thereof on the basic and/or comparative qualifications of WIOO, Inc.

16. *It is further ordered*, That the burden of proceeding with the introduction of evidence under the issues added herein shall be on WIOO, Inc., and the burden of proof under issues (a) and (b) shall be on Cumberland Broadcasting Co., and the burden of proof under issues (a) and (c) shall be on WIOO, Inc.

Adopted: March 16, 1973.

Released: March 22, 1973.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[FR Doc.73-6141 Filed 3-29-73;8:45 am]

[7] In support, the Bureau cites "RKO General, Inc. (WNAC–TV)," 30 FCC 2d 138, 22 RR 2d 178 (1971).

FEDERAL MARITIME COMMISSION

FREIGHT BROKERS INTERNATIONAL, INC.

Applicants for Independent Ocean Freight Forwarder License

Notice is hereby given that the following applicants have filed with the Federal Maritime Commission applications for licenses as independent ocean freight forwarders pursuant to section 44(a) of the Shipping Act, 1916 (75 Stat. 522 and 46 U.S.C. 841(b)).

Persons knowing of any reason why any of the following applicants should not receive a license are requested to communicate with the Director, Bureau of Certification and Licensing, Federal Maritime Commission, Washington, D.C. 20573.

Freight Brokers International, Inc., 43 Park Place, New York, NY 10007.

OFFICERS

John T. Colligan, President-Secretary.
Matthew K. Fitzgerald, Vice President-Treasurer.
Michael Alan Baker, 3521 Mentone Avenue, Apartment 7, Los Angeles, CA 90034.

Fresh Air Incorporated, Fresh Air Cargo, 5600 Arbor Vitae, Los Angeles, CA 90045.

OFFICERS

Bill E. King, President.
Homer H. Carr, Vice President.
Phyllis K. Gordon, Secretary-Treasurer.

By the Commission.

Dated: March 26, 1973.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.73-6160 Filed 3-29-73;8:45 am]

V38-61 MAR 30 73 XUM

HARRY KAUFMAN DOING BUSINESS AS INTERNATIONAL SHIPPERS CO. OF NEW YORK

Notice of Revocation

Notice is hereby given that effective March 15, 1973, independent ocean freight forwarder license No. 35 issued to Harry Kaufman doing business as International Shippers Co. of New York, was revoked pursuant to section 44, Shipping Act, 1916, and pursuant to report and order of the Federal Maritime Commission served February 13, 1973, in Docket No. 71-15.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.73-6159 Filed 3-29-73;8:45 am]

[Docket No. 71-92]

C. E. TOLONEN CO., INC.

Order of Suspension

By motion filed July 12, 1972, respondent requested that the Commission order the subject proceeding discontinued with suspension of respondent's independent ocean freight forwarder license (FMC 1347) for a period of 90 days from the service date of the order. Hearing counsel have no objection to respondent's motion.

Therefore, it is ordered, That pursuant to section 44 of the Shipping Act, 1916 (46 U.S.C. 841(b)) and § 510.9(c) of the Commission's General Order 4 (46 CFR 510.9(c)), the independent ocean freight forwarder license (FMC 1347), issued in the name of C. E. Tolonen Co., Inc., is hereby suspended for 90 days from the date of service of this order.

It is further ordered, That license No. 1347 be returned to the Commission to be held during the period of suspension which will expire June 24, 1973.

It is further ordered, That respondent be allowed to complete any forwarding transactions in which it is currently engaged, but that respondent neither solicit nor accept any new forwarding business during this suspension period.

It is further ordered, That, provided respondent does not operate as an independent ocean freight forwarder, except as set forth in the preceding paragraph, this proceeding be discontinued upon completion of the suspension period.

It is further ordered, That should respondent operate as an independent ocean freight forwarder during this suspension period, its license will be subject to revocation.

It is further ordered, That a copy of this order be published in the FEDERAL REGISTER.

By the Commission.

[SEAL] FRANCIS C. HURNEY,
Secretary.

[FR Doc.73-6161 Filed 3-29-73;8:45 am]

[Docket No. 72-47]

TRANS-PACIFIC FREIGHT CONFERENCE OF JAPAN

Extension of Authority for Intermodal Services; Order of Clarification

The Commission instituted this proceeding on September 1, 1972, in response to a petition filed by Seatrain Lines, Inc., requesting the Commission to reconsider its approval of Agreement No. 150-54.

Agreement No. 150-54, as approved by the Commission on March 30, 1972, modifies the basic agreement of the Trans-Pacific Freight Conference of Japan to permit it to: (1) Broaden its jurisdiction to include inland points in the United States; (2) establish port-to-point, including through and joint, rates in addition to its conventional port-to-port rates; and (3) prohibit any conference line from negotiating, establishing, publishing, filing, or operating under "any transportation arrangement except as the conference may specifically authorize in its tariff".

When Agreement No. 150-54 was originally noticed in the FEDERAL REGISTER it was protested by both Seatrain and American Mail Line, Ltd. (AML). The gravamen of these parties' protests was that the approval of the subject agreement would compel them to cancel their intermodal tariffs on file with this Commission and the Interstate Commerce Commission. AML subsequently withdrew its protest when on March 3, 1972, the Conference adopted a resolution which permits any Conference line to publish its own intermodal tariffs until such time as the Conference, pursuant to Agreement No. 150-54, adopts its own Conference-wide intermodal tariff.[1]

Although Seatrain did not withdraw its protest to the approval of Agreement No. 150-54, it joined the Conference on March 23, 1972. Believing that the Conference-adopted resolution satisfied Seatrain's complaint (by allowing it to publish its own intermodal tariffs), the Commission approved Agreement No. 150-54.

Subsequently, Seatrain filed a petition for reconsideration of the Commission's approval of Agreement No. 150-54, and the Commission instituted this proceeding. In view of the circumstances surrounding its prior approval of Agreement No. 150-54, particularly that Seatrain is permitted to retain and utilize its "landbridge" tariff, the Commission did not vacate its order of approval, but rather set the matter down for hearing as to whether the agreement should be granted continued approval.

[1] This resolution further provides that cargoes carried by Conference members under intermodal tariffs which are permitted by the Conference are fully subject to the Conference's self-policing provisions, including requirements for the reporting of misrating and statistical data.

In addition to the continued approvability of Agreement No. 150-54, the Commission also raised as an issue for determination in this proceeding the question of whether:

> • • • any modification of Agreement No. 150-54 is warranted in order to establish more clearly defined standards governing the cancellation of individual intermodal tariffs published by conference members or in order to restrict the rights of members to vote on matters related to intermodal traffic and tariffs to only those lines who offer and participate in such services, or in order to prohibit the application of Conference self-policing procedures to independent tariffs published by any of its member lines.

In response to a Seatrain prehearing memorandum, and as a result of certain discussions held at the prehearing conference, as well as the intervention of several ports into this proceeding, the Conference has now filed a motion to clarify issues, to which Seatrain and Hearing Counsel have replied. This matter is now before the Commission for consideration and disposition.[2]

The Conference, through its motion, requests that the Commission rule that its order of investigation and hearing does not raise the following issues for determination in this proceeding:

1. The question whether by adoption of the Conference resolution of March 3, 1972, the Conference had carried out an unapproved section 15 agreement without the Commission's prior approval;

2. The question whether approval of Agreement No. 150-54 may cause the diversion of traffic from gulf ports to movement through west coast ports; and

3. The question whether the Commission ordered an unlimited de novo review of Agreement No. 150-54.

Seatrain believes that all three issues described above are incorporated in the Commission's Order of Investigation and Hearing served in this proceeding and

[2] Seatrain in its reply, questions, as a "preliminary matter", whether the Conference's motion is properly before the Commission in view of the requirements of Rule 5(m) of the Commission's rules of practice and procedure that "all motions • • • be addressed to and passed upon by the presiding officer". Seatrain views this rule as requiring the Administrative Law Judge "to rule on • • • (the Conference's) motion in the first instance" and accuses the Conference of attempting to prevent the presiding officer from performing his duty under the regulations by initially filing its motion with the Commission. Whatever may have been the merits of Seatrain's argument at the time it was made, it is clear that Judge Levy's referral of the Conference's motion to the Commission for disposition satisfies the requirements of Rule 5(m). In transmitting the motion to the Commission, the presiding officer has for all intents and purposes "passed upon" said motion. The Conference's motion to clarify, therefore, is properly before the Commission.

accordingly urges the Commission to deny the Conference's motion to clarify in toto.

Hearing Counsel in their reply suggest that the Commission clarify its order as requested with regard to the first issue raised, but decline decision as to the remainder of the motion on the grounds that it is merely an attempt to narrow issues and that "the responsibility for narrowing issues at this stage of the proceeding rests with the parties and the Presiding Administrative Law Judge".

Since we feel that our Order of Investigation and Hearing of September 1, 1972, fully and adequately sets forth the matters of fact and law to be explored in this proceeding, our disposition of the Conference's motion here is offered not so much as a clarification as it is an affirmance thereof.

First, the Conference and Hearing Counsel are correct in reading our order to exclude the status of the Conference's resolution of March 2, 1972, from the scope of this proceeding. The question of whether the Conference resolution constitutes an unfiled and unapproved section 15 agreement is not, nor was it intended to be, an issue for resolution in this proceeding. While we did specifically express an interest in, and raise issues as to, those portions of the resolution which relate to the cancellation of individual intermodal tariffs and the application of Conference self-policing procedures to such tariffs, the status of the resolution itself insofar as its filing and implementation are concerned was not made an issue for consideration.

Since the resolution appears to be a proper and acceptable implementation of the authority accorded in Agreement No. 150-54, we saw no reason when instituting this proceeding, nor do we see any now, to consider the resolution anything other than an interstitial type of arrangement. We are therefore acceding to the Conference's request by making it clear, if it was not before, that our order of September 1, 1972, does not include as an issue the question whether by adoption of the Conference resolution of March 3, 1972, the Conference had carried out an approved section 15 agreement without the Commission's prior approval.

We cannot agree with the Conference, however, that (1) possible "cargo diversion" is not an issue to be considered in this proceeding, and/or (2) the Commission did not order an "unlimited de novo review" of Agreement No. 150-54.

While the Commission did not specifically assign "cargo diversion" as an issue for determination in this proceeding, the fact remains that the question of whether Agreement No. 150-54 does result in the diversion of cargo generally is a matter which must be considered along with all the others, in determining the continued approvability of the agreement under investigation. It is axiomatic that any matter that legitimately goes to the approvability of an agreement before the Commission raises a proper issue for consideration in that proceeding. Accordingly, evidence pertaining to cargo diversion should be admitted if it is reasonably related to the ultimate issue to be resolved in this proceeding, i.e., whether Agreement No. 150-54 should be disapproved, canceled, or modified, and we would expect the Administrative Law Judge to make whatever rulings are necessary in that respect.

Finally, as regards the scope of the Commission's investigation in this proceeding, we believe that the first ordering paragraph, to wit:

> *Therefore, it is ordered*, That a proceeding be instituted pursuant to sections 15 and 22 of the Shipping Act, 1916 (46 U.S.C. 814, 821) to determine whether Agreement No. 150-54 should be disapproved, canceled, or modified in accordance with the standards enunciated in section 15 of the Act.

clearly indicates that the Commission intended to subject Agreement No. 150-54 to a complete and thorough review. Thus, while the other ordering paragraphs do single out particular matters which we felt should be considered, they were not intended to limit the scope of the Commission's review in anyway. Agreement No. 150-54, therefore, is before the Commission in this proceeding for all intents and purposes, and any attempt by the Conference to limit the proceeding to anything less than a full and comprehensive investigation must be rejected.

Therefore, it is ordered, That the motion to clarify filed by the Trans-Pacific Freight Conference of Japan in this proceeding is, except to the extent granted herein, denied.

By the Commission.

[SEAL] FRANCIS C. HURNEY,
Secretary.

[FR Doc.73-6158 Filed 3-29-73;8:45 am]

FEDERAL POWER COMMISSION

[Docket No. R-432]

MONTHLY REPORT OF COST AND QUALITY OF FUELS FOR STEAM ELECTRIC PLANT

Order Permitting Intervention

MARCH 27, 1973.

On February 26, 1973, Consolidated Edison Company of New York (Petitioner), filed a petition to intervene in the matter of Docket No. R-432, Monthly Report of Cost and Quality of Fuels for Steam Electric Plants, and an accompanying motion requesting: (1) Amendment of Commission regulations to provide for the reporting of fossil fuel cost information on the basis of average cost per million B.t.u.; (2) Commission authorization pendente lite to report fuel cost information only on an average cost per million B.t.u. basis; and (3) confidential treatment by the electric utilities on Form No. 423, and release of that information on a confidential basis only to other Federal agencies.

By order issued March 2, 1973, the Commission denied a Petition for Amendment of the Commission's regulations with respect to Form No. 423, as promulgated under Order No. 453, requesting revision to: (1) Require the reporting of average cost of fossil fuels, rather than actual prices; (2) eliminate the reporting of identity of the fuel supplier and the date of contract expiration; and (3) assure that Form No. 423 data be made available only to Commission members or other Federal agencies. The Commission issued an additional order March 2, 1973, denying a motion to stay pendente lite the public dissemination of information required by Commission Order No. 453 to be provided on Monthly Form No. 423, and to treat Form No. 423 confidentially.

The Commission ruled upon similar matters contained in Petitioner's motion in the orders of March 2, 1973. Petitioner's allegations here do not differ materially from those considered and rejected on March 2, 1973. Petitioner maintains that the public disclosure of the specific price data on fuel supply costs contained in Form No. 423 is causing injury to itself and its customers by providing its fuel suppliers with specific price data for use in negotiations on new contracts; that the collection and dissemination of such data are inconsistent with the antitrust laws; and that the purposes for which Form No. 423 was adopted can be satisfied without public disclosure. We reject these same allegations for reasons set forth in the orders of March 2, 1973.

Those orders, however, did allow Petitioners in that case to file an offer of proof, under oath, on or before April 2, 1973, setting forth facts and other circumstances to support their allegations that disclosure of data under Form No. 423 resulted in injury to electric utilities and that such injury outweighs the public benefit from full disclosure and the relief which the Commission can grant, if any. We will grant Consolidated Edison Co. a similar opportunity in this docket to submit a written Offer of Proof on or before April 2, 1973.

The Commission finds:

(1) The participation in this proceeding of Petitioner may be in the public interest.

(2) Petitioner's Motion for Confidential Treatment of Form No. 423 and amendment of the Commission's regulations with respect to Form No. 423 should be denied.

(3) Petitioner should be afforded the opportunity to file an Offer of Proof, under oath, on or before April 2, 1973, to support its allegations of injury.

The Commission orders:

(1) Petitioner is hereby permitted to intervene in this proceeding subject to the rules and regulations of the Commission: *Provided, however*, That the participation of the intervenor shall be limited to matters affecting rights and interests specifically set forth in its petition to intervene: *And provided, further*, That the admission of intervenor shall not be construed as recognition by the Commission that it might be aggrieved because of any order or orders issued by the Commission in the proceeding.

(2) Petitioner's Motion for Confidential Treatment of Form No. 423 and Amendment of the Commission's regulations with respect to Form No. 423 is hereby denied.

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(3) Petitioner may file an Offer of Proof, under oath, on or before April 2, 1973, setting forth facts and other circumstances to support its allegation that disclosure of data under Form No. 423 has resulted in injury to electric utilities and that such injury outweighs the public benefit from full disclosure and the relief which the Commission can grant, if any.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

[FR Doc.73-6279 Filed 3-29-73;9:10 am]

SUPPLY-TECHNICAL ADVISORY TASK FORCE—LIQUEFIED NATURAL GAS (LNG)

Agenda of Meeting

Meeting to be held in Conference Room 2043 of the Federal Power Commission, 441 G Street NW., Washington, DC, April 3, 1973—9 a.m. Presiding: Mr. Randolph E. Mathura, Alternate TF FPC Survey Coordinating Representative and Secretary.

1. Call to Order and Introductory Remarks—Mr. Mathura.

2. Objectives and Purposes of Meeting:

A. Discussion of the activities and progress of the Task Force—Mr. George D. Carameros, Jr., Director, Supply-Technical Advisory Task Force—Liquefied Natural Gas (LNG).

B. Discussion of the draft of the Task Force Report—Mr. Carameros.

C. Discussion of the environmental aspects concerning the work of the Task Force—Mr. Carameros.

D. Status of assigned work and estimated date for completion—Mr. Carameros.

E. Time of the next meeting.

F. Other business.

3. Adjournment—Mr. Mathura.

This meeting is open to the public. Any interested person may attend, appear before, or file statements with the Task Force, which statements, if in written form, may be filed before or after the meeting, or if oral, at the time and in the manner permitted by the Task Force.

KENNETH F. PLUMB, *Secretary.*

[FR Doc.73-6114 Filed 3-29-73;8:45 am]

[Docket No. E-7616]

CITIZENS UTILITIES CO.

Notice of Application

MARCH 26, 1973.

Take notice that on February 9, 1973, Citizens Utilities Co. (Applicant), filed a supplemental application seeking an order pursuant to section 204 of the Federal Power Act authorizing the issuance of short-term promissory notes in an aggregate principal amount not to exceed $27,500,000 outstanding at any one time.

Applicant is incorporated under the laws of the State of Delaware and is qualified to do business in the States of Arizona, Colorado, Connecticut, Hawaii, Idaho, and Vermont.

The notes are to be issued pursuant to a credit arrangement with Marine Midland Bank—New York, or, in the alternative, in the form of commercial paper to an established commercial paper dealer or dealers for resale in the customary commercial paper market without limitation as to the number of offerees or purchasers public. All notes are to have a final maturity on or before April 2, 1974. The interest rate for notes issued pursuant to the bank credit agreement shall be at the prime commercial interest rate at Marine Midland Bank—New York for 90 day notes as of the date of issuance. The maximum principal amount of all notes to be issued pursuant to the supplemental application shall not exceed $27,500,000 outstanding at any one time.

The net proceeds from the sale of the notes will be used, together with other funds of the Applicant, for the replenishment of the treasury for expenditures for current transactions and for the construction, extension, and improvement of facilities.

Any person desiring to be heard or to make any protest with reference to said application should on or before April 2, 1973, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and is available for public inspection.

KENNETH F. PLUMB, *Secretary.*

[FR Doc.73-6095 Filed 3-29-73;8:45 am]

[Docket No. CI73-614]

EXXON CORP.

Application

MARCH 23, 1973.

Take notice that on March 19, 1973, Exxon Corp. (Applicant), P.O. Box 2180, Houston, TX 77001, filed in Docket No. CI73-614 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale for resale and delivery of natural gas in interstate commerce to South Texas Natural Gas Gathering Co. from the Aurora Field Area, Jim Hogg County, Tex., all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to sell up to 7,500 Mcf of gas per day until February 1, 1974, at 38 cents per Mcf at 14.65 p.s.i.a. within the contemplation of § 2.70 of the Commission's general policy and interpretations (18 CFR 2.70).

It appears reasonable and consistent with the public interest in this case to prescribe a period shorter than 15 days for the filing of protests and petitions to intervene. Therefore, any person desiring to be heard or to make any protest with reference to said application should on or before April 9, 1973, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB, *Secretary.*

[FR Doc.73-6098 Filed 3-29-73;8:45 am]

[Docket No. RP73-4]

GREAT LAKES GAS TRANSMISSION CO.

Further Extension of Time and Postponement of Hearing

MARCH 20, 1973.

On March 15, 1973, Natural Gas Pipeline Company of America filed a motion for an extension of the procedural dates previously fixed by notice issued January 4, 1973. The motion states that all parties concur in or have no objection to the requested postponement.

Upon consideration, notice is hereby given that the procedural dates in the above matter are further modified as follows:

Service of Intervener evidence, April 17, 1973.
Service of Great Lakes' rebuttal evidence, May 18, 1973.
Commencement of cross-examination, June 5, 1973 (10 a.m., e.d.t.).

KENNETH F. PLUMB, *Secretary.*

[FR Doc.73-6115 Filed 3-29-73;8:45 am]

[Docket No. E-8076]

GULF STATES UTILITIES CO.

Amendatory Application

MARCH 23, 1973.

Take notice that on March 14, 1973, Gulf States Utilities Co. (Applicant), filed an amendment to its Interconnection and Interchange Agreement pursuant to section 205 of the Federal Power Act and Part 35 of the regulations issued thereunder, between Applicant and Beauregard Electric Cooperative, Inc. (Coop), and designated in Gulf States Utilities Company Rate Schedule FPC No. 73. The amendment gives notice that service between Applicant and Coop will commence at or near Hecker, La., located 10 miles north of Iowa, La., on March 9, 1973. Delivery at this point will be made over a 3 phase wye, 7,620/13,200 volt facility with an initial load of 250 kw.

Any person desiring to be heard or to make any protest with reference to said application should on or before April 6, 1973, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and is available for public inspection.

KENNETH F. PLUMB, *Secretary.*

[FR Doc.73-6113 Filed 3-29-73;8:45 am]

[Docket No. E-8077]

GULF STATES UTILITIES CO.

Supplemental Agreements

MARCH 23, 1973.

Take notice that on March 14, 1973, Gulf States Utilities Co. (Applicant), filed a supplemental application, pursuant to section 205 of the Federal Power Act and Part 35 of the regulations issued thereunder, relating changes in points of delivery in accordance with Interconnection and Interchange agreements between Applicant and (1) Sam Rayburn Dam Electric Cooperative, Inc., designated Gulf States Utilities Company Rate Schedule FPC No. 98, and (2) Sam Houston Electric Cooperative, Inc., agreement designated Gulf States Utilities Company Rate Schedule FPC No. 69.

According to the application Applicant proposes to discontinue its 13.2 kv. service to aforementioned cooperatives at the following delivery points:

(1) Effective February 20, 1973, at the Cude Cemetary Road metering point located on Cude Cemetary Road at FM Road 830 southwest of Willis, Tex., and

(2) Effective February 23, 1973, at Coldsprings, Tex., located on Coldsprings Highway 150 West.

The Applicant also proposes to commence delivery of service at SHECO Metering Point, located 4 miles east of SHECO Substation on Line No. 565 to above-mentioned cooperatives. This new service will deliver 3,400 kv.-a., 34.5 kv. at the above point, effective on February 23, 1973.

Additional temporary service between Applicant and aforementioned cooperatives is proposed to be delivered to a point on FM Road 1011, located 0.3 mile off State Highway 146 north of Liberty, Tex. This facility will carry a voltage of 13.8 kv.

Any person desiring to be heard or to make any protest with reference to said application should on or before April 6, 1973, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and is available for public inspection.

KENNETH F. PLUMB, *Secretary.*

[FR Doc.73-6112 Filed 3-29-73;8:45 am]

[Docket No. E-7898, etc.]

MINNESOTA POWER & LIGHT CO., ET AL.

Notice of Applications

MARCH 22, 1973.

Take notice that each of the applicants listed herein has filed an application pursuant to section 204 of the Federal Power Act and Part 35 of the regulations issued thereunder.

Any person desiring to be heard or to make any protest with reference to said applications should on or before April 12, 1973, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The applications are on file with the Commission and available for public inspection.

Docket No.	Date filed	Name of applicant
E-7898	Dec. 8, 1972	Minnesota Power & Light Co.

Applicant files September 22, 1972, Transmission Service Agreement between Lake Superior District Power Co., and Minnesota Power & Light Co. This Agreement amends Rate Schedule FPC No. 108 by including U.S. Bureau of Reclamation replacement and maintenance power and energy. The agreement is to take effect as soon as possible.

Docket No.	Date filed	Name of applicant
E-7984	May 8, 1972 June 12, 1972	Consumers Power Co. The Detroit Edison Co.

Consumers Power Co. and the Detroit Edison Co. file separate Agreements for sale of portion of generating capability of Ludington Pumped Storage Plant by Consumers and Detroit Edison to Commonwealth Edison Co., dated June 1, 1971, by and among Consumers Power Co., Detroit Edison Co., Commonwealth Edison Co. and Indiana & Michigan Electric Co. Applicants also file August 15, 1971, amendments to the Agreement. The Agreements become effective (a) on the date on which the fifth unit of the Ludington Plant is declared to be commercial operation if such date is prior to January 1, 1974, or (b) on January 1, 1974 if at least one unit of the plant is declared to be in commercial operation on or before January 1, 1974, or (c) on the date on which the first unit of the Plant is declared to be in commercial operation if such date is subsequent to January 1, 1974, whichever of (a), (b) or (c) occurs first.

Docket No.	Date filed	Name of applicant
E-7990	Jan. 22, 1973	Northern States Power Co.

Applicant files October 23, 1972, Supplement No. 1 to the Transmission Service Agreement, dated August 31, 1966, between Renville Sibley Cooperative Power Association and Northern States Power Co., designated Northern States Power Co. (Minnesota), Rate Schedule FPC No. 331. Supplement No. 1 deletes Exhibit A in its entirety, provides for a first revision of Exhibit A adding the Troy Connection, and supersedes August 31, 1966, Letter Agreement, designated Northern States Power Co., Rate Schedule FPC No. 331.1.

Docket No.	Date filed	Name of applicant
E-8065	Mar. 5, 1973	Mississippi Power Co.

Applicant files February 13, 1973, Supplement to January 4, 1972 Contract for Electric Service for Resale between Mississippi Power Co. and Coast Electric Power Association, establishing a new service delivery point at Bayon Lacroix on or about June 1, 1973. Applicant also

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files January 11, 1973 Supplement to January 4, 1972 Contract for Electric Service for Resale between Mississippi Power Co. and Singing River Electric Power Association, establishing a new delivery point at Hickory Hills on or about March 1, 1973.

Docket No.	Date filed	Name of applicant
E-8068	Mar. 5, 1973	Public Service Company of Indiana, Inc.

Applicant files November 1, 1972 Supplement to November 1, 1964 Supply for Retail Sale Agreement between Tipmont Rural Electric Membership Corp. and Public Service Company of Indiana, designated Rate Schedule FPC No. 187. The Supplement amends "Exhibit A" of the Rate Schedule by adding of a new delivery point designated TETC–69 delivery point, to take effect February 21, 1973.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-6117 Filed 3-29-73;8:45 am]

[Docket No. CP72-233]

NATURAL GAS PIPELINE COMPANY OF AMERICA

Availability of Environmental Impact Statement

MARCH 27, 1973.

Notice is hereby given in the captioned Docket that on March 27, 1973, as required by § 2.82(b) of Commission Order No. 415–C, a draft environmental statement prepared by the staff of the Federal Power Commission, was made available for comments. This statement deals with the environmental impact in the proceeding under Docket No. CP72–233, Natural Gas Pipeline Company of America for certificate of public convenience and necessity under section 7(c) of the Natural Gas Act for construction of approximately 27 miles of 16-inch pipeline, a side tap connection on an existing natural gas transmission pipeline of the applicant in the area, measurement facilities and miscellaneous appurtenant facilities, including a liquid removal facility. All construction would occur in the Sabine Pass area of Texas, near Port Arthur, Tex.

This statement has been circulated for comments to Federal, State, and local agencies, has been placed in the public files of the Commission's Office of Public Information, Room 2523, General Accounting Office Building, 441 G Street NW., Washington, DC, and at its Regional Office located at 819 Taylor Street, Fort Worth, TX. Copies may be ordered from the National Technical Information Service, Department of Commerce, Springfield, Va. 22151.

The Commission has found that it is necessary and appropriate in the public interest to dispense with the 45-day time period for review and comment and herewith shortens the period to 30 days from the above date to afford the Commission the opportunity to decide in as expeditious manner as possible if the merits of this application serve the public convenience and necessity.

Any person who wishes to do so may file comments on the staff draft statement for the Commission's consideration. All comments must be filed on or before April 26, 1973.

Any person who wishes to present evidence regarding environmental matters in this proceeding must file with the Commission a petition to intervene pursuant to § 1.8 of the Commission's rules of practice and procedure. Petitioners must also file timely comments on the draft statement in accordance with § 2.82(c) of Order No. 415–C.

All petitions to intervene must be filed on or before April 26, 1973.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-6118 Filed 3-29-73;8:45 am]

[Docket No. E-8069]

NEPOOL POWER POOL AGREEMENT

Proposed Changes in Rates and Charges

MARCH 23, 1973.

Take notice that NEPOOL on March 5, 1973, tendered for filing the following rate schedule materials:

NEPOOL POWER POOL AGREEMENT, dated as of September 1, 1971 (amended July 1, 1972).
NEPOOL AGREEMENT, signature page executed by Newport Electric Corp.

NEPOOL states that the materials filed here do not change in any manner the NEPOOL agreement previously filed with the Commission, other than to make Newport Electric Corp. an additional participant in the power pool. NEPOOL also states that no estimates of transactions and revenues relating to Newport Electric Corporation's participation in the power pool were submitted because they cannot be made with relative accuracy. NEPOOL states that electric service under the NEPOOL agreement, as related to Newport Electric Corp., will commence on April 1, 1973. NEPOOL further states that copies of this letter and copies of the additional page bearing the conformed signature of Newport Electric Corp. have been mailed to all systems rendering or delivering service under the NEPOOL agreement and to each of the persons on the Commission's service list in Docket No. E–7690.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 441 G Street NW., Washington, DC 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before April 2, 1973. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-6110 Filed 3-29-73;8:45 am]

[Docket No. CI73-615]

PHILLIPS PETROLEUM CO.

Application

MARCH 27, 1973.

Take notice that on March 16, 1973, Phillips Petroleum Co. (Applicant), Bartlesville, Okla. 74004, filed in Docket No. CI73–615 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale for resale and delivery of natural gas in interstate commerce to El Paso Natural Gas Co. at Applicant's Crane Gasoline Plant in Crane County, Tex., all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that it commenced the sale of natural gas on February 16, 1973, within the contemplation of § 157.29 of the regulations under the Natural Gas Act (18 CFR 157.29) and that it proposes to continue said sale for 2 years from the end of the 60-day emergency period within the contemplation of § 2.70 of the Commission's general policy and interpretations (18 CFR 2.70). Applicant proposes to sell approximately 62,000 Mcf of gas per month at 45 cents per Mcf at 14.65 p.s.i.a.

It appears reasonable and consistent with the public interest in this case to prescribe a period shorter than 15 days for the filing of protests and petitions to intervene. Therefore, any person desiring to be heard or to make any protest with reference to said application should on or before April 5, 1973, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition

for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-6096 Filed 3-29-73;8:45 am]

[Project 2494]

PUGET SOUND POWER & LIGHT CO.

Application for Withdrawal of Application for Major License

MARCH 23, 1973.

Public notice is hereby given that an application was filed on January 15, 1973, under the Federal Power Act (16 U.S.C. 791a–825r) by Puget Sound Power & Light Co. (Correspondence to: Mr. Lucius H. Biglow, Jr., Perkins, Cole, Stone, Olsen & Williams, 1900 Washington Building, Seattle, Wash. 98101) for approval of withdrawal of application for major license for White River Project No. 2494 located on the White River in Pierce County, Wash.

The request to withdraw the application is based on a decision of the U.S. Court of Appeals for the Second Circuit, Farmington River Power Company v. Federal Power Commission, 455 F. 2d 86 (2d Cir. 1972), that a Federal license under these circumstances is not required.

The White River Project consists of the following: (1) a rock-filled crib and concrete diversion dam 352 feet long and 4 feet high with 7-foot flashboards; (2) a concrete intake to which has been added a Corps of Engineers' fish trap; (3) a 7-mile long flow line consisting of: (a) A 5,000-foot timber flume; (b) a 2-mile long series of desilting basins; (c) 7,000 feet of unlined canal; (d) a 2-mile long timber lined canal; (e) a 1,600-foot long storage basin and short canal; and (f) Lake Tapps, a 2,566 acre reservoir with storage capacity of 46,000 acre feet; (4) a lined tunnel to a forebay; (5) steel penstocks; (6) a powerhouse containing two 18,000 hp. turbines each connected to a 15,000 kw. generator and two 23,000 hp. turbines each connected to a 20,000 kw. generator; and (7) a 0.5-mile long tailrace and appurtenant facilities.

Any person desiring to be heard or to make protest with reference to said application should on or before April 30, 1973, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to a proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and is available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-6111 Filed 3-29-73;8:45 am]

[Docket No. CP72-118]

SEA ROBIN PIPELINE CO.

Notice of Filing Amendment to Transportation Agreement

MARCH 23, 1973.

Take notice that on March 9, 1973, Sea Robin Pipeline Co. (Sea Robin) tendered for filing First Revised Sheet No. 63 amending Rate Schedule X–4 of its FPC Gas Tariff, Original Volume No. 2, a transportation agreement dated September 29, 1971, between Sea Robin and Tennessee Gas Pipeline Co. (Tennessee).

The subject transportation agreement was authorized, under a temporary certificate issued in Docket No. CP72–118, by Commission letter dated December 23, 1971. It is proposed that the revised tariff sheet be accepted and made effective January 1, 1973, the date agreed upon by the parties in the amendment to the original contract.

The company states that copies of the filing have been mailed to Tennessee.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 441 G Street NW., Washington, D.C. 20426, in accordance with sections 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before April 6, 1973. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-6116 Filed 3-29-73;8:45 am]

[Docket No. CI73-616]

SUPERIOR OIL CO.

Notice of Application

MARCH 26, 1973.

Take notice that on March 19, 1973, The Superior Oil Co. (Applicant), P.O. Box 1521, Houston, TX 77001, filed in Docket No. C173–616 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale for resale and delivery of natural gas in interstate commerce to Natural Gas Pipeline Company of America from the Sand Dunes Field, Eddy County, N. Mex., all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to sell approximately 7,500 Mcf of gas per month for 1 year at 35 cents per million Btu Within the contemplation of § 2.70 of the Commission's general policy and interpretations (18 CFR 2.70).

It appears reasonable and consistent with the public interest in this case to prescribe a period shorter than 15 days for the filing of protests and petitions to intervene. Therefore, any person desiring to be heard or to make any protest with reference to said application should on or before April 6, 1973, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is timely filed, or if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Upon the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or to be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-6097 Filed 3-29-73;8:45 am]

FEDERAL RESERVE SYSTEM

AMERICAN BANCORPORATION, INC.

Proposed Acquisition of Linwood Mortgage Co.

American Bancorporation, Inc., Kansas City, Mo., has applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.4(b)(2) of the Board's Regulation Y, for permission to acquire voting shares of Linwood Mortgage Co., Kansas City, Mo. Notice of the application was published on October 30, 1972, in The Kansas City Star, a newspaper circulated in Kansas City, Mo.

Applicant states that the proposed subsidiary would engage in the following activities: Extending credit for the account of Linwood Mortgage Co., or others, such as would be made by a mortgage company, and selling and servicing such

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loans; acting as an insurance agent or broker for certain types of insurance, including fire and extended coverage, and credit life insurance, which are directly related to such extensions of credit and loans, or insurance which is sold as a convenience to the purchaser, so long as such convenience insurance does not constitute a significant portion of the aggregate insurance premium income of American Bancorporation, Inc. Applicant states that such activities have been determined by the Board in § 225.4(a) of Regulation Y as permissible for bank holding companies, subject to Board approval of individual proposals in accordance with the procedures of § 225.4(b).

Interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question should be accompanied by a statement summarizing the evidence the person requesting the hearing proposes to submit or to elicit at the hearing and a statement of the reasons why this matter should not be resolved without a hearing.

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Kansas City.

Any views or requests for hearing should be submitted in writing and received by the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, not later than April 18, 1973.

Board of Governors of the Federal Reserve System, March 22, 1973.

[SEAL] TYNAN SMITH, *Secretary of the Board.*

[FR Doc.73-6176 Filed 3-29-73;8:45 am]

BARNETT BANKS OF FLORIDA, INC.

Order Approving Acquisition of Banks

Barnett Banks of Florida, Inc., Jacksonville, Fla., a bank holding company within the meaning of the Bank Holding Company Act, has applied for the Board's approval under section 3(a)(3) of the Act (12 U.S.C. 1842(a)(3)) to acquire 90 percent or more of the voting shares of Southern Bank of West Palm Beach, West Palm Beach, Fla. (West Palm Beach Bank), and Florida Southern Bank, Palm Beach County (P.O. Lake Worth), Fla. (Palm Springs Bank).

Notice of the applications, affording opportunity for interested persons to submit comments and views, has been given in accordance with section 3(b) of the Act. The time for filing comments and views has expired, and the Board has considered the applications and all comments received in light of the factors set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Applicant controls 37 banks with aggregate deposits of $1 billion, representing 7 percent of total deposits of commercial banks in the State and is the second largest banking organization in Florida. (All banking data are as of June 30, 1972, and reflect holding company formations and acquisitions approved through February 28, 1973.) The acquisitions of West Palm Beach Bank ($24 million deposits) and Palm Springs Bank ($6 million deposits) would increase applicant's share of Florida deposits by two-tenths of one percentage point, and it would remain the second largest State banking organization.

The proposed subsidiaries are located in the West Palm Beach banking market, and the proposal would represent applicant's initial entry into the area. West Palm Beach Bank and Palm Springs Bank hold 2.66 and 0.6 percent of total market deposits and rank 18th and 26th, respectively, among the 28 banks represented in this market area. Seven of the market's 16 banking organizations are multibank holding companies, two of which hold approximately 34 percent of aggregate market deposits. Although West Palm Beach and Palm Springs Banks are 4 miles apart they do not actively compete with each other due to the fact that Palm Springs Bank was organized in 1970 by directors and principal stockholders of West Palm Beach Bank, and both are under common management and control. It appears that no present or future competition between the banks would be eliminated by this proposal.

Applicant's closest subsidiary banking office is located 40 miles south of the banks. There is no significant competition between these banks and any of applicant's subsidiary offices, and due to the densely populated areas, the distances involved, and Florida's restrictive branching laws, it appears that there is little likelihood of the development of future competition. Consequently, competitive considerations are consistent with approval of the applications.

The financial condition and managerial resources of applicant and its subsidiaries are satisfactory in view of applicant's commitment to improve the capital position of its banks, and prospects for the group are favorable. The capital of West Palm Beach Bank has been recently increased and the financial condition of both banks is satisfactory, their managements capable, and prospects favorable. Banking factors are consistent with approval of the applications. Although the 28 market banks satisfactorily serve the more important banking needs of the area, applicant's proposed expansion and improvement of services now available at the banks, especially development of trust services at West Palm Beach Bank, would benefit the public and enable the banks to become stronger competitors with the larger area banking offices. Accordingly, considerations relating to the convenience and needs of the communities to be served are consistent with and lend slight support toward approval of the applications.

It is the Board's judgment that consummation of the proposed acquisitions would be in the public interest and that the applications should be approved.

On the basis of the record, the applications are approved for the reasons summarized above. The transactions shall not be consummated (a) before the 30th calendar day following the effective date of this order or (b) later than 3 months after the effective date of this order, unless such period is extended for good cause by the Board, or by the Federal Reserve Bank of Atlanta pursuant to delegated authority.

By order of the Board of Governors,[1] effective March 23, 1973.

[SEAL] TYNAN SMITH, *Secretary of the Board.*

[FR Doc.73-6175 Filed 3-29-73;8:45 am]

BERKSHIRE BANCORP, INC.

Acquisition of Bank

Berkshire Bancorp, Inc., Pittsfield, Mass., has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 100 percent of the voting shares (less directors' qualifying shares) of Guaranty Bank & Trust Co., Worcester, Mass. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Boston. Any person wishing to comment on the application should submit his views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than April 18, 1973.

Board of Governors of the Federal Reserve System, March 22, 1973.

[SEAL] TYNAN SMITH, *Secretary of the Board.*

[FR Doc. 73 6177 Filed 3-29-73;8:45 am]

HAMBROS BANK, LTD.

Order Granting Determination Under Bank Holding Company Act

In the matter of the request by Hambros Bank, Ltd., on behalf of itself, Hambros Investment Co. A.G., Hambros, Ltd., The Hambros Trust, Ltd., all of London, England, and Hambro American Corp., New York, N.Y. (collectively referred to as the "Hambros Group"), for a determination pursuant to section 2(g)(3) of the Bank Holding Company Act of 1956, as amended.

The Hambros Group, bank holding companies within the meaning of section 2(a) of the Bank Holding Company Act of 1956 (12 U.S.C. 1841(a)), on the basis of their direct and indirect ownership of 100 percent of the voting shares of Hambro American Bank & Trust Co., New York, N.Y. (Bank), seeks to terminate said status as a bank holding company as a result of transferring all of its shares of Bank to First Empire State Corp., Buffalo, N.Y. (First Empire).[2]

Hambros Bank, Ltd., and the Hambros Group seek a determination pursuant to section 2(g)(3) of the Bank Holding Company Act of 1956, as amended, that notwithstanding the existing interlocking director relationship between Hambros Bank, Ltd., and First Empire, they will not be capable of controlling the transferee of shares of the aforementioned Bank.

Under the provisions of section 2(g)(3) of the Act (12 U.S.C. 1841(g)(3)), shares transferred after January 1, 1966, by any bank holding company to a transferee that has one or more officers, directors, trustees, or beneficiaries in common with or subject to control by the transferor, are deemed to be indirectly owned or controlled by the transferor unless the Board of Governors of the Federal Reserve System, after opportunity for hearing, determines that the transferor is not in fact capable of controlling the transferee.

Mr. C. R. Diebold, president and a member of the board of directors of First Empire, is a member of the board of directors of Hambros Bank, Ltd. The Hambros Group was advised by the Board that consummation of the transfer of Bank to First Empire would not terminate the Hambros Group's ownership and control of Bank, unless the Board, after opportunity for hearing, made a determination of the kind described in section 2(g)(3). The Hambros Group has requested such a determination, and it has submitted to the Board documentary evidence to support its contention that none of the Hambros Group companies can in fact control First Empire.

Notice of an opportunity for hearing with respect to the Hambros Group's request for a determination under section 2(g)(3) was published in the FEDERAL REGISTER on Friday, July 7, 1972 (37 FR 13382). The time provided for requesting a hearing expired on August 6, 1972. No such request has been received by the Board, nor has any evidence been received to show that Hambros Bank, Ltd., or any of the Hambros Group companies is in fact capable of controlling First Empire.

It is hereby determined that neither Hambros Bank, Ltd., nor any of the Hambros Group companies is in fact capable of controlling First Empire. This determination is based upon the evidence of record in this matter, including (1) a certified copy of a resolution passed by the board of directors of Hambros Bank, Ltd., on October 23, 1972, to the effect that neither Hambros Bank, Ltd., nor any of the Hambros Group companies controls or will control or exert a controlling influence over First Empire through common directorships; (2) a certified copy of a resolution adopted on October 30, 1972, by the executive committee of the board of directors of First Empire to the effect that neither Hambros Bank, Ltd., nor any of the Hambros Group companies controls or will control or exert a controlling influence over First Empire through common directorships; (3) an affidavit of October 30, 1972, by Mr. Diebold stating, that in performing his responsibilities as a director of First Empire he is not acting pursuant to any agreement or understanding with, or under instructions from, any of the Hambros Group companies, and that he does not report to any of the Hambros Group companies the nature of actions taken at meetings of the board of directors of First Empire, nor report to First Empire the nature of actions taken at meetings of the board of directors of any Hambros Group company; and (4) statements in a letter of May 10, 1972, that neither Hambros Bank, Ltd., nor any of the Hambros Group companies owns directly or indirectly, in a fiduciary capacity, or has options to acquire, any of the capital shares or indebtedness of First Empire.

Accordingly, it is ordered, That the request of Hambros Bank, Ltd., on behalf of itself and the Hambros Group companies for a determination pursuant to section 2(g)(3) be and hereby is granted.

By order of the Board of Governors, acting through its General Counsel, pursuant to delegated authority (12 CFR 265.2), March 23, 1973.

[SEAL] TYNAN SMITH, *Secretary of the Board.*

[FR Doc.73-6178 Filed 3-29-73;8:45 am]

MOUNTAIN BANKS, LTD.

Order Approving Merger of Bank Holding Companies and Acquisition of Bank

Mountain Banks, Ltd., Colorado Springs, Colo., a bank holding company within the meaning of the Bank Holding Company Act, has applied for the Board's approval under section 3(a)(5) of the Act (12 U.S.C. 1842(a)(5)) to merge with Boulder National Corp., Boulder, Colo., a registered bank holding company, and to thereby acquire all of the voting shares of Boulder National Bank, Boulder, Colo. (Bank).

Notice of the application, affording opportunity for interested persons to submit comments and views, has been given in accordance with section 3(b) of the Act. The time for filing comments and views has expired, and the Board has considered the application and all comments received in light of the factors set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Applicant, the eighth largest banking organization in Colorado, controls five banks with aggregate deposits of $195.6 million, representing slightly less than 4 percent of the total deposits in commercial banks in Colorado.[1] Upon acquisition of Bank, Applicant's share of commercial bank deposits in the State would increase insignificantly and it would become the seventh largest banking organization in the State.

Bank, with deposits of $15.1 million, is the fourth largest of six banks in the city of Boulder and the sixth largest of 13 banks in Boulder County. Bank is located approximately 40 miles from Applicant's closest subsidiary bank. Due to the distances separating Bank and Applicant's existing subsidiary banks and the number of competing banks in the intervening area, it does not appear that consummation of the proposed transaction would eliminate any significant existing or potential competition.

The financial and managerial resources and future prospects of Applicant and its existing subsidiary banks appear generally satisfactory and consistent with approval, particularly in view of Applicant's commitment to augment the capital of its existing subsidiary banks within the next year. The financial and managerial resources and future prospects of Bank are satisfactory, taking into account Applicant's commitment to increase Bank's capital by $750,000 upon acquisition. The banking factors are consistent with and lend some weight toward approval of the application. While the banking needs of the area appear to be adequately met at present, Applicant's acquisition of Bank and its addition to Bank's capital should enable Bank to expand and improve its services. Considerations relating to the convenience and needs of the community to be served are consistent with approval of the application. It is the Board's judgment that the proposed acquisition would be in the public interest and that the application should be approved.

On the basis of the record, the application is approved for the reasons summarized above. The transaction shall not be consummated (a) before the 30th calendar day following the effective date of this order, or (b) later than 3 months after the effective date of this order, unless such period is extended for good cause by the Board, or by the Federal Reserve Bank of Kansas City pursuant to delegated authority.

By order of the Board of Governors,[3] effective March 23, 1973.

[SEAL] TYNAN SMITH, *Secretary of the Board.*

[FR Doc.73-6174 Filed 3-29-73;8:45 am]

[1] By order of May 9, 1972 (1972 Federal Reserve Bull. 582), the Board of Governors approved the application of First Empire to acquire, for cash, 100 percent of the voting shares of Hambro American Bank & Trust Co.

[1] Voting for this action: Vice Chairman Robertson and Governors Mitchell, Brimmer, Sheehan, and Bucher. Absent and not voting: Chairman Burns and Governor Daane.

[1] Banking data are as of June 30, 1972, adjusted to reflect bank holding company formations and acquisitions approved through Dec. 31, 1972.

[3] Voting for this action: Vice Chairman Robertson and Governors Mitchell, Brimmer, Sheehan, and Bucher. Absent and not voting: Chairman Burns and Governor Daane.

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GENERAL SERVICES ADMINISTRATION

[Federal Property Management Regs., Temporary Reg. E–25, Supp. 1]

SOLE SOURCE ADPE PROCUREMENTS

To: Heads of Federal agencies.

1. *Purpose.* This supplement extends the expiration date of FPMR Temporary Regulation E–25.[1]

2. *Effective date.* This regulation is effective on March 30, 1973.

3. *Expiration date.* This regulation expires December 31, 1973, unless sooner superseded or canceled.

4. *Revised date.* The expiration date shown in paragraph 3 of FPMR Temporary Regulation E–25 is extended to December 31, 1973. This extension will provide adequate time for the full consideration of agency comments.

ARTHUR F. SAMPSON,
Acting Administrator of General Services.

MARCH 28, 1973.

[FR Doc.73–6309 Filed 3–29–73;10:13 am]

INTERIM COMPLIANCE PANEL (COAL MINE HEALTH AND SAFETY)

WOLF CREEK COLLIERIES CO.

Notice of Opportunity for Public Hearing Regarding Application for Renewal Permit

Application for Renewal Permit for Noncompliance with the Interim Mandatory Dust Standard (2.0 mg./m.³) has been received as follows:

ICP Docket No. 20801, Wolf Creek Collieries Co., Inc., No. 3 Mine, USBM ID No. 15 02061 0, Lovely, Ky.
Section ID No. 001.
Section ID No. 006.
Section ID No. 007.

In accordance with the provisions of section 202(b)(4) (30 U.S.C. 842(b)(4)) of the Federal Coal Mine Health and Safety Act of 1969 (83 Stat. 742, et seq., Public Law 91–173), notice is hereby given that requests for public hearing as to an application for renewal may be filed within 15 days after publication of this notice. Requests for public hearing must be filed in accordance with 30 CFR Part 505 (35 FR 11296, July 15, 1970), as amended, copies of which may be obtained from the Panel on request.

A copy of the application is available for inspection and requests for public hearing may be filed in the office of the Correspondence Control Officer, Interim Compliance Panel, Room 800, 1730 K Street NW., Washington, DC 20006.

GEORGE A. HORNBECK,
Chairman, Interim Compliance Panel.

MARCH 26, 1973.

[FR Doc.73–6091 Filed 3–29–73;8:45 am]

[1] First appeared at 37 FR 21462, Oct. 11, 1972.

INTERNATIONAL JOINT COMMISSION, UNITED STATES AND CANADA

WATER LEVELS OF LAKE SUPERIOR

Notice of Public Hearings Regarding Future Regulation

The International Joint Commission, a permanent Canada-United States body established under the terms of the Boundary Waters Treaty of 1909, will hold public hearings at the times and places noted below on the question of the future regulation of the water levels of Lake Superior.

In 1964, during a period of extreme low water, the Governments of Canada and the United States requested the International Joint Commission to determine the practicability of further regulating the levels of the Great Lakes or any of them and their connecting channels so as to establish a more beneficial range of stage. The International Great Lakes Levels Board was established to carry out the necessary technical investigations and studies and to report its findings and recommendations to the Commission. It is expected that the Board's comprehensive report on these studies will be submitted to the Commission later this year. Shortly thereafter, the International Joint Commission will hold public hearings at several locations in the Great Lakes Basin to receive public comment on that report and will then prepare its final report to Governments.

However, because of the unusually high levels experienced on the Great Lakes this year and the concern expressed by Governments and by shore property owners and municipalities located along the shores of the Great Lakes, the Commission requested its Great Lakes Levels Board to submit an Interim Report focusing upon the further regulation of Lake Superior and the effects of such regulation of downstream waters. This would allow the Commission to give earlier consideration to the desirability of amending the present Regulation Rule for Lake Superior. The Board's "Interim Report on Lake Superior and Lake Ontario" has now been received and is being distributed to interested individuals, organizations and governmental agencies. Copies may be obtained upon request by writing to the International Joint Commission in either Washington or Ottawa at the addresses noted below.

The purpose of these public hearings is to receive testimony and evidence relating to the regulation of Lake Superior. Opportunity will be given to anyone, either on his own behalf or in a representative capacity, to offer pertinent information which may assist the Commission in determining the advisability of prescribing a new regulation plan for Lake Superior. The Commission will hold a further hearing to consider the regulation of Lake Ontario levels. The time and place of this hearing will be announced later.

The Commission's hearings are international in nature and irrespective of the location in which they are held, the citizens of both the United States and Canada are invited. Statements may be made orally or in writing. If written statements are submitted it is requested that if possible, thirty (30) copies be provided for the Commission's use. Additional copies may be deposited with the Secretaries at the hearing for the use of the news media and others present.

Times and Places of Hearings

Tuesday, May 8, 1973, 9:30 a.m., Engineering Society of Detroit, ESD Theater, Rackham Memorial Building, 100 Farnsworth Street, Detroit, MI 48202.

Thursday, May 10, 1973, 9:30 a.m., Clayton Auditorium, Collegiate Institute, 95 Fauquier Street, Sault Ste. Marie, ON.

W. A. Bullard, Secretary, U.S. Section, International Joint Commission, Suite 203, 1717 H Street NW., Washington, DC 20440, Stop No. 86.

D. G. Chance, Secretary, Canadian Section, International Joint Commission, Suite 850, 151 Slater Street, Ottawa, ON, Canada, K1P 5H2.

MARCH 28, 1973.

[FR Doc.73–6109 Filed 3–29–73;8:45 am]

NATIONAL ENDOWMENT FOR THE HUMANITIES

EDUCATION PANEL

Notice of Closed Meeting

APRIL 2, 1973.

Pursuant to Public Law 92–463, the Federal Advisory Committee Act, notice is hereby given that a meeting of the Education Panel will take place in Washington, D.C., on April 18, 19, 1973.

The purpose of the meeting is to review humanities program grant proposals and development grant proposals that have been submitted to the endowment for possible grant funding.

Based on section b (4) and (6) of 5 U.S.C. 552, the meeting will not be open to public participation. It is suggested that those desiring more specific information contact the Advisory Committee Management Officer, Mr. John W. Jordan, 806 15th Street NW., Washington, DC 20506, or call area core 202—382–2031.

JOHN W. JORDAN,
Advisory Committee Management Officer.

[FR Doc.73–6119 Filed 3–29–73;8:45 am]

PUBLIC PROGRAMS PANEL

Notice of Closed Meeting

MARCH 26, 1973.

Pursuant to Public Law 92–463, the Federal Advisory Committee Act, notice is hereby given that a meeting of the Public Programs Panel will take place in Washington, D.C., on April 13, 1973.

The purpose of this meeting is to review museum program proposals that have been submitted to the Endowment for possible grant funding.

Based on section b (4) and (6) of 5 U.S.C. 552, the meeting will not be open to public participation. It is suggested that those desiring more specific information contact the Advisory Committee Management Officer, Mr. John W. Jordan, 806 15th Street NW., Washington, DC 20506, or call area code 202–382–2031.

JOHN W. JORDAN,
Advisory Committee, Management Officer.

[FR Doc.73–6120 Filed 3–29–73;8:45 am]

SECURITIES AND EXCHANGE COMMISSION

[File No. 500–1]

FIRST LEISURE CORP.

Order Suspending Trading

MARCH 26, 1973.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, $0.10 par value and all other securities of First Leisure Corp., being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period from March 27, 1973, through April 5, 1973.

By the Commission.

[SEAL] RONALD F. HUNT,
Secretary.

[FR Doc.73–6106 Filed 3–29–73;8:45 am]

[File No. 500–1]

LILAC TIME, INC.

Order Suspending Trading

MARCH 23, 1973.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, $0.05 par value, and all other securities of Lilac Time, Inc., being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period from March 26, 1973, through April 4, 1973.

By the Commission.

RONALD F. HUNT,
Secretary.

[FR Doc.73–6104 Filed 3–29–73;8:45 am]

[File No. 500–1]

LOCATING DEVICES, INC.

Order Suspending Trading

MARCH 22, 1973.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, warrants, units, and all other securities of Locating Devices, Inc., being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors:

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period from 2:30 p.m., e.s.t., March 22, 1973, through March 31, 1973.

By the Commission.

[SEAL] RONALD F. HUNT,
Secretary.

[FR Doc.73–6103 Filed 3–29–73;8:45 am]

[File No. 500–1]

LOGOS DEVELOPMENT CORP.

Order Suspending Trading

MARCH 23, 1973.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, $0.01 par value, and all other securities of Logos Development Corp., being traded otherwise than on a national securities exchange, is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be in effect for the period from March 26, 1973, through April 4, 1973.

By the Commission.

RONALD F. HUNT,
Secretary.

[FR Doc.73–6105 Filed 3–29–73;8:45 am]

[812–3406]

MASSMUTUAL INCOME INVESTORS, INC.

Filing of Application

MARCH 26, 1973.

Notice is hereby given that MassMutual Income Investors, Inc., 1295 State Street, Springfield, MA 01111 (the Fund), a closed-end, diversified management investment company registered under the Investment Company Act of 1940 (the Act), has filed an application for an order of the Commission pursuant to section 6(c) of the Act declaring that Howard Weaver McCall, Jr., a director of the Fund, shall not be considered an "interested person" (as defined in section 2(a)(19) of the act) of the Fund solely by reason of the fact that Mr. McCall is a director of the Mutual Life Insurance Company of New York (MONY). All interested persons are referred to the application on file with the Commission for a statement of the representations made therein, which are summarized below.

Mr. McCall is a director of MONY, a New York mutual life insurance company which is principally engaged in the business of selling life insurance, health insurance, retirement plans for individuals and employee groups and variable annuities and acting as investment adviser to MONY Mortgage Investors, a real estate investment trust. Solely because it sells variable annuity contracts, including contracts for funding HR–10 plans, MONY has registered as a broker-dealer under the Securities Exchange Act of 1934. MONY does not otherwise act as a broker-dealer. Through its subsidiary, MONY Sales, Inc. (MONY Sales), MONY distributes to the public shares of The MONY Fund, Inc. (MONY Fund). Solely because it distributes shares of MONY Fund, including shares for funding HR–10 plans, MONY Sales has registered as a broker-dealer under the Securities Exchange Act of 1934. MONY Sales does not otherwise, directly or indirectly, act as a broker-dealer. The Fund represents that neither MONY nor MONY Sales has ever engaged in securities transactions on behalf of the Fund. Furthermore, the Fund has undertaken that, so long as Mr. McCall remains one of its directors, the Fund will not knowingly purchase any securities from or through, or sell any securities to or through, MONY or any subsidiary of MONY.

Mr. McCall in no way participates in the day-to-day operations of MONY or MONY Sales and is neither a director nor an officer of MONY Sales.

Section 2(a)(19) of the Act defines an "interested person" of any investment company to include, among others, any broker or dealer registered under the Securities Exchange Act of 1934, or any affiliated person of such a broker or dealer. Section 2(a)(3) of the Act defines an affiliated person of another person to include any director of another person.

Because Mr. McCall is a director of MONY, he is an affiliated person of a registered broker-dealer and an affiliated person of an affiliated person of a registered broker-dealer, MONY Sales. Accordingly, he may be deemed to be an "interested person" of the Fund.

Section 6(c) of the Act provides that the Commission, by order upon application, may conditionally or unconditionally exempt any person from any provision of the Act if such exemption is necessary or appropriate in the public

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interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Applicant contends that Mr. McCall should not be deemed an "interested person" of the Fund because his affiliation with MONY does not affect, and will not impair, his independence in acting on behalf of the Fund and its shareholders, and the requested exemption is therefore consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Notice is further given that any interested person may, not later than April 19, 1973, submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon the Fund at the address stated above. Proof of such service (by affidavit, or in case of an attorney at law, by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0–5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management Regulation, pursuant to delegated authority.

[SEAL] RONALD F. HUNT,
Secretary.

[FR Doc.73–6102 Filed 3–29–73;8:45 am]

[File No. 500–1]

PELOREX CORP.

Order Suspending Trading

MARCH 26, 1973.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, $0.10 par value, and all other securities of Pelorex Corp., being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period from March 27, 1973, through April 5, 1973.

By the Commission.

[SEAL] RONALD F. HUNT,
Secretary.

[FR Doc.73–6107 Filed 3–29–73;8:45 am]

SMALL BUSINESS ADMINISTRATION

[License 01/01–5070]

NORTH AMERICAN MESBIC, INC.

Notice of Surrender of License

Notice is hereby given that North American MESBIC, Inc., 114 State Street, Boston, MA 02109, has surrendered its license to operate as a small business investment company pursuant to § 107.105 of the rules and regulations of the Small Business Administration (SBA), governing small business investment companies (13 CFR 107.105 (1972)).

North American MESBIC, Inc., a Massachusetts corporation, was licensed by SBA on January 11, 1971, to operate solely as a minority enterprise small business investment company (MESBIC) under the Small Business Investment Act of 1958, as amended (15 U.S.C. 661 et seq.), and the SBA regulations issued thereunder.

Under the authority vested by the Act, and pursuant to the cited regulation, the surrender by North American MESBIC, Inc. of its license is hereby accepted and all rights, privileges and franchises derived therefrom are hereby canceled.

Dated: March 20 1973.

DAVID A. WOLLARD,
Associate Administrator for Finance and Investment.

[FR Doc.73–6056 Filed 3–29–73;8:45 am]

SPECIAL ACTION OFFICE FOR DRUG ABUSE PREVENTION

ADVISORY COMMITTEE ON DRUG DETECTION

Notice of Meeting

Pursuant to Public Law 92–463, notice is hereby given of a meeting of the Advisory Committee on Drug Detection on April 9, 1973, 9:30 a.m., Room 3104, The New Executive Office Building, 726 Jackson Place NW., Washington, D.C. The principal purpose of the meeting is to review the results of the initial proficiency testing survey conducted by the Center for Disease Control.

This meeting is open to the public. Any member of the public wishing to attend or participate should contact the Chairman, Watson Reid, M.D., 202–456–6276. If attendance is not possible, the committee will receive written statements which will be read at the time and in the manner permitted by the committee.

WATSON REID,
Chairman.

[FR Doc.73–6092 Filed 3–29–73;8:45 am]

OFFICE OF THE SPECIAL REPRESENTATIVE FOR TRADE NEGOTIATIONS

[Docket No. 73–3]

TRADE INFORMATION COMMITTEE

Notice of Public Hearing

Notice of public hearing requesting views regarding trade agreements between the European Communities and five EFTA countries.

Notice is hereby given pursuant to § 2003.2 of the Regulations of the Trade Information Committee of the Office of the Special Representative for Trade Negotiations (15 CFR Ch. XX, Part 2003) that a public hearing will be held beginning at 10 a.m. on May 15 and 16, 1973, to adjourn and reconvene at a later date if needed, in Conference Room 730, 1800 G Street NW., Washington, DC. The purpose of said hearings is to provide an opportunity to the public to present all facts and views pertaining to the effect on U.S. exports and other commercial interests of the trade agreements between the European Communities and five countries belonging to the European Free Trade Association—Austria, Iceland, Portugal, Sweden, and Switzerland—signed in Brussels on July 22, 1972.

With the exception of the EC-Iceland agreement, which has not yet been fully implemented, these arrangements became effective on January 1, 1973.

Interested parties are invited to express their views on this subject by written brief or other communication, submitted in not less than 20 copies, to the Chairman of the Trade Information Committee. Interested parties are also invited to express their views on this subject in person at the aforementioned public hearing, provided they notify the Chairman of the Trade Information Committee, Office of the Special Representative for Trade Negotiations, 1800 G Street NW., Room 725, Washington, DC 20506. Such notification must be received by April 24, 1973. Requests to appear in person should be submitted in an original and 15 copies which must be legibly typed, printed, or duplicated and must include the following information:

(a) The name, address, and telephone number of the party submitting the request;

(b) The name, address, telephone number, and official position of the person submitting the request on behalf of the party referred to in subparagraph (a);

(c) A brief indication of the interest of, and the position to be taken by, the party;

(d) The name, address, and telephone number of the person or persons who will present oral testimony; and

(e) The amount of time desired for the presentation of oral testimony.

Requests to present oral testimony should not contain any confidential information. Any requests marked "For Official Use Only" or similarly marked will not be accepted.

Each party will be notified if his request to appear in person has been granted. If so, he will be notified of the date on which he is scheduled to appear and the amount of time allotted for his presentation. If not, the reasons for the denial shall be given. (The Committee reserves the right to restrict the time allotted for presentation of oral testimony.) Each party desiring to present oral testimony is required to submit a written brief to the Chairman of the Trade Information Committee which must be received at least 1 week prior to the commencement of the hearing at which oral testimony shall be presented. The brief must include a statement in nonconfidential form of the position taken and supporting arguments. It must be submitted in not less than 20 copies which must be legibly typed, printed, or duplicated.

Parties are encouraged to support their briefs with all available information, including material that may be of a confidential nature. Reference should be had to § 2003.8 of the Regulations of the Committee governing information exempt from public inspection. All written materials other than confidential information filed with the Committee in connection with the hearing will be open to public inspection by appointment, at Room 725, 1800 G Street NW., Washington, DC 20506.

Interested parties should note that pursuant to § 2003.4(d), a "written brief shall state clearly the position taken and shall describe with particularity the evidence supporting such position." Parties should focus their briefs and oral testimony on the following:

(a) The effects upon U.S. exports and other commercial interests of the elimination of tariffs and other restrictions on trade between the parties to these agreements (Austria, Iceland, Portugal, Sweden, Switzerland, and the European Communities) pursuant to the schedules set forth in the respective agreements; and

(b) The effects upon U.S. exports and other commercial interests of other provisions of the agreements including the definition of the concept of "originating products" commonly referred to as "rules of origin" and methods of administrative cooperation relating thereto as set forth in the agreements.

Information about these trade agreements can be obtained by addressing inquiries to the Ombudsman for Business, Department of Commerce, Washington, D.C. 20230, or telephoning 202—967–3176. Parties wishing to determine whether particular agricultural commodities are affected by these trade agreements are referred to "The EC Nine and EFTA Negotiate on Farm Trade," "Foreign Agriculture," February 12, 1973. Additional information may be obtained by addressing inquiries to the Director, Trade Policy Division, Foreign Agricultural Service, Department of Agriculture, Washington, D.C. 20250, or telephoning 202–447–7677.

JOHN H. JACKSON,
General Counsel, Office of the Special Representative for Trade Negotiations, Acting Chairman, Trade Information Committee.

[FR Doc.73–6130 Filed 3–29–73;8:45 am]

TARIFF COMMISSION

[TEA–W–192]

I. JABLOW & CO., INC.

Workers' Petition for Determination; Notice of Investigation

On the basis of a petition filed under section 301(a)(2) of the Trade Expansion Act of 1962, on behalf of the workers and former workers of I. Jablow & Co., Inc., Philadelphia, Pa., the U.S. Tariff Commission, on March 26, 1973, instituted an investigation under section 301(c)(2) of the Act to determine whether, as a result in major part of concessions granted under trade agreements, articles like or directly competitive with boys' dress and sport shirts, knit and nonknit, with chief value of cotton or man-made fibers (of the types provided for in Items 380.00, 380.04, 380.06, 380.27, 380.81, and 380.84 of the Tariff Schedules of the United States) produced by said firm are being imported into the United States in such increased quantities as to cause, or threaten to cause, the unemployment or underemployment of a significant number or proportion of the workers of such firm or an appropriate subdivision thereof.

The optional public hearing afforded by law has not been requested by the petitioners. Any other party showing a proper interest in the subject matter of the investigation may request a hearing, provided such request is filed on or before April 10, 1973.

The petition filed in this case is available for inspection at the Office of the Secretary, U.S. Tariff Commission, Eighth and E Streets NW., Washington, D.C., and at the New York City Office of the Tariff Commission located in Room 437 of the Customhouse.

Issued: March 27, 1973.

By order of the Commission.

[SEAL] KENNETH R. MASON,
Secretary.

[FR Doc.73–6196 Filed 3–29–73;8:45 am]

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

DELAWARE, MARYLAND, PENNSYLVANIA, DISTRICT OF COLUMBIA, AND WEST VIRGINIA DEVELOPMENTAL PLANS

Change in Location for Regional Inspection; Changes in Notices

The notices of the submission of the State plans under section 18 of the Occupational Safety and Health Act of 1970 (29 CFR 667) and availability for public comment appearing respectively on January 16, January 22, February 1, March 2 and March 5, 1973 (38 FR 1619, 2189, 3123, 5702, and 5956), with regard to the occupational safety and health programs for the States of Delaware, Maryland, Pennsylvania, District of Columbia, and West Virginia, are hereby amended to change the address given in paragraph 2 thereof for the Regional Administrator, Occupational Safety and Health Administration to read as follows:

Suite 15220, Gateway Building, 3535 Market Street, Philadelphia PA 19104.

Signed at Washington, D.C., this 27th day of March 1973.

CHAIN ROBBINS,
Acting Assistant Secretary of Labor.

[FR Doc.73–6191 Filed 3–29–73;8:45 am]

Office of the Secretary

MONTANA

Determination of Temporary on Indicator and Beginning of Temporary Benefit Period

Pursuant to the provisions of section 202 of the Emergency Unemployment Compensation Act of 1971 (Public Law 92–224, title II as amended by Public Law 92–329), hereinafter referred to as the Act, and 20 CFR 617.13(a), I hereby give notice of my determination as follows:

1. There is a "temporary on" indicator for the week ending February 10, 1973, for the State of Montana.

2. This determination is based on my finding that the rate of unemployment as defined in the Act for the 13-week period ending February 10, 1973, was 6.62 percent in the State of Montana.

3. A temporary benefit period as provided in section 202(c)(3)(A)(iii) of the Act and 20 CFR 617.5 began on February 25, 1973, the first day of the third calendar week after which there is a "temporary on" indicator in the State of Montana.

Temporary compensation, as defined in 20 CFR 617.2(d), shall be payable to eligible individuals who have received temporary compensation for a week or weeks beginning before January 1, 1973, and who file claims for such compensation for weeks of unemployment which begin in the temporary benefit period with respect to the State of Montana. However, no temporary compensation under the Act is payable for any week of unemployment which ends after March 31, 1973, even though such week is in a temporary benefit period.

Signed at Washington, D.C., this 26th day of March 1973.

PETER J. BRENNAN,
Secretary of Labor.

[FR Doc.73–6127 Filed 3–29–73;8:45 am]

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NEVADA

Determination of Temporary On Indicator and Beginning of Temporary Benefit Period

Pursuant to the provisions of section 202 of the Emergency Unemployment Compensation Act of 1971 (Public Law 92-224, title II, as amended by Public Law 92-329), hereinafter referred to as the Act, and 20 CFR 617.13(a), I hereby give notice of my determination as follows:

1. There is a "temporary on" indicator for the week ending January 27, 1973, for the State of Nevada.

2. This determination is based on my finding that the rate of unemployment as defined in the Act for the 13-week period ending January 27, 1973, was 6.57 percent in the State of Nevada.

3. A temporary benefit period as provided in section 202(c)(3)(A)(iii) of the Act and 20 CFR 617.5 began on February 11, 1973, the first day of the third calendar week after which there is a "temporary on" indicator in the State of Nevada.

Temporary compensation, as defined in 20 CFR 617.2(d), shall be payable to eligible individuals who have received temporary compensation for a week or weeks beginning before January 1, 1973, and who file claims for such compensation for weeks of unemployment which begin in the temporary benefit period with respect to the State of Nevada. However, no temporary compensation under the Act is payable for any week of unemployment which ends after March 31, 1973, even though such week is in a temporary benefit period.

Signed at Washington, D.C., this 26th day of March 1973.

PETER J. BRENNAN,
Secretary of Labor.

[FR Doc.73-6128 Filed 3-29-73;8:45 am]

VERMONT

Determination of Temporary on Indicator and Beginning of Temporary Benefit Period

Pursuant to the provisions of section 202 of the Emergency Unemployment Compensation Act of 1971 (Public Law 92-224, title II, as amended by Public Law 92-329), hereinafter referred to as the Act, and 20 CFR 617.13(a), I hereby give notice of my determination as follows:

1. There is a "temporary on" indicator for the week ending February 3, 1973, for the State of Vermont.

2. This determination is based on my finding that the rate of unemployment as defined in the Act for the 13-week period ending February 3, 1973, was 6.53 percent in the State of Vermont.

3. A temporary benefit period as provided in section 202(c)(3)(A)(iii) of the Act and 20 CFR 617.5 began on February 18, 1973, the first day of the third calendar week after which there is a "temporary on" indicator in the State of Vermont.

Temporary compensation, as defined in 20 CFR 617.2(d), shall be payable to eligible individuals who have received temporary compensation for a week or weeks beginning before January 1, 1973, and who file claims for such compensation for weeks of unemployment which begin in the temporary benefit period with respect to the State of Vermont. However, no temporary compensation under the Act is payable for any week of unemployment which ends after March 31, 1973, even though such week is in a temporary benefit period.

Signed at Washington, D.C., this 26th day of March 1973.

PETER J. BRENNAN,
Secretary of Labor.

[FR Doc.73-6129 Filed 3-29-73;8:45 am]

INTERSTATE COMMERCE COMMISSION

[Notice 209]

ASSIGNMENT OF HEARINGS

MARCH 27, 1973.

Cases assigned for hearing, postponement, cancellation, or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested. No amendments will be entertained after the date of this publication.

MC-121600 Sub 1, Averitt Express, Inc., now being assigned hearing May 21, 1973 (1 week), at Nashville, Tenn., in a hearing room to be later designated.

MC-16550 Sub 6, Roscoe V. Smith, Now being assigned hearing June 25, 1973 (1 week), at Nashville, Tenn., in a hearing room to be later designated.

MC-8872 Sub 7, Dyersburg Express, Inc., now being assigned hearing June 4, 1973 (1 week), at Nashville, Tenn., in a hearing room to be later designated.

MC 130173, Caravan Tours, Inc., now assigned April 2, 1973, at New York, N.Y., is canceled and reassigned to April 2, 1973, at the Holiday Inn, 707, U.S. Route 46, Parsippany, NJ.

MC 107295 Sub 631, Pre-Fab Transit Co., now assigned April 17, 1973, at Washington, D.C., is postponed to April 25, 1973, at the offices of the Interstate Commerce Commission, Washington, D.C.

AB-5-Sub 94, George P. Baker, Richard C. Bond, Jervis Langdon, Jr., trustees of the property of Penn Central Transportation Co., debtor, abandonment between Zionsville and Lebanon, Boone County, Ind., now assigned April 19, 1973, will be held in Room 1020, State Office Building, 100 North Senate Avenue, Indianapolis, IN.

MC-59124 Sub 16, Maiers Motor Freight Co., now assigned April 9, 1973, will be held in Room 545, Post Office Building, Sixth and Broadway Street, Louisville, Ky.

MC-112617 Sub 299, Liquid Transporters, Inc., now assigned April 16, 1973, will be held in Rom 545, Post Office Building, Sixth and Broadway Street, Louisville, Ky.

MC-112617 Sub 300, Liquid Transporters, Inc., and MC-117344 Sub-221, the Maxwell Co., now assigned April 11, 1973, will be held in Room 545, Post Office Building, 6th and Broadway Street, Louisville, Ky.

MC 83539 Sub 345, C & H Transportation Co., Inc., now assigned May 29, 1973, MC 108207 Sub 340, Frozen Food Express, Inc., now assigned May 30, 1973, MC 115841 Sub 434, Colonial Refrigerated Transportation, Inc., now assigned June 4, 1973, MC 110098 Sub 124, Zero Refrigerated Lines, now assigned June 6, 1973, will be held in Room 5A15-17, New Federal Building, 1100 Commerce Street, Dallas, TX.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.73-6162 Filed 3-29-73;8:45 am]

[Notice 37]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

MARCH 23, 1973.

The following are notices of filing of applications[1] for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC-67 (49 CFR 1131), published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, on or before April 16, 1973. One copy of such protests must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protests must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 39568 (Sub-No. 11 TA), filed March 14, 1973. Applicant: ARROW TRANSFER & STORAGE CO., a corporation, 1124 Market Street, Chattanooga, TN 37402. Applicant's representative: Walter Harwood, 1822 Parkway Towers, Nashville, TN 37219. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Rubber mounted cranes and power shovels*, in driveaway service, and *their booms and parts thereof*, when moving at the same time, from Chattanooga, Tenn., to points in the United States (except Alaska and Hawaii), for 180 days. Supporting shipper: Koehring, Lorain Division, 409 Signal Mountain Road, Chattanooga, TN 37405. Send protests to: Joe J. Tate, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 803—1808 West End Building, Nashville, Tenn. 37203.

[1] Except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application.

No. MC 102567 (Sub-No. 161 TA), filed March 14, 1973. Applicant: EARL GIBBON TRANSPORT, INC., a corporation, 4295 Meadow Lane, P.O. Drawer 5357, Bossier City, LA 71010. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Spent acid* (hydrofluoric), in bulk, in tank vehicles, from Gore, Okla., to points in Louisiana, Mississippi, and Texas, for 180 days. Supporting shipper: Allied Chemical Corp., P.O. Box 1139R, Morristown, NJ 07960, John Engelhardt, Distribution Analyst. Send protests to: Paul D. Collins, District Supervisor, Interstate Commerce Commission, Bureau of Operations, T-9038 U.S. Postal Service Building, 701 Loyola Avenue, New Orleans, LA 70113.

No. MC 113678 (Sub-No. 487 TA), filed March 13, 1973. Applicant: CURTIS, INC., office address, 4810 Pontiac Street, Commerce City, CO 80022; and Mail: P.O. Box 16004, Stockyards Station, Denver, CO 80216. Applicant's representative: David L. Metzler (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Bakery products*, (A) from Cozad, Nebr., to Denver, Colo.; Salina, Wichita, Liberal, and Kansas City, Kans.; Oklahoma City, Okla.; Joplin, Kansas City, and St. Louis, Mo.; Albuquerque, Hobbs, and Demming, N. Mex.; Casa Grande, Safford, Pine Top, and Phoenix, Ariz.; Abeline, San Angelo, Houston, Dallas, Fort Worth, and Austin, Tex.; Detroit, Mich.; Fort Wayne, Ind.; Omaha, Nebr.; Chicago, Ill.; Milwaukee, Wis.; Columbus, Ohio; Pittsburgh and Philadelphia, Pa.; New York, N.Y.; and Minneapolis, Minn., and (2) *such commodities* as are used in the manufacture of bakery products, and *materials, supplies, and equipment* used by bakery product manufacturers, (A) from Muleshoe, Tex., to Wichita, Kans.; Denver, Colo.; and Cozad, Nebr.; (B) from Wichita, Kans., to Denver, Colo.; Kansas City, Mo.; Dallas and Fort Worth, Tex.; Minneapolis, Minn.; Chicago, Ill.; Fort Wayne, Ind.; and Cozad, Nebr.; (C) from Kansas City, Kans., to Cozad, Nebr.; and (D) from Oklahoma City, Okla., to Cozad, Nebr., for 180 days. Supporting shipper: Evans Bakery, Inc., P.O. Box 284, Cozad, NE 69130. Send protests to: District Supervisor Herbert C. Ruoff, Bureau of Operations, Interstate Commerce Commission, 2022 Federal Building, Denver, Colo. 80202.

No. MC 115331 (Sub-No. 341 TA), filed March 14, 1973. Applicant: TRUCK TRANSPORT, INC., 1931 North Geyer Road, St. Louis, MO 63131. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Manufactured fertilizer and fertilizer material*, in bulk, from Augusta, Ark., to points in Missouri, for 180 days. Supporting shipper: Mississippi Chemical Corp., P.O. Box 388, Yazoo City, MS 39194. Send protests to: District Supervisor J. P. Werthmann, Interstate Commerce Commission, Bureau of Operations, Room 1465, 210 North 12th Street, St. Louis, MO 63101.

No. MC 123048 (Sub-No. 246 TA), filed March 12, 1973. Applicant: DIAMOND TRANSPORTATION SYSTEM, INC., 1919 Hamilton Avenue, P.O. Box A, Box ZIP 53401, Racine, WI 53403. Applicant's representative: Paul L. Martinson (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Elevators, conveyors and truck hoists*, from Bloomington, Ill., to points in Georgia, Indiana, Kentucky, Maryland, Michigan, New York, North Carolina, Ohio, Pennsylvania, Tennessee, and Virginia, for 180 days. Supporting shipper: Portable Elevator Division, Dynamics Corporation of America, 920 Grove Street, P.O. Box 847, Bloomington, IL 61701 (Jerry L. Nussbaum, sales manager). Send protests to: District Supervisor John E. Ryden, Interstate Commerce Commission, Bureau of Operations, 135 West Wells Street, Room 807, Milwaukee, WI 53203.

No. MC 128570 (Sub-No. 16 TA), filed March 13, 1973. Applicant: BROOKS ARMORED CAR SERVICE, INC., a corporation, 13 East 35th Street, Wilmington, DE 19802. Applicant's representative: L. Agnew Myers, Jr., Suite 406-7 Walker Building, 734 15th Street NW., Washington, DC 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Blood, blood samples, blood derivatives, and related articles* used by hospitals or blood banks, between Philadelphia, Pa., and Wilmington, Del, for 180 days. Supporting shippers: Veterans Administration, 1601 Kirkwood Highway, Wilmington, DE 19805, and Blood Bank of Delaware, Inc., James F. McCloskey, Sr. Building, 301 E. Matson Run Parkway, Wilmington, DE 19802. Send protests to: Peter R. Guman, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 1518 Walnut Street, Room 1600, Philadelphia, PA 19102.

No. MC 134426 (Sub-No. 3 TA), filed March 12, 1973. Applicant: McCORT DRIVE A WAY, INC., 7032 Barkwood Drive, Jacksonville, FL 32211. Applicant's representative: Sol H. Proctor, 2501 Gulf Life Tower, Jacksonville, FL 32207. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Boat trailers*, set up and assembled and *spare parts and accessories*, for boat trailers, from Fort Wayne, Ind., to points in Kentucky, Illinois, Minnesota, Michigan, Wisconsin, Missouri, Tennessee, Ohio, West Virginia, and Pennsylvania, for 180 days. Supporting shipper: Gator Trailer Corp., 1925 East Beaver Street, Jacksonville, FL 32209. Send protests to: District Supervisor G. H. Fauss, Jr., Bureau of Operations, Interstate Commerce Commission, Box 35008, 400 West Bay Street, Jacksonville, FL 32202.

No. MC 135152 (Sub-No. 7 TA) (correction), filed January 19, 1973, published in the FEDERAL REGISTER issue of February 12, 1973, and republished as corrected this issue. Applicant: CASKET DISTRIBUTORS, INC., Mailing: Rural Route 2; Office: West Harrison, Ind. 45030; Harrison, Ohio 45030. Applicant's representative: Edgar Bischoff (same address as above). NOTE: The purpose of this partial republication is to add Illinois as a destination State in Part 2 of the application, which was omitted in error. The rest of the application will remain the same.

No. MC 136211 (Sub-No. 9 TA), filed March 12, 1973. Applicant: MERCHANTS HOME DELIVERY SERVICE, INC., 210 St. Mary's Drive, Suite G, P.O. Box 5067, Oxnard, CA 93030. Applicant's representative: James C. Tipton (same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *New home furnishings, appliances, and recreational equipment*, restricted against the transportation of shipments to retail or commercial enterprises, between Cincinnati (Sharonville), Ohio, on the one hand, and, on the other, points in Indiana and Kentucky, bounded by a line beginning at the junction of the Indiana-Ohio boundary and Interstate Highway 70; thence over Interstate Highway 70 to its junction with Interstate Highway 65; thence over Interstate Highway 65 to its junction with Interstate Highway 64 at or near the Indiana-Kentucky boundary; thence over Interstate Highway 64 to its junction with Kentucky Highway 11; thence over Kentucky Highway 11 to its junction with the Kentucky-Ohio boundary, including points and their commercial zones located on the highways and boundaries indicated, under a continuing contract or contracts with Wickes Furniture, Division of The Wickes Corp., for 180 days. Supporting shipper: Wickes Furniture, Division of The Wickes Corp., 351 West Dundee Road, Wheeling, IL 60090. Send protests to: John E. Nance, Officer in Charge, Interstate Commerce Commission, Bureau of Operations, Room 7708, Federal Building, 300 North Los Angeles Street, Los Angeles, CA 90012.

No. MC 138435 (Sub-No. 1 TA), filed March 6, 1973. Applicant: LORBER TRUCK SALES & SERVICE, INC., 1140 Military Road, Buffalo, NY 14217. Applicant's representative: William J. Hirsch, 35 Court Street, Buffalo, NY 14202. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Products for waste or rectification*, in bulk, in tank vehicles, from points in Connecticut, Illinois, Indiana, Kentucky, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Vermont, Virginia, West Virginia, and the District of Columbia, to points in Erie, Monroe, and Niagara Counties, N.Y., for 90 days. Supporting shipper: Chem-Trol Pollution Services, Inc., P.O. Box 200, Model City, NY 14107. Send protests to: George M. Parker, District

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Supervisor, Interstate Commerce Commission, Bureau of Operations, 612 Federal Building, 111 West Huron Street, Buffalo, NY 14202.

No. MC 138467 (Sub-No. 1 TA), filed March 6, 1973. Applicant: CLAYWAY, INC., 3338 Tomson, Trenton, MI 48183. Applicant's representative: William B. Elmer, 21635 East Nine Mile Road, St. Clair Shores, MI. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Gypsum Rock*, crushed, ground, or pulverized, in bulk, in dump vehicles, from Shoals, Ind., to Wyandotte, Mich., for 150 days. Supporting shipper: Wyandotte Cement, Inc., 3509 Biddle, Wyandotte, MI 48192. Send protests to: District Supervisor Melvin Kirsch, Interstate Commerce Commission, Bureau of Operations, 1110 David Broderick Tower, 10 Witherill Street, Detroit, MI 48226.

No. MC 138488 TA, filed March 14, 1973. Applicant: HUNTERS' TRANSPORTATION CO., INC., 1027 South Fourth Street, Chickasha, OK 73018. Applicant's representative: J. C. Hunter (same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Tires and advertising matter*, from Lansdale, Pa., to points in Arkansas, New Mexico, Oklahoma, and Texas, for 180 days. Supporting shipper: Robert F. McCarthy, President, Doral Tire & Rubber Co., Inc., 200 West Fifth Street, Lansdale, PA 19446. Send protests to: C. L. Phillips, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 240, Old Post Office Building, 215 Northwest Third, Oklahoma City, OK 73102.

No. MC 138489 TA, filed March 13, 1973. Applicant: C. C. STARCHER, doing business as STARCHER'S TRANSFER, P.O. Box 122, Charmco, WV 25958. Applicant's representative: Charles E. Anderson, 1421 Kanawha Valley Building, Charleston, W. Va. 25332. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (A) *Articles of clothing*, from Rainelle, W. Va., to Memphis, Tenn., Atlanta, Ga., Mechanicsburg, Pa., New York, NY., Florence, Ky., and Richmond, Va., and (B) *cloth*, from New York, N.Y., to Rainelle, W. Va., for 180 days. Supporting shipper: Kestrel Corp., Rainelle, W. Va. Send protests to: H. R. White, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 3108 Federal Office Building, 500 Quarrier Street, Charleston, WV 25301.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.73-6163 Filed 3-29-73;8:45 am]

[Notice 38]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

MARCH 26, 1973.

The following are notices of filing of applications[1] for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC-67 (49 CFR 1131), published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, on or before April 16, 1973. One copy of such protests must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protests must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 20992 (Sub-No. 27 TA), filed March 15, 1973. Applicant: DOTSETH TRUCK LINE, INC., a corporation, Knapp, Wis. 54749. Applicant's representative: Robert G. Planansky, P.O. Box 82028, 605 South 14th Street, Lincoln, NE 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Such merchandise* as is dealt in by lawn and garden dealers (except chemicals and commodities in bulk), from the plants, warehouse site, and experimental farms of Deere & Co. in Dodge County, Wis., to points in Minnesota, Nebraska, North Dakota, South Dakota, and Wisconsin, for 150 days. Restriction: The authority in (1) above is restricted to traffic originating at the plants, warehouse sites, and experimental farms of Deere & Co. Supporting shipper: Deere & Co., Moline, Ill., 61265. Send protests to: District Supervisor Raymond T. Jones, Interstate Commerce Commission, Bureau of Operations, 448 Federal Building, 110 South Fourth Street, Minneapolis, MN 55401.

No. MC 59367 (Sub-No. 86 TA), filed March 16, 1973. Applicant: DECKER TRUCK LINE, INC., P.O. Box 915, 3584 Fifth Avenue South, Fort Dodge, IA 50501. Applicant's representative: William L. Fairbank, 900 Hubbell Building, Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs and nonedible foods*, when moving in vehicles equipped with mechanical refrigeration, from the facilities of Terminal Ice & Cold Storage Co. at Bettendorf, Iowa, to points in Illinois, Indiana, Iowa, Kansas, Kentucky, Michigan, Minnesota, Missouri, Nebraska, North Dakota, Ohio, South Dakota, and Wisconsin, for 180 days. Supporting shippers: Lamb-Weston, Inc., Division of Amfac, Inc., 6600 Southwest Hampton Street, P.O. Box 23507, Portland, OR 97223, and Terminal Ice & Cold Storage Co., 1618 Southwest First Avenue, Portland, OR 97201. Send protests to: Herbert W. Allen, Transportation Specialist Interstate Commerce Commission, Bureau of Operations, 875 Federal Building, Des Moines, Iowa 50309.

No. MC 61396 (Sub-No. 243 TA), filed March 16, 1973. Applicant: HERMAN BROS., INC., 2501 North 11th Street, Post Office Box 189, Downtown Station Box, ZIP 68101, Omaha, NE 68110. Authority sought to operate as a *common carrier*, by motor vehicle over irregular routes, transporting: *Nitrogen fertilizer solution*, in bulk, in tank vehicles, from Burlington, Iowa, to points in Illinois, Missouri, and Wisconsin, for 180 days. Supporting shipper: Terra Chemicals International, Inc., 507 Sixth Street, Sioux City, IA 51101, and Kaiser Agricultural Chemicals, P.O. Box 246, Savannah, GA 31402. Send protests to: Carroll Russell, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Omaha, Nebr. 68102.

No. MC 82841 (Sub-No. 110 TA), filed March 14, 1973. Applicant: HUNT TRANSPORTATION, INC., 10770 I Street, Omaha, NE 68127. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles*, from the plantsite of Bethlehem Steel Corp. at Lackawanna, N.Y., to Beatrice, Grand Island, and Omaha, Nebr.; and points in Illinois, Iowa, Missouri, and Wisconsin, for 180 days. Supporting shipper: Bethlehem Steel Corp., 701 East Third Street, Bethlehem, PA 18016. Send protests to: Carroll Russell, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 711 Federal Office Building, Omaha, Nebr. 68102.

No. MC 89716 (Sub-No. 48 TA), filed March 15, 1973. Applicant: DICK JONES TRUCKING, a Corporation, P.O. Box 965, Powell, WY 82435. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Oilfield submergible motors, pumps, equipment, and supplies* when used in connection with submergible motors and pumps, between the plantsite of TRW Reda Pump Co., adjacent to Thermopolis, Wyo., on the one hand, and, on the other, points in North Dakota, South Dakota, Nebraska, and Utah, for 180 days. Supporting shipper: TRW Reda Pump Co., P.O. Box 1366, Thermopolis, WY 82443. Send protests to: District Supervisor Paul A. Naughton, Interstate Commerce Commission, Bureau of Operations, 1006 Federal Building and Post Office, 100 East B Street, Casper, WY 82601.

No. MC 107064 (Sub-No. 92 TA), filed March 16, 1973. Applicant: STEERE TANK LINES, INC., P.O. Box 2998, 2808 Fairmount Street, Dallas, TX 75201. Applicant's representative: Hugh T. Matthews, 630 Fidelity Union Tower, Dallas, Tex. 75201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Salt*, from points in Catron County, N. Mex., to points in Arizona, Colorado, Utah, Texas, Oklahoma, Kansas, and New Mexico, for 180 days. NOTE: Carrier does not intend to tack authority. Supporting shipper: William J. Anderson, Pueblo Representative, Zuni Tribe of Indians, P.O. Box 338, Zuni, NM 87327. Send protests to: E. K. Willis, Jr., District Supervisor, Interstate Commerce Commission, Bureau of Operations, 1100 Commerce Street, Room 13C12, Dallas, TX 75202.

No. MC 107162 (Sub-No. 33 TA) (Amendment), filed November 28, 1972, published in the FEDERAL REGISTER issue of December 15, 1972, and republished as amended this issue. Applicant: NOBLE GRAHAM TRANSPORT, INC., Rural Route 1, Brimley, Mich. 49715. Applicant's representative: John D. Varda, 121 South Pinckney Street, Madison, WI 53703. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages*, from La Crosse and Sheboygan, Wis., to Sault Ste. Marie and Engadine, Mich., for 180 days. Supporting shipper: John C. Jorgenson, partner, Marchetti Distributing Co., 700 Emeline Street, Sault Ste. Marie, MI. Send protests to: C. R. Flemming, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Room 225, Federal Building, Lansing, Mich. 48933. NOTE: The purpose of this republication is to show that applicant now seeks to operate as a *common carrier*, in lieu of contract carrier, shown in error in the previous publication.

No. MC 107403 Sub 841 TA, filed March 16, 1973. Applicant: MATLACK, INC., 10 West Baltimore Avenue, Lansdowne, PA 19050. Applicant's representative: John Nelson (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *No. 2 fuel oil*, in bulk, in tank vehicle, from Bay City, Mich., to Gibsonburg, Ohio, for 180 days. Supporting shipper: Harold C. Halm, General Distribution Manager, Midwest Region, Gold Bond Building Products, Division of National Gypsum Co., 325 Delaware Avenue, Buffalo, NY 14202. Send protests to: Ross A. Davis, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 1518 Walnut Street, Room 1600, Philadelphia, PA 19102.

No. MC 112822 (Sub-No. 264 TA), filed March 16, 1973. Applicant: BRAY LINES INCORPORATED, P.O. Box 1191, 1401 North Little, Cushing, OK 74023. Applicant's representative: Joe W. Ballard, P.O. Box 1191, Cushing, OK 74023. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs* and *such commodities* that are dealt in by R. T. French Co., from Springfield, Mo., to points in Texas, for 180 days. Supporting shipper: E. J. Shirley, Corporate Traffic Manager, the R. T. French Co., 1 Mustard Street, Rochester, NY 14609. Send protests to: C. L. Phillips, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 240, Old Post Office Building, 215 Northwest Third, Oklahoma City, OK 73102.

No. MC 115092 (Sub-No. 23 TA), filed March 15, 1973. Applicant: WEISS TRUCKING, INC., P.O. Box "0", Vernal, UT 84078. Applicant's representative: Mark K. Boyle, 345 South State Street, Salt Lake City, UT 84111. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cheese and cheese products* from Logan, Utah, to points in California, Oregon, and Washington, for 180 days. Supporting shipper: L. D. Schreiber Cheese Co., Inc., P.O. Box 610, Green Bay, WI 54305, Robert B. Buchberger, Traffic Manager. Send protests to: Lyle D. Helfer, Interstate Commerce Commission, District Supervisor, Bureau of Operations, 5239 Federal Building, 125 South State Street, Salt Lake City, UT 84111.

No. MC 119086 (Sub-No. 4 TA), filed March 16, 1973. Applicant: MILLER TRUCKING CO., INC., R.F.D. No. 2, Taneytown, MD 21787. Applicant's representative: William B. Dulany, 127 East Main Street, Box 525, Westminster, MD 21157. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Bakery products* for the account of Smith Bakeries, Inc., from Ladiesburg, Md., to New York, N.Y., commercial zone, Brentwood and Plainview, N.Y., for 180 days. Supporting shipper: Mr. Robert W. Smith, Vice President, Smith Bakeries, Inc., Ladiesburg, Md. 21759. Send protest to: William L. Hughes, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 814-B Federal Building, Baltimore, Md. 21201.

No. MC 123048 (Sub-No. 247 TA), filed March 14, 1973. Applicant: DIAMOND TRANSPORTATION SYSTEM, INC., 1919 Hamilton Avenue, P.O. Box A, Box zip 53401, Racine, WI 53403. Applicant's representative: Paul L. Martinson (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Garden tractors, compact front-end loaders*, and *attachments and parts* in mixed loads with garden tractors and compact front-end loaders, from Winneconne, Wis., to points in Alabama, Arkansas, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Hampshire, New Jersey, New York, North Carolina, North Dakota, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Vermont, Virginia, and West Virginia, for 180 days. Supporting shipper: J. I. Case Co., Outdoor Power and Equipment Division, 119 South First Street, Winneconne, WI 54986 (Robert A. Olsen, Supervisor, Shipping, Receiving, and Stores). Send protests to: District Supervisor John E. Ryden, Interstate Commerce Commission, Bureau of Operations, 135 West Wells Street, Room 807, Milwaukee, WI 53203.

No. MC 127762 (Sub-No. 4 TA), filed March 15, 1973. Applicant: CONTRACT CARRIERS, INC., Box 444, Ellensburg, WA 98926. Applicant's representative: Don Williams, Box 444, Ellensburg, WA 98926. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Bulk tallow, bulk meat, scrap, or meal*, between Sunnyside, Wash., and Portland, Oreg., and between Everett, Wash., and Portland, Oreg., for 180 days. Supporting shipper: Yakima Rendering Division, Darling-Delaware Co., Inc., P.O. Box 448, Sunnyside, WA 98944. Send protests to: District Supervisor W. J. Huetig, Bureau of Operations, Interstate Commerce Commission, 450 Multnomah Building, 319 Southwest Pine, Portland, OR 97204.

No. MC 133095 (Sub-42 TA), filed March 15, 1973. Applicant: TEXAS CONTINENTAL EXPRESS, INC., 2603 West Euless Boulevard, P.O. Box 434, Euless, TX 76039. Applicant's representative: Rocky Moore, P.O. Box 434, Euless, TX 76039. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Alcohol* and *alcoholic beverages*, from the plantsite and warehouse facilities of Widmer's Wine Cellars, Inc., at Naples, N.Y., to Little Rock, Ark.; Shreveport, Alexandria, Lake Charles, Baton Rouge, and New Orleans, La.; and Beaumont, Tex., for 180 days. Supporting shipper: Mr. Chester Guarinin, Southwest Regional Manager, Widmer's Wine Cellars, Inc., 2101 San Sebastian Court, Apartment 113, Houston, TX 77058. Send protests to: H. C. Morrison, Sr., District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 9A27, Federal Building, 819 Taylor Street, Fort Worth, TX 76102.

No. MC 133846 (Sub-No. 5 TA), filed March 14, 1973. Applicant: FLITE LINE SERVICE, INC., 1414 Calcon Hook Road, Sharon Hill, PA 19079. Applicant's representative: James W. Patterson, 123 South Broad Street, Philadelphia, PA 19109. Authority sought to operate as a *common*

[1] Except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application.

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carrier, by motor vehicle, over irregular routes, transporting: *General commodities* (except commodities in bulk, and commodities the transportation of which, because of size and weight, require the use of special equipment), in aircargo containers, between Logan International Airport, Boston, Mass.; John F. Kennedy International Airport, New York, N.Y.; Newark Airport, Newark, N.J.; LaGuardia Airport, New York, N.Y.; and Philadelphia International Airport, Philadelphia, Pa., on the one hand, and, on the other, Miami International Airport, at or near Miami, Fla.; Atlanta Municipal Airport, at or near Atlanta, Ga., Douglas Municipal Airport, at or near Charlotte, N.C.; New Orleans International Airport at or near New Orleans, La.; Houston Intercontinental Airport at or near Houston, Tex.; Lambert Municipal Airport at or near St. Louis, Mo., and Orangeburg, S.C., for 180 days. Restriction: Service authorized hereby is restricted to the transportation of traffic: (1) Which has a prior or subsequent movement by air or (2) which is tendered by an air carrier. Supporting shippers: Eastern Air Lines Inc., International Airport, Miami, Fla. 33148, and Seaboard World Airlines, Inc., J. F. Kennedy International Airport, Building No. 178, Jamaica, N.Y. 11430. Send protests to: Peter R. Guman, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 1518 Walnut Street, Room 1600, Philadelphia, PA 19102.

No. MC 133966 (Sub-No. 24 TA), filed March 16, 1973. Applicant: NORTH EAST EXPRESS, INC., P.O. Box 61, Mountaintop, PA 18707. Applicant's representative: Kenneth R. Davis, 999 Union Street, Taylor, PA 18517. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Mineral wool, insulation, and insulation materials*, from points in Wright Township, Luzerne County, Pa., to Norfolk, Newport News, Roanoke, Staunton, Lynchburg, Richmond, Alexandria, Suffolk, and Petersburg, Va.; Washington, D.C.; Lewisburg, Clarksburg, Princeton, and Charleston, W. Va.; Elwood, Indianapolis, South Bend, Evansville, Bedford, Clarksville, Terre Haute, Fort Wayne, Bloomington, and Gary, Ind., for 150 days. Supporting shipper: Certain-Teed Saint Gobain Insulation Corp., Valley Forge, Pa. 19481. Send protests to: Paul J. Kenworthy, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 309 U.S. Post Office Building, Scranton, Pa. 18503.

No. MC 135878 (Sub-No. 3 TA), filed March 15, 1973. Applicant: AVERIL W. HUNTER, Florenceville, New Brunswick, Canada. Applicant's representative: William D. Pinansky, 443 Congress Street, Portland, ME 04111. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wood chips* from Ashland, Presque Isle, Sherman Station, Smyrna Mills, and Mattawamkeag, Maine, to the ports of entry at the international boundary line between the United States and Canada at or near Houlton and Bridgewater, Maine, for 90 days. Supporting shipper: Valley Forest Products Ltd., Woodlands Subsidiary of St. Anne-Nackawic Pulp and Paper Co., Ltd., Nackawic, York County, New Brunswick, Canada. Send protests to: Donald G. Weiler, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 307, 76 Pearl Street, P.O. Box 167, PSS, Portland, ME 04112.

No. MC 138486 (Sub-No 1 TA), filed March 16, 1973. Applicant: DAVE WHITE, doing business as DAVE WHITE TRUCKING, P.O. Box 488, Cerro Gordo, IL 61818. Applicant's representative: Wilbur Casey, Archer Daniels Midland Company, P.O. Box 1470, Decatur, IL 62525. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Feed, animal or poultry*, prepared, in bulk or in bags; *feed supplements*, in bags; *condimental or medicinal feeding compounds* for animals or poultry, from Decatur, Ill., to points in Indiana, Iowa, Missouri, and Wisconsin, for 180 days. Restriction: Restricted to operations limited to a transportation service to be performed under a continuing contract with Gooch Feed Mill Corp. Supporting shipper: Andrew J. Roberts, Manager of Operations, Gooch Feed Mill Corp. (Gooch Feed), P.O. Box 1470, Decatur, IL 62525. Send protests to: Harold C. Jolliff, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 518 Leland Office Building, 527 East Capitol Avenue, Springfield, IL 62701.

No. MC 138487 (Sub-No. 1 TA), filed March 16, 1973. Applicant: JOHN GOETZ, doing business as JOHN GOETZ TRUCKING, 715 West Main Street, Box 466, Bethany, IL 61914. Applicant's representative: Wilbur Casey, Archer Daniels Midland Co., P.O. Box 1470, Decatur, IL 62525. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Feed, animal or poultry*, prepared, in bulk or in bags; *feed supplements* in bags; *condimental or medicinal feeding compounds* for animals or poultry, from Decatur, Ill., to points in Indiana, Iowa, Missouri, and Wisconsin, for 180 days. Restrictions: Restricted to operations limited to a transportation service to be performed under a continuing contract with Gooch Feed Mill Corp. Supporting shipper: Andrew J. Roberts, Manager of Operations, Gooch Feed Mill Corp. (Gooch Feed), P.O. Box 1470, Decatur, IL 62525. Send protests to: Harold C. Jolliff, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 518 Leland Office Building, 527 East Capitol Avenue, Springfield, IL 62701.

No. MC 138490 TA, filed March 15, 1973. Applicant: WEST COAST HAULING CO., P.O. Box 843, Chiefland, FL 32626. Applicant's representative: Sol H. Proctor, 2501 Gulf Life Tower, Jacksonville, FL 32207. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wood chips*, (A) from Chiefland and Criss City, Fla., to Clyattville, Ga.; and (B) from Adel, Ga., to Perry, Fla., for 180 days. Supporting shippers: Owens-Illinois, Clyattville, Ga. 31604, and Buckeye Cellulose Corp., Perry, Fla. 32427. Send protests to: District Supervisor G. H. Fauss, Jr., Bureau of Operations, Interstate Commerce Commission, Box 35008, 400 West Bay Street, Jacksonville, FL 32202.

No. MC 138491 TA, filed March 15, 1973. Applicant: SOUTHEASTERN TANK LINES, INC., 2601 Eunice Avenue, Orlando, FL 32804. Applicant's representative: Paul M. Daniel, P.O. Box 873, Atlanta, GA 30301. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Citrus products*, in bulk, in tank vehicles, from the plantsite of Southern Gold Citrus Products, Inc., Orlando, Fla., to Lansing, Mich.; Springfield, Ohio; Cuyahoga Falls, Ohio; Northport and Long Island, N.Y.; Midland Park, N.J.; and Milford, Conn., for 180 days. Supporting shipper: Southern Gold Citrus Products, Inc., P.O. Box 7538, Orlando, FL 32804. Send protests to: District Supervisor G. H. Fauss, Jr., Bureau of Operations, Interstate Commerce Commission, Box 35008, 400 West Bay Street, Jacksonville, FL 32202.

No. MC 138492 TA, filed March 16, 1973. Applicant: RICHARD E. GREGORY, doing business as GREGORY GRAIN COMPANY, Rural Route No. 2, Moweaqua, IL 62550. Applicant's representative: Wilbur Casey, ADM Company, P.O. Box 1470, Decatur, IL 62525. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Feed, animal or poultry*, prepared in bulk or in bags; *feed supplements* in bags; *condimental or medicinal feeding compounds* for animals or poultry, from Decatur, Ill., to points in Indiana, Iowa, Missouri, and Wisconsin, for 180 days. Restriction: Restricted to operations limited to a transportation service to be performed under a continuing contract with Gooch Feed Mill Corp. Supporting shipper: Andrew J. Roberts, Manager of Operations, Gooch Feed Mill Corp. (Gooch Feed), P.O. Box 1470, Decatur, IL 62525. Send protests to: Harold C. Jolliff, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 518 Leland Office Building, 527 East Capitol Avenue, Springfield, IL 62701.

No. MC 138493 TA filed March 15, 1973. Applicant: JAKUM TRUCKING, INC., 4902 South 13th Street, Sheboygan, WI 53081. Applicant's representative: Nancy J. Johnson, 4306 Regent Street, Madison, WI 53705. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Cheese, cheese spreads, poultry products, bread, processed meats, pickles*, from points in Iowa, Wisconsin, Minnesota, Illinois, to Los Angeles, Calif., for 180 days. Supporting shipper: Crescent Food Co., 5403 Santa Fe Avenue, Los Angeles, CA 90058

(Ernest L. Rose). Send protests to: District Supervisor John E. Ryden, Interstate Commerce Commission, Bureau of Operations, 135 West Wells Street, Room 807, Milwaukee, WI 53203.

MOTOR CARRIERS OF PASSENGERS

No. MC 3647 (Sub-No. 442 TA), filed March 16, 1973. Applicant: TRANSPORT OF NEW JERSEY, 180 Boyden Avenue, Maplewood, NJ 07040. Applicant's representative: John F. Ward (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage, and express, and newspapers* in the same vehicle with passengers, between Allentown and Lancaster, Pa., from Allentown, Pa., over U.S. Highway 222 to Lancaster, Pa., and return over the same route, serving all intermediate points (except Reading, Kutztown, and Wescoesville, Pa.) for 180 days. NOTE: (1) Applicant states that the above-described route will be tacked to its existing route operated between Allentown, Pa., and New York, N.Y.; (2) applicant seeks this authority in order to continue a service now provided under authority granted to applicant in Docket No. MC 3647 R–20; and (3) applicant further states that the authority sought herein will terminate no later than 5 days after the resumption of service by Safeway Trails, Inc., now undergoing a work stoppage by its employees. Supporting shippers: There are approximately 21 statements of support attached to the application, which may be examined here at the Interstate Commerce Commission in Washington, D.C., or copies thereof which may be examined at the field office named below. Send protests to: District Supervisor Robert S. H. Vance, Bureau of Operations, Interstate Commerce Commission, 970 Broad Street, Newark, NJ 07102.

No. MC 118832 (Sub-No. 6 TA), filed March 16, 1973. Applicant: WESTOURS MOTOR COACHES, INC., 900 IBM Building, Seattle, Wash. 98101. Applicant's representative: A. T. Wendells, 3933 Sea-First National Bank Building, Seattle, Wash. 98104. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage* in special and charter operations, limited to seasonal operations between May 1, 1973, and September 30, 1973, from the junction of Alaska Highways 2 and 5 at Tetlin Junction, Alaska, to the Alaska/Yukon border over Alaska Highway 5, and the unnumbered Alaska highway from its junction with Alaska Highway 5 to the Alaska/Yukon border en route to Dawson, Yukon Territory, and return over the same route, for 153 days. NOTE: This authority tacks onto applicant's authority in MC 118832, Subs 2 and 4. It also connects with White Pass and Yukon Rail at Whitehorse, Yukon Territory. Supporting shippers: Westours, Inc., IBM Building, Seattle, Wash. 98101, and White Pass and Yukon Route, Joseph Vance Building, Seattle, Wash. 98101. Send protests to: L. D. Boone, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 6049 Federal Office Building, Seattle, Wash. 98104.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.73-6164 Filed 3-29-73;8:45 am]

[Notice 241]

MOTOR CARRIER BOARD TRANSFER PROCEEDINGS

Synopses of orders entered by the Motor Carrier Board of the Commission pursuant to sections 212(b), 206(a), 211, 312(b), and 410(g) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 1132), appear below:

Each application (except as otherwise specifically noted) filed after March 27, 1972, contains a statement by applicants that there will be no significant effect on the quality of the human environment resulting from approval of the application. As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings on or before April 19, 1973. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC–FC–74155. By order of March 16, 1973, the Motor Carrier Board approved the transfer to Larry C. Wolff, doing business as Wolff Transportation Co., Dubuque, Iowa, of the operating rights in Certificates No. MC–93143 and MC–93143 (Sub-No. 2), issued January 31, 1945, and November 16, 1950, respectively, to A. N. Schueller and L. J. Gartner, doing business as S & G Motor Freight Co., Dubuque, Iowa, authorizing the transportation of general commodities, with exceptions, between specified points and areas in Iowa, Illinois, and Wisconsin. Carl E. Minson, 469 Fischer Building, Dubuque, Iowa 52001, attorney for applicants.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.73-6166 Filed 3-29-73;8:45 am]

[Notice 242]

MOTOR CARRIER TRANSFER PROCEEDINGS

MARCH 27, 1973.

Application filed for temporary authority under section 210a(b) in connection with transfer application under section 212(b) and Transfer Rules, 49 CFR Part 1132:

No. MC–FC–74366. By application filed March 21, 1973, CHESAPEAKE VAN LINES, INC., 400 South Highland Avenue, Baltimore, MD 21224, seeks temporary authority to lease the operating rights of WILLIAM T. GEIPE MOVING & STORAGE CO., INC., 9722 Pulaski Highway, Baltimore, MD 21220, under section 210a(b). The transfer to Chesapeake Van Lines, Inc., of the operating rights of William T. Geipe Moving & Storage Co., Inc., is presently pending.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.73-6167 Filed 3-29-73;8:45 am]

[Rev. S.O. 994; ICC Order 76; Amdt. 2]

READING CO.

Rerouting or Diversion of Traffic

Upon further consideration of ICC Order No. 76 (Reading Co., Richardson Dilworth and Andrew L. Lewis, Jr., trustees) and good cause appearing therefor:

It is ordered, That:

ICC Order No. 76 be, and it is hereby, amended by substituting the following paragraph (g) for paragraph (g) thereof:

(g) *Expiration date.* This order shall expire at 11:59 p.m., August 31, 1973, unless otherwise modified, changed, or suspended.

It is further ordered, That this amendment shall become effective at 11:59 p.m., March 31, 1973, and that this amendment shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and car hire agreement under the terms of that agreement, and upon the American Short Line Railroad Association; and that it be filed with the Director, Office of the Federal Register.

Issued at Washington, D.C., March 23, 1973.

INTERSTATE COMMERCE COMMISSION,
[SEAL] R. D. PFAHLER, *Agent.*

[FR Doc.73-6165 Filed 3-29-73;8:45 am]

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federal register

FRIDAY, MARCH 30, 1973

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PART II

DEPARTMENT OF LABOR

Employment Standards Administration

■

CRITERIA FOR DETERMINING WHETHER STATE WORKMEN'S COMPENSATION LAWS PROVIDE ADEQUATE COVERAGE FOR PNEUMOCONIOSIS AND LISTING OF APPROVED STATE LAWS

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Title 20—Employees' Benefits

CHAPTER VI—EMPLOYMENT STANDARDS ADMINISTRATION, DEPARTMENT OF LABOR

SUBCHAPTER B—FEDERAL COAL MINE HEALTH AND SAFETY ACT OF 1969, AS AMENDED

PART 722—CRITERIA FOR DETERMINING WHETHER STATE WORKMEN'S COMPENSATION LAWS PROVIDE ADEQUATE COVERAGE FOR PNEUMOCONIOSIS AND LISTING OF APPROVED STATE LAWS

Section 421 of the Federal Coal Mine Health and Safety Act of 1969, 83 Stat. 795, as amended by Public Law 92–302, 86 Stat. 156, entitled the Black Lung Benefits Act of 1972, requires the Secretary of Labor to publish in the FEDERAL REGISTER a list of those States whose workmen's compensation laws provide adequate coverage for pneumoconiosis. On March 12, 1971, there were published in the FEDERAL REGISTER as 29 CFR Part 1520 (later redesignated as 20 CFR Part 722) criteria to be applied by the Secretary for determining whether any State's workmen's compensation law or laws provided adequate coverage for pneumoconiosis.

Pursuant to authority contained in Title IV of the Federal Coal Mine Health and Safety Act, as amended, and in order to give effect to applicable legislative amendments contained in Public Law 92–302, the Black Lung Benefits Act of 1972, and Public Law 92–576, the Longshoremen's and Harbor Workers' Compensation Act Amendments of 1972, Subchapter B of 20 CFR Chapter VI is amended by revising Part 722 to read as set forth below.

This amendment is effective March 30, 1973.

It has not been possible to provide a period for public comment on specific proposals in advance of final adoption of these rules. This is so because incorporation in these amended rules of changes required as a result of amendments effective November 26, 1972, made by Public Law 92–576 (86 Stat. 1251) to provisions of the Longshoremen's and Harbor Workers' Compensation Act with which these rules are required to be in accord, could not be accomplished in time to permit promulgation of these rules in advance of the November 30, 1972, date provided earlier by the Black Lung Benefits Act of 1972, for publication of these rules in final form. Accordingly, I find on the basis of good cause as above set forth that it is impracticable to provide for notice, public procedure, and delayed effective date in accordance with 5 U.S.C. 553. In the period during which these amended rules were being formulated, the Department of Labor actively solicited informal recommendations, comments, and other information from all of the States in which coal is mined to assist it in the preparation of these rules. In addition, the Employment Standards Administration will receive and consider any comments submitted before May 1, 1973, on any provision of these rules, will follow the procedures set forth in 29 CFR 13.5 (37 FR 13617), and will make such changes as are warranted through subsequent amendments of these rules. Inasmuch as the conformance of State workmen's compensation laws to the criteria set forth in these rules will not be required after adoption until claims to which they apply are filed pursuant to section 421 of the Federal Coal Mine Health and Safety Act many months hence, the foregoing provision should provide ample opportunity for persons affected to participate in the formulation of the rules which will actually be effective when claims are filed. Interested persons are accordingly invited to submit written data, views, and arguments concerning the rules in this revised Part 722 to OWCP, Employment Standards Administration, U.S. Department of Labor, Washington, D.C. 20210, prior to May 1, 1973.

The revised Part 722 reads as follows:

INTRODUCTORY

Sec.
722.101 Purpose and scope of this part.
722.102 Definitions and use of terms.

PROCEDURE FOR DETERMINING WHETHER A STATE LAW PROVIDES ADEQUATE COVERAGE FOR PNEUMOCONIOSIS

722.103 Application to the Secretary.
722.104 Contents of application, supporting documents.
722.105 Initial action on the request.

CRITERIA: STANDARDS OF COVERAGE, ELIGIBILITY

722.110 Coverage generally.
722.111 Miner.
722.112 Widow, surviving divorced wife.
722.113 Child.
722.114 Parents, brothers, or sisters.

CRITERIA: CLAIMS FOR BENEFITS

722.115 Claims generally.
722.116 Time limitations on filing claims.

CRITERIA: MEDICAL STANDARDS FOR DETERMINING WHETHER MINER'S TOTAL DISABILITY OR DEATH WAS DUE TO PNEUMOCONIOSIS

722.117 Medical criteria—generally.
722.118 Medical evidence.
722.119 Medical presumptions.
722.120 Total disability determination.
722.121 Cause of death.

CRITERIA: ADMINISTRATIVE STANDARDS

722.122 Administrative standards—generally.
722.123 Cessation of payment of benefits.
722.124 Regulation of fees for legal services.

CRITERIA: GUARANTEE OF BENEFITS TO ELIGIBLE INDIVIDUALS

722.126 Guarantee of benefits—generally.
722.127 Voluntary and elective compensation systems.
722.128 Responsible coal mine operators.
722.129 Insurance, self insurance.
722.130 State protections of benefits.
722.131 Contributions by miners.
722.132 Waiver of right to benefits.
722.133 Retroactive coverage required.
722.134 Residency requirements.

CRITERIA: AMOUNT OF BENEFITS: MEDICAL BENEFITS

722.135 Amount of benefits, computation.
722.136 Augmented benefits.
722.137 Minimum benefit amounts.
722.138 Offsets for Federal benefits prohibited.
722.139 Lump sum awards; settlement.
722.140 Protection of benefits.
722.141 Payment periods.
722.142 Prompt payment of benefits.
722.143 Medical benefits.
722.144 Medical examinations, reexaminations.
722.145 Vocational rehabilitation.

ACTION BY THE SECRETARY

722.146 Standards for review of a State workmen's campensation law.
722.147 Action subsequent to review.
722.148 Provisional approval.
722.149 Judicial review.
722.150 Reports.
722.151 Removal from the Secretary's list.
722.152 The Secretary's list.

AUTHORITY: Secs. 421, 426 of Part C of Title IV, Federal Coal Mine Health and Safety Act of 1969, 83 Stat. 795, 798 (30 U.S.C. 921, 926), as amended by Public Law 92–303, 86 Stat. 156 and pursuant to such act, under 44 Stat. 1424 (33 U.S.C. 901 et seq.), as amended by Public Law 92–576, 86 Stat. 1251.

INTRODUCTORY

§ 722.101 Purpose and scope of this part.

Section 421 of Part C of Title IV of the Federal Coal Mine Health and Safety Act, as amended, provides that on and after January 1, 1974, any claim for benefits for death or total disability due to pneumoconiosis shall be filed pursuant to the applicable State workmen's compensation law, except that during any period when miners or their eligible surviving dependents are not covered by a State workmen's compensation law which provides adequate coverage for pneumoconiosis, such persons shall be entitled to claim benefits under section 422 and related provisions of Part C of Title IV of such Act. Section 421(b)(1) in Part C of Title IV of the Federal Coal Mine Health and Safety Act, as amended, provides that a State workmen's compensation law shall not be deemed to provide adequate coverage for pneumoconiosis during any period unless it is included in the list of State laws (see § 722.152) found by the Secretary of Labor to provide adequate coverage for pneumoconiosis during such period. Section 421(b)(2) of such Act provides that no State workmen's compensation law shall be included on such list during any period unless such law is consistent with each of the criteria mandated by paragraphs A through E of section 421(b)(2) of the Act, as amended, and that there are certain other provisions, regulations, or interpretations which are consistent with the Longshoremen's and Harbor Workers' Compensation Act, as amended (44 Stat. 1424, 86 Stat. 1251, 33 U.S.C. 901 et seq.), as described in this part. This Part 722 is designed to assure that any State law which appears on the list herein described shall provide appropriate claimants with adequate benefits for total disability or death due to pneumoconiosis. The purpose of this part is to describe the procedures by which the Secretary shall determine whether any State workmen's compensation law does, in fact, provide adequate coverage for death or disability due to pneumoconiosis and further describes with particularity the standards and criteria to be applied by the Secretary in making such determination.

§ 722.102 Definitions and use of terms.

(a) For purposes of this part except where the content clearly indicates otherwise, the following definitions apply:

(1) "Act" means Title IV of the Federal Coal Mine Health and Safety Act of 1969, 83 Stat. 795 (30 U.S.C. 901 et seq.), as amended by Public Law 92–302, 86 Stat. 156, the Black Lung Benefits Act of 1972.

(2) "Longshoremen's Act" means the Longshoremen's and Harbor Workers' Compensation Act (44 Stat. 1424, 86 Stat. 1251 (33 U.S.C. 901 et seq.)), as amended by Public Law 92–576, 86 Stat. 1251.

(3) "Social Security Act" means the Social Security Act (49 Stat. 620 (42 U.S.C. 301 et seq.)), as amended from time to time.

(4) "Department" means the Department of Labor.

(5) "Secretary" means the Secretary of Labor or a person authorized by him to perform his functions under section 421 of the Act.

(6) "State" includes a State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, American Samoa, Guam, and the Trust Territory of the Pacific Islands.

(7) "Workmen's compensation law" means the law or laws of a State providing for payment of compensation by employers to employees (and their dependents or survivors) for injury including occupational disease, or death suffered in connection with the employment.

(8) "State agency" means, with respect to any State, the agency, department, or officer designated by the workmen's compensation law of the State to administer such law. In any case in which more than one agency participates in the administration of a State workmen's compensation law, the Governor may designate which of such agencies shall be the State agency for purposes of this part.

(9) "The Secretary's list" means the list published by the Secretary of Labor in the FEDERAL REGISTER (see § 722.152) containing the names of those States which have in effect a workmen's compensation law which provides adequate coverage for death or total disability due to pneumoconiosis.

(10) "Pneumoconiosis" means coal workers' pneumoconiosis as defined in section 402(b) of the Act.

(b) Masculine gender includes the feminine, and the singular includes the plural.

(c) No definition contained in this part shall be deemed to derogate from the meaning of any term defined in the Act or any term elsewhere defined in this subchapter B with respect thereto.

PROCEDURE FOR DETERMINING WHETHER A STATE LAW PROVIDES ADEQUATE COVERAGE FOR PNEUMOCONIOSIS

§ 722.103 Application to the Secretary.

The Governor of any State or any duly authorized State agency may, at any time after the effective date of this revised Part 722, request that the Secretary include such State's workmen's compensation law on his list of those State workmen's compensation laws providing adequate coverage for total disability and death due to pneumoconiosis.

§ 722.104 Contents of application, supporting documents.

Each request that a State be included on the Secretary's list shall be in writing and shall be accompanied by the following documents and information:

(a) A copy of the State workmen's compensation law and any other pertinent State laws;

(b) A copy of any regulations either proposed or promulgated in final form with respect to the administration of the State law or laws submitted;

(c) A copy of any administrative or court decision interpreting State laws or regulations so as to bring such laws or regulations in compliance with the standards set forth in this part. If such decisions are published and reported in official or privately published reporter systems or in some other readily available case reporter, it shall be permissible to refer to such decision by its appropriate citation in such case reporter; and

(d) Each request shall be accompanied by a written analysis completed by a duly authorized State official describing by citation, explanation, or with reference to the decisional law of the State, the appropriate provision or provisions of such State's workmen's compensation law which bring it in compliance with each standard prescribed in this Part 722.

§ 722.105 Initial action on the request.

Upon receipt by the Secretary of a request that a State be included on the Secretary's list, action shall be taken to review such request. Each State law submitted shall be reviewed in light of the specific standards and criteria set forth below.

CRITERIA: STANDARDS OF COVERAGE, ELIGIBILITY

§ 722.110 Coverage generally.

The following §§ 722.111–722.114 describe the individuals who are eligible to claim benefits for total disability or death due to pneumoconiosis under the Act. In order that a State workmen's compensation law be deemed by the Secretary to provide adequate coverage for total disability or death due to pneumoconiosis, such State law shall insure that such individuals shall be entitled to receive benefits under conditions in accordance with those described below.

§ 722.111 Miner.

(a) An individual shall be entitled to receive benefits for total disability due to pneumoconiosis if he is a miner as defined in this section and if such individual is totally disabled due to pneumoconiosis (see §§ 722.117–722.120).

(b) Such individual shall be entitled to receive benefits until his death or until such disability ceases.

(c) For purposes of this part an individual is a miner if he is or was employed in a coal mine.

(d) For purposes of this part, "Coal mine" means an area of land and all structures, facilities, machinery, tools, equipment, shafts, slopes, tunnels, excavations, and other property, real or personal, placed upon, under, or above the surface of such land by any person, used in, or to be used in, or resulting from, the work of extracting in such area bituminous coal, lignite, or anthracite, from its natural deposits in the earth by any means or method, and the work of preparing the coal so extracted, and includes custom coal preparation facilities.

(e) Any State workmen's compensation law which does not separately define miner or coal miner shall be deemed adequate for purposes of this section if such law contains a definition or use of the terms employee, worker, or any other related term which is sufficiently broad to encompass all individuals contemplated by the term miner as defined in this section.

§ 722.112 Widow, surviving divorced wife.

(a) An individual shall be entitled to claim for and receive benefits as the widow or surviving divorced wife of a deceased miner if:

(1) Such individual is not married and is the "widow" of such miner as defined in section 402(e) of the Act; and

(2) Such miner's death or total disability at time of death was due to pneumoconiosis (which, for purposes of the Act, includes any death of a miner who was totally disabled by pneumoconiosis or was receiving benefits for such disability at the time of his death).

(b) A widow or surviving divorced wife shall be entitled to receive benefits until she remarries, or dies, or her entitlement otherwise ceases.

§ 722.113 Child.

(a) An individual shall be entitled to claim for and receive benefits if:

(1) Such individual is a child, as defined in section 402(g) of the Act (including a stepchild) of a deceased miner or of the widow of a miner; and if

(2) Such individual was dependent upon the deceased miner or widow for his support; and if

(3) Such deceased parent,

(i) If a miner, was receiving pneumoconiosis benefits at the time of his death, or his death was due to pneumoconiosis, or at the time of his death was totally disabled by pneumoconiosis; or

(ii) If a widow, was receiving pneumoconiosis benefits at the time of her death.

(b) A child or stepchild shall be entitled to receive benefits until one of the following events first occurs:

(1) The child dies;

(2) The child marries;

(3) The child attains age 18, unless

(i) He is a "full time" student as defined in section 202(a)(7) of the Social Security Act, or a "student" as defined in section 8101(7) of Title 5, United

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States Code, in which case such child's or stepchild's eligibility is extended until he reaches age 23; or unless

(ii) He is under a disability as defined in section 223(d) of the Social Security Act and such disability began before he attained age 18 (see 202(d)(1)(B)(ii) of the Social Security Act).

(c) A child or stepchild is not entitled to claim benefits for any month for which a widow of a miner establishes entitlement to benefits.

§ 722.114 Parents, brothers, or sisters.

(a) An individual shall be entitled to claim for and receive benefits if:

(1) Such individual is the parent, brother, or sister of a deceased miner; and if

(2) Such individual, for not less than 1 year prior to the miner's death, was living in the same household as the miner and was totally dependent on the miner for support; and if

(3) The deceased miner was entitled to benefits at the time of his death, or his death is determined to have been due to pneumoconiosis, or at the time of his death was totally disabled by pneumoconiosis; and,

(4) In the case of a parent, if the deceased miner was not survived by a widow or child at the time of his death; and,

(5) In the case of a brother or sister, if the deceased miner was not survived by a widow, child or parent at the time of his death; and,

(6) In the case of a brother, he also is under 18 years of age unless he is a full-time student or under a disability as described in § 722.113(b)(3) in which case his eligibility shall be extended as is appropriate.

(b) No benefits to a sister or brother shall be payable for any month beginning with the month in which he or she receives support from his or her spouse, or marries.

(c) The individuals described in this section shall be eligible to claim for or receive benefits until such time as the requirements for eligibility cease.

CRITERIA: CLAIMS FOR BENEFITS

§ 722.115 Claims generally.

In order to assure that a State workmen's compensation law will provide adequate coverage for total disability or death due to pneumoconiosis, such law shall contain or shall be implemented by available rules and regulations which establish a comprehensive and viable scheme for the filing and processing of claims. If filing and processing procedures in any State are substantially informal, such State shall include in its application to be included on the Secretary's list, a full description of such State's filing and processing procedures, copies of any material disseminated to individuals to assist them in pursuing a claim, and a full description, including exemplary cases, of the time periods required by such State to fully process such claims. No State workmen's compensation law shall be included on the Secretary's list if it appears that any class of claimants shall be subject to inordinate delays, unnecessarily protracted proceedings, unnecessarily difficult requirements of proof, or other unwarranted difficulties in the pursuit of a claim.

§ 722.116 Time limitations on filing claims.

(a) No State workmen's compensation law shall be deemed to provide adequate coverage for total disability or death due to pneumoconiosis unless the determination of claims filed pursuant to it shall be permitted:

(1) In the case of claims for disability benefits, if filed within 3 years of the date of the discovery of total disability due to pneumoconiosis; or

(2) In the case of claims for death benefits, if filed within 3 years of the date of such death;

(3) And in the case of any claim for benefits predicated upon the presumption contained in section 411(c)(4) of Part B of Title IV of the Act (see § 722.119);

(i) If in the case of total disability due to pneumoconiosis it is filed within 3 years from the date of last exposed employment in a coal mine; or

(ii) If in the case of death from a respiratory or pulmonary impairment for which benefits would be payable under section 411(c)(4) of the Act, incurred as a result of employment in a coal mine, it is filed within 15 years from the date of last exposed employment in a coal mine.

(b) Any State workmen's compensation law which provides longer periods for filing a claim subsequent to the events specified in this section shall be deemed to have met the requirements described herein. Any State workmen's compensation law which provides shorter time limitations on filing a claim, or which commences the period for filing a claim beginning with an event which is more restrictive than those specified in this section, shall be deemed not to have met the requirements of this section.

CRITERIA: MEDICAL STANDARDS FOR DETERMINING WHETHER MINER'S TOTAL DISABILITY OR DEATH WAS DUE TO PNEUMOCONIOSIS

§ 722.117 Medical criteria—generally.

Section 402(f) of the Act authorizes the Secretary of Health, Education, and Welfare to establish and promulgate standards and medical criteria for determining whether a miner is totally disabled due to pneumoconiosis, whether a miner's death was due to pneumoconiosis, and whether a miner was totally disabled by pneumoconiosis at the time of his death. Section 421(b)(2)(C) of the Act requires that in order for a State to be included on the Secretary's list, such State must promulgate standards for determining death or total disability due to pneumoconiosis which are substantially equivalent to those promulgated by the Secretary of Health, Education, and Welfare (see 20 CFR Part 410, Subpart D) and adopted pursuant to sections 415(a) and 422(c) of the Act by the Secretary of Labor in respect of claims filed subsequent to June 30, 1973 (see 20 CFR Part 718). Therfore, no State shall be included on the Secretary's list if it does not by statute or published formal rules and regulations provide standards which are substantially equivalent to or less restrictive than those standards published by the Secretary of Health, Education, and Welfare in Subpart D of 20 CFR Part 410 as amended on September 30, 1972 (37 FR 20641–20645).

§ 722.118 Medical evidence.

No State workmen's compensation law shall be included on the Secretary's list unless such law or regulations promulgated thereunder provide that no claim shall be denied solely on the basis of a chest roentgenogram and, that in determining the validity of claims all evidence shall be considered, including, where relevant, medical tests such as blood gas studies, X-ray examination, electrocardiogram, pulmonary function studies, or physical performance tests, and any medical history, evidence pertaining to future employability, evidence submitted by a miner's physician, or a miner's wife's affidavits, and in the case of a deceased miner, autopsy, biopsy, or other appropriate affidavits of persons with knowledge of the miner's physical condition, and any other supportive materials.

§ 722.119 Medical presumptions.

Section 411(c) of Part B of Title IV of the Act establishes a series of presumptions which shall be available to claimants for purposes of determining whether a miner's death or total disability was due to pneumoconiosis. No State workmen's compensation law shall be included on the Secretary's list if it does not provide or if regulations promulgated pursuant to such State law do not make available to claimants presumptions which are equivalent to or less restrictive than those presumptions contained in section 411(c) of the Act as set forth below:

(a) If a miner who is suffering or suffered from pneumoconiosis was employed for 10 years or more in one or more coal mines, there shall be a rebuttable presumption that his pneumoconiosis arose out of such employment;

(b) If a deceased miner was employed for 10 years or more in one or more coal mines and died from a respirable disease, there shall be a rebuttable presumption that his death was due to pneumoconiosis;

(c) If a miner is suffering or suffered from a chronic dust disease of the lung which (1) when diagnosed by chest roentgenogram, yields one or more large opacities (greater than one centimeter in diameter) and would be classified in category A, B, or C in the International Classification of Radiographs of the Pneumoconioses by the International Labor Organization, (2) when diagnosed by biopsy or autopsy, yields massive lesions in the lungs, or (3) when diagnosis is made by other means, would be a condition which could reasonably be expected to yield results described in subparagraph (1) or (2) of this paragraph if diagnosis had been made in the manner prescribed in subparagraph (1) or (2) of this paragraph, then there shall be an irrebuttable presumption that he is totally disabled due to pneumoconiosis or that his death was due to pneumoconiosis, or that at the time of his death he was totally disabled by pneumoconiosis, as the case may be; and

(d) If a miner was employed for 15 years or more before July 1, 1971, in one or more underground coal mines, and if there is a chest roentgenogram submitted in connection with such miner's, his widow's, his child's, his parent's, his brother's, his sister's, or his dependent's claim and it is interpreted as negative with respect to the requirements of paragraph (c) of this section, and if other evidence demonstrates the existence of a totally disabling respiratory or pulmonary impairment, then there shall be a rebuttable presumption that such miner is totally disabled due to pneumoconiosis, that his death was due to pneumoconiosis, or that at the time of his death he was totally disabled by pneumoconiosis. In the case of a living miner, a wife's affidavit may not be used by itself to establish the presumption. A State shall not apply all or a portion of the requirement of this paragraph that the miner work in an underground mine where it determines that conditions of a miner's employment in a coal mine other than an underground mine were substantially similar to conditions in an underground mine. Such presumption may be rebutted only by establishing that (1) such miner does not, or did not, have pneumoconiosis, or that (2) his respiratory or pulmonary impairment did not arise out of, or in connection with, employment in a coal mine.

§ 722.120 Total disability determination.

The Act requires that benefits be paid for total disability of a miner if pneumoconiosis prevents him from engaging in gainful employment requiring the skills and abilities comparable to those of any employment in a mine or mines in which he previously engaged with some regularity and over a substantial period of time. No State workmen's compensation law shall be included on the Secretary's list if such law prohibits a finding that a miner is totally disabled solely on the basis of his ability to engage in gainful noncoal mine related employment, except that in cases where a miner engaged in noncoal mine related employment utilizes skills comparable to those required in his coal mine employment, it may be found that such miner is not entitled to benefits for total disability due to pneumoconiosis.

§ 722.121 Cause of death.

Section 421 of the Act requires the Secretary to find, before including a State workmen's compensation law in his listing of laws which provide adequate coverage for pneumoconiosis, that such law assures payment of benefits for total disability or death of a miner, determined under standards substantially equivalent to those established under Part B of Title IV of the Act, in all cases where either such total disability or such death was due to pneumoconiosis. Accordingly, in the case of death benefits, such benefits must be paid whether the miner's death or his total disability at the time of death was due to pneumoconiosis. Thus, sections 401 and 430 of the Act require that benefits be paid (a) for death due to pneumoconiosis and (b) for death due to any cause if the miner was totally disabled by pneumoconiosis at the time of his death. No State workmen's compensation law shall be included on the Secretary's list unless it contains a provision or provisions equivalent to those described in this section.

CRITERIA: ADMINISTATIVE STANDARDS

§ 722.122 Administrative standards—generally.

In order to insure that each claimant for pneumoconiosis benefits under a State workmen's compensation law be afforded full due process of law, including notice and opportunity to be heard on all matters materially affecting such claimant's claim, no State workmen's compensation law shall be included on the Secretary's list unless it provides, or regulations promulgated pursuant to such law provide (a) that a claimant in a contested case shall have a right to a full adversary hearing to resolve contested issues of fact or law, (b) that a claimant shall be notified of and shall have a means of legal recourse by right in the event that any adverse action is taken in respect of his claim, and (c) that a claimant shall in appropriate cases be entitled to have his claim finally adjudicated by an appellate court of the State.

§ 722.123 Cessation of payment of benefits.

No State workmen's compensation law shall be included on the Secretary's list unless such law provides, or regulations promulgated pursuant to such law provide, that in the event the payment of benefits to any beneficiary is terminated or suspended for any reason, such beneficiary shall be given prior notice thereof and shall have an opportunity to be heard in a formal proceeding before an appropriate adjudication officer of the State in respect of such suspension or termination, and that such investigations, including medical examination, shall be undertaken as will properly protect the rights of all parties.

§ 722.124 Regulation of fees for legal services.

Unrestricted fees for legal services incurred by a claimant in the pursuit of a claim undermine the intent of Congress expressed in the enactment of Title IV of the Act. Section 28 (33 U.S.C. 928) of the Longshoremen's Act, as incorporated by section 422(a) of the Act, requires the Secretary to exercise reasonable control over professional fees for services incurred by a claimant in the pursuit of a claim. Accordingly, no State workmen's compensation law shall be included on the Secretary's list if such law permits unrestricted or unreasonable fees for services rendered in the pursuit of a claim to be charged to a claimant.

CRITERIA: GUARANTEE OF BENEFITS TO ELIGIBLE INDIVIDUALS

§ 722.126 Guarantee of benefits—generally.

It is the intent of the Act to insure that every eligible individual who has proven his entitlement to benefits for total disability or death due to pneumoconiosis shall be guaranteed such benefits whether or not there is in existence an employer, coal mine operator, or insurance carrier who is or may be adjudicated liable for the payment of such benefits. No State workmen's compensation law shall be included on the Secretary's list unless such law explicitly provides that every claimant who is, based upon the medical evidence and the evidence of such claimant's identity as a miner or eligible relation or dependent, entitled to receive benefits for total disability or death due to pneumoconiosis shall be paid such benefits either by a responsible coal mine operator or employer or such operator or employer's insurance carrier, or by the State from its general revenue or whatever funds are available for such purposes. A State must bear the ultimate liability for the payment of benefits to an entitled individual in all cases where no other source of benefits is available to such claimant.

§ 722.127 Voluntary and elective compensation systems.

A State workmen's compensation law may be included on the Secretary's list, notwithstanding the fact that such law permits voluntary or elective participation by an employer or coal mine operator in any program to insure the payment of benefits for total disability or death due to pneumoconiosis, provided that there is in effect in such State an alternative system to guarantee that all benefits including medical benefits shall be paid.

§ 722.128 Responsible coal mine operators.

Sections 421 and 422 of Part C of Title IV as well as the legislative history of the Act, indicate that Congress intended the coal mine operators in the several States to bear as fully as possible the liability for the payment of pneumoconiosis benefits. In accordance with this intent Congress in section 421(b)(2)(E) of the Act has required that no State workmen's compensation law shall be included on the Secretary's list, unless such law provides that a coal mine operator who acquired his or its mine or substantially all of the assets thereof from a person (hereinafter referred to in this section as a "prior operator") who was an operator of such mine on or after December 30, 1969, shall be liable for and shall secure the payment of all benefits which would have been payable by the prior operator with respect to miners previously employed in such mine if the acquisition had not occurred and the prior operator had continued to operate such mine, and further that such prior operator shall

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not be relieved of his or its liability for the payment of pneumoconiosis benefits in the event that his successor to such mine is for any reason unable to discharge his liability (see section 422(i) of the Act).

§ 722.129 Insurance, self insurance.

(a) A State workmen's compensation law may, in appropriate circumstances, be excluded from the Secretary's list if such law permits coal mine operators or employers to obtain commercial contracts of insurance to guarantee the payment of pneumoconiosis benefits and such State law does not require (1) that such commercial insurer be authorized under the laws of the State to insure workmen's compensation, and (2) that each such commercial contract of insurance contain a provision that insolvency or bankruptcy of the insured or discharge therein (or both) shall not relieve the insurance carrier from liability for all current and future payments of benefits due an entitled individual.

(b) A State workmen's compensation law may, in the discretion of the Secretary, be excluded from the Secretary's list if it is apparent that self-insurance arrangements permitted under such State law in general are not sufficient to insure the uninterrupted payment of benefits to an entitled individual.

(c) Contribution or apportionment of liability among insurers and/or self-insurers, if so provided for by a State workmen's compensation law, shall not be a basis for exclusion of such law from the Secretary's list.

(d) This section shall not be construed to require that a State workmen's compensation law guarantee the payment of pneumoconiosis benefits by means of commercial insurance or self-insurance programs.

§ 722.130 State protections of benefits.

No State workmen's compensation law shall be included on the Secretary's list, unless such State law establishes and provides a means of obtaining revenues to insure that pneumoconiosis benefits shall be paid to entitled individuals for whom no other source of benefits is available.

§ 722.131 Contributions by miners.

No State workmen's compensation law shall be included on the Secretary's list if such law permits or requires miners to provide funds for the payment of insurance premiums, the support for a self-insurance fund, or the support for any State fund established for the purpose of insuring the payment of pneumoconiosis benefits.

§ 722.132 Waiver of right to benefits.

No State workmen's compensation shall be included on the Secretary's list if such law permits a miner or other prospective claimant to by any means waive, in whole or in part, such individual's rights to receive full benefits for total disability or death due to pneumoconiosis. However, under appropriate circumstances, a waiver may be permitted in respect of the liability of any individual coal mine operator or employer if such State workmen's compensation law contains a provision or provisions which otherwise insure that benefits shall be available to be paid to such claimant from some other approved source.

§ 722.133 Retroactive coverage required.

No State workmen's compensation law shall be included on the Secretary's list if such law prohibits the filing of or does not provide for benefits in respect of an otherwise timely (see § 722.116) and valid claim solely on the grounds that the miner on whose total disability or death the claim is predicated was not employed in a coal mine in such State on the effective date of such State's law.

§ 722.134 Residency requirements.

No State workmen's compensation law shall be included on the Secretary's list if such law requires that the claimant be domiciled in or a resident of such State at the time the claim is filed. This section shall not be construed to prohibit a State from refusing to process a claim for benefits in any case in which the miner on whose total disability or death a claim is predicated, was not exposed for a reasonable period of time in such State.

CRITERIA: AMOUNT OF BENEFITS: MEDICAL BENEFITS

§ 722.135 Amount of benefits, computation.

(a) Section 412(a) of the Act sets forth the amount of benefits for total disability or death due to pneumoconiosis to which an individual shall be entitled, the extent of such entitlement and persons so entitled. No State workmen's compensation law shall be included on the Secretary's list if it does not, in every case, provide benefit amounts which are substantially equivalent to or greater than those amounts to which an eligible individual would be entitled under section 412(a).

(b) No State workmen's compensation law which arbitrarily limits the total amount of benefits to which an eligible individual may be entitled over such individual's lifetime shall be included on the Secretary's list.

(c) No State workmen's compensation law which subsequent to the effective date of this Part 722 is amended to reduce the amount of benefits to which an eligible individual is entitled for total disability or death due to pneumoconiosis shall be included on the Secretary's list.

§ 722.136 Augmented benefits.

As set forth in section 412(a) of the Act the amount of benefits to which a beneficiary is entitled may be augmented by up to 100 percent based upon the number of persons (wife, children, parents, brothers, sisters) dependent upon such beneficiary for support. No State workmen's compensation law shall be excluded from the Secretary's list because it does not contain similar augmentation provisions if such law otherwise insures that beneficiaries and their dependents shall receive benefits substantially equivalent to or greater than the amounts such persons would receive under section 412(a) of the Act.

§ 722.137 Minimum benefit amounts.

No State workmen's compensation law shall be included on the Secretary's list if it does not guarantee that the minimum amount of benefits payable to any beneficiary or dependent shall be substantially equivalent to or greater than the amount to which such beneficiary or dependent would be entitled if the claim were paid under section 412(a) of the Act, notwithstanding any provision contained in the State workmen's compensation law which requires the computation of benefit amounts based upon the miner's average weekly or monthly wage.

§ 722.138 Offsets for Federal benefits prohibited.

No State's workmen's compensation law shall be included on the Secretary's list if such law requires that pneumoconiosis benefits payable to any individual shall be offset by any amount to which such individual is or may be entitled on account of total disability or death due to pneumoconiosis under any law of the United States.

§ 722.139 Lump sum awards; settlement.

No State workmen's compensation law shall be excluded from the Secretary's list solely on the grounds that such law permits lump sum awards, or commutation or settlement of claims or awards: *Provided*, That (a) such lump sum award or commutation or settlement is approved by an appropriate State agency; (b) such lump sum award, commutation, or settlement is equal to the present value of future benefits payments commuted, computed at no less than 4 percent true discount compounded annually; (c) accepted and reliable tables of probabilities are used for the purpose of computing the present value of future benefits payments commuted and (d) no lump sum award, commutation, or settlement, shall be construed to deprive a miner of his right to future medical benefits or services under such State law.

§ 722.140 Protection of benefits.

No State workmen's compensation law shall be included on the Secretary's list unless such State law contains a provision or provisions:

(a) Which declare invalid any assignment or release of benefits or future benefits payable;

(b) Which exempt all current and future benefits from all claims of creditors, and from levy, execution, attachment, garnishment, or any other remedy for recovery or collection of a debt, which exemption may not be waived; and

(c) Which insure that any person entitled to benefits for total disability or death due to pneumoconiosis shall have a lien against the assets of the responsible insurance carrier or coal mine operator for such benefits without limit of amount, and shall, upon insolvency, bankruptcy, or reorganization in bankruptcy proceedings of the insurer or operator, or both, be entitled to preference and priority in the distribution of the assets of such insurer or operator, or both. This paragraph shall not be construed to require the creation of a statutory lien aganist the assets of any State fund.

§ 722.141 Payment periods.

No State workmen's compensation law shall be included on the Secretary's list unless such law provides that compensation payable on account of total disability or death due to pneumoconiosis shall be paid not less frequently than once each month.

§ 722.142 Prompt payment of benefits.

No State workmen's compensation law shall be included on the Secretary's list unless such law provides some means such as judicial enforcement whereby an eligible claimant shall have effective recourse to insure that benefits due such claimant are paid fully and promptly.

§ 722.143 Medical benefits.

(a) Section 422(a) of the Act by incorporating section 7(a) of the Longshoremen's Act (33 U.S.C. 907(a)) requires that medical services and supplies be furnished to a miner totally disabled by pneumoconiosis. No State law shall be included on the Secretary's list unless such State law guarantees that every miner who is totally disabled due to pneumoconiosis shall be furnished, at no cost to the miner, with such medical, surgical, and other attendance or treatment, nurse and hospital service, medicine, crutches, and apparatus, for such period as the nature of the disability may require.

(b) No State law shall be included on the Secretary's list if such law places arbitrary time or dollar limitations on a totally disabled miner's entitlement to the medical benefits described in this section.

§ 722.144 Medical examinations, re-examinations.

No State workmen's compensation law shall be included on the Secretary's list unless such State law provides that medical examinations or re-examinations conducted in respect of a claim at the request or order of an insurance carrier, coal mine operator, employer, or State agency shall be conducted at the expense of the insurance carrier, coal mine operator, employer, or State agency as the case may be. In no event shall the cost of such examination or re-examination be chargeable to the claimant.

§ 722.145 Vocational rehabilitation.

(a) Section 422(a) of the Act, by incorporating section 39 of the Longshoremen's and Harbor Workers' Compensation Act requires the Secretary to arrange for and direct the vocational rehabilitation of miners totally disabled for work in or around a coal mine. No State workmen's compensation law shall be included on the Secretary's list unless such State law makes available to miners totally disabled for such work such vocational rehabilitation facilities as are provided by the State under its workmen's compensation programs to disabled employees in general.

(b) No State workmen's compensation law shall be included on the Secretary's list if the use of vocational rehabilitation facilities in such State would result in a partial or total loss of benefits to such miner.

ACTION BY THE SECRETARY

§ 722.146 Standards for review of a State workmen's compensation law.

(a) The standards for determining whether a State workmen's compensation law provides adequate coverage for total disability or death due to pneumoconiosis as set forth in this part are mandatory, in that compliance therewith is prerequisite to inclusion of any such law on the Secretary's list. Such standards have been determined to be the minimum requirements that a State workmen's compensation law must meet in order that the intent of section 421 of the Act be carried out. After review of the information submitted by a State pursuant to § 722.104 and any other information made available to the Department of Labor, the Secretary shall determine whether a State workmen's compensation law meets all of such requirements.

(b) Notwithstanding any other provision of this part, if it is shown, despite the language contained in a State workmen's compensation law, that because of judicial or administrative decision, or duly promulgated rules and regulations, or common practice in the State, such law does not provide adequate coverage for total disability or death due to pneumoconiosis, such law shall be excluded from the Secretary's list.

(c) Notwithstanding any other provision of this part, if it is found that any provision contained in a State's workmen's compensation laws or general laws serves or would be likely to serve to diminish the coverage available in such State for total disability or death due to pneumoconiosis, such State's workmen's compensation law may be excluded from the Secretary's list.

§ 722.147 Action subsequent to review.

(a) If it is found that a State workmen's compensation law during any period provides adequate coverage for total disability or death due to pneumoconiosis, such law shall be included for such period on the Secretary's list to be published in the FEDERAL REGISTER and set forth in § 722.152 pursuant to section 421(b)(1) of the Act. The appropriate State agency shall be notified of the Secretary's action.

(b) If it is found that a State workmen's compensation law submitted for consideration pursuant to § 722.103 does not provide adequate coverage for total disability or death due to pneumoconiosis during any period, the appropriate State agency shall be notified of such decision and, if such law has previously been on the Secretary's list, of the fact that the decision requires deletion of such law from the list during such period. Such notice shall contain a brief statement of reasons enumerating the provision or provisions of the State's law which are unacceptable.

(c) In the event of a denial of a request that a State workmen's compensation law be included on the Secretary's list, or of a decision to delete a previously listed law from the list, the appropriate State agency shall have the right to request the Secretary to reconsider his action. Such request shall be accompanied by a brief or memorandum in support thereof.

§ 722.148 Provisional approval.

The Secretary may, in his discretion, provisionally approve a State's request that its workmen's compensation law be included on the Secretary's list pending the final promulgation of rules and regulations or the effective date of certain amendments to the State's law. Notice of such provisional approval shall be given to the appropriate State agency, but such State's workmen's compensation law shall not be published on the Secretary's list in the FEDERAL REGISTER until such regulations or amendments are effective.

§ 722.149 Judicial review.

The action by the Secretary in including or failing to include any State workmen's compensation law on the Secretary's list shall be subject to judicial review exclusively in the U.S. Court of Appeals for the circuit in which the State is located or in the U.S. Court of Appeals for the District of Columbia (see section 421(b)(2)(f) of the Act).

§ 722.150 Reports.

The Secretary shall from time to time require that each State which has been included on the Secretary's list submit reports, data, or other information to the Secretary concerning the administration and operation of the State's workmen's compensation law with respect to total disability or death due to pneumoconiosis.

§ 722.151 Removal from the Secretary's list.

At any time after a State's workmen's compensation law has been included on the Secretary's list such State's law may be removed from the list if it appears that under such law adequate coverage for total disability or death due to pneumoconiosis is not being provided. Such removal action shall be taken only after notice and an opportunity to be heard has been afforded such State. In the event a State's workmen's compensation law is removed from the Secretary's list the consequences of such removal on claims for pneumoconiosis benefits filed in that State shall be determined by the Secretary.

§ 722.152 The Secretary's list.

(a) In order to provide a ready reference source for any person interested in knowing at any given time which, if any,

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States' laws met the currently applicable criteria for approval, it has been determined that provision should be made for listing such States in the Code of Federal Regulations. Accordingly, the Secretary's list of those States having in effect a workmen's compensation law which provides adequate coverage for total disability or death due to pneumoconiosis, as published in the FEDERAL REGISTER pursuant to section 421(b)(1) of the Act, appears in paragraph (b) of this section. When first published on September 7, 1972 (37 FR 18076; see also 37 FR 21429), as provided by the Act, the document listed no such State because there was no State workmen's compensation law which had been found to provide adequate coverage for total disability or death due to pneumoconiosis. The Secretary's list shall be republished in the FEDERAL REGISTER with amendments from time to time as is necessary.

(b) The Secretary, upon examination of State workmen's compensation laws pursuant to the provisions of section 421 of the Federal Coal Mine Health and Safety Act of 1969, as amended, and 20 CFR 722.101–151, has found that the workmen's compensation law of each of the following listed States, for the period from the date shown in the list until such date as the Secretary may make a contrary determination, provides adequate coverage for pneumoconiosis:

State	*Period commencing*
None	

Signed at Washington, D.C., this 27th day of March 1973.

HERBERT A. DOYLE, Jr.,
Acting Director, Office of Workmen's Compensation Programs.

[FR Doc.73-6101 Filed 3-29-73;8:45 am]

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FRIDAY, MARCH 30, 1973

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FRIDAY, MARCH 30, 1973
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Volume 38 ■ Number 61

PART III

DEPARTMENT OF LABOR

Employment Standards Administration

■

Minimum Wages for Federal and Federally Assisted Construction

Area Wage Determination Decisions, Modifications, and Supersedeas Decisions

No. 61—Pt. III——1

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DEPARTMENT OF LABOR

Employment Standards Administration

MINIMUM WAGES FOR FEDERAL AND FEDERALLY ASSISTED CONSTRUCTION

Modifications and Supersedeas Decisions to Area Wage Determination Decisions

Area wage determination decisions. Area Wage Determination Decisions of the Secretary of Labor specify, in accordance with applicable law and on the basis of information available to the Department of Labor from its study of local wage conditions and from other sources, the basic hourly wage rates and fringe benefit payments which are determined to be prevailing for the described classes of laborers and mechanics employed in construction activity of the character and in the localities specified therein.

The determinations in these decisions of such prevailing rates and fringe benefits have been made by authority of the Secretary of Labor pursuant to the provisions of the Davis-Bacon Act of March 3, 1931, as amended (46 Stat. 1494, as amended, 40 U.S.C. 276a), and of other Federal statutes referred to in 29 CFR 1.1 (including the statutes listed at 36 FR 306 following Secretary of Labor's Order No. 24–70) containing provisions for the payment of wages which are dependent upon determinations by the Secretary of Labor under the Davis-Bacon Act; and pursuant to the provisions of Part 1 of Subtitle A of Title 29 of Code of Federal Regulations, Procedure for Predetermination of Wage Rates (37 FR 21138), and of Secretary of Labor's Orders 12–71 and 15–71 (36 FR 8755, 8756). The prevailing rates and fringe benefits determined in these decisions shall, in accordance with the provisions of the foregoing statutes, constitute the minimum wages payable on Federal and federally assisted construction projects to laborers and mechanics of the specified classes engaged in contract work of the character and in the localities described therein.

Good cause is hereby found for not utilizing notice and public procedure thereon prior to the issuance of these determinations as prescribed in 5 U.S.C. 553 and not providing for delay in effective date as prescribed in that section, because the necessity to issue construction industry wage determinations frequently and in large volume causes procedures to be impractical and contrary to the public interest.

Area Wage Determination Decisions are effective from their date of publication in the FEDERAL REGISTER without limitation as to time and are to be used in accordance with the provisions of 29 CFR Parts 1 and 5. Accordingly, the applicable decision together with any modifications issued subsequent to its publication date shall be made a part of every contract for performance of the described work within the geographic area indicated as required by an applicable Federal prevailing wage law and 29 CFR Part 5. The wage rates contained therein shall be the minimum paid under such contract by contractors and subcontractors on the work.

Modifications and supersedeas decisions to area wage determination decisions. Modifications and Supersedeas Decisions to Area Wage Determination Decisions are based upon information obtained concerning changes in prevailing hourly wage rates and fringe benefit payments since the decisions were issued.

The determinations of prevailing rates and fringe benefits made in the Modifications and Supersedeas Decisions have been made by authority of the Secretary of Labor pursuant to the provisions of the Davis-Bacon Act of March 3, 1931, as amended (46 Stat. 1494, as amended, 40 U.S.C. 276a) and of other Federal statutes referred to in 29 CFR 1.1 (including the statutes listed at 36 FR 306 following Secretary of Labor's Order No. 24–70) containing provisions for the payment of wages which are dependent upon determination by the Secretary of Labor under the Davis-Bacon Act; and pursuant to the provisions of Part 1 of Subtitle A of Title 29 of Code of Federal Regulations, Procedure for Predetermination of Wage Rates (37 FR 21138), and of Secretary of Labor's Orders 13–71 and 15–71 (36 FR 8755, 8756). The prevailing rates and fringe benefits determined in foregoing Area Wage Determination Decisions, as hereby modified, and/or superseded shall, in accordance with the provisions of the foregoing statutes, constitute the minimum wages payable on Federal and federally assisted construction projects to laborers and mechanics of the specified classes engaged in contract work of the character and in the localities described therein.

Modifications and Supersedeas Decisions are effective from their date of publication in the FEDERAL REGISTER without limitation as to time and are to be used in accordance with the provisions of 29 CFR Parts 1 and 5.

Any person, organization, or governmental agency having an interest in the wages determined as prevailing is encouraged to submit wage rate information for consideration by the Department. Further information and self-explanatory forms for the purpose of submitting this data may be obtained by writing to the U.S. Department of Labor, Employment Standards Administration, Office of Special Wage Standards, Division of Wage Determinations, Washington, D.C. 20210. The cause for not utilizing the rulemaking procedures prescribed in 5 U.S.C. 553 has been set forth in the original Area Wage Determination Decision.

Set forth below in this document are the following. Modifications to Area Wage Determination Decisions for the following States (the numbers of the decisions being modified and their dates of publication in the FEDERAL REGISTER are listed with each State):

Colorado:
AP–232 ---------- Sept. 15, 1972.
Illinois:
AP–622 ---------- Feb. 2, 1973.
AP–637 ---------- Feb. 23, 1973.
Indiana:
AP–17; AP–18; AP–19; AP–20; AP–21; AP–22. Sept. 29, 1972.
Kentucky:
AP–133 ---------- Oct. 13, 1972.
Pennsylvania:
AP–465 ---------- Jan. 26, 1973.
Tennessee:
AP–154 ---------- Mar. 2, 1973.
Texas:
AP–389; AP–395---------- Jan. 26, 1973.
Virginia:
AP–468 ---------- Feb. 9, 1973.

Supersedeas Decisions to Area Wage Determination Decisions for the following States (the numbers of the decisions being superseded and their dates of publication in the FEDERAL REGISTER are listed with each State; Supersedeas Decision numbers are in parentheses following the number of the decision being superseded):

California:
AP–245(AP–281); (AP–280). AP–248 Oct. 13, 1972.
Montana:
AP–237(AP–279); (AP–278). AP–239 Sept. 22, 1972.
Nebraska:
AM–2441(AP–522) ------- Aug. 25, 1971.
AP–210(AP–523) ------- Aug. 4, 1972.
Nevada:
AP–225(AP–282) ------- Aug. 25, 1972.
AP–243(AP–266) ------- Sept. 22, 1972.
New York:
AM–1725(AP–800) ------- Aug. 11, 1971.
Virginia:
AP–441(AP–499) ------- Nov. 3, 1972.

Signed at Washington, D.C., this 23d day of March 1973.

WARREN D. LANDIS,
Assistant Administrator,
Wage and Hour Division.

DECISION #AP-232 - Mod #3(Cont'd.) MODIFICATIONS P. 2 CO-2-Jan-2-3 (2-3)

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.	Oth.
LABORERS (CONT'D):						
GROUP V Any laborers performing bridge work over 40' above the ground or above a floor & working from a bos'n chair, swinging stage, life belt or block & tackle	4.67	.30	.35		.05	
GROUP VI Gunnitite & shotcrete helpers; Caissons over 12'; Cofferdams; Timberman; Underpinning & shoring; Formsetters and/or stringman on roads, highways, streets and airports over; Distribution, Bull float & finishing of landing mats; Bull float (hand operated); Concrete expansion machines; Sandblasters; Grade checkers if required by employer	4.58	.30	.35		.05	
GROUP VII Powdermen & blasters; Gunnite nozzlemen; Shotcrete op.	4.68	.30	.35		.05	
GROUP VIII Pipelayer on truck pipe lines in connection with highway work	4.75	.30	.35		.05	
GROUP IX Wagon drills & air tracks; Jackhammer ops. in caissons over 12'; Sellers & steamers; Licensed powdermen; Diamond and core drills powered by air	4.88	.30	.35		.05	
GROUP X Any work, other than on bridges, performed by laborers working from a bos'n Chair, swinging stage, life belt or block and tackle as a safety requirement	4.93	.30	.35		.05	

DECISION #AP-232 - Mod. #1 MODIFICATIONS P. 1 CO-2-Jan-2-3 (1-3)
(37 FR 18854 - September 15, 1972)
Statewide, Colorado

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.	Oth.
Changes:						
Laborers:						
GROUP I Building laborers, including cofferdams to 8' carrying reinforcing rods; Work on storm culverts, connections & side drains in connection with highway work, whether corrugated metal or concrete pipe; Form erections; Mechanic; Dowel cars; Tie bars & chairs in concrete paving; Nursery man incls. seeding, mulching & planting of trees, shrubs & flowers; Stake chaser; Gabion baskets & Reno mattresses	$4.30	.30	.35		.05	
GROUP II Chuck tenders; Nippers, core and diamond drill helpers; Powderman helpers	4.35	.30	.35		.05	
GROUP III Hot asphalt laborers; Rakers; Boxtenders; Asphalt curb machines; Potmen (not mechanical)	4.43	.30	.35		.05	
GROUP IV Multi-plate culvert pipe; Air, gas & electric tool ops.; Barco hammers; Spaders; Electric hammers; Air tampers; Cutting torches on demolition work; Caissons 8' to 12'; Cofferdams; Power operated concrete buggies; Operators of concrete saws on pavement (other than hand saws); Timber & chain saws; Stresser or wrenchman on post tensioning; Tool room men & checkers; Cement finisher helper; Sandblaster helper; Concrete processing material monitor; Spotters; Signalmen; Dumpmen; Transverse concrete conveyor op., mechanical grouters; Boring machines (air hydraulic); Automatic concrete power curbing machine; Jackhammers; Vibrators; Paving breakers; Frost-proofing	4.65	.30	.35		.05	

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DECISION #AP-232 - Mod #3(Cont'd)

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	Apprentice	Others
LABORERS (CONT'D):						
(PIPELINES)						
All mainline sewers; Water mains; Gas, oil or any product pipelines; Penstocks; Siphons or drainage lines; Pipe plants and yards not in connection with highway construction.						
GROUP I Pipe plants and yards; Stringing of pipe or skids; Handling & signaling on line work	4.30	.30	.35		.05	
GROUP II Potmen (not mechanical); Pipewrapper, Dopers, Jeep Holiday Detector Men, Bandage makers, Powdermen helpers	4.35	.30	.35		.05	
GROUP III Laborers working in trenches on all pipelines; Sewer, water, gas, oil, telephone conduit, pen stock, siphons, drainage lines, caulkers, yarners, fine graders, air, gas, electric & hydraulic tools, boring machines, hydraulic jacks, drills, tampers, etc.	4.52	.30	.35		.05	
GROUP IV Sandblasters, powdermen & blasters, wiping of joint concrete pipe, inside and out; Labor, applicable to pipe coating or wrapping, plants and yards; Enamelers of pipe, inside and out	4.54	.30	.35		.05	
GROUP V (Relining Pipe) Relining pipe Mixer man	4.63 4.68	.30 .30	.35 .35		.05 .05	
GROUP VI Pipe Layer	4.75	.30	.35		.05	

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.	Others
DECISION #AP-622 - Mod. #2 (38 FR 3242 - February 2, 1973) Peoria & Tazewell Counties, Illinois						
Change: Bricklayers & Stonemasons: Peoria County & the Remainder of Tazewell County	$7.925	.30	.30		.05	
DECISION #AP-637 - Mod. #2 (38 FR 5113 - February 23, 1973) Peoria & Tazewell Counties, Illinois						
Change: Bricklayers & Stonemasons: Peoria County & the Remainder of Tazewell Co.	$7.925	.30	.30		.05	
DECISION #AP-17 - Mod. #4 (37 FR 20415 - September 29, 1972) Adams, Allen, DeKalb, Elkhart, Huntington, Kosciusko, LaGrange, Marshall, Noble, Starke, Steuben, Wells & Whitley Counties, Indiana						
Add: To Schedule of Laborers in Mod. #3 the Heading Highway Construction.						
DECISION #AP-18 - Mod. #5 (37 FR 20420 - September 29, 1972) Benton, Carroll, Cass, Clinton, Fulton, Howard, Jasper, Miami, Newton, Pulaski, Tippecanoe, Tipton, Wabash & White Counties, Indiana						
Omit: Wabasha County						
Add: To Schedule of Laborers in Mod. #4 the Heading Highway Construction.						

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.	Others
DECISION #AP-19 - Mod. #4 (37 FR 20424 - September 29, 1972) Blackford, Delaware, Fayette, Grant, Hamilton, Hancock, Henry, Jay, Johnson, Madison, Marion, Randolph, Rush, Shelby, Union & Wayne Counties, Indiana						
Add: To Schedule of Laborers in Mod. #3 the Heading Highway Construction.						
DECISION #AP-20 - Mod. #3 (37 FR 20428 - September 29, 1972) Fountain, Warren, Putnam, Sullivan, Vigo, Boone, Hendricks, Green, Morgan, Owen, Vermillion, Parke, Clay, Daviess & Knox Counties, Indiana						
Add: To Schedule of Laborers in Mod. #2 the Heading Highway Construction.						
DECISION #AP-21 - Mod. #5 (37 FR 20433 - September 29, 1972) Bartholomew, Brown, Clark, Dearborn, Decatur, Floyd, Franklin, Harrison, Jackson, Jefferson, Jennings, Ohio, Lawrence, Martin, Monroe, Orange, Ripley, Scott, Switzerland & Washington Counties, Indiana						
Add: To Schedule of Laborers in Mod. #4 the Heading Highway Construction.						
DECISION #AP-22 - Mod. #5 (37 FR 20437 - September 29, 1972) Crawford, DuBois, Gibson, Perry, Pike, Posey, Spencer, Vanderburgh & Warrick Counties, Indiana						
Add: To Schedule of Laborers in Mod. #4 the Heading Highway Construction						

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.	Others
DECISION #AP-133 - Mod. #6 (37 FR 21766 - October 13, 1972) Warren County, Kentucky						
Change: Boilermakers	$8.10	.30	.70	.55	.01	
Boilermakers' Helpers	7.85	.30	.70	.55	.01	
Laborers: Unskilled	4.35	.25	.15			
Mason tenders, mortar mixers, air tools and vibrators, power driven Georgia buggies, chain-saw, pipe layers, joint makers, plaster tenders, marble tenders, tile tenders and sewer bottom men	4.50	.25	.15			
Wagon drill and concrete saw	4.60	.25	.15			
Sand hogs, tunnel laborers and caisson workers	4.80	.25	.15			
Hard rock miners	5.10	.25	.15			
Asphalt rakers	4.65	.25	.15			
Side rail form setters	4.70	.25	.15			
Powdermen	4.75	.25	.15			
Handling of creosote or toxide materials - additional $.25 per hour over basic wage rate						
Plumbers	8.15	.33	.50	.77	.07	
Steam fitters	8.30	.25	.60	.60	.07	
DECISION #AP-465 - Mod. #3 (38FR 2612 - January 26, 1973) Bedford, Cameron, Clarion, Clinton, Elk, Forest, Fulton, Huntingdon, Mifflin and Potter Counties, Pennsylvania						
Change: Truck Drivers Schedule See Modifications Page 8.						
DECISION #AP-151 - Mod. #1 (38 FR 5776 - March 2, 1973) Knox County, Tennessee						
Change: Carpenters	$6.18		.20		.02	
Millwrights	6.63		.20		.02	
Piledrivermen	6.43		.20		.02	
Sheet metal workers	7.90	.30	.30		.02	

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	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Other
DECISION #AP-280 - Mod. #4 (38 FR 2675 - January 26, 1973) Galveston County, Texas						
Change: Building Construction:						
Bricklayers	$7.45	.275	.30		.03	
Stonemasons	7.45	.275	.30		.03	
DECISION #AP-395 - Mod. #3 (38 FR 2643 - January 26, 1973) Harris County, Texas						
Change: Building Construction:						
Bricklayers	7.45	.275	.30		.03	
DECISION #FP-468 - Mod. #3 (38 FR 4177 - February 9, 1973) The Cities of Norfolk, Chesapeake, Portsmouth and Virginia Beach, Virginia						
CHANGE:						
Boilermakers	7.55	.40	.70		.01	
Laborers:						
Common	3.70	.10	.10		.03	
Tenders, concrete saw op., air tool, vibrator, nozzleman (gunnite & sandblasting), motorized buggy op.	3.80	.10	.10		.03	
Mortar mixers, hod carriers, pipelayer and/or caulkers	3.95	.10	.10		.03	
Burners on wrecking	4.05	.10	.10		.03	
Marble, tile & terrazzo workers' helpers	3.70	.10	.10		.03	
Terrazzo workers' floor grinders and base grinders	3.85	.10	.10		.03	
ADD:						
Millwrights	6.90					

TRUCK DRIVERS:

	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Others
Trucks under 33,000 lbs. gross load category (including all types of trucks such as fuel, dump, flat bottom, pick-up, and similar equipment, parts man and warehouseman)	$5.45	6%	3.5%			
Trucks over 33,000 lbs. gross load category (including all types of trucks such as fuel, dump (tandem), flat bottom, scissors, and combination fuel and grease)	5.64	6%	3.5%			
Tri-axle trucks	5.75	6%	3.5%			
Heavy equipment whose capacity exceeds that for which state licenses are issued - specifically refers to units in excess of 8 ft. width (such as euclids: end or belly dump, single twin-engined or tandem: athey wagon: pay loader, tournapons, and similar equipment when not self-loaded rated under forty-five tons)	5.75	6%	3.5%			
Heavy off-the-road equipment (rated at forty-five tons or over)	5.85	6%	3.5%			
Heavy duty trailer, such as low boy, hiboy, pole trailer, A-Frames (when used for transporting materials), dumpsters, ross carriers, form trucks, dual-purpose trucks (when load has been loaded or unloaded with truck winch, loading, hauling and unloading), mechanical tailgate trucks, bucket self-loading trucks, farm tractors (when pulling and hauling), fork lift trucks (in storage areas and warehouses)	5.81	6%	3.5%			
Single-axle Ready-Mixed Concrete Trucks (such as agitators, barrel, redi-mix concrete trucks, etc.)	5.49	6%	3.5%			
Tandem-axle Ready-Mixed Concrete Trucks (such as agitators, barrel, redi-mix concrete trucks, etc.)	5.59	6%	3.5%			
Tri-axle Ready-Mixed Concrete Trucks (such as agitators, barrel, redi-mix concrete trucks, etc.)	5.75	6%	3.5%			
Ready-mixed Concrete Trucks with towed or built-in attachments (10¢ per hour additional to respective size truck						
Tar and Asphalt Discributing trucks (all liquid tank trucks, straight and semi, including water, sprinkler, oil trucks, etc.)	5.64	6%	3.5%			
Tar and Asphalt Trailer Trucks	5.75	6%	3.5%			
Trucks with Dolly or Trailer	5.60	6%	3.5%			
Bottom or Belly-Dump Trucks	5.85	6%	3.5%			

STATE: California

COUNTIES: Imperial, Inyo, Kern, Los Angeles, Mono, Orange, Riverside San Bernardino, San Luis Obispo Santa Barbara and Ventura

DECISION NUMBER: AP-280

DATE: Date of Publication

Supersedes Decision No. AP-248 dated October 13, 1972 in 37 FR 21740

DESCRIPTION OF WORK: Building Construction (excluding single family homes and garden type apartments up to and including 4 stories), heavy and highway construction and dredging.

	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Oth
ASBESTOS WORKERS	$9.77	.48	.35		.025	
BOILERMAKERS	7.45	.60	1.00	.50	.02	
BRICKLAYERS						
Imperial County	7.95	.58	.75		.05	
Inyo, Kern, & Mono Counties	7.80	.40	.40	.30	.05	
Los Angeles & Orange Counties	8.15	.60	.55		.06	
Riverside & San Bernardino Cos.	7.12	.60	.55		.06	
Santa Barbara & San Luis Obispo Cos.	8.29	.65	.45			
Ventura County	7.60	.50	1.00		.01	
BRICK TENDERS						
Imperial-Inyo-Kern-Los Angeles-Mono-Orange-Riverside and San Bernardino Counties	6.00	.55	1.10	.30		
Santa Barbara County	5.725	.55	1.10	.575		
San Luis Obispo County	5.90	.55	1.10	.30		
CARPENTERS						
Carpenters	6.75	.69	.85	.60	.01	
Saw filers	6.83	.69	.85	.60	.01	
Table power saw operators	6.85	.69	.85	.60	.01	
Shinglers	6.88	.69	.85	.60	.01	
Hardwood floor layers; Millwrights	6.95	.69	.85	.60	.01	
Pneumatic nailer	7.00	.69	.85	.60	.01	
Piledrivermen:						
Rock slinger	6.86	.69	.85	.60	.01	
Bridge, dock carpenters; Derrick bargemen	6.88	.69	.85	.60	.01	
Head rock slingers	6.98	.69	.85	.60	.01	
CEMENT MASONS:						
Cement Masons	6.16	.90	.95	.70	.0325	
Cement floating & finishing operators	6.28	.90	.95	.70	.0325	
DRYWALL INSTALLERS	8.60	.61	.75	.50	.04	
ELECTRICIANS:						
Imperial County						
Electricians	8.20	.40	1%+.75			
Cable splicers	8.48	.40	1%+.75			
Kern (China Lake Naval Ordnance Test Station, Edwards AFB)						
Electricians; Technicians	9.95	.70	1%+.90		.10	
Cable splicers	10.945	.70	1%+.90		.10	
Kern County (Remainder of County)						
Electricians; Technicians	7.95	.70	1%+.90		.10	
Cable splicers	8.745	.70	1%+.90		.10	
Los Angeles County						
Electricians	8.95	.30	1%+.45		.02	
Cable splicers	9.25	.30	1%+.45		.02	
Tunnel:						
Electricians	9.85	.30	1%+.45		.02	
Cable splicers	10.15	.30	1%+.45		.02	

	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Others
ELECTRICIANS: (cont'd)						
Orange County						
Electricians	$9.40	.25	1%+.45		.02	
Cable splicers	9.81	.25	1%+.45		.02	
Riverside County						
Electricians	8.42	.60	1%+.40		.02	
Cable splicers	8.72	.60	1%+.40		.02	
Inyo, Mono, & San Bernardino Counties						
Electricians	8.47	.40	1%+.75		.02	
Cable splicers	8.77	.40	1%+.75		.02	
Tunnel:						
Electricians	9.32	.40	1%+.75		.02	
Cable splicers	9.62	.40	1%+.75		.02	
San Luis Obispo County						
Electricians	8.48	.60	1%		.01	
Cable splicers	9.33	.60	1%		.01	
Santa Barbara County (Vandeberg AFB):						
Electricians	9.60	.65	1%+.85		.03	
Cable splicers	10.60	.65	1%+.85		.03	
Remainder of County						
Electricians	8.35	.65	1%+.85		.03	
Cable splicers	9.35	.65	1%+.85		.03	
Ventura County						
Electricians	8.93	.60	1%+.45			
Cable splicers	9.82	.60	1%+.45			
ELEVATOR CONSTRUCTORS						
Imperial, Inyo, Kern, (South of Tehachapi Range), Los Angeles, Mono, Orange, Riverside, San Bernardino, San Luis Obispo, Santa Barbara & Ventura Counties						
Elevator Constructors	9.21	.195	.20	2%+a		
Elevator Constructors' Helpers	70%JR	.195	.20	2%+a		
Elevator Constructors' Helpers (Prob.	50%JR					
Kern County (North of Tehachapi Range)						
Elevator Constructors	8.99	.195	.20	2%+a		
Elevator Constructors' Helpers	70%JR	.195	.20	2%+a		
Elevator Constructors' Helpers (prob.	50%JR					
GLAZIERS:						
Imperial County	9.05	.35	.30			
Inyo, Kern, Mono Counties	7.25	.35	.55	.61	.05	
Los Angeles, Orange, Riverside, San Bernardino, Santa Barbara, San Luis Obispo & Ventura Counties	7.03	.30	.30		.04	

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LINE CONSTRUCTION: (Cont'd)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.	Others
San Luis Obispo County						
Linemen	$6.43	.20	12		.01	
Cable splicer	7.10	.20	12		.01	
Santa Barbara County (Vandenberg AFB):						
Groundmen	6.95	.35	12+.45		.03	
Linemen	8.85	.35	12+.45		.03	
Cable splicers	9.10	.35	12+.45		.03	
Santa Barbara County (Remainder of Co.)						
Linemen	7.60	.35	12+.45		.03	
Cable splicers	7.85	.35	12+.45		.03	
Ventura County						
Groundmen	7.75	.60	12+.45			
Linemen	8.93	.60	12+.45			
Cable splicers	9.82	.60	12+.45			
MARBLE SETTERS:	6.96	.40	.55	.60		
Imperial County						
Kern, Los Angeles, Orange, Riverside, San Bernardino, San Luis Obispo, Santa Barbara, Ventura Counties	7.61	.60	.55			
MARBLE SETTERS' HELPERS:						
Imperial County	5.69	.20	.45	.60		
PAINTERS:						
Imperial, Orange, Riverside, Los Angeles (Pomona Air Pk), San Bernardino (excluding western portion)						
Brush; Paint burners	7.43	.39	.39	.60	.03	
Paperhangers; Iron, steel & bridge (Swing Stage); Sheet rock taper	7.93	.39	.39	.60	.03	
Brush (Swing Stage); Spray	7.68	.39	.39	.60	.03	
Steeplejack	8.83	.39	.39	.60	.03	
Inyo, Kern, Lancaster, Mojave, Palmdale China Lake Naval Ordnance Test Station & Edwards AFB), Los Angeles (except Pomona Area), Mono, San Bernardino west of a line north in Trona including China Lake area, Johannesburg, Boron, South including the Weldwood area)						
Brush	7.60	.305	.35	.30		
Structural steel & bridge; Paint burner; Taper	7.72	.305	.35	.30		
Brush swing stage (13 stories or less)	7.85	.305	.35	.30		
Paperhangers; Sandblasters; Spray	7.97	.305	.35	.30		
Structural steel & bridge (swing stage)	8.00	.305	.35	.30		
Spray sandblaster, swing stage (13 stories or less); Paste machine; Special coating spray	8.10	.305	.35	.30		
Steeplejack	8.85	.305	.35	.30		

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	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
IRONWORKERS:	$8.34	.58	.625	.70	.02	
Reinforcing	8.24	.58	.625	.70	.02	
Fence erectors	8.38	.58	.625	.70	.02	
Ornamental; Structural						
IRRIGATION & LAWN SPRINKLERS						
Imperial, Los Angeles, Orange, Riverside, San Bernardino, San Luis Obispo, Santa Barbara, & Ventura Cos.	6.75	10%	16%	13%	1%	
LATHERS:						
Imperial County	7.00	.24			.01	
Inyo & Kern Counties	6.88	.45	.85	.55		
Los Angeles County (except city of Lancaster)						
Metal furring	7.12	.39	.50		.03	
Nail on (Area I)*	6.985	.29	.35		.045	
Nail on (Area II; III; IV)*	7.12	.39	.50		.03	
Orange County	8.29	.45	.60	.50	.01	
Riverside County	7.275	.245	.105	.53	.015	
San Bernardino County	8.01	.245	.60			
San Luis Obispo and Santa Barbara Cos.	8.47	.24	.35			
Ventura County	6.11	.30	.50	.60	.01	
LINE CONSTRUCTION:						
Imperial County						
Groundman	6.56	.40	12+.75			
Linemen; equipment operators	8.20	.40	13+.75			
Cable splicers	8.48	.40	14+.75			
Kern (China Lake Naval Ordnance Test Station & Edwards AFB)						
Groundmen	7.96	.70	12+.90		.10	
Linemen	9.95	.70	13+.90		.10	
Cable splicers	10.945	.70	14+.90		.10	
Kern County (Remainder of County)						
Groundmen	5.96	.70	12+.90			
Linemen	7.95	.70	13+.90			
Cable splicers	8.745	.70	14+.90			
Los Angeles County						
Groundmen	6.74		12			
Linemen.	8.98		12			
Cable splicers	9.28		12			
Orange County						
Groundmen, 1st year	7.25	.25	13+.45			
Groundmen, 2nd year	7.68	.25	13+.45			
Linemen	8.90	.25	13+.45			
Cable splicers	9.31	.25	13+.45			
Riverside County	6.33	.60	12+.40		.02	
Groundmen	8.43	.60	13+.40		.02	
Linemen; Line equipment operators	8.73	.60	13+.40		.02	
Cable splicers						
Inyo, Mono, San Bernardino Counties						
Groundmen	6.36	.40	13+.75		.02	
Linemen	8.48	.40	13+.75		.02	
Cable splicers	8.78	.40	13+.75		.02	

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	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
PLASTERERS' TENDERS:						
Imperial, Inyo, Mono, Riverside, & San Bernardino Counties	$7.93	.55	1.10	.30		
Kern County	6.385	.45	.85	.30		
Los Angeles & Orange Counties	7.175	.55	1.55	.60		
San Luis Obispo County	6.50	.55	1.10	.30		
Santa Barbara County (except Santa Maria)	6.9375	.35	.60	1.00		
Ventura County	6.86	.45	1.35	1.00		
PLUMBERS; Steamfitters						
Imperial, Los Angeles, Orange, Riverside, San Bernardino, San Luis Obispo, Santa Barbara, & Ventura Cos.	8.62	10%	16%	13%	1%	
Inyo, Kern (except east of Los Angeles Aqueduct), & Mono Counties	7.17	.60	1.53	1.00	.10	
Kern County (East of Los Angeles Aqueduct)	9.17	.60	1.53	1.00	.10	
ROOFERS:						
Imperial County	6.64	.40	.25	1.00		
Inyo, Kern, & Mono Counties	6.80	.30	.30			
Los Angeles, Orange, & Ventura Cos.	7.74	.35	.50		.025	
Riverside & San Bernardino Counties	6.80	.55	.40	.50		
San Luis Obispo & Santa Barbara Cos.	6.98	.175	.15	.35	.0025	
SHEET METAL WORKERS:						
Imperial County	8.53	.69	1.15			
Inyo, Kern, Los Angeles (north of line between Gorman & Big Pines), & Mono Counties	8.47	.69	1.05			
Los Angeles County (remaining portion)	6.27	.39	.40		.025	
Orange County	9.52	.69	1.20			
Riverside & San Bernardino County	6.05	.39	.40		.03	
San Luis Obispo, Santa Barbara, & Ventura Counties	9.32	.69	1.05			
SOFT FLOOR LAYERS:	7.85	.45	.30	.60	.05	
Imperial County						
Inyo (Incl. Inyo-Kern Naval Reservation), Kern (east of the Los Angeles Aqueduct), Los Angeles, Orange, Riverside, Santa Barbara, San Bernardino, San Luis Obispo, & Ventura Counties	8.14	.37	.28	.44	.02	
Kern County (remaining portion)	8.05	.37	.15	.44		
SPRINKLER FITTERS:						
Imperial, Inyo, Kern, Mono, Orange, (except Santa Ana, Riverside), San Luis Obispo, Santa Barbara, & Ventura (except Santa Paula, Point Mugu, & Port Hueneme)	11.30	.30	.50		.05	

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PAINTERS: (cont'd)	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Kern County (Remainder of County)	$7.32	.35	.36		.01	
Brush	7.47	.35	.36		.01	
Swing stage (brush-roller)	7.52	.35	.36		.01	
Taping joint sheet rock	7.57	.35	.36		.01	
Paperhangers; Spray; Sandblasters	7.72	.35	.36		.01	
Swing stage and sandblasters	7.67	.35	.36		.01	
Structural steel, pipe in place						
San Luis Obispo, Santa Barbara, & Ventura Counties	7.66	.35	.35		.02	
Brush & steel; Paperhangers; Paste	7.91	.35	.35		.02	
Iron & machine op.; Sandblaster; Taper	8.16	.35	.35		.02	
Sprayman	8.66	.35	.35		.02	
Steeplejack						
Parking Lot Striping Work and/or Highway Markers:						
Inyo & Mono Counties						
Traffic delineating device applicator; Traffic surface protective coating applicator; Wheel stop installer; Traffic surface sandblaster	5.27	.35	.20	b		
Helper (Traffic surface sandblaster, protective coating applicator)	4.77	.35	.20	b		
Striper	6.37	.35	.20	b		
Helper (Striper)	5.37	.35	.20	b		
Remaining Counties						
Traffic delineating device applicator	5.01	.20	.20	b		
Wheel stop installer; Traffic surface sandblaster; Striper; Traffic surface protective coating applicator	4.88	.20	.20	b		
Helper (Traffic surface sandblaster; Wheel stop installer; Traffic surface protective coating applicator, striper)	4.38	.20	.20	b		
PLASTERERS:						
Imperial County	8.15	.45	.75		.06	
Inyo, Kern & Mono Counties	7.17	.45	.30	.60	.01	
Los Angeles & Orange Counties	7.495	.53	1.25	.50	.07	
Riverside & San Bernardino Counties	9.995					
San Luis Obispo County	8.70	.40	.75		.01	
Santa Barbara County	8.64	.25	.30	.50	.01	
Ventura County	7.74				.02	

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SPRINKLER FITTERS (cont'd)	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Others
Los Angeles (Los Angeles City & area within 25 miles; & Pomona), Orange (Santa Ana), San Bernardino (Ontario), & Ventura (Santa Paula, Point Mugu, & Fort Hueneme	11.04	.44	.50		.06	
TERRAZZO WORKERS: Imperial County	6.96	.40	.55	.60		
Inyo, Kern, Los Angeles, Orange, Riverside, San Bernardino, San Luis Obispo, Santa Barbara, & Ventura Cos.	6.42	.15		.15		
TERRAZZO WORKERS' HELPERS: Kern, Los Angeles, Orange, Riverside, San Bernardino, San Luis Obispo, Santa Barbara, & Ventura Counties	5.58	.15		.45		
TILE SETTERS: Imperial County	6.96	.40	.55	.60		
Inyo, Kern & Mono Counties	7.30	.40		.30		
Los Angeles, Orange, & Ventura Cos.	7.75	.145	.35		.02	
Riverside & San Bernardino Counties	7.35	.60	.55		.025	
San Luis Obispo & Santa Barbara Cos.	8.29	.65	.45			
TILE SETTERS' HELPERS: Imperial County	5.69	.20	.45	.60		
Los Angeles, Orange, & Ventura Cos.	5.96	.245	.50		.08	
Riverside & San Bernardino Counties	6.41	.245	.50		.08	

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:

a. Employer contributes 4% basic hourly rate for over 5 years' service & 2% basic hourly rate for 6 months to 5 years' service as Vacation Pay Credit. Six Paid Holidays: A through F.

b. Employer contributes $.17 per hour to Holidays Fund plus $.10 per hour to Vacation for 1 year's service, $.20 per hour after 1 year but less than 5 years' service, $.30 per hour after 5 years but less than 10 years' service, $.40 per hour after 10 years' service.

* Area I - That portion of Los Angeles County including the Cities of Burbanks, Castaic, Chatsworth, Cornell, Glendale, Hermosa Beach, Hollywood, Los Angeles, Malibou Beach, Redondo Beach, San Fernando, Santa Monica, Torrance, Van Nuys, Whittier, Zuma Beach.

** Area II; III; & IV:

Area II - That portion of Los Angeles County including the Cities of Pomona, El Monte, Covina, Alhambra, Pasadena, South Pasadena, La Canada, to line that intersects Acton, east of San Bernardino County line, then south along the San Bernardino County line.

Area III - Beginning at the edge of Reeves Field, north along Long Beach City limits to 223rd Street, west to Avalon Boulevard, north to Torrence Boulevard, west to Pacific Ocean, including Santa Catalina Island.

Area IV - Beginning at the edge of Reeves Field, north along Long Beach City limits to 223rd Street, west to Avalon Boulevard, north to Rosecrans Avenue, east to Atlantic Avenue, north to Imperial Highway, east to the Orange County line, south along County line to Western Avenue, south to Lincoln Avenue, east to Highway 39 (Beach Boulevard), south to the Pacific Ocean including San Clemente Island.

LABORERS	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Others
CLEANING & HANDLING OF PANEL FORMS; Concrete Screeding for rough strike off; Concrete, water curing; Demolition laborer, the cleaning of brick & lumber; Dry packing of concrete, plugging, filling of Shee-Bolt Holes; Fire watcher, limbers, brush loaders, pilers & debris handler; Gas & oil pipeline; Laborers, general or construction; Laborer, temporary water & air lines; Material hoseman (walls, slab, floors & decks); Mixer-truck chute man (walls, slabs decks, floors foundations & footing-curb & gutter & sidewalks); Rigging & signalling; Slip form raisers; Window cleaner	$ 5.495	.55	1.10	.30		
CUTTING TORCH (Demolition); Scaler; Tarman; Mortarman	5.545	.55	1.10	.30		
GUINEA CHASER	5.675	.55	1.10	.30		
ASPHALT SHOVELER; Fine grader, highway & street paving, airports, runways, & similar type heavy construction; Landscape gardener & nursery man	5.595	.55	1.10	.30		
PACKING ROD STEEL & PANS; Tanks scaler & cleaner	5.62	.55	1.10	.30		
UNDERGROUND (INCL. CAISSON BELLOWER)	5.625	.55	1.10	.30		
CHUCKTENDER; Septic tank digger & installer	5.645	.55	1.10	.30		
CESSPOOL DIGGER & INSTALLER	5.675	.55	1.10	.30		
CONCRETE CURER-IMPERVIOUS MEMBRANE & FORM OILER: Riprap stonepaver placing stone or sacked concrete; Sandblaster (pot tender)	5.685	.55	1.10	.30		
PIPELAYERS' BACKUP MAN, COATING, GROUTING, MAKING OF JOINTS, SEALING, CAULKING	5.785	.55	1.10	.30		

LABORERS (Cont'd)	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Others
BUGGYMOBILE MAN; Cement dumper (on 1 yd. or larger mixer & handling bulk cement); Gas & oil pipeline wrapper-pot tender; Power broom sweepers (small); Roto scraper & tiller; Tree climber, faller, chain saw op., Pittsburgh chipper & similar type brush shredders; Trenching machine, hand propelled	$ 5.705	.55	1.10	.30		
ASPHALT RAKER, LUTEMAN & IRONER; Concrete core cutter, grinder or sender Concrete saw man, cutting, scoring old or new concrete; Impact wrench, multi-plate; Pneumatic, gas, electric tools, vibrating machines & similar mechanical tools not separately classified herein; Tampers, Barko Wacker & similar type	5.805	.55	1.10	.30		
ROCK SLINGER	5.755	.55	1.10	.30		
DRILLER, JACKHAMMER - 2 - 1/2 DRILL STEEL OR LONGER	5.885	.55	1.10	.30		
CONCRETE VIBRATOR OP., 70 lbs. & OVER	5.905	.55	1.10	.30		
PIPELAYER (NON-METALLIC INCL. SEWER, DRAIN & UNDERGROUND TILE); Prefabricated manhole installer	6.005	.55	1.10	.30		
GAS & OIL PIPELINE WRAPPER - (6" & Over; Kettlemen, potmen & men applying asphalt, lay-kold, creosote, lime caustic & similar type materials	5.835	.55	1.10	.30		
CRIBBER, SHORER, LAGGING, SHEETING, & TRENCH BRACING, HAND-GUIDED LAGGING HAMMER	6.005	.55	1.10	.30		
BLASTER POWDERMAN	6.055	.55	1.10	.30		
STEEL HEADERBOARD MAN & GUIDELINE SETTER	5.92	.55	1.10	.30		

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LABORERS (Cont'd)	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Others
SANDBLASTER (Nozzleman)	$ 5.945	.55	1.10	.30		
DRILLER (Core-Diamond-Wagon)	6.145	.55	1.10	.30		
HEAD ROCK SLINGER	6.015	.55	1.10	.30		
GUNNITE LABORERS: NOZZLEMEN & RODMEN	6.97	.55	1.10	.30		
GUNMEN	6.47	.55	1.10	.30		
REBOUNDMEN	5.61	.55	1.10	.30		

LABORERS (Tunnel & Tunnel-Shaft Construction)	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Other
BATCH PLANT LABORERS; Bull Gang Mucker, Trackman; Concrete Crew, incl. Rodders & Spreaders; Dumpman; Dumpman (outside); Swamper (brakeman & switchman on tunnel work); Tunnel materials handling man; Tool man	$6.73	.55	1.10	.30		
CABLE TENDER, Chucktender; Nipper; Steel Form Raiser & Setter's Helper; Vibratorman, Jackhammer, Pneumatic Tools (except driller)	6.83	.55	1.10	.30		
BLASTER, Driller, Powderman; Chemical Grout Jetman; Cherry Pickerman; Grout Gunman; Grout Mixerman; Grout Pumpman; Jackleg Miner; Jumbo Man; Kemper & other Pneumatic; Concrete Placer Op.; Miner Tunnel (hand or machine); Powderman (Primer House); Primer Man; Shotcrete Man; Steel Form Raiser & Setter; Timberman; Retimberman (wood or steel); Tunnel Concrete Finisher	6.98	.55	1.10	.30		
SHAFT, Raise Miner; Diamond Driller	7.23	.55	1.10	.30		

POWER EQUIPMENT OPERATORS	Basic Hourly Rate	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Other
GROUP I BRAKEMAN; Compressor Operator; Deck Hand; Engineer Oiler; Generator Operator; Heavy Duty Repairman Helper; Pump Operator; Signalman; Switchman	$7.03	.75	1.20	.30	.02	
GROUP II CONCRETE MIXER, Skip type; Conveyor; Fireman; Generator, Pump or Compressor, (2-5 inclusive) Portal Units-over 5 units, .10¢ per hour for each additional unit up to nine units.; Hydrostatic Pump; Oiler Crusher (Asphalt or Concrete Plant); Plant Operator, Generator, Pump or Compressor; Skiploader - Wheel type up to 3/4 yd. without attachment; Tar Pot Fireman; Temporary Heating Plant Op.; Trenching Machine Oiler; Truck Crane Oiler	7.27	.75	1.20	.30	.02	
GROUP III A-FRAME or Winch Truck; Chainman; Elevator (inside); Equipment Greaser (rack); Ford Ferguson (with dragtype attachments); Power Concrete Curing Machine; Power Concrete Saw; Power-Driven Jumbo Form Setter; Ross Carrier (jobsite); Stationary Pipe Wrapping & Cleaning Machine	7.51	.75	1.20	.30	.02	
GROUP IV ASPHALT PLANT FIREMAN; Boring Machine; Boxman or Mixerman (Asphalt or Concrete); Chip Spreading Machine; Concrete Pump (small portable); Bridge Type Unloader and Turntable; Dinky Locomotive or Motorman (up to and including 10 tons); Equipment Greaser (Grease Truck); Helicopter Hoist Operator; Highline Cableway Signalman; Hydra-Hammer-Areo Stomper; Power Sweeper; Roller (compacting); Screed (Asphalt or Concrete); Rodman; Trenching Machine (up to 6 ft.)	7.62	.75	1.20	.30	.02	
GROUP V ASPHALT PLANT ENGINEER; Concrete Batch Plant Operator - (Oiler or Journeyman-trainee required); Backhoe (up to and						

POWER EQUIPMENT OPERATORS	Basic Hourly Rate	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Other
GROUP V (cont'd) including 3/4 yds.); Bit Sharpener; Concrete Joint Machine Operator (Canal and similar type); Concrete Planer; Derrickman (Oilfield type); Deck Engine Operator; Drilling Machine (including water wells); Forklift (under 5 ton capacity); Hydrographic Seeder Machine (straw, pulp or seed); Machine Tool; Maginnis Internal Full Slab Vibrator; Mechanical Berm, curb or gutter (concrete or asphalt); Mechanical Finisher Operator (concrete Clary - Johnson-Bidwell or similar); Pavement Breaker (truck mounted, Oiler) Road Oil Mixing Machine; Roller Op. (asphalt or finish); Rubber Tired Earth Moving Equipment, (single engine, up to and including 25 yds. struck); Self-propelled Tar Pipelining Machine Operator; Slip Form Pump (power driven hydraulic lifting device for concrete forms); Tugger Hoist (1 drum); Tunnel Locomotive Operator (over 10 and up to and including 30 tons); Stinger Crane (Austin-Western or similar type); Skiploader Operator (Crawler and Wheel type over 3/4 yd. and up to and including 1½ yds.); Tractor Operator-Bulldozer, Tamper Scraper (single engine, up to 100 h.p. flywheel and similar types, up to and including D-5 and similar types.)	7.81	.75	1.20	.30	.02	
GROUP VI ASPHALT OR CONCRETE SPREADER (tamping or finishing); Asphalt Paving Machine (Barber Green or similar type-2 screedman required); BHL Lima Road Pactor, Wagner Pactor or similar; Bridge Crane Operator; Cast in Place Pipe Laying Machine Operator; Combination Mixer and Compressor (Gunite work); Concrete Pump (truck mounted) (Oiler required); Concrete Mixer Operator-Paving; Crane Operator (up to and including 25 tons capacity); Crushing Plant Operator; Elevating Grader						

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POWER EQUIPMENT OPERATORS

GROUP VI (Cont'd)

	Basic Hourly Rate	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Other
Forklift (over 5 tons); Grade Checker; Gradall Operator; Grouting Machine; Heading Shield; Heavy Duty Repairman; Hoist Operator (Chicago Boom and similar type); Kolman Belt Loader and similar type; LeTourneau Blob Compactor or similar type; Lift Slab Machine (Vagtburg and similar types); Lift Mobile Operator; Loader Operator (Athey, Euclid, Sierra and similar type; Material Hoist; Mucking Machine (¾ yd.-rubber-tired, rail or track type); Pneumatic Concrete Placing Machine (Hackley-Presswell or similar type); Pneumatic Heading Shield (tunnel); Pumpcrete Gun; Rotary Drill (excluding Caisson type); Rubber-Tired Earth Moving Equipment, (single engine-Caterpillar, Euclid, Athey Wagon, and similar types with any and all attachments over 25 yds. and up to and including 50 cu. yds. struck); Rubber-Tired Scraper (self-loading - Paddle wheel type; Skiploader (Crawler and Wheel type-over 1½ yds., up to and including 6½ yds); Surface Heaters and Planer; Rubber-Tired Earth Moving Equipment, Multiple engine, (up to and including 25 yds. struck); Trenching Machine (over 6 ft. depth capacity, manufacturers rating); Tower Crane; Tractor Compressor Drill Combination; Tractor (any type larger than D-5 - 100 Flywheel h.p. and over, or similar) (Bull Dozer, Tamper, Scraper, and Push Tractor, single engine); Tractor (Boom attachments); Traveling Pipe Wrapping, Cleaning and Bending Machine; Tunnel Locomotive (over 30 ton); Shovel, Backhoe, Dragline, Clamshell (over 3/4 yds. and up to 5 cu. yds. H.R.C.	7.91	.75	1.20	.30	.02

POWER EQUIPMENT OPERATORS

	Basic Hourly Rate	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Other
GROUP VII CRANE - Over 25 tons up to and including 100 tons; Derrick Barge; Dual Drum Mixer; Monorail Locomotive (Diesel, gas or electric); Motor Patrol - Blade (single engine); Multiple Engine Tractor (Euclid and similar type, except Quad 9 Cat); Rubber-Tired Earth Moving Equipment, single engine over fifty (50) yds. struck; Rubber-Tired Earth Moving Equipment (Multiple engine, Euclid, Caterpillar and similar) (over 25 yds and up to 50 cu. yds. struck); Tractor Loader (Crawler and wheel type over 6½ yds.); Tower Crane Repairman; Shovel, Backhoe, Dragline, Clamshell (over 5 cu. yds., M.R.C.; Woods Mixer and similar Pugmill Equipment; Heavy Duty Repairman - Welder Combination	8.01	.75	1.20	.30	.02
GROUP VIII AUTO GRADER OPERATOR; Automatic Slip Form; Crane-over 100 tons; Hoist, Stiff Legs, Guy Derricks or similar types (capable of hoisting 100 tons or more); Mass Excavator; Mechanical Finishing Machine; Motor Patrol (Multi-engine); Pipe Mobile Machine; Rubber-tired Earth Moving Equipment (Multiple engine, Euclid, Caterpillar and similar type over 50 cu. yds. struck); Rubber-Tired Scraper (Push-Pull) (.50¢ per hour additional to base rate); Tandem Equipment Operator (2 units only); Tandem Tractor Operator (Quad 9 or similar type); Tunnel Mole Boring Machine Operator	8.15	.75	1.20	.30	.02
GROUP IX CANAL LINER; Canal trimmer; Helicopter pilot; Highline cableway; Rubber-tired self-loading scraper (Paddle wheel-Auger type self-loading - 2 or more units); Wheel excavator (over 750 cu. yds.); Remote controlled earth moving equipment op. ($1.00 per hour additional)	8.25	.75	1.20	.30	.02

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Other
TRUCK DRIVERS:						
WAREHOUSEMAN and Teamster	$6.27	.65	.65	.75		
DRIVERS OF VEHICLES Or combination of vehicles of 2 axles (incl. all vehicles less than six tons); Traffic control pilot car, excluding moving heavy equipment permit load	6.35	.65	.65	.75		
TRUCK MOUNTED Power Broom	6.41	.65	.65	.75		
DRIVERS OF VEHICLE Or combination of vehicles of 3 axles; Water truck, 2 axles	6.50	.65	.65	.75		
BOOTMAN; Cement distributor; Fuel truck; Driver of road oil spreader truck	6.53	.65	.65	.75		
TRANSIT-MIX, Under 3 yds.; Dumpcrete, less than 6½ yds.	6.59	.65	.65	.75		
WATER TRUCK, 3 or more axles; Truck repairman helper	6.60	.65	.65	.75		
TRUCK GREASER & TIREMAN (50¢ per hour additional when working on tire sizes above 24 inch in wheel diameter); Pipeline & utility working truck driver, incl. winch truck, but not limited to trucks applicable to pipeline & utility work, where a composite crew is used	6.68	.65	.65	.75		
TRANSIT-MIX, 3 yds. or more; Dumpcrete, 6½ yds. & over	6.73	.65	.65	.75		
DRIVERS OF VEHICLES Or combination of vehicles of 4 or more axles	6.75	.65	.65	.75		
A-FRAME OR SWEDISH CRANE, Or similar type of equipment; Fork lift; Ross Carrier (Hwy)	7.05	.65	.65	.75		

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Other
TRUCK DRIVERS: (cont'd)						
ALL OFF-HIGHWAY EQUIPMENT WITHIN TEAMSTERS JURISDICTION (Off highway combination of vehicles or equipment with multiple power sources, $1.00 per hour additional); Truck repairman; Welder	$7.30	.65	.65	.75		
TRUCK REPAIRMAN-Welder	7.40	.65	.65	.75		

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	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Other
POWER EQUIPMENT OPERATORS						
DREDGING						
(Hydraulic Suction Dredges)						
LEVERMAN	$8.20	.75	1.20	.03	.015	
WATCH ENGINEER; Welder	7.71	.75	1.20	.30	.015	
DECKMATE	7.31	.75	1.20	.30	.015	
WINCHMAN (stern winch or dredge)	7.25	.75	1.20	.30	.015	
BARGEMAN; Deckhand; Fireman; Oiler; Leveehand	6.79	.75	1.20	.30	.015	
DREDGING						
(Clam Shovel Dredges)						
LEVERMAN	8.20	.75	1.20	.30	.015	
WATCH ENGINEER	7.71	.75	1.20	.30	.015	
DECKMATE	7.31	.75	1.20	.30	.015	
BARGEMATE	7.25	.75	1.20	.30	.015	
BARGEMAN; Deckhand; Fireman; Oiler	6.79	.75	1.20	.30	.015	

SUPERSEDEAS DECISION

STATE: California

COUNTIES: Imperial, Kern, Los Angeles, Orange, Riverside, San Luis Obispo, San Bernardino, Santa Barbara and Ventura

DECISION NUMBER: AP-281

DATE: Date of Publication

Supersedes Decision No. AP-245 dated October 13, 1972 in 37 FR 21721

DESCRIPTION OF WORK: Residential construction consisting of single family homes and garden type apartments up to and including 4 stories.

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
ASBESTOS WORKERS	$9.77	.48	.35		.025	
BOILERMAKERS	7.45	.60	1.00	.50	.02	
BRICKLAYERS:						
Imperial County	7.95	.58	.75		.05	
Kern County	7.80	.40	.40	.30	.05	
Los Angeles & Orange Counties	8.15	.60	.55		.06	
Riverside & San Bernardino Counties	7.12	.60	.55		.06	
Santa Barbara & San Luis Obispo Cos.	8.29	.65	.45			
Ventura County	7.60	.50	1.00		.01	
BRICK TENDERS:						
Imperial, Kern, Los Angeles, Orange, Riverside and San Bernardino Cos.	6.00	.55	1.10	.30		
Santa Barbara County	5.725	.55	1.10	.575		
San Luis Obispo County	5.90	.55	1.10	.30		
CARPENTERS						
Carpenters	6.75	.69	.85	.60	.01	
Saw filers	6.83	.69	.85	.60	.01	
Table power saw operators	6.85	.69	.85	.60	.01	
Shinglers	6.88	.69	.85	.60	.01	
Hardwood floor layers; Millwrights	6.95	.69	.85	.60	.01	
Pneumatic nailer	7.00	.69	.85	.60	.01	
Piledrivermen:						
Rock slinger	6.86	.69	.85	.60	.01	
Bridge, dock carpenters; Derrick bargemen	6.88	.69	.85	.60	.01	
Head rock slingers	6.98	.69	.85	.60	.01	
CEMENT MASONS:						
Cement masons	6.16	.90	.95	.70	.0325	
Cement floating & finishing operators	6.28	.90	.95	.70	.0325	
DRYWALL INSTALLERS	8.60	.61	.75	.50	.04	
ELECTRICIANS:						
Imperial County						
Electricians	8.20	.40	1%+.75			
Cable splicers	8.48	.40	1%+.75			
Kern (China Lake Naval Ordnance Test Station, Edwards AFB)						
Electricians; Technicians	9.95	.70	1%+.90		.10	
Cable splicers	10.945	.70	1%+.90		.10	
Kern County (Remainder of County)						
Electricians; Technicians	7.95	.70	1%+.90		.10	
Cable splicers	8.745	.70	1%+.90		.10	
Los Angeles County						
Electricians	8.95	.30	1%+.45		.02	
Cable splicers	9.25	.30	1%+.45		.02	
Tunnel:						
Electricians	9.85	.30	1%+.45		.02	
Cable splicers	10.15	.30	1%+.45		.02	

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
ELECTRICIANS: (cont'd)						
Orange County						
Electricians	$9.40	.25	1%+.45		.02	
Cable splicers	9.81	.25	1%+.45		.02	
Riverside County						
Electricians	8.42	.60	1%+.40		.02	
Cable splicers	8.72	.60	1%+.40		.02	
San Bernardino County						
Electricians	8.47	.40	1%+.75		.02	
Cable splicers	8.77	.40	1%+.75		.02	
Tunnel:						
Electricians	9.32	.40	1%+.75		.02	
Cable splicers	9.62	.40	1%+.75		.02	
San Luis Obispo County						
Electricians	8.48	.60	1%		.01	
Cable splicers	9.33	.60	1%		.01	
Santa Barbara County(Vandenberg AFB):						
Electricians	9.60	.65	1%+.85		.03	
Cable splicers	10.60	.65	1%+.85		.03	
Remainder of County:						
Electricians	8.35	.65	1%+.85		.03	
Cable splicers	9.35	.65	1%+.85		.03	
Ventura County						
Electricians	8.93	.60	1%+.45			
Cable splicers	9.82	.60	1%+.45			
ELEVATOR CONSTRUCTORS						
Imperial, Kern (South of Tehachapi Range), Los Angeles, Orange, Riverside San Bernardino, San Luis Obispo, Santa Barbara and Ventura Counties:						
Elevator Constructors	9.21	.195	.20	2%+a		
Elevator Constructors' Helpers	70%JR	.195	.20	2%+a		
Elevator Constructors' Helpers (PROB.)	50%JR					
Kern County(North of Tehachapi Range)						
Elevator Constructors	8.99	.195	.20	2%+a		
Elevator Constructors' Helpers	70%JR	.195	.20	2%+a		
Elevator Constructors' Helpers (PROB.)	50%JR					
GLAZIERS:						
Imperial County	9.05	.35	.30			
Kern County	7.25	.35	.55	.61	.05	
Los Angeles, Orange, Riverside, San Bernardino, Santa Barbara, San Luis Obispo, & Ventura Counties	7.03	.30	.30		.04	
IRONWORKERS:						
Reinforcing	8.34	.58	.625	.70	.02	
Fence erectors	8.24	.58	.625	.70	.02	
Ornamental; Structural	8.38	.58	.625	.70	.02	
IRRIGATION & LAWN SPRINKLERS Imperial, Los Angeles, Orange, Riverside, San Bernardino, San Luis Obispo, Santa Barbara, & Ventura Counties	6.75	10%	16%	13%	1%	

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	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
LATHERS:						
Imperial County	$7.00	.24			.01	
Kern County	6.88	.45	.85	.55		
Los Angeles County (except city of Lancaster)						
Metal furring	7.12	.39	.50		.03	
Nail on (Area I)*	6.985	.29	.35		.045	
Nail on (Area II; III; IV)**	7.12	.39	.50		.03	
Orange County	8.29	.55	.65	.50	.03	
Riverside County	7.375	.24	.105	.53	.01	
San Bernardino County	8.61	.245	.60		.015	
San Luis Obispo and Santa Barbara Cos.	8.47	.24	.35			
Ventura County	6.11	.30	.50	.60	.01	
PAINTERS:						
Imperial, Orange, Riverside, Los Angeles (Pomona Area), San Bernardino (excluding western portion)						
Brush; Paint burners	7.43	.39	.39	. 60	.03	
Paperhangers; Iron, steel & bridge (swing stage); Sheet rock taper	7.93	.39	.39	.60	.03	
Brush (swing stage); Spray	7.68	.39	.39	.60	.03	
Steeplejack	8.83	.39	.39	.60	.03	
Kern (Lancaster, Mojave, Palmdale, China Lake Naval Ordnance Test Station & Edwards AFB), Los Angeles (except Pomona Area), San Bernardino (west of a line north in Trona including China Lake area, Johannesburg, Boron, South including the Wrightwood area)						
Brush	7.60	.305	.35	.30		
Structrual steel & bridge; Paint burner; Taper	7.72	.305	.35	.30		
Brush swing stage(13 stories of less); Paperhangers; Sandblasters; Spray	7.85	.305	.35	.30		
Brush swing stage (over 13 stories)	7.97	.305	.35	.30		
Structural steel & bridge, swing	8.00	.305	.35	.30		
Spray sandblaster swing state (13 stories or less); Paste machine; Special coating spray	8.10	.305	.35	.30		
Steeplejack	8.85	.305	.35	.30		
Kern County (Remainder of County)						
Brush	7.32	.35	.36		.01	
Swing stage (brush-roller)	7.47	.35	.36		.01	
Taping joint sheet rock	7.52	.35	.36		.01	
Paperhangers; Spray; Sandblasters	7.57	.35	.36		.01	
Swing stage and sandblasters	7.72	.35	.36		.01	
Structural steel, pipe in place	7.87	.35	.36		.01	
San Luis Obispo, Santa Barbara, & Ventura Counties						
Brush	7.66	.35	.35		.02	
Iron & steel; Paperhangers; Paste machine op.; Sandblaster; Taper	7.91	.35	.35		.02	
Spraymen	8.16	.35	.35		.02	
Steeplejack	8.66	.35	.35		.02	

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	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
PLASTERERS:						
Imperial County	$8.15	.45	.75		.06	
Kern County	7.17	.45	.50	.60	.01	
Los Angeles & Orange Counties	7.495	.53	1.25	.50	.07	
Riverside & San Bernardino Counties	9.995					
San Luis Obispo County	8.70				.01	
Santa Barbara County	8.64	.40	.75		.01	
Ventura County	7.74	.25	.30	.50	.02	
PLASTERERS' TENDERS:						
Imperial, Riverside, & San Bernardino Counties	7.93	.55	1.10	.30		
Kern County	6.385	.45	.85	.30		
Los Angeles & Orange Counties	7.175	.55	1.55	.60		
San Luis Obispo County	6.50	.55	1.10	.30		
Santa Barbara County (except Santa Maria)	6.9375	.35	.60	1.00		
Ventura County	6.86	.45	1.35	1.00		
PLUMBERS; Steamfitters:						
Imperial, Los Angeles, Orange, Riverside, San Bernardino, San Luis Obispo, Santa Barbara, & Ventura Counties	8.62	10%	15%	3%	1%	
Kern, (except east of Los Angeles Aqueduct)	7.17	.60	1.53	1.00	.10	
Kern County (East of Los Angeles Aqueduct)	9.17	.60	1.53	1.00	.10	
ROOFERS:						
Imperial County	6.64	.40	.25	1.00		
Kern County	6.80	.30	.30			
Los Angeles, Orange, & Ventura Cos.	7.74	.35	.50		.025	
Riverside & San Bernardino Counties	6.80	.55	.40	.50		
San Luis Obispo & Santa Barbara Cos.	6.98	.175	.15	.35	.0025	
SHEET METAL WORKERS:						
Imperial County	8.53	.69	1.15			
Kern, Los Angeles (north of line between Gorman & Big Pines)	8.47	.69	1.05			
Los Angeles County (remaining portion)	6.27	.39	.40		.025	
Orange County	9.52	.69	1.20			
Riverside & San Bernardino County	6.65	.39	.40		.03	
San Luis Obispo, Santa Barbara, & Ventura Counties	9.32	.69	1.05			
SOFT FLOOR LAYERS:						
Imperial County (Kern Naval Reservation), Kern (east of the Los Agneles Aqueduct), Los Angeles, Orange, Riverside, Santa Barbara, San Bernardino, San Luis Obispo, & Ventura Counties	7.85	.45	.30	.60	.05	
Kern County (remaining portion)	8.14	.37	.28	.44	.02	
	8.05	.37	.15	.44		

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	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
TILE SETTERS:						
Imperial County	$6.96	.40	.55	.60		
Kern County	7.30	.40		.30		
Los Angeles, Orange, & Ventura Cos.	7.75	.145	.35		.02	
Riverside, & San Bernardino Cos.	7.35	.60	.55		.025	
San Luis Obispo & Santa Barbara Cos.	8.29	.65	.45			
TILE SETTERS' HELPERS:						
Imperial County	5.69	.20	.45	.60		
Los Angeles, Orange, & Ventura Cos.	5.96	.245	.50		.08	
Riverside & San Bernardino Cos.	6.41	.245	.50		.08	

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:

a. Employer contributes 4% basic hourly rate for over 5 years' service & 2% basic hourly rate for 6 months to 5 years' service as Vacation Pay Credit. Six Paid Holidays: A through F.

* AREA I - That portion of Los Angeles County including the Cities of Burbank, Castaic, Chatsworth, Cornell, Glendale, Hermosa Beach, Hollywood, Los Angeles, Malibou Beach, Redondo Beach, San Fernando, Santa Monica, Torrance, Van Nuys, Whittier, Zuma Beach.

** AREAS II; III; & IV:

AREA II - That portion of Los Angeles County including the Cities of Pomona, El Monte, Covina, Alhambra, Pasadena, South Pasadena, La Canada, to line that intersects Alton, east to San Bernardino County line, then south along the San Bernardino County line.

AREA III- Beginning at the edge of Reeves Field, north along Long Beach City limits to 223rd Street, west to Avalon Boulevard, north to Torrence Boulevard, west to Pacific Ocean, including Santa Catalina Island.

AREA IV - Beginning ar the edge of Reeves Field, north along Long Beach City limits to 223rd Street, west to Avalon Boulevard, north to Rosecrans Avenue, east to Atlantic Avenue, north to Imperial Highway, east to the Orange County line, south along County line to Western Avenue, south to Lincoln Avenue, east to Highway 39 (Beach Boulevard), south to the Pacific Ocean, including San Clemente Island.

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	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Oth
LABORERS						
CLEANING & HANDLING OF PANEL FORMS; Concrete Screeding for rough strike off; Concrete, water curing; Demolition laborer, the cleaning of brick & ...r; Dry packing of concrete, ...ng, filling of Shee-Bolt Holes; ... watcher, limbers, brush loaders, pliers & debris handler; Gas & oil pipeline; Laborers, general or construction; Laborer, temporary water & air lines; Material hoseman (walls, slab, floors & decks); Mixer-truck chute man (walls, slabs decks, floors foundations & footing-curb & gutter & sidewalks); Rigging & signalling; Slip form raisers; Window cleaner	$ 5.495	.55	1.10	.30	
CUTTING TORCH (Demolition); Scaler; Tarman; Mortarman	5.545	.55	1.10	.30	
GUINEA CHASER	5.675	.55	1.10	.30	
ASPHALT SHOVELER; Fine grader, highway & street paving, airports, runways, & similar type heavy construction; Landscape gardener & nursery man	5.595	.55	1.10	.30	
PACKING ROD STEEL & PANS; Tanks scaler & cleaner	5.62	.55	1.10	.30	
UNDERGROUND (INCL. CAISSON BELLOWER)	5.625	.55	1.10	.30	
CHUCKTENDER; Septic tank digger & installer	5.645	.55	1.10	.30	
CESSPOOL DIGGER & INSTALLER	5.675	.55	1.10	.30	
CONCRETE CURER-IMPERVIOUS MEMBRANE & FORM OILER: Riprap stonepaver placing stone or sacked concrete; Sandblaster (pot tender)	5.685	.55	1.10	.30	
PIPELAYERS' BACKUP MAN, COATING, GROUTING, MAKING OF JOINTS, SEALING, CAULKING	5.785	.55	1.10	.30	

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LABORERS (Cont'd)	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Other
BUGGYMOBILE MAN; Cement dumper (on 1 yd. or larger mixer & handling bulk cement); Gas & oil pipeline wrapper-pot tender; Power broom sweepers (small); Roto scraper & tiller; Tree climber, faller, chain saw op., Pittsburgh chipper & similar type brush shredders; Trenching machine, hand propelled	$ 5.705	.55	1.10	.30		
ASPHALT RAKER, LUTEMAN & IRONER; Concrete core cutter, grinder or sander Concrete saw man, cutting, scoring old or new concrete; Impact wrench, multi-plate; Pneumatic, gas, electric tools, vibrating machines & similar mechanical tools not separately classified herein; Tampers, Barko Wacker & similar type	5.805	.55	1.10	.30		
ROCK SLINGER	5.755	.55	1.10	.30		
DRILLER, JACKHAMMER - 2 - 1/2 DRILL STEEL OR LONGER	5.885	.55	1.10	.30		
CONCRETE VIBRATOR OP., 70 lbs. & OVER	5.905	.55	1.10	.30		
PIPELAYER (NON-METALLIC INCL. SEWER, DRAIN & UNDERGROUND TILE); Prefabricated manhole installer	6.005	.55	1.10	.30		
GAS & OIL PIPELINE WRAPPER - (6" & Over; Kettlemen, potmen & men applying asphalt, lay-kold, creosote, lime caustic & similar type materials	5.835	.55	1.10	.30		
CRIBBER, SHORER, LAGGING, SHEETING, & TRENCH BRACING, HAND-GUIDED LAGGING HAMMER	6.005	.55	1.10	.30		
BLASTER POWDERMAN	6.055	.55	1.10	.30		
STEEL HEADERBOARD MAN & GUIDELINE SETTER	5.92	.55	1.10	.30		

LABORERS (Cont'd)	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Oth
SANDBLASTER (Nozzleman)	$ 5.945	.55	1.10	.30		
DRILLER (Core-Diamond-Wagon)	6.145	.55	1.10	.30		
HEAD ROCK SLINGER	6.015	.55	1.10	.30		
GUNNITE LABORERS: NOZZLEMEN & RODMEN	6.97	.55	1.10	.30		
GUNMEN	6.47	.55	1.10	.30		
REBOUNDMEN	5.61	.55	1.10	.30		

POWER EQUIPMENT OPERATORS	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Other
GROUP I BRAKEMAN; Compressor Operator; Deck Hand; Engineer Oiler; Generator Operator; Heavy Duty Repairman Helper; Pump Operator; Signalman; Switchman	$7.03	.75	1.20	.30	.02	
GROUP II CONCRETE MIXER, Skip type; Conveyor; Fireman; Generator, Pump or Compressor, (2-5 inclusive) Portal Units-over 5 units, .10¢ per hour for each additional unit up to nine units.; Hydrostatic Pump; Oiler Crusher (Asphalt or Concrete Plant); Plant Operator, Generator, Pump or Compressor; Skiploader - Wheel type up to 3/4 yd. without attachment; Tar Pot Fireman; Temporary Heating Plant Op.; Trenching Machine Oiler; Truck Crane Oiler	7.27	.75	1.20	.30	.02	
GROUP III A-FRAME or Winch Truck; Chainman; Elevator (inside); Equipment Greaser (rack); Ford Ferguson (with dragtype attachments); Power Concrete Curing Machine; Power Concrete Saw; Power-Driven Jumbo Form Setter; Ross Carrier (jobsite); Stationary Pipe Wrapping & Cleaning Machine	7.51	.75	1.20	.30	.02	
GROUP IV ASPHALT PLANT FIREMAN; Boring Machine; Boxman or Mixerman (Asphalt or Concrete); Chip Spreading Machine; Concrete Pump (small portable); Bridge Type Unloader and Turntable; Dinky Locomotive or Motorman (up to and including 10 tons); Equipment Greaser (Grease Truck); Helicopter Hoist Operator; Highline Cableway Signalman; Hydra-Hammer-Areo Stomper; Power Sweeper; Roller (compacting); Screed (Asphalt or Concrete); Rodman; Trenching Machine (up to 6 ft.)	7.62	.75	1.20	.30	.02	
GROUP V ASPHALT PLANT ENGINEER; Concrete Batch Plant Operator - (Oiler or Journeyman-trainee required); Backhoe (up to and						

POWER EQUIPMENT OPERATORS	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Other
GROUP V (cont'd) including 3/4 yds.); Bit Sharpener; Concrete Joint Machine Operator (Canal and similar type); Concrete Planer; Derrickman (Oilfield type); Deck Engine Operator; Drilling Machine (including water wells); Forklift (under 5 ton capacity); Hydrographic Seeder Machine (straw, pulp or seed); Machine Tool; Maginnis Internal Full Slab Vibrator; Mechanical Berm, curb or gutter (concrete or asphalt); Mechanical Finisher Operator (concrete Clary - Johnson-Bidwell or similar); Pavement Breaker (truck mounted, Oiler) Road Oil Mixing Machine; Roller Op. (asphalt or finish); Rubber Tired Earth Moving Equipment, (single engine, up to and including 25 yds. struck); Self-propelled Tar Pipelining Machine Operator; Slip Form Pump (power driven hydraulic lifting device for concrete forms); Tugger Hoist (1 drum); Tunnel Locomotive Operator (over 10 and up to and including 30 tons); Stinger Crane (Austin-Western or similar type); Skiploader Operator (Crawler and Wheel type over 3/4 yd. and up to and including 1½ yds.); Tractor Operator-Bulldozer, Tamper Scraper (single engine, up to 100 h.p. flywheel and similar types, up to and including D-5 and similar types.)	7.81	.75	1.20	.30	.02	
GROUP VI ASPHALT OR CONCRETE SPREADER (tamping or finishing); Asphalt Paving Machine (Barber Green or similar type-2 screedman required); BHL, Lima Road Factor, Wagner Factor or similar; Bridge Crane Operator; Cast in Place Pipe Laying Machine Operator; Combination Mixer and Compressor (Gunite work); Concrete Pump (truck mounted) (Oiler required); Concrete Mixer Operator-Paving; Crane Operator (up to and including 25 tons capacity); Crushing Plant Operator; Elevating Grader						

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POWER EQUIPMENT OPERATORS

GROUP VI (Cont'd)

	Basic Hourly Rate	Fringe Benefit Payments: H & W	Pensions	Vacation	App. Tr.	Other
Forklift (over 5 tons); Grade Checker; Gradall Operator; Grouting Machine; Heading Shield; Heavy Duty Repairman; Hoist Operator (Chicago Boom and similar type); Holman Belt Loader and similar type; LeTourneau Blob Compactor or similar type; Lift Slab Machine (Vagtburg and similar types); Lift Mobile Operator; Loader Operator (Athey, Euclid, Sierra and similar type; Material Hoist; Mucking Machine (½ yd.-rubber-tired, rail or track type); Pneumatic Concrete Placing Machine (Hackley-Presswell or similar type); Pneumatic Heading Shield (tunnel); Pumpcrete Gun; Rotary Drill (excluding Caisson type); Rubber-Tired Earth Moving Equipment, (single engine-Caterpillar, Euclid, Athey Wagon, and similar types with any and all attachments over 25 yds. and up to and including 50 cu. yds. struck); Rubber-Tired Scraper (self-loading - Paddle wheel type; Skiploader (Crawler and Wheel type-over 1½ yds., up to and including 6½ yds); Surface Heaters and Planer; Rubber-Tired Earth Moving Equipment, Multiple engine, (up to and including 25 yds. struck); Trenching Machine (over 6 ft. depth capacity, manufacturers rating); Tower Crane; Tractor Compressor Drill Combination; Tractor (any type larger than D-5 - 100 Flywheel hp. and over, or similar) (Bull Dozer, Tamper, Scraper, and Push Tractor, single engine); Tractor (Boom attachments); Traveling Pipe Wrapping, Cleaning and Bending Machine; Tunnel Locomotive (over 30 ton); Shovel, Backhoe, Dragline, Clamshell (over 3/4 yds. and up to 5 cu. yds. H.R.C.	7.91	.75	1.20	.30	.02	

POWER EQUIPMENT OPERATORS

	Basic Hourly Rate	Fringe Benefit Payments: H & W	Pensions	Vacation	App. Tr.	Other
GROUP VII CRANE - Over 25 tons up to and including 100 tons; Derrick Barge; Dual Drum Mixer; Monorail Locomotive (Diesel, gas or electric); Motor Patrol - Blade (single engine); Multiple Engine Tractor (Euclid and similar type, except Quad 9 Cat); Rubber-Tired Earth Moving Equipment, single engine over fifty (50) yds. struck; Rubber-Tired Earth Moving Equipment (Multiple engine, Euclid, Caterpillar and similar) (over 25 yds and up to 50 cu. yds. struck); Tractor Loader (Crawler and wheel type over 6½ yds.); Tower Crane Repairman; Shovel, Backhoe, Dragline, Clamshell (over 5 cu. yds., H.R.C.; Woods Mixer and similar Pugmill Equipment; Heavy Duty Repair-Man - Welder Combination	8.01	.75	1.20	.30	.02	
GROUP VIII AUTO GRADER OPERATOR; Automatic Slip Form; Crane-over 100 tons; Hoist, Stiff Legs, Guy Derricks or similar types (capable of hoisting 100 tons or more); Mass Excavator; Mechanical Finishing Machine; Motor Patrol (Multi-engine); Pipe Mobile Machine; Rubber-tired Earth Moving Equipment (Multiple engine, Euclid, Caterpillar and similar type over 50 cu. yds. struck); Rubber-Tired Scraper (Push-Pull) (.50¢ per hour additional to base rate); Tandem Equipment Operator (2 units only); Tandem Tractor Operator (Quad 9 or similar type); Tunnel Hole Boring Machine Operator	8.15	.75	1.20	.30	.02	
GROUP IX CANAL LINER; Canal trimmer; Helicopter pilot; Highline cableway; Rubber-tired self-loading scraper (Paddle wheel-Auger type self-loading - 2 or more units); Wheel excavator (over 750 cu. yds.); Remote controlled earth moving equipment op. ($1.00 per hour additional)	8.25	.75	1.20	.30	.02	

	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Other
TRUCK DRIVERS:						
WAREHOUSEMAN and Teamster	$6.27	.65	.65	.75		
DRIVERS OF VEHICLES Or combination of vehicles of 2 axles (incl. all vehicles less than six tons); Traffic control pilot car, excluding moving heavy equipment permit load	6.35	.65	.65	.75		
TRUCK MOUNTED Power Broom	6.41	.65	.65	.75		
DRIVERS OF VEHICLE Or combination of vehicles of 3 axles; Water truck, 2 axles	6.50	.65	.65	.75		
BOOTMAN; Cement distributor; Fuel truck; Driver of road oil spreader truck	6.53	.65	.65	.75		
TRANSIT-MIX, Under 3 yds.; Dumpcrete, less than 6½ yds.	6.59	.65	.65	.75		
WATER TRUCK, 3 or more axles; Truck repairman helper	6.60	.65	.65	.75		
TRUCK GREASER & TIREMAN (50¢ per hour additional when working on tire sizes above 24 inch in wheel diameter); Pipeline & utility working truck driver, incl. winch truck, but not limited to trucks applicable to pipeline & utility work, where a composite crew is used	6.68	.65	.65	.75		
TRANSIT-MIX, 3 yds. or more; Dumpcrete, 6½ yds. & over	6.73	.65	.65	.75		
DRIVERS OF VEHICLES Or combination of vehicles of 4 or more axles	6.75	.65	.65	.75		
A-FRAME OR SWEDISH CRANE, Or similar type or equipment; Fork lift; Ross Carrier (Hwy)	7.05	.65	.65	.75		

	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Other
TRUCK DRIVERS: (cont'd)						
ALL OFF-HIGHWAY EQUIPMENT WITHIN TEAMSTERS JURISDICTION (Off highway combination of vehicles or equipment with multiple power sources, $1.00 per hour additional); Truck repairman; Welder	$7.30	.65	.65	.75		
TRUCK REPAIRMAN-Welder	7.40	.65	.65	.75		

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SUPERSEDEAS DECISION

STATE: Montana

COUNTIES: Flathead, Lake, Lincoln, and Missoula

DECISION NUMBER: AP-278

DATE: Date of Publication

Supersedes Decision AP-239 dated September 22, 1972, in 37 FR 19909

DESCRIPTION OF WORK: Building Construction, (excluding single family homes and garden type apartments up to and including 4 stories).

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Other
ASBESTOS WORKERS	$8.15	.25	.37		.02	
BOILERMAKERS	8.25	.30	1.00			
BRICKLAYERS; Stonemasons	6.00	.30				
CARPENTERS:						
Carpenters	5.97	.30	.35		.01	
Millwrights	6.22	.30	.35		.01	
CEMENT MASONS:						
Lake (Southern Area) and Missoula Cos.	6.40	.35				
Lake (Northern Area) and Remaining Cos.	5.75	.20				
ELECTRICIANS:						
Electricians	6.68		1%		½	
Cable splicers	7.08		1%		½	
ELEVATOR CONSTRUCTORS	5.915	.195	.20	2%+a		
ELEVATOR CONSTRUCTORS' HELPERS	70%JR	.195	.20	2%+a		
ELEVATOR CONSTRUCTORS' HELPERS (PROB.)	50%JR					
IRONWORKERS:						
Reinforcing	7.56	.48	.65		.05	
Ornamental; Structural	7.56	.48	.65		.05	
LATHERS	5.95				.01	
MARBLE MASONS	6.65	.30	.25			
PAINTERS:						
Lake (Southern Area) and Missoula Cos.						
Brush	5.66	.30	.15			
Spray	5.66	.30	.15			
Lake (Northern Area) and Remaining Cos.						
Brush & Roller up to 9'	4.35					
Paperhanging, Perfataping, Sign Painting	4.60					
Spray Work	5.00					
Sandblasting & apply to Bitumastic Epoxy on other hazardous material	5.45					
Structural Steel Bridge or Dam Work (brush or spray)	5.45					
Structural Steel Bridge or Dam Work (Over 30 ft. high (brush or spray)	5.95					
PLASTERERS:						
Lake (Southern Area) and Missoula Cos.	6.65	.35				
Lake (Northern Area) and Remaining Cos.	6.05	.20				
PLUMBERS:						
Flathead and Lincoln Counties	5.90	.30	.30		.02	
Remaining Counties	6.58	.30	.30		.05	

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Other
ROOFERS	$5.33	.35	.30	.50		
SHEET METAL WORKERS	6.88	.22	.10		.01	
SPRINKLER FITTERS	7.20	.30	.50		.05	
TERRAZZO WORKERS	6.65	.30	.25			
TILE SETTERS	6.65	.30	.25			
TRUCK DRIVERS	5.065					

FOOTNOTE:

a. Employer contributes 4% basic hourly rate for over 5 years' service and 2% basic hourly rate for 6 months to 5 years; service as Vacation Pay Credit. 6 Paid Holidays: A through F.

PAID HOLIDAYS:

A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
LABORERS						
Flathead, Lake (northern area) and Lincoln Counties:						
Laborers Nozzlemen (air & water); Sandblast tail hosemen; Powderman helper; Powerdriven wheelbarrow; Rodder and spreader; Form setters (paving); Bucketman	$5.065	.35	.25			
Small air tool op. incl. blow pipes, small power tools; Chuck tenders; Asphalt rakers; Dumpman; Rip rapping; Pipe wrapper; Pot tender	5.215	.35	.25			
Jackhammer; Pavement breaker; Vibrator; Mechanical tamper and other air tools; Cement handlers (sack or bulk)	5.245	.35	.25			
Lake (southern area) and Missoula Counties	5.30	.35	.25			
Laborers All power tools, Creosoteworkers; jackhammer; Marble & tile setters' tenders; Pipelayers; Pipewrappers; Pot tenders; Small concrete mixers; Vibrators	5.065	.35	.25		.03	
Cement masons & plaster tenders; Mason tenders; Pumpcrete, gunnite & plaster pump	5.315	.35	.25		.03	
	5.465	.35	.25		.03	

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	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Other
POWER EQUIPMENT OPERATORS:						
CRUSHER CONVEYOR; Farm type tractor, up to & incl. 50 HP engine; Grade setter	$6.33	.45	.45		.02	
CRUSHER OILER & HELPER; Field equipment serviceman helper; Hot plant oiler, 100 ton per hr. or over; Mechanic and/or welder helper on job; Oiler other than shovels & cranes; Shovel oiler, 3 cy and under; Washing and screening plant oiler	6.36	.45	.45		.02	
CONCRETE BATCH PLANT OILER, UP TO & INCL. 2 MIXERS	6.39	.45	.45		.02	
AIR COMPRESSOR, SINGLE; Pumpman	6.40	.45	.45		.02	
FARM TYPE TRACTOR, OVER 50 HP ENGINE; Herman Nelson heater & similar types	6.41	.45	.45		.02	
CRANE OILER; Oiler-driver, rubber-tired cranes	6.44	.45	.45		.02	
CONVEYOR LOADER, UP TO & INCL. 42" BELT	6.45	.45	.45		.02	
BORING MACHINE, JEEP, PICKUP OR FARM TRACTOR MOUNTED; Concrete mixer, 3 bags & under; Fireman; Heavy duty drills, helper; Retort op.	6.46	.45	.45		.02	
BROOM, SELF-PROPELLED	6.54	.45	.45		.02	
AIR COMPRESSOR, 2 OR MORE; Belt finishing machine; Conveyor loader, over 42" belt; Roller, on other than hot mix oil, paving	6.57	.45	.45		.02	
RUBBER-TIRED FRONTEND LOADER, 1 CY & UNDER	6.58	.45	.45		.02	

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POWER EQUIPMENT OPERATORS CONT'D:	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.	Other
CHAIN BUCKET LOADER; Chip gravel spreader, self-propelled; DW 10, 15, 20 tractor pulling roller	6.59	.45	.45		.02	
CONCRETE MIXER, 4 BAGS & OVER	6.63	.45	.45		.02	
FORM GRADER; Hoist, single drum	6.64	.45	.45		.02	
CEMENT SILO	6.66	.45	.45		.02	
FORKLIFT, ON CONSTRUCTION SITE	6.68	.45	.45		.02	
CONCRETE BATCH PLANT OILER, 3 MIXERS AND OVER	6.70	.45	.45		.02	
A-FRAME TRUCK, CRANE, WINCH TRUCK AND SIMILAR	6.71	.45	.45		.02	
HYDRALIFT AND SIMILAR TYPES; Oiler, hoist house, dams; Whirley crane oiler	6.77	.45	.45		.02	
FIELD EQUIPMENT SERVICEMAN	6.79	.45	.45		.02	
AIR DOCTOR; Asphalt paving machine; Asphalt paving machine, screed; Bit grinder; Bitum, mixer paving, travel plant; Boring machine, large; Concrete batch plant, 1 and 2 mixers; Concrete finishing machine, paving; Concrete bucket dispatcher; Concrete curing machine; Concrete float and spreader; Concrete power saw, self-propelled; Concrete travel batcher; Crusher op.; Distributor; Elevating grader; Gradeall; Heavy duty drills, all types; Hoist, 2 or more drums; Hot plant op.; Hot plant fireman; Industrial locomotive, all types; Mountain logger or similar type; Mucking machine; Pavement breaker, Essco and similar; Power auger large truck or tractor, mounted and punch; Power mixer, single or double drum; Power saw, self-propelled, multiple cut; Pumpcrete or grout machine; Push tractor; Refrigerator plant; Roller, on blade or hot mix oil paving; Roller, 25 ton or over; Ross and similar type carriers on construction site; Rubber-tired dozer;						

POWER EQUIPMENT OPERATORS CONT'D:	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.	Other
Rubber-tired frontend loader, over 1 cy to & incl. 3 cy; Scraper DW 15, 20, 21 & similar type if power unit is not used; Self-propelled sheeps foot & similar type; Shovels, incl. all attachments, under 1 cy; Track-type frontend loader, up to & incl. 5 cy; Track-type tractor with or without attachments; Trenching machine; Turnhead conveyor or head tower on batch plant; Wagner roller & similar type; Water pull when used for compaction; Washing and screening plant	6.67	.45	.45		.02	
MIXERMOBILE	6.95	.45	.45		.02	
MECHANIC AND/OR WELDER ON JOB	6.97	.45	.45		.02	
RUBBER-TIRED FRONTEND LOADER, OVER 3 CY TO & INCL. 5 CY	6.99	.45	.45		.02	
AUTOMATIC FINEGRADER, GUARDES AND OTHER SIMILAR TYPES; Motor patrol; Paving mixing machine; Scraper, single engine; Slip form paver	7.00	.45	.45		.02	
CRANE, UP TO & INCL. 80' BOOM WITH JIB	7.03	.45	.45		.02	
ELECTRIC OVERHEAD CRANES; Shovels, incl. all attachments, 1 cy to & incl. 3 cy; Track-type tractor, on euclid loader	7.05	.45	.45		.02	
CONCRETE BATCH PLANT, 3 AND 4 MIXERS	7.07	.45	.45		.02	
RUBBER-TIRED FRONTEND LOADER, OVER 5 cy TO & INCL. 10 cy	7.09	.45	.45		.02	
SCRAPER, TWIN ENGINE; Track-type frontend loader, over 5 cy to & incl. 10 cy	7.10	.45	.45		.02	
CENTRAL MIXING PLANTS, CONCRETE DAMS & STATIONARY	7.12	.45	.45		.02	
QUAD CAT	7.17	.45	.45		.02	
CRANE, 81' TO 130' BOOM	7.18	.45	.45		.02	

POWER EQUIPMENT OPERATORS CONT'D:	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.	Other
RUBBER-TIRED FRONTEND LOADER, OVER 10 CY TO & INCL. 15 CY	7.19	.45	.45		.02	
TRACK-TYPE FRONTEND LOADER, OVER 10 CY TO & INCL. 15 CY	7.20	.45	.45		.02	
CRANE, 131' TO 150' BOOM	7.23	.45	.45		.02	
SCRAPER, SINGLE OR TWIN ENGINE, PULLING BELLY DUMP TRAILER	7.25	.45	.45		.02	
CONCRETE BATCH PLANT, 5 MIXERS AND OVER	7.27	.45	.45		.02	
CRANE, 151' BOOM & OVER	7.28	.45	.45		.02	
RUBBER-TIRED FRONTEND LOADER, OVER 15 CY (Factory rating not to include sideboards)	7.29	.45	.45		.02	
TRACK-TYPE FRONTEND LOADER, OVER 15 CY	7.30	.45	.45		.02	
SHOVEL, INCL. ALL ATTACHMENTS, OVER 3 CY TO & INCL. 5 CY; Stiff leg derrick and guy derrick	7.32	.45	.45		.02	
SCRAPER, TANDEM ENGINE	7.36	.45	.45		.02	
HELICOPTER HOIST	7.37	.45	.45		.02	
CABLEWAY HIGHLINE	7.38	.45	.45		.02	
WHIRLEY CRANE	7.40	.45	.45		.02	
SHOVELS, INCL. ALL ATTACHMENTS, OVER 5 CY	7.45	.45	.45		.02	

Missoula County

LINE CONSTRUCTION: (Jobs 69,000 volts or less)	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.	Other
Cable splicer	$6.71	.25	1%		4%	
Line equipment operators; Powdermen	5.96	.25	1%		4%	
Experienced groundmen (2 yrs.); Truck drivers	4.72	.25	1%		4%	
Groundmen; Pole digger (groundman)	4.20	.25	1%		4%	
Linemen	6.07	.25	1%		4%	
(Jobs over 69,000 volts)						
Cable splicers	6.86	.25	1%		4%	
Linemen; Pole sprayer	6.53	.25	1%		4%	
Line equipment operators; Powdermen	6.00	.25	1%		4%	
Groundman	4.96	.25	1%		4%	

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	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Other
(Flathead-Lake-Lincoln Counties)						
LINE CONSTRUCTION						
All construction of "H" fixture and Steel Tower Transmission Lines with capacity of 69 K.V. voltages & over, switch yard and substation rated at 5000 K.V.A. & all work not covered by Schedule "B".						
SCHEDULE "A"						
GROUNDMAN "B"	4.61	.25	1%		1%	
GROUNDMAN "A" (experienced)	5.31	.25	1%		1%	
HEAD GROUNDMAN; Powderman; Jackhammer-Compressorman	5.65	.25	1%		1%	
LINE EQUIPMENT OPERATOR	6.50	.25	1%		1%	
LINEMAN	7.58	.25	1%		1%	
CABLE SPLICER	8.43	.25	1%		1%	
SCHEDULE "B"						
All work for Power Utilities & R.E.A's except work covered under Schedule "A" all Highway Lighting, Street Lighting & Motor Traffic Controlling.						
JACKHAMMER-COMPRESSORMAN; Powderman; Head Groundman	5.13	.25	1%		1%	
LINE EQUIPMENT OPERATOR	5.88	.25	1%		1%	
LINEMEN; Pole Sprayer	6.67	.25	1%		1%	
CABLE SPLICER	7.48	.25	1%		1%	

SUPERSEDEAS DECISION

STATE: Montana

COUNTIES: Blaine, Cascade, Chouteau, Hill, Fergus, Glacier, Judith Basin, Lewis & Clark, Liberty, Pondera, Teton, Toole, Valley and Wheatland

DECISION NUMBER: AP-279

Supersedes Decision Number: AP-237 dated September 22, 1972, in 37 FR 19900 and Number AP-240 dated September 22, 1972, in 37 FR 19912

DATE: Date of Publication

DESCRIPTION OF WORK: Building Construction, (excluding single family homes and garden type apartments up to and including 4 stories).

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
ASBESTOS WORKERS	$8.15	.25	.37			
BOILERMAKERS	8.25	.30	1.00		.02	
BRICKLAYERS:						
Lewis & Clark County	6.65					
Cascade, Chouteau, Glacier, Pondera & Teton Counties	7.35	.25				
Remaining Counties	6.25					
CARPENTERS:						
Blaine and Hill Counties						
Carpenters	4.75	.225	.25			
Sawfilers, Stationary Power Saw Op.; Piledriver	4.90	.225	.25			
Millwrights	5.00	.225	.25			
Lewis and Clark County						
Carpenters	5.895	.30	.35		.01	
Piledrivermen	6.045	.30	.35		.01	
Millwrights	6.145	.30	.35		.01	
Wheatland County						
Carpenters	5.92	.30	.35		.02	
Floor Sander; Sawmen	6.045	.30	.35		.02	
Piledrivermen	6.07	.30	.35		.02	
Millwrights	6.22	.30	.35		.02	
Valley County	5.65	.30	.35			
Remaining Counties						
Carpenters	6.12	.30	.35		.01	
Piledrivermen; Saw filers; Sawmen	6.37	.30	.35		.01	
Millwrights	6.62	.30	.35		.01	
CEMENT MASONS:						
Wheatland County	5.56	.30				
Lewis and Clark Counties	6.22					
Glacier County	5.75	.20				
Remaining Counties	6.25	.30				
ELECTRICIANS:						
Lewis and Clark Counties						
Electricians	6.50		1%		3%	
Blaine, Hill, Liberty Counties						
Electricians	6.30		1%		3%	
Valley County						
Electricians	6.40		1%		3%	
Remaining Counties						
Electricians	7.55	.20	1%		3%	
Cable splicers	7.80	.20	1%		3%	

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	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
ELEVATOR CONSTRUCTORS	$5.915	.195	.20		2%+a	
ELEVATOR CONSTRUCTORS' HELPERS	70%JR	.195	.20		2%+a	
ELEVATOR CONSTRUCTORS' HELPERS (PROB.)	50%JR					
GLAZIERS:						
Cascade, Chouteau, Glacier, Judith-Basin, Lewis and Clark, Pondera, Teton, Toole Counties	5.62	.25	.20		4%	
IRONWORKERS:						
Ornamental, Reinfrocing, Structural						
Lewis and Clark (South portion)	7.10	.40	.65		.05	
Lewis and Clark (Northern area)and Remaining Counties	7.03	.40	.65		.05	
MARBLE MASONS:						
Lewis and Clark County	6.65					
Cascade, Chouteau, Glacier, Pondera, and Teton Counties	7.35	.25				
Remaining Counties	6.25					
PAINTERS:						
Cascade, Chouteau, Glacier, Judith-Basin, Lewis & Clark (Northern portion portion), Pondera, Teton and Toole Counties:						
Brush	5.49	.25	.30			
Paperhanger	5.74	.25	.30			
Taper	5.84	.25	.30			
Brush on steel	5.99	.25	.30			
Spraying; Sandblasting	7.74	.25	.30			
Valley County						
Brush or roller	5.54	.25	.20			
Structural steel	5.79	.25	.20			
Spray	6.32	.25	.20			
PLASTERERS:						
Blaine, Cascade, Chouteau, Liberty, Pondera, Teton and Toole Counties	6.04	.20				
Hill and Valley Counties	6.25					
Glacier County	6.05	.20				
Lewis and Clark County	6.30	.25	.15		.05	
Remaining Counties	6.91	.35	.50		.04	
PLUMBERS:						
Lewis and Clark County	6.30	.25	.15		.05	
Remaining Counties	6.91	.35	.50		.04	
SHEET METAL WORKERS:						
Lewis and Clark County	7.12	.22	.10			
Fergus, Valley, Wheatland Counties	6.62	.27	.20		.02	
Remaining Counties	7.05	.22				

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AP-279 P. 3

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
SPRINKLER FITTERS	$7.20	.30	.50		.05	
TERRAZZO WORKERS & TILE SETTERS:						
Lewis and Clark County	6.65					
Cascade, Chouteau, Glacier, Pondera and Teton Counties	5.50	.25				
TERRAZZO WORKERS & TILE SETTERS' HELPERS:						
Lewis and Clark County	5.75					
Cascade, Chouteau, Glacier, Pondera, and Teton Counties	4.50	.25				

FOOTNOTE:
a. Employer contributes 4% of basic hourly rate for over 5 years' service and 2% of basic hourly rate for 6 months to 5 years' service as Vacation Pay Credit. 6 paid holidays: A through F.

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

AP-279 P. 4

LABORERS	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Cascade, Chouteau, Fergus, Glacier, Judith Basin, Pondera, Teton, and Toole Counties						
Laborers: General laborers; Concrete (wet or dry); Dumpman (spotter); Fence erectors & installer; Scalemen	$5.22	.35	.20		.03	
Brick tenders; Dumpman (grade); Small concrete mixers	5.62	.35	.20		.03	
Air-track; Asphalt raker & tampers; Barco tampers; Concrete nozzlemen; High scaler; Hod carriers; Plaster tenders	5.72	.35	.20		.03	
Car or truck mounted air operated drills & other air tools; Mechanical tampers; Jackhammers; Pavement breakers, wagon drillers; Pipelayers (non-metallic); Power driven wheelbarrow; Power saw (bucking & falling)	5.47	.35	.20		.03	
Blaine, Hill & Liberty Counties						
Laborers; Car and truck loaders; Carpenter tender and form stripper; Concrete laborers; Dumpman (spotter); Small power tools, chippers; Clay spades, pogo stick; Fence erectors and installers	4.12	.15	.15			
Dumpman (Grade)	4.24	.15	.15			
Caisson workers (free air); Concrete saw; Small concrete mixer; Concrete nozzleman; Barco tamper; Jackhammer; Pavement breaker; Placo operator; Pipe layers (non-metallic); Power driven concrete buggies or wheelbarrows; Nozzleman; Sandblaster; Pot tender; Tar pot tender; Tailhoseman; Vibrator (over 2½"); Vibrator turtle; Bull gang; Chuck tender; Muckers & nippers pot tender; Primerhouseman	4.37	.15	.15			
Brick tenders (handling bricks & blocks only)	4.52	.15	.15			
Concrete nozzleman; Miner	4.62	.15	.15			
Lazer tools & equipment; Powderman	4.87	.15	.15			

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LABORERS (cont'd)	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Lewis and Clark County						
General laborer; Car & truck loader; Concrete handler; Form stripper; Fence erector & installer	$4.57	.30	.20	.10	.03	
Concrete Buggy; Vibrator; Jackhammer; Wagon driller; Barco tamper; Pavement breaker; Powderman helper	4.725	.30	.20	.10	.03	
All power tools; Hodder and spreader; Non-metallic pipe layers; Pipe wrappers; Sandblasters; Pot tenders; Curb form setter; Concrete tenders	4.825	.30	.20	.10	.03	
Mortar mixer; Powderman	4.92	.30	.20	.10	.03	
Valley County						
General laborer	4.82	.35	.25		.03	
Air tool op. jackhammer-vibrator; Pipelayers (non-metallic)	5.07	.35	.25		.03	
Brick tenders (handling bricks & blocks only)	5.22	.35	.25		.03	
Hod carriers & plaster tenders (men carrying mortor either by hod, pail or barrow)	5.32	.35	.25		.03	
Powderman	5.57	.35	.25		.03	
Wheatland County						
Common laborers	4.83	.35	.25		.03	
Semi-skilled; Hod carriers; Jackhammer op.; Vibrator; Mixer op.; Concrete pump tender; Nozzleman; Concrete machiner; Curb form setter	5.08	.35	.25		.03	

REMAINING COUNTIES

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MON-4-PEO-1-c (1-4)

BUILDING CONSTRUCTION

POWER EQUIPMENT OPERATORS:	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
SHOVELS, incl. all attachs., over 5 yds. Stiff-leg derrick & guy derrick; Cableway highline; Helicopter hoist; Tower crane; Whirley crane	$7.49	.45	.45		.02	
SCRAPER, tandem engine; Shovels, incl. all attachs., over 3 yds. to & incl. 5 yds.	7.36	.45	.45		.02	
RUBBER-TIRED FRONT-END LOADERS, over 15 yds.; Track-type front-end loaders, over 15 cu. yds.	7.30	.45	.45		.02	
RUBBER-TIRED FRONT-END LOADERS, 10 yds. to & incl. 15 yds.; Track-type front-end loaders, 10 cu. yds. to & incl. 15 cu. yds.; Concrete conveyer; Crane, to & incl. 80' boom with jib	7.20	.45	.45		.02	
QUAD CAT	7.17	.45	.45		.02	
CENTRAL MIXING PLANTS, concrete & stationary	7.12	.45	.45		.02	
RUBBER-TIRED FRONT-END LOADERS, over 5 yds. to & incl. 10 yds.; Scraper, twin engine; Tract-type front-end loaders, over 5 cu. yds. to & incl. 10 cu. yds.; Scraper single or twin engine, pulling belly dump trailer	7.10	.45	.45		.02	
CRANE, ELECTRIC OVERHEAD, ALL; Shovels, incl. all attachs., 1 yd. to & incl. 3 yds.; Track-type tractor on euclid loader	7.06	.45	.45		.02	
HOIST, TWO OR MORE DRUMS; Motor patrol; Ross & similar type carriers on constrn site	7.03	.45	.45		.02	
AUTOMATIC FINEGRADER, Curries & other types; Paver; Slip form; Paving & mixing machine; Roller, 25 tons or over; Rubber tired front-end loader, over 3 yds. to & incl. 5 yds.; Scraper, single	7.00	.45	.45		.02	

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	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Oth
POWER EQUIPMENT OPERATORS (CONT'D):						
MIXERMOBILE	$6.96	.45	.45		.02	
BORING MACHINE; Jeep, pickup or farm tractor mounted; Boring machine, large; Power auger large truck or tractor, mounted & punch	6.90	.45	.45		.02	
AIR DOCTOR; Asphalt paving machine; Asphalt paving machine screed op.; Bit grinder; Bituminous mixer paving travel plant; Concrete batch plant op.; Concrete curing machine; Concrete finish machine, paving; Concrete float & spreader; Concrete power saw, self-propelled; Concrete travel batcher; Crusher; Distributor; Elevating grader; Forklift on constr. job site; Gradall; Heavy duty drills, all types; Hot plant; Hot plant fireman, when in operation; Industrial locomotive; Mc. logger or similar type machine; Mucking machine; Pavement breaker, Emsco & similar; Power mixer, single or double drum; Pumpcrete or grout machine; Refrigerator plant; Roller, steel & self-propelled rubber on blade or hot mix oil paving; Roller, Wagner & similar types, rubber-tired dozer; Rubber-tired front-end loaders, 1 yd. to & incl. 3 yds.; Shovels, incl. all attachs., under 1 yd.; Track-type tractor, with or without attachs. Track-type tractor with or without attachs. incl. track-type front-end loaders up to & incl. 5 cu. yds.; Trench machine; Belt finishing machine; Concrete batch plant., 1 & 2 mixers; DW 10, 15, 20 tractor pulling roller; Power saw self-propelled, multiple cut; Push tractor; Scraper, DW 15, 20, 21 & similar type if power unit is not used; Self-propelled sheepsfoot; Turnhead conveyor, or head tower, on batch plant; Wagner roller; Water pullop.	6.87	.45	.45		.02	

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Oth
POWER EQUIPMENT OPERATORS (CONT'D):						
FIELD EQUIPMENT SERVICEMAN; Hydraulic & similar type; Oiler, hoist-house, dams; Shovel oiler, over 3 yds.; Winch truck with boom	6.77	.45	.45		.02	
CONCRETE MIXER, 4 bags & over	6.74	.45	.45		.02	
HOIST, SINGLE DRUM	6.66	.45	.45		.02	
A-FRAME TRUCK CRANE, winch truck & similar	6.65	.45	.45		.02	
CEMENT SILO; Form grader	6.64	.45	.45		.02	
HYDRO TAMPER	6.62	.45	.45		.02	
CHAIN BUCKET; Chip or gravel spreader, self -propelled; Conveyor loader, over 42" belt	6.57	.45	.45		.02	
AIR COMPRESSOR, two or more; Roller, steel & self-propelled rubber other than blade or hot mix oil paving; Rubber-tired front-end loaders, under 1 yd.	6.56	.45	.45		.02	
BROOM, self-propelled	6.52	.45	.45		.02	
CONCRETE MIXER, 3 bags & under; Fireman	6.46	.45	.45		.02	
CONVEYOR LOADER, up to & incl. 42" belt; Crusher conveyor	6.45	.45	.45		.02	
RETORT OPERATOR	6.42	.45	.45		.02	
MECHANIC AND/OR WELDER HELPER; Concrete batch plant oiler; Crane oiler; Farm type tractor, over 50 HP engine; Hot plant oiler, 100 tons per hr. & over; Oiler driver, rubber-tired crane	6.41	.45	.45		.02	
PUMPMAN	6.40	.45	.45		.02	
AIR COMPRESSOR, SINGLE; Concrete batch plant oiler, up to & incl. 2 mixers	6.37	.45	.45		.02	

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Oth
POWER EQUIPMENT OPERATORS (CONT'D):						
SHOVEL, OILER, 3 yds. & under	6.36	.45	.45		.02	
CRUSHER OILER & HELPER; Farmtype tractor, up to & incl. 50 HP engine; Field equip. service helper; Grade setter Heavy duty drill helper; Heaters, Herman Nelson & similar type; Oilers, other than shovels & cranes; Washer & screening plant oiler	6.33	.45	.45		.02	
CONCRETE BATCH PLANT, 3 & 4 mixers	7.07	.45	.45		.02	
CONCRETE BATCH PLANT, 5 mixers & over	7.27	.45	.45		.02	
CONCRETE BATCH PLANT OILER, 3 mixers & over	6.68	.45	.45		.02	
CONCRETE PUMP	7.65	.45	.45		.02	
CRANE 81' to 130' BOOM	7.35	.45	.45		.02	
CRANE 131' to 150' BOOM	7.40	.45	.45		.02	
CRANE 151' BOOM & OVER	7.45	.45	.45		.02	
MECHANIC AND/OR WELDER	6.97	.45	.45		.02	
WHIRLEY CRANE OILER	6.70	.45	.45		.02	

Fergus, Hill, Judith-Basin, Lewis & Clark, Valley and Wheatan Counties

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	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
POWER EQUIPMENT OPERATORS:						
CRUSHER CONVEYOR; Farm type tractor, up to & incl. 50 HP engine; Grade setter	$6.33	.45	.45		.02	
CRUSHER OILER & HELPER; Field equipment serviceman helper; Hot plant oiler, 100 ton per hr. or over; Mechanic and/or welder helper on job; Oiler other than shovels & cranes; Shovel oiler, 3 cy and under; Washing and screening plant oiler	6.36	.45	.45		.02	
CONCRETE BATCH PLANT OILER, UP TO & INCL. 2 MIXERS	6.39	.45	.45		.02	
AIR COMPRESSOR, SINGLE; Pumpman	6.40	.45	.45		.02	
FARM TYPE TRACTOR, OVER 50 HP ENGINE; Herman Nelson heater & similar types	6.41	.45	.45		.02	
CRANE OILER; Oiler-driver, rubber-tired cranes	6.44	.45	.45		.02	
CONVEYOR LOADER, UP TO & INCL. 42" BELT	6.45	.45	.45		.02	
BORING MACHINE, JEEP, PICKUP OR FARM TRACTOR MOUNTED; Concrete mixer, 3 bags & under; Fireman; Heavy duty drills, helper; Retort op.	6.46	.45	.45		.02	
BROOM, SELF-PROPELLED	6.54	.45	.45		.02	
AIR COMPRESSOR, 2 OR MORE; Belt finishing machine; Conveyor loader, over 42" belt; Roller, on other than hot mix oil, paving	6.57	.45	.45		.02	
RUBBER-TIRED FRONTEND LOADER, 1 CY & UNDER	6.58	.45	.45		.02	

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POWER EQUIPMENT OPERATORS CONT'D:	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.	Other
CHAIN BUCKET LOADER; Chip gravel spreader, self-propelled; DW 10, 15, 20 tractor pulling roller	6.50	.45	.45		.02	
CONCRETE MIXER, 4 BAGS & OVER	6.63	.45	.45		.02	
FORM GRADER; Hoist, single drum	6.64	.45	.45		.02	
CEMENT SILO	6.66	.45	.45		.02	
FORKLIFT, ON CONSTRUCTION SITE	6.68	.45	.45		.02	
CONCRETE BATCH PLANT OILER, 3 MIXERS AND OVER	6.70	.45	.45		.02	
A-FRAME TRUCK, CRANE, WINCH TRUCK AND SIMILAR	6.71	.45	.45		.02	
HYDRALIFT AND SIMILAR TYPES; Oiler, hoist house, dams; Whirley crane oiler	6.77	.45	.45		.02	
FIELD EQUIPMENT SERVICEMAN	6.79	.45	.45		.02	
AIR DOCTOR; Asphalt paving machine; Asphalt paving machine, screed; Bit grinder; Bitum, mixer paving, travel plant; Boring machine, large; Concrete batch plant, 1 and 2 mixers; Concrete finishing machine, paving; Concrete bucket dispatcher; Concrete curing machine; Concrete float and spreader; Concrete power saw, self-propelled; Concrete travel batcher; Crusher op.; Distributor; Elevating grader; Gradeall; Heavy duty drills, all types; Hoist, 2 or more drums; Hot plant op.; Hot plant fireman; Industrial locomotive, all types; Mountain logger or similar type; Mucking machine; Pavement breaker, Esco and similar; Power auger large truck or tractor, mounted and punch; Power mixer, single or double drum; Power saw, self-propelled, multiple cut; Pumpcrete or grout machine; Push tractor; Refrigerator plant; Roller, on blade or hot mix oil paving; Roller, 25 ton or over; Ross and similar type carriers on construction site; Rubber-tired dozer;						

(3-d)

POWER EQUIPMENT OPERATORS CONT'D:	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.	Others
Rubber-tired frontend loader, over 1 cy to 6 incl. 3 cy; Scraper DW 15, 20, 21 & similar type if power unit is not used; Self-propelled sheeps foot & similar type; Shovels, incl. all attachments, under 1 cy; Track-type frontend loader, up to 6 incl. 5 cy; Track-type tractor with or without attachments; Trenching machine; Turnhead conveyor or head tower on batch plant; Wagner roller & similar type; Water pull when used for compaction; Washing and screening plant	6.67	.45	.45		.02	
MIXERMOBILE	6.95	.45	.45		.02	
MECHANIC AND/OR WELDER ON JOB	6.97	.45	.45		.02	
RUBBER-TIRED FRONTEND LOADER, OVER 3 CY TO 6 INCL. 5 CY	6.99	.45	.45		.02	
AUTOMATIC FINEGRADER, CURBERS AND OTHER SIMILAR TYPES; Motor patrol; Paving mixing machine; Scraper, single engine; Slip form paver	7.00	.45	.45		.02	
CRANE, UP TO & INCL. 80' BOOM WITH JIB	7.03	.45	.45		.02	
ELECTRIC OVERHEAD CRANES; Shovels, incl. all attachments, 1 cy to & incl. 3 cy; Track-type tractor, on euclid loader	7.05	.45	.45		.02	
CONCRETE BATCH PLANT, 3 AND 4 MIXERS	7.07	.45	.45		.02	
RUBBER-TIRED FRONTEND LOADER, OVER 5 cy TO & INCL. 10 cy	7.09	.45	.45		.02	
SCRAPER, TWIN ENGINE; Track-type frontend loader, over 5 cy to & incl. 10 cy	7.10	.45	.45		.02	
CENTRAL MIXING PLANTS, CONCRETE DAMS & STATIONARY	7.12	.45	.45		.02	
QUAD CAT	7.17	.45	.45		.02	
CRANE, 81' TO 130' BOOM	7.18	.45	.45		.02	

(3-d)

POWER EQUIPMENT OPERATORS CONT'D:	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.	Others
RUBBER-TIRED FRONTEND LOADER, OVER 10 CY TO & INCL. 15 CY	7.19	.45	.45		.02	
TRACK-TYPE FRONTEND LOADER, OVER 10 CY TO & INCL. 15 CY	7.20	.45	.45		.02	
CRANE, 131' TO 150' BOOM	7.23	.45	.45		.02	
SCRAPER, SINGLE OR TWIN ENGINE, PULLING BELLY DUMP TRAILER	7.25	.45	.45		.02	
CONCRETE BATCH PLANT, 5 MIXERS AND OVER	7.27	.45	.45		.02	
CRANE, 151' BOOM & OVER	7.28	.45	.45		.02	
RUBBER-TIRED FRONTEND LOADER, OVER 15 CY (Factory rating not to include sideboards)	7.29	.45	.45		.02	
TRACK-TYPE FRONTEND LOADER, OVER 15 CY	7.30	.45	.45		.02	
SHOVEL, INCL. ALL ATTACHMENTS, OVER 3 CY TO & INCL. 5 CY; Stiff leg derrick and guy derrick	7.32	.45	.45		.02	
SCRAPER, TANDEM ENGINE	7.36	.45	.45		.02	
HELICOPTER HOIST	7.37	.45	.45		.02	
CABLEWAY HIGHLINE	7.38	.45	.45		.02	
WHIRLEY CRANE	7.40	.45	.45		.02	
SHOVELS, INCL. ALL ATTACHMENTS, OVER 5 CY	7.45	.45	.45		.02	

HEAT-SM-LINE CONSTRUCTION-7-3-d

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.	Others
LINE CONSTRUCTION (Jobs 69,000 volts or less)						
Cable splicer	$6.71	.25	1%		1½	
Line equipment operators; Powderman	5.96	.25	1%		1½	
Experienced groundmen (2 yrs.); Truck drivers	4.72	.25	1%		1½	
Groundmen; Pole digger (groundman)	4.20	.25	1%		1½	
Linemen	6.07	.25	1%		1½	
(Jobs over 69,000 volts)						
Cable splicers	6.86	.25	1%		1½	
Linemen; Pole sprayer	6.53	.25	1%		1½	
Line equipment operators; Powderman	6.00	.25	1%		1½	
Groundmen	4.96	.25	1%		1½	

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TRUCK DRIVERS	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.
COMBINATION Truck; Concrete Mixer & Transit Mixer:					
To & incl. 4 cu. yds.	$5.80	.45	.30		
Over 4 cu. yds. to & incl. 6 cu. yds.	5.88	.45	.30		
Over 6 cu. yds. to & incl. 8 cu. yds.	5.96	.45	.30		
Over 8 cu. yds. to & incl. 10 cu. yds.	6.04	.45	.30		
Over 10 cu. yds. - additional $.08 per hour each additional 2 cu. yds. increment					
DISTRIBUTOR DRIVER & HELPER	5.73	.45	.30		
DRY BATCH TRUCKS:					
3 Batch or under	5.55	.45	.30		
Over 3 Batch to & incl. 5 Batch	5.68	.45	.30		
Over 5 Batch to & incl. 10 Batch	5.84	.45	.30		
Over 10 Batch to & incl. 15 Batch	6.00	.45	.30		
Over 15 Batch - additional $.15 per hour each additional 5 Batch increment					
DUMPSTER, GRAVEL SPREADER BOX: Pickup Driver, Hauling Materials; Pilot Car Driver, Teamsters & Helpers; Warehouseman, Portsmen, Cardex men, Warehouse Expediter	5.55	.45	.30		
DUMP TRUCKS & SIMILAR EQUIPMENT WATER LEVEL CAPACITY, INCLUDING SIDEBOARDS:					
7 cu. yds. or less	5.55	.45	.30		
Over 7 cu. yds. to & incl. 10 cu. yds.	5.68	.45	.30		
Over 10 cu. yds. to & incl. 15 cu. yds.	5.84	.45	.30		
Over 15 cu. yds. to & incl. 20 cu. yds.	5.98	.45	.30		
Over 20 cy. yds. to & incl. 25 cu. yds.	6.04	.45	.30		
Over 25 cu. yds. to & incl. 30 cu.yds.	6.10	.45	.30		
Over 30 cu. yds. to & incl. 35 cu.yds.	6.16	.45	.30		
Over 35 cu. yds. to & incl. 40 cu.yds.	6.22	.45	.30		
Over 40 cu. yds. to & incl. 45 cu yds.	6.28	.45	.30		
Over 45 cu. yds. - additional $.06 per hour each additional 5 cu. yds. increment					
DUMPSTERS	5.68	.45	.30		
DW 20, DW 21, or EUCLID TRACTORS, PULLING P.R. 21 or SIMILAR DUMP WAGONS:					
To & incl. 25 cu. yds.	6.04	.45	.30		
Over 25 cu. yds. to & incl. 30 cu. yds.	6.10	.45	.30		
Over 30 cu. yds. - additional $.06 per hour each additional 5 cu. yd. increment					

	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.
SERVICEMEN	$6.29	.45	.30		
POWDER TRUCK DRIVER (bulk unloader type)	5.73	.45	.30		
FLAT TRUCKS:					
To & incl. 3 Tons	5.55	.45	.30		
Over 3 tons Factory rating	5.90	.45	.30		
FUEL TRUCK; SERVICE TIREMEN	6.02	.45	.30		
HOWBOYS, FOUR-WHEEL TRAILER, FLOAT SEMI-TRAILER	5.90	.45	.30		
LUMBER CARRIERS, LIFT TRUCKS; Power Broom	5.64	.45	.30		
WATER TANK DRIVERS, PETROLEUM PRODUCTS DRIVERS:					
2,500 gals & under	5.55	.45	.30		
Over 2,500 gals to & incl. 4,500 gals	5.84	.45	.30		
Over 4,500 gals to & incl. 6,000 gals	6.04	.45	.30		
Over 6,000 gals to & incl. 8,000 gals	6.10	.45	.30		
Over 8,000 gals to & incl. 10,000 gals	6.18	.45	.30		
Over 10,000 gals - additional $.08 per hour each additional 2,000 gals increment					
BENCH, A-FRAME, SWEDISH CRANE, HYDRA-LIFT, GROUTCRETE, & COMBINATION MULCHING, SEEDING & FERTILIZING	5.80	.45	.30		
TRUCK MECHANIC	6.29	.45	.30		
ALL TUNNEL & UNDERGROUND WORK 10% ADDITIONAL					

SUPERSEDEAS DECISION

STATE: Nebraska COUNTY: Lancaster

DECISION NO.: AP-522 DATE: Date of Publication

Supersedes Decision No. AM-2441, dated August 25, 1971, in 36 FR 16874

DESCRIPTION OF WORK: Building Construction (excluding single family homes and garden type apartments up to and including 4 stories)

55-NEB-LAN-1 (1-2)

BUILDING CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.
ASBESTOS WORKERS	$8.045	.25	.25	4%	.01
BOILERMAKERS	8.25	.30	1.00		.02
BRICKLAYERS; Stonemasons	7.075	.125	.10		
CARPENTERS:					
Carpenters	6.05	.125	.10		
Piledrivermen	6.30	.125	.10		
CEMENT MASONS:					
Cement Masons	6.55	.125	.10		
Swing Stage	6.80	.125	.10		
ELECTRICIANS:					
From the Main Post Office in Lincoln, Nebraska:					
Electricians:					
Zone A - 0 to 15 miles	8.35	.30	1%		3/10%
Zone B - 15 to 30 miles	8.65	.30	1%		3/10%
Zone C - 30 to 75 miles	8.95	.30	1%		3/10%
Cable Splicers:					
Zone A - 0 to 15 miles	8.60	.30	1%		3/10%
Zone B - 15 to 30 miles	8.90	.30	1%		3/10%
Zone C - 30 to 75 miles	9.20	.30	1%		3/10%
ELEVATOR CONSTRUCTORS	6.93	.185	.20	2% + a&b	
ELEVATOR CONSTRUCTORS' HELPERS	70%-JR	.185*	.20	2% + a&b	
ELEVATOR CONSTRUCTORS' HELPERS (PROB.)	50%-JR				
GLAZIERS	4.75	.20	.10		
IRONWORKERS:					
Ornamental, Structural, Reinforcing	7.00	.25	.20		
LABORERS:					
Common Laborers	5.23	.125	.10		
Machine & Air Tool Operators; Mason Tenders	5.38	.125	.10		
Plasterer Tenders	5.455	.125	.10		
LATHERS	6.30				
PAINTERS:					
Brush	6.30	.125			
Spray; Steel; Swing Stage	6.80	.125			
Paperhanger; Taper	6.55	.125			
PLASTERERS:					
Plasterers	6.70	.125	.10		
Gun Operators	6.95	.125	.10		
PLUMBERS; Pipefitters	7.02	.58	.58		.08
ROOFERS:					
Composition	5.55				
Slate & Tile	5.80				
SHEET METAL WORKERS	6.82	.25	.20		
SPRINKLER FITTERS	8.75	.30	.50		.05
TRUCK DRIVERS:					
Single Axle	5.28	.125	.10		
Tandem Axle	5.405	.125	.10		
Trailers & Lowboys	5.53	.125	.10		
Lumber Carriers	5.705	.125	.10		

WELDERS - receive rate prescribed for craft performing operation to which welding is incidental.

55-NEB-LAN-1 (2-2)

FOOTNOTES:

a. Employer contributes 2% of the basic hourly rate for 6 months to 5 years service and 4% of the basic hourly rate for over 5 years service as vacation pay credit.

b. The following paid holidays: New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day and Christmas Day.

NEBRASKA LINE CONSTRUCTION

	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.
LINE CONSTRUCTION:					
Lineman	7.00	.25	1%+.25		1/2%
Cable Splicers	7.80	.25	1%+.25		1/2%
Truck Driver	5.10	.25	1%+.25		1/2%
GROUNDMEN:					
(Inexperienced) 1st 6 months	2.63	.25	1%+.25		1/2%
(Inexperienced) 2nd 6 months	3.53	.25	1%+.25		1/2%
Thereafter	4.63	.25	1%+.25		1/2%

55-NEB-PEO-1

BUILDING CONSTRUCTION POWER EQUIPMENT OPERATORS:	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.
Firemen Oilers; Greasers; Mechanic's Helpers; Industrial type Tractor without attachments	$5.75	.125	.10		
Pumps-4 inches & over	5.875	.125	.10		
Industrial type Tractor with attachments	5.90	.125	.10		
Forklift or similar type equipment	6.075	.125	.10		
Compressors-300 cu. ft. or over, or a series of Compressors equalling 300 cu. ft. or over	6.225	.125	.10		
Economobile	6.325	.125	.10		
Single Drum Trucks or Boom Hoists; Wench Trucks; Concrete Pumps	6.35	.125	.10		
One Drum Hoists; Air Tugger; Mixers with capacity of 1 yard or more; Blade Graders; Bulldozers; Front End Loaders; Hydraulic Backhoe on Industrial type Tractor	6.40	.125	.10		
Rubber tired earth moving equipment; Hydrocrane	6.50	.125	.10		
Two Drum Hoists; Mechanics; Cranes; Piledrivers; Shovels; Dragline; Clam Shells; Orange Peel; Back Hoe; all Shovel type equipment; all Derricks & Cranes	6.75	.125	.10		

XUM

SITE PREPARATION, EXCAVATING & INCIDENTAL PAVING

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Oth
Carpenters	$3.90					
Carpenters helper	3.25					
Cement finisher	4.00					
Concrete saw operator	3.25					
Form setter (road)	4.00					
Form setter (structures)	3.25					
Laborer	2.65					
Painter	3.00					
Pile driver leadsman	3.10					
Power Equipment Operators:						
Asphalt distributor	3.43					
Asphalt heaterman	3.42					
Asphalt paving machine	4.00					
Asphalt paving machine screedman	3.10					
Stationary plant (asphalt or concrete)	3.75					
Beginner operator	3.30					
Bulldozer:						
Less than 115 drawbar H.P.	3.78					
115 drawbar H.P. and over	3.88					
Cement handler	2.75					
Clamshell, dragline, backhoe, crane, pile driver or shovel	4.02					
Slip form paver	4.25					
Concrete finishing machine and spreader	3.90					
Crusher (incl. those with integral screening plant)	4.00					
Fireman (boiler)	3.05					
Front End Loader:						
3½ cu. yds. or less	3.58					
Over 3½ cu. yds.	3.77					
Mechanic	3.99					
Mechanic helper	3.60					
Motor grader (rough)	3.80					
Motor grader (finish)	4.04					
Oiler or greaser	3.30					
Roller, self-propelled (hot mix)	3.68					
Scraper under 16 cu. yds.	3.50					
Scraper 16 cu. yds. and over	3.87					
Tractor - farm type (towing)	3.00					
Traveling plant (stabilization)	3.60					
Truck Drivers:						
Single axle	2.87					
Tandem axle	3.00					
Semitrailer	3.10					
Transit mix	3.30					
Lowboy	3.35					
Welder	3.95					

SUPERSEDEAS DECISION

STATE: Nebraska
DECISION NUMBER: AP-523
Supersedes Decision No. AP-510 dated August 4, 1972 in 37 FR 15,806
DESCRIPTION OF WORK: Building Construction (excluding single family homes and garden type apartments up to and including 4 stories), heavy and highway construction.

COUNTIES: Douglas and Sarpy
DATE: Date of Publication

BUILDING CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Other
ASBESTOS WORKERS	$8.045	.25	.25	4%	.01	
BOILERMAKERS	7.80	.30	.05		.02	
BRICKLAYERS; MASONS' HELPERS	7.55	.30	.85		.02	
BRICKLAYERS, Stonemasons	7.45	.20	.20	.225		
CARPENTERS:						
Carpenters	6.86	.25	.20	.20	.02	
Pile driverman	6.985	.25	.20	.20	.02	
Millwrights	7.21	.25	.20	.20	.02	
CEMENT MASONS	7.09	.25	.20			
ELECTRICIANS	8.68	.40	14%+.40		1/4%	
ELECTRIC CONSTRUCTORS	6.93	.185	.20	2%+a		
ELECTRICIANS (OUTSIDE) HELPERS	70%R	.185	.20	2%+a		
ELECTRICIANS (OUTSIDE) HELPERS (PROB.)	50%R					
GLAZIERS	4.75	.20	.10			
IRONWORKERS:						
Ornamental, Reinforcing, Structural	7.00	.25	.20			
LABORERS:						
Common laborers	4.70	.125	.10			
Hydraulic operators; mortar mixers	4.825	.125	.10			
Piston tenders	4.825	.125	.10			
Jackhammer and air tool operator	4.95	.125	.10			
Plasterer tenders	4.975	.125	.10			
MARBLE SETTERS	6.05	b	.10			
PAINTERS:						
Brush	6.95		.15			
Structural steel & powder guns	7.20		.15			
Spray; sand blast; hazardous and swing staging	7.45		.15			
PLASTERERS	6.575	.125	.20			
PLUMBERS; Steamfitters	8.20	.25	.40		.05	
ROOFERS:						
Composition	5.75	.15	.20		.01	
Slate; tile	6.05	.15	.20		.01	
SHEET METAL WORKERS	7.85	.15				
SPRINKLER FITTERS	8.00	.25	.40		.05	
TILE SETTERS; Terrazzo workers	6.05	b	.10			

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Other
MARBLE, TILE AND TERRAZZO MECHANICS' HELPERS	$5.20					
TRUCK DRIVERS:						
Single axle	5.35	.20	.10			
Tandem axle	5.425	.20	.10			
Lowboy; trailer	5.55	.20	.10			
Lumber carriers	5.725	.20	.10			
DRYWALL:						
Tapers & finishers	6.60	.35		.40		
Spray	6.85	.35		.40		

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day

FOOTNOTES:

a. Employer contributes 4% basic hourly rate for over 5 years' service and 2% basic hourly rate for 6 months to 5 years' service as Vacation Pay Credit.

b. Employer agrees to provide one-half cost of a Health & Welfare Plan (one-half cost to be paid by employee) which will provide benefits at least equal to the Omaha Construction Industry Health and Welfare Plan shall pay $.20 per hour in cash.

Welders - Receive rate prescribed for craft performing operation to which welding is incidental.

NEBRASKA LINE CONSTRUCTION

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
LINE CONSTRUCTION:					
Linemen	$7.00	.25	1% + .25		½%
Cable Splicers	7.40	.25	1% + .25		½%
Truck Driver	5.10	.25	1% + .25		½%
Groundmen:					
(Inexperienced) 1st 6 months	2.43	.25	1% + .25		½%
(Inexperienced) 2nd 6 months	3.53	.25	1% + .25		½%
Thereafter	4.63	.25	1% + .25		½%

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HEAVY & HIGHWAY CONSTRUCTION

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Carpenters	$3.90					
Carpenters helper	3.25					
Cement finisher	4.00					
Concrete saw operator	3.25					
Form setter (road)	4.00					
Form setter (structures)	3.25					
Laborer	2.65					
Painter	3.00					
Pile driver leadman	3.10					
Power Equipment Operators:						
Asphalt distributor	3.43					
Asphalt heaterman	3.42					
Asphalt paving machine	4.00					
Asphalt paving machine screedman	3.10					
Stationary plant (asphalt or concrete)	3.75					
Beginner operator	3.30					
Bulldozer:						
Less than 115 drawbar H.P.	3.78					
115 drawbar H.P. and over	3.88					
Cement handler	2.75					
Clamshell, dragline, backhoe, crane, pile driver or shovel	4.02					
Slip form paver	4.25					
Concrete finishing machine and spreader	3.90					
Crusher (incl. those with integral screening plant)	4.00					
Fireman (boiler)	3.05					
Front End Loader:						
3½ cu. yds. or less	3.50					
Over 3½ cu. yds.	3.77					
Mechanic	3.99					
Mechanic helper	3.60					
Motor grader (rough)	3.50					
Motor grader (finish)	4.00					
Oiler or greaser	3.30					
Roller, self-propelled (hot mix)	3.68					
Scraper under 16 cu. yds.	3.50					
Scraper 16 cu. yds. and over	3.87					
Tractor - farm type (towing)	3.00					
Traveling plant (stabilization)	3.60					
Truck Drivers:						
Single axle	2.87					
Tandem axle	3.00					
Semitrailer	3.10					
Transit mix	3.30					
Lowboy	3.35					
Welder	3.95					

SUPERSEDEAS DECISION

STATE: Nevada

COUNTIES: Clark, Lincoln, and Nye (south of Highway #6) excluding the Nevada Test Site

DECISION NO. AP-266

DATE: Date of Publication

Supersedes Decision No. AP-243 dated September 22, 1972, in 37 FR 19945

DESCRIPTION OF WORK: Building Construction (excluding single family homes and garden type apartments up to and including 4 stories)

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
ASBESTOS WORKERS	$9.63	.51	.72			
BOILERMAKERS	7.95	.60	1.00	.50	.02	
BRICKLAYERS; Stonemasons	7.42	.20		1.00	.01	
CARPENTERS:						
Carpenters	6.50	.45	.60	.80	.03	
Millwrights	6.80	.45	.60	.80	.03	
CEMENT MASONS	6.75	.42		1.30	.01	
ELECTRICIANS and Technicians	9.91	.43	1%		.05	
Calbe splicers	10.24	.43	1%		.05	
ELEVATOR CONSTRUCTORS	9.21	.345	.23	2%+a		
ELEVATOR CONSTRUCTORS' HELPERS	70%JR	.345	.23	2%+a		
ELEVATOR CONSTRUCTORS' HELPERS (PROB.)	50%JR					
GLAZIERS	9.35				.01	
IRONWORKERS (Eastern portion of Lincoln County only):						
Structural; Ornamental; Reinforcing; Fence Erectors	7.08	.40	.65		.05	
IRONWORKERS (Western portion of Lincoln County and remaining Cos.):						
Structural; Ornamental	8.38	.58	.625	.70	.02	
Reinforcing	8.34	.58	.625	.70	.02	
Fence Erectors	8.24	.58	.625	.70	.02	
LATHERS	7.15	.53		1.00	.01	
LINE CONSTRUCTION:						
Cable splicers	9.92	.43	1%		.05	
Linemen	10.42	.43	1%		.05	
MARBLE MASONS: Tile Setters; Terrazzo Workers	6.27	.20		1.00	.01	
PAINTERS:						
Brush and roller	8.23	.32	.25		.02	
Spray; Steel painter; Swing stage boson chair; Paperhanger; Sand blaster; Pot tender; Tapers; Buffing; Acid staining; Sign painting	8.48	.32	.25		.02	
Paperhanging with machine; Sand blasting; Structural steel and buffing steel	8.73	.32	.25		.02	
Steeple jack	9.48	.32	.25		.02	
PLASTERERS	6.93	.42		.50	.01	
PLUMBERS; Pipefitters	8.40	.45	.95	1.60	.06	
ROOFERS	9.13	.30				
SHEET METAL WORKERS	9.47	.48	.90		.03	
SOFT FLOOR LAYERS	8.82	.40			.01	
SPRINKLER FITTERS	10.55	.25	.40		.05	

FOOTNOTE:

a. First 6 months, none; 6 months to 5 years 2%; over 5 years 4% basic hourly rate. Six Paid Holidays: A through F.

PAID HOLIDAYS:

A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

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2-NEV-LAB-1-2-3-d (1-3)

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.	Other
LABORERS:						
GROUP I LABORERS-general or Construction; Demolition (cleaning of brick, lumber, etc.,; Dry packing of concrete, and filling of form-bolt holes; Gas and oil pipeline; Laborer-Temporary water lines (portable type); Window cleaner	$5.60	.26	.60	1.00		
GROUP II Cutting Torch Op. (Demolition); Tarman & Mortar man, Kettleman, Potman and man applying asphalt, Lay-Kold Creosote, Lime, & similar type materials	5.65	.26	.60	1.00		
GROUP III Guinea Chaser	5.68	.26	.60	1.00		
GROUP IV Fine Grader, highway & street paving, airport, runways & similar type heavy construction; Landscape gardener & nursery-man	5.70	.26	.60	1.00		
GROUP V Laborers-packing rod steel & pans	5.72	.26	.60	1.00		
GROUP VI Underground laborer including Caisson Bellowers	5.73	.26	.60	1.00		
GROUP VII Chucktender (except tunnels); Scaler; Tank scaler & cleaner	5.75	.26	.60	1.00		
GROUP VIII Cesspool Digger & Installer	5.78	.26	.60	1.00		
GROUP IX Concrete Curer-impervious membrane & oiler of all materials; Riprap stone-paver; Sandblaster (Pot Tender); Making & Caulking of all non-metallic pipe joints	5.79	.26	.60	1.00		

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2-NEV-LAB-1-2-3-d (2-3)

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.	Other
LABORERS: (cont'd)						
GROUP X Operators & tenders of pneumatic & electric tools, vibrating machines, hand propelled trenching machines, impact wrench multi-plate & similar mechanical tools not separately classified herein; Asphalt Raker, ironer, spreader, Luteman; Buggy-mobile man; Cement dumper (on one yard or larger mixers & handling bulk cement); Concrete saw man excluding Tractor type, cutting, scoring old or new concrete; Concrete Core Cutter; Gas & oil pipeline wrapper-pot tender & form man; Operator of cement grinding machine; Roto-scraper; Tree climber, Faller, Chain saw opr., Pittsburgh Chipper & similar type brush shredders	$5.81	.26	.60	1.00		
GROUP XI Rock Slinger; Scaler (using Bos'n chair or safety belt or power tools)	5.86	.26	.60	1.00		
GROUP XII Driller and/or pavement breaker	5.89	.26	.60	1.00		
GROUP XIII Oversize concrete vibrator op., 70 lbs. & over; Laying of all non-metallic pipe, including sewer pipe, drain pipe & underground tile	5.91	.26	.60	1.00		
GROUP XIV Gas & oil pipeline wrapper - 6 inch pipe & over	5.94	.26	.60	1.00		
GROUP XV Cribber or Shorer, lagging, sheeting, trench bracing, hand guided lagging hammer; Powderman-Blaster-all work of loading holes, placing and blasting of all powder and explosives of whatever type regardless of method used for such loading & placing	5.96	.26	.60	1.00		
GROUP XVI Steel Headboardman	6.025	.26	.60	1.00		

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2-NEV-LAB-1-2-3-d (3-3)

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.	Other
LABORERS: (cont'd)						
GROUP XVII Sandblaster (nozzleman); Driller (Core, Diamond, or Wagon), Joy Driller Model TW-M-2A, Gardner-Denver Model DH 163 & similar type drills	6.05	.26	.60	1.00		
GROUP XVIII Head Rock Slinger	6.12	.26	.60	1.00		

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POWER EQUIPMENT OPERATORS 2-NEV-PEO-1-2-3-e (1-4)

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.	Others
GROUP I BRAKEMAN; Compressor Operator; Engineer Oiler; Generator; Heavy Duty Repairman Helper; Pump; Signalman; Switchman	6.88	.75	1.20	.30	.02	
GROUP II CONCRETE MIXER OPERATOR, SKIP TYPE; Conveyor Operator; Fireman; Generator, Pump or Compressor, (2-5 inclusive); Generator, Pump or Compressor Portable Units (over 5 units, 10c per hour for each additional unit up to nine units); Hydrostatic Pump; Oiler Crusher, (Asphalt or Concrete Plant); Pland Operator, Generator, Pump or Compressor; Skiploader - Wheel type up to 3/4 yd. w/o attachment; Soils Field Technician; Tar Pot Fireman; Temporary Heating Plant; Trenching Machine Oiler; Truck Crane Oiler	7.12	.75	1.20	.30	.02	
GROUP III A-FRAME OR WINCH TRUCK; Elevator Operator (inside); Equipment Greaser (rack); Ford Ferguson (with dragtype attachments); Helicopter Radioman (ground); Power Concrete Curing Machine; Power Concrete Saw; Power-driven Jumbo Form Setter; Ross Carrier; Stationary Pipe Wrapping and Cleaning Machine	7.36	.75	1.20	.30	.02	
GROUP IV ASPHALT PLANT FIREMAN; Boring Machine; Boxman or Mixerman (Asphalt or Concrete); Chip Spreading Machine; Concrete Pump (small portable); Bridge Type Unloader and Turntable; Dinkey Locomotive or Motorman (up to and including 10 tons); Equipment Greaser (grease truck); Helicopter Hoist; Highline Cableway Signalman; Hydra-Hammer - Aero Stomper; Power Sweeper; Roller (compacting); Screed (Asphalt or Concrete); Trenching Machine (up to 6 ft.)	7.47	.75	1.20	.30	.02	

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2-NEV-PEO-1-2-3-e (2-4)

POWER EQUIPMENT OPERATORS (Cont'd)	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
GROUP V ASPHALT PLANT ENGINEER; Concrete Batch Plant; Backhoe (up to and incl. 3/4 yd.); Bit Sharpener; Concrete Joint Machine (Canal and similar type); Concrete Planer; Deck Engine; Forklift (under 5 ton capacity); Machine Tool; Maginnis Internal Full Slab Vibrator; Mechanical Bern. curb or gutter concrete or asphalt); Mechanical Finisher (concrete-Clary-Johnson-Bidwell or similar); Pavement Breaker; Road Oil Mixing Machine; Roller (asphalt or finish); Rubber-tired Earth Moving Equipment, (single engine, up to and including 25 yd. struck); Self-propelled Tar Pipelining Machine; Slip Form Pump (power-driven hydraulic lifting device for concrete forms); Tugger Hoist (1 drum); Tunnel Locomotive (over 10 and up to and incl. 30 tons); Stinger Crane (Austin-Western or similar type); Skiploader Crawler and Wheel type over 3/4 yds. & up to & incl. 1 1/2 yds.); Tractor - Bulldozer, Tamper, Scraper (single engine, up to 100 h.p., flywheel and similar types, up to and including D-5 and similar types)	$7.66	.75	1.20	.30	.02
GROUP VI ASPHALT OR CONCRETE SPREADING (Tamping or Finishing); Asphalt Paving Machine (Barber Greene or similar type); BHL Lima Road Pactor or similar; Bridge Crane; Pipe Laying Machine (Cast in Place); Combination Mixer and Compressor (Gunite work); Concrete Pump (truck mounted); Concrete Mixer; Crane (up to and including 25 tons); Crushing Plant; Elevating Grader; Forklift (over 5 tons); Grade Checker; Gradeall; Grouting Machine; Heading Shield; Heavy Duty Repairman; Hoist (Chicago Boom & similar type); Kolman Belt Loader & similar type; LeTourneau Blob Compactor or similar type; Lift Slab Machine (Vagtborg and similar types)						

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2-NEV-PEO-1-2-3-e (3-4)

POWER EQUIPMENT OPERATORS (Cont'd)	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
GROUP VI (Cont'd) Lift Mobile; Loader (Athey, Euclid, Sierra and similar type); Material Hoist; Mucking Machine (1/4 yd. - rubber-tired, rail or track type); Pneumatic Concrete Placing Machine (Hackley-Presswell or similar type); Pneumatic Heading Shield (Tunnel); Pumpcrete Gun; Rotary Drill (excluding Caisson type); Rubber-tired earth moving equip. op. (single engine - Caterpillar, Euclid, Athey Wagon, & similar types with any and all attachments over 25 yds. & up to & incl. 50 cu. yds. struck); Rubber-tired Scraper (self-loading - Paddle wheel type - John Deere, 1040 & similar single unit); Skiploader (Crawler and Wheel type - over 1 1/2 yds., up to & incl. 6 1/2 yds.); Surface Heaters and Planer; Rubber-tired Earth Moving Equip., multiple engine (up to & incl. 25 yds. struck); Trenching Machine (over 6 ft. depth capacity, manufacturers rating); Tower Crane; Tractor Compressor Drill Combination; Tractor (any type larger D-5 - 100 Fly wheel h.p. & over, or similar) (Bulldozer, Tamper, Scraper and Push Tractor, single engine); Tractor (Boom attachments); Traveling Pipe Wrapping, Cleaning and Bending; Tunnel Locomotive (over 30 ton); Shovel, Backhoe, Dragline, Clamshell (over 3/4 yd. & up to 5 cu. yd. M.R.C.;	$7.76	.75	1.20	.30	.02
GROUP VII CRANE (over 25 ton up to & incl. 100 tons M.R.C.; Derrick Barge, Dual Drum Mixer; Hoist, Stiff Legs, Guy Derrick, or similar type, up to & incl. 100 tons; Monorail Locomotive (Diesel, gas or electric); Motor Patrol - Blade Op. (single engine); Multiple Engine Tractor Op. (Euclid and similar type, except Quad 9 Cat); Rubber-tired Earth Moving Equip. (single engine over 50						

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2-NEV-PEO-1-2-3-e (4-4)

POWER EQUIPMENT OPERATORS (Cont'd)	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
GROUP VII (Cont'd) yds. struck; Rubber-tired Earth Moving Equip. (multiple engine, Euclid, Caterpillar and similar) (over 25 yds. & up to 50 cu. yds. struck); Tractor Loader Op. (Crawler & wheel type over 6 1/2 yds.); Tower Crane Repairman; Shovel, Backhoe, Dragline, Clamshell Op. (over 5 cu. yds., MRC; Woods Mixer and similar Pugmill Equip.; Heavy Duty Repairman - Welder Combination	$7.86	.75	1.20	.30	.02
GROUP VIII Auto Grader; Automatic Slip Form; Crane (over 100 tons); Hoist, Stiff Legs, Guy Derricks or similar types (capable of hoisting 100 tons or more); Mass Excavator (less than 750 cu. yds., Mechanical Finishing Machine; Mobile Form Traveler; Motor Patrol (Multi engine); Pipe Mobile Machine; Rubber-tired Earth Moving Equip. (multiple engine, Euclid, Caterpillar and similar type over 50 cu. yds. struck); Rubber-tired Self Loading Scraper (Paddle Wheel - Auger type self-loading (2 or more units); Tandem Equip. (2 units only); Tandem Tractor (Quad 9 or similar type); Tunnel Mole Boring Machine; Rubber-tired Scraper (pushing w/o Push Cat, Push-Pull (50c per hour additonal	8.00	.75	1.20	.30	.02
GROUP IX Canal Liner; Canal Trimmer; Helicopter Pilot; Highline Cableway; Wheel Excavator (over 750 cu. yds.); Remote Controlled Earth Moving Equip. ($1.00 per hour additional to base rate)	8.10	.75	1.20	.30	.02

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2-NEV-TD-1-2-3-i (1-2)

TRUCK DRIVERS:	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
GROUP I Drivers of Dump Trucks (less than 12 yds. water level); Drivers of Trucks (legal payload capacity less 15 tons); Water & Fuel Truck Drivers under 2500 gals.; Pickup Drivers; Service Truck Driver--Teamster Equipment (highest rate paid for dual craft operation) Truck Repairman Helper; Drivers or Busses on Job Site used for transportation of up to 25 passengers	$7.20		.25	.30		
GROUP II Drivers of Dump Trucks 12 yds. but less than 16 yds. water level; Drivers of Trucks--legal payload capacity between 15 & 20 tons; Gas & Oil Pipeline Working Truck Driver, including winch truck & all sizes of trucks; water & Fuel Truck Drivers 2500 gals. to 4000 gals.; Truck Greaser & Tireman; Drivers of Busses (on job site used for transportation or more than 25 passengers); Road Oil Spreading by Truck Drivers; Time spent Spreading Oil	7.31		.25	.30		
GROUP III Drivers of Transit-mix Trucks, under 3 yds. Dumpcrete Truck, less than 6½ yds. water level	7.36		.25	.30		

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2-NEV-TD-1-2-3-4 (2-2)

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Other
TRUCK DRIVERS (CONT'D)						
GROUP IV Drivers of Dump Trucks, 16 yds. up to & including 22 yds. water level; Drivers of Trucks, legal payload capacity, 20 tons but less than 30 tons; Drivers of Euclid-type Spreader Trucks; Drivers of Dumpster Trucks; Drivers of Transit-mix Trucks, 3 yds., but less than 6 yds.; Dumpcrete Truck, 6½ yds. water level & over; Fork Lift Driver; Ross Carrier Driver--Highway Water & Fuel Truck Drivers 4000 but less than 6000 gals.	7.52	.25	.30			
GROUP V Drivers of Transit-mix Trucks, 6 yds. or more; Truck Repairman; Drivers of Dump Trucks, over 22 yds. water level; Drivers of Trucks, legal payload capacity, 20 tons & over; Drivers of Fuel & Water Trucks, 6000 gals, & over	7.70	.25	.30			
GROUP VI D.W. & similar type equipment; D.W. 10 & D.W. 20 Euclid-type equipment LeTorneau Pulls, Terra Cobras & similar types of equipment, also PB & similar type trucks when performing work within Teamster jurisdiction, regardless of types of attachment including power units pulling off Highway Belly Dumps in tandem	8.20	.25	.30			

SUPERSEDEAS DECISION

STATE: Nevada COUNTY: Clark and southern half of Nye

DECISION NUMBER: AP-282 DATE: Date of Publication

Supersedes Decision No. AP-225 dated August 25, 1972 in 37 FR 17355

DESCRIPTION OF WORK: Building, Heavy and Highway Construction at the Nevada Test Site including the Tonopah Test Range

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Other
ASBESTOS WORKERS	$9.63	.51	.72			
CARPENTERS (Tonopah Test Range):						
Carpents, Power actuated tools	6.17	.45		1.43		
Shinglers, Floorlayers	6.195	.45		1.43		
Power saw Operator (overhead)	6.315	.45		1.43		
CARPENTERS (Remaining portion of NTS)	6.79	.45	.60	.80	.03	
CEMENT MASONS	6.75	.42		1.30	.01	
ELECTRICIANS:						
Lineman; Equipment op.; Electricians	10.10	.43	1%		.05	
Groundman	8.08	.43	1%		.05	
Cable splicers	10.43	.43	1%		.05	
IRONWORKERS, Structural and Ornamental	8.38	.58	.625	.70	.02	
IRONWORKERS, Reinforcing	8.34	.58	.625	.70	.02	
PAINTERS:						
Brush	6.87	.32	.25	1.00	.02	
Structural steel	7.12	.32	.25	1.00	.02	
Sandblaster steel	7.33	.32	.25	1.00	.02	
PLUMBERS & Pipefitters	8.40	.40	.65	1.60	.06	
SHEET METAL WORKERS	7.90	.48	.90	1.00	.03	

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	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Other
LABORERS:						
DRY PACKING OF CONCRETE & FILLING OF FORM BOLT HOLES: debris Handler and dumpman; Gas & Oil Pipeline Laborer; Laborer General or Construction; Labor Demolition (Cleaning of bricks, lumber etc.); Window Cleaner	$5.30	.26	.20	1.00		
CUTTING TORCH OPERATOR (DEMOLITION): Mortarman and Tarman	5.35	.26	.20	1.00		
GUINEA CHASER	5.38	.26	.20	1.00		
FINE GRADER, (highway & street paving, airport runways & similar type heavy construction); Landscape Gardener, Nurseryman	5.40	.26	.20	1.00		
LABORER, PACKING ROD STEEL & PANS	5.42	.26	.20	1.00		
UNDERGROUND LABORER INCLUDING CAISSON BELLOWS (except tunnels)	5.43	.26	.20	1.00		
CHUCKTENDER (except tunnels); Scaler; Tank Scaler & Cleaner	5.45	.26	.20	1.00		
CESSPOOL DIGGER & INSTALLER	5.48	.26	.20	1.00		
CONCRETE CURER-IMPERVIOUS MEMBRANE & OILER OF ALL MATERIALS AND FORM OILER; Making & Caulking of all non-metallic Pipe Joints; Riprap Stone paver; Sandblaster (Pot Tender)	5.49	.26	.20	1.00		
ASPHALT IRONER, RAKER, SPREADER: Buggymobile man; Cement Dumper (on one yard or larger mixers & handling bulk cement); Concrete Core Cutter; Concrete Saw Man Excluding Tractor Type; Gas & Oil Pipeline Wrapper-Pot Tender & Form Man; Operator of Cement Grinding Machines; Operators & Tenders of Pneumatic & Electric Tools, Vibrating Machine, & Similar Mechanical Tools not separately classified herein; Roto-Scraper; Tree Climber, Faller, Chain Saw Op., Pittsburgh Chipper & Similar type Brush Shedders	5.51	.26	.20	1.00		

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	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Other
LABORERS (Cont'd)						
ROCK SLINGER; Scaler (using Bos'ns chair or safety belt or power tools)	$5.56	.26	.20	1.00		
DRILLER &/OR PAVEMENT BREAKER	5.59	.26	.20	1.00		
LAYING OF ALL NON-METALLIC PIPE, INCL. SEWER PIPE, DRAIN PIPE & UNDERGROUND TILE	5.61	.26	.20	1.00		
GAS & OIL PIPELINE, WRAPPER - 6" pipe & over	5.64	.26	.20	1.00		
CRIBBER OR SHORER; Powderman	5.66	.26	.20	1.00		
STEEL HEADERBOARD MAN	5.725	.26	.20	1.00		
DRILLER (Core, Diamond or Wagon), Joy Driller Model TW-M-2A, Gardner - Denver Model DH 1½3 & similar type drills; Sandblaster (Nozzleman)	5.75	.26	.20	1.00		
HEAD ROCK SLINGER	5.82	.26	.20	1.00		
RIGGING: Receive rate prescribed for craft performing operation to which rigging is incidental.						

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Other
POWER EQUIPMENT OPERATORS:						
Group I Air compressor, pump or generator operator; engineer-oiler & signalman; heavy duty repairman's helper; switchman or brakeman	5.88	.60	1.00	.30	.02	
Group II Concrete mixer operator, skip type; conveyor operator & beltman; fireman; generator, pump or compressor operator (2-5 inclusive over 5 units, $.10 per hour for each additional unit up to 10 units, portable units); generator, pump or compressor plant operator; hydrostatic pump; skiploader; wheeltype Ford, Ferguson Jeep or similar type 3/4 yd., or less (w/o drag-type attachments); temporary heating plant operator; truck crane oiler	6.12	.60	1.00	.30	.02	
Group III A-frame or winch truck operator; dinkey locomotive or tunnel motor operator; elevator hoist operator; equipment greaser; Ford, Ferguson or similar type (with drag-type attachments); Hydra-hammer or similar type equipment; power concrete curing machine; power concrete saw operator; power-driven jumbo form setter operator; Ross carrier; self-propelled tar pipelining machine operator; stationary pipe wrapping & cleaning machine operator; towblade operator	6.36	.60	1.00	.30	.02	
Group IV Asphalt plant fireman; boring machine operator; boxman or mixer box operator (concrete or asphalt plant); water well drilling machine operator); highline cableway signalman; locomotive engineer; power sweeper operator; roller operator, compacting; screed operator; trenching machine operator (up to six foot depth capacity manufacturer's rating)	6.47	.60	1.00	.30	.02	
Group V Asphalt or concrete spreading; asphalt plant engineer; deck engine operator; fork lift, under 5 ton; grade checker; heavy duty repairman; heavy duty						

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Other
POWER EQUIPMENT OPERATORS: (CONT'D) Group V (Cont'd) welder; machine tool operator; pavement breaker operator; pneumatic heading shield-tunnel; road oil mixing machine operator; rubber-tired heavy duty equipment operator - Oshkosh, DW, Euclid, LeTourneau, LaPlant-Choate, or similar type equipment, with any type attachments; skip loader wheel type over 3/4 yd. up to & including 1-1/2 yds.; slip form pump op. (power driven hydraulic lifting device for concrete forms); mechanical tamping or finishing machine operator, roller (all types & sizes) soil, cement, asphalt-finish; tractor op., - drag-type shovel, bulldozer, tamper, scraper & push tractor	6.66	.60	1.00	.30	.02	
Group VI Combination heavy duty repairman & welder, concrete mixer operator - paving; concrete mobile mixer operator; concrete pump or pumpcrete gun op.; crushing plant engineer; elevating grader op.; gradeall operator; highline cableway operator; hoist operator (Chicago boom & mine); Kolman belt loader & similar type; lift slab machine operator; loader operator, Athey, Euclid, Hancock, Sierra or similar type; motor patrol operator, (any type or size); pneumatic concrete placing machine operator-Hackley-Presswell or similar type; skiploader - wheeltype over 1-1/2 yds.; surface heater & planer operator; tractor loader operator, crawler type-all types & sizes; tractor operator, with boom attachments; traveling pipe wrapping, cleaning, & bending machine operator; trenching machine operator, (over 6 ft. depth capacity, manufacturer rating); Universal equipment operator, (Shovel, backhoe, dragline, clamshell, derrick, derrick barge, crane, piledriver, & mucking machine); fork lift operator, over 5 tons; multiple engine - earth moving machinery operator	6.76	.60	1.00	.30	.02	

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Other
TRUCK DRIVERS:						
LIGHT DUTY DRIVER; Warehouseman	$6.705	26.75p/mo.	.50			
BOOTMAN; Truck Greaser; Light Vehicle Dispatcher	6.76	26.75p/mo.	.50			
TIREMAN; Warehouse Clerk	6.81	26.75p/mo.	.50			
HEAVY DUTY DRIVER; Forklift Driver; Equipment Parts Stockroom Clerk	6.97	26.75p/mo.	.50			
EXTRA HEAVY DUTY DRIVER	7.155	26.75p/mo.	.50			
DRILLERS:						
Drill Helper	$6.02	.60	.60	.30	.01	
Motorman (Rotary Drill Helper)	6.26	.60	.60	.30	.01	
Derrickman	6.37	.60	.60	.30	.01	
Driller Operator	6.66	.60	.60	.30	.01	
Fishing Tool Engineer	6.66	.60	.60	.30	.01	

8402 NOTICES
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SUPERSEDEAS DECISION

STATE: NEW YORK COUNTY: ERIE

DECISION NO.: AP-800 DATE: Date of Publication

Supersedes Decision No. AM-1,725, dated August 11, 1971, in 36 FR 14928.
DESCRIPTION OF WORK: Building Construction, (excluding single family homes and garden type apartments up to and including 4 stories), heavy and highway construction.

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BUILDING, HEAVY & HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Others
Asbestos workers	$8.74	.59	.40		.04	
Boilermakers	8.60	.50	.65		.01	
Bricklayers:						
Tonawanda and Grand Island Twps:						
Bricklayers and stone masons	8.64	.55	1.00			
Cement masons	9.07		.75			
Plasterers	8.06					
Terrazzo workers & Tile setters	8.30	.55	1.00			
Marble masons	8.375	.55	1.00			
Remainder of County:						
Bricklayers and stone masons	8.64	.55	1.00			
Marble setters	7.855	.55	1.00			
Terrazzo workers & Tile setters	7.79	.55	1.00			
Cement masons	8.56		.75			
Plasterers	6.06					
Carpenters, Building:						
Grand Island north of White Haven Road	8.29	.80	.60		.02	
Millwrights	8.39	.80	.60		.02	
Remainder of County:						
Carpenters and Millwrights	8.05	1.05	.80		.05	
Electricians	9.71	.25	1%+.40+.10			
Elevator Constructors	9.18	.345	.23	½%+a&b	.015	
Elevator Constructors' helpers	6.43	.345	.23	½%+a&b	.015	
Elevator Constructors' help rs (prob.)	4.59					
Glaziers	8.03	.40	35+g		.04	
Ironworkers, structural, ornamental & reinforcing:						
Grand Island to White Haven Road	8.675	.51	.40		.01	
Remainder of County	8.23	.60	.66			
Lathers	9.79		.10		.01	
Lead burners	8.25	.30		c	.01	
Line Construction:						
Linemen	9.00	.45	1% + .25	d	3/8of1%	
Cable splicer	9.75	.45	1% + .25	d	3/8of1%	
Groundman	7.50	.45	1% + .25	d	3/8of1%	
Groundman digging machine operator	8.80	.45	1% + .25	d	3/8of1%	
Groundman mobile equipment operator	8.30	.45	1% + .25	d	3/8of1%	
Groundmen truck driver and mechanic	7.90	.45	1% + .25	d	3/8of1%	
Groundmen dynamite man	8.30	.45	1% + .25	d	3/8of1%	
Marble, Tile & Terrazzo workers' helper	6.88	.40	.40+i			
Painters:						
Grand Island North of White Haven Road:						
Painters, brush	6.945	.425+.45	.60		.01	

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BUILDING, HEAVY & HIGHWAY CONSTRUCTION (CONT'D)	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Other
Spray, Steel steeple jacks, swing scaffold	$7.345	.425+.45	.60		.01	
Bridge-crossing the Niagara River	9.86	.425+.45	.60		.01	
Sandblasting and waterblasting	7.445	.425+.45	.60		.01	
Remainder of County:						
Painters, brush	7.625	.525+.45	.30		.10	
Steel tanks, towers, stacks, flag poles, radio TV towers	8.125	.525+.45	.30		.10	
Sandblasting, swing stage, spray, bosun chair	7.875	.525+.45	.30		.10	
Bridges 35' high or in depth of 35' from road level	9.13	.525+.45	.30		.10	
Piledrivermen, etc:						
Piledrivermen, dock carpenters & divers's tenders	8.05	1.05	.90			
Divers	15.37	1.05	.80			
Plumbers	9.33	.50	.45		.04	
Roofers:						
Composition, damp waterproofers, sprayers, asphalt mastic, wood block floor workers, steep roofers and siders	7.35	.98	1.10		.02	
Slate, tile precast tile roofers and asbestos	7.50	.98	1.10		.02	
Sheet metal workers	9.03	.40	.75		.03	
Soft floor layers	7.53	h	.90			
Sprinkler fitters	9.43	.30	.50		.05	
Steam fitters	9.31	.52	.64		.05	
Truck drivers:						
Truck drivers	4.675	.275	e			
Euclids	5.08	.225	e			
Ready mix	4.725	.225	e			
Dump	4.83	.275	f			

Welders - receive rate prescribed for craft performing operation to which welding is incidental.

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Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Others

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D- Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:

a. Holidays: A through F.

b. Employer contributes 4% of basic hourly rate for 5 years or more of service or 2% basic hourly rate for 6 months to 5 years of service as Vacation Pay Credit.

c. Holidays: A through F; Washington's Birthday, Good Friday and Christmas Eve, providing employee has worked 45 full days during the 120 calendar days prior to the holiday and the regular scheduled work day immediately preceding and following the holiday.

d. Holidays; A through F; Washington's Birthday Election Day; for President of the United States and election of Governor of New York State, provided employee works the day before the day after the holiday.

e. $9.00 per week

f. $10.00 per week

g. Employer contributes $.40 per hour to Supplemental Unemployment Benefit fund.

h. Employer contributes $1.05 per hour to a combined Health, Welfare and Supplemental Unemployment Benefit fund.

i. Employer contributes $.40 per hour to a supplemental unemployment benefit fund.

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BUILDING, HEAVY AND HIGHWAY CONSTRUCTION LABORERS	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS: H & W	PENSIONS	VACATION	APP. TR.	OTH
BUILDING						
BLASTER; Plumbing Laborer, Wagon Drill Operator; Swing Scaffold	6.635	.50+.70	1.00			
PNEUMATIC-GAS-ELECTRIC TOOL OP (over 8 feet deep)	6.585	.50+.70	1.00			
MORTAR MIXER	6.535	.50+.70	1.00			
FOUNDATION LABORER (over 8 feet deep); Hod Carriers; Plaster Tender; Plaster Scaffold Builder; Pneumatic Gas-Electric Tool Operator	6.485	.50+.70	1.00			
LABORER	6.385	.50+.70	1.00			
WRECKING						
WAGON DRILL OPERATOR	6.635	.50+.70	1.00			
PNEUMATIC-GAS-ELECTRIC TOOL OPERATORS Steel Burners	6.485	.50+.70	1.00			
WRECKERS	6.385	.50+.70	1.00			
OPEN CUT SEWER						
BLASTER: Wagon Drill Op	6.635	.50+.70	1.00			
BOTTOM MEN: Pneumatic-Gas-Electric Tool Op.	6.485	.50+.70	1.00			
LABORER: Top Men	6.385	.50+.70	1.00			
CAISSON-SHAFT-COFFERDAMS (OPEN CUT)						
BLASTER: Bottom Men; Wagon Drill Op.	6.635	.50+.70	1.00			
PNEUMATIC-GAS-ELECTRIC TOOL OP.	6.485	.50+.70	1.00			
TOP MEN	6.385	.50+.70	1.00			
STREET-ROAD-WORK						
PAVEMENT FORM SETTER; Wagon Drill Op.	6.635	.50+.70	1.00			
CONCRETE WORKER (Bootmen); Pneumatic-Gas-Electric Tool Op.	6.485	.50+.70	1.00			
LABORER	6.385	.50+.70	1.00			
SOFT GROUND TUNNEL OR JACKING						
RODMEN(reinforce); Welder	6.985	.50+.70	1.00			
LEAD MINER	6.785	.50+.70	1.00			
CONCRETE FORM MOVER: Monkey Hole Man: Side Miner	6.735	.50+.70	1.00			
BOTTOM SHAFT MEN	6.585	.50+.70	1.00			
TUNNEL-SHAFT MUCKER: Shaft Miner	6.635	.50+.70	1.00			
CAR PUSHER: Concrete Placing Crew; & Bull Gangs	6.535	.50+.70	1.00			
TOP MAN	6.385	.50+.70	1.00			
ROCK TUNNEL						
RODMAN (reinforce); Welder	6.985	.50+.70	1.00			
LEAD HEADING ROCK DRILLERS	6.785	.50+.70	1.00			
CONCRETE FORM MOVER; Side Heading Rock Drillers	6.735	.50+.70	1.00			
PLUG HOLE AND ROOF BOLT DRILLERS: Mucking Machine Tender; Tunnel & Shaft Mucker; Shaft Sinking Drillers	6.635	.50+.70	1.00			
BOTTOM SHAFT MAN	6.335	.50+.70	1.00			

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BUILDING, HEAVY AND HIGHWAY CONSTRUCTION LABORERS	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OTH
CAR PUSHERS; Bull & Tract Gangs; Concrete Placing Crew	6.535	.50+.70	1.00			
TOP MAN	6.385	.50+.70	1.00			

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BUILDING AND HEAVY CONSTRUCTION Power Equipment Operators:	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.	Others
Crane with a main boom over 100 feet	9.105	.90	.40		.10	
All boom type equipment, all pan and carry-all operators, Archer hoist, back & pull hoe operator, blast or rotary drill, track or cat mounted, boiler (when used for power), boom trucks, cableway operator, concrete paver machine, crane operator, derrick operator, dragline operator, elevating grader (self-propelled), head tower operator, hot roller (finish course), hydraulic booms, hydro crane, maintenance engineer, mucking machine operator, multiple drum hoist, (more than 1 drum in use), Peine crane, pile driving machine operator, power grader machine operator, scoopmobile, shovel operator, skimmer operator, test core drill machine, tractor shovel operator, vertical caisson auger drill, well drilling machine	8.605	.90	.40		.10	
Back filling machine operator, Kolman loader, roller machine operator, snatch & pusher cats, stone crusher, towed or self-propelled rollers, trenching machine operator	8.47	.90	.40		.10	
Air hoist operator, cage hoist operator, conveyor operator, conveyor systems, (belt-crete or similar), hoisting engine op., house elevator, (when used for hoisting), industrial tractor, locomotive op., (irrespective of power) push button hoist op., Strato tower, tractors (when using winch power).	8.43	.90	.40		.10	
Concrete mixer op., (½ c.y. or over), gasoline driven boring machine, hydraulic system pumps, hydro hammer, finishing machine op., (asphalt spreader), finishing machine op., pump op., (4" or over), pump op., (2 or 3 in a battery)	8.345	.90	.40		.10	
Air compressor operator, (under 160 cu. ft.), air compressor op., (over 160 cu. ft.), generator, grout machine operator, heating boiler operator, (used for temporary heat), lubrication unit or truck, mechanical heaters, (when 3 are in a battery), mechanic or repairman, pneumatic mixer op., power plant (in excess of 10KW), welding machine operator, (to and including 3 machines)	8.21	.90	.40		.10	
Bulldozer (over 50 h.p.), monorail	8.43	.90	.40		.10	
Bulldozer & tractor, (50 h.p. drawbar or under), jeep trencher, mulchers, power brooms and rakes, seeders	8.075	.90	.40		.10	

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BUILDING AND HEAVY CONSTRUCTION Power Equipment Operators (Cont'd):	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.	Others
Fireman	7.935	.90	.40		.10	
Truck crane driver	7.79	.90	.40		.10	
Aggregate bin op., apprentice engineer or oiler, cement bin op., concrete mixer op., (under ½ c.y.), mechanical heaters, (when one or two are used), pump oper. (one inch), pump op., (two inches), push operators, (three inches), tractor machines	7.655	.90	.40		.10	

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HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.	Others
Master Mechanic	$9.43	.40	.40+a		.10	
Cranes:						
Boom over 100 ft.	8.96	.40	.40+a		.10	
Boom over 200 ft.	9.46	.40	.40+a		.10	
Boom over 300 ft.	9.96	.40	.40+a		.10	
All boom type equipment	8.46	.40	.40+a		.10	
All Pan and Carry-all operators	8.46	.40	.40+a		.10	
Archer hoist (finish course)	8.46	.40	.40+a		.10	
Asphalt roller (finish course)	8.46	.40	.40+a		.10	
Asphalt spreader or paver	8.46	.40	.40+a		.10	
Automatic fine grade machine (C.M.I. and similar type)	8.46	.40	.40+a		.10	
Back filling machine operators	8.46	.40	.40+a		.10	
Back and pull hoe operator	8.46	.40	.40+a		.10	
Belt placer (C.M.I. and similar type)	8.46	.40	.40+a		.10	
Black top plants	8.46	.40	.40+a		.10	
Blast or rotary drill, track or cat mounted	8.46	.40	.40+a		.10	
Boiler (when used for power)	8.46	.40	.40+a		.10	
Boom trucks	8.46	.40	.40+a		.10	
Boring machine operator	8.46	.40	.40+a		.10	
Bulldozers (all sizes)	8.46	.40	.40+a		.10	
Cableway operator	8.46	.40	.40+a		.10	
Caisson Auger	8.46	.40	.40+a		.10	
Central Mix plant (and all concrete batching plants)	8.46	.40	.40+a		.10	
Cherry picker	8.46	.40	.40+a		.10	
Concrete paver machine	8.46	.40	.40+a		.10	
Concrete pump	8.46	.40	.40+a		.10	
Crane operator	8.46	.40	.40+a		.10	
Derrick operator	8.46	.40	.40+a		.10	
Dragline operator	8.46	.40	.40+a		.10	
Dredge	8.46	.40	.40+a		.10	
Elevating grader (self-propelled)	8.46	.40	.40+a		.10	
Excavator (all purpose hydraulically operated)	8.46	.40	.40+a		.10	
Forklift	8.46	.40	.40+a		.10	
Front end loader	8.46	.40	.40+a		.10	
Gradall	8.46	.40	.40+a		.10	
Grader	8.46	.40	.40+a		.10	
Head tower operator	8.46	.40	.40+a		.10	
Hydro crane	8.46	.40	.40+a		.10	
Hydraulic booms	8.46	.40	.40+a		.10	
Lubrication Unit on truck	8.46	.40	.40+a		.10	
Maintenance engineer	8.46	.40	.40+a		.10	
Mucking machine operator	8.46	.40	.40+a		.10	

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HIGHWAY CONSTRUCTION (CONT'D.)	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Multiple drum hoist (more than 1 drum in use)	$8.46	.40	.40+a		.10	
Overhead crane	8.46	.40	.40+a		.10	
Peine crane or similar type	8.46	.40	.40+a		.10	
Piledriving machine operator	8.46	.40	.40+a		.10	
Pump crete	8.46	.40	.40+a		.10	
Push or snatch cats	8.46	.40	.40+a		.10	
Quarry master or equivalent	8.46	.40	.40+a		.10	
Ready mix concrete plant	8.46	.40	.40+a		.10	
Road windener	8.46	.40	.40+a		.10	
Rock bit sharpener (all types)	8.46	.40	.40+a		.10	
Scoopmobile	8.46	.40	.40+a		.10	
Shovel	8.46	.40	.40+a		.10	
Side boom	8.46	.40	.40+a		.10	
Skimmer operator	8.46	.40	.40+a		.10	
Slip form paver (C.M.I. and similar type)	8.46	.40	.40+a		.10	
Test core drill machine	8.46	.40	.40+a		.10	
Tire truck and repair	8.46	.40	.40+a		.10	
Tractor drawn belt-type graders	8.46	.40	.40+a		.10	
Tractor shovel operator	8.46	.40	.40+a		.10	
Trenching machine	8.46	.40	.40+a		.10	
Truck crane	8.46	.40	.40+a		.10	
Tunnel shovel machine	8.46	.40	.40+a		.10	
Well drilling machine	8.46	.40	.40+a		.10	
Winch	8.46	.40	.40+a		.10	
Winch truck with A Frame	8.46	.40	.40+a		.10	
Air hoist operator	8.33	.40	.40+a		.10	
Automatic fine grade machine (C.M.I. and similar type)	8.33	.40	.40+a		.10	
Belt placer (C.M.I. and similar type)	8.33	.40	.40+a		.10	
Bending machine (Pipe)	8.33	.40	.40+a		.10	
Boring machine operator	8.33	.40	.40+a		.10	
Bituminous spreader and mixer	8.33	.40	.40+a		.10	
Cage hoist operator	8.33	.40	.40+a		.10	
Concrete finishing machine	8.33	.40	.40+a		.10	
Concrete mixer operator - ½ cu. yd. or more	8.33	.40	.40+a		.10	
Concrete saw - self-propelled	8.33	.40	.40+a		.10	
Concrete Spreader	8.33	.40	.40+a		.10	
Conveyor operator	8.33	.40	.40+a		.10	
Conveyor systems (belt crete or similar)	8.33	.40	.40+a		.10	
Hoisting engine operator	8.33	.40	.40+a		.10	
House elevator (when used for hoisting)	8.33	.40	.40+a		.10	
Hydraulic pipe jack machine or similar type machines	8.33	.40	.40+a		.10	
Hydro hammer or similar types	8.33	.40	.40+a		.10	
Industrial tractor	8.33	.40	.40+a		.10	

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HIGHWAY CONSTRUCTION (CONT'D)	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Kolman loader or similar type machine	$8.33	.40	.40+a		.10	
Locomotive operator	8.33	.40	.40+a		.10	
Mixer for stabilized base self-propelled	8.33	.40	.40+a		.10	
Monorail	8.33	.40	.40+a		.10	
Plant engineer	8.33	.40	.40+a		.10	
Push button hoist operator	8.33	.40	.40+a		.10	
Roller machine operator	8.33	.40	.40+a		.10	
Slip form paver (C.M.I. and similar type)	8.33	.40	.40+a		.10	
Snorkel	8.33	.40	.40+a		.10	
Stone crushers	8.33	.40	.40+a		.10	
Strato-tower	8.33	.40	.40+a		.10	
Towed or self-propelled rollers	8.33	.40	.40+a		.10	
Tractors (when using winch power)	8.33	.40	.40+a		.10	
Tractors (with towed accessories)	8.33	.40	.40+a		.10	
Tube finisher (C.M.I. and similar type)	8.33	.40	.40+a		.10	
Air compressors (under 160 cu. ft.)	8.07	.40	.40+a		.10	
Air compressors (over 160 cu. ft.)	8.07	.40	.40+a		.10	
Asphalt curb & gutter machines	8.07	.40	.40+a		.10	
Blower for burning brush	8.07	.40	.40+a		.10	
Chipping machine and chip spreader	8.07	.40	.40+a		.10	
Concrete curing machines	8.07	.40	.40+a		.10	
Concrete curbs and gutter machines	8.07	.40	.40+a		.10	
Generator	8.07	.40	.40+a		.10	
Grout or gunite machines	8.07	.40	.40+a		.10	
Heating boiler operator (used for temporary heat)	8.07	.40	.40+a		.10	
Hydraulic rock expander or similar type machines	8.07	.40	.40+a		.10	
Hydraulic system pumps	8.07	.40	.40+a		.10	
Mechanical heaters (when 3 are in a battery)	8.07	.40	.40+a		.10	
Motorized hydraulic pin puller	8.07	.40	.40+a		.10	
Pneumatic mixer operator	8.07	.40	.40+a		.10	
Post hole digger and post driver	8.07	.40	.40+a		.10	
Power plant in excess of 10 K.W.	8.07	.40	.40+a		.10	
Pump operator (4" or over)	8.07	.40	.40+a		.10	
Pump operator (2 or 3 in a battery)	8.07	.40	.40+a		.10	
Welding machine operator (1 machine over 300 amps. or 2 or more machines regardless of amps.)	8.07	.40	.40+a		.10	
Well point systems (electric, diesel, or gas driven)[a]	8.07	.40	.40+a		.10	

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HIGHWAY CONSTRUCTION (CONT'D)	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Firemen	$7.94	.40	.40+a		.10	
Jeep trencher	7.94	.40	.40+a		.10	
Motorized hydraulic seeders	7.94	.40	.40+a		.10	
Mulching machine	7.94	.40	.40+a		.10	
Power broom and rakes	7.94	.40	.40+a		.10	
Truck crane driver	7.94	.40	.40+a		.10	
Aggregate bin operator	7.53	.40	.40+a		.10	
Apprentice engineer or oiler	7.53	.40	.40+a		.10	
C.M.I. and similar type concrete spreads	7.53	.40	.40+a		.10	
Cement bin operator	7.53	.40	.40+a		.10	
Concrete mixer operator (under ½ cu. yd.)	7.53	.40	.40+a		.10	
Mechanical heaters (when one or two are used)	7.53	.40	.40+a		.10	
Pump operator (one inch)	7.53	.40	.40+a		.10	
Pump operator (two inch)	7.53	.40	.40+a		.10	
Pump operator (three inch)	7.53	.40	.40+a		.10	
Revinlux widener	7.53	.40	.40+a		.10	
Steam cleaner	7.53	.40	.40+a		.10	
Tractor machines	7.53	.40	.40+a		.10	

PAID HOLIDAYS:
A-New Year's Day, B-Memorial Day, C-Independence Day, D-Labor Day, E-Thanksgiving Day, F-Christmas Day.

FOOTNOTE:
a. Employer contributes $.50 per hour to an Supplemental Unemployment Benefit Fund.

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SUPERSEDEAS DECISION

STATE: Virginia
COUNTIES: Henrico County & City of Richmond
DECISION NO. AP-499
DATE: Date of Publication
Supersedes Decision #AP-441, dated November 3, 1972, in 37 FR 23495.
DESCRIPTION OF WORK: Building Construction (excluding single family homes and garden type apartments up to and including 4 stories.)

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BUILDING CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
Asbestos workers	$7.18	.30	.10		.01
Boilermakers	7.55	.40	.70		.01
Bricklayers & stonemasons	6.40	.35	.20		.01
Carpenters	5.85	.20	.20		
Cement Masons	5.19				
Machine men & scaffold men	5.29				
Scaffolds 30' & over	5.44				
Electricians, linemen and cable splicers:					
Zone 1 within City of Richmond	7.03	5%	1%		½ of 1%
Zone 2 within 15 miles of Richmond	7.28	5%	1%		½ of 1%
Zone 3 beyond 15 miles of Richmond	7.53	5%	1%		½ of 1%
Elevator constructors	6.41	.345	.23	2% +a+b	.015
Elevator constructors' helpers	4.49	.345	.23	2% +a+b	.015
Elevator constructors' helpers (prob.)	3.205				
Glaziers	4.31	c			
Ironworkers, structural, ornamental and reinforcing:					
Zone I-Up to 10 miles from Capital Square	6.50	.25	.25		.05
Zone II-10 miles to 30 miles from Capital Square	6.75	.25	.25		.05
Zone III-30 miles and beyond Capital Square	7.00	.25	.25		.05
Laborers:					
Common	3.70	.10	.10		.03
Tenders, concrete saw operator, air tool vibrator, nozzlemen, (gunite & sandblasting) motorized buggy op.	3.80	.10	.10		.03
Mortar mixers, hod carriers, pipelayers and/or caulkers	3.95	.10	.10		.03
Burners on wrecking	4.05	.10	.10		.03
Lathers	5.90		.10		.01
Marble setters	4.25				
Marble setters & terrazzo workers' helpers	3.70	.10	.10		.03
Millwrights	6.90				
Painters:					
Brush	4.90				
Structural steel	5.15				
Spray	5.40				
Piledrivermen & dock builders	5.30	.20	.20		
Plasterers	6.70				
Plumbers	6.75	.40	.20	.15	

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BUILDING CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.	O-
Roofers:						
Composition	$4.50					
Helpers	3.25					
Sheet metal workers:						
The City of Richmond	6.80	.20	.20		.005	
The Balance of County	7.00	.20	.20		.005	
Soft floor layers	5.85	.20	.20		.01	
Sprinkler fitters	7.27	.30	.50		.05	
Steamfitters	6.75	.40	.20	.15		
Terrazzo workers	4.25					
Tile setters	4.25					
Tile setters' helpers	3.70	.10	.10		.03	
Truck drivers	1.60					
Welders - receive rate prescribed for craft performing operation to which welding is incidental.						

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:
a. Employers contributes 4% basic hourly rate for 5 years or more of service or 2% basi hourly rate for 6 months to 5 years of service as Vacation Pay Credit.

b. Holidays: A through F.

c. Employer contributes $6.20 per month to Health and Welfare.

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BUILDING CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.	O-
POWER EQUIPMENT OPERATORS:						
Tunnel machines	$3.34					
Cranes, cats or rubber mounted with or without attachments, derricks, pile drivers or other floating equipment, compressors, bank air (4 or more regardless of motive power), pavers, mechanics (heavy duty), welding machines (gas or diesel driven, bank for or more), shovels, distributors	3.25					
Cableways, tractors with attachments, high lifts, booms motor patrols, motor graders, turnapulls, Cobra and Euclid scrapers, locomotives (over 20 tons)	2.87					
Bulldozers, pumpcrete op., trenching machines, mixers (larger than 16-S), pans	2.67					
Compressors (air, larger than 115 cu. ft.), truck Euclids (when manned by operator), tractors without attachments, hoists (1 drun active), rollers, asphalt, welding machines (gas or diesel driven, 1 or more larger than 300 amps), locomotives (up to 20 tons), power plant op., pumps (over 2" discharge including well Points), A-frame trucks (with power driven winches)	2.30					
Rollers (earth)	2.12					
Mixers (16-S or smaller, bank or more than 2), deck engines	2.11					
Firemen	2.08					
Truck crane oilers	1.98					
Oilers	1.92					
Blade grader	2.87					
Finishing machine	2.67					

[FR Doc.73-5865 Filed 3-29-73;8:45 am]

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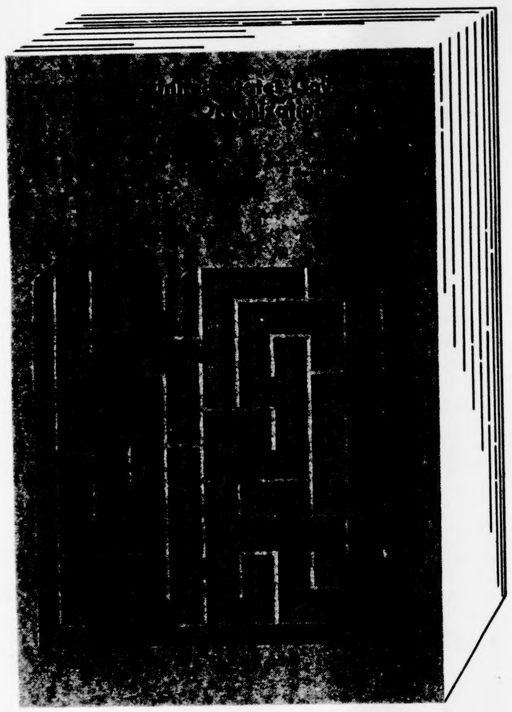

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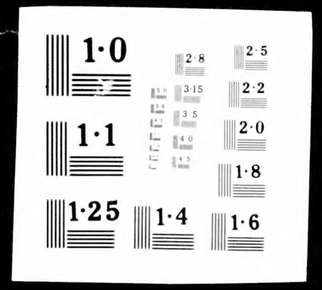

100 MILLIMETERS

INSTRUCTIONS Resolution is expressed in terms of the lines per millimeter recorded by a particular film under specified conditions. Numerals in chart indicate the number of lines per millimeter in adjacent "T-shaped" groupings.

In microfilming, it is necessary to determine the reduction ratio and multiply the number of lines in the chart by this value to find the number of lines recorded by the film. As an aid in determining the reduction ratio, the line above is 100 millimeters in length. Measuring this line in the film image and dividing the length into 100 gives the reduction ratio. Example: the line is 20 mm. long in the film image, and 100 ÷ 20 = 5.

Examine "T-shaped" line groupings in the film with microscope, and note the number adjacent to finest lines recorded sharply and distinctly. Multiply this number by the reduction factor to obtain resolving power in lines per millimeter. Example: 7.9 group of lines is clearly recorded while lines in the 10.0 group are not distinctly separated. Reduction ratio is 5, and 7.9 x 5 = 39.5 lines per millimeter recorded satisfactorily. 10.0 x 5 = 50 lines per millimeter which are not recorded satisfactorily. Under the particular conditions, maximum resolution is between 39.5 and 50 lines per millimeter.

Resolution, as measured on the film, is a test of the entire photographic system, including lens, exposure, processing, and other factors. These rarely utilize maximum resolution of the film. Vibrations during exposure, lack of critical focus, and exposures yielding very dense negatives are to be avoided.